

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 41787
PERMIT No. 33554
DISTRICT No.

1. Name of Applicant: Melvin Griffith

County: Franklin State: Idaho

Postoffice address: Preston

I. If applicant is a corporation, give:

- Date and place of incorporation:
- Amount of capital stock:
- Amount paid in:
- Names and addresses of directors:

II. The financial resources of the applicant are:

- Cash on hand:
- Treasury stock:

- Bond to be issued:
- Other resources:

cubic feet per second.

2. Quantity of water claimed: 1.5

which is a tributary of Bear River.

3. Source of water supply: Newly created drain

feet distant from the NE

4. Location of point of diversion: 20' S 165' W

corner of Section 20, T. 15S, R. 39E, B.M., and is in the NE 1/4

of section 20, T. 15S, R. 39E, B.M., County of Franklin

5. Water is to be used for irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water:

feet distant from

T., R., B.M., in the

corner of Section
of Section of T., R., B.M.

feet head.

(b) Amount of power generated:

at a point

(c) Water is to be returned to

corner of Section T., R., B.M., in the
distant from the T., R., B.M.,
of Section

feet

7. Estimated cost of works: \$ 3,000.00

8. Kind of works: Reservoir, ditch and pipeline

9. Height of dam 8 feet; length of dam at top 60 feet; length of dam at bottom 50

feet; material used in dam: Dirt

feet.

10. Size of headgate: Width 4 inches ~~feet~~-height 8

feet; depth of water

11. Ditch: Width at bottom

feet:

dimensions of flume:

inches; length of conduit

Diameter of pipe

feet.

Average grade per mile

years.

12. The time required for the completion of such work is 5

additional years.

13. The time required for the complete application of the water to the proposed use is -0-

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Useage right from water that has been running down this natural channel.

If so, fill in (b) and (c) below:

- (b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

/s/ MELVIN P. GRIFFETH

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: April 17, 1967 9:00 A.M.

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 33554

117

Page

725522

Approved

April 19 1967

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$

June 19, 1967

to be filed on or before
1, 1967

and to continue diligently and uninterruptedly to completion, it holder has no control.

One-fifth of the work above specified to be completed on or before October 19, 1969

Beneficial use of water appropriated in accordance herewith, to be made on or before April 19, 1972

WITNESS My hand this 19th day of April, 1967.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, DON SAMUELSON

_____, Governor of the State of Idaho,

EDSON H. DEAL
and

, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this..... 19th

day of April , 1967

STATE OF IDAHO

Countersigned:

19...67.

(SEAL)

By _____/s/ EDSON H. DEAL

By /s/ DON SAMUELSON

Governor.

Secretary of State.

REMARKS: Eldon Tanner and Theo Bell have developed ~~drain water~~ on their land in Sec. 15, T 15 S., R 30 E., B.M. This water is diverted into natural drain which ends up running over applicants land before entering into Bear River. Applicant intends catching drain water & storing it in small holding pond. Then running it through a gravity flow sprinkler system to the property shown to be irrigated. After this water gets into the natural drain, it ends up by washing out the applicants lands as described in permit. Therefore, the applicant feels that he should have the right to the use of the water where the originating parties are not taking care of their excess water.

Twp.	Range	Sec.	NE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	39E	17	NE 1/4	NW 1/4	SW 1/4	SE 1/4	100
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	

RECEIVED

APR 7 1967

9:00 A.M. - M.L.
Department of Reclamation
CASH # 5.25

APPLICATION FOR PERMIT NO. 4178.2-M.L.

APPLICATION FOR TRANSFER NO. _____

33554

Receiving -- Appearance review _____

Action - - - Permit Application

Fee receiving \$5.25, 4-7-67-M.L.

Application review 1/1/67 Div

Returned for correction _____

Rejection _____ Returned to sender _____

Approval _____

Processing -- Recording Permit Applications

Assign Permit No. APR 1 9 1967 lf

Record page & folder APP 1 9 1967

Index APP 1 9 1967

Plats NW

Proof - - - - Certificate of Completion of Works

Review _____

Returned for correction _____

Rejection _____ Returned to sender _____

Approval _____

Fee receiving _____

Proof (cont.) -- 60 day notice: Bu _____ Cw/Bu _____

No reply _____ Pre can _____ Can. _____

Reply _____

Advertise _____ Review _____

Inst. to news _____

Depositions & inst. to holder _____

Check tear sheet _____

Readvertize _____

Do not readvertize _____

Depositions & affidavit check _____

Reject _____ Return to sender _____

Approval _____ Exam report _____

Examination -- Notification letter _____

Exam _____ Date _____ Exam review _____

Fee letter _____ Fee receipt _____

Amount \$ _____

Licensing -- License & Certificate

State Engineers Signature _____

Return to holder _____

BKM - OK

33554

Rec. No. 33726
Address all communications to
Melvin Griffith
P.O. Preston, Idaho

Copy to
Russ Slater
Bear River
Soda Springs

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

RECEIVED
APR 7 1967
7:00 A.M.
Department of Reclamation

Application No. 41787
Permit No. 33554
District No.

1. Name of Applicant: Melvin Griffith
Post Office address: Preston County: Franklin State: Idaho

If applicant is a corporation, give:

- (a) Date and place of incorporation: _____
(b) Amount of Capital stock: \$ _____ (c) Amount paid in: \$ _____
(d) Names and addresses of directors: _____

The financial resources of the applicant are: (a) Cash on hand: \$ _____
(b) Treasury stock: _____ (c) Bonds to be issued: _____
(d) Other resources: _____

2. Quantity of water claimed: 1.5 cubic feet per second

3. Source of water supply: Newly created drain
which is tributary of Bear River

4. Location of point of diversion: 2013 1657 feet distant from the corner
of Section 20, Twp. 15 S, Rge. 39 E, B. M., and is in the
of Section 20, Twp. 15 S, Rge. 39 E B. M., County of Franklin

5. Water is to be used for: Irrigation

6. If for any non-irrigation purpose, give:

(a) Point of use of water: _____ feet distant from _____ corner of Section _____
Twp. _____, Rge. _____, B. M., in the _____ of Section _____, Twp. _____, Rge. _____, B. M.

(b) Amount of power generated: _____ H. P., under _____ feet head.

(c) Water is to be returned to _____, at a point _____ feet
distant from the _____ corner of Section _____, Twp. _____, Rge. _____, B. M., in the
_____ of Section _____, Twp. _____, Rge. _____, B. M.

7. Estimated cost of works: \$ 3,000.00

8. Kind of works: Reservoir, Ditch and Pipe line
(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam 6 feet; length of dam at top 20 feet; length of dam at bottom 20

feet; material used in dam dirt
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for
regulations.)

10. Size of headgate: Width 1 feet; Height 1 feet

11. Ditch: Width at bottom _____ feet; Width at water line _____ feet; Depth of water _____ feet;

Dimensions of flume _____; Diameter of pipe _____ inches;

Length of conduit _____ miles. Average grade per mile _____ feet.

12. The time required for the completion of such work is 4 1/2 4 1/2 5 years.

13. The time required for the complete application of the water to the proposed use is ⁵0..... additional years.

14. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

Total Number of Acres to be Irrigated.....100.....

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none at this time
from water that has been running down this natural channel.

میری سہیلی

16. (a) Is reservoir to be used? (If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit:

(c) Date of filing of Application for Storage Permit and Name of Applicant:

Remarks: Eldon Turner and Theo Bell have developed drain water on their land in Section 15 Twp 15 SR 39 EBM. This water is diverted into natural drain which ends up running over applicants land before entering into Bear River.

Applicant intends catching drain water and storing it in small holding pond. Then running it through a gravity flow sprinkler system to the property shown to be irrigated.

After this water gets into the natural drain, it ends up by washing out the applicants land as described in permit. Therefore the applicant feels that he should have the right to the use of the water where the originating parties are not taking care of their excess water.

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.

Melvin P. Griffith
Applicant.

By _____, Agent

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

We, Eldon S. Turner and Theo J. Bell of Preston _____, County of

Franklin _____, State of Idaho _____, do hereby certify that I am the owner

of the land on which the ~~spring~~ drain mentioned in the application of Melvin Griffith is

located, to-wit: in EBM and WSM Sec. 15 Twp 15 SR 39 EBM.

and that I do hereby grant unto the said Melvin Griffith permission to file on the said spring as set forth in the foregoing application. *Water from said drain after it has left the above*

described property.

STATE OF IDAHO

County of Franklin) ss.

On this 12th day of January, 1967, before me, a Notary Public for the State of Idaho, residing at Preston, Idaho, personally appeared Eldon S. Turner and Theo J. Bell known to me to be the persons whose names subscribed to the foregoing certificate, and acknowledged to me that they executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

My commission expires 5-12-70

Notary Public.

Approval of State Reclamation Engineer

The number of this permit is 33554

Recorded in Book 117 Page 33554 Approved APR 10 1967
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$..... to be filed before

Work to begin on or before June 19, 1967, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before October 19, 1969

The whole of said work to be completed on or before April 19, 1972

Beneficial use of water appropriated in accordance herewith, to be made on or before April 19, 1972

Witness my hand this 19th day of April, 19 67

R. Keith Higgins
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, DON SAMUELSON Governor of the State of Idaho,

and EDSON H. DEAL, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 19th day of April, 19 67.

Countersigned:

By Edson H. Deal
Secretary of State.

STATE OF IDAHO

By Don Samuelson
Governor.

No. 33554

PERMIT

Date of first receipt at office of State
Reclamation Engineer

April 7, 1967 9:00 A.M.

Returned to applicant for correction

Corrected application received

Fees, \$ 5.25

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof .25

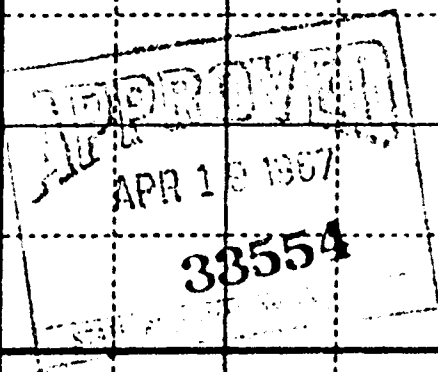
NAME OF APPLICANT.....

Melvin G. Goble

Form No. 0

Twp 15 SR 39 EBM

Applicant's Land
Elden Tanner
Thos Bell
Point of Diversion
Natural Drain
point of Diversion
20



SCALE: 2 inches Equal 1 Mile. Draw Plan In Ink.

33554

April 27, 1967

Re: Permit No. 33554

Malvin Griffeth
Preston, Idaho

Dear Mr. Griffeth:

33554

We enclose Permit No. _____ in which we direct
your attention to the limitations and conditions as given on the
fourth page under approval of the State Reclamation Engineer

XXXXXXXXXXXXXXXXXXXX

33726

We also enclose Departmental Receipt No. _____
which was issued covering payment ~~in the amount of \$5.00~~
~~in our office~~ ~~was given to you at the time you were~~
filing fee of the above mentioned permit.

Very truly yours,

permit

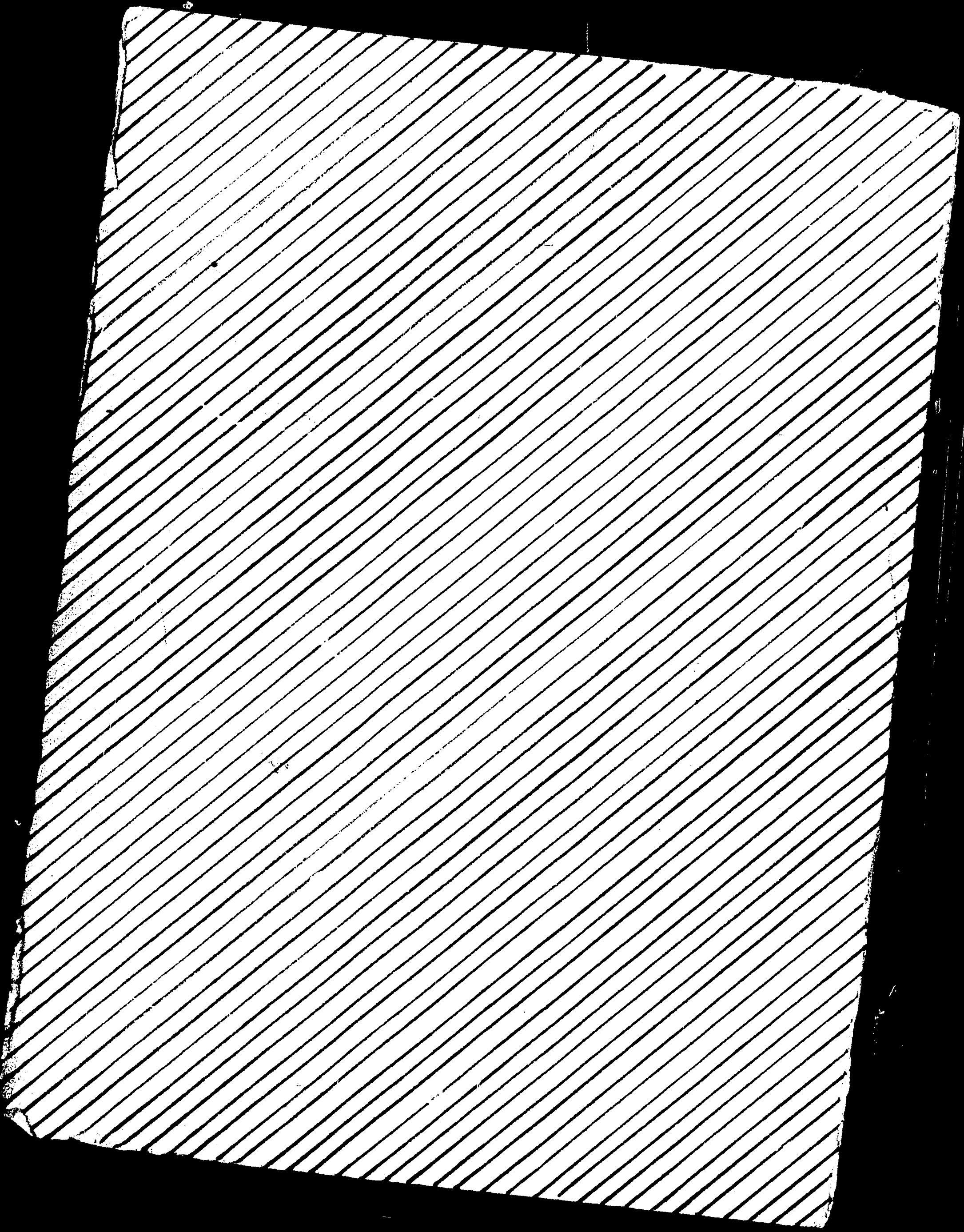
M. RUSSELL BOSCH
Office Manager

MRB:efw

Enc:

cc: Russ Stoker
Bear River Watermaster
Soda Springs, Idaho

33554



November 10, 1970

Re: Permit No. 33554 (New No. 13-2282)

Mr. Melvin Griffeth
Preston,
Idaho 83263

Dear Mr. Griffeth:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply them upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Order
Advertising package

13 2282

RECEIVED

NOV 16 1970

13 2252

November 16, 1970

Re: Permit No. 33554/13-2282

The Preston Citizen
Post Office Box # 472
Preston, Idaho 83263

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to us a galley proof for our 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 date. If you cannot publish the notice on the proposed dates, please contact the Department of Water Administration immediately.

The expense of the publication is to be paid by Melvin Griffeth, Preston,
Idaho, to whom you should furnish
an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:CM

Enc: Legal Notice

13 2282

November 16, 1970

Re: Permit No. 33554/13-2282

Mr. Melvin Griffeth
Preston,
Idaho 83263

Dear Mr. Griffeth:

The legal notice for the above-referenced permit is being published in the

Preston Citizen, Preston, Idaho on November 26,
and December 3, 1970.

You will be required to submit an affidavit of publication to this department.
The affidavit may be obtained from the above-mentioned newspaper upon payment of
the bill of publication.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McElowney
Appropriation Supervisor

DWM:CM

13 2282

December 7, 1970

Re: Permit No. 33554/13-2282

Mr. Melvin Griffeth
Preston,
Idaho 83263

Dear Mr. Griffeth:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit. Since proof of beneficial use of the water is not required until April 19, 1972, the Department will notify you sixty days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit you may submit proof anytime prior to the above date.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

13 2282

December 11, 1970

Re: Permit No. 13-2282 (33554)

C Melvin Griffeth
Preston,
Idaho 83263

Dear Mr. Griffeth:

O A protest has been received against your Permit No. 13-2282. This protest was filed by Eldon B. Bingham and a copy of the protest is enclosed with this letter. This protest will be placed on file and considered when you submit your statement of beneficial use which is due on or before April 19, 1972. If an agreement between you and the protestant cannot be reached before that time, a conference and/or hearing will be necessary to resolve the protest. The points that may be considered at that time are:

- P
1. Has the permittee diverted and beneficially used unappropriated public water.
 2. Has the operation of the proposed water right under this permit caused injury to a prior existing water right.
 3. Has the water been placed to beneficial use in accordance with the terms and conditions of the permit.

Y If a conference and/or hearing is necessary, you will be notified of the time and place.

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

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Enclosure: Copy of protest

13 2282

December 11, 1970

Re: Permit No. 13-2282 (33554)

C Mr. Eldon B. Bingham
Route 3
Preston, Idaho 83263

Dear Mr. Bingham:

O We have received your protest against licensing of Permit No. 13-2282 and a copy has been sent to Mr. Griffith. This protest will be placed on file and considered when the permittee submits his statement of beneficial use. This statement is due on or before April 19, 1972. If no agreement between you and the permit holder can be reached before that date, a conference and/or hearing will be necessary to resolve the protest. The points that may be considered at that time are:

- P
1. Has the permittee diverted and beneficially used unappropriated public water.
 2. Has the operation of the proposed water right under this permit caused injury to a prior existing water right.
 3. Has the water been placed to beneficial use in accordance with the terms and conditions of the permit.

Y If a conference and/or hearing is necessary, you will be notified of the time and place.

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

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

13 2282

January 28, 1972

CERTIFIED MAIL

* 33303

Re: Permit No. 33554/13-2282

Melvin Griffeth
Preston,
Idaho 83263

Dear Mr. Griffeth:

One of the conditions of approval of your water Permit No. 33554/13-2282 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before April 19, 1972. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. Keith Higginson

R. KEITH HIGGINSON
Director

Enc: Proof affidavit
dr

13 2282

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

☐

Show to whom, date and address
where delivered

☐

Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

23303

1

Luis R. Griffith

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

1-31-72

3

13 2282 — 13-2282

635-10-71548-11 347-108 GPO

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.

RETURN
TO

POD Form 3811 Apr. 1969 65-16-71518-11

13 2282 DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707.

RECEIVED

FEB 14 1972

Department of Water Administration

February 8, 1972

State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Re: Permit No. 33554/13-2282 Extension of Time

Dear Mr. Higginson:

I hereby request an extension of time in regards to the above mentioned permit.

The illness and passing of Mr. Griffeth a year ago has certainly delayed our projected completion date.

We would appreciate a formal recognition and approval of our request for an extension of time.

Cordially yours,

Mrs. Melvin S. Griffeth

13 2282

February 15, 1972

C
Re: Permit No. 33554/13-2282

C
Mrs. Melvin P. Griffith
Preston,
Idaho 83263

C
Dear Mrs. Griffith:

P
Enclosed please find our Department's application for extension of time form. Please complete all appurtenant items, have your signature notarized and return it to our office.

P
If we can be of any assistance in helping you complete this form, please do not hesitate to contact this Department.

Very truly yours,

Y
Fred Eisenbarth
Appropriation Examiner

FE/bb

Enclosure

13 2282

March 3, 1972

Re: Permit No. 13-2282

C Mrs. Melvin Griffeth
Preston,
Idaho 83263

C Dear Mrs. Griffeth:

We have received your application for extension of time and have begun processing.

C Before we can approve the application, you must submit an assignment form to this office, assigning the above referenced permit to you. This should be done by the executor of the estate. If you are the executor, please complete the form assigning it to your name from you as executor.

P If you have any further questions in reference to this matter, please feel free to contact this Department.

P Very truly yours,

Y Fred Eisenbarth
Appropriation Examiner

FE:cs

Enc: assignment form

13 2282

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2215



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

March 3, 1972

Re: Permit No. 13-2282

Mrs. Melvin Griffeth
Preston,
Idaho 83263

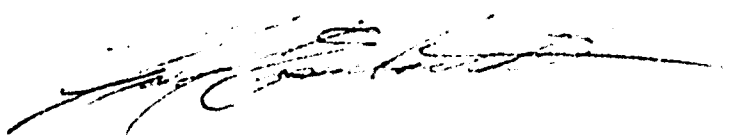
Dear Mrs. Griffeth:

We have received your application for extension of time and have begun processing.

Before we can approve the application, you must submit an assignment form to this office, assigning the above referenced permit to you. This should be done by the executor of the estate. If you are the executor, please complete the form assigning it to your name from you as executor.

If you have any further questions in reference to this matter, please feel free to contact this Department.

Very truly yours,


Fred Eisenbarth
Appropriation Examiner

FE:cs

Enc: assignment form

RECEIVED
MAR 5 1972

Department of Water Administration

*Dear Sir: Will it be possible for you to get the assignment
form done and sent in quickly. I am sure it is all
right. I am the executor of the permit.
Thank you.*

*Melvin D. Griffeth
Preston, Idaho 83263*

13-2282

April 10, 1972

Re: Permit No. 13-2282

Mrs. Melvin Griffeth
Preston,
Idaho 83263

Dear Mrs. Griffeth:

We are returning your assignment of permit form, submitted in connection with the above referenced permit, as we will require the completion of two items before it can be processed.

Please place a check mark of some kind under the first category in which all right, title and interest is assigned to you.

Also, please indicate the date the assignment was made, under the proper spaces.

If you should have any questions in reference to this matter, please do not hesitate to contact this Department.

Very truly yours,

James Booker
Appropriation Examiner

JB:CS

Enc: referenced assignment form

13 2282

May 5, 1972

C
O
P
Y
Re: Permit No. 33554/13-2282

Mrs. Lois D. Griffeth
5 - South 2nd East
Preston, Idaho 83263

Dear Mrs. Griffeth:

This is to acknowledge receipt of the assignment submitted in connection with the above referenced permit. The assignment has been recorded and the Department's records changed accordingly.

Enclosed please find a copy of the APPROVED application for extension of time for this permit. The time within which to submit proof of beneficial use has been extended to June 1, 1975. The Department will notify you sixty days in advance of the proof due date.

If we may be of assistance at any time, please do not hesitate to contact us.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Copy of extension

bc: Eastern District Office
Enc: Copy of assignment
Copy of extension

13 2282

L D S BOOKS
&
GENEALOGY SUPPLIES

THE PRESTON CITIZEN

"Published Every Thursday"

PRINTING • OFFICE SUPPLIES • PUBLISHING
PHONE 852-0155 PRESTON, IDAHO

Customer's
Order No.

Date 12-4 19 70

Sold To

Melvin Griffith

Address

Sold By	Cash	C.O.D.	Charge	On Acct.	Mdse. Ret.	Pd. Out						
	☒											
QUAN.	DESCRIPTION					PRICE	AMOUNT					
	<i>Legal No- 1844</i>						<i>11 73</i>					
	<i>13 2282</i>											
						TAX						
<i>Thank You</i>						In case of claims or returned goods please present this bill.						
						TOTAL	<i>11 73</i>					

No. 15632

Rec'd by

DS

UARCO INCORPORATED

RS 510-3

No 1844

AFFIDAVIT OF PUBLICATION

RECEIVED

DEC 7 1970

Department of Water Administration

STATE OF IDAHO,

County of Franklin

ss.

Hayne D. Bell

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

November 26, 19 *70*, and ending

with the issue of *December 3*, 19 *70*.

Hayne D. Bell

Fees, \$ *11.73*

Subscribed and sworn to before me this *4* day

of *December*, 19 *70*.

De Ann D. Liddis

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19 *71*.

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Melvin Griffith, Preston, Idaho, has received an approved Permit No. 33554/13-2282 issued by the Idaho Department of Water Administration authorizing the diversion of 1.5 cubic feet per second of water from a drain, tributary to the Bear River. The priority to be established under this permit is April 7, 1967 and the permit was approved April 19, 1967.

Water is to be diverted by reservoir, ditch and pipeline from a point within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20, T. 15S, R. 39E, B.M., Franklin County, to be used for irrigation in the E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 15S, R. 39E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before April 19, 1972. Any protests against

the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON,
Director, Idaho Dept. of
Water Administration
STATEHOUSE,
Boise, Idaho

Published in the Preston Citizen, Preston, Idaho, on November 26, and December 3, 1970.

Legal No. 1844-Pub. Nov. 26, Dec. 3, 1970.

13 2282

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 33554/13-2282)
in the name of MELVIN GRIFFETH)
_____)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 33554 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.
 - b. The permittee will not be required to submit proof of completion of works as originally specified, but will be required to submit proof to the Department of Water Administration of the application of the water to beneficial use on or before April 19, 1972. The permit holder should be aware that failure to complete one-fifth (1/5) of the works within one-half (1/2) of the time originally set for completion of works may be grounds for cancellation at the instance of the Department.

Dated this 3 day of November, 1970.


R. KEITH HIGGINSON
Director

13 2282

Nov. 26, 1970

the District Ranger, Preston, Idaho, or the Forest Supervisor at 429 South Main, Logan, Utah.

Legal No. 1842—Pub. Nov. 19, 26, Dec 3 10, 17, 1970.

NOTICE OF EXISTING WATER PERMIT

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Water is to be diverted by reservoir, ditch and pipeline from a point within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20, T. 15S, R. 39E, B.M., Franklin County, to be used for irrigation in the E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 15S, R. 39E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before April 19, 1972. Any protests against

the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON,
Director, Idaho Dept. of
Water Administration
STATEHOUSE,
Boise, Idaho

Published in the Preston Citizen, Preston, Idaho, on November 26, and December 3, 1970.

Legal No. 1842—Pub. Nov. 19, 26, Dec 3 10, 17, 1970.

13 2282

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Water is to be diverted by reservoir, ditch and pipeline from a point within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20, T. 15S, R. 39E, B.M., Franklin County, to be used for irrigation in the E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 15S, R. 39E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before April 19, 1972. Any protests against

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R. KEITH HIGGINSON,
Director, Idaho Dept. of
Water Administration
STATEHOUSE,
Boise, Idaho

Published in the Preston Citizen, Preston, Idaho, on November 26, and December 3, 1970.

Legal No. 1842—Pub. Nov. 19, 26, Dec 3 10, 17, 1970.

Preston, Idaho

January 8, 1969

Mr. Melvin Griffeth
Preston, Idaho

Dear Sir:

Early in the month of November, 1968, when I verbally protested to you about your putting an earthen dam in the city-county drain on county land near my property north of the airport, you took great pains to point out to me that it was only a thin, narrow dam that could easily be removed; and that you would be responsible for removing said dam before freezing weather began. Yesterday, upon inspecting this area, we found that rather than being removed the dam had been considerably reinforced with straw and was substantially intact; there having only been a small hole cut in the south end of it. This hole had the appearance of only recently having been made, and it has been made in such a way that the winter flood waters will be directed to erode the south bank of the ditch; thus changing the channel of the drain in this area. We are concerned about the damage such erosion will cause to the land and the new fence we have recently constructed in this area. Also, since we have only this last year had to spend considerable money dredging the dirt from my storage reservoir which came from the erosion of the old Merrill-Neilson dam in this same area, we are concerned about mud residue from this ditch. The matter of greatest concern to us, however, is this evidence to the unreliability and hazards of doing such important business on a verbal basis. This change you have made tends to qualify your proclaimed intention to honor and respect our property and rights in this area. A pile of dirt or straw or trash or trees so placed does not, in our opinion, constitute a legitimate diversion device. Since November you have made two appointments to further discuss this matter with us and have failed to keep either of them. We now request that you submit to us the following instruments, in writing, to show your intentions in this area:

1. A suitable contract which will adequately protect and guarantee our rights. This contract should recognize that this is an established drainage ditch; that for many years, in addition to field and drain runoff in the spring and summer, it is also used by farmers in the area to dispose of their surplus, unwanted, and unneeded canal water by dumping it directly from the canal to the drain; therefore, any water entering this drainage ditch is surplus water, regardless of its source, and becomes public water. It should recognize our rights to collect and store, as well as to divert water from this source. Because of this storage feature in our irrigation system, no water can be considered as surplus to our rights until this storage is full, even though we are diverting water at the same time the storage is filling. Because this is a drainage ditch, the flow fluctuation of the water is extreme, and occurs at all times of the day and night. We should be guaranteed that all the waters in this fluctuating stream will reach our storage until it is full at all times, according to our needs, during the irrigation season, and without interference. It must protect us from adverse rights, damages either from erosion or untimely water diversion, and give us the ultimate right of control. It should also cover the construction, operation, and maintenance of a suitable and proper diversion works.

13-2282

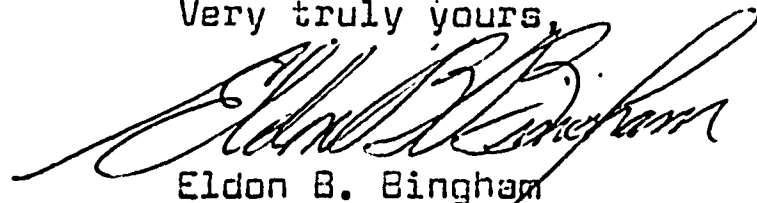
(Protest letter to Melvin Griffeth, cont., page 2)

2. A set of plans by a competent engineer giving details of your diversion works, including size, capabilities, and installation requirements to be safe against the demands of floods and high water as well its diversion function. The same to be installed in such a manner as to prevent damage to the area by stream erosion.
3. Details of your diversion plan, and how it will operate to recognize and protect our established rights without the likelihood of human error.
4. We would like it further agreed that this approved diversion works will be installed, properly operated and maintained, or this diversion will be abandoned with no rights established. We further feel that these works should be properly installed before any more diversion of water is accomplished in this area.

We feel that if it is properly done, there possibly exists an opportunity for you in this area. We believe that the above requests are reasonable and could provide the basis for achieving this opportunity for you.

Until the objectives of this letter are met, however, we have no alternative but to again restate our objection to your activities in this area; and to notify you that we must hold you responsible for any and all damages we may sustain as a result of your activities in this matter.

Very truly yours,



Eldon B. Bingham

Preston Idaho

Dec. 3, 1970

R. Keith Higginson
Director, Idaho Dept. of Water Adm.
Statehouse
Boise, Idaho

Dear Sir:

This letter will convey my protest to the granting of a water license to permit #33554/132282, in the name of Melvin Griffeth, for the following reasons:

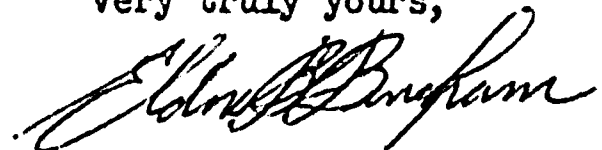
1. I own the land on which the proposed diversion is to be located, (NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 20 T.15S R. 39E. BM) and I forbid the use of this property for this use.

2. I presently hold two diversion rights, on the same stream but below that proposed diversion point, prior dated to April 7, 1967, which I am using at the present time; Water License No 24153, dated May 1, 1953 and permit # 33429 dated Jan. 18, 1967. This is a drainage system. The flow from this stream is very erratic and would be unusable except for a small reservoir in my system which stores the surges and from which I can divert a fairly constant stream. This reservoir is below the diversion for which Mr. Griffeth is asking, and it could be rendered useless by improper or untimely use of this diversion, or from sedimentation from an improper diversion device. I am enclosing, herewith, a copy of a letter which I sent Mr. Griffeth in January, 1969, in which my objections are stated to him. Some of the erosion referred to in the letter has already occurred with the resultant damage to my storage reservoir.

To Mr. Griffeth
3. As a result of this letter, a meeting was held with the members of the Franklin County Commissioners, Preston City council, Mr. Griffeth and myself. In as much as the ditch from Mr. Griffeth's trash diversion dam, to Mr. Griffeth's farm crossed county and city owned property, it was a public matter. At that meeting, Mr. Griffeth promised to provide the plans and information, also appropriate contracts, for approval before proceeding to do any more work in this diversion. To date, I have received nothing from Mr. Griffeth. There has been no effort to divert water from this diversion during the 1969 and 1970 irrigation seasons.

Again, I protest the granting of this license.

Very truly yours,



Eldon B. Bingham
Rt. 3, Preston, Idaho
83263

13 2282

RECEIVED

RECEIVED

State of Idaho

Department of Water Administration

ASSIGNMENT OF PERMIT

Department of Water Administration

Department of Water Administration

I, Melvin P. Griffeth hereby assign to Lois D. Griffeth
of 311 1/2 N. 1st St. Boise, Idaho
Address

☐ All my right, title, and interest, in and to Permit No. 12282
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and
to Permit No. 12282 to appropriate the public waters of the State
of Idaho. (Describe that portion of the permit being assigned by list-
ing the acreage within each 40-acre subdivision, the point of diversion
and the amount of water in cubic feet per second for direct diversion,
or acre feet for storage.)

Made this 5 day of April, 1972.

Lois D. Griffeth
Permit Holder

LOIS D. GRIFFETH, executrix of the Estate
of Melvin P. Griffeth Deceased.

Lois D. Griffeth
Spouse of Permit Holder
LOIS D. GRIFFETH

State of Idaho)
County of Franklin) ss.

On this 5th day of April, 1972, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

James M. Mason
Notary Public residing at Boise

My commission expires: January 1973

12 2282

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR EXTENSION OF TIME

State of Idaho)
County of Franklin)

Permit No. 33554-13-2282

Mrs. Melvin S. Griffith of 5 South 2nd East, Preston
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 33554-13-2282

That under the terms and conditions of said permit, work thereunder was required to be completed on or before April 19, 19 72.

That he has heretofore performed the following work described under said permit:

The ditch & part of the reservoir has been
completed.

Costing \$ 400⁰⁰

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Mrs. Griffith, permit holder, had an extended
illness & passed away January 15, 1971.

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to June 1, 19 75.

Mrs. Melvin S. Griffith
(signature) *

Subscribed and sworn before me this 29 day of Feb, 19 72.

seal

My commission expires 11-15-74

Paul W. Acord
(notary public)

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Idaho Department of Water Administration, State of Idaho, hereby approve the above application for extension of time for Permit No. 33554/13-2282 to June 1, 1975.

Witness my hand this 4 day of May, 19 72.

R. Keith Higginson
Director

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707.

PS Form 3811, Nov. 1973

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1 and 2.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
- ☐ Show to whom, date, & address of delivery.. 35¢
- ☐ DELIVER ONLY TO ADDRESSEE and show to whom and date delivered..... 65¢
- ☐ DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

26723

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE

4. DATE OF DELIVERY APR 1 1975 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete Items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RETURN
TO



DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

March 31, 1975

CERTIFIED MAIL
#26722

Re: Permit No. 33554 (New #13-2282)

Mrs. Lois D. Griffeth
5 - South 2nd East
Preston, ID 83263

Dear Mrs. Griffeth:

One of the conditions of approval of your water Permit No. 33554/13-2282 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before June 1, 1975. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. Keith Higginson

R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

RECEIVED
MAY 20 1975

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Identification No. _____

Permit No. 13-2282

RECEIVED

MAY 21 1975

Department of Water Resources

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Lois D. Griffeth
b) Post Office Address 5 South 2nd East, Preston, Idaho
2. Permit Number 13-2282
3. Date of Priority that you are prepared to establish April 7, 1967
4. a) Source from which water was appropriated Drain (Tributary to Bear River)
b) Location of the point of diversion: NE 1/4 NE 1/4, Section 20
Township 15S, Range 39E, Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
Amount 1.5 for Irrigation purposes from Apr. 1 to Nov. 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 1.5 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Estimated by myself.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
N.A.
b) Describe the agreement or understanding by which you take water from the works:
N.A.
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Divert whole drain onto land by dirt dam and open cut into drain bank.
b) Describe the type and size of measuring device which you have installed at your point of diversion: No measuring device required.
c) Give well driller's name and address and the date the well was completed: N.A.
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:

Exam typed 5/20/75 By ja

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	39E	17									15			5	5	40	35		100

Total number of acres irrigated 100

10. Remarks: _____

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

May 20, 1975
(Date)

Louis D. Griffith
(Signature)

State of Idaho)
) ss.
County of Bonneville)

On this 20th day of May, 1975, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Loren O. Halmer
Notary Public residing at Idaho Falls,
Idaho

My commission expires March 21, 1979

May 28, 1975

Re: Permit No. 13-2282

Lois D. Briffith
5 South 2nd East
Preston, ID 83263

Dear Mrs. Griffith:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, however, our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions concerning the field exam, please contact our District Office in Idaho Falls.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

24

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 13-2282 Priority April 7, 1967 Amount 1.42 cfs

THIS IS TO CERTIFY, that LOIS D. GRIFFETH
of Preston, Idaho, has complied with the terms and conditions of Permit
No. 13-2282 issued pursuant to Application for Permit dated April 7, 1967,
and has submitted proof to the Department of Water Resources on May 20, 1975,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.42 cfs of water from an unnamed drain,
tributary to Bear River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>1.42</u> cfs and	<u>249</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 1.42 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
249 acre feet per year, said waters to be diverted within the SE 1/4 Sec. 17,
Twp. 15S, Rge. 39E, B.M. in the County of Franklin

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 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
15S	39E	17									20				5	31	14	71

Total number of acres irrigated 71

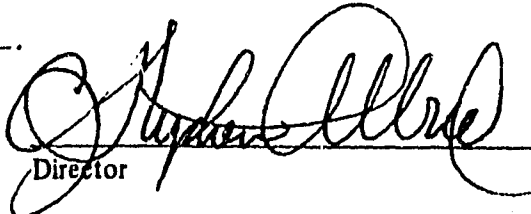
Condition:

Use of water under this license is subject to control by the watermaster
of State Water District 11, Bear River.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of
December, 19 79.


Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now LOIS D. GRIFFETHof (address) Route 1 Rexburg, Idaho, and represents to the
Director of the Idaho Department of Water Resources:That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 13-2282, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE ¼ SE ¼, Section 17, Township 15S, Range 39E, B.M.,
County of Franklin. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 1.42 for Irrigation purposes from April 1 to November 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)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	39E	17									20			5	1	31	14		71

Total number of acres to be irrigated = 71

4. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or the place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: _____

MEMORANDUM

TO: Bob Fleenor
FROM: Ron Carlson *RDC*
RE: Permit No. 13-2282
DATE: August 29, 1977

We are still holding the above referenced permit in our protest file with a note attached that no hearing will be held until proof is due unless the permit holder requests it sooner and we have a copy of an extension of time extending the proof due date to June 1, 1975.

Would you please check what the present status of this permit is and if we need to take any action on the protest?

9/10/75 L.H.J.

Last information on Westphal in the applicant
was asked for and was granted an extension of time
to June 1, 1975.

Source is from a newly created drain-
in the amount of 1.5 cfs.

*Bill
Show this letter
Don.*

FROM WATER RIGHTS

TO EASTERN

SUBJECT The following permits need to have field examinations done on them unless
already done so:

13-2282

*not in file This was
in file!*

*Ken do you have this exam
don't have it.*

over

RECEIVED

SEP 5 1975

Department of Water Resources
Eastern District Office

INTER-DEPARTMENT MEMO — 1

DATE 9-04-75

Janice

SIGNATURE

To Bill
Date 9-22-75 Time 9:05A
WHILE YOU WERE OUT
M Mel Griffith
cf _____
Phone 356-6654
Area Code Number Extension

TELEPHONED	☒	PLEASE CALL	☒
CALLED TO SEE YOU	☐	WILL CALL AGAIN	☐
WANTS TO SEE YOU	☐	URGENT	☐
RETURNED YOUR CALL ☐			

Message Please Contact
upon return to
office.

Operator Cal

INTER-DEPARTMENT MEMO — 1

FROM Bill Rhoads

DATE October 1, 1975

TO Janice

SUBJECT Permit No. 13-2282 GRIFFITH

Spoke with Mel Griffith over the telephone this day concerning the above referenced permit. It will be impossible to perform a proof of beneficial use examination at this time. The drain that supplies the water for his irrigation system has had the water terminated in it for this year.

Mr. Griffith indicated he will contact us at the height of the irrigation season in 1976 so that we may perform this exam.

SIGNATURE

M E M O

TO: Darlene Reich

FROM: Bill Graham

RE: Field Examination for Water Right No. 13-2282

DATE: September 21, 1976

I examined the specified land of Lois D. Griffith on 7/21/76. I found no sign of any water being diverted (or of any functional diversion facilities) to the land described in the field report. Furthermore, to the knowledge of his neighbor, Mr. Elden Bingham, no water had been diverted to this land within the past five years.

I, therefore, recommend that Permit No. 13-2282 be cancelled.

file 13-2282

PS Form 3811, Jan. 1975

● **SENDER** - Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery..
☐ **RESTRICTED DELIVERY.**
 Show to whom and date delivered..... 65¢
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery 85¢

2. **ARTICLE ADDRESSED TO:**

3. **ARTICLE DESCRIPTION:**
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 32674

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
Lois D. Griffith

4. **DATE OF DELIVERY**
 11-7-77

5. **ADDRESS (Complete only if requested)**

6. **UNABLE TO DELIVER BECAUSE:**

CLERK'S INITIALS
Bus

POSTMARK
 L61
 82
 AON

☆ GPO : 1975-O-568-047

1b. For return receipt after mailing attach 25¢ postage in this space and cancel.

● **CUSTOMER** - Complete items 1 of 2 and 3 through 6 below.
 Add your address in the "RETURN TO" space on reverse.

☐ 1. **AFTER MAILING:** provide name of person who signed for article and date delivered (attach 25¢ postage at left)

☐ 2. **DUPLICATE:** provide name of person who signed for article and date of delivery

☐ 2b. **DUPLICATE:** provide name of person who signed for article, date of delivery, and place of delivery

3a. REGISTERED NO. 3b. CERTIFIED NO. 3c. INSURED NO.
 32674

4. **MAILING DATE**
 10/18/77

5. **CONTENTS (If known)**

6. **ARTICLE ADDRESSED TO**
 LOUIS D GRIFFITH, 580 2nd E, Preston ID 83263

7. **TO**
 Lois D. Griffith

8. **DATE OF DELIVERY**
 11-7-77

9. **ADDRESS (Complete only if requested)**

10. **CLERK'S INITIALS**
 Bus

11. **POSTMARK OF DELIVERY OFFICE**
 L61
 82
 AON

POSTAL RECORDS SHOW DELIVERY

PS Form 3811-A, Apr. 1974 ☆ GPO : 1974 O - 561-911

REQUEST FOR RETURN RECEIPT (AFTER MAILING)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.
• Complete Items 1, 2, and 3 on reverse side.
• Moisten gummed ends and attach to back of article.

RETURN
TO



DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$3.00
NOV 28 1977



Department of Water Resources

UNITED STATES POSTAL SERVICE
Washington, DC 20260
OFFICIAL BUSINESS

RETURN TO: (Enter name and address of
customer making inquiry)

Water Resource Board
STATE HOUSE
BOISE, ID 83720

RECEIVED

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$3.00
NOV 28 1977



Department of Water Resources

TO: POSTMASTER

PRESTON, ID
83763

DELIVERY OFFICE: (After completion - cross out your address and return to customer shown above)



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

October 18, 1977

Re: Permit No. 33554/13-2282

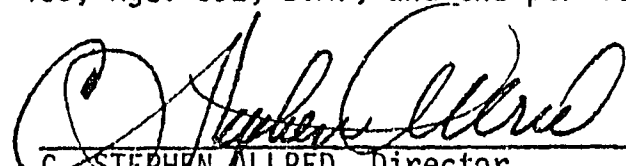
*Certified Mail
32674*

Lois D. Griffith
5 South 2nd East
Preston, ID 83263

Dear Ms. Griffith:

It appearing to the Department of Water Resources (formerly the Department of Water Administration) that the terms and conditions of Permit No. 33554/13-2280 to appropriate the public waters of the State of Idaho have not been complied with as to failure to beneficially use the water as stated under this permit, and therefore, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Resources on or before November 18, 1977, why said permit should not be cancelled.

Permit No. 33554/13-2282 claims the use of 1.5 cubic feet per second of water from a drain, tributary to the Bear River, the point of diversion was to be located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, Twp. 15S, Rge. 39E, B.M., and the permit was approved April 19, 1967.


C. STEPHEN ALLRED, Director

RECEIVED

NOV 16 1977

Department of Water Resources

November 16, 1977

Mr. C. Stephen Allred, Director
Department of Water Resources
State Office, 373 W. Franklin Street
Boise, Idaho 83720

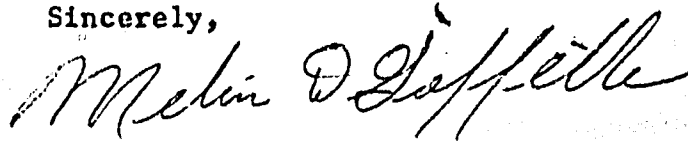
Dear Mr. Allred:

I received your letter dated October 18, 1977, referring to Permit No. 33554/13-2282. I called your office in Boise on November 15 and talked to Mr. Jim Johnson. He called me back on November 16 informing me of the urgency of this letter.

I would like to explain, if possible, the situation that is existing. My father passed away several years ago and mother has been renting the farm to some of the local farmers and I'm sure you realize the problem that exists with this kind of a situation. We have not been able to get the renters to prove up on this water in the way that it should have been done. I believe a little water was used during the summer of 1976 but very little. But in the summer of 1977 there was a considerable amount of water used to sprinkle the farm. However, we didn't follow through to see that it was approved. This fall my mother purchased approximately \$4,500 worth of main line pipe to be used the summer of 1978 to irrigate this land. We would hope that the permit would not be cancelled at this time and we would like to proceed as we have outlined and would appreciate it if we could make an appointment and have someone inspect the farm when in operation in July of 1978.

I would appreciate personally going over the project with someone from your office. I will be in Boise December 5 and 6 of 1977 and will stop in at our office to clarify any questions that you might have.

Sincerely,



Melvin D. Griffeth
Route 1
Rexburg, Idaho 83440

P.S. I am the oldest son of Lois D. Griffeth, 5 South 2nd East, Preston, Idaho 83263.

INTER-DEPARTMENT MEMO — 1

FROM Jim Johnson

DATE 12-4-77

TO File

SUBJECT

Mr. Melvin Griffith was in today ^{and} concerned about this permit. He feels that water is being used and would like another field exam. He stressed that he be contacted when the exam is made.

If possible he would like to have the exam done during the week of June 15 1978.

cc: District

Jim

SIGNATURE

MEMORANDUM

TO: Bob Fleenor
FROM: Ron Carlson
RE: Permit No. 13-2282
DATE: ~~August 29, 1977~~ February 15, 1978

We are still holding the above referenced permit in our protest file with a note attached that no hearing will be held until proof is due unless the permit holder requests is sooner and we have a copy of an extension of time extending the proof due date to June 1, 1975.

Would you please check what the present status of this permit is and if we need to take any action on the protest?

Jim

Please answer Ron's memo 3/20/78



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

March 23, 1978

MEMO

TO: Ron Carlson
FROM: Jim Johnson *J.S.*
RE: Permit No. 13-2282

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

RECEIVED

MAR 31 1978

Department of Water Resources
Eastern District Office

Bob Fleenor has asked me to respond to your memo of February 15, 1978.

In going through this file, I find that it appears that it was decided to have a field exam completed prior to holding a hearing on the protest. Through circumstances described in Bill Rhoades's memo of October 1, 1975, a field exam had not been made until July 21, 1976, which was done by Bill Graham. Based upon Bill's recommendation, a letter was sent to Lois D. Griffith asking him to show cause why the permit should not be cancelled. Attached is a letter received November 18, 1977, from Mr. Griffith explaining some of the circumstances. On December 12, 1978, I met with Mr. Griffith and the results of the meeting are summarized on the attached memo.

It appears that another field exam should be made during the week of June 15, 1978, and Mr. Griffith should be contacted.

Depending on the outcome of the field exam, a date should be scheduled for a hearing between Mr. Griffith and Mr. Bingham before a license is issued.

*Edna B Bingham
Route 3
Prosser, Idaho.*

Copy in area files

13-2282

DEPARTMENT OF WATER RESOURCES

Name and Address of Sender
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

Indicate type of mail:
☐ REGISTERED ☐ C.O.D.
☒ CERTIFIED

After stamp here if issued as certificate of mailing or for additional copies of this bill
POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FILE	R.R. FILE	POST. PAY	ACTUAL VALUE	HANDLING CHARGE	REMARKS
1	1232- Maunulays, Bellevue Rd, Boise, ID.	15	80	45				29-2453
2	1233- Maunulays, P. O. Box 15, Pullman, ID.							"
3	1234- Maunulays, P. O. Box 191, Pocatello							13-2237
4	1235- Maunulays, Pocatello, ID.							"
5	1236- Maunulays, Pocatello, ID.							"
6	1237- Maunulays, Pocatello, ID.							"
7	1238- Maunulays, Pocatello, ID.							"
8	1239- Maunulays, Pocatello, ID.							"
9	1240- Maunulays, Pocatello, ID.							13-2238
10	1241- Maunulays, Pocatello, ID.							"
11	1242- Maunulays, Pocatello, ID.							"
12	1243- Maunulays, Pocatello, ID.							22-2127
13	1244- Maunulays, Pocatello, ID.							"
14	1245- Maunulays, Pocatello, ID.							13-2282
15	1246- Maunulays, Pocatello, ID.							"
16	1247- Maunulays, Pocatello, ID.							34-8493
17	1248- Maunulays, Pocatello, ID.							"
18	1249- Maunulays, Pocatello, ID.							"
19	1250- Maunulays, Pocatello, ID.							"
20	1251- Maunulays, Pocatello, ID.							"

TOTAL NO. OF PIECES LISTED BY SENDER: 18
TOTAL NO. OF PIECES RECEIVED BY ADDRESSEE: 18
APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL
(Declaration of value is required on International registered mail)
FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protests Against the
Issuance of a Water License for Permit
No. 13-2282 in the Name of LOIS D. GRIFFITH

NOTICE OF CONFERENCE
AND/OR HEARING

On April 19, 1967, application for permit No. 13-2282 was approved for the diversion of 1.5 cubic feet per second of water from a newly created drain which is a tributary to the Bear River with a point of diversion within NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T. 15S, R. 39E, for the irrigation of 100 acres.

