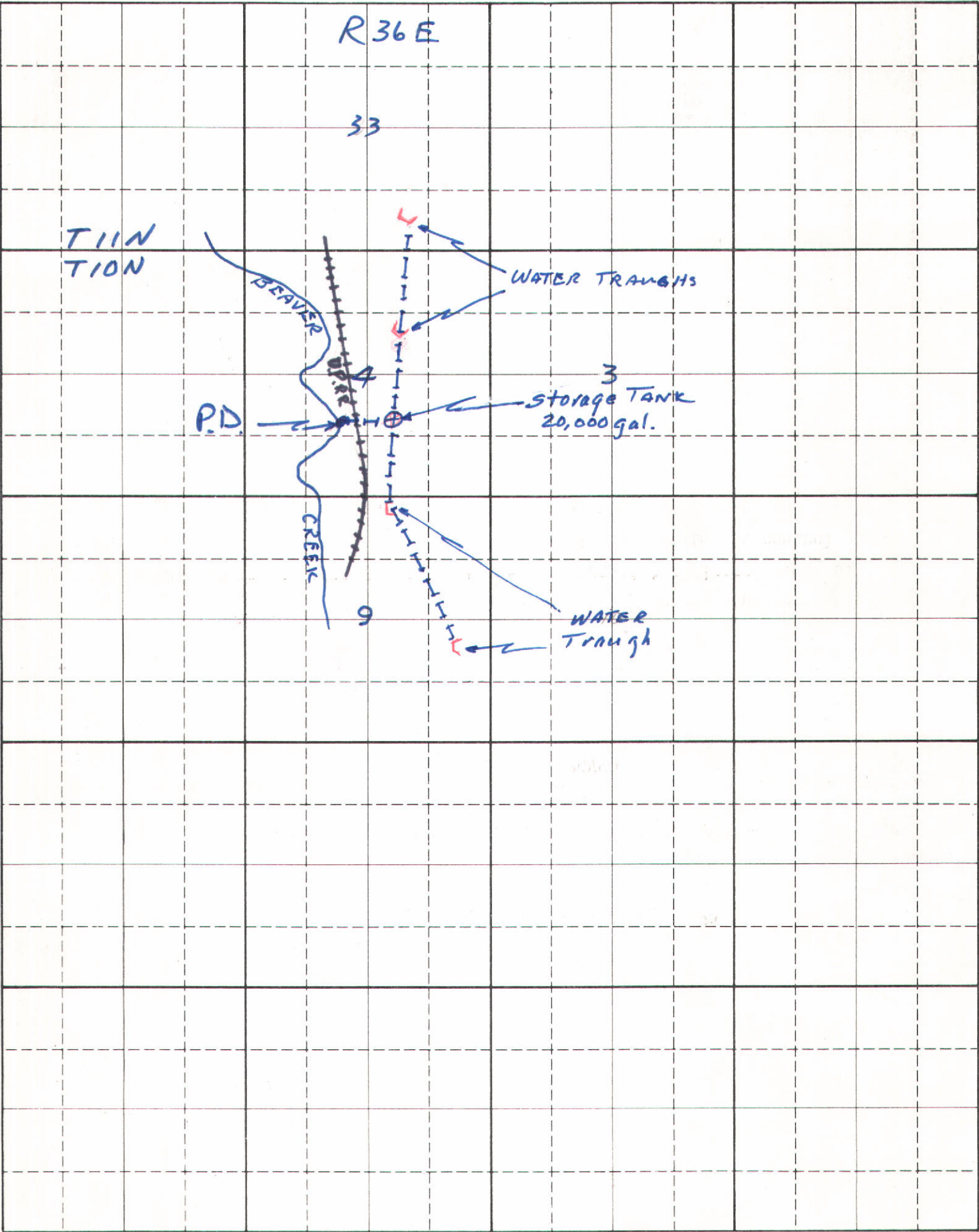


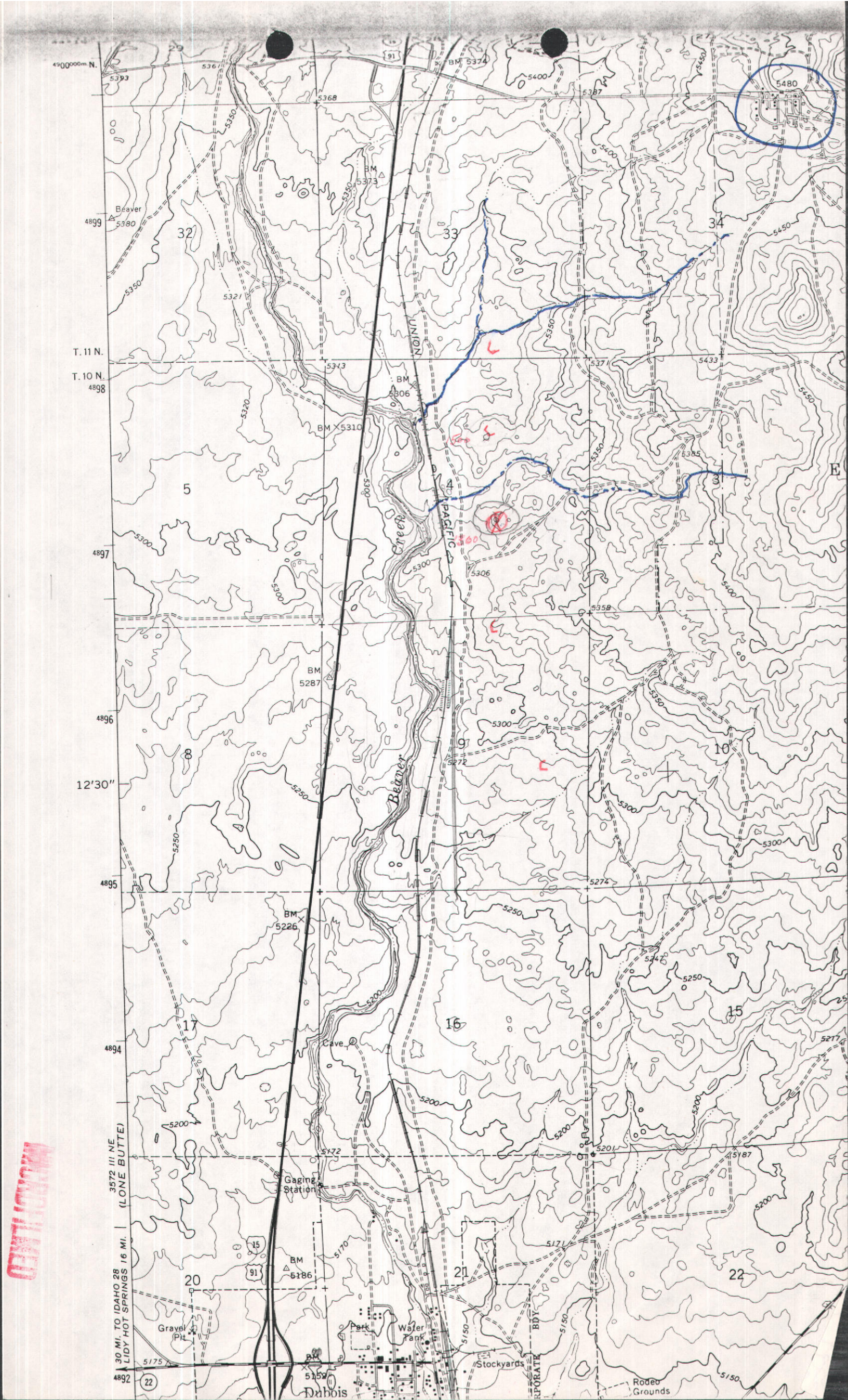
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Phyllis L. Laird
(Applicant)



Proof of Publication

RECEIVED

MAR 29 1976

Department of Water Resources
Eastern District Office

STATE OF IDAHO }
County of Clark } ss.

Terry T. Weatherston being
first duly sworn, deposes and says that he is the
printer of THE CLARK COUNTY
ENTERPRISE, a weekly newspaper published in
Dubois, Clark County, in the State of Idaho. That
the application for water,
a true copy of which is hereto attached was pub-
lished in THE CLARK COUNTY ENTERPRISE for
two consecutive weeks, first publication
having been made on the 18 day of
March, 1976 and the last
publication having been made on the 25
day of March, 1976.

That said paper has been continuously and
uninterruptedly published in said county during
a period of seventy-eight consecutive weeks
prior to the first publication of said notice or
advertisement, and is a newspaper within the
meaning of the laws of Idaho.

Terry T. Weatherston

SUBSCRIBED AND SWORN TO before me
this 26 day of March, A. D., 1976

Roy O. Patten
Notary Public.

My commission expires August 5, 1977

of pump and pipeline within the
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 10N, R. 36E,
B.M., Clark County; to be used from
Jan. 1 to Dec. 31 for stockwatering
purposes for 800 cows and calves
within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.
4, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, T.
10N, R. 36E, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T.
11N, R. 36E, 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 Depart-
ment of Water Resources, 1515 Lin-
coln Road, Idaho Falls, Idaho, 83401
on or before March 29, 1976.

R. KEITH HIGGINSON
Director

Published in the Enterprise-Citizen,
Rexburg, Idaho on March 18, 25,
1976.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Phyllis
L. Laird, Dubois, Idaho has on 3-03-76
submitted Application No. 31-7189 for
a permit to appropriate 0.04 cubic feet
per second of water from Beaver
Creek tributary to Mud Lake by means

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 8 1993

Department of Water Resources

A. GENERAL INFORMATION

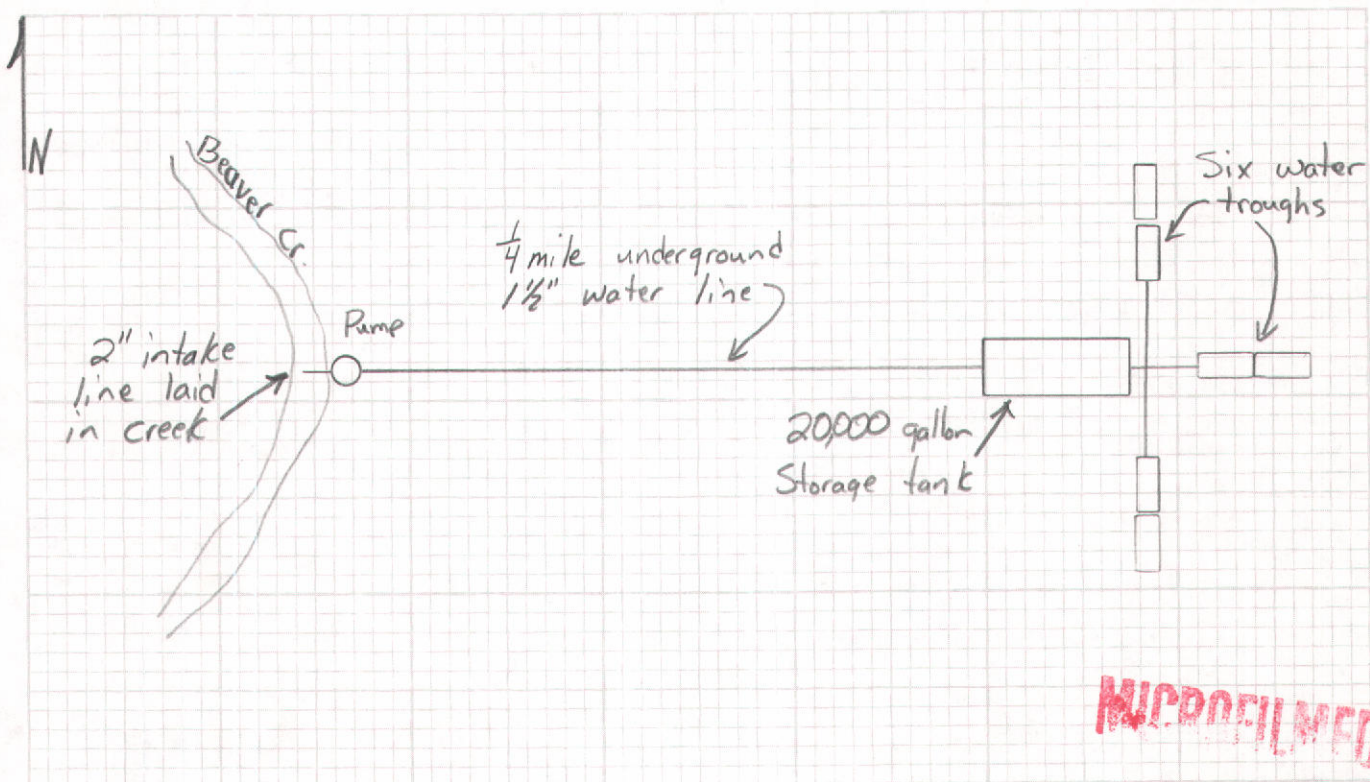
1. Owner: Phyllis L. Laird Permit No. 31-7189
Current Address: Box 602 Dubois, Idaho Phone No. 374-5217
2. Accompanied by: Phyllis Laird EXAM. DATE: 5-26-92
Address: Same Phone No. Same
Relationship to Permit Holder: owner
3. Source: Beaver creek tributary to Mud Lake

B. OVERLAP REVIEW

1. Other water rights with same place of use: 31-0118/1988
☒ Copies Attached
2. Other water rights with same point of diversion: 31-0118/1988
☒ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

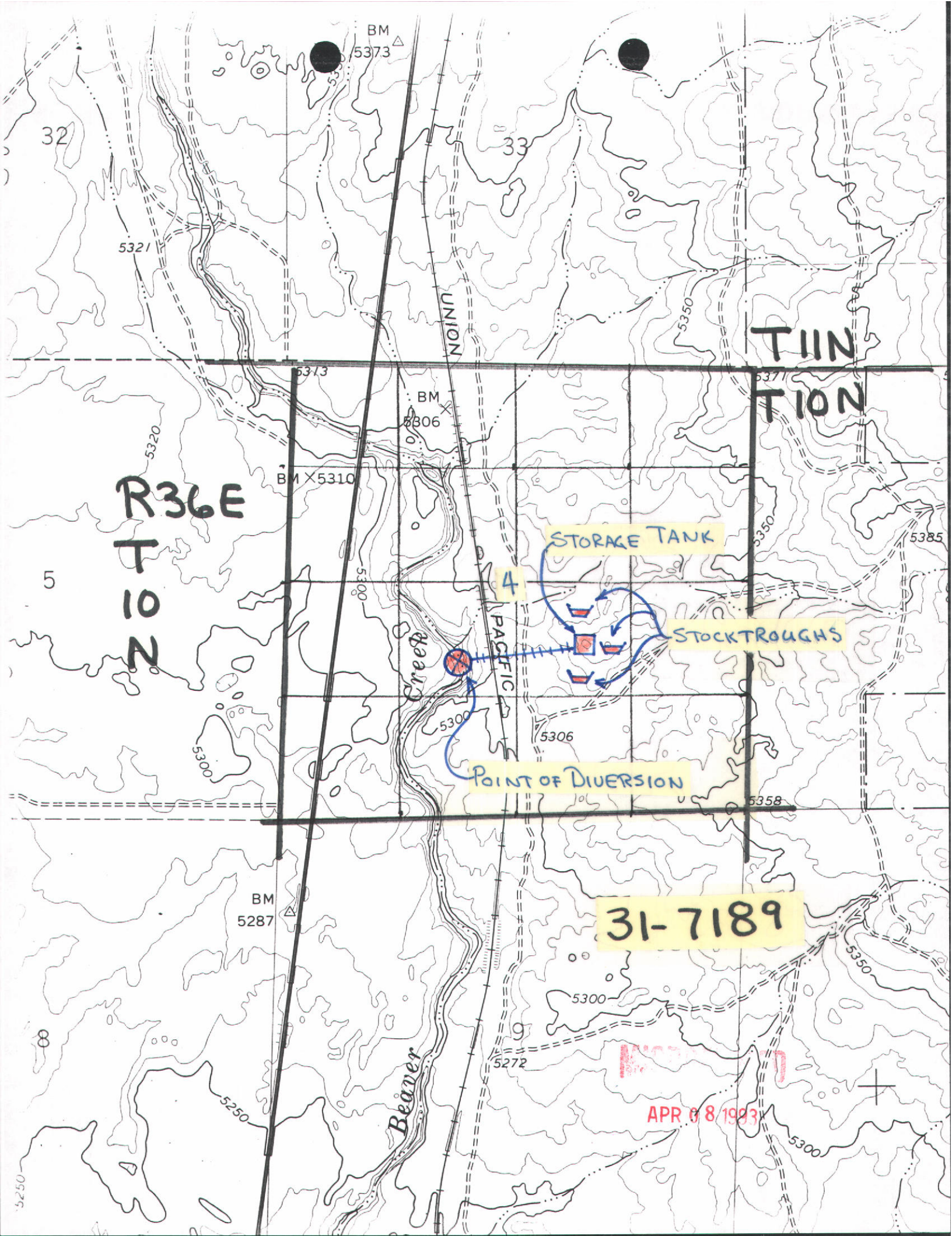


Scale: 1" = _____

MICROFILMED

APR 08 1993

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).



R36E
T10N

T11N
T10N

STORAGE TANK

STOCK TROUGHS

POINT OF DIVERSION

31-7189

APR 8 1993



31-7189



31-07189

APR 08 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 31-07189

Priority: March 3, 1976

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

10.7 AF

This is to certify, that PHYLLIS L LAIRD

PO BOX 62

DUBOIS ID 83423

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 3, 1976; and has submitted Proof of Beneficial Use on June 16, 1981. An examination indicates that the works have a diversion capacity of .540 cfs of water from:

BEAVER CREEK

tributary to MUD LAKE

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.04 CFS	10.7 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 4, Township 10N, Range 36E
CLARK County

PLACE OF USE: STOCKWATER

TWN RGE SEC

10N 36E 4

NWSE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
7. Stockwater use is for 800 range cattle.

APPROVED

APR 08 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 31-07189

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 30th
day of MARCH, 1993.

Acting for R. Keith Higginson, Director

APR 08 1993

31 7189

Identification No. _____

Application No. _____

**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)

APPROVED

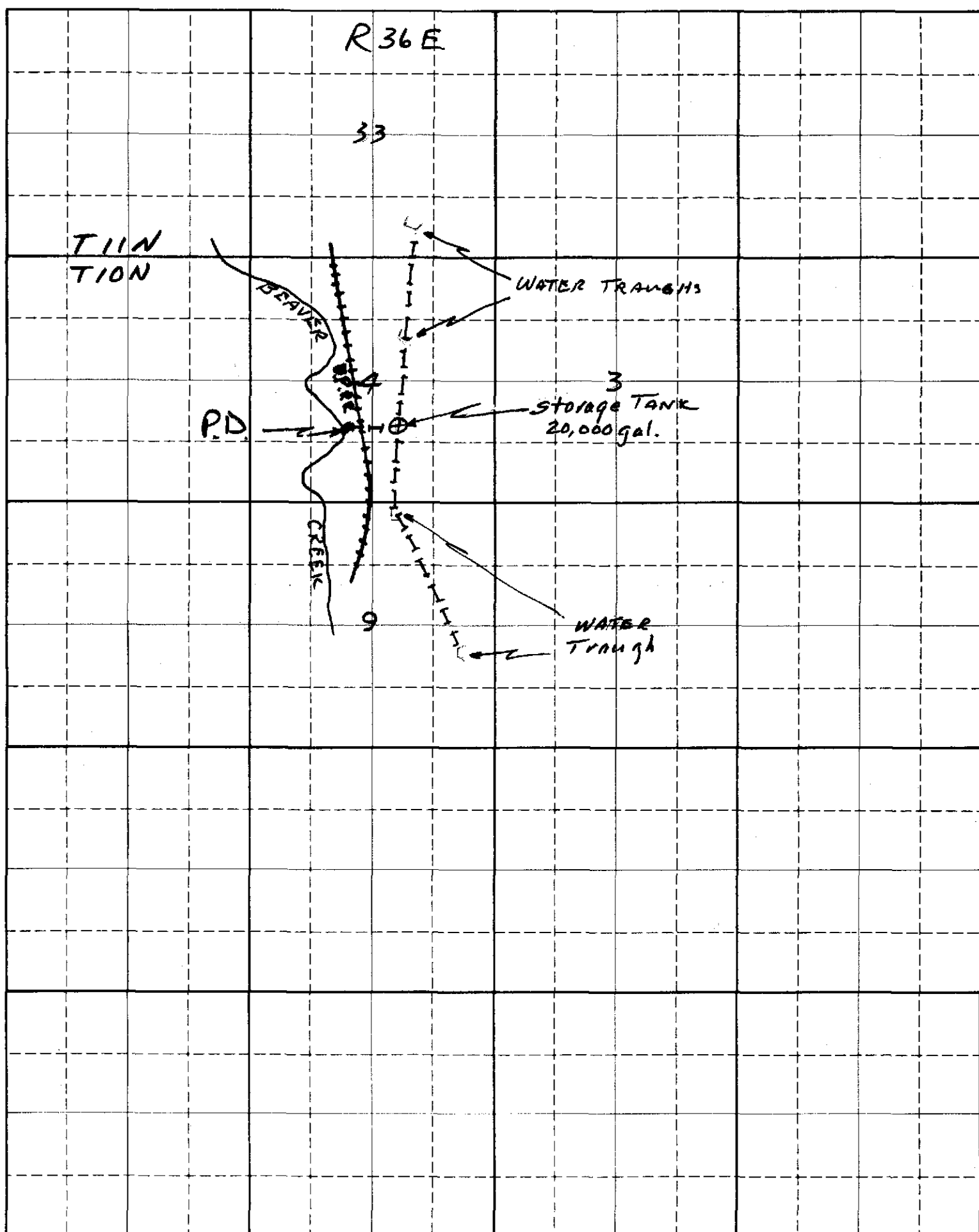
1. Name of applicant Phyllis L. Laird Phone: 374-5217
post office address Box 62 Dubois, Idaho 83423
2. Source of water supply Beaver Creek which is a tributary of Mud Lake
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 4 Township 10N
Range 36E B.M. Clark County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.04 for stockwater purpose from Jan. 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)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.04 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. pump, pipeline and 20,000 gal storage tank.

- 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 5 years.
b. Estimated construction cost is \$ 16,000.
8. Description of proposed uses:
a. If water is **not** for irrigation: SEE 8b
(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 800 cows and calves

(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: _____

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.

Shyllis L. Laid
(Applicant)

Proposed Priority 3-03-76

Received by CW Date 3-03-76 Time 3:56 A.

Preliminary check by FW Fee \$ 10.00

Received by CW Date 3-03-76 # 15658

Publication prepared by CW Date 3-05-76

Published in Enterprise-Citizen

Publication dates March 11 & 18, 1976

Publication approved me Date 3-29-76

Priority reduced to _____ Reason _____

Protests filed by: Jarrell J. Black

Copies of protests forwarded by CW

Hearing held by _____ Date _____

Recommended for approval denial by RDC ORI

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. 31-7189, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1981.

c. Other: 1. A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

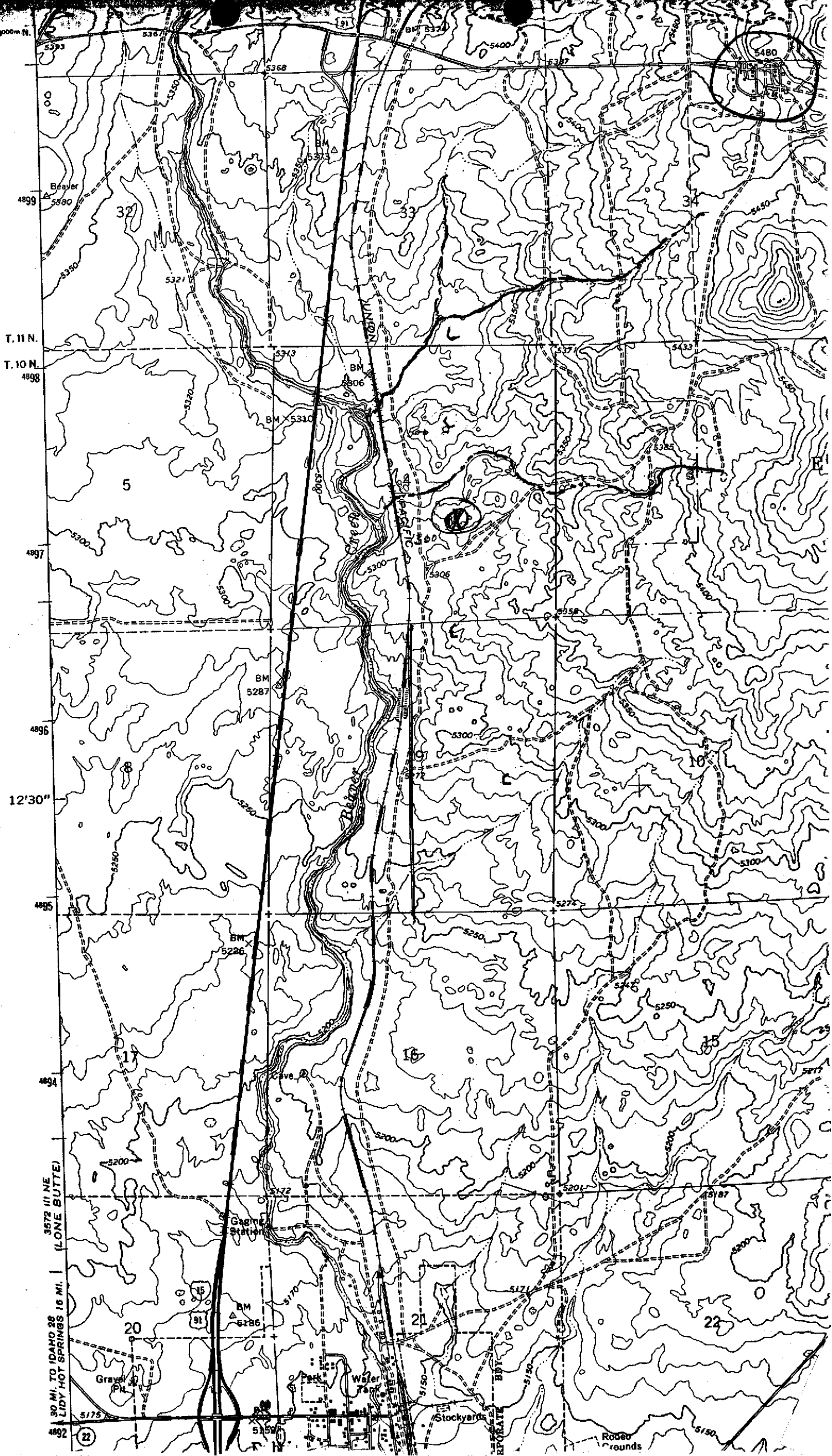
2. Use of water under this permit is subject to control by the water-master of State Water District No. 31, Mud Lake and Tributaries.

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

Witness my hand this 7 day of August, 1976.

R. Karl Higley
Director

RECEIVED
JAN 11 1964



Proof of Publication

RECEIVED

MAR 29 1976

Department of Water Resources
Eastern District Office

STATE OF IDAHO
County of Clark

ss.

Terry T. Weatherston being
first duly sworn, deposes and says that he is the
printer of THE CLARK COUNTY
ENTERPRISE, a weekly newspaper published in
Dubois, Clark County, in the State of Idaho. That
the application for water,
a true copy of which is hereto attached was pub-
lished in THE CLARK COUNTY ENTERPRISE for
two consecutive weeks, first publication
having been made on the 18 day of
March, 1976 and the last
publication having been made on the 25
day of March, 1976.

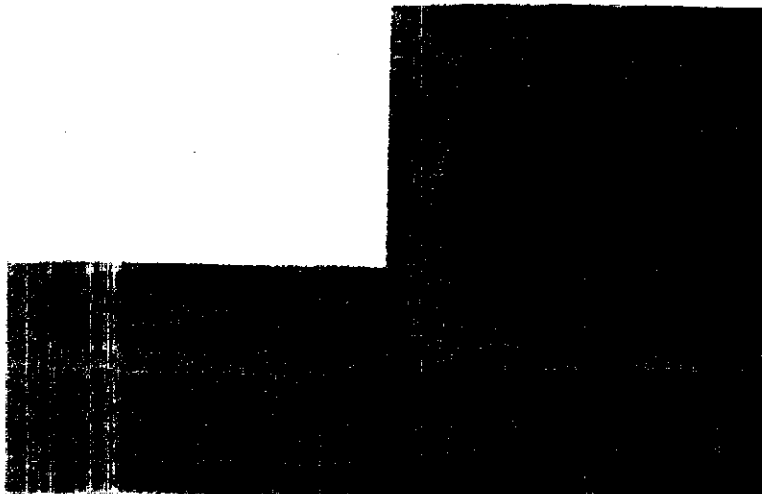
That said paper has been continuously and
uninterruptedly published in said county during
a period of seventy-eight consecutive weeks
prior to the first publication of said notice or
advertisement, and is a newspaper within the
meaning of the laws of Idaho.

Terry T. Weatherston

SUBSCRIBED AND SWORN TO before me
this 26 day of March, A. D., 1976

Ray O. Pugh
Notary Public.

My commission expires August 5, 1977





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 30, 1993

PHYLLIS L LAIRD
PO BOX 62
DUBOIS ID 83423

RE: WATER RIGHT NO. 31-07189

Dear Water Right Holder(s):

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

Sincerely,

A handwritten signature in cursive script that reads 'Pamela Skaggs'.

PAMELA SKAGGS
Water Resource Agent

PS:c2

Enclosure

MICROFILMED

APR 08 1993

WR0749NP
No. L31-07189

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 03/09/93
PAGE: 1

OWNER
CODE
C
NAME & ADDRESS
PHYLLIS L LAIRD
PO BOX 62
DUBOIS ID 83423
(208) 374-5217

Water Source: BEAVER CREEK
Tributary to: MUD LAKE
Stage: LICENSE

Point(s) of Diversion Capacity: 0.54 CFS

Point(s) of Diversion: T10N R36E S04 NE SW

Place of use Legal Description for: STOCKWATER

NE		NW		SW		SE	
T	R	S	Ac	Lt	Ac	Lt	Ac
10N	36E	4	:	:	:	:	:

Pou County: CLARK

Non-Irrigation Uses: S/800 HEAD.

Conditions of Approval:

- R01 - A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 31.

Remarks: Stockwater use is for 800 range cattle.

Dates:
App. Received: 03/03/1976
Proof Due Date: 08/01/1981
Exam Made Date: 05/26/1992
Licensed Date:

Misc: Water District Number: 31
Field Exam Fee: N (Not Required)

Audit: 03/09/93 MILLER

USE PERIOD	DIVERSION RATE	DIVERSION VOLUME
01-01 12-31	0.04 CFS	10.7 AFA
TOTAL DIVERSION:	0.04 CFS	10.7 AFA

03-09-93

(2)

LICENSE REVIEW CHECKLIST

Permit # 31-7189

Date 3-9-93 ^{BC}

	<u>Yes</u>	<u>No</u>	
NAME	<u>—</u>	<u>✓</u>	Address Change?
PRIORITY DATE	<u>—</u>	<u>✓</u>	Advance?
	<u>—</u>	<u>✓</u>	Memo to Advance
	<u>—</u>	<u>✓</u>	Order to Reinstate Needed?

TOTAL CFS	<u>-NA-</u>	Incorrect Fee for rate recommended?
	<u>-NA-</u>	Disagree with Actual Measurement?

<u>—</u>	<u>✓</u>	Disagree with Theoretical? $.7 \times 8.8 \times 7 =$	<u>.54</u>
<u>—</u>	<u>✓</u>	Limited by Capacity? <u>.54</u>	$(80' + (0 \times 2.31))$

TOTAL VOLUME	Rate/ac <u>—</u>	AFA	Irr. Season <u>—</u>
	<u>—</u>		Standard Irr. Season
	<u>—</u>		Season Recommended

<u>✓</u>	<u>—</u>	Disagree with Examiner's Calculations?
	<u>✓</u>	Limited by Flow? $.04 \times 365 \times 1.9835 = 29af$
		$(10.7 < 29)$

SOURCE	<u>—</u>	<u>✓</u>	Changes? Clarification of <u>Originally Intended</u> source
	<u>—</u>	<u>✓</u>	Notice of Intent to Void.

P/D	<u>—</u>	<u>✓</u>	Verify with Map
	<u>—</u>	<u>✓</u>	Amendment Needed?
	<u>—</u>	<u>✓</u>	Is Overlap Analysis a Consideration?

P/U	<u>—</u>	<u>✓</u>	Verify with Map
	<u>—</u>	<u>✓</u>	Amendment Needed?
	<u>—</u>	<u>✓</u>	Is Overlap Analysis a Consideration?

USES	<u>—</u>	<u>✓</u>	Change(s) in Nature of Use?
	<u>—</u>	<u>✓</u>	Amendment Needed?

REMARKS	<u>—</u>	<u>✓</u>	Multiple P/Ds in 1/4 1/4?
	<u>✓</u>	<u>—</u>	Non-Irr. Uses <u>Stockwater: 800 cattle</u>
	<u>—</u>	<u>✓</u>	Special Overlap Condition
	<u>—</u>	<u>✓</u>	Other

CONDITIONS	<u>R01</u>	<u>—</u>	Measuring Device	DATES/MISC
	<u>R04</u>	<u>—</u>	W/Master Control	<u>31</u> Water Dist.
	<u>—</u>	<u>✓</u>	Overlap	<u>✓</u> App Rec'd
	<u>—</u>	<u>✓</u>	Water Quality	<u>✓</u> Exam Made

COMMENTS: Reducing place of use

LICENSE ✓ AMEND — SPECIAL PARAGRAPH —

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 8 1993

Department of Water Resources

A. GENERAL INFORMATION

1. Owner: Phyllis L. Laird
Current Address: Box 62 Dubois, Idaho
2. Accompanied by: Phyllis Laird
Address: Same
Relationship to Permit Holder: owner
3. Source: Beaver creek tributary to Mud Lake

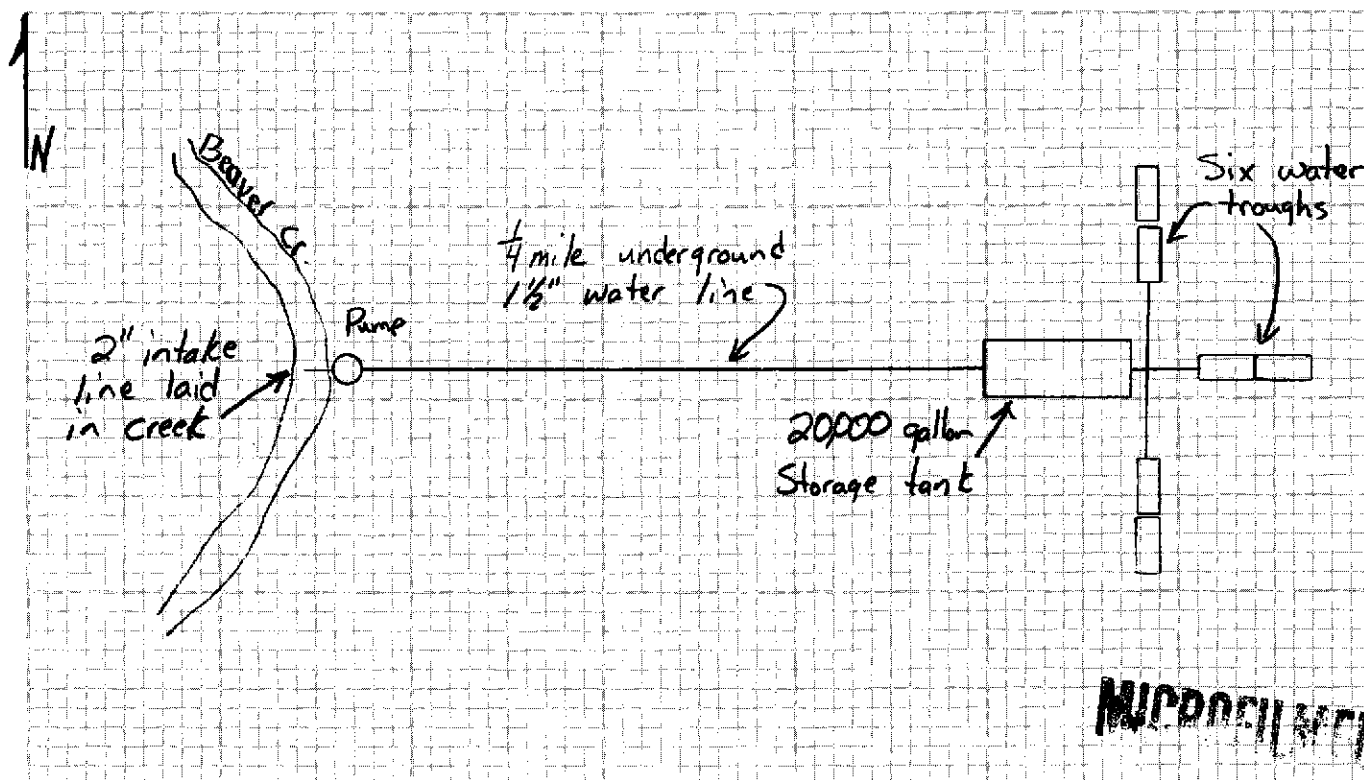
Permit No. 31-7189
Phone No. 374-5217
EXAM. DATE: 5-26-92
Phone No. same

B. OVERLAP REVIEW

1. Other water rights with same place of use: 31-0118/1988
☒ Copies Attached
2. Other water rights with same point of diversion: 31-0118/1988
☒ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

APR 08 1993

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).
☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

2" Intake line in bottom of Beaver Creek to 7th gas
water line to 20000 Storage tank that supplies
Six water troughs. Used for 800 cows and
calves.

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Kohler	7	#14008560	Pacific	1AK11571D
Motor Make					
Hp					
Motor Serial No.					
Pump Make					
Pump Serial No. or Discharge Size					

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

5. Point(s) of Diversion:

[illegible]

6. Place(s) of Use:

Indicate Method of Determination USGS Quad

[illegible]

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

10' lift from creek to pump

70' lift from pump to tank according to contour map

$$Q = \frac{7 \text{ Hp} (8.814) (1.7)}{180' + 0 (2.308)} = 0.54 \text{ cfs} \quad \text{allow } 0.04 \text{ cfs as per permit}$$

Capacity

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

APR 08 1993

$$V_{\text{stock}} = (604 \text{ cfs}) (448.8 \text{ gpm/cfs}) = 17.9 \text{ gpm}$$
$$17.9 \text{ gpm} \left(\frac{60 \text{ min}}{\text{hr}} \right) \left(\frac{24 \text{ hrs}}{\text{day}} \right) \left(\frac{180 \text{ days}}{\text{yr}} \right) = \frac{386,640}{325,850} = 1.2 \text{ cfs}$$

4.7 cfs

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Stockwater

Period of Use
From To

1/1 12/31
(only spring + fall)

Rate of Diversion

0.04

Q (cfs)

Annual Volume

V (ata)

4.7-1.2

2. Recommended Amendments

- ☐ Change P.D. as reflected above
- ☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
- ☐ Add P.U. as reflected above

- ☒ None
- ☐ Other

J. AUTHENTICATION

Field Examiner's Name

Gary Bass

Signature

[Signature]

Certification Date

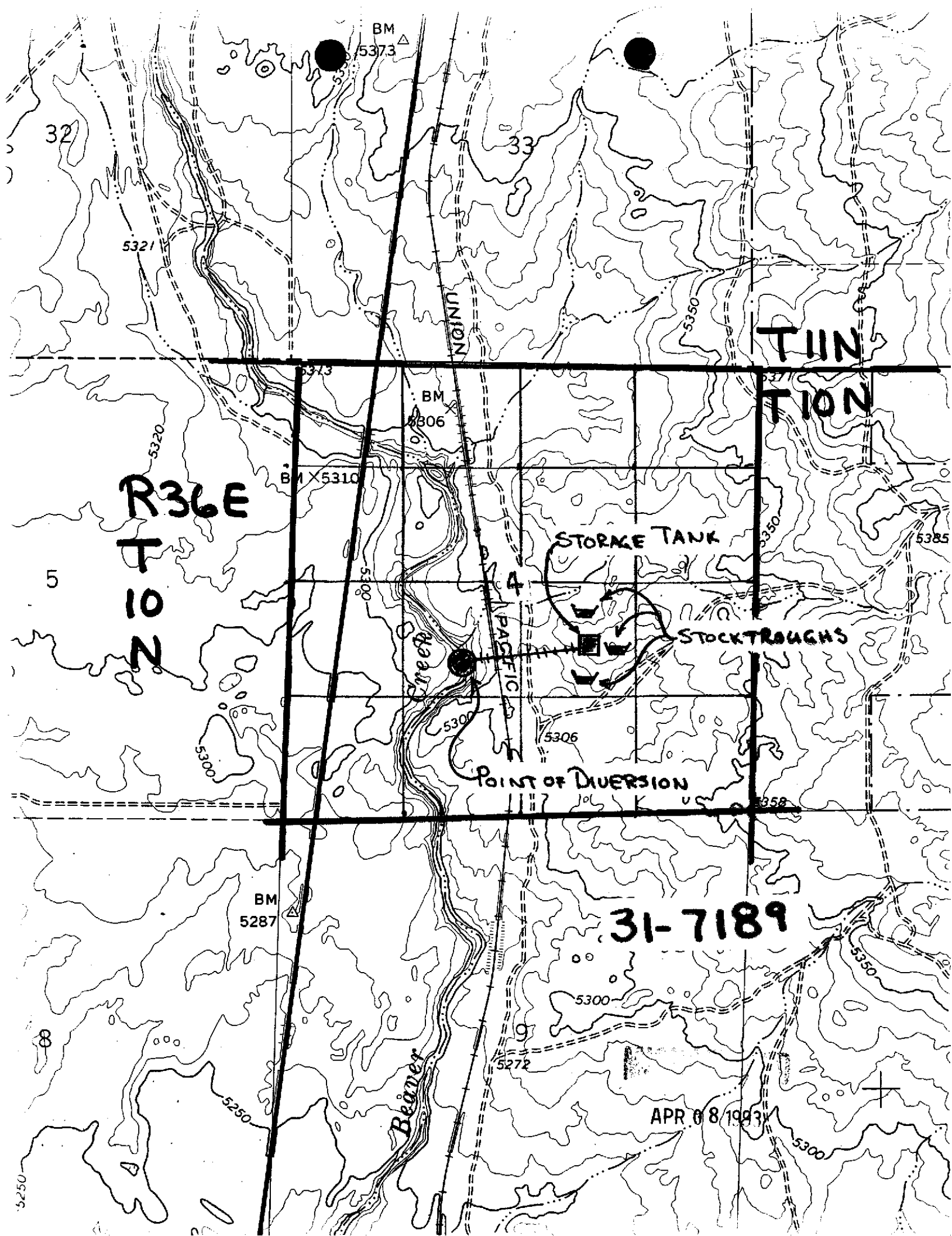
Field Report Preparation Date

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

CONSULTANT SEAL

[Stamp]

APR 08 1993



R36E
TINION

TINION

STOCK TROUGH

STOCK TROUGH

POINT OF DIVERSION

31-7189

APR 08 1993

BM 5373

BM 5306

BM 5310

BM 5287

Beaver Creek

PACIFIC

32

33

5

8

5321

5320

5313

5300

5300

5306

5350

5385

5358

5350

5300

5250

5250



31-7189



31-07189

APR 08 1993

VED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

July 23, 1981

RE: Permit No. 31-7189

Phyllis L. Laird
Box 62
Dubois, Idaho 83423

Dear Mrs. Laird:

We acknowledge receipt of the proof of beneficial use card submitted 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 eastern regional office.

Very truly yours,

BOBBIE R. STEPHENS
Principal Clerk

cc: IDWR - State Office

RECEIVED
APR 08 1993

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 31-7189

Name(s) of Permit Holder: Phyllis L. Laird

Post Office Address: Box 62,

Dubois, ID

Tel. No. 374-8217

Source of Water: Beaver Creek

Extent of Use:

- ☐ Domestic 8 (number of households)
☒ Stockwater 8
☐ Irrigation 0
☐ Other 0

APR 0 8 1983

Measuring Device:

Required?

☒ Yes

☐ No

Installed?

☐ Yes

☒ No

Access Port:

Required?

☐ Yes

☐ No

Installed?

☐ Yes

☐ No

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

Date

Signature of Permit Holder

June 16, 1981

Phyllis L. Laird

PLACE
TEN CENT
STAMP
HERE

RECEIVED

JUN 19 1981



RECEIVED

JUN 19 1981

Department of Water Resources
Eastern District Office

IDAHO DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720

APR 08 1993

May 21, 1981

Phyllis L. Laird
Box 62
Dubois, ID 83423

Dear Ms. Laird:

Re: Permit No. 31-7189

One of the conditions of approval of your water Permit No. 31-7189 was that evidence of the extent of development must be submitted to this office on or before August 1, 1981. (See last page of your approved permit). Enclosed is a postcard which may 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. A request for extension of time form is enclosed for your convenience. Please note that a fee of \$15.00 must be submitted with this form.

Either the beneficial use postcard 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 within sixty days.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosures

APR 06 1981

August 10, 1976

Re: Permit No. 31-7189

Phyllis L. Laird
Box 62
Dubois, ID 83423

Dear Ms. Laird:

Enclosed is a copy of your approved Application for Permit No. 31-7189 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit

RECEIVED

IN THE MATTER OF)
PROTESTS AGAINST)
THE GRANTING OF)
APPLICATION FOR)
PERMIT 31-7189)

STIPULATION
AND
WITHDRAWAL OF
PROTEST

FROM THE RECORDS OF THE
WATER MASTER IT APPEARS THAT
MANY YEARS THERE WILL BE NO
WATER AVAILABLE TO SUPPLY A
1976 RIGHT AT THE SPECIFIED
POINT OF DIVERSION. HOWEVER THE
APPLICANT DOES HAVE ADEQUATE
WATER OF A PRIORITY, THAT IF
TRANSFERRED, WOULD GUARANTEE
ENOUGH WATER FOR THE PROPOSED
DEVELOPMENT.

THEREFORE THE PROTESTANT HEREBY
AGREES TO WITHDRAW HIS PROTEST
IF THE APPLICANT WILL ATTEMPT
TO TRANSFER A PORTION OF HER
DECREED RIGHTS TO BACK UP THIS
PERMIT DURING PERIODS WHEN
A 1976 RIGHT CAN NOT BE FILLED,

SIGNED AT DUBOIS THIS 19th
DAY OF APRIL, 1976.

Jarrel Black
Phyllis L. David

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Phyllis L. Laird

Item Initial Date

Application No. _____

- ☒ 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) *MAA* 3/4/76

In form to receipt

(2) *MAA* 3/4/76

Send Copies to:

- ☐ Idaho State Health Department
☒ Idaho Fish and Game Department
☐ Bureau of Land Management
☒ Copy to Watermaster, Dist. 31
☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant *N/A*

(3) *MAA* 3/4/76

In form for advertising

(4) *MAA* 3/4/76

(5) *MAA* 3/4/76

Platted on Map No. DuBois, NW Quad - USGS

(6) *MAA* 3/4/76

Located within Water District No. 31

(7) *MAA* 3/4/76

Critical groundwater area: yes _____ no ☒

(8) *MAA* 3/4/76

Groundwater levels: *N/A*

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) *MAA* 3/4/76

Other rights on the same place of use *None*

(10) *MAA* 3/4/76

Comments: *None*

(11) *CW* 3-29-76

Affidavit of Publication received (date) Mar 29, 1976

(12) *CW* 3-29-76

Final date for protests March 29, 1976

Protests received: yes ☒ no _____

(13) *RDC* 3/29/76
7/22/76

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

(14) *II* *II*

Action recommended:

☒ Approve _____ Deny

3/3/76 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 3/29/76

SEE TF. 31-0118 &
HEARING
HRS AGREEMENT.
UNDER CONTROL OF
WM. 31

Phyllis L. Laird

31-7189 - Phyliss L. Laird

Courtroom, Clark County Courthouse, Dubois, Idaho

April 19, 1976 - 2:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Farrel Black	Hammer Idaho	Self
Donald W. Shenton	Dubois, Ida.	Water Dist #31
Phyllis L. Laird	Dubois, Id	Self

● 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..... 15¢

☐ 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:

Phyllis L. Laird
Box 62
Dubuque, Idaho

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

55

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE



Addressee



Authorized agent

4.

DATE OF DELIVERY

APR 14 1976

5. ADDRESS (Complete any 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 reverse side.
- * Molibden gummed ends and attach to back of article.

RECEIVED
MAIL ROOM
USE TO AVOID DELAY
OF POSTAGE, \$3.00

APR 15 1976



**RETURN
TO**

Department of Water Resources
Eastern District Office

**DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN BLVD.
IDAHO FALLS, IDAHO 83401**

- **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..... 15¢
☐ 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:

*April J. Black
 James Idaho*

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

56

(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 name and address)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

gm

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.
• Cancel with items 1, 2, and 3 on reverse side.
• Machine gummed ends and attach to back of article.

RETURN

RECEIVED



APR 12 1976

DEPARTMENT OF WATER RESOURCES
Department of Water Resources
Eastern District Office
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval
of Application for Permit No. 31-7189
in the name of PHYLISS L. LAIRD

NOTICE OF CONFERENCE
AND/OR HEARING

On March 3, 1976, Phyliss L. Laird filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On March 29, 1976, the Department received a protest against approval of said application from Farrel T. Black.

The Department has set the matter of protest for conference and/or hearing for Monday, April 19, 1976, at 2:00 p.m., in the Courtroom of the Clark County Courthouse, Dubois, 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 may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

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

Dated this 9th day of April, 1976.


RONALD D. CARLSON

Supervisor, Eastern Region

April 8, 1976

Mr. Rhule Leonardson
County Clerk
Clark County
Dubois, Idaho 83423

Dear Mr. Leonardson:

This is to confirm the use of the Courtroom of the Clark County Courthouse in Dubois for conference and/or hearing to be held by this office on Monday, April 19, 1976, beginning at 2:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

March 30, 1976

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

R. Keith Higginson
Director
Ms. Phyllis L. Laird
Box 62
Dubois, Idaho 83423

Dear Ms. Laird:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 31-7189. 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:ME:CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

March 29, 1976

Mr. Farrel T. Black
Hamer,
Idaho 83425

RE: Application for Permit No. 31-7189
LAIRD

Dear Mr. Black:

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

MAR 29 1976

RECEIVED

AFFIDAVIT

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 31-7189 in the name of
PHYLLIS L. LAIRD

Comes now FARREL T. BLACK, Hamer, Idaho, and protests the granting of Application for Permit No. 31-7189, on the grounds that sufficient water is not available to fill the new appropriation from the stated point of diversion.

The protestant further states that sufficient water is available downstream on the applicant's ranch and could be diverted upstream to the proposed place of use without endangering existing rights.

Farrel T. Black
(signature)

Subscribed and sworn to before me this 29th day of March, 1976.

Loren O. Halverson
(notary public)

Residing at Idaho Falls, Id.

My commission expires March 21, 1979.



STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

REGION 6
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

RECEIVED
MAR 15 1976

Department of Water Resources
Eastern District Office

March 11, 1976

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

Dear Ron:

Re: Apl #22-7177 Steveco, Inc.
#34-7131 - Lundy
#31-7189 - Laird

Personnel from this office have reviewed the three above referenced applications for the diversion of surface water: Steveco, Inc (#22-7177) and Lundy (#34-7131) for irrigation purposes and Laird (#31-7189) for stockwater use. We have no objection to the proposed diversions indicated inasmuch as there will be no adverse effect on wildlife.

Thank you for the opportunity to review and comment on these applications.

Sincerely,

DEPARTMENT OF FISH AND GAME
Joseph C. Greenley, Director

A handwritten signature in cursive script, appearing to read "Tom Reinecker".

Tom Reinecker, Supervisor
Region 6

cc: Bureau of Environmental
Services
Bureau of Fisheries
Paul Jeppson

March 9, 1976

RE: Application for Permit No. 31-7189 LAIRD

Mr. Don Shenton, Watermaster
Water District No. 31
Dubois, Idaho 83423

Dear Don:

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 29, 1976, and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

March 9, 1976

RE: Application for Permit No. 31-7189 LAIRD

Mr. Tom Reinecker
Regional Supervisor
Department of Fish & Game
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Tom:

We are enclosing a copy of an application that may be of interest to your agency. 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 29, 1976, and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

March 5, 1976

RE: Application for Permit No. 31-7189 LAIRD

Enterprise-Citizen
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 3-29-76 by as

RDC:CW

Enc: Legal Notice (1)

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Phyllis L. Laird, Dubois, Idaho has on 3-03-76 submitted Application No. 31-7189 for a permit to appropriate 0.04 cubic feet per second of water from Beaver Creek tributary to Mud Lake by means of pump and pipeline within the B.M. Clark County, to be used from Jan. 1 to Dec. 31 for stockwatering purposes for 800 cows and calves within the SW¼NE¼, NW¼SE¼, Sec. 33, 9, T. 10N, R. 36E, SW¼SE¼, Sec. 33, T. 11N, R. 36E, 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 29, 1976.

R. KEITH HIGGINSON
Director

Published in the Enterprise-Citizen, Rexburg, Idaho on March 11 and March 18, 1976.

*Callahan
3-11-76
aw*

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Phyllis L. Laird,
Dubois, Idaho

has on 3-03-76 submitted Application No. 31-7189
for a permit to appropriate 0.04 cubic feet per second ~~XXXXXX~~
of water from Beaver Creek tributary to Mud Lake
by means of pump and pipeline
within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 10N, R. 36E, B.M., Clark County;

to be used from Jan. 1 to Dec. 31
for stockwatering purposes for 800 cows and calves

within the SW₄NE₄, NW₄SE₄, Sec. 4, NW₄NE₄, NE₄SE₄, Sec. 9, T. 10N, R. 36E;
SW₄SE₄, Sec. 33, T. 11N, R. 36E, 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 29, 1976

R. KEITH HIGGINSON

Director

Published in the Enterprise-Citizen, Rexburg, Idaho
on March 11 and March 18, 1976

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