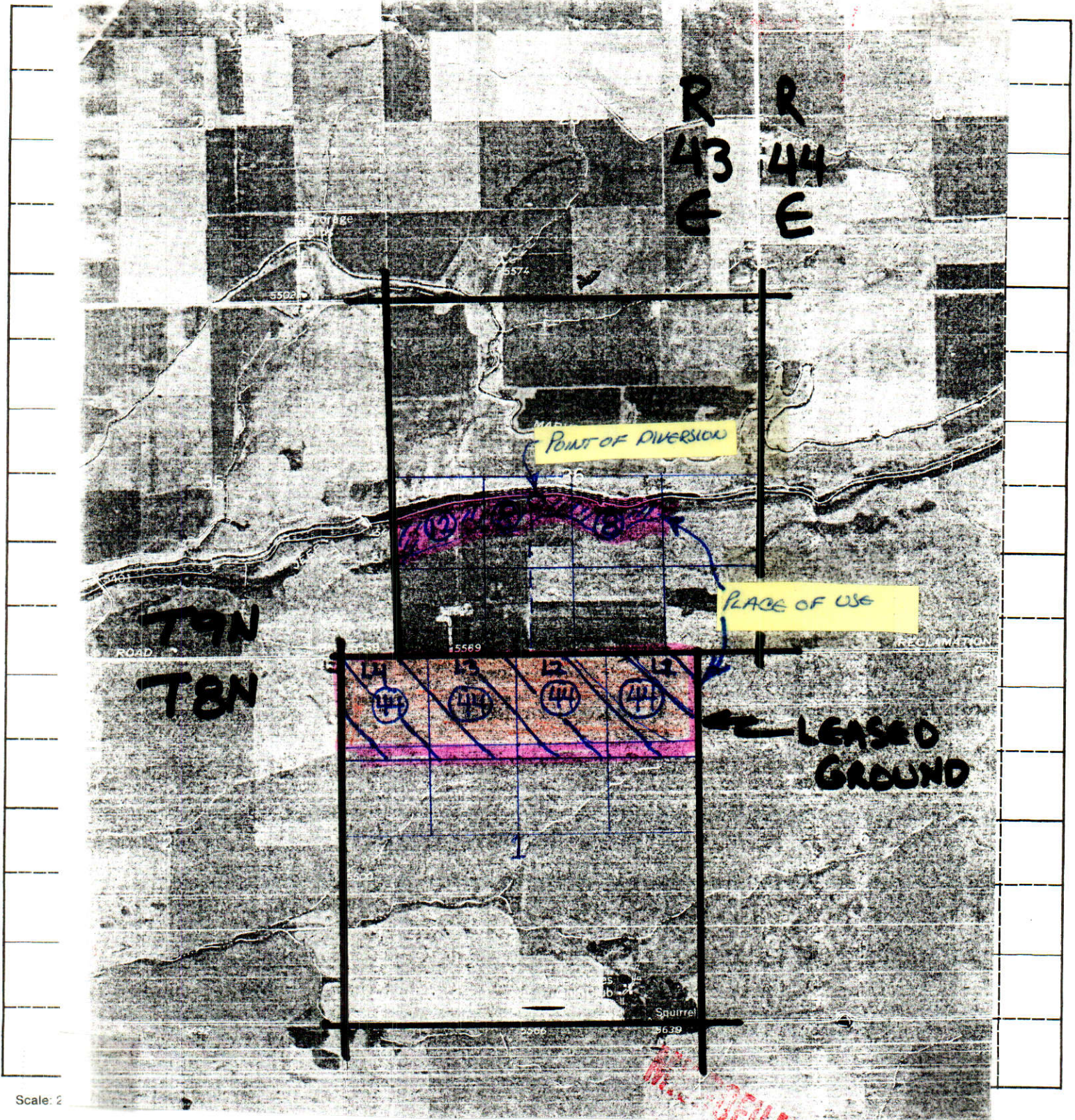


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number

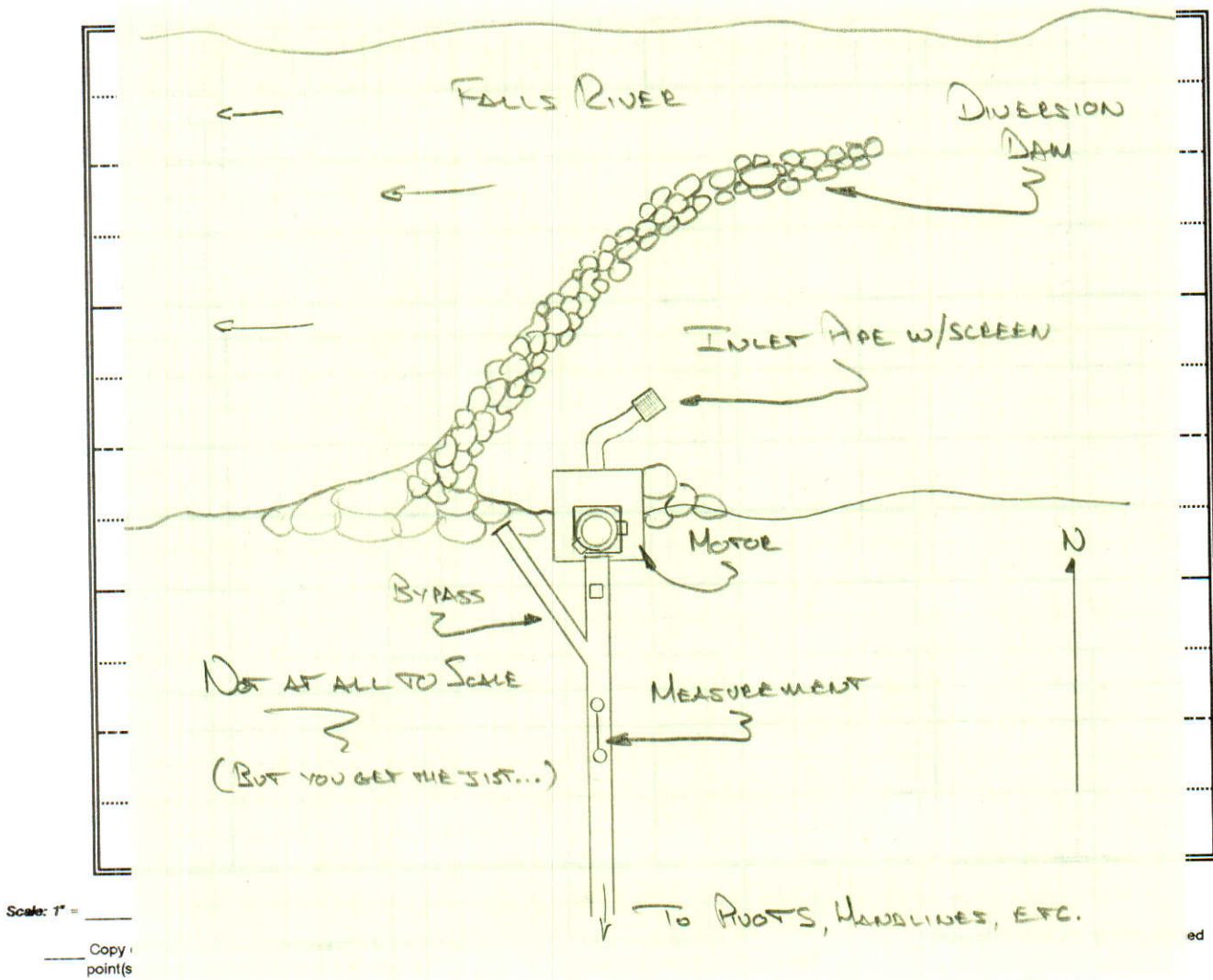


Scale: 2

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.

*Russell O Baum*  
(Applicant)

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



4.

| Well or Diversion Identification No.* | Motor Make    | Hp  | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|---------------|-----|------------------|-----------|-----------------------------------|
|                                       | GEN. ELECTRIC | 150 | HXS1205109       | Auerca    | 8-10"                             |
|                                       |               |     |                  |           |                                   |
|                                       |               |     |                  |           |                                   |

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

#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make     | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|----------|-----------|------------|------|-------------|
| ULTRASONIC FLOW METER |      | TRWELITE |           |            |      |             |
|                       |      |          |           |            |      |             |

2. Measurements: PSI FROM GAUGE = 120 PSI, 9' LIFT FROM RIVER TO OUTLET

RECORDED

FEB 24 1997



Plate 1 - Pumping station at point of diversion.

MICRO  
FEB 24 1972

21-07406



Plate 2 - Diversion dam in Falls River from pumping station.



Plate 3 - Inlet pipe and dam from pumping station.

MICRO  
FEB 24 1997

21-07406

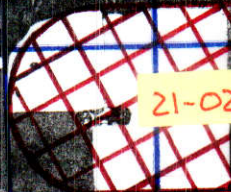
54

WILD 15/4 UAGA  
Nr.13117 153.21

|    |    |
|----|----|
| 26 | 25 |
| 35 | 36 |

|    |    |
|----|----|
| 25 | 30 |
| 36 | 31 |

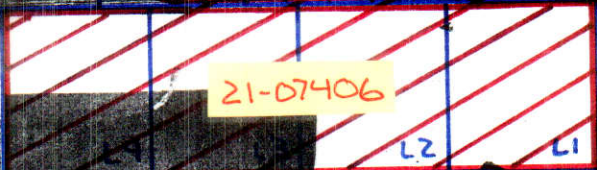
POINT OF DIVERSION



21-02151

T9N  
T8N

|    |    |
|----|----|
| 36 | 31 |
| 6  |    |



21-07406

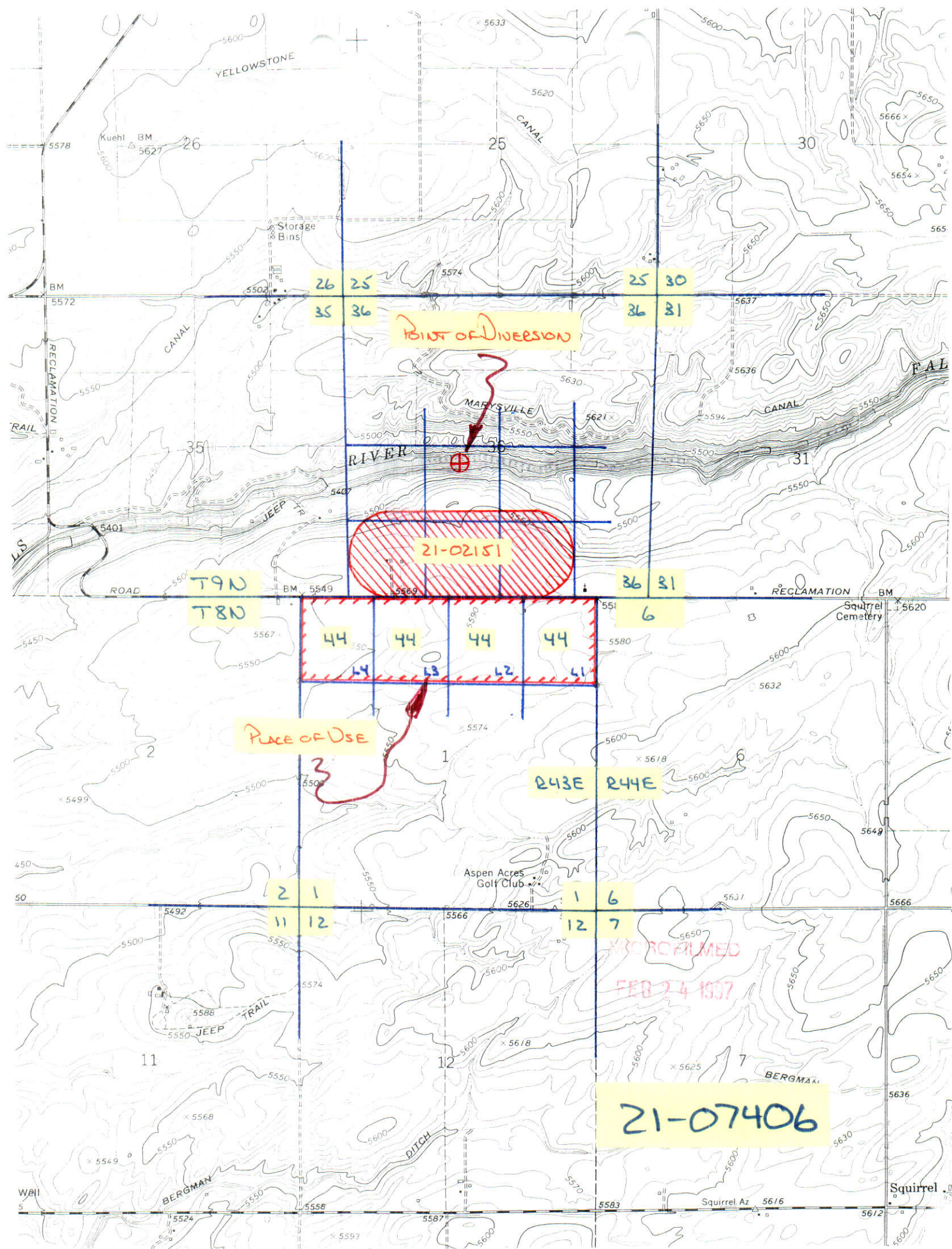
L2 L1

|    |    |
|----|----|
| 2  | 1  |
| 11 | 12 |

|    |   |
|----|---|
| 1  | 6 |
| 12 | 7 |

MICROFILMED  
FEB 24 1997

21-07406



PROXY PROXY PROXY

The bearer of this PROXY (Russell Kent Baum or Alan Orme Baum, my sons) is/are given the power to act in my name at the Department of Water Resources hearing, scheduled for Tuesday, November 26, 1991 at 10 a.m. in the Bonneville Co. Courthouse, 605 N. Capital, Idaho Falls, ID (Civil Defence Room) concerning Permit 21-07406 in the name of Russell O. Baum or H.J. Orme.

/s/ *Russell O. Baum*

In answer the five questions listed on the agenda: Answers are as follows:

Q. No. 1: The quantity of water presently used is at pump capacity and should not reduce the quantity of water in the river (stream flow) any more than it already has in prior years. We used 229 AcFt of rental water in 1991.

Q. No. 2: The water supply in the river has generally been sufficient for our use in past years. Only in one year since 1966 have we been shut down by the water district for insufficient water. We have always rented water since the water rental program started. Prior to that, we pumped the water you might say, unregulated (free.)

Q. No. 3: In good faith.

Q. No. 4: Project is already completed. No expansion anticipated.

Q. No. 5: No, this should not conflict with public interest. The point of diversion is down stream (below) the Durtschi point of diversion. Nothing is changed from the way it has been for at least three years.

/s/ *Russell O. Baum*

November 25, 1991  
505 S. Saguaro Way  
Mesa, AZ 85208  
(602) 380-0618

FAX Receiver: Please call 652-3483, 652-3717 for pick-up.

**MICROFILMED**

**JAN 14 1992**

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 21-07406

Priority: January 4, 1989

Maximum Diversion Rate: 1.99 CFS  
Maximum Diversion Volume: 616.0 AF

This is to certify, that H J ORME  
RUSSELL O BAUM

PO BOX 569  
ASHTON ID 83420

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 4, 1989; and has submitted Proof of Beneficial Use on November 23, 1992. An examination indicates that the works have a diversion capacity of 3.000 cfs of water from:

FALLS RIVER tributary to HENRYS FORK

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 04/15 to 10/15       | 1.99 CFS                 | 616.0 AF             |

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 36, Township 09N, Range 43E  
FREMONT County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u>   | <u>ACRES</u>   | <u>ACRES</u>   | <u>TOTAL</u> |
|------------|------------|------------|----------------|----------------|----------------|--------------|
| 08N        | 43E        | 1          | Lot 1(NENE) 44 | Lot 2(NWNE) 44 | Lot 3(NENW) 44 |              |
|            |            |            | Lot 4(NWNW) 44 |                |                | 176          |

Total number of acres irrigated: 176

## CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

MICROFILMED  
FEB 24 1987

State of Idaho  
Department of Water Resources

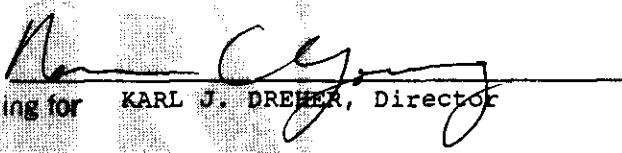
## WATER RIGHT LICENSE

WATER RIGHT NO. 21-07406

### CONDITIONS OF APPROVAL AND REMARKS

5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
8. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
9. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
10. Right 21-02151 is also diverted through the point(s) of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this 11<sup>TH</sup>  
day of FEBRUARY, 1997.

  
Acting for KARL J. DREHER, Director

MICROFILMED

FEB 14 1997

Form 217  
11/91

RECEIVED

NOV 20 1992

Department of Water Resources

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## OFFICE USE ONLY

Amt. of Fee \$ 150.00

Date 11-23-92

Receipt No. 0026081

Receipt by [Signature]

## PROOF OF BENEFICIAL USE

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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 21-07406 Telephone No. 208-652-3352  
602-380-0618 (winter)
2. Name(s) of Permit Holder(s): RUSSELL O. BAUM
3. Mailing Address: P.O. Box 569, Ashton, ID 83420
4. Source of Water: FALL RIVER TRIB OF N. FORK SNAKE RIVER

If GROUNDWATER, Well Driller's Name: \_\_\_\_\_ Date Drilled: \_\_\_\_\_

## OPTIONAL:

Pump horsepower: 125 Pressure (psi): \_\_\_\_\_ Dynamic pumping level (ft.): \_\_\_\_\_

5. Extent of Use (as authorized by the permit):

Domestic \_\_\_\_\_ (No. of households) Stockwater \_\_\_\_\_ (No. and type of stock)

Irrigation 240 (No. of acres) Other \_\_\_\_\_

6. Total rate and/or volume for which proof is submitted 2.0 cfs OR 224 acre/feet used in

7. Refer to the approval conditions on your permit and respond accordingly:

Lockable Electrical DISCONNECT

Measuring device: Required? Yes No Installed? Yes No

OR

Flow Measurement Port: Required? Yes No Installed? Yes No

8. Fee Enclosed: \$ 150.00 (See License Fee Schedule on back of Instruction Sheet)

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

Kent Baum, 208-652-3483 or Alan Baum, 208-652-3717  
 Name Telephone No.

Box 328, Ashton, ID 83420 or Box 352, Ashton, ID 83420  
 Address

10. The above information 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.

Date

11-16-92

Signature (and title, if on behalf of a company or organization)

Russell O. Baum

MICROFILMED

DEC 09 1992

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 21-07406

Proposed Priority: January 4, 1989

Maximum Diversion Rate:

2.00 CFS

This is to certify, that H J ORME

RUSSELL O BAUM

PO BOX 7

ASHTON ID 83420

has applied for a permit to appropriate water from:

FALL RIVER

tributary of HENRYS FORK

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/01 to 11/01

2.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNESW , Sec. 36, Township 09N, Range 43E  
FREMONT County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u>   | <u>ACRES</u>   | <u>ACRES</u>   | <u>TOTAL</u> |
|------------|------------|------------|----------------|----------------|----------------|--------------|
| 08N        | 43E        | 1          | Lot 1(NENE) 44 | Lot 2(NWNE) 44 | Lot 3(NENW) 44 |              |
|            |            |            | Lot 4(NWNW) 44 |                |                | 176          |
| 09N        | 43E        | 36         | NESW 8         | NWSW 12        | NWSE 8         | 28           |

Total number of acres irrigated:

204

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1992.
2. Subject to all prior water rights.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 01.
4. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. 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.
7. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

JAN 14 1992

State of Idaho  
Department of Water Resources**Permit To Appropriate Water**

NO. 21-07406

8. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

3 day of January, 1992.

*R. Keith Higginson*  
for R. Keith Higginson, Director

MINUTE FILES  
JAN 14 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 RUSSELL O. BAUM OR H. J. ORME Phone 652-3352  
Post office address P.O. Box 7, ASHTON, ID 83420
2. Source of water supply C. FALL RIVER which is a tributary of HENRYS FORK, SNAKE RIVER
3. Location of point of diversion is NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_  
Sec. 36 Township 9N Range 43E B.M. Fremont County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 2.00 for IRRIG. purposes from 4/1 to 11/1 (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 is (a) 2.00 and/or (b) \_\_\_\_\_  
cubic feet per second                      acre feet per annum
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc. 150HP PUMP, IN PLACE, INTO MAINLINE. CENTER PIVOT  $\frac{1}{2}$  HAND LINES.
  - b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet; period of year when water will be diverted to storage: \_\_\_\_\_ to \_\_\_\_\_ inclusive.
  - c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
  - d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year).

**RECORDED**  
**JAN 14 1992**

JAN 14 1992

REF ID: A66084

12. Remarks: HANDS HAVE BEEN MR. SINCE 1972. FILED TO RECORD

applicant to make this filing. Mr. Baum has lease agreement, to farm.

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

APPLICANTS

LANDS IN SEC 36. NOT SAME AS CLAIMED ABOVE / SALT PUMP

10. Describe any other water rights used for the same purposes as described above. 21-02151.

204

[illegible]

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

---

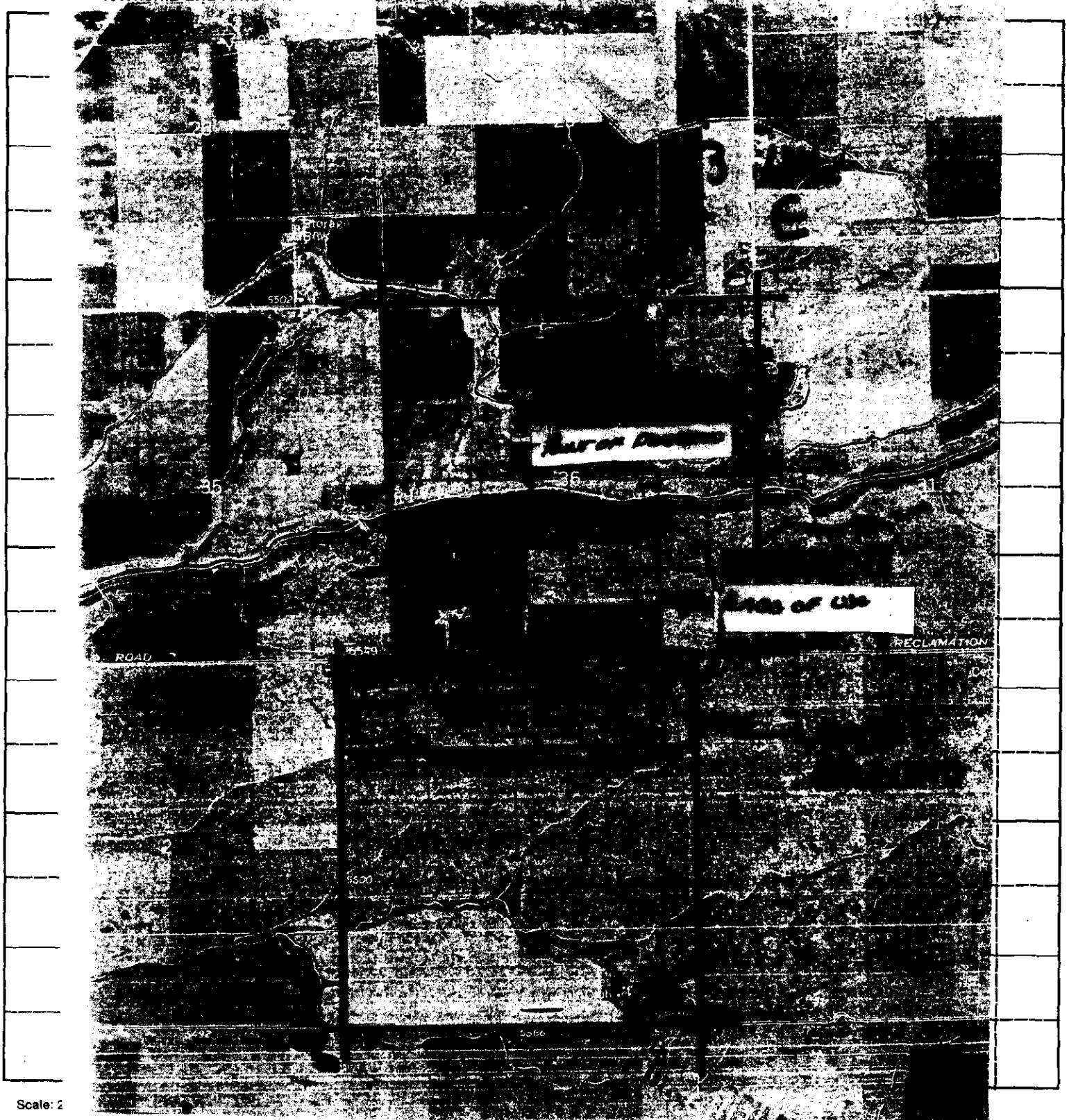
d. Domestic; show number of households.

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):

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.

JAN 14 1992  
x Russell O Baum  
(Applicant)

APR 1 1992

Received by ES Date 1/4/83 Time 1515  
Received by ES Date 1/4/83  
Received by ES Date 1/4/83  
Fee \$65  
Received by ES Date 1/4/83  
#6005426 Date 1/4/83  
Published in Herald Chronicle Date 3-15-83  
Publication prepared by RB Date 3-15-83  
Publication approved by RB Date 4-6-90

**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. \_\_\_\_\_, and said application is hereby \_\_\_\_\_.

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

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

- c. 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. 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.

e. Other: \_\_\_\_\_

RECEIVED  
JAN 14 1992

St. Anthony, Idaho  
Ashton, Idaho

## AFFIDAVIT OF PUBLICATION

APR - 1 1990

OF IDAHO

y of Fremont

Department of Water Resources  
Eastern District Office

Terry Weatherston  
I first duly sworn, depose and say,  
I am the printer of THE FREMONT  
HERALD-CHRONICLE, a semi-weekly  
paper printed and published in  
Fremont County, Idaho; and I do solemnly  
swear that the Notice Of Water Rights  
of which notice appears attached  
hereto, was published in the regular and  
normal issue of said newspaper, and not  
in a supplement issue thereof.  
Two consecutive issues, the  
last publication having been made on  
March 15, 1990  
The last publication having been  
on March 22, 1990  
Further, that said newspaper is one  
of general circulation in said county;  
that it is a legal newspaper, conforming  
to all legal specifications under Idaho  
law; that it has at least two  
thousand bona fide subscribers living  
in the county of publication; and  
that it has been continuously and  
uninterruptedly published in said county  
for a period of seventy-eight  
consecutive weeks prior to the first  
publication of said notice.

OF IDAHO )  
OF MADISON )

On the 23rd day of March  
of the year of 1990, 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  
duly sworn, declared that the  
contents therein are true, and  
acknowledged to me that he executed the

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

NO. OF APPLICATION  
FOR WATER RIGHT

The Following application(s) have been  
filed to appropriate the public waters of  
the State of Idaho:

21-07408

BAUM, RUSSELL O.  
ORME, H.J.  
P.O. BOX 7  
ASHTON, ID 83420  
Source: FALL RIVER. Tributary:  
HENRYS FORK, SNAKE RIVER.  
Diversion Pt: NWNESW Sec 36 T 09N  
R 43E  
Use: IRRIGATION (2.000 CFS) Total  
Diversion: (2.000 CFS)  
Date Filed: 1/04/1989  
In: T08N R43E S01 Lot 1 (NENE) Lot 2  
(NWNE) Lot 3 (NENW) Lot 4 (NWNW)  
T09N R43E S36 NESW NWSW NWSE  
204.0 ACRES TOTAL

21-07417

CRYSTAL BROTHERS  
PARTNERSHIP  
C/O VERL CRYSTAL  
26 N. 3300 E.  
RIGBY, ID 83442  
Source: TARGHEE CREEK Tributary:  
HENRYS LAKE  
Diversion Pt: SWNENW Sec 11 T 15N R  
43E  
Use: IRRIGATION (.090 CFS)  
STOCKWATER (.050 CF) Total Diversion:  
(.090 CFS).  
Date Filed: 3/23/1989  
In: T15N R43E S11 NENW 3.0 ACRES  
TOTAL

21-07418

DEAN SCHWENDIMAN & SONS INC.  
C/O DEAN SCHWENDIMAN  
P.O. BOX 57  
NEWDALE, ID 83436  
Source: GROUNDWATER  
Diversion Pt: SENE Sec 7 T 07N R 42E  
NESW, Sec 8 T 07N R 42E, LOT 3  
(NWSW) Sec 7 T 08N R 42E, NENE Sec  
30 T 08N R 42E  
Use: IRRIGATION (11.000 CFS) Total  
Diversion: (11.000 CFS)  
Date Filed: 2/15/1989  
In: T07N R41E S12 NENE NWNE  
SWNE SENE SENW NESW SESW NESE  
NWSE SWSE SESE; R42E S07 NENE  
NWNE SWNE SENE NENW Lot 1  
(NWNW Lot 2 (SWNW) SENW NESW Lot  
3 (NWSW) NESE NWSE, S08 SWNE  
SENE NENW NWNW SWNW SENW  
NESW NWSW NESE NWSE, S08 SWNW  
SENW NESW NWSW SESW, S16 NENW  
1551.0 ACRES TOTAL

21-07454

MAGLEBY, JOHN H.  
456 E. 2ND S.  
REXBURG, ID 83440  
Source: GROUNDWATER  
Diversion Pt: NENE Sec 25 T 15N R  
42E  
Use: DOMESTIC (.200 CFS) Total  
Diversion: (.200 CFS)  
Date Filed: 3/22/1989  
In: T15N R42E S24 SWSE SESE, S25  
NENE

22-07642

JRG PARTNERS  
26 ARASTRADERO RD.  
PORTOLA VALLEY, CA 94025  
Source: UNNAMED SPRING & CREEK  
Tributary: TETON RIVER  
Diversion Pt: SWSWNE Sec 17 T 04N  
R 45E  
Use: IRRIGATION (.050 CFS) Total  
Diversion: (.050 CFS)  
Date Filed: 3/21/1989  
In: T04N R45E S17 SWNE 2.5 ACRES  
TOTAL

22-07648

REYNOLDS, ROBERT L.  
RT. 1 BOX 162  
ST. ANTHONY, ID 83445  
Source: GROUNDWATER  
Diversion Pt: SENENE Sec 15 T 07N R

MARCH 14, 1997

RECEIVED  
MAR 17 1997  
Department of Water Resources

DEPARTMENT OF WATER RESOURCES  
1301 NORTH ORCHARD STREET  
STATE HOUSE MAIL  
BOISE, IDAHO 83720-9000

RE; WATER RIGHT 21-07406

SHELLEY W. KEEN  
WATER RIGHTS SUPERVISOR

THANK YOU FOR THE LETTER DATED FEBRUARY 12, 1997.

I AM H. J. ORME OWNER OF THE PROPERTY IN FREMONT COUNTY. RUSSELL O.  
BAUM AND SONS FARM THIS PROPERTY.

MY ADDRESS IS 1379 31ST STREET OGDEN, UTAH 84403.

ENCLOSED IS A COPY OF THE CERTIFICATE OF MAILING. AS YOU CAN SEE  
THE NAME H. J. CRUME IS IN ERROR.

I TRUST THIS IS ALL THAT IS REQUIRED TO GET YOUR RECORDS STRAIGHT.

YOURS TRULY

  
H. J. ORME  
1379 31ST STREET  
OGDEN, UTAH 84403-0921

MICROFILMED

MAR 25 1997



## 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

February 12, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

H.J. ORME  
RUSSELL O. BAUM  
PO BOX 569  
ASHTON ID 83420

RE: WATER RIGHT NO. 21-07406

Dear Water Right Holders:

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

#### PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

#### EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

MICROFILMED  
FEB 14 1997

### ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

### CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

### FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

### APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,

14-0000-14662  
2014-06-10

- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

If you have questions, please contact me at (208) 327-7946.

Sincerely,



Shelley W. Keen  
Water Rights Supervisor

SWK:pah

c: Eastern Region

Enclosures

**CERTIFICATE OF MAILING**

I hereby certify that on the 12th day of **February, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

**Water Right No. 21-07406**

**H.J. CRUME  
RUSSELL O. BAUM  
PO BOX 569  
ASHTON ID 83420**

Patti Harrell  
Patti Harrell  
Secretary

# LICENSE REVIEW CHECKLIST

PERMIT NO. 21-07406

DATE 1/9/97

REVIEWER: SHARLA

NAME Change OK

Address Change Blue address Box 569 Baum

SOURCE Falls R. ✓

Is change clarification of originally intended source? ✓

POINT OF DIV ✓

If not, prepare Notice of Intent to Void NO

PLACE OF USE ✓

Amendment required NO

Does map agree with written description? ✓ yes no

OVERLAPS — P/D — P/U

## RATE OF DIV

Permitted Rate 2.0 cfs

Fee limit 2.0 cfs \$15000

Measured 3.0 cfs

Theoretical 3.01 cfs 265% eff. 3.23 @ 70%

Recommended Total Div Rate 1.99 cfs

ANNUAL VOLUME/  
NATURE OF USES ✓

Use M.

Volume Calculation

176 x 3.5 = af

616.0 af

af

af

af

SUBTOTAL af

Flow rate 1.99 cfs X 183 days X 1.98 = 721.0 af

Total volume recommended 616.0 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

W36 (21-02151)

CONDITIONS R04 Watermaster Control WD# 01

R39 GW Measurement/Measuring Device

R30 Overlap

— Use-specific conditions 048, 049

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed N/A  
Adjustment Memo ✓

1st Amend Letter N/A  
2nd Amend Letter N/A

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

RECEIVED

JUL 2 - 1995

Department of Water Resources

**A. GENERAL INFORMATION**

Permit No. 21-07406

1. Owner: H. J. O'NEIL Phone No. \_\_\_\_\_

Current Address: P.O. Box 7, ASHTON ID 83420

2. Accompanied by: RUSSELL BAUM EXAM DATE: 8-8-1995

Address: \_\_\_\_\_ Phone No. (208) 652-3352

Relationship to Permit Holder: \_\_\_\_\_

3. Source: FALLS RIVER tributary to HEWENS FORK

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: \_\_\_\_\_

2. Other water rights with the same point of diversion: 21-02151

**C. DIVERSION AND DELIVERY SYSTEM**

**1. Point(s) of Diversion:**

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Method of Determination/Remarks |
|-----------|-----------|-----|-----|-----|------|------|------|---------|---------------------------------|
|           |           | NW  | NE  | SW  | 36   | 9N   | 43E  | FREMONT | USGS, ONSITE                    |
|           |           |     |     |     |      |      |      |         |                                 |
|           |           |     |     |     |      |      |      |         |                                 |
|           |           |     |     |     |      |      |      |         |                                 |

**2. Place(s) of Use:**

Indicate Method of Determination

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE    |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|-------|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE    | NW | SW | SE |        |
| 8N  | 43E | 1   | 44 | 44 |    |    | 44 | 44 |    |    |    |    |    |    |       |    |    |    | 176    |
|     |     |     | 41 | 42 |    |    | 43 | 44 |    |    |    |    |    |    |       |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |       |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |       |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |       |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |       |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |       |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |       |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    | Total |    |    |    | 176    |

MICROFILMED

FEB 24 1997

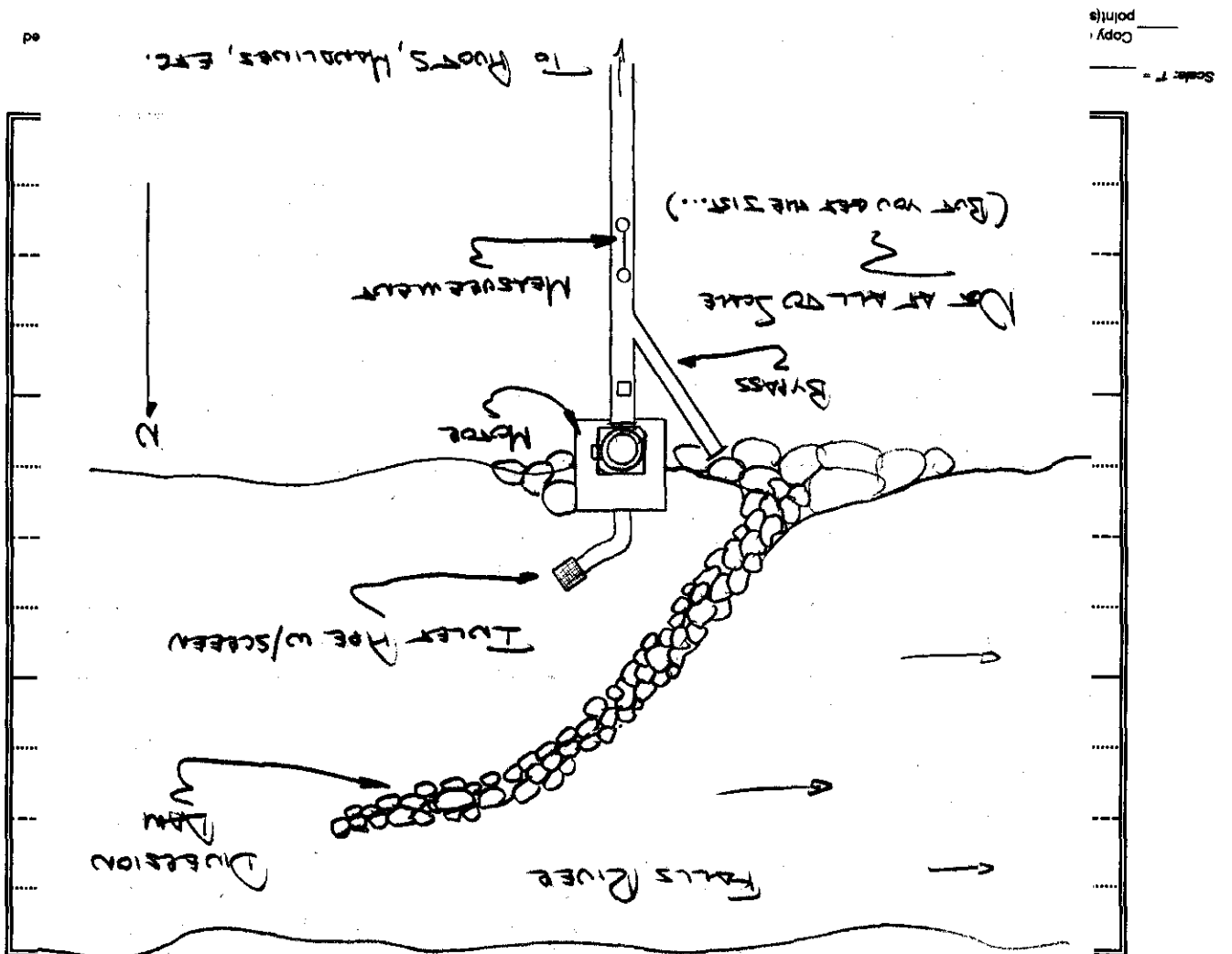
2. Measurements: 25' FROM GAUGE = 120 PSI, 9' LIFT FROM RIVER TO OUTLET

| Measurement Equipment | Type | Make        | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|-------------|-----------|------------|------|-------------|
| PORTABLE FLOW METER   |      | INTELLIGENT |           |            |      |             |
|                       |      |             |           |            |      |             |
|                       |      |             |           |            |      |             |

1.  
D. FLOW MEASUREMENTS

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

| Well or Diversion Identification No.* | Motor Make    | HP  | Motor Serial No. | Pump Make   | Pump Serial No. or Discharge Size |
|---------------------------------------|---------------|-----|------------------|-------------|-----------------------------------|
|                                       | GEN. ELECTRIC | 150 | 11X31205109      | INTELLIGENT | 8-10"                             |
|                                       |               |     |                  |             |                                   |
|                                       |               |     |                  |             |                                   |



3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.

#### E. NARRATIVE/REMARKS/COMMENTS

TURBINE DUMP WITH INLET PIPE IN FALLS RIVER TO MAINLINE UP HILL TO TWO PIVOTS, SEVERAL HANDLINES AND WHEEL LINES FOR IRRIGATION OF CROP LANDS.

THE ENTIRE PLACE OF USE IS SPLIT INTO TWO OWNERSHIPS. RUSSELL BAUM OWNS THE LAND IN 36-9N-43E THAT IS ALSO COVERED UNDER LICENSE 21-02151. H.J. ORME OWNS THE PLACE OF USE IN 1-8N-43E THAT IS TO BE DEFINED UNDER 21-07406. MR. BAUM PRESENTLY LEASES THIS PARCEL FROM MR. ORME.

LICENSE 21-02151 USES THE SAME POINT OF DIVERSION AS 21-07406, BUT THERE IS NO PLACE OF USE OVERLAP.

\* NOTE: DUE TO OVER ABUNDANCE OF BEAUTIFUL SCENERY SURROUNDING THIS AREA, RECOMMEND FUTURE EXAMINERS PLAN TO USE PERSONAL VEHICLE AND SPEND SEVERAL HOURS OF ANNUAL LEAVE

Have conditions of permit approval been met? ☐ yes

no  
MICROFILMED

FEB 24 1987

## F. FLOW CALCULATIONS



Plate 1 - Pumping station at point of diversion.

MICROFILMED  
FEB 14

21-07406



Plate 2 - Diversion dam in Falls River from pumping station.



Plate 3 - Inlet pipe and dam from pumping station.

MICR  
FEB 24 1967

21-07406

Flow Calculations

$$Q_{THEOR} = \frac{LID(8.814)EFF}{(PSI \div 2.308) + LIFT} = \frac{1504 + (8.814) \cdot 65 EFF}{(120 PSI \div 2.308) + 9' LIFT} = \underline{3.01 CFS}$$

$$Q_{MEAS} = \frac{1347 GPM}{448.8 GPM/CFS} = \underline{3.00 CFS}$$

$$Q_{21-02151} = 1.01 CFS$$

$$\begin{aligned} Q_{AVAIL} &= Q_{MEAS} - Q_{21-02151} \\ &= 3.00 CFS - 1.01 CFS \\ &= \underline{1.99 CFS} \end{aligned}$$

$$Q_{21-07406} \text{ PERMITTED FOR } 2.00 CFS$$

$$\text{RECOMMEND } Q_{21-07406} \text{ AS } \underline{\underline{1.99 CFS}}$$

Vol Calculations

$$VOL_{ACRE LIM} = AC (IDWR SF) = 176 AC * 3.5 AFA = \underline{616.0}$$

$$VOL_{FLOW LIM} = Q (DAYS/YR) 1.9835 = 1.99 CFS (183 DAYS) 1.9835 = \underline{722.33}$$

