

**Idaho Dept. of Water Resources
Place of Use Comparison Report**

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	63 2039	JOSEPHINE RUSSELL,	RUSSELL GULCH CREEK	02N07E9				10									20				30
Claim	63 7059	L G DAVISON & SONS INC,	SPRING CREEK	02N07E9							10	34	28	9	21	38					140
Rec	63 7059	L G DAVISON & SONS INC,	SPRING CREEK	02N07E9							9	31	29	13	19	39					140
Right	63 7059	LG DAVISON & SONS,	SPRING CREEK	02N07E9							10	34	28	9	21	38					140
Permit	63 3611	L G DAVISON & SONS INC,	SPRING CREEK, SPRINGS	02N07E9														10	30		40
Rec	63 3611	L G DAVISON & SONS INC,	SPRING CREEK, SPRINGS	02N07E9														10	30		40
Claim	63 3611	L G DAVISON & SONS INC,	SPRINGS	02N07E9														1.5	11		12.5
Right	63 3611	L G DAVISON & SONS INC,	SPRINGS	02N07E9														1.5	11		12.5

Idaho Department of Water Resources

T02N R07E
S09

Claim: 63-3611

Updated: 2 Nov 01

By: Ron Howerton

MICROFILMED
JUL 10 2000

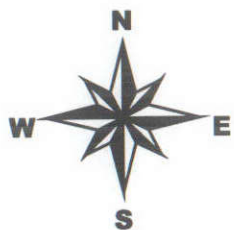
 Place of use

 POD

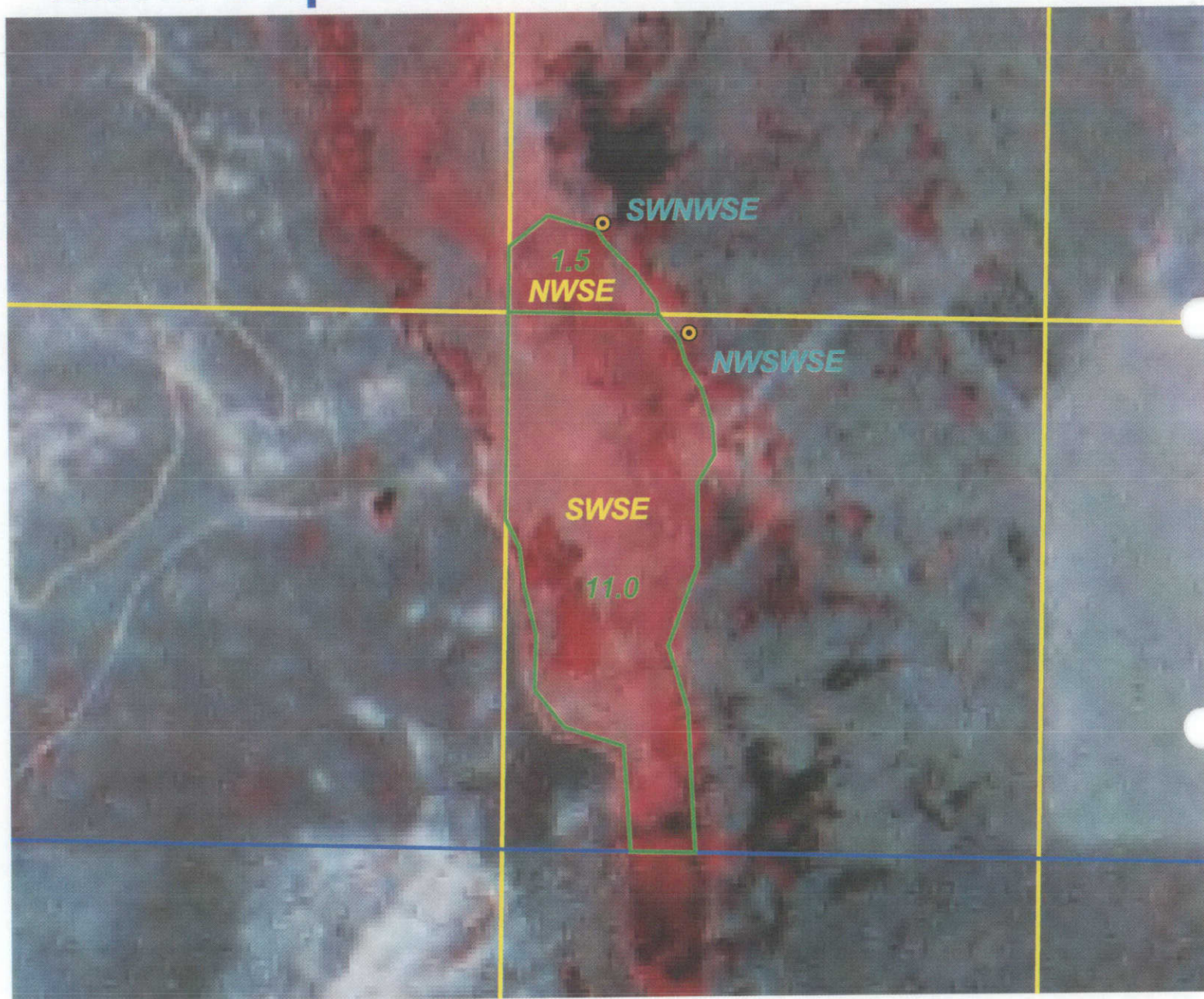
 SECTION

 1/4 1/4

12.5 Acres



1987 NAPP



0

0.25

0.5 Miles

T02N, R07E
S09

SWNWSE

NWSE

SWSE

NWSWSE

X63 TOPO

X64 TOPO

Creek

Spring

MICROFILMED
10 2002

16

15

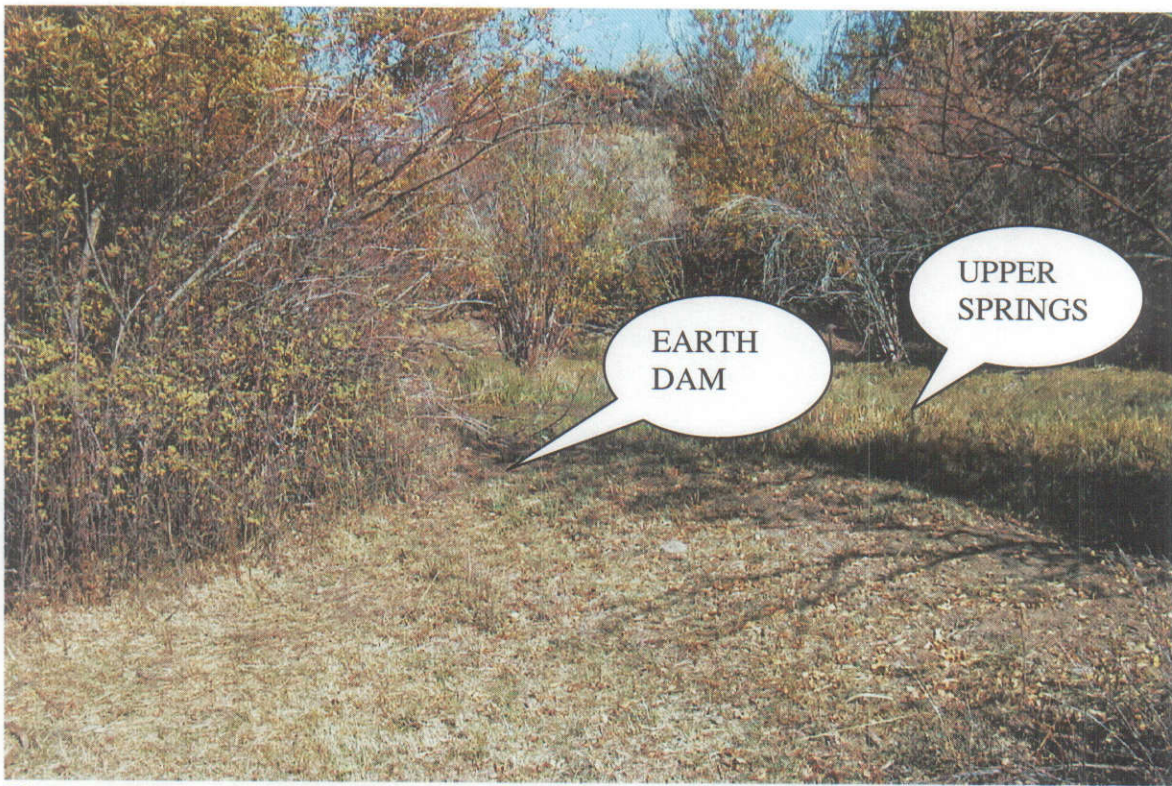


Photo 1: FX Oct. 24, 2001. Photos by RDH. Upper Springs. T02N, R07E, S9, SWNWSE.

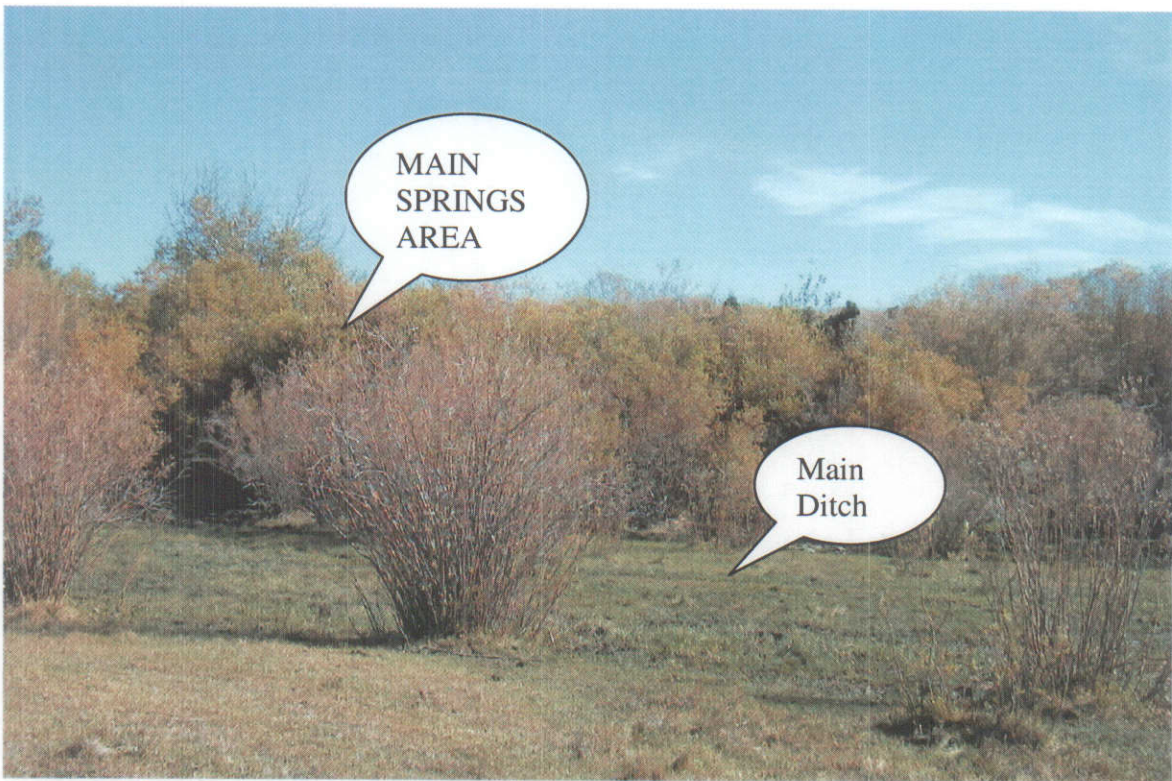


Photo 2: Main Springs. T02N, R07E, S9, NWNWSE

MICROFILMED
JUL 10 2002

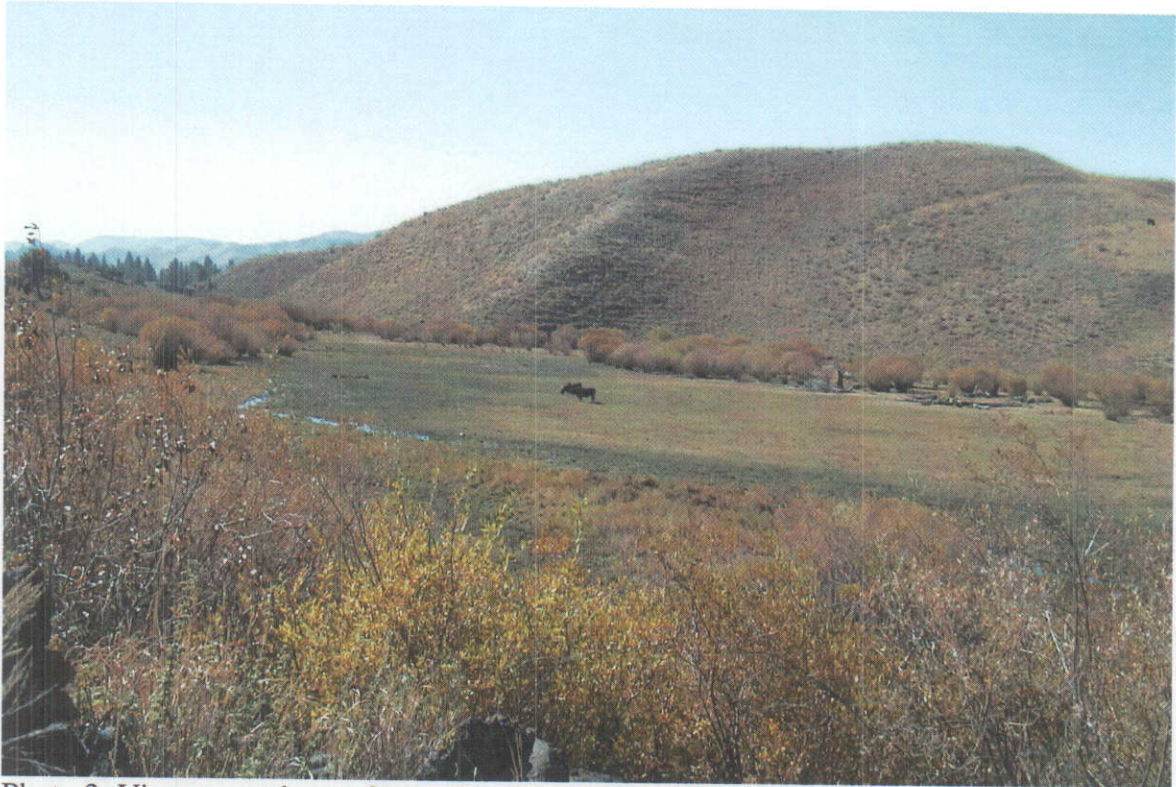


Photo 3: View to southwest from main springs POD. POU view located in T02N, R07E, S9, SWSE.

MICROFILMED
JUL 10 2002

2/1/2002

Idaho Dept. of Water Resources
Place of Use Comparison Report

Page1

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	63 3611	FRANK M MARKER,	SPRING CREEK, SPRINGS	02N07E9														10	30		40

MICHAEL
JUL 10 2002

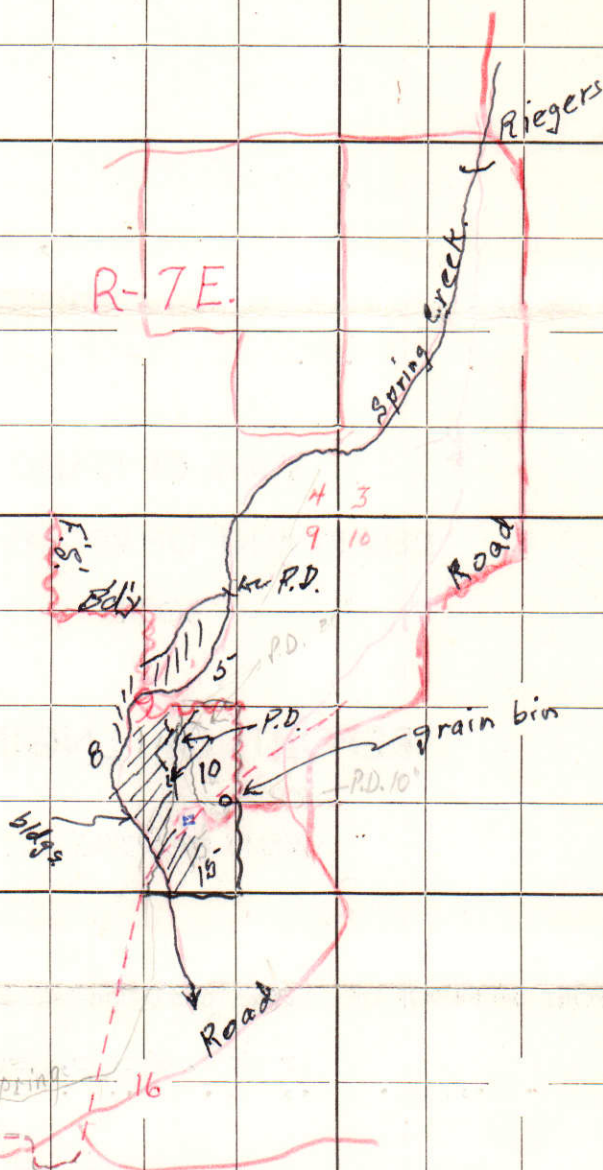
owns. N. E } S. 9.
S. SE SE ✓

T.
2
N.

8

10.00SE

R-7E.



RECEIVED
JUN 6 1958

Department of Reclamation Affidavit of Publication

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE
Notice is hereby given that at 10 a. m. on the 20th day of May, 1958, at Mountain Home, County of Elmore, State of Idaho, before Glen Clark, Notary Public, proof will be submitted of the application to beneficial use of .80 cubic feet per second of the waters of Spring Creek and unnamed springs in accordance with the terms and conditions of Permit No. 23865 heretofore issued by the Department of Reclamation of the State of Idaho.
The name and postoffice address of the person holding said permit is Frank M. Marker, Prairie, Idaho.
The use to which said water has been applied is irrigation and domestic.
The amount applied to beneficial use is .80 cfs.
The place where said water is used NW $\frac{1}{4}$ SE $\frac{1}{4}$ Spring Creek; SW $\frac{1}{4}$ SE $\frac{1}{4}$ unnamed springs, Sec. 9, Twp. 2 N., Rge. 7 E.
The right to take water from such works is based upon Permit No. 23865.
The source of supply from which such water is diverted is Spring Creek and Unnamed Springs.
The date of priority which said user is prepared to establish is April 20, 1953.
MARK R. KULP
State Reclamation Engineer
First publication April 24, 1958.
Last publication May 15, 1958.

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd S. Waters do solemnly swear that I am the foreman, the publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in

said newspaper for 4 consecutive weeks, the

first publication having been made on the 24

day of April, 1958, and the

last publication having been made on the 15 day

of May, 1958; every number of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this 16th day

of May, 1958

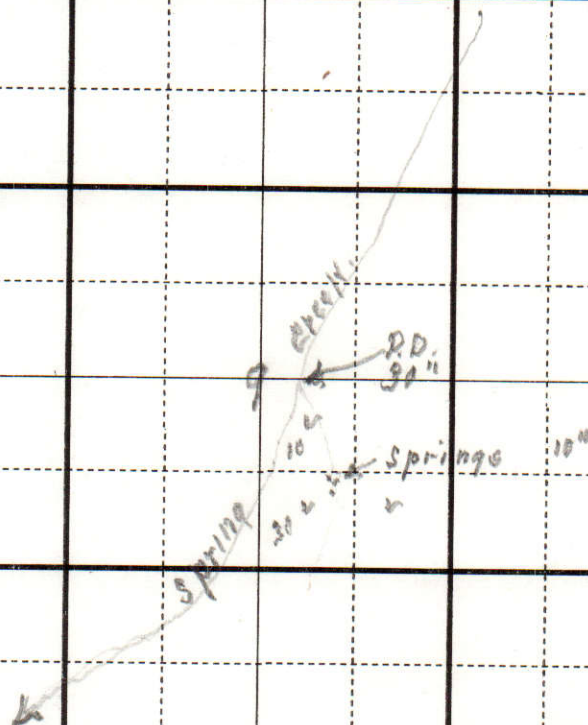
Delaine M. Henry
Notary Public

23865

NAME OF APPLICANT.....

