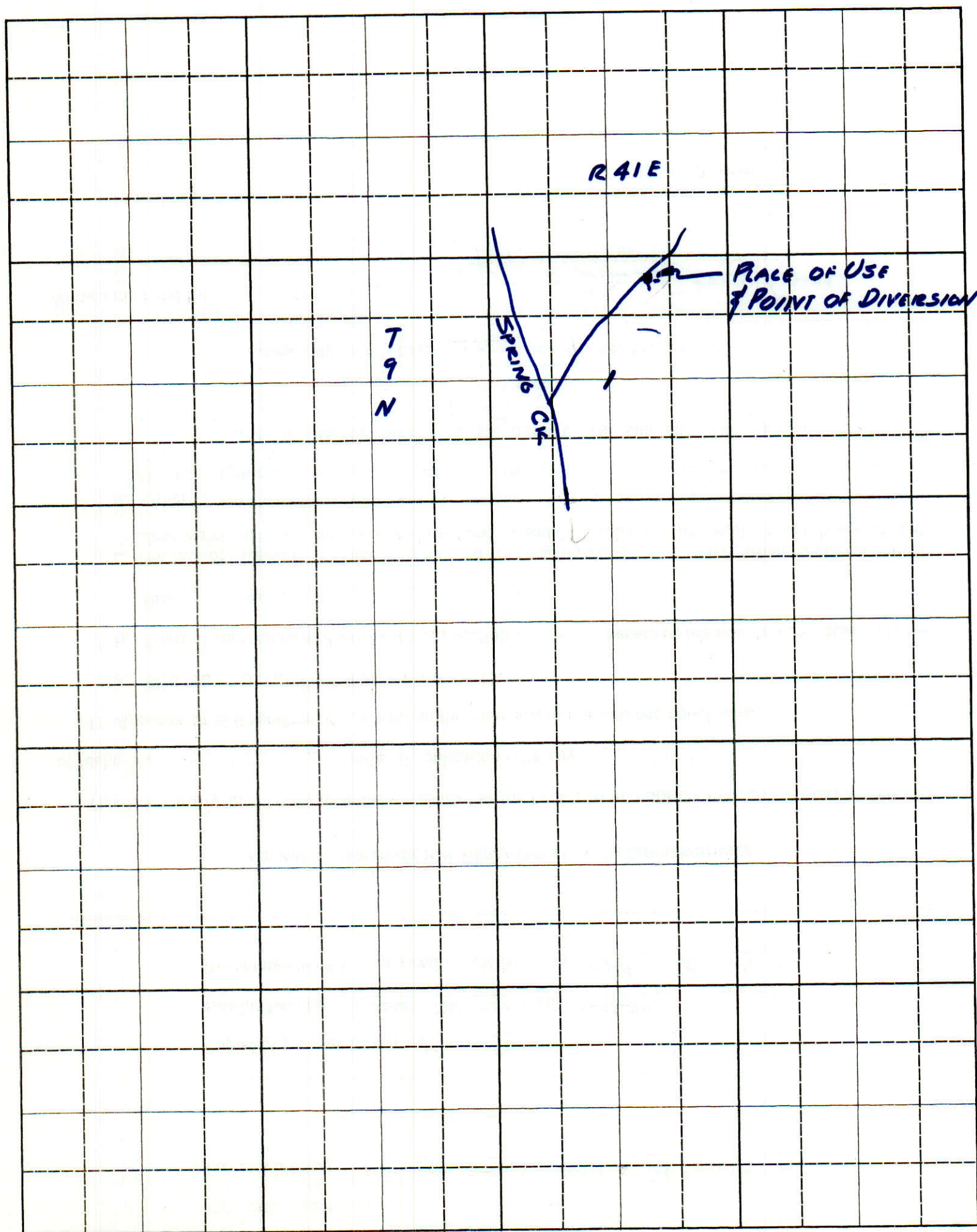


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Donald R Marshall
(Applicant)

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 13 1990

A. GENERAL INFORMATION

1. Owner: Donald R. and Wanda Marshall
Current Address: Star Route, Ashton, Id. 83420
2. Accompanied by: Donald Marshall
Address: Same
Relationship to Permit Holder: Owner
3. Source: Bassell Springs tributary to Sinks

Permit No. 21-7174
Department of Water Resources
Phone No. 652-3390

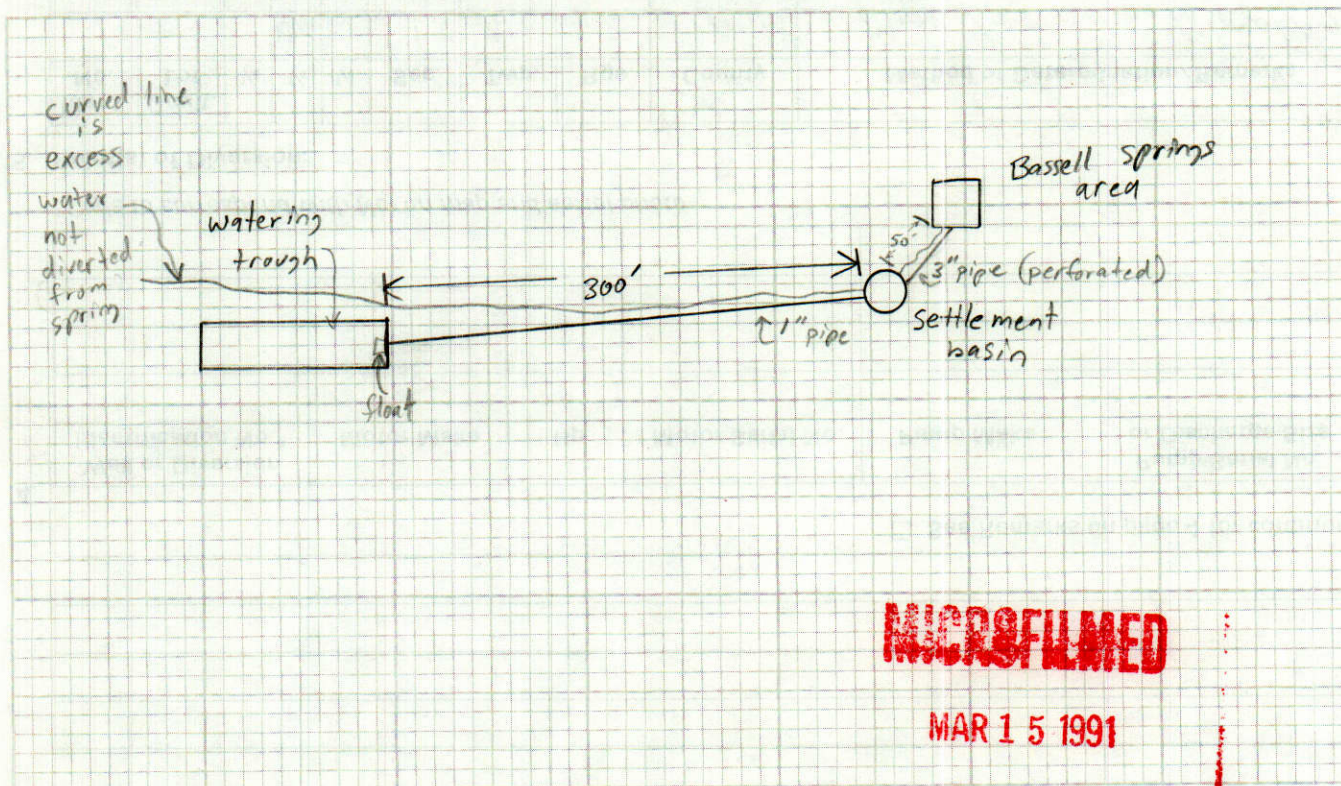
EXAM. DATE: 7-21-89
Phone No. Same

B. OVERLAP REVIEW

1. Other water rights with same place of use: None
☐ Copies Attached
2. Other water rights with same point of diversion: None
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

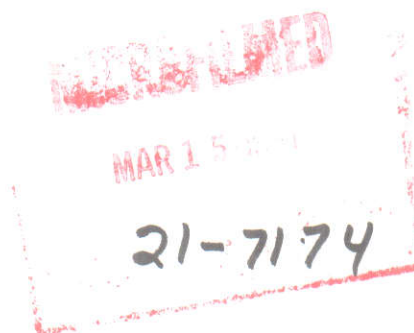


Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).



point of diversion
from spring
(settlement basin)



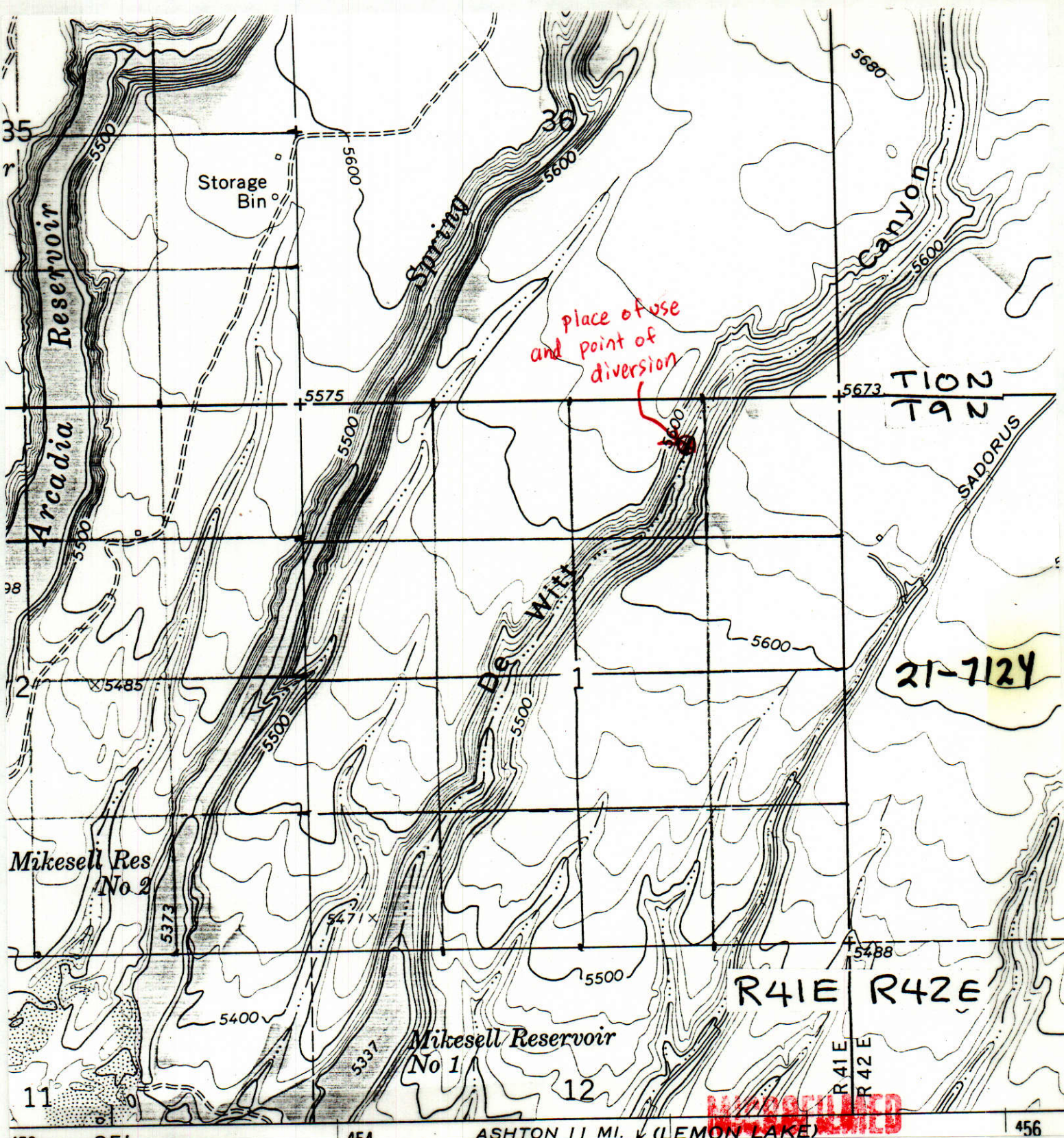


spring area
(covered by under growth)

MICROFILMED

MAR 15 1991

21-7174



MAR 15 1991

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 21-07174

Priority: June 18, 1979

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:¹

1.2 AF

This is to certify, that DONALD R. MARSHALL
WANDA MARSHALL

HC 66 BOX 5

ASHTON, ID 83420

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 18, 1979; and has submitted Proof of Beneficial Use on March 27, 1989. An examination indicates that the works have a diversion capacity of .030 cfs of water from:

BASSELL SPRINGS

tributary to SINKS

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>
STOCKWATER	04/01 to 11/01	0.02 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 1, Township 09N, Range 41E
FREMONT County

PLACE OF USE: STOCKWATER
TWN RGE SEC

09N 41E 1

NWNE

CONDITIONS/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 which 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.
5. Use of water under this water right is subject to control by the watermaster of State Water District No. 01
6. Stockwater use is for 150 cattle.

MAILED

MAR 15 1991

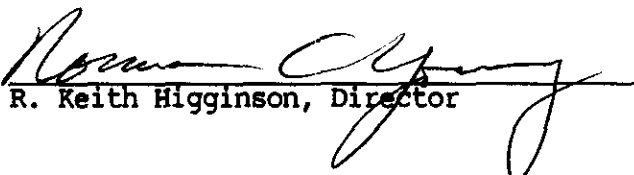
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 21-07174

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 7TH
day of MARCH, 1991.

Acting for


R. Keith Higginson, Director

MICROFILMED

MAR 13 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Donald R. and Wanda Marshall Phone 652-3390

Post office address Star Route, Ashton, Idaho 83420

2. Source of water supply Bassell Springs which is a tributary of sinks

3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1 Township 9N

Range 41E B.M. Fremont County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.02 for Stockwater 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:

a. 0.02 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Perforated pipe to settlement basin
to 300 feet of 1 inch pipe to watering troughs.

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

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

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

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is five years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1 Township 9N

Range 41E B.M.

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

(3) List number of each kind of livestock to be watered 150 range cattle

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

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

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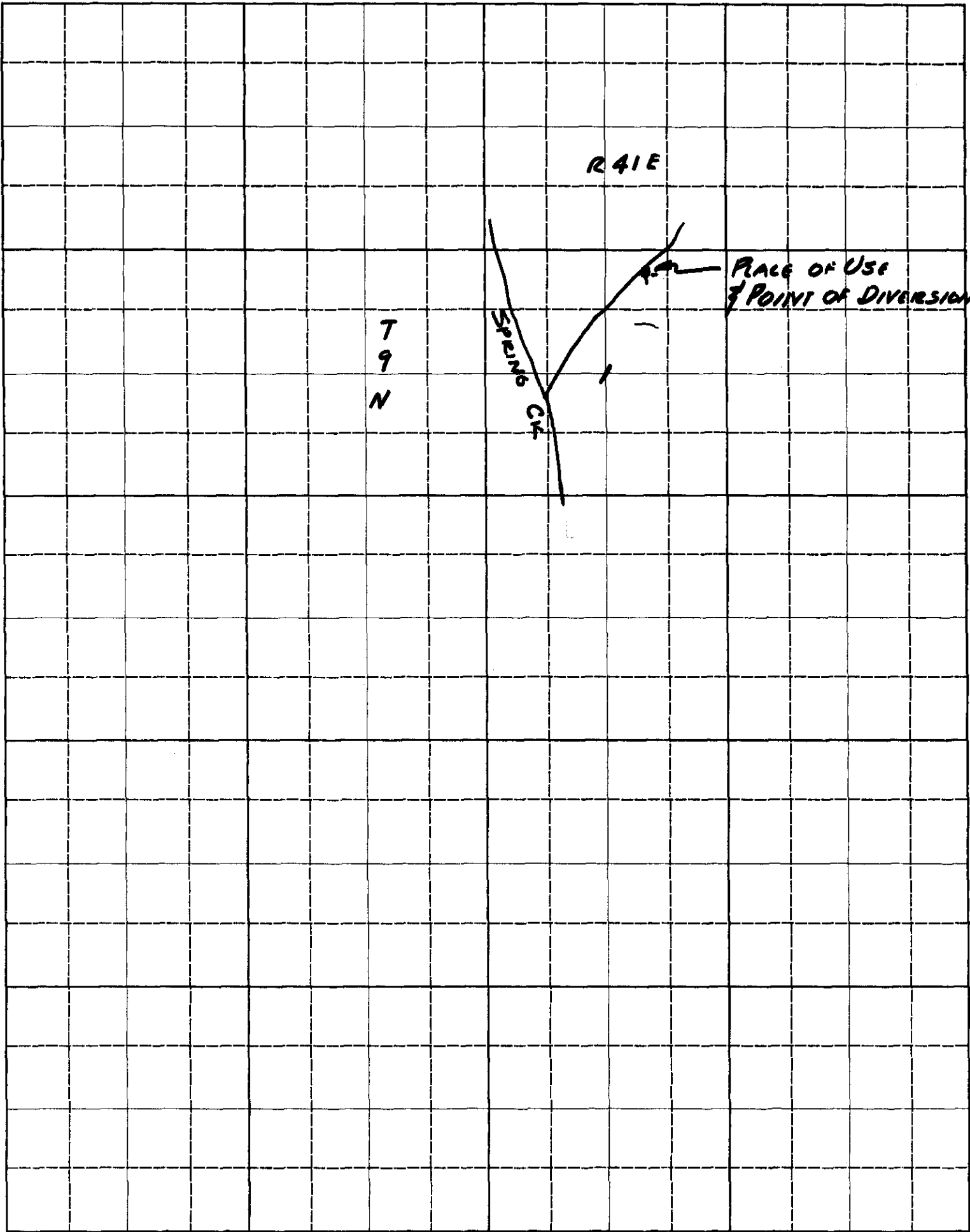
b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

Total number of acres to be irrigated

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

[illegible]

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



Scale: 2 inches equal 1 mile.

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

Donald R Marshall
(Applicant)

MICROFILMED

Proposed Priority 6/18/79

MICROFILMED

Received by dh Date 6-18-79 Time 4:30 pm

Preliminary check by S.M. Fee \$ 20⁰⁰

Received by dh Date 6-18-79 #11943

Publication prepared by dh Date 6-29-79

Published in Ashton Herald

Publication dates July 5 & 12, 1979

Publication approved 97 Date 7/18/79

Protests filed by: ~~May Moon, Lynn E. Bowman~~ withdrawn 9/26/79

Copies of protests forwarded by dh 7-23-79

Hearing held by Protest Withdrawn Date 9-26-79

Recommended for approval denial by EMC. kw

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. 21-7174, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1990.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
Use of water under this permit is subject to control by the watermaster of State Water District 01, Snake River.

Witness my hand this 18th day of March, 1985.

J. Glen Saxton
Chief, Operations Bureau

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

Carol Bessey

being first duly sworn, upon his
oath, deposes and says:

That she is the *editor*.....
of The Ashton Herald, a newspaper
as defined by Idaho Codes Anno-
tated, section 58-106, as amended,
and that said newspaper is a
weekly newspaper printed and
published at St. Anthony, in Fre-
mont County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed and published as a weekly
newspaper in said county for more
than 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of

*Notice of Application
for Water Rights
#91-7174 + #21-7175*

And affiant further says that said
notice, advertisement of publica-
tion, as per clipping attached, was
published in said newspaper, in the
regular and entire issue thereof,
and not in any supplement issue
thereof, for *2*..... consecutive
issues thereof; first publication

having been made on the *5*.....

day of *July*....., 19*79*,

and the last publication on the

12...day of *July*.....

19*79*.

And affiant further says that at the
times herein mentioned said news-
paper was made up of at least four
pages of at least five columns each,
printed from type matter, of at
least seventeen and three-fourths
inches deep.

Carol Bessey
Subscribed in my presence and

sworn to before me this *17th*.....

day of *July*.....

19*79*.

M. Brent Lipe

Notary Public for the
[SEAL] State of Idaho, residence
and post office address:

NOTICE OF APPLICATION
FOR WATER RIGHT

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

Applicant No.: 21-7174
Applicant: MARSHALL, DONALD R. &/or
WANDA; STAR ROUTE, ASHTON, ID 83420
Source: BASSELL SPRINGS tributary to
SINKS

Date Filed: 06/18/1979
Amount: 0.02 CFS
Diversion Point: NWNE Sec 01 T 09N R 41E,
FREMONT Co.

Use: STOCKWATER (0.02 CFS) from
04/01 to 11/01

Place of Use: NWNE Sec 01 T 09N R 41E
Diversion Means: PIPE & TROUGHS

Applicant No.: 21-7175
Applicant: REYNOLDS, DEE &/or NIKKI; P
O. BOX 39, ASHTON, ID 83240

Source: GROUNDWATER
Date Filed: 06/21/1979
Amount: 0.20 CFS
Diversion Point: NWSE Sec 25 T 09N R 42E,
FREMONT Co.

Use IRRIGATION (0.16 CFS) from 04/01 to
11/01; DOMESTIC (0.04 CFS) from 01/01 to
12/31

Place of Use: NWSE Sec 25 T 09N R 42E
FOR 8 ACRES

Diversion Means: WELL, PUMP SPRINKLER
SYSTEM & CULINARY DELIVERY SYSTEM

If issued, the permit(s) will be subject to all
prior water rights. Protests against the granting
of any permit must be filed with the Director of
the Idaho Department of Water Resources,
1515 Lincoln Rd., Idaho Falls, Idaho 83401 on
or before JULY 23, 1979.

C. STEPHEN ALLRED
Director

Publ. July 5 and 12, 1979AH

RECEIVED

JUL 16 1979

Department of Water Resources
Eastern District Office

MICROFILMED

87-A

March 11, 1991

DONALD R. MARSHALL
WANDA MARSHALL
HC 66 BOX 5
ASHTON, ID 83420

RE: WATER RIGHT NO. 21-07174

Dear Water Right Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

RECEIVED

MAR 15 1991

February 20, 1991

DONALD R. MARSHALL
WANDA MARSHALL
HC 66 BOX 5
ASHTON, ID 83420

RE: WATER RIGHT NO. 21-07174

Dear Water Right Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

Enclosure

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MAR 15 1991

LICENSE REVIEW CHECKLIST

Permit No. 21-7174

Name/Address change? ok ✓

Priority date Advance? yes no ✓
Memo to advance

Order to reinstate needed? yes no ✓

Total cfs Limited by fee N/A

Limited by capacity

Total volume Limited by flow

Chart checked for AF rate/ac N/A

Capacity Actual measurement checked ✓

Theoretical checked

If greater than permit, check for other rts

Source Changed? yes no ✓

If so, is memo needed to clarify?

P/D Verify with map ✓ permit ✓

More than one per 1/4? Remember remark

Check p/d overlap N/A

Uses Check irrigation period of use w/ chart N/A

P/U Verify with map ✓ permit ✓

> 5 acres irrigated, run overlap N/A

Remarks More than one p/d in 1/4

Description of non-irrig uses ✓

Special overlap condition

Conditions -

Measuring device ROY
W.Master control
Overlap
Water quality
Other

Dates/Misc. -

Water Dist 01
App Rec'd ✓
Proof Rec'd ✓

CHECK FOR ADJ. CLAIM

Needed according to proof filed

Filed - needs amended

Add'l fee required

Not filed -

Not needed ✓

Comments/Changes to Examiner's Recommendations:

150 hd x 12 qd x 214 days = 385,200 gal. / 325850 = 1.2 AF
use is not year round

License 10-day ✓

30-day

Back of field report signed? ✓

Reviewer J. Curtis Date 2/13/91

Review time 8 min.

MAR 15 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

21-7174
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☐ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☐ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index KW 0 5 MAY 8 9 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system

☐ Increase rate of flow or volume

☐ Other: _____

Check of P/U index KW 0 5 MAY 8 9 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume

☐ Add P/D's

☐ Increase number of acres within tracts

☐ Other: _____

Aerial Photo

Required? ☐ yes ☒ no If yes: ☐ copy attached?

Scheduling Letter sent? _____ (Initial and date)

☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
- ☒ Photographs of Point of Diversion and Place of Use
- ☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed Larry J. M. 8-15-89 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent KW 8/17/89 (Initial and date)

Exam Reviewed by Manager of Regional Office _____ (Initial and date)

Exam Data Entered in Computer _____ (Initial and date)

Exam sent to State Office _____ (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 13 1990

A. GENERAL INFORMATION

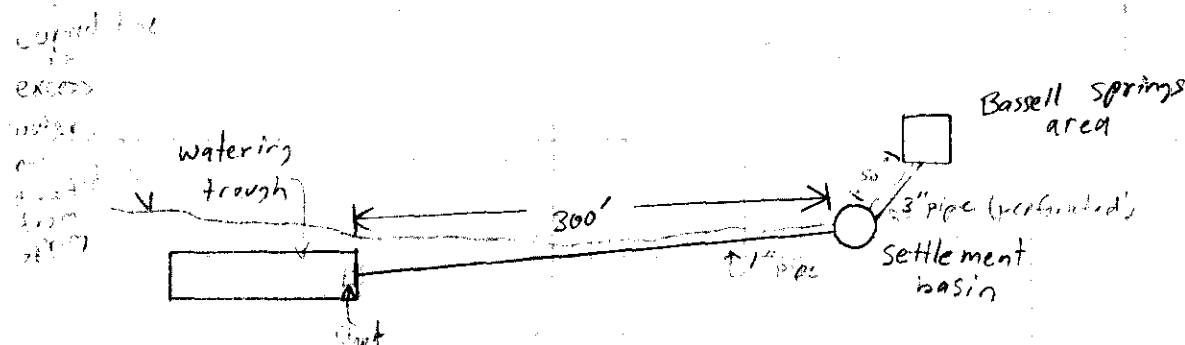
1. Owner: Donald R. and Wanda Marshall Permit No. 21-7174
Current Address: Star Route, Ashton, Id. 83420 Department of Water Resources
Phone No. 652-3390
2. Accompanied by: Donald Marshall EXAM. DATE: 7-21-89
Address: Same Phone No. Same
Relationship to Permit Holder: Owner
3. Source: Bassell Springs tributary to Sinks

