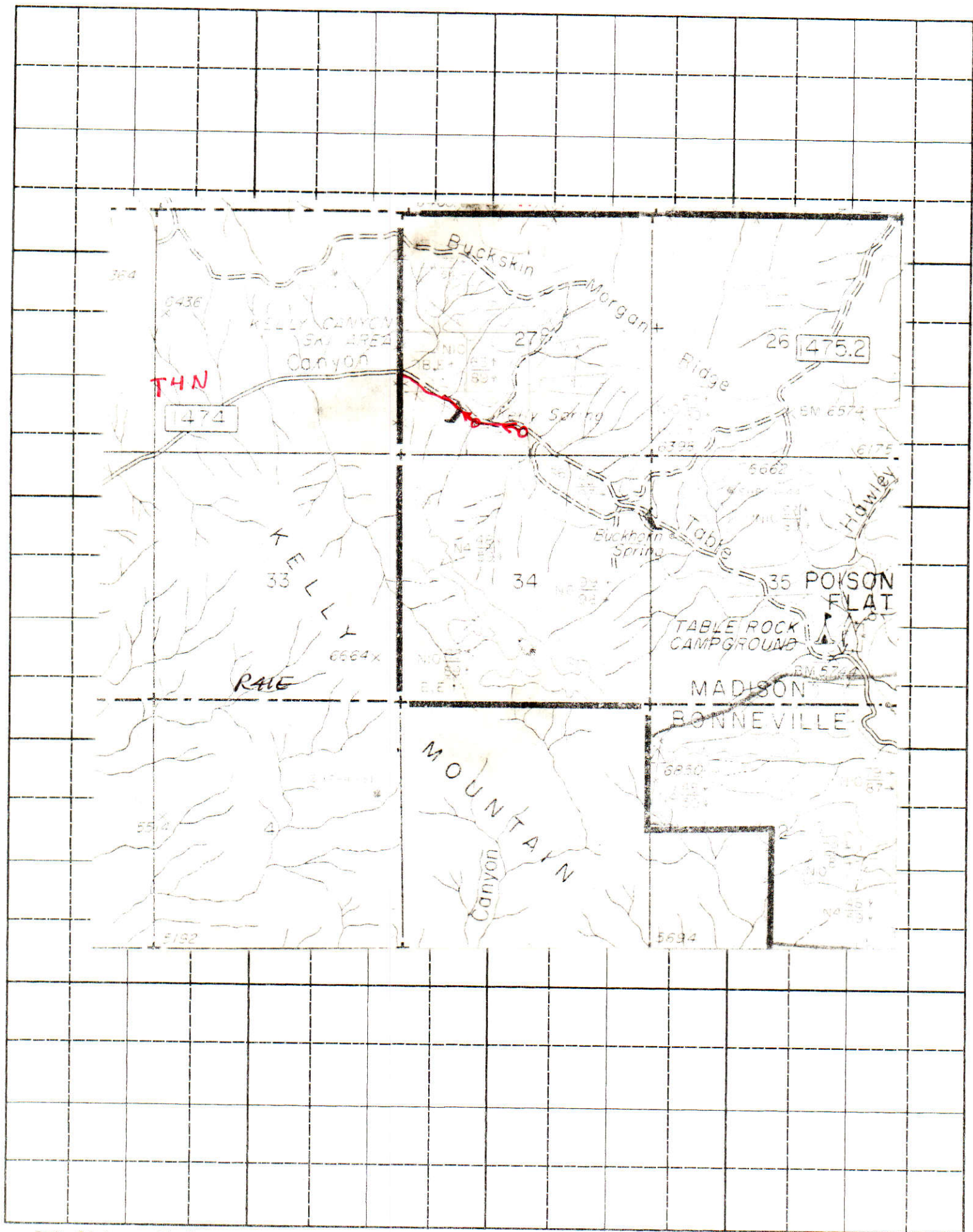


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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. United States of America - Forest Service

Ted V. Russell
(for) J. S. TIXIER (Applicant) Regional Forester

MICROFILMED

THE STANDARD/JOURNAL

REXBURG, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Madison } ss

I, Terry Weatherston
being first duly sworn, depose and say, that I am
the printer of THE STANDARD/JOURNAL, a bi-
weekly newspaper printed and published bi-
weekly at Rexburg, Madison County, Idaho; and I
do solemnly swear that the

Notice Of Application For Water Right

a copy of which notice appears attached here-
to, was published in the regular and entire issue
of said newspaper, and not in any

supplement issue thereof for 2
consecutive issues, the first publication hav-

ing been made on Sept. 19, 1985
and the last publication having been made

on Sept. 26, 1985.

Further, that said newspaper is one of general
circulation in said county; that it is a legal
newspaper, conforming to legal specifications
under the Idaho Statutes; that it has at least two
hundred bona fide subscribers living within the
county of publication; and that it has been
continuously and uninterruptedly published in said
county during a period of seventy-eight con-
secutive weeks prior to the first publication of the
said notice.

Terry Weatherston



Subscribed to and sworn to before me
this Sept. 27, 1985

[Signature]
Notary Public.

(SEAL)

My commission expires life

RECEIVED

OCT 4 1985

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER RIGHT

The following applications have been fil-
ed to appropriate the public waters of the
State of Idaho and are being readvertised to
allow evaluation of the public interest
criteria under Section 42-203C, Idaho
Code.

23-7105

U.S. DEPT. OF AGRI.

FOREST SERVICE, FEDERAL BLDG.,
324 25th STREET, OGDEN, UT. 84401

Source: KELLY SPRING trib. to SNAKE
RIVER

Date Filed: 11/30/1984

Diversion Point: NWSW SWSW SESW
Sec 27 T 4N R 41E

Use: INSTREAM STOCKWATER (.05
cfs)

In: NWSW SWSW SESW Sec 27 T 4N R
41E

The permit(s) will be subject to all prior
water rights. Protests are limited to the
public interest criteria under Section
42-203C, Idaho Code. Protests must be fil-
ed with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho, 83402 on or before Oc-
tober 7, 1985.

KEN DUNN
Director

Publ. Sept. 19 and 26, 1985J.

MICROFILMED

THE STANDARD/JOURNAL

REXBURG, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Madison } ss

I, Terry Weatherston

being first duly sworn, depose and say, that I am the printer of THE STANDARD/JOURNAL, a bi-weekly newspaper printed and published bi-weekly at Rexburg, Madison County, Idaho; and I do solemnly swear that the

Notice Of Amended Application For Water Permit

a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any

supplement issue thereof for 2 consecutive issues, the first publication hav-

ing been made on July 4, 1985 and the last publication having been made

on July 11, 1985.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Terry Weatherston



Subscribed to and sworn to before me
this July 12, 1985

Dore L. Larnier
Notary Public.

(SEAL)

My commission expires life

AUG

Department of Water Resources
Eastern District Office

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT 23-7105

Notice is hereby given that Application for Permit No. 23-7105 in the name of United States of America, Forest Service, was filed for the division of 0.05 cfs of water from Kelly Spring tributary to Snake River, with point of diversion within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 4N, R. 41E, B.M. Madison County; to be used from 5-1 to 10-15 for stockwatering purposes for 150 beef cattle within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 4N, R. 41E, B.M.

The applicant now proposes to amend this application changing the point of diver-

sion to within the W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 4N, R. 41E, B.M. for instream stockwatering within the W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 4N, R. 41E, B.M.

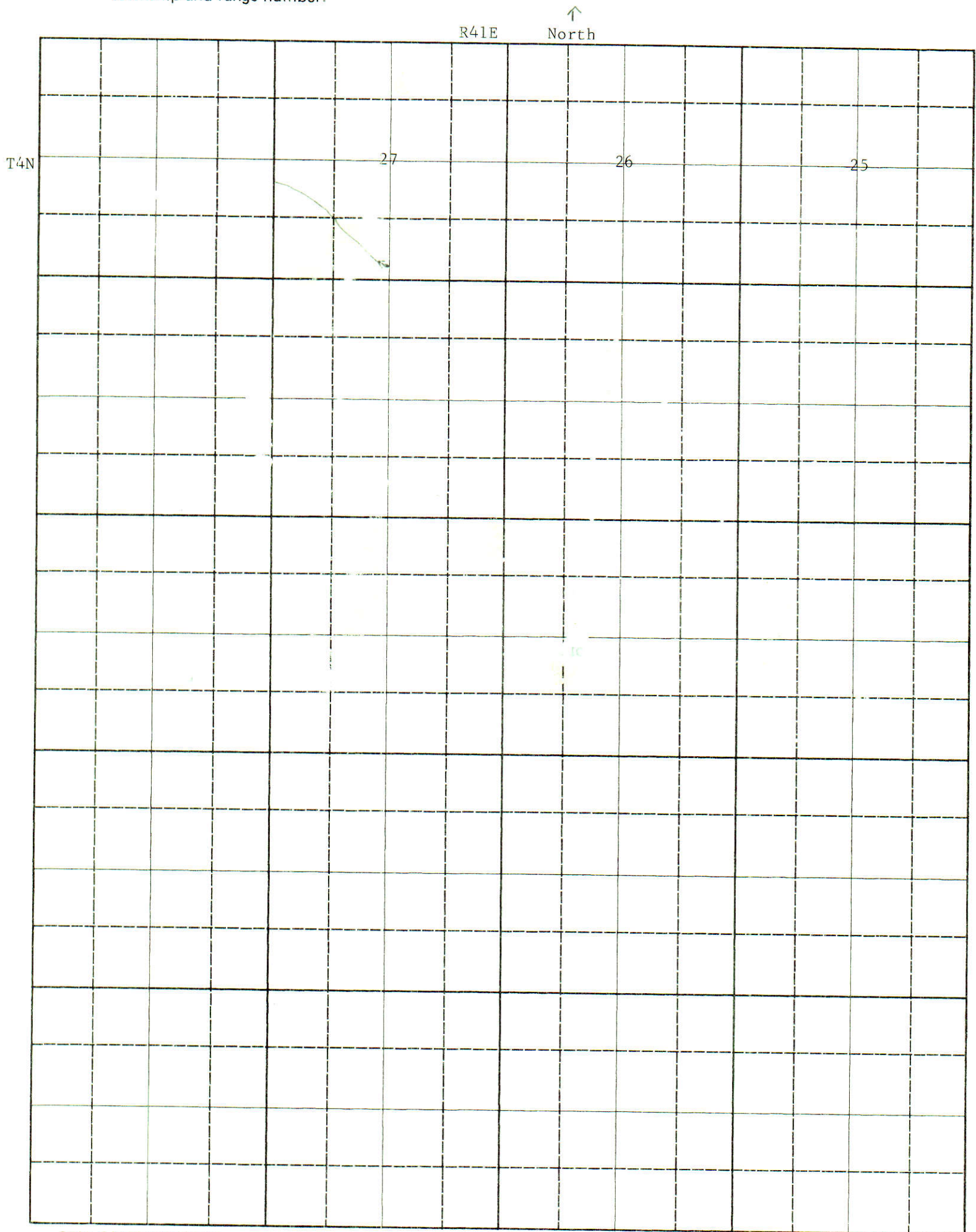
Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID 83402, on or before July 22, 1985.

A. KENNETH DUNN
Director

Publ. July 4 and 11, 1985J

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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. United States of America - Forest Service

(for) J. S. TIXIER (Applicant) Regional Forester

MICROFILMED

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Terry Weatherston,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice Of Application For Water Right

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for 2
consecutive issues, the first publication hav-

ing been made on December 13, 1984
and the last publication having been made

on December 20, 1984.

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

Terry Weatherston

Subscribed to and sworn to before me

this December 21, 1984

Jeri Garner
(SEAL) Notary Public

My commission expires life

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

23-7105

U.S. DEPT. OF AGRI.
FOREST SERVICE, FEDERAL BLDG.,
324 25TH STREET, OGDEN, UT 84401
Source: KELLY SPRING trib. to SNAKE
RIVER, S. FK.

Date Filed: 11/30/1984

Diversion Pt: SESW Sec 27 T 04N R 41E

Use: STOCKWATER (0.05 CFS)

In: SESW NWSW Sec 27 T 04N R 41E

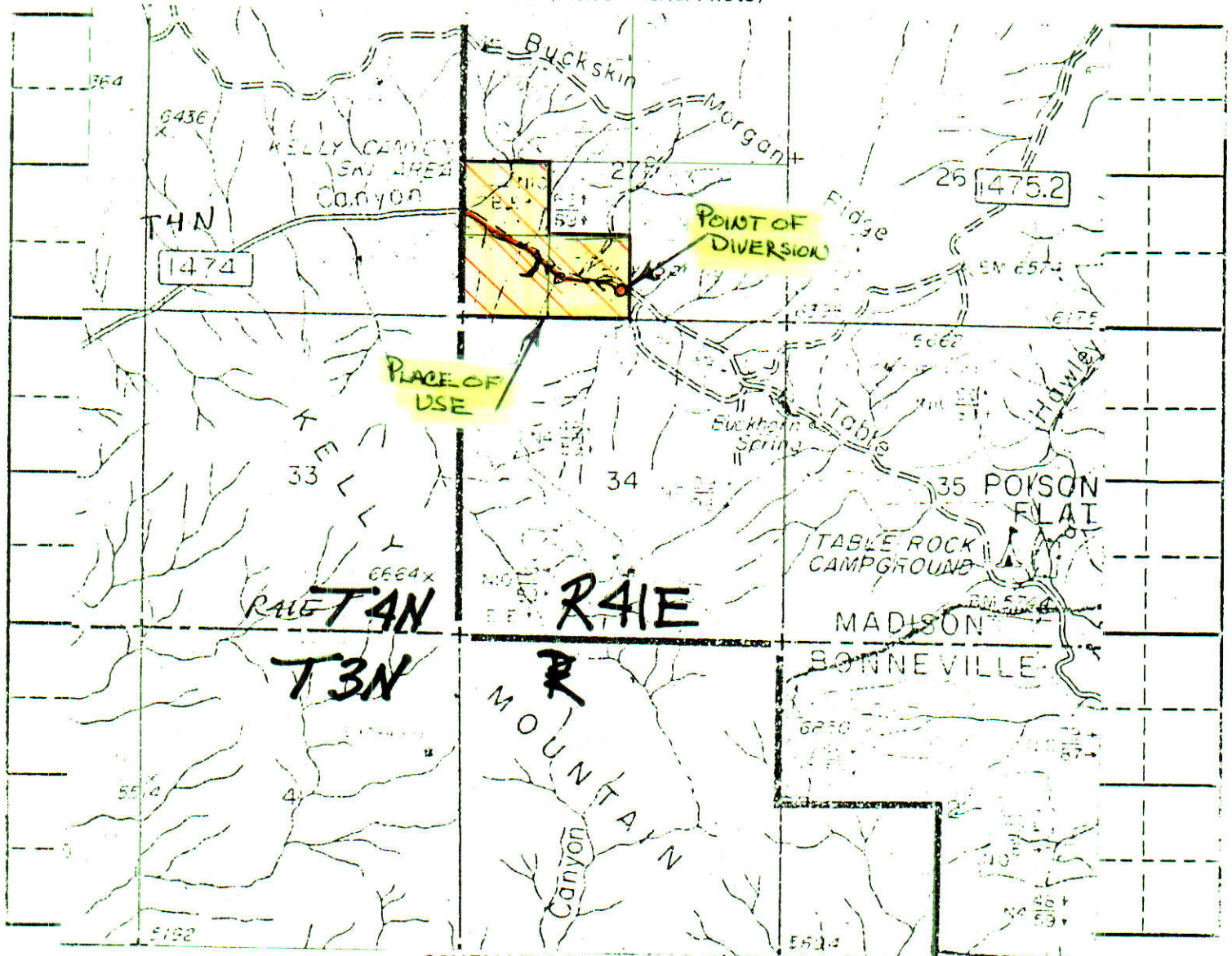
The permit(s) will be subject to all prior
water rights. Protests must be filed with the
Director, Dept. of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls, Idaho
83402 on or before DECEMBER 31, 1984.

KENN DUNN,
Director

Publ. Dec. 13 and 20, 1984J

MICROFILM

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: SE 1/4 SW 1/4 Sec 27 T4N R41E B.M.

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	41E	27										X	X	X					

Recommended Amendments:

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

- ☒ None
☐ Other

Examiner's Signature [Signature]
 Checked by [Signature]
 Approved by [Signature]

Date 12/5/86
 Date 12-08-86
 Date 1-29-87

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MAR 05 1987

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 23-7105

Priority: November 30, 1984 Amount: .04 CFS .9 AF

This is to certify, that U.S. DEPT. OF AGRI.

FOREST SERVICE
FEDERAL BLDG.
324 25TH STREET
OGDEN, UT 84401

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated November 30, 1984, and has submitted proof to the Department of Water Resources on January 27, 1986, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .04 cfs of water from;

KELLY SPRING tributary to SNAKE RIVER, SOUTH FORK

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Stockwater	05/01 to 10/15	.04 cfs	.9 af

LOCATION OF POINT OF DIVERSION(S): SESW , Sec. 27, Township 4N, Range 41E
Madison County

PLACE OF USE: Stockwater

TWN RGE SEC

4N 41E 27 NSW SWSW SESW

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this license is subject to control by the watermaster of State Water District No. 01 .
5. This right, when considered with all other rights common to the same grazing allotment, shall be limited to the quantity of water beneficially used by the number of stock within the allotment.

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 20th day of FEBRUARY, 1987.

MAINTAINED

for the Director

Norman C. Young

MAR 05 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

AMENDED

AMENDED

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant United States of America, Forest Service Phone 801-625-5365
Post office address 324 25th Street, Ogden, UT 84401
2. Source of water supply Kelly Spring which is a tributary of SNAKE RIVER, S. Fk.
3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27 Township 4N
Range 41E B.M. Madison County, additional points of diversion if any: _____

Also see item 8b

4. Water will be used for the following purposes:

Amount .05 ~~cfs~~ ^{instream} ~~or acre-feet per annum~~ for stockwater purposes from 5/1 to 10/15 (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

a. .05 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. none, livestock will
drink from the spring and streambed.

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: See item 8b

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

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

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

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

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

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	41E	27										X	X	X					

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. None

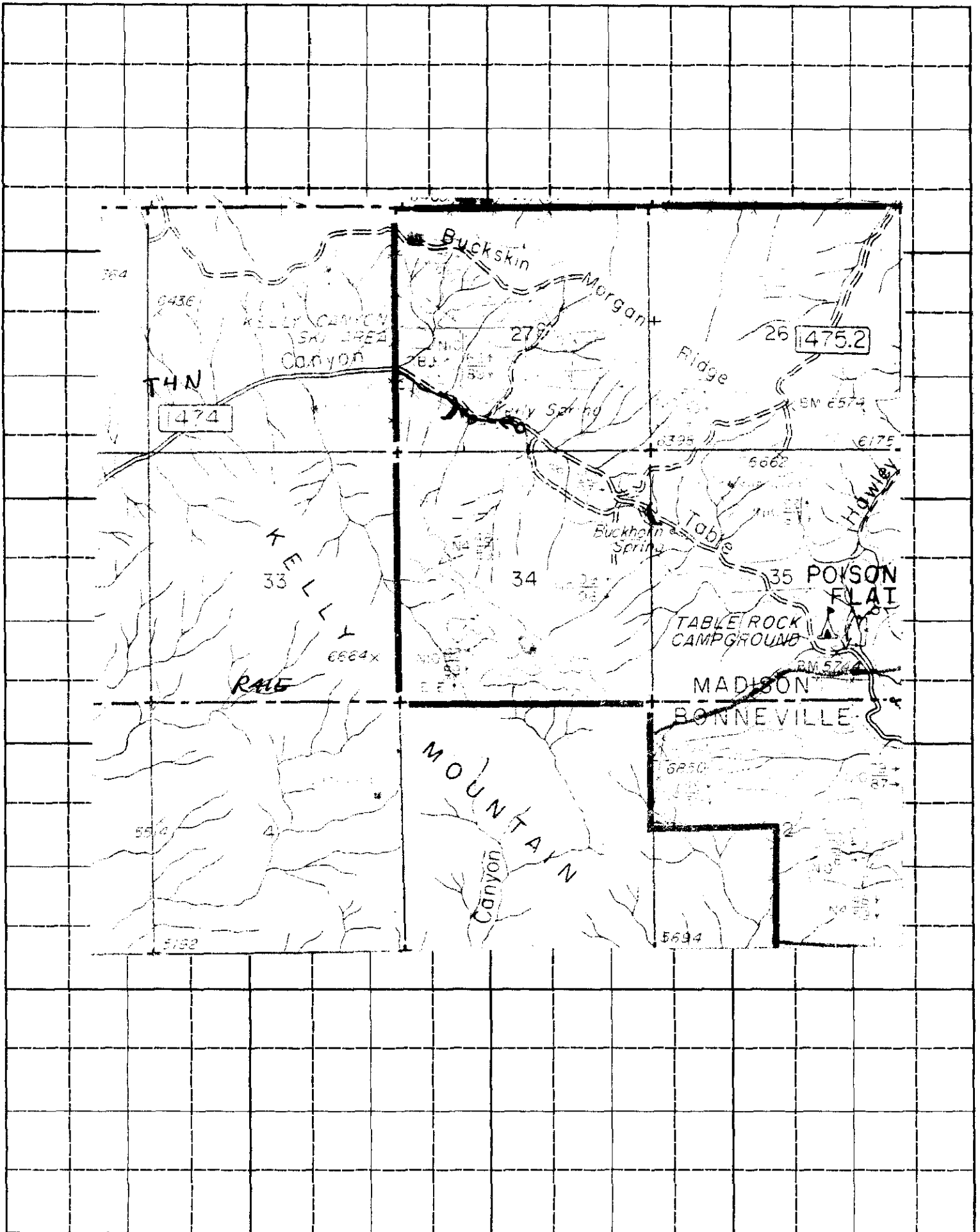
9. a. Who owns the property at the point of diversion United States of America

b. Who owns the land to be irrigated or place of use United States of America

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 Points of diversion and place of use are the same.

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. United States of America - Forest Service

Ted V. Russell

(for) J. S. TIXIER (Applicant) Regional Forester

MICROFILMED

Proposed Priority 11/30/84

MICROFILMED

Received by at Date 6-24-85 Time 1:33 pm

Preliminary check by GFR Fee \$ \$20.00 #33351

Received by at Date 6-24-85

Publication prepared by at Date 6-26-85

Published in Standard Journal

Publication dates 7-4-85 7-11-85

Publication approved kw Date 8-13-85 Read 9/19/85 9/26/85

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ENC kw

original app.
rec'd 11-30-84
Receipt No.
34349.
#30.00

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. 23-7105, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 19 90.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River.

Witness my hand this 17th day of October, 1985.

J. Glen Saxton
Chief, Operations Bureau

THE STANDARD/JOURNAL
REXBURG, IDAHO

AFFIDAVIT OF
PUBLICATION

STATE OF IDAHO }
County of Madison } ss

I, Terry Weatherston
being first duly sworn, depose and say, that I am
the printer of THE STANDARD/JOURNAL, a bi-
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weekly at Rexburg, Madison County, Idaho; and I
do solemnly swear that the

Notice Of Application For Water Right

a copy of which notice appears attached here-
to, was published in the regular and entire issue
of said newspaper, and not in any

supplement issue thereof for 2
consecutive issues, the first publication hav-

ing been made on Sept. 19, 1985
and the last publication having been made

on Sept. 26, 1985.

Further, that said newspaper is one of general
circulation in said county; that it is a legal
newspaper, conforming to legal specifications
under the Idaho Statutes; that it has at least two
hundred bona fide subscribers living within the
county of publication; and that it has been
continuously and uninterruptedly published in said
county during a period of seventy-eight con-
secutive weeks prior to the first publication of the
said notice.

Terry Weatherston
~~~~~

Subscribed to and sworn to before me  
this Sept. 27, 1985

*[Signature]*  
Notary Public.

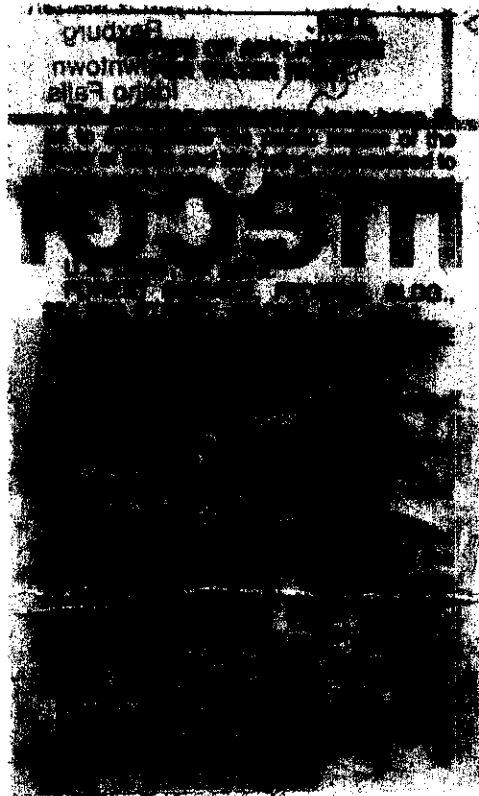
(SEAL)

My commission expires life

RECEIVED

OCT 4 1985

Department of Water Resources  
Eastern District Office



MICROFILMED

# THE STANDARD/JOURNAL

REXBURG, IDAHO

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }  
County of Madison } ss

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being first duly sworn, depose and say, that I am  
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weekly at Rexburg, Madison County, Idaho; and I  
do solemnly swear that the

### Notice Of Amended Application For Water Permit

a copy of which notice appears attached here-  
to, was published in the regular and entire issue  
of said newspaper, and not in any

supplement issue thereof for 2  
consecutive issues, the first publication hav-

ing been made on July 4, 1985  
and the last publication having been made  
on July 11, 1985.

Further, that said newspaper is one of general  
circulation in said county; that it is a legal  
newspaper, conforming to legal specifications  
under the Idaho Statutes; that it has at least two  
hundred bona fide subscribers living within the  
county of publication; and that it has been  
continuously and uninterruptedly published in said  
county during a period of seventy-eight con-  
secutive weeks prior to the first publication of the  
said notice.

*Terry Weatherston*



Subscribed to and sworn to before me  
this July 12, 1985

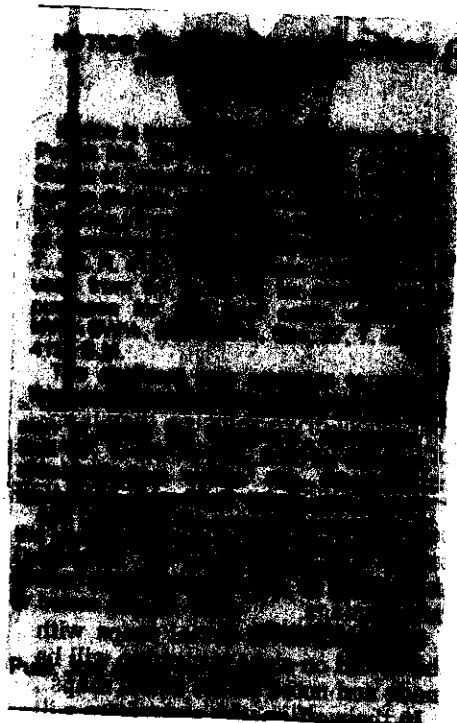
*Dere Lamm*  
Notary Public.

(SEAL)

My commission expires life

AUG

Department of Resources  
Fasting Office



**MICROFILMED**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

*Void*

To appropriate the public waters of the State of Idaho

1. Name of applicant United States of America - Forest Service Phone (801)625-5365

Post office address 324 - 25th Street, Ogden, UT 84401

2. Source of water supply Kelly Spring which is a tributary of S. Fk. Snake River

3. Location of point of diversion is SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 27 Township 4N

Range 41E B.M. Madison County, additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount .05 for livestock water purposes from 5/1 to 10/15 (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. .05 cubic feet per second and/or b. -2.7 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. none, livestock will drink from the  
spring and stream bed.

b. Height of storage dam NA 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: SE Both SW  
(1) Give the place of use of water: NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 27 Township 4N

Range 41E B.M.

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

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

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

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

MICROFILMED

Total number of acres to be irrigated \_\_\_\_\_

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

None

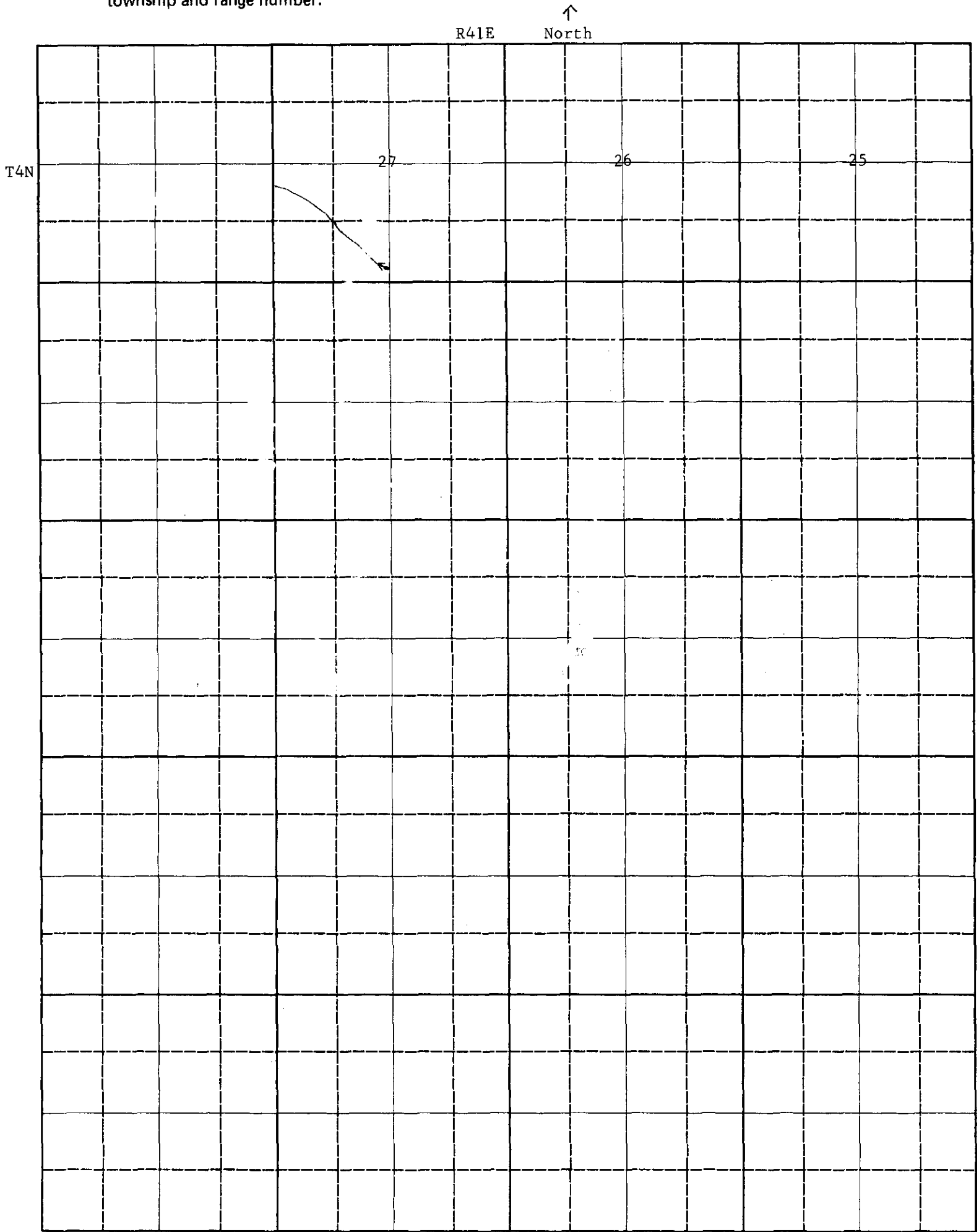
9. a. Who owns the property at the point of diversion United States of America

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

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

10. Remarks \_\_\_\_\_

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth. United States of America - Forest Service

\_\_\_\_\_  
TED V. J. TIXIER      (Applicant) Regional Forester

**MICROFILMED**

**MICROFILMED**

Received by CY Date 11-30-84 Time 9:55 a.m.  
Preliminary check by Yn Fee \$ \$30.00 #34349  
Receipted by CY Date 11-30-84  
Publication prepared by CY Date 12-5-84  
Published in Standard Journal  
Publication dates 12-13 & 12-20-84  
Publication approved PW Date 1-07-85  
Protests filed by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Copies of protests forwarded by \_\_\_\_\_  
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:

The REXBURG STANDARD and  
The REXBURG JOURNAL  
REXBURG, IDAHO

3

**Affidavit of Publication**

STATE OF IDAHO }  
County of Madison } ss.

I, Terry Weatherston  
being first duly sworn, depose and say,  
that I am the printer of THE REXBURG

Journal, a newspaper printed and  
published weekly at Rexburg, Madison  
County, Idaho; and I do solemnly swear  
that the

Notice Of Application For Water Right  
a copy of which notice appears attached  
hereto, was published in the regular and  
entire issue of said newspaper, and not in

any supplement issue thereof for 2  
consecutive issues, the first publication hav-

ing been made on December 13, 1984  
and the last publication having been made

on December 20, 1984.

Further, that said newspaper is one of  
general circulation in said county; that it  
is a legal newspaper, conforming to legal  
specifications under the Idaho Statutes; that  
it has at least two hundred bona fide sub-  
scribers living within the county of publica-  
tion; and that it has been continuously and  
uninterruptedly published in said county dur-  
ing a period of seventy-eight consecutive weeks  
prior to the first publication of the said not-  
ice.

*Terry Weatherston*

Subscribed to and sworn to before me

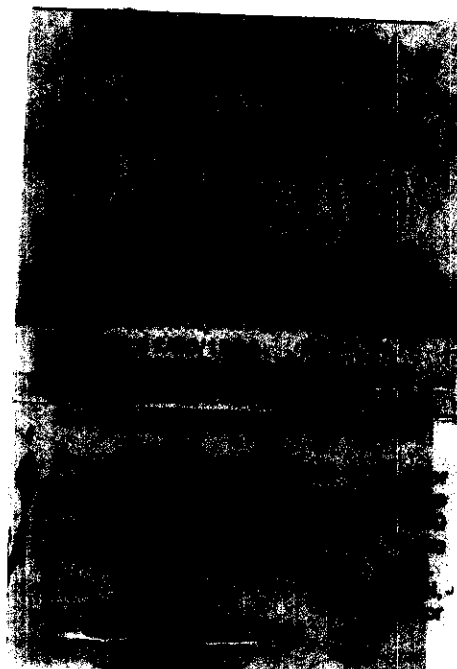
this December 21, 1984

*Jeri Garner*  
(SEAL) Notary Public.

My commission expires life

JAN 4 1985

Department of Water Resources  
Eastern District Office



MICROFILMED



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

A. KENNETH DUNN  
Director

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

February 23, 1987

RE: Permit Nos. 23-7105/7106/7107/7108/7109, 74-7135, 75/7278/7288

Forest Service  
Federal Bldg.  
324 25th St.  
Ogden, UT 84401

Gentlemen:

Enclosed are copies of the Water Right Licenses issued on the above referenced permits.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:sc

Enclosures

RECEIVED  
MAR 05 1987



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS  
Governor

A. KENNETH DUNN  
Director

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

February 2, 1987

RE: Permit Nos. 23-7105/7106/7107/7108/7109

Forest Service  
Federal Bldg.  
324 25th St.  
Ogden, UT 84401

Gentlemen:

Enclosed are draft copies of the licenses proposed to be issued on the above referenced water rights.

If you do not concur with the information shown on the draft licenses, please advise the Department within ten (10) days. If you have any questions, please let us know; otherwise, the licenses will be issued as identified on the draft copies.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:sc

Enclosures

**MICROFILMED**  
MAR 03 1987

State of Idaho  
DEPARTMENT OF WATER RESOURCES  
FIELD REPORT

Department of Water Resources

23-7105

Permit No.

## CONTACT WITH PERMIT HOLDER

☐ Appointment letter mailed:☐ Telephone call made:

(List Telephone No. used)

☐ Appointment scheduled for:

(Date, time, location)

DATE

INITIALS

REMARKS

## EXAMINATION

Date 12/5/86Accompanied by Dick Ward

THEORETICAL-

0.05

0.04

cfs

Source Kelly Spring Tributary to Snake River S.F. Total Q measuredSupp. annubar measurement sheet used? No

If source is surface water, estimate total flow of source

Methods of measurement THEORETICAL

Meets permit requirements?

Measurement calculations:

See memorandum dated February 26, 1981, U.S.F.S. Field Examination

$$V = \frac{150 \text{ Head} \times 12 \text{ gal/day/head} \times 167 \text{ day}}{325,850 \text{ g/a}} = 0.92 \text{ AFA}$$

| WELL/DIVERSION*<br>NO. | HP | MOTOR<br>MAKE | MOTOR<br>SERIAL NO. | PUMP<br>MAKE | PUMP<br>SERIAL NO. | MEASURING<br>DEVICE TYPE | CONDITION OF<br>MEAS. DEV. | REMARKS |
|------------------------|----|---------------|---------------------|--------------|--------------------|--------------------------|----------------------------|---------|
|                        |    |               |                     |              |                    |                          |                            |         |
|                        |    |               |                     |              |                    |                          |                            |         |
|                        |    |               |                     |              |                    |                          |                            |         |

System Description Instream stockwater use from Kelly Spring

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

## RECOMMENDED AMOUNTS

USE

Irrigation requirement =

AFA/Acre

Q (cfs)

V (afa)

FROM

TO

Stock Water (instream)

0.05

0.04

0.92

5/1

10/15

0.05

0.04

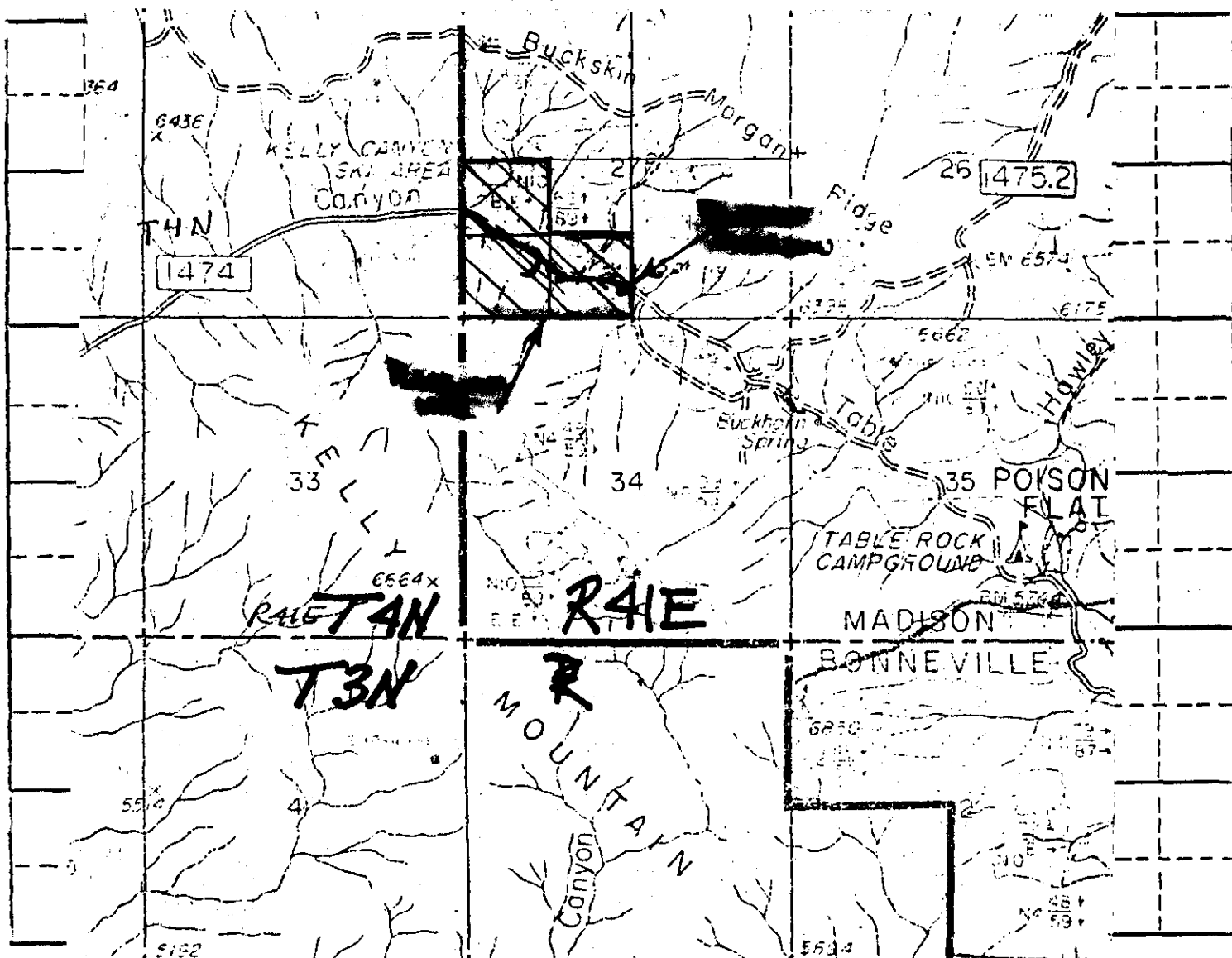
0.92

Remarks Stockwater for 150 beef cattle

MICROFILMED

MAR 05 1987

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: SE 1/4 SW 1/4 Sec. 27 T4N R4E B.M.

Place(s) of Use

| TWP. | RGE. | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 4N   | 4E   | 27   |        |        |        |        |        |        |        |        | X      | X      | X      |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Recommended Amendments:

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

- ☒ None  
☐ Other

**MICROFILMED**

Examiner's Signature

Checked by

Approved by

*[Handwritten Signature]*  
*[Handwritten Signature]*

*[Handwritten Signature]*

Date

Date

Date

MAR 03 1981

12/5/86

12-09-86

1-29-87

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

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

APRIL 2, 1986

U.S. FOREST SERVICE  
324 25TH STREET  
OGDEN UT 84401

RE: Permit No. 23-7105

Dear Permit Holder:

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

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

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

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

Sincerely,  
s/HAROLD W. JONES  
Sr. Resource Agent

RECEIVED

MAR 03 1987

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
PROOF OF BENEFICIAL USE

RECEIVED  
JAN 27 1986

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 23-7105

Name(s) of Permit Holder: United States of America - Forest Service

Post Office Address: 324 25th Street, Ogden, UT 84401

Telephone No. (801) 625-5360

Source of Water: Instream stockwater from Kelly Creek

Extent of Use:

Domestic \_\_\_\_\_ (number of households)

Stockwater 150 beef cattle (number and type of stock)

Irrigation \_\_\_\_\_ (acres)

Other/Remarks No development needed; livestock permitted on the National Forest have drank from the spring and stream since the early 1900's

Indicate the date water was first diverted and beneficially used under this permit: Since 1920

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

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

MICROFILMED

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

District Forest Ranger, Palisades Ranger District, Targhee National Forest  
(Name)

Beeches Corner, Route 1, Box 398B, Idaho Falls, Id 83401 (208) 523-1412  
(Address) (Telephone Number)

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

United States of America - Forest Service

1/23/86  
Date

Randall K. Hall  
Signature of Permit Holder (and Title, if appropriate)  
(for) J. S. TIXIER, Regional Forester

8-21-1986  
J

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---

---

Place  
Stamp  
Here

**Idaho Department of Water Resources  
Statehouse Mail  
Boise, ID 83720**

October 18, 1985

RE: Permit No. 23-7105

Forest Service  
Federal Bldg.  
324 25th St.  
Ogden, UT 84401

Dear Permit Holder:

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

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

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

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:sc  
Enclosure

**MICROFILMED**

State of Idaho  
Department of Water Resources

*Amended*

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: G. F. RAMSEY

APPLICATION NUMBER: \_\_\_\_\_

CHECK: JUN 24 1985

- ☒ Source.  
☒ Point of diversion.  
☒ County.  
☒ Quantity of water and period of use.  
☒ Description of diverting works.  
☒ Time required for beneficial use of water.  
☒ Place of use or acres irrigated.  
☒ Map.  
☒ Signature.  
☒ Fee.

Field check by: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

- ☐ Yes ☒ No Field check required.  
☐ Yes ☒ No Critical groundwater area.  
☐ Yes ☒ No Request dam safety information. Sent by: \_\_\_\_\_ Date: \_\_\_\_\_  
☒ Yes ☐ No\* In form to receipt.

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: \_\_\_\_\_

SEND COPIES TO:

- ☐ Idaho State Health Department.  
☐ Idaho Fish and Game Department.  
☐ Idaho Department of Lands.  
☐ U.S. Bureau of Land Management.  
☐ U.S. Forest Service.  
☐ Other \_\_\_\_\_

Copies sent by: \_\_\_\_\_ Date: \_\_\_\_\_

PROCESSING:

- ☐ Yes ☒ No Platted by: \_\_\_\_\_ Map No. \_\_\_\_\_  
☐ Yes ☒ No Other rights on same place of use. \_\_\_\_\_

- ☒ Yes ☐ No\* In form for advertising.  
Final date for protests: 10-7-85 7-22-85  
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 8-7-85 10-4-85  
☒ Application published correctly. If not, record action taken: \_\_\_\_\_  
☒ Fee amount, receipt date & number, recorded on application.  
☒ Publication dates and paper, recorded on application.  
☒ Protests, dates, withdrawal, etc., recorded on application.  
☒ Recommendation & initial, recorded on application.  
☐ Yes ☒ No Measuring device required.  
☐ Yes ☒ No Access port required.  
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 01  
11-30-84 Date of priority recommended.  
Special conditions of approval or cover letter. \_\_\_\_\_

USFS not named in S.F. suit - DEPT

RECEIVED  
OCT 10 1985

By: Ernest G. Galt

Date: Aug 20, 1985

STATE OFFICE REVIEW:

617

26 05 (01, Snake River)

RECEIVED

- ☐ See attached sheet for more information.

By: ku

Date: 10-11-85

AUG 14 1985  
Department of Water Resources

MICROFILMED

POINT OF DIVERSION AND STREAM INDEX INFORMATION

| TRACT                   | SEC | TWP | RGE | gov't<br>lot | rediv.<br>(R) | REACH |
|-------------------------|-----|-----|-----|--------------|---------------|-------|
| IDAHO STREAM CODE INDEX |     |     |     |              |               |       |

| TRACT                   | SEC | TWP | RGE | gov't<br>lot | rediv.<br>(R) | REACH |
|-------------------------|-----|-----|-----|--------------|---------------|-------|
| IDAHO STREAM CODE INDEX |     |     |     |              |               |       |

| TRACT                   | SEC | TWP | RGE | gov't<br>lot | rediv.<br>(R) | REACH |
|-------------------------|-----|-----|-----|--------------|---------------|-------|
| IDAHO STREAM CODE INDEX |     |     |     |              |               |       |

| TRACT                   | SEC | TWP | RGE | gov't<br>lot | rediv.<br>(R) | REACH |
|-------------------------|-----|-----|-----|--------------|---------------|-------|
| IDAHO STREAM CODE INDEX |     |     |     |              |               |       |

| TRACT                   | SEC | TWP | RGE | gov't<br>lot | rediv.<br>(R) | REACH |
|-------------------------|-----|-----|-----|--------------|---------------|-------|
| IDAHO STREAM CODE INDEX |     |     |     |              |               |       |

I D A H O   D E P A R T M E N T   O F   W A T E R   R E S O U R C E S

WATER RIGHT  
DATA ENTRY LOG

[illegible]

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

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

SEPTEMBER 11, 1985

The Standard Journal  
P. O. Box 10  
Rexburg, Idaho 83440

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before OCTOBER 7, 1985.

Yours truly,

RONALD D. CARLSON  
Supervisor  
Eastern Region

Encl.

10 07-85  
MICROFILMED

NOTICE OF APPLICATION  
FOR WATER RIGHT

The following applications have been filed to appropriate the public waters of the State of Idaho and are being readvertised to allow evaluation of the public interest criteria under Section 42-203C, Idaho Code.

23-7105

U.S. DEPT. OF AGRI.

FOREST SERVICE, FEDERAL BLDG., 324 25th STREET, OGDEN, UT 84401

Source: KELLY SPRING trib. to SNAKE RIVER

Date Filed: 11/30/1984

Diversion Point: NWSW SWSW SESW Sec 27 T 4N R 41E

Use: INSTREAM STOCKWATER (.05 cfs)

In: NWSW SWSW SESW Sec 27 T 4N R 41E

The permit(s) will be subject to all prior water rights. Protests are limited to the public interest criteria under Section 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 October 7, 1985.

KEN DUNN

Director

Published 9/19 and 9/26/85.

**MICROFILMED**



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
EASTERN REGION

John V. Evans  
Governor

A. Kenneth Dunn  
Director

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

August 9, 1985

Standard Journal  
23 South First East Box 7  
Rexburg, ID 83440

RE: Claim to a Water Right No. 22-4188  
Amended Application for Permit No. 23-7105

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced notices. The legal notice was to have been published in your paper on July 4 and 11, 1985.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

CHERYL THOMPSON  
Secretary

**MICROFILMED**

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

23-7105

Notice is hereby given that Application for Permit No. 23-7105 in the name of United States of America, Forest Service, was filed for the diversion of 0.05 cfs of water from Kelly Spring tributary to Snake River, with point of diversion within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 27, T. 4N, R. 41E, B.M. Madison County; to be used from 5-1 to 10-15 for stockwatering purposes for 150 beef cattle within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 27, T. 4N, R. 41E, B.M.

The applicant now proposes to amend this application changing the point of diversion to within the W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 27, T. 4N, R. 41E, B.M. for instream stockwatering within the W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 27, T. 4N, R. 41E, B.M.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID 83402, on or before July 22, 1985.

A. KENNETH DUNN

Director

Published in the Standard Journal, 7/4 & 7/11/85.

MICROFILMED



United States Forest  
Department of Service S.O.  
Agriculture

D-4

Reply To: 2540 Water Uses and Development

April 4, 1985

Subject: Amended Application for Permit #32-7142, Dubois  
Ranger District; and #23-7105, Palisades Ranger  
District

To: District Rangers - Dubois and Palisades  
Ranger Districts

Enclosed is a signed application for Amendment on Application, for permit number #32-7142, Dubois Ranger District, for Warm Springs Creek; and permit number #23-7105, Palisades Ranger District, for Kelly Springs.

The amendment is necessary because of changes the State made in Items 3 and 8 of your application. The change in Item 3, is to indicate the point of diversion is anywhere along the stream where the animal drinks.

In Item 8, the description of the place of use was changed from 8 A1 to the table in 8b. The State's reasoning is if the point of area is in more than quarter quarter sections, the description should be displayed in Table 8b.

I know this appears to run counter to the instructions on the form, but it is the way the State wants the form filled out.

If in the future you file an application for permit for water, where the points use and diversion are scattered in more than one quarter quarter sections, please display and reference these points in Table 8b.

Please forward the enclosed amendment, along with \$20, to the Department of Water Resources.

If you have questions, give me a call.

*Bryant Christensen*  
BRYANT CHRISTENSEN  
Branch Chief, R-WL-WS

Enclosure

|                           |        |
|---------------------------|--------|
| APR 5 1985                |        |
| PALISADES RANGER DISTRICT |        |
| Action                    | Review |
| D.R.                      |        |
| Forester                  |        |
| Range Com.                | RA     |
| S. M. A. A.               |        |
| Rec.                      |        |
| Promise Card Call Date    |        |
| Revision of               |        |



MICROFILMED 8200-28(7-82)

January 17, 1985

Ted V. Russell  
United States of America  
Forest Service  
324 25th Street  
Coden, UT 84401

Dear Ted:

Enclosed are two applications for permit that have been amended from their original form. Both permits now correspond to the map and telephone instructions from the Forest Service which were requested. Please check the applications, sign and return the with the required fee (\$20.00 for each amended permit = \$40.00 total).

If you have any questions please call (208 525-7161) or come to the Idaho Falls office.

Sincerely,

GERALD F. PAMSEY  
Radiologic Specialist

Enclosures

**MICROFILMED**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

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

DECEMBER 5, 1984

The Standard Journal  
P. O. Box 10  
Rexburg, Idaho 83440

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before DECEMBER 31, 1984.

Yours truly,

RONALD D. CARLSON  
Supervisor  
Eastern Region

Encl.

**MICROFILMED**

NOTICE OF APPLICATION FOR WATER RIGHT

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

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before DECEMBER 31, 1984.

KEN DUNN, Dir.

Published 12/13 & 12/20/84.

**MICROFILMED**

23-2105

U.S. DEPT. OF AGRI.

FOREST SERVICE, FEDERAL BLDG., 324 25TH STREET, OGDEN, UT 84401

Source: KELLY SPRING trib. to SNAKE RIVER, S. FK.

Date Filed: 11/30/1984

Diversion Pt: SESW Sec 27 T 04N R 41E

Use: STOCKWATER (0.05 CFS)

In: SESW NWSW Sec 27 T 04N R 41E

**MICROFILMED**