

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

Range 45E

Township 3N

18

Point of diversion

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.

David P. Baumann

Terry Brattain  
Terry Brattain (Applicant)

Sarah Jane Baumann  
Sarah Jane Baumann

Laura Brattain  
Laura Brattain

**AFFIDAVIT OF PUBLICATION**

State of Idaho )  
 ) ss  
County of Teton )

Sharon Hastings  
being first duly sworn depose and  
say that I am the Secretary  
of the Teton Valley News, a  
newspaper as defined by Idaho  
Codes Annotated, Section 58-106,  
as amended, and that said  
newspaper is a weekly newspaper  
printed and published at Driggs, in  
Teton County, Idaho, having a  
general circulation in said county,  
and that said newspaper has been  
printed in said county for more  
than 78 consecutive weeks prior to  
the first publication of the attached  
notice, advertisement or publica-  
tion of

Application -  
22-7342

And affiant further says that said  
attached notice, advertisement or  
publication, as per clipping  
attached, was published in said  
newspaper, in the regular and  
entire issue thereof, and not in any  
supplement issue thereof, for 2  
consecutive issues thereof; first  
publication having been made on  
the 15 day of Jan, 1981  
and last publication on the 22 day  
of Jan, 1981.

And affiant further says that at  
the times herein mentioned said  
newspaper was made up of at least  
eight pages of at least five columns  
each, printed from type matter, of  
at least sixteen inches deep.

Sharon Hastings

Subscribed in my presence and  
sworn to before me this 22 day of  
Jan, 1981.

(SEAL) Notary Public for the state  
of Idaho, residence and postoffice  
address, Driggs, Idaho.

Mitchell C. Neilson  
My Commission expires

July 7, 1982

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

Notice is hereby given that the  
following application has been sub-  
mitted for permit to appropriate  
the public waters of the State of  
Idaho.

22-7342 *ok by 2/2/81*

Baumann, David P. and/or Sar-  
ah Jane.

Brattain, Terry and/or Laura.  
2525 S. Boulevard, Idaho Falls,  
ID 83401.

Source: Spring tributary to  
Warm Creek.

Date Filed: 01/02/1981.

Amount: 0.04 CFS.

Diversion Point: SENE Sec 18 T  
03N R 45E, Teton Co.

Use: Domestic (0.04 CFS) from  
01/01 to 12/31.

Place of Use: SENE Sec 18 T  
03N R 45E.

Diversion Means: Pump and  
Pipeline.

If issued, the permit will be  
subject to all prior water rights.  
Protests against the granting of  
any permit must be filed with the  
Director of the Idaho Department  
of Water Resources, 150 Soup  
Avenue, Idaho Falls, Idaho 83401  
on or before February 2, 1981.

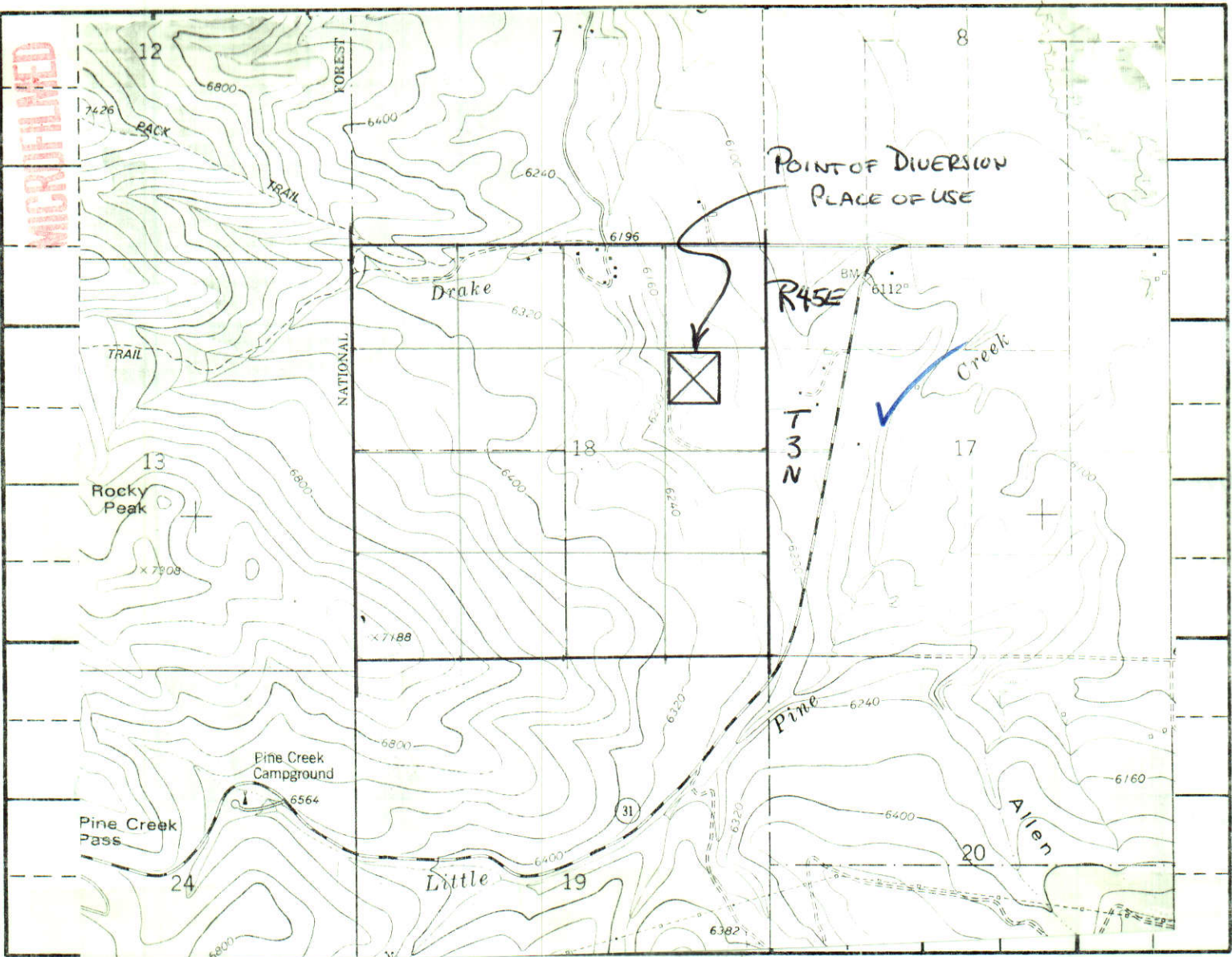
**C. Stephen Allred**  
**Director.**

Published in the *Teton Valley*  
*News* January 15 and 22, 1981.

**MICROFILMED**

**RECEIVED**  
JAN 27 1981

Department of  
Eastern...



**SCHEMATIC DIAGRAM OF SYSTEM**

(Include distance from pump to measuring device, if applicable.)

N/A

Point(s) of diversion: ☒ SE 1/4 NE 1/4 Sec 18 T3N R4SE

Place(s) of Use ☒

| TWP. | RGE. | 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 |        |
| 3N   | 4SE  | 18   |        |        |        | 20     |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
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|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

**Recommended Amendments:**

- ☐ Change P.D. as reflected above      ☐ Add P.D. as reflected above      ☒ None  
☐ Change P.U. as reflected above      ☐ Add P.U. as reflected above      ☐ Other

Examiner's Signature: Keith Culbertson      Date: 9 April 1984  
 Checked by: HW Jones      Date: 5-08-84  
 Approved by: Ray Walker      Date: 5-23-84

State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-7342 Priority January 2, 1981 Amount 0.04 cfs

THIS IS TO CERTIFY, that David P. Baumann or Sarah Jane Baumann and  
Terry Brattain or Laura Brattain  
of Idaho Falls, Idaho, has complied with the terms and conditions of Permit  
No. 22-7342 issued pursuant to Application for Permit dated January 2, 1981,  
and has submitted proof to the Department of Water Resources on July 19, 1982,  
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 0.04 cfs of water from a spring,  
tributary to Warm 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 |
|--------------------|----------------------------------|-------------------|---------------|
| Domestic (2 Units) | from January 1 to December 31 at | 0.04 cfs and      | 2.4 acre feet |
|                    | from                             | cfs and           |               |
|                    | from                             | at cfs and        |               |
|                    | (both dates inclusive)           |                   |               |

Subject, however, to the condition that no more than 0.04 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  
2.4 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 18,  
Twp 3N, Rge 45E in the County of Teton

Description and location of place of use:

| Twp. | Range | Sec. | Section          |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 3N   | 45E   | 18   |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

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, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 6<sup>TH</sup> day of

JUNE

, 19 84

MICROFILMED

Acting for the Director

*Norman C. Gung*

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

IN THE MATTER OF APPLICATION FOR PERMIT NO. )  
22-7342 IN THE NAME OF DAVID P. OR SARAH )  
JANE BAUMANN AND TERRY OR LAURA BRATTAIN )

---

MEMORANDUM DECISION  
AND ORDER

David P. or Sarah Jane Baumann and Terry or Laura Brattain on January 2, 1981 filed Application No. 22-7342 to appropriate 0.04 cubic feet per second of water from an unnamed spring to Warm Creek thence Deep Creek thence the Teton River. The water is proposed to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 18, Twp. 3N, Rge. 45E B.M., Teton County, and would be used for domestic purposes by two families within the same tract of land.

Notice of the proposed appropriation was published in the Teton Valley News newspaper on January 15 and 22, 1981. Protests against the granting of the permit were filed on January 19 for Keith Davis for his attorney Charles E. Peterson and on January 26 by Carol M. and Thomas Dale Marcum, and Annie Hamblin.

A conference was held on March 5, 1981 at the Teton County Courthouse, Driggs, Idaho. The applicants were present and represented by attorney C. Timothy Hopkins. Protestant Keith Davis was present and represented by attorney Charles E. Peterson. Protestants Carol M. and Thomas Dale Marcum represented themselves and Mr. Dwight C. Stone was present for Annie Hamblin.

All the parties, after discussion about when the springs were first used, the location and flow of the spring, the effect on other water rights and whether the proposed project was in the public interest, agreed to allow the director to issue his decision based upon the information obtained during the conference. They also agreed that a proposed decision was unnecessary and that the director could issue a final decision on the application.

The issues raised during the conference were:

1) Can a permit be granted if the point of diversion is located on another person's property?

2) Will the proposed project cause injury to other existing water rights. And more specifically, would the granting of this permit cause injury to protestant Davis prior permit for fish propagation since the spring is located within one of his proposed fish ponds?

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MARCH 11 1981

3) Is the project in the public interest if it would not be approved by the Teton County Planning and Zoning Committee because of the question of the existence of an easement or right-of-way by the applicant to the spring.

After considering the issues raised, the information contained in the record, the official files of the department and based upon his understanding of the law, the Director makes the following Findings of Fact, Conclusions of Law and Order.

#### FINDINGS OF FACT

1) The spring is located on land being purchased by the protestant Keith Davis from Annie Hamblin.

2) The spring water has been used by the protestant Thomas Dale Marcum for over 20 years.

3) The springbox was rebuilt in 1974 by the applicants and protestant Marcum.

4) The Brattains built their house in 1975 and the Baumanns built theirs in 1977. Both have been using water from the spring since their houses were built.

5) The elevation of the spring is lower than the houses of the applicants so the water would have to be pumped.

6) The protestant Davis purchased the property in 1979 and constructed his house in 1980.

7) Keith Davis, the protestant, is the holder of Permit No. 22-7333 with a priority date of August 19, 1980 for the use of Finn Spring which is the same spring applied for under this application. Mr. Davis' permit is for the diversion of 0.02 cubic feet per second of water for fish propagation in ponds with a volume of 2.00 acre-feet. The permit holder described the use as "water to be used to improve fish habitat and small ponds for recreational fish propagation".

8) The waters of Deep Creek were decreed by District Judge Henry S. Martin on March 28, 1967 in the case entitled Victor Kunz and Erma Kunz vs. James Kunz, et al and Elva Taylor, et al. The plaintiffs Victor and Erma Kunz were decreed 55 miner's inches or 1.10 cubic feet per second of water and the defendants were decreed the remainder of the flow.

9) The Teton County Planning and Zoning Committee would not, according to Mr. Richard Driggs, Chairman, approve the applicants' water project without the permission of the land owner where the spring is located. The committee however, would have no objection if an easement or right-of-way was obtained from the land owner.

## CONCLUSIONS OF LAW

1) Ownership or possessory interest in the land at the point of diversion is not necessary in filing an application for permit. Idaho Code, Sections 42-1102 and 42-1106 provide a method of establishing a right-of-way across the land of another person, to the point of diversion. No right-of-way or access to the point of diversion is conferred automatically by granting of a water right permit.

2) The facilities for the appropriation of water under this permit were in existence at the time the protestant Davis purchased the property where they are located and also several years prior to his filing for Permit No. 22-7333. Since the purpose of Mr. Davis's permit is to improve fish habitat and small ponds for recreational fish propagation, the actual location of which is not critical, there is no injury to his proposed project caused by the issuance of this permit.

3) The water right users downstream on Deep Creek as shown in Findings of Fact No. 8 have an earlier priority and, therefore, are entitled to the water from the unnamed spring when the water would reach their points of diversion. The flow from the spring is sometimes needed to satisfy their use under the decree. A use of the unnamed spring under these conditions would cause no injury to the downstream water rights.

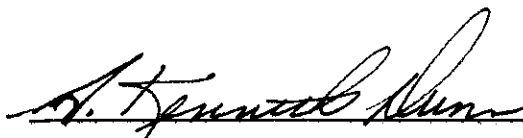
4) The use of water as proposed would not conflict with the local public interest or with the Teton County Planning and Zoning Committee if access to the point of diversion is obtained.

## ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 22-7342 is APPROVED with the following conditions:

- 1) Subject to all prior water rights.
- 2) Proof of construction of works and beneficial use of the water must be submitted on or before August 1, 1982.
- 3) The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Dated this 24 day of July, 1981.

  
A. KENNETH DUNN  
Director

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

David P. Baumann or Sarah Jane Baumann and 524-1379  
1. Name of applicant Terry Brattain or Laura Brattain Phone 787-2965  
2525 S. Boulevard, Idaho Falls, Idaho 83401 (Baumann)  
Post office address Rural Route 1, Box 116, Victor, Idaho 83455 (Brattain)  
Warm Creek and  
2. Source of water supply unnamed spring which is a tributary of Teton River  
3. Location of point of diversion is SE ¼ of NE ¼ of Section 18 Township 3N  
Range 45E B.M. Teton County, additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 0.04 cfs for domestic purposes from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.04 cfs. cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Spring house with pump and pipeline  
system for diversion

b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir  
capacity \_\_\_\_\_ acre-feet, materials used in storage dam: \_\_\_\_\_

Period of year when water will be diverted to storage \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Month/Day) (Month/Day)

c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial  
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE ¼ of NE ¼ of Section 18 Township 3N  
Range 45E B.M.

(2) Amount of power to be generated: \_\_\_\_\_ horsepower under \_\_\_\_\_ feet of head.

(3) List number of each kind of livestock to be watered \_\_\_\_\_

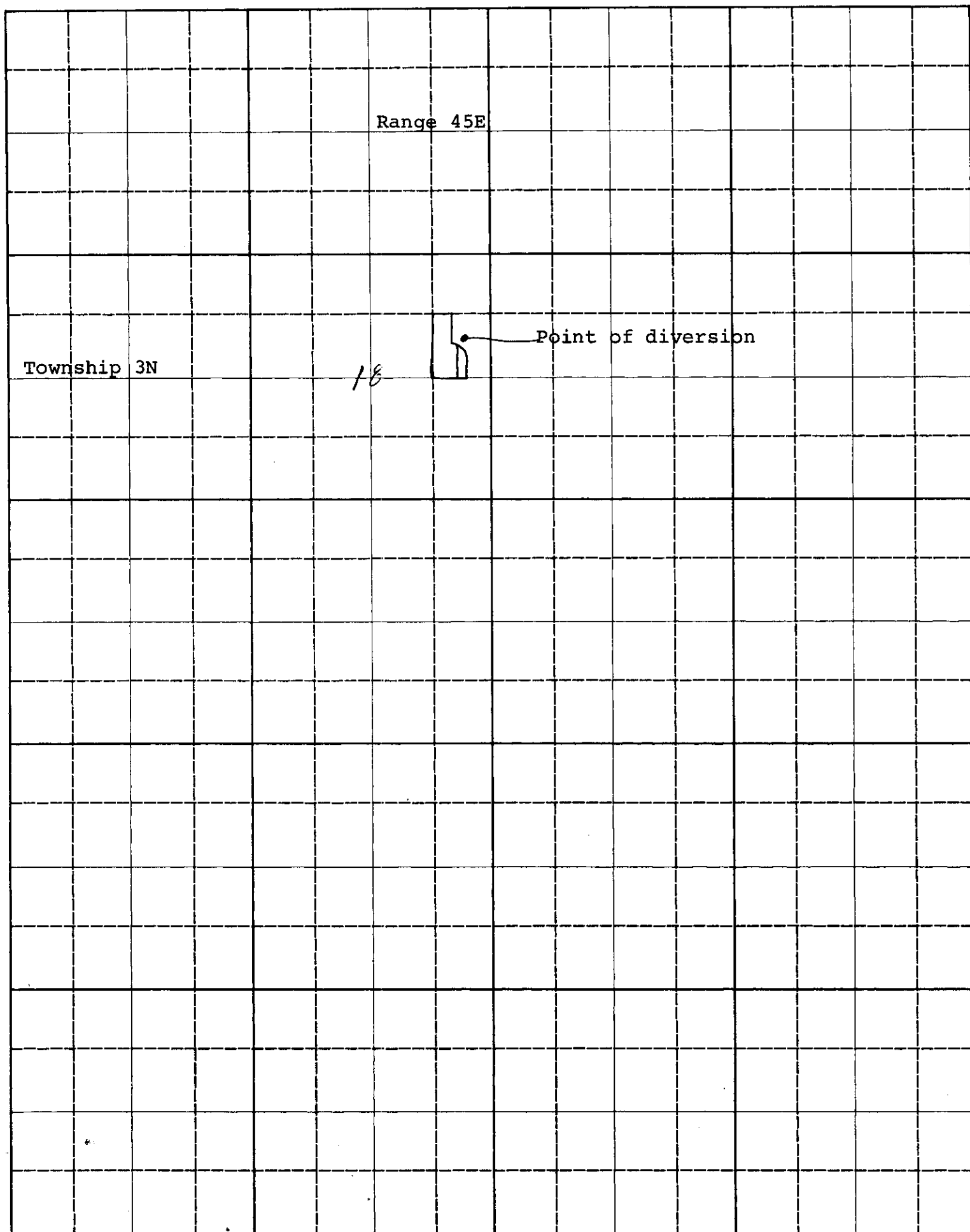
(4) Name of municipality to be served \_\_\_\_\_, or number of families to be  
supplied with domestic water two.

If water is to be used for other purposes describe: \_\_\_\_\_

RECEIVED  
MAY 11 1978



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.

RECEIVED

David P. Baumann  
David P. Baumann

Sarah Jane Baumann  
Sarah Jane Baumann

Terry Brattain  
Terry Brattain (Applicant)

Laura Brattain  
Laura Brattain

Received by kw Date 1/2/81 Time 11:45  
12/26/80 10:55A.  
Preliminary check by EMC Fee \$ 30.00  
Received by kw Date 1/5/81 # 16140  
Publication prepared by kw Date 1/8/81  
Published in Teton Valley News  
Publication dates 1/15 & 1/22/81  
Publication approved kw Date 2/3/81  
Protests filed by: Keith Lewis by Charles E. Peterson  
Thomas D. & Carol M. Marcum, Mrs. Annie  
Hamblin  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by \_\_\_\_\_

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 22-7342, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 82.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: PURSUANT TO MEMORANDUM DECISION AND ORDER

Witness my hand this 24 day of June, 19 81.

A. Kenneth Nunn  
Director

**AFFIDAVIT OF PUBLICATION**

State of Idaho )

) ss

County of Teton )

Sharon Hastings  
being first duly sworn depose and say that I am the Secretary of the Teton Valley News, a newspaper as defined by Idaho Codes Annotated, Section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at Driggs, in Teton County, Idaho, having a general circulation in said county, and that said newspaper has been printed in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of

Application -  
22-7342

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 15 day of Jan, 1981 and last publication on the 22 day of Jan, 1981.

And affiant further says that at the times herein mentioned said newspaper was made up of at least eight pages of at least five columns each, printed from type matter, of at least sixteen inches deep.

Sharon Hastings

Subscribed in my presence and sworn to before me this 22 day of Jan, 1981.

(SEAL) Notary Public for the state of Idaho, residence and postoffice address, Driggs, Idaho.

Mitchell C. Neilson  
My Commission expires

July 7, 1982

**NOTICE OF APPLICATION FOR WATER RIGHT**

Notice is hereby given that the following application has been submitted for permit to appropriate the public waters of the State of Idaho.

22-7342 *OK PW 2/2/81*

Baumann, David P. and/or Sarah Jane.

Brattain, Terry and/or Laura.  
2525 S. Boulevard, Idaho Falls, ID 83401.

Source: Spring tributary to Warm Creek.

Date Filed: 01/02/1981.

Amount: 0.04 CFS.

Diversion Point: SENE Sec 18 T 03N R 45E, Teton Co.

Use: Domestic (0.04 CFS) from 01/01 to 12/31.

Place of Use: SENE Sec 18 T 03N R 45E.

Diversion Means: Pump and Pipeline.

If issued, the permit will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Soup Avenue, Idaho Falls, Idaho 83401 on or before February 2, 1981.

C. Stephen Alfred  
Director.

Published in the Teton Valley News January 15 and 22, 1981.

RECORDED

RECORDED



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

---

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

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

June 7, 1984

RE: Permit No. 22-7342

David or Sarah Baumann &  
Terry or Laura Brattain  
2130 South Boulevard  
Idaho Falls, ID 83401

Dear Permit Holders:

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

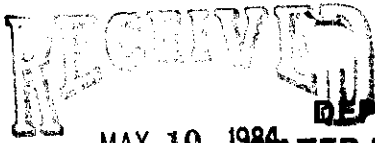
Sincerely,

JIM JOHNSON  
Water Distribution Supervisor

JJ:sc

Enclosure

**MICROFILMED**



State of Idaho  
DEPARTMENT OF WATER RESOURCES  
WATER RIGHT BENEFICIAL USE FIELD REPORT

22-7342

Permit No.

Department of Water Resources

CONTACT WITH PERMIT HOLDER

DATE

INITIALS

REMARKS

☐ Appointment letter mailed:

☐ Telephone call made

(List Telephone No. used)

☐ Appointment scheduled for:

(Date, time, location)

EXAMINATION

Date 2 Aug 1983 Accompanied by N/A Total Q measured 0.04 cfs ✓

Source Spring Tributary to Warm Creek Supp. annubar measurement sheet used? NO

If source is surface water, estimate total flow of source

Methods of measurement Bucket + Stopwatch Meets permit requirements?

Measurement calculations: 2 1/2 gal in 8.5 sec = 17.6 gpm = 0.04 cfs ✓

Permit limited by capacity

Theoretical Q =  $\frac{1(8.314)(.8)}{20 + (30 \times 2.308)} = 0.08 \text{ cfs}$   
Lower Elev. Home

Theoretical Q High Elev =  $\frac{1(8.314)(.8)}{100 + (30 \times 2.308)} = 0.04 \text{ cfs}$

V = 1.20 afa / single domestic home

V = 2.40 afa ✓

| WELL/DIV. NO. | HP | MOTOR MAKE | MOTOR SERIAL NO. | PUMP MAKE | PUMP SERIAL NO. | MEASURING DEVICE TYPE | CONDITION OF MEAS. DEVICE | REMARKS |
|---------------|----|------------|------------------|-----------|-----------------|-----------------------|---------------------------|---------|
|               | 1  | Century    | 8-12444620       | Meyers    | 460469          |                       |                           |         |
|               |    |            |                  |           |                 |                       |                           |         |
|               |    |            |                  |           |                 |                       |                           |         |
|               |    |            |                  |           |                 |                       |                           |         |

System Description Spring house over spring with pump, pressure tank and distribution lines to two domestic home

Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE

Domestic ✓  
(two units) ✓

Irrigation requirement = N/A

AFA/Acre

Q (cfs)  
0.04 cfs ✓

V (afa)  
2.40 afa ✓

FROM 1/1 ✓ TO 12/31 ✓

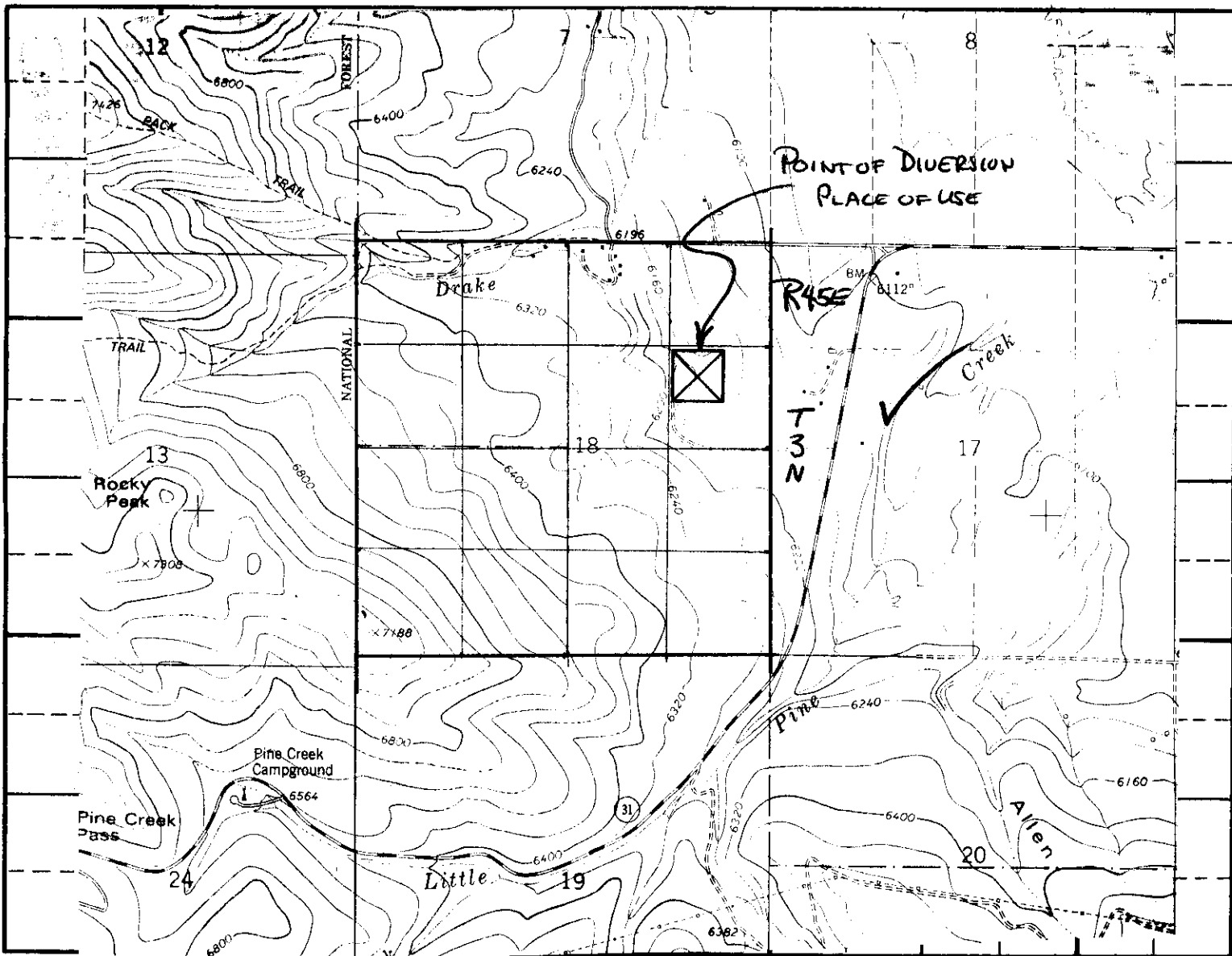
Total

0.04 cfs ✓

2.40 afa ✓

1/1 12/31

Remarks



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

N/A

Point(s) of diversion: ✓ SE 1/4 NE 1/4 Sec 18 T3N R4SE

Place(s) of Use ✓

| TWP. | RGE. | 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 |        |
| 3N   | 4SE  | 18   |        |        |        | 20     |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
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|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
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|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

- Recommended Amendments:
- ☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None
- ☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

Examiner's Signature

Checked by

Approved by

*Keith Cullen*

*H.W. Jones*

*Ray Walker*

Date

Date

Date

9 April 1984

5-08-84

5-23-84



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
EASTERN REGION

John V. Evans  
Governor

150 Shoup  
Idaho Falls, Idaho 83401  
(208) 525-7161

A. Kenneth Dunn  
Director

Mr. [Name] [Address]  
[City] [State] [Zip]  
Idaho Falls, Idaho 83401

RE: [Subject]

Dear Mr. [Name]:

We acknowledge receipt of your statement 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.

— A field examination of your system has been scheduled for \_\_\_\_\_.

If this time and date is not convenient for you, please contact this office as soon as possible.

— A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

[Signature]  
[Name]  
[Title]

**MICROFILMED**

Terry Br Hain  
Box 677 RR1  
Victor, Idaho



IDAHO DEPARTMENT OF WATER RESOURCES  
STATEHOUSE  
BOISE, IDAHO 83720

AUG 8 1982

Department of Water Resources

**MICROFILMED**

# DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 22-7372.

Name(s) of Permit Holder: David or Sarah Jane Baumann  
Terry or Laura Brathain

Post Office Address: Box 677 KRI  
Victor, Idaho 83455 Tel. No. 187-2965

Source of Water: Unmanned spring

Extent of Use: ☒ Domestic 2 (number of households)  
☐ Stockwater (number and type of stock)  
☐ Irrigation (acres)  
☐ Other

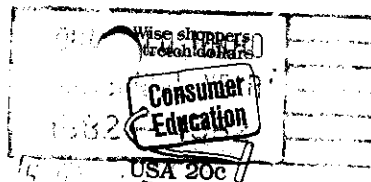
Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No  
Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

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

7/29/82

Terry Brathain  
Signature of Permit Holder

D. L. Barman  
2130 S. Blvd.  
Idaho Falls, Id. 83402



IDAHO DEPARTMENT OF WATER RESOURCES  
STATEHOUSE  
BOISE, IDAHO 83720

# DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 22-7342

Name(s) of Permit Holder: DAVID P. AND SARAH JANE BAUMANN

Post Office Address: 2130 S. BAYVIEW

IDAHO FALLS, ID. 83402 Tel. No. 524-1379

Source of Water: UNNAMED SPRING

Extent of Use: ☒ Domestic 1 (number of households)  
☐ Stockwater (number and type of stock)  
☐ Irrigation (acres)  
☐ Other

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

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

July 16, '82  
Date

Sarah Jane Baumann  
David P. Baumann  
Signature of Permit Holder

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

---

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

BAUMANN, DAVID P. & SARAH JANE  
2525 S. BOULEVARD  
IDAHO FALLS, ID 83401

138991

MAY 31, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 22-7342 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE AUGUST 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK  
SR. SECRETARY

ENC: 1

RECEIVED  
MAY 31 1982

...

**-and-**

Terry or Laura Brattain  
Rural Route 1, Box 116  
Victor, ID 83455

1

10

1

SECRET

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL  
OF APPLICATION FOR PERMIT NO. 22-7242  
IN THE NAME OF DAVID P. OR SARAH JANE  
BAUMANN AND TERRY OR LAURA BRATTAIN

CERTIFICATE OF  
MAILING

I HEREBY CERTIFY That on this 4th day of August 1981, true and correct  
copies of the foregoing MEMORANDUM DECISION AND ORDER & Application for Permit  
No. 22-7342, were mailed, postage prepaid to:

David P. & Sarah Jane Baumann  
2525 S. Boulevard  
Idaho Falls, ID 83401

Terry & Laura Brattain  
R. R. 1, Box 116  
Victor, ID 83455

Paul Weasy  
Box 1219  
Idaho Falls, ID 83401

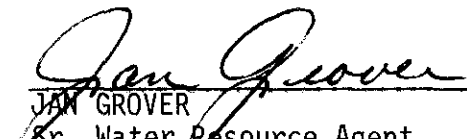
Keith Davis  
Victor, ID 83455

Charles E. Peterson  
Box 22  
Driggs, ID 83422

Carol M. & Thomas D. Marcum  
Route #1, Box 675  
Victor, ID 83455

Annie Hamblin  
Washington,  
Utah 84780

Arthur B. Siri, Inc.  
P.O. Box 509, 2099 Santa Rosa  
Santa Rosa, CA 95401

  
JAN GROVER

Sr. Water Resource Agent  
Idaho Department of Water Resources

RECEIVED  
AUG 10 1981  
IDAHO DEPT. OF WATER RESOURCES

**UNITED STATES POSTAL SERVICE**  
**OFFICIAL BUSINESS**

**SENDER INSTRUCTIONS**

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

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

FEB 21 1981

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



**RETURN  
TO**

**RECEIVED**

FEB 23 1981

DEPARTMENT OF WATER RESOURCES  
EASTERN DISTRICT OFFICE  
150 SHOUP AVE.  
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

Department of Water Resources  
Eastern District Office

(City, State, and ZIP Code)

|                                                                                                                                                                                                                                                                                                                                                                                                         |                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| <b>1. SENDER:</b> Complete items 1, 2, and 3.<br>Add your address in the "RETURN TO" space on reverse.                                                                                                                                                                                                                                                                                                  |                                          |
| The following service is requested (check one.)<br><input checked="" type="checkbox"/> Show to whom and date delivered.....<br><input type="checkbox"/> Show to whom, date and address of delivery.....<br><input type="checkbox"/> RESTRICTED DELIVERY<br>Show to whom and date delivered.....<br><input type="checkbox"/> RESTRICTED DELIVERY.<br>Show to whom, date, and address of delivery.\$ ____ |                                          |
| (CONSULT POSTMASTER FOR FEES)                                                                                                                                                                                                                                                                                                                                                                           |                                          |
| <b>2. ARTICLE ADDRESSED TO:</b><br>marcummo<br>Rt. 1, Box 675<br>Victor, Id.                                                                                                                                                                                                                                                                                                                            |                                          |
| <b>3. ARTICLE DESCRIPTION:</b><br>REGISTERED NO. 1738                                                                                                                                                                                                                                                                                                                                                   | CERTIFIED NO. _____<br>INSURED NO. _____ |
| (Always obtain signature of addressee or agent)                                                                                                                                                                                                                                                                                                                                                         |                                          |
| I have received the article described above.<br>SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent<br><i>Thomas Dale Marcummo</i>                                                                                                                                                                                                                                   |                                          |
| <b>4. DATE OF DELIVERY</b><br>2/21/81                                                                                                                                                                                                                                                                                                                                                                   | POSTMARK<br>FEB 21 1981                  |
| <b>5. ADDRESS (Complete only if requested)</b>                                                                                                                                                                                                                                                                                                                                                          |                                          |
| <b>6. UNABLE TO DELIVER BECAUSE:</b>                                                                                                                                                                                                                                                                                                                                                                    | CLERK'S INITIALS<br><i>LL</i>            |

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

22-7342

**UNITED STATES POSTAL SERVICE**

**OFFICIAL BUSINESS**

**SENDER INSTRUCTIONS**

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

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

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



DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AVE

IDAHO FALLS, IDAHO 83401

**RETURN  
TO**

**RECEIVED**

(Name of Sender)

FEB 23 1991

(Street or P.O. Box)

Department of Water Resources

Eastern District Office

(City, State, and ZIP Code)

|                                                                                                                                                                                                                                                                                                                                                                                                             |                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| <b>SENDER:</b> Complete items 1, 2, and 3.<br>Add your address in the "RETURN TO" space on reverse.                                                                                                                                                                                                                                                                                                         |                                  |
| 1. The following service is requested (check one.)<br><input checked="" type="checkbox"/> Show to whom and date delivered.....\$<br><input type="checkbox"/> Show to whom, date and address of delivery.....\$<br><input type="checkbox"/> RESTRICTED DELIVERY<br>Show to whom and date delivered.....\$<br><input type="checkbox"/> RESTRICTED DELIVERY.<br>Show to whom, date, and address of delivery.\$ |                                  |
| (CONSULT POSTMASTER FOR FEES)                                                                                                                                                                                                                                                                                                                                                                               |                                  |
| 2. ARTICLE ADDRESSED TO:<br>Charles E. Peterson<br>P.O. Box 22<br>Briggs, Id. 83422                                                                                                                                                                                                                                                                                                                         |                                  |
| 3. ARTICLE DESCRIPTION:<br>1737                                                                                                                                                                                                                                                                                                                                                                             | INSURED NO.                      |
| (Always obtain signature of addressee or agent)<br>I have received the article described above.<br>SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent<br>Charles E. Peterson                                                                                                                                                                                            |                                  |
| 4. DATE OF DELIVERY<br>2-21-81                                                                                                                                                                                                                                                                                                                                                                              | POSTMARK<br>DEC 21 1981<br>23422 |
| 5. ADDRESS (Complete only if not 255)                                                                                                                                                                                                                                                                                                                                                                       |                                  |
| 6. UNABLE TO DELIVER BECAUSE:                                                                                                                                                                                                                                                                                                                                                                               | CLERK'S INITIALS<br>[Signature]  |

22-7342

**UNITED STATES POSTAL SERVICE**

**OFFICIAL BUSINESS**

**SENDER INSTRUCTIONS**

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

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

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



DEPARTMENT OF WATER RESOURCES  
EASTERN DISTRICT OFFICE  
150 SHOUP AVE.  
IDAHO FALLS, IDAHO 83401

**RETURN  
TO**



**RECEIVED**

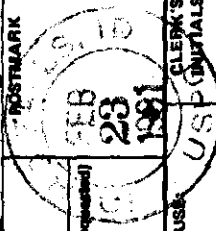
**FEB 24 1961**

Department of Water Resources  
Eastern District Office

\_\_\_\_\_  
(Name of Sender)

\_\_\_\_\_  
(Street or P.O. Box)

\_\_\_\_\_  
(City, State, and ZIP Code)

|                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| ● SENDER: Complete items 1, 2, and 3.<br>Add your address in the "RETURN TO" space on reverse.                                                                                                                                                                                                                                                                                                                          |                                                                                                 |
| 1. The following service is requested (check one.)<br><input checked="" type="checkbox"/> Show to whom and date delivered. .... \$<br><input type="checkbox"/> Show to whom, date and address of delivery. .... \$<br><input type="checkbox"/> RESTRICTED DELIVERY<br>Show to whom and date delivered. .... \$<br><input type="checkbox"/> RESTRICTED DELIVERY.<br>Show to whom, date, and address of delivery. \$ ____ |                                                                                                 |
| (CONSULT POSTMASTER FOR FEES)                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                 |
| 2. ARTICLE ADDRESSED TO:<br><i>Baumgardner</i><br><i>2525 S. Boulevard</i><br><i>Idaho Falls, Id. 83401</i>                                                                                                                                                                                                                                                                                                             |                                                                                                 |
| 3. ARTICLE DESCRIPTION:<br>REGISTERED NO. <i>1733</i>                                                                                                                                                                                                                                                                                                                                                                   | CERTIFIED NO. _____<br>INSURED NO. _____                                                        |
| (Always obtain signature of addressee or agent)<br>I have received the article described above.<br>SIGNATURE <i>Val Baumgardner</i> <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent                                                                                                                                                                                                        |                                                                                                 |
| 4. DATE OF DELIVERY _____                                                                                                                                                                                                                                                                                                                                                                                               | POSTMARK<br> |
| 5. ADDRESS (Complete only if requested)                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                 |
| 6. UNABLE TO DELIVER BECAUSE: _____<br>CLERK'S INITIALS <i>USP</i>                                                                                                                                                                                                                                                                                                                                                      |                                                                                                 |

22-7342

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

RECEIVED

FEB 25 1981

Department of Water Resources  
Eastern District Office



RETURN TO

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

DEPARTMENT OF WATER RESOURCES  
EASTERN DISTRICT OFFICE  
150 SHOUP AVE.  
IDAHO FALLS, IDAHO 83401



FEB 23 P.M. 1981

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

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

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

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

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Annie Hamblin  
Washington UT

3. ARTICLE DESCRIPTION: REGISTERED NO. CERTIFIED NO. INSURED NO.

1739

84780

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

4.

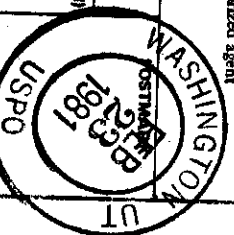
DATE OF DELIVERY

2-23-81

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S  
INITIALS



RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

22-7342

**UNITED STATES POSTAL SERVICE**  
OFFICIAL BUSINESS

**SENDER INSTRUCTIONS**

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits.
- Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



**RETURN**

**RECEIVED**

FEB 24 1981

Department of Water Resources  
Eastern District Office



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

DEPARTMENT OF WATER RESOURCES  
EASTERN DISTRICT OFFICE

150 SHOUP AVE.

IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

|                                                                                                                                                                                                                                                                                                                                                                                                                   |                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| <b>SENDER:</b> Complete items 1, 2, and 3.<br>Add your address in the "RETURN TO" space on reverse.                                                                                                                                                                                                                                                                                                               |                         |
| <b>1 The following service is requested (check one.)</b><br><input checked="" type="checkbox"/> Show to whom and date delivered.....<br><input type="checkbox"/> Show to whom, date and address of delivery.....<br><input type="checkbox"/> RESTRICTED DELIVERY<br>Show to whom and date delivered.....<br><input type="checkbox"/> RESTRICTED DELIVERY.<br>Show to whom, date, and address of delivery. \$ ____ |                         |
| (CONSULT POSTMASTER FOR FEES)                                                                                                                                                                                                                                                                                                                                                                                     |                         |
| <b>2 ARTICLE ADDRESSED TO:</b><br>Keith Davis<br>Victor, Md. 83455                                                                                                                                                                                                                                                                                                                                                |                         |
| <b>3. ARTICLE DESCRIPTION:</b><br>REGISTERED NO. 117361                                                                                                                                                                                                                                                                                                                                                           | INSURED NO.             |
| (Always obtain signature of addressee or agent)                                                                                                                                                                                                                                                                                                                                                                   |                         |
| I have received the article described above.<br>SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent                                                                                                                                                                                                                                                                            |                         |
| <b>4.</b><br>DATE OF DELIVERY<br>2/23/81                                                                                                                                                                                                                                                                                                                                                                          | POST OFFICE<br>1981     |
| <b>5. ADDRESS</b> (Complete only if requested)                                                                                                                                                                                                                                                                                                                                                                    | 10340                   |
| <b>6. UNABLE TO DELIVER BECAUSE:</b>                                                                                                                                                                                                                                                                                                                                                                              | CLERK'S INITIAL<br>A.H. |

22-1342

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS



**SENDER INSTRUCTIONS**

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

**RETURN TO**



**RECEIVED**

FEB 24 1981

Department of Water Resources  
Eastern District Office



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

DEPARTMENT OF WATER RESOURCES  
EASTERN DISTRICT OFFICE

150 SHOUF AVE.

IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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

1 The following services requested (check one.)

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

(CONSULT POSTMASTER FOR FEES)

2 ARTICLE ADDRESSED TO:

Paul Geary, Gough  
Box 1219

Idaho Falls, ID 8340

3. ARTICLE DESCRIPTION:

REGISTERED NO. 1735

INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE: [Signature] Addressee [Authorized agent]

4. DATE OF DELIVERY

Thurs Feb 1 1981

5. ADDRESS (Complete only if requested)

HEB MARK  
FEB 1 1981

6. UNABLE TO DELIVER BECAUSE:

CLERK'S  
INITIALS

**UNITED STATES POSTAL SERVICE**  
OFFICIAL BUSINESS

**SENDER INSTRUCTIONS**

- Print your name, address, and ZIP Code in the space below:
- Complete items 1, 2, and 3 on the reverse.
  - Attach to front of article if space permits.
  - Otherwise affix to back of article.
  - Endorse article "Return Receipt Requested" adjacent to number.

**RETURN TO**



Department of Water Resources  
Eastern District Office

FEB 25 1981

**RECEIVED**

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AVE.

IDAH0 FALLS, IDAHO 83401

PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE 3000



(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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

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

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

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Postmaster  
Rt. 1 Box 116  
Victor, Ia. 53455

3. ARTICLE DESCRIPTION:  
REGISTERED NO. CERTIFIED NO. INSURED NO.

1734

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

2-21-81

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S  
INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

82-7342

22-7342

1

**MILITARY MAIL**

Address of Sender

*Salvo Falls, N. 8341*

POSTAGE AND DATE OF RECEIPT

| NUMBER OF ARTICLE | NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS | POSTAGE | FEE | PER. INCL. | ACTUAL VALUE | MARKING CHARGE | REMARKS |
|-------------------|---------------------------------------------------|---------|-----|------------|--------------|----------------|---------|
| ✓ 1733            | Baumann, 2525 S. Boulevard, NE                    | 15      | 80  | 45         |              |                | 22-7342 |
| ✓ 1734            | Brattain, RRI, Box 116, Victor                    | 15      | 80  | 45         |              |                | " "     |
| ✓ 1735            | Paul Deasy, Box 1219, IF                          | 15      | 80  | 45         |              |                | " "     |
| ✓ 1736            | Keith Davis, Victor, dd.                          | 15      | 80  | 45         |              |                | " "     |
| ✓ 1737            | Charles E. Peterson, Atter, Box 22, Briggs        | 15      | 80  | 45         |              |                | " "     |
| ✓ 1738            | Marcum, Rt. 1, Box 675, Victor                    | 15      | 80  | 45         |              |                | " "     |
| ✓ 1739            | Ann Hamblin, Washington, UT                       | 15      | 80  | 45         |              |                | " "     |
| 8 1740            | Quil Ambaum, Wm, Rt. 1, Box 47, Salmon            | 15      | 80  | 45         |              |                | " "     |
| 9 1741            | Joseph Tommeire, Box 871, Salmon                  | 15      | 80  | 45         |              |                | " "     |
| 10 1742           | Virgil Olson, Rt. 1, Box 12, Salmon               | 15      | 80  | 45         |              |                | " "     |
| 11 1743           | Verdell Olson, Rt. 1, Salmon                      | 15      | 80  | 45         |              |                | " "     |
| 12 1744           | David Hagan, Belton Ranch, Rt. 1, Box 14, Salmon  | 15      | 80  | 45         |              |                | " "     |
| 13 1745           | James Stoddard, Rt. 1, Box 120, Salmon            | 28      | 80  | 45         |              |                | " "     |
| 14 1746           | James Herndon, Herndon Hotel Block, Salmon        | 28      | 80  | 45         |              |                | " "     |
| 15 1747           | Alma Lee, Post. 1/2 Ralph Hagan, Kinister, Salmon | 28      | 80  | 45         |              |                | " "     |
| 16 1748           | Gennio R. Stodabaker, Box 6, Tenday               | 15      | 80  | 45         |              |                | " "     |
| 17 1749           | Duan Jones, Box 28, Tenday                        | 15      | 80  | 45         |              |                | " "     |
| 18 1750           | Sherman F. Hurey, Jr., Box 1137, Salmon           | 15      | 80  | 45         |              |                | " "     |
| 19 1751           | Miss Chamberlain, Tolwestchester Rd, Topoca, KS   | 15      | 80  | 45         |              |                | " "     |
| 20 1752           | Stan A. Mark, Box 1451, Salmon                    | 15      | 80  | 45         |              |                | " "     |

*Jul 29 1941*  
*28.39*  
*2/20*

DECLARATION OF VALUE IS REQUIRED ON INTERNATIONAL REGISTERED MAIL  
\* U.S. CUSTOMS OFFICE OFFICIALS

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

INTER-DEPARTMENT MEMO — 1

FROM Rita Fleck  
TO File 22-7342  
SUBJECT

DATE 6-4-81

Send copy of decision to:

Mr. Arthur B. Siri, Inc  
P.O. Box 509  
2099 Santa Rosa  
Santa Rosa, CA 95401

RECORDED  
&  
INDEXED

  
SIGNATURE

22-7342

Conference

Issue

Local Public Interest

Interference with existing right

Ownership ? Land held by Annie Hamblin  
Being purchased by Mr Davis

Attorney for Applicant

Houses built — ? Built 1975 Box 77

Land purchased 1973 & 1974

Box built in 1974

Appl filed as a result of complaint of New owner of land

— Is there any outside use ? Some lawn around the house

No Q known or measurement

Decree dated 1967 —> Deep Creek

Mr. Davis

Appl 22-7333 — August 19 —

Mr. Peterson is concerned that this is tributary to Deep Creek thence Teton River

There is no excess during irrigation season

The amount of water is not in question

Applicants claim their use would not interfere —

• —The pump house is located where ~~ap~~ a fish pond will be located —

Mr. Marcum —

— When did the use begin 20 to 30 years —

— Helped build the spring box —

— Water usually runs out in August —

RECORDED

Conditions

One family full time -

" " part time -

Public interest not page -

NOT RECORDED

Mr Petersen

Public Interest

County has a subdivision ordinance but no zoning -

Richard Briggs - Chairman of P&Z Committee -

Feeling that this project would not have been allowed because of  
the trespass problem

No problem if the easement was granted -

MICROFILMED

June 4, 1981

Mr. Arthur B. Siri, Inc.  
P. O. Box 509  
2099 Santa Rosa Avenue  
Santa Rosa, CA 95401

Dear Mr. Siri:

Your recent letter expressed concern about an application for a water right Permit No. 22-7342 filed by David P. or Sarah Jane Baumann and Terry or Laura Brattain for domestic water from an unnamed spring in the headwaters of Deep Creek.

A hearing was held on March 5, 1981 and the matter is presently under consideration by the department. A representative of the Three Teton Ranch, Mr. Eldon T. Fullmer, attended that hearing.

The failure of Three Teton Ranch to file a protest against this application does not jeopardize its water right. Even if the permit is granted, it will be with the condition that it is subject to all water rights with an earlier date of priority.

We will let you know when the final decision in this matter is recorded.

Sincerely,

BOBBY D. FLEENOR  
Chief, Regional Office Bureau

BDF:rf

# Arthur B. Siri, Inc.

ENGINEERING CONTRACTORS

P.O. Box 509 - 3099 Santa Rosa Ave.  
Santa Rosa, California 95401  
(707) 542-7931

May 7, 1981

Idaho Dept. of Water Resources  
Eastern Division Office  
150 Shoup  
Idaho Falls, Idaho 83401

Attn: Ernie Carlson

Gentlemen:

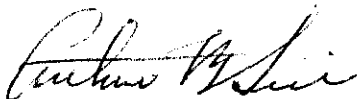
I am the Administrator for the Estate of Mr. James H. Clay, the owner of the Three Teton Ranch property in Victor, Idaho. It is my understanding that a dispute presently exists between a Doctor Baumann and a Mr. Davis involving water usage at the headwaters of Deep Creek and that Doctor Baumann has applied to you for a water permit.

At this time we feel we must object to any water permit being issued which might affect our water rights. It is our understanding that under Civil Case No. 1459, on file at the Courthouse in Victor, Idaho, the Three Teton Ranch property, with a priority date of June 1, 1890, has sole and exclusive rights to all water up to fifty-five miner's inches. It is our further understanding that the present water level is at or below the 55 miner's inches.

We would appreciate being kept informed on this matter so that if necessary appropriate legal action may be timely taken.

Very truly yours,

ESTATE OF JAMES H. CLAY



Arthur B. Siri  
Administrator

cc: Mr. Edwin C. Anderson, Jr., Esq.  
Mr. Davis, Victor, Idaho  
Mr. Tim Hopkins, Esq., Idaho Falls

RECEIVED

MAY 11 1981

Department of Water Resources  
Eastern District Office

RECEIVED

In the matter of Application for  
Permit No 22-7342

Agreement

We hereby agree to allow the Director of the Department  
of Water Resources to reach a decision in this matter based  
upon the conference held at Driggs, Idaho on March 5, 1981

This waiver of a hearing does not affect our right  
to appeal the decision to the Department of Water Resources  
or to the District Court.

Charles E. Peterson  
D. Trustley / Sup. Court

✓  
1/28

RECEIVED

22-7342 - BAUMANN & BRATTAIN

Courtroom, Teton County Courthouse, Driggs, Idaho

Thursday, March 5, 1981 (10:00 a.m.)

ROSTER OF ATTENDANCE

Hearing Officer Bab F. Leenser

| Name                       | Address                         | Representing |
|----------------------------|---------------------------------|--------------|
| Tim Hopkin                 | PO Box 1219                     | Applicants   |
| Paul D. Vossy              | "                               | "            |
| Al Saunman                 | Idaho Falls                     | "            |
| David John Baumann         | "                               | "            |
| Lynda Brattain             | Box 1, Box 177<br>Victor, ID.   | "            |
| Thomas Dale Marcum         | Box 1, Box 177<br>Victor, Idaho |              |
| Maurine Marcum             | Victor, Idaho                   |              |
| Keith W. Davis             | Victor Idaho                    |              |
| CHARLES E. Peterson        | PO Box 8 Driggs                 | R. DAVIS     |
| Eldon T. Fullmer           | P.O. Box 227 Driggs             |              |
| Three Tetons Ranch         |                                 |              |
| Richard E. B. Riggs        | Box 82                          | Feit, ID     |
| Dee P. Bagley              |                                 |              |
| Elizabeth C. Stone         | Box 631 Victor                  |              |
| representing Annie Hamblin | Driggs                          |              |

FILED

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST )  
 )  
APPROVAL OF APPLICATION FOR PERMIT )  
 )  
NO. 22-7342 IN THE NAMES OF DAVID P. )  
 )  
OR SARAH JANE BAUMANN AND TERRY )  
 )  
OR LAURA BRATTAIN ) STIPULATION  
 )  
 )  
 )

BY THIS STIPULATION, the undersigned parties to the above-captioned case waive compliance with the requirements of Idaho Code, Section 67-5211, including the right to a proposed decision, to file exceptions to a proposed decision and to present briefs and oral arguments to the Director of the Department of Water Resources and agree that the Director may render a final decision in this case without first submitting a proposed decision.

Dated this \_\_\_\_\_ day \_\_\_\_\_, 19\_\_\_\_.

Deirdre W. Davis  
Maurine Marcum  
Terry Brattain  
Laura Brattain  
Sarah Jane Baumann  
David P. Baumann  
Q/Timothy Hopewell  
counsel for Applicants

(Notary Subscription)

MICROFILMED

150 Shoup Ave. -----

-----  
525-7161

February 25, 1981

Teton County Courthouse  
Driggs, ID 83422

Gentlemen:

This is to confirm the use of the Courtroom for conference and/or hearing  
to be held by this office on Thursday, March 5, 1981 at 10:00 a.m.

Thank you for your cooperation in this matter.

Sincerely,

KAY WALKER  
Secretary

KW:k

0714

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

IN THE MATTER OF PROTESTS AGAINST  
APPROVAL OF APPLICATION FOR PERMIT  
NO. 22-7342 IN THE NAME OF DAVID P.  
BAUMANN OR SARAH JANE BAUMANN AND  
TERRY BRATTAIN OR LAURA BRATTAIN

NOTICE OF HEARING

On January 2, 1981, David P. Baumann, Sarah Jane Baumann, Terry Brattain and Laura Brattain filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On January 19, 1981, the Department received a protest against approval of said application from Charles E. Peterson, Attorney at Law in behalf of Keith Davis. On January 26, 1981, additional protests were received from Carol M. and Thomas Dale Marcum, and Annie Hamblin.

The Department has set the matter of protest for hearing for Thursday, March 5, 1981, at 10:00 a.m. in the Courtroom of the Teton County Courthouse, Driggs, Idaho. A conference may be held before the hearing. Any hearing will be held in accordance with provisions of Chapter 2, Title 42, and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

In accordance with Idaho Code, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

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

RECEIVED  
MAR 11 1981  
WATER RESOURCES  
DIVISION

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

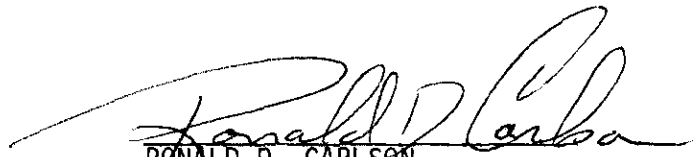
If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties will be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 67-5211.

By written stipulation, the parties may waive compliance with Idaho Code, Section 67-5211. If the hearing is conducted by a hearing officer, the hearing officer will ask the parties at the close of the hearing whether they would like to make such a stipulation.

Failure to waive compliance with Idaho Code, Section 67-5211 will not prejudice the Director's review of the party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 67-5211 is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

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

Dated this 19<sup>th</sup> day of February, 1981.

  
RONALD D. CARLSON  
Eastern Regional Supervisor

RECEIVED  
FEB 22 1981

County of Idaho  
County of Teton  
I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of the original thereof, as the same is on file in my office.  
Dated Feb 19 1981  
Clerk of the District Court  
*James H. Story*  
*James H. Story*

RECEIVED

FEB 19 1981

Department of Water Resources  
Eastern District Office

THE DISTRICT COURT OF THE TWELFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

VICTOR KUNZ and ERMA KUNZ,  
husband and wife,  
  
Plaintiffs,  
  
VS.  
  
JAMES KUNZ, et al, and  
ELVA TAYLOR, et al,  
  
Defendants.

Civil No. 1459

AMENDED

JUDGMENT AND DECREE

FILED  
BY *James H. Story*  
DATE 4-3-67  
CLERK OF DISTRICT COURT

This cause came on regularly to be heard before Honorable Henry S. Martin, presiding District Judge, sitting without a jury, on the 22nd day of November, 1965, at Driggs, Teton County, Idaho; J. Blaine Anderson, Esq., of Furchner, Anderson & Beebe, Blackfoot, Idaho, appearing as counsel for plaintiffs and defendants in intervention, and Ray W. Rigby and Gordon S. Thatcher, Esqs., of Rigby & Thatcher, of Rexburg, Idaho, appearing as counsel for the defendants and plaintiffs in intervention.

That pursuant to a stipulation of the parties all claims and causes of action as between all parties except plaintiffs and the defendant, Elva Taylor, were dismissed and this cause was heard upon the plaintiffs' complaint, defendant's answer and counter-claim and the answer of the plaintiffs to the said counter-claim.

The Court proceeded to hear all evidence, including documentary evidence adduced by the parties, and having considered the same and the briefs of counsel, and having heretofore entered findings of fact and conclusions of law, and the Court having entered its judgment and decree in this cause on the 17th day of June, 1966, and thereafter, within the time permitted by law, the plaintiffs having made and filed certain written objections thereto and their motion to amend said judgment and

decree and said objections and motion to amend having been considered by Court and counsel and counsel for the respective parties having filed a stipulation for the filing of an amended judgment and decree,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED and DECREED, as follows:

That the respective parties are the owners of the herein-after described real property and to which there is appurtenant the water rights hereinafter described and with a priority date of June 1, 1890, to-wit:

1. Fourteen miner's inches of the natural flow of Paul Spring Creek, also known as Warm Creek and North Creek, through a pipeline and measured at her point of diversion, which is the Southwest corner of the  $N\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$ , Section 7, Township 3 North, Range 45, E.B.M., Teton County, Idaho, at the opening of the pipe which is approximately 100 feet below the small dam in said Paul Spring Creek and for the purpose only of cleaning and filling a swimming pool owned by the defendant and situate in the Northwest corner of the  $S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$ , of said Section 7, but subject to the following terms and conditions:

(a) Defendant shall be entitled to the full flow of said 14 miner's inches for the purpose of cleaning and filling her said pool on one day of each week.

(b) That on the other days of the week, defendant is entitled to a natural flow of 2 miner's inches through said pipe for domestic purposes in connection with the operation of said swimming pool and for the purpose of freshening the same.

(c) That all flow from the filling and freshening of said pool shall be returned to the natural channel of Paul Spring Creek by and through a good and sufficient channel so as to prevent loss by evaporation or spreading on the surrounding ground.

(d) The balance of the natural flow of Paul Spring Creek, also known as North Creek and Warm Creek, and appurtenant to the  $S\frac{1}{2}SE\frac{1}{4}$ , Section 6,  $S\frac{1}{2}SW\frac{1}{4}$ , Section 5,  $N\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$ , Section 7,  $N\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$ , Section 8, all in Township 3 North, Range 45, E.B.M., Teton County, Idaho, is hereby decreed to the plaintiffs, subject only to the above use by the defendant.

2. There is hereby established, decreed and confirmed to plaintiffs the right to twenty miner's inches of the natural flow of the waters of Little Springs Creek, also known as Little Springs and South Springs, with a priority of June 1, 1890, to irrigate twenty acres of irrigable land, in a field of triangular shape lying between Little Spring Creek and Deep Creek, and bounded on the South by the South boundary line of plaintiff's property, and with the property to be irrigated located upon the  $S\frac{1}{2}SW\frac{1}{4}$ , Section 5,  $N\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$ , Section 8, Township 3 North, Range 45, E.B.M. The water to be used shall be measured at the point of diversion of the plaintiffs, on the natural channel of said stream, on the land of the plaintiffs above-described. The right to said water is of equal priority with the right of Elva Taylor to the waters of said stream, described in Paragraph -3 hereof. Plaintiffs may not and shall not enlarge the use, nor use the waters of said stream on other land.

3. There is hereby established, decreed and confirmed to defendant, Elva Taylor, her heirs and assigns, the right to seventy-five miner's inches, continuous flow of the natural flow of the waters of Little Spring Creek, measured at her points of diversion upon her own land, wherein said stream arises and for the purpose of irrigating eighty acres of her property, and appurtenant to her property, located in Teton County, Idaho, and described as follows, to-wit:  $S\frac{1}{2}NE\frac{1}{4}$ ,  $S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$ , Section 7,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$ , Section 8, all in Township 3 North, Range 45, E.B.M.

4. In the event that the total flow of Little Spring Creek is less than forty miner's inches, measured at defendant Elva Taylor's points of diversion, then plaintiffs Victor Kunz and Erma Kunz shall be entitled to half of the total flow of the stream, but not more than twenty miner's inches, measured at plaintiffs' point of diversion, and defendant shall be entitled to the balance of the flow of the stream.

5. There is hereby established, decreed and confirmed to plaintiffs a right to the use of fifty-five miner's inches of the natural flow of Deep Creek, with a priority date of June 1, 1890, and which is a prior right to the right of the defendant Elva Taylor in and to said stream and with the water to be measured at the plaintiffs' diversion point, on defendant's land, near the boundary line between the parties, and said water to be used only to irrigate irrigated lands of plaintiffs lying between Deep Creek and Pine Creek.

6. There is hereby established, decreed and confirmed to defendant, Elva Taylor, her heirs and assigns, a right to the natural flow of Deep Creek, in excess of the prior right of plaintiffs, described in the preceding paragraph, appurtenant to the land of the defendant which has previously been irrigated by gravity with such water, and lying on the Western part of the defendant's said property, and with a priority date June 1, 1890, provided, however, that such use by the defendant must cease when the flow of said stream drops to fifty-five miner's inches measured at the plaintiffs' point of diversion.

7. That there is hereby established, decreed and confirmed to defendant, Elva Taylor, her heirs and assigns, the right to the use of fifteen miner's inches of water, continuous flow, from springs arising on her land, and appurtenant to and for the irrigation of her land, with a priority date of June 1, 1890, and

rising upon and appurtenant to S $\frac{1}{2}$ NE $\frac{1}{4}$  Section 7, and S $\frac{1}{2}$ NW $\frac{1}{4}$  Section 8, Township 3 North, Range 45, E.B.M., Teton County, Idaho.

8. That plaintiffs and defendant and their heirs, assigns or successors in interest, are hereby enjoined and restrained from interfering with or attempting to enlarge upon the rights conferred upon each party by the terms of this decree and from any and all interference with the waters of said streams herein mentioned inconsistent with the decreed rights of each of the parties.

9. Defendant, Elva Taylor, is not awarded a money judgment.

Each party shall pay his own costs.

This Amended Judgment made and entered this 28th day of March, 1967.

Henry S. Martin  
District Judge

84560  
COUNTY  
Filed for Record  
of Judge Henry Martin 84560

at 45  
A. 3rd 9  
day of April 67

by 83  
of 145

Elva N. Bayley

RECEIVED

CONVERSATION MEMORANDUM.

DATE 2-17-1981

FILE 22-7342

NAME OF PARTY Charles E. Peterson

EMPLOYEE Ernie

RE: \_\_\_\_\_

Civil #1459, Teton County. Nov 22, 1965

U. Kunz v.s. Kunz & Taylor

decree allocated <sup>all</sup> of the water from spring.

80 inches deep creek.

any excess to Taylor (present water users).

NOTE: Requested copy of decree from county clerk.

RECEIVED

State of Idaho  
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Ernst

APPLICATION NUMBER: 22 7342

CHECK:

- ☒ Source.  
☒ Point of diversion.  
☒ County.  
☒ Quantity of water and period of use.  
☒ Description of diverting works.  
☒ Time required for beneficial use of water.  
☒ Place of use or acres irrigated.  
☒ Map.  
☒ Signature.  
☒ Fee.  
☐ Yes ☒ No Field check required.  
☐ Yes ☒ No Critical groundwater area.  
☐ Yes ☒ No Request dam safety information. Sent by: \_\_\_\_\_ Date: \_\_\_\_\_  
☒ Yes ☐ No\* In form to receipt.

Field check by: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

01 Division Number Not Assigned.

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: \_\_\_\_\_ Date: \_\_\_\_\_  
☐ Idaho Fish and Game Department. \_\_\_\_\_  
☐ Idaho Department of Lands. \_\_\_\_\_  
☐ U.S. Bureau of Land Management. \_\_\_\_\_  
☐ U.S. Forest Service. \_\_\_\_\_  
☒ Other W.D. 01 hand del. KW 1/14

PROCESSING:

- ☒ Yes ☐ No Location Checked Platted by: \_\_\_\_\_ Map No. Basin #22  
☒ Yes ☐ No Other rights on same place of use. Keith W. Davis has filed on  
☒ Yes ☐ No\* same source for fish propagation. #22-7333. In form for advertising.  
Final date for protests: Feb. 2  
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received. Date: \_\_\_\_\_  
☐ Application published correctly. If not, record action taken: \_\_\_\_\_  
☐ Fee amount, receipt date & number, recorded on application.  
☐ Publication dates and paper, recorded on application.  
☐ Protests, dates, withdrawal, etc., recorded on application.  
☐ Recommendation & initial, recorded on application.  
☐ Yes ☐ No Measuring device required.  
☐ Yes ☐ No Access port required.  
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? \_\_\_\_\_  
Date of priority recommended. \_\_\_\_\_

Special conditions of approval or cover letter. \_\_\_\_\_

Code 04  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

STATE OFFICE REVIEW:

\_\_\_\_\_  
\_\_\_\_\_

attached sheet for more information.

By: \_\_\_\_\_ Date: \_\_\_\_\_



STATE OF IDAHO  
Department of Water Resources

Nº 16140

Boise, Idaho,

Jan. 5, 1980

RECEIVED  
FROM

Hopkins, French, etc. on Idaho bills \$ 30.00  
thirty and no 100 DOLLARS

FOR

|                        |              |           |
|------------------------|--------------|-----------|
| <u>app for</u>         | \$ <u>30</u> | <u>00</u> |
| <u>Baumann</u>         | \$           |           |
|                        | \$           |           |
| <u>ck # 02-30/4335</u> | \$           |           |
| TOTAL - - -            | \$ <u>30</u> | <u>00</u> |

RECEIVED

Kay Walter

HOPKINS, FRENCH, CROCKETT & SPRINGER  
LAWYERS

C. TIMOTHY HOPKINS  
SEWARD H. FRENCH, III  
GREGORY L. CROCKETT  
TED C. SPRINGER  
LARRY L. GOINS  
LARRY S. LARSON  
PAUL D. VEASY

SALISBURY BUILDING-428 PARK AVENUE  
P. O. BOX 1219  
IDAHO FALLS, IDAHO 83401

TELEPHONE  
AREA CODE 208  
523-4445

February 13, 1981

Mr. Ronald D. Carlson  
Department of Water Resources  
150 Shoup Avenue  
Idaho Falls, Idaho 83401

Re: Application for Permit #22-7342--David P. Baumann

Dear Ron:

This will confirm our informal conversation of a few days ago in which we informed you that we represented Dr. and Mrs. Baumann in their application for a water right in Teton County. They have brought your letter of January 22, 1981, to us and we would appreciate receiving all further communications concerning this right through this office.

We shall look forward to hearing from you when a hearing in this matter has been scheduled.

Very truly yours,

HOPKINS, FRENCH, CROCKETT &

SPRINGER

*C. Timothy Hopkins*  
C. Timothy Hopkins *lc*

CTH/lc

cc: Dr. & Mrs. David P. Baumann

RECEIVED

RECEIVED

FEB 17 1981

Department of Water Resources  
Eastern District Office



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

205-7181  
150 Shour  
Idaho Falls ID 83401

January 28, 1981

RE: Protest against Application No. 22-7342 Baumann/Brattain

Carol M. Marcum  
Route #1, Box 675  
Victor, ID 83455

Dear Mrs. Marcum:

With reference to your letter of protest concerning the above application for permit, the Department will certainly recognize yourself and Mr. Marcum as protestants, we can not, however, accept your letter as a protest by Dale and Maurine Marcum, Annie Hamblin and girls unless you are their lawyer or have power of attorney for them. You can present their concerns at any conference or hearing scheduled to consider the protest, but if they wish to represent themselves it will be necessary for them to submit a separate letter of protest bearing their signature and mailing addresses.

Since the last date of protest is scheduled to be February 2, 1981, it is hoped you can advise these individuals of this matter without delay. Feel free to call or contact me should you have any questions.

Respectfully submitted,

*Ernest Carlsen.*

ERNEST CARLSEN  
Sr. Resource Analyst

EC:kw

RECEIVED  
JAN 30 1981

150 Shoup

525-7161

January 28, 1981

RE: Application for Permit No. 22-7342

David P. Baumann or Sarah Jane Baumann  
2525 South Boulevard  
Idaho Falls, Idaho 83401

Terry Brattain or Laura Brattain  
Rural Route #1, Box 116  
Victor, ID 83455

Ladies and Gentlemen:

Enclosed herewith please find copies of additional protests received against the approval of your application for permit as referenced above.

Sincerely,

KAY WALKER  
Secretary

KW:k  
Enclosures

62-111-1000

January 27, 1981

RE: Application for Permit No. 22-7342 BAUMANN or BRATTAIN

Thomas D. & Carol M. Marcum  
Rt. #1, Box 675  
Victor, Idaho 83455

Dear Mr. & Mrs. Marcum:

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

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

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office

RECEIVED  
JAN 29 1981  
IDWR

January 26, 1981

RE: Application for Permit No. 22-7342 BAUMANN or BRATTAIN

Ms. Annie Hamblin  
Washington,  
Utah 84780

Dear Ms. Hamblin:

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

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

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4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office

Victor, Idaho  
22 January, 1981

Mr C. Stephen Allred, Director  
Idaho Dept. of Water Resources  
150 Shoup Ave.  
Idaho Falls, Idaho 83401

RECEIVED  
JAN 23 1981

Department of Water Resources  
Eastern District Office

RE. BAUMANN/ BRATTAIN APPLICATION # 22 -7342

Dear Mr Allred;

With reference to the above application and on behalf of Dale and Maurine Marcum, Annie Hamblin and girls ,I hereby protest the granting of a permit to appropriate water. The same reasons that Mr Keith Davis's attorney has told and in addition, if permit was granted it would take the water right that we have for the use of our animals etc.

Keith and Cladia Davis are honest, upright citizens and I believe that something could have been worked out if DR Baumann hadn't of sent him a letter telling him he was going to sue him if he didn't stay off from his road. We here in Teton County have tried to share roads etc. with others and I'm sure Keith would have been reasonable and helped out on the road construction if Baumann would have talked with him about it instead of sending him a registered letter telling him to stay off.

It would be better if the applicants would drill a well on their own land rather than to trespass adjacent agriculture lands etc.

Sincerely,

Carol M. and Thomas Dale Marcum

Carol M. Marcum

Rt. #1 Box 675

Victor, Idaho

83455.

*Carol M. Marcum*  
*Notary Public*  
*County of Teton*  
RECEIVED

Wash. Jan 23 1881

Dear Sir I am asking that a water permit not  
to be issued to David Baumann or Jerry Bralton  
for this reason, the pump house I reached which was  
on my property was cracked without my knowledge  
or consent. I sold this property to Ruth Edger void of any  
trespass easements and felt it should be left that way.

Annie Hamblin

Subscribed and sworn to before me at Washington, Utah, this  
23 day of January, 19 81.

My Commission Expires

1-24, 19 85.

EXPIRED

Carla Mitchell  
Notary Public

WATERMASTER COMMENTS

I have reviewed Application for Permit No. 22-7342 and  
have the following comments/objections to the approval of this  
application for permit:

If the applicants can get  
the necessary easements the  
applicants' use should have  
no irrigation permitted under  
their domestic use

Jan 28, 1981

Date

Ronald D. Carlson

RONALD D. CARLSON, WATERMASTER  
Water District No. 01

RECEIVED

January 22, 1981

Terry Brattain or Laura Brattain  
Rt. #1, Box 116  
Victor, Idaho 83455

Dear Mr. & Mrs. Brattain:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 22-7342. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

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

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

cc: IDWR - State Office

RECEIVED  
JAN 23 1981  
IDWR

January 22, 1981

David P. Baumann or Sarah Jane Baumann  
2525 S. Boulevard  
Idaho Falls, Idaho 83401

Dear Mr. & Mrs. Baumann:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 22-7342. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

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

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2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

cc: IDH St + Office

January 22, 1981

RE: Application for Permit No. 22-7342 BAUMANN & BRATTAIN

Charles E. Peterson  
Attorney at Law  
P.O. Box 22  
Driggs, Idaho 83422

Dear Mr. Peterson:

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

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

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4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office  
Keith Davis

CHARLES E. PETERSON

ATTORNEY AT LAW

P. O. Box 22

DRIGGS, IDAHO 83422

(208) 354-8231

January 16, 1981

RECEIVED

JAN 19 1981

Department of Water Resources  
Eastern District Office

Mr. C. Stephen Allred, Director  
Idaho Dept. of Water Resources  
150 Shoup Avenue  
Idaho Falls, Idaho 83401

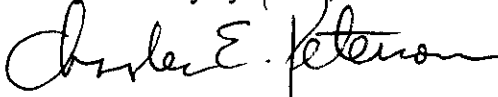
RE: Baumann/Brattain Application #22-7342

Dear Mr. Allred:

With reference to the above referenced application and on behalf of the fee owner of the proposed diversion point, Mr. Keith Davis of Victor, I hereby protest the granting of a permit to appropriate water for the following reasons:

1. Applicants have committed trespass and are continuing to trespass the lands of Mr. Davis to divert water and establish a water right without a permit and in violation of I.C. §42-201 et seq.
2. A permit has already been issued to Mr. Davis and the pending application will, if approved, reduce the quantity of water under existing water rights.
3. Applicants have already erected pumping facilities which interfere with Mr. Davis' use of his land and said facilities have placed an unreasonable burden upon the fee owner, Mr. Davis.
4. Said application is for culinary and domestic use by a non-resident of Teton County in an area currently undergoing rapid subdivision and development. A common and more appropriate method of obtaining domestic water is to drill a well upon land owned by the applicant rather than to trespass adjacent agricultural lands.

Very truly yours,



Charles E. Peterson  
Attorney at Law

CEP:dlt

cc: Keith Davis

RECEIVED

JAN 14 1981

Department of Water Resources  
Eastern District Office

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

Notice is hereby given that the following application has been submitted for permit to appropriate the public waters of the State of Idaho.

22-7342

Baumann, David P. and/or Sarah Jane.

Brattain, Terry and/or Laura.  
2525 S. Boulevard, Idaho Falls,  
ID 83401.

Source: Spring tributary to  
Warm Creek.

Date Filed: 01/02/1981.

Amount: 0.04 CFS.

Diversion Point: SENE Sec 18 T  
03N R 45E, Teton Co.

Use: Domestic (0.04 CFS) from  
01/01 to 12/31.

Place of Use: SENE Sec 18 T  
03N R 45E.

Diversion Means: Pump and  
Pipeline.

If issued, the permit will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Soup Avenue, Idaho Falls, Idaho 83401 on or before February 2, 1981.

C. Stephen Allred  
Director.

Published in the *Teton Valley News* January 15 and 22, 1981.

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

150 Shoup Ave.  
Idaho Falls, Idaho 83401  
(208) 525-7161

JANUARY 8, 1981

Teton Valley News  
Driggs,  
Idaho 83422

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before FEBRUARY 2, 1981.

Yours truly,

RONALD D. CARLSON  
Supervisor  
Eastern Region

Encl.

MICROFILMED

# NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83401 on or before FEBRUARY 2, 1981.

C. STEPHEN ALLRED

Director

Published 01/15 & 01/22/81.

RECEIVED

22-2342-

BAUMANN, DAVID P. &/or SARAH JANE  
BRATTAIN, TERRY &/or LAURA

2525 S. BOULEVARD, IDAHO FALLS, ID 83401

Source: SPRING tributary to WARM CREEK

Date Filed: 01/02/1981

Amount: 0.04 CFS

Diversion Point: SENE Sec 18 T 03N R 45E, TETON Co.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: SENE Sec 18 T 03N R 45E

Diversion Means: PUMP & PIPELINE.

MICROFILMED

HOPKINS, FRENCH, CROCKETT & SPRINGER

LAWYERS

C. TIMOTHY HOPKINS  
SEWARD H. FRENCH, III  
GREGORY L. CROCKETT  
TED C. SPRINGER  
LARRY L. GOINS  
LARY S. LARSON  
PAUL D. VEASY

SALISBURY BUILDING - 428 PARK AVENUE  
P. O. BOX 1219  
IDAHO FALLS, IDAHO 83401

TELEPHONE  
AREA CODE 208  
523-4445

December 31, 1980

Ms. Kay Walker  
State of Idaho  
Department of Water Resources  
150 Shoup Avenue  
Idaho Falls, Idaho 83401

Re: Application for Permit to Appropriate the  
Public Waters of the State of Idaho

Dear Ms. Walker:

Please find enclosed the Application to Appropriate  
Public Waters in the State of Idaho and the appropriate filing  
fee of \$30.00. Please call or write me should you have any  
questions concerning this matter.

Sincerely,

HOPKINS, FRENCH, CROCKETT & SPRINGER

  
Paul D. Veasy

PDV/bgg  
Encl:

MICROFILMED



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

525-7151  
150 E. Main  
Idaho Falls, ID 83401

December 30, 1980

Paul D. Veasy  
HOPKINS, FRENCH, CROCKETT & SPRINGER  
Lawyers  
P.O. Box 1219  
Idaho Falls, ID 83401

Dear Mr. Veasy:

The Department is in receipt of the application your office submitted on behalf of Mr. and Mrs. Baumann and Mr. and Mrs. Brattain, and we find it in form to advertise. However, we are returning the application and Check No. 92-301/4235 to you because the filing fee that was submitted is insufficient. The statutory filing fee for 0.04 cfs of water is now \$30.00. Enclosed for your information is a 1980 fee schedule for future reference.

Please return the application for permit to us, along with the \$30.00 filing fee and we will begin processing the application.

If you have any questions, please feel free to contact this office.

Sincerely,

KAY WALKER  
Secretary

RECEIVED

|                                                                                     |                               |                                            |
|-------------------------------------------------------------------------------------|-------------------------------|--------------------------------------------|
| HOPKINS, FRENCH, CROCKETT & SPRINGER<br>P. O. BOX 1219<br>IDAHO FALLS, IDAHO 83401  |                               | No 4235<br>92-301/1241<br>December 4 19 80 |
| Pay to the order of                                                                 | Department of Water Resources | \$ 20.00                                   |
| Twenty and no/100ths-----                                                           |                               | Dollars                                    |
| BANK OF IDAHO, N.A.<br>IDAHO FALLS OFFICE<br>P.O. BOX 1061<br>IDAHO FALLS, ID 83401 |                               | HOPKINS, FRENCH, CROCKETT & SPRINGER       |
| For Baumann/Brattain                                                                |                               | <i>Q. T. Hopkins</i>                       |
| 004235 12410301604 025342                                                           |                               |                                            |

DEC 26 1980

HOPKINS, FRENCH, CROCKETT & SPRINGER  
LAWYERS

C. TIMOTHY HOPKINS  
SEWARD H. FRENCH, III  
GREGORY L. CROCKETT  
TED C. SPRINGER  
LARRY L. GOINS  
LARRY S. LARSON  
PAUL D. VEASY

SALISBURY BUILDING - 428 PARK AVENUE  
P. O. BOX 1219  
IDAHO FALLS, IDAHO 83401

TELEPHONE  
AREA CODE 208  
523-4445

December 23, 1980

Idaho Department of Water Resources  
1515 Lincoln Road  
Idaho Falls, Idaho 83401

Re: Application for Water Permit

Dear Sir:

Please find enclosed an original Application for Permit to Appropriate the Public Waters of the State of Idaho, along with a check in the amount of \$20.00 to cover the filing fee. Please file the Application and take the necessary steps to establish the water right for the applicants.

Please call or write me should you have any questions concerning this Application.

Sincerely,

HOPKINS, FRENCH, CROCKETT & SPRINGER

  
Paul D. Veasy

PDV/bgg  
Encl:

RECEIVED  
DEC 27 1980