

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7433 (Late Proof)
Priority January 18, 1978 Amount 0.10 cfs

THIS IS TO CERTIFY, that David E. &/or Donna L. Nestor
of McCammon, Idaho, has complied with the terms and conditions of Permit
No. 29-7433 issued pursuant to Application for Permit dated January 9, 1978,
and has submitted proof to the Department of Water Resources on March 10, 1983,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.10 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u> at <u>0.10</u> cfs and	<u>48.6</u> acre feet	
Stockwater	from <u>January 1</u> to <u>December 31</u> at <u>0.05</u> cfs and	<u>2.7</u> acre feet	
Domestic (1 Unit)	from <u>January 1</u> to <u>December 31</u> at <u>0.05</u> cfs and	<u>1.2</u> acre feet	

(both dates inclusive)

Subject, however, to the condition that no more than 0.10 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
52.5 acre feet per year, said waters to be diverted within the Gov. Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 4, Twp 10S, Rge 36E in the County of Bannock

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10S	36E	4					15	3	14										29

Total number of acres irrigated 29

This right when combined with all other rights shall provide no more than .02 cfs
per acre nor more than 3.5 afa per acre for the lands above.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29TH day of
JUNE, 19 84.

DEPARTMENT OF WATER RESOURCES

Acting for the Director

Norman C. Young

Identification No. _____
Application No. 29 7433

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Donna L. &/or David E. Nestor Phone: 234-0509
post office address 40 Oakwood Drive, Space 49, Pocatello, Idaho 83201
2. Source of water supply ground water which is a tributary of _____
(Lot 4)
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4 Township 10S
Range 36E B.M. Bannock County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.18 for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.07 for Stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.04 for Domestic purpose from Jan. 1 to Dec. 31 (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. well, submersible pump, sprinkler
irrigation system, and system to stockwater troughs

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 6 inches; proposed depth of well is 165 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ unknown.
8. Description of proposed uses:
a. If water is not for irrigation: NE NW
(1) Give the place of use of water: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4 Township 10S
Range 36E B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 100 head range cattle, 400 head of
hogs (20 sows), 10 head horses, 100 chickens
(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 1.
(5) Water is to be used for other purposes describe: _____

RECORDED

RECORDED

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	
10S	36E	4					15	15											30

Total number of acres to be irrigated 30

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

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

Range 36E

Red X indicates correct location of well

Point of Diversion

Lot 3

Stock well be watered in both lots 3 & 4.

Both lots are 1500 each

4

Township 10S

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.

X Donna E. Nestor
(Applicant)
Donna E. Nestor

RECORDED

01/09/78

Proposed Priority _____

Received by CW Date 1-09-78 Time 11:02 A.

Preliminary check by ARK Fee \$ 10.00

Received by CW Date 1-09-78 # 9162

Publication prepared by CW Date 1-09-78

Published in Idaho State Journal

Publication dates Jan. 19-26-1978

Publication approved me Date Feb. 16, 1978

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ARC jo

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. 29-7433, 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 March 1, 19 83.

c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 8 day of March, 19 78.


Deputy Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 29-7433 IN THE)
NAME OF DONNA L. AND DAVID E. NESTOR) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before March 1, 1983; and,

WHEREAS, the Department has notified the permit holders by certified mail that proof was due and instructed the permit holders as to the steps to be taken to make said proof; and,

WHEREAS, the Department has notified the permit holders that the permit has lapsed for failure of the permit holders to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holders have provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on March 10, 1983;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 29-7433 be REINSTATED and the priority advanced to January 18, 1978.

Dated this 21st day of March, 1983.



L. GLEN SAXTON

Chief, Operations Bureau

MICROFILMED

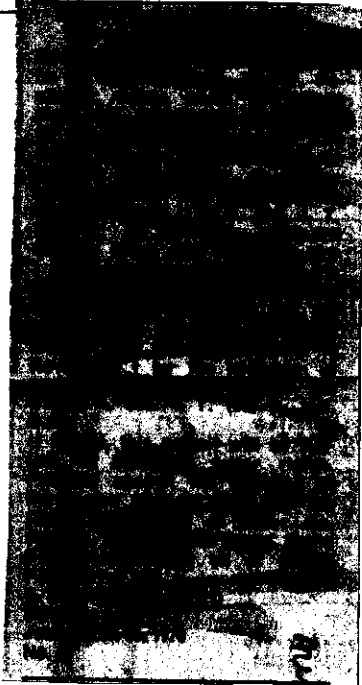
PROOF OF PUBLICATION

RECORDED
FEB 16 1978

STATE OF IDAHO
County of Bannock

ss.

Department of Water Resources
Eastern District Office



Patricia Peck

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:

JANUARY 19, 1978 19.....
JANUARY 26, 1978 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.

Patricia Peck

Subscribed and sworn to before me this *10th* day of *February*, 19*78*

Dyane Robert

Notary Public, State of Idaho
Residence: Pocatello, Idaho

MICROFILMED

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Donna L. &/or David E. Nestor, Pocatello, Idaho have on 1-09-78 submitted Application No. 29-7433 for a permit to appropriate 0.18 cubic feet per second of water from a ground-water source by means of well and pump within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 4), Sec. 4, T. 10S, R. 36 E, B.M., Bannock County; to be used from January 1 to December 31 for domestic purposes for one family and stockwatering purposes for 100 range cattle, 400 hogs, 10 horses, 100 chickens and from April 1 to November 1 for the irrigation of 30 acres, all uses within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, T. 10S, R. 36E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before February 6, 1978.

C. STEPHEN ALLRED
Director
January 19, 26, 1978
No. 68

Patricia Peck

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.

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JANUARY 26, 1978

_____, 19_____, 19_____
_____, 19_____, 19_____
_____, 19_____, 19_____
_____, 19_____, 19_____

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Subscribed and sworn to before me this *10th* day of *February*, 19*78*

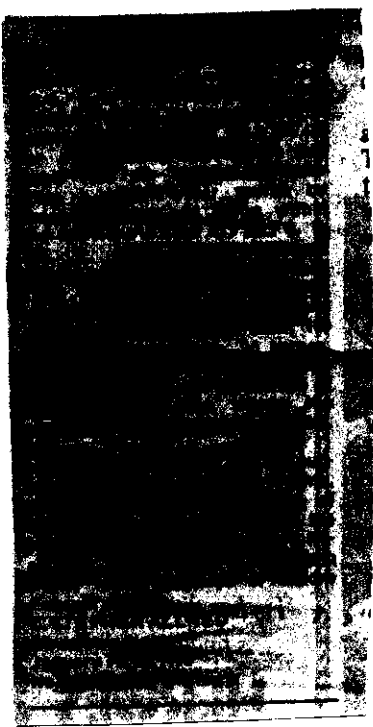
Lyman Robert

Notary Public, State of Idaho
Residence: Pocatello, Idaho

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.



Patricia Pach

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JANUARY 19, 1978 19.....
JANUARY 26, 1978 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.

Patricia Pach
Subscribed and sworn to before me this 10th day of February, 1978

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

MICROFILMED

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

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Patricia Peck
Subscribed and sworn to before me this *10th* day of *February*, 19*78*

[Signature]
Notary Public, State of Idaho
Residence: Pocatello, Idaho

July 17, 1984

RE: Permit No. 29-7433

David E. &/or Donna L. Nestor
Box 250
McCammon, IDD 83250

Dear Mr. and Mrs. Nestor:

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

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

RECEIVED

MAY 12 1978

Department of Water Resources

Permit No. 29-7433

Dear Jim Johnson

Considering the fact that we are going to have to defend this right against Idaho Power in the very near future we feel that it is more important that we all issued a license as soon as possible rather than taking the time to remeasure it to pick up a few more gallons. We have decided to accept the 0.10 C.F.S. and would appreciate it if you would issue the license as soon as possible because we feel that it possibly could have an affect on the outcome of this court decision.

January 9, 1978 is the date on the approved permit the newspaper ad and even the summons from Idaho Power. If for some reason you have to use this other priority date Jan. 18, 1978 I guess we'll have to accept it.

Date proof is totally a result of the Dept. of Water Resources being behind on their book work if that becomes necessary to put that on our licenses without a notation that it's not our fault of our own

2.
then do it and if it affects us we'll
settle it in court when the time comes.
As I have tried to point out to you
before this water has been in full
use since 1979, we have done everything
we possibly could do to get a license
issued. We would appreciate it very much
if you could issue the license as soon
as possible.

If for some reason there is still a
problem please let us know so we can
work it out because we would like to
have this license before we go into
court.

Sincerely

David E. Nestor

100-1000000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

March 29, 1984

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

RE: Permit No. 29-7433

Copy

Department of Water Resources

Donna L. &/or David E. Nestor
Box 250
McCammon, ID 83250

Dear Mr. and Mrs. Nestor:

A representative of this Department has made an examination of the works covered by your Permit No. 29-7433, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.10 cfs Source: groundwater

The maximum quantity diverted shall not exceed 52.5 acre feet
per year.

Point(s) of diversion: Gov. Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 4, Twp 10S, Rge 36E

Beneficial Use: Stockwater and domestic use for 1 unit and irrigation
of 29 acres within N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 4, Twp 10S, Rge 36E

Priority date established: January 18, 1978 (Late Proof)

Conditions (if any): This right when combined with all other rights shall
provide no more than .02 cfs per acre nor more than 3.5 afa per acre for
the lands above.

If you do not concur with these findings, please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

DEPARTMENT OF WATER RESOURCES

STATEHOUSE

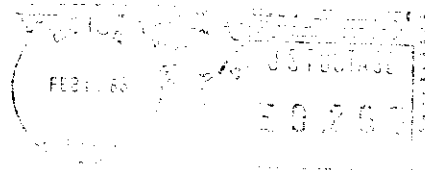
BOISE, IDAHO 83720

29-7433

Rita



FORWARDING ORDER EXPIRED



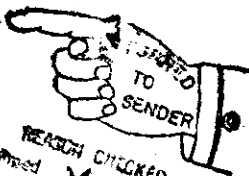
RECEIVED

MAR 1 1983

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
(), Idaho 83720

REASON CHECKED
Unclaimed ☒ Returned
Address change ☐
Insufficient postage ☐
No such street number ☐
No such office in state ☐
Do not remain in this envelope



RETURN TO
SENDER

RECEIVED

JAN 31 1983

Department of Water Resources

CERTIFIED MAIL

NO. 138003



U.S. POSTAGE

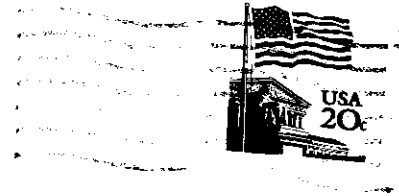
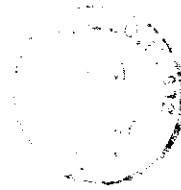
440534

JAN 9 1983

JAN 26 1983

29-7433

David E. Nestor
Star Rt. Box 250
McCammon, Idaho
83280



Department of Water Resources
Statehouse
Boise, Idaho 83720

DEPT. OF WATER RESOURCES

Attn:
Jim Johnson

MEMORANDUM

RECEIVED

APR 30 1984

Department of Water Resources
Eastern District Office

Jim Johnson
TO: ~~Skip Jones~~
THRU: ~~Ernie~~
FROM: ~~Jim Johnson~~ *Jim*
Skip Jones
DATE: April 25, 1984
RE: 29-7433

Mr. Nestor has submitted a letter objecting to our finding that 0.10 cfs was the maximum discharge from his sprinkler system. (See copy of the letter, attached.)

I noted from your field exam that one lateral had very low pressure and this may have caused an inaccurate discharge estimate. You may want to get an actual discharge measurement by measuring sprinkler head discharge into a bucket during a given time, as we discussed.

I believe the discharge of the system is the only item requiring your action. The other items in Mr. Nestor's letter can be resolved here when the license is issued.

Returning Rough Draft as per your request.

H.W. Jones

RECEIVED

RECEIVED

FEB 23 1984

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT
Department of Water Resources

29-7433

Permit No.

CONTACT WITH PERMIT HOLDER

☐ Appointment letter mailed:

DATE

INITIALS

REMARKS

☐ Telephone call made

(List Telephone No. used)

☐ Appointment scheduled for:

(Date, time, location)

EXAMINATION

Date 7-19-83 Accompanied by David Nestor Total Q measured 0.10 cfs ✓

Source Groundwater Tributary to _____ Supp. annubar measurement sheet used? NO

If source is surface water, estimate total flow of source _____

Methods of measurement Pitot Gauge Meets permit requirements? _____

Measurement calculations: allow 0.05 cfs for stack + 2.7 afa ✓
allow 0.04 cfs for Domestic + 1.2 afa ✓

Line #1 = 30 psi, 9/64N, 12 birds = $3.26 \text{ gpm} \times 126 = 39.12$ ✓

Line #2 = 9 psi, 9/64N, 2 birds = $1.98 \text{ gpm} \times 26 = 3.96 \text{ gpm}$ ✓

43.08 ✓ or 0.10 cfs ✓

$V = 29 \text{ cfs} \times 3.5 \text{ afa}$
= 101.5 afa ✓

$V = 0.10 \text{ cfs} \times 1.9835 \times 245$
= 42.4 ✓

WELL/DIV. NO.*	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
	5	NA	NA	NA				

System Description well/pump thru mainline to 2 short sprinkler lines. well also
supplies water for a maximum 200 head of cattle and a home.

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

Irrigation requirement = 3.5 ✓ AFA/Acre 245

USE
Irrigation ✓

Stack (max. 200 head) ✓

Domestic (conc unit) ✓

Q (cfs)

0.10 ✓

0.05 ✓

0.04 ✓

V (afa)

42.4 ✓

2.7 ✓

1.2 ✓

FROM

4-3/15 ✓

1-1 ✓

1-1 ✓

TO

4-11/15 ✓

12-31 ✓

12-31 ✓

Total

0.10

46.3

Remarks R16 (3.5) License 29-2050 ✓

no pld overlaps per micro-fische

plu overlap - 29-2050 - use above condition.
different source.

[illegible]

(Include distance from pump to measuring device, if applicable.)

House

well machine

Point(s) of diversion:

(L-4) NW 1/4 NW 1/4 Sect. 4

Place(s) of Use

TLOS R36E

✓ less 1 acre

[illegible]☐ Change P.D. as reflected above☐ Change P.U. as reflected above☐ Add P.D. as reflected above☐ Add P.U. as reflected above

☒ None

☐ Other

Examiner's Signature

Checked by

Approved by _____

Date _____

Date _____

Date

PERMIT NO. 29-7435

Nester

(Name)

Accompanied by: David Nester

EXAMINATION: DATE: 7-19-83

Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No.
	Shp			

Measuring Device Type: _____

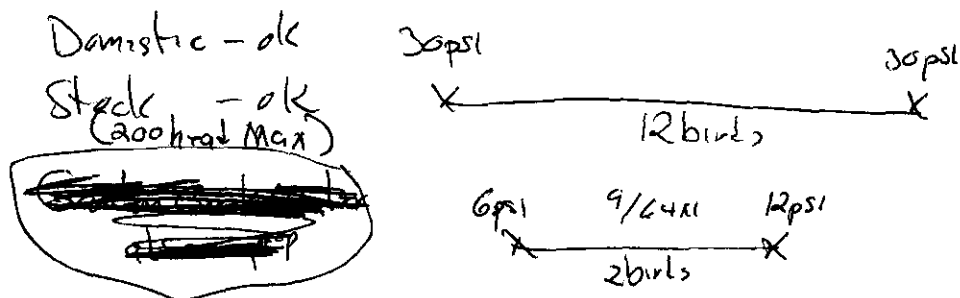
Meter # _____

Annubar# _____

Size # _____

Remarks: _____

Measurement calculations: 9/64N



SCHEMATIC DIAGRAM OF SYSTEM

Mainline Diameter _____

Length _____

N

House

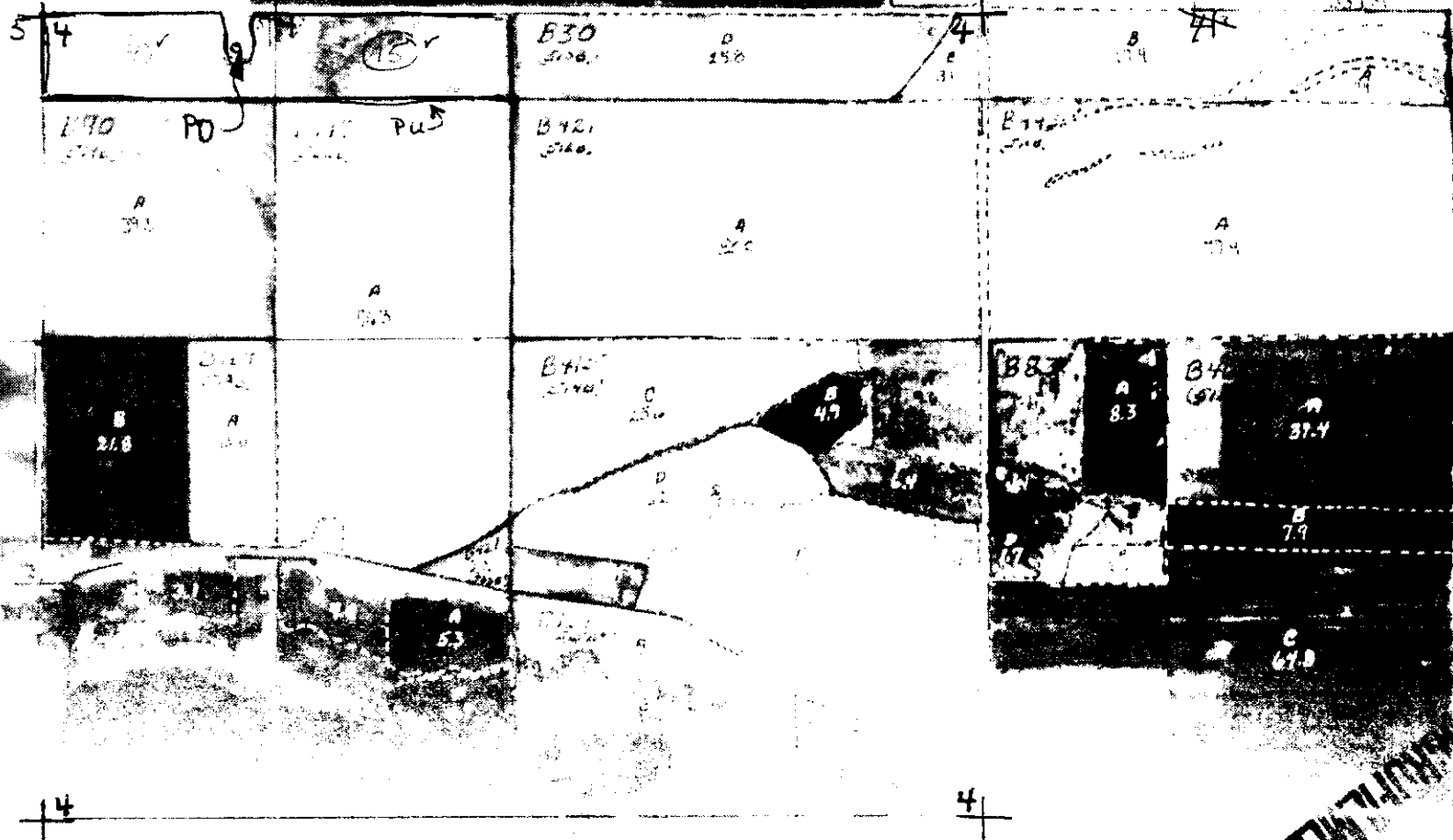
Well

main line

WATER MAIN

R36E

T
10
S



RECEIVED

R36E

T
10
S

B90
(5190)

A
3.2

B197
(5128) PuS

A
76.3

B30
(5100)

D
23.8

B421
(5180)

A
22.2

B443
(5180)

A
77.4

B167
(5180)

B
21.8

A
13.0

B415
(5140)

C
15.6

B
4.7

B
27.7

A
8.3

A
37.4

D
23.6

B40
(5140)

A
5.3

B11
(5140)

A
3.8

B
2.7

C
64.8

F
4.7

E
14.1

A
3.8

B
2.7

C
64.8

B481
(5140)

D
10.6

E
29.8

F
46.5

(14)

(15)

(16)

(17)

(18)

(19)

(20)

(21)

(22)

(23)

29-7437

Not to scale



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 27, 1984

RE: Permit No. 29-7433

David E. Nestor
Box 250
McCammon, ID 83250

Dear Mr. Nestor:

In follow-up to your letter of April 3, 1984 in reference to Permit No. 29-7433, I have returned the field exam report to our Idaho Falls Regional Office.

A representative of the Department will be contacting you for an appointment for a remeasurement of the discharge capacity of your sprinkler system.

If you have any questions, please let us know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM

Glen

DATE

4-23-84

TO

Dave

^{DAT}

Jim

Let's discuss
if you wish
^{DAT}

[Resolution of this
one should be Priority]

^{DAT} 4-23-84

SUBJECT

- All rainbirds have been accounted for in the exam. (i.e. 14 of them). The pressure may be the problem. Suggest calling region to see if they could timely remeasure the output.

WJ

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM Dave T

DATE 4-23-84

TO Glen

SUBJECT 29- 7433

You should probably take a look at this one. (See letter from permit holder dated Apr 3, '84.) J Ogrell 1/8

- I don't see how we can change the date of priority from 1-18-1978, even though there is a chance that the permit holder received some faulty advice from Eastern. J Ogrell

- I hesitate to recommend more than 0.10 cfs without another field exam. J Ogrell

I recognize that .02 cfs is not much water, but it represents a 20% increase in this case and on principle we should have measured data to implement such a change. SIGNATURE
(over)

It is because of the permit holder's obviously strong feelings that I am sending the file to you; however if you concur with the proposed resolution I would be available to pursue the matter.

Dave

INTER-DEPARTMENT MEMO — 1

FROM Jim

DATE 4-20-84

TO DAVE

SUBJECT Please review the attached file. The permit holder has a history of being upset with the Dept. concerning this right.

I am purposing that we allow 0.12 cfs rather than the .10 cfs measured by the field examiner. The difference in my opinion is very small and within reasonable error percentages. The rest of the letter simply addresses the permit holders issue.

SIGNATURE

RECEIVED

APR 6 1984

Permit # 29-7433

Dear Jim Johnson:

Department of Water Resources

April 3, 1984

Where did you get January 18, 1978 as a priority date? The date of the receipt that we paid \$10.00 to file the permit for is dated January 9, 1978, also the proposed priority date on the approved permit application is dated Jan. 9, 1978. Please explain why that is not the priority date.

The S.C.S. office designed this irrigation system and according to their figures using 9/64 nozzles at approximately 50 lbs. pressure, we would be pumping 4 gallons per minute through each nozzle using 12 heads in the 3 inch aluminium laterals and another couple of heads run off plastic pipe tapped into the line should give us at least some where around 54 gallons per minute or 0.12 C.F.S. This system has been figured out and designed with several weeks worth of work with the S.C.S. office and I don't feel we got an accurate or a fair measurement from a representative of the Water Resource Department going clear to the end of the main line and haphazardly throwing a gauge on a couple of nozzles. I feel the licenses should be issued for 0.12 C.F.S. which is what the system is capable of and designed to pump.

44-38861-1000

Would you please check your legal descriptions (points of diversion where you have N.W. 1/4 N.W. 1/4 and beneficial use where you have N 1/2 NW 1/4 and make sure that is correct). I would like to bring to your attention that this is a correction. I'm using that legal description, with my basic knowledge, I would come up with 40 acres on the one and 160 acres on the other. The rest of the legal seems to be in order for diversion but the water is used for irrigation on Lots 3+4 in section 4. This maybe a correct way of writing it but would you please double check.

Now the big one that really concerns me with the Water Resource Department. You have written (priority date established Jan. 18, 1978 Late Proof). Do you intend to attach late proof to my license and are you aware of the fact that late proof is totally the result of the Water Resource Department not doing their job or being able to do their job on time. This system has been in full operation since the spring of 1979 and that can be proven. It was designed through the soil conservation office and financed through Farmers Home Administration, we were told that we had to

(3)

put this system in and pump for 5 years before we could be issued a licence.

We made a special trip to Idaho Falls in November of 1982 to try to get everything in order to prove up and get a licence. We were told at Idaho Falls that the Water Resource Department was behind on there book work and that we would have to wait until we received a card before we could do anything and that it may take up to a year. Then when they tried to send out the card they kept sending it to the wrong address. Had Idaho Falls taken the initiative to make sure that addresses were correct and everything was in order, you would of had the correct address. The point that I am trying to make perfectly clear to you is that Late Proof is a total result of the Department of Water Resources ability to function and especially the inability to function in unison between Boise and Idaho Falls. We might add that we have written several letters and some without answer to try and solve this problem. We could have and would have liked to been issued our licence in 1979 because the irrigation system has been in

ORIGINAL

(4)

full use since then.

We are very tired of having the run around and having the Water Resource Department trying to point the blame on us as if it was our fault that this license was not issued on time or way ahead of schedule. If you feel it necessary to add late proof to our license and Records we think you should also attach an explanation that the result of late proof is totally a result of the Water Resource Department being behind on their book work. As I have stated before if the Water Resource Department had let us we would have done everything that we could have, to been issued a license in 1979, because this system has been in full use since then and that is a fact that can be definitely proven.

Sincerely,

David E Nestor

RECEIVED
JAN 11 1980

David E. Nestor
Star Rt. Box 250
McCammom, Idaho
83250

MICROFILM

Attn. Jim
Johnson
Water Distribution Supervisor



State of Idaho
Department of Water Resources
State Office Statehouse
450 W. State Street
Boise, Idaho 83720

MEMORANDUM

TO: Skip Jones
THRU: Ernie
FROM: Jim Johnson 

DATE: April 25, 1984

RE: 29-7433

Mr. Nestor has submitted a letter objecting to our finding that 0.10 cfs was the maximum discharge from his sprinkler system. (See copy of the letter, attached.)

I noted from your field exam that one lateral had very low pressure and this may have caused an inaccurate discharge estimate. You may want to get an actual discharge measurement by measuring sprinkler head discharge into a bucket during a given time, as we discussed.

I believe the discharge of the system is the only item requiring your action. The other items in Mr. Nestor's letter can be resolved here when the license is issued.

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

March 29, 1984

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

RE: Permit No. 29-7433

Donna L. &/or David E. Nestor
Box 250
McCammon, ID 83250

Dear Mr. and Mrs. Nestor:

A representative of this Department has made an examination of the works covered by your Permit No. 29-7433, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.10 cfs Source: groundwater

The maximum quantity diverted shall not exceed 52.5 acre feet
per year.

Point(s) of diversion: Gov. Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 4, Twp 10S, Rge 36E

Beneficial Use: Stockwater and domestic use for 1 unit and irrigation
of 29 acres within NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, Twp 10S, Rge 36E

Priority date established: January 18, 1978 (Late Proof)

Conditions (if any): This right when combined with all other rights shall
provide no more than .02 cfs per acre nor more than 3.5 afa per acre for
the lands above.

If you do not concur with these findings, please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

RECEIVED

W-11-07

29-2050

29-2050

On the 21st day of August, A.D. 1906, Permit No. 2219, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 15th day of August, A.D. 1907, and for the application to beneficial use of said water on or before the 15th day of August, A.D. 1906, and,

On the 24th day of August, A.D. 1907, the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.2 cubic feet per second of said waters, as evidenced by my Certificate No. 2219, dated September 10, 1907, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.2 cubic feet per second of water, with date of priority of July 11, 1906, and,

On the 24th day of August, A.D. 1907, proof was duly made of the application to beneficial use of .5 of 1 cubic foot per second of said water;

By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to J. L. STEPHENSON, Jr., of Boise, Idaho, the holder and owner of said Permit No. 2219, a perpetual right, dating from July 11, 1906, to the use of .5 of 1 cubic foot per second of the water of Harley's Creek in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the Northwest quarter of Northwest quarter Section 31, Township 9 South, Range 36 East of Boise Meridian, and conducted to and upon 15 acres in Lot 3 and 15 acres in Lot 4, Section 1, Township 10 North, Range 36 East of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESSES

My hand and the seal of my office at Boise, Idaho, this 10th day of September, A.D. Nineteen hundred and seven.

(207)

Recorded September 10, 1907.

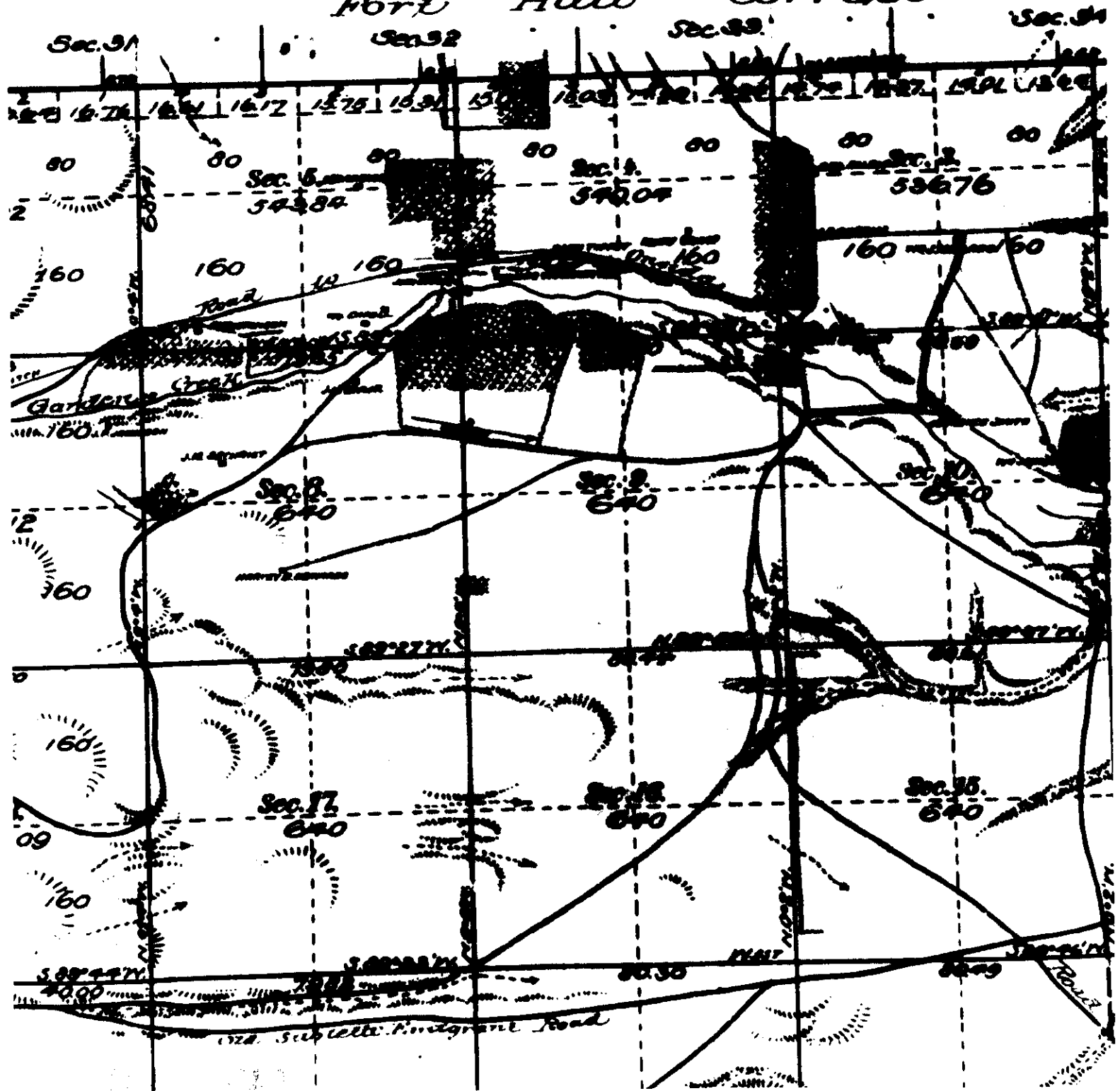
Jas. Stephenson, Jr.
State Engineer.

POOR QUALITY ORIGINAL

Nº 10 South, Range Nº 36 East of the 1

F e e E d D o C

North Hall Correction





ate of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

August 4, 1983

David Nestor
Box 250
McCammon, ID 83250

Re: Permit No. 29-7433

Dear Mr. Nestor

We are in receipt of your letter of inquiry in reference to your water permit No. 29-7433.

I have reviewed your permit file and find that everything is in order and the next step required is for the department to conduct a field exam to confirm the extent of development of water use made under your permit.

Unfortunately, I cannot give you an exact time when this field exam will be made because they are scheduled in our Idaho Falls office. I am sending them a copy of this letter and will request them to make the field exam a high priority as we can understand your desire to have the right license as soon as possible.

You did not enclose the address of Farmers Home Administration so therefore we will assume that you will notify them with a copy of this letter.

Finally, it is understandable that you feel some what confused with all of the procedures required to develop a water right because many of the procedures can be very complex. All of which, of course, is necessary in order to give the right holder the necessary protection in the event that water shortages occur.

We ask for your patience and understanding and hope that this letter answers the questions you had.

If I can be of further assistance on this matter, please let me know.

Sincerely

JIM JOHNSON
Water Distribution Supervisor

JJ:jvv
cc:Eastern Region

51
RECEIVED
Permit No. 29-7433
1983

Dear Sus:

As far as we can tell, we have taken every step and effort to get our well, here on this thirty acres licensed. Including sending back two cards.

We are assuming from what you have wrote and told us that we are waiting for your office to catch up on their field inspections. We have been working on this since last November when we made a trip to Idaho Falls knowing that the five year period was almost up. We were given information in Idaho Falls totally different from the way your office in Boise say they operate. The only reason I bring this to your attention is that it is my concern that there could be some more misunderstanding or misinformation that could cause us some problems in completing this license.

It is also the concern of the Fairview Home Administration about the delay and the completion of this permit

and license.

If there are no problems and it is just that your office needs time to catch up on its work and field inspections, would you please send a letter to Fm. H. P. and explain the situation to them. We would also appreciate it if you would also let us know what is happening.

Thankyou

David E Neston

David E. Ypeton
Star Bt. Box 250
McCammon, Idaho
83250



RECEIVED

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 21, 1983

David E. Nestor
Box 250
McCammon, ID 83250

Dear Mr. Nestor:

Re: Permit No. 29-7433 in the name of Donna L. and/or David E. Nestor

I have received and reviewed your letter of March 11, 1983 in which you had questions relative to the proof due notice and lapse notice which the department recently received.

Proof of beneficial use was due on the above-referenced permit on March 1, 1983 and the address of record for the permit was 40 Oakwood Drive, Space 49, Pocatello, Idaho 83201.

A review of the file shows the following steps were taken in the department's effort to notify you that proof was due.

- On December 30, 1982 (sixty days prior to the proof due date) the department sent the proof due notice by certified mail to the Pocatello address (the address of record).
- On January 31, 1983, the letter was returned by the post office marked "unclaimed".
- On February 17, 1983, the department again sent the proof due letter to the same address providing a second opportunity that the letter might be claimed.
- On March 1, 1983, the post office again returned the letter and had marked the envelop "forwarding order expired".
- On March 2, 1983, only by contacting the Bannock County Assessor's Office was the department able to determine the McCammon address. (This step of trying to obtain a new address from the county courthouse is not required in the statutes but is a step the department takes in an effort to protect the permit holders in the development of a water right). The proof due notice was then sent a third time.

RECEIVED

This time to the McCammon address.

- On March 9, 1983, the department also sent a different notice called a lapse notice to both the McCammon and Pocatello addresses. (The statutes require the mailing of a lapse notice if proof or an extension request is not timely submitted by the permit holder).

The two notices you received within the same week must have been the third mailing of the proof due notice and the first mailing of the required lapse notice. The enclosed Order reinstates the permit with an advance in priority.

With regard to proof submittal, the proof card can be submitted at any time after the permit has been issued but after total development of the project has occurred. The backlog of department work includes conducting the actual on-site inspections (field examination) after the proof has been submitted.

The application for permit which was submitted on January 9, 1978 shows the name of Donna E. in front of David E. This is the reason for your wife's name appearing before yours.

Since you have now submitted proof, the next step is for the department to schedule a field examination.

I hope this letter has satisfactorily answered your questions and it is apparent that only thru additional non-required steps was the department able to contact you and prevent the permit from permanently lapsing.

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosure: Reinstatement Order

cc: Eastern Regional Office

REPORT

Examination of water Resources

Dear Sir:

First of all, we went to Idaho Falls, last fall sometime in November, and the representative there told us that we could not prove up until we had been mailed a card, and that the water resource department was behind, and that it would probably be sometime next year before we would receive the papers to prove up.

Second, we received a card, and some other papers about a week ago to prove up with the name of Rita Eлект, Secretary. When you sent your card, and papers we checked the date on the letter from this secretary, and sure enough it was Dec. 31, 1982. And then we checked the post mark on the envelope, and it was March 3, 1983.

I don't mean to sound ignorant, but

I am somewhat aggravated, and disgusted in your office's inability to function properly. Would you please answer my questions of why I am receiving a letter in March of 1983, and the letter inside is dated Dec. 31, 1982? And then I receive another card, and letter within a week later supposedly from the same office. My second question is, why are you able to get the correct address almost on the outside of the envelope, and the old address on the inside? My third question is, why has somebody within your office somewhere taken the liberty to put my name behind my wife's name? Within approximately fifteen months after we got the permit we had the sprinkler system developed, and operating. I would have liked to of proved up as soon as possible because of the importance of this water right to our ranch. As I stated before, we went to Idaho Falls, last fall hoping to prove up.

I hope that in no way the negligence within your office has affected my water right, which is essential to my operation.

I would appreciate it if it has in anyway to notify me immediately, and I also would appreciate very much your help in getting the final paper work in order.

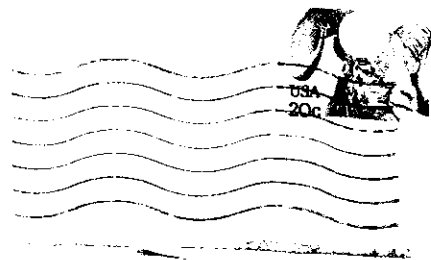
When we received your card, and letter, we had already sent back the first one that we received less than a week ago. But just in case you can't find it, or so you will have a second card if necessary we are also filling out this card.

On this stockwater, although we only have thirty-four head drinking from it at the moment, and they will approximately double as soon as they have calved out. Within the next five years we will have over ~~so~~ two-hundred head of cows, and calves, and maybe a few more horses. I don't know if this is a problem or how it fits in, but if it is would you please advise us.

Thank you

Doris E. Nestor

David E. Nestor
Star Rt. Box 250
McCammom, Idaho
83250



L. Glen Saxton
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

CALCULATION OF NEW PRIORITY DATE

FROM: Rita Fleck

TO: File # *29-7433*

DATE: *Mar. 21, 1983*

Date Proof Received

69

Mar. 10

Proof Due

60

Mar. 1

Number of Days Proof Late

9

Priority Date

9

Jan. 9, 1978

Number of Days Proof Late

9

New Priority Date

18

= Jan 18, 1978

Remarks

RECEIVED

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

24-7433



FORWARDING ORDER EXPIRED

WICP

RECEIVED

MAR 12 1993

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

LAPSE NOTICE

DEAR PERMIT HOLDER:

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

L. Allen Saxton

ENCLOSURES

LGS:RF

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 29-7433.

Name(s) of Permit Holder: David E. & Donna L. Nestor

Post Office Address: Star Rt. Box 250

McCammon, Idaho 83250 Tel. No. 254-3388

Source of Water: Well

Extent of Use: ☒ Domestic one (number of households)

☒ Stockwater 34 head of cattle (number and type of stock)

☒ Irrigation Twenty (20) (acres)

☒ Other 3 head of horses

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

March 7, 1983
Date

David E. Nestor
Signature of Permit Holder

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 29-7433.

Name(s) of Permit Holder: David E. and Donna L. Nestor

Post Office Address: Star Rt. Box 250

McCammon, Idaho 83250 Tel. No. 254-3388

Source of Water: Well

Extent of Use: ☒ Domestic one (number of households)

☒ Stockwater 34 Head of Cattle (number and type of stock)

☒ Irrigation Twenty (20) (acres)

☒ Other Three Head of Horses

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

March 10, 1983
Date

David E. Nestor
Signature of Permit Holder

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.

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

NESTOR, DONNA L. & DAVID E.
40 OAKWOOD DR. 49
POCATELLO, ID 83201

and

Box 250
McCammon, ID 83250

L A P S E N O T I C E

MARCH 03, 1983

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 29-7433 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED DECEMBER 31, 1982.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND 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.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

C E R T I F I C A T I O N O F M A I L I N G

I hereby certify that on Mar 9, 1983
~~a copy~~/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Kita Fleck

MICROFILMED

INTER-DEPARTMENT MEMO — 1

DATE 2-17-1983

FROM Rita Fleck

TO File

SUBJECT Proof Due Notice

Since the letter was sent back marked "Unclaimed", I returned it to the same address. This time, however, it was not sent certified mail.

March 2, 1983 -- The following address was obtained from the Bannock County Assessor's Office: Star Route, Box 250, McCammon, ID 83250. ~~The sent~~ The notice ~~sent~~ even though it is after the proof due date.

was sent a 3rd time

rf

SIGNATURE

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

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

138003

NESTOR, DONNA L. & DAVID E.
40 OAKWOOD DR. 49
PUCATELLO, ID 83201

DECEMBER 31, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 29-7433 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MARCH 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

RECEIVED
DEC 31 1982



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

March 13, 1978

Re: Permit No. 29-7433

Donna L. &/or David E. Nestor
40 Oakwood Drive, Space 49
Pocatello, ID 83201

Dear Mr. and Mrs. Nestor:

Enclosed is a copy of your approved Application for Permit No. ~~29~~-7433. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw

Enclosure

MICROFILMED

February 6, 1978

RE: Application for Permit No. 29-7433 NESTOR

Idaho State Journal
Box 431
Pocatello, ID 83201

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on January 19 and January 26, 1978.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Secretary

CW:CD

Called 2-13-78

MICROFILMED

RECEIVED

JAN 17 1978

Dear Sirs

Department of Water Resources
Eastern District Office

On our application for Permit No. 29-7433. You have my name first then my husband's. We would appreciate it if you could turn the names around so they would read

David E. Nestor and/or Donna J. Nestor. Also on the receipt for our money and the letter that was attached my name was on both of these plus the letter was made out to Mr. Nestor. Please in the ~~future~~ future would you make check receipts and all letters out to my husband David E. Nestor.

Thank you

Mrs. David E. Nestor

Contacted Mr. Nestor by telephone 1/17/78 explaining that we could not change the order of names as the application was advertised in this form. ARE.

RECORDED

January 12, 1978

RE: Application for Permit No. 29-7433 NESTOR

Idaho State Journal
Box 431
Pocatello, Idaho 83201

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted Feb. 16, 1978 by ML

RDC:CW

Enc: Legal Notice (1)

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Donna L. &/or David E. Nestor,
Pocatello, Idaho

have /// on 1-09-78 submitted Application No. 29-7433
has on _____ cubic feet per second 0.18 XXXXXXXXXXXXXXXXXXXX
for a permit to appropriate _____ acre feet per annum
of water from a ground-water source
by means of well and pump
within the NW₁ (Lot 4), Sec. 4, T. 10S, R. 36E, B.M., Bannock County;

Jan. 1 to Dec. 31 for domestic purposes for one family and
to be used from _____
XXX stockwatering purposes for 100 range cattle, 400 hogs, 10 horses, 100
for _____
chickens and from Apr. 1 to Nov. 1 for the irrigation of 30 acres, all uses
within the NW₁, Sec. 4, T. 10S, R. 36E, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before _____
February 6, 1978

C. STEPHEN ALLRED
XXXXXXXXXXXXXXXXXXXX
R. KEITH HIGGINSON

Director
Idaho State Journal, Pocatello, Idaho

Published in the _____
January 19 _____ and _____
on _____ January 26, 1978

MICROFILMED *the - d.*

January 9, 1978

RE: Application for Permit No. 29-7433

Donna L. Nestor
40 Oakwood Drive, Space 49
Pocatello, Idaho 83201

Dear Ms. Nestor:

Attached herewith is Departmental receipt No. 9162 in the amount of \$10.00 for the above referenced application.

Very truly yours,

GOLLEEN WRAY
Secretary

CW:CD

Attachment

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

January 3, 1978

RECEIVED

JAN 9 1978

Department of Water Resources
Eastern District Office

Mr. David E. Nestor
40 Oakwood Drive, Space 49
Pocatello, Idaho 83201

Dear Mr. Nestor:

Enclosed please find an application for permit that I have taken the liberty to complete as per our telephone conversation. Please review the application and if it appears to be correct, place your signature where indicated and submit the statutory filing fee of \$10.00, payable to the Department of Water Resources, together with the completed application.

If you have any further questions, please feel free to contact me.

Very truly yours,

Anthony R. Kozlowski

ANTHONY R. KOZLOWSKI
Water Resource Agent

ARK:cw

Enclosure

MICROFILMED

January 3, 1978

Mr. David E. Nestor
40 Oakwood Drive, Space 49
Pocatello, Idaho 83201

Dear Mr. Nestor:

Enclosed please find an application for permit that I have taken the liberty to complete as per our telephone conversation. Please review the application and if it appears to be correct, place your signature where indicated and submit the statutory filing fee of \$10.00, payable to the Department of Water Resources, together with the completed application.

If you have any further questions, please feel free to contact me.

Very truly yours,

ANTHONY R. KOZLOWSKI
Water Resource Agent

ARK:cw

Enclosure

RECEIVED
JAN 10 1978
WATER RESOURCES
DEPARTMENT

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Nustav.

g.w. Source
✓ Point of Diversion
✓ County
2.18 Quantity of Water and Period of Use
✓ Description of Diverting Works
5 yr. Time required for B/U of water
30 ac. Place of Use or Acres Irrigated
✓ Map
✓ Signature
✓ Fee

(1) EMC 1-09-78

In form to receipt yes

(2) " "

Send Copies to:
✓ Idaho State Health Department
✓ Idaho Fish and Game Department
✓ Bureau of Land Management

(3) " "

✓ Request Special Use Permit from U.S.F.S.
✓ Request Easement from B.L.M.
✓ Request Information from Applicant
✓ Request Dam Safety Information

(4) " "

In form for advertising yes

(5) " "

Platted on Map No. 10536E

(6) " "

Located within Water District No. 29

(7) " "

Critical groundwater area: yes no x

(8) " "

Groundwater levels:

Declining, ✓ Stable, Increase

(comment)

(9) " "

Other rights on the same place of use None platted

(10) EMC 1-09-78

Comments: None. none. tw

(11) me 2-16-78

Affidavit of Publication received (date) 2-16-78

(12) me 2-16-78

Final date for protests February 6-1978

Protests received: yes no x

(13) N.A.

All requested information received from agencies or applicant: yes no

(14) RDC 2/16/78

Action recommended:

✓ Approve Deny

1/9/78 Proposed Priority

Reason for Reduction

Measuring device required

See attached sheet for other conditions of approval

✓ No special conditions for approval

(15) District E

By RDC

Date 2/16/78

Copy
Sent