

Identification No. 11 7108

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant C. Lee Nelson Phone: 847-1537
post office address Stat Route 1, Montpelier, Idaho 83254
2. Source of water supply unnamed spring which is a tributary of Sinks
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22 Township 12S
Range 43E B.M. Beet 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 0.03 for stockwater purpose from May 1 to Nov 1 (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. 0.03 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Drainfield, Pipeline,
watering trough

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 \$ 1000.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22 Township 12S
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
Beef Cattle
(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
- (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	

Total number of acres to be irrigated _____

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

None Known

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 _____

A hand-drawn map on a grid. A vertical road is labeled "T 12 S" and a horizontal road is labeled "R 43 E". An intersection is marked with a dot and labeled "22". A dashed line labeled "spring" points to the intersection.

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.

C Lee Nelson
(Applicant)

Proposed Priority 3/22/77

Received by CU Date 3-22-77 Time 11:20 A.

Preliminary check by ARK Fee \$ 10.00

Received by CU Date 3-24-77

Publication prepared by CU Date 3-24-77

Published in News Examiner

Publication dates Mar 31 + April 2, 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 CU

Hearing held by _____ Date _____

Recommended for approval denial by RDC jo

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. 11-7108, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

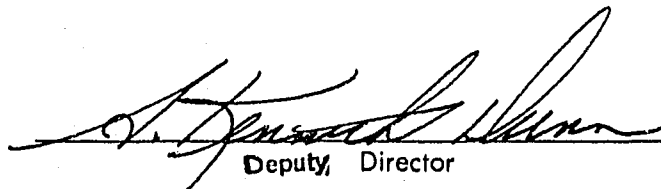
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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: _____

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

Witness my hand this 22 day of August, 19 77.


Deputy Director

Nº 571

RECEIVED
APR 14 1977

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Bear Lake

ss.

Loren R. 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, 1977, and ending
with the issue of April 7, 1977.

Loren R. Thompson
Fees, 12.91

Subscribed and sworn to before me this 12 day
of April, 1977.

Loren R. Thompson
Notary Public, Residing at Montpelier, Idaho

My Commission Expires March 13, 1979

LEGAL NOTICES

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that C. Lee Nelson, Montpelier, Idaho has on 3-22-77 submitted Application No. 11-7108 for a permit to appropriate 0.03 cubic feet per second of water from an unnamed spring tributary to sinks by means of pipeline and stockwatering troughs within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T. 12S, R. 43E. B.M., Bear Lake County; to be used from May 1 to Nov. 1 for stockwatering purposes for 200 head beef cattle within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T. 12S, 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-A7
re

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Nelson

☒ Source
☒ Point of Diversion is incorrect OK
☒ 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 3/23/77

In form to receipt Assumes amendment of P.D. OK

(2) ARK 3/23/77

Send Copies to:

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

(3) ARK 3/23/77

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 3/23/77

In form for advertising Assumes P.D. correct. OK

(5) ARK 3/23/77

Platted on Map No. CC-97

(6) ARK 3/23/77

Located within Water District No. Basin 11

(7) ARK 3/23/77

Critical groundwater area: yes no X

(8) ARK 3/23/77

Groundwater levels: not applicable

Declining, Stable, Increasing

(comment) _____

(9) ARK 3/23/77

Other rights on the same place of use none

(10) ARK 3/23/77

Comments: none

(11) lw 4-14-77

Affidavit of Publication received (date) Apr. 14-77

(12) lw 4-18-77

Final date for protests April 18, 1977

Protests received: yes no

(13) RDC 7/15/77

All requested information received from agencies or applicant: yes no

(14) 11 11

Action recommended:

☒ Approve

Deny

3/22/77 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

March 24, 1977

RE: Application for Permit No. 11-7108

Mr. C. Lee Nelson
Star Route #1
Montpelier, Idaho 83254

Dear Mr. Nelson:

Attached herewith is departmental receipt No. 6474 in the amount of \$10.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment

RECEIVED

APR 14 1977

DEPT

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE APPLICATION :
C. LEE NELSON TO DIVERT 0.03
CUBIC FEET PER SECOND OF WATER : PROTEST OF
FROM AN UNNAMED SPRING TRIBUTARY :
TO SINKS BY MEANS OF PIPELINE : UTAH POWER & LIGHT COMPANY
AND STOCKWATERING TROUGHS IN :
BEAR LAKE COUNTY, IDAHO. :

APPLICATION NO. 11-7108.
:

COMES NOW the protestant UTAH POWER & LIGHT COMPANY (Utah Power) and protests the Application of C. Lee Nelson 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. C. Lee Nelson filed an Application with the Office of the Idaho Department of Water Resources numbered 11-7108 seeking to appropriate 0.03 cubic feet per second of water at points of diversion specified in said Application.

4. The granting of the Application of C. Lee Nelson for the appropriation of 0.03 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 C. Lee Nelson 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

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that C. Lee Nelson,
Montpelier, Idaho

has on 3-22-77 submitted Application No. 11-7108
for a permit to appropriate 0.03 cubic feet per second ~~acre feet per annum~~
of water from an unnamed spring tributary to sinks
by means of pipeline and stockwatering troughs
within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T. 12S, R. 43E, B.M., Bear Lake County;

to be used from May 1 to Nov. 1
for stockwatering purposes for 200 head beef cattle

within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T. 12S, 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
R. KEITH HIGGINSON

Director

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

me. d.
me. u.

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 cd

RDC:CW

Enc: Legal Notice (6).



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. 11-7108 NELSON

Mr. Thomas W. Forsgren, Attorney
Utah Power & Light Company
1407 West North Temple
Salt Lake City, Utah 84416

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

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
350-3050

SAM F. CHAMBERLAIN
350-3825

ROSEMARY RICHARDSON
350-3796

MARY STIRK
LEGAL ASSISTANT
350-3217

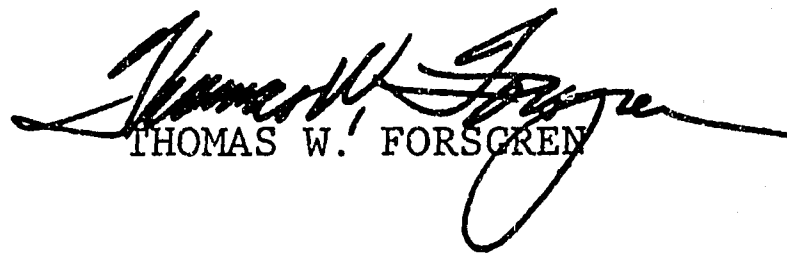
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

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 21, 1977

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

R. Keith Higginson
Director

Mr. C. Lee Nelson
Star Route #1
Montpelier, Idaho 83254

Dear Mr. Nelson:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 11-7108. 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

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
☒ REGISTERED C.O.D.
☒ CERTIFIED

Affix stamp here if issued as certificate of liability of addressee
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. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS
4121	Paul Buckner, 4500 Main St. Fortville	13	60					29-00796
4122	Paul Buckner, Box 436 Merrill, Ida.							"
4123	James E. Manning, 779 Washington Park							"
4124	Mr. M. Robert W. Child, Box 446, Fortville							29-23384
4125	Richard Sherman, 440 Fortville, Ida.							"
4126	Mr. Sherman, 440 Fortville, Ida.							29-23391
4127	Kathleen, Lawrence, Ida.							"
4128	Robert W. Child, Box 446, Fortville							"
4129	R. J. Shuman, 440 Fortville, Ida.							"
4130	Shirley D. Buckner, 440 Fortville, Ida.							"
4131	Shirley D. Buckner, 440 Fortville, Ida.							13-91170
4132	Donna Buckner, 440 Fortville, Ida.							"
4133	James E. Manning, 779 Washington Park							13-91174
4134	James E. Manning, 779 Washington Park							"
4135	Richard Sherman, 440 Fortville, Ida.							11-2106
4136	Richard Sherman, 440 Fortville, Ida.							11-2108
4137	Richard Sherman, 440 Fortville, Ida.							11-211344
4138	Richard Sherman, 440 Fortville, Ida.							"
4139	Richard Sherman, 440 Fortville, Ida.							13-91176
4140	Richard Sherman, 440 Fortville, Ida.							"

NO. OF PIECES
BY SENDER 20 TOTAL NO. OF
PIECES RECD. AT P.O. 20 POSTMASTER, PER (Name of receiving employee)
Application for Registered, Registered C.O.D. and Certified Mail
(Declaration of value is required on International registered mail)
* U. S. GOVERNMENT PRINTING OFFICE: 1974-0-511-726

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

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

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

ROBERT GORDON
350-3214

THOMAS W. FORSGREN
350-3213

VERL R. TOPHAM
350-3850

SAM F. CHAMBERLAIN
350-3825

ROSEMARY RICHARDSON
350-3798

MARY STIRK
LEGAL ASSISTANT
350-3217

RECEIVED

JUL 8 1977

Department of Water Resources
Eastern District Office

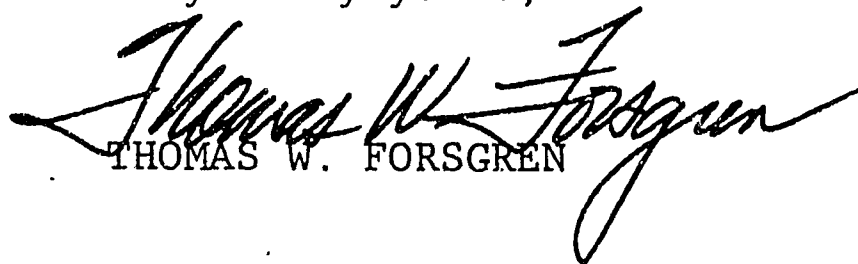
Mr. Ronald D. Carlson
Supervisor
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

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 C. LEE NELSON TO DIVERT 0.03)
C.F.S. OF WATER FROM AN UNNAMED)
SPRING TRIBUTARY TO SINKS BY)
MEANS OF PIPELINE AND STOCK-)
WATERING TROUGHS IN BEAR LAKE)
COUNTY, IDAHO.)

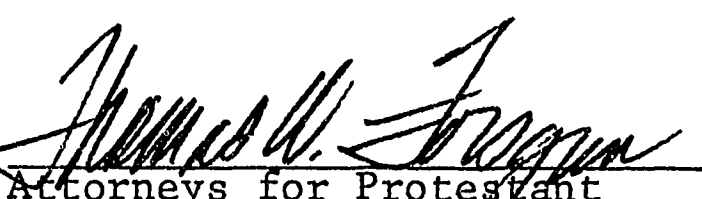
WITHDRAWAL OF PROTEST
OF
UTAH POWER & LIGHT COMPANY

APPLICATION NO. 11-7108

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 
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. 11-7108

Mr. C. Lee Nelson
Star Route #1
Montpelier, Idaho 83254

Dear Mr. Nelson:

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

August 25, 1977

Re: Permit No. 11-7108

C. Lee Nelson
Star Route 1
Mont Pelier, ID 83254

Dear Mr. Nelson:

Enclosed is a copy of your approved Application for Permit No. 11-7108. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:mef

Enclosure

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 11-7108 IN THE)
NAME OF C. LEE NELSON)

ORDER OF REINSTATEMENT

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before August 1, 1982; and,

WHEREAS, the Department has notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, the Department has notified the permit holder that the permit has lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on September 23, 1982;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 11-7108 be REINSTATED and the priority advanced to May 14, 1977.

Dated this 8th day of October, 1982.

L. Glen Saxton

L. GLEN SAXTON

Chief, Operations Bureau

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 11-07108

Priority: May 14, 1977

Maximum Diversion Rate: 0.01 CFS
Maximum Diversion Volume:¹ 1.4 AF

This is to certify, that C. LEE NELSON
STAR RT 1 BOX 1180
MONTPELIER, ID 83254

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated March 22, 1977; and
has submitted Proof of Beneficial Use on September 23, 1982. An examination indicates
that the works have a diversion capacity of .010 cfs of water from:

SPRING

tributary to SINKS

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	05/01 to 11/01	0.01 CFS	1.4 AF

LOCATION OF POINT(S) OF DIVERSION: SESENE, Sec. 22, Township 12S, Range 43E
BEAR LAKE County

PLACE OF USE: STOCKWATER

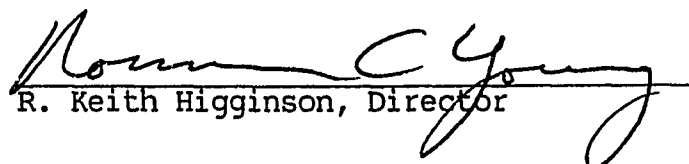
TWN RGE SEC

12S 43E 22 SENE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. 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 license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 13TH
day of FEBRUARY, 1990.

Acting for  R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138959

NELSON, C. LEE
STAR RT 1
MONTPELIER, ID 83254

MAY 31, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 11-7108 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

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

NELSON, C. LEE
STAR RT 1
MONTPELIER, ID 83254

AUGUST 03, 1982

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 11-7108 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER A NOTICE THAT YOU HAVE COMPLETED THE PROJECT BY THE DATE REQUIRED ON YOUR PERMIT, OR A REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR NOTICE TO YOU DATED MAY 31, 1982.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

CERTIFICATION OF MAILING

I hereby certify that on Aug. 9, 1982
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

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. 11-7108.

Name(s) of Permit Holder: C. Lee Nelson

Post Office Address: Star Rt 1 Montpelier Idaho 83254

Tel. No. 847-1537

Source of Water: Spring

Extent of Use: ☐ Domestic (number of households)

☒ Stockwater 200 Buf Cr (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.

Sept 20 1982
Date

C. Lee Nelson
Signature of Permit Holder

C. L. Nelson
Star Rt #1
Montpelier, Id



RECEIVED

SEP 23 1982



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

CALCULATION OF NEW PRIORITY DATE

FROM: Rita Fleck

TO: File # 11-7108

DATE: Oct. 8, 1982

Date Proof Received

266

Proof Due

213

Number of Days Proof Late

53

Priority Date

81

Number of Days Proof Late

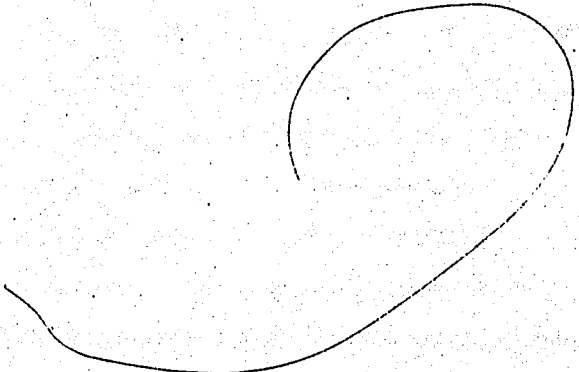
53

New Priority Date

134

= May 14, 1977

Remarks





John V. Evans
Governor

A. Kenneth Dunn
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

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

October 26, 1982

C. Lee Nelson
Star Route #1
Montpelier, Idaho 83254

RE: Permit No. 11-7103

Dear Mr. Nelson:

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

Enclosure: Order of Reinstatement

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

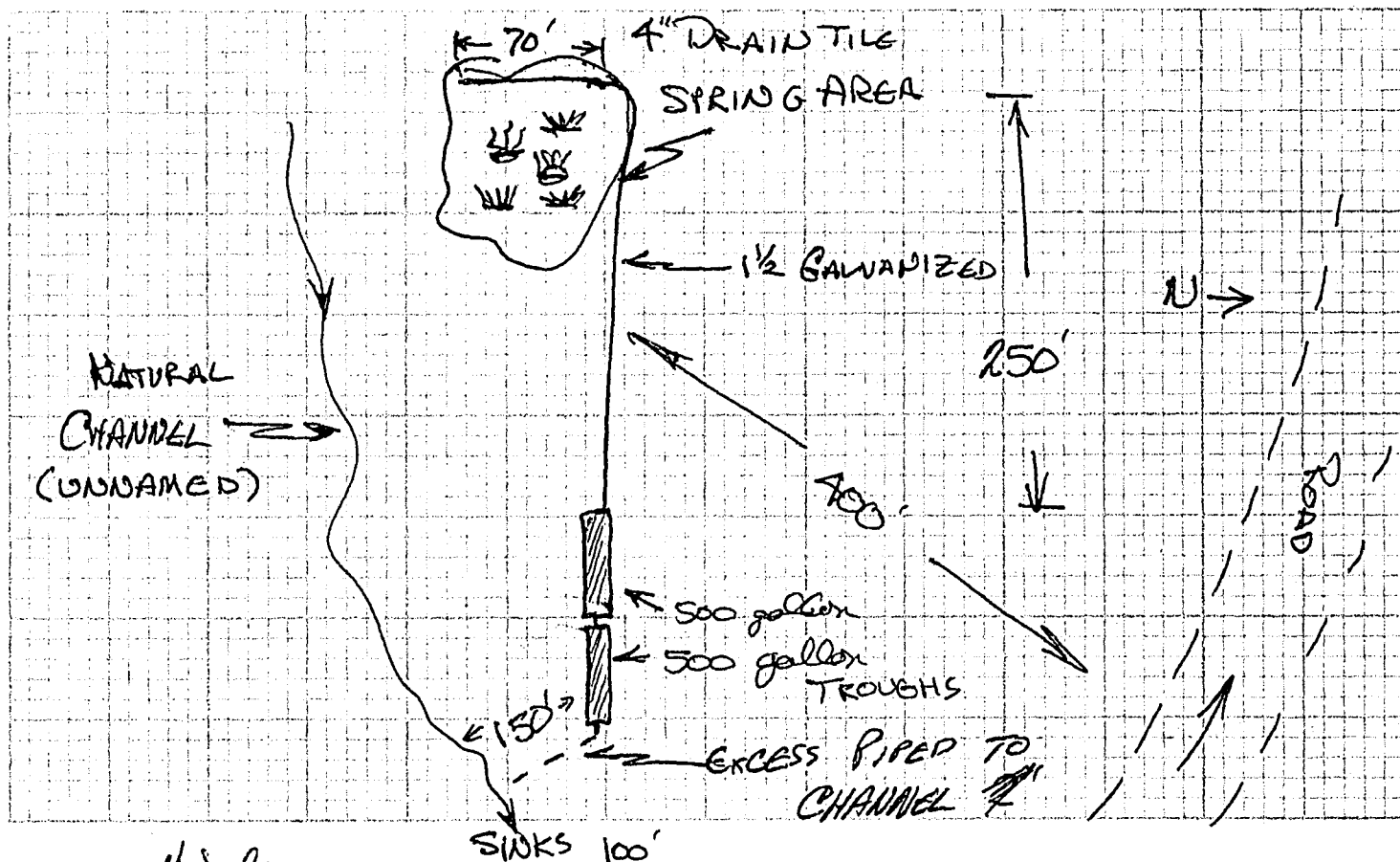
1. Owner: C. LEE NELSON Permit No. 11-7108
Current Address: Box 1180 STAR ROUTE 1, MONTPELIER, ID. 83254 Phone No. 847-1537
2. Accompanied by: PERMITEE EXAM. DATE: OCT-15-1987
Address: SAME Phone No. 847-1537
Relationship to Permit Holder: OWNER
3. Source: SPRING tributary to SINKS

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: NONE
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = No Scale

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

SPRING DEVELOPMENT SUPPLIES WATER TO TWO 500 GALLON
SOCK TROUGHS. TROUGHS SUPPLY 150 HEAD OF RANGE CATTLE
ON PERMITEE'S LAND.

EXCESS WATER IS RETURNED TO NATURAL CHANNEL.
THIS
THE WATER SINKS ON PERMITEE'S LAND.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	NE	22	12S	43E	BEAR LAKE	USGS QUAD / ON SITE

6. Place(s) of Use:

Indicate Method of Determination

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	
12S	43E	22				S													

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
BUCKET & STOPWATCH	2.5 gal					

2. Measurements:

2.5 gal in 54 sec.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$$(2.5 \text{ gal}) / 54 \text{ sec} \times \frac{60 \text{ sec}}{\text{min}} \times \frac{1 \text{ min}}{448.8 \text{ gal}} = 0.006 \text{ cfs} = 0.01 \text{ cfs}$$

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

Assume 12 gal/day/head

$$V = \frac{(250 \text{ HEAD}) (12 \text{ gal/day}) (184 \text{ days})}{325,850 \text{ gal/AF}} = 1.69 \text{ Acre ft.}$$

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins or other markings on the paper.

1. Recommended Amounts

2. Recommended Amendments

- ## J. AUTHENTICATION

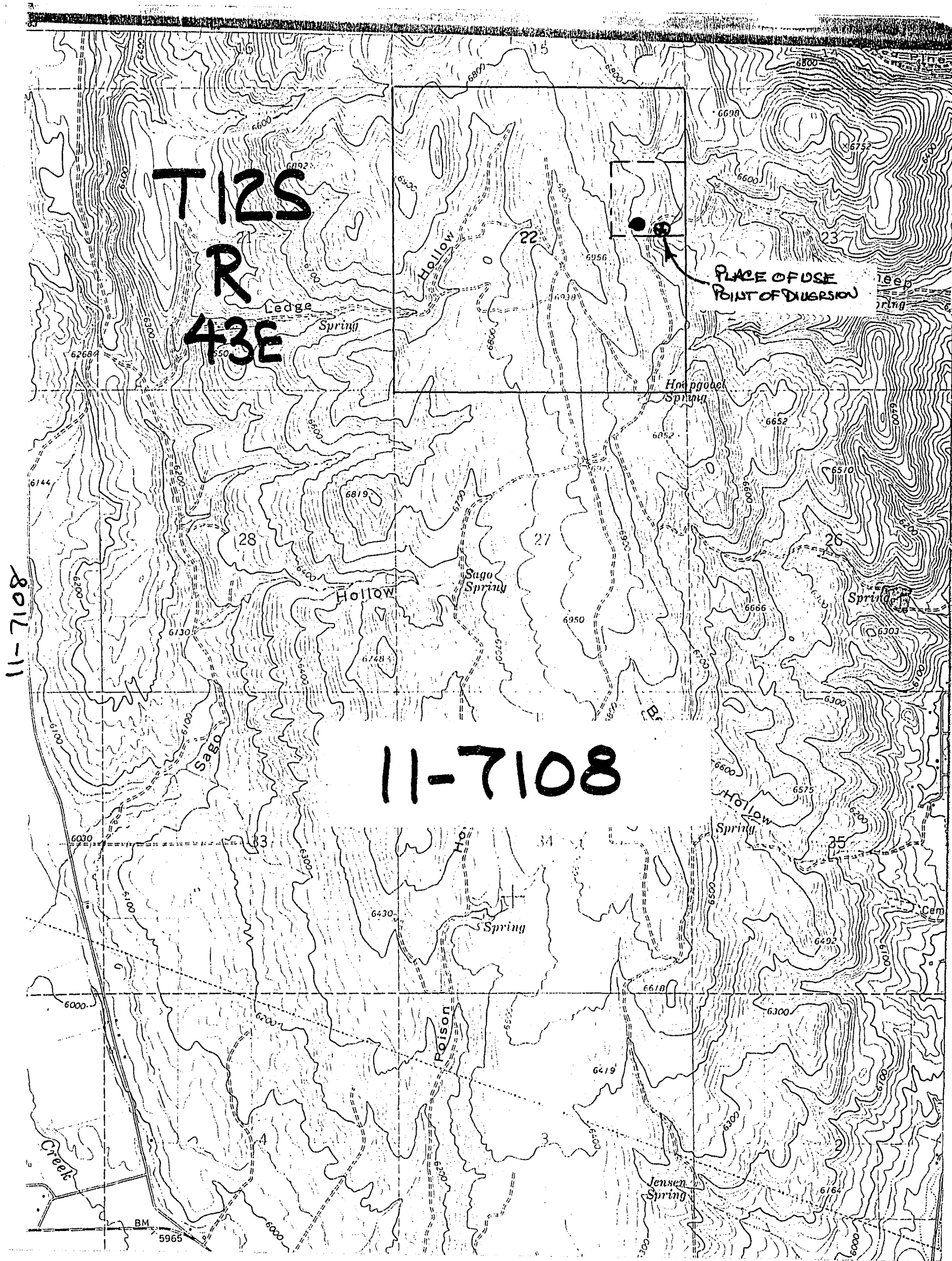
Steve McConnell

CONSULTANT SEAL

- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.**



11-7108



For Clarity of
Photographs Filmed
Please See File

MEMORANDUM

TO: FILE

FROM: ROXANNE MCCARTHY

RE: CHANGE TO RECOMMENDED VOLUME

DATE: 15-NOV-1989

=====

The volume under this right is:

$$\frac{200 \text{ head} \times 12 \text{ g/day} \times 210 \text{ days}}{325,850 \text{ g/af}} = 1.36 \text{ afa}$$

January 18, 1990

C. LEE NELSON
STAR RT 1 BOX 1180
MONTPELIER, ID 83254

RE: PERMIT NO. 11-07108

Dear Permit Holder(s):

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

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

February 14, 1990

C. LEE NELSON
STAR RT 1 BOX 1180
MONTPELIER, ID 83254

RE: PERMIT NO. 11-07108

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure