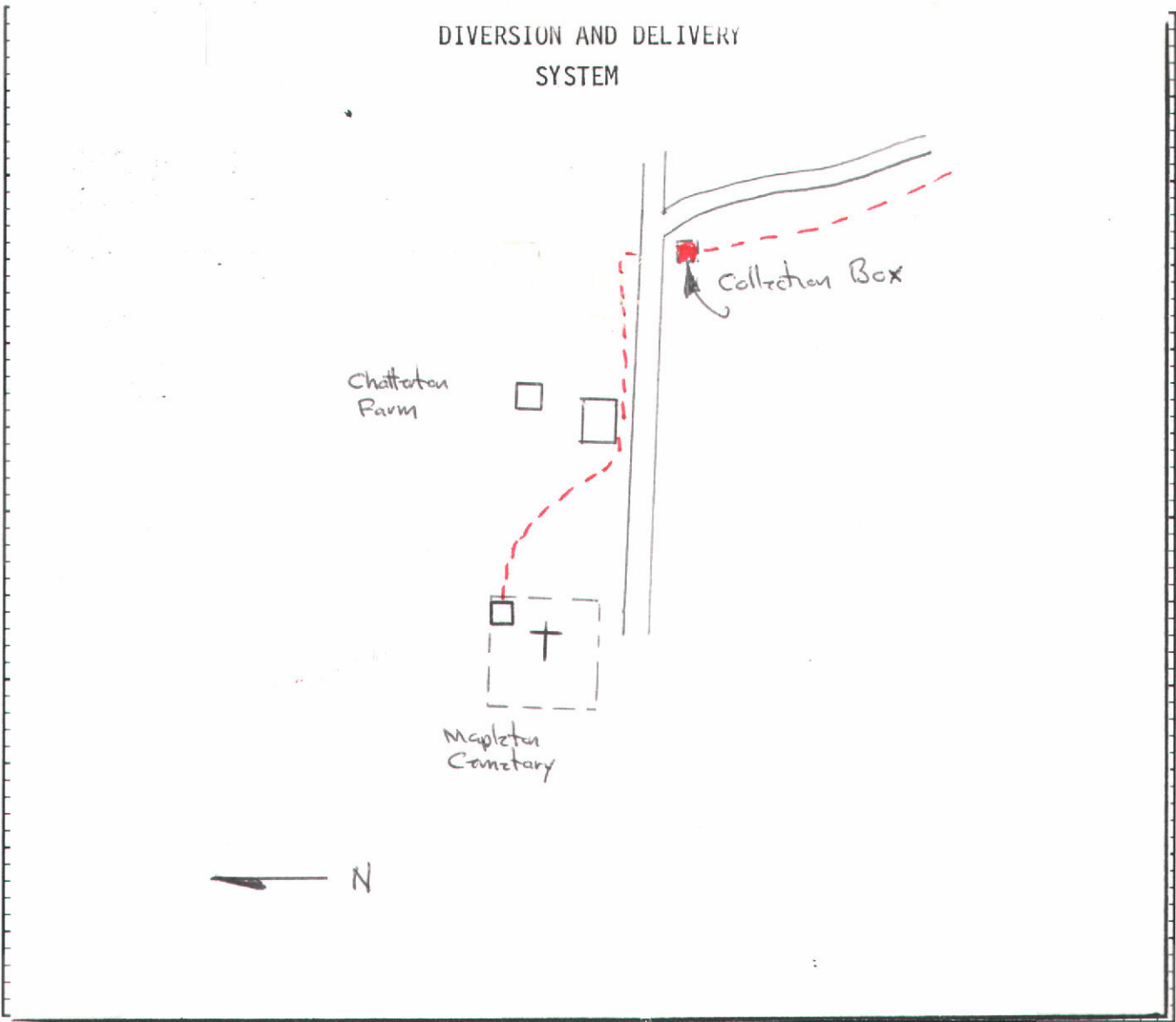




10. Other water rights on these lands N/A
11. Other water right diverted from same p.d. _____
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached
14. Remarks _____

15. 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
16. Examiner's/Consultant's Signature Steve Jones Date 9-30-85
Consultant's License Number _____
IDWR Director's Authorization to Conduct
Beneficial Use Examination _____

