

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32321/29-2498 Priority April 15, 1965 Amount 0.05 cfs

THIS IS TO CERTIFY, that Russell J. Hayden
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 32321/29-2498 issued pursuant to Application for Permit dated April 15, 1965,
and has submitted proof to the Department of Water Administration on February 27, 1969,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.05 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from unnamed springs
tributary of Clifton Creek, is hereby confirmed in the following amounts:

Amount 0.05 cfs for irrigation from Mar. 15 to Nov. 15 (both dates inclusive)

Amount 0.03 cfs for domestic from Jan. 1 to Dec. 31 (both dates inclusive)

Amount 0.02 cfs for stockwater from Jan. 1 to Dec. 31 (both dates inclusive)

Subject, however, to the condition that no more than 0.05 cfs of water be diverted at
any one time, said waters to be diverted within the

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3, Twp. 9 S, Rge. 34 E, B.M.

in the county of Power; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 17.5 acre feet per year or

3.5 acre feet per acre, for irrigation use, 0.6 acre feet per year for
domestic use and 14.5 acre feet per year for stockwater use with the total amount not
Description and location of place of use: to exceed 32.6 acre feet per year.

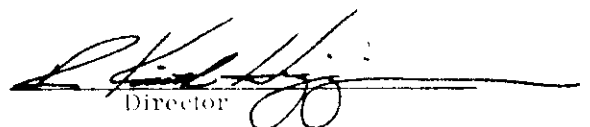
TWP.	RANGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9S	34E	3															5		5
																	X		

Total number of acres irrigated 5

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 20 day of

January, 19 72.


Director

29 2498

Application For Permit To Appropriate the Public Waters of the State of Idaho

29- 2498

APPLICATION No. 40469
PERMIT No. 32321
DISTRICT No.

1. Name of Applicant: Russell J. Hayden
Postoffice address: Mink Creek Road
Pocatello County: Bannock State: Idaho
I. If applicant is a corporation, give:
 - (a) Date and place of incorporation:
 - (b) Amount of capital stock:
 - (c) Amount paid in:
 - (d) Names and addresses of directors:
- II. The financial resources of the applicant are:
 - (a) Cash on hand:
 - (b) Treasury stock:
 - (c) Bond to be issued:
 - (d) Other resources:
2. Quantity of water claimed: .114 cubic feet per second.
3. Source of water supply: Springs which is a tributary of Clifton Creek
4. Location of point of diversion: feet distant from the
corner of Section 3, T. 9 S., R. 34 E., B.M., and is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
of section 3, T. 9 S., R. 34 E., B. M., County of Power
5. Water is to be used for Domestic, trees, stock watering, irrigation
6. If for mining, milling, power or manufacturing purposes, give:
 - (a) Point of use of water: feet distant from corner of Section
T., R., B.M., in the of Section of, T., R., B.M.
 - (b) Amount of power generated: H.P., under feet head.
 - (c) Water is to be returned to at a point feet
distant from the corner of Section, T., R., B.M., in the
of Section, T., R., B.M.
7. Estimated cost of works: \$ 200.00
8. Kind of works: Diversion headgate and pipe
9. Height of dam 6 feet; length of dam at top 50 feet; length of dam at bottom 5
feet; material used in dam: Dirt Fill
10. Size of headgate: Width 50 feet; height 6 feet.
11. Ditch: Width at bottom fee; width at water line feet; depth of water feet;
dimensions of flume:
Diameter of pipe inches; length of conduit 200 ft. miles.
Average grade per mile feet.
12. The time required for the completion of such work is 2 years.
13. The time required for the complete application of the water to the proposed use is 2 additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.
15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: #8509

16. (a) Is reservoir to be used? no If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

s/ Russell J. Hayden Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. April 15, 1965

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 32321
Recorded in Book 113 Page 32321 Approved April 16, 1965
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before June 16, 1965 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before April 16, 1966
The whole of said work to be completed on or before April 16, 1967
Beneficial use of water appropriated in accordance herewith, to be made on or before April 16, 1969

WITNESS My hand this 16th day of April, 1965

s/ CARL E. TAPPAN
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho,
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 16th day of April, 1965.

STATE OF IDAHO

Countersigned:

(SEAL) By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLIE
Governor.

REMARKS: These are springs that rise entirely on lands owned by the applicant and will be diverted before it reaches the main tributary of Clifton Creek which is also within the bounds of the same property. These springs have been used for domestic use for some 50 years by previous owners of the same land. They are known as the Fannin Springs or Wolverton Springs. Two one hundredths cu.ft. sec. (.02) is to be appropriated for domestic use such as the watering of wind breaks, garden, house and stock watering. Twelve (.12) cu.ft. sec. irrigation of those six acres of land in the SW $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 3 *

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 $\frac{1}{4}$	
			*lying west of Clifton Creek, South of the Springs, East of County road, and North of the South Sec. line of Sec. 3.																
9 S.	34 E.	3																	6
Permit No. 32321																			6
CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that RUSSELL J. HAYDEN of Pocatello, County of Bannock, and State of Idaho, the holder of Permit No. 32321, issued upon Application No. 40469 bearing date of priority of April 15, 1965, authorizing the diversion of 0.14 second feet of waters of Springs, County of Power, State of Idaho, for domestic, trees, stock watering, and irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.14 second feet of the waters of Springs, tributary of Clifton Creek; that the point of diversion of said waters SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, T. 9 S, R. 34 E, B.M. that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, T. 9 S, R. 34 E, B.M.																			
Proof of Completion of Works made: January 10, 1967.																			
Witness my hand this 2nd day of February, A.D. 1967.																			
S/ R. KEITH HIGGINSON State Reclamation Engineer																			
LICENSE ISSUED FOR 0.05 SEC. FT. LICENSE PAGE NO. _____																			

LICENSE ISSUED FOR 0.05 SEC. FT.
LICENSE PAGE NO.

LEGAL NOTICE

Published in The Power
County Press Feb. 27 and
March 6, 1969.

NOTICE OF APPROVED APPLICATION FOR WATER

Notice is hereby given that
Russell J. Hayden, Mink Creek
Road, Pocatello, Idaho has re-
ceived an approved permit No.
82321 to divert .14 cubic feet
per second of water from
Springs tributary of Clifton
Creek. The priority to be
established under this permit
is April 15, 1965. Water will
be diverted by dam, diversion
headgate and pipe within the
SW 1/4 SE 1/4, Sec. 3, T. 9
S., R. 34 E., B.M., Power
County and is to be used for
domestic, stockwatering, and
irrigation in the SW 1/4 SE 1/4,
Sec. 3, T. 9 S., R. 34 E.,
B.M.

Any protests against the
intent of the permit must be
filed with the Department of
Reclamation within ten days
from the last date of publi-
cation of this notice. 198

R. KEITH HIGGINSON
State Reclamation Engineer

January 20, 1972

Re: Permit No. 32321/29-2498

Mr. Russell J. Hayden
Mink Creek Road
Pocatello, Idaho 83201

Dear Mr. Hayden:

Enclosed herewith is your Water License issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

Enc: License

bc: Eastern District Office

32321

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

January 5, 1972

FILE COPY

Mr. Russell J. Hayden
Mink Creek Road
Pocatello, Idaho 83201

Dear Mr. Hayden:

A representative of this department has made an examination of the works covered by your Permit No. 32321/29-2498 and has found the following:

Quantity of water diverted: 0.05 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 0.05 cfs

The maximum quantity diverted shall not exceed 32.6 acre feet per season.

Beneficial Use: Irrigation of 5 acres, domestic and stockwater use within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, Twp. 08S, Rge. 34E, B.M.

