

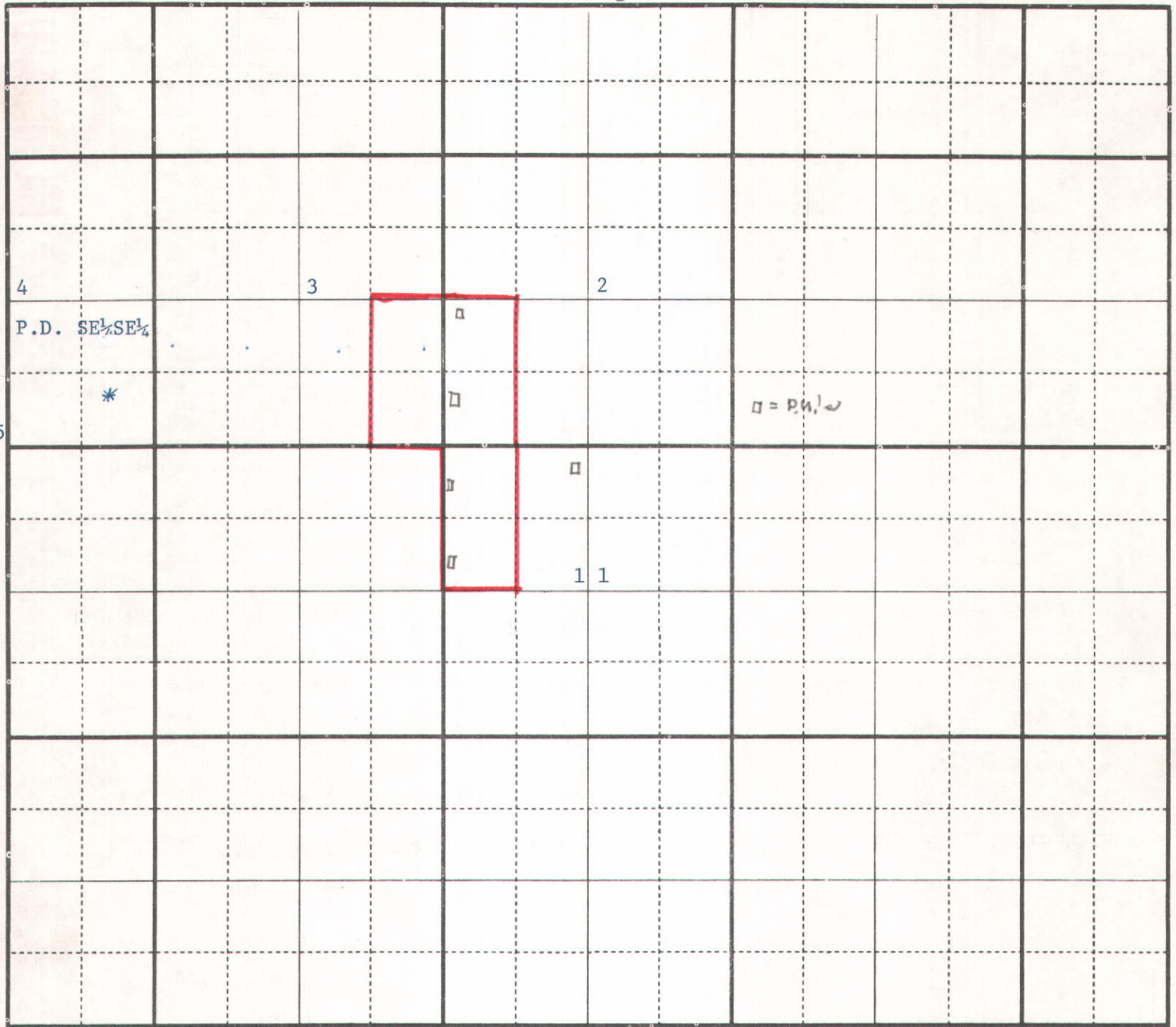
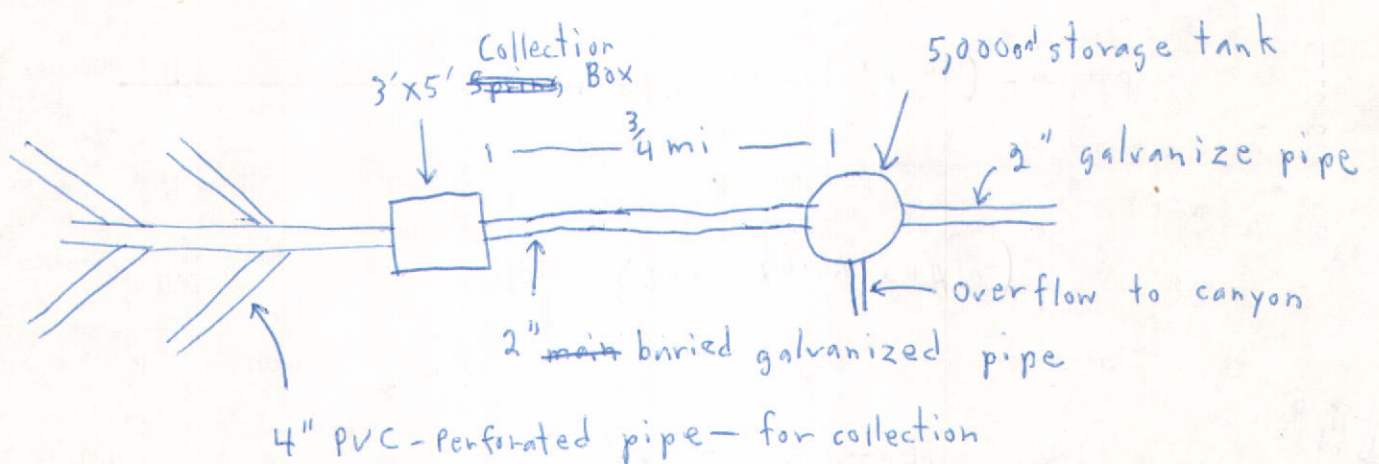


Diagram of System

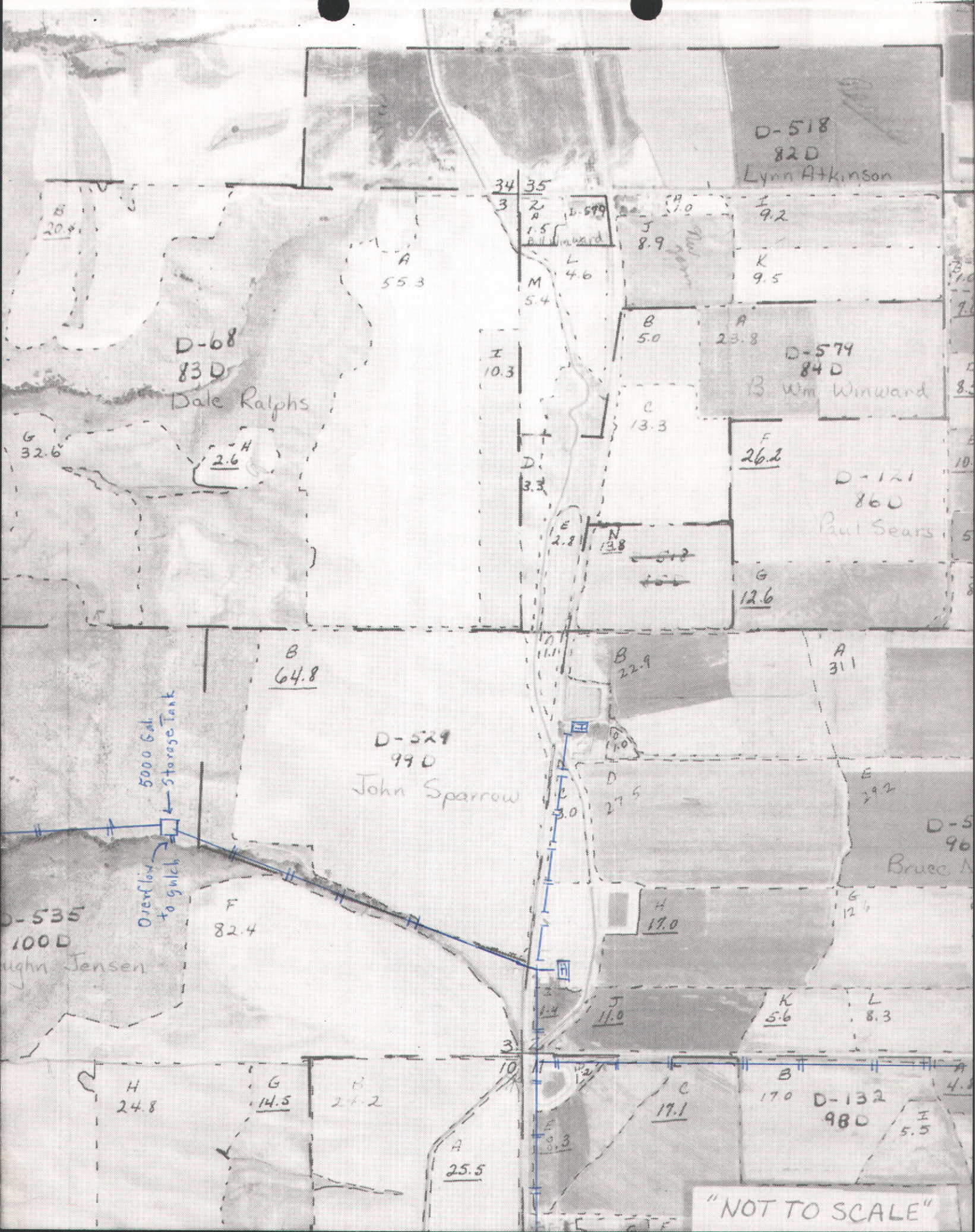
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"NOT TO SCALE"





State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 21033/13-2155 Priority Feb. 5, 1964 Amount 0.10 cfs

THIS IS TO CERTIFY, that HILLTOP WATER ASSOCIATION
of Dayton, Idaho, has complied with the terms and conditions of Permit
No. 21033/13-2155 issued pursuant to Application for Permit dated December 2, 1948,
and has submitted proof to the Department of Water Resources on July 8, 1974 (late proof),
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 0.10 cfs of water from Atkinson Spring,
tributary to Atkinson Creek, 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>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.10</u> cfs and	<u>6.0</u> acre feet
<u>Stockwater</u>	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.10</u> cfs and	<u>8.0</u> acre feet
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.10 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
14.0 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 4,
Twp. 15 S, Rge. 38 E, B.M. in the County of Franklin

Description and location of place of use: (5 families)

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 $\frac{1}{4}$	
15 S	38 E	2									X	X							
		11				X	X	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 27 day of
November, 19 76.

Director

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

Thayer D. Bell

being duly sworn,

deposes and says:

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

August 8, 19 74, and ending

with the issue of August 15, 19 74

Thayer D. Bell

Fees, \$ 12.02

Subscribed and sworn to before me this 23 day

of September, 19 74.

Richard D. Ladd

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 78.

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Hilltop Water Association, Dayton, Idaho 83232, has received an approved Permit No. 21033 / 13-2155 issued by the Idaho Department of Water Resources authorizing the diversion of 0.1 cubic feet per second of water from Atkinson Spring, tributary to Atkinson Creek. The priority to be established under this permit is February 5, 1964 and the permit was approved May 4, 1949.

Water is to be diverted by storage tank and distribution pipe from a point within the SE¹/₄SE¹/₄, Sec. 4, Twp. 15S, Rge. 38E, B.M., Franklin County, to be used for domestic, stockwater, and irrigation purposes in the W¹/₂SW¹/₄, Sec. 2; NE¹/₄SE¹/₄, Sec. 3; W¹/₂NW¹/₄, Sec. 11, Twp. 15S, Rge. 38E, B.M.

Proof of the application of the water to beneficial use was submitted to the Department on July 8, 1974. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Dept. of Water Resources, State Capitol, Boise, Idaho, 83720, within ten (10) days of the last date of publication of this notice.

R. KEITH HIGGINSON
Director

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

Legal No. 2714 — Pub. Aug. 8, 15, 1974.

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 21033/13-2155)
in the name of HILLTOP WATER ASSOCIATION)
_____)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

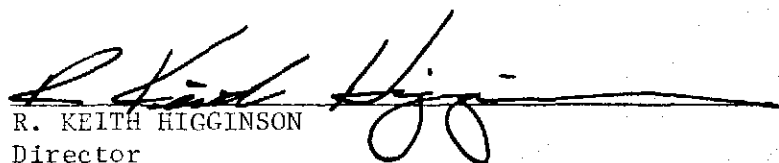
WHEREAS, on August 1, 1968, the Department of Water Resources (formerly the Department of Water Administration) adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 21033/13-2155 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42 Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in a newspaper of general circulation in the county in which the point of diversion lies.

Dated this 18 day of July, 1974.


R. KEITH HIGGINSON
Director

DDR:JG

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 21033/13-2155)
in the name of HILLTOP WATER ASSOCIATION)

ORDER

WHEREAS, on December 2, 1948, Hilltop Water Association applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 0.1 cubic feet per second of water from Atkinson Spring, tributary to Atkinson Creek, within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, Twp. 15S, Rge. 38E, B.M., Franklin County, to be used for domestic, stockwater and irrigation purposes; and,

WHEREAS, on May 4, 1949, the Department approved said application and issued Permit No. 21033/13-2155 with the condition that one-fifth (1/5) of the work be completed on or before November 4, 1951, that the whole of said work be completed on or before May 4, 1954, and that proof of beneficial use of water be made on or before May 4, 1959; and,

WHEREAS, on April 19, 1954, the Department received the proof of completion of works; and,

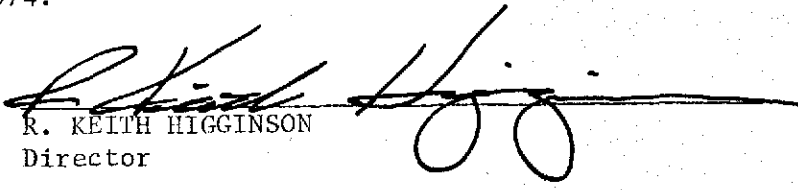
WHEREAS, on May 15, 1974, the Department notified the permit holder that Permit No. 21033/13-2155 was subject to cancellation for failure to submit proof of beneficial use of water on or before May 4, 1959; and,

WHEREAS, on July 8, 1974, the Department received the required proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that in the event that proof of beneficial use is submitted after the deadline set forth in the conditions of approval, the priority date of such permit shall be advanced the same number of days that said proof is late;

IT IS, THEREFORE, HEREBY ORDERED that the priority under Permit No. 21033/13-2155 be advanced to February 5, 1964.

Dated this 18 day of July, 1974.


R. KEITH HIGGINSON
Director

DDR:JG

RECORDED

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

B-2155

APPLICATION No. 28427
 PERMIT No. 21033
 DISTRICT No.

Hilltop Water Association
 Lon Cahoon, President
 Dayton, Idaho

1. Name of Applicant: Hilltop Water Association

Postoffice address: Dayton

County: Franklin

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: December 13, 1947- Dayton, Idaho

(b) Amount of capital stock: \$9,300.00

(c) Amount paid in: \$8,500.00

(d) Names and addresses of directors: E. O. Bergeson, Dayton, Idaho; Lon Cahoon, Dayton, Idaho
 Kenneth Panter, Dayton, Idaho; Donald Robinson, Dayton, Idaho

II. The financial resources of the applicant are:

(a) Cash on hand: None

(b) Treasury stock: None

(c) Bonds to be issued: None

(d) Other resources: Loan from Farmers Home Administration, plus owners contribution

2. Quantity of water claimed: One tenth (0.1)

cubic feet per second.

3. Source of water supply: Atkinson Spring

which is a tributary of Atkinson Creek, thence Bear River

4. Location of point of diversion: 1048 ft. North, and 760 ft. East from the Southeast

corner of Section 4, T. 15 S., R. 38 E., B.M., and is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 4, T. 15 S., R. 38 E., B.M., County of Franklin

5. Water is to be used for Domestic purposes, stock water, lawns, gardens, general rural home requirements.

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T., R., B.M., in the of Section, T., R., B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section, T., R., B.M., in the
 of Section, T., R., B.M.

7. Estimated cost of works: \$ 9,300.00

8. Kind of works: Collection of spring water, 15,000 gal. storage tank and distribution pipe

9. Height of dam: None feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width None feet; height feet.

11. Ditch: Width at bottom None feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe 2 inches; length of conduit 11,200 feet miles.

Average grade per mile feet.

12. The time required for the completion of such work is Five (5) years.

13. The time required for the complete application of the water to the proposed use is Five (5) additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Twin Lakes Canal

16. (a) Is reservoir to be used? No- Concrete storage tank so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

HILLTOP WATER ASSOCIATION, INC. Applicant.

By

Lon Cahoon,
President.

Agent.

Date of first receipt at Department of Reclamation: 10:00 A. M. December 2, 1948

Returned to applicant for correction: December 2, 1948

Corrected application received: April 7, 1949

Approval of State Reclamation Engineer

The number of this permit is 21033

Recorded in Book 75

Page 21033

Approved May 4, 1949

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before July 4, 1949

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before November 4, 1951

The whole of said work to be completed on or before May 4, 1954

Beneficial use of water appropriated in accordance herewith, to be made on or before May 4, 1959

WITNESS My hand this 4th day of May, 1949

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho,
and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 4th

day of May, 1949

STATE OF IDAHO

Countersigned:

(SEAL)

By J. D. "CY" PRICE

By

C. A. ROBINS

Governor.

Secretary of State.

REMARKS: The waters of Atkinson Spring, which have been measured with a maximum flow of 43 gal. per minute and a minimum flow of 25 gal. per minute, will be piped approximately one mile to a concrete storage tank having capacity of 15,000 gallons. From storage tank water will be distributed to four or more families living within an approximate distance of one mile from the tank. The water will be picked up at its source as described in this permit and will be protected by fencing in an area surrounding the spring. Map of the proposed Hilltop Water Association is attached.
14. Spring site is owned by Hilltop Water Association. See Warranty Deed No. 82486, recorded in Franklin County, Book 41 of Deeds April 7, 1949

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 $\frac{1}{4}$	
15 S.	38 E.	2																	1/2 acre
		11																	1/4 "
		3																	1/4 "
Total Number of Acres to be irrigated -																			1 "

AFFIDAVIT OF PERMISSION TO FILE ON SPRING

I, Albert E. Moser, of Dayton, County of Franklin, State of Idaho, do hereby certify that I am the owner of the land on which the spring mentioned in the application of Hilltop Water Association, Inc., is located, to-wit: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4, Twp. 15 S., Range 38 E., B.M., and that I do hereby grant unto the said Hilltop Water Association, Inc., permission to file on the said spring, as set forth in the foregoing application.

ALBERT E. MOSER

STATE OF IDAHO
County of Franklin

) ss.

On this 18 day of April, 1949, before me, a Notary Public for the State of Idaho, residing at Preston, Idaho, personally appeared Albert E. Moser, known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged to me that he executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

Clifford Marr (?)
Notary Public

(SEAL)
My commission expires Dec. 10, 1952

RECEIVED APR 10 1949

Permit No. 21033
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that HILLTOP WATER ASSOCIATION of Dayton, County of Franklin, and State of Idaho, the holder of Permit No. 21033, issued upon Application No. 28427 bearing date of priority of December 2, 1948, authorizing the diversion of one-tenth (0.1) second foot of the waters of Atkinson Spring, a tributary of Atkinson Creek, thence Bear River, County of Franklin, State of Idaho, for domestic, stock and lawn and garden irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.1 second foot of the waters of Atkinson Spring, that the point of diversion of said waters is in the SE¹/₄ SE¹/₄ Section 15, Township 15 South, Range 38 East, B.M. and that the place of use of said water is ~~at~~ rural homes in Section 2, 3 and 11, Township 15 South, Range 38 East, B.M.

Witness my hand this 5th day of May, A.D. 1954.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made April 19, 1954
Certificate of Completion of Works issued May 5, 1954

November 29, 1976

Re: Permit No. 21033/13-2155

Hilltop Water Association
c/o Travis Bergeson
Dayton, ID 83232

Gentlemen:

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

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:mef

Enc.

ENCLOSURE

November 3, 1976

Hilltop Water Association
c/o Travis Bergeson
Dayton, ID 83232

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 21033/13-2155 and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 0.10 cfs

The maximum quantity diverted shall not exceed 14.0 acre feet per year.

Source: Atkinson Spring, tributary to Atkinson Creek

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

Beneficial use: Domestic use for 5 families and stockwatering purposes within the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 2; NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11; Twp. 15 S, Rge. 38 E, B. M.

Priority date established: February 5, 1964

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

RECEIVED
NOV 10 1976
IDAHO DEPT. OF AGRICULTURE
BOB FLEENOR

RECEIVED

Phone

Post office address c/o Travis Bergeson, Dayton, ID 8371-3561

Person to contact

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

3. Water will be used for the following purposes:

Amount 0.1 c.f.s. for domestic (5) (from 4 under original permit)
AF/Annum (nature of use)

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

Amount 0.1 c.f.s. for stockwater (200 dairy cattle)
 AF/Annum (nature of use)

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

Amount 0.1 c.f.s. for irrigation (lawns + gardens) - included in
AF/Annum (nature of use) domestic

Period of Use: from Apr. 1 to Nov. 1
(mo.-day) inclusive (mo.-day)

Other uses:

4. Total amount to be appropriated:

Max Rate of Diversion 0.1 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 15S N/S, Range 38E E/W, B.M., Section 4, Subdivision SE $\frac{1}{4}$ SE $\frac{1}{4}$, 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 _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Other Points of Diversions:

Description of diverting works: storage tank & distribution pipe

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

Not recommended! Included in domestic use.



[illegible]



DATE OF EXAM 7/22/76

ACREAGE
Found N/A
Recommended _____

Irrigation Requirement N/A Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= 0.10 c.f.s. V= 6.0 AF/Ann. from Jan 1 to Dec 31
(Dairy) Livestock Q= 0.10 c.f.s. V= 7.9 AF/Ann. from Jan 1 to Dec 31
Total Q= 0.10 c.f.s. V= 13.9 AF/Ann _____

Is water co-mingled? yes _____ no X

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

Exchange? yes _____ no X

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

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

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

Total Q measured Not measured Method of measurement _____

Total Q recommended _____ Meter No. _____ Type _____ Condition _____

Total V recommended _____

Recommended Amendments: - check quads - yes

P.D. _____
Place of Use - Add NE 1/4, NW 1/4, Sec 11, T15S, R38E8m
Other _____
None since permit did not set forth location of "domestic use", will not request amendment.

MEASUREMENT CALCULATION: 11-3-76

SYSTEM DESCRIPTION: barricaded
Network of perforated plastic pipe collecting water from spring-area. Perforated pipe to collection box - 3'x5' - to 2" barricked steel main line. - runs - One mile east. 200 ft of Head
Distribution 5000 gal storage tank approx 1/4 mi. down canyon from source + 2" galvanized barbed main to distribution system. System serves 5 households and 1- 200 head dairy operation

REMARKS: _____
Source: 1.3 mi. up canyon from road
Note: original applicant for 4 households. Recommend addition of 5th by amendment so as not to 2 priority dates on a domestic system

Examiner's Signature Loren O. Halme Date 7-22-76

Checked by Ernest M. Carlson Date 11/01/76

Approved by _____ Date _____

September 30, 1974

Re: Permit No. 21033/13-2155

Hilltop Water Association
c/o Travis Bergeson
Dayton, ID 83232

Dear Mr. Bergeson:

We acknowledge receipt of the affidavit of publication submitted in connection with 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 concerning the field exam, please contact our Eastern District Office in Idaho Falls.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JG

MICROFILMED

September 19, 1974

Re: Permit No. 21033/13-2155

Hilltop Water Association
c/o Travis Bergeson
Dayton, Idaho 83832

Dear Mr. Bergeson:

As of this date we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit.

We cannot schedule a field examination, or issue a water license until this affidavit is received.

Please submit this affidavit of publication within 10 days so that this permit may remain in good standing.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JG

RECEIVED

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Hilltop Water Association, Dayton, Idaho 83232 has received an approved Permit No. 21033 / 13-2155 issued by the Idaho Department of Water Resources authorizing the diversion of 0.1 cubic feet per second of water from Atkinson Spring, tributary to Atkinson Creek. The priority to be established under this permit is February 5, 1964 and the permit was approved May 4, 1949.

Water is to be diverted by storage tank and distribution pipe from a point within the SE¹/₄SE¹/₄, Sec. 4, Twp. 15S, Rge. 38E, B.M., Franklin County, to be used for domestic, stockwater, and irrigation purposes in the W¹/₂SW¹/₄, Sec. 2; NE¹/₄SE¹/₄, Sec. 3; W¹/₂NW¹/₄, Sec. 11, Twp. 15S, Rge. 38E, B.M.

Proof of the application of the water to beneficial use was submitted to the Department on July 8, 1974. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Dept. of Water Resources, State Capitol, Boise, Idaho, 83720, within ten (10) days of the last date of publication of this notice.

R. KEITH HIGGINSON
Director

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

Legal No. 2714 — Pub.
Aug. 8, 15, 1974.

7-27-74
1000

July 29, 1974

Re: Permit No. 21033/13-2155 - Hilltop Water Association

Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing time for you to submit to us a galley proof for our 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 date. If you cannot publish the notice on the proposed dates, please contact this office immediately.

The expense of the publication is to be paid by: Hilltop Water Association
Attn: Travis Bergeson
Dayton, Idaho 83232

to whom you should furnish an affidavit of publication.

Very truly yours,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JG
Enclosure

July 29, 1974

Re: Permit No. 21033/13-2155

Hilltop Water Association
c/o Travis Bergeson
Dayton, Idaho 83232

Dear Mr. Bergeson:

We have caused the legal notice for the above referenced permit to be published in the Preston Citizen on August 8, and August 15, 1974.

You will be required to submit an affidavit of publication to this office. The affidavit may be obtained from the above mentioned newspaper upon payment of the publication fee. We have asked the newspaper to bill you direct. Upon receipt of the affidavit of publication we will schedule a field examination.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JG

REGISTERED

JUL 22 1874
Department of Interior Resources

Water is to be diverted by storage tank and distribution pipe
from a point within the SE¹/₄SE¹/₄, Sec. 4, Twp. 15S, Rge. 38E, B.M., Franklin
County,
to be used for domestic, stockwater, and irrigation purposes
in the W¹/₂SW¹/₄, Sec. 2; NE¹/₄SE¹/₄, Sec. 3; W¹/₂NW¹/₄, Sec. 11, Twp. 15S, Rge. 38E, B.M.

R. KEITH HIGGINSON

Director

Published in the _____

on August 8 and August 15.

Director:

Travis Bergeson
(Signature)

Dayton, Idaho 83232
(Address)

(Date) July 24, 1974

9/19/99

Identification No. _____

Permit No. 21033/13-2155

RECEIVED

JUL 8 1974

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Travis Bergerson Hill top water
b) Post Office Address Dayton Idaho 83232
2. Permit Number 21033/13-2155
3. Date of Priority that you are prepared to establish ~~2/1/49~~ ? May 4, 1949
4. a) Source from which water was appropriated Atkinson Creek
b) Location of the point of diversion: SE 1/4 SE 1/4, Section 2 11 3 or 15
Township 15 S, Range 38 E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
amount 0.1 CFS for Domestic Stock purposes from Jan 1 to Jan 1 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)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.1 CFS 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: Mark R Kulp
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: no
b) Describe the agreement or understanding by which you take water from the works: the land is deeded to hill top water
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) a natural spring was dug out packed with gravel and a perforated pipe placed in it which flows to a catch basin then to a reservoir
b) Describe the type and size of measuring device which you have installed at your point of diversion: none
c) Give well drillers name and address and date the well was completed none

Exam typed 9/30/74 by ja

RECEIVED

$$\frac{hL}{ScL}$$

James Woodhouse
Greene, Idaho
Notary Public residing at

On this 24 day of June, 1974, personally appeared before me the

State of Idaho)
County of Franklin) ss.

6/24/24 (Date)

Maurice Bergeron
(Signature)

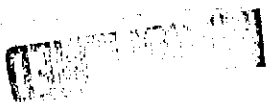
The above information is a true statement of the extent to which the above numbered permit has been developed.

10. Remarks:	Gravel pits are the only thing irrigated with the water
--------------	---

[illegible]

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: *None*

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use. The water is used for ~~cooking~~ culinary purposes, including
live stock & gardens for 5 family



July 22, 1974

Re: Permit No. 21033/13-2155

Hilltop Water Association
Attn: Travis Bergeson
Dayton, Idaho 83232

Dear Mr. Bergeson:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order which advances the priority for this permit to February 5, 1964.

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a permit holder to make proof of beneficial use of water. The enclosed order modifies your permit to comply with these rules and regulations.

As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a newspaper as prescribed by the Department. If you will sign and return the enclosed advertisement authorization, we will cause the notice to be published.

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

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JG
Enc: Order advancing priority
Modification Order
Advertising authorization
w/instructions

MICROFILMED

June 13, 1974

Re: Permit No. 21033/13-2155 - Hilltop Water Assn.

Mr. Travis Bergenson
Dayton,
Idaho 83232

Dear Mr. Bergenson:

Pursuant to your phone call of this date, we wish to advise you of the following:

Permit 21033/13-2155 proposes a specific priority date, December 2, 1948, and in order for this permit to be perfected, the permit holder was required to submit proof of application of water to beneficial use on or before May 4, 1959. Since this was not accomplished at that time, the permit is now subject to cancellation.

We have enclosed the Department's 'proof of application of water to beneficial use' form for your use in submitting the required proof. Please be advised that it will be necessary that an officer of the association sign the affidavit.

If you should have any questions regarding this matter or if we can be of further assistance, please advise. We will withhold cancellation of this permit until July 13, 1974.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

ddr
Enc: Copy of permit
Proof affidavit

MICROFILMED

Dear Sir,

My Father is deceased and
I was President of the Hill Top Water
after that until I sold out in
1967. There is only one family
member of the original Hill Top Water
association left and that is Travis
Bergenson. I don't know who the
President is at this time. But if
you send this to Travis Bergenson
at Dayton, Idaho he should know
what to do about this matter

~~Yours~~
Signed Daniel R. Capron

Forwarded to Mr. Travis Bergenson by regular mail
on 6/12/74.

dr

RECEIVED
Department of Water Administration

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
STATE OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse -- Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

May 15, 1974 CERTIFIED MAIL

Re: Permit No. 21033 (New No. 13-2155)

Hilltop Water Association
Lon Cahoon, Pres.
Dayton, Idaho 83232

Gentlemen:

It appearing to the Department of Water Administration that the terms and conditions of Permit 21033/13-2155 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on May 4, 1959, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before June 24, 1974, why said permit should not be cancelled.

Permit 21033/13-2155 claims the use of 0.1 cubic feet per second of water from Atkinson Spring,

the point of diversion was to be located within the SE¹₄SE¹₄ of Sec. 4,
Twp. 15 S, Rge. 38 E, B. M. and the permit was approved May 4, 1949.

A handwritten signature of R. Keith Higginson in dark ink, written over a horizontal line.
R. KEITH HIGGINSON
Director

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver **ONLY**
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

32066

①

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

②

X Eva Cahoon

DATE DELIVERED

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

③

MICROFILMED

5-16-74

13-2155

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

Postmark of Delivering Office

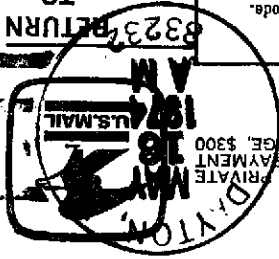
SENDER INSTRUCTIONS

- Print in the space below your name, address, including ZIP Code.
- If special services are desired, check block(s) on other side.
 - Moistened gummed ends and attach to back of article.



83232 RETURN

TO



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

DEPARTMENT OF WATER ADMINISTRATION

STATEHOUSE - ANNEX #2

BOISE, IDAHO 83707

May 15, 1974 CERTIFIED MAIL #32066

Re: Permit No. 21033 (New No. 13-2155)

Hilltop Water Association
Lon Cahoon, Pres.
Dayton, Idaho 83232

Gentlemen:

It appearing to the Department of Water Administration that the terms and conditions of Permit 21033/13-2155 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on May 4, 1959, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before June 24, 1974, why said permit should not be cancelled.

Permit 21033/13-2155 claims the use of 0.1 cubic feet per second of water from Atkinson Spring, the point of diversion was to be located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 4, Twp. 15 S, Rge. 38 E, B. M. and the permit was approved May 4, 1949.

/s/ R. Keith Higginson

R. KEITH HIGGINSON
Director

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RE: Permit No. 21033

Date March 6, 1959

Hilltop Water Ass'n.
Lon Cahoon, Pres.
Dayton, Idaho

Dear Sir:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 21033 is due not later than May 5, 1959. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

Before this proof can be made, the statutory requirement is that a Notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated--by 40-acre legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

Also enclosed is Form 11, which is the authorization for us to have the Notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set and at the place named, before the Notary Public, as advertised in the publication notice.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

Enc.

21033

✓
May 11, 1954

RE: Permit No. 21033

Mr. Daniel D. Cahoon, Sec.
Hilltop Water Association
Dayton, Idaho

Dear Mr. Cahoon:

We enclose Certificate of Completion of Works issued on Permit No. 21033 for the diversion of 0.1 second foot of water from Atkinson Spring with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, Township 15 South, Range 38 East B.M., for domestic, stock and lawn and garden irrigation at rural homes in Sections 2, 3, and 11, Township 15 South, Range 38 East B.M.

We also enclose departmental receipt No. 26647 for the \$5.00 fee charged in connection with Completion of Works proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl
Enc.

21033

✓
April 30, 1954

RE: Permit No. 21033

Mr. Daniel D. Cahoon, Secretary
Hill Top Water Association
Dayton, Idaho

Dear Mr. Cahoon:

We acknowledge receipt of your affidavit in proof of Completion of Works on Permit No. 21033 accompanied by your check for the \$5.00 fee in connection therewith.

We return the affidavit in order that it may be completed by answering Question 7 as to the amount of water, and under Question 8 describe the place of use. Also under Question 6 mark out either were or were not.

Very truly yours

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Enc.

21033

Permit No.

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

APR 29 1954

Department of Reclamation

STATE OF IDAHO

ss.

County of FranklinDaniel D. Cahoon, SecretaryHill Top Water Association, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 21033, and that his postoffice address is Dayton

State of Idaho

Second: That the name of the stream from which said water is to be diverted is

Atkinson Spring

Third: That the point of diversion of said water is 1048 Fr. N and 760 Ft W from the SE Cor. of Sec. 4, Tp. 15S. R. 38 EBM and is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 15, Tp. 15 S. R. 38 EBM

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by May 4, 1954

Fifth: That the use for which said water is intended is Domestic and stock watering purposes, including gardens and lawns

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: Spring collection pipe, spring box, flow line pipe, concrete storage tank and distribution pipe

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work: No dam

(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit width at bottom feet, width at water line

(State whether ditch, flume or pipe)

feet, depth of water feet; diameter of pipe 2 $\frac{1}{2}$ inches, average grade per mile is 200 feet. Length of conduit is 11,000 ~~miles~~ feet

Seventh: That said works are capable of conducting to the place of intended use

1 tenth second feet of water.

Eighth: That water appropriated under said permit is available for

acres of land described as follows: Five Homes for Drinking and watering stock watering lawns and gardens
The lawns and gardens is about 2 acres

Ninth: Remarks: That

Daniel D. Cahoon
Daniel D. Cahoon (Sign Here) Secretary

Subscribed and sworn to before me this 19 day of Apr, 1954

My commission expires May 1 - 1957

Notary Public.

Robert L. H.21033

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Hilltop Water Association
C/o Lon Cahoon, President
Dayton, Idaho

Boise, Idaho March 1, 1954

Dear Sir:-

Under the terms of your permit No. 21033 you are required to complete your diversion works on or before May 4, 1954. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

MARK R. KULP

State Reclamation Engineer

21033-3

May 10, 1949

Re: Permit No. 21033

Mr. Lon Cahoon, President
Hilltop Water Association, Inc.
Dayton, Idaho

Dear Mr. Cahoon:

We enclose Permit No. 21033, issued to the Hilltop Water Association Inc., and direct your attention to the limitations and conditions as given on the fourth page, under approval of the State Reclamation Engineer.

We also return Warranty Deed from Albert E. Moser and wife, to the Hilltop Water Association covering the land on which the spring is located.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21033

✓
April 11, 1949

Re: Application No. 28427

Mr. Lon Cahoon, President,
Hilltop Water Association, Inc.,
Dayton, Idaho,

Dear Mr. Cahoon:

We acknowledge receipt of your letter of
April 7, 1949, enclosing copy of warranty deed to the
Hilltop Water Association, Inc.

However, you have not yet returned the ap-
plication for Permit to Appropriate Water from Atkinson
Spring, which was sent you under date of December 2,
1948 in order that the ownership of the land could be
stated thereon.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

21033

Dayton, Idaho
April 7, 1949

Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Sir:

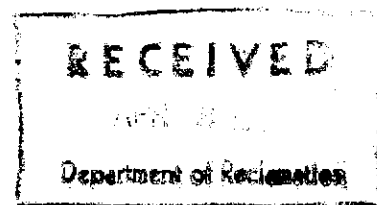
I am enclosing herewith a copy of the warranty deed conveying the spring site to the Hilltop Water Association, Inc., which we agreed a short time ago to furnish as soon as possible. As the filing information on the back of the deed will show, the original was filed for record today.

Sincerely yours

Hilltop Water Association, Inc.

By

Lon Cahoon
Lon Cahoon, President



21033

March 11, 1949

Re: Application No. 28427

Mr. Lon Cahoon, President
Hill Top Water Association
Dayton, Idaho

Dear Mr. Cahoon:

We have your letter of March 7, in which you request extension of time within which to complete your Application for Permit to Appropriate 0.1 of a second foot of water from Atkinson Spring for the reason that the Farmers Home Administration Engineer has been unable to make the necessary inspection.

Although the statutory 60 days have expired, we shall hold the matter in abeyance for a reasonable length of time.

Very truly yours,

MARK R. KJLP
State Reclamation Engineer
By

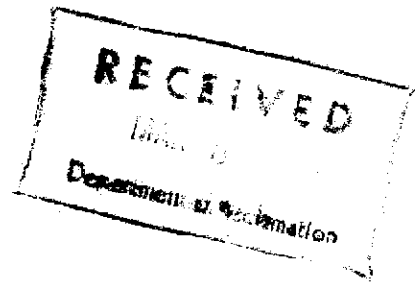
Chief Clerk

A:bh

CC: Farmers Home Administration

21033

Dayton, Idaho
March 7, 1949



Mr. Mark R. Kulp
State Reclamation Engineer
State House
Boise, Idaho

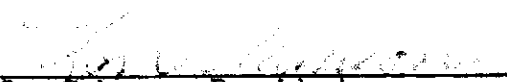
Dear Sir:

The deed which was prepared for the signature of Mr. Moser conveying title to the spring site of Hill Top Water Association, Inc. was presented to him, but he does not want to sign it until the engineer for Farmers Home Administration again measures the flow of water from the spring and makes a written statement that there is not sufficient water to take care of the needs of six additional families that want to come into the association.

This engineer has been ill for the past two months so has been unable to do this work for us. We have recently learned that he is expected to be back to work in the near future and will come into this territory on our project.

If an extension of time for presenting evidence of ownership to the spring can be granted to us, we believe we can have it ready for you.

Very truly yours



Lon Cahoon - President
Hill Top Water Association, Inc.

21033

✓
February 14, 1949

Re: Application No. 28427

Mr. Lon Cahoon, President
Hilltop Water Association
Dayton, Idaho

Dear Mr. Cahoon:

We have had no reply to office letter addressed to you on December 2, 1948, returning the application of the Hilltop Water Association for permit to appropriate 0.1 second foot of water from Atkinson Spring.

This application was returned for you to state the ownership of the land on which the spring is located and the affidavit of permission, if the land was in private ownership.

The statute requires that applications must be completed within 60 days from the date of their return and the 60 days have already elapsed. However, if the corrected application is returned within the next few days, it can still be accepted and the permit approved in accordance therewith.

Very truly yours,

MARK R. KUTZ
State Reclamation Engineer
By

Chief Clerk

A:bh

21033

December 2, 1948

Re: Application No. 28427

Mr. Lon Cahoon, President
Hilltop Water Association
Dayton, Idaho

Dear Mr. Cahoon:

We acknowledge receipt of the application of the Hilltop Water Association for permit to appropriate 0.1 second foot of water from Atkinson Spring, and we enclose Departmental Receipt No. 21064 for the \$5.00 filing fee.

All filings for water from a spring should state under "Remarks" the ownership of the land on which the springs are located; and if in private ownership the affidavit of permission on the bottom of the third page should be executed by the owner of the land on which the spring is located.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt
Enc.

21033

**SUBSCRIPTIONS RECEIVED
THIS WEEK WERE FROM
THE FOLLOWING:**

McKie, Bill 5-21-50

Truger, Louis 12-27-49

2.00 GETS YOU 52

SUBSCRIBE — DON'T BORROW
