

Identification No. 11 7125

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 Harlan P. Eborn Phone: 847-1325
post office address 248 No. 9th St., Montpelier, Idaho 83254
2. Source of water supply groundwater which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 22 Township 13 S
Range 43, E B.M. Bear Lake County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Hamon Creek at a point in SW $\frac{1}{4}$
of NE $\frac{1}{4}$ of Section 22 Township 13S Range 43 E B.M. Bear Lake County, Idaho
4. Water will be used for the following purposes: per telecon Mr. Eborn ARK 6-22-77
Amount 1.4 for irrigation purpose from May 1 to Oct 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 per telecon Mr. Eborn ARK 6-22-77
a. 1.4 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. pump and sprinkler system

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 10 inches; proposed depth of well is 250 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 \$10,000.00.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ 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 _____.
(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	
13 S	43 E	22									30	30	10						70 acres.

Total number of acres to be irrigated 70 ac.

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

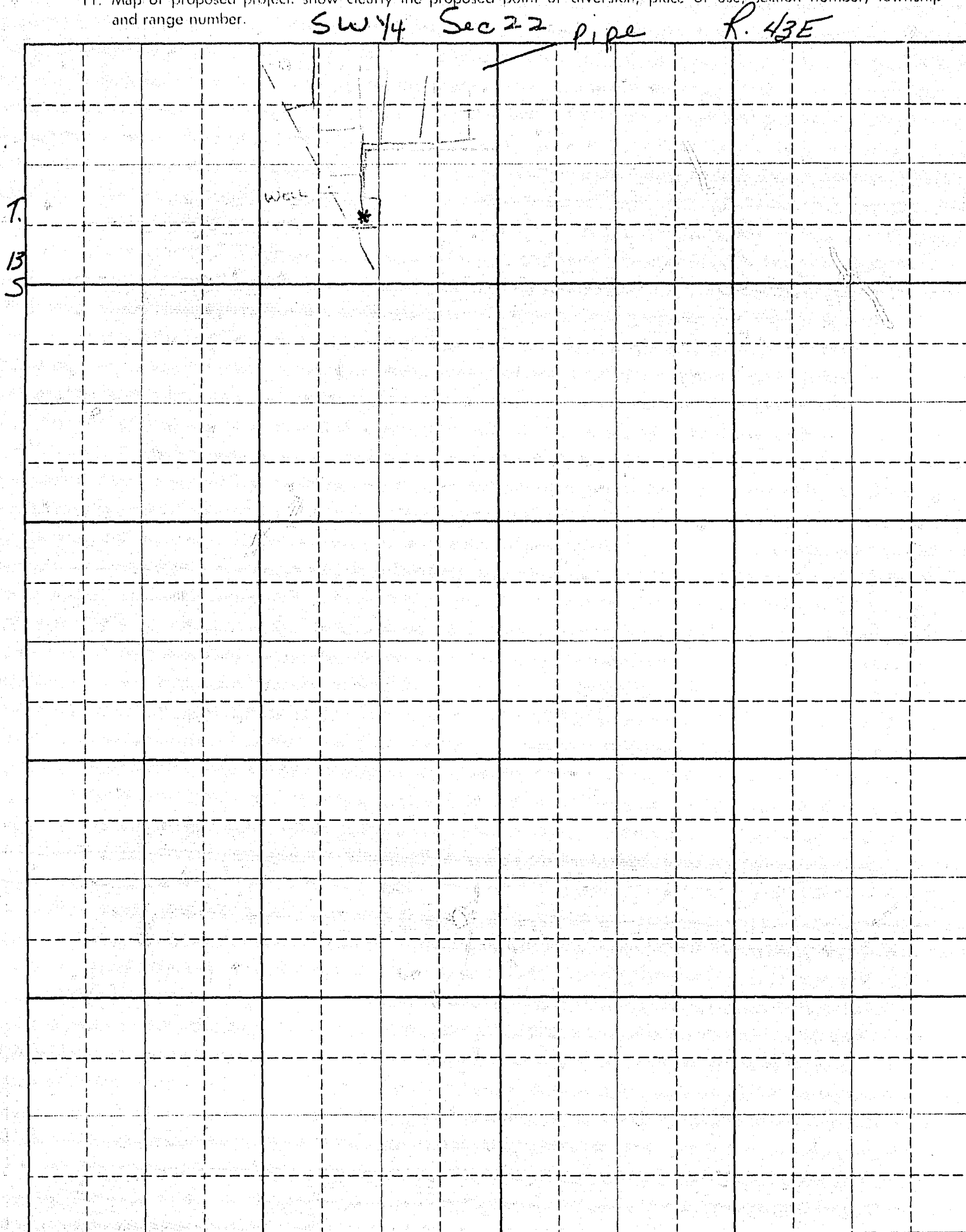
b. Who owns the land to be irrigated or place of use applicant

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 _____

There presently exists a 6-inch well used for domestic purposes.
The applicant plans to enlarge said well to 10-inch and use the
increased flow for above irrigation purposes.

