

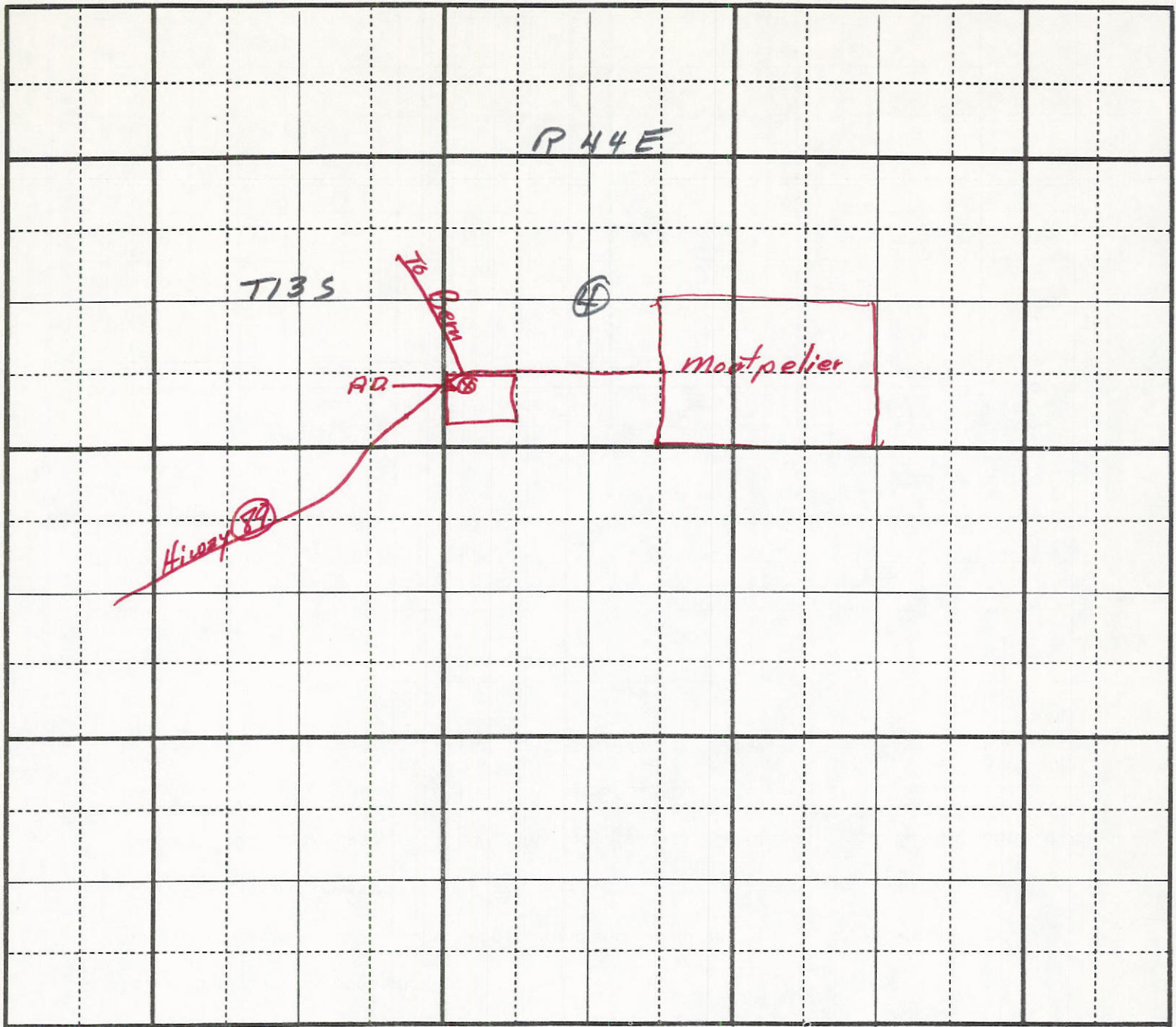


Diagram of System

Jack Stuart

Q. 505

$$\begin{array}{r} 549 \\ \times 3 \\ \hline \end{array}$$

23.5 /
Total

Jack + 5

Edwin Messerly

Daniel Stenberg
B.16

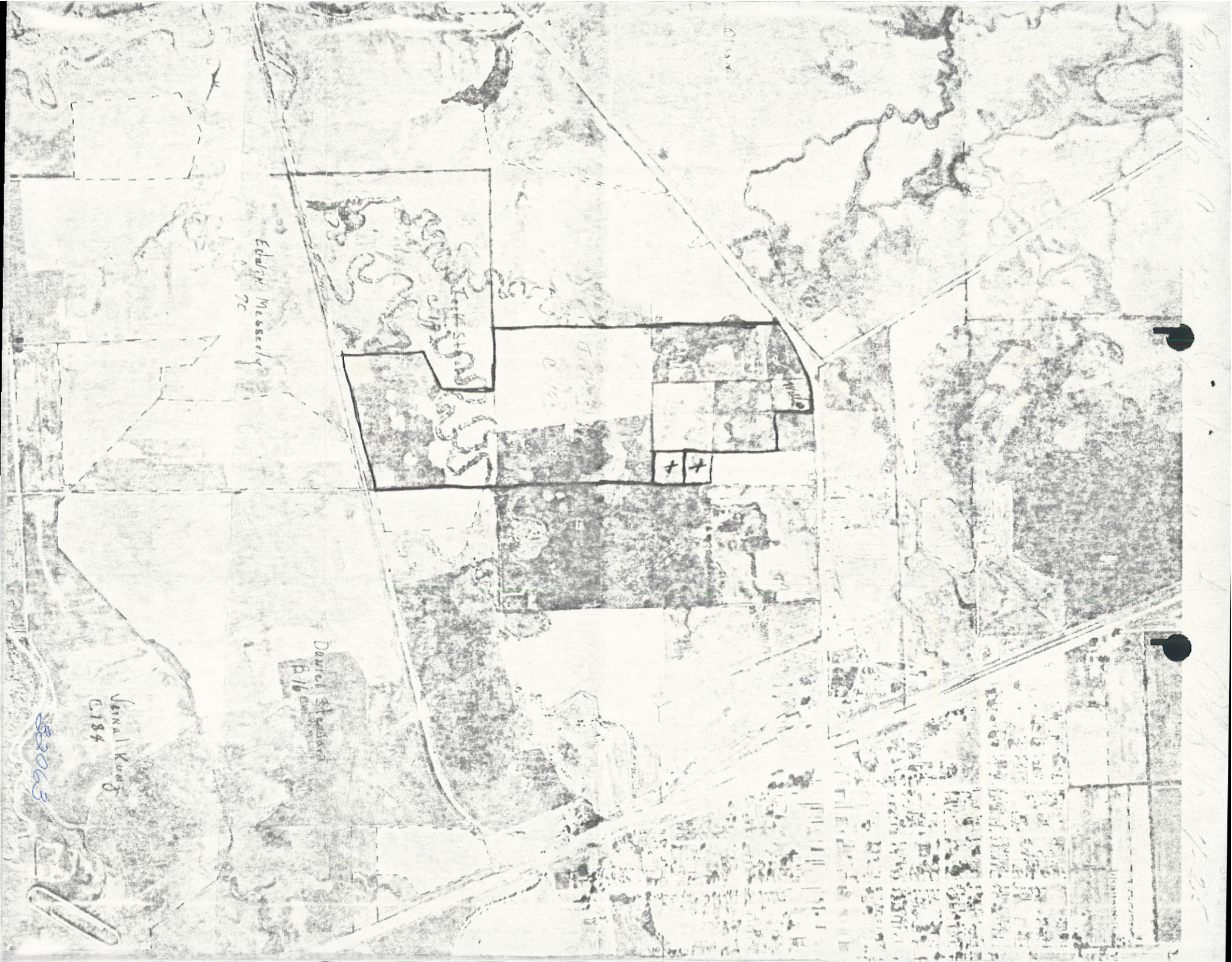
Veinal Kunze
C184

System not operating, unable to locate owner 9/29/76 JF 847-1677

+++ R.R.
+++ POWER LINE

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.)

B.B. JMB



C 184

Edwin Messerly
C 186

Daniel Stewart
C 187

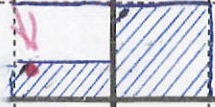
Jana Kueg
C 188

53063

NAME OF APPLICANT..... L. Jack Stuart

4

Well



9

Permit Map No. 332063

As / approved SEP 18 1954

CARL E. JARMAN

State Reclamation Engineer

32063

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 32063/11-2135 Priority Sept. 14, 1964 Amount 0.04 cfs

THIS IS TO CERTIFY, that L. JACK STUART
of Montpelier, Idaho, has complied with the terms and conditions of Permit
No. 32063/11-2135 issued pursuant to Application for Permit dated September 14, 1964,
and has submitted proof to the Department of Water Resources on July 23, 1969,
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 0.04 cfs of water from a ground water 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
<u>Stockwater</u>	from <u>Jan. 1</u> to <u>Dec. 31</u> at <u>0.02</u> cfs and	<u>0.7 acre feet</u>	
<u>Irrigation</u>	from <u>April 15</u> to <u>Oct. 15</u> at <u>0.04</u> cfs and	<u>15.0 acre feet or</u>	
	from _____ to _____ at _____ cfs and	<u>3.0 af per acre</u>	
(both dates inclusive)			

Subject, however, to the condition that no more than 0.04 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
15.7 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 4,
Twp. 13 S, Rge. 44 E, B.M. in the County of Bear Lake

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 $\frac{1}{4}$	
13 S	44 E	4											23.5						23.5

Total number of acres irrigated 23.5

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 19 day of
August, 19 76.

Director

LICENSE ISSUED FOR 0.04 SEC. FT.

1. Name of Applicant: L. Jack Stuart,
Postoffice address: 420 North Third Street
Montpelier County: Bear Lake State: Idaho
2. Quantity of water claimed: 1.03 c.f.s.
(a) Rate of withdrawal in cubic feet per second or Idaho
Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SW 1/4 of the SW 1/4 of Section 4
Twp. 13 S. , Rge. 44 E. , B.M., County of Bear Lake
5. Water is to be used for: Irrigation and stock watering
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: Flowing well, 75 ft. deep, 4" pipe 18 ft. deep and ditches
8. Estimated cost of works: \$750.00
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:
15 shares in Montpelier Irrigation Company
(a) 1.03 c.f.s. (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
(b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks: This well was drilled by the Amerada Petroleum Company in July of 1958. The applicant has been using the well continuously since 1958.

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

s/ L. Jack Stuart *Applicant.*

By *Agent.*

Date of first receipt at Department of Reclamation: 8:00 A.M. September 14, 1964

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 32063

Recorded in Book 112 Page 32063 Approved September 18, 1964

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

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

Work to begin on or before and to continue deligently and uninterrupedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before March 18, 1967

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before September 18, 1969

Witness my hand this 18th day of September, 1964 s/ RALPH W. THOMAS Deputy STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 18th day of September, 1964.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS Secretary of State.

By s/ ROBERT E. SMYLIE Governor

12.

Twp.	Range	Sec.	NE¼	NW¼	SW¼	SE¼	Totals
			NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	
13S	44 E	4			X		11½
13S	44 E	9		X			40
						TOTAL	51½

THE NEWS-EXAMINER

MONTPELIER, IDAHO

RECEIVED

AUG 13 1969

Department of Reclamation

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Bear Lake,) ss.

W. Jerome Taylor

being first duly sworn, deposes and says
he is Publisher and Foreman of the
News-Examiner; that the said News-Examiner
is a weekly newspaper published at Montpelier,
County of Bear Lake, State of Idaho, of general
circulation in said County and State.

That the notice attached was published in
the said News-Examiner, and not in a
supplement, for two

successive weeks, commencing with the issue
dated July 31, 1969

and ending with the issue

dated August 7, 1969

W. Jerome Taylor
Publisher and Foreman.

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that L. Jack Stuart, 420 North 3rd Street, Montpelier, Idaho, has received an approved permit No. G-82063 issued by the Idaho State Reclamation Department authorizing the diversion of 1.03 cubic feet per second of water from a ground water source subject to all prior rights. The priority to be established under this permit is September 14, 1964 and the permit was approved September 18, 1964. Water is to be diverted by flowing well and ditches from a point within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 13 S, R. 44 E, B. M., Bear Lake County to be used for irrigation and stock watering in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 13 S, R. 44 E, B. M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before September 18, 1969. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in The News-Examiner,
Montpelier, Idaho on July 31 and
August 7, 1969.

(j31/a7)

Subscribed and sworn to before me this 8th day of August, 1969

Tom Z. Buzyn
Notary Public.

32063
11-2-69

WRR100
11-2135

VERIFIED KAW

1-3-86

IOAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 1
1-JAN-1986 19:22:33

01 WATER RIGHT NUMBER - 11-2135 ✓ 02 CLO (C) NUMBER - 32063

03001 - STUART LAST NAME 04001 - L. JACK FIRST NAME 05001 - C ORIG. OWNER

06 ADD LINE 1 - 420 N. 3RD ST. ✓ 07 ADD LINE 2 -

08 ADD LINE 3 - 09 CITY - MONTPELIER 10 STATE - ID. 11 ZIP - 83254 ✓

12 STAGE - L LICENSE 13 STATUS -

SOURCE 14001 - GROUNDWATER 15001 - TRIBUTARY OF

16 DIVERSION MEANS - 17 COUNTY - 07 BEAR LAKE

18 DIVERSION CAPACITY - .040 ✓ 19 TOTAL DIVERSION RATE - .040 20 TOTAL DIVERSION VOLUME - 15.70

21 WATER DISTRICT -

----- DIVERSION POINTS -----													
TRACT	SEC	TWN	RNG	LOT	RFLG	S T R E A M I N D E X F I E L D S							
22001 -	SWSW	23001 - 04	24001 - 13S	25001 - 44E ✓	26001 -	27001 -							
				28001 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0.0

29 NON-IRRIGATION USE -

----- PLACE OF USE -----							
USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT	
30001 - 01 IRRIGATION	31001 - 13S	32001 - 44E	33001 - 04	34001 - SWSW	35001 - 24	36001 -	
							TOTAL ACRES: 24

----- WATER USE -----				
PERIOD FROM	PERIOD TO	USE CODE / USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0101	38001 - 1231	39001 - 04 STOCKWATER	40001 - 0.020	41001 - 0.70
37002 - 0415 ✓	38002 - 1015 ✓	39002 - 01 IRRIGATION ✓	40002 - 0.040 ✓	41002 - 15.00 ✓

42 DECREE PLAINTIFF NAME - 43 DECREE DEFENDANT NAME -

REMARKS
44001 -

APPROVAL CONDITIONS: 45001 - ✓

46 OTHER RIGHTS FOR SAME USE -

----- D A T E S -----			----- D A T E S -----			----- F L A G S -----		
47 PRIORITY	- 14-SEP-1984	55 LICENSE	- 19-AUG-1976 ✓	63 TRANSFER/AMENDED	-			
48 PROOF DUE	-	56 APPL RECEIVED	-	64 DLE/CAREY ACT	-			
49 PROOF MADE	-	57 FIELD EXAM MADE	-	65 FLAG_1	-			
50 APPROVE/DENIED	-	58 DECREE	-	66 FLAG_2	-			
51 PROTESTED	-	59 START WORK	-	67 FLAG_3	-			
52 HEARING	-	60 ORDER SHOW CAUSE	-					
53 VERIFIED	-	61 DATE_1	-					

----- DATA S -----
----- F L A G S -----

54 LAST UPDATE - 21-DEC-1985 62 DATE-2

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

August 20, 1976

Re: Permit No. 32063/11-2135

L. Jack Stuart
420 North 3rd St.
Montpelier, ID 83264

Dear Mr. Stuart:

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

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:mef

Enc.

August 4, 1976

Mr. L. Jack Stuart
420 North 3rd St.
Montpelier, ID 83254

Dear Mr. Stuart:

A representative of this Department has made an examination of the works covered by your Permit No. 32063/11-2135 and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.04 cfs Source: ground water

The maximum quantity diverted shall not exceed 15.7 acre feet, or 3.0 af per acre, per year.

Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, Twp. 13 S, Rge. 44 E, B. M.

Beneficial use: Irrigation of 23.5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 4 and stockwater purposes.

Priority date established: September 14, 1964

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

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder L. Jack Stuart
Post office address 420 North Third Street, Montpelier, Idaho Phone 847-1677
Person to contact _____ Phone _____

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

3. Water will be used for the following purposes:

Amount 1.03 c.f.s. for Irrigation & Livestock
_____ AF/Annum (nature of use)

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

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

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

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

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

Other uses: _____

Permit No. 32063/11-2135
Examination for _____

4. Total amount to be appropriated:

Max Rate of Diversion 1.03 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 13S N/S, Range 44E E/W, B.M., Section 4, Subdivision SW $\frac{1}{4}$ SW $\frac{1}{4}$, Bear Lake
County

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

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

Other Points of Diversions: _____

Description of diverting works: _____

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or 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 $\frac{1}{4}$	
13S	44E	4											11.5						11.5
		9						40											40

TOTAL ACREAGE 51.5

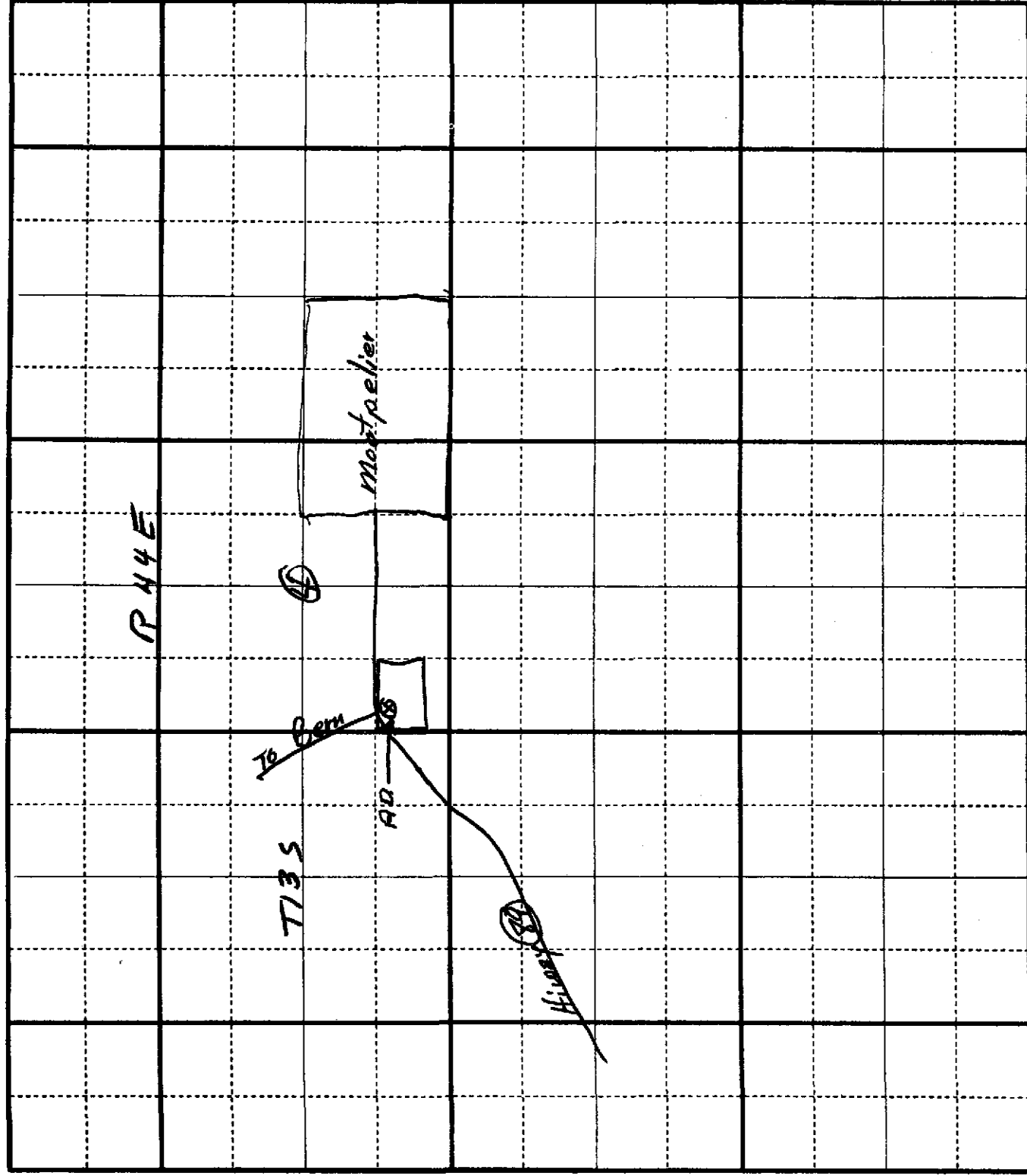


Diagram of System

Ph. 847-1677

Jack Stuart



Jack Stuart

23.5
Total

Edwin Messerly
90

Dennis

Daniel King
184

$$\begin{array}{r} 34 \overline{) 10.8} \\ \underline{2.8} \\ 2.60 \\ \underline{2.32} \\ .28 \end{array}$$

$$\begin{array}{r} .227 \\ \underline{166.20} \end{array}$$

16.5

104.055

wall 15 ft deep
4" casing 25 feet
416 sand at the
1 way - Oct 1

Syzygium molle (L.) Merr., unable to locate. Number 9/27/76, 5844-1677.

Permit No. 11-2135 / 32063

Name of Applicant L. Jack Stuart, 420 N. 3rd St., Montpelier, Idaho

Source of Water Ground water

a tributary of _____

Location of P.D. SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 13 S, R. 44 E, B. M.,
Bear Lake County

Water is used for Irrigation & livestock

Quantity of water claimed: Permit 1.03 cfs Depositions 1.03 cfs

Type of measuring device installed or method of measurement and general description
of diversion works PROOF - 25 HP gasoline pump, 4" well casing, 70' deep
PERMIT - FLOWING WELL @ 75' DEEP @ 4" pump
18' DEEP & DITCHES

PERMIT-

Total acreage 25 acres 51 acres

Filed: September 14, 1964

Due: September 18, 1969

Made: August 13, 1969

Priority: September 14, 1964

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.)

B.B. Jones

Source of supply _____
a tributary of _____
Location of P.D.(s) _____

Water is used for _____
Quantity of water found _____
How was the measurement made? _____
Measurement calculations _____

Diversion works description and diagram

Indicate area irrigated in each subdivision on the map.
Total acreage irrigated _____

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

Who represented the permit holder at the examination?

Recommended allowance for licensing _____

Description of required amendments. Comments. _____

Report checked? _____

Examination date _____

Signature _____

DATE OF EXAM 7-30-75

ACREAGE
Found 40
Recommended 23.5

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = 0.037 c.f.s. V = 11.21 AF/Ann. from May 1 to Oct. 1
Domestic Q = c.f.s. V = DT AF/Ann. from to
Livestock Q = 0.02 c.f.s. V = 0.7 AF/Ann. from Jan. 1 to Dec. 31

Is water co-mingled? yes no ✓

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

Exchange? yes no ✓

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

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

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

Total Q measured 0.037 cfs Method of measurement 10 gal. can.

Total Q recommended 0.037 cfs Meter No. Type Condition

Total V recommended 11.91 AF/Ann

Recommended Amendments:

P.D.
Place of Use
Other
None None

MEASUREMENT CALCULATION:

$$Q = 10 \text{ gal} / 36 \text{ sec} = 0.28 \text{ gal/sec} = 16.66 \text{ gal/min} \div 448.8 \text{ gal/cfs} = \underline{0.037 \text{ cfs}} \text{ Irr.}$$

$$V = (1.53 \text{ R/acre}) (1.98 \text{ AF/ha}) (0.037 \text{ cfs}) = \underline{11.21 \text{ AF/Ann}} \text{ Irr.}$$

$$Q = (0.02 \text{ cfs}) \text{ allowed for 40 head} \quad V = 0.7 \text{ AF/Ann livestock}$$

SYSTEM DESCRIPTION:

Artesian well, 1/2 H.P. Electric motor and pump, 3400 RPM, Ser. # 1-48, one inch suction hose inserted into 4 inch well casing with a 3/4" discharge. When pump is running, hose is positioned for flood irrigation or can be attached to line for 4 sprinkler heads. Stockwater is run into pump holes. Well is 25 deep, 4" casing.

REMARKS:

Mr. Jack Stewart accompanied examiner. Informed him of the required for have a control device on artesian well. 40 head of cattle are the maximum number watered.

Examiner's Signature Kenneth O. Flawender Date 7-30-75

Checked by Loren O. Halma Date Dec 18, 1975

Approved by Date

**NOTICE OF EXISTING
WATER PERMIT**

Notice is hereby given that L. Jack Stuart, 420 North 3rd Street, Montpelier, Idaho, has received an approved permit No. G-32063 issued by the Idaho State Reclamation Department authorizing the diversion of 1.03 cubic feet per second of water from a ground water source subject to all prior rights. The priority to be established under this permit is September 14, 1964 and the permit was approved September 18, 1964. Water is to be diverted by flowing well and ditches from a point within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 13 S, R. 44 E, B. M., Bear Lake County to be used for irrigation and stock watering in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 13 S, R. 44 E, B. M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before September 18, 1969. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in The News-Examiner,
Montpelier, Idaho on July 31 and
August 7, 1969.

(j31/a7)

32063
11-2-38

Montpelier, Idaho
July - 1969

Dear Sirs

Please return the map if possible -
I hope this is satisfactory

RECEIVED

JUL 23 1969

Department of Reclamation

L Jack Stuart
420 No 3rd
Montpelier, Idaho

32063
11-2133

August 13, 1969

Re: Permit No. G-32063

L. Jack Stuart
420 N. 3rd St.
Montpelier, Idaho 83254

Dear Mr. Stuart:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from 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. If someone other than yourself should be contacted, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

*Exam typed
9-10-69
jms*

*32063
11-2135*

July 23, 1969

Re: Permit No. G-32063

L. Jack Stuart
420 North 3rd St.
Montpelier, Idaho

Dear Mr. Stuart:

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

The legal notice for the above referenced permit is being published in the News-Examiner, Montpelier, Idaho. on July 31 and August 7, 1969.

You will be required to submit an affidavit of publication to this department. The affidavit may be obtained from the above mentioned newspaper upon payment of the bill of publication.

Thanking you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enc: Map submitted with proof

11-2135
32063

July 23, 1969

Re: Permit No. G-32063
L. Jack Stuart

News-Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

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

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

The expense of the publication is to be paid by L. Jack

Stuart, 420 North 3rd St., Montpelier, Idaho,
to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notice

32063
11-2135

RECEIVED

JUL 13 1969

Department of Reclamation

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that L. Jack Stuart, 420 N. 3rd St., Montpelier,

Idaho, has received an approved permit No.

G-32063 issued by the Idaho State Reclamation Department authorizing the diversion ~~surface~~ of 1.03 cubic feet per second ~~from the river~~ of water from a ground water source,

subject to all prior rights. The priority to be established under this permit is September 14, 1964 and the permit was approved September 18, 1964.

Water is to be diverted by flowing well and ditches

from a point within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 13 S., R. 44 E., B.M.,

Bear Lake County

to be used for irrigation and stock watering

in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 13 S., R. 44 E., B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before September 18, 1969. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the News-Examiner, Montpelier, Idaho on

July 31 and August 7, 1969.

State Reclamation Engineer: Permit No. G-32063

You are hereby authorized to have the attached notice published at my expense in the News-Examiner of Montpelier, Idaho;

published in the county in which the works are situated.

L. Jack Stuart
(Signature)

420 N 3rd St. Montpelier Idaho
(Address)
7-11-69
(Date)

32063
11-2135

Identification No. _____
Permit No. 4-32063

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

JUL 23 1964 ✓

Department of Reclamation

1. a) Name of Permit Holder JACK STUART
b) Post Office Address 420 N 3rd St. Montpelier, Idaho
2. Permit Number 4-32063 ✓
3. Date of Priority that you are prepared to establish Sept 14, 1964 ✓
4. a) Source from which water was appropriated Subterranean Flowing Well ✓
b) Location of the point of diversion: SW 1/4 SW 1/4, Section 4
Township 13 51R, Range 44 E ✓ Boise Meridian, Other points of diversion: _____

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

amount 1.03 for Irrigation purposes from 6-1 to 8-30 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount 0.3 for Livestock watering purposes from 1-1 to 12-30 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated 1.03 ✓ 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: This is a calculated measurement

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: _____

b) Describe the agreement or understanding by which you take water from the works: _____

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) 25 HP Gasoline Pump.
4" well casing. 70 ft Deep.

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

None

c) Give well drillers name and address and date the well was completed

Amarada Drilling Co. July 25, 1958

32063
11-2-65

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use for watering livestock the full year on feed ground
Pasture and corral

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

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	
13.5	44E.	4			<u>✓</u>								<u>X</u>	<u>✓</u>					

10. Remarks: The Reason I applied for Permit was due to the fact
that my neighbor was going to dig a drain ditch along my
lower fence line which would dry up my well and
drain all my Pasture and hay ground that is sub
irrigated. I needed the water claim to protect my ground.
I have about 100 acres that is sub. irrigated
Total number of acres irrigated 25
The above information is a true statement of the extent to which the above numbered permit has been developed.

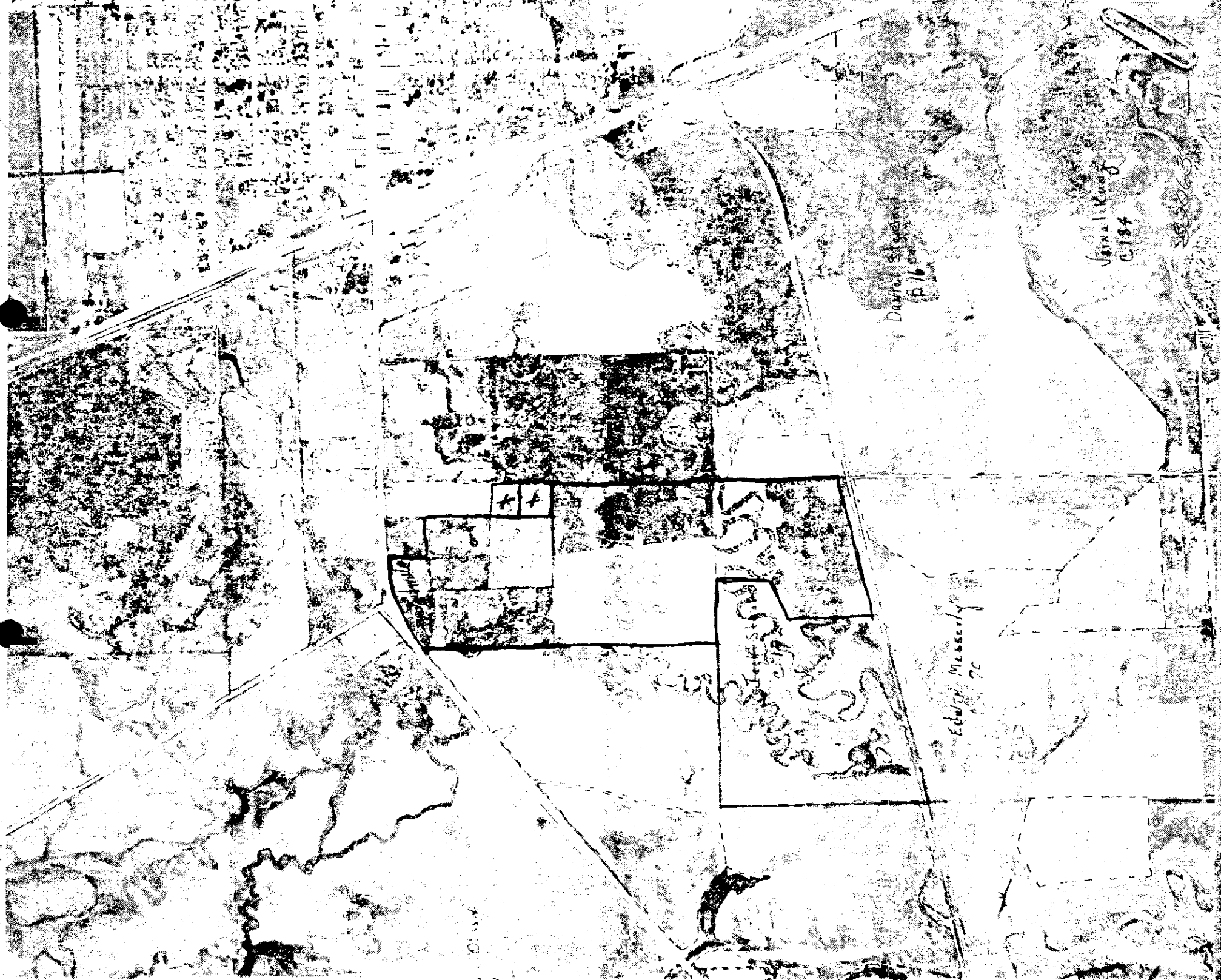
7-11-69 (Date) L Jack Stuart (Signature)

State of Idaho)
County of Bear Lake) ss.

On this 18th day of July, 1969, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Paul J. Laddock ✓
Notary Public residing at Bloomington, Idaho.
Bear Lake County

My commission expires August 21, 1969 ✓



Daniel Stedman
P. 16

Saint Kitts
C. 184

353063

Edwin Messerly
A. 70

St. John St. Rd.

July 1, 1969

Re: Permit No. G-32063

L. Jack Stuart
420 North Third St.
Montpelier, Idaho

Dear Mr. Stuart:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department, stating that you have been issued a permit and are now submitting proof of beneficial use. Previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enc: Order
Proof due notice
Proof package
Adv. package

32063

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-32063)

in the name of L. Jack Stuart)

420 North Third Street, Montpelier, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

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

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

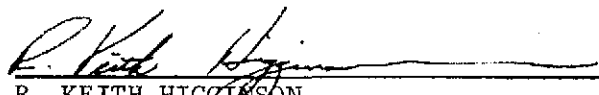
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. G-32063 was issued previous to that date;

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

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

Dated this 23rd day of JUNE, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

32063

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered

☐ Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

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

CERTIFIED NO.

21096

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

1

2

8

L Jack Stuart

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

7-1-68

11-2135

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, FINE



INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Annex #2 Statehouse

Boise, Idaho 83707

POST OFFICE, STATE, AND ZIP CODE

35-16-71549-10

Apr. 1967

POD Form 3811

July 1, 1969

L. Jack Stuart
420 North Third Street
Montpelier, Idaho

Re: Permit No. G-32063

Dear Mr. Stuart:

One of the conditions of the approval of your permit
G-32063 was that proof of application of the water to
beneficial use be submitted to this office on or before _____
Sept. 18, 1969.

Enclosed is an affidavit form which must be used to submit
this proof. You may request an extension of time provided the
delay is for reasonable cause as indicated in Section 42-204, ICA.

Either the proof or a request for extension must be received
by this department on or before the above mentioned date, otherwise
the permit will lapse and be of no further force or effect.

R. Keith Higgins

State Reclamation Engineer

Enclosure: Proof form

DR

September 23, 1964

Re: Permit No. G-32063

Mr. L. Jack Stuart,
420 North Third St.,
Montpelier, Idaho.

Dear Mr. Stuart:

We enclose Permit No. G-32063 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-8887 which was issued covering payment in the amount of \$ 5.25 for the filing fee of the above mentioned permit.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

32063

NAME OF APPLICANT..... L. Jack Stuart

Form No. 0

Well

4

9

L. Jack Stuart
APPROVED
SEP 10 1961
State Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

32063

ELBERT E. GASS
ATTORNEY AT LAW
PROFESSIONAL BUILDING
MONTPELIER, IDAHO

RECEIVED
SEP 14 1964

Department of Reclamation

September 4, 1964

PROSECUTING ATTORNEY
BEAR LAKE COUNTY

CITY ATTORNEY
MONTPELIER

P. O. BOX 159
TELEPHONE 847-0805

Ralph W. Thomas, Deputy
State Reclamation Engineer
107 State House
Boise, Idaho

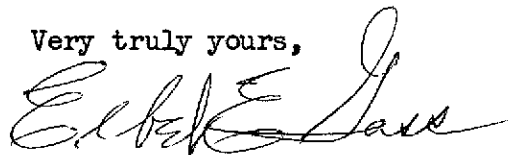
Dear Mr. Thomas:

Upon behalf of Mr. Jack Stuart, I reenclose application for permit with his check attached in the amount of \$5.25 for 1.03 c.f.s.

I believe we have answered all your questions and corrected the application in accordance with your letter of June 24, 1964. However, as to your belief that the land or acres described in "Remarks" is in error, an area of land 20 chains by 7.25 chains is approximately $14\frac{1}{2}$ acres. We had indicated on the prior application that there was a road running across the north and west portion of the described property, leaving approximately $11\frac{1}{2}$ acres for utilization.

I trust that this explains the land or acres in the Southwest Quarter of the Southwest Quarter of Section 4.

Very truly yours,


Elbert E. Gass

EEG:vm
Encl. 2

32063

June 24, 1964

Re: Application for Permit

L. Jack Stuart
420 N. Third St.
Montpelier, Idaho

Dear Mr. Stuart:

Returned herewith is your application for permit with attached check for \$6.25.

You claim 10 c.f.s. under 2 of the application and show $51\frac{1}{2}$ acres to be irrigated under 12. The maximum allowable is one cubic foot per second for each 50 acres irrigated, hence 1.03 c.f.s. is the maximum allowable. The fees for application are shown on back page of application being \$7.25 for 10 c.f.s., and \$5.25 for 1.03 c.f.s.

You show 4-inch pipe under No. 7. We do not know how long that pipe is, however, that pipe is rather small to carry one c.f.s. of water.

I believe the description of your land or the acres are in error, as shown in "Remarks".

Correct the application and return with the proper fee.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. application with
check

cc: Elbert E. Gass
Attorney at Law
Box 159, Montpelier, Idaho

32063

ELBERT E. GASS
ATTORNEY AT LAW
PROFESSIONAL BUILDING
MONTPELIER, IDAHO

PROSECUTING ATTORNEY
BEAR LAKE COUNTY
CITY ATTORNEY
MONTPELIER

June 22, 1964

P. O. BOX 159
TELEPHONE 847-0805

RECEIVED
JUN 24 1964

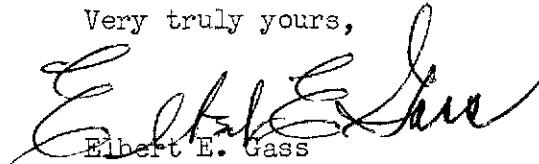
Department of Reclamation

Mr. Carl E. Tappan
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr. Tappan:

I enclose Application for Permit and check in the amount of \$6.25 upon behalf of L. Jack Stuart. You could submit proof of completion of works as soon as possible, and if there is any further information you wish, please advise.

Very truly yours,


Elbert E. Gass

EEG:vm
Encl. 2

32063