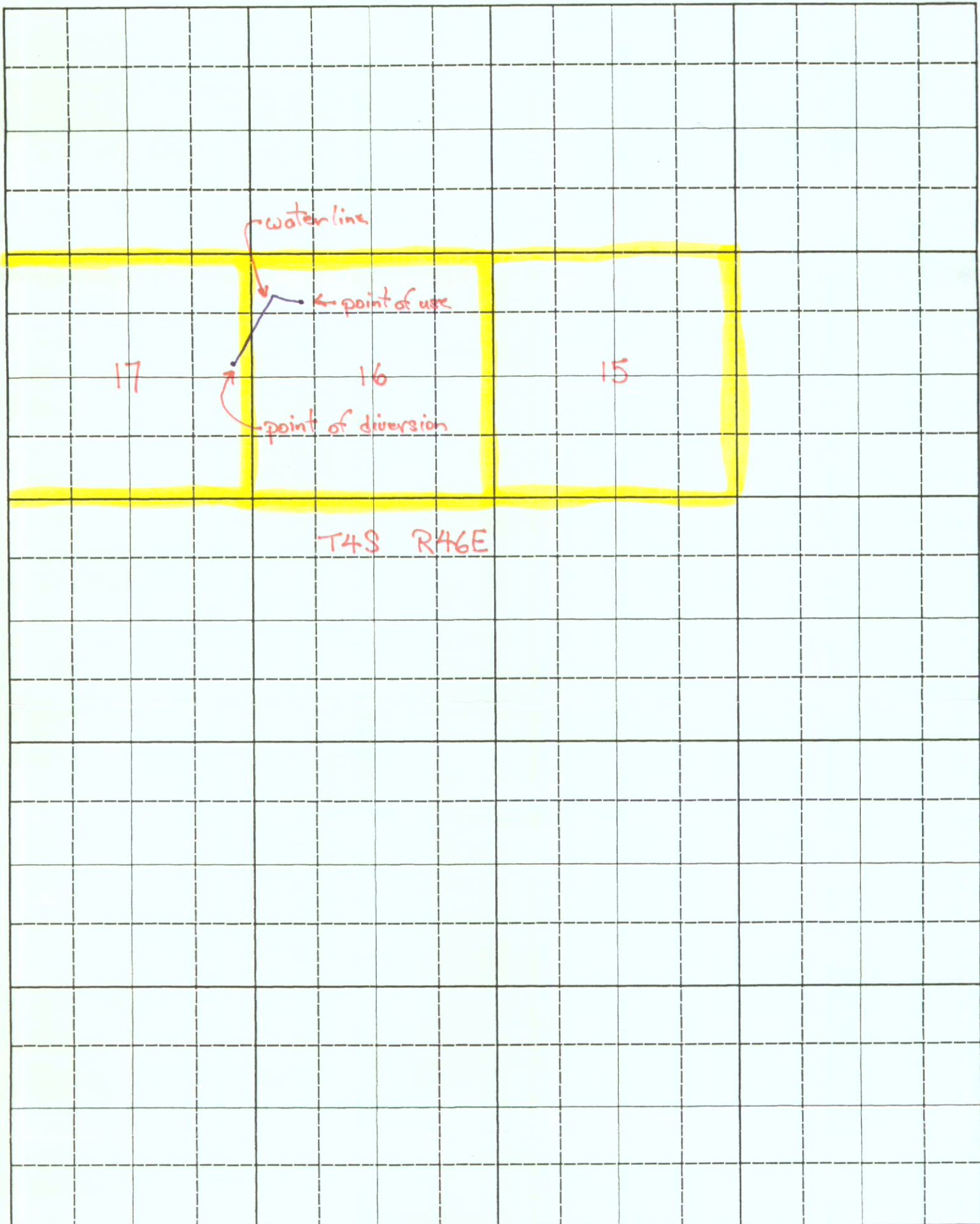


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

MICROFILMED
APR 07 1992

Charles P. Chouder
(Applicant)

R46E T4S

x 6228

6200

Creek

6000

POINT OF DIVERSION #2

PLACE OF USE

5897

Newswander

5870

5800

16

POINT OF DIVERSION #1

Canyon

TRAIL

6000

6200

5800

24-07174

REPROFILMED

AUG 12 1997

5800



POINT OF DIVERSION
#1

Spring Storage Box
for 24-7038/24-7173
and 24-7174



DIVERSION valve that diverts
water to Clausen (24-7173),
Budge (24-7173) and to Baker
(24-7038)

PLACE OF USE

24-7174

MICROFILMED

AUG 12 1997



POINT OF DIVERSION
#2

Collection Box for Second
Spring for 24-7173/24-7174



Hydraulic Ram diverts water up to
place of use.

OVERFLOW FROM SPRING BOX

24- 7174

MICROFILMED

AUG 12 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 24-07174

Priority: October 27, 1989

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that CHARLES P CLAUSEN
9814 S CHYLENE DR
SANDY UT 84092

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated October 27, 1989; and
has submitted Proof of Beneficial Use on March 17, 1993. An examination indicates
that the works have a diversion capacity of 0.040 cfs of water from:

SPRINGS

tributary to SINKS

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNWNW , Sec. 16, Township 04S, Range 46E
NWSWNW , Sec. 16, Township 04S, Range 46E
BONNEVILLE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

04S 46E 16

NWNW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

AUG 12 1997

State of Idaho
Department of Water Resources

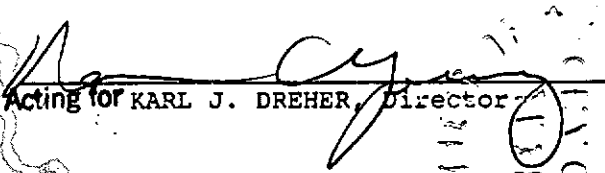
WATER RIGHT LICENSE

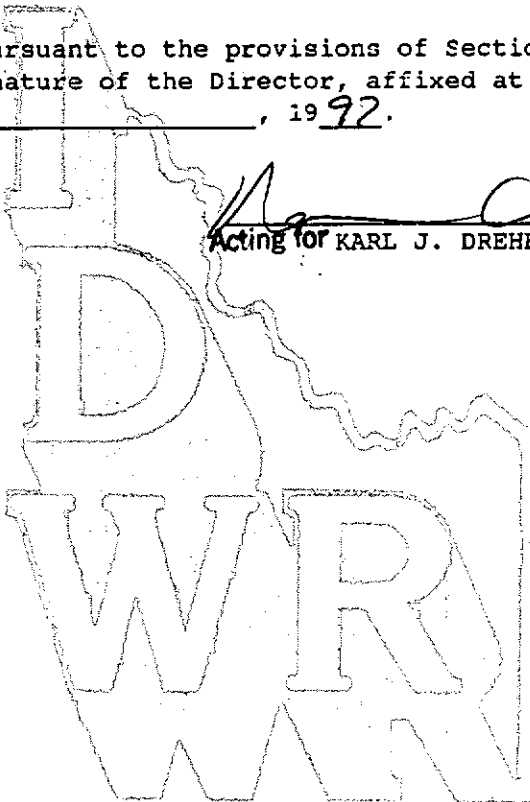
WATER RIGHT NO. 24-07174

CONDITIONS OF APPROVAL AND REMARKS

6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
8. Domestic use is for 1 home.

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 30th day of JUNE, 1992.


Acting for KARL J. DREHER, Director



MICROFILMED
AUG 12 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT)	ORDER GRANTING PETITION
NO. 24-07174 IN THE NAME OF)	FOR RECONSIDERATION AND
CHARLES P. CLAUSEN)	RESCINDING PRELIMINARY
_____)	ORDER TO VOID PERMIT

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the order to void a permit to appropriate water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On March 17, 1997, the Department issued a preliminary order voiding water right permit no. 24-07174 (permit), issued in the name of Charles P. Clausen (permit holder), because the permit holder did not file the Application for Amendment of Permit determined to be necessary according to the field inspection conducted by the Department on August 13, 1993.

2. On June 23, 1997, the Department received a petition for reconsideration of the preliminary order from the permit holder's attorney.

3. On June 26, 1997, the Department received the necessary Application for Amendment of Permit.

CONCLUSIONS OF LAW

1. The permit holder has established a water use in accordance with the permit.

2. The Department should grant the petition for reconsideration of the order voiding the permit pursuant to Section 67-5243(3), *Idaho Code*.

3. The Department should rescind the preliminary order to void the permit.

ORDER

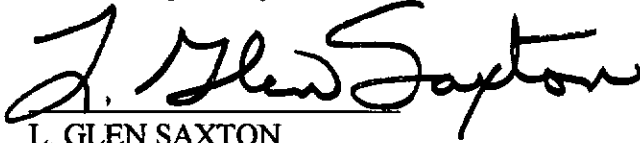
IT IS HEREBY ORDERED that the petition for reconsideration of the preliminary order to void water right permit no. 24-07174 is **GRANTED** pursuant to Section 67-5243(3), *Idaho Code*.

MICROFILMED

AUG 12 1997

IT IS FURTHER ORDERED that the preliminary order to void permit no. 24-07174 is **RESCINDED** and the permit is **REINSTATED**.

Dated this 30th day of June, 1997.



L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED

JUN 26 1997

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 24-07174

Date of Priority: October 27, 1989 Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

Comes now CHARLES P CLAUSEN
9814 S CHYLENE DR
SANDY UT 84092

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. 24-07174, and requests that the permit be changed as follows:

Source: SPRINGS tributary to SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION: NWNWNW , Sec. 16, Township 04S, Range 46E
NWSWNW , Sec. 16, Township 04S, Range 46E
BONNEVILLE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

04S 46E 16 NWNW

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 [Signature], this 21 day of June, 1997.

MICROFILMED

AUG 12 1997

[Signature]
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 24-07174

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$5000 Received by BS #0039373 Date 6/26/97

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 24-07174 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
8. Domestic use is for 1 home.

Witness my hand this 30th day of June, 1997.

Acting for KARL J. DREHER, Director

MICROFILMED
AUG 12 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT)	
NO. 24-07174 IN THE NAME)	PRELIMINARY ORDER
OF CHARLES P. CLAUSEN)	VOIDING PERMIT
_____)	

This matter having come before the Idaho Department of Water Resources (Department), the Department makes the following Findings of Fact and Conclusions of Law and Order:

FINDINGS OF FACT

1. On October 27, 1989, Charles P. Clausen (the permit holder) applied to the Department for a permit to appropriate 0.04 cubic feet per second of water from a spring, which is a tributary of Newswander Creek, in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 04S, Range 46E, B.M., Bonneville County, to be used for domestic purposes.

2. On March 18, 1992, the Department approved the application as Permit No. 24-07174 (the permit).

3. On March 17, 1993, the permit holder submitted Proof of Beneficial Use for the permit.

4. On August 13, 1993, Department personnel conducted a field examination and found that water was being diverted at a different legal description than authorized by the permit.

5. On December 20, 1996, the Department sent the permit holder a letter stating that the permit has to be amended before the Department can issue a water right license. The letter and amendment were returned by the Post Office as undeliverable because the addressee has moved.

6. The Department obtained from a third party a new address for the permit holder and sent the amendment notice to the new address. The Department has received no reply.

MICROFILMED

AUG 12 1997

7. The permit holder has a responsibility to notify the Department of any address change.

8. The provisions of Section 42-219, Idaho Code, authorize the Director of the Department to void permits for which the applicant has not fully complied with the law and the conditions of the permit.

CONCLUSIONS OF LAW

1. Section 42-219, Idaho Code, states:

In the event that the Department shall find that the applicant has not fully complied with the law and the conditions of the permit, it may issue a license for that portion of use which is in accordance with the permit, or may refuse issuance of a license and void the permit.

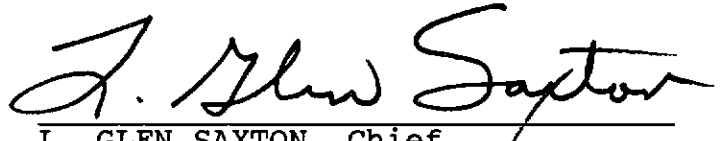
2. Examination by the Department found that the permit holder had not fully complied with the law under Permit No. 24-07174.

3. The Department should void the permit pursuant to Section 42-219, Idaho Code.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Permit No. 24-07174 is **VOIDED** and issuance of a license is **REFUSED** under Section 42-219, Idaho Code.

Dated this 17th day of March, 1997.


L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED

MAR 17 1993

OFFICE USE ONLY
Amt. of Fee \$ 50.00
Date 3-17-93
Receipt No. 1027008
Receipt by CA

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 24-07174 Telephone No. 801-942-1814
2. Name(s) of Permit Holder(s): CHARLES P. CLAUSEN
3. Mailing Address: 9814 S. CHYLENE DR, SANDY, UT 84092-3557
4. Source of Water: TRIBUTORY OF NEWSWANDER CREEK

If GROUNDWATER, Well Driller's Name: N/A Date Drilled: _____

OPTIONAL:

Pump horsepower: N/A Pressure (psi): _____ Dynamic pumping level (ft.): _____

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

Domestic 1 (No. of households) Stockwater _____ (No. and type of stock)
Irrigation _____ (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted .04 cfs OR _____ acre/feet

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

Rockable
Measuring device: Required? L Yes _____ No Installed? _____ Yes X No

OR

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

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

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

PERMIT HOLDER
Name _____ Telephone No. _____

Address _____

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

31 MAR 1993 Charles P. Clausen APR 07 1993
Date _____ Signature (and title, if on behalf of a company or organization) _____

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE)
FLOW MEASUREMENT PORT OR)
MEASURING DEVICE CONDITION)
OF APPROVAL FOR PERMIT NO.)
24-07174 IN THE NAME OF)
CHARLES P CLAUSEN)

ORDER

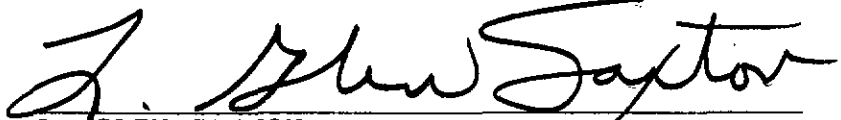
WHEREAS, the Department of Water Resources (department) has issued the above captioned water right permit with a condition of approval requiring the permit holder to install a flow measurement port or other device to facilitate the measurement and determination of the rate of diversion by the department; and

WHEREAS, the department has determined that the rate of diversion for certain ground water uses can be estimated by the department without the use of an installed flow measurement port; and,

WHEREAS, the department has determined that the rate of flow for the above captioned permit can be estimated without the use of a flow measurement port;

IT IS THEREFORE, hereby ordered that the condition of approval requiring the installation of a flow measurement port or other device for the above captioned permit is REMOVED.

Dated this 17th day of March, 1993.



L. GLEN SAXTON

Chief, Water Allocation Bureau

RECEIVED

APR 07 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 24-07174

Proposed Priority: October 27, 1989 Maximum Diversion Rate: 0.04 CFS

This is to certify, that **CHARLES P CLAUSEN**
9814 S CHYLENE DR
SANDY UT 84092

has applied for a permit to appropriate water from:

SPRING

tributary of **NEWSWANDER CREEK**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION: **SESENE**, Sec. 17, Township 04S, Range 46E
BONNEVILLE County

PLACE OF USE: **DOMESTIC**
TWN RGE SEC

04S 46E 16 NWNW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **April 3, 1993**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this right is subject to control by the watermaster of State Water District No. 01.
5. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this right.
6. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The Director retains jurisdiction of the right and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
8. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
9. Domestic use is for 1 home.

MICROFILMED

APR 07 1992

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 24-07174

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

18th day of March, 1992

R. Keith Higginson
for R. Keith Higginson, Director

NOT REFILED

APR 07 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
Ident. No.

OCT 27 1989
Department of Water Resources
Eastern District Office

To appropriate the public waters of the State of Idaho

24 7174

1. Name of applicant Charles P. Clausen Phone 801-942-1814
Post office address 9814 So. Chylene Drive, Sandy, UT 84092
2. Source of water supply unnamed spring which is a tributary of Newswander Creek
SE 1/4 of (AS PER PHOTO/CON WITH MR. CLAUSEN 11/14/89)
3. Location of point of diversion is SE 1/4 of NE 1/4 of Section 17 Township 4S
Range 46E B.M. Bonneville County, additional points of diversion if any:

4. Water will be used for the following purposes:

- Amount .04 for Domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
- Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
- Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

- a. .04 cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. Headbox to water line (approx. 1/2 mile)
to site of domestic use

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

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

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

- a. If water is not for irrigation:

(1) Give the place of use of water: NW 1/4 of NW 1/4 of Section 16 Township 4S

Range 46E B.M.

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

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

(4) Name of municipality to be served , or number of families to be supplied with domestic water 1.

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

MICROFILMED
APR 07 1992

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

[illegible]**Total number of acres to be irrigated**

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

9. a. Who owns the property at the point of diversion edge of U.S. Forest Service, deeded access

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

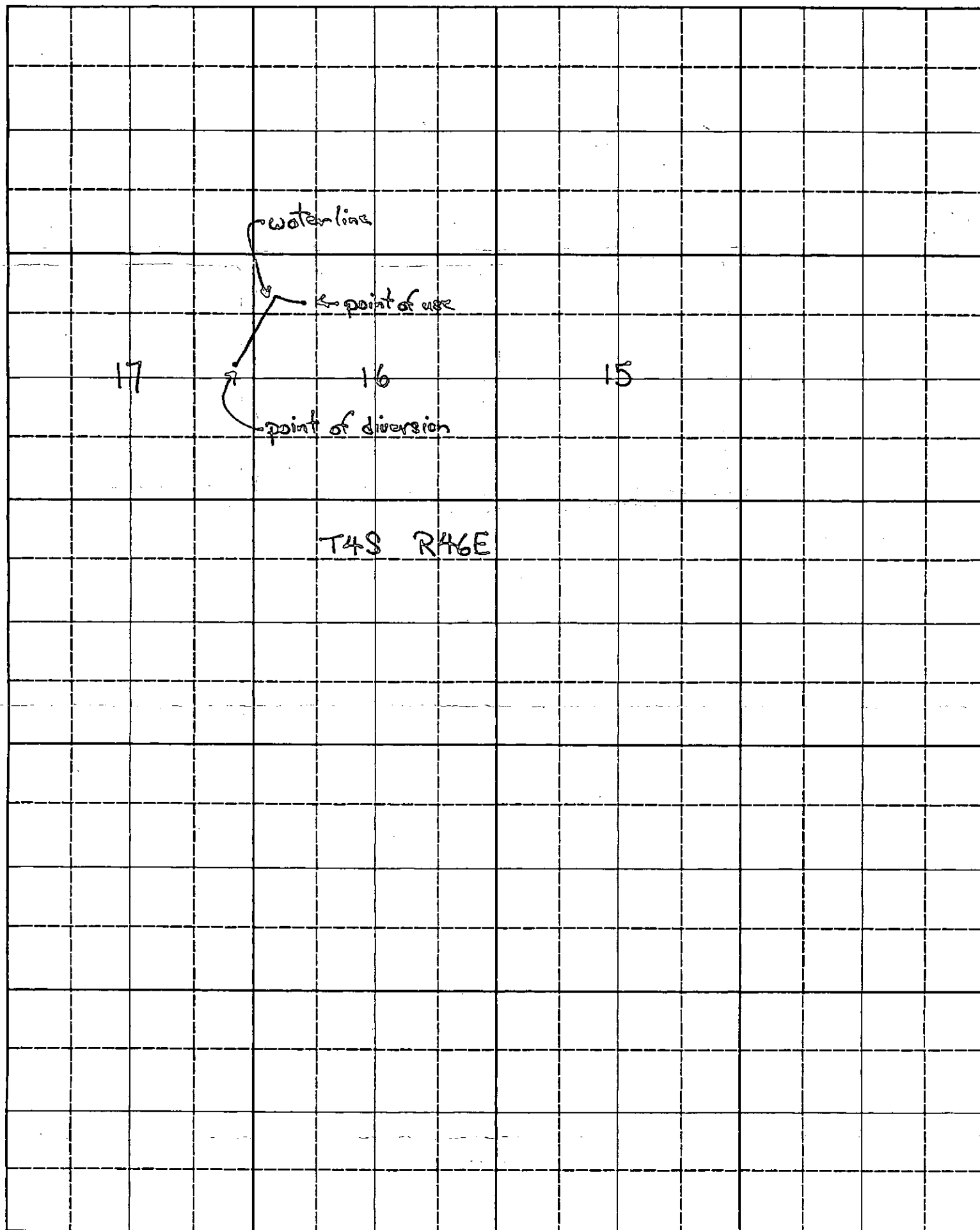
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks

MICROFILMED
APR 07 1992

24-7174

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.

MICROFILMED
APR 07 1992

Charles P. Olmstead
(Applicant)

Received by HWS Date 10-27-89 Time 1:00 pm
Preliminary check by CW Fee \$ 45.00 \$30.00
Received by HWS Date 10-27-89 # E 011074
Publication prepared by RB Date _____
Published in Post-Register
Publication dates 12-7-14-89
Publication approved RB Date 12-26-89
Protests filed by: U. S. Forest Service

Copies of protests forwarded by CW
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: _____

Witness my hand this _____ day of _____, 19 ____.

Director

REGISTERED
APR 07 1992

25-07526

SKAAR, KEITH
SKAAR, CHERIE
1826 E. 49TH N.
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversion Pt: NENW Sec 4 T 02N R 38E
Use: STOCKWATER (.900 CFS)
Date Filed: 9/27/1989
In: T02N R38E S04 NENW
25-07549

LATTA, FRANCIS A.
177 E. 49 S., TOWNSHIP RD.
IDAHO FALLS, ID 83404
Source: GROUNDWATER
Diversion Pt: SESWSE Sec 31 T 02N R 38E
Use: IRRIGATION (.040 CFS)
STOCKWATER (.020 CFS)
DOMESTIC (.040 CFS)
Date Filed: 9/27/1989
In: T02N R38E S31 SWSE
2.0 ACRES TOTAL

25-07552
ARNOLD FEED LOT, INC.
3488 LINCOLN RD.
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversion Pt: NWNW Sec 15 T 02N R 38E
Use: STOCKWATER (.150 CFS)
COMMERCIAL (.020 CFS)
DOMESTIC (.080 CFS)
Date Filed: 8/15/1989
In: T02N R38E S15 NWNW

25-07553
SUNNYSIDE ESTATES WATER USERS
C/O MARGARET CONANT
1882 E. SUNNYSIDE
IDAHO FALLS, ID 83404
Source: GROUNDWATER
Diversion Pt: NENENW Sec 33 T 02N R 38E
Use: DOMESTIC (.110 CFS)
Date Filed: 9/27/1989
In: T02N R38E S33 NENW
25-07554

CRM CO.
3004 WESTMORELAND CIRCLE
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversion Pt: SWNWNW Sec 9 T 02N R 38E
Use: COMMERCIAL (.040 CFS)
Date Filed: 9/08/1989
In: T02N R38E S09 NWNW
25-07555

B & F DISTRIBUTING CO.
1095 IONA RD.
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversion Pt: SWSWSE Sec 5 T 02N R 38E
Use: COMMERCIAL (.080 CFS)
Date Filed: 9/28/1989
In: T02N R38E S05 SWSE
25-07556

DUFFEY, ROMNEY B.
DUFFEY, VICTORIA G.
6990 RIMROCK DR.
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversion Pt: NENW Sec 29 T 02N R 39E
Use: IRRIGATION (.060 CFS)
STOCKWATER (.020 CFS)
DOMESTIC (.040 CFS)
Date Filed: 9/18/1989
In: T02N R39E S29 NENW
3.0 ACRES TOTAL

35-08831
JOHNSON, J. WARD
JOHNSON, MARY V.
246 HARTERT DR.
IDAHO FALLS, ID 83404
Source: GROUNDWATER
Diversion Pt: NENENW Sec 26 T 02N R 36E
Use: STOCKWATER (.220 CFS)
DOMESTIC (.040 CFS)
Date Filed: 8/15/1989
In: T02N R36E S26 NENW
35-08849
STEEL, J. C.

NOTICE OF APPLICATION FOR WATER RIGHT

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

23-07134
DEMITROPOULOS, ALEX
DEMITROPOULOS, ILA
431 3 RD ST.
IDAHO FALLS, ID 83401
Source: PALISADES CREEK; Tributary:
SNAKE RIVER
Diversion Pt: SWSE Sec 26 T 01N R 44E
Use: IRRIGATION (.030 CFS)
Date Filed: 11/08/1989
In: T01N R44E S26 SWSE
1.0 ACRES TOTAL

23-07141
RUUD, DOUG
P.O. BOX 564
PALISADES, ID 83437
Source: GROUNDWATER
Diversion Pt: SENW Sec 25 T 01S R 45E
Use: DOMESTIC (.200 CFS)
Date Filed: 9/29/1989
In: T01S R45E S23 NESE
S24 NESW NWSW SWSW SESW
S25 NENW NWNW SENW NESW

23-07142
QUAKER HAVEN WELL ASSOCIA-
TION
1285 CORINNE
IDAHO FALLS, ID 83402
Source: GROUNDWATER
Diversion Pt: SENW Sec 25 T 01S R 45E
Use: DOMESTIC (.180 CFS)
Date Filed: 9/07/1989
In: T01S R45E S25 SENW
24-07173

BUDGE, JR., THOMAS A.
P.O. BOX 488
NEW CANAAN, CT 06840
Source: UNNAMED SPRINGS; Tributary:
NEWSWANDER CREEK
Diversion Pt: NWNWNW Sec 16 T 04S R 46E
SESENE Sec 17 T 04S R 46E
Use: DOMESTIC (.040 CFS)
Date Filed: 9/28/1989
In: T04S R46E S16 NWNW

1615 W. 49TH N.
IDAHO FALLS, ID 83402
Source: GROUNDWATER
Diversion Pt: SWSENE Sec 4 T 03N R 36E
Use: IRRIGATION (3.900 CFS)
Date Filed: 8/25/1989
In: T03N R36E S03 SWNE NENW
NWNW SWNW SENW NESW NWSW
SWSW SESW NWSE SWSE
S04 NENE NWNW SWNE SENE NESE
NWSE SWSE SESE
780.0 ACRES TOTAL
This is a supplemental water right applica-
tion. Lands under this application are irri-
gated with existing rights from groundwa-
ter.

35-08853
CUTLER, BEVERLY
CUTLER, MARION L.
1723 S. GRIZZLY AVE.
IDAHO FALLS, ID 83402
Source: GROUNDWATER
Diversion Pt: NWNWNW Sec 26 T 02N R 37E
Use: IRRIGATION (.830 CFS)
DOMESTIC (.140 CFS)
Date Filed: 8/28/1989
In: T02N R37E S26 NWNW
1.0 ACRES TOTAL

35-08854
AHLSTROM, FARRELL
ANDRUS, JR., DOUG
CHUMLEY, ORVILLE
HARRIELL, LADON
MATHERN, GRETCHEN
MATHERN, RUTH
2361 N. 35TH W.
IDAHO FALLS, ID 83401
Source: GROUNDWATER

Diversion Pt: NESE Sec 9 T 02N R 37E
Use: IRRIGATION (.080 CFS)
DOMESTIC (.080 CFS)
Date Filed: 8/14/1989
In: T02N R37E S09 NESE
4.0 ACRES TOTAL

35-08855
SHURTLIFF, MERLENE
SHURTLIFF, RODNEY
3425 W. APRIL DR.
IDAHO FALLS, ID 83402
Source: GROUNDWATER
Diversion Pt: NWNW Sec 34 T 02N R 37E
Use: STOCKWATER (.020 CFS)
DOMESTIC (.060 CFS)
Date Filed: 9/07/1989
In: T02N R37E S34 NWNW

35-08856
WAGNER, JR., KRISTIE L.
WAGNER, JR., EDWARD P.
331 N. 55TH W.
IDAHO FALLS, ID 83402
Source: GROUNDWATER
Diversion Pt: SESE Sec 18 T 02N R 37E
Use: STOCKWATER (.020 CFS)
DOMESTIC (.110 CFS)
Date Filed: 8/08/1989
In: T02N R37E S18 SESE

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A, Idaho
Code and/or the new public interest cri-
teria of Sec. 42-203C, Idaho Code. Protests
must be filed with the Director, Dept. of
Water Resources, 150 Shoup Ave., Suite
15, Idaho Falls, Idaho 83402 on or before
DECEMBER 26, 1989.

R. Keith Higginson, Director
Published: December 7, 14, 1989

24-07174

CLAUSEN, CHARLES P.
9814 S. CHYLENE DR.
SANDY, UT 84092
Source: UNNAMED SPRING; Tributary:
NEWSWANDER CREEK
Diversion Pt: SESENE Sec 17 T 04S R 46E
Use: DOMESTIC (.040 CFS)
Date Filed: 10/27/1989
In: T04S R46E S16 NWNW
24-07175

SINARSKI, JAMES J.
BOX 183
ALPINE, WY 83128
Source: SPRING; Tributary: NEWS-
WANDER CREEK
Diversion Pt: NWNWSE Sec 16 T 04S R 46E
Use: STOCKWATER (.020 CFS)
DOMESTIC (.060 CFS)
Date Filed: 8/04/1989
In: T04S R46E S16 NWSE
25-07509

GRAYSON SUBDIVISION WATER CO.
C/O ED GRAYSON
P.O. BOX 2511
IDAHO FALLS, ID 83403
Source: GROUNDWATER
Diversion Pt: NENWNE Sec 10 T 03N R 38E
Use: DOMESTIC (.170 CFS)
IRRIGATION (.060 CFS)
Date Filed: 8/10/1989
In: T03N R38E S10 NENE NWNW
2.0 ACRES TOTAL

25-07513
VERN CLARK & SONS CONSTRUC-
TION CO.
P.O. BOX 1529
IDAHO FALLS, ID 83403
Source: GROUNDWATER
Diversion Pt: NWNW Sec 8 T 02N R 38E
Use: COMMERCIAL (.040 CFS)
Date Filed: 8/21/1989
In: T02N R38E S08 NWNW

COVER PAGE**RECEIVED****SEP 03 1997**

DEPARTMENT OF WATER RESOURCES

**C. Perrin Clausen
1797 Mohawk Way
Salt Lake City, UT 84108-3364
Voice Mail & Fax 801-487-9747
Internet 72044.17@compuserve.com**

To: Idaho Dept of Water**Fax Number: 1-208-327-7866****Company:****Subject: Water Right Mailing Address****Pages: 3****Date & Time: 8/23/97 10:48:14**

RECEIVED

SEP 03 1997

DEPARTMENT OF WATER RESOURCES

Charles P. Clausen
1797 Mohawk Way
Salt lake City UT 84108-3364

23 August 1997

State of Idaho
Department of Water Resources
1301 North Orchard St.
PO Box 83720
Boise ID 83720-0098

Gentlemen:

Via Fax to 208-327-7866

This letter is to confirm that you have my correct mailing address. You sent the enclosed water right 24-07174, to my Salt Lake City mailing address but the address on the right is my old address in Sandy. The correct address is the Salt Lake City address above. If you have any questions please call me at 801-487-9747.

Many thanks in advance.

Sincerely,



Charles P. Clausen

Enclosure

State of Idaho
Department of Water Resources

RECEIVED

SEP 03 1997

DEPARTMENT OF WATER RESOURCES

WATER RIGHT LICENSE

WATER RIGHT NO. 24-07174

Priority: October 27, 1989

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that CHARLES P CLAUSEN
9814 S CHYLENE DR
SANDY UT 84092

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated October 27, 1989; and
has submitted Proof of Beneficial Use on March 17, 1993. An examination indicates
that the works have a diversion capacity of 0.040 cfs of water from:

SPRINGS

tributary to SINKS

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNWNW, Sec. 16, Township 04S, Range 46E

NWSWNW, Sec. 16, Township 04S, Range 46E

BONNEVILLE County

PLACE OF USE: DOMESTICTWN RGE SEC

04S 46E 16

NWNW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

INTER-DEPARTMENT MEMO--1

FROM Keri Lynn

DATE 7-17-97
9:15a.m.

TO File # 24-07174

SUBJECT Address Correction

Phoned Brent King's office & requested address update. They are to fax info ASAP.

7-17-97 - 10:00a.m. - Brent called to give the following address for his client, Charles P Clausen:

1797 Mohawk Way
Salt Lake City, Ut 84108-3364

WR 2 file updated.

Keri Lynn

SIGNATURE

AUG 12 1997



- ☐ Insufficient Address
☐ Moved, Left No Address
☐ Unclaimed ☐ Refused
☐ Attempted - Not Known
☐ No Such Street ☐ Mismatch
☐ No Such Number
☐ No Recapsule
☒ Not Deliverable
As Addressed
Unable To Forward
☐ Route No. 9208 Date 7/5
☐ Carr/Initials

RECEIVED

JUL 11 1997

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900

To

224-07174

CHARLES P. CLAUSEN
9814 S CHYLENE DR
SANDY

UT 84092

FOE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

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

July 1, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CHARLES P CLAUSEN
9814 S CHYLENE DR
SANDY UT 84902

RE: WATER RIGHT NO. 24-07174

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license along with an order granting your petition for reconsideration and rescinding the preliminary order to void permit that was issued March 17, 1997. The license confirms that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

MICROFILMED

AUG 12 1997

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

AUG 12 1997³

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of July, 1997, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 24-07174

CHARLES P CLAUSEN
9814 S CHYLENE DR
SANDY UT 84092


Kari Lynn Townsend
Secretary

MICROFILM

JUG 9 7

RECEIVED

JUN 26 1997

ASSOCIATED WITH
McGRATH MAROTZ
& SMITH

414 SHOUP
P. O. BOX 50731
IDAHO FALLS, ID 83405
TEL (208) 524-0731
FAX (208) 529-4166

STEPHEN J. McGRATH
SCOTT W. MAROTZ
BRYAN D. SMITH
*ALSO ADMITTED IN CA

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED

CENTER PLAZA-CORNER FIRST & CENTER

POST OFFICE BOX 1391

POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101

FAX (208) 232-6109

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER**
JAMES P. PRICE***
LISA M. CHRISTON****
BRENT R. KING - 329
RICHARD A. HEARN, M.D.*****

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR
***ALSO MEMBER CO BAR
****ALSO MEMBER IL BAR
*****ALSO MEMBER D.C. BAR

June 24, 1997

Shelley Keen
Water Right Permits Section
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83720-9000

Re: Charles P. Clausen - Permit No. 24-07174

Dear Shelley:

It was nice to hear from you again. As per our phone conversation, enclosed is the application for amendment for permit No. 24-07174, along with a check for the filing fee of \$50.00. I believe that this should bring the matter to a close. If IDWR needs any more information or concerns please bring the matter to our attention and we'll make sure the information is provided.

Thank you for your assistance in this matter.

Sincerely,



BRENT R. KING

MICROFILMED
AUG 12 1997

LOUIS F. RACINE, JR.
 WILLIAM D. OLSON
 W. MARCUS W. NYE
 GARY L. COOPER
 RANDALL C. BUDGE
 JOHN A. BAILEY, JR.
 JOHN R. GOODELL*
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 BRENT R. KING
 RICHARD A. HEARN, M.D.*****

*ALSO MEMBER IL & WY BARS
 **ALSO MEMBER MD BAR
 ***ALSO MEMBER CO BAR
 ****ALSO MEMBER IL BAR
 *****ALSO MEMBER D.C. BAR

LAW OFFICES OF
 RACINE, OLSON, NYE, COOPER & BUDGE
 CHARTERED

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 TEL (208) 524-0731
 FAX (208) 529-4188

STEPHEN J. McGRATH
 SCOTT W. MAROTZ
 BRYAN D. SMITH†
 †ALSO ADMITTED IN CA

June 23, 1997

Transmitted Via Fax:
208-327-7866

Jim Johnson, Manager
 Water Right Permits Section
 Idaho Department of Water Resources
 1301 N. Orchard
 Boise, ID 83720-9000

Re: Charles P. Clausen - Permit No. 24-07174

Dear Jim:

We have just been contacted by C. Perrin Clausen of 1797 Mohawk Way, Salt Lake City, Utah 84108, who has provided us with a copy of your letter of March 17, 1997, and enclosed preliminary order voiding permit signed on the same date by L. Glen Saxton, Chief Water Allocation Bureau. Mr. Clausen is an airline pilot away from home for extended periods of time, by reason of which your letter just came to his attention.

There are apparently three licenses and/or permits which provide water for domestic purposes from a spring which is tributary to Newswander Creek to three houses, one of which is Mr. Clausen's. The original water system may be licensed under numbers 24-01173 and 24-07174. Apparently there was an expansion or modification of the system which pertained to Permit 24-07174 which is the subject of your letter and the proposed order. Mr. Clausen is in the process of providing us with copies of all of these water rights, together with correspondence, maps and other information pertaining to the same. Until we have had an opportunity to review these matters and respond in detail, we would greatly appreciate it if the Department would delay issuing any final order on this matter.

From the preliminary order it appears that the permit was issued, proof of beneficial use was submitted, following which the Department conducted a field exam. Apparently there was an error

MICROFILMED

AUG 12 1997

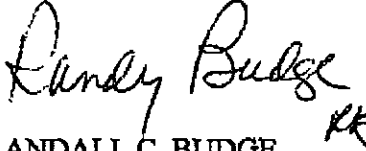
Jim Johnson, Manager
June 23, 1997
Page 2

in the legal description, although we're not sure what that is or whether it pertains to the point of diversion or place of use. In any event, Finding of Fact No. 5 indicates that on December 20, 1996, the Department sent a letter to the permit holder which was returned undelivered because he had moved. Mr. Clausen has confirmed that he never received the letter and that he did in fact move after the date the original permit was issued. Finding No. 5 indicates that the Department sent an amendment notice to the new address, which apparently was not returned and was not responded to. Mr. Clausen has not been able to locate such a letter either. In any event, it appears that the problem to be resolved is minor and that we can promptly address it and amend the permit so that the license can be properly issued as soon as we determine what the error is. I would appreciate it if you would provide me with copies of the previous correspondence which I assume identifies the error that needs to be corrected.

One of our associates, Brent King, will be assisting me on this matter and I have asked him to follow up directly with you directly as soon as we have received the additional information from Mr. Clausen due to my unavailability much of the next two weeks.

Thank you for your cooperation and assistance.

Sincerely,


RANDALL C. BUDGE *RR*

RCB:rr

cc: C. Perrin Clausen

P.S. Since dictating the foregoing letter, I received by fax a copy of Mr. Clausen's file which included the Department's proposed "Application for Amendment" which I've had Mr. Clausen sign, date and fax to me, copy of which is enclosed. As soon as I receive the signed original from him I will forward the same for filing, together with the requisite \$50 fee. I trust this will be sufficient to resolve the problem and permit the license to be issued. Thank you for your assistance and understanding.

MICROFILMED

AUG 12 1997

State of Idaho
Department of Water Resources**APPLICATION FOR AMENDMENT**
(For Licensing Purposes)
WATER RIGHT NO. 24-07174

Date of Priority: October 27, 1989

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.2 AF

Comes now

CHARLES P. CLAUSEN

9814 S CHYLENE DR
SANDY UT 84092

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. 24-07174, and requests that the permit be changed as follows:

Source: SPRINGS

tributary to SINKS

BENEFICIAL USEPERIOD OF USERATE OF DIVERSIONANNUAL VOLUME

DOMESTIC

01/01 to 12/31

0.04 CFS

1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNWNW, Sec. 16, Township 04S, Range 46E

NWSWNW, Sec. 16, Township 04S, Range 46E

BONNEVILLE County

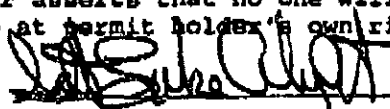
PLACE OF USE: DOMESTICTWN. RGE. SEC.

04S 46E 16

NWNW

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



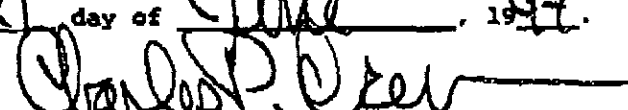
this

21

day of

June

1997.



(Signature)

MICROFILMED

AUG 12 1997

I certify that file No. 24-07174

has been reviewed and is ready to be

MICROFILMED and DESTROYED.

The attached proof report is the water right as it appeared in the database prior to final status entry and deletion from the database.

S. Curtis
Reviewer

4/22/97
Date

MICROFILMED

AUG 12 1997

Water Right Number - 24-07174

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

CLAUSEN CHARLES P 1 - 9814 S CHYLENE DR
2 -
3 -
City- SANDY State- UT Zip- 84092
Phone - 801-942-1814

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
10/27/1989 15 EASTERN P - PERMIT

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRING NEWSWANDER CREEK

+ - - - - Point of Diversion - - - - - +

TwN	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
04S	46E	17	SE SE NE			(19) BONNEVILLE			

+ - - - - Water Use - - - - - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
43 - DOMESTIC		01/01	12/31	0.040	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.040

+ - - - - Place of Use - - - - - +

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
04S	46E	16	NW NW			43 DOMESTIC		(19) BONNEVILLE

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

Domestic use is for 1 home.

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

- 26A - Project construction shall commence within one year from the
 - date of permit issuance and shall proceed diligently to
 - completion unless it can be shown to the satisfaction of the
 - Director of the Department of Water Resources that delays were
 - due to circumstances over which permit holder had no control.
- 005 - Use of water under this right is subject to control by the
 - watermaster of State Water District No. 01.
- 01H - A lockable device, subject to the approval of the Department,
 - shall be installed on the diverting works in a manner that will

Water right number - 24-07174

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - - +

(Condition continued from previous page)

- provide the watermaster suitable control of the diversion prior
- to diversion of water under this right.
- 048 - The use of water under this right shall not give rise to any
 - claim against the holder of a senior water right based upon the
 - theories of forfeiture, abandonment, adverse possession, waiver,
 - equitable estoppel, estoppel by laches or customary preference.
- 049 - The Director retains jurisdiction of the right to incorporate
 - the use into a water district, require streamflow augmentation
 - or other action needed to protect prior surface water and
 - groundwater rights.
- 004 - The issuance of this right does not grant any right-of-way
 - or easement across the land of another.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +

00/00/0000

+ - - - - Comments - - - - - +

Date: 08/03/1993 User Id: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

+ - - Audit Fields - 11/21/89 BODELL 11/30/89 CURTIS 12/18/89 CURTIS 01/24/90 WRAY 01/23/92 WRAY
03/09/92 MILLER 03/16/92 MILLER 03/19/93 GUSTAFSO 08/03/93 COMMENTS 09/01/93 WILSON
08/30/96 KWILSON

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 04/03/1993	Field Exam Made - 08/13/1993	Field Exam Fee - R
Approved/Denied - 03/18/1992	Protested Date - 00/00/0000	Swan Falls - 1
Proof Made Date - 03/17/1993	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date- 08/29/1996	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number - ED11074	Water District - 01
Licensed Date - 00/00/0000	Appl Received - 10/27/1989	Transfer/Amended -
Decree Date - 00/00/0000	Name Connector -	POU Ownership Flag- Y
Presumption Flag -		



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

March 17, 1997

PHILIP E. BATT
GOVERNOR

CHARLES P. CLAUSEN
1797 MOHAWK WAY
SALT LAKE CITY UT 84108

KARL J. DREHER
DIRECTOR

RE: Permit No. 24-07174

Dear Water Right Holders:

The accompanying order is a "preliminary order" issued by the Department of Water Resources (the Department) pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

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ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or

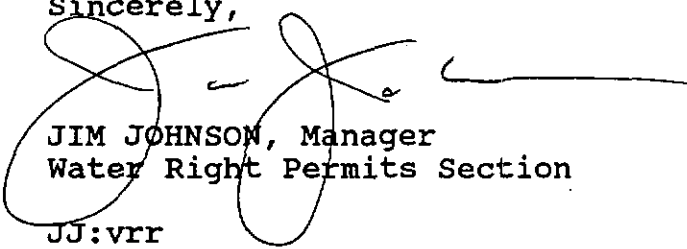
²
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AUG 12 1997

- iv. The real property or personal property that was the subject of the agency action is located.

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

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:vrr

Enclosure

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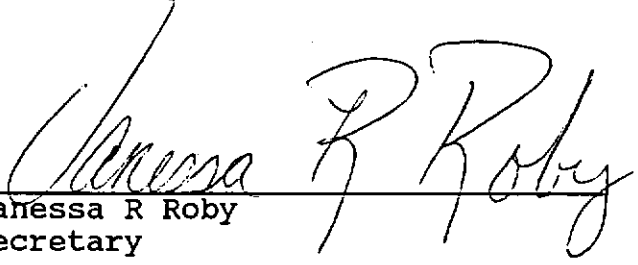
AUG 12 1997

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of March, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER VOIDING PERMIT to the person(s) listed below:

Water Right No. 24-07174

CHARLES P CLAUSEN
1797 MOHAWK WAY
SALT LAKE CITY UT 84108



Vanessa R Roby
Secretary

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AUG 12 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 31, 1997

CHARLES P CLAUSEN
9814 S CHYLENE DR
SANDY UT 84092

sent to Notmark address

RE: WATER RIGHT NO. 24-07174

Dear Water Right Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed. I have not yet received the amendment. If I do not receive it within fourteen days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

Enclosed for your convenience is another amendment form. Please note that the filing fee for this amendment is \$50.00. If you have any questions, please call me at (208) 327-7946.

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

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AUG 12 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 9, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CHARLES P. CLAUSEN
1797 MOHAWK WAY
SALT LAKE CITY UT 84108

RE: WATER RIGHT NO. 24-07174

CHANGE OF ADDRESS

Dear Mr. Clausen:

IDWR has been notified that the address presently in our records is out-of-date. Although it appears that we can reach you at the address above, we need you to confirm that this is your correct mailing address.

To insure that the proper address is included in all of your water rights on file with IDWR, please check your records to confirm that the water rights listed herein are all of the water rights that you own.

If the address above is correct, please sign your name at the bottom of this letter, date it, and return it to this office. Otherwise, please make the proper corrections, sign, date, and return this letter. Thank you for your help.

If the ownership of the property and/or address to which the water right(s) referenced above have changed, please call this office at (208)327-7941 to obtain a form to make this required change to the water right record.

Sincerely,

Patti Harrell

Patti Harrell, Secretary
Water Right Permits Section

c: Eastern Region

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Date

Phone # _____

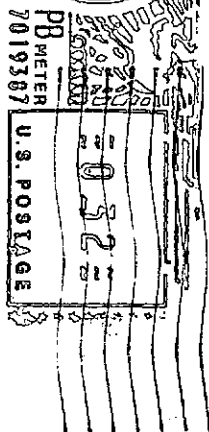
Additional Water Right # 15600FILMED

AUG 12 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
North Orchard Street
Boise, Idaho 83706-2237

HAS NOT LIVED
HERE FOR
1 YEAR

8409273557



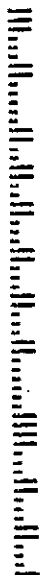
RECEIVED

JAN 06 1997

Department of Water Resources

MICROFILMED
AUG 12 1997

CLAU614 8409273557 IN 12/27/96
RETURN TO SENDER
NO FORWARD ON FILE
UNABLE TO FORWARD
RETURN TO SENDER





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 20, 1996

CHARLES P. CLAUSEN
9814 S CHYLENE DR
SANDY UT 84092

RE: WATER RIGHT NO. 24-07174

Dear Water Right 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 depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

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AUG 12 1997

WR0749NP
No. L24-07174

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/20/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLES P CLAUSEN 9814 S CHYLENE DR SANDY UT 84092 (801) 942-1814	10/27/1989	DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

Water Source: SPRINGS

Tributary to: SINKS

Stage: LICENSE

Point(s) of Diversion Capacity: 0.040 CFS

Point(s) of Diversion: T04S R46E S16 NWNWNW NWSWNW BONNEVILLE County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE																			
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	

04S 46E 16 : : D : :																															

Pou County: BONNEVILLE

Other Water Rights with Same Point(s) of Diversion and Source:
24-07173 L24-07173

Conditions of Approval:

- 048 - The use of water under this right shall not give rise to any
- claim against the holder of a senior water right based upon the
- theories of forfeiture, abandonment, adverse possession, waiver,
- equitable estoppel, estoppel by laches or customary preference.
- 049 - The Director retains jurisdiction of the right to incorporate
- the use into a water district, require streamflow augmentation
- or other action needed to protect prior surface water and
- groundwater rights.
- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 01.

Remarks: Domestic use is for 1 home.

Dates: App. Received: 10/27/1989 Priority Date: 10/27/1989
Proof Due Date: 04/03/1993 Proof Made Date: 03/17/1993
Exam Made Date: 08/13/1993 Exam Sent to S.O.: 08/29/1996
Licensed Date:

Misc: Water District Number: 01 Field Exam Fee: R (Received)

Comments: Date: 08/03/1993 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

WR0749NP

No. L24-07174

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/20/96

PAGE: 2

=====

Audit: 12/16/96 SCURTIS 12/17/96 SCURTIS 12/20/96 SCURTIS

LICENSE REVIEW CHECKLIST

PERMIT NO. 24-07174

DATE 12/16/96

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>NO</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>✓</u>	<u>—</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>—</u>	<u>✓</u>	Amendment required <u>yes</u>
			Amendment required <u>—</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate .04 cfs
 Fee limit .20 ~~0~~ cfs \$5000
 Measured ✓ cfs
 Theoretical ✓ cfs

Recommended Total Div Rate .04 cfs

ANNUAL VOLUME/
NATURE OF USES —

Use ✓

<u>Dom</u>	Volume Calculation
<u>—</u>	<u>1.2 Standard</u>
<u>—</u>	<u>—</u> af
<u>—</u>	<u>—</u> af
<u>—</u>	<u>—</u> af
SUBTOTAL	<u>1.2</u> af

Flow rate .04 cfs X 365 days X 1.98 = 29.0 af

Total volume recommended 1.2 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

2/1 home.

CONDITIONS R04 Watermaster Control WD# 01

— GW Measurement/Measuring Device

— Overlap

— Use-specific conditions 048,049

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed N/A
 Adjustment Memo —

1st Amend Letter P39, P38
 2nd Amend Letter P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

SEP 03 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 24-7174

1. Owner: Charles P. Clausen Phone No. 801-942-1814

Current Address: 9814 S Chylene Dr., Sandy UT 84092-3557

2. Accompanied by: Thomas A. Budge Jr EXAM DATE: 8-13-1993

Address: P.O. Box 488, New Canaan, CT, 06840 Phone No. 203-966-0837

Relationship to Permit Holder: _____

3. Source: Springs tributary to SINKS

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: POINT OF DIVERSION #1
24-7173 & 24-7038, 24-7175

POINT OF DIVERSION #2
24-7173

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	NE	17	4S	R46E	Bonneville	On site / Orthophoto Map
#2		NW	NW	NW	16	4S	46E	Bonneville	On Site / ORTHOPHOTO MAP / GPS
#1		NW	SW	NW	16	4S	46E	Bonneville	On Site / orthophoto Map / GPS

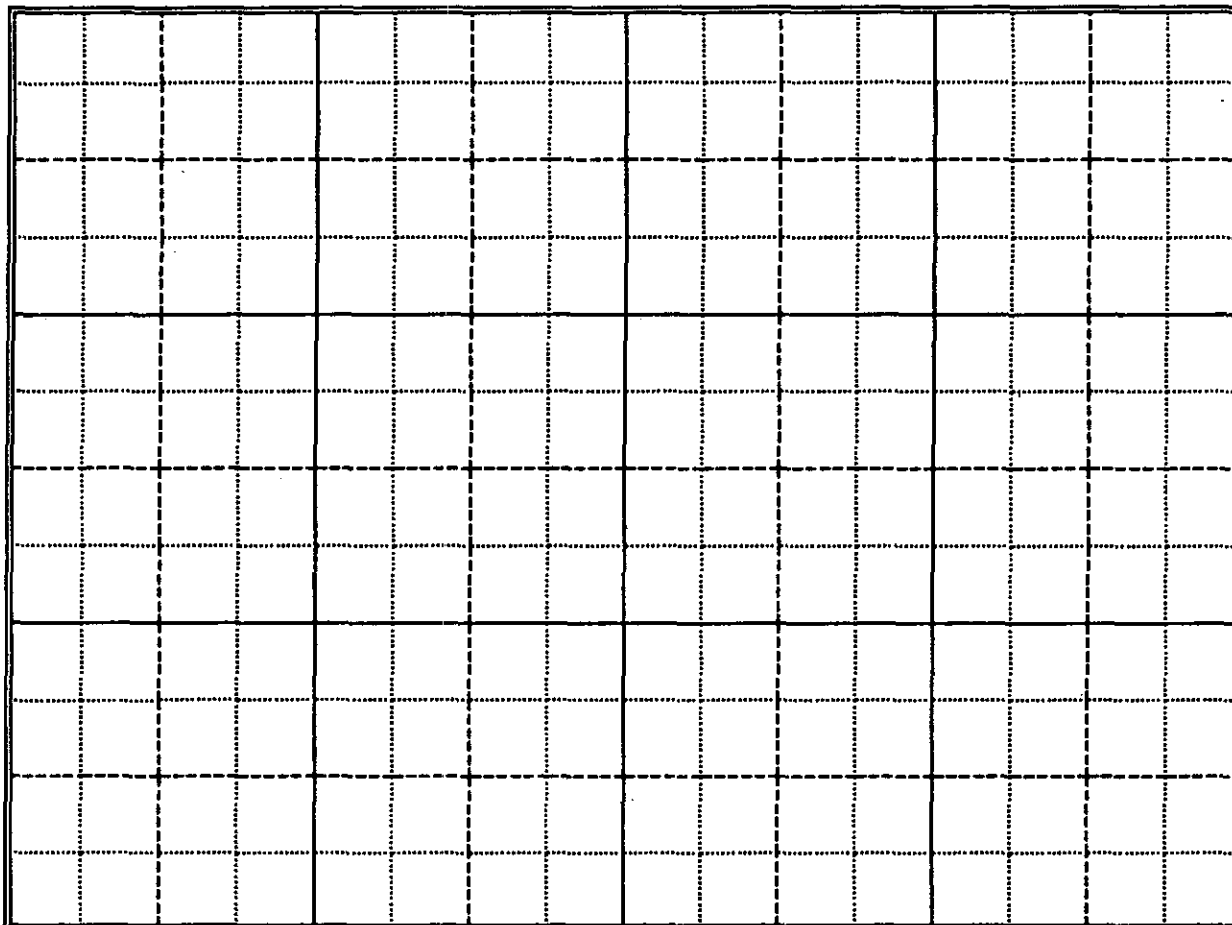
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4S	46E	16					D												

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



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for Irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: POINT OF DIVERSION #2
Spring NWNW1/4 Sec 16 T4S R46E 2 1/2 gal in 11 sec = 13.6 gpm
Q = 0.03 cfs

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E. NARRATIVE/REMARKS/COMMENTS

KCW

~~Spring on Forest Service Land SESENE Sec 17, T4S, R46E~~

P/O #1 Spring collection box mainline to storage tanks then mainline carries water to valve that diverts water to cabin site under 24-7038 and system that delivers water to sites under 24-7173 and 24-7174

P/O #1 COULD NOT TAKE AN ACCURATE MEASUREMENT AS THERE WAS NO PLACE TO TAKE MEASUREMENT.
NOTE: A STREAM/SPRING THAT SURFACES BELOW STORAGE TANKS APPEARS TO FLOW GREATER THAN 0.20 cfs.

IT IS MY OPINION THAT THIS PART OF THE SYSTEM (P/O #1) IS CAPABLE OF DIVERTING IN EXCESS OF PERMITTED AMOUNTS OF 24-7038, 24-7173 & 24-7174

POINT OF DIVERSION #2

Spring in NW NW NW Sec 16, T4S, R46E

Spring collection box/STORAGE TANK TO COMMON mainline between sites permitted by 24-7173 & 24-7174
A hydraulic ram diverts water up to those sites.

Domestic use is for a camping trailer. The trailer has, in the past, been used year round.

Have conditions of permit approval been met? ☒ yes ☐ no

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F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: $2.5 \text{ gal/11 sec} = 13.6 \text{ gpm} = 0.03 \text{ cfs}$ allow 0.04 as per permit**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

De Minimus**H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Domestic</u>	<u>1/1</u>	<u>12/31</u>	<u>0.04</u>	<u>1.2</u>
<u>(1 unit)</u>				
Totals:			<u>0.04</u>	<u>1.2</u>

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**I. AUTHENTICATION**

Field Examiner's Name

KEITH C WILSON

Date

8-13-1993

Reviewer

[Signature]

Date

7-18-94

SEAL

[Signature] 5-14-96MICROFILMED
AUG 12 1997

R46E T4S

x 6228

6200

600

Creek

POINT OF DIVERSION #2

PLACE OF USE

5897

Newswander

5870

5800

16

POINT OF DIVERSION #1

TRAIL

6200

6200

6000

5800

24-07174

REPRODUCED

AUG 12 1997

5800



POINT OF DIVERSION
#1

Spring Storage Box
for 24-7038/24-7173
and 24-7174



DIVERSION valve that diverts
water to Clausen (24-7173),
Budge (24-7173) and to Baker
(24-7038)

PLACE OF USE

24-7174

PROFILMED
AUG 12 1997



POINT OF DIVERSION
2

Collection Box for Second
Spring for 24-7173/24-7174



Hydraulic Ram diverts water up to
place of use.

OVERFLOW FROM SPRING BOX

24-7174

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24-7174 Point of Diversion #1

C:\GEO-PC\DATA\WILSON\CORRECT\DAHLE75A.COR

	Recs	Mean	Std Dev	Minimum	Maximum
Northing	599	4768620.07	3.63	4768613.35	4768633.54
Easting	599	493667.30	4.41	493658.35	493676.37
Altitude	599	1902.80	4.33	1887.76	1909.93

No velocity records in file.

No DOP records in file.

Start GPS Week #811 on 07/26/95 at 20:10:34
End GPS Week #811 on 07/26/95 at 20:17:02

NOTE: This P/D also same P/D

for 24-07038

24-07175

24-07173

Datum : NAD-27 CONUS
Coordinate System : Universal Transverse Mercator [12T]
Altitude Mode : Mean Sea Level
Altitude/Distance Units : Meters
Velocity Units : Feet/Second

24-7174 Point of Diversion #2

C:\GEO-PC\DATA\WILSON\CORRECT\BUDGE2PD.COR

	Recs	Mean	Std Dev	Minimum	Maximum
Northing	310	4769075.67	1.34	4769073.38	4769078.70
Easting	310	493737.53	0.97	493735.14	493742.61
Altitude	310	1876.63	3.73	1867.64	1880.03

No velocity records in file.

No DOP records in file.

Start GPS Week #811 on 07/26/95 at 20:49:21
End GPS Week #811 on 07/26/95 at 20:51:57

NOTE: This P/D also same P/D

for 24-07173

Datum : NAD-27 CONUS
Coordinate System : Universal Transverse Mercator [12T]
Altitude Mode : Mean Sea Level
Altitude/Distance Units : Meters
Velocity Units : Feet/Second

24-07174

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AUG 12 1997

PLACE OF USE

C:\GEO-PC\DATA\WILSON\CORRECT\CLAUSEPU.COR

	Recs	Mean	Std Dev	Minimum	Maximum
Northing	307	4768883.17	0.76	4768881.84	4768884.29
Easting	307	493868.04	2.48	493865.35	493875.04
Altitude	307	1882.23	1.91	1879.80	1887.17

No velocity records in file.

No DOP records in file.

Start GPS Week #811 on 07/26/95 at 20:57:54

End GPS Week #811 on 07/26/95 at 21:01:54

Datum : NAD-27 CONUS
Coordinate System : Universal Transverse Mercator [12T]
Altitude Mode : Mean Sea Level
Altitude/Distance Units : Meters
Velocity Units : Feet/Second

24-07174

MICROFILMED

AUG 12 1997

March 18, 1993

CHARLES P CLAUSEN
9814 S CHYLENE DR
SANDY UT 84092

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 24-07174

Dear Permit Holder:

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

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED
APR 07 1993

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 24-07174

Reviewed by Klg

Date 3/18/93

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

domestic-1

yes Address same as permit?

yes Proof timely received?

Correct Uses? Yes

If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source

 Ground water source

NA Drilling permit required?

 Copy in the file? Drilling Permit No.

 Amount paid for permit Correct?

✓ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

50 Amount Submitted

yes Correct?

MEASURING DEVICE

order Required?

no Installed?

Remove waiver requested?

PRIORITY CALCULATION

Date proof received NA

Date proof due -

No. of days late =

Priority Date +

New Priority Date ✓

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address

Proof Made 3/17/93
3/19/93 Klg

Thomas A. Budge, Jr.
PO Box 488
New Canaan, CT 06840
March 1, 1993

Glen Saxton
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Dear Mr. Saxton:

Enclosed you will find a copy of my Permit To Appropriate Water # 24-01713 and a letter, a copy of Permit To Appropriate Water # 24-07174, Proof of Beneficial Use form and a draft in the amount of \$50.00 for the fee for Charles P. Clausen.

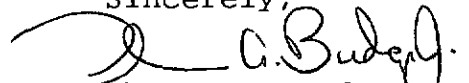
We discussed this situation by phone a few weeks ago. These two applications have been worked simultaneously. The construction is complete. There has been/is beneficial use. As we discussed, the water is used by attaching the water system to a motor/mobile home via a flexible connection. (No buckets.) We anticipate building small homes at some future time.

You observed that the two permits differ only in the proof dates and the requirement in paragraph 5 of permit # 24-07174 to install a lockable device on the diverting works. The diverting works are buried underground and there are valves on the underground lines accessible by keys. Installing a locking device is possible, but impractical. Based on our discussion, I do not believe that the control derived from a locking device was intended to apply to our type of system. We would request that this requirement be waived.

Notwithstanding the proof date of April 3, 1995 on permit # 24-01713, I intend to file my Proof of Beneficial Use this summer, after I have completed a minor improvement. I suggest that you schedule the field examination no earlier than September, in order to perform the examinations for both permits at the same time.

If you have any questions, please call me at 203-973-7971 or 203-966-0837. I appreciate your spending time with me on these applications.

Sincerely,


Thomas A. Budge, Jr.

Enc.
cc: C.P. Clausen

APR 07 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 24-07173

Proposed Priority: September 28, 1989 Maximum Diversion Rate: 0.04 CFS

This is to certify, that THOMAS A BUDGE JR
PO BOX 488
NEW CANAAN CT 06840

has applied for a permit to appropriate water from:

SPRINGS

tributary of NEWSWANDER CREEK

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNWNW , Sec. 16, Township 04S, Range 46E
SESENE , Sec. 17, Township 04S, Range 46E
BONNEVILLE County

PLACE OF USE: DOMESTIC
TWN RGE SEC

04S 46E 16

NWNW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 3, 1995.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this right is subject to control by the watermaster of State Water District No. 01.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
8. Domestic use is for 1 home.

APR 07 1993

RECEIVED

MAR 17 1993

Charles P. Clausen ^{Department of Water Resources}
9814 S. Chylene Dr.
Sandy, UT 84092
March 1, 1993

Glen Saxton
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Dear Mr. Saxton:

Enclosed you will find a copy of my Permit To Appropriate Water # 24-07174, Proof of Beneficial Use form and a draft in the amount of \$50.00.

The construction is complete. There has been/is beneficial use.

I request the the requirement in paragraph 5 of my permit # 24-07174 to install a lockable device on the diverting works be waived. The diverting works are buried underground and there are valves on the underground lines accessible by keys. Installing a locking device is possible, but impractical. I do not believe that lockable diverting works were intended for a system such as this.

If you have any questions, please call me at 801-942-1814. I appreciate your spending time getting my application approved.

Sincerely,


Charles P. Clausen

Enc.
cc: Thomas A. Budge, Jr.

RECORDED

APR 07 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 24-07174

Proposed Priority: October 27, 1989 Maximum Diversion Rate: 0.04 CFS

This is to certify, that CHARLES P CLAUSEN
9814 S CHYLENE DR
SANDY UT 84092

has applied for a permit to appropriate water from:

SPRING

tributary of NEWSWANDER CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

DOMESTIC	01/01 to 12/31	0.04 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SESENE , Sec. 17, Township 04S, Range 46E
BONNEVILLE County

PLACE OF USE: DOMESTIC
TWN RGE SEC

04S 46E 16 NWNW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 3, 1993.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this right is subject to control by the watermaster of State Water District No. 01.
5. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this right.
6. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The Director retains jurisdiction of the right and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
8. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
9. Domestic use is for 1 home.

APPROVED

APR 07 1993

January 31, 1993

CHARLES P CLAUSEN
9814 S CHYLENE DR
SANDY UT 84092

PROOF DUE NOTICE

RE: PERMIT NO. 24-07174

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

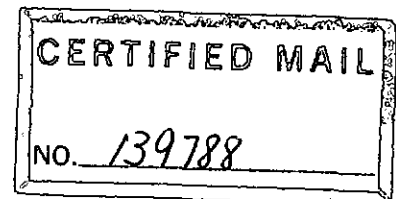
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



RECEIVED

APR 07 1993

RECEIVED

MAY 19 1992

Department of Water Resources
Eastern District Office

Thomas A. Budge, Jr.
P.O. Box 488
New Canaan, CT 06840
May 10, 1992

Harold W. Jones
Water Rights Supervisor
150 Shoup Ave Suite 15
Idaho Falls, ID 84302

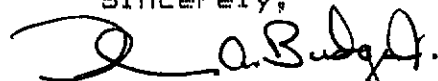
Re: Application #s 24-07173
(Budge) & 24-07174 (Clausen),
Pamela Skaggs' letter of 3-25

Dear Mr. Jones:

I have enclosed a fully executed copy of our special use permit from the Forest Service that I was told by your office would be required for issuance of the final water permit. We have begun preparations to make the necessary diversion and will proceed diligently to completion. At which time we will file Proof of Beneficial Use statements.

I appreciate the patience that you and your staff have exhibited in this lengthy process. I've met and worked with some special people during this time.

Sincerely,



Thomas A. Budge, Jr.

cc: Perry Clausen

RECEIVED

APR 07 1993



United States
Department
Agriculture

Forest
Service

Targhee
National
Forest

Palisades Ranger District
3659 East Ririe Highway
Idaho Falls, ID 83401
208-523-1412

2720 (Budge)

April 27, 1992

Thomas A. Budge, Jr.
P.O. Box 448
New Canaan, CT 06840

Dear Mr. Budge:

Enclosed is your approved copy of the special use permit for your water collection and transportation system.

A right-of-way management plan is not needed at this time. If improvements are needed to the portion of the system on national forest land a right-of-way management plan may be required before the improvements are done.

If you have any questions please call Brent Porter or Brent Erskine.

Sincerely,


for RONALD D. DICKEMORE
District Ranger

Enclosure

cc: S.O.



Caring for the Land and Serving People

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APR 07 1993

FS-6200-28 (7-82)

United States Department of Agriculture
Forest Service

TERM SPECIAL USE PERMIT

Act of March 4, 1915, as amended July 28, 1956,
or Act of March 30, 1948
(Ref. FSM 2710)

a. Record no.(1-2)	b. Region(3-4)	c. Forest(5-6)
70	04	15
--	--	--
d. District(7-8)	e. User number(9-12)	f. Kind of use (13-15)
04	5967	915
--	----	---
g. State(16-17)	h. County(18-20)	k. Card no.(21)
16	019	1
--	---	-

Permission is hereby granted to THOMAS A. BUDGE, JR.
of P.O. BOX 448 NEW CANAAN, CT 06840 PH.# 203-966-0837, hereinafter called
the permittee, to use subject to the conditions set out below, the following
described lands or improvements for the period of 20 years from the date
thereof:

NE1/4 SE1/4 SE1/4 NE1/4 SECTION 17, T4S, R46E

This permit covers .10 acres and is issued for the purpose of:

Use of an existing water collection and transportation sytem that includes an
underground collection box and approximately 800 feet of pipe.
The water is collected and transported off of national forest land to private
land.

1. Construction or occupancy and use under this permit shall begin within now
months, and construction, if any, shall be completed within none months, from
the date of the permit. This use shall be actually exercised at least 365
days each year, unless otherwise authorized in writing.

2. In consideration for this, the permittee shall pay to the Forest Service,
U.S. Department of Agriculture, the sum of FORTY-FIVE----- Dollars (\$45.00)
for the period from APRIL 1, 1992, to DECEMBER 31, 1992, and thereafter annually
on JANUARY 1, FORTY-FIVE----- Dollars (\$45.00): Provided, however, That the
charges for this use shall be readjusted as of, and effective on, the beginning of
each 5-year period from the due date of the first annual payment in order to place
the charges on a basis commensurate with the value of use authorized by this
permit.

3. This permit is accepted subject to the conditions set forth herein, and to
conditions 4 to 31 attached hereto and made a part of this permit.

	name of permittee	*signature of authorized officer	date
PERMITTEE	<u>x Thomas A Budge, Jr.</u>	<u>x [Signature] A. Budge</u>	<u>x 4/11/92</u>
	name and signature	TITLE	date
ISSUING OFFICER	<u>Ronald D. Dickmore</u>	<u>District Ranger</u>	<u>4/17/92</u>

2700-57 (9/72) 2550

APR 07 1993

4. Development plans; lay-out plans; construction, reconstruction, or alteration of improvements; or revision of lay-out or construction plans for this area must be approved in advance and in writing by the forest supervisor. Trees or shrubbery on the permitted area may be removed or destroyed only after the forest officer in charge has approved, and has marked or otherwise designated that which may be removed or destroyed. Timber cut or destroyed will be paid for by the permittee as follows: Merchantable timber at appraised value; young-growth timber below merchantable size at current damage appraisal value; provided that the Forest Service reserves the right to dispose of the merchantable timber to others than the permittee at no stumpage cost to the permittee. Trees, shrubs, and other plants may be planted in such manner and in such places about the premises as may be approved by the forest officer in charge.

5. The permittee shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the forest officer in charge.

6. This permit is subject to all valid claims.

7. The permittee, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of Agriculture and all Federal, State, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this permit.

8. The permittee shall take all reasonable precautions to prevent and suppress forest fires. No material shall be disposed of by burning in open fires during the closed season established by law or regulation without a written permit from the forest officer in charge or his authorized agent.

9. The permittee shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this permit, and shall pay the United States for any damage resulting from negligence or from the violation of the terms of this permit or of any law or regulation applicable to the National Forests by the permittee, or by any agents or employees of the permittee acting within the scope of their agency or employment.

10. The permittee shall fully repair all damage, other than ordinary wear and tear, to national forest roads and trails caused by the permittee in the exercise of the privilege granted by this permit.

11. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom unless it is made with a corporation for its general benefit.

12. Except as provided in Clause 16 below, upon abandonment, termination, revocation, or cancellation of this permit, the permittee shall remove within a reasonable time all structures and improvements except those owned by the United States, and shall restore the site, unless otherwise agreed upon in writing or in this permit. If the permittee fails to remove all such structures or improvements within a reasonable period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and restoration of the site.

RECORDED

APR 07 1993

13. This permit is not transferable. If the permittee through voluntary sale or transfer, or through enforcement of contract, foreclosure, tax sale, or other valid legal proceeding shall cease to be the owner of the physical improvements other than those owned by the United States situated on the land described in this permit and is unable to furnish adequate proof of ability to redeem or otherwise reestablish title

to said improvements, this permit shall be subject to cancellation. But if the person to whom title to said improvements shall have been transferred in either manner above provided is qualified as a permittee and is willing that his future occupancy of the premises shall be subject to such new conditions and stipulations as existing or prospective circumstances may warrant, his continued occupancy of the premises may be authorized by permit to him, which may be for the unexpired term of this permit or for such new period as the circumstances justify.

14. The permittee may sublease the use of land and improvements covered under this permit and the operation of concessions and facilities authorized; Provided the express written permission of the Forest Supervisor has been secured. The permittee shall continue to be responsible for compliance with all conditions of this permit by persons to whom such premises may be sublet.

15. This permit may be revoked upon breach of any of the conditions herein.

16. If during the term of this permit or any extension thereof, the Secretary of Agriculture or any official of the Forest Service acting by or under his authority shall determine that the public interest requires termination of this permit, this permit shall terminate upon thirty days' written notice to the permittee of such determination, and the United States shall have the right thereupon to purchase the permittee's improvements, to remove them, or to require the permittee to remove them, at the option of the United States, and the United States shall be obligated to pay an equitable consideration for the improvements or for removal of the improvements and damages to the improvements resulting from their removal. The amount of the consideration shall be fixed by mutual agreement between the United States and the permittee and shall be accepted by the permittee in full satisfaction of all claims against the United States under this clause; Provided, That if mutual agreement is not reached, the Forest Service shall determine the amount and if the permittee is dissatisfied with the amount thus determined to be due him he may appeal the determination in accordance with the Appeal Regulation (36 C.F.R. 211.20 - 211.37) and the amount as determined on appeal shall be final and conclusive on the parties hereto; Provided further, That upon the payment to the permittee of 75% of the amount fixed by the Forest Service, the right of the United States to remove or require the removal of the improvements shall not be stayed pending final decision on appeal.

17. The permittee agrees that the amount which the United States shall be required to pay for improvements in accordance with Clause 16 shall in no event exceed \$2,000.00-----, and that this instrument may be introduced in any judicial proceedings for the acquisition of such improvements by the United States as the stipulation of the permittee and the United States with regard to the maximum amount which the United States shall be required to pay for the taking thereof.

APR 07 1993

18. In case of change of address the permittee shall immediately notify the Forest Supervisor.

19. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provisions thereof, the following clauses will control.

20. (A-6) Pursuant to the Federal Claims Collection Act of 1966, as amended, 31 USC 3101, et seq., and regulations at 7 CFR Part 3, Subpart B, an interest charge shall be assessed on any payment not made by the payment due date. Interest shall be assessed using the most current rate prescribed by the United States Department of the Treasury's Fiscal Manual (TFM-6-8025.20). Interest shall accrue from the date the fee payment was due. In addition, certain processing and handling administrative costs may be assessed in the event the account becomes delinquent and added to the amounts due.

A penalty of 6 percent per year shall be assessed on any payment overdue in excess of 90 days from the payment due date.

Payments will be credited on the date received by the designated collection officer or deposit location. If the payment due date(s) falls on a nonworkday, the interest and penalty charges shall not apply until the close of business of the next workday.

21. (B-8) The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of National Forest lands under this permit.

22. (B-24) Avalanches, rising waters, high winds, falling limbs or trees, and other hazards are natural phenomena in the Forest that present risks which the holder assumes. The holder has responsibility of inspecting the site, lot, right-of-way, and immediate adjoining area for dangerous trees, hanging limbs, and other evidence of hazardous conditions and, after securing permission from the Forest Service, of removing such hazards.

23. (B-26) Holder shall take all measures necessary to protect the health and safety of all persons affected by its activities performed in connection with the construction, operation, maintenance, or termination of the right-of-way, and shall promptly abate as completely as possible any physical or mechanical procedure, activity, event, or condition, existing or occurring at any time: (1) that is susceptible to abatement by the holder, (2) which arises out of, or could adversely affect the construction, operation, maintenance, or termination of all or any part of the * , and (3) that causes or threatens to cause: (a) a hazard to the safety of workers or to public health or safety, or (b) serious and irreparable harm or damage to the environment (including but not limited to areas of vegetation or timber, fish or other wildlife populations, or their habitats, or any other natural resource). Holder shall immediately notify the authorized officer of all serious accidents which occur in connection with such activities.

24. (E-2) Unless sooner terminated or revoked by the authorized officer, in accordance with the provisions of the authorization, this authorization shall expire and become void on DECEMBER 31, 2012, but a new special-use authorization to occupy and use the same National Forest System land may be granted provided the holder will comply with the then-existing laws and regulations governing the occupancy and use of National Forest lands and shall have notified the authorized officer not less than THREE MONTHS prior to said date that such new authorization is desired.

APR 07 1993

25. (X-3) Nothing in this permit shall be construed to imply permission to build or maintain any structure not specifically named on the face of this permit, or approved by the authorized officer in the form of a new permit or permit amendment.

26. (X-33) This permit is granted with the express understanding that should future location of United States Government-owned improvements or road rights-of-way require the relocation of the holder's improvements, such relocation will be done by, and at the expense of, the holder within a reasonable time as specified by the authorized officer.

27. (X-49) This permit is not exclusive; that is, the Forest Service reserves the right to use or permit others to use any part of the permitted area for any purpose, provided such use does not interfere with the rights and privileges hereby authorized.

28. (X-74) This permit confers no right to the use of water by the holder.

29. (X96) Appeal of any provisions of this authorization or any requirements thereof shall be subject to the appeal regulations at 36 CFR 251, Subpart C (54 FR 3362, January 23, 1989), or revisions thereto.

30. (R4-A7) The holder shall pay annually in advance a sum determined by the Forest Service to be the fair market value of the use granted by this authorization. The initial payment is set at \$45.00 for the remainder of the calendar year. Subsequent payments shall be determined by the use of an annual fee schedule. The Forest Service may adjust the amount of payment annually by an appropriate factor to reflect more nearly the fair market value of the use, but at certain intervals the Forest Service shall review the fee and adjust the fee as necessary to assure that it is commensurate with the value of the rights and privileges authorized as determined by appraisal or other sound business management principle.

31. (R4-X3) The holder shall operate and maintain the right-of-way, authorized facilities, and access roads in a manner consistent with National Forest System land and resource management objectives and policies. To meet this requirement, the holder shall prepare a right-of-way management plan and submit it to the Forest Service prior to completion of project construction (or, by DECEMBER 31, 1991). The plan will identify specific management and protection objectives and practices by location, and identify responsibilities and schedules. The right-of-way management plan will become a part of this authorization when approved by the Forest Service, and shall be jointly reviewed and revised periodically, according to its terms.

RECEIVED
FBI

APR 07 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 20, 1992

CHARLES P CLAUSEN
9814 S CHYLENE DR
SANDY UT 84092

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 24-07174

Dear Permit Holder:

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

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

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:clh

Enclosures

MICROFILMED

APR 07 1992

APPLICATION FOR PERMIT REVIEW

Application #: 24-7174
Date: 3-15-92

Reviewer: Brenda Miller *Bm*

✓ SYSTEM COMPLETED:

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

GROUNDWATER:

- GT. 0.2 cfs <flow ch> - 01G-P03, 01C-P03(existing well)
- LT. 0.2 cfs - No measurement required <flow chart>

Drilling Permit:

- Approved w/permit - P99
- Not included - 046-P23(All GW, even existing wells)

SURFACE WATER: not in W/D - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

✓ LOCATION:

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

RIVER BASINS:

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

USE:

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

✓ OWNERSHIP:

- ✓ Non land owner - 004

PROTESTED:

- Agreement - 020

- ✓ Beneficial Use Due Date: - 104-03-1993
- Other Conditions Recommended

OK



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

January 23, 1992

RE: Application for Permit No. 24-07174

Charles P. Clausen
9814 S Chylene Drive
Sandy, UT 84092

Dear Mr. Clausen:

This letter is to advise you that the protest filed by the U.S. Forest Service against approval of the above referenced application has been withdrawn. The Department has now resumed processing of this application.

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

Very truly yours,

HAROLD W. JONES
Water Right Supervisor

HWJ:CW

RECEIVED

APR 07 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

January 23, 1992

RE: Application for Permit No. 24-07173 THOMAS A. BUDGE, JR.
24-07174 CHARLES P. CLAUSEN

Gray F. Reynolds
Regional Forester
U.S. Forest Service
324 25th Street
Ogden, UT 84401

Dear Mr. Reynolds:

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

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

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

RECEIVED

APR 07 1992



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401

Reply to: 2540-1

Date: JAN 08 1992

RECEIVED

JAN 11 1992

Mr. Harold W. Jones
Water Rights Supervisor
Idaho Department of Water Resources
150 Shoup Ave. Suite 15
Idaho Falls, ID 84302

Department of Water Resources
Eastern District Office

Dear Mr. Jones:

We have concluded an inspection of the site on Application for Permit Nos. 24-07173 and 24-07174 that we previously protested. This inspection has been conducted by both the Caribou National Forest and the Targhee National Forest and they report that there will be adequate water left on site to meet the management needs of the Forests, therefore, a withdrawal of our protest is appropriate.

Sincerely,

for *Randall R. Reynolds*
GRAY F. REYNOLDS
Regional Forester

RECEIVED

APR 07 1992



Caring for the Land and Serving People

FS-6200-28b(4/88)

RECEIVED

APR 22 1991

Department of Water Resources
Eastern District Office

Thomas A. Budge, Jr.
P.O. Box 488
New Canaan, CT 06840
April 16, 1991

Mr. Ron Dickemore
District Forest Ranger
Palasades Ranger District
Targhee National Forest
3659 E. Ririe Highway
Idaho Falls, ID 83401

Dear Mr. Dickemore,

Last summer I spoke with you in your office concerning the attached Special-Use Application and Report. I am filing the application per your recommendation.

You may recall that there was a question as to whether the collection box was on private or Forest Service property. Fred Fuller and I walked the property in the spring. The survey was completed several weeks afterwards. I have spoken with the surveyor and walked the property again. My estimate is that the collection box (underground) is approximately fifty to seventy-five feet into the Forest Service from the surveyed boundary. The surveyor did not note the location in his survey. I believe that Fred has pictures of the area (snow covered.) The water flows (underground) through the point of collection onto private property. All forest use of the water is uphill of the collection box and therefore it does not diminish the volume available for forest use.

I would be happy to provide you with what ever additional information that you may require to approve the application. I would like to complete the processing of the water right applications in the near future.

I appreciate the time you spent with me and Perry Clausen and the research and advice you provided us on stock crossing from Forest Service to private land.

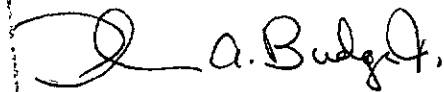
By copy of this letter I would like to advise Harold W. Jones that the granting of the requested special use application should permit application numbers 24-07173 (Budge) and 24-07174 (Clausen) to be completed.

RECEIVED

APR 07 1992

cc: Mr. Harold W. Jones
Mr. Perry Clausen

Sincerely,



Thomas A. Budge, Jr.

RECEIVED

AUG 27 1990

Department of Water Resources
Eastern District Office

Thomas A. Budge, Jr.
P.O. Box 488
New Canaan, CT 06840
August 21, 1990

Harold W. Jones
Water Rights Supervisor
150 Shoup Ave. Suite 15
Idaho Falls, ID 84302

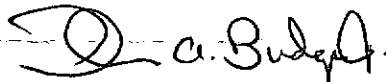
Re: Application #s 24-07173
(Budge) & 24-07174 (Clausen)
Your letter of 1-22-90
My letter to you (copy att.)

Dear Mr. Jones,

This spring I had the pleasure of walking over the subject property with Mr. Fred Fuller of the Palasades Ranger District. The water system in question is almost on the property line and we couldn't make any definite judgment without a survey. We located the corners of the section marked in 1899 but the fence is not on the property line. Mr. Fuller has informed me that the Forest Service has scheduled a survey crew in the area and they will survey the property line. I fully expect we will come to an accommodation acceptable to the Forest Service and they will remove their objection to our applications.

Please keep the applications in suspense until we notify you.

Sincerely,



Thomas A. Budge, Jr.

cc: Sandy Carlson
Perry Clausen
Ron Dickmore
Fred Fuller
Stan Tixier

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APR 07 1992

Thomas A. Budge, Jr.
P.O. Box 488
New Canaan, CT 06840

Harold W. Jones
Water Rights Supervisor
150 Shoup Ave Suite 15
Idaho Falls, ID 84302

Re: Application #s 24-07173
(Budge) & 24-07174 (Clausen)
Your letter of 1-22-90

Dear Mr Jones,

Subsequent to our telephone conversation I was directed to Ron Dickemore, ~~District Ranger of the Palisades Ranger~~ District. We have agreed that we will meet in Star Valley at a mutually agreeable time (in good weather) and walk the area where the water system is located. I expect we will conclude that it is not on Forest Service property and Stan Tixier will be requested to remove his objection. If we determine that it is encroaching on Forest Service property, I am confident that we will apply for a special use permit or make some other arrangement satisfactory to Ron Dickemore. The small quantity of water we would divert runs on/under private property and would not be used for livestock watering on the forest.

I do not foresee the need for your office to schedule a conference to resolve this matter and would request that you suspend the application until we contact you with the resolution. (Perry Clausen and I can speak for each other in this matter.) If it appears that we will not have resolution before early summer, we will give you a status report.

I appreciate the spirit of cooperation and helpfulness that I have detected in everyone I've spoken with. (A spirit that a Westerner in the East doesn't detect nearly often enough.)

Sincerely,

Thomas A. Budge, Jr.

cc: Sandy Carlson
Perry Clausen
Ron Dickemore W/ copy of 1979 survey notes
Mark Moir
Stan Tixier

RECEIVED

APR 07 1992

January 22, 1990

Mr. Charles P. Clausen
9814 So. Chylene Drive
Sandy, Utah 84092

Dear Mr. Clausen:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to application No. 24-07174. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

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

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

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APR 07 1992

Mr. Charles P. Clausen
January 22, 1990
Page 2

counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

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

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

cc: IDWR - State Office

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APR 07 1992

January 22, 1990

RE: Application for Permit No. 24-07173 THOMAS BUDGE, JR.
24-07174 CHARLES CLAUSEN

Mr. J. S. Tixier
Regional Supervisor
U.S. Forest Service
324 25th Street
Ogden, UT 84401

Dear Mr. Tixier:

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.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

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

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APR 07 1992

Mr. J.S. Tixier
January 22, 1990
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the five items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

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

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

cc: IDWR - State Office

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APR 07 1992



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401

RA

DEC 29 1989

Department of Water Resources
Eastern District Office

Reply to: 2540

Date: DEC 21 1989

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

RECEIVED
DEC 26 1989

Department of Water Resources

Dear Mr. Higginson:

We are writing to object to Applications for Permit Nos. 24-07173 and 24-07174 filed by Messrs. Budge and Clausen respectively. Each application contemplates diverting 0.04 cfs from an unnamed spring tributary to Newswander Creek for domestic purposes. Our objection is based on the following:

1. The United States of America - Forest Service will file a claim to this water in the Snake River Adjudication. The water is currently used for livestock watering from July 1 through September 15 and for wildlife, riparian maintenance, and riparian dependent resources during the entire year.

2. There is no surplus water at the source.

3. Contrary to statements in the applications, the United States owns the land at the points of diversion located in section 16. The applicants do not have authority to occupy National Forest land for the purpose contemplated in the applications.

Accordingly, the applications should be denied.

Sincerely,

J. S. Tixier
for J. S. TIXIER
Regional Forester

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APR 07 1992



Form No. 202a
4/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY CDM DATE 11-6-89 APPLICATION NUMBER 24 7174
Charles P. ClausenREQUIRED INFORMATION

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

ADDITIONAL INFORMATION

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

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

RECEIVED
FEB 06 1992

Date Requested

RECEIVED
DEC 28 1989

Department of Water Resources

Department of Water Resources

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

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

FINAL REGIONAL PROCESSING REVIEW

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

☒ Yes ☐ No Publication dates & paper, recorded on application
☒ Yes ☒ No Protests received *Withdrawn*
Final date for protest *12-26-89*
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. *01*
☐ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information
Date of priority recommended *10-27-89*
By *HWS* Date *12-27-89*

STATE OFFICE REVIEW

P17 4849 05(01) 26 04
See below for additional information
By *KW* Date *1-4-90*

ADDITIONAL INFORMATION

*App. in NON-TRUST area -
allow 3 yrs. to develop - Utah
address -*

30-Nov-1989

Caribou National Forest
District Forest Ranger
Federal Bldg., Suite 187
250 S. 4th Street
Pocatello, ID 83201

RE: Application for Permit No. 24-7173 & 24-7174

Dear Sir:

This office is currently in the process of publishing notice that the above application for permit was filed with the Department of Water Resources. Since the application may be of interest to you, a copy is enclosed for your examination. Comments concerning the application should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting a permit should be directed to this Department and received as soon as possible. Final action will be taken by this office shortly after this date, provided there are no protests lodged against the applications.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor

HWJ/rb
Enclosure

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APR 07 1992

29-Nov-1989

Charles P. Clawsen
9814 S. Chylene Dr.
Sandy, UT 84092

RE: Application for Permit No. 24-7174

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Post-Register. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

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APR 07 1992

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

Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 28, 1989

THE POST-REGISTER
P.O. BOX 1800
IDAHO FALLS, ID 83403

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before DECEMBER 26, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

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APR 07 1992

NOTICE OF APPLICATION FOR WATER RIGHT

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

RECORDED

APR 07 1992

24-07174

CLAUSEN, CHARLES P.
9814 S. CHYLENE DR.
SANDY, UT 84092

Source: UNNAMED SPRING

Tributary: NEWSWANDER CREEK

Diversion Pt: SESENE Sec 17 T 04S R 46E

Use: DOMESTIC (.040 CFS)

Date Filed: 10/27/1989

In: T04S R46E S16 NWNW

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APR 07 1992

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-5A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before DECEMBER 26, 1989.

R. Keith Higginson, Director

Published 12/07/1989 & 12/14/1989

RECEIVED

APR 07 1992