B. OVERLAP REVIEW

1. Other water rights with same place of use: None
☐ Copies Attached
2. Other water rights with same point of diversion: None
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



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Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Spring to settlement basin, gravity feed to watering trough with float control system for 150 range cattle.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

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

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	L-2		NW	NE	1	9N	41E	Fremont	Maps / on site inspection

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

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9N	41E	1		S															
				L-2															

Do not use this space

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MAR 15 1991

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

300' from settlement basin to trough
(used tables for flow & volume calculations)
diverted amount 2.5 gal. in 115 sec.
Amount not diverted but could be 2.5 gal. in 12 sec.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$$Q_{\text{diverted}} = \left[2.5 / (115/60) \right] \div 448.8 = 0.003 \text{ cfs}, \quad Q_{\text{not diverted but could be}} = \left[2.5 / (12/60) \right] \div 448.8 = 0.028 \text{ cfs}$$

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

$V_{\text{stock}} = 2.7 \text{ afn}$ (from tables) for 150 head

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MAR 15 1991

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Due to the fact that the perforated pipe was leaking, and was not diverting the total amount that it could, and that the measurement was taken in the dry part of the year when flow is at a minimum, I recommend license for 0.02 cfs and 2.7 afa because the system can handle this flow and there is enough water flowing from the spring.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Stockwater	4-1	11-1	0.02	2.7
Totals:			0.02 cfs	2.7 afa

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

Larry L. Waters

Signature

Larry L. Waters

Certification Date

Field Report Preparation Date

8-15-89

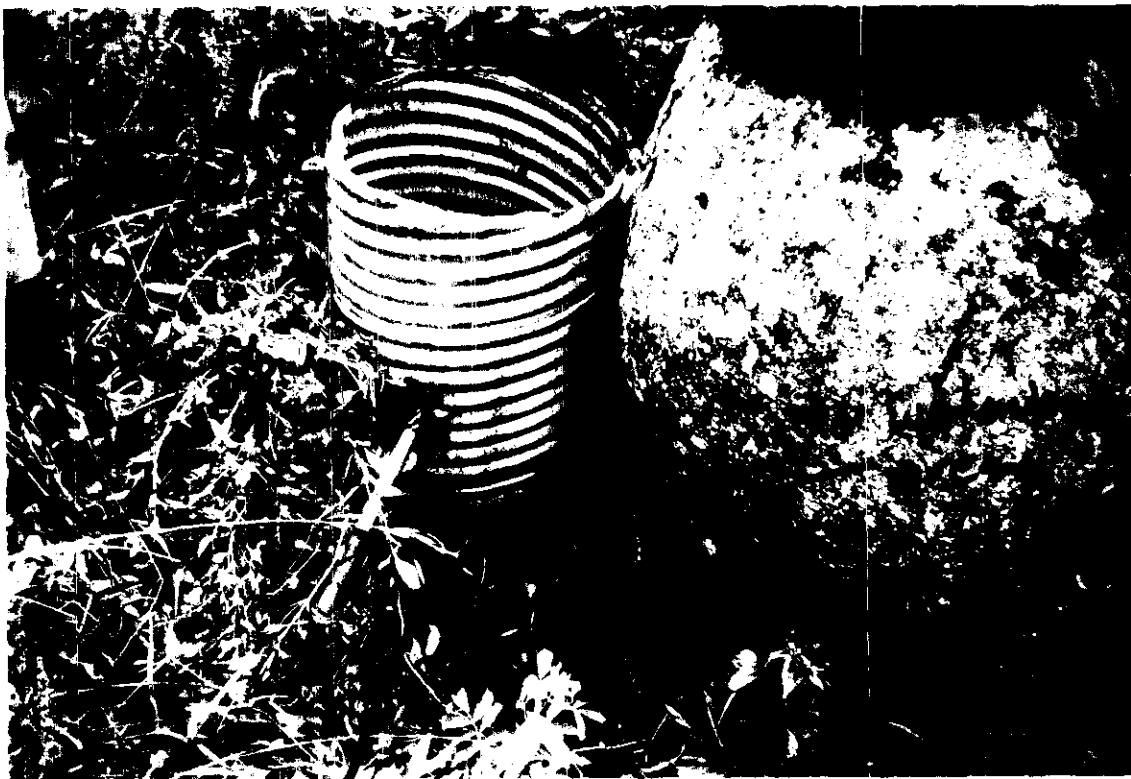
CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

SC
2/13/91

MICROFILMED

MAR 15 1991



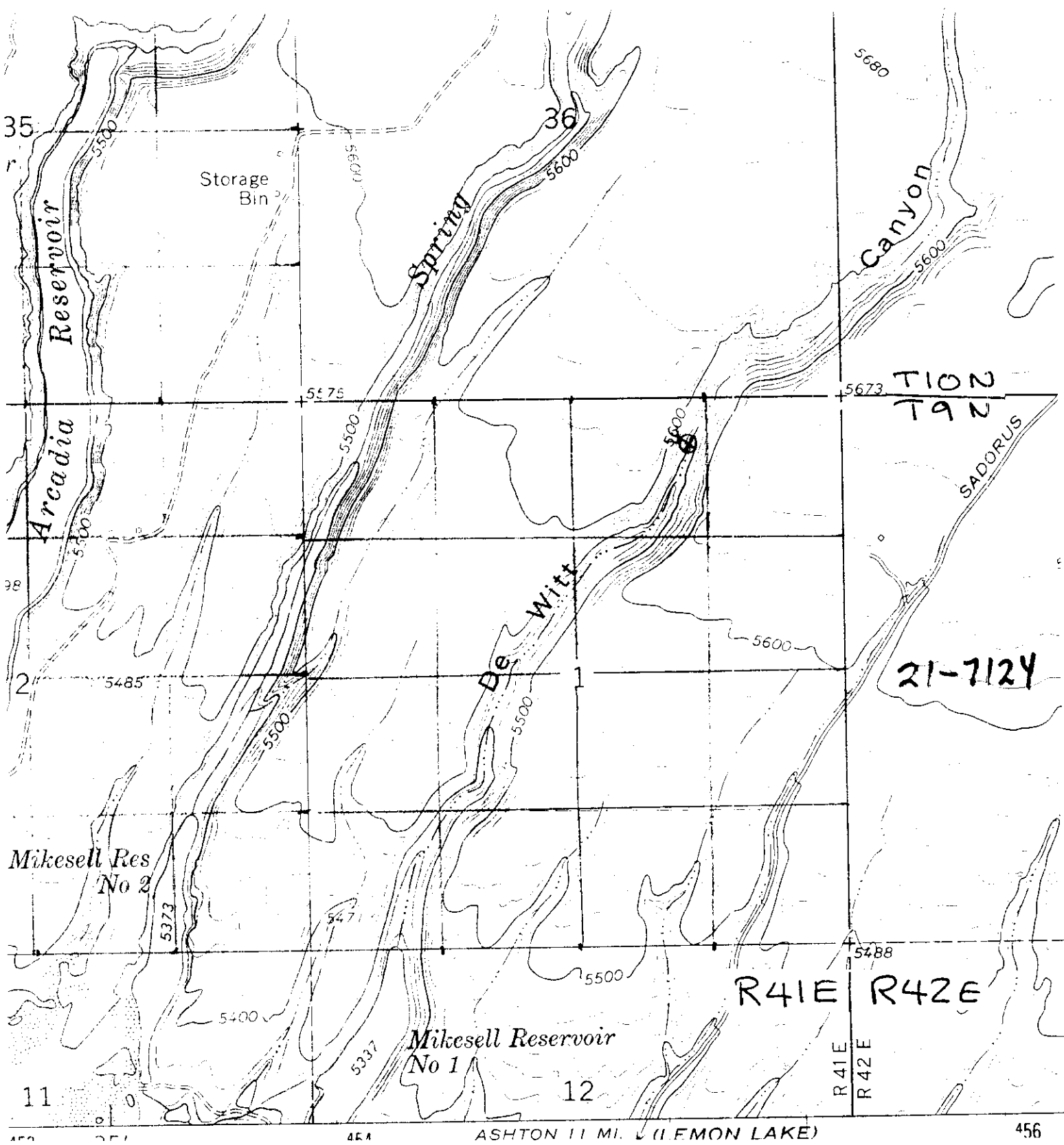
point of diversion
from spring
(settlement basin)

21-7174



spring area
(covered by under growth)

21-7174



May 3, 1989

RE: Permit No. 21-07174

Donald R. & Wanda Marshall
H.C. 66, Box 5
Ashton, ID 83420

Dear Permit Holder:

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

Before a license can be issued, a field examination must be made by a representative of this Department.

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

If you have any questions regarding the field examination, please contact this office by phone at 525-7161, or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:lk

RECEIVED
MAR 15 1991

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 21-7174

Date: 4.3.89

General Considerations:

Y Name same as permit
Y Signature the same as permit holder
Y Address change _____ If yes, prepare a data entry
Y Proof received timely
_____ Reinstated

Source of Water:

Y Surface water
_____ Groundwater
_____ 1. well log in file
_____ 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

Y Rate of diversion appropriate for uses
Y Is rate or volume and fee appropriate?
Y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

N/A Is a measuring device or access port required?
N/A Has one been installed?
N/A Waiver or modification of measuring device requested

Remarks:

Proof acceptable

N/A Priority Calculation:
Date proof received _____

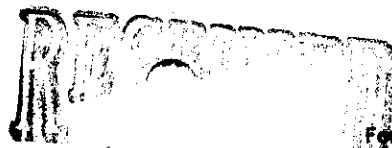
Date proof due _____ - _____

No. of days late _____ = _____

Priority date _____ + _____

NEW PRIORITY DATE _____ = _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM



MAR 17 1989

STATE OF IDAHO

Department

DEPARTMENT OF WATER RESOURCES

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Reviewed by JS
Sent to region ✓

no \$ enclosed 4/24

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 21-07174 ✓

Name(s) of Permit Holder: DONALD R. + WANDA MARSHALL ✓

Post Office Address: HC 66, Box 5, Ashton ID 83420 ✓

Telephone No. 652-3390 ✓

Source of Water: BASSELL SPRINGS ✓

Extent of Use:

Domestic _____ (number of households) Stockwater 150 RANGE (number and type of stock) ✓

Irrigation _____ (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 0.02 cfs _____ acre-feet ✓

Show the date water was first diverted and beneficially used under this permit: 1979 ✓

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

Fee enclosed \$ -0-
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No ✓

Person to contact to accompany the Department representative during the field examination:

SAME AS ABOVE
(Name) (Telephone Number)

(Address)

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.

MICROFILMED

APR 28 1989

Date

Signature of Permit Holder (and title, if appropriate)

March 20 1989 Donald R. Marshall



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT.
(2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

APR 28 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 21-7174

Name(s) of Permit Holder(s): Don + Wanda Marshall

Post Office Address: Canton Idaho 83420

Star Route Tel. No. 652-3390

☐ I hereby certify that construction of diversion works for the above referenced permit began on completed 9-26- (date) 1985. I understand that I must continue to develop the water system with diligence to maintain a valid permit.

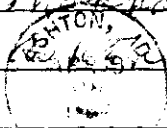
☐ I hereby certify that construction of diversion works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

4-19-85
Date

Don + Wanda Marshall
Signature of Permit Holder

Don F. V. ...
Renton
23925



MICROFILMED

APR 28 1989



RECEIVED

APR 23 1985

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

April 9, 1985

RE: Permit No. 21-7174

Donald R. & Wanda Marshall
Star Rt.
Ashton, ID 83420

Dear Permit Holder:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

The 1982 Idaho Legislature added a requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc
Enclosures

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: R.P.

APPLICATION NUMBER: MARSHALL

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☐ Other _____

PROCESSING:

- ☒ Yes ☐ No Platted by: RP Map No. V-46
☐ Yes ☐ No Other rights on same place of use. NONE
☒ Yes ☐ No* In form for advertising.
Final date for protests: JULY 23, 1979
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 7-18-79
☐ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 01
6-18-1979 Date of priority recommended.
Special conditions of approval or cover letter. _____

By: Ernest Carlson

Date: Feb, 12, 1985

STATE OFFICE REVIEW:

K/letter w-217

26 05 01, Snake

- ☐ See attached sheet for more information.

