

Protraction Diagram No. 33 Approved 5/18/1930

SALMON DISTRICT

LAND AND MINERAL TITLES

100

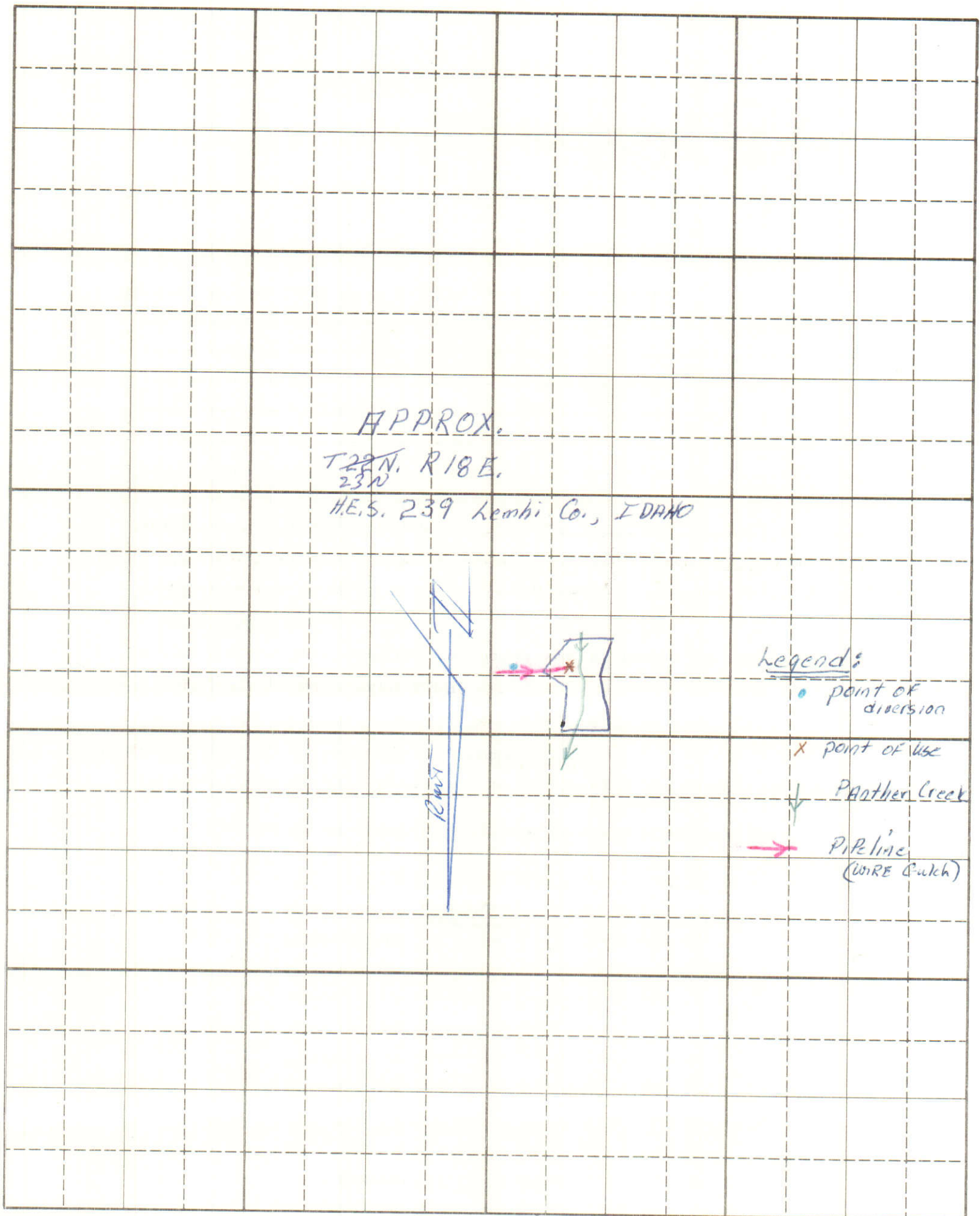
[illegible]

0.5	10	0.5
1.0	20	1.0
1.5	30	1.5

MAR 13 1973

Excise Meter
T. 23M
R. 105

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.

Gilbert A. Benson

(Applicant)

75 7038

RECEIVED

AUG 2 1972

MEMORANDUM

Department of Water Administration

(EASEMENT AND BENEFIT SHARING OF WATER FACILITY)

THIS MEMORANDUM, Made and entered into this 24th day of February, 1972, by and between GILBERT A. BACON and ARLENE J. BACON, husband and wife, of the County of Bannock, State of Idaho, hereinafter referred to as "BACONS", and JAMES R. BENNETTS and JO ANN BENNETTS, husband and wife; DAN O'CONNOR and NORMA O'CONNOR, husband and wife, all of the County of Custer, State of Idaho; and HAROLD LANGE and ONITA LANGE, husband and wife; C. E. PARSONS and AGNES PARSONS, husband and wife, all of the County of Riverside, State of California, hereinafter referred to as "BENNETTS", or "BENNETTS AND ASSOCIATES";

W I T N E S S E T H:

WHEREAS, BACONS do own and control certain lands lying, being, and situate within Homestead Entry Survey # 239, Lemhi County, Idaho which at the present time consists of Homestead Entry Survey # 239 in its entirety, except for the following described tract of land belonging to "BENNETTS", to-wit:

Real Property

A parcel of land in the H.E.S. # 239, situated in the Salmon National Forest, in Lemhi County, Idaho, more particularly described as follows:

Commencing at the U.S.L.M. No. 8; thence North 26°38'40" West, 4,285.10 feet, more or less, to the Corner No. 10, H.E.S. # 239; thence North 40°38' West, 458.38 feet to the TRUE POINT OF BEGINNING; thence South 84°32'45" West, 343.77 feet, more or less, to the centerline of Panther Creek; thence along the centerline of Panther Creek North 22°00'55" East, 161.50 feet; thence North 04°16'55" East, along the centerline of Panther Creek, 123.95 feet; thence North 21°50'05" East, along the centerline of Panther Creek, 701.50 feet, more or less, to the Easterly line of H.E.S. # 239; thence South 11°24'12" East, along the Easterly line of H.E.S. # 239, 214.33 feet; thence South 17°53'05" West, along Panther Creek Road, 235.46 feet; thence South 07°33'45" West, along Panther Creek Road, 119.39 feet; thence South 09°40'30" East, along Panther Creek Road, 342.37 feet, more or less to the True Point of Beginning (containing 3.5 acres, more or less); and

WHEREAS, BENNETTS AND ASSOCIATES own, manage and control the above described tract within H.E.S. # 239, and

IN WITNESS WHEREOF, The parties hereto have hereunto set their hands and seals the day and year first above written.

Edgar A. Bacon

Adeline J. Bacon BACONS

Norma O'Connor

James Bennett

Jo Ann Bennett

Harold Lange

Omets Lange

C. E. Parsons

Agnes Parsons BENNETTS AND ASSOCIATES

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

On this 24th day of February, 1972, before me the undersigned, a Notary Public in and for said State, personally appeared NORMA O'CONNOR and NORMA O'CONNOR, husband and wife; HAROLD LANGE and OMETS LANGE, husband and wife; C. E. PARSONS and AGNES PARSONS, husband and wife; known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

James Bennett
Notary Public for Idaho
Residing at Challis, Idaho
My Com. Expires: 12-13-74

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

On this 13th day of April, 1972, before me the undersigned, a Notary Public in and for said State, personally appeared JAMES R. BENNETTS and JO ANN BENNETTS, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Don A. Ward
Notary Public for Idaho
Residing at Challis, Idaho
My Com. Expires: 9-4-73
10-10-74

RECEIVED

JAN 8 1973

Department of Water Administration

Eastern District Office

**NOTICE OF APPLICATION FOR
WATER PERMIT**

Notice is hereby given that Gilbert A. Bacon, 1352 East Center St., Pocatello, Idaho has on 12-18-72 submitted Application No. 75-7038 for a permit to appropriate 0.06 cubic feet per second of water from Wire Gulch, tributary to Panther Creek, tributary to the Salmon River by means of gravity pipeline with point of diversion approx. 300 ft. East of East Boundary of H. E. S. No. 239, T. 23N, R. 18E, B. M. (unsurveyed), Lemhi County; to be used from Jan. 1 to Dec. 31 for domestic purposes for four families, within H. E. S. No. 239, T. 23N, R. 18E, B. M. (unsurveyed).

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 Administration, 240 South Holmes, Idaho Falls, Idaho 83401 on or before January 15, 1973.

R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho on December 28, 1972 and January 4, 1973.

12-28-2tc

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

JERRY G. ROSIN

_____, being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the Notice of Application for a Water Permit #75-7038

_____ a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated Dec. 28, 1972 and ending with the issue dated Jan. 4, 1973

Jerry G. Rosin
fourth

Subscribed and sworn to before me, this _____ day of January, 1973

Jerl Armstrong
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 13.69

75 7038

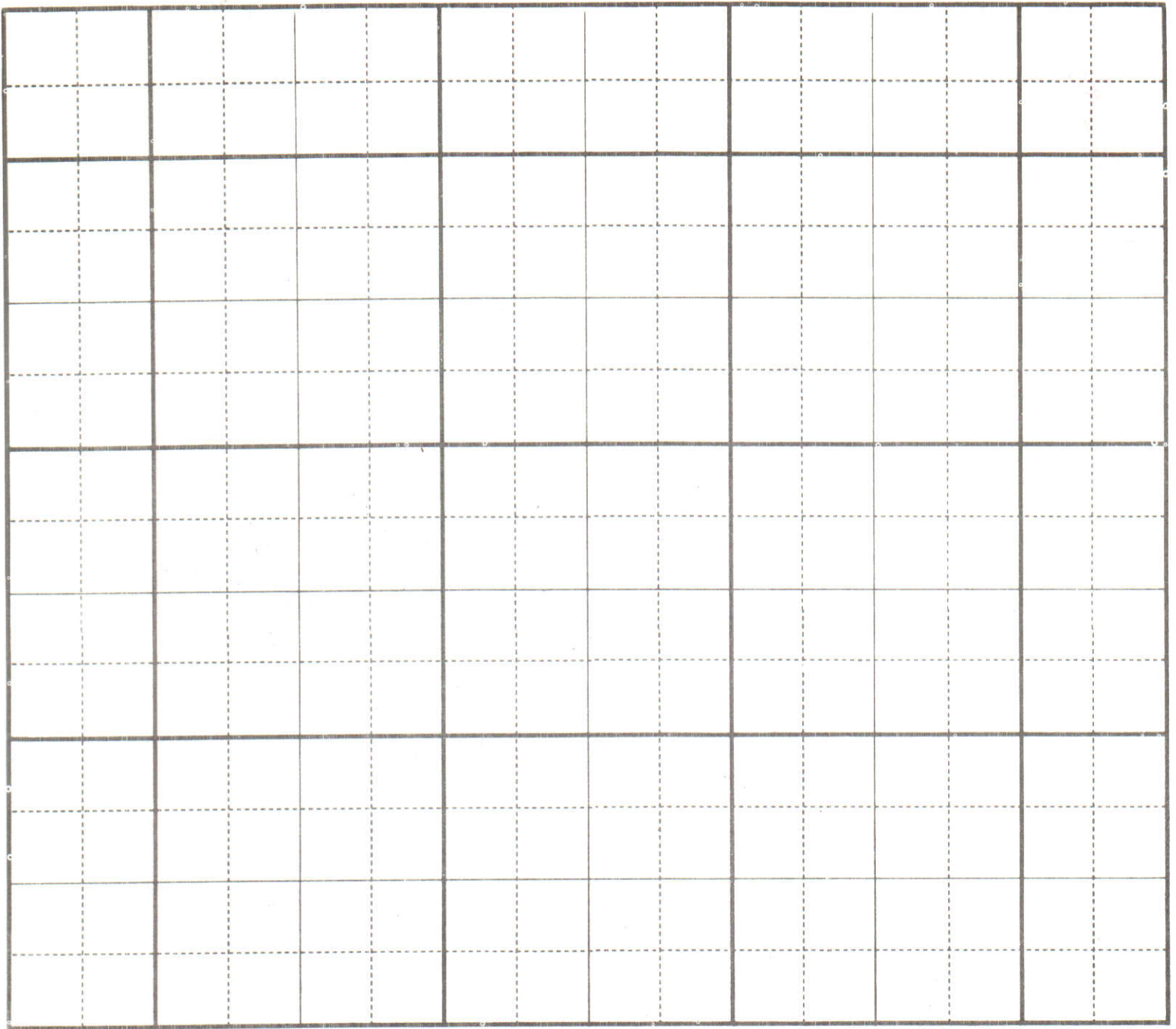
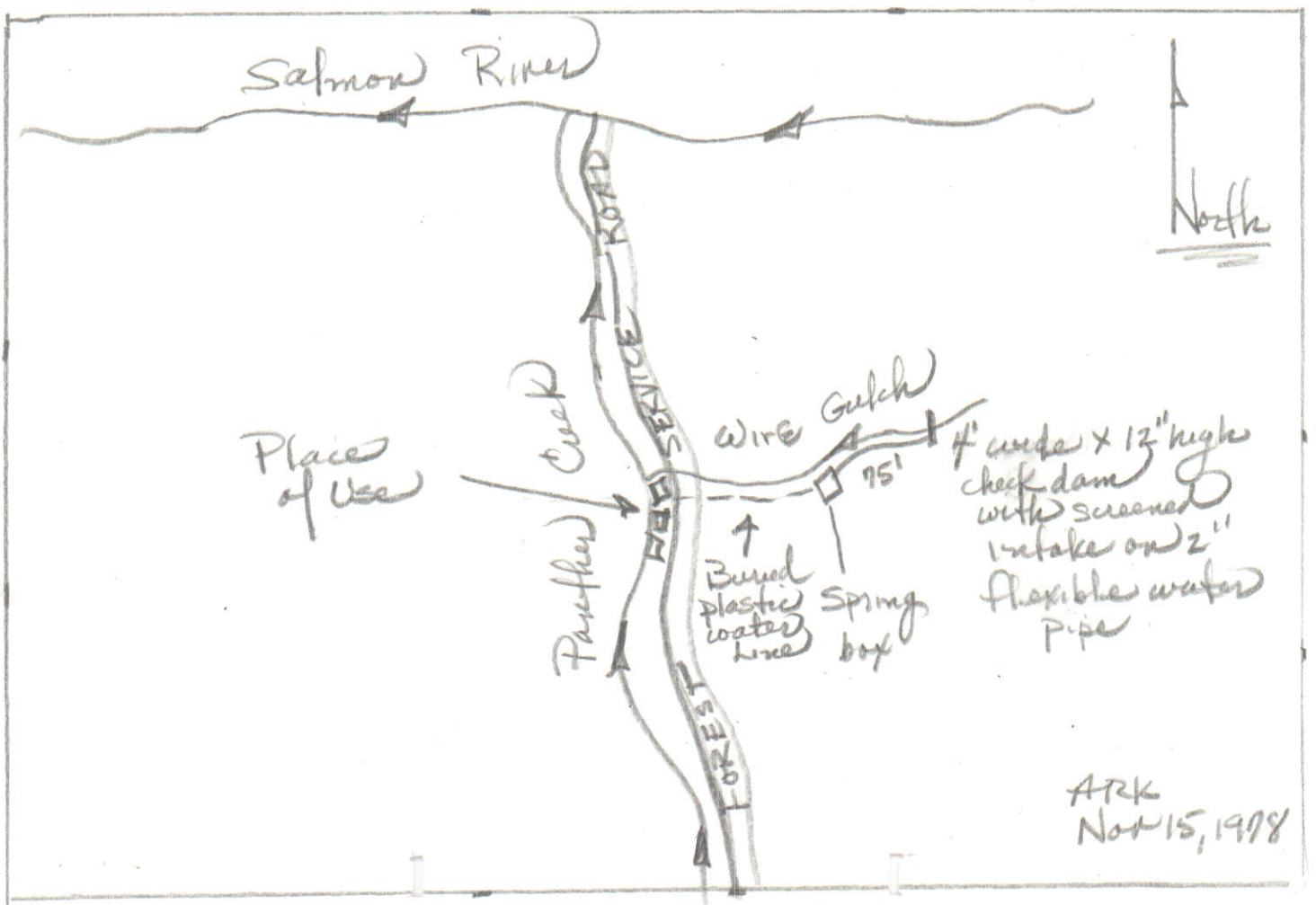


Diagram of System



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 75-7038 Priority December 18, 1972 Amount 0.06 cfs

THIS IS TO CERTIFY, that GILBERT A. BACON
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 75-7038 issued pursuant to Application for Permit dated December 18, 1972,
and has submitted proof to the Department of Water Resources on June 2, 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 0.06 cfs of water from Wire Gulch,
tributary to Panther Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u>	from <u>January 1</u> to <u>December 31</u> at <u>0.06</u> cfs and <u>3.6 acre feet</u>		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 0.06 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
3.6 acre feet per year, said waters to be diverted within the 300' East of East Boundary
of H.E.S. #239, Twp. 23N, Rge. 18E, B.M., in the County of Lemhi

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	
<u>23N</u>	<u>18E</u>		<u>Homestead Entry Survey #239</u>																

Total number of acres irrigated _____

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 31 day of
August, 19 79.


Director

75 7038

Identification No.

Application No.

~~AMENDED~~

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPROVED

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant GILBERT A. BACON
post office address 1352 East Center Street, Pocatello, Idaho 83201

2. Source of water supply Wire Gulch / Panther Creek which is a tributary of Salmon River

3. a. Location of point of diversion is approx. 300 ft. East on East Boundary of HES 239 approx. 1/4 of Section Township

T22N, Range 18E. B.M. Lemhi County; additional points of diversion if any: _____

23N

per HSES maps

b. If water is not consumed, it will be discharged into Panther Creek at a point in HES 239 ~~XX~~
~~XXXXXXXXXX of Section~~ Township 22N Range 18 E. B.M. Lemhi Co.

4. Water will be used for the following purposes:

Amount 0.06 for domestic 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. 0.06 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Gravity pipe line (2 inches)
from Wire Gulch for domestic use & yard area.

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 \$500.00.

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: Approx. 22N, 18E, HES No. 239
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 one family with up to 12 guests-outfitting business is operated on the premises w/need for water in cabins.

(5) If water is to be used for other purposes describe:

CONSIDER AS EQUAL TO 4 families.

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

[illegible]

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion U. S. Forest Service/Wire Gulch
 b. Who owns the land to be irrigated or place of use Applicant
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

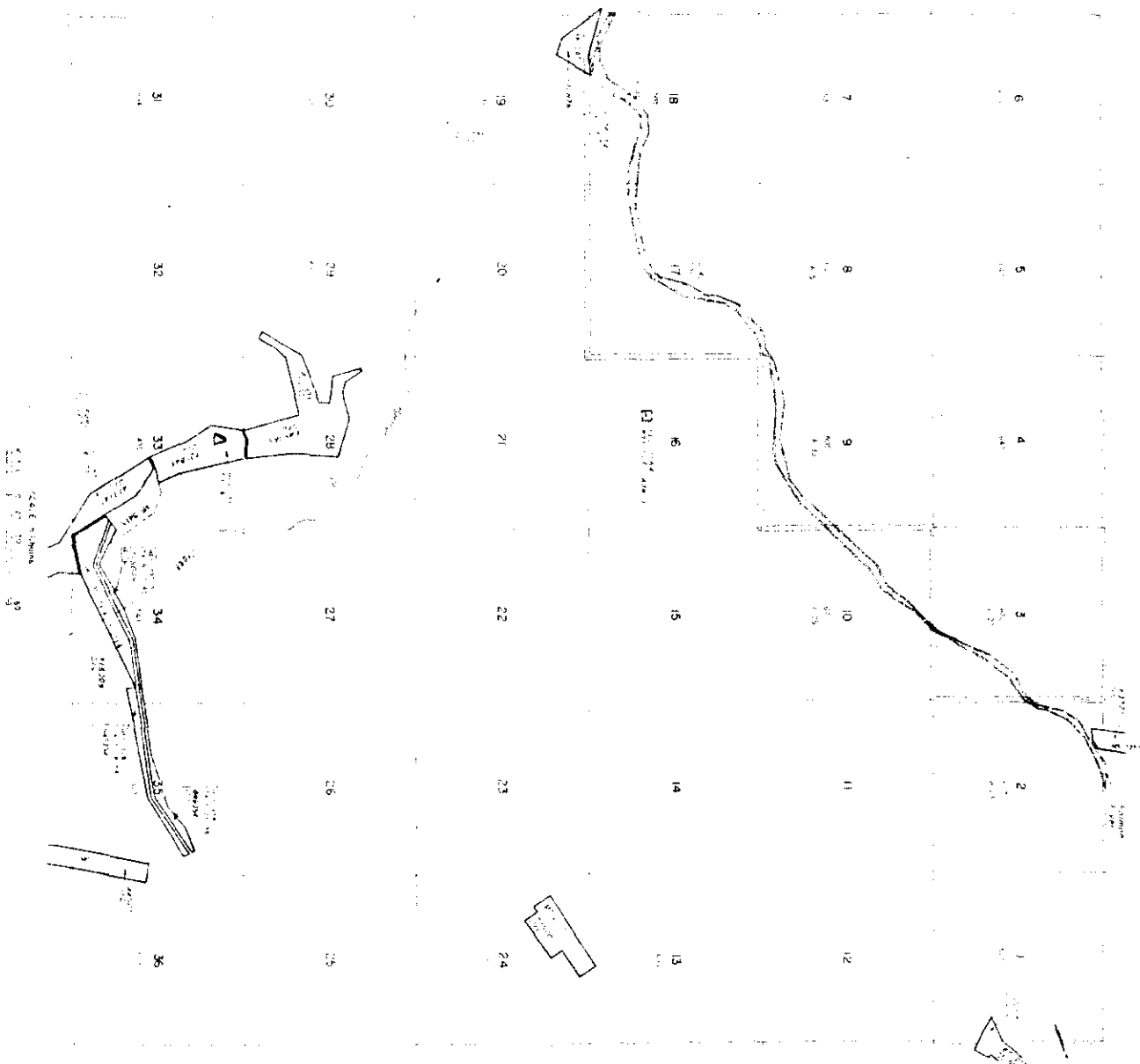
10. Remarks Wire Gulch diversion has been permitted for by the U.S. Forest
under the application of Dan O'Connor and applicant enjoys a joint use
agreement of those facilities, a copy of which is attached to this file.

UNSURVEYED TOWNSHIP 23 NORTH RANGE 18 EAST OF THE BOISE MERIDIAN, IDAHO

Prepared by the Bureau of Land Management, U.S. Department of the Interior

LEWIS COUNTY

Section 18



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

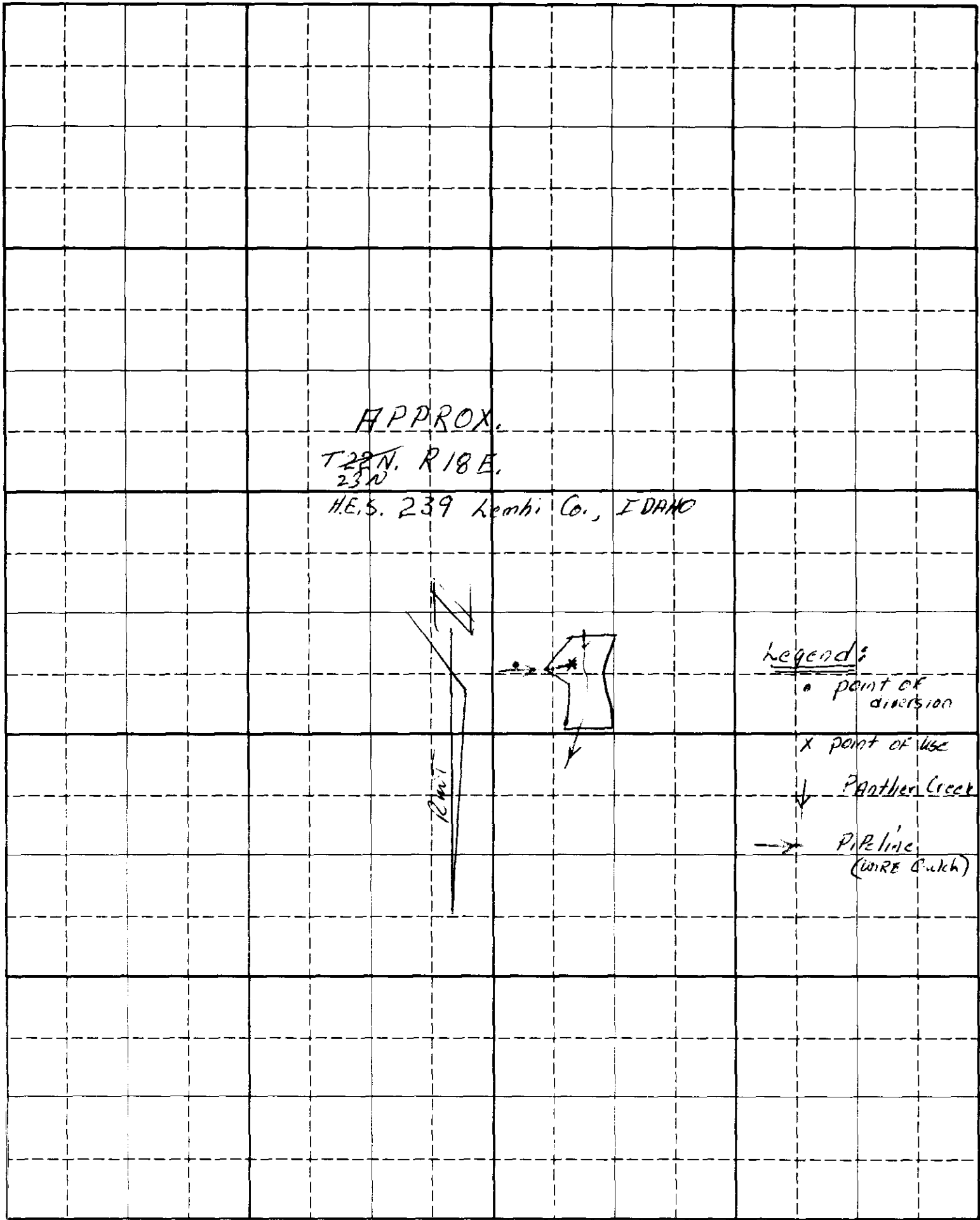
INDEX TO SEGMENTED TRACTS

Tract No.	Acres	Owner
1	160.00	U.S. Forest Service
2	160.00	U.S. Forest Service
3	160.00	U.S. Forest Service
4	160.00	U.S. Forest Service
5	160.00	U.S. Forest Service
6	160.00	U.S. Forest Service
7	160.00	U.S. Forest Service
8	160.00	U.S. Forest Service
9	160.00	U.S. Forest Service
10	160.00	U.S. Forest Service
11	160.00	U.S. Forest Service
12	160.00	U.S. Forest Service
13	160.00	U.S. Forest Service
14	160.00	U.S. Forest Service
15	160.00	U.S. Forest Service
16	160.00	U.S. Forest Service
17	160.00	U.S. Forest Service
18	160.00	U.S. Forest Service
19	160.00	U.S. Forest Service
20	160.00	U.S. Forest Service
21	160.00	U.S. Forest Service
22	160.00	U.S. Forest Service
23	160.00	U.S. Forest Service
24	160.00	U.S. Forest Service
25	160.00	U.S. Forest Service
26	160.00	U.S. Forest Service
27	160.00	U.S. Forest Service
28	160.00	U.S. Forest Service
29	160.00	U.S. Forest Service
30	160.00	U.S. Forest Service
31	160.00	U.S. Forest Service
32	160.00	U.S. Forest Service
33	160.00	U.S. Forest Service
34	160.00	U.S. Forest Service
35	160.00	U.S. Forest Service
36	160.00	U.S. Forest Service

75 7038

1919

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.

Gilbert A. Boun

(Applicant)

75 7038

Proposed Priority 12-18-1972 Received by ha Date 12-18-72 Time 11:30 am
Preliminary check by RWT Fee \$ 10.00
Receipted by ha Date 12-18-72 # 7050
Publication prepared by ha Date 12-22-72
Published in Bozeman-Merill, L. L. L.
Publication dates 12-25-72 & 1-4-73
Publication approved NCY Date 1-15-73
Priority ~~reduced~~ to 12-18-72 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by NCY

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 75-7038, 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 January 1, 19 78.
- c. Other: _____

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

Witness my hand this 26th day of January, 19 73.

L. Fred Higin
Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>RWT</u>	<u>12/18</u>	Application No. <u>75-7038</u> Name <u>Gilbert A. Bacon</u>
(2)	<u>RWT</u>	<u>12/18</u>	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee
(3)	<u>NCT</u>	<u>12/18</u>	Send copies to: ☐ Idaho State Health Department ☒ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	<u>"</u>	<u>"</u>	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	<u>1 u</u>	<u>u</u>	In form for advertising <u>yes</u>
(6)	<u>BA</u>	<u>1-08-73</u>	Affidavit of Publication received <u>1-08-73</u>
(7)	<u>"</u>	<u>"</u>	Final date for protests <u>1-15-73</u> Protests received: yes <u>no</u> ☒
(8)	<u>BA</u>	<u>1-15-73</u>	Date and Place of hearing <u>N.A.</u> Decision reached at hearing <u>N.A.</u>
(9)	<u>NOY</u>	<u>1-15-73</u>	Located within Water District No. <u>None</u>
(10)	<u>"</u>	<u>"</u>	Critical groundwater area: yes <u>no</u> <u>N.A.</u>
(11)	<u>"</u>	<u>"</u>	Groundwater levels: ☐ Decline (comment) <u>N.A.</u> ☐ Stable (comment) <u> </u> ☐ Increasing (comment) <u> </u>
(12)	<u>"</u>	<u>"</u>	Comments: <u> </u>
(13)	<u>"</u>	<u>"</u>	Action recommended: ☒ Approve Priority <u>12-12-72</u> ☐ Deny Reason for Reduction <u> </u> <u> </u> See attached sheet for conditions of approval <u>"</u> <u>"</u> ☒ No conditions for approval
(14)	<u>"</u>	<u>"</u>	District <u>Eastern</u> By <u>Norman C. Young</u> Date <u>1-15-73</u> Title <u>Dist Sec</u>

RECEIVED
FEB 2 1972

MEMORANDUM

(EASEMENT AND BENEFIT SHARING OF WATER FACILITY)

THIS MEMORANDUM, Made and entered into this 24th day of February, 1972, by and between GILBERT A. BACON and ARLENE J. BACON, husband and wife, of the County of Bannock, State of Idaho, hereinafter referred to as "BACONS", and JAMES R. BENNETTS and JO ANN BENNETTS, husband and wife; DAN O'CONNOR and NORMA O'CONNOR, husband and wife, all of the County of Custer, State of Idaho; and HAROLD LANGE and ONITA LANGE, husband and wife; C. E. PARSONS and AGNES PARSONS, husband and wife, all of the County of Riverside, State of California, hereinafter referred to as "BENNETTS", or "BENNETTS AND ASSOCIATES";

W I T N E S S E T H:

WHEREAS, BACONS do own and control certain lands lying, being, and situate within Homestead Entry Survey # 239, Lemhi County, Idaho which at the present time consists of Homestead Entry Survey # 239 in its entirety, except for the following described tract of land belonging to "BENNETTS", to-wit:

Real Property

A parcel of land in the H.E.S. # 239, situated in the Salmon National Forest, in Lemhi County, Idaho, more particularly described as follows:

Commencing at the U.S.L.M. No. 8; thence North 26°38'40" West, 4,885.10 feet, more or less, to the Corner No. 10, H.E.S. # 239; thence North 48°30' West, 458.38 feet to the TRUE POINT OF BEGINNING; thence South 84°32'45" West, 343.77 feet, more or less, to the centerline of Panther Creek; thence along the centerline of Panther Creek North 22°00'55" East, 161.50 feet; thence North 04°16'55" East, along the centerline of Panther Creek, 123.95 feet; thence North 21°50'05" East, along the centerline of Panther Creek, 701.50 feet, more or less, to the Easterly line of H.E.S. # 239; thence South 11°24'12" East, along the Easterly line of H.E.S. # 239, 214.33 feet; thence South 17°53'05" West, along Panther Creek Road, 235.46 feet; thence South 07°33'45" West, along Panther Creek Road, 119.39 feet; thence South 09°40'30" East, along Panther Creek Road, 342.37 feet, more or less to the True Point of Beginning (containing 3.5 acres, more or less); and

WHEREAS, BENNETTS AND ASSOCIATES own, manage and control the above described tract within H.E.S. # 239, and

WHEREAS, certain waters flow through Wire Gulch, a tributary of Panther Creek, to and upon said Homestead Entry, and

WHEREAS, the parties hereto do wish to make certain understandings, agreements and covenants in regard to the use of said water as well as easement to be granted across portions of the lands owned by BACONS for the facility used to beneficially transport said waters and for the maintenance of said facility.

NOW, THEREFORE, in consideration of \$5.00 in hand paid each party to the other and in further consideration of the covenants and agreements herein contained it is understood and agreed as follows, to-wit:

- 1) That BENNETTS AND ASSOCIATES or their agents may enter upon the lands of BACONS, above described, and more particularly those certain lands along the East side of said Homestead Entry, which are situated at or near the mouth of Wire Gulch for the purpose of emplacing and burying a plastic water transportation line approximately 1-1/2" to 2" in diameter; it being the intention to bury said line to a depth of approximately 6";
- 2) That this easement shall extend in a general course from the approximate Southeast corner of the property of BENNETTS AND ASSOCIATES across the lands of BACONS in an Easterly direction to the East boundary of said H.E.S. # 239 in the approximate vicinity of that Gulch commonly known as Wire Gulch;
- 3) That the parties further understand and agree that said water line need not be emplaced on a perfect or straight line course and the parties further stipulate that there shall be no need for an exact course or survey to be taken by the water line, but that the water line will be emplaced with reasonable care and precaution against damage to the lands of BACONS.

- 4) It is further understood and agreed that the facility will develop the water from certain springs within Wire Gulch and that the parties do anticipate the installation of a storage tank or storage facility of sufficient capacity to fill the needs of the yard areas upon both BENNETTS and BACONS properties;
- 5) That BENNETTS AND ASSOCIATES will pay the entire cost of the installation of the anticipated facility with the exception of a storage tank or facility, the cost of which will be shared 1/2 by BACONS and 1/2 by BENNETTS with the further understanding, however, that BACONS' share shall not exceed \$500.00;
- 6) That as and for consideration of the easement and money contributed and for the other covenants herein contained BACONS, or their appointed successors, may at anytime for the transportation of water to the approximate intersection with the BENNETTS AND ASSOCIATES property for the purpose of diverting one-half of the water delivered. In the event of difficulty or disputes arising in regard to this water share agreement, it shall be understood that the water flowing through the facility shall be divided equally, 50% to BACONS and 50% to BENNETTS;
- 7) That BACONS hereby grant a continuing maintenance easement along with the stated construction right-of-way for the perpetual use of BENNETTS AND ASSOCIATES for the purpose of reasonable maintenance and repair of the facility with no right on the part of BENNETTS, however, to damage improvements or crops without reasonable reimbursement;
- 8) That this MEMORANDUM shall be binding upon and inure to the benefit of the successors and assigns of all parties hereto.

IN WITNESS WHEREOF, The parties hereto have hereunto set their hands and seals the day and year first above written.

Albert A. Bacon
Allen J. Bacon **BACONS**
Norm O'Connor
Norma O'Connor
James Bennett
Julian Bennett
Harold Lange
Oneta Lange
C. E. Parsons
Agnes Parsons **BENNETTS AND ASSOCIATES**

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

On this 24th day of February, 1972, before me the undersigned, a Notary Public in and for said State, personally appeared NORMA O'CONNOR and NORMA O'CONNOR, husband and wife; HAROLD LANGE and ONETA LANGE, husband and wife; C. E. PARSONS and AGNES PARSONS, husband and wife; known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

James Bennett
Notary Public for Idaho
Residing at Challis, Idaho
My Com. Expires: 12-13-74

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

On this 13th day of April, 1972, before me the undersigned, a Notary Public in and for said State, personally appeared JAMES R. BENNETTS and JO ANN BENNETTS, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Don C. New
Notary Public for Idaho
Residing at Challis, Idaho
My Com. Expires: 9-4-73
10-10-74

STATE OF IDAHO,)
 : ss.
County of)

On this 12th day of April, 1972, before me the undersigned, a Notary Public in and for said State, personally appeared GILBERT A. BACON and ARLENE J. BACON, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Red A. Munn
Notary Public for Idaho
Residing At:
My Com. Expires: 10-10-72

120042

State of Idaho }
County of Lemhi }

Recorded at the office of

James R. Bennetts

April 17th 19 72

at 6 in the past 9 o'clock

A. M. in File of

Agreement Records of Lemhi
County, Idaho

Eleanor Aldous

Recorder

By James R. Bennetts
Notary

Fee: \$5.00 Paid

INDEXED

Department of Administration

**NOTICE OF APPLICATION FOR
WATER PERMIT**

Notice is hereby given that **Robert A. Bacon**, 1852 East Center St., Pocatello, Idaho has on 12-18-72 submitted Application No. 75-7038 for a permit to appropriate 0.06 cubic feet per second of water from Wire Gulch, tributary to Panther Creek, tributary to the Salmon River by means of gravity pipeline with point of diversion approx. 300 ft. East of East Boundary of H. E. S. No. 239, T. 23N, R. 18E, B. M. (unsurveyed), Lemhi County; to be used from Jan. 1 to Dec. 31 for domestic purposes for four families, within H. E. S. No. 239, T. 23N, R. 18E, B. M. (unsurveyed).

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 Administration, 240 South Hildreth, Idaho Falls, Idaho 83401 on or before January 15, 1973.

R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho on December 28, 1972 and January 4, 1973.

12-28-24

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

JERRY G. ROSIN

being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

That the Notice of Application for a Water Permit #75-7038

a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated Dec. 28, 1972 and ending with the issue dated Jan. 4, 1973

Subscribed and sworn to before me, this fourth day of January, 1973

Jerry G. Rosin
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 13.69

75 7038

WATER RIGHT NUMBER 75-7038

OWNER LAST NAME - BACON
ADDRESS LINE 1 - 1352 E. CENTER ST.
ADDRESS LINE 3 -FIRST NAME - GILBERT A.
ADDRESS LINE 2 -
CITY - POCATELLO

ORIG OWNER -

STATE - ID ZIP CODE - 83201

SOURCE - WIRE GULCH

TRIBUTARY OF - PANTHER CREEK

STAGE - LICENSE

STATUS -

PRIORITY - 12-18-1972 COUNTY - LEMHI

TOTAL DIV. RATE - .0600 -CFS

TOTAL DIV. VOLUME -

3.60 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SENE 33 23N 18E LOT REDIV -

272.0 92.0 289.0

8.0 0.0

0.0 0.0

0.0 0.0

0.0 0.0

0.2

FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE -

.0600 CFS

USE DIV. VOLUME -

3.60 AFA

USE -

PLACE OF USE - TWN

RNG

SEC

DECREE NAME -

DATE -

TOTAL ACRES

0

REMARKS - P/O & P/U H.E.S. 239.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

OTW/OTW/OTW

3/79

IDENT. NO. 75-7038

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Ord No.

New No. _____

1. Original Owner: Herbert A. Bacon

Present Owner: _____

3. City: Pocatello State: Id Zip: _____

State: *Id*

Zip:

4. A. Source of Water: Wire Gulch

B. Tributary of: Panther Creek

5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 12-18-1972

D. County: 59

E. Total Diversion Rate: 66

F. Total Diversion Volume: 3.6

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

6. A. Point of Diversion remarks

Tract	Sec.	Twp.	Rge.	Lot	Rediv.
-------	------	------	------	-----	--------

remarks _____

SE NE 33 23 N 18 E _____

7. Period of Use, Use, Diversion Rate/Volume:

from 1-1 to 12-31 for D purposes. Amount .06/3.6
(cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from to for purposes. Amount _____

from to for purposes. Amount

from to for purposes. Amount

8. Use Code:

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. ~~P/u~~ P/O & P/u H.E.S. 239.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):



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

September 11, 1979

Gilbert A. Bacon
1352 East Center Street
Pocatello, Idaho 83201

Dear Mr. Bacon,

RE: Permit No. 75-7038

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

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

RECEIVED
SEP 11 1979
IDC

100-100000

JUN 23 1978

Department of Water Resources
Eastern District Office

3. Water will be used for the following purposes:

Other uses: _____

Permit No. 75-7038
Examination for 6/4

5. Location of Point(s) of Diversion:

Other Points of Diversions: _____

Description of diverting works: head box up White Gulch, approx. 600 feet, 2 inch black plastic pipe from source to T in pipe near home

Measuring device required: yes ☐ no ☒

[illegible]**TOTAL ACREAGE**

MICROFILMED

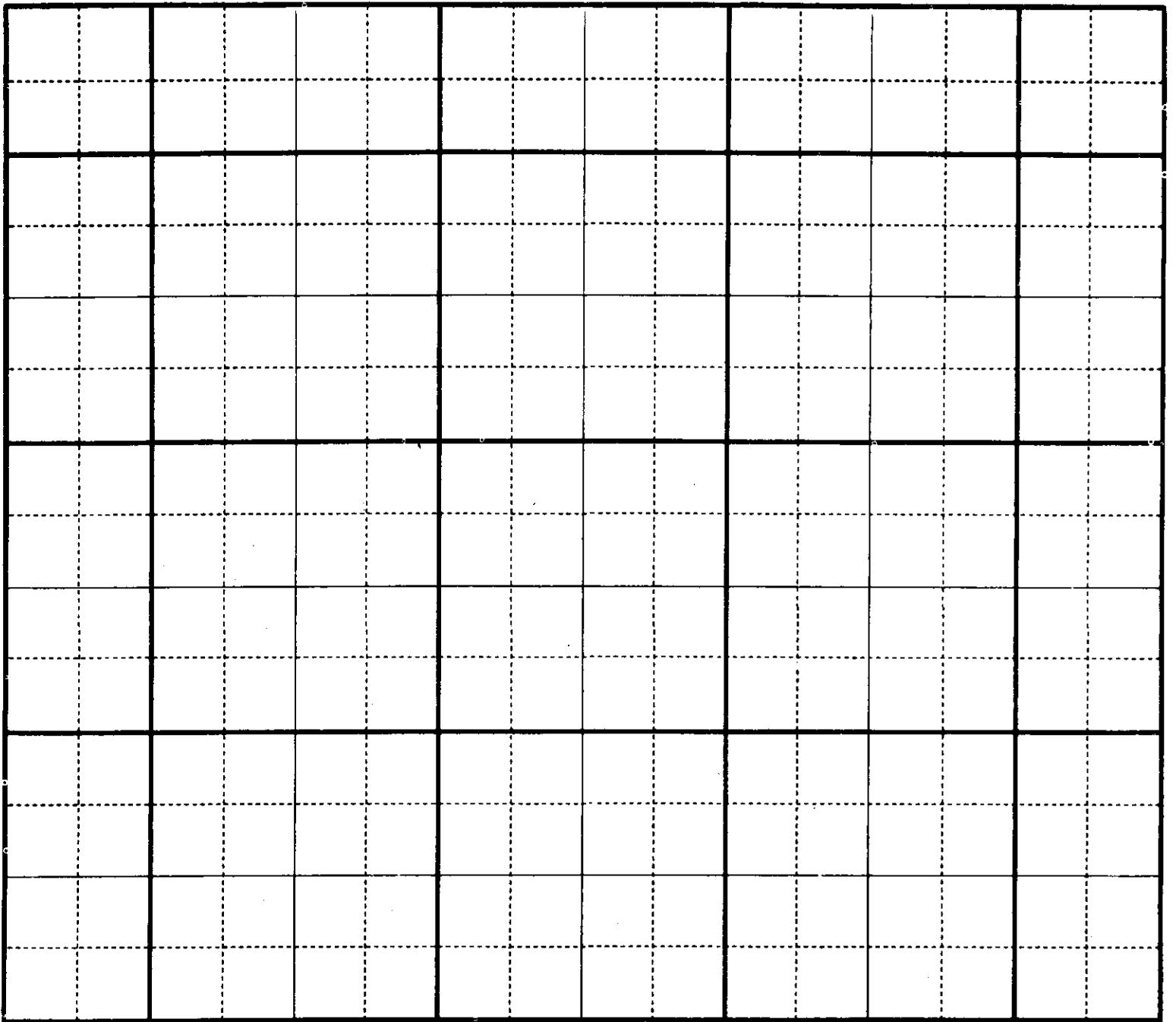
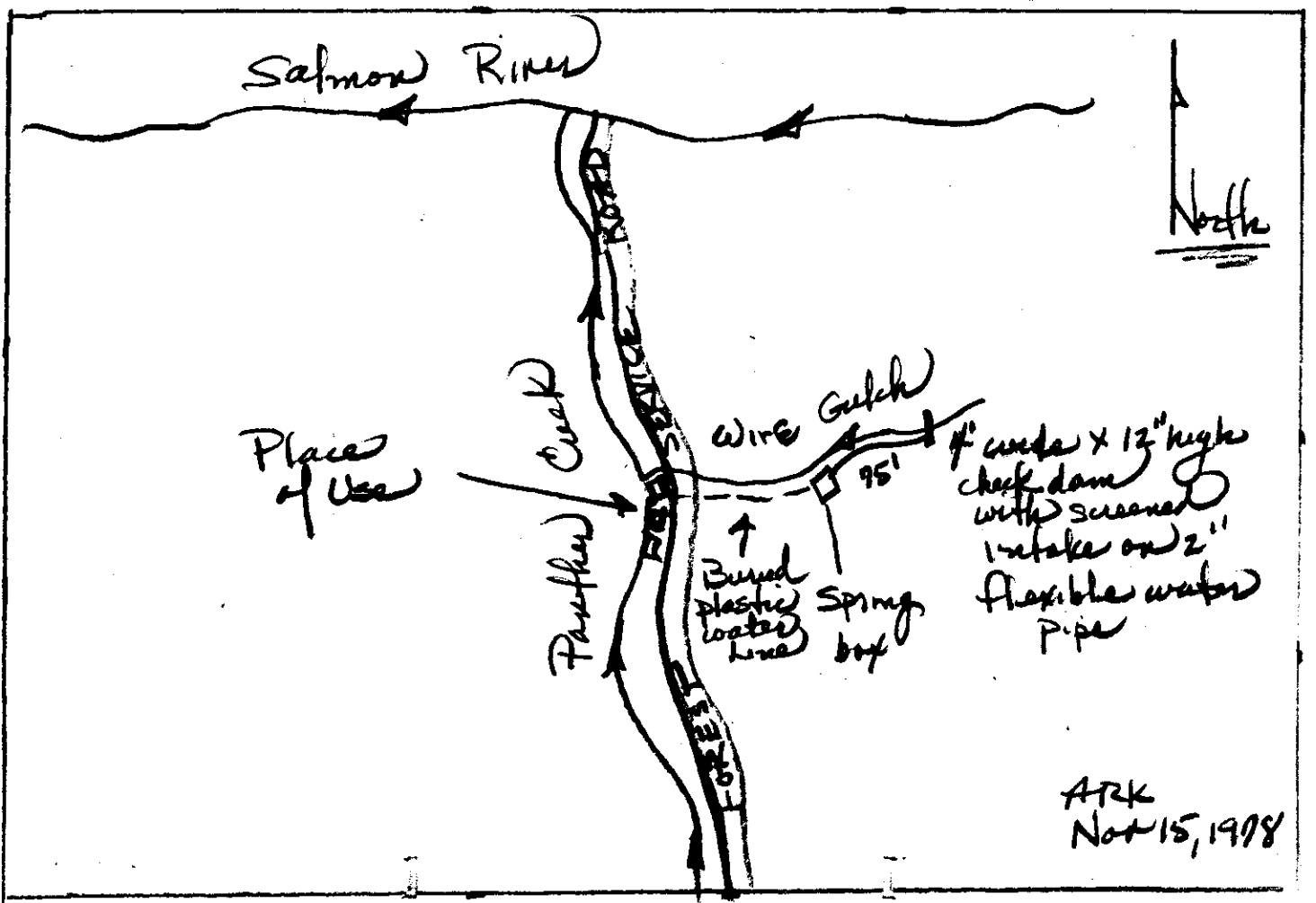


Diagram of System



DATE OF EXAM 8/9/78

ACREAGE
Found n/a
Recommended n/a

Irrigation Requirement n/a Ac Ft/Ac

USE
Irrigation Q = c.f.s. V = AF/Ann. from to
Domestic Q = .06 c.f.s. V = 3.60 AF/Ann. from Jan to Dec 31
Livestock Q = c.f.s. V = AF/Ann. from to

Is water co-mingled? yes no X

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

Exchange? yes no X

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

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

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

Total Q measured None Method of measurement n/a

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

Total V recommended 3.6 AF/yr

Recommended Amendments:

P.D.
Place of Use
Other
None

MEASUREMENT CALCULATION:
Q by assignment .02 cfs/domestic unit X
3 units = .06 cfs
V = 1.20 AF X 3 domestic uses V = 3.6 AF/yr

SYSTEM DESCRIPTION:
Surface water from Wire Gulch tributary to Panther Creek
is diverted into a 2" O.D. flexible surface water line
water is diverted a distance of 75' down the gulch to
a spring box (4' X 2' X 2') equipped with overflow pipe - a 2"
O.D. black plastic water line extends down the gulch running
under the Panther Creek forest service road to place of use
REMARKS: One cabin & two trailer homes are hooked up to this source
as well as one hydrant near the domestic units

Water at point of diversion appears to be unfit for human
consumption due to contamination & siltage of
the intake structure. Drinking this water caused dysentery in

Examiner's Signature Anthony B Kozlowski Date Nov. 15, 1978

Checked by Rodney A Parker Date Nov 28, 78

Approved by Date

* At the time the exam was conducted (late summer)
availability of water in the gulch was poor. However, I feel
that in the spring & early summer sufficient water would be available
to fill this right - there are no other appropriations on Wire Gulch

MICROFILMED

June 20, 1978

Re: Permit Nos. 75-7033 & 75-7038

Gilbert A. Bacon
1352 E. Center
Pocatello, ID 83201

Dear Mr. Bacon:

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

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

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

Sincerely,

JANICE RENK
Water Rights

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 9 1978

Department of Water Resources

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Gilbert A. Bacon
b) Post Office Address 1352 E. Center, Pocatello, Idaho 83201
2. Permit Number 75-7038
3. Date of Priority that you are prepared to establish 12-18-72
4. a) Source from which water was appropriated Wire Gulch, P.C.
b) Location of the point of diversion: _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____
Township _____, Range _____ Boise Meridian, Other points of diversion: _____
Approximately 300 feet East on East Boundary of HES #239 T23N-R18E, Lemhi County
5. a) The amount of water and use to which the water has been applied:
Amount .06 CFS for domestic purposes from 1-1 to 12-31 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)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .06 CFS 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: Not applicable, insufficient amount
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:
Head Box up Wire Gulch, approximately 600 feet, 2 inch black plastic pipe from
source to T in pipe near home.
b) Describe the agreement or understanding by which you take water from the works:
Owned jointly 50-50 between neighbors Bennetts, et al and myself.
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) See above.
b) Describe the type and size of measuring device which you have installed at your point of diversion:
P. .06 CFS — Please remove insufficient amount of water to need device
c) Give well driller's name and address and the date the well was completed: _____
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
Domestic use, cabin and up to 12 guests

6-20-78 *[Signature]*

INTER-DEPARTMENT MEMO — 1

DATE

5/15/78

MICROFILMED

FROM

TO

J
Whomever

SUBJECT

75-7033 & 75-7038

Mr. Bacon called & I assisted him
over the phone w/ his proofs. Will be sending
them in

JAMES R. BENNETTS
ATTORNEY AT LAW
P. O. BOX 36
CHALLIS, IDAHO 83226

(208) 879-4488

May 18, 1978

call
RECEIVED

MAY 26 1978

Department of Water Resources

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83270

Attention: Janice Renk, Water Rights

Dear Ms. Renk:

Re: Gilbert A. Bacon - permit No's 75-7033 & 75-7038

I apologize for my busy schedule. In my letter of mid-April, I had indicated that I would be back in touch with you in regard to the above permits. I believe that a field inspection could be performed at about any time and that the sprinkling system and so forth will be operational within the next short while.

If we could have some indication from you as to the proposed inspection date, it would be most helpful to Dr. Bacon and myself. Please appreciate that Dr. Bacon is not always available and also that someone familiar with the system should be present at the time of the inspection.

Hopefully, we will submit a proof form within the next few days. Again, would you please review this matter and determine whether or not a request for reinstatement should be entered.

Very truly yours,

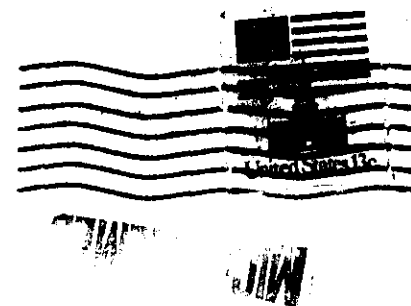

James R. Bennetts

JRB:dl

cc: Dr. Gilbert A. Bacon

RECEIVED

JAMES R. BENNETTS
ATTORNEY AT LAW
CHALLIS, IDAHO 83226



State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83270

May 23, 1978

Re: Permit No's. 75-7033 and 75-7038

Gilbert A. Bacon
1352 East Center St.
Pocatello, Idaho 83201

Dear Mr. Bacon:

On March 30, 1978, the Department sent a letter to you requesting you to either submit proof of beneficial use of water or an extension of time request. On April 14, 1978, we received a letter from your attorney, Mr. James R. Bennetts, stating that proof of beneficial use would be filed in the very near future. As of this date we have still not heard from you concerning this matter. If we do not received something from you on or before June 7, 1978, the Department will lapse this permit.

If you have any questions regarding this matter, please do not hesitate to contact us.

Sincerely,

JANICE RENK
Water Rights

Encl: Proof of beneficial use forms

RECEIVED
MAY 24 1978
WATER RIGHTS

JAMES R. BENNETTS
ATTORNEY AT LAW
P. O. BOX 36
CHALLIS, IDAHO 83226

(208) 879-4488

RECEIVED

APR 14 1978

Department of Water Resources

April 12, 1978

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83270

Attention: Janice Renk, Water Rights

Dear Ms. Renk:

Re: Gilbert A. Bacon - Permit No's 75-7033 & 75-7038

I have very briefly reviewed the matter of submitting proof of beneficial use of water for Dr. Bacon. I will put the required forms together for Dr. Bacon and hopefully, get this back to you in the very near future.

Dr. Bacon resides in Bannock County, Pocatello, Idaho, quite a distance from the property in question. Notice of an inspection date should be given to Dr. Bacon a considerable time in advance of the proposed inspection. I know that he will have difficulty getting to the property or having someone at the property when the field inspection is made.

I am sure that the area around the property in question has pretty well recovered from winter snows and from freezing conditions. The system could therefore, be made operational any time in the future. Again, let me explain that I will get to the matter as soon as time permits.

Very truly yours,

James R. Bennetts

JRB:dl

cc: Dr. Gilbert A. Bacon

RECEIVED

March 30, 1978

Re: Permit No's. 75-7033 and 75-7038

Gilbert A. Bacon
1352 East Center St.
Pocatello, Idaho 83201

Dear Mr. Bacon:

On January 12, 1978, the Department sent you a letter regarding these two permits. We requested you either submit proof of beneficial use of water on the permits or request extensions of time. As of this date, we have still not heard from you in this matter. Enclosed are the forms for both actions. Please complete and return either the beneficial use or the extension form.

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

Sincerely,

JANICE RENK
Water Rights

Encls.

7



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

January 12, 1978

Re: Permit No.'s 75-7033 and 75-7038

Gilbert A. Bacon
1352 East Center Street
Pocatello, ID 83201

Dear Mr. Bacon:

It is not necessary that the water system you have developed be in use at the time proof of beneficial use is filed. It is necessary that the construction of the system be finished and that the system be operational during the next season of use before proof is filed. Thus it appears to me from your letter of December 28, 1977 that it would be appropriate for you to file proof of beneficial use at the present time. I have enclosed a proof form for your possible use.

If your project is still incomplete and will not be operational in the next season of use you should request an extension of time. I have enclosed an extension request for your possible use.

If you have any questions please contact me.

Sincerely,

Bill MacAllister
Water Resource Agent

BM/kw
Enclosures

RECEIVED
JAN 15 1978
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

GILBERT A. BACON, M.D., P.A.
ORTHOPEDIC SURGEON

1352 EAST CENTER STREET
POCATELLO, IDAHO 83201

December 28, 1977

DEC 3 1978

Department of Water Resources
OFFICE PHONE: 233-1600

State of Idaho
Water Resources
Statehouse
Boise, Idaho

Attn: Steve Allred

Re: Permit # 75-7033 and 75-7038

Dear Sir:

Your letter of October 31, 1977 received. On that date I was unable to return to Lemhi county or make arrangements for the proof of application before the water resource froze for the winter months.

I would appreciate a six month extension so that the system can be functional when inspected. Usually the system does not thaw until well into April of 1978. Awaiting a six month extension.

Sincerely,


G. A. Bacon, M. D.

GAB/cp
file

October 31, 1977

CERTIFIED MAIL

138 140

Re: Permit No. 75-7038 & 75-7033

Gilbert A. Bacon
1352 East Center St.
Pocatello, Idaho 83201

Dear Mr. Bacon:

One of the conditions of approval of your water Permit No. 75-7038 (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 January 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.



C. STEPHEN ALLRED
Director

CSA:jfr

Enc: Proof affidavit

MICROFILMED

January 26, 1973

Re. Permit No.: 75-7038

Gilbert A. Bacon
1352 East Center Street
Pocatello, Idaho 83201

Dear Mr. Bacon:

Enclosed is a copy of your approved Application for Permit No. 75-7038 . We
direct your attention to the conditions of approval as listed on the fourth page.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF: cd

Enclosures

75 7038

December 22, 1972

Re: Application No. 75-7033 - Gilbert A. Bacon
75-703B
Claim No. 75-4017

Recorder-Herald
P.O. Box 310
Salmon, ID 83467

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.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted 1-08-73 by ba

NCY:BA
Enc: Legal notices (3)

75-7038

**NOTICE OF APPLICATION FOR
WATER ~~PERMIT~~**

Notice is hereby given that Gilbert A. Bacon, 1352 East Center St., Pocatello, Idaho has on 12-18-72 submitted Application No. 75-7038 for a permit to appropriate 0.06 cubic feet per second of water from Wire Gulch, tributary to Panther Creek, tributary to the Salmon River by means of gravity pipeline with point of diversion approx. 300 ft. East of East Boundary of H. E. S. No. 239, T. 23N, R. 18E, B. M. (unsurveyed), Lemhi County; to be used from Jan. 1 to Dec. 31 for domestic purposes for four families, within H. E. S. No. 239, T. 23N, R. 18E, B. M. (unsurveyed).

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 Administration, 240 South Holmes, Idaho Falls, Idaho 83401 on or before January 15, 1973.

R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho on December 28, 1972 and January 4, 1973.

12-28-2tc

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Gilbert A. Bacon, 1352 East Center St.,
Pocatello, Idaho
has on 12-18-72 submitted Application No. 75-7038
for a permit to appropriate 0.06 cubic feet per second ~~XXXXXX~~
of water from Wire Gulch, tributary to Panther Creek, tributary to the Salmon River
by means of gravity pipeline
~~within the~~ with point of diversion approx. 300 ft. East of East Boundary of H.E.S.
No. 239, T. 23N, R. 18E, B.M. (unsurveyed), Lemhi County;

to be used from Jan. 1 to Dec. 31 for domestic purposes for four families, within
~~for~~ H.E.S. No. 239, T. 23N, R. 18E, B.M. (unsurveyed).

~~XXXXXXXXXX~~

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 Administration, 240 South Holmes, Idaho Falls, Idaho, 83401 on or before
January 15, 1973.

R. KEITH HIGGINSON

Director

Published in the Recorder-Herald, Salmon, Idaho
on December 28, 1972 and January 4, 1973.

75 7038

nc