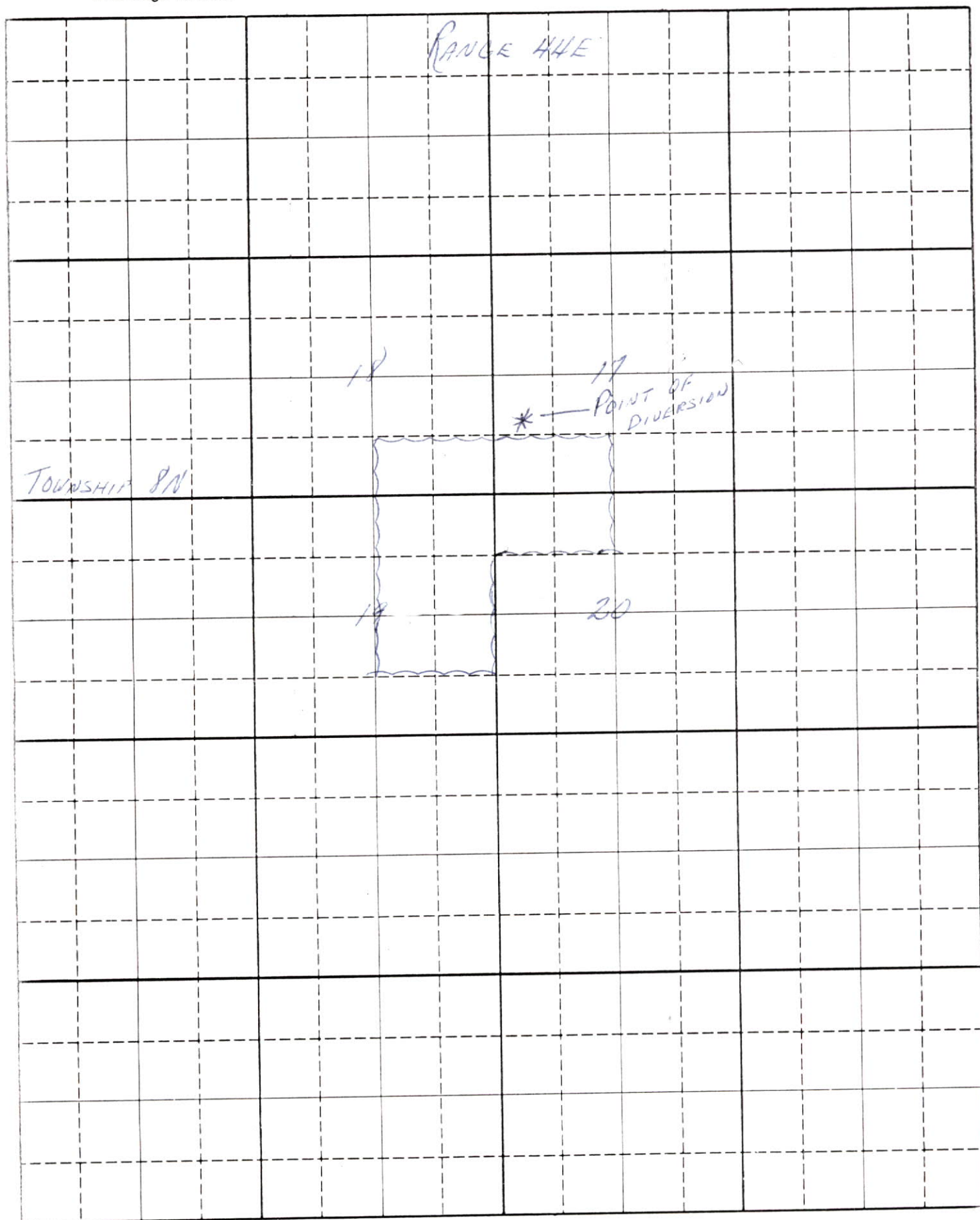


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Dean Hershberger, Son
(Applicant)

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

Dorothy D. Hunsaker
being first duly sworn, upon his
oath, deposes and says:

That he is the Owner
of The Chronicle-News, a news-
paper as defined by Idaho
Codes Annotated, section 58-106,
as amended, and that said
newspaper is a weekly news-
paper printed and published at
St. Anthony, in Fremont County,
Idaho, having a general circula-
tion in said county, and that
said newspaper has been print-
ed and published as a weekly
newspaper in said county for
more than 78 consecutive weeks
prior to the first publication of
the attached notice, advertise-

ment or publication of
notice no. 21-7052

And affiant further says that
said notice, advertisement or
publication, as per clipping
attached, was published in said
newspaper, in the regular and
entire issue thereof, and not in
any supplement issue thereof,

for two consecutive is-
sues thereof; first publication
having been made on the 15
day of Aug, 1974,
and the last publication on the
22 day of Aug

19 74

And affiant further says that at
the times herein mentioned said
newspaper was made up of at
least four pages of at least five
columns each, printed from
type matter, of at least seven-
teen and three-fourths inches

8 1/2

Dorothy D. Hunsaker
Subscribed in my presence and

sworn to before me this 26th

day of Aug,

19 74

[Signature]
Notary Public for the
State of Idaho, resi-
(SEAL) dence and post office
address: St. Anthony,
Idaho.

RECEIVED

AUG 27 1974

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Merle Harsh-
barger & Son, Squirrel, Idaho has on 8-7-74
submitted Application No. 21-7052 for a
permit to appropriate 5.0 cubic feet per
second of water from Squirrel Creek tri-
butary of Conant Creek tributary to Fall
River by means of pump and pipeline with-
in the NW1/4SW1/4, Sec. 17, T. 8N, R.
44E, B.M., Fremont County; to be used
from Apr. 1 to Nov. 1 for the irrigation
of 480 acres within the S1/2SW1/4, Sec. 17,
S1/2SE1/4, Sec. 18, NE1/4, N1/2SE1/4,
Sec. 19, N1/2NW1/4, Sec. 20 T. 8N, R.
44E, 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 Re-
sources, 1515 Lincoln Road, Idaho Falls,
Idaho, 83401 on or before September 3,
1974.

R. KEITH HIGGINSON
Director

CB
Published in the Fremont County Chroni-
cle-News, St. Anthony, Idaho on August 15
and August 22, 1974.

MICROFILMED

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Published in the Fremont County Chroni-
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and August 22, 1974.

NAME OF APPLICANT NHAP Review - #21-7052

Form No. 0

FROM PERMIT: 8N-44E, 2"=1MI

18

17

40

40

40

40

40

40

40

40

40

40

19

20

FROM NHAP: 131-170 (7/27/80) 1"=1MI

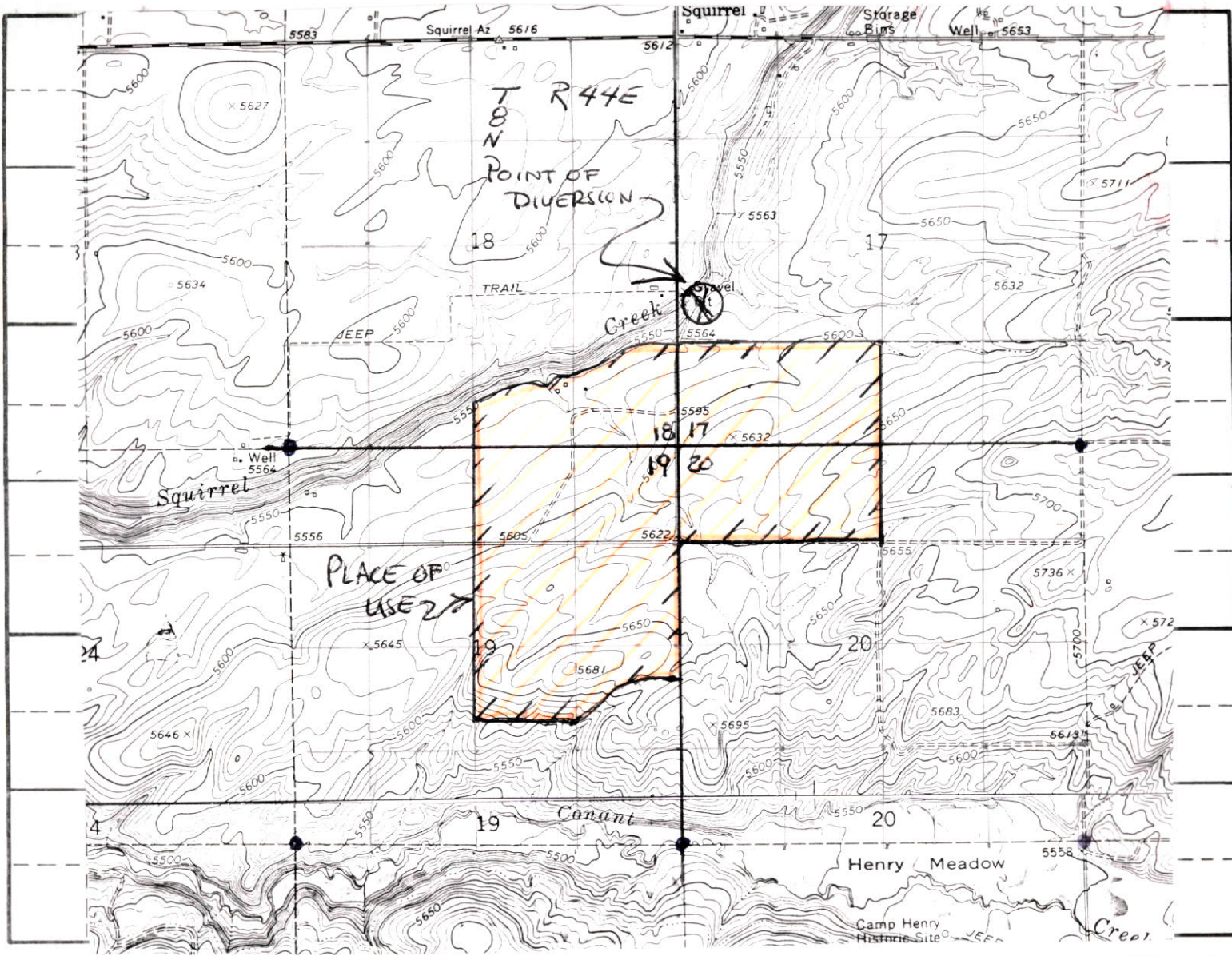


NHAP SHOWS ALL LANDS
UNDER PERMIT TO BE
VEGETATED ~~UNDISTURBED~~ AT TIME
OF PHOTO

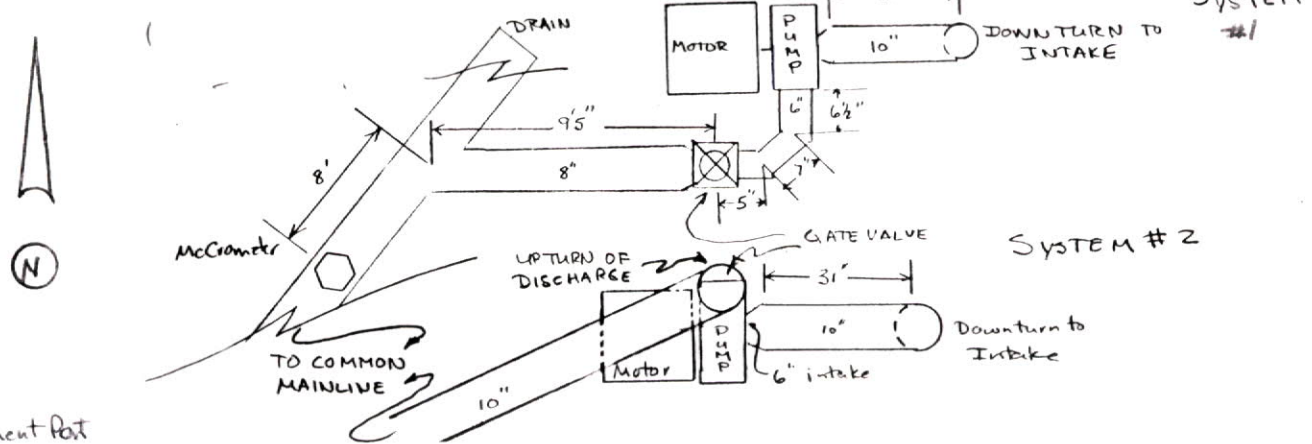
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MAR 08 1990

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM



Flow Measurement Point
located at 45' before junction
of mainlines
Point(s) of diversion: SW 1/4 NW 1/4 SW 1/4 Sec 17 T8N R44E

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
08N	44E	17											39	40					79
		18															22	35	57
		19	39	39	39	39									21	30			207
		20					40	39											79
Total																			422

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

MAR 08 1990

Examiner's Signature Keith C. Wilson
Checked by [Signature]
Approved by [Signature]

Date 25 Sept 1985
Date 10 Oct 27 - 85
Date [Signature]

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 21-07052

Priority: August 7, 1974

Maximum Diversion Rate: 5.00 CFS
Maximum Diversion Volume:¹ 1266.0 AF

This is to certify, that MERLE HARSHBARGER & SON
RT. 2

ASHTON, ID 83420 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated August 7, 1974; and
has submitted Proof of Beneficial Use on November 24, 1980. An examination indicates
that the works have a diversion capacity of 6.600 cfs of water from:

SQUIRREL CREEK

tributary to CONANT CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	5.00 CFS	1266.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 17, Township 08N, Range 44E
FREMONT County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	44E	17	SWSW 39	SESW 40			79
		18	SWSE 22	SESE 35			57
		19	NENE 39	NWNE 39	SWNE 39		
			SENE 39	NESE 40	NWSE 40		236
		20	NENW 40	NWNW 39			79

Total number of acres irrigated: 451

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.

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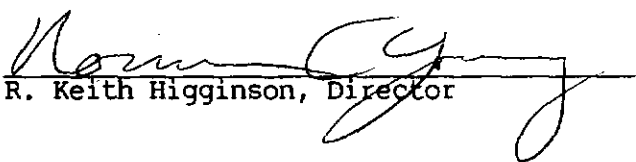
MAR 08 1990

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**
WATER RIGHT NO. 21-07052CONDITIONS/REMARKS:

5. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. Use of water under this water right is subject to control by the watermaster of State Water District No. 01
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 10th day of JANUARY, 1990.

Acting to


R. Keith Higginson, Director

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MAR 08 1990

RECEIVED

Form 204
5/78

Department of Water Resources
Eastern District Office

Identification No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

DON HARSHBARGER of ROUTE 2 ; ASHTON
(Name) (Address)

State of IDAHO, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Waters of the State of Idaho No. 21-7052.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before February, 19 80.

That he has heretofore performed the following work described under said permit: A pump and one mile of mainline has been installed with six one-half mile laterals.

Costing \$ 50,000

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: The system was designed in stages and we find now that both the pump and mainline are inadequate to do the job. They both have to be enlarged to do an adequate job. If the extension is granted the system will be redesigned this fall and next spring.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to February, 19 81.

Don Harshbarger
(Signature)*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit proof of beneficial use of water is extended to February 1, 1981.

Signed this 8th day of August, 19 79.

L. Glen Saxton
Chief, Operations Bureau

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* IF OTHER THAN HOLDER, Power of Attorney must be supplied.

Identification No. 21 7052
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

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

1. Name of applicant Merle Harshbarger & Son
post office address Squirrel Idaho
2. Source of water supply Squirrel Creek which is a tributary of Conant Ck. trib. to Fall R.
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17 Township 8N
Range 44E 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:
Amount 5.0 for Irrig. purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 5.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pump, mainline and sprinklers

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ 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 \$ 20,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation: N.A.
(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: _____

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

TWP.	RANGE	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	
8N	44E	17											40	40					80
"	"	18															40	40	80
"	"	19	40	40	40	40									40	40			240
"	"	20					40	40											80

Total number of acres to be irrigated 480

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

Boom Creek Canal Shares

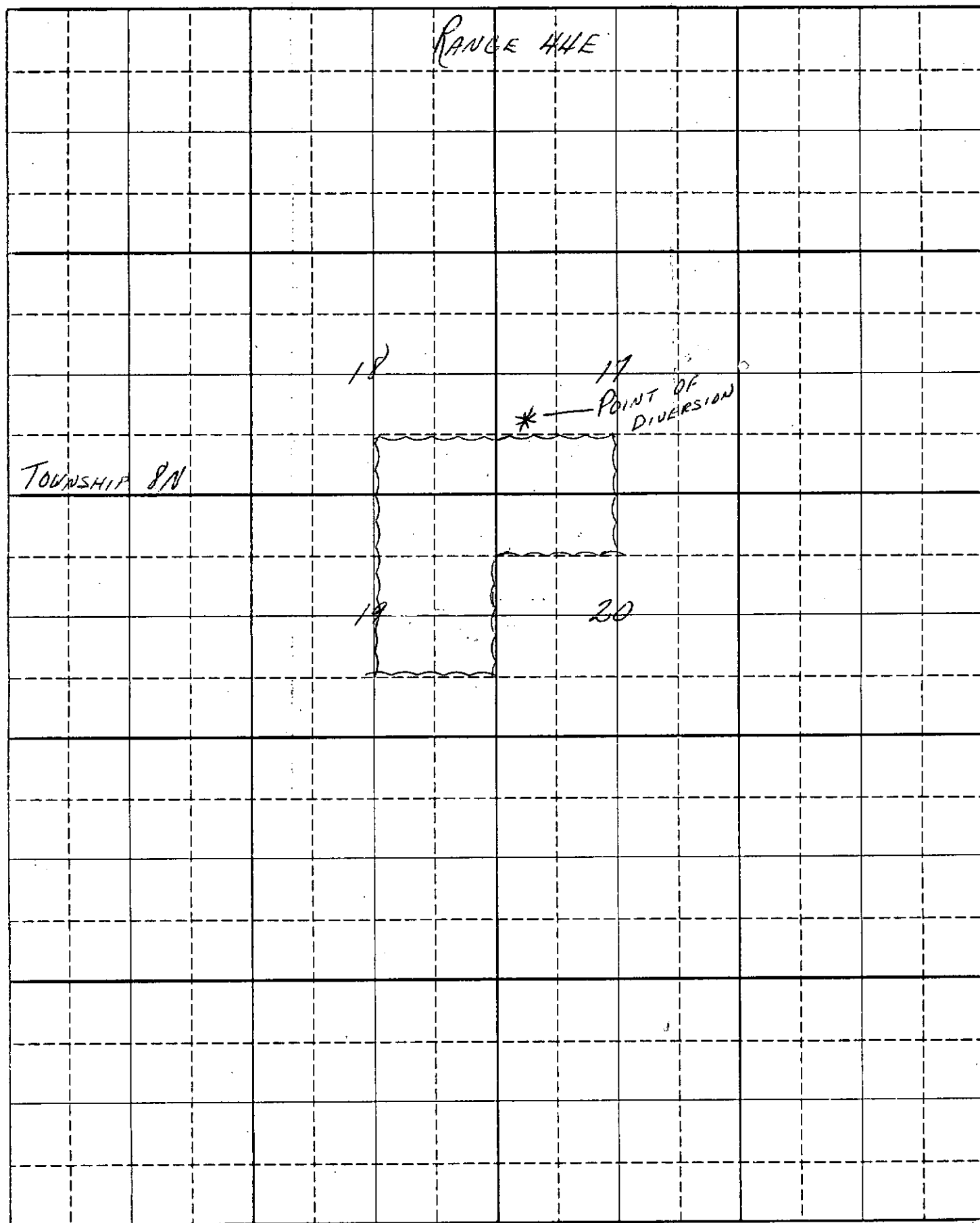
9. a. Who owns the property at the point of diversion Applicant

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

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.

Dean Hershberger, Son
(Applicant)

Proposed Priority 8-07-1974

Received by MB Date 8-7-74 Time 12:00
Preliminary check by RDC Fee \$ 65.00
Receipted by MB Date 8-7-74 # 13006
Publication prepared by MB Date 8-8-74
Published in Tremont County (Chronicle) News
Publication dates August 15 + 22, 1974
Publication approved CB Date 8/27/74
Priority reduced to _____ Reason _____

Protests filed by: Squirrel Creek Irrig.
& Canal Co., Tremont-Madison
Irrig. Co.
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by RDC W 30F

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 21-7052, 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, 19 80.
 - c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
2. That the diversion of water under this permit is subject to all prior existing water rights. This right is subject to the control of the water-master of District 01, Snake River.

Witness my hand this 16 day of February 19 75.

D. Karl Higin
Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>GF</u>	<u>8/9/74</u>	Application No. <u>21-7052</u>
(2)			☒ 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 <u>who is Don Harshburger? - Son</u> ☒ Fee <u>Power of attorney?</u> <u>MB</u>
(3)	<u>GF</u>	<u>8/9/74</u>	In form to receipt <u>yes</u>
	<u>GF</u>	<u>8/9/74</u>	Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	<u>GF</u>	<u>8/9/74</u>	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M. ☒ Request Information from Applicant
(5)	<u>GF</u>	<u>8/9</u>	☒ <u>Watermaster Dist 01</u> In form for advertising <u>yes</u>
(6)			Located within Water District No. <u>21</u>
(7)			Critical groundwater area: yes <u>N/A</u> no <u>no</u>
(8)			Groundwater levels: ☐ Decline (comment) <u>N/A</u> ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(9)			Comments: _____
(10)	<u>MB</u>	<u>8/22/74</u>	Affidavit of Publication received (date) <u>Aug. 27, 1974</u>
(11)	<u>MB</u>	<u>9/3/74</u>	Final date for protests <u>September 3, 1974</u> Protests received: yes <u>x</u> no _____
(12)	<u>RDC</u>	<u>12/16/74</u>	Date and Place of hearing <u>ST. ANTONY</u> Decision reached at hearing <u>PROTESTS W/ DRAWN</u>
(13)	<u>11</u>	<u>11</u>	All requested information received from agencies or applicant yes _____ no _____
(14)	<u>11</u>	<u>11</u>	Action recommended: ☒ Approve Priority <u>8/7/74</u> ☐ Deny Reason for Reduction _____ ☒ Measuring device required Memo ☒ See attached sheet for additional conditions of approval ☐ No additional conditions for approval
(15)	District <u>E</u>	By <u>RDC</u>	Date <u>12/16/74</u>

MICROFILMED

Copy

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County of Fremont

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AUG 27 1974

Department of Water Resources
Eastern District Office

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R. KEITH HIGGINSON
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OK
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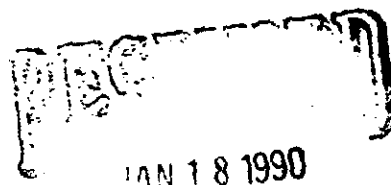
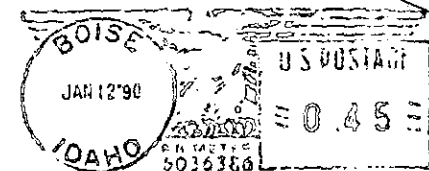
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to all prior water rights. Protests against
the granting of the permit must be filed
with the Idaho Department of Water Re-
sources, 1515 Lincoln Road, Idaho Falls,
Idaho, 83401 on or before September 3,
1974.

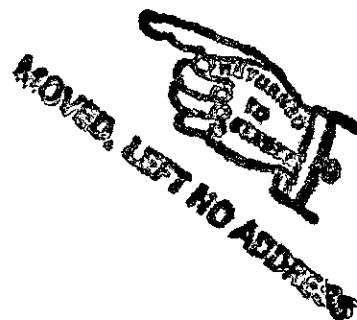
R. KEITH HIGGINSON
Director

Published in the Fremont County Chroni-
cle-News, St. Anthony, Idaho on August 15
and August 22, 1974.

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



Department of Water Resources



L21-07052
MERLE HARSHBARGER & SON
RT. 2

ASHTON ID 83420

MICROFILMED
MAR 08 1990

January 11, 1990

MERLE HARSHBARGER & SON
RT. 2
ASHTON, ID 83420

RE: PERMIT NO. 21-07052

Dear Permit 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:sc

Enclosure

MicroFILMED

MAR 08 1990

MEMORANDUM

TO: FILE 21-7052

FROM: JIM JOHNSON

RE: ADJUSTMENT IN IRRIGATED ACRES

DATE: December 27, 1989

=====

In telephonic conversation with Mr. Harshbarger, we discussed in depth on the irrigation system the serves the land identified under this permit. Mr. Harshbarger explained that the system is used to irrigate two crops, potatoes and winter grain. The flat land is used to grow potatoes and the sloping ground grows grain. He runs an mainline the section line between Sections 19 and 20 3/4 of a mile. A lateral is then connected to the mainline and irrigates N1/2 of the SE1/4 of section 19. After this explanation I am convinced he is correct in his statements that irrigation of the lands does occur.

John McCloud, conducted an NHAP aerial review of this area and confirmed that the land in fact was irrigated.

Based upon this information the field exam has been modified to include the additional land in the N1/2 of the SE1/4 of section 19.

PM
624-3089

MICROFILMED

MAR 08 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 22, 1989

RE: Permit No. 21-7052

Don Harshbarger
Rt. 1, Box 185-3
St. Anthony, ID 83445

Dear Mr. Harshbarger:

I have reviewed your letter of July 31, 1989 concerning the licensing of the above referenced permit.

As I view the USGS map in the N1/2SE1/4 of Section 19, the land surface severely slopes down to Conant Creek. Approximately 21 acres in the NESE and 30 acres in the NWSE are located above the severe slope and the examiner has indicated that this land is irrigated. It does not look probable that the entire 40 acres are irrigated in either tract.

Enclosed is a copy of the USGS map used by the field examiner showing the contour lines and the boundaries of irrigated land. Please review and submit any information you have to show us that the entire 40 acre tracts are irrigated. We will continue to delay issuing a license for 30 days to allow for your response.

If I can be of any further assistance, please let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAR 08 1990

FROM PERMIT: 8N-44E, 2"=1MI

18

17

40 40 40 40

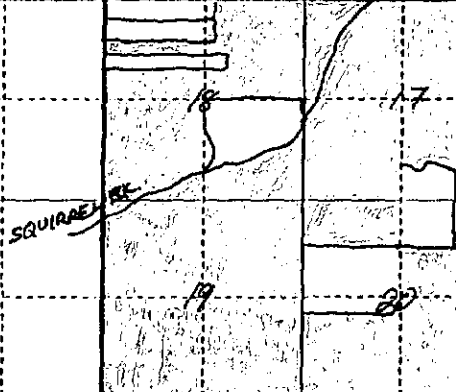
40 40 40 40

40 40

19

20

FROM NHAP: 131-170 (7/27/80) 1"=1MI



NHAP SHOWS ALL LANDS
UNDER PERMIT TO BE
VEGETATED ~~UNDISTURBED~~ AT TIME
OF PHOTO

MICROFILMED

MAR 08 1990

RECEIVED

AUG 03 1989

July 31, 1989

Department of Water Resources

RE: Permit No. 21-7052

Department of Water Resources
13301 North Orchard St.
Statehouse Mail
Boise, Idaho 83720

Dear Miss Walker,

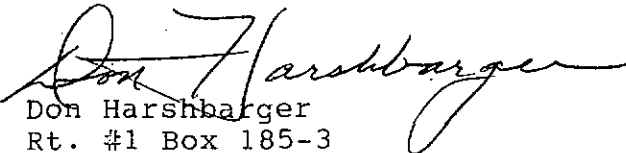
Thank you for your prompt reply to my telephone conversation with you earlier this month. The copy of the field examination does show the error I spoke to you about re. the NW and NE quarters of the SE $\frac{1}{4}$ of Section 19. I cannot explain why the arbitrary line was drawn thru those quarters to decrease the irrigated acreage as an on site inspection clearly shows that the irrigation system covers the entire 40 of each section. This information I clearly pointed out on the field examination. I have no explanation why your map would show the irrigated portion as it does.

Another error on your report that I noted as I looked it over was you have both pumps listed as 100 HP. The #1 pump, serial #9374-4/4-1 is 150 HP.

Therefore, I request that these errors be corrected as you deem appropriate.

Also, please direct your correspondence to me rather than my father, Merle Harshbarger, as he is retired.

Sincerely,



Don Harshbarger
Rt. #1 Box 185-3
St. Anthony, Idaho 83445

MICROFILMED

MAR 08 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 25, 1989

RE: Permit No. 21-7052

Merle Harshbarger
Rt. 1, Box 185-3
St. Anthony, ID 83445

Dear Mr. Harshbarger:

Pursuant to our telephone conversation this afternoon, enclosed you will find a copy of the field examination that was conducted on July 29, 1983. Please note that our examiner was accompanied by Mr. Don Harshbarger during the examination.

We will not take any further action towards licensing this permit until we hear from you. If you decide that you still disagree with our findings you should request a re-examination.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:k
Enclosure

MICROFILMED

MAR 08 1990

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

21-7052 with SPAN.

Celebrate
IDAHO
1980-1990

PRESENTED
FIRST CLASS

U.S. POSTAGE
80:58
85-3 ID
Box 1024



MOVED. LEFT NO ADDRESS

gremion
contacted assessor
county

RECEIVED
JUL 12 1989
Box 1024
Anthony

MICROFILMED

MAR 08 1990

fund set
83445
Exp 7-8-89

no senty
7/13

July 6, 1989

MERLE HARSHBARGER & SON
RT. 2
ASHTON, ID 83420

RE: PERMIT NO. 21-07052

Dear Permit 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,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAR 08 1990

POINT OF DIVERSION OVERLAP REVIEW

WR-NUMBER	TWP	RNG	SC	TRACT	LT	#SOURCE	#NAME
				1\4 1\4 1\4			
2107052	08N	44E	17	NW SW		SQUIRREL CREEK	MERLE HARSHBAR
2100148						BOOM CREEK	BOOM CREEK CAN

MICROFILMED

MAR 08 1990

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

RECEIVED

NOV 6 1985

21-7052

Permit No.

CONTACT WITH PERMIT HOLDER

DATE INITIALS Department of Water Resources REMARKS

- ☐ Appointment letter mailed: _____
- ☐ Telephone call made: _____
(List Telephone No. used) _____
- ☐ Appointment scheduled for: _____
(Date, time, location) _____

EXAMINATION

Date 7-29-1983 Accompanied by Don Harshbarger Total Q measured 6.60 cfs

If source is surface water, estimate total flow of source _____

Methods of measurement Mcrometer (System #1) 78-10-549 Meets Permit requirements? _____
System #2 Annubar #191147 Meter 091473

Measurement calculations:
System #1 $Q = 0.01 \text{ af in } 3 \text{ min } 28.35 \text{ sec} = (43560 \text{ ft}^2/\text{ac})(0.01 \text{ af}/208.35 \text{ sec}) = 2.09 \text{ cfs}$
System #2 $Y_{corrected} = 27" (1.025) = 27.675"$
 $Q = [3.85 \times (10)^2 \times \sqrt{27.675}] \div 448.8 \text{ gpm/cfs} = 4.51 \text{ cfs}$
 $Q_1 + Q_2 = 2.09 \text{ cfs} + 4.51 \text{ cfs} = 6.60 \text{ cfs}$
 $V = 5.0 \text{ cfs} \times 1.9835 \times 24 = 2122.3 \text{ afa}$
 $V = 422 \text{ ac} \times 3.0 \text{ cfs} = 1266 \text{ afa}$
 $Q_{LIMITED BY PERMIT} Q = 5.0 \text{ cfs}$

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
#1	150*	Marathon	9374-4/4-1	Cornell	29719	Mcrometer	Good	78-10-549
#2	100	GE	AK074027	Cornell	16548	Annubar 10.02"	Good	

System Description Squirrel Creek diversion pump mainline with laterals with sprinklers

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

RECOMMENDED AMOUNTS

Irrigation requirement = 3.0 AFA/Acre

USE	Q (cfs)	V (afa)	FROM	TO
<u>Irrigation</u>	<u>5.0</u>	<u>1266</u>	<u>4/1</u>	<u>11/1</u>
Total	<u>5.0</u>	<u>1266</u>	<u>4/1</u>	<u>11/1</u>

Remarks Boom Creek Canal Shares

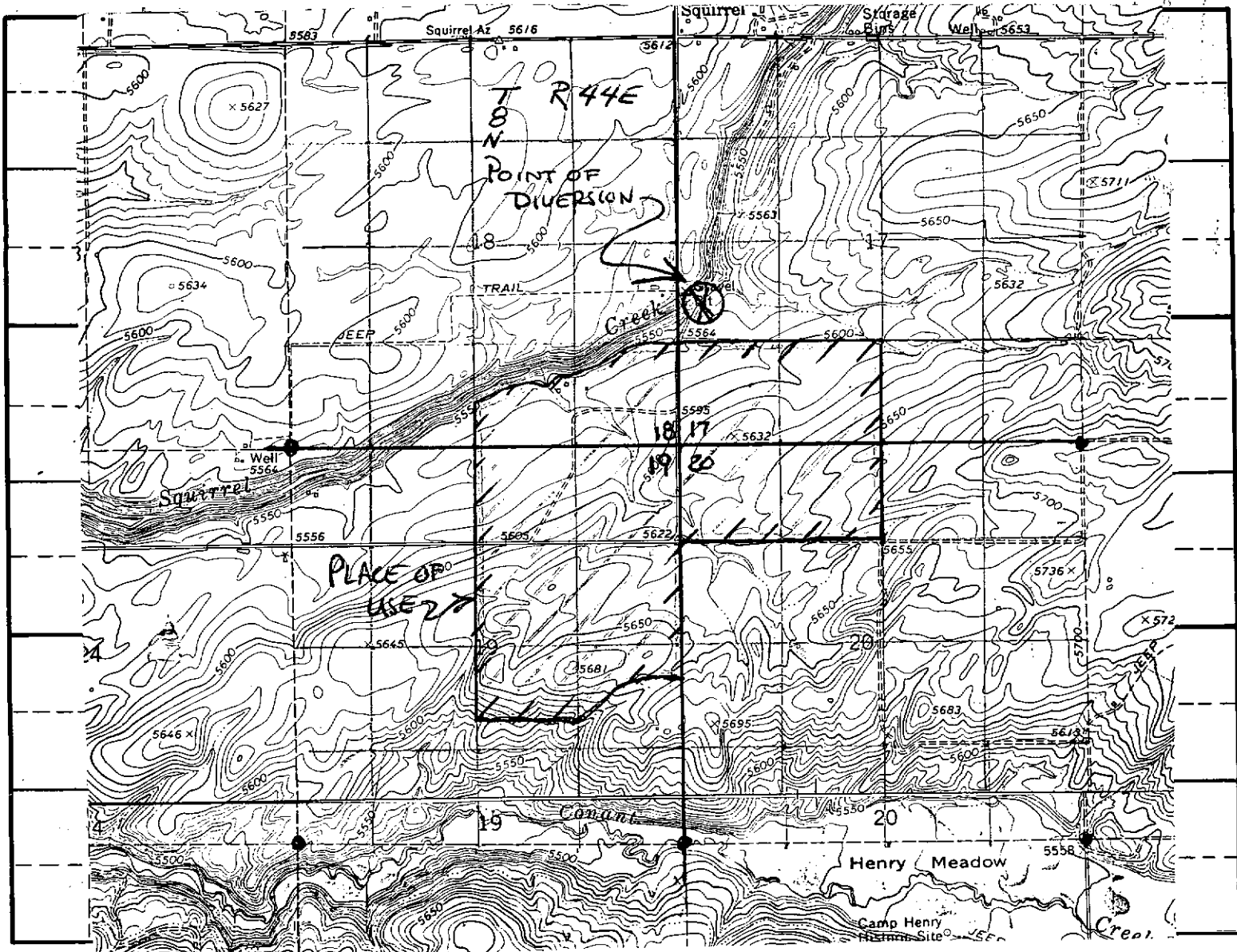
R16 (3.0)

MICROFILMED

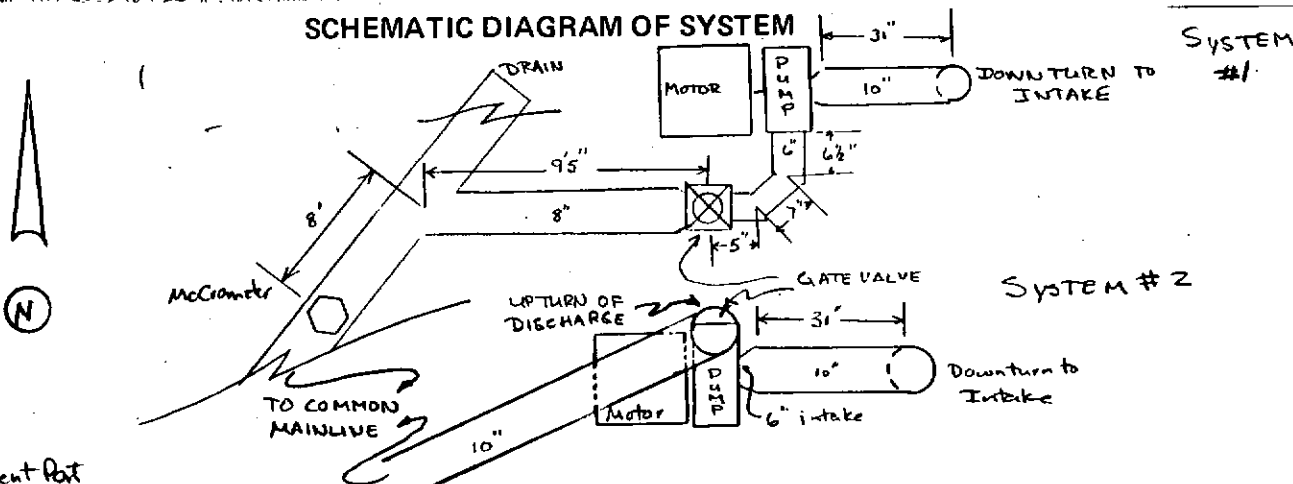
MAR 08 1990

*per schematic attached- p.w

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM



Flow Measurement Pit
located at 45' to junction
of mainlines
Point(s) of diversion: Sw 1/4 NW 1/4 Sw 1/4 Sec 17 T8N R44E

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
08N	44E	17											39	40					79
		18														22	35		57
		19	39	39	39	39									21	30			207
		20					40	39											79

MICROFILMED

422

Recommended Amendments:

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☒ None
☐ Other

MAR 08 1990

Examiner's Signature

Keith C Wilson

Checked by

Date

25 Sept 1985

Date

10-29-85

Approved by

Date

EASIER

LO
ADM

METER NO. 091475

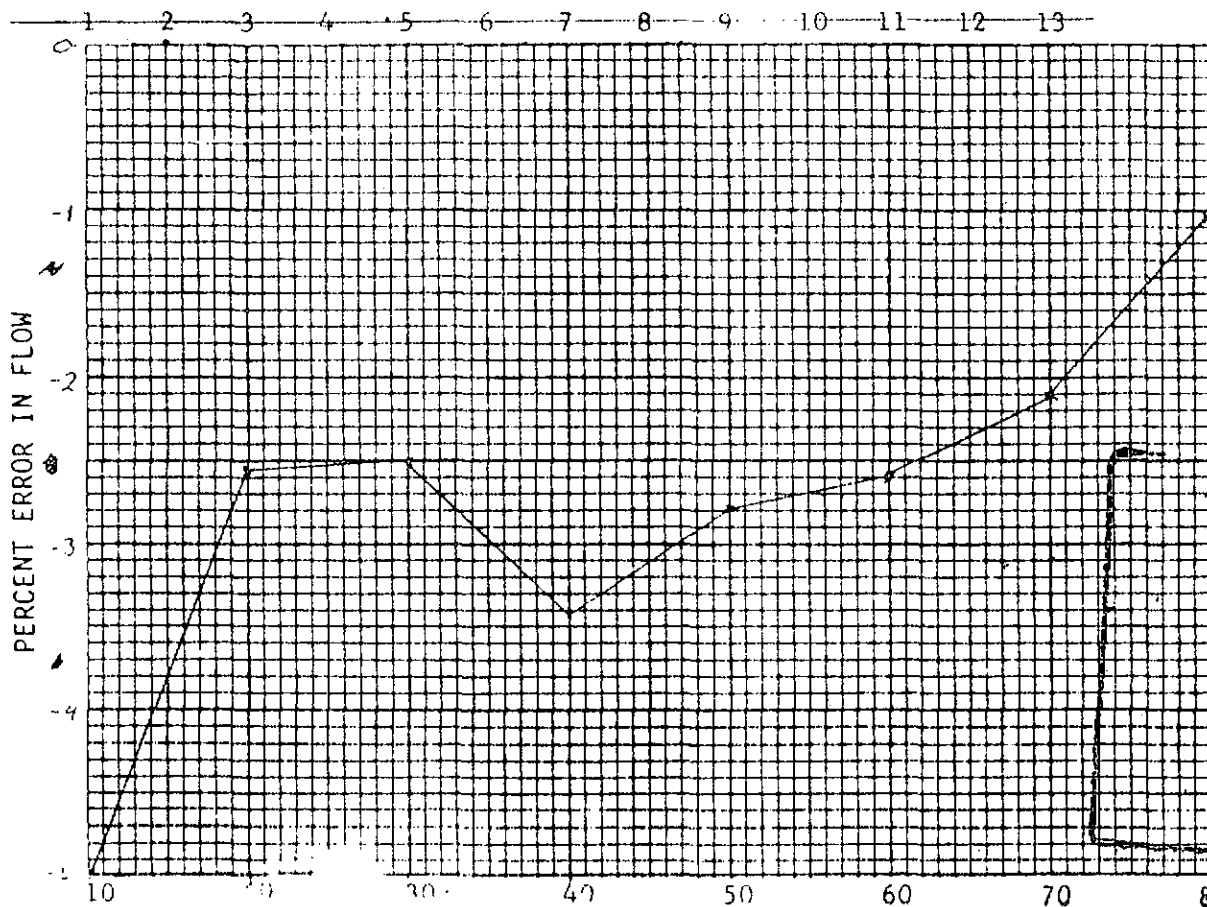
RANGE 10-80

DATE TESTED

4/25/83

21-7052

APPLIED PRESSURE			METER READING	FLOW ERROR (%)	FLOW CORRECTION FACTOR
UPSCALE	DOWNSCALE	AVERAGE			
11.29	10.87	11.08	10.0	-5.00	1.050
21.50	20.62	21.06	20.0	-2.55	1.025
32.14	30.97	31.56	30.0	-2.50	1.025
43.47	42.27	42.87	40.0	-3.41	1.034
53.50	52.29	52.90	50.0	-2.78	1.028
63.80	62.63	63.22	60.0	-2.58	1.026
73.47	72.59	73.03	70.0	-2.10	1.021
81.87	81.42	81.65	80.0	-1.01	1.010



MAR 08 1990

MICROFILMED

PERMIT NO. 21-7052 (Name) _____
 Accompanied by: Don
 EXAMINATION: DATE: 7-29-83 hushager

	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No.
#1	Marathon	150	9374-4/4-1	Cornell	29719
#2	GE	100	AK074027	Cornell	16548

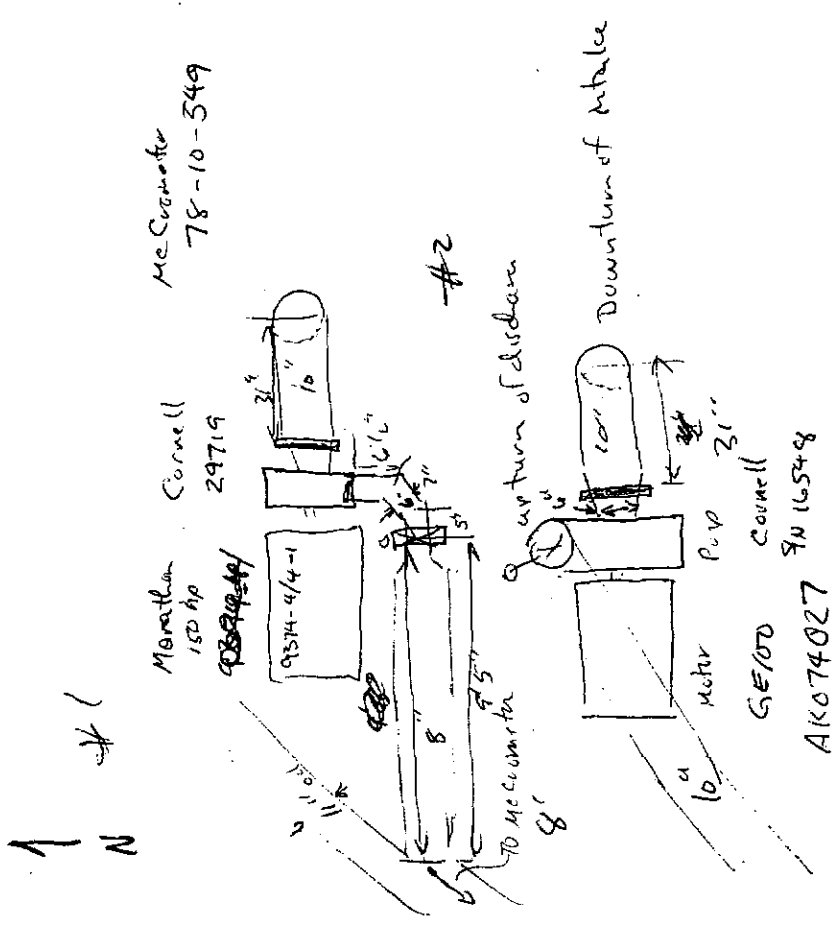
Measuring Device Type: _____
 System #2 Meter # 091463 Annubar# _____ Size # _____
 Remarks: System #1 McCrometer # 78-10-549
System #2 annubar

Measurement calculations:
 System #1 0.010 / 3mm 28.35Sec

System #2 2.7 10.02 Annubar
10" id

SCHEMATIC DIAGRAM OF SYSTEM

Mainline Diameter _____ Length _____
Max irr. 560 650



REPROFILM
 MAR 08 1990



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

December 15, 1980

RE: Permit No. 21-7052

Don Harshbarger
Rt. #2
Ashton, Idaho 83420

Dear Mr. Harshbarger:

We acknowledge receipt of the proof of beneficial use card submitted for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our eastern regional office.

Very truly yours,

HAROLD W. HONES
Water Resource Agent

cc: IDWR - State Office

MICROFILMED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 21-752.

Name(s) of Permit Holder: Don Harshbarger

Post Office Address: RT 2 Ashton, Idaho

Tel. No. 652-3628

Source of Water: Squirrel Creek

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 480 (acres)
☐ Other

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

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

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

Nov 24, 1980
Date

Don Harshbarger
Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE

RECEIVED

NOV 28 1980

Department of Water Resources



RECEIVED

NOV 24 1980

Department of Water Resources
Eastern District Office

IDAH0 DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAH0 83720

CERTIFIED MAIL

138709

November 30, 1980

Merle Harshbarger & Son
Route 2
Ashton, ID 83420

Dear Mr. Harshbarger:

Re: Permit No. 21-7052

One of the conditions of approval of your water Permit No. 21-7052 was that evidence of the extent of development must be submitted to this office on or before February 1, 1981. (See last page of your permit). Enclosed is a postcard which may be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted. A request for extension of time form is enclosed for your convenience. Please note that a fee of \$15.00 must be submitted with this form.

Either the beneficial use postcard or a request for an extension of time must be received by this department on or before the above mentioned date, otherwise, the permit will lapse and be of no further force or effect within sixty days.

Sincerely,

RITA FLECK
Sr. Secretary

Enclosures

MICROFILMED

August 9, 1979

Don Harshbarger
Route 2
Ashton, ID 83420

Dear Mr. Harshbarger:

Re: Permit No. 21-7052

Enclosed is a copy of the approved application for extension of time in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to **February 1, 1980**.

Sincerely,

Jan Grover
Water Rights Supervisor

MICROFILMED

February 6, 1975

Re: Permit No. 21-7052

Merle Harshbarger & Son
Squirrel,
Idaho 83447

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 21-7052. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

cc: Art Larsen, Watermaster
Box 1099
Idaho Falls, ID 83401

MICROFILMED

M E M O R A N D U M

TO: File

FROM: Ron Carlson

RE: Recommended Conditions of Approval for Application for Permit No. 21-7052

DATE: December 17, 1974

1. That the diversion of water under this permit is subject to all prior existing water rights.
2. That proof of construction and application for beneficial use be submitted five years from the date the application is approved.
3. That a measuring device of the type approved by the Department shall be permanently installed and maintained.
4. This right shall be subject to the control of the Watermaster of District 01.

MICROFILMED

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST)
APPLICATION FOR PERMIT NO. 21-7052)
IN THE NAME OF MERLE HARSHBARGER)
AND SON)

CONFERENCE MEMORANDUM

On August 17, 1974, Merle Harshbarger and Son filed with the Department of Water Resources an application to appropriate 5.0 c.f.s. from Squirrel Creek tributary to Conant Creek for the purpose of irrigation. On September 3, 1974, the Department received a protest against the approval of said application from Squirrel Creek Irrigation and Canal Company, and also from Mary Smith, Attorney-at-Law on behalf of Fremont Madison Irrigation District. A conference in the matter was held on Thursday, November 21, 1974 in the Community Room of the Valley Bank, St. Anthony, Idaho.

At this conference, Fremont-Madison agreed to withdraw their protest subject to the conditions of a Stipulated Agreement which has been included in the file. These conditions are substantially the same as the standard conditions of approval the Department places on all new applications for permit.

Squirrel Creek Irrigation and Canal Company also agreed to withdraw their protest, although specific conditions concerning application 21-7052 do not appear in the Stipulated Agreement which has been included in the file. All of the conditions mentioned refer to transfer No. 21-0148.



RONALD D. CARLSON
Acting District Engineer

CW

MICROFILMED

21-7052 - Merle Harshbarger & Son

Community Room, Valley Bank, St. Anthony, Idaho

November 21, 1974 - 9:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Merle Harshbarger	R#2 Ashton	Applicant
Ernest E. Kauder	Ashton, Id. Box 86	Boon Creek Canal Co.
Ed Anderson	Teton	J. M. In
Map Mortensen	Rexburg, Id.	J. H. In
Devellia, El Walker	Fremont-Madison	Eng
Arthur L. Larson	P.O. Box 1099, Hs Falls	Water Dist 01
Lawrence Orme	Ashton, Idaho	Boon Creek Canal
Ross Davis	Fall River Canal Co.	Fall River Canal Co.
Walter Scobe	Route #1, St. Anthony	
W. H. Kingfield	Ashton, Idaho	Squirrel Creek Canal
Albert Scobe	Squirrel, Idaho	Squirrel Creek Canal
Dyle Peterson	Ashton, Id.	Squirrel Creek Canal
	St. Anthony RT1	Fall River Canal
Bob Peterson	St. Anthony RT#1	
Larry Orme	Squirrel, Idaho	Boon Creek Canal
James Bergman	Ashton	Squirrel Canal
Charles W. Bergman	Squirrel	
Norman Hillam	Ashton	Squirrel Creek Eng. Canal
Martin Bergman	Ashton	att. for Martin Bergman
Larry W. Lighty	Rexburg	
R. A. BERGMAN	Ashton	Squirrel Creek IRRG - Canal
H. Ehlavie	St. Anthony	Fall River

MICROFILMED

Stipulation for
Dismissal of
Squinnel protest.

(Protestant)

Whereas, Squinnel Creek Canal Co. has protested
the ~~boom~~ Canal application for ^{change of} point
of diversion in Dockets 21-705 and
21-0148 and

Whereas, Protestant is willing to withdraw
its protest under the following terms
and conditions,

Now therefore, it is agreed as follows;

1. Protestant will withdraw its protest
to the above dockets.

2. Boom Canal Co (applicant) will.

a. Not divert any more water
at their Canal Headgate diversion
than they can divert across Squinnel
meadows less $A \pm 20$ transmission
loss.

3. Boom Canal will install a weir
at the lower end of the Boom diversion
(Cross cut) canal so that accurate gage
readings can be available. This weir
will not be installed in Squinnel Creek.
dated this 19th day of Nov 1974

Boom Canal Co.

by Frank E. Kauler

~~File~~ See 1st

Squinnel Creek Canal Co.

by Martin J. Bergman

File See 2nd

MICROFILMED

November 19, 1974

RE: Protested Applications No. 21-0148 and 21-7052

Mr. Martin Bergman, Secretary
Squirrel Creek Canal Company
Ashton, Idaho 83420

Dear Mr. Bergman:

We have received your request for stenographic notes of the proceedings when the department holds the hearings on 21-0148 and 21-7052. If these proceedings require a formal hearing, the department will take taped testimony. If a copy of the taped proceedings will be adequate for your purpose it would be much less expensive for you than if we had stenographic notes taken.

If the tapes will not be adequate and you still want to have stenographic notes, please let me know.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:cw

MICROFILMED

RECEIVED

NOV 15 1974

Department of Water Resources
Eastern District Office

Ashton Lake

Nov. 15, 1974

Department of Water Resources
Dist Eng. Foren Holmes

Dear Sir

I received the notice of hearing on permit no - 21-0148 and 21-7052 sent to me a few days ago from your office.

In it you stated any person may request in writing that oral proceedings be taken in the form of stenographic notes also that a taped record would be made. I would like to have the important parts transcribed and filed, as a record also a copy for my self. If it can be made from the tape afterward, that will be alright too.

Thank you kindly

Martin Bergman

Sec. Squaw Creek Land Co.

MICROFILMED

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

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



Postmark of Delivering Office

NOV 13 1974

SENDER INSTRUCTIONS:

RETURN

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

- If special services are desired, check block(s) on other side
- Moisten gummed ends and attach to back of article.

Department of Water Resources
Eastern District Office

PS Form 3811
June 1973

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

21-7052

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

513

INSURED NO.

DATE DELIVERED

11-12-74

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

3

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

Murk Harshbarger
Lynn Harshbarger

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

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

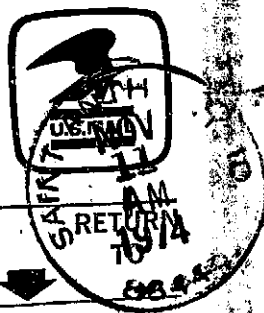
Postmark of Delivering Office

SENDER INSTRUCTIONS
NOV 2 1974

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

- If special services are required, check (x) on other (space)
- Moisten gummed ends and attach to back of article.

Postmark of District Office



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

PS Form 3811
June 1973

31-7052

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

512

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

R. Walker

DATE DELIVERED

NOV 11 1974

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

St. Paul, Minn.

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

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



Postmark of Delivering Office

SENDER INSTRUCTIONS

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

- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

Department of Water Resources
Eastern District Office
RETURN TO

MICROFILMED

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

PS Form 3811
June 1973

SENDER: Be sure to follow instructions on other side

31-7052

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L. Martin Bergman

INSURED NO.

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SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

X Marie Bergman

DATE DELIVERED

11-12-74

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PS Form 3811
June 1973

21-7052

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NOV 12 1955

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
1515 Lincoln Road • Idaho Falls, Idaho
83401

INDEXED

RETURNED CERTIFIED RECEIPTS

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval)
of Application for Permit No. 21-7052)
in the name of MERLE HARSHBARGER & SON)
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

On August 7, 1974, Merle Harshbarger & Son filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On September 3, 1974, the Department received a protest against approval of said application from Squirrel Creek Irrigation & Canal Co. and also, from Mary Smith, Attorney at Law, on behalf of Fremont-Madison Irrigation District.

The Department has set the matter of protests for conference and/or hearing for Thursday, November 21, 1974, at 9:00 a.m., in the Community Room of the Valley Bank, 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. Because of the similarity of the issues involved in the protests to Application No. 21-7052 - Merle Harshbarger & Son, and Exchange No. 21-0148 - Boom Creek Canal Co., the Department proposes to consolidate the conferences and hearings as provided in rule 9.7 of the Department's Rules of Practice and Procedure.

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 7 day of November, 19 74.

Loren O. Holmes

LOREN O. HOLMES

Asst. to the District Engineer

MICROFILMED

DEPARTMENT OF AGRICULTURE
EASTERN DISTRICT OFFICE
1515 LINCOLN BLVD.
IDAHO FALLS, IDAHO 83401

NAME AND
ADDRESS
OF SENDER

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1	510 M. J. Bergman, General Clerk, P.O. Box 1049, Idaho Falls, Idaho	10	30	15				21-7054 21-7054
2	511 Mary Smith, Atty. 30 South Exchange, Idaho Falls, Idaho	10	30	15				21-7054 21-7054
3								21-7054 21-7054
4	512 R. L. Hill, Hillbush, Mount-Medison, P.O. Box 1049, Idaho Falls, Idaho	20	30	15				21-7054 21-7054
5								21-7054 21-7054
6								21-7054 21-7054
7	513 M. J. Bergman, General Clerk, P.O. Box 1049, Idaho Falls, Idaho	10	30	15				21-7054 21-7054
8	514 R. L. Hill, Hillbush, Mount-Medison, P.O. Box 1049, Idaho Falls, Idaho	10	30	15				21-7054 21-7054
9	515 R. L. Hill, Hillbush, Mount-Medison, P.O. Box 1049, Idaho Falls, Idaho	10	30	15				21-7054 21-7054
10	516 R. L. Hill, Hillbush, Mount-Medison, P.O. Box 1049, Idaho Falls, Idaho	10	30	15				21-7054 21-7054
11	517 R. L. Hill, Hillbush, Mount-Medison, P.O. Box 1049, Idaho Falls, Idaho	10	30	15				21-7054 21-7054
12	518 R. L. Hill, Hillbush, Mount-Medison, P.O. Box 1049, Idaho Falls, Idaho	10	30	15				21-7054 21-7054
13	519 R. L. Hill, Hillbush, Mount-Medison, P.O. Box 1049, Idaho Falls, Idaho	10	30	15				21-7054 21-7054
14	520 R. L. Hill, Hillbush, Mount-Medison, P.O. Box 1049, Idaho Falls, Idaho	10	30	15				21-7054 21-7054
15	521 R. L. Hill, Hillbush, Mount-Medison, P.O. Box 1049, Idaho Falls, Idaho	10	30	15				21-7054 21-7054
16	522 R. L. Hill, Hillbush, Mount-Medison, P.O. Box 1049, Idaho Falls, Idaho	10	30	15				21-7054 21-7054
17	523 R. L. Hill, Hillbush, Mount-Medison, P.O. Box 1049, Idaho Falls, Idaho	10	30	15				21-7054 21-7054
18	524 R. L. Hill, Hillbush, Mount-Medison, P.O. Box 1049, Idaho Falls, Idaho	10	30	15				21-7054 21-7054
19	525 R. L. Hill, Hillbush, Mount-Medison, P.O. Box 1049, Idaho Falls, Idaho	10	30	15				21-7054 21-7054
20								

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October 30, 1974

Valley Bank
30 West Main
St. Anthony, ID 83445

Attention Evelyn

Gentlemen:

This is to confirm the use of your Community Room for conferences and/or hearings to be held by this office on Thursday, November 21, 1974, starting at 9:00 a.m. and on Friday, November 22, 1974, starting at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

MICROFILMED



VALLEY BANK

ST. ANTHONY, IDAHO 83445 • TELEPHONE (208) 643-3479

RECEIVED

OCT 17 1974

October 16, 1974 Department of Water Resources
Eastern District Office

Dept. of Water Administration
1515 Lincoln Road
Idaho Falls, Idaho

Dear Sirs:

This letter is to confirm the use of our
Community Room for the hearings you
have scheduled for November 7th and 8th.

Thank you.

Sincerely,

Lucy
Valley Bank

VB/er

MICROFILMED

FILE

NAME OF PARTY Fremont County Clerk's OfficeEMPLOYEE Mechelle Butte

RE: Today the clerk of Fremont County Courthouse called to inform us that
the courtroom was no longer available for the 6th and 7th of November. She
suggested we choose another date. I thanked her for letting us know.

MICROFILMED

XXXXXXXXXXXXXXXXXXXXX RESOURCES

October 9, 1974

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

O
Dear Sir:

This is to confirm the use of the Courtroom for conferences and/or hearings to be held by this office on Wednesday, November 6, 1974, starting at 9:00 a.m., and on Thursday, November 7, 1974, starting at 9:00 a.m.

P
Thank you for your cooperation in this matter.

Very truly yours,

Y
RONALD D. CARLSON
Acting District Engineer

RDC:MB

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION RESOURCES

EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

September 4, 1974

Re: Application for Permit No. 21-7052

Merle Harshbarger & Son
Squirrel, Idaho

Gentlemen:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 21-7052. You should be aware that the following are the principle items we can consider at a conference and/or hearing 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 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?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Enc: Copy of Protest(s)

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION ~~RESOURCES~~

EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

September 4, 1974

Re: Application for Permit No. 21-7052 MERLE HARSHBARGER & SON

M. J. Bergman, Secretary
Squirrel Creek Irrigation & Canal Co.
Ashton, Idaho 83420

Dear Mr. Bergman:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing 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 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?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer
RDC:MB

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION RESOURCES

EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

September 4, 1974

Re: Application for Permit No. 21-7052 Merle Harshbarger & Son

Ms. Mary Smith
Attorney at Law
30 South Second West
Rexburg, ID 83440

Dear Ms. Smith:

This is to acknowledge receipt of the protest to issuance of a permit pursuant to the above referenced application which you submitted on behalf of Fremont-Madison Irrigation District. The following are the principle items we can consider at a conference and/or hearing 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 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?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

cc: Fremont-Madison Irrig. Dist.

MICROFILMED

SMITH & HANCOCK

Attorneys at Law

MARY SMITH
J. D. HANCOCK
W. LLOYD ADAMS (1885-1969)

80 SOUTH 2ND WEST
REXBURG, IDAHO 83440
PHONE: 208-356-5493

August 30, 1974

RECEIVED

SEP 3 1974

Department of Water Resources
Eastern District Office

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

Dear Sir:

I am enclosing herewith the Protest of the
Fremont-Madison Irrigation District pertaining
to Application to Appropriate No. 21-7052 of
Merle Harshbarger & Son.

Yours very truly,

Mary Smith
Mary Smith

fo

Enclosure

MICROFILMED

RECEIVED

SEP 8 1974

Department of Water Resources
Eastern District Office

BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF

WATER ADMINISTRATION

IN THE MATTER OF THE APPLICATION OF :
MERLE HARSHBARGER & SON, NO. 21-7052, :
for a permit to appropriate 5.0 cubic : PROTEST OF FREMONT-
feet per second of water from Squirrel : MADISON IRRIGATION
Creek tributary of Conant Creek trib- : DISTRICT.
utary to Fall River by means of pump :
and pipeline. :

Comes now the Fremont-Madison Irrigation District, a quasi-municipal corporation of the State of Idaho, with its office and post office address at St. Anthony, Idaho, and in response to notice given that Merle Harshbarger & Son made Application no. 21-7052 for a permit to appropriate 5.0 cubic feet per second of water from Squirrel Creek tributary of Conant Creek tributary to Fall River by means of pump and pipeline within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, T. 8 N., R. 44 E., B. M., Fremont County; to be used from April 1 to November 1 for the irrigation of 480 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 17, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 18, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 19, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 20, T. 8 N., R. 44 E., B. M., and makes the following protest against the approval of such application:

1. That the supply of water in the Squirrel Creek tributary of Conant Creek tributary to Fall River is not sufficient to warrant appropriation from April 1 to November 1 for irrigation purposes.

2. That the anticipation of the applicant to appropriate the waters of Squirrel Creek tributary is speculative because of the lack of water in Squirrel Creek and any such attempt will reduce the quantity of water under existing water rights.

3. That the property is not within the boundaries of the Fremont-Madison Irrigation District, and does not have any storage rights.

R. Willis Walker

R. Willis Walker, Chairman of the
Board of Directors of the Fremont-
Madison Irrigation District.

MICROFILMED

STATE OF IDAHO,)
 (SS
County of Madison.)

R. WILLIS WALKER, being first duly sworn, says that he is Chairman of the Board of Directors of Fremont-Madison Irrigation District and he makes this verification for and on behalf of said District; that affiant has read the foregoing Protest and knows the contents thereof and as to the matters and things therein alleged, affiant believes the same to be true.

R. Willis Walker

Subscribed and sworn to before me this 30th day of August, 1974.

Mary Smith
Notary Public, residing at
Rexburg, Idaho. My commission
expires June 25, 1975.

MICROFILMED

RECEIVED

SEP 3 1974

Department of Water Resources
Eastern District Office

Department of Water Resources
1515 Lincoln Road, Oak Falls, Mo

Ashton, Idaho
Aug 30, 1974

Dear Sirs:

In regards to application 21-7052 by Mark Harsbarger, and application 21-0148 by the same, we the stockholders of Spurred Creek Canal & Irrigation Co. wish to register a protest for the above applications because we will be materially affected and harmed if the permit is granted. There is not enough water in both streams to irrigate additional acreage. We have had a working agreement with Kurt Kandle, that if he put enough water in the cross cut at Spurred meadows to materially benefit us in Spurred creek over and above its amount license, that we will return some of our Reservoir water for this benefit, later in the season. If the above permits are granted then we don't see where he will be able to benefit us any, and we will have to refuse to let him have any of our reservoir water. This agreement has worked real well the past five years and if he or Mark come into using another 5 CFS, there will not be that much water available. as you can see from the report by Mr. Tarsen at District 1. Boone Creek drops very rapidly after the high runoff

is over, as Mr. Tarsens report 9 days later shows, and the third measuring trip shows much more drop in as many days. This will be shown at the hearing.

also Mr. Karshbarger has not irrigated this land in the last 30 years. And in 1945 he along with all of the Squirrel area petitioned out of the district in 1945 when the district didn't build the reservoir on Squirrel meadows, thereby they were unable to deliver stored water in that area. Now Mr. Karshbarger has no stored water and should not be allowed to rent water from a stream that is short now.

Sincerely

Squirrel Creek Irrigation & Canal Co.

M. J. Bergman

Secy.

P.S. This year was an unusually high water production year and most years are not like that and in low water years there simply isn't enough water.

Martin J. Bergman
Box 277
Ashton, Idaho
83410



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

MICROFILMED

RESOURCES

August 12, 1974

C
Re: Application for Permit No. 21-7052
" " " No. 22-7102

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

P
Dear Mr. Larson:

We are enclosing copies of applications that may be of interest to your water district. Please review the applications and if you have any comments, please submit them to our Department as soon as possible. The last date of protest is September 3, 1974, and we are required to take final action shortly thereafter.

Y
If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Assistant to District Engineer

RDC:MB

Enclosures

MICROFILMED

XXXXXXXXXXXXXXXXXXXXX RESOURCES

August 9, 1974

Re: Application for Permit No. 21-7050 Blake
" " " No. 21-7051 "
" " " No. 21-7052 Harshbarger

Fremont County Chronicle News
Box 568
St. Anthony, ID 83445

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,

NORMAN C. YOUNG
District Engineer

NCY:MB

Enc: Legal Notices (3)

Bill submitted 8-27-74 by MB

MICROFILMED

MICROFILMED

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Merle Harshbarger & Son, Squirrel, Idaho has on 8-7-74 submitted Application No. 21-7052 for a permit to appropriate 5.0 cubic feet per second of water from Squirrel Creek tributary of Conant Creek tributary to Fall River by means of pump and pipeline within the NW1/4SW1/4, Sec. 17, T. 8N, R. 44E, B.M., Fremont County; to be used from Apr. 1 to Nov. 1 for the irrigation of 480 acres within the SE1/4SW1/4, Sec. 17, SE1/4SE1/4, Sec. 18, NE1/4, N1/2SE1/4, Sec. 19, N1/2NW1/4, Sec. 20 T. 8N, R. 44E, 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 September 3, 1974.

R. KEITH HIGGINSON
Director



Published in the Fremont County Chronicle-News, St. Anthony, Idaho on August 15 and August 22, 1974.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Merle Harshbarger & Son

Squirrel, Idaho

has on 8-7-74 submitted Application No. 21-7052
for a permit to appropriate 5.0 cubic feet per second ~~acres feet per annum~~
of water from Squirrel Creek tributary of Conant Creek tributary to Fall River
by means of pump and pipeline
within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, T. 8N, R. 44E, B.M., Fremont County;

to be used from Apr. 1 to Nov. 1

for the irrigation of 480 acres

within the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 17, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 18, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 19, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 20
T. 8N, R. 44E, 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 September 3, 1974.

R. KEITH HIGGINSON

Director

Published in the Fremont County Chronicle News, St. Anthony, Idaho

on August 15 and August 22, 1974

MICROFILMED

RDC-JF
AB-A: AB-A.