

RECEIVED

MAR 3 1977

Department of Water Resources
Eastern District Office

**NOTICE OF APPLICATION
FOR WATER PERMIT
No. 11-7101**

Notice is hereby given that Dale V. Kirby, Soda Springs, Idaho has on 2-10-77 submitted Application No. 11-7101 for a permit to appropriate 0.26 cubic feet per second of water from a ground-water source by means of well and pump within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 9S, R. 42E, B.M., Caribou County; to be used from Jan. 1 to Dec. 31 for domestic purposes for one family and stockwatering purposes for livestock associated with the household, and from Apr. 1 to Nov. 1 for the irrigation of 10 acres, all uses within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 9S, R. 42E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before March 7, 1977.

R. KEITH HIGGINSON
Director

Published in the Caribou County Sun, Soda Springs, Idaho on February 17 and February 24, 1977

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published 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 publication 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

17th day of

February, 19 77

The date of the last publication

being the 24th day of

February, 19 77

Subscribed and sworn to be-

fore me this 1st day

of March, 19 77

Wendy H. Steele
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of March

19 77.

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 11-7101 Priority February 10, 1977 Amount 0.06 cfs

THIS IS TO CERTIFY, that DALE V. KIRBY
of Soda Springs, Idaho, has complied with the terms and conditions of Permit
No. 11-7101 issued pursuant to Application for Permit dated February 10, 1977,
and has submitted proof to the Department of Water Resources on December 14, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.06 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>0.06</u> cfs and	<u>25.6</u> acre feet
Stockwater	from <u>January 1</u> to <u>December 31</u>	at <u>0.02</u> cfs and	<u>0.4</u> acre feet
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.06 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
26 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, Twp. 9S,
Rge. 42E, B.M. in the County of Caribou

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9S	42E	19		X (Stockwater)															10
				10															

Total number of acres irrigated 10

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 29th day of
February, 19 80.

Deputy Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING DEVICE
REQUIREMENT FOR PERMIT NO. 11-7101 IN THE NAME OF
DALE V. KIRBY

ORDER

WHEREAS, on February 10, 1977, Dale V. Kirby filed with the Department of Water Resources an application for permit to appropriate 0.26 cubic feet per second of groundwater to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, Twp. 9S, Rge. 42E, B.M., Caribou County, to be used for irrigation, domestic and stockwater purposes; and,

WHEREAS, on August 22, 1977, the Department approved said application and issued Permit No. 11-7101 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before August 1, 1982, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on December 14, 1977, the Department received the required proof of beneficial use of water; and,

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

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 11-7101

Dated this 11 day of January, 1978.


BOBBY D. FLEENOR
CHIEF, OPERATIONS BUREAU

11 7101

Identification No. _____

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Dale V. Kirby Phone: 547-4104
 post office address Box 835, Soda Springs, Idaho 83276
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 19 Township 9S
 Range 42E B.M. Caribou County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
 of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
 Amount 0.20 for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount 0.04 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount 0.02 for Stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
 a. 0.26 cubic feet per second and/or
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. well and pump

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
 capacity _____ acre feet, materials used in storage dam: _____
 Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 6 $\frac{1}{2}$ inches; proposed depth of well is 150 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
 is 5 years.
 b. Estimated construction cost is \$ 1500.00.
8. Description of proposed uses:
 a. If water is **not** for irrigation:
 (1) Give the place of use of water: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 19 Township 9S
 Range 42E B.M.
 (2) Amount of power to be generated: _____ hp under _____ feet of head.
 (3) List number of each kind of livestock to be watered 3 horses, 5 beef cows, 2 dairy cows,
5 goats, 50 chickens, 15 calves
 (4) Name of municipality to be served _____, or number of families to be
 supplied with domestic water 1.
 (5) If water is to be used for other purposes describe: _____

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9S	42E	19		10															10

Total number of acres to be irrigated 10

c. Describe any other water rights used for the same purposes as described above. None

