

This
Right has been
Decreed in the
Case:
Peterson vs.
Richins

*See Decree file for the Director's Report and Agreements.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

07/30/2001

RIGHT NUMBER: 13-04110A

NAME AND ADDRESS: BEVERLY PETERSON
RANDY K PETERSON
ROY G PETERSON
SUSAN S PETERSON
7239 N WEST SIDE HWY
CLIFTON, ID 83228

SOURCE: DUDLEY SPRINGS TRIBUTARY: Oxford Slough

QUANTITY: 1.32 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

THIS RIGHT AND RIGHT NOS. 13-04110C AND 13-04110D ARE
LIMITED TO A TOTAL COMBINED RATE OF DIVERSION OF 2.40 CFS

PRIORITY DATE: 05/04/1897

POINT OF DIVERSION: T14S R38E S4 SWNW Within FRANKLIN County
T14S R38E S9 NESWNE Within FRANKLIN County
TWO POINTS OF DIVERSION LOCATED IN T14S, R38E, S09, NESWNE

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	1-01 12-31	0.04 CFS
IRRIGATION	4-01 10-31	1.32 CFS

PLACE OF USE:

IRRIGATION Within FRANKLIN County			
T14S R38E S9	SWNE	17	T14S R38E S9 LOT 2 SENE 20
T14S R38E S9	LOT 3 SENE	3	T14S R38E S10 LOT 6 SWNW 10
T14S R38E S10	LOT 7 SWNW	7	T14S R38E S10 NWSW 9

66 ACRES TOTAL

Place of use for STOCKWATER is same as IRRIGATION

Water Right 13-04110A

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 300 CATTLE

STEVEN R. FULLER
ATTORNEY AND COUNSELOR AT LAW
24 NORTH STATE • P.O. BOX 191 • PRESTON, IDAHO 83263

ALSO, MEMBER OF UTAH BAR

TELEPHONE
(208) 852-2680
FAX (208) 852-2683

May 16, 1991

RECEIVED
MAY 20 1991

Mr. Norm Young
Idaho Department of Water Resources
1301 N Orchard Street
Boise, ID 83720

Re: Peterson v. Richins

Department of Water Resources

Dear Mr. Young:

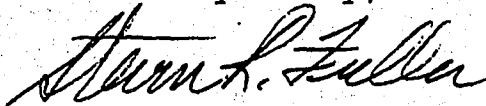
Pursuant to our most recent telephone conversation, I have enclosed a copy of the amended complaint in the above-referenced matter together with copies of relevant data collected by Mr. Jack Barnett, an engineer hired by the Petersons to examine and evaluate the water system.

After some deliberation, the Petersons have requested that the Department of Water Resources become involved in this matter so that an independent evaluation be made of their claims of interference by the Richins to their spring right.

Since the irrigation season is close upon us, I assume it would be beneficial to have someone examine the flow of water from the spring prior to pumping by the Richins. It would be most appreciated if someone could be assigned to make some initial investigation and observation of this problem, if at all possible.

Would you also provide the Department's legal counsel with the amended complaint and ask them to accept service of the same.

Yours very truly,



STEVEN R. FULLER
Attorney at Law

SRF/ew

Enclosure

STEVEN R. FULLER
Attorney at Law
24 North State
P.O. Box 191
Preston, ID 83263
Telephone: (208) 852-2680

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FRANKLIN

ROY G. PETERSON and BEVERLY L. PETERSON,
husband and wife, RANDY K. PETERSON and
SUSAN S. PETERSON, husband and wife,

Plaintiffs,

VS.

KAYLE G. RICHINS, CLAUDE L. RICHINS,
and CLAUDE R. RICHINS, RICHINS
PARTNERSHIP, R. KEITH HIGGINSON,
Director, Idaho Department of Water
Resources,

Defendants.

CASE NO. CV-89-5235

AMENDED COMPLAINT

COMES NOW, the Plaintiffs and for a cause of action against Defendant
allege as follows:

"1. That Plaintiffs, ROY G. PETERSON and BEVERLY L. PETERSON, husband
and wife and RANDY K. PETERSON and SUSAN S. PETERSON, husband and wife, have
owned since 1977 have been purchasing farm property located North of Clifton
in Franklin County, Idaho, in Sections 8, 9 and 10 of Township 14 South and
Range 38 East of the Boise Meridian.

2. That Defendants KAYLE G. RICHINS and CLAUDE L. RICHINS are the
owners of adjacent farm property lying North of Plaintiffs property and
located in Sections 3, 4 and 5 of Township 14 South and Range 38 East of the
Boise Meridian. Defendant, CLAUDE R. RICHINS, is the owner, or part owner,
of adjacent property north of the Plaintiff's property and is the operator
of all the property described in this paragraph. Richins Partnership is

AMENDED COMPLAINT - PAGE 1

2.2e

listed as an owner or part owner on the title to said property and the individual Defendants may act as the general partners of said partnership.

3. Pursuant to Idaho Code Section 42-1404, Keith R. Higginson, Director of the Idaho Department of Water Resources, is a named Defendant for the purpose of providing an evaluation and testing of the existing water system and preparing a report to the Court as set forth in Idaho Code Section 42-1404(4). The Department of Water Resources should determine whether a general adjudication of water rights is needed or whether a private adjudication involving only the parties to this action is appropriate.

4. That Plaintiffs' farm property is irrigated in part by the Dudley Spring which is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9 of Township 14 South, Range 38 East of the Boise Meridian and this water right is a senior right with a priority date of May 20, 1881. On May 29, 1979 the Plaintiffs' predecessor in title, Jess B. Elgan, filed a claim to a water right for this spring with the State of Idaho Department of Water Resources as Instrument No. 13-4116 for a water right of 2.40 cfs for irrigation and .04 cfs for stock water as beneficial uses. A copy of that water claim is attached hereto as Exhibit "A".

5. That the Plaintiffs' said water right is used to irrigate 360 acres in Sections of Township 14 South and Range 38 East of the Boise Meridian which water right has been continuously used since May 20, 1881.

6. The Defendants' predecessor in title, Frank L. Hart, on June 2, 1975 applied for a permit to appropriate 7.88 cfs from ground water by means of a well and pump. The location of the well as the point of diversion was to be in Section 5 of Township 14 South, Range 38 East of the Boise Meridian, (later amended to be in Section 4) and was to irrigate land located in Sections 3, 4, and 5 of Township 14 South, Range 38 East of the Boise Meridian and which lands are located about one-half mile to three-fourths of a mile to the North of Plaintiffs' farmlands irrigated by the Dudley Spring. The said spring is located about 3/4 of a mile Southeast

of Defendants' well. A copy of Defendants' predecessor's application for a permit to appropriate water is attached hereto as Exhibit "B".

7. That on June 27, 1975, one of Plaintiffs' predecessors in interest to their property, Andrew Hunt, protested the granting of the said permit. A copy of that protest is attached hereto as Exhibit "C". On September 19, 1975, a hearing was held by the Idaho Department of Water Resources on the said protest and at that hearing the protest was withdrawn in writing because the said application was for a proposed appropriation that was junior in time and right to the Protestant's prior rights. A copy of that withdrawal of protest is attached hereto as Exhibit "D".

8. That permit No. 13-7116 was granted by the Department and on May 2, 1977 the permit was assigned to the Defendants.

9. That two extensions of time to submit proof of beneficial use were granted by the Department of Water Resources and the permit lapsed October 1, 1985 for failure to submit proof of use. On June 23, 1988, proof of use was submitted and the permit was reinstated. Under Idaho Law the priority of the permit is June 23, 1988.

10. That beginning in 1986 the Plaintiff began to experience a decreased flow in the Dudley Spring soon after the Defendants began the operation of their well which loss interfered with their water rights in said spring and has substantially decreased the flow of water to their crops.

11. That Defendants' interference with the flow of Plaintiffs' Dudley Spring has substantially reduced the yield of Plaintiffs' crops and their ability to make full use of their land and they have thus been damaged in excess of \$30,000.00.

12. That Plaintiffs have demanded that Defendants discontinue their well's interference with Dudley Spring but Defendants have refused to stop their interference. Copies of plaintiffs' demand letters are attached hereto as Exhibits "E", "F" and "G".

13. That Plaintiffs' are being irreparably injured by the Defendants' interference with their spring and are entitled to an injunction preventing such interference in the future.

WHEREFORE Plaintiffs pray as follows:

1. That the Court issue a permanent injunction, enjoining the Defendants and all persons acting through or under them, from interfering with the Plaintiffs' prior appropriation of Dudley Spring and any other rights owned by Plaintiffs which are senior to Defendants' rights in permit No. 13-7116.

2. That Plaintiffs' rights to such water be declared senior and prior to any claims thereto by Defendants.

3. That Plaintiffs be awarded damages for crop losses in an amount in excess of \$30,000.00.

4. That Plaintiffs be awarded their attorney's fees for having to bring this action in the amount of \$8,000.00 in this matter if it is uncontested and a reasonable attorney's fee if the matter is contested.

5. That Plaintiffs be awarded all costs and expenses incurred in bringing this action.

6. That the director of the Department of Water Resources commence an examination of the water system in accordance with the provisions of Section 42-410, Idaho Code and that a report be submitted to the Court as set forth in Idaho Code Section 42-1404(4).

7. For such other relief as the Court deems just and proper.

DATED this 32nd day of April, 1991.



STEVEN R. FULLER
Attorney for Plaintiffs

DUDLEY SPRINGS' FLOW
(data gathered by Randy Peterson, May 1989)

DATE	TIME	POND FLOW	COMMENTS AND ACTIVITY
4/30/89	2:00 am		
	8:00 am		
	2:00 pm		
	8:00 pm		
5/1/89	2:00 am		Richins began pumping well. No other wells in the area had been on yet this year. The pond had not been used, and was discharging according to the flow of the springs.
	8:00 am		
	2:00 pm		
	8:00 pm		
5/2/89	2:00 am		Slight drop in pond level noted.
	8:00 am		
	2:00 pm		
	8:00 pm		
5/3/89	2:00 am		Significant drop in pond level noted.
	8:00 am		
	2:00 pm		
	8:00 pm		
5/4/89	2:00 am		Pond continued to drop.
	8:00 am		
	2:00 pm		
	8:00 pm		
5/5/89	2:00 am		
	8:00 am		
	2:00 pm		
	8:00 pm	406	
5/6/89	2:00 am		
	8:00 am		
	2:00 pm		
	8:00 pm	387	
5/7/89	2:00 am		
	8:00 am		
	2:00 pm		
	8:00 pm		
5/8/89	2:00 am		
	8:00 am		
	2:00 pm		
	8:00 pm	357	
5/9/89	2:00 am		
	8:00 am		
	2:00 pm	353	
	8:00 pm		
5/10/89	2:00 am		
	8:00 am		
	2:00 pm		
	8:00 pm		
5/11/89	2:00 am		
	8:00 am		
	2:00 pm		It rained heavy from about 6:00 p.m. on.
	8:00 pm		

5/12/89 2:00 am
8:00 am
2:00 pm
8:00 pm
5/13/89 2:00 am
8:00 am
2:00 pm
8:00 pm
5/14/89 2:00 am
8:00 am
2:00 pm
8:00 pm
5/15/89 2:00 am
8:00 am
2:00 pm
8:00 pm
5/16/89 2:00 am
8:00 am
2:00 pm
8:00 pm
5/17/89 2:00 am
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8:00 pm
5/18/89 2:00 am
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5/19/89 2:00 am
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5/21/89 2:00 am
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5/22/89 2:00 am
8:00 am
2:00 pm
8:00 pm
5/23/89 2:00 am
8:00 am
2:00 pm
8:00 pm
5/24/89 2:00 am
8:00 am
2:00 pm
8:00 pm
5/25/89 2:00 am
8:00 am
2:00 pm
8:00 pm

Richins' well shut off this morning.
Overcast with some rain.

Cold and overcast.

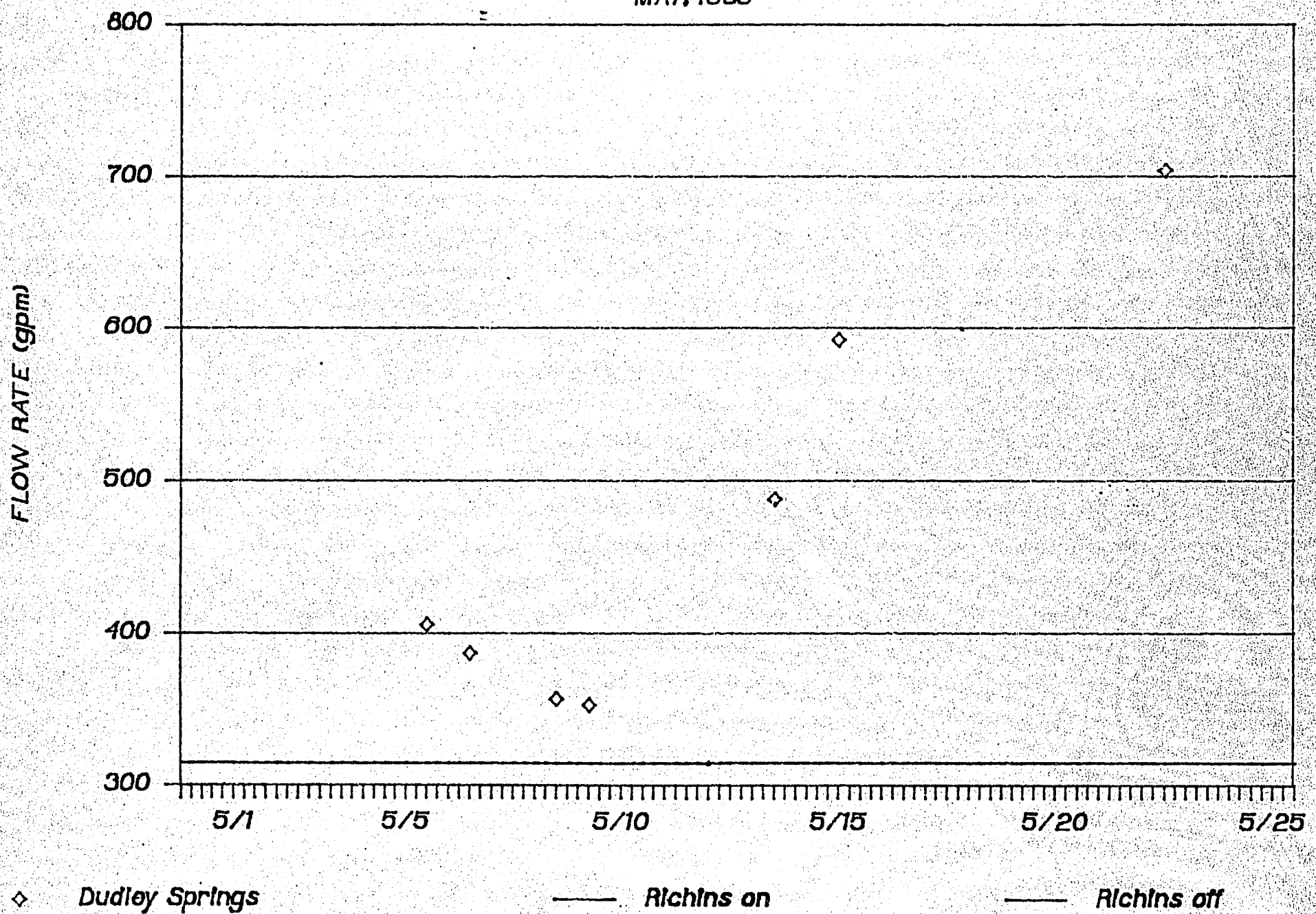
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592

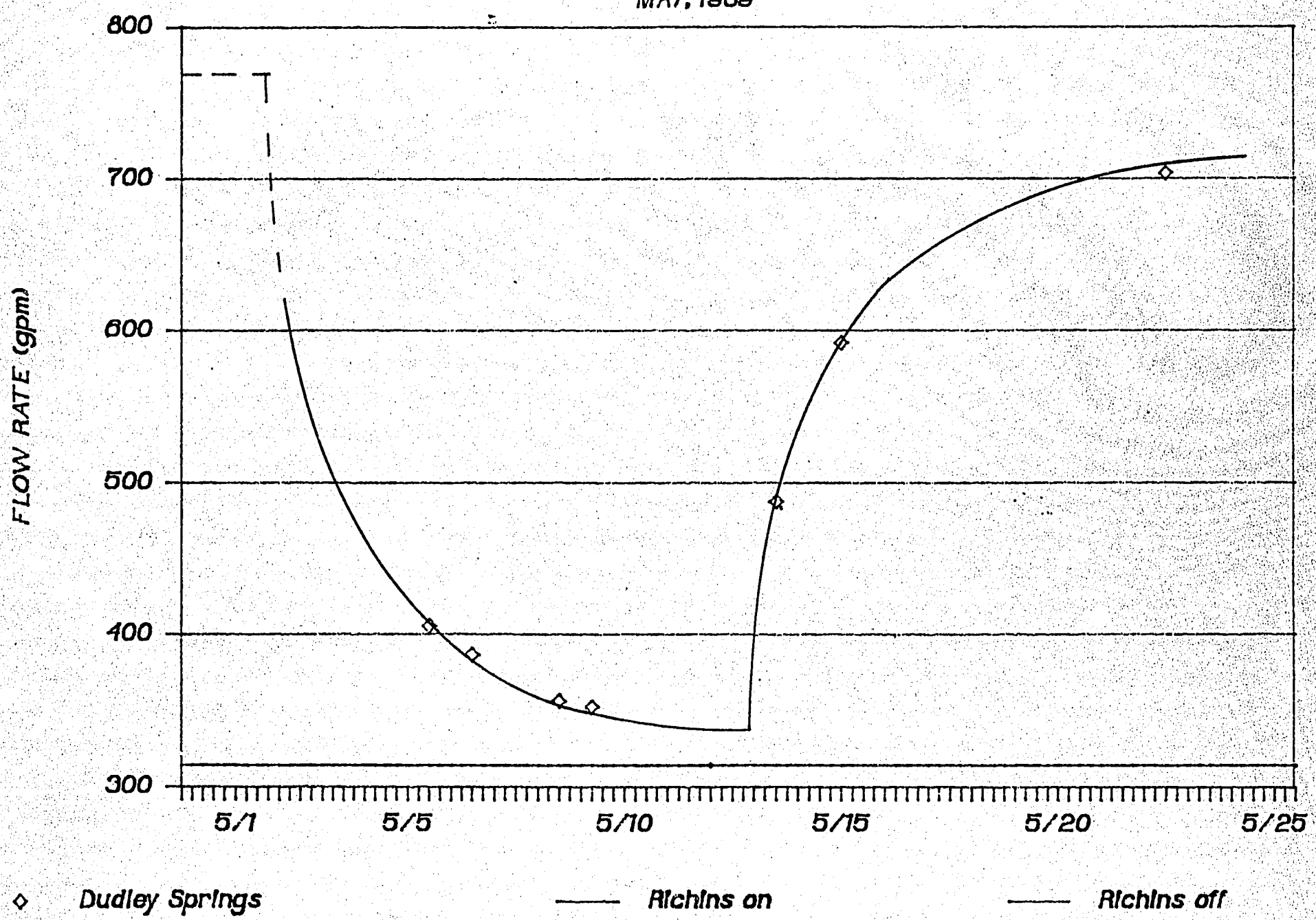
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INTERFERENCE OF THE DUDLEY SPRINGS

MAY, 1989

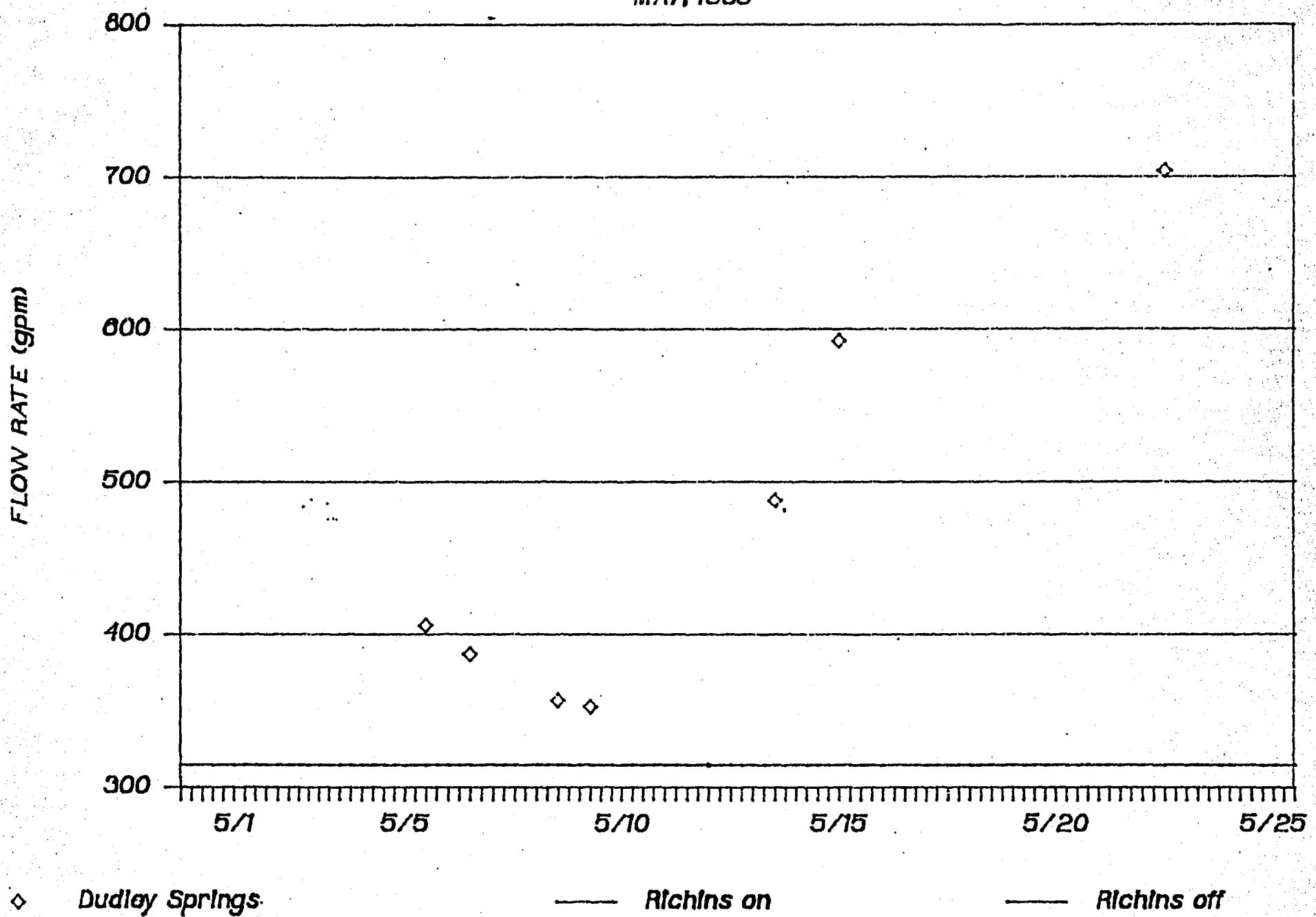


MAY, 1989



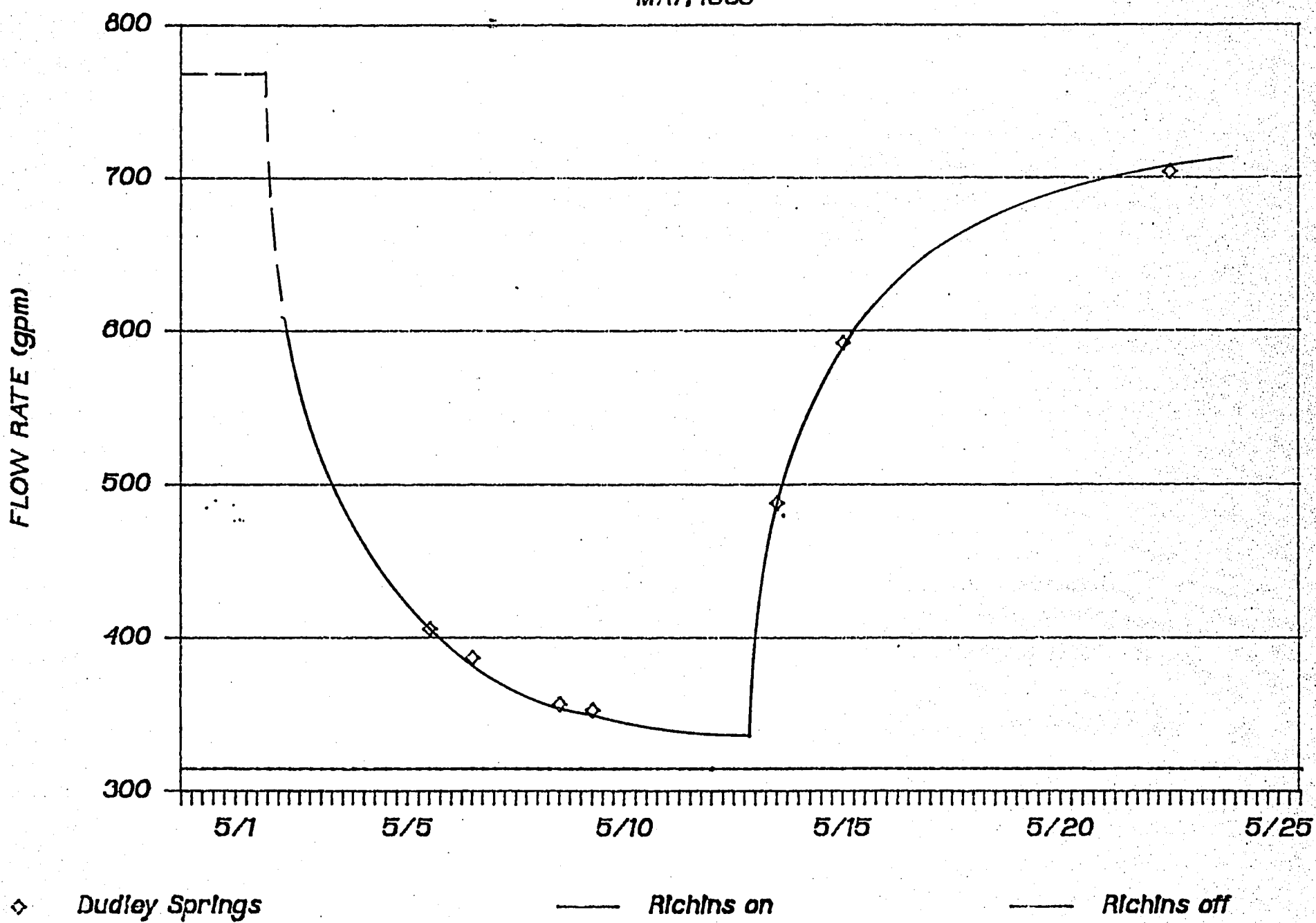
INTERFERENCE OF THE DUDLEY SPRINGS

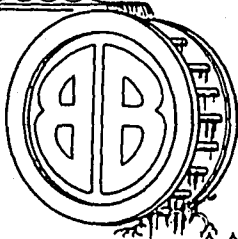
MAY, 1989



INTERFERENCE OF THE DUDLEY SPRINGS

MAY, 1989





BARNETT INTERMOUNTAIN WATER CONSULTING

106 West 500 South, Suite 101
Bountiful, Utah 84010-6232
(801) 292-4662

PRIVILEGED AND CONFIDENTIAL MEMORANDUM

TO: File 306 - Dudley Springs near Clifton, Idaho

FROM: Jack & Don Barnett

DATE: June 22, 1990

RE: Review of interference issues with the Dudley Springs water right.

We have now conducted on two separate occasions field tours of the Randy Peterson and adjacent properties. We have reviewed with Peterson his observations of the interference evident to the Dudley Springs when the Richins well is pumping. Peterson holds water right 13-4110. This 1881 right entitles Peterson to divert up to 2.40 second-feet to irrigation 360 acres. Peterson's concern is that when the Richins pump their big well (apparently they have more horsepower in that one well than all of the other well owners in the area combined), the flow from Dudley Springs is about cut in half. Richins have increased their irrigation, and thus pumping, over the past several years and this has reduced the value of crop Peterson has been able to produce.

The Dudley Springs issue from the east side of a rather conspicuous metamorphic rock outcrop in the NE $\frac{1}{4}$ of Section 9, T14S, R38E, B.M. A berm has been constructed about the spring area so that the waters from the springs are impounded in a pond. The pond, thus, sits over the springs and so the actual spring orifices are obscured. Peterson pumps out of the pond to irrigate lands west of it. Peterson can also open a valve and allow the water to flow out of a pipe into the fields east of the pond. A former owner, Jess Elgan, who is reported to have a geologic background, has indicated that the flow from these springs is substantially constant. Peterson has also noted the rather consistent nature of the flow from the springs.

Frank Hart made application to drill what is now the Richins' well in 1975. This well is located just under a mile NW of the Dudley Springs. The application was for 7.88 cfs. Though at this time we have not conducted a exhaustive review of this water right file, we do know that the Richins have neglected their

Don A. Barnett

Jack A. Barnett, P.E.

Water Resources - Water Rights - Forensic Geohydrology - Ground-water Geology - Geothermal Investigations

File 306
June 22, 1990
Page 2

statutory requirements and the priority of this right has been appropriately brought down. Apparently, Hart's application was protested by the then owner of the Dudley Springs, Andrew Hunt. A hearing was held on this application. After the hearing Hunt withdrew his protest "with the understanding that this appropriation is junior in time and subject to our prior rights." Apparently, in this same spirit of good will and with the understanding that Richins' filing was junior to his, Peterson has made exhaustive attempts to work with the Richins to resolve the interference issue, but to no avail. Peterson indicated that the Richins' irrigation practices are such that they generally pump their well for twelve to fourteen days, and then turn it off for a similar period of time.

On May 1, 1989, Richins began pumping their well. At this time no other wells in the area had been turned on. Petersons had not pumped from the pond yet that season. The valve on the east end of the pond had been fully open all spring, so that all of the waters issuing from the springs had been flowing out through the pipe on the east side of the pond. The pond was, thus, in a state of equilibrium with all the water which issued from the springs exiting the pond through the pipe on the east side of the pond when the Richins began pumping on May 1.

Within a day after Richins began pumping, Peterson noticed a drop in the pond level. Within in two days the drop was rather dramatic. Richins pumped their well for a total of twelve days, turning it off on the morning of May 12, 1989. The Richins well then remained idle until June 1, 1989 when they started up again. During this month long period of spring interference and subsequent recover, Peterson, with neighbors as witnesses, took readings of the spring flow. We have witnessed Peterson's methodology, and find it sound. Peterson has a 180 gallon watering trough which he can slide under the discharge pipe on the east side of the pond. He is then able to measure the amount of time it takes to fill the trough. Peterson would follow this procedure several times for each measurement recorded.

We have plotted the data provided to us by Peterson (see attached sheet). On this plot we have shown when the Richins' well was on and off with red and green lines, respectively. The data shows that the flow of the springs is reduced to almost half their normal rate when the Richins' well is pumping. A review of the data shows that it matches very closely with what one would postulate would be a typical interference/recovery curve (see second attached sheet with curve matched to data). From the data it is evident that interference is occurring.

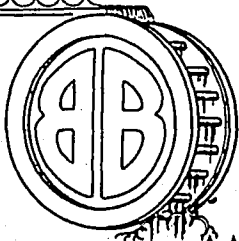
File 306
June 22, 1990
Page 3

We have spoken with Kim Kariya of USGS in Salt Lake City. Kim is involved with a current study of Cache Valley which is being funded by the Utah Division of Water Resources. As part of Cache Valley is in Idaho, the USGS is also monitoring some locations in Idaho. Kim was out in the field in April of this year measuring water depths in some wells in the Clifton area. Her measurements include readings from the Peterson/Beckstead well and readings on two Richins wells. It appears that the USGS intends on making measurements of one of the Richins wells monthly through this summer. Kim indicated that she would be very interested in at least assisting if there were to a pump test ran to evaluate the magnitude of interference from the Richins well on the Dudley Springs.

We have spoken with Keith Higginson and Norm Young of the Idaho Department of Water Resources. Both indicated that it would appear that there may be sufficient evidence of interference that Petersons could petition the State and they would convene a Ground-Water Board. However, Norm suggested several recourse the Department could use to correct the situation short of convening a Ground-Water Board. It would initially appear that these other courses of action could be effective in addressing the spring interference. The other courses of action Norm suggested stem from the following statutes: 42-237a.g., 43-350, 42-311, and 42-224.

cc: Stephen Fuller, Attorney
Randy Peterson

RECEIVED JUL 05 1990



BARNETT INTERMOUNTAIN WATER CONSULTING

106 West 500 South, Suite 101
Bountiful, Utah 84010-6232
(801) 292-4662

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WORK PRODUCT NOT SUBJECT TO DISCOVERY

Steven R. Fuller
Attorney at Law
P.O. Box 191
Preston, Idaho 83263

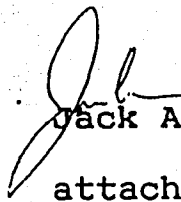
Re: Update on interference to the Dudley Springs.

Dear Steve:

As per our phone conversation today, attached herewith please find a transient copy of a hydrograph showing the flow from the Dudley Springs. We have created this hydrograph from the twice daily measurements Randy has been providing to us during the past several weeks. As you can see, this data strongly correlates with and confirms the data gathered by Randy during May of last year. You will note a "hump" or period of recovery in the data which corresponds to a power outage on the evening of June 29, and the Richins' subsequently leaving their well off for approximately 24 hours. During this period, with the exception of the half-hour outage, Westovers remained on.

As you know, the Richins and Westovers have now turned off and we anticipate that within the next day and a half to two days Randy will be able to measure sufficient recovery so that we will feel comfortable with him turning on his pumps again. At that time we will send you an updated graph showing whatever recovery data points Randy was able to measure, so that you can use the plot in your petition to the Department. As we discussed in our conversation, we do not see a real need to us to come to Clifton and make any more measurements of the pond recovery.

Sincerely,


Jack A. Barnett, P.E.
attachment

cc: Randy Peterson

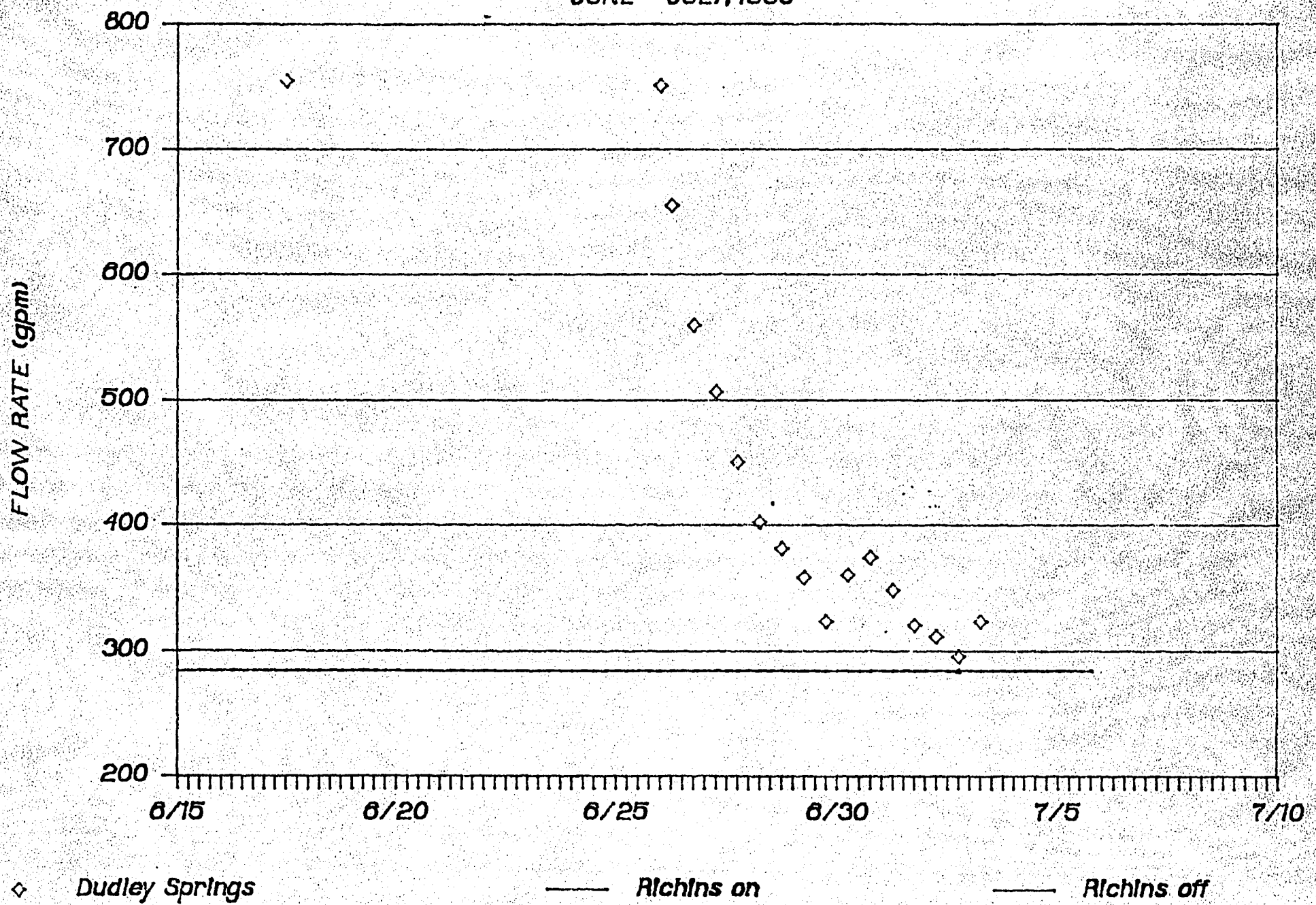
Don A. Barnett

Jack A. Barnett, P.E.

Water Resources - Water Rights - Forensic Geohydrology - Ground-water Geology - Geothermal Investigations

INTERFERENCE OF THE DUDLEY SPRINGS

JUNE - JULY, 1990



ATTORNEY-CLIENT PRIVILEGED INFORMATION
Work Product Not Subject to Discovery

STATEMENT

Paul Frandsen & Son Well Drilling

Box 637
Lava Hot Springs, Idaho 83246
Phone: 776-5810

DATE

4/28/80

NAME

Roy Peterson

ADDRESS

Quantity	DESCRIPTION	Unit Price	Amount
170'	Drilling at \$24 per foot 16" Hole	24	4080.00
	Drilling at per foot		
170	Casing— 16" at 11.87 per foot	11.87	2017.90
	Casing— at per foot		
	Casing— at per foot	675.00	675.00
1	1—Drive Shoe 16" - - - - -		
	1—Drive Shoe		
	1—Drive Shoe		
	Dynamite		
	Vent Pipe - - - - -	\$20	20.00
	Cement		
100'	Perforating 2 per ft		200.00
	Well Seal		
	Labor		
	Advance on Drilling		
Pd in Full			
Paul			
	Total		
	Tax		
	Labor		
Received by	TOTAL		6892.90

If said payments are not made promptly as stipulated, to pay the reasonable expense of collection, including attorney's fees and finance charge at the rate of one and one-half (1½%) per month upon the amount in default until paid.

Signed

27.04 26.45 26.69 8:00 P.M. May 5th
26.85 26.36 26.27

25" X 72" X 23 1/2" deep.
U. Co-op

Wayne L. Bryant

James A. White

No water flowing out west end of pond.

	Ropes	
hand line	32	top line
hand line	32	
hand line	28	to
hand line	27	
wheel line	26	
hand line	7	Bottom Line

May 5

8:00 pm

1st

2nd

3rd

27.04

25.45

26.69

26.85

26.36

26.27

number of seconds it took to
fill Tub

May 9

2:15 pm

30.53

30.65

May 15

9:00 pm

1st

18.0

18.30

2nd

18.44

18.52

3rd

18.13

18.09

May 22

5:20 pm

15.94

15.06

15.01

★ May 6

8:15 pm

27.43

28.00

28.21

27.58

28.13

28.15

★ May 8

8:30 pm

30.19

30.36

May 11 + 12 overcast + Rainy

★ May 13

6:45 pm

21.86

22.08

21.38

22.44

21.91

22.01

overcast + some rain

○ 5:20 P.M. ○

May 22

15.94

15.06

15.01

Jim & Leta
Wayne Camp

9:00 pm

1st 18.0 18.30

2nd 18 44 18.52

3rd 18.13 18.07

Wm. L. L. L.

$$\begin{array}{r} 100 \\ 18.30 \overline{) 180} \end{array}$$

To Randy Petersen

Before 1933 my twin
brother and I hunted
rock chucks on Ruddle
Knoll and snooped thru
the metal building
that housed a gas tank
and a pump used to
pump water from
Duddys pond to irrig.
my twin brother died
in 1932 1932

Franklin Sant
I, Blanche Henderson, Notary public
witnessed Franklin Sant's signature on
May 2nd, 1990. Blanche Henderson

Back in the Days when King Helman operated the Ranch, there were canals & a pump house. He utilized the water to irrigate, he pumped it above for awhile & he also used the canals that ran north & south & he had an east outlet that irrigated the meadows. Lynn Davis can remember back to 1925, everyone that has lived there since has also used the watering systems.

The Helmans & Lynn figured on running 300 head of cattle for 5 months, the water had to be utilized right to handle that many head.

Lynn M. Davis

I, Blanche Henderson, Notary Public, witnessed
Lynn Davis signature April 28, 1990

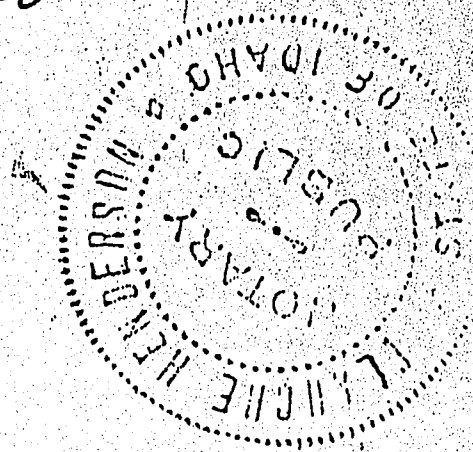
Blanche Henderson
Notary Public
Clifton, Idaho



To the Best of my Knowledge i.
1980 or earlier, no water from the
well in question was ever put above
the road. During that time I was
running the Richin's place.

Ellen M. Jensen
Loyce Jensen 6-7-70

Blanche Henderson
Notary Public
Clifton Idaho



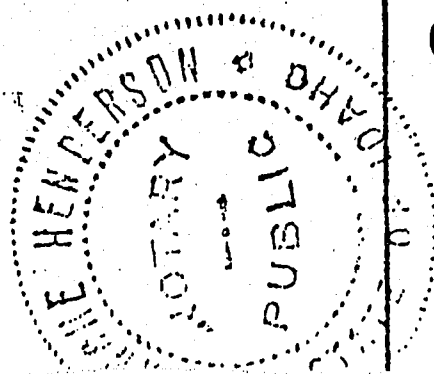
I, Glen Jensen ran the Richins plc
Joe Ward during the time the we
being drilled, they ran the place +
for two years, after these two
Glen ran the Richins place by
until Robbie Richins moved up
took over.

Prior to October 1, 1985 the
easterly 20 acres has never been
irrigated before, Also the 37 ac
formerly known as the Buxton Pl
was never irrigated before Octol
1, 1985 either, from the well.

Glen M. Jensen

Loyce Jensen 6-7.

Blanche Herd
Clifton, Idaho
Notary Public



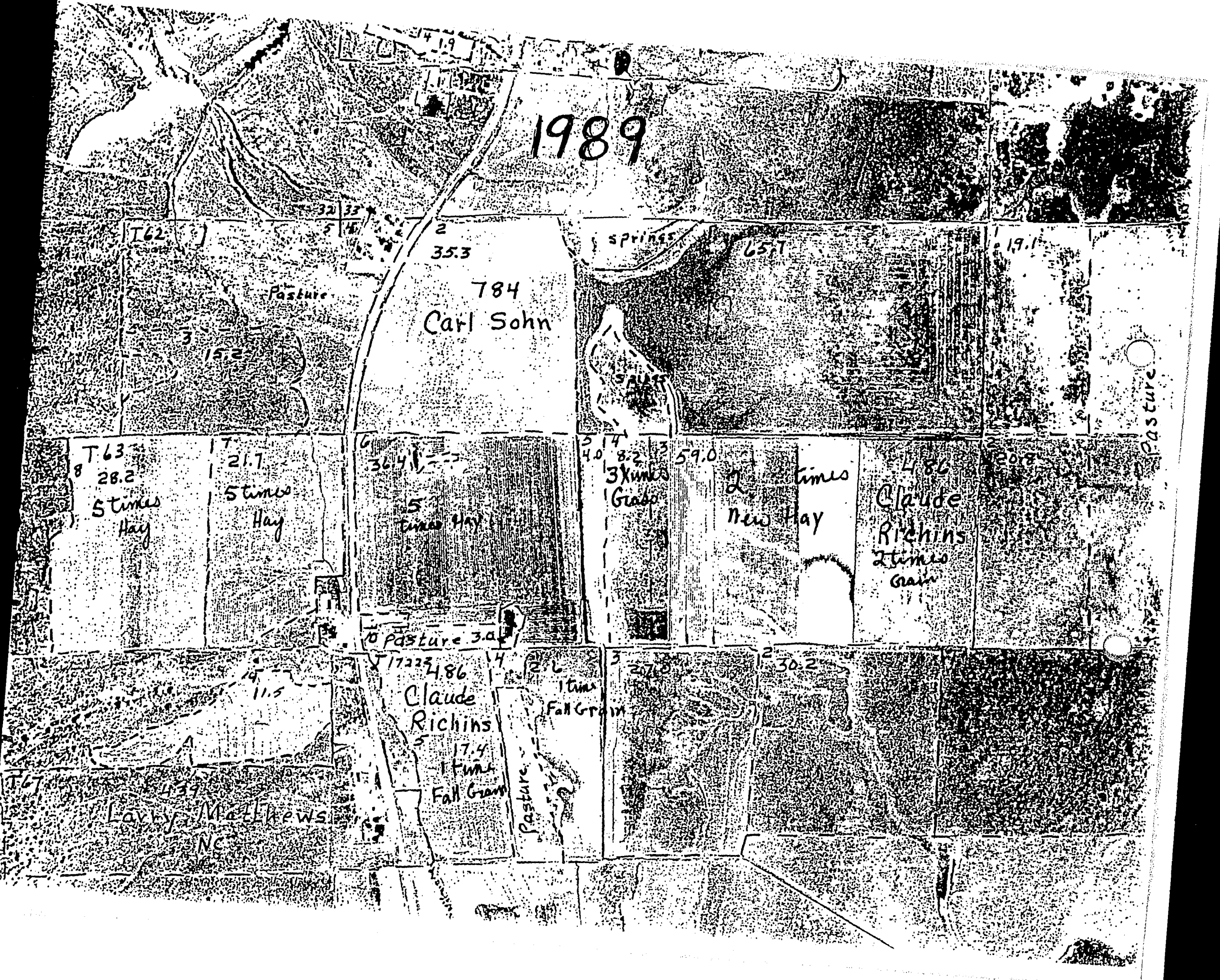
To the best of my
knowledge the Buxton 1
was never watered from
Richens Well prior to
1 - 1985 -

Also I don't think
easterly 20 Acres at the
Richens farm was ever
Irrigated with the same
Well before Oct 1 - 1985

Donald Beebe

June 8-19

1989



T 68
 Note *
 One of the watering
 was 24 hour sets

483
 Randy
 Peterson

Dry Farm
 Hay

16 21.6
 17 11.4
 0 times Hay
 0 times Hay
 1 time Wheat
 10 moves
 14 moves
 1 time
 Wheat

3 times Barley
 3 times Hay
 * See note

8 7.4
 9 8.1
 3 times Hay
 3 times Barley
 15 6.5
 3 times Hay
 14 moves
 19 29.6
 15 moves
 2 times Wheat

1989
 Times water was
 moved through fields
 for 1989 crop

10 13.6
 2 times Barley
 11 11.6
 2 times Barley
 13 11.3
 2 times Barley
 14 moves
 20 17.5
 13 moves
 3 times Hay
 21 21.2
 13 moves
 3 times Hay

23.2 402
 D. Marcel
 Beckstead

T 75
 2 22.5
 Pasture
 9.4

16 11.1
 15.4
 17 16.1
 7 4.5
 10.8

T
 14
 S

See 610

Recorded at request of Ch. S. Parll June 21/86

Reference: Book "A" of Water Locations at page 166 Original Oneida County Records.

B. S. Dudley Water Location of

Notice is hereby given that I the undersigned have this day located and claimed 50 inches under a 4 inch pressure of the water flowing from certain springs situate about $\frac{1}{2}$ mile west and $\frac{1}{2}$ mile south of sec 9 Tp 14 S. R. 26 E. in Idaho Territory said appropriation will be effected by constructing a ditch 2 feet wide and 2 feet deep with a fall of 2 inches to the rod from said Springs to the S $\frac{1}{2}$ NW $\frac{1}{4}$ & SW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 9 Tp 14 S. R. 26 E. and there used for agricultural and domestic purposes. I further appropriate 50 inches of water flowing from certain spring situate $\frac{1}{8}$ mile west and $\frac{1}{8}$ & two springs $\frac{3}{4}$ of a mile east of the above described section the same will be appropriated through a ditch of the aforesaid dimensions constructed from last said springs continuing the same until it joins the first above described ditch and will be used on lands owned by the undersigned.

D. C. Sudley

Eushville I. F. Sept 29, 1886.

Territory of Idaho
County of Cnelda ss. I do hereby certify that the above is a true and correct copy of a notice posted at the junction of the above described ditches on the 29thn day of September A. D. 1886

Wm. McDermott. Recorded at request of Dudley Oct 2/86 Thews, Recorder, By H.R. Evans, Deputy

Public Notice.

Know all men by these presents that I, Brigham S. Dudley have this day located and appropriated for agricultural and domestic purposes all the water flowing in this certain creek known as Sink Creek or so much thereof as will flow through a ditch one foot wide and ten inches deep and having the natural fall of the country from where said ditch is taken out, viz; at a point about due west of the Residence of Nels Georgeson to the farm of the above named B.S. Dudley and hereby notify all persons to abstain from interfering with such

water.

Brigham S. Dudley

Clifton, Idaho May 20th 1881.

I hereby certify that I have posted the above notice at the point where such ditch is mentioned to come out of said "Sink Creek" on this 20th day of May A.D. 1881

Clifton, Oneida Co. Idaho.

Spencer Raymond.

Recorded this 9th day of July A.D. 1881

Wm. B. Thews Co. Recorder

By H.R. Evans Deputy.

Reference: Book "A" page 145 of Misc. Original Oneida County Records.

Notice.

July 4th, 1881.

Oneida Co. Idaho.

Notice is hereby given that a company has been organized known as the Middle Ditch Co. and the members of said Co. have mutually agreed and bound themselves to comply with certain laws and regulations founded upon just principles and to survey and construct a ditch and have surveyed said ditch and have constructed part of said ditch viz; about $\frac{1}{2}$ of a mile, from place of divergence said ditch is to be known as the Middle ditch and is to take water from Cub River for the purpose of irrigating our lands said ditch is to be in size six feet wide and two feet deep carrying twelve feet or 1728 inches of water said survey and ditch taps the river at the place where the Wheeler saw mill once stood and runs $\frac{1}{2}$ of a mile in connection with Thomas and Hilliard Mill Race and terminates at the old Railroad grade north east of E.R. Lawrence's residence having a fall of from 5/16 to 9/16 of an inch to each rod varying according to necessity and the condition of the ground, on which it runs the terminus of said ditch is about eight miles from place of divergence. The means to be employed to construct the ditch is to be money labor or any other means that those who take contracts may see proper to put in, all persons taking part in said ditch shall own and have water according to amount of means they put in the ditch and no more the water will be for the exclusive use of the individuals who construct the ditch. The ditch will be finished as soon as practicable persons desiring an interest in said ditch will please apply to the superintendant or A.G. Swainston.

D.R. Lawrence

Supt.

Recorded this 21st day of July A.D. 1881.

Wm. B. Thews

Co. Recorder

By H.R. Evans

Deputy.

Reference: Book "A" page 147 of Misc. Original Oneida County Records.

Public Notice.

Notice is hereby given that I George Davis of Franklin Precinct Oneida County,

Identification No. 13-7156

Application No. _____

APPROVED
Amended

Amended

Amended

To Appropriate the Public Waters of the State of Idaho.
(TYPE OR PRINT IN INK)

1. Name of applicant Jess Elgan Phone: 747-3701
post office address Clifton, ID 83228
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9 Township 14S
Range 38E B.M. Franklin County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 5.48 for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 5.48 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump and sprinkler system
b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo., Day) (Mo., Day)
c. Proposed well diameter is 16 inches; proposed depth of well is 120 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$12,000.00
8. Description of proposed uses:
a. If water is not for irrigation.
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
(2) Amount of power to be generated _____ hp under _____ feet of head
(3) List number of each kind of livestock to be watered _____
(4) Name of municipality to be served _____, or number of families to be supplied with domestic water, _____
(5) If water is to be used for other purposes describe: _____

CLAIM TO A WATER RIGHT

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

(Name of Claimant)

Telephone No. 747-3701

(Mailing Address)

(Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) May 20, 1881

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

Dudley Springs

tributary to Sinks

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>2.40 cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity	<u>.04 cfs</u>	Use	<u>Stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From <u> </u>	To <u> </u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From <u> </u>	To <u> </u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From <u> </u>	To <u> </u>

(4)	2.40	TOTAL QUANTITY USED.
-----	------	----------------------

(c/s, gpd, AFA)

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

SW ¼ NE ¼, Sec. 9 Twp. 14S Rge. 38E B.M., County of Franklin

Additional points of diversion:

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

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

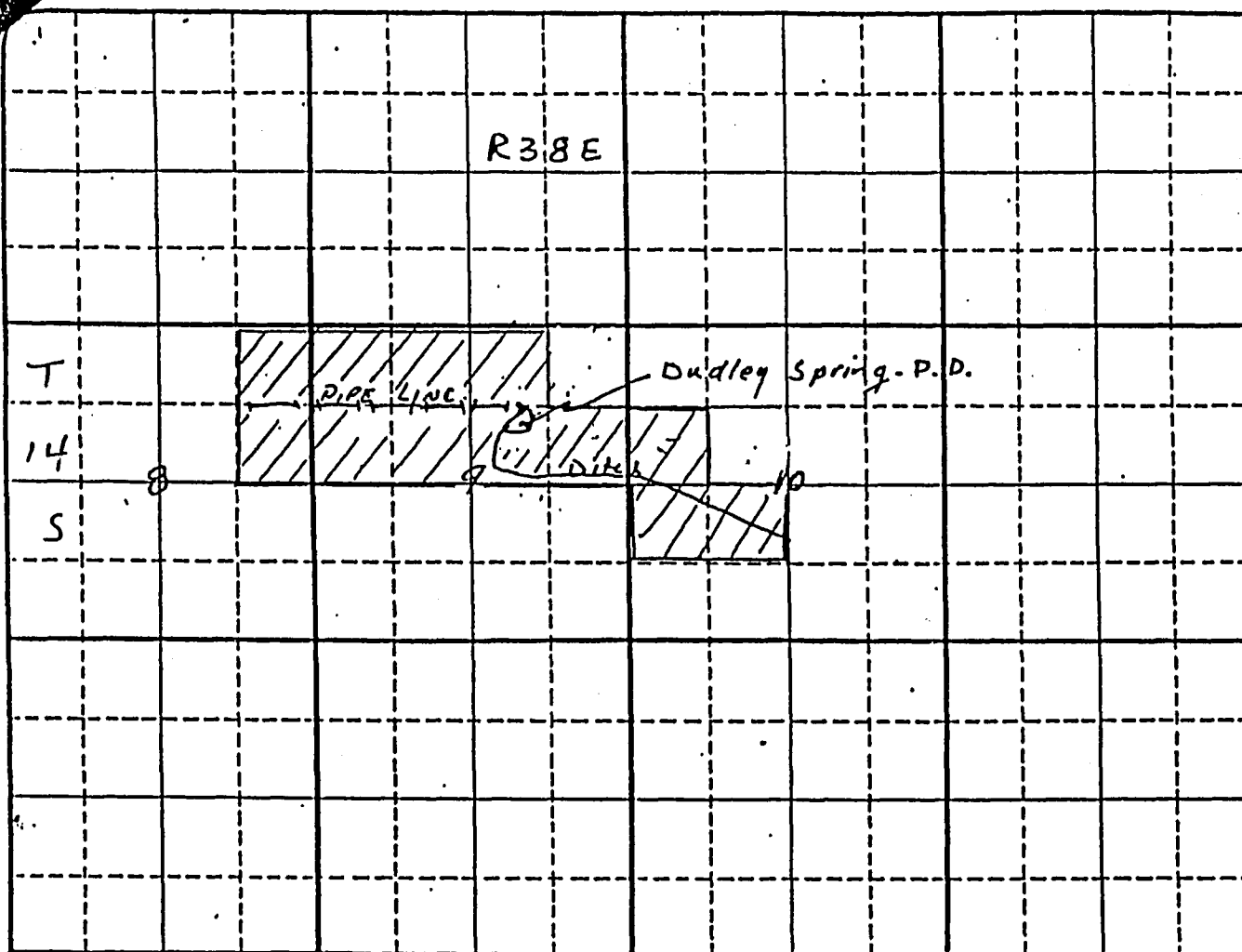
[illegible]

No. of acres 360

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

NOTE: Include here the type and number of stock watered: 300 head of cattle

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



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Bannock) ss.

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

Sworn to before me this 29th day of May, 1979.

Jim B. Elmer
(Claimant)
Calvin Wray
Notary Public
Residing at Idaho Falls, Id.

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by <u>dh</u>	Date <u>5-29-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>dh</u>	Date <u>5/29/79</u>		claimant by:	
\$20.00 fee received by <u>dh</u>	Date <u>5-29-79</u>	#11906		
Published in <u>Preston Citizen</u>				
Dates <u>June 7-6-14-1979</u>				
<u>June 21 & 28, 1979</u>				

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

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

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

Notice is hereby given that Jess B. Elgan

(Name of Claimant)

Clifton, Idaho 83228

(Mailing Address)

Telephone No. 747-3701

(Zip Code)

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

- (1) Date of priority: (When was the water first applied to a beneficial use) May 20, 1881

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

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Dudley Springs tributary to Sinks

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	
Quantity	<u>2.40 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity	<u>.04 cfs</u>	Use <u>Stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 2.40 TOTAL QUANTITY USED.

(cfs, gpd, AFA)

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

SW ¼ NE ¼, Sec. 9 Twp. 14S Rge. 38E B.M., County of Franklin

Additional points of diversion:

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

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

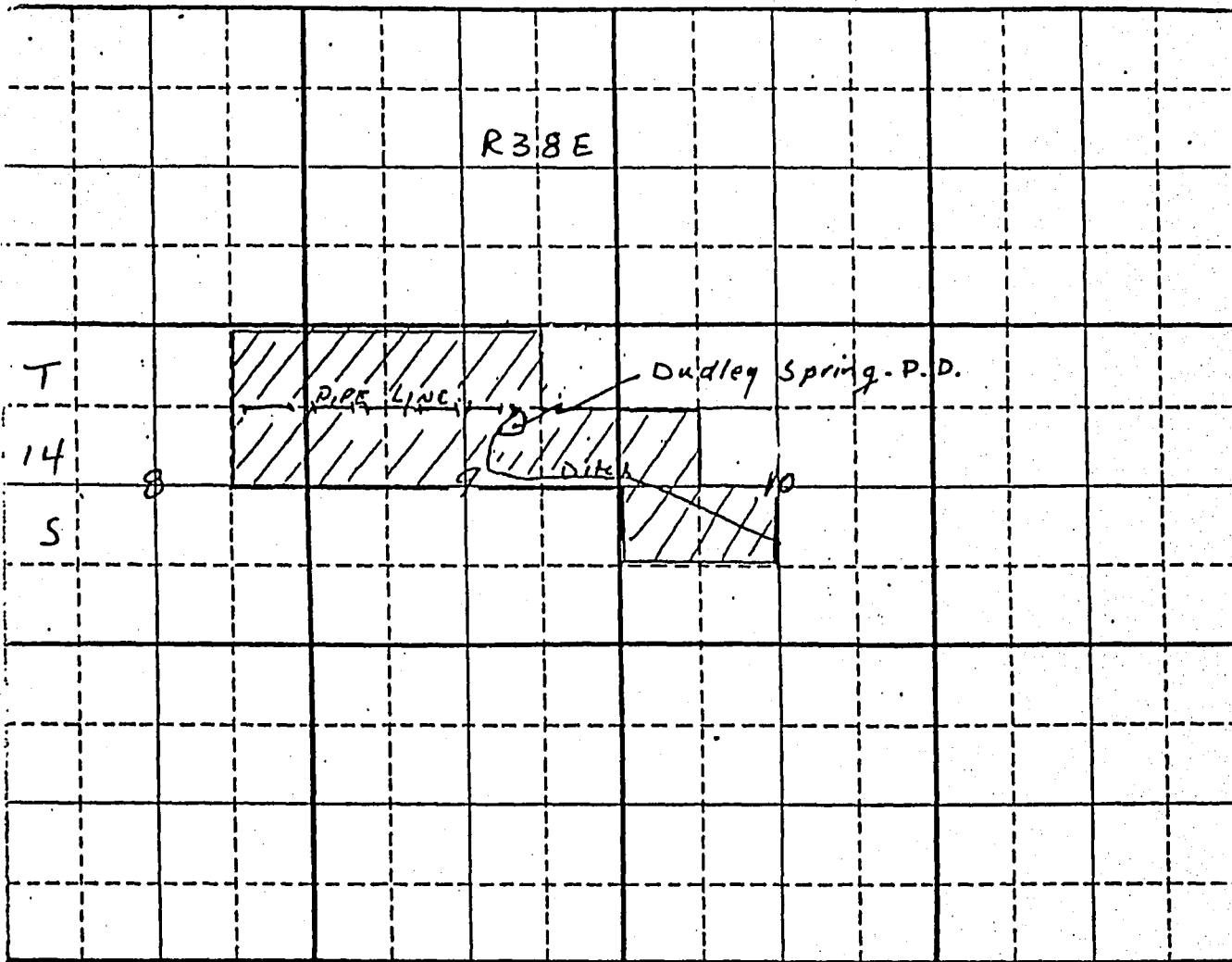
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14S	38E	8	40																80
		9		40	40	40	40	40	40	40									280
14S	38E	9				X	X												
		10						X			X	X							

No. of acres 360

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

NOTE: Include here the type and number of stock watered: 300 head of cattle

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



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Bonneville) ss.

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

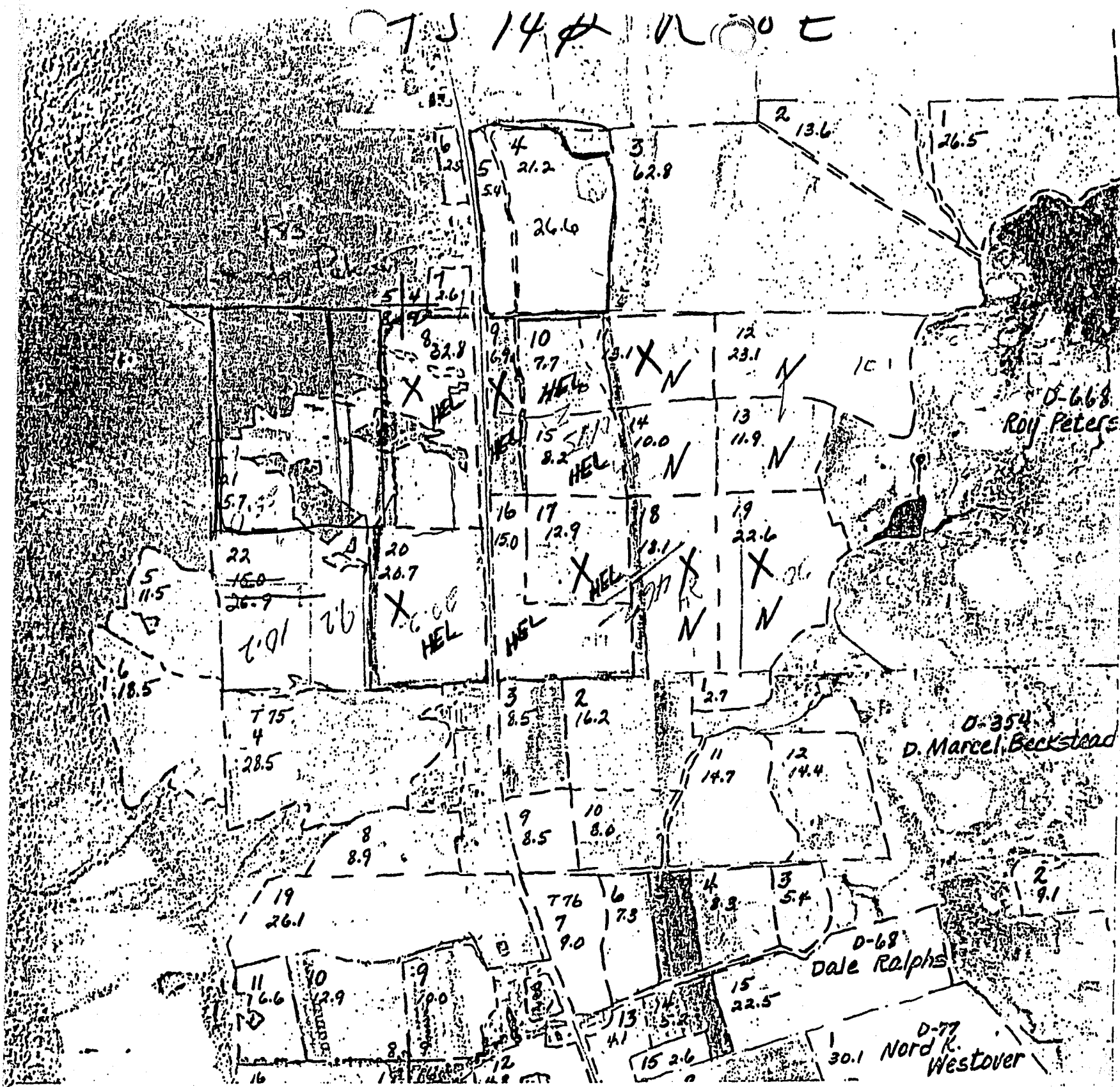
Sworn to before me this 19th day of May, 19 79.

Jim B. Elam
(Claimant)
Calvin Wray
Notary Public
Residing at Idaho Falls, Id.

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by <u>dh</u>	Date <u>5-29-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>dh</u>	Date <u>5/29/79</u>		claimant by:	
\$20.00 fee received by <u>dh</u>	Date <u>5-29-79</u>	#11906		
Published in <u>Preston Citizen</u>				
Dates <u>June 7 & 14, 1979</u>				
<u>June 21 & 28, 1979</u>				



U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Sodbuster
CONSERVATION PLAN MAP

SCS-CPA-16
2-81

Owner Randy Peterson Operator Same
County Franklin State Id Date 11-30-88
Approximate acres 104.3 Approximate scale 1"=1000'
Cooperating with Franklin Soil Conservation District
Plan identification N Clifton Photo number _____
Assisted by G. Moser USDA Soil Conservation Service



measurements of Tub

25" x 72" x 23 1/2" deep

May 5 8:00 pm

1st	2nd	3rd
27.04	25.45	26.69
26.85	26.36	26.27

★ May 6 8:15 pm

27.43	28.00	28.21
27.58	28.13	28.15

May 9 2:15 pm

30.53	30.65
-------	-------

★ May 8 8:30 pm

30.19	30.36
-------	-------

May 15 9:00 pm

1st	2nd	3rd
18.0	18.30	
18.44	18.52	
18.13	18.09	

May 11 + 12 overcast + Rainy

★ May 13 6:45 pm

21.86	22.08	21.38
22.44	21.91	22.01

May 22 5:20 pm

overcast + some rain

15.94	15.06	15.01
-------	-------	-------



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

January 30, 1978

Re: Permit No. 13-7157

Jess Elgan
Clifton, ID 83228

Dear Mr. Elgan:

Enclosed is a copy of your approved Application for Permit No. 13-7157. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

A handwritten signature in dark ink, appearing to read "B. Fleenor", is written over the word "Sincerely,".

Dr. BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

Dear Wateruser:

The Department of Water Resources approves the use of any standard device for which information is readily available. The type selected will depend upon the particular conditions at your diversion point. Any of the following standard types may be used:

Weirs

- a. rectangular
- b. cipolletti
- c. v-notch

Orifices

Flumes

- a. parshall flume
- b. trapezoidal flume

Commercial Types

- a. displacement or propeller meter
- b. cox flow meter or collins flow meter
- c. venturi meter
- d. deflection meter
- e. meter gates

Regardless of the type used, the device must be properly installed to insure standard conditions. Other types may be approved upon written application to the Department stating the description of the device and how you intend to use it. If the device that you install is not a standard type, you should obtain an extra copy of the rating table for this office.

Very truly yours,

BOBBY D. FLEENOR
Chief, Water Rights

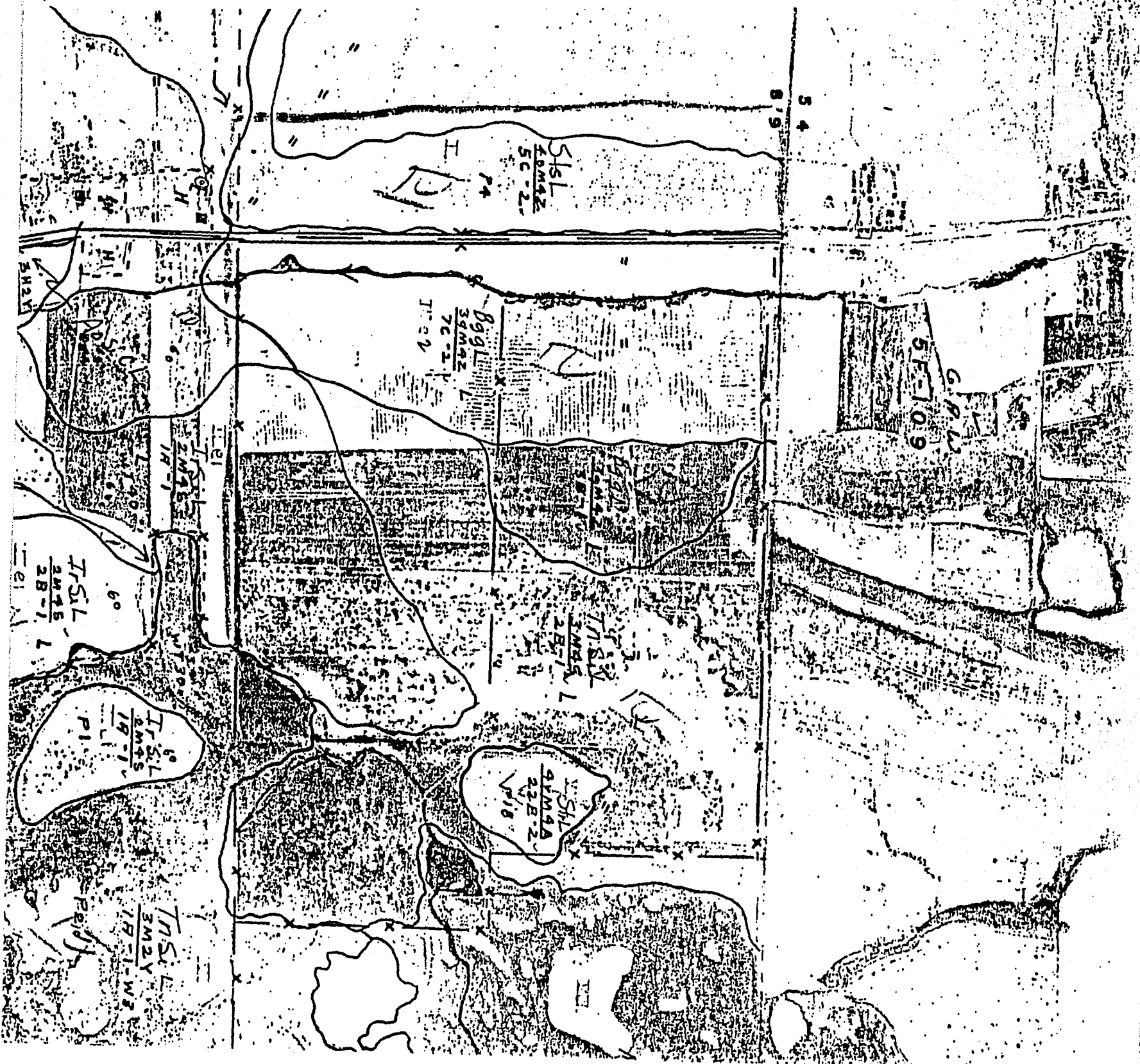
SCS-CPA-015
12-85

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SOIL MAP

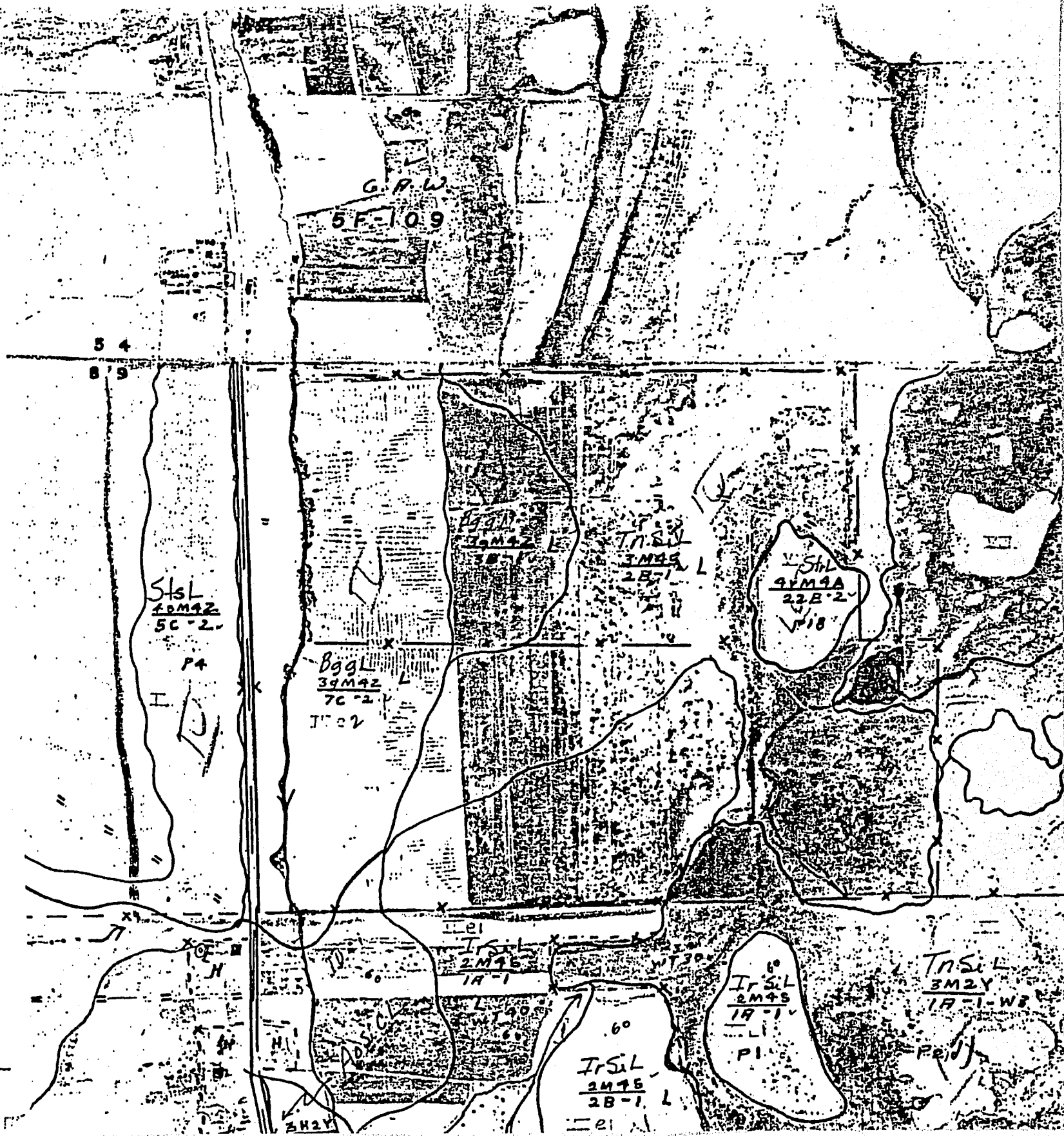
Owner Randy Peterson Operator same
County Franklin State Idaho
Soil survey sheet (s) or code nos. _____ Approximate scale 1" = 660'

Prepared by U. S. Department of Agriculture, Soil Conservation Service cooperating
with Franklin Conservation District



SCS-CPA-015
12-85

Owner Randy Peterson Operator same
County Franklin State Idaho
Soil survey sheet (s) or code nos. Approximate scale 1" = 660'
Prepared by U. S. Department of Agriculture, Soil Conservation Service cooperating
with Franklin Conservation District



DEPARTMENT OF WATER ADMINISTRATION

plied for the Director of the Department of Water Administration may issue a permit for the use of such water to the extent that such water is available for such appropriation.

Any applicant dissatisfied with the decision of the Director of the Department of Water Administration may appeal to the district court in the manner provided for in section 42-237e.

**Sec. 42-237. ABANDONMENT OF WATER RIGHT -
CHANGE OF POINT OF DIVERSION AND
PLACE OF USE.**

The provisions relating to loss of water rights by nonuse and abandonment, set forth in section 42-222, shall apply to ground water rights. The provisions of section 42-222, relating to change of point of diversion and change of place of use of water, shall be applicable to waters accruing from water rights, provided, that the withdrawal of waters from the same ground water supply at another location in lieu of withdrawal at the original location shall be considered a change of point of diversion.

**Sec. 42-237a. POWERS OF THE DIRECTOR OF THE DE-
PARTMENT OF WATER ADMINISTRATION.**

In the administration and enforcement of this act and in the effectuation of the policy of this state to conserve its ground water resources, the Director of the Department of Water Administration is empowered:

- a. To require all flowing wells to be so capped or equipped with valves that flow of water can be completely stopped when the wells are not in use.
- b. To require both flowing and non-flowing wells to be so constructed and maintained as to prevent the waste of ground waters through leaky wells, casings, pipes, fittings, valves or pumps either above or below the land surface.
- c. To prescribe uniform standard measuring devices for the scientific measurement of water levels in and waters withdrawn from wells.
- d. To go upon all lands, both public and private, for the purpose of inspecting wells, pumps, casings, pipes, fittings and measuring devices, including wells used or claimed to be used for domestic purposes.

WATER LAWS AND REGULATIONS

e. To order the cessation of use of a well pending the correction of any defect that the Director of the Department of Water Administration has ordered corrected.

f. To commence actions to enjoin the illegal opening or excavation of wells or withdrawal or use of water therefrom and to appear and become a party to any action or proceeding pending in any court or administrative agency when it appears to the Director of the Department of Water Administration that the determination of such action or proceeding might result in depletion of the ground water resources of the state contrary to the public policy expressed in this act.

g. To supervise and control the exercise and administration of all rights hereafter acquired to the use of ground waters and in the exercise of this power he may by summary order, prohibit or limit the withdrawal of water from any well during any period that he determines that water to fill any water right in said well is not there available. To assist the Director of the Department of Water Administration in the administration and enforcement of this act, and in making determinations upon which said orders shall be based, he may establish a ground water pumping level or levels in an area or areas having a common ground water supply as determined by him as hereinafter provided. Water in a well shall not be deemed available to fill a water right therein if withdrawal therefrom of the amount called for by such right would affect, contrary to the declared policy of this act, the present or future use of any prior surface or ground water right or result in the withdrawing the ground water supply at a rate beyond the reasonably anticipated average rate of future natural recharge.

In connection with his supervision and control of the exercise of ground water rights the Director of the Department of Water Administration shall also have the power to determine what areas of the state have a common ground water supply and whenever it is determined that any area has a ground water supply which affects the flow of water in any stream or streams in an organized water district, to incorporate such area in said water district; and whenever it is determined that the ground water in an area having a common ground water supply does not affect the flow of water in any stream in an organized water district, to incorporate such area in a separate water district to be created in the same manner provided for in section 42-604 of title 42, Idaho Code. The administration of water rights within water districts created or enlarged pursuant to this act shall be carried out in accordance with the provisions of title 42, Idaho Code, as the same have been or may hereafter be amended, except that in the adminis-

DEPARTMENT OF WATER ADMINISTRATION

tration of ground water rights either the Director of the Department of Water Administration or the water master in a water district or the Director of the Department of Water Administration outside of a water district shall, upon determining that there is not sufficient water in a well to fill a particular ground water right therein by order, limit or prohibit further withdrawals of water under such right as hereinabove provided, and post a copy of said order at the place where such water is withdrawn; provided, that land, not irrigated with underground water, shall not be subject to any allotment, charge, assessment, levy or budget for, or in connection with, the distribution or delivery of water.

Sec. 42-237b. ADMINISTRATIVE DETERMINATION OF ADVERSE CLAIMS.

Whenever any person owning or claiming the right to the use of any surface or ground water right believes that the use of such right is being adversely affected by one or more users of ground water rights of later priority, or whenever any person owning or having the right to use a ground water right believes that the use of such right is being adversely affected by another's use of any other water right which is of later priority, such person, as claimant, may make a written statement under oath of such claim to the Director of the Department of Water Administration.

Such statement shall include:

1. The name and post office address of the claimant.
2. A description of the water right claimed by the claimant, with amount of water, date of priority, mode of acquisition, and place of use of said right, if said right is for irrigation, a legal description of the lands to which such right is appurtenant.
3. A similar description of the respondent's water right so far as is known to the claimant.
4. A detailed statement in concise language of the facts upon which the claimant founds his belief that the use of his right is being adversely affected.

Upon receipt of such statement, if the Director of the Department of Water Administration deems the statement sufficient and meets the above requirements, the Director of the Department of Water Administration shall issue a notice setting the matter for hearing before a local ground water board.

WATER LAWS AND REGULATIONS

constituted and formed as in this act provided. The person or persons against whom such claim is directed and who are asserted to be interfering with the claimant's rights shall in such proceedings be known as respondents. The notice shall be returned to the claimant who shall cause the same to be served upon the respondent together with a copy of the statement. Such service shall be made at least five days before the time fixed for hearing and in the same manner that service of summons is made in a civil action. Proof of service of notice shall be made to the Director of the Department of Water Administration by the claimant at least two days before the hearing.

Sec. 42-237c. HEARING AND ORDER.

Hearing on the statement and any answer filed by the respondent shall be had in the county for which such local ground water board was appointed. The hearing shall be conducted before the board under reasonable rules and regulations of procedure prescribed by the Director of the Department of Water Administration. All parties to the hearing as well as the board itself shall have the right to subpoena witnesses who shall be sworn by the board and testify under oath at the hearing. All parties to the hearing shall be entitled to be heard in person or by attorney. Upon such hearing the board shall have authority to determine the existence and nature of the respective water rights claimed by the parties and whether the use of the junior right affects, contrary to the declared policy of this act, the use of the senior right. If the board finds that the use of any junior right or rights so affect the use of senior rights, it may order the holders of the junior right or rights to cease using their right during such period or periods as the board may determine and may provide such cessation shall be either in whole or in part or under such conditions for the repayment of water to senior right holders as the board may determine. Any person violating such an order made hereunder shall be guilty of a misdemeanor.

Sec. 42-237d. LOCAL GROUND WATER BOARDS.

Whenever a written statement of claim as provided in section 42-237b hereof is filed with the Director of the Department of Water Administration, if the statement of the claimant is deemed sufficient by the Director of the Department of Water Administration and meets the requirements of section 42-237b, the said Director of the Department of Water Administration shall forthwith proceed to form a local ground water board for the purpose of hearing such claim. The said local ground water board shall consist of the Director of the Department of Water Administration, and a person

DEPARTMENT OF WATER ADMINISTRATION

who is a qualified engineer or geologist, appointed by the district judge of the judicial district which includes the county in which the well of respondent, or one of the respondents if there be more than one, is located, and a third member to be appointed by the other two, who shall be a resident irrigation farmer of the county in which the well of respondent, or one of the respondents if there be more than one, is located. None of such members shall be persons owning or claiming water right which may be affected by such claim, nor members of the board of directors of any irrigation district or canal company owning or claiming water rights affected by such claims. No employee of the state of Idaho other than said Director of the Department of Water Administration is eligible for appointment to a ground water board. Members of the board shall hold office until the board has finally disposed of the claim which it was appointed to hear. Such members shall serve without pay except that members other than the Director of the Department of Water Administration shall receive per diem of \$25.00 together with reimbursement of expenses actually incurred during the time actually spent in the performance of official duties, such per diem and expenses to be paid from the ground water administration fund hereinafter created. Whenever such a local ground water board is needed to be formed in any county, the Director of the Department of Water Administration shall give notice of that fact to the district judge of the judicial district which includes the county in which the well of respondents, or one of the respondents if there be more than one, is located, and thereupon such judge shall appoint a person to be a member of such board. Upon qualification by such member, the third member shall be selected. The Director of the Department of Water Administration shall be the chairman of the board and custodian of all its records. He may be represented at any board meeting by a duly appointed, qualified and acting deputy Director of the Department of Water Administration.

Sec. 42-237e. APPEALS FROM ACTIONS OF THE DIRECTOR OF THE DEPARTMENT OF WATER ADMINISTRATION.

Any person dissatisfied with any decision, determination, order or action of the Director of the Department of Water Administration, water master, or of any local ground water board made pursuant to this act may within sixty (60) days notice thereof take an appeal therefrom to the District Court for any county in which the ground water concerned therein may be situated. Appeal shall be taken by serving a notice of appeal upon the Director of the Department of Water Administration, together with a statement describing the decision, determination, order or action appealed from and setting forth

WATER LAWS AND REGULATIONS

the reasons why the same was erroneous. An appeal as referred to in this section stays the execution of, or any proceeding to enforce, the order, decision, determination, or action of the Director of the Department of Water Administration, water master, or local ground water board. Whenever the decision, determination, order or action of the Director of the Department of Water Administration appealed from was made pursuant to a hearing before the Director of the Department of Water Administration to which the appellant was a party or at which the appellant had a right to be heard, the Director of the Department of Water Administration shall, upon receipt of service of notice of appeal, transmit to the District Court a certified transcript of the proceedings and the evidence received at such hearing and the evidence taken at such hearing may be considered by the District Court. The District Court shall try the same anew at the hearing on the appeal. Appeal to the Supreme Court from the final judgment rendered by the District Court pursuant to this section may be taken within the same time and in the same manner as appeals from final judgments in cases commenced in the District Court are taken to the Supreme Court.

Sec. 42-237f. ADJUDICATION OF WATER RIGHT.

The provisions of sections 42-1401-42-1405, relative to adjudication of water rights shall be applicable to all water rights acquired under this act.

Sec. 42-237g. PENALTIES.

Any person violating any provision of this act, or any decision of the Director of the Department of Water Administration, or order of a local ground water board, shall be guilty of a misdemeanor and any continuing violation shall constitute a separate offense for each day during which such violation occurs, but nothing in this section or in the pendency or completion of any criminal action for enforcement hereof shall be construed to prevent the institution of any civil action for injunctive or other relief for the enforcement of this act or the protection of rights to the lawful use of water; provided, further, that if in the opinion of the Director of the Department of Water Administration there has been a violation of such such decision or order, he shall request the attorney general or the prosecuting attorney of any county in which such violation has occurred to bring and prosecute in the name of the Director of the Department of Water Administration or of the state of Idaho an appropriate action for injunctive or other relief to enforce any such decision or order, and, upon such request, the attorney general and any such prosecuting attorney shall forthwith bring and prosecute such action.

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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	
14S	38E	5																20	20
		8	40			40													80

Total number of acres to be irrigated 100

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

9. a. Who owns the property at the point of diversion D. Marcel Beckstead

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement made by the applicant to make this filing.

Vertical arrangement, irrigation of the land is made by the applicant.

10. Remarks

DEPARTMENT OF WATER ADMINISTRATION

plied for the Director of the Department of Water Administration may issue a permit for the use of such water to the extent that such water is available for such appropriation.

Any applicant dissatisfied with the decision of the Director of the Department of Water Administration may appeal to the district court in the manner provided for in section 42-237e.

Sec. 42-237. ABANDONMENT OF WATER RIGHT - CHANGE OF POINT OF DIVERSION AND PLACE OF USE.

The provisions relating to loss of water rights by nonuse and abandonment, as set forth in section 42-222, shall apply to ground water rights. The provisions of section 42-222, relating to change of point of diversion and change of place of use of water, shall be applicable to waters accruing from water rights, provided, that the withdrawal of waters from the same ground water supply at another location in lieu of withdrawal at the original location shall be considered a change of point of diversion.

Sec. 42-237a. POWERS OF THE DIRECTOR OF THE DE- PARTMENT OF WATER ADMINISTRA- TION.

In the administration and enforcement of this act and in the effectuation of the policy of this state to conserve its ground water resources, the Director of the Department of Water Administration is empowered:

- a. To require all flowing wells to be so capped or equipped with valves that the flow of water can be completely stopped when the wells are not in use.
- b. To require both flowing and non-flowing wells to be so constructed and maintained as to prevent the waste of ground waters through leaky wells, casings, pipes, fittings, valves or pumps either above or below the land surface.
- c. To prescribe uniform standard measuring devices for the scientific measurement of water levels in and waters withdrawn from wells.
- d. To go upon all lands, both public and private, for the purpose of inspecting wells, pumps, casings, pipes, fittings and measuring devices, including wells used or claimed to be used for domestic purposes.

WATER LAWS AND REGULATIONS

e. To order the cessation of use of a well pending the correction of any defect that the Director of the Department of Water Administration has ordered corrected.

f. To commence actions to enjoin the illegal opening or excavation of wells or withdrawal or use of water therefrom and to appear and become a party to any action or proceeding pending in any court or administrative agency when it appears to the Director of the Department of Water Administration that the determination of such action or proceeding might result in depletion of the ground water resources of the state contrary to the public policy expressed in this act.

g. To supervise and control the exercise and administration of all rights hereafter acquired to the use of ground waters and in the exercise of this power he may by summary order, prohibit or limit the withdrawal of water from any well during any period that he determines that water to fill any water right in said well is not there available. To assist the Director of the Department of Water Administration in the administration and enforcement of this act, and in making determinations upon which said orders shall be based, he may establish a ground water pumping level or levels in an area or areas having a common ground water supply as determined by him as hereinafter provided. Water in a well shall not be deemed available to fill a water right therein if withdrawal therefrom of the amount called for by such right would affect, contrary to the declared policy of this act, the present or future use of any prior surface or ground water right or result in the withdrawing the ground water supply at a rate beyond the reasonably anticipated average rate of future natural recharge.

In connection with his supervision and control of the exercise of ground water rights the Director of the Department of Water Administration shall also have the power to determine what areas of the state have a common ground water supply and whenever it is determined that any area has a ground water supply which affects the flow of water in any stream or streams in an organized water district, to incorporate such area in said water district; and whenever it is determined that the ground water in an area having a common ground water supply does not affect the flow of water in any stream in an organized water district, to incorporate such area in a separate water district to be created in the same manner provided for in section 42-604 of title 42, Idaho Code. The administration of water rights within water districts created or enlarged pursuant to this act shall be carried out in accordance with the provisions of title 42, Idaho Code, as the same have been or may hereafter be amended, except that in the adminis-

DEPARTMENT OF WATER ADMINISTRATION

tration of ground water rights either the Director of the Department of Water Administration or the water master in a water district or the Director of the Department of Water Administration outside of a water district shall, upon determining that there is not sufficient water in a well to fill a particular ground water right therein by order, limit or prohibit further withdrawals of water under such right as hereinabove provided, and post a copy of said order at the place where such water is withdrawn; provided, that land, not irrigated with underground water, shall not be subject to any allotment, charge, assessment, levy or budget for, or in connection with, the distribution or delivery of water.

Sec. 42-237b. ADMINISTRATIVE DETERMINATION OF ADVERSE CLAIMS.

Whenever any person owning or claiming the right to the use of any surface or ground water right believes that the use of such right is being adversely affected by one or more users of ground water rights of later priority, or whenever any person owning or having the right to use a ground water right believes that the use of such right is being adversely affected by another's use of any other water right which is of later priority, such person, as claimant, may make a written statement under oath of such claim to the Director of the Department of Water Administration.

Such statement shall include:

1. The name and post office address of the claimant.
2. A description of the water right claimed by the claimant, with amount of water, date of priority, mode of acquisition, and place of use of said right, if said right is for irrigation, a legal description of the lands to which such right is appurtenant.
3. A similar description of the respondent's water right so far as is known to the claimant.
4. A detailed statement in concise language of the facts upon which the claimant founds his belief that the use of his right is being adversely affected.

Upon receipt of such statement, if the Director of the Department of Water Administration deems the statement sufficient and meets the above requirements, the Director of the Department of Water Administration shall issue a notice setting the matter for hearing before a local ground water board,

WATER LAWS AND REGULATIONS

constituted and formed as in this act provided. The person or persons against whom such claim is directed and who are asserted to be interfering with the claimant's rights shall in such proceedings be known as respondents. The notice shall be returned to the claimant who shall cause the same to be served upon the respondent together with a copy of the statement. Such service shall be made at least five days before the time fixed for hearing and in the same manner that service of summons is made in a civil action. Proof of service of notice shall be made to the Director of the Department of Water Administration by the claimant at least two days before the hearing.

Sec. 42-237c. HEARING AND ORDER.

Hearing on the statement and any answer filed by the respondent shall be had in the county for which such local ground water board was appointed. The hearing shall be conducted before the board under reasonable rules and regulations of procedure prescribed by the Director of the Department of Water Administration. All parties to the hearing as well as the board itself shall have the right to subpoena witnesses who shall be sworn by the board and testify under oath at the hearing. All parties to the hearing shall be entitled to be heard in person or by attorney. Upon such hearing the board shall have authority to determine the existence and nature of the respective water rights claimed by the parties and whether the use of the junior right affects, contrary to the declared policy of this act, the use of the senior right. If the board finds that the use of any junior right or rights so affect the use of senior rights, it may order the holders of the junior right or rights to cease using their right during such period or periods as the board may determine and may provide such cessation shall be either in whole or in part or under such conditions for the repayment of water to senior right holders as the board may determine. Any person violating such an order made hereunder shall be guilty of a misdemeanor.

Sec. 42-237d. LOCAL GROUND WATER BOARDS.

Whenever a written statement of claim as provided in section 42-237b hereof is filed with the Director of the Department of Water Administration, if the statement of the claimant is deemed sufficient by the Director of the Department of Water Administration and meets the requirements of section 42-237b, the said Director of the Department of Water Administration shall forthwith proceed to form a local ground water board for the purpose of hearing such claim. The said local ground water board shall consist of the Director of the Department of Water Administration, and a person

DEPARTMENT OF WATER ADMINISTRATION

who is a qualified engineer or geologist, appointed by the district judge of the judicial district which includes the county in which the well of respondent, or one of the respondents if there be more than one, is located, and a third member to be appointed by the other two, who shall be a resident irrigation farmer of the county in which the well of respondent, or one of the respondents if there be more than one, is located. None of such members shall be persons owning or claiming water right which may be affected by such claim, nor members of the board of directors of any irrigation district or canal company owning or claiming water rights affected by such claims. No employee of the state of Idaho other than said Director of the Department of Water Administration is eligible for appointment to a ground water board. Members of the board shall hold office until the board has finally disposed of the claim which it was appointed to hear. Such members shall serve without pay except that members other than the Director of the Department of Water Administration shall receive per diem of \$25.00 together with reimbursement of expenses actually incurred during the time actually spent in the performance of official duties, such per diem and expenses to be paid from the ground water administration fund hereinafter created. Whenever such a local ground water board is needed to be formed in any county, the Director of the Department of Water Administration shall give notice of that fact to the district judge of the judicial district which includes the county in which the well of respondents, or one of the respondents if there be more than one, is located, and thereupon such judge shall appoint a person to be a member of such board. Upon qualification by such member, the third member shall be selected. The Director of the Department of Water Administration shall be the chairman of the board and custodian of all its records. He may be represented at any board meeting by a duly appointed, qualified and acting deputy Director of the Department of Water Administration.

Sec. 42-237e. APPEALS FROM ACTIONS OF THE DIRECTOR OF THE DEPARTMENT OF WATER ADMINISTRATION.

Any person dissatisfied with any decision, determination, order or action of the Director of the Department of Water Administration, water master, or of any local ground water board made pursuant to this act may within sixty (60) days notice thereof take an appeal therefrom to the District Court for any county in which the ground water concerned therein may be situated. Appeal shall be taken by serving a notice of appeal upon the Director of the Department of Water Administration, together with a statement describing the decision, determination, order or action appealed from and setting forth

WATER LAWS AND REGULATIONS

the reasons why the same was erroneous. An appeal as referred to in this section stays the execution of, or any proceeding to enforce, the order, decision, determination, or action of the Director of the Department of Water Administration, water master, or local ground water board. Whenever the decision, determination, order or action of the Director of the Department of Water Administration appealed from was made pursuant to a hearing before the Director of the Department of Water Administration to which the appellant was a party or at which the appellant had a right to be heard, the Director of the Department of Water Administration shall, upon receipt of service of notice of appeal, transmit to the District Court a certified transcript of the proceedings and the evidence received at such hearing and the evidence taken at such hearing may be considered by the District Court. The District Court shall try the same anew at the hearing on the appeal. Appeal to the Supreme Court from the final judgment rendered by the District Court pursuant to this section may be taken within the same time and in the same manner as appeals from final judgments in cases commenced in the District Court are taken to the Supreme Court.

Sec. 42-237f. ADJUDICATION OF WATER RIGHT.

The provisions of sections 42-1401-42-1405, relative to adjudication of water rights shall be applicable to all water rights acquired under this act.

Sec. 42-237g. PENALTIES.

Any person violating any provision of this act, or any decision of the Director of the Department of Water Administration, or order of a local ground water board, shall be guilty of a misdemeanor and any continuing violation shall constitute a separate offense for each day during which such violation occurs, but nothing in this section or in the pendency or completion of any criminal action for enforcement hereof shall be construed to prevent the institution of any civil action for injunctive or other relief for the enforcement of this act or the protection of rights to the lawful use of water; provided, further, that if in the opinion of the Director of the Department of Water Administration there has been a violation of such such decision or order, he shall request the attorney general or the prosecuting attorney of any county in which such violation has occurred to bring and prosecute in the name of the Director of the Department of Water Administration or of the state of Idaho an appropriate action for injunctive or other relief to enforce any such decision or order, and, upon such request, the attorney general and any such prosecuting attorney shall forthwith bring and prosecute such action.

STATEMENT

Paul Frandsen & Son Well Drilling

Box 637
Lava Hot Springs, Idaho 83246
Phone: 776-5810

DATE 4/28/80

NAME

Roy Peterson

ADDRESS _____

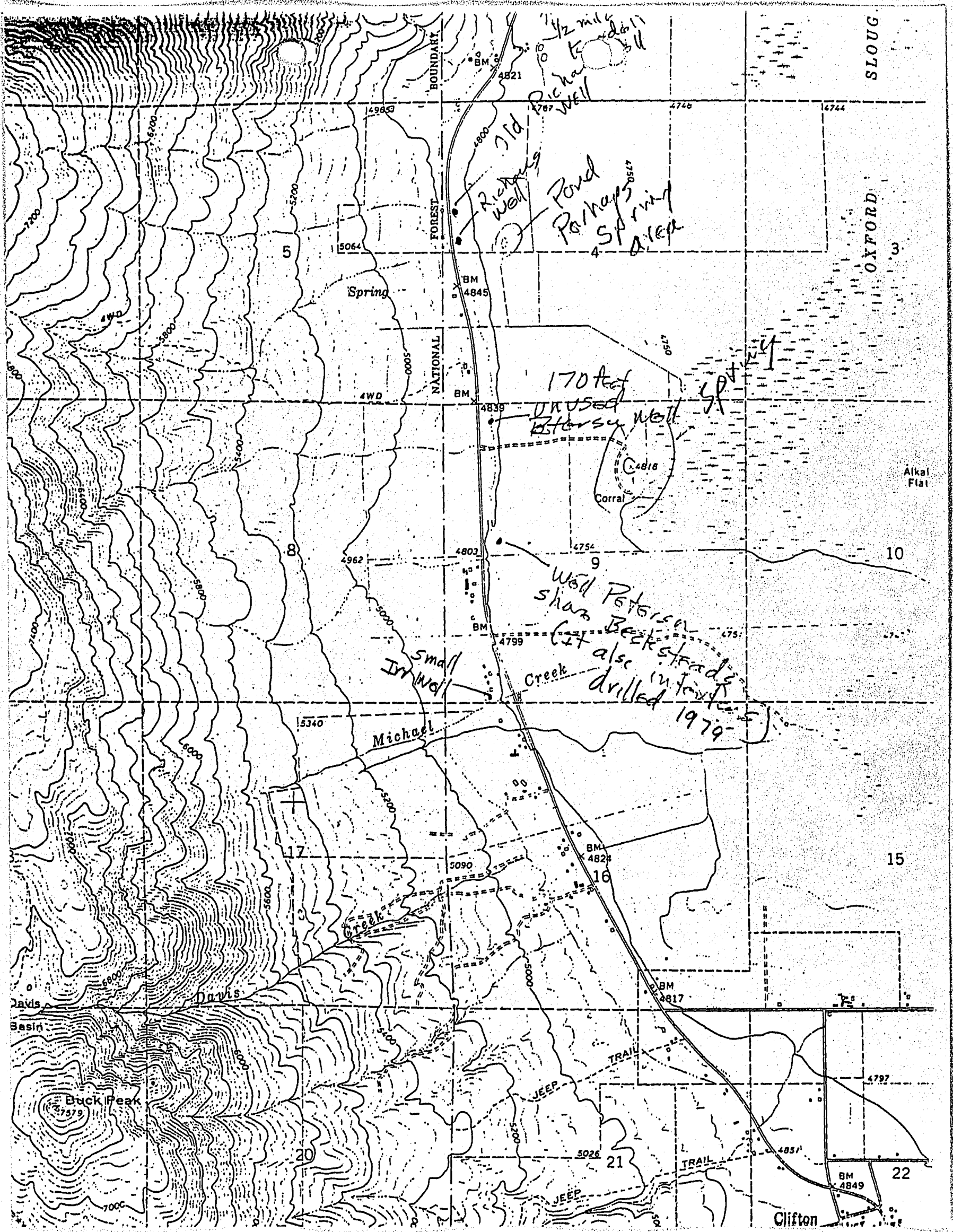
Quantity	DESCRIPTION	Unit Price	Amount
<u>170'</u>	Drilling ~~at~~ <u>24</u> per foot <u>16" Hole</u>	<u>24</u>	<u>4080.00</u>
	Drilling at per foot		
<u>170</u>	Casing— <u>16"</u> at <u>11.87</u> per foot	<u>11.87</u>	<u>2017.90</u>
	Casing— at per foot		
	Casing— at per foot <u>→</u>	<u>675.00</u>	<u>675.00</u>
<u>1</u>	1—Drive Shoe <u>16"</u>		
	1—Drive Shoe		
	1—Drive Shoe		
	Dynamite		
	Vent Pipe ~ - - - - -	<u>\$20</u>	<u>20.00</u>
	Cement		
<u>100'</u>	" Perforating <u>2</u> per ft		<u>200.00</u>
	Well Seal		
	Labor		
	Advance on Drilling		
	<u>Paul Frandsen</u>		
	<u>Paul</u>		
	Total		
	Tax		
	Labor		
Received by	TOTAL		<u>6892.90</u>

If said payments are not made promptly as stipulated, to pay the reasonable expense of collection, including attorney's fees and finance charge at the rate of one and one-half (1½%) per month upon the amount in default until paid.

Signed _____

170' Hole Deep 16" 
WATER STANDS 60 feet
Bid For 1000 gal ^{per hr} Bowels

0081
ch
041



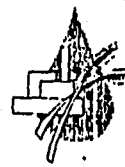
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRIT
BALLPOINTState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name: <u>Jess Elgin</u> <u>Ray Patterson</u> Address: _____ Owner's Permit No. <u>137157</u>		7. WATER LEVEL Static water level <u>6.1</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ °F. Quality _____																																																	
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		8. WELL TEST DATA ☐ Pump ☐ Bailor ☐ Air ☐ Other _____ Discharge G.P.M. _____ Pumping Level _____ Hours Pumped _____																																																	
3. PROPOSED USE ☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type) _____		9. LITHOLOGIC LOG <table border="1"><thead><tr><th>Hole Diam.</th><th>Depth From</th><th>To</th><th>Material</th><th>Water Yes</th><th>No</th></tr></thead><tbody><tr><td>16"</td><td>0</td><td>3</td><td>Brown clay</td><td></td><td></td></tr><tr><td></td><td>3</td><td>20</td><td>Green sand & gravel</td><td></td><td></td></tr><tr><td></td><td>20</td><td>25</td><td>Green sand & gravel</td><td></td><td></td></tr><tr><td></td><td>25</td><td>95</td><td>Brown clay & green sand</td><td></td><td></td></tr><tr><td></td><td>95</td><td>120</td><td>First water</td><td>x</td><td></td></tr><tr><td></td><td>120</td><td>170</td><td>Brown loose sand & gravel</td><td></td><td></td></tr><tr><td></td><td>170</td><td></td><td>No cutting</td><td></td><td></td></tr></tbody></table>		Hole Diam.	Depth From	To	Material	Water Yes	No	16"	0	3	Brown clay				3	20	Green sand & gravel				20	25	Green sand & gravel				25	95	Brown clay & green sand				95	120	First water	x			120	170	Brown loose sand & gravel				170		No cutting		
Hole Diam.	Depth From	To	Material	Water Yes	No																																														
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	95	120	First water	x																																															
	120	170	Brown loose sand & gravel																																																
	170		No cutting																																																
4. METHOD DRILLED ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☒ Cable ☐ Dug ☐ Other _____																																																			
5. WELL CONSTRUCTION Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____ Thickness _____ Diameter _____ From _____ To _____ Inches _____ Inches _____ feet _____ feet Inches _____ Inches _____ feet _____ feet Inches _____ Inches _____ feet _____ feet Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☒ Yes ☐ No Perforated? ☒ Yes ☐ No How perforated? ☐ Factory ☐ Knife ☒ Torch Size of perforation _____ inches by _____ inches Number _____ From _____ To _____ _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth _____ Material used in seal: ☐ Cement grout ☒ Puddling clay ☒ Well cuttings Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld _____ ☐ Cemented between strata Describe access port <u>2" vent</u>																																																			
6. LOCATION OF WELL Sketch map location must agree with written location. <table border="1"><tr><td>N</td><td></td><td></td><td></td><td></td></tr><tr><td>W</td><td></td><td></td><td></td><td>E</td></tr><tr><td>S</td><td></td><td></td><td></td><td></td></tr></table> County <u>Franklin</u> Subdivision Name _____ Lot No. _____ Block No. _____ T. <u>14</u> N/S, R. <u>28</u> E/W.		N					W				E	S					10. Work started <u>2/28/10</u> finished <u>4/27/10</u>																																		
N																																																			
W				E																																															
S																																																			
		11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards compiled with at the time the rig was removed. Firm Name _____ Firm No. <u>101</u> Address <u>707 E. 1st St.</u> Date <u>4/27/10</u> Signed by (Firm Official) _____ and (Operator) <u>Ray Patterson</u>																																																	

USE ADDITIONAL SHEETS IF NECESSARY = FORWARD THE WHITE COPY TO THE DEPARTMENT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



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

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

Notice is hereby given that Roy G. or Beverly L. Peterson

(Name of Claimant)

Box 141, Clifton, Idaho 83228

(Mailing Address)

Telephone No. 747-3358

(Zip Code)

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

- (1) Date of priority: (When was the water first applied to a beneficial use) May 12, 1885

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

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Anderson Spring tributary to Sinks

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				Period of Use From	To
0.04 cfs		Use	Domestic	1-1	12-31
0.04 cfs		Use	Stockwater	10-1	5-1
		Use			
		Use			
		Use			

- (4) 0.05 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 SW 1/4, Sec. 5 Twp. 14S Rge. 38E B.M., County of Franklin
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Water collection box to mainline to 3 domestic homes.
Improvements accomplished about 1950.

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

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
14S	38E	4											X						

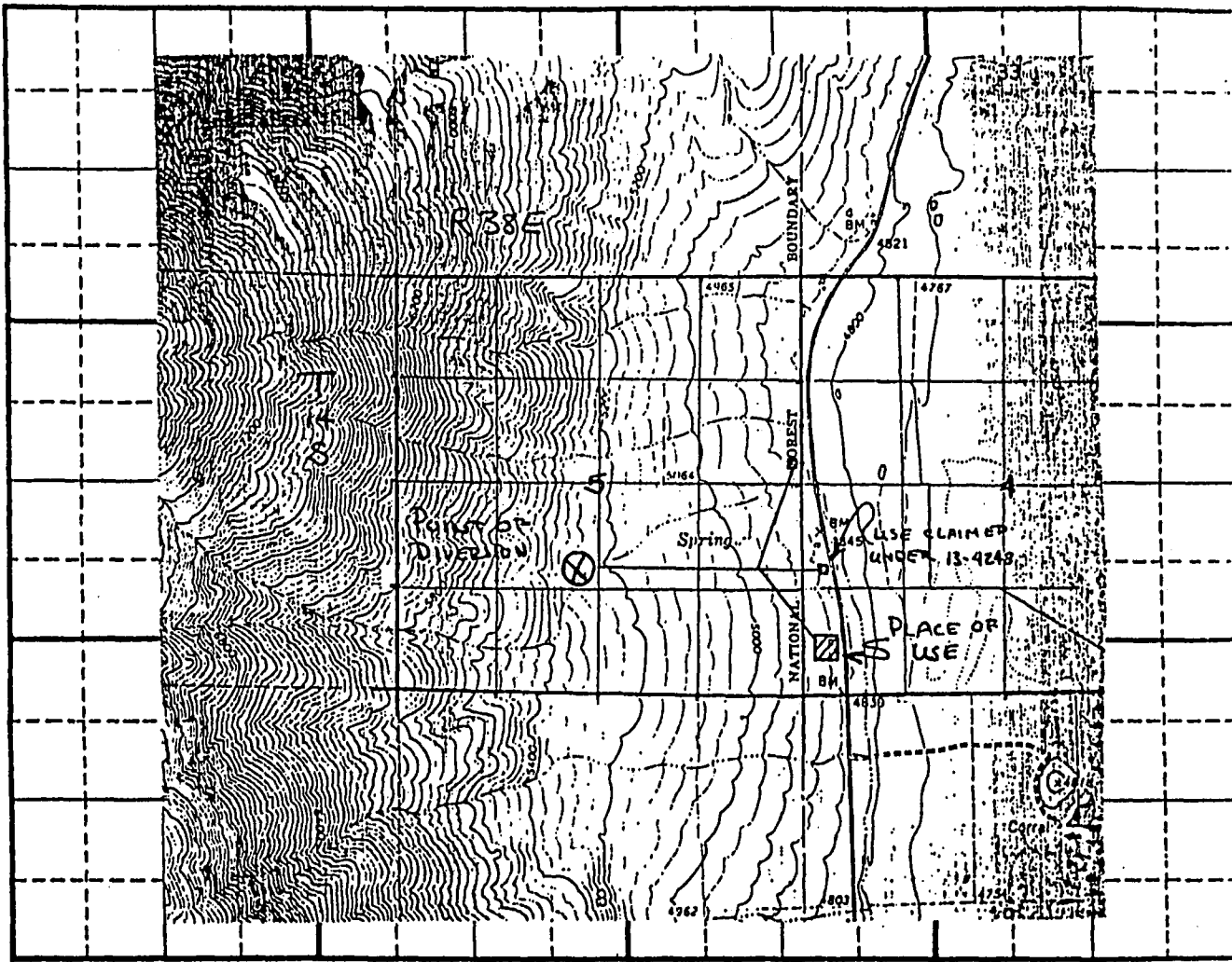
No. of acres _____

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic use for one of three homes on system.

NOTE: Include here the type and number of stock watered: 300 range cattle

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

(8) Remarks Stockwater during late fall & winter. Use under this
claim will not exceed 13,000 gal/day



Scale: 2 inches equal 1 mile.
(24000)

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

State of Idaho)
County of Bonneville) ss.

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

Sworn to before me this 26th day of March, 1984.
Beverly L. Peterson
(Claimant)

Colleen Wray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY
Received by KCW Date 26 MAR 84 Exception filed by: _____ Date _____
Prelim. check by GFR Date 3/29/84 claimant by: _____
\$30.00 fee received by BP Date 3/26/84 # 33464
Published in Preston Citizen
Dates 4/11 - 4/18/84

Claim No. **13 4009**

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that C. A. & A. H. Rosenhan
(name of claimant)

of 153 E 7200 South Midvale, Utah, claims a right to the diversion and beneficial use of
(mailing address)

ground water or surface water tributary to Sinks

The extent and nature of said claim is as follows:

(1): Describe source of water: (name of stream, lake, spring, etc., or ground water) unnamed springs

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount 1.0 Use Irrigation Period of Use: From Apr. 1 To Nov. 1

Amount	0.02	Use	stockwater	Period of Use:	From	Apr. 1	To	Nov. 1
--------	------	-----	------------	----------------	------	--------	----	--------

Amount	Use	Period of Use:	From	To
--------	-----	----------------	------	----

(cfs, rock or a(n))	(dom., irri., stock, etc.)	Period of Use	From	To
			(both dates inclusive)	

(3) Total quantity of water claimed: 1.02 cubic feet per second, or - - - acre feet
per annum, and/or gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) July 20, 1881

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

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

SE ¼ SW ¼, Sec. 5 Twp. 14S Rgc. 38E B. M. County of Franklin

Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field etc.) Give sizes and capacities; be as specific as possible. Earth Channel with earth diversions

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

[illegible]

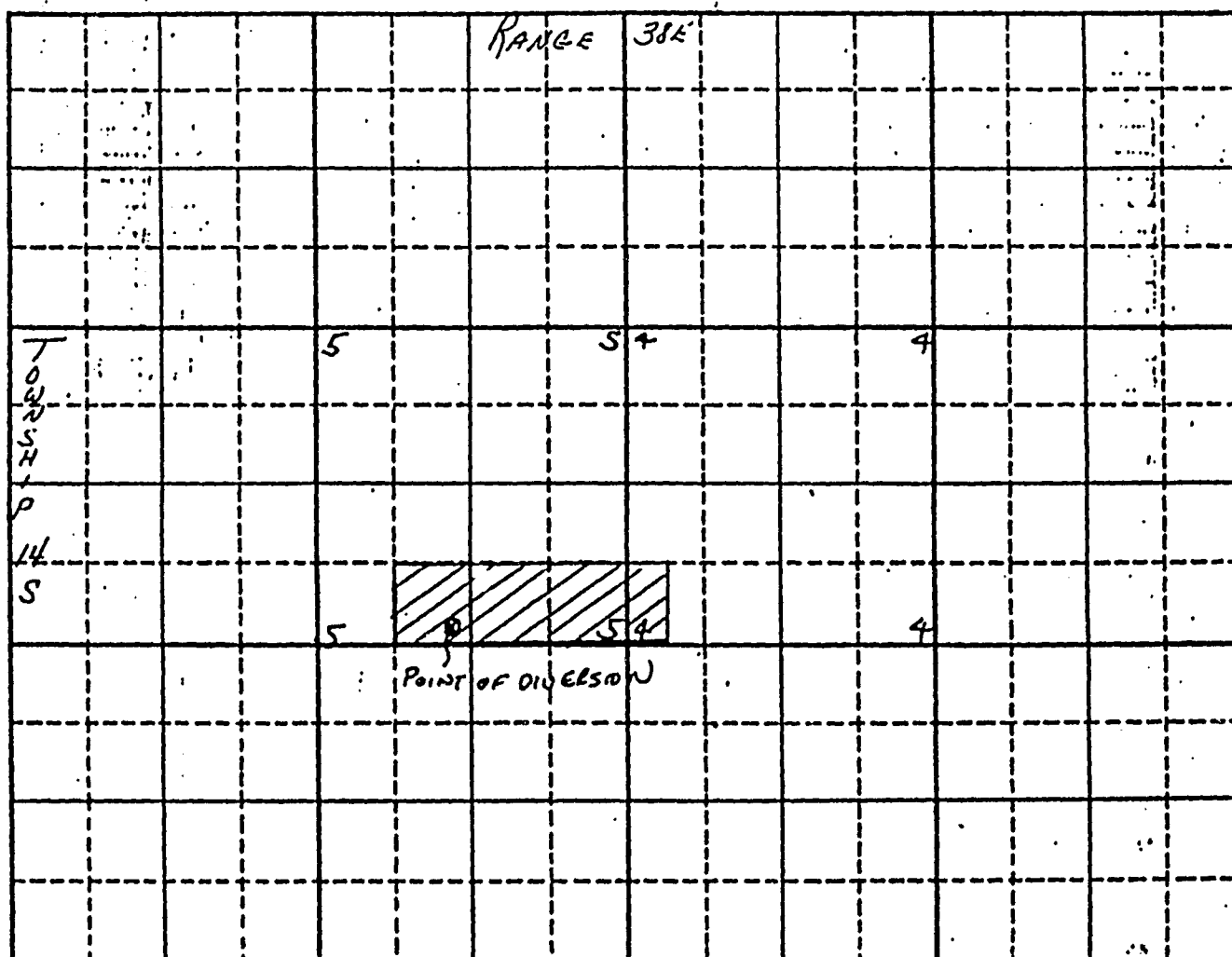
Total No. of acres 96

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

50 cattle with place of use same as shown in Item 6.

(7) . If you are claiming water as a member of an organization, list name of organization:

4) Remarks



Scale: 2 inches equal 1 mile.

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

State of Idaho

County of Bannock

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

Sworn to before me this 4th day of February, 19 74.

Notary Public

Residing at

My commission expires

6/14/75

For Department Use Only

Received by

Date

Exception filed by:

Forwarded to

Date

Prelim. check by

Date

claimant by:

\$10.00 fee received by

Date

Approved for publication by

Date

Published in

Dates

2-14-74

2-14-74

2-14-74

2-14-74

2-14-74

2-14-74

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2-14-74

Identification No. 13 7157
Application No.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

- 1 Name of applicant Jess Elgan Phone: 747-3701
post office address Clifton, Idaho 83228
- 2 Source of water supply unnamed spring which is a tributary of sinks
- 3 a. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6 Township 14S
Range 38E B.M. Franklin County; additional points of diversion if any: _____
Spring location: SE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 5) Sec. 6, T. 14S, R. 38E
Additional diversion point within the NW $\frac{1}{4}$ Sec $\frac{1}{4}$, Sec. 5, T. 14S, R. 38E
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
- 4 Water will be used for the following purposes:
Amount 2.00 for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- 5 Total quantity to be appropriated:
a. 2.00 cubic feet per second and/or
b. _____ acre feet per annum.
- 6 Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. diversion headgate, pipeline
and sprinklers

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam _____
c. Period of year during which storage will occur _____ to _____ inclusive.
Mo. Day Mo. Day
d. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- 7 a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 8500.00
- 8 Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

5. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated 100

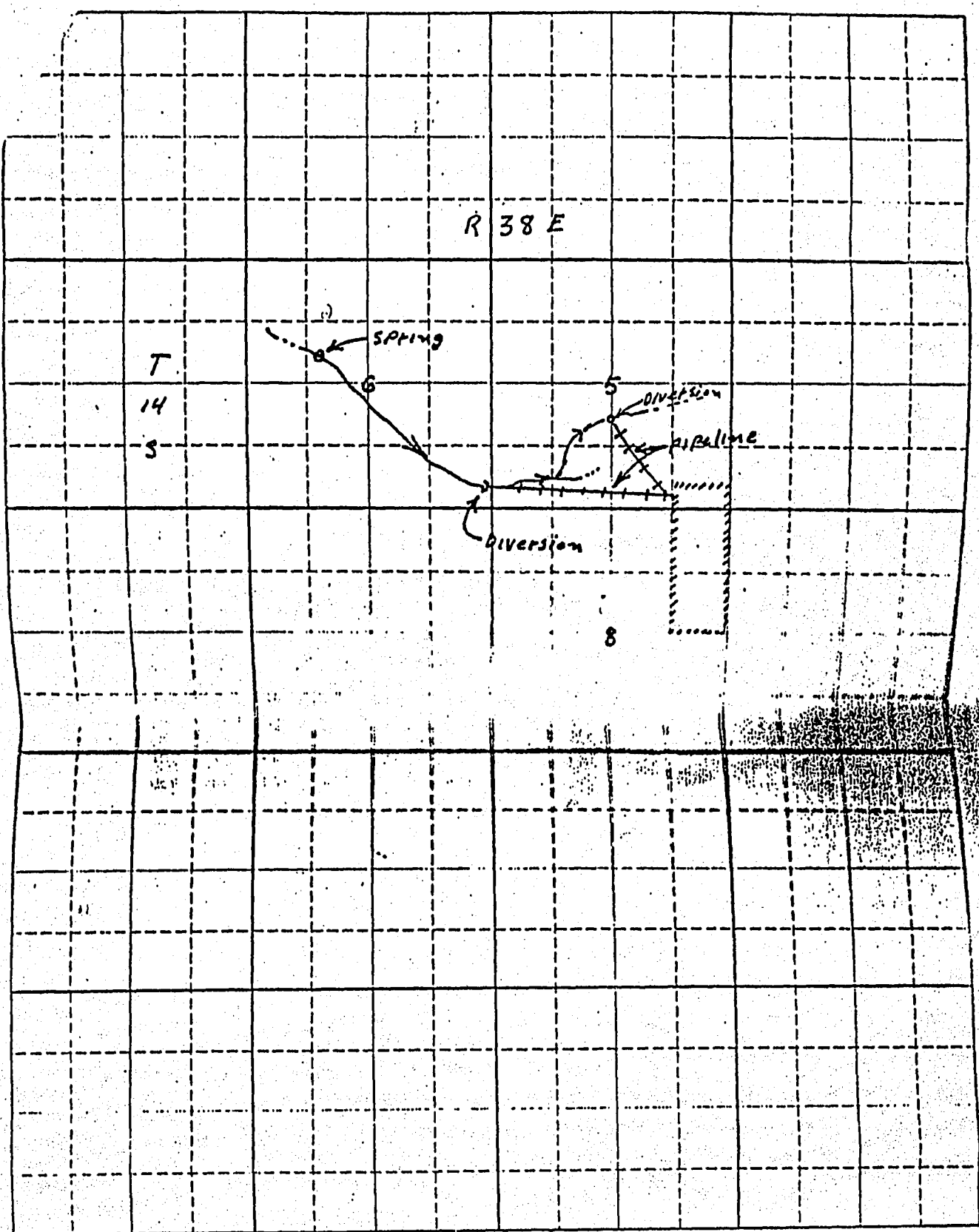
c. Describe any other water rights used for the same purposes as described above.
None

9. a. Who owns the property at the point of diversion D. Marcel Beckstead
b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangements enabling the applicant to make the filing.

10. Remarks

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



Scale: 2 inches equal 1 mile

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

Jim B. Elger
(Applicant)

Received by Lee Date 5-12-77 Time 1:57
Primary effect by Lee Fee \$3.50
Copied by Lee Date 5-10-77 # 6.42
Publication prepared by Lee Date 5-11-77
Published in Idaho State
Publication dates May 11-24, 1977
Publication approved Lee Date 5-25-77
Priority reduced to _____ Reason _____

Protests filed by Lee James M. Lee
Ward Idaho State
Idaho State Idaho State
Copies of protests forwarded by Lee
Hearing held by _____ Date _____
Recommended for approval denial WRC WRC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7157, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS

b. From _____
before JANUARY 1, 1983

c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

The water use under this permit maybe altered by the agreement reached by the permit holder and the protestants at the protest hearing held on May 4, 1977.

Witness my hand this 29 day of January 19 78.

A. J. J. J. J.
DEPUTY Director



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2216

January 30, 1978

Re: Permit No. 13-7157

Jess Elgan
Clifton, ID 83228

Dear Mr. Elgan:

Enclosed is a copy of your approved Application for Permit No. 13-7157. We direct your attention to the conditions of approval as listed on the fourth page.

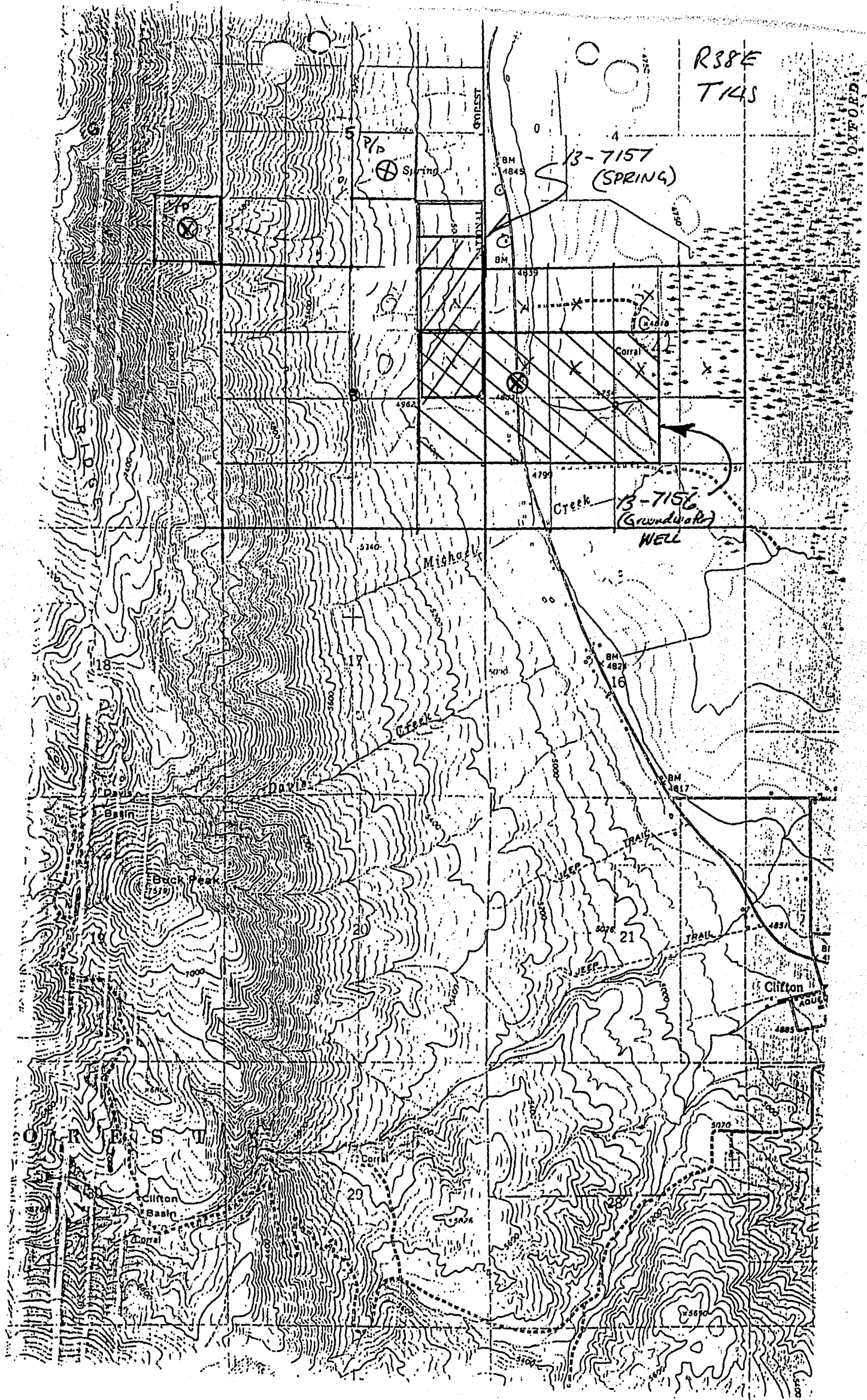
Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

[Signature]
for BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit

- (2) Amount of power to be generated _____ hp under _____ feet of head
- (3) List number of each kind of livestock to be watered _____
- (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
- (5) If water is to be used for other purposes describe: _____





STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

Dear Wateruser:

The Department of Water Resources approves the use of any standard device for which information is readily available. The type selected will depend upon the particular conditions at your diversion point. Any of the following standard types may be used:

Weirs

- a. rectangular
- b. cipolletti
- c. v-notch

Orifices

Flumes

- a. parshall flume
- b. trapezoidal flume

Commercial Types

- a. displacement or propeller meter
- b. cox flow meter or collins flow meter
- c. venturi meter
- d. deflection meter
- e. meter gates

Regardless of the type used, the device must be properly installed to insure standard conditions. Other types may be approved upon written application to the Department stating the description of the device and how you intend to use it. If the device that you install is not a standard type, you should obtain an extra copy of the rating table for this office.

Very truly yours,

Bobby D. Fleenor
BOBBY D. FLEENOR
Chief, Water Rights

- (2) Amount of power to be generated _____ hp under _____ feet of head _____
- (3) List number of each kind of livestock to be watered _____
- (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
- (5) If water is to be used for other purposes describe _____

MAKING PROOF OF BENEFICIAL USE

HOW TO MAKE PROOF

In order for a permit holder to fulfill the conditions of the permit and obtain a water license, he must submit proof of application of water to beneficial use on or before the date set forth in his permit. Each permit holder will be notified 60 days prior to the date set for such proof. In order for the proof to be valid, it must be received by the Department on or before that date. Proof is made upon a form which is available from the Department. It is very important that you complete this form completely and accurately. The information that you give on the form will enable the Department to make a field examination which is necessary before the license can be issued. The information you enter on the proof form should be an indication of the actual development of your project. This development must also correspond to that described by the permit. If it does not and changes in your project have been made, you should apply to amend your permit to include the actual development. Application for amendment forms are available from the Department on request.

WHAT TO DO IN CASE YOU HAVE NOT COMPLETED THE APPLICATION OF WATER TO BENEFICIAL USE

If you have not been able to complete the application of water to beneficial use within the time allowed, due to reasons beyond your control, you may apply to the Department for an extension of time. However, in order for an application for extension of time to be considered, it must be filed prior to the date on which proof of beneficial use is due. Each application for extension of time is considered on its own merit.

WHAT TO DO IF YOU FAIL TO MAKE PROOF OF BENEFICIAL USE ON TIME

If you have applied the water to beneficial use, but were unable to submit proof of application of water to beneficial use on or before the date set for such proof and your permit has lapsed, you may petition the Department within 60 days from the date that a notice of lapsing was sent to you to reinstate your permit. In order for the Department to reinstate a permit, you must show reasonable cause why such permit should be reinstated. Submission of proof of beneficial use within 60 days will automatically be considered by the Department as cause for reinstatement. The priority of all reinstated permits will be advanced a time equal to the number of days that such showing is subsequent to the date set for proof. After 60 days, there is no way in which the Department can reinstate a permit.

ISSUANCE OF LICENSE

After the Department has completed an examination of your proof and if it appears that you have complied with the terms of the permit, the Department will issue a water license. The license becomes prima facie evidence of a water right. The license will include the maximum rate of diversion, the total annual volume of water which may be diverted, the period of the year during which you may use the water, the nature of use to which you may apply the water, the priority which you have established and any other conditions of the water right.

- (2) Amount of power to be generated hp under feet of head
- (3) List number of each kind of livestock to be watered
- (4) Name of municipality to be served , or number of families to be supplied with domestic water
- (5) If water is to be used for other purposes describe

Identifi No. 13 7156

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED
Amended

Amended

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Jess. Elgan Phone: 747-3701
post office address Clifton, ID 83228
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9 Township 14S
Range 38E B.M. Franklin County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 5.48 for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 5.48 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump and sprinkler system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
c. Period of year during which storage will occur _____ to _____ inclusive.
(Mo, Day) (Mo, Day)
d. Proposed well diameter is 16 inches; proposed depth of well is 120 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 12,000.00.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated _____ hp under _____ feet of head
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

9-21-83

b. If water is for irrig., indicate acreage in each subdivision in the tabulation below:

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	
14S	38E	8				40									40				80
		9			17				40	40	40	40					17		194

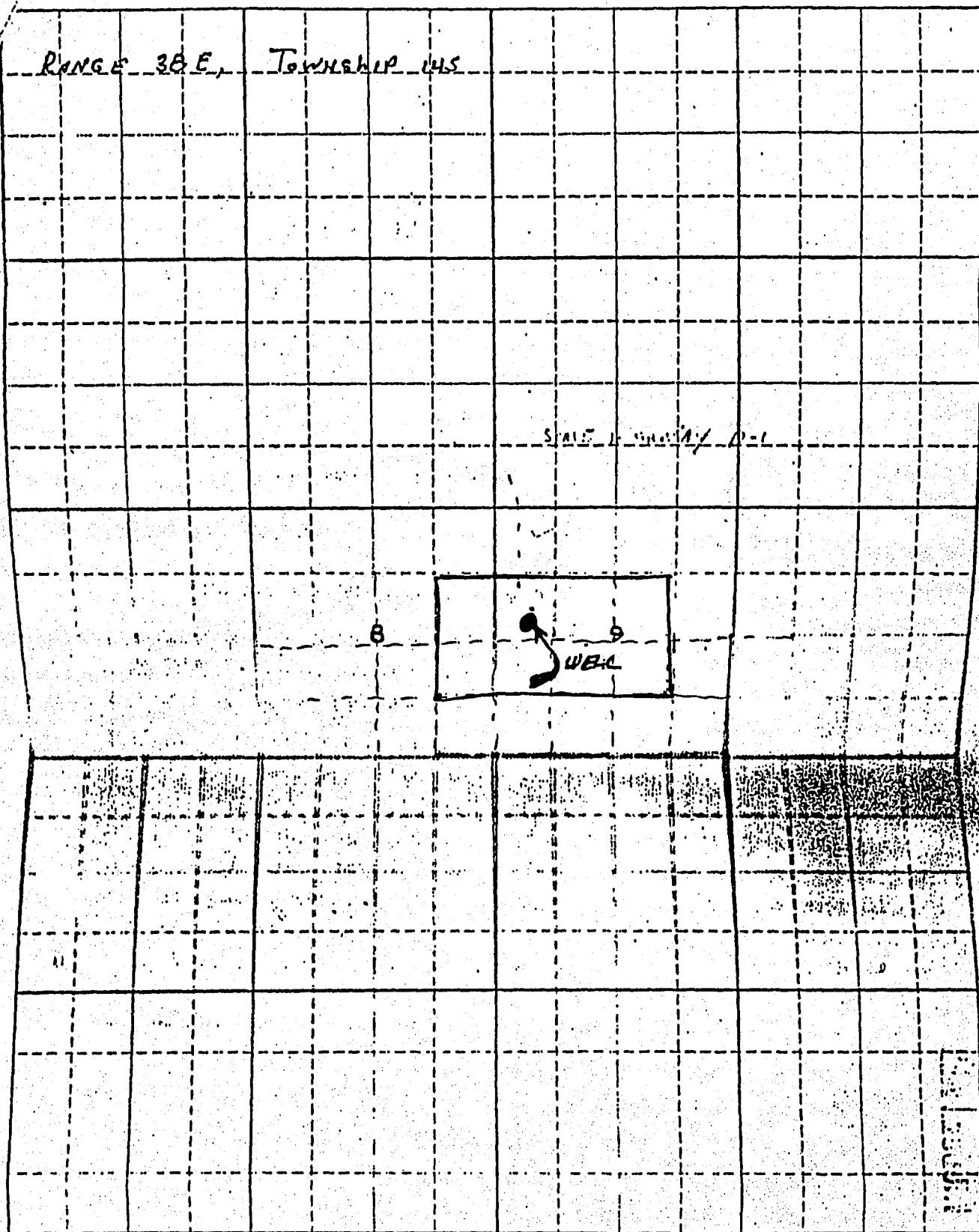
Total number of acres to be irrigated 274

c. Describe any other water rights used for the same purposes as described above rights in Oxford Irrigation Ditch

9. a. Who owns the property at the point of diversion Applicant
 b. Who owns the land to be irrigated or place of use Applicant and D. Marcel Beckstead
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.

10. Remarks

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



Scale, 2 inches equal 1 mile

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

John B. Elger
(Applicant)

Proposed priority _____

Received by me Date 4-6-77 Time 10:50 a.

Preliminary check by BR Fee \$ 10.00

Received by me Date 4-7-77 # 8389

Publication prepared by me Date 4-7-77

Published in The Preston Citizen

Publication dates Sept. 15 + 22, 1977

Publication approved me Date Sept. 26, 1977

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by je Witten

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7156, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1983.

c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water. (2) The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Witness my hand this 29 day of January, 19 78.

A. Kenneth Hamr
DEPUTY Director

"THIS IS A LEGALLY BINDING CONTRACT IF NOT UNDERSTOOD, SEEK COMPETENT ADVICE."

Bill of Sale

Know all Men by These Presents:

That JESS B. ELGAN and NANCY L. ELGAN

the SELLERS, for and in consideration of the sum of: TEN (\$10.00) and
No/100-----DOLLARS
to us in hand paid by D. MARCEL BECKSTEAD

the BUYER, the receipt whereof is hereby acknowledged, have bargained, sold, assigned
and transferred, and by these presents do bargain, sell, assign and transfer unto said
BUYER that certain personal property now at
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, T 14 S, R 38 E, Boise Meridian
FRANKLIN County, State of IDAHO
particularly described as follows: one-half of the water from an irrigation
well drilled under Permit #13-7156, but not to exceed one-second
foot. However, in the event that the flow from DUDLEY SPRING is
diminished, Buyer's right to the aforesaid water shall be decreased
by one-half the amount by which the flow in DUDLEY SPRING is
diminished.

In Witness Whereof, we have hereunto set our hands this
2nd day of March, 1978

Witness:

JESS B. ELGAN

NANCY L. ELGAN

RECEIVED

LAPSED

Identification No. 13 7116
Application No. _____

OCT 16 1975

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Department of Water Resources
Eastern District Office

APPLICATION FOR PERMIT

APPROVED

ASSIGNED TO: Kayle G. Riching &/or Claude Richins, of 13650 South 13th West
Riverton, UT 84065
To appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Frank L. Hart Phone: 801-825-9795
post office address P.O. Box 1326, Freeport Center, Clearfield, Utah 84016
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5 Township 14S
Range 38E B.M. Franklin County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 7.88 for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 7.88 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well, pump, and sprinkler system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
c. Period of year during which storage will occur _____ to _____ (Mo. Day) inclusive.
d. Proposed well diameter is 16 inches; proposed depth of well is 400 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 75,000.00.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

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	
14S	38E	3					30	30											60
		4	35		40	40			4	40									159
		5		30	30	35	10		20	15				18	17				175

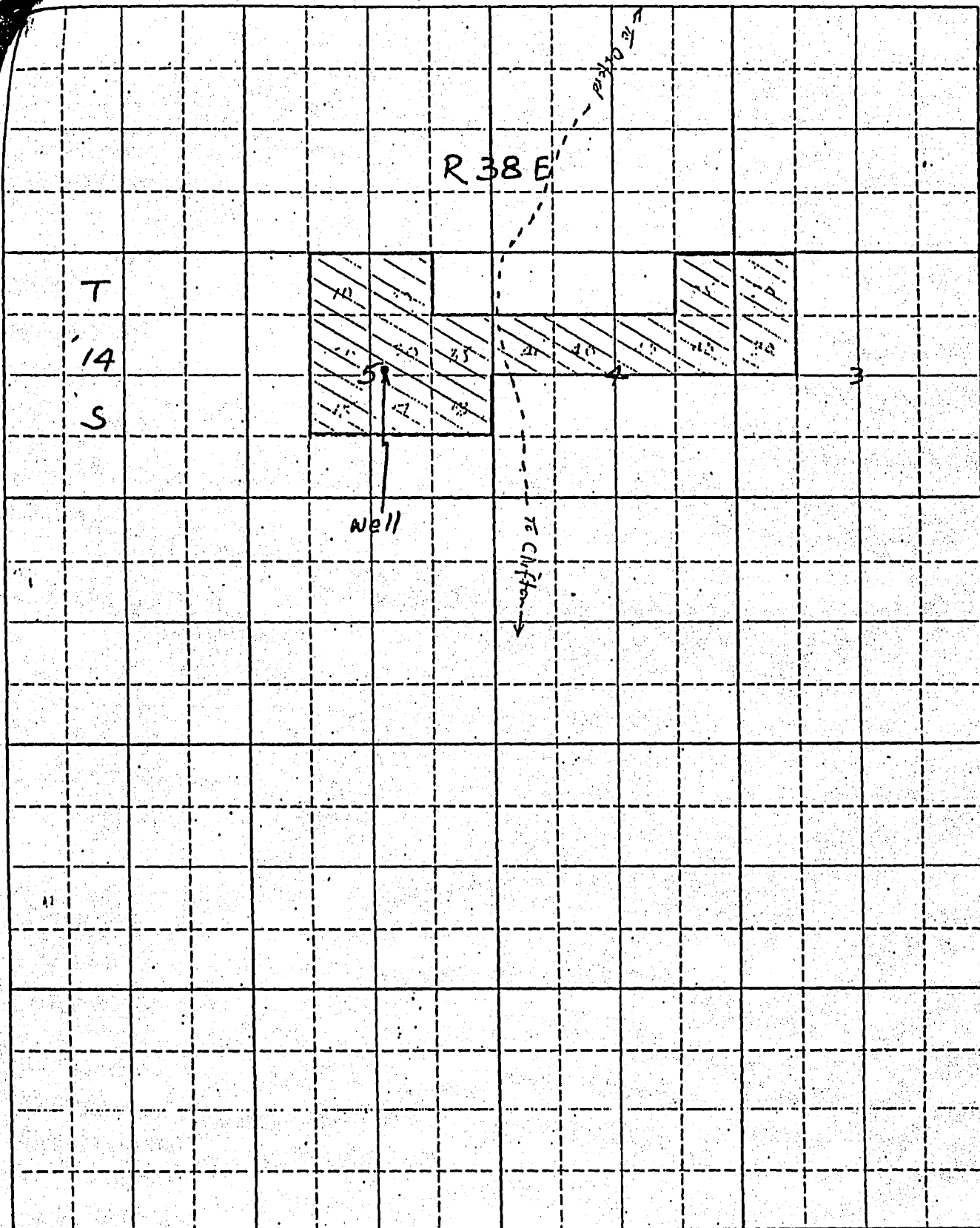
Total number of acres to be irrigated 394

c. Describe any other water rights used for the same purposes as described above. License G-29897/13-2242
covers 34 acres in the SW 1/4 NW 1/4, T. 14S, R. 38E in the amount of 0.63, priority 6/20/61
Sec 35

9. a. Who owns the property at the point of diversion Earl H. Ward & Anna Mae Ward
 b. Who owns the land to be irrigated or place of use Earl H. Ward & Anna Mae Ward
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Purchase of contract notice attached and deed from Dixon Christensen dated May 20, 1975, recorded.

10. Remarks The well in SW 1/4 NW 1/4, Sec. 4, T. 14S, R. 38E, Permit number G29897 will be abandoned. It was found inadequate by the present owners. There are, further, two flowing wells in the pond in the same 1/4 section. There is a drainage canal at approximately the dividing line between SW 1/4 and the SE 1/4 of the NW 1/4, Sec. 4, T. 14S, R. 38E, B.M. draining into the Oxford Slough. It is the intention of the applicant to drill the well as applied for and construct the necessary underground piping to accomodate a modern wheel move sprinkler system capable of providing adequate dependable water for the land blocked out. There will further be additional drainage installed in Sec. 3 & 4 of the farm project.

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



Scale: 2 inches equal 1 mile

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

John L. Hest
(Applicant)

Department of Water Resources
Eastern District Office

APR 29 1977

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT MAY 23 1977

Department of Labor Resources
Eastern District Office

Permit No. 13-7116

Comes now Kayle G. Richins &/or Claude Richens of (address) 13650 South 13th West, Riverton, UT 84065, 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. 13-7116, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW 1/4 NW 1/4, Sec. 4 Twp. 14S
Rge. 38E, B. M., County of Franklin. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)
NO CHANGE

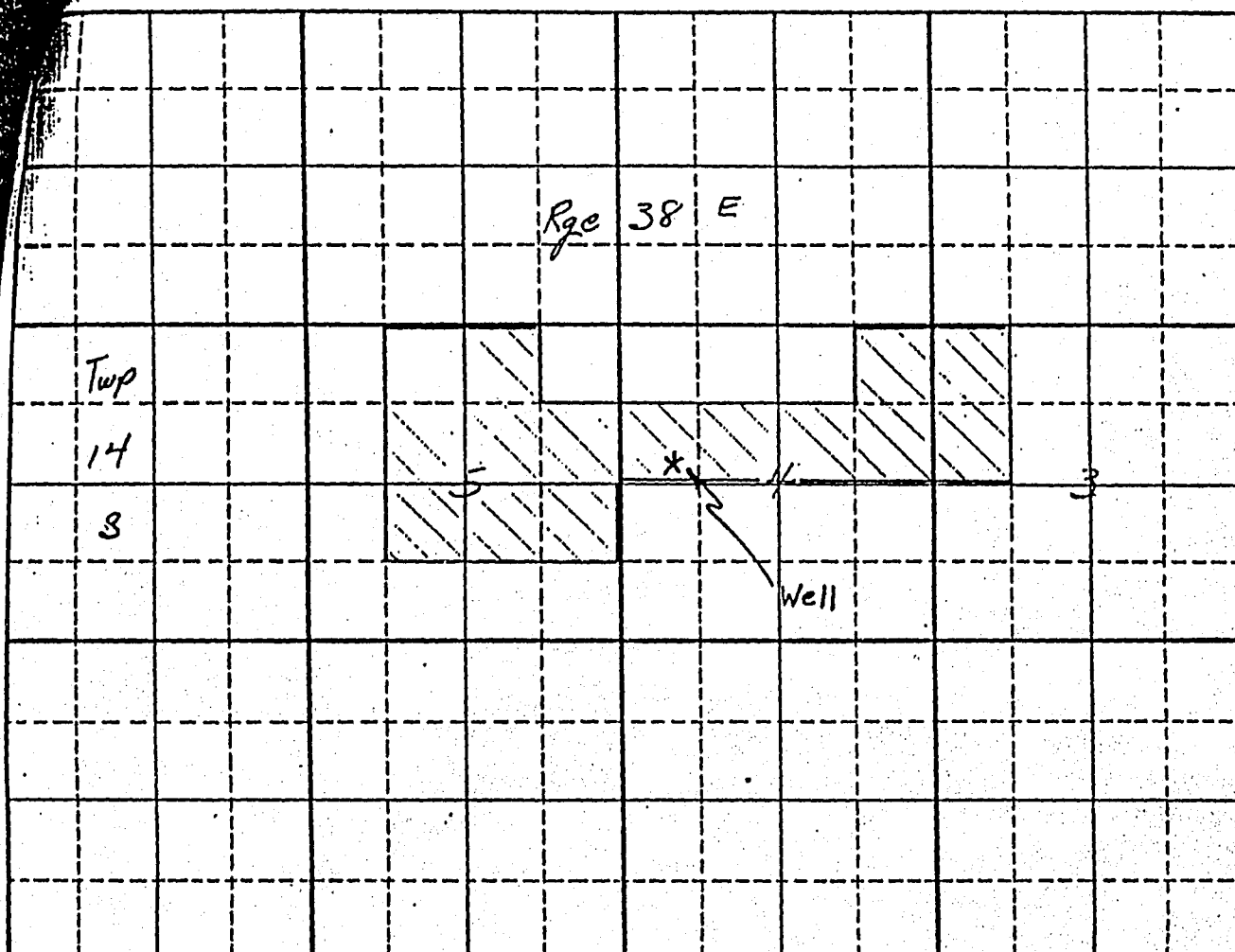
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum)

3. Place of use or land to be irrigated: NO CHANGE

[illegible]

Total number of acres to be irrigated

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Lawrence, Utah, this 26 day of April, 19 77.

Gayle H. Jackson
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Chief, Operations Bureau

I, BOBBY D. FLEENOR, ~~Director~~ of the Department of Water Resources

hereby APPROVE the above application for amendment on Permit No. 13-7116.

Witness my hand this 20th day of May, 19 77.

Bobby D. Fleenor
~~Director~~

BOBBY D. FLEENOR
Chief, Operations Bureau

Proposed Priority 6-2-1975

Received by MB Date 6-2-75 Time 11:00 A

Preliminary check by MB Fee \$ 95.00

Receipted by MB Date 6-2-75 # 4271

Publication prepared by MB Date 6-4-75

Published in Shelton Citizen

Publication dates June 12 & 19, 1975

Publication approved MB Date 7-08-75

Priority reduced to _____ Reason _____

Protests filed by: Andrew Hunt

Copies of protests forwarded by MB

Hearing held by _____ Date _____

Recommended for approval denial by RDC/KDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7116, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1980.
- c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 4 day of October, 1975.

R. Karl Higgs
Director

Form 204
7/80

Identification No. _____

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

SEP 5 1980

AUG 21 1980

Department of Water Resources
Eastern District Office

To provide additional time in which to submit
proof of beneficial use on a water right permit

Department of Water Resources

Richins, Kayle G. &/or Claude Richins 13650 So. 13TH West Riverton, Ut.
(Name) (Address) 84065

State of Utah, 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. 13-7116.

That under the terms and conditions of said permit, work thereunder was required to be completed on or
before October 1, 19 80.

That he has heretofore performed the following work described under said permit: one finished wa
and are planning for more is possible.

Costing \$25,000

That he is unable to complete the remainder of the work within the required time for the following
reasons, to-wit: Insufficient funds at this time, and will need more time to
complete the remainder of the project.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of
obligations under said permit to December, 19 80.

Kayle G. Richins
(Signature)*
*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time
within which to submit the statement of beneficial use is extended to October 1, 1985.

Signed this 26 day of August, 19 80.

J. Glen Saxton
Chief, Operations Bureau

Received by [Signature] Date 8-25-80 Receipt # 15727

Section 4: E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; and LOTS FIVE (5) and SIX(6). EXCEPTING THEREFROM a 50-foot right of way across the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4.

Section 5: SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$. EXCEPTING THEREFROM a 50-foot right of way across the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 5.

Section 8: E $\frac{1}{2}$ NE $\frac{1}{4}$.

Section 9: LOTS ONE (1), TWO (2), and THREE (3); SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$. EXCEPTING THEREFROM that portion of the NW $\frac{1}{4}$ of Section 9 deeded to State of Idaho for highway purposes under Warranty Deed recorded March 7, 1955, in Book 49 of Deeds, page 165, records of Franklin County, State of Idaho.

Section 10: LOTS ONE (1), SIX (6), SEVEN (7), EIGHT (8), NINE (9), and TEN(10); NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Section 11: LOT TWO (2).

Part 2*

Township 14 South, Range 38 East of the Boise Meridian, Franklin County, Idaho

Section 4: SE $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$; and LOT FIVE (5).

Section 5: SW $\frac{1}{4}$ SE $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$. EXCEPTING THEREFROM a 50-foot right of way across the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 5.

The following land leases located in Township 14 South, Range 38 East, Boise Meridian, Franklin County, Idaho, which will be conveyed by assignment:

U.S. BLM lease - SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10 and 53 acres in SW $\frac{1}{4}$, Section 3.

Idaho State leases - N $\frac{1}{2}$ N $\frac{1}{4}$, Section 10.

Including a right to withdraw 2.00 second feet of water for irrigation purposes from a spring located at: SE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 5), Section 6, T 14 S, R 38 E, Boise Meridian, Franklin County, Idaho, as evidenced by Permit No. 13-7157, a copy of which is attached hereto. **

Including a right to withdraw 5.48 second feet of water for irrigation purposes from a point of diversion located at SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, T 14 S, R 38 E, Boise Meridian, Franklin County, Idaho, as evidenced by Permit No. 13-7156, a copy of which is attached hereto. (NOTE: A well presently drawing 2.00 second-feet of water has been constructed on this property, but Elgan's right to the use of the water from this well is subject to the terms of the Bill of Sale for water to D. Marcel Beckstead. A copy of the Bill of Sale is attached hereto and is hereby made a part of this agreement. For this right, D. Marcel Beckstead paid half of the amount needed to construct the well and main irrigation line.) **

Including a private right to the entire flow of DUDLEY SPRINGS evidenced by filing May 20, 1881.

** NOTE: WATER RIGHTS GRANTED BY PERMIT MUST BE SHOWN TO HAVE BEEN APPLIED TO BENEFICIAL USE WITHIN FIVE (5) YEARS OF THE DATE SHOWN ON THE PERMIT OR THE RIGHT MAY BE LOST. (Review copies of the permits as attached hereto.)

13 7157
Identification No. _____
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

- 1 Name of applicant Jess Elgan Phone: 747-3701
post office address Clifton, Idaho 83228
- 2 Source of water supply unnamed spring which is a tributary of sinks
- 3 a. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6 Township 14S
Range 38E B.M. Franklin County; additional points of diversion if any:
Spring location: SE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 5) Sec. 6, T. 14S, R. 38E
Additional diversion point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 14S, R. 38E
- b. If water is not consumed, it will be discharged into _____ at a point in _____
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
- 4 Water will be used for the following purposes:
Amount 2.00 for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- 5 Total quantity to be appropriated:
a. 2.00 cubic feet per second and/or
b. _____ acre feet per annum.
- 6 Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. diversion headgate, pipeline
and sprinklers
b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet; materials used in storage dam _____
c. Period of year during which storage will occur _____ to _____ inclusive.
Mo. Day Mo. Day
d. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- 7 a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years
b. Estimated construction cost is \$ 8500.00
- 8 Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated _____ hp under _____ feet of head
(3) List number of each kind of livestock to be watered _____
(4) Name of municipality to be served _____ or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe _____

CLAIM TO A WATER RIGHT

ROUGH DRAFT

Roy G. or Beverly L. Peterson
(Name of Claimant)

Box 141 Clifton Id 83228 Telephone No. 747-3358
(Mailing Address) (Zip Code)

- (1) Date of Priority: May 12, 1885
- (2) Source of Water: ANDERSON Spring Tributary to Snake
- (3) Quantity 0.04cfs Use Domestic Period From 1/1 To 12/31
 Quantity 0.04cfs Use Stockwater Period From 10/1 To 11/5/1
 Quantity 0.04cfs Use Domestic Period From 1/1 To 12/31
 Quantity 0.04cfs Use Stockwater Period From 10/1 To 11/5/1
- (4) 0.05cfs Total Quantity Used
(cfs, af)

(5) A) Point of Diversion:

NE 1/4 SW 1/4, Sec. 5 Twp. 14S Rge. 38E B.M., County of Franklin

Additional points of diversion:

B) Describe means of diversion: Water collection box to mainline to 3 domestic
Improvements accomplished about 1950

houses.

(6) A) Location of Use:

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>MS</u>	<u>38E</u>	<u>4</u>																	<u>1</u>

No. of Acres 25

B) Describe Use other than Irrigation Domestic Use for
One of three homes on system

NOTE: Include here the type and number of stock watered:
300 head range cattle

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

(8) Remarks: Stockwater during late Fall & Winter

Use under this claim will not exceed 13000 gal
per day