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



Scale: 1/2 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.

Horton P. Eboon
(Applicant)

Proposed Priority 6/20/77

Received by AW Date 6-21-77 Time 10:40

Preliminary check by ARK Fee \$ 35.00

Receipted by AW Date 6-22-77

Publication prepared by AW Date 6-23-77

Published in Howell's Hammer

Publication dates June 20 - July 7-1977

Publication approved me Date August 2, 1977

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC/jb

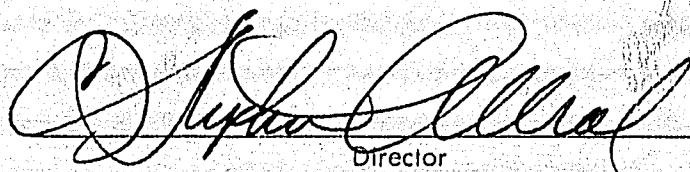
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 11-7125, 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 30 day of August, 19 77.


Director

Nº 681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Leona M. 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 three 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

June 30, 1977, and ending
with the issue of July 7, 1977.

Fees, 14.31

Subscribed and sworn to before me this 26 day

of July 7, 1977.

Leona M. Thompson
Notary Public, Residing at Montpelier, Idaho

My Commission Expires March 13, 1979

AUG 2 1977

U.S. District Court
Eastern District Office

PUBLIC NOTICES

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Harlan P. Eborn, Montpelier, Idaho has on 6-21-77 submitted Application No. 11-7125 for a permit to appropriate 1.40 cubic feet per second of water from a ground-water source by means of well and pump within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T. 13S, R. 43E, B.M., Bear Lake County; to be used from May 1 to Oct. 1 for the irrigation of 70 acres within the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T. 13S, R. 43E, 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 July 18, 1977.

C. STEPHEN ALLRED
Director

Published in the News Examiner, Montpelier, Idaho on
June 30 and July 7, 1977

Jn30-Jy7

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Harlan P. Eborn

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

- (1) ARK 6/22/77
(2) ARK 6/22/77
(3) ARK 6/22/77
(4) ARK 6/22/77
(5) ARK 6/22/77
(6) ARK 6/22/77
(7) ARK 6/22/77
(8) ARK 6/22/77

In form to receipt yes

Send Copies to:

N/A Idaho State Health Department
N/A Idaho Fish and Game Department
N/A Bureau of Land Management

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

In form for advertising

Platted on Map No. 13S 43E

Located within Water District No. Basin 11

Critical groundwater area: yes no X

Groundwater levels:

Declining, X Stable, Increasing

(comment) 35 ccd 1 (Bear Lake)

- (9) ARK 6/22/77
(10) ARK 6/22/77

Other rights on the same place of use none

Comments No conflicting ground water rights

- (11) cu 8-02-77

Affidavit of Publication received (date) Aug 2-1977

- (12) cu 8-02-77

Final date for protests July 18-1977

Protests received: yes no X

- (13)

N/A All requested information received from agencies or applicant: yes no

- (14)

Action recommended:

✓ Approve Deny

6/20/77 Proposed Priority

 Reason for Reduction

✓ Measuring device required

 See attached sheet for other conditions of approval

 No special conditions for approval

- (15) District Eastern By Ernest Carlson Date 8/2/77

June 23, 1977

RE: Application for Permit No. 11-7125

Mr. Harlan P. Eborn
248 No. 9th St.
Montpelier, Idaho 83254

Dear Mr. Eborn:

Attached herewith is departmental receipt No. 8204 in the amount of \$35.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:TH

Attachment

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Harlan P. Eborn,
Montpelier, Idaho

has on 6-21-77 submitted Application No. 11-7125
for a permit to appropriate 1.40 cubic feet per second XXXXXXXXXXXXXXXXXXXX acre feet per annum
of water from a ground-water source
by means of well and pump
within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T. 13S, R. 43E, B.M., Bear Lake County;

to be used from May 1 to Oct. 1
for the irrigation of 70 acres

within the $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, Sec. 22, T. 13S, 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 _____
July 18, 1977

C. STEPHEN ALLRED
XXXXXXXXXXXXXXXXXXXXX
R. KEITH HIGGINSON

Published in the News Examiner, Montpelier, Idaho on June 30 and July 7, 1977

The J.C.

