

188A
Allen Lyon

D
4.5

E
6.2

F
40.9

A-101
159A
Allen Lyon

26 | 25
35 | 36

2
13
0

S.E. Q.T. OF N.E. Q.T.
Section 36
TOWNSHIP 13 S.
Range 39 E.

A-97
157A

Kerm +
Shumway

Kirk
Paskins

F
30.4

E
35.9

D
13.5

C
51.7

J
2.7

K
22.0

L
23.4

M
5.2

B
6.1

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 13-7094 Priority November 26, 1974 Amount 0.06 cfs
(late proof)

THIS IS TO CERTIFY, that KIRK PASKINS
of Preston, Idaho, has complied with the terms and conditions of Permit
No. 13-7094 issued pursuant to Application for Permit dated November 19, 1974,
and has submitted proof to the Department of Water Resources on September 8, 1976,
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 0.06 cfs of water from an unnamed spring,
tributary to sinks, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u>	from <u>January 1</u> to <u>December 31</u>	at <u>0.04</u> cfs and	<u>1.2</u> acre feet
<u>Stockwater</u>	from <u>January 1</u> to <u>December 31</u>	at <u>0.02</u> cfs and	<u>0.4</u> acre feet
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 0.06 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
1.6 acre feet per year, said waters to be diverted within the SE 1/4, Sec. 36, Twp. 13S,
Rge. 39E, B.M., in the County of Franklin

Description and location of place of use:

Twp.	Range	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	
13S	39E	36				X													

Total number of acres irrigated _____

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 30 day of
July, 19 79

Director

LICENSING AMENDMENT**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

JUL 25 1979

Department of Water Resources

APPLICATION FOR AMENDMENT OF A PERMIT**To change the point of diversion and/or the place of use.**Comes now Kirk Paskinsof (address) Star Route, Preston, Idaho 83263, and represents to the
Director of the Idaho Department of Water Resources:That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. _____, and requests that the permit and permit map be changed as follows:

1. NO CHANGE
Point of diversion: _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____, Township _____, Range _____, B.M.,
County of _____. Other points of diversion: _____

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

NO CHANGE
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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

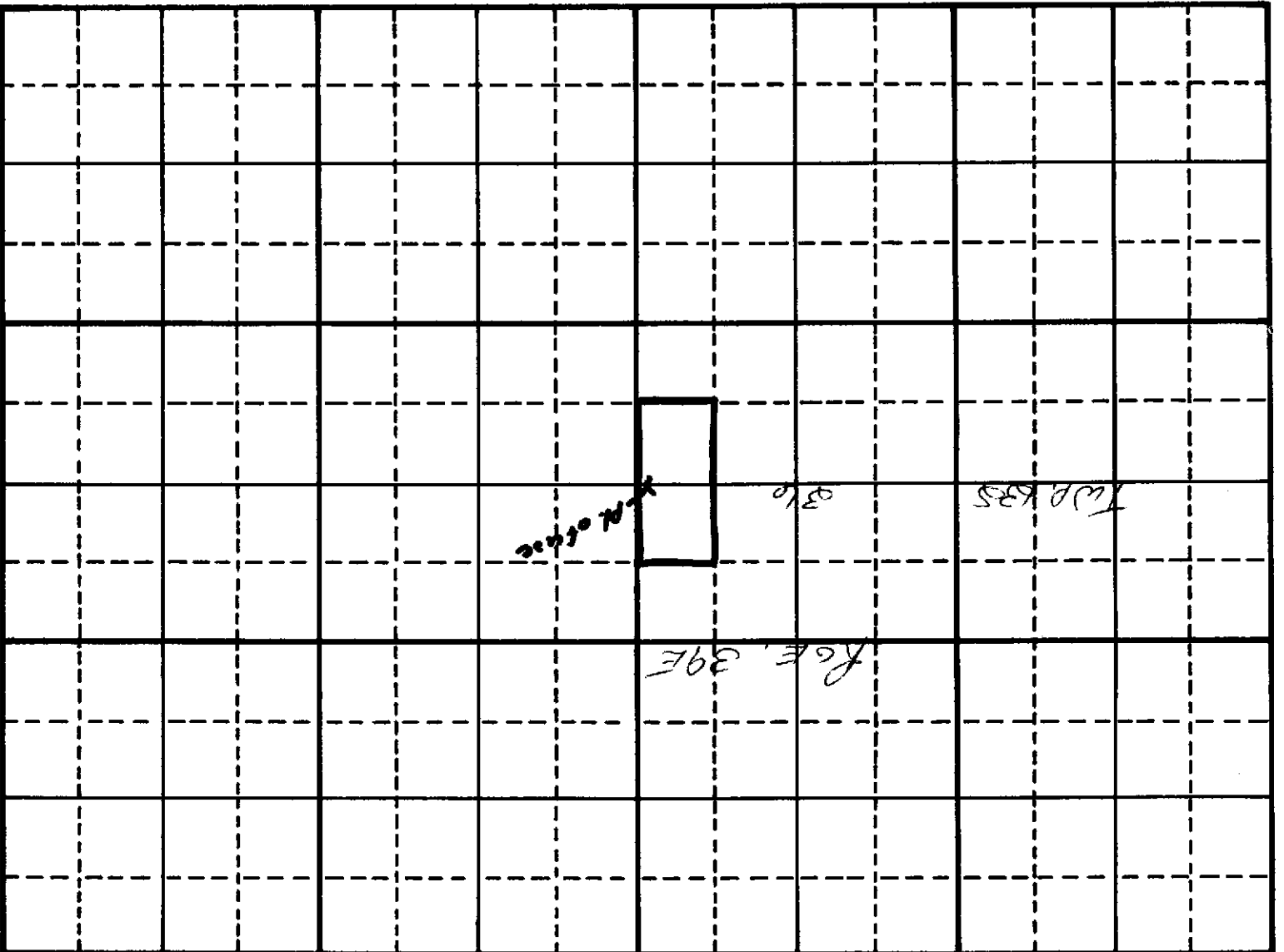
TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
13S	39E	36				X									X				

Total number of acres to be irrigated = _____

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

RECEIVED

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 40-acre subdivisions, townships, ranges and ditches.



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

Signed at _____, this 22 day of July, 1979.

[Signature]

(Signature)

FOR DEPARTMENT USE ONLY

#14635

Received by *[Signature]*

Date

7/26/79

Fee = \$20.00

Preliminary check by *[Signature]*

Publication prepared by *[Signature]* Date

Publication dates *[Signature]*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, Deputy, Director of the Department of Water Resources hereby

approve the above application for amendment for Permit No. 13-7094.

Witness my hand this 30 day of July, 1979.

Deputy Director

[Signature]

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 13-7094
IN THE NAME OF KIRK PASKINS

ORDER OF REINSTATEMENT

WHEREAS, on November 19, 1974, Kirk Paskins filed with the Department of Water Resources an application to appropriate 0.06 cubic feet per second of water from an unnamed spring, to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, Twp. 13S, Rge. 39E, B.M., Franklin County, to be used for domestic, livestock purposes; and,

WHEREAS, on August 12, 1975, the Department approved said application and issued Permit No. 13-7094 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before September 1, 1976; and,

WHEREAS, on June 30, 1976, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on September 1, 1976, the permit automatically lapsed for failure to submit proof of beneficial use of water; and,

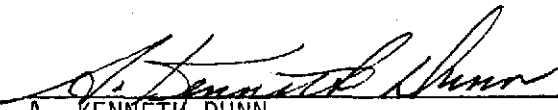
WHEREAS, on September 8, 1976, the Department received the required proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 13-7094 be REINSTATED and the priority advanced to November 26, 1974.

Dated this 17 day of September, 1976.


A. KENNETH DUNN

Administrator, Operations Division

Identification No. 13 7094

Application No. _____

APPROVED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

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

1. Name of applicant KIRK PASKINS
post office address Star Route, Preston, Idaho 83263

2. Source of water supply Un-named Spring which is a tributary of sinks

3. a. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36 Township 13S
Range 39E B.M. Franklin County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into East Fork of Battle Creek at a point in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36 Township 13S Range 39E B.M. _____

4. Water will be used for the following purposes:

Amount 0.02 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 for Livestock purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 for Irrigation purpose from Mar. 1 to Oct. 15 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. .06 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pump into holding tank and into culinary, stock watering and irrigation system.

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 one years.

b. Estimated construction cost is \$ 1,000.00.

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 NE $\frac{1}{4}$ of Section 36 Township 13S
Range 39E 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 20 cattle and horses

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

(5) If water is to be used for other purposes describe: Domestic use including 1/2 acre of irrigation

MICROFILMED

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

[illegible]

58/10/75

c. Describe any other water rights used for the same purposes as described above. use from the East Fork of Battle Creek

Total number of acres to be irrigated 2 rights acquired by

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

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

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

applicant to make this filing -

10. Remarks	Water has been appropriated for these beneficial uses at this location for at least fifty (50) years by the applicant and his predecessor in title.
-------------	---

188A
Allen Lyon

D
4.5

E
6.2

F
40.9

A-101
159A
Allen Lyon

26 25
35 36

S.E. Q.T. OF N.E. Q.T.
Section 36
TOWNSHIP 13 S.
Range 39 E

A-97
157A

Karm +
Shumerg

Kirk
Paskins

F
30.4

D
13.5

C
51.7

L
23.4

K
22.0

N
26.1

M
5.2

Section 36,
T 13 S
Range 39 E

Point of Diversion

36

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.

Tirkaskina
(Applicant)

Proposed Priority 11-19-1974

Received by MB Date 11-19-74 Time 11:13 AM
Preliminary check by MB Fee \$ 10.00
Received by MB Date 11-21-74 # 13166
Publication prepared by MB Date 11-22-74
Published in Idaho Statesman (Coeur d'Alene)
Publication dates Nov 28 & Dec 5, 1974
Publication approved MB Date 12-04-74
Priority reduced to _____ Reason _____
Protests filed by: Idaho Statesman (Coeur d'Alene)
Submitted by Robert M. Kim, Jr., Atty.
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by BOC JR

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7094, 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 76.
 - c. Other: The maximum rate of diversion shall not exceed 0.06 cubic feet per second for stockwater and domestic purposes.
2. Denial of said application is for the following reasons: _____

Witness my hand this 12 day of August, 19 75.

Director

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item	Initial	Date	
			Application No. <u>Packings .00</u>
			☒ Source <u>Tributary to?</u>
			☒ Point of Diversion
			☒ County <u>Franklin</u>
			☒ Quantity of Water and Period of Use <u>No. livestock?</u>
			☒ Description of Diverting Works
			☒ Time required for B/U of water
			☒ Place of Use or Acres Irrigated
			☒ Map
			☒ Signature
			☒ Fee <u>10.00</u> <u>for 1000 gals. hook</u>
(1)	<u>LH</u>	<u>11-21-74</u>	In form to receipt <u>yes</u>
(2)	<u>"</u>	<u>"</u>	Send Copies to: <u>Idaho State Health Department</u> <u>Idaho Fish and Game Department</u> <u>Bureau of Land Management</u>
(3)	<u>"</u>	<u>"</u>	<u>Request Special Use Permit from U.S.F.S.</u> <u>Request Easement from B.L.M.</u> <u>Request Information from Applicant</u>
(4)	<u>"</u>	<u>"</u>	In form for advertising <u>yes</u>
(5)	<u>"</u>	<u>"</u>	<u>NA</u> Platted on Map No. <u> </u>
(6)	<u>"</u>	<u>"</u>	Located within Water District No. <u>13-1</u>
(7)	<u>"</u>	<u>"</u>	<u>NA</u> Critical groundwater area: yes <u> </u> no <u> </u>
(8)	<u>"</u>	<u>"</u>	<u>NA</u> Groundwater levels: <u> </u> Declining, <u> </u> Stable, <u> </u> Increasing (comment) <u> </u>
(9)	<u>"</u>	<u>"</u>	Other rights on the same place of use <u>no</u>
(10)	<u>"</u>	<u>"</u>	Comments: <u>No other recorded surface rights</u>
(11)	<u>MB</u>	<u>12-4-74</u>	Affidavit of Publication received (date) <u>Dec 4, 1974</u>
(12)	<u>MB</u>	<u>12-16-74</u>	Final date for protests <u>December 16, 1974</u> Protests received: yes <u>X</u> no <u> </u>
(13)	<u>RDC</u>	<u>12/16/74</u>	All requested information received from agencies or applicant: yes <u> </u> no <u> </u>
(14)	<u>"</u>	<u>"</u>	Action recommended: <u> </u> Approve <u> </u> Deny <u>11/19/74</u> Proposed Priority <u> </u> Reason for Reduction <u> </u> <u> </u> Measuring device required <u> </u> <u>W/DRAWAL OF PROTEST</u> ☒ See attached sheet for other conditions of approval ☒ No special conditions for approval <u>8/7/75</u>
(15)	District <u>E</u>	By <u>RDC</u>	Date <u>12/16/74</u>

RECEIVED

AFFIDAVIT OF PUBLICATION

RECEIVED

DEC 4 1974

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

County of Franklin

ss.

J. Matthew 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

November 28, 19 74, and ending

with the issue of December 5, 19 74

Fees, \$ 14.06

Subscribed and sworn to before me this 2 day

of December, 19 74

Richard D. Giddes

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 78

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Kirk Paskins, Star Route, Preston, Idaho has on 11-19-74 submitted Application No. 13-7094 for a permit to appropriate 0.06 cubic feet per second of water from unnamed spring tributary of sinks by means of pump and holding tank within the SE 1/4 NE 1/4, Sec. 36, T. 13S. R. 39E, B.M., Franklin County; to be used from Jan. 1 to Dec. 31 for domestic purposes for one family and stockwatering purposes for 20 cattle and horses and from Mar. 1 to Oct. 15 for the irrigation of 2 acres; all uses within the SE 1/4 NE 1/4, Sec. 36, T. 13S, R. 39E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before December 16, 1974.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on November 28 and December 5, 1974.

Legal No. 2771 Sub.
Nov. 28, Dec. 5 1974

13-7094

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

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

- ☐ Show to whom and date delivered
☐ Show to whom, date, and address of delivery
☐ **RESTRICTED DELIVERY**
 Show to whom and date delivered
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery. \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	32754	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Jean C. Perkins

DATE OF DELIVERY

17 July

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 the reverse.
- Attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

1979 PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

**RETURN
TO**



DEPARTMENT OF WATER RESOURCES

STATEHOUSE (Signature of Sender)

BOISE, IDAHO 83720

(Street or P. O. Box)

(City, State, and ZIP Code)

July 31, 1979

Kirk Paskins
Star Route
Preston, ID 83263

Dear Mr. Paskins:

RE: Water Right No. 13-7094

Enclosed herewith is a copy of the water right license issued on the above referenced permit.

Also enclosed is a copy of the approved application for amendment along with receipt no. 14635 for the amount of \$20.00.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:rr

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

July 16, 1979

*Certified Mail
32754*

Kirk Paskins

Star Route

Preston, Idaho

83263

RE: Permit No. 13-7094

Dear Mr. Paskins:

On April 26, 1979 and June 11, 1979, you were notified that you must amend the above referenced permit to change the proposed use to that actually found being used by the field examiner. As of this date, we have not yet received this amendment.

Therefore, you are again notified that under the provisions of Section 42-311, Idaho Code, as amended, Permit No. 13-7094 is held for cancellation for failure to complete the permit as required, and you are ordered to show cause before the Director of the Department of Water Resources on or before August 16, 1979, why said permit should not be cancelled.

Permit No. 13-7094 claims the use of 0.06 cubic feet per second of water from an unnamed spring to be used for Domestic and Stockwater purposes, and the permit was approved August 12, 1975.

Dated this 16th day of July, 1979


C. STEPHEN ALLRED
Director

June 11, 1979

RE: Permit No. 13-7094

Kirk Paskins
Star Route
Preston, ID 83263

Dear Mr. Paskins:

On April 26, 1979, we forwarded an amendment to you to be completed to amend this permit to correspond with the findings of the field examiner so that we could issue this license.

As of this date, we have not received this amendment.

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

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:alw



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

April 26, 1979

Re: Permit No. 13-7094

Kirk Paskins
Star Route
Preston, Idaho 83263

Dear Mr. Paskins:

A representative of this Department made an examination of the works covered by your Permit No. 13-7094 on April 11, 1978, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.06 cfs Source: an unnamed spring

The maximum quantity diverted shall not exceed 1.6 acre feet
per year.

Point of diversion: SE~~1~~NE~~1~~, Sec. 36, Twp. 13S, Rge. 39E, B. M.

Beneficial use: Domestic and stockwater within the SE~~1~~NE~~1~~, NE~~1~~SE~~1~~,
Sec. 36, Twp. 13S, Rge. 39E, B. M.

Priority date established: November 26, 1974

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,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

ENCLOSURE

RECEIVED

FIELD REPORT

SEP 10 1976

Phone 852-0647
 Departn. of Resources
 Eastern District Office
 Phone _____

Person to contact.

Phone Eastern District Office

2. Source of water supply: Groundwater ☐ Surface water ☒ unnamed spring
(name spring, stream, etc.)
Tributary to sinks

3. Water will be used for the following purposes:

Amount 0.04 c.f.s. for Domestic (1)
 AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount 0.02 c.f.s. for Livestock (20 cattle and horses)
AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 0.06 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 13S N/S, Range 39E E/W, B.M., Section 36, Subdivision SE $\frac{1}{4}$ NE $\frac{1}{4}$, Franklin
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____

County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____

Other Points of Diversions: _____

Description of diverting works: pump into holding tank and into culinary and stockwatering systems

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

DATE OF EXAM 4/11/78

ACREAGE
Found n/a
Recommended n/a

Irrigation Requirement n/a Ac Ft/Ac

USE

Irrigation Q = <u>.04</u> c.f.s.	V = <u>1.20</u>	AF/Ann. from <u>Jan 1</u>	to <u>Dec 31</u>
Domestic Q = <u>.02</u> c.f.s.	V = <u>.40</u>	AF/Ann. from <u>Jan 1</u>	to <u>Dec 31</u>
Livestock Q = <u>.06</u> c.f.s.	V = <u>1.60</u>		
<u>Total</u> - <u>.06</u>	<u>Total</u> - <u>1.60</u>		

Is water co-mingled? yes no X

Name source: n/a
twp. N/S, Rge E/W, B.M., Sec. 1/4 1/4 County

Exchange? yes no X

Name source exchanged with: n/a
twp. N/S, Rge E/W, B.M., Sec. 1/4 1/4 County

Point of injection: n/a
twp. N/S, Rge E/W, B.M., Sec. 1/4 1/4 County

Point of exchange: n/a
twp. N/S, Rge E/W, B.M., Sec. 1/4 1/4 County

Total Q measured n/a Method of measurement n/a

Total Q recommended .06 Meter No. n/a Type n/a Condition n/a

Total V recommended 1.60

Recommended Amendments:

P.D. add NESE SEC 36, Twp 13S, Rge 39E, B.M. Franklin
Place of Use add NESE SEC 36, Twp 13S, Rge 39E, B.M. Franklin
Other
None

MEASUREMENT CALCULATION:

SYSTEM DESCRIPTION:

Surface water is collected and diverted from four unnamed springs by means of four gravel packed perforated pipes that have been buried near the springs. Water enters the 7" diam buried perforated pipe and flows downhill by gravity through a 2" diam plastic conduit. At a distance of approx 1500' from the collection of water from the furthest spring on the system, water is diverted into and stored temporarily (short hydraulic residence) in a 2500 gal concrete vault. The overflow emerges from the tank and flows downhill thru approx 60' of 2" diam buried plastic conduit where it empties into a series of 3 stockwatering troughs. Another length of conduit extends from the storage tank and bypasses the stockwatering troughs and runs directly into a double wide trailer where it is used for culinary purposes.

Examiner's Signature Anthony R. Kozlowski Date 4/17/78

Checked by Ernest M. Carlson Date 4/17/78

Approved by Date

The applicant waters 20 hd of age cattle & their calves plus two horses.

September 20, 1976

Re: Permit No. 13-7094

Kirk Paskins
Star Route
Preston, Idaho 83263

Dear Mr. Paskins:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order of Reinstatement; please note that the priority has been advanced to November 26, 1974.

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

If you have any questions regarding the field exam, please contact our Regional Office in Idaho Falls.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:JFR

Enclosure

cc: J. D. Williams, Attorney

RECEIVED
SEP 1 1976
DEPARTMENT OF WATER RESOURCES

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

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

TELEPHONE:
(208) 852-2680

August 31, 1976

Idaho Dept. of Water Resources
State Capital
Boise, Idaho 83720

Gentlemen:

Enclosed please find Proof of Application of Water to
Beneficial Use filed on behalf of Kirk Paskins.

If you have any questions, please advise.

Yours very truly,

WILLIAMS & CASTLETON


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

JDW/1b

Enc.

ENCLOSURE

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder KIRK PASKINS

b) Post Office Address Star Route, Preston, Idaho 83263

2. Permit Number 13-7094

3. Date of Priority that you are prepared to establish 11-1-74

4. a) Source from which water was appropriated Un-named Spring

b) Location of the point of diversion: SE ¼ NE ¼, Section 36

Township 13S, Range 39E Boise Meridian, Other points of diversion: none

5. a) The amount of water and use to which the water has been applied:

Amount 0.04 for Domestic purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

Amount 0.02 for Livestock purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated 0.06 cfs and/or acre-feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: estimate by permit holder

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
N/A

b) Describe the agreement or understanding by which you take water from the works:
N/A

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) pump into holding tank and into culinary and stock watering system.

b) Describe the type and size of measuring device which you have installed at your point of diversion: pump

c) Give well driller's name and address and the date the well was completed: N/A

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
Domestic culinary and livestock, for place of use see answer to number 4.

9/15/74 j

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: Water has been appropriated for these beneficial uses at
this location for at least fifty (50) years by the applicant
and his predecessor in title.

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

August 26, 1976
(Date)


(Signature)

State of Idaho)
) ss.
County of Franklin)

On this 28th day of August, 19 76, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.


Notary Public residing at Preston, Idaho

My commission expires lifetime

June 20, 1976

CERTIFIED MAIL 138718

Re: Permit No. 13-7094

Kirk Paskins
Star Route
Preston, Idaho 83263

Dear Mr. Paskins:

One of the conditions of approval of your water Permit No. 13-7094 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before September 1, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit 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.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

August 14, 1975

Re: Permit No. 13-7094

**Kirk Paskins
Star Route
Preston, ID 83263**

Dear Mr. Paskins:

Enclosed is a copy of your approved Application for Permit No. 13-7094. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

**BOBBY D. FLEENOR
Chief, Water Rights**

BDF:rb

Enc.

**cc: Kerr and Williams,
Attorneys at Law**

**Strongarm Reservoir Irrigation District,
Protestant**

bc: Eastern District Office

MICROFILMED

RECEIVED
AUG 5 1975
ROBERT M. KERR, JR.

Department of Water Resources
Eastern District Office

LAW OFFICES
KERR AND WILLIAMS
AREA CODE 208 785-1290
291 NO. BROADWAY, P. O. BOX 708
BLACKFOOT, IDAHO 83221

DEAN WILLIAMS

August 4, 1975

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

RE: Application No. 13-7094
Kirk Paskins

ATTENTION: Ronald D. Carlson, District Engineer

Gentlemen:

I enclose herewith our Withdrawal of Protest to this Application which I trust will be found in satisfactory form. If there are any questions please let me know.

I would appreciate your sending me a copy of the allowance or any other documents with reference to this matter in order to complete my file.

Yours very truly,

KERR, WILLIAMS & CLARKE


Robert M. Kerr, Jr.

RMK:mlv

Encl.

cc: J. Dennis Williams

RECEIVED

AUG 5 1975

Department of Water Resources
Eastern District Office

AUG 4 '75

WITHDRAWAL OF PROTEST TO
APPLICATION FOR WATER PERMIT

NO. 13-7094

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

Comes now Strongarm Reservoir Irrigation District, which formerly filed a protest to application No. 13-7094 made by Kirk Paskins of Star Route, Preston, Idaho, for a permit to appropriate water from an unnamed spring and states as follows:

1. On July 8, 1975, the Applicant amended the Application for Permit to eliminate the principal objections made by protest and limit the use to domestic and livestock purposes including one-half acre of irrigation.

2. Protestant is informed that the unnamed spring is identified as one located in the vicinity of and Southwesterly of the residence of the applicant.

3. Strongarm Reservoir Irrigation District now formally withdraws its protest to the application as so amended.

4. By withdrawing this protest to the application as amended and limited to domestic water from the little unnamed spring, protestant takes the position that the reference to irrigation water, other than the half acre included in domestic use, is no longer relevant to the application. Protestant desires that it be clearly understood as a matter of record with reference to said application that protestant vigorously disputes any rights applicant may claim to other irrigation rights including the statements in paragraph 8 C and 10 of the application as amended.

Dated this 31st day of July, 1975

STRONGARM RESERVOIR IRRIGATION DISTRICT

BY

Joseph C. Hedin
Joseph C. Hedin
President

Robert M. Kerr, Jr.
Robert M. Kerr, Jr., of
KERR, WILLIAMS & CLARKE
Attorneys for Protestant
Residence and mailing address:
P. O. Box 708
Blackfoot, Idaho 83221

July 15, 1975

RE: Application for Permit No. 13-7094

Mr. Robert M. Kerr
Attorney at Law
291 North Broadway
Blackfoot, ID 83221

Dear Mr. Kerr:

Please find enclosed an amended copy of Kirk Paskins application for permit which you requested at the conference held on July 8, 1975.

As agreed at the conference, we are holding action on this application until we receive a document from you which will withdraw the protest against the granting of this permit.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:mb

Enclosure

ORIGINAL

July 15, 1975

RE: Application for Permit No. 13-7094

Mr. J. Dennis Williams
Attorney at Law
24 North State
Preston, Idaho 83263

Dear Mr. Williams:

Please find enclosed an amended copy of Kirk Paskins application for permit which you requested at the conference held on July 8, 1975.

As agreed at the conference, we are holding action on this application until we receive a document from Robert M. Kerr, Attorney for the protestants, which will withdraw the protest against the granting of this permit.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:mb

Enclosure

RECORDED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST

APPLICATION FOR PERMIT NO. 13-7094

IN THE NAME OF KIRK PASKINS

CONFERENCE MEMORANDUM

On July 8, 1975, a conference was held in Preston, Idaho to consider the protest filed against the granting of this permit. The applicant was present and represented by J. D. Williams, Attorney at Law. Joe Hedin and Robert E. Lindhardt of Strongarm Reservoir Irrigation District were present and represented by Robert M. Kerr, Attorney at Law.

Upon reviewing this application, the protestants agreed that the water used from this spring for domestic purposes would have no significant effect on their water right. It was agreed that if the applicant would eliminate the two acres that he had requested to irrigate from this source from his application, the protestants would then withdraw their protest. The application was amended and Robert M. Kerr, attorney for the protestants, agreed to prepare an appropriate document to withdraw their protest and submit it to this office.

Dated this 11th day of July, 1975



RONALD D. CARLSON
District Engineer

13-7094

KIRK PASKINS

J. D. WILLIAMS

- Water has been used for 50 years but because of disputes applicant decided to file application rather than claim. Water is presently being used.

ROBERT KERR

- There is a pending court action in this matter. Application appears to be backdoor approach to gain water right. Court suit was filed by Messille Gee Aug. 30, 1974.

J. D. WILLIAMS

- Paskins moved — in 1939. Mrs. Paskins was born there in 1910 and water from spring was used.

In 1947 trenched from spring to Battle Creek

- ROBERT KERR -

Spring different from that anticipated

• AMEND APPLICATION

Kirk Paskins - 13-7094

Courtroom, Franklin County Courthouse, Preston, Idaho

July 8, 1975 - 1:00 p.m.

Roster of Attendance

Name	Address	Representing
Beatrice M. Paskins	Star Rt Preston Idaho	
Eugene Paskins	"	
Kirk Paskins	"	
Alvin Williams	Preston, Idaho	Kirk Paskins
Robert M. King	Box 10070 Blackfoot Idaho	Strongarm
John Hedlin	Rt 3 Preston	Strongarm
Robert E. Lindhardt	Rt. 3 Preston	Strongarm

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

Returned Receipts

- **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:

J. Dennis Williams

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

694

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE

4.

DATE OF DELIVERY

6-23-75

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

R NP

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

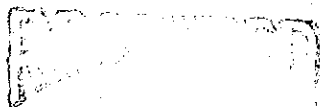
- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

RETURN
TO



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

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



JUN 30 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:

Joseph C. Hedin

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

692

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

Joseph Hedin

4. DATE OF DELIVERY

6-23-75

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

RXP

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

13-7094

- 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:

Kirk Perkins

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

691

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

Kirk Perkins

4.

DATE OF DELIVERY

6-23-75

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

RNP

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.
- Moistened 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 BLVD
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:**

Robert M. Kerr, Jr.

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

693

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

RM Kerr

4.

DATE OF DELIVERY

JUN 23 1975

POSTMARK

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

6. **UNABLE TO DELIVER BECAUSE:**

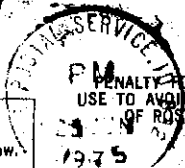
CLERK'S
INITIALS

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

RECEIVED

JUN 24 1975

Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval)
of Application for Permit No. 13-7094)
in the name of KIRK PASKINS)
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

Notice is hereby given that the Department of Water Resources has rescheduled the matter of protests against approval of Application No. 13-7094 for conference and/or hearing for Tuesday, July 8, 1975, at 1:00 p.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 as previously indicated in the notice dated February 12, 1975.

Dated this 19th day of June, 1975.



RONALD D. CARLSON

District Engineer

DEPARTMENT OF WATER RESOURCES

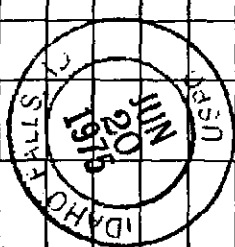
NAME AND ADDRESS OF SENDER
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

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

Affix stamp here if issued as certificate of 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	FEE	R. A. FEE	REST. FEE	ACTUAL VALUE	SURCHARGE	REMARKS
1	691 Nick (Gibson) St. Ft. (Quater)	10	30	15				13-7894
2	692 P.O. Wilson, Rt #3 (Quater)	10	30	15				"
3	693 Robert W. Kern, Atty, 201 N. Blum Blackfoot	10	30	15				"
4	694 J. M. Williams, Atty, 24 N. Main, (Quater)	10	30	15				13-7894 13-781513-7110
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
TOTAL NO. OF PIECES LISTED BY SENDER		4						
TOTAL NO. OF PIECES RECD AT P. O.		4						
POSTMASTER, P.B.R. (Name of receiving employee)								
Show under "Remarks" class postage paid if other than first or if international								

Start by certified mail
6-20-65 MS



POD Form 3877, Nov. 1968

APPLICATION FOR REGISTRATION OR CERTIFICATION

(Surcharges are not required on international registered mail)

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

RECEIVED
JUL 22 1975
CLERK OF DISTRICT COURT
PRESTON, IDAHO

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval)
of Application for Permit No. 13-7094)
in the name of KIRK PASKINS)
_____)

NOTICE OF CANCELLATION

Notice is hereby given that the Department of Water Resources has cancelled the conference and/or hearing concerning the above application at the request of the applicant's attorney, J. Dennis Williams.

The Department will reschedule the conference and/or hearing in the near future, at which time all interested parties will again be notified.

Dated this 2nd day of June, 1975.



LOREN O. HOLMES

Assistant to the District Engineer

cc: Joseph C. Hedin
J. D. Williams
Robert M. Kerr
Kirk Paskins
Bob Fleenor
Keith Higginson



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

JUN 2 1975

Department of Water Resources
Eastern District Office

In the Matter of Protest Against
Approval of Application for Permit
No. 13-7094 in the name of
KIRK PASKINS

MOTION FOR CONTINUANCE

COMES NOW J. DENNIS (J. D.) WILLIAMS, Attorney for applicant,
Kirk Paskins, and moves for a continuance of the conference and/or hearing
scheduled in the above matter for June 11, 1975, until some day subsequent to a
day after July 5, 1975.

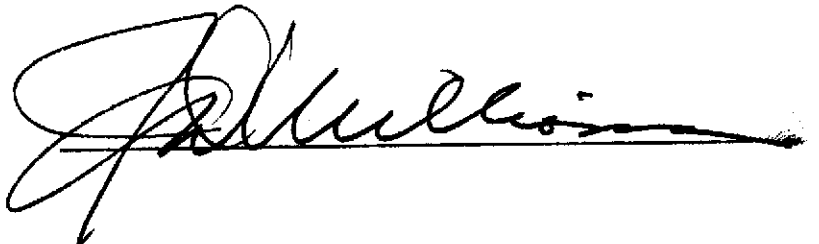
Grounds and the reason for this motion are that the applicant's
Father and immediate predecessor in title, Mr. Eugene Paskins, is scheduled for
an operation on June 5, 1975, and will therefore be unable to furnish testimony
at a hearing on June 11, 1975.

DATED this 30th day of May, 1975.


J. DENNIS (J. D.) WILLIAMS
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing Motion
for Continuance was mailed to Robert Kerr, Attorney at Law, P.O. Box 708,
Blackfoot, Idaho 83221 and Kirk Paskins, Star Route, Preston, Idaho 83263,
this 30th day of May, 1975.





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

*Returned
Receipts*

13-7094

- **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:

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

671

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

4.

DATE OF DELIVERY

POSTMARK

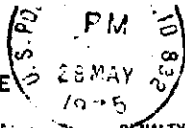
5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS



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

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

RECEIVED

MAY 29 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:

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

673

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE

4.

Karen Faskell

DATE OF DELIVERY

MAY 28 1975

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

MAY 29 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:

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

672

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

W. M. Kern

4.

DATE OF DELIVERY

MAY 28 1975

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

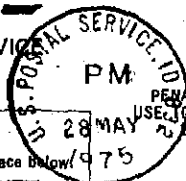
CLERK'S
INITIALS

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

MAY 29 1975

Department of Water Resources
Eastern District Office

13-7094

- **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:

J. C. Kedin

3. ARTICLE DESCRIPTION:

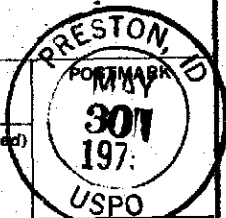
REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	674	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE

4. *J. C. Kedin*
DATE OF DELIVERY
MAY 30 1975

5. ADDRESS (Complete only if requested)

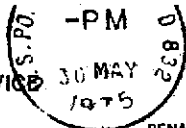


6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

Cus

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



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



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

RECEIVED

JUN 2 1975

Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protest Against Approval	)	
	)	
of Application for Permit No. 13-7094	)	NOTICE OF CONFERENCE
	)	
in the name of KIRK PASKINS	)	AND/OR HEARING
	)	

Notice is hereby given that the Department of Water Resources has rescheduled the matter of protest against approval of Application No. 13-7094 for conference and/or hearing for Wednesday, June 11, 1975, at 1:00 p.m., in the Conference Room of the Franklin County Courthouse, Preston, Idaho. This conference and/or 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 as previously indicated in the notice dated February 12, 1975.

Dated this 27th day of May, 1975.



RONALD D. CARLSON

District Engineer

RECEIVED
MAY 27 1975
DEPT. OF WATER RESOURCES
BOISE, IDAHO

Kirk Paskins - 13-7094

Conference Room, Franklin County Courthouse, Preston, Idaho

June 11, 1975 - 1:00 p.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
-------------	----------------	---------------------



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

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

Affix stamp here if issued as certificate of 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	FEE	R.R. FEE	REG. FEE	ACTUAL VALUE	SURCHARGE	REMARKS
1	671 Kirk (Oakland, Ariz) Rt. (Quinta)	10	30	15				13-7094
2	672 Hunt M. Xero, City, 291 N. Broadway							
3	Blackburn	10	30	15				"
4	673 J. H. Sullivan, City, 24 N. State, (Quinta)	10	30	15				"
5	674 Gray M. Xero, City, 24 N. State, (Quinta)	10	30	15				
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								

TOTAL NO. OF PIECES LISTED BY SENDER 4

TOTAL NO. OF PIECES RECD AT P.O. 4

POSTMASTER: PER (Name of receiving employee)

Application for registration or certification

(Such charges are not required on international registered mail)

1515 Lincoln Road

May 23, 1975

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

Dear Sir:

This is to confirm the use of the Conference Room for conference and/or hearing to be held by this office on Wednesday, June 11, 1975, beginning at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB

February 19, 1975

RE: Application for Permit No. 13-7094 Kirk Paskins

Mr. J. Dennis Williams
Attorney at Law
24 North State
Preston, Idaho 83263

Dear Mr. Williams:

This is to acknowledge receipt of the motion for continuation of the conference set for February 26, 1975, concerning the above referenced application. We have enclosed a copy of the notice which was sent to all interested parties.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:mb

Enclosure

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval)
of Application for Permit No. 13-7094)
in the name of KIRK PASKINS)
_____)

NOTICE OF CONFERENCE AND/OR
HEARING DATE CANCELLATION

Notice is hereby given that the Department of Water Resources has delayed the conference and/or hearing concerning the above application at the request of the applicant's attorney, J. Dennis Williams, Preston, Idaho.

The Department will reschedule the conference and/or hearing in the near future, at which time all interested parties will again be notified.

Dated this 19th day of February, 1975.



RONALD D. CARLSON
District Engineer

cc: J. D. Williams
J. C. Hedin/Strongarm Reservoir Irrigation District
Robert M. Kerr, Jr.
Kirk Paskins
Bob Fleenor
Keith Higginson

RECEIVED
FEB 20 1975
WATER RESOURCES
DIVISION
BOISE, IDAHO

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

FEB 19 1975
MB
Department of Water Resources
Eastern District Office

In the Matter of Protest Against Approval)
of Application for Permit No. 13-7094)
in the name of KIRK PASKINS)

MOTION FOR CONTINUANCE
OF CONFERENCE AND/OR
HEARING

Comes now J. D. Williams, Counsel for the applicant, and moves the Department to continue the conference and/or hearing presently scheduled for Wednesday, February 26, 1975, at 9:00 a.m., in the Conference Room of the Franklin County Courthouse, Preston, Idaho to another date to be determined by the Department. The grounds and reasons for this motion are that Counsel for the applicant will be unavailable to appear at the hearing that day due to commitments in Houston, Texas which were scheduled previous to receipt of the hearing notice.

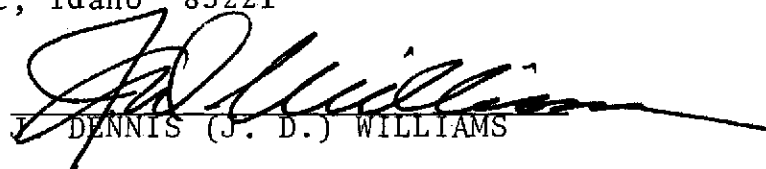
This 17th day of February, 1975.


J. DENNIS (J. D.) WILLIAMS

CERTIFICATE OF MAILING

I do hereby certify that I have mailed a copy of the foregoing Motion For Continuance of Conference and/or Hearing on this 17th day of February, 1975, postage prepaid, to:

Mr. Robert M. Kerr, Attorney for Protestant
Strongarm Reservoir
Irrigation District
291 N. Broadway
Blackfoot, Idaho 83221


J. DENNIS (J. D.) WILLIAMS

MAILED
FEB 19 1975
IDAHO

13-7094

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

Returned Receipts

● 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:

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

570

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

J. E. Healin

4.

DATE OF DELIVERY

POSTMARK

2-14-75

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

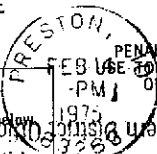
CLERK'S
INITIALS

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**



RECEIVED
FEB 16 1975

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

- **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:

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

569

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE



4.

DATE OF DELIVERY

2-15-75

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

Qm

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

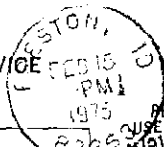
SENDER INSTRUCTIONS

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 VETERANS AFFAIRS
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401**



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



RECEIVED
FEB 15 1975

● 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:

J. V. Williams

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

568

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

James P. Palmer

DATE OF DELIVERY

2-14-75

5. ADDRESS (Complete only if requested)

POSTMARK

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

R.X.P.

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**



RECEIVED

FEB 19 1973

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

- **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:

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	571.	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE

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 \$300



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval	)	
	)	
of Application for Permit No. 13-7094	)	NOTICE OF CONFERENCE
	)	
in the name of KIRK PASKINS	)	AND/OR HEARING
	)	
	)	

On November 19, 1974, Kirk Paskins filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On December 16, 1974, the Department received a protest against approval of said application from Robert M. Kerr, Jr., Attorney at Law, on behalf of Strongarm Reservoir Irrigation District.

The Department has set the matter of protest for conference and/or hearing for Wednesday, February 26, 1975, at 9:00 a.m., in the Conference Room 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 protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 12th day of February, 1975.



RONALD D. CARLSON

Acting District Engineer



Kirk Paskins - 13-7094

Conference Room, Franklin County Courthouse, Preston, Idaho

February 26, 1975 - 9:00 a.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
-------------	----------------	---------------------



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

Indicate type of mail:

☐ REGISTERED ☐ REGISTERED
O.O.D.

☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	FEE	R. R. FEE	REG. DEL. FEE	ACTUAL VALUE	SURCHARGE	REMARKS
1	568 J. A. Williams, M.D., 24 N. Main, Chester	10	30	15				13-10-93
2	569 J. A. Williams, M.D., 24 N. Main, Chester	"	"	"				"
3	570 J. A. Williams, M.D., 24 N. Main, Chester	"	"	"				"
4	571 J. A. Williams, M.D., 24 N. Main, Chester	"	"	"				"
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								

POD Form 3877, Nov. 1968

APPLICATION FOR REGISTRATION OR CERTIFICATION

(Surcharges are not required on international registered mail)

February 12, 1975

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

Dear Sir:

This is to confirm the use of the conference room for conference and/or hearing to be held by this office on Wednesday, February 26, 1975, at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

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

December 17, 1974

RE: Application for Permit No. 13-7094 KIRK PASKINS

Mr. Joseph C. Hedin, President
Strongarm Reservoir Irrigation District
Route #3
Preston, Idaho 83263

Dear Mr. Hedin:

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
Acting District Engineer

RDC:MB

cc: Robert M. Kerr, Jr.

RECEIVED

DEC 16 1974

PROTEST TO

Department of Water Resources
Eastern District Office

APPLICATION FOR WATER PERMIT

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

Strongarm Reservoir Irrigation District as protestant states
as follows:

1. The name and address of protestant is Strongarm Reservoir Irrigation District, c/o Joseph C. Hedin, President, Route #3, Preston, Idaho, 83266.

2. The Application protested is No. 13-7094 made by Kirk Paskins, Star Route, Preston, Idaho, for a permit to appropriate 0.06 cu. feet per second of water from an unnamed spring tributary of sinks by means of pump and holding tank within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 13S, R. 39 E, B.M., Franklin County, Idaho.

3. The objections to the approval of such application are as follows:

A. The unnamed spring is in fact a tributary to Battle Creek.

B. Strongarm Reservoir Irrigation District has a decreed water right to the waters of Battle Creek and all its tributaries.

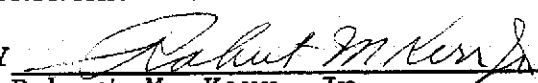
C. That there are no waters of Battle Creek or any of its tributaries, including the waters to which said application is claimed to apply, which are not now adversely held and already covered by existing rights.

D. That the applicant has attempted to alter the course of a branch of Battle Creek so that the water naturally in said creek flows passed the claimed point of diversion and any diversion at that point would amount to diverting and using water necessary to fill the decreed rights of protestant.

Dated this 13th day of December, 1974.

STRONGARM RESERVOIR IRRIGATION DISTRICT

BY


Robert M. Kerr, Jr.

Its Attorney

Residence and Mailing Address:

P. O. Box 708

Blackfoot, Idaho 83221



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

December 17, 1974

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

R. Keith Higginson
Director

RE: Application for Permit No. 13-7094

Mr. Kirk Paskins
Star Route
Preston, ID 83263

Dear Mr. Paskins:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 13-7094. 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 42-202, 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
Acting District Engineer

RDC:MB

Enc: Copy of Protest(s)

XXXXXXXXXXXXXXXXXXXXX RESOURCES

November 22, 1974

RE: Application for Permit No. 13-7092 Bennett
" " " No. 13-7093 Paskins
" " " No. 13-7094 "

The Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

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

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

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

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

Bill submitted 12-4-74 by MB

RDC:MB

Enc: Legal Notice (3)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Kirk Paskins,

Star Route, Preston, Idaho

has on 11-19-74 submitted Application No. 13-7094

for a permit to appropriate 0.06 cubic feet per second ~~XXXXXX~~

of water from unnamed spring tributary of sinks

by means of pump and holding tank

within the SE 1/4, Sec. 36, T. 13S, R. 39E, B.M., Franklin County;

to be used from Jan. 1 to Dec. 31

for domestic purposes for one family and stockwatering purposes for 20 cattle

and horses and from Mar. 1 to Oct. 15 for the irrigation of 2 acres; all uses

within the SE 1/4, Sec. 36, T. 13S, R. 39E, B.M.

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

December 16, 1974

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho

on November 28 and December 5, 1974

aw-L
MB-B
aw-A

November 21, 1974

RE: Kirk Paskins Applications for Permits

Mr. J. Dennis Williams
Attorney at Law
24 North State
Preston, ID 83263

Dear Mr. Williams:

Pursuant to our telephone conversation of November 20, 1974, attached please find your check No. 92-171 in the amount of \$15.00 which was in excess of that needed for the Paskins applications.

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

Very truly yours,

LOREN O. HOLMES
Asst. to District Engineer

LOH:mb

Attachment: Check No. 92-171

MICROFILMED

HARDING & WILLIAMS
ATTORNEYS & COUNSELORS AT LAW

J. DENNIS WILLIAMS
24 NORTH STATE
P. O. BOX 67
PRESTON, IDAHO 83263
208-652-2680

RECEIVED
DON HARDING
187 EAST 150 SOUTH
MALAD CITY, IDAHO 83252
208-766-2244
NOV 19 1974

November 18, 1974

Department of Water Resources
Eastern District Office

Mr. Keith Higginson
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Water Applications for Mr. Kirk Paskins

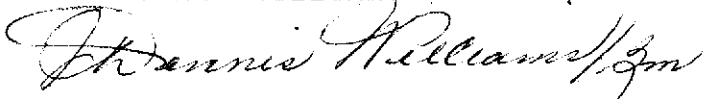
Dear Mr. Higginson:

Enclosed please find two Applications for Water Permit and two checks totaling \$35.00 for filing fees, for Mr. Kirk Paskins, Star Route, Preston, Idaho.

Thank you for your assistance in this matter.

Yours very truly,

HARDING AND WILLIAMS



J. Dennis (J. D.) Williams
Preston Office

JDW/bm

Enc.

MICROFILMED