By: kw

Date: 2/1/85

FEB 20 1985

Department of Water Resources

October 1, 1979

Donald R. Marshall
Wanda Marshall
Star Route
Ashton, Idaho 83420

Dear Mr. & Mrs. Marshall:

Re: App/Permit 21-7174

This is to advise you that May Moon and Lynn E. Bowman have withdrawn their protest against approval of the above referenced application. The Department will take no further action in setting a hearing in this matter and has resumed processing your application.

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

October 1, 1979

Lynn E. Bowman
Ashton,
Idaho 83420

Dear Mr. Bowman:

Re; App/Permit 21-7174 MARSHALL

This is to acknowledge receipt of your withdrawal of protest dated September 26, 1979 against approval of the above referenced application. The Department will take no further action in setting a hearing in this matter. If you **have** any questions concerning this matter, please feel free to contact our eastern regional office.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

October 1, 1979

May Moon
Ashton,
Idaho 83420

Dear Ms. Moon:

Re: App/Permit 21-7174 MARSHALL

This is to acknowledge receipt of your withdrawal of protest dated September 26, 1979 against approval of the above referenced application. The Department will take no further action in setting a hearing in this matter. If you have any questions concerning this matter, please feel free to contact our eastern regional office.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

IN THE MATTER OF
APPLICATION FOR
PERMIT #21-7174 IN THE
NAME OF DONALD R.
MARSHALL & WANDA
MARSHALL.

WITHDRAWAL
OF
PROTEST.

BASED ON OUR DISCUSSION WITH THE APPLICANT AND
RAY RIGBY, ATTORNEY AT LAW, WE HEREBY WITH-
DRAW OUR PROTEST AGAINST GRANTING APPLICATION
FOR PERMIT #21-7174.

MAY MOON

MAY MOON

Lynn E. Bowman

LYNN E. BOWMAN.

RECEIVED

SEP 26 1979

Department of Water Resources
Eastern District Office

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM: Ernest

DATE 9/25/79

TO: File.

SUBJECT: May Moon related to me during a telephone conversation that Mr. Boomer & herself would like to withdraw their protest concerning this Application for Permit 21-7174. She further stated that written notification of this would be forwarded to the Dept. tomorrow.

MICROFILMED

SIGNATURE

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.								
1. The following service is requested (check one). ☒ Show to whom and date delivered 45 ¢ ☐ Show to whom, date, and address of delivery ¢ ☐ RESTRICTED DELIVERY Show to whom and date delivered ¢ ☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery. \$ ____ (CONSULT POSTMASTER FOR FEES)								
2. ARTICLE ADDRESSED TO: 21-7174 Lynn E. Bowman Ashton, Idaho 83420								
3. ARTICLE DESCRIPTION: <table border="1"> <tr> <td>REGISTERED NO.</td> <td>CERTIFIED NO.</td> <td>INSURED NO.</td> </tr> <tr> <td></td> <td>1329</td> <td></td> </tr> </table>			REGISTERED NO.	CERTIFIED NO.	INSURED NO.		1329	
REGISTERED NO.	CERTIFIED NO.	INSURED NO.						
	1329							
(Always obtain signature of addressee or agent)								
I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent								
4.	DATE OF DELIVERY SEP 19 1979 IDAHO							
5.	ADDRESS (Complete only if requested)							
6.	UNABLE TO DELIVER BECAUSE:	CLERK'S INITIALS						

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

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



RETURN

RECEIVED

SEP 29 1979

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

(Name of Sender)

Department of Water Resources
Eastern District Office

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3811, Apr 1977

RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.		
1. The following service is requested (check one).		
☒ Show to whom and date delivered. 45 ¢		
☐ Show to whom, date, and address of delivery. ¢		
☐ RESTRICTED DELIVERY Show to whom and date delivered. ¢		
☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery. \$ (CONSULT POSTMASTER FOR FEES)		
2. ARTICLE ADDRESSED TO: 21-7174 Donald R., Wanda Marshall Star Route Ashton, ID 83420		
3. ARTICLE DESCRIPTION:		
REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	1327	
(Always obtain signature of addressee or agent)		
I have received the article described above.		
SIGNATURE ☐ Addressee ☐ Authorized agent		
4. <i>Wanda Marshall</i>		
DATE OF DELIVERY		
5. ADDRESS (Complete only if requested)		
6. UNABLE TO DELIVER BECAUSE:		
		POSTMARK SEP 26 1979 CLERK'S INITIALS <i>KW</i>

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

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

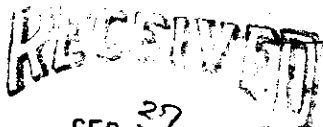


**RETURN
TO**



DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401



(Name of Sender)

(Street or P.O. Box)

Department of Water Resources
Eastern District Office

(City, State, and ZIP Code)

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.		
1. The following service is requested (check one). ☒ Show to whom and date delivered 45 ¢ ☐ Show to whom, date, and address of delivery ¢ ☐ RESTRICTED DELIVERY Show to whom and date delivered ¢ ☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery \$ (CONSULT POSTMASTER FOR FEES)		
2. ARTICLE ADDRESSED TO: 21-7174 May Moon Ashton, Idaho 83420		
3. ARTICLE DESCRIPTION: REGISTERED NO. CERTIFIED NO. INSURED NO. 1328		
(Always obtain signature of addressee or agent)		
I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent		
4. <i>May Moon</i> DATE OF DELIVERY		
5. ADDRESS (Complete only if requested)		
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS <i>KW</i>

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print name, address, and ZIP CODE in the space below.
Complete items 1, 2, and 3 on the reverse.
Moisten gummed ends and attach to front of article if space
permitted. Otherwise affix to back of article.
Enclose article "Return Receipt Requested" adjacent to
number.

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



**RETURN
RECEIVED**

SEP 18 1978

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES

**EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401**

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

RETURN RECEIPTS

21-7174

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protests Against Approval)
of Application for Permit No. 21-7174 in)
the Name of DONALD R. and WANDA MARSHALL)

NOTICE OF CONFERENCE

AND/OR HEARING

On June 18, 1979, Donald R. and Wanda Marshall filed with the Department of Water Resources an application to appropriate the public waters of the state of Idaho. On July 20, 1979, the Department received a protest against approval of said application from May Moon and Lynn E. Bowman.

The Department has set the matter of protest for conference and/or hearing for Thursday, September 27, 1979 at 9:00 a.m. in the Agricultural Conference Room of the Fremont County Courthouse, St. Anthony, Idaho. Any hearing will be held in accordance with the Rules and Regulations 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.

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

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

Dated this 10th day of September, 1979.



RONALD D. CARLSON, Supervisor
Eastern Regional Office

MICROFILMED

September 10, 1979

Clerk of the District Court
Fremont County Courthouse
St. Anthony, Idaho 83445

Dear Sir:

This is to confirm the use of the Agricultural Conference Room the morning of Thursday, September 27, 1979, beginning at 9:00 a.m. for a conference and/or hearing to be held by this Department.

Your cooperation in this matter is greatly appreciated.

Very truly,

DONNA HENRIQUES
Secretary

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

August 21, 1979

Donald R. Marshall
Wanda Marshall
Star Route
Ashton, Idaho 83420

Dear Mr. and Mrs. Marshall:

Re; Protested Application for Permit 21-7174

The Department is presently scheduling conferences and/or hearings for the week of September 24th through the 28th. We would appreciate being advised if this would be an untimely period to consider the above referenced application or if you have been able to reach an agreement with the protestants, May Moon and Lynn E. Bowman. Since the conference and/or hearing notices will be mailed in the first week of September, we would appreciate your giving this matter your immediate attention.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Analyst

EMC:dh

cc: M. Moon
L. Bowman

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

July 23, 1979

Donald and Wanda Marshall
Star Route
Ashton, Idaho 83420

RE: App/Permit 21-7174

Dear Mr. & Mrs. Marshall:

Enclosed is a copy of a protest filed against the approval of a permit pursuant to the above-referenced application. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and attempt to resolve the protest.

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

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

You will be notified at a later date of the time and place of the conference and/or hearings. If we can be of further assistance, please contact us.

Sincerely,

RONALD D. CARLSON
Supervisor, Eastern Region

RDC: dh

Encl.

MICROFILMED

STATE OF IDAH
DEPARTMENT OF WATER RESOURCES
Eastern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

July 23, 1979

May Moon
Ashton,
Idaho 83420

RE: App/Permit 21-7174

Dear Ms. Moon:

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

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

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

You will be notified at a later date of the time and place of the conference and/or hearings. If we can be of any assistance, please contact us.

Sincerely,

RONALD D. CARLSON
Regional Supervisor

RDC: dh

MICROFILMED

STATE OF IDAH
DEPARTMENT OF WATER RESOURCES
Eastern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

July 23, 1979

Lynn E. Bowman
Ashton,
Idaho 83420

RE: App/Permit 21-7174

Dear Mr. Bowman:

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

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

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

You will be notified at a later date of the time and place of the conference and/or hearings. If we can be of any assistance, please contact us.

Sincerely,

RONALD D. CARLSON
Regional Supervisor

RDC: dh

MICROFILMED

In the Matter of Protest on Application for
Permit No. 21-7174 Donald R. Marshall & Wanda
Marshall

July 20, 1979

RECEIVED

JUL 20 1979

**Department of Water Resources
Eastern District Office**

Mr. Ronald D. Carlson
Supervisor, Eastern Region
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

Come Now, May Moon of Ashton, Idaho and Lynn Bowman of Ashton, Idaho protest the granting of the above mentioned permit on the grounds that it will affect their water right and impair same; that said right, if granted would be difficult to police. Bassell Springs is a tributary to Spring Creek and that all of the water in said Spring Creek has been appropriated and any additional permits would cause confusion and interference with existing rights and May Moon's commercial fishing rights.

May Moon
May Moon

Lynn E. Bowman July 20 1979
Lynn E. Bowman

MICROFILMED

MEMO

DATE: July 10, 1979
FROM: Ernest M. Carlsen
SUBJ: Application for Permit 21-7174

Ivy May Moon - all of natural flow & $\frac{1}{2}$ storage	} Spring Creek and Bassell Dewitt Canyon
Glynn Bowman - $\frac{1}{2}$ storage	

The above two individuals visited the office today inquiring about Donald Marshall's filing. In reviewing the application, it became apparant that the source, Bassell Springs, is probably tributary to Spring Creek and not "sinks."

Mrs. Moon and Mr. Bowman also indicated they have prior rights to all the natural flow fo Spring Creek and Dewitt Canyon, but they had no objections to Mr. Marshall constructing a stockwater facility provided he did not pump the water out of the canyon.

A pre-permit exam should be conducted if possible to determine the exact nature of the source.

MICROFILMED
MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

JUNE 29, 1979

Ashton Herald
Box 258
Ashton, Idaho 83420

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 23, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

MICROFILMED

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES

NOTICE OF APPLICATION
FOR WATER RIGHT

STATE OF IDAHO

82-
NOTICE OF APPLICATION
FOR WATER RIGHT

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

Applicant No.: 21-7174

Applicant: MARSHALL, DONALD R. &/or WANDA; STAR ROUTE, ASHTON, ID 83420

Source: BASSELL SPRINGS tributary to SINKS

Date Filed: 06/18/1979

Amount: 0.02 CFS

Diversion Point: NWNE Sec 01 T 09N R 41E, FREMONT Co.

Use: STOCKWATER (0.02 CFS) from 04/01 to 11/01

Place of Use: NWNE Sec 01 T 09N R 41E

Diversion Means: PIPE & TROUGHS

RECEIVED

NOTICE OF APPLICATION FOR WATER RIGHT

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

21-7174-

MARSHALL, DONALD R. &/or WANDA

STAR ROUTE, ASHTON, ID 83420

Source: BASSELL SPRINGS tributary to SINKS

Date Filed: 06/18/1979

Amount: 0.02 CFS

Diversion Point: NWNE Sec 01 T 09N R 41E, FREMONT Co.

Use: STOCKWATER (0.02 CFS) from 04/01 to 11/01

Place of Use: NWNE Sec 01 T 09N R 41E

Diversion Means: PIPE & TROUGHS

with the Director of the Idaho Department of Water Resources, 1515 Lincoln Rd., Idaho Falls, Idaho 83401 on or before JULY 23, 1979.

C. STEPHEN ALLRED

Director

Published 7/5 & 7/12/79.

MICROFILMED

MEMO TO FILE

DATE: June 25, 1979

RE: Advertising

This application (claim) was scheduled to be advertised on June 28 and July 5. However, because of a power outage on June 22, this advertising could not be entered into the regional computer, causing it to be delayed one week.

MICROFILMED