

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07801

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 19, 1988. An examination indicates that the works have a diversion capacity of .020 cfs of water from:

SPRING

tributary to WOOD ROAD GULCH

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
	Totals	0.02 CFS	6.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SESENW , Sec. 25, Township 07S, Range 37E
CARIBOU County

PLACE OF USE: STOCKWATER
TWN RGE SEC

07S 37E 25

SENW

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.

RECORDED

MAY 20 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07801

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 is known as Wood Road Crest 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 14th day of May, 1993.


[Acting for R. Keith Higginson, Director

MICROFILMED
MAY 20 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
NO. 29-7801 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. 29-7801 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 a showing of reasonable cause why the proof was submitted late.

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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. 29-7801 is reinstated.

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

Dated this 15th day of December, 1988.



L. GLEN SAXTON, Chief
Water Allocations Bureau

JAN 06 1989

RECEIVED

JUN 28 1985

Department of Water Resources
Eastern District Office

Ident. No. 29 7801

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant United States of America, Forest Service Phone (801) 625-5360

Post office address 324 25th Street, Ogden, Utah 84401

2. Source of water supply Unnamed Spring which is a tributary of Wood Road Canyon

3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25 Township 7S.

Range 37E. B.M. B.O.I. Caribou County, additional points of diversion if any: _____

017 - 070 Wood Road, Crest

4. Water will be used for the following purposes:

Amount .1 AF for Storage for Stockwater purposes from Jan. 1 Dec. 31 (both dates inclusive)
(~~acre-feet~~ acre-feet per annum)

Amount .1 AF for Stockwater From Storage purposes from June 1 to Oct. 10 (both dates inclusive)
(~~acre-feet~~ acre-feet per annum)

Amount .02 CFS for Stockwater purposes from June 1 to Oct. 10 (both dates inclusive)
(~~cfs or acre-feet~~ cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. .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 soil

Period 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 NW $\frac{1}{4}$ of Section 25 Township 7S.

Range 37E. 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

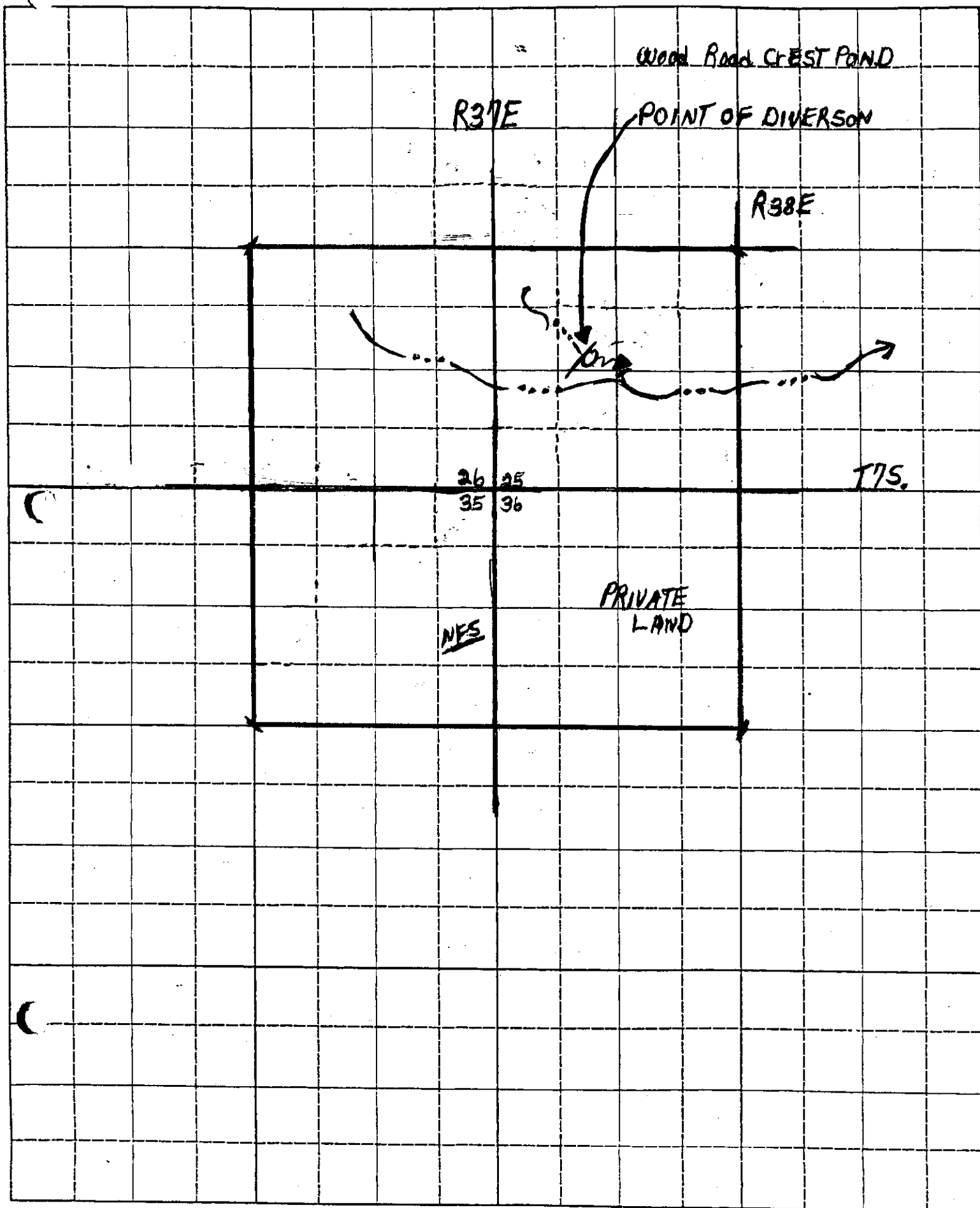
b. Who owns the land to be irrigated or place of use Same

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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17. 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 L. Sanders

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

MICROFILMED

Proposed Priority 6/28/85

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

Preliminary check by KAW Fee \$ 30.00

Receipted by CW Date 7-30-85 # 35507

Publication prepared by CW Date 9-4-85

Published in Caribou County Sun

Publication dates 9/12 + 9/19/85

Publication approved CW Date 10-17-85

Protests filed by: Glyde C. Anderson WITHDRAWN

Copies of protests forwarded by CW

Hearing held by Date

Recommended for approval denial by EMC: 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. 29-7801, 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 30th day of April, 1986.

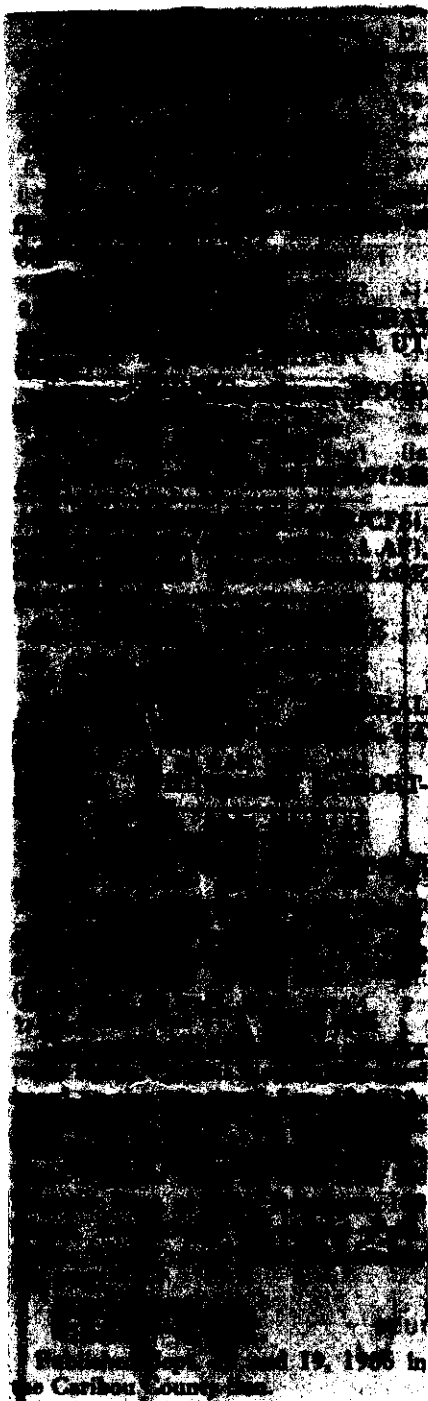
A. Glen Saxton
Chief, Operations Bureau

MICROFILMED

RECEIVED

OCT 11 1985

Department of Water Resources
Eastern District Office



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

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

Mark Steele
Subscribed and sworn to before
me this 2nd day
of October, 19 85

Wendy Steele
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the
1st day of March
19 88.



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 17, 1993

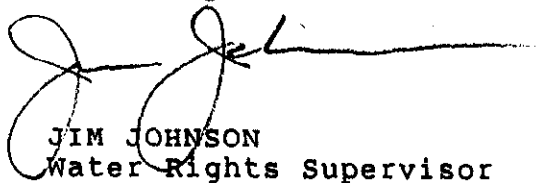
US DEPT OF AGRICULTURE
FOREST SERVICE
CARIBOU NATIONAL FOREST
250 S 4TH AVE SUITE 282
POCATELLO ID 83201

RE: WATER RIGHT NO. 29-07801

Dear Water Right Holder(s):

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

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:cz

Enclosure

UNRECORDED

MAY 20 1993

LICENSE REVIEW CHECKLIST

Permit # 29-7801

Date 4-30-93 BC

NAME	<u>Yes</u> ☒ <u>No</u> ☐	Address Change?
PRIORITY DATE	☐ ☒ ☐ ☒ ☐ ☒	Advance? <u>Already Done</u> Memo to Advance Order to Reinstate Needed?
TOTAL CFS	<u>-NA-</u> ☐ <u>-NA-</u> ☐ <u>-NA-</u> ☐	Incorrect Fee for rate recommended? Disagree/Measurement <u>NONE DONE</u> Pumping Theoretical $(8.8) \times () \times ()$ $(+ [2.31 \times])$ System Capacity <u>.02</u> Allowable Amount: <u>Permit limit / .02</u>
TOTAL VOLUME	<u>-NA-</u> ☐ ☒	Rate/ac _____ AFA Irr. Season _____ Standard Irr. Season _____ Season Recommended _____ Disagree with Examiner's Calculations? Flow limit: <u>.02</u> x 154 x 1.9835 = <u>6.1</u>
SOURCE	☒ ☐ ☒	Changes? Clarification of <u>Originally Intended</u> source <u>WOOD ROAD GULCH (NOT CANYON)</u> Notice of Intent to Void.
P/D	☐ ☒ ☐ ☒	Amendment Needed? Is Overlap Analysis a Consideration?
P/U	☐ ☒ ☐ ☒	Amendment Needed? Is Overlap Analysis a Consideration?
USES	☐ ☒ ☐ ☒	Change(s) in Nature of Use? Amendment Needed?
REMARKS	☐ ☒ ☐ ☒ <u>B37</u> ☐	Multiple P/Ds in 1/4 1/4? Non-Irr. Uses <u>Stackwater</u> Special Overlap Condition Other _____
CONDITIONS	<u>R04</u> ☐ ☒ ☐ ☒ ☐ ☒	Measuring Devices W/Master Control Overlap Water Quality Dates/Misc <u>29</u> Water Dist ☒ App Rec'd ☒ Exam Made

COMMENTS: Delete stackwater from storage - no diversion from pond.

LICENSE ☒ AMEND _____ SPECIAL PARAGRAPH _____

WR0749NP
No. L29-07801

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

BC

DATE: 04/30/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	US DEPT OF AGRICULTURE FOREST SERVICE CARIBOU NATIONAL FOREST 250 S 4TH AVE SUITE 282 POCATELLO ID 83201 (208) 236-7500	01/04/1988	STOCKWATER STOCKWATER STORAGE	06-01 10-31 06-01 10-31	0.02 CFS	6.1 AFA 0.1 AFA
TOTAL DIVERSION:					0.02 CFS	6.2 AFA

Water Source: SPRING

Tributary to: WOOD ROAD GULCH

Stage: LICENSE

Point(s) of Diversion Capacity: 0.02 CFS

Point(s) of Diversion: T07S R37E S25 SE SE NW

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
07S	37E	25	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

Pou County: CARIBOU

~~Non-Irrigation Uses: 6/100 RANGE.~~

Conditions of Approval:

- R37 - 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.
R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 29.

Remarks: Place of use is known as Wood Road Crest Pond.
Stockwater use is for 100 range cattle.

Dates:	App. Received: 06/28/1985	Priority Date: 01/04/1988	(Priority Date Advanced.)
	Proof Due Date: 05/01/1987	Proof Made Date: 01/19/1988	(Proof Received Late.)
	Exam Made Date: 01/07/1993	Exam Sent to S.O.: 04/23/1993	
	Licensed Date:		

Misc: Water District Number: 29 Field Exam Fee: N (Not Required)

Audit: 04/30/93 CHAPMAN

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

R 14921 6 1800

APR 26 1993

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 29-780.1

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, Id Phone No. 236-7500

Relationship to Permit Holder: Forest Hydrologist

3. Source: Spring tributary to Wood Road Gulch Canyon

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	NW	25	7S	37E	Caribou	U.S.G.S. Quad Map

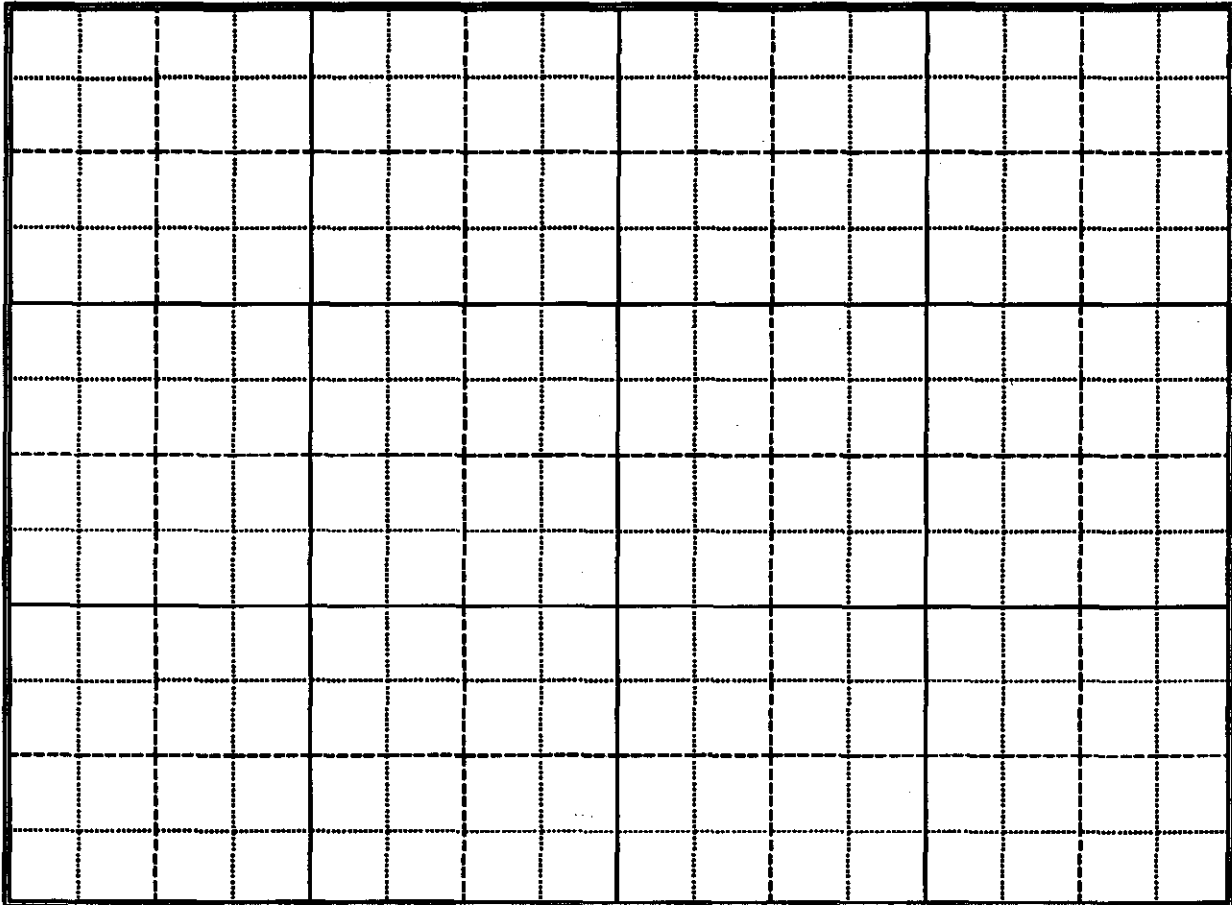
2. Place(s) of Use:

Indicate Method of Determination

TWP			RGE			SEC			NE				NW				SW				SE				Totals							
									NE		NW		SW		SE		NE		NW		SW		SE			NE		NW		SW		SE
7S			37E			25																										

RECORDED
MAY 20 1993

3. **Delivery System Diagram:** Include all major components and distances between components. Indicate well 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 FOR 100 cattle

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

APPROVED
MAY 20 1993

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

de minimus $Q = 0.02 \text{ cfs}$ **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 Q (cfs)	Annual Volume V (afa)
	From	To		
~~Stockwater (S)~~	_____	_____	_____	_____
~~Wildlife (W)~~	_____	_____	_____	_____
STORAGE FOR STOCKWATER	4/1	12/31	_____	0.1af
STOCKWATER FROM STORAGE	6/1	10/10	_____	0.1af
STOCKWATER	6/1	10/31	0.02cfs	_____
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

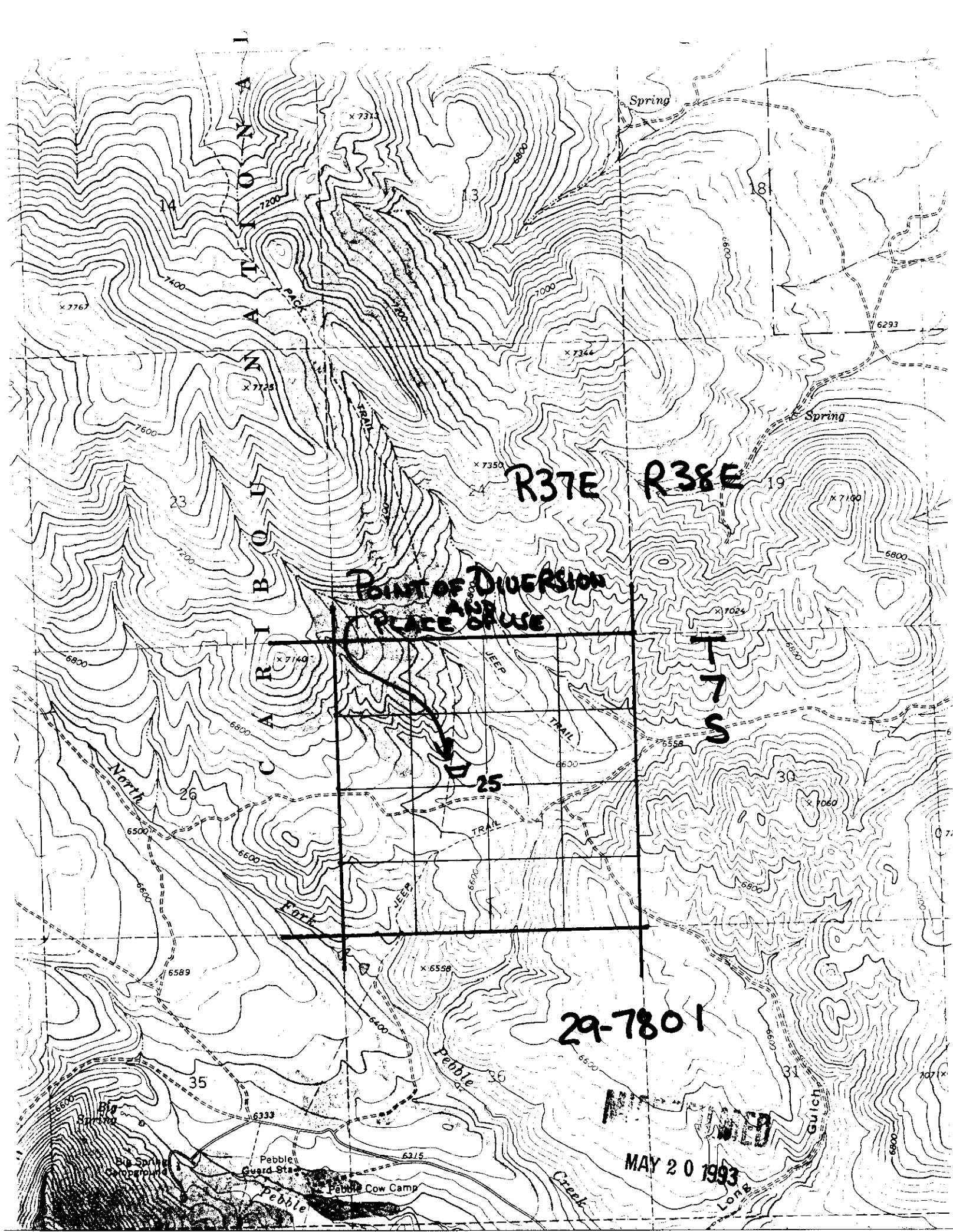
___ Other

I. AUTHENTICATIONField Examiner's Name Gary Buss Date 1-7-93

Reviewer _____ Date _____

SEAL

RECORDED
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

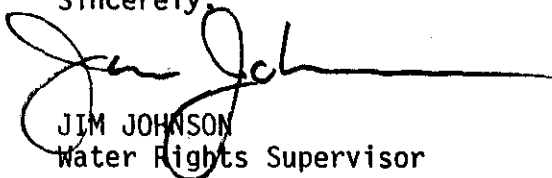
Gentlemen:

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

MICROFILMED

JAN 06 1989



United States
Department of
Agriculture

Forest
Service

Caribou
National
Forest

Suite 2, Federal Building
250 South Fourth Avenue
Pocatello, Idaho 83201

Reply to: 2540

Date: May 5, 1988

RECEIVED
MAY 09 1988

Mr. Jim Johnson, Water Rights Supervisor
Department of Water Resources, State Office
1301 North Orchard Street
Boise, ID 83706

Department of Water Resources

Dear Jim:

This letter responds to your inquiry of March 10, 1988, regarding lapsed permits 29-7801 and 29-7802. To reinstate both permits pursuant to Section 42-218a, Idaho Code requires evidence of beneficial use and reasonable cause why the proof of beneficial use was filed late.

Evidence of Beneficial Use

Both permits are for stock ponds built with explosives during 1986. (Reference attached Exhibit #1 for photographs of each development after construction.) Rate of flow for each pond is .02 cfs and .1 acre foot per annum. These photos show the extent and type of construction. Proof of construction of works and application of water to beneficial use were due to you by May 1, 1987.

Permit Number 29-7801's pond (named Wood Road Crest) was built on August 14, 1986. Water seepage filled the pond by August 15, 1986, and 100 cattle used the development until August 25, 1986. (Reference Exhibit #2 for the Portneuf Cattle Allotment Grazing Plan for 1986 which documents cattle use.)

Permit Number 29-7802's pond (named Pebble Bench East) was built on August 15, 1986. Water seepage filled the pond to 50% capacity by August 16, 1986, and 15 cow/calve pairs used the pond until October 6, 1986. This use was estimated by Mark Vedder, District Range Conservationist; cattle use was made by stray stock from another grazing unit.

MICROFILMED

JAN 06 1989



During 1987-88, cattle used the pond associated with Permit 29-7801 from June 1 to September 1, 1987. Additionally, 150 cattle (estimated from operating plan) used the Permit 29-7802 pond from June 1 to August 1, 1987. (Reference Exhibit #3 for the Portneuf Cattle Allotment Grazing Plan for 1987 which supports cattle use.)

Reasonable Cause Why Proof of Beneficial Use Was Filed Late

The Proof of Beneficial Use Cards were sent to the USDA Forest Service Regional Office during the fall of 1986. Normally, they are simply forwarded on to the State from there. Why the cards did not arrive at the State Office is unknown.

Sincerely,



for PAUL R. NORDWALL
Forest Supervisor

Enclosure

cc:
D-5

TABurton:tab:sa

RECEIVED

JAN 10 1989



100' NORTH EAST END OF 1801
8/18/86



100' NORTH EAST END OF 1802
8/18/86

ALAN VEDDER
CARLIN NE

#50103

PORTNEUF CATTLE AND HORSE ALLOTMENT

See p. 2

"1986" ANNUAL OPERATING PLAN

I. PERMITTED NUMBERS

A. <u>Permittee/Number</u>	<u>Pebble Division</u>	<u>406</u>	<u>ON DATE</u>
DeMar Gilbert (Term Grazing Permit)		102	
(Private Land Permit)		15	
(Deer Pt. FS/BLM MOU)		6	6/3
Barlow Gilbert		74	6/4?
Don Rigby Family Partnership		87	6/4
Carroll Willmore		22	6/5
King Creek Grazing Association		100	6/5
B. <u>Permittee or</u>			
<u>Tribal Member/Number</u>	<u>Toponce Division</u>	<u>450</u>	
D.J. Ball		140	6/1
James Guthrie		139	6/1
King Creek Grazing Association		171	6/2
C. <u>Period of Use:</u>			
June 1 to October 10			
D. <u>Lower Pebble Creek (Deadman Area)</u>			
This area was not grazed early this year. See grazing management section below for notes.			

II. GRAZING MANAGEMENT

A. Pebble Division1. Dock Flat (Unit #1)

Trail DeMar Gilbert's 123 cattle and Barlow Gilbert's 74 cattle to Dock Flat; Don Rigby's 87 cattle will start grazing in Lower Pebble Creek. It is anticipated that many of Rigby's cattle will eventually cross Pebble Creek and enter the Dock Flat Unit. A majority of the cattle which start in Dock Flat will be initially driven to the south and the east ends of the unit. About August 1 all cattle will be removed from

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JAN 06 1989

Lower Pebble Creek and Dock Flat Units; these cattle will be trailed to the South Pebble - Unit #2. Approximately September 10 all cattle in the South Pebble Unit will be moved to the West Bench Unit.

2. Wood Road (Unit #5)

6/1 - 8/25 LOCATION OF
29-7801

Carroll Willmore's 22 cattle will start in this unit. They will be joined by King Creek's 100 cattle from the adjacent BLM ground. Approximately August 25 all cattle in the Wood Road Unit will be moved to the West Bench Unit.

3. Use of the East Hills of Pebble (Unit #3)

This unit will again be used with the West Bench Unit. The gates leading into the East Pebble Unit will be opened on September 20.

B. Toponce Division

1. East Hills of Toponce (Unit #9)

Put all 450 cattle in this unit. Approximately July 15 all cattle will be distributed as follows:

a. Black Canyon (Unit #10)	-	75
b. Pine Hollow (Unit #7)		150
c. Blue Lakes (Unit #6)	-	225

Cattle placed in the Pine Hollow Unit and Black Canyon Unit shall be thoroughly distributed within the units.

The herd moved into Blue Lakes Unit should be split into the east end of Hornet Canyon and up on Horse Lake Flat. These cattle will gradually spread out within the Bear Camp and South Toponce drainages.

2. Toponce Meadows (Unit #8)

On September 15 all cattle will be gathered and driven to the Toponce Meadows (Unit #8) for the remainder of the grazing season.

3. Toponce Cow Camp Pasture

This unit will not be grazed by pack and saddle stock nor cattle this year. The range rider will be expected to bring temporary corrals or hobble his stock outside of the pasture fenced area.

The Toponce Cow Camp Pasture will need extensive planning due to the fire of 1986. The association should plan on accomplishing this task by September 14, 1986.

MICROFILMED

JAN 06 1984

#50103

REVISED

PORTNEUF CATTLE AND HORSE ALLOTMENT"1987" ANNUAL OPERATING PLANI. PERMITTED NUMBERS

<u>A. Permitee/Number</u>		<u>Pebble Division</u>	<u>406</u>
DeMar Gilbert (Term Grazing Permit)			119
(Private Land Permit)			15
(Deer Pt. FS/BLM MOU)			6
Barlow Gilbert			83
Don Rigby Family Partnership			100
Carroll Willmore			23
King Creek Grazing Association			60
<u>B. Permitee or</u>		<u>Toponce Division</u>	<u>450</u>
<u>Tribal Member/Number</u>			
Tom Willis			0
James Guthrie			176
King Creek Grazing Association			274
<u>C. Period of Use:</u>			
June 1 to October 10			
<u>D. Lower Pebble Creek (Deadman Area)</u>			

We are discontinuing early grazing of this area. The objective of promoting browse development for wintering mule deer has been essentially met, and further early use will only stimulate snowberry growth on the flatter terrain --- an undesirable

MICROFILMED

II. GRAZING MANAGEMENT

JAN 06 1989

A. Pebble Division1. Dock Flat (Unit #1)6/1 - 8/1 LOCATION OF
29-7802

Trail DeMar Gilbert's 140 cattle and Barlow Gilbert's 83 cattle to Dock Flat; Don Rigby's 100 cattle will start grazing in Lower Pebble Creek. It is anticipated that many of Rigby's cattle will eventually cross Pebble Creek and enter the Dock Flat Unit. A majority of the cattle which start in

Dock Flat will be initially driven to the south and the east ends of the unit. About August 1 all cattle will be removed from Dock Flat; these cattle will be trailed to the South Pebble - Unit #2. Cattle in Lower Pebble Creek shall be moved to South Pebble Unit by July 4. Approximately September 10 all cattle in the South Pebble Unit will be moved to the West Bench Unit.

2. Wood Road (Unit #5)

6/1- 9/1 LOCATION OF
29-7801

Carroll Willmore's 22 cattle will start in this unit. They will be joined by King Creek's 60 cattle from the adjacent BLM ground. Approximately September 1 all cattle in the Wood Road Unit will be moved to the West Bench Unit.

3. Use of the East Hills of Pebble (Unit #3)

This unit will again be used with the West Bench Unit. The gates leading into the East Pebble Unit will be opened on September 20.

B. Toponce Division

1. Pine Hollow (Unit #7)

Put all 450 cattle in this unit. Approximately July 11 all cattle will be distributed as follows:

a. East Toponce (Unit #9)	-	225
b. Blue Lakes (Unit #6)		225

Cattle placed in the East Toponce Unit and Blue Lakes Unit shall be thoroughly distributed within the units.

The herd moved into Blue Lakes Unit should be split into the east end of Hornet Canyon and up on Horse Lake Flat. These cattle will gradually spread out within the Bear Camp and South Toponce drainages.

2. Toponce Meadows (Unit #8) and Black Canyon (Unit #10)

On September 12 all cattle will be gathered and driven to the Toponce Meadows (Unit #8) for the remainder of the grazing season.

3. Toponce Cow Camp Pasture

JAN 06 1989

This unit will not be grazed by pack and saddle stock nor cattle until after July 15. The range rider will be expected to bring temporary corrals or hobble his stock outside of the pasture fenced area. This is the second year of programmed rest following the wildfire.



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 1988

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
Regional Forester

Enclosures 6

cc: w/encl.
Caribou NF

RECEIVED
JAN 06 1988



RECEIVED
JAN 04 1987
1988

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

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
no 41 encl 92
Department of Water Resources

PROOF OF BENEFICIAL USE

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

Permit No. 29-7801

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 Wood Road Canyon

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-foot

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

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No
Fee enclosed \$ _____
(See License Examination Fee Schedule)

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

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

Mark Vedder 208-236-6700
(Name) (Telephone Number)

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

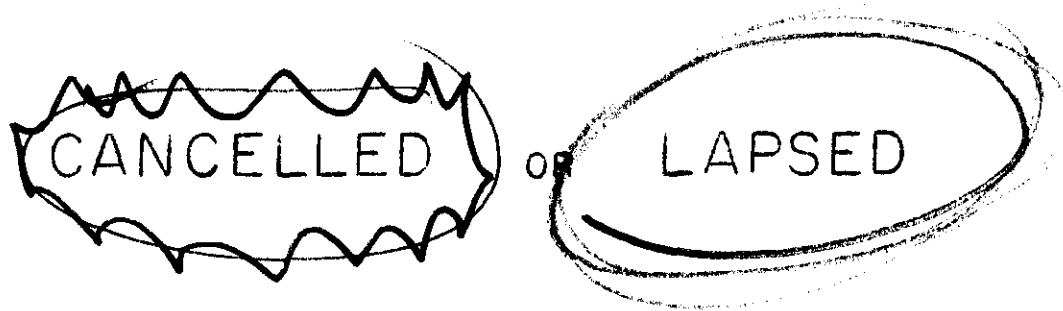
The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

United States of America - Forest Service
JAN 06 1989

DEC 30 1987

Date _____ Signature of Permit Holder (and title, if appropriate) _____
(for) J. S. TIXIER, Regional Forester

WARNING



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 O F W A T E R R E S O U R C E S

- - - - -

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

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

LAPSE NOTICE

RE: PERMIT NO. 29-7801

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

CERTIFICATION OF MAILING

MICROFILMED

JAN 06 1989

5-13-1987
This document was
mailed by first class mail,
postage paid at the
Boise, Idaho Post Office.
Individual named above.

[Signature]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

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

138776

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

PROOF DUE NOTICE

RE: PERMIT NO. 29-7801

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. 29-7801

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.F.
SUPERVISOR, WATER ALLOCATION SECTION

DRT: SC
ENCLOSURES

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State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

29-7801

INITIAL REVIEW BY: KCW

APPLICATION NUMBER: _____

CHECK: Wood Road Crest

- ☒ 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.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☒ Other WD 29

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: 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
10-28-85 Date of priority recommended.
Special conditions of approval or cover letter. _____

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

file copy
destroyed

By: Ernest Carlson

Date: April 8, 1986

STATE OFFICE REVIEW:

L16

05(29, Portneuf River)

- ☐ See attached sheet for more information.

By: KCW

Date: 4/29/86

Department of Water Resources

MICROFILMED

April 22, 1986

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

U. S. Forest Service
324 25th Street
Ogden, 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. 29-7801 IN THE NAME)
)
OF UNITED STATES OF)
)
AMERICA FOREST SERVICE)

WITHDRAWAL

I hereby withdraw my Protest filed in regard to Permit
No. 29-7801.

Signed this 25th day of March, 1986.

Clyde C. Anderson

CLYDE C. ANDERSON

MICROFILMED

Nelson & Harding

ATTORNEYS AT LAW

172 SOUTH MAIN STREET
P.O. Box 797
SODA SPRINGS, IDAHO 83276

CLYDE G. NELSON
DON L. HARDING

TELEPHONE
(208) 547-2135

March 25, 1986

RECEIVED
Department of Water Resources
Eastern District Office

Ernest Carlsen
Assistant Regional Supervisor
State of Idaho
Department of Water Resources
150 Shoupe
Suite 15
Idaho Falls, ID 83402

RE: Applications No. 29-7801 - 7802, U.S. Forest
Service - Clyde C. Anderson

Dear Mr. Carlsen:

Enclosed please find withdrawals of the protest of
Clyde C. Anderson in regard to the above applications.

If you have any questions please contact me.

Very truly yours,

Don L. Harding
Don L. Harding

DLH/hca
Enclosures
cc: Clyde C. Anderson
U.S. Dept. of Agric.
Forest Service

MICROFILMED

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

P.O. Box 797
Soda Springs, 83276

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Ernest.

DATE 2-25-86.

TO

SUBJECT Called USFS in Ogden and spoke Gary Boyle about

scheduling hearings on 29-7801 & 7802. He was not familiar with the filings, however, he'll contact personnel at the office of the forest involved & find out if they are prepared to have matter scheduled.

26 Feb. 86 - Mr. Boyle called and informed me the local USFS office had met with Clyde Anderson and were able to resolve protest. They expect Mr. Anderson to submit a withdrawal.

MICROFILMED
SIGNATURE

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

MICROFILMED

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.

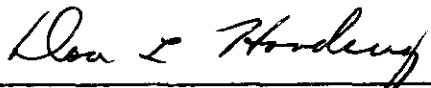
Clyde C. Anderson
CLYDE C. ANDERSON

MICROFILMED

STATE OF IDAHO)
 :SS
County of Caribou)

On this 30th 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.

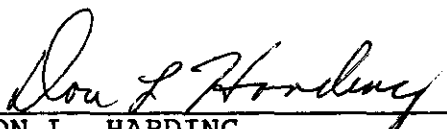


NOTARY PUBLIC FOR IDAHO
Residing at Soda Springs

(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
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

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

29-2801

U.S. DEPT. OF AGR.

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

Source: SPRING trib. to WOOD ROAD CANYON

Date Filed: 06/28/1985

Diversion Pt: SENW Sec 25 T 07S R 37E

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Use: STOCKWATER          (0.02 CFS)
     STOCKWATER STORAGE   (0.1 AF)
     STOCKWATER FROM STORAGE (0.1 AF)
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In: SENW Sec 25 T 07S R 37E

SECRET

TO: SENW Sec 25 T DISK ARE
FROM: [illegible]
SUBJECT: [illegible]

[illegible text follows]

SECRET

MICROFILMED

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: 06/28/1985

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

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

APR 11 1985



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401

Reply to: 2540

Date: AUG 14 1985

Mr. Keith C. Wilson
Senior Resource Agent
Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, ID 83402

Dear Mr. Wilson:

Enclosed is the Application for Permit No. 017-070 in the name of Wood Road Crest that has been reviewed and the corrections made that you requested. We are also enclosing your working papers that were enclosed with your letter to us.

Thank you for your assistance.

Sincerely,

for *E. R. Browning*
J. S. TIXIER
Regional Forester

Enclosures



MICROFILMED
FS-6200-28(7-82)

July 5, 1985

United States of America
Forest Service
324 25th Street
Ogden, UT 84401

RE: Application for Permit 017-070, Wood Road Crest

Dear Sir:

Enclosed is a copy of the first page of an application, which was received by this office, that indicates some problems with the application.

Item 4 indicates 0.01 AF and 0.02 AF however item 5.a. (0.02 cfs), 5.b. (0.1 AF) and item 6.b. (0.1 AF) do not agree. On July 2, 1985 I attempted to contact your office however I could not using the number listed. Please contact this office so that these problems can be resolved. Your prompt attention will be appreciated.

Sincerely,

KEITH C. WILSON
Senior Resource Agent

KCW/ct

Enclosure

MICROFILMED