

Identification No. 11 7036

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT APPROVED

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

1. Name of applicant Wynn Nelson
post office address 119 Larson Drive, Preston, Idaho
2. Source of water supply unnamed spring which is a tributary of none
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 23 Township 12 S
Range 42E B.M. Bear Lake 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 January 1 to December 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. _____
1-1/2 inch pipe approximately 1200 feet to a cabin site

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 _____ (Mo. Day) to _____ (Mo. Day) inclusive.
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 \$ 800.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24 Township 12 S
Range 42E 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: _____
culinary water for a cabin site

11 7036

11 7030

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

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 to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. _____

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

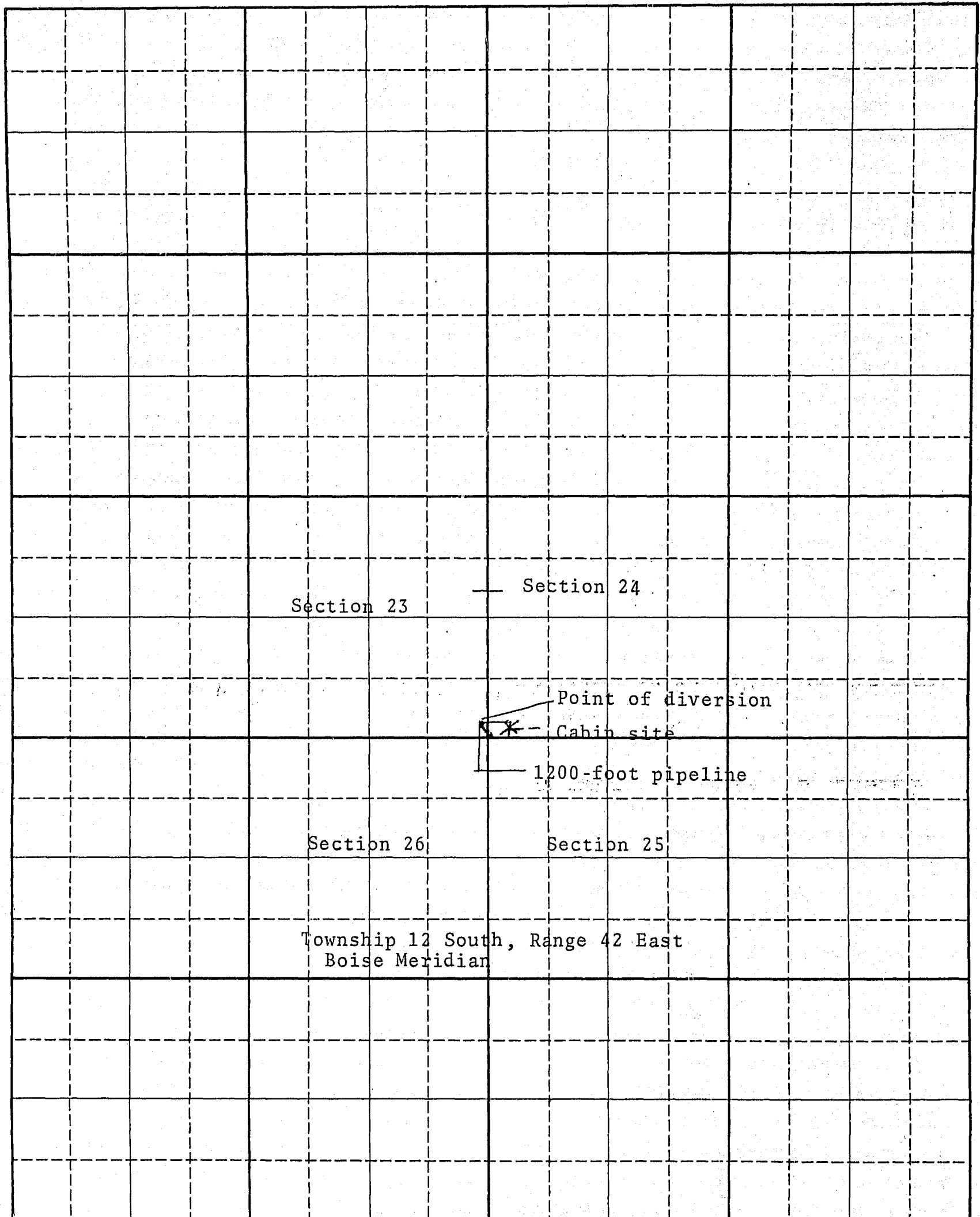
b. Who owns the land to be irrigated or place of use I own cabin site on private property.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing The applicant has spoken with the Forest Service officials and they have suggested that filing be made with the State of Idaho.

10. Remarks _____

WHELAN

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



Scale: 2 inches equal 1 mile

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

Agnes Nelson
(Applicant)

11 7036

11 7036

Proposed Priority 5/16/1973

Received by ha Date 5-16-73 Time 10:30 A

Preliminary check by NCY Fee \$ 10.00

Receipted by ha Date 5-11-73 \$79.5

Publication prepared by ha Date 5-17-73

Published in Time-Examiner-Montpelier

Publication dates 5-24-73

Publication approved NCY Date 6/18/73

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by NCY W BDF

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. 11-7036, 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 October 1, 19 74.

c. Other: _____

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

Witness my hand this 28 day of September 19 73.

R. Keith Higgins
Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	NCY	5/16/73	Application No. _____ Name <u>Wynn Nelson</u>
(2)	"	"	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee ☒ <u>County</u> Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(3)	"	"	☒ Request Special Use Permit from U.S.F.S. <u>(thru applicant's attorney)</u> ☐ Request Easement from B.L.M.
(4)	"	"	In form for advertising <u>Yes - ad as trib to</u>
(5)	"	"	Affidavit of Publication received <u>SINKS but in Pole Canyon OK drainage 6-18-73</u>
(6)	mb	6/18/73	
(7)	mb	"	Final date for protests <u>June 11, 1973</u> Protests received: yes _____ no <u>X</u>
(8)	mb	9/25/73	Date and Place of hearing <u>N.A.</u> Decision reached at hearing <u>N.A.</u>
(9)	NCY	5/16/73	Located within Water District No. <u>N.A.</u>
(10)	"	"	Critical groundwater area: yes _____ no <u>X</u>
(11)	"	"	Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) <u>N.A.</u> ☐ Increasing (comment) <u>NCY 9/25/73 See letter 9/20/73 9/21/73</u>
(12)	"	"	Comments: <u>Need copy of EASEMENT FROM U.S.F.S. before approval can be granted. Spring may be trib to Pole Canyon CK</u> <u>trib to Emigrant CK</u>
(13)	NCY	9/25/73	Action recommended: ☒ Approve Priority <u>5/16/73</u> ☐ Deny Reason for Reduction <u>FEE</u> See attached sheet for conditions of approval
(14)	"	"	No conditions for approval District <u>F</u> By <u>NCY</u> Date <u>9/25/73</u> Title <u>D. FEE</u>

11-23 1973
7036 Administration

STATE OF IDAHO,

County of ~~XXXXXX~~ ss.
Bear Lake

On this 24th day of November in the year 1973, before me

..... a Notary Public in and for said State, personally appeared
Kay Hymas, Joan Hymas, Calvin Hymas and Venna Hymas

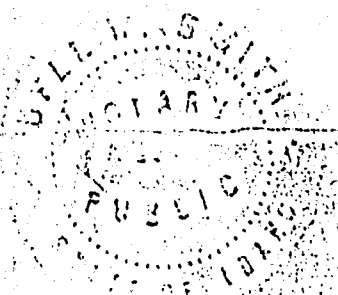
known to me to be the person s whose names S are subscribed to the within instrument,

and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

DeLL W. Smith

Notary Public, Residing at ~~Postoffice Idaho~~



No. 101563

WARRANTY DEED

Kay Hymas, Joan Hymas, Calvin Hymas
and Venna Hymas

—TO—

Wynn Nelson

Dated .. November 24, 19.73.

STATE OF IDAHO,
COUNTY OF ~~XXXXXXXXXX~~ BEAR LAKE

I hereby certify that this instrument was
filed for record at request of . DeLL W. Smith

at 20 minutes past 9

o'clock AM, this 25th day

of September A. D. 19... 73.

In my office, and duly recorded in ~~XXXX~~ Microfilm
XXX Records of said ~~XXXXXX~~ County.

Amos B. Hulme
Ex-Officio Recorder

By *Leannee Parker*
Fee, \$ 2.00 Deputy

Mail to Law Office - DeLL W. Smith
Preston, Idaho 83263

INDEXED

11 7036

THIS INDENTURE, made this 24th day of November
in the year of our Lord one thousand nine hundred and Seventy-two 1972 between
Kay Hymas, Joan Hymas, Calvin Hymas and Venna Hymas

of Liberty County of Bear Lake
State of Idaho the part ies of the first part, and
Wynn Nelson

of Preston County of Franklin
State of Idaho the part Y of the second part.

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of
TEN DOLLARS AND OTHER VALUABLE CONSIDERATION
lawful money of the United States of America, to them in hand paid by the said part Y of the second
part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do
grant, bargain, sell, convey and confirm unto the said part Y of the second part, and his heirs and
assigns forever, all the following described real estate, situated in the County of ~~XXXXXX~~ State of Idaho, to-wit:

Bear Lake
Commencing at the Southwest corner of Section 24,
Township 12 South, Range 42 East of the Boise
Meridian, and running thence North 15 rods; thence
East 10 rods; thence South 15 rods; thence West
10 rods to the place of beginning.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any-
wise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and
all estate, right, title and interest in and to said property, as well in law as in equity, of the said part ies
of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the
appurtenances, unto the part Y of the second part, and to his heirs and assigns forever. And the
said part ies of the first part, and their heirs, the said premises in the quiet and peaceable possession of
the said part Y of the second part his heirs and assigns, against the said part ies of the first
part, and thier heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim
the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part ies of the first part have hereunto set their hand S.... and
seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Calvin Hymas (SEAL)
Venna Hymas (SEAL)
Joan Hymas (SEAL)
Kay Hymas (SEAL)

11 7036
11 7036

THE NEWS-EXAMINER

MONTPELIER, IDAHO

RECEIVED

JUN 18 1973

AFFIDAVIT OF PUBLICATION

Department of Water Administration
Eastern District Office

STATE OF IDAHO,)
County of Bear Lake,) SS.

W. Jerome Taylor

being first duly sworn, deposes and says he is
Publisher and Foreman of the News-
Examiner; that the said News-Examiner is a
weekly newspaper published at Montpelier,
County of Bear Lake, State of Idaho, of
general circulation in said County and State.

That the notice attached was published in
the said News-Examiner, and not in a
supplement, for two
successive weeks, commencing with the issue
dated May 24, 1973
and ending with the issue
dated May 31, 1973

W. Jerome Taylor
Publisher and Foreman

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Wynn Nelson, 119 Larson Drive, Preston, Idaho has on May 16, 1973 submitted Application No. 11-7036 for a permit to appropriate 0.04 cubic feet per second of water from an unnamed spring, tributary to sinks (within Pole Canyon Creek Drainage, approximately 4 miles northwest of Liberty); by means of pump and pipeline within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T. 12S, R. 42E, B. M., Bear Lake County; to be used from January 1 to December 31 for domestic purposes for one family within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, T. 12S, R. 42E, 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 June 11, 1973.

R. KEITH HIGGINSON
Director

Published in The News-Examiner, Montpelier, Idaho on May 24, and May 31, 1973.

(m-24|31)

Subscribed and sworn to before me this 15th day of June, 1973

John A. Schenck
Notary Public.

11 7036

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

240 South Holmes Avenue
Idaho Falls, Idaho 83401
(208) 523-7186

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

May 9, 1973

Re: Wynn Nelson Application

Mr. Dell W. Smith
Attorney-at-Law
Preston, ID 83263

Dear Mr. Smith:

Please find enclosed the above referenced application. This Department cannot accept any application without an accompanying filing fee. For your reference I am enclosing a set of instructions and fee schedule for a water appropriation application.

In reviewing the application I find it claims 0.1 c.f.s. for domestic purposes for a single family dwelling and no other uses. The Department cannot accept a quantity of water above .04 c.f.s. per family without some justification of the need for the increased amount.

In Item 11 of the application the map should be clarified to indicate Township and Range. Also the point of diversion is listed on the application in Section 23. It appears from the map that the point of diversion is somewhere outside of Section 23. Please clearly stipulate on the map the location of the point of diversion and place of use in Sections 23 and 24, consistent with the description on the front of the application.

Should you require any further assistance, please contact this office.

Very truly yours,

John R. Ferebauer
JOHN R. FEREBAUER
Water Resource Examiner

JRF:ba

Enc: App/Per
Instructions

11 7036

Law
Office
Dell W. Smith
Preston
Idaho
83263

RECEIVED

MAY 16 1973

May 10, 1973

Department of Water Administration
Eastern District Office

State of Idaho
Department of Water Administration
240 S. Holmes Avenue
Idaho Falls, Idaho 83401

Re: Wynn Nelson Application

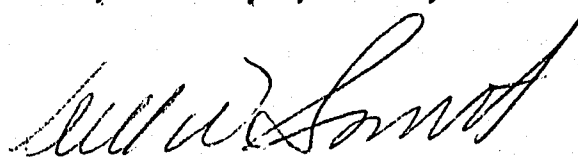
Gentlemen:

Enclosed you will find a corrected application per your request in your letter of May 9. Also enclosed you will find filing fee in the sum of \$10.00.

I had Mr. Turnipseed of your office go over this application, so if you have any questions he may help us both.

Thank you very kindly for your prompt, courteous and efficient service.

Very truly yours,



Dell W. Smith

DWS:vs

Encs.

11 7036

May 16, 1973

Mr. Wynn Nelson
119 Larson Drive
Preston, ID 83263

Dear Mr. Nelson:

Attached herewith is departmental receipt No. 7195 in the amount of \$10 for your application for permit which was received in this office under the above date.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

Attachment

11 7036

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Wynn Nelson, 119 Larson Drive, Preston,
Idaho
has on 5/16/73 submitted Application No. 11-7036
for a permit to appropriate 0.04 cubic feet per second ~~XXXXXX~~
of water from an unnamed spring, tributary to sinks (within Pole Canyon Creek
Drainage, (approximately 4 miles northwest of Liberty);
by means of pump and pipeline
within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T. 12S, R. 42E, B.M., Bear Lake County;

to be used from Jan. 1 to Dec. 31
for domestic purposes for one family

within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, T. 12S, R. 42E, 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
June 11, 1973.

R. KEITH HIGGINSON

Director

Published in the News-Examiner, Montpelier, Idaho
on May 24 and May 31, 1973

11 7036

WCH

May 17, 1973

Re: Application No. 11-7036 - Wynn Nelson

News-Examiner
P.O. Box 278
Montpelier, ID 83254

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

NCY:BA
Enc: Legal notice

Bill submitted

6-18-73 by mh

11 7036

May 22, 1973

Re: Application for Permit No. 11-7036 - Wynn Nelson

Mr. Dell W. Smith
Attorney-at-Law
Preston, ID 83263

Dear Mr. Smith:

In processing the above referenced application for permit, we note that the property at the point of diversion is owned by the United States Forest Service. It is therefore necessary that we are provided with a copy of the special use permit allowing the applicant access to the land at the point of diversion.

Please provide this document to us at your earliest opportunity.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

11 7036

June 12, 1973

RE: Application No. 11-7036

News-Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on May 24 and May 31, 1973.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:cw

11 7036

June 12, 1973

RE: Application for Permit No. 11-7036 - Wynn Nelson

Mr. Dell W. Smith
Attorney-at-Law
Preston, Idaho 83263

Dear Mr. Smith:

The processing of the above referenced application for permit is essentially complete. You are, however, reminded that you were advised by a letter dated May 22, 1973, that this office must have a copy of the special use permit for easement allowing the applicant access to the point of diversion on U. S. Forest Service Land.

Please provide this office with a copy of this easement or evidence that the applicant is in the process of obtaining the easement. This information must be received in this office within 30 days of the date of this letter or the application may be held to be void.

If you have any questions, do not hesitate to contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:cw

11 7036

RECEIVED

JUN 15 1973

Department of Water Administration
Eastern District Office

Re: Application for Permit
No. 11-7036 -
Wynn Nelson

June 4, 1973

United States Forest Service
Paris, Idaho 83261

Att: Mr. Tippetts

Gentlemen:

Mr. Wynn Nelson has filed an application for water on land in the Southeast quarter of the Southeast quarter of Section 23, Township 12 South, Range 42, East of the Boise Meridian, in Bear Lake County.

Enclosed you will find a copy of his application. Also enclosed, you will find a letter from the Department of Water Administration, requesting a special use permit allowing the applicant access to the land at the point of diversion.

Could you issue Mr. Wynn Nelson such a use permit so that he may forward it to the Department of Water Administration.

Very truly yours,

Dell W. Smith

DWS:dc

Enclosures

11 7036

August 24, 1973

Re: Application for Permit No. 11-7036 Wynn Nelson

Mr. Vaughan E. Tippetts
United States Forest Service
50 North Main
Paris, Idaho 83261

Dear Mr. Tippetts:

Mr. Wynn Nelson of Preston, Idaho applied to this Department for a permit to appropriate water from an unnamed spring in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T. 12S, R. 42E, B.M. in Bear Lake County. He indicated that the land surrounding the spring was controlled by the United States Forest Service.

This office has been withholding final action concerning the above referenced application awaiting your agencies decision concerning a special use permit allowing the applicant access to the spring. We would appreciate knowing the present status of Mr. Nelson's request for a special use permit.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

cc: Dell W. Smith

11 7036

847-0375

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Montpelier, Idaho

2720

September 18, 1973

RECEIVED

SEP 20 1973



Department of Water Administration
Eastern District Office

Mr. Norman C. Young
Idaho Dept. of Water Adm.
1515 Lincoln Rd.
Idaho Falls, Idaho 83401

Dear Mr. Young:

Re: Application for Permit No. 11-7036 Wynn Nelson

A Special Use Permit has not been issued to Mr. Nelson for use of the spring on National Forest lands because he did not have ownership to land for requested use of water. He did not have a permit for the water so we felt there was no justification for a Special Use Permit for access and development until he had water rights.

Sincerely,

W. J. Johnson
for
W. J. JOHNSON
District Ranger

11 7036

1515 Lincoln Road

September 20, 1973

C Re: Application for Permit No. 11-7036 Wynn Nelson

O Mr. F. R. Lewis
U. S. Dept. of Ag.
Forest Service
Montpelier, ID 83254

Dear Mr. Lewis:

P We are in receipt of your letter of September 18, 1973 indicating that the Forest Service is unable to issue a Special Use Permit for access and development of the spring in question, because Mr. Nelson does not have ownership of the land upon which he proposes to use the water and that he has not been issued a water right.

Y This Department will issue a permit to appropriate the water, if a Special Use Permit is issued by the United States Forest Service; or if we are provided with an indication that the Special Use Permit will be issued following the issuance of the water right permit.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

11 7036

RECEIVED

SEP 25 1973

Department of Water Administration
Eastern District Office

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

Caribou National Forest
Montpelier, Idaho 83254

2720

September 21, 1973



Norman C. Young, District Engineer
Idaho Department of Water Administration
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Young:

Re: Application for Permit No. 11-7036, Wynn Nelson.

This will confirm your conversation today with Mrs. Rich.

All questions concerning Mr. Nelson's right to a special use permit for a water collection and transmission system on the Caribou National Forest have been answered to our satisfaction. We will issue him a permit for this use in the near future upon verification from your office that a water right has been issued to him.

Please send them a copy of the approved permit.
We have appreciated your help in settling this case.

Sincerely,

J.R. Lewis
for
W. J. JOHNSON
District Ranger

11 7036

Law
Office
Dell W. Smith
Preston
Idaho
83263

RECEIVED

SEP 28 1973

Department of Water Administration
Eastern District Office

September 27, 1973

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Eastern District Office
1515 Lincoln Road
IDAHO FALLS, IDAHO 83401

Re: Application for
Permit No. 11-7036,
Wynn Nelson

Dear Mr. Young:

Enclosed you will find a recorded deed transferring the property to the above-named applicant, Wynn Nelson.

I am this day sending a copy also to the Forest Service.

I trust that this is all Mr. Nelson needs to do to perfect his application.

If there is any additional information you desire, kindly contact this office.

Very truly yours,

Dell W. Smith

Dell W. Smith
Attorney at Law

DWS:dc

enclosures

cc: Forest Service

11 7036

October 2, 1973

Re: Permit No. 11-7036

Mr. Wynn Nelson
119 Larson Drive
Preston, Idaho 83263

Dear Mr. Nelson:

Enclosed is a copy of your approved Application for Permit No. 11-7036 . We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

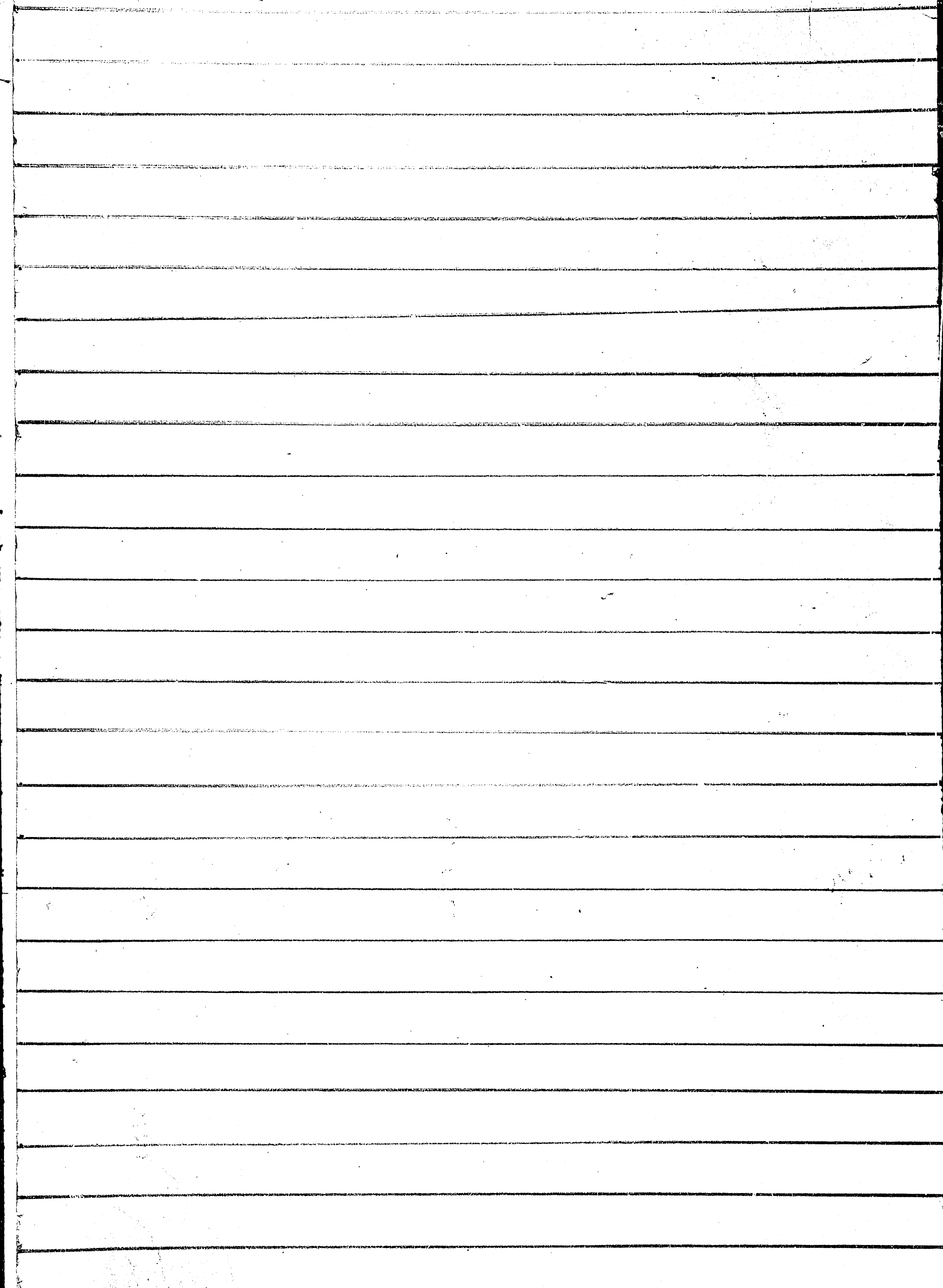
BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosure

cc: U. S. Department of Agriculture
Forest Service
Caribou National Forest
Montpelier, Idaho 83254

11 7036



August 1, 1974

CERTIFIED MAIL

#25869

Re: Permit No. 11-7036

Wynn Nelson
119 Larson Drive
Preston, ID 83263

Dear Mr. Nelson:

One of the conditions of approval of your water Permit No. 11-7036 (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 October 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

11-7036

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

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

CERTIFIED NO.

25869

INSURED NO.

DATE DELIVERED

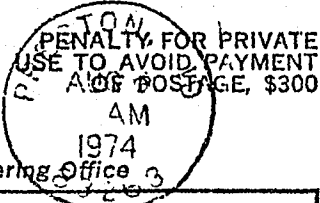
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

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

Aug. 2, 1974

11-7036

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



SENDER INSTRUCTIONS

- Print in the space below your name, address, including ZIP Code.
- If special services are desired, check block(s) on other side.
 - Moisten gummed ends and attach to back of article.

RETURN
TO

PS Form 3811
June 1973

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

11-7036

August 28, 1974

Department of Water
State Capitol
Boise, Idaho 83720

Re: Permit No. 11-7036

Gentlemen:

In reply to your letter of August 1, 1974, it is necessary for me to request an extension of time to complete my application. I am still waiting for a right of way from the U. S. Forest Service.

Please be assured that as soon as I possibly can I will complete the application of Water to Beneficial Use.

Thank you for your help in this matter.

Sincerely yours,

Wynn Nelson

Wynn Nelson
119 Larson Drive
Preston, Idaho 83263

RECEIVED

AUG 29 1974

Department of Water Resources
Department of Water Resources

11-7036

September 9, 1974

Re: Permit No. 11-7036

Wynn Nelson
119 Larson Drive
Preston, ID 83263

Dear Mr. Nelson:

Enclosed is an Order which extends the proof due date in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to October 1, 1979.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:Jg
Enclosure

11-7036

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO:

IN THE MATTER OF EXTENDING THE PROOF DUE
DATE IN CONNECTION WITH PERMIT NO. 11-7036
in the name of WYNN NELSON

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)
)
)
)
)

ORDER

WHEREAS, on May 16, 1973, Wynn Nelson applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 0.04 cubic feet per second of water from an unnamed spring, within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, Twp. 12S, Rge. 42E, B.M., Bear Lake County, to be used for domestic purposes; and,

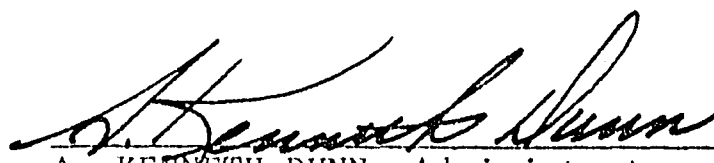
WHEREAS, on September 28, 1973, the Department approved said application and issued Permit No. 11-7036 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before October 1, 1974; and,

WHEREAS, on August 29, 1974, the Department received a request for an extension of time for said permit; and,

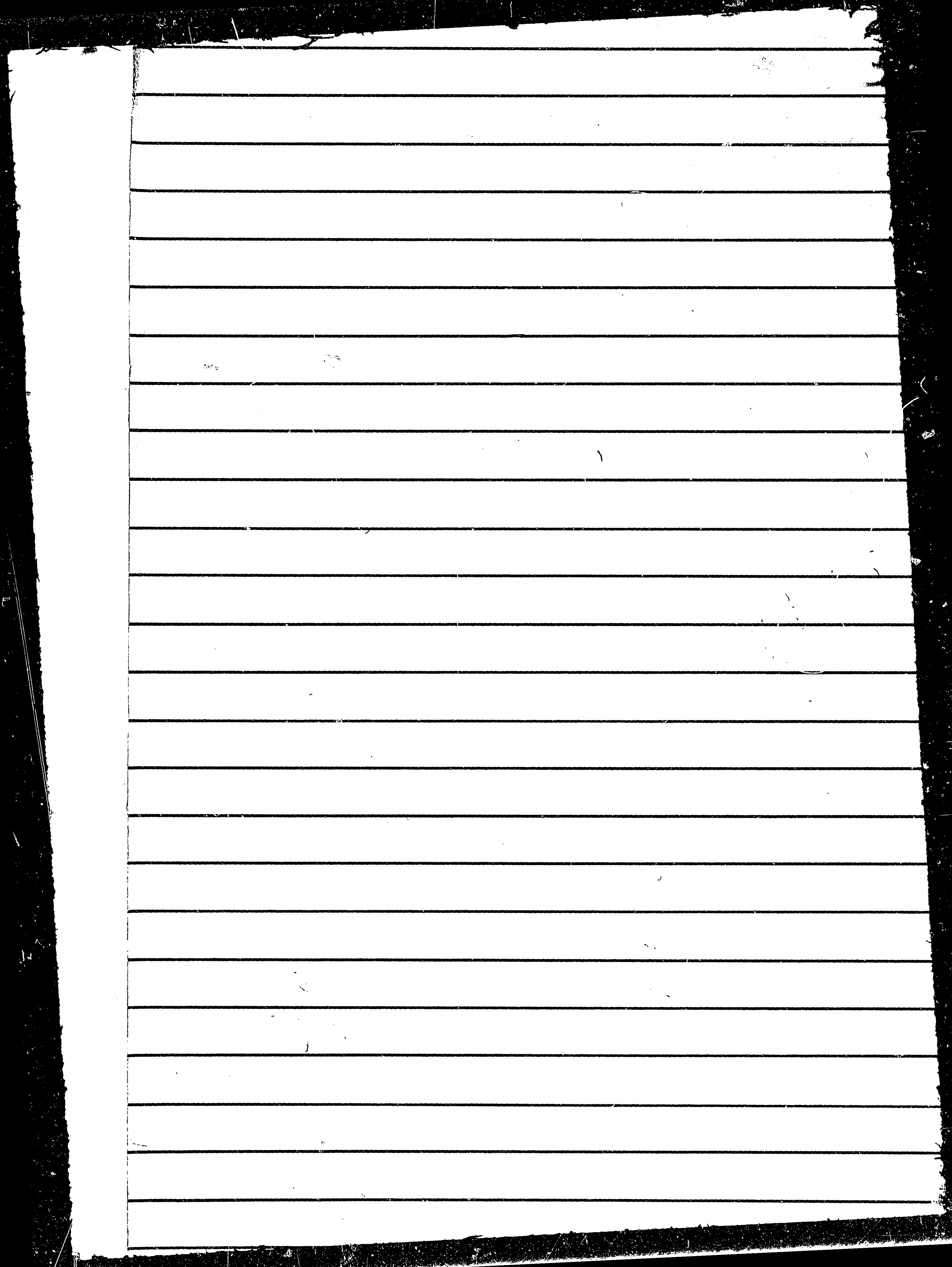
WHEREAS, it appears that under the circumstances the permit holder has been proceeding with reasonable diligence and has given good cause for delay;

IT IS, THEREFORE, HEREBY ORDERED that the time within which to submit proof of beneficial use of water under Permit No. 11-7036 be extended to October 1, 1979.

Dated this 4th day of September, 1974.


A. KENNETH DUNN, Administrator
Operations Division

BDF:JG



RECEIVED

AUG 20 1975

Identification No. 11 7036

Permit No. 11 7036

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Wynn Nelson
b) Post Office Address 119 Larson Drive, Preston, Idaho 83263
2. Permit Number 11 7036
3. Date of Priority that you are prepared to establish 5/16/1973
4. a) Source from which water was appropriated unnamed spring
b) Location of the point of diversion: SE 1/4 of SE 1/4, Section 23
Township 12 S, Range 42 E, Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
Amount 10 gal. per min. for domestic purposes from Jan. 1, to Dec. 31, incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated _____ 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: _____
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:
1 inch pipe approximately 1300 ft. to cabin site
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) 1 inch pipe approximately 1300 ft. to cabin site
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well driller's name and address and the date the well was completed: _____
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Culinary use for cabin.

Exam typed 8-25-75 by mgp

mlb

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

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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 _____

10. Remarks: _____

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

8-19-75
(Date)

Stephen Nelson
(Signature)

State of Idaho)
County of Franklin) ss.

On this 19 day of August, 19 75, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Gonnie Westover
Notary Public residing at Princeton, Idaho

My ~~commission~~ ^{bond} expires 7/3/76

August 25, 1975

Re: Permit No. 11-7036

Mr. Wynn Nelson
119 Larson Drive
Preston, Idaho 83263

Dear Mr. Nelson:

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

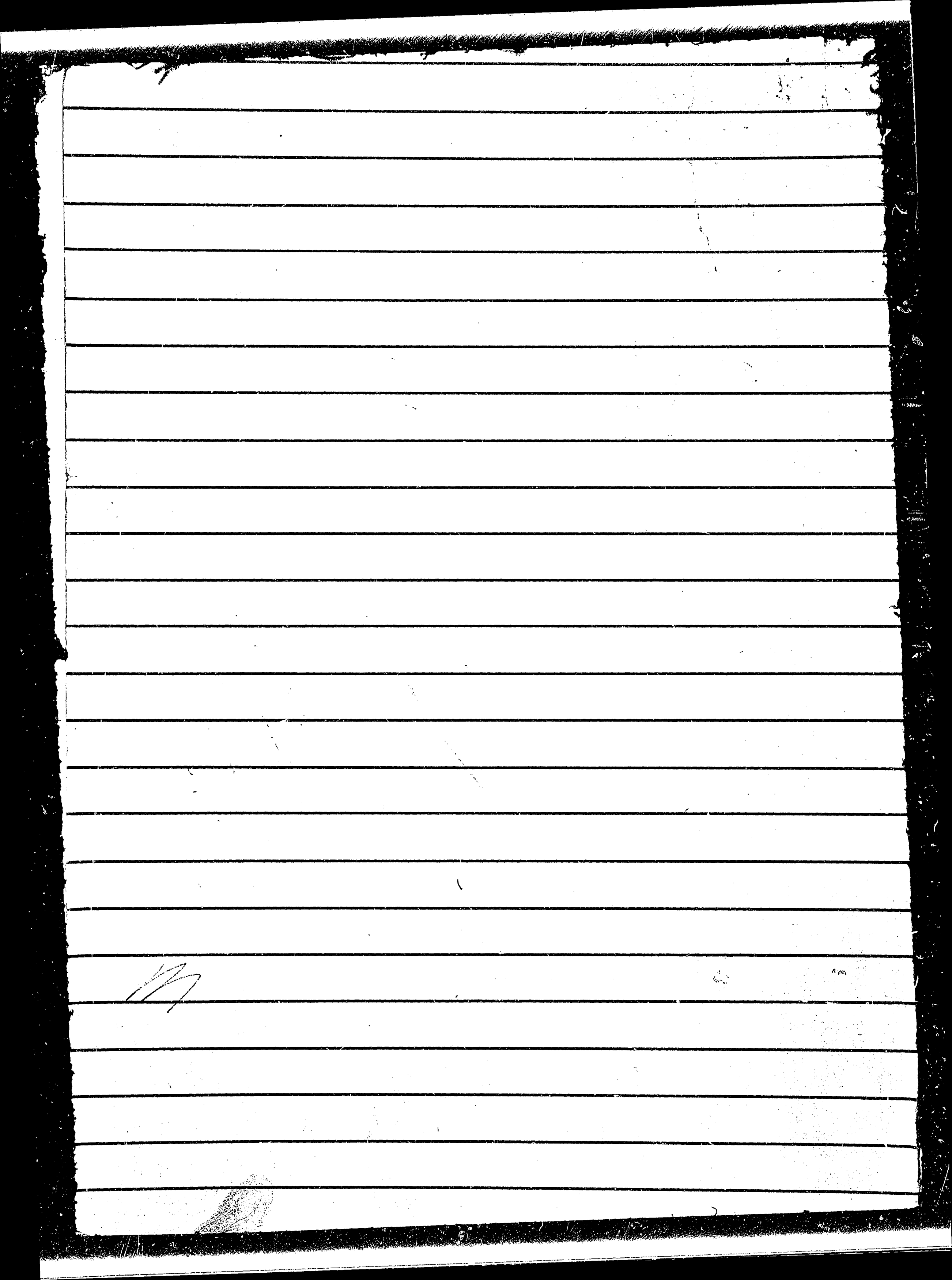
Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

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

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 11-7036 Priority May 16, 1973 Amount 0.04 cfs

THIS IS TO CERTIFY, that WYNN NELSON

of Preston, Idaho, has complied with the terms and conditions of Permit No. 11-7036 issued pursuant to Application for Permit dated May 16, 1973, and has submitted proof to the Department of Water Resources on August 20, 1975, 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 sinks, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic	from <u>January 1</u> to <u>December 31</u>	at <u>0.04</u> cfs and	<u>1.2</u> acre feet
	from _____ to _____	_____ cfs and	_____
	from _____ to _____	_____ 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 1.2 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, Twp. 12S, Rge. 42E, B.M. in the County of Bear Lake

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 $\frac{1}{4}$	
12S	42E	24																	

Total number of acres irrigated _____

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of September, 19 79.

Director

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

RECEIVED

1. Name of permit holder Wynn Nelson AUG 28 1975
Post office address 119 Larson Drive, Preston, ID 83263 Department of Water Resources
Eastern District Office
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ unnamed spring
Tributary to none (name spring, stream, etc.)

3. Water will be used for the following purposes:

Amount 0.04 c.f.s. for Domestic (1)
_____ 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. 11-7036
b/u
Examination for _____

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 12S N/S, Range 42E E/W, B.M., Section 23, Subdivision SE 1/4 SE 1/4, Bear Lake
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: 1" pipe approximately 1300' to cabin site.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

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	
12S	42E	24											X						

TOTAL ACREAGE _____

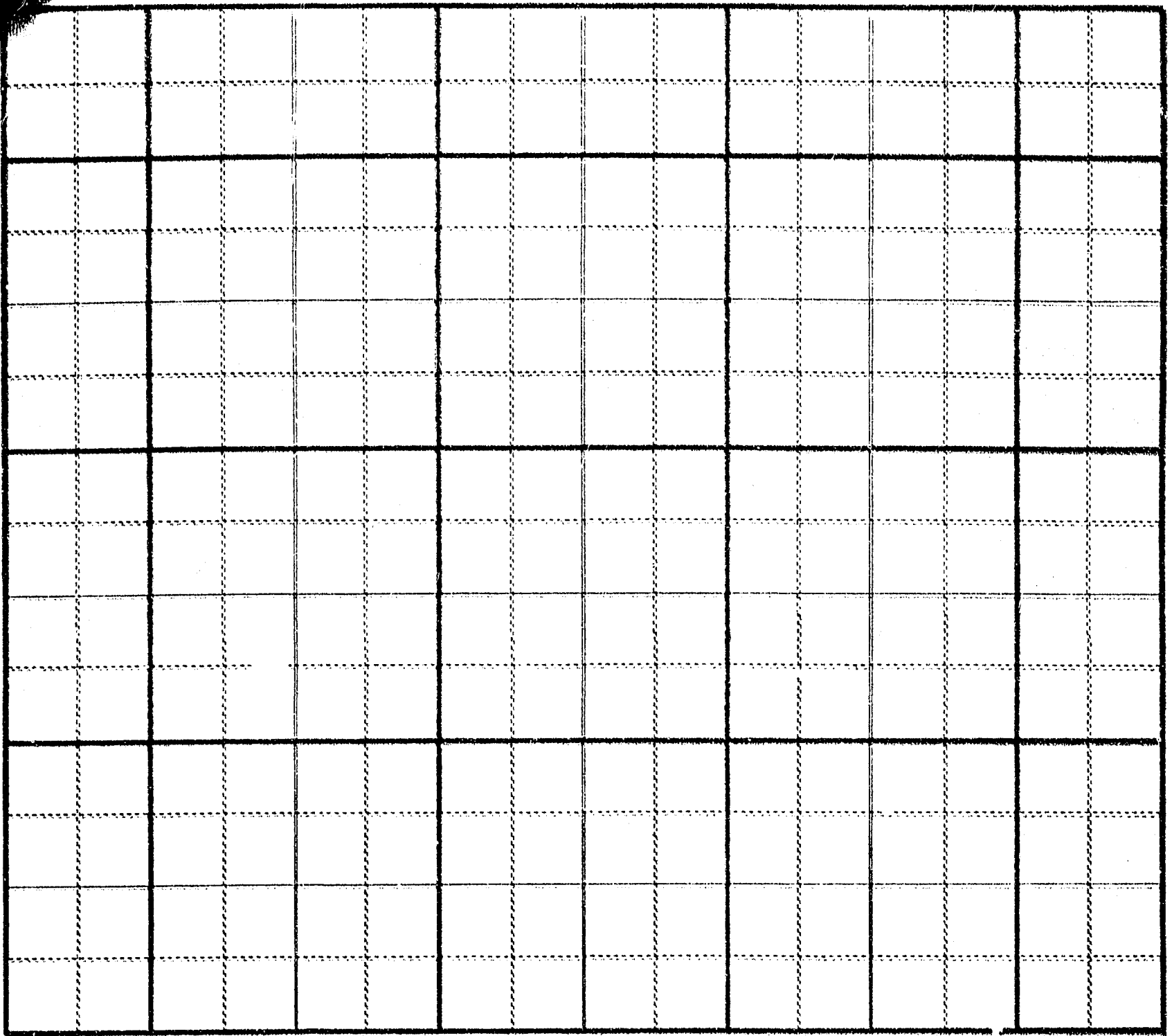


Diagram of System

See
Enclosed
map.

DATE OF EXAM 2/17/78

ACREAGE
Found n/a
Recommended n/a

Irrigation Requirement n/a Ac Ft/Ac

USE
Irrigation Q = .04 c.f.s. V = 1.20 AF/Ann. from Jan 1 to Dec 31
Domestic Q = .04 c.f.s. V = 1.20 AF/Ann. from Jan 1 to Dec 31
Livestock Q = c.f.s. V = AF/Ann. from to

Is water co-mingled? yes no X

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

Exchange? yes no X

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

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

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

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

Total Q recommended .04 cfs Meter No. n/a Type n/a Condition n/a

Total V recommended 1.20 AF/yr

Recommended Amendments:

P.D.
Place of Use
Other
None

MEASUREMENT CALCULATION:

Q = .04 cfs
Single family
Domestic unit
V = 1.20 AF/yr

SYSTEM DESCRIPTION:

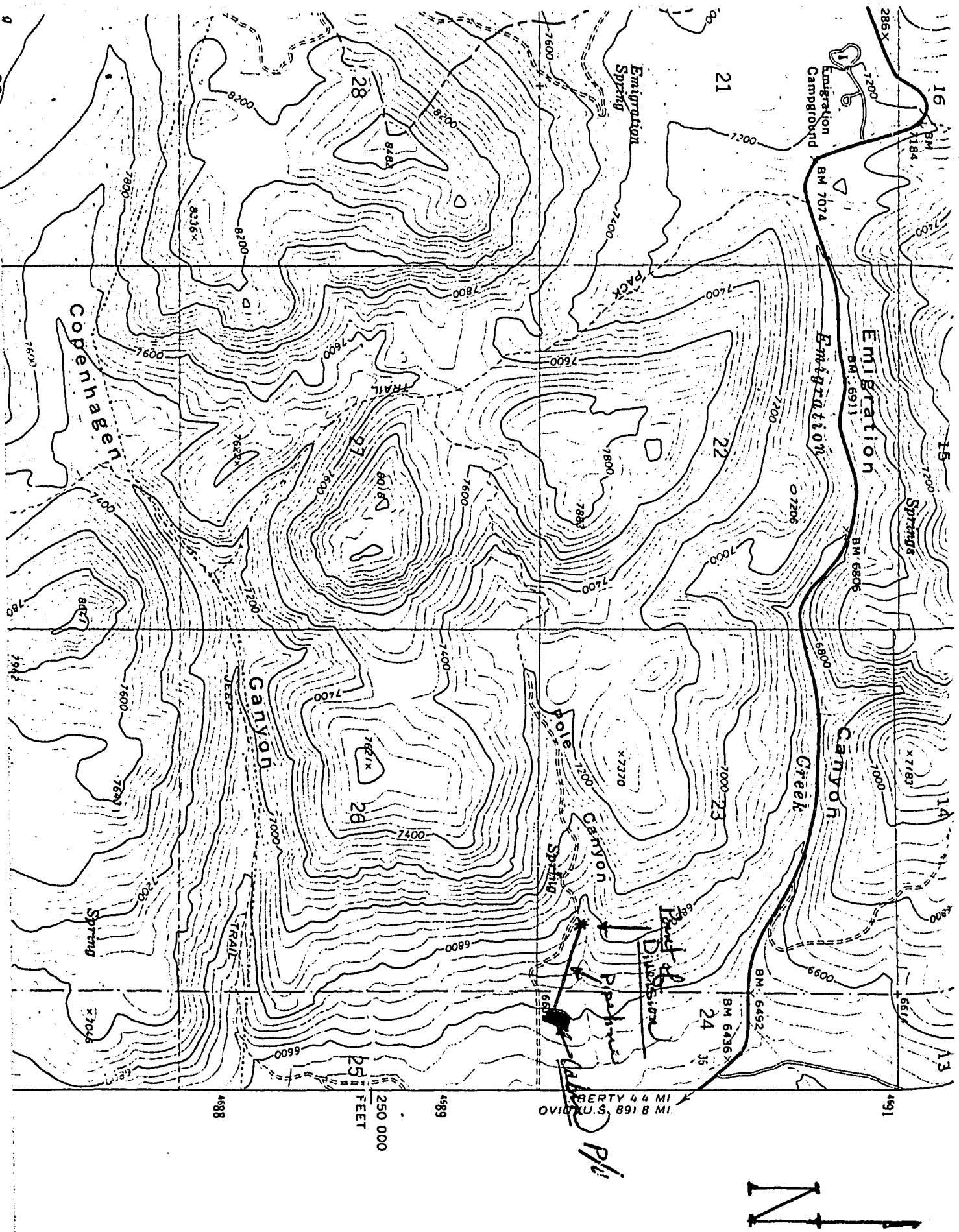
Water is diverted from the spring by a buried perforated collection pipe and into a buried 1,000 gal storage tank. Water then flows by gravity to the cabin (approximately 1200' East of the point of diversion). The cabin contains a bathroom & kitchen. There is no dishwasher or laundry facilities. About 1/2 ac of lawn is sprinkled during the summer months. Although this is a vacation home water is used (from time to time) during all seasons of the year.
REMARKS: System described by Mrs Nelson.

Examiner's Signature Anthony R. Kozlowski Date 2/23/78

Checked by Ernest M Carlson Date 2-24-78

Approved by Date

Edmund Nelson - 11-7036





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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

October 3, 1979

Wynn Nelson
119 Larson Dr.
Preston, Idaho 83263

Dear Mr. Nelson,

RE: Permit No. 11-7036

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

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure