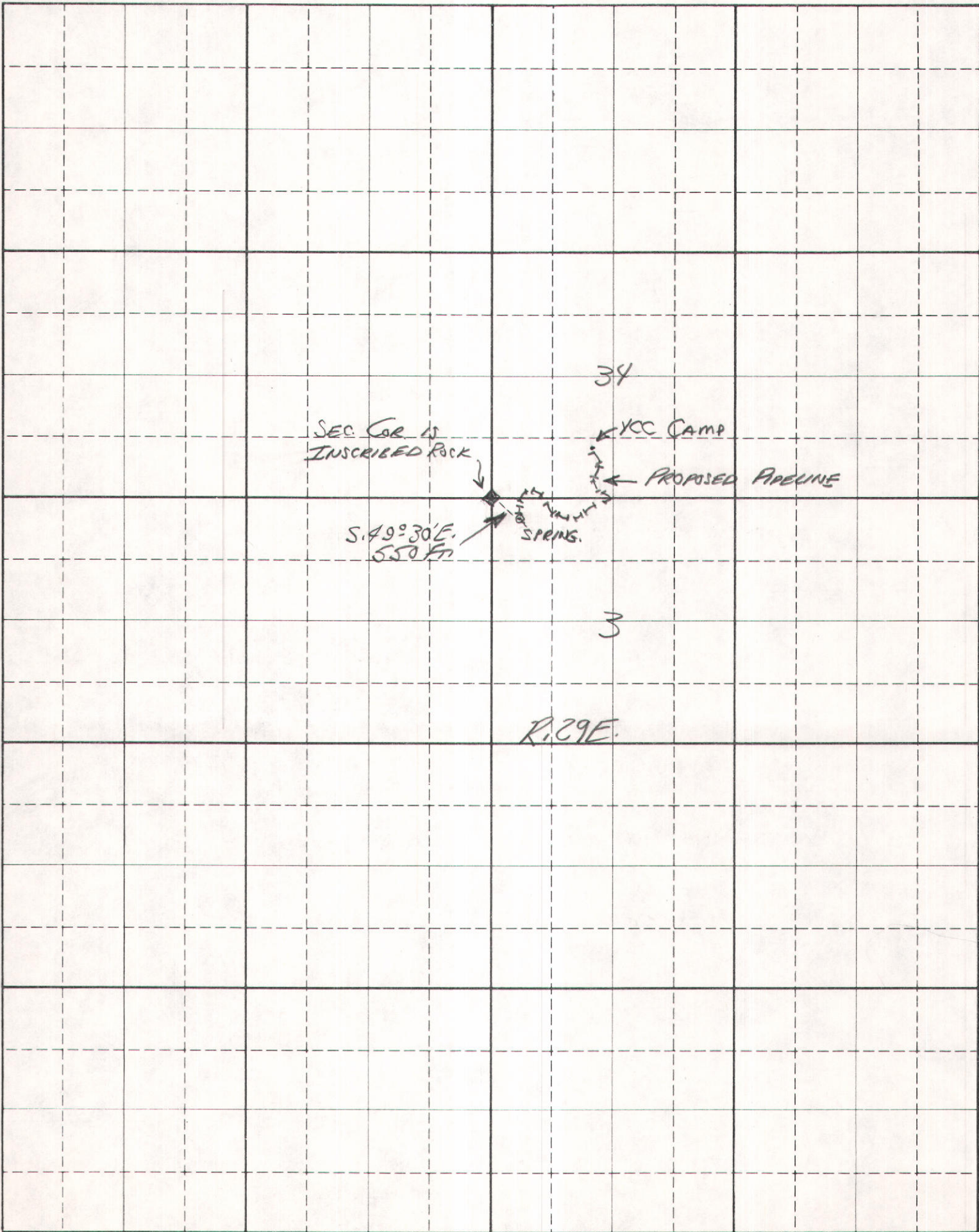


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Del A Funder
(Applicant)

District Manager
Idaho Falls District
Bureau of Land Management
940 Lincoln Road
Idaho Falls, ID 83401

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO



Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Terry T. Weathers tor.,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

JOURNAL, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the NOTICE OF APPLICATION
FOR WATER PERMIT

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for two
consecutive issues, the first publication hav-

ing been made on March 10, 1977
and the last publication having been made

on March 17, 1977.

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

Terry T. Weathers



Subscribed to and sworn to before me

this 17th. day of March, 1977

Effie S. Davenport
Notary Public.

(SEAL)

My commission expires March 25, 1978

RECEIVED

MAR 24 1977

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that the U.S. Bureau of
Land Management, Idaho Falls, Idaho has on
3-03-77 submitted Application No. 327071 for a
permit to appropriate 0.039 cubic feet per second
of water from a spring by means of pipeline and
headbox with in the NW 1/4 NW 1/4, Sec. 3, T. 9N, R.
29E, B.M., Clark County; to be used from May 1 to
Oct. 1 for domestic purposes for 30 people for
the YCC Camp and from May 1 to Dec. 31 for
stockwatering purposes for beef cattle, 200 cows
and calves, all uses with in the SE 1/4 SW 1/4, Sec.
34, T. 10N, R. 29E, B.M.

If issued, this permit will be subject to all prior
water rights. Protests against the granting of the
permit must be filed with the Idaho Department
of Water Resources, 1515 Lincoln Road, Idaho
Falls, Idaho, 83401 on or before March 28, 1977.

R. KEITH HIGGINSON
Director

Published in the Standard Journal, Rexburg,
Idaho on March 10 and March 17, 1977.

RECORDED

MICROFILMED

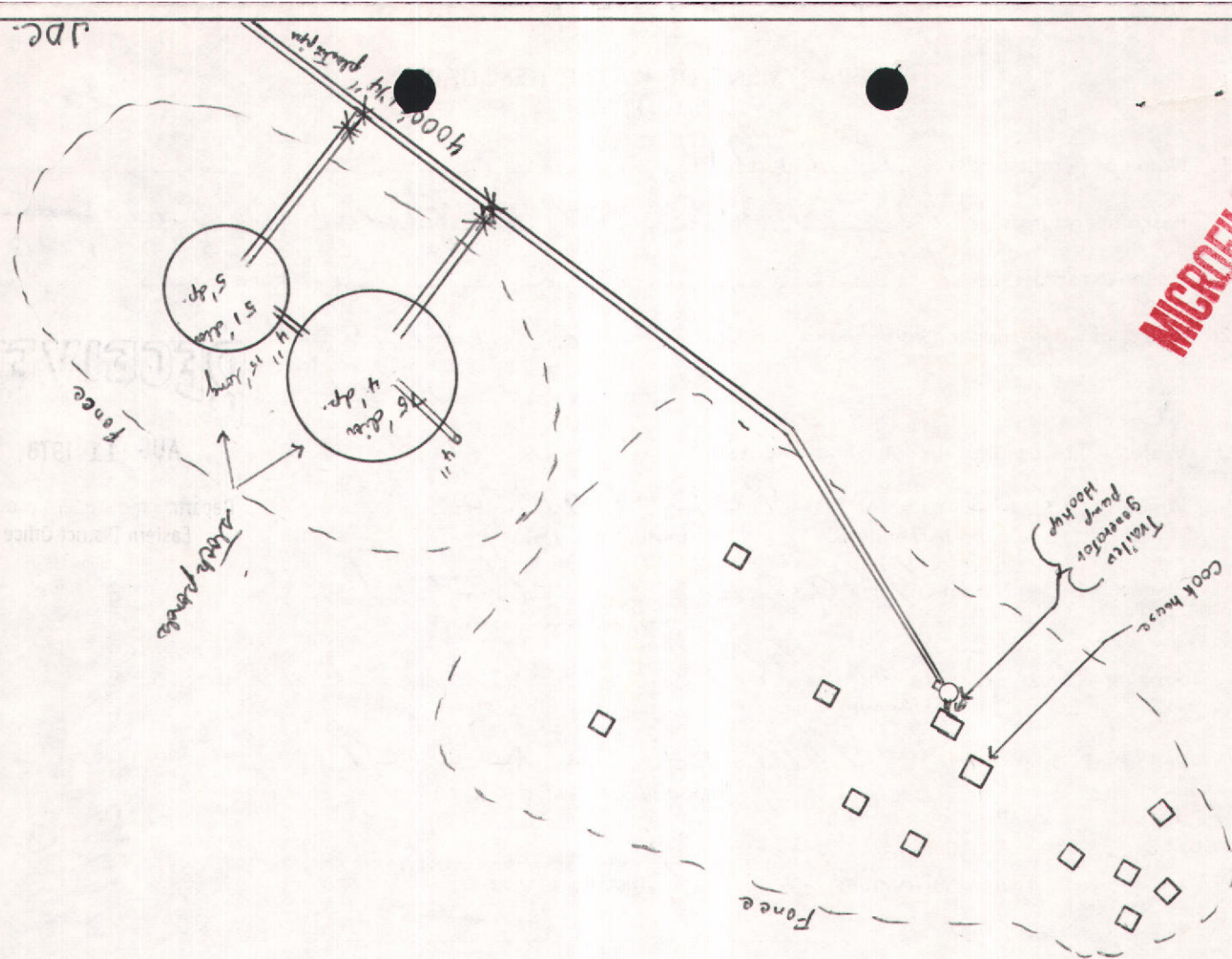
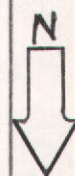
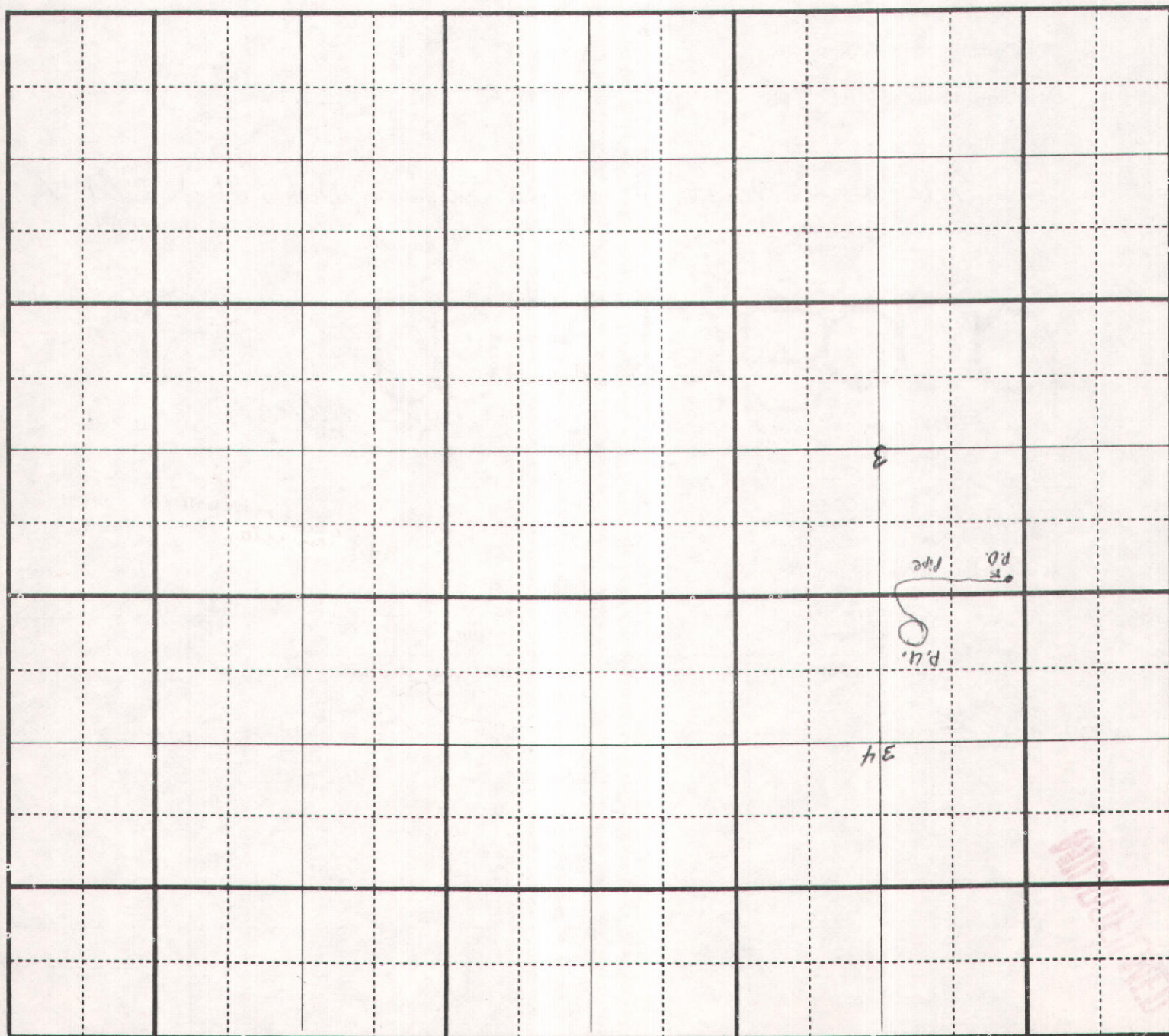


Diagram of System



32-7071
BLM.

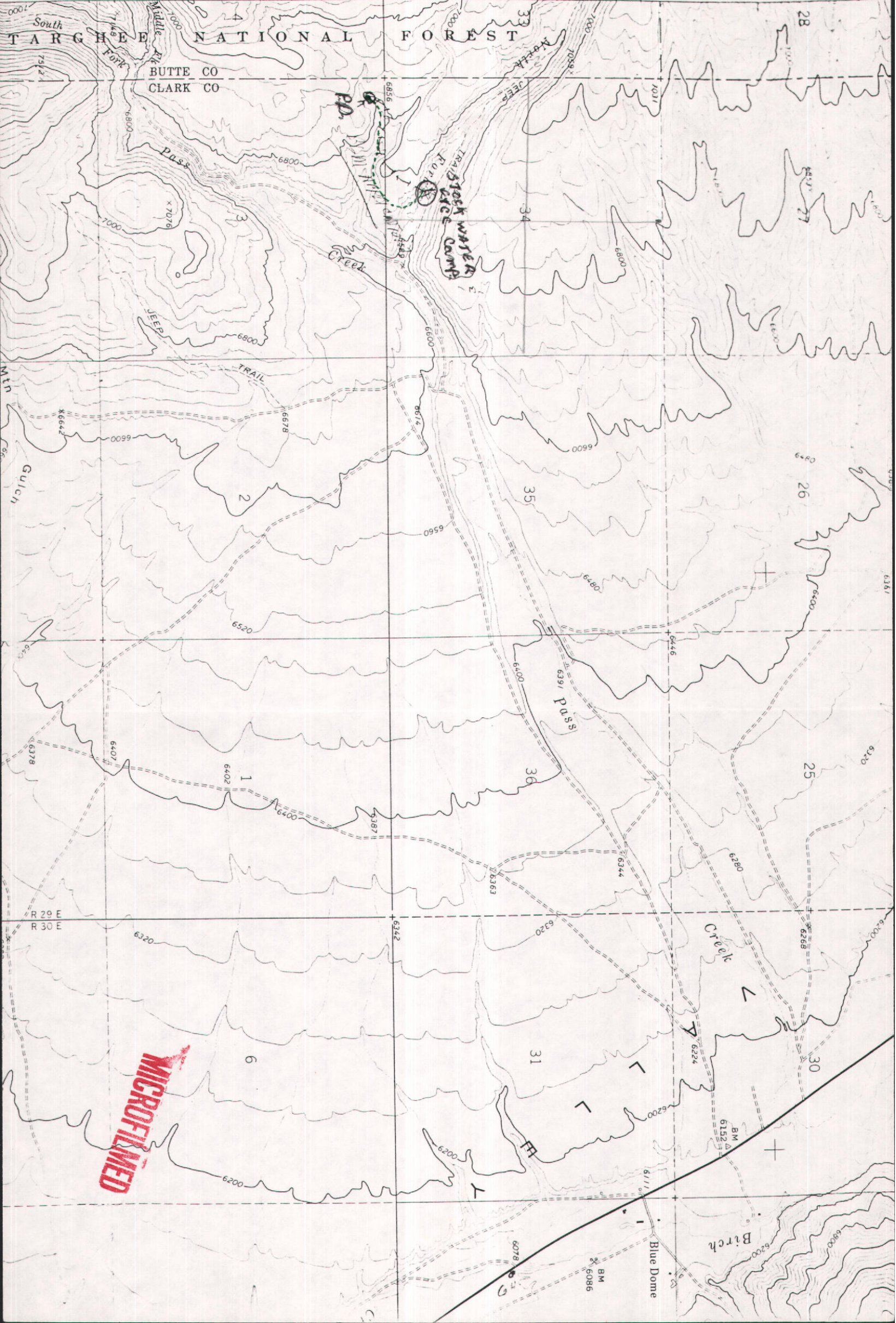
900 000 FEET
(EAST)

T 10 N
T 9 N

4891

4892 10'

28



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 32-7071 Priority March 3, 1977 Amount .02 cfs

THIS IS TO CERTIFY, that U.S. Bureau of Land Management
of Idaho Falls, ID, has complied with the terms and conditions of Permit
No. 32-7071 issued pursuant to Application for Permit dated March 3, 1977,
and has submitted proof to the Department of Water Resources on May 10, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of .02 cfs of water from a spring,
tributary to sinks, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic	from <u>May 1</u> to <u>Oct 1</u>	at <u>.02</u> cfs and	<u>1.2</u> acre feet
Stockwater	from <u>May 1</u> to <u>Dec 31</u>	at <u>.02</u> cfs and	<u>5.4</u> acre feet
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than .02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
6.6 acre feet per year, said waters to be diverted within the NWNW Section 3, Twp 9N,
Rge 29E in the County of Clark

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10N	29E	34																	

Total number of acres irrigated _____

Domestic use is YCC Camp

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21 day of
August, 19 81.

Director

DET

32 7071

Identification No. _____

Application No. _____

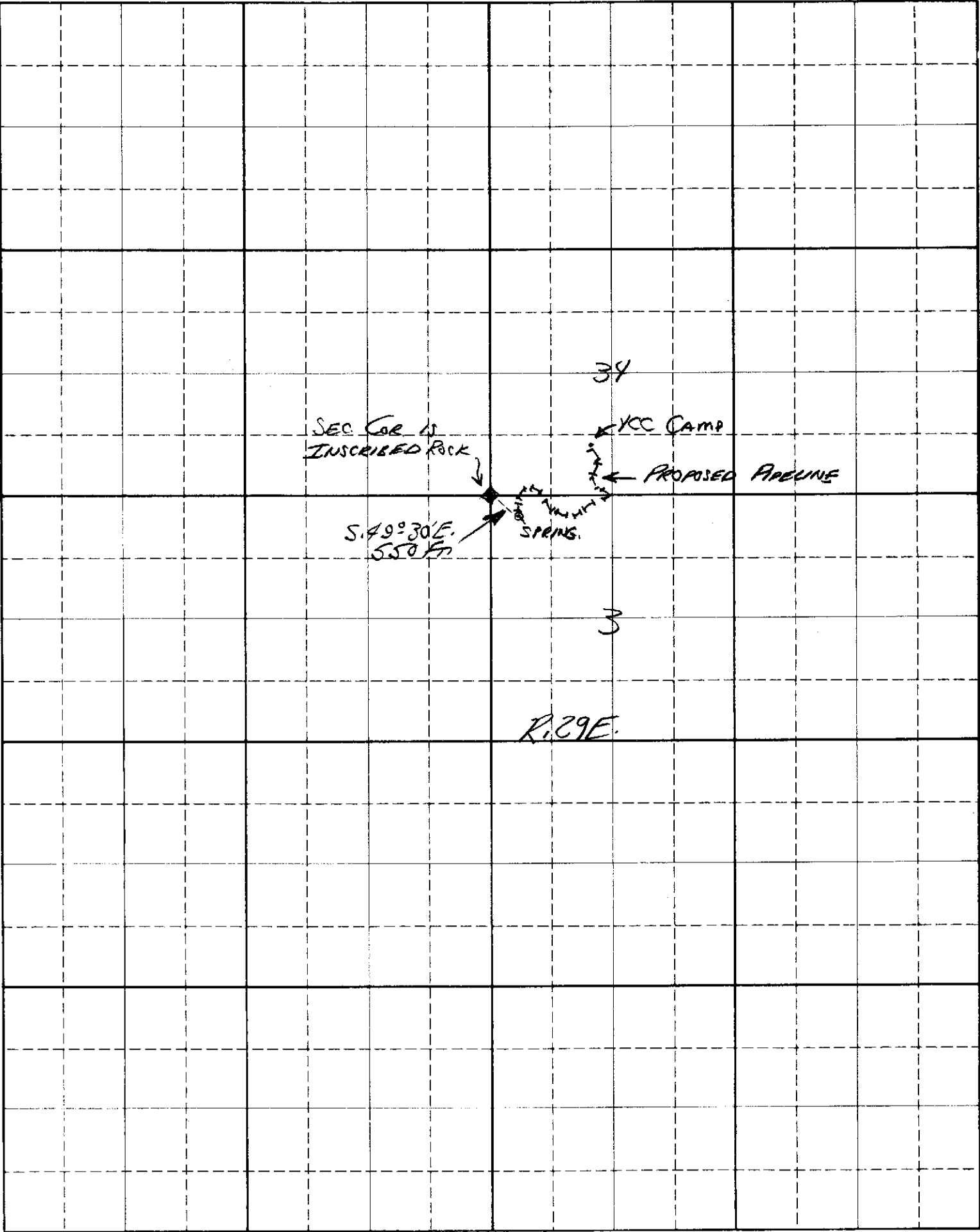
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

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

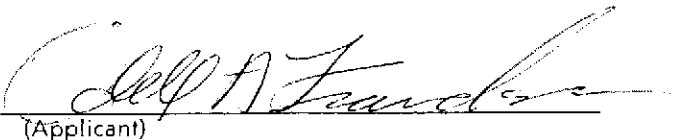
1. Name of applicant U.S. Bureau of Land Management Phone: 522-7460
 post office address 940 Lincoln Road, Idaho Falls, Idaho, 83401
2. Source of water supply Spring which is a tributary of None
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3 Township 9 North
Range 29 EAST B.M. Clark County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into Natural drainage at a point in NW $\frac{1}{4}$
 of NW $\frac{1}{4}$ of Section 3 Township 9 North Range 29 EAST B.M. _____
4. Water will be used for the following purposes:
 Amount .035 for YCC Camp purpose from May 1 to Oct. 1 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount .035 for livestock purpose from May 1 to Dec. 31 (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. .035 cubic feet per second and/or
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. Spring improvement with head box
(enclosed) - 1 $\frac{1}{4}$ " - 2" P.E. pipe will convey water to use at YCC Camp - see
Items 8 and 11.
- 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 _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
 is one years
- b. Estimated construction cost is \$ 1,500.00.
8. Description of proposed uses:
 a. If water is **not** for irrigation:
 (1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34 Township 10 North
Range 29 East 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 Beef cattle, 200 cows and calves
(see Item no. 10).
 (4) Name of municipality to be served YCC Camp - Pass Creek, or number of families to be
 supplied with domestic water approx. 30 people.
 (5) If water is to be used for other purposes describe: See Item 10.

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.


(Applicant)

District Manager
Idaho Falls District
Bureau of Land Management
940 Lincoln Road
Idaho Falls, ID 83401

3/ 3/77

Proposed Priority

Received by Bill Johnson Date 3-03-77 Time 8:45 AM

Preliminary check by Bill Johnson Fee \$ 10.00

Received by Bill Johnson Date 3-03-77 # 4598

Publication prepared by Bill Johnson Date 3-03-77

Published in Standard Journal

Publication dates March 10 & 17, 1977

Publication approved me Date 3-24-77

Priority reduced to _____ Reason _____

Protests filed by: Bill Johnson

Copies of protests forwarded by Bill Johnson

Hearing held by _____ Date _____

Recommended for approval denial by Bill Johnson

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. 32-7071, 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 July 1, 1978.

c. Other: _____

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

Witness my hand this 17 day of June, 19 77.

Deputy Director

[Signature]

LAW OFFICES

HOLDEN, HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 129

IDAHO FALLS, IDAHO 83401

TELEPHONE 523-0620

AREA CODE 208

WILLIAM S. HOLDEN
R. VERN KIDWELL
FRED J. HAHN
TERRY L. CRAPO
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER

ARTHUR W. HOLDEN (1877-1967)

ROBERT B. HOLDEN (1911-1971)

RECEIVED

MAR 24 1977

Department of Water Resources
Eastern District Office

March 23, 1977

State of Idaho
Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Application No. 32-7071

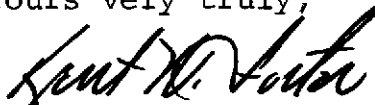
Gentlemen:

We are writing this letter at the request of our client, Mr. Bill Simmons of Terreton, Idaho. Mr. Simmons is the owner of a substantial amount of land which is irrigated from Birch Creek and its tributaries, and hereby protests the issuance of this permit for two reasons.

First, Mr. Simmons has grazing rights in the area of the spring from which the water right is sought to be appropriated, and these springs are used during the grazing season for the watering of Mr. Simmon's cattle. Second, this spring is a tributary of Pass Creek which is a tributary of Birch Creek, all of the waters of which are totally appropriated.

We would appreciate being advised of the time and place for the informal conference or hearing.

Yours very truly,


Kent W. Foster

KWF:jt

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO



Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Terry T. Weathers,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

JOURNAL,
a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the NOTICE OF APPLICATION
FOR WATER PERMIT

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for two
consecutive issues, the first publication hav-

ing been made on March 10, 1977
and the last publication having been made

on March 17, 1977.

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
ing a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

Terry T. Weathers



Subscribed to and sworn to before me

this 17th day of March, 1977

Effie S. Davenport
Notary Public.

(SEAL)

My commission expires March 25, 1978

RECEIVED

MAR 24 1977

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that the Bureau of
Land Management, Idaho, has on
3-03-77 submitted Application for a
permit to appropriate water under second
of water from a spring by means of pipeline and
headbox with in the NW 1/4 NW 1/4, Sec. 3, T. 9N, R.
29E, B.M., Clark County; to be used from May 1 to
Oct. 1 for domestic purposes for 30 people for
the YCC Camp and from May 1 to Dec. 31 for
stockwatering purposes for beef cattle, 200 cows
and calves; all uses with in the SE 1/4 SW 1/4, Sec.
34, T. 10N, R. 29E, 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, 1915 Lincoln Road, Idaho
Falls, Idaho, 83401 on or before March 28, 1977.

R. KEITH HIGGINSON
Director

Published in the Standard Journal, Rexburg,
Idaho on March 10 and March 17, 1977.



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

August 24, 1981

RE: ~~Permit~~ No. 32-7071

U.S. Bureau of Land Management
940 Lincoln Road
Idaho Falls, ID 83401

Gentlemen:

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

Sincerely,

JIM JOHNSON

Water Distribution Supervisor

Enclosure

RECEIVED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

August 3, 1981

U.S. Bureau of Land Management
940 Lincoln Road
Idaho Falls, ID 83401

RE: Water Right No. 32-7071

Dear Sirs,
A representative of this Department has made an examination of the works covered by your Permit No. 32-7071, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: .02 cfs Source: spring

The maximum quantity diverted shall not exceed 6.6 acre feet per year.

Point(s) of diversion: NWNW Section 3, Twp 9N, Rge 29E

Beneficial use: Domestic use (YCC camp) and stockwater within the
SESW Section 34, Twp 10N, Rge 29E

Priority date established: March 3, 1977

Conditions (if any):

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

1

2

3

Amount

Period 1

Amount

Period c

Amount

Period 0

Other us

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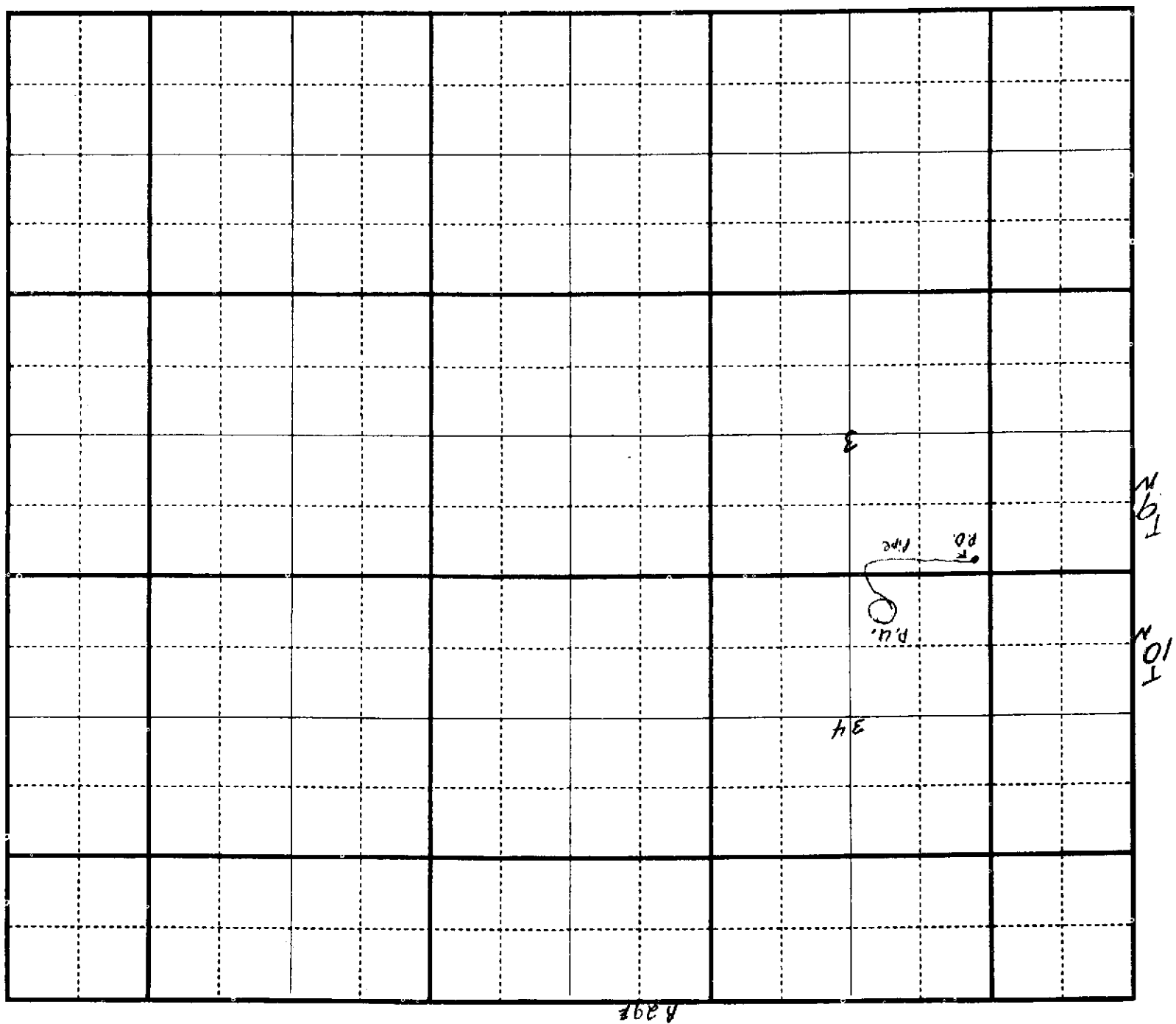
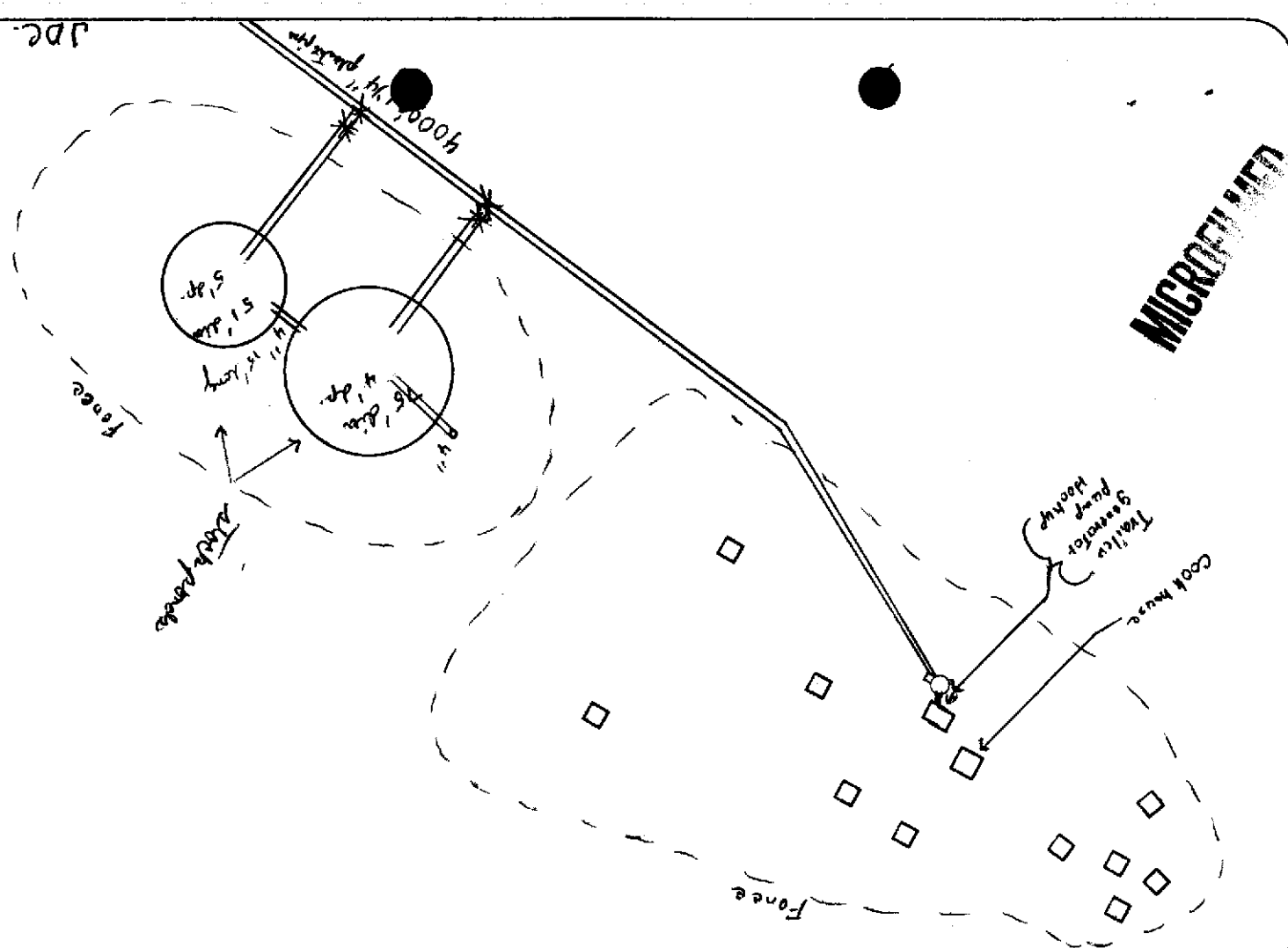
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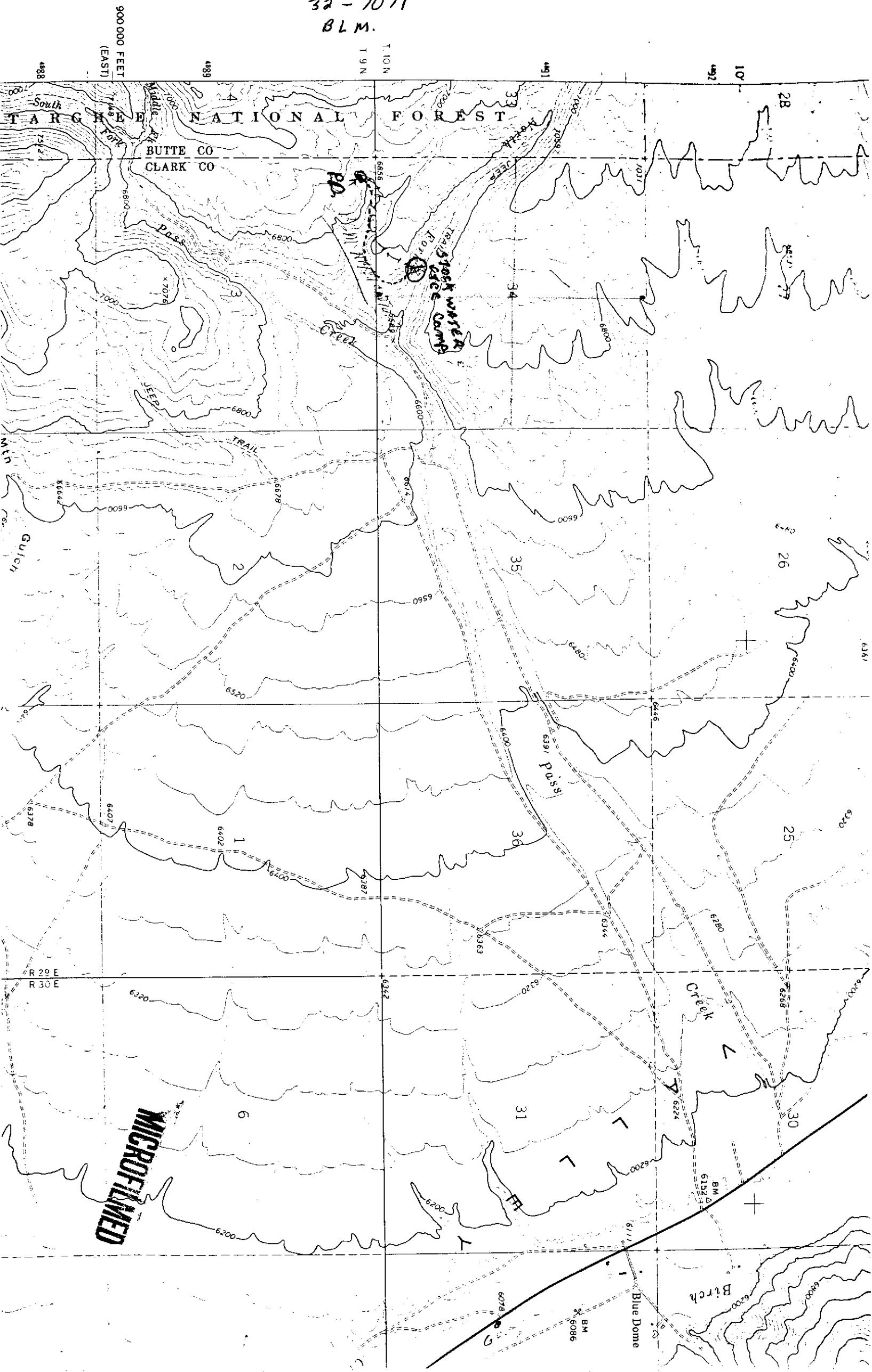
Measuring

6.

T



32-7071
BLM.



DATE OF EXAM 5/11/79

ACREAGE
Found n/a
Recommended n/a

Irrigation Requirement n/a Ac Ft/Ac

USE

Irrigation Q= <u>.02</u> c.f.s.	V= <u>1.2</u> ✓	AF/Ann. from <u>May 1</u> to <u>Oct 1</u>
Domestic Q= <u>.022</u> c.f.s.	V= <u>5.4</u> ✓	AF/Ann. from <u>May 1</u> to <u>Dec 31</u>
Livestock Q= <u>.022</u> c.f.s.		

Is water co-mingled? yes no X

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

Exchange? yes no X

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

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

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

Total Q measured .022 cfs Method of measurement Bucket + stopwatch
5 stopwatch

Total Q recommended .022 cfs Meter No. — Type 5 gal bucket Condition —

Total V recommended 6.6 AF/Ann.

Recommended Amendments:

P.D. —
Place of Use —
Other —
None

MEASUREMENT CALCULATION:

5 gal in 30 sec = 10 gpm = .022 cfs Allow .02 cfs
448.8
V = Assigned 5.4 AF/Ann. - Stockwater ✓
Domestic ✓
Stock V = .022 cfs x 1.9835 cfs AFdy x 244 dys = 10.46 AF/Ann. ✓
Assigned 50 pipe x 50 gals dy x 158 dys = 382500 ÷ 325, 25 gal/HF = 1.17 AF/Ann. 1.2 AF/Ann. ✓

SYSTEM DESCRIPTION:

The P.D. is a spring head on consisting of a 3' dia perforated culvert pipe stood on end and
buried 4 ft. a 1 1/4" black plastic pipe 4000' long to the Y.C.C. Camp. There are two
stock watering ponds and 11 wooden frame tent structures one of which is a stockhouse
with water, gas, and electrical hookups, also a trailer hookup for power and a
electrical generator system. A maximum of 349 hd. of range cattle. 50 pipe

REMARKS:

Confused with A state the Keller
Truck to Sinkers.

Examiner's Signature John D. Carlson Date 3/24/80

Checked by Anthony R. Kozlowski Date 4-4-80

Approved by Royce Date 7/21/81

MICROFILMED

August 4, 1978

Re: Permit No. 32-7071

Bureau of Land Management
940 Lincoln Rd.
Idaho Falls, ID 83401

Gentlemen:

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

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

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

Sincerely,

JANICE RENK
Water Rights

MICROFILMED

RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

MAY 10 1978

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE Department of Water Resources

1. a) Name of Permit Holder U. S. Bureau of Land Management
b) Post Office Address 940 Lincoln Road, Idaho Falls, Idaho 83401
2. Permit Number 32-7071
3. Date of Priority that you are prepared to establish June 17, 1977
4. a) Source from which water was appropriated Spring
b) Location of the point of diversion: NW 1/4 NW 1/4, Section 3
Township 9 North, Range 29 East Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
* Amount .035 for YCC Camp purposes from May 1 to Oct. 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount .035 for Livestock purposes from May 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .035 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Taken by Martin E. Portmann - Civil Engr. Tech. Using time and Gaillongge method. In water well handbook - Page 146.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: Water conducted from spring to water trough and YCC Camp thru 1 1/4" pipe.
b) Describe the agreement or understanding by which you take water from the works: By water right permit.
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Spring Head Box - 1 1/4" Pipeline
b) Describe the type and size of measuring device which you have installed at your point of diversion: NONE
c) Give well driller's name and address and the date the well was completed: NONE
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Livestock and YCC Camp

Exam typed 8/10/28 by JG

* .035 CFS = 15.6 G.P.M. = Total flow of spring at time of testing.

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: NONE

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

Total number of acres irrigated _____

10. Remarks: _____

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

5/8/78
(Date)

Bill A. Frazier
(Signature)

State of INDIANA)
County of Bernoville) ss.

On this 5TH day of June, 1978, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

John
Notary Public residing at 528 E. 1st
Berke, IN 46701

My commission expires Feb 1980



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

RECEIVED

JUN 16 1978

May 17, 1978

Department of Water Resources

Re: Permit No. 32-7071

U.S. Bureau of Land Management
Attn: O'dell A. Frandsen
940 Lincoln Rd.
Idaho Falls, Idaho 83401

Asst. D.M.	Info.	Act.	Int.
Resource Mgmt.			
Operations			
Administration			
RECEIVED — Idaho Falls D.O.			
USDI JUN 13 1978		BLM	
Planning			
Public Affairs			
Big Butte RA			
Med Lodge RA			
Soda Springs RA			

Dear Mr. Frandsen:

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

However, we cannot process this affidavit as your signature has not been notarized. Therefore, we are returning the proof affidavit.

Please return the notarized affidavit on or before July 1, 1978.

Sincerely,

Janice Renk
JANICE RENK
Water Rights

Encl.

FILE COPY
Affidavit completed

Asst. D.M.	Info.	Act.	Int.
Resource Mgmt.			
Operations			
Administration			
RECEIVED — Idaho Falls D.O.			
USDI MAY 19 1978		BLM	
Planning			
Public Affairs			
Big Butte RA			
Med Lodge RA			
Soda Springs RA			

May 17, 1978

Re: Permit No. 32-7071

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Attn: O'dell A. Frandsen
940 Lincoln Rd.
Idaho Falls, Idaho 83401

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Sincerely,

JANICE RENK
Water Rights

Encl.

100-100000-100000



United States Department of the Interior

IN REPLY REFER TO

32-7071

BUREAU OF LAND MANAGEMENT

Idaho Falls District
940 Lincoln Road
Idaho Falls, Idaho 83401

RECEIVED

May 8, 1978

MAY 10 1978

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

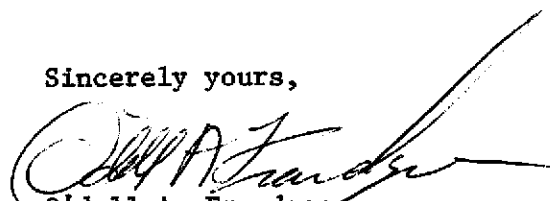
Department of Water Resources

RE: Permit No. 32-7071 (Pass Creek - YCC Camp Spring Project #).

Gentlemen:

Enclosed is the proof affidavit of application of water to beneficial use for the above indicated permit.

Sincerely yours,



O'dell A. Frandsen
District Manager

Enclosure;



Save Energy and You Serve America!



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

April 28, 1978

CERTIFIED MAIL

100753

Re: Permit No. 32-7071 (Pass Cr. - YCC Camp Spring)

U.S. Bureau of Land Management
940 Lincoln Rd.
Idaho Falls, Idaho 83401

Gentlemen:

One of the conditions of approval of your water Permit No. 32-7071 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before July 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

Norman C. Young
NORMAN C. YOUNG
Administrator,
Resources Administration Division

NCY:jfr

Encl: Proof affidavit

MICROFILMED

June 21, 1977

Re: Permit No. 32-7071

U.S. Bureau of Land Management
940 Lincoln Road
Idaho Falls, ID 83401

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 32-7071. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF/cah

Enclosure

MICROFILMED

RECEIVED
MAY 5 1977

LAW OFFICES

HOLDEN, HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 129

IDAHO FALLS, IDAHO 83401

TELEPHONE 523-0620

AREA CODE 208

ARTHUR W. HOLDEN (1877-1967)

ROBERT B. HOLDEN (1911-1971)

WILLIAM S. HOLDEN
R. VERN KIDWELL
FRED J. HAHN
TERRY L. CRAPO
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER

Department of Water Resources
Eastern District Office

May 4, 1977

Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Application for Permit No. 32-7071

Gentlemen:

We are writing on behalf of our client, Mr. Bill Simmons of Terreton, Idaho. You will recall that we submitted a protest to the above application on Mr. Simmon's behalf, dated March 23, 1977. Mr. Simmons has called and advised us that the BLM has agreed to install a watering trough which will be adequate for his purposes and obviate the necessity for his protest. He had therefore asked that we withdraw his protest on his understanding.

Yours very truly,



Kent W. Foster

KWF:jt



United States Department of the Interior

IN REPLY REFER TO

YCC Camp Spring
#4320

BUREAU OF LAND MANAGEMENT
Idaho Falls District
940 Lincoln Road
Idaho Falls, Idaho 83401

April 4, 1977

Idaho Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

RECEIVED

APR 5 1977

Re: Application No. 32-7071

Department of Water Resources
Eastern District Office

Dear Sirs:

This letter is in reply to your letter of March 28, 1977, and is to furnish information regarding each of the principal items as indicated in your letter.

In regard to item (1), any infinitesimal amount of the subject spring flow that could flow down the existing drainage to Pass Creek (if, in fact, it does) would not flow into Pass Creek but instead would flow into an existing irrigation ditch. The point of diversion of the existing ditch is located upstream of the convergence of the two drainages, is on the north side of Pass Creek, and therefore it would intercept any flow from the spring before it reached Pass Creek. We understand that all the flow in Pass Creek is diverted into the ditch and therefore does not reach Birch Creek. We also understand that there are no decreed or constitutional water rights on Pass Creek. Also, the proposed domestic use of the water for the Youth Conservation Corps Camp will only be for an approximate ten-week period during June, July and August. All water not required for the camp will be available for live-stock through installation of a livestock watering trough, and the remaining water will be allowed to return to the existing natural drainage channel. For these reasons, we do not believe that the proposed use will significantly reduce the quantity of water under any existing water rights.

In regard to item (2), we estimated the spring flow in March, 1977, to be 15 gallons per minute or 21,600 gallons per day. We plan for maximum use by both the YCC Camp and livestock to be 3,050 gallons per day, therefore the remainder of the water will be returned to the existing channel as indicated previously.

In regard to items (3) and (4), the application is made in good faith and the Bureau of Land Management has funds available to complete the project.

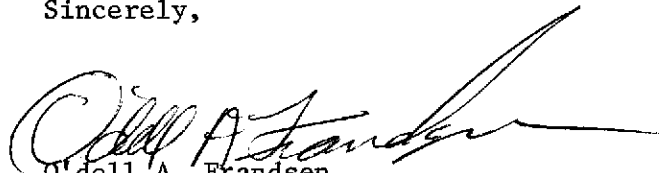
We believe that the above also satisfactorily answers Mr. Simmons' protest.

RECEIVED



We request that if a conference and/or hearing is necessary, that it be scheduled as soon as possible as time is getting short for our planned completion of the project.

Sincerely,



O'dell A. Frandsen
District Manager

RECEIVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

May 18, 1977

Ben Wilding
Dubois
Idaho 83423

Dear Ben:

When you were in our office some ago you requested that you be notified when the Department schedules a conference or hearing in the matter of Application for Permit No. 32-7071, filed in the name of the U.S. Bureau of Land Management. Since that time we have received a letter from the protestant's attorney indicating that an agreement has been reached between Mr. Simmons and the Bureau of Land Management.

Mr. Simmons, through his attorney, has therefore withdrawn his protest. The Department has now resumed the regular processing of this application for permit.

If you need additional information in this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:me

RECEIVED

NOTIFY

BEN WILDLING

AT TIME OF
CONFERENCE.

A handwritten signature in black ink, appearing to read 'Ben', with a long, sweeping horizontal stroke extending to the left.

UNRECORDED

10/11/11



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

March 29, 1977

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

R. Keith Higginson
Director

RE: Application for Permit No. 32-7071 BLM

Mr. Bill Simmons
Terreton, Idaho 83450

Dear Mr. Simmons:

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

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office
Kent Foster Attorney at law



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

March 28, 1977

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

R. Keith Higginson
Director

Bureau of Land Management
940 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 32-7071. You should be aware that the following are the principal items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office

WILLIAM S. HOLDEN
R. VERN KIDWELL
FRED J. HAHN
TERRY L. CRAPO
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER

LAW OFFICES
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IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 129
IDAHO FALLS, IDAHO 83401
TELEPHONE 523-0620
AREA CODE 208

ARTHUR W. HOLDEN (1877-1987)
ROBERT B. HOLDEN (1911-1971)

RECEIVED

March 23, 1977

MAR 24 1977

State of Idaho
Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

Re: Application No. 32-7071

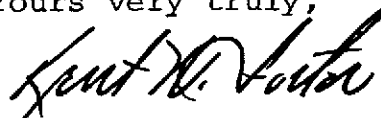
Gentlemen: -

We are writing this letter at the request of our client, Mr. Bill Simmons of Terreton, Idaho. Mr. Simmons is the owner of a substantial amount of land which is irrigated from Birch Creek and its tributaries, and hereby protests the issuance of this permit for two reasons.

First, Mr. Simmons has grazing rights in the area of the spring from which the water right is sought to be appropriated, and these springs are used during the grazing season for the watering of Mr. Simmon's cattle. Second, this spring is a tributary of Pass Creek which is a tributary of Birch Creek, all of the waters of which are totally appropriated.

We would appreciate being advised of the time and place for the informal conference or hearing.

Yours very truly,



Kent W. Foster

KWF:jt

March 7, 1977

RE: Application for Permit No. 32-7071 BLM

Mr. Ben Wilding, Watermaster
Water District 32-D
Dubois, Idaho 83423

Dear Mr. Wilding:

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is March 28, 1977, and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

March 4, 1977

RE: Application for Permit No. 32-7071 BLM

Standard Journal
Box 7
Rexburg, Idaho 83440

Gentlemen:

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 3-24-77 by cd

RDC:CW

Enc: Legal Notice (1)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that the U.S. Bureau of

Land Management, Idaho Falls, Idaho has on

3-03-77 submitted Application No. 32-7071 for a

permit to appropriate 0.035 cubic feet per second

of water from a spring by means of pipeline and

headbox with in the NW 1/4 NW 1/4, Sec. 3, T. 9N, R.

29E, B.M., Clark County, to be used from May 1 to

Oct. 1 for domestic purposes for 30 people for

the YCC Camp and from May 1 to Dec. 31 for

stockwatering purposes for beef cattle, 200 cows

and calves, all uses with in the SE 1/4 SW 1/4, Sec.

34, T. 10N, R. 29E, B.M.

It issued, this permit will be subject to all prior

water rights. Protests against the granting of the

permit must be filed with the Idaho Department

of Water Resources, 1515 Lincoln Road, Idaho

Falls, Idaho, 83401 on or before March 28, 1977.

R. KEITH HIGGINSON

Director

Published in the Standard Journal, Rexburg,

Idaho on March 10 and March 17, 1977.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that U. S. Bureau of Land Management,
Idaho Falls, Idaho

has on 3-03-77 submitted Application No. 32-7071
for a permit to appropriate 0.035 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from a spring
by means of pipeline and headbox
within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 9N, R. 29E, B.M., Clark County;

to be used from May 1 to Oct. 1 for domestic purposes for 30 people for the
~~for~~ YCC Camp and from May 1 to Dec. 31 for stockwatering purposes for
beef cattle, 200 cows and calves, all uses
within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T. 10N, R. 29E, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before _____
March 28, 1977

R. KEITH HIGGINSON

Director

Published in the Standard Journal, Rexburg, Idaho

on March 10 and March 17, 1977

MICROFILMED

me - J.
me - B.
me - U.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Idaho Falls District
940 Lincoln Road
Idaho Falls, Idaho 83401

IN REPLY REFER TO

4286, 4287,
4288

March 02, 1977

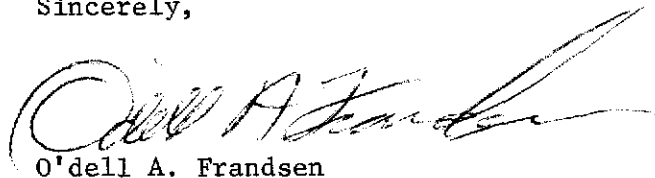
Mr. Ron Carlson, Regional Supervisor
Idaho Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

We are enclosing applications for four water permits, one for a YCC Camp and three for livestock water facilities, all on Public Lands. Appropriate filing fees of \$10.00 per application are enclosed.

Your timely consideration of these applications is greatly appreciated.

Sincerely,


O'dell A. Frandsen
District Manager

5 Enclosures

Encl. 1 - 4 - Applications for Permit
Encl. 5 - \$40.00 in fees



Save Energy and You Serve America!

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. _____

- ☒ Source SPRING.
☒ 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) EMC 3/3/77

In form to receipt YES.

(2) EMC 3/3/77

Send Copies to:

- _____
 Idaho State Health Department

 Idaho Fish and Game Department

 Bureau of Land Management

(3) EMC 3/3/77

- ☒ Red Winding

 Request Special Use Permit from U.S.F.S.

 Request Easement from B.L.M.

 Request Information from Applicant

(4) EMC 3/3/77

In form for advertising YES.

(5) EMC 3/3/77

Platted on Map No. BLUE DOME QUAD.

(6) EMC 3/3/77

Located within Water District No. 3

(7) EMC 3/3/77

Critical groundwater area: yes _____ no X

(8) EMC 3/3/77

Groundwater levels:

_____ Declining, X Stable, _____ Increasing

(comment) AB WELL 10N 27E 19C.M.

(9) EMC 3/3/77 RND

Other rights on the same place of use NONE

(10) EMC 3/3/77

Comments: _____

(11) EW 3-24-77

Affidavit of Publication received (date) Mar 24, 1977

(12) EW 3-24-77

Final date for protests March 28, 1977

Protests received: yes _____ no _____

(13) RDC 4/3/77

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

(14) IL IL

Action recommended:

✓ Approve _____ Deny

3/3/77 Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of approval

✓ No special conditions for approval

(15) District E By RDC Date 5/3/77

Copy Sent