

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 29-7112 Priority Feb. 22, 1973 Amount 0.04 cfs

THIS IS TO CERTIFY, that DALE B. KIRKHAM
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 29-7112 issued pursuant to Application for Permit dated February 22, 1973,
and has submitted proof to the Department of Water Administration on May 6, 1974,
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 0.04 cfs of water from an unnamed spring,
tributary to Saw Mill Canyon Creek, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
* Domestic	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.04</u> cfs and	<u>0.6 acre feet</u>
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.04 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
0.6 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 25,
Twp. 6 S, Rge. 36 E, 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 $\frac{1}{4}$	
6 S	36 E	25	X																-0-

Total number of acres irrigated -0-

* Subject to the condition:

- (1) That the use is culinary with no irrigation whatsoever.
- (2) That the use is under the jurisdiction of the watermaster of Water District No. 29 F.

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 29 day of
May, 19 74.

Director

29-7112

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

RECEIVED

1. Name of permit holder Dale B. Kirkham
Post office address P. O. Box 4026, 440 E. Clark, Pocatello, ID Phone MAY 15 1974
Person to contact 232-6911 Department of Water Administration
Phone Eastern District Office

2. Source of water supply: Groundwater ☐ Surface water ☒ unnamed spring
(name spring, stream, etc.)
Tributary to Saw Mill Canyon Creek

3. Water will be used for the following purposes:

Amount 0.04 c.f.s. for domestic
AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 29-7112
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 0.04 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 6S N/S, Range 36E E/W, B.M., Section 25, Subdivision NW 1/4 NE 1/4, Bannock County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County

Other Points of Diversions: _____

Description of diverting works: 2" pipe from spring located in the pt. of diversion.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6S	36E	25		X															

TOTAL ACREAGE

29-7112

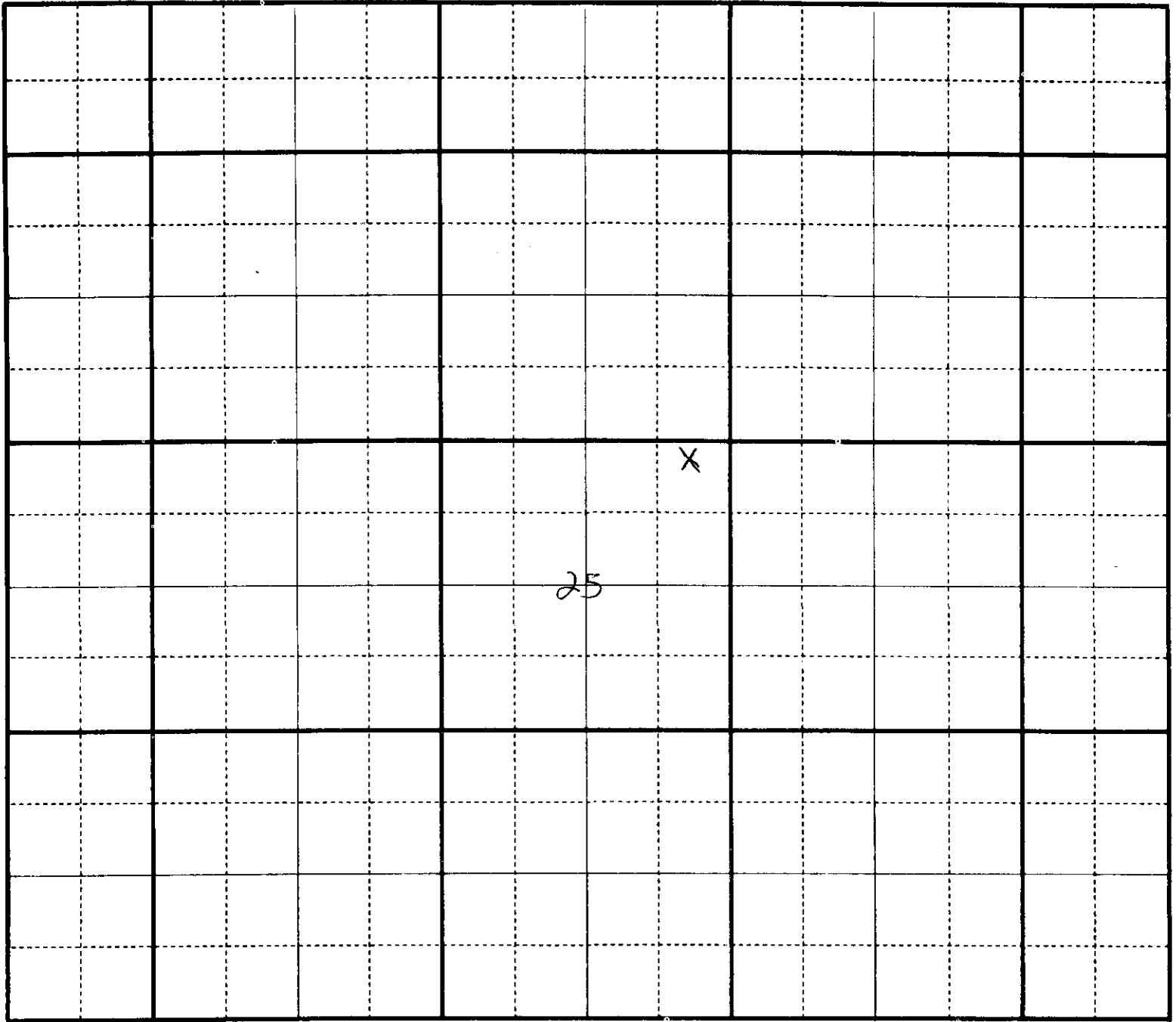
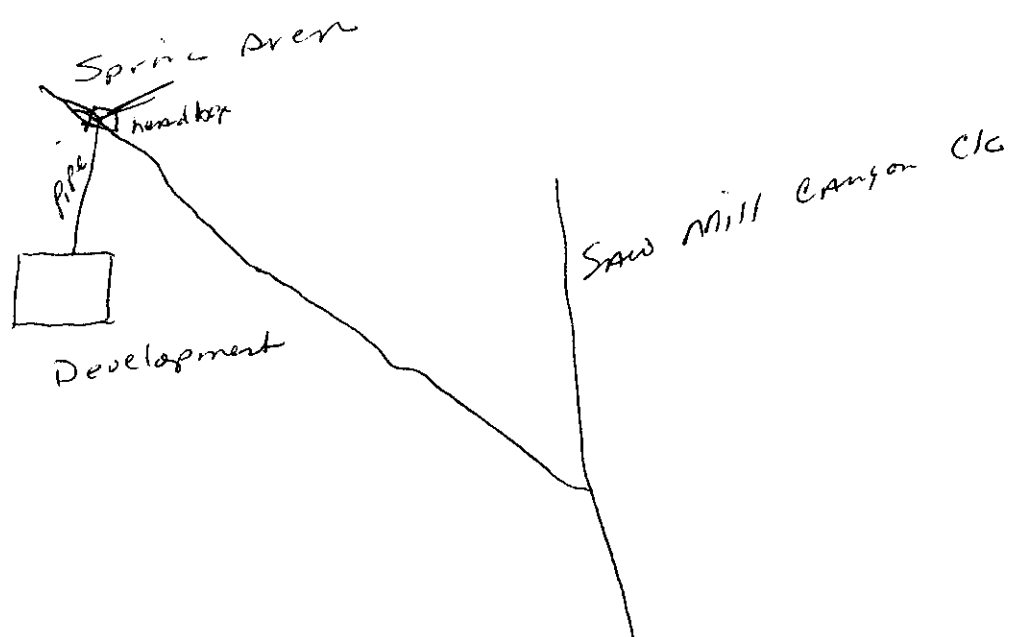


Diagram of System



DATE OF EXAM MAY 14, 1974

ACREAGE
Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= 104 c.f.s. V= _____ AF/Ann. from Jan 1 to Dec 31
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

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

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured No Measurement MADE Method of measurement _____

Total Q recommended 104 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 1.2 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

SYSTEM DESCRIPTION:

Concrete Head Box 2" plastic pipe 200'
To Cabin Gravity System only. No
Storage Tank

2 story 2,680 sq' cabin

REMARKS:

System & use shown by owner Drake Kirkham

Examiner's Signature William Rhodes Date MAY 14, 1974

Checked by Ronald Carlson Date MAY 14, 1974

Approved by _____ Date _____

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

POCATELLO RANGER DISTRICT

D-5

CARIBOU NATIONAL FOREST

IDAHO

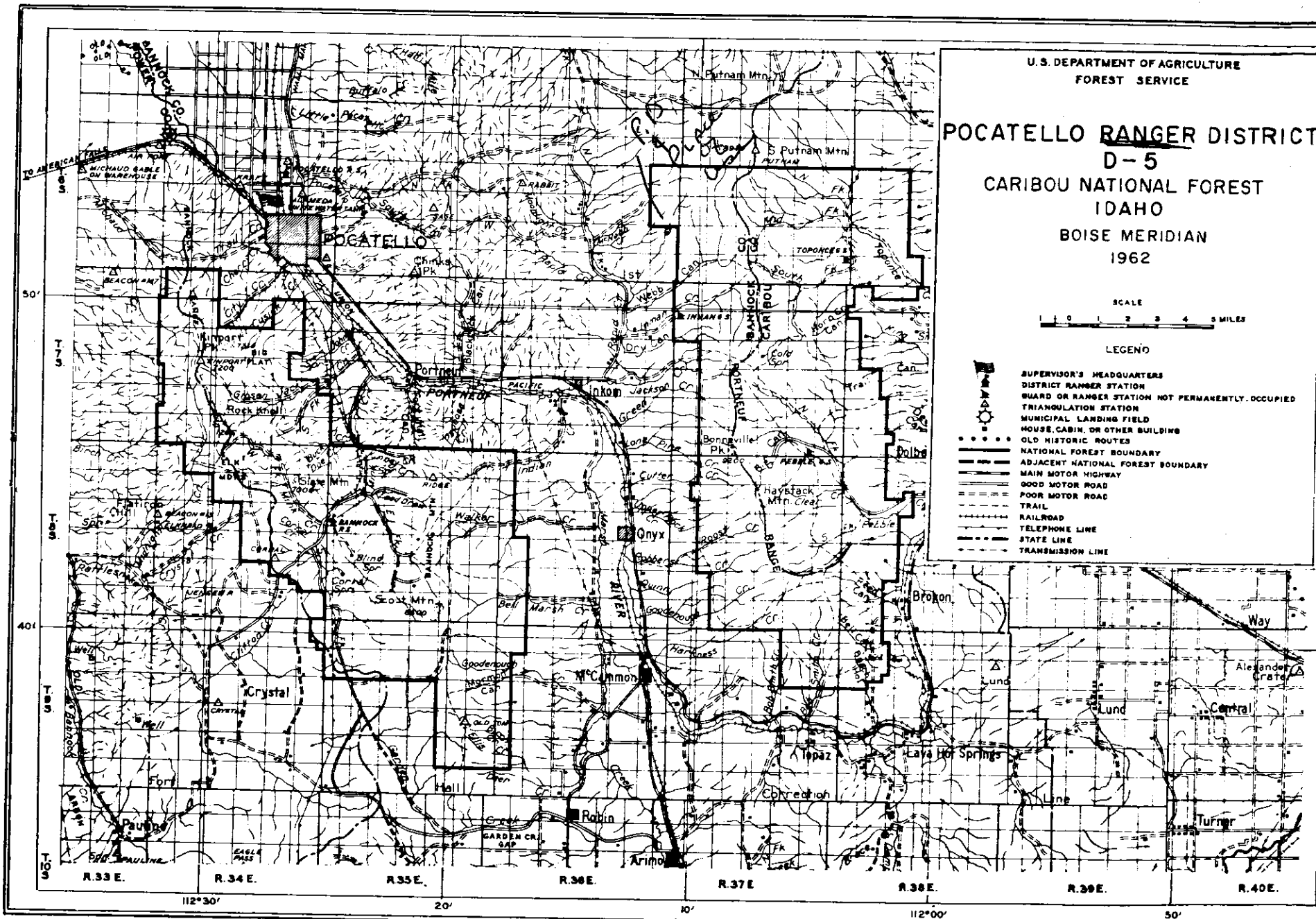
BOISE MERIDIAN

1962

SCALE
1 2 3 4 5 MILES

LEGEND

- SUPERVISOR'S HEADQUARTERS
- DISTRICT RANGER STATION
- GUARD OR RANGER STATION NOT PERMANENTLY OCCUPIED
- TRIANGULATION STATION
- MUNICIPAL LANDING FIELD
- HOUSE, CABIN, OR OTHER BUILDING
- OLD HISTORIC ROUTES
- NATIONAL FOREST BOUNDARY
- ADJACENT NATIONAL FOREST BOUNDARY
- MAIN MOTOR HIGHWAY
- GOOD MOTOR ROAD
- POOR MOTOR ROAD
- TRAIL
- RAILROAD
- TELEPHONE LINE
- STATE LINE
- TRANSMISSION LINE



29-7112

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
MAY 6 1974
Department of Water Administration

1. a) Name of Permit Holder DALE B KIRKHAM
b) Post Office Address Box 4026 - Pocatello
2. Permit Number 29-7112
3. Date of Priority that you are prepared to establish _____
4. a) Source from which water was appropriated SPRING
b) Location of the point of diversion: NW 1/4 NE 1/4, Section 25
Township 6 South, Range 36 E.B.M., Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
amount 100 gals/min for culinary purposes from Jan 1 to Dec 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount nil for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount nil for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 100 gals/min 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: Estimated

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: Spring located in
b) Describe the agreement or understanding by which you take water from the works: _____

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) 2" pipe from spring located in the above description.
b) Describe the type and size of measuring device which you have installed at your point of diversion: Used 50 gal. open topped barrel.
c) Give well drillers name and address and date the well was completed _____

Exam typed 5/9/74 by jjg

29-7112

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use For home and livestock.

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: none.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres irrigated None

10. Remarks:

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

4/20-74 (Date) Dale B. [Signature] (Signature)

State of Idaho
County of Bannock ss

On this 20th day of April, 19 74, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at Notary - [Signature]
Christie

My commission expires 3-14-76

Identification No. 29 7112
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPROVED

APPLICATION FOR PERMIT

WATER ISSUED FOR 04 SECT 61 Appropriate the Public Waters of the State of Idaho
LICENSE PAGE NO. _____ (TYPE OR PRINT IN INK)

1. Name of applicant DALE B. KIRKHAM
post office address P.O. Box 4026, 440 E Clark, Pocatello, Idaho
2. Source of water supply unnamed spring which is a tributary of SAW MILL CANYON CREEK
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25 Township 6S
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 0.04 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. 0.04 cubic feet per second ~~and/or~~
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Headbox and pipeline to summer cabin.

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 _____ inches; proposed depth of well is _____ 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 \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25 Township 6S
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 _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water one.
(5) If water is to be used for other purposes describe: _____

29 7112

Not For Irrigation

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

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

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. 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 Culinary use with no irrigation whatsoever.

Glaude W. Stewart
Demetrius Gilbert
Raymond J. Lamm
Olivia D. Linn

SIGNED AT TUCUM This 25th Day
of April, 1973

WITNESS Norma C. Young

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

Township 6S
Range 36
E B M

Township 6S
 Range 36
 E BNT

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.

Alak B. Kishkurn
(Applicant)

Received by Ac Date 3-22-73 Time 11:00 A
 Preliminary check by W.C. Fee \$ 10.00
 Receipted by Ac Date 3-22-73 # 1013
 Publication prepared by Ac Date 3-23-73
 Published in Idaho State Journal
 Publication dates 3-1-8-73
 Publication approved _____ Date _____
 Priority reduced to _____ Reason _____

Protests filed by: James V. Chandler, D. B.
Gilbert

Copies of protests forwarded by _____
 Hearing held by _____ Date _____
 Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7112, 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 June 1, 19 74.
- c. Other: Pursuant to Memorandum Decision & Order of this date.

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

Witness my hand this 16 day of May 19 73.

P. Keith Higin
 Director

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF Application for)
Permit No. 29-7112 in the name of)
DALE B. KIRKHAM)

MEMORANDUM DECISION
AND
ORDER

On February 22, 1973, Dale B. Kirkham applied to the Department of Water Administration for a permit to appropriate 0.04 cfs of water from an unnamed spring within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, Twp. 6S, Rge. 36E, B.M., Bannock County to be used from Jan. 1 to Dec. 31 for domestic purposes.

Notice of the application was published in the Idaho State Journal at Pocatello, Idaho on March 1 and March 8, 1973. The Department received protests against the issuance of the permit from James V. Chandler & D. H. Gilbert.

The protestants claim a water right based on a District Court Decree dated June 22, 1906, in the name of Charles E. Stewart, et al -vs- A. J. Damron, et al.

A conference was held to consider the protests against said application on April 25, 1973, at Inkom, Idaho. The applicant and protestants were all present and represented themselves. There were other interested parties apparently in opposition to the issuance of the permit also in attendance at the conference.

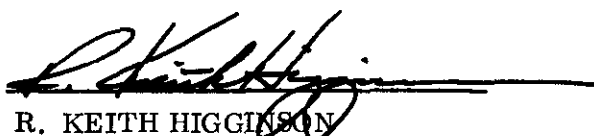
An agreement was reached between all parties with the exception of James V. Chandler. The applicant agreed to the condition that the use be culinary with no irrigation whatsoever, and understood that he would be under the jurisdiction of the watermaster of Water District 29-F in years of short water. All parties signed an agreement except Mr. Chandler who was concerned that the issuance of the permit would set a precedent to allow future domestic development in the area. He admitted, however, that there has been excess water in the past few years to that the watermaster was not called on to regulate the water. He was advised that all future appropriators would be required to file an application for a permit according to the Idaho Code, Section 42-202, and that all permits are issued with the conditions that they are subject to prior rights.

Having determined that there is unappropriated water available and that this permit will put it to a beneficial use, the Director of the Department of Water Administration finds that the protests against Application for Permit No. 29-7112 should be set aside; and,

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 29-7112 be APPROVED subject to the following conditions:

- 1) That the use will be culinary with no irrigation whatsoever.
- 2) That the use will be under the jurisdiction of the watermaster of Water District No. 29-F.
- 3) That proof of construction of work and application of the water to beneficial use shall be submitted to the Department on or before June 1, 1974.

Dated this 16 day of May, 1973.


R. KEITH HIGGINSON
Director

29 7112

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	NCY	2/12/73	Application No. _____ Name <u>KIRKMAN, Dale B</u>
(2)	a	"	Check: ☒ Signature <i>Source needs script but (?)</i> ☐ Point of Diversion ☐ Quantity of Water and Period of Use - ? <i>(0.04 cfs)</i> ☐ Description of Diverting Works ☐ Time required for C/W and application of water to B/V ☐ Place of Use - <i>Not listed</i> ☐ Map - <i>need a map</i> ☐ Fee - <i>none rec'd</i> <i>(?)</i> - <i>should be \$10.</i> ☐ County - <i>(?)</i>
(3)			Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)			In form for advertising _____
(6)			Affidavit of Publication received _____
(7)			Final date for protests _____ Protests received: yes _____ no _____
(8)			Date and Place of hearing _____ Decision reached at hearing _____
(9)			Located within Water District No. _____
(10)			Critical groundwater area: yes _____ no _____
(11)			Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)			Comments: _____ _____ _____
(13)			Action recommended: ☐ Approve Priority _____ ☐ Deny Reason for Reduction _____ See attached sheet for conditions of approval No conditions for approval
(14)			District _____ By _____ Date _____ Title _____

RECEIVED

Inkom, Idaho
March 16, 1973

RECEIVED

MAR 16 1973

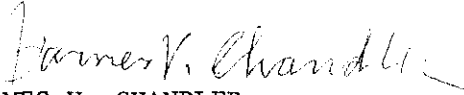
Department of Water Administration
Eastern District Office

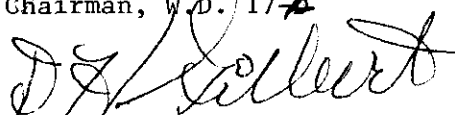
IDAHO DEPT. OF WATER ADMINISTRATION
240 South Holmes Avenue
Idaho Falls, ID 83401

Gentlemen:

We, the undersigned, hereby protest the granting of a permit in connection with Application No. 29-7112 in the name of Dale B. Kirkham for the reason that the water rights in Water District 17~~th~~ may be infringed upon.

Very truly yours,


JAMES V. CHANDLER
Chairman, W.D. 17~~th~~


D. H. GILBERT
Wateruser

Mr. James V. Chandler
Route #1, Box 82
Inkom, ID 83245

Mr. D. H. Gilbert
Box 103
Inkom, ID 83245

29 7112

PROOF OF PUBLICATION RECEIVED

STATE OF IDAHO
County of Bannock

ss.

MAR 15 1973

Patti Beddoes

Department of Water Administration
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:

March 1	, 19.73	, 19.....
March 8	, 19.73	, 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.

Patti Beddoes

Subscribed and sworn to before me this 14th

day of March, 19.73

William L. Bradford

Notary Public, State of Idaho
Residence: Pocatello, Idaho

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

MAR 11 1973

Patti Beddoes

Idaho Department of Water Administration

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Dale B. Kirkham, P.O. Box 4026, Pocatello, Idaho, has on 2-22-73 submitted Application No. 29-7112 for a permit to appropriate 0.04 cubic feet per second of water from an unnamed spring, tributary of Sawmill Canyon Creek by means of headbox and pipeline within the NW $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 25, T. 6S, R. 36E, B.M., Bannock County; to be used from Jan. 1 to Dec. 31 for domestic purposes for one family within the NW $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 25, T. 6S, 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 Administration, 240 South Holmes, Idaho Falls, Idaho, 83401 on or before March 19, 1973.

R. KEITH HIGGINSON
Director
March 1, 8, 1973
No 105

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:

March 1, 1973
March 3, 1973
_____, 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.

Subscribed and sworn to before me this 11th
day of March, 1973

Notary Public, State of Idaho
Residence: Pocatello, Idaho

29 7112

PROOF OF PUBLICATION RECEIVED

STATE OF IDAHO
County of Bannock

SS.

MAR 15 1973

Patti Beddoes

Department of Water Administration
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:

March 1	, 19.73	19.....
March 8	, 19.73	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.

Patti R. Beddoes

Subscribed and sworn to before me this 14th
day of March, 1973.

William L. Simpson

Notary Public, State of Idaho
Residence: Pocatello, Idaho

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

March 1973

State of Idaho Water Administration
Bannock District Office

Patti Beddoes

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R. KEITH HIGGINSON
Director

March 1, 8, 1973
No 105

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:

March 1, 1973
March 8, 1973
_____, 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.

Patti K. Beddoes
Subscribed and sworn to before me this 14th day of March, 1973.

Notary Public, State of Idaho
Residence: Pocatello, Idaho

May 29, 1974

Re: Permit No. 29-7112

Dale B. Kirkham
P. O. Box 4026
440 E. Clark
Pocatello, Idaho 83201

Dear Mr. Kirkham:

Enclosed herewith is a copy of the water license issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jfr

Enclosure

29-7112

May 9, 1974

Re: Permit No. 29-7112

Dale B. Kirkham
Box 4026
Pocatello, Idaho 83201

Dear Mr. Kirkham:

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 concerning the field exam, please contact our Eastern District Office at 1515 Lincoln Road, Idaho Falls, Idaho.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

29-7112

SENDER: Be sure to follow instructions on other side

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RECEIPT

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CERTIFIED NO.

1

Dale B. Kitchman

25247

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

APR 2 1974

3

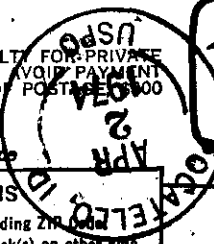
29-7112

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RETURN
TO

DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

PS Form 3811
June 1973

809-712

April 1, 1974

CERTIFIED MAIL

#25247

Re: Permit No. 29-7112

Dale B. Kirkham
Box 4026, 440 E. Clark
Pocatello, ID 83201

Dear Mr. Kirkham:

One of the conditions of approval of your water Permit No. 29-7112 (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 June 1, 1974. 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

Enc: Proof affidavit

29-7112

May 17, 1973

Re: Permit No. 29-7112

Mr. James V. Chandler
Route #1, Box 82
Inkom, ID 83245

Dear Mr. Chandler:

Please be advised that Application for Permit No. 29-7112 in the name of Dale B. Kirkham has been approved. Enclosed is a copy of a Memorandum Decision which states the limitations and conditions of approval in connection with this permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosure

29 7112

May 17, 1973

Re: Permit No. 29-7112

Mr. D. H. Gilbert
Box 103
Inkom, ID 83245

Dear Mr. Gilbert:

Please be advised that Application for Permit No. 29-7112 in the name of Dale B. Kirkham has been approved. Enclosed is a copy of a Memorandum Decision which states the limitations and conditions of approval in connection with this permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosure

29 7112

May 17, 1973

Re: Permit No. 29-7112

Mr. Dale B. Kirkham
P. O. Box 4026
440 East Clark
Pocatello, ID 83201

Dear Mr. Kirkham:

Enclosed is a copy of your approved Application for Permit No. 29-7112. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosure

29 7112

17-K-Maped

29-8

In The District Court of the Fifth Judicial District of the State of Idaho, in and for Bannock County.

Charles E. Stewart, et al,)
Plaintiffs,

vs.

A. J. Damron, et al,
Defendants.

DECREE

RECEIVED

APR 1973
Department of Water Administration
SALT LAKE CITY

This cause came regularly on for trial before the court without a jury a jury being waived in open court, Messrs Standrod & Terrell appearing as attorneys for all of the plaintiffs except George A. Whitworth, S. C. Winters, Esq., appearing for the said plaintiff George A. Whitworth, Messrs. Dietrich & Clark appearing for the defendants A.J. Damron, Philip Ferguson, Sam Hargraves, William Damron, E. M. Webb, Richard Hoffine, John Richardson and Fanny Richardson, his wife, and Fred M. Kelsey, Messrs Holzheimer & Holzheimer appearing as counsel for the defendants Bertha Shortz and Blanche Von Stein, and the Oregon Short Line Railroad Company having been made a party to this action by an order of court duly appearing by their counsel P. L. Williams and F. S. Dietrich, Esqrs, and Norscea Sorrell by leave of court having filed herein his complaint in intervention as administrator of the estate of Ethel Sorrell, deceased, duly appeared by his counsel, Messrs. Standrod & Terrell, and the defendants, Richard Douglas, George North, and Thos. Hargraves, having been duly served with summons herein, and having failed to appear and answer in said action within the time allowed by law, or at all, and the time allowed by law for appearance and answer having expired, the defaults of the said defendants George North, Richard Douglas and Thos. Hargraves was duly entered according to law;

And it appearing that the plaintiffs Bill Jackson and Ya-Ha-gwan-ha Jackson, have no interests in the matters in controversy, and were made parties to said action under a misapprehension of the facts, on motion of Messrs Standrod & Terrell the said complaint so far as it alleges rights for or on behalf of said last two named plaintiffs is dismissed and withdrawn;

And it further appearing that the said Charles E. Stewart, Norscea Sorrell, Annie Sorrell, Norscea Sorrell as the natural guardian for Edwin Sorrell, a minor, Norscea Sorrell as administrator of the Estate of Ethel Sorrell, deceased, George Jackson, Wiegata Jackson, GEorge A. Whitworth, A. J. Damron, Philip Ferguson, Sam Hargraves, John Richardson and his wife Fanny Richardson, William Damron, E. M. Webb, Richard Hoffine, Bertha Shortz, Blanche Von Stein, Fred M. Kelsey and the Oregon Short Line Railroad Company, being all of the parties to said action who have appeared therein, each and all appeared in person and by their respective attorneys of record, and in open court by their said several attorneys duly authorized, duly made and entered a stipulation by the terms of which the rights and priorities of all of said parties were settled and agreed upon and admitted to be the true relations and rights of the said parties respectively to the matters in controversy, as hereinafter more specifically set forth;

And it further appearing that the said several parties so appearing by their respective counsel, in open court, duly waived findings of fact and conclusions of law;

And the cause having been finally submitted to the court upon the stipulation aforesaid, and the court now being fully advised in the law and the premises;

29 0283 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the Oregon Short Line Railroad Company a corporation is entitled to the use, at all times, of fourteen one-hundredths (.14) of one cubic foot per second of time of the waters of Rapid Creek, a tributary of Portneuf River, in Bannock County, State of Idaho, to be diverted from the main channel of said Rapid Creek, and to be used at the station of said Railroad Company, known as Inkam, in said County and State, for railroad uses and purposes and for no other uses or purposes, the said right to date from the year 1883;

29 0284 That the defendants, A. J. Dameron, Philip Ferguson, Samuel Har-
graves, E. M. Webb, Fred M. Kelsey, Fanny Richardson and John Richardson,
her husband and George A. Whitworth, are entitled to the joint use, at all
times, of one-fifth of one cubic foot per second of time, of the waters of
said stream, to be used upon the respective tracts of land hereinafter des-
cribed as belonging to said defendants, their said right to the use of said
water to date from the year 1884; said rights being equal and said water
shall be used in rotation;

29 0285 That the said Norciea Sorrell or Norcisse Sorrell, is entitled to
the use at all times of one-half of one cubic foot per second of time of
the waters of said stream (25 miners inches) his right to the use thereof
to date from the year 1885 and to be used upon and become appurtenant to
the following described lands, to-wit:

The southwest quarter of the northeast quarter and the northwest
quarter of the south-east quarter of section of section 20, in Township 7,
South of Range 36 East of Boise Meridian, in said County and State;

29 0286 That the said Annie Sorrell is entitled to the use at all times
of one cubic foot per second of time (50 miners inches) of the waters of
said stream, her right to the use thereof to date from the year 1885, to be
used upon and become appurtenant to the following described lands, to-wit:
The northeast quarter of the southeast quarter of section 20, and the north-
west quarter of the southwest quarter of section 21, in Township seven,
South of Range 36, East of Boise Meridian in said County and State;

29 0287 That said Edwin Sorrell is entitled to the use at all times of
seven-tenths of one cubic foot per second of time (35 miners inches) of the
waters of said stream, his right to the use thereof to date from the year
1885, to be used upon and become appurtenant to the following described
lands, to-wit: The northeast quarter of the southwest quarter and the
southwest quarter of the northeast quarter of section 21, in Township 7,
South of Range 36 East of Boise, Meridian, in said County and State;

29 0288 That said Norciea Sorrell, as administrator of the Estate of Ethel
Sorrell, deceased, is entitled to the use at all times of one-fifth of one
cubic foot per second of time (10 miners inches) of the waters of said
stream, his right as such administrator and the right of said estate to date
from the year 1885, and to be used upon and become appurtenant to the fol-
lowing described lands, to-wit: The southeast quarter of the northeast
quarter of section 21, and the northeast quarter of the southwest quarter
of section 20, in Township 7, South of Range 36 East of Boise Meridian, in
said County and State;

29 0289 That said Charles E. Stewart is entitled to the use, at all times,
of two cubic feet per second of time (100 miners inches) of the waters of
said stream, his right to the use thereof to date from the year 1885, to be
used upon and become appurtenant to the following described lands, to-wit:

The west half of the southeast quarter and southeast quarter of the southeast quarter of section 21, and the northeast quarter of the northeast quarter of section 28, in Township 7 South of Range 36, East of Boise Meridian;

- 29 0291 That the said George Jackson is entitled to the use, at all times, of three-fifths of one cubic foot per second of time (30 miners inches) of the waters of said stream, his right to the use thereof to date from the year 1885, to be used upon and become appurtenant to the following described lands, to-wit: The northeast quarter of the northeast quarter of section 22, and the northwest quarter of the northwest quarter of section 23, in Township 7 South of Range 36 East of Boise Meridian in said County and State;
- 29 0292 That the said Tapap Jackson, wife of the said George Jackson, is entitled to the use, at all times, of one-fifth of one cubic foot per second of time (10 miners inches) of the waters of said stream, her right to the use thereof to date from the year 1885, to be used upon and become appurtenant to the following described lands, to-wit: The southeast quarter of northeast quarter of section 22, and the southwest quarter of the northwest quarter of section 23, in Township 7, South of Range 36 East of Boise Meridian, in said County and State;
- 29 0293 That the said Joe Jackson is entitled to the use, at all times, of one cubic foot per second of time (fifty miners inches) of the waters of said stream, his right to the use thereof to date from the year 1885, to be used upon and to become appurtenant to the following described lands, to-wit: The southwest quarter of the northeast quarter and the northwest quarter of the southeast quarter of section 22, in Township 7 South of Range 36 east of Boise Meridian, in said County and State;
- 29 0294 That the said Wegecata Jackson, wife of the said Joe Jackson, is entitled to the use at all times, of four-fifths of one cubic foot per second of time (40 miners inches) of the waters of said stream, her right to the use thereof to date from the year 1885, to be used upon and become appurtenant to the following described lands, to-wit: The east half of the southeast quarter of section 22, in Township 7 South of Range 36, East of Boise Meridian, in said County and State;
- That the said rights of the said Norveea Sorrell, Annie Sorrell his wife, Edwin Sorrell, Norveea Sorrell administrator, George Jackson, Tapap Jackson, Jose Jackson, Wegecata Jackson and Charles E. Stewart, above mentioned and defined, shall be of equal dignity in respect to the date of their respective appropriations in the use of said water; said water to be diverted from the main channel of said Rapid Creek.
- 29 0295 That the said Fanny Richardson and John Richardson are entitled to the joint use, at all times, of 48/100 of one cubic foot per second of time (24 miners inches) of the waters of said stream, their right to the use thereof to date from the 18th day of June 1902, and to be used upon and become appurtenant to the following described lands, to-wit: Commencing at a point 29 rods south of the northeast corner of the southeast quarter of the southwest quarter of section 2, Township 7 South of Range 36 East of Boise Meridian, running thence in a south-westerly direction in a direct line to a point 11 rods north of the southwest corner of the southeast quarter of the southwest quarter of section 2; thence south 80 rods; thence in a northeasterly direction in a direct line to a point 29 rods south of the northeast corner of the

northeast quarter of the northwest quarter of section 11, in said Township and Range; thence north 80 rods to the place of beginning; containing 40 acres; lying and being in said County and State. .

29 0296 That the said Samuel Hargraves is entitled to the use, at all times, of 96/100 of one cubic foot per second of time (48 miners inches) of the waters of said stream, his right to the use thereof to date from the 13th day of June 1902, to be used upon and become appurtenant to the following described lands, to-wit: The east half of the northwest quarter and the northwest quarter of the northeast quarter of section 11, in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

29 0297 That the said George A. Whitworth, is entitled to the use, at all times of one and one-fifth cubic foot per second of time (60 miners inches) of the waters of said stream, his right to the use thereof, to date from the 19th day of June, 1902, to be used upon and become appurtenant to the following described lands, to-wit: The west half of the southwest quarter and the west half of the northwest quarter of section 14, in Township 7, South of Range 36 East of Boise Meridian, in said County and State;

29 0298 That the said Richard Hoffine is entitled to the use, at all times, of one and 4/100 hundredths cubic feet per second of time (52 miners inches) of the waters of the North Fork of said Rapid Creek, his right to the use thereof to date from June 23rd, 1902, to be used upon and become appurtenant to the following described lands, to-wit: The east half of the southwest quarter and the west half of the southeast quarter of section 34, in Township 6 South of Range 36 East of Boise Meridian in said County and State;

29 0299 That the said William Dameron is entitled to the use, at all times, of four-fifths of one cubic foot per second of time (40 miners inches) of the waters of Joe Rainey Creek, a tributary of said Rapid Creek, his right to the use thereof to date from the 4th day of March 1905, to be used upon and become appurtenant to the following described lands to-wit: The southwest quarter of the northeast quarter and the southeast quarter of the northwest quarter, and the northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter of section 2, in Township 7 South of range 36 East of Boise Meridian, in said county and State;

Provided however, that if the waters flowing in the said North Fork and Joe Rainey Creek, tributaries aforesaid, or either of them should ever become so low so that the same do not reach the body or channel of said Rapid Creek, then the said streams shall not be regarded as tributaries of said Rapid Creek.

29 0300 That the said Fred M. Kelsey, is entitled to the use, at all times, of 56/100 of one cubic foot per second of time (28 miners inches) of the waters of Rapid River, a tributary of said Rapid Creek, his right to the use thereof to date from the 23rd day of April, 1904, to be used upon and become appurtenant to the following described lands, to-wit: The east half of the southeast quarter, section 11, in Township 7, South of Range 36, East of Boise Meridian, in said County and State;

29 0301 That the said E. M. Webb is entitled to the use, at all times, of four-fifths of one cubic foot per second of time (40 miners inches) of the waters of said Rapid Creek, his right to the use thereof to date from the 1st day of June 1904, to be used upon and become appurtenant to the following described lands, to-wit: The southwest quarter of the southwest quarter of section 1, and the south half of the southeast quarter of section 2, and the northeast quarter of the northeast quarter of section 11, in Township 7, South of Range 36 East of Boise Meridian, in said County and State;

29 0302 That the said A. J. Damron is entitled to the use, at all times, of four-fifths of one cubic foot per second of time (40 miners inches) of the waters of said Rapid Creek, his right to the use thereof to date from the 1st day of June, 1904, to be used upon and become appurtenant to the following described lands, to-wit: The east half of the south-east quarter of section 15, in Township 7, South of Range 36 East of Boise Meridian, in said County and State;

29 0303 That the said Philip Ferguson is entitled to the use, at all times, of one and one-fifth cubic feet per second of time (60 miners inches) of the waters of Rapid River, a tributary of Rapid Creek, his right to the use thereof to date from the 20th day of June, 1902, to be used upon and become appurtenant to the following described lands, to-wit: The southwest quarter of the southeast quarter, the east half of the southwest quarter and the southwest quarter of the southwest quarter of section 11, in Township 7, South of Range 36 East of Boise Meridian, in said County and State;

29 0304 That the said Blanche Von Stein is entitled to the use at all times of 64/100 of one cubic foot per second of time (32 miners inches) of the waters of said Rapid River, a tributary of said Rapid Creek, her right to the use thereof to date from the 24th day of October, 1904, to be used upon and become appurtenant to the following described lands, to-wit: The east half of the southwest quarter, and the southwest quarter of the southwest quarter, and the northwest quarter of the south-west quarter of section 12, in Township 7, South of Range 36 East of Boise Meridian, in said County and State;

29 0305 That the said Bertha Shortz is entitled to the use, at all times, of four-fifths of one cubic foot per second of time (40 miners inches) of the waters of Rapid River, a tributary of said Rapid Creek, her right to the use thereof to date from the 23rd day of November, 1905, to be used upon and become appurtenant to the following described lands to-wit: The south half of the northeast quarter and the northwest quarter of the southeast quarter of section 11, and the southwest quarter of the northwest quarter of section 12, in Township 7, South of Range 36, East of Boise Meridian, in said County and State;

It is further ordered, adjudged and decreed that subject to all the other rights hereinbefore provided for, the following named persons shall be entitled, at all times, to the following amounts of the waters of said Rapid Creek and its tributaries, to be diverted by them at the points respectively, from which they divert the waters hereinbefore decreed to them respectively, and to be used upon and become appurtenant to the several tracts of land hereinbefore described as belonging to the said persons respectively, to-wit:

29 0306 A. J. Damron, 1/2 of one cubic foot per second of time (25 miners inches)
 29 0307 Philip Ferguson 3/4 of one cubic foot per second of time (37, 1/2 inches)
 29 0308 Samuel Hargraves, 3/5 of one cubic foot per second of time (30 inches)
 29 0309 William Damron, 1/2 one cubic foot per second of time (25 inches)
 29 0310 E. M. Webb, 1/3 of one cubic foot per second of time (25 inches)
 29 0311 Richard Hoffine, 65/100 of one cubic foot per second of time (32, 1/2 inches)
 29 0312 Fred M. Kelsey, 35/100 of a cubic foot per second of time (17, 1/2 inches)
 29 0313 Fannie Richardson and John Richardson, her husband, 30/100 of one cubic foot per second of time (15 miners inches);

29 0314 George A. Whitworth 75/100 of one cubic foot per second of time, (37, 1/2 inc.)
 29 0315 Blanche Von Stein, 40/100 of one cubic foot per second of time (20 inches),
 29 0316 Bertha Shortz, 50/100 of one cubic foot per second of time (25 inches).

All of said last named rights are to be of equal dignity, and are subsequent in time and inferior in right to all other rights herein decreed.

It is further ordered, adjudged and decreed that any of the parties to said action who are entitled to the use of any of the waters of said Rapid Creek, or any of its tributaries, under this decree, may pool or unite the waters so decreed to them and use the same jointly or alternately or in any manner that will secure the greatest benefits and best results from said water, so that the waters so united or pooled do not exceed the aggregate of the amount so decreed to the parties entering into such arrangements;

It is further adjudged and decreed that each and every of the parties hereto both plaintiffs and defendants, and the persons and corporation made parties by order of court, and the intervenors, and all parties to said action, their agents, servants, employees, attorneys, counselors, heirs, administrators, successors and assigns, and all and every person or persons acting by, under or in assistance of them or any of them be and they are hereby forever and perpetually restrained and enjoined from in any manner wasting or suffering the waters herein decreed to them respectively to be wasted, and are hereby further perpetually and forever restrained and enjoined from in any manner using the waters of said Rapid Creek or any of its tributaries in any other quantity or in any other manner than as herein set out, defined and decreed, each and all of said parties respecting the superior rights of the others.

And it appearing to the court that the defendant William F. Crum styled in said action as James Crum was duly served with summons in said action, and thereafter by his attorneys, Messrs Dietrich & Clark, appeared herein and answered and filed his cross-complaint, and the said attorneys in open court having withdrawn as attorneys for said defendant, and the said defendant William F. Crum failing to appear further in said action or to attend said trial, or to prosecute his claim, it is ordered, adjudged and decreed that the said said cross complaint of the said defendant William F. Crum be dismissed and the same is hereby dismissed absolutely, and the defendant William F. Crum take nothing by his answer or cross complaint filed herein.

That each of the parties hereto shall pay his own costs for witnesses, sheriff and clerk's fees; and the fees of the court's stenographer for transcribing the testimony in said cause, taxed at \$30.00 shall be paid by all of the parties to said action to whom rights are herein decreed, share and share alike, and execution may issue against any of said parties failing to pay his proportionate amount, of said sum.

Done in open District Court this the 22nd day of June, 1906
Alfred Budge,

Judge of said District Court.

STATE OF IDAHO,)
(ss
County of Bannock)

I, E. G. Gallet, Clerk of the District Court, Ex-Officio Auditor and Recorder of Bannock County, Idaho, do hereby certify that the within and foregoing is a full, true and correct copy of the original judgment in the case of C. E. Steward et al, vs. A. J. Damron, et al, as Recorded in Book "2" of Judgments at page 280, as shown by the records of my office.

Witness my hand and official seal this 23rd day of June A. D. 1906

E. G. GALLEY (signed)
Clerk District Court, Ex-Officio
Auditor and Recorder, Bannock County,
Idaho.

29 7112

29-7112 - Dale B. Kirkham

Council Chambers, City Hall, Inkom, Idaho

April 25, 1973 - 10:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
W. Smith	706 South	applicant
Dale B. Kirkham	440 E Clark	applicant
Clarence W. Stuart	Inkom.	City of Inkom
Thomas H. Wilkett	Inkom	water user closed
Ray B. Johnson	RT/Inkom	Water User
James V. Chandler	Inkom	Protestor
Elva L. Lint		Water User

SENDER: Be sure to follow instructions on other side 29 7112

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1

D. H. Gilbert

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Garrett Gilbert

DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

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29 7112

U.S. POSTAL SERVICE
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PENALTY FOR PRIVATE
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TO

IDAHO DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE
240 S. HOLMES
IDAHO FALLS, IDAHO 83401

29 7112

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CERTIFIED NO.

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SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

1

DATE DELIVERED

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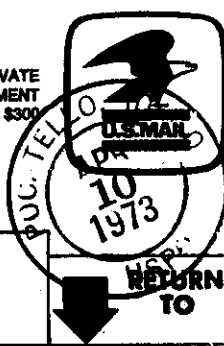
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29 7112

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Postmark of Delivering Office

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IDAHO DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE
240 S. HOLMES
IDAHO FALLS, IDAHO 83401

29 7112

PS Form 3811 Nov. 1970 GPO: 1970-0-277-1

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INSURED NO.

DATE DELIVERED

4/10/73

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

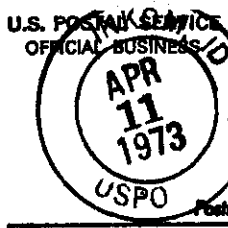
James V. Chandler

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

29 7112

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Department of Water Administration
Eastern District Office

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RETURN TO

IO DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE
240 S. HOLMES
IDAHO FALLS, IDAHO 83401

29 7112

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval)
of Application for Permit No. 29-7112 in)
the name of Dale B. Kirkham)
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

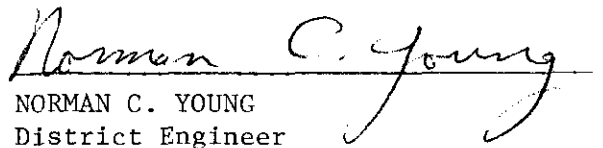
On February 22, 1973, Dale B. Kirkham filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On March 16, 1973, the Department received a protest against approval of said application signed by James V. Chandler and D. H. Gilbert.

The Department has set the matter of protests for conference and/or hearing for Wednesday, April 25, 1973, at 10:00 a.m., in the Council Chambers of the City Hall, Inkom, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 9th day of APRIL, 1973.


NORMAN C. YOUNG
District Engineer

29 7112

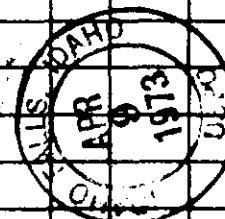
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2 154	LaQuan Kendall, Byron, Mo.							"
3 155	Myra H. Clegg, Carson, Ida.							13-7236
4 156	Frank J. Meadeville, 344 E. 2nd, Logan, Utah							"
5 157	Myra H. Meadeville, Hatcher, Ida.							"
6 158	Walter B. Kirkman, P.O. Box 4426, Pocatello, Ida.							29-7112
7 159	James T. Cragg, P.O. Box 88, Idaho Falls, Ida.							"
8 160	W. H. Bullock, Box 103, Idaho Falls, Ida.							"
9 161	Eugene T. Hunt, 52 Eastwood, Pocatello, Ida.							29-7289
10 162	H. H. Stephens, McAdams, Ida.							"
11 163	C. F. Bullock, McAdams, Ida.							"
12 164	R. H. Benthine, Atty. 836 E. Center, Pocatello, Ida.							"
13 165	Myron Ferguson, Pocatello Co. Road, Pocatello, Ida.							29-7113
14 166	Wilbert L. Biles, Pocatello Co. Road, Pocatello, Ida.							"
15 167	Beal Paulson, R.R. Box 318, Blackfoot, Ida.							25-7225 25-7226 25-7227
16 168	Rod. Thompson, Wayan, Ida.							25-7224 & 25-7225
17 169	Ernest Fenchard, Route 1, Eden, Ida.							25-7225
18 170	Ken. Foster, Atty. P.O. Box 129, Idaho Falls, Ida.							25-7225 25-7226 25-7227
19 171	Forest Monro, Star Route, Idaho Falls, Ida.							25-7225 25-7226 25-7227
20 172	Walter V. Reed, Atty. 765 E. St., Idaho Falls, Ida.							25-7225



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APPLICATION FOR REGISTRATION OR CERTIFICATION

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16-10-5702-12 U.S. GOVERNMENT PRINTING OFFICE

2112 00 7112

April 4, 1973

C

Inkom City Hall
Inkom, ID 83245

O

Gentlemen:

This is to confirm the use of the Council Chambers for conference and/or hearing to be held by this office on Wednesday, April 25, 1973, at 10:00 a.m.

P

Thank you for your cooperation in this matter.

Very truly yours,

NORMAN C. YOUNG
District Engineer

Y

NCY:BA

29 7112

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse Annex 2
Boise, Idaho 83707
(208) 384-2215

Eastern District

March 19, 1973



Water Rights Administration
Water Resources Investigation
Flood and Control of Waters
Water Allocation
Water Conservation
Stream Channel Protection

Re: Application No. 29-7112 - Dale B. Kirilham

Mr. James V. Chandler
Chairman, Water District No. 17-F
Route #1, Box 82
Idaho, ID 83241

Dear Mr. Chandler:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

29 7112

NCY:BA
CC: Mr. D. H. Gilbert, Box 103
Idaho, ID 83425

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Mr. Dale B. Kirkham
P.O. Box 4026
Pocatello, ID 83201

Statehouse -- Annex 2
Boise, Idaho 83707
(208) 384-2215

Eastern District
March 19, 1973



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

Re: Application for Permit No. 29-7112

Dear Mr. Kirkham:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 29-7112. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY: BA

Enc: Copy of protest

29 7112

February 23, 1973

Re: Application No. 29-7112 - Dale B. Kirkham

Idaho State Journal
P.O. 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 ample 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted 3-15-73 by ba

NCY:BA
Enc: Legal notice

29 7112

NOTICE OF APPLICATION FOR
WATER PERMIT

Notice is hereby given that Dale B. Kirkham, P.O. Box 4026, Pocatello, Idaho, has on 2-22-73 submitted Application No. 29-7112 for a permit to appropriate 0.04 cubic feet per second of water from an unnamed spring, tributary of Sawmill Canyon Creek by means of headbox and pipeline within the NW $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 25, T. 6S, R. 36E, B.M., Bannock County; to be used from Jan. 1 to Dec. 31 for domestic purposes for one family within the NW $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 25, T. 6S, 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 Administration, 240 South Holmes, Idaho Falls, Idaho, 83401 on or before March 19, 1973.

R. KEITH HIGGINSON

Director

March 1, 8, 1973

No 105

29 7112

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Dale B. Kirkham, P.O. Box 4026, Pocatello,
Idaho
has on 2/22/73 submitted Application No. 29-7112
for a permit to appropriate 0.04 cubic feet per second ~~xxxxxxfeetxxxxxx~~
of water from an unnamed spring, tributary of Sawmill Canyon Creek
by means of headbox and pipeline
within the NW¹/4NE¹/4, Sec. 25, T. 6S, R. 36E, B.M., Bannock County;

to be used from Jan. 1 to Dec. 31
for domestic purposes for one family
within the NW¹/4NE¹/4, Sec. 25, T. 6S, 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 Administration, 240 South Holmes, Idaho Falls, Idaho, 83401 on or before
March 19, 1973.


R. KEITH HIGGINSON
Director

Published in the Idaho State Journal Pocatello, Idaho
on March 1 and March 8, 1973.

February 22, 1973

Mr. Dale B. Kirkham
P.O. Box 4026
Pocatello, ID 83201

Dear Mr. Kirkham:

Attached herewith is departmental receipt No. 7093 in the amount of \$10 for the application for permit which was received in this office under the above date.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

Attachment

February 12, 1973

Mr. Dale B. Kirkham
P.O. Box 4026
Pocatello, ID 83201

Dear Mr. Kirkham:

We are returning your application for permit to appropriate water from a spring, as there are several additions and corrections that must be made before processing can continue.

1. In Item 2 the body of water to which the spring is tributary needs to be indicated. If the water from the spring does not reach a discernable waterway, then the word "sinks" should be entered in the blank.
2. In Item 4 we have taken the liberty of entering the quantity 0.04 c.f.s. for domestic purposes from January 1 to December 31. This represents the maximum rate of diversion readily justifiable for a single family.
3. In Item 8a-1 please enter the legal description of the location of the place of use for domestic purposes.
4. Please complete the map of Item 11. Note that the scale is 2 inches equal 1 mile.
5. The filing fee for up to .20 c.f.s. is \$10 and must be submitted with the application.

Please complete and sign the retyped application and return it to this office for processing.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:ba
Enc: app/per (old)
app/per (new)

29 7112