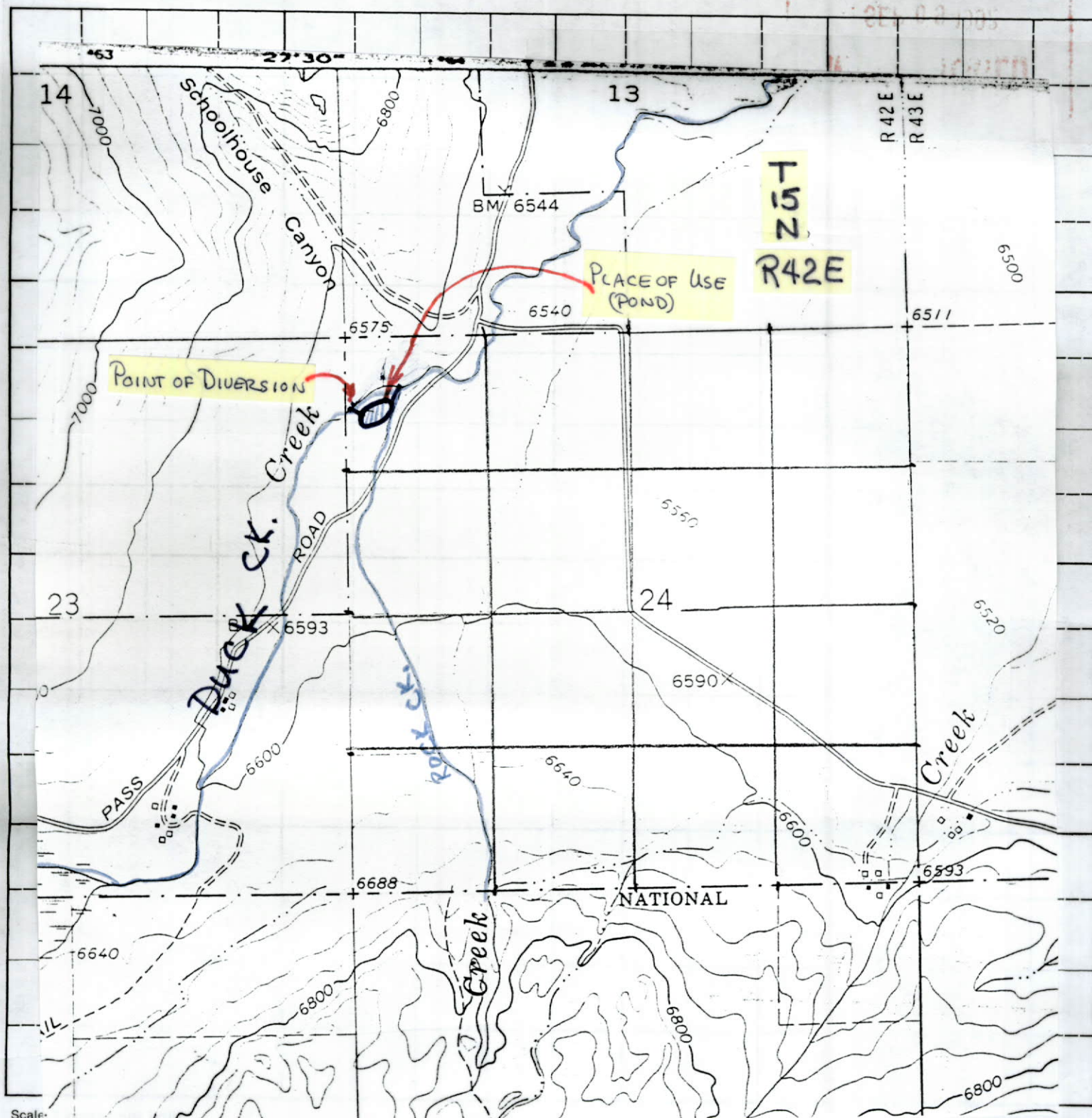


21-7511

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



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.

MICROFILMED
SEP 09 1992

Robert J. Pearson
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVE

PROOF OF BENEFICIAL USE

AUG 07 1995

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 21-07511 Telephone No. 208 522-9589
2. Name(s) of Permit Holder(s): ROBERT L. PEARSON
3. Mailing Address: 1331 E. 65th S. ID. FALLS, ID. 83404
4. Source of Water: Duck Creek If **GROUNDWATER** (well), Date Drilled: mo. / yr.
 - a. Well Driller: Drilling Permit Number: - -
 - b. **OPTIONAL:**
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): Stockwater (No. and type of stock):
Irrigation (No. of acres): Other: fish Pond
6. Total rate of diversion and/or volume for which proof is submitted: 1.00 cfs OR acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes ☒ or No ☐

Has the measuring device been installed?

Yes ☐ or No ☒

Flow Measurement Port: Is a flow measurement port required?

Yes ☐ or No ☒

Has the measurement port been installed?

Yes ☐ or No ☐

8. Fee Enclosed: \$ 100 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: ROBERT L. PEARSON Telephone Number: 208 522-9589
Address: 1331 E. 65th S. ID. FALLS, ID. 83404 (at site 558-9072)

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Robert L. Pearson
(include your title, if on behalf of company or organization)

Date: 8/2/95

AUG 25 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 21-07511

Name(s) of Permit Holder: ROBERT L. PEARSON

Mailing Address: 1331 E. 65th S. ID. FALLS ID. 83404

Date Proof is Due: 9/1/94 (Per your letter) Telephone No. 208-522-9589

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Headgate installed at creek and approx. 700 ft of 8' plastic pipe buried to pond. Pond is dug + headgate installed at overflow back into creek. Permit has been received to discharge back to creek all that is needed is bentonite to seal bottom + sides of pond + back check across creek. Costing approx 7,000⁰⁰

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

In process of obtaining bentonite + will complete pond this fall. creek check will be installed after irrigation is over or next spring due to low water levels.

Permit holder(s) request an extension to September 1, 1995

FEE: \$50.00

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to September 1, 1995.