Date

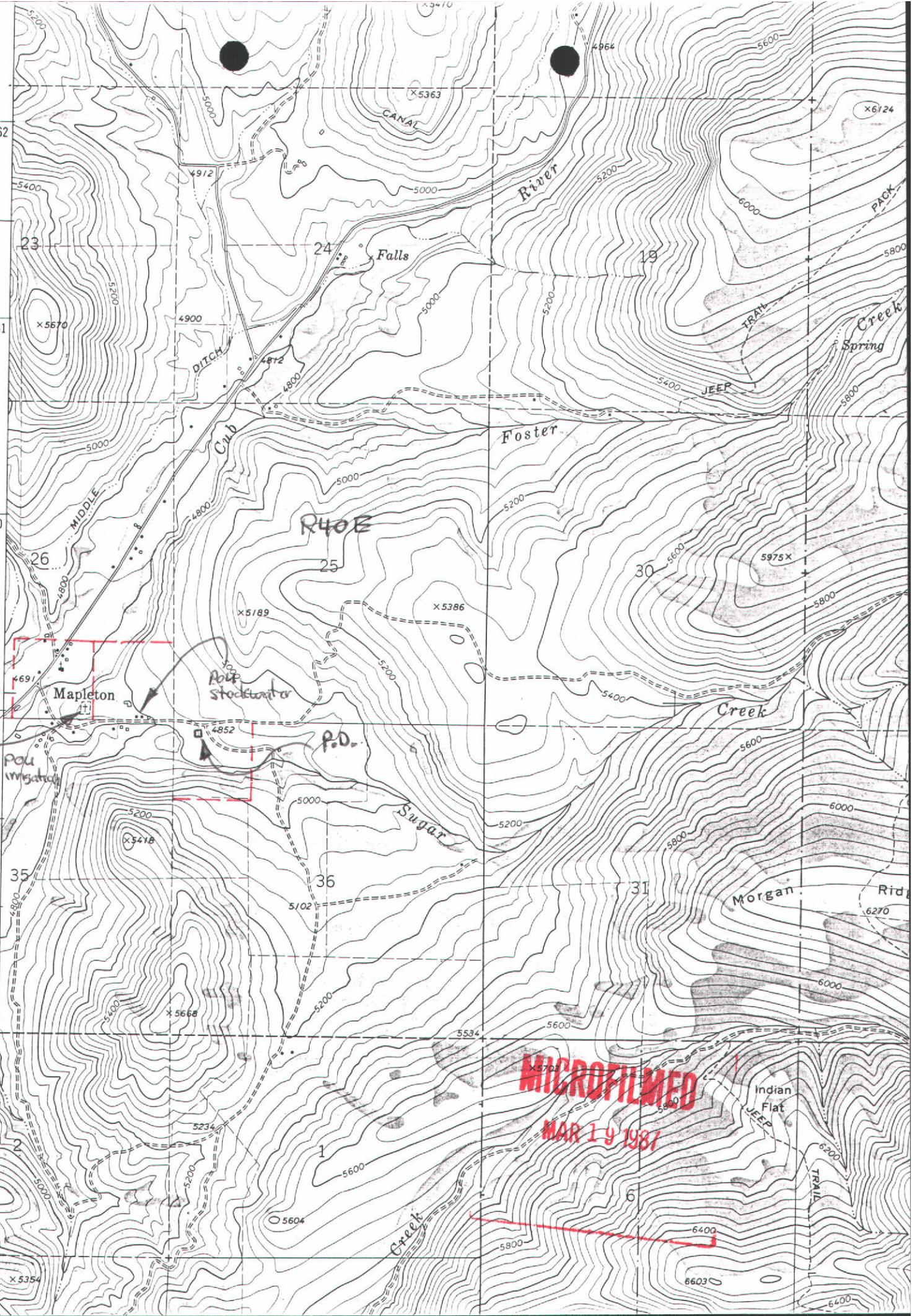
MICROFILMED
MAR 19 1986

CONSULTANT SEAL

#13-
7123

TISS

FRANKLIN (U.S. 91) 6 MI.
T. 15 S.
T. 16 S.
3668 III SE (FRANKLIN)
4656



MICROFILMED
MAR 19 1987

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-7123

Priority: December 4, 1975 Amount: .01 CFS 3.9 AF

This is to certify, that LA GRAND SPATIG
N. J. CHATTERTON
MAPLETON CEMETERY DISTRICT

RT. 3

PRESTON, ID 83263 has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated April 12, 1975, and has submitted proof to the Department of Water Resources on February 9, 1981, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .01 cfs of water from;

UNNAMED DRAIN tributary to SUGAR CREEK

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	04/01 to 11/01	.01 cfs	3.5 af
Stockwater	01/01 to 12/31	.01 cfs	.4 af
Totals		.01 CFS	3.9 AF

LOCATION OF POINT OF DIVERSION(S): NWNW , Sec. 36, Township 15S, Range 40E
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>ACRES</u>	<u>TOTAL</u>
15S	40E	26	SWSE	1			1

Total number of acres irrigated: 1

PLACE OF USE: Stockwater

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
15S	40E	26

SESE

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

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MAR 19 1981

PAGE 2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-7123

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 5TH day
of MARCH, 1987.

Acting for the

Director



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MAR 19 1987

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO.

13-7123

ORDER

WHEREAS, it has been determined by the Department of Water Resources that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from said permit.

Dated this 28 th day of August, 1978.

L. Glen Saxton

L. GLEN SAXTON

Chief, Operations Bureau

MICROFILMED

Identification No. 13 7123

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)

LaGrand Spatig, N.J. Chatterton, &

1. Name of applicant Mapleton Cemetery District Phone: 852-0850
post office address c/o LaGrand Spatig, Rt. #3, Preston, Idaho

2. Source of water supply unnamed drain which is a tributary of Sugar Creek

3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36 Township 15S
Range 40E B.M. Franklin County; additional points of diversion if any:
NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 15 S, R. 40E, B.M.

b. If water is not consumed, it will be discharged into _____ at a point in NW $\frac{1}{4}$
of NW $\frac{1}{4}$ of Section 36 Township 15S Range 40E B.M. Franklin

4. Water will be used for the following purposes:

Amount 0.06 for stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.04 for servicing purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.12 cubic feet per second and/or
b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 4 inch tile drain, collection box,
pipelines to places of use.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

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

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.

b. Estimated construction cost is \$ 5,000.00.

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26 Township 15S
Range 40E B.M.

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

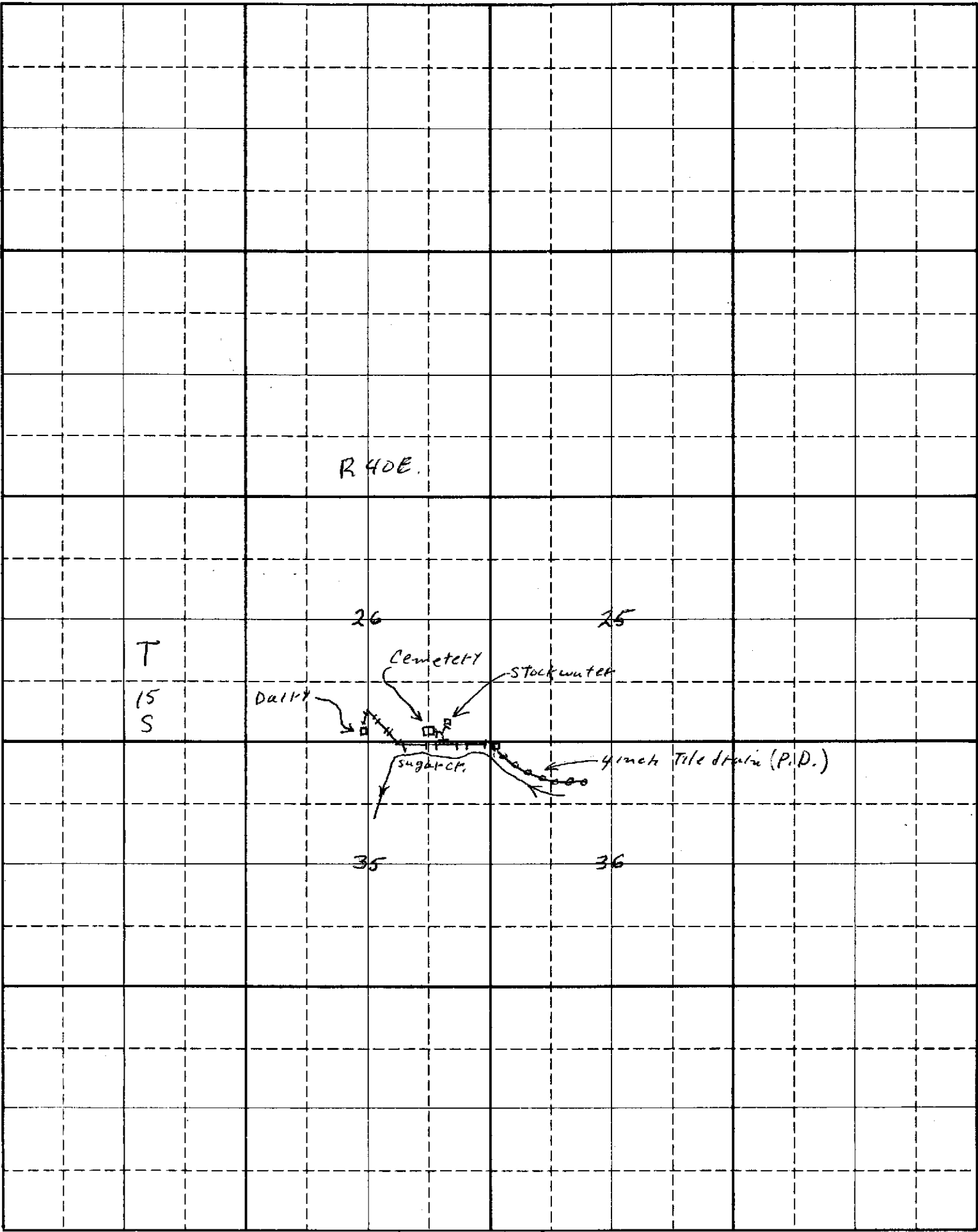
(3) List number of each kind of livestock to be watered 70 head of dairy cattle,
30 head of beef cattle

(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: washing water for a dairy barn.



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.

[Signature]

(Applicant)

[Signature]

Proposed Priority
12-04-75

Received by Mr. Date 12-04-75 Time 2:30 p.

Preliminary check by Fee \$10.00

Received by Mr. Date 12-04-75 #15510

Publication prepared by Mr. Date 12-10-75

Published in Bozeman Bulletin

Publication dates Dec. 18 + Dec. 26, 1975

Publication approved by Date 1-12-76

Priority reduced to _____ Reason _____

Protests filed by: Whitney Hoopes, Therman

Bozeman 1-05-76

Copies of protests forwarded by Mr. 1-7-76

Hearing held by _____ Date _____

Recommended for approval denial by EDC DRT

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. 13-7123, 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 April 1, 1981

c. Other: A measuring device of a type approved by the Director shall be

permanently installed and maintained as part of the diverting works.

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

Witness my hand this 27 day of

April

1976

Director

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

John H. Ross

being duly sworn,

deposes and says:

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

December 18, 19*75* and endingwith the issue of *December 25*, 19*75*Fee \$ *15.54*Subscribed and sworn to before me this *8* dayof *January 1, 1976**John H. Ross*

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19*78*

RECEIVED

JAN 12 1976

Department of Water Resources
Department of Water Resources
Eastern District OfficeNOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that LaGrand Spatig, N. J. Cherterton, & Mapleton Cemetery District, Preston, Idaho have on 12-04-75 submitted Application No. 13-7123 for permit to appropriate 6 cubic feet per second water from an unnamed drain, tributary to Sugar Creek by means of drain at

entertained with a dinner for their new baby daughter, Jessica. Dinner was served to Mr. and Mrs. Robert Brown and family of Wells-ville, Mr. and Mrs. John Wyatt and family of Smithfield and Mr. and Mrs. Darrell Wyatt and family of Logan.

Mr. and Mrs. James Kirkbride and family of Franklin attended fast meeting in Georgetown where they witnessed the blessing of a grandchild, a girl, who was given the name of Charity Ann. After meeting they

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
 County of Franklin } ss.

Wayne D. Bell

being duly sworn,

deposes and says:

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

February 19, 19*76*, and ending

with the issue of *February 26*, 19*76*

Wayne D. Bell

Fee \$ *11.84*

Subscribed and sworn to before me this *1* day

of *March*, 19*76*.

De Ann D. Geddes

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19*78*

RECEIVED

MAR 3 1976

Department of Water Resources
 Eastern District Office

NOTICE OF CORRECTION

Notice is hereby given that Application No. 13-7123 in the names of LaGrand Spatig, N. J. Chatterton, & Mapleton Cemetery District was advertised incorrectly on December 18 and December 26, 1975. The point of diversion was advertising as being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T. 15S, R. 40E, B.M., Franklin County.

WHEREAS, the actual points of diversion are within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 15S, R. 40E, B.M.

Any protests against the granting of this permit as a result of this correction must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before March 8, 1976.

R. KEITH HIGGINSON
 Director

Published in the Preston Citizen, Preston, Idaho, on February 19 and February 26, 1976.

Legal No. 92 — Pub. Feb. 19, 26, 1976.

March 6, 1987

LA GRAND SPATIG
RT. 3
PRESTON, ID 83263

RE: Permit No. 13-7123

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

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MAR 19 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address
Statehouse
Boise, Idaho 83725
(208) 334-4440

February 12, 1987

RE: Permit No. 13-7123

La Grand Spatig, et al
Rt. 3
Preston, ID 83263

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAR 19 1987

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JAN 2 1986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

Permit No. 13-7123

Phone No. 852-1126

1. Owner: Mapleton Cemetery District + Chattanooga Phone No. 852-1126
Current Address: Rt. 3 Preston, ID.
2. Accompanied by: Wendell Long EXAM. DATE: 8-14-84
Address: _____ Phone No. 852-1195
Relationship to Permit Holder: Cemetery caretaker
3. Source: Drain tributary to Sugar Creek

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	NA	NA	NA	NA	NA

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
Storage box + 4" Drain line to Chatterton Farm for stockwater of 10-15 head of cows and then to cinderblock shed on Cemetery grounds + the to 2 sprinklers for irrigation of Cemetery grounds.
Spottiss (3rd Family named on permit) appear not to be hooked up to line.

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

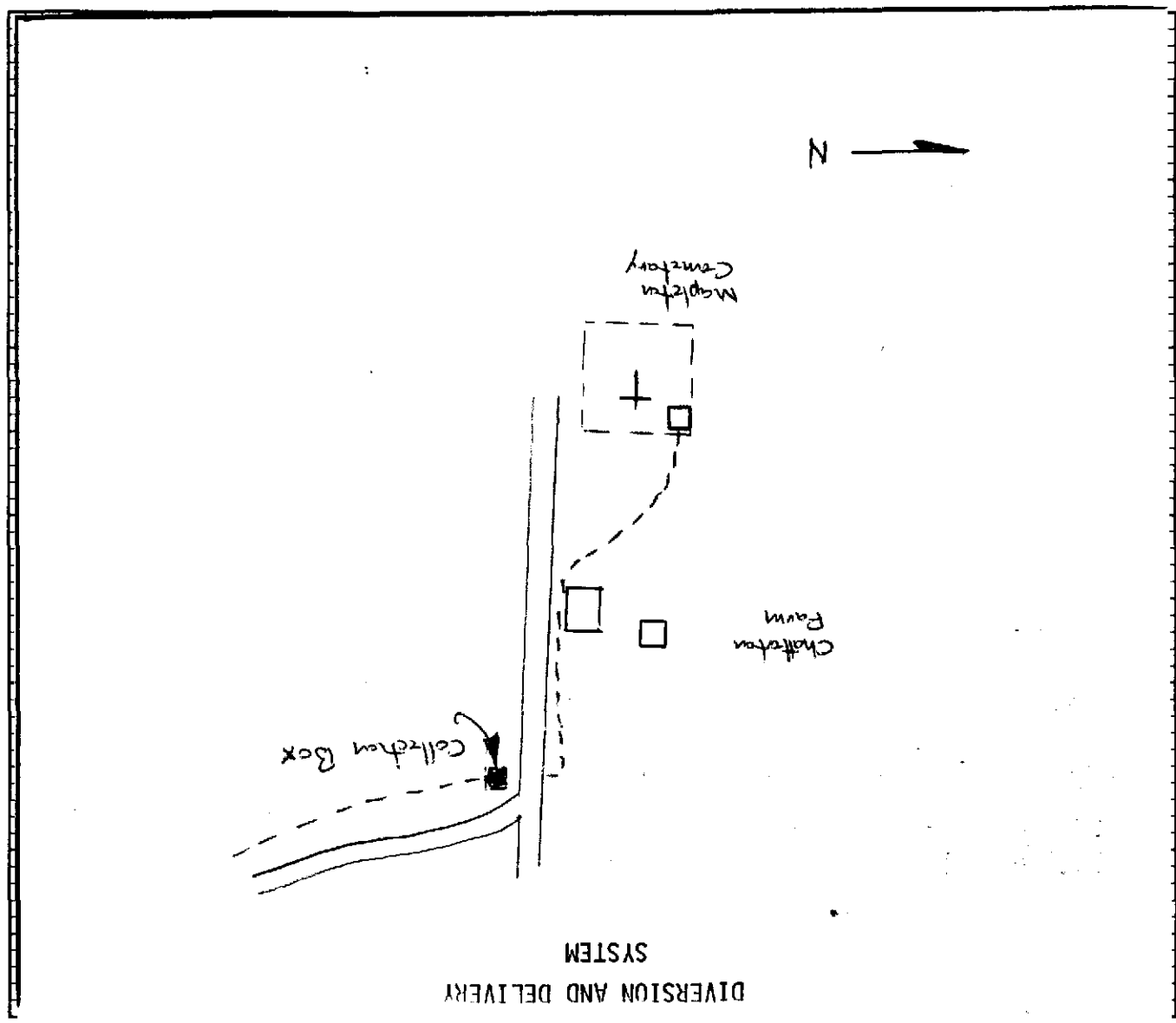
7. Measurements ψ_i^{10} $\times$ $\xrightarrow{2 \text{ birds}}$ $\times$ ψ_i^{10} ☐ Additional data/computation sheets attached
 $5/32 \text{ N.}$

- [illegible]

- | Irrigation - give acres served by system at time of exam.
Indicate Method of Determination | | | | | | | | | | | | | | | | | | | | |
|---|------|------|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------------|--------|
| Place(s) of Use: | | | | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
| Twp. | Rge. | Sec. | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 15S | 40E | 26 | | | | | | | | | | | | | | | | I | X | 1 |
| | | | | | | | | | | | | | | | | | | A | S | |
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| | | | | | | | | | | | | | | | | | | | Total Acres | 1 |

10. Other water rights on these lands
11. Other water right diverted from same p.d.

12. Diversion and Delivery System Diagram: Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached
☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks

15. Recommended Amendments
☐ Change P.D. as reflected above
☐ Change P.U. as reflected above
16. Examiner's/Consultant's Signature *Alvin Jensen* Date *9-30-85*
☐ Add P.D. as reflected above
☐ Add P.U. as reflected above
☐ Other
☒ None

IDWR Director's Authorization to Conduct
Beneficial Use Examination

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED

13-7123
Permit No.

JAN 2 1986

1. Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

5/32 Nozzles on 2 birds @ 10psi = 2.1 gpm x 2 sprinklers = 4.2 gpm
or 0.01 cfs

Stock water for 15 head of cattle = 0.01 cfs

b) Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1 \text{ acres} \times 3.5 \text{ cfs} = 3.5 \text{ cfs}$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.01 \text{ cfs} \times 214 \times 1.9835 = 4.2$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 3.5 \text{ cfs}$

c) Volume Calculations for Other Uses:

Stockwater for 15 head of cattle = 0.4 cfs

2. Overlap Review

a) Other water rights with same place of use: _____

b) Other water rights with same point of diversion: _____

c) Analysis: License for 0.01 cfs for each use. (Non-additive) ✓

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MAR 19 1987

Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
------------	----------	--------	-----------	----------------------	-----------------

- Address: _____

- | 6. Beneficial Use | Period of Use | Rate of Diversion | Annual Volume |
|-------------------|---------------|-------------------|---------------|
|-------------------|---------------|-------------------|---------------|

- | 6. Beneficial Use | Period of Use
From
To | Rate of Diversion
Q (cfs) | Annual Volume
V (af/a) |
|-------------------|-----------------------------|------------------------------|---------------------------|
| Transection | 4-1 | 0.01 | 3.5 |
| Stock | 1-1 | 0.01 | 0.4 |

- Allowable Maximums:

7. Point(s) of Diversion:

[illegible]

8. Place(s) of Use

[illegible]

9. Recommended Conditions/Remarks:

10. 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

11. Examiner's Signature _____ Date 7-30-88

- Checked in Regional Office by Dan Waldman Date 12-30-05

- Approved in State Office by _____
Date 1-8-81

MAR 19 1987

UNCLASSIFIED

Date 9-30-88

Date 12-30-85

Date 1-8-87

#13-7123

G.P.M.

PSI	Nozzle 9/64" dia.	Nozzle 5/32" dia.	Nozzle 11/64" dia.	Nozzle 7/32" dia.
2	0.5	0.7	1.1	1.5
3	0.7	1.0	1.4	2.0
4	0.9	1.2	1.6	2.4
5	1.1	1.4	1.9	2.8
6	1.2	1.5	2.1	3.1
7	1.3	1.7	2.3	3.5
8	1.5	1.9	2.4	3.8
9	1.6	2.0	2.6	4.0
10	1.7	2.1	2.7	4.3
11	1.8	2.3	2.9	4.5
12	1.9	2.4	3.0	4.8
13	2.0	2.5	3.2	5.0
14	2.1	2.6	3.3	5.3
15	2.2	2.7	3.4	5.5
16	2.3	2.8	3.5	5.7
17	2.4	2.9	3.6	5.9
18	2.5	3.0	3.7	6.1
19	2.6	3.1	3.8	6.2
20	2.65	3.26	3.92	6.37

$$Q = A \sqrt{2gh}$$

$$A = \text{area in ft}^2$$

$$h \text{ in ft of head} = \text{psi} \times 2.308$$

$$S = 32.2$$

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MAR 19 1987

#13-
7123

TISS

T. 15 S.

T. 16 S.

3668 III SE
(FRANKLIN)

MICROFILMED
MAR 19 1987

[illegible]



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

February 26, 1981

RE: Permit No. 13-7123

N.J. Chatterton & Mapelton Cemetary District
Rt. F.D. #3
Preston, Idaho 83263

Gentlemen:

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

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

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

Very truly yours,

HAROLD W. JONES
Sr. Resource Agent

cc: IDWR - State Office

MICROFILMED

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. 13-9123

Name(s) of Permit Holder: W. Chatterton Mapeton Cemetery Dist

Post Office Address: Box 3 Preston Idaho
208-852-1726

Source of Water: Drain

Extent of Use:

☐ Domestic	(number of households)
☐ Stockwater <u>40</u>	(number and type of stock)
☐ Irrigation <u>1/4 A</u>	(acres) <u>Cemetery Dist</u>
☐ Other	

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

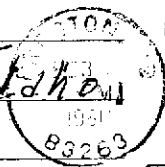
Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

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

Feb 7-81
Date

W. Chatterton
Signature of Permit Holder

N. Chatterton
RFD 3 Proston Idaho
83263



RECEIVED

FEB 9 1981



Department of Water Resources
IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

SPATIG, LA GRAND, N. J. Chatterton & Mapleton Cemetery Dist.
C/O LA GRAND SPATIG
RT. 3
PRESTON, ID 83263

158343

JANUARY 31, 1981

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 13-7123 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE APRIL 01, 1981. (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. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

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

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

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

July 28, 1980

Dear Wateruser:

The enclosed Order removes the measuring device requirement as a condition of approval from your permit.

If you have installed the measuring device, the field examination can be more expediently conducted by the Department's field examiner. In addition you will derive benefit from water management information which may be obtained from the installed meter.

If you have questions regarding this matter, please contact this office or one of our Regional Offices.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:jg

Enclosure

Northern Region Office
Rt. #5 Box 203, Government Way
Coeur d'Alene, Idaho 83814

Southern Region Office
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301

Eastern Region Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Western Region Office
92 South Cole Road
Boise, Idaho 83705

MICROFILMED

file

BDF

March 1, 1976

RE: Application for Permit No. 13-7123

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

Dear Mr. Castleton:

The Department is in receipt of your letter of February 25, 1976, concerning your client's objection to the above referenced application for permit.

The Department will proceed with the scheduling of a conference and/or hearing in this matter at our earliest convenience. You will be notified when the time and place has been established.

If you have any further questions, please contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

bc: Bob Fleenor
Darlene

MICROFILMED

RECEIVED

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

FEB 27 1976

Department of Water Resources
Eastern District Office

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

TELEPHONE:
(208) 852-2680

February 25, 1976

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

Re: Application for Permit No. 13-7123

Dear Mr. Carlson:

I have reviewed with my client your letter of February 10, 1976, regarding the re-publication of the above referenced Application for Permit.

The error which you brought to our attention will bring about no change in our protest since the change in section number merely changes the points of diversion to the section southeast of that originally advertised and which still includes the stream in question, Sugar Creek.

I should point however, that our client's protest is really a demand that they have the opportunity to sit down and discuss with the applicants their intentions regarding the water rights applied for.

I believe there are adequate grounds for resolving this matter in an informal atmosphere.

Yours very truly,

WILLIAMS AND CASTLETON



LOWELL D. CASTLETON
Attorney At Law

LDC/lit

Copy to Bob Fleenor:

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

February 10, 1976

RE: Application for Permit No. 13-7123

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

Dear Mr. Castleton:

We have on our records a protest submitted by you on behalf of Walter Knapp and Morris Gregory against the granting of the above referenced application for permit. We now find that this application was incorrectly advertised and, therefore, will be readvertised in the Preston Citizen on February 19 and February 26, 1976.

In the original publication the points of diversion were advertised as being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T. 15S, R. 40E, B.M. The actual points of diversion are within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 15S, R. 40E, B.M. If this change will effect your protest, please let us know by March 8, 1976.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

bc: Bob Fleenor

MICROFILMED

April 27, 1976

Re: Permit No. 13-7123

LaGrand Spatig
Rt. #3
Preston, MD 83263

Dear Mr. Spatig:

Enclosed is a copy of your approved Application for Permit No. 13-7123. 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

13-7123

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

*Spartig
(Chatterton)*

Item Initial Date

Application No. _____

- ☒ 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) *JAF* *12/9/75*

In form to receipt *yes*

(2) *"* *"*

Send Copies to:

- Idaho State Health Department
- Idaho Fish and Game Department
- NA* Bureau of Land Management

(3) *"* *"*

- NA* Request Special Use Permit from U.S.F.S.
- NA* Request Easement from B.L.M.
- Request Information from Applicant

(4) *"* *"*

In form for advertising *yes*

(5) *"* *"*

Platted on Map No. *153, 40E*

(6) *"* *"*

Located within Water District No. *N.A.*

(7) *"* *"*

Critical groundwater area: yes *"* no *NA*

(8) *"* *"*

Groundwater levels: *NA.*

Declining, Stable, Increasing

(comment) _____

(9) *"* *"*

Other rights on the same place of use *None*

(10) *"* *"*

Comments: *No known conflicting water rights*

(11) *aw* *3-02-76*
me *1-12-76*

Affidavit of Publication received (date) *3-02-76*
1-13-76

(12) *me* *1-5-76*

Final date for protests *March 8, 1976*
January 5, 1976

Protests received: yes *"* no *"*

(13) *RDC* *4/16/76*

All requested information received from agencies or applicant: yes *"* no *"*

(14) *11* *11*

Action recommended:

☒ Approve

RECEIVED
Deny

12/9/75 Proposed Priority

APR 20 1976

Reason for Reduction Department of Water Resources

☒ Measuring device required

PROTEST W/DRAWN

☒ See attached sheet for other conditions of approval

No special conditions for approval

(15) District *E*

By *RDC*

Date *4/16/76*

12-15-76
8-15-76
8-15-76



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

April 14, 1976

RE: Application for Permit No. 13-7123 LaGRAND SPATIG, N. J. CHATTERTON &
MAPLETON CEMETERY DISTRICT

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

Dear Mr. Castleton:

Pursuant to the information presented at the conference held in Pocatello, Idaho, April 9, 1976, and in view of the fact that the only protest against the granting of this permit was withdrawn, the Department has now resumed the processing of this application for permit.

If you need further information or have additional questions, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

April 14, 1976

RE: Application for Permit No. 13-7123 LaGRAND SPATIG, N. J. CHATTERTON &
MAPLETON CEMETERY DISTRICT

Mr. LaGrand Spatig
Rt. #3
Preston, Idaho 83263

Dear Mr. Spatig:

Pursuant to the information presented at the conference held in Pocatello, Idaho, April 9, 1976, and in view of the fact that the only protest against the granting of this permit was withdrawn, the Department has now resumed the processing of this application for permit.

If you need further information or have additional questions, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

April 14, 1976

RE: Application for Permit No. 13-7123 LaGRAND SPATIG, N. J. CHATTERTON &
MAPLETON CEMETERY DISTRICT

Mr. N. J. Chatterton
Rt. #3
Preston, Idaho 83263

Dear Mr. Chatterton:

Pursuant to the information presented at the conference held in Pocatello, Idaho, April 9, 1976, and in view of the fact that the only protest against the granting of this permit was withdrawn, the Department has now resumed the processing of this application for permit.

If you need further information or have additional questions, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

April 14, 1976

RE: Application for Permit No. 13-7123 LaGRAND SPATIG, N. J. CHATTERTON &
MAPLETON CEMETERY DISTRICT

Mr. Devere Burbank
Rt. #3
Preston, Idaho 83263

Dear Mr. Burbank:

Pursuant to the information presented at the conference held in Pocatello, Idaho, April 9, 1976, and in view of the fact that the only protest against the granting of this permit was withdrawn, the Department has now resumed the processing of this application for permit.

If you need further information or have additional questions, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

April 14, 1976

RE: Application for Permit No. 13-7123 LaGRAND SPATIG, N. J. CHATTERTON &
MAPLETON CEMETERY DISTRICT

Mr. John Sharp
Attorney at Law
P.O. Box 158
Idaho Falls, Idaho 83401

Dear Mr. Sharp:

Pursuant to the information presented at the conference held in Pocatello, Idaho, April 9, 1976, and in view of the fact that the only protest against the granting of this permit was withdrawn, the Department has now resumed the processing of this application for permit.

If you need further information or have additional questions, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

April 14, 1976

RE: Application for Permit No. 13-7123 LaGRAND SPATIG, N. J. CHATTERTON &
MAPLETON CEMETERY DISTRICT

Mr. Morris Gregory
Rt. #3
Preston, Idaho 83263

Dear Mr. Gregory:

Pursuant to the information presented at the conference held in Pocatello, Idaho, April 9, 1976, and in view of the fact that the only protest against the granting of this permit was withdrawn, the Department has now resumed the processing of this application for permit.

If you need further information or have additional questions, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

April 14, 1976

RE: Application for Permit No. 13-7123 LaGRAND SPATIG, N. J. CHATTERTON &
MAPLETON CEMETERY DISTRICT

Mr. H. Walter Knapp
Rt. #3
Preston, Idaho 83263

Dear Mr. Knapp:

Pursuant to the information presented at the conference held in Pocatello, Idaho, April 9, 1976, and in view of the fact that the only protest against the granting of this permit was withdrawn, the Department has now resumed the processing of this application for permit.

If you need further information or have additional questions, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

April 14, 1976

RE: Application for Permit No. 13-7123 LaGRAND SPATIG, N. J. CHATTERTON &
MAPLETON CEMETERY DISTRICT

Mr. Otto Gregory
57 W. 2nd S.
Preston, Idaho 83263

Dear Mr. Gregory:

Pursuant to the information presented at the conference held in Pocatello, Idaho, April 9, 1976, and in view of the fact that the only protest against the granting of this permit was withdrawn, the Department has now resumed the processing of this application for permit.

If you need further information or have additional questions, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

13-7123

APPLICANTS

SPATIG -

PUT A DRAIN THROUGH PROPERTY
WANTED TO USE WATER TO IRRIGATE
CEMETERY.

1964 DECIDED TO EXTEND PIPE 2000'
TO CEMETERY.

1964 - DRAINS INSTALLED

CEMETERY HAS BEEN - IRRIGATED FOR
3 YEARS

PROTESTANTS -

NO - OBJECTION FOR CEMETERY USE

" " WATERING LIVESTOCK

NO NEW WATER AVAILABLE -

CUB RIVER IRRIGATION

V.S.

FRANKLIN

CREEK COURSE CHANGED BY SPATIG
IN ~1960

APPLICANTS -

~100 ACRES IRRIGATED FROM SUGAR
CREEK.

RECORDED

13-7123

Applicant - Mr. Sharp - attorney

Protestant Lowell Castleton

Drain constructed on Cemetery Land - 1962

How has the water be used since 1964 for irrigation

Protestants claim $9\frac{3}{5}$ cfs

Decree Cub River vs Franklin -

RECEIVED

13-7123 - LaGrand Spatig, N. J. Chatterton and Mapleton Cemetery District

Conference Room, Pocatello Municipal Airport, Pocatello, Idaho

April 9, 1976 - 3:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
LaGrand Spatig	Route #3 Preston Idaho	
Clare Burbank	Route #3 Preston Idaho	Mapleton Cemetery
J. Chatterton	Preston #3 Route 3 Preston Idaho	
John M. Chatterton	P.O. Box 158 Idaho Falls	All of above
Morris O. Gregory	Route #3 Preston, Idaho	Protestants
Lowell D. Castleton	Box 191 Preston, ID	
H. Walter Knapp	Route 3 Preston Idaho	
Otto Gregory	57th & S. Preston Idaho	

RECEIVED

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

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

- ☒ Show to whom and date delivered..... 13¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ RESTRICTED DELIVERY.
 Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

*Dr. Brand Spelling
 Rt. #3
 Creston, Iowa 83263*

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

42

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

Dr. Brand Spelling
 DATE OF DELIVERY *3-31-76*

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

RETURN
TO



DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

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



RECEIVED

APR 2 1976

Department of Water Resources
Eastern District Office

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

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

- ☒ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ RESTRICTED DELIVERY.
 Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Samuel D. Castleton
P.O. Box 191
Greaton, Ill. 63263

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

41

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

B. G. Parliament, Sec

4. TIME OF DELIVERY

MIC 4-1-76

MARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

137123

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**



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

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



RECEIVED

APR 2 1976

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
1515 Lincoln Road • Idaho Falls, Idaho
83401