$$VOL_{RECOMMEND} = \text{LESSER OF ABOVE} = \underline{\underline{616.0 AFA}}$$

APPROVED-ILMED  
SEP 21 1997

21-07406

WILD 15/4 UA9A

24 25

25 26

26 27

28 29

Dist of Discussion

21-02151

T9N

T8N

21-07406

L2

L1

28 29

6

2

1

1

6

11

12

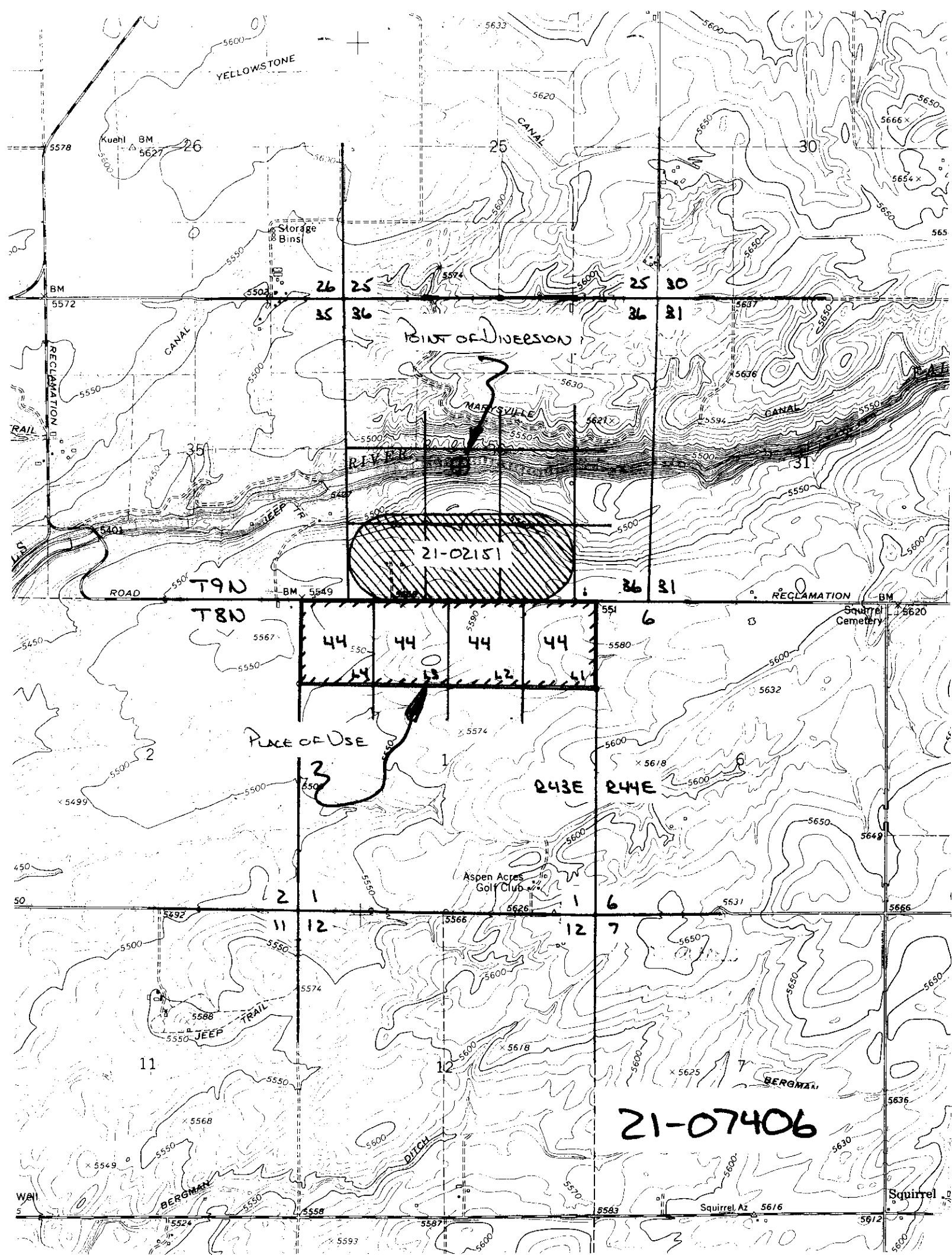
12

7

MICROFILMED

FEB 24 1977

21-07406



08-08 11:3800 \*R  
+002150 % AI2  
0396.18 MMSEC  
099.54 % T0  
OUTER DIAMETER  
10.7500 IN  
PIPE MATERIAL  
CS,SS  
WALL THICKNESS  
0.1000 IN  
SOUND VELOCITY  
1460 M/S-  
SPACING  
8.007 IN U  
08-08 11:4900 \*R  
+ 1.093E 3GPM  
08-08 11:4900 \*R  
+ 1.086E 3GPM  
08-08 11:5000 \*R  
+ 1.095E 3GPM

21-07406

08-08 11:3800 \*R  
+002150 % AI2  
0396.18 MMSEC  
099.54 % T0  
OUTER DIAMETER  
10.7500 IN  
PIPE MATERIAL  
CS,SS  
WALL THICKNESS  
0.1000 IN  
SOUND VELOCITY  
1460 M/S-  
SPACING  
8.007 IN U  
08-08 11:4900 \*R  
+ 1.093E 3GPM  
08-08 11:4900 \*R  
+ 1.086E 3GPM  
08-08 11:5000 \*R  
+ 1.095E 3GPM

21-07406

OUTER DIAMETER  
10.7500 IN  
PIPE MATERIAL  
CS,SS  
WALL THICKNESS  
0.1000 IN  
SOUND VELOCITY  
1460 M/S-  
SPACING  
8.007 IN U  
08-08 12:1300 \*R  
+ 1.334E 3GPM  
08-08 12:1400 \*R  
+ 1.340E 3GPM  
08-08 12:1500 \*R  
+ 1.347E 3GPM  
08-08 12:1600 \*R  
+ 1.324E 3GPM

21-07406

OUTER DIAMETER  
10.7500 IN  
PIPE MATERIAL  
CS,SS  
WALL THICKNESS  
0.1000 IN  
SOUND VELOCITY  
1460 M/S-  
SPACING  
8.007 IN U  
08-08 12:1300 \*R  
+ 1.334E 3GPM  
08-08 12:1400 \*R  
+ 1.340E 3GPM  
08-08 12:1500 \*R  
+ 1.347E 3GPM  
08-08 12:1600 \*R  
+ 1.324E 3GPM

21-07406

OUTER DIAMETER  
10.7500 IN

OUTER DIAMETER  
10.7500 IN

21-07406

December 4, 1992

RUSSELL O BAUM  
H J ORME  
PO BOX 569  
ASHTON ID 83420

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 21-07406

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.

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

Sincerely,

Karen L. Gustafson  
Secretary/Records Manager

c: IDWR - Region

DEC 09 1992

ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE

Permit No. 21-07406

Reviewed by Klg

Date 11/23/92

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?  
no Address same as permit?  
yes Proof timely received?  
If not, complete calculation below.

irrigate - 204  
Correct Uses? yes

SOURCE OF WATER

✓ Surface water source  
Ground water source

NA 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?  
150 Amount Submitted  
no Correct?

MEASURING DEVICE

yes Required?  
yes Installed?  
NA Waiver requested?

PRIORITY CALCULATION

Date proof received NA

Date proof due \_\_\_\_\_ - \_\_\_\_\_

No. of days late \_\_\_\_\_ = \_\_\_\_\_

Priority Date \_\_\_\_\_ + \_\_\_\_\_

New Priority Date \_\_\_\_\_

DEFICIENCIES OR ACTION ITEMS

*need some clarification on c/s -  
need to refund \$25  
proof acceptable*

DATA ENTRY

New Address PO Box 569 11/30/92 Klg

Proof Made 11/30/92  
12/4/92



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

December 30, 1992

Russell O Baum  
H J Orme  
PO Box 7  
Ashton, ID 83420

Re: Permit No. 21-07406

Dear Permit Holder:

The Department is in receipt of the proof of beneficial use and \$150 license exam fee submitted in connection with the above reference permit.

However, since you use a surface water source and divert 2.00 cfs, a license examination fee of \$125 applies. I have enclosed a copy of the instructions for your convenience.

I have begun the process to refund the additional \$25 fee. The process takes between two and four weeks and will arrive under separate cover.

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

Sincerely,

Karen L. Gustafson  
Secretary/Records Manager

Enclosure

C: Fiscal

RECORDED

DEC 09 1992



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000  
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

November 23, 1992

H J Orme and Russell Baum  
PO Box 7  
Ashton, ID 83420

Re: Permit No. 21-07406

Dear Permit Holder:

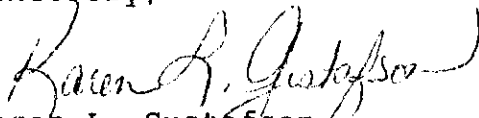
Returned is the proof of beneficial use you submitted to this office. Unfortunately, it is unacceptable as filed. In order for the Department to complete processing, further information is required. You failed to correctly complete #6 (total rate and/or volume). The acre/feet measurement you have submitted is used in measurement of ponds and or reservoirs. Although your permit was issued for 2.00 cfs, you may be utilizing less than this amount.

When the total rate or volume is 2.00 cfs or greater; or when you use a surface water source (Fall River) a license examination fee applies. A license examination fee based on a rate of 2.00 cfs, or based on the fact that you use a surface water source, is \$125. I have enclosed an instruction sheet and fee schedule for your convenience. Should you determine you use 2.00 cfs or less of water, I will begin the process to refund the overpayment since you have already submitted \$150. You cannot file a proof of beneficial use for more water than has been authorized on your permit.

In order to meet all of the required dates, you must return the corrected original proof form no later than December 1, 1992.

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

Sincerely,

  
Karen L. Gustafson  
Secretary/Records Manager

Enclosure

DEC 09 1992

September 30, 1992

RUSSELL O BAUM  
H J ORME  
PO BOX 569  
ASHTON ID 83420

PROOF DUE NOTICE

RE: PERMIT NO. 21-07406

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 December 1, 1992. (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,

Karen L. Gustafson  
Secretary/Records Manager

Enclosures



SEP 30 1992

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1301 NORTH ORCHARD STREET  
BOISE, IDAHO 83706-2237

RECEIVED  
JAN 16 1992

Department of Water Resources

~~NOT~~

21-07406  
H J ORME  
PO BOX 7  
ASHTON  
not in phone book  
(or Russell)  
BAWM ID 83420

1-23-92

New Address:  
P.O. Box 569  
ASHTON  
Resent permit.  
BLM

RECEIVED

DEC 09 1992



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

January 11, 1992

RUSSELL O BAUM  
H J ORME  
PO BOX 7  
ASHTON ID 83420

### PERMIT APPROVAL NOTICE

RE: PERMIT NO. 21-07406

Dear Permit Holder:

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

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

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

Sincerely,

PAMELA SKAGGS  
Technical Records Specialist

PS:blm

Enclosures

RECORDED  
JAN 14 1992

Reviewer: Pam Skaggs

Reviewer: Pam Skaggs

Reviewer: Pam Skaggs

No - 26A-P17

No - 26A-P17

Complete in 1 year - P16

✓ Yes

✓Proof not submitted - P16

Proof submitted - N/A

Groundwater:

GT. 0.2 cfs - 01G-P03, 01C-P03 (existing well)

LT. 0.2 cfs - N/A

Drilling Permit:

Approved w/permit - P99

Not included - 046-P23 (All GW, even existing wells)

✓Location:

✓Water Districts - WD No. 61

✓Surface water - 005, 005-01H-P01 (LT.2 w/pump)

005-01J-P08 (GT.2)

Groundwater - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

✓Swan Falls Flag - / (1, Blank or Other)

Trust - ~~051-052-053-P74~~ (Consumptive Uses)

✓ Non Trust

- (048-049)

River Basins:

(Surface Water) Water District Control Condition &...

Boise (63) - 05A &amp; 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. & Aesthetic - 027 (Non-Consumptive)

Domestic - 021 (restricted areas)

✓ Ownership:

✓ Non land owner

- 004

Protested:

Agreement - 020

✓ Beneficial Use Due Date: - 12-01-1992

Other Conditions Recommended > 200 acres / cover forest 21-2/51/wame Rule 4.53

per T. Luke.  
10-30-91  
28

Withdrawal of Protest

In the matter of Application )  
 For Permit 21-07406 14 )  
 the name of Russell O. Baum )  
 or H.J. Orme )

The protestants (Fremont-Madison Irrigation) do wish to withdraw their protest of application 21-07406 and ask the Department of Water Resources to make a decision on approval of said application.

Leland E. Clark  
 Signature

President Fremont Madison  
 Title

Ula S. Rammell  
 Attorney - Fremont Madison

RECEIVED  
 JAN 14 1992

21-07406 - RUSSELL O. BAUM/H.J. ORME

Tuesday, November 26, 1991 - 10:00 a.m.  
Civil Defence Conference Room, Bonneville County Courthouse  
605 N. Capital, Idaho Falls, ID

Hearing Officer: GARY SPACKMAN

| <u>Name</u>    | <u>Representing</u> | <u>Address</u> |
|----------------|---------------------|----------------|
| Mark Pammell   | Fre-Madison         | Perbury        |
| Dale Swensen   | FMID                | St. Anthony    |
| Ed Clark       | F.M.I.D.            | Ashton         |
| Forin B. Hauer | F.M.I.D.            | Rexburg        |
| Alan Baum      | Russell Baum        | Ashton         |

**MICROFILMED**

**JAN 14 1992**

PROXY PROXY PROXY

The bearer of this PROXY (Russell Kent Baum or Alan Orme Baum, my sons) is/are given the power to act in my name at the Department of Water Resources hearing, scheduled for Tuesday, November 26, 1991 at 10 a.m. in the Bonneville Courthouse, 605 N. Capital, Idaho Falls, ID (Civil Defence Room) concerning Permit 21-07406 in the name of Russell O. Baum or H.J. Orme.

/s/ Russell O. Baum

In answer the five questions listed on the agenda: Answers are as follows:

Q. No. 1: The quantity of water presently used is at pump capacity and should not reduce the quantity of water in the river (stream flow) any more than it already has in prior years. We used 229 AcFt of rental water in 1991.

Q. No. 2: The water supply in the river has generally been sufficient for our use in past years. Only in one year since 1966 have we been shut down by the water district for insufficient water. We have always rented water since the water rental program started. Prior to that, we pumped the water you might say, unregulated (free.)

Q. No. 3: In good faith.

Q. No. 4: Project is already completed. No expansion anticipated.

Q. No. 5: No, this should not conflict with public interest. The point of diversion is down stream (below) the Durtschi point of diversion. Nothing is changed from the way it has been for at least three years.

/s/ Russell O. Baum

November 25, 1991  
505 S. Saguaro Way  
Mesa, AZ 85208  
(602) 380-0618

FAX Receiver: Please call 652-3483, 652-3717 for pick-up.

MICROFILMED

JAN 14 1992



RECEIVED

SEP 11 1990

Department of Water Resources  
Eastern District Office

133 EAST MAIN / P.O. BOX 358 / REXBURG, IDAHO 83440 / (208) 356-7768

September 7, 1990

State of Idaho  
Dept. of Water Resources  
Attn: Harold Jones  
150 Shoup Ave, Suite 15  
Idaho Falls, ID 83402

Re: Carter/Stuart Application

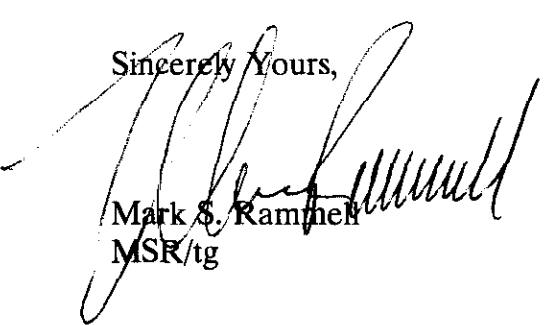
Dear Mr. Jones:

The Board of Directors of Fremont Madison have decided not to withdraw their protest on the Teton Bass ponds application in reference to your letter to Dale Swenson dated June 6, 1990. Please advise when the hearing in the matter is scheduled so that we may be in attendance.

Please note that the board of directors also voted not to remove their protest on the application of Russell O. Baum in reference to our administrative conference held on monday August 27, 1990 in St. Anthony. Would you likewise advise of appropriate dates of hearing.

If you have any questions please feel free to give me a call. Thanks for your help.

Sincerely Yours,

  
Mark S. Rammell  
MSR/tg

RECEIVED  
JAN 14 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

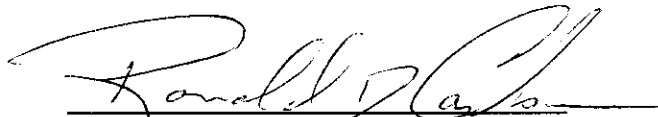
IN THE MATTER OF APPLICATION )  
FOR PERMIT 21-07406 IN THE NAME )  
OF RUSSELL O. BAUM OR H.J. ORME ) NOTICE OF HEARING  
\_\_\_\_\_)

On January 4, 1989, Russell O. Baum or H.J. Orme filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On April 2, 1990, the Department received a protest against approval of said application Mark S. Rammell, Attorney at Law, in behalf of Fremont-Madison Irrigation District.

A prehearing conference in this matter was held on August 27, 1990, at which time no agreement was reached.

The Department has scheduled the matter of protest for hearing to be conducted at 10:00 a.m., Tuesday, November 26, 1991, in the Civil Defense Conference Room, Bonneville County Courthouse, 605 N. Capital, Idaho Falls, Idaho. The hearing will be held in accordance with provisions of Chapter 2, Title 42, 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.

Dated this 21<sup>st</sup> day of October, 1991.

  
RONALD D. CARLSON  
Eastern Regional Manager

**MICROFILMED**

JAN 14 1992

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. A return receipt fee will provide you the name of the person delivered to and the date of delivery. For optional fees the following services are available. Consult your postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery  
(Extra charge)

|                                                                                                                   |  |                                                                                                                                                                                                                                                                         |  |
|-------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 3. Article Addressed to:                                                                                          |  | 4. Article Number<br>0796                                                                                                                                                                                                                                               |  |
| 5. Signature Addressee<br>X <i>My Carter</i><br><i>Aden Stewart</i><br><i>PO Box 127</i><br><i>Aten, Id 83451</i> |  | Type of Service:<br><input type="checkbox"/> Registered <input type="checkbox"/> Insured<br><input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD<br><input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise |  |
|                                                                                                                   |  | Always obtain signature of addressee or agent and DATE DELIVERED.                                                                                                                                                                                                       |  |
| 6. Signature — Agent<br>X <i>Michael Wilson</i>                                                                   |  | 8. Addressee's Address (ONLY if requested and fee paid)                                                                                                                                                                                                                 |  |
| 7. Date of Delivery<br><i>10-23-91</i>                                                                            |  | <i>22-7535</i>                                                                                                                                                                                                                                                          |  |

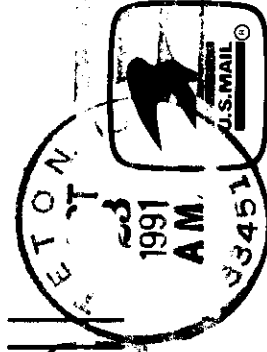
UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 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, \$300

DEPARTMENT OF WATER RESOURCES  
Eastern District Office

RETURN  
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SROUP AVE #15

IDAHO FALLS, IDAHO 83402

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "TURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

*Freemont-Madison Hwy.  
PO Box 15  
St Anthony, NM 87445*

4. Article Number

*0795*

Type of Service:

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

Obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

*X* *W. L. Johnson*

6. Signature - Agent

*X*

7. Date of Delivery

*OCT 2 3 1991*

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

*22-7535/21-7406*

PS Form 3811, Apr. 1989

\* U.S.G.P.O. 1989-238-815

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

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- Complete items 1, 2, 3, and 4 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

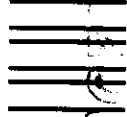


Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES  
ADMINISTRATIVE OFFICE

1506 S. 800 W. #15

IDAHO FALLS, IDAHO 83402

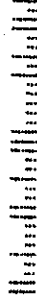


OCT 20 1991



Department of Water Resources PENALTY FOR PRIVATE  
USE, \$300

Eastern District Office



● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "URN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. *he return receipt fee will provide you the name of the person delivered to and the date of delivery.* For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery  
(Extra charge)

3. Article Addressed to:

4. Article Number

0794

Type of Service:

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

Always obtain signature of addressee or agent and DATE DELIVERED.

Addressee's Address (ONLY if requested and fee paid)

5. Signature of Addressee

6. Signature of Agent

7. Date of Delivery

OCT 22 1981

PS Form 3811, Apr. 1989

\* U.S.G.P.O. 1989-238-815

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

**SENDER INSTRUCTIONS**

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

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- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE  
USE, \$300

RECEIVED  
JAN 14 1982

RETURN  
TO

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

EASTERN IRRIGATION OFFICE

150 GROUP AVE. #15

IDAHO FALLS, IDAHO 83402

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "TURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to the return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available: Consul, postmaster for fees and check boxes! For additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery  
(Extra charge)

|                                                                                                                                                                                                                                                                                                                             |                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| 3. Article Addressed to:<br><i>Frederick O Baum</i><br><i>H.D. Baum</i><br><i>#0 Box 7</i><br><i>Ashtown, Pa 83420</i>                                                                                                                                                                                                      | 4. Article Number<br><i>0793</i>                        |
| Type of Service:<br><input type="checkbox"/> Registered <input type="checkbox"/> Insured<br><input type="checkbox"/> Registered <input type="checkbox"/> COD<br><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt<br><input type="checkbox"/> Registered <input type="checkbox"/> for Merchandise |                                                         |
| 5. Signature - Addressee<br><i>X</i> <i>Frederick O Baum</i>                                                                                                                                                                                                                                                                | 8. Addressee's Address (ONLY if requested and fee paid) |
| 6. Signature - Agent<br><i>X</i>                                                                                                                                                                                                                                                                                            |                                                         |
| 7. Date of Delivery<br><i>11-4-91</i>                                                                                                                                                                                                                                                                                       | <i>81-7406</i>                                          |

PS Form 3811, Apr. 1989

\* U.S.G.P.O. 1989-238-815

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

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- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



NOV 13 1992



PENALTY FOR PRIVATE  
USE, \$300

Department of Water Resources  
Eastern District Office

JAN 14 1992

RETURN  
TO

Print Sender's name, address and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES  
EASTERN DISTRICT OFFICE  
160 SPOON TOWN CT  
IDAHO FALLS, IDAHO 83402

DEPARTMENT OF WATER RESOURCES  
EASTERN DISTRICT OFFICE  
150 SHOUPE AVE. #15

NAME AND ADDRESS OF SENDER

Indicate type of mail  
☐ Registered  
☐ Insured  
☐ COD  
☒ Certified  
☐ Express Mail

Check appropriate block for  
Registered Mail:  
☐ With Postal Insurance  
☐ Without Postal Insurance

Attach 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    | Postage                                      | Fee  | Handling Charge                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Act. Value (if Regs.) | Insured Value | Due Sender If C.O.D. | R. R. Fee | S. D. Fee | S. H. Fee | Rest. Del. Fee |
|-----------------------------------------|-------------------|-------------------------------------------------------|----------------------------------------------|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------|----------------------|-----------|-----------|-----------|----------------|
| 1                                       | 0793              | Lucille O. Baum, N. Palone<br>PO Box 705110e Rd 83420 | .29                                          | 1.00 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |               |                      |           |           |           | 21-7406        |
| 2                                       | 0794              | Myrtle S. Kammer<br>PO Box 358 Kelyung Rd 83440       | .52                                          | 1.00 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |               |                      |           |           |           | 22-7535        |
| 3                                       | 0795              | Myrtle S. Kammer<br>PO Box 358 Kelyung Rd 83440       | .52                                          | 1.00 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |               |                      |           |           |           | 22-7535        |
| 4                                       | 0796              | Myrtle S. Kammer<br>PO Box 358 Kelyung Rd 83440       | .29                                          | 1.00 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |               |                      |           |           |           | 22-7535        |
| 5                                       | 0797              | Lucille O. Baum<br>PO Box 705110e Rd 83420            | .29                                          | 1.00 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |               |                      |           |           |           | 22-7535        |
| 6                                       | 0798              | Paul K. Kline<br>PO Box 358 Kelyung Rd 83440          | .29                                          | 1.00 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |               |                      |           |           |           | 22-7535        |
| 7                                       | 0799              | Myrtle S. Kammer<br>PO Box 358 Kelyung Rd 83440       | .29                                          | 1.00 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |               |                      |           |           |           | 22-7535        |
| 8                                       |                   |                                                       |                                              |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |               |                      |           |           |           |                |
| 9                                       |                   |                                                       |                                              |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |               |                      |           |           |           |                |
| 10                                      |                   |                                                       |                                              |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |               |                      |           |           |           |                |
| 11                                      |                   |                                                       |                                              |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |               |                      |           |           |           |                |
| 12                                      |                   |                                                       |                                              |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |               |                      |           |           |           |                |
| 13                                      |                   |                                                       |                                              |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |               |                      |           |           |           |                |
| 14                                      |                   |                                                       |                                              |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |               |                      |           |           |           |                |
| 15                                      |                   |                                                       |                                              |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |               |                      |           |           |           |                |
| Total Number of Places Listed by Sender |                   | Total Number of Places Received at Post Office        | POSTMASTER, PER (Name of receiving employee) |      | The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service. |                       |               |                      |           |           |           |                |

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

Aug. 21, 90

21-7406

Baum or

Orme vs Fremont-Madison Conf.

✓ Applicant has rented water since 1981 from Fremont-Madison

Culvert put in across rd in 1976

First use was 1979 (rental?)

\* This year used 214 af - rental water

1/ Fremont-Madison has not been turning applicants down in recent years if they have ground included in district.

2/ This "new" applic. covers ground that is in the district (F-M)

2/ The last few years the rental amt has gone up because of larger pump & mainline. Ordinarily some acres were set off because of small pump.

Applicant has all ground previously developed. F-M. will probably withdraw protest based on fact that land has been annexed into district from 1970's

Meeting on 4<sup>th</sup> of Sept with F-M board to decide issue on applic. Info provided on 5<sup>th</sup> or 6<sup>th</sup>



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 23, 1991

ATTN: LISA  
Bonneville County Civil Defense  
605 N Capital  
Idaho Falls ID 83402

Dear Lisa:

This is to confirm the use of the Conference Room of the Civil Defense Office for water right hearings to be held by this Department beginning at 10:00 a.m. on Tuesday, November 26, 1991.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY  
Adm. Assistant

MAILED  
JAN 14 1992

21-07406 - BAUM & ORME

Monday, August 27, 1990 - 9:00 a.m.

Hearing Officer: Ron Carlson & Jacob Jones

| Name         | Representing | Address                        |
|--------------|--------------|--------------------------------|
| Russell Baum | Self         | Box 7 Ashton, Id 83420         |
| Rex Baum     | Fre-MAD      | Rt #1 " " "                    |
| Mark Russell | Fre-Madison  | Rexburg, Id.                   |
| Dale Swensen | FMID         | P.O. Box 15, St. Anthony 83445 |

MICROFILMED

JAN 14 1992

August 8, 1990

Fremont County Courthouse  
Red Room Conference  
P.O. Box 248  
St. Anthony, ID 83445

Dear Marilyn:

This is to confirm the use of the Red Room, Fremont County Courthouse for water right hearings to be held by this Department starting at 9:00 a.m. Monday, August 27, 1990.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY  
Adm. Assistant

RECORDED

JAN 14 1992

SENDER

Put your address on the "RETURN TO" Space on the reverse side. Fail to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

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2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

*(Extra charge)*

4. Article Number

Type of Service:

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

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Addressee's Address (ONLY if requested and fee paid)

5. Signature - Address

X *Walter O. Brown*

6. Signature - Agent

X

7. Date of Delivery

*Jan 9 - 1992*

*71-7406*

- Form 3811, Mar. 1988

\* U.S.G.P.O. 1988-212-865

DOMESTIC RETURN RECEIPT

*Frederick O. Brown*  
*W. J. Dime*  
*P.O. Box 7*  
*Ashtab, Md.*  
**RECEIVED**  
**JAN 14 1992**

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

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

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- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN

TO

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DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

100 SOUTH 700 E. #13

IDAHO FALLS, IDAHO 83402



AUG 1 1990



Department of Water Resources  
Eastern District Office

PENALTY FOR PRIVATE  
USE, \$300

JAN 14 1992

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. ( ) do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Mark S. Kornmell  
Att'y at Law  
1330 E. Main  
Keokuk, Ia 52001

Article Number  
1110467

Type of Service:

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

Always obtain signature of addressee or agent and DATE DELIVERED.

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

5. Signature - Address

X

6. Signature of Agent

X

7. Date of Delivery

AUG 9 1990

PS Form 3811, Mar. 1988 \* U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE  
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- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED

AUG 10 1990

Department of Water Resources  
Eastern District Office



PENALTY FOR PRIVATE  
USE, \$300

JAN 14 1992

RETURN  
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 S. GOP AVE. #15

IDAHO FALLS, IDAHO 83402

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address on the "RETURN TO" Space on the reverse side. Failure to do this will prevent the card from being returned to you. The return receipt fee will provide you with a receipt of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Registered Delivery  
(Extra charge)

3. Article Addressed to:

Grenout Madison Shing  
P.O. Box 15  
St. Anthony, SD 58445

4. Article Number

0468

Type of Service:

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

Always obtain signature of addressee  
or agent and DATE DELIVERED.

8. Addressee's Address (ONLY if

requested and fee paid)

5. Signature - Addressee  
X *Walt J. Jansen*
6. Signature - Agent  
X

7. Date of Delivery

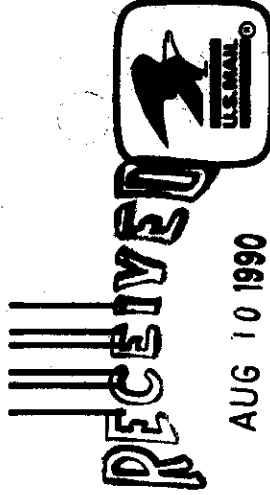
8/09/90

22-7649  
21-7417/21-7466  
all-37

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

**SENDER INSTRUCTIONS**

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- Complete items 1, 2, 3, and 4 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.



AUG 10 1990

Department of Water Resources  
Eastern District Office

PENALTY FOR PRIVATE USE, \$300

RETURN  
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

JAN 14 1992

1000 CHURCH AVE. #15

IDAHO FALLS, IDAHO 83402

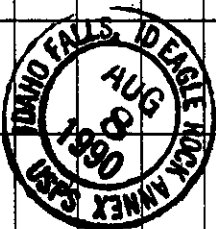
NAME AND ADDRESS OF SENDER

EASTERN DISTRICT OFFICE  
150 SHOUF AVE. #15  
IDAHO FALLS, IDAHO 83402

L. F. K. L. EASTERN DISTRICT OFFICE

Indicate type of mail  
☐ Registered  
☐ Insured  
☐ COD  
☒ Certified  
☐ Express MailCheck appropriate block for  
☐ Registered Mail  
☐ With Postal Insurance  
☐ Without Postal InsuranceAffix 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     | Postage | Fee | Handling Charge | Act. Value (if Reg.) | Insured Value | Due Sender If C.O.D. | R. R. Fee | S. D. Fee | S. H. Fee | Reg. Del. Fee | Remarks |
|------|-------------------|--------------------------------------------------------|---------|-----|-----------------|----------------------|---------------|----------------------|-----------|-----------|-----------|---------------|---------|
| 1    | 0467              | Mark Kammell 133E Main St. Idaho Falls, ID 83402       | .65     | .85 |                 |                      |               |                      | 90        |           |           |               | 21-7417 |
| 2    | 0468              | Robert M. Martin 10804 15th St. Idaho Falls, ID 83402  | .65     | .85 |                 |                      |               |                      | 96        |           |           |               | 21-7406 |
| 3    | 0469              | Robert M. Martin 10804 15th St. Idaho Falls, ID 83402  | .25     |     |                 |                      |               |                      |           |           |           |               | 21-7406 |
| 4    | 0470              | Crystal Bros 26013 300E Regency Idaho Falls, ID 83402  |         |     |                 |                      |               |                      |           |           |           |               | 21-7417 |
| 5    | 0471              | Robert M. Martin 1515 Spruce St. Idaho Falls, ID 83402 |         |     |                 |                      |               |                      |           |           |           |               | "       |
| 6    | 0472              | Robert M. Martin 1515 Spruce St. Idaho Falls, ID 83402 |         |     |                 |                      |               |                      |           |           |           |               | "       |
| 7    | 0473              | Robert M. Martin 1515 Spruce St. Idaho Falls, ID 83402 |         |     |                 |                      |               |                      |           |           |           |               | "       |
| 8    | 0474              | James T. Vile 2135 Spruce St. Idaho Falls, ID 83402    |         |     |                 |                      |               |                      |           |           |           |               | 21-7417 |
| 9    | 0475              | Crystal Bros 26013 300E Regency Idaho Falls, ID 83402  |         |     |                 |                      |               |                      |           |           |           |               | 22-7643 |
| 10   | 0476              | Crystal Bros 26013 300E Regency Idaho Falls, ID 83402  |         |     |                 |                      |               |                      |           |           |           |               | "       |
| 11   | 0477              | Crystal Bros 26013 300E Regency Idaho Falls, ID 83402  | .35     | .85 |                 |                      |               |                      |           |           |           |               | 22-7643 |
| 12   |                   |                                                        |         |     |                 |                      |               |                      |           |           |           |               |         |
| 13   |                   |                                                        |         |     |                 |                      |               |                      |           |           |           |               |         |
| 14   |                   |                                                        |         |     |                 |                      |               |                      |           |           |           |               |         |
| 15   |                   |                                                        |         |     |                 |                      |               |                      |           |           |           |               |         |



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JAN 14 1992

Total Number of Pieces Listed by Sender

11

POSTMASTER, PER (Name of receiving employee)

J. E. O. R.

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Registered Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR )  
PERMIT NO. 21-07406 IN THE NAME OF )  
RUSSELL O. BAUM OR H.J. ORME )      NOTICE OF CONFERENCE  
\_\_\_\_\_ )

On January 4, 1989, Russell O. Baum or H. J. Orme, Ashton, Idaho filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On April 2, 1990, the Department received a protest against approval of said application from Mark S. Rammell, Attorney for Fremont-Madison Irrigation District. The Department has set the matter of protest for an administrative conference to be conducted at 9:00 a.m. on Monday, August 27, 1990, in the Red Room, Fremont County Courthouse, St. Anthony, Idaho.

Agenda items for this 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 conference.

The conference will be held in accordance with provisions of the adopted Rules of Practice and Procedure of the

JAN 14 1992

Department of Water Resources.

Dated this 8<sup>th</sup> day of August, 1990.

  
RONALD D. CARLSON  
Eastern Regional Manager

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JAN 14 1992

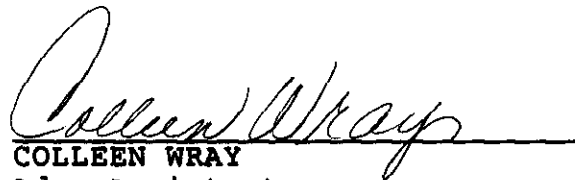
CERTIFICATE OF MAILING

I, hereby certify that on this 8th day of August, 1990, I mailed a true and correct copy by certified mail, postage prepaid, of this Notice of Conference for Application for Permit No 21-07406:

Mark S. Rammell  
Attorney for Fremont-Madison  
Irrigation District  
P.O. Box 15  
St. Anthony, ID 83445

Fremont Madison Irrigation Dist.  
P.O. Box 15  
St. Anthony, ID 83445

Russell O. Baum  
H.J. Orme  
P.O. Box 7  
Ashton, ID 83420

  
COLLEEN WRAY  
Adm. Assistant  
Department of Water Resources

MICROFILMED  
JAN 14 1992

April 5, 1990

RE: Application for Permit No. 22-07640 JRG PARTNERS  
21-07406 BAUM  
21-07417 CRYSTAL

Mr. Mark S. Rammell  
Attorney for Fremont-Madison  
P.O. Box 15  
St. Anthony, ID 83445

Dear Mr. Rammell:

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

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. 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?

RECEIVED

JAN 14 1992

Mr. Mark S. Rammell  
April 5, 1990  
Page 2

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

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

Very truly yours,

HAROLD W. JONES  
Water Rights Supervisor

HWJ:CW

Enclosure

cc: IDWR - State Office

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JAN 14 1992

April 3, 1990

Russell O. Baum  
H.J. Orme  
P.O. Box 7  
Ashton, ID 83420

Gentlemen:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to application No. 21-07406. 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 requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. 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?

The applicant must be prepared to present evidence and/or testimony addressing each of the five items. Although representation by legal

**MICROFILMED**

JAN 14 1992

Russell O. Baum  
H.J. Orme  
April 3, 1990  
Page 2

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.

Very truly yours,

HAROLD W. JONES  
Water Rights Supervisor

HWJ:CW

Enclosure

cc: IDWR - State Office

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JAN 14 1992

## FREMONT-MADISON IRRIGATION DISTRICT

P.O. BOX 15  
ST. ANTHONY, IDAHO 83445

**BOARD MEMBERS**

LORIN C. YOUNG  
SCOTT C. NEVILLE  
G. EMERY DAVIS

**BOARD MEMBERS**

NORMAN HILLAM  
LELAND E. CLARK  
RONNIE ARD  
LORIN KAUER

April 2, 1990

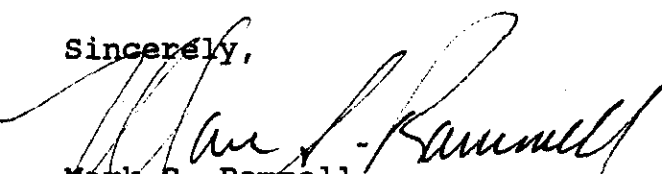
Mr. Keith Higginson  
Director, Dept. of Water  
Resources, 150 Shoup Ave.  
Suite 15, Idaho Falls, Idaho  
83402

Re: Fremont-Madison protests of application No.21-07406,21-07417,  
and 22-07642

Dear Director:

Attached to this letter are three protests to be filed by the  
Fremont-Madison Irrigation District to the above noted  
applications. Please advise as necessary. Thank you for your  
assistance.

Sincerely,

  
Mark S. Rammell  
Attorney for Fremont-Madison



Mark S. Rammell

133 EAST MAIN / REXBURG, IDAHO 83440  
TELEPHONE: (208) 356-7768

**MICROFILMED**

JAN 14 1992

BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF  
WATER ADMINISTRATION

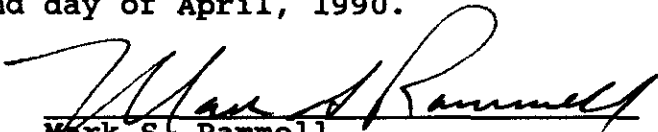
IN THE MATTER OF THE APPLICATION OF )  
RUSSELL O. BAUM, ASHTON, IDAHO, No. )  
21-07406, FOR A CHANGE IN THE POINT )  
OF DIVERSION, NATURE OF USE, AND )  
PLACE OF USE OF THE WATERS OF THE )  
FALL RIVER TRIBUTARY TO THE HENRY'S )  
FORK, SNAKE RIVER. )

PROTEST OF THE FREMONT  
MADISON IRRIGATION  
DISTRICT

COMES NOW the Fremont-Madison Irrigation District, a quasi-municipal corporation of the State of Idaho, with it's office and post office address at St. Anthony, Idaho, and in response to a notice given that RUSSELL O. BAUM, of Ashton, Idaho 83420, has made application No. 21-07406 to the Department of Water Resources for a change in point of diversion, nature of use, and place of use of the waters of Fall River, tributary to the Henry's Fork of the Snake River. Fremont-Madison protests such application for the following reasons:

1. That the supply of water from the Fall River, tributary to the Henry's Fork is not sufficient to warrant such application for irrigation purposes.
2. That the proposed appropriation and use would reduce the quantity of water under existing water rights.
3. That all the waters of the Fall River have been fully appropriated.
4. That such diversion will conflict with the local public interest.

Dated this 2nd day of April, 1990.

  
Mark S. Rammell  
Attorney for Fremont-Madison

**MICROFILMED**

JAN 14 1992

April 5, 1990

RE: Application for Permit No. 22-07640 JRG PARTNERS  
21-07406 BAUM  
21-07417 CRYSTAL

Mr. Mark S. Rammell  
Attorney for Fremont-Madison  
P.O. Box 15  
St. Anthony, ID 83445

Dear Mr. Rammell:

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

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. 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):

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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?

MICROFILMED

JAN 14 1992

Mr. Mark S. Rammell  
April 5, 1990  
Page 2

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

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

Very truly yours,

HAROLD W. JONES  
Water Rights Supervisor

HWJ:CW

Enclosure

cc: IDWR - State Office

JAN 14 1992

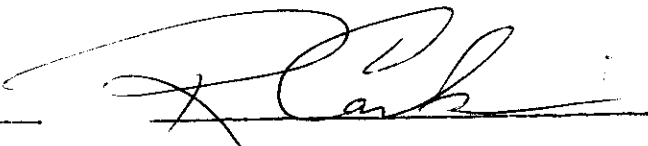
WATERMASTER COMMENTS

I have reviewed Application for Permit No. 21-7406 and have the following comments/objections to the approval of this application for permit:

I do not believe that further depletions should be allowed on Fall River. The users try to exchange storage on the Henrys Fork for water diverted on Falls River - to the detriment of Falls River. Grassy Lake cannot supply the present storage <sup>uses</sup> ~~supply~~ on Falls River

3/19/90

Date

  
RONALD D. CARLSON, WATERMASTER  
Water District No. 01

MICROFILMED

JAN 14 1992

Dist. for staffing RB 1/10/89

submitted for adv. AW 1-26-89

Form No. 202a  
4/87

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

SWAN FALLS HOLD  
NON-TRUST

21-7406

INITIAL REVIEW BY HWT DATE 1-26-89 APPLICATION NUMBER Baum & Orme

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)  
☒ 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  
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 \_\_\_\_\_

**PROCESSING**

☒ Yes ☐ No I. form for advertising  
☐ Yes ☒ No Statewide advertising  
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

**SEND COPIES TO**

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM  
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service  
☐ Idaho Dept. of Lands ☒ Water District 01  
☐ Adjudication Bureau Unit ☒ Other

**FINAL REGIONAL PROCESSING REVIEW**

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

☒ Yes ☐ No Publication dates & paper, recorded on application  
☒ Yes ☐ No Protests received  
Final date for protest 4-2-90  
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application  
☐ Yes ☐ No Recommendations attached  
☐ Yes ☐ No Measuring device required  
☐ Yes ☐ No Access port required  
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. \_\_\_\_\_  
☐ Yes ☐ No Special conditions of approval or cover letter below. \_\_\_\_\_

☐ See below for additional information

Date of priority recommended \_\_\_\_\_

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

**STATE OFFICE REVIEW**

☐ See below for additional information

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

**ADDITIONAL INFORMATION**

Ren this individual should be charged for storage at the  
start of every irrig season.

Ren: This individual is claiming rented water on the basis for historical irrigation  
of lands not covered by his licence. If this is approved, I believe that anyone who has  
rented storage will be able to file a permit or claim. Secondly this is an expansion of his  
licence; both ground and water. Dennis Dunn

**LOCAL PUBLIC INTEREST**

Comments received from:

- |                                       |                                                  |                                              |
|---------------------------------------|--------------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> City         | <input type="checkbox"/> Idaho Fish & Game       | <input type="checkbox"/> Irrigation District |
| <input type="checkbox"/> County       | <input type="checkbox"/> Idaho Health & Welfare  | <input type="checkbox"/> Canal Company       |
| <input type="checkbox"/> Reservations | <input type="checkbox"/> Division of Environment | <input type="checkbox"/> Other _____         |

Project impacts/implications report

**COMMENTS**

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

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Idaho Falls, Idaho 83402  
(208) 525-7161

MARCH 7, 1990

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 APRIL 2, 1990.

Yours truly,

Rita Bodell  
Secretary

Encl.

RECEIVED  
JAN 14 1992

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:



JAN 14 1992

21-07406

BAUM, RUSSELL O.  
ORME, H. J.  
P.O. BOX 7  
ASHTON, ID 83420

Source: FALL RIVER

Tributary: HENRYS FORK, SNAKE RIVER

Diversion Pt: NWNESW Sec 36 T 09N R 43E

Use: IRRIGATION ( 2.000 CFS)  
Total Diversion: ( 2.000 CFS)

Date Filed: 1/04/1989

|     |               |       |        |       |        |       |        |       |        |
|-----|---------------|-------|--------|-------|--------|-------|--------|-------|--------|
| In: | T08N R43E S01 | Lot 1 | (NENE) | Lot 2 | (NWNE) | Lot 3 | (NENW) | Lot 4 | (NWNW) |
|     | T09N R43E S36 |       | NESW   |       | NWSW   |       | NWSE   |       |        |

204.0 ACRES TOTAL

RECORDED  
JAN 14 1992

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. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before APRIL 2, 1990.

R. Keith Higginson, Director

Published 3/15/1990 & 3/22/1990

**MICROFILMED**

JAN 14 1992

26-Feb-1990

Russell Baum or  
H.J. Orme  
P.O. Box 7  
Ashton, ID 83420

RE: Application for Permit No. 21-7406

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 the Herald Chronicle on March 15 & 22, 1990. 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  
Water Rights Supervisor

HWJ/rb

**MICROFILMED**

JAN 14 1992

JAN 14 1992

April 7, 1989

Russell O. Baum or H. J. Orme  
P.O. Box 7  
Ashton, ID 83420

RE: Application for Permit No. 21-7406

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your application for water right permit. The application has been assigned identification No. 21-7406. Please refer to this number all future correspondence.

The Department can not proceed with the processing of your application at this time. It seeks the appropriation of water within the area covered by the civil suit of Idaho Power Company vs. Idaho Department of Water Resources, et al., Ada County Civil No. 81375 (Swan Falls Suit). Until there has been a final resolution to this suit and rules and regulations promulgated for this area has been suspended. During the interim, your application will be held in this office.

The staff in our office will be glad to answer any questions you have concerning the above matter.

Respectfully submitted,

Harold W. Jones  
Water Rights Supervisor  
HWJ/rb

RECEIVED

JAN 14 1992