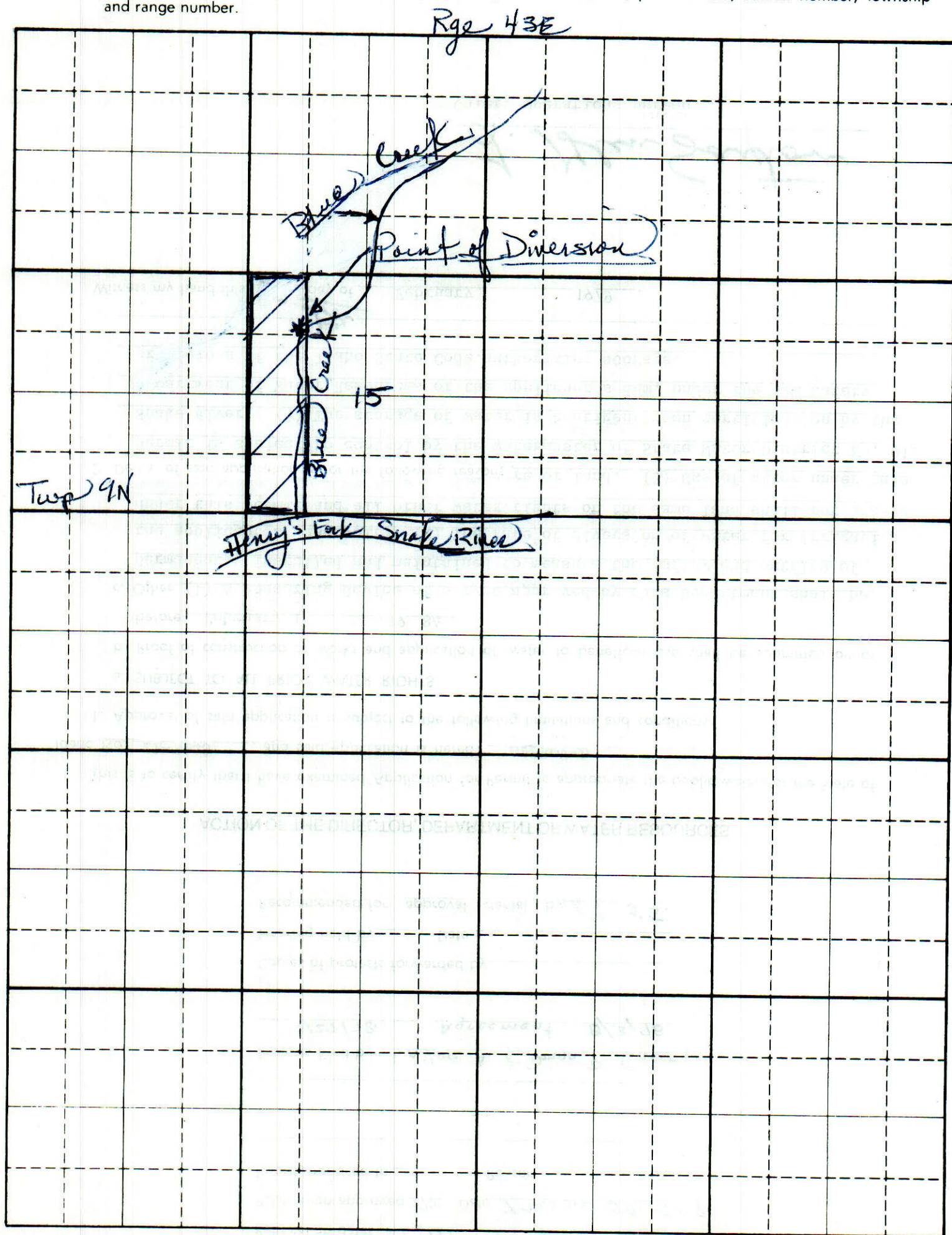


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Glenn H. Howell
(Applicant)

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

Goldie Zitting

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

That she is the *Business Clerk*
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

Application for
water permit

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 consecutive
issues thereof; first publication

having been made on the *9th*

day of *March*, 19*78*,

and the last publication on the

16th day of *March*

19*78*..

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.

Goldie Zitting
Subscribed in my presence and

sworn to before me this *21*

day of *March*,

19*78*..

James E. Holcomb

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

Ashton

RECEIVED
MAR 23 1978

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Forrest
Howell, Ashton, Idaho has on 2-27-78
submitted Application No. 21-7148 for a
permit to appropriate 100 acre feet per
annum of water from Blue Creek tributary
to Henry's Fork Snake River by means of a
dam and pump within the NW 1/4 NW 1/4, Sec.
15, T. 9N, R. 43E, B.M., Fremont County; to
be used from Apr. 1 to June 1 for storage
for irrigation of 160 acres within the
W 1/2 W 1/2, Sec. 15, T. 9N, R. 43E, B.M.

If issued, this permit will be subject to all
prior water rights. Protests against the
granting of the permit must be filed with
the Idaho Department of Water Resources,
1515 Lincoln Road, Idaho Falls, Idaho,
83401 on or before March 27, 1978.

C. STEPHEN ALLRED

Director

Published in the Ashton Herald, Ashton,
Idaho on March 9 and March 16, 1978.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 21-7148

1. Owner: Forrest Howell Phone No. 652-3592
Current Address: Box 602 Ashton, Id. 83420

2. Accompanied by: Same EXAM. DATE: 6-12-87

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Blue Creek tributary to Snake River

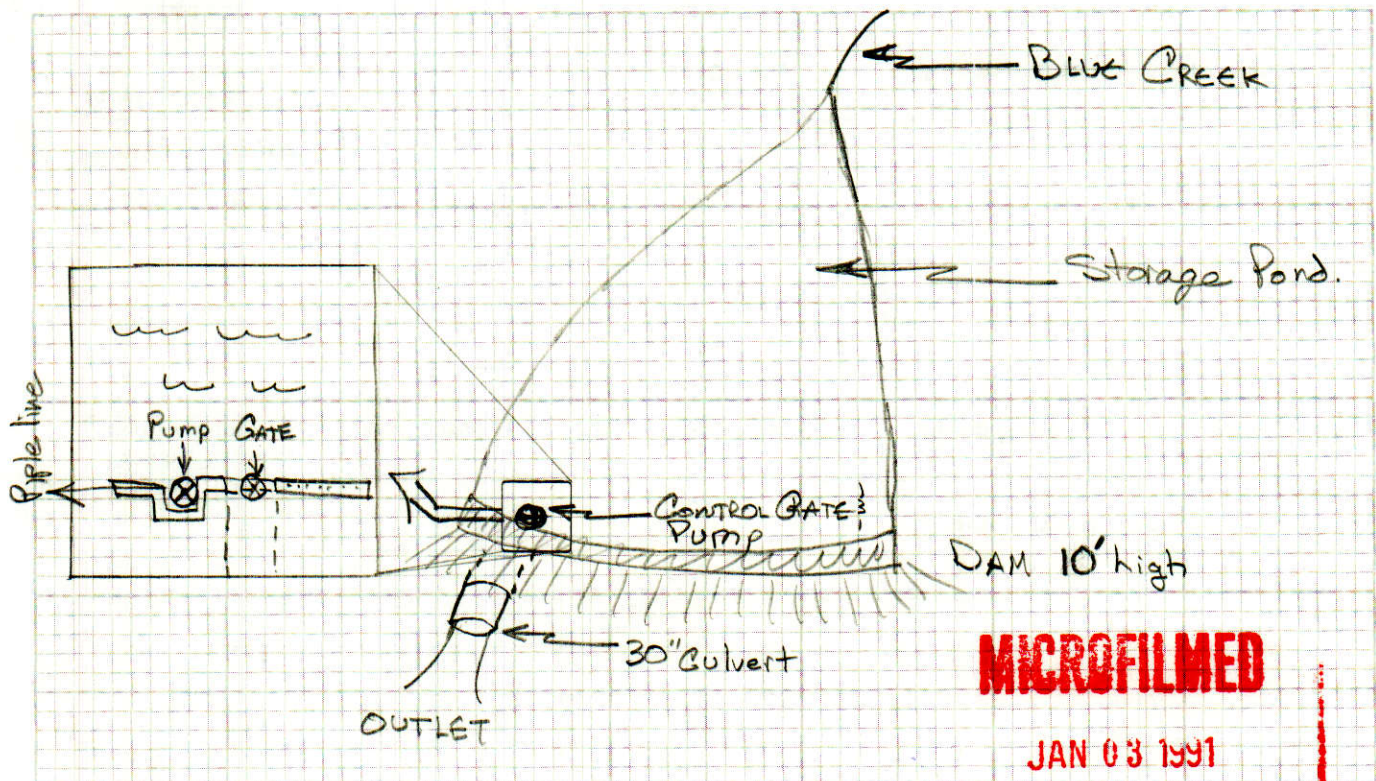
B. OVERLAP REVIEW

1. Other water rights with same place of use: 21-2012A/2012B
_____ ☐ 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

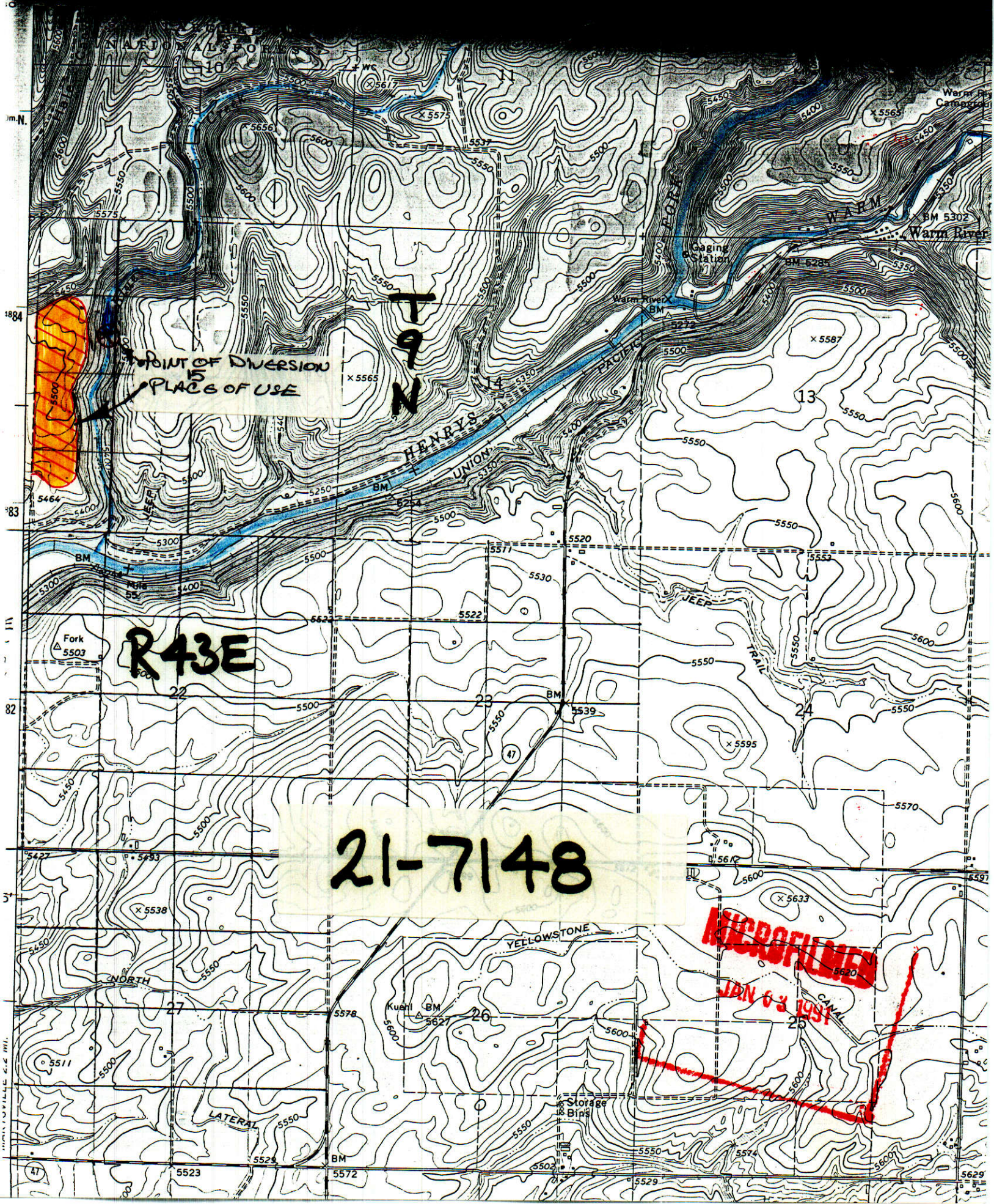


Scale: 1" = No Scale

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

- ☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

- ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).



Scale

21-7148

MICROFILMED

JAN 6 1981

PLACE OF USE

POINT OF DIVERSION

R43E

B-315

192

486

B-402

2-5

B-316

2-2

152

146

198

379

516

AT

19

D

C

B

A

90

F

109

E

D

109

E

GNB

42

D

C

B

A

468

315

284

302

22

23

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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



21-7148

MICROFILMED

JAN 03 1991



STATE OF IDAHO

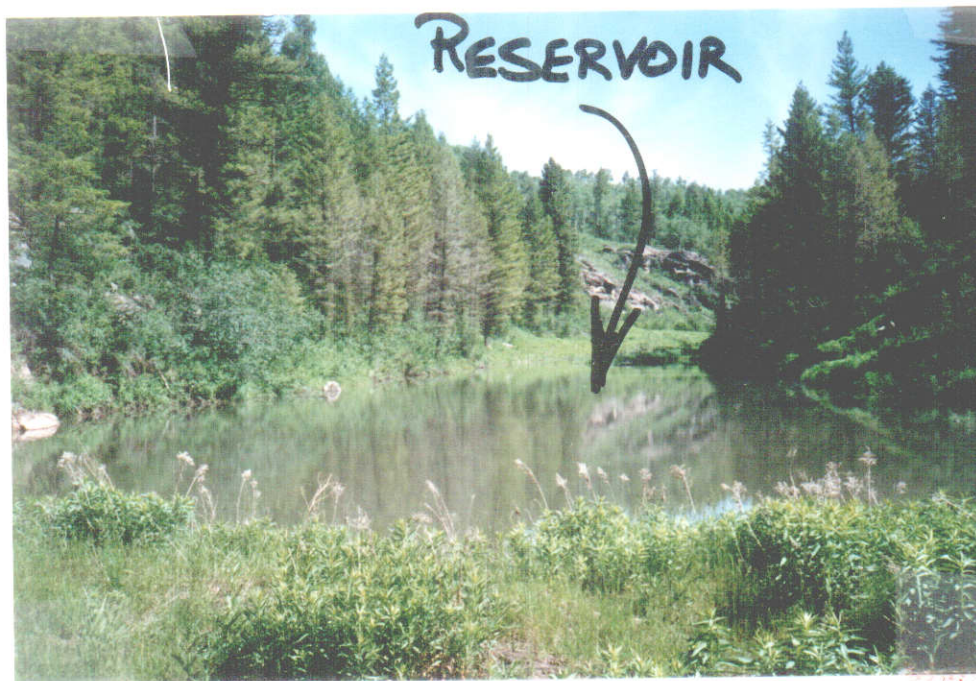
DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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



21-7148

RECEIVED

JAN 03 1991

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 21-07148

Priority: May 8, 1978

Maximum Storage Volume:

5.5 AF

This is to certify, that FORREST HOWELL

RT. 1

ASHTON, ID 83420

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 27, 1978; and has submitted Proof of Beneficial Use on December 12, 1983. An examination indicates that the works have a storage capacity of 5.500 af of water from:

BLUE CREEK

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 STORAGE	01/01 to 12/31		5.5 AF
IRRIGATION FROM STORAGE	04/01 to 11/01		5.5 AF
	Totals		5.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 15, Township 09N, Range 43E
FREMONT County

PLACE OF USE: IRRIGATION FROM STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	43E	15	SWNW 25	NWSW 22	SWSW 10	57
Total number of acres irrigated:						57

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this water right is subject to control by the watermaster of State Water District No. 01

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 26th day of December, 1990.

MICROFILMED

JAN 03 1991

J. Keith Higginson
R. Keith Higginson, Director

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 21-07148

RECEIVED
NOV 5 1990
Department of Water Resources

Date of Priority: May 8, 1978

Maximum Storage Volume: 5.5 AF

Comes now
RT. 1
ASHTON, ID 83420

FORREST HOWELL

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 21-07148, and requests that the permit be changed as follows:

Source: **BLUE CREEK**

tributary to **HENRYS FORK**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	01/01 to 12/31		5.5 AF
IRRIGATION FROM STORAGE	04/01 to 11/01		5.5 AF
	Totals		5.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 15, Township 09N, Range 43E
FREMONT County

36

PLACE OF USE: IRRIGATION FROM STORAGE

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N 43E 15	SWNW 25	NWSW 22	SWSW 10	57
	Total number of acres irrigated:			57

PLACE OF USE: IRRIGATION STORAGE, same as use

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Ashton, Idaho, this 2 day of Nov 2, 19 90

MICROFILMED

JAN 03 1991

Forrest Howell
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 21-07148

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$20.00 Received by J. D. Date 11/5/90

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 21-07148 with the following;

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this water right is subject to control by the watermaster of State Water District No. 01

Witness my hand this 26th day of December, 1990.

R. Keith Higginson
R. Keith Higginson, Director

MICROFILMED

JAN 10 1991

Identification No. 21 7148
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Forrest Howell Phone: 652-3320
post office address Rt. #1, Ashton, Idaho 83420
2. Source of water supply Blue Creek which is a tributary of Henry's Fork Snake River
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15 Township 9N
Range 43E B.M. Fremont County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Storage for
Amount 100 AF for Irrig. purpose from Apr. 1 to June 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 3.20 for Irrig. from purpose from June 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
storage
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 3.20 cubic feet per second and/or
b. 100 acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. earth fill dam on Blue Creek, pump
motor, 125 Hp will divert the water from the reservoir and into a pressurized
sprinkler delivery system.

b. Height of storage dam 11 feet, active reservoir capacity 100 acre feet; total reservoir
capacity 100 acre feet, materials used in storage dam: earth fill
Period of year during which storage will occur Apr. 1 to June 1 inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 1,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

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

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

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9N	43E	15						40	40			40	40						160

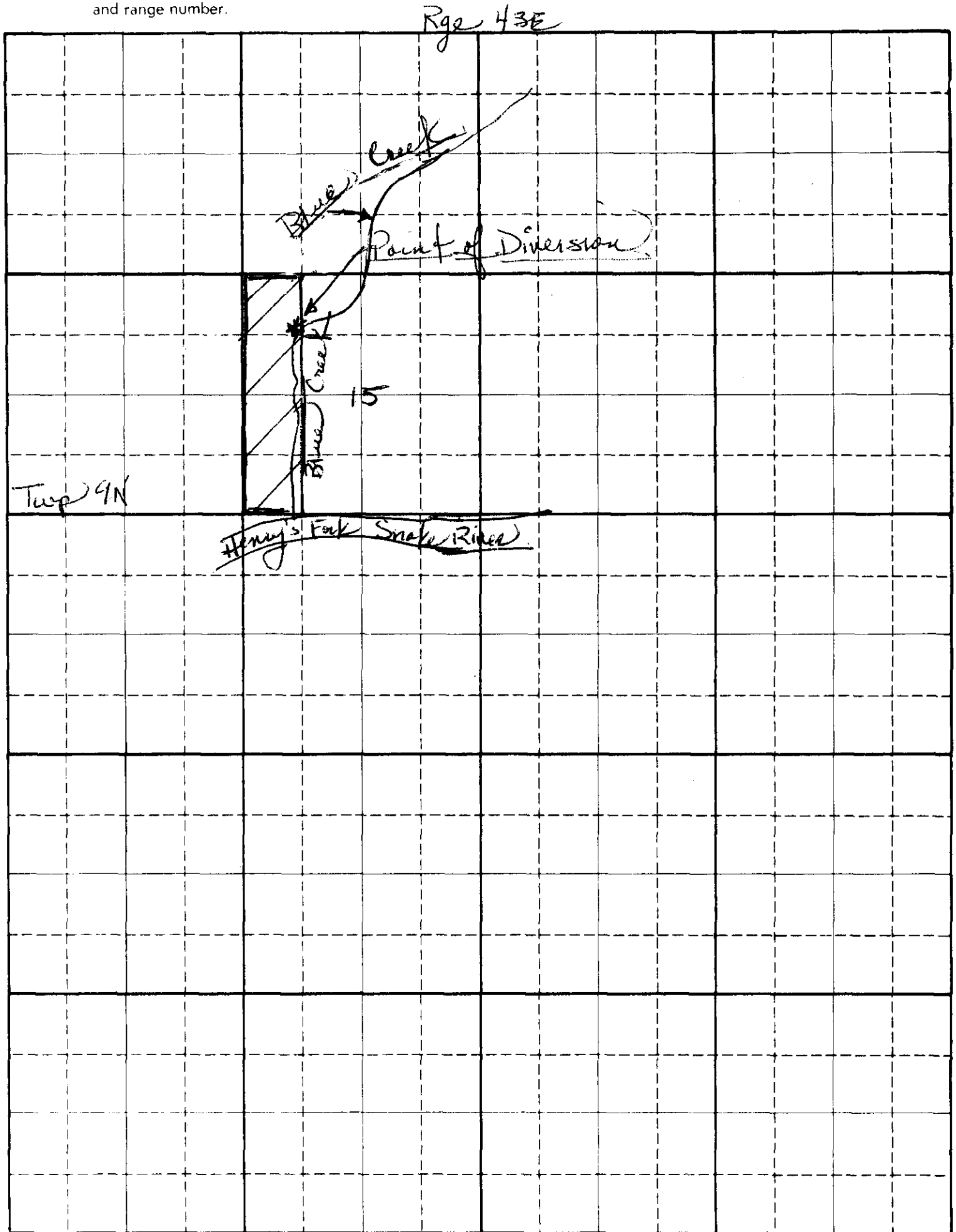
Total number of acres to be irrigated 160

c. Describe any other water rights used for the same purposes as described above.
1.9 c.f.s natural flows of Blue Creek

9. a. Who owns the property at the point of diversion Applicant
 b. Who owns the land to be irrigated or place of use Applicant
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks Applicant seeks to appropriate and stor early runoffs for use later on during irrigation season

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.

Herbert Howell
(Applicant)

Proposed Priority 2-27-78

Received by CA Date 2-27-78 Time 2:05p
Preliminary check by APK Fee \$ 55.00
Receipted by CA Date 2-27-78 # 9849
Publication prepared by CA Date 2-28-78
Published in Ashton Herald
Publication dates Nov 9 & 16 - 1978
Publication approved me Date March 27, 1978
Priority reduced to _____ Reason _____

Protests filed by: LAVAR A. & Donna P. Cherry
3/27/78 Agreement 8/3/78

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by ME J.S.

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. 21-7148, 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 February 1, 1984.
- c. Other: (1) A measuring device of a type approved by this Department shall be permanently installed and maintained to measure the inflow and outflow of the applicant's reservoir. (2) The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land. (3) Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River. (4) The storage of water is contingent upon certification by the Department of Water Resources of the applicant's dam, under the dam safety provisions of the Idaho State Code authorizing storage.

Witness my hand this 12th day of February 1979.

L. Glen Saxton
Chief, Operations Bureau

RECEIVED

March 27, 1978

MAR 27 1978

Department of Water Resources
Eastern District Office

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

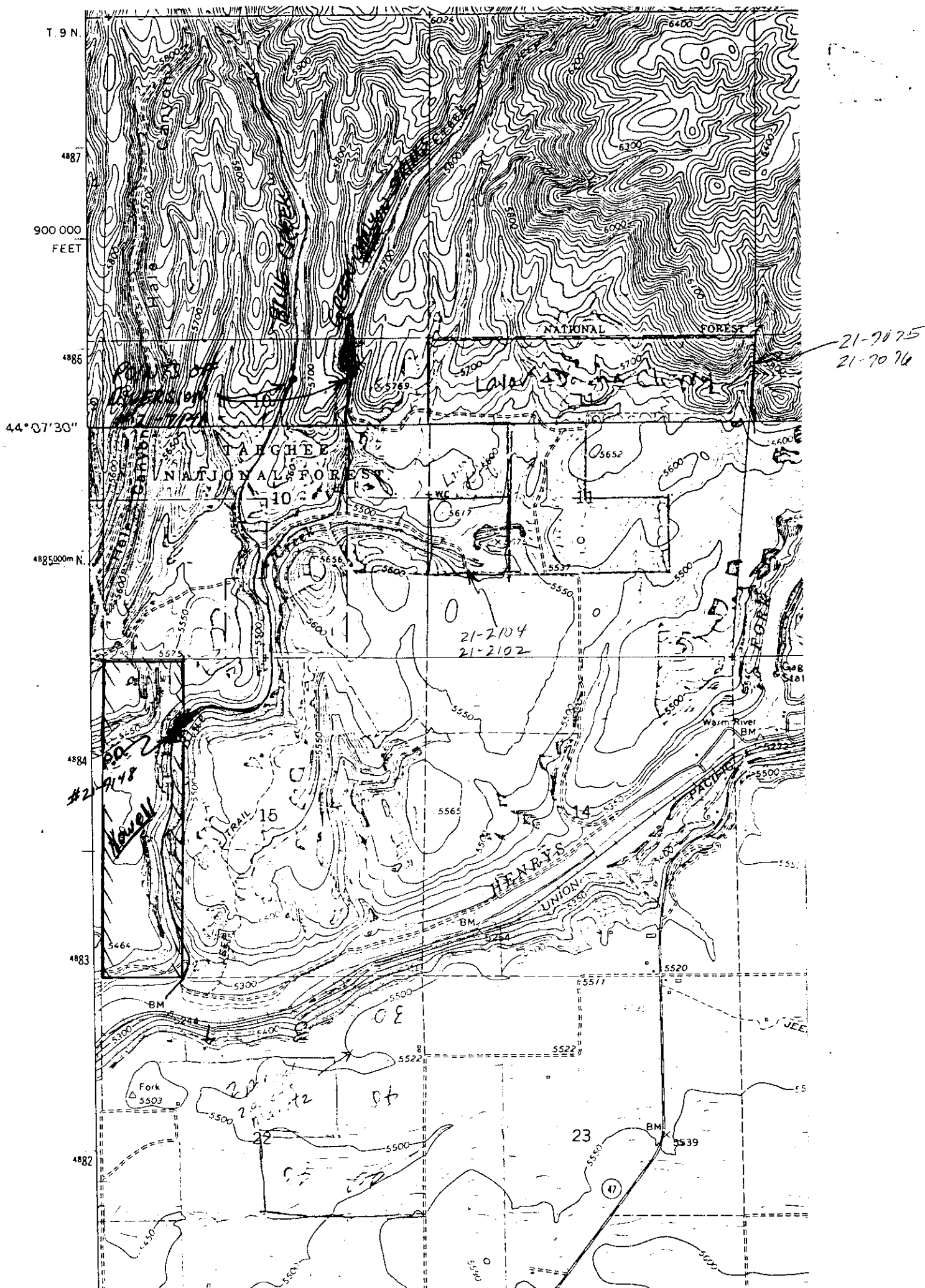
RE: Application for Permit No. 21-7148 FORREST HOWELL

We, LaVar A. and Donna P. Cherry, do hereby protest the above referenced application for permit. We feel there is insufficient water for this appropriation and that it will be injurious to our existing water rights.

Dated this 27 day of March, 1978.

LaVar A. Cherry
LA-VAR A. CHERRY

Donna P. Cherry
DONNA P. CHERRY



AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

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

That she is the *Business Clerk*
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

Application for
Water Permit

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 consecutive
issues thereof; first publication

having been made on the *9th*

day of *March*, 19*78*,

and the last publication on the

16th day of *March*

19*78*.

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.

Gladie Zitting
Subscribed in my presence and

sworn to before me this *21*

day of *March*,

19*78*.

James E. Holcomb

Notary Public for the
[SEAL] State of Idaho, residence
and post office address:
-St. Anthony, Idaho.
Ashton

RECEIVED
MAR 23 1978

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Forrest
Howell, Ashton, Idaho, has on 2-27-78
submitted application No. 31-7148 for a
permit to appropriate 160 acre feet per
annum of water from Blue Creek tributary
to Henry's Fork Snake River by means of a
dam and pump system. The water is Sec.
15, T. 34N., R. 24E., S. 4E., Fremont County to
be used from April 1 to June 1 for storage
for irrigation of 160 acres within the
W. 1/4, Sec. 15, T. 34N., R. 24E., S. 4E.

If issued, this permit will be subject to all
prior water rights. Protests against the
granting of the permit must be filed with
the Idaho Department of Water Resources,
1615 Blanton Blvd., Boise 83725, Idaho,
8:30 a.m. on or before March 27, 1978.

CAROL H. HALL, JR.
Director

Published in the Ashton Herald, Ashton,
Idaho on March 9 and March 16, 1978.

December 26, 1990

FORREST HOWELL
RT. 1
ASHTON, ID 83420

RE: WATER RIGHT NO. 21-07148

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

JAN 03 1991

MEMORANDUM

TO: File 21-7148
FROM: Sharla
DATE: November 14, 1990
RE: Dam Safety

The examiner shows the permit holder's dam as being 10 feet in height. I therefore routed this file to Mike Stubblefield to check to see if dam safety requirements had been met and certification of the dam had taken place. Mike informed me that as constructed, the dam is too small for Dam Safety jurisdiction and the dam was removed from the dam inventory in May, 1980.

MICROFILMED

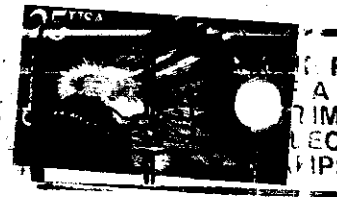
JAN 03 1991

Forrest Hamell

Box 602

Ashton, Id - 83420

new address



State of Idaho
Dept. of Water Resources
1301 N. Orchard St.
Laird, Idaho 83706-2137

JAN 13 1991

MICROFILMED

October 23, 1990

FORREST HOWELL
RT. 1
ASHTON, ID 83420

RE: PERMIT NO. 21-07148

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

Please note that the date of priority of this right has been advanced due to late submittal of the examination fee &/or exam fee information sheet.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

JAN 13 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

21-7148
Permit No.

Howell

RECEIVED

JAN 06 1988

Department of Water Resources

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 SD 6/9/87 (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: Flow Rt. 21-2012B

Check of P/U index SD 6/9/87 (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: 21-2012A, 2012B

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 6 June 1987 ES (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent KCW 12/24/87 (Initial and date)

Exam Reviewed by Manager of Regional Office SM 12/29/87 (Initial and date)

Exam Date 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

A. GENERAL INFORMATION

Permit No. 21-7148

1. Owner: Forrest Howell Phone No. 652-3592

Current Address: Box 602 Ashton, Id. 83420

2. Accompanied by: SAME EXAM. DATE: 6-12-87

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Blue Creek tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 21-2012A/2012B

☐ Copies Attached

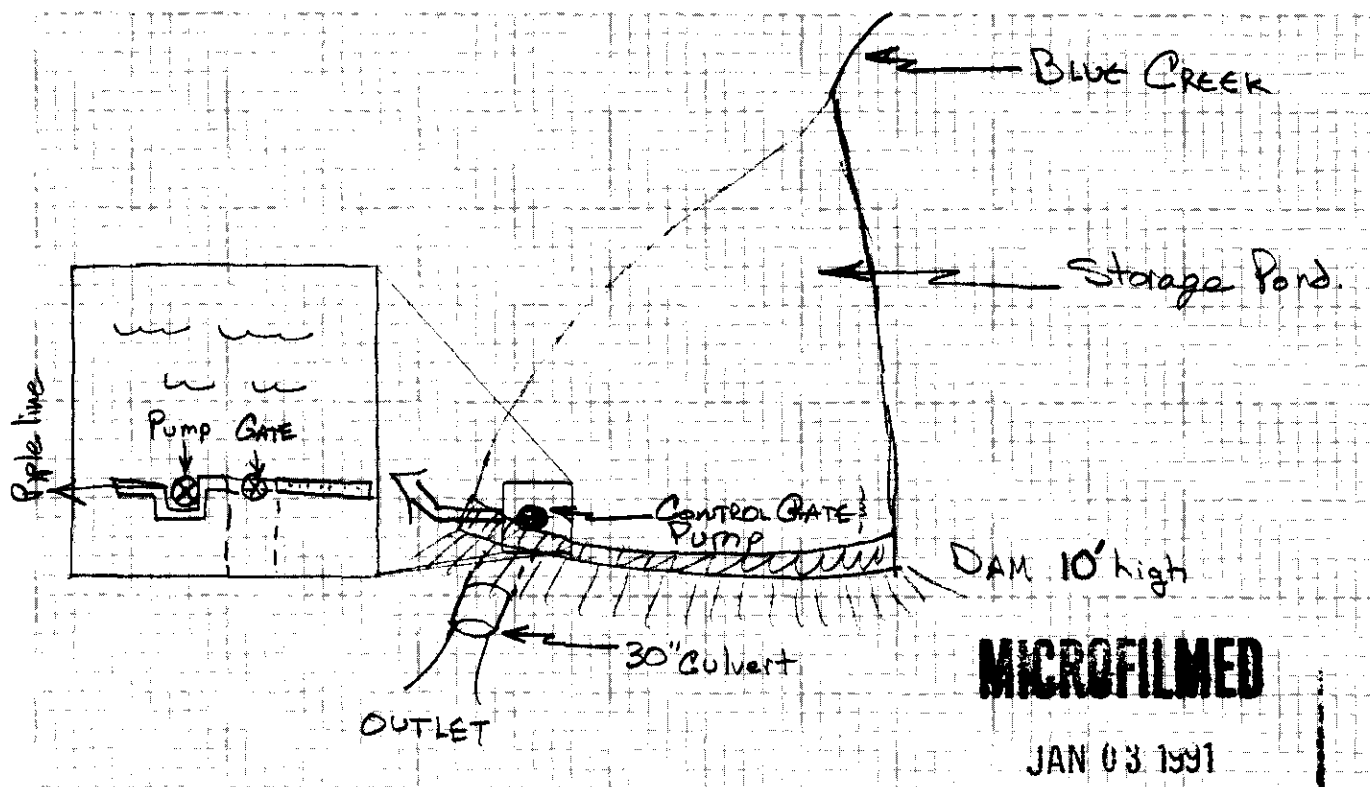
2. Other water rights with same point of diversion: None

☐ 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" = No Scale

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

System Description (continued)

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

10' ^{Earth} Dam is built across Blue Creek and Stores approx. 3.5 acres ft. On South west corner of dam a control gate allows controlled water level through a 30" culvert. Applicant has a 125 Hp pump which pumps into 10" mainline to handlines to irrigate fields. Water is pumped 160 feet uphill to fields. This application is for a storage right. Applicant has flow right from Blue Creek.

☐ 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
	GE	125	GJ5704106	Johnston	19940

*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
			SW	NW	15	9N	43E	FREMONT	USGS/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	43E	15							25			22	10						57

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JAN 03 1991

Do not use this space

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:

Width of Dam - 16 paces = 80'
Length of Dam - 150 yds. (estimate)
Avg. Depth - 8' @ dam head - ~~70' @ 150 yds.~~
 $\bar{x}$ depth = 6.7' (from Applicant)

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: $(80' \times 450' \times 6.7') = 241,200 \text{ cu ft} / 43560 = 5.54 \text{ Acre ft.}$

2. Alternate Method for Checking Purposes:

Dat grid - est. pond surface area @ 0.75 acre ft (8 depth 6.7) = 5.03 Acre ft.
(Aerial photo)

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:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (57)(3.0) = 171 \text{ AFA}$

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

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \text{LIMITED BY Capacity } 5.54 \text{ AFA}$

2. Volume Calculations for Other Uses:

N/A

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

Generally uses 2 filings / reason if possible (Supplemental w/ natural water) ^{Stamps}

21-2012B - Transfer 1842 - 1.90 cfs natural flow
of Blue Creek.

@ TIME OF Exam there were no measuring devices at inflow
or outflow (condition of permit).

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	~~4/1~~			
STORAGE	4/1	6/1	N/A	5.54 AFA
Totals:			N/A	5.54 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

ERIC S. VERWER

Signature

Eric S. Verwer

Certification Date

29 December - 1987

Field Report Preparation Date

24 June - 1987

CONSULTANT SEAL

Eric S. Verwer

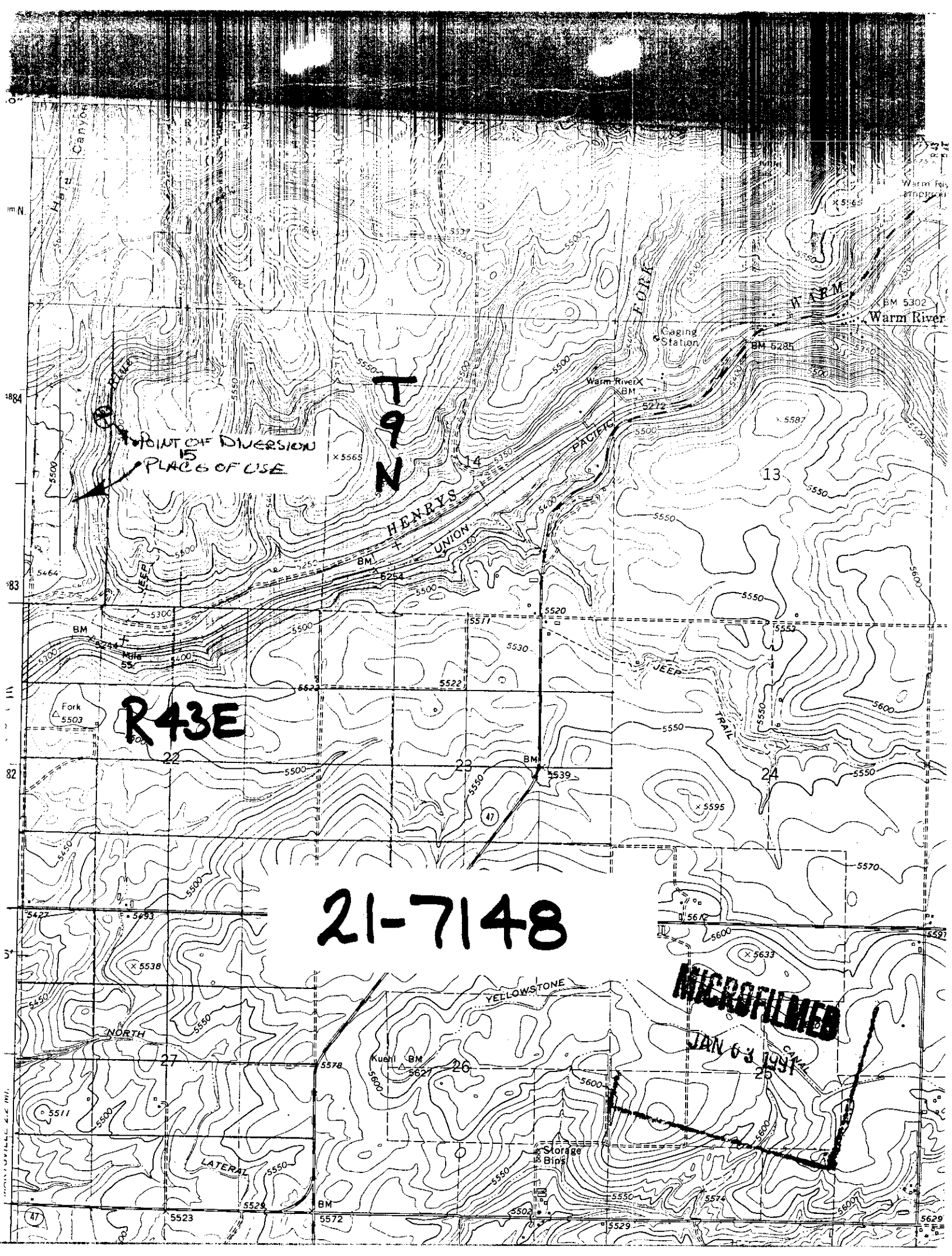
K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

Jim Johnson

6-27-90

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JAN 03 1991



POINT OF DIVERSION
PLACE OF USE

T9N

R43E

21-7148

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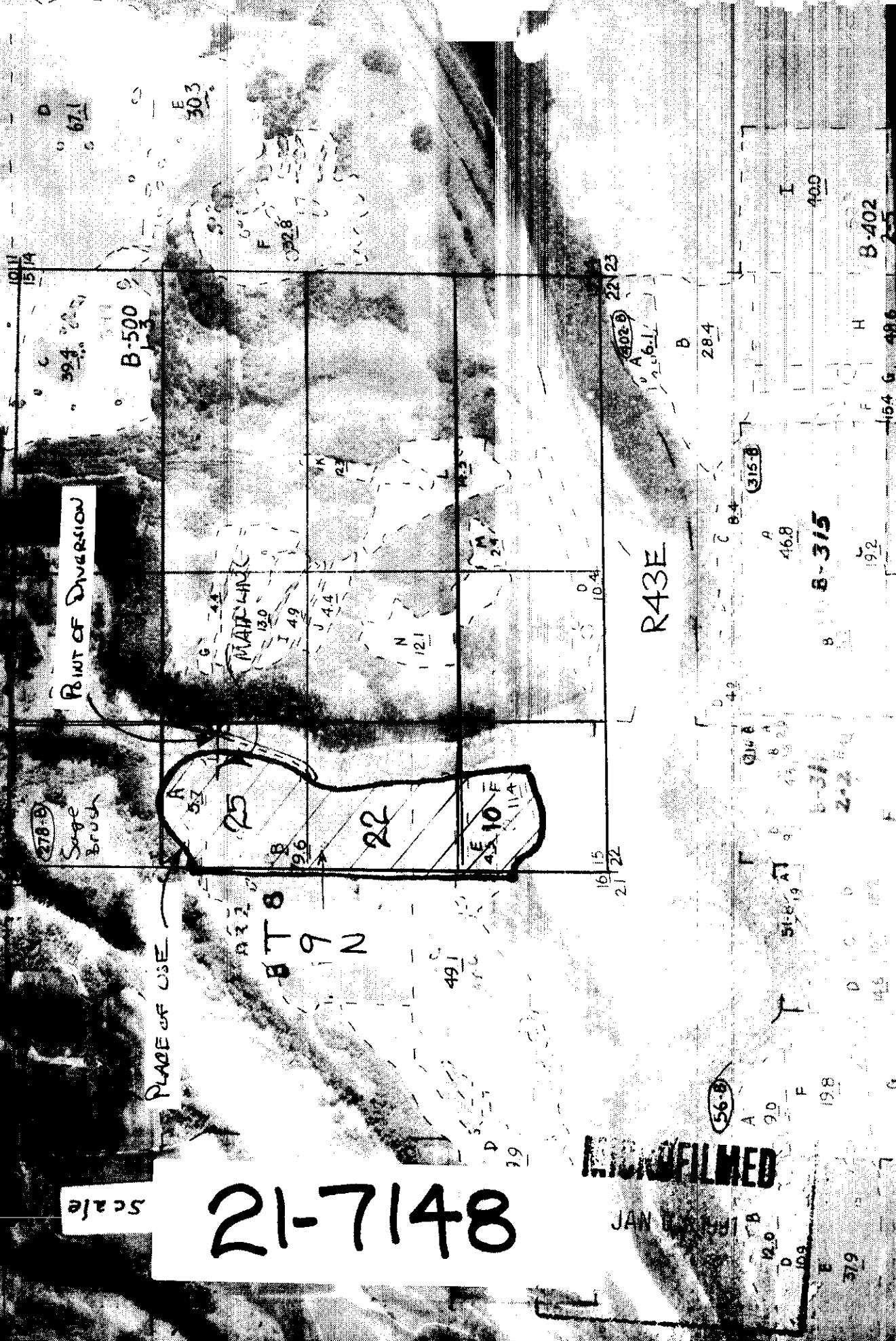
JAN 63 1957

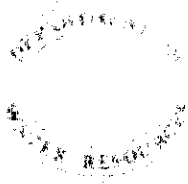
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21-7148

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JAN 1 1961





STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
EASTERN REGION

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



21-7148

RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

1000 North Suite 15
Lewiston, Idaho 83402
(208) 525-7161



21-7148

PAGE: 1

PLACE OF USE 1/4 1/4 OVERLAP REPORT

06/28/90

WR-NUMBER	NAME	SIG	SOURCE	T	R	S	NE				NW				SW				SE				SUM
							NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
L2107148																							
2102012A	EGBERT	L	BLUE CREEK	09N	43E	15		20	15	:	15	10	:										60
L2107148	HOWELL	L	BLUE CREEK	09N	43E	15		40	40	:	40	40	:										420
	1986 MAPPING DATA ---	-	COUNTY 43 QUAD V 98	09N	43E	15	39	38	39	40	32	41	37	35	40	38	38	38	40	39	36	25	595

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JAN 03 1991

PAGE: 1

PLACE OF USE LOIS OVERLAP REPORT

06/28/90

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WR-NUMBER NE

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T09N R43E S15

UNCLASSIFIED

JAN 6 9 1991

BENEFICIAL USE FIELD REPORT REVIEW

TO: FILE 21-7148
FROM: ROXANNE MC CARTHY
RE: PRIORITY ADVANCE REVIEW
DATE: 16-JAN-1990

This review memo is prepared to show the process for determining what elements were involved in advancement of the priority.

	<u>DATE</u>	<u>JULIAN</u>
PERMIT		
Permit priority Date:	FEBRUARY 27 1978	58
EXAM FEE NOTICE		
Exam Fee Notice Date:	JANUARY 26 1987	26
Exam Fee/Info Sheet Received Date:	JUNE 05 1987	156
Exam Fee or Info Due Date:	MARCH 27 1987	86
Days Late:		70 DAY(S)
NEW PRIORITY DATE		
Original Priority Date:	FEBRUARY 27 1978	58
Total Days Late:		70 DAY(S)
New Priority Date:	MAY 08 1978	128

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JAN 03 1991

- 70 Days Late - Priority Reduction
H J

4/86

For Office Use Only
Fee Received 50.00
Date 6-5-87
Receipt # 41213
Receipt by HWS
Sent to S.O. 6-10-87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATION

RECEIVED

JUN 11 1987

1. Permit No. 21-7148

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE: Department of Water Resources

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Forrest Howell

3. Post Office Address: Box 602 Ashton, ID. 83420
Telephone No. 652-3320

4. Source of Water: Blue Creek

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 160 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted — cfs 20 acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

1978

8. Person to contact to accompany the department representative during the field examination:

(Call Source)

(Call Rust)

George Moritz (Renter) + Applicant

MICROFILMED

(Name)

652-3592

(Address)

(Telephone Number)

JAN 03 1991

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

6-05-87

Date

Forrest Howell
Signature of Permit Holder (and title, if appropriate)

State of Idaho
Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

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

A. Kenneth Dunn

Director
May 6, 1987

21-7148
HOWELL, FORREST
RT. 1
ASHTON, ID 83420

Dear Permit Holder:

On January 26, 1987 this Department sent you a certified letter explaining the recent statutory changes in the licensing procedure that will pertain to the above referenced permit. The new statutes provide the permit holder with a choice of who will perform the licensing field examination. You may either choose a certified water rights examiner from the private sector, or select the Department. If you elect to have the examination done by the Department there is now a fee for this service based on the amount of water being diverted.

The letter advised you had a period of 60 days to notify the Department of your decision. You were to notify the Department by returning the examination fee information form which accompanied the certified letter and the appropriate examination fee, provided you wanted the Department to do the examination. As indicated in the certified letter, failure to return the form and submit the examination fee, within 60 days would cause the priority of your permit to be advanced.

Our records indicate you did not respond within the 60 day period. Starting with March 27, 1987 the priority of your permit will be advanced one day for each day your response is late. Failure to submit a completed examination fee information form, with the examination fee, by March 27, 1988 will result in the permit being lapsed.

As always our staff is available to assist you or answer questions concerning the above matter. For your convenience, we have enclosed another examination fee information form.

Respectfully submitted,

Ernest Carlsen
Assistant Regional Manager

EC/md

Enclosure

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JAN 03 1991



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

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

A. Kenneth Dunn
Director

21-7142
HOWELL, FORREST
RT. 1
ASHTON, ID 83420

January 26, 1987

EXAMINATION FEE NOTICE



Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this Department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the Department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the Department, but you must within sixty (60) days of the date of this letter return to the Department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the Department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the Department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water right examiners will be available from this Department when examiners have been certified.

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JAN 03 1991

If your permitted use, in fact, has already been examined by the Department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the Department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

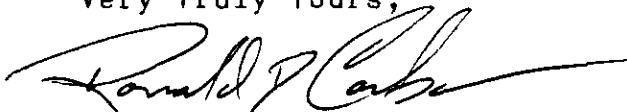
FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following Department office:

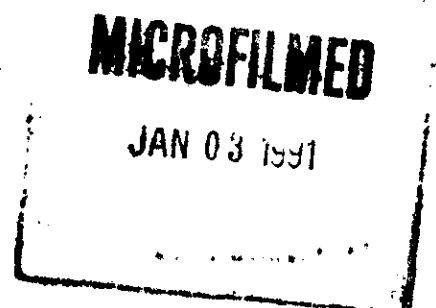
Eastern Region
Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83401
Phone: 525-7161

Very Truly Yours,



Ronald D. Carlson
Eastern Regional Manager

Enclosures



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 19, 1984

FORREST HOWELL

BOX 602

ASHTON

ID 83420

RE: Permit No. 21-7148

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,

s/HAROLD W. JONES

En. Resource Agent

MICROFILMED

JAN 63 1991

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 21-7148.

Name(s) of Permit Holder: Forrest Howell

Post Office Address: Box 602 Ashton, Ida 83420

Tel. No. 652-3320

Source of Water: Blue Creek

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 200 (acres)
☐ Other

Department of Water Resources
 Eastern District Office

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

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

12-12-83

Date

Forrest Howell
 Signature of Permit Holder

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IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

DEC 15 1983

PLACE
13 CENT
STAMP
HERE

Department of Water Resources

December 1, 1983

Forrest Howell
Route 1
Ashton, ID 83420

CERTIFIED MAIL

138202

Dear Mr. Howell:

Re: Permit No. 21-7148

PROOF DUE NOTICE

One of the conditions of approval of your water permit No. 21-7148 was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1984. (See last page of your approved permit or your last approved extension request). Enclosed is a postcard which 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 provided the delay is for reasonable cause as described in Section 42-204, Idaho Code. If you have been prevented from proceeding by a government agency or by litigation, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either the beneficial use postcard or a 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,

RITA FLECK
Secretary/Records Manager

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

February 12, 1979

Re: Permit No. 21-7148

Forrest Howell
Route #1
Ashton, Idaho 83420

Dear Mr. Howell:

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

Be sure to note the special condition requiring you to install and maintain a measuring device at your point of diversion prior to submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosure

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STAFF REVIEW - STATE OFFICE

1. ✓ Name vs. Signature
2. S.W. Source - stored water
3. ✓ Point of Diversion
4. 3.2 Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 5 Time req. for Proof of B/U
7. N/A Place of Use for other than irrig.
8. 160 Place of Use for irrigation (add acres)
9. A Property Owner at Pt. of Div. & Pl. of Use
10. ✓ Map
11. 55 Fee & Rec't. No.

Copies Sent To:

NO Idaho Health Department
✓ Idaho Fish & Game Dept.
✓ Bureau of Land Management

NO U.S.F.S.
✓ Dept. of Lands
✓ Other water master

Dam Safety Information Yes (Goes to Permit Section)

Check:

Critical G.W. Area yes ✓ no

Other rights on same land 1.9 cfs surface flow

Withdrawals of all protests received X per stipulation yes no

Conditions:

ID Power Co. Letter - Snake R. No
 ID Power Co. Letter - G.W. & Tribs. No
 Snake River Condition
 Payette River Letter No
 Priority Date 2/27/78
 Water Quality #16 NO
 Water Quality #10
 intrastate interstate

See Attached sheet for conditions
 Meas. Dev. or Sc. Meas.
 Totalizing meter
 Supplemental
 Right-of-Way Cond.
 Watermaster Cond.
 Wtr. Dist No.
 Meas. Dev. Cond. for apps within a Water Dist.

has put condition #18 in our

Jim

2/9/79

REVIEWED

Date

RECOMMENDED

CONDITIONS OF APPROVAL

21-7148

1. For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

(2) A measuring device of a type approved by this Department shall be permanently installed and maintained ~~as part of the diverting works~~ *to measure the*
(TO BE USED WITH THE WATERMASTER CONDITION ONLY) *inflow & outflow of the applicant's*
reservoir.

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

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

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

(6) Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River River.

7. The maximum rate of diversion shall not exceed _____ cubic feet per second.

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

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

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

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

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

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

14. The permit holder must obtain adequate supplemental water for the irrigation season that natural flow is not available.

15. Water shall not be diverted under this permit unless the flow of the Snake River at the U. S. Geological Survey stream gaging station at Murphy exceeds 3,300 c.f.s. and at Weiser exceed 4,750 c.f.s.

16. That should the use of the water on this permit reduce the quality of water available to prior water rights and make it unusable to satisfy the prior appropriations, then the diversion under this permit must cease.

17. There is not sufficient water available in the _____ River and tributaries that is not appropriated by prior water rights.

(18) OTHER ^{A)} ~~No more than 5 acre feet per acre~~ *The storage of water is contingent upon certification by the Dept. of Water Resources, of the applicant's dam under the dam safety provisions of the Idaho State Code.*

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM Jim Johnson

DATE February 9, 1979

TO File

SUBJECT Application No. 21-7148

On January 8, 1979, the Director signed the attached Memorandum Decision approving Application No. 21-7141 with the conditions listed on Page 2 of the Memorandum.

This Memorandum satisfies the conditions of protest on this application.

~~UNCLASSIFIED~~
~~EXCLUDED FROM AUTOMATIC DOWNGRADING AND DECLASSIFICATION~~

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

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 21-7141 IN THE NAME OF)
LAVAR A. AND/OR DONNA P. CHERRY)

MEMORANDUM DECISION
AND ORDER

On September 21, 1977, LaVar A. and/or Donna P. Cherry filed with the Department of Water Resources an application for permit to appropriate 100 acre feet per annum of water from Green Canyon Springs Creek and Blue Creek tributary to the Henry's Fork of the Snake River. The applicants propose to divert water from Blue Creek in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp. 9N, Rge. 43E B.M. to an earth-filled dam located on Green Canyon Springs Creek within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp. 9N, Rge. 43E B.M., Fremont County, and to use it for the irrigation of 280 acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11, Twp. 9N, Rge. 43E B.M. Notice of this application was published in the Ashton Herald, Ashton, Idaho on September 29 and October 6, 1977.

On October 11, 1977, the Department received a protest from R. Vern Kidwell, Attorney for E. L. Hargis Estate. An additional protest was received on October 13, 1977 from Blair Grover, Attorney for Forrest Howell. On February 14, 1978, the Department received a withdrawal of the protest of the E. L. Hargis Estate.

A conference in the matter was held in St. Anthony, Idaho on February 9, 1978. The applicants were present and represented themselves. The protestant, Forrest Howell was present and represented by Blair Grover, Attorney at Law. The primary issue identified during the conference was: Would the approval of the application adversely affect the protestant's existing water rights on Blue Creek? Both parties agreed to allow the Department to reach a decision based upon the information presented at the conference and other pertinent material contained in the Department's official files. Based upon this information and his understanding of the law, the Director makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1) Department records indicate that the applicant holds License No. 21-2104 with a priority of March 20, 1953 for the diversion of 6.00 cubic feet per second of water from Blue Creek and Permit No. 21-7076 with a priority of August 8, 1975 for the diversion of 3.20 cubic feet per second of water from

Blue Creek.

The point of diversion for both these rights is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp. 9N, Rge. 43E B.M.

2) The protestant is the right holder for License No. 21-2012 with a priority of June 1, 1973 for 1.90 cubic feet per second of natural flow of Blue Creek with point of diversion within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, Twp. 9N, Rge. 43E B.M. The protestant has no storage rights on Blue Creek.

3) The applicant proposes to pump water from Blue Creek to supplement storage on Green Canyon Springs Creek.

4) Green Canyon Springs Creek is tributary to Blue Creek and the water from Blue Creek is tributary to Henry's Fork of the Snake River.

5) Watermaster records for Water District 01 indicate that the last nine out of ten years water was released past Milner Dam during the non-irrigation season.

CONCLUSIONS OF LAW

1) There is water available for diversion to storage from Blue Creek and Green Canyon Springs Creek during the non-irrigation season during most years.

2) The diversion to storage during the period it is not needed to satisfy the water rights of the protestant will not cause injury to the protestant.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 21-7141 is APPROVED subject to the following conditions:

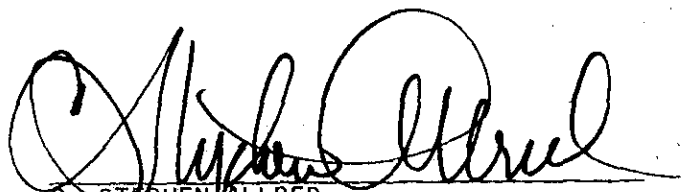
1) Measuring devices of a type approved by the Department shall be permanently installed and maintained at the applicants' point of diversion on Blue Creek and to measure the inflow and outflow of the applicants' reservoir on Creek Canyon Springs Creek.

2) The use of water under this application is subject to control by the watermaster of Water District 01, Snake River.

3) The storage of water in the applicants' reservoir is contingent upon the issuance of a certificate authorizing storage by the Department of Water Resources pursuant to the Dam Safety provisions of the Idaho Code.

4) Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1984.

Dated this 8 day of January, 1979.


C. STEPHEN ALLRED
Director

INTER-DEPARTMENT MEMO — 1

FROM Eastern

DATE 12-28-78

TO Bob Fleenor

SUBJECT Application for permit No. 21-7148 cannot be approved until Application
for permit No. 21-7141 is approved.

*Be sure conditions of approval are
similar to & consistent with those
for # 21-7141*

*NOY
2/2/79*

RECEIVED

SIGNATURE

M E M O

TO: File
FROM: Ernie
DATE: 12-28-78
RE: Signed Agreement for Application No. 21-7148

This application is being submitted for approval along with application for permit No. 21-7141, based on the agreement signed by the protestant on August 3, 1978 as a result of a conference held to consider the protesting of this application.

M E M O R A N D U M

TO: The File
FROM: Ernest Carlsen
RE: Application for Permit No. 21-7148 Pre-Permit Field Exam
DATE: December 22, 1978

On October 2, 1978, in accordance with Departmental practice, Steve McCormick and I conducted a pre-permit field exam and dam inspections concerning this application.

The dam provides for on stream storage of natural flows in Blue Creek tributary to Henry's Fork of the Snake River.

No diversions were located on Blue Creek below Mr. Howell's dam which could have been effected by his storage of water. Since the reservoir was full, there must be adequate flows in the creek for the purposes intended and previous assessments by the Department indicate there is water available for storage during the non-irrigation season in Water District 01.

It should be noted, records of the Department indicate Mr. Howell also has Transfer of Water Right No. 21-2012 to appropriate 1.90 c.f.s. from Blue Creek for irrigation of the same place of use as his storage application, and that the irrigation has been installed and will divert water from the reservoir.

In conclusion, approval of this application should not adversely affect existing water rights if subject to the conditions relating to regulations by the Watermaster of Water District No. 01.

RECEIVED

IN THE MATTER OF)
PROTEST AGAINST) Agreement
APPROVAL OF APPLICATION)
No. 21-7148 - FORREST)
HOWELL -)

We the undersigned hereby agree that if our application for storage from BLUE CREEK RETAINS ITS PRIORITY AS A RESULT OF BEING FILED ON SEPTEMBER 21, 1977 TO WITHDRAW OUR PROTEST AGAINST APPROVAL OF THE PERMIT APPLICATION # 21-7148 TO ALLOW THE DEPARTMENT OF WATER RESOURCES TO MAKE THE DECISION ON THE MATTER

SIGNED AT ST ANTHONY IDAHO
ON AUGUST 3, 1978

Yvonne A. Cherry
Donna P. Cherry
Robert Howell
Louise Howell

21-7148 - FORREST HOWELL

Courtroom, Fremont County Courthouse, St. Anthony, Idaho

August 3, 1978 - 9:00 a.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
-------------	----------------	---------------------

<i>Je was a cherry</i>		
<i>Donna P. Cherry</i>		
<i>Louise Lowell</i>		
<i>Harold Howell</i>		
<i>Richard Howell</i>		

RECEIVED

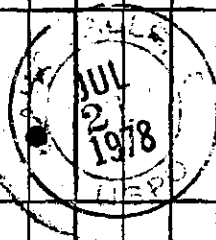
Postmaster Recd.

Name and Address of Sender

Indicate type of mail:
☐ REGISTERED
☐ C.O.D.
☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
 POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	EST. DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS
1066	Cal McKeen Box 74-R St Anthony	15	80					22-2225 22-2225
1067	W. J. Beach, Rt. #1, St. Anthony					722-0225		"
1068	Paul Johnson, Ch. #1, St. Anthony					722-0225		"
1069	Wm. J. Guss, Rt. #1, St. Anthony					722-0225		"
1070	Frank Davis, Rt. #1, St. Anthony					722-0225		"
1071	Spencer Wilson, Omaha, Neb. 68106					722-0225		"
1072	Frank Davis, Rt. #1, St. Anthony							722-0225
1073	James J. Davis, Rt. #1, St. Anthony							722-0225
1074	James J. Davis, Rt. #1, St. Anthony							722-0225
1075	James J. Davis, Rt. #1, St. Anthony							722-0225
1076	James J. Davis, Rt. #1, St. Anthony							722-0225
1077	James J. Davis, Rt. #1, St. Anthony							722-0225
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1080	James J. Davis, Rt. #1, St. Anthony							722-0225
1081	James J. Davis, Rt. #1, St. Anthony							722-0225
1082	James J. Davis, Rt. #1, St. Anthony							722-0225
1083	James J. Davis, Rt. #1, St. Anthony							722-0225
1084	James J. Davis, Rt. #1, St. Anthony							722-0225
1085	James J. Davis, Rt. #1, St. Anthony							722-0225
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1087	James J. Davis, Rt. #1, St. Anthony							722-0225
1088	James J. Davis, Rt. #1, St. Anthony							722-0225
1089	James J. Davis, Rt. #1, St. Anthony							722-0225
1090	James J. Davis, Rt. #1, St. Anthony							722-0225



TOTAL NO. OF PIECES LISTED BY SENDER: 11

TOTAL NO. OF PIECES REC'D AT P.O.: 11

POSTMASTER, PER (Name of recipient):

DECLARATION OF VALUE IS REQUIRED ON INTERNATIONAL REGISTERED MAIL

U. S. CUSTOMS PRINTING OFFICE, 1972-8-28-750



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

July 20, 1978

Ms. Betty Hill
Fremont County Clerk's Office
Fremont County Courthouse
St. Anthony, Idaho 83445

Dear Ms. Hill:

This is to confirm the use of the Courtroom for conference and/or hearings to be conducted by this Department on August 1, 1978 beginning at 11:00 a.m., August 2, for all day and on August 3, beginning at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Senior Secretary

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protest Against)
Approval of Application for Permit)
No. 21-7148 in the Name of)
FORREST HOWELL)
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

On February 27, 1978, Forrest Howell filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On March 27, 1978, the Department received a protest against said application from LaVar A. and Donna P. Cherry.

The Department has set the matter for conference and/or hearing Thursday, August 3, 1978, at 9:00 a.m., in the Courtroom 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 the protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by such non-appearance may be assessed against such non-appearing parties.

Dated this 20th day of July, 1978.



RONALD D. CARLSON, Supervisor
Eastern Region

RECEIVED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

March 29, 1978

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

C. Stephen Allred
Director

RE: Application for Permit No. 21-7148 HOWELL

LaVar A. & Donna P. Cherry
Box 472
Ashton, Idaho 83420

Dear Mr. & Mrs. Cherry:

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

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

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

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

Sincerely,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC: CW

cc: IDWR - State Office

RECEIVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

March 29, 1978

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

C. Stephen Allred
Director

Mr. Forrest Howell
Rt. #1
Ashton, Idaho 83420

Dear Mr. Howell:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 21-7148. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

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

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the 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?

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

Sincerely,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC: CW

Enc

FILED



STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

RECEIVED
MAR 3 1978

Department of Water Resources
Eastern District Office

REGION 6
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

March 3, 1978

Mr. Ronald D. Carlson
Supervisor, Eastern Region
State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Ron:

Re: Appl. No. 21-7148, Howell

Personnel from our Department have reviewed the above-referenced application to appropriate water from Blue Creek in Fremont County. We have no objections to this work. There is no fishing in Blue Creek except in Howell's pond.

Thank you for the opportunity to review and comment on this project.

Sincerely,

DEPARTMENT OF FISH AND GAME
Joseph C. Greenley, Director

A handwritten signature in cursive script, appearing to read "Tom Reinecker".

Tom Reinecker
Regional Supervisor
Region 6

cc: U.S. Fish & Wildlife Service
Bureau of Program Coordination
Bureau of Fisheries
Paul Jeppson

RECORDED

March 3, 1978

RE: Application for Permit No. 21-7148 HOWELL

Ashton Herald
Box 258
Ashton, ID 83420

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

R. N. ALD D. CARLS N
Supervisor
Eastern Region

RDC:CD

Bill submitted 3- by

*Bill Not signed 3-27-78
Cw*

Enclosure: Legal Notice

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Forrest Howell, Ashton, Idaho has on 2-27-78 submitted Application No. 21-7148 for a permit to appropriate 100 acre feet per annum of water from Blue Creek tributary to Henry's Fork Snake River by means of a dam and pump within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T. 9N, R. 43E, B.M., Fremont County; to be used from Apr. 1 to June 1 for storage for irrigation of 160 acres within the W $\frac{1}{2}$ W $\frac{1}{2}$, Sec. 15, T. 9N, R. 43E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before March 27, 1978.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald, Ashton, Idaho on March 9 and March 16, 1978.

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Forrest Howell, Ashton, Idaho has on 2-27-78 submitted Application No. 21-7148 for a permit to appropriate 100 acre feet per annum of water from Blue Creek tributary to Henry's Fork Snake River by means of a dam and pump within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T. 9N, R. 43E, B.M., Fremont County; to be used from Apr. 1 to June 1 for storage for irrigation of 160 acres within the W $\frac{1}{2}$ W $\frac{1}{2}$, Sec. 15, T. 9N, R. 43E, B.M.

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C. STEPHEN ALLRED
Director

Published in the Ashton Herald, Ashton, Idaho on March 9 and March 16, 1978.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Forrest Howell,
Ashton, Idaho

has on 2-27-78 submitted Application No. 21-7148
for a permit to appropriate 100 ~~CCCCCCCCCCCCCCCCCCCC~~ cubic feet per second acre feet per annum
of water from Blue Creek tributary to Henry's Fork Snake River
by means of a dam and pump
within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T. 9N, R. 43E, B.M., Fremont County;

to be used from Apr. 1 to June 1
for storage for irrigation of 160 acres

within the W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 15, T. 9N, R. 43E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before March 27, 1978

C. STEPHEN ALLRED

Director

Published in the Ashton Herald, Ashton, Idaho
on March 9 and March 16, 1978

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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

February 28, 1978

RE: Application for Permit No. 21-7148

Mr. Arthur L. Larson, Watermaster
Water District No. 01
P.O. Box 1099
Idaho Falls, Idaho 83401

Dear Art:

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is March 27, 1978, and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Enclosure

RECEIVED
FEB 29 1978
IDAHO FALLS



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

February 28, 1978

RE: Application for Permit No. 21-7148

Mr. Tom Reinecker
Regional Supervisor
Department of Fish & Game
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Tom:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is March 27, 1978, and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Enclosure

RECEIVED

OFFICE ACCOUNT

GROVER & SIMS

CHARTERED LAW OFFICE

P. O. BOX 36 208 745-6653

RIGBY, IDAHO 83442

409

92-290/1241

Pay to the
order of

Dept. of Water Resources

\$10⁰⁰

Dollars

IDAHO FIRST NATIONAL BANK
RIGBY OFFICE
Rigby, Idaho 83442OFFICE ACCOUNT
GROVER & SIMS
CHARTERED LAW OFFICES

Pat Anderson

For

⑈000409⑈ ⑆1241⑈0290⑆ 25 01609 2⑈

Mr. Blair Grover
Attorney at Law
P.O. Box 36
Rigby, Idaho 83442

Dear Mr. Grover:

We find it necessary to return the application submitted by you on behalf of Forrest Howell because the filing fee was incorrect for the amount of water and other discrepancies listed below:

- 1) Item 4 should indicate a quantity of water to be stored and the period of storage; and on a separate line, a quantity of water to be diverted from storage for irrigation and period of use.

It is not necessary to show a quantity for diversion to storage unless the reservoir is to be located off-stream so that water must be diverted to fill it.

The filing fee should be based on the quantity of storage or flow which results in the greatest fee. For the application as submitted, the correct fee is \$35.00.

- 2) The place of use should be outlined on the map on the application and the map on the application and the land list should show the acreage to be irrigated within each 40-acre subdivision.

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

Very truly yours,

LOREN HOLMES
Assistant Regional Supervisor

LOH:cw

Attachment: Ck. No. 92-290 \$10.00

Enclosure

FILED

LEE, RIRIE, GROVER & SIMS

**JAMES A. RIRIE
BLAIR J. GROVER
ALLEN SIMS**

CHARTERED
LAW OFFICES
P. O. BOX 36
RIGBY, IDAHO 83442
(208) 745-6653

**T. HAROLD LEE
(1914-1976)**

**IDAHO FALLS OFFICE
330 SHoup AVENUE, ROOM 201
IDAHO FALLS, IDAHO 83401
(208) 524-2650**

February 2, 1978

RECEIVED

FEB 3 1978

Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

Gentlemen:

Enclosed please find an Application for Permit signed by
Forrest Howell.

Also enclosed is a check of this office for \$10.00 for
the fee. If you have any questions, please contact the under-
signed.

Yours very truly,

GROVER & SIMS

Blair Grover
pa

BG:pa
Enclosures
cc: Forrest Howell

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 21-2012

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) EMC 2-27-78

In form to receipt YES.

(2) EMC 2-27-78

Send Copies to:

☒ Idaho State Health Department
☒ Idaho Fish and Game Department
☒ Bureau of Land Management
☒ Water Master

(3) " "

☒ Request Special Use Permit from U.S.F.S.
☒ Request Easement from B.L.M.
☒ Request Information from Applicant

(4) " "

In form for advertising YES.

(5) " "

Platted on Map No. 4-98

(6) " "

Located within Water District No. 01

(7) " "

Critical groundwater area: yes no ☒

(8) " "

Groundwater levels:

Declining, ☒ Stable, Increasing

(comment)

(9) " "

Other rights on the same place of use: T 21-2012 for 1.90 cfs
also on same place of use

(10) " "

Comments: LaVar Cherry has application on
Blue Cr. for storage water.

(11) (a) 3-27-78

Affidavit of Publication received (date) Mar 27-1978

(12) (a) 3-27-78

Final date for protests March 27-1978
Protests received: yes ☒ no no

(13) _____ _____

All requested information received from agencies or applicant: yes ☒ no no

(14) _____ _____

Action recommended:

☒ Approve 2/27/78 Proposed Priority Deny

Reason for Reduction

Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District _____ By _____ Date _____

Copy Sent