Turned Receipt

Name and Address of Sender

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

Attach stamp here if issued on certificate of mailing or fee certificate. Copies of this bill, POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEZ	R.R. FEE	POST. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS
1	37 The Stanton & Davis, Rt. 1, Box 904, Delmar, Del.	13	30	15				49-2312 & 15
2	38 The Stanton & Davis, Rt. 1, Box 904, Delmar, Del.	13	30	15				"
3	29 Lee & Johnson, Rt. 1, Box 104, Delmar, Del.	13	30	15				"
4	30 1104 Wilcox, Box 103, Delmar, Del.	13	30	15				"
5	31 Arthur & Suzanne, Box 92, Delmar, Del.	13	30	15				"
6	32 James J. Schaeffer, Delmar, Del.	13	30	15				"
7	33 John W. Johnson, Rt. 1, Delmar, Del.	13	30	15				
8	34 James C. Johnson, Box 14, Delmar, Del.	13	30	15				
9	35 George W. Chandler, Rt. 1, Box 828, Delmar, Del.	13	30	15				
10	36 Fred Munkel, Delmar, Del.	13	30	15				
11	37 Melvin & Catherine, Rt. 1, Delmar, Del.	13	30	15				
12	38 John & Marie, Delmar, Del.	13	30	15				
13	39 James & Bernice, Rt. 1, Delmar, Del.	13	30	15				
14	40 Melvin & Maudie, Rt. 1, Box 90, Delmar, Del.	13	30	15				13-7123
15	41 Samuel & Esther, P.O. Box 119, Centerville, Del.	13	30	15				"
16	42 Edward & Mary, Rt. 3, Centerville, Del.	13	30	15				"
17	43 Carl & Bernice, Rt. 1, Centerville, Del.	13	30	15				15-7026
18	44 J. M. Brewster, Box 15, Centerville, Del.	13	30	15				"
19	45 James & Mary, Box 10, Centerville, Del.	13	30	15				"
20								

TOTAL NO. OF PIECES LISTED BY SENDER 19 TOTAL NO. OF PIECES RECD AT P.O. 19 POSTMASTER-Per (Name of registered addressee) Declaration of value is required on international registered mail. * U. S. CUSTOMS SERVICE OFFICE, 1500-1500

Post Form 3877, Dec. 1973 APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL FORM MUST BE MADE OUT IN INK OR BALL POINT PEN



IN THE MATTER OF)
PROTESTS AGAINST)
THE GRANTING OF)
APPLICATION FOR)
PERMIT 13-7127)

STIPULATION
AND
AGREEMENT.

~~WE HEREBY AGREE THAT ALL~~
~~OF THE FACTS PERTINENT TO THIS~~
~~MATTER HAVE BEEN PRESENTED~~
~~DURING THE CONFERENCE HELD~~
~~ON APRIL 9, 1976 AT POCOTELLO, IDAHO~~
~~THEREFORE, WE WAIVE OUR RIGHT TO~~
A FORMAL HEARING AT THIS TIME
AND AGREE TO ALLOW THE DEPT
OF WATER RESOURCES TO REACH
A DECISION IN THIS MATTER
BASED UPON THE INFORMATION
PRESENTED AT THE CONFERENCE AND
INFORMATION AVAILABLE IN THE
OFFICIAL FILES OF THE DEPARTMENT

And the ~~all~~ written facts presented ^{by the protestants} within 10 day
~~SIGNED AT POCOTELLO, IDAHO THIS~~
~~5th DAY OF APRIL, 1976~~
of the hearing

IN THE MATTER OF)
APPLICATION FOR)
PERMIT 13-7123)

WITHDRAWAL
OF
PROTEST

SINCE WE DO NOT KNOW
IF THERE IS WATER AVAILABLE
TO SUPPLY THE USES INDICATED
ON THE ABOVE REFERENCED APPLICATION
WE AGREE TO WITHDRAW OUR
PROTESTS PROVIDED IT IS RECOGNIZED
WE HAVE PRIOR WATER RIGHTS
AND THAT THESE NEW APPROPRIATIONS
WILL BE SUBJECT TO THESE PRIOR
RIGHTS. AND ADEQUATE REGULATING DEVICES
BE REQUIRED AND INSTALLED.

SIGNED AT POCATELLO, IDAHO
THIS 9th DAY OF APRIL, 1975.

Morris C. Gregory
H. Walter Knapp

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval)
of Application for Permit No. 13-7123)
in the name of LaGRAND SPATIG, N. J.)
CHATTERTON, and MAPLETON CEMETERY DISTRICT)

NOTICE OF CONFERENCE
AND/OR HEARING

On December 4, 1975, LaGrand Spatig, N. J. Chatterton and Mapleton Cemetery District filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On January 5, 1976, a protest against approval of said application was received from Walter Knapp and Morris Gregory.

The Department has set the matter of protest for conference and/or hearing for Friday, April 9, 1976, at 3:00 p.m., in the Conference Room of the Pocatello Municipal Airport, Pocatello, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

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

Dated this 30th day of March, 1976.


RONALD D. CARLSON

Supervisor, Eastern Region

March 30, 1976

Mr. Merle Wilhelm
Airport Manager
Pocatello Municipal Airport
P.O. Box 1021
Pocatello, Idaho 83201

Dear Mr. Wilhelm:

This is to confirm the use of the Conference Room for conference and/or hearing to be held by this office on Friday, April 9, 1976 at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CM

March 1, 1976

RE: Application for Permit No. 13-7123

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

Dear Mr. Castleton:

The Department is in receipt of your letter of February 25, 1976, concerning your client's objection to the above referenced application for permit.

The Department will proceed with the scheduling of a conference and/or hearing in this matter at our earliest convenience. You will be notified when the time and place has been established.

If you have any further questions, please contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

bc: Bob Fleenor
Darlene

770

RECEIVED

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

FEB 27 1976

Department of Water Resources
Eastern District Office

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

TELEPHONE:
(208) 852-2680

February 25, 1976

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

Re: Application for Permit No. 13-7123

Dear Mr. Carlson:

I have reviewed with my client your letter of February 10, 1976, regarding the re-publication of the above referenced Application for Permit.

The error which you brought to our attention will bring about no change in our protest since the change in section number merely changes the points of diversion to the section southeast of that originally advertised and which still includes the stream in question, Sugar Creek.

I should point however, that our client's protest is really a demand that they have the opportunity to sit down and discuss with the applicants their intentions regarding the water rights applied for.

I believe there are adequate grounds for resolving this matter in an informal atmosphere.

Yours very truly,

WILLIAMS AND CASTLETON



LOWELL D. CASTLETON
Attorney At Law

LDC/lit

Copy to Bob Fleenor:



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

February 10, 1976

RE: Application for Permit No. 13-7123

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

Dear Mr. Castleton:

We have on our records a protest submitted by you on behalf of Walter Knapp and Morris Gregory against the granting of the above referenced application for permit. We now find that this application was incorrectly advertised and, therefore, will be readvertised in the Preston Citizen on February 19 and February 26, 1976.

