

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 11-7362

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant D. & S. Development Phone 208-547-2344
Post office address 179 S. 1st ^{EAST} St., Soda Springs, Idaho 83276
2. Source of water supply Springs which is a tributary of Swamp/Sinks
3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 2 Township 9S Range 41E B.M. Caribou County; additional
points of diversion if any: *Also known as NW corner of Lot #10, Block #2 of the Evergreen
Subdivision
4. Water will be used for the following purposes:
Amount 0.6 cfs for irrigation purposes from 5-15 to 10-1 (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)
5. Total quantity to be appropriated is (a) 0.60 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Water will be flooded over the
property by using ditches and dams
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
*2 years (minimum 1 year).

*Changes as per Ernest Carlsen 10-1-87

8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

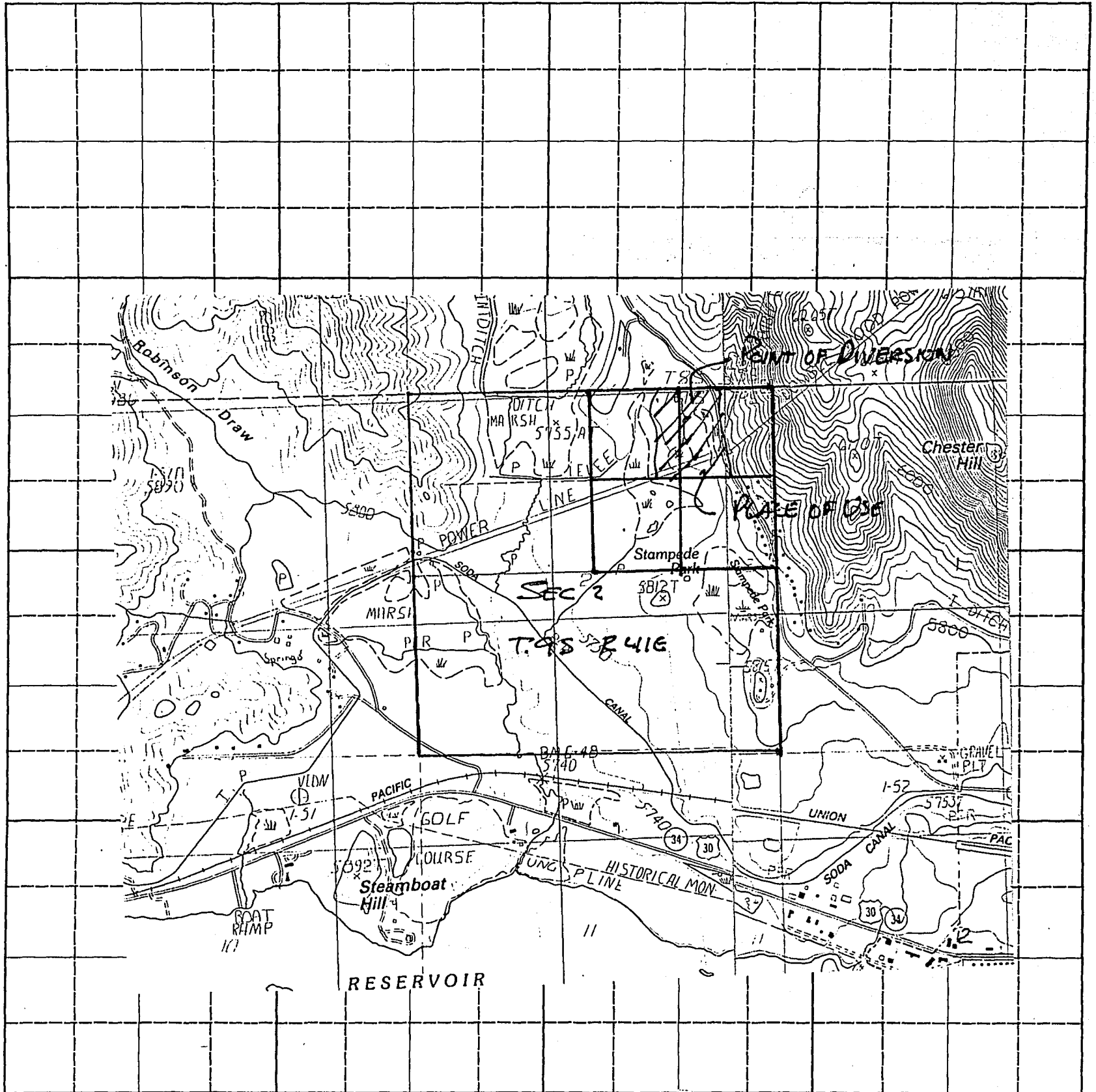
9. Description of place of use:
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - b. If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	41E	2	20	10															30

Total number of acres to be irrigated 30

10. Describe any other water rights used for the same purposes as described above. _____
11. a. Who owns the property at the point of diversion? David Clegg
- b. Who owns the land to be irrigated or place of use? David Clegg, Rhett Price, Eric Bowman
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____
12. Remarks: Irrigated area will be used for pasturing of livestock.

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



Scale: 2 inches equal 1 mile.

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

D. S. Development
David H. Hagg General Partner
 (Applicant)

Proposed Priority 3/23/87

Received by OW Date 3-23-87 Time 11:15A Preliminary check by SM

Fee \$ 45⁰⁰ Received by WW # 41131 Date 3-30-87

Publication prepared by WW Date 4-8-1987 Published in CARIBOU COUNTY SUN ^{4-16 + 4-23-87}

Publication approved OW Date 5-19-87

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. 11-7362, 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 December 1, 1989.

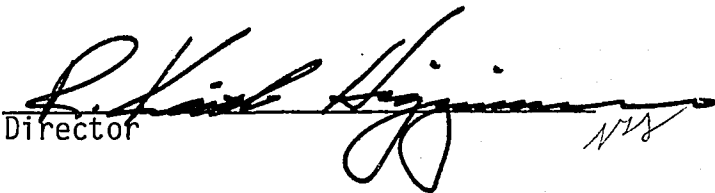
c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if 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 permit 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 permit.

e. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 6TH day of November, 1987.

Director



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. _____

To appropriate the public waters of the State of Idaho



1. Name of applicant D & S Development Phone 208-547-2344
Post office address 179 S 1st E, Soda Springs, Idaho 83276
2. Source of water supply Springs which is a tributary of None
3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 2 Township 9S Range 41E B.M. Caribou County; additional
points of diversion if any: N
4. Water will be used for the following purposes:
Amount 1 for Irrigation purposes from 5-15 to 10-1 (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)
5. Total quantity to be appropriated is (a) 1 cubic feet per second and/or (b) 16.8 acre feet per annum
6. Proposed diverting works: Flood Irrigation...30 acres.
 - a. Description of ditches, flumes, pumps, headgates, etc. Water will be flooded over the property by using ditches and dams
 - b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet; period of year when water will be diverted to storage:
N/A to N/A inclusive.
 - c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of households. N/A
- e. Other; describe fully. N/A

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	41E	S	20	10															30

Total number of acres to be irrigated 30

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

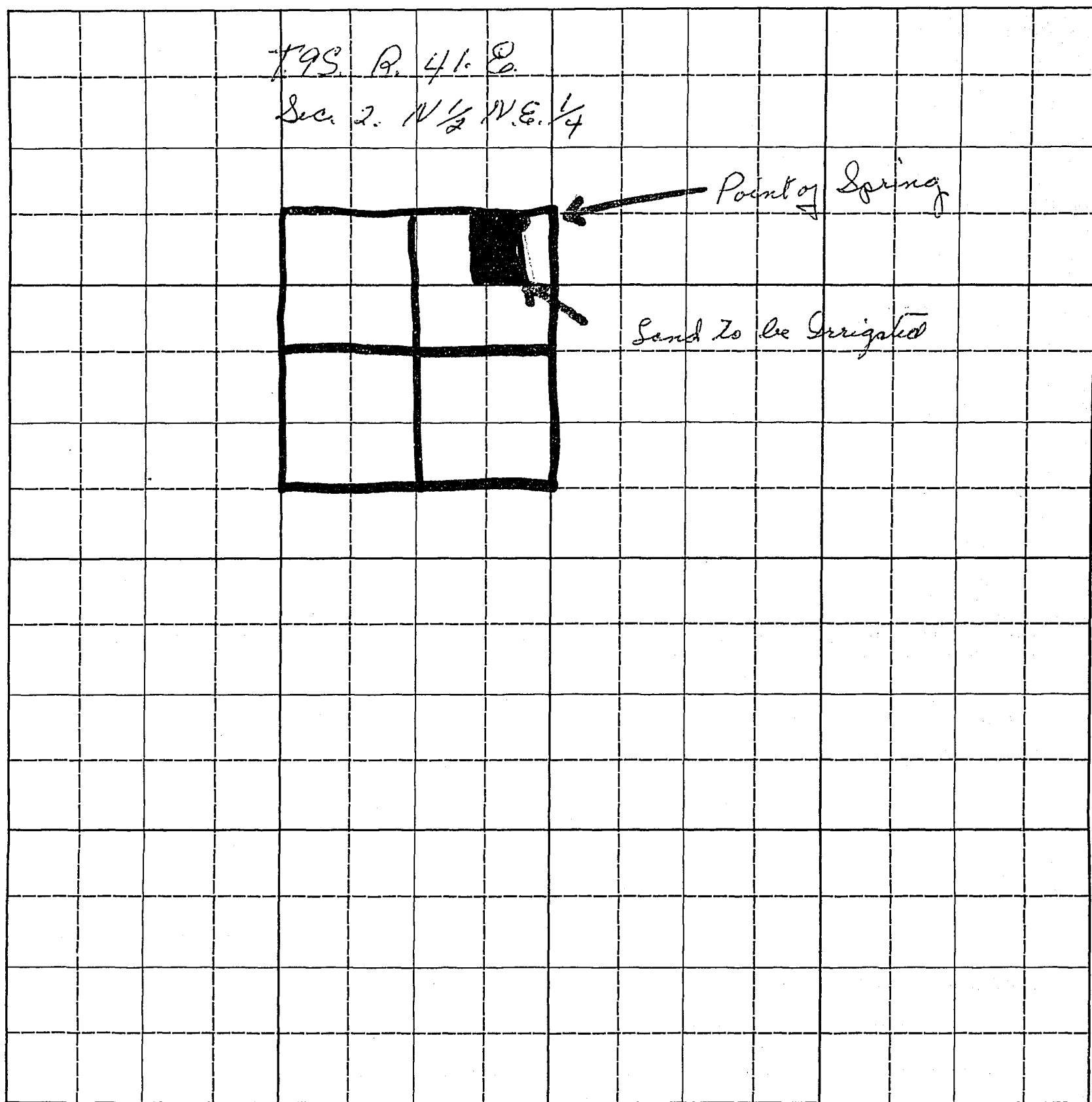
11. a. Who owns the property at the point of diversion? David H. Clegg

b. Who owns the land to be irrigated or place of use? David Clegg, Rhett Price & Eric Bowmen

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Discussed and agreed to use the water in the allotted no. of acres owned by each party

12. Remarks: The area that is to be irrigated is to be used for pasturing of livestock

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



Scale: 2 inches equal 1 mile.

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

David H. Clegh
(Applicant)

Received by WJ Date 3-9-87 Time 1:30p Preliminary check by S.A.
Fee \$ 45.00 Received by _____ # _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

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. _____, and said application is hereby _____.

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 _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if 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 permit 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 permit.

e. Other:

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

Mark Steele

being duly sworn on his oath,
states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circulation
in Caribou County, Idaho, pub-
lished weekly at Soda Springs in
said County that said newspaper
has been published in said County
uninterruptedly and continuously
for over seventy-eight consecutive
weeks, prior to the first publica-
tion of the annexed notice or
advertisement;

That the annexed notice was
published as per clipping attached
in the regular and entire edition of
said newspaper and not in any

supplement thereof for 2
successive weekly issues thereof,
the date of the first publication

being the 16th day of
April, 19 87

The date of the last publication

being the 23rd day of
April, 19 87

Mark Steele
Subscribed and sworn to before

me this 4th day

of May, 19 87

Clarence Steele
Notary Public, residing
at Soda Springs, Idaho

(SEAL)

My Commission expires the
1st day of March

19 88

PUBLIC NOTICE

First Time Published

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

11-7362

D. & S. DEVELOPMENT

179 S. 1ST EAST, SODA SPRINGS,
ID 83276

Source: SPRINGS trib. to SWAMP
SINKS

Diversion Pt.: NW NE NE Sec 02 T
09S R 41E

Use: IRRIGATION (0.6 CFS)

Date Filed: 03-23-1987

In: NE NE NW NE Sec 02 T 09S R
41E FOR 30 ACRES

The permit(s) will be subject to all
prior water rights. Protests must be filed
with the Director, Dept. of Water
Resources, Eastern Region, 150 Shoup,
Suite 15, Idaho Falls, Idaho 83402 on or
before MAY 4, 1987.

KEN DUNN,

Director

Published April 16 and 23, 1987 in
the Caribou County Sun.

MAY 16 1987

Department of Water Resources
Eastern District Office

March 19, 1987

D. & S. Development
179 South 1st East
Soda Springs, Idaho 83276

RE: Application for Permit

Dear Mr. Clegg:

Enclosed is a completed application form as per our telephone conversation.

Please note the minor changes on this form as we discussed. Please sign the application and indicate your title with D. & S. Development and return it to this office as soon as possible. Processing of your application on file will be halted until this new form is received.

If you have any questions please feel free to contact me.

Sincerely,

Steve McCormick, P.E.
Water Resource Engineer

SM/md

Enclosure

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

11-7362

D. & S. DEVELOPMENT

179 S. 1ST EAST, BOON SPRINGS, ID 83276

Source SPRINGS 1710, to SWAMP/SINKS

Diversion Ft. MANNING Sec 02 T 09S R 41E

Use IRRIGATION (10.6 CFS)

Date Filed 03/23/1987

In. NENE MANNING Sec 02 T 09S R 41E FOR 30 ACRES

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup, Suite 15, Idaho Falls, Idaho 83402 on or before MAY 4, 1987.

KEN DUNN, Dir.

Published 4/16 & 4/23/87.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 8, 1967

Caribou County Sun
P. O. Box 815
Soda Springs, Idaho 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a sales proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 4, 1967.

Yours truly,

Michele Davis
Office Secretary

Encl.

April 15, 1987

D. & S. Development
179 S. 1st East
Soda Springs, Idaho 83276

RE: Application for permit no. 11-7362

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification no. 11-7362. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Caribou County Sun. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Ernest Carlsen
Assistant Regional Manager

EC/md Enclosure

May 12, 1987

Caribou County Sun
P.O. Box 815
Soda Springs, Idaho 83276

Re: Amended Application No. 13-7438 BARKER
Application for Permit No. 11-7362 D & S DEVELOPMENT
Application for Permit No. 11-7363 D & S DEVELOPMENT

Gentlemen:

Would you please submit affidavits of publication and a certified bill in connection with the above referenced applications. The legal notices were to have been published in your paper on April 16 and 23, 1987.

Your cooperation in this matter is greatly appreciated.

Sincerely,

COLLEEN WRAY
Adm. Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Edward P. Duren

(Name of Claimant)

P.O. Box 29, Soda Springs, Idaho

83276

Telephone No. 547-3044

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) May 1921

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Farmers Land and Livestock 90% Creek and unnamed springs tributary to Canal and Alexander Reservoir
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>.005 cfs</u>	Use <u>stockwatering</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity <u>4.2 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>Apr. 1</u>	To <u>Sept. 1</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) 4.205 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 NW 1/4, Sec. 2 Twp. 9 S. Rge. 41 E.B.M., County of Caribou

Additional points of diversion: SW 1/4 NW 1/4 and also the NW 1/4 SW 1/4 and the SW 1/4 SW 1/4 of Section 2, Township 9 South, Range 41 East, B.M., County of Caribou

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Portable diversion dams and headgates

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	41E	2		10	10		20	20	20	20	10	20	20	10		10			170
9S	41E	3	10			10									10			10	40

No. of acres 210

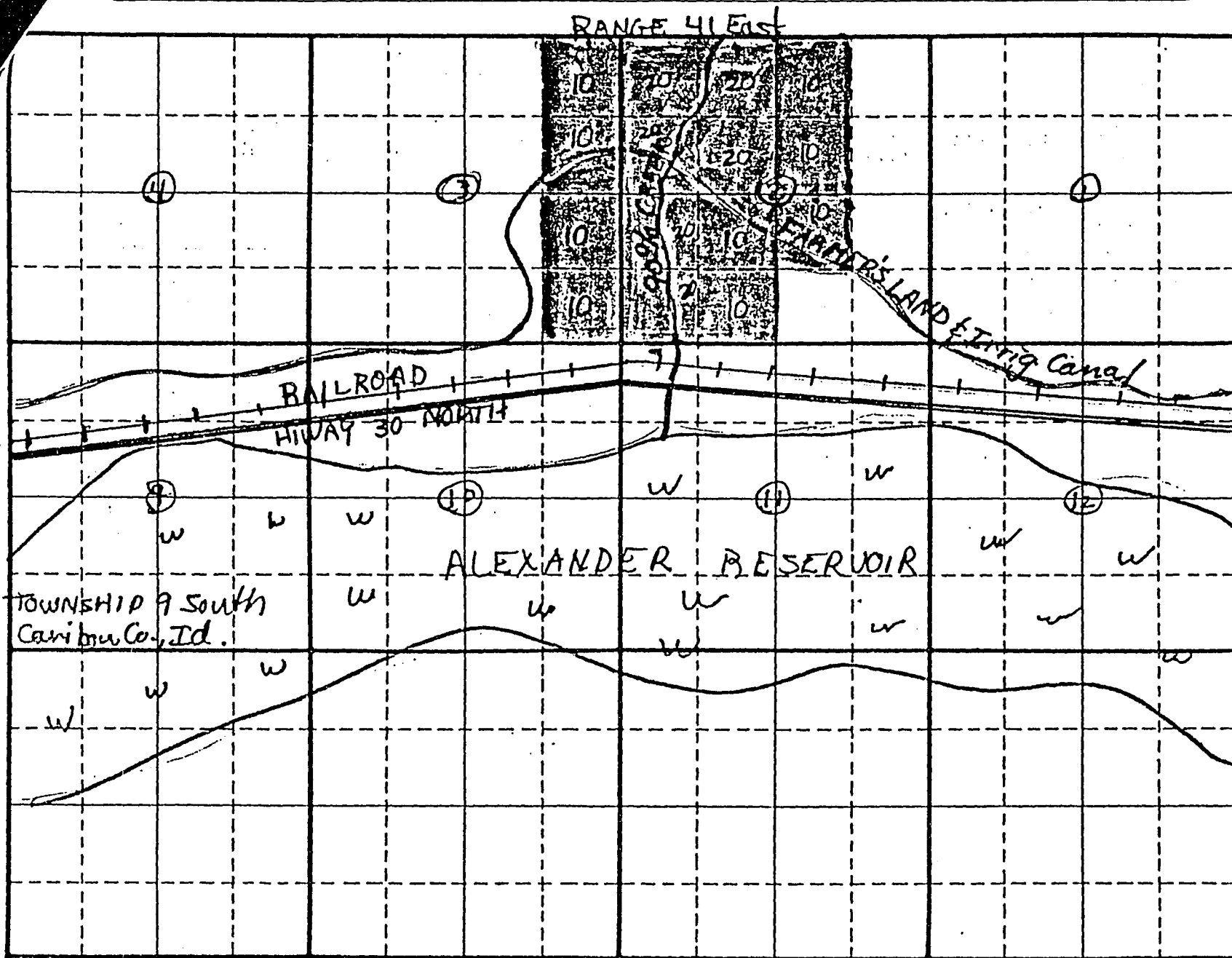
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

For stockwatering up to 200 head of beef cattle, 10 horses and 40 sheep.

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization: N/A

The waters arise from numerous unnamed springs, sloughs and bogs as well as subterranean waters which generally recede during the summer months in a southerly direction, what is commonly known as 90% Creek. The waters arising and lying north of the Farmers Land and Livestock Irrigation Canal set forth on the map below drain primarily into the irrigation canal, with the waters arising south of the canal draining to some extent into the Alexander Reservoir.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of CARIBOU) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 21st day of MARCH

Edward R. Duren
(Claimant)

Faustall C. Budge
Notary Public
Residing at Soda Springs, Id.

My commission expires 10-15-80

FOR DEPARTMENT USE ONLY

Received by <u>FW</u>	Date <u>3/24/80</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>FW</u>	Date <u>3/24/80</u>		claimant by:	
\$20.00 fee received by <u>FW</u>	Date <u>3/24/80</u>	#13879		
Published in <u>Caribou County Sun</u>				
Dates <u>4/03 & 4/10/1980</u>				

DATE: Aug. 20, 1987 ACCOMPANIED BY: NA. TOTAL MEASURED: 0.07 cfs
(of exam)

METHOD OF MEASUREMENT: Pygmy Meter S/N _____

APPLICANT CONTACTED YES: DATE _____

(NO): DATE _____

REASON: _____

REASON FOR EXAM: See "Action Required" note dated 19 May 1987

ACCESS (location direction): County Rd that leads up 90% canyon

LOCATION: Point of Diversion Confirmed
Place of Use Confirmed

☒ Yes

☐ No (See sketch)

☒ Yes

☐ No (See sketch)

GENERAL OBSERVATIONS: DATA FOR ADMINISTRATIVE DECISIONS

A: Source (Describe in detail i.e., flow, apparent confluence, etc)

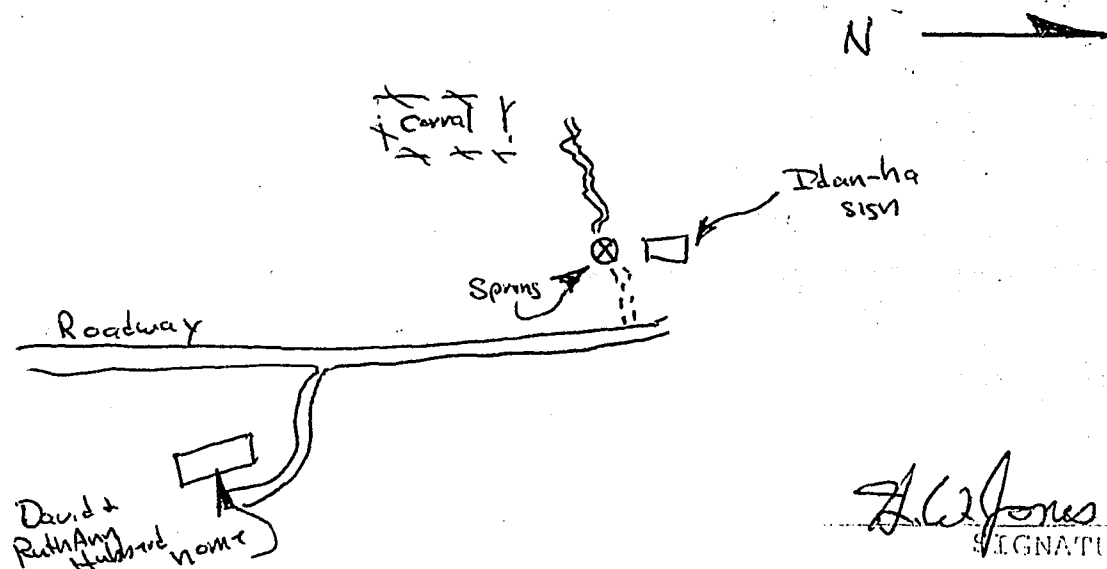
Source - Spring at Idan-Ha bottling site

Flow - By pygmy meter on channel 0.25' deep + 0.7' wide with 24 rev./min.
yields 0.07 cfs Flow @ 11:41 am

B: OTHER USES OF SOURCE: _____

C: WORK IN AREA RELATED TO APPLICATION: None

SKETCH:

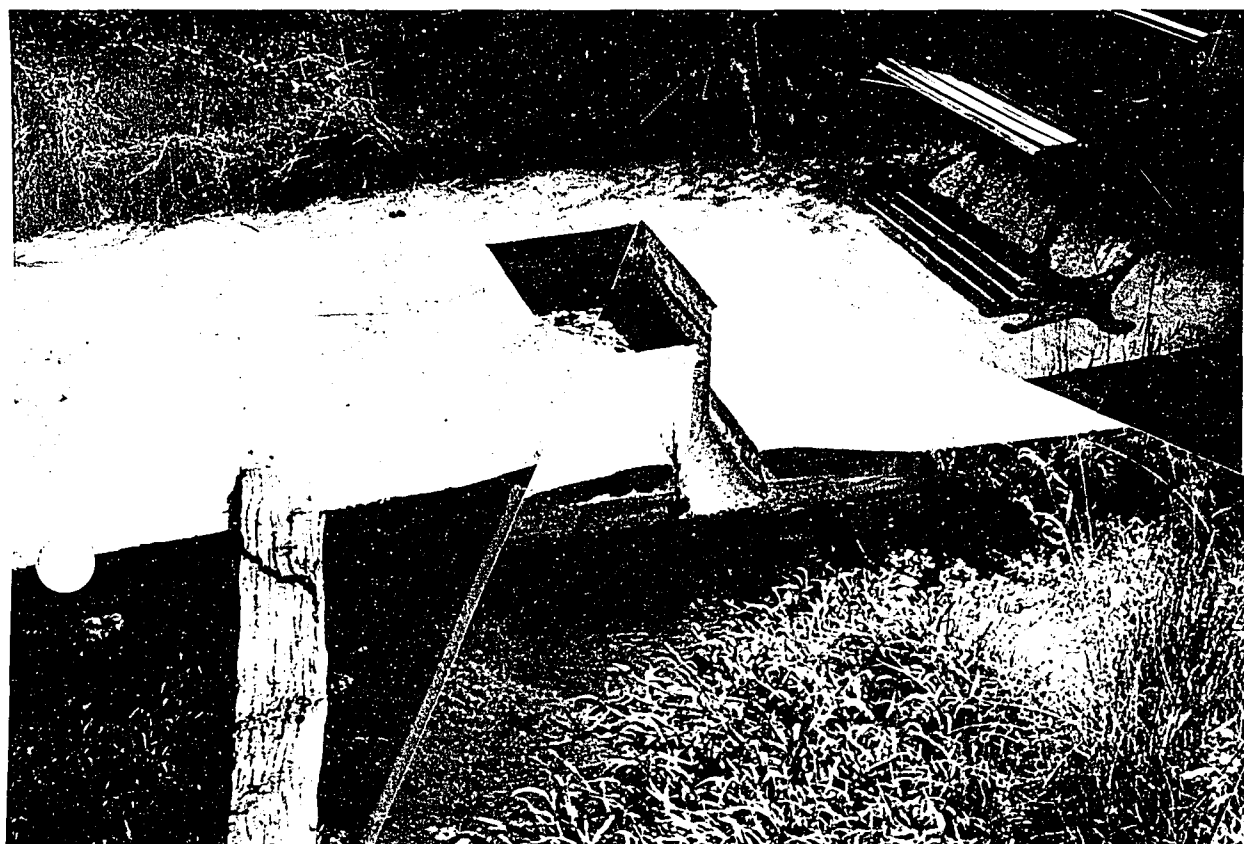


W. Jones
SIGNATURE

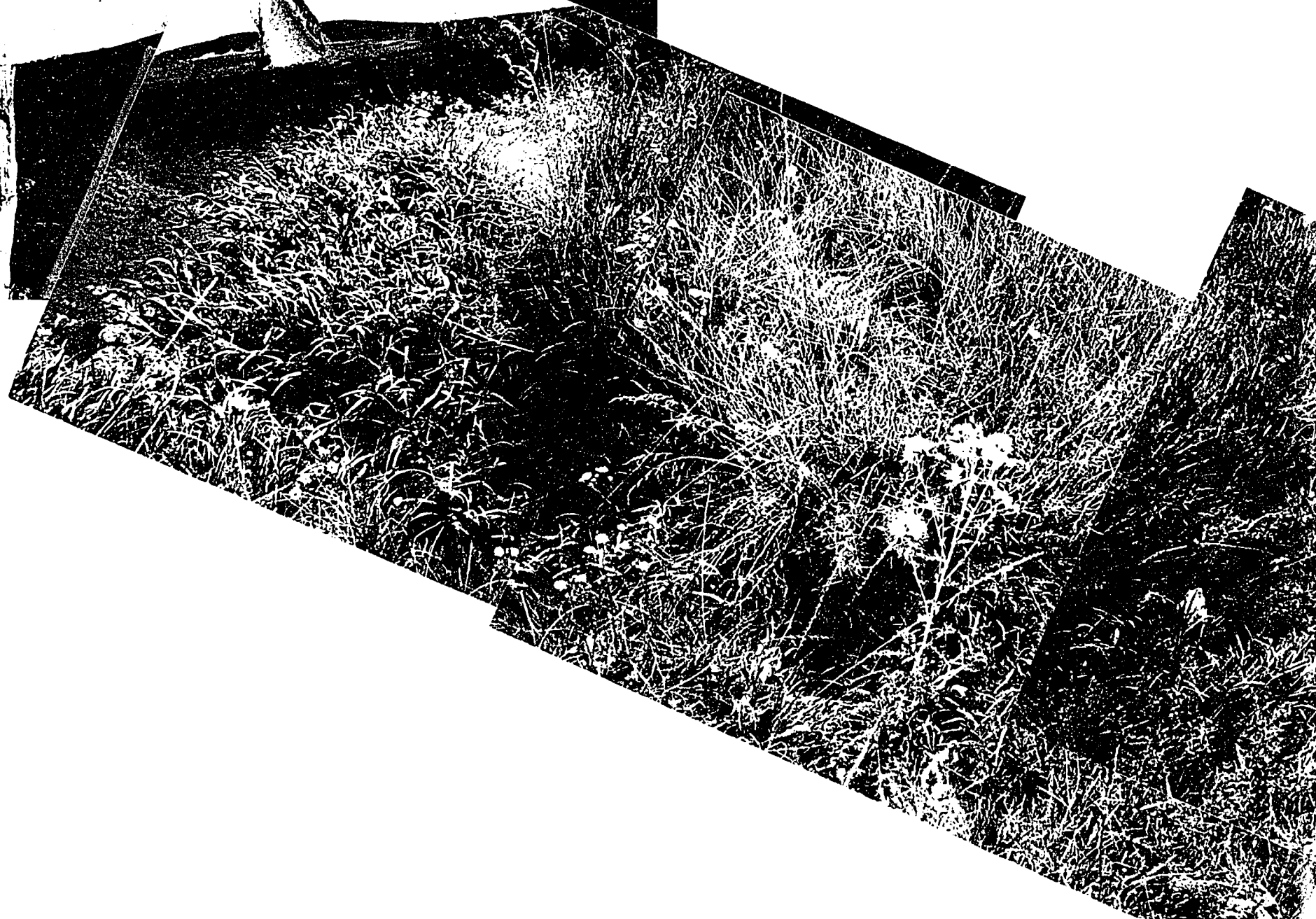
REMARKS & OPINIONS: Sign at the indicated diversion area says this area use to be called Ninety 20 Spring but the USGS MAP shows that name on a Spring to the N.W. This spring appears to be the same source for both permits. Water is now being used by stock in the area. This P.D. & P.O. site is swampy with only pasture land now utilizing water from surrounding area. It appears that drainage ditches have been tried on this ground to help dry it out. Across the road from proposed place of use is the home of Ruth Ann Hubbard who says she knows of no outlet for spring and water continues to pond & sub throughout this pasture area causing problems for some kind owners. This general area is bounded by the Soda Canal which seems like the only possible recipient of this sub & marshland water. I doubt water master control is necessary, but be aware of Claim 11-4089 on 9050 creek for ground adjacent to application.

It does not appear source (spring) has enough Flow to provide for both applications. The commercial use seems reasonable with 0.07 cfs. The irrigation of 30 acres is probably optimistic with this same flow.

David Aess is listed as owner of property in N1E N1E of Sect. 2 according to assessor in Carbon County

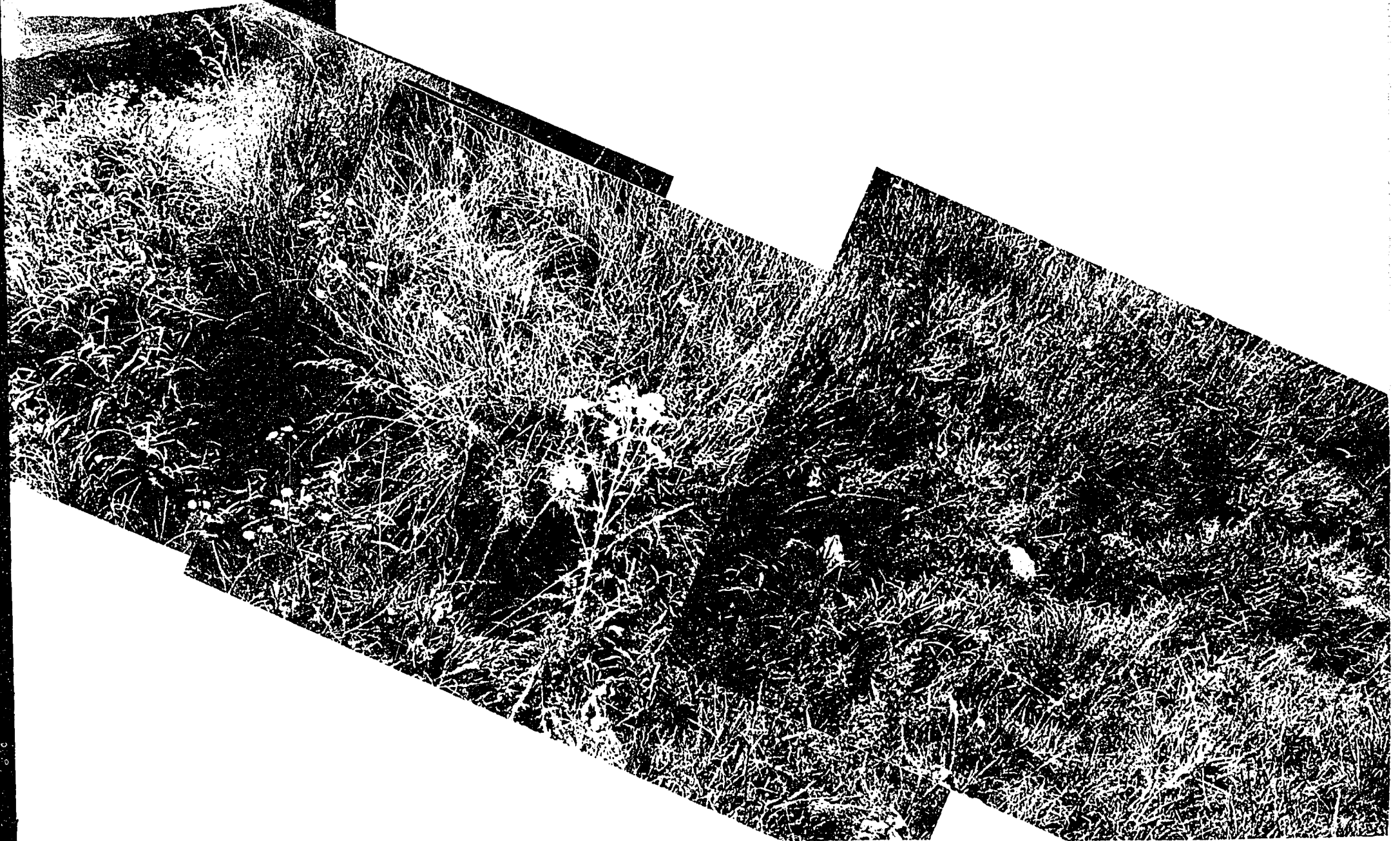
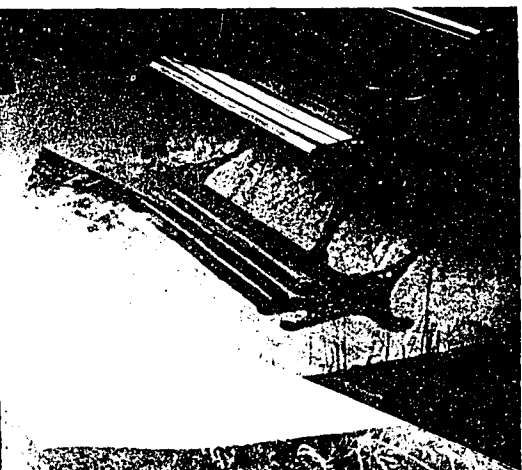


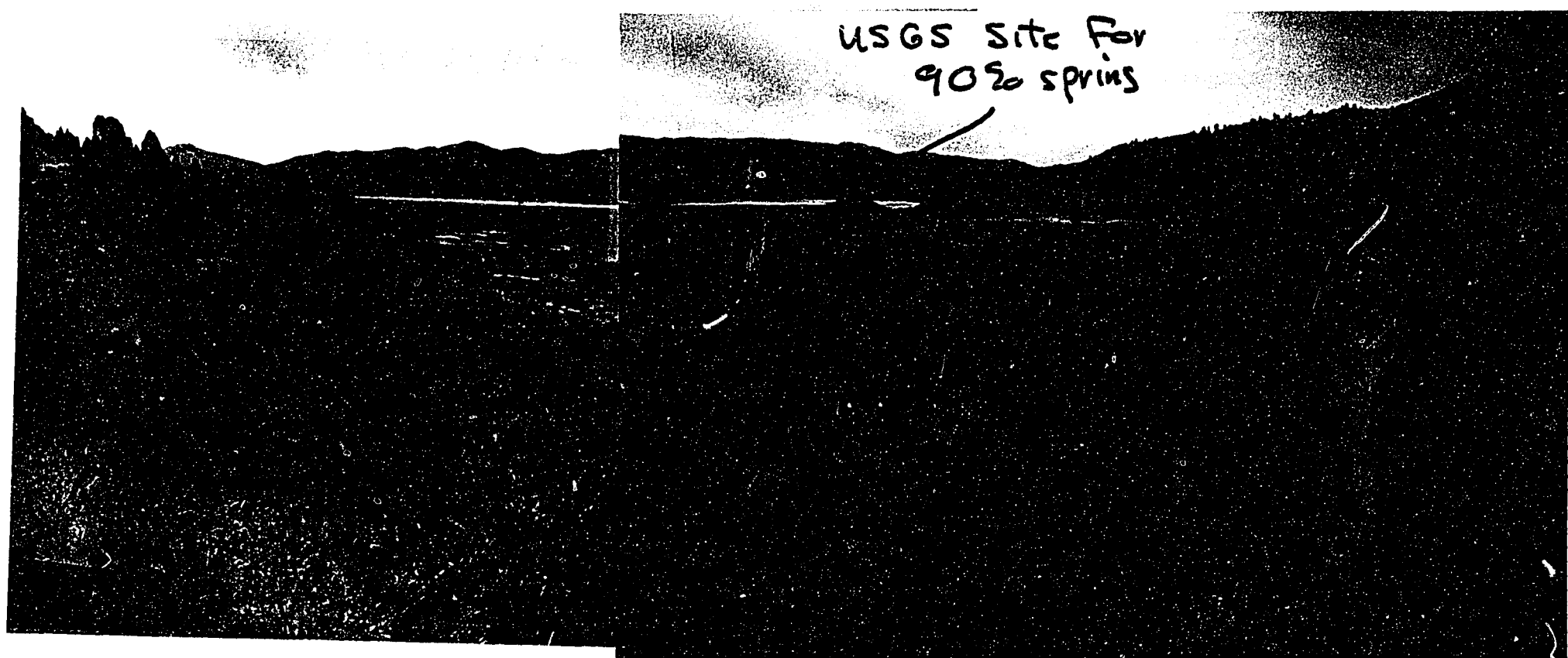
Spring head at
Idan-ha sign in
NENE Sect. 2



Pre-Permit
11-7362 + 7363

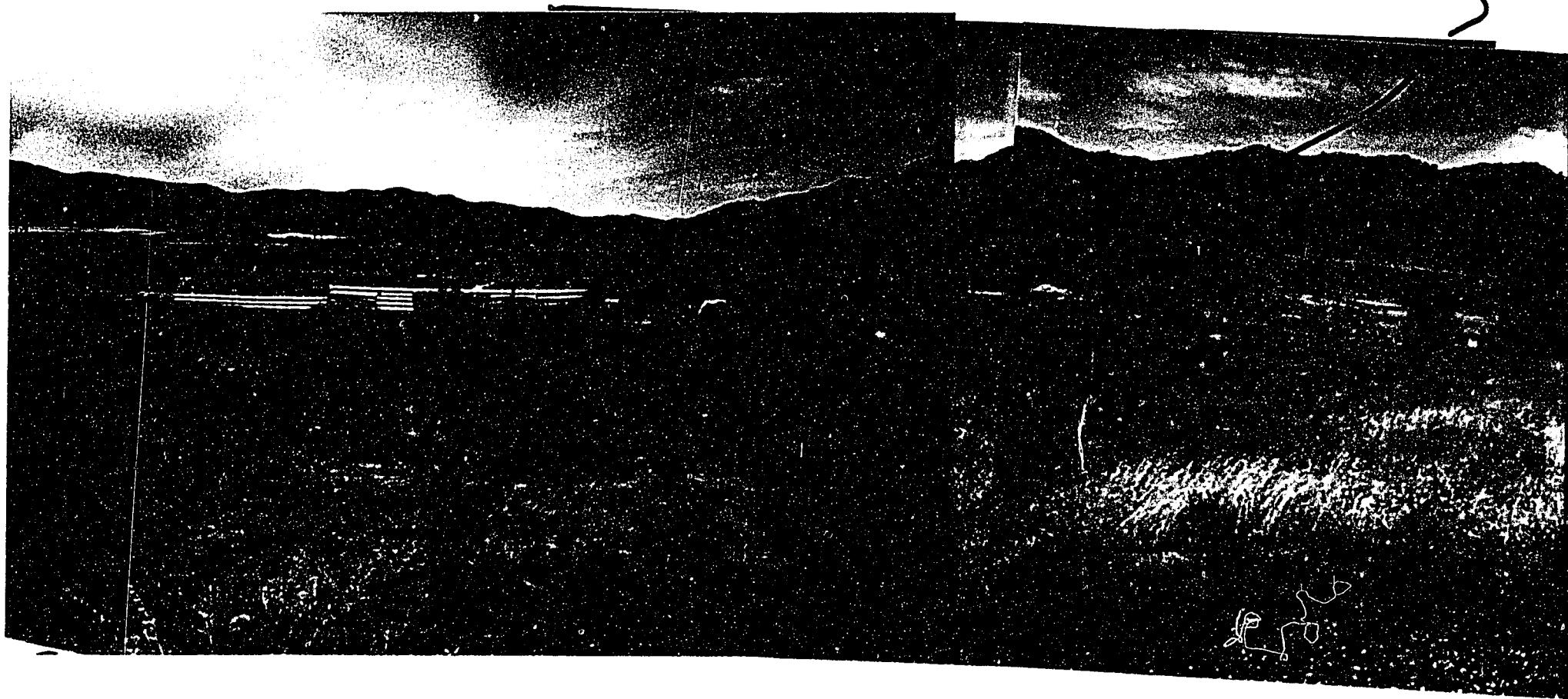
Spring head at
Idan-ha sign in
NENE Sect. 2





USGS site for
90% springs

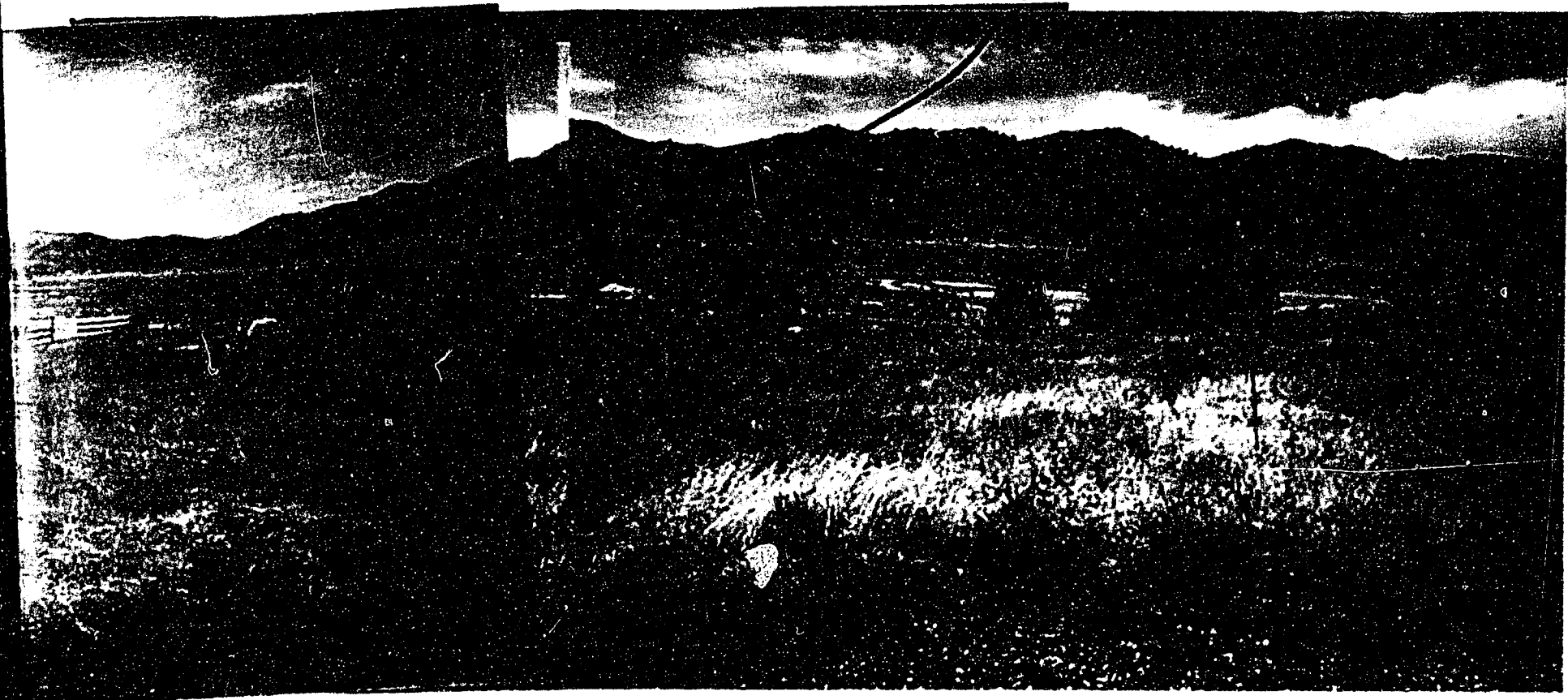
Idan-ha
Bottling site + sp



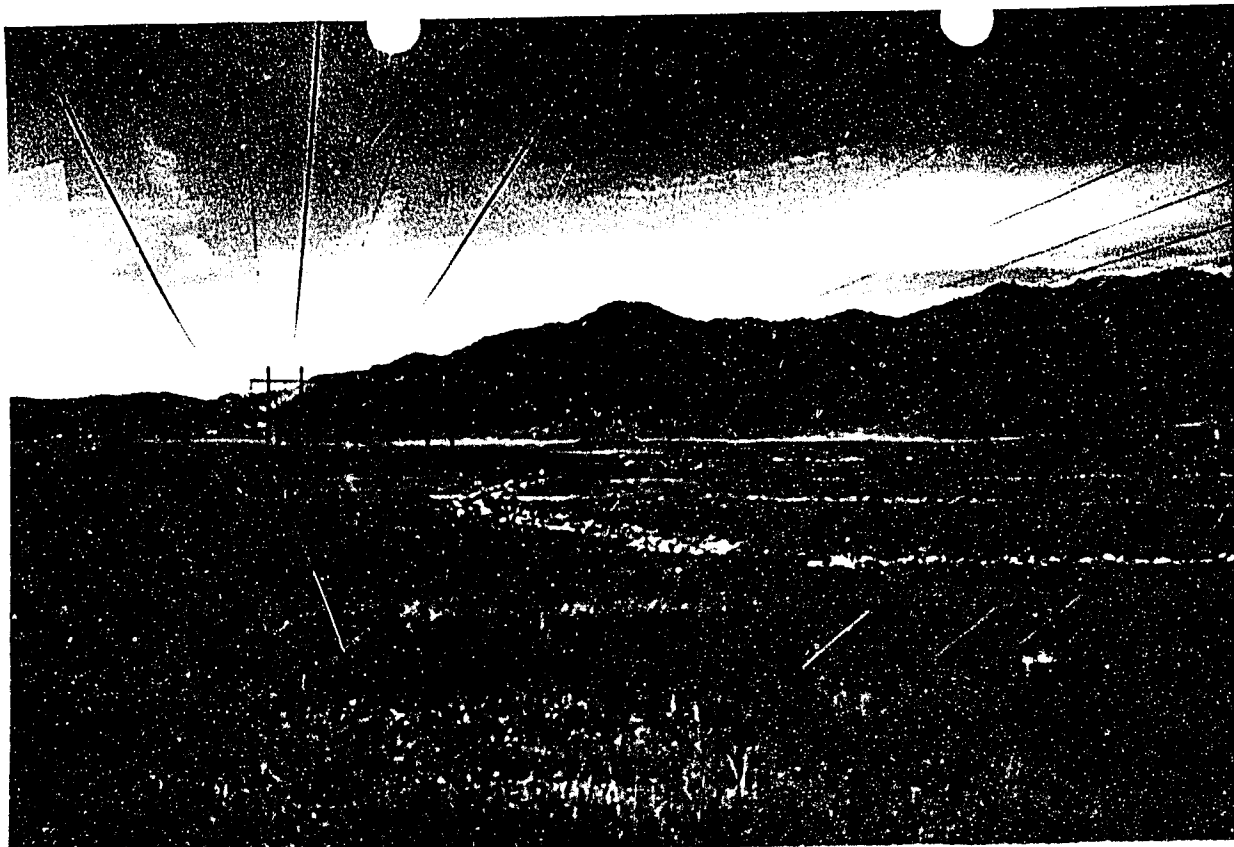
Area around Springs
Looking West

Permit
11-7362 & 7363

Idan-ha
Bottling site + springs



Area around Springs
Looking West



Drain ditches
just south
of springs
in NIENIE
sect. 2



upper corner
of valley
NW of spring
shows stream
which
comes out
of canyon
a pool
named
the spring
on USGS
map

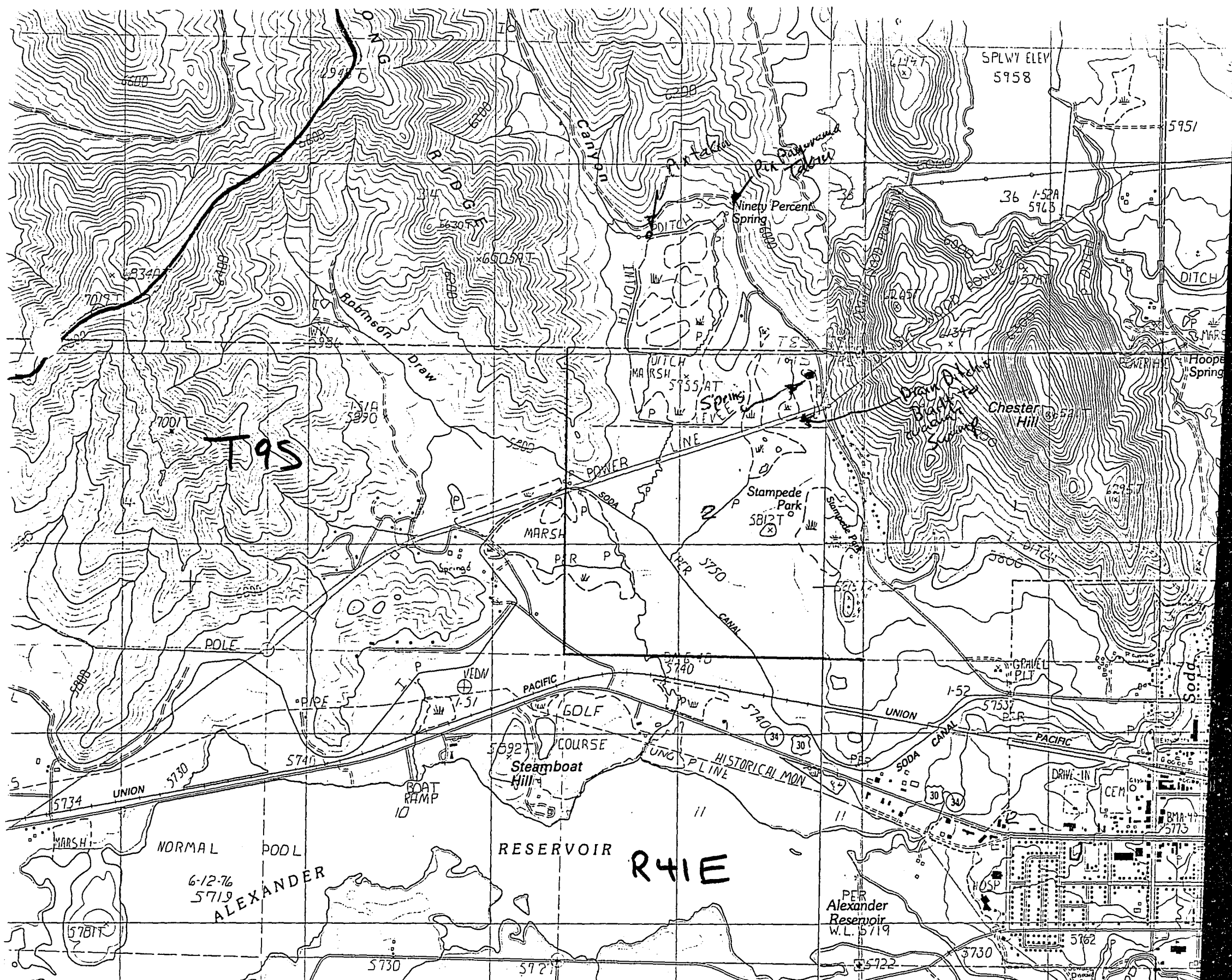
(90% springs (USGS))



area at
mouth of
90% canyon

FOR-CLARITY-OF
ANY-PHOTOGRAPHS
FILMED.

SEE FILE.



				LAST CHANCE CANAL		C	S	03-01-1897	BOAR RIVER	
095	41E	01	SWSE	01	11-0259	LAST CHANCE CANAL	C	S	03-15-1939	GROUNDWATER
			NESH	04.43	13-4123	RIGBY	C	S	06-01-1882	
			NESH	01	11-0017	CHESTER	C	S	05-13-1975	SPRINGS
			NHSH	43	11-7084	DT HAMBRO KUTYLOWSKI	C	S	10-13-1883	SODA CREEK
02			SWSH	01	11-0528	CORRIGAN	C	S	06-01-1882	
			SESH	01	11-0017	CHESTER	C	S	06-17-1889	SODA CREEK
			SESH	01	11-0492	CORRIGAN	C	S	10-13-1883	SODA CREEK
			SESH	01	11-0528	CORRIGAN	C	S	06-01-1882	
			NHSE	01	11-0017	CHESTER	C	S	06-01-1882	
			SWSE	01	11-0017	CHESTER	C	S	06-17-1889	SODA CREEK
			SWSE	01	11-0492	CORRIGAN	C	S	10-13-1883	SODA CREEK
			SESE	01	11-0017	CHESTER	C	S	06-01-1882	
			SESE	01	11-0492	CORRIGAN	C	S	06-17-1889	SODA CREEK
			SESE	01	11-0528	CORRIGAN	C	S	10-13-1883	SODA CREEK
			01	01	11-1120	FEENEY	C	S	06-17-1889	
			02	01	11-1120	FEENEY	C	S	06-17-1889	
			03	01	11-1120	FEENEY	C	S	06-17-1889	
			04	01	11-1120	FEENEY	C	S	11-28-1980	GROUNDWATER
			NENE	43	11-7215	CLEGG	C	S	10-17-1983	SPRING
			NENE	02	01.43	DRAHS	C	S	05-01-1921	NINETY PERCENT CREEK
NHNE	10	01.04	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK			
			SWNE	10	01.04	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			NENH	20	01.04	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			NHWH	20	01.04	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			SWNH	20	01.04	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			SENH	20	01.04	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			NESH	10	01.04	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
										NINETY PERCENT CREEK
										NINETY PERCENT CREEK
										NINETY PERCENT CREEK
										NINETY PERCENT CREEK
										NINETY PERCENT CREEK
										NINETY PERCENT CREEK

13

HRR156

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY PLACE OF USE

PAGE 7840
01/02/1987

TOWNSHIP	RNG	SEC	TRACT	LOT	ACRES	USES	WATER RIGHT NUMBER	LAST NAME	OWNER	STAGE	PRIORITY	SOURCE OF WATER
095	41E	02	NHSH	20	01.04		11-4089	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			SWSH	20	01.04		11-4089	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			SESH	10	01.04		11-4089	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			NESE	01			11-0493	ELLIS CORRIGAN	C	D	06-17-1889	SODA CREEK
			NESE	01			11-0494	ELLIS CORRIGAN	C	D	05-01-1894	SODA CREEK

HRR156

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY PLACE OF USEPAGE 7840
01/02/1987

THNSHP	RNG	SEC	TRACT	LOT	ACRES	USES	WATER RIGHT NUMBER	LAST NAME	OWNER CODE	STAGE	PRIORITY DATE	SOURCE OF WATER
095	41E	02	NWSH	20	01.04		11-4089	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			SHSH	20	01.04		11-4089	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			SESH	10	01.04		11-4089	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			NESE	01			11-0493	ELLIS CORRIGAN CORRIGAN	C D D	D	06-17-1889	SODA CREEK
			NESE	01			11-0494	ELLIS CORRIGAN CORRIGAN	C D D	D	05-01-1894	SODA CREEK
			NESE	25	01.04		11-4221	LOWE	C	S	07-01-1939	SPRING
			NHSE	01			11-0493	LOWE ELLIS CORRIGAN	C C D	D	06-17-1889	SODA CREEK
			NHSE	01			11-0494	ELLIS CORRIGAN CORRIGAN	C D D	D	05-01-1894	SODA CREEK
			NHSE	10	01.04		11-4089	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
03			NENE	10	01.04		11-4089	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			SENE	04			11-4310	HILDE	C	S	06-01-1953	SPRINGS
			SENE	10	01.04		11-4089	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			SENE	04			11-4310	HILDE	C	S	06-01-1953	SPRINGS
			NESH	05	01.04.43		11-7309	VALLEYVIEW SUBDIVI	C	L	02-09-1983	GROUNDWATER
			NHSH	02	01.04.43		11-7309	VALLEYVIEW SUBDIVI	C	L	02-09-1983	GROUNDWATER
			SHSH	01	01.04.43		11-7309	VALLEYVIEW SUBDIVI	C	L	02-09-1983	GROUNDWATER
			NESE	10	01.04		11-4089	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
			NHSE	01	01.04.43		11-7309	VALLEYVIEW SUBDIVI	C	L	02-09-1983	GROUNDWATER
			SESE	43			11-4056	SCHWANEVELDT	C	S	05-01-1948	SPRING
			SESE	10	01.04		11-4089	DUREN	C	S	05-01-1921	NINETY PERCENT CREEK
05			SESH	01			11-2109	FARMERS LAND & IRR	C	L	04-23-1953	WASTE WATER
			SESH	16	01		11-2117	GUNNELL	C	L	05-19-1969	UNNAMED SLOUGH
			SHSE	01			11-2109	FARMERS LAND & IRR	C	L	04-23-1953	WASTE WATER
			SHSE	21	01		11-2117	GUNNELL	C	L	05-19-1969	UNNAMED SLOUGH
			SESE	01			11-2109	FARMERS LAND & IRR	C	L	04-23-1953	WASTE WATER
			SESE	05	01		11-2117	GUNNELL	C	L	05-19-1969	UNNAMED SLOUGH
06			SHNH	01			11-2109	FARMERS LAND & IRR	C	L	04-23-1953	WASTE WATER
			NHSH	01			11-2109	FARMERS LAND & IRR	C	L	04-23-1953	WASTE WATER
07				01			11-0432	FARMERS LAND & IRR	C	D	07-01-1905	BIG SPRING CREEK
				01			11-0531A	FARMERS LAND AND I	C	D	05-01-1892	SODA CREEK
			NESE	01			11-0429	WATSON	C	D	06-01-1889	LITTLE SPRING CREEK
			NHSE	01			11-0428	WANNAMAKER	C	D	06-01-1889	LITTLE SPRING CREEK
			SHSE	43			11-4229	OREGON SHORT LINE UNION PACIFIC RAIL	C D	S	06-01-1956	GROUNDWATER

August 31, 1987

David Clegg
C/O D&S Development
179 S. 1st E.
Soda Springs, Idaho 83276

RE: Permit Applications No. 11-7362 & 11-7363

Dear Mr. Clegg:

Prior to recommending administrative action on the above applications, there are a few items needing clarification.

The point of diversion is shown on both applications as the NW1/4NE1/4NE1/4, Sec. 2, T. 9S, R. 41E. But there is a different source listed on each filing. Application 11-7362 lists a spring which is tributary to swamps and sinks, while application 11-7363 identifies the source as Ninety Percent Spring which is tributary to sinks. A field investigation by an employee of this office on August 20, 1987, revealed the spring site for the old Idan-ha Bottling Plant is clearly marked by a sign. This spring is located in the NW1/4NE1/4NE1/4, Sec. 2, T. 9S, R. 41E. Ninety Percent Spring, however, is labeled on the USGS quad map as being in the NW1/4NW1/4SE1/4, Sec. 35, T. 8S, R. 41E. This spring is located approximately 5/8 of a mile north of the Idan-ha Spring. Therefore, for application 11-7363, either the source of water must be changed, or the legal description for the point of diversion must be amended.

For your convenience, a copy of the USGS quad map is enclosed. This map illustrates the location for Ninety Percent Spring and the Idan-ha Spring.

Idaho Code, Section 42-203A(5), requires that a determination be made on whether or not the water supply itself is insufficient for the purpose for which it is sought to be appropriated. A measurement of the Idan-ha spring taken during the field investigation of August 20, 1987, determined it was flowing 0.07 cfs.

Mr. Clegg
August 31, 1987
Page 2

The amount of water requested for appropriation under both applications is almost 20 times this amount. Is there a basis for the amounts requested on the applications? Is there a particular reason why you feel the spring can be developed to produce the amount of water requested?

Another item that must be considered by the Department concerns the ownership of the point of diversion and place of use. Application 11-7362 indicates that you wish to irrigate 30 acres of land in the N1/2NE1/4, Sec. 2, T. 9S, R. 41E. Information collected indicates you are the owner of the NE1/4NE1/4, Sec. 2. Before the application can be approved for the irrigation of the NW1/4NE1/4, Sec. 2, you must provide documentation describing the arrangement you have made with the owners of this land authorizing you to make application for the irrigation of their property.

This office will hold your applications for 30 days to give you an opportunity to respond to the above items. Failure to submit this information within the designated time period could jeopardize the application and its attached priority.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/dg
Enclosure

NE CORNER, SEC. 2
T 9 S, R 41 E, B.M.

EVERGREEN HEIGHTS SUBDIVISION
BOOK 3, PAGE 64, INST N° 108151
APRIL 8, 1981

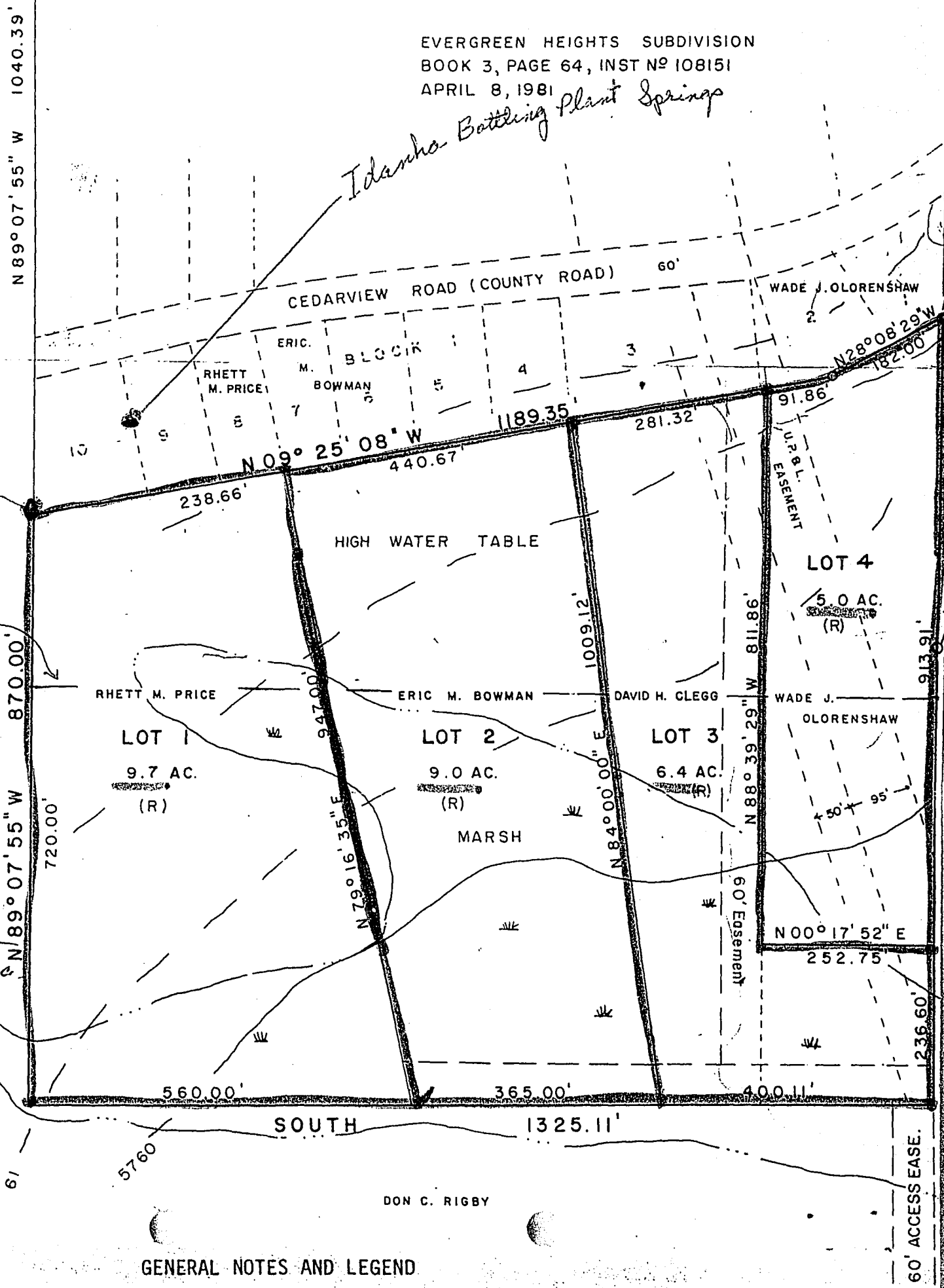
Idaho Bottling Plant Springs

MONSANTO CORP.

