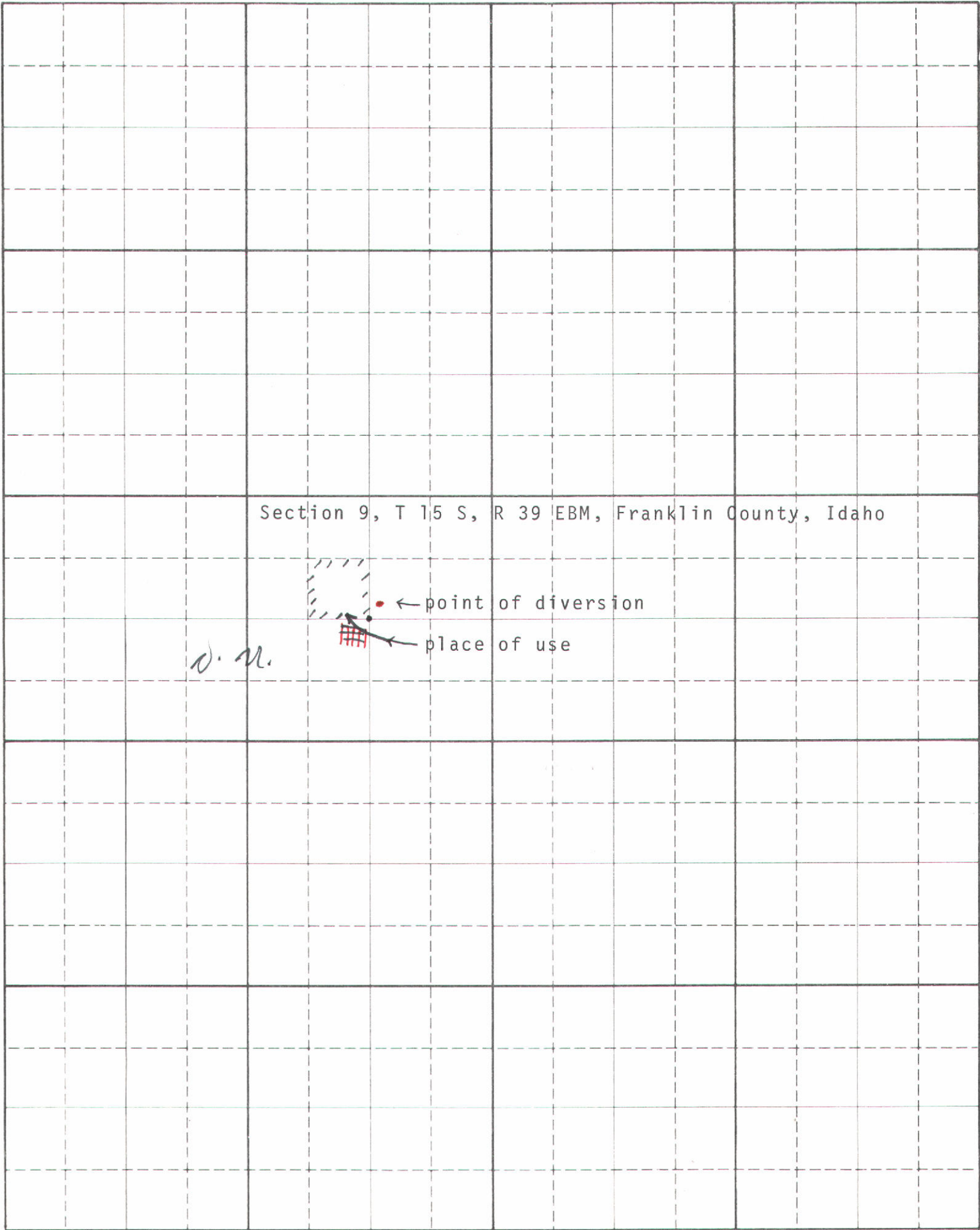


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Don O. Noyes
(Applicant)

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
 County of Franklin } ss.

RICHARD D. STOCKDALE

being duly sworn,

deposes and says:

That he is the Office Manager 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

August 11th, 1977, and ending

with the issue of August 18th, 1977.

Richard D. Stockdale

Fee \$ 13³²

Subscribed and sworn to before me this 18th day

of August, 1977.

Dottie W. Casperson

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11, 1980

NOTICE OF AMENDED APPLICATION FOR PERMIT

Notice is hereby given that Application for Permit No. 13-7174 in the name of Von O. Noyes was filed for the diversion of 0.60 c.f.s. of water from a spring with point of diversion within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 15S, R. 39E, B.M., Franklin County; to be used from Apr. 1 to Nov. 1 for the irrigation of 30 acres within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 15S, R. 39E, B.M.

The applicant now proposes to amend Application No. 13-7174 changing the place of use to the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 15S, R. 39E, B.M.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, on or before August 22, 1977.

C. STEPHEN ALLRED
 Director

Published in the Preston Citizen, Preston, Idaho, on August 4 and August 11, 1977.

Legal No. 441 — Pub. Aug. 11 and 18, 1977.

RECEIVED

AUG 22 1977

Department of Water Resources
 Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
 County of Franklin } ss.

RICHARD D. STOCKDALE

being duly sworn,

deposes and says:

That he is the Office Manager 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

May 5th, 1977, and ending with the issue of May 12th, 1977.

Richard D. Stockdale

Fee \$ ~~4.49~~ 10.23

Subscribed and sworn to before me this 19th day

of May, 1977.

Notary Public

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11, 1980

RECEIVED

MAY 23 1977

Department of Water Resources
 Eastern District Office

NOTICE OF APPLICATION
 FOR WATER PERMIT

Notice is hereby given that Von O. Noyes, Preston, Idaho has on 5-02-77 submitted Application No. 13-7174 for a permit to appropriate 0.60 cubic feet per second of water from a spring by means of gravity flow sprinkler system within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 15S, R. 39E, B.M., Franklin County; to be used from Apr. 1 to Nov. 1 for the irrigation of 30 acres within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 15S, R. 39E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 31, 1977.

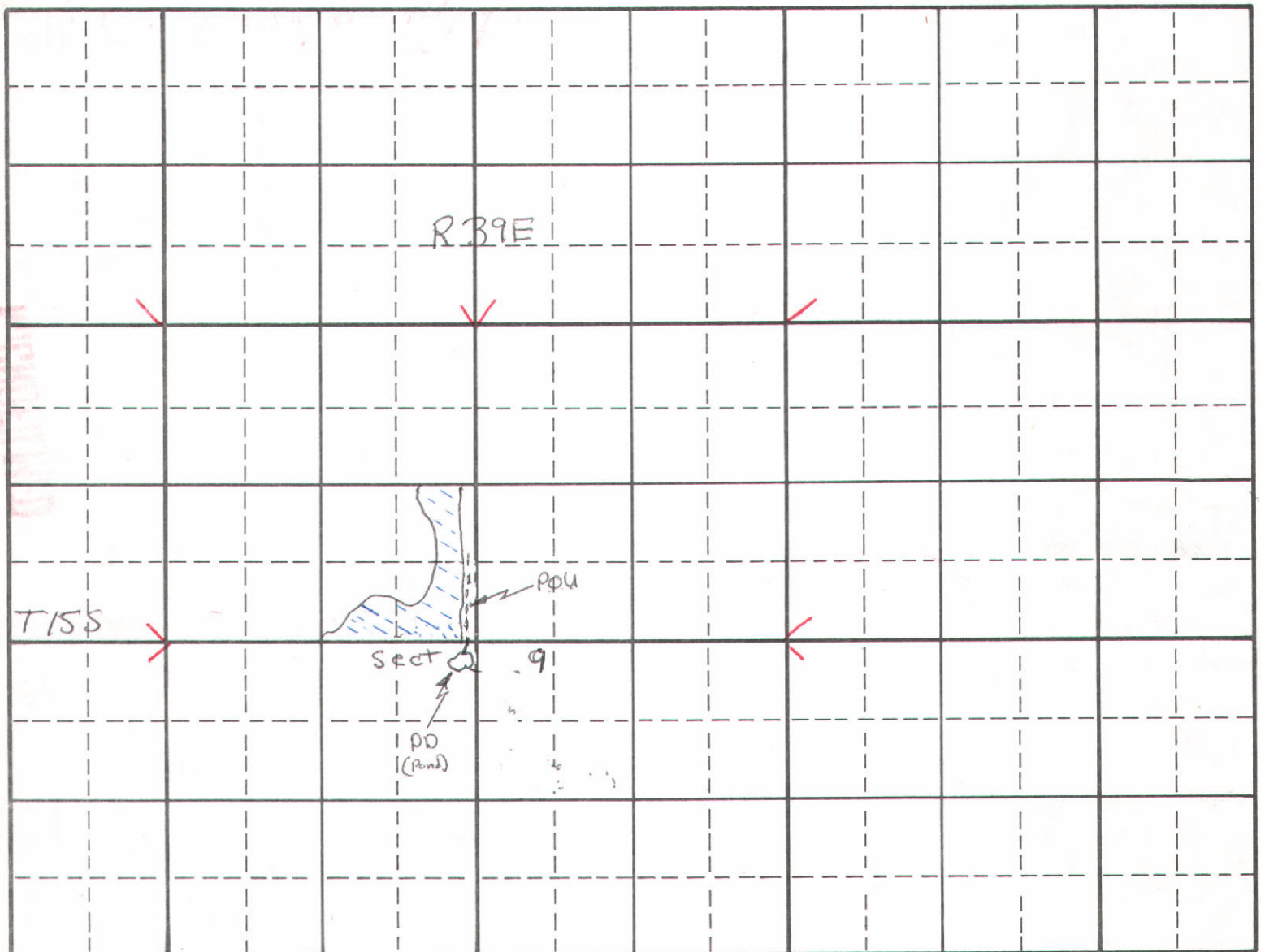
C. STEPHEN ALLRED
 Director

Published in the Preston Citizen, Preston, Idaho on May 12 and May 19, 1977.

Legal No. 367 — Pub. May 12, 19, 1977.

REPRODUCTION

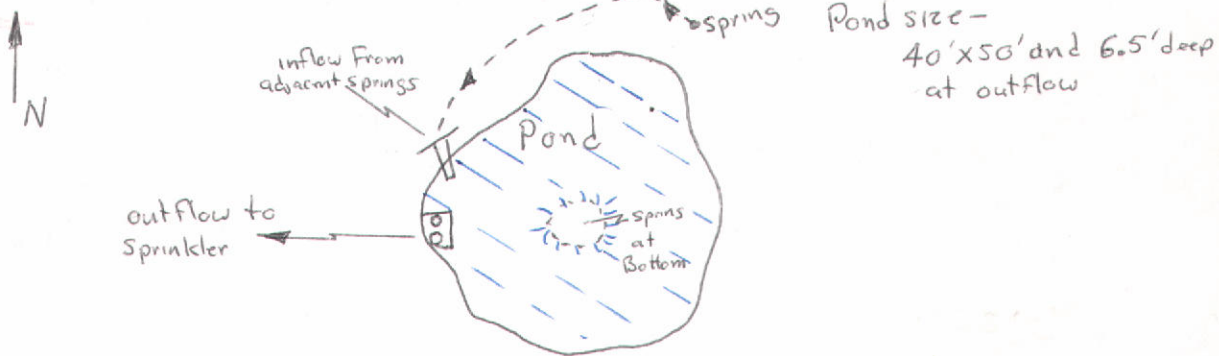
MAP (Attach Aerial Photo)



Scale 4" = 1 mile

SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: NE 1/4 of SW 1/4 Sect 9 T15S R39E

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
✓ 15S	39E	9								14									14

Recommended Amendments:

- ☒ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☐ None
☐ Other

Examiner's Signature

Checked by

Approved by

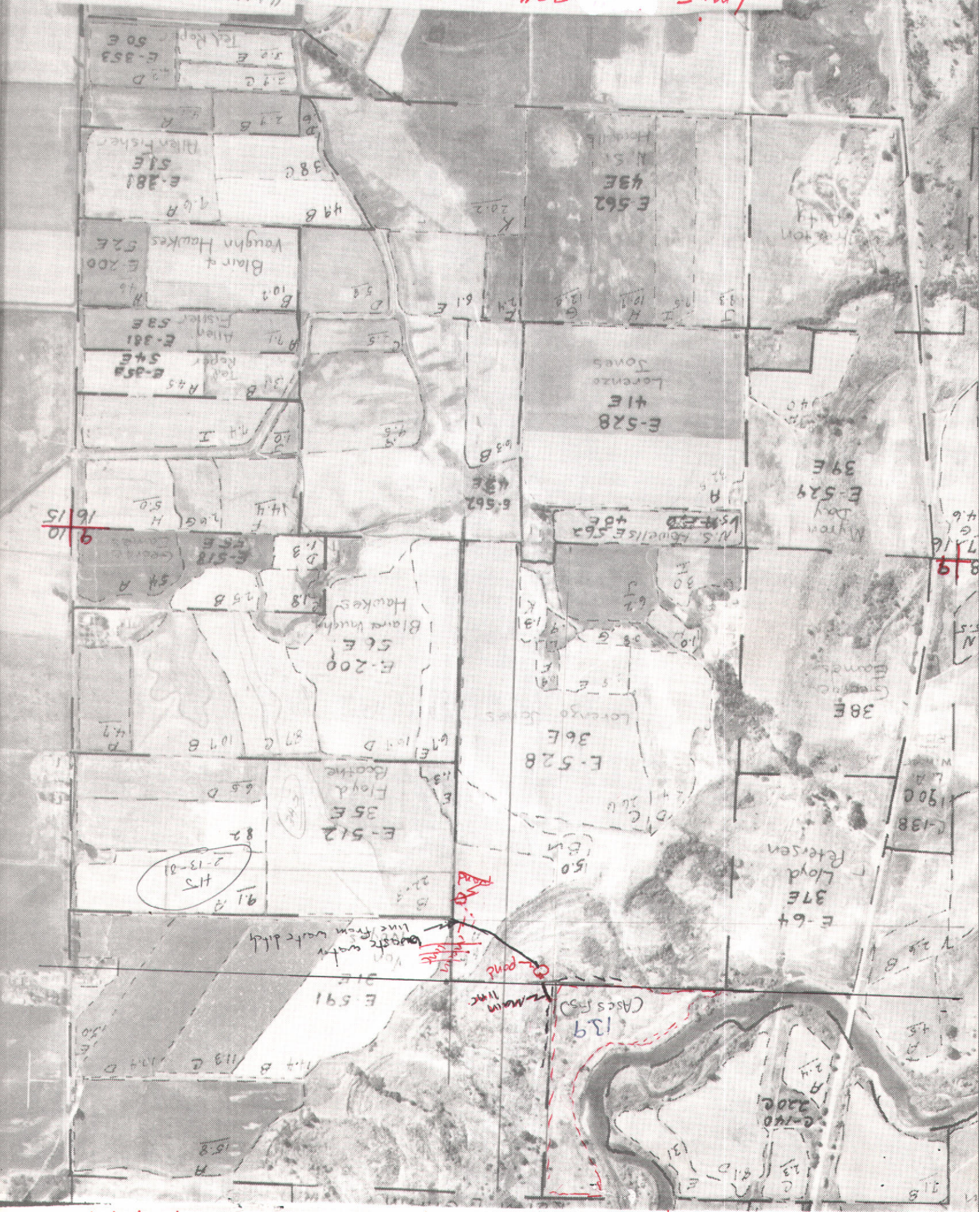
Date 2-13-81

Date 2-20-81

Date 12/2/81

TOTAL 14

„LZ“ = 141



15-7174

8206

155 39E

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 13-7174 Priority May 2, 1977 Amount 0.22 cfs

THIS IS TO CERTIFY, that Von O. Noyes
of Preston, Idaho, has complied with the terms and conditions of Permit
No. 13-7174 issued pursuant to Application for Permit dated May 2, 1977,
and has submitted proof to the Department of Water Resources on May 29, 1980,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.22 cfs of water from spring,
tributary to sinks, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from April 1 to November 1	at 0.22 cfs and	49.0 acre feet
	from to at cfs and		
	from to at cfs and		

(both dates inclusive)

Subject, however, to the condition that no more than 0.22 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
49.0 acre feet per-year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Twp.
15S, Rge. 39E in the County of Franklin

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15S	39E	9								14									14

Total number of acres irrigated 14

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19 day of
March, 19 82.

Director

STATE OF IDAHO

LICENSING

APPLICATION FOR AMENDMENT OF A PERMIT

RECEIVED

22 1982

Department of Water Resources

To change the point of diversion and/or the place of use.

Comes now Von O. Noyes Phone 852-1872
of (address) Preston, Idaho 323 N. 8th St., 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. 13-7174, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE 1/4 SW 1/4, Section 9, Township 15S, Range 39E, B.M.,
County of Franklin. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 0.22 for irrigation purposes from 4/1 to 11/1 (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)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	39E	9								14									14

14

Total number of acres to be irrigated =

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

MICROFILMED

Show 40-acre subdivisions, townships, ranges and ditches.

Scale: 2 inches equal 1 mile.

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

Signed at London, this 10 day of January, 1952.

(Signature)

FOR DEPARTMENT USE ONLY

Received by Date 8-25-88 Preliminary check by Fee = \$20.00

Fee = \$20.00

Received by

Date _____

88-58-P

96L18#

Publication prepared by Date 10/1/84

Published in

Date _____

Published in

Publication dates

ACTION OF THE DEPARTMENT OF WATER RESOURCES

A. KENNETH DUNN

1. _____, M. KENNETH BROWN, of the Department of Water Resources hereby APPROVE the above Application for Amendment of Permit No. 13-7174.

Witness my hand this 17 day of

March

19

82

Director

ch 19 82
Director

Identification No. 13 7174
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES **APPROVED**

AMENDED **APPLICATION FOR PERMIT** AMENDED

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

1. Name of applicant VON O. NOYES Phone: 852-1872
post office address Route 2, Preston, Idaho 83263
2. Source of water supply spring which is a tributary of n/a
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9 Township 15 South
Range 39 East B.M. Franklin County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Bear River at a point in NW $\frac{1}{4}$
of NW $\frac{1}{4}$ of Section 9 Township 15 South Range 39 E B.M. Franklin County
4. Water will be used for the following purposes:
Amount .6 cfs for irrigation purpose from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .6 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. gravity flow sprinkling
system - will use approximately 1350 feet of 5 inch mainline.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is two years.
b. Estimated construction cost is \$ 4,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

APPROVED

[illegible]

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

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

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

10. Remarks

Section 9, T 15 S, R 39 EBM, Franklin County, Idaho

D. M.

• ← point of diversion

▣ ← place of use

Don G. Noyes.
(Applicant)

Proposed Priority 5/02/77

Received by me Date 5-02-77 Time 11:46 A.

Preliminary check by EMC Fee \$ 25.00

Received by me Date 5-07-77 # 7220

AMENDED \$10.00 7/25/77

Publication prepared by me Date 5-7-77

Published in The Preston Citizen

Publication dates May 12 + 19, 1977

Aug. 4 & 11, 1977

Publication approved me Date 5-25-77

EW 8-22-77

Priority reduced to _____ Reason _____

Protests filed by:

Utah Power & Light, Withdrawn
Beaver Dam, Withdrawn

Copies of protests forwarded by EW

Hearing held by _____ Date _____

Recommended for approval denial by EMC fg

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. 13-7174, 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 June 1, 19 80.

c. Other: _____

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

Witness my hand this 22ND day of May, 19 78.

Norman C. Young
Administrator

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

RICHARD D. STOCKDALE

being duly sworn,

deposes and says:

That he is the Office Manager 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

August 11th, 1977, and ending

with the issue of August 18th, 1977.

Richard D. Stockdale

Fee \$ 13³³

Subscribed and sworn to before me this 18th day

August, 1977.

Dottie W. Casperson

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11, 1980

NOTICE OF ADVERSE APPLICATION FOR PERMIT

NOTICE IS HEREBY GIVEN that Application for Permit 13-7174 in the name of Vol. O. Watts was filed for diversion of 0.00 c.f.s. of water from a spring with point diversion within the SW 1/4, Sec. 9, T. 12N, R. 39E, Franklin County; to be used from Apr. 1 to Oct. 31 for irrigation of 0.00 acres within the SW 1/4, Sec. 9, T. 12N, R. 39E, B.M.

The applicant now proposes to amend Application 13-7174 changing the place of use to the SW 1/4, Sec. 9, T. 12N, R. 39E, B.M.

Any protest to the proposed amendment of the application must be filed with the Idaho Department of Water Resources, 1000 Lincoln Road, Boise, Idaho, on or before August 22, 1977.

C. STEPHENSON, Director

Published in the Preston Citizen, Eastern District Office, August 4 and August 11, 1977.

Legal No. 441 - Pub. Aug. 11 and 18, 1977.

