

State of Idaho  
Department of Water Resources

# **WATER RIGHT LICENSE**

**WATER RIGHT NO. 29-07802**

**Priority:** January 4, 1988

**Maximum Diversion Rate:**

0.02 CFS

**Maximum Diversion Volume:**

6.2 AF

This is to certify, that US DEPT OF AGRICULTURE  
FOREST SERVICE  
CARIBOU NATIONAL FOREST  
250 S 4TH AVE SUITE 282  
POCATELLO ID 83201

has complied with the terms and conditions  
of the permit, issued pursuant to Application for Permit dated June 28, 1985; and  
has submitted Proof of Beneficial Use on January 4, 1988. An examination indicates  
that the works have a diversion capacity of .020 cfs of water from:

**SPRING**

tributary to **PORTNEUF RIVER**

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| STOCKWATER            | 06/01 to 10/31       | 0.02 CFS                 | 6.1 AF               |
| STOCKWATER STORAGE    | 06/01 to 10/31       |                          | 0.1 AF               |
|                       | <b>Totals</b>        | <b>0.02 CFS</b>          | <b>6.2 AF</b>        |

**LOCATION OF POINT(S) OF DIVERSION:**

SESW , Sec. 17, Township 08S, Range 38E  
CARIBOU County

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

08S 38E 17

SESW

**CONDITIONS/REMARKS:**

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

**MICROFILMED**

MAY 20 1993

State of Idaho  
Department of Water Resources

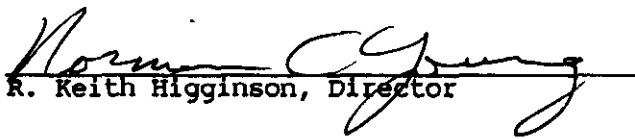
**WATER RIGHT LICENSE**  
WATER RIGHT NO. 29-07802

CONDITIONS/REMARKS:

5. This right, when considered with all other rights common to the same grazing allotment, shall be limited to the quantity of water beneficially used by the number of stock within the allotment.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 29.
7. Place of use known as Pebble Bench East Pond.
8. Stockwater use is for 100 range cattle.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 6<sup>TH</sup> day of MAY, 1993.

Acting for

  
R. Keith Higginson, Director

RECORDED

MAY 20 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PERMIT        )  
                                      )  
NO. 29-7802 IN THE NAME OF    ) ORDER OF REINSTATEMENT  
                                      )  
U.S.D.A, FOREST SERVICE        )  
\_\_\_\_\_

This matter having come before the Idaho Department of Water Resources (Department) the Department finds as follows:

FINDINGS OF FACT

1. On April 30, 1986 the Director of the Department of Water Resources issued Permit No. 29-7802 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before May 1, 1987.

2. On February 28, 1987 the Department sent a proof due notice to the permit holder.

3. On May 13, 1987 the Department sent a lapse notice to the permit holders since neither proof of beneficial use nor a request for extension of time had been received from the permit holder.

4. On January 4, 1988 Proof of Beneficial Use was received by the Department from the permit holder.

5. Section 42-218a, Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and showing of reasonable cause why the proof was submitted late.

**MICROFILMED**  
JAN 06 1989

6. The permit holder submitted evidence to confirm that water has been put to beneficial use. These documents include cattle allotment grazing plans, dated photographs showing extent and type of construction, and a signed statement by Caribou National Forest Supervisor, Paul Nordwall, giving an account of construction and filling dates as well as approximate cattle use from stockpond diversion.

7. The permit holder has stated that the proof of beneficial use statement was mistakenly not forwarded to the Department by the Forest Service Regional Office in Salt Lake City, Utah.

#### CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used as identified on the permit.

2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The permit can be reinstated with the date of priority advanced to the date proof of beneficial use was received by the Department.

#### ORDER

IT IS HEREBY ORDERED that Permit No. 29-7802 is reinstated.

IT IS FURTHER ORDERED that the date of priority of this permit is advanced to January 4, 1988.

Dated this 15<sup>th</sup> day of December, 1988.

  
L. GLEN SAXTON, Chief  
Water Allocations Bureau

JAN 06 1989

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

JUN 28 1985

To appropriate the public waters of the State of Idaho

Department of Water Resources  
Eastern District Office1. Name of applicant United States of America, Forest Service Phone (801) 625-5360Post office address 324 25th Street, Ogden, Utah 844012. Source of water supply Unnamed Spring which is a tributary of Portneuf River3. Location of point of diversion is SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 17 Township 8S.Range 38E. B.M. B O I Caribou County, additional points of diversion if any: \_\_\_\_\_017 - 069 Pebble Bench East

4. Water will be used for the following purposes:

Amount .1AF for Storage for Stockwater purposes from Jan. 1 to Dec. 31 (both dates inclusive)  
(~~acre~~ acre-feet per annum)Amount .1AF for from storage purposes from June 1 to Oct. 10 (both dates inclusive)  
(~~acre~~ acre-feet per annum)Amount .02CFS for Stockwater purposes from June 1 to Oct. 10 (both dates inclusive)  
(cfs ~~acre~~ acre-feet per annum)Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. .02 cubic feet per second and/or b. .1 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Stockpond - Pothole style.To be constructed with explosives.b. Height of storage dam N/A feet, active reservoir capacity .1 acre-feet; total reservoir capacity .1 acre-feet, materials used in storage dam: Existing soilPeriod of year when water will be diverted to storage Jan. 1 to Dec. 31 inclusive.  
(Month/Day) (Month/Day)c. Proposed well diameter is N/A inches; proposed depth of well is \_\_\_\_\_ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is 1 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 17 Township 8S.Range 38E. B.M.(2) Amount of power to be generated: N/A horsepower under \_\_\_\_\_ feet of head.(3) List number of each kind of livestock to be watered 100 Cattle(4) Name of municipality to be served N/A, or number of families to be supplied with domestic water \_\_\_\_\_(5) If water is to be used for other purposes describe: N/A

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

| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

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

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

9. a. Who owns the property at the point of diversion United States Government, Administered by USDA Forest Service

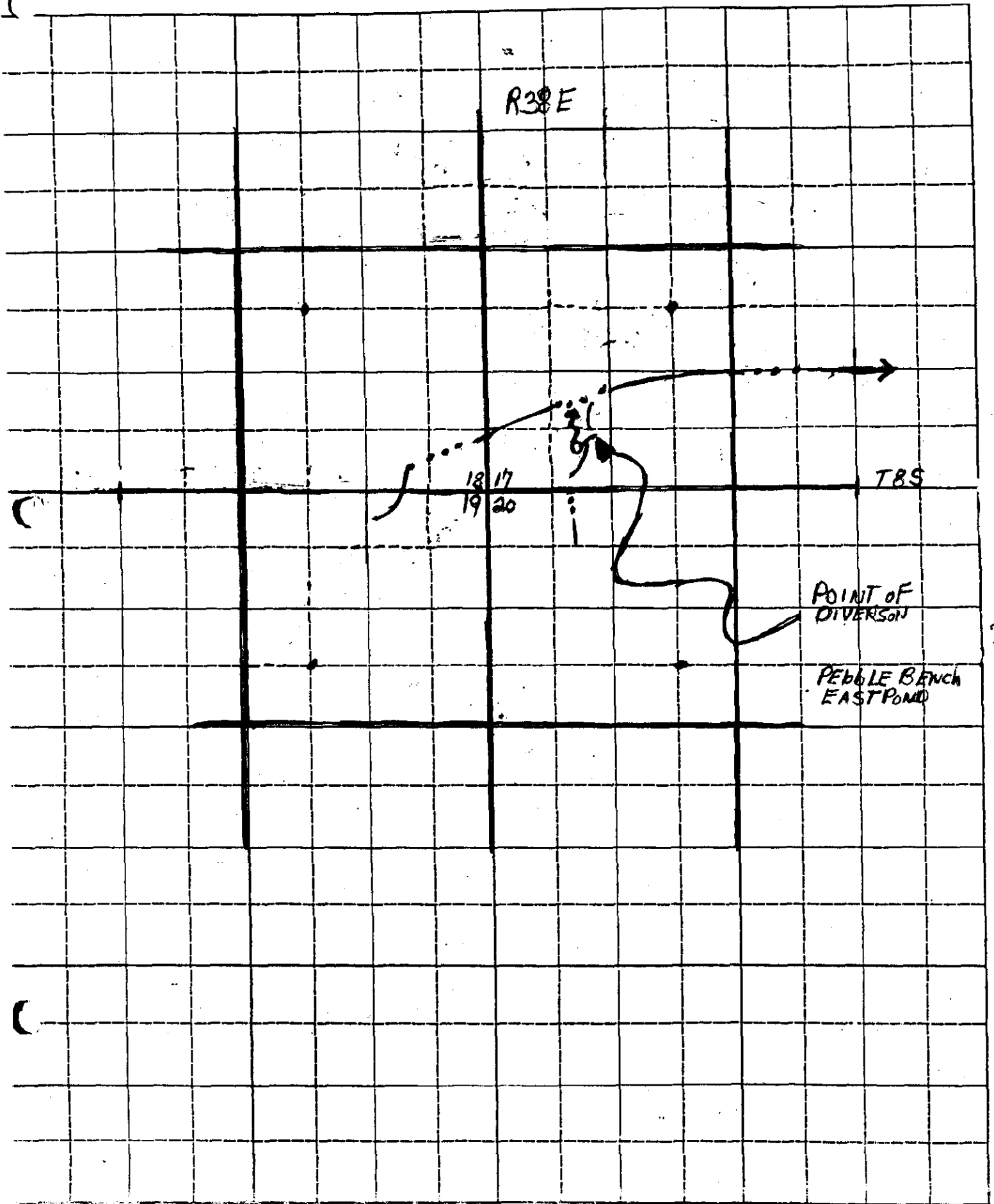
b. Who owns the land to be irrigated or place of use Same

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

10. Remarks Water development will provide a source of water for 100 cattle, big game, upland game, and non-game wildlife.

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



Scale: 2 inches equal 1 mile.

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

*Richard F. Sanders*  
(for) J. S. TIXIER (Applicant) Regional Forester

**MICROFILMED**

Proposed Priority 6/28/85

Received by CW Date 6-28-85 Time 2:30 P

Preliminary check by KAW Fee \$ 30.00

Received by CW Date 9-30-85 # 35507

Publication prepared by CW Date 9-4-85

Published in Caribou City Sun

Publication dates 9/12 + 9/19/85

Publication approved CW Date 7-17-85

Protests filed by: Clyde C. Anderson WITHDRAWN

Copies of protests forwarded by CW

Hearing held by                      Date                     

Recommended for approval denial by CW

#### 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. 29-7802, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 87.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: Use of water under this permit is subject to control by the watermaster of State Water District No. 29, Portneuf River.

Witness my hand this 30<sup>th</sup> day of April, 1986.

A. Glen Saxton  
Chief, Operations Bureau

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RECEIVED

OCT 11 1985

Department of Water Resources  
Eastern District Office

**PUBLIC NOTICE**

**First Time Published**

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

The following applications have been filed to appropriate the public waters of the State of Idaho:

29-7801  
U.S. DEPT. OF AGRI.  
FOREST SERVICE, FEDERAL  
BLDG., 324 25TH ST., OGDEN, UT.  
84401  
Source: SPRING trib. to WOOD  
ROAD CANYON  
Date Filed: June 28, 1985  
Diversion Pt.: SENW Sec 25 T 07S R  
37E  
Use: STOCKWATER (0.02 CFS),  
STOCKWATER STORAGE (0.1 AF),  
STOCKWATER FROM STORAGE  
(0.1 AF)  
In: SENW Sec 25 T 07S R 37E  
29-7802  
U.S. DEPT. OF AGRI.  
FOREST SERVICE, FEDERAL  
BLDG., 324 25TH ST., OGDEN, UT.  
84401  
Source: SPRING trib. to PORT-  
NEUF RIVER  
Date Filed: June 28, 1985  
Diversion Pt.: SESW Sec 17 T 08S R  
38E  
Use: STOCKWATER (0.02 CFS),  
STOCKWATER STORAGE (0.1 AF),  
STOCKWATER FROM STORAGE  
(0.1 AF)  
In: SESW Sec 17 T 08S R 38E  
The permits will be subject to all prior  
water rights. Protests may be submitted  
based on the criteria of Sec. 42-203A,  
Idaho Code and-or the new public  
interest 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 September  
30, 1985.  
KEN DUNN  
Director  
Published Sept. 12 and 19, 1985 in  
the Caribou County Sun.

## Affidavit of Publication

County of Caribou  
State of Idaho

ss.

Mark Steele

being duly sworn on his oath,  
states:

That he is Publisher  
of the Caribou County Sun, a  
newspaper of general circulation  
in Caribou County, Idaho, pub-  
lished weekly at Soda Springs in  
said County that said newspaper  
has been published in said County  
uninterruptedly and continuously  
for over seventy-eight consecutive  
weeks, prior to the first publica-  
tion of the annexed notice or  
advertisement;

That the annexed notice was  
published as per clipping attached  
in the regular and entire edition of  
said newspaper and not in any

supplement thereof for 2  
successive weekly issues thereof,  
the date of the first publication

being the 12th day of  
September, 19 85

The date of the last publication  
being the 19th day of  
September, 19 85

Subscribed and sworn to before  
me this 2nd day

of October, 19 85

Notary Public, residing  
at Soda Springs, Idaho

(SEAL)

My Commission expires the

1st day of March

19 88.

MICROFILMED



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000  
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

May 10, 1993

US DEPT OF AGRICULTURE  
FOREST SERVICE  
CARIBOU NATIONAL FOREST  
250 S 4TH AVE SUITE 282  
POCATELLO ID 83201

RE: WATER RIGHT NO. 29-07802

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on  
the above referenced permit.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', written over a horizontal line.

JIM JOHNSON  
Water Rights Supervisor

JJ:cz

Enclosure

**RECEIVED**  
MAY 20 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

**RECEIVED**  
**APR 26 1993**  
Department of Water Resources

**A. GENERAL INFORMATION**

Permit No. 29-7802

1. Owner: United States of America-Forest Service Phone No. (801) 625-5360

Current Address: Federal Building, Suite 282, 250 South 4th Avenue  
Pocatello, ID. 83201

2. Accompanied by: Lee Leffert EXAM DATE: 1-7-93

Address: 250 S. 4th Ave Pocatello Phone No. 236-7500

Relationship to Permit Holder: Forest Hydrologist

3. Source: Spring tributary to Portneuf River

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: \_\_\_\_\_

2. Other water rights with the same point of diversion: \_\_\_\_\_

**C. DIVERSION AND DELIVERY SYSTEM**

**1. Point(s) of Diversion:**

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Method of Determination/Remarks |
|-----------|-----------|-----|-----|-----|------|------|------|---------|---------------------------------|
|           |           |     | SE  | SW  | 17   | 8S   | 38E  | Caribou | U.S.G.S. Quad Map               |
|           |           |     |     |     |      |      |      |         |                                 |
|           |           |     |     |     |      |      |      |         |                                 |
|           |           |     |     |     |      |      |      |         |                                 |

**2. Place(s) of Use:**

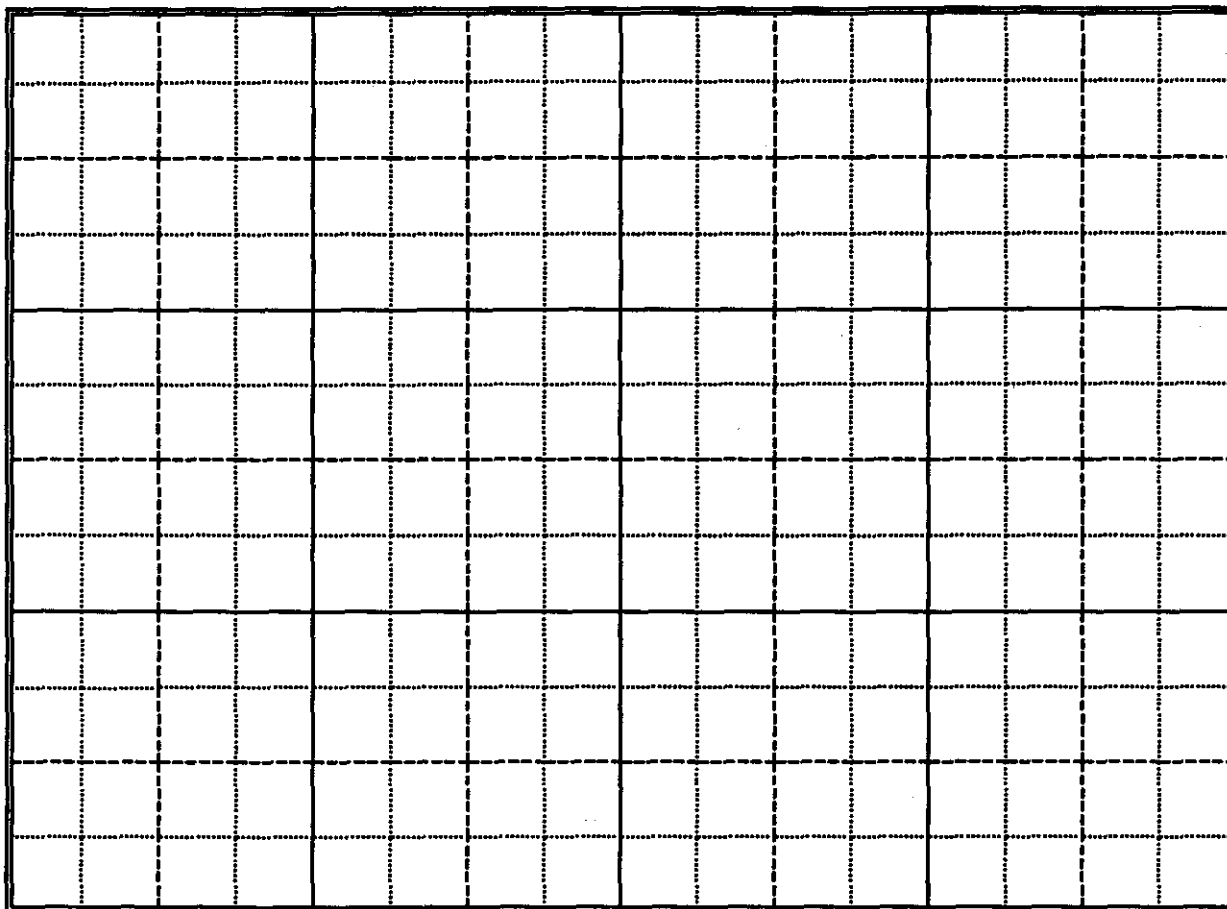
Indicate Method of Determination

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 8S  | 38E | 17  |    |    |    |    |    |    |    |    |    |    |    | 5  |    |    |    |    |        |
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**RECORDED**

MAY 20 1993

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



Scale: 1" = \_\_\_\_\_

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

\_\_\_\_ Aerial Photo Attached (required for irrigation of 10+ acres)

\_\_\_\_ Photo of Diversion and System Attached

4. N/A

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

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

**D. FLOW MEASUREMENTS** See Memorandum U.S.F.S. Field Exam Dtd Feb 26 1981

1.

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

2. **Measurements:** See Memorandum U.S.F.S. Field Exam Dtd Feb 26 1981

MAY 20 1993

E. NARRATIVE/REMARKS/COMMENTS

0.1 af Stock pond supplying water to  
wildlife year round and 1587 Range  
cattle from 6/1 to 10/31.

NOTE: PERMIT HAS USE FOR 100 cattle.

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

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MAY 20 1993

**F. FLOW CALCULATIONS**

\_\_\_\_\_ Additional Computation Sheets Attached

Measured Method:

de minimus  $Q = 0.02$  cfs**G. VOLUME CALCULATIONS**

## 1. Volume Calculations for Irrigation:

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

## 2. Volume Calculations for Other Uses:

de minimus  $V =$  \_\_\_\_\_**H. RECOMMENDATIONS**1. Recommended Amounts *see Remarks*

| Beneficial Use            | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|---------------------------|---------------|-------|------------------------------|--------------------------|
|                           | From          | To    |                              |                          |
| <del>Stockwater (S)</del> | _____         | _____ | _____                        | _____                    |
| <del>Wildlife (W)</del>   | _____         | _____ | _____                        | _____                    |
| STORAGE FOR STOCKWATER    | 1/1           | 12/31 | _____                        | 0.1 af                   |
| STOCKWATER FROM STORAGE   | 4/1           | 10/10 | _____                        | 0.1 af                   |
| STOCKWATER                | 6/1           | 10/31 | 0.02 cfs                     | _____                    |
| Totals:                   |               |       | _____                        | _____                    |

## 2. Recommended Amendments

\_\_\_\_\_ Change P.D. as reflected above

\_\_\_\_\_ Add P.D. as reflected above

☒ None

\_\_\_\_\_ Change P.U. as reflected above

\_\_\_\_\_ Add P.U. as reflected above

\_\_\_\_\_ Other

**I. AUTHENTICATION**

Field Examiner's Name

Gary BussDate 1-7-93

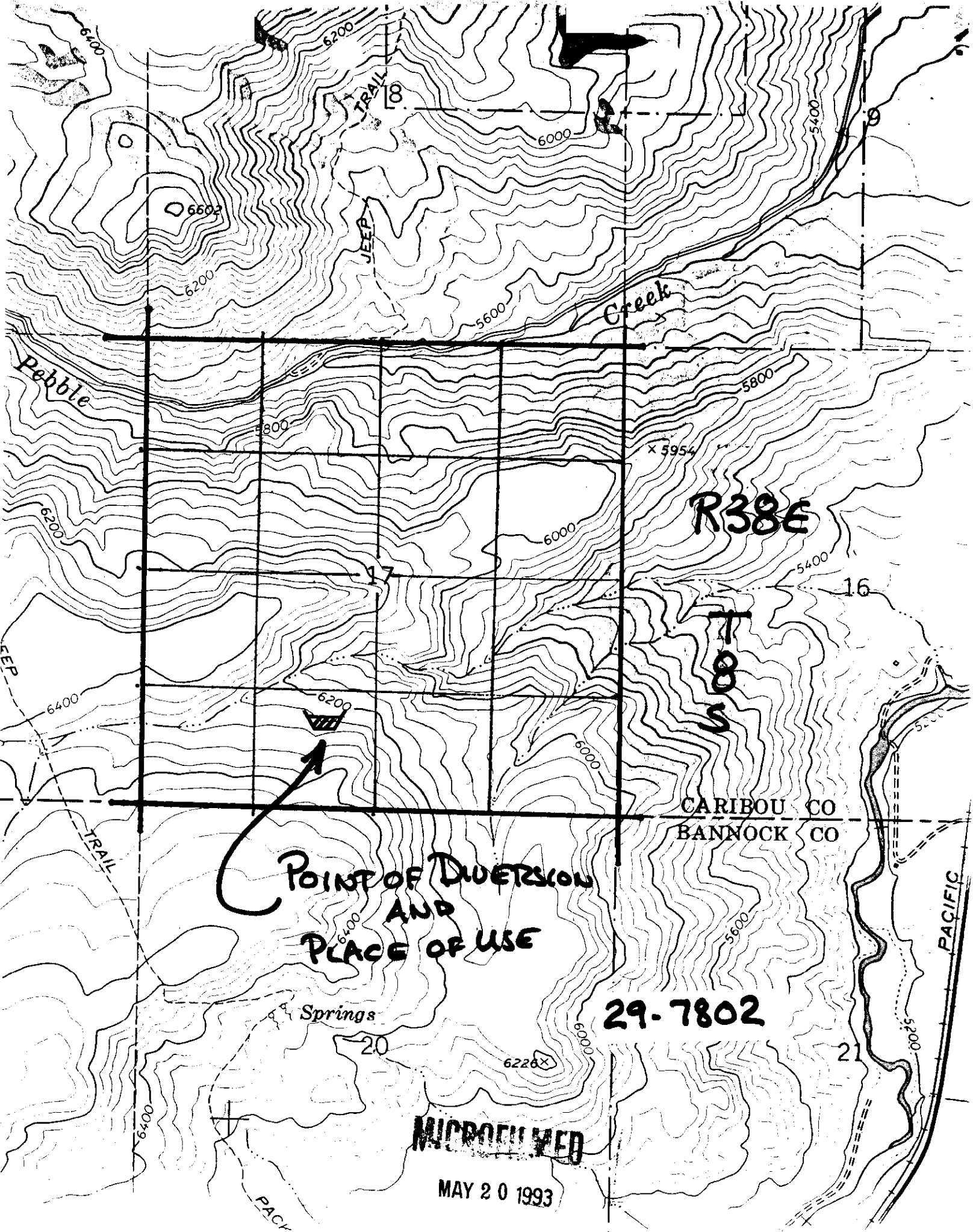
Reviewer \_\_\_\_\_

Date \_\_\_\_\_

SEAL

APPROVED

MAY 20 1993





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

December 15, 1988

RE: Permit Nos. 29-7801/7802

U.S. Forest Service  
324 25th Street  
Ogden, UT 84401

Gentlemen:

Enclosed are orders reinstating the above referenced permits. Note that the priority of these rights has been advanced to January 4, 1988.

The next step will be for our Department to conduct an inspection of the systems for licensing purposes.

If you have any questions regarding this matter, please feel free to contact our office or our Eastern Regional Office at 525-7161.

Sincerely,

  
JIM JOHNSON  
Water Rights Supervisor

JJ:ky

Enclosures

RECEIVED

JAN 06 1989

**INTER-DEPARTMENT MEMO — 1**

**DATE** 9/14/88

**FROM** Sharla

**TO** File 29-7802

**SUBJECT**

See file 29-7801 for reinstatement evidence submitted.

**MICROFILMED**

**JAN 06 1989**

\_\_\_\_\_  
**SIGNATURE**



State of Idaho

## DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

March 10, 1988

RE: Permit Nos. 29-7801 & 29-7802

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

Dear Permit Holder(s):

The Department received your proof of beneficial use statements for the above referenced permits on January 4, 1988. The permits lapsed May 1, 1987, so the 60-day late period during which the permits can be readily reinstated has passed.

Pursuant to Section 42-218a, Idaho Code, (copy enclosed) the permits can now be reinstated only if you submit the following:

- a) Evidence to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period from the time the permits were issued until the proof due date.
- b) Reasonable cause why the proof of beneficial use was filed late.

Your proof of beneficial use statements together with any information which may have been submitted with it will remain on file in this office for 60 days to allow you an opportunity to assemble and submit the additional required information.

Please feel free to contact this office if you have additional questions.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:sc  
Enclosure

**MICROFILMED**

**JAN 06 1989**



United States  
Department of  
Agriculture

Forest  
Service

Intermountain  
Region

324 25th Street  
Ogden, UT 84401

Caring for the Land and Serving People

Reply to: 2540

Date: DEC 30 1987

**RECEIVED**  
JAN 04 1987

Mr. R. Keith Higginson, Director  
Idaho Department of Water Resources  
Towers Building, 3rd Floor  
450 W. State Street  
Boise, ID 83720

Department of Water Resources

Dear Mr. Higginson:

Enclosed are Proof of Beneficial Use for Permit No.'s 29-7801, 29-7802, 29-7814, 29-7815, 29-7816, and 29-7817 on the Caribou National Forest. The forms are ready for final processing.

Thank you for your assistance.

Sincerely,

*J. S. Tixier*

J. S. TIXIER  
Regional Forester

Enclosures 6

cc: w/encl.  
Caribou NF

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JAN 06 1989



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JAN 04 1987  
1988

STATE OF IDAHO Department of Water Resources

DEPARTMENT OF WATER RESOURCES

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

PROOF OF BENEFICIAL USE

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

Permit No. 29-7802

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

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

Telephone No. (801) 625-5360

Source of Water: Spring which is a tributary of Portneuf River

Extent of Use:

Domestic \_\_\_\_\_ (number of households) Stockwater 100 cattle (number and type of stock)  
Irrigation \_\_\_\_\_ (acres) Other/Remark \_\_\_\_\_

Total rate and/or volume for which proof is submitted .02 cfs .1 acre-feet

Show the date water was first diverted and beneficially used under this permit: September 15, 1986

Measuring Device: Required? Yes X No  
Installed? Yes X No  
Fee enclosed \$ \_\_\_\_\_  
(See License Examination Fee Schedule)

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

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

Mark Vedder

(Name)

208-236-6700

(Telephone Number)

250 S. 4th Ave., #187, Pocatello, Idaho 83201

(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.

United States of America - Forest Service

DEC 30 1987

JAN 06 1989

Date

W. C. Baedler  
Signature of Permit Holder (and title, if appropriate)  
(for) J. S. TIXIER, Regional Forester

# WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

I D A H O  
D E P A R T M E N T  
D E P A R T M E N T OF WATER RESOURCES

- - - - -

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440  
MAY 13, 1987

U.S. DEPT. OF AGRIC.  
FOREST SERVICE  
FEDERAL BLDG.  
324 25TH ST.  
OGDEN, UT 84401

LAPSE NOTICE

RE: PERMIT NO. 29-7802

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A, IDAHO CODE, THE ABOVE REFERENCED WATER PERMIT HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE PROOF OF BENEFICIAL USE SUBMITTAL OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED FEBRUARY 28, 1987.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT PROOF OF BENEFICIAL USE OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED PROOF OF BENEFICIAL USE SUBMITTAL (INCLUDING THE EXAMINATION FEE OR A COMPLETED FIELD EXAMINATION REPORT) OR THE EXTENSION REQUEST FORM TOGETHER WITH THE \$15 FEE MUST BE RECEIVED BY THIS DEPARTMENT WITHIN SIXTY DAYS OF THE DATE OF MAILING OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A PROOF OF BENEFICIAL USE FORM AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION.

L. GLEN SAXTON  
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

5-13-1987

*[Signature]* **RECORDED**

JAN 06 1989

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440  
CERTIFIED MAIL  
FEBRUARY 28, 1987

138777

U.S. DEPT. OF AGRI.  
FOREST SERVICE  
FEDERAL BLDG.  
324 25TH ST.  
OGDEN, UT 84401

PROOF DUE NOTICE

RE: PERMIT NO. 29-7802

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MAY 1, 1987. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH WHEN ACCOMPANIED BY THE LICENSE EXAMINATION FEE OR A COMPLETED FIELD EXAMINATION REPORT PREPARED BY A CERTIFIED WATER RIGHT EXAMINER MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

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

SINCERELY,

RITA FLECK  
SECRETARY/RECORDS MANAGER

ENCLOSURES

**MICROFILMED**

JAN 06 1989

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440  
MAY 06, 1986

U.S. DEPT. OF AGRI.  
FOREST SERVICE  
FEDERAL BLDG.  
324 25TH ST.  
OGDEN, UT 84401

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-7802

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

WE HAVE ENCLOSED A FORM ENTITLED "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 THE STATEMENT OF BENEFICIAL USE FORM THAT MUST BE SUBMITTED WHEN YOUR PROJECT IS COMPLETED.

SINCERELY,

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

DRT: SC  
ENCLOSURES

RECEIVED  
MAY 10 1986

State of Idaho  
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

29-7802

INITIAL REVIEW BY: Kaw

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

CHECK:

Pebble Bench East

- ☒ Source.  
☒ Point of diversion.  
☒ County.  
☒ Quantity of water and period of use.  
☒ Description of diverting works.  
☒ Time required for beneficial use of water.  
☒ Place of use or acres irrigated.  
☒ Map.  
☒ Signature.  
☒ Fee.  
☐ Yes ☒ No Field check required.  
☐ Yes ☒ No Critical groundwater area.  
☐ Yes ☒ No Request dam safety information. Sent by: \_\_\_\_\_ Date: \_\_\_\_\_  
☒ Yes ☐ No\* In form to receipt.

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

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

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

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

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: \_\_\_\_\_ Date: \_\_\_\_\_  
☐ Idaho Fish and Game Department.  
☐ Idaho Department of Lands.  
☐ U.S. Bureau of Land Management.  
☐ U.S. Forest Service.  
☒ Other WD 29 Pu 9-5-85

PROCESSING:

- ☐ Yes ☒ No Platted by: \_\_\_\_\_ Map No. \_\_\_\_\_  
☐ Yes ☒ No Other rights on same place of use. \_\_\_\_\_  
☒ Yes ☐ No\* In form for advertising.  
Final date for protests: 9-30-85  
☒ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 10-11-85  
☐ Application published correctly. If not, record action taken: \_\_\_\_\_  
☒ Fee amount, receipt date & number, recorded on application.  
☒ Publication dates and paper, recorded on application.  
☒ Protests, dates, withdrawal, etc., recorded on application.  
☒ Recommendation & initial, recorded on application.  
☐ Yes ☒ No Measuring device required.  
☐ Yes ☒ No Access port required.  
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 29  
6-28-85 Date of priority recommended.  
Special conditions of approval or cover letter. \_\_\_\_\_

U.S.F.S. not named in S.F. suit -

By: Ernest Carlson

Date: April 8, 1986

STATE OFFICE REVIEW:

L16

05 (29, Portneuf River)

- ☐ See attached sheet for more information.

By: Kaw

Date: 4/29/86

April 22, 1986

RE: Application for Permits Nos. 29-7801 and 29-7802

U. S. Forest Service  
324 25th Street  
Boden, UT 84401

Gentlemen:

This letter is to inform you that Clyde C. Anderson has withdrawn his protest against the above referenced applications. The Department has now resumed the processing of these applications.

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

Very truly yours,

ERNEST CARLSEN  
Assistant Regional Supervisor

EC:cw

**MICROFILMED**

April 22, 1986

RE: Applications for Permits Nos. 29-7801 and 29-7802  
U. S. Forest Service

Mr. Clyde C. Anderson  
250 South First East  
Soda Springs, ID 83276

Dear Mr. Anderson:

This letter is to acknowledge receipt of your withdrawal of  
protest against the above referenced applications. The  
Department has now resumed processing of these applications.

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

Very truly yours,

ERNEST CARLSEN  
Assistant Regional Supervisor

EC:CW

cc: Dan L. Harding, Attorney

**MICROFILMED**

RECEIVED

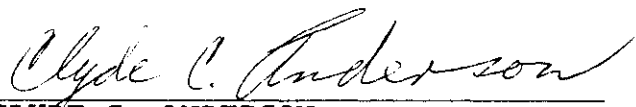
MAR 31 1986

Department of Water Resources  
Eastern District Office

|                               |   |            |
|-------------------------------|---|------------|
| IN THE MATTER OF              | ) |            |
| APPLICATION FOR PERMIT        | ) |            |
| NO. 29-7802 IN THE NAME       | ) | WITHDRAWAL |
| OF UNITED STATES OF           | ) |            |
| <u>AMERICA FOREST SERVICE</u> | ) |            |

I hereby withdraw my Protest filed in regard to Permit  
No. 29-7802.

Signed this 25th day of March, 1986.

  
CLYDE C. ANDERSON

MICROFILMED



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

A. Kenneth Dunn  
Director

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

March 5, 1986

Mr. Clyde C. Anderson  
250 South First East  
Soda Springs, Idaho 83276

Re: Applications No. 29-7801/7802, United States Forest Service.

Dear Mr. Anderson:

Based on information this office recently received from the U.S. Forest Service in Ogden, Utah, it is our understanding that your objections to the above captioned applications have been resolved and you are prepared to withdraw your protest of the applications. For your convenience to expedite this action we have enclosed two withdrawal forms. To withdraw your protests simply sign and date each form and then return them to this office.

Respectfully Submitted

Ernest Carlsen  
Assistant Regional Supervisor

EC/md

Enclosures

cc: Don L. Harding, Attorney at Law

MICROFILMED

October 3, 1985

U. S. Forest Service  
324 25th Street  
Ogden, UT 84401

Gentlemen:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 29-7801 and 29-7802. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

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

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

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

MICROFILMED

October 3, 1985

RE: Application for Permit No. 29-7801 & 29-7802 FOREST SERVICE

Mr. Clyde C. Anderson  
250 South First East  
Soda Springs, ID 83276

Dear Mr. Anderson:

Your protest against the approval of the above referenced applications has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

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

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

**MICROFILMED**

October 1, 1985

RE: Application for Permit No. 29-7801 & 29-7802 U.S. FOREST SERVICE

Caribou County Sun  
P.O. Box 815  
Soda Springs, ID 83276

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on September 12 and 13, 1985.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY  
Adm. Secretary

RECEIVED

RECEIVED

SEP 30 1985

PROTEST TO APPLICATION FOR WATER RIGHTS Department of Water Resources  
Eastern District Office

29-7801 and 29-7802

COMES NOW Clyde C. Anderson, 250 So. 1st E, Soda Springs, Idaho, 83276, and files a protest to the claim of Water Right filed by U. S. Department of Agriculture Forest Service, Federal Building, 324 25th Street, Ogden, Utah, 84401, Filing Number 29-7801 and Filing Number 29-7802 on the following grounds and basis:

1. THAT the construction work done by the Applicant or their agent in building a pond is interfering with a long established Water Right of Clyde C. Anderson.
2. THAT there is not sufficient water to divert the water applied for in the above applications.
3. THAT use of water would be taking away part of that water required for use of protester Clyde C. Anderson.
4. THAT water requested is excessive for purpose claimed.

DATED: This 9/30 day of September, 1985.

Clyde C. Anderson  
CLYDE C. ANDERSON

MICROFILMED

STATE OF IDAHO           )  
                                  : ss  
County of Caribou        )

On this 30<sup>th</sup> day of September, 1985, before me, the undersigned Notary Public in and for said State, personally appeared Clyde C. Anderson, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Don L. Harding  
NOTARY PUBLIC FOR IDAHO  
Residing at Soda Springs

(SEAL)

CERTIFICATE OF SERVICE

A copy of the above protest was mailed to U. S. Department of Agriculture Forest Service, Federal Building 324 25th St., Ogden, Utah, 84401 and delivered to the State of Idaho Department of Water Resources Eastern Region 150 Shoup Suite 15, Idaho Falls, Idaho 83401 on this 30th day of September, 1985, with postage prepaid.

Don L. Harding  
DON L. HARDING  
Attorney for Clyde C. Anderson

**MICROFILMED**

September 5, 1985

RE: Application for Permit No. 29-7801 FOREST SERVICE  
29-7802 "

Mr. Thomas Bloxham, Watermaster  
Water District 29  
Downey, ID 83234

Dear Mr. Bloxham:

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is September 30, 1985 and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN  
Assistant Regional Supervisor

EC:cw

Enclosures

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

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

SEPTEMBER 4, 1985

Caribou County Sun  
P. O. Box 815  
Soda Springs, Idaho 83276

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 30, 1985.

Yours truly,

RONALD D. CARLSON  
Supervisor  
Eastern Region

Encl.

**MICROFILMED**

NOTICE OF APPLICATION

FOR WATER RIGHT

The following applications have been filed to appropriate the public waters of the State of Idaho:

The permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest 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 September 30, 1985.

KEN DUNN

Director

Published 9/12 and 9/19/85.

**MICROFILMED**

29-2802-

U.S. DEPT OF AGRI.

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

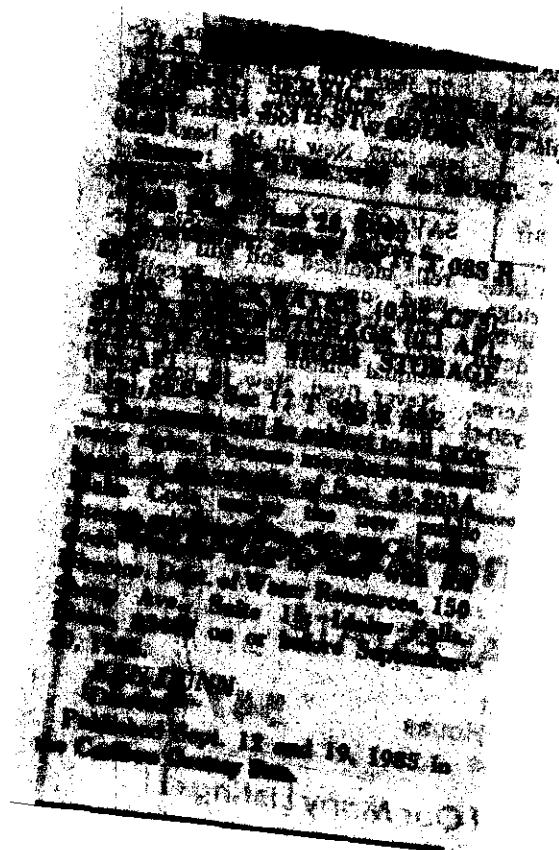
Source: SPRING trib. to PORTNEUF RIVER

Date Filed: 06/28/1985

Diversion Pt: SESW Sec 17 T 08S R 38E

Use: STOCKWATER (0.02 CFS)  
STOCKWATER STORAGE (0.1 AF)  
STOCKWATER FROM STORAGE (0.1 AF)

In: SESW Sec 17 T 08S R 38E



MICROFILMED

29-7802-

U.S. DEPT OF AGRI.

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

Source: SPRING trib. to FORTNEUF RIVER

Date Filed: 06/28/1985

Diversion Pt: SESW Sec 17 T 08S R 38E

Use: STOCKWATER  
STOCKWATER STORAGE  
STOCKWATER FROM STORAGE

(0.02 CFS)  
(0.1 AF)  
(0.1 AF)

In: SESW Sec 17 T 08S R 38E

29-7802

U.S. DEPT OF AGRI.  
FOREST SERVICE, FEDERAL  
BLDG., 324 25TH ST., OGDEN, UT  
84401

Source: SPRING trib. to PORT-  
NEUF RIVER

Date Filed: June 28, 1985

Diversion Pt: SESW Sec 17 T 08S R  
38E

Use: STOCKWATER (0.02 CFS),  
STOCKWATER STORAGE (0.1 AF),  
STOCKWATER FROM STORAGE  
(0.1 AF)

In: SESW Sec 17 T 08S R 38E

The permits will be subject to all prior  
water rights. Protests may be submitted  
based on the criteria of Sec. 42-203A,  
Idaho Code and-or the new public  
interest 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 September  
30, 1985.

KEN DUNN

Director

Published Sept. 12 and 19, 1985 in  
the Caribou County Sun.