*Irrigation
Waters*

1" = 200'
3 1987

*Price 9.7
Bowman 9.0
Clegg 6.4
Olorenshaw 5.0
Total 30.10 ac.*



DON C. RIGBY

GENERAL NOTES AND LEGEND

September 9, 1987

Ernest Carlsen
Water Rights Supervisor
150 Shoup---Suite 15
Idaho Falls, Idaho 83402

RECEIVED
SEP 11 1987
Department of Water Resources
Eastern District Office

In RE: to Permit Applications No. 11-7362 & 11-7363

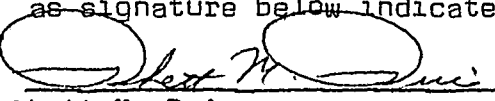
Dear Mr. Carlson:

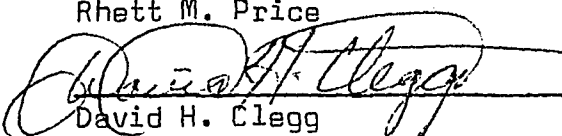
In answer to the points raised concerning the two points of diversion being both in the same legal description; point is, there are two different sources in the same Legal. If they need to be further described, I can do that, but it is my understanding that I have done this properly, as is noted on the application, each being used for a different purpose.

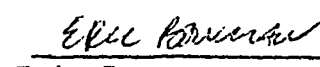
Item # 1: As to the name given to the spring at Ninety Percent; if this is a major problem we can change the name to Idanha Bottling Plant Springs--this is what I had filed for anyway and this spring is on my property.

As to the question concerning the amount of water in this spring, when I made the application last Spring, there was very near the amount I had filed for in the application. If this is not the correct procedure or amount, what amount should be used? When this is set up and ready, I will need whatever the spring will supply. I hope this answers your question on why the amount on the application.

Item # 2: Ownership of the point of diversion is on the NorthWest corner of Lot # 10, Block # 2 of the Evergreen Sub., which I own at this time. As for the place of use, I am sending you a map of the thirty acres to be irrigated with this source & showing amounts in each Lot. I will have all four owners sign that they are in agreement with this application. The water will be used in the percentage of acres each land owner holds and is mutually agreed to by all property holders as signature below indicates.

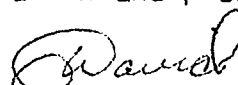

Rhett M. Price


David H. Clegg


Eric Bowman


Wade O. Jernshaw

Thank you for considering this application and please contact me if there is anything more I need to do.



State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCombs APPLICATION NUMBER: _____

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.

Field check by: _____
Date: _____
Comments: _____

- ☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☐ Other _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: 5-4-1987
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 5-18-87
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 11 *N/A source sinks*
238 March 87 Date of priority recommended.
Special conditions of approval or cover letter. _____

2 yrs. is reasonable for Bill develop-
ment.

By: Ernest Carlson Date: 20 Oct 87

STATE OFFICE REVIEW:

RECEIVED L17

26 04

RECEIVED
OCT 21 1987

- ☐ See attached sheet for more information.

By: KW Date: 11/2/87 Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
NOVEMBER 22, 1987

D. & S. DEVELOPMENT
179 S. 1ST EAST
SODA SPRINGS, ID 83276

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 11-7362

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

PLEASE NOTE THE REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED A FORM ENTITLED "INSTRUCTIONS FOR PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

GARY SPACKMAN
SUPERVISOR, WATER ALLOCATION SECTION

GS: SC
ENCLOSURES



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 1, 1989

George Fishler
2626 E. 3020 S.
Salt Lake City, UT 84109

Dear Mr. Fishler:

Re: Permit No. 11-7362

Pursuant to your request, enclosed is a copy of this water right permit.

Also enclosed is an assignment form. The purpose of an assignment is to show a change in the ownership of a permit. A water right permit is considered as personal property.

If you wish to submit the assignment form, the assignment form needs to be completed by the permit holder and signed before a notary public.

Sincerely,

A handwritten signature in cursive script, reading 'Rita I. Fleck'.

RITA I. FLECK
Secretary/Records Manager

Enclosures

D & S DEVELOPMENT
179 S. 1ST EAST
SODA SPRINGS, ID 832760000

September 30, 1989

138638

RE: PERMIT NO. 11-07362 PROOF DUE NOTICE

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1989. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

December 14, 1989

D & S DEVELOPMENT
179 S. 1ST EAST
SODA SPRINGS, ID 832760000

LAPSE NOTICE

RE: PERMIT NO. 11-07362

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced water permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper form in our proof due notice to you dated September 30, 1989.

Your permit cannot be reinstated unless you submit proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal (including the examination fee or a completed field examination report) or the extension request form together with the \$15 fee must be received by this department within sixty days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a governmental agency or by litigation which might bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

LGS:RF

CERTIFICATION OF MAILING

I hereby certify that on 12/15/89
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

I certify that file No. 11-7362 has been
reviewed and is ready to be **MICROFILMED**
and **DESTROYED**.

Cam Skaggs

Signature

8-8-90

Date

RECEIVED
OCT 20 1994

STATE OF IDAHO
Department of Water Resources DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. C031503
Receipt By: RT
Date Received: 10-20-94

RECEIVED
OCT 20 1994

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 11-7362 Telephone No. 208-547-4222
2. Name(s) of Permit Holder(s): Eric Bowman
3. Mailing Address: 139 W. 2nd. So. Soda Springs, ID 83276
Spring at NW corner Lot#10 Block #2 Evergreen Heights Subdivision
4. Source of Water: Soda Springs, ID If **GROUNDWATER** (well), Date Drilled: mo. NA / yr. NA
 - a. Well Driller: NA Drilling Permit Number: NA - NA - NA
 - b. **OPTIONAL:**
Pump Horsepower: NA Pressure (psi): NA Dynamic pumping level (ft): NA
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): NA Stockwater (No. and type of stock): 4-6 Sheep
4-6 Horses
6-10 Cows
Irrigation (No. of acres): 9 Other: NA
6. Total rate of diversion and/or volume for which proof is submitted: NA cfs OR 9 acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes <u>NA</u>	or	No <u>X</u>
	Has the measuring device been installed?	Yes <u>NA</u>	or	No <u>X</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes <u>NA</u>	or	No <u>X</u>
	Has the measurement port been installed?	Yes <u>NA</u>	or	No <u>X</u>
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Eric Bowman Telephone Number: 208-547-4151(O)
208-547-4222(H)
Address: 139 W. 2nd. So. Soda Springs, ID 83276
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Eric Bowman (owner) Date: Oct. 17, 1994
(include your title, if on behalf of company or organization)

7/94

\$25.00 Fee Received By RT
Receipt No. C031590

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 02 1994

ASSIGNMENT OF PERMIT

To change the ownership of a permit

Department of Water Resources

I, David H. Clegg / DBA: D+S Development, hereby assign to Eric Bowman
(Applicant)
of 139 W. 2nd So. Soda Springs ID 83276 208-547-4151
(Full Address) (Telephone Number)

All my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following portion of my right, title, and interest in and to Permit No. 11-7362 appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision, point of diversion, location, and the amount of water in cubic feet per second.

Lot 2 of 40th Subdivision Soda Springs ID. 9 Acres.
No diversion since stream naturally flows through
center of said property. Amount of water right assignment
is .20 cubic feet per second.

Made this 31 day of Oct., 1994.

FEE \$25.00

David H. Clegg / DBA: D+S Development
Permit Holder(s)

State of Idaho)
County of Caribou) ss

On this 31st day of October, 1994, personally appeared before me the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

SEAL

Don L. Harding, Soda Springs Idaho
Notary Public 83276

Don L. Harding
Signature

My commission expires: July 13, 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 11-07362)
IN THE NAME OF ERIC BOWMAN) ORDER OF
REINSTATEMENT

This matter having come before the Idaho Department of Water Resources (Department), the Department makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER:

FINDINGS OF FACT

1. On November 6, 1987, the Department issued Permit No. 11-07362 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before December 1, 1989.

2. On September 30, 1989, the Department sent a proof due notice to the permit holder by certified mail stating that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use.

3. On December 14, 1989, the Department sent a lapse notice to the permit holder.

4. Section 42-218a.2., Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

5. On October 20, 1994, Eric Bowman submitted proof for Permit No. 11-07362 along with an affidavit verifying that water has been put to beneficial use since 1987. On October 25, 1994, the Department notified Mr. Bowman that the proof could not be accepted from him unless the permit holder (D & S Development)

assigned the permit to him. On November 2, 1994, Eric Bowman submitted an acceptable Assignment of Permit form assigning Permit No. 11-07362 to him.

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.

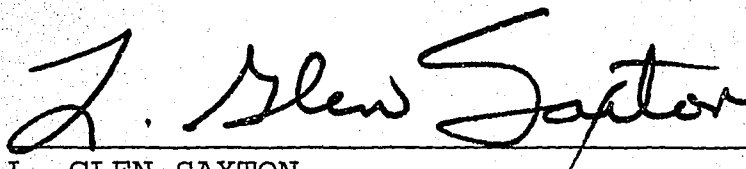
2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 11-07362 is REINSTATED and the priority is advanced to October 20, 1994.

Dated this 8th day of December, 1994.



L. GLEN SAXTON
Chief, Water Allocation Bureau

WATER RIGHT SUMMARY

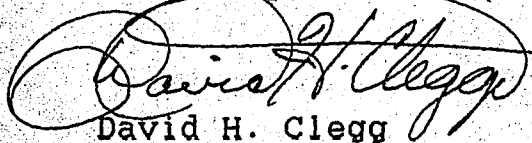
<u>ACTION</u>	<u>RIGHT NO.</u>	<u>NAME</u>	<u>AMOUNT CFS</u>
Original Application	11-07362	D & S Development	.60
Full Assignment	11-07362	Eric Bowman	.60

Department of Water Resources
1301 N. Orchard St.
Boise, ID. 83706

October 14, 1994

As a neighbor, and owner of adjoining property, I verify that from 1987 to present Eric Bowman has used the water on Lot #2 of the 90 Percent Subdivision, Soda Springs Idaho, in a beneficial manner as applied for on Application 11-7362. This water has consistently been used for the benefit of his stock and for irrigation.

Sincerely,



David H. Clegg
1773 Cedar View Road
Soda Springs, Idaho 83276
208-547-3523

RECEIVED

OCT 20 1994

Department of Water Resources

Department of Water Resources
1301 N. Orchard St.
Boise, ID. 83706

Oct. 14, 1994

Attn: Julie Yarbrough

Dear Julie:

This application for water rights is being submitted to renew the permit #11-7362 which was originally applied for in 1987. This application is for irrigation and stock use of the spring from the NW corner of lot #10, Block #2 of the Evergreen Heights Subdivision in Soda Springs, Idaho. The water then flows into the 90 Percent Subdivision, which is an agricultural subdivision, and through my property; Lot #2 consisting of 9 acres. I was unaware until about 2 weeks ago that proof of beneficial use was necessary, and had not been submitted, or that the water right had lapsed in 1988.

The natural flow of this spring runs through the middle of my property, and the use of the water is necessary to water my stock and irrigate the pasture. To irrigate I place a canvas dam in the creek to flood irrigate, otherwise the water flows naturally through the property and the stock use it for water.

Enclosed are two proofs of beneficial use of the property and water. One is a photo from the ASCS office showing the property is developed pasture & farm ground. The water is visible running through the pasture and is used beneficially. The second is a statement from David Clegg, a neighbor and owner of adjoining property, stating that he has witnessed the beneficial use of this water from 1987 to the present date.

If you have any questions please contact me. Thank you for your help in this matter.

Sincerely,

Eric Bowman

Eric Bowman

139 W. 2nd So.
Soda Springs, ID 83276
208-547-4222



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 25, 1994

Eric Bowman
139 W 2nd S
Soda Springs, ID 83276

Copy

RE: Lapsed Permit No. 11-07362

Dear Mr. Bowman:

On October 20, 1994, the Department received the proof of beneficial use form and fee for the above referenced permit. I note, however, that the permit is in the name of D & S Development.

Before the department can take action on the permit, the permit needs to be in some way associated with you. Enclosed is an assignment, which when completed by the permit holder or representative of the permit holder and accompanied by the \$25.00 filing fee, will convey the permit to you. If, however, it is impossible to acquire an assignment, there are other options.

The department can accept the proof and fee if you can demonstrate that you have possessory interest in the land. This can be accomplished by providing the department with a copy of the tax record or a copy of your warranty deed and/or sales contract. By submitting such document(s), the department can allow you to take action to maintain the permit, but not necessarily as documentation for conveying ownership of the permit.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosures



ERIC BOWMAN DC

139 West 2nd South
Soda Springs, Idaho 83276
Telephone: (208) 547-4151

RECEIVED

NOV 02 1994

Department of Water Resources

10-31-94

Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83720-9000

Julie Yarbrough:

Enclosed is the Assignment of Permit for partial assignment on permit 11-07362 signed by David H. Clegg of D&S Development. Also enclosed is a copy of the Warranty Deed showing ownership of lot #2 90% Subdivision Soda Springs ID. The \$25⁰⁰ fee is also enclosed.

Thank you for your help.

Sincerely

Eric Bowman

Eric Bowman

130932

Warranty Deed

THIS INDENTURE, Made this 13th day of February
in the year of our Lord One Thousand Nine Hundred and Eighty-seven, between

DON C. RIGBY FAMILY PARTNERSHIP, a Limited Partnership,
of Bancroft, County of Caribou, State of Idaho
the party of the first part, and

ERIC M. BOWMAN and LIANA B. BOWMAN, husband and wife,
of Soda Springs, County of Caribou, State of Idaho
the parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of _____
ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATIONS _____ DOLLARS,
lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt
whereof is hereby acknowledged

, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties
of the second part, and to their heirs and assigns forever: All that certain lot
piece or parcel of land situate, lying and being in the County of Caribou State of Idaho, bounded
and more particularly described as follows, to-wit:

Township 9 South, Range 41 East of the Boise Meridian:

Section 2: Beginning at the Northeast corner of said Section 2;
thence North 89°07'55" West 1040.39 feet along the North
line of Evergreen Heights Subdivision, according to the
official plat thereof, as recorded in the office of the
County Recorder of Caribou County, Idaho, under recorder's
instrument No. 108151, to the Northwest corner of said
Subdivision; thence South 09°25'08" East 375.50 feet along
the West line of said Subdivision to the Southwest corner
of Lot 8, Block 1, of said Subdivision, which is the
TRUE POINT OF BEGINNING, and running
thence continuing South 09°25'08" East 440.67 feet to the
Southwest corner of Lot 4 of said Block 1;
thence South 83°56'00" West 1009.12 feet;
thence North 365.00 feet;
thence North 79°16'35" East 947.90 feet,
to the true point of beginning.

Subject to accruing taxes.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and
the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident
unto the said parties of the second part, and to their heirs and assigns forever. And the said
party of the first part, and its successors the said premises in the quiet and peaceable possession
of the said parties of the second part their heirs and assigns against the said party of the
first part, and its successors and against all and every person or persons whomsoever, lawfully claiming
or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said party of the first part has hereunto set its hand and
seal the day and year first above written.
Signed, Sealed and Delivered in the Presence of

DON C. RIGBY FAMILY PARTNERSHIP,
a Limited Partnership

By: Don Rigby [Seal]
DON C. RIGBY, Partner

[Seal]

[Seal]

[Seal]

STATE OF IDAHO,
County of Caribou

ss.

On this 13th day of February in the year 1987, before me

the undersigned a Notary Public in and for said County and State, personally appeared Don C. Rigby, known to me to be a partner in the Don C. Rigby Family Partnership, and also known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same for and on behalf of said partnership.

~~Notary Public for the State of Idaho, my commission expires August 15, 1991.~~

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

Helen B. Kingsford
Notary Public.

Residence and P. O. Address Soda Springs, Idaho

Commission expires: August 15, 1991

130932

WARRANTY DEED

DON C. RIGBY FAMILY PARTNERSHIP,
a limited Partnership,

TO
ERIC M. BOWMAN and LIANA B.
BOWMAN, husband and wife,

Dated February 13, 1987

STATE OF IDAHO,
County of Caribou } ss.

I hereby certify that this instrument was filed for
record at the request of

Caribou Title Company

at 4:45 minutes past 10

o'clock A. M., this 18 day

of February, A. D. 1987

in my office and duly recorded in the
records of Caribou County, Idaho.

MYRNA W. ARCHIBALD

Ex-Officio Recorder.

[Signature]
Deputy.

Fee, \$ 4.00

GEO. PRINCE & SONS, INC., POCAHONTO, IDAHO

Mail Tax Notice To:

Eric M. Bowman
139 West Second South
Soda Springs, Idaho 83276



Water Source & Flow

Lot # 2, 9070 Subdivision - 9 acres



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 8, 1994

ERIC BOWMAN
139 W 2ND S
SODA SPRINGS ID 83276

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 11-07362

Dear Permit Holder:

The Department acknowledges receipt of the correspondence and assignment of permit form transferring ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

Additionally, the department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Enclosed is an order reinstating your permit since proof of beneficial use was received after the proof due date. Please note that the priority date has been advanced to October 20, 1994.

If you have any questions concerning this matter, please free to contact the EASTERN Regional Office in Idaho Falls at (208) 525-7161.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough".

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Regional Office

Department of Water Resources
Permit No. **W-7302**

3. Source: Spring tributary to Swamp/Sinks

2. Other water rights with the same point of diversion:

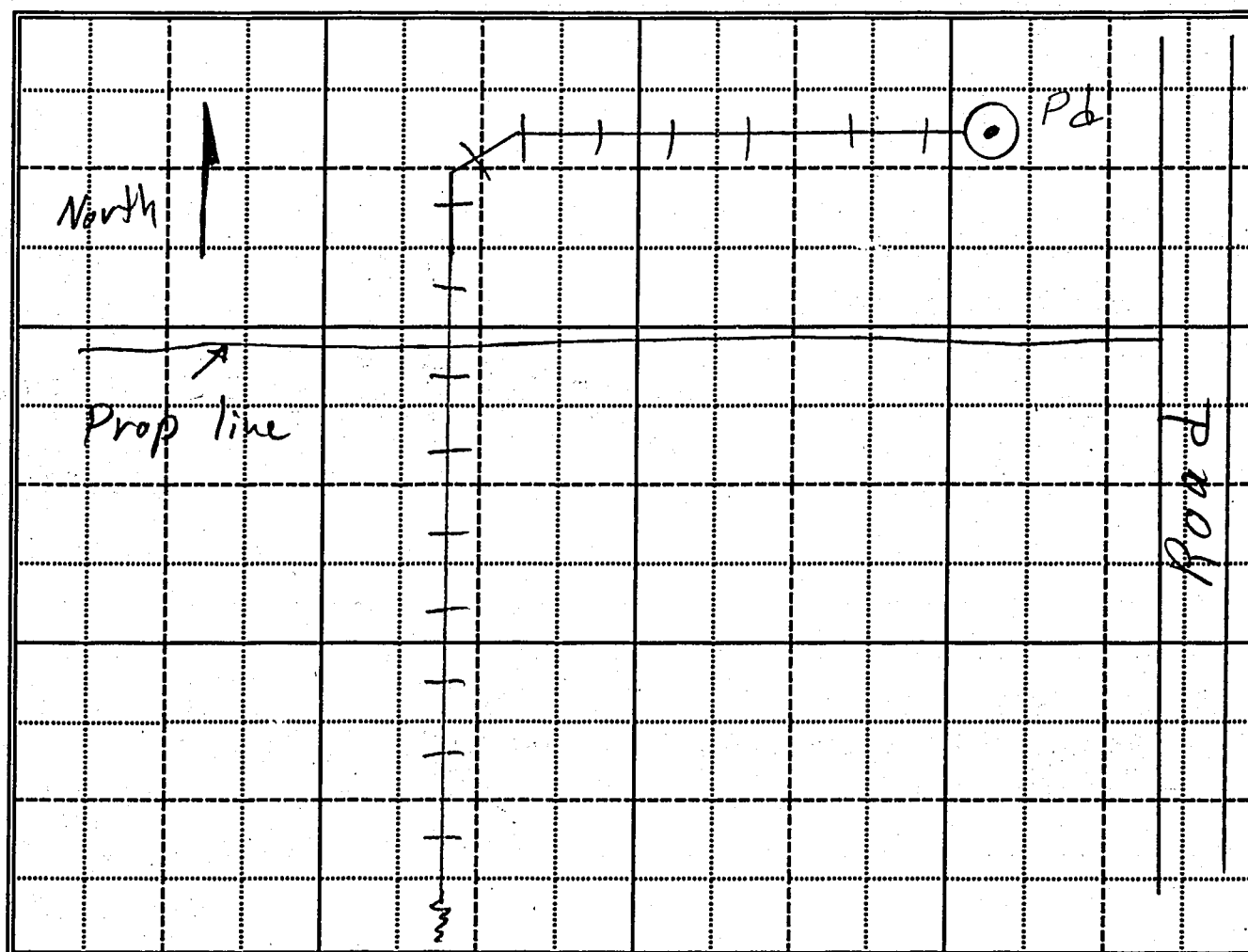
1. Point(s) of Diversion:

[illegible]

Indicate Method of Determination

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

____ Copy of USGS 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)

____ Photo of Diversion and System Attached

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Wier	Powlus		BCW		15"	

2. Measurements: was 40 mm = 4 cm from table in Field manual
4.0 cm = 0.18 CFS = 80 gal/min.

C:\GEO-PC\DATA\LEE\R070123A.COR

R070123a
Statistics Version 3.6

	Recs	Mean	Std Dev	Minimum	Maximum
Latitude	231	42 40' 38.6971602"	7.0768268	42 40' 38.5643608"	42 40' 38.9186443"
Longitude	231	111 37' 33.3002965	4.8536715	111 37' 33.4267399	111 37' 33.2011067"
Altitude	231	5807.1448868	9.0385670	5773.7355776	5835.8272056

No velocity records in file.

No DOP records in file.

Start GPS Week #964 on 07/01/98 at 23:23:54
End GPS Week #964 on 07/01/98 at 23:27:12

Datum : NAD-27 CONUS
Coordinate System : Latitude/Longitude
Altitude Mode : Mean Sea Level
Altitude/Distance Units : Feet
Velocity Units : Feet/Second

*Permit # 11-07362
corr. for point of diversion*

C:\GEO-PC\DATA\LEE\R070123B.COR

R070123b

Statistics Version 3.6

	Recs	Mean	Std Dev	Minimum	Maximum
Latitude	240	42 40' 35.1056525"	1.7983323	42 40' 35.0450092"	42 40' 35.2075418"
Longitude	240	111 37' 38.0738707"	4.7527367	111 37' 38.2246422"	111 37' 37.9288263"
Altitude	240	5791.4638960	9.2328134	5766.6941454	5808.0441817

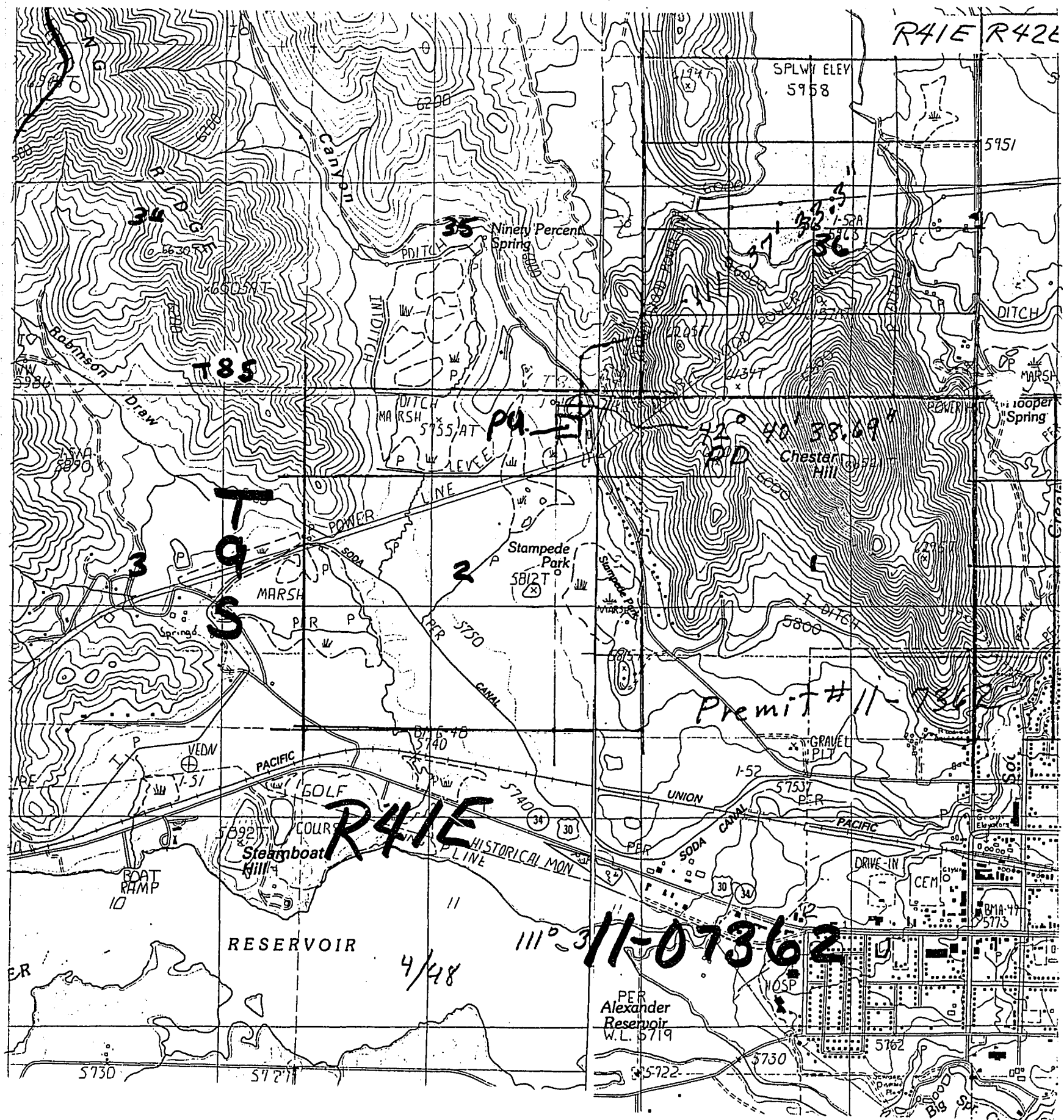
No velocity records in file.

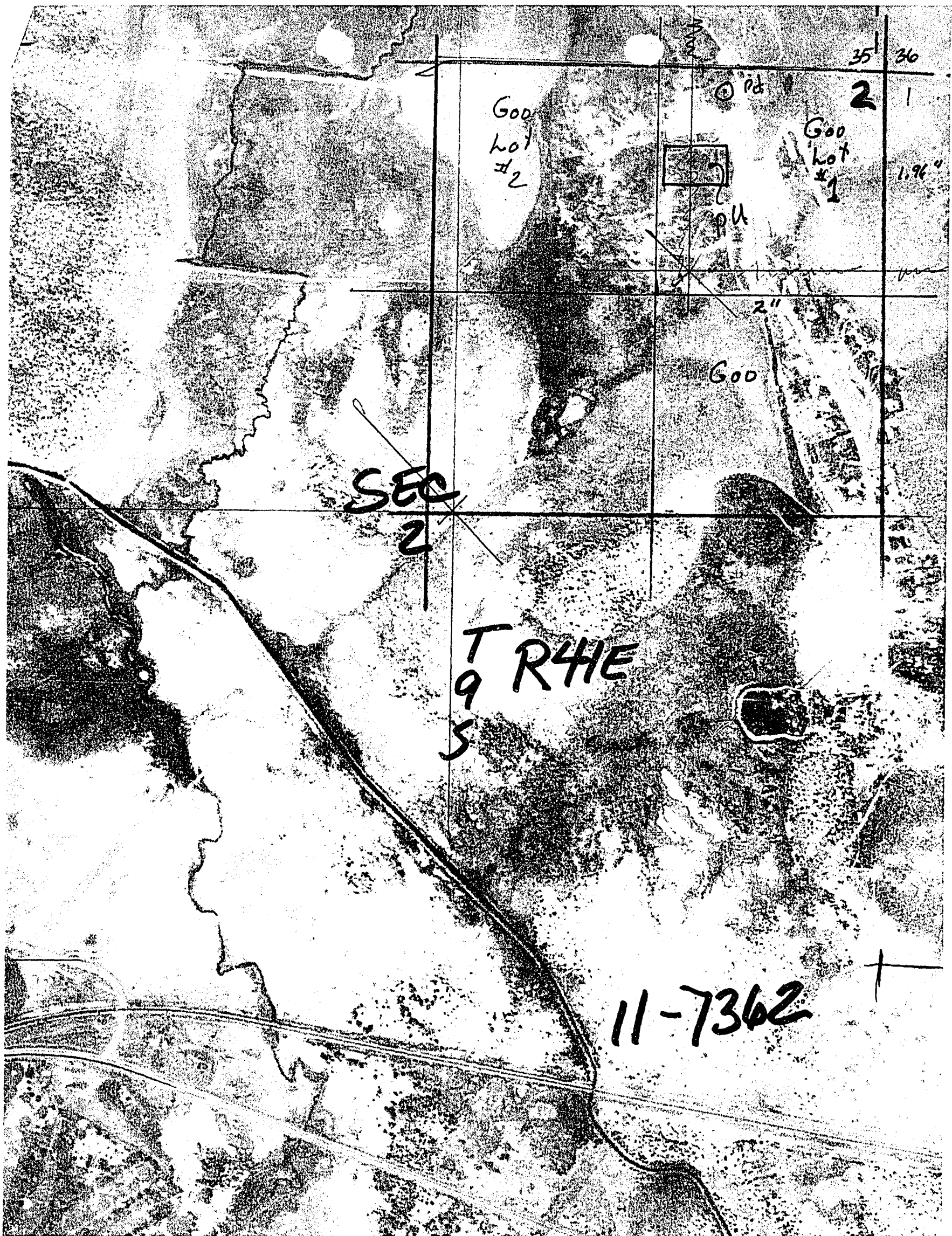
No DOP records in file.

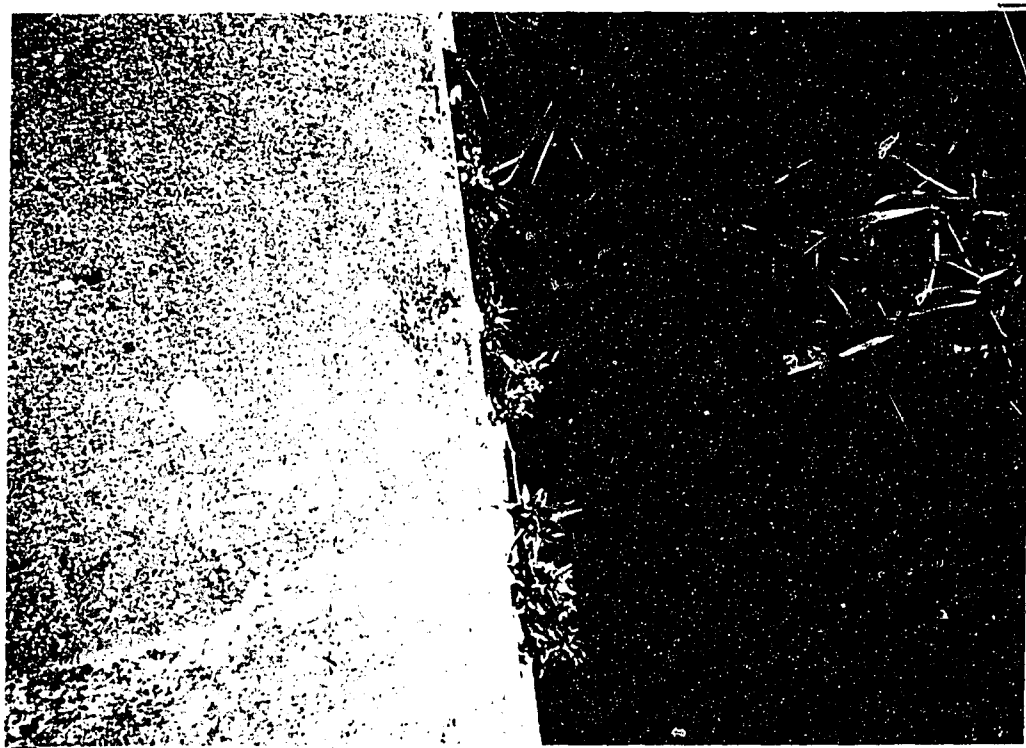
Start GPS Week #964 on 07/01/98 at 23:34:49
End GPS Week #964 on 07/01/98 at 23:38:23

Datum : NAD-27 CONUS
Coordinate System : Latitude/Longitude
Altitude Mode : Mean Sea Level
Altitude/Distance Units : Feet
Velocity Units : Feet/Second

Permit # 11-07362







Point of
diversion
Spring is covered
with a concrete
cover, but spring
surfaces to the West
of concrete slab,
West is to left
of picture..



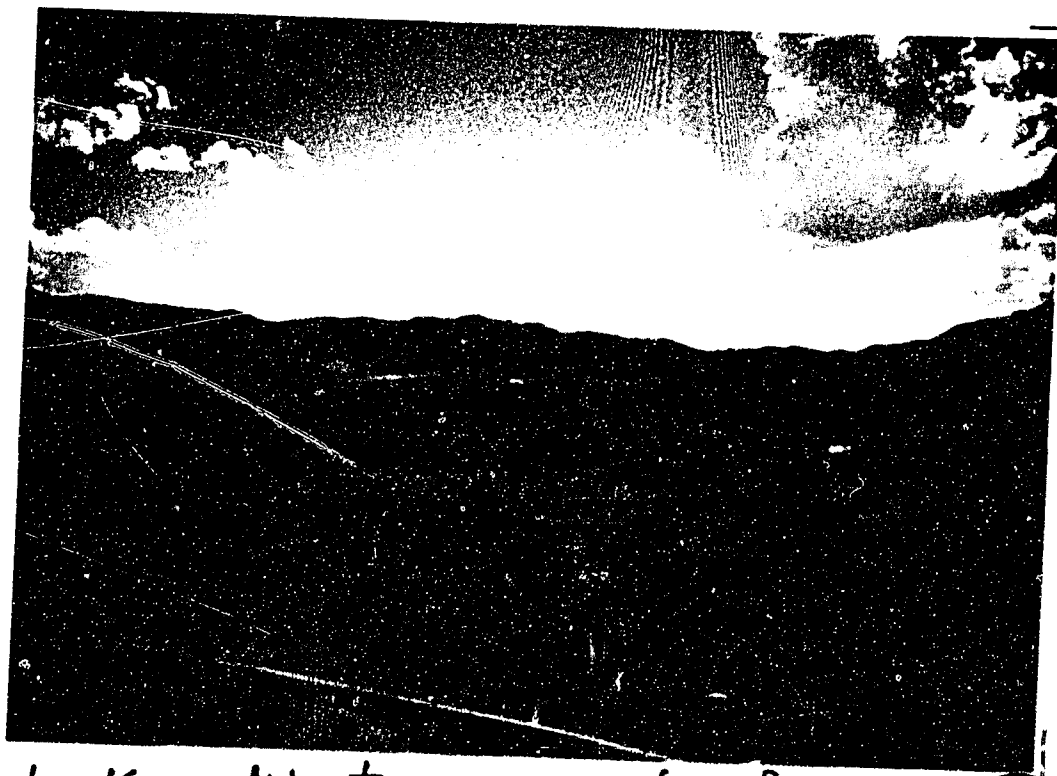
Permit # 11-07362



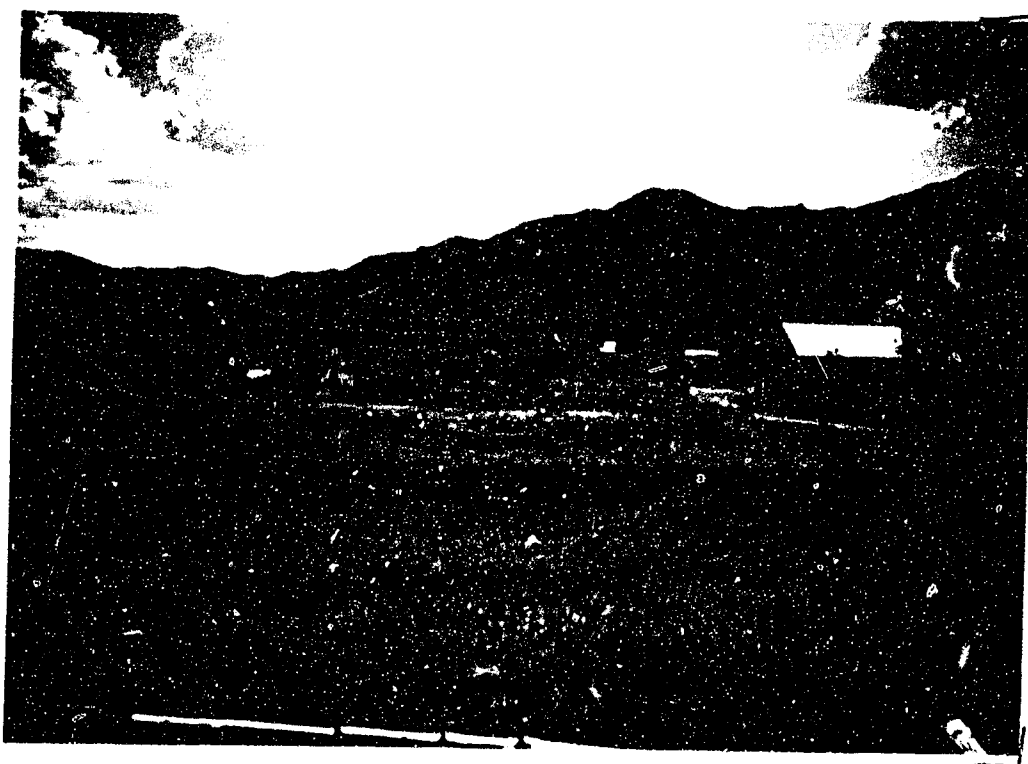
Look South to point of measurement.



Permit # 11-07362 Spring at point of measurement - looking West.



Looking West over ~~place~~ of use.



Permit # 11-07362

E. NARRATIVE/REMARKS/COMMENTS

Spring is currently marked as the 90% spring but GPS location does not agree with the location of the 90% spring on the USGS and NO3/NOAA maps. (see maps). Spring travels west for 75 yards and turns South through the Bowman's property.

The spring will be dammed and allowed to flood over pasture and Garden using ditches and dams.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

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:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Irrigation</u>	<u>5-15</u>	<u>10-1</u>	<u>0.18</u>	
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.18</u>	

2. 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

I. AUTHENTICATIONField Examiner's Name Lee L. Simmons Date 6-30-98Reviewer Dennis D. Dwyer Date 3 February 99

SEAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

RECEIVED
MAY 27 2003
Department of Water Resources

☒ Water Right Number(s): 11-7362 (permit)

☐ Name(s): Eric Bowman

☐ Old Mailing Address: 139 W. 2nd St.
Soda Springs, ID
83276

☐ New Mailing Address: 300 W. 2nd St.
Soda Springs, ID
83276

Telephone Number: (208) 547-4151

☐ Signature(s) of Owner(s) Eric Bowman

(Include your title if on behalf of company or organization)

Date: 5-21-03

Database updated - Kari Lynn - 5.27.03