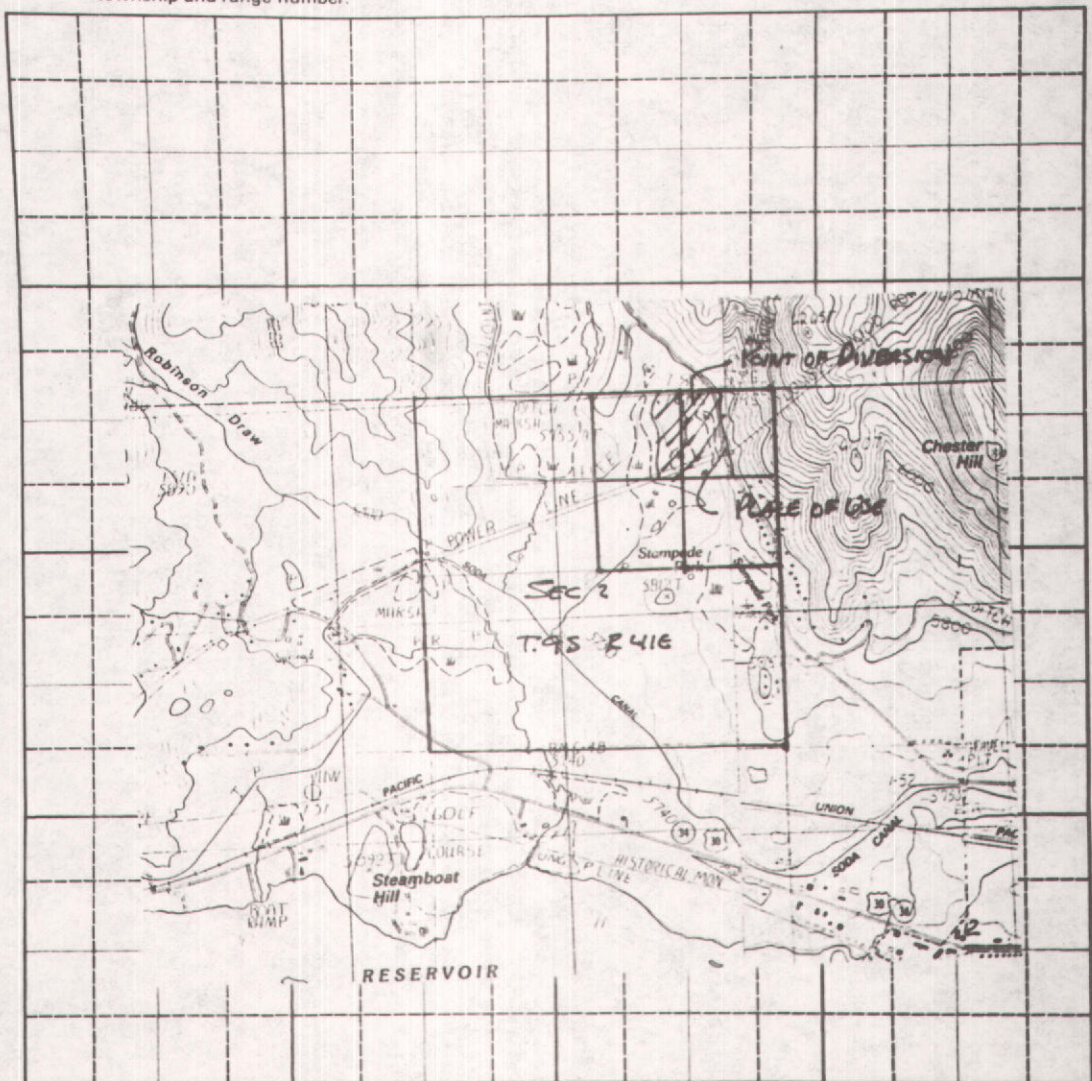


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

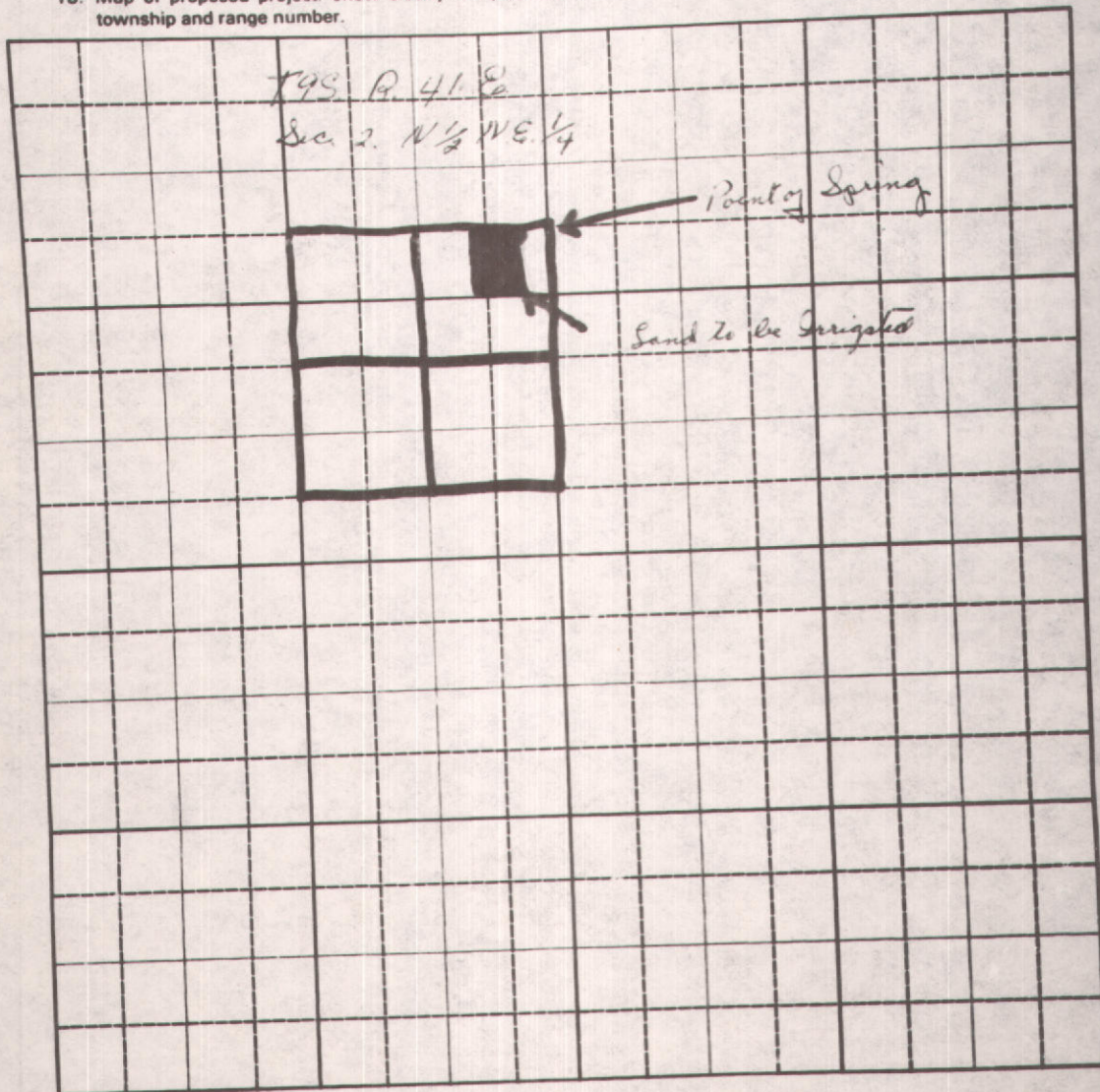


Scale 2 inches equal 1 mile

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

David S. Development
David S. Development
 (Applicant)

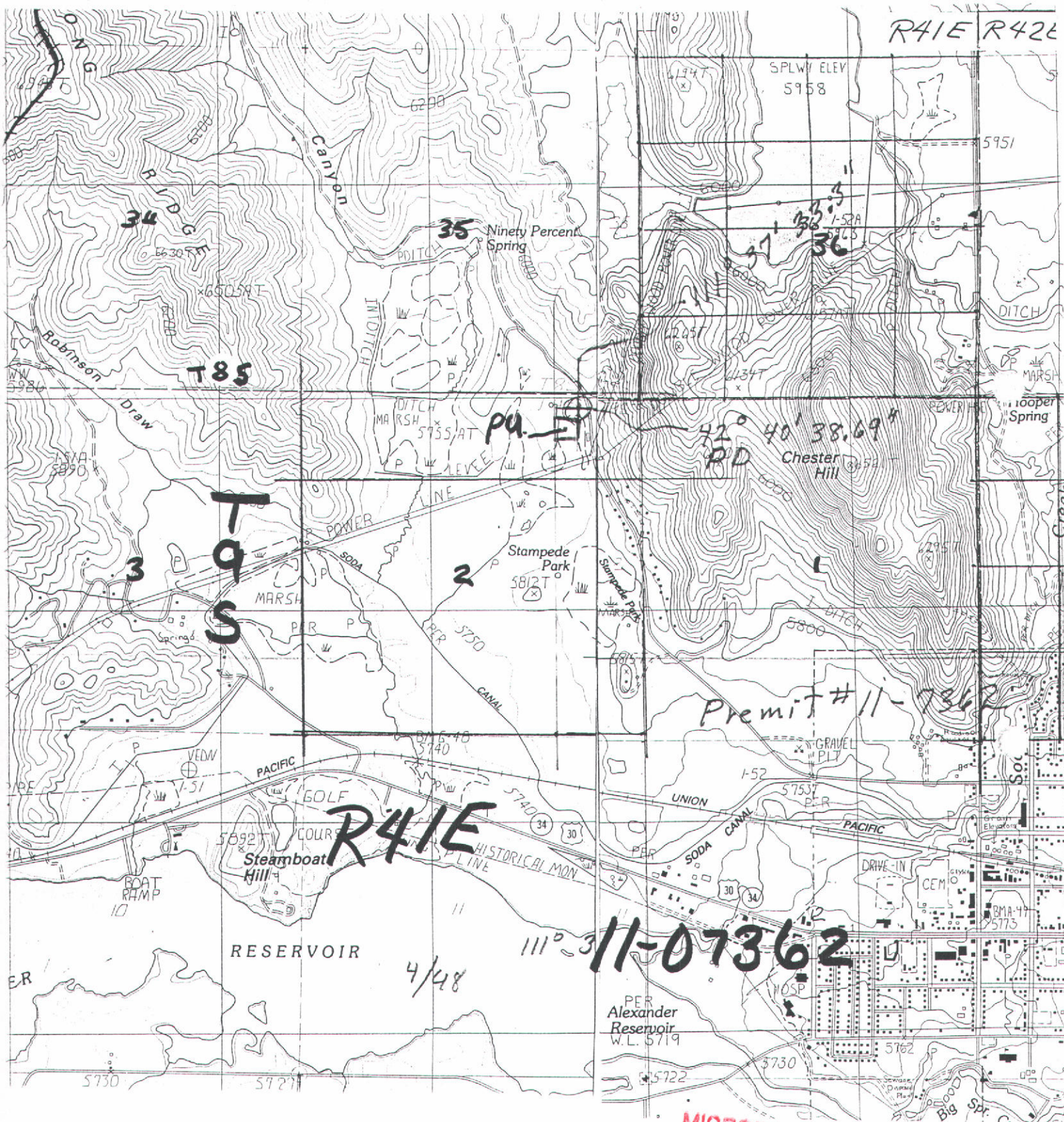
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

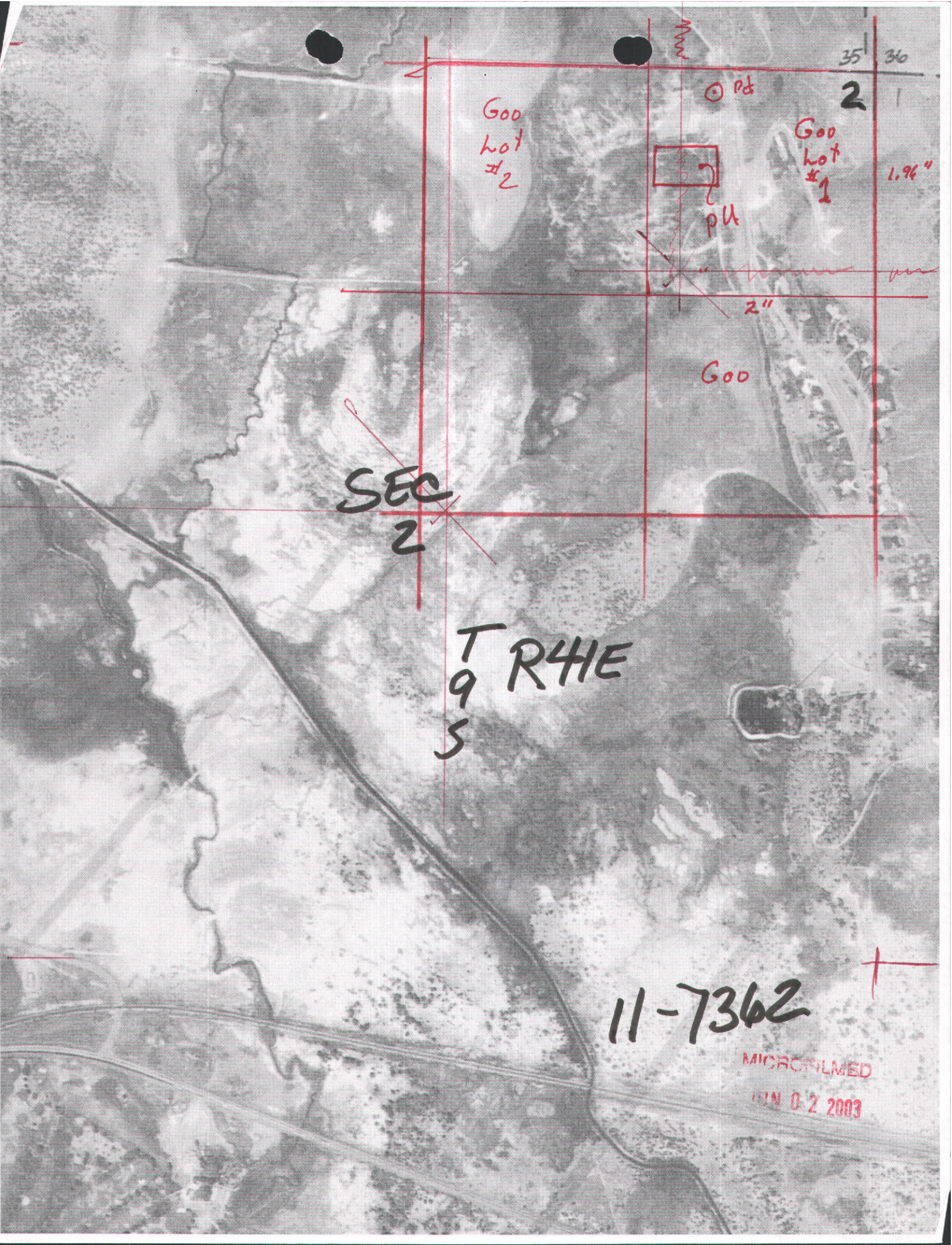


Scale: 2 inches equal 1 mile.

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

Daniel F. Clegg
(Applicant)





SEC
2

T
9 R41E
S

11-7362

MICROFILMED

JUN 0 2 2003



Point of
diversion
Spring is covered
with a concrete
cover, but spring
surfaces to the West
of concrete slab,
West is to left
of picture..



Permit # 11-07362

MICROFILMED
JUN 02 2003



Look South to point of measurement,



Permit # 11-07362

Spring at point of
measurement - looking West.

JUN 02 2003



Looking West over ~~area~~ of use.
place



Permit # 11-07362

MICROFILMED
JUN 02 2003

1 13A

NAPP 1602

R-11E

R-12E

SS

38

Water Source & Flow

Lot # 2, 9090 Subdivision - 9 acres

RECEIVED

DEC 13 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
NOVEMBER 22, 1987

C. G. S. DEVELOPMENT
179 S. 1ST EAST
SODA SPRINGS, ID 83276

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 11-7362

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

PLEASE NOTE THE REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED A FORM ENTITLED "INSTRUCTIONS FOR PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

GARY SPACKMAN
SUPERVISOR, WATER ALLOCATION SECTION

GCS:SC
ENCLOSURES

NE CORNER, SEC. 2
T 9 S. R 41 E. B M

EVERGREEN HEIGHTS SUBDIVISION
BOOK 3, PAGE 64, INST NO 108151
APRIL 8, 1981

Idanha Bottling Plant Springs

MONSANTO CORP.

*Irrigation
Water*

1" = 200'
3 1987

CT
JOARY

Price 9.7

Bowman 9.0

Clegg 6.4

Olorenshaw 5.0

Total 30.10 ac

LOT 1

9.7 AC
(R)

LOT 2

9.0 AC
(R)

LOT 3

6.4 AC
(R)

LOT 4

5.0 AC
(R)

HIGH WATER TABLE

MARSH

SOUTH

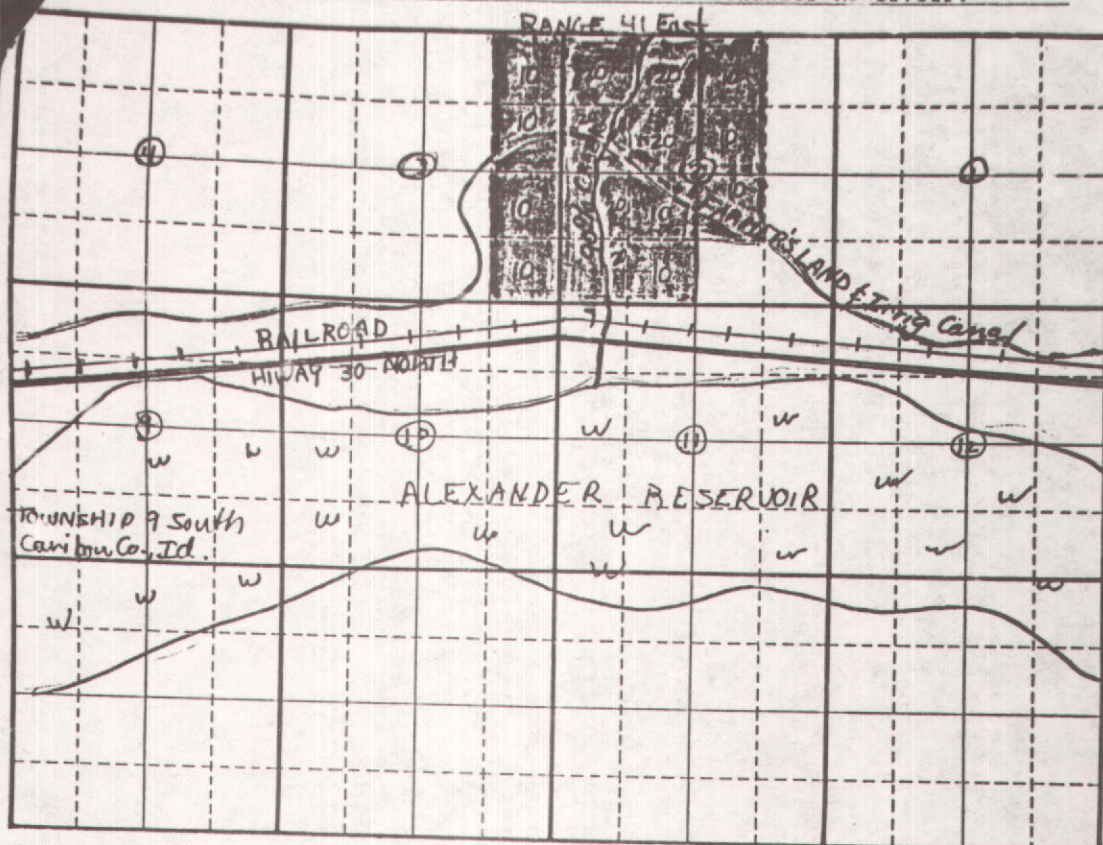
DON C. RIGBY

GENERAL NOTES AND LEGEND

60' ACCESS EASE.



The waters arise from numerous unnamed springs, sloughs and bogs as well as subterranean waters which generally recede during the summer months in a southerly direction, what is commonly known as 90th Creek. The waters arising and lying north of the Farmers Land and Livestock Irrigation Canal set forth on the map below drain primarily into the irrigation canal, with the waters arising south of the canal draining to some extent into the Alexander Reservoir.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of CARIBOU) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 21st day of MARCH

Edward B. Duren
(Claimant)

Faustall C. Budge
Notary Public
Residing at Soda Springs, Id.

My commission expires 10-15-80

FOR DEPARTMENT USE ONLY			
Received by <u>EW</u>	Date <u>3/24/80</u>	Exception filed by:	Date
Prelim. check by <u>EW</u>	Date <u>3/24/80</u>	Forwarded to claimant by:	Date
\$20.00 fee received by <u>EW</u>	Date <u>3/24/80</u>		
Published in <u>Caribou County Sun</u>			
Dates <u>4/03 & 4/10/1980</u>			

11-7362
11-7363

PRE- MIT EXAMINATION

DATE: Aug. 20, 1987
(of exam)

ACCOMPANIED BY: NA.

TOTAL MEASURED: 0.07 cfs

METHOD OF MEASUREMENT: Pygmy Meter

APPLICANT CONTACTED

YES: DATE

NO: DATE

REASON:

REASON FOR EXAM: See "Action Required" note dated 19 May 1987

ACCESS (location direction): County Rd that leads up 90% canyon

LOCATION: Point of Divergence Contained ☒
Place of Use Contained ☒

☐ (See sketch)

☐ (See sketch)

GENERAL OBSERVATIONS: DATA FOR ADMINISTRATIVE DECISIONS

A: Source (Describe in detail) Spring at Idan-Ha bottling site

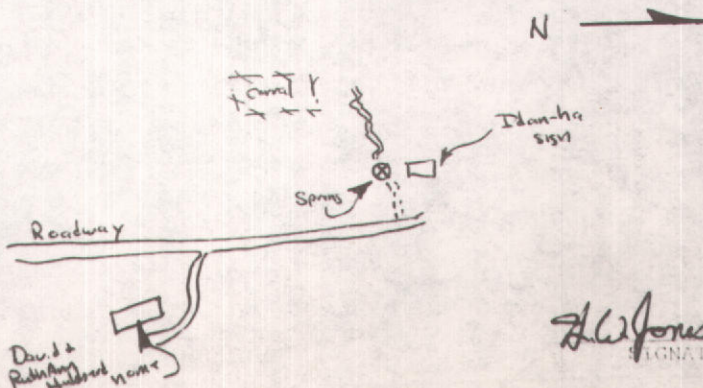
Flow - By pygmy meter on channel 0.25' deep + 0.7' wide with 24 rev./min.

yields 0.07 cfs Flow @ 11:41 am

B: OTHER USES OF SOURCE

C: WORK IN AREA RELATED TO APPLICATION: None

REMARKS:



Signature
SIGNATURE

Pre-Permit
11-7362 + 7363

Springs head at
Idan-ha Sign in
NEENE Sect. 2

MICROFILMED
FEB 24 1988



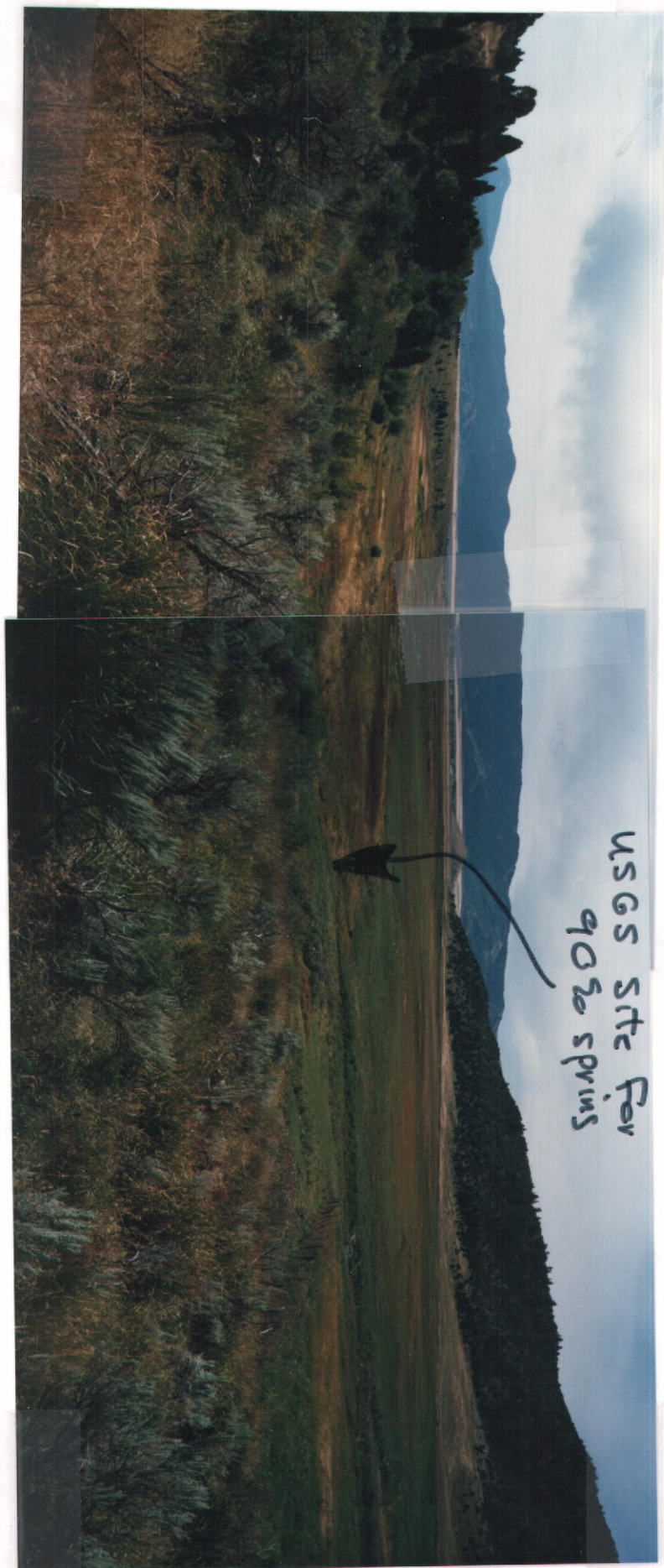
Permit
11-7362 & 7363

Idan-ha
Bottling site & springs

RECEIVED
FEB 24 1988



Area around Springs
looking West



MICROFILMED

FEB 24 1988



Drain ditches
just south
of springs
in NIZNE
sect. 2



upper area
of valley
NW of spring
shows stream
which
comes out
of canyon
& past
Named
9090 springs
on USGS
MAP

(9090 springs (USGS))



area at
Mouth of
9090 canyon

RECEIVED
JUL 24 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 8, 1987

Caribou County Sun
P. O. Box 815
Soda Springs, Idaho 83276

Gentlemen,

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before MAY 4, 1987.

Yours truly,

Michele Davis
Office Secretary

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho

11-7362

D. & S. DEVELOPMENT

179 S. 1ST EAST, BOON SPRINGS, ID 83276

Source SPRINGS 1419, 10 SWAMP/SINKS

Diversion Pt. NINE NE 1/4 Q2 T 09S R 41E

Use IRRIGATION 10.6 CFS

Date Filed 03/23/1967

In NENE NINE 1/4 Q2 T 09S R 41E FOR 10 ACRES

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shaw, Suite 15, Idaho Falls, Idaho 83402 on or before MAY 4, 1967.

KEN DUNN, Dir.

Published 4/16 & 4/23/67.

March 19, 1987

D. & S. Development
179 South 1st East
Soda Springs, Idaho 83276

RE: Application for Permit

Dear Mr. Clegg

Enclosed is a completed application form as per our telephone conversation.

Please note the minor changes on this form as we discussed. Please sign the application and indicate your title with D. & S. Development and return it to this office as soon as possible. Processing of your application on file will be halted until this new form is received.

If you have any questions please feel free to contact me.

Sincerely,

Steve McCormick, P.E.
Water Resource Engineer

SM/md

Enclosure

Affidavit of Publication

County of Caribou
State of Idaho } ss.

Mark Steele

being duly sworn on his oath,
states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circulation
in Caribou County, Idaho, pub-
lished weekly at Soda Springs in
said County that said newspaper
has been published in said County
uninterruptedly and continuously
for over seventy-eight consecutive
weeks, prior to the first publica-
tion of the annexed notice or
advertisement;

That the annexed notice was
published as per clipping attached
in the regular and entire edition of
said newspaper and not in any

supplement thereof for 2
successive weekly issues thereof,
the date of the first publication

being the 16th day of
April, 1987

The date of the last publication
being the 23rd day of
April, 1987

[Signature]

Subscribed and sworn to before
me this 4th day
of May, 1987

[Signature]
Notary Public, residing
at Soda Springs, Idaho

(SEAL)
My Commission expires the
1st day of March
1988

PUBLIC NOTICE

First Time Published

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

11-7362

D. & S. DEVELOPMENT
179 S. 1ST EAST, SODA SPRINGS,
ID 83276

Source: SPRINGS trib. to SWAMP-
SINKS

Diversion Pt: NW NE NE Sec 02 T
09S R 41E

Use: IRRIGATION (0.6 CFS)

Date Filed: 03-23-1987

In: NE NE NW NE Sec 02 T 09S R
41E FROM 20 ACRES

The application(s) will be subject to all
prior water rights. Protests must be filed
with the Director, Dept. of Water
Resources, Eastern Region, 150 Shoup,
Suite 15, Idaho Falls, Idaho 83402 on or
before MAY 4, 1987.

KEN DUNN,
Director

Published April 16 and 23, 1987 in
the Caribou County Sun.

[Stamp]

MAY

Department of Water Resources
Eastern District Office

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	11-07362	D & S Development	.60
Full Assignment	11-07362	Eric Bowman	.60

DEC 13 1994

IN THE MATTER OF PERMIT NO. 11-07362)
)
IN THE NAME OF ERIC BOWMAN) **ORDER OF**
) **REINSTATEMENT**
)

FINDINGS OF FACT

- DEC 13 1994

assigned the permit to him. On November 2, 1994, Eric Bowman submitted an acceptable Assignment of Permit form assigning Permit No. 11-07362 to him.

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.

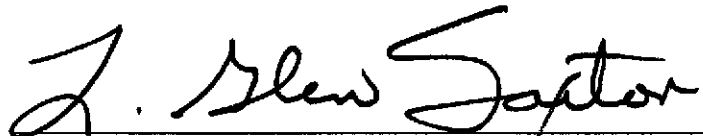
2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 11-07362 is **REINSTATED** and the priority is advanced to October 20, 1994.

Dated this 8th day of December, 1994.



L. GLEN SAXTON

Chief, Water Allocation Bureau

DEC 13 1994

7/94

\$25.00 Fee Received By RT
Receipt No. C031590

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
NOV 02 1994

ASSIGNMENT OF PERMIT

To change the ownership of a permit

Department of Water Resources

I, David H. Clegg / DBA: D+S Development, hereby assign to Eric Bowman
(Applicant)
of 139 W. 2nd So. Soda Springs ID 83276 208-547-4151
(Full Address) (Telephone Number)

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

OR (for partial assignments)

The following portion of my right, title, and interest in and to Permit No. 11-7362 appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision, point of diversion, location, and the amount of water in cubic feet per second.

Lot 2 of 40 to Subdivision Soda Springs ID. 9 Acres.
No diversion since stream naturally flows through
center of said property. Amount of water right assignment
is .20 cubic feet per second.

Made this 31 day of Oct., 19 94.

FEE \$25.00

Permit Holder(s)

David H. Clegg / DBA: D+S Development

State of Idaho)
County of Caribou) ss

On this 31st day of October, 1994, personally appeared before me the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

SEAL

DEC 13 1994

Don L. Harding, Soda Springs, Idaho
Notary Public 83276

Signature

My commission expires: July 13, 1997

RECEIVED

OCT 20 1994

STATE OF IDAHO

Department of Water Resources DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 20 1994

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 11-7362 Telephone No. 208-547-4222
2. Name(s) of Permit Holder(s): Eric Bowman
3. Mailing Address: 139 W. 2nd. So. Soda Springs, ID 83276
Spring at NW corner Lot#10 Block #2 Evergreen Heights Subdivision
4. Source of Water: Soda Springs, ID If GROUNDWATER (well), Date Drilled: mo. NA / yr. NA
 - a. Well Driller: NA Drilling Permit Number: NA - NA - NA - NA
 - b. **OPTIONAL:**
Pump Horsepower: NA Pressure (psi): NA Dynamic pumping level (ft): NA
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): NA Stockwater (No. and type of stock): 4-6 Sheep
4-6 Horses
Irrigation (No. of acres): 9 Other: NA
6-10 Cows
6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 9 acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes _____	or	No <u>X</u>
	Has the measuring device been installed?	Yes _____	or	No <u>X</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes _____	or	No <u>X</u>
	Has the measurement port been installed?	Yes _____	or	No <u>X</u>
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Eric Bowman Telephone Number: 208-547-4151 (O)
208-547-4222 (H)
Address: 139 W. 2nd. So. Soda Springs, ID 83276

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

DEC 13 1994

Signature of permit holder: Eric Bowman (owner) Date: Oct. 17, 1994
(include your title, if on behalf of company or organization)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 11-7362

To appropriate the public waters of the State of Idaho

1. Name of applicant D. & S. Development Phone 208-547-2344
Post office address 179 S. 1st ^{EAST} St., Soda Springs, Idaho 83276
2. Source of water supply Springs which is a tributary of Swamp/Sinks
3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Govt. Lot
Sec. 2 Township 9S Range 41E B.M. Caribou County, additional
points of diversion if any: *Also known as NW corner of Lot #10, Block #2 of the Evergreen
Subdivision
4. Water will be used for the following purposes:
Amount 0.6 cfs for irrigation purposes from 5-15 to 10-1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.60 and/or (b) _____
cubic feet per second acre-feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Water will be flooded over the
property by using ditches and dams

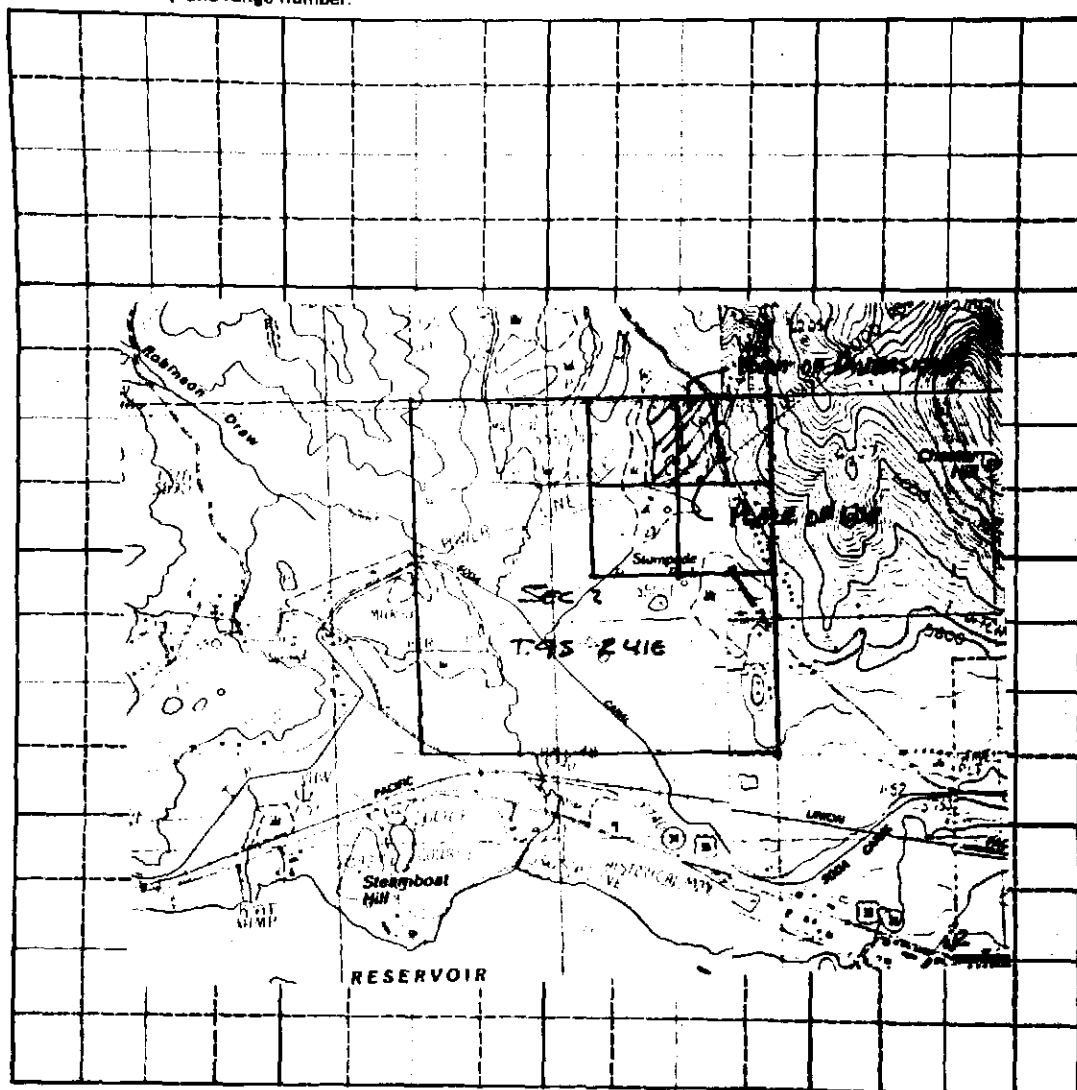
b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet, total
reservoir capacity _____ acre-feet, period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is _____ inches, proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
*2 years (minimum 1 year).

*Changes as per Ernest Carlsen 10-1-87

- [illegible]

12 Remarks - Irrigated area will be used for pasturing of livestock.

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



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.

D. S. Thompson
David H. Hagg General Partner
 (Applicant)

Proposed priority, 3/23/87

Received by OW Date 3-23-87 Time 11:15 A Preliminary check by SWM

Fee \$ 45⁰⁰ Received by WLD # 41131 Date 3-30-87
4161425-87

Publication prepared by WLD Date 4-8-1987 Published in Carbon County News

Publication approved OW Date 5-14-87

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 11-7362 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 December 1, 1989.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 6TH day of November, 1987.

Director

Form 202
6/68

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Map No. U-110

To appropriate the public waters of the State of Idaho

1. Name of applicant D & S Development Phone 208-547-2344
Post office address 179 S 1st E, Soda Springs, Idaho 83276
2. Source of water supply Springs which is a tributary of None
3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of 1 E $\frac{1}{4}$ Govt. Lot
Sec. 2 Township 9S Range 41E B.M. Caribou County; additional
points of diversion if any: N
4. Water will be used for the following purposes:
Amount 1 for Irrigation purposes from 5-15 to 10-1 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
5. Total quantity to be appropriated is (a) 1 and/or (b) 16.8
(cfs or acre feet per annum) (cfs or acre feet per annum)
6. Proposed diverting works: Flood Irrigation...30 acres.
 - a. Description of ditches, flumes, pumps, headgates, etc. Water will be flooded over the property by using ditches and dams
 - b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet; period of year when water will be diverted to storage: N/A to N/A inclusive
 - c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year).

8. Description of proposed uses *(if irrigation only, go to item 9)*:
- a. Hydropower; show total feet of head and proposed capacity in KW. N/A
 - b. Stockwatering; list number and kind of livestock. N/A
 - c. Municipal; show name of municipality. N/A
 - d. Domestic; show number of households. N/A
 - e. Other; describe fully. N/A

9. Description of place of use:
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

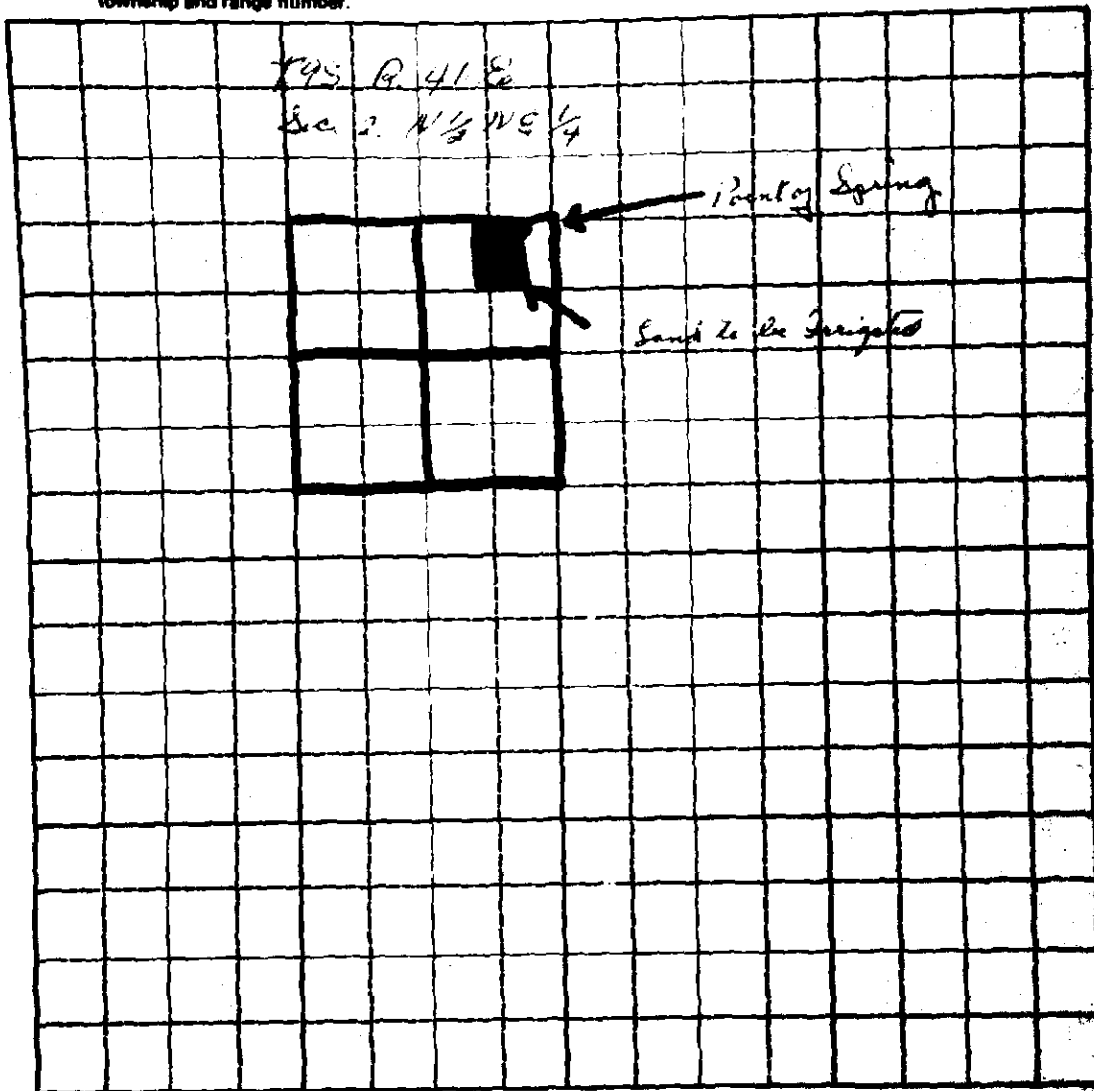
[illegible]

Total number of acres to be irrigated 30

10. Describe any other water rights used for the same purposes as described above. None
11. a. Who owns the property at the point of diversion? David H. Clegg
b. Who owns the land to be irrigated or place of use? David Clegg, Rhett Price & Eric Bowman
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Discussed and agreed to use the water in the allotted no. of acres owned by each party
12. Remarks: The area that is to be irrigated is to be used for pasturing of livestock

12. Remarks: The area that is to be irrigated is to be used for pasturing of livestock

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



Scale: 2 inches equal 1 mile.

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

David F. Clegg
Verifying

Received by WMS Date 3-4-77 Time 1:30 p Preliminary check by S.A.
Fee \$ 45.00 Receipted by _____ \$ _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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 _____, 19 _____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are indicated later in time than the priority of this permit and shall not give rise to any right or claim against any future right to the use of water, other than hydropower, within the State of Idaho indicated later in time than the priority of this permit.

e. Other:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

RECEIVED
MAY 27 2003
Department of Water Resources

☒ Water Right Number(s): 11-7362 (permit)

☐ Name(s): Eric Bowman

☐ Old Mailing Address: 139 W. 2nd St.
Soda Springs, ID
83276

☐ New Mailing Address: 300 W. 2nd St.
Soda Springs, ID
83276

Telephone Number: (208) 547-4151

☐ Signature(s) of Owner(s) Eric Bowman

(Include your title if on behalf of company or organization)

Date: 5-21-03

MICROFILMED
JUN 02 2003

database updated - Kari Lynn - 5.27.03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB 16 1999

A. GENERAL INFORMATION

Department of Water Resources
Permit No. W-7302

1. Owner: Eric Bowman Phone No. (208) 547-4222

Current Address: 139 W. 2nd. So., Soda Springs, Id 83274

2. Accompanied by: Eric Bowman EXAM DATE: 6-30-98

Address: Same as above Phone No. (208) 547-4222

Relationship to Permit Holder: Owner of Prop.

3. Source: Spring tributary to Swamp/Sinks

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	#1	SW	NE	NE	2	9S	4E	Caribou	USDS and NOS/NOAA maps

2. Place(s) of Use:

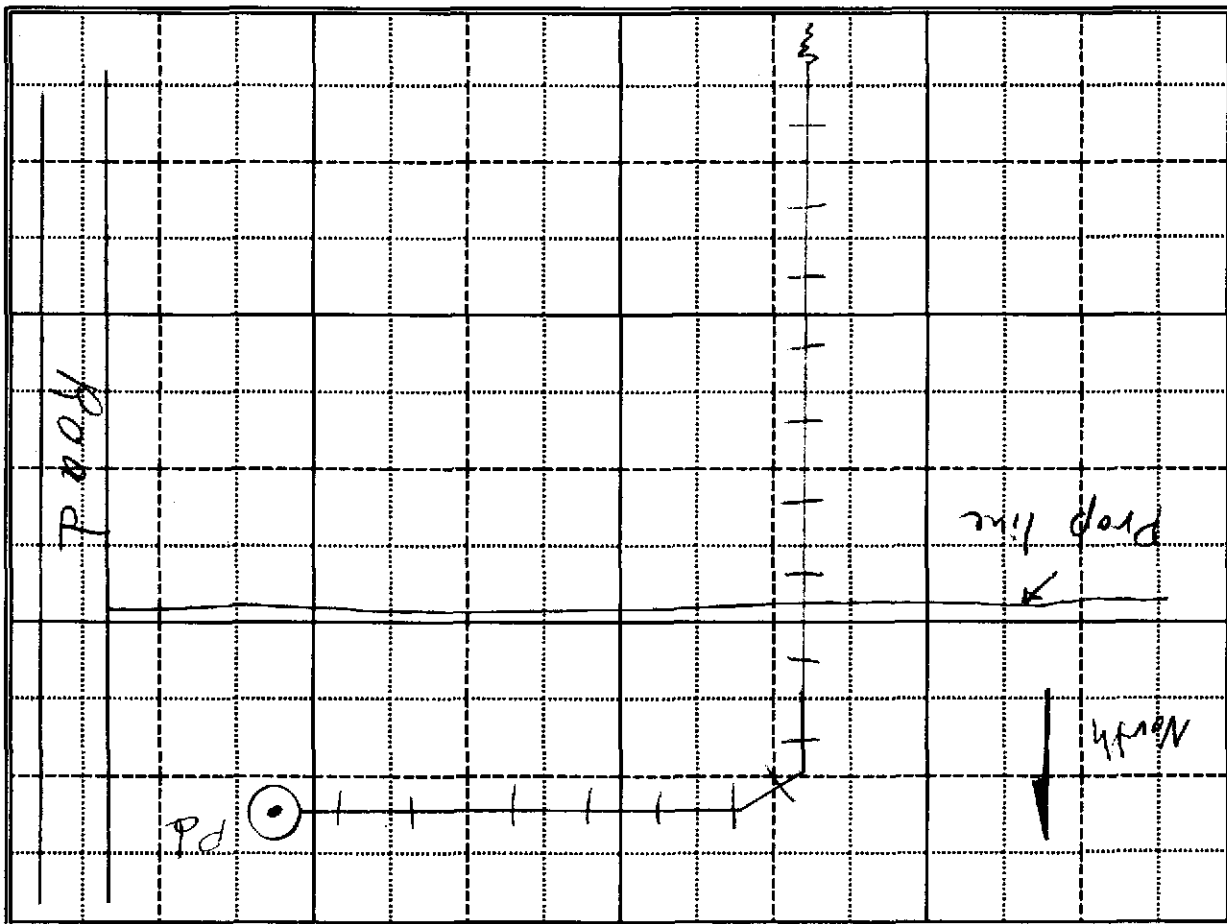
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	4E	2	9																9

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JUN 12 2003

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____
 _____ Copy of USGS Quadrangle Attached Showing location(s) of _____
 _____ point(s) of diversion and place(s) of use (required).
 _____ Aerial Photo Attached _____
 _____ (required for irrigation of 10+ acres)
 _____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Weir	Pow/us		BCU		15"	

2. Measurements: was 40 mm = 4 cm from table in Field manual
 $4.0 \text{ cm} = 0.18 \text{ CFS} = 80 \text{ gal/min.}$

	Recs	Mean	Std Dev	Minimum	Maximum
Latitude	231	42 40' 38.6971602"	7.0768268	42 40' 38.5643608"	42 40' 38.9186443"
Longitude	231	111 37' 33.3002965	4.8536715	111 37' 33.4267399	111 37' 33.2011067"
Altitude	231	5807.1448868	9.0385670	5773.7355776	5835.8272056

No velocity records in file.

No DOP records in file.

Start GPS Week #964 on 07/01/98 at 23:23:54

End GPS Week #964 on 07/01/98 at 23:27:12

Datum : NAD-27 CONUS
Coordinate System : Latitude/Longitude
Altitude Mode : Mean Sea Level
Altitude/Distance Units : Feet
Velocity Units : Feet/Second

Permit # 11-07362
corr. for point of diversion

	Recs	Mean	Std Dev	Minimum	Maximum
Latitude	240	42 40' 35.1056525"	1.7983323	42 40' 35.0450092"	42 40' 35.2075418"
Longitude	240	111 37' 38.0738707"	4.7527367	111 37' 38.2246422"	111 37' 37.9288263"
Altitude	240	5791.4638960	9.2328134	5766.6941454	5808.0441817

No velocity records in file.

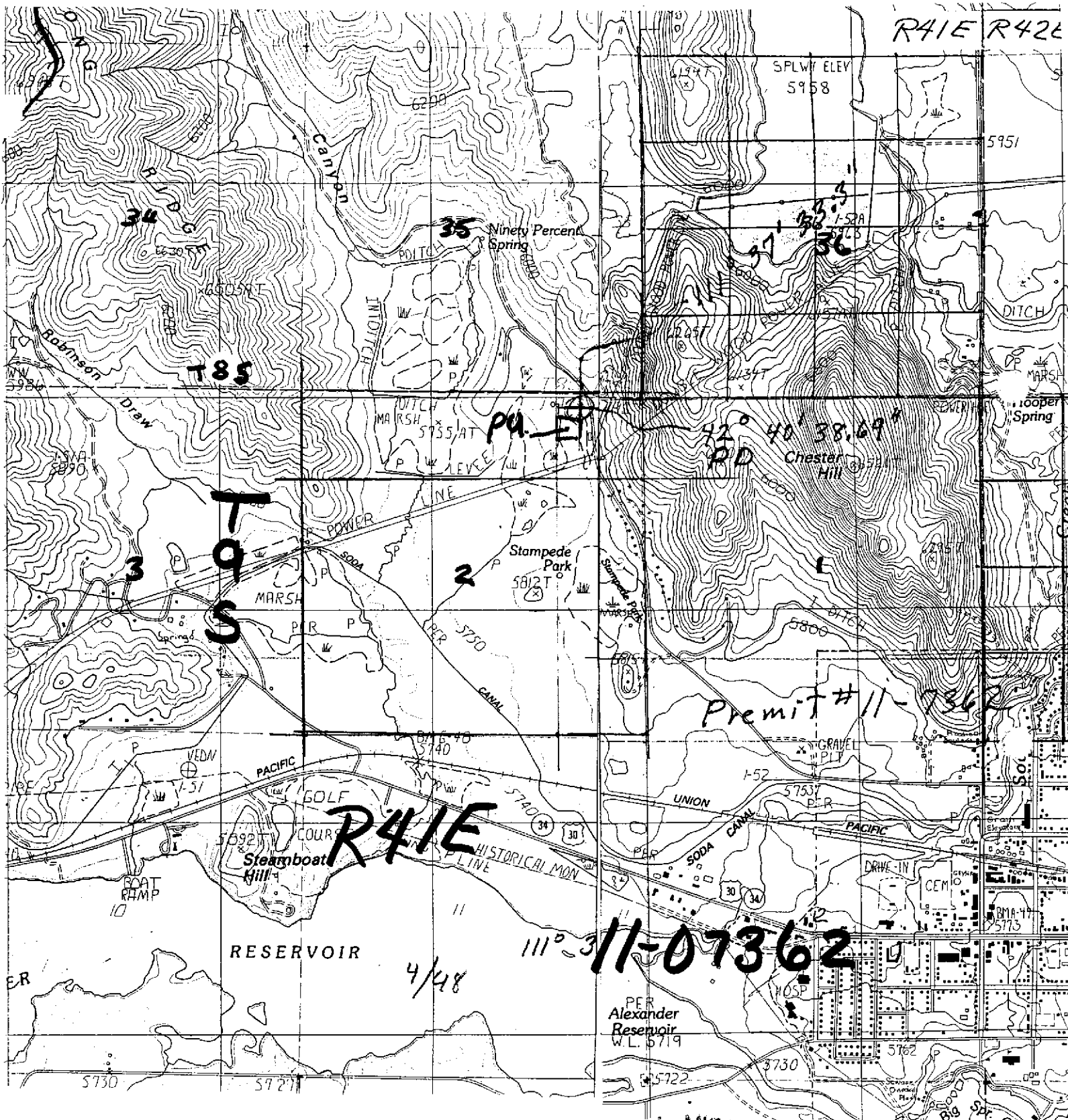
No DOP records in file.

Start GPS Week #964 on 07/01/98 at 23:34:49

End GPS Week #964 on 07/01/98 at 23:38:23

Datum : NAD-27 CONUS
Coordinate System : Latitude/Longitude
Altitude Mode : Mean Sea Level
Altitude/Distance Units : Feet
Velocity Units : Feet/Second

Permit # 11-07362



MICROFILMED

JUN 6 2 2003

35 36

2

Good
hot
#2

Good
hot
#1

Good

SEC
2

T
9 R41E
5

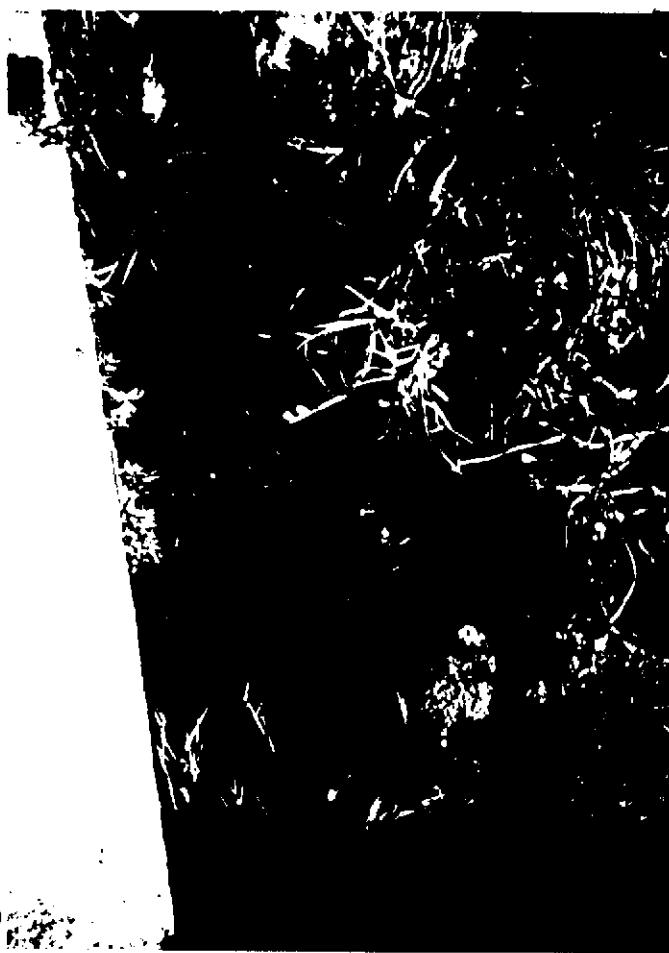
11-7362

MICROFILMED

02 02 2003



Point of
diversion
Spring is covered
with a concrete
cover, but spring
surfaces to the West
of concrete slab,
West is to left
of picture..



Permit # 11-07362

MICROFILMED

JUN 02 2003

Permit # 11-7362

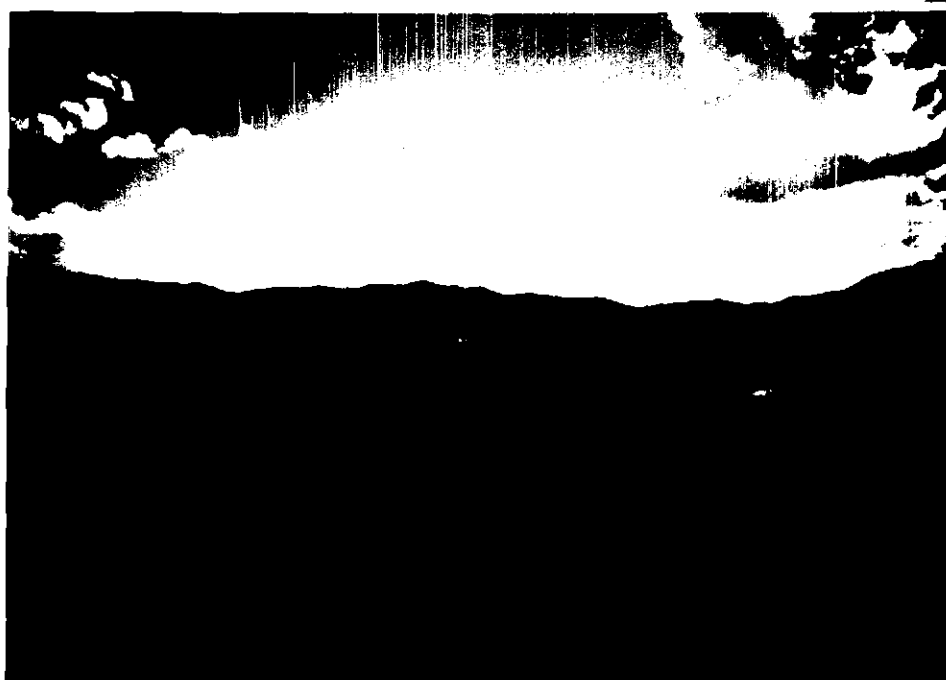


Look South to point of measurement.



Permit # 11-07362 Spring at point of measurement - looking West.

JUN 02 2003



Looking West over ~~place~~ of Use.



Permit # 11-07362

MICROFILMED

JUN 02 2003

E. NARRATIVE/REMARKS/COMMENTS

Spring is currently marked as the 90% spring but GPS location does not agree with the location of the 90% spring on the USGS and NO3/NOAA maps. (see maps). Spring travels west for 75 yards and turns South through the Bowman's property.

The spring will be dammed and allowed to flood over pasture and Garden using ditches and dams.

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED

JUN 02 2002

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Irrigation

From

5-15

Period of Use

To

10-1

Rate of Diversion

Q (cfs)

0.18

Annual Volume
V (afa)

2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

I. AUTHENTICATION

Field Examiner's Name

Lee L. Simon

Date

6-30-98

Reviewer

Debra S. Simon

Date

3 February 99

SEAL

MICROFILMED
JUN 2 1999

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 11-7362 Reviewed by [Signature] Date 10-20-94

GENERAL CONSIDERATIONS

no Name same as permit? *- needs assignment*
no Address same as permit?
no Proof timely received?
If not, complete calculation below.

TYPES OF USE

irr stock

Correct Uses? yels

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐	Drilling permit required?	
☐	Copy in the file?	Drilling Permit No. _____
☐	Amount paid for permit	_____ Correct?
☐	Well log in the file?	

LICENSE EXAMINATION FEE

yels Required?
50.00 Amount Submitted
yels Correct?

MEASURING DEVICE

no Required?
☐ Installed?
☐ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	_____
Date proof due	_____	- _____
No. of days late	_____	= _____
Priority Date	_____	+ _____
New Priority Date	_____	_____

*late after 60
Days
10-20-94*

DEFICIENCIES OR ACTION ITEMS

*Assignment Received
Reinstated & advance priority to October 20, 1994
Proof acceptable*

DATA ENTRY

New Address B39 W 2nd S Proof Made 10-20-94
Soda Springs, Id. 83274

ASSIGNMENT REVIEW SHEET

TYPE: Application / Permit Number 11-7362

License, Claim, or Decree Number _____

Assignment Form Enclosed ✓

Warranty Deed Listing Water Right ✓

Assigned by Owners of Record ✓

Signature Verified ✓

Notarized ✓

Total Assignment ✓

Assignment Split the Right _____

Conditions Prohibiting Assignment _____

Power Assignment-Affidavit Enclosed _____

COVER LETTER

Licenses, claims, or decrees:

Keep "... have modified ..."

Delete "... have modified ..."

Use "partial" or "portion" on cover letter

Additional information necessary
to include in cover letter _____

COPIES

Claims: Make sure copy of
cover letter & assignment
filed in claim drawer in vault _____

To Adjudication if a claim filed _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 8, 1994

ERIC BOWMAN
139 W 2ND S
SODA SPRINGS ID 83276

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 11-07362

Dear Permit Holder:

The Department acknowledges receipt of the correspondence and assignment of permit form transferring ownership of the above referenced water right to you. We have have modified our computer records to reflect this change in ownership.

Additionally, the department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Enclosed is an order reinstating your permit since proof of beneficial use was received after the proof due date. Please note that the priority date has been advanced to October 20, 1994.

If you have any questions concerning this matter, please free to contact the EASTERN Regional Office in Idaho Falls at (208) 525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Regional Office

DEC 13 1994

Warranty Deed

THIS INDENTURE, Made this 13th day of February
in the year of our Lord One Thousand Nine Hundred and Eighty-seven , between
DON C. RIGBY FAMILY PARTNERSHIP, a Limited Partnership,
of Bancroft , County of Caribou , State of Idaho
the party of the first part, and

ERIC M. BOWMAN and LIANA B. BOWMAN, husband and wife,
of Soda Springs , County of Caribou , State of Idaho
the parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of - - - - -
ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATIONS - - - - - DOLLARS,
lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt
whereof is hereby acknowledged

, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties
of the second part, and to their heirs and assigns forever: All that certain lot
piece or parcel of land situate, lying and being in the County of Caribou State of Idaho, bounded
and more particularly described as follows, to-wit:

Township 9 South, Range 41 East of the Boise Meridian:

Section 2: Beginning at the Northeast corner of said Section 2;
thence North 89°07'55" West 1040.39 feet along the North
line of Evergreen Heights Subdivision, according to the
official plat thereof, as recorded in the office of the
County Recorder of Caribou County, Idaho, under recorder's
instrument No. 108151, to the Northwest corner of said
Subdivision; thence South 09°25'08" East 375.50 feet along
the West line of said Subdivision to the Southwest corner
of Lot 8, Block 1, of said Subdivision, which is the
TRUE POINT OF BEGINNING, and running
thence continuing South 09°25'08" East 440.67 feet to the
Southwest corner of Lot 4 of said Block 1;
thence South 83°56'00" West 1009.12 feet;
thence North 365.00 feet;
thence North 79°16'35" East 947.90 feet,
to the true point of beginning.

Subject to accruing taxes.

DEC 13 1994

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and
the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident
unto the said parties of the second part, and to their heirs and assigns forever. And the said
party of the first part, and its successors the said premises in the quiet and peaceable possession
of the said parties of the second part their heirs and assigns against the said party of the
first part, and its successors and against all and every person or persons whomsoever, lawfully claiming
or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said party of the first part has hereunto set its hand and
seal the day and year first above written.
Signed, Sealed and Delivered in the Presence of

DON C. RIGBY FAMILY PARTNERSHIP,
a Limited Partnership
By: Don C. Rigby [Seal]
DON C. RIGBY, Partner [Seal]
[Seal]
[Seal]

130932

WARRANTY DEED

DON C. RIGBY FAMILY PARTNERSHIP,
a Limited Partnership,

TO
ERIC M. BOWMAN and LIANA B.
BOWMAN, husband and wife,

Dated February 13, 19 87
STATE OF IDAHO,
County of Caribou ss.

I hereby certify that this instrument was filed for
record at the request of

Caribou Title Company
at 45 minutes past 10
o'clock A M., this 18 day
of February, A. D. 19 87
the microfilm
in my office and duly recorded in the
records of Caribou County, Idaho.

MYRNA W. ARCHIBALD
Ex-Officio Recorder.
By *[Signature]*
Deputy.
Fee, \$ 4.00

GEO. FRIMMS & SONS, INC., Pocatello, IDAHO

Mail Tax Notice To:
Eric M. Bowman
139 West Second South
Soda Springs, Idaho 83276

Commission expires: August 15, 1991
Residence and P. O. Address: Soda Springs, Idaho

[Signature]
Notary Public.

RECORDED
DEC 18 1984

above written.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first

the undersigned a Notary Public in and for said County and State, personally appeared Don C. Rigby, known to me to be a partner in the Don C. Rigby Family Partnership, and also known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same for and on behalf of said partnership.

On this 13th day of February in the year 19 87, before me

STATE OF IDAHO,
County of Caribou
ss. }

13A

12-11

12-11

SS

Water Source & Flow

Lot # 2, 9070 Subdivision - 9 acres

DEC 18 1981



ERIC BOWMAN DC

139 West 2nd South
Soda Springs, Idaho 83276
Telephone: (208) 547-4151

RECEIVED

NOV 02 1994

Department of Water Resources

10-31-94

Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83720-9000

Julie Yarbrough:

Enclosed is the Assignment of Permit for partial assignment on permit 11-07362 signed by David H. Clegg of D&S Development. Also enclosed is a copy of the Warranty Deed showing ownership of lot #2 90% Subdivision Soda Springs ID. The \$25⁰⁰ fee is also enclosed.

Thank you for your help.

Sincerely

Eric Bowman

Eric Bowman

DEC 13 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 25, 1994

Eric Bowman
139 W 2nd S
Soda Springs, ID 83276

Copy

RE: Lapsed Permit No. 11-07362

Dear Mr. Bowman:

On October 20, 1994, the Department received the proof of beneficial use form and fee for the above referenced permit. I note, however, that the permit is in the name of D & S Development.

Before the department can take action on the permit, the permit needs to be in some way associated with you. Enclosed is an assignment, which when completed by the permit holder or representative of the permit holder and accompanied by the \$25.00 filing fee, will convey the permit to you. If, however, it is impossible to acquire an assignment, there are other options.

The department can accept the proof and fee if you can demonstrate that you have possessory interest in the land. This can be accomplished by providing the department with a copy of the tax record or a copy of your warranty deed and/or sales contract. By submitting such document(s), the department can allow you to take action to maintain the permit, but not necessarily as documentation for conveying ownership of the permit.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED
OCT 27 1994

RECEIVED

OCT 20 1994

Department of Water Resources

Department of Water Resources
1301 N. Orchard St.
Boise, ID. 83706

Oct. 14, 1994

Attn: Julie Yarbrough

Dear Julie:

This application for water rights is being submitted to renew the permit #11-7362 which was originally applied for in 1987. This application is for irrigation and stock use of the spring from the NW corner of lot #10, Block #2 of the Evergreen Heights Subdivision in Soda Springs, Idaho. The water then flows into the 90 Percent Subdivision, which is an agricultural subdivision, and through my property; Lot #2 consisting of 9 acres. I was unaware until about 2 weeks ago that proof of beneficial use was necessary, and had not been submitted, or that the water right had lapsed in 1988.

The natural flow of this spring runs through the middle of my property, and the use of the water is necessary to water my stock and irrigate the pasture. To irrigate I place a canvas dam in the creek to flood irrigate, otherwise the water flows naturally through the property and the stock use it for water.

Enclosed are two proofs of beneficial use of the property and water. One is a photo from the ASCS office showing the property is developed pasture & farm ground. The water is visible running through the pasture and is used beneficially. The second is a statement from David Clegg, a neighbor and owner of adjoining property, stating that he has witnessed the beneficial use of this water from 1987 to the present date.

If you have any questions please contact me. Thank you for your help in this matter.

Sincerely,

Eric Bowman
Eric Bowman

139 W. 2nd So.
Soda Springs, ID 83276
208-547-4222

DEC 18 1994

Department of Water Resources
1301 N. Orchard St.
Boise, ID. 83706

October 14, 1994

As a neighbor, and owner of adjoining property, I verify that from 1987 to present Eric Bowman has used the water on Lot #2 of the 90 Percent Subdivision, Soda Springs Idaho, in a beneficial manner as applied for on Application 11-7362. This water has consistently been used for the benefit of his stock and for irrigation.

Sincerely,

A handwritten signature in cursive script, reading "David H. Clegg", with a long horizontal line extending to the right.

David H. Clegg
1773 Cedar View Road
Soda Springs, Idaho 83276
208-547-3523

DEC 13 1994

I certify that file No. 11-7362 has been
reviewed and is ready to be **MICROFILMED**
and **DESTROYED**.

Sam Skaggs
Signature

8-8-90
Date

December 14, 1989

D & S DEVELOPMENT
179 S. 1ST EAST
SODA SPRINGS, ID 832760000

LAPSE NOTICE

RE: PERMIT NO. 11-07362

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced water permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper form in our proof due notice to you dated September 30, 1989.

Your permit cannot be reinstated unless you submit proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal (including the examination fee or a completed field examination report) or the extension request form together with the \$15 fee must be received by this department within sixty days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a governmental agency or by litigation which might bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

LGS:RF

D & S DEVELOPMENT
179 S. 1ST EAST
SODA SPRINGS, ID 832760000

September 30, 1989

135638

PROOF DUE NOTICE
RE: PERMIT NO. 11-07362

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1989. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Bita Fleck
Secretary/Records Manager

Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL B. ANDERSON

Governor

R. KATHY BRIDGEMAN

Director

August 1, 1989

George Fishler
2626 E. 3020 S.
Salt Lake City, UT 84109

Dear Mr. Fishler:

Re: Permit No. 11-7362

Pursuant to your request, enclosed is a copy of this water right permit.

Also enclosed is an assignment form. The purpose of an assignment is to show a change in the ownership of a permit. A water right permit is considered as personal property.

If you wish to submit the assignment form, the assignment form needs to be completed by the permit holder and signed before a notary public.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

STATE OF ILLINOIS
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
HOUSE, JOINT 83720
1208) 334-4446
DECEMBER 22, 1987

1208) 334-4446
1208) 334-4446
1208) 334-4446

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 1208) 334-4446

DEPT. PERMIT NO. 1208) 334-4446

ENCLOSED IS A COPY OF YOUR APPROVAL APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

PLEASE NOTE THE REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF EXISTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED SET CASE MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED A FULL ENTIRE "INSTRUCTIONS FOR PROCEED WITH BENEFICIAL WORK". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

GARY DEGENS
SUPERVISOR, WATER ALLOCATION SECTION

CC: M
ENCLOSURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Sta. McInnis

APPLICATION NUMBER: _____

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☐ Yes ☒ No In form to receipt.

Field check by: _____
Date: _____
Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No In form for advertising. _____
Final date for protests: 5-4-1987
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 5-18-87
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application. (100)
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 11 - WA source sinks
23 Kilbuck 87 Date of priority recommended.
Special conditions of approval or cover letter. _____

2 yrs. is reasonable for Bill develop-
ment.

By: Ernest Carlson Date: 20 Oct 87

STATE OFFICE REVIEW:

117

26 01

RECEIVED
OCT 21 1987

- ☐ See attached sheet for more information.

By: KW Date: 11/2/87 Department of Water Resources

September 9, 1987

Ernest Carlson
Water Rights Supervisor
150 Shoup---Suite 15
Idaho Falls, Idaho 83402

SEP 11 1987
Department of Water Resources
Eastern District Office

In RE: to Permit Applications No. 11-7362 & 11-7363

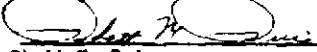
Dear Mr. Carlson:

In answer to the points raised concerning the two points of diversion being both in the same legal description; point is, there are two different sources in the same legal. If they need to be further described, I can do that, but it is my understanding that I have done this properly, as is noted on the application, each being used for a different purpose.

Item # 1: As to the name given to the spring at Ninety Percent; if this is a major problem we can change the name to Idanha Bottling Plant Springs--this is what I had filed for anyway and this spring is on my property.

As to the question concerning the amount of water in this spring, when I made the application last Spring, there was very near the amount I had filed for in the application. If this is not the correct procedure or amount, what amount should be used? When this is set up and ready, I will need whatever the spring will supply. I hope this answers your question on why the amount on the application.

Item # 2: Ownership of the point of diversion is on the Northwest corner of Lot # 10, Block # 2 of the Evergreen Sub., which I own at this time. As for the place of use, I am sending you a map of the thirty acres to be irrigated with this source & showing amounts in each lot. I will have all four owners sign that they are in agreement with this application. The water will be used in the percentage of acres each land owner holds and is mutually agreed to by all property holders as signature below indicates.

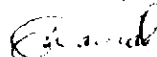

Rhett M. Price


David H. Clegg


Eric Bowman


Wade Olerenshaw

Thank you for considering this application and please contact me if there is anything more I need to do.



August 31, 1987

David Clegg
C/O D&S Development
179 S. 1st E.
Soda Springs, Idaho 83276

RE: Permit Applications No. 11-7362 & 11-7363

Dear Mr. Clegg:

Prior to recommending administrative action on the above applications, there are a few items needing clarification.

The point of diversion is shown on both applications as the NW1/4NE1/4NE1/4, Sec. 2, T. 9S, R. 41E. But there is a different source listed on each filing. Application 11-7362 lists a spring which is tributary to swamps and sinks, while application 11-7363 identifies the source as Ninety Percent Spring which is tributary to sinks. A field investigation by an employee of this office on August 20, 1987, revealed the spring site for the old Idan-ha Bottling Plant is clearly marked by a sign. This spring is located in the NW1/4NE1/4NE1/4, Sec. 2, T. 9S, R. 41E. Ninety Percent Spring, however, is labeled on the USGS quad map as being in the NW1/4NW1/4SE1/4, Sec. 35, T. 8S, R. 41E. This spring is located approximately 5/8 of a mile north of the Idan-ha Spring. Therefore, for application 11-7363, either the source of water must be changed, or the legal description for the point of diversion must be amended.

For your convenience, a copy of the USGS quad map is enclosed. This map illustrates the location for Ninety Percent Spring and the Idan-ha Spring.

Idaho Code, Section 42-203A(5), requires that a determination be made on whether or not the water supply itself is insufficient for the purpose for which it is sought to be appropriated. A measurement of the Idan-ha spring taken during the field investigation of August 20, 1987, determined it was flowing 0.07 cfs.

Mr. Clegg
August 31, 1987
Page 2

The amount of water requested for appropriation under both applications is almost 20 times this amount. Is there a basis for the amounts requested on the applications? Is there a particular reason why you feel the spring can be developed to produce the amount of water requested?

Another item that must be considered by the Department concerns the ownership of the point of diversion and place of use. Application 11-7362 indicates that you wish to irrigate 30 acres of land in the N1/2NE1/4, Sec. 2, T. 9S, R. 41E. Information collected indicates you are the owner of the NE1/4NE1/4, Sec. 2. Before the application can be approved for the irrigation of the NW1/4NE1/4, Sec. 2, you must provide documentation describing the arrangement you have made with the owners of this land authorizing you to make application for the irrigation of their property.

This office will hold your applications for 30 days to give you an opportunity to respond to the above items. Failure to submit this information within the designated time period could jeopardize the application and its attached priority.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/dg
Enclosure

NE CORNER, SEC. 2
T 33. N 41 E, B.M.

EVERGREEN HEIGHTS SUBDIVISION
BOOK 3, PAGE 64, INST N9 108151
APRIL 8, 1981

Idanha Bathing Plant Springs

MONSANTO CORP.

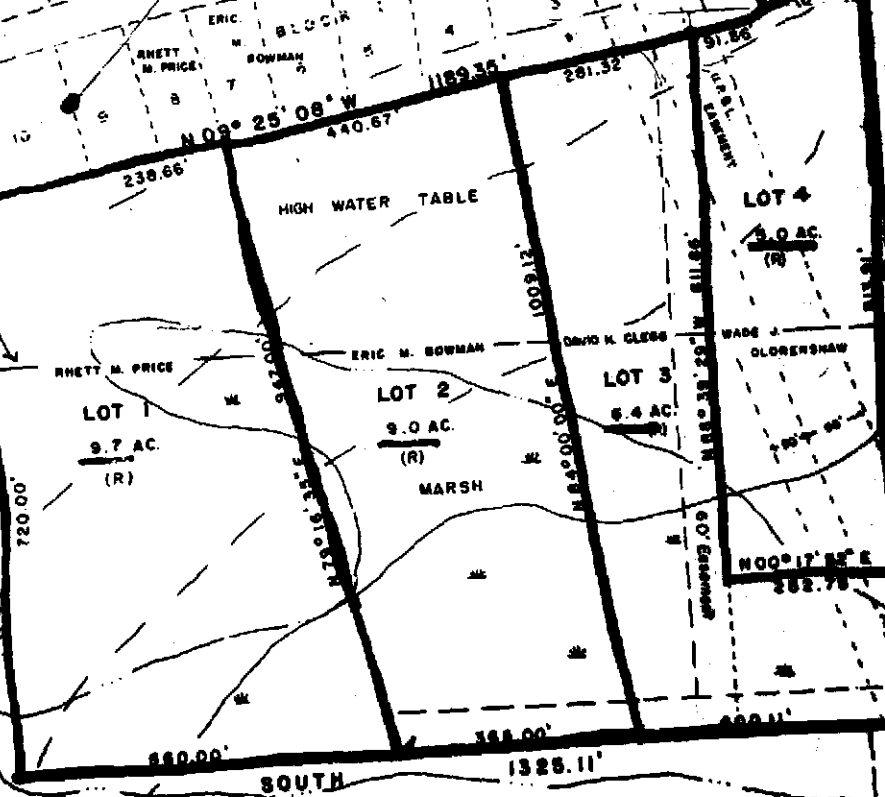
CEDARVIEW ROAD (COUNTY ROAD)

Irrigation Water

1" = 200'
3 1987

CT
VDARY

*Price 9.7
Bowman 9.0
Clegg 6.4
Olsonshaw 5.0
Total 30.1000*

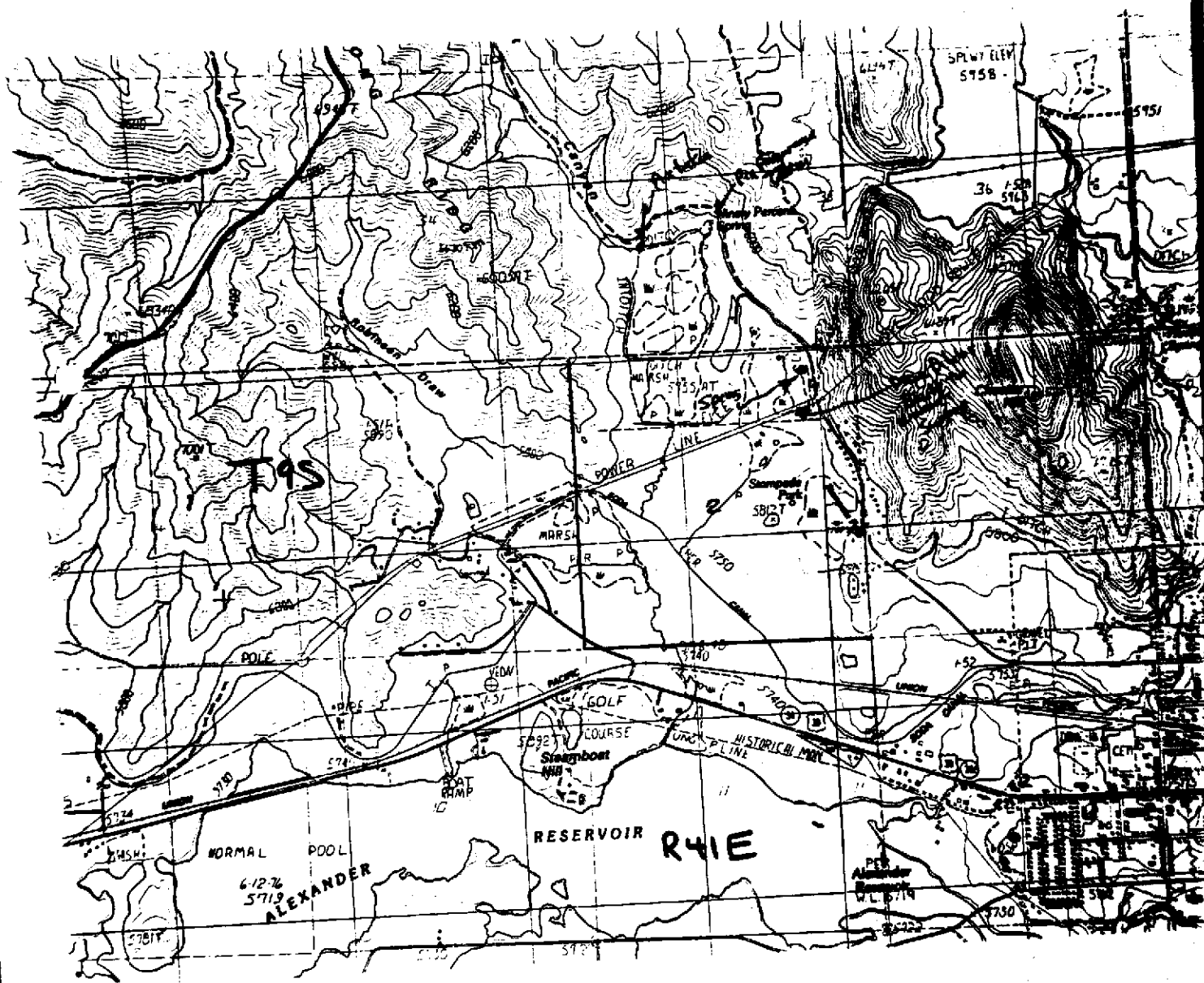


GENERAL NOTES AND LEGEND

NR0156

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY PLACE OF USE

TOWNSHIP	RNG	SEC	TRACT	LOT	ACRES	USES	WATER RIGHT NUMBER	LAST NAME	OWNER CODE	STAGE	PRIORITY DATE	SOURCE OF WATER
09S	41E	03	NW1/4	20	01.04		11-4089	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			SW1/4	20	01.04		11-4089	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			SE1/4	10	01.04		11-4089	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			NE1/4	01			11-0493	ELLIS	C	D	06-17-1889	SODA CREEK
			NE1/4	01			11-0494	CORRIGAN	C	D	05-01-1894	SODA CREEK
			NE1/4	25	01.04		11-0221	LOPE	C	S	07-01-1939	SPRING
			NE1/4	01			11-0493	ELLIS	C	D	06-17-1889	SODA CREEK
			NE1/4	01			11-0494	CORRIGAN	C	D	05-01-1894	SODA CREEK
			NE1/4	01			11-0494	ELLIS	C	S	05-01-1921	NINETY PERCENT CREEK
			NE1/4	10	01.04		11-4089	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
03			NE1/4	10	01.04		11-4089	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			SE1/4	04			11-4314	WILDE	C	S	06-01-1953	SPRINGS
			SE1/4	10	01.04		11-4089	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			SE1/4	04			11-4310	VALLEYVIEW SUBDIVI	C	S	02-09-1983	GROUNDWATER
			NE1/4	05	01.04.43		11-7309	VALLEYVIEW SUBDIVI	C	L	02-09-1983	GROUNDWATER
			NE1/4	02	01.04.43		11-7309	VALLEYVIEW SUBDIVI	C	L	02-09-1983	GROUNDWATER
			SW1/4	01	01.04.43		11-7309	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			NE1/4	10	01.04		11-4089	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			NE1/4	01	01.04.43		11-7309	VALLEYVIEW SUBDIVI	C	L	02-09-1983	GROUNDWATER
			SE1/4	04			11-4056	SCHWANEVELT	C	S	05-01-1921	NINETY PERCENT CREEK
			SE1/4	10	01.04		11-4089	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
05			SE1/4	01			11-2109	FARMERS LAND & IRR	C	L	04-23-1953	WASTE WATER
			SE1/4	16	01		11-2117	GUNNELL	C	L	05-19-1958	UNWATERED SLOUGH
			SE1/4	01			11-2109	FARMERS LAND & IRR	C	L	04-23-1953	WASTE WATER
			SE1/4	21	01		11-2117	GUNNELL	C	L	05-19-1958	UNWATERED SLOUGH
			SE1/4	01			11-2109	FARMERS LAND & IRR	C	L	04-23-1953	WASTE WATER
			SE1/4	05	01		11-2117	GUNNELL	C	L	05-19-1958	UNWATERED SLOUGH
			SE1/4	01			11-2109	FARMERS LAND & IRR	C	L	04-23-1953	WASTE WATER
06			SW1/4	01			11-2109	FARMERS LAND & IRR	C	L	04-23-1953	WASTE WATER
			SW1/4	01			11-0432	FARMERS LAND & IRR	C	L	04-23-1953	WASTE WATER
07			SW1/4	01			11-0531A	FARMERS LAND AND I	C	L	04-23-1953	WASTE WATER
			SW1/4	01			11-0428	WATSON	C	L	04-23-1953	WASTE WATER
			NE1/4	01			11-4224	OREGON SHORT LINE	C	S	06-01-1956	GROUNDWATER
			NE1/4	01			11-4224	UNION PACIFIC RAIL	C	S	06-01-1956	GROUNDWATER



Claim No. **11 4089**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Edward P. Duren

(Name of Claimant)

P.O. Box 29, Soda Springs, Idaho
(Mailing Address)

83276
(Zip Code)

Telephone No. 547-3044

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) May 1921

A claim is not acceptable on a ground water source with a priority later than March 26, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) 90% Creek and unnamed springs tributary to Canal and Alexander Reservoir

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Claimed:				(Both dates inclusive)	
(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Mo., Day)	(Mo., Day)
Quantity	<u>.005 cfs</u>	Use	<u>stockwatering</u>	Period of Use From	<u>Jan. 1</u> To <u>Dec. 31</u>
Quantity	<u>4.2 cfs</u>	Use	<u>irrigation</u>	Period of Use From	<u>Apr. 1</u> To <u>Sept. 1</u>
Quantity	_____	Use	_____	Period of Use From	_____ To _____
Quantity	_____	Use	_____	Period of Use From	_____ To _____
Quantity	_____	Use	_____	Period of Use From	_____ To _____

(4) 4.205 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

(5) **A) Point of diversion:** (Location of point where water is diverted from its source)

NE 1/4 NW 1/4 Sec. 2 Twp. 9 S. Rge. 41 E. B.M., County of Caribou

Additional points of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$ and also the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 9 South, Range 41 East, B.M., County of Caribou

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Portable diversion dams and headgates

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 210

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

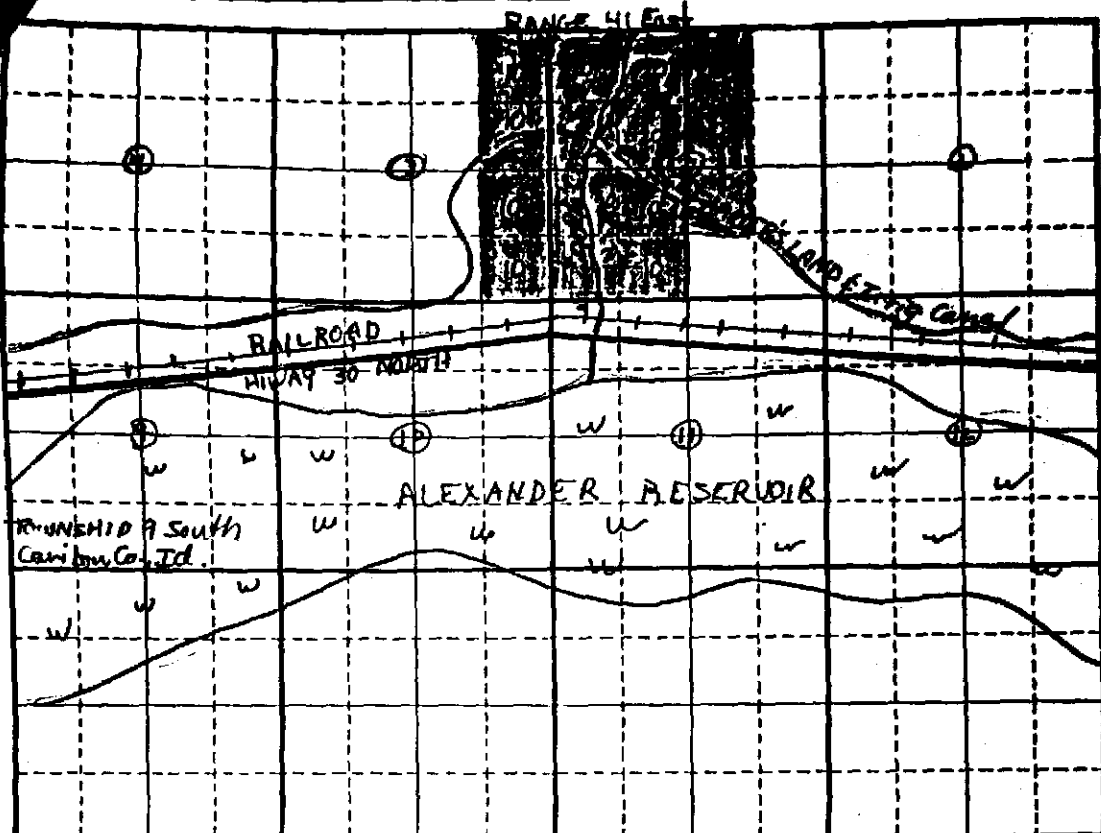
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
For stockwatering up to 200 head of beef cattle, 10 horses and 40 sheep.

41-38861-10

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: N/A

The waters arise from numerous unnamed springs, sloughs and bogs as well as a terranean waters which generally recede during the summer months in a southerly direction, what is commonly known as 90th Creek. The waters arising and lying north of the Farmers Land and Livestock Irrigation Canal set forth on the map below drain primarily into the irrigation canal, with the waters arising south of the canal draining to some extent into the Alexander Reservoir.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of CARIBOU) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 21st day of MARCH 1980

Edward B. Dineen
(Claimant)

Faustall C. Budge
Notary Public
Residing at Soda Springs, Id.

My commission expires 10-15-80

FOR DEPARTMENT USE ONLY

Received by <u>EW</u>	Date <u>3/24/80</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EW</u>	Date <u>3/24/80</u>		claimant by:	
\$20.00 fee received by <u>EW</u>	Date <u>3/24/80</u>	# <u>13879</u>		
Published in <u>Caribou County Sun</u>				
Dates <u>4/03 & 4/10/1980</u>				

11-7362
11-7363

DATE: Aug. 20, 1987
(of exam)

NA.

0.07 cfs

METHOD OF MEASUREMENT: Pygmy Meter

APPLICANT CONTACTED

(20)

REASON FOR DRAIN: See 'Action Required' note dated 19 May 1982

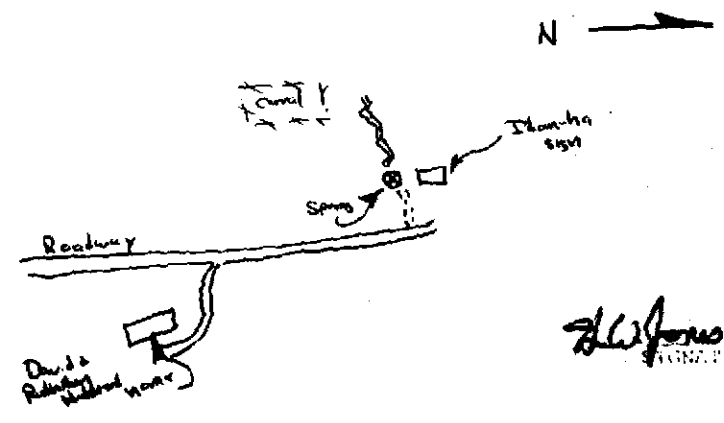
ACCESS (Location direction): County Rd that leads up 90% canyon

LOCATION: 100 ft. S. of 1st bridge
Place of 100 ft. S. of 1st bridge

ORIGINAL OBSERVATION: 100 ft. S. of 1st bridge

Source - Spring at Ilum-lie bottling site
Flow - By pygmy meter on channel 0.25' deep x 0.7' wide with 24 rev/min - yields 0.07 cfs flow @ 11:41 am

None



2/1/88

REMARKS & OPINIONS: Sign at the indicated diversion area says this area was to be called Ninety 90 Spring but the WGS MAP shows that name on a Spring to the NW. This Spring appears to be the same source for both periods. Water is now being used by stock in the area. This P.D. & P. area site is swampy with only pasture land now utilizing water from surrounding area. It appears that drainage ditches have been tried on this ground to help dry it out. Across the road from proposed place of use is the home of Ruth Ann Hubbard who says she knows of no outlet for spring and water continues to pool & sub throughout this pasture area causing problems to some kind of use. This general area is bounded by the Soda Canal which seems like the only possible recipient of this sub + marshland water. I doubt water meter control is necessary, but be aware of claim 11-4089 on 9050 creek for ground adjacent to applications.

It does not appear source (spring) has enough flow to provide for both applications. The commercial use seems reasonable with 0.07 cfs. The irrigation of 50 acres is probably optimistic with this same flow.

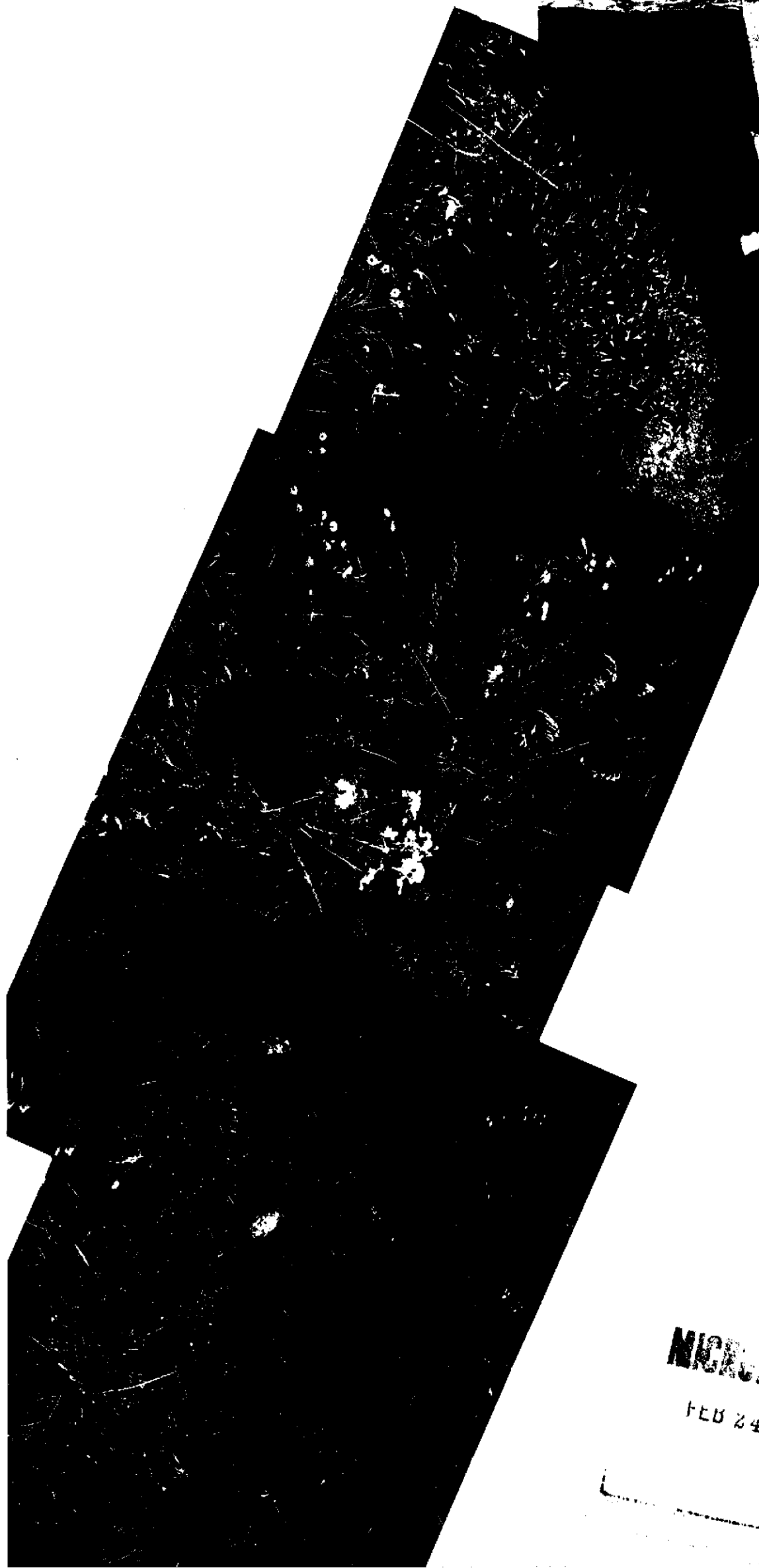
David Ales is listed as owner of property in NE 1/4 of Sect. 2 according to assessor in Carbon County.

Sprins head at
Idan-ha Sign in
NENE Sect. 2

Pre-Permit
11-7362 + 7363

MICROFILMED

FEB 24 1988



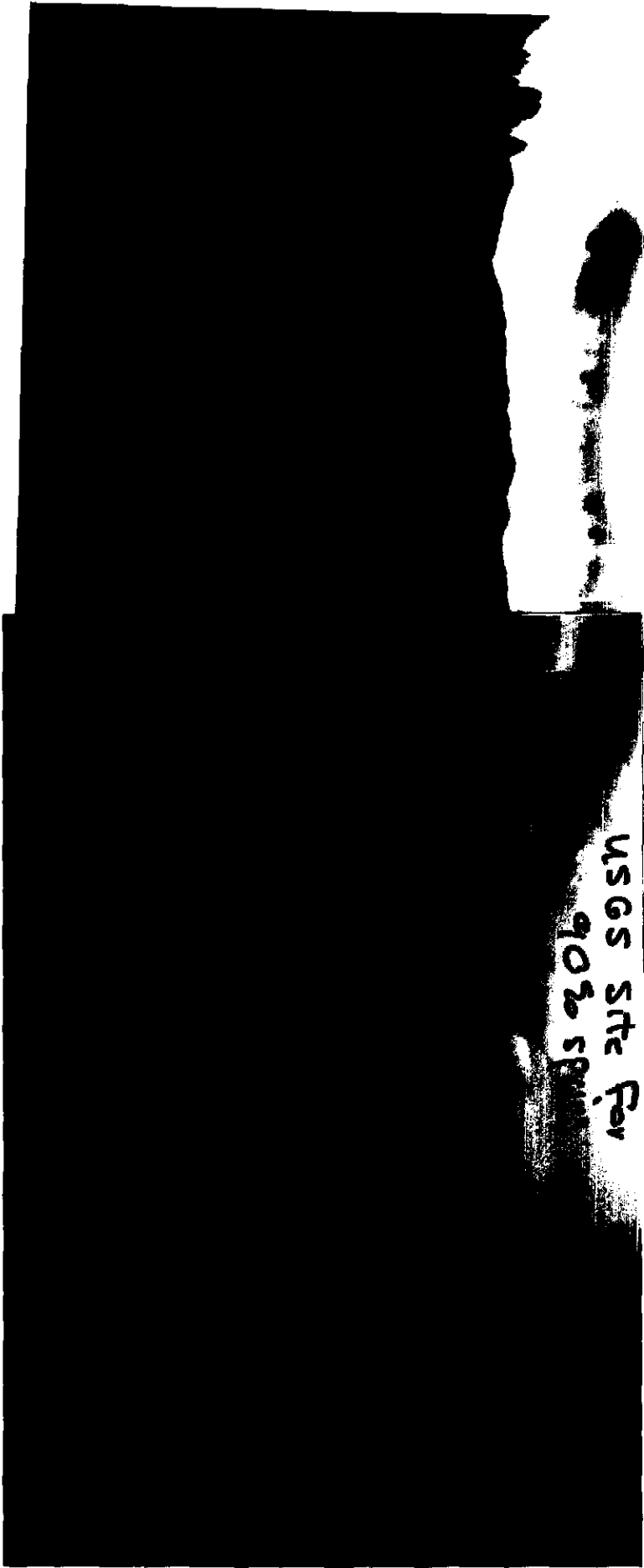
Per permit
14-7562 & 7563

Ilan-ha
Bottling site & springs

CONTINUED

24 1988

Area around Springs
looking West



MICROFILMED

FEB 24 1988



Drain ditches
just south
of springs
in NENE
sect. 2



upper area
of valley
NW of springs
shows stream
which
comes out
of canyon
& past
Named
9090 springs
on USGS
MAP

(9090 springs (USGS))



area at
Mouth of
9090 canyon

FILED
APR 24 1988

May 12, 1987

Caribou County Sun
P.O. Box 815
Soda Springs, Idaho 83276

Re: Amended Application No. 13-7438 BARKER
Application for Permit No. 11-7362 D & S DEVELOPMENT
Application for Permit No. 11-7363 D & S DEVELOPMENT

Gentlemen:

Would you please submit affidavits of publication and a certified bill in connection with the above referenced applications. The legal notices were to have been published in your paper on April 16 and 23, 1987.

Your cooperation in this matter is greatly appreciated.

Sincerely,

COLLEEN WRAY
Adm. Secretary

April 15, 1987

D. & S. Development
179 S. 1st East
Soda Springs, Idaho #3276

RE: Application for permit no. 11-7362

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification no. 11-7362. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Caribou County Sun. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Ernest Carlson
Assistant Regional Manager

EC/md Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 8, 1967

Caribou County Sun
P. O. Box 819
Soda Springs, Idaho 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 4, 1967.

Yours truly,

Michelle Davis
Office Secretary

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

11-7767

D. & S. DEVELOPMENT

179 S. 1ST EAST, RICH SPRINGS, ID 83203

Source: SPRINGS 1715. to FARM CIRCLE

Diversion to: NENE T-2-21 T-2-22 P-416

Use: IRRIGATION 11.5 CR.

Date Filed: 03/23/1987

IN NENE T-2-21 T-2-22 P-416 11.5 CR. 11.5 CR.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 190 Shoup, Suite 15, Idaho Falls, Idaho 83402 on or before MAY 4, 1987.

DENYING Div.

Published 4/14 & 4/23/87.

March 19, 1987

D. & S. Development
179 South 1st East
Soda Springs, Idaho 83276

RE: Application for Permit

Dear Mr. Clegg

Enclosed is a completed application form as per our telephone conversation.

Please note the minor changes on this form as we discussed. Please sign the application and indicate your title with D. & S. Development and return it to this office as soon as possible. Processing of your application on file will be halted until this new form is received.

If you have any questions please feel free to contact me.

Sincerely,

Steve McCormick, P.E.
Water Resource Engineer

SM/md

Enclosure

PUBLIC NOTICE

First Time Published

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following applicant has
been filed to appropriate the public
waters of the State of Idaho:

**U. S. S. COMPANY
1792 E. 1ST AVE., SODA SPRINGS,
ID 83276**

Source: SPRINGS to SWAMP
SEWERS

Location: P. 179 NE NE Sec 02 T
09S R 41E

Use: IRRIGATION (0.5 CFS)

Date Filed: 04-23-1967

As: NE NE SW NE Sec 02 T 09S R
41E P. 179

The applicant will be subject to all
prior water rights. Prospective must be filed
with the Director, Dept. of Water
Resources, Eastern Region, 100 Sharp,
Suite 15, Idaho Falls, Idaho 83402 on or
before MAY 4, 1968.

KEN DUBOIS

Director
Published April 25 and 26, 1967 in
the Carleton County Sun.

**Affidavit of
Publication**

County of Carleton
State of Idaho

Mark Steele

being duly sworn on his oath,
states:

That he is Publisher
of the Carleton County Sun, a
newspaper of general circulation
in Carleton County, Idaho, pub-
lished weekly at Soda Springs in
said County that said newspaper
has been published in said County
uninterruptedly and continuously
for over seventy-eight consecutive
years, prior to the first publica-
tion of the annexed notice or
advertisement;

That the annexed notice was
published as per clipping attached
in the regular and entire edition of
said newspaper and not in any
supplement thereof for
successive weekly issues dated,
the date of the first publication

being the 15th day of
April, 1967

The date of the last publication
being the 23rd day of
April, 1967

Subscribed and sworn to before
me this 4th day

of May, 1967

W. D. Steele
Notary Public, residing
at Soda Springs, Idaho

GRALL
My Commission expires the
1st day of March
1968