June 24, 1977

RE: Application for Permit No. 11-7125 EBORN

The 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 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

RDC:ME

Enclosure

Bill submitted _____ by _____
No Bill submitted

July 18, 1977

RE: Application N. 11-7125 EB RM

The News-Examiner
P. O. Box 273
Montpelier, VT 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 June 30 and July 7, 1977.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

R. NALD D. CARLS N
Supervisor
Eastern Region

RDC: CD

*Called
8-01-77
CWJ*

August 31, 1977

Re: Permit No. 11-7125

Harlan P. Eborn
248 No. 9th
Montpelier, ID 83254

Dear Mr. Eborn:

Enclosed is a copy of your approved Application for Permit No. 11-7125 . 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. 11-7125

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

ASSIGNMENT OF PERMIT

RECEIVED

JAN 6 1983

Department of Water Resources
Eastern District Office

I, Harlan Eborn, hereby assign to J. T. Eborn
of R.F.W. 1 Ovid Idaho
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 11-7125
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 5th day of January, 19 83.

Harlan Eborn
Permit Holder

Rones T. Eborn
Spouse of Permit Holder

State of Idaho)
County of Bear Lake) ss.

On this 5th day of January, 19 83, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Montpelier Id
Notary Public residing at
Michael O. Kury

My commission expires:
Life

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT C.F.S.
Orginial Permit	11-7125	Harlan P. Eborn	1.4 cfs XXX
Full Assignment	11-7125	J.T. Eborn	1.4 cfs

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 11-7125 IN THE)

NAME OF J. T. EBORN)

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 October 13, 1982;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 11-7125 be REINSTATED and the priority advanced to August 24, 1977.

Dated this 12th day of January, 1983.

L. Glen Saxton

L. GLEN SAXTON

Chief, Operations Bureau



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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

EBORN, HARLAN P.
248 N 9TH ST.
MONTPELIER, ID 83254

138964

MAY 31, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 11-7125 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

EBORN, HARLAN P.
248 N 9TH ST.
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. 11-7125 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 of original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.
[Signature]

December 6, 1982

J. T. Eborn
Ovid, ID 83260

Dear Mr. Eborn:

Re: Permit No. 11-7125

Since our records do not indicate that you are the owner of the permit, enclosed is an Order to Show Cause in connection with the proof you recently submitted.

An acceptable submittal can usually be accomplished in two ways. First, the present permit holder can submit the enclosed Statement of Beneficial Use postcard. Or secondly, the present permit holder can complete the enclosed Assignment form conveying the permit to you. Upon receipt by the Department of an acceptable assignment, the proof you submitted can also be accepted. A deed or legal document specifically conveying a given permit to another party is often acceptable as proof of ownership of a permit.

If you have any questions concerning this matter, please feel free to contact the closest regional office in Boise, Twin Falls, Idaho Falls or Coeur d'Alene or this office.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enc: Order to Show Cause
Assignment form
Statement of Beneficial Use postcard

cc: Federal Land Bank

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. 11-7125

Name(s) of Permit Holder: J T. Eborn

Post Office Address: Ovid Idaho

83260

Tel. No. 945-2313

Source of Water:

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 75 (acres)
☐ Other

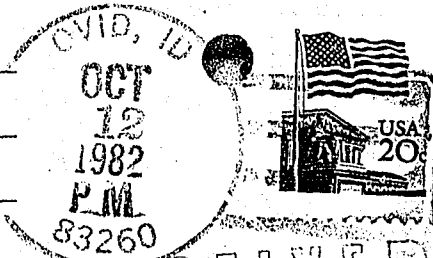
Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No
Access Port: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No

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

10-11-82
Date

J T. Eborn
Signature of Permit Holder

J. T. Cohen
David T. Cohen
83260



RECEIVED

OCT 13 1982

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

CALCULATION OF NEW PRIORITY DATE

FROM: Rita Fleck

TO: File # 11-7125

DATE: Jan 11, 1983

Date Proof Received

286 Oct. 13

Proof Due

221
65 Aug. 1

Number of Days Proof Late

Priority Date

171 June 20, 1977

Number of Days Proof Late

65

New Priority Date

236 = Aug. 24, 1977

Remarks

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 11-7125 IN THE)

NAME OF HARLAN P. EBORN)

ORDER TO SHOW CAUSE

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, on October 13, 1982, proof of construction of works and application of water to beneficial use was submitted by J. T. Eborn; and,

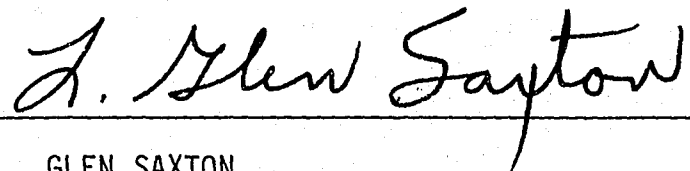
WHEREAS, J. T. Eborn is not the permit holder of record as shown by the files and records of the Department; and,

WHEREAS, a permit is personal property of the permit holder as shown in the files and records of the Department; and,

WHEREAS, proof of construction of works and application of water to beneficial use may only be accepted from the permit holder of record, his assignee or authorized agent;

IT IS, THEREFORE, ORDERED that J. T. Eborn show cause before the Director of the Department of Water Resources within thirty (30) days from the date of this order, why the submittal of the proof of construction of works and application of water to beneficial use should not be rejected for failure to show ownership of the permit.

Dated this 6th day of December, 1982.



L. GLEN SAXTON

Chief, Operations Bureau

January 12, 1983

J. T. Eborn
RFD #
Ovid, MD 83260

Dear Mr. Eborn:

Re: Permit No. 11-7125

This office acknowledges receipt of the assignment conveying this permit to you. The assignment has been entered into the department's records. A copy of the permit is enclosed for your records. Also enclosed is a copy of the order reinstating your permit and advancing the priority.

Also this office acknowledges receipt of the Statement of Beneficial Use submitted for the 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 or a representative may show him the system.

If you have any questions regarding the field examination, please contact our Eastern Regional office at 525-7161.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosures

cc: Federal Land Bank

RECEIVED

JUN 2 1986

Ident. No. 11-7125

Department of Water Resources

STATE OF IDAHO

APPLICATION FOR AMENDMENT
(For Licensing Purposes)

APPROVED

Comes now J. T. Eborn Phone _____
of (address) RFD 1 Ovid, ID 83260, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 11-7125, and requests that the permit be changed as follows:

1a. Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 13S, Range 43E,
B.M., County of Bear Lake. Other points of diversion: _____

1b. Source: groundwater tributary to -----

2a. Period and nature of use:

Amount 1.26 for Irrigation purposes from 4/15 to 10/15 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

2b. The maximum quantity diverted shall not exceed 1.26 cfs or 189.0 acre feet
per year.

3. Place of use or land to be irrigated:

			NE				NW				SW				SE				TOTALS
TWP	RGE	SEC	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 $\frac{1}{4}$	
13S	43E	22									23	25	4			11			63

Total number of acres to be irrigated = 63

4. Date of priority: August 24, 1977 (Late Proof)

5. Conditions (if any): The maximum combined rate of diversion under this right and Right 11-7147 shall not exceed 2.73 cfs.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Wood Lake, this 20 day of May, 1986

J. T. E. Dunn
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = \$20.00 ☒ Received by sq Date 6-3-86 #37764

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, of the Department of Water Resources hereby Approve the above Application for Amendment for Permit No. 11-7125.

Witness my hand this 11TH day of JUNE, 1986.

Acting for the Director

Norm C. Young

OK
Jim

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 11-7125 Priority August 24, 1977 Amount 1.26 cfs
(Late Proof)

THIS IS TO CERTIFY, that J. T. Eborn
of Ovid, Idaho, has complied with the terms and conditions of Permit
No. 11-7125 issued pursuant to Application for Permit dated June 20, 1977,
and has submitted proof to the Department of Water Resources on October 13, 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 2.73 cfs of water from a groundwater source,
tributary to _____, 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
<u>Irrigation</u>	from <u>April 15</u> to <u>October 15</u>	at <u>1.26</u> cfs and	<u>189.0</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 1.26 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
189.0 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22,
Twp 13S, 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 $\frac{1}{4}$	
13S	43E	22									23	25	4			11			63

Total number of acres irrigated 63

OK
Jim

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.

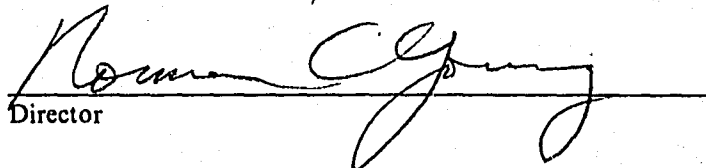
c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against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

The maximum combined rate of diversion under this right and Right 11-7147 shall not exceed 2.73 cfs.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 11TH day of JUNE, 19 86.

Acting for the Director



OK
Sim

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 11-7147 Priority June 5, 1978 Amount 1.5 cfs

THIS IS TO CERTIFY, that Arden D. Smith
of Ovid, Idaho, has complied with the terms and conditions of Permit
No. 11-7147 issued pursuant to Application for Permit dated June 5, 1978,
and has submitted proof to the Department of Water Resources on September 14, 1979,
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 2.73 cfs of water from a groundwater source,
tributary to _____, 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
<u>Irrigation</u>	<u>from April 15 to November 15</u>	<u>at 1.5 cfs and</u>	<u>225.0 acre feet</u>
_____	from _____ to _____	at _____ cfs and _____	_____
_____	from _____ to _____	at _____ cfs and _____	_____

(both dates inclusive)

Subject, however, to the condition that no more than 1.5 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
225.0 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Twp.
13S, Rge. 43E Same pld in the County of Bear Lake
as 11-7125.

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 $\frac{1}{4}$	
13S	43E	22			20				27	28									75

NO plw overlap.

Total number of acres irrigated 75

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.

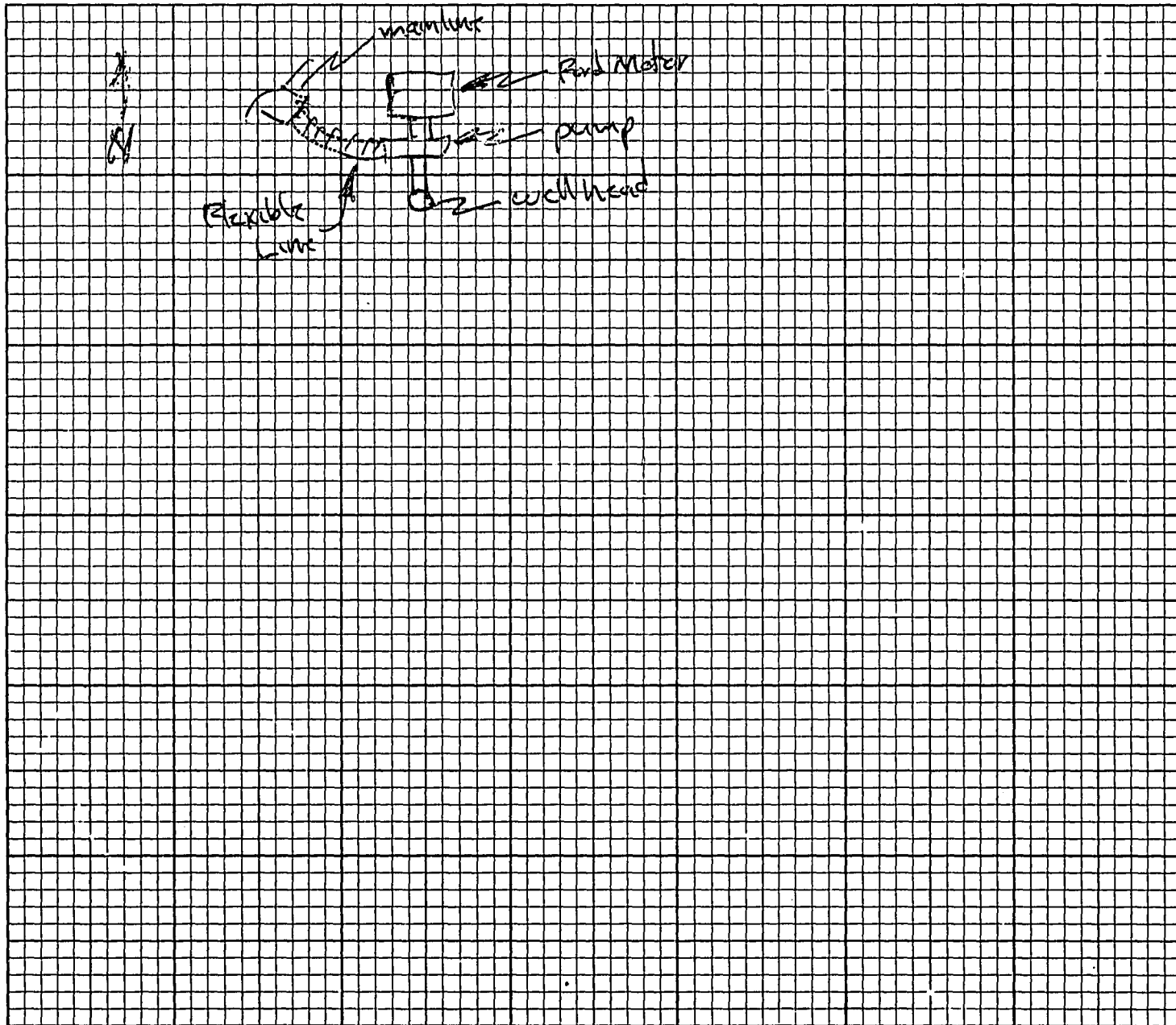
Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22 day of
October, 19 81.

Director

Phone No. 945-2313

- | Place(s) of Use: | | Irrigation - give acres served by system at time of exam.
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 | |
| 13S | 43E | 22 | | | | | | | | | 23 | 25 | 4 | | | 11 | | | 63 |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |
| Total Acres | | | | | | | | | | | | | | | | | | 63 | |

- Shaws in
South Liberty Canal
10. Other water rights on these lands _____
11. Other water right diverted from same p.d. Yes, Arden Smith license #11-7147
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached
or Map of Irrigated Acreage Attached

14. Remarks _____

15. 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

16. Examiner's/Consultant's Signature John Jones Date 10-29-84

Consultant's License Number _____

IDWR Director's Authorization to Conduct

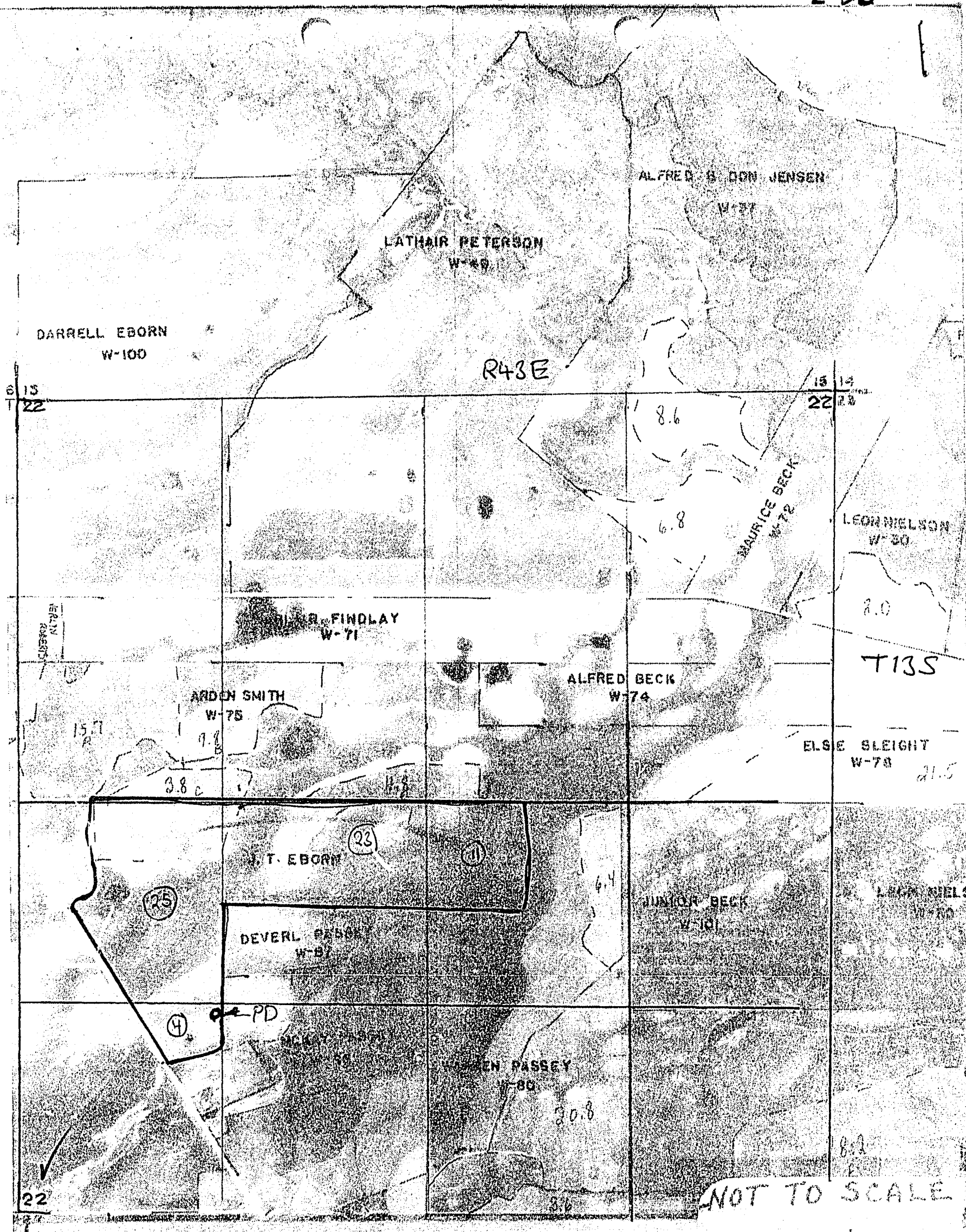
Beneficial Use Examination _____

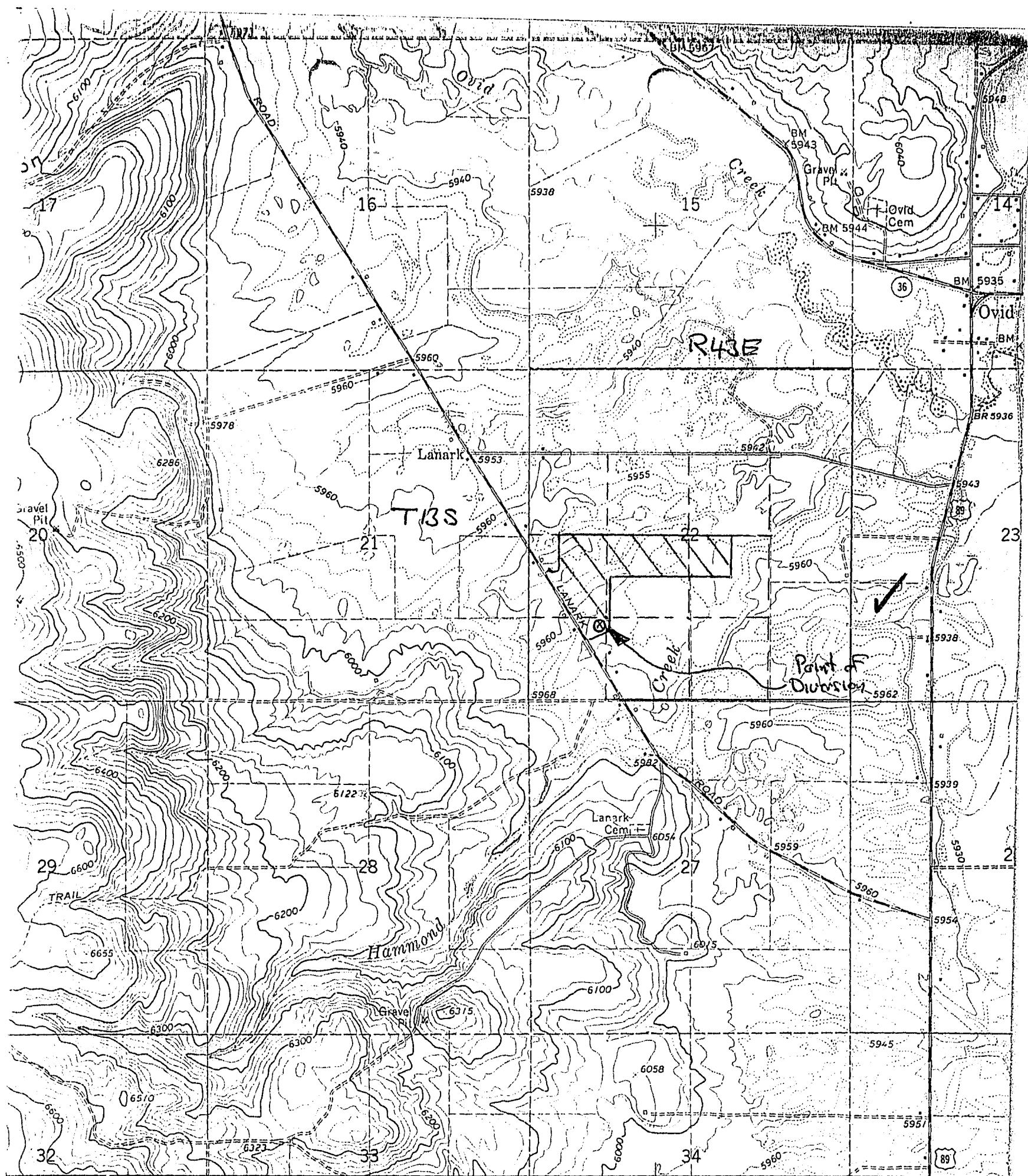
Date

CONSULTANT SEAL

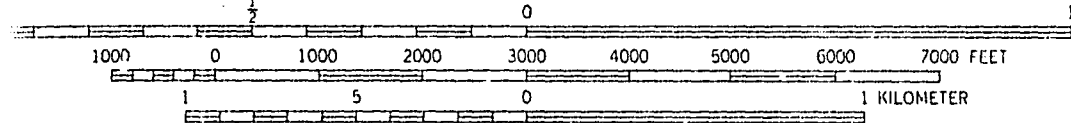
11-7125

E-22





(PARIS)
3768 III NW
SCALE 1:24 000



CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT 5-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

11-7125



Med



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 16, 1986

RE: Permit No. 11-7125

J. T. Eborn
RFD 1
Ovid, ID 83260

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains all of the information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

May 23, 1986

RE: Permit No. 11-7125

J. T. Eborn
RFD 1
Ovid, ID 83260

Dear Permit Holder:

On April 16, 1986, we forwarded to you an Amendment for Water Permit so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received this amendment.

If we do not receive the amendment within fifteen (15) days, we will issue a Water Right License which reduces the amount that could have been allowable to you.

Since the license will be a permanent water right your prompt attention to this matter will be appreciated.

If you have any questions please contact us as soon as possible.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED

NOV 26 1984

11-7125
Permit No.

Department of Water Resources

1. Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

$$(7.5"ID)^2 \times 3.85 \sqrt{32"} \text{ meter readings} = 1225.06 \text{ gpm or } 2.73 \text{ cfs capacity}$$

$$- 1.5 \text{ cfs } 11-7147$$

$$1.23 \text{ cfs remain}$$

$$63 \text{ acres} \times 0.02 \text{ cfs} = 1.26 \text{ cfs}$$

allow 1.26 cfs for
this rt. w/condition
limiting capacity when
both rights are
diverting water.

b) Volume Calculations for Irrigation:

183 days - 3.0 AF/AC

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 63 \text{ acres} \times 3.0 \text{ af/a} = 189 \text{ af}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.26 \text{ cfs} \times 183 \text{ days} \times 1.9835 = 452$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 189 \text{ af}$$

c) Volume Calculations for Other Uses:

2. Overlap Review

a) Other water rights with same place of use: AA Shares in South Liberty Canal

b) Other water rights with same point of diversion: 11-7147, 11-7355 ^{permit?} _{no proof, no overlap}

c) Analysis: FIELD EXAM OF COMMON WELL DONE 7-23-80 (ARLEN SMITH - 11-7147). CAPACITY OF WELL IS 2.73 cfs, SMITH GOT 1.5 cfs LEAD NEEDS 1.26 OR A TOTAL OF 2.76 cfs. THE ACCURACY OF MEASUREMENT IS $\pm 5\%$ THEREFORE 1.26 SHOULD BE ALLOWED. GFR

R16(3.5)

Since 11-7147 + 11-7125 share the same pd but are used on grounds owned by two different people the permit with the earliest priority which is 11-7125 (Aug 24, 1977) should receive an unqualified 0.02 cfs/acre. The later permit (now license 11-7147) should have received the residual. I feel this way because if each license were given an ^{unqualified} 1 inch/acre and then qualified that their combined amts cannot exceed the capacity then if one individual wishes to transfer his right to a different pd, what then. We will effectively have locked these two rights together at this pd.

I think license 11-7147 should be reissued at a lesser residual amt. after 11-7125 is licensed for 1.26 cfs with no qualifiers on either license. HWS

30 day #3

(late proof)

4. Permit Holder: J. T. Eborn
Address: RFD 1, Ovid, Idaho 83260

5. Source: a g.w. source tributary to _____

- | 6. Beneficial Use | Period of Use
From To | Rate of Diversion
Q (cfs) | Annual Volume
V (afa) |
|-------------------|------------------------------------|------------------------------|--------------------------|
| Irriagation ✓ | 4-15 ✓
~~4-15~~
10-15 | 1.26 cfs | 189 afa ✓ |

Allowable Maximums: 1.26 cfs 189.0 AF

- 7. Point(s) of Diversion:**

[illegible]

- ### 8. Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals	
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4		
13S	43E	22										23	25	4			11			63
Total Acres																			63	

9. Recommended Conditions/Remarks: _____
 The maximum combined rate of diversion under this Right and Right 11-7147 shall not exceed 2.73 cfs.
R29

- ## 10. 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

11. Examiner's Signature H. W. Jones Date 10-29-84

Checked in Regional Office by K. P. Roman Date 11-15-84

Approved in State Office by K. Walker Date 4/14/86

June 16, 1986

RE: Permit No. 11-7125

J. T. Eborn
RFD 1
Ovid, ID 83260

Dear Mr. Eborn:

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment. Also enclosed is Departmental Receipt No. 37764 in the amount of \$20.00.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosures