

Protraction Diagram No 33 approved 8/19/1966

SALMON DISTRICT

LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS

[illegible]

All IP included in 921 salinet. N1 to 521 6/26/1900

be within 1/4 mile Jackson River

legal Subdiv. any portion of which were 50 or will

completed 12/22/1965. All Mt. Surface Agmt by 5

completed 2/7/1966. All RF surface right by USF

addition to the 6 scenic rivers system

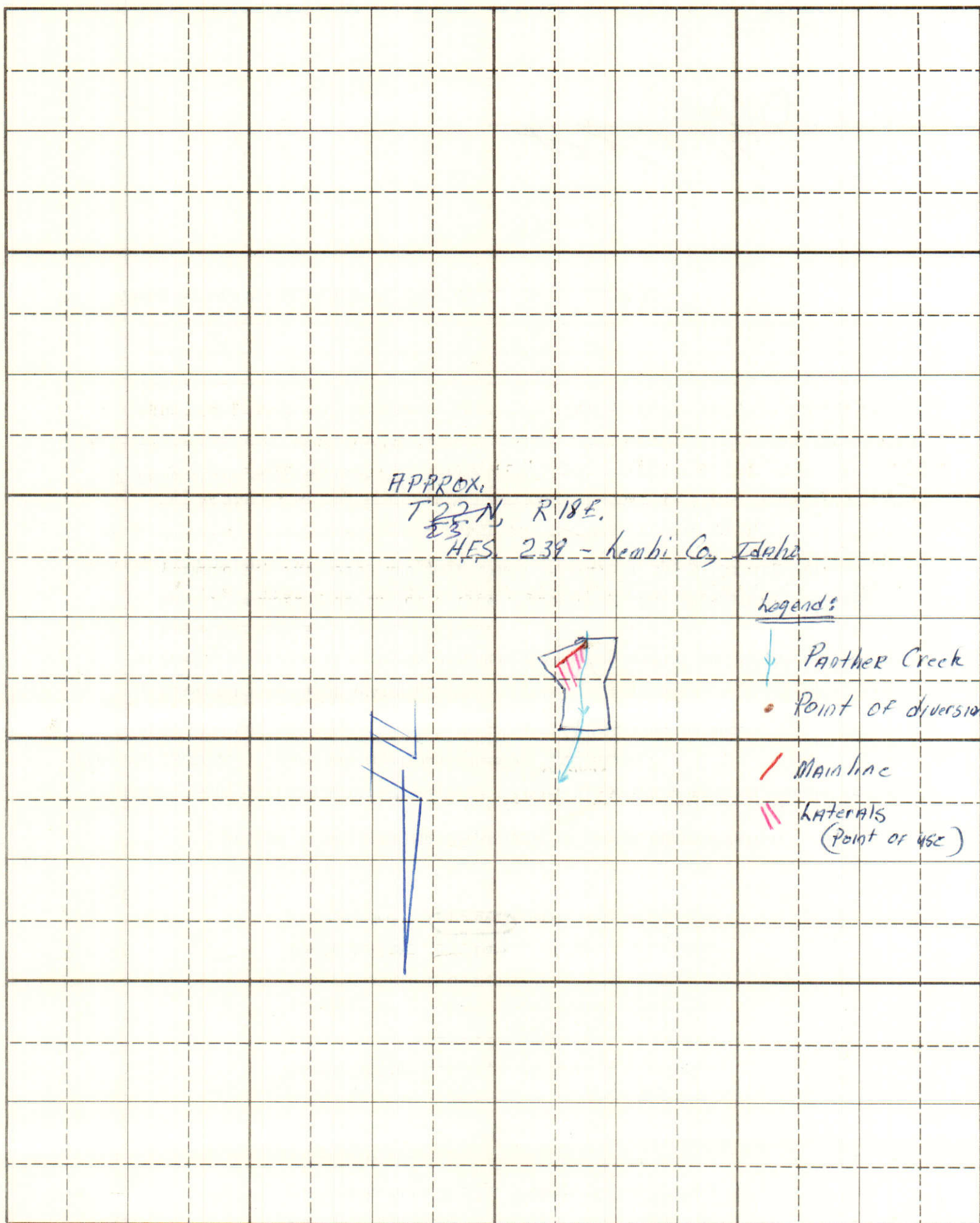
AL 111772 and PET of Long 111111923

UNIDENTIFIED LANDS REFER TO INDEX OF

卷之四

MAR 13 1973

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

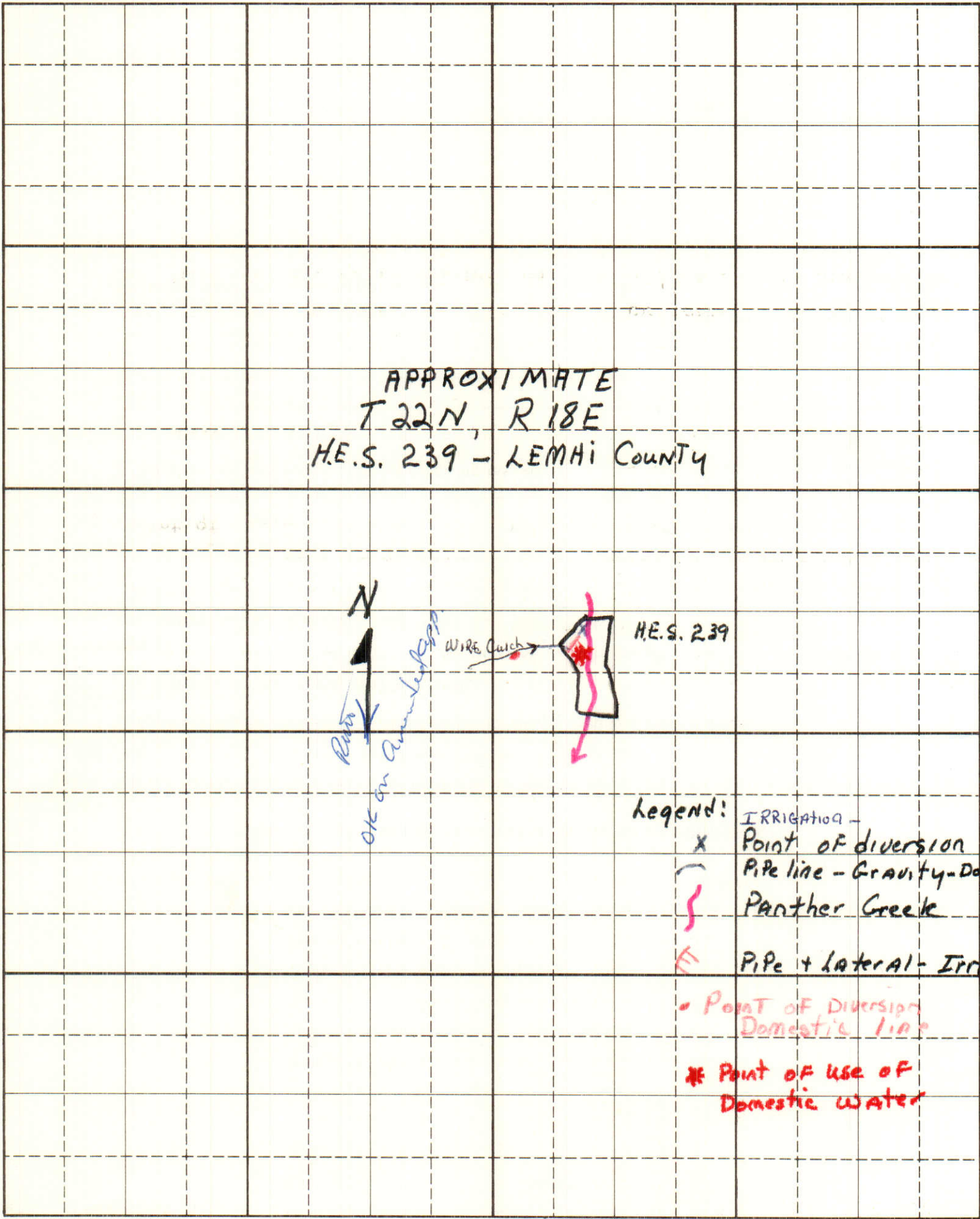
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Gilbert A. Brown

(Applicant)

75-7033

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. Beaton
(Applicant)

75-7033

R 18 E NOT TO SCALE

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. 75-7033 for a permit to appropriate 0.32 cubic feet per second of water from Panther Creek, tributary to the Salmon River by means of pump, mainline and sprinklers located at approx. North boundary of H. E. S. No. 239, T. 23N, R. 18E, B. M. (unsurveyed), Lemhi County; to be used from Apr. 1 to Nov. 1 for the irrigation of 16 acres within H. E. S. No. 239, approx. 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, 1972.

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 Water Permit #75-7033

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, 19 72

and ending with the issue dated Jan. 4, 19 73

Jerry G. Rosin

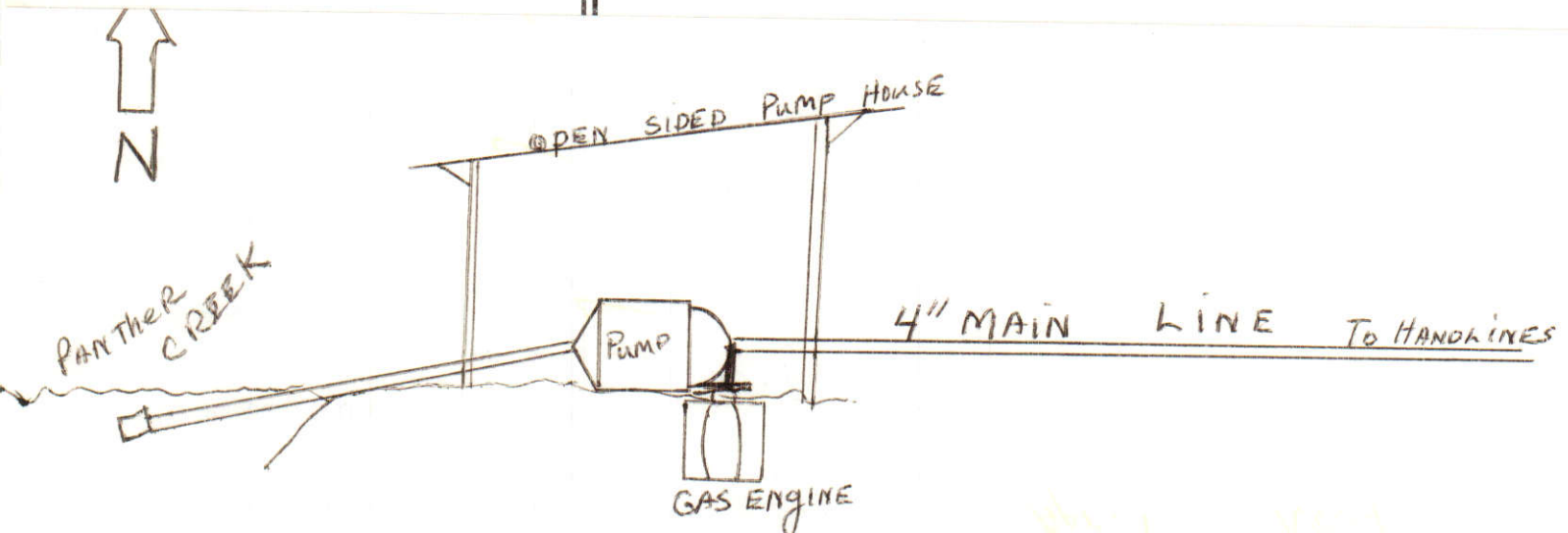
Subscribed and sworn to before me, this fourth

day of January, 19 73

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

Publication Fee \$ 12.95

75-7033



RP 01-18-79

N
26[#]

13 Nozzles $\frac{9}{64}$ "

24[#]

ACROSS
ROAD

$\frac{9}{64}$ " Nozzles (4)
26[#]

26[#]

24[#]

24[#]

24[#]

9 Nozzles $\frac{9}{64}$ "

28[#]

26[#]

3 Nozzles $\frac{3}{16}$ "
26[#]

24[#]

24[#]

9 Nozzles

30[#]

4" PORTABLE MAIN

1 NOZZLE $\frac{3}{16}$ "
26[#]

34[#]

6 Nozzles $\frac{9}{64}$ "

32[#]

30[#]

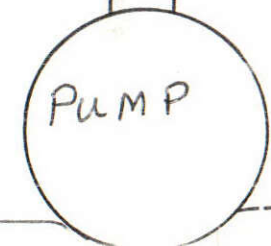
7 NOZZLES $\frac{9}{64}$ "

31[#]

30[#]

2 Nozzles $\frac{3}{16}$ "

26[#]



PUMP

PANTHER CREEK

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 75-7033 Priority December 18, 1972 Amount 0.28 cfs

THIS IS TO CERTIFY, that GILBERT A. BACON
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 75-7033 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 0.43 cfs of water from Panther Creek,
tributary to Salmon River, 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
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>0.28</u> cfs and	<u>42</u> acre feet
	from _____	_____ cfs and	_____
	from _____	_____ cfs and	_____
	(both dates inclusive)		

Subject, however, to the condition that no more than 0.28 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 for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
42 acre feet per year, said waters to be diverted within the H.E.S. #239, Twp. 23N,
Rge. 18E, B.M. in the County of Lemhi

Description and location of place of use:

Twp.	Range													Totals
		NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
23N	18E													14

Total number of acres irrigated 14

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
December, 19 79.


Director

75 7033

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 _____ & Panther Creek which is a tributary of Salmon River
Approx. N. Boundary of H.E.S. #239 on Panther Creek
3. a. Location of point of diversion is _____ Township _____
T22N, Range 18E. B.M. Lemhi County; additional points of diversion if any: _____
T23N
Ncy 12-22-72
per USFS map
- b. If water is not consumed, it will be discharged into Panther Creek at a point in HES 239
_____ Township 22N Range 18 E. B.M. Lemhi Co.
23N
4. Water will be used for the following purposes:
Approx. 0.32 irrigation
 Amount _____ for _____ purpose from April 1 to Nov. 1 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
5. Total quantity to be appropriated:
 a. _____ cubic feet per second and/or
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. Pipe (6 inch mainline) & 10 H.P. pump with sprinklers (3 inch laterals) from Panther Creek).

- 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 \$1300.00.
8. Description of proposed uses:
 a. If water is **not** for irrigation:
 (1) Give the place of use of water: _____ 1/4 of _____ 1/4 of Section _____ Township _____
 Range _____ B.M.
 (2) Amount of power to be generated: _____ hp under _____ feet of head.
 (3) List number of each kind of livestock to be watered _____

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

75-7033

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Approx. 23N 22N	18E	HES 239																	16 acres

Total number of acres to be irrigated 16 acres

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 Applicant/Panther Creek

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 The lands are rather porous and the lower elevation climate is

extremely hot during the growing season. The lands will require an inch

plus per acre to insure beneficial and productive growth.

Approximately ½ or more of the above land has been irrigated

with Panther Creek Water for several years. Applicant would like record

to show this fact and would request that the application not preclude

his right to prove an earlier right at some future date if desired.

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

U.S. COUNTY

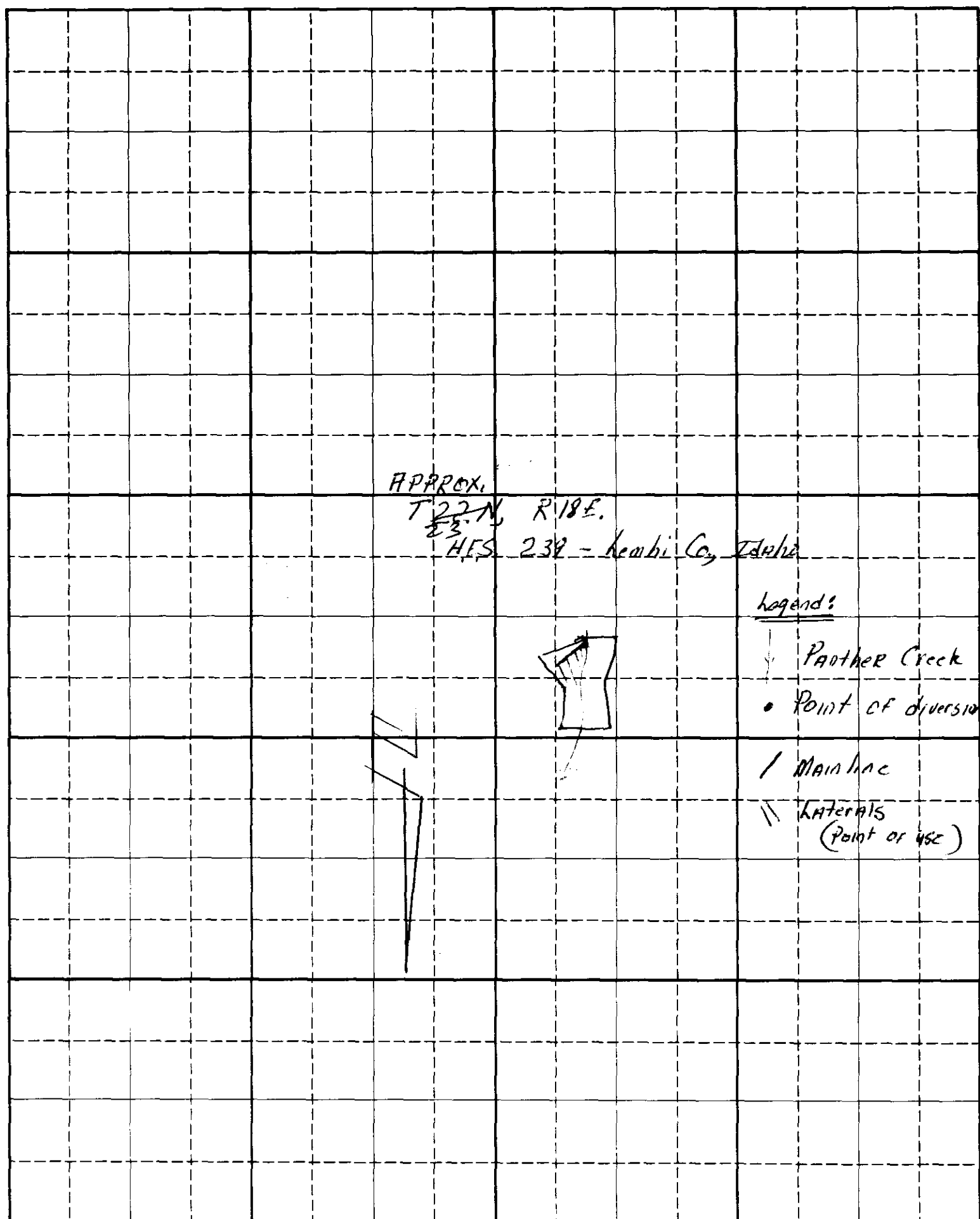


MT F.

MAR 13 1973

75-7033

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. Bacon

(Applicant)

75-7033

Proposed permit 12-18-1972

Received by SA Date 12-18-72 Time 11:30 am
Preliminary check by PLM Fee \$ none
Receipted by SA Date 12-18-72 # 8742
Publication prepared by SA Date 12-22-72
Published in Bendow-Herald, Salmon
Publication dates 12-28-72 1-04-73
Publication approved NCY Date 1-15-73
Priority reduced to 12-18-72 Reason 42-209 I.C.
Failure to supply information
within 30 days

Protests filed by: _____

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

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. 75-7033, 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, 1978.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

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

L. Karl Higley
Director

75-7033

Identification No. 75 7033
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
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 (1) Approx. 300 feet East Boundary of HES 239 approx.
1/4 of Section 1/4 of Section Township on East
T22N Range 18E.B.M. Lemhi County; additional points of diversion if any: (2) Approx.
S. Boundary of H.E.S. #239 on Panther Creek
- b. If water is not consumed, it will be discharged into Panther Creek at a point in HES 239 1/4
of approx 1/4 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)
approx. (cfs or acre-feet per annum)
Amount 1.331 for Irrig. purpose from April . to Nov. 1 (both dates inclusive)
approx. (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. .33 1/4 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pipe (6 inch mainline) & 10 H.P.
pump with sprinklers (3 inch laterals) from Panther Creek. 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 \$1,800.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ 1/4 of _____ 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.
(5) If water is to be used for other purposes describe: _____

75-7033

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
approx.																			
22N	18E	HES 239																	16 acres

Total number of acres to be irrigated 16 acres

c. Describe any other water rights used for the same purposes as described above. none

9. a. Who owns the property at the point of diversion applicant/Panther Cr.- US Forest/ Wire Gulch

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

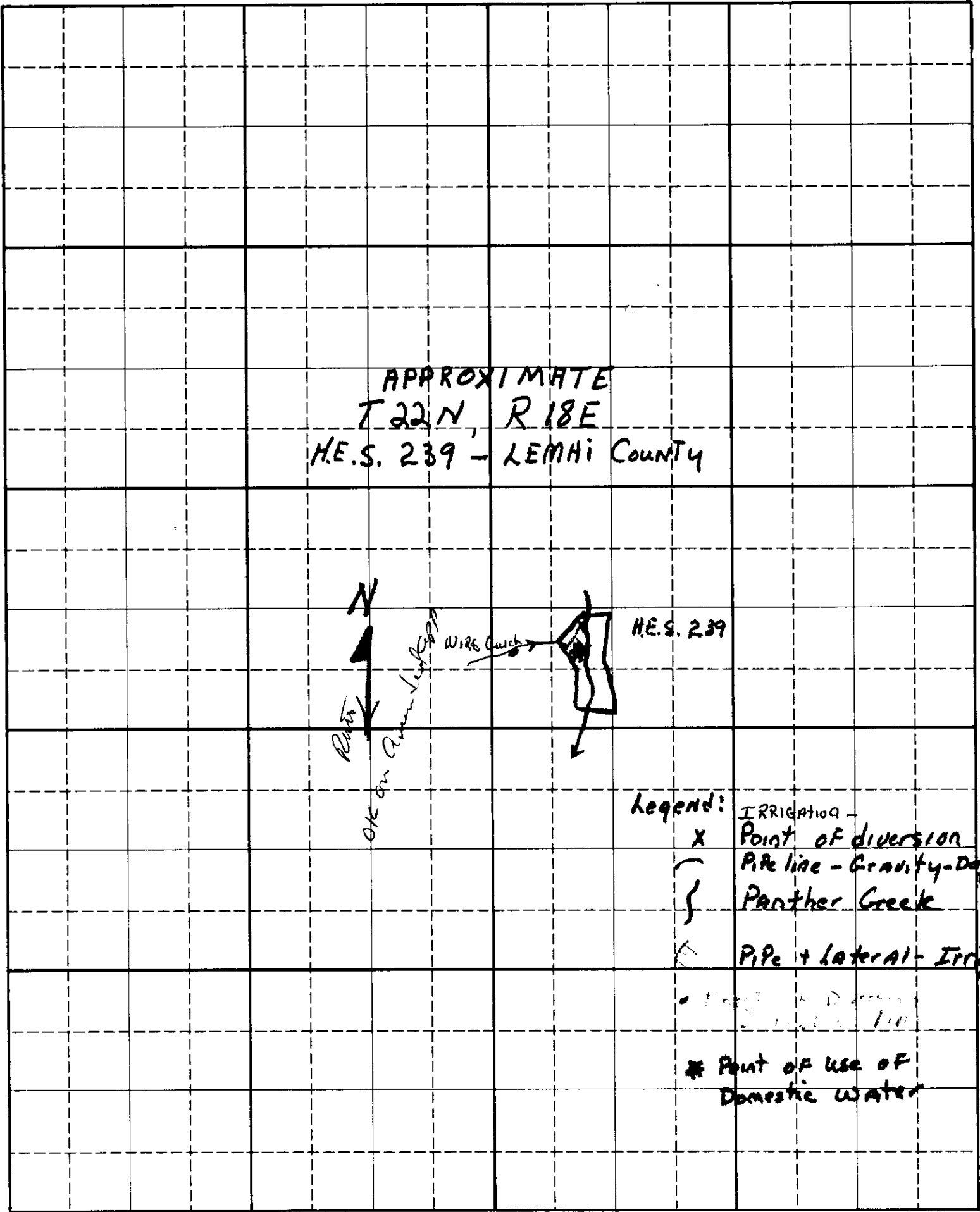
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks 1. Wire Gulch diversion has been permitted for by the US Forest under the application of Dan O'Connor and applicant enjoys a joint use agreement of those facilities, a copy of which is attached.

2. The lands are rather porous and the lower elevation climate is extremely hot during the growing season. The lands will require an inch plus per acre to insure beneficial and productive growth.

3. Approximately 1/2 or more of the above land has been irrigated' with Panther Creek Water for several years. Applicant would like record to show this fact and would request that the application not preclude his right to prove an earlier right at some future date if desired.

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.

Arthur A. Brown
(Applicant)

75-7033

75-7033

RM 8-24-72
Received by *ef* Date *8-2-72* Time *8:00 A*
Preliminary check by *D* Fee \$ *25.00*
Received by *ef* Date *7-24-72*
Publication prepared by *be* Date _____
Published in _____ *Herald Examiner*
Publication dates _____
Publication approved _____ Date _____
Priority reduced to _____ Reason _____

Protests filed by: _____

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

be 8/1/72

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. _____, and said application is hereby _____.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
- c. Other: _____

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

Witness my hand this _____ day of _____ 19____.

Director

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 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

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 tap the transportation facility at 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.

Alban A. Bacon
Allen J. Bacon BACONS
Norma O'Connor
Norma O'Connor
James Bennett
Jo Ann 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 R. Bennetts
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.

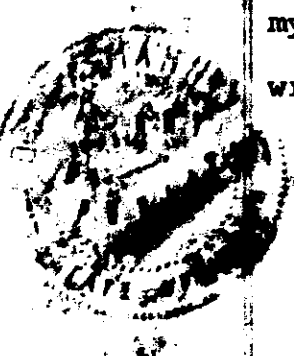
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Don A. May
Notary Public for Idaho
Residing at Challis, Idaho
My Com. Expires: 5-1-73
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.


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

120042

State of Idaho }
County of Lemhi } ss
Recorded at the request of
James R. Bennetts
April 17th 19 72
at 6 minutes past 9 o'clock
A. M. in File of
Agreement Records of Lemhi
County, Idaho
Eleanor Aldous
Recorder
By Deputy
Fee \$5.00 Paid

INDEXED

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)			Application No. <u>75-7033</u> Name <u>Gilbert Bacon</u> ~~Carbridge Peas~~
(2)	<u>JDE</u>	<u>8/17</u>	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use <u>Excessive Q</u> ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee <u>OK for Q requested</u>
(3)			Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	<u>RWT</u>	<u>8/25</u>	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)			In form for advertising <u>Yes</u>
(6)			Affidavit of Publication received _____
(7)			Final date for protests _____ Protests received: yes _____ no _____
(8)			Date and Place of hearing _____ Decision reached at hearing _____
(9)			Located within Water District No. _____
(10)			Critical groundwater area: yes _____ no _____
(11)			Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)			Comments: _____ _____ _____
(13)			Action recommended: ☐ Approve Priority _____ ☐ Deny Reason for Reduction _____ See attached sheet for conditions of approval No conditions for approval
(14)			District _____ By _____ Date _____ Title _____

75-7033

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item Initial Date

- (1) RNT 12/18 Application No. 75-7033 ^{Amended} Name Gilbert A. Bacon
- (2) RNT 12/18 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) N/A Send copies to:
☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☐ Bureau of Land Management
- (4) RNT 12/18 ☒ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
- (5) RNT 12/18 In form for advertising YES.
- (6) Ba 1-8-73 Affidavit of Publication received 1-8-73
- (7) " " Final date for protests 1-15-73
Protests received: yes no
- (8) Date and Place of hearing
Decision reached at hearing
- (9) NCT 1/15/73 Located within Water District No. None
- (10) N/A Critical groundwater area: yes no X
- (11) N/A Groundwater levels:
☐ Decline (comment)
☐ Stable (comment)
☐ Increasing (comment)
- (12) Comments:
- (13) Action recommended:
☒ Approve Priority 12-18-72
☐ Deny Reason for Reduction See 42-204
NCT 1/15/73 See attached sheet for conditions of approval
 No conditions for approval
- (14) District Eastern By Norman C. Young
Date 1-15-73 Title Dist Eng

RECOMMENDED

CONDITIONS OF APPROVAL

☒ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.

☐ Maximum rate of diversion shall not exceed _____ c.f.s.

☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.

☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.

☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.

☐ The proposed well shall not be drilled within _____ feet of another well.

☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.

☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.

☐ Other: _____

JAN 8 1973

Department of Water Administration
Boise, Idaho 83725

**NOTICE OF APPLICATION FOR
WATER PERMIT**

Notice is hereby given that Gilbert Benson, 1354 East Center St., Pocatello Idaho has on 12-18-72 submitted Application No. 75-7033 for a permit to appropriate 0.32 cubic feet per second of water from Panther Creek, tributary to the Salmon River by means of pump, mainline and sprinklers located at approx. south boundary of H. E. S. No. 239, T. 23N, R. 18E, B. M. (unsurveyed), Lemhi County; to be used from Apr. 1 to Nov. 1 for the irrigation of 16 acres within H. E. S. No. 239, approx. 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, 1972.

R. KEITH HIGGINSON

Director

in The Recorder-Herald, Pocatello, Idaho on Dec. 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 Water Permit #75-7033

..... 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, 19 72 and ending with the issue dated Jan. 4, 19 73

Jerry S. Rosin
fourth

Subscribed and sworn to before me, this

day of January, 19 73

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

Publication Fee \$ 12.95

75-7033

WATER RIGHT NUMBER 75-7033

OWNER LAST NAME - BACON FIRST NAME - GILBERT A. ORIG OWNER -
ADDRESS LINE 1 - 1352 E. CENTER ST. ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - POCA TELLO STATE - ID ZIP CODE - 83201
SOURCE - PANTHER CREEK TRIBUTARY OF - SALMON RIVER
STAGE - LICENSE STATUS - PRIORITY - 12-18-1972 COUNTY - LEMHI TOTAL DIV. RATE - .2800 -CFS
TOTAL DIV. VOLUME - 42.00 AFA TRFR/AMEND - WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - NESE 33 23N 18E LOT REDIV - 272.0 92.0 289.0 0.0 0.0 0.0 0.0 0.0 0.0 4.9
FROM - 04-01 TO - 11-01 USE - IRRIGATION USE DIV. RATE - .2800 CFS USE DIV. VOLUME - 42.00 AFA
USE - PLACE OF USE - TWN RNG SEC DATE - TOTAL ACRES 0
DECREE NAME -
REMARKS - P/D & P/U IN H.E.S. #239, T23N, R18E.
AC. IRR. = 14.
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 -

OTV 03/12/85



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 8, 1980

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

Dear Mr. Bacon:

RE: Permit No. 75-7033

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

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Alfred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

December 11, 1979

Re: Permit No. 75-7033

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

Dear Mr. Bacon:

A representative of this Department made an examination of the works covered by your Permit No. 75-7033 on June 27, 1979, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.28 cfs Source: Panther Creek

The maximum quantity diverted shall not exceed 22 acre feet per
year.

Point of diversion: H.E.S. #239, Twp. 23N, Rge. 18E, B.M.

Beneficial use: Irrigation of 14 acres within the H.E.S. #239, Twp. 23N,
Rge. 18E, B.M.

Priority date established: December 18, 1972

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw

cc:

MICROFILMED

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

1362 EAST CENTER STREET
POCATELLO, IDAHO 83201

G. A. BACON, M.D.
ORTHOPEDIC SURGEON
Phone 233-1800

RECEIVED

WILLIAM B. GOODMAN, M.D.
ORTHOPEDIC SURGEON
Phone 234-1880

NOV 21 1979

Department of Water Resources

November 14, 1979

State of Idaho
Department of Water Resources
State House
Boise, ID 83720

RE: Permit #75-7033

Dear Sir:

On September 11, 1979 I received from your office a copy of the Water Right License issued on permit #75-7038.

As regards permit #75-7033 I have yet to receive the license.

Will you please investigate the matter and let me know if there are any problems. Otherwise, please advise me as to the status of permit #75-7033

Sincerely,


G. A. Bacon, M.D.

GAB/clw

*Bony will contact me concerning
whether upm has been done &
possibly send rough draft.*

11/27/79

Call-up 12/3/79.

jc

MICROFILMED

JUN 23 1978

Department of Social Services
Phone 233-1600
Eastern District Office

Post office address

Person to contact

Phone

2. Source of water supply: Groundwater ☒ Surface water ☐

Tributary to

3. Water will be used for the following purposes:

Amount 0.32 c.f.s. for AF/Annum

(nature of use)

Period of Use: from 4-1

to 14-1

(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum

(nature of use)

Period of Use: from _____

to

(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum

(nature of use)

Period of Use: from _____

to

(mo.-day) inclusive (mo.-day)

Other uses:

4. Total amount to be appropriated:

Max Rate of Diversion 0.32 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

of Point(s) of Diversion: Approx. North Boundary HES 239

Township 23N N/S, Range 18E E/W, B.M. 0, Section _____, Subdivision _____ 1/4

1/4 Lemhi
County

Township_____N/S, Range_____E/W, B.M., Section_____, Subdivision_____1/4

Township_____N/S, Range_____E/W, B.M., Section_____, Subdivision_____1/4

County

Other Points of Diversions:

Description of diverting works: 30 Hp Wisconsin pump + Turckley 2" pump,
rated output at 2800 rpm is 275 gpm at 68%
efficiency

Measuring device required: yes ☐ no ☐

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

16

R. 18 E NOT TO SCALE

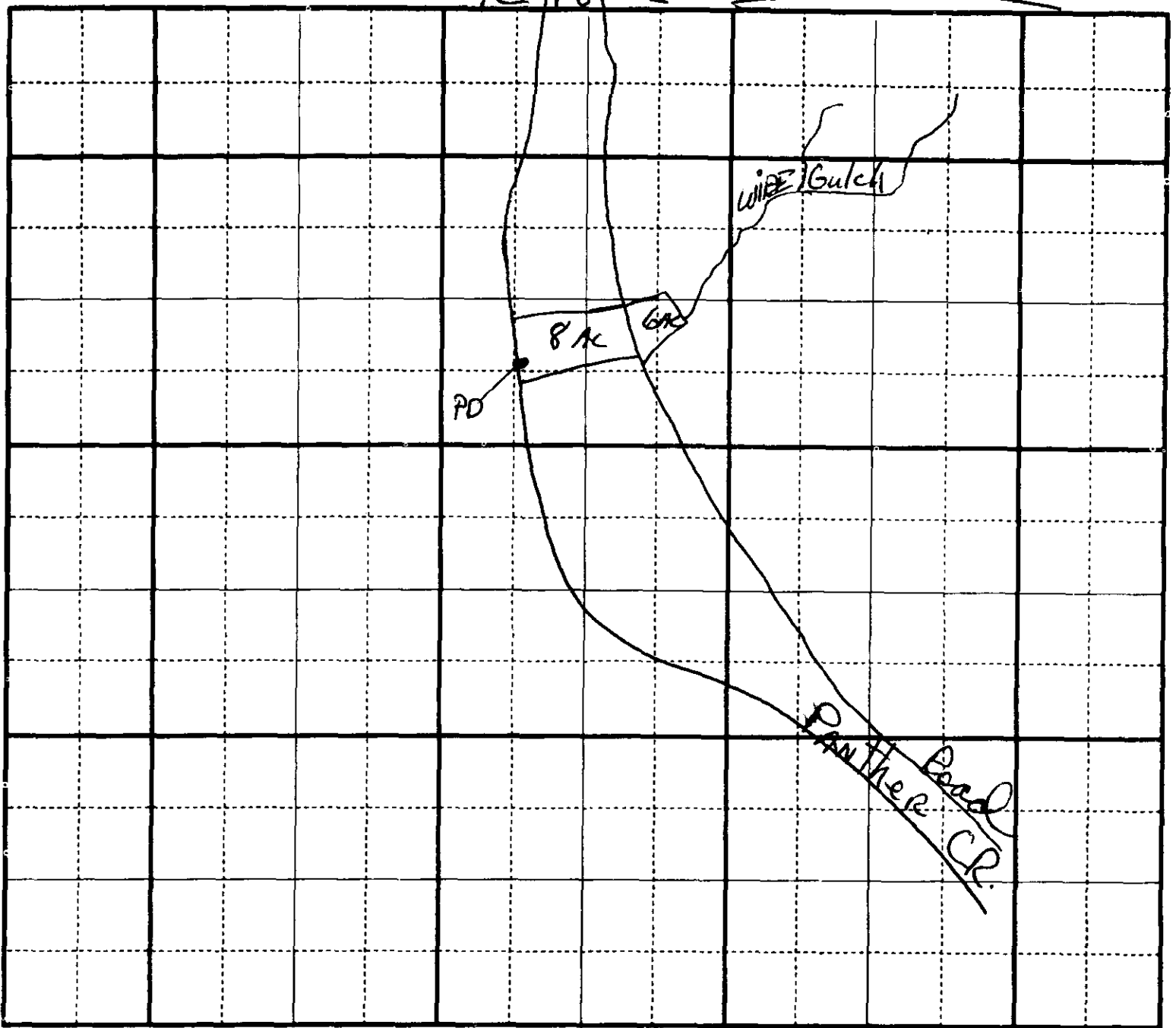
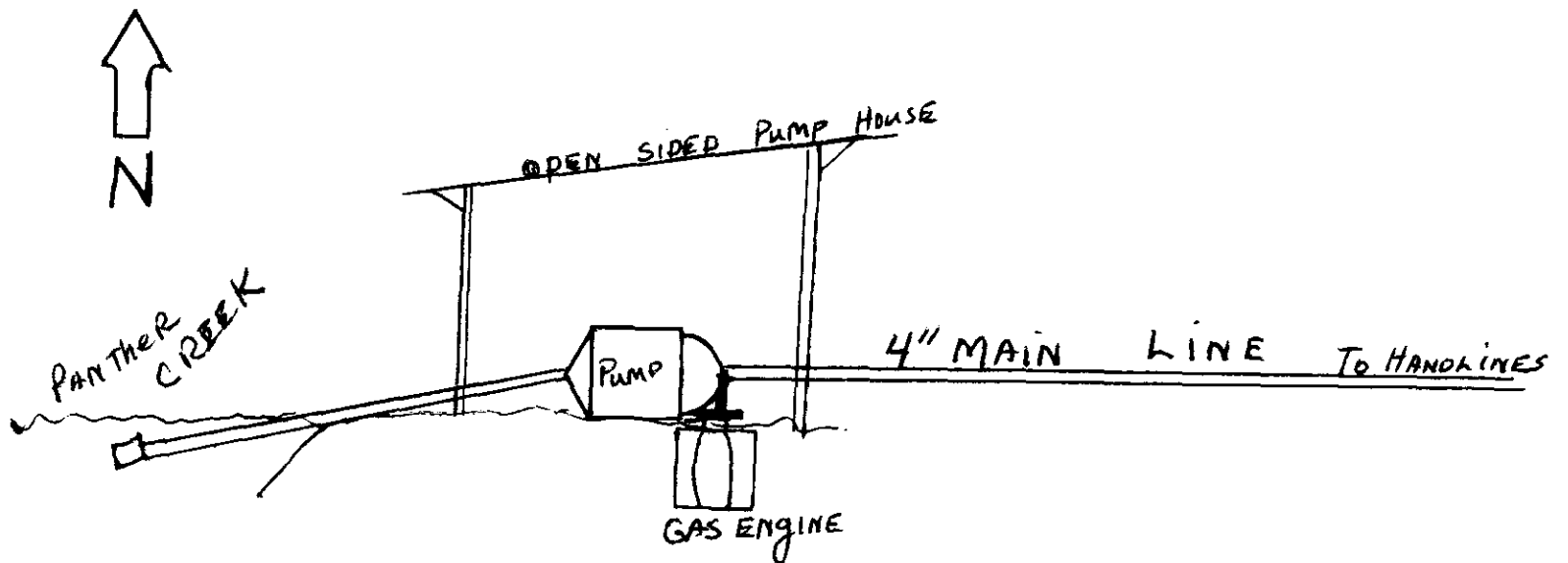


Diagram of System



DATE OF EXAM 6-27-79

ACREAGE
Found 14
Recommended 14

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = .28 c.f.s. V = 42 AF/Ann. from Apr. 1 to Nov. 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

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

Exchange? yes _____ no ☒

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

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

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

Total Q measured .425 CFS Method of measurement PITOT TUBE

Total Q recommended .28 Meter No. — Type ASHCROFT Condition GOOD

Total V recommended 42 AF/YR

Recommended Amendments:

P.D. _____
Place of Use _____
Other NONE
None _____

MEASUREMENT CALCULATION:

$$Q = \text{Total gpm} = 191.06 \text{ gpm} = 1.425 \text{ CFS}$$
$$V = .28 \text{ CFS} \times 1.9835 \times 3.14 = 178.85 \text{ AF/YR} > 3.0 \times 14 = 42 \text{ AF/YR}$$

See Reverse side for Pitot Tube Reading

SYSTEM DESCRIPTION:

MOTOR - WISCONSIN HEAVY DUTY AIR COOLED 30hp, MODEL 4H40 SN 5657659
PUMP - BERKELEY CENTRIFUGAL, MODEL B22 6M, SN. 7734530
4" MAIN LINE (PORTABLE) 9' SHORT HANDLINES.

REMARKS:

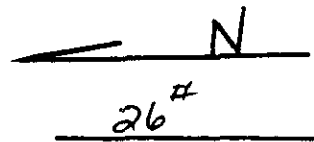
System shown By WAYNE Schull - CARETAKER

2 ACRES OUT FOR ROAD ROW
LANDS ACROSS ROAD ARE IRRIGATED by Portable 4" main
SYSTEM WAS AT MAXIMUM RPM & PRESSURE

Examiner's Signature Rodney A Parker Date 11-18-79

Checked by John Baker Date 11/30/79

Approved by _____ Date _____



26# 13 Nozzles $\frac{9}{64}$ " 24#

24# 9 Nozzles $\frac{9}{64}$ " 28#

24# 9 Nozzles 30#

34# 6 Nozzles $\frac{9}{64}$ " 32#

32# 7 Nozzles $\frac{9}{64}$ " 31#

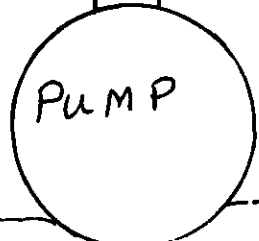
ACROSS POND
TO LANDS
4" PORTABLE MAIN

$\frac{9}{64}$ " Nozzles (4)
26# 26# 24# 24#

26# 3 Nozzles $\frac{3}{16}$ " 26# 24#

1 Nozzle $\frac{3}{16}$ " 26#

30# 2 Nozzles $\frac{3}{16}$ 26#



PANTHER CREEK

June 20, 1973

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

MICROFILMED

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 2 1978
OK

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder Gilbert A. Bacon
b) Post Office Address 1352 E. Center Pocatello, Idaho 83201
2. Permit Number 75-7033
3. Date of Priority that you are prepared to establish 12-18-72
4. a) Source from which water was appropriated Panther Creek, Lemhi County
b) Location of the point of diversion: 1/4 1/4, Section _____
Township _____, Range _____ Boise Meridian, Other points of diversion: _____
Approx. North Boundary of HES 239 on Panther Creek T23N-R18E
5. a) The amount of water and use to which the water has been applied:
Amount .32 CFS for irrigation purposes from 4-1 to 11-1 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 . 32 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 of water
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:
Pump and sprinkler system
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 30 horse power Wisconsin pump and Berkley 2 inch pump, rated output at 2800 RPM is 275 GPM at 68 per cent efficiency
b) Describe the type and size of measuring device which you have installed at your point of diversion:
Please remove device not applicable, insufficient amount of water
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: _____

MICROFILMED

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Approximately 23N	18E			H	E	S	2	3	9										

Total number of acres irrigated 16 acres

10. Remarks: _____

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

6-5-78 Albert A Bacon
(Date) (Signature)
Phone: 208 233 1600

State of Idaho)
) ss.
County of Bannock)

On this 5th day of June, 19 78, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Therese L. Sullivan
Notary Public residing at _____
Blackfoot, Idaho 83221

My commission expires Life

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

MICROFILMED

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

(208) 879-4488

RECEIVED

APR 14 1978

April 12, 1978

Department of Water Resources

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

Attention: Janice Renk, Water Rights

Dear Ms. Renk:

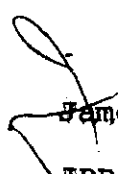
Re: Gilbert A. Bacon - Permit No's 75-7033 & 75-7038

I 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

MICROFILMED

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.

RECORDED

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

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

ORTHOPEDIC SURGEON

1352 EAST CENTER STREET
POCATELLO, IDAHO 83201

December 28, 1977

6 178

Department of Water Resources
OFFICE PHONE: 233-1600

State of Idaho
Water Resources
Statehouse
Boise, Idaho

Attn: Steve Allred

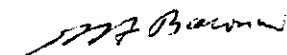
Re: Permit # 75-7033 and 75-7038

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

1978 JAN 10 10 10 AM

October 31, 1977

CERTIFIED MAIL

138140

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

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, 75-7033~~ (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

RECEIVED
OCT 31 1977
WATER DIVISION

January 26, 1973

Re. Permit No.: 75-7033

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

Dear Mr. Bacon:

Enclosed is a copy of your approved Application for Permit No. 75-7033 . 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.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF: cd

Enclosures

75-7033

December 22, 1972

Re: Application No. 75-7033 - Gilbert A. Bacon
75-7033 - " " "
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)

75-7033

**NOTICE OF APPLICATION FOR
WATER PERMIT**

Notice is hereby given that Gilbert A. Bacon, 1250 East Center St., Pocatello Idaho has on 12-18-72 submitted Application No. 75-7033 for a permit to appropriate 0.32 cubic feet per second of water from Panther Creek, tributary to the Salmon River by means of pump, main-line and sprinklers located at approx. North boundary of H. E. S. No. 239, T. 23N, R. 18E, B. M. (unsurveyed), Lemhi County; to be used from Apr. 1 to Nov. 1 for the irrigation of 16 acres within H. E. S. No. 239, approx. 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, 1972.

R. KEITH HIGGINSON
Director

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

12-28-2tc

75-7033

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. 75-7033

for a permit to appropriate 0.32 cubic feet per second ~~XXXXXX~~
of water from Panther Creek, tributary to the Salmon River

by means of pump, mainline and sprinklers

~~within the~~ located at approx. North boundary of H.E.S. No. 239, T. 23N, R. 18E,
B.M. (unsurveyed), Lemhi County

to be used from Apr. 1 to Nov. 1

for the irrigation of 16 acres

within ~~the~~ H.E.S. No. 239, approx. 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, 1972.

R. KEITH HIGGINSON

Director

Published in the Recorder-Herald, Salmon, Idaho

on December 28, 1972 and January 4, 1973.

NCH
75-7033

December 18, 1972

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

Dear Dr. Bacon:

Attached is departmental receipt No. 7050 for \$40 for the one application and three claims you recently submitted to this office.

We are, however, returning the claims because they were submitted incorrectly. The reason this office reaccomplished the claim forms is because this instrument requires a notary's signature. They were, however, returned without the notary. We cannot accept the original claim with a signature that is crossed out and resigned.

Enclosed are some new claim forms. If you will reaccomplish these and sign them in the presence of a notary and return them with attachments to this office, we can further process your claims. Again, you must sign the instrument exactly as it appears in Item 1 of the claim.

If you have any questions, please contact this office.

Very truly yours,

RICHARD M. TURNIPSEED
Water Resource Administrator

RMT:ba
Enclosures
Attachment

75-7033

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

240 South Holmes Avenue
Idaho Falls, Idaho 83401
(208) 523-7186

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

RECEIVED

DEC 13 1972

December 12, 1972

Department of Water Administration
Eastern District Office

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

Dear Dr. Bacon:

Regretfully, we must return your applications and claims to you for a few minor corrections. We are also returning your check No. 92-284 in the amount of \$40.

On the applications, we have completed Items 7a and 8a. If this meets with your approval, please resign your name exactly as it appears in Item 1.

The claims are in correct order, except that they also must be signed exactly as your name appears in Item 1. Since these instruments are notarized, our office has reaccomplished the forms. If you will return these with the attachments, we can further process them.

Very truly yours,

Richard M. Turnipseed
RICHARD M. TURNIPSEED
Water Resource Administrator

RMT:ba

Enc: check #92-284 (\$40)
claims (4)
applications (2)

*Signed
& returned
12-13-72*

*But not Notarized
Rmt*

75-7033

December 12, 1972

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

Dear Dr. Bacon:

Regretfully, we must return your applications and claims to you for a few minor corrections. We are also returning your check No. 92-284 in the amount of \$40.

On the applications, we have completed Items 7a and 8a. If this meets with your approval, please resign your name exactly as it appears in Item 1.

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Very truly yours,

RICHARD M. TURNIPSEED
Water Resource Administrator

RMT:ba

Enc: check #92-284 (\$40)
claims (4)
applications (2)

75-7033

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

1352 EAST CENTER STREET
POCATELLO, IDAHO 83201

December 9, 1972

OFFICE PHONE: 233-1600

RECEIVED

DEC 12 1972

Norman Young
Idaho Department of Water Administration
Eastern District Office
240 So. Holmes
Idaho Falls, Idaho 83401

Department of Water Administration
Eastern District Office

Dear Mr. Young:

Please find enclosed my applications for Panther Creek water rights. I am sorry that these have been held to the last minute, but have, for the past week, tried to contact Attorney James Bennetts of Challis to go over the applications, but weather conditions have made it impossible.

I have also enclosed my check for \$40.00 to cover the additional filing fee.

Sincerely,

G. A. Bacon
G. A. Bacon, M. D.

GAB/vs
Enclosures

75-7033

November 10, 1972

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

Mr. James R. Bennetts
Attorney-at-Law
Challis, ID 83226

Dear Mr. Bennetts:

The above referenced claim and application were receipted at our Boise Office on August 24, 1972. They were then forwarded to this office for processing. During the preparation of the advertising of these instruments, it was noticed that both were written to include water from more than one source; making it necessary to file an amended claim and application. You were advised of this in our letter of September 1, 1972, at which time we requested that you have Mr. Bacon complete the forms and return them to this office for processing.

As of this date we have not received the amended claim or amended application. Please be advised that if we have not received these instruments within thirty (30) days from the date of this letter, we will void the application and claim and they will be of no further force or effect.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

75-7033

October 18, 1972

Re: Application for Permit No. 75-7033 - G. A. Bacon
Claim to a Water Right No. 75-4017 - " " "

Mr. James R. Bennetts
Attorney-at-Law
Challis, ID 83226

Dear Mr. Bennetts:

Pursuant to our telephone conversation of this day, enclosed please find the requested material. There is a \$2.00 fee for these copies.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

Enclosures: App. for Per. # 75-7033
Claim #75-4017

75-7033

208-879-2488

JAMES R. BENNETTS
ATTORNEY AT LAW
CHALLIS, IDAHO 83226

RECEIVED
SEP 25 1972
Department of Water Administration
Eastern District Office

State of Idaho
Department of Water Administration
240 South Holmes Avenue
Idaho Falls, Idaho
83401

Sept. 22, 1972

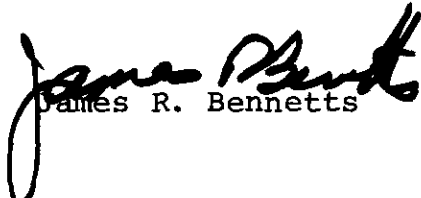
RE: 75-4017 & 75-7033

Dear Mr. Young;

I apologize for not having the Bacon amendments returned to you. Dr. Bacon resides in Pocatello, the property is located in the North end of Lemhi County, and in that my office is in Challis, communication problems are usual.

We will get the amended Application in as soon as possible.

Very truly yours,


James R. Bennetts

JRB/bb

75-7033

September 19, 1972

RE: 75-4017 & 75-7033

Mr. James R. Bennetts
Attorney-at-Law
Challis, Idaho 83226

Dear Mr. Bennetts:

Please refer to our letter of September 1 in which we requested Mr. Bacon to fill out and return the amended application and claim forms. We would appreciate receiving them as soon as possible, in order to continue with the processing.

If he is no longer interested in continuing with these applications please let us know so we can clear our records.

If you have any questions please do not hesitate to contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:GW

75-7033

September 1, 1972

Mr. James R. Bennetts
Attorney-at-Law
Challis, Idaho 83226

Dear Mr. Bennetts:

During the preparation of the advertising for Claim to a Water Right No. 74-4017 and Application for Permit No. 75-7033, both in the name of Gilbert A. Bacon, it was noticed that both these instruments are written to include water from more than one source. It is the department's policy not to have more than one source of water per right unless the various sources divert into an identical system. It appears that these systems are not identical for the water uses covered by both of these instruments; i.e., a separate system for domestic and irrigation.

Therefore, it will be necessary for Mr. Bacon to amend the claim and application that we now have to cover only one source and to submit new applications on claims to cover the sources deleted from this application and claim. There will be no additional charge for amending the application and claim we now have, but it will be necessary to pay the filing fee for the additional application and claim.

Enclosed are the necessary forms for making these changes. Special forms are not available for amending claims and applications. They should merely be redone and the word "amended" noted before the number.

If you will have Mr. Bacon fill out these forms and forward them to this office we will be happy to continue processing the applications and claims.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:cw

Enclosures

75-7033

United States Department of Agriculture Forest Service		d. Record no. (1-2) 70	b. Region 04	c. Forest (5-6) Salmon 13
SPECIAL USE PERMIT Act of June 4, 1897 This permit is revocable and nontransferable (Ref. FSM 2710)		d. District (7-8) Coblat 01	e. Use number (9-12) 2720	f. Kind of use (13-15) 911
		g. State (16-17) Idaho 16	h. County (18-20) Lemhi 059	k. Cord no. (21) 1

Permission is hereby granted to Dan O'Conner
of Challis, Idaho 83226
hereinafter called the permittee, to use subject to the conditions set out below, the following described lands or improvements:

A tract of land and a right-of-way 10 feet wide in the NE $\frac{1}{4}$,
Section 33, T22N, R18E, B.M.; more specifically the mouth of
Wire Gulch adjacent to HES 239.

400 25 142

U.S. Department of Agriculture
Forest Service

This permit covers .1 acres and/or .08 miles and is issued for the purpose of:

Constructing and maintaining a domestic water system consisting
of about 400 feet of 2" plastic pipe and storage box.

1. Construction or occupancy and use under this permit shall begin within 3 months, and construction if any, shall be completed within 6 months, from the date of the permit. This use shall be actually exercised at least 365 days each year, unless otherwise authorized in writing.

2. In consideration for this use, the permittee shall pay to the Forest Service, U.S. Department of Agriculture, the sum of Five and No/100 Dollars (\$ 5.00) for the period from January 1 1972, to December 31, 1972, and thereafter annually on January 1.
Five and No/100 Dollars (\$ 5.00) :
Provided, however, Charges for this use may be made or readjusted whenever necessary to place the charges on a basis commensurate with the value of use authorized by this permit.

3. This permit is accepted subject to the conditions set forth herein, and to conditions 18 to 24 attached hereto and made a part of this permit.

PERMITTEE	NAME OF PERMITTEE Dan O'Conner	SIGNATURE OF AUTHORIZED OFFICER Permittee <i>Dan O'Conner</i>	DATE 5/18/72
ISSUING OFFICER	NAME AND SIGNATURE <i>Tom E. Hapner</i>	TITLE Forest Supervisor	DATE 5/22/72

(CONTINUED ON REVERSE)

2700-4 (10/68)

75-7033

18. (A-13) A service charge in addition to the regular fees shall be made for failure to meet the fee payment due date or any of the dates specified for submission of statements required for fee calculation. The service charge shall be one (1.0) percent per month of the fee from the date statement and fees were due or \$15, whichever is greater. If a due date falls on a nonworkday, the service charge will not apply until the end of the next workday.
19. (B-8) The permittee shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of National Forest lands under this permit.
20. (B-31) Avalanches, rising waters, high winds, falling limbs or trees, and other hazards are natural phenomena in the forest that present risks which the permittee assumes. The permittee has the responsibility of inspecting his site, lot, right-of-way, and immediate adjoining area for dangerous trees, hanging limbs, and other evidence of hazardous conditions and, after securing permission from the Forest Service, of removing such hazards.
21. (E-4) Unless sooner terminated or revoked by the Regional Forester, in accordance with the provisions of the permit, this permit shall expire and become void on 12/31/80, but a new permit to occupy and use the same National Forest land may be granted provided the permittee will comply with the then existing laws and regulations governing the occupancy and use of National Forest lands and shall have notified the Regional Forester no less than 3 months prior to said date that such new permit is desired.
22. (X-33) This permit is granted with the express understanding that should future location of Government improvements or road rights-of-way require the relocation of the permittee's improvements, such relocation will be done by the permittee at his expense within sixty (60) days following request to relocate.
23. (X-81) This permit confers no right to the use of water by the permittee.
24. (C-12) No plans were submitted by the permittee, but the related recommendations prepared by Ralph A. Finn, District Forest Ranger are attached to and hereby made a part of this permit.

75-7033

DAN O'CONNER

Water Transmission Special-use Permit

Forest Service Recommendations

1. Perforated pipe be buried in the gravel of the streambed to pick up the water.
2. That the collection pipe be extended underground away from the stream to a little bench where the storage box will be constructed.
3. We recommend that a small weir, six to eight inches high be constructed downstream from the perforated pipe, to break the grade and form a small pool to prevent the washing out of the collection pipe. This weir has to be constructed to allow high water to go through without causing damage by damming or changing the stream channel.
4. The canyon is so narrow that to bury his waterline along the edge of the stream would cause too much damage. We, therefore, recommend the line be laid in water along the bottom of the stream channel until he gets to the mouth of the canyon, then go underground across the alluvial outwash to the edge of the private land.
5. The pipeline will have to cross the Panther Creek Road. The Forest Engineer recommends this pipe be buried 24 inches beneath the surface of the road. If O'Conner uses plastic pipe, then he should also put a larger steel pipe under the road to run the plastic pipe through.

75-7033

August 25, 1972

Mr. James R. Bennetts
Attorney-at-Law
Challis, ID 83226

Dear Mr. Bennetts:

Attached herewith is departmental receipt No.8742 in the amount of \$35 for the application for water permit and claim to a water right you submitted in behalf of Mr. G. A. Bacon.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

Attachment

75-7033

August 8, 1972

Re: Application for Permit & Claim to a Water Right - G. A. Bacon

Mr. James R. Bennetts
Attorney-at-Law
Challis, ID 83226

Dear Mr. Bennetts:

We are returning the Claim to a Water Right and Application for Permit you submitted in behalf of G. A. Bacon, along with check #92-297 which was not signed. Before we can begin processing the applications, the following items require further clarification:

Claim:

1. In Item 3a, the amount should be listed as 1.25 c.f.s.
2. In Item 3b, the use should be shown as domestic and irrigation.

Application:

1. Item 2 and the map in Item 11 do not agree. If there are actually two points of diversion, please show both distinctly on the map.
2. In Item 4, 0.06 c.f.s. is requested for domestic purposes. Since it is not indicated in 8a-4 the number of families to be supplied with the water, we cannot determine if this amount can be justified. Also in Item 4, the amount of water for irrigation should be shown as .33 c.f.s.
3. Complete Item 8, giving the place of use for domestic purposes, number of families to be supplied with the water, etc. The place of use for domestic purposes should also be shown on the map in Item 11.
4. We will need to be supplied with a copy of the easement from the Forest Service allowing the applicant access to the land from the point of diversion to the place of use.

There is a statutory filing fee of \$10 for the claim and \$25 for the application for permit. If you will make the above listed corrections to the forms, we will be most happy to process them upon receipt of the forms in good order, along with the filing fees.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

RICHARD M. TURNIPSEED
Water Resource Investigator Administrator
RMT:ba
Enc: App. for Per., Claim, Check #92-297, new app.

75-7032

208-879-2488

JAMES R. BENNETTS
ATTORNEY AT LAW
CHALLIS, IDAHO 83226

August 1, 1972

RECEIVED
AUG 1 1972
Department of Water Administration

RECEIVED
AUG 4 1972
Department of Water Administration
Eastern District Office

R. K. Higginson, Director
Idaho Department of Water Administration
Boise, Idaho
83701

Re: G.A. Bacon Water Filing

Dear Sir:

Enclosed is a Claim to a Water Right and an Application for Permit relative to the Dr. G. A. Bacon property on Panther Creek, a tributary of the Salmon River.

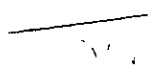
I think the Application is fairly well explained by Attachment #1; but if further clarification is needed, please let me know.

We had written your Department earlier relative to the water rights established from Beaver Creek on the East side of Panther Creek. Would you kindly check your records again in order to assure us that the water right from Beaver Creek has been filed upon and approved.

Willard Rood, whose Affidavit is attached, has assured us that such a water right has been established and proved before the Department of Reclamation.

We are enclosing \$20.00 for filing cost.

Very truly yours,


James R. Bennetts

ENC.

JRB/bb

75-7032