

Identification No. 13 7037

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant HENRY A. HATCH
post office address Oxford, Idaho 83228
2. Source of water supply Birch Creek which is a tributary of Barzee Creek
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 30 Township 13S
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 1.0 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. 1.0 cubic feet per second ~~and/or~~
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Gravity sprinkler system with
headbox.

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 _____ 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 \$ 10,000.
8. Description of proposed uses:
a. If water is **not** for irrigation: N.A.
(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: _____

13 7037

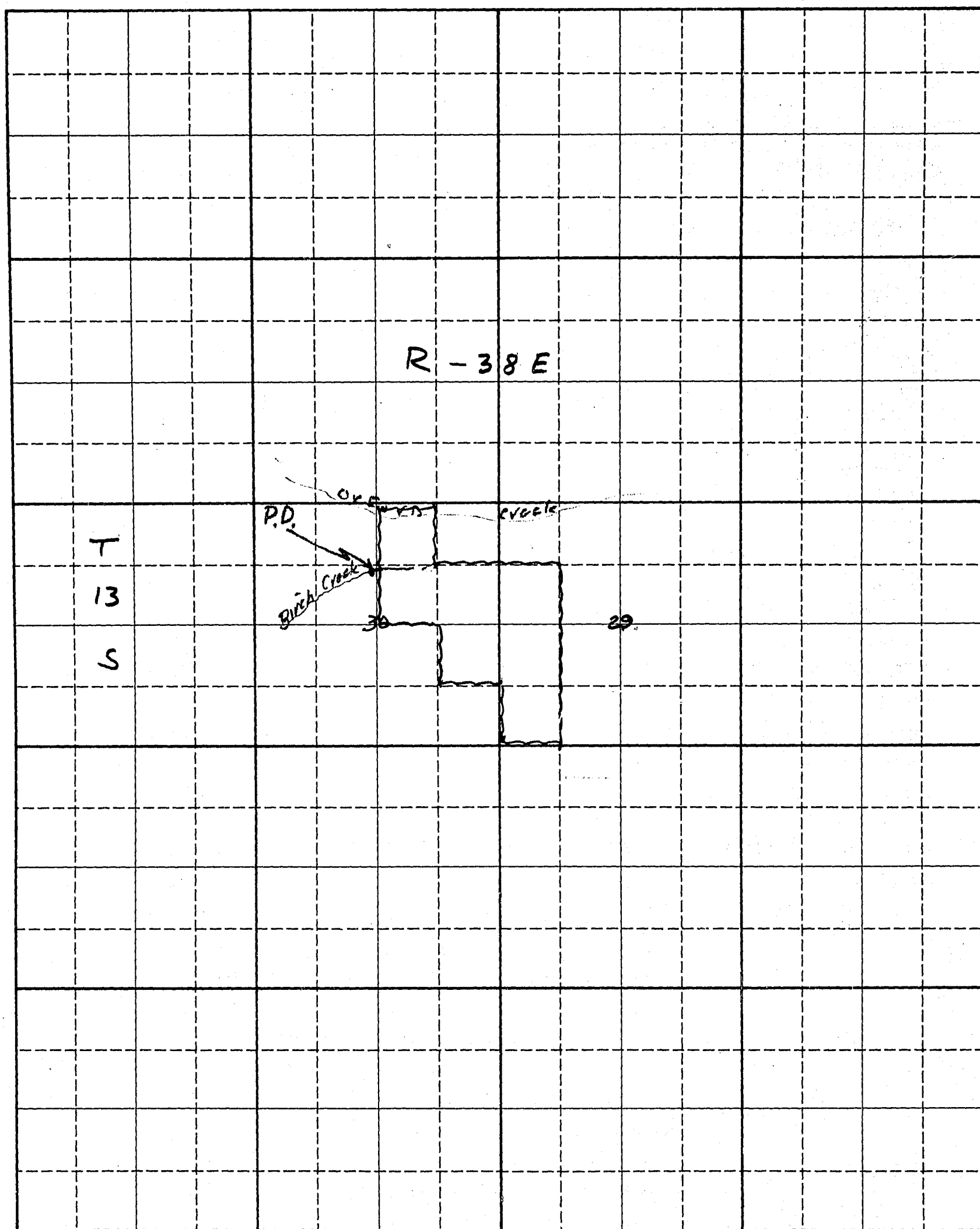
b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

Total number of acres to be irrigated 185

9. a. Who owns the property at the point of diversion Curtis Cox
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 enabling the applicant to make this filing Mr. Hatch plans to get an agreement with Mr. Cox.

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.

Henry A. Hatch
(Applicant)

13 7027

Proposed Priority 2-28-1973

13 7037

Received by ba Date 2/28/73 Time 3:30 pm

Preliminary check by Ind Fee \$ 25.00

Receipted by ba Date 2/28/73 # 710.3

Publication prepared by ba Date 2-2-73

Published in Poston Citizen

Publication dates 3-8-73

Publication approved NCY Date 4/19/73

Priority ~~XXXXXX~~ 2-28-73 Reason _____

Protests filed by: Lillian Hendall

Copies of protests forwarded by _____

Hearing held by BF Date 7/12/73

Recommended for approval denial by NCY BF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7037, 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 July 1, 1978.
- c. Other: See Memorandum Decision for Conditions of approval

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

Witness my hand this 27th day of July, 1973.

R. Karl Higin
Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>RWH</u>	<u>3/2</u>	Application No. <u>13-7037</u> Name <u>Henry A. Hatch</u>
(2)	<u>RWH</u>	<u>3/2</u>	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee
(3)		<u>N/A</u>	Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)		<u>N/A</u>	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	<u>RWH</u>	<u>3/2</u>	In form for advertising <u>Yes</u>
(6)	<u>mb</u>	<u>6/25/73</u>	Affidavit of Publication received <u>April 10, 1973</u>
(7)	<u>mb</u>	<u>6/25/73</u>	Final date for protests <u>March 26, 1973</u> Protests received: yes <u>X</u> no <u> </u>
(8)	<u>NCY</u>	<u>7/25/73</u>	Date and Place of hearing <u>7/12/73</u> <u>PRESTON</u> Decision reached at hearing <u>See Memorandum</u> <u>Decision</u>
(9)	<u>NCY</u>	<u>"</u>	Located within Water District No. <u>13R</u> (<u>OXFORD CR.</u>)
(10)		<u>N/A</u>	Critical groundwater area: yes <u> </u> no <u> </u>
(11)		<u>N/A</u>	Groundwater levels: ☐ Decline (comment) <u> </u> ☐ Stable (comment) <u> </u> ☐ Increasing (comment) <u> </u>
(12)	<u>NCY</u>	<u>7/25/73</u>	Comments: <u>See memorandum decision</u>
(13)	<u>"</u>	<u>"</u>	Action recommended: ☒ Approve Priority <u>2/28/73</u> ☐ Deny Reason for Reduction <u> </u> See ~~attached sheet for conditions of approval~~ <u>Memorandum Decision for conditions of approval</u> No conditions for approval
(14)			District <u>E</u> By <u>NCY</u> Date <u>7/25/73</u> Title <u>D.E</u>

13 7037

No 2337

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Franklin

ss.

Wayne D. Bell

being duly sworn,

deposes and says:

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

Such notice was published in the issue beginning with

March 8, 19 73, and ending

with the issue of March 15 - 1973

Fees, \$ 12.21

Subscribed and sworn to before me this 9 day

of April, 19 73.

Robert R. Geddes

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 74

RECEIVED

APR 10 1973

Department of Water Administration
Eastern District Office

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Henry A. Hatch, Oxford, Idaho has on 2-28-73 submitted Application No. 13-7037 for a permit to appropriate 1.0 cubic feet per second of water from Birch Creek, tributary of Barzee Creek, by means of sprinkler system with headbox within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, T. 13S, R. 38E, B.M., Franklin County; to be used from Apr. 1 to Nov. 1 for the irrigation of 185 acres within SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 29; W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 13S, R. 38E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho. 83401 on or before March 26, 1973.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on March 8 and March 15, 1973. Legal No. 2337 — Pub. March 8, 15, 1973.

13 7037

A C K N O W L E D G E M E N T

Date: Feb 28, 1973

Re: Application No. 13-7037

I hereby acknowledge that, even though I was assisted by employees of the Idaho State Department of Reclamation in the preparation of Application No. 13-7037, all responsibility with regard to the accuracy and completeness of the information contained therein rests with me.

Signed:

Henry A. Hatch

Applicant

13 7037

RECEIVED

MAR 23 1973

Department of Water Administration
Eastern District Office

Oxford, Idaho
Mar. 22, 1973

Mr. Norman C. Young,
District Engineer
Idaho Falls, Idaho
Dear Sir:

Charles Dansie, Bob Hunt, Earl Ward, /
Grant Anderson, James D. Boyce, Merl Kendall,
La Vern Kendall, Gary Fisher, Lloyd Smith and
Marion Olson.

These are the names of the protesters
against the permit 13-7037, Henry Hatch,
and the ones using the water out of this
creek which has been decreed to them since
1888.

The ground that this permit is being
asked for has never had water used on
it.

There is not enough water in
this creek to supply the users except
in the heavy run-off in the spring.

Yours truly
La Vern Kendall
(water master)

13 7037

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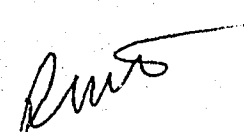
has on 2/28/73 submitted Application No. 13-7037
for a permit to appropriate 1.0 cubic feet per second ~~XXXXXX FEET PER SECOND XXXXXX~~
of water from Birch Creek, tributary of Barzee Creek
by means of sprinkler system with headbox
within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, T. 13S, R. 38E, B.M., Franklin County;

to be used from Apr. 1 to Nov. 1

for the irrigation of 185 acres

within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 29; W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 13S,
R. 38E, B.M.

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R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho

on March 8 and March 15, 1973.

13 7037

March 2, 1973

Re: Application No. 13-7037 - Henry A. Hatch

Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA
Enc: Legal notice

Bill submitted 4-6-73 by BA

13 7037

**NOTICE OF APPLICATION
FOR WATER PERMIT**

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R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on March 8 and March 15, 1973.

Legal No. 2337 — Pub. March 8, 15, 1973.

13 7037

March 23, 1973

Re: Application for Permit No. 13-7037

Mr. Henry A. Hatch
Oxford, Idaho 83228

Dear Mr. Hatch:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 13-7037. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required (Section 42-202, Idaho Code).

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

13 7037

March 23, 1973

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Oxford, Idaho 83228

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13 7037

Page 2
Mr. Hatch
Re: 13-7037
March 23, 1973

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

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

Very truly yours,

RICHARD M. TURNIPSEED
Water Resource Administrator

RMT:BA

Enc: Copy of protest

13 7037

March 23, 1973

Re: Application No. 13-7037 - Henry A. Hatch

Mr. LaVern Kendall
Oxford, ID

Dear Mr. Kendall:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

- X 1. Will the proposed use reduce the quantity of water under existing water rights?
- X 2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RICHARD M. TURNIPSEED
Water Resource Administrator

RMT:BA

13 7037

April 6, 1973

C Re: Application No. 13-7037 - Henry A. Hatch

O Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

P We are in receipt of the statement you submitted for the publication of the above referenced application for water permit. We did not, however, receive the affidavit of publication for same. May we receive the affidavit at your earliest opportunity.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Y BOBBIE ALBERTSON

for
NORMAN C. YOUNG
District Engineer

NCY:BA

13 7037

April 4, 1973

C
Franklin County Courthouse
Clerk of the District Court
Preston, ID 83263

O
Dear Sir:

This is to confirm the use of the Basement Room of the Franklin County Courthouse for conference and/or hearing to be held by this office on Tuesday, April 24, 1973, at 9:00 a.m.

P
Thank you for your cooperation in this matter.

Very truly yours,

Y
NORMAN C. YOUNG
District Engineer

NCY:BA

13 7037

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

EASTERN DISTRICT OFFICE

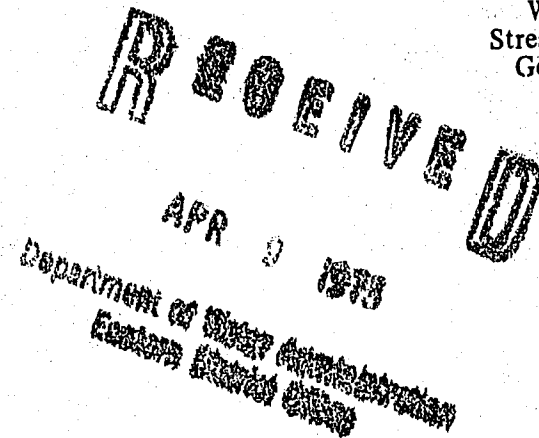


Cecil D. Andrus
Governor
R. Keith Higginson
Director

240 South Holmes Avenue
Idaho Falls, Idaho 83401
(208) 523-7186

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

April 4, 1973



Franklin County Courthouse
Clerk of the District Court
Preston, ID 83263

Dear Sir:

This is to confirm the use of the Basement Room of the Franklin County Courthouse for conference and/or hearing to be held by this office on Tuesday, April 24, 1973, at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

Norman C. Young
NORMAN C. YOUNG
District Engineer BA

NCY:BA

The Basement room will be in use this day. The Commissioners room will be available to you.

13 7037

TO: File No. 13-7037
FROM: Bobbie Albertson
SUBJ: Hearing Notices
DATE: April 9, 1973

The following individuals were sent the Notice of Conference &/or Hearing on the above date by non-certified mail:

Charles Dansie
Bob Hunt
Earl Ward ✓
Grant Anderson
James D. Boyce
Merl Kendall —
Gary Fisher
Loy Smith
Marion Olson

13 7037

NAME AND ADDRESS OF SENDER

Indicate type of mail:
☐ Registered ☐ Registered O.O.D.
☐ Certified

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

NUMBER OF ARTICLES	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	FEE	P. R. FEE	ACTUAL VALUE	REMARKS
1	153' Henry D. Smith, Grand Ave.					13-2037
2	154' J. E. Smith, Grand Ave.					"
3	155' J. E. Smith, Grand Ave.					13-2036
4	156' J. E. Smith, Grand Ave.					"
5	157' J. E. Smith, Grand Ave.					"
6	158' J. E. Smith, Grand Ave.					13-2035
7	159' J. E. Smith, Grand Ave.					"
8	160' J. E. Smith, Grand Ave.					"
9	161' J. E. Smith, Grand Ave.					13-2034
10	162' J. E. Smith, Grand Ave.					"
11	163' J. E. Smith, Grand Ave.					"
12	164' J. E. Smith, Grand Ave.					13-2033
13	165' J. E. Smith, Grand Ave.					"
14	166' J. E. Smith, Grand Ave.					"
15	167' J. E. Smith, Grand Ave.					13-2032
16	168' J. E. Smith, Grand Ave.					"
17	169' J. E. Smith, Grand Ave.					13-2031
18	170' J. E. Smith, Grand Ave.					"
19	171' J. E. Smith, Grand Ave.					13-2030
20	172' J. E. Smith, Grand Ave.					"
21	173' J. E. Smith, Grand Ave.					13-2029
22	174' J. E. Smith, Grand Ave.					"
23	175' J. E. Smith, Grand Ave.					13-2028
24	176' J. E. Smith, Grand Ave.					"
25	177' J. E. Smith, Grand Ave.					13-2027
26	178' J. E. Smith, Grand Ave.					"
27	179' J. E. Smith, Grand Ave.					13-2026
28	180' J. E. Smith, Grand Ave.					"
29	181' J. E. Smith, Grand Ave.					13-2025
30	182' J. E. Smith, Grand Ave.					"
31	183' J. E. Smith, Grand Ave.					13-2024
32	184' J. E. Smith, Grand Ave.					"
33	185' J. E. Smith, Grand Ave.					13-2023
34	186' J. E. Smith, Grand Ave.					"
35	187' J. E. Smith, Grand Ave.					13-2022
36	188' J. E. Smith, Grand Ave.					"
37	189' J. E. Smith, Grand Ave.					13-2021
38	190' J. E. Smith, Grand Ave.					"
39	191' J. E. Smith, Grand Ave.					13-2020
40	192' J. E. Smith, Grand Ave.					"
41	193' J. E. Smith, Grand Ave.					13-2019
42	194' J. E. Smith, Grand Ave.					"
43	195' J. E. Smith, Grand Ave.					13-2018
44	196' J. E. Smith, Grand Ave.					"
45	197' J. E. Smith, Grand Ave.					13-2017
46	198' J. E. Smith, Grand Ave.					"
47	199' J. E. Smith, Grand Ave.					13-2016
48	200' J. E. Smith, Grand Ave.					"
49	201' J. E. Smith, Grand Ave.					13-2015
50	202' J. E. Smith, Grand Ave.					"
51	203' J. E. Smith, Grand Ave.					13-2014
52	204' J. E. Smith, Grand Ave.					"
53	205' J. E. Smith, Grand Ave.					13-2013
54	206' J. E. Smith, Grand Ave.					"
55	207' J. E. Smith, Grand Ave.					13-2012
56	208' J. E. Smith, Grand Ave.					"
57	209' J. E. Smith, Grand Ave.					13-2011
58	210' J. E. Smith, Grand Ave.					"
59	211' J. E. Smith, Grand Ave.					13-2010
60	212' J. E. Smith, Grand Ave.					"
61	213' J. E. Smith, Grand Ave.					13-2009
62	214' J. E. Smith, Grand Ave.					"
63	215' J. E. Smith, Grand Ave.					13-2008
64	216' J. E. Smith, Grand Ave.					"
65	217' J. E. Smith, Grand Ave.					13-2007
66	218' J. E. Smith, Grand Ave.					"
67	219' J. E. Smith, Grand Ave.					13-2006
68	220' J. E. Smith, Grand Ave.					"
69	221' J. E. Smith, Grand Ave.					13-2005
70	222' J. E. Smith, Grand Ave.					"
71	223' J. E. Smith, Grand Ave.					13-2004
72	224' J. E. Smith, Grand Ave.					"
73	225' J. E. Smith, Grand Ave.					13-2003
74	226' J. E. Smith, Grand Ave.					"
75	227' J. E. Smith, Grand Ave.					13-2002
76	228' J. E. Smith, Grand Ave.					"
77	229' J. E. Smith, Grand Ave.					13-2001
78	230' J. E. Smith, Grand Ave.					"
79	231' J. E. Smith, Grand Ave.					13-2000
80	232' J. E. Smith, Grand Ave.					"
81	233' J. E. Smith, Grand Ave.					13-1999
82	234' J. E. Smith, Grand Ave.					"
83	235' J. E. Smith, Grand Ave.					13-1998
84	236' J. E. Smith, Grand Ave.					"
85	237' J. E. Smith, Grand Ave.					13-1997
86	238' J. E. Smith, Grand Ave.					"
87	239' J. E. Smith, Grand Ave.					13-1996
88	240' J. E. Smith, Grand Ave.					"
89	241' J. E. Smith, Grand Ave.					13-1995
90	242' J. E. Smith, Grand Ave.					"
91	243' J. E. Smith, Grand Ave.					13-1994
92	244' J. E. Smith, Grand Ave.					"
93	245' J. E. Smith, Grand Ave.					13-1993
94	246' J. E. Smith, Grand Ave.					"
95	247' J. E. Smith, Grand Ave.					13-1992
96	248' J. E. Smith, Grand Ave.					"
97	249' J. E. Smith, Grand Ave.					13-1991
98	250' J. E. Smith, Grand Ave.					"
99	251' J. E. Smith, Grand Ave.					13-1990
100	252' J. E. Smith, Grand Ave.					"



APPLICATION FOR REGISTRATION OR CERTIFICATION

(Stamps are not required on international registered mail)

48-12-070-12 U.S. GOVERNMENT PRINTING OFFICE

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval)
of Application for Permit No. 13-7037 in)
the name of Henry A. Hatch)
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

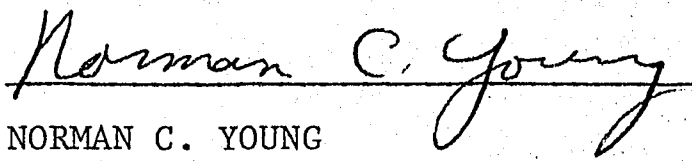
On February 28, 1973, Henry A. Hatch filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On March 23, 1973, the Department received a protest against approval of said application from LaVern Kendall.

The Department has set the matter of protest for conference and/or hearing for Tuesday, April 24, 1973, at 9:00 a.m., in the Basement Room of the Franklin County Courthouse, Preston, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

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

Dated this 4th day of APRIL, 1973.


NORMAN C. YOUNG
District Engineer

13 7037

13-7037 - Henry A. Hatch

Basement Room, Franklin County Courthouse, Preston, Idaho

April 24, 1973 - 9:00 a.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
C. Jane H. Hatch	Oxford, Ida	F.P.P.
Henry A. Hatch	Oxford	self
Earl H. Ward	Dayton	self
Andrew L. Hunt	Clifton	self.
W. Merl Kendall	Clifton	self.
Loren Kendall	Clifton	"
Charles Damsie	Clifton	self -

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Department of Water Administration
Eastern District Office

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Henry A. Hatch
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13 7037

M E M O R A N D U M

RE: Application No. 13-7037 - Henry A. Hatch

A conference was held at Preston, Idaho, on April 24, 1973, to consider the protest against issuance of permit on the above referenced application.

Henry A. Hatch, and his son, Claire H. Hatch appeared for the applicant. Earl H. Ward, Andrew G. Hunt, W. Merl Kendall, LaVern Kendall, and Charles Dansie appeared for the protestants. The Department of Water Administration was represented by Norman C. Young, Hearing Office, and R. Michael Turnipseed.

The discussion brought out the following pertinent information:

1. Oxford Creek has been decreed (Eaton vs Fisher, 2-14-1910), but the decree lists only the names of the decreed owners and the acreage irrigated. Flow rates are not specified, other than that each acre shares equally. The place of use and point of diversion are not mentioned.

2. Birch Creek was under natural circumstances, a tributary to Barzee Creek which enters in to Oxford Creek below any present use of water under the Oxford Decree. Birch Creek is, however, intercepted by a ditch from Oxford Creek ("South Oxford Ditch"), and the Oxford Creek water users have been using Birch Creek water through this ditch since before anyone can remember. It is likely that the Oxford Creek Decree includes this water but the wording does not make this clear.

3. Birch Creek does not have an excess of water during most of the irrigation season, but all present agreed that some high water would be available during April, May, and June of most years. All present also agreed, that the applicant would be able to put this high water to beneficial use.

4. Because the decree does not specify flow rate for each use, the watermaster does not have a convenient way of knowing when to turn off new users. The watermaster indicated he was unwilling to accept the responsibility of judging when high water had ceased.

The protestants appeared to be willing to withdraw their protest if an acceptable method of distributing the water were found which would insure that the new use would not interfere with the decreed rights. This method would have to be such as to eliminate possible arguments of when the new right could or

Re; Application No. 13-7037

could not have water. Several alternatives were discussed, including a set date each year or setting a certain flow.. None of the alternatives appeared to be acceptable to all present, considering the reluctance of the watermaster to accept the responsibility of making the decision.

As it appeared that an agreement was possible, but these specific details would require time to be resolved, the conference was adjourned, with the department stating that if an agreement was not received within thirty days, with either the withdrawing of the application or withdrawing the protest, a formal hearing would be set.

NCY

NORMAN C. YOUNG
District Engineer

April 27, 1973

Pre-Hrg notes 13-7037

- ① Decree states "1 share to 1 acre" — what is definition of share in terms of a flow rate?
- ② Is there a substantial period of time on normal water years in which not all of the waters of the creek are used?
- ③ Could this water be put to a beneficial use by the applicant within the bounds described by the application?
- ④ Do the protestants and other water users on Oxford Ck claim high water in addition to their decrees?
- ⑤ Could the application be modified to become acceptable?
 - Ⓐ shorter irrigation season?
 - Ⓑ xfer existing decreed rights instd?
 - Ⓒ
- ⑥ Is Birch Ck trib. to Oxford Ck?
- ⑦ Will proposed use reduce quantity of water available under existing rights?

13 7037

Henry Hatch - Oxford ~~13-7037~~ 13-7037

wants log set soon

13 7037

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

240 South Holmes Avenue
Idaho Falls, Idaho 83401
(208) 523-7186

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

March 23, 1973

Re: Application for Permit No. 13-7037

Mr. Henry A. Hatch
Oxford, Idaho 83228

what creek are we talking about

Dear Mr. Hatch:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 13-7037. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights? *no Oxford creek doesn't affect it*
2. Is the proposed water supply insufficient for the purposes intended? *not under our plans*
3. Is the application made in good faith or for delay or speculative purposes? *yes*
4. Has the applicant sufficient financial resources with which to complete the project? *like most project, borrowing*

*0.02 = 1 acre-foot
1/40 of cfs*

X The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required (Section 42-202, Idaho Code).

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

About 90 to 100 acre - instead of 183

Never missed this creek when it run in pasture

13 7037

June 19, 1973

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

Dear Sir:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Thursday, July 12, 1973, all day.

Thank you for your cooperation in this matter.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

13 7037

NAME AND ADDRESS OF SENDER

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

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7	1307 1307 - 1307, 1307	08	30	15	"
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FOID Form 3877, Nov 1968

APPLICATION FOR REGISTRATION OR CERTIFICATION

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BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

In the Matter of Protest Against Approval)
of Application for Permit No. 13-7037)
in the name of HENRY A. HATCH)

NOTICE OF HEARING

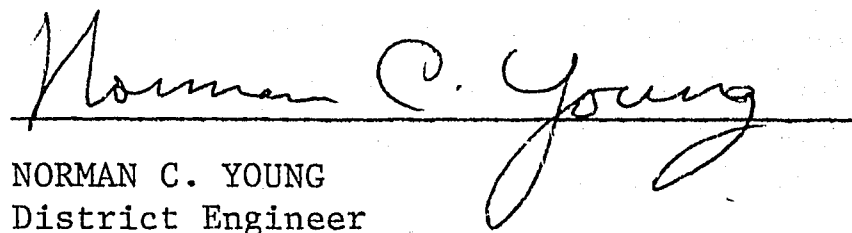
On February 28, 1973, Henry A. Hatch filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On March 22, 1973, the Department received a protest against approval of said application from LaVern Kendall in behalf of Charles Dansie, Bob Hunt, Earl Ward, Grant Anderson, James D. Boyce, Merl Kendall, Gary Fisher, Loyd Smith and Marion Olsen.

The Department has set the matter of protest for hearing for Thursday, July 12, 1973, at 2:00 p.m., in the Courtroom of the Franklin County Courthouse, Preston, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

Dated this 25TH day of June, 1973.


NORMAN C. YOUNG
District Engineer

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Charles Dansee
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
Lester Kendall
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W. Merl Kendall
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
Douglas Kendall
SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)
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SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
Lester Kendall
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
Lester Kendall
SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)
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SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
James S. Bayce
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
Lester Kendall
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SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
Lloyd Smith
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
Lester Kendall
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SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
Anna Mae Ward
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
Lester Kendall
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SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
Marion Olson
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
Lester Kendall
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INSURED NO. _____
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SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
Henry A. Hohl
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
Lester Kendall
SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)
13 7037

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INSURED NO. _____
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SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
Bob Hunt
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
Donny Hunt
SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)
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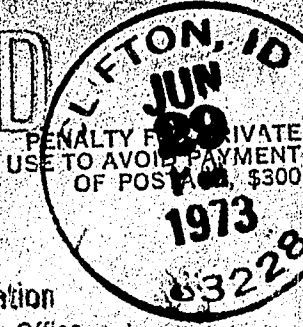
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INSURED NO. _____
DATE DELIVERED JUL 3 1973

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
Ken Smith
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
Lester Kendall
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JUL 2 1973



Department of Water Administration
Eastern District Office

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Idaho Falls, Id. 83401

PS Form 3811 Sep. 1972 63-16-8127-2

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CERTIFIED NO.

208

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

6-29-73

3

13 7037

13-7037 - Henry A. Hatch

Courtroom, Franklin County Courthouse, Preston, Idaho

July 12, 1973 - 2:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Lavan Bendall	Oxford	Self
W. Merl Kendall	"	"
Henry A. Hatch	Oxford	Self
Clair N. Hatch	Oxford	Henry Hatch
Charles Cassie	Clifton	self.

I wish to Remove my Name
from letter of protest, that has
been signed in name of Marion Olson

I own the land Marion Olson
is a heason - I claim all voting
Rights on the water

Stanley C. Fisher

Signed at
Pacatella, Idaho
7/11/73

WITNESS : Norman C. Young

July 27, 1973

C
Re: Permit No. 13-7037

O
Mr. Henry A. Hatch
Oxford,
Idaho 83228

Dear Mr. Hatch:

P
Enclosed is a copy of your approved Application for Permit No. 13-7037. Also enclosed is a Memorandum Decision and Order. We direct your attention to the conditions of approval as listed on the fourth page.

Y
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,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosures

cc: All Protestants
Copy of Memorandum
Decision and Order

13 7037

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 13-7037 in the name of)
HENRY A. HATCH)

MEMORANDUM DECISION
AND ORDER

On February 28, 1973, Henry A. Hatch of Oxford, Idaho applied to the Department of Water Administration for a permit to appropriate 1.0 cubic foot per second of water from Birch Creek a tributary of Barzee Creek with the point of diversion within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, T. 13S, R. 38E, B.M. Franklin County, to be used for the irrigation of 185 acres. The Department caused notice to be published in the Preston Citizen on March 8 and 15, 1973.

On March 23, 1973, the Department received a protest against issuance of permit pursuant to said application signed by Lavern Kendall, watermaster of District 13-R (Oxford Creek) on behalf of himself, Charles Dansie, Bob Hunt, Earl Ward, Grant Anderson, James D. Boyce, Merl Kendall, Gary Fisher, Loyd Smith and Marion Olson. A hearing was held at Preston, Idaho on July 12, 1973 to consider this protest.

The applicant stated at the hearing that Birch Creek is not a tributary to Oxford Creek and that there are no existing recorded rights on Birch Creek. He expressed his belief that water is available and could be put to beneficial use under the application.

Charles Dansie, speaking for the protestants, stated that the existing rights on Oxford Creek and tributaries are not adequately recorded either by the existing decree (Eaton -vs- Fisher, dated 2/14/1910) or by other Department of Water Administration records. He indicated that the addition of the new recorded right would complicate the administration of the watermaster. Mr. Dansie asked that the decision on the application be delayed until the existing rights could be reconfirmed.

Information available to the Department from its records and from statements made by the applicant and the protestants at conferences proceeding the hearing indicated Birch Creek flows into the South Oxford Creek ditch; and, although it is not clearly worded in the decree, the water of Birch Creek should be considered as a part of that distributed by the Oxford Creek decree. This application should, therefore, be considered to be subject to prior rights on Oxford Creek. However, it appears to the Department that water is available in excess of prior rights during the months of May and June most years, and that this water could be put to beneficial use by the applicant. It is also evident that even though the present Oxford Creek decree is incomplete in many respects, the water has been administered in the past in a manner which has allowed

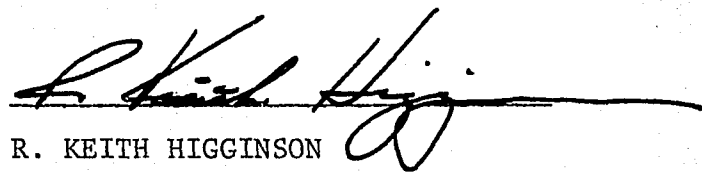
13 7037

constitutional uses to be developed using the unappropriated water in a manner very similar in nature to that proposed by the present application. Difficulty in administration of a new permit right would not appear to be an overriding consideration.

IT IS THEREFORE ORDERED and Application for Permit No. 13-7037 is hereby APPROVED subject to the following conditions:

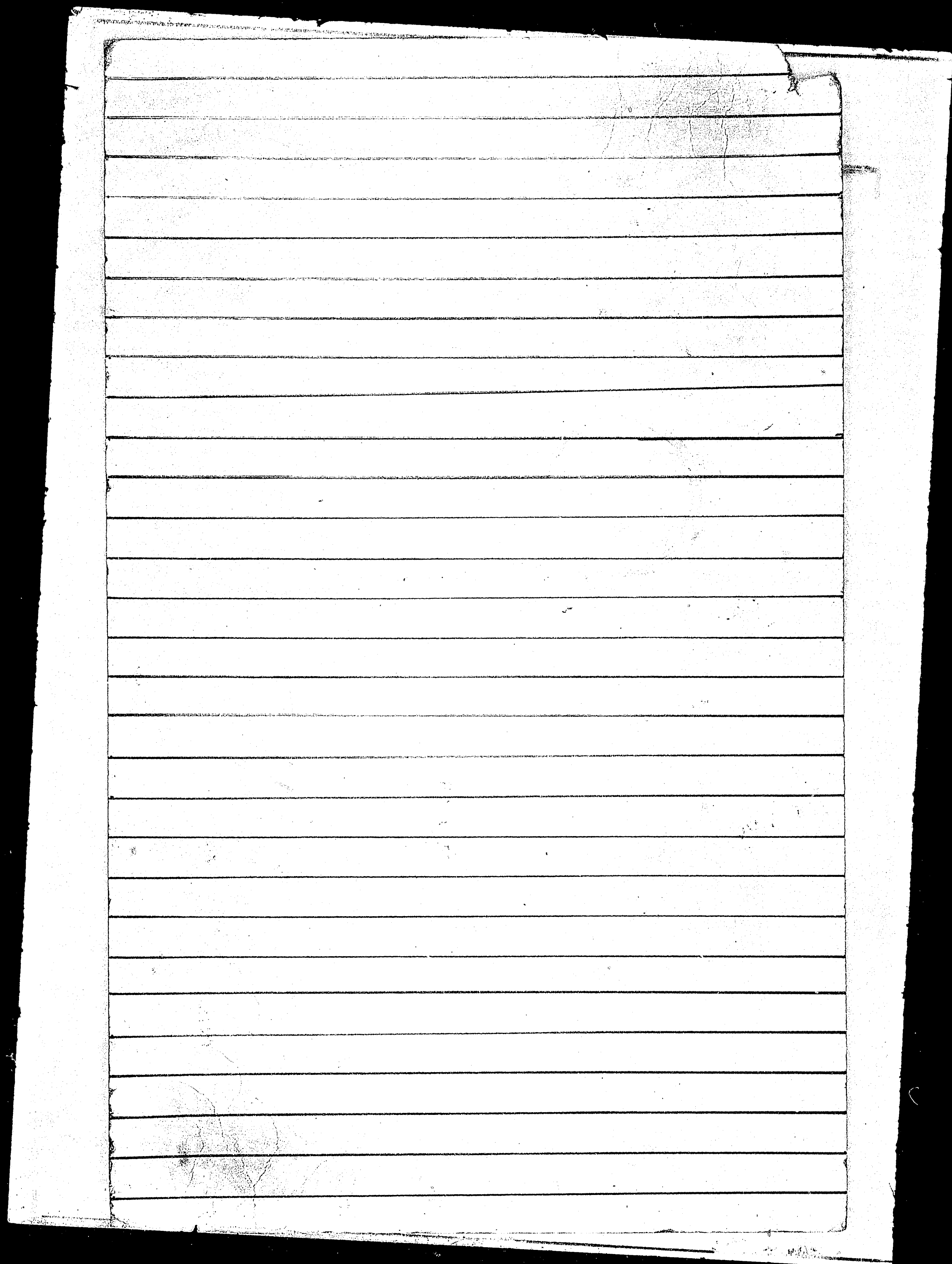
1. Subject to all prior rights on Oxford Creek and tributaries.
2. Subject to control of watermaster of Water District 13-R (Oxford Creek).
3. A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
4. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1978.

Dated this 27 day of July, 1973.


R. KEITH HIGGINSON
Director

3

13 7037



RECEIVED

FEB 2 1978
Department of Water Resources
Eastern

Identification No. _____

Permit No. 13-7037

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Henry A. Hatch
b) Post Office Address Oxford, Idaho, 83228
2. Permit Number 13-7037
3. Date of Priority that you are prepared to establish 2-28-1973
4. a) Source from which water was appropriated Buck Creek
b) Location of the point of diversion: SE 1/4 NW 1/4, Section 30
Township 13S, Range 38E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 1.0 for irrigation purposes from April 1 to Nov 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 1.0 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: n/a
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: n/a
b) Describe the agreement or understanding by which you take water from the works: n/a
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) gravity sprinkler system with headbox
b) Describe the type and size of measuring device which you have installed at your point of diversion: 1 in line flow meter
c) Give well driller's name and address and the date the well was completed: n/a
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: n/a

Exam typed 2/3/78

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

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
13S	38E	29							30			30	15						75
		30		20	20	40									30				110

Total number of acres irrigated 185

10. Remarks:

Actually less than 185 ac are irrigated. As the irrigated lands have an irregular shape an accurate acreage determination will be made at the time the field examination is completed.

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

2-03-78
(Date)

Henry A Hatch
(Signature)

State of Idaho)
County of Bonneville) ss.

On this 31st day of Feb., 1978, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Colleen Wray
Notary Public residing at Idaho Falls, Id.

My commission expires 6/15/81

February 10, 1978

Re: Permit No. 13-7037

Henry A. Hatch
Oxford,
Idaho 83228

Dear Mr. Hatch:

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

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Idaho Falls.

Sincerely,

JANICE RENK
Water Rights

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 13-7037 Priority February 28, 1973 Amount 0.89 cfs

THIS IS TO CERTIFY, that Henry A. Hatch
of Oxford, Idaho, has complied with the terms and conditions of Permit
No. 13-7037 issued pursuant to Application for Permit dated February 28, 1973,
and has submitted proof to the Department of Water Resources on February 3, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.89 cfs of water from Birch Creek,
tributary to Oxford Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>0.89</u> cfs and	<u>269.5</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.89 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
269.5 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Twp.
13S, Rge. 38E in the County of Franklin

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
13S	38E	29							24										24
		30		1	12	35									5				53

Total number of acres irrigated 77

Use of water under this license is subject to control by the watermaster of
State Water District No. 13R, Oxford Creek.
A measuring device and lockable controlling works of a type acceptable to the
Department shall be permanently installed and maintained as part of the diverting
works.

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29th day of
April, 19 82.

Acting for the Director

Norman C. Young

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

RECEIVED

1. Name of permit holder Henry A. Hatch
Post office address Oxford, ID 83328 Phone FEB 15 1978
Person to contact _____ Department of Water Resources
Phone _____ Eastern District Office

2. Source of water supply: Groundwater ☐ Surface water ☒ Birch Cr.
Tributary to Barzee Cr. (name spring, stream, etc.)

3. Water will be used for the following purposes:

Amount 1.0 c.f.s. for Irrig.
AF/Annum (nature of use)

Period of Use: from 4/01 to 11/01
(mo.-day) inclusive (mo.-day)

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

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

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

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

Other uses: _____

Permit No. 13-7037
Examination for 6/11

4. Total amount to be appropriated:

Max Rate of Diversion 1.0 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 135 N/S, Range 38E E/W, B.M., Section 30, Subdivision SE 1/4 NW 1/4 Sharps
County _____
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County _____
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County _____

Other Points of Diversions: _____

Description of diverting works: gravity sprinkler system w/ headbox

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
135	38E	29							30				30	15					75
		30		20	20	40									30				110

No Overlapping Rights Found
JR 4/21/82

TOTAL ACREAGE 185

Rge 38E

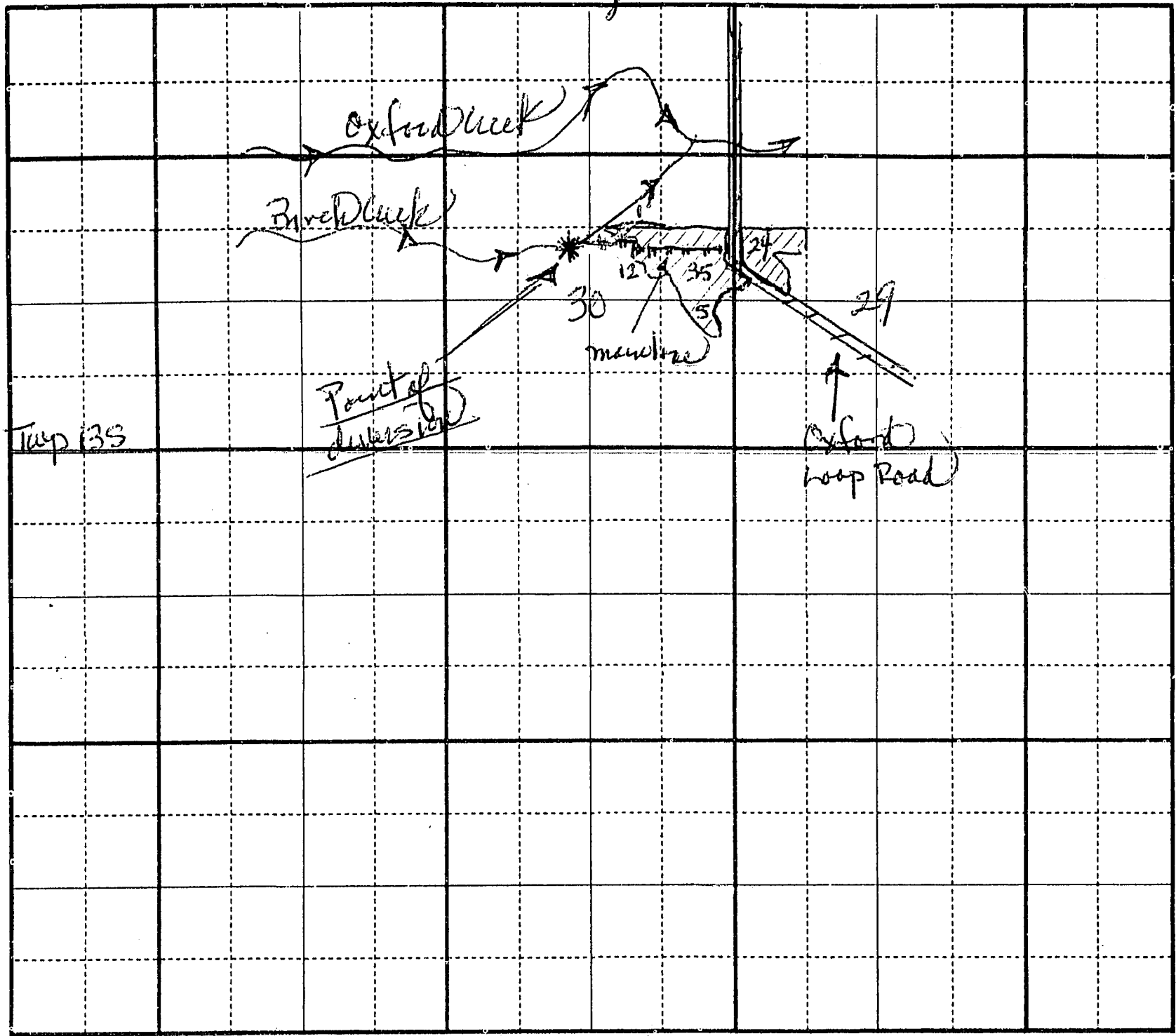
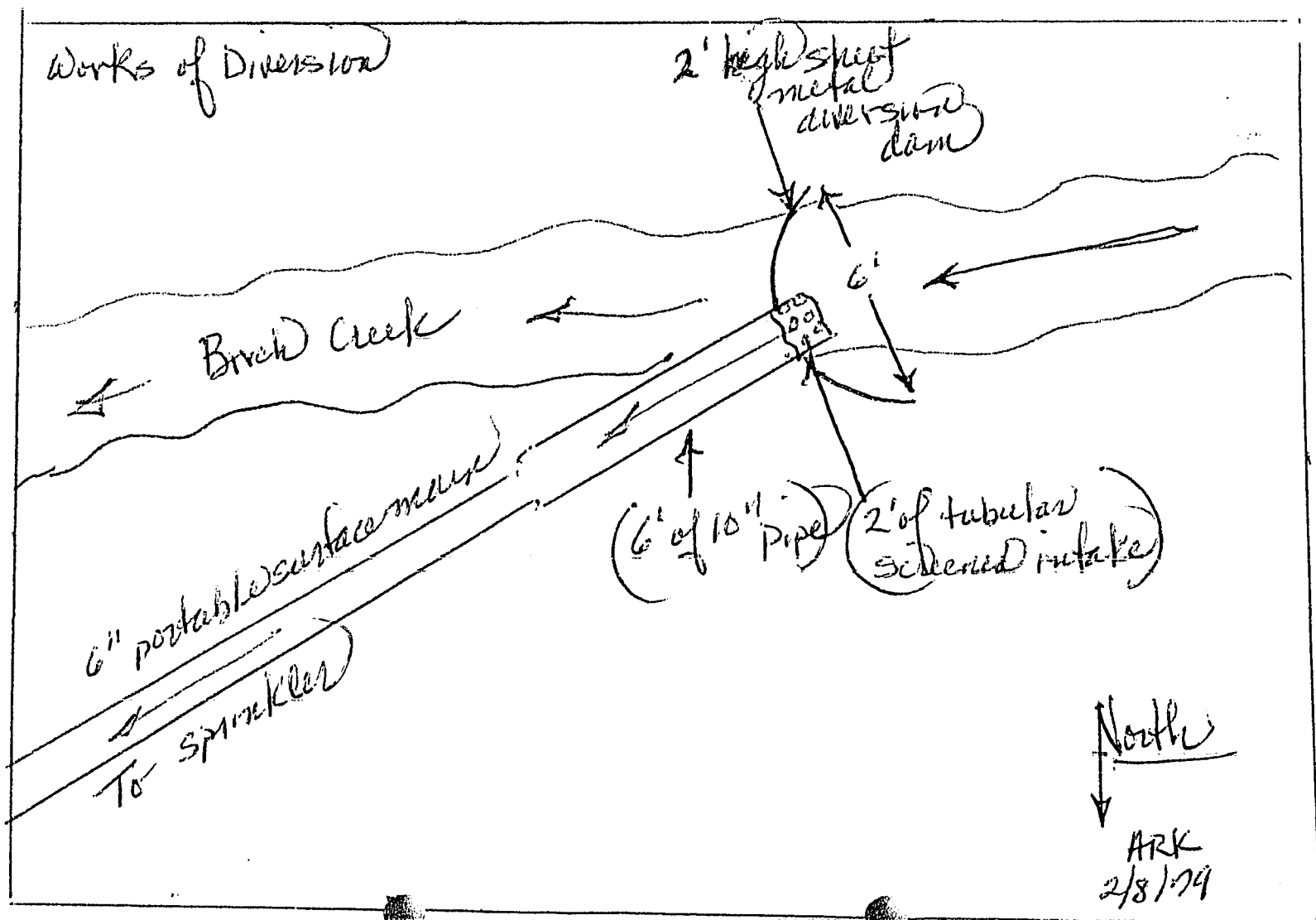
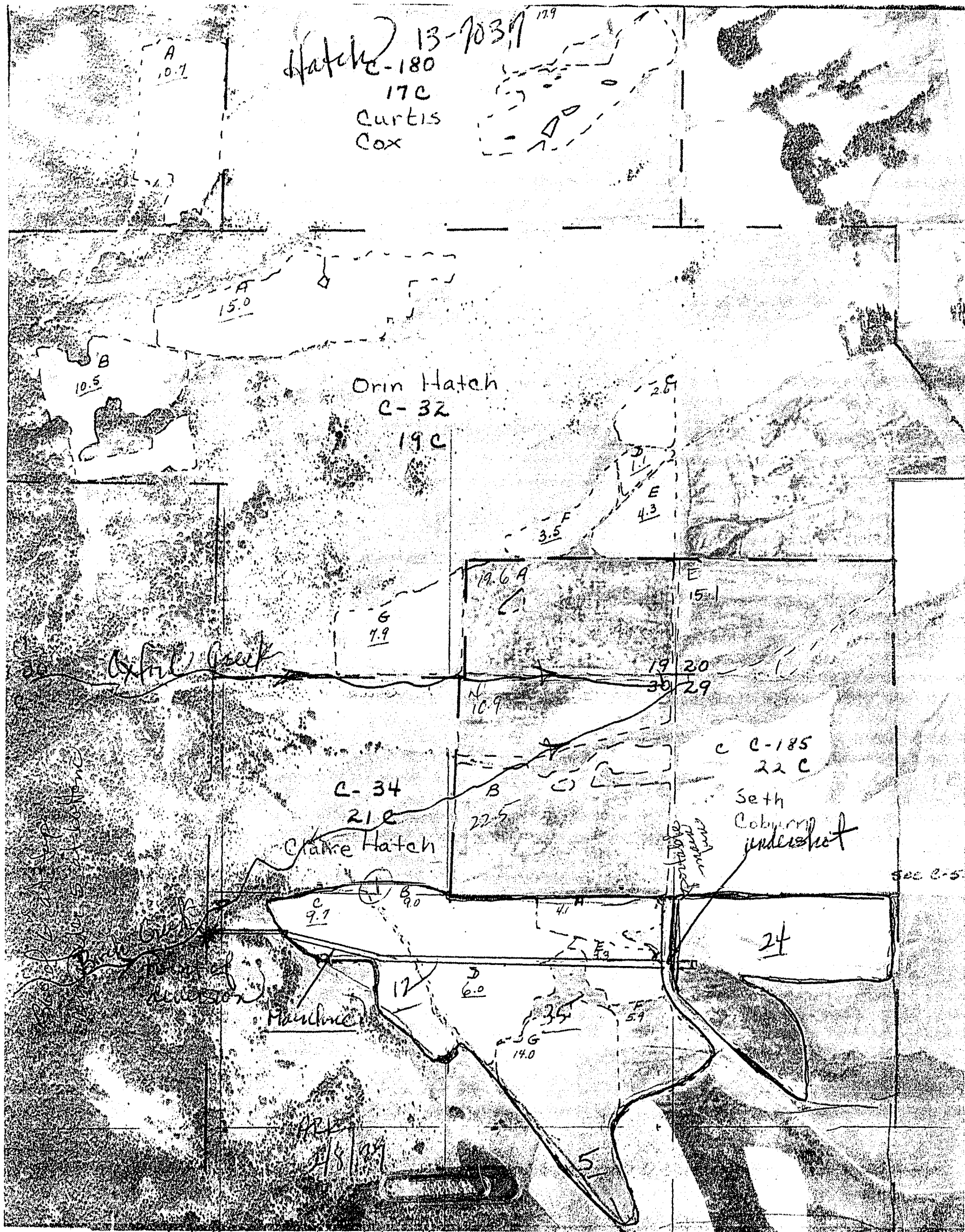


Diagram of System



2/8/79



REMARKS:

System shown depicted & described by Mr. Hatch
During irrigation season after high water period Birch
Creek is entirely diverted into Oxford Creek to satisfy
pre-existing decreed water rights. In the winter Birch
Creek is turned into Oxford Creek in order to fill a small reservoir.

Examiner's Signature Anthony R. Kozlowski

Date 2/8/79

Checked by J. A. Carson

Date 3/2/79

Approved by [Signature]

Date 2-24-82

see reverse side

3/19/82

DATE OF EXAM Oct 27, 1978

ACREAGE
Found 77 ac
Recommended 77 ac

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = .89 c.f.s. V = 269.5 AF/Ann. from April 1 to Nov 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

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

Exchange? yes _____ no X

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

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

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

Total Q measured .89 c.f.s. Method of measurement In Line Meter

Total Q recommended .89 c.f.s. Meter No. 11031 Type Rockwell Condition good

Total V recommended 269.5 AF/yr Control Control

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
(None)

MEASUREMENT CALCULATION:
measured 0.144 in 490 sec; 435.6 cu ft ÷ 490 = .89 c.f.s.
77 ac (0.02) = 1.54

$\sqrt{77 \text{ ac} \times 3.5 \text{ AF/Ac}} = 269.5 \text{ AF/yr} < .89 \text{ c.f.s.} \times 215 \times 1.4835 = 379.5 \text{ AF/yr}$
APK 2/8/79

SYSTEM DESCRIPTION:
When high water in Birch Creek is available it is diverted into a
6" diam portable surface main which conveys the water downhill via
the force of gravity for the gravity flow sprinkler irrigation of
77 ac using the rotation of 11 - 1/4 mi long handline lateral
33 jets each having 3/4" diam nozzles.

REMARKS:
System shown operated & described by Mr. Hatch
During irrigation season after high water period Birch
Creek is entirely diverted into Oxford Creek to satisfy
pre-existing decreed water rights. In the winter Birch
Creek is turned into Oxford Creek in order to fill a small reservoir

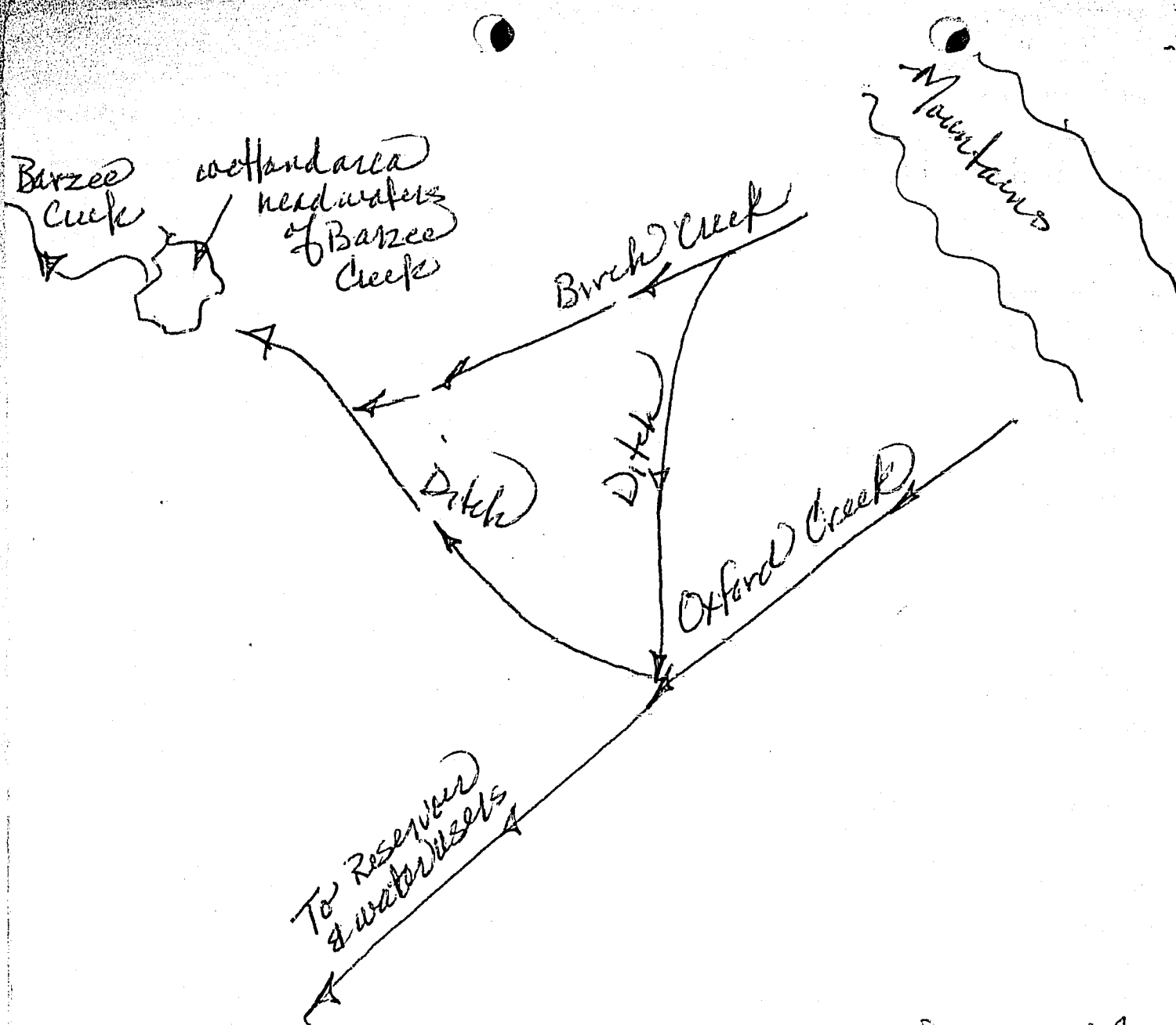
Examiner's Signature Anthony R. Kozlowski Date 2/8/79

Checked by Joe L. Carlson Date 4/8/79

Approved by J. King Date 2-24-82

see reverse side

Jim
3/18/82



Birch Creek is no longer tributary to Barzee Creek.
By an act of man it has become a tributary
of Oxford Creek



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 22, 1982

RE: Permit No. 13-7037

Henry A. Hatch
Oxford,
Idaho 83228

Dear Mr. Hatch:

A representative of this Department has made an examination of the works covered by your Permit No. 13-7037, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.89 cfs Source: Birch Creek

The maximum quantity diverted shall not exceed 269.5 acre feet per year.

Point(s) of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, Twp. 13S, Rge. 38E, Franklin County

Beneficial use: Irrigation of 77 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29; W $\frac{1}{2}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30; Twp. 13S, Rge. 38E

Priority date established: February 28, 1973

Conditions (if any): Use of water under this license is subject to control
by ~~the watermaster of~~ State Water District No. 13R, Oxford Creek.

A measuring device and lockable controlling work of a type acceptable
to the Department shall be permanently installed and maintained as part of
the diverting works.

If you do not concur with these findings please contact us within 10 days, otherwise
a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

May 20, 1982

RE: Permit No. 13-7037

Henry A. Hatch
Oxford,
Idaho 83228

Dear Mr. Hatch:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure