

Identification No. 11 7106
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES **APPROVED**
APPLICATION FOR PERMIT

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

1. Name of applicant Lola E. Walker Phone: 547-3814
post office address P.O. Box 813, Soda Springs, Idaho 83276
2. Source of water supply unnamed stream which is a tributary of sinks
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7 Township 10S
Range 43E B.M. Bear Lake County; additional points of diversion if any: _____
(See remarks) _____
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 1.00 for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.04 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for Stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 1.06 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. underground drain delivers water to
diversion point into a proposed irrigation cvernight storage and regulating
reservoirs, pumping plant and above ground or buried temporary or permanent
mainline and irrigation pipeline laterals with sprinkler heads
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 5 years.
b. Estimated construction cost is \$ 5,200.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7 Township 10S
Range 43E 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 _____
200 head of cattle
(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 1.
(5) If water is to be used for other purposes describe: _____

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	
10S	43E	7	18.8	1	6.6		1.5												60

Total number of acres to be irrigated 60

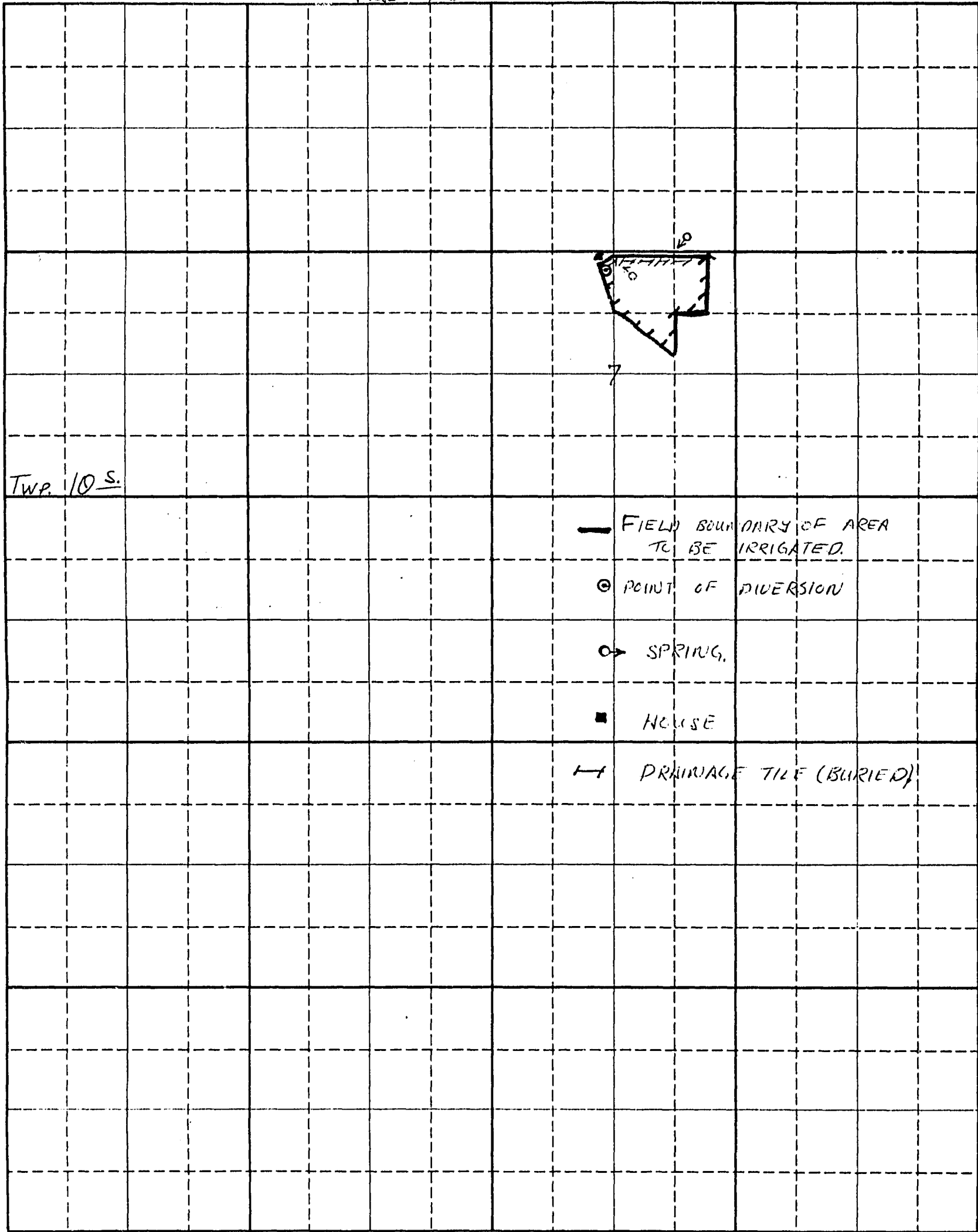
c. Describe any other water rights used for the same purposes as described above. None

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 Individual of adjacent property developed and installed perforated drain to remove water from boggy area on his property in the SE 1/4 SE 1/4, Sec. 6, T. 10S, R. 43E. This drain conveys this water to his property boundary where it spills onto Mrs. Lola E. Walker's land. Mrs. Walker's buried drain will collect this water plus the water from Walker Spring #1 located in the NW 1/4 NE 1/4, Sec. 6, T. 10S, R. 43E, and deliver it to the point of diversion.

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

RGE 43 E.



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.

Lola E. Walker
(Applicant)

Proposed Priority 3/21/77

Received by OW Date 3-21-77 Time 10:30 A

Preliminary check by ARK Fee \$ 25.00

Receipted by OW Date 3-21-77 # 6460

Publication prepared by OW Date 3-25-77

Published in News-Blanner

Publication dates Mar. 31 & Apr. 7-1977

Publication approved me Date 4-14-77

Priority reduced to _____ Reason _____

Protests filed by: Utah Power & Light

Withdrawn - 7/2/77

Copies of protests forwarded by OW

Hearing held by _____ Date _____

Recommended for approval denial by RDC jg

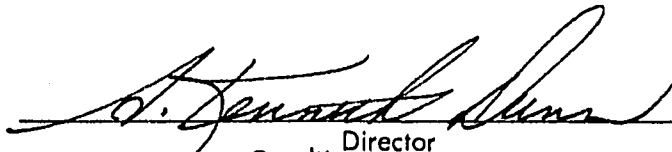
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 11-7106, 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 August 1, 19 82.
- c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

Witness my hand this 22 day of August 19 77.


Deputy Director

Nº 568

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Loren W. Thompson
being duly sworn,

deposes and says:

That he is the *publisher* of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

March 31, 19*77*, and ending
with the issue of *April 2*, 19*77*.

Fees, *14.76*

Subscribed and sworn to before me this *12* day

of *April 1*, 19*77*.

Loren W. Thompson
Notary Public, Residing at Montpelier, Idaho
My Commission Expires *March 13 79*

PUBLIC NOTICES

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lola E. Walker, Soda Springs, Idaho has on 3-21-77, submitted Application No. 11-7106 for a permit to appropriate 1.06 cubic feet per second of water from an unnamed stream tributary to sinks by means of drain and pipeline within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T. 10S, R. 43E, B.M., Bear Lake County; to be used from Jan. 1 to Dec. 31 for domestic purposes for one family and stockwatering purposes for 200 head of cattle within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T. 10S, R. 43E; and from Apr. 1 to Nov. 1 for the irrigation of 60 acres within the N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T. 10S, R. 43E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 18, 1977

Director

Published in the News-Examiner, Montpelier, Idaho on March 31 and April 7, 1977.

M31-27

RECEIVED

APR 14 1977

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Walker

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

(1) ARK 3/21/77

In form to receipt

(2) ARK 3/21/77

Send Copies to:

n/a Idaho State Health Department
n/a Idaho Fish and Game Department
n/a Bureau of Land Management

(3) ARK 3/21/77

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

(4) ARK 3/21/77

In form for advertising

(5) ARK 3/21/77

Platted on Map No. BB-97

(6) ARK 3/21/77

Located within Water District No. Basin 11

(7) ARK 3/21/77

Critical groundwater area: yes no X

(8) ARK 3/21/77

Groundwater levels: not applicable

Declining, Stable, Increasing

(comment)

(9) ARK 3/21/77 RNS

Other rights on the same place of use none

(10) ARK 3/21/77

Comments: none

(11) CW 4-14-77

Affidavit of Publication received (date) April 14-77

(12) CW 4-18-77

Final date for protests April 18-1977

Protests received: yes no X

(13) RDC 7/15/77

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

(14) 11 11

Action recommended:

☒ Approve

Deny

3/21/77 Proposed Priority

Reason for Reduction

☒ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District E

By RDC

Date 7/15/77

Copy Sent



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

March 15, 1977

Mrs. Lola E. Walker
P.O. Box 813
Soda Springs, Idaho 83276

Dear Mrs. Walker:

Please find enclosed your application for permit and check No. 92-127 in the amount of \$35.00. In reviewing the application, the Department feels it is necessary to change the designated point of diversion. For your convenience, we have typed another application for permit with the corrected point of diversion. This application requires your signature before it can be resubmitted to our office.

We also request that you review the new application to insure its accuracy. If you should have any questions concerning these changes, please feel free to contact me.

Very truly yours,

Ernest M. Carlsen

ERNEST M. CARLSEN
Water Resource Agent

EMC:cw

Attachment

Enclosures

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lola E. Walker,
Soda Springs, Idaho
has on 3-21-77 submitted Application No. 11-7106
for a permit to appropriate 1.06 cubic feet per second ~~acre feet per annum~~
of water from an unnamed stream tributary to sinks
by means of drain and pipeline
within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T. 10S, R. 43E, B.M., Bear Lake County;

to be used from Jan. 1 to Dec. 31 for domestic purposes for one family and
~~XXX~~ stockwatering purposes for 200 head of cattle within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T.
10S, R. 43E; and from Apr. 1 to Nov. 1 for the irrigation of 60 acres
within the N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T. 10S, R. 43E, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 18, 1977.

XXXXXXXXXXXXXXXXXXXX

Director

Published in the News-Examiner, Montpelier, Idaho
on March 31 and April 7, 1977

me. d. m. c.

March 24, 1977

RE: Application for Permit No. 11-7106 WALKER
11-7107 NICHOLS
11-7108 NELSON
11-7109 WALLENTINE
11-7110 "

Claim to a Water Right No. 11-4058 NICHOLS

The News-Examiner
P.O. Box 278
Montpelier, Idaho 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 time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 4-14-77 by ew

RDC:CW

Enc: Legal Notice (6)

March 30, 1977

RE: Application for Permit No. 11-7106

Ms. Lola E. Walker
P.O. Box 813
Soda Springs, Idaho 83276

Dear Mr. Walker:

Attached herewith is departmental receipt No. 6460 in the amount of \$35.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

Attachment

RECEIVED

APR 18 1977

Department of Water Resources
Eastern District Office

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE APPLICATION :
OF LOLA E. WALKER TO DIVERT 1.06 :
CUBIC FEET PER SECOND OF WATER : PROTEST OF
FROM AN UNNAMED STREAM TRIBUTARY :
TO SINKS BY MEANS OF DRAIN AND : UTAH POWER & LIGHT COMPANY
PIPELINE IN BEAR LAKE COUNTY, :
IDAHO. :
:
APPLICATION NO. 11-7106. :
:

COMES NOW the protestant UTAH POWER & LIGHT COMPANY (Utah Power) and protests the Application of Lola E. Walker and alleges as follows:

1. Utah Power holds Water Rights decreed in the matter of Utah Power & Light Company vs. The Last Chance Canal Company, Limited, et al, In Equity No. 203, July 14, 1920, and Utah Power & Light Company vs. Richmond Irrigation Company, et al, February 21, 1922, as well as other rights in the Bear River.

2. The Bear River below Stewart Dam is fully appropriated.

3. Lola E. Walker filed an Application with the Office of the Idaho Department of Water Resources numbered 11-7106 seeking to appropriate 1.06 cubic feet per second of water at points of diversion specified in said Application.

4. The granting of the Application of Lola E. Walker for the appropriation of 1.06 cubic feet per second of water would adversely affect the aforementioned water rights of Utah Power & Light Company.

WHEREFORE, protestant prays that the Application of Lola E. Walker be denied inasmuch as there is no unappropriated water in the proposed source and the proposed use will impair existing rights.

DATED this 14th day of April, 1977.

SIDNEY G. BAUCOM
THOMAS W. FORSGREN

BY Thomas W. Forsgren
Attorneys for Protestants
Utah Power & Light Company
1407 West North Temple
Salt Lake City, Utah 84116

UTAH POWER & LIGHT COMPANY

P. O. BOX 899

SALT LAKE CITY, UTAH 84110

RECEIVED

APR 18 1977

LEGAL OFFICES
SIDNEY G. BAUCOM
SENIOR VICE PRESIDENT
AND
GENERAL COUNSEL

April 14, 1977

Department of Water Resources
Eastern District Office

ROBERT GORDON
350-3214

THOMAS W. FORSGREN
350-3213

VERL R. TOPHAM
350-3850

SAM F. CHAMBERLAIN
350-3825

ROSEMARY RICHARDSON
350-3796

MARY STIRK
LEGAL ASSISTANT
350-3217

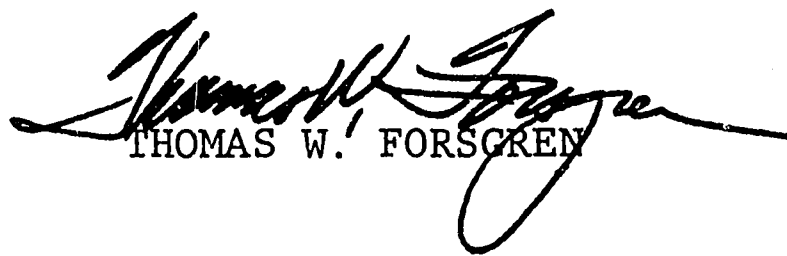
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed herewith please find the following Protests of Utah
Power & Light Company which have been executed in duplicate:

Application No. 11-7106 - Lola E. Walker
Application No. 11-7107 - Murray C. Nichols
Application No. 11-7108 - C. Lee Nelson
Application No. 11-7109 - L. C. and/or Sterling
and/or Darwin Wallentine
Application No. 21-7108 - Glade Lyon

Yours truly,


THOMAS W. FORSGREN

TWF:LK
ENC.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

April 20, 1977

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

R. Keith Higginson
Director

Ms. Lola E. Walker
P.O. Box 813
Soda Springs, Idaho 83276

Dear Ms. Walker:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 11-7106. You should be aware that the following are the principal 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 41-202, 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,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

April 20, 1977

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

R. Keith Higginson
Director

RE: Application for Permit No. 11-7106 WALKER

Mr. Thomas W. Forsgren
Attorney
Utah Power & Light Company
1407 West North Temple
Salt Lake City, Utah 84116

Dear Mr. Forsgren:

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,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protests Against Approval
of Applications for Permits No. 11-7106 in
the Name of LOLA E. WALKER; No. 11-7108
C. LEE NELSON; No. 11-7113 and 11-7114 LARRY
B. KELSEY

NOTICE OF COMBINED CONFERENCE
AND/OR HEARING

On March 21, 1977, Lola E. Walker, Soda Springs, Idaho, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On March 22, 1977, an application was filed by C. Lee Nelson, Montpelier, Idaho; and on April 18, 1977, these applications were protested by Utah Power and Light Company. On April 18, 1977, Larry B. Kelsey, Paris, Idaho, filed two applications to appropriate the public waters of the State of Idaho. On May 10, 1977, the Department received a protest against approval of said applications from Weyn Bird; and on May 12, 1977, the Department received an additional protest from Utah Power and Light Company.

The Department has set the matter of protests for conference and/or hearing for Wednesday, July 20, 1977, at 2:00 p.m., in the Courtroom of the Bear Lake County Courthouse, Paris, Idaho. Because of the similarity of the issues involved in the protests of these applications, the Department proposes to consolidate the conference. 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 Resources. 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 applicants or protestants may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 1st day of July, 1977.

s/ Ronald D. Carlson

RONALD D. CARLSON
Supervisor; Eastern Region



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

Indicate type of mail:
☐ REGISTERED
☒ CERTIFIED
☐ C.O.D.

Attach stamp here if issued as certificate of mailing for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

441

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	REST. DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS
421	Paul Buckley, 450 Main St, Coeur d'Alene	13	60					29-0076
422	Paul Buckley, Box 436, Main St, Coeur d'Alene							"
423	James E. Wagner, 772 Washington Ave, Coeur d'Alene							"
424	Mr. Robert W. Smith, Box 436, Coeur d'Alene							29-2384
425	Richard Sherman, 1414 Main St, Coeur d'Alene							"
426	Mr. Sherman, 1414 Main St, Coeur d'Alene							29-2391
427	Kathleen Lee, 1414 Main St, Coeur d'Alene							"
428	Kathleen Lee, 1414 Main St, Coeur d'Alene							"
429	K. J. Sherman, 1414 Main St, Coeur d'Alene							"
430	Edward E. Smith, 1414 Main St, Coeur d'Alene							"
431	Charles E. Smith, 1414 Main St, Coeur d'Alene							29-2170
432	Donna E. Smith, 1414 Main St, Coeur d'Alene							"
433	James E. Smith, 1414 Main St, Coeur d'Alene							29-2174
434	James E. Smith, 1414 Main St, Coeur d'Alene							"
435	James E. Smith, 1414 Main St, Coeur d'Alene							29-2106
436	James E. Smith, 1414 Main St, Coeur d'Alene							29-2108
437	James E. Smith, 1414 Main St, Coeur d'Alene							29-2113
438	James E. Smith, 1414 Main St, Coeur d'Alene							"
439	James E. Smith, 1414 Main St, Coeur d'Alene							"
440	James E. Smith, 1414 Main St, Coeur d'Alene							29-2176

NO. OF PIECES BY SENDER: 20
TOTAL NO. OF PIECES RECEIVED AT P.O.: 20
POSTMASTER, PER (Name of registered employee):
Declaration of value is required on international registered mail.
* U. S. GOVERNMENT PRINTING OFFICE: 1974-0-333-218

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

July 11, 1977

RE: Application for Permit No. 11-7106 LOLA E. WALKER

Mr. Ron Perrin
SCS Service
159 East 2nd South #2
Soda Springs, Idaho 83276

Dear Mr. Perrin:

Pursuant to our telephone conversation, please find enclosed a copy of the protest filed against the above referenced application.

If you have further questions, please feel free to contact this office.

Very truly yours,

COLLEEN WRAY
Secretary

CW

Enclosure

July 12, 1977

Bear Lake County Clerk
Bear Lake County Courthouse
Paris, Idaho 83261

Gentlemen:

This is to confirm the use of the Courtroom in the Bear Lake County Courthouse for conference and/or hearing to be held by this office on Wednesday, July 20, 1977, beginning at 2:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

11-7106 - Lola E. Walker; 11-7108 - C. Lee Nelson

11-7113 and 11-7114 - Larry B. Kelsey

Courtroom, Bear Lake County Courthouse, Paris, Idaho

July 20, 1977 - 2:00 p.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
-------------	----------------	---------------------

UTAH POWER & LIGHT COMPANY

P. O. BOX 899

SALT LAKE CITY, UTAH 84110

LEGAL OFFICES
SIDNEY G. BAUCOM
SENIOR VICE PRESIDENT
AND
GENERAL COUNSEL

July 7, 1977

RECEIVED

JUL 8 1977

Department of Water Resources
Eastern District Office

ROBERT GORDON
350-3214

THOMAS W. FORSGREN
350-3213

VERL R. TOPHAM
350-3850

SAM F. CHAMBERLAIN
350-3825

ROSEMARY RICHARDSON
350-3796

MARY STIRK
LEGAL ASSISTANT
350-3217

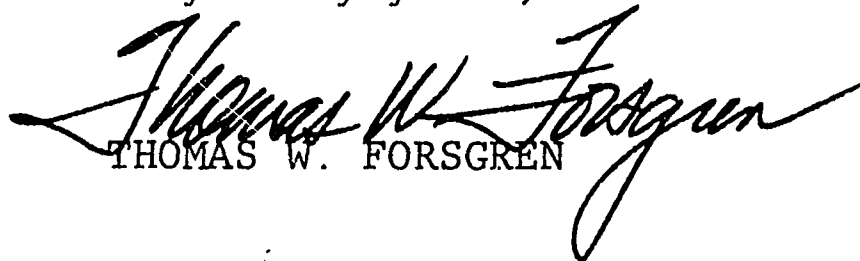
Mr. Ronald D. Carlson
Supervisor
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

Enclosed please find Withdrawals of Protest concerning ground water applications previously filed with your Department. With regard to applications for other than ground water, I agree with your language in your June 16, 1977 letter in which you state, "If water is available, the statutes require the Department to issue a permit. If it is not available, then the permit must be denied or approved with conditions to protect prior existing water rights." I don't think there is any question but that the Bear River is fully appropriated and that there is no water which could be the subject of a new permit. As support for this conclusion, I would refer you to the Watermaster's Report on Flow and Diversion for Idaho District II. If you wish us to supply you with this report, we will be pleased to do so. In light of the above, we would respectfully submit that applications for surface water in the subject area be denied.

Thank you for your cooperation in this matter.

Very truly yours,


THOMAS W. FORSGREN

TWF:mb

RECEIVED

JUL 8 1977

Department of Water Resources
Eastern District Office

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE APPLICATION)
OF LOLA E. WALKER TO DIVERT 1.06)
C.F.S. OF WATER FROM AN UNNAMED)
STREAM TRIBUTARY TO SINKS BY)
MEANS OF DRAIN AND PIPELINE)
IN BEAR LAKE COUNTY, IDAHO.)
APPLICATION NO. 11-7106)

WITHDRAWAL OF PROTEST
OF
UTAH POWER & LIGHT COMPANY

COMES NOW the Protestant, Utah Power & Light Company,
and hereby withdraws its protest filed in the above matter with
the understanding that the permit issued by the Department of
Water Resources will be issued subject to prior rights.

DATED this 7th day of July, 1977.

SIDNEY G. BAUCOM
THOMAS W. FORSGREN

By Thomas W. Forsgren
Attorneys for Protestant
Utah Power & Light Company
1407 West North Temple
Salt Lake City, Utah 84116



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

July 15, 1977

RE: Applications for Permits No. 11-7108, 13-7177 and 11-7106

Mr. Thomas W. Forsgren
Attorney
Utah Power & Light Company
P.O. Box 899
Salt Lake City, Utah 84110

Dear Mr. Forsgren:

This letter will acknowledge receipt of the withdrawal of the protests submitted against the above referenced applications. The Department will, therefore, take no further action in the conferences and/or hearings previously scheduled.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

July 15, 1977

RE: Application for Permit No. 11-7106

Ms. Lola E. Walker
P.O. Box 813
Soda Springs, Idaho 83276

Dear Ms. Walker:

This letter is to advise you that Utah Power and Light has withdrawn their protest against the above referenced application for permit and, therefore, the Department will take no further action in the matter of conference and/or hearing in this matter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office
Ron Perrin, SCS

August 26, 1977

Re: Permit No. 11-7106

Lola E. Walker
P. O. Box 813
Soda Springs, ID 83276

Dear Ms. Walker:

Enclosed is a copy of your approved Application for Permit No. 11-7106. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to either install and maintain a measuring device at your point of diversion or to provide the Department a certified measurement of the systems diversion capacity prior to submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah

Enclosure

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 11-7106

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows:

"The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

Glen Saxton

GLEN SAXTON
Chief, Operations Bureau

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 11-7106 Priority March 2., 1977 Amount 0.04 cfs
THIS IS TO CERTIFY, that Lola E. Walker
of Soda Springs, Idaho, has complied with the terms and conditions of Permit
No. 11-7106 issued pursuant to Application for Permit dated March 21, 1977,
and has submitted proof to the Department of Water Resources on July 9, 1982,
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 stream,
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 (1 Unit)	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 _____	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
1.2 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7,
Twp 10S, Rge 43E 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 $\frac{1}{4}$	
10S	43E	7					X												

Total number of acres irrigated _____

CONDITIONS OF APPROVAL

a. 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.

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

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 9TH day of MAY, 19 86.

Acting for the Director

Norman C. Young

MS ✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138958

WALKER, LOLA E.
P.O. BOX 813
SODA SPRINGS, ID 83276

MAY 31, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 11-7106 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE AUGUST 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

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

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

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

May 31, 1982

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocations Section

DRT:jg

Enclosures

NORTHERN REGION OFFICE
Route #5, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

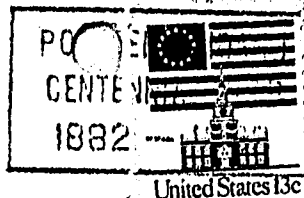
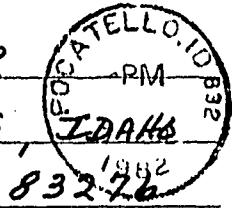
SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190

L. E. WOLKER

SODA SPRINGS



RECEIVED



JUL 9 1982 IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
Department of Water Resources
BOISE, IDAHO 83720

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 11-7106.

Name(s) of Permit Holder: LOLA E WALKER

Post Office Address: BOX 813

SCDA SPRINGS, IDAHO Tel. No. 547-3814

Source of Water:

Extent of Use: ☒ Domestic 2 (number of households)
☐ Stockwater _____ (number and type of stock)
☐ Irrigation _____ (acres)
☐ Other _____

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

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

7 July 1982
Date

Lola E. Walker
Signature of Permit Holder



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

October 26, 1982

Lola E. Walker
Box 813
Soda Springs, ID 83276

RE: Permit No. 11-7106

Dear Ms. Walker:

We acknowledge receipt of your statement 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.

☐ A field examination of your system has been scheduled for _____.

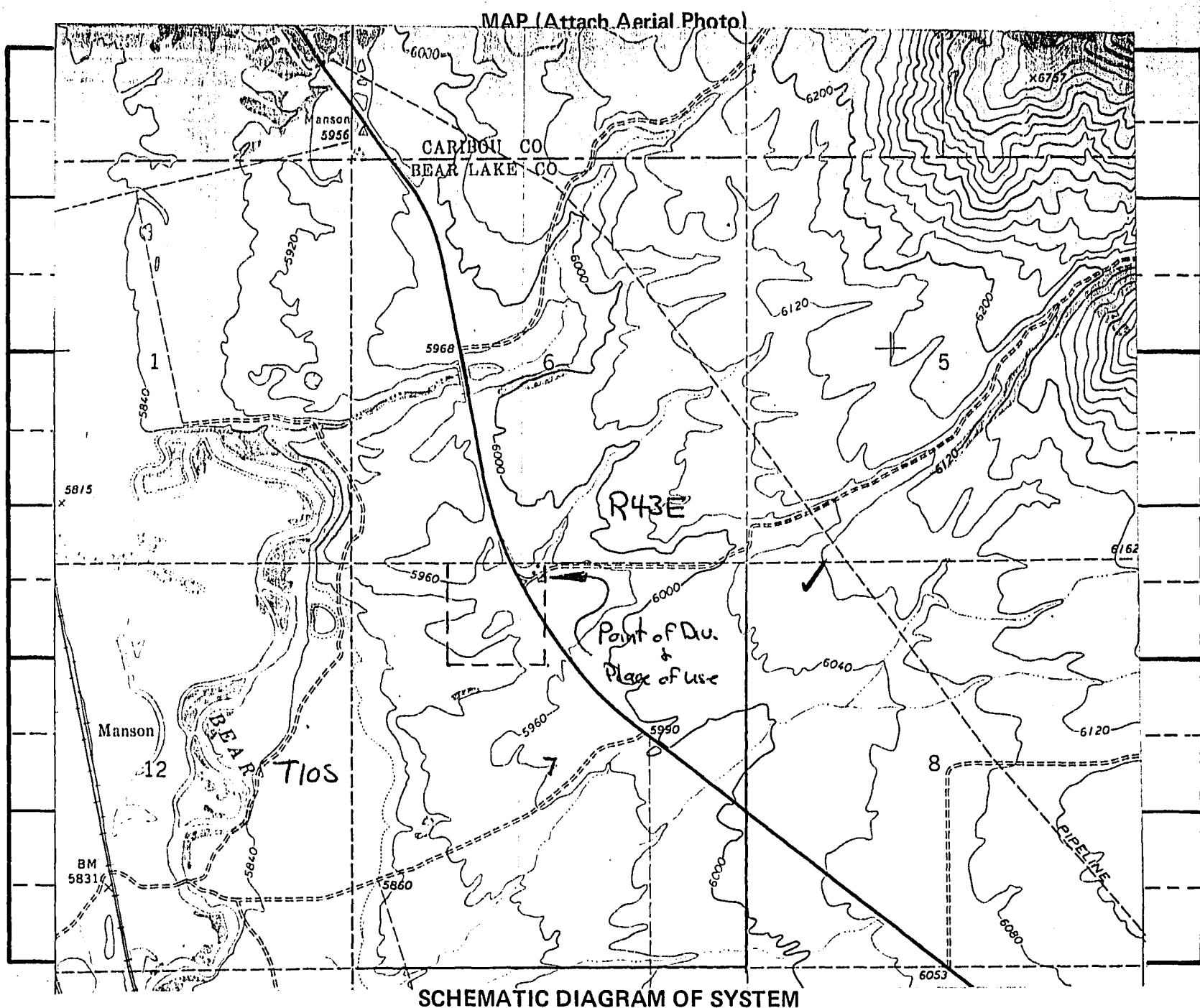
If this time and date is not convenient for you, please contact this office as soon as possible.

☒ A field examiner will contact you to arrange to examine your system.

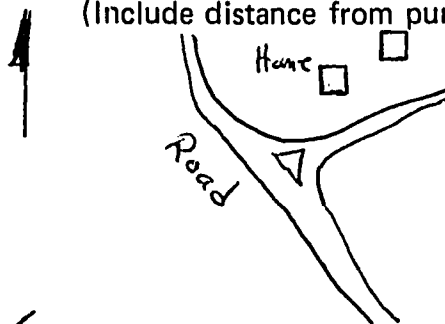
If you have any questions regarding the field examination, please contact this office.

Sincerely,

COLLEEN WRAY
Adm. Secretary



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



Point(s) of diversion: NE 1/4 NW 1/4 Sect. 7 T10S R43E

Place(s) of Use ☒

TWP.	RGE.	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	
10S	43E	7					X												

Recommended Amendments:

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

Examiner's Signature

H.W. Jones

Checked by

K. Walker

Approved by

K. Walker

Date

Oct. 19, 1984

Date

19 Oct 1984

Date

4-14-86

PERMIT NO. 11-7106 Barker
(Name)
EXAMINATION: DATE: 8-18-83 Accompanied by: Dean Barker

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

Measuring Device Type: Theoretical

Meter # _____ Annubar # _____ Size # _____

Remarks: Need assignment from Lola Walker
to Barker

Measurement calculations:

Use for Home + lawn

assign 0.04 domestic two homes?
0.02 irrigation

SCHEMATIC DIAGRAM OF SYSTEM

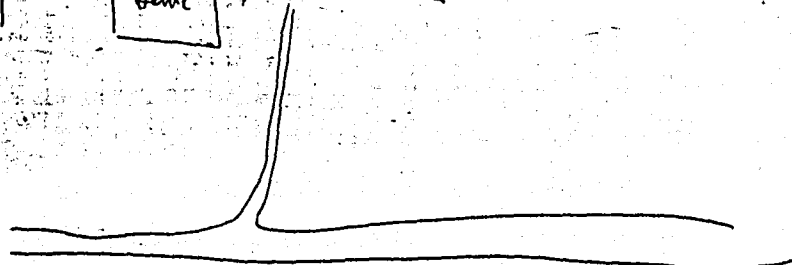
Mainline Diameter _____ Length _____

← Z

← Home

Home

Bary





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

April 21, 1986

RE: Permit No. 11-7106

Lola E. Walker
Box 813
Soda Springs, ID 83276

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

If you do not concur with the information shown on the draft license, please advise the Department within ten (10) days. If you have any questions, please let us know; otherwise, the license will be issued as identified on the draft copy.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

May 14, 1986

RE: Permit No. 11-7106

Loia E. Walker
Box 813
Soda Springs, ID 83276

Dear Ms. Walker:

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure