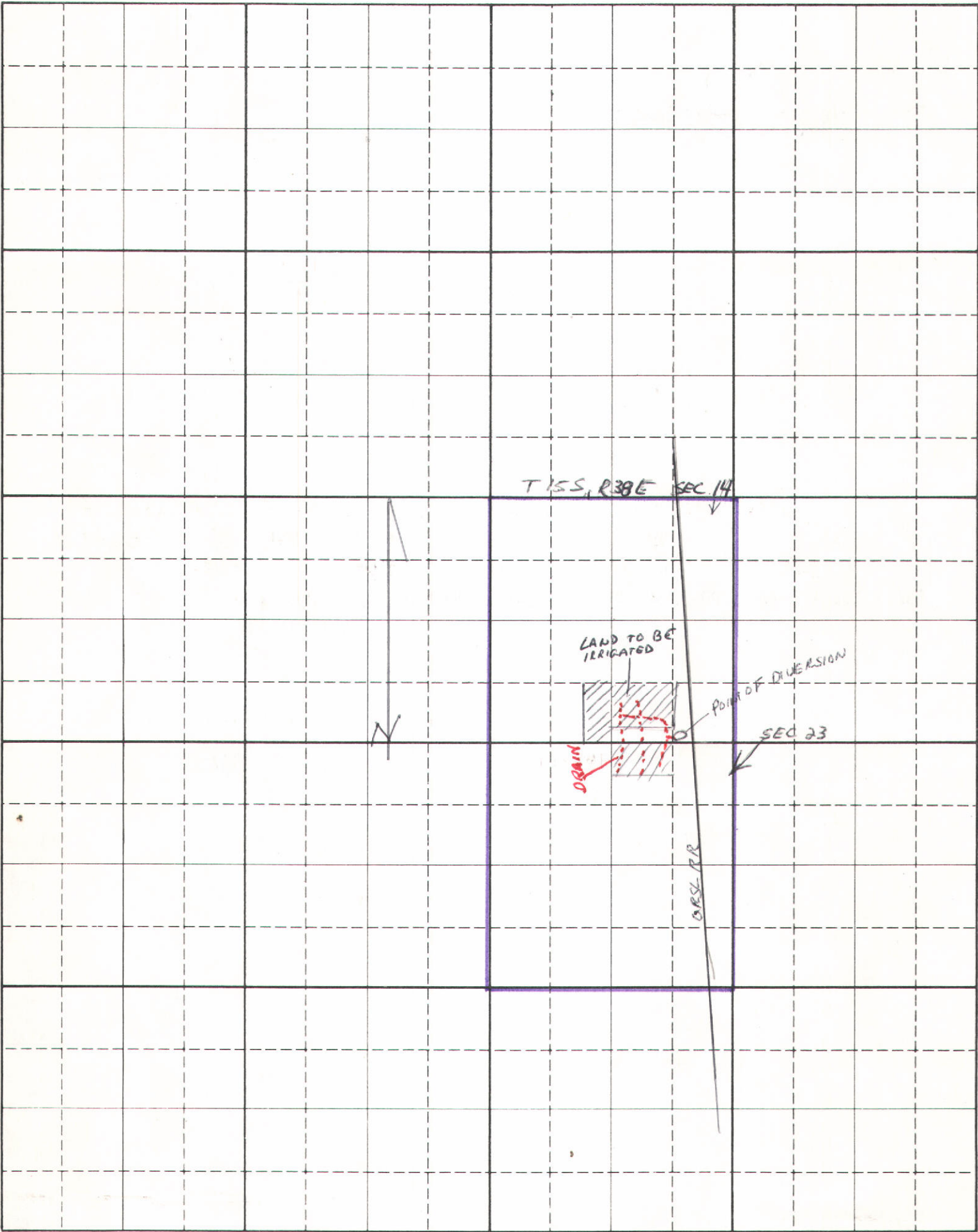


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Lewis Bergeson
(Applicant)

N

DAYTON, IDAHO

③ Cropland
26 Ac.

③ Cropland
27 Ac.

⑤ Cropland
45.4 ac.

SECTION LINE

DRAIN

- PROPOSED ROAD AS
PICT OF DUCKSON

- SLAUGHT POUNDS
ON OSU RR
RIGHTWAY

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

SS.

County of Franklin

J. Walter Ross

being duly sworn,

deposes and says:

That he is the *Co. publisher* of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

May 8, 19 *75*, and ending with the issue of *May 15*, 19 *75*

Fees, \$ *12.21*

Subscribed and sworn to before me this *2* day of *June*, 19 *75*.

DeAnn D. Ladden

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19 *78*.

RECEIVED

JUN 4 1975

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Travis Bergeson, Dayton, Idaho has on 4-25-75 submitted Application No. 13-7110 for a permit to appropriate 1.5 cubic feet per second of water from an unnamed drain by means of pump and drain within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 15S, R. 38E, B.M., Franklin County; to be used from May 1 to October 1 for the irrigation of 75 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 15S, 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 May 27, 1975.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on May 8 and May 15, 1975.

Legal No. 2885 — Pub. May 8, 15, 1975.

cu

13-7110

See D-9

C
18.4

B
7.1

A
9.5

11 12
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E
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D
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D-155
126D
Clyde Palmer

C
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B
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D
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E
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A
13.0

E.O. + Travis
Bergeson

B
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Verl Page

A
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D-441
145D

D-134
125D

C
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D-483
124D

D
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A
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D-183
477D
Martin

Eldon
Hobbs

B
9.2

D
4.5

E
3.0

A
8.5

D-184
143D
E.O. + Travis
Bergeson

A
9.7

D-548
485D
Rosella
Smart

C
7.9

B
24.3

D-555
146D
Douglas Phillips

A
4.2

A
6.1

D-607
16D
Jack Goodell

D
6.1

C
10.2

B
4.4

A
10.6

E-609
144D

F
4.4

G
1.5

Edwin Hendrickson

A
4.0

D
10.0

D
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E.O. + Travis Bergeson

C
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D-134
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D-507
181D
Jack Goodell

C
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B
4.7

D-590

D-186D

Glade Housley

E
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D-173
189D
Clair
Westover

A
2.3

A
9.2

D-176
188D
E. Archibald

A
8.1

D-346
187D
Perry
Phillips

A
6.1

D-534
183D
Geo. Aston

B
8.7

A
4.4

D-32

182D

B
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B
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149D +

Sheldon
Beutler

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MICROFILMED

A
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D-583

13-7110



MICROFILMED

"NOT TO SCALE"

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 13-7110 Priority April 25, 1975 Amount 0.50 cfs

THIS IS TO CERTIFY, that Sheldon Beutler
of Weston, Idaho, has complied with the terms and conditions of Permit
No. 13-7110 issued pursuant to Application for Permit dated April 25, 1975,
and has submitted proof to the Department of Water Resources on August 9, 1979,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.72 cfs of water from unnamed drain,
tributary to sinks, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>0.50</u> cfs and	<u>212.0</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.50 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
212.0 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Twp.
15S, Rge. 38E in the County of Franklin

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15S	38E	13									13		20	20			6		59
		14																16	16

Total number of acres irrigated 75

This right when combined with all other rights shall provide no more than 0.02
cfs per acre nor more than 3.5 afa per acre for the lands above.

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25TH day of
May, 19 82.

ing for the Director

Norman C Young

MICROFILMED

RECEIVED

STATE OF IDAHO

JAN 27 1982

LICENSING

APPLICATION FOR AMENDMENT OF A PERMIT

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

Comes now Sheldon Beutler Phone _____
of (address) Weston, Idaho, 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. 13-7110, and requests that the permit and permit map be changed as follows:

- Point of diversion: NE 1/4 NE 1/4, Section 23, Township 15S, Range 38E, B.M.,
County of Franklin. Other points of diversion: _____
Re-diversion SE 1/4 SE 1/4, Sec. 14, Twp. 15S, Rge. 38E

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

Amount .50 for irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

- Place of use or land to be irrigated:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	38E	14																16	16
		13									13		20	20		6			59

Total number of acres to be irrigated = 75

- Who owns the property at the point of diversion? TRAVIS BERGESON
 - Who owns the land to be irrigated or the place of use? SHELDON BEUTLER
 - If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

RECEIVED

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

Sec	14
-----	----

X

5 Ek 23

Signed at 8: Am, this 25 day of January, 1982.

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by ~~_____~~ Fee = \$20.00

Publication prepared by WPA Date

Publication dates

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, of the Department of Water Resources hereby APPROVE the above Application for Amendment of Permit No. 13-7110.

APPROVE the above Application for Amendment of Permit No. 13-7110.

Witness my hand this 25 day of

May

82, 19

Director

מחלקת המודיעין

RECEIVED

State of Idaho
Department of Water Resources

JUL 25 1977 *ok 6*
Department of Water Resources

ASSIGNMENT OF PERMIT

I, Travis Bergeson, hereby assign to Sheldon Beutler
of Dayton, Idaho ^{Box 30} Weston, ID. per Field exam *Jan 1/19/82*
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 13 7110
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 19 day of July, 19 77.

Travis Bergeson
Permit Holder

Rae Bergeson
Spouse of Permit Holder

State of Idaho)
County of Franklin) ss.

On this 21 day of July, 19 77, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

[Signature]
Notary Public residing at
[Signature]

My commission expires:
April - 29 - 1980

MICROFILMED

1970 FEB 10

2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771 2772 2773 2774 2775 2776 2777 2778 2779 2780 2781 2782 2783 2784 2785 2786 2787 2788 2789 2790 2791 2792 2793 2794 2795 2796 2797 2798 2799 2800 2801 2802 2803 2804 2805 2806 2807 2808 2809 2810 2811 2812 2813 2814 2815 2816 2817 2818

Department of Water Resources

Permit No. 13 7110

Comes now Haris Bergeson of (address) _____

Dayton, Idaho, 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 7110, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14 Twp. 15S
Rge. 38E, B.M., County of Franklin. Other points of diversion:

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

Amount .50 for Irigation purposes from april 1 to nov 1, (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount for purposes from to (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated

~~80~~ 75

NOT FILLED

SE
X
S

6/10/59

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

(Signature)

I, BOBBY D. FLEENOR, Director of the Department of Water Resources
Chief, Operations Bureau

Chief, Operations Bureau

Witness my hand this 27 day of July, 19 77.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 13-7110 IN THE NAME OF
TRAVIS BERGESON

MEMORANDUM DECISION
AND ORDER

On April 24, 1975, Travis Bergeson, Dayton, Idaho, applied to the Department of Water Resources for a permit to appropriate 1.50 cubic feet per second of water from an unnamed sub-surface drain with a proposed point of diversion within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Twp. 15S, Rge. 38E, B.M., Franklin County, to be used from May 1 to October 1 for the irrigation of 75 acres of land.

The Department received protests against the granting of the permit from David A. Nash, Jr., H. Ward Nielsen, Lee C. Nielsen, and Wesley S. Nash. A conference was held to consider the protests against said application on July 10, 1975, at Preston, Idaho. The protestants were present and represented by Ralph H. Jones, Attorney at Law. The applicant was present and represented himself.

Both the applicant and protestants were given an opportunity to present testimony and evidence in the matter. The applicant also reduced the amount requested on the application to 0.50 cubic feet per second since that was the maximum flow of the drain.

All parties agreed to allow the Director of the Department to reach a decision on this matter based upon the information presented at the conference.

The Department has taken the matter under consideration and after having reviewed all pertinent testimony and evidence, including that contained in the Department's records, the Director of the Department of Water Resources makes the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

- (1) In 1974, the applicant constructed sub-surface drains in an attempt to reclaim land that had historically been too wet to allow effective farming.
- (2) The maximum flow in the completed drains is 0.50 cubic feet per second of water.
- (3) The information now available in the Department's files and that presented by the protestants at the conference does not show the water being developed by the applicant's drains prior to their construction, to have been tributary to the Weston-Dayton Slough.

CONCLUSIONS OF LAW

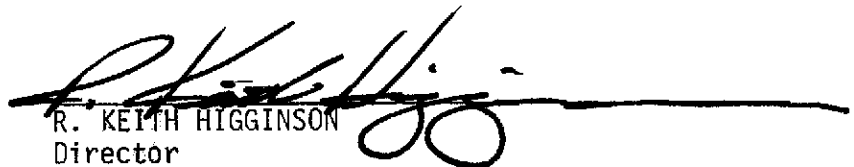
- (1) The water developed by the applicant is unappropriated water.
- (2) The protestants failed to show probable cause of interference to their water rights that would result from the approval of this permit.
- (3) The applicant is entitled to a permit from the Department of Water Resources.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 13-7110 is hereby APPROVED subject to the following conditions:

- (1) That this permit, be and is, subject to all prior existing water rights.
- (2) That the permit holder permanently install and maintain a measuring device as part of the diverting works.
- (3) That the overflow from his system be allowed to discharge into the natural drainage of the Weston-Dayton Slough.
- (4) That proof of construction of works and application of water to beneficial use be submitted to the Department on or before October 1, 1980.

Dated this 19 day of September, 1975.


R. KEITH HIGGINSON
Director

BDF:jfr



Identification No. 13 7110

Application No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPROVED

APPLICATION FOR PERMIT

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

ASSIGNED TO:
Sheldon Beutler
Dayton, ID 83232
7/25/77

1. Name of applicant TRAVIS BERGESON Phone: 747-3561
post office address Dayton, Idaho

2. Source of water supply Unnamed Drain which is a tributary of --

3. a. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 14 Township 15 S
Range 38 E B.M. Franklin County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into unnamed pond-slough on OSLRR right-of-way at a point in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23 Township 15 S Range 38 E B.M. _____

4. Water will be used for the following purposes:

Amount 1.5 for irrigation purpose from May 1 to October 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. 1.5 0.50 TB 7/10/75 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Electric pump placed in pond to be constructed at point of diversion which will receive water discharged from an unnamed drain being constructed on applicant's property.

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 \$ 3,000.00.

8. Description of proposed uses:

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

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

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

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

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

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

[illegible]

Total number of acres to be irrigated 75

75

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

125 Shares of Twin Lakes Irrigation Co.

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

Applicant

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

Applicant

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

applicant to make this filing-

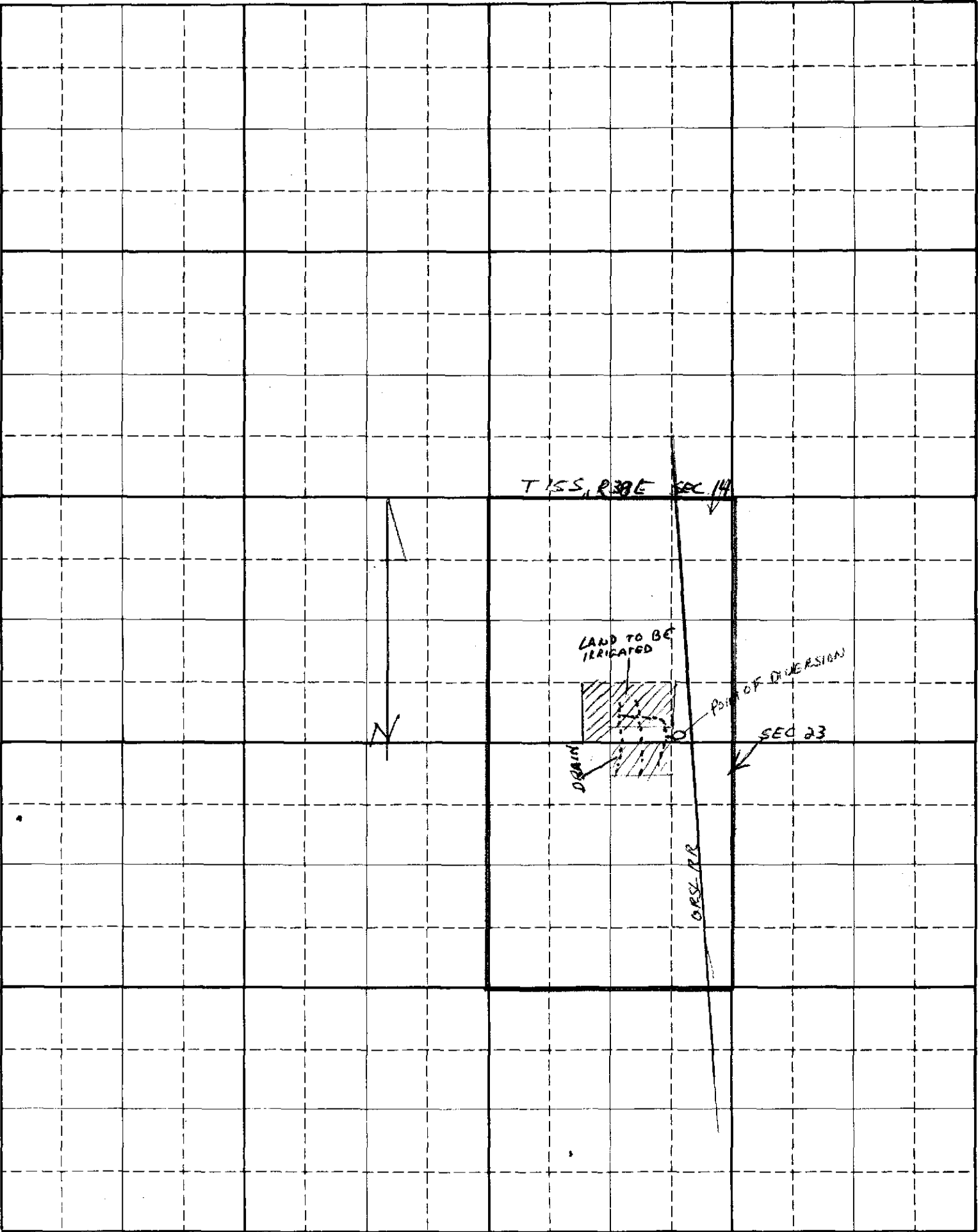
10. Remarks Construction of Drain commenced in February 1975, and it is

~~Construction of Drain commenced in February 1975, and it is~~

~~estimated that the drain will be completed by May 1, 1975 - Drain~~

~~proposed pond are designated on attached aerial photograph.~~

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.

Lewis Bergeson
(Applicant)

4-25-1975

Received by Cal Date 4-25-75 Time 9:58A
 Preliminary check by KCF Fee \$ 35.00
 Received by MB Date 4-25-75 # 4217
 Publication prepared by MB Date 5-1-75
 Published in Anti-Corruption
 Publication dates May 8 & 15, 1975
 Publication approved Cal Date 6-04-75
 Priority reduced to _____ Reason _____
 Protests filed by: Robert J. Hall, Robert
W. Hall, Jr., & John Hall, Jr.
W. Hall, Jr.
 Copies of protests forwarded by MB
 Hearing held by _____ Date _____
 Recommended for approval _____ denial by Doc

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. 13-7110, 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.

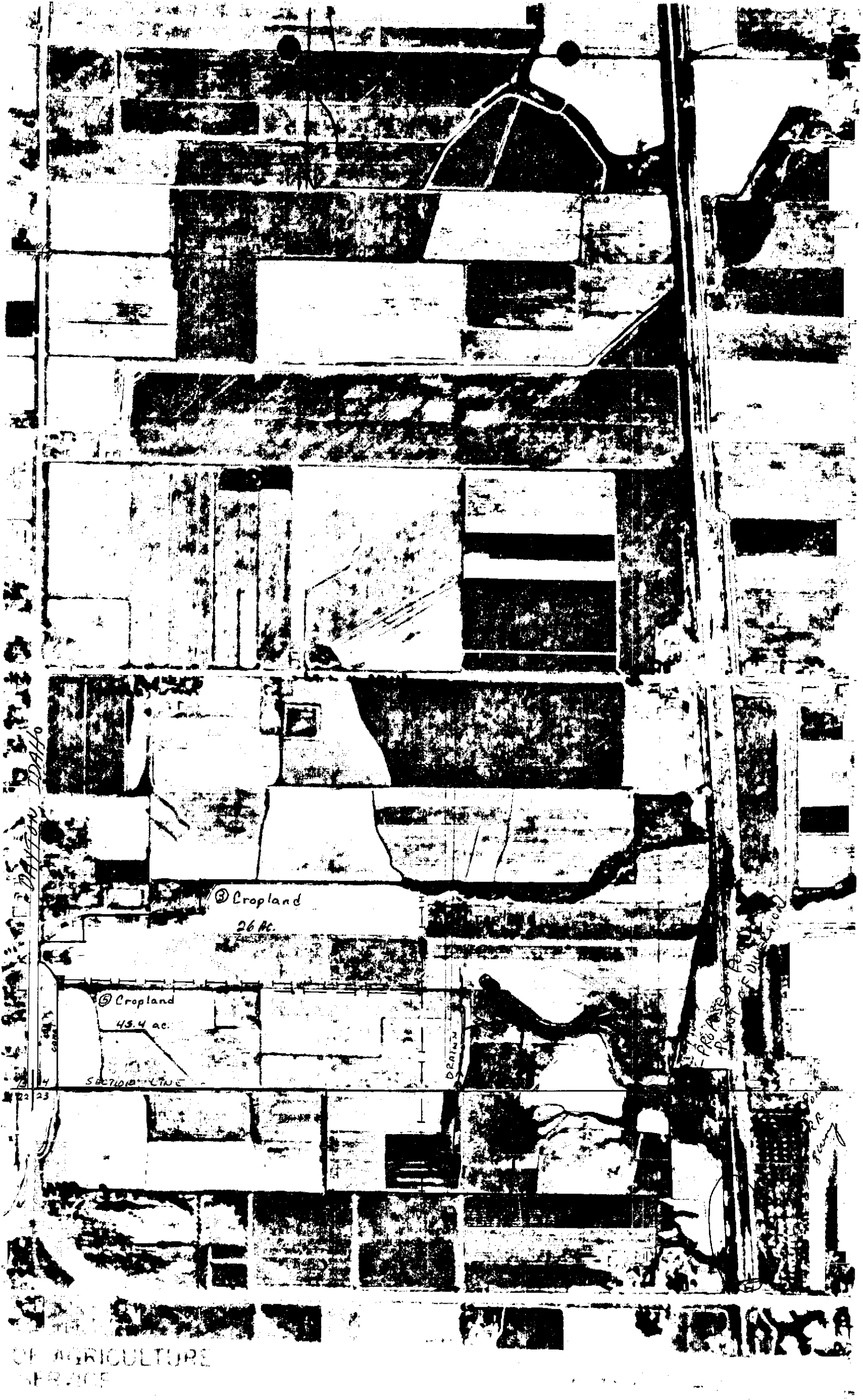
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 19 80.

c. Other: Pursuant to Memorandum Decision and Order dated September 18, 1975.

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

Witness my hand this 22 day of September 19 75

Director



DAYTON IDAHO

⑥ Cropland
26 ac.

⑤ Cropland
43.4 ac.

SECTION LINE

DRAIN

FARM AREA
PLOT OF DRAINAGE

OF AGRICULTURE
IN AID

RECEIVED

MAY 27 1975

Department of Water Resources
Eastern District Office

May 22, 1975

Mr. R. Keith Higginson, Director
Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Sir:

Notice of protest is hereby given by David A. Nash Jr. of Weston, Idaho against the application of Travis Bergeson, Dayton, Idaho Application No. 13-7110 for a permit to appropriate 1.5 cfs of water from an unnamed drain at the upper end of the Dayton slough.

David A. Nash Jr. has a water license No. 16646 for the right to use water of Weston-Dayton slough. Said water rights and usage have continued and are still in use and the application No. 13-7110 from the Dayton slough would interfere with and disturb the water rights and priority of the protestant.

Respectfully submitted,

David A. Nash Jr.

David A. Nash Jr.

May 23, 1975

Mr. R. Keith Higginson, Director
DEPARTMENT OF WATER RESOURCES
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

RECEIVED

MAY 27 1975

Department of Water Resources
Eastern District Office

Dear Sir:

Notice of protest is hereby given by H. Ward Nielsen and Lee C. Nielsen of Weston, Idaho, and protest is hereby made against the application of Travis Bergeson, Dayton, Idaho, on his application dated 4-25-75, application no. 13-7110, for a permit to appropriate 1.5 cubic feet per second of water from an unnamed drain by means of pump and drain within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 15S, R. 38E, B.M., Franklin County; to be used from May 1 to October 1 for the irrigation of 75 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 15S, R. 38E, B.M.

Objections are made to the approval of said application as the protestants are using said waters under a license of water rights no. 20759/13-2154 with a priority of December 16, 1948, for 1.85 cfs with an irrigation use from April 1 to November 1 of 1.85 cfs with an annual volume of 784 acre feet or 3 $\frac{1}{2}$ acre feet per acre. That said water has been beneficially used under said water license on 361 acres in Section 36, Twp. 15S, Range 38 EBM, all of which acreage is described in said water license and reference is made thereto for further particulars, and which is on record and on file with the Department of Water Resources, as well as storage reservoirs we own.

Objections are further made to the approval of said application as the water is claimed and used, and the application would interfere with the rights of the protestants. The protestants have reservoir storage rights on said Weston-Dayton slough under permit no. 13-2292 and otherwise. All available waters from the Weston-Dayton slough are now in use under water licenses and reservoir storage rights, and water appropriations, along said stream. The application should be denied.

Respectfully submitted:

H. Ward Nielsen

H. Ward Nielsen
Weston, Idaho

Lee C. Nielsen

Lee C. Nielsen
Weston, Idaho

May 21 1975

RECEIVED

MAY 23 1975

Department of Water Resources
Eastern District Office

Mr, R. Keith Higginson Director
DEPARTMENT OF WATER RESOURCES
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Sir:

Notice of Protest is hereby given by Wesley S. Nash of Weston, Idaho, and Protest is hereby made against the application of Travis Bergeson of Dayton Idaho, of his application dated May 15, 1975 No 13-7110 for the permit to appropriate 1.5 cubic feet per second of water from an unnamed drain by means of pump and drain within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec 14, T 15S, R 38E, B.M. Franklin County to be used from May 1 to Oct 1 for the irrigation of 75 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 14 NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 23, T 15S R 38E B.M.

Wesley Nash has Water License no 16646 Priority of Dec 19, 1938 for the right to use water from the Weston Dayton Slough a, tributary of Bear River, My record appears in the State Department Of Reclamation Volume 7, of Licenses Page 4276.

Mr. Bergeson has just bought the land that along the Slough this application no 13-7110 would interfere with and disturb the water right I have

Respectfully Submitted

Wesley S. Nash

Wesley Nash
Weston Idaho

CERTIFIED

No. 159423

MAIL

Mr. Ronald Carlson
Idaho Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho

83401



*cert
at Regd 450*

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

J. Walter Ross

being duly sworn,

deposes and says:

That he is the Co. publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

May 8, 19 75, and ending with the issue of May 15, 19 75.

Fees, \$ 12.21

Subscribed and sworn to before me this 2 day of June, 19 75.

Dennis D. Giddens

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 78.

RECEIVED

JUN 4 1975

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that, Travis Bergeson, Dayton, Idaho has on 4-25-75 submitted Application No. 13-7110 for a permit to appropriate 1.5 cubic feet per second of water from an unnamed drain by means of pump and drain within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 15S, R. 38E, B.M., Franklin County; to be used from May 1 to October 1 for the irrigation of 75 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 15S, 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 May 27, 1975.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on May 8 and May 15, 1975.

Legal No. 2885 - Pub. May 8, 15, 1975.

May 26, 1982

RE: Permit No. 13-7110

Sheldon Beutler
Box 130
Weston, ID 83286

Dear Mr. Beutler:

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of the approved application for amendment. Also enclosed is Departmental Receipt No. 21785 in the amount of \$20.00 for the filing fee on the amendment.

Please be advised that one of the conditions of your permit was that a measuring device be installed as part of your diversion works. That requirement has been waived with issuance of the enclosed license. However, in the event that water supply shortages become a problem installation of measuring devices may be required.

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosures

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

January 18, 1982

RE: Permit No. 13-7110

Sheldon Beutler
Box 130
Weston, ID 83286

Dear Mr. Beutler:

A representative of this Department made an examination of the works covered by your Permit No. 13-7110 and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 0.50 cfs Source: unnamed drain

The maximum quantity diverted shall not exceed 212.0 acre feet per year.

Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, Twp. 15S, Rge. 38E, Franklin County
Point of rediversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Twp. 15S, Rge. 38E
Beneficial use: Irrigation of 75 acres within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Twp. 15S, Rge. 38E

Priority date established: April 25, 1975

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

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

13-7110
Permit No.

CONTACT WITH PERMIT HOLDER

DATE INITIALS REMARKS

- ☐ Appointment letter mailed: _____
- ☐ Telephone call made: _____
(List Telephone No. used) _____
- ☐ Appointment scheduled for: _____
(Date, time, location) _____

EXAMINATION

Date 9-5-80 Accompanied by Mr. Beutler Total Q measured 0.72 cfs
If source is surface water, estimate total flow of source _____
Methods of measurement Stopwatch/measuring Tape Meets Permit requirements? _____

Measurement calculations:

4'x5' Concrete chamber
Water enters at a rate that fills 3 1/2' in 1 min 37 sec
4'x5'x3.5'/97 sec $V = 75 \text{ sec} \times 3.5 \text{ af} = 263 \text{ af/a}$
70 cfs/97 sec = 0.72 cfs $V = 0.5 \text{ cfs} \times 1.9835 \times 214 \text{ days} = 212 \text{ af/a}$

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
P.D.	5	Electric Motor Corp	68-02965-347	Berkley	7841704	Stop watch + Tape measure		
Point of Redirection	25	G.E.	DEF430465	Cornell	9654	Stop watch + Tape measure		

System Description From Drain-water collection well 6' deep x 48" diam., to 5 hp motor + pump thru 4" line (buried) to a Redirection PT (collection chamber 4'x5'x6' deep) approx 1/3 mile to the NE. Water is then pumped by 25 hp motor + Cornell centrifugal pump to 6" x 8" buried mainline.

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

Irrigation requirement = 3.5 AFA/Acre

USE	Q (cfs)	V (afa)	FROM	TO
Irrigation	0.50	212 af/a	April 1	Nov 1
Total				

Remarks

13-2162 Five mile creek
13-7198 Groundwater
13-7256 unconsolidated

1/20/82
Jim

Examiner's Signature

Date

ate

Date _____

11/10/80

24/05/1

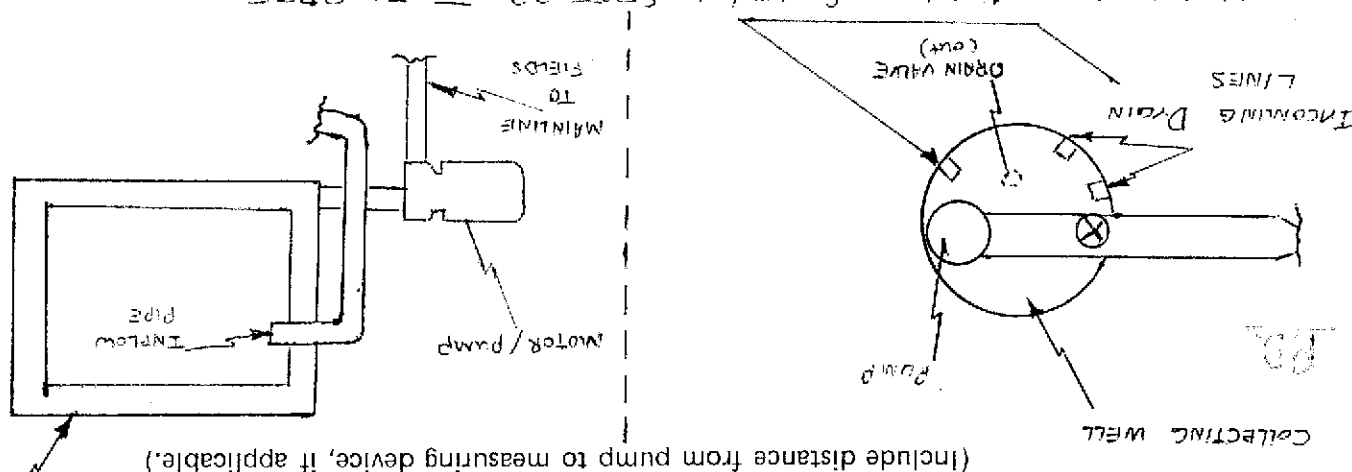
- Recommended Amendments:
- | | |
|--|---|
| ☒ Change P.D. as reflected above | ☐ Change P.U. as reflected above |
| ☐ Add P.D. as reflected above | ☒ Add P.U. as reflected above |
| ☐ None | ☐ Other |

Recommended Amendments:

[illegible]

Place(s) of Use

Point(s) of diversion: NE $1/4$ of NE $1/4$ SECT 23 T15S R38E
Point of Rediversion: SE of SE SECT 14 T15S R38E



SCHEMATIC DIAGRAM OF SYSTEM

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

[illegible]

MAP (Attach Aerial Photo)

Sec D-9

C
184

A
95

14 128

E
44

D
50.5

D-155
125D

Elyde Palmer

C
99

B
15.2

D
6.9

E
50

A
130

E.O. + Travis
Bergeson

B
90

Verl Page

D-441
145D

D-134
125D

D-483
124D

A
4

D-183
141D

Eldon
Hobbs

B
9.2

D
45

E
30

A
9.7

D-598
135D
Kosella
Smart

C
7.9

A
4.2

D
6.1

C
10.2

B
4.4

A
10.6

E-609
144D

Edwin Hendrickson

E
3.5

D
10.0

E.O. + Travis Bergeson

D
134

135D

Jack
Gordon

E
11.8

D
9.6

F
3.5

E
3.9

I
6.3

J
7.9

K
8.2

C
7.4

B
4.1

D-590

152160D

Gladys Housley

A
4.6

D-193
129D

Clara
Westover

D-176
188D

E. Archibald

D-346
189D

Phyllis

D-534
183D

Geo. Phillips

A
4.3

B
13.1

D-533

B
31.3

D-423
123D

Verl
Page

1405
Verl
Page
D-483
147D

D-489
149D

Shelia
Beutler

D-

"NOT TO SCALE"



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

RECEIVED

SEP 2 1979

Department of Water Resources

September 28, 1979

RE: Permit No. 13-7110

Sheldon Beutler
Box 30
Weston, ID 83286

Dear Mr. Beutler:

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,

JACKIE S. DENNING
Senior Clerk

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 7110

Name(s) of Permit Holder: SHELDON BEUTLER

Post Office Address: Box 130

Weston, Idaho 83286

Source of Water:

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation (acres)
☐ Other

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

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

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

8-9-79
Date

Sheldon Beutler
Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE

RECEIVED

1/18 9 1979

Department of Water Resources
Eastern District Office



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

July 27, 1977

Re: Permit No. 13-7110

Sheldon Beutler
Dayton,
Idaho 83232

Dear Mr. Beutler:

We acknowledge receipt of the assignment submitted conveying the above referenced permit to you. The assignment has been recorded and the Department's records changed.

Also enclosed is a copy of the approved application for amendment submitted for this permit along with Receipt No. 8553 for \$10.00 covering the amendment filing fee.

If you have any questions concerning this matter, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:j

Enc: Copy of amendment
Receipt No. 8553

Travis Bergeson

RECEIVED

July 18, 1977

Re: Permit Nos. 13-7110 and 13-7148

Mr. Travis Bergeson
Dayton, ID 83232

Dear Mr. Bergeson:

Enclosed are copies of your Permit Nos. 13-7110 and 13-7148, which you requested today.

We are sending you another Application for Amendment, as we noted from the file that you requested this form in September, 1975. The form was sent at that time, but was never returned to us. An Amendment must be filed in order to change a point of diversion or place of use on a permit.

Also enclosed, is an Assignment of Permit for the land you are selling under Permit No. 13-7110. You should complete and return this form when you land and water right are sold.

If you have any questions, please contact us.

Sincerely,

CARROL A. HOMUTH
Senior Clerk

CAH

Enclosures

September 25, 1975

Re: Permit No. 13-7110

Mr. Travis Bergeson
Dayton,
Idaho 83232

Dear Mr. Bergeson:

Enclosed is an amendment form which you requested. The filing fee for this amendment is \$10.00 which you may remit to this office when you return the amendment form.

Sincerely,

JANICE F. ROHM
Secretary

JFR

RECEIVED

September 23, 1975

Re: Permit No. 13-7110

Mr. Travis Bergeson
Dayton,
Idaho 83232

Dear Mr. Bergeson:

Enclosed is a copy of your approved Application for Permit No. 13-7110. 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

BDF:jfr

Enclosures

cc: Copy of Order to:
David A. Nash, Jr.
H. Ward Nielsen

Lee C. Nielsen
Wesley S. Nash

July 15, 1975

RE: Application for Permit No. 13-7110 TRAVIS BERGESON

Mr. Ralph Jones
Attorney at Law
Central Building
Pocatello, Idaho 83201

Dear Mr. Jones:

Please find enclosed a copy of the application which Travis Bergeson amended at the conference held on July 10, 1975. The Department is in the process of preparing a decision in this matter and it should be completed by the end of this month.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:mb

Enclosure

RE: Application for Permit No. 13-7110

in the name of TRAVIS BERGESON

We agree that all of the facts pertinent to this matter have been presented during the conference held on JULY 10 at PRESTON, IDAHO. We, therefore, waive our right to a formal hearing at this time and agree to allow the Department of Water Resources to rule on this matter based upon the information presented here today and information available in the official files of the Department.

Signed at Preston, Idaho this 10th day of July, 1975.

Lee G. Nielsen
H. Ward Nielsen
Shirley DeVark
Travis Bergeson

Travis Bergeson - 13-7110

Courtroom, Franklin County Courthouse, Preston, Idaho

July 10, 1975 - 11:00 a.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
John Nielsen	Weston	
Ralph H. Jones	Pocatello	Protestants
A. Ward Nielsen	Weston	
Wesley Nash	Weston	
Travis Bergeson		

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

Returned Receipts

- 13-7110
- **SENDER:** Complete items 1 and 2.
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¢
- ☐ DELIVER ONLY TO ADDRESSEE and
show to whom and date delivered..... 65¢
- ☐ DELIVER ONLY TO ADDRESSEE and
show to whom, date, and address of
delivery 85¢

2. ARTICLE ADDRESSED TO:

Wesley S. Nash

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

696

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

Wesley S. Nash

4.

DATE OF DELIVERY

6-21-75

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 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

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



**RETURN
TO**



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

RECEIVED

JUN 24 1975

Department of Water Resources
Eastern District Office

- **SENDER:** Complete items 1 and 2.
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¢
☐ **DELIVER ONLY TO ADDRESSEE** and show to whom and date delivered..... 65¢
☐ **DELIVER ONLY TO ADDRESSEE** and show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

H. Hard Nielsen

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

698

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

Nancy P. Nielsen

4.

DATE OF DELIVERY

6-21-75

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 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

RETURN
TO



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

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



JUN 14 1975

Department of Water Resources
Eastern District Office

- SENDER: Complete items 1 and 2.
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¢
☐ DELIVER ONLY TO ADDRESSEE and
show to whom and date delivered..... 65¢
☐ DELIVER ONLY TO ADDRESSEE and
show to whom, date, and address of
delivery 85¢

2. ARTICLE ADDRESSED TO:

David A. Nash, Jr.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	699	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

D. A. Nash Jr.

4.

DATE OF DELIVERY

6-23-75

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

Don

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

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



RETURN
TO



DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

1540 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

RECEIVED
JUN 24 1975

Department of Water Resources
Eastern District Office

- 13-7110
- SENDER: Complete items 1 and 2.
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¢
- ☐ DELIVER ONLY TO ADDRESSEE and
show to whom and date delivered..... 65¢
- ☐ DELIVER ONLY TO ADDRESSEE and
show to whom, date, and address of
delivery 85¢

2. ARTICLE ADDRESSED TO:

Travis Bergeson

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

695

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

Mrs. Travis Bergeson

4. DATE OF DELIVERY

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.

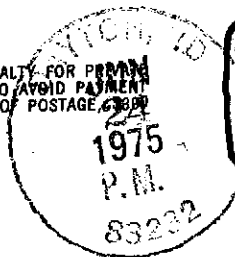
- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

**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 \$3.00



RECEIVED

JUN 25 1975

Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval)	
of Application for Permit No. 13-7110)	
in the name of TRAVIS BERGESON)	NOTICE OF CONFERENCE
_____)	AND/OR HEARING

On April 25, 1975, Travis Bergeson filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On May 23, 1975, the Department received a protest against approval of said application from Wesley S. Nash. On May 27, 1975, the Department received additional protests from David A. Nash, Jr. and a protest signed by H. Ward Nielsen and Lee C. Nielsen.

The Department has set the matter of protests for conference and/or hearing for Thursday, July 10, 1975, at 11:00 a.m., in the Courtroom of the Franklin County Courthouse, Preston, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the 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 19th day of June, 1975.


RONALD D. CARLSON
District Engineer

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

NAME AND ADDRESS OF SENDER

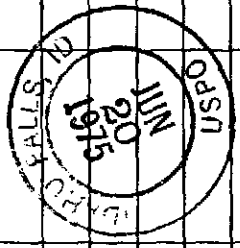
Indicate type of mail:
☐ Registered
☒ Certified
☐ Registered C.O.D.

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

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	FEES	R.R. FEE	POST. FEE	ACTUAL VALUE	SURCHARGE	REMARKS
1	Harold Peterson, Shoshone	10	30	15				13-711d
2	Harold J. Spaul, Shoshone	10	50	15				13-711d
3	Joe P. Williams, Shoshone	10	50	15				13-711d
4	W. Harold Williams, Shoshone	10	90	15				13-711d
5	Alvin H. Spaul, Jr., Shoshone	10	50	15				13-711d
6	Robert H. Spaul, Shoshone	10	50	15				13-711d
7	John H. Spaul, Shoshone	10	50	15				13-711d
8	William J. McKay, Shoshone	10	50	15				13-711d
9	J. Barker Williams, Shoshone	10	50	15				13-711d
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								

Post by Certified mail
16-20-45 MS

J.W. Williams Rec # 694



TOTAL NO. OF PIECES LISTED BY SENDER 9
TOTAL NO. OF PIECES RECD AT P.O. 9
POSTMASTER, PER (Name of receiving employee)
APPLICATION FOR REGISTRATION OR CERTIFICATION
(Surcharges are not required on international registered mail)
POD Form 3877, Nov. 1908

June 17, 1975

C
Franklin County Courthouse
Clerk of the District Court
Preston, Idaho 83263

Dear Sir:

O
This is to confirm the use of the Courtroom for conferences and/or hearings
to be held by this office on July 8, 1975, beginning at 9:00 a.m., and on
July 10, 1975, beginning at 9:00 a.m.

Thank you for your cooperation in this matter.

P
Very truly yours,

Y
RONALD D. CARLSON
District Engineer

RDC:MB

June 2, 1975

RE: Application for Permit No. 13-7110 BERGESON

The Preston Citizen
Box 472
Preston, ID 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 May 8 and May 15, 1975.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB

RECEIVED
JUN 10 1975

May 28, 1975

RE: Application for Permit No. 13-7110

Mr. Travis Bergeson
Dayton
Idaho 83232

Dear Mr. Bergeson:

Enclosed please find copies of additional protests filed against the issuance of a permit pursuant to the above referenced application.

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

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB

Enclosures

100-1110



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

May 28, 1975

RE: Application for Permit No. 13-7110

Mr. Lee C. Nielsen
Weston
Idaho

Dear Mr. Nielsen:

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: MB

bc: IDWR - State



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

May 28, 1975

RE: Application for Permit No. 13-7110

Mr. H. Ward Nielsen
Weston
Idaho

Dear Mr. Nielsen:

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

bc: IDWR - State



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

May 28, 1975

RE: Application for Permit No. 13-7110

Mr. David A. Nash, Jr.
Weston
Idaho 83286

Dear Mr. Nash:

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: MB

bc: IDWR - State

May 27, 1975

RE: Application for Permit No. 13-7110 BERGESON

The Preston Citizen
Box 472
Preston, ID 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 May 8 and May 15, 1975.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

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

R. Keith Higginson
Director

May 23, 1975

RE: Application for Permit No. 13-7110 BERGESON

Mr. Wesley S. Nash
Weston
Idaho 83286

Dear Mr. Nash:

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:MB



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

May 23, 1975

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

R. Keith Higginson
Director

Mr. Travis Bergeson
Dayton
Idaho 83232

Dear Mr. Bergeson:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 13-7110. 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:MB

Enc: Copy of Protest(s)

May 2, 1975

RE: Application for Permit No. 13-7110 BERGESON

Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

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

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

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

Very truly yours,

RONALD D. CARLSON
District Engineer

Bill submitted 6-4-75 by MB

RDC:MB

Enc: Legal Notice (1)

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Travis Bergeson, Dayton, Idaho has on 4-25-75 submitted Application No. 13-7110 for a permit to appropriate 1.5 cubic feet per second of water from an unnamed drain by means of pump and drain within the SE¹/₄SE¹/₄, Sec. 14, T. 15S, R. 38E, B.M., Franklin County; to be used from May 1 to October 1 for the irrigation of 75 acres within the SE¹/₄SW¹/₄, SW¹/₄SE¹/₄, Sec. 14, NW¹/₄NE¹/₄, Sec. 23, T. 15S, 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 May 27, 1975.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on May 8 and May 15, 1975.

Legal No. 2885 — Pub. May 8, 15, 1975.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Travis Bergeson,

Dayton, Idaho

has on 4-25-75 submitted Application No. 13-7110

for a permit to appropriate 1.5 cubic feet per second ~~XXXXXX~~

of water from an unnamed drain

by means of pump and drain

within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 15S, R. 38E, B.M., Franklin County;

to be used from May 1 to October 1

for the irrigation of 75 acres

within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 15S, 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

May 27, 1975

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho

on May 8 and May 15, 1975

Handwritten:
C.W. H. H.
M.W. H.
C.W. H.

May 1, 1975

RE: Application for Permit No. 13-7110 TRAVIS BERGESON

Mr. J. Dennis Williams
Attorney at Law
P.O. Box 191
Preston, Idaho 83263

Dear Mr. Williams:

Attached herewith is departmental receipt No. 4217 in the amount of \$35.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB

Attachment

RECEIVED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Bergeson

☒ 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) KDF 4-25-75 In form to receipt
- (2) " " Send Copies to:
NA Idaho State Health Department
NA Idaho Fish and Game Department
NA Bureau of Land Management
- (3) " " 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
- (5) " " Platted on Map No. NA
- (6) " " Located within Water District No. NA
- (7) " " NA Critical groundwater area: yes NA no NA
- (8) " " NA Groundwater levels:
Declining, Stable, Increasing
(comment)
- (9) " " Other rights on the same place of use No
- (10) " " Comments: No G.W. rights per plots. 125 shares of canal water per Application.
- (11) MB 6/4/75 Affidavit of Publication received(date) June 4, 1975
- (12) RDC 9/11/75 Final date for protests May 27, 1975
Protests received: yes X no NA
- (13) " " All requested information received from agencies or applicant: yes OC no NA
- (14) " " Action recommended: RECEIVED
4/25/75 SEP 25 5
☒ Approve Deny
Proposed Priority
Reason for Reduction Department of Water Resources
☒ Measuring device required
MEMO DECISION
☒ See attached sheet for other conditions of approval
No special conditions for approval
- (15) District E By RDC Date 9/11/75

Copy
8/1

J. DENNIS (J. D.) WILLIAMS
ATTORNEY & COUNSELOR AT LAW
24 NORTH STATE - P. O. BOX 191
PRESTON, IDAHO 83263

J. D. WILLIAMS
LOWELL D. CASTLETON
LAW INTERN

RECEIVED
APR 25 1975

Department of Water Resources
Eastern District Office
TELEPHONE: (208) 352-2680

April 22, 1975

Idaho Department of Water Administration
Eastern District Office
240 South Holmes Avenue
Idaho Falls, Idaho 83401

Dear Sir:

Enclosed please find the Water Application for Mr. Travis E. Bergeson, along with the \$35.00 application fee.

Yours very truly


J. DENNIS (J. D.) WILLIAMS
Attorney at Law

JDW/jp

Enc.