

RECEIVED
MAR 30 1995

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 11-7420

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 SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 26 Township 11 S. Range 46 E B.M. Bear Lake County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .06cfs 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 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Spring will be developed with a headbox
headbox and piped approximately 200 Ft. to a watering trough.
 - 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:
_____ to _____ 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).

- 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

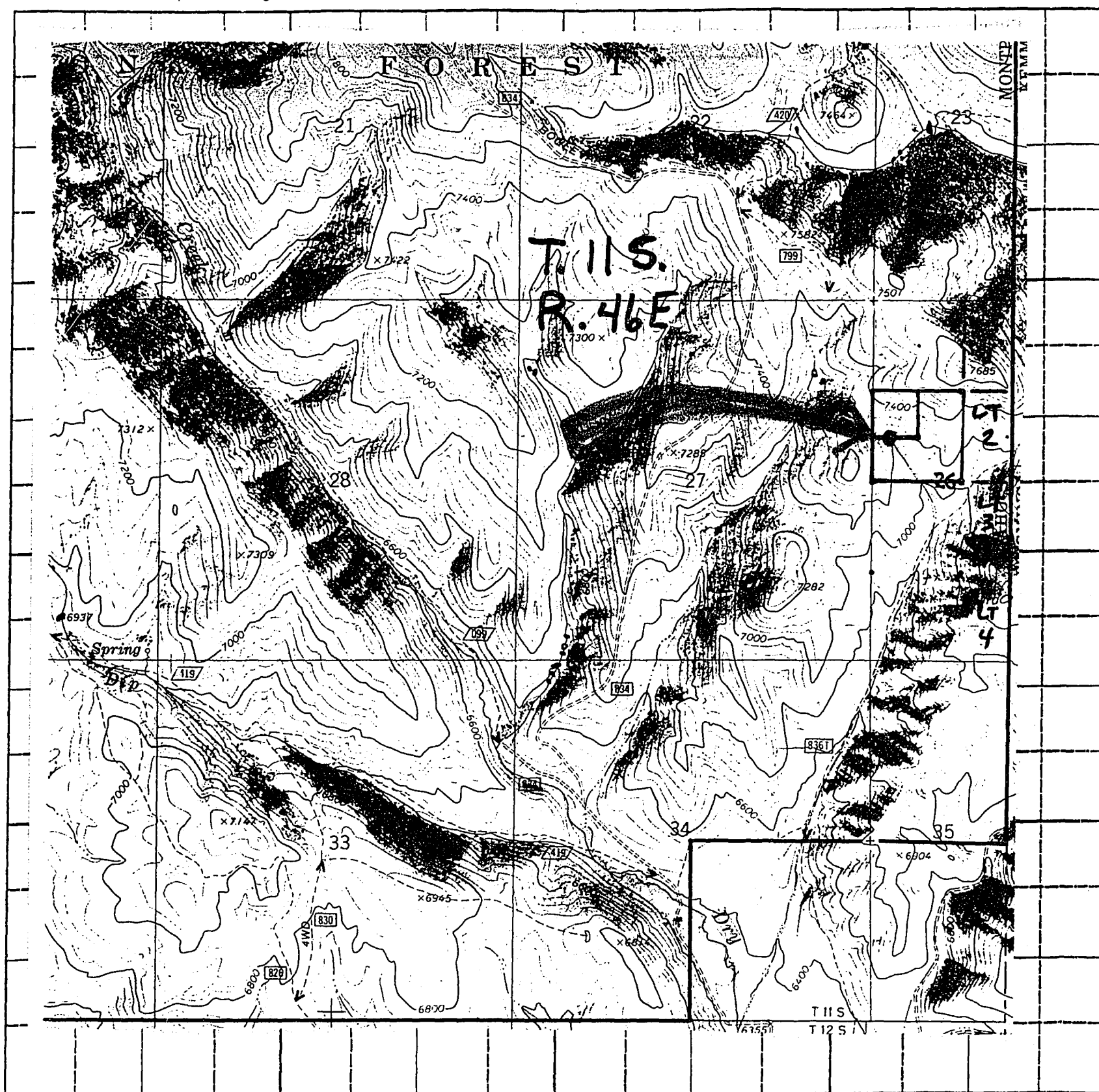
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (*example: D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

[illegible]

* Change as per taken with Lr, Lr, F, Lr, SRS Total number of acres to be irrigated N/A
HWT 8-25-94

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 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.



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 \$ 50.48 Receipted by HWT # E020073 Date 7-22-94
Publication prepared by RB Date 9-18-94 Published in News Examiner
Publication approved RB Date 3-27-95

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. 11-07420

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:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	06/16 to 09/25	0.06 CFS

LOCATION OF POINT(S) OF DIVERSION: NWSWNW , Sec. 26, Township 11S, Range 46E
BEAR LAKE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

11S 46E 26

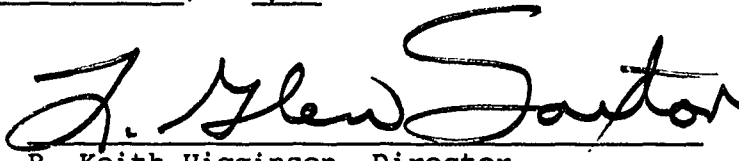
SWNW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1996.
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. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this right.
5. Stockwater use is for 3200 range cattle.

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

6th day of April, 1995.

for 
R. Keith Higginson, Director

29-Aug-1994

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

RE: Application No. 11-07419 THRU 11-07423

Dear Water Right Applicant:

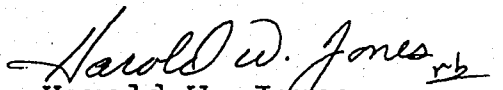
The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the NEWS EXAMINER on 9-1 & 8-1994. The advertisement will be published for two consecutive weeks, and a period of ten days following the second 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
Water Right Supervisor

HWJ:rb

11-07420

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: NWSWN Sec 26 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 S26 SWNW

February 6, 1995

THE NEWS EXAMINER
PO BOX 278
MONTPELIER ID 83254

RE: Notice of Proposed Change of Water Right
Permit No's: 11-07419, 11-07420, 11-07421, 11-
07422, & 11-07423, in the name of the U.S.A. Forest
Service

Dear Publisher:

Could 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 September 1 & 8, 1994.

If the application was never published, I need to know
as soon as possible.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Rita Bodell
Secretary

11-07420

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: NWSWNW Sec 26 T 11S R 46E in BEAR LAKE County.

Use: STOCKWATER (0.060 CFS)
Total Diversion: (0.060 CFS)

Date Filed: 7/22/1994

In: BEAR LAKE County
T11S R46E S26 SWNW

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Rosa S. Noonan
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

February 15, 1995, and ending
with the issue of February 22, 1995.

Rosa S. Noonan
Fees, \$109.13

Subscribed and sworn to before me this 28th day
of February, 1995.

[Signature]
Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 15, 1997.

REC

WATER RIGHT

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

11-07419
U.S. DEPT. OF AGRICULTURE
FOREST SERVICE
CARIBOU NATIONAL FOREST
250 S 4TH AVE STE 172
POCATELLO, ID 83201
Source: GROUNDWATER
Diversion Pt: NESW Sec 26 T 15S
R 42E in BEAR LAKE County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 8/3/1994
In: BEAR LAKE County T15S
R42E S26 NESW

11-07420
U.S. DEPT. OF AGRICULTURE
FOREST SERVICE
CARIBOU NATIONAL FOREST
250 S 4TH AVE STE 172
POCATELLO, ID 83201
Source: SPRING
Tributary: DRY CREEK
Diversion Pt: NWSWNW Sec 26 T
11S R 46E in BEAR LAKE County.
Use: STOCKWATER (0.060 CFS)
Total Diversion: (0.060 CFS)
Date Filed: 7/22/1994
In: BEAR LAKE County T11S
R46E S26 SWNW

11-07421
U.S. DEPT. OF AGRICULTURE
FOREST SERVICE
CARIBOU NATIONAL FOREST
250 S 4TH AVE STE 172
POCATELLO, ID 83201
Source: GROUNDWATER
Diversion Pt: NESW Sec 21 T 12S
R 42E in BEAR LAKE County.
Use: STOCKWATER (0.020 CFS)
DOMESTIC (0.040 CFS)
Total Diversion: (0.060 CFS)
Date Filed: 8/3/1994
In: BEAR LAKE County T12S
R42E S21 NWNENENW S29 NENE
SWNW

11-07422
U.S. DEPT. OF AGRICULTURE
FOREST SERVICE
CARIBOU NATIONAL FOREST
250 S 4TH AVE STE 172
POCATELLO, ID 83201
Source: GROUNDWATER
Diversion Pt: NWNW Sec 8 T 11S
R 42E in BEAR LAKE County.
Use: DOMESTIC (0.020 CFS)
Total Diversion: (0.020 CFS)
Date Filed: 8/3/1994
In: BEAR LAKE County T11S
R42E S08 NWNW

11-07423
US DEPT OF AGRICULTURE
FOREST SERVICE
CARIBOU NATIONAL FOREST
250 S 4TH AVE STE 172
POCATELLO, ID 83201
Source: GROUNDWATER
Diversion Pt: SWNW Sec 32 T 10S
R 42E in BEAR LAKE County.
Use: DOMESTIC (0.020 CFS)
Total Diversion: (0.020 CFS)
Date Filed: 8/3/1994
In: BEAR LAKE County T10S
R42E S32 SWNW
The permit(s) will be subject to all
prior water rights. Protests must be
filed with the applicant and the Di-
rector, Dept. of Water Resources,
along with a \$25.00 filing fee, East-
ern Region, 900 N Skyline, Idaho
Falls, Idaho 83402 on or before
MARCH 6, 1995.
R. KEITH HIGGINSON, Director
Legal No. 4918—Publish Feb. 15,
22, 1995.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 6, 1995

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

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 11-07420

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.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

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APR 22 1996

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.

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.

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

Date: 4/12/96

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 11-07420)

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 April 1, 1996; and,

WHEREAS, the Department notified the permit holder on January 31, 1996, 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,

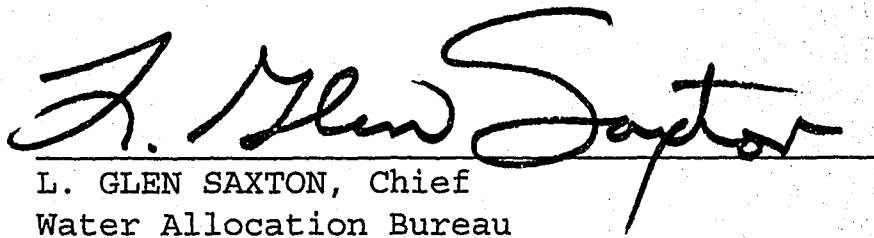
WHEREAS, the department sent a lapse notice on April 8, 1996, since an acceptable proof of beneficial use or extension of time had not been received; and,

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 April 15, 1996;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 11-07420 is **REINSTATED** with an advance in priority to August 5, 1994.

DATED this 26th day of April, 1996.


L. GLEN SAXTON, Chief
Water Allocation Bureau

January 31, 1996

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

PROOF DUE NOTICE

RE: PERMIT NO. 11-07420

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 April 1, 1996.

(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.

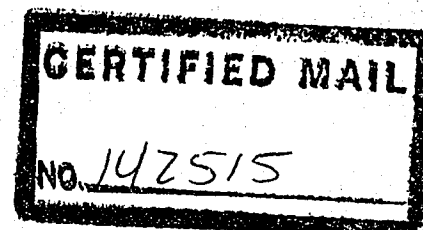
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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



April 8, 1996

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

LAPSE NOTICE

RE: PERMIT NO. 11-07420

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 January 31, 1996. 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.

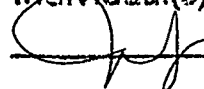
Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring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

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 4-8-96
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.





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

April 26, 1996

US DEPT OF AGRICULTURE
FOREST SERVICE
250 S 4TH AVE
POCATELLO ID 83201

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 11-07420

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 of April 1, 1996. Please note that the priority date has been advanced to June 30, 1985.

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, contact the EASTERN Regional Office in Idaho Falls at (208) 525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region