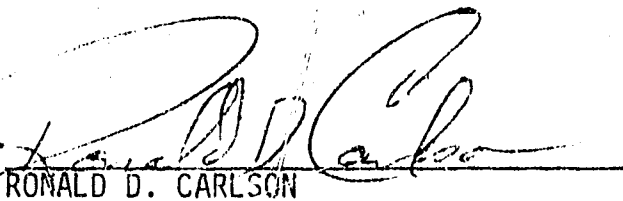
On December 3, 1970 the Department received protest against the issuance of a Water License to permit No. 13-2282 from Eldon B. Bingham. Proof of Beneficial Use was filed with the Department of Water Resources on May 21, 1975, and the licensing field exam was completed on June 22, 1978.

The Department has set the matter of protest for conference and/or hearing for Wednesday, March 14, 1979, at 9:30 a.m., in the Butte County Bank, Arco, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protest. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 2nd day of March, 1979.


RONALD D. CARLSON

Supervisor, Eastern Region

March 7, 1979

Franklin County Courthouse
Clark of the District Court
Preston, Idaho 83263

Dear Sir:

This is to confirm the use of the Jury Room for conference and/or hearing to be held by this office on Wednesday, March 14, 1979 at 9:00 a.m. until approximately 4:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

ROSTER OF ATTENDANCE

13-2282 - Lois D. Griffeth

Conference Room, Butte County Bank, Arco, Idaho

March 14, 1979 - 9:00 a.m.

<u>NAME</u>	<u>ADDRESS</u>	<u>REPRESENTING</u>
Lorenzo I. Griffeth	5 South 2nd East, Preston.	Lois D. Griffeth
Edna Blenheim	Rt 3 Preston, Idaho.	Self.

Permit - 13-2282

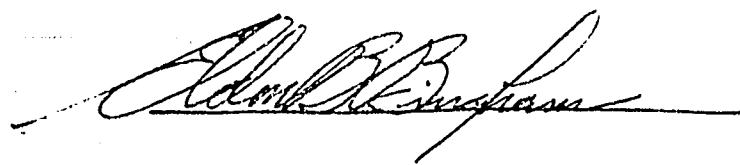
- ~~1- Type an amendment to permit changing the point of diversion to SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17 Twp. 15 S. R. 39 E.~~
 - ~~2- Send typed amendment & power of attorney to
Lorenzo Griffith
5 South 2nd East
Preston, Idaho~~
 - ~~3- Notify Eldon Bingham when amendment has been processed.~~
- 1- Complete a rough draft license for new p.d. along with licensing amendment & forward to Boise.
 - 2- Determine status of field exam on permit 13-2279 in the name of Eldon Bingham.

IN THE MATTER OF
PERMIT #13-2282

WITH DRAW
OF
PROTEST.

I, Eldon Bingham, agree to withdraw my protest
against permit #13-2282 provided the permit is amended
to change the point of diversion to the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17
Twp. 15S. R39E. This point being below my point of
diversion and on the applicants property.

Signed at Preston this 14th day of March, 1979.

A handwritten signature in cursive script, appearing to read "Eldon Bingham", with a long horizontal line extending to the right.

MEMO TO FILE

On June 22, 1978, another attempt was made to complete a water right field examination for permit No. 13-2282. The source of water described on the permit was indicated as being a drain tributary to the Bear River and the point of diversion indicated as being located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, Twp. 15S, Rge. 39E, B.M., County of Franklin.

The examination revealed that the source of water was, in reality, an unnamed slough located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T. 15S, Rge. 39E, and that the location of the point of diversion had been incorrectly described on the permit.

Irrigation water is diverted by the applicant from an unnamed channel or drain. If left unimpeded, the channel conveys water from the slough to the canyon floor, where it is discharged directly into the Bear River. When irrigation water is available, it is diverted from the drain into a 12" diameter buried plastic pipe, that extends for a horizontal distance of approximately 300 feet to the edge of the Bear River Canyon.

The diverted water is then conveyed downhill via the force of gravity and is discharged into a 4" diameter aluminum pipe, which further conveys the diverted water a vertical distance of approximately 75 feet in a gravity flow sprinkler system where it is used to supplement Bear River water decreed for the irrigation of the applicant's land.

At the time the exam was conducted, the drain was completely dry and no water was available for appropriation under this permit. The sprinkler pipe had been disconnected from the system and lands under this filing were being irrigated with Bear River water only.

Another diversion was located on the slough and was in use at the time the exam was made. A centrifugal pump and motor, apparently owned by the applicant's neighbor, was diverting water from this source for the irrigation of lands located in the N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 20, T. 15S, R. 39E, B.M., county of Franklin (see aerial photo). This diversion appears to have significantly drawn down the level of water in the slough. Indeed, to the point where no water is available at the applicant's point of diversion. If the applicant is to obtain benefit of this water, the other diversion will have to be curtailed. There is not enough water in the slough this year for both water users. It would appear that this source of water will benefit only the water user having the earlier priority.

Anthony R. Kozlowski
ANTHONY R. KOZLOWSKI
Water Resource Agent

License

24153- 13-2175 R.H. Bingham & Eldon Bing

1.0 cfs. May 1, 1953

unnamed stream

NENE Sec 20 15 S 39 E

• 50 AC. irrig.

31 NENE

15 SENE

4 SENE

33429

13-2279. —

1.0 cfs -

surplus water from tanner & ball drain.

13-7033 - Deep Cr.

13.2282 Priority April 7, 1967

Permit Holder

Lois D. Griffith

Protestant

Eldon B. Bingham

Exams Made 7-21-76

Re examine 6-22-78

This is actually the 3rd Water User on the drain

All the Users are upstream from this point of diversion

Amendment needed to change the PD to SE SE Sec 17

{ Griffiths right from Deep Ck that they divert from Bear River
License 19160 and Permit 18134

→ This License Supplemental -

4' -

Bingham pond will hold about 1 to 2 acre feet -

On the 11th of April 1878, I received
the order to complete the manuscript. The
manuscript was written in a very rapid and
bold hand. The name of the author is given.

10th April 1878

DATE OF EXAM 6/22/1978

ACREAGE
Found 71 ac
Recommended 71 ac

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 1.42 c.f.s. V = 248.5 AF/Ann. from April 1 to Nov 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no X

Name source exchanged with: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured none Method of measurement none

Total Q recommended 1.42* Meter No. n/a Type n/a Condition n/a

Total V recommended 248.5 AF/yr

Recommended Amendments:

P.D. SESE Sec 17 Twp 15S Rge 39E B M. County of Franklin
Place of Use See rough draft amendment
Other _____
None _____

MEASUREMENT CALCULATION:

Q by assignment - 1.42 c.f.s.
 $V = 71 ac \times 3.5 AF/ac = 248.5 AF/yr$ $1.4835 \times 215 \times 1.50 = 639.7 AF/yr$

SYSTEM DESCRIPTION:

Surface water from an unnamed drain is diverted into a
12" diam buried mainline that extends a horizontal distance
of 300' from the point of diversion to the edge of the Bear River Canyon
of gravity and is discharged into a 4" diam. aluminum pipe, which further
conveys the diverted water a vertical distance of approximately 75' into
a gravity flow sprinkler system where it is used to supplement Bear River
determined at water hearing - permit holder should be allowed
to divert 1.42 cfs when water is available

Examiner's Signature Anthony R. Kozlowski Date 3/23/79

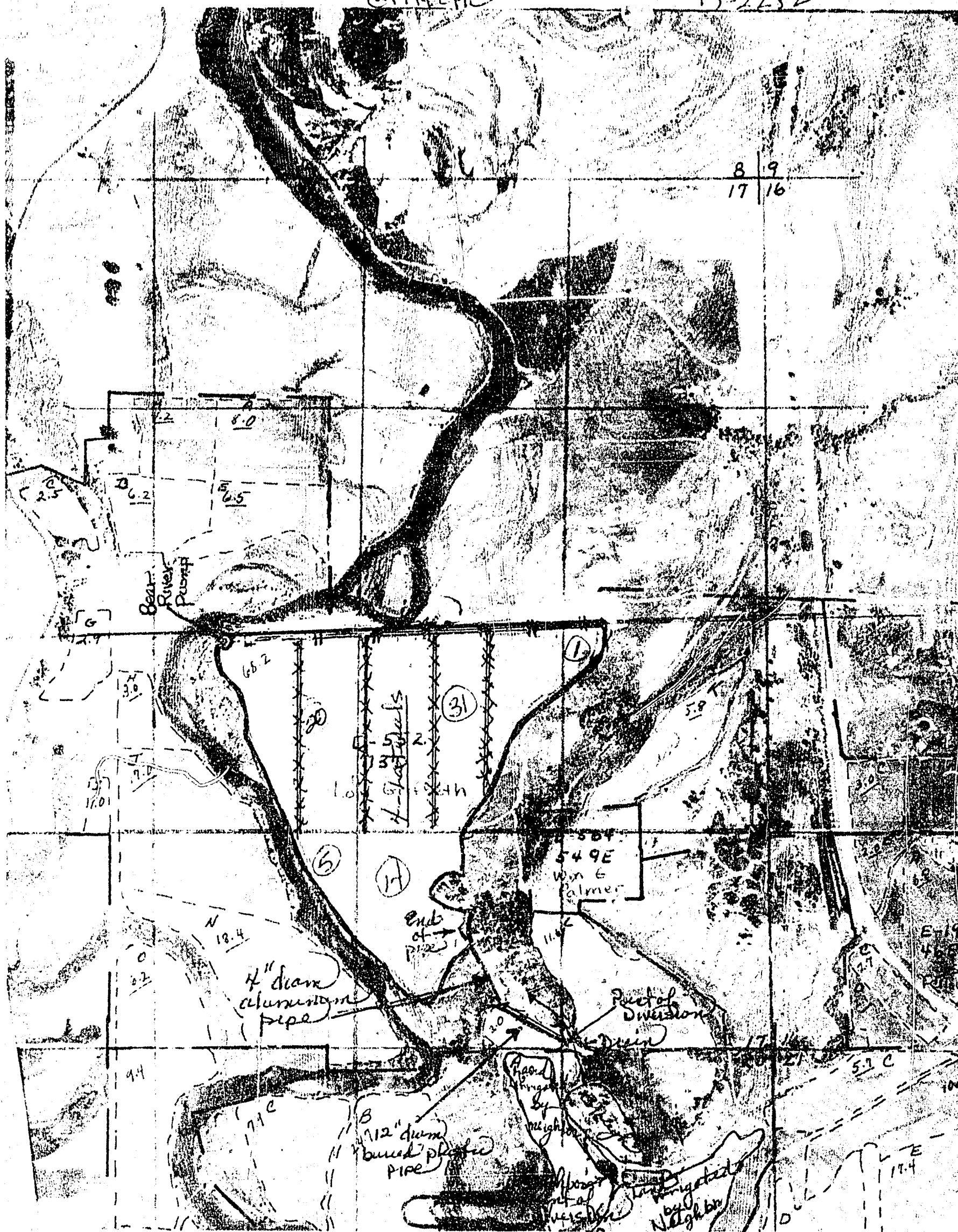
Checked by John D. Crum Date 4/10/79

Approved by _____ Date _____

water needed for the irrigation of the applicant's lands.

13-2282

13-2282



Rae 34E

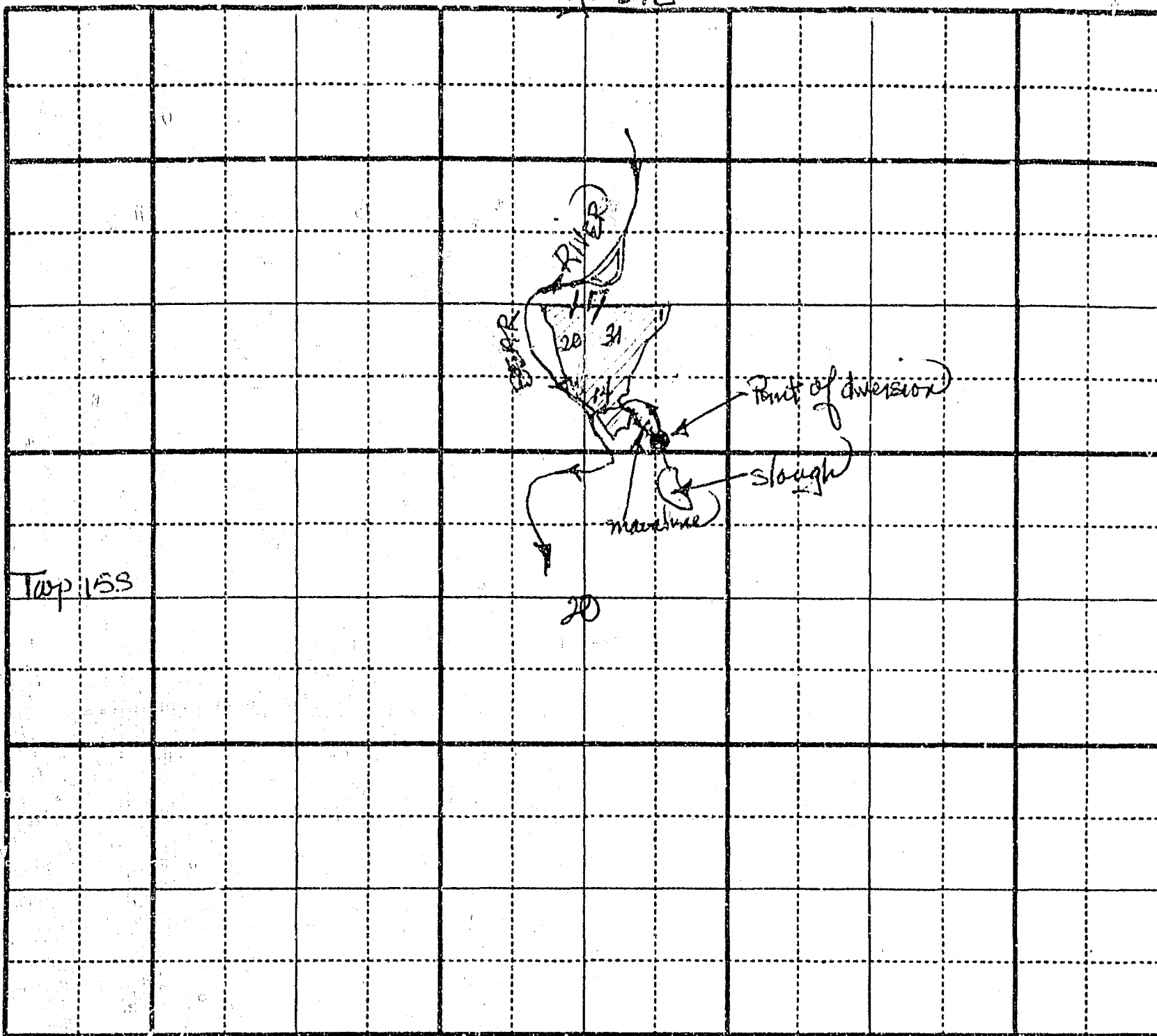
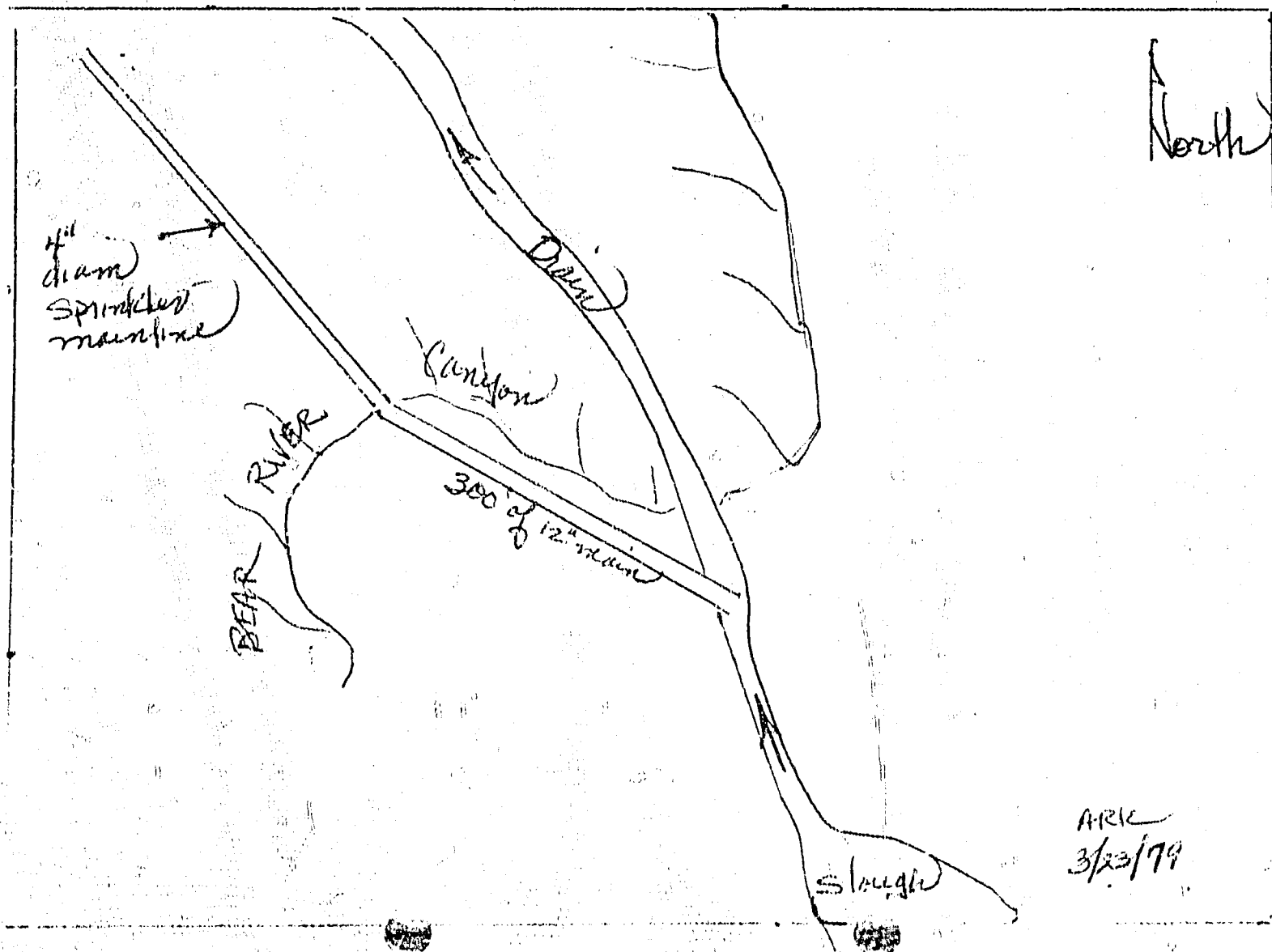


Diagram of System



DEPARTMENT OF WATER RESOURCES FIELD REPORT

1. Name of permit holder Lois D. Griffith
 Post office address Route 1, Rexburg, ID Phone
 Person to contact Melvin D. Griffith Phone 356-6654

2. Source of water supply: Groundwater ☐ Surface water ☒ drain
 Tributary to Bear River (name spring, stream, etc.)

3. Water will be used for the following purposes:

Amount 1.50 c.f.s. for Irrig.
 AF/Annum (nature of use)

Period of Use: from Apr. 1 to Nov. 1
 (mo.-day) inclusive (mo.-day)

Amount c.f.s. for
 AF/Annum (nature of use)

Period of Use: from to
 (mo.-day) inclusive (mo.-day)

Amount c.f.s. for
 AF/Annum (nature of use)

Period of Use: from to
 (mo.-day) inclusive (mo.-day)

Other uses:

4. Total amount to be appropriated:

Max Rate of Diversion 1.50 cubic feet per second and annual volume AF/Annum.

5. Location of Point(s) of Diversion:

Township 15S N/S, Range 39E E/W, B.M., Section 20, Subdivision NE 1/4 NE 1/4, Franklin
 County
 Township N/S, Range E/W, B.M., Section , Subdivision 1/4 1/4,
 County
 Township N/S, Range E/W, B.M., Section , Subdivision 1/4 1/4,
 County

Other Points of Diversions:

Description of diverting works: divert whole drain onto land by dirt dam and open cut into drain bank.

Measuring device required: yes ☐ no ☒

6. Lands to be 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	
15S	39E	17									15			5	5	40	35		100

TOTAL ACREAGE 100

Permit No. 13-2282
 Examination for 11-10-82
priority

November 2, 1979

Re: Permit No. 13-2282

Eldon B. Bingham
Route #3
Preston, ID 83263

Dear Mr. Bingham:

A field examination has been conducted for the above referenced permit. You have filed a protest against the issuance of a license for this permit. These are the findings of the field examiner:

Amount of water that can be recognized as beneficially used under
Idaho law: 1.42 cfs Source: unn. drain
trib. Bear River

The maximum quantity diverted shall not exceed 249 acre feet per
year.

Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, Twp. 15S, Rge. 39E, B.M.

Beneficial use: Irrigation of 71 acres within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, Twp. 15S, Rge. 39E, B.M.

Priority date established: April 7, 1967

If you do not wish to continue your protest, please contact us within 15 days.
If we do not hear from you a hearing will be scheduled shortly.

Sincerely,

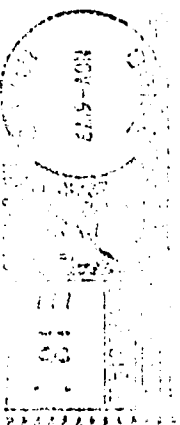
JAN GROVER
Water Rights Supervisor

Jli:j

cc: Lois D. Griffeth

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

RECORDED
INDEXED
FIRST CLASS



RECEIVED

NOV 13 1973

Department of Water Resources

Lois D. Griffith
Route #1
Rexburg, ID 83440
Addressed and postage paid
No such office in state
Do not remail in this envelope

0701 .S 13duvoh

09 : 08

*Please
return
to
P. H. H.*

November 2, 1979

Re: Permit No. 13-2282

Edson B. Bingham
Route #3
Preston, ID 83253

Dear Mr. Bingham:

A field examination has been conducted for the above referenced permit. You have filed a protest against the issuance of a license for this permit. These are the findings of the field examiner:

Amount of water that can be recognized as beneficially used under
Idaho law: 1.42 cfs
Source: unimproved
trib. Bear River

The maximum quantity diverted shall not exceed 249 acre feet per
year.

Point of diversion: SESEEL, Sec. 17, Twp. 23S, Rge. 3E, 14N.

Beneficial use: Irrigation of 71 acres within the SESEEL, SESEEL,
NASEL, SESEEL, Sec. 17, Twp. 23S, Rge. 3E, 14N.

Priority date established: April 7, 1957

If you do not wish to continue your protest, please contact us within 15 days.
If we do not hear from you a hearing will be scheduled shortly.

Sincerely,

JIM GROVER
Water Rights Supervisor

JG:

cc: Mr. L. Griffith

RECEIVED

NOV 9 1979

Department of Water Resources

Preston, Idaho

November 6, 1979

Re: Permit No. 13-2282

Lois D. Griffeth

Mr. Jan Grover

Idaho Dept. of Water Resources

Boise, Idaho

Dear Sir:

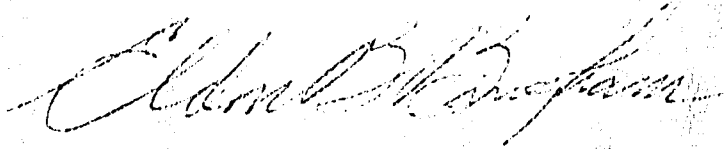
In response to your letter of November 2, 1979, I submit the following:

I hereby withdraw my protest to this permit no. 13-2282 since the diversion point has been changed from section 20 to section 17. This change will place the diversion point downstream from my property so it will not interfere with my water rights.

It was further agreed at the hearing on this matter held in Preston last spring that the induction of new water into this drain by change in upstream use, rent, or purchase, would be subject to prior fulfilling the needs of my water rights before being applied to this permit. This agreement to eliminate the need of the almost impossible task of measuring proportionate shares.

With agreement on these two items, it will not be necessary to schedule any further hearings or to continue this protest.

Very truly yours,





State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

November 14, 1979

Lois D. Griffith
Route 1
Rexburg, Idaho 83440

Dear Ms. Griffith,

RE: Permit No. 13-2282

A representative of this Department made an examination of the works covered by your Permit No. 13-2282 on June 22, 1978, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 1.42 cfs Source: an unnamed drain

The maximum quantity diverted shall not exceed 249 acre feet
per year.

Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, Twp. 15S, Rge. 39E, B.M.

Beneficial use: Irrigation of 71 acres within the E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Twp. 15S, Rge. 39E.

Priority date established: April 7, 1967

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

January 9, 1980

Re: Permit No. 13-2282

Lois D. Griffeth
5South, 2nd East
Preston, ID 83263

Dear Ms. Griffeth:

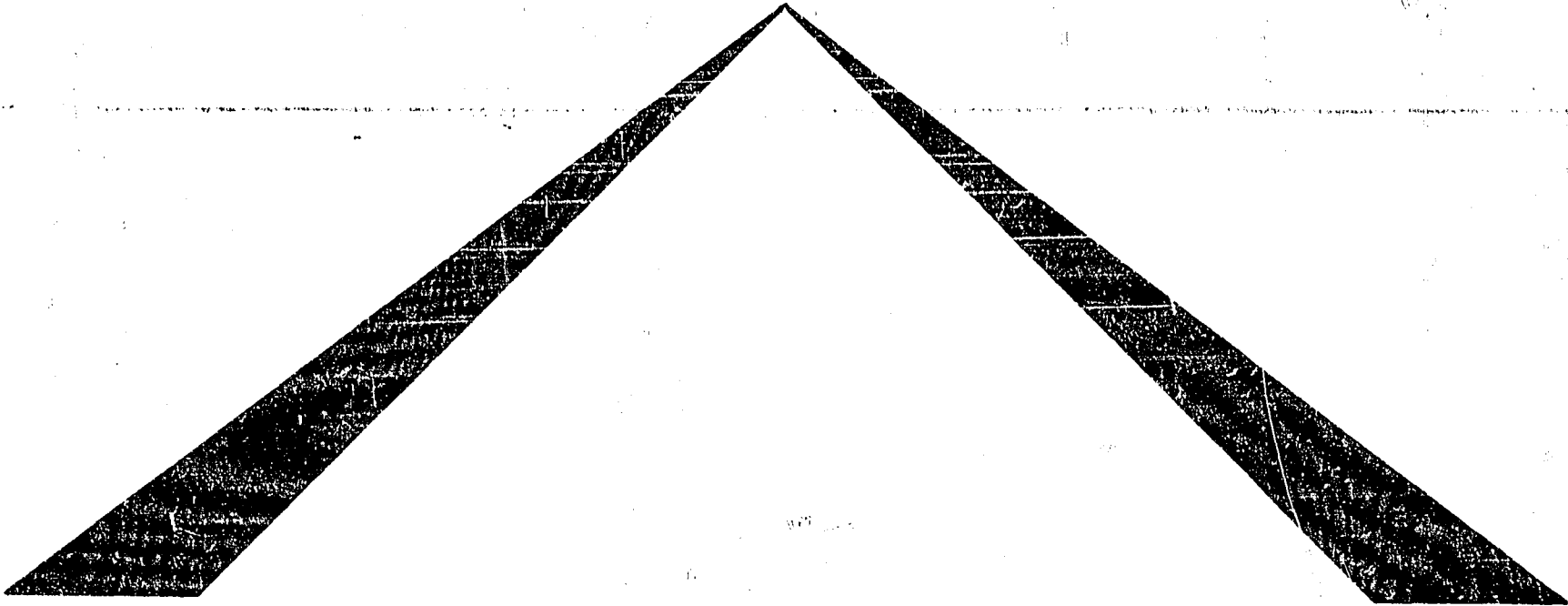
Enclosed herewith is a copy of the water right license issued on the above referenced permit.

Also enclosed is a copy of the approved application for amendment along with Receipt No. 15743 in the amount of \$20.00.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:j
Enclosure



CORRECTION



THE PRECEDING DOCUMENT HAS BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY AND ITS IMAGE APPEARS IMMEDIATELY HEREAFTER. —



November 2, 1979

Re: Permit No. 13-2282

Eldon B. Bingham
Route #3
Preston, ID 83263

Dear Mr. Bingham:

A field examination has been conducted for the above referenced permit. You have filed a protest against the issuance of a license for this permit. These are the findings of the field examiner:

Amount of water that can be recognized as beneficially used under
Idaho law: 1.42 cfs Source: unn. drain
trib. Bear River

The maximum quantity diverted shall not exceed 249 acre feet per
year.

Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, Twp. 15S, Rge. 39E, B.M.

Beneficial use: Irrigation of 71 acres within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, Twp. 15S, Rge. 39E, B.M.

Priority date established: April 7, 1967

If you do not wish to continue your protest, please contact us within 15 days.
If we do not hear from you a hearing will be scheduled shortly.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:j

cc: Mois D. Griffith