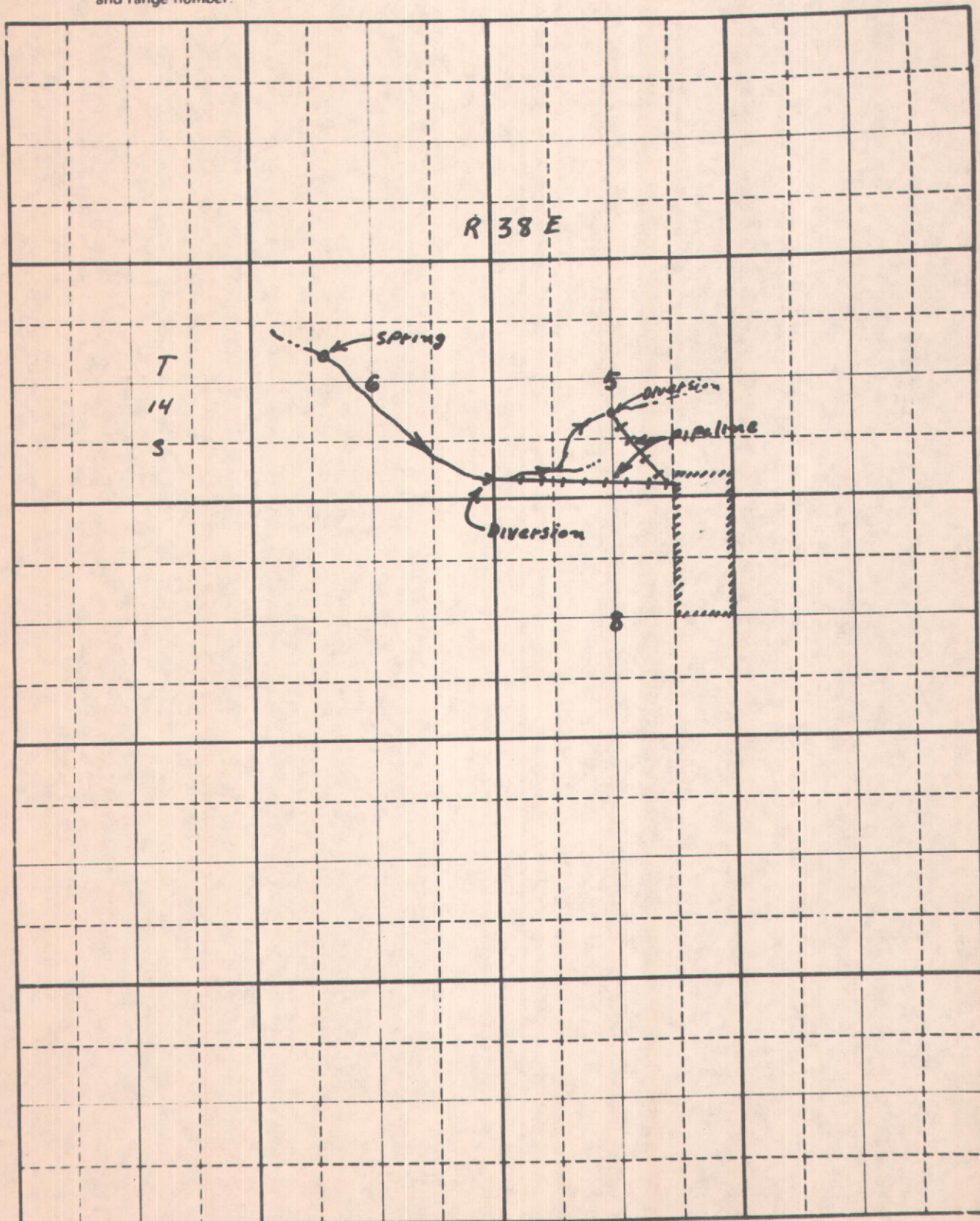


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Hub E. [Signature]

Proposed Priority 3/10/77

Received by PL Date 5-11-77 Time 2:50
Preliminary check by PL Fee \$ 35.00
Receipted by PL Date 5-10-77 # 412
Publication prepared by PL Date 5-11-77
Published in Post-Idaho
Publication dates May 24, 1977
Publication approved me Date 3-25-77
Priority reduced to _____ Reason _____

Protests filed by Bill S. Anna Mac
Ward "Red" Lockman
Lydia "Linda" Brock
Copies of protests forwarded by PL
Hearing held by _____ Date _____
Recommended for approval denial by RDC WAM

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. 13-7157, 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 January 1, 1983.
- c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

The water use under this permit maybe altered by the agreement reached by the permit holder and the protestants at the protest hearing held on May 4, 1977.

Witness my hand this 29 day of January 19 78.


DEPUTY Director

No 315

AFFIDAVIT OF PUBLICATION

MAR 25 1977

STATE OF IDAHO,

County of Franklin

Department of Resources
Eastern District Office

RICHARD P. 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

March 17th, 1977, and ending
with the issue of March 24th, 1977.

Fee \$ 12.50

Subscribed and sworn to before me this 24th day
of March, 1977.

Notary Public

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11, 1980

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Jess Egan, Clifton, Idaho has on 3-10-77 submitted Application No. 13-7157 for a permit to appropriate 2.00 cubic feet per second of water from an unnamed spring by means of headgate and pipeline within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot

5), Sec. 6, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 14S, R. 38E, B.M., Franklin County; to be used from Apr. 1 to Nov. 1 for the irrigation of 100 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 8, T. 14S, R. 38E, 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, 1615 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 4, 1977.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on March 17 and March 24, 1977.

Legal No. 315 - Pub.
March 17 and 24, 1977.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 13-7157

1. Owner: Roy G. & Beverly L. Peterson Phone No. 747-3358

Current Address: Box 141 Clifton Idaho

2. Accompanied by: Shorty Beckstead / RANDY PETERSON EXAM. DATE: 3-11-92 ESU, GST
5-18-88

Address: 6915 N. West Side Hwy., Clifton Id. Phone No. 747-3703

Relationship to Permit Holder: Friend

3. Source: UNNAMED STREAM tributary to SILKS

B. OVERLAP REVIEW

1. Other water rights with same place of use: 13-04110A³B, 13-07156

☐ Copies Attached

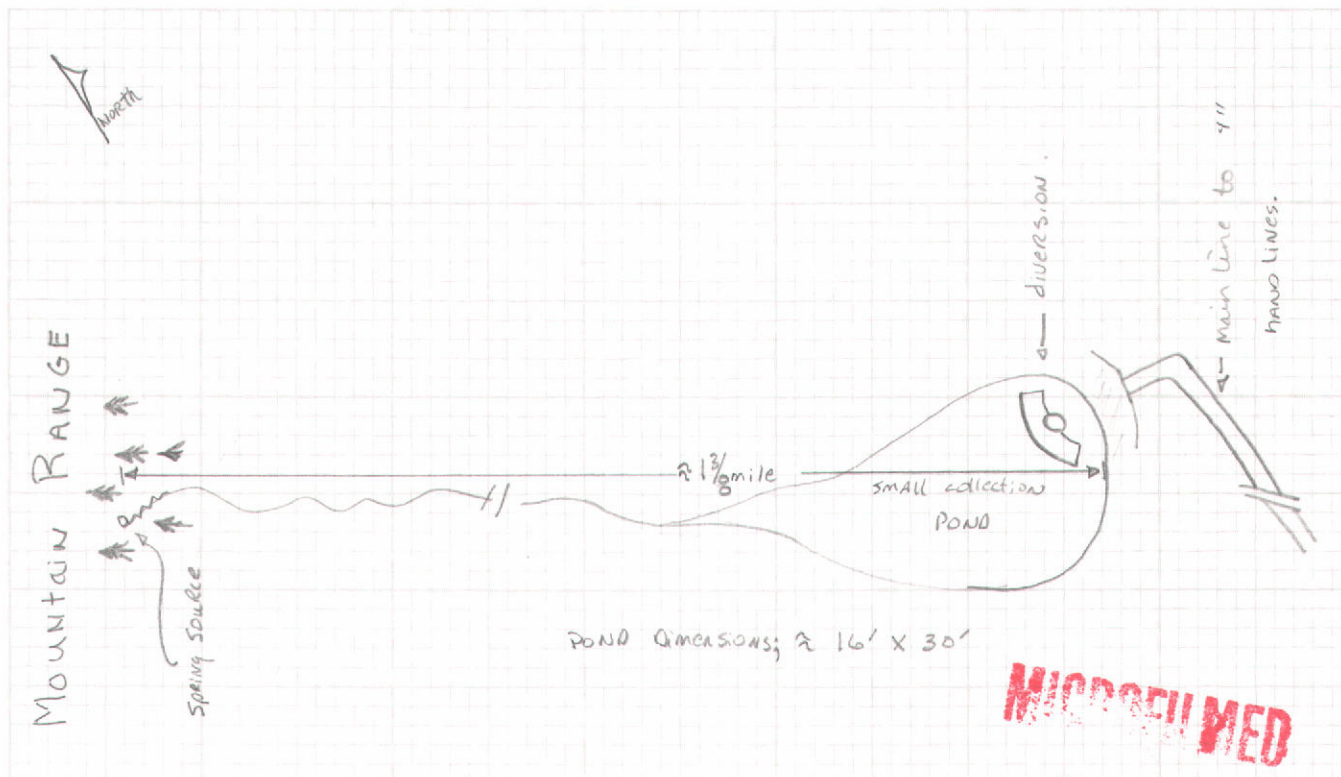
2. Other water rights with same point of diversion: NONE

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



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Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

13-07157
T14S R38E

File
R
85

POINT OF DIVERSION

T68

Randy
Peterson

PLACE OF USE

T

14
S

See 810

T 75

22.5
HEL/NW

Pasture

9.4
HEL/NW

8
21.1

NHEL/W 402

23.2
D. Marcel
Beckstead

16.1
NHEL/W

T 76

7
92

MICROFILMED

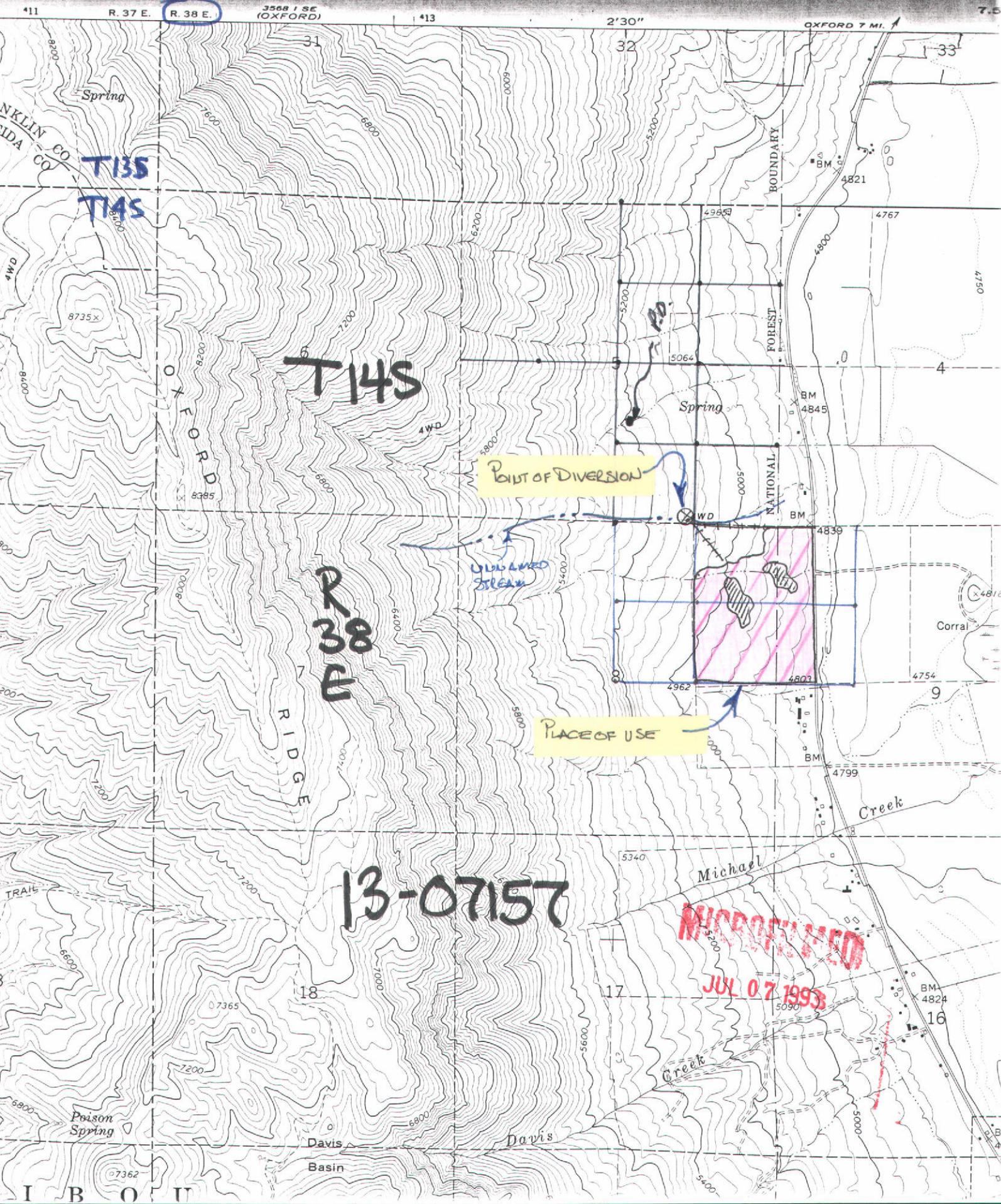
JUL 07 1993

15.4
NHEL
FW

3
4.5

15

13-7157





DOWNSTREAM VIEW OF DIVERSION IN UNNAMED STREAM IN THE SESWSE SEC.
5 T14S R38E. VIEW SHOWS SCREENED PIPE INTAKE AND EARTH DAM IN
STREAM BED. PHOTO TAKEN 3/11/92 ESV.



