TAKEN BY	NUMBER, NAME OR SUBDIVISION	DATE
Ellen Da (L)	36-2616	5/15
new appt	22-2250	5/15
	13-7043	5/21

TAKEN BY	NUMBER, NAME O...

STOCK NO. H-52181

Identification No. 13 7043

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 Raymond O. Sparrow

   post office address Preston, Idaho

2. Source of water supply open drain which is a tributary of Bear River

3. a. Location of point of diversion is NW ¼ of NE ¼ of Section 31 Township ~~16S~~ 15S NKY

   Range 39 E B.M. Franklin County; additional points of diversion if any: _____

   b. If water is not consumed, it will be discharged into pipeline at a point in NW ¼ of NE ¼ of Section 31 Township ~~16S~~ 15S Range 39 E B.M. _____

4. Water will be used for the following purposes:

   Amount 1.2 (cfs or acre-feet per annum) for irrigation purpose from May 1 to Oct. 1 (both dates inclusive)

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

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

5. Total quantity to be appropriated:

   a. _____ cubic feet per second and/or

   b. _____ acre feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. pump and sprinkler system to pump water from an open drain to the land to be irrigated

   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 _____ (Mo, Day) to _____ (Mo, Day) inclusive.

   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 1 years.

   b. Estimated construction cost is $ 1500.

8. Description of proposed uses:

   a. If water is **not** for irrigation:

   (1) Give the place of use of water: _____ ¼ of _____ ¼ 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: _____

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	39E	31		20	20														40
15S	39E	30																20	20

Total number of acres to be irrigated 60

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

9. a. Who owns the property at the point of diversion applicant

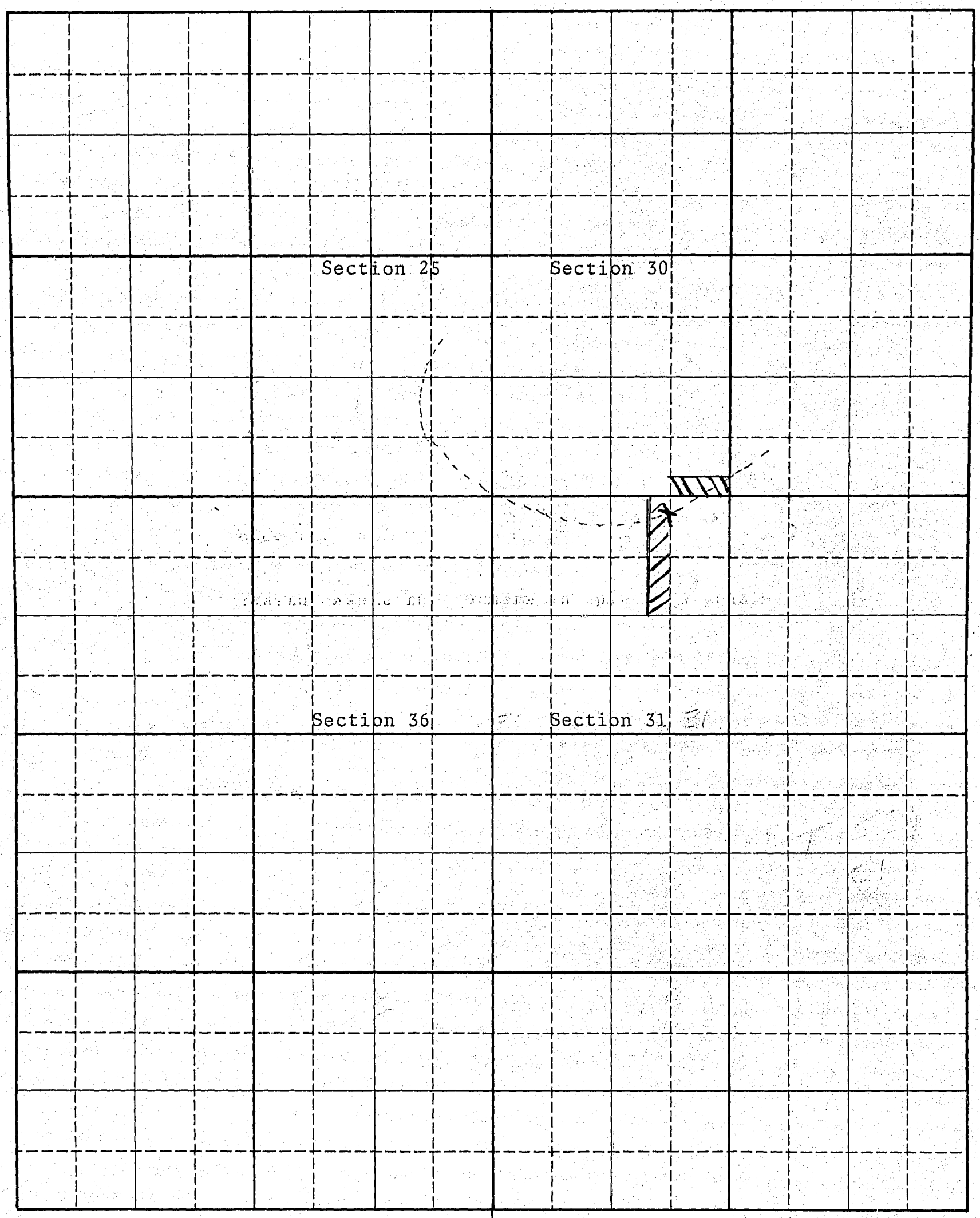
b. Who owns the land to be irrigated or place of use "

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 For several years the farmers in this area have maintained an open drain to drain their land. Your applicant is filing upon the water that comes through the open drain to the point of diversion. In other words, the waste water that comes down the open drain.

MICROFILMED

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

Range 38 ⟵ ⟶ Range 39

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.

Green broken line - open drain
x - point of diversion
Blue line - land to be irrigated

Raymond Pearson
(Applicant)

MICROFILMED

MICROFILMED

Proposed Priority 5-17-1973

Received by ha Date 5/17/73 Time 10:30 A

Preliminary check by NCY Fee $ 35.00

Receipted by ha Date 5/17/73 Receipt # 7196

Publication prepared by ha Date 5/17/23

Published in Preston Citizen

Publication dates 5-24 & 31-73

Publication approved ____ Date ____

Priority reduced to ____ Reason ____

Protests filed by: Roland W. Hobbs, Perth Poulsen, (12) Raymond B. Hobbs, Carl Frew

Copies of protests forwarded by mb

Hearing held by BE Date 10/24/73

Recommended for approval denial by NCY

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. 13-7043, 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 March 1, 19 75.

   c. Other: Pursuant to Memorandum Decision and Order of 2-20-1974.

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

Witness my hand this 20 day of February 19 74.

L Kent Higgins
Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	NCY	5/17/73	Application No. 13-7043 Name SPARROW
(2)	"	"	Check:
		?	☑ Signature
			☑ Point of Diversion O.K hks to be 155 — No sec 36 in T16S
			☑ 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
			☑ County
(3)	"	"	Send copies to:
		N.A	☐ Idaho State Health Department
			☐ Idaho Fish and Game Department
			☐ Bureau of Land Management
(4)	"	"	☐ Request Special Use Permit from U.S.F.S.
		N.A.	☐ Request Easement from B.L.M.
(5)			In form for advertising YES
(6)	mb	6/20/73	Affidavit of Publication received 6-20-73
(7)	mb	"	Final date for protests June 11, 1973
			Protests received: yes X no ___
(8)	NCY	2/14/74	Date and Place of hearing 10/24/73 Preston
			Decision reached at hearing ___
(9)	NCY	5/17/73	Located within Water District No. 13
(10)	"	"	Critical groundwater area: yes ___ no N.A
(11)	"	"	Groundwater levels:
			☐ Decline (comment) ___
			☐ Stable (comment) N.A.
			☐ Increasing (comment) ___
(12)	"	"	Comments: Eastern District records are not adequate to check other uses from this source or to determine the rights for this property.
(13)	NCY	2/14/74	Action recommended:
			☑ Approve Priority 5/17/73
			☐ Deny Reason for Reduction —
	"	"	See Memo. Dec. ~~attached sheet~~ for conditions of approval
			☐ No conditions for approval
(14)			District E By NCY
			Date 2/14/73 Title O. E

RECEIVED
FEB 15 1974
Department of Water Administration

MICROFILMED

№ 2398

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

May 24, 19 73, and ending

with the issue of May 31, 19 73

Wayne D Bell

Fees, $ 11.47

Subscribed and sworn to before me this 19 day

of June, 19 73.

Melissa D Geddes

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 74.

RECEIVED
JUN 20 1973
MB
Department of Water Administration
Eastern District Office

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Raymond O. Sparrow, Preston, Idaho has on 5-17-73 submitted Application No. 13-7043 for a permit to appropriate 1.2 cubic feet per second of water from an open drain by means of pump and sprinkler system within the NW¼NE¼, Sec. 31, T. 15S, R. 39E, B.M., Franklin County, (approximately 4 miles southwest of Preston); to be used from May 1 to Oct. 1 for the irrigation of 60 acres within the W½NE¼, Sec. 31; SE¼SE¼, Sec. 30, T. 15S, R. 39E, 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 June 11, 1973.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on May 24 and May 31, 1973.

Legal No. 2398 — Pub. May 24, 31, 1973.

MICROFILMED

№ ~~2416~~ Duplicate of 2398

AFFIDAVIT OF PUBLICATION

RECEIVED
JUN 22 1973
Department of Water Administration
Eastern District Office

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

May 24, 19 73, and ending

with the issue of May 31, 19 73.

Wayne D. Bell

Fees, $ 11.47

Subscribed and sworn to before me this 20 day

of June, 19 73.

Delmar D. Geddes

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 74

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Raymond O. Sparrow, Preston, Idaho has on 5-17-73 submitted Application No. 13-7043 for a permit to appropriate 1.2 cubic feet per second of water from an open drain by means of pump and sprinkler system within the NW¼NE¼, Sec. 31, T. 15S, R. 39E., B.M., Franklin County, (approximately 4 miles southwest of Preston), to be used from May 1 to Oct. 1 for the irrigation of 60 acres within the W½NE¼, Sec. 31, SE¼SE¼, Sec. 30, T. 15S, R. 39E, 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 June 11, 1973.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on May 24 and May 31, 1973.

Legal No. 2398—Pub. May 24, 31, 1973.

MICROFILMED

Law
Office
Dell W. Smith
Preston
Idaho
83263

RECEIVED
MAY 17 1973
Department of Water Administration
Eastern District Office

May 10, 1973

State of Idaho
Department of Water Administration
240 S. Homes Avemue
Idaho Falls, Idaho 83401

Re: Raymond O. Sparrow
Application

Gentlemen:

Enclosed will find an application for a water permit. Also enclosed, you will fin d a check in the sum of $35 for the necessary filing fees.

Thank you very kindly for your prompt,coureous, and efficient service.

Very truly yours,

Dell W. Smith

DWS:dc

Enclosures

MICROFILMED

May 17, 1973

Mr. Raymond O. Sparrow
Preston,
Idaho 83263

Dear Mr. Sparrow:

Attached herewith is departmental receipt No. 7196 in the amount of $35.00 for your application for permit which was received in this office under the above date.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

Attachment

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that **Raymond O. Sparrow, Preston, Idaho**

has on **5/17/73** submitted Application No. **13-7043**

for a permit to appropriate **1.2** cubic feet per second

of water from **an open drain**

by means of **pump and sprinkler system**

within the **NW¼NE¼, Sec. 31, T. 15S, R. 39E, B.M., Franklin County, (approximately 4 miles southwest of Preston);**

to be used from **May 1 to Oct. 1**

for **the irrigation of 60 acres**

within the **W½NE¼, Sec. 31; SE¼SE¼, Sec. 30, T. 15S, R. 39E, 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 **June 11, 1973**.

R. KEITH HIGGINSON

Director

Published in the **Preston Citizen, Preston, Idaho**

on **May 24** and **May 31, 1973.**

MICROFILMED NC4

May 17, 1973

Re: Application No. 13-7043 - Raymond O. Sparrow

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 6-20-73 by mb

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Raymond O. Sparrow, Preston, Idaho has on 5-17-73 submitted Application No. 13-7043 for a permit to appropriate 1.2 cubic feet per second of water from an open drain by means of pump and sprinkler system within the NW¼NE¼, Sec. 31, T. 15S, R. 39E, B.M., Franklin County, (approximately 4 miles southwest of Preston); to be used from May 1 to Oct. 1 for the irrigation of 60 acres within the W½NE¼, Sec. 31; SE¼SE¼, Sec. 30, T. 15S, R. 39E, 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 June 11, 1973.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on May 24 and May 31, 1973.

Legal No. 2398 — Pub. May 24, 31, 1973.

RECEIVED

RECEIVED

MAY 30 1973

Department of Water Administration
Eastern [illegible]

Preston, Idaho
May 29, 1973

Mr. R Keith Higginson
Boise, Idaho

I am writing about the application for a water permit that was published in the Preston Citizen May 24. This was for permit #13-7043 for pumping purposes from an open drain.

I oppose this permit to be granted. The farm I own and operate has been using this water from the open drain as long as the drain has been in operation. We used it first for subbing and now we use it to pump through a sprinkler and also an open ditch. We have been pumping through the sprinkler and open ditch for 25 years. We have used the water from this drain to sprinkle since the big sprinkler systems came out on the market.

When I am using this water their is not 1.2 cubic feet per second of water going by.

My use of the water should come before anyone else.

Sincerely
Roland M. Hobbs
Roland M. Hobbs.

MICROFILMED

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

May 30, 1973

Re: Application No. 13-7043

Mr. Roland W. Hobbs
Weston, ID 83286

Dear Mr. Hobbs:

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):

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 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,

NORMAN C. YOUNG
District Engineer

NCY:ba

MICROFILMED

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

Mr. Raymond Sparrow
Preston, ID

May 30, 1973

Re: Application for Permit No. 13-7043

Dear Mr. Sparrow:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 13-7043. 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.

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,

NORMAN C. YOUNG
District Engineer

NCY: ba

Enc: Copy of Protest(s)

MICROFILMED

RECEIVED
JUN 4 1973
Department of Water Administration
Eastern District Office

Perth Poulsen
Weston, Idaho 83286

May 31, 1973

RECEIVED
JUN 4 1973
Department of Water Administration
Eastern District Office

Idaho Dept. Of Water Administration
240 South Holmes
Idaho Falls, Idaho

Gentlemen:

Notice has been given in the Preston Citizen, by Raymond O. Sparrow, for a permit to appropriate water from an open drain in Sec. 31 in Franklin County, Idaho.

I wish to protest this claim as I have been pumping water from this drain for approximately fifteen (15) years. I have also, by necessity, put in two tile drains on my farm that empty into this open drain, and have installed a sprinkling system to use this water. Prior to this time the drain was used to sub this farm.

Sincerely,

Perth Poulsen

MICROFILMED

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

June 4, 1973

Re: Application No. 13-7043

Perth Poulsen
Weston,
Idaho 83286

Dear Mr. Poulsen:

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):

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 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,

NORMAN C. YOUNG
District Engineer

NCY: mb

June 4, 1973

RE: Application for Permit No. 13-7043

Raymond Sparrow
Preston,
Idaho 83263

Dear Mr. Sparrow:

We have enclosed a copy of an additional protest filed against the above referenced application, submitted by Mr. Perth Poulsen.

If you have any questions, please contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb
Enc.

MICROFILMED

RECEIVED

JUN 6 1973

Department of Water Administration
Eastern District Office

June 5, 1973
Preston, Idaho

Notice is hereby given that I Raymond R. Hobbs protest the application #13-7043 by Raymond O. Sparrow on 5-17-73 for permit to use water from open drain by mean pump and sprinkler within N.W. ¼ NE¼ Sec 31, T. 15 S, R 39 E B.M. Franklin County, (approximately 4 miles South west of Preston) to be used from May 1 to Oct. 1 for irrigation of 60 acres

(Signed) Raymond R Hobbs
R.F.D.
Preston, Idaho
83286

MICROFILMED

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

June 6, 1973

Re: Application No. 13-7043

Raymond R. Hobbs
Weston,
Idaho 83286

Dear Mr. Hobbs:

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):

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 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,

Norman C. Young/mb

NORMAN C. YOUNG
District Engineer

NCY:mb

MICROFILMED

June 6, 1973

Re: Application for Permit No. 13-7043

Raymond Sparrow
Preston,
Idaho 83263

Dear Mr. Sparrow:

We have enclosed a copy of an additional protest filed against the above referenced application, submitted by Mr. Raymond R. Hobbs.

If you have any questions, please contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

Enc.

MICROFILMED

RECEIVED
JUN 7 1973
Department of Water Administration
Eastern District Office

Perth Poulsen
Weston, Idaho 83286
June 5, 1973

Idaho Department of Water Administration
240 South Holmes
Idaho Falls Idaho83401

Gentlemen:

In the Preston Citizen, Raymond Sparrow has submitted Application No 13-7042 for a permit to appropriate water from an open drain within the $NW\frac{1}{4}NE\frac{1}{4}$, Sec. 31, T. 15S, R. 39E, B.M., Franklin County.

I wish to protest this application as I am using the water in that drain.

Sincerely,

Perth Poulsen

RECEIVED

June 7, 1973

Re: Application for Permit No. 13-7043

Mr. Perth Poulsen
Weston,
Idaho 83286

Dear Mr. Poulsen:

We received your first protest on June 4, 1973 in reference to Raymond O. Sparrow, application for permit No. 13-7043 We received your other protest this date in reference to application for permit No. 13-7042 which is in the name of William Ariel Hawkes (not Raymond O. Sparrow, the name you mentioned in your protest letter) with the point of diversion in the SW¼SE¼, Sec. 9, T. 15S, R. 39E, B.M., Franklin County. If you wish to protest Mr. Hawkes' application for permit No. 13-7042, you will have to submit another protest. However, if the protest was in reference to Raymond O. Sparrow there will be a hearing and/or conference held in the near future and we will contact you when the date is set.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

MICROFILMED

June 5, 1973

Dept. of Water Administration,

I hereby protest Ray Sparrow's filing for water in the Northwest quarter of the Northeast quarter of Section 31, Township 15 south, Range 39 East, Boise Meridian, Franklin County.

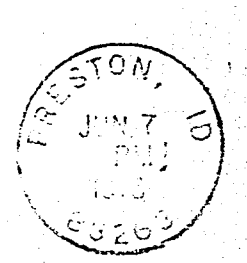
Carl Frew

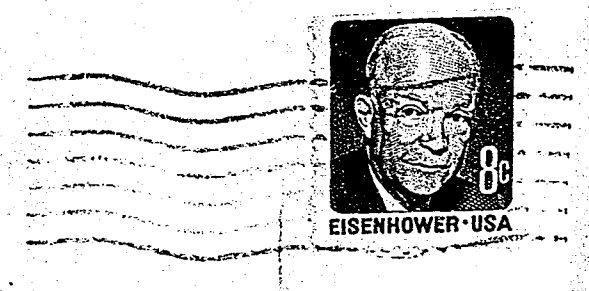
Carl Frew

RECEIVED
JUN 8 1973
Department of Water Administration
Eastern District Office

MICROFILMED

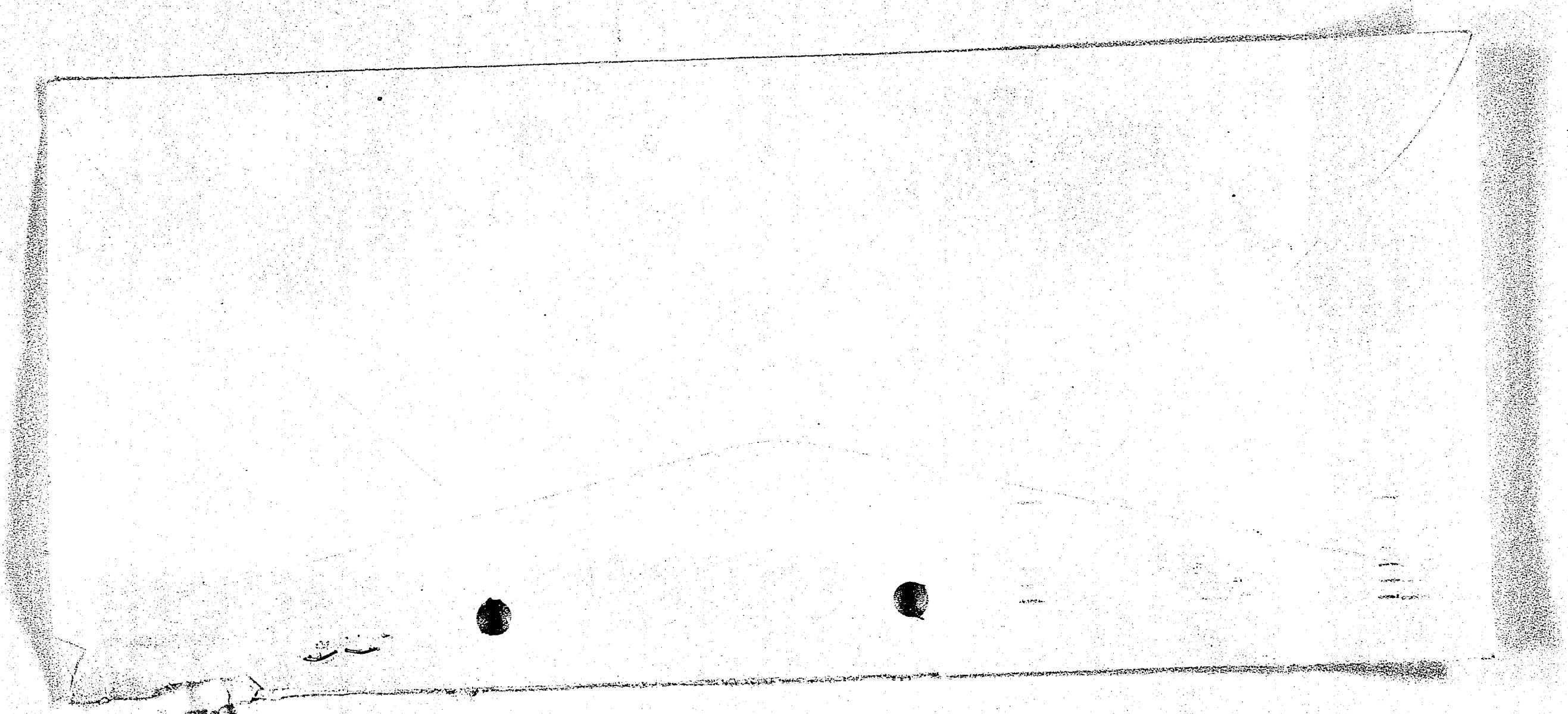
Carl Frew
Box 41
Preston, Idaho
83263





Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho

MICROFILMED



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

June 8, 1973

Re: Application No. 13-7043

Mr. Carl Frew
Box 41
Preston, Idaho 83263

Dear Mr. Frew:

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):

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 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,

Norman C. Young/mb

NORMAN C. YOUNG
District Engineer

NCY:mb

MICROFILMED

June 8, 1973

Re: Application for Permit No. 13-7043

Raymond Sparrow
Preston,
Idaho 83263

Dear Mr. Sparrow:

We have enclosed a copy of an additional protest filed against the above referenced application, submitted by Mr. Carl Frew.

If you have any questions, please contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

Enc.

MICROFILMED

RECEIVED
JUN 11 1973
Department of Water Administration
Eastern District Office

Perth Poulsen
Weston, Idaho 83286
June 8, 1973

Idaho Department of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Gentlemen:

In the Preston Citizen, Raymond O. Sparrow has submitted application no. 13-7043 for a permit to appropriate water from an open drain within the $NW\frac{1}{4}NE\frac{1}{4}$, Sec. 31, T. 15S, R. 39E, B.M. Franklin County.

I wish to protest this application as I am using the water in this drain.

Sincerely,

Perth Poulsen

MICROFILMED

RECEIVED
JUN 11 1973
Department of Water Administration
Eastern District Office

Perth Poulsen
Weston, Idaho 83286
June 8, 1973

Mr. Norman C. Young
240 South Holmes
Idaho Falls, Idaho 83401

Dear Mr. Young;

I have no intention of protesting Mr. William Ariel Hawkes permit. It was an error in typing.

The reason for sending a second protest against Raymond O. Sparrow, was because there are two sections in Franklin County with the No. 31. Therefore I thought it necessary to send complete information on this.

Inclosed is a protest with the correct information.

I am sorry for the inconvenience this has caused you.

Sincerely,

Perth Poulsen

MICROFILMED

June 19, 1973

Re: Application for Permit No. 13-7043 - Raymond O. Sparrow

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Would you please submit an affidavit of publication in connection with the above referenced application. The legal notice was to have been published in your paper on May 24, and May 31, 1973. We have received the certified bill.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

MICROFILMED

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

MICROFILMED

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

In the Matter of Protests Against Approval of Application for Permit No. 13-7043 in the name of RAYMOND O. SPARROW	NOTICE OF CONFERENCE AND/OR HEARING

On May 17, 1973, Raymond O. Sparrow filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On May 30, 1973, the Department received a protest against approval of said application from Roland W. Hobbs, on June 4, 1973 from Perth Poulsen, on June 6, 1973 from Raymond R. Hobbs, and on June 8, 1973 from Carl Frew.

The Department has set the matter of protests for conference and/or hearing for Thursday, July 12, 1973, at 9:00 a.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.

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

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the 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 25th day of JUNE, 1973

Norman C. Young

NORMAN C. YOUNG
District Engineer

NAME AND ADDRESS OF SENDER ▶

Indicate type of mail:
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☒ CERTIFIED

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1	✓196	Raymond O. Sparrow - Fruton, Idaho	08	30	15				13-7043
2	✓197	Cleand L Hobbs - Fruton, Idaho	08	30	15				"
3	✓198	Otho Foster - Fruton, Idaho	08	30	15				"
4	199	Raymond R Hobbs - R.F.D. Fruton, Ida.	08	30	15				"
5	✓200	Ed Frew - Box 41 Fruton, Idaho	08	30	15				"
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20		Copy sent to Boise							

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POD Form 3877.

APPLICATION FOR REGISTRATION OR CERTIFICATION

(Surcharges are not required on international registered mail)

c48—16—8793-15 U.S. GOVERNMENT PRINTING OFFICE

App. # 13-7043

RECEIVED
JUN 28 1973
Department of Water Administration
Eastern District

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1. SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)* Raymond Stobbe
2. SIGNATURE OF ADDRESSEE'S AGENT, IF ANY Margaret Stobbe
3. SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)* 13-7043

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INSURED NO.

DATE DELIVERED JUL 2 1973

1. SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)* Carl Frew
2. SIGNATURE OF ADDRESSEE'S AGENT, IF ANY Rebecca Frew
3. SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)* 13-7043

SENDER: Be sure to follow instructions on other side

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CERTIFIED NO. 196

INSURED NO.

DATE DELIVERED 6-28-73

1. SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)* Raymond Spencer
2. SIGNATURE OF ADDRESSEE'S AGENT, IF ANY Mary Alene Spencer
3. SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)* 13-7043

SENDER: Be sure to follow instructions on other side

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REGISTERED NO.

CERTIFIED NO. 197

INSURED NO.

DATE DELIVERED 6-28-73

1. SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)* Phillip L. Stobbe
2. SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
3. SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)* 13-7043

SENDER: Be sure to follow instructions on other side

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REGISTERED NO.

CERTIFIED NO. 198

INSURED NO.

DATE DELIVERED 6-27-73

1. SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)* Perth Poulsen
2. SIGNATURE OF ADDRESSEE'S AGENT, IF ANY Perth Poulsen
3. SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)* 13-7043

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JUN 29 1973

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Department of Water Administration
Eastern District Office

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Print in the space below your name, address, including ZIP Code.
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240 S. Holmes Ave.
Idaho Falls, Ida. 83401

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240 S. Holmes Ave.
Idaho Falls, Ida. 83401

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Idaho Falls, Ida. 83401

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JUN 27 1973 PM

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RETURN TO

Dept. of Water Administration
240 S. Holmes Ave.
Idaho Falls, Ida. 83401

July 6, 1973

Re: Application for Permit No. 13-7043 - Raymond O. Sparrow

Mr. Roland W. Hobbs
Weston,
Idaho 83286

Dear Mr. Hobbs:

Pursuant to your telephone request of this day, enclosed please find copies of Mr. Poulsen's protests and also a claim to a water right form.

If you have any questions, please contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

Enclosures

MICROFILMED

13-7043 - Raymond O. Sparrow

Franklin County Courthouse, Preston, Idaho

July 12, 1973 - 9:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Lerth Poulsen	Weston Idaho	Self
Raymond O. Webb	Weston Idaho	Self
Carl Freeo	Preston Idaho	Self
Roland W. Walker	Weston Idaho	Self
Dan Freeo	Preston Idaho	Carl Freeo
Harold Stevenson	Weston Idaho	Self.
Raymond Sparrow	Weston Idaho	Self

M E M O R A N D U M

RE: Application for Permit No. 13-7043

A conference was held at Preston, Idaho on July 12, 1973, to consider the protest against issuance of permit on the above referenced application.

The applicant, Raymond O. Sparrow, was present and represented himself. The protestants, Perth Poulsen, Carl Frew, Ray Hobbs, and Roland W. Hobbs, were present and represented themselves. Harold Stevenson appeared as an additional protestant. The Department of Water Administration was represented by Bob Fleenor, Hearing Officer, and Norman C. Young.

At the informal hearing, the applicant indicated that it was his intention to have the first recorded water right on the unnamed drain in question. He indicated that he would then have the right, in his opinion, to demand that water be released from upstream to fill his permit.

The protestants indicated that throughout most of the irrigation season there was not water available in excess of their existing use rights, and that when water was available the season of the year would be such that a beneficial use could not be made by direct diversion. It was, also, determined that the applicant has water available from shares in the Twin Lakes Canal Company.

The protestants were willing to allow the Department to make a decision without going to a formal hearing. However, the applicant expressed a desire to consult an attorney before waiving his right to a formal hearing. Therefore, the conference was adjourned with the agreement that unless a formal hearing is requested, in writing, within thirty days by an attorney for either the applicant or protestants, the Department will make a decision based upon the information heard at the conference, and information contained on the application, protests, and other water right records.

NCY

NORMAN C. YOUNG
District Engineer

July 17, 1973

13-7043

Applicant
Ray Sparrow

Protestants
Perth Poulsen
Carl Frew
Ray Hobbs
Roland Hobbs

Water is available from Twin Lakes Canal

Water would be used in supplemental —

Frew's and Harold's

Water rights below —

→ Frews use of drain last of April 1st of May
Harold — use water on about 1 acre —

— Is there sufficient water —

→ Department may make a decision unless a formal hearing is requested within 30 days Aug 12 by the applicant of protestants.
→ Send water users handbook to those present.

MICROFILMED

CONVERSATION MEMORANDUM

DATE 8/6/73

13-7043

FILE _____

NAME OF PARTY Roland Hobbs - AM
Perth Paulson PM

EMPLOYEE LRJ

RE: Protest on application 13-7043 - Raymond O. Sparrow

(AM)

Mr. Hobbs called to talk to Norm about information he had gathered in regard to his protest of water to Mr. Sparrows filing. He wants to come to I.F. and discuss it with Norm. I told Mr. Hobbs I wasn't sure if Norm would be in Wed. but though he would be in Friday.

(PM) (1:40P)

Mr. Paulson called this afternoon wanting to know what information and when and what to do with it. And if any action had been taken.

Told Mr. Paulson we had not heard from Mr. Sparrow or his attorney. Mr. Paulson said he had obtained his invoice for his sprinkler pipe that would indicate the date when he had started using the water. and later when he had converted from Tractor power to pump the water to. Electricity

Mr. Hobbs wants to be notified who Mr. Sparrows Attorney is. when we are notified.

Told Mr Paulson we would place in the file any information he cared to submit.

MICROFILMED

Law
Office
Dell W. Smith
Preston
Idaho
83263

RECEIVED
AUG 9 1973
Department of Water Administration
Eastern District Office

August 7, 1973

State of Idaho
DEPARTMENT OF WATER ADMINISTRATION
1515 Lincoln Rd.
Idaho Falls, Idaho 83401

Re: Application for
Permit #13-7043

Gentlemen:

Mr. Raymond O. Sparrow, the applicant for the above-mentioned water right, has contacted this office concerning the above permit.

I am sure Mr. Sparrow wants to go ahead on his application.

Would youroffice kindly inform me the present status of this matter and whether or not an order was entered on the 12th of July, 1973, at the hearing.

Very truly yours,

Dell W. Smith

DWS:dc

cc: Mr. Raymond O. Sparrow

MICROFILMED

August 13, 1973

Re: Application for Permit No. 13-7043 - Raymond O. Sparrow

Mr. Dell W. Smith
Attorney at Law
Preston, Idaho 83263

Dear Mr. Smith:

This office is in receipt of your letter of August 7, 1973 with reference to the above mentioned application for permit. This office has not entered a decision as a result of the conference held on July 12, 1973. The agreement at that time was that the Department would make a decision based upon that conference, unless either the applicant or protestants through an attorney requested that a formal hearing be held.

If it is your intention that a formal hearing be held, I can consider your letter of August 7, 1973 to be such a request and a formal hearing can be held at a later date. Please inform this office of your intentions with regard to this matter.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

cc: Raymond O. Sparrow
Perth Poulsen
Raymond R. Hobbs
Carl Frew
Roland W. Hobbs
Harold Stevenson

MICROFILMED

Law
Office
Dell W. Smith
Preston
Idaho
83263

RECEIVED
SEP 6 1973
Department of Water Administration
Eastern District Office

September 5, 1973

State of Idaho
DEPARTMENT OF WATER ADMINISTRATION
Eastern District Office
1515 Lincoln Street
Idaho Falls, Idaho 83401

Re: Application for Permit
No. 13-7043
Raymond O. Sparrow

Dear Mr. Young:

In response to your letter of August 13, 1973, this is to inform you that Mr. Raymond O. Sparrow requests a formal hearing at the earliest convenience of the Water Adminstration Department.

Very truly,

Dell W. Smith

DWS:dc

MICROFILMED

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

In the Matter of Protests Against Approval of Application for Permit No. 13-7043 in the name of RAYMOND O. SPARROW	NOTICE OF HEARING

On May 17, 1973, Raymond O. Sparrow filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On May 30, 1973, the Department received a protest against approval of said application from Roland W. Hobbs, on June 4, 1973 from Perth Poulsen, on June 6, 1973 from Raymond R. Hobbs, and on June 8, 1973 from Carl Frew.

The Department has set the matter of protests for a hearing for Wednesday, October 24, 1973, at 9:00 a.m., in the conference room of the Franklin County Courthouse, Preston, Idaho. The 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 protestants 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 24TH day of SEPTEMBER, 1973

Norman C. Young

NORMAN C. YOUNG
District Engineer

NAME AND ADDRESS OF SENDER ▶

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1	247	Raymond D. Sparrow Preston Idaho	08	30	15				13-7043
2	248	Leland L. Hobbs, Preston, Idaho	08	30	15				"
3	249	Curtis Poulsen, Preston, Idaho	08	30	15				"
4	250	Raymond R. Hobbs, RFD. Preston, Id.	08	30	15				"
5	251	Carl Drew Box 41, Preston, Id.	08	30	15				"
6	255	Bill L. Smith - Atty - Preston, Id.	08	30	15				"
7	256	Harold Stevenson Preston, Id	08	30	15				"
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9									
10									
11				3	7				
12									
13		Sent by Certified Mail							
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APPLICATION FOR REGISTRATION OR CERTIFICATION

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o48—16—6763-15 U.S. GOVERNMENT PRINTING OFFICE

13-7043

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RECEIPT
Received the numbered article described below

REGISTERED NO.

CERTIFIED NO. 247

INSURED NO.

DATE DELIVERED

1 SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in): Raymond Sparrow

2 SIGNATURE OF ADDRESSEE'S AGENT, IF ANY: Mardene Sparrow

3 SHOW WHERE DELIVERED (Only if requested, and include ZIP Code): 13-7043

SENDER: Be sure to follow instructions on other side

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Received the numbered article described below

REGISTERED NO.

CERTIFIED NO. 251

INSURED NO.

DATE DELIVERED SEP 27 1973

1 SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in): Carl Frew

2 SIGNATURE OF ADDRESSEE'S AGENT, IF ANY: Rebecca H. Frew

3 SHOW WHERE DELIVERED (Only if requested, and include ZIP Code): 13-7043

SENDER: Be sure to follow instructions on other side

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Received the numbered article described below

REGISTERED NO.

CERTIFIED NO. 248

SURED NO.

DATE DELIVERED 9-28-73

1 SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in): Roland Hobbs

2 SIGNATURE OF ADDRESSEE'S AGENT, IF ANY: Peola Hobbs

3 SHOW WHERE DELIVERED (Only if requested, and include ZIP Code): 13-7043

SENDER: Be sure to follow instructions on other side

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REGISTERED NO.

CERTIFIED NO. 255

INSURED NO.

DATE DELIVERED 9-27-73

1 SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in): Dell W Smith

2 SIGNATURE OF ADDRESSEE'S AGENT, IF ANY: Debbie Coburn

3 SHOW WHERE DELIVERED (Only if requested, and include ZIP Code): 13-7043

13-7043

SENDER: Be sure to follow instructions on other side

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RECEIPT
Received the numbered article described below

REGISTERED NO.

CERTIFIED NO. 249

INSURED NO.

DATE DELIVERED 9-27-73

1 SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in): Perth Poulsen

2 SIGNATURE OF ADDRESSEE'S AGENT, IF ANY: Ora Lillian Poulsen

3 SHOW WHERE DELIVERED (Only if requested, and include ZIP Code): 13-7043

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show address where delivered ☐ Deliver ONLY to addressee

RECEIPT
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REGISTERED NO.

CERTIFIED NO. 256

INSURED NO.

DATE DELIVERED 9/25/73

1 SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in): Harold Stevenson

2 SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

3 SHOW WHERE DELIVERED (Only if requested, and include ZIP Code): 13-7043

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REGISTERED NO.

CERTIFIED NO. 250

INSURED NO.

DATE DELIVERED 9-27-73

1 SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in): Raymond C Hobbs

2 SIGNATURE OF ADDRESSEE'S AGENT, IF ANY: Margaret Hobbs

3 SHOW WHERE DELIVERED (Only if requested, and include ZIP Code): 13-7043

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IDAHO FALLS, IDAHO 83401

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1515 LINCOLN RD.
IDAHO FALLS, IDAHO 83401

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PS Form 3811 Sep. 1972 c55—10—81277-2

1515 Lincoln Road

September 24, 1973

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

Dear Sir:

This is to confirm the use of the conference room for conference and/or hearing to be held by this office on Wednesday, October 24, 1973, at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

MICROFILMED

XXXXXXXXXXXXXXXXX

1515 Lincoln Road

October 22, 1973

RE: Application for Permit No. 13-7043

Mr. Merrill Gee
Attorney-at-Law
P.O. Box 4987
Pocatello, Idaho 83201

Dear Mr. Gee:

Pursuant to your telephone request of this date, please find enclosed a copy of the Memorandum for the conference held July 12, 1973, regarding the above referenced application.

If you have any further questions, please do not hesitate to contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:cw

Enclosure

ENCLOSED

XXXXXXXXXXXXXXXXX

1515 Lincoln Road

October 22, 1973

RE: Application for Permit No. 13-7043

Mr. Bob Huntley
Attorney-at-Law
P.O. Box 1391
Pocatello, Idaho 83201

Dear Mr. Huntley:

Pursuant to your telephone request of this date, please find enclosed a copy of the Memorandum for the conference held July 12, 1973, regarding the above referenced application.

If you have any further questions, please do not hesitate to contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:cw

Enclosure

MICROFILMED

13-7043 Raymond O. Sparrow

Conference Room, Franklin County Courthouse, Preston, Idaho

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

ROSTER OF ATTENDANCE

Name	Address	Representing
R. C. Hunkins	Pocatello Box 139	Roland Holter
Dell W. Smith	Preston Idaho	Raymond Holter
Merrill K. Lee	Pocatello Box 4987	Raymond Sparrow
Roland Holter		John Sparrow
Raymond T. Holter		Perth Poulsen
Perth Poulsen		
Rodney Poulsen		
Rex Poulsen		
Don Rees		
Carl Fry		
Harold Stevenson		
John Sparrow		
Raymond Sparrow		
Arthur Stevenson		

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LOUIS F. RACINE, JR.
ROBERT C. HUNTLEY, JR.
WILLIAM D. OLSON

D. JAMES MANNING

LAW OFFICES OF
RACINE, HUNTLEY & OLSON
CENTER PLAZA - CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83201
TELEPHONE [208] 232-6101

RECEIVED
NOV 27 1973
Department of Water Administration
Eastern District Office

November 26, 1973

Mr. Norman C. Young
District Engineer
Department of Water Administration
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Young:

Would you please advise whether or not a decision has been made in the controversy between Raymond Sparrow and Hobbs, etc.

Very truly yours,

ROBERT C. HUNTLEY, JR.

RCH:cm
cc: Roland Hobbs
Raymond Hobbs

MICROFILMED

1515 Lincoln Road

November 30, 1973

Re: Application for Permit #13-7043 - Raymond O. Sparrow

Robert C. Huntley, Jr.
Racine, Huntley & Olson
P. O. Box 1391
Pocatello, Idaho 83201

Dear Mr. Huntley:

A memorandum decision has not been entered as a result of the hearing held on the above referenced application. The Department recognizes that the participants at the hearing are most interested in the outcome and we will therefore, do our best to issue this decision at the earliest opportunity. When the memorandum decision has been entered in the matter, copies will be forwarded to all those present at the hearing.

If this office can be in any further assistance, please do not hesitate to contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

MICROFILMED

1515 Lincoln Road

November 30, 1973

Re: Application for Permit #13-7043 - Raymond O. Sparrow

Robert C. Huntley, Jr.
Racine, Huntley & Olson
P. O. Box 1391
Pocatello, Idaho 83201

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If this office can be in any further assistance, please do not hesitate to contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

MICROFILMED

1515 Lincoln Road

November 30, 1973

Re: Application for Permit #13-7043 - Raymond O. Sparrow

Robert C. Huntley, Jr.
Racine, Huntley & Olson
P. O. Box 1391
Pocatello, Idaho 83201

Dear Mr. Huntley:

A memorandum decision has not been entered as a result of the hearing held on the above referenced application. The Department recognizes that the participants at the hearing are most interested in the outcome and we will therefore, do our best to issue this decision at the earliest opportunity. When the memorandum decision has been entered in the matter, copies will be forwarded to all those present at the hearing.

If this office can be in any further assistance, please do not hesitate to contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

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APPLICANT's Exhibit # 1
ACCEPTED 10/20/73
NCY

13-7043

QUITCLAIM DEED

For Value Received

JOHN SPARROW and RHODA SPARROW, Husband and wife

do hereby convey, release, remise and forever quit claim unto

RAYMOND SPARROW and MARDENE H. SPARROW,
Husband and wife

the following described premises, to-wit:

The East Half of the West Half of the Northeast Quarter of Section 31, Township 15 South, Range 39 East of the Boise Meridian.

Also, commencing at a point one rod East of the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 30, Township 15 South, Range 39 East of the Boise Meridian, thence East 77 rods, thence North 41.55 rods, thence West 77 rods, thence South 41.55 rods to the place of beginning. Including all water rights with Twin Lakes Canal Co. - Franklin County, State of Idaho

REVENUE STAMPS

together with their appurtenances.

Dated: April 27, 1972

John Sparrow

Rhoda Sparrow

STATE OF IDAHO, COUNTY OF Franklin

On this 2nd day of May, 1972, before me, a Notary public in and for said State, personally appeared

John Sparrow and Rhoda Sparrow,
Husband and Wife

known to me to be the person whoes name is subscribed to the within instrument, and acknowledged to me that he executed the same.

J. P. Garner

Notary Public

Residing at Preston, Idaho

Comm. Expires 5-31-75

130295

State Of
MAY
La Rae B Johnson
Rec for

RECORDED
FEE
RECORDED
INDEXED

Furnished by the POCATELLO TITLE CO.

Protest Hobbs Exhibit #1
Accepted 10/24/78 BDF

RECEIVED
W.C.

N
W E
S

Raymond Hobbs

Perth Powlson

John Sparrow
(Wind Rest Ranch)

W

E

Weitsche Canal

Beans

Jones

8" Pump

Joseph Olsen

Roland H. Hobbs

Irene Hewlett

Roland Hobbs

Old Drain

New with gate

Harold Stevenson

Ray Sparrow

LANE

SPARROW LANE

S

NOTES ON HEARING - #13-7043

Raymond O. Sparrow
Preston, Idaho

NCY

October 24, 1973 - Conference Room

ISSUES DETERMINED BEFOREHAND

(1) Sufficient water (?) (2) Injury to other rights

Applicant -- Represented by Dell W. Smith

a. 8" pipe originally installed - changed in last few years to 12" pipe.

b. Still ocassionally floods Sparrow.

c. 20 acres very sandy soil.

d. Sufficient water for appropriation.

e. Property acquired from John Sparrow 2-3 years ago - Deed presented.

f. Aquainted with because father owned for many years.

g. Drain rises above Sparrow property - open goes into pipe on Sparrow property.

h. More water coming down now.

i. Source - seepage and irrigates excess water.

j. Three years ago pipe installed

k. Water observed in drain during May 1 to Oct. 1, 1972 all the time - 12" pipe ½ to 2/3 full.

l. Water observed during 1973 - up to a month - little or no flow.

m. Roland Hobbs - dammed off for first time in many years in 1973.

n. Sparrow needs water to produce a crop.

Gee - Cross-examine

a. Seepage all along drain - comes mainly from Twin Lakes Canal Co. deliveries.

b. Poulson dumps Twin Lakes Canal water into drain and pumps back out.

c. 53 Shares of Twin Lakes Canal Co. water irrigates part of his ground.

d. Has never measured source.

e. Would not be 1.2 c.f.s. when Poulson & Hobbs use water.

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Sparrow Hearing

Huntley - Cross-examine

a. Never used previously

b. Not measured anytime

c. No water during June & July

Gee - Poulson Direct (380) tape (2)

Poulson

a. Aquainted with since 1948

b. Shares of Twin Lakes water put in drain.

c. Tile drain into open drain

d. Springs and seepage

e. Repumps at corner next to John Sparrow

f. 1961 tractor driven - 1968 electric

g. Pumped every year (sprinkled)

h. Captures return flow and reapplies to land from which it came

40 acres entirely from drain - 40 acres partly from drain

i. Both Hobbs' have pumped

j. Completely seals off drain most of summer - most years.

k. Twin Lakes - 1 share per acre yields almost 2 acre feet per annum on normal ye

l. Providing 1.2 c.f.s. to Sparrow would injure Poulson's right

Poulson - Cross-examined by Smith

a. Some water goes over his dam cometimes

b. Pumps when Twin Lakes water isn't in drain.

c. Water gets by nearly all the time

Dav Frew as witness for the Hobb's Brothers - Direct by Huntley

a. Lives below bluff near where drain discharges into West Cache Canal

b. Unused water comes out of pipe and is visible from his home - Sets this back-

ground and then never asked how much comes out!

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Sparrow Hearing

c. Beaus live next house up - not enough water to adequately water his garden in 1973 - able to water twice.

d. Frew couldn't water his ½ acre from this source up to 1958 and quit.

e. This water shorage is typical of period May 1 to Oct. 1

Frew - Cross-examined by Gee

a. May to October - not usually enough water to irrigate lawn

b. Pipe gains water - not loses - no leaks

Harold Stevenson as witness for Hobbs Bros. - (745) Direct Huntley

a. Lives downstream from Sparrow

b. Has a garden (½ acre) 1973 had to ask for water release to wet his garden May 1 to Oct. 1.

Cross-examined by Smith

c. Waters from drain - usually adequate water till 1973.

d. Bigger pump installed in 1973 - 1½ discharge

e. 108 shares of Twin Lakes water for 80 acres

f. Would not have water for his garden if Sparrow uses - has used for about 20 yrs.

Roland Hobbs - (812) Direct Huntley

a. Lived on his farm for about 55 years

b. Screw headgate to back up drain - pumps out at that point with 6" discharge gas motor

c. Started in 1954

d. Stops entire flow every year several times

e. Letting 1.2 c.f.s. past his point would force him to abandon his pump and irrigate from Twin Lakes.

f. Irrigates 20 acres and also brings crops up on the land.

g. Drain actually dumps in West Cache Canal not Bear River.

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h. 12" pipe needed during spring, fall and maybe during rain in the summer.

i. Used every year

Cross-examined by Smith (930)

a. Not flooded this year on Sparrow except during rains

b. Sparrow damming up water would swamp his land.

Ray Hobbs (960) Direct Huntley

a. Borrowed Roland Hobbs sprinkler pump several years after he just got it.

b. Has had his own system for 12 years.

c. May be a couple of years hasn't used.

d. Subirrigates 14 acres from drain - Sprinkles up to 40 acres from drain supplemental.

e. Have on occasion shut off drain completely

f. If water is turned loose to Sparrow, sub would go down - his right would be injured.

g. Not 1.2 c.f.s. available during period May 1 to Oct. 1.

Cross-examined by Smith (105 reel #3)

a. Extended drain into his property

b. Does your Brother use water only a few days a year from drain? No, he uses it all seasons.

c. Claim has been filed - 13-4007

Final Statements

SMITH - a. Water available floods every year
b. Water rights not adequate
c. Has the first right

GEE - a. Applicant must show water available amount and when
b. Proposed use would injure protestants rights
c. No unappropriated water
d. Only 45 irrigated acres - 15 too wet. Has 53 shares of Twin Lakes water.

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Sparrow Hearing

e. 20 acres would not demand 1.2 c.f.s.

f. Asked that application be denied

HUNTLEY

a. Burden on application to show water - do data
b. Presented - only vague reference to ½ to 2/3 full pipe at vague times
c. Prior appropriation would be damaged.

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Application for Amendment No. 13-7021, Exchange of Water No. 13-7021
Application for Permit No. 13-7065 & 13-7066 - Thomas A. Robinson

Courtroom, Franklin County Courthouse, Preston, Idaho

January 22, 1974 - 2:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
John W. Simpson	Box 458 Idaho Falls	T. A. Robinson
Thomas A. Robinson	154 N 3rd East Preston, Idaho	self
Vernon P. Erb	R-1	Preston Idaho
J. H. Bowden	75 So State Preston	Glen Lowman
Glen T Boeckman	R-3 Preston	Watermaster
Roland R. Carter	Rt 2 Preston	
Mervin J. Boddy	Lewiston, Utah	Cub River Irr. Co
Ernest L. Morrison	Lewiston Utah	Cub River Irr. Co.
Kay Morrison	Franklin, Idaho Cub River formerly (Canal Co.)	Pumping Co. 5 cubic feet
R. Michael Tornipseed	Box 381 Logan Ut	Utah Div. Water Rights
Blaine Semble	Preston Idaho	Preston Nursery
Clair W Rudd	Route 3 Preston Idaho	Preston Idaho

MEMORANDUM

RECEIVED
FEB 15 1974
Department of Water Administration

TO: Bob Fleenor

FROM: Norm Young

RE: Memorandum Decision & Order - 13-7043

DATE: February 14, 1974

I see the following problems with this decision and with issuing the permit, but I am not sure what to do about them:

(1) We have made no attempt to show that the drain is, in fact, tributary to the West Cache Canal instead of Bear River as advertised.

(2) I make the statement in the Findings of Fact, Item #5 that "the supply is sufficient for the purpose for which it is appropriated". I am not sure the evidence backs me up on this.

(3) Does the Department have the authority to require condition No. 2 in the order of approval?

NCY

P.S. Attached also is the Memorandum Decision & Order for the above referenced application together with Applications for Permits No. 13-7065 & 13-7066 with memorandum decisions & orders in each. I have the cassette tapes for these applications and will give them to you when I see you, unless you need them sooner.

MICROFILMED

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 13-7043 IN THE NAME OF RAYMOND O. SPARROW	MEMORANDUM DECISION AND ORDER

On May 17, 1973, Raymond O. Sparrow, Preston, Idaho applied to the Department of Water Administration for a permit to appropriate 1.2 cfs of water from an unnamed drain tributary to Bear River with a point of diversion within the NW¼NE¼, Sec. 31, Twp. 15S, Rge. 39E, B.M., Franklin County, to be used from May 1 to October 1 for irrigation purposes of 60 acres. Notice of the application was published in the Preston Citizen, Preston, Idaho, on May 24, and May 31, 1973.

The Department received protests against issuance of the permit from Roland W. Hobbs, Perth Poulson, Raymond R. Hobbs, and Carl Frew. A hearing was held to consider the protests against said application on October 24, 1973, at Preston, Idaho. The protestants Roland W. Hobbs and Raymond R. Hobbs were represented by Mr. Robert C. Huntley, Attorney at Law, from the firm Racine, Huntley & Olson, Pocatello, Idaho. Protestant Perth Poulson was represented by Merrill K. Gee, Attorney at Law, from the firm Gee and Hargraves, Pocatello, Idaho. The protestant Carl Frew was present and represented himself.

Testimony on behalf of both applicant and protestants Roland W. Hobbs, Raymond R. Hobbs, and Perth Poulson was received and documentary evidence was introduced on behalf of each. Protestant Carl Frew, though present, did not offer either testimony or documentary evidence. The Department then took the matter under consideration and after having reviewed all testimonies and evidence offered for each of the parties and reviewing all pertinent information in the Department's official records, the Director of the Department of Water Administration makes the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

(1) Protestants Raymond R. Hobbs, Roland W. Hobbs and Perth Poulson each claim to have developed the right to use the waters naturally arising in the unnamed drain by reason of diversion and beneficial use; each commencing their use prior to May 20, 1971, and having continued uninterruptedly to the present time. These rights, though probably valid, have not been defined through court action, and are

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not a part of the records of the Department.

(2) The points of diversion for the protestants, Raymond R. Hobbs, Roland W. Hobbs, and Perth Poulson, are upstream from that proposed by the applicant.

(3) Protestants Raymond R. Hobbs, Roland W. Hobbs and Perth Poulson have the right to use the drain to convey other waters owned by them for use on land to which it is appurtenant.

(4) Any rights that protestant Carl Frew may have through the waters of the unnamed drain were not made known to the Department during the hearing proceedings. The Department's files do not include a recorded right for Mr. Frew from the drain.

(5) Applicant Raymond O. Sparrow has not previously used the waters arising in the unnamed drain and is, therefore, required by law to obtain an approved permit from the Department before commencing to use the waters of the drain.

(6) At times during the irrigation season, there is water available in the unnamed drain in excess of that needed to satisfy the protestants' valid existing water rights. During those times, the supply is sufficient for the purpose for which it is sought to be appropriated.

(7) The waters which are the subject of this application are public waters of the State of Idaho, which may be appropriated under the provisions of State Law.

(8) The waters sought under this application can be put to beneficial use by the applicant becuase the lands on which the water is to be used are of a coarse, permeable texture requiring additional water from that presently available to the applicant.

CONCLUSIONS OF LAW

(1) The waters of the unnamed drain in excess of valid existing rights is subject to appropriation, and the Department may issue a permit to appropriate such water.

(2) The applicant, Raymond O. Sparrow, is entitled to a permit from the State of Idaho for the diversion and beneficial use of the water reaching his point of diversion and not needed to fill downstream rights.

(3) Protestants Raymond R. Hobbs, Roland W. Hobbs and Perth Poulson are the holders of certain undefined rights to use the waters of the unnamed drain. These rights may be prior in time and, therefore, superior to any right developed as a result of the present application.

ORDER

IT IS, THEREFORE, ORDERED and Application for Permit No. 13-7043 is hereby APPROVED subject to the following conditions:

(1) That said permit be and is subject to all prior existing water rights including, but not necessarily restricted to, those unrecorded rights

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developed by protestants Roland W. Hobbs, Raymond R. Hobbs and Perth Poulson.

(2) That the permit holder permanently install and maintain a measuring device of a type approved by the Department as a part of the diverting works.

(3) That proof of construction of works and application of water to beneficial use be submitted to the Department on or before March 1, 1975.

Dated this 20 day of February, 1974.

R. KEITH HIGGINSON
Director

NCY:jc

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
STATE OFFICE

Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse -- Annex 2
Boise, Idaho 83720
(208) 384-2215

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

February 28, 1974

Re: Permit No. 13-7043

Raymond O. Sparrow
Preston,
Idaho 83263

Dear Mr. Sparrow:

Enclosed is a copy of your approved Application for Permit No. 13-7043 along with a copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as listed in the Order.

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/BJG

Enclosures

cc: Protestants

Enclosure

MICROFILMED

W. ANTHONY PARK
ATTORNEY GENERAL

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
BOISE 83720

April 22, 1974

Robert C. Huntley, Jr.
RACINE, HUNTLEY & OLSON
Center Plaza - Corner First Street
P.O. Box 1391
Pocatello, ID 83201

RE: HOBBS - SPARROW

Dear Mr. Huntley:

The motion for rehearing has been received but the Department will not be in a position to rule until a transcript of the hearing is prepared. Unfortunately that has been delayed because our Water Rights section is one girl short by reason of resignation. The work load of the other people has been such that it will take longer than usual to get the transcript. We anticipate two weeks before the transcript is ready and about ten days thereafter to render a decision on your motion.

As to your request that the date of mailing of the order, February 28, 1974, be considered as its effective date, I see no reason why we should not do so and I will so advise Mr. Higginson.

If you or any counsel have any questions or objections to the above suggestion, please feel free to call or write.

Very truly yours,

NATHAN W. HICER
Deputy Attorney General
Counsel, Idaho Department
of Water Administration

NWH/slg

CC: Dell W. Smith
Merrill Gee
Norm Young

MICROFILMED

RECORD OF THE HEARING

REGARDING APPLICATION NO. 13-7043

~~January 22, 1974~~ October 24, 1973

Preston, Idaho

MR. FLEENOR: We are here at this hearing today to consider the protests against the Application for Permit No. 13-7043 which is filed by Raymond O. Sparrow of Preston, Idaho. This application lists the source of the water supply as an open drain which is tributary to the Bear River. The location of the point of diversion is in the NW¼NE¼, of Section 31, Twp. 15S, Rge. 39E. The applicant proposes....the applicant proposes to divert 1.2 cubic feet per second for irrigation purposes from May 1 to October 1 of each year by means of a pump and sprinkler system, requests a period of one year in which to complete the project, proposes to irrigate 60 acres of land, 40 acres within Section 31, of Twp. 15S, Rge. 39E, and 20 acres in Section 30, 15S, 39E, Boise, Meridian. The application includes a map, /at least part of it. The application was, was published in the Preston Citizen, in Preston, Idaho, on May 24, and May 31, 1973. As a result of that application we received a protest from Perth Poulson, Raymond Hobbs, and Roland Hobbs. At this time prior to the beginning of the hearing I would like to take the appearances of the attorneys that represent the parties this morning. First of all for the applicant:

MR. SMITH: I am Dell Smith, attorney at law at Preston, and I represent Mr. Raymond Sparrow, the applicant.

MR.GEE: Merrill Gee, Pocatello, representing protestant, Perth Poulson.

MR. HUNTLEY: Robert Huntley, Pocatello, representing Raymond Hobbs and Roland Hobbs.

MR. FLEENOR: Thank you very much. The issues, ah, we are concerned with this morning are, first, whether or not there is sufficient water available in the source, with the purpose intended. Second, is whether existing water rights will be injured by the appropriation of this water. Mr. Smith, would you like to present your argument at this time in behalf of the applicant?

