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2 NOTICE OF APPLICATION
3 FOR WATER RIGHT

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

8 29-7609

9 BURGESS, JOSEPH, C.

10 SMITH, BARBARA A.

11 RT. 1, McCAMMON, ID 83250

12 Source: TWO MILE CREEK tributary to
13 PORTNEUF RIVER

14 Date Filed: 07-27-1981 ✓

15 Amount 0.18 CFS ✓

16 Diversion Point: NWSW Sec 36 T 08S R
17 36E, BANNOCK Co.

18 Use: IRRIGATION (0.18 CFS) from 03-15
19 to 11-15

20 Place of Use: NESE Sec 35 T 08S R 36E

21 NWSW Sec 36 T 08S R 36E FOR 9 ACRES

22 Diversion Means: DITCH.

23 If issued, the permit(s) will be subject to
24 all prior water rights. Protests against
25 the granting of any permit must be filed
26 with the Director of the Idaho Depart-
27 ment of Water Resources, 150 Shoup Ave.,
28 Idaho Falls, Idaho 83402 on or before
29 AUGUST 24, 1981.

30 S/A. KENNETH DUNN

31 Director

32 August 6, 13, 1981

33 No. 973

34 <i<i<i<i<i

Handwritten:
OK
8/3/81

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

To appropriate the public waters of the State of Idaho

1. Name of applicant Joseph C. Burgess &/or Barbara A. Smith Phone 254-3624

Post office address Route #1, McCammon, ID 83250

2. Source of water supply Two Mile Creek which is a tributary of Portneuf River

3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36 Township 8S

Range 36E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.18 for irrigation purposes from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 0.18 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Ditch from creek to place of use.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 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: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

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

(3) List number of each kind of livestock to be watered _____

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

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

MICROFILMED

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	
8S	36E	35													4.36				4.36
		36										4.82							4.82

Total number of acres to be irrigated 9.18

c. Describe any other water rights used for the same purposes as described above. none

9. a. Who owns the property at the point of diversion Applicant

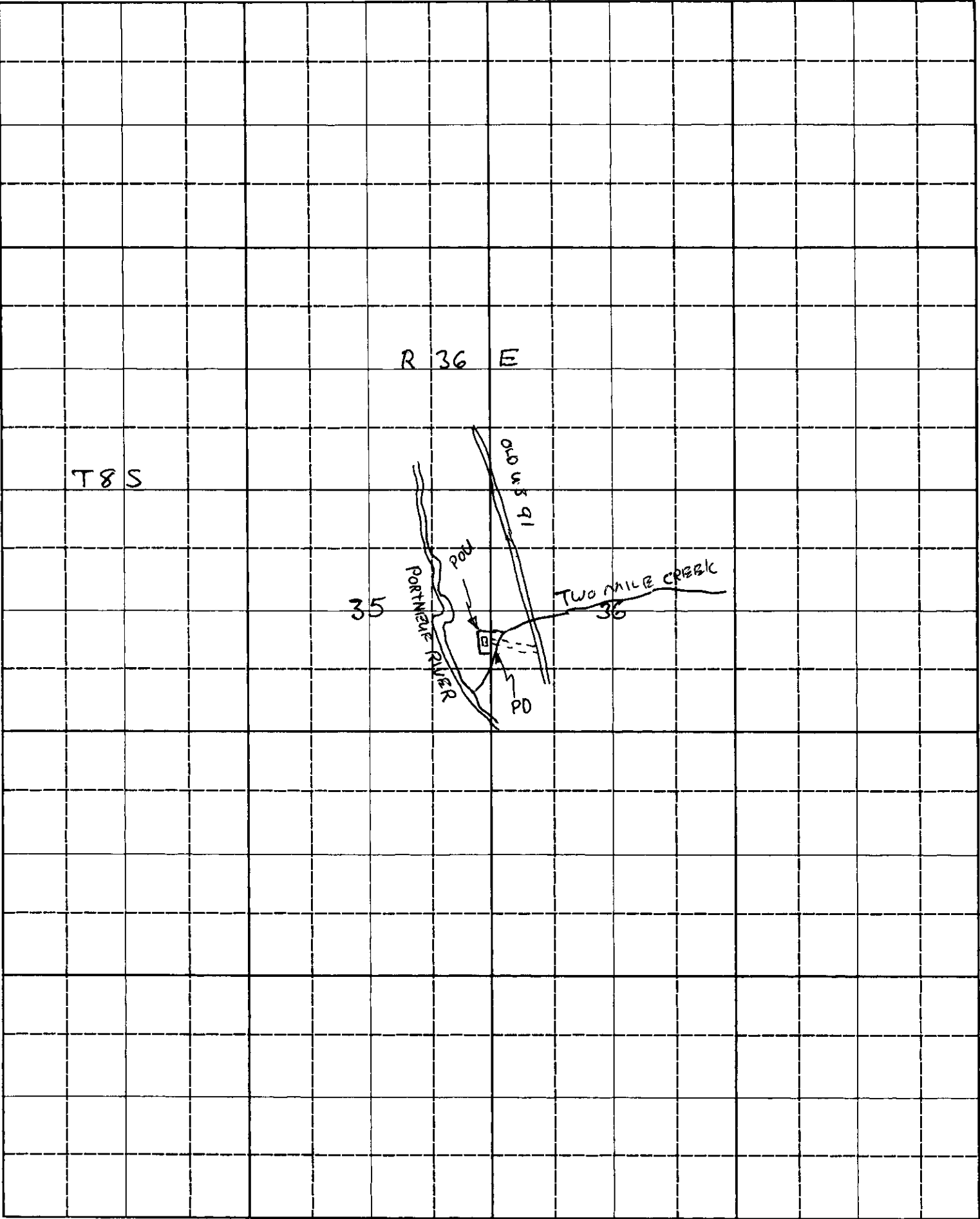
b. Who owns the land to be irrigated or place of use Applicant

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

10. Remarks

RECEIVED

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.



Joseph Frank Binger
(Applicant)

Proposed Priority 7/27/1981

Received by SLB Date 7-27-81 Time 11AM

Preliminary check by HUJ Fee \$ 30.00

Receipted by SLB #19005 Date 7-27-81 92-284 # 19005

Publication prepared by kw Date 7/30/1981

Published in Idaho State Journal

Publication dates 8/06/81 & 8/13/81

Publication approved kw Date 8/3/81

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC RC

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. 29-7609, 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 September 1, 19 86.
- 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. 29H, Marsh Creek.

Witness my hand this 24th day of September, 19 81.

A. Glen Saxton
Chief, Operations Bureau

RECEIVED
SEP 1 1981

PROOF OF PUBLICATION

RECEIVED
AUG 14 1981

STATE OF IDAHO
County of Bannock

ss.

Department of Water Resources
Eastern District Office

Jeri Larsen

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

August 6	, 19 81	_____	, 19 ____
August 13	, 19 81	_____	, 19 ____
_____	, 19 ____	_____	, 19 ____
_____	, 19 ____	_____	, 19 ____
_____	, 19 ____	_____	, 19 ____

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

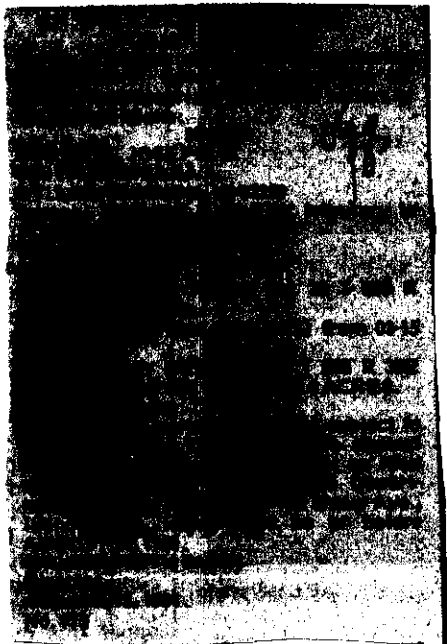
Jeri Larsen

Subscribed and sworn to before me this 13th

day of August, 19 81

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho



MICROFILMED

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Jeri Larsen

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	, 19	, 19
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	, 19	, 19

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day of August, 19 81

Notary Public, State of Idaho
Residence: Pocatello, Idaho

NOTICE OF APPLICATION FOR WATER RIGHT

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29-7609

BURGESS, JOSEPH, C.

SMITH, BARBARA A.

RT. 1, McCAMMON, ID 83250

Source: TWO MILE CREEK tributary to

PORTNEUF RIVER

Date Filed: 07-27-1981

Amount 0.18 CFS

Diversion Point: NWSW Sec 36 T 08S R 36E, BANNOCK Co.

Use: IRRIGATION (0.18 CFS) from 03-15

to 11-15

Place of Use: NESE Sec 35 T 08S R 36E

NWSW Sec 36 T 08S R 36E FOR 9 ACRES

Diversion Means: DITCH.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402 on or before AUGUST 24, 1981.

S/A. KENNETH DUNN

Director

August 6, 13, 1981

No. 973

4/86

RECEIVED

MAY 9 1986

Department of Water Resources
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received \$50.00
Date 5-8-86
Receipt # 39613
Receipt by MD
Sent to S.O. 5-8-86

1. Permit No. 29 7609

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Joseph C. Burgess &/or Barbara A. Smith

3. Post Office Address: 571 Gladstone, Idaho Falls, Idaho 83401

Telephone No. 208-522-2475

4. Source of Water: Two Mile Creek

5. Extent of Use:

Domestic 1 (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 9.18 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 0.18 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

August 31, 1981

8. Person to contact to accompany the department representative during the field examination:

Marty Welch

(Name)

Residence phone: 208-254-3293

5731 S. Old Highway 91, McCammon, Idaho 83250

Office phone: 208-233-1266

(Address)

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

1 May 1986
Date

Joseph Charles Burgess
Signature of Permit Holder (and title, if appropriate)

Copy retained for file

JOSEPH CHARLES BURGESS
571 GLADSTONE
IDAHO FALLS, IDAHO 83401

1 May 1986

Idaho Department of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83401

Dear Persons:

Enclosed please find our completed and signed Examination Fee Information form and a check in the amount of \$50.00 to cover the cost of the field examination as noted in your letter of 17 April 1986.

Please note also the change in our address from

48 W. Starr Ave.
Columbus, Ohio 43201

to

571 Gladstone
Idaho Falls, Idaho 83401.

With regard to item 8 on the Examination Fee Information form, any of the following persons may be contacted to accompany the department representative during the field examination:

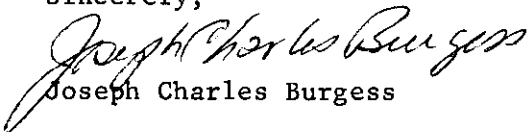
Mr. Marty Welch
5731 S. Old Highway 91, McCammon, Idaho 83250
Residence phone: 208-254-3293
Office phone: 208-233-1266

Ms. Mary Senecal
5731 S. Old Highway 91, McCammon, Idaho 83250
Residence phone: 208-254-3293
Work phone: 208-232-2450

Joseph Charles Burgess, Esq.
Anderson, Pike & Bush
490 Memorial Drive
P. O. Box 430
Idaho Falls, Idaho 83402
Office phone: 208-522-3001
Residence phone: 208-522-2475

Thank you.

Sincerely,


Joseph Charles Burgess



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

29-7609

BURGESS, JOSEPH C.
48 W. STARR AVE.
COLUMBUS, OH 43201

Mailing address:
Statehouse
Boise, Idaho 83720

138216

April 17, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

SEPTEMBER 16, 1985

JOSEPH C. BURGESS
48 WEST STARR AVENUE
COLUMBUS OH 43201

RE: Permit No. 29-7609

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent

RECEIVED

Department of Water Resources

Name(s) of Permit Holder: Joseph C. Burgess &/or Barbara A. Smith

Post Office Address: 48 West Starr Avenue, Columbus, Ohio 43201

Telephone No. (614) 294-2723

Other/Remarks

(Telephone number)

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

BURGESS, JOSEPH C.
RT. 1
MC CAMMON, ID 83250

SEPTEMBER 29, 1981

RE: PERMIT NO. 29-7609

DEAR PERMIT HOLDER:

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

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

SINCERELY,

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

ENCLOSURE

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

29 7609

INITIAL REVIEW BY: Steve McCormick

APPLICATION NUMBER:

29-7609

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☒ No
☐ Yes ☒ No

Platted by: _____ Map No. _____

Other rights on same place of use. _____

- ☒ Yes ☐ No*

In form for advertising.

Final date for protests: Aug. 24 ✓

- ☐ Yes ☒ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: Aug. 14 ✓
☒ 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? _____

7-27-81 Date of priority recommended.

Special conditions of approval or cover letter. _____

RECEIVED
AUG 13 1981

Department of Water Resources

By: Ernest Carlson

Date: Aug. 18, 1981

STATE OFFICE REVIEW:

SL/2 cond

05/29H Marsh Creek

- ☐ See attached sheet for more information.

By: Rolyn

Date: 8/31/81

RECEIVED
AUG 26 1981

Department of Water Resources

returned
to region
8/19 - protest
date not up
until 8/24
kw

NOT RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JULY 30, 1981

Idaho State Journal
P. O. Box 431
Pocatello, Idaho 83201

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 AUGUST 24, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

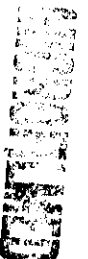
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A. KENNETH DUNN

Director

Published 8/06 & 8/13/81.



29-2609-

BURGESS, JOSEPH C.
SMITH, BARBARA A.

RT. 1, MC CAMMON, ID 83250

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Date Filed: 07/27/1981

Amount: 0.18 CFS

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Use: IRRIGATION (0.18 CFS) from 03/15 to 11/15

Place of Use: NESE Sec 35 T 08S R 36E NWSW Sec 36 T 08S R 36E
FOR 9 ACRES

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