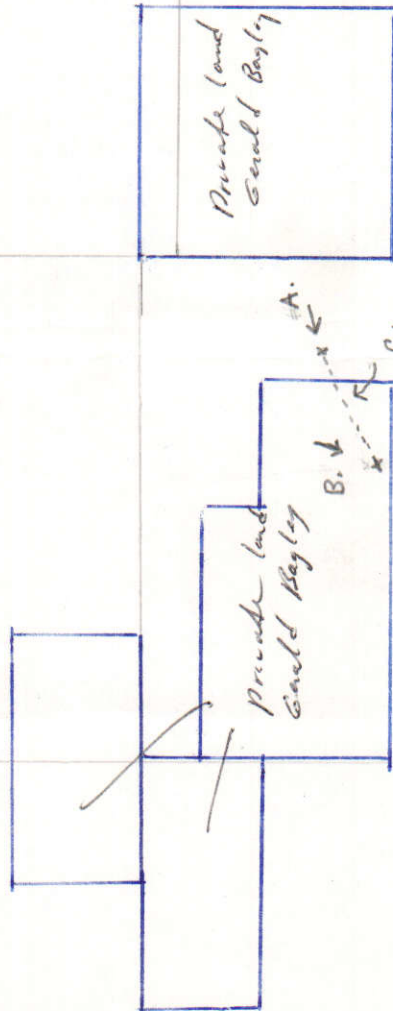




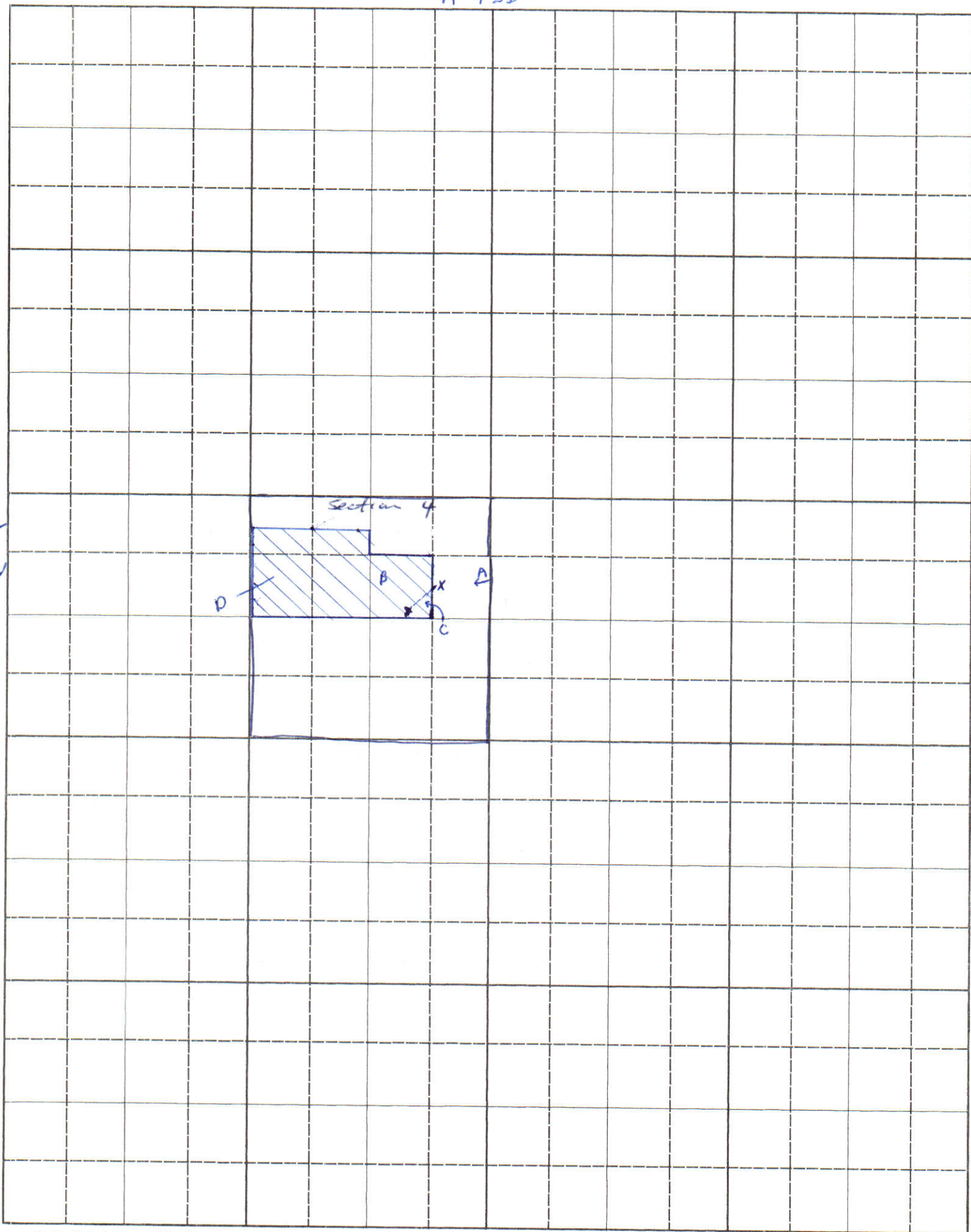
Section 4

5

- A. Spring
- B. General point of Use
- C. pipeline

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

A 43E



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.

A = Spring
B = area of use
C = pipeline - broken line
D = private property - shaded

Donald C. Bagley
Patricia Bagley
(Applicant)

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss.

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 13th day of November, 1980, last publication having been made on the 20th day of November, 1980, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 2nd day of December, 1980

Deon R. Napier
Notary Public

My commission expires September 30, 1984

B10, 1M,

NOTICE OF APPLICATION FOR WATER RIGHT

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

23-7062

BAGLEY, GERALD C. &/or PAT-
RECIA
JACKSON, WY 83001

Source: SPRING tributary to SNAKE
RIVER

Date Filed: 10/31/1980

Amount: 0.01 CFS

Diversion Point: SENE Sec 04 T 01N R
43E, BONNEVILLE Co.

Use: STOCKWATER (0.01 CFS) from
05/01 to 04/30

DOMESTIC (0.01 CFS) from 01/01 to
12/31

Place of Use: SWNE NENW NWNW
SWNW SENW Sec 04 T 01N R 43E

Diversion Means: HEADBOX, POND &
PIPELINE.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83401 on or before DECEMBER 1, 1980.

C. STEPHEN ALLRED
Director

Published: Nov. 13, 20, 1980

RECEIVED

DEC 4 1980

Department of Water Resources
Eastern District Office

MICROFILMED

For Office Use Only	
Fee Received	\$15.00
Date	11-25-1983
Receipt #	33607

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
To provide additional time in which to submit
proof of beneficial use on a water right permit

Regulation of Water Resources

Gerald C. Bagley of Box 1568, Jackson, Wyo.
(Name) (Address) 82001

State of Wyoming, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 23-7062.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before Jan 1, 1984, 1984.

That he has heretofore performed the following work described under said permit: _____
(This must be filled out! If no work has been completed put none.)

Excavation, placing of spring-head pipe,
dam, purchase of 1/2 mile of pipe which is on
the site, but not placed. water trough. *continued*
Costing \$ 728.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

I am in negotiation with the Forest Service to exchange
property of mine for federal (Forest) property. the final
outcome of those negotiations affects the location of the
pipeline. I am enclosing supportive documents to show that
this is so.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to 5 years, 1989.
(1 yr. minimum, 5 yrs. maximum)

Because negotiation with the Federal government can be
slow, I request the full five years.

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.

Gerald C. Bagley
(Signature)*

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to January 1, 1987.

Signed this 12th day of December, 1983.

J. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Gerald C. &/or Patricia Bagley Phone (307) 733-2589
733-2123

Post office address Jackson, Wyoming 83001

2. Source of water supply unnamed spring (Bagley Spr.) which is a tributary of Snake River

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

Range 43E B.M. Bonneville County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .01 for stockwater purposes from May 1 to April 30 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .01 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)

5. Total quantity to be appropriated:

a. .01 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Headbox on small collection pond,
plastic pipe to place of 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 3 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses: SEE ITEM 8b.

a. If water is **not** for irrigation:

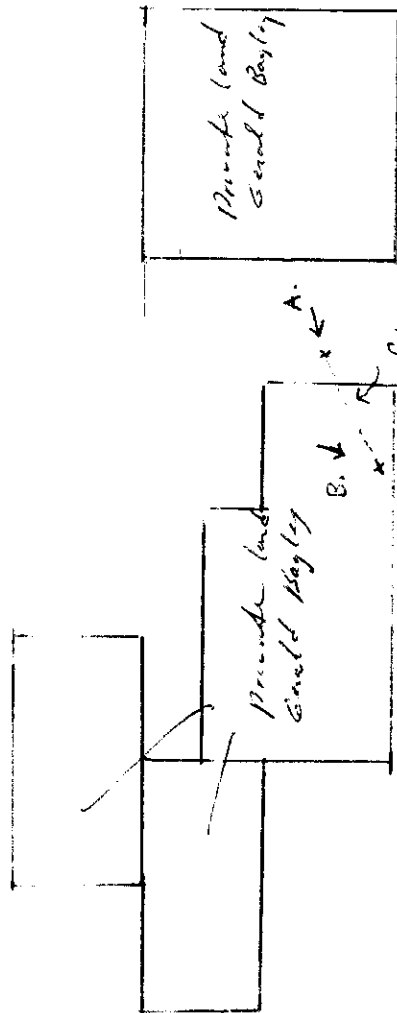
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

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

(3) List number of each kind of livestock to be watered 200 to 300 head range cattle.

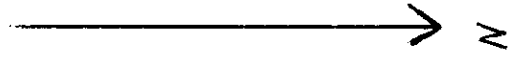
(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 1.

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



Section 4

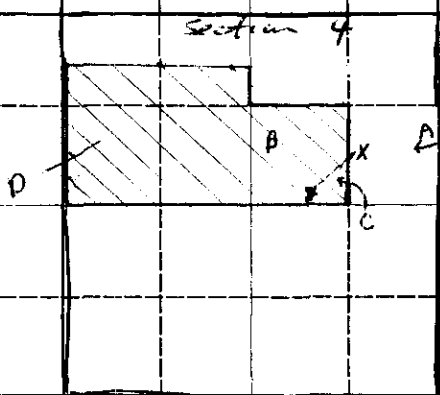
- A. Spring
- B. General point of view
- C. Pipeline



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

R 43E

N-T



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.

- A = Spring
- B = area of use
- C = pipeline - broken line
- D = private property - road

Donald C. Bayley
Donald C. Bayley
(Applicant)

Proposed Priority 10/31/80

Received by fw Date 10/31/80 Time 4:15

Preliminary check by fw Fee \$ 30.00

Receipted by fw Date 11-5-1980 # 160660

Publication prepared by fw Date 11/5/80 # 160660

Published in The Post Register

Publication dates 11/13 & 11/20/80

Publication approved fw Date 12/5/80

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC RK

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. 23-7062, 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 January 1, 19 84.
- 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 issuance of this permit in no way grants any right-of-way or easement across the land of another.

Use of water under this permit is subject to control by the watermaster of State Water District # 01, Upper Snake River.

Use of water under this permit shall be limited to in-house use and watering of household stock.

Witness my hand this 22nd day of December, 1980.

J. Glen Saxton
Chief, Operations Bureau

Proof of Publication

The Post-Register

State of Idaho,
County of Bonneville } ss.

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 13th day of November, 1980, last publication having been made on the 20th day of November, 1980, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 2nd day of December, 1980.

Neon R. Napier
Notary Public

My commission expires September 30,, 1984.

B10, 1M,

**NOTICE OF APPLICATION
FOR WATER RIGHT**
Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:
BAGLEY, J. C., et al., EAT-
RECL
JAC
Source: Snake River, tributary to SNAKE
RIVER
Date: 12/1/80
Amount: 100 cfs
Diversion from: SENW Sec 04 T 01N R
43E, E
Use: CFS (CFS) from
05/01/81 to
DO: 12/31/81 (12/31/81 to 01/01/82)
12/31/81
Place of Use: SWNE NENW NWNW
SWNW SENW Sec 04 T 01N R 43E
Diversion Means: HEADBOX, POND &
PIPELINE.
If issued, the permit(s) will be subject to all other water rights. Protests against the granting of the permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoshone Ave., Idaho Falls, Idaho 83401 on or before December 15, 1980.
Published Nov. 21, 1980

EMC

RECEIVED

DEC 4 1980

Department of Water Resources
Eastern District Office

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 5, 1987

GERALD BAGLEY
BOX 1568
JACKSON WY 83001

RE: Permit No. 23-7062

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

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

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

Permit No. 23 7062

Name(s) of Permit Holder: Gerald and/or Patricia Bagley

Post Office Address: Box 1568

Telephone No. 307-733-2589

Source of Water: Small spring

Extent of Use:

Domestic 1 (proposed) (number of households) Stockwater 50 cows (number and type of stock)

Irrigation _____ (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted .02 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 1984 slight use
1986 good extensive use.

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

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

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

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

Gerald C. Bagley 307-733-2589
(Name) (Telephone Number)

Box 1568, Jackson, Wyoming 83001
(Address)

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

Nov 10, 1986
Date

Gerald C. Bagley
Signature of Permit Holder (and title, if appropriate)

RECEIVED

NOV 12 1986

Nov 10, 86

Dear Sirs: Department of Water Resources

Regarding your letter of beneficial use of a small spring: "Bagley Spring" located in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of sec 4 Twp 1N Range 43E I submit the following.

The spring was used extensively this season for stock watering. A pipe was extended from the diversion point to a stock water tank and it did a satisfactory job of providing water for stock.

The spring is smaller than requires a fee according to your schedule.

I trust this is satisfactory.

Thank you

Cherald Bagley

RECEIVED

JAN 31 1987

MAVERIK

RECEIVED
BAGLEY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
OCTOBER 31, 1986

138413

HAGLEY, GERALD C. & PATRECIA
P.O. BOX 1568
JACKSON, WY 83001

PROOF DUE NOTICE

RE: PERMIT NO. 23-7062

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 JANUARY 1, 1987. (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 COMPLETED 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,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

RECORDED

JAN 2 1987



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

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

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

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

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

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

JAN 4 1986

WATER RIGHT NUMBER 23-7062 ✓

OWNER LAST NAME - BAGLEY ✓

FIRST NAME - GERALD C. ✓

ORIG OWNER - ✓

OWNER LAST NAME - BAGLEY ✓

FIRST NAME - PATRECIA ✓

ORIG OWNER - ✓

ADDRESS LINE 1 - P.O. BOX 1568 ✓

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - JACKSON ✓

STATE - WY ✓ ZIP CODE - 83001 ✓

SOURCE - SPRING ✓

TRIBUTARY OF - SNAKE RIVER ✓

STAGE - PERMIT ✓

STATUS - ✓

PRIORITY - 10-31-1980 ✓ COUNTY - BONNEVILLE ✓ TOTAL DIV. RATE - .0100 ✓ CFS

TOTAL DIV. VOLUME -

.00 ✓ AFA

TRFR/AMEND - ✓

WATER DIST. - 01 ✓

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SENE ✓ 04 ✓ 01N ✓ 43E ✓ LOT ✓

REDIV - ✓

272.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 888.4

FROM - 05-01-10 - 04-30-10 ✓ USE - STOCKWATER ✓

USE DIV. RATE -

.0100 ✓ CFS

USE DIV. VOLUME -

.00 ✓ AFA

FROM - 01-01-10 - 12-31-10 ✓ USE - DOMESTIC ✓

USE DIV. RATE -

.0100 ✓ CFS

USE DIV. VOLUME -

.00 ✓ AFA

USE - STOCKWATER ✓

PLACE OF USE - TWN 01N ✓ RNG 43E ✓ SEC 04 ✓

TRACT SWNE ✓ LOT ✓

AC ✓

TRACT NENW ✓ LOT ✓

AC ✓

TRACT NWNW ✓ LOT ✓

AC ✓

TRACT SNNW ✓ LOT ✓

AC ✓

TRACT SENW ✓ LOT ✓

AC ✓

DECREE NAME - ✓

DATE - ✓

TOTAL ACRES

0 ✓

REMARKS - SOURCE KNOWN LOCALLY AS BAGLEY SPRING. ✓

NON IRRIG USE - S/300 RANGE. ✓

OTHER RIGHTS FOR SAME USE - ✓

PROOF DUE - 01-01-1987 ✓ PERMIT/DENIED - 12-22-1980 ✓ PROTESTED - ✓

HEARING - ✓

OLD NO. - ✓

PROOF MADE - ✓ FLD EXAM - COND. OF APPROVAL - 04 ✓ 05 ✓ 21 ✓

DIVERSION MEANS - HEADBOX, POND & PIPELINE. ✓

VERIFIED JDC

OK - kw
3/27/85



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

December 19, 1983

Gerald C. Bagley
Box 1568
Jackson, WY 83001

Dear Mr. Bagley:

Re: Permit No. 23-7062

Along with the request for extension of time, the department received a copy of the statement of intent, Exhibit A, letter from the Forest Service addressed to you and the original statement of intent. I thought you would like this original back for your records. By the way, we did not receive a copy of Exhibit B.

Also enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use is extended to January 1, 1987.

In connection with the development of a water right under this permit, the department wishes to call to your attention an Idaho Supreme Court decision issued in November 1982 which likely could affect your future use of water.

The decision in the case of Idaho Power Company vs the State of Idaho, et al stated in part that Idaho Power Company's use of water for power generation purposes at the Swan Falls dam on the Snake River is not subordinated to up-stream depletion by later-in-time uses. The question of whether Idaho Power's 8,400 cfs water right at Swan Falls dam has been diminished by subsequent development, however, was remanded back to district court for determination. The findings of the district court could restrict water availability or require compensation to Idaho Power Company for uses developed later in time than Idaho Power Company's water right at Swan Falls.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

Nov. 17, 83

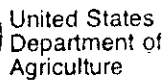
Dear Sirs:

On Nov. 17, 1984 I phoned your office in response to the "proof of use" letter sent to me. I explained that serious work has been done on the spring, but its completion to my satisfaction is related to negotiation I am having with the Forest Service involving an exchange of land.

I would appreciate an extension in order to finish the project.

Thank you

Charles C. Bayley



Forest
Service

TARGHEE
NATIONAL
FOREST

P.O. Box 208
St. Anthony, ID 83445

Reply to: 2350

Date. May 6, 1983

Mr. Jerry Bagley
Marick Station
Jackson, WY 83001

Dear Jerry:

I have prepared a "Statement of Intent" for your review and approval.

I did not include the triangle shaped properties that you own in Fall Creek. After further evaluation we concluded that ownership of these pieces would not be advantageous to the Government. The value would be very low and we believe the exchange as presented, can be balanced by cash if needed to equalize the value of the property.

If you have any questions, call Stephen Rushton, (208)-624-3151.

Sincerely,


STEPHEN M. RUSHTON
Branch Chief, R&L

Enclosure

Time 100 gross
T 10000
Federal loan



EXHIBIT A

Property that Mr. Jerry Bagley will consider exchanging in fee title, together with a sufficient amount of cash, if needed, to equalize the value of the property that the United States will grant in exchange:

T.2S., R.45E., B.M., Bonneville Co., Idaho, Sec. 13, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Triangle Shaped, 5 Acres.

T.1N., R.43E., B.M., Bonneville Co., Idaho, Sec. 4, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{2}$, Containing 26 Acres, more or less.

Jerry Bagley may reserve such rights as are acceptable to the Forest Service. Any reservations shall be subject to the rules and regulations of the Secretary of Agriculture, where applicable, and such other conditions as may be agreed upon.

Jerry Bagley will reserve: None

Outstanding Rights: None

Jerry Bagley will pay for the advertisement of this proposal. The advertisement will be published weekly for 4 consecutive weeks in the Idaho Newspaper and Frontier Newsletter.

It will be Jerry Bagley's responsibility to furnish a good and sufficient title to the property free from objectionable encumbrances. Mr. Jerry Bagley will convey title by warranty deed when notified to do so. A policy of title insurance satisfactory to the Office of the General Counsel of the Department of Agriculture will be prepared at the expense of Jerry Bagley.

STATEMENT OF INTENT

Mr. Jerry Bagley of Jackson, Wyoming, and the Forest Service, U.S. Department of Agriculture, acting through their authorized representative intent to exchange real property of equal value described in attached Exhibits A and B under the terms and conditions described in the exhibits. It is understood that the basis for value of the exchange properties shall be appraisals which have been approved by the Forest Service. This Statement of Intent authorizes each party to enter on lands of the other for appraisal and survey purposes necessary to pursue this exchange.

It is understood that upon approval of the exchange values, terms, and conditions by the appropriate Department of Agriculture official, the parties may enter into an exchange agreement that shall be binding on both parties. It is understood that prior to the exchange agreement, or issuance of a patent or deed by the United States, no action shall create or establish any contractual or other obligations against Mr. Jerry Bagley or the United States. Either Jerry Bagley or the Forest Service may withdraw from the exchange at any time prior to the agreement or conveyance from the United States.

DATE

JERRY BAGLEY
Owner

STAFF REVIEW OF REQUESTS FOR EXTENSION OF TIME

Permit Number 23-7062

- ☒ Date Received stamp
☒ Fee receipted
☒ Name on request same as on permit
☐ Address same as on permit - *Preparer coding sheet*
☒ Proof due date correct
☒ Period of request correct
☒ Signature same as on permit
☒ First extension request
☒ Permit holder named as defendant in 1983 Idaho Power lawsuit
☒ Is extension filed before proof due date?

Date extension received _____

Proof due date - _____

Days late _____

Priority date _____

Adjusted priority date _____

☒ Is delay caused by litigation?

Date litigation began _____

Date litigation completed _____

Period of delay _____

New proof due date _____

☒ Is there commencement of works?

☒ Cover letter number _____

☒ Rolodex card updated _____

Remarks: *allowed 3 yrs, the same amount request on application based on delay by U.S. government.*

Reviewed by: _____

Date: 12/14/82



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

EXTENSION OF TIME

November 25, 1983

Happy Days
P.O. Box 1568
Jackson, WY 83001

PERMIT NO. 23-7062

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. **33607**

Roberta Garrett
Records Supervisor

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138118

BAGLEY, GERALD C. & PATRECIA
JACKSON, WY 83001

PROOF DUE NOTICE

OCTOBER 31, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 23-7062 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JANUARY 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

WATER RIGHT NUMBER 23-7062

WATER RIGHTS FULL PERIOD

12/29/80

PAGE 1

ACI

LOW

L STAGE = PERMIT

L

PRIME DUE = 01-01-1984 FERTILIZERED = 12-22-1986 WATER DIST. = 01

COND. OF APPROV = 04 05 21

WATER RIGHT NUMBER 23-1002

OWNER LAST NAME - BAGLEY ✓

FIRST NAME - GERALD C. ✓

ORIG OWNER -

OWNER LAST NAME - BAGLEY ✓

FIRST NAME - PATRECIA ✓

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - JACKSON ✓

STATE - WY ✓ ZIP CODE - 83001 ✓

SOURCE - SPRING ✓

TRIBUTARY OF - SWANE RIVER ✓

STAGE - APPLICATION ✓

STATUS -

PRIORITY - 10-31-1980 ✓ COUNTY - BONNEVILLE TOTAL DIV. RATE -

.0100 -CFS ✓

TOTAL DIV. VOLUME - .00 AFA ✓

WATER DIST. - 01 ✓ DEE/CAREY ACT - RIGHT BASIS -

DIVERSION POINT - SENE 04 014 43E 001 ✓ R201V -

FROM - 05-01 TO - 04-30 ✓ USE - STOCKWATER ✓

USE DIV. RATE - .0100 CFS ✓ USE DIV. VOLUME - .00 AFA

FROM - 01-01 TO - 12-31 ✓ USE - DOMESTIC ✓

USE DIV. RATE - .0100 CFS ✓ USE DIV. VOLUME - .00 AFA

USE - STOCKWATER

PLACE OF USE - 1/4 014 43E SEC 04 ✓ TRACT SENE LOT ✓ AC

TRACT NENE LOT ✓ AC TRACT NENE LOT ✓ AC

TRACT SENE LOT ✓ AC

DECREE NAME -

DATE -

TOTAL ACRES

0

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMITZED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS - HEADGATE, POND & PIPELINE. ✓

3/79

IDENT. NO. 23 7062

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]

S T / E O F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

BAGLEY, GERALD C. & PATRECIA
JACKSON, WY 83001

DECEMBER 31, 1980

RE: PERMIT NO. 23-7062

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.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

NOTIFIED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: JC

APPLICATION NUMBER: 23 7062

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☒ Other Water Master Ron _____ 11/10/80

PROCESSING:

- ☒ Yes ☐ No Platted by: JC Map No. Y-117
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising. _____
Final date for protests: None ✓
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 12-04-1980 ✓
☒ 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
10-31-1980 Date of priority recommended.
Special conditions of approval or cover letter. _____

- Code 04
- Use of water under this permit shall be limited to in-house use and
and watering of ~~land~~ stock.

RECEIVED

By: Ernest Carlson Date: 12-9-1980

STATE OFFICE REVIEW:

SW/2 cord 04.05 (Upper Snake R.) 21

☐ See attached sheet for more information.
By: T. Bryn Date: 12/18/80

WATERMASTER COMMENTS

I have reviewed Application for Permit No. 23-7062 and
have the following comments/objections to the approval of this
application for permit:

Irrigation - should be excluded
from the domestic use

11/10/80

Date



RONALD D. CARLSON, WATERMASTER
Water District No. 01

MICROFILMED

November 6, 1980

RE: Application for Permit No. 23-7062

Gerald C. &/or Patrecia Bagley
Jackson,
Wyoming, 83001

Dear Mr. and Mrs. Bagley:

Attached herewith is Departmental Receipt No. 16086 in the amount of \$30.00
for the above referenced application.

Sincerely,

KAY ~~WALKER~~
Secretary

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

NOVEMBER 6, 1980

The Post Register
P. O. Box 1800
Idaho Falls, Idaho 83401

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 1, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

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

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83401 on or before DECEMBER 1, 1980.

C. STEPHEN ALLRED

Director

Published 11/17 & 11/20/80.

NOV 20 1980
IDAHO DEPT. OF WATER RESOURCES

23-2062_

BAGLEY, GERALD C. &/or PATRECIA

JACKSON, WY 83001

Source: SPRING tributary to SNAKE RIVER

Date Filed: 10/31/1980

Amount: 0.01 CFS

Diversion Point: SENE Sec 04 T 01N R 43E, BONNEVILLE Co.

Use: STOCKWATER	(0.01 CFS)	from 05/01 to 04/30
DOMESTIC	(0.01 CFS)	from 01/01 to 12/31

Place of Use: SWNE NENW NWNW SWNW SENW Sec 04 T 01N R 43E

Diversion Means: HEADBOX, POND & PIPELINE.

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

October 6, 1980

RECEIVED

OCT 31 1980

Gerald C. &/or Patrecia Bagley
P. O. Box 1568
Jackson, WY 83001

Department of Water Resources
Eastern District Office

Dear Mr. and Mrs. Bagley:

Enclosed please find the application for permit that you recently submitted to our office along with Check No. 99-132/1006 in the amount of \$30.00. Upon an initial review of your application, I have taken the liberty of having your application retyped with a few changes.

Please review the form, sign it and return it to this office with the \$30.00 filing fee.

Sincerely,

John Carlson

JOHN CARLSON
Water Resource Agent

JC:kw
Enclosures

*Thank you,
please go ahead
with processing the
application Jerry Bagley*

11/11/80