

13-0064
13-0066

Identification No. 13-0067

Exchange No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR EXCHANGE OF WATER

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Vaughn J. &/or Geneva B. Larsen 852-1058
Post office address Rt. #1, Preston, Idaho 83263
2. Right obtained by:
a. Decree to Alma Choules, Royal G. Wilson, Wm. Gilbert, Vaughn J. Larsen,
Vaughn J. Larsen in Case of M. D. Gilbert, Alma Choules,
(Name) Royal Wilson, E. Cole
vs. Jos Gailey, Udell Gailey,
Barbara Hawkes, Merlin, Dated April 2, 1957 in 5th District
Whittle, Stanton Hawkes (Name of Court)
Court, County of Franklin. Fully describe decree _____

b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.
3. Source of water Spring Creek ~~tributary to~~ (Worm Creek)
(Name of stream or source)
4. Date of Priority of Right June 9, 1923
5. Amount of water a. 2.91 c.f.s. and/or (13-0064 .97 cfs
b. _____ acre feet/annum (13-0066 .97 cfs
(13-0067 .97 cfs
2.91 cfs
6. Water is used for Irrigation from Apr. 1 to Nov. 1
(Purpose) (Month-Day) (Month-Day)
_____ from _____ to _____
(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is NW 1/4 NW 1/4 of Section 13,
Township 16S, Range 39E, B.M., in Franklin County;
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16S	39E	14									20	21	16	20		20	20		117

Total number of acres to be irrigated 117

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Vaughn J. Peters
(Signature of Applicant)

Subscribed and sworn to before me this 24 day of May, 1974.

John R. Reed
(Notary Public)

My commission expires 11-15-76

ACTION OF THE DIRECTOR, DEPT. OF WATER RESOURCES

I have examined Application for Exchange of Water No. 13-0064, 13-0066 & 13-0067 and said application is hereby APPROVED.

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

1. Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of injection into the unnamed stream and at the point of re-diversion from the unnamed stream.
2. The rate of rediversion from the unnamed stream shall be limited to the rate at which water is injected by the right holder into the unnamed stream.

Witness my hand this 15 day of July, 19 74.

R. Keith Higginson
R. KEITH HIGGINSON, Director
Department of Water Resources

FOR DEPARTMENT USE ONLY

Received by MB Date 5-28-74 Time 11:30 A Preliminary check by RJR
Fee \$ 30.00 Receipted by MB Date 5-28-74 Publication prepared by MB
Date 6/7/74 Published in Durham Citizen, Durham Dates 6/13 + 20/74
Affidavit of Publication received 7/5/74 Publication approved by CB - 7/15/74
Republished Dates _____

Protests Filed By:

Copies
Forwarded

Protestant	Address	Date Filed	by	Date	Action Taken
<u>None</u>					

Agreement needed No Agreement received _____

Hearings held at N.A. Date N.A.

Recommended for approval denial by NCV

(Title)

DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

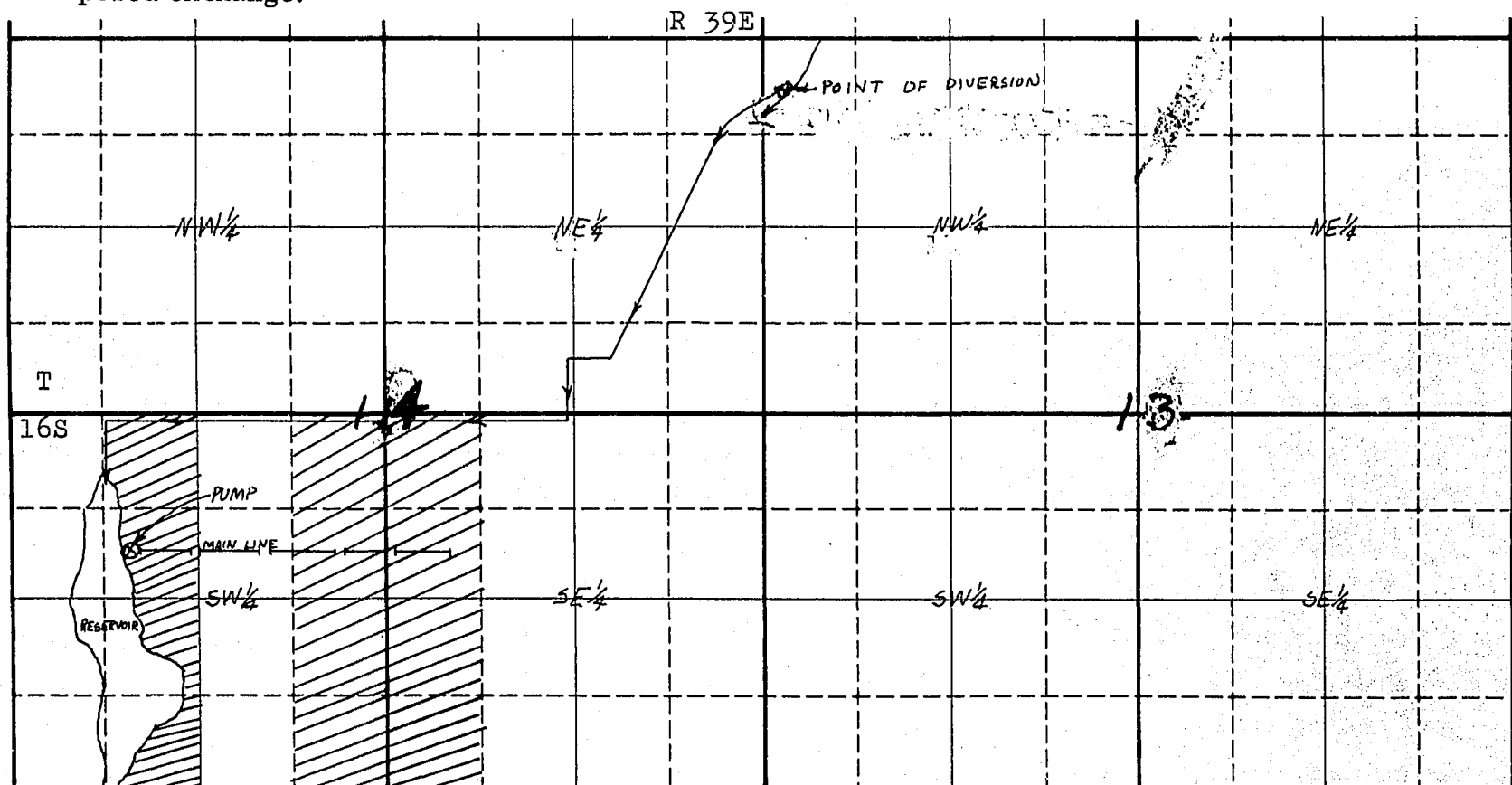
9. Name of Right Holder No specific right being exchanged
Post office address _____
10. Source of water Unnamed Stream tributary to Worm Creek
(Name of stream or source)
11. Name of canal or ditch _____
12. Amount of water a. _____ c.f.s. and/or
b. _____ acre feet/annum
13. Right obtained by:
a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____. Fully describe decree (if known) _____

b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE

14. 2.91 c.f.s and/or _____ acre feet per annum of water diverted at the point described in line 7 and will be delivered into Unnamed Stream at a point in NW 1/4 SW 1/4 of Section 14, Township 16S, Range 39E, B.M., in Franklin County; Additional points, if any _____
15. In lieu thereof 2.91 c.f.s. and/or _____ acre feet per annum will be diverted from Unnamed Stream at a point within the NW 1/4 SW 1/4 of Section 14, Township 16S, Range 39E, B.M., in Franklin County.
16. Explanation More efficient irrigation system proposed to inject water from Worm Creek and re-divert it approximately 50 yards downstream by means of a pump.

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



SCALE 1 INCH = 1/4 MILE

/// = LAND TO BE IRRIGATED

NCT
5/31/74

REVIEW of
APPLICATION FOR EXCHANGE of
RIGHTS 13-0064, 13-0065, & 13-0067

- ① RIGHTS APPEAR to be valid and have been recommended in the Worn Ck Adjud. Vaughn I &/or Geneva B. Larsen are shown as the present owners of the property as listed in item 8
- ② Point of diversion, place of use, and quantity agree with decree and/or proposed findings for Worn Ck adjud if not listed in the decree
- ③ The MAP presented agrees with the other information presented and with the Worn Ck adjud field mapping.
- ④ Signature and fee are acceptable.
- ⑤ Should be advertised and held for protest period.
- ⑥ Application actually involves a commingled rather than an exchange, but the application is desirable and should be processed.

No 2670

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

J. Walter Ross

being duly sworn,

deposes and says:

That he is the *Co. publisher* of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

June 13, 19 *74*, and ending with the issue of *June 29*, 19 *74*

Fees, \$ *23.31*

Subscribed and sworn to before me this *First* day of *July*, 19 *74*.

William D. Liddell

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19 *78*

NOTICE OF PROPOSED EXCHANGE OF WATER RIGHT

NO. 13-0064 13-0066 13-0067

Notice is hereby given that Vaughn J. and-or Geneva B. Larsen, Route 1, Preston, Idaho, have applied to the Idaho Department of Water Administration to exchange the waters of Worm Creek. The rights sought to be changed are evidenced by decree to Alma Choules, Royal G. Wilson and Vaughn J. Larsen in Case of William Gilbert, et al, -vs- Joseph Gailey, et al, dated April 2, 1957 in Fifth District Court, Franklin County and are recorded as follows:

AMOUNT: 0.97 cfs each
Total 2.91 cfs

PRIORITY: June 9, 1923

SOURCE: Spring Creek (Worm Creek)

DECREED POINT OF DIVERSION: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, T. 16S, R. 39E, B.M., Franklin County;

The water is used for irrigation purposes of 117 acres within the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 14, T. 16S, R. 39E, B.M.

TO BE EXCHANGED AS FOLLOWS

The applicant proposes to inject the water described above into an unnamed stream (West Fork of Worm Creek) at a point within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 16S, R. 39E, and to redivert 2.91 cfs of the commingled waters at a point within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 16S, R. 39E, to irrigate the same land as described above.

Any protest against approval of the above proposed exchange of water rights must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before July 1, 1974.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho, on June 13 and June 20, 1974.

Legal No. 2670 — Pub.
June 13, 20, 1974.

Vaugh J. &/or Geneva B. Larsen
April 17, 1974
Page 2

Review the enclosed exchange application, if you feel it accurately presents your rights as they are now being diverted and applied, sign the application, have it notarized, and return it to this office together with the statutory filing and advertising fee of \$30.00. The advertising fee is used to give constructive notice to all other water users that will be affected by the exchange.

If you have further questions, or require further assistance on this matter, please do not hesitate to contact this office.

Very truly yours,

JOHN R. FEREBAUER
Water Resource Technician

JRF:cb

Enc: Typed App. for Exchange

C
O
P
Y

April 17, 1974

RE: 13-0064, 13-0066, and 13-0067

Vaughn J. &/or Geneva B. Larsen
Rt. #1
Preston, Idaho 83263

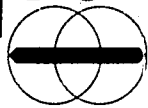
Dear Mr. Larsen:

This department is currently reviewing the above referenced claims submitted on the Worm Creek Adjudication. As you recall, these claims are supported by the Gilbert vs. Gailey Decree from the 5th District Court of Franklin County dated April 2, 1957. Water to fill these claims is proposed to be diverted from Spring Creek by means of a headgate and ditch in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 16S, R. 39E., to be used for irrigation of lands in the E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 14, T. 16S, R. 39E.

In reviewing our field mapping it appears these lands are now irrigated by means of a pump and sprinkler system diverting water from a reservoir in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 16S, R. 39E., and irrigating the same land as referenced in the preceding paragraph. It appears this reservoir water is being pumped in exchange for the above referenced decreed water which is being injected into this same reservoir at a point in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 16S, R. 39E.

This type of exchange falls under the provisions of Section 42-105 of the Idaho Code which requires an approved permit from this department for this type of exchange. I have taken the liberty of preparing and enclosing an application for such a permit. This application does not cover the entire decree, but only those rights claimed by you, on your adjudication claims, these being 13-0064, 13-0066, and 13-0067. If the entire decree is now being exchanged please inform this office so that we may contact the other water right holders. Also, filing of this application for exchange will aid us in preparing more accurate records for submission to the District Court on the Worm Creek Adjudication.

Sinquan[®]
DOXEPIN HCl



Starting dosage:
25 mg. t.i.d.

The first single agent
that can be prescribed
as a tranquilizer...an
antidepressant...or both.

*Merlin Gilbert whose
number is 13-0063 also
uses this pump*

RECEIVED

MAY 23 1974

Department of Water Administration
Eastern District Office

(See back cover for full product information.)



LABORATORIES DIVISION
New York, N. Y. 10017

May 28, 1974

C
Re: Application for Exchange of Water No. 13-0064, 13-0066, 13-0067

O
Mr. Vaughn J. Larsen
Route #1
Preston, ID 83263

P
Dear Mr. Larsen:

Attached herewith is departmental receipt No. 12897 in the amount of \$30.00 for the above referenced application.

If we may be of further assistance, please contact us.

Y
Very truly yours,

RONALD D. CARLSON
Asst. to District Engineer

RDC:MB

Attachment

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NO. 13-0064/13-0066/13-0067

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The water is used for irrigation purposes of 117 acres within the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 14, T. 16S, R. 39E, B.M.

TO BE EXCHANGED AS FOLLOWS

The applicant proposes to inject the water described above into an unnamed stream (West Fork of Worm Creek) at a point within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 16S, R. 39E, and to redivert 2.91 cfs of the commingled waters at a point within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 16S, R. 39E, to irrigate the same land as described above.

Any protest against approval of the above proposed exchange of water rights must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before July 1, 1974.

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho, on June 13 and June 20, 1974.

h. G.
CB-A.

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EXCHANGE OF
WATER RIGHT**

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**TO BE EXCHANGED
AS FOLLOWS**

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R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho, on June 13 and June 20, 1974.

Legal No. 2670 — Pub.
June 13, 20, 1974.

END: PESTY 10160 (1)

ACI-117

DIRECTOR, IDAHO DEPT. OF WATER ADMINISTRATION

ACI-117

DEPARTMENT OF WATER ADMINISTRATION
1515 LINCOLN ROAD, IDAHO FALLS, IDAHO 83401

RECEIVED
JUN 13 1974

RECEIVED
JUN 20 1974

RECEIVED

RECEIVED JUN 13 1974

BOX 348

THE IDAHO CITIZEN

RECEIVED JUN 13 1974

JUN 13 1974

June 7, 1974

Re: Application for Exchange of Water Right No. 13-0064/13-0066/13-0067

LARSEN

The Preston Citizen
Box 389
Preston, ID 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted _____ by _____

NCY:MB

Enc: Legal Notice (1)

M E M O R A N D U M

TO: File

FROM: Norm Young

RE: Exchange 13-0064/ 13-0066/13-0067

DATE: July 8, 1974

1. Principle water users affected by this exchange are Hazen Gilbert and Vern Hinckley. Mr. Gilbert complained about Mr. Larsen pumping water from the unnamed stream without putting sufficient water into it from Worm Creek.

I expected Mr. Gilbert to protest this filing. When he did not, I called and discussed it with his wife. She indicated that Mr. Gilbert did not intend to protest because he felt our usual administrative procedures would satisfy his complaints.

2. I recommended that the exchange be approved subject to the following conditions:

- ok BDF* 1. Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of injection into the unnamed stream and at a point of redirection from the unnamed stream.
- ok BDF* 2. The rate of redirection from the unnamed stream shall be limited to the rate ^{at which} water is injected by the right holder into the unnamed stream.

NCY

SEE CORRESPONDENCE FILED IN 13-0064

July 16, 1974

C
Vaughn J. &/or Geneva B. Larsen
Route # 1
Preston, Idaho 83263

C
Dear Mr. & Mrs. Larsen:

Enclosed herewith is a copy of your approved Application for Exchange of Water No. 13-0064, 13-0066 & 13-0067.

P
We direct your attention to the conditions of approval as listed on the third page. Enclosed is a letter describing different types of measuring devices approved by this Department.

Sincerely,

Y
BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR
Enclosures

bc: Eastern District Office