MR. SMITH: Yes, ah, if it will please the Water Department, ah, Mr. Sparrow, Mr. Raymond Sparrow, the applicant, is the owner of 40 acre of land in Section 31, and also 20 in Section 30. For a number of years there has been an open drain running through, ah, Section 31, and ah, into another section. And ah, there has been waters entering this opendrain, from irrigation and from seepage from wastes, enter this drain and it comes to Mr. Sparrow's land. And on Mr. Sparrow's land,a number of years ago, there was a pipe put in there, to carry this water in an 8" pipe down over the hill dumping it into the ~~Cash~~ the Valley, er, Cash Canal. Ah, the purpose being to drain this area, the farmers got together, they, ah, put the drain in for the drainage of their land. Then a few years ago, the 8" pipe was

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insufficient to carry the number of the, the amount of water. So, they put in a larger pipe, and I think the larger pipe, is a 12" pipe, now, because of the additional flow of water. Now, ah, where this comes on to Mr. Sparrow's land, quite often, ah..the people above have, sometimes past, put in culverts, and sometimes dams in front of this culvert, and when there's too much water, or/they don't want it, then they raise the dam, it comes down, the pipe isn't large enough, and at this time it sometime floods, ah, Mr. Sparrow's land. Now he's asking in this application to put a pump, a pipe, and a sprinkler system, ah, the point of diversion being on his land, where the open drain enters the pipe, which goes down over the hill, into the CasheCanal Company, is asking for sufficient water to irrigate his 60 acres. 20 acres of it is sandy soil, and its almost impossible for him to irrigate this by gravity or flood system, so, the reason for a pump and a sprinkler system. There has been over the years additonnal waters, ah, it seems like, coming into this area, and that there is sufficient waters coming to this point for him to, ah, sprinkle his lands. Now this is Mr. Raymond Sparrow's position.

MR. FLEENOR: Okay, Mr. Gee, do you have any questions for Mr. Smith?

MR. GEE: I have none for Mr. Smith at this time. Thank-you Mr. Fleenor.

MR. FLEENOR: Okay. Were you going to call a witness Mr. Smith?

MR. SMITH: Yes, we'll call Mr. Raymond Sparrow. Where do you want him?

MR. FLEENOR: That will be fine.

MR. SMITH: Alright.

MR. FLEENOR: Would you like to raise your right hand? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth so help you God?

MR. SPARROW: I do, sir.

MR. FLEENOR: Would you state your name and address for the record.

MR. SPARROW: Raymond Sparrow, Weston, Idaho.

MR. SMITH: May I proceed?

MR. FLEENOR: Yes, go ahead.

MR. SMITH: Ah, Mr. Sparrow, how old are you please?

MR. SPARROW: 47.

MR. SMITH: And ah, are you the owners of the land over in what we call the, ah, in this area, the Linrose area.

MR. SPARROW: Yes.

MR. SMITH: And how many acres do you own over there?

MR. SPARROW: 60 acres.

SMITH: And is it in 2 pieces?

SPARROW: Yes.

SMITH: Ah, how many acres in one piece?

SPARROW: 40 in one place and 20 in the othere.

SMITH: Now, ah, is this joined in any.

SPARROW: There's a road between them.

SMITH: I see, joined on a corner, isn't this true?

SPARROW: Yes.

SMITH: Now, when did you acquire this property, Mr. Sparrow?

SPARROW: 2 or 3 years ago. Two yrs. ago, I guess it was cleared up.

SMITH: I see, and did, ah, you acquired this from John Sparrow?

SPARROW: Ah, he was the, yes, he was the administrator.

SMITH: I see, ah, and ah, Mr. Sparrow, ah, I'm going to show you...is this the deed that you got for this 60 acres that we're talking about today?

SPARROW: I think this is it. Looks like it anyway.

SMITH: Ah, now Mr. Sparrow, how long have you been acquainted with this, these lands.

SPARROW: I was born and raised right there.

SMITH: I see. Now who owned this before you did?

SPARROW: My father.

SMITH: And ah, you acquired it from you father's estate?

SPARROW: Yes.

SMITH: Ah, now you say you have resided on the premises?

SPARROW: Yes.

SMITH: Now, Mr. Sparrow, I have, ah, I wonder maybe if we could put these on, ah, I wonder if we could put that on a/blackboard. I don't know where it would be the most convenient for us. Maybe right over there. Maybe that would be alright, right in front of Mr. Sparrow, here. Ah, Mr. Sparrow, on that map, would you show the lands in which you, own/own

SPARROW: Right here and the other's on the other side.

SMITH: Now, the....

SPARROW: is across the street in front of Harold's...

SMITH: Now it has.....

SPARROW: Right around in here where it is, it's up on the map/right there.

SMITH: Now this is the 40 acres yourspeaking of has your name on it.

SPARROW: Right there.

SMITH: I see. Now on this map, this map is directly above that?

SPARROW: Yes, here it is, right here.

SMITH: And this is, ah, the 20 acres you were speaking of.

SPARROW: Yes

SMITH: Now that's in Section 30, and the other one is in Section 31?

Sparrow: This is yes this
Yes/its 30 and guess its 31 or/something/ I think thats what they make...

GEE: 40 acres in ah.....

Smith: Section 30

Gee/

Sparrow: Thirty

Gee: Thirty

Smith: Got 40 acres in 31

Gee: 20 in 30.

Smith: Ah, now Mr. Sparrow, ah, you heard me mention about a drain, can you, ah, show where, this drain eventually runs into your property, heads thru whose property it runs.

SPARROW: Well there's a, thru this there's a pipeline comes right across thru this field right here this end of the field clear across there. Goes thru there and then it starts on this other one. It starts, ah, right here, there's the drain that goes thru right there all up thru there.

Smith: Now where does the pipeline start, Mr. Sparrow?

Sparrow: It starts right on my place right in there.

SMITH: Is this where you intend to divert this water?

Sparrow: yes.

Smith: And ah, how, what, ah, facilities are you going to use to divert this water?

Sparrow: I can, ah, dig it out and, ah, rock it up, or cement it, ah, reservoir there, whatever will be, ah, will be the most, ah, suitable for doing this.

SMITH: And what are you going to, put a pump in, is this....

Sparrow: Yes.

Smith: and from the pump, how are you going to irrigate.

Sparrow: Pipe, pressure, pressure line.

Smith: And a sprinker system.

Sparrow: Right.

Smith: Uh, now this is on your own property, isn't it?

Sparrow: Yes.

Smith: Now where, ah, where it goes from your property, [redacted], where did you say it goes, Mr. Sparrow?

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Sparrow: It goes, ah, over the hill and in the West Cache Canal.

Smith: Is there anyone, ah, who uses this water from you to where it empties into the West Cache Canal?

Sparrow: Not that I know of.

Smith: It's a continuous pipe?

Sparrow: Yes, there's a pipe continuous it empties right into the canal.

Smith: Now, ah, do you know what size of pipe was in there originally, Mr. Sparrow?

Sparrow: I can't say exactly.

Smith: And ah, did they change the size of this pipe?

Sparrow: A few years ago, 2 or 3 years ago they put a, ah, 12" line thru there, concrete line.

Smith; Is this the same place that the other pipe....

Sparrow: Its the same one side of it. It comes the same, practically the same place.

Smith: Do you know the reason for them enlarging the pipe?

Sparrow: Well they was in hope that it handled more of the water.

Smiht: Why, ah, did they need a larger pipe, do you know, Mr. Sparrow?

Sparrow: To handle a larger amount of water, that there was coming down the drain.

Smith: Are you saying Mr. Sparrow that there is more water coming down now than there was before?

Sparrow: Yes

GEE: If the, ah, examiner please, I object to these, this, last question for not having proper foundation or not being relevant unless the witness testifies when there is more water coming down, ah, all these last group of questions, ah, it may be in the middle of winter for all we know and that's not an issue, or it may be in April before the application. Unless he's going to give specific testimony as to extra water in the irrigation season, why I think his testimony is irrelevant.

FLEENOR: Okay, Mr. Smith maybe you could change you line of questioning, slightly, to...

Smiht: Yes. I think , ah, I'm sure that I shoudl lay a little more foundation, ah, as far as, if we could just take those maps again,maybe we could just lay them in front of us here. Mr. Sparrow, where does this drain begin?

Sparrow

GEE: Now, I wonder if we could have clarified which drain we're talking about. The one that goes into the 8 & the 12" pipe over the hill into West Cache, Is that the one your talking about?

SPARROW: It's only one drain. There's only one drain that runs, starts and goes clear thru.

Gee: There's several drains in the area, aren't there.

SPARROW: No, it all comes right down to the same drain. There's only one drain.

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SMITH: Ah, Mr. Sparrow, maybe you could clarify this, would you, ah, trace the drain from the point of diversion to its, ah, where it begins.

SPARROW, Right here is my place, as we just pointed out,

GEE: Excuse me. Mr. Fleenor, may I ask whether you, or Mr. Young, have walked the route, and are familiar with this personally?

FLEENOR: Okay, I have not, Mr. Young.....

SPARROW: Anyway, right here is where it ends , this is where the pipeline starts and it goes right up thru the bottom, here. All, its been dug out, clear up over to here. Comes thru this corner, and thru here, its out of the map, comes right here is where it starts, though. Here is, I can name the places if you want.

Smith: Yes, name the...

Sparrow: Would that be better?

Smith: Ah, who owns the property next to you.

Sparrow: OK, this is Oly Hobbs, right here, goes to here, then Olson's place is right here, goes over to the road, then here it goes right to the corner it goes thru, ah, ah, Brights place, Larren Brights corner, it's just a little corner there, and then it goes thru, ah, this piece here over to here...

Smith: Now, who owns that?

Sparrow: That's John Sparrow's, owns that thru there right here, and then it starts from here to Perth Poulson's, comes over to here and then this drain it starts, it ain't very far out in Ray Hobbs's place.

Smith: Now what, could you describe the type of drain this is?

Sparrow: This is an open drain. All the way thru, its just been dugout with a dragline.

Smith: Now do you know ~~what~~ whether or not there, er, a company owns this?

Sparrow: There's no company that owns this. Its an open drain, its the people, ah, got togehter and dug it out to drain the ground.

Smith: Now. ah, is this all, ah, farmable land that it runs thru, ah, Mr. Sparrow.

Sparrow: A lot of this is farmable ground, a lot of its just pasture now, but most of it is farmable ground.

Smith: I see. Now whats the purpose of the drain, ah, do you know Mr. Sparrow?

Sparrow: The drain.....

Gee: I must object to that ~~question calls of I course I think if~~ the court, I mean officer, based on the grounds that it calls for a conclusion of the witness without any foundation at all. The witness has testified that he only owned the land for the last two years, and that the drain was built by other people years ago.

OBJECTION

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Sparrow: My father, if you want to go back a few generations.

Fleenor: Okay

Gee: That hadn't been established yet.

Fleenor: I think the objection is sustained.

Smith: Uh, now, ah, Mr. Sparrow, you say you got this from your father's estate.

Sparrow: Yes.

Smith: And you were born and raised on this property.

Sparrow: Yes.

Smith: Do you remember, of your own knowledge, when this drain was first built?

Sparrow: Well, I remember of them, ah, digging, ah, drain, I don't know whether it was the first of it, it's probably come down there in a small ditch, as it naturally made its own grade thru, and then it was opened up and dug larger.

Smith: Now do you remember when this was done?

Sparrow: I, yes I've seen this done with the dragline.

Smith: I see, until, you observed this all your life? Is this true Mr. Sparrow?

Sparrow: Yes.

Smith: Now, during your observation have you seen water run down this drain from the first of May till the first of October?

Sparrow: Yes.

Smith: Now, ah, would this be continuously?

Gee: Objection, its leading to judging from those foundations what year were talking about.

Smith: Now, Mr. Sparrow, you say, how old are you?

Sparrow: 47.

Smith: And have you observed this, oh, since you would say, how old was you when you first started to observe?

Sparrow; Well, I remember this drain as quite young, cause it used to flood us that all along the bottom and the road there, even when we went to school a lot of times we'd have to walk, ah, around and over thru higher grounds to go to school, cause of the, the ah, water would be, ah, too high for cars or anything to go down on the road there.

Smith: Now, Mr. Sparrow, you have observed this during these years, ah, since you were approximately 10 years old, you'd say?

SPARROW: Yes.

Smith: Each year?

Sparrow: Well, there might be some years it wouldn't be quite as bad as others, but generally it was, ah, there was quite a bit of water on most of the time.

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Smith: Now, uh, during these years and ah,...
Huntley:
~~Gee~~: Excuse me counsellor, ah, I don't want to be hypertechnical about this thing or unduly delay it by a bunch of objections but it seems to me the issue is what water is available now under the existing drainage system, and anything that may have happened 20 years ago isn't relevant. Why don't we talk about the years since the drainage systme was/put in its status that it now is ~~or the years since Mr. Sparrow has owned this property, that's the one that were concerned with~~.

GEE: Or the years since Mr. Sparrow has owned this property, that's the one that were concerned with.

Huntley: Yea, it seems to me that the last two are the/really ~~mature~~ years, I think we all agree there's been water many years ago and that's why the drain system was constructed, but the issue's whats available now, not ten years ago, or five years ago.

Smith: Alright we'll limit our.....to what Mr. Sparrow, ah, Mr. knows about this for the last two years. Now, ah, Mr. Sparrow, let's see, the source, the water that runs down this where does it come from, what's the source of it?

Sparrow: Seepage.

Smith: Now what do you call seepage?

Sparrow: Comes out of the ground.

Smith: Is there any other source?

Sparrow: Ah, well all of it, well sometimes they, ah, pour water in from the ditches run into it.

Smith: Waste water from irrigation season?

Sparrow: Wastewater & water that they irrigate with he they run inot it, and use it for irrigation too some, _____.

Smith: Now....

Sparrow: Most of it's seepage ground, ah, seepage water.

Smith: Now what do you call seepage water, Mr....

Sparrow: Water that's come, just comes right out of the ground, flows as a spring.

Smith: Now, ah, Mr. Sparrow, have you observed this from May to October the last two years?

Sparrow: Yes, it was I think it was 3 years ago that they put that lagger pipe in to try handling the water that was coming down that drain. I didnt' have everything clear at that time but the property was supposed to have been mine at that time, but it wasn't all clear, at that time.

Smith: Now, Mr. Sparrow, what size of a stream comes down this drain?

Huntley: Well now, I'm going to object ot this question being as being too general unless were going to talk about specific times and a foundation is layed as to when he's seen it and how's hes measured or estimated it. I don't want to sound too technical but this is a technical matter that were talking about, and he's asking for 1.2 cubic feet per second

and we've gotta get somewhat specific, if we can't get specific then we, ah, I don't think he has a case.

FLEENOR: I think in his previous question, Mr. Smith did limti his period of time to the irrigation system season. Now, I think in general this is really what he's talking about. What Mr. Sparrow has seen during the May 1 to October 1 date.

Huntley: Yes, but I think if he's gonna say well there's so much comes down, we're ____ what month he's seen, ah, even within that time period. Whether he's really seen it and how he's measured it, maybe we should reach that in con cross-examination. Well let's just go ahead and see what comes out

SMITH: Now, Mr. Sparrow, maybe we can eliminate this, when you first went out there it would be, about what year, 1951 or 52? What was the first year you had possession of this land?

Sparrow: Well, to get it all cleared it's been about 2 yrs. but it was in farther than that, longer that that back.

Smith: Alright...

Sparrow: It's the state that takes so long for it to get cleared. I don't know how, what they want there, or how they want it put.

Smith: Now, Mr. Sparrow, did you observe this drain during the months from May the 1st to October the 1st this year? Uh, let's put in, in 72, did you observe it, answer yes or no.

Sparrow: Yes, cause I drive by that everyday, it's right past my lane.

Smith: Alright, did you observe it every month?

Sparrow: I usually watch that everyday when I go by. The water is very, ah, at this timeor any time, it depends on how they use it above, or what they're doing with it. If they decide they want to dam it off, they dam it off, and then whent it gets up too high they decide they just to let 'er go, and then it comes down.

Smith: Now, Mr. Sparrow, where you observe this, you say you go across a road?

Sparrow: My lane's right beside it.

Smith: And does this drain go under this road?

Sparrow: Yes.

Smith: And how's it conveyed under this road?

Sparrow: With this 10" pipe and this 12" pipe.

Smith: I see, now during 52, during each month

Huntley: Do you mean 72?

Smith: 72 I'm sorry. 72 each month did you observe water running thru this pipe?

Sparrow: There was only about, that's this year right?

Smith: No of 72.

Sparrow: Last year?

Smith: Yes.

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Sparrow: Last year there was water running down it all the time.

Smith: Now, how much water was running down there?

Sparrow: Most of the time, ah, that 12" pipe will handle the water, if it comes steady, but if it, ah, if they turn it loose above and just let 'er come, it backs up on the property, it won't handle it.

Smith: Now as you observed it each month in '72, approximately how much water was going under this culvert into this drain pipe?

Sparrow: It would be, oh, ½ or 2/3rds full most all the time.

Smith: Now this is a 12" pipe?

Sparrow: Yes.

Smith: And you also spoke about another pipe that was there.

Sparrow: Yes, there's another pipe put in over, the water comes, when it comes down it will go over to another, ah, I think that's a 10" pipe over to, ah, in a ditch when it runs over that 12" pipe and thru the corner of the field, it'll go thru another, I think it's a 10" pipe and then down another road, another pipe. That was put in with a twa down the side of the road to catch water from there.

Smith: Now, Mr. Sparrow do you farm all you 60 acres?

Sparrow: All but this bottom where it is now/the water comes in and down and it's too wet, it's pasture, a pasture, try getting something out of it.

Smith: I see, approximately how many acres?

Sparrow: There is about 15 acres anyway there.

Smith: And the rest is all cultivated land?

Sparrow: Well, there's the feedyard out of there, there's about 20 acres with the feed yard and the/dried this down there.

Smith: Now, drawing your attention to 1973, have you observed, sir, going across this roadway, the amount of water running thru this drain from the months of May thru October?

Sparrow: Earlier there was, ah, the same amount of water coming thru, but then it would be jumpy, there may be where it was dry, they stopped it off, and cut most of the water right off maybe there for a month I noticed., and then but they had it taken off and was using it for pumping, which they don't do very often. They don't pump much out of that.

Smith: Now, had they did this in any of the years prior to this?

Sparrow: Oh, very little. They might have done it when, if it was dry they might have done the same thing, but ordinarily they very little.

Smith: Until when...now when did this in relationship to you filing this application, when did they start pumping from this spring stream.

Hundley: I have Objection, on the ground that it's a conclusion so far and that he hasn't identified anybody, he says they have been pumping.

Sparrow: Do you want me to say their names?

[redacted]

Smith: Yes, ah, why don't you just tell us what has been happening in '73 along this...

Sparrow: '73, ah, that was last year, ah, Roland Hobbs ~~h~~ had it damed off and, ah, that's the first time he had pumped for many years, out of the drain there on last ~~y~~year. He had it damed right off, very little water come down there why~~i~~le he was pumping, and Perth he has the water farther up.....

Smith: Now Perth, who you talking about?

Sparrow: Poulson, he has it damend off up by John's, right on John's place there and back's it up there but he runs the water from his irrigation stream in to pump from there,.

Smith: Now, ~~h~~,other than when this was pumping, now, ah, have you observed water coming down this stream?

Sparrow: Yes.

Smith: And, ah, how much water, Mr. Sparrow?

Sparrow: If it comes freely all the way down, like it is right now,

Smith: Now in relationship to the time that you filed your application, ah, had Mr. Hobbs done, to your knowledge, done any pumping from this drain?

Sparrow: A few years he pumped, see he pumps, ah, when is the dry year, that's when they usually, if it's really dry like it was the first of this year that's when he'd maybe pull a pumpin and startpumping

Smith: Now how...

Sparrow: but that's would be just maybe most generally be ~~the~~ to start a crop or something like that.

Smith; Now, Mr. Sparrow is this water, ah, necessary for you to cultivate and grow your crops?

Sparrow: To get a crop, yes.

Smith; I think that's all the questions I have, Mr. Sparrow, at this time.

~~Gee~~//

~~S~~FLEENOR: Mr. Gee, do you have a question for//....

Gee: Oh dozens, Thank-you. Mr. Sparrow, if I understand you correctly, the open part of the drain, that you talked about starts approximately up in Mr. Raymond Hobbs's field.

Sparrow: Yes.

Gee: And the water that enters at that point is water from springs or surface water run-off or seepage from Mr. Hobbs's land in that part of the drain.

Sparrow: This water will pick up all the way along, its uh.....

Gee; In other words there are springs along the channel of it, both in Mr. Raymond Hobbs's ground and Mr. Perth Poulson's ground, are there not? Some small springs?

Sparrow: All the way along.

//

Gee: All the way along. Mr. Hobbs irrigates the ground on at least one side of the drain where it passes thru his property, doesn't he?

Sparrow: On one side.

Gee: Yes. In other wøds words he puts Twin Lakes Canal Co. water on the surface of the ground in his field, and the drainage from that goes into this drain, doesn't it?

Sparrow: Depends on how long he let's it run.

Gee: Well, but, the drainage does go off from his ground into that drain if it goes anywhere.

Sparrow: Well, it goes into the ground.

Gee: Ts Than the next user is Mr. Perth Poulson, right?

Sparrow: Yes.

Gee: And you said that Mr. Poulson puts his own water into the drain, in tøothere words he uses that drain thru his property to convey his twin Lakes Canal irrigation water, doesn't he?

S parrow: Some of it yes.

Gee: Well, yes but he does use that to carry his Twin Lakes Canal water, some of his Twin Lakes water, Right?

Sparrow: You could say that, yes.

Gee: And you could say it too, couldn't you?

Sparrow: He puts it thru his property and John Sparrow's property.

Gee: Right. Then in the corner of John Sparrow's property, Mr. Poulson owns a piece of ground about 150' square. Is that tue true?

Sparrow: I don't know. That's the spud company. It would be whoever the spud company is.

Gee: At any rate in one corener of the field near John Sparrow's property Mr. Poulson does have ap pump, does he not?

Sparrow: He has a pump there.

Gee: And he pumps the water out there that he has place in the drain up above in his property. That's correct isn't it?

Sparrow: Yea, he backs it up .....

Gee: Right, and then he conveys it thru an underground pipeline back onto this dame ground thru which the drain flows doesn't he?

Sparrow: Yes.

Gee: And the return flow from his own sprinkling irrigation likewise comes back into the drain again doesn't it?

Sparrow: It's possible, yes.

Gee: Knøw Now you know as a matter of fact don't you Mr. Sparrow that Mr. Poulson also has 2 underground tile drains to his property that he feed into this open drain.

Sparrow: I don't know about 2 but I know that theres one that comes clear around and into Johns, side of the drain, and feeds in there.

Gee: And this is a drain that starts in Mr. Perth Poulson's property, doesn't it?

Sparrow: I don't know how far that comes. It comes under the hill and comes out on the end down there a ways.

Gee: Well, doesn't the west end of that drain start in Perth Poulson's field in, ah, sort of a ditch ridge right at the west end of his property.

Sparrow: Well if that's possible everybody above it that irrigates, it drains into that drain, if you wanted to go that way. You're talking about somebody that's right at the edge, there's somebody up here, ah, to the next field, they irrigate too. It could be running in there too.

Gee: In other words, Mr. Sparrow, most of the water that you're talking about is water that drains off from, or arises from springs, of people who own ground upon either side of the drain.

Sparrow: The drain. I'm talking about the water after they, after it's irrigated and it's ah, it's disappears in the ground, it's drained water, it's flowing underground which it had to be drained or the ground would be no good. I don't know how you want to put that but if the drain is to drain ground. If it wasn't there the ground would be no good. So they had to get rid of it someway.

Gee: Now, I wonder if you could answer my question, my questions, really, my question is quite simple, if you don't understand, just say so, and I'll try to rephrase it. My question is this; Mr. Sparrow, isn't it true that most of the water that flows in that drain arises from springs or seepage or from return flow from irrigation of people who own and irrigate ground on both sides of the drain?

Sparrow: Depends on how close you call a drain. How far do you wanta call a drain?

