

RECEIVED
OCT 06 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 11-7417

Department of Water Resources To appropriate the public waters of the State of Idaho

1. Name of applicant United States of America, Forest Service Phone (208) 236-7500
Post office address Caribou National Forest, 250 S. 4th Ave, Suite 172, Pocatello, ID 83201

2. Source of water supply Spring which is a tributary of Dry Creek

3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot
Sec. 29 Township 11 S. Range 46E B.M. Bear Lake County; additional
points of diversion if any: N/A

4. Water will be used for the following purposes:

Amount .06 for Stockwater purposes from 6/16 to 9/25 (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) .06 and/or (b) N/A
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Spring Developed by a headbox, water
pipd to a trough a short distance away.

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 85°F being sought? N/A

e. If well is already drilled, when? N/A; Drilling firm N/A;

Well was drilled for (well owner) N/A

7. Time required for the completion of the works and application of the water to be proposed beneficial use is
1 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. 3200 Cattle
- 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	
11S	46E	29	S																

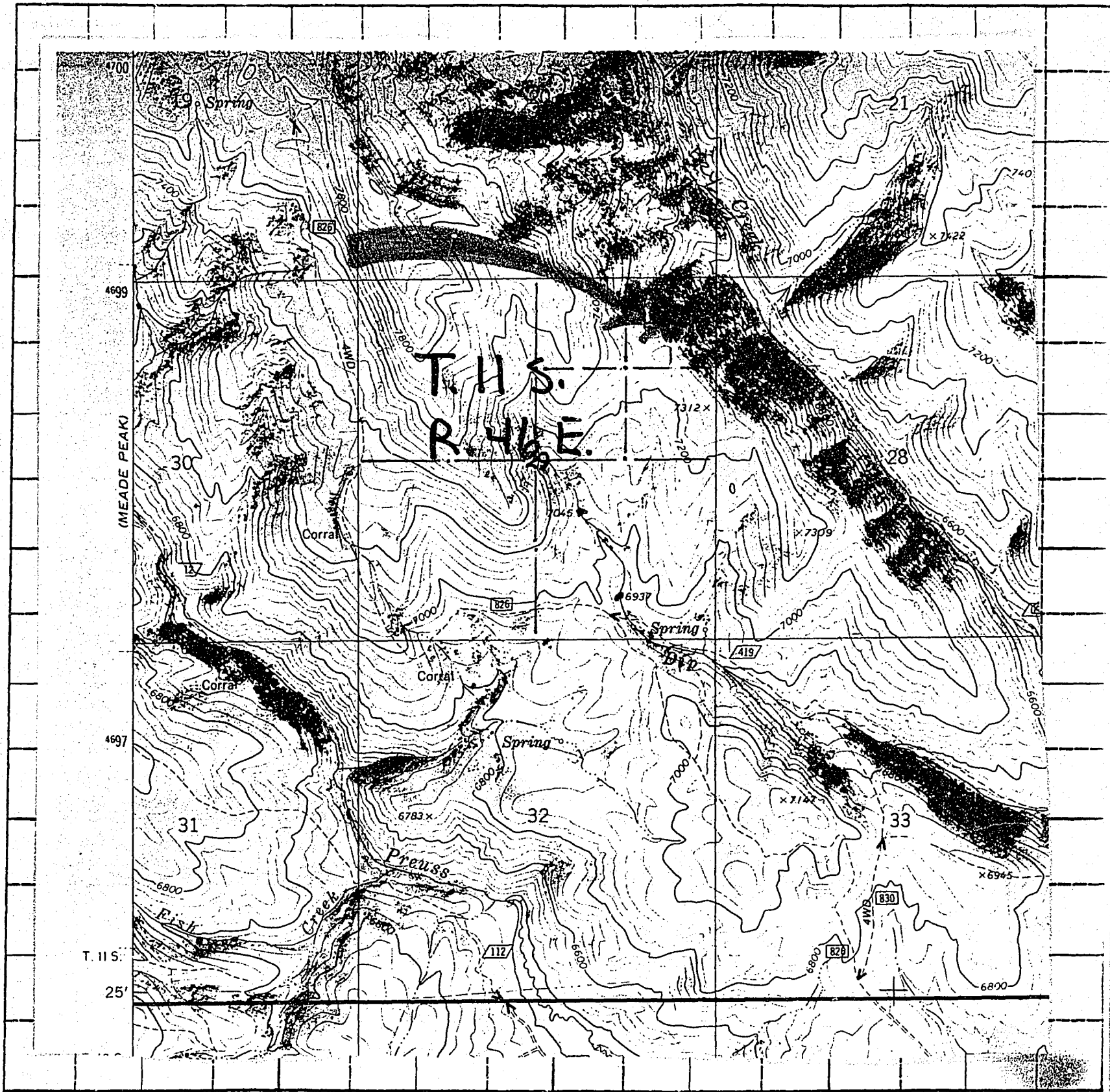
Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. N/A

11. a. Who owns the property at the point of diversion? United States of America, USDA/Forest Service
- b. Who owns the land to be irrigated or place of use? Same
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. N/A

12. Remarks: This is a spring development. The water will be piped less than 200' to a trough. The overflow will be piped back to the original channel. The spring will be fenced.

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.

Dale N. Bosworth
(Applicant)

(for) Dale N. Bosworth, Regional Forester

Received by HWT Date 7-22-94 Time _____ Preliminary check by _____
Fee \$ 50.00 Received by HWT # E020073 Date 7-22-94
Publication prepared by RB Date 9-18-94 Published in News Examiner
Publication approved RB Date 9-28-94

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:

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 11-07417

Proposed Priority: July 22, 1994

Maximum Diversion Rate:

0.06 CFS

This is to certify, that US DEPT OF AGRICULTURE
FOREST SERVICE
CARIBOU NATIONAL FOREST
250 S 4TH AVE STE 172
POCATELLO ID 83201

has applied for a permit to appropriate water from:

SPRING

tributary of DRY CREEK

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

STOCKWATER

06/16 to 09/25

0.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNENE , Sec. 29, Township 11S, Range 46E
BEAR LAKE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

11S 46E 29

NENE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1995.
2. Subject to all prior water rights.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 11F.
4. Stockwater use is for 3200 range cattle.
5. Water used under this right also includes water for wildlife.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

7 day of November, 1994.

R. Keith Higginson
for R. Keith Higginson, Director

12-Aug-1994

USDA FOREST SERVICE
CARIBOU NATIONAL FOREST
250 S 4TH AVE STE 172
POCATELLO ID 83201

RE: Application No. 11-07417, 11-07418

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the NEWS EXAMINER on 8-18 & 25-1994. The advertisement will be published for two consecutive 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,

Harold W. Jones
Harold W. Jones *rk*
Water Right Supervisor

HWJ:rb

11-07417

US DEPT OF AGRICULTURE
FOREST SERVICE
CARIBOU NATIONAL FOREST
250 S 4TH AVE STE 172
POCATELLO, ID 83201

Source: SPRING

Tributary: DRY CREEK

Diversion Pt: NWNENE Sec 29 T 11S R 46E in BEAR LAKE County.

Use: STOCKWATER (.060 CFS)
Total Diversion: (.060 CFS)

Date Filed: 7/22/1994

In: BEAR LAKE County
T11S R46E S29 NENE

NOTICE OF APPLICATION FOR WATER RIGHT

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
900 N Skyline

Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 12, 1994

THE NEWS-EXAMINER
P.O. BOX 278
MONTPELIER, ID 83254

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. 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 SEPTEMBER 19, 1994.

Yours truly,

Rita Bodell
Secretary

Encl.

NOTICE OF APPLICATION FOR
WATER RIGHT

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

11-07417

US DEPT OF AGRICULTURE
FOREST SERVICE

CARIBOU NATIONAL FOREST

250 S 4TH AVE STE 172

POCATELLO, ID 83201

Source: SPRING

Tributary: DRY CREEK

Diversion Pt: NWNENE Sec 29 T11S

R46E in BEAR LAKE County.

Use: STOCKWATER (.060 CFS)

Total Diversion: (.060 CFS)

Date Filed: 7/22/1994

In: BEAR LAKE County

T11S R46E S29 NENE

o.k.

No 4836

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Rosa S. Moorman
being duly sworn,

deposes and says:

That he is the Editor 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 2 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

Sept. 7, 1994, and ending
with the issue of Sept 14, 1994
Rosa S. Moorman
Fees, \$58.82

Subscribed and sworn to before me this 19th day
of September, 1994

Shirley Brown
Notary Public, Residing at 2418, Idaho

My Commission Expires August 15, 1997

NOTICE OF APPLICATION FOR WATER RIGHT

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

11-07417

US DEPT OF AGRICULTURE
FOREST SERVICE
CARIBOU NATIONAL FOREST
250 S 4TH AVE STE 172
POCATELLO, ID 83201
Source: SPRING

Tributary: DRY CREEK
Diversion Pt: NWNENE Sec 29 T11S
R46E in BEAR LAKE County
Use: STOCKWATER (.060 CFS)
Total Diversion: (.060 CFS)
Date Filed: 7/22/1994
In: BEAR LAKE County
T11S R46E S29 NENE

11-07418

US DEPT OF AGRICULTURE
FOREST SERVICE
CARIBOU NATIONAL FOREST
250 S 4TH AVE STE 172
POCATELLO, ID 83201
Source: SPRING
Tributary: DRY CREEK
Diversion Pt: NESENE Sec 34 T11S
R46E in BEAR LAKE County
Use: STOCKWATER (.060 CFS)
Total Diversion: (.060 CFS)
Date Filed: 7/22/1994
In: BEAR LAKE County
T11S R46E S34 SENE

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the applicant and with the
Director, along with a \$25.00 filing
fee to the Department of Water Re-
sources, 900 N. Skyline Dr., Idaho
Falls, ID, 83402, on or before SEP-
TEMBER 19, 1994.

R. Keith Higginson
Legal No. 4838 - Published Sep-
tember 7 and 14, 1994.



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

November 7, 1994

US DEPT OF AGRICULTURE
FOREST SERVICE
CARIBOU NATIONAL FOREST
250 S 4TH AVE STE 172
POCATELLO ID 83201-

PERMIT APPROVAL NOTICE

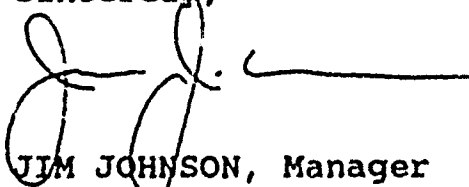
RE: PERMIT NO. 11-07417

Dear Permit Holder:

Enclosed is a copy of your approved application for permit.
Please be sure to thoroughly review the "CONDITIONS/REMARKS:"
listing on the permit.

Enclosed is a form entitled "Instructions for Proof of
Beneficial Use". Please read the instructions carefully since
you must take further action to develop this permit. Also
enclosed is a form entitled "Proof of Beneficial Use". If your
project is already completed you should complete and submit this
form immediately.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

RECEIVED
DEC 06 1995

DEC 06 1995

Department of Water Resources
Eastern District Office

Amt. of Fee \$: 50.00

Receipt No. E021766

Receipt By: Kal

Date Received: 12-11-95

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 13 1995

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. 11-07417 Telephone No. (208) 236-7500
2. Name(s) of Permit Holder(s): United States of America/USDA Forest Service
3. Mailing Address: Caribou National Forest/250 S. Fourth Avenue, Pocatello, ID 83201-6498
4. Source of Water: Un-named Spring If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
- a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____
- b. OPTIONAL:
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): 700 Cattle

Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.02 cfs OR _____ 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 _____ | or | No <u>XX</u> |
| | Has the measuring device been installed? | Yes _____ | or | No <u>XX</u> |
| Flow Measurement Port: | Is a flow measurement port required? | Yes _____ | or | No <u>XX</u> |
| | Has the measurement port been installed? | Yes _____ | or | No <u>XX</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: John Newcom, District Ranger Telephone Number: (208) 847-8375

Address: 431 Clay, Montpelier, ID 83254

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: [Signature]
(include your title, if on behalf of company or organization)

Date: 11/29/95

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 11-07417)

IN THE NAME OF U.S. DEPT. OF AGRICULTURE)

) ORDER OF

) REINSTATEMENT

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before November 1, 1995; and,

WHEREAS, the Department notified the permit holder on August 31, 1995, by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

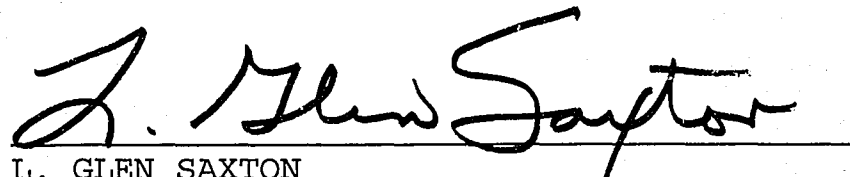
WHEREAS, the department sent a lapse notice on November 8, 1995, since an acceptable proof of beneficial use or extension of time had not been received; and,

WHEREAS, Section 42-218a, 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 why the permit should be reinstated by submitting an acceptable proof of beneficial use on December 6, 1995;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 11-07417 is **REINSTATED** with an advance in priority to August 26, 1994.

DATED this 20th day of December, 1995.


L. GLEN SAXTON
Chief, Water Allocation Bureau

August 31, 1995

US DEPT OF AGRICULTURE
FOREST SERVICE
CARIBOU NATIONAL FOREST
250 S 4TH AVE STE 172
POCATELLO ID 83201

PROOF DUE NOTICE

RE: PERMIT NO. 11-07417

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 November 1, 1995. (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.

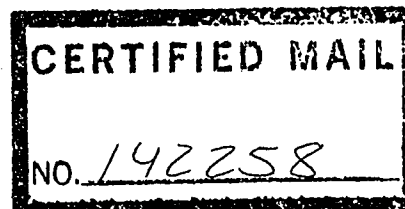
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

JULIE L. YARBROUGH
Senior Secretary

Enclosures



November 8, 1995

US DEPT OF AGRICULTURE
FOREST SERVICE
CARIBOU NATIONAL FOREST
250 S 4TH AVE STE 172
POCATELLO ID 83201

LAPSE NOTICE

RE: PERMIT NO. 11-07417

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated August 31, 1995. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. 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 government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 11-9-95
~~a copy~~/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 20, 1995

FOREST SERVICE
CARIBOU NATIONAL FOREST
250 S 4TH AVE STE 172
POCATELLO ID 83201

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 11-07417

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

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 August 26, 1994.

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.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region