

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-07990

Proposed Priority: April 20, 1990 Maximum Diversion Rate: 0.09 CFS

This is to certify, that **REX L. BAKER**
PEGGY ANN BAKER
11716 S. DEMPSEY CREEK RD.
LAVA HOT SPRINGS, ID 83246

has applied for a permit to appropriate water from:

SPRING

tributary of **SINKS**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.03 CFS
DOMESTIC	01/01 to 12/31	0.06 CFS
	Totals	0.09 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSESW Sec. 32, Township 09S, Range 38E
BANNOCK County

PLACE OF USE: STOCKWATER

TWN RGE SEC

09S 38E 32 SESW NESE SWSE

PLACE OF USE: DOMESTIC

TWN RGE SEC

09S 38E 32 NESE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1991**.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

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State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-07990

CONDITIONS/REMARKS:

6. Stockwater use for 100 cattle; domestic use is for two homes.

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

21st day of August, 1990.

R. Keith Higginson
for R. Keith Higginson, Director

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Rex L. Baker or Peggy Ann Baker Phone 776-5684
Post office address 11716 S. Dempsey Creek Rd. Lava Hot Springs, ID. 83246
2. Source of water supply spring which is a tributary of sinks
3. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 32 Township 9S Range 38E B.M. Barrock County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.06 for Domestic purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.03 for Stockwater purposes from 01/01 to 12/31 (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 is (a) 0.09 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. perforated pipe, pipe line
stock troughs in two homes.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water for beneficial use is
2 years (minimum 1 year).

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8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. 100 RANGE.
- Municipal; show name of municipality. _____
- Domestic; show number of households. 2 HOMES.
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	38E	32												S	9/8		S		

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. Well also

provides domestic & stockwater

11. a. Who owns the property at the point of diversion? Applicant

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

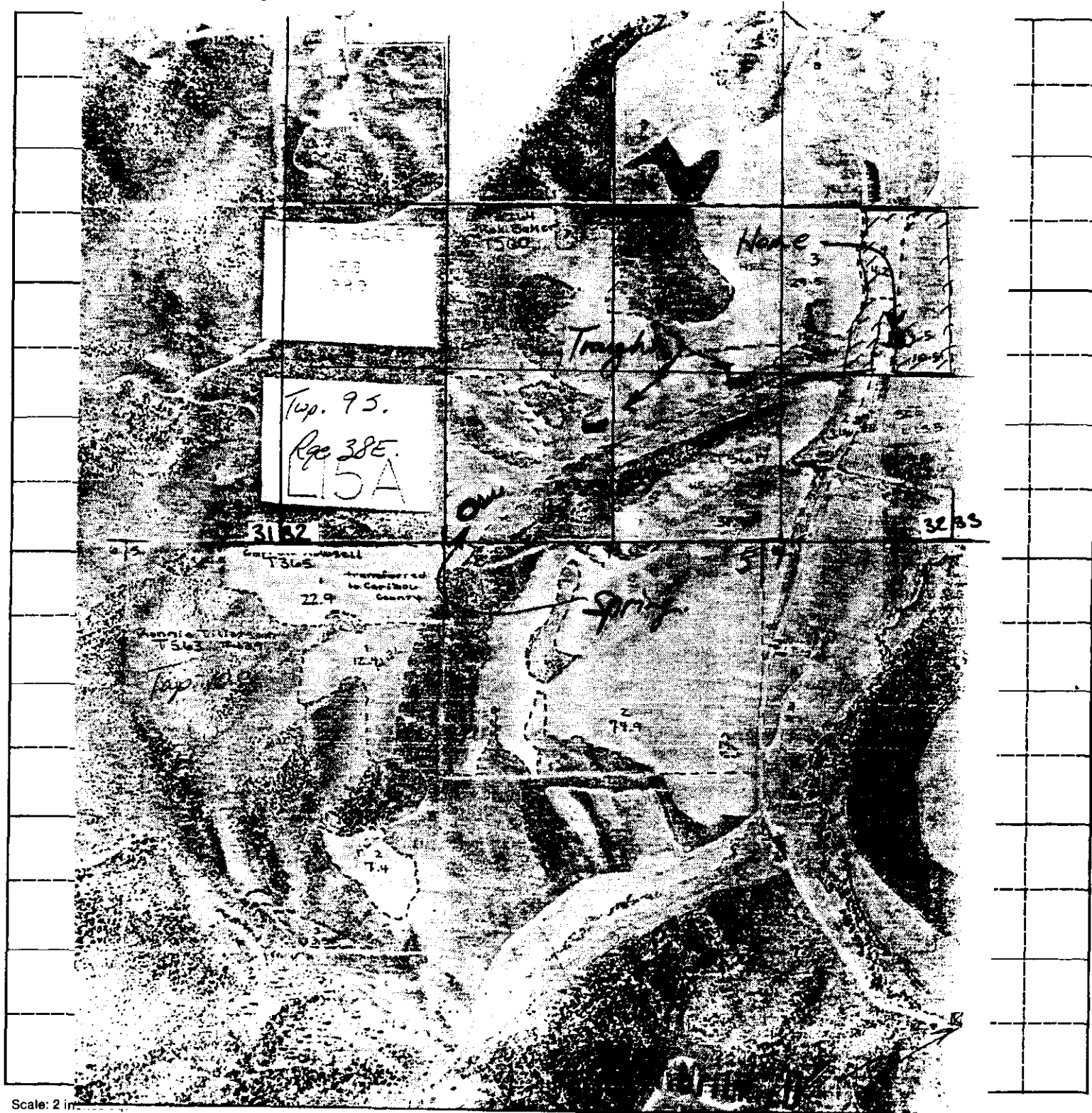
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: I developed spring in 1979.

Microfilm

SEP 04 1990

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



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.

Bruce J. Baker
(Applicant)

Received by EMC Date 4-20-90 Time _____ Preliminary check by KW
Fee \$ 30⁰⁰ Receipted by EMC # E013438 Date 4-20-90
Publication prepared by LB Date 6-21-90 Published in 10 state Trail
Publication approved LB Date 7-16-90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

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11: 1075 R34E S01S
2.0 ACRES TOTAL
29-07988

SMITH, SANDRA
SMITH, T. CRAIG
1827 E. ARIMO ROAD
ARIMO, ID 83214
Source: UNNAMED STREAM
Tributary: MARSH CREEK
Diversion Pt:
SWNESE Sec 12 T 10S R 36E
Use: IRRIGATION (.060 CFS)
STOCKWATER (.030 CFS)
Total Diversion: (.060 CFS)
Date Filed: 4-19-1990
In: T10S R36E S12 NESE
2.0 ACRES TOTAL

29-07989
SMITH, SANDRA
SMITH, T. CRAIG
1827 E. ARIMO ROAD
ARIMO, ID 83214
Source: GROUNDWATER
Diversion Pt:
SWNESE Sec 12 T 10S R 36E
Use: IRRIGATION (.060 CFS)
DOMESTIC (.020 CFS)
STOCKWATER (.020 CFS)
Total Diversion: (.100 CFS)
Date Filed: 4-19-1990
In: T10S R36E S12 NESE SESE
2.0 ACRES TOTAL

29-07990
BAKER, REX L.
BAKER, PEGGY ANN
11716 S. DEMPSEY CREEK RD.
LAVA HOT SPRINGS, ID 83246
Source: SPRING
Tributary: SINKS
Diversion Pt:
SWSESW Sec 32 T 09S R 38E
Use: DOMESTIC (.060 CFS)
STOCKWATER (.030 CFS)
Total Diversion: (.090 CFS)
Date Filed: 4-20-1990
In: T09S R38E S32 SESW NESE
SWSE

29-07991
HARRIS, EILEEN
HARRIS, MARSHALL C.
902 E. JENSON RD.
MCCAMMON, ID 83250
Source: GROUNDWATER
Diversion Pt:
SESE Sec 23 T 09S R 36E
Use: IRRIGATION (.100 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.140 CFS)
Date Filed: 4-25-1990
In: T09S R36E S23 SESE
5.0 ACRES TOTAL

29-07992
THOMPSON, JAMES L.
7659 S. MARSH CREEK RD.
MCCAMMON, ID 83250
Source: GROUNDWATER
Diversion Pt:
NWSE Sec 10 T 09S R 36E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.020 CFS)
Total Diversion: (.040 CFS)
Date Filed: 4-24-1990
In: T09S R36E S10 NWSE
1.0 ACRE TOTAL

29-07993
CLEZIE, LANE
CLEZIE, BARBARA
13542 W. TRAIL CREEK
POCATELLO, ID 83204
Source: GROUNDWATER
Diversion Pt:
NENENW Sec 33 T 06S R 34E
Use: IRRIGATION (.080 CFS)
DOMESTIC (.020 CFS)
STOCKWATER (.020 CFS)
Total Diversion: (.120 CFS)
Date Filed: 4-18-1990
In: T06S R34E S33 NWNE NENW
3.8 ACRES TOTAL

The permit(s) will be subject to a
prior water rights. Protests may be
submitted based on the criteria of
Sec. 42-203A, Idaho Code and/or the
new public interest criteria of Sec.
42-203C, Idaho Code. Protests must
be filed with the Director, Dept. of
Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on
or before JULY 9, 1990.
R. Keith Higginson, Director
June 21, 28, 1990

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SEP 04 1990

December 19, 1990

REX L. BAKER
PEGGY ANN BAKER
11716 S. DEMPSEY CREEK RD.
LAVA HOT SPRINGS, ID 83246

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07990

Dear Permit Holder:

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

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

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

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JAN 03 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 29-7990

Date 12-18-90

GENERAL CONSIDERATIONS

Y Name same as permit?
N Address change? If yes, prepare data entry form.
Y Proof timely received? If no, complete priority
advancement below.

SOURCE OF WATER

✓ Surface water source
 Ground water source
 Drill permit req'd? Copy in file?
 Well log in file?
 Amt paid for drilling permit? Correct?

LICENSE EXAMINATION FEE

Y Required?
50 Amount submitted?
Y Correct amount?

MEASURING DEVICE

N Measuring device or access port required?
 Installed?
 Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u>
Date proof due	<u> </u>	<u> </u>
No. of days late	<u> </u>	<u> </u>
Priority date	<u> </u>	<u> </u>
NEW PRIORITY DATE	<u> </u>	<u> </u>

RECEIVED

STATE OF IDAHO

For Office Use Only
Amt. of Fee \$ 50.00
Date 9/18/90
Receipt No. 0018366
Received by C. Wong

SEP 19 1990 DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

Department of Water Resources

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

Permit No. 29-07990 Telephone No. 208-776-5684

Name(s) of Permit Holder(s): REX L. BAKER & Peggy Ann Baker

Post Office Address: 11716 S. Dempsey CK. Rd. Lava Hot Springs, Idaho 83246

Source of Water: Spring - tributary to sink

If ground water, well driller's name: NONE Date drilled: _____

Extent of Use:
Domestic 2 (No. of households) Irrigation _____ (No. of acres)
Stockwater 100 (No. and type of stock) Other _____
BEEF COWS & CALVES

Total rate and/or volume for which proof is submitted .09 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 7-15-79 * Spring was 1st developed in 1979. Water right was filed 4-20-90

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes X No Installed? Yes No

OR

Flow Measurement Port: Required? Yes X No Installed? Yes No

Fee Enclosed: \$ _____ (See License Examination Fee Schedule)

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

REX L. BAKER 208-776-5684
Name Telephone No.

11716 S. Dempsey CK. Rd. Lava Hot Springs, Idaho 83246
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.

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8-29-90 Rex L. Baker
Date Signature (and title if on behalf of a company or organization)

JAN 03 1991

9-11-90

Sir:

Included in this letter is a \$50.00 fee, although I'm not sure if its required. This water filing, on 2 households, indicates a \$50.00 fee, the question I have is, the water supplied to both homes isn't enough about six months of the year or less. Therefore, only 1 single family home is supplied the rest of the time with this spring water. A well is then used, in this other home, which has also paid the filing fee for readjustation.

If the \$50.00 fee is not required, please return to this address. Thank you

BAKER RANCH
MR. & MRS. REX L. BAKER
11716 S. DEMPSEY CREEK RD.
LAVA HOT SPRINGS, IDAHO 83246

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JAN 03 1991
Rex L. Baker

S T A T E O F 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

Statehouse
Boise, Idaho 83720
(208) 327-7900
August 21, 1990

REX L. BAKER
PEGGY ANN BAKER
11716 S. DEMPSEY CREEK RD.
LAVA HOT SPRINGS, ID 83246

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 29-07990

Dear Permit Holder:

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

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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SEP 04 1990

12-Jun-1990

REX L. OR PEGGY ANN BAKER

LAVA HOT SPRINGS, ID 83246

RE: Application for Permit No. 29-07990

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the IDAHO STATE JOURNAL on June 21 & 28, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

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SEP 04 1990

29-07990

BAKER, REX L.
BAKER, PEGGY ANN
11716 S. DEMPSEY CREEK RD.
LAVA HOT SPRINGS, ID 83246

Source: SPRING

Tributary: SINKS

Diversion Pt: SWSESW Sec 32 T 09S R 38E

Use: DOMESTIC (.060 CFS)
STOCKWATER (.030 CFS)
Total Diversion: (.090 CFS)

Date Filed: 4/20/ 1990

In: T09S R38E S32 SESW NESE SWSE

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