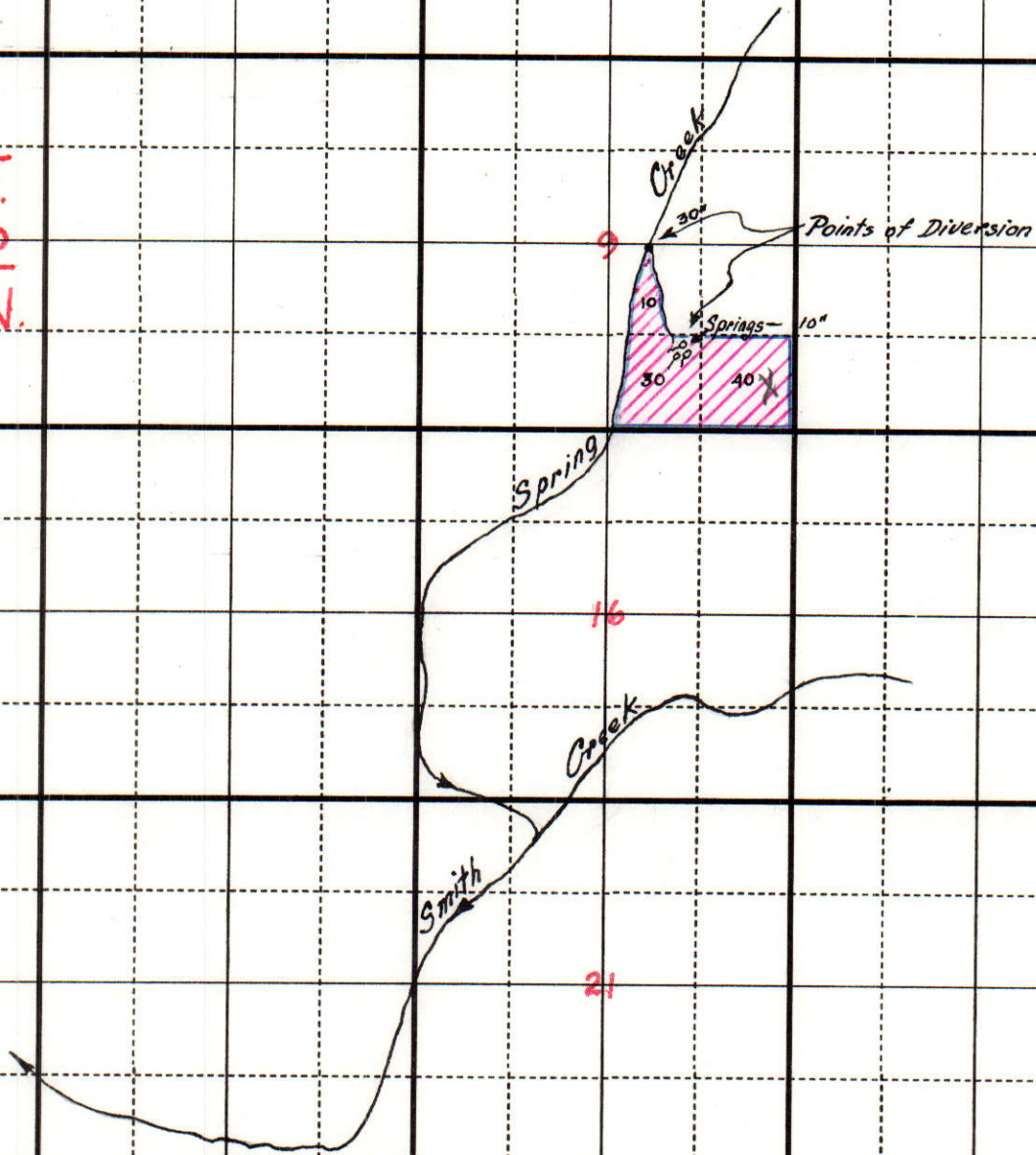
Form No. 0

2 N. R. 7 E



T.
2
N.

R-7E



Permit Map No. 23863
As Approved
MAR 7 1953
MARK R. KULP
State Reclamation Engineer

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

63-3611

APPLICATION No. 31645
 PERMIT No. 23865
 DISTRICT No.

1. Name of Applicant: **FRANK M. MARKER**

Postoffice address: **Prairie**

County: **Elmore**

State: **Idaho**

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (c) Bonds to be issued:

- (b) Treasury stock:
- (d) Other resources:

2. Quantity of water claimed: **40 inches or .80** cubic feet per second.

3. Source of water supply: **Spring Creek 30 inches, Unnamed/** **springs 10 inches** which is a tributary of **Smith Creek**

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B. M., and is in the **NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$**
 of Section **9** , T. **2 N** , R. **7 E** , B.M., County of **Elmore**

5. Water is to be used for **Irrigation and domestic purposes**

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
 of Section , T. , R. , B.M.

7. Estimated cost of works: \$

8. Kind of works: **Small Dam and ditches**

9. Height of dam **3** feet; length of dam at top **20** feet; length of dam at bottom **15**

feet; material used in dam: **Rocks and earth**

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom **1** feet; width at water line **1.5** feet; depth of water **.5** feet;

dimensions of flume:

Diameter of pipe inches; length of conduit **$\frac{1}{2}$** miles.

Average grade per mile feet.

12. The time required for the completion of such work is **Five** years.

13. The time required for the complete application of the water to the proposed use is **None** additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: **None, Applicant has been using this water for the past several years.**

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

FRANK M. MARKER

Applicant.

Bv

Agent.

Date of first receipt at Department of Reclamation: 4-45 p.m. March 3, 1953

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is **23865**

Recorded in Book **85** Page **23865** Approved **March 7, 1953**

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before **May 7, 1953**

and to continue diligently and uninterruptedly to completion.

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before **September 7, 1955**

The whole of said work to be completed on or before **March 7, 1958**

Beneficial use of water appropriated in accordance herewith, to be made on or before **March 7, 1958.**

WITNESS My hand this 7th day of March, 1953

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN JORDAN

, Governor of the State of Idaho,

and **IRA H. MASTERS**

, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 7th

day of **March** 19 **53**

STATE OF IDAHO

Countersigned:

(SEAL)

By **LEN JORDAN**

Governor.

By IRA H. MASTERS

Secretary of State.

REMARKS: Springs are located on Applicant's own land.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2 N.	7 E.	9													10 30				40
Permit No. 23865																			
Certificate of Completion of Works																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that FRANK M. MARKER of Prairie, County of Elmore, and State of Idaho, the holder of Permit No. 23865, issued upon Application No. 31645 bearing date of priority of March 3, 1953, authorizing the diversion of .80 second feet of the waters of Spring Creek and Un-named springs/Tributary to Smith Cr. County of Elmore, State of Idaho, for Irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use .80 second feet of the waters of Spring Creek and Un-named springs that the points of diversion of said waters from Spring Creek: NW $\frac{1}{4}$ SE $\frac{1}{4}$; from Unnamed springs; SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 9, Township 2 North, Range 7 E., B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 40 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 9, Township 2 North, Range 7 East, B.M. Proof of Completion of Works made: March 11, 1958.																			
Witness my hand this 20th day of March, A.D. 1958																			
/s/ Mark R. Kulp State Reclamation Engineer																			
Proof of Completion of Works made: March 11, 1958 Certificate of Completion of Works issued: March 20, 1958.																			

Note:

One point of diversion for this permit (that for Spring Creek) is in error and should read NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, T2N, R7E, B.M.

Dick Link

8/16/77

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-03611

Priority: March 03, 1953

Maximum Diversion Rate: 0.25 CFS
Maximum Diversion Volume: 50.0 AF

It is hereby certified that L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE ID 83647-9803 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated March 03, 1953; and have
submitted Proof of Beneficial Use on June 06, 1958. An examination indicates that the works have a
diversion capacity of 22.06 cfs of water from:

SOURCE

SPRINGS

Tributary: SPRING CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	0.25 CFS	50.0 AF

LOCATION OF POINTS OF DIVERSION:

SPRINGS SW¼NW¼SE¼ Sec. 9, Twp 02N, Rge 07E, B.M., ELMORE County
SPRINGS NW¼SW¼SE¼ Sec. 9, Twp 02N, Rge 07E, B.M., ELMORE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	07E	9														1.5	11.0		12.5

Total Acres: 12.5

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63B.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 9th day of June, 2002.

MICROFILMED
JUL 10 2002

Acting for

KARL J. DREHER
Director

RECEIVED

JUL - 1 2002

Page 1

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-03611

RECEIVED

JUL 03 2002

WATER RESOURCES
WESTERN REGION

Date of Priority: March 03, 1953

Maximum Diversion Rate: 0.25 CFS
Maximum Diversion Volume: 50.0 AF

Comes now L G DAVISON & SONS INC
1969 PRAIRIE RD

PRAIRIE ID 83647-9803 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. 63-03611, and requests that the permit be changed as follows:

Source: SPRINGS

Tributary: SPRING CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.25 CFS	50.0 AF

LOCATION OF POINTS OF DIVERSION:

SPRINGS SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 9, Twp 02N, Rge 07E, B.M., ELMORE County
SPRINGS NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 9, Twp 02N, Rge 07E, B.M., ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 07E 9															1.5	11.0	12.5

Total Acres: 12.5

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 this 3 day of July, 2002

P.E. Davison, Pres
(Signature)

MICROFILMED

JUL 10 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-03611

.....
FOR DEPARTMENT USE ONLY
Preliminary check by kw Fee = \$50 Received by SL # W029406 Date 7/3/02

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. 63-03611 with the following:

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63B.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Witness my hand this 9TH day of JULY, 2002.


KARL J. DREHER
Acting for Director

MICROFILMED

10 2002

11/99

For Office Use Only
\$25 filing fee 25.00
Receipt # 1060017
Date 2-19-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

ASSIGNMENT OF PERMIT

To change the ownership of a permit

FEB 19 2002

Department of Water Resources

I, FRANK M. MARKER, hereby assign to L.G. DAVISON & SONS INC.

of, 1969 PRAIRIE RD, PRAIRIE ID 83647-9803 208-868-3243
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 63-3611 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

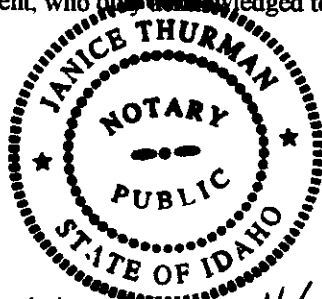
The following described portion of my right, title, and interest in and to for Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 15 day of Feb, 2002.

Frank M. Marker
Permit Holder(s)

State of Idaho)
County of Canyon)ss

On this 15 day of Feb, 2002, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Janice Thurman
Notary Public residing at

5380 SE 9th Caldwell ID
83607

My commission expires 4/03

MICROFILMED

FEB 19 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 11, 2002

L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE ID 83647-9803

RE: License No. 63-3611 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a copy of the approved Application for Amendment.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

for *Shelley W. Keen*
Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

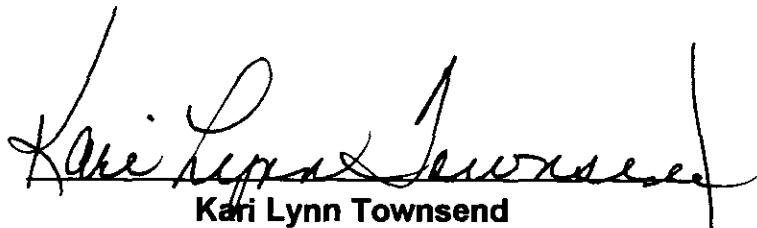
MICROFILMED
JUL 18 2002

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 63-3611

**L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE ID 83647-9803**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
JUL 10 2002**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document 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 of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

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 IDAPA Rules 37.01.01302 and 37.01.01303 (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
- 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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 17, 2002

L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE ID 83647-9803

RE: Water Right Permit Nos. 63-02598 and 63-03611

Dear Permit Holders:

The Department of Water Resources is reviewing the above referenced permits prior to issuing water right licenses. By issuing licenses, the Department confirms the extent of development that has been established in compliance with the terms of the permits. The examiner who verified your water use reported that certain elements of the permits have been developed differently than described on the permits. Changes that do not increase the authorized use of water under the permits can be requested and approved in accordance with Section 42-211, Idaho Code. Before licenses can be issued, the permits must be amended to depict the water use as actually developed.

Based on the examiner's report, the following elements were developed differently than described on these permits:

Points of Diversion

The enclosed Application for Amendment forms depicts the elements of the water rights as they will appear on the licenses when issued. Please review the amendment forms carefully. If you concur with the information presented, please sign the forms and return them with a \$50.00 filing fee (per amendment form) within 14 days.

Please note that Permit No. 63-02598 is still in the name of Elza Johnson. Since Ms. Johnson is now deceased, we realize that you will not be able to obtain an assignment of this permit. Please submit a copy of your warranty deed showing that you now own the property under the permit and we will change the ownership to you.

If you have any questions, please call me at 208-327-7944.



Sincerely,
KAY WALKER
Sr. Water Resource Agent

Enclosure(s)

MICROFILMED
JUN 18 2002

6-25-02
For Davison
called - needs more
time to submit
amendments - allow
additional 2 weeks.
KW

LICENSE REVIEW CHECKLIST

Permit No 63-3611 Date: 6-13-02 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: change

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): none
File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.8 cfs
Fee Limit N/A cfs
Measured 11.03 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 0.25

Water Uses OK

Change (P46)

Season of Use per new Standards

4/1 10/31

Irrigation 0.25 cfs 50. af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
_____ cfs _____ af
_____ cfs _____ af
Total _____ cfs _____ af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (106/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination

0.25 cfs x 1.9835 x 214 days = 106.1 af (vs) 12.5 acres x 4.0 (FHR) = 50.0 af
3.0 (con)

Remarks: _____

Additional Conditions _____ Watermaster Control
_____ GW Measurement/Measuring Device
_____ Other
Trust R55 - remove 051)
Non-trust (048)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? _____ yes If yes, explain why below.
_____ no

SRBA Claim? yes-pending

Adjust memo _____

Amend Letters _____ P87, S06 Second Amendment Notice _____ S06

6/14/2002

Idaho Dept. of Water Resources
Place of Use Comparison Report

Page1

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUN 11 2002.

DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

PERMIT OWNER: FRANK M. MARKER

Permit No. 63-3611

CURRENT

1. Owner: L.G. DAVISON & SONS INC

Phone No. 868-3243

Current Address: 1969 PRAIRIE RD., PRAIRIE, ID. 83647-9803

2. Accompanied by: RON DAVISON

EXAM DATE: 10/24/01

Address: SAME AS ABOVE

Phone No. _____

Relationship to Permit Holder: CURRENT OWNER

3. Source: SPRINGS tributary to SPRING CREEK

B. OVERLAP REVIEW

AKA Frankie Springs

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

2. Other water rights with the same point of diversion: NONE FOR IRRIGATION

C. DIVERSION AND DELIVERY SYSTEM

STOCKWATER RIGHT 63-19792
POD OVERLAPS SWSE & POW.

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	NW	SE	09	02N	07E	ELMORE	GPS & 1987 NAPP
		NW	SW	SE	09	02N	07E	ELMORE	GPS & 1987 NAPP

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	
02N	07E	09														1.5	11		12.5

MICROFILMED

JUN 10 2002

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

T O Z N

R O T E

SEE GIS LAYOUT 1987 MAPP

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
NA					

*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: MANNING

RECEIVED

E. NARRATIVE/REMARKS/COMMENTS

SEE ATTACHED NARRATIVE SHEET

PARCEL ID= RP 02N07E090020

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

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JUL 10 2001

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

MANNING**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{(12.5)(4 AFA) = 50 AFA}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{(0.25)(214)(1.9835) = 106 AFA}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{50 AFA}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION</u>	<u>4-1</u>	<u>10-31</u>	<u>0.25</u>	<u>50 AFA</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.25</u>	<u>50 AFA</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

Ren Howerton**I. AUTHENTICATION** Sr. Water AgentField Examiner's Name Ren Howerton Date 10/21/01

Reviewer _____ Date _____

SEAL

MICROFILMED

OCT 23 2002

**Idaho Department of Water Resources
NARRATIVE SHEET**

Updated: February 5, 2002

Date of Exam: 10/24/01

Field examiner:

**Ron Howerton
Senior Water Right Agent
Adjudication Bureau Western Region**

Water Right Nos.: 63-3611 Permit

Contacts: Ron Davison the current owner & president of (L. G. Davison & Sons Inc.) The Permit holder is Frank M. Marker a letter has been sent to current owner to have it signed and returned by March 5, 2002. Copy in file.

Narrative:

Met with Ron Davison 10/24/01:

A Manning measurement of the main ditch was done 10/24/01, way more than permit amount of 0.8 CFS was found. These springs are a main source of water for Spring Creek.

A prior field exam was done on this right August 20, 1958. In the prior exam the examiner found domestic and irrigation.

I found no diversion from Spring Creek. I did find diversions from the springs. The field map with the old exam had mis-located the springs. I used IDWR's GPS Garmin III plus to correctly locate the springs. No domestic uses found. See photos, maps and system diagram in permit file.

DIVERTING WORKS & POD:

Two springs points of diversions recommended.

Upper spring area ponds up with an earth dam and flow is out a single ditch into main ditch.

Lower springs have three main ditches that flow into the same main ditch.

Gravity flow ditches for irrigation.

PERMIT 63-3611

**MICROFILMED
FEB 13 2002**

SOURCE:

Springs tributary to: Spring Creek. See X63 TOPO map in file. AKA Frankie Springs.

SEASON OF USE:

I'm recommending the standard season the uses. IDWR has established the season of use geographically in Arc View for irrigation. (4/1-10/31)

PLACE OF USE:

The place of use is shown on 1987 NAPP photo layout in file.
Tax lot information in Arc View indicates it belongs to contact.
Parcel ID = RP02N07E090020

OVERLAP REVIEW:

Stock water right 63-19772 overlaps the point of diversion described as NWSWSE and the place of use SWSE, T02N, R07E, S09.

Claimed as a permit in the SNAKE RIVER BASIN ADJUDICATION, the license will amend the claim when the license is issued.

PERMIT 63-3611

MICROFILMED
1991 10 2002

MANNING EQUATION CHANNEL CAPACITY RESULTS

10-05-2001

File Number: 63-3611 PERMIT
Claimant: L G DAVISON & SONS (RON DAVISON)
Channel measured: SPRINGS
Date of measurement: 100401
Measurement location:
DITCH BELOW UPPER SPRINGS
Calculation prepared by: RDH
Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 119 feet.
The upstream and downstream rod readings are 3.83 and 5.65 feet.
The channel cross section is 3.36 ft-sq.
The wetted perimeter is 11.30 feet.
The hydraulic radius is 0.30 feet.
The slope is 0.0153
The roughness coefficient is 0.0250
The flow velocity is 3.284 ft/sec.
The rate of flow is 11.03 cfs.

MICROFILMED
JUL 10 2002

CROSS SECTION NUMBER 1

For File Number 63-3611 PERMIT for the SPRINGS

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.20	0.20	1.00
3	0.30	0.30	2.00
4	0.30	0.30	3.00
5	0.50	0.50	4.00
6	0.50	0.50	5.00
7	0.50	0.50	6.00
8	0.30	0.30	7.00
9	0.30	0.30	8.00
10	0.20	0.20	9.00
11	0.20	0.20	10.00
12	0.10	0.10	11.00
13	0.00	0.00	11.20

The area for this cross section is 3.36 square feet
and the wetted perimeter is 11.30 feet.

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JUL 10 2002

MANNING EQUATION-DATA COLLECTION

Claim No(s):: 63- 361 PERMIT

Name of Claimant: DAVISON L & SONS ACCOMPANIED BY RON DAVISON

No of Ditch, Canal, or Stream Name: SPRINGS

Date of Measurement: 10/4/01 Data Collected By: TRD#

Measurement Location: 1/4 1/4 Section T R

General Description and Comments

MEASURED BEST CHANNEL OF UPPER SPRINGS ABOUT 100'
FROM GPS POSITION - ONLY ONE GOOD X-SECTION USED

Cross-section Data

Basis: High water mark ☒ Maximum capacity ()

Note: A minimum of five readings is necessary; first and last rod reading must be equal or zero.

Depth or Rod Reading	Dist. from Initial Point	Depth or Rod Reading	Dist. from Initial Point
<u>0</u>	<u>0</u>	11.	
<u>.2</u>	<u>1</u>	12.	
<u>.3</u>	<u>2</u>	13.	
<u>.3</u>	<u>3</u>	14.	
<u>.5</u>	<u>4</u>	15.	
<u>.5</u>	<u>5</u>	16.	
<u>.5</u>	<u>6</u>	17.	
<u>.7</u>	<u>7</u>	18.	
<u>.7</u>	<u>8</u>	19.	
<u>.2</u>	<u>9</u>	20.	

Slope Data

Basis: High water mark ☒ Channel bottom () Land surface ()

Channel length from cross section: Upstream 50 Downstream 69 upstream Reach
4.09
3.59

Total channel length used for slope measurement: 119 down stream R
6.01
5.32

Rod reading at engineers level: NA

Upstream rod reading 3.83 - High Water Mark(if taken from channel bottom) =

Downstream rod reading 5.65 - High Water Mark(if taken from channel bottom) =

Note: The downstream rod reading must be higher than the upstream rod reading.

Are maps and/or photos attached? ☒ Yes ☒ No
 MICROFILMED
 10 2002

MANNING S "n" (roughness coefficient)

BASIC "n" CHANNEL MATERIAL				CHANNEL OBSTRUCTIONS			
earth	.020	X	(1)	negligible	.000	X	(1)
rock	.025		(2)	minor	.010		(2)
fine gravel	.024		(3)		.015		(3)
coarse gravel	.028		(4)	appreciable	.020		(4)
					.030		(5)
				severe	.040		(6)
					.050		(7)
					.060		(8)
SURFACE IRREGULARITY				VEGETATION			
smooth	.000	X	(1)	low	.005	X	(1)
minor	.005		(2)		.010		(2)
moderate	.010		(3)	medium	.015		(3)
severe	.020		(4)		.020		(4)
					.025		(5)
				high	.030		(6)
					.040		(7)
					.050		(8)
				very high	.060		(9)
					.075		(10)
					.100		(11)
VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION				DEGREE OF MEANDERING			
gradual	.000	X	(1)	minor	1.00	X	(1)
occasional	.005		(2)	appreciable	1.15		(2)
frequent	.010		(3)	severe	1.30		(3)
	.015		(4)				

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71 1 2 2002

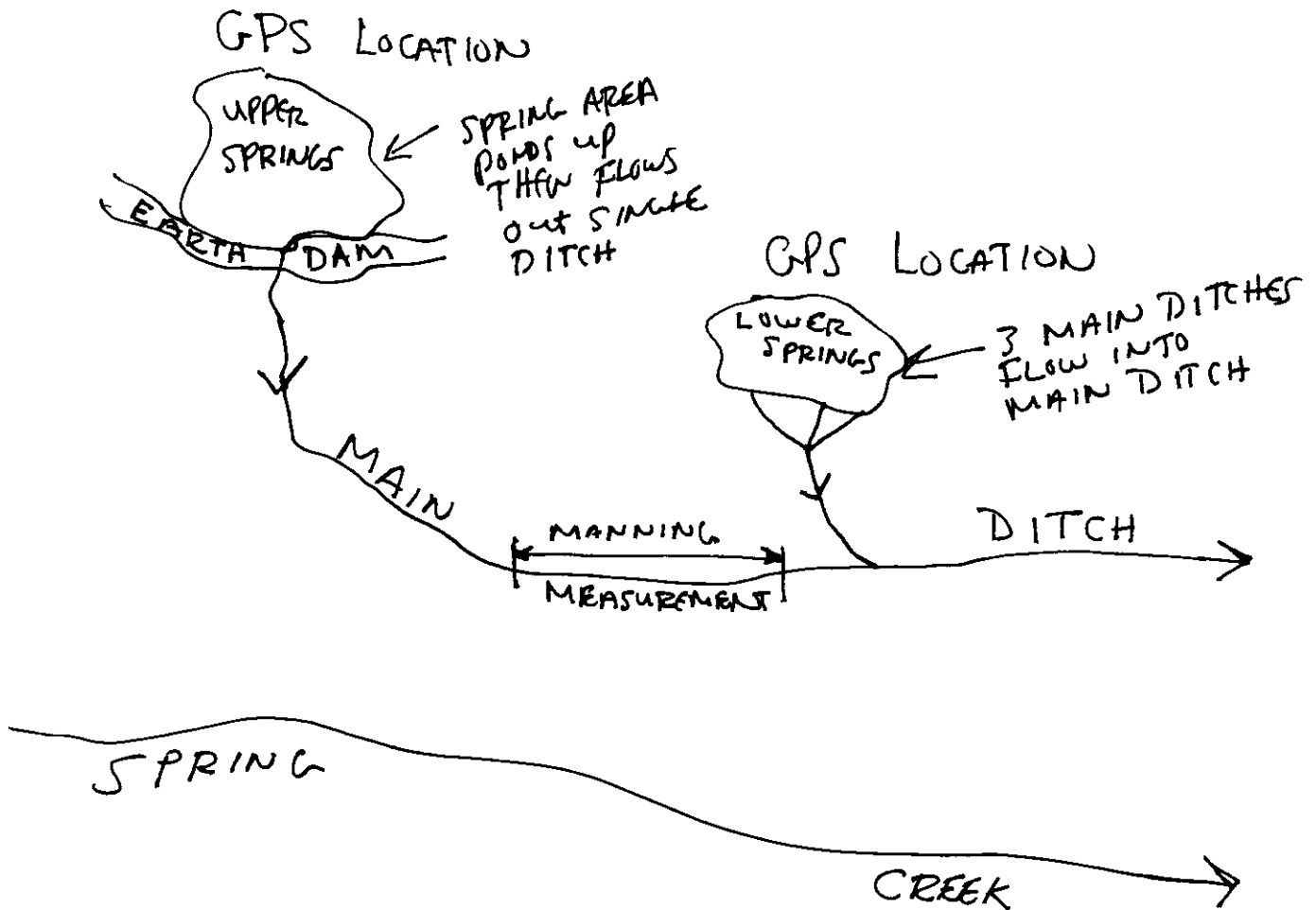
System Diagram

PERMIT 63-3611

FIELD AGENT - Ron Howerton

EXAM DATE - 10/24/01

ACCOMPANIED BY: Ron Davison



SPRINGS ARE AKA: FRANKIE SPRINGS

PARCEL ID RP62N07E090020

SEE 1987 NAPP FOR ACTUAL LOCATION

MICROFILMED

JUL 10 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3611

WATER RIGHT NUMBER: 63-3611

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FRANK M MARKER PRAIRIE, ID
Current Owner	L G DAVISON & SONS INC 1969 PRAIRIE RD PRAIRIE, ID 83647-9803 (208)868-3243

Priority Date: 03/03/1953

Basis: Permit

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SPRING CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.250 CFS	
	<u>Total Diversion:</u>	0.250 CFS	

Location of Point(s) of Diversion

SPRINGS	SW 1/4NW 1/4SE 1/4	Sec. 9,	Twp 02N,	Rge 07E, B.M.
ELMORE County				
SPRINGS	NW 1/4SW 1/4SE 1/4	Sec. 9,	Twp 02N,	Rge 07E, B.M.
ELMORE County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	07E	9															1.5	11.0	12.5

Total Acres: 12.5

Conditions of Approval:Remarks:

1. General CLAIM AMENDED BY RDH ON 12/14/01.
2. General THIS SPRING IS ALSO USED FOR STOCKWATER, SEE CLAIM A63-19772.

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JUL 10 2002

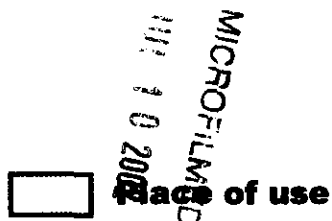
Idaho Department of Water Resources

**T02N R07E
S09**

Claim: 63-3611

Updated: 2 Nov 01

By: Ron Howerton

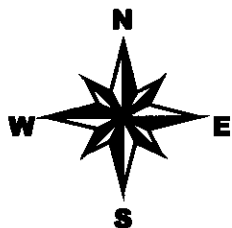


● **POD**

∧ **SECTION**

1/4 1/4

12.5 Acres



1987 NAPP



T02N, R07E
S09

NWSE

SWSE

X63 TOPO

Spring

Creek

15

4638

MICROFILMED
V. 10 2002

SWNWSE

BM
4717

NWSWSE

X64 TOPO

4727

4800

15



Photo 1: FX Oct. 24, 2001. Photos by RDH. Upper Springs. T02N, R07E, S9, SWNWSE.



Photo 2: Main Springs. T02N, R07E, S9, NWNWSE

MICROFILMED

10 2002



Photo 3: View to southwest from main springs POD. POU view located in T02N, R07E, S9, SWSE.

MICROFILMED
1997 10 2002

SRBA

DIRECTORS REPORT 63-19772

[Return to SRBA Home Page](#)

IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 63-19772

Name and Address: L G DAVISON & SONS INC
C/O PRAIRIE STAGE
MOUNTAIN HOME, ID 83647

Source: SPRING Tributary: SPRING CREEK

Quantity: .14 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

Priority Date: 01-01-1925

Diversion Point: T02N R07E S09 SWSE Within Elmore County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Stockwater	01-01 TO 12-31	.14 CFS

Place of Use: Stockwater Within Elmore County
T02N R07E S09 SWSE

Other Provisions Necessary for Definition / Administration of this Water Right:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

Explanatory Material: Basis of Claim - Beneficial Use

STOCKWATER, 600 RANGE CATTLE
PARCEL NO. 02N07E090020

[Return to SRBA Home Page](#)

MICROFILMED
JUN 10 2002

2/1/2002

Idaho Dept. of Water Resources
Place of Use Comparison Report

Page1

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
------	------	-------	--------	-----	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	-------

APR 10 2002
MICHAEL W. WILSON



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 19, 2002

L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE ID 83647-9803

RE: Change of Ownership for Water Right 63-3611

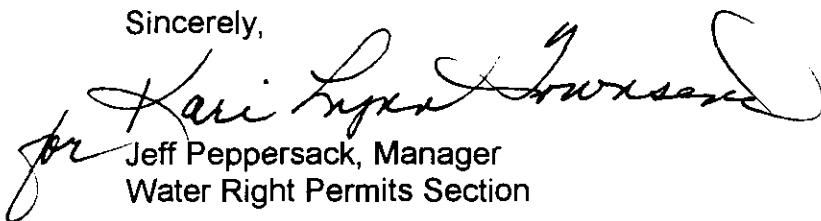
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for the \$25.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

MAR 10 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 5, 2002

L G DAVISON & SONS INC
C/O RON DAVISON
1969 PRAIRIE RD
PRAIRIE ID 83647-9803

✓
ASSIGNMENT OF PERMIT NO.: 63-3611

Ref: TELEPHONE CONVERSATION

Dear Ron,

1. Enclosed is the assignment for permit form, this will allow the license to be issued in your name: "L G DAVISON & SONS INC".
2. Please have Frank sign this form in front of a notary and affix their notary seal. If it was convenient you could bring Frank by, and/or he could stop by, then I could do the notarization.
3. A 25-dollar fee is required. (You could pay the fee) It does not have to be Frank.
4. You may use the enclosed envelope to return the form and check for your convenience.
5. Please return the assignment for permit and check to this office no later than March 5, 2002.

Sincerely,


Ron Howerton

Senior Water Agent
Adjudication Staff
334-2190

Enclosures: Assignment for permit form
Copy of permit profile report
Return envelope

MICROFILMED

JUL 10 2002

*Assigned to
Davison per 6/7/02
I have checked
-JL*

October 1, 1958

Re: Permit No. 23865

Mr. Fred M. Marker
Prairie, Idaho

Dear Mr. Marker:

On August 20, 1958, I made inspection in connection with your permit No. 23865. Your father-in-law accompanied me. We were unable to find any land marker that was positive identification.

Afterwards I went to Mountain Home and looked at aerial photos of your place. From them it appears that you have irrigated approximately 15 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 10 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9.

This would permit issuance of a license for 10 inches from the springs which is the full amount you asked from the springs.

Regarding the creek, I went to the dam and saw the ditch and the ground irrigated, but it appears from the aerial photo and the inspection that all the land irrigated from the creek is on the West side of the creek and is not on land you own.

Do you want a license for 10 inches from the springs or do you wish a reinspection? I believe we can look on an aerial photo and decide whether it is necessary to reinspect on the ground.

Yours truly,

GEO. N. CARTER
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

BnH/lw

23865

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 23865This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Frank M. Marker2. Source of water supply: Spring Creek 30 inches, Unnamed springs 10 inches3. Location of point of diversion: Is in the NW 1/4 SE 1/4 & SW 1/4 SE 1/4 of Section 9T. 2 N R. 7 E., B. M. County of Elmore

4. Describe works as they exist, giving dimensions and capacities of same: Plank dam (2" boards)
4 ties or 6"x8" on end (crossed). Dam = 3'h x 30'l. 4' headgate opening.
with Flank boards. Lava rock with concrete at base and about 3' down str.
Ditch out on west side 1' W. in bottom 20" deep. Large dead pine
near P.D. Dam in poor repair. Not used This year. Plenty
of irrigation from springs on East edge of field.

5. Water is used for: irrigation and domestic6. State whether or not water has been turned into works of diversion: yes.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NW 1/4 SE 1/4 of Sec. 9., Twp. 2 N., Rge. 7 E., B. M. RWT

Filed 3/3/53

clw & BU due 3/7/58 clw made 3/11/58

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

Letter written to Marker on Oct 1-58.

This examination was made on the 20th day of August, 1958

(Signed) E. N. Humphrey
 Examiner.

23865

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
 6. Give general characteristics of soils, topography, and crops raised.
-

7

Frank M. Marker
Prairie, Idaho

Permit No. 23865

Examination for Beneficial Use

County Elmore

9-2 N. - 7 E.

Q = 0.8 c.f.s.

S = Spring ter; 8 Un-named springs

NW. SE. SW. SE. ~~SW. SE.~~
P.L. = Sec. 9, T. 2 N. - R. 7 E.

Use = Irrigation & Domestic

Filed = March 3, 1953

Due = March 7, 1958

C/W = 3-20-58

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 23865

REPORT ON PROOF OF Beneficial Use

Frank M. Marker, Prairie, Idaho

owns. N. E. } S. 9.
S. E. }
SE SE ✓

R-7E.

Riegers

Spring Creek

Bagg

grain bin

Road

Spring

bluffs

P.D.

P.D.

P.D.

T.
2
N.

8

15 20 15 E

8

10

15

16

4

3

9

16

5

10

15

June 9, 1958

RE: Permit No. 23865

Mr. Frank M. Marker
Prairie, Idaho

Dear Mr. Marker:

This acknowledges receipt of the depositions of Holder and two witnesses and the affidavit of publication in the Mountain Home News in proof of completion of works and beneficial use under Permit No. 23865.

Before a permit can be licensed, the law requires that a field examination be made by an engineer from this department. At this time we cannot say just when this will be made but our field engineer will contact you prior to the time he is to make the inspection so that you can arrange to accompany him.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR

23865

RECEIVED
JUN 6 1958

Department of Reclamation Affidavit of Publication

NOTICE OF PROPOSED APPLICATION FOR WATER RIGHTS

BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 29th day of May, 1958, at Mountain Home, County of Elmore, State of Idaho, before Glen Clark, Notary Public, proof will be submitted of the application to beneficial use of $\frac{1}{4}$ cubic foot per second of the waters of Spring Creek and unnamed springs in accordance with the terms and conditions of Permit No. 23865, heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person holding said permit is Frank M. Marker, Prairie, Idaho.

The use to which said water has been applied is irrigation and domestic.

The amount applied to beneficial use is .80 cfs.

The place where said water is used NW $\frac{1}{4}$ SE $\frac{1}{4}$ Spring Creek; SW $\frac{1}{4}$ SE $\frac{1}{4}$ unnamed springs, Sec. 9, Twp. 2 N., Rge. 7 E.

The right to take water from such works is based upon Permit No. 23865.

The source of supply from which such water is diverted is Spring Creek and Unnamed Springs.

The date of priority which said user is prepared to establish is April 20, 1953.

MARK R. KULP
State Reclamation Engineer
First publication April 24, 1958.
Last publication May 15, 1958.

County of Elmore } ss.
STATE OF IDAHO }

I, Lloyd S. Waters do solemnly swear that I am the foreman, the publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in

said newspaper for 4 consecutive weeks, the

first publication having been made on the 24

day of April, 1958, and the

last publication having been made on the 15 day

of May, 1958; every number of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this 15 day

of May, 1958.

Mark R. Kulp

Notary Public

23865

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 6 1958
Department of Reclamation

Permit No. 23865

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Frank M. Marker Farmer
Prairie, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 23865 March 3, 1953 → 3-7-53

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Spring Creek & unnamed springs
NW 1/4 Sec. 9 - 2 N 7 E

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Concrete & lumber dam ditch will carry
80 second of water

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. For irrigation on 40 acres in NW 1/4 S.E. 1/4
Section 9 Township 2 North Range 7 E, B. M.
cultivated & meadow land seeded to grass & clover

23865

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. none

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 180 second ft.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. It has been used to irrigate 40 acres by flood irrigation some of this land has been irrigated since 1948

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Since 1948 this water has been used to irrigate natural meadow land & some cultivated land with plenty of water

(Sign) Frank M. Marker

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Lat. Hope, County of Blaine

State of Idaho, on this 20th day of May, A. D. 1948

Sheldon Clark Jr.

My commission expires 4/11/61

23865

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 6 1958
Department of Reclamation

PERMIT NO. 23865

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Ruth E Williamson 50 Mt. Home Id.
Housewife ~~Mt. Home~~ Mt. Home Idaho

Ques. 2. Are you acquainted with Frank Marker, the holder of Permit No. 23865? How long have you known him and where does he reside?

Ans. Seven years Prairie Idaho

Ques. 3. Have you read or heard read said Permit No. 23865, and are you familiar with its provisions and conditions?

Ans. yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Spring Creek, Unnamed Spring
Concrete & wood dam

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Ditch carry 80 cfs

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation 40 Acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of
section 9 township 2 north, Range 7 East B.M.

23865

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Grass & meadowland 80 second foot of water

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. 1954 Flood Irrigation for Hay & Grain

(Signed) Ruth E Williamson

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Shoshone County,

County of Canyon, State of Idaho, on this 20th day of May,

A. D. 1958.

Shoshone County

Notary Public.

My commission expires 4/11/61

23865

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 6 1958
Department of Reclamation

PERMIT NO 23865

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Roy Williamson 56 Mt Home Retired
Idaho Mt Home

Ques. 2. Are you acquainted with Frank Marker, the holder of Permit No. 23865? How long have you known him and where does he reside?

Ans. eight years, Prairie Idaho

Ques. 3. Have you read or heard read said Permit No. 23865, and are you familiar with its provisions and conditions?

Ans. yes

Ques. 4. State source of water supply, place of diversion and describe works for conveying water from point of diversion to place of use.

Ans. Spring Creek Unnamed Spring
Concrete & wood dam

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Ditch carry 80 cfs

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation 40 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of
section 9, Township 2 North, Range 7 East B.M.

23865

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Farmer & meadow land 80 second feet
of water

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. 1954 - Flood, Irrigation, for Hay & Grain

(Signed)

Roy Williamson

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Shoshone Co. Idaho,

County of Canyon, State of Idaho, on this 20th day of May,

A. D. 1958.

Shoshone Co. Idaho

Notary Public.

My commission expires 4/11/61

23865

April 18, 1958

RE: Permit No. 23865

Mr. Frank M. Marker
Prairie, Idaho

Dear Mr. Marker:

This acknowledges the Notice of Proof Application of Water to Beneficial Use under Permit No. 23865, to be made on the 20th day of May at 10:00 A.M. before Mr. Glen Clark, Notary Public.

As of this date we have mailed the Notice to the Mountain Home News with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then to mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses, who are familiar with the terms of the Permit and the work done thereunder, at the time, on the date, at the place and before the Notary as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions (Holder's and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:vm
Enclosures 3
cc Glen Clark

23865

Receipt is hereby acknowledged of Perment No. 23865
concerning Frank M. Marker. Thank you.

Mountain Home News

RECEIVED
APR 23 1958

Department of Reclamation

23865

Mountain Home News
P. O. Box 276
Mountain Home, Idaho



[THIS SIDE OF CARD IS FOR ADDRESS]



State of Idaho
Dept. of Reclamation
Boise, Idaho

23865

April 18, 1958

RE: Permit No. 23865

Mr. Frank M. Marker
Prairie, Idaho

Dear Mr. Marker:

This acknowledges the Notice of Proof Application of Water to Beneficial Use under Permit No. 23865, to be made on the 20th day of May at 10:00 A.M. before Mr. Glen Clark, Notary Public.

As of this date we have mailed the Notice to the Mountain Home News with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then to mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses, who are familiar with the terms of the Permit and the work done thereunder, at the time, on the date, at the place and before the Notary as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions (Holder's and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

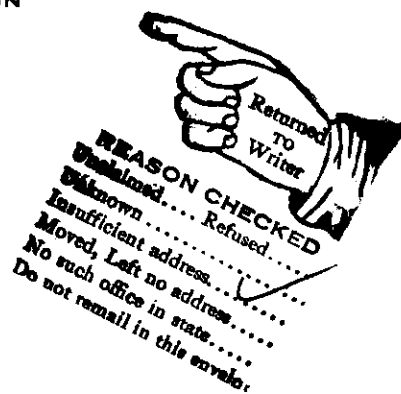
HANK R. KULP
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

BFR:vm
Enclosures 3
cc Glen Clark

23865

AFTER 5 DAYS, RETURN TO
DEPARTMENT OF RECLAMATION
STATE HOUSE
BOISE, IDAHO



Mr. Glen Clark
Mountain Home, Idaho



23865

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RE: Permit No. 23865
Frank M. Marker

Date: April 18, 1958

Mountain Home News
Mountain Home, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to May 20th, 1958 the date set for proof; the expense of the publication is to be paid by the applicant,

Frank M. Marker of Prairie, Idaho
to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

~~MARK R. KULP~~
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

23865

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 20th day of May, 19 58,
at Mountain Home, County of Elmore, State of Idaho, before
Glen Clark, Notary Public, proof will be submitted of the
application to beneficial use of .80 cubic feet per second of the waters of Spring Creek
& unnamed springs in accordance with the terms and conditions of Permit No. 23865
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person ~~or corporation~~ holding said permit ~~is~~ is
Frank M. Marker, Prairie, Idaho

The use to which said water has been applied is irrigation & domestic

The amount applied to beneficial use is .80 cfs

The place where said water is used ~~(to be irrigated) or give full and accurate description of the lands irrigated~~
N¹/₂SE¹/₄ Spring Creek; SW¹/₄SE¹/₄ & unnamed springs, Sec. 9, Twp. 2 N., Rge. 7 E.

~~The name of the canal or ditch or other works by which said water is conducted to such place of use is~~

The right to take water from such works is based upon Permit No. 23865

The source of supply from which such water is diverted is Spring Creek & Unnamed Springs

The date of priority which said user is prepared to establish is April 20, 1953

MARK R. KULP
State Reclamation Engineer.

23865

Dear Sirs,

In regards to the check
for the Fee for Certificate
of Completion of State Work.
Please mark out Mountain
Home and State, Boise
First Security Bank
Thank You
Frank Marker

Note - Check corrected to show Boise Bank

accepted by State Treasurer for re-deposit.

4/9/58

L. T.

RECEIVED
APR 9 1958

Department of Reclamation

23865

F.H.

NOTICE FOR PUBLICATION
 NOTICE OF PROOF APPLICATION OF WATER
 TO BENEFICIAL USE

RECEIVED
 APR 18 1958
 Department of Reclamation

Notice is hereby given that at 10 A. M. on the 20th day of May, 1958
 at Mountain Home, County of Elmore, State of Idaho, before
Glen Clark, proof will be submitted of the
 application to beneficial use of 80 cubic feet per second of the waters of Spring Creek
+ unnamed springs in accordance with the terms and conditions of Permit No. ~~23845~~
23865
 heretofore issued by the _____ of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Frank
M. Marker Prairie Idaho

The use to which said water has been applied is Irrigation + domestic

The amount applied to beneficial use is 80

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

Spring Creek N.W. $\frac{1}{4}$ S.E. $\frac{1}{4}$ UNAMED Springs
S.W. $\frac{1}{4}$ S.E. $\frac{1}{4}$ Section 9. Township 2 North
Range 7E, B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is _____

The right to take water from such works is based upon Permit No. ~~23845~~
23865

The source of supply from which such water is diverted is Spring Creek

Unnamed Springs

The date of priority which said user is prepared to establish is April 20 - 1958
20th May 1958

Subscribed
Mountain Home, Idaho
W. H. Clark

State Reclamation Engineer.

23865

15414

April 8, 1958

RE: Permit No. 23865

Mr. Frank M. Marker
Prairie, Idaho

Dear Mr. Marker:

This is to call your attention to the fact that your Beneficial Use proofs were due at the same time proof of Completion of Works proofs were due and made (which was March 20, 1958) and unless they are made a License can not be issued.

The priority date will also be brought down a length of time equal to the time elapsed between proof date and the date Beneficial Use proofs are made.

In case you have mislaid the Forms mailed you January 1st for the making of said proofs, we are enclosing Forms 10 and 11, and instructions as to completing them.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

R:vm
Enclosures 4

23865

April 4, 1958

Mr. Frank M. Marker
Prairie, Idaho

Dear Mr. Marker:

Your check on the First Security Bank of Idaho at Mountain Home, in the amount of \$5.00, issued as payment for the Certificate of Completion of Works on Permit No. 23865 was deposited with the State Treasurer on March 26, 1958 and has been returned to the State Treasurer marked "unable to locate."

Will you please correct this error and send us by return mail a check that will be honored by the Bank upon which it is drawn.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

EPR:lw

23865

COPY

STATE OF IDAHO

No.

RECEIPTS ADJUSTMENT MEMORANDUM

DATE 4/3, 19 58REPORT FOR: Department of Reclamation PAGE OF PAGES
REPORTING AGENCY

To the State Treasurer:

Request is hereby made that adjustments be effected in the accounts for receipts and collections previously reported, in accordance with the information submitted hereunder.

Authorized and Approved by:

Respectfully submitted,

STATE AUDITOR

DEPARTMENT HEAD

1. Returned Check ☒2. Suspense Fund Transfer ☐3. Error in Original Apportionment ☐

ACCOUNT CODES					AUDITOR'S CERTIFICATE NO.	DESCRIPTION	AMOUNT	
FUNDS	FUNCTION	SUB-DIV.	CLASS	APPROPRIATION			CASH INCREASE	CASH DECREASE
1	6	11	2501	1-411	5097	Check covering payment of statutory fees in the Amount of \$5.00 issued by Frank M. Marker of Prairie Idaho, under Departmental Receipt No. 29025. Deposited 3/26/58, and returned to the State Treasurer marked, "Unable to locate". (Check written on Mountain Home Branch, First Security Bank.) Proof of beneficial use		\$5.00
								\$5.00

INSTRUCTIONS

Prepare in triplicate. Submit all copies to the State Auditor's Office.

NOTE: This form is to be used to make all necessary transfers due to corrections, such as payments to wrong funds, returned checks, and suspense fund transfers.

23845

FOR USE OF STATE AUDITOR

Comptometer.....
Pre-Audit.....
Sum. & Control.....
Tabulation.....

March 20, 1958

Re: Permit No. 23865

Mr. Frank M. Marker
Prairie
Idaho

Dear Mr. Marker:

Enclosed is the Certificate of Completion of Works issued under Permit No. 23865 for the diversion of .80 second foot of water from Spring Creek and Un-named springs, with the points of diversion from Spring Creek in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and from un-named springs in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, for irrigation of 40 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 9, Township 2 North, Range 7 East, B.M.

Enclosed also is departmental receipt #29025 for \$5.00, issued as receipt of the fee for the Certificate of Completion of Works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

MRK:nls
Enc.

23865

Permit No. 23865STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

RECEIVED
MAR 13 1958

Department of Reclamation

STATE OF IDAHO

County of Elmore

ss.

✓ Frank M. Marker, being first duly sworn, upon his oath deposes and says:First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 23865, and that his postoffice address is Prairie State of IdahoSecond: That the name of the stream from which said water is to be diverted is Spring✓ Creek + unnamed springsThird: That the point of diversion of said water is One eight of mile above my upper fenceFourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by March 7, 1958Fifth: That the use for which said water is intended is irrigation & domesticSixth: That on the date above mentioned, the works constructed under said permit were (~~are~~ were ~~not~~) fully completed and consisted of the following:I. Kind of works: ✓ Dam + ditches

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 4 ft. feet, length of dam at top 24 ft. feet, length of dam at bottom 22 ft. feet. Material used in construction concrete +lumber

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir.....acre feet.

(c) Size of headgate: Width 2 ft. feet, height 1 feet.(d) Conduit ditch width at bottom 2 ft. feet, width at water line 3 ft. feet, depth of water 1 feet; diameter of pipe.....inches, average grade per mile is.....feet. Length of conduit is.....miles.Seventh: That said works are capable of conducting to the place of intended use 40 inch second feet of water.Eighth: That water appropriated under said permit is available for 40 acres of land described as follows: land lays on both sides of Spring creek for about 1/4 mileNinth: Remarks: That I have used some of this water since 1948Frank M. Marker
(Sign Here)Subscribed and sworn to before me this 11th day of March, 1958My commission expires 4/11/61Shadrach Clark Jr.

Notary Public.

23865

R205

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RE: Permit No. 23865

FOISE

January 1, 1958

Frank M. Marker
Prairie, Idaho

Dear Sir:

Under the terms of your permit No. 23865 you are required to complete your diversion works and make proof of beneficial use on or before March 7, 1958.

We enclose herewith a blank affidavit to be filled out, sworn to by you before a Notary Public or Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

We also enclose blank notice for proof of application of water to Beneficial Use under this permit, which should be filled out and returned to this office at least forty (40) days before the date upon which you wish to make proof. The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths. The date for proof as set out in your permit, is March 7, 1958, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

23865

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 23865

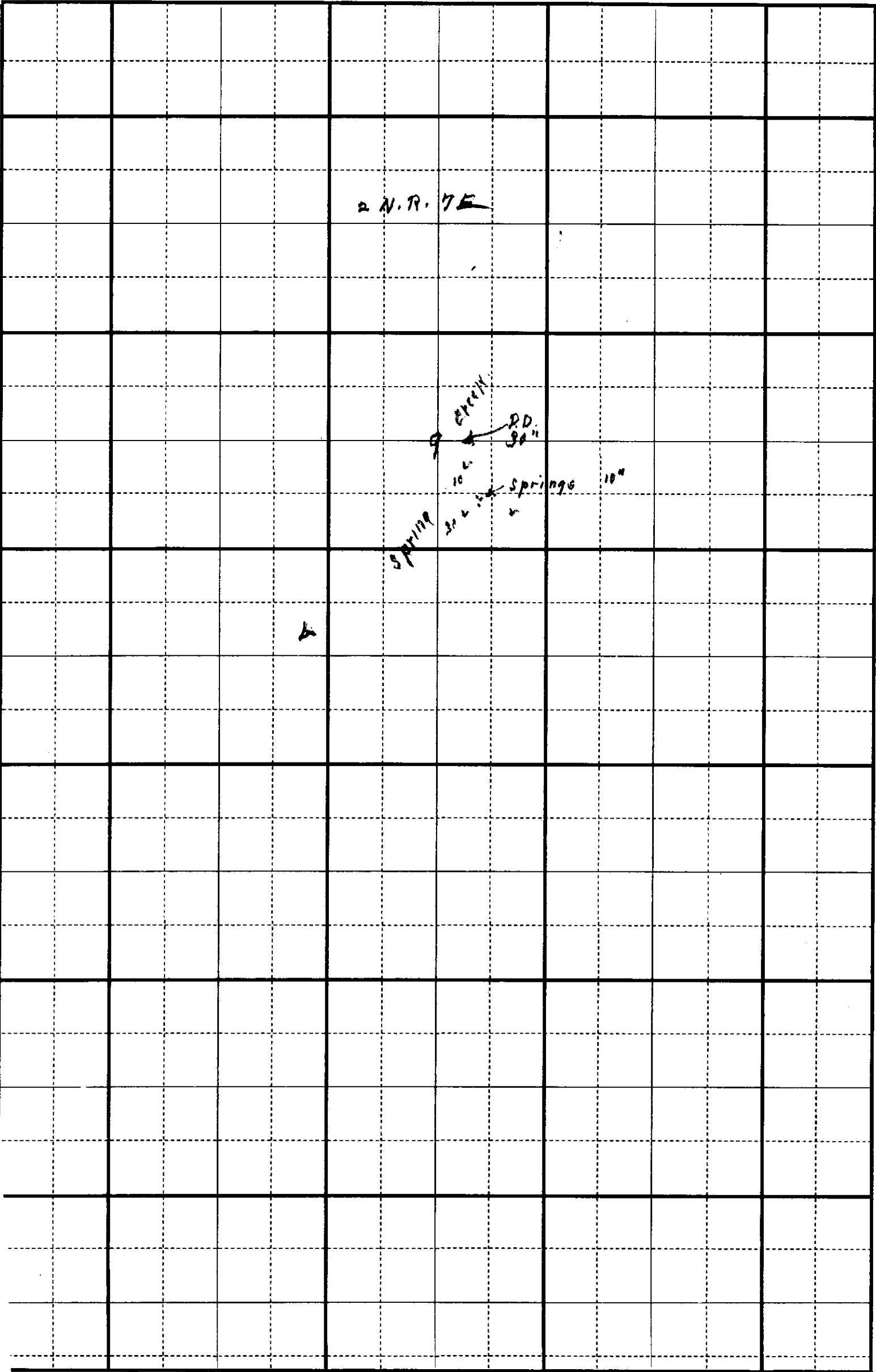
Date March 23, 1953

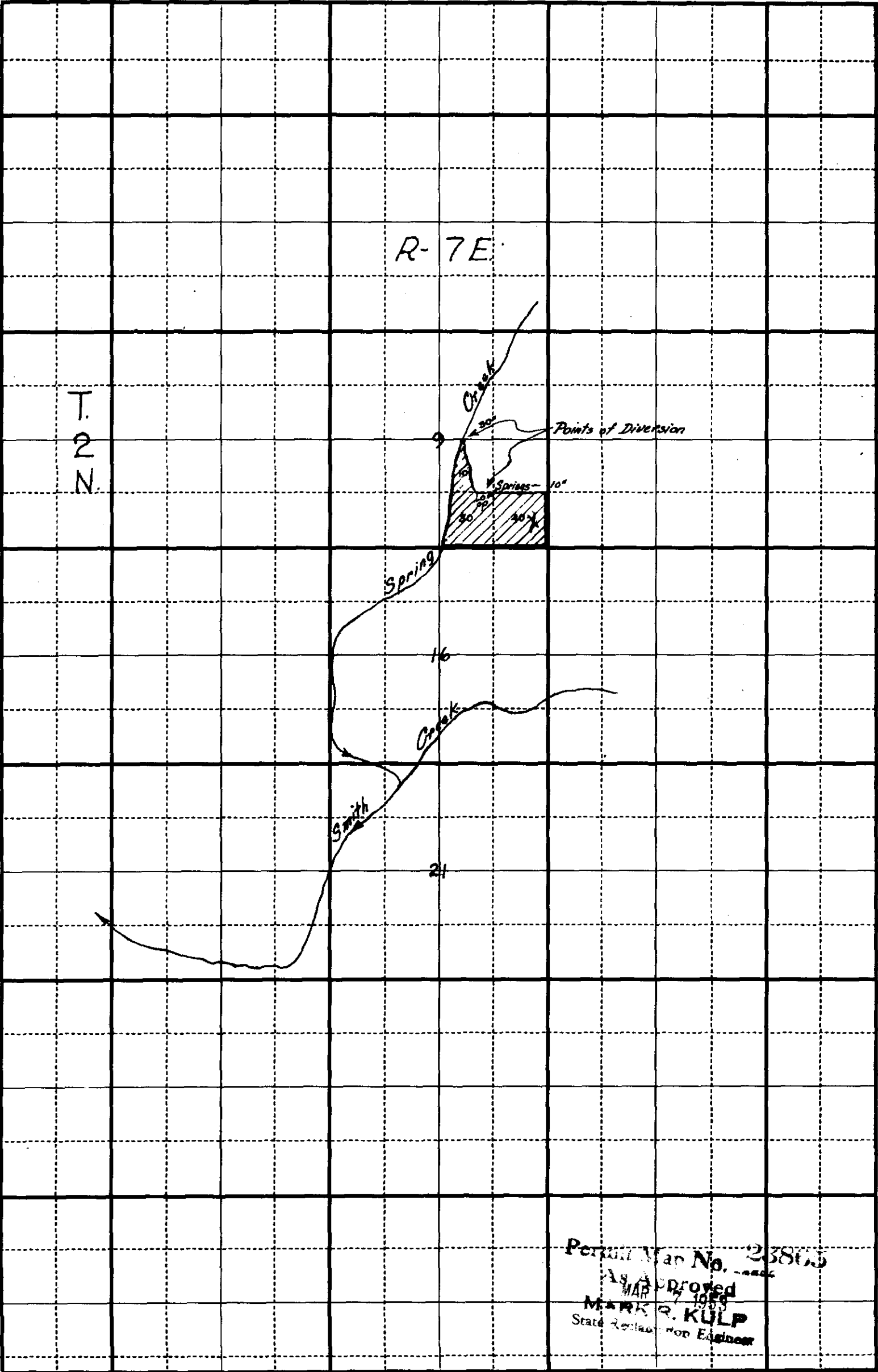
We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. Frank M. Marker
Prairie
Idaho

MARK R. KULP
State Reclamation Engineer

23865





Permit Map No. 23865
As Approved
MAR 7 1965
MARK R. KULP
State Registration Engineer

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 20th day of May, 1958, at Mountain Home, County of Elmore, State of Idaho, before Glen Clark, Notary Public, proof will be submitted of the application to beneficial use of .80 cubic feet per second of the waters of Spring Creek and unnamed springs in accordance with the terms and conditions of Permit No. 23865 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person holding said permit is Frank M. Marker, Prairie, Idaho.

The use to which said water has been applied is irrigation and domestic.

The amount applied to beneficial use is .80 cfs.

The place where said water is used NW $\frac{1}{4}$ SE $\frac{1}{4}$ Spring Creek; SW $\frac{1}{4}$ SE $\frac{1}{4}$ unnamed springs, Sec. 9, Twp. 2 N., Rge. 7 E.

The right to take water from such works is based upon Permit No. 23865.

The source of supply from which such water is diverted is Spring Creek and Unnamed Springs.

The date of priority which said user is prepared to establish is April 20, 1953.

MARK R. KULP

State Reclamation Engineer

First publication April 24, 1958.

Last publication May 15, 1958.