Point of diversion: Same as above.

The priority date established is : April 15, 1965

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

207-2498

Range 34E

233-1911

Cliffton Creek

5 acres

Area = 5 acres

Q = .05 c.f.s.

V = 17.25 AF

Acres Reg. 3.5

Thompson 9S

Permit No. 32321/29-2498

29

233-2526

Name of Applicant Russell J. Hayden Mink Creek Road, Pocatello, Idaho

Source of Water Springs BY THE TRAILER DOMESTIC

a tributary of Cliffton Creek RUN INTO TANK

Location of P.D. SW 1/4 Sec. 3, T. 9S, R. 34E Power County TANK

Water is used for Domestic, stockwatering, & irrigation (proof forms indicate fish ponds)

Quantity of water claimed: Permit .14 c.f.s. Depositions .049 c.f.s.

Type of measuring device installed or method of measurement and general description

of diversion works dam, diversion headgate, pipe

overflow ditch, diversion pond 50' wide, 100' long and 10' deep

no measuring device required

Land to be irrigated or place of use:

TWP.	RGE.	SEC.	Description
9S	34E	3	SW 1/4 Sec. 3

Total acreage 6-permit proof indicates 5

Date Filed: April 15, 1965

Date Due: April 16, 1969

Date Made: February 27, 1969

Priority: April 15, 1965

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and

acreage covered by subdivision; also show land covered on the map.

None

100 feet of water

1/2-3 miles
over summit
in place ranch
on right
past turn onto
lane
1st place
trailer
poplar
trees

29 2498

Source of supply Spring
a tributary of Clifton Creek
Location of P.D.(s) SWSE Sec 3 9S 34E

Water is used for Domestic, stockwater, irrigation
Quantity of water found .05 a.f.s.
How was the measurement made? bucket and stopwatch
Measurement calculations _____

5 gal in 4.5 sec

22.4 gal per min.

$22.4 \div 448.8 = .05 \text{ a.f.s.}$

Diversion works description and diagram

Spring runs into
50 gal pressure tank
then to trailer house.
Remainder runs into
small pond then
into irrigation ditch

Indicate area irrigated in each subdivision on the map.

Total acreage irrigated 5

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

Spring runs into a 50 gal pressure tank and
a 3/4" pipe to his trailer house. Also the
remainder of the water runs into a pond
with the over-flow running into a ditch to
irrigate 5 acres of pasture. He has
approx 100 head of cows and calves that
drink directly out of his ditch.

Who represented the permit holder at the examination?

Mr. Russel Hayden

Recommended allowance for licensing .05

Description of required amendments. Comments. _____

No amendments required

Report checked? yes

Examination date 6/25/70

Signature

Fred O'Connell
AKD 7/8/70

29 2498

TUP-95

0104

2-63

06

5055-113

5
14.06

3/2
10/11



April 30, 1970

Re: Permit Nos. 32466, 32321 and R-1174

Mr. Russell J. Hayden
Mink Creek Road
Pocatello, Idaho 83201

Dear Mr. Hayden:

Inasmuch as we discussed in person your letter of March 1970, we are wondering whether you need additional written information on the subjects in your March 1970 letter. Please advise within 10 days from the date of this letter or we will consider our conversation as having supplied sufficient information.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

Enc: none

100-24398

March 2, 1970

State Reclamation Engineer
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Dear Sir:

I am writing regarding three permits -

Subterranean Waters	No. 32466
Water from springs	No. 32321
For storage	No. R-1174

No. 32466

My partner, Carl Hayden, checked with your office sometime back and discovered the driller had not filed a log of this well with you. I am enclosing a copy of all the information I have for your file.

As you see, the well tested only about 30 inches so to date we have not installed a pump. We now feel we should deepen the well to try to increase the flow.

Do I need another permit? Do I extend the time on this one past August, 1970 and retain original filing date? If not, what can I have operating by the August, 1970 date?

No. 32321

I believe I have completed all the requirements on this permit. Last fall I was contacted by an engineer from your office or representing you who was, I believe, going to verify the completion and proof of use of the water. I have never heard anything further on this permit or his inspection. Was it O.K.? or were something wrong or is there something more I should do?

No. R-1174

After obtaining this permit the local SCS engineers mapped the

10319

area and discouraged me from constructing this dam as the small storage would not justify the cost. I would now like to build a much smaller pond for fish. I have already obtained a permit from the Fish and Game. It will also be used for stock pond and a minor amount of irrigation. Can I use this same permit? The pond will be within a few hundred feet of the first site.

I would also like an application form for the appropriation of subterranean waters.

Thank you kindly.

Very truly yours,

Russell J. Hayden
Russell J. Hayden

Mink Creek Road
Pocatello, Idaho 83201

100-13408

: Bess Hayden
Arbon Valley

0-4 Surface Block
4-14 Sandy Clay Brown
14-23 coarse gravel water
23-65 Sandy Clay Brown
65-70 Gravel Large stones (water
70-136 Sandy Clay Brown (Baised
to 10 ft)
136-140 Sandy Clay Grey
140-182 Sandy Clay Brown
182-197 Sand stone light Brown
197-204 Sand stone Brown, H.A. B/D

Possible water

Well started aug 3-1967
Well Completed aug 7-1967
197 ft 20 in O.D. Pipe $\frac{1}{4}$ in New
Repaired from 20 ft to 197 ft
200 Repairs $\frac{1}{4}$ X 12 in
Plain Pipe No shoe

ROSS HAYDEN

ARBON VALLEY (Rattlesnake Creek)

RECEIVED

NOV 17 1967

Time GPM RPM DRAW DOWN ORIFICE INCHES REMARKS Department of Reclamation

Nov 17 1967

12:15 PM Started pumping - Dirty sand & Clay - approximately 300 GPM
Pumped and surged till 2:55. Changed orifice & installed airline.

3:00 Started Pumping again

3:30 276 960 154 13" Clearing

4:04 226 800 112 8" Clearing

4:26 175 750 93 5 1/2"

4:40 160 82 4 1/2"

4:45 Stopped Pumping

INSIDE DIA Well 26"

DEPTH OF Well 200-191

STANDING WATER Level 12'

TOTAL HEAD 170' TEST

29 2428

April 15, 1969

Re: Permit No. 32321
Russell J. Hayden

C
O
P
Y
Mr. W. A. Ogle
Star Route
Pocatello, Idaho

Dear Mr. Ogle:

In reference to your letter of March 21, 1969, please be advised that the permit Mr. Hayden filed on in April, 1965 was to appropriate the public waters of the State of Idaho under a 1965 priority and was subject to all prior rights. Mr. Hayden will not receive a water right until such time as proof of beneficial use is submitted. In the case of this permit, he is required to submit proof of beneficial use to the Department on or before April 16, 1969. At such time as proof is received, he will receive a license to that amount of beneficial use that can be identified by the Department of Reclamation during a physical field examination.

Even though licensing of this permit will in no way jeopardize prior existing rights, you could record under a claim procedure, the stock water and culinary or domestic rights which you have been using in the past.

As to the prospects of your developing your ground for new uses, you should be aware that the new uses and the new appropriation of the water will be subject to prior rights which will probably include those of Mr. Russell J. Hayden. In the State of Idaho, you have a doctrine of appropriation which is in effect, first in time is first in right. This doctrine does require the diversion and beneficial use of the water before a water right can be established.

If you have any further questions, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

32321

RECEIVED N. A. Ogle.

Aug 27 1899

Star Route
Fountainville Idaho

Dear Sir, Department of Reclamation

I see in the local paper a american
falls Idaho. Called the Power County press.
that a Mrs. Russell Hayden has applied for
water rights on Clifton Creek and its tributaries.

I am not aware of the regulations covering
this sort of thing. Could you enlighten me as to
what rights I have to water that originates on
my property and eventually enters Clifton Creek.

I only use the water from the springs on my
place to water cattle and calving purposes.
However I wish to enter a request if necessary
for the water rights on all springs on my property.
They are small and not of sufficient quantity to even
irrigate with. but would hate to lose what I
have

Sincerely
N. A. Ogle
Star Route
Fountainville Idaho

32321

March 18, 1969

Re: Permit No. 32321

Russell J. Hayden
Mink Creek Road
Pocatello, Idaho

Dear Mr. Hayden:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from this Department.

We cannot tell just when this examination will take place, but our examiner will try to contact you at the time he makes the examination so that you may show him the system. If someone other than yourself should be contacted, please advise.

O

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:TG

3 2321

exam typed

February 27, 1969

Re: Permit No. 32321

Russell J. Hayden
Mink Creek Road
Pocatello, Idaho

Dear Mr. Hayden:

We acknowledge receipt of the affidavit submitted as proof of the application of water to beneficial use for the above referenced permit.

Before a license can be issued, we must be in receipt of the affidavit of publication from the ~~Boise County~~ Press, American Falls, Idaho. Also a field examination must be made by a representative from this Department.

We cannot tell just when this examination will be made, but our field examiner will try to contact you at the time he makes the examination so that you may show him the system. If someone other than yourself should be contacted, please advise.

Very truly yours, -----

Donald W. McEldowney
Appropriation Examiner

DWM:TG

3 2321

exam typed

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

FEB 27 1965

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

1. a) Name of Permit Holder Russell J. Hayden
b) Post Office Address Mink Creek Road, Pocatello, Idaho 83201
2. Permit Number 32321
3. Date of Priority that you are prepared to establish April 15, 1965
4. a) Source from which water was appropriated Springs - Tributary to Clifton Creek
b) Location of the point of diversion: SW 1/4 SE 1/4, Section 3
Township 9S, Range 34E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
amount .04 for Fish Pond purposes from Jan 1 to Dec. 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount .04 for Irrigation purposes from May 15 to Sept. 15 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount .009 for Domestic purposes from Jan 1 to Dec. 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .049 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: Entire flow discharged into a container and timed with stop watch - repeated several times.
Flow on Feb. 22 was 22 gal. per minute
Measured by applicant with witness.
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: _____
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" plastic hose from from diversion pond 50' wide 8' deep 100' long, Also overflow ditch
b) Describe the type and size of measuring device which you have installed at your point of diversion: Entire flow diverted
c) Give well drillers name and address and date the well was completed _____

32321

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Fish Pond - Domestic use - Pressure pump for house and lawn

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: Pasture of approximately 3 acres adjoining domestic facilities at

spring site

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	
9S	34E	3															3		

Total number of acres irrigated Approx. 3

10. Remarks:

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

Feb. 25 1969 (Date) Russell J. Hayden (Signature)

State of Idaho ss.
County of Boone

On this 25 day of February, 19 69, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Ruth or Lauer
Notary Public residing at La Bleda, Idaho

My commission expires Aug 25, 1972

32321

NOTICE OF APPROVED APPLICATION FOR WATER

rec'd
2-11-69
lg

Notice is hereby given that Russell J. Hayden, Mink Creek Road,
Pocatello,

has received an approved permit No. 32321 to divert store/
.14 cubic feet per second /acre/feet/ of water from
Springs tributary of Clifton Creek

. The priority to be established
under this permit is April 19, 1965

Water will be diverted by dam, diversion headgate and pipe
within the SW $\frac{1}{4}$ Sec. 3,
T. 9 S., R. 34 E., B. M., Power County

and is to be used for domestic, stockwatering, and irrigation
in the SW $\frac{1}{4}$ Sec. 3, T. 9 S., R. 34 E., B. M.

Any protests against the intent of the permit must be filed with the
Department of Reclamation within ten days from the last date of publication
of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Power County Press, American Falls, Idaho
on February 27 and March 6, 1969

32321

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF POWER. } ss.

Phyllis Ringe being first duly sworn
on oath, states:

That she is the principal clerk of the printer
of the Power County Press, a newspaper of general circulation
in Power County, Idaho, published weekly at American Falls
in said County; that said newspaper has been published in said
County uninterruptedly and continuously for over seventy-
eight consecutive weeks, prior to the first publication of the
annexed notice or advertisement:

That the annexed notice or advertisement was published as
per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for 2
successive weekly issues thereof, the date of the first publica-

tion being the 27th day of February, 1969.

the date of last publication being the

6th day of March, 1969.

(Signed) *Phyllis Ringe*

Subscribed and sworn to before me this

6 day of March, 1969.

[Signature]
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL)

22 day of October, 1971.

32321

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF POWER. } ss.

Phyllis Ringe being first duly sworn
on oath, states:

That she is the principal clerk of the printer
of the Power County Press, a newspaper of general circulation
in Power County, Idaho, published weekly at American Falls
in said County; that said newspaper has been published in said
County uninterruptedly and continuously for over seventy-
eight consecutive weeks, prior to the first publication of the
annexed notice or advertisement:

That the annexed notice or advertisement was published as
per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for 2
successive weekly issues thereof, the date of the first publica-

tion being the 27th day of February, 1969.

the date of last publication being the

6th day of March, 1969.

(Signed) Phyllis Ringe

Subscribed and sworn to before me this

6 day of March, 1969.

R. Keith Higginson
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL)

22 day of October, 1971.

Published in The Power
County Press Feb. 27 and
March 6, 1969.

NOTICE OF APPROVED APPLICATION FOR WATER

Notice is hereby given that
Russell J. Hayden, Mink Creek
Road, Pocatello, Idaho has re-
ceived an approved permit No.
32321 to divert .14 cubic feet
per second of water from
Springs tributary of Clifton
Creek. The priority to be
established under this permit
is April 15, 1965. Water will
be diverted by dam, diversion
headgate and pipe within the
SW 1/4 SE 1/4, Sec. 3, T. 9
S., R. 34 E., B.M., Power
County and is to be used for
domestic, stockwatering, and
irrigation in the SW 1/4 SE 1/4,
Sec. 3, T. 9 S., R. 34 E.,
B.M.

Any protests against the
intent of the permit must be
filed with the Department of
Reclamation within ten days
from the last date of publi-
cation of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer.

February 18, 1969

Re: Permit No. 32321

Power County Press
American Falls, Idaho

Gentlemen:

Enclosed is a legal notice which we wish to have published 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 our 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 date. If you can not publish the notice on the proposed dates, please contact the Department of Reclamation immediately.
Russell J.

The expense of the publication is to be paid by _____
Hayden, Mink Creek Road, Pocatello, Idaho

to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

Enc: legal notice

cc: Russell J. Hayden

NOTE: The permit holder is required to obtain an affidavit of publication from the above referenced newspaper and to submit it to the Department at once.

32321

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

February 18, 1969

Re: Permit No. 32321

Power County Press
American Falls, Idaho

Gentlemen:

Enclosed is a legal notice which we wish to have published 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 our 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 date. If you can not publish the notice on the proposed dates, please contact the Department of Reclamation immediately.

The expense of the publication is to be paid by Russell J.

Hayden, Mink Creek Road, Pocatello, Idaho,

to whom you should furnish an affidavit of publication.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Donald W. McEldowney".

Donald W. McEldowney
Appropriation Examiner

DWM:tg

Enc: legal notice

cc: Russell J. Hayden

NOTE: The permit holder is required to obtain an affidavit of publication from the above referenced newspaper and to submit it to the Department at once.

32321

February 18, 1969

Re: Permit No. 32321

Power County Press
American Falls, Idaho

Gentlemen:

Enclosed is a legal notice which we wish to have published 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 our 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 date. If you can not publish the notice on the proposed dates, please contact the Department of Reclamation immediately.
Russell J.

The expense of the publication is to be paid by _____
Hayden, Mink Creek Road, Pocatello, Idaho

to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

Enc: legal notice

cc: Russell J. Hayden

NOTE: The permit holder is required to obtain an affidavit of publication from the above referenced newspaper and to submit it to the Department at once.

32321

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

February 18, 1969

Re: Permit No. 52321

Power County Press
American Falls, Idaho

Gentlemen:

Enclosed is a legal notice which we wish to have published 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 our 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 date. If you can not publish the notice on the proposed dates, please contact the Department of Reclamation immediately.

The expense of the publication is to be paid by Russell J.

Hayden, Mink Creek Road, Pocatello, Idaho,

to whom you should furnish an affidavit of publication.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Donald W. McEldowney".

Donald W. McEldowney
Appropriation Examiner

DWM:tg

Enc: legal notice

cc: Russell J. Hayden

NOTE: The permit holder is required to obtain an affidavit of publication from the above referenced newspaper and to submit it to the Department at once.

32321

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the Power County Press of American Falls, Idaho; published in the county in which the works are situated.

Russell J. Hayden
(signature)
4400 1st St. N. Coeur d'Alene
(address)
Idaho
Feb. 10, 1969
(date)

In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer when proof is for completion of works.

I hereby certify that the facts set forth in the attached notice are true.

Engineer

32321

February 3, 1969

Re: Permit No. 32321

Russell J. Hayden
Mink Creek Road
Pocatello, Idaho

Dear Mr. Hayden:

One of the conditions of the approval of your permit
32321 was that proof of application of the water to
beneficial use be submitted to this office on or before _____
April 16, 1969.

Enclosed is an affidavit form which must be used to submit
this proof. You may request an extension of time provided the
delay is for reasonable cause as indicated in Section 42-204, ICA.

Either the proof or a request for extension 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.



State Reclamation Engineer

Enclosure: Proof form

32321

February 7, 1969

Re: Permit No. 32321

Russell J. Hayden
Mank Creek Road
Pocatello, Idaho

Dear Mr. Hayden:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department, stating that you have been issued a permit and are now submitting proof of beneficial use. Previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg
Enc: order
proof due notice
proof package
advertising package

32321

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 32321)

in the name of Russell J. Hayden)

Mink Creek Road, Pocatello, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

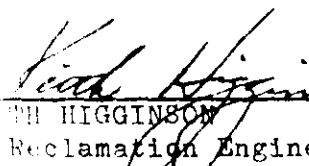
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 32321 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

Dated this 29th day of January, 1969.


KEITH HIGGINSON
State Reclamation Engineer

32321

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that RUSSELL J. HAYDEN
 of Pocatello, County of Bannock, and State of
Idaho, the holder of Permit No. 32321, issued upon
 Application No. 40469 bearing date of priority of April 15, 1965, authorizing the
 diversion of 0.14 second feet of waters of Springs

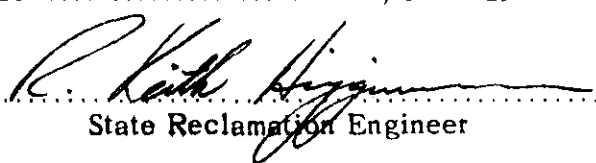
 County of Power, State of Idaho, for domestic, trees, stock watering,
and irrigation
 purposes, has fully complied with the provisions of the laws of the State of Idaho
 relating to the proof of completion of the works of diversion set out and described in said
 Permit; that said works are adequate for diverting and conveying to the place of intended
 use 0.14 second feet of the waters of Springs, tributary of
Clifton Creek

that the point of diversion of said waters SW1/4SE1/4, Sec. 3, T. 9 S,
R. 34 E, B.M.

and that the lands proposed to be irrigated by the use or place of use of said water are
 described as follows, to-wit: SW1/4SE1/4, Sec. 3, T. 9 S, R. 34 E, B.M.

Proof of Completion of Works made: January 10, 1967.

Witness my hand this 2nd day of February, A. D. 19 67


 State Reclamation Engineer

3 2321

Permit No. 32321

Certificate of Completion
of Works

Dated February 2, 1957

Stream Springs

County Power

Amount 0.14 c.f.s.

Date of Priority April 15, 1965

Recorded in Book 113

of Permits, page 32321

32321

February 2, 1967

Re: Permit No. 32321

C
O
P
Y

Russell J. Hayden
Mink Creek Road
Pocatello, Idaho

Dear Mr. Hayden:

Enclosed is the Certificate of Completion of Works on the above
numbered permit.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:nw

32321

Permit No. 32321STATE OF IDAHO
Department of Reclamation

JAN 11 1967

Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Power

SS.

Russell J. Hayden, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 32321, and that his postoffice address is Pocatello State of Idaho.

Second: That the name of the stream from which said water is to be diverted is Name not commonly known but sometimes known as Wolverton springs

Third: That the point of diversion of said water is SW 1/4 Sec. 3 T-9S R-34E 200 feet from source of springs

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by April 16, 1967.

Fifth: That the use for which said water is intended is Domestic-Stock Water Irrigation Fish Pond

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of Works: Dam - Ditch-Domestic Pressure system

(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work:

(a) Height of dam 8 feet, length of dam at top 60 feet, length of dam at bottom 5 feet. Material used in construction Earthfill-Galvanized Pipe

(STATE WHETHER WOOD, EARTH STONE OR CONCRETE)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width 2 feet, height 6" feet.

(d) Conduit width at bottom feet, width at water line

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water feet; diameter of pipe 2" inches, average grade per mile is feet. Length of conduit is miles.

Seventh: That said works are capable of conducting to the place of intended use 0.04 second feet of water.

Eighth: That water appropriated under said permit is available for 5 acres of land described as follows: Land lying immediately down stream and on either side of the drainage from the spring source to the main stream of Clifton Creek.

Ninth: Remarks:—That

Russell J. Hayden
(SIGN HERE)

Subscribed and sworn to before me this day of , 1967

NOTARY PUBLIC

My commission expires May 25, 1968

32321

April 22, 1965

Re: Permit No. **32321**

Mr. Russell J. Hayden,
Mink Creek Road,
Pocatello, Idaho.

Dear Mr. Hayden:

We enclose Permit No. **32321** in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. **32734** which was issued covering payment in the amount of \$ **5.00** for the filing fee of the above mentioned permit.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

32321

NAME OF APPLICANT Russ. L J HAYDEN

Form No. 0

T

9.

5

Permit Map No. 32321

As Approved

CARL E. TAPPAN

State Reclamation Engineer

APR 16 1965

R	34	E
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SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

32321

April 9, 1965

Re: Application for Permit

Russell J. Hayden
Mink Creek Road
Pocatello, Idaho

Dear Mr. Hayden:

Returned herewith is your application for permit with
attached check for \$5.00.

Kindly show all acreage irrigated under 14 on page 2.
We can allow 0.02 c.f.s. for each acre irrigated plus 0.02 for domestic
use.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. application with
attached check

32321

April 8 1964

State Dept. of Reclamation
State House
Boise, Idaho

RECEIVED
APR 9 1965

Department of Reclamation

Dear Sirs:

Would you please send
me another form No 1, Reprint
277-7-62 - Application for
Permit to appropriate waters
of the state of Idaho.

Thank you -

yours truly,

Russell J. Hayden
Mink Creek Road
Pocatello, Idaho

32321