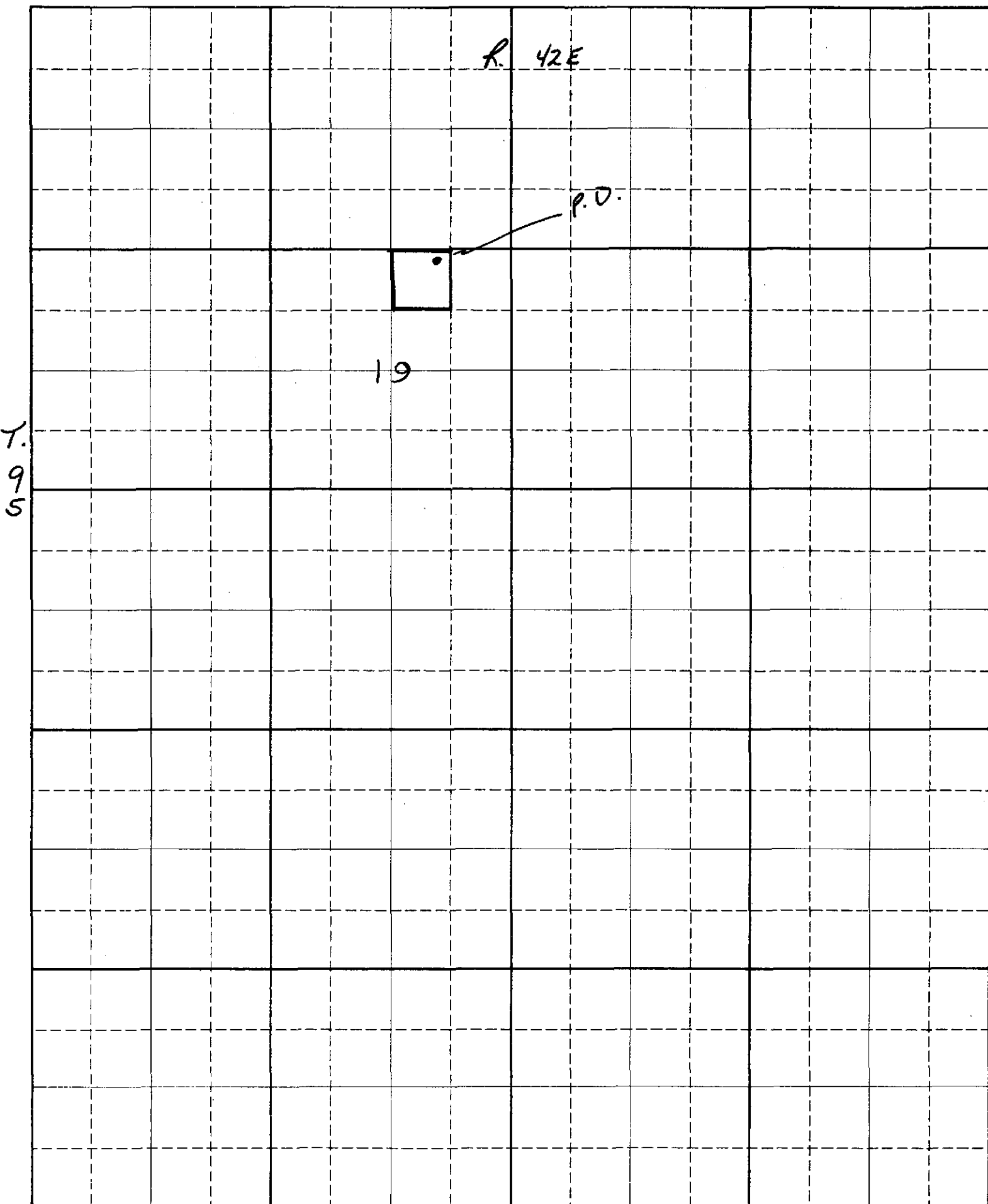
9. a. Who owns the property at the point of diversion Applicant

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

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

10. Remarks _____

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



Scale: 2 inches equal 1 mile

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

Dale V Kirby
(Applicant)

Proposed Priority 2/10/77

Received by CW Date 2-10-77 Time 10:45 A.

Preliminary check by RPC Fee \$25.00

Received by CW Date 2-10-77 # 4559

Publication prepared by CW Date 2-11-77

Published in Boise County Sun

Publication dates February 27 & 28, 1977

Publication approved me Date 3-03-77

Priority reduced to _____ Reason _____

Protests filed by: Hot Creek Right Withdrawn

Copies of protests forwarded by CW

Hearing held by _____ Date _____

Recommended for approval denial by EMC jg

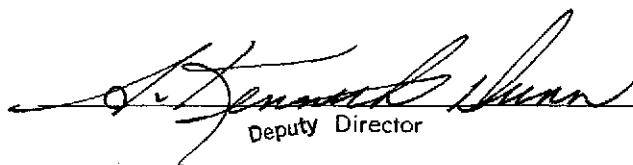
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 11-7101, 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 August 1, 19 82.
- c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

Witness my hand this 22 day of August, 19 77.


Deputy Director

Affidavit of Publication

RECEIVED

MAR 3 1977

Department of Water Resources
Eastern District Office

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his
oath, states:

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

That the annexed notice was
published as per clipping at-
tached 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

17th day of

February, 19 77

The date of the last publication

being the 24th day of

February, 19 77

Subscribed and sworn to be-

fore me this 1st day

of March, 19 77

Wendy N. Steele
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of March

19 77

NOTICE OF APPLICATION FOR WATER PERMIT No. 11-7101

Notice is hereby given that
V. Kirby, Soda Springs,
Idaho has on 2-10-77 submitted
Application No. 11-7101 for a
permit to appropriate 0.26 cu-
bic feet per second of water
from a ground-water source by
means of well and pump within
the NW 1/4 NE 1/4, Sec. 19, T. 9S,
R. 42E, B.M., Caribou County,
Idaho be used from Jan. 1 to Dec.
31, for domestic purposes for
one family, and stockwatering
purposes for livestock associat-
ed with the household, and from
Apr. 1 to Nov. 1 for the irriga-
tion of 10 acres, all uses within
the NW 1/4 NE 1/4, Sec. 19, T. 9S,
R. 42E, B.M.

If issued, this permit will be
subject to all prior water rights.
Protests against the granting of
the permit must be filed with
the Idaho Department of Water
Resources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401 on or
before March 7, 1977.

R. KEITH HIGGINSON
Director

Published in the Caribou County
Sun, Soda Springs, Idaho on
February 17 and February 24,
1977

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

March 4, 1980

Dale V. Kirby
Box 835
Soda Springs, Idaho 83276

Dear Mr. Kirby,

RE: License No. 11-7101

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

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

February 19, 1980

Re: Permit No. 11-7101

Dale V. Kirby
Box 835
Soda Springs, ID 83276

Dear Mr. Kirby:

A representative of this Department made an examination of the works covered by your Permit No. 11-7101 on June 20, 1978, and has found the following:

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

The maximum quantity diverted shall not exceed 26 acre feet per
year.

Point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, Twp. 9S, Rge. 42E, B.M.

Beneficial use: Irrigation of 10 acres and stockwatering purposes within
the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, Twp. 9S, Rge. 42E, B.M.

Priority date established: February 10, 1977

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.

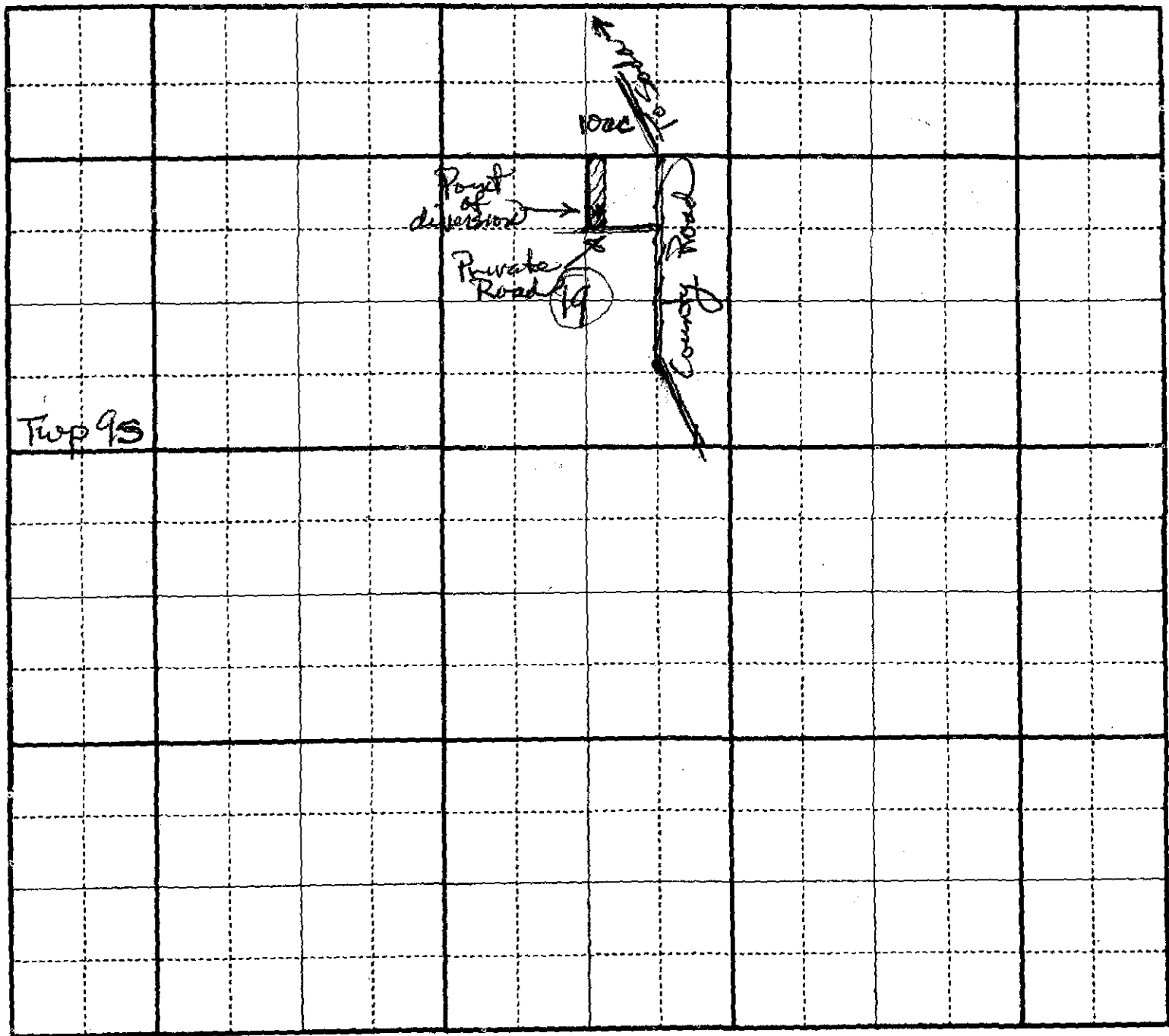
Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw

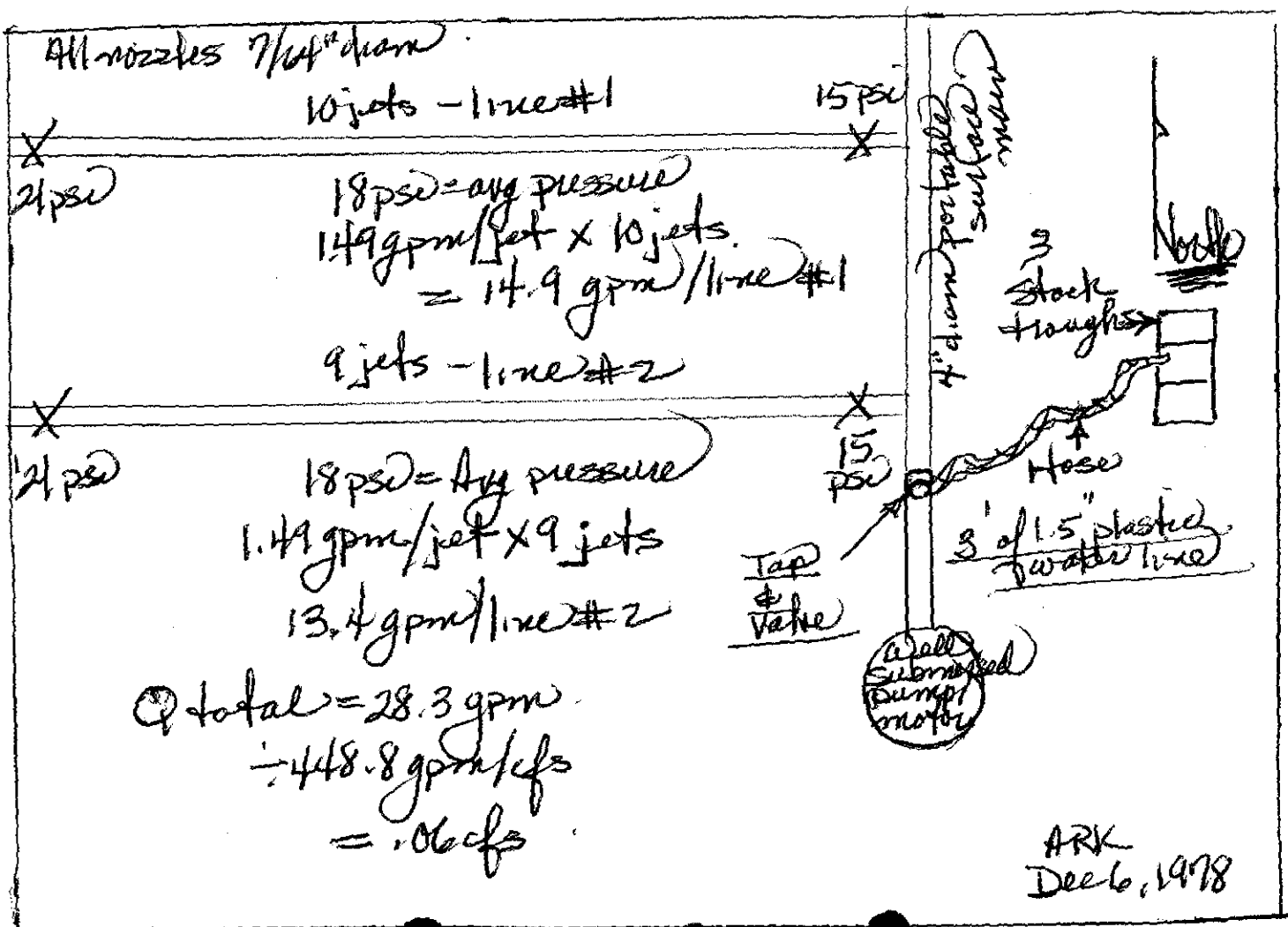
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Rge H2E



Trap 95

Diagram of System



DATE OF EXAM 6/20/78

ACREAGE
Found 10ad
Recommended 10ac

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = .06 c.f.s. V = 25.6 AF/Ann. from April 1 to Nov. 1
Domestic Q = c.f.s. V = AF/Ann. from to
Livestock Q = .02 c.f.s. V = .4 AF/Ann. from Jan 1 to Dec 31

Q_{tot} = .06 cfs V_{tot} = 26

Is water co-mingled? yes no X

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

Exchange? yes no X

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

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

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

Total Q measured .06 cfs Method of measurement Pilot tube

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

Total V recommended 25.6 AF/yr (irr) + .40 AF/yr (stock)

Recommended Amendments: V_{total} = 26 AF/yr

P.D.
Place of Use
Other None

MEASUREMENT CALCULATION:
See pilot tube measurement
 $V = 10ad \times 3.0 \text{ AF/ac/yr} = 30 \text{ AF/yr} > 1.9835 \times 215 \times .06 = 25.6 \text{ AF/yr}$

SYSTEM DESCRIPTION:
Groundwater is diverted by means of a 3HP submersed Super 6 pump/motor (ph), Drain - 2821022-201A into a pressurized sprinkler system - 2 handlines with a total of 19 feet of 3 stock troughs are filled manually with hose attached to tap & valve.

REMARKS:
No domestic use of water from this source. House has not yet been constructed.
Stockwater is diverted for 3 horses, 5 beef cows, 2 dairy cows, 5 goats, 50 chickens, 15 calves - (max no of stock)
No preexisting rights

Examiner's Signature Anthony R. Kozlowski Date Dec 6, 1978

Checked by Rodney L Parker Date 1/8/79

Approved by Date

There is a small rd single axle camp trailer parked on the lot but it is not hooked up.

January 12, 1978

Re: Permit No. 11-7101

Dale V. Kirby
Box 835
Soda Springs, ID 83276

Dear Mr. Kirby:

Enclosed is a copy of an Order which removes the measuring device from your permit.

Sincerely,

JANICE RENK
Water Rights

Encl.

December 22, 1977

Re: Permit No. 11-7101

Dale V. Kirby
Box 835
Soda Springs, Idaho 83276

Dear Mr. Kirby:

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

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

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

Sincerely,

JANICE RENK
Water Rights

Identification No. _____

Permit No. 11-7101

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 14 1977

Department of Water Resources

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder DALE V KIRBY
b) Post Office Address Box 435 Soda Springs IDAHO
2. Permit Number 11-7101
3. Date of Priority that you are prepared to establish _____
4. a) Source from which water was appropriated ground source well
b) Location of the point of diversion: NW 1/4 NE 1/4, Section 19
Township 7S, Range 42E Boise Meridian, Other points of diversion: None
5. a) The amount of water and use to which the water has been applied:
Amount .02 cfs for Per Acre purposes from June 1 to Sept 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount .02 for Domestic purposes from Jan 1 to Dec 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount .02 for Stock purposes from Jan 1 to Dec 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated _____ 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:
Ray Nelson Well Driller & Pump Installer
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:
None
b) Describe the agreement or understanding by which you take water from the works:
Pump from under ground well
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) 3 HP Pump 6" well case 150' feet Deep
b) Describe the type and size of measuring device which you have installed at your point of diversion:
Well Seal 1/2 opening for water flow
c) Give well driller's name and address and the date the well was completed:
Ray Nelson
4-10-75
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
.02 Domestic
.02 For Stock
At well site

Exam typed 1/6/78 by

If you are irrigating 15 or more acres, please submit an aerial photo of the property with this affidavit.

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

80 acres irrigated at well site

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			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 $\frac{1}{4}$	
95		19		☒															

Total number of acres irrigated 10

10. Remarks: _____

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

11-20-77

(Date)

Dale V. Kitch

(Signature)

State of Idaho)

County of Caribou) ss.

On this 9 day of December, 19 77, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at Idaho Springs

My commission expires 5-1-79

November 9, 1977

Re: Permit No. 11-7101

Dale V. Kirby
Box 835
Soda Springs, Idaho 83276

Dear Mr. Kirby:

We received your letter of October 20, 1977, which states that you have completed you well. Enclosed is a proof of beneficial use of water affidavit for you to complete if you have completely finished your project and would now wish to make proof on this project.

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

Sincerely,

JANICE RENK
Water Rights

Encl.

RECORDED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 27 1977

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

August 26, 1977

Re: Permit No. 11-7101

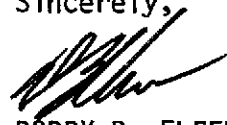
Dale V. Kirby
Box 835
Soda Springs, ID 83276

Dear Mr. Kirby:

Enclosed is a copy of your approved Application for Permit No. 11-7101. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to either install and maintain a measuring device at your point of diversion or to provide the Department a certified measurement of the systems diversion capacity prior to submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Sincerely,

for 
BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah

Enclosure

*I have completed this order
placed 8" Well seal on well
with Plan to Measure water*

*Dale V Kirby
Box 835
Soda Springs Idaho*

10-20-77





STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

Dear Wateruser:

The Department of Water Resources approves the use of any standard device for which information is readily available. The type selected will depend upon the particular conditions at your diversion point. Any of the following standard types may be used:

Weirs

- a. rectangular
- b. cipolletti
- c. v-notch

Orifices

Flumes

- a. parshall flume
- b. trapezoidal flume

Commercial Types

- a. displacement or propeller meter
- b. cox flow meter or collins flow meter
- c. venturi meter
- d. deflection meter
- e. meter gates

Regardless of the type used, the device must be properly installed to insure standard conditions. Other types may be approved upon written application to the Department stating the description of the device and how you intend to use it. If the device that you install is not a standard type, you should obtain an extra copy of the rating table for this office.

The certified measurement of a professional engineer may be used in lieu of the installation of a measuring device. This measurement must be taken with the system operating in a normal manner.

Sincerely,

for BOBBY D. FLEENOR
Chief, Operations Bureau

*I have completed
Piped 8" well seal on
well with Water Measuring Device
10-20 77 Oakes Ky.*

RECORDED

August 26, 1977

Re: Permit No. 11-7101

Dale V. Kirby
Box 835
Soda Springs, ID 83276

Dear Mr. Kirby:

Enclosed is a copy of your approved Application for Permit No.11-7101 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to either install and maintain a measuring device at your point of diversion or to provide the Department a certified measurement of the systems diversion capacity prior to submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah

Enclosure

MICROFILMED

UTAH POWER & LIGHT COMPANY

P. O. BOX 899

SALT LAKE CITY, UTAH 84110

LEGAL OFFICES
SIDNEY G. BAUCOM
SENIOR VICE PRESIDENT
AND
GENERAL COUNSEL

July 7, 1977

RECEIVED

JUL 8 1977

Department of Water Resources
Eastern District Office

ROBERT GORDON
350-3214

THOMAS W. FORSGREN
350-3213

VERL R. TOPHAM
350-3650

SAM F. CHAMBERLAIN
350-3825

ROSEMARY RICHARDSON
350-3796

MARY STIRK
LEGAL ASSISTANT
350-3217

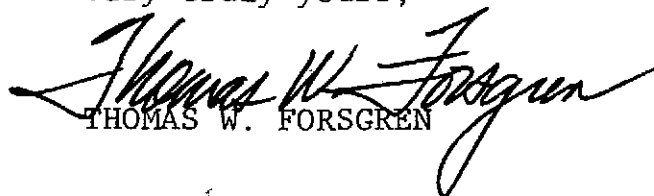
Mr. Ronald D. Carlson
Supervisor
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

Enclosed please find Withdrawals of Protest concerning ground water applications previously filed with your Department. With regard to applications for other than ground water, I agree with your language in your June 16, 1977 letter in which you state, "If water is available, the statutes require the Department to issue a permit. If it is not available, then the permit must be denied or approved with conditions to protect prior existing water rights." I don't think there is any question but that the Bear River is fully appropriated and that there is no water which could be the subject of a new permit. As support for this conclusion, I would refer you to the Watermaster's Report on Flow and Diversion for Idaho District II. If you wish us to supply you with this report, we will be pleased to do so. In light of the above, we would respectfully submit that applications for surface water in the subject area be denied.

Thank you for your cooperation in this matter.

Very truly yours,


THOMAS W. FORSGREN

MICROFILMED

TWF:mb

RECEIVED

JUL 8 1977

Department of Water Resources
Eastern District Office

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE APPLICATION)
OF DALE V. KIRBY TO DIVERT 0.26)
C.F.S. OF WATER FROM A GROUND-)
WATER SOURCE BY MEANS OF WELL)
AND PUMP IN CARIBOU COUNTY,)
IDAHO.)

APPLICATION NO. 11-7101

WITHDRAWAL OF PROTEST
OF
UTAH POWER & LIGHT COMPANY

COMES NOW the Protestant, Utah Power & Light Company,
and hereby withdraws its protest filed in the above matter with
the understanding that the permit issued by the Department of
Water Resources will be issued subject to prior rights.

DATED this 7th day of July, 1977.

SIDNEY G. BAUCOM
THOMAS W. FORSGREN

By Thomas W. Forsgren
Attorneys for Protestant
Utah Power & Light Company
1407 West North Temple
Salt Lake City, Utah 84116

MICROFILMED

April 20, 1977

C
O
Bear Lake County Clerk
Bear Lake County Courthouse
Paris, Idaho 83261

Gentlemen:

D
This letter is to confirm the use of the Courtroom in the Bear Lake County Courthouse on Tuesday, May 3, 1977 beginning at 1:00 p.m., for conferences and/or hearings.

Very truly yours,

Y
RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

MICROFILMED

Name and
Address
of Sender

Indicate type of mail:

☐ REGISTERED ☒ REGISTERED C.O.D. ☒ CERTIFIED

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

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	REST. DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1 279	Mr. Henry J. Davis, 311 W. 45, Soda Springs 83276	13	60					11-0561 etc
2 280	Lois + Ida P. Anderson, Box 130, Grace 83241	13	60					"
3 281	Therman Rasmussen, Box 155, Grace 83241	13	60					"
4 282	Geo B. Roper, Rt #1, Box 126, Grace	13	60					"
5 283	Leonard Kingsford, Attorney, Box 195, Soda Spring	13	60					"
6 284	Dennis Mason for Gerald for Charles Rasmussen, 576 NW 215th	13	60					11-7097
7 285	Under Helm, Attorney, 484 Washington, Portland OR 97209	18	60					"
8 286	Thomas J. Jorgensen, UPCL, Box 899, SLC, UT 84110	13	60					11-7100
9 287	Thomas J. Piggett, Beaumont, 83233	13	60					"
10 288	Mr. Fred Hingeker, Montpelier 83264	13	60					11-7105
11 289	Race Leray, Box 835, Soda Springs 83276	13	60					11-7101
12 290	Mr. M. L. Wright, Rt #3, Box 6, Blackfoot	13	60					12-7080
13 291	Neil Birrell, Rt #1, Box 279, Blackfoot	13	60					"
14 292	Wm Hall, 765 Meridian, Blackfoot	13	60					"
15 293	Lewis Bros, Box 362, Soda Springs	13	60					"
16 294	Maurice L. Beck, Arid 83260	13	60					11-7109
17 295	Mr. W. L. Marshall, Paris 83261	13	60					"
18 296	Mr. Clem Humphries, Arid 83261	13	60					"
19 297	Scott J. Atay, Paris	13	60					"
20 298	Wm. J. Jorgensen, St. Charles, ID 83277	13	60					"

TOTAL NO. OF PIECES LISTED BY SENDER

TOTAL NO. OF PIECES REC'D AT P.O.

POSTMASTER (Name of receiving employee)

*Show under "Remarks" class postage paid if other than first or if international

PS Form 3877, Dec. 1973

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

(Declaration of value is required on international registered mail)
* U. S. GOVERNMENT PRINTING OFFICE: 1973 O-519-726

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval of)
Application for Permit No. 11-7100 THOMAS T.)
PIGGOTT; No. 11-7101 DALE V. KIRBY; and)
No. 11-7105 FRED HUNZEKER)

NOTICE OF COMBINED CONFERENCE
AND/OR HEARING

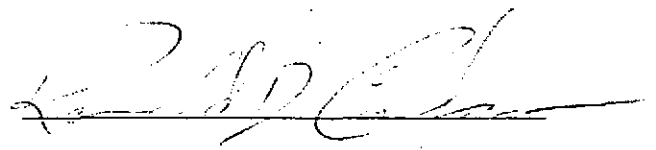
On January 10, 1977, Thomas T. Piggott, filed with the Idaho Department of Water Resources an application to appropriate the public waters of the State of Idaho. On February 10, 1977, Dale V. Kirby and on March 16, 1977, Fred Hunzeker also filed applications with the Department. These applications were subsequently protested by Utah Power and Light Company.

The Department has set the matter of protest for conference and/or hearing for Tuesday, May 3, 1977, at 1:30 p.m. in the Courtroom of the Bear Lake County Courthouse, Paris, Idaho. Because of the similarity of the issues involved, the Department has combined these hearings. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

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

Dated this 18th day of April, 1977.



RONALD D. CARLSON

Supervisor, Eastern Region

MICROFILMED

RECEIVED

MAR 2 1977

Department of Water Resources
Eastern District Office

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE APPLICATION;
OF DALE V. KIRBY TO DIVERT 0.26
CUBIC FEET PER SECOND OF WATER
FROM A GROUND-WATER SOURCE BY
MEANS OF WELL AND PUMP IN
CARIBOU COUNTY, IDAHO

PROTEST OF

UTAH POWER & LIGHT COMPANY

APPLICATION NO. 11-7101

COMES NOW the protestant UTAH POWER & LIGHT COMPANY (Utah Power) and protests the Application of Dale V. Kirby and alleges as follows:

1. Utah Power holds Water Rights decreed in the matter of Utah Power & Light Company vs. The Last Chance Canal Company, Limited, et al, In Equity No. 203, July 14, 1920, and Utah Power & Light Company vs. Richmond Irrigation Company, et al, February 21, 1922, as well as other rights in the Bear River.

2. The Bear River below Stewart Dam is fully appropriated.

3. Dale V. Kirby has filed an Application with the Office of the Idaho Department of Water Resources numbered 11-7101 seeking to appropriate 0.26 cubic feet per second of water at points of diversion specified in said Application.

4. The granting of the Application of Dale V. Kirby for the appropriation of 0.26 cubic feet per second of water would adversely affect the aforementioned water rights of Utah Power & Light Company.

WHEREFORE, protestant prays that the Application of Dale V. Kirby be denied inasmuch as there is no unappropriated water in the proposed source and the proposed use will impair existing rights.

DATED this 1st day of March, 1977.

SIDNEY G. BAUCOM
THOMAS W. FORSGREN

BY

Thomas W. Forsgren
Attorneys for Protestants
Utah Power & Light Company
1407 West North Temple
Salt Lake City, Utah 84116

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

March 7, 1977

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

R. Keith Higginson
Director

Mr. Dale V. Kirby
Box 835
Soda Springs, Idaho 83276

Dear Mr. Kirby:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 11-7101. You should be aware that the following are the principal items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required (Section 41-202, Idaho Code).

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office

UNRECORDED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

March 7, 1977

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

R. Keith Higginson
Director

RE: Application for Permit No. 11-7101
DALE V. KIRBY

Mr. Thomas W. Forsgren
Attorney
Utah Power & Light Company
P.O. Box 899
Salt Lake City, Utah 84110

Dear Mr. Forsgren:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

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

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office

MICROFILMED

UTAH POWER & LIGHT COMPANY

P. O. BOX 899

SALT LAKE CITY, UTAH 84110

LEGAL OFFICES
SIDNEY G. BAUCOM
SENIOR VICE PRESIDENT
AND
GENERAL COUNSEL

March 1, 1977

RECEIVED

MAR 2 1977

Department of Water Resources
Eastern District Office

ROBERT GORDON
350-3214

THOMAS W. FORSGREN
350-3213

VERL R. TOPHAM
350-3650

SAM F. CHAMBERLAIN
350-3825

ROSEMARY RICHARDSON
350-3796

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

Gentlemen:

Re: Application No. 11-7101

Enclosed please find original and copy of Protest of Utah Power & Light Company, which have been executed, with respect to Application No. 11-7101 which was filed by Dale V. Kirby.

Yours truly,


THOMAS W. FORSGREN

TWF:LK
ENCS.

MICROFILMED

February 11, 1977

RE: Application for Permit No. 11-7101 KIRBY

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 once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Legal Notice (1)

Bill submitted 3-15-77 by CW

MICROFILMED

**NOTICE OF APPLICATION
FOR WATER PERMIT**

No. 11-7101

Notice is hereby given that Dale V. Kirby, Soda Springs, Idaho has on 2-10-77 submitted Application No. 11-7101 for a permit to appropriate 0.26 cubic feet per second of water from a ground-water source by means of well and pump within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 9S, R. 42E, B.M., Caribou County; to be used from Jan. 1 to Dec. 31 for domestic purposes for one family and stockwatering purposes for livestock associated with the household, and from Apr. 1 to Nov. 30 for the irrigation of 10 acres, all uses within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 9S, R. 42E, B.M.

If issued, this permit will be subject to senior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before March 7, 1977.

R. KEITH HIGGINSON
Director

Published in the Caribou County Sun, Soda Springs, Idaho on February 17 and February 24, 1977.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Dale V. Kirby,
Soda Springs, Idaho

has on 2-10-77 submitted Application No. 11-7101
for a permit to appropriate 0.26 cubic feet per second XXXXXXXXXXXXXXXXXXXX
of water from a ground-water source
by means of well and pump
within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 9S, R. 42E, B.M., Caribou County;

to be used from Jan. 1 to Dec. 31 for domestic purposes for one family and
XXX stockwatering purposes for livestock associated with the household, and from
for Apr. 1 to Nov. 1 for the irrigation of 10 acres, all uses
within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 9S, R. 42E, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before _____
March 7, 1977

R. KEITH HIGGINSON

Director

Published in the Caribou County Sun, Soda Springs, Idaho

on February 17 and February 24, 1977

MICROFILMED

the - S.
the - O.
the - D.

February 11, 1977

RE: Application for Permit No. 11-7101

Mr. Dale V. Kirby
Box 835
Soda Springs, Idaho 83276

Dear Mr. Kirby:

Attached herewith is departmental receipt No. 4539 in the amount of \$25.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

February 7, 1977

Mr. Dale V. Kirby
Box 835
Soda Springs, Idaho 83276

Dear Sir:

We have received your application for permit to appropriate ground water with a point of diversion located at the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 9S, R. 42E, B.M., County of Caribou.

Upon reviewing your application we have found it necessary to make several corrections. Enclosed please find a revised copy of your application. Please review it and if you find it to be compatible with your needs, place your legal signature at the bottom as it appears on line one of the application.

Also, please enclose an application fee of \$25.00 so that we may begin to process your application.

Very truly yours,

Anthony R. Kozlowski
ANTHONY R. KOZLOWSKI
Water Resource Agent

ARK:cw

Enclosures

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. KIRBY

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) RDC 2/10/77

In form to receipt YES

(2) " "

Send Copies to:

Idaho State Health Department
Idaho Fish and Game Department
Bureau of Land Management

(3) " "

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

(4) " "

In form for advertising YES

(5) " "

Platted on Map No. 9542C

(6) " "

Located within Water District No. 11

(7) " "

Critical groundwater area: yes no ☒

(8) " "

Groundwater levels:

Declining, ☒ Stable, Increasing

(comment) _____

(9) " "

Other rights on the same place of use See comments.

(10) " "

Comments: 11-7059 11-7038
11-7089 ALL DOMESTICS

(11) CW 3-13-77

Affidavit of Publication received(date) March 3, 1977

(12) CW 3-12-77

Final date for protests March 2, 1977

Protests received: yes no Withdrawn

(13) EMC 7-20-77

N/A

All requested information received from agencies or applicant: yes no

(14) EMC 7-20-77

Action recommended:

☒ Approve Deny

2-10-77 Proposed Priority

Reason for Reduction

☒ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District E.

By Ernest Carlson Date 7-20-77

Copy Mergit

MICROFILMED