Signed this 22nd day of August SEP 07 1994, 1994

J. Glen Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 21-07511

Proposed Priority: September 6, 1991 Maximum Diversion Rate: 1.00 CFS
This is to certify, that **ROBERT L. PEARSON**
1331 E 65 S
IDAHO FALLS ID 83404
has applied for a permit to appropriate water from:

DUCK CREEK tributary of **HENRYS LAKE**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION	01/01 to 12/31	1.00 CFS	
RECREATION STORAGE	01/01 to 12/31		1.1 AF
	Totals	1.00 CFS	

LOCATION OF POINT(S) OF DIVERSION: NWNW , Sec. 24, Township 15N, Range 42E
FREMONT County

PLACE OF USE: RECREATION
TWN RGE SEC

15N 42E 24 NWNW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1994**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this right is subject to control by the watermaster of State Water District No. 01.
5. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this right.
6. Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
7. The Director retains jurisdiction of the right and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

MICROFILMED

SEP 09 1992

Permit To Appropriate Water

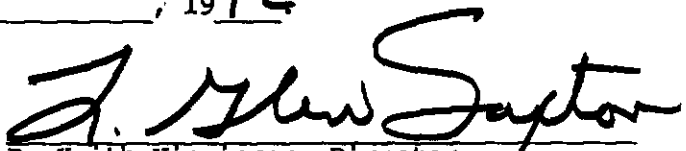
NO. 21-07511

CONDITIONS/REMARKS:

8. The Director retains jurisdiction of the right and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
9. The issuance of this right in no way grants any right-of-way or easement across the land of another.
10. Intake and outlet screens of 1/4 inch or smaller mesh shall be located at the point of diversion and the point of effluent discharge to prevent any negative impact on juvenile fish.
11. This right authorizes an annual volume of water to fill the pond and the amount required to replace losses through evaporation.
12. Recreation use is for a fish pond.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

19th day of August, 1992

for 
R. Keith Higginson, Director

RECEIVED

SEP 09 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Robert L. Pearson Phone 522-7100 work
522-9589 home
Post office address 1331 E 65 S Idaho Falls Id 83404
2. Source of water supply Duck Creek which is a tributary of Henrys Lake
3. Location of point of diversion is _____ 1/4 of NW 1/4 of NW 1/4, Govt. Lot _____
Sec. 24 Township 15 N Range 42 E B.M. Fremont County; additional
points of diversion if any: * As per tel. con with applicant 9-10-91 HWT
4. Water will be used for the following purposes:
Amount 1.0 for RECREATION purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.1 for Recreation * Storage purposes from 1/1 to 12/31 (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)
5. Total quantity to be appropriated is (a) 1.0 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. DIVERSION DAM TO PIPELINE
TO RECREATIONAL POND TO SPILLWAY AND BACK TO DUCK CREEK

b. Height of storage dam 4 feet; active reservoir capacity 1.1 acre-feet; total
reservoir capacity 1.1 acre-feet; period of year when water will be diverted to storage:
1/1 to 12/31 inclusive.
c. Proposed well diameter is NA inches; proposed depth of well is NA feet.
d. Is ground water with a temperature of greater than 90°F being sought? NA
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

SEP 09 1992

REPORT

The use proposed by this application is for non-consumptive

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Applicant will obtain any special use permits from Forest Service if diversion is on Forest Service land.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

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

11. a. Who owns the property at the point of diversion? Applicant or their service

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

NONE

Total number of acres to be irrigated

[illegible]

ponding place of use below. See instructions for standard symbols.

b. If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding

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

9. Description of place of use:

e. Other, describe fully. RECREATION FOR PRIVATE FISH POND

d. Domestic; show number of households.

c. Municipal; show name of municipality.

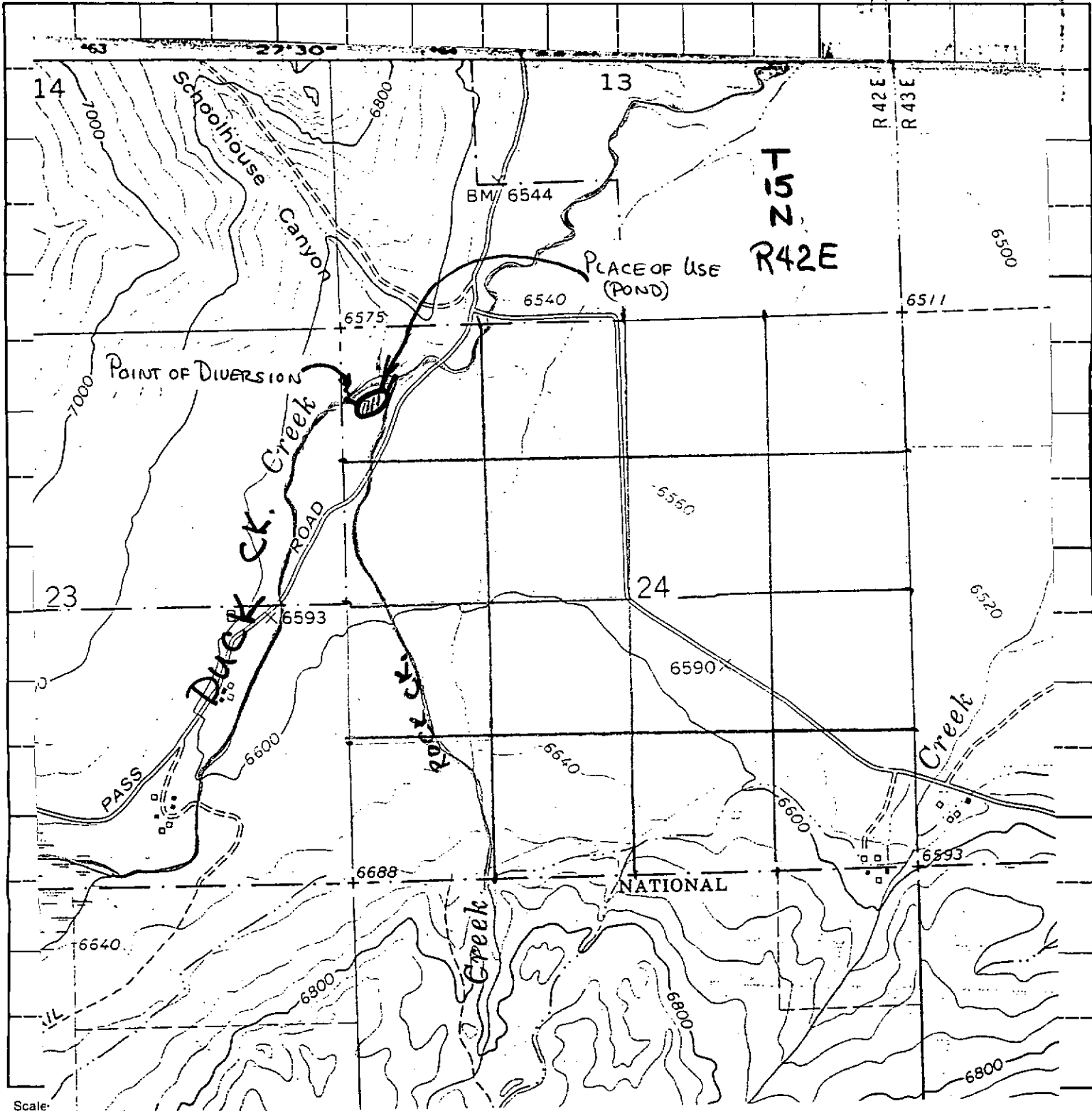
b. Stockwatering; list number and kind of livestock.

a. Hydropower; show total feet of head and proposed capacity in kW.

8. Description of proposed uses (if irrigation only, go to item 9):

21-7511

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



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.

SEP 09 1992

Robert J. Larson
(Applicant)

RECEIVED

SEP 09 1992

e. Other:

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

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.

19

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

Idaho No. _____, and said application is hereby _____

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Assisted by Kew
Received by _____ Date 6 Sept 91 Time 0900 hrs
Fee \$ 45⁰⁰
Received by Kew
Publication prepared by Kew Date 9-19-91 Published in *Reynolds-Chronicle*
Publication approved by Kew Date 10-4-91

St. Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Fremont

I, Terry T. Weatherston
being first duly sworn, depose and say,
that I am the printer of THE FREMONT
COUNTY HERALD-CHRONICLE, a semi-weekly
newspaper printed and published in
Fremont County, Idaho; and I do solemnly
swear that the NOTICE WATER RIGHTS
copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not
in any supplement issue thereof
or TWO consecutive issues, the
first publication having been made on
SEPTEMBER 19, 1991

and the last publication having been
made on SEPTEMBER 26, 1991

Further, that said newspaper is one
of general circulation in said county;
that it is a legal newspaper, conforming
to legal specifications under Idaho
statutes; that it has at least two
hundred bona fide subscribers living
within the county of publication; and
that it has been continuously and
uninterruptedly published in said county
during a period of seventy-eight
consecutive weeks prior to the first
publication of said notice.

Terry T. Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 27TH day of SEPTEMBER
the year of 1991, before me, a Notary
Public, personally appeared Terry
Weatherston, known or identified to me to
be the person whose name subscribed to
the within instrument, and being by me
first duly sworn, declared that the
statements therein are true, and
acknowledged to me that he executed the
same.

Raymond L. Jacobs

Notary Public for Idaho
Residing at Rexburg, Idaho
commission expires: June 8, 1993

001-1991
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION
FOR TRUSTWATER RIGHT

22-07722

NORTH FORK WATER WORKS
RT 2 BOX 114J
REXBURG, ID 83440
Source: GROUNDWATER
COUNTY: Madison
Diversion Pt: NENW Sec 30 T 07N R
40E NWNW Sec 30 T 07N R 40E
Use: DOMESTIC (200 CFS) Total
Diversion: (200 CFS)
Date Filed: 8/22/1991
In: T07N R40E S30 NENW NWNW

21-07511

PEARSON, ROBERT L
1331 E 65 S
IDAHO FALLS, ID 83404
Source: DUCK CREEK. Tributary:
HENRYS LAKE
COUNTY: Fremont
Diversion Pt: NWNW Sec 24 T 15N R
42E
Use: RECREATION (1.000 CFS)
RECREATION STORAGE (1.10 AF) Total
Diversion: (1.000 CFS)
Date Filed: 9/6/1991
In: T15N R42E S24 NWNW

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public interest
criteria of Sec. 42-203C, Idaho Code. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on or
before OCTOBER 7, 1991.

R. KEITH HIGGINSON
Director
Publ. Sept. 19 and 26, 1991HC

MICROFILMED
SEP 09 1992

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 21-07511 Reviewed by [Signature] Date 8-15-95

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

pond (Storage)

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit _____ Correct?

☐ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
100 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required? - lockable
no Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	- = +	_____
Date proof due	_____		_____
No. of days late	_____		_____
Priority Date	_____		_____
New Priority Date	_____		_____

DEFICIENCIES OR ACTION ITEMS

advise of lockable controlling device.
Proof acceptable

DATA ENTRY

New Address _____ Proof Made 8-7-95



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 16, 1995

ROBERT L. PEARSON
1331 E 65TH S
IDAHO FALLS ID 83404

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 21-07511

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Please be advised that one of the conditions of your water right permit requires that the permit holder install and maintain a lockable controlling device (refer to condition # 5 of your permit). This condition must be complied with before the license exam, or you can request in writing, a waiver of the condition.

If you have questions concerning the field examination, please feel free to contact the EASTERN Regional Office in Idaho Falls, at (208) 525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

AUG 25 1995

June 30, 1995

ROBERT L PEARSON
1331 E 65 S
IDAHO FALLS ID 83404

PROOF DUE NOTICE

RE: PERMIT NO. 21-07511

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 1, 1995. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

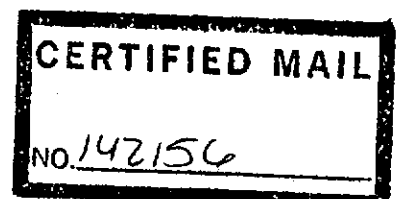
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED

AUG 25 1995



ANALYSIS SHEET
FOR
EXTENSION OF TIME

Permit No. 21-7511 Reviewed by Ony Date 8-19-94

BASIC INFORMATION

8-9-94 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? Requested?
Is delay by a government agency?
Is supporting documentation needed to complete the file? Requested?
Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Should extend to September 1, 1995 on basis of due diligence.

PRIORITY CALCULATION

Date extension received	<u> </u>	=	<u> </u>
Proof due date	<u> </u>	=	<u> </u>
Number of days late	<u> </u>	=	<u> </u>
Priority date	<u> </u>	=	<u> </u>
New Priority Date	<u> </u>	=	<u> </u>

DATA ENTRY

New Address X
Change Proof Due Date 9-1-95
Change Priority Date X

August 22, 1994

Robert L. Pearson
1331 E 65th S
Idaho Falls, ID 83404

RE: Permit No. 21-07511

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to September 1, 1995. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

RECEIVED
SEP 07 1994

June 30, 1994

ROBERT L PEARSON
1331 E 65 S
IDAHO FALLS ID 83404

PROOF DUE NOTICE

RE: PERMIT NO. 21-07511

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

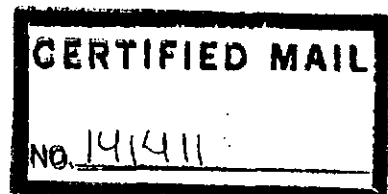
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SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

SEP 07 1994



August 20, 1992

ROBERT L PEARSON
1331 E 65 S
IDAHO FALLS ID 83404

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 21-07511

Dear Permit Holder(s):

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under Condition No. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install measuring devices and lockable controlling works that will enable the watermaster to control the rate of diversion.

Sincerely,

BRENDA MILLER
Water Resource Agent

BLM:cz

Enclosure

MICROFILMED

SEP 09 1992

APPLICATION FOR PERMIT REVIEW

Application #: 21-7511 Date: 8-12-92 Reviewer: Brenda Miller

SYSTEM COMPLETED:

- No - 26A-P17
 Complete in 1 year - P16
 Yes
 Proof not submitted - P16
 Proof submitted - N/A

GROUNDWATER:

- GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
 - NMR <fl ch>, A of C
 LT. 0.2 cfs - No measurement required <flow chart>
 Drilling Permit:
 Approved w/permit - P99
 Not included - 046-46A-46B-P23 (after 7/1/87), N/A
 SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

LOCATION:

- Water Districts - WD No. 01
 Surface water - 005, 005-01H-P01 (LT.2 w/pump)
 - ~~P03~~ 005-01J-P08 (GT.2), NMR <flow chart>
 Groundwater - P05
 Irrigation Districts - 023
 Canal Co. Areas - 023
 Drainage Districts - 024
 Boise Front (63) - 058 (Groundwater)
 Swan Falls Flag - 1 (1, Blank or Other)
 Trust - 051-052-053-P74 (Consumptive Uses)
 Non Trust <1> - 048-049

RIVER BASINS:

- (Surface Water) Water District Control Condition &....
 Boise (63) - 05A & 11E
 Payette (65) - 047-P04, 059-P71
 Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

- Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
 042(req.), 002-P06(MD), 07A(Spec.),
 044(Policy 5G)
 Power - Use Power Review
 Mining - 06A, 010, or 09E-P10 & 054(req.)
 Storage - 18A-for multiple measuring devices(In WD),
 18B-P09(Size)
 Rec/Wildlf/Aes - 027(Non-Consumptive)
 Domestic - 021(restricted areas)

OWNERSHIP:

- Non land owner - 004

PROTESTED:

- Agreement - 020

Beneficial Use Due Date: -

Other Conditions Recommended *

- 09-01-1994
002
 ① Screen-mesh for fish protection.
 ② Diversion to fill & maintain
 remark.

15-Jun-1992

ROBERT L PEARSON
1331 E 65 S
IDAHO FALLS ID 83404

RE: App. for Permit To Appropriate Water No. 21-7511

Dear Mr. Pearson:

This letter is to advise you that the protest filed by the United States Forest Service and John Magleby against approval of the above referenced application has been withdrawn.

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

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED
SEP 09 1992

15-Jun-1992

UNITED STATES FOREST SERVICE
BRYANT L CHRISTENSEN
420 N BRIDGE
ST ANTHONY ID 83445

RE: App for Permit No. 21-7511

Dear Mr. Bryant L. Christensen:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application.

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

Very truly yours,

HAROLD W. JONES
Water Right Supervisor

HWJ/rb

MICROFILMED

SEP 09 1992

15-Jun-1992

JOHN MAGLEBY
456 E 200 S
REXBURG ID 83440

RE: App for Permit No. 21-7511

Dear Mr. Magleby:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application.

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

Very truly yours,

HAROLD W. JONES
Water Right Supervisor

HWJ/rb

RECEIVED

SEP 09 1992



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401

Reply to: 2540-1

Date: JUN 9 1992

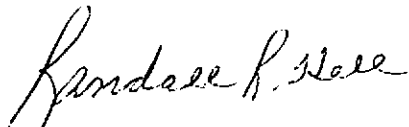
Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83720

Dear Mr. Higginson:

At the pre-hearing conference on May 22, relative to a Forest Service protest of application No. 21-7511, the applicant, Mr. Robert L. Pearson, stated that he had made a detailed survey of his diversion and pond and found it could be located on private land below the Forest boundary.

Therefore we request that our protest of application No. 21-7511 dated October 1, 1991 be withdrawn.

Sincerely,

for 
GRAY F. REYNOLDS
Regional Forester

MICROFILMED

SEP 09 1992



Caring for the Land and Serving People

FS-6200-28b(4/88)

IN THE MATTER OF
APPLICATION FOR
PERMIT 21-7511
IN THE NAME OF
ROBERT L PEARSON

STIPULATION
§
WITHDRAWAL OF
PROTESTS

With the understanding that
the applicant will construct the
diversion and pond on his private
property; and that the pond will
be constructed to prevent any
measurable seepage loss, we
agree to withdraw our protest
against the approval of this permit.

signed at Idaho Falls, Idaho this
22nd day of May 1992

PROTESTANTS
John H. Mayberry
Bryant J. Christensen

Robert L. Pearson

APPLICANT

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SEP 09 1992

ADDENDUM: Measuring devices of a type
approved by the department shall be
permanently installed and maintained at
the point of diversion and point of
discharge.

MAY 22, 1992

Robert L. Pearson

DD NW⁴ NW⁴ SEC 24 T15N R42E PREMONT
PD will be on applicant's property.
Current flow estimated at ~ 6 cfs.

Forest service has no objection
if applicant stays below boundary of F.S.

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SEP 09 1992

21-7511 Robert L. Pearson

Friday, May 22, 1992 - 1:30 p.m.
State Office Building
150 Shoup Ave
Idaho Falls, ID

Officer: _____

<u>Name</u>	<u>Representing</u>	<u>Address</u>
<i>Robert Pearson</i>	<i>self</i>	<i>13316.65th S. St. Falls Id. 83474</i>
<i>Bert Hansen</i>	<i>ce/proctor</i>	<i>155 Roach Ln IF Id.</i>
<i>Eugene Christensen</i>	<i>213 Forest Service</i>	<i>420 N Bridge St St. Anthony Id 83448</i>
<i>John Magleby</i>	<i>M RAUCH</i>	<i>456 E. 200 S Rexburg</i>

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SEP 09 1992

DER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

0908

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

4c. Date of Delivery

SEP 09 1992

3. Article Addressed to:

JOHN MAGLEBY

456 E 2nd St

REXBURG ID 83440

RECEIVED

5. Signature (Addressee)

John Magleby
Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

USPS

PS Form 3811, November 1990 *U.S. GPO: 1991-287-086

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE, \$300

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MAY 08 1992

SEP 09 1992

RECEIVED

Print your name, address and ZIP Code here

MAY 08 1992

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83402

ORDER

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

GARY F REYNOLDS
324 25TH ST
OGDEN UT 84401

4a. Article Number
0907

4b. Service Type

☐ Registered	☐ Insured
☒ Certified	☐ COD
☐ Express Mail	☐ Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

SEP 09 1992

5. Signature (Addressee)

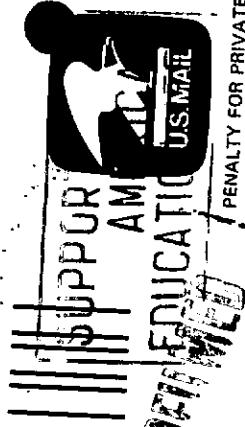
Signature (Agent)

PS Form 3811, November 1990 *U.S. GPO: 1991-287-096

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE

Official Business



SEP 09 1992

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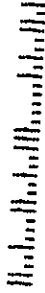
Print your name, address and ZIP Code here

MAY 08 1992

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE

Department of Water Resources
Eastern District Office

150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83402



ORDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

0906

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

SEP 09 1992

5. Signature (Addressee)

Robert L Fearson
Signature (Agent)

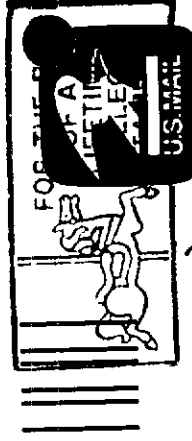
8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, November 1990 *U.S. GPO: 1991-287-086

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE, \$300

RECEIVED

RECEIVED

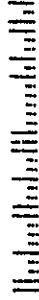
SEP 09 1992

Print your name, address and ZIP Code here

MAY 07 1992

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83402



NAME AND ADDRESS OF SENDER

Number of Article

Name of Addressee, Street, and Post-Office Address

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☐ CertifiedCheck appropriate block for Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Indicate type of mail ☐ Registered ☐ Insured ☐ COD ☐ Certified	Check appropriate block for Registered Mail: ☐ With Postal Insurance ☐ Without Postal Insurance	Affix stamp here if issued as certificate of mailing or for additional copies of this bill.	POSTMARK AND DATE OF RECEIPT
1	0900	Stephen V. Goddard PO Box 25 Boise 83707	☒ Registered	☒ With Postal Insurance		21-7518
2	0901	Gary Slette PO Box 1906 Twin Falls 83303	☒ Registered	☒ With Postal Insurance		21-7510
3	0902	Keith Nyborg Finlandia Ranch Ashton	☒ Registered	☒ With Postal Insurance		21-7510
4	0903	Mark S. Kimmell PO Box 15 St. Anthony 83445	☒ Registered	☒ With Postal Insurance		21-7510
5	0904	Donovan Creek Coal Co. Ashton 83420	☒ Registered	☒ With Postal Insurance		21-7510
6	0905	Lynn Loosli At 1 Box 72, Ashton 83420	☒ Registered	☒ With Postal Insurance		21-7510
7	0906	Robert L. Pearson 1331 E 65 S Idaho Falls 83404	☒ Registered	☒ With Postal Insurance		21-7511
8	0907	Gary F. Reynolds 324 25th St Ogden 84401	☒ Registered	☒ With Postal Insurance		21-7511
9	0908	John Magleby 456 E 200 S Rexburg 83440	☒ Registered	☒ With Postal Insurance		21-7511
10	0909	Rudy Steinman PO Box 359 Ashton 83420	☒ Registered	☒ With Postal Insurance		21-7513
11	0910	Nedrow Farms Inc	☒ Registered	☒ With Postal Insurance		22-7724
12	0911	PO Box 845 Rexburg 83440 Alan or Evonne Kasmussen	☒ Registered	☒ With Postal Insurance		22-7725
13	0912	PO Box 608 Rexburg 83440 Grant Klingler	☒ Registered	☒ With Postal Insurance		22-7726
14	0913	PO Box 215 Newdale 83436 Enterprise Coal Co.	☒ Registered	☒ With Postal Insurance		25-7591
15	0914	13241 N 105 E Teton Falls 83401	☒ Registered	☒ With Postal Insurance		25-7591

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SEP 09 1992

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMITS NO.'S)	
21-7510, 21-7511, 21-7513, 22-7724, 22-7725,)	NOTICE OF
22-7726, 25-7591, 25-7605)	PREHEARING CONFERENCE

On April 25, 1991, Lynn Loosli filed with the Department of Water Resources an application, No. 21-7510, to appropriate the public waters of the State of Idaho. From June 21 to August 22, 1991, the Department received protests against approval of said application from Mark S. Rammell, attorney on behalf of Fremont-Madison Irrigation District; Dee Henry, president of Conant Creek Canal Co.; Keith Nyborg; James C. Tucker, attorney for Idaho Power Co.; and a Petition to Intervene from Stephen Goddard, Deputy Attorney General on behalf of Idaho Dept. of Fish and Game.

On September 6, 1991, Robert L. Pearson filed with the Department of water Resources an application, No. 21-7511, to appropriate the public waters of the State of Idaho. On October 1, 1991, the Department received a protest against approval of said application from Gary F. Reynolds, USDA Forest Service. On October 7, 1991, the Department received a protest from John H. Magleby.

On January 28, 1992, Rudy Steinman filed with the Department of Water Resources an application, No. 21-7513, to appropriate

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the public waters of the state of Idaho. On February 10, 1992, the Department received a protest against approval of said application from Gary D. Slette, attorney on behalf of Twin Falls Canal Co. and North Side Canal Co.

On July 29, 1991, Nedrow Farms, Inc. filed with the Department of Water Resources an application, No. 22-7724, to appropriate the public waters of the State of Idaho. On October 16, 1991, the Department received a protest against approval of said application from Gary Slette, attorney on behalf of Twin Falls Canal Co. North Side Canal Co.

On October 9, 1991, Alan D. or Evonne Rasmussen filed with the Department of Water Resources an application, No. 22-7725, to appropriate the public waters of the State of Idaho. On November 29, 1992, the Department received a protest against approval of said application from Gary Slette, attorney on behalf of Twin Falls Canal Co. North Side Canal Co.

On November 13, 1991, Klingler Bros. c/o Grant Klingler filed with the Department of Water Resources an application, No. 22-7726, to appropriate the public waters of the State of Idaho. On December 2, 1991, the Department received a protest against approval of said application from Gary Slette, attorney on behalf of Twin Falls Canal Co. North Side Canal Co.

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On March 26, 1991, Enterprise Canal Co. c/o Nick Olson, filed with the Department of Water Resources an application, No. 25-7591, to appropriate the public waters of the State of Idaho. On May 6, 1991, the Department received a protest against approval of said application from Gary Slette, attorney on behalf of Idaho Power Co.

On February 13, 1992, Hartman Farm Trust filed with the Department of Water Resources an application, No. 25-7605, to appropriate the public waters of the State of Idaho. On March 20, 1992, the Department received a protest against approval of said application from Gary Slette, attorney on behalf of Twin Falls Canal Co. North Side Canal Co.

The Department has set the matter of protest for a prehearing conference to be conducted at 1:30 p.m. on Friday, May 22, 1992, in the State Office Building, Second floor conference room, Idaho Falls, Idaho.

Agenda items for this prehearing conference will include:

1. Identify spokesman and/or counsel representing the protestant.
2. Review of the application.
3. Identify issues of protest.
4. Designate date for identifying witnesses.
5. Designate target date for conducting administrative hearing if resolution is not possible during the prehearing conference.

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The prehearing conference will be held in accordance with the provisions of the adopted Rules of Practice and Procedure of the Department of Water Resources.

Dated this 4th day of May, 1992.



RONALD D. CARLSON

Eastern Regional Manager

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SEP 09 1992



IDAHO FISH & GAME

REGION 6
1515 Lincoln Road
Idaho Falls, ID 83401-2198
(208) 525-7290

October 2, 1991

OCT 10 1991

Mr. Harold W. Jones
Water Rights Supervisor
Idaho Department of Water Resources
150 Shoup Ave. Suite 15
Idaho Falls, ID 83402

Re: Application #21-07511 - Robert L. Pearson

Dear Mr. Jones:

Idaho Department of Fish and Game, Region 6, has reviewed the proposed application. We do not protest this non-consumptive application; however, we have some concerns about construction and operation of the diversion and pond.

Our concerns include:

1. Any diversion dam will have to be constructed with jumping pools or a fish ladder approved by Idaho Department of Fish and Game to allow passage of adult fish migrating upstream.
2. The diversion intake needs to be screened with 1/8" openings to prevent entrainment of juvenile cutthroat and brook trout moving downstream.
3. The pond outlet needs to be screened to prevent escape of fish stocked in the pond.
4. In order to carry fish through the winter, the pond should be excavated 10 to 12 feet deep. If the excavation extends into alluvial gravel, the pond may need to be lined or sealed with bentonite to prevent loss of water.
5. A private pond permit will be required from Idaho Department of Fish and Game before fish are released.

Cecil D. Andrus / Governor
Jerry M. Conley / Director

Equal Opportunity Employer



Working for wildlife since 1938

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OCT 9 1991

Mr. Harold W. Jones
October 2, 1991
Page 2

Thank you for the opportunity to comment. We will contact the applicant separately to explain our concerns.

Sincerely,



Herbert A. Pollard II
Regional Supervisor
Region 6

HAP:sf

cc: U.S. Fish and Wildlife Service (Lobdell)
Army Corps of Engineers (Walla Walla)
Army Corps of Engineers (Boise)
Bureau of Program Coordination

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SEP 09 1992



IDAHO FISH & GAME

REGION 6
1515 Lincoln Road
Idaho Falls, ID 83401-2198
(208) 525-7290

OCT 10 1991

October 2, 1991

Mr. Robert L. Pearson
1331 East 65 South
Idaho Falls, ID 83404

Dear Bob:

Enclosed is a copy of our letter to Idaho Department of Water Resources regarding your water right application. Construction of a private fishing pond in this area poses a few problems and requires compliance with some Fish and Game regulations. Items you will have to consider include:

1. A private fish pond permit is required. This permit is free and is available from my office.
2. Inlets and outlets must be screened to prevent wild fish from entering the pond and hatchery fish from escaping. Because Duck Creek is a spawning stream and produces many small cutthroat and brook trout, the screens must be designed for very small fish.
3. The diversion dam must be designed so adult brook trout and cutthroat can pass upstream to spawn.
4. Because Henrys Lake is an important fishery, and Duck Creek is an important spawning stream, we will only allow certified disease-free fish of acceptable species to be planted. Disease free cutthroat of Snake River origin are available from Star Valley Trout Farm in Wyoming.
5. Because of the elevation and cold temperatures on Henrys Lake Flat, keeping fish alive and water flowing through the pond in the winter may be very difficult. Design of the diversion to not freeze solid and sufficient depth in the pond are important considerations.

Cecil D. Andrus / Governor
Jerry M. Conley / Director

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Working for wildlife - since 1938

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SEP 09 1992

Robert L. Pearson
October 2, 1991
Page 1

I would be happy to meet with you and your contractor to give you the benefit of my experience in fish culture and pond management. I am sure I can help you achieve the desired results for your pond. Please give me a call at 525-7290 during office hours and 523-5661 in the evening. Perhaps we can get an on-site tour before the snow flies.

Sincerely,



Herbert A. Pollard II
Regional Supervisor
Region 6

HAP:sf

Enclosure

cc: Idaho Department of Water Resources

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SEP 09 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 9, 1991

RE: Application for Permit No. 21-07511

Robert L. Pearson
1331 E 65 S
Idaho Falls ID 83404

Dear Mr. Pearson:

Enclosed please find an additional protest filed against the above referenced application.

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

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

pc: IDWR - State Office

Enclosure

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SEP 09 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

October 9, 1991

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

RE: Application for Permit No. 21-07511 ROBERT L. PEARSON

John H Magleby
456 E 200 S
Rexburg, ID 83440

Dear Mr. Magleby:

Your protest against 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.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. 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 (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 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?
6. That it is contrary to conservation of water resources within the State of Idaho.

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SEP 09 1992

John F. Magleby
October 9, 1991
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

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

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

pc: IDWR - State Office

FILED
SEP 09 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 4, 1991

Robert L. Pearson
1331 E 65 S
Idaho Falls, ID 83404

Dear Mr. Pearson:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to application No. 21-07511. 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.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 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?
6. That it is contrary to conservation of water resources within the State of Idaho.

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SEP 09 1992

Robert L. Pearson
October 4, 1991
Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

pc: IDWR - State Office

Enclosure

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SEP 09 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

October 4, 1991

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

RE: Application for Permit No. 21-07511 ROBERT L. PEARSON

Gray F. Reynolds
Regional Forester
US Forest Service
324 25 Street
Ogden, UT 84401

Dear Mr. Reynolds:

Your protest against 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.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. 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 (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 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?
6. That it is contrary to conservation of water resources within the State of Idaho.

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SEP 09 1992

Gray F. Reynolds
October 4, 1991
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

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

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

pc: IDWR - State Office

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SEP 09 1992

2

WATERMASTER COMMENTS

I have reviewed Application for Permit No. 21-7511 and have the following comments/objections to the approval of this application for permit:

What recreational use is
envisioned with LIAF of
Storage? The project appears
to be so small that, as
proposed it should not
injure a flow prior rights on
Rock CK.

9/26/91

Date



RONALD D. CARLSON, WATERMASTER
Water District No. 01

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SEP 09 1992

RECEIVED

OCT - 7 1991

Department of Water Resources
Eastern District Office

OCT 3, 1991

Mister Keith Higgerson:

The purpose of this letter to you and the Dept. of Water Resources, is to formally object to the application for a water permit by Mister Robert G. Pearson on Duck Creek, a tributary of Henrys Lake. The permit # as obtained in the Fremont paper is 21-07511. The stated reason for the permit was to be for Recreational use + storage.

The following list, is my reasons for objecting to the issuance of this permit.

1. As I have observed the flow of Duck + the use of the water for irrigation, I see the natural flow has diminished over the years because of the drought that has taken place.

2. The rights to use water on Duck Creek has been stable for many years, as Webster Ranch + ours has had such rights dating back into the 1880's as decreed rights of the natural flow.

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SEP 09 1992

3. a few years ago, your
Dept & the ranchers using the
water of Duck Creek, Hope Creek, &
Lock Creek, tried unsuccessfully to
solve the use & rights to the
creeks. It looked like it would
end up in a legal Court decision
at that time, but I still
wonder if when the new Snake
River adjudication process is
completed, that this may still
be needed to solve the difference
I question that this is the time
to issue still more permits to
further complicate the matter.

4. Mr. Ron Carlson has
stated many times to the ranches
that we could not develop more
ground for irrigation (more than 1000A
because that was what he said
was meant to be irrigated in
the early history of that area. If we
can not expand our use of the
waters of these creeks, how can
it be expanded for recreational
use as proposed by Mister Pearson.
I think there is enough
question on this issue, so as to
put it on hold until at least

SEP 09 1992
MILWAUKEE

we see how the adjudicator
comes out.

I hope that we can meet
to discuss this matter further.

Thank You
John

John H. Magley
456 East 200 South
Rexburg Idaho 83440
356-3159 or 558-7433

SEP 09 1992

Dist. for staffing: 06-Sep-1991
Submitted for advertising: 9-10-91

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWS DATE 9-10-91 APPLICATION NO. 21-7511
APPLICANT NAME: ROBERT PEARSON

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume) what volume?
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- ☐ Yes ☒ No Field check by _____
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical groundwater area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit
- ☐ Yes ☒ No Power efficiency form
- ☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

SEND COPIES TO

☐ U.S. BLM
☒ U.S. Forest Service *Targhee*
☒ Water District
☐ Other

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

<u>/</u>	Yes	No	Publication dates & paper, recorded on application
<u> </u>	Yes	No	Protests received
<u> </u>			Final date for protest <u>10-7-91</u>
<u> </u>	Yes	No	Protests, dates, resolution of protest, recorded on application
<u> </u>	Yes	No	Recommendations, attached
<u> </u>	Yes	No	Measuring device required
<u> </u>	Yes	No	Access port required
<u> </u>	Yes	No	Will water be delivered by watermaster? If yes, what Dist. <u> </u>
<u> </u>	Yes	No	Special conditions of approval or cover letter below.

_____ See below for additional information

Date of priority recommended _____

By _____ Date _____

By _____ See below for additional information
Date _____

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other <u> </u>

Project impacts/implications report

COMMENTS



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401

Reply to: 2540-1

Date: OCT 1 1991

Mr. Ronald D. Carlson
Eastern Regional Manager
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, ID 83401

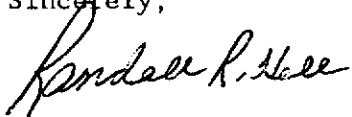
OCT - 3 1991

Department of Water Resources
Eastern District Office

Dear Mr. Carlson:

We are writing to protest Application for Permit No. 21-7511 filed by Robert Pearson to appropriate 1.0 cfs from Duck Creek for recreation purposes. As noted in the Application, it is unknown whether the point of diversion is on National Forest land. If it is, we will sustain our protest because of the effect on National Forest multiple use objectives; if not, then we have no basis to protest. Until the ownership of the land at the point of diversion is resolved, please defer action on this Application.

Sincerely,

for 
GRAY F. REYNOLDS
Regional Forester

MICROFILMED

SEP 09 1992



Caring for the Land and Serving People

FS-6200-28b(4/88)

MEMORANDUM

RECEIVED

OCT - 2 1991

Department of Water Resources
Eastern District Office

To: Skip Jones
From: L. Glen Saxton *LLS*
RE: FUTURE ACTION ON APPLICATION 21-07511 - PEARSON
Date: September 30, 1991

Attached is a marked up page of the weekly water right print out which shows Ralph Mellin's comments with respect to the above referenced application. As you may know, Ralph is involved with river planning studies in the Henry's Fork area.

Before the application is forwarded from the region to this office for final processing, please contact Ralph for a further explanation of his notes and address if you can, concerns he may raise.

MICROFILMED

SEP 09 1992

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
21-07511	ROBERT L PEARSON 1331 E 65 S IDAHO FALLS ID 83404 <u>SOURCE: DUCK CREEK</u>	09/06/1991	RECREATION RECREATION STORAGE	01-01 12-31 01-01 12-31	1.00 CFS 1.10 AFA	APPLICATION
					1.00 CFS TOTAL	

TRIBUTARY: HENRYS LAKE

REMARKS: Recreation use is for fish pond.

POINT OF DIVERSION:
T15N R42E S24 NWNW

PLACE OF USE: RECREATION
T15N R42E S24 NWNW

9.24.91
20% of the Henry take spawning is
done in this drainage. ~~fish~~ (fish & wildlife
others are: Tanghee cr. - 5090
Hawes cr 1590
Timber cr 1090
Others 590
More information is needed on
the location & operation of the
fish pond. Ralph

Designation is recommended for the Henry's Fork
minimum flow designation is recommended for the Henry's Fork
for Duck Cr. & the other three creeks (#1)
(fish & wildlife Recommendation #1)

MICROFILMED

SEP 09 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

SEPTEMBER 11, 1991

HERALD CHRONICLE
P.O. BOX 10
REXBURG, ID 83440

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. 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 billing to this office before OCTOBER 7, 1991.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED
SEP 09 1992

21-07511

PEARSON, ROBERT L
1331 E 65 S
IDAHO FALLS, ID 83404

Source: DUCK CREEK

Tributary: HENRYS LAKE

Diversion Pt: NWNW Sec 24 T 15N R 42E

Use: RECREATION (1.000 CFS)
 RECREATION STORAGE (1.10 AF)
 Total Diversion: (1.000 CFS)

Date Filed: 9/ 6/ 1991

In: T15N R42E S24 NWNW

MICROFILMED

SEP 09 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

12-Sep-1991

ROBERT L PEARSON
1331 E 65 S
IDAHO FALLS ID 83404

RE: Application No. 21-07511

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in Herald Chronicle on September 19 & 26, 1991. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
HAROLD W. JONES

Water Rights Supervisor

HWJ/rb

MICROFILMED

SEP 09 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

12-Sep-1991

TARGHEE NATIONAL FOREST
PO BOX 208
ST ANTHONY ID 83445

RE: Application NO. 21-07511

Dear Sir:

We are enclosing a copy of the application(s) that may be of interest to your department. Please review the application(s) and submit any comments you may have to our Department as soon as possible. The last date of protest is October 7, 1991, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

Harold Jones
HAROLD W. JONES

Water Rights Supervisor

HWJ/rb
enc.

MICROFILMED

SEP 09 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

12-Sep-1991

HERBERT POLLARD
DEPT OF FISH & GAME
REGION 6
1515 LINCOLN RD
IDAHO FALLS ID 83401

RE: Application NO. 21-07511

Dear Sir:

We are enclosing a copy of the application(s) that may be of interest to your department. Please review the application(s) and submit any comments you may have to our Department as soon as possible. The last date of protest is October 7, 1991, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

Harold W. Jones
HAROLD W. JONES
Water Rights Supervisor

HWJ/rb
enc.

RECEIVED

SEP 09 1992