

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7269 Priority May 23, 1975 Amount 0.05 cfs

THIS IS TO CERTIFY, that PAUL BAKER

of Inkom, Idaho, has complied with the terms and conditions of Permit No. 29-7269 issued pursuant to Application for Permit dated May 23, 1975, and has submitted proof to the Department of Water Resources on December 21, 1976, 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 0.05 cfs of water from springs, tributary to Green Canyon Creek, 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
Domestic	from <u>January 1</u> to <u>December 31</u>	at <u>0.05</u> cfs and	<u>1.2</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.05 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 1.2 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, Twp. 7S, Rge. 37E, B. M. 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 $\frac{1}{4}$	
7S	37E	30																X	

Total number of acres irrigated _____

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, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 7 day of

May, 19 79.

Deputy Director

MICROFILMED

Identification No. 29 7269

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROVED APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho
 (TYPE OR PRINT IN INK)

1. Name of applicant PAUL BAKER Phone: (Bus:) 232-6620 ext 225
 post office address General Delivery, Inkom, Idaho 83245

2. Source of water supply Springs which is a tributary of Green Canyon Creek

3. a. Location of point of diversion is NW $\frac{1}{4}$ $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29 Township 7S
 Range 37 E. B.M. Bannock County; additional points of diversion if any: _____
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, Twp 7S, R. 37E.B..M. (These are two
springs which are close together but which lie in different 40-
acre sub-divisions.)

b. If water is not consumed, it will be discharged into Green Canyon Cr. at a point in nw $\frac{1}{4}$ $\frac{1}{4}$
 of SW $\frac{1}{4}$ of Section 29 Township 7S Range 37 E. B.M. Idaho

4. Water will be used for the following purposes:

Amount .05 cfs for Domestic purpose from Jan 1 to Dec 31 (both dates inclusive)
 (cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. .05 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Catch basin at springs, pipe
laid underground to storage tank, and pipe laid underground to
residence. The storage tank is to be used only for sedimentation
and to provide pressure to the residence.

b. Height of storage dam n/a feet, active reservoir capacity n/a acre feet; total reservoir
 capacity 5,000 gal. approx, materials used in storage dam: n/a

Period of year during which storage will occur Jan 1 to Dec 31 inclusive.
 (Mo. Day) (Mo. Day)

c. Proposed well diameter is n/a inches; proposed depth of well is n/a feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
 is 1 years.

b. Estimated construction cost is \$ 3,000.00.

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 SE $\frac{1}{4}$ of Section 30 Township 7S
 Range 37 E. B.M.

(2) Amount of power to be generated: n/a hp under n/a feet of head.

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

(4) No. of municipality to be served n/a, or number of families to be
 supplied with domestic water 1.

(5) Water is to be used for other purposes describe: domestic use, cullinary con-
sumption

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	

Total number of acres to be irrigated. N/A

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

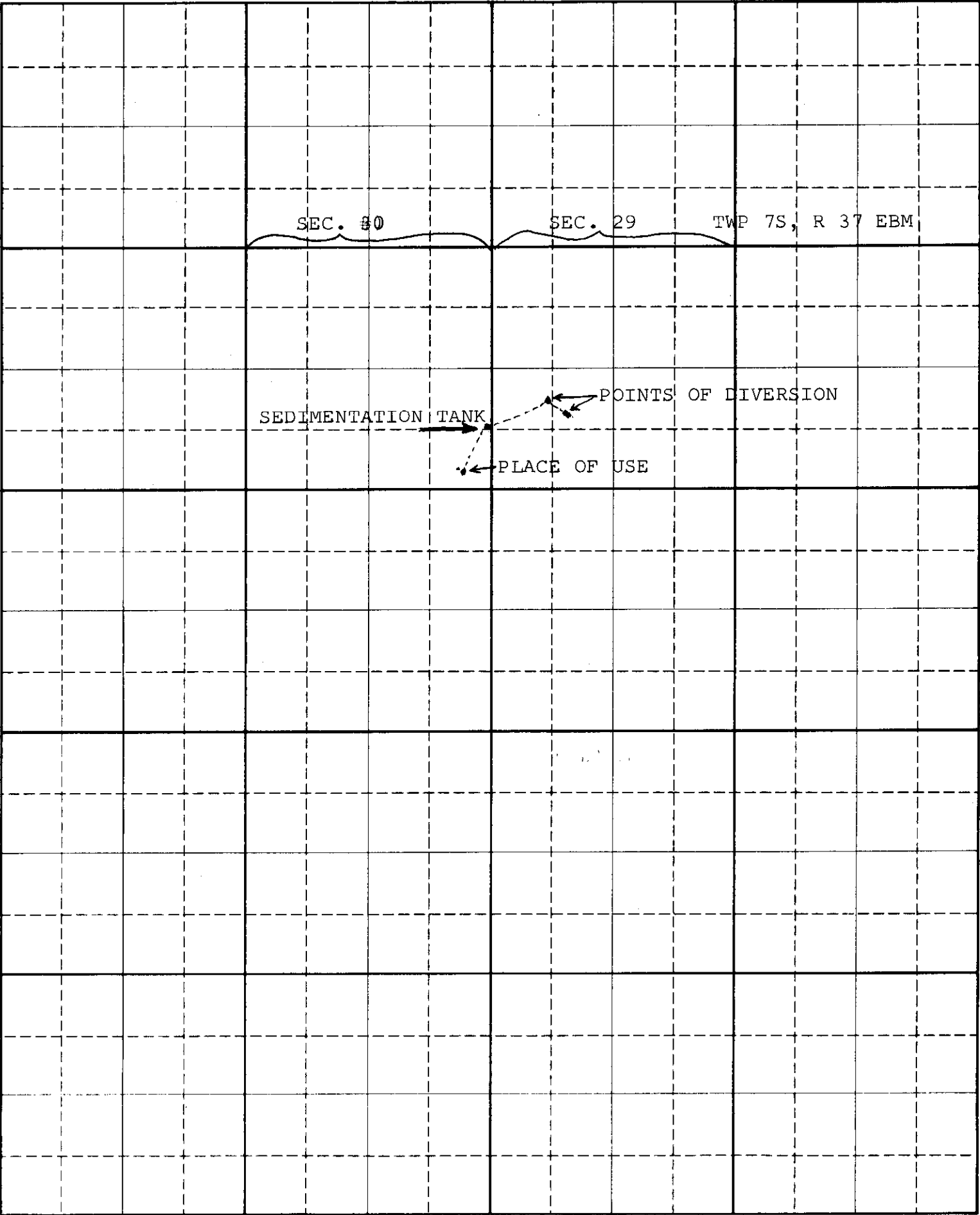
9. a. Who owns the property at the point of diversion National Forest

b. Who owns the land to be irrigated or place of use George D. Wood

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Applicant is in the process of buying the land from Mr. Wood, although title has not yet passed to applicant.

10. Remarks Applicant intends to build a permanent, year-round residence for his family upon this land, and must have water for domestic and cullānary use. He intends to improve an existing water supply system presently in use by Mr. George D. Wood and extend it to his purposed residence.

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.

Paul R. Baker
(Applicant)

Proposed Priority 5-23-1975

Received by MB Date 5-23-75 Time 10:35 A
Preliminary check by LH Fee \$ 10.00
Receipted by MB Date 5-23-75 # 4255
Publication prepared by MB Date 5-23-75
Published in Idaho State Journal
Publication dates May 29 & June 5, 1975
Publication approved MB Date 6-16-75
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RPC W

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. 29-7269, 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 January 1, 19 77.

c. Other: The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

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

Witness my hand this 5 day of December, 19 75.

R. Karl Hj
Director

PROOF OF PUBLICATION

RECEIVED

JUN 16 1975

STATE OF IDAHO }
County of Bannock } ss.

Department of Water Resources
Eastern District Office

Katherine Wanner

being first duly sworn on oath deposes and says: That ^{she}he
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:

May 29	, 1975		, 19
June 5	, 1975		, 19
	, 19		, 19
	, 19		, 19
	, 19		, 19

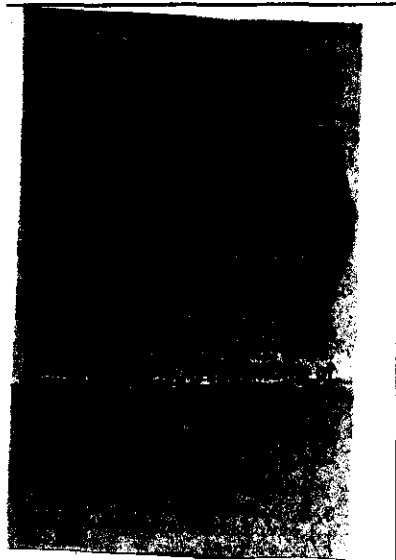
That said paper has been continuously and uninterruptedly pub-
lished in said County for a period of seventy-eight weeks prior to the
publication of said notice or advertisement and is a newspaper within
the meaning of the laws of Idaho.

Katherine Wanner

Subscribed and sworn to before me this 9th
day of June, 1975.

Paul L. Lenz

Notary Public, State of Idaho
Residence: Pocatello, Idaho



MICROFILMED

PROOF OF PUBLICATION

RECORDED

JUN 18 1975

STATE OF IDAHO
County of Bannock

ss.

Department of Water Resources
Eastern District Office

Katherine Warner

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Paul Baker, Inkom, Idaho has on 5-23-75 submitted Application No. 29-7269 for a permit to appropriate 0.05 cubic feet per second of water from springs by means of headbox and pipeline within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, T. 7S, R. 37E, B.M., Bannock County; to be used from Jan. 1 to Dec. 31 for domestic purposes for one family within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 7S, R. 37E, 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 or on or before June 16, 1975.

R. KEITH HIGGINSON
Director
May 29, June 5, 1975
No. 292

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:

May 22, 1975, 19
June 5, 1975, 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.

Katherine Warner

Subscribed and sworn to before me this 18th day of June, 1975.

Sandra L. Sanford

Notary Public, State of Idaho
Residence: Pocatello, Idaho

PROOF OF PUBLICATION RECEIVED

STATE OF IDAHO
County of Bannock

ss.

JUN 16 1975

Department of Water Resources
Katherine Warner Eastern District Office

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:

..... May 29	19 75	 19
..... June 5	19 75	 19
.....	19	 19
.....	19	 19
.....	19	 19

That said paper has been continuously and uninterruptedly pub-
lished 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.

..... *Katherine Warner*

Subscribed and sworn to before me this 9th

day of June, 19 75.

..... *Debra L. Gayard*

Notary Public, State of Idaho

Residence: Pocatello, Idaho

My Commission Expires
March 8, 1977

PROOF OF PUBLICATION

RECORDED

STATE OF IDAHO
County of Bannock

ss.

JUN 16 1975

Department of
Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER PERMIT

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May 29, June 5, 1975
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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:

May 29, 1975
June 5, 1975
_____, 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.

Katherine Warner

Subscribed and sworn to before me this _____ day of _____, 1975.

Lella L. Taylor

Notary Public, State of Idaho
Residence: Pocatello, Idaho



ate of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

May 14, 1979

Re: Permit No. 29-7269

Paul Baker
Box 393, RD 1
Inkom, Idaho 83245

Dear Mr. Baker:

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

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MICROFILMED

RECEIVED

~~DEC 23 1976~~

775-3487

Phone 775-3981
Department of Water Resources

Eastern District Office

Phone

- ## Springs

[illegible]**TOTAL ACREAGE**

UNIVERSITY LEVEL

Permit No. 29-7269
Examination for b/u

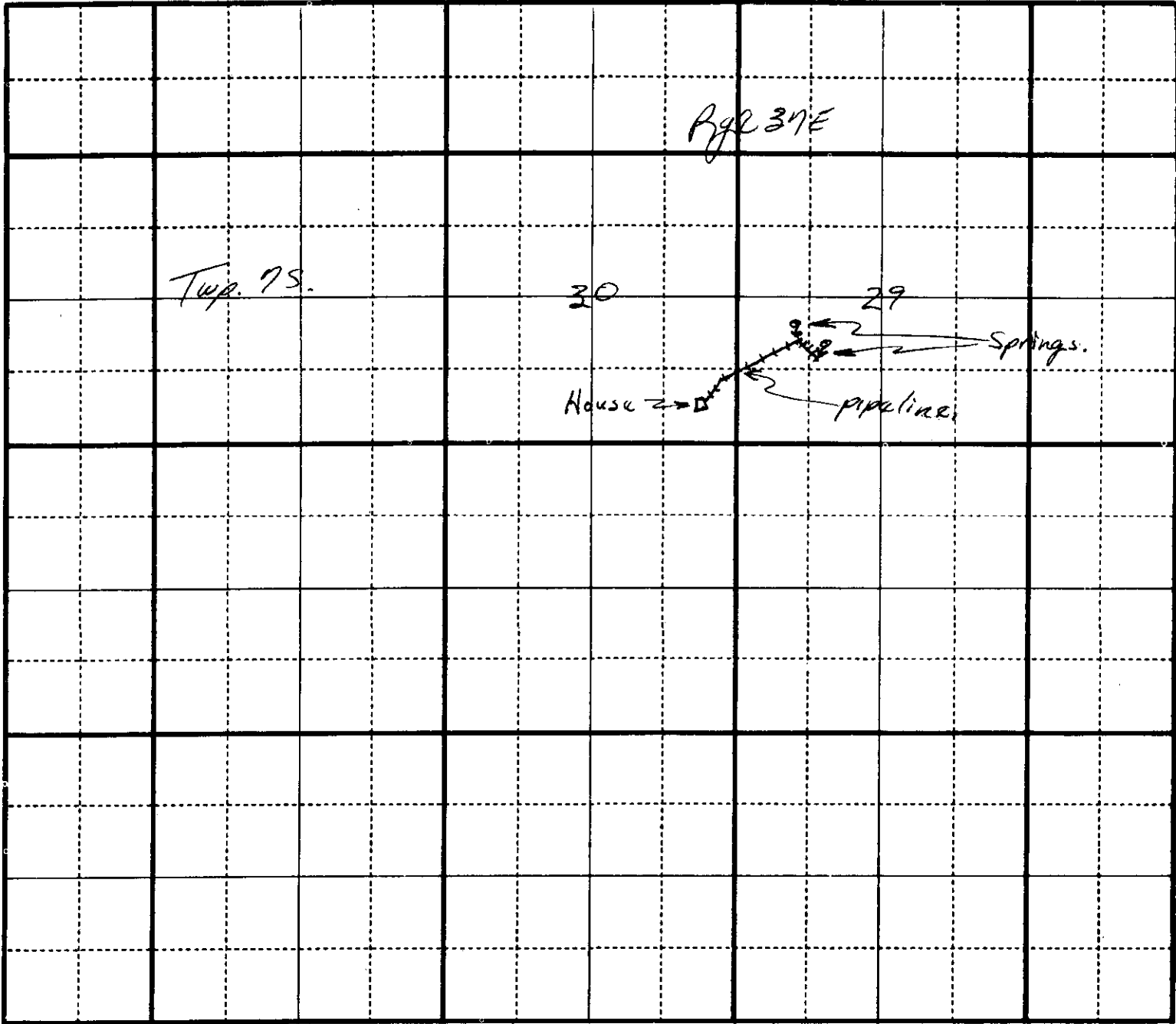


Diagram of System

DATE OF EXAM 12/15/77

ACREAGE
Found n/a
Recommended n/a

Irrigation Requirement n/a Ac Ft/Ac

USE
Irrigation Q = .07 c.f.s. V = 1.20 AF/Ann. from Jan 1 to Dec 31
Domestic Q = .07 c.f.s. V = 1.20 AF/Ann. from Jan 1 to Dec 31
Livestock Q = c.f.s. V = AF/Ann. from to

Is water co-mingled? yes no X

Name source: n/a
Twp. N/S, Rge , E/W, B.M., Sec. , Sub. 1/4 1/4 County

Exchange? yes no X

Name source exchanged with: n/a
Twp. N/S, Rge , E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection: n/a
Twp. N/S, Rge , E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange: n/a
Twp. N/S, Rge , E/W, B.M., Sec. , Sub. 1/4 1/4 County

Total Q measured n/a Method of measurement n/a

Total Q recommended .07 cfs Meter No. n/a Type n/a Condition n/a

Total V recommended 1.20 AF/yr

Recommended Amendments:

P.D.

Place of Use

Other

None

MEASUREMENT CALCULATION: None

SYSTEM DESCRIPTION:

Water is diverted from multiple unnamed springs tributary to Green Canyon Creek and is collected by 200' of buried perforated pipe. The water flows downhill by force of gravity through a 3/4" diameter pipeline buried beneath the ground. The water is discharged into a catch basin located on the bank of the creek after passing via pipeline beneath a dirt road maintained by the B.M. The water then flows through a filter where sediments & other impurities are removed and downhill into a buried reservoir having a 1,000 gal storage capacity. From the reservoir water flows downhill again through a buried pipeline and into the permit holder's residence. Adequate water pressure is maintained in the home by a .5 HP. Johnson Jet pump. 1pk, m/n - 5931586, S/n - 674 and

Examiner's Signature Anthony R. Hozlowski Date 12/15/77

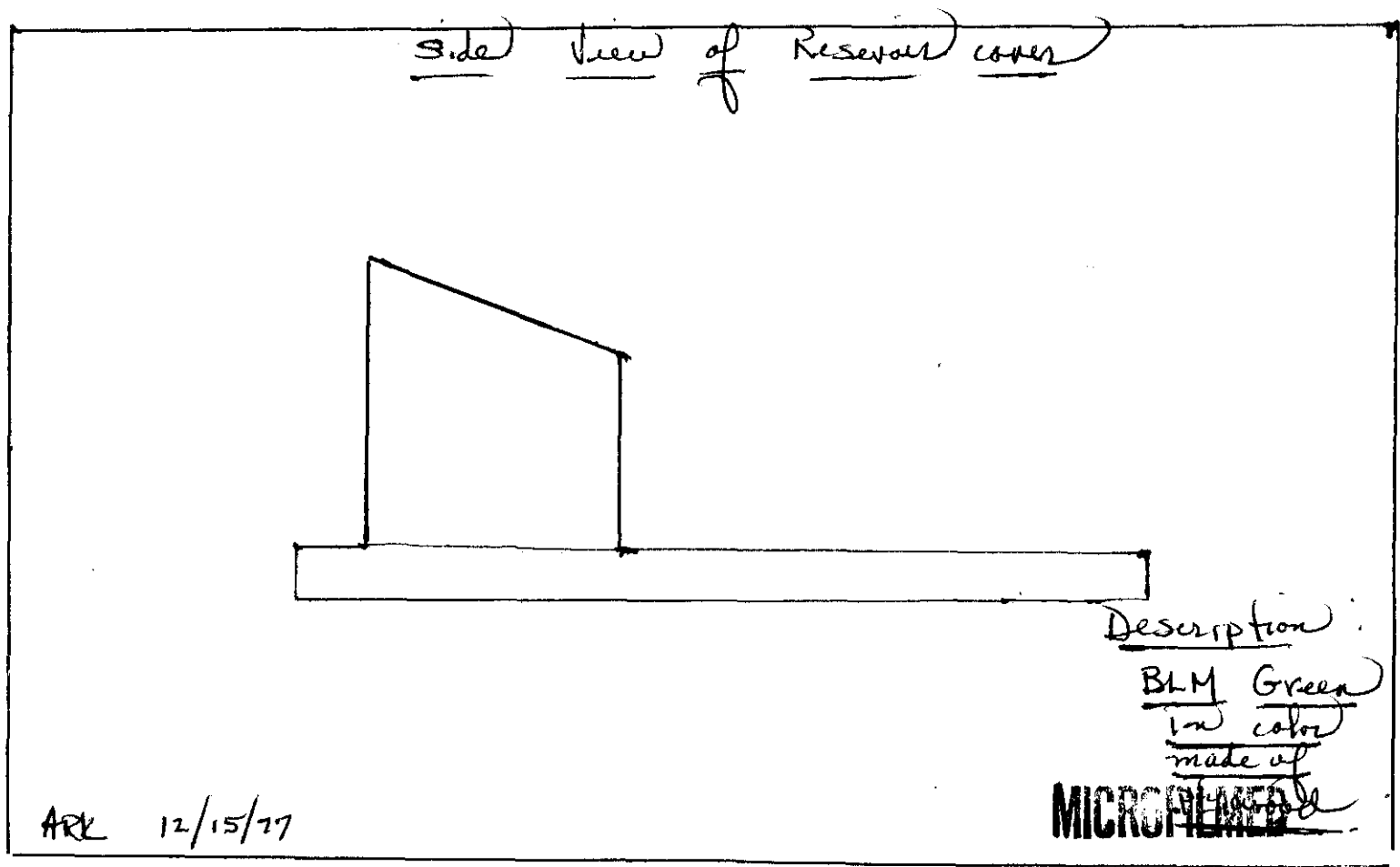
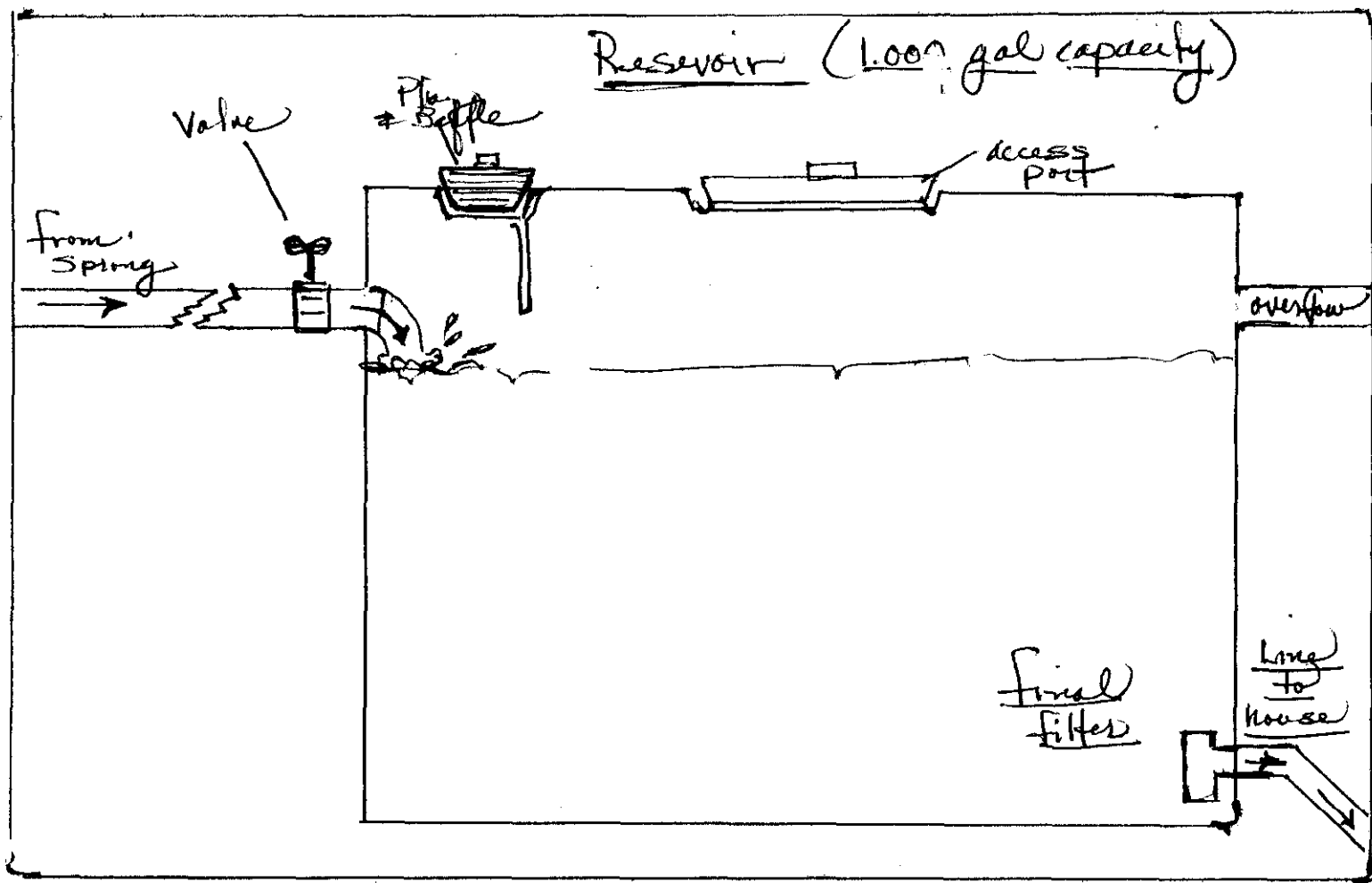
Checked by Ernest Carlson Date 2-24-78

Approved by Date

a fiberglass lined pressure tank. The pump is designed to run when pressure in the system falls below 40 psi and turns off when a pressure of 60 psi is attained. (over)

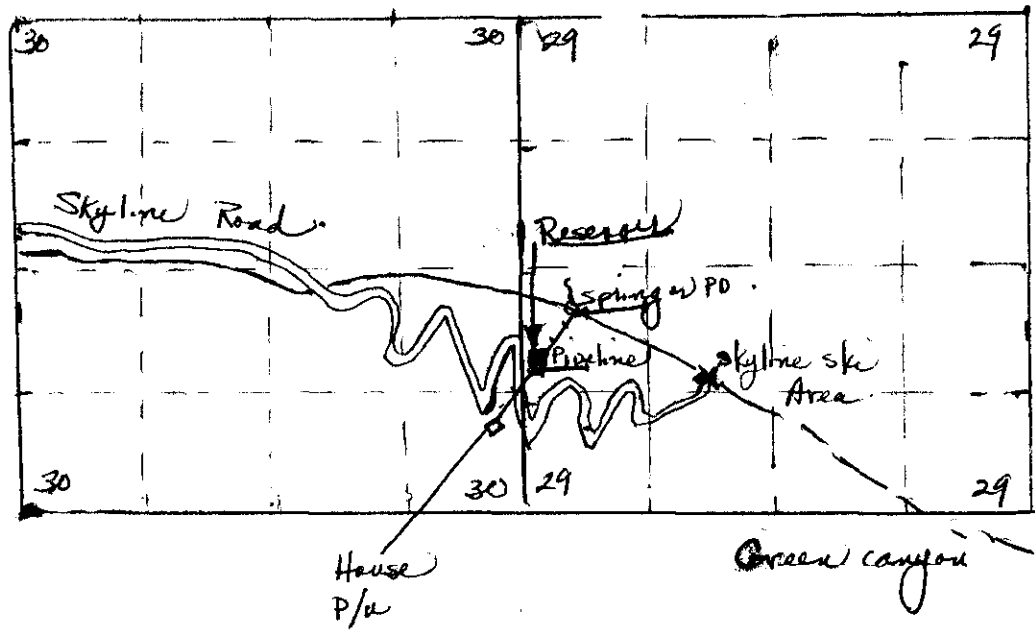
The water is used for the whiney needs of a single family domestic unit. The new 3-bedroom A-frame house has a total of 13 plumbing fixtures, and they include 1 water heater, 2 sinks, 1 washing machine hookup, 1 dish washer hookup, 3 wash basins, 3 toilets, and 2 bathtub/shower combinations. The system was shown and described by Mr. Paul Baker (owner).

ARK 12/15/77

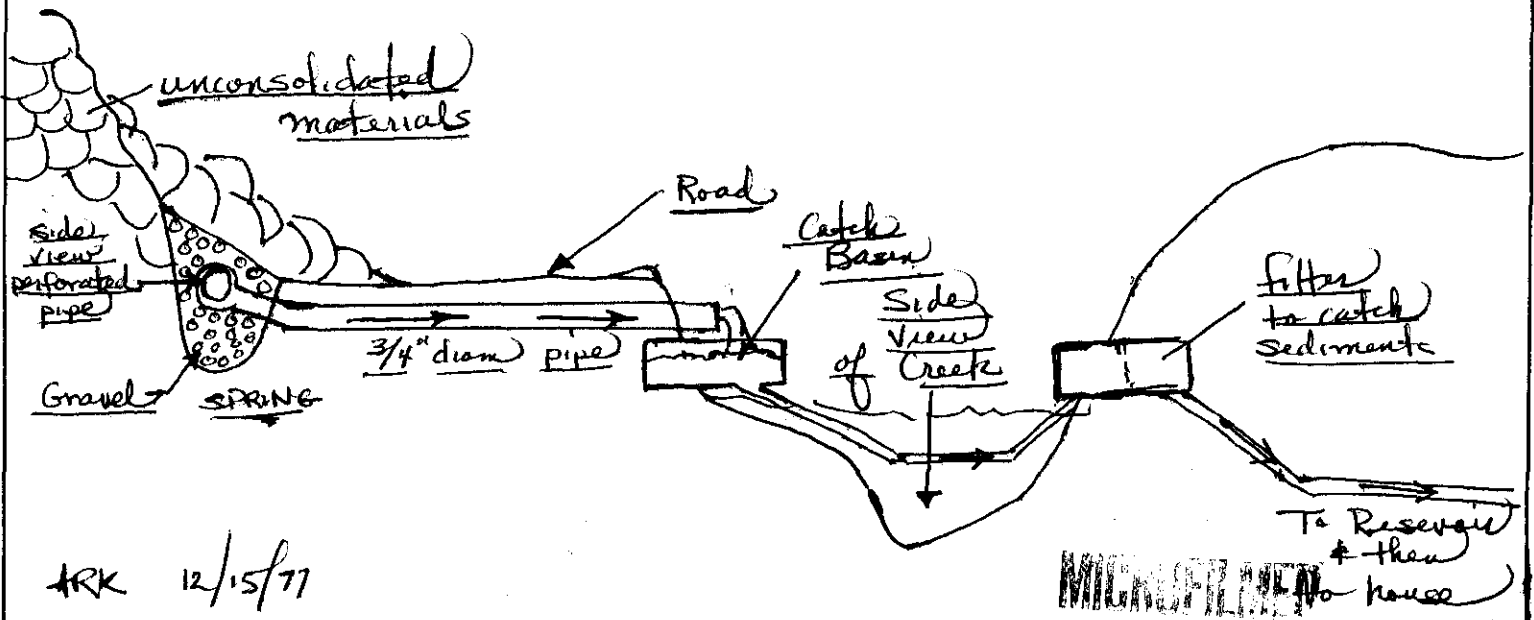


Rge 37E

Township 7S

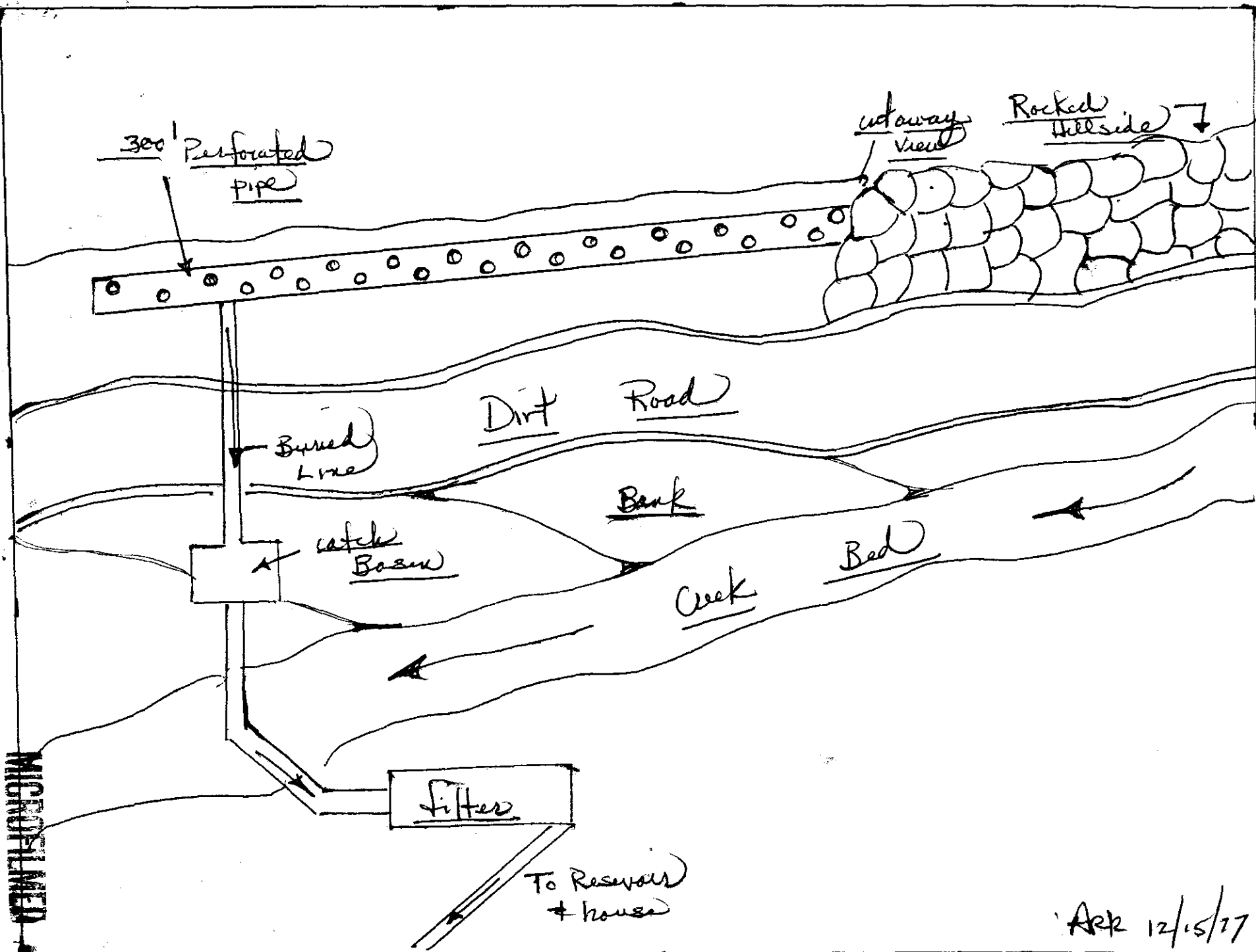


works of Diversion
Side View



ARK 12/15/77

MICROFILMED



MICROFILMED

Apr 12/15/17

December 22, 1976

Re: Permit No. 29-7269

Paul R. Baker
Box 393, Route 1
Inkom, Idaho 83245

Dear Mr. Baker:

We acknowledge receipt of the affidavit 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. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our District Office in **Idaho Falls.**

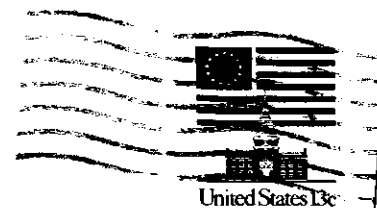
Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

cc: Steven G. Wood
746 E. Lander
Pocatello, ID 83201

LAW OFFICE
STEVEN G. WOOD
746 E. LANDER
POCATELLO, IDAHO
83201



STATE OF IDAHO
Department of Water Resources
Statehouse
Boise, Idaho 83720

RECEIVED

DEC 21 1976

Identification No. _____

Permit No. 29-7269

Department of Water Resources
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder PAUL R BAKER
b) Post Office Address Box 393 RD #1 INKOM IDAHO 83245
2. Permit Number 29-7269
3. Date of Priority that you are prepared to establish April 1, 1976
4. a) Source from which water was appropriated Two springs
b) Location of the point of diversion: NW ¼ SW ¼, Section 29
Township 7 South, Range 37 East Boise Meridian, Other points of diversion:
NE ¼ SW ¼, Sec. 29, Twp. 7S., R. 37 E.B.M.. (Points of diversion are 2
springs lying close together but in different 40 acre subdivisions.)
5. a) The amount of water and use to which the water has been applied:
Amount .05 cfs for Domestic purposes from Jan 1 to Dec 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .05 cfs cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: No measurement made, because this was part of a
pre-existing water system belonging to George D. Wood, who uses water also.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
System described below. Pre-existing system, owned by George D. Wood,
was improved and extended from Mr. Wood's property to Mr. Baker's land.
b) Describe the agreement or understanding by which you take water from the works: An agreement between
Mr. Wood and Mr. Baker provides for improvement of the system and
joint maintenance and repair thereafter.
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Perforated pipe and catch basin to collect water
at the springs, plastic pipe laid underground to storage tank (tank
used only for sedimentation and to provide pressure), plastic pipe
laid underground to residence.
b) Describe the type and size of measuring device which you have installed at your point of diversion: none

c) Give well driller's name and address and the date the well was completed: n/a

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Beneficial use is domestic and cullinary, use for domestic pets,
lawn watering, garden and trees. Place of use is a permanent year-
round residence located in SW ¼ SW ¼ Sec 30, Twp 7S, R. 37 E.B.M.

12/22/76

If you are submitting more acres, please submit an aerial photo of the property with this affidavit.

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

n/a

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: _____

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

Dec. 15, 1976
(Date)

Paul R Baker
(Signature)

State of IDaho)
) ss.
County of Bannock)

On this 15th day of December, 19 76, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Janet L. Ray
Notary Public residing at Pocatello

My commission expires 7/26/80

October 29, 1976

CERTIFIED MAIL

138078

Re: Permit No. 29-7269

Paul Baker
General Delivery
Inkom, Idaho 83245

Dear Mr. Baker:

One of the conditions of approval of your water Permit No. 29-7269 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before January 1, 1977. Enclosed is an affidavit form which must 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 affidavit 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.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

December 9, 1975

Re: Permit No. 29-7269

Paul Baker
General Delivery
Inkom, ID 83245

Dear Mr. Baker:

Enclosed is a copy of your approved Application for Permit No. 29-7269. We direct your attention to the condition of approval as listed on the fourth page.

Please be advised that the Idaho Supreme Court has ruled that a water right initiated and/or put to beneficial use by aid of trespass on private property is invalid.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:rb

Enc.

MICROFILMED

RECEIVED

OCT 9 1975

HOWARD L. ARMSTRONG, JR.

ATTORNEY AT LAW

746 E. LANDER • POCATELLO, IDAHO 83201 • PHONE 233-5643
Department of Water Resources
Eastern District Office

MESSAGE

REPLY

TO [Ronald D. Carlson, Dist. Engineer]

Dept. of water resources
1515 Lincoln Rd.

[Idaho Falls, Ida. 83401]

DATE Oct. 8, 1975

- Dear Ron:

Concerning the app for permit 29-7269,
I wonder what progress is being made. I
have talked to Dick Kline of the Forest Service
and he foresees no problems with the easement
across the forest land for the water lines, etc.

Do you have an estimate as to the time
before Mr. Paul Baker will receive his permit. This
water business is affecting his ability to get a
loan for his house. Thanks for your help.

BY Steven H. Wood, attorney

Form N-773R The Drawing Board, Inc., Box 505, Dallas, Texas

INSTRUCTIONS TO SENDER:

1. KEEP YELLOW COPY. 2. SEND WHITE AND PINK COPIES WITH CARBON INTACT.

DATE

MICROFILMED

SIGNED

INSTRUCTIONS TO RECEIVER:

1. WRITE REPLY. 2. DETACH STUB, KEEP PINK COPY, RETURN WHITE COPY TO SENDER.

October 10, 1975

RE: Application for Permit No. 29-7269 - BAKER

Mr. Steven G. Wood
Attorney at Law
746 E. Lander
Pocatello, Idaho

Dear Mr. Wood:

In reply to your letter of October 9, 1975, concerning the above referenced application for permit, please be advised that the Department can take no further action on this application until we receive a copy of a Forest Service Special Use Permit for this project. If Mr. Baker now has a Special Use Permit, then all he need do is supply us with a copy of the permit and we will resume the processing of his application.

Once we have the Special Use Permit, this application should be approved within 10 days, provided we find no further problems during our final review.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:me

RECEIVED

RECEIVED

JUL 23 1975

Department of Water Resources
Eastern District Office

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

Caribou National Forest
Pocatello Ranger District
P.O. Box 969
Pocatello, Id 83201

2720

July 21, 1975



Idaho Department of Water Resources
c/o Ronald D. Carlson
1515 Lincoln Road
Idaho Falls, Id 83401

Dear Mr. Carlson:

Reference is made to Mr. Paul Baker's and Mr. George D. Wood's Application for Permit No. 29-7269. I have been contacted by Mr. Steve Wood of Pocatello concerning securing a Special Use Permit covering a spring development on National Forest land in the SW $\frac{1}{4}$, Section 29, T. 7 S., R. 37 E.

Our preliminary review of this proposal indicates no adverse conditions which would prohibit us from issuing a Special Use Permit for this development. However, we cannot proceed with this permit until the applicant files plans and specifications on the spring development and pipeline with us. This letter is to inform you of the status of this proposal so that you may take the appropriate action on the water rights application.

Sincerely,

Richard P. Kline

RICHARD P. KLINE
District Forest Ranger

cc: Mr. Steven G. Wood

MICROFILMED

July 3, 1975

RE: Application for Permit No. 29-7269

Mr. Steven G. Wood
Attorney at Law
746 East Lander
Pocatello, Idaho 83201

Dear Mr. Wood:

We are in receipt of your letter and purchase agreement that you submitted pursuant to the above referenced permit.

The purchase agreement appears to be adequate to show the necessary possessory interest in the lands described. However, it is still essential that we have on file an easement from the Forest Service. The Department will not approve a permit which involves federal land without a written approval of the federal administering agency.

Once you have supplied us with the required Forest Service easement, I see no reason why this application can not be approved. However, the amount of 0.05 c.f.s for domestic purposes is excessive and will be reduced unless the larger amount can be justified.

If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:cw

cc: Darlene

MICROFILMED

LAW OFFICES
HOWARD L. ARMSTRONG, JR.
746 E. LANDER
POCATELLO, IDAHO 83201

STEVEN G. WOOD, ASSOCIATE

June 24, 1975

AREA CODE 208
TELEPHONE 233-5643

Ronald D. Carlson
District Engineer
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

RECEIVED

JUN 25 1975

Department of Water Resources
Eastern District Office

Re: Application for Permit No. 29-7269

Dear Mr. Carlson:

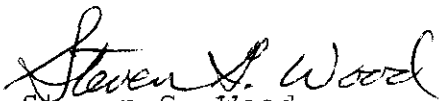
I have your letter of May 27th to Mr. Baker and he has asked that I write to you concerning it.

Enclosed is a copy of an Agreement to Purchase entered into between Mr. George Wood and Mr. Paul Baker. As you can see, it is contingent upon there being water available to Mr. Baker within a reasonable time. Until that is accomplished, there will be no deed to the property passed to Mr. Baker. So you can see the problem; he can't get the deed until he gets the water and he can't get the water until he gets the deed. Would it be possible for him to get a permit as the situation is? As I understand it, a lessee can appropriate water. Should we set it up for him to lease the land so that he may get the permit? Any help or suggestions you may give us would be greatly appreciated, as Mr. Baker is quite anxious to start building his home up there as soon as possible.

We have started to get the right-of-way across the forest land and should get that to you before too long, but we have to wait for the Forest Ranger to view the land and make his recommendations for a Special Use Permit first.

Thanks for your help.

Respectfully,


Steven G. Wood
Attorney

MICROFILMED



the sum of Fifteen Thousand and no/100 Dollars, hereinafter referred to as Purchase Price, as a deposit and earnest money in part payment of the purchase price of the following described real property situated in Blaine County of Idaho, to wit: A TRACT of land starting on the SE corner of Section 28, Township 7 North, Range 37 East, S.M.; thence Westerly on the South line of said Section 28, 130' to the True Point of Beginning; thence 460' East on said line; thence N. 89° E. 640' thence S. 92° E. 990' to the True description to be ascertained by survey.

The following items shall be left upon the premises as part of the purchase price: stove, refrigerator, washing machine, and equipment including stoker and oil tanks but excluding five place fixtures and equipment, light bulbs and fixtures, window and door screens, storm doors and windows, attached building, garden, trees and all other things.

The following personal property is also included as a part of the purchase price: none

It is hereby agreed that the total purchase price is the sum of Fifteen Thousand and no/100 Dollars payable as follows: The sum of 15,000.00 Dollars hereinafter referred to as the purchase price in the sum of 15,000.00 Dollars to be paid as follows: (If in cash, then in cash, and if in escrow, also name of escrow holder) Cash on or before September 13, 1975. This offer subject to purchaser being able to obtain adequate water supply within 60 days. Seller to provide 15' easement to Westerly boundary from Section 28. This also subject to purchaser being assured that ground is suitable for proper drain field for septic system.

It is further agreed: 1. Seller shall at his expense furnish Purchaser with a copy of the title insurance policy issued by the title insurance company, a title insurance policy insuring this estate vested in Seller, but not liable for all taxes and assessments, except no exceptions

It is further agreed that the broker assumes no responsibility in regard to the title and higher covenants that Purchaser have the Abstract of Title or the insurance policy furnished by an attorney.

2. The real property is to be conveyed by Warranty Deed and the personal property by Bill of Sale, free and clear of all encumbrances except building and zoning ordinances and regulations, building and use restrictions, rights of way and easements, reservations in Federal patents and State deeds and those enumerated in Section 1 above.

3. Sellers shall pay off of the taxes and assessments to date of closing and Purchaser shall pay off taxes and assessments thereafter. Rents, insurance and interest on mortgage or contract indebtedness shall be pre-rated to date of closing. Encumbrances to be discharged by Seller may at his option be paid out of the purchase money at the date of closing.

4. If Seller does not approve this sale within 3 days hereafter, or if Seller's title is not merchantable or insurable and appeal be made so within a reasonable time after written notice containing statement of defects is delivered to Seller, then said earnest money herein deposited for shall be returned to the Purchaser on demand and all rights of Purchaser terminated unless Purchaser waives said defects and elects to purchase; but if said sale is approved by the Seller and Seller's said title is merchantable or insurable and Purchaser neglects or refuses to complete the purchase or shall fail to pay the balance of the purchase price as hereinabove provided, then said earnest money shall be forfeited to the Seller as liquidated damages and not as a penalty and this Agreement thereupon shall be of no further force or effect or the Seller may demand the enforcement of the specific provisions of this Agreement.

5. In the event the improvements on said property should be destroyed or materially damaged between the date hereof and consummation or settlement of this purchase, this Agreement shall, at the option of the Purchaser, immediately become null and void, and said earnest money deposit shall be returned to said Purchaser on demand.

6. Possession shall be delivered Purchaser on or before the 13th day of September, 1975.

7. Purchaser enters into this Agreement in full reliance upon his independent investigation and judgment and there are no verbal or other agreements which modify or affect this Agreement.

8. Time is of the essence of this Agreement. Purchaser's rights herein are not assignable without the written consent of the Seller.

I hereby agree to purchase the above described property and pay the price of Fifteen Thousand and no/100 Dollars as set forth above and grant to said agent 1 days hereafter to secure Seller's acceptance hereof, during which period my said offer shall not be subject to revocation.

Address Blaine, Idaho
Phone 234-1111

For valuable consideration I/we agree to sell and convey to the Purchaser the above described property on the terms and conditions hereinabove stated and to pay to the above named agent a commission of 7600 Dollars for services rendered in this transaction. I/we acknowledge receipt of a copy of the earnest money receipt bearing my/our signature and that of the Purchaser named above. In case the Purchaser fails to comply with any of the conditions of this Agreement, then one-half of the earnest money deposited for shall be retained by the broker, provided the amount to the broker does not exceed the agreed upon commission due and the balance shall be paid to the undersigned.

Dated this 6-24 day of June, 1975

STATE OF IDAHO, } ss.
County of Blaine }
before me Paul R. Baker, a Notary Public in and for said State, personally appeared

known to me to be the person(s) whose name(s) is (are) 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 in this certificate first above written.

NOTE: IF ANY BLANK SPACES ARE INSUFFICIENT, USE S-N No. 870 "HANDY PAD", TO BE SEPARATELY SIGNED BY BUYER AND SELLER.

Notary Public for the State of Idaho, Residing at Blaine, Idaho

SELLER'S COPY

RECEIVED

JUN 25 1975

Department of State, Blaine, Idaho
Eastern Unit at Blaine

MICROFILMED



DEED AND AGREEMENT TO PURCHASE

Penetelli

June 23

75

DELIVERED FROM **PAUL RALPH BAKER and SUSANNE S. BAKER, husband and wife,**

(hereinafter referred to as the Grantors)

for the sum of **Fifteen Hundred and no/100**

\$1500.00

to the order of **Bannock**

the purchase price of the following described land property situated in:

A tract of land starting as the SE corner of Section 30, Township 7 South, Range 12E, B.M.1 thence Westerly on the South line of said Section 30, 130' to the True Point of Beginning; thence 660' West on said line; thence N. 990', thence E. 660'; thence S. 990' to the True Description to be ascertained by survey.

The following items are to be left upon the premises as part of the property purchased. All irrigation fixtures and equipment, plumbing and heating fixtures and equipment, including a boiler and all sinks but excluding the pipe, fixtures and equipment, water heaters, electric light fixtures, light bulbs and fluorescent lamps; bathroom fixtures, including a toilet and tub, shower, storm doors and windows, attached windows, attached television antenna, all shrubs and trees and all fixtures except:

the personal property is also included in a part of the property to be offered for sale for said price.

Fifteen Thousand and no/100

\$15,000.00

Fifteen Hundred and no/100

\$155.00

no/100

no/100

no/100

no/100

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June 16, 1975

RE: Application for Permit No. 29-7269 BAKER

Idaho State Journal
Box 431
Pocatello, Idaho 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 May 29 and June 5, 1975.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB

MICROFILMED

1515 Lincoln Road

May 27, 1975

RE: Application for Permit No. 29-7269

Mr. Paul Baker
General Delivery
Inkom, Idaho 83245

Dear Mr. Baker:

This office has commenced the processing of the above referenced application. However, before final action can be taken, you must supply us with a copy of the easement of right-of-way allowing you access to the United States Forest Service land for this diversion of water. Also, we will need a copy of the deed showing you as the owner of the place of use.

Your immediate attention to the above matter will expedite the processing of your application.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:mb

RECEIVED

May 23, 1975

RE: Application for Permit No. 29-7269 BAKER

Idaho State Journal
Box 431
Pocatello, ID 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 CARLSON
District Engineer

Bill submitted 6-16-75 by MB

RDC:MB

Enc: Legal Notice (1)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Paul Baker,

Inkom, Idaho

has on 5-23-75 submitted Application No. 29-7269

for a permit to appropriate 0.05 cubic feet per second ~~acres feet per annum~~
of water from springs

by means of headbox and pipeline

within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, T. 7S, R. 37E, B.M., Bannock County;

to be used from Jan. 1 to Dec. 31

for domestic purposes for one family

within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 7S, R. 37E, 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 June 16, 1975.

R. KEITH HIGGINSON

Director

Published in the Idaho State Journal, Pocatello, Idaho

on May 29 and June 5, 1975

RECORDED

LH - MB-A

May 23, 1975

RE: Application for Permit No. 29-7269 PAUL BAKER

Mr. Steven G. Wood
746 E. Lander
Pocatello, Idaho 83201

Dear Mr. Wood:

Attached herewith is departmental receipt No. 4255 in the amount of \$10.00 for the above referenced application which you submitted on Mr. Baker's behalf.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB

Enc: Legal Notice (1)

Michener

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 29-7269

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

LH 5-23-75

(1) " "

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

(4) " "

In form for advertising yes

(5) " "

Platted on Map No. "

(6) " "

NA Located within Water District No. "

(7) " "

NA Critical groundwater area: yes " no "

(8) " "

NA Groundwater levels:

" Declining, " Stable, " Increasing

(comment) "

(9) " "

Other rights on the same place of use

(10) " "

Comments: "

(11) MB 6/16/75

Affidavit of Publication received(date) 6/16

(12) " "

Final date for protests June 16, 1975
Protests received: yes " no X

(13) RDC 6/16/75

All requested information received from agencies or applicant: yes " no "

(14) RDC 11/26/75

Action recommended:

☒ Approve " Deny "

RE: ADMINISTRATOR'S MEMO
#10

5/23/75 Proposed Priority

" Reason for Reduction "

" Measuring device required

☒ See ~~attached sheet~~ for other conditions of approval

" No special conditions for approval

"THE ISSUANCE OF THIS
PERMIT, IN NO WAY GRANTS
ANY RIGHT-OF-WAY OR
EASEMENT ACROSS THE LAND
OF ANOTHER PERSON."

(15) District E By RDC Date 11/26/75