

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)
Day Lynn Telleria being first
duly sworn, deposes and says that, She is the
Click of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of
The South Idaho Press for two (2)
consecutive weeks, commencing with the issue
dated April 20, 1989, and ending
with the issue dated April 27, 1989.

Day Lynn Telleria

STATE OF IDAHO

COUNTY OF

On this 5th day of May in the year of 1989, before me,
a Notary Public, personally appeared Day Lynn Telleria,
known or identified to me to be the person whose name subscribed to the within instrument,
and being by me first duly sworn, declared that the statements therein are true, and
acknowledged to me that he executed the same.

Marg Barendse
Notary Public for Idaho

Residing at Burley, Idaho

My commission expires: 2-1-94

Cost of Publication 29.76
Notary Fee .50
Total Cost 30.26

89-187

NOTICE OF EXISTING
WATER RIGHT PERMIT
PERMIT NO. 43-7084

Presently Recorded as Follows:
Name: ALVIN CARPENTER &/OR BERNICE
STEPHENS

Address: ELBA, ID 83326
Source: GROUNDWATER
Diversion Pt.: SWSE SEC. 1 T14S R24E;
SENE SEC. 5 T14S R25E, CASSIA COUNTY
Use: IRRIGATION (5.0 CFS)

Priority: JULY 22, 1977
Place of Use: SW1/4, SE1/4 SEC. 1; N1/2SE
SEC. 2 T14S R24E; S1/2NW, N1/2SW SEC. 5;
N1/2SW, SWSW SEC. 6 T14S R25E

Total Acres: 580
Of the 580 acres described, this permit pro-
poses supplemental supply to 440 acres and full
supply to 140 new acres. This permit was not de-
veloped by July 1, 1985, and is being reprocessed
in compliance with Section 42-203D, Idaho Code.
Protests against the continuance of the permit
must be filed with the Director, Dept. of Water
Resources, Statehouse Mail, Boise, ID 83720 on
or before May 8, 1989. A protest must overcome
the presumption of Water Appropriation Rule
52.1.

/s/R. Keith Higginson, Director
Published in the South Idaho Press on April 20
and 27, 1989.

REC

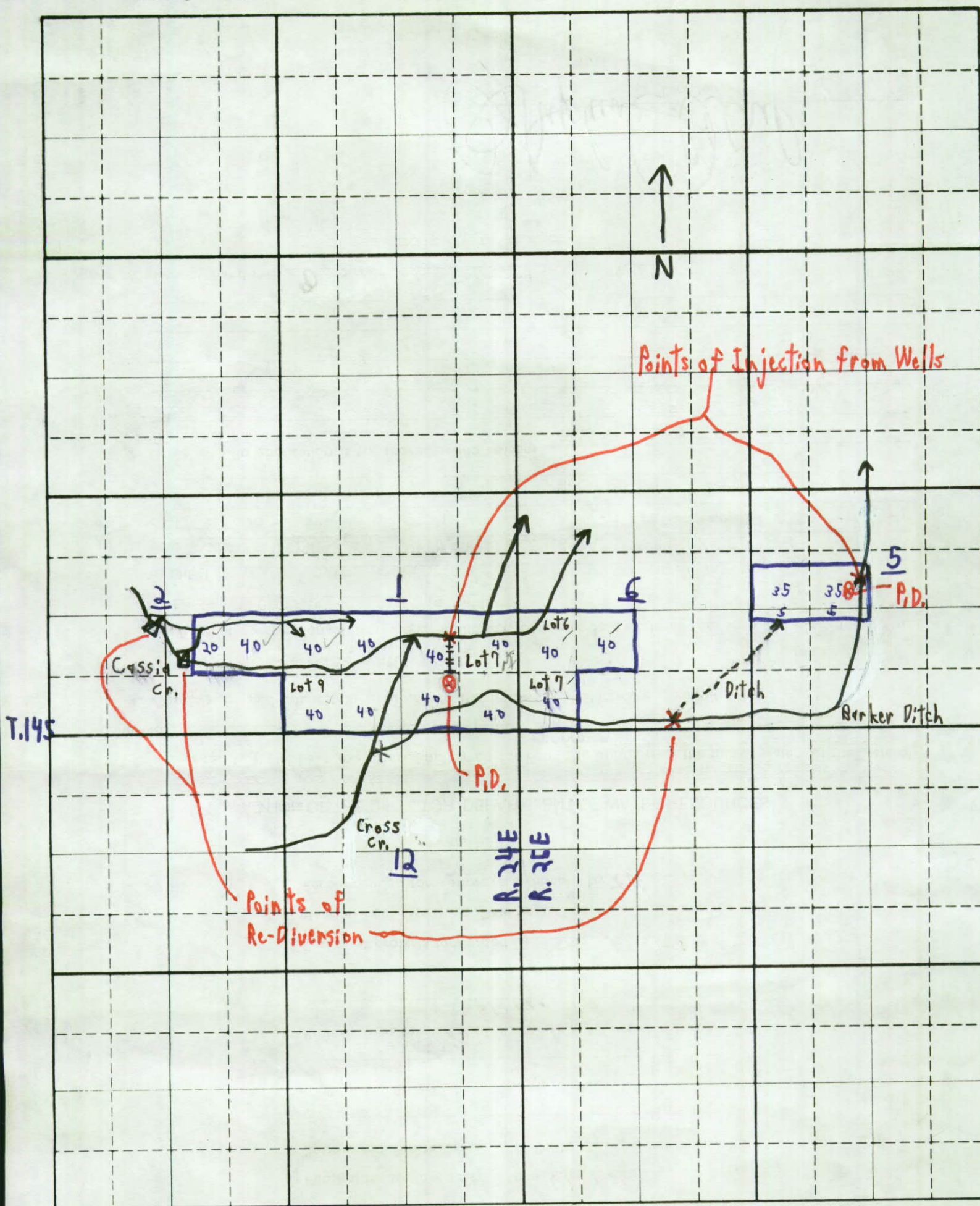
MAY 10 1989

Department of Water Resources

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JUN 13 1989

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

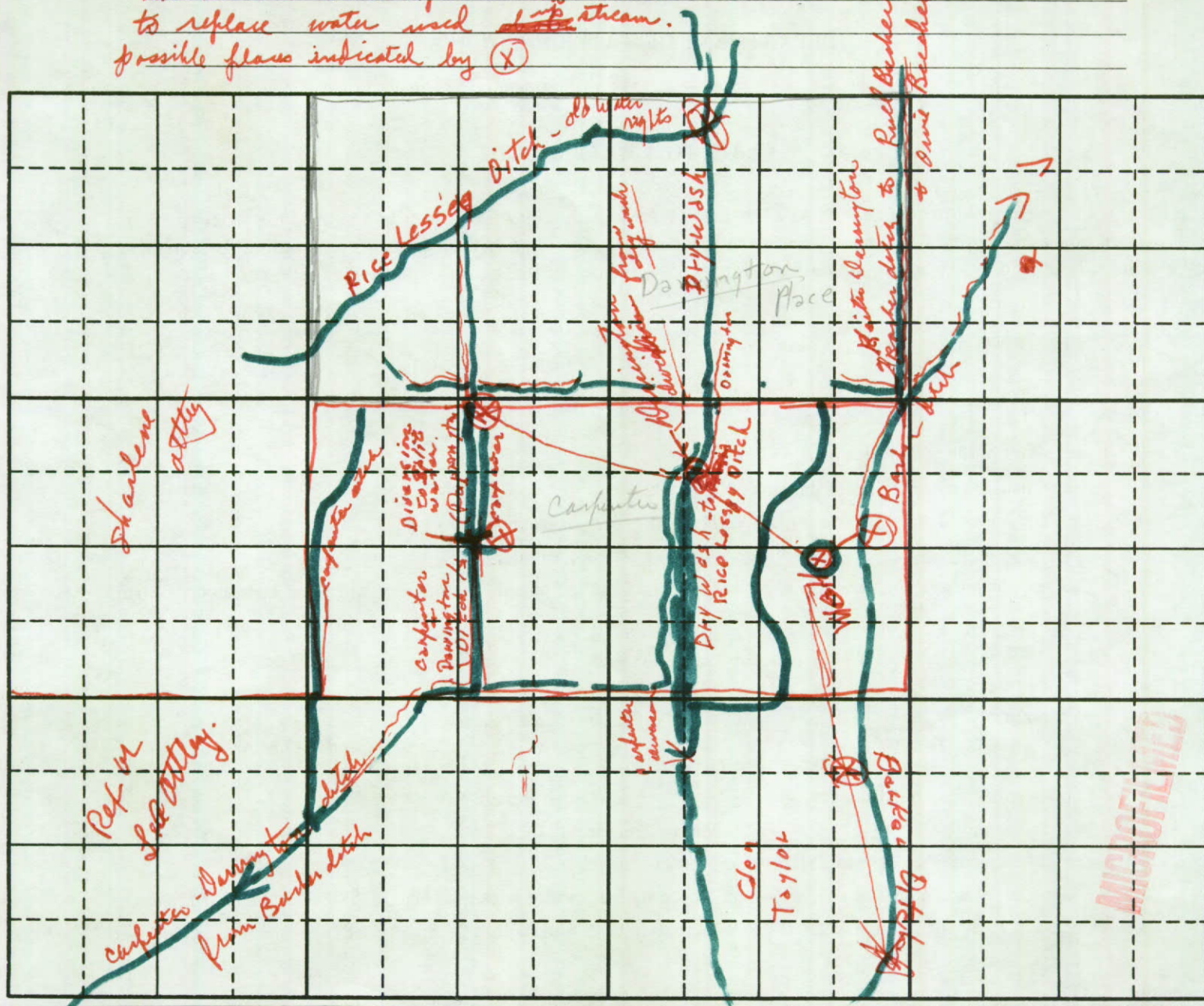
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Lernie Stephens
(Applicant)

Scale: 2 inches equal 1 mile

Glavin Carpenter
(Applicant)

(8) Remarks water from well can be injected into the Basher ditch system in several locations to replace water used ~~in the~~ stream. possible flaws indicated by (X)



June 15, 1955.

The of Darrington & Ruby of Darrington
Estate, In the year of 1869 John
Darrington bought from Bell Rice
his relinquish right & Homesteaded
the Two Places containing 160 acres
of land, In the year of 1879 John
Darrington raised a garden &
claimed 3 inches of water at that time
for the purpose of a garden, In the
year 1880 he cleared & cultivated
80 acres of land that we now
live on & claimed 65 inches of 1880
water & 5 inches of 1879 water.

Two year later he cleared & cultivated
the other 80 acres & claimed 65 inch
es of 1882 water this is the right
the Place Now has know as the
John Martin ranch ~~bought~~ from

The Whitaker Bros in the year
1953 in the Month of April.

Father sold the 80 acres on the
South of Place to Bill Perry, Perry
sold the Place to Art Bayless
Bayless sold the Place to Ed
Whitaker, Whitaker sold the Place
to Joe Whitaker his son & Joe
Whitaker sold the Place to Whitaker
Bros & they in turn sold it to John
Mortimer as it now stands.

After Father sold this Place to
Bill Perry he filed on the Place East
of his Home Place ~~and has~~ 13 inches of
1897 water this is called late water
Father sold this Place to Frank S Whitaker
& Frank sold it to P. D. Pace, Pace
sold it to George Farrington my
brother & now they are gone it went

which

to the Estate, ~~was~~ Kent Darrington
was appointed administrator by the
Jorge Darrington Family & that
is the way it stands at Present
time June 15, 1935.

The State of Idaho came to Cassia
Creek a few years before 1921 & put
in New Head gates & measuring devices
& at that time the state said the
wash or water ditch as we now
call it was not a tributary to Cassia
Creek & we had ~~water~~ the same
from 1880 as our water ditch, we
had a ditch that crossed the Perry
Place & turned water for a few years,
& when Ed Whitaker bought the place
father changed to ditch down Perry
fence that empties in wash now
known as the Darrington water ditch.

ditch

→ + we claim the same as our
ditch to date with no interference
from the south boundary of the
Perry Place to where it empties into
Pike & Leary ditch this is located
on our property & we have the
right to take water at any place
without interference from the Barker
ditch where we get Apr 18⁷⁹, 1880
water is a ditch belonging to
Darrington & John Martine, we bought
head gate was bought by Darrington
& Ed Whitaker & placed in the ditch
that runs from the Barker ditch to
the wash along the south boundary of the
Perry Place, we have another ditch
know as the Middle ditch this
has a cement head gate & it was
bought & put in this ditch by

George & Louisa Darrington as it now
stands today John Martin water
a little from this center ditch then
the ditch comes to the land for the
1879 & 1880 water know as the
Sunnyside & D. Van Ranch Home
stead 1879. Signed this
15 day of June 1953 at Home in
Elba, Idaho, by Louisa Darrington

Kear

and her

Daughter

78 220
NOTICE
of OK 5/13/78

APPLICATION FOR WATER
PERMIT NO. 43-7084

NOTICE IS HEREBY GIVEN THAT AP-
plication for Permit No. 43-7084 in
the name of Alvin Carpenter & Co.
Bernice Stevens, Elko, Idaho 83326
was filed for the diversion of 5.0
cubic feet per second from a ground
water source in the SW 1/4, Sec.
1, Twp. 14 S., Rge. 24 E., B.M.
Coeur County, to be used from Apr.
1 to Nov. 1, for the irrigation of 500
acres within the S.W. 1/4, Sec. 1,
Twp. 14 S., Rge. 24 E., B.M.
M. 55E/4, Sec. 2, Twp. 14 S., Rge.
24 E. S. 1/4 NW 1/4, M. 42W/4, Sec. 3,
M. 55W/4, SW 1/4 SW 1/4, Sec. 6, Twp.
14 S., Rge. 25 E., B.M.

The applicant now proposes to
amend application for Permit No.
43-7084, requesting a change in the
point of diversion to the SW 1/4, Sec. 1,
Twp. 14 S., Rge. 24 E., B.M.
Sec. 1, Twp. 14 S., Rge. 24 E.,
SW 1/4, Sec. 5, Twp. 14 S., Rge.
25 E., Points of Re-diversion -
NW 1/4, Sec. 2, Twp. 14 S., Rge. 24 E.,
SW 1/4, Sec. 2, Twp. 14 S., Rge. 24 E.,
SW 1/4, Sec. 5, Twp. 14 S., Rge. 25 E.,
Point of Injection - NW 1/4, Sec. 1,
Twp. 14 S., Rge. 25 E., B.M.

There will be no change in the
place of use or the amount.
Any protest against the proposed
amendment of this application must be
filed with the Idaho Department of
Water Resources, 1041 Main Lakes
Old North, Twin Falls, Idaho
83301 on or before June 9, 1978.

C. Stephen Alfred
Director

Published in the South Idaho Press
on May 23 and May 30, 1978

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 43-7084 IN THE
NAME OF ALVIN CARPENTER &/OR BERNICE STEPHENS

ORDER OF REINSTATEMENT

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before August 1, 1990; and,

WHEREAS, the Department has notified the permit holders by certified mail that proof was due and instructed the permit holders of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, the Department has notified the permit holders that the permit lapsed for failure of the permit holders to submit the proof of beneficial use; and,

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

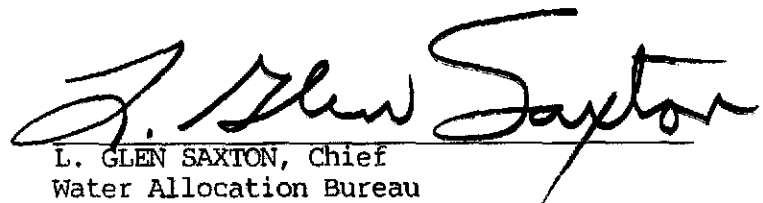
WHEREAS, the permit holders have provided a reasonable showing why the permit should be reinstated by submitting an acceptable proof of beneficial use on August 23, 1990;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 43-7084 be REINSTATED and the priority advanced to September 5, 1977.

Dated this 3rd day of October, 1990.

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AUG 05 1991


L. GLEN SAXTON, Chief
Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT
NO. 43-7084 IN THE NAME
OF ALVIN CARPENTER &/OR
BERNICE STEPHENS

CONTINUATION ORDER

This matter having come before the Idaho Department of Water Resources (IDWR) as a requirement of Section 42-203D, Idaho Code, the department Finds, Concludes and Orders as follows:

FINDINGS OF FACT

1. Permit No. 43-7084 (permit) issued to Alvin Carpenter and/or Bernice Stephens (permit holder) authorized the diversion of 5.0 cfs of water from a groundwater source for the irrigation of 580 acres of land.
2. Section 42-203D, Idaho Code, directs IDWR to review all permits issued prior to July 1, 1985, which propose to divert water held in trust by the state of Idaho pursuant to subsection (5) of section 42-203D, Idaho Code, to determine whether they comply with the provisions of Section 42-203C, Idaho Code. The review is not required for permits to the extent beneficial use was complete prior to July 1, 1985.
3. IDWR records show that 440 of the 580 acres authorized to be irrigated under Permit No. 43-7084, are irrigated with other water rights perfected prior to July 1, 1985. The 440 acres should not be classified as "development" for the purpose of compiling total storaged development policy.

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acreage under Idaho Code, Section 42-203C. The remaining 140 acres were not irrigated as proposed prior to July 1, 1985.

4. Water diverted and used on or after July 1, 1985 for the irrigation of land under the terms of this permit is trust water.

5. The permit was readvertised in accordance with Water Appropriation Rule 4,2,3,1. and was not protested.

6. Proposed development of water under the permit satisfies the presumption of Water Appropriation Rule 5,2,1. that it will not cause either an individual or cumulative significant reduction.

CONCLUSIONS OF LAW

1. The permit will appropriate trust water.

2. IDWR has reviewed the permit under Section 42-203D, Idaho Code and has determined that the permit complies with Section 42-203C, Idaho Code since the diversion and use of water under the permit will not individually or cumulatively cause a significant reduction.

3. The Director should enter an order reauthorizing development in compliance with the provisions of Section 42-203D, Idaho Code.

ORDER

IT IS, THEREFORE, hereby ORDERED that development under Permit No. 43-7084 is reauthorized and CONTINUED as provided in Section 42-203D, Idaho Code, subject to the following additional conditions and limitations:

1. Proof of construction of works and application of water to beneficial use shall be submitted to IDWR on or before August 1, 1990.

2. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review 20 years after the date of this continuation order to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

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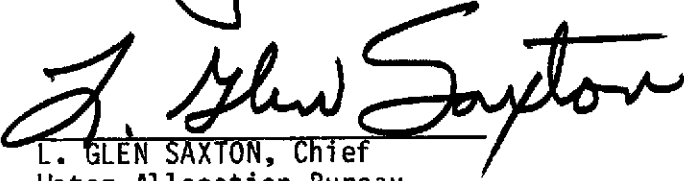
3. The construction of diversion works must be commenced within one (1) year of the date of this order and shall proceed diligently and uninterruptedly to completion unless temporarily interrupted by circumstances over which the permit holder has no control.

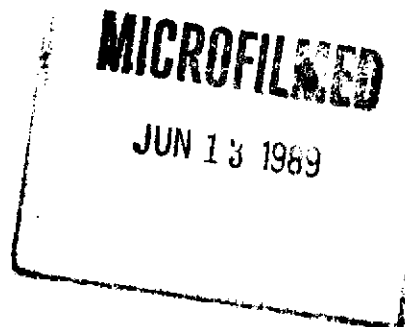
4. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

5. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.

6. All conditions of approval contained on the original permit are incorporated into and made a part of this order.

Dated this 22nd day of May, 1989.


L. GLEN SAXTON, Chief
Water Allocation Bureau



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

FEB 24 1989

To provide additional time in which to submit proof
of beneficial use for a water right permit

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 43-7084

Name(s) of Permit Holder: Alvin Carpenter and/or Bernice Stephens

Post Office Address: E16a 1d Box 453

Telephone No. 638-5510

Date Proof is Due: Feb 1, 89

Describe what work has been completed toward the development of this water right: 1st well, drilled
(This must be filled out! If no work has been completed, show "none".)

Hit Boulders at 35 ft, casing slid off to side - Another well
in another location, down to 300ft, driller quit, couldn't drive casing.
Well #2 Test pumped Dec. 1987 - yield 22 inches - Lift 240 ft.
W'd like to either drill deeper, or in a New Location. Costing \$ Approximately
\$35,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Delayed pursuing Because of involvement in Swan Falls Litigation
and uncertainty of results of same.

Permit holder(s) request an extension to 2 yrs if possible, 1991. Bernice Stephens
(1 yr. minimum) (Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

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ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to August 1, 1990.

IT IS FURTHER ORDERED that the permit be reinstated with an advance in priority to August 14, 1977, pursuant to Sec. 42-218a, Idaho Code.

Signed this 22nd day of May, 19 89.

J. Alvin Saylor
Chief, Water Allocations Bureau

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)
Daylynn Sellera being first

duly sworn, deposes and says that she is the

Click of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for two (2)

consecutive weeks, commencing with the issue

dated April 20, 1989, and ending

with the issue dated April 27, 1989.

Daylynn Sellera

89-187

NOTICE OF EXISTING WATER RIGHT PERMIT PERMIT NO. 43-7084

Presently Recorded as Follows:
Name: ALVIN CARPENTER & OR BERNICE STEPHENS

Address: ELBA, ID 83326
Source: GROUNDWATER
Diversion Pt.: SWSE SEC. 1 T14S R24E; SENW SEC. 5 T14S R25E, CASSIA COUNTY
Use: IRRIGATION (5.0 CFS)

Priority: JULY 22, 1977
Place of Use: SW1/4, SE1/4 SEC. 1; N1/2SE SEC. 2 T14S R24E; S1/2NW, N1/2SW SEC. 5; N1/2SW, SWSW SEC. 6 T14S R25E

Total Acres: 580
Of the 580 acres described, this permit proposes supplemental supply to 440 acres and full supply to 140 new acres. This permit was not developed by July 1, 1985, and is being reprocessed in compliance with Section 42-203D, Idaho Code. Protests against the continuance of the permit must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, ID 83720 on or before May 8, 1989. A protest must overcome the presumption of Water Appropriation Rule 5.2.1.

/s/ R. Keith Higginson, Director
Published in the South Idaho Press on April 20 and 27, 1989.

STATE OF IDAHO

COUNTY OF

On this 5th day of May in the year of 1989, before me, a Notary Public, personally appeared Daylynn Sellera known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at Boise, Idaho

My commission expires: 2-1-90

Cost of Publication

Notary Fee

Total Cost

REC

MAY 10 1989

Department of Water Resources

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FEB 6 1984STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIMETo provide additional time in which to submit
proof of beneficial use on a water right permitRECEIVED
JAN 27 1984Department of Water Resources
Southern District Office

Department of Water Resources

Alvin Carpenter for Bernice Stephens of Elba, ID 83326
(Name) (Address)State of Idaho, deposes and says:That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public
Waters of the State of Idaho No. 43-7084.That under the terms and conditions of said permit, work thereunder was required to be completed on or
before February 1, 1984.

That he has heretofore performed the following work described under said permit:

Partially completed one well & abandoned due to bent casing.
Completed & test pumped a second well 300 ft deep.
Developed 22 inches of flow from second wellCosting \$ 13,000That he is unable to complete the remainder of the work within the required time for the following
reasons, to-wit: Lack of time & money to proceed further.Wherefore, he asks that the Department of Water Resources extend the time for the completion of
obligations under said permit to February 1, 1989.Bernice Stephens
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time
within which to submit the statement of beneficial use is extended to February 1, 1989.Signed this 13th day of February, 1984.J. Glen Saylor
Chief, Operations Bureau\$15.00 fee received by sg Date 2-7-84 Receipt # 33732

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

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 43-7084 IN THE NAME OF
ALVIN CARPENTER &/or BERNICE STEPHENS

MEMORANDUM DECISION
AND ORDER

On July 5, 1977, Alvin Carpenter and/or Bernice Stephens of Elba, Idaho filed with the Department of Water Resources an application for permit to appropriate 5.00 cubic feet per second of water from a groundwater source. The application proposed to pump water from a well located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 14S, Rge. 24E B.M. and inject it into Cassia Creek in return for water to be diverted from Cassia Creek at points within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, Twp. 14S, Rge. 24E B.M. for the irrigation of 580 acres of the applicants' land.

The application was protested by Keith Darrington on August 12, 1977.

On October 18, 1977, a hearing was held in Burley, Idaho. Testimony and evidence was presented by both the applicants and protestant and the matter was submitted to the Director of the Department of Water Resources for decision.

On May 8, 1978, prior to the issuance of a decision, the applicants filed an amended application with the Department.

The amended application proposed to add a second well in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Twp. 14S, Rge. 25E B.M. for the purpose of pumping water into the Barker Ditch and irrigating the land adjacent to the well. Water would be diverted from the Barker Ditch in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, Twp. 14S, Rge. 25E B.M. to irrigate the lands of the applicants.

Notice of the amended application was published in the South Idaho Press on May 23 and May 30, 1978.

On June 5, 1978, the Department received a protest against the amended application from Keith Darrington.

A conference on the matter was held in Burley, Idaho on November 2, 1978. The applicants and protestant were present and represented themselves.

The main issue which was placed before the Department by the parties was whether or not the injection of groundwater into the Barker Ditch in exchange for surface water diverted from the ditch would adversely affect the rights of the protestant.

The protestant maintained that the applicants' proposal would interfere

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with his decreed rights because groundwater would have to be pumped into the ditch whenever the applicants were diverting surface water from the ditch and in the event of a failure of the pump, the applicants might continue to divert the water although none was being replaced in the ditch.

He also expressed concern that his decreed right to water rising and flowing in a dry wash (43-0441) would be interfered with.

It was brought out in the discussion that the water in the dry wash was also used by both the applicants and protestant to carry water decreed under other rights.

The applicants offered to deliver groundwater into the dry wash if this would resolve the protest, but no agreement was reached on this proposal.

The applicants and protestant agreed to allow the Director of the Department of Water Resources to reach a decision based upon the information obtained during the conference. The Director of the Department of Water Resources has considered the issues and based upon his understanding of the law, makes the following Findings of Fact, Conclusions of Law, Order:

FINDINGS OF FACT

1) On July 22, 1977, the Department found that there is unappropriated groundwater available in this area and by order, opened the Almo-Elba Basins to the appropriation of groundwater.

2) The waters of Cassia Creek have been decreed by the district court in the case of Albion-Idaho Land Co. vs. Jobe Adams, et. al, October 18, 1928 and are administered by the watermaster of Water District 43-C.

3) The Barker Ditch is a lateral ditch whose source of water is Cassia Creek. The waterusers on the ditch are not formally organized as a lateral ditch users association.

4) The applicant, Alvin Carpenter, is the holder of Right No. 43-0342 for 1.30 cubic feet per second with a priority of June 1, 1882. The right is delivered through the Barker Ditch.

5) The protestant, Keith Darrington, holds decreed rights 43-0094 for 1.00 cubic feet per second, April 30, 1879; 43-0095 for 1.20 cubic feet per second, April 30, 1880; and 43-0093 for 0.30 cubic feet per second, April 1, 1894 for the diversion and use of Cassia Creek.

He also holds Right No. 43-0441 for 0.80 cubic feet per second for water in a dry wash with a priority of April 1, 1886, decreed in the case of Joseph R.

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Hurd vs. Lorenzo Darrington in district court, January 9, 1933.

6) The lands and diversion points of the protestant are located downstream on the Barker Ditch from the applicants' point of injection of groundwater.

CONCLUSIONS OF LAW

1) There is sufficient groundwater available to satisfy the applicants' appropriation.

2) The exchange of groundwater for surface water in the Barker Ditch can be made without injury to the rights of the protestant.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 43-7084 is APPROVED subject to the following conditions:

1) A totalizing measuring device shall be installed and maintained at the points of diversion from the wells.

2) Measuring devices of a type approved by the Department shall be installed at the point of exchange (Cassia Creek) and point of injection of groundwater into Cassia Creek and the point of diversion from Barker Ditch.

3) This permit shall not be assigned or sold without first securing written approval of the Director of the Department of Water Resources.

4) The average yearly diversion from the wells for irrigation purposes shall not exceed 3.00 acre-feet per acre from all combined sources over any five (5) year period.

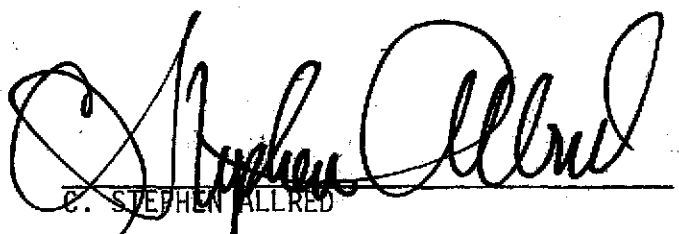
5) The use of water diverted under this permit is subject to control of the watermaster of State Water District No. 43-C, Cassia Creek.

6) Any water diverted from the Barker Ditch under the exchange proposed by this permit shall be replaced simultaneously with an equal amount of groundwater pumped into the ditch.

7) Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1984.

8) The permit be and is subject to all prior rights.

Dated this 8 day of February, 1979.


C. STEPHEN ALLRED
Director

Identification No. _____

Application No. 43-7084

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Alvin Carpenter &/or Bernice ~~Stevens~~ Stephens Phone: 638-5510
post office address Elba, Idaho 83326
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1 Township 14S
Range 24E B.M. Cassia County; additional points of diversion if any: SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 5, Twp. 14S, Rge. 25E, Points of Re-diversion - NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2,
Twp. 14S, Rge. 24E; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, Twp. 14S, Rge. 25E; Points of Injection -
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 14S, Rge. 24E; SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Twp. 14S, Rge. 25E, B.M.
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 5.0 cfs for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 5.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 2 wells, pumps, movement of water thru
Barker Ditch &/or exchange of water with Cassia Creek & Barker Ditch, sprinklers
&/or ditches (See Remarks)
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 16 inches; proposed depth of well is 300 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 \$ 20,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ 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 _____

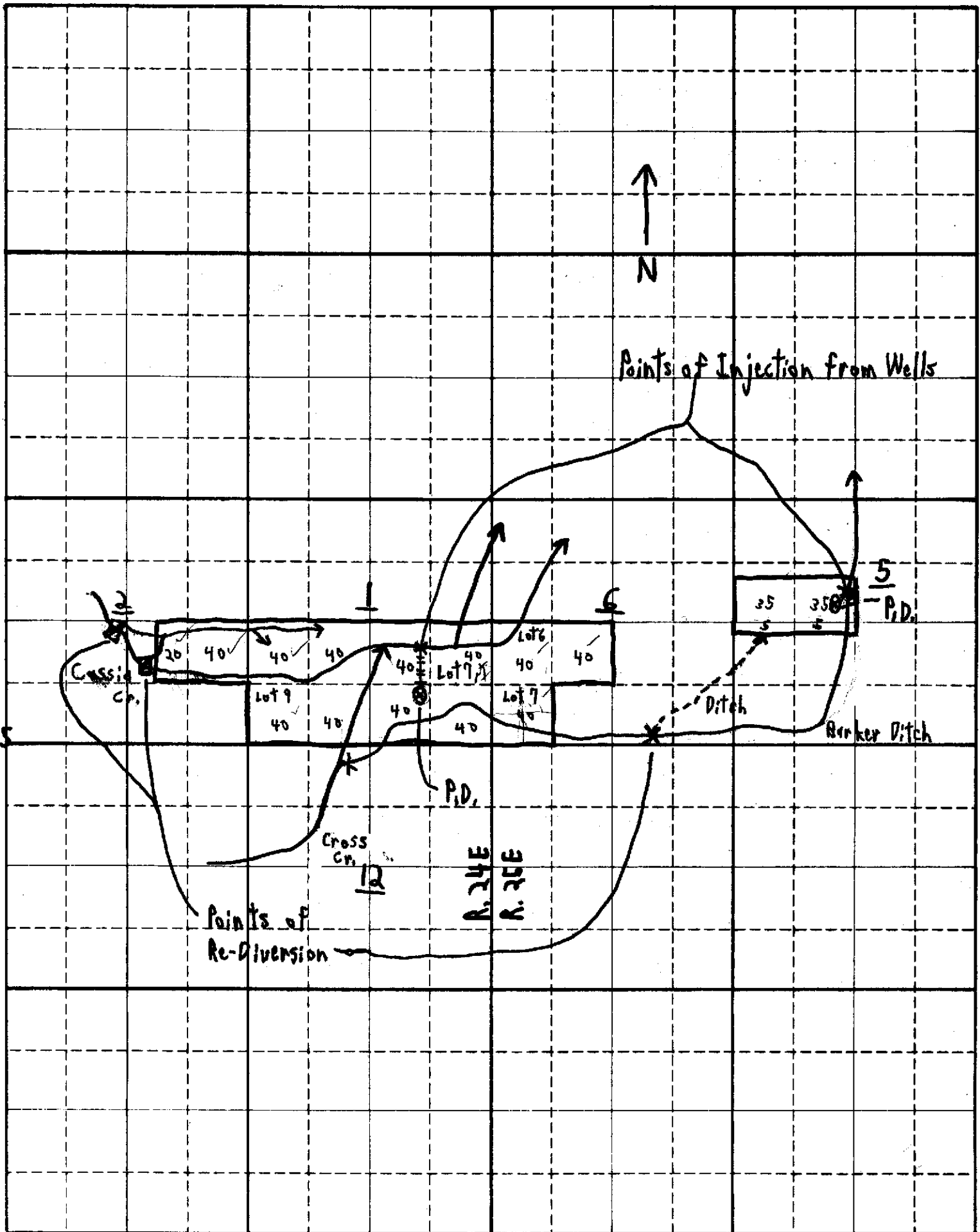
(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS	
14S	24E	1									40	40	40	40	17.7	40	40	40	40	320
		2											40	20						60
	25E	5						35	35	5	5	47.6	40							80
		6									40	47.9	40							120

9. a. Who owns the property at the point of diversion
Alvin Carpenter well in Sec 5
Bernice Stevens (well) Others (Cassia Creek points)
b. Who owns the land to be irrigated or place of use
applicants
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing
Cassia Creek outlets are used by decreed right & consent
of Cassia Creek water users

[The page contains faint horizontal lines, suggesting it was part of a lined notebook or document.]

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.

Lernie Stephens
(Applicant)

PROPOSED PRIORITY: 7-22-77 (see original application)

Received by Date 5-1-78 Time 10:50 AM
Preliminary check by Fee \$ 10.00
Received by Date 5-1-78 # 10413
Publication prepared by Date 5/18/78
Published in South Idaho Press
Publication dates 5/23 + 5/30/78
Publication approved Date 6/2/78
Priority reduced to Reason
Protests filed by: Keith Livingston 6/5/78
Copies of protests forwarded by SM 6/15/78
Hearing held by Date
Recommended for approval denial by

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. 43-7084, 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 February 1, 19 84.
c. Other:

PURSUANT TO MEMORANDUM DECISION AND ORDER OF THIS DATE

2. Denial of said application is for the following reasons:

Witness my hand this 8 day of February 19 79.

Director

Identification No. _____

Application No. 43-7084

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

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

1. Name of applicant Alvin Carpenter &/or Bernice Stevens Phone: 638-5510
post office address Elba, Idaho 83326
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1 Township 14S
Range 24E B.M. Cassia County; additional points of diversion if any: _____
NW $\frac{1}{4}$ SE $\frac{1}{4}$ & NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2 T. 14S R. 24E B. M. (see Remarks) (points of re-diversion)
- 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 5.0cfs for irrigation purpose from Apr 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 5.0 cfs cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump, movement of water thru
Barker Ditch &/or exchange of water with Cassia Creek, sprinklers &/or ditches
(see Remarks).
- 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 16 inches; proposed depth of well is 300 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 \$ 20,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ 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 _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

MICROFILMED

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

[illegible]

Total number of acres to be irrigated 580

c. Describe any other water rights used for the same purposes as described above. Cassia Creek decreed rights: 65" 1882, 123" 1883, 80" 1887, 100" 1894.

rights: 65" 1882, 123" 1883, 80" 1887, 100" 1894.

9. a. Who owns the property at the point of diversion — Bernice Stevens (well) • Others (Cassia Cr. points applicants

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

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

applicant to make this filling. Cassia Cr. outlets are used by decreed right & consent of

~~Cassia Cr. water users.~~

10. Remarks Supplemental filling due to drought. Part of the time, well water will be dumped into Cassia Creek for transport downstream to lower users; an equal amount will be taken out upstream for use on Stevens' land. Diversion points in Sec. 2 are at existing headgates where Bernice Stevens takes Cassia Cr. decreed rights. Point of injection for Cassia Creek exchange is NW^{1/4} Sec. 1 T. 14S R. 24E B. M.

Hand-drawn map on grid paper showing a water diversion system. A main canal runs horizontally, with a "Point of Injection from Well" indicated by an arrow. A "Ditch" branches off to the right, leading to a rectangular area labeled "35 35 5". A "Banker Ditch" is also shown. A "Cross Cr." (cross canal) branches off to the left, leading to a "Point of Diversion" and then "Points of Re-Diversion" marked with numbers 12, 24E, 25E, and 7. The map includes a north arrow pointing up. Various measurements and labels are present, including "T. 14S", "Gossie Cr.", "Gov. Lt. 9", "Gov. Lt. 6", "Gov. Lt. 4", and "Gov. Lt. 3".

Glenn Carpenter
(Applicant)

58

Received by AS Date 9-5-77 Time 1 pm

Preliminary check by AS Fee \$ 65.00

Received by AS Date 9-5-77 # 8620

Publication prepared by AS Date 7/20/77

Published in South Idaho River

Publication dates 7/26 + 8/9/77

Publication approved _____ Date _____

Priority reduced to _____ Reason _____

Protests filed by: Rich Livingston 8-12-77

Copies of protests forwarded by AS 9/21/77

Hearing held by _____ Date _____

Recommended for approval denial by _____

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. 43-7084, and said application is hereby A.

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. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____, 19____.

Director

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

COUNTY OF ADA

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have on this date served a true and correct copy of the foregoing MEMORANDUM DECISION AND ORDER by depositing a copy thereof in the United States mail postage prepaid and addressed to:

Alvin Carpenter &/or
Bernice Stevens
Elba, ID 83326

Keith Darrington
Elba, ID 83326

Dated this 9th day of February, 19 79.



On this 9th day of Feb, 19 79, personally

appeared before me the signer of the above instrument, who duly acknowledged to me that he (she) executed the same.


Notary Public
Residing at Boise, Id

My commission expires 11-25-82

RECORDED

RECEIVED

JUL 20 1977

Department of
Southern Idaho Office

Elba, Idaho

JULY 18, 1977

To Whom it May Concern:

As watermaster on Cassia creek, District ^{43-C} ●-C, it is my belief that water from wells so situated that water from the well can be measured into the creeks, tributaries, or distribution ditches could be exchanged for water upstream at equal amount, or downstream with provision for loss, either from established points of diversion or pumping into sprinkler, so long as acceptable measuring devices were employed at both the point of diversion and where the well water entered the stream.

IN the case of the proposed well being considered by Alvin Carpenter and BERNICE Stephens, ELba, Ida., this exchange of water would be practical and could be accomplished without interfering with the rights of other water users.

Eugene Good

MICROFILMED

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Cindy Duffin being first
duly sworn, deposes and says that he is the

Clerk of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of

The South Idaho Press for 2 times
consecutive weeks, commencing with the issue
dated 5-23 1978, and ending
with the issue dated 5-30 1978

Cindy Duffin

Subscribed and sworn to before me
this 31st day of May

1978

Norma M. Peterson Notary Public

Cost of Publication 15.40

Notary Fee

Total Cost 15.40

NOTARY PUBLIC RESIDING AT
RUPERT, IDAHO. MY COMMISSION
EXPIRES JUNE 21, 1981

78-230

**NOTICE OF AMENDED
APPLICATION FOR WATER
PERMIT No. 43-7084**

NOTICE IS HEREBY GIVEN that Ap-
plication for Permit No. 43-7084 in
the name of Alvin Carpenter &/or
Bernice Stevens, Elba, Idaho 83326,
was filed for the diversion of 5.0
cubic feet per second from a ground
water source in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.
1, Twp. 14 S., Rge. 24 E., B.M.,
Cassia County, to be used from Apr.
1 to Nov. 1, for the irrigation of 580
acres within the S $\frac{1}{2}$, Sec. 1,
N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 2, Twp. 14 S., Rge.
24 E.; S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5;
N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, Twp.
14 S., Rge. 25 E., B.M.

The applicant now proposes to
amend Application for Permit No.
43-7084, requesting a change in the
point of diversion to the SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 1, Twp. 14 S., Rge. 24 E.;
SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Twp. 14 S., Rge.
25 E., Points of Re-diversion -
NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2,
Twp. 14 S., Rge. 24 E.; SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 6, Twp. 14 S., Rge. 25 E.; Poi-
nts of Injection - NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1,
Twp. 14 S., Rge. 24 E.; SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 5, Twp. 14 S., Rge. 25 E., B.M.

There will be no change in the
place of use or the amount.

Any protest against the proposed
amending of this application must be
filed with the Idaho Department of
Water Resources, 1041 Blue Lakes
Blvd. North, Twin Falls, Idaho
83301 on or before June 9, 1978.

C. Stephen Allred
Director

Published in the South Idaho Press
on May 23 and May 30, 1978.

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Brenda Eagle, being first

duly sworn, deposes and says that she is the
Book keeper of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of

The South Idaho Press for two times
consecutive weeks, commencing with the issue
dated July 26, 1977, and ending
with the issue dated Aug 2, 1977.

Brenda Eagle

Subscribed and sworn to before me

his 8th day of August
1977.

Norma M. Peterson Notary Public

Cost of Publication

Notary Fee

Total Cost 11.55

Southern District Office

77-322

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Alvin Car-
penter &/or Bernice Stevens, Elba, ID
83326 has on 7/5/77 submitted ap-
plication No. 43-7084 for a permit to ap-
propriate 5.0 cubic feet per second of
water from groundwater by means of
well, pump, movement of water through
Barker Ditch &/or exchange of water
with Cassia Creek, sprinklers &/or di-
ches within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp.
14S, Rge. 24E., B.M., Cassia County and
NW $\frac{1}{4}$ SE $\frac{1}{4}$, & NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, Twp.
14S, Rge. 24E., B.M. to be used from
Apr. 1 to Nov. 1 for irrigation purposes
of 580 acres within the SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec.
1; N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 2, Twp. 14S, Rge 24E.,
B.M.; S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5;
N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, Twp. 14S,
Rge. 25E., 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, 1041 Blue Lakes
Blvd., North, Twin Falls, Idaho, 83301 on
or before August 12, 1977.

C. Stephen Alfred
Director

Published in the South Idaho Press on
July 26, August 2, 1977.



October 10, 1990

ALVIN CARPENTER
BERNICE STEVENS
ELBA, ID 83326

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 43-07084

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

Enclosure

MICROFILMED

AUG 05 1991

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 43-7084

Date: 10-2-90

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change If yes, prepare a data entry
☒ Proof received timely
☒ Reinstated

Source of Water:

- ☒ Surface water
☒ Groundwater
 1. well log in file
 2. ☒ drilling permit
 A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- ☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks: - *Meas. dev. to be installed*
Proof acceptable
Reinstate

☒ Priority Calculation:
Date proof received Aug. 23 '90
Date proof due Aug 1
No. of days late = 22
Priority date Aug 14 '77 + 226
NEW PRIORITY DATE Sept 5, '77 = 248

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED

AUG 23 1990

STATE OF IDAHO

Department of Water Resources
Southern Region Office
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

For Office Use Only
Amt. of Fee \$ 125
Date 8/23/90
Receipt No. 1012592
Received by TJE

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 43-7084 Telephone No. 638-5510

Name(s) of Permit Holder(s): Alvin Carpenter, Bernice Stevens ✓

Post Office Address: P.O. Box 453 Elba, ID

Source of Water: Groundwater ✓

If ground water, well driller's name: Lloyd Date drilled: 1980? first 300'
1990

Extent of Use:
Domestic _____ (No. of households) Irrigation 400 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted 2.0 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 7/90 ✓

One of the following may be a condition of approval of your permit:

Measuring device: Required? ☒ Yes ___ No Installed? ___ Yes ☒ No Planned for Fall '90

OR

Flow Measurement Port: Required? ___ Yes ___ No Installed? ___ Yes ___ No

Fee Enclosed: \$ 125⁰⁰ (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination: For Alvin
Bernice Stevens or Maggie @ 645-2347
Name Telephone No.

Address

The above information is my true statement of the extent to which the above numbered permit has been developed and relinquish any undeveloped portion of the permit to the state of Idaho.

Aug 23, 1990 Alvin Carpenter ✓
Date Signature (and title if on behalf of a company or organization)

August 13, 1990

ALVIN CARPENTER
BERNICE STEVENS
ELBA, ID 83326

LAPSE NOTICE

RE: PERMIT NO. 43-07084

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated May 31, 1990. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. 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 government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

LGS:RF

RECEIVED
AUG 15 1990

AUG 05 1991

CERTIFICATION OF MAILING

I hereby certify that on 8/15/90
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

138772
May 31, 1990

ALVIN CARPENTER
BERNICE STEVENS
ELBA, ID 83326

PROOF DUE NOTICE

RE: PERMIT NO. 43-07084

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 August 1, 1990. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

RECEIVED

AUG 05 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 1, 1989

RE: Permit No. 43-7084

Alvin Carpenter
Bernice Stephens
Elba, ID 83326

Dear Permit Holder(s):

Enclosed is an order that authorizes you to continue development under permit to appropriate water no. 43-7084. Please note in condition #1., page two of the order that you must develop your system and beneficially use the water prior to August 1, 1990. Failure to beneficially use the water before August 1, 1990 could result in a loss of your water right permit. Also enclosed is a copy of your approved extension of time.

Please note the conditions of approval contained in your permit and the continuation order. You must comply with the conditions to fully complete beneficial use.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Luke'.

TIM LUKE
Sr. Water Resource Agent

TL:hm

Enclosure

Microfilm

JUN 13 1989

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 43-7084Reviewed by [Signature]Date 3-2-1989

BASIC INFORMATION

Y Date stamp received
Y Extension received timely
(not prior to 6 month before proof due date or after reinstatement period)
Y Fee received and receipted
Y Name and signature same as permit
N Address change (indicate on coding sheet)

BASIS FOR EXTENSION REQUEST

Has adequate work been completed to demonstrate due diligence?
Has the cost incurred been adequate to demonstrate an intent to complete the project?

Y Has the permit been involved in litigation?

a. Swan Falls Y Dismissed from Swan Falls No
Other _____ Identify _____

b. Is supporting documentation needed to complete the file? _____
Requested _____

c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

Is delay by a government agency?

Is supporting documentation needed to complete the file? _____
Requested? _____

ACTION TAKEN - Recommend holding until permit reviewed
under 42-203

5-11-89. Approve ext. based on S. F. litigation until 8-1-90

Special conditions or remarks:

[Signature] Reinstatement Date extension received Feb. 24 = _____
Proof due date Feb. 1 = _____
No. of days late _____ = 23
Priority date July 22 '77 = +203
ADJUSTED PRIORITY DATE Aug. 14 '77 = 226

Prepare coding sheet
Change rolodex card



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 12, 1989

South Idaho Press
Box 190
Burley, ID 83318

Dear Legal Department:

Enclosed you will find a legal notice which we wish to have published on April 20 and April 27, 1989 (once a week for two consecutive weekly issues) in your newspaper. If your paper is published weekly, the notices must appear in the issue that is distributed during the weeks of April 17 and April 24. If you cannot publish the notices 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 billing to the office below before May 11, 1989.

Idaho Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

Sincerely,

Heidi M. Mikel

HEIDI M. MIKEL
Secretary

MICROFILMED

JUN 13 1989

Mr. Timothy Luke

Dear Sir:

I understood, from our telephone conversation in Feb., that if we sent in the \$15⁰⁰ fee and request for extension of time to complete the well, we would be notified if the request was granted. I have become aware since, that the \$20⁰⁰ fee and the rest of the information was to have been sent in within 30 days. I would be notified of acceptance or refusal - If it is too late for this to be considered, please return the check and advise if there is anything further we may do to reinstate the permit. Thank you

B. Stephens

MICROFILMED

JUN 4 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED
MAR 31 1989

Department of Water Resources

GENERAL INSTRUCTIONS: Please answer all questions thoroughly.
A separate questionnaire must be completed for each permit.

1. Permit number 43-7084.
2. Was the development or a portion of the development complete and water from the source identified under this permit used before July 1, 1985? Yes _____ No ✓

If yes, the Department requests that you submit evidence showing the extent of your development existing on July 1, 1985. Evidence should at least include aerial photos (for developments of five acres or more) which are signed and dated by a local ASCS representative. Other evidence may include power records, irrigation equipment records or receipts, and affidavits from persons who are knowledgeable of your operation and dates of past water use.

3. Are you still interested in developing or completing the development under your water right filing?
Yes ✓ No _____
If no, please complete and return the attached relinquishment form.
If yes, please submit the required \$20.00 readvertisement fee.

4. If you answered yes to question #3, please indicate the number of acres you intend to develop. Between 100 and 200 acres, depending on terrain and possibilities.

5. Remarks: This water is needed to supplement the later decreased creek water also. We have determined the wells must be deepened to be economically feasible to pump - we are contacting drillers at this time and will proceed if the permit is granted.

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application or cancellation of the permit by the department.

Wilvin Carpenter - Bernice Stephens
Permit holder

Date

March 27, 1989

Address:

Phone (208) 638-5510

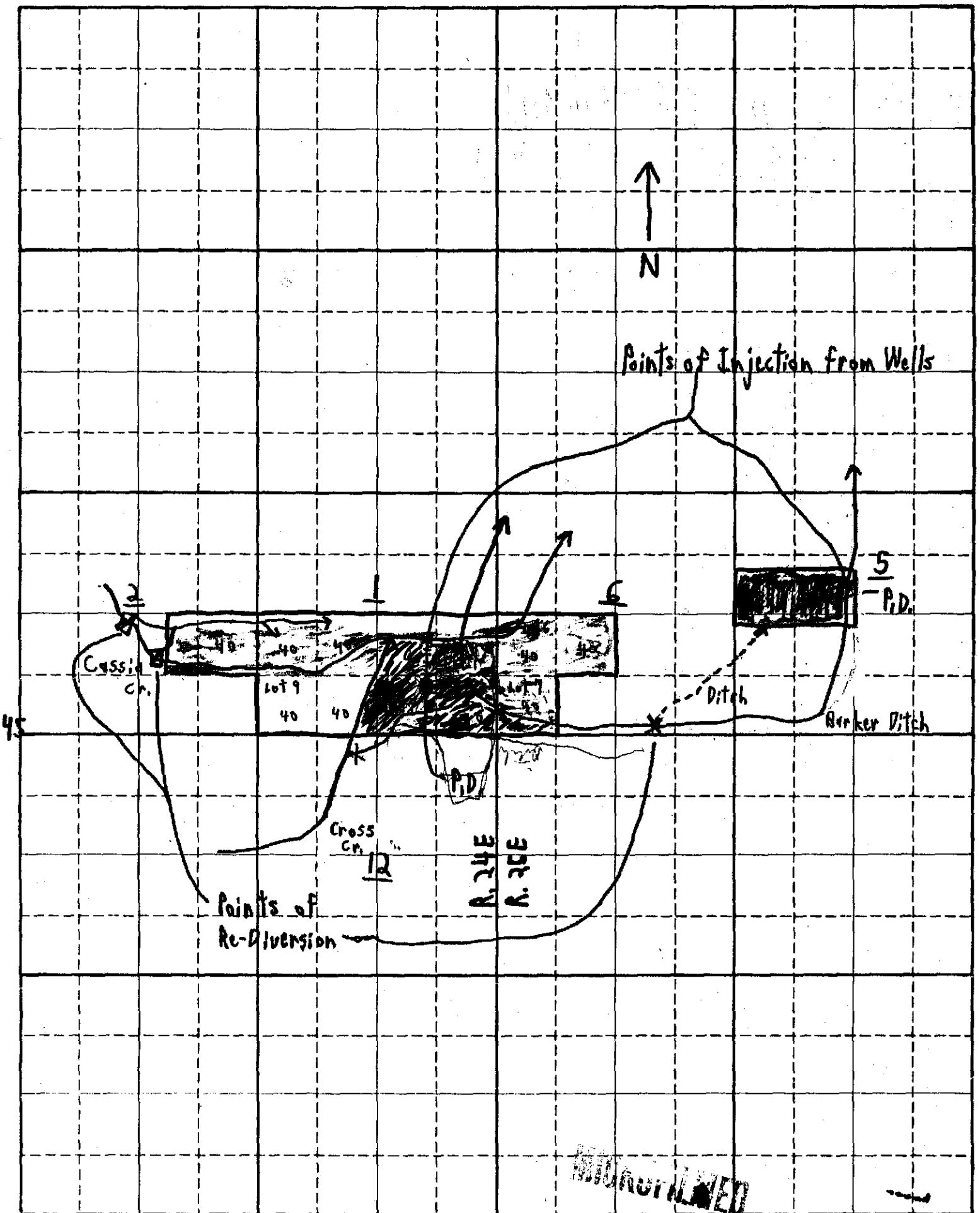
Box 453
Elba Id. 83326

We have indicated the portions of ground that it would be used on, on the enclosed map - (from the original approved permit)

RECEIVED

JUN 13 1989

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

JUN 13 1989

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.

* Red shaded areas would be acres not irrigated now that could be developed.
 * Yellow shaded area under ditches and are other acres need supplemental water.
 * Black shaded area would be used for pasture after decreed creek water is cut off, usually around July 1st - to 15th. This would enable us to reseed the meadows and raise some grain and better pasture.

Bessie Stephens
 (Applicant)

NOTICE OF EXISTING
WATER RIGHT PERMIT

PERMIT NO. 43-7084
Presently Recorded as Follows:

Name: ALVIN CARPENTER &/OR BERNICE STEPHENS
Address: ELBA, ID 83326
Source: GROUNDWATER
Diversion Pt.: SWSE SEC. 1 T14S R24E; SENW SEC. 5
T14S R25E, CASSIA COUNTY
Use: IRRIGATION (5.0 CFS)
Priority: JULY 22, 1977
Place of Use: SW1/4, SE1/4 SEC. 1; N1/2SE SEC. 2
T14S R24E; S1/2NW, N1/2SW SEC. 5;
N1/2SW, SWSW SEC. 6 T14S R25E
Total Acres: 580

Of the 580 acres described, this permit
proposes supplemental supply to 440 acres
and full supply to 140 new acres. This
permit was not developed by July 1, 1985,
and is being reprocessed in compliance
with Section 42-203D, Idaho Code.

Protests against the continuance of the
permit must be filed with the Director,
Dept. of Water Resources, Statehouse Mail,
Boise, ID 83720 on or before May 8, 1989.
A protest must overcome the presumption of
Water Appropriation Rule 5,2,1.

R. Keith Higginson, Director

MICROFILMED

JUN 13 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 30, 1989

RE: PERMIT NO. _____

Dear PERMIT HOLDER:

Due to the Swan Falls litigation, development proposed by the enclosed permit may have been delayed. The Department is presently reviewing the permit and may authorize completion of development proposed under the permit.

The purpose of this letter is to determine: (1) the extent of development under the permit, and (2) your continued interest in developing or completing development under the permit.

Enclosed are two forms which will help the Department expedite the reprocessing of the permit.

Please complete and return the enclosed questionnaire if you wish to continue with your plans of development or have completed all or a portion of your development before July 1, 1985.

Please complete the enclosed relinquishment form and return it to the Department if you have abandoned or have no interest in continuing with your plans for development of the project.

If the entire project was not completed prior to July 1, 1985, and you still wish to proceed with your plans of development, then you must submit a \$20.00 re-advertisement fee to the Department as required by Water Appropriation Rule 4,2,3. and Section 42-221F, Idaho Code.

Failure to return the questionnaire and pay any required re-advertisement fee within thirty (30) days of the date of this letter is cause for the Department to cancel the permit.

If the incomplete portion of your project is for irrigation of more than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4.5.

MICROFILMED

JUN 13 1989

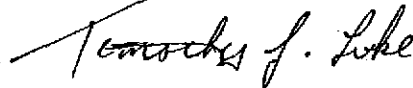
Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 334-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke - Water Allocation/Trust Water

Please note that a copy of your permit is enclosed. The permit number is shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Agent

Enclosures

MICROFILMED

JUN 13 1989

ALVIN CARPENTER
BERNICE STEVENS
ELBA, ID 83326

November 30, 1988

138764

PROOF DUE NOTICE

RE: PERMIT NO. 43-07084

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 February 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,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

JUN 13 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

JUN 13 1989

February 24, 1984

Alvin Carpenter &/or Bernice Stephens
Elba, ID 83326

Dear Mr. Carpenter and Ms. Stephens:

Re: Permit No. 43-7084

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use postcard is extended to February 1, 1989.

In connection with the development of a water right under this permit, the Department wishes to call to your attention an Idaho Supreme Court decision issued in November 1982 which likely could affect your future use of water.

The decision in the case of Idaho Power Company vs the State of Idaho, et al stated in part that Idaho Power Company's use of water for power generation purposes at the Swan Falls dam on the Snake River is not subordinated to upstream depletion by later-in-time uses. The question of whether Idaho Power's 8,400 cfs water right at Swan Falls dam has been diminished by subsequent development, however, was remanded back to district court for determination. The findings of the district court could restrict water availability or require compensation to Idaho Power Company for uses developed later in time than Idaho Power Company's water right at Swan Falls dam.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

STAFF REVIEW OF REQUESTS FOR EXTENSION OF TIME

Permit Number 43-7084

Y Date received stamp
Y Fee received and receipted
Y Name on request same as on permit
Y Address same as on permit
Y Proof due date within six months of due date
Y Signature same as permit- *Other permit holder*
Y Source of water the same
Y Permit holder named in Swan Falls lawsuit
Y Proceed diligently
 Is delay caused by litigation:
 Date lit. completed _____
 Date lit. began _____
 Period of delay _____
 New proof due date _____

ACTION: *Approve based on due diligence*

Y Does the permit need reinstated:
 Extension received _____
 Proof due date _____
 Days late _____
 Priority date _____
 Adjusted priority date _____
Y Is there commencement of works?
Y Cover letter
Y Coding sheet
Y Rolodex card updated and refiled

MICROFILMED

Reviewed by *[Signature]* Date: 2-24-1984



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

EXTENSION OF TIME

February 7, 1984

Green Canyon Ranch
Alvin Carpenter & Bernice Stephens
Elba, ID 83326

PERMIT NO. 43-7084

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 33732.

Roberta Garrett
Records Supervisor

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138227

STEPHENS, BERNICE &/OR
CARPENTER, ALVIN
ELBA, ID 83326

PROOF DUE NOTICE

NOVEMBER 30, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 43-7084 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE FEBRUARY 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A 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,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

RECEIVED

February 9, 1979

Alvin Carpenter and/or
Bernice Stephens
Elba,
Idaho 83326

Dear Mr. Carpenter and Ms. Stephens:

Re: Application for Permit No. 43-7084

Enclosed is a copy of your approved Application for Permit No. 43-7084 along with a copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the Order.

Be sure to note the special conditions requiring you to install measuring devices. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within 20 days, or may appeal directly to the district court within 60 days of the date of the decision.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enc: App. for Permit
Mem. Dec. & Order

List of Meas. Devices

cc: Keith Darrington

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

AMENDED

Application No. 43-7084 - Alvin Carpenter &/or Bernice Stevens

☒ 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) AS 5-18-78

In form to receipt

(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
_____ Request Dam Safety Information

(4) JS 5-18-78

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) DJ 6/2/78

Affidavit of Publication received(date) 6/1/78

(12) DJ 5/18/78

Final date for protests 6/9/78

Protests received: yes ☒ no ☒

(13) LH 1-10-79

All requested information received from agencies or applicant: yes ☒ no ☒

(14) LH 1-10-79

Action recommended:

☒ Approve _____ Deny

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JAN 16 1979

Department of Water Resources

7-22-77 Proposed Priority

_____ Reason for Reduction _____

☒ Measuring device required

☒ See attached sheet for other conditions of approval Memorandum Decision & order

_____ No special conditions for approval

(15) District S By Loren O'Hales Date 1-10-

cc: Sent to Boise 6/2/78 DJ

MICROFILMED

In The Matter of Application for)
Permit No. 43-7084 in the)
Name of Alvin Carpenter and/or)
Bernice Stephens)

Agreement

We the undersigned hereby agree to allow the Director of the Department of Water Resources to reach a decision in this matter based upon the records in the Department and the information obtained at the conference held in Burley, Idaho on November 2, 1978.

We understand that nothing in this agreement affects our right to appeal this decision.

Alvin Carpenter
Applicant

Bernice Stephens
Applicant

Keith Darrington
Protestant

RECEIVED

June 15, 1955.

The of Darrington & White 2d Darrington
estate, in the year of 1869 John
Darrington bought from Bell Rice
his relinquish right & Homesteaded
the two places containing 160 acres
of land, In the year of 1879 John
Darrington raised a garden &
claimed 5 inches of water at that time
for the purpose of a garden, In the
year 1880 he cleared & cultivated
80 acres of land that we now
live on & claimed 65 inches of 1880
water & 5 inches of 1879 water.
Two year later he cleared & cultivated
the other 80 acres & claimed 65 inches
of 1882 water this is the right
the place now has known as the
John Martin ranch ~~bought~~ from

The Whitaker Dred in the year
1953 in the Month of April.

Father sold the 80 acres on the
South of Place to Bill Perry, Perry
sold the Place to Bert Mayhew
Mayhew sold the Place to Ed
Whitaker, Whitaker sold the Place
to Joe Whitaker, Joe sold to Joe
Whitaker sold the Place to Whitaker
Dred & they in turn sold it to John
Wartain as it now stands.

After Father sold this Place to
Bill Perry he filed on the Place east
of his Home Place ~~and~~ ^{and} 15 inches of
1897 water this is called late water.
Father sold this Place to Frank S. Whitaker
& Frank sold it to P. D. Pace. Pace
sold it to George Farrington my
brother & now they are gone it went

which

to the Estate, ~~with~~ Kent Darrington
was appointed administrator by the
Judge Darrington Family & that
is the way it stands at Present
time June 13, 1937.

The State of Idaho came to Cassia
Creek a few years before 1921 & put
in New head gate & measuring device.
& at that time the State said the
wash or water ditch as we now
call it was not a tributary to Cassia
Creek & we had ~~water~~ ^{wash} the same
from 1880 as a water ditch. We
had a ditch that crossed the Perry
Place & claimed water for a few years.
& when Ed Whitaker bought the place
father changed to ditch down Perry
fence that empties in wash now
known as the Darrington water ditch.

+ we claim the same as our
ditch to date with Now interference
from the South Boundary of the
Perry Place to where it empties into
Pike & Leary ditch this is located
on our Property & we have the
right to take water out any place
without interference from the Barker
ditch where we get Apr 18⁷⁹ 1880
water is a ditch belonging to
Darrington & John Martens, we bought
head gate was bought by Darrington
& Ed Whitaker & placed in the ditch
that runs from the Barker ditch to
the wash along the South Boundary of the
Perry Place, we have another ditch
known as the Middle ditch this
has a current head gate & it was
bought & put in this ditch by

George & Louisa Darrington as it now
stands today, John Martin water
a little from this center ditch then
the ditch comes to the land for the
1879 & 1880 water know as the
Sunnyside & San Rancho Home
stead 1879, signed this

15 day of June 1953 at Home in
El Paso, Tex., by Louisa Darrington

October 31, 1978

To Whom it May Concern:

RE: Well Permit on Stephens
Carpenter place.

This letter will certify that I fully endorse the issuance of the well permit in question. So far as I can determine the well will have no adverse effect on anyone else in the district. On the contrary, it will have a beneficial effect on the economy and prosperity of the community.

REX A. OTTLEY
ELBA IDAHO.

R. A. Ottley

MICROFILMED

I have no objection to the well permit, No. 43-7884, or to the exchange of water in the Barker ditch so long as it is measured in and measured out. I feel this could be a benefit to the users on the lower end of the ditch, because of loss of water in the ditch.

Wayne A. Whitaker

Oct 30, 1978

To Whom it May Concern:

I have no objection to the amendment
of the application for a well permit made
by Bernice Stevens and Alvin Carpenter

Sincerely

Edmund H. Matheson

Box 125 Rt 2

Hazellon Idaho

83335

Malta Idaho
Oct. 31, 1978

To Whom it may Concern;

I have no objections to the
Amended Application for Permit
No. 43-7084 applied for by Alvin
Carpenter and/or Bernice Stephens, who
have a ranch next to me in Elba.

Signed -

Elmo Edison
Malta Idaho

43-7084 - Alvin Carpenter and/or Bernice Stevens

Courtroom, Cassia County Courthouse, Burley, Idaho

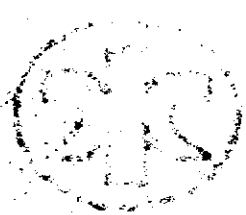
November 2, 1978 - 10:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Keith Harrington	Elba, Idaho 83326	
Vivian Harrington	"	
Bernice Stephens	Elba, Ida	
Susan Taylor	Elba, Ida	
Gam Stephens	" "	
Lerr Taylor	" "	
Alvin Carpenter	" "	

RECEIVED

NOV 2 1978



MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protest Against Approval)

of Amended Application for Permit No. 43-)

7084 in the name of Alvin Carpenter and/)

or Bernice Stevens ..)

NOTICE OF CONFERENCE AND/OR HEARING

On July 5, 1977, Alvin Carpenter &/or Bernice Stevens filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The Department received protest against approval of said application from Keith Darrington and a conference on the matter was held.

On May 1, 1978, Alvin Carpenter &/or Bernice Stevens filed with the Department of Water Resources an amended application to appropriate the public waters of the State of Idaho. The Department received protest against approval of said amended application from Keith Darrington.

The Department has set the matter of protest for conference and/or hearing for Thursday, November 2, 1978, at 10:00 a.m., in the Courtroom, third floor, Cassia County Courthouse, Burley, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party desiring the taking of stenographic notes by a qualified court reporter must request such in writing at least five (5) days before the date set for hearing and must submit to the director the name of a qualified reporter who is available on the date set for hearing. The party requesting the reporter shall bear the expense of the reporter's attendance fees. A taped record of the proceedings will be maintained for the appeal period.

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

Dated this 18th day of October, 1978.

Loren O. Holmes
Loren O. Holmes - Southern Region Supervisor

43-7084 - Stevens /Carpenter

PS Form 3811, Apr. 1977

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

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

- ☒ Show to whom and date delivered.....\$
☐ Show to whom, date, and address of delivery.....\$
☐ RESTRICTED DELIVERY
Show to whom and date delivered.....\$
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery. \$

CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Alvin Carpenter &/or Bernice Stevens
Elba, Idaho 83326

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

015

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Mary Carpenter

DATE OF DELIVERY

10-20-78

POSTMARK

OCT 20
A. 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

☆GPO: 1977-0-249-595

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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



**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

43-7084 - Carpenter/Stevens

PS Form 3811, Apr. 1977

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

1. The following service is requested (check one). **|||||**
- ☒ Show to whom and date delivered. **|||||**
- ☐ Show to whom, date, and address of delivery. **|||||**
- ☐ RESTRICTED DELIVERY
- ☐ Show to whom and date delivered. **|||||**
- ☐ RESTRICTED DELIVERY
- ☐ Show to whom, date, and address of delivery. **|||||**
- (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Keith Darrington
Elba, ID 83326

3. ARTICLE DESCRIPTION:
- | REGISTERED NO. | CERTIFIED NO. | INSURED NO. |
|----------------|---------------|-------------|
| | 016 | |

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY
Keith Darrington
10-19-78

POSTMARK

OCT 19 1978
A.M.

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

GPI 1977-0-249-595

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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



**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

Name and Address of Sender

IDAH0 DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAH0 83301

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

After 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	POST. YRS.	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1	015	15	80	45				
2	116	15	80	45				
3	Quinn Corporation/Henric Stumer P.O. 116							
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								

TOTAL NO. OF PIECES LISTED BY SENDER

TOTAL NO. OF PIECES RECD AT P.O.

POSTMASTER, PER (Name of receiving employee)

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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: 1974-538-725

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 18, 1978

Clerk of the District Court
Cassia County Courthouse
Burley, Idaho 83318

Re: Application for Permit No. 43-7084 - Alvin Carpenter &/or Bernice Stevens

Dear Clerk:

This is to confirm the use of the District Courtroom for conference and/or hearing to be held by this office on Thursday, November 2, 1978, at 10:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

Mary A. Hill

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

INTER-DEPARTMENT MEMO — 1

DATE 6/28/78

FROM

Allen Mervitt

TO

File

SUBJECT

Recent Protest of Amended Application

I talked with Bob Fleenor regarding procedure in holding hearing regarding protest of Amendment. I informed Bob of the requested meeting of the Ditch Users and of Keith Darmington's recent protest of the amendment and his general feelings. Bob said that the Department should probably hold a hearing on the protest. He concurred that a different hearing officer than the last hearing officer should hold the hearing. He said personnel from the State office could hold it or possibly Loren could when he moves down. Bob also said that if all parties would agree to a informal meeting at the ditch and then a decision from the Dept. then we could handle it that way.

Allen

SIGNATURE



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

C. Stephen Allred
Director

June 9, 1978

Mr. Alvin Carpenter &/or Bernice Stevens
Elba, ID 83326

Re: Amended Application for Permit No. 43-7084

Dear Mr. Carpenter:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 43-7084. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider 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?
5. Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Sincerely,

Terry G. Blau
Acting Southern Region Supervisor

TGB:sm



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

June 9, 1978

Mr. Keith Darrington
Elba, ID 83326

Re: Amended Application for Permit No. 43-7084 - Carpenter/Stevens

Dear Mr. Darrington:

Your protest against the approval of the above-referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider 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 purpose 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?
5. Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Sincerely,

Terry G. Blau

Acting Southern Region Supervisor

TGB:sm

RECEIVED

JUN 5 1978

Department of Water Resources
Southern District Office

June 5, 1978

Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301

Gentlemen:

I, Keith Darrington, do hereby protest the Amended Application for Permit No. 43-7084 filed by Alvin Carpenter &/or Bernice Stevens. I previously protested the previous application and do hereby protest the amended permit for the same reason that the application will jeopardize my decreed rights. The introduction of the wells and exchanging the water in the Barker Ditch will interfere with my water rights.

Keith Darrington
Keith Darrington
Elba, ID 83326

6/5/78
Date

RECEIVED
JUN 11 1978
MPC

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT
NO. 43-7084

Notice is hereby given that Application for Permit No. 43-7084 in the name of Alvin Carperter &/or Bernice Stevens, Elba, Idaho 83326 was filed for the diversion of 5.0 cubic feet per second from a ground water source in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 14S, Rge. 24 E, B.M. Cassia County, to be used from Apr. 1 to Nov. 1, for the irrigation of 580 acres within the S $\frac{1}{2}$, Sec.1; N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 2, Twp. 14S, Rge. 24E; S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5; N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, Twp. 14S, Rge. 25E, B.M.

The applicant now proposes to amend Application for Permit No.43-7084, requesting a change in the point of diversion to the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.1, Twp.14S, Rge.24E; ^{Twp.14S, Rge.24E;} SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Twp. 14S, Rge. 25E, Points of Re-diversion - NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, Twp. 14S, Rge. 24E; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, Twp. 14S, Rge. 25E; Points of Injection - NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 14S, Rge. 24E; SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Twp. 14S, Rge. 25E, B.M.

There will be no change in the place of use or the amount.

Any protest against the proposed amending of this application must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before June 9, 1978.

C. STEPHEN ALLRED
Director

Published in the South Idaho Press on May 23 and May 30, 1978

10/05/57

May 18, 1978

South Idaho Press
Box 190
Burley, Idaho 83318

Re: Amended Application for Permit No. 43-7084 - Alvin Carperter &/or
Bernice Stevens

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 ample 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.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Terry G. Blau
Acting Southern Region Supervisor

TGB:dj

enc:

Bill submitted: _____

RECEIVED

I have no objection too
the Carpenters & Stephens well
water being run in the Barker
ditch as long as its measured in
& out as it goes in & out
Charlene J. Ottley

Applicant
Exhibit A

MICROFILMED

RECEIVED

OCT 26 1977

Department of Water Resources
Southern District Office

Dear Allan Meritt

I would like to withdraw my affidavit concerning the Bernice Stephens - Alvin Carpenter application for well permit. Protested by Keith Darrington hearing case.

I had only heard one side of the story & without much thought I signed it. But since considering the situation it would decrease the value of my place & be deprement to our water right which is the priority 80 water in the Barker ditch. I just can't afford to leave the application as stands.

Thank you
Mrs. Sharlene J. Otley

Applic-1
Exhibit B

Elba, Idaho
Oct. 17, 1977

To Whom It may Concern:

This letter will serve as a statement indicating that as a water-user in the Barker Ditch located in Elba Idaho, that I have no objections whatsoever if Alvin Carpenter after drilling a well puts the water in the Barker ditch and uses the ditch to transfer or convey the water to his property referred to as the "Whitaker Place". It is my understanding that the Idaho statute provides for this exchange providing the water is measured in and also measured out. I would expect Alvin to be responsible for his share of ditch maintenance + also share the percentage of water loss that other users on the ditch are obligated to share.

Sincerely,
Ruel Barker

We can not see any reason for
Carpenter's well or well permit to interfere
or cause any damage to any
water users water rights, if the
water is measured into and out of
the ditches when carried in ditches
used by other decreed water users
with prior decrees.

We have no objection to this
permit

Wen Taylor
and or Susan Taylor

Applicants
Exhibit C

Oct 18 1977

Alvin Carpenter has a
rote to run water in the
Barker ditch along with
me and other water users
and should continue to
have this rote along with
the rote to run any other
water that he might obtain
in any way

Lewis M. Cottle

Applic-15
Exhibit D

To Whom it may concern

I have no objection to
the Stevens and Company, running
pump water in the Buckle ditch
from their proposed well.

Raymond Anderson

Oct 17, 1977

Applicants
Exhibit E

Malta, Idaho
October 10, 1977

Water Resource Department
State of Idaho

Dear Sir;

I have no objections whatsoever against Mr. Alvin Carpenter drilling a well in Elba, as has been applied for, and then pumping the water into the Barker ditch and running it down to his ranch and then taking it out of the Barker ditch to irrigate. I find Mr. Carpenter to be very compatible and am sure he'll do nothing to hurt anyone.

Sincerely,

Edmo Edison
Malta Idaho

Applicants
Exhibit F

43-7084 - Alvin Carpenter &/or Bernice Stevens

District Courtroom, Cassia County Courthouse, Burley, Idaho

Tuesday, October 18, 1977, 10:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Keith Darrington	Elba, Idaho	
Vivian Darrington	Elba	
Bernice Stephens	Elba Id -	applicant
Alvin Carpenter	Elba	applicant
Sam Stephens	Elba	
Glen Taylor	Elba	
Susan Taylor	Elba	

RECEIVED
OCT 19 1977

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 43-7084 - Alvin Carpenter &/or Bernice Stevens

- ☒ 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) JS 7/8/77

In form to receipt

(2) JS 7/8/77

Send Copies to:

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

(3) JS 7/8/77

- ☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☒ Request Information from Applicant *water master approval*

(4) ADM 7/20/77

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) mls 12-8-77

Critical groundwater area: yes _____ no ☒

(8) mls 12-8-77

Groundwater levels:

_____ Declining, ☒ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) OP 8/16/77

Affidavit of Publication received (date) 8/15/77

(12) Am 7/20/77

Final date for protests 8/12/77

Protests received: yes ☒ no 8/12/77

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) mls 12-8-77

Action recommended:

☒ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

☒ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District Southern By Michael Stuel Date 12-8-77

cc sent to Bernice 7/21/77

STATE OF IDAHO

NOTICE OF CONFERENCE AND/OR HEARING

Dated this third day of November, 1977.

Michael L. Steele
MICHAEL L. STEELE
Southern Region Supervisor

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

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

- ☒ Show to whom and date delivered.....215¢
☐ Show to whom, date, and address of delivery.. 35¢
☒ **RESTRICTED DELIVERY**
 Show to whom and date delivered..... 65¢
☐ **RESTRICTED DELIVERY**
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Mr. Keith Darrington
 Elba, ID 83326

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	297	

(Always obtain signature of addressee or agent)

I have received the article described above:

SIGNATURE ☒ Addressee ☐ Authorized agent

Keith Darrington

DATE OF DELIVERY

10-4-77

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS



RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article.
- If space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" and affix to number.

RETURN
TO

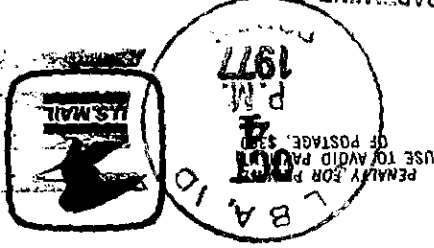


IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LANE, NORTH
TWIN FALLS, IDAHO 83301

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)



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

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

- ☒ Show to whom and date delivered 215¢
☐ Show to whom, date, & address of delivery 35¢
☒ RESTRICTED DELIVERY
 Show to whom and date delivered 65¢
☒ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Mr. Alvin Carpenter
 Elba, ID 83326

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

296

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

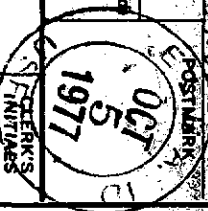
☒ Addressee

☒ Authorized agent

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:



UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on the reverse.
 - Moisten gummed ends and attach to front of article.
 - If space permits, otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" adjacent to number.

**RETURN
TO**



**Department of Water Resources
Southern District Office**

OCT 7 1977

RECEIVED

(Name of Sender)

**IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301**

**PENALTY FOR POSTAGE
USE TO AVOID POST
OF POSTAGE, \$300
P.M.
OCT 10 1977
L.B.A. 10**

U.S. MAIL

(Street or P.O. Box)

(City, State, and ZIP Code)

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

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

- ☒ Show to whom and date delivered..... 25¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ RESTRICTED DELIVERY.
 Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Mrs. Bernice Stevens
 Elba, ID 83326

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	295	

(Always obtain signature of addressee or agent)

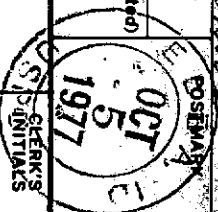
I have received the article described above.
 SIGNATURE ☒ Addressee ☐ Authorized agent.

4. DATE OF DELIVERY

Mrs. Carpenter

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:



UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on the reverse.
 - Moistened gummed ends and attach to front of article.
 - If space permits, Otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" and affix cent to number.

**RETURN
TO**



Department of Water Resources
Southern District Office

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

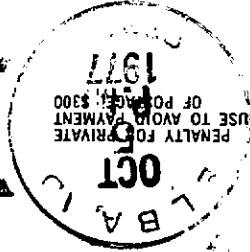
(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

RECEIVED

OCT 7 1977



September 29, 1977

Clerk of the District Court
Cassia County Courthouse
Burley, ID 83318

Re: Application for Permit No. 43-7084 - Alvin Carpenter &/or Bernice Stevens

Dear Clerk:

This is to confirm the use of the District Courtroom for conference and/or hearing to be held by this office on Tuesday, October 18, 1977, at 10:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

Sheryl Munsee
Secretary

September 21, 1977

Alvin Carpenter &/or Bernice Stevens
Elba, Idaho 83326

Re: Application for Permit No. 43-7084 - Alvin Carpenter &/or Bernice Stevens

Dear Mr. Carpenter & Mrs. Stevens:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 43-7084. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the 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?

If this office can be of further assistance, please contact us.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sm
Enc.

September 21, 1977

Mr. Keith Darrington
Elba, Idaho 83326

Re: Application for Permit No. 43-7084 - Alvin Carpenter &/or Bernice Stevens

Dear Mr. Darrington:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

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If this office can be of further assistance, please contact us.

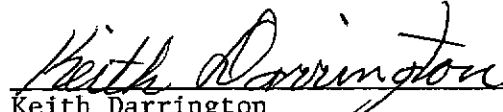
Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sm

August 12, 1977

I, Keith Darrington, hereby protest Application No. 43-7084 on the grounds
that it will injure my water right.


Keith Darrington
Elba, Idaho 83326

638-5551

RECEIVED

AUG 13 1977

Department of Water Resources
Southern District Office

RECORDED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Alvin Carpenter &/or Bernice Stevens

Elba, ID 83326

has on 7/5/77 submitted Application No. 43-7084

for a permit to appropriate 5.0 cubic feet per second ~~acre feet per annum~~ XXXXXX

of water from groundwater

by means of well, pump, movement of water through Barker Ditch &/or exchange
of water with Cassia Creek, sprinklers &/or ditches

within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 14S, Rge. 24E., B.M., Cassia County and

NW $\frac{1}{4}$ SE $\frac{1}{4}$, & NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, Twp. 14S, Rge. 24E., B.M.

to be used from Apr. 1 to Nov. 1

for irrigation purposes of 580 acres

within the SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 1; N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 2, Twp. 14S, Rge. 24E., B.M.;

S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5; N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, Twp. 14S, Rge. 25E., 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, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before August 12, 1977.

C. Stephen Allred

Director

Published in the South Idaho Press

on 7/26 and 8/2/77

FILED

77-322

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Alvin Carpenter &/or Bernice Stevens, Ellia, ID 83326 has on 7/5/77 submitted application No. 43-7084 for a permit to appropriate 5.0 cubic feet per second of water from groundwater by means of well, pump, movement of water through Barker Ditch &/or exchange of water with Cassia Creek, sprinklers &/or ditches within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 14S, Rge. 24E., B.M., Cassia County and NW $\frac{1}{4}$ SE $\frac{1}{4}$, & NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, Twp. 14S, Rge. 24E., B.M. to be used from Apr. 1 to Nov. 1 for irrigation purposes of 580 acres within the SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 1, N $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, Twp. 14S, Rge. 24E., B.M.; S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5; N $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, Twp. 14S, Rge. 25E., 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, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before August 12, 1977.

C. Stephen Allred
Director

Published in the South Idaho Press on
July 26, August 2, 1977.

South Idaho Press
Box 190
Burley, ID 83318

Re: Application for Permit No. 43-7084 - Alvin Carpenter &/or Bernice Stevens
" " " No. 43-7091 - F. Stanley Lloyd &/or Jeanette

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 ample 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.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sm

Enclosures

Bill submitted: _____

MICROFILMED