UPSTREAM VIEW OF DIVERSION IN UNNAMED STREAM ABOVE SHOWING DOWN
SLOPE SIDE OF EARTH DAM AND PIPELINE HEADING. PHOTO TAKEN
3/11/92 ESV.

13-07157

RECEIVED
JUL 07 1993

13-7157



← source

POINT OF
DIVERSION



← collection Pond
AND P.O.

RECEIVED
JUL 07 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138796

Roy Grant Peterson
Beverly LaVerla Peterson
Clifton, ID 83228

OCTOBER 31, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 13-7157 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JANUARY 01, 1983. (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,

WILLIAMS
SR., SECRETARY

ENC: 1

CONVERSATION MEMORANDUM

DATE 4/4/77

FILE _____

NAME OF PARTY Mr. Kayl. RichinsEMPLOYEE J. J.RE: Protest on application for Permit "13-7155" - 13-7157

Mr. Richins telephoned and stated he wanted to file a protest against the issuance of the above numbered application for permit for the following reasons:

The spring located in the SE 1/4 Sec. 16, T4S, R38E is located on his land but has been jointly used for many years by the former owner for domestic water which is diverted through 2 pipe lines. The one line has been used by the prior owner of Mr. Richins land for irrigation for the past 20 years.

Mr. Elgar, a well person to the area, is in the process of installing a new 3" pipe line across Mr. Richins property without obtaining permission or an easement.

I told Mr. Richins we would accept his telephone call as an intent to protest, but he would have to follow the telephone call with a written protest by return mail.

Mr. Richins also voiced a protest against Mr. Elgar's well permit, because it is to be located near the new well site he had selected to drill to replace the well Frank Hart drilled under Permit # 13-7116 that did not prove to have enough water for irrigation, now owned by Mr. Richins.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

07/30/2001

RIGHT NUMBER: 13-07157

NAME AND ADDRESS: BEVERLY PETERSON
RANDY K PETERSON
ROY G PETERSON
SUSAN S PETERSON
7239 N WEST SIDE HWY
CLIFTON, ID 83228

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.88 CFS
308 AFY

PRIORITY DATE: 03/26/1984

POINT OF DIVERSION: T14S R38E S5 SESWSE Within FRANKLIN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4-01 10-31	0.88 CFS 308.0 AFY

PLACE OF USE:

IRRIGATION Within FRANKLIN County			
T14S R38E S8	NENE	19	T14S R38E S8 SENE 37
T14S R38E S9	NWNW	14	T14S R38E S9 SWNW 18
88 ACRES TOTAL			

THIS RIGHT AND THE RIGHTS LISTED BELOW ARE LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 242 ACRES IN A SINGLE
IRRIGATION SEASON

OTHER RIGHT NOS.: 13-04110C, 13-04110D AND 13-07156B

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

• •

This Right has been Decreed in the Case: Peterson vs. Richins

*See Decree file for the Director's Report and Agreements.

MICROFILMED
2001
OCT 02 2001

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-07157

Priority: March 26, 1984

Maximum Diversion Rate: 0.88 CFS
Maximum Diversion Volume: 308.0 AF

This is to certify, that BEVERLY LAVERLA PETERSON
ROY GRANT PETERSON

PO BOX 4

CLIFTON ID 83228

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 10, 1977; and has submitted Proof of Beneficial Use on March 26, 1984. An examination indicates that the works have a diversion capacity of .880 cfs of water from:

UNNAMED STREAM

tributary to SINKS

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.88 CFS	308.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 5, Township 14S, Range 38E
FRANKLIN County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14S	38E	8	NENE 19	SENE 37		56
		9	NWNW 14	SWNW 18		32

Total number of acres irrigated: 88

CONDITIONS/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 limited to the amount that can actually be beneficially use 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. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

RECEIVED

JUL 07 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-07157

CONDITIONS/REMARKS:

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 26th
day of MAY, 1993.

Acting for


R. Keith Higginson, Director

REPRODUCED

JUL 07 1993

State of Idaho
Department of Water Resources

RECEIVED

MAY 13 1993

APPROVED

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07157

Department of Water Resources

Date of Priority: March 26, 1984

Maximum Diversion Rate:

0.88 CFS

Maximum Diversion Volume:

308.0 AF

Comes now

BEVERLY LAVERLA PETERSON
ROY GRANT PETERSON

PO BOX 4

CLIFTON ID 83228

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. 13-07157, and requests that the permit be changed as follows:

Source: UNNAMED STREAM

tributary to SINKS

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

ANNUAL VOLUME

IRRIGATION

04/15 to 10/15

0.88 CFS

308.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 5, Township 14S, Range 38E
FRANKLIN County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

14S 38E

8

NENE

19

SENE

37

56

9

NWNW

14

SWNW

18

32

Total number of acres irrigated:

88

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 Roy L Peterson this _____ day of May 12, 1993.

Beverly L Peterson

(Signature)

MICROFILMED

JUL 07 1993

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07157

FOR DEPARTMENT USE ONLY

Preliminary check by CA Fee = 20.00 Received by CA # C027504 Date 5-13-93

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 13-07157 with the following;

CONDITIONS/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 limited to the amount that can actually be beneficially use 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. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

Witness my hand this 26TH day of MAY, 1992.

Acting for

R. Keith Higginson, Director

RECEIVED
JUL 07 1993

4/86

JAN 5 1987

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

JAN 14 1987

For Office Use Only
Fee Received 50.00
Date 1-5-87
Receipt # 39980
Receipt by MD
Sent to S.O. _____

1. Permit No. 13-7157

Department of Water Resources

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Roy G Peterson & Beverly L Peterson

3. Post Office Address: Box 141 Clifton Idaho

Telephone No. 747-3358

4. Source of Water: Spring

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 70 (acres) Other/Remark Just if we have a good snowfall

6. Total rate &/or volume for which proof is submitted cfs 2 acre-feet

7. Show the date water was first diverted and beneficially used under this permit: 1/7/86

Randy Peterson or Rodney Peterson

8. Person to contact to accompany the department representative during the field examination:

747-3358 - 747-3363
(Name)

(Address)

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Date

Roy G Peterson
Signature of Permit Holder (and title, if appropriate)

JUL 07 1993

copy retained for file

State of Idaho
Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

WATER RIGHT SPLIT
SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT C.F.S.
Permit	13-7157	Jess Eigan	2.0 cfs
Full Assignment	13-7157	Roy Grant Peterson & Beverly LaVerla Peterson	2.0 cfs

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT
NO. 13-7157 IN THE NAME
OF ROY GRANT PETERSON &
BEVERLY LAVERLA PETERSON

ORDER OF REINSTATEMENT

WHEREAS, on January 29, 1978, the Director of the Department of Water Resources issued Permit No. 13-7157 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before January 1, 1983; and,

WHEREAS, on October 31, 1982, the Department sent a proof due notice to the permit holder; and,

WHEREAS, on November 3, 1983, the Department sent a lapse notice to the permit holder since neither proof of beneficial use nor a request for extension of time had been received from the permit holder; and,

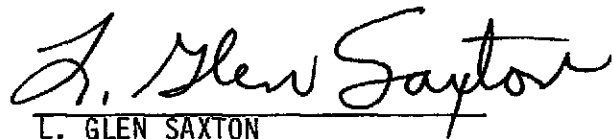
WHEREAS, on March 26, 1984, proof of beneficial use was submitted by the permit holder; and,

WHEREAS, amendments to Section 42-218A, Idaho Code, effective April 8, 1983, provide that the Director may reinstate a permit upon which proof has been submitted subsequent to the sixty day period after the notice of lapsing; and,

WHEREAS, permit holder has shown adequate cause that the permit can be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that permit No. 13-7157 be reinstated; and It Is Further ordered that the priority be advanced to March 26, 1984.

Dated this 23rd day of April, 1984.


L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

State of Idaho
Department of Water Resources

RECEIVED

AUG 5 1981

ASSIGNMENT OF PERMIT

Department of Water Resources

We, JESS B. ELGAN and
1. NANCY LEE ELGAN, hereby assign to ROY GRANT PETERSON and BEVERLY LAVERIA PETERSON

of Clifton, Idaho 83228

Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 13 7157
to appropriate the public waters of the State of Idaho.

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

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 15th day of July, 19 81.

Jess B. Elgan
Permit Holder

Nancy Lee Elgan
Spouse of Permit Holder

State of Idaho)
County of FRANKLIN) ss.

On this 15th day of July, 19 81, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

cc: 1

Beth Ann Johnson
Notary Public residing at Swan Lake, Idaho

My commission expires
lifetime

RECEIVED

JUL 31 1981

Department of Water Resources
Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 13-7157 }

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows:
"The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

A. Glen Saylor
Chief, Operations Bureau

13 7157

Identification No. _____

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

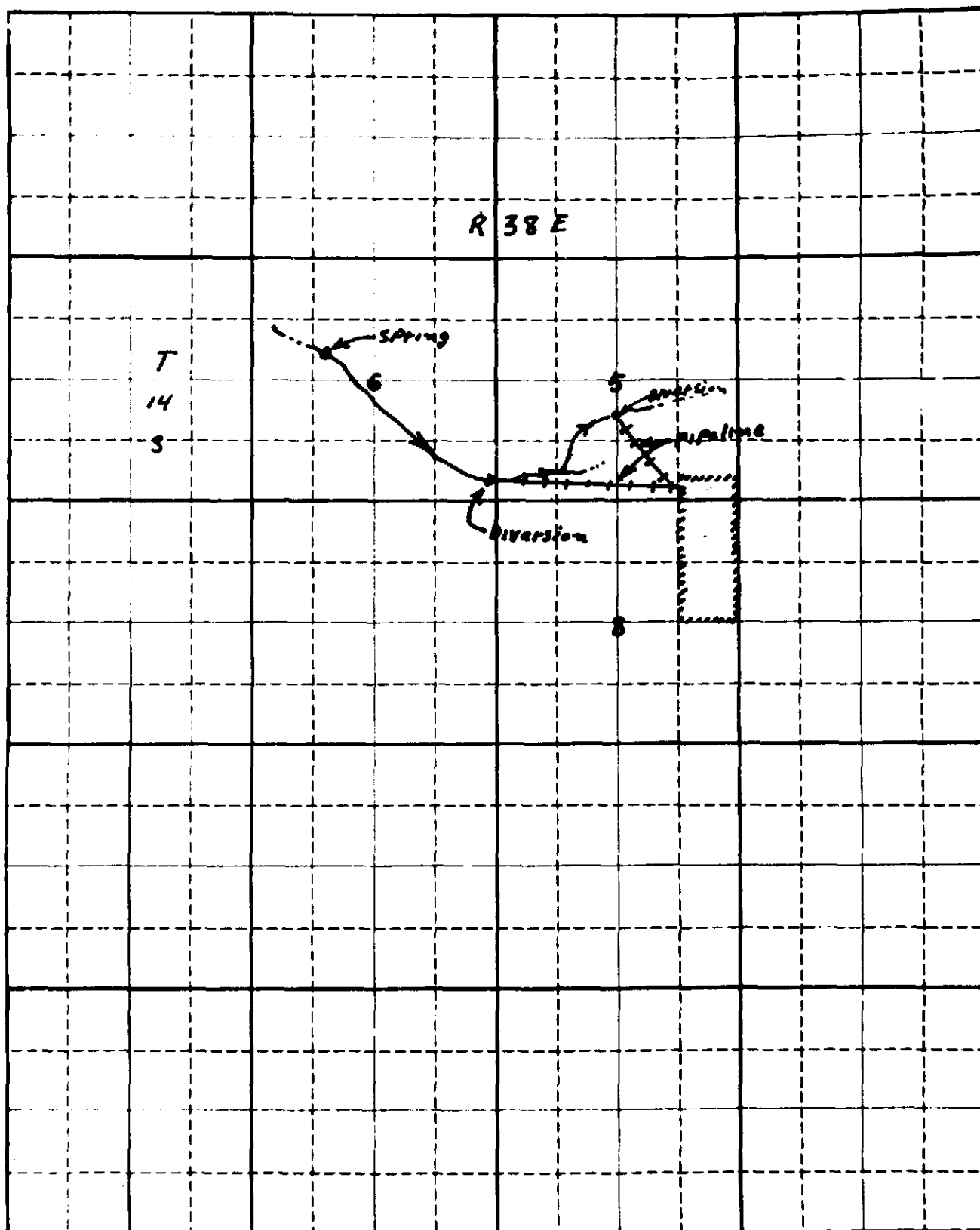
To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Jess Elgan Phone: 747-3701
post office address Clifton, Idaho 83228
2. Source of water supply unnamed spring which is a tributary of sinks
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6 Township 14S
Range 38E B.M. Franklin County; additional points of diversion if any:
Spring location: SE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 5) Sec. 6, T. 14S, R. 38E
Additional diversion point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 14S, R. 38E
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 2.00 for Irrigation purpose from Apr. 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. 2.00 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. diversion headgate, pipeline
and sprinklers

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 _____ (Mo. Day) to _____ (Mo. Day) inclusive.
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 5 years.
b. Estimated construction cost is \$ 8500.00
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: _____

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.

W. E. Elmer

Proposed Priority 3/10/77

Received by Date 3-10-77 Time 2:57
Preliminary check by Fee \$35.00
Received by Date 3-10-77 # 4100
Publication prepared by Date
Published in
Publication dates 3-10-77 to 3-25-77
Publication approved Date 3-25-77
Priority reduced to Reason

Protests filed by

Copies of protests forwarded by
Hearing held by Date
Recommended for approval denial by EDC W.H.M.

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. 13-7157 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 January 1, 1983.
- c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

The water use under this permit maybe altered by the agreement reached by the permit holder and the protestants at the protest hearing held on May 4, 1977.

Witness my hand this 29 day of January 19 78.

A. G. [Signature]
DEPUTY Director

No 315

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Franklin }

RICHARD D. SICKDALE

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 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

..... March 17th, 1977, and ending
with the issue of March 24th, 1977.

Fee \$ 12-50

Subscribed and sworn to before me this 29th day
of March, 1979.

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11 1980

APR 20 1977

Eastern District Office

NOTICE OF APPLICATION FOR WATER PERMIT

There is hardly a town that Joe Egan, Clinton, Maine has on 3-10-77 a. limited Application No. 12-007 for a proposed development of only four 30' sections of water from an unmineral spring by means of hand-dug and plastic-lined pits in 30' x 30' x 30' pits.

81, Sec. 6, NW 1/4, NE 1/4, Sec. 3,
T. 14S, R. 28E, E.M., Franklin
County; to his death, from
Apr. 1 to Nov. 1, 1900, the
irrigation of 100 acres, with
the 100-acre tract, in the
E.M., Sec. 6, NW 1/4, NE 1/4,
Sec. 3, T. 14S, R. 28E, E.M.,

The following table shows the results of the survey:



This
Right has been
Decreed in the
Case:
Peterson vs.
Richins

*See Decree file for the Director's Report and Agreements.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 3, 1993

ROY GRANT PETERSON
BEVERLY LAVERLA PETERSON
BOX 141
CLIFTON ID 83228

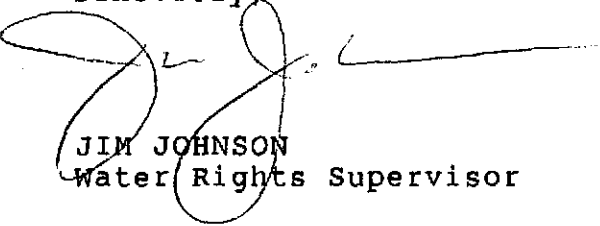
RE: WATER RIGHT NO. 13-07157

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

UNPROCESSED

JUL 07 1993



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

April 28, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

ROY GRANT PETERSON
BEVERLY LAVERLA PETERSON
PO BOX 4
CLIFTON ID 83228-0004

RE: WATER RIGHT NO. 13-07157

Dear Mr. Peterson:

Thank you for your response to the additional examination fees required to cover the additional amount of water actually being diverted.

As Pamela Skaggs explained in her letter dated March 29, 1993, the above referenced water right is in the final process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

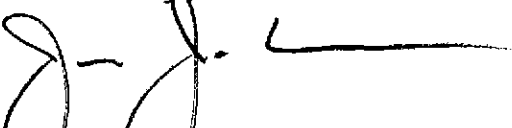
The permit listed the points of diversion as $SE\frac{1}{4}SE\frac{1}{4}$ and Lot 5 ($SE\frac{1}{4}NW\frac{1}{4}$), Sec. 6, Twp. 14S, Rng. 38E, and $NW\frac{1}{4}SE\frac{1}{4}$, Sec. 5, Twp. 14S, Rng. 38E, Franklin County. The field examiner found only one point of diversion being used and it was located within the $SW\frac{1}{4}SE\frac{1}{4}$, Sec. 5, Twp. 14S, Rng. 38E, Franklin County.

Also, the permit listed places of use as within the $NE\frac{1}{4}NE\frac{1}{4}$, and $SE\frac{1}{4}NE\frac{1}{4}$, Sec. 8, Twp. 14S, Rng. 38E, and the $SE\frac{1}{4}SE\frac{1}{4}$, Sec. 5, Twp. 14S, Rng. 38E, Franklin County. The field examiner found the places of use to be within the $NE\frac{1}{4}NE\frac{1}{4}$ and $SE\frac{1}{4}NE\frac{1}{4}$, Sec. 8, Twp. 14S, Rng. 38E, and the $NW\frac{1}{4}NW\frac{1}{4}$, and $SW\frac{1}{4}NW\frac{1}{4}$, Sec. 9, Twp. 14S, Rng. 38E, Franklin County.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 15 days.

If you do not concur with these findings or if you have any questions, please contact me within the 15-day period.

Sincerely,


JIM JOHNSON
Water Right Supervisor

JJ:cz

Enclosure

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NICK —

Is this one of the
Peterson/Richins controversy
rights? If so, have we
coordinated the license
with the recommendation?

Yes

NORM,

IN ANSWER TO YOUR QUESTIONS: YES,
#13-07157 IS ONE OF THE RIGHTS AT
ISSUE IN THE PETERSON V. RICHINS ADJUDICATION;
AND YES, ALLOCATIONS AND ADJUDICATION
HAVE COORDINATED EFFORTS ON THIS. ERIC
VERNER WAS IN ATTENDANCE AT THE LICENSING
FIELD EXAM AND HAS BASED HIS ADJUDICATION
RECOMMENDATIONS/ANALYSIS ON THE LICENSING
DETERMINATION. HIS RECOMMENDATION OF THIS
RIGHT WILL DOVETAIL COMPLETELY WITH THE
PROVISIONS OF THE LICENSE.

NBS

Roy A Peterson
Box 4
Clifton Id.
83228



State of Idaho
Department of Water resources
1301 No. Orchard Street Statehouse mail
Boise Id.

83720-9000

Address updated
in database 4-20-93.

as
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JUL 07 1993

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APR 15 1993

12-93

*Im very sorry for this problem but I
have never got a Bill over this you can't
pay a bill unless you get a notice*

thank you

Beverly L Peterson

*also I live in St George for the
winter months this has sat at the
Clifton office Post until she sent it down
here I received this notice friday the
9th of april*

thank you

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JUL 07 1993

MEMORANDUM

DATE: April 12, 1993
TO: File 13-07157
FROM: Cindy Zimmerman *CZ*
SUBJECT: Correspondence dated 3/29/93

=====

Randy Peterson, son of permit holders, called inquiring about the letter from Pam of 3/29/93. He was confused as to the purpose of this permit versus the adjudication process. I explained the differences of the processes, the purpose of the letter dated 3/29/93, and explained the imminent necessity of a licensing amendment to correct the legal descriptions of the P/D & Pou.

Mr. Peterson stated that his mother (permit holder) intends to respond with the additional exam fees. Mr. Peterson understands the necessity of the licensing amendment and the filing fee.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 29, 1993

ROY GRANT PETERSON
BEVERLY LAVERLA PETERSON
PO BOX 141
CLIFTON ID 83228-0141

RE: Permit No. 13-07157

Dear Permit Holder(s):

We are in the process of licensing the above referenced water right. Because of an insufficient examination fee, the Department has no alternative but to issue the license for less than the amount actually diverted unless an additional fee is received. The amount of water to be licensed will be limited to 0.20 cfs rather than 0.88 cfs.

You can submit the additional exam fee along with a late payment penalty. The priority of the right will be advanced according to the number of days from the date of this letter to the date we receive the extra fee.

The additional exam fee required to cover the 0.88 cfs is \$50.00 and the late payment penalty is \$25.00, for a total of \$75.00.

Please note that an amendment will also be required on this permit to amend the permit to correspond with the examiner's findings and to correct the legal description of both the point of diversion and place of use.

The Department will hold action on licensing this right for 30 days to allow you to respond.

If you have any questions, please feel free to contact our offices, or me directly at (208) 327-7943.

Sincerely,

Pamela Skaggs

PAMELA SKAGGS
Water Resource Agent

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PS:cz

JUL 07 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 13-7157

1. Owner: Roy G. & Beverly L. Peterson Phone No. 747-3358

Current Address: Box 141 Clifton Idaho

2. Accompanied by: Shorty Beckstead / RANDY PETERSON EXAM. DATE: 3-11-92 SSU, GST
5-18-88

Address: 6915 N. West Side Hwy., Clifton Id. Phone No. 747-3703

Relationship to Permit Holder: Friend

3. Source: UNNAMED STREAM tributary to SINKS

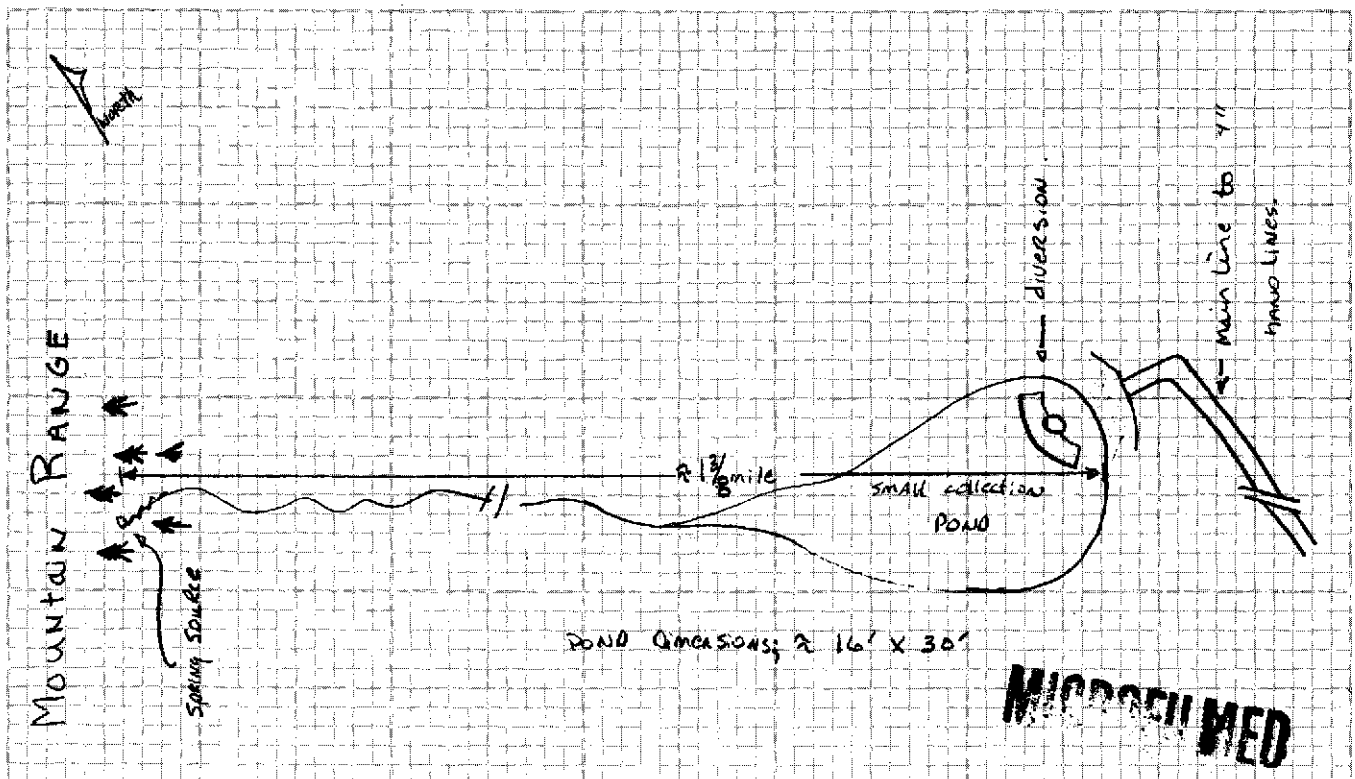
B. OVERLAP REVIEW

1. Other water rights with same place of use: 13-04110A³B, 13-07156
☐ Copies Attached

2. Other water rights with same point of diversion: None
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



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Scale: 1" = _____

2. ☒ Copy of U.S.G.S. 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 or more).
- ☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Spring flows up on mountain to a small collection pond then directed.

through a 4" main line to hand line sets.

~~Spring was not flowing at normal capacity. After several~~

did make it down off mountain range to fill pond for irrigation.

Discussion w/ Raptor Released on 3/15/92 - Maximum That This System Has

BEEN ABLE TO RUN IS TWO 1/2 MILE HANDLES.

 See Remarks on page 4 for continuation

Well or Diversion Identification No.*	N/A.					
Motor Make	—					
Hp	—					
Motor Serial No.	—					
Pump Make	—					
Pump Serial No. or Discharge Size	—					

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

5. Point(s) of Diversion:

[illegible]

6. Place(s) of Use:

[illegible]

Do not use this space

07-1993

Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

Suggested:

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

2. Measurements:

DUE TO CONTINUED DROUGHT IN AREA, THE STREAM FLOW HAS NOT REACHED THE FOD FOR SEVERAL YEARS. A MEASUREMENT HAS NOT BEEN POSSIBLE DUE TO THIS SINCE 1988. IN 1992 THE STREAM WAS DRY. DIVERSION CAPACITY IS RECOMMENDED TO BE 0.88 cfs PURSUANT TO MEASUREMENT TAKEN BY ASCS PERSONNEL ON 6/29/1983 AS PART OF GRAVITY FLOW PIPELINE DESIGN. THIS AMOUNT, 0.88 cfs, SEEMS REASONABLE GIVEN STATEMENT OF OWNER THAT 2 1/4 MILE HANDLINES HAVE BEEN USED WITH THIS SYSTEM. 0.88 WOULD GIVE ~ 150 gpm / 1/4 MILE LINE.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

PITOT GAUGE ASCS MEASURED 6/29/1983

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (88)(3.5) = 308$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.88)(184)(1.9835) = 321.17$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 308$

2. Volume Calculations for Other Uses:

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

RANDY Peterson said that the spring has been decreasing in water flow capacity each year which has caused him to irrigate as many acres as water supply will allow, and dry farm the rest. This year the pond is dry, no water is available and the land is being dry farmed. There is a pond that the Petersons own on the far east side of Hwy. that they can use to pump water up to the field if so desired.

Point of Diversion Permitted in the NW SE Sec. 5 was not developed.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/15	10/15	0.88	308
Totals:			0.88	308

2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☐ Add P.U. as reflected above

☒ Other

CHANGE SOURCE TO
UPGRADED STREAM TRIBUTARIES.

J. AUTHENTICATION

Field Examiner's Name

Signature

Certification Date

Field Report Preparation Date

RICHARD LEWIS / ERIC STERLING
Richard Lewis Jr / Eric Sterling

7/28/92

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

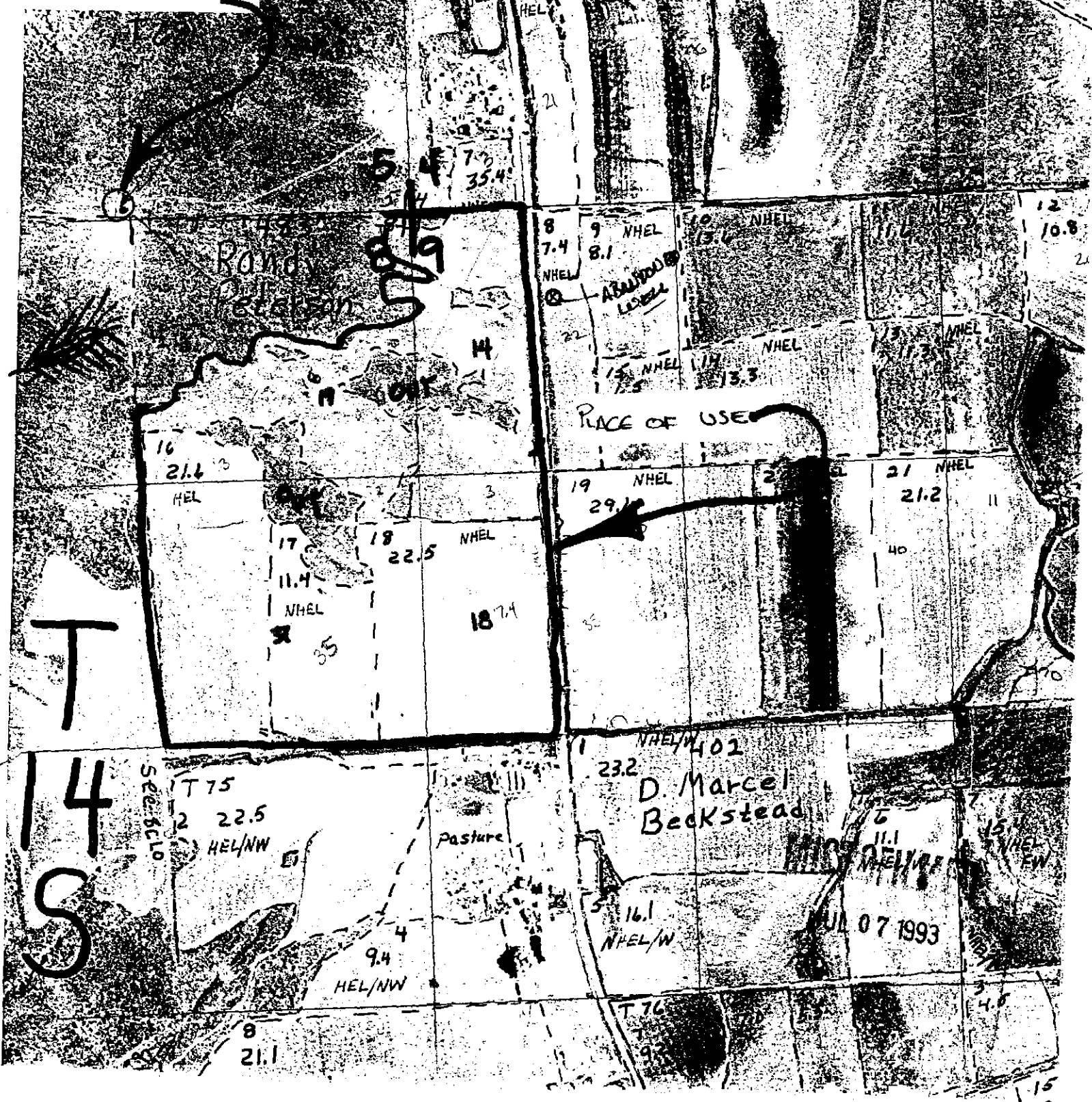
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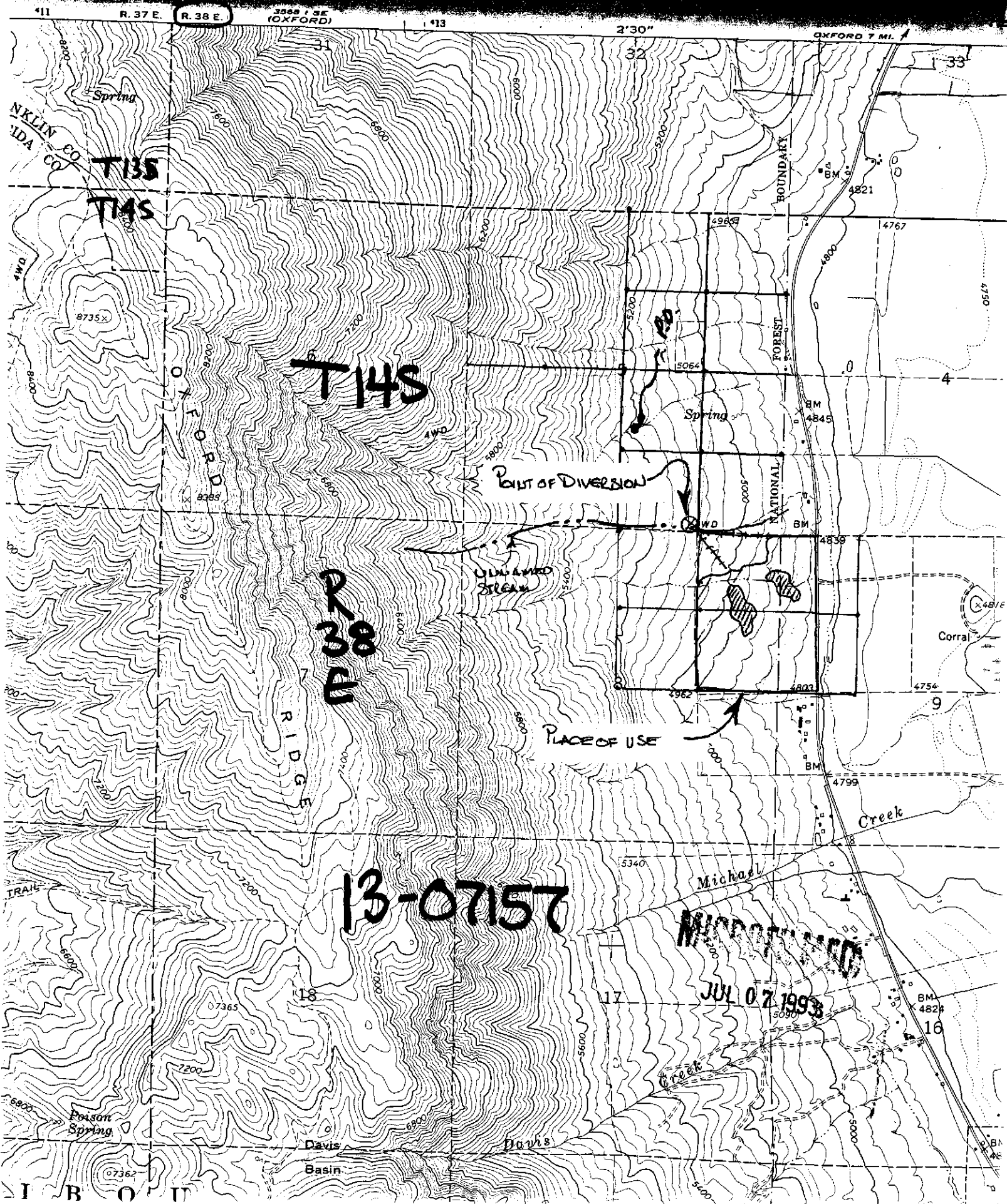
JUL 07 1993

13-07157
T14S R38E

File
Pr
65

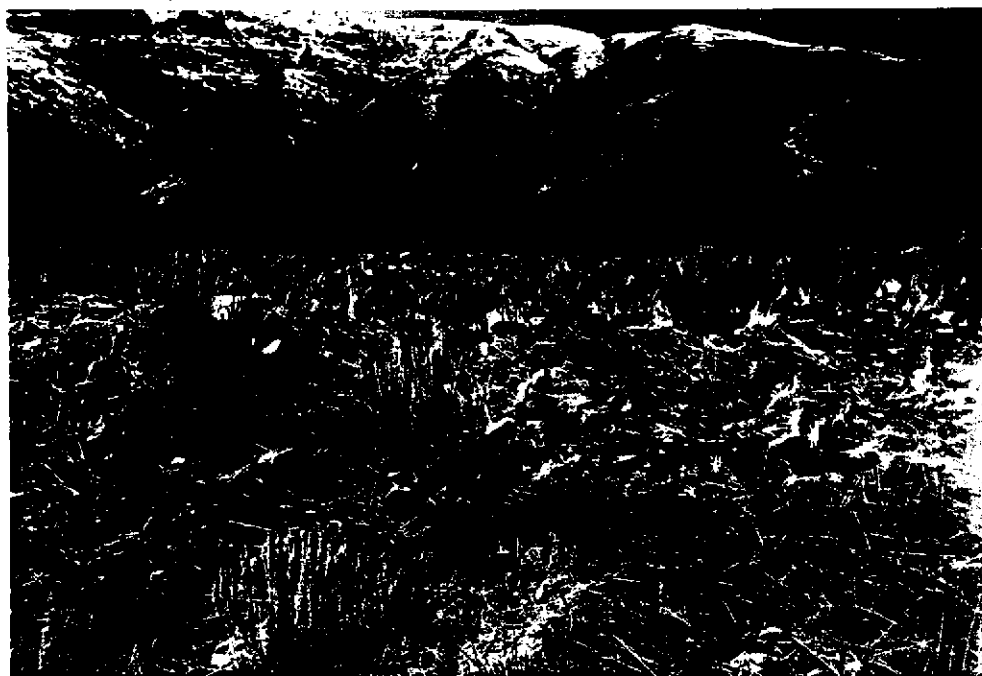
POINT OF DIVERSION







DOWNSTREAM VIEW OF DIVERSION IN UNNAMED STREAM IN THE SESWSE SEC.
5 T14S R38E. VIEW SHOWS SCREENED PIPE INTAKE AND EARTH DAM IN
STREAM BED. PHOTO TAKEN 3/11/92 ESV.

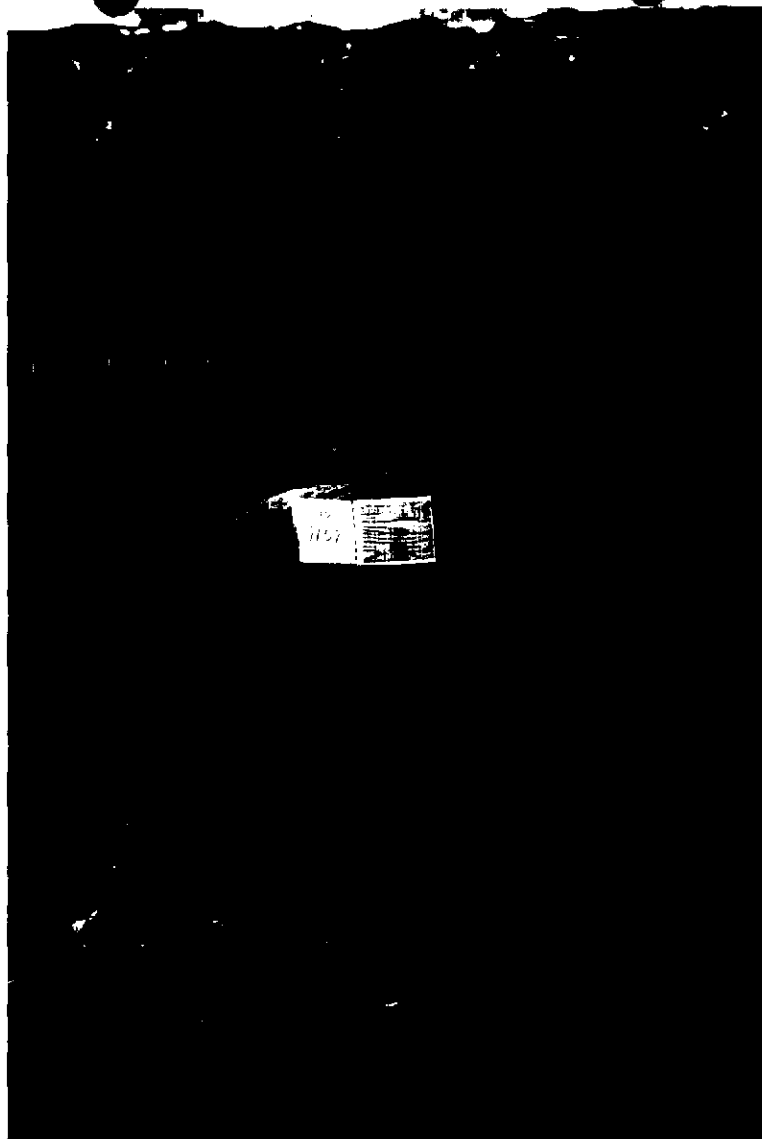


UPSTREAM VIEW OF DIVERSION IN UNNAMED STREAM ABOVE SHOWING DOWN
SLOPE SIDE OF EARTH DAM AND PIPELINE HEADING. PHOTO TAKEN
3/11/92 ESV.

13-07157

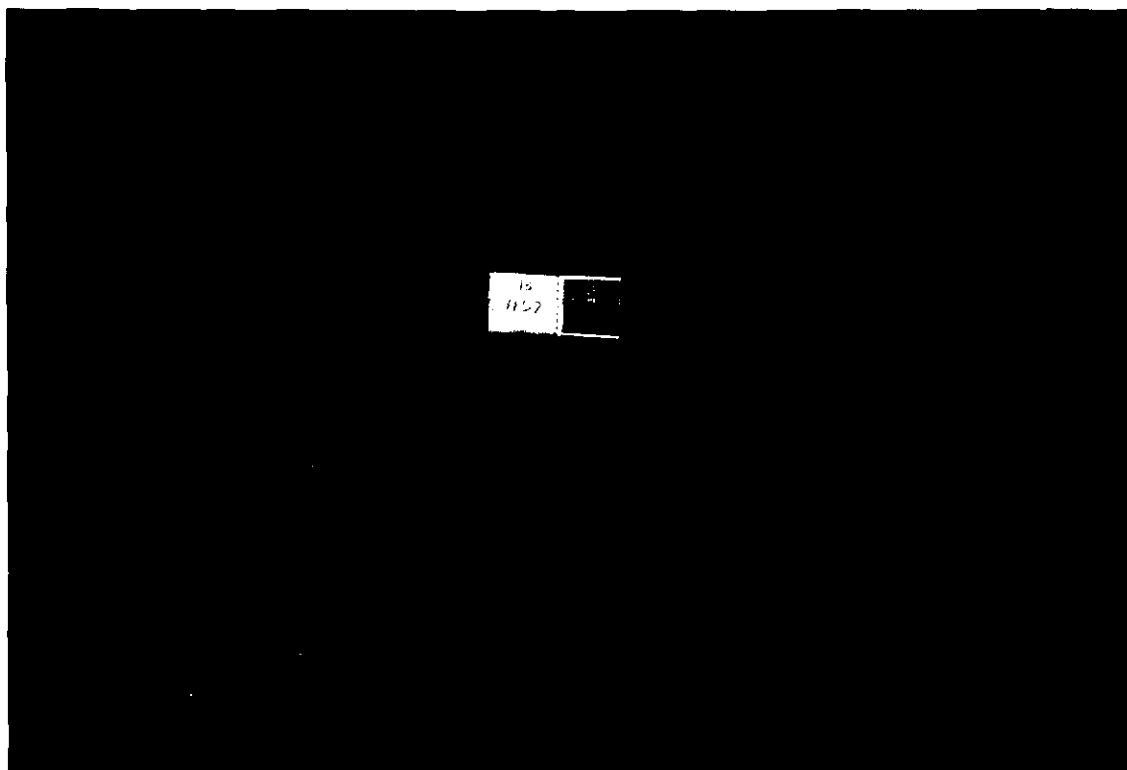
JUL 07 1993

13-7157



← source .

POINT OF
DIVERSION



← collection Band
AND P.O.

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JAN 07 1993

13-07157



UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Franklin County ASCS Committee
Box 111 - Preston, Idaho 83263

March 25, 1981

Randy and Rodney Peterson
Clifton, Idaho 83228

Dear Sir:

The Franklin County ASC Committee have carefully reviewed your request for cost-sharing for a Buried Mainline under the 1981 ACP Program. Buried Mainlines and other permanent type practices have a high priority in the conservation needs of this county. The demand for these practices under this year's program has, unfortunately, exceeded the funds available to us at this time.

Should additional funds become available, we will contact you to see if you are still interested in performing the practice this year. If you start the practice before you are contacted, you take the risk that cost-sharing will not be provided and the practice will not be eligible. If we are unable to help you this year, we hope that you will re-apply for the practice under next year's program. We assure you that your request at that time will receive every consideration.

Very truly yours,

A handwritten signature in cursive script, reading "Jack W. Grover", is written over the typed name.

Jack W. Grover
County Executive Director

JWG/cwl

cc: file

Q MEASUREMENT
ATTACHMENT FOR

EXAM 13-07157

EW

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JUL 07 1993

Idaho
G. Masek

29 June 83

Randy & Rodney Peterson

Preston (class III)

Irrigation System Sprinkler

1 2

Q MEASUREMENT
For 13-07157

Peterson have a stream of water west of field's
Above the Road in sec 9 and in sec 10 April 86.3
acres of crop land.
presently they run water in an open ditch to
the corner of their field. then put it in portable
Alum. there is a lot of water loss in the ditch
the ditch is eroding very much. they would like
a complete sprinkler design.

Present flow
29 June 83
in Spr. system.

Flow = 66 Neg - checked Neg some were 5/2
some 11/64 they were @ 60 psi
for Q use 33 5/32 @ 60 psi = 544 = 180 gpm
53 11/64 @ 60 psi = 256 = 80 gpm
396 gpm

Crops - Alfalfa Grass 86 acres.

Soil = SL+L Sterling Very Gravelly Loam IIIe 2
SL+L Sterling stony Loam IIIe 2

W.H.C. 455 2.0" / foot.

Root zone 20" + 455 4 ft.

Water Need. =

Alfalfa Grass June 4.4 July 6.51 August 5.19

Water Met. info -

Root 4' total W.H.C. 8" stress 50% max Net Replenishment 4"
Peak daily C.U. .23"

Design Data 65% EFF 5 MPH wind 60% wind factor.

Application	Peak Daily C.U.	Freq.	System Requirements
Net @ Gross			total gpm gpm/acre
4" 6.1	.23	17 days	613 7.38 gpm/acre

$$Q = \frac{453 \text{ A.D.}}{F H \text{ EFF}} = \frac{453 \times 86 \text{ ac} \times 4"}{17 \text{ days} \times .23 \times 65\%} = 613 \text{ gpm}$$

JUL 07 1993

Idaho
G. Masote

29 June 83

Irrig. Syst. for

Randy & Rodney Peterson
Proctor

2 2

@ 7.38 gpm/acre total water of 396 gpm will
water 53 acres

from design using 6.25 gpm max Irrig cycle
is 16 days = $396 \text{ gpm} \div 6.25 = 63 \text{ acres}$ could
be irrigated with water today.

in Early June flow is more in late July flow
is less.

Design system to water the full 86 acres
then the ground irrigated will have to be adjusted
by the amount of water. the rest can be watered by pumping
from below the road.

Est. Erosion in ditch $\frac{1400' \times 2' \times 3'}{27}$ 311 c.y.

this erosion has taken place in the last year. up until last year
the land was water by pumping from a Pond East of the
road.

Power Savings

Pond 4750 top Field 5021 = 271 feet total Rise

4800 feet of Pipe

Friction loss 618 gpm 8" = $7.324/1000 = 34.8$ feet total

$\frac{271 + 34.8 \times 618 \text{ gpm}}{3960 \times 70\%} = \underline{65 \text{ Hp. Savings}}$

Water Saved by Pipe

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ID-ENG-40

Rev. 3

6/77

Note: USE Nelson Flow Control No 3 (equal) 69gpm size w/ Vanes
 40 psi Flow = 6.25 gpm @ 60 = 6.32 gpm @ 90 psi = 6.18 gpm
 Wetted dia = 40 psi 106 ft - 50 psi 108 ft - 60 psi 110 ft
 This system will have available operating pressures from 40 to 100 psi
 at the main line
 VI. SYSTEM DESIGN - BY OPERATOR'S CHOICE

A. Sprinkler System Design SummaryNozzle Spacing 40 (S_L) Lateral Spacing on Mainline (S_m) 60Minimum Wetted Dia. = 60 (S_m) + 60% Wind Factor = 100 Ft.

Sprinkler Head Nelson EC. 0.5 Equal
 (make) (model) (nozzle) 6.25 (gpm/nozz.) 40 (pressure) 106 (wetted dia.)
 (size)

$$\frac{96.3 \times 6.25}{40 \times 60} =$$

Application Rate 0.250 in/hr Application Time 23 hours/set

Net Application = 0.250 X 65% X 23 = 3.74 in.
 Application Rate (in/hr) Applic. Eff. Hrs/set

Max. Irr. Cycle = $\frac{\text{Net Application}}{\text{Peak Daily C.U.}}$ = $\frac{(3.74)}{(.23)}$ = 16 Days

Minimum Number Laterals = $\frac{(\text{No Lateral Sets})}{(\text{Max. Irr. Cycle})(\text{Moves/day})}$ = $\frac{(63)}{(16)(1)}$ = 39

Designed Laterals: Number 4 Diameter 8" Type Hand Moves/day 1

System Capacity Design for 99 gpm
 (total nozz.) 6.25 = 618 gpm (Total)
 (gpm/nozz.)

*33 Ng will
 water off on North
 side Main in 19 days
 need 66 Ng on
 both side Main*

B. Lateral Friction *North side Main use 4" uphill 40 feet.*

Allowable Friction Loss = 0.2 X 40 psi ± -17 psi = -9 psi
 (nozz. pres.) (elev)

Actual Friction Loss (worst condition) = 4" Hand 6.5 psi 3" Hand 27 psi psi

Pressure required at the Mainline:

(P_m) = $\frac{40}{(\text{nozz. pres.})}$ psi + $\frac{1925}{3/4}$ (6.5 psi + 19 psi) = 5925 psi
 lat. fric. elev. diff. 136.8 ft.

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 Sheet 3 of 6
 JUL 07 1993



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

13-7157
PETERSON, RAY GRANT
PETERSON, BEVERLY LAVERLA
BOX 141
CLIFTON, ID 83226

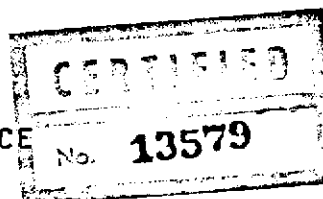
DEC 10 1986

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

Department of Water Resources

December 8, 1986

EXAMINATION FEE NOTICE



Dear Permit Holder:

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

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

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

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

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

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

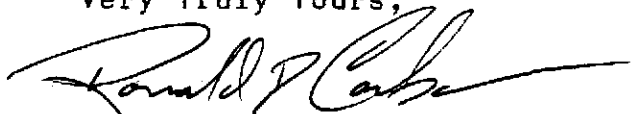
FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

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

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

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

Very Truly Yours,


Ronald D. Carlson
Eastern Regional Manager

Enclosures

MICROFILMED

JUL 07 1993



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

August 30, 1985

RE: Water Right No. 13-7157

Claud Richens
Oxford Route
Clifton, ID 83228

Dear Mr. Richens:

Pursuant to a request from Mr. Ernest Carlsen of our Eastern Regional Office, enclosed you will find a copy of the "agreement" that was reached at the protest hearing held on May 4, 1977, regarding the above referenced water right.

Please be advised that we could not locate any hearing tapes regarding this water right.

If you have any further questions, or need any assistance, please feel free to contact our office.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:k
Enclosure

RECEIVED
JUL 07 1993

April 27, 1984

RE: Permit No. 13-7157

Roy Grant & Beverly Laverla Peterson
Box 141
Clifton, ID 83228

Dear Mr. and Mrs. Peterson

We acknowledge receipt of the statement of beneficial use postcard and the supporting documentation for reinstating the above referenced permit. Enclosed is a copy of the Order of Reinstatement. Please note that the priority date has been advanced to March 26, 1984.

Before a license can be issued, a field examination will 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 or a representative may show him the system.

If you have any questions regarding this matter, please contact this office or our Eastern Regional Office at 525-7161.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc
Enclosure

CONVERSATION MEMORANDUM

DATE 4-20-84

FILE 13-7157

NAME OF PARTY Robert Morrison, Fed. Land Bank

EMPLOYEE Rita Fleck

RE: Conversation Memorandum of September 18, 1981

The above-referenced memo states that statement of beneficial use postcards were requested for Permit Nos. 13-7156 and 13-7157 from Robert Morrison of the Preston Federal Land Bank. (The Petersons had a loan with the FLB and usually the water right permit is held as collateral).

I contacted Mr. Morrison today to determine if in his records he could document that the proof had actually been submitted in a timely manner to the department for Permit No. 13-7157. He reviewed his files only to conclude that the FLB had no interest in Permit No. 13-7157, that is the Petersons did not include this land and right for security against their loan. Consequently, the FLB did not follow up with the submittal of proof.

It does not appear that the Petersons had made proof on this right prior to the postcard received on March 26, 1984.

13-7157-100

Permit No 13-7157

March 27 1984

Idaho.

Dear Sir

RECEIVED

APR 4 1984

Last fall when I recieved the letter
from water resources ^{Department of Water Resources} and was
ill and thinking it was the well 13-7156
Beckstead & we are together on. I took
the letter to Mr Beckstead & he said he
would take care of it. not reading the
letter he called Idaho falls and they
told him not to worry about it to come
up in the spring. so he went up on Friday
March 23 and they told him it wasn't
the ~~spring~~ well it was our spring he
called us as soon as he got home and
we went to Idaho falls to Water resources
on Monday ^{Mr Wilson} they said they would send it
up to Boise and for me to send you all
the information on the spring 13-7157
we have bought "1400" 6 in mainline and
piped it to the sprinklers until we can
finish as the A.S.C. has planned I am

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sending the letters on information on
what they will do. Hoping to get ~~the~~
spring 13-7157 reinstated and filed on.
it is very important to us as the
fellow we bought from sold all the
water from Oxford Ditch to someone
else and if we are going to farm
and pay for this place we need ^{this} water.
13-7157

Sincerely Beverly L Peterson



UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Franklin County ASCS Committee
Box 111 - Preston, Idaho 83263

March 25, 1981

Randy and Rodney Peterson
Clifton, Idaho 83228

Dear Sir:

The Franklin County ASC Committee have carefully reviewed your request for cost-sharing for a Buried Mainline under the 1981 ACP Program. Buried Mainlines and other permanent type practices have a high priority in the conservation needs of this county. The demand for these practices under this year's program has, unfortunately, exceeded the funds available to us at this time.

Should additional funds become available, we will contact you to see if you are still interested in performing the practice this year. If you start the practice before you are contacted, you take the risk that cost-sharing will not be provided and the practice will not be eligible. If we are unable to help you this year, we hope that you will re-apply for the practice under next year's program. We assure you that your request at that time will receive every consideration.

Very truly yours,

A handwritten signature in cursive script, reading "Jack W. Grover". The signature is written in dark ink and is positioned above the typed name and title.

Jack W. Grover
County Executive Director

JWG/cwl

cc: file

MICROFILMED

Idaho
G. MasEK

29 June 83

Irrigation System Sprinkler

Randy & Rodney Petersen

Preston (Class III)

1 2

Petersen have a stream of water west of fields
Above the Road in sec 9 and in sec 10 approx 86.3
acres of crop land.

presently they run water in an open ditch to
the corner of their field. then put it in portable
Alum. there is a lot of water loss in the ditch
the ditch is eroding very much. they would like
a complete sprinkler design -

Present Flow
29 June 83
in Spr. Syst.

Flow = 66 Noz - checked Noz some were 5/32
some 11/64 they were @ 60 psi
for & use 33 5/32 @ 60 psi = 5.44 = 180 gpm
53 11/64 @ 60 psi = 2.656 = 216 gpm
396 gpm

Crops - Alfalfa Grass 86 acres -

Soil = SCL L Sterling Very Gravely Loam IIIe 2
SCL L Sterling stony Loam IIIe 2

W.H.C. 455 2.0" / foot.

Root Zone 20" + 455 4 ft.

Water Need. =

Alfalfa Grass June 4.94 July 6.51 August 5.19

Water Mgt. info -

Root 4' total W.H.C. 8" stress 50% max Net Replenishment 4"
Peak daily C.U. .23"

Design Data 65% EFF 5 MPH wind 60% wind factor -

Application	Peak Daily C.U.	Freq.	System Requirements total gpm	gpm/acre
Alfalfa Grass				
4" 6.1	.23	17 days	613	7.38 gpm/acre

$$Q = \frac{453 \text{ A D}}{F H \text{ EFF}} = \frac{453 \cdot 8600 \cdot 4}{17 \text{ days} \cdot 23 \cdot 65\%} = 613 \text{ gpm}$$

MICROFILMED

Idaho

Randy & Rodney Peterson
Roston

29 June 83

Irrig. Syst Spr.

2 2

@ 7.38 gpm/acre total water of 396 gpm will
water 53 acres

from design using 6.25 gpm max Irrig Cycle
is 16 days = $396 \text{ gpm} \div 6.25 = 63 \text{ acres}$ could
be irrigated with water today.

in Early June Flow is more in late July Flow
is Less.

Design system to water the full 86 acres
then the ground irrigated will have to be adjusted
by the amount of water. the rest can be watered by pumping
from below the Road.

Est. Erosion in ditch $1400' \times 2' \times 3'$ 311 c.y.
27

This erosion has taken place in the last year. up until last year
the land was water by pumping from a Pond East of the
road.

Power Savings

Pond 4750 Top Field 5021 = 271 Feet total Rise

4800 Feet of Pipe

Friction Loss 618 gpm 8" = $7.324/1000 = 34.8$ Feet total

$\frac{271 + 34.8 \times 618 \text{ gpm}}{3960 \times 70\%} = 6.5 \text{ H.P. Savings}$

Water Saved by Pipe

ID-ENG-40
Rev. 3
6/77

Note: Use Nelson Flow Control No. 3 (equal) 69pm size w/ VARS
40 psi Flow = 6.25 gpm @ 50 = 6.32 gpm @ 90 psi = 6.18 gpm
Wetted dia = 40 psi 106 ft - 50 psi 108 ft - 60 psi 110 ft
This system will have available operating pressures from 40 to 100 psi
at the main line
VI. SYSTEM DESIGN - BY COOPERATOR'S CHOICE

A. Sprinkler System Design Summary

Nozzle Spacing 40 (S_n) Lateral Spacing on Mainline (S_m) 60

Minimum Wetted Dia. = 60 (S_m) + 60% Wind Factor = 100 Ft.

Sprinkler Head *Nelson EC. or Equal*
(make) (model) (nozzle) (gpm/nozz.) (pressure) (wetted dia.)
6.25 40 106
(size)

$$\frac{96.3 \times 6.25}{40 \times 60} =$$

Application Rate 0.250 in/hr Application Time 23 hours/set

Net Application = 0.250 X 65% X 23 = 3.74 in.
Application Rate (in/hr) Applic. Eff. Hrs/set

Max. Irr. Cycle = $\frac{\text{Net Application}}{\text{Peak Daily C.U.}}$ = $\frac{(3.74)}{(.23)}$ = 16 Days

Minimum Number Laterals = $\frac{(\text{No Lateral Sets})}{(\text{Max. Irr. Cycle})(\text{Moves/day})}$ = $\frac{(63)}{(16)(1)}$ = 39

*33 Noz will
water off on North
side Main in 19 days
and 66 Noz on
both side Main*

Designed Laterals: Number 4 Diameter 3" Type hand Moves/day 1

System Capacity *Design for 99 Noz* X 6.25 = 618 gpm (Total)
(total nozz.) (gpm/nozz.)

B. Lateral Friction *North side Main use 4" uphill 40 feet.*

Allowable Friction Loss = $0.2 \times \frac{40}{(\text{nozz. pres.})}$ psi $\pm \frac{-17}{(\text{elev})}$ psi = -9 psi

Actual Friction Loss (worst condition) = 4" Hand 6.5 psi 3" Hand 27 psi psi

Pressure required at the Mainline:

(P_m) = $\frac{40}{(\text{nozz. pres.})}$ psi + $\frac{3/4 (6.5)}{\text{lat. fric.}}$ psi $\pm \frac{19}{\text{elev. diff.}}$ psi = 59.25 psi
136.8 ft

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DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 13-7157.

Name(s) of Permit Holder: Ray Grant and Beverly Lavelle Peterson

Post Office Address: Box 141 Clifton, ID 83228

Tel. No. 747-3358

DEVELOPMENT
 Extent of use: ☐ Domestic ☐ Irrigation ☐ Stockwater ☐ Other

Permit No. 26 1984 100

Department of Water Resources

Measuring District Office Required? ☒ Yes ☐ No

Access Required? ☐ Yes ☒ No

(number of households)
 (number and type of stock)
 (acres)

Installed? ☐ Yes ☒ No
 Installed? ☐ Yes ☒ No

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

26 Mar 84

Ray Grant & Beverly Lavelle Peterson
 Signature of Permit Holder

Date

PLACE
13 CENT
STAMP
HERE

RECEIVED

MAR 27 1984



IDAHO DEPARTMENT OF WATER RESOURCES
Department of Water Resources

BOISE, IDAHO 83720

November 3, 1983

Roy Grant Peterson
Beverly LaVerla Peterson
Clifton, ID 83228

Dear Mr. and Mrs. Peterson:

Re: Permit No. 13-7157

LAPSE NOTICE

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 13-7157 has lapsed. This office did not receive either an acceptable notice that you have completed the project (proof of beneficial use) by the date required on your permit or an acceptable request for an extension of time. You were provided the proper forms in our proof due notice to you dated October 31, 1982.

Your permit cannot be reinstated unless you submit the statement of beneficial use postcard or submit an extension of time request showing reasonable cause for delay. Either the completed postcard or the extension request must be received by this office within sixty days of the date of this lapse notice or the permit will no longer be of any force or effect.

A statement of beneficial use postcard and a request for extension of time form are again enclosed for your use. Please note that a fee of \$15.00 must accompany an extension of time request and that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation.

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

LGS:rf

CERTIFICATION OF MAILING

I hereby certify that on 11-3-1983
a copy of this document was
deposited in the United States Mail
for the purpose of mailing to the
individual(s) named above.

Rita Fleck

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

EGLAN, JESS
CLIFTON, ID 83220

LAPSE NOTICE

JANUARY 11, 1983

DEAR PERMIT HOLDERS:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 13-7157 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PRIOR DUE NOTICE TO YOU DATED OCTOBER 31, 1982.

YOUR PERMIT CANNOT BE REINSTITUTED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND 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.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGSRP

CERTIFICATION OF MAILING
I hereby certify that on 1/17/83
a copy of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.
Shirley Curtis

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138716

Roy Grant Peterson
Beverly LaVeria Peterson
Clifton, ID 83228

OCTOBER 26, 1992

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 12-7127
WAS THAT EVIDENCE OF THE FUTURE OF DEVELOPMENT MUST BE SUBMITTED TO THIS
OFFICE ON OR BEFORE JANUARY 01, 1993. THE EVIDENCE OF YOUR
ANTICIPATED PROJECTS, INCLUDING A FURTHER DEVELOPMENT OF YOUR
PERMITTING AREA, IS REQUESTED.

IF YOU ARE UNABLE TO SUBMIT THE EVIDENCE BY THE DEADLINE, PLEASE ADVISE THE
OFFICE OF WATER RESOURCES BY JANUARY 01, 1993.

CONVERSATION MEMORANDUM

DATE Sept. 18, 1981

FILE 13-7156 & 13-7157

NAME OF PARTY Robert Morrison

EMPLOYEE Rita Fleck

RE: Statements of Beneficial Use

I'm unable to find the statement of beneficial postcards for these files.
I contacted the Federal Land Bank, in particular Robert Morrison and requested
that he send us the postcards again.



JOHN V. FURSE
Governor

C. STEPHEN ANDERSON
Deputy

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

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

September 2, 1981

Ray Grant Peterson &
Beverly LaVerle Peterson
6322 Clifton, ID 83228

RE: Permit No. 13-7157

Dear Mr. and Mrs. Peterson,
This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "John Anderson".

John Anderson
Water Distribution Supervisor

JJ:jg

Enclosure

Federal Land Bank Association of Preston

P.O. Box 386 102 North State,
Preston, Idaho 83263
Telephone (208) 852-2145

J.P. Gunnar, Manager

July 30, 1961

RECEIVED

JUL 31 1961

Department of Water Resources
Eastern District Office

Idaho Dept. of Water Resources
Eastern Dist. Office
158 Shoup
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed are two "Assignment of Permit" for permit no. 13 7157 and
no. 13 7156 both signed by Jess S. Elgan, Permit Holder and ~~Wally Lee~~
Elgan, Spouse of Permit Holder to Roy Grant Peterson and Beverly LaVerle
Peterson.

Please make the necessary transactions on the assignment and if you
have any questions or we need to do anything to complete this assignment
please let us know.

Sincerely,

Karl L. Anderson

Secretary
kla
Enc 2:

January 30, 1978

Re: Permit No. 13-7157

Jess Elgan
Clifton, ID 83228

Dear Mr. Elgan:

Enclosed is a copy of your approved Application for Permit No. 13-7157. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit

MEMORANDUM

TO: File
FROM: Ernie JWC
DATE: 3/26/77

Jess Elgan was contacted on 3-15-77 and he accompanied an agent during a prepermit field exam of the proposed place of use and points of diversion for Application for Permit No. 13-7157.

It was determined that water from the spring located in the SE1/4 NW1/4, Sec. 6, T 14S, R 38E, B.M. flows down a steep draw in a south easterly direction for approximately 5000 ft. and onto an alluvial outwash where it naturally sink. The applicant contends he has measured the flow from this spring and determined it to be as much as 700 gpm. However, on the day of the exam, water from the spring was sinking in the draw before it reached the point of diversion. The four springs located in the NW1/4 SE1/4, Sec. 5, T 14S, R 38E, B.M. have historically been used for stock-water and culinary purposes. Presently the collection box for the existing pipe system receives water from one of these springs. It is the applicants intent to divert the water from all the springs into a new collection box which will supply the culinary system, plus his proposed sprinkler system.

The applicant contends the combined flow of these springs will remain around 60 gpm throughout the year.

Examination of the proposed place of use revealed the southern end to be dry farm with the higher ground still covered with native sagebrush.

Since the water rights of others will be protected by the conditions contained within the stipulation and agreement signed at the conference held on this application and after an on-the-site examination of the proposal the project appears to be feasible and of a workable nature. Therefore, it is my recommendation that the application be approved.

IN THE MATTER OF PROTESTS)
AGAINST APPROVAL OF) STIPULATION
APPLICATION FOR PERMIT) AND AGREEMENT
NO. 13-7157 IN THE NAME)
OF JESS ELGAN)

IT IS UNDERSTOOD THAT THE
WATER FROM THE SPRING LOCATED IN
THE NW¹ SE¹ SEC 5 T14S R38E HAS BEEN
USED EQUALLY FOR DOMESTIC PURPOSES BY
KAYLE & CLAUDE RICHINS AND JESS
ELGAN. IT IS AGREED THAT ANY
DEVELOPMENT UNDERTAKEN BY THE
APPLICANT WILL NOT CHANGE THE ^{in the existing 2 1/2 inch}
50-50 DIVISION OF THE WATER OR
DIMINISH THE FLOW FROM THIS SPRING
TO THE EXTENT THAT THOSE EXISTING
WATER RIGHTS WILL BE DAMAGED.

IT IS FURTHER AGREED THAT NO DEVELOPMENT OF THE
SPRING WILL INTERFERE WITH THE WATERING OF STOCK IN THE
NW¹ & SE¹ & SEC 5 T14S, R38E

IT IS FURTHER AGREED THAT THE PIPE WILL REMAIN FULL
PRIOR TO ALLOWING ANY OVERFLOW TO OCCUR.

IT IS FURTHER AGREED THAT IF THE DEVELOPMENT OF THE
SPRING IN LOT 5 (NW¹ & NW¹) SEC 6 T14S R38E INTERFERES
WITH THE SPRING IN SEC 5, T14S R38E. THAT THE DIVERSION
FROM THE SPRING IN LOT 5 SEC 6 WILL BE TERMINATED.

Ray & Richins *Jess Elgan* *Paul W. Ward* *Don R. L. Rist*
Black & Richins

MAY 4, 1977

13-7156 Jess Elgan G.W.
13-7157 " " SPRING

Spring 1 - Sec 5 was divided in
1950^s Between protestant & Hillman -
(Elgan's)

Boyer - claimants claimed
 $\frac{1}{2}$ spring.

Elgan Claims $\frac{1}{2}$ water from
Spring belongs to him

Richins - Most years there is
more water than needed for Pipeline

Applicant shows flow of upper
Spring between 600 gpm & 200 gpm

Carpenter Claims spring has
always been shared.



John V. Evans
Governor

C. Stephen Alfred
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 823-7188

May 18, 1977

RE: Applications for Permit Nos. 13-7156)
13-7157) Elgan

Please find enclosed a copy of the agreements reached at the conference held in Preston, Idaho, on May 4, 1977. The Department has now resumed the processing of these applications for permit pursuant to these agreements.

If you have any further questions or need additional information in this matter, Please feel free to contact me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ronald D. Carlson".

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:me

Enclosure

Water Rights -

Principle use of overflow
used on Ward Property For
Past 16 years

13-7156 and 13-7157 - Jess Elgan

Courtroom, Franklin County Courthouse, Preston, Idaho

May 4, 1977 - 1:00 p.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
Lynn M. Davis	Clifton, Ida	
Charles Carpenter for Elgan	Preston, Idaho	Ch. Elgan
Lyle H. Luck	Reynolds, Ida	-
Glenn L. Dickinson	Reynolds, Idaho	
Earl Ward	Dayton, Idaho	
Paul L. Hart	Dayton, Idaho	
Owen Ames	Preston, Ida	-

Condition: The water use under this permit
maybe altered by the agreement
reached by the permit holder and
the protestants at the protest hearing
held on May 4, 1977.

meas.
device

W.H.M.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval
of Applications for Permit No. 13-7156 and
13-7157 in the Name of JESS ELGAN

NOTICE OF COMBINED CONFERENCE
AND/OR HEARING

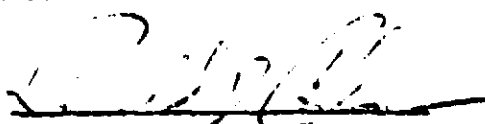
On March 10, 1977, Jess Elgan filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On April 4, 1977, the Department received a protest against approval of said application from Earl H. and Anna Mae Ward. On April 6, 1977, the Department received additional protests from Frank L. Hart and Kayle G. and Claude L. Richins.