In the original publication the points of diversion were advertised as being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T. 15S, R. 40E, B.M. The actual points of diversion are within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 15S, R. 40E, B.M. If this change will effect your protest, please let us know by March 8, 1976.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

bc: Bob Fleenor

February 9, 1976

RE: Application for Permit No. 13-7123

The Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 3-03-76 by Carl

RDC:ME

Legal Notice (1)

NOTICE OF CORRECTION

Notice is hereby given that Application No. 13-7123 in the names of LaGrand Spatig, N.J. Chatterton, & Mapleton Cemetery District was advertised incorrectly on December 18 and December 26, 1975. The point of diversion was advertised as being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T. 15S, R. 40E, B.M., Franklin County.

WHEREAS, the actual points of diversion are within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 15S, R. 40E, B.M.

Any protests against the granting of this permit as a result of this correction must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before March 8, 1976.

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho, on February 19 and February 26, 1976.

11-10-76
me-a.

JOHN M. SHARP
W. JOE ANDERSON
EUGENE L. BUSH

LAW OFFICES
SHARP, ANDERSON & BUSH
490 MEMORIAL DRIVE
IDAHO FALLS, IDAHO 83401

P.O. BOX 158
(208) 522-3001

FRANKLIN N. SMITH, JR.
J. RICHARD SHARP
DOUGLAS R. NELSON

January 15, 1975

RECEIVED

JAN 16 1976

Department of Water Resources
Eastern District Office

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

Re: Application of LaGrand Spatig
Application No. 13-7123

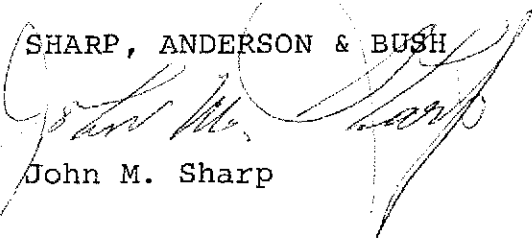
Dear Mr. Carlson:

Mr. Spatig has referred to me your letter to him dated January 7, 1976, which enclosed a copy of the protest filed in behalf of Mr. Knapp and Mr. Gregory.

Because we represent Mr. Spatig in this matter, we would appreciate your informing us the date and place of any conference and/or hearing in this matter. If you feel the problem could be resolved with an informal hearing, we are prepared to meet at your convenience and that of counsel for the protestants. We like to believe that an informal conference might be more productive than a formal hearing. At any event, we would appreciate being informed of further steps taken in this matter.

Very truly yours,

SHARP, ANDERSON & BUSH


John M. Sharp

JMS/kb
cc. Lowell D. Castleton
cc. LaGrande Spatig



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

January 7, 1976

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

RE: Application for Permit No. 13-7123

LaGrand Spatig
Rt. #3
Preston, Idaho 83263

Dear Mr. Spatig:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 13-7123. You should be aware that 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 cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required (Section 41-202, Idaho Code).

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

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

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

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:ME

CC: IDWR - State Office
Enc: Copy of Protest(s)



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

January 7, 1976

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

RE: Application for Permit No. 13-7123

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

Dear Mr. Castleton:

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
District Engineer

RDC ME

CC: IDWR - State Office

January 5, 1976

RE: Application for Permit No. 13-7123

The Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on December 18 and December 26, 1975.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

RECEIVED

JAN 5 1976

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

Department of Water Resources
Eastern District Office

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

TELEPHONE:
(208) 852-2680

January 3, 1976

IDAHO DEPARTMENT OF WATER RESOURCES
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Protest of WALTER KNAPP and MORRIS GREGORY to
Application No. 13-7123, submitted by LAGRAN
SPATTIG, N. J. CHATTERTON, & MAPLETON CEMETERY
DISTRICT, Preston, Idaho

Gentlemen:

This Law Firm has been retained to file a protest against the granting of the above-referenced water application. The protesting parties are WALTER KNAPP and MORRIS GREGORY.

The basis for this protest is three-fold:

- a) The application notice as published in the local newspaper, THE PRESTON CITIZEN, is confusing in its wording, possibly due to typographical errors. Said errors make a thorough analysis of the application impossible;
- b) Said application, if approved, would adversely affect existing prior rights of the protestants, acquired by them or their predecessors in title previous to this application;
- c) The "unnamed drain" mentioned in the notice is not only a tributary to Sugar Creek, but the water procured through the use of the drain subs from Sugar Creek at a higher point in the first place, and has been made possible by alterations in the natural flow of Sugar Creek;

There is also a lack of clarity as to any use already being made of the water applied for and the uses which are proposed. The proposed uses may also conflict with existing rights of the protestants.

An investigation and/or hearing in this matter appears necessary.

Yours very truly,

WILLIAMS AND CASTLETON



Lowell D. Castleton
Attorney at Law

December 12, 1975

RE: Application for Permit No. 13-7123

The Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 1-02-76 by me

RDC:ME

Legal Notice (1)

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that

IaGrand Spaulding, N. J. Chat-

terton, & Mapleton Ceme-

tery District, Preston, Idaho

have on 12-04-75 submitted

Application No. 13-7123 for a

permit to appropriate 0.12

cubic feet per second of

water from an unnamed

drain, tributary to Sugar

Creek by means of drain and

pipelines within the

NW 1/4, NE 1/4, NW 1/4,

Sec. 26, T. 15S, R. 40E, B.M.

Franklin County, to be used

from Jan. 1 to Dec. 31 for

daily servicing and stock-

watering purposes for 100

head of cattle within the

SE 1/4, SW 1/4, SE 1/4, Sec.

26, T. 15S, R. 40E, and from

Apr. 1 to Nov. 1 for the

irrigation of 1 acre within the

S 1/2, Sec. 26, T. 15S, R.

40E, 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 Re-

sources, 1515 Lincoln Road,

Idaho Falls, Idaho, 83401 on

or before January 5, 1976.

R. KEITH HIGGINSON

Director

Published in the Preston

Citizen, Preston, Idaho on

December 18 and December

26, 1975.

Legal No. 63 - Pub. Dec.

18, 26, 1975.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that LaGrand Spatig, N.J. Chatterton, & Mapleton
Cemetery District, Preston, Idaho
have
~~XXX~~ on 12-04-75 submitted Application No. 13-7123
for a permit to appropriate 0.12 cubic feet per second ~~acres feet per annum~~
of water from an unnamed drain, tributary to Sugar Creek
by means of drain and pipelines
within the NW¹/₄, NE¹/₄, Sec. 26, T. 15S, R. 40E, B.M., Franklin County;

to be used from Jan. 1 to Dec. 31 for dairy servicing and stockwatering purposes
~~XXX~~ for 100 head of cattle within the SE¹/₄SW¹/₄, SE¹/₄SE¹/₄, Sec. 26, T. 15S, R. 40E, and
from Apr. 1 to Nov. 1 for the irrigation of 1 acre
within the S¹/₂SE¹/₄, Sec. 26, T. 15S, R. 40E, 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 _____
January 5, 1976.

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho
on December 18 and December 26, 1975.

*100-24
CST-74
CST-A*