RECEIVED

AUG 22 1977

Department of Water Resources
Eastern District Office

RECEIVED

MAY 25 1977

Department of Water Resources
Eastern District Office

May 25, 1977

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

Dear Mr. Carlson:

I protest the issuance of Permit No. 13-7174 in the name of Von O. Noyes.

The land where he is putting the water does not belong to him. I have deeds showing ownership of this land.

Very truly yours,



OWEN CASPERSON
Rt. #3, Box 33
Preston, Idaho 83263

PROPERTY

RECEIVED

MAY 31 1977

Department of Water Resources
Eastern District Office

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE APPLICATION :
OF VON O. NOYES TO DIVERT 0.60 :
C.F.S. OF WATER FROM A SPRING : PROTEST OF
LOCATED IN FRANKLIN COUNTY, :
IDAHO. : UTAH POWER & LIGHT COMPANY

APPLICATION NO. 13-7174

COMES NOW the protestant UTAH POWER & LIGHT COMPANY (Utah Power) and protests the Application of Von O. Noyes.

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

2. The Bear River below Stewart Dam is fully appropriated.

3. Von O. Noyes filed an Application with the Office of the Idaho Department of Water Resources numbered 13-7174 seeking to appropriate 0.60 cubic feet per second of water at points of diversion specified in said Application.

4. The granting of the Application of Von O. Noyes for the appropriation of 0.60 cubic feet per second of water would adversely affect the aforementioned water rights of Utah Power & Light Company.

WHEREFORE, protestant prays that the Application of Von O. Noyes be denied inasmuch as there is no unappropriated water in the proposed source and the proposed use will impair existing rights.

DATED this 26th day of May, 1977.

SIDNEY G. BAUCOM
THOMAS W. FORSGREN

BY

Samuel J. Ferguson
Attorneys for Protestants
Utah Power & Light Company
1407 West North Temple
Salt Lake City, Utah 84116

AFFIDAVIT OF PUBLICATION

RECEIVED

MAY 23 1977

Department of Water Resources
Eastern District Office

STATE OF IDAHO, }
County of Franklin } ss.

RICHARD D. STOCKDALE

being duly sworn,

deposes and says:

That he is the Office Manager 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

May 5th, 1977, and ending

with the issue of May 12th, 1977.

Richard D. Stockdale

Fee \$ 10.73

Subscribed and sworn to before me this 19th day

May, 1977.
Ruthie W. Carpenter

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11, 1980

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Von O. Rogers, Preston, Idaho has on 5-08-77 submitted Application No. 12-000 for a permit to appropriate 0.60 cubic feet per second of water from a spring by means of gravity flow system within the SW 1/4, Sec. 9, T. 15S, R. 39E, Franklin County; to be used from Apr. 1 to Nov. 1 for the irrigation of 30 acres within the SW 1/4, Sec. 9, T. 15S, R. 39E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 12, 1977.

C. STEPHEN WELLS
Director
Published in the Preston Citizen, Preston, Idaho on May 12 and May 19, 1977.
Legal No. 387 - Pub. May 12, 19, 1977.

March 30, 1982

RE: Permit No. 13-7174

Von O. Noyes
323 N. 8th W.
Peeston, ID 83263

Dear Mr. Noyes:

Enclosed herewith is a copy of the water right license issued on the above referenced permit along with a copy of the approved application for amendment and Departmental Receipt No. 21796 in the amount of \$20.00.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosures

February 22, 1982

RE: Permit No. 13-7174

Von O. Noyes
323 N. 8th W.
Preston, ID 83263

Dear Mr. Noyes:

On January 18, 1982, we forwarded an amendment to you to be completed to amend this permit to correspond with the findings of the field examiner so that we could issue this license.

As of this date, we have not received this amendment. If we do not receive this amendment within fifteen (15) days, we will assume you no longer have any interest in this permit and cancellation proceedings will begin.

If you have any questions, please contact us.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw



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 18, 1982

RE: Permit No. 13-7174

Von O. Noyes
323 N. 8th W.
Preston, ID 83263

Dear Mr. Noyes:

A representative of this Department made an examination of the works covered by your Permit No. 13-7174 and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 0.22 ~~cfs~~ Source: spring

The maximum quantity diverted shall not exceed 49.0 acre feet per year.

Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, Twp. 15S, Rge. 39E, Franklin County

Beneficial use: Irrigation of 14 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, Twp. 15S, Rge. 39E

Priority date established: May 2, 1977

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MILWAUKEE

Examiner's Signature

Date _____

12-51-0

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

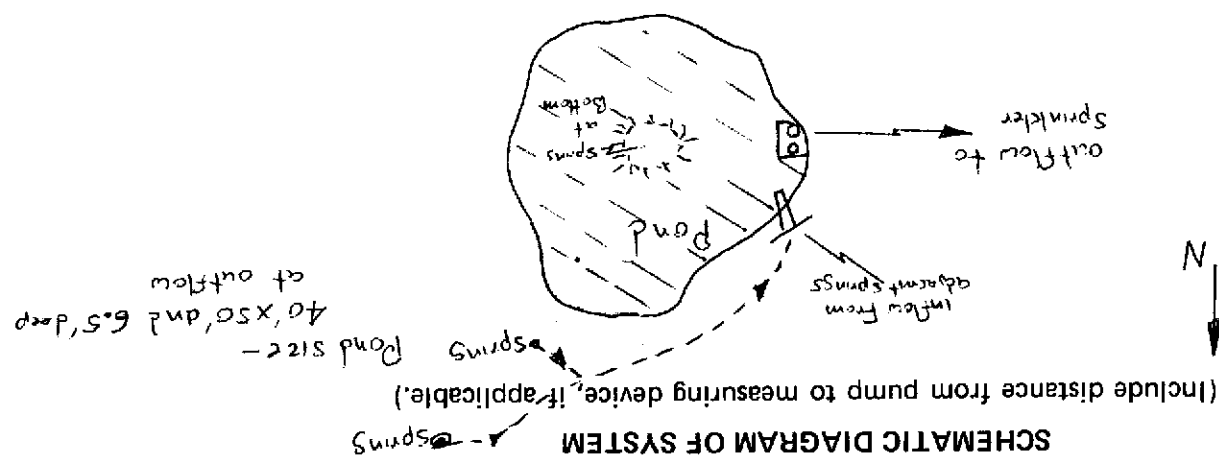
☐ None

Recommended Amendments:

[illegible]

Place(s) of Use

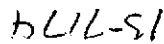
Point(s) of diversion: NE 1/4 of SW 1/4 sec 9 T15S R39E



Scale 4" = 1 mile

Hand-drawn sketch on graph paper showing a cross-section of a road or embankment. The sketch includes a vertical line representing a boundary, with "R39E" written vertically on the left and "T15S" written vertically on the right. A horizontal line is labeled "sect 9". A wavy line represents a road or embankment, with "100" and "(m)" written near it. A small circle is labeled "100".

MAP (Attach Aerial Photo)

$$= 1411$$


6429

155 39E

IDENT. NO: 13-7174

WATER RIGHT
DATA ENTRY LOG

[illegible]



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

June 18, 1980

RE: Permit No. 13-7174

Mr. Don Q. Noyes
32377 8th Avenue
Preston, Idaho 83263

Dear Mr. Noyes:

We acknowledge receipt of the proof of beneficial use card submitted for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our eastern regional office.

Very truly yours,

Lobbie R. Stephens
Senior Clerk

cc: IDWR - State Office

RECEIVED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed developed development to the extent shown below of Permit No. 13-0174.

Name(s) of Permit Holder: Alfred B. Norton

Post Office Address: 323 W. 8th St.

Boise Idaho Tel. No. 857-1822

Source of Water: Spring & Lake Water

Extent of Use: ☐ Domestic (number of households) ☐ Stockwater (number and type of stock)

☒ Irrigation 20 (acres)

☐ Other Our power line is to be extended and

cover the line up. Will be done within 30 days

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

Access Port: ☐ Required? ☒ Yes ☐ No

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

May 26 1980 Alfred B. Norton

Date

Signature of Permit Holder

RECEIVED

MAY 29 1980

Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

John D. Noyes
373 W. 8th. W.
Preston, Ida. 83720



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

NOYES, VON O.
RT 2
PRESTON, ID 83263

101883

MARCH 31, 1980

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 13-7174 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

May 24, 1973

Re: Permit No. 13-7174

Von O. Noyes
Route 2
Preston, ID 83263

Dear Mr. Noyes:

Enclosed is a copy of your approved Application for Permit No. 13-7174. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

MICROFILMED

M E M O

TO: File
FROM: Ernie Carlsen *EMC*
RE: Pre-Permit Exam of Application for Permit No. 13-7174
DATE: May 9, 1978

In conducting this pre-permit examination, the proposed development was discussed with Von Noyes, the applicant. Mr. Noyes stated the springs being filed on were not normally tributary to the Bear River. To his knowledge water from the drainages in which springs are located reached the Bear River only during that period of spring runoff when flow in river is itself high. Water originating from springs during the remainder of the irrigation season sank at the base of the bluff as it flowed onto the proposed place of use. He further indicated it was his desire to appropriate water from three separate springs, all located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 15S, R. 39E. This water would be piped to a cement lined storage reservoir with a volumn of less than one acre foot. The reservoir will function to regulate flow and to keep fields below reservoir dry; the overflow will be piped into the Bear River.

Examination of the proposed points of diversion revealed the springs are located just below the rim of the bluff which borders the southern edge of the proposed place of use. Water from the springs flows down the face of the bluff onto portions of the proposed place of use. The soil is very porous due to high sand content and the water sinks before reaching the river.

It is this agents observation that water to be appropriated under this permit is private and construction of the proposed project will result in additional water reaching the river in the form of overflow.

Based on these findings, the Department should consider approval of this application.

RECEIVED
MAY 10 1978
FBI - DENVER
COMMUNICATIONS SECTION
1000

January 9, 1978

RE: Application for Permit No. 13-7174

Mr. Von O. Noyes
Rt. #2
Preston, Idaho 83263

Dear Mr. Noyes:

As you are aware, all of the protests against your application have been withdrawn and the final processing can proceed. However, before final action can be taken the Department must conduct an examination of the springs and surrounding area to determine if any special conditions of approval will be necessary on the permit. The examination can be conducted as soon as the weather improves enough to be favorable to measure water.

If we may be of further assistance, please contact this office.

Very truly yours,

LOREN O. HOLMES
Assistant Regional Supervisor

LOH:cw

Purton Lolo
1/4/78

State of Idaho Department of Water
Resources. Ronald W. Lockman Supervisor
Dear Ron.

as of this date I have not
rec'd. any information on the filing
or application s/o. 13-7174. Other than
congratulating you by phone.

The project is about 85% complete
just as soon as springs break
it will be complete.

If there is anything more
you need to know or that I must
do. please let me know as I am
anxious to know where I stand.

Sincerely Wes O. Noyes

Purton
Lolo 83263.

RECEIVED

JAN 6 1978

Department of Water Resources
Eastern District Office

July 29, 1977

RE: Application for Permit No. 13-7206 DUNKLEY
13-7174 NOYES (Amendment)

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

Bill submitted 8-22-77 by Cal

RDC:CD

Enc: Legal ~~Office~~ (2)

NOTICE OF AMENDED APPLICATION FOR PERMIT

Notice is hereby given that Application for Permit No. 13-7174 in the name of Von O. Noyes was filed for the diversion of 0.60 c.f.s. of water from a spring with point of diversion within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 15S, R. 39E, B.M., Franklin County; to be used from Apr. 1 to Nov. 1 for the irrigation of 30 acres within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 15S, R. 39E, B.M.

The applicant now proposes to amend Application No. 13-7174 changing the place of use to the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 15S, R. 39E, B.M.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, on or before August 22, 1977.

C. STEPHEN ALLRED

Director

Published in the Preston Citizen, Preston, Idaho, on August 4 and August 11, 1977.

RECEIVED

CW-A.
J. H. J.

July 28, 1977

RE: Amended Application for Permit No. 13-7174

Mr. Russel Stoker, Watermaster
Water District 11
279 East 3rd North
Soda Springs, Idaho 83276

Dear Mr. Stoker:

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is August 22, 1977, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

R. NALD D. CARLS N
Supervisor
Eastern Region

RDC:CD

Enclosure

RECEIVED

July 27, 1977

RE: Application for Permit No. 13-7174 (Amended) NOYES

Mr. Lowell D. Castleton
Attorney at Law
P.O. Box 191
Preston, Idaho 83263

Dear Mr. Castleton:

Attached herewith is departmental receipt No. 8293 in the amount of \$10.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment

I hereby withdraw my protest against application
for permit no. 13-7174 with the understanding that the
place of use has been amended to the ~~proper~~ ~~place~~ land
owned by the applicant.

Signed at Preston this 21st day of July, 1977

x Owen Casperson

11300H1177

Check # 92-171 \$10.00 7-22-77

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

J. DENNIS "J. D." WILLIAMS
LOWELL D. CASTLETON

July 21, 1977

RECEIVED

JUL 22 1977

Department of Water Resources
Eastern District Office
TELEPHONE:
(208) 852-2680

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

Re: Application for Permit No. 13-7174 Von O. Noyes

Dear Ron:

Pursuant to our meeting with you this morning regarding the above application, this is to confirm that the amendments have been made on the application and that the protests of Utah Power & Light Company and Owen Casperson have been withdrawn.

Because of the need to republish, it is our understanding that you require an additional \$10.00 fee. You will find the same enclosed with this letter.

Thank you for your cooperation.

Yours very truly,

WILLIAMS & CASTLETON

Lowell

LOWELL D. CASTLETON
Attorney at Law

LDC/kc

Enclosure

cc: Mr. Von O. Noyes

RECEIVED

13-7174 - Von O. Noyes

Courtroom, Franklin County Courthouse, Preston, Idaho

July 21, 1977 - 9:00 a.m.

ROSTER OF ATTENDANCE

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

UTAH POWER & LIGHT COMPANY

P. O. BOX 899

SALT LAKE CITY, UTAH 84110

LEGAL OFFICES
SIDNEY G. BAUCOM
SENIOR VICE PRESIDENT
AND
GENERAL COUNSEL

July 7, 1977

RECEIVED

JUL 8 1977

Department of Water Resources
Eastern District Office

ROBERT GORDON
350-3214

THOMAS W. FORSGREN
350-3213

VERL R. TOPHAM
350-3650

SAM F. CHAMBERLAIN
350-3825

ROSEMARY RICHARDSON
350-3786

MARY STIRK
LEGAL ASSISTANT
350-3217

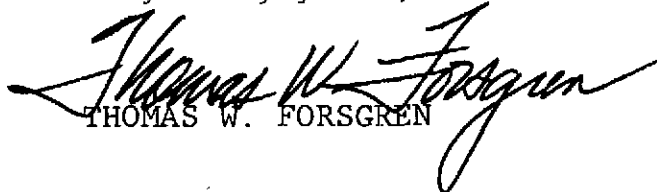
Mr. Ronald D. Carlson
Supervisor
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

Enclosed please find Withdrawals of Protest concerning ground water applications previously filed with your Department. With regard to applications for other than ground water, I agree with your language in your June 16, 1977 letter in which you state, "If water is available, the statutes require the Department to issue a permit. If it is not available, then the permit must be denied or approved with conditions to protect prior existing water rights." I don't think there is any question but that the Bear River is fully appropriated and that there is no water which could be the subject of a new permit. As support for this conclusion, I would refer you to the Watermaster's Report on Flow and Diversion for Idaho District II. If you wish us to supply you with this report, we will be pleased to do so. In light of the above, we would respectfully submit that applications for surface water in the subject area be denied.

Thank you for your cooperation in this matter.

Very truly yours,


THOMAS W. FORSGREN

TWF:mb

RECEIVED

RECEIVED

JUL 8 1977

Department of Water Resources
Eastern District Office

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE APPLICATION }
OF VON O. NOYES TO DIVERT 0.60 }
C.F.S. OF WATER FROM A SPRING }
LOCATED IN FRANKLIN COUNTY, }
IDAHO. }

APPLICATION NO. 13-7174

WITHDRAWAL OF PROTEST
OF
UTAH POWER & LIGHT COMPANY

COMES NOW the Protestant, Utah Power & Light Company,
and hereby withdraws its protest filed in the above matter with
the understanding that the permit issued by the Department of
Water Resources will be issued subject to prior rights.

DATED this 7th day of July, 1977.

SIDNEY G. BAUCOM
THOMAS W. FORSGREN

By

Thomas W. Forsgren
Attorneys for Protestant
Utah Power & Light Company
1407 West North Temple
Salt Lake City, Utah 84116

July 12, 1977

Franklin County Clerk
Franklin County Courthouse
Preston, Idaho 83263

Gentlemen:

This is to confirm the use of the Courtroom in the Franklin County Courthouse for conferences and/or hearings to be held by this office on Thursday, July 21 and Friday, July 22, 1977, beginning at 9:00 a.m. each day.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

RECEIVED

no and
address
sender

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

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

Affix stamp here if issued as certificate of postage or as optional copies of this bill.
POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE

NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS

POSTAGE

FEE

R.R. FEE

POST. DEL. FEE

ACTUAL VALUE

1978
JUL 5
IDAHO FALLS
ID

REMARKS*

461 Special Delivery, 515 S. 2nd Street, Provo, UT 84601
462 New District, Rt #3, Creston

SENT UNREGISTERED TO:

1. Oliver H. Lowry, State St. Box 52, Creston, UT 84601
2. L. Lewis Manning, P.O. Box 1301, Creston, UT 84601
3. Thomas J. Smith, 1st Street, Provo, UT 84601
4. David J. Hall, 11th Street, Provo, UT 84601
5. Russell H. Hays, 1st Street, Provo, UT 84601
6. Wayne H. Hays, 1st Street, Provo, UT 84601
7. Russell H. Hays, 1st Street, Provo, UT 84601
8. Russell H. Hays, 1st Street, Provo, UT 84601
9. Russell H. Hays, 1st Street, Provo, UT 84601

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*Show under "Remarks" class postage paid if other than first or if international

FORM 1077, Dec. 1973

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

(Declaration of value is required on international registered mail)

U. S. GOVERNMENT PRINTING OFFICE: 1975-5-551-755

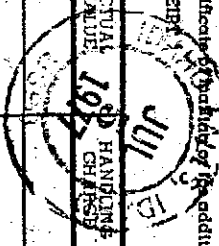
FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

1978

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

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

Affix stamp here if issued as certificate of purchase of additional copies of this bill.
POSTMARK AND DATE OF RECEIPT



PIECES RENDER	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	INT. FEE	ACTUAL VALUE	POSTMASTER, PER (Name of recipient if employee)	REMARKS*
131	Paul Buckle, 4500 Midway St. Coeur d'Alene	13	60					19-00726
132	Phil Chapman, Box 436, Merrill, ID							"
133	James E. Manning, 772 Washington Ave. Coeur d'Alene							"
134	Mr. Robert W. Child, Box 436, Merrill, ID							29-2384
135	Robert E. Manning, Box 436, Merrill, ID							"
136	Mr. Manning, Box 436, Merrill, ID							29-2391
137	Robert E. Manning, Box 436, Merrill, ID							"
138	Robert E. Manning, Box 436, Merrill, ID							"
139	R.D. Manning, Box 436, Merrill, ID							"
140	Robert E. Manning, Box 436, Merrill, ID							"
141	Robert E. Manning, Box 436, Merrill, ID							13-0170
142	Robert E. Manning, Box 436, Merrill, ID							"
143	Robert E. Manning, Box 436, Merrill, ID							13-0174
144	Robert E. Manning, Box 436, Merrill, ID							"
145	Robert E. Manning, Box 436, Merrill, ID							11-0106
146	Robert E. Manning, Box 436, Merrill, ID							11-0108
147	Robert E. Manning, Box 436, Merrill, ID							11-0134
148	Robert E. Manning, Box 436, Merrill, ID							"
149	Robert E. Manning, Box 436, Merrill, ID							13-0176
150	Robert E. Manning, Box 436, Merrill, ID							"

Dec. 1973

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

Declaration of value is required on international registered mail.
* U. S. GOVERNMENT PRINTING OFFICE: 1973-0-319-725

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval
of Application for Permit No. 13-7174 in
the Name of VON O. NOYES

NOTICE OF CONFERENCE
AND/OR HEARING

On May 2, 1977, Von O. Noyes, Preston, Idaho, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On May 25, 1977, the Department received a protest from Owen Casperson. On May 31, 1977, an additional protest against said application was received from Utah Power and Light Company.

The Department has set the matter of protest for conference and/or hearing for Thursday, July 21, 1977, at 9:00 a.m., in the Courtroom of the Franklin County Courthouse, Preston, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

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

Dated this 1st day of July, 1977.

s/ Ronald D. Carlson

RONALD D. CARLSON

Supervisor, Eastern Region

RECORDED
INDEXED
JUL 21 1977

June 29, 1977

RE: Application for Permit No. 13-7174 VON O. NOYES

Mr. Lowell D. Castleton
Attorney at Law
P.O. Box 191
Preston, Idaho 83263

Dear Mr. Castleton:

On June 20, 1977, the Department received your letter requesting that application for permit 13-7174 be amended.

Since a tentative hearing date of July 21, 1977, has been set it would be impossible for us to complete processing of an amended application within this time frame. Therefore, we suggest you request the application be amended, changing the place of use, during the hearing. At this time we can then commence processing of the amended application.

Please find enclosed copies of the protests filed against the above referenced application. You should also be receiving a notice of hearing schedule shortly.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Agent

EMC:cw

Enclosures

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83268

J. DENNIS "J. D." WILLIAMS
LOWELL D. CASTLETON

June 17, 1977

RECEIVED

JUN 20 1977

Department of Water Resources
Eastern District Office

TELEPHONE:
(208) 852-2660

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

Re: Amendment to Application of Von O. Noyes

Gentlemen:

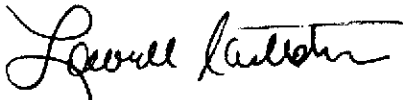
Upon an examination of the application which we submitted on behalf of Mr. Von O. Noyes, we would like to make amendments as indicated herein.

The place of use on page three of the application should be altered as indicated on the enclosed map of the proposed project. Page two of the application also needs to be changed to show the thirty acres being located in the SE1/4NW1/4 of Section 9, instead of the NE1/4SW1/4 of Section 9.

If you have any questions regarding these corrections, please feel free to contact me.

Yours very truly,

WILLIAMS & CASTLETON



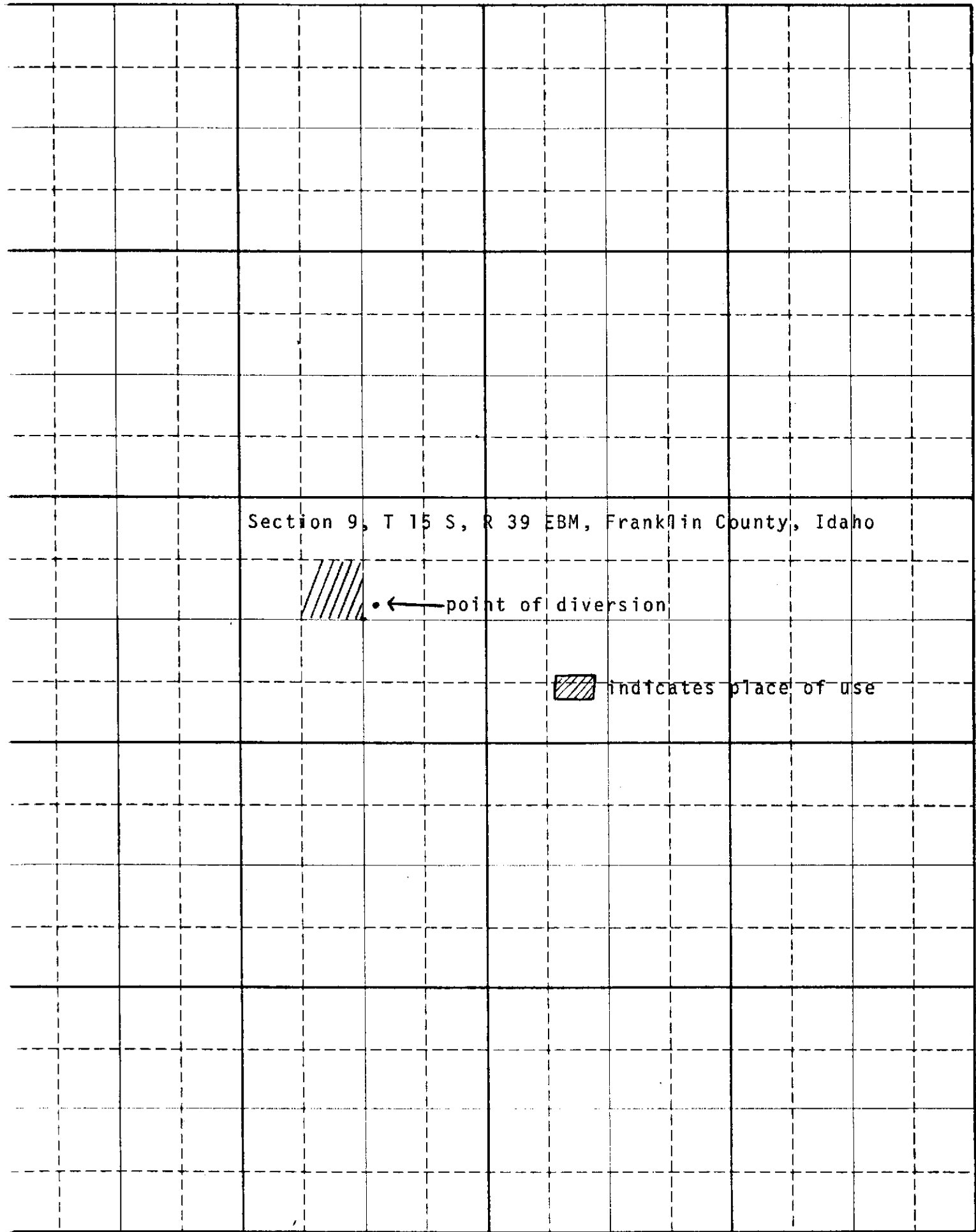
LOWELL D. CASTLETON
Attorney at Law

LDC/kc

Enclosure

cc: Mr. Von O. Noyes

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



Scale: 2 inches equal 1 mile

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

(Applicant)



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

June 1, 1977

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

C. Stephen Allred
Director

RE: Applications for Permits No. 11-7113, 11-7114, 11-7115, 11-7116, 11-7117,
13-7176, 13-7168, 13-7169, 13-7170,
Mr. Thomas W. Forsgren, Attorney 13-7171, 13-7172, 13-7174, 13-7175,
Utah Power & Light Company 13-7176, 13-7177, 13-7178, 21-7110
P.O. Box 899
Salt Lake City, Utah 84110

Dear Mr. Forsgren:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office

UTAH POWER & LIGHT COMPANY

P. O. BOX 898

SALT LAKE CITY, UTAH 84110

LEGAL OFFICES
SIDNEY G. BAUCOM
SENIOR VICE PRESIDENT
AND
GENERAL COUNSEL

ROBERT GORDON
350-3214

THOMAS W. FORSGREN
350-3213

VERL R. TOPHAM
350-3850

SAM F. CHAMBERLAIN
350-3825

ROSEMARY RICHARDSON
350-3786

MARY STIRK
LEGAL ASSISTANT
350-3217

RECEIVED

MAY 31 1977

Department of Water Resources
Eastern District Office

May 26, 1977

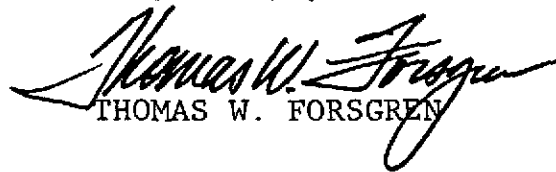
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Sir:

Enclosed for filing please find Protests of
Utah Power & Light Company concerning Application Nos.
13-7178, 13-7177, 13-7176, 13-7175 and 13-7174.

Thank you.

Very truly yours,


THOMAS W. FORSGREN

TWF:mb

Enc.

RECEIVED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

June 1, 1977

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

C. Stephen Allred
Director

Mr. Von O. Noyes
Rt. #2
Preston, Idaho 83263

Dear Mr. Noyes:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 13-7174. You should be aware that the following are the principal items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

Enc: 2

cc: IDWR - State Office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

June 1, 1977

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

C. Stephen Allred
Director

RE: Application for Permit No. 13-7174 VON O. NOYES

Mr. Owen Casperson
Rt. #3, Box 33
Preston, Idaho 83263

Dear Mr. Casperson:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office

RECEIVED

MAY 31 1977

Department of Water Resources
Eastern District Office

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE APPLICATION :
OF VON O. NOYES TO DIVERT 0.60 :
C.F.S. OF WATER FROM A SPRING : PROTEST OF
LOCATED IN FRANKLIN COUNTY, :
IDAHO. : UTAH POWER & LIGHT COMPANY

APPLICATION NO. 13-7174 :
:

COMES NOW the protestant UTAH POWER & LIGHT COMPANY (Utah Power) and protests the Application of Von O. Noyes.

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

2. The Bear River below Stewart Dam is fully appropriated.

3. Von O. Noyes filed an Application with the Office of the Idaho Department of Water Resources numbered 13-7174 seeking to appropriate 0.60 cubic feet per second of water at points of diversion specified in said Application.

4. The granting of the Application of Von O. Noyes for the appropriation of 0.60 cubic feet per second of water would adversely affect the aforementioned water rights of Utah Power & Light Company.

WHEREFORE, protestant prays that the Application of Von O. Noyes be denied inasmuch as there is no unappropriated water in the proposed source and the proposed use will impair existing rights.

DATED this 26th day of May, 1977.

SIDNEY G. BAUCOM
THOMAS W. FORSGREN

BY Thomas W. Forsgren
Attorneys for Protestant
Utah Power & Light Company
1407 West North Temple
Salt Lake City, Utah 84116

FILED

RECEIVED

MAY 25 1977

May 25, 1977

Department of Water Resources
Eastern District Office

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

Dear Mr. Carlson:

I protest the issuance of Permit No. 13-7174 in the name of Von O. Noyes.

The land where he is putting the water does not belong to him. I have deeds showing ownership of this land.

Very truly yours,



OWEN CASPERSON
Rt. #3, Box 33
Preston, Idaho 83263

MICROFILMED

May 24, 1977

RE: Application for Permit No. 13-7174

Mr. Russell Stoker, Watermaster
Water District 11
279 East 3rd North
Soda Springs, Idaho 83276

Dear Mr. Stoker:

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is May 31, 1977, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

May 19, 1977

RE: Application for Permit No. 13-7174

Mr. Von O. Noyes
Route 2
Preston, Idaho 83263

Dear Mr. Noyes:

Attached herewith is departmental receipt No. 7220 in the amount of \$25.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CH

Attachment

May 6, 1977

RE: Applications for Permit Nos. 13-7174 NOYES
13-7175 HAWORTH
13-7176 "
13-7177 SHARP
13-7178 "

The Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 5-25-77 by CW

RDC:ME

Enc: 5 legals

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Von O. Noyes,
Preston, Idaho

has on 5-02-77 submitted Application No. 13-7174
for a permit to appropriate 0.60 cubic feet per second ~~XXXXXX~~
of water from a spring
by means of gravity flow sprinkler system
within the SE 1/4 NE 1/4, Sec. 9, T. 15S, R. 39E, B.M., Franklin County;

to be used from Apr. 1 to Nov. 1
for the irrigation of 30 acres

within the NE 1/4 SW 1/4, Sec. 9, T. 15S, R. 39E, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before _____
May 31, 1977.

C. STEPHEN ALLRED
~~XXXXXXXXXXXXXXXXXXXX~~

Director

Published in the Preston Citizen, Preston, Idaho
on May 12 and May 19, 1977.

MICROFILMED

74-6

RECEIVED
MAY 2 1977

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

Department of Water Resources
Eastern District Office

J. DENNIS "J. D." WILLIAMS
LOWELL D. CASTLETON

April 29, 1977

TELEPHONE:
(208) 652-2660

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

Re: Application for Water Permit for Von O. Noyes

Gentlemen:

Enclosed please find a completed Application for Water Permit which we are filing on behalf of the above named individual. Also enclosed you will find a check for the appropriate filing fee.

If you have any questions regarding this matter, please advise.

Yours very truly,

WILLIAMS & CASTLETON



LOWELL D. CASTLETON
Attorney at Law

LDC/kc

Enclosure

cc: Mr. Von O. Noyes

100-411100-100

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 10955

SPRING Source
☒ Point of Diversion
☒ County
0.6 cfs Quantity of Water and Period of Use
☒ Description of Diverting Works
2 yrs. Time required for B/U of water
30 Place of Use or Acres Irrigated
☒ Map
☒ Signature
25.00 Fee

(1) EMC 5/3/77

In form to receipt YES.

(2) " "

Send Copies to:

☒ Idaho State Health Department
☒ Idaho Fish and Game Department
☒ Bureau of Land Management
☒ BEAR RIVER WATER MASTER
☒ Request Special Use Permit from U.S.F.S.
☒ Request Easement from B.L.M.
☒ Request Information from Applicant
☒ Request Dam Safety Information

(3) " "

In form for advertising YES.

(4) " "

Platted on Map No. 155 39E BASIN 13, BANIDA QUAD.

(5) " "

(6) " "

Located within Water District No. 13.

(7) " "

Critical groundwater area: yes no X

(8) " "

Groundwater levels:

Declining, X Stable, Increasing

(comment) OB WELL 155 39E 23 bbb.

(9) " "

Other rights on the same place of use NONE MENTIONED.

(10) " "

Comments: None platted
POSSIBLY MERITS PRE PERMIT EXAM.

(11) Cal 8-22-77
Cal 5-23-77

QUESTION NOT BEING TRIBUTARY TO BEAR R.
LOCATION OF DISCHARGE POINT. Aug 22-1977
Affidavit of Publication received (date) May 23-77

(12) Cal 8-22-77
Cal 5-25-77

Final date for protests Aug 22-1977
Protests received: yes no

(13) RDC 8/25/77

All requested information received from agencies or applicant: yes no

(14) " "

Action recommended:

☒ Approve Deny

5/2/77 Proposed Priority

Reason for Reduction

☒ Measuring device required

☒ See attached sheet for other conditions of approval

No special conditions for approval

RECEIVED

MAY 17 1978

Department of Water Resources
(15) District

By Date

amended copy sent
5-21-77