The Department has set the matter of protests for conference and/or hearing for Wednesday, May 4, 1977, at 1:00 p.m., in the Courtroom of the Franklin County Courthouse, Preston, Idaho. Because of the similarity of the issues involved, the Department has combined these hearings. 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 protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all costs incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 15th day of April, 1977.



RONALD D. CARLSON

Supervisor, Eastern Region

Clifton Idaho
10 April 1977

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

Attn: Ronald D. Carlson

Re: Applications for Permit No. 13-7156 and 13-7157

Dear Sir:

Thank you for your letter of 7 April 1977. I intend to submit a complete argument at the hearing, but for background information and my basic position I submit the following:

All protests came from a single ranch which has passed through four owners during the past few years. It has changed hands three times in the last two years with two of the owners being absentee owners. The present owners are the Richins Brothers.

I purchased my ranch from Andrew Hunt in 1975, who purchased from the estate of Ira Hillman in 1967, the son of the man who homesteaded in early days. I have purchased part of and have an option to purchase the Rosenhan ranch which borders me on the south. I am in the process of building a new home and ranch buildings. I am selling approximately 160 acres with the old home to finance my building.

The spring referred to is a series of springs which emerge on the Rosenhan and Richins Ranches. I do not believe there is any protest over that part of the spring system which arises in section 6, but only those springs which issue from East 1/2, E1/2, SW1/4, Sec 5, and are partly on the Rosenhan Ranch and partly on the Richins Ranch. The water from Sec 6 does not flow from off the Rosenhan Ranch.

Protest of Earl and Anna Mae Ward

1. I grant that the spring has been used by the Claude Richins ranch for years, but it has also been used by my ranch since the early days. I do not claim more than 1/2 interest in this spring.
2. I do not need a right-of-way across the Richins ranch since my points of diversion will be on the Rosenhan and Beckstead Ranches. I have signed right of ways across both ranches.

Protest of Frank L. Hart

1. Mr. Hart's argument against a well permit sounds like the reverse of the argument used against Mr. Hart by Mr. Hunt in 1975. Certainly Mr. Hart was not concerned about the spring flow to my ranch when he located his test hole less than 1/2 mile from the spring and on the same fault from which the spring feeds.

page 2

The Richins Brothers asked for and received my help as a geologist in finding a new drill site since Mr. Harts test hole was dry. The site I located has been drilled and logged. It appears successful. I have drilled a test hole on my Ranch 1900 feet south of the Richins test hole and approximately 3500 feet from the spring.

At the hearing I will show why there will be no interference between the two wells, and also no interference with the spring.

2. A diversion cannot possibly reduce the quality of the spring water which is used for culinary purposes by both ranches.

Protest of Kayle G. and Claude L. Richins

1. Since I own $\frac{1}{2}$ of the spring and that is all I intend to use, I will not reduce Richins water one iota. Presently more than 50% of the water is being wasted by sinking into the ground before it can be used by myself or the Richins. I intend to establish a definite water right for my ranch, and develop water that is now being wasted.

2. I am not speculating and will not "tap" Richins water.

3. Over 90% of the water in our area is subsurface and has never been developed. Two wells will have an insignificant impact on this resource. I am sure my resources are not as great as the Richins, however they are adequate as witnessed by the improvements on my ranch since purchase.

Please advise me if other information would be useful prior to a hearing.

Very truly yours,

Jess B. Elgan



Cecil D. Andrus
Governor

R. Keith Higginson
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7100

April 7, 1977

RE: Applications for Permit No. 13-7156 and 13-7157

Mr. Jess Elgan
Clifton,
Idaho 83228

Dear Mr. Elgan:

Enclosed please find additional protests submitted by Kayle G. and Claude L. Richins and Frank L. Hart against the above referenced applications.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CM

Enclosures (2)



Cecil D. Andrus
Governor

R. Keith Higginson
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

April 7, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7188

RE: Application for Permit No. 13-7156 and 13-7157 JESS ELGAN

Mr. Frank L. Hart
112 North Oakwood Drive
Layton, Utah 84041

Dear Mr. Hart:

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: CM

cc: IDWR - State Office



Carl D. Anderson
Governor

R. Keith Higginson
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

April 7, 1977

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

RE: Applications for Permit No. 13-7156 and 13-7157 JESS ELGAN

Mr. Kayle G. Richins
13650 So. 13th West
Riverton, Utah 84065

Dear Mr. Richins:

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?

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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:CM

cc: IDWR - State Office



Cecil D. Andrus
Governor

R. Keith Miggison
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

April 7, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7188

RE: Applications for Permit No. 13-7156 and 13-7157 JESS ELGAN

Mr. Claude L. Richins
13634 So. 13th West
Riverton, Utah 84065

Dear Mr. Richins:

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: CM

cc: IDWR - State Office

FROM THE DESK OF

Frank L. Hart

RECEIVED

APR 6 1977

Department of Water Resources
Eastern District Office

April 4, 1977

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

Gentlemen:

I, Frank L. Hart, of 112 N. Oakwood Drive, Layton, Utah, protest the granting of Permit No. 13-7156 for the drilling of a well and Permit No. 13-7157 for the diversion of water from a spring on the following grounds:

The pumping of the well may impair water under my Permit number 13-7116 dated October 14, 1975. The filing may further reduce the quality of water available from a spring which supplies culinary water to my ranch. The spring is located about one half mile from the planned well location.

The diversion of the water from the spring under 13-7157 may further reduce the quality of the water available from a spring which supplies culinary water to my ranch, the outflow from which said spring has supplied said ranch for forty years.

Very truly yours,

Frank L. Hart
Frank L. Hart

PHag

APR 6 1977

Department of Natural Resources
Eastern District Office

April 4, 1977

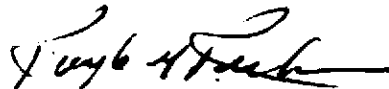
Dear Sir

Per my phone call with you this day at 10:30am, in regards to well permits 13-7156 and 13-7157.

I am sending a certified and notarized letter of protest against issuing well permits 13-7156 and 13-7157.

As I live out of state and did not hear of this request until this morning - this being the last day to protest I do not have time to appear in person so I am submitting a definite protest against these permits being issued, and I am sending my request for a hearing to appeal these permits if necessary.

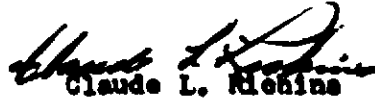
Thank you.



Kayle G. Richins

13650 So. 13th West

Riverton, Utah 84065



Claude L. Richins

13634 So. 13th West

Riverton, Utah 84065

Yur/Enclosure

Kayle G. Richins

I do hereby certify that Claude L. Richins appeared before me this 4th day of April 1977.

My commission expires: Feb/ 14, 1979



NOTARY PUBLIC

Residing in: Midvale, Utah

APR 6 1977

Department of Water Resources
Eastern District Office

1. The water supply will definitely reduce under the present water rights.

2. As of now no one can be sure the water supply will be insufficient for purpose intended but it seems he is speculating with intent to tap our source of water.
3. Our financial resources are very adequate - the other applicant I do not know.

C. L. Richins
Kayle G. Richins

Claude L. Richins

Kayle G. Richins appeared before me this 4th day of April

1977.

Stanley W. Burson
NOTARY PUBLIC

My Commission expires: Feb. 14, 1979

Resides: Midvale, Utah



Cecil D. Andrus
Governor

R. Keith Higinson
Director

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT

April 6, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7188

RE: Applications for Permit No. 13-7156 and 13-7157 JESS ELGAN

Mr. & Mrs. Earl H. Ward
Dayton, Idaho 83232

Dear Mr. & Mrs. Ward:

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: CM

cc: IDWR - State Office



Carl D. Andrews
Governor

R. Keith Higginson
Director

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES EASTERN DISTRICT

April 6, 1977

1818 Lincoln Road
Idaho Falls, Idaho 83401
(208) 823-7188

Mr. Jess Elgan
Clifton, Idaho 83228

Dear Mr. Elgan:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 13-7157. 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 assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CM

cc: IDWR - State Office

RECEIVED

APR 4 1977

April 4, 1977

Department of Water Resources
Eastern District Office

RE: Applications for Permit No. 13-7156 and 13-7157

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

Gentlemen:

I wish to protest the applications of Jess Elgan, No. 13-7156 and 13-7157.

The spring that Elgan wishes to file on is used for culinary purposes and the overflow has been used on the Claude Richens farm for around 50 years for irrigation.

No right-of-way or easement has been granted for Jess Elgan to pass through our property to install a pipeline.

Earl H. Ward
EARL H. WARD
Dayton, Idaho

Anna Mae Ward
ANNA MAE WARD
(Husband and Wife)

CONVERSATION MEMORANDUM

DATE 4/4/77

FILE _____

NAME OF PARTY Mr. Keith RichmanEMPLOYEE _____RE: Protest against the location of the new well site

Mr. Richman telephoned and stated he would like to file a protest against the location of the new well site and applications for permits for the new well site.

The spring located in the SE 1/4 of Sec. 14, T.4S, R.38E is located in his lot but has been privately used for many years by the former owner for domestic water which is diverted through a pipeline. The new well has been used by the owner of the Richman land for a signature for the past 20 years.

Mr. Talbot, president of the town, is in the process of installing a new 3" pipe line across Mr. Richman's property without obtaining permission from the owner.

I told Mr. Richman we would accept his telephone call as an intent to protest, but he would have to follow the telephone call with a written protest by return mail.

Mr. Richman also voiced a protest against the new well point, because it is to be located near the new well site he had selected to build to replace the well. Frank Hart, district water board # 13-7116 that did not seem to have enough water for a signature now owned by Mr. Richman.

March 14, 1977

RE: Application for Permit No. 13-7157

Mr. Jess Elgan
Clifton,
Idaho 83228

Dear Mr. Elgan:

This Department is currently processing the above referenced application for permit. However, it is noted that someone other than yourself owns the property at the point of diversion. Would you please submit a copy of your right-of-way agreement to this Department on or before April 4, 1977, the final date of protest.

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

Very truly yours,

LOREN O. HOLMES
Assistant Regional Supervisor

LOH:CM

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Jess Elgan,
Clifton, Idaho
has on 3-10-77 submitted Application No. 13-7157
for a permit to appropriate 2.00 cubic feet per second ~~XXXXXXXXXXXXXXXXXX~~
of water from an unnamed spring
by means of headgate and pipeline
within the SE1/4SE1/4, SE1/4NE1/4 (Lot 5), Sec. 6, NW1/4SE1/4, Sec. 5, T. 14S, R. 38E,
B.M., Franklin County;

to be used from Apr. 1 to Nov. 1
for the irrigation of 100 acres

within the SE1/4SE1/4, Sec. 5, E1/4NE1/4, Sec. 8, T. 14S, R. 38E, 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 April 4, 1977.

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho
on March 17 and March 24, 1977

Mr. J. C. [unclear]

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Jess Hgan 2
 Source _____
 Point of Diversion _____
 County _____
 Quantity of Water and Period of Use _____
 Description of Diverting Works _____
 Time required for B/U of water _____
 Place of Use or Acres Irrigated _____
 Map _____
 Signature _____
 Fee _____

(1) ARK 3/11/77
 (2) ARK 3/11/77

In form to receipt

Send Copies to:

Idaho State Health Department
Idaho Fish and Game Department
Bureau of Land Management

(3) ARK 3/11/77

Request Special Use Permit from U.S.F.S.
Request Easement from B.L.M.
Request Information from Applicant
Request Dam Safety Information

(4) ARK 3/11/77

In form for advertising

(5) ARK 3/11/77

Platted on Map No. DD42

(6) ARK 3/11/77

Located within Water District No. Reynolds 13

(7) ARK 3/11/77 n/a

Critical groundwater area: yes _____ no _____

(8) ARK 3/11/77 n/a

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) ARK 3/11/77

Other rights on the same place of use none

(10) ARK 3/11/77

Comments: none
none cu

(11) CU 3-25-77

Affidavit of Publication received (date) Mar 25-1977

(12) CU 4-04-77

Final date for protests April 4, 1977
 Protests received: yes _____ no _____

(13) RDC 11/23/77

All requested information received from agencies or applicant: yes _____ no _____

(14) LL LL

Action recommended:

☒ Approve _____ Deny

3/11/77 Proposed Priority

Reason for Reduction _____

☒ Measuring device required

☒ See attached sheet for other conditions of approval

see stipulation -