Gee: Now just answer the questions, and then we'll talk about something else.

Sparrow: I don't know what you want me to say.

Gee: In other words you can't answer that question?

Sparrow: I can say the water runs into the drain.

Gee: And it runs off from or arises from springs from people who use and irrigate and own grounds on both sides of the drain.

Sparrow: Maybe right now.

Gee: Now, with respect to your claim of water, you said that this water wasn't necessary for you to irrigate your property? Is it not true, sir, that you have 53 shares of water in Twin Lakes Canal Co.?

Sparrow: Not on the 20 acres, I haven't.

Gee: Do you have 53 shares of Twin lakes Canal Co. water?

Sparrow: On which property?

Gee: Just answer the question.

EXHIBITED

Sparrow: Well, I ain't going to answer something that isn't true.

Gee: Do you have 53 shares of Twin Lakes Canal Co. water? Yes or no. You either do or you don't.

Sparrow: I do have them.

Gee: Thank-you. Now, that 53 shares of water entitles you normally to enough water to irrigate 50 acres or more doesn't it?

Sparrow: No.

Gee: Well, that's the basis upon which all of the users receive it, isn't it, on one share per acre?

Sparrow: It won't work on sandy ground.

Gee: And that wasn't the question, the question was...

Sparrow: No.

Gee: .....isn't the basis upon which this Twin Lakes Canal Co. water is normally distributed is one share per acre?

Sparrow: I don't know for sure.

Gee: Alright now, where does this Twin Lakes Canal Co. water come on to your ground? It comes thru a ditch, does it not?

Sparrow: Yes.

Gee: And you irrigate your ground, at least part of it, with Twin Lakes Canal Co. water.

Sparrow: Yes.

Gee: Thank-you. Now, sir, have you ever measured any of the water in this drain from any source?

Sparrow: How do you mean, measured?

Gee: Have you measured how much water Mr. Poulson puts in the drain, or how much comes off of his ground, or how much Mr. Hobbs puts in the drain, or how much comes off of his ground, or how much Mr. Olson puts in it, or how much flows off of his ground?

Sparrow: I know what....all I measured it what comes at the end and goes thru that pipe.

Gee: Yes, and so far as the source of it is concerned, you do not know how much comes from each of these various places?

Sparrow: No, I don't believe anybody does.

Gee: Now, sir, isn't it true that at the informal conference, that was previously held before the Department of Water Administration, you stated that the purpose of your application was to establish the first right, first recorded water right in that drain, so that you would be entitled to demand that water be released from upstream to fulfill your permit?

Sparrow: I don't know how you want to put it, but I put in, I am the first one puting in the first right. That water's never been filed on, is that what you mean?

Gee: No. My question was did you not at that time indicate that your purpose was so that you would be entitled to demand that water be released from upstream to fill your permit application that you had made here?

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Sparrow: I filed on water, yes.

G: Now, will you try to answer the question. The question was: did you not indicate at the previous informal hearing that the purpose that you had filed it for was so that you could demand that wanter be released from upstream to fill that application?

S: I don't know how you want me to say it, but I did file on that water.

G: No, you haven't answered the question, Mr. Sparrow, and I'm going to sit here and keep asking it until you do answer the question.

S: Well, it's a trick question.

G. Well, if you don't understand it you could say so.

S: Depends on how you want to word it. I did file on that water. The first file on that water.

G: The purpose that you filed for it was so that you would be entitled, in your opinion to demand that enough water be turned in by people upstream to give you 1.2 ~~cfs~~ second ft. of water all thru the irrigation season, wasn't it?

S: I don't know how you want to put it, but I don't want the water to be damned off and then all at once turned loose and flood me. Cause that's the way it's been done for years and years. Is that what you want to know?

G: No, I want to know what you stated at the informal conference that was held once before as to the reason you had filed the permit.

S: I filed on the water, that's what they told me I had to do if I wanted to put a pump there I'd have to file on the water. That's the law, and if it wasn't I could just use ~~it~~ it any time I wanted to, that's the way everybody else is. Is that what you wanted?

G: No. The purpose of your application is so that you can insist that all of the peopel above you make sure that you get 1.2 second feet of water regardless of how much water there is elsewhere. That they turn down to you 1.2 second feet, period /isn't that what you stated before?

S: I don't know where you stated it, or how you stated it, I'll say that's what you stated, but I said I filed on the water, so I could use it.

G: Rather than labor the point Mr. Fleenor, we would like to have introduce into the records the memornadum of the informal hearing, and we do so offer that as a part of the records.

F: Okay, I think we actually have that as a part of the file, which is taken notice of by the Department.

G: Very good. Now Mr. Sparrow, have you ever measured the amount of water that flows into that drain, other than what you have stated, the amount that you have seen that the pipe going over the hill carries?

S: That's the only place I've measured.

G: And you do not know where that water came from, do you?

S: Sure.

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G: I mean which field or which person's water that was. For example, if Mr. Perth Poulson was turning in his Twin Lakes Canal Co. water, and decided ~~no~~ not to use it at his pump lower down, it would come down to you, wouldn't it?

S: Flood me probably.

G: It would come down to you.

S: It would come down and when they let it go it just comes down more than the pipeline can handle, so it floods me.

G: How much will the pipelines handle, the two pipelines?

S: Well, it's a 12" line.

G: Alright, how much will that handle?

S: I've never measured how much water will come thru? Do you know how much water will come thru a 12" line?

G: How much will a 10" line handle?

S: Well, they won't handle as much as that 12" cause it's plugged part way. So is the 12, it's partially plugged on one end.

G: Which end?

S: The end where the water comes in at.

G: That's the end that's on your property isn't it sir?

S: That's right;on the edge of my property.

G: And if you cleaned it out it wouldn't be plugged, would it?

S: Yes it would.

G: Oh. ~~It was half plugged when it was put in.~~

S: It was half plugged when it was put in.

G: Well that was put in with the soil conservation service help wasn't it?

S: Help?

G: Yes.

S: No. The different guys out there put it in.

G: Well I know, but didnt they get soil conservation,..surveyed by the soil conservation service and put in according to their specification. And didn't they supply some of the money and/engineering that went into putting it in?

S: They put it in.

G: And wasn't your father or your brother involved in it?

S: Yes, my brother was involved in it.

G: Now actually the amount of water that reaches that pipeline varies a great deal from none ~~now~~ to too much, doesnt it?

S: It would...if they don't stop it, it usually comes fairly steady.

G:: Well,/Mr. Hobbs damns it up and ~~you~~ uses it, and if Mr. Poulson damns it up and uses it you don't get any or very little water do you?

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MICROFILMED

S: Not very much.

G: And during that period of time there wouldn't be 1.2 second feet availabel would there?

S: Not unless they just turn er loose and let it come all open.

G: Now you said that there was a portion of your ground that you didn't farm because it was too wet. How many acres of your 60 is too wet for you to farm?

S: There's about 15 there.

G: So essentially you're talking about irrigating 45 acres. Right?

S: Possibly 20 of it is real sandy, of that.

S: Uh huh

G: Is that the 20 that's on the north side of the road, that kind of has a little slope from the hill crest down toward the road. Now you have additch that comes into that area don't you?

S: From On the other end?

G: Yes

S: There's a ditch up there.

G: That ditch carries water from what? Twin Lakes?

S: Yea, when you get it down there, but you can't irrigate from across that drain on the far end where that drain comes the water will come right to it and follow the drain. It's just too sandy there. The water goes right in the drain there.

G: Now Mr. Sparrow, you know that back as far as the early 1960's that Mr. Poulson had a pump in the approximate location where he has one now, and at that time he was pumping by tractor don't you?

S: At that time he'd pump out of the ditches by tractor, probably. When the, I think it was about when the government was paying for a percentage of the sprinkler systems.

G: Well, you do know that back as far as the early 1960's Mr. Poulson was pumping some of this same water by tractor and ultimately he went to an electric pump?

S: Out of this drain you're talking about?

G: Yes.

S: Not out of the drain. He was pumping out of the ditches.

G: Well, there were the same waters that he now uses weren't they?

S: But different places.

G: Yes. Alright and he irrigates approximately how many acresout of that pump please?

S: He sprinkles most of his sandy below the hill.

G: How much? How many acres? Would you estimate.

S: There's 15, I don't know, some 20.

G: Actually he irrigates approximately 80 acres doesn't he?

S: No he floods it. He got Twin Lakes water and it floods.

G; And the runoff from that comes into this ditch or drain and he pumps it back on, doesn't he?

S: Well the only way it will runoff is if the water gets away and goes over the hill. Cause part of it, it's flood irrigated.

G: The return flow from that flood irrigation goes into this ditch and if he dams it, the drain off, he can pump it back on to some other land, can't he?

S: If it runs into this drain ditch, it'll wash it clear full, cause it's sand and it will wash it clear full. I don't believe it could run too much in because of the bank along the edge of it.

G: Have you ever noticedthat.

S: Yes. There's a high bank along the side of the drain on the uphill side of his water.

G: All the way thru his land.

S: All the way across his field.

G: When were you there most recently?

S: There's a bank along there.

G: On which side, the west side, or the east side?

S: The west side. Cause it would have to bank up pretty high to get into the canal.

Besides you don't run the wastewater down over the hill there, it's right against the hill. He sprinkles that.

Gee: I think that's all the questions we have at this time Mr. Fleenor, thank-you.

Fleenor: Thank-you, Mr. Huntley, do you have some questions for Mr. Sparrow?

Huntley: Yes I do. Mr. examiner may I have this exhibit marked as Hobbs Exhibit 1 or however you'd like to mark it.

Fleenor: Okay I have marked it protestant's Hobbs exhibit number 1.

H: Thank-you. Mr. Sparrow, I'm handing you protestant Hobb's exhibit #1, which has been drawn to show generally the lay-out of the area. It's not intended to be the scale and reports to show that the drainage ditch arises on Raymond Hobbs property comes thru Poulson's, John Sparrow's, and Olson's and Roland Hobbs, and on down to yours and then shows the old and the new drainditch down off from your property and then Harold Stevenson. Just asking is that generally about the way the things laid out?

Sparrow: The old and the new?

H: Well, the whole thing, does it reasonably show about where that...how that drain goes? I'm not trying to be tricky with you, we just want to get a picture here that's more meaningful to the gentlemen that have to understand this case.

Sparrow: What's these?

H: Fencelines.

S: That goes about like that, somewhere it goes there.

H; I'll offer this exhibit just for illustration purposes to assist in the testimony. Any objections?

Fleenor: Do you have any objections?

Gee: We have no objections.

Smith: No, we have no objections.

Sparrow: Now, there's another pipeline that comes thru the old one, that comes thru here too.

H: Okay, we'll let you explain everything that has to be explained. Now, the place that you talked about where there is the 10 and 12" pipe, is that...that's on your place, is that /right?

S: That's where it starts.

H: And which.....we've got it marked on this exhibit as new with govt. help line...is that where the 12" is?

S: Yes.

H: And then where does the 10" pipe ~~connect~~ commence?

S: It starts right here too.

H: Right in here.

S: It used to come right thru about the same line as this one.

H: And then there's an old drain ditch that goes ~~a~~ thru the road over here isn't there?

S: Right.

H: And this lane is the lane to your house, isn't that right.

S: Yes.

H: I'm going to put Sparrow Lane here. And then Harold Stevenson is your neighbor to the east. Is that right? Now the 20 acres of ground ~~w~~that you have mentioned are sandy, are ~~th~~they they a little bit higher than your other ground?

S: No not really, not a great amount higher.

H: They are some higher? Now so the record is clear, is it correct ~~o~~to say that as of ~~t~~ this date, today, you have n ever ~~talk~~ pumped and utilized any of these water that you are claiming? Is that correct?

S: Yes.

H: And it's correct to say that as of today, you did not make a measurement and have never made a measurement in cubic feet per second of what waters are available say this year in the month of May. Did you make any measurements to determine how many cubic feet per second were available in May, 1973?

S: I didn't measure.

H: And it's likewise true ~~you~~ you ~~did~~ made no measurements on any dates or any months from May 1, '73 up til today? of waters available on ~~your~~ at the point on your property.

S: All I know of this....off and on there's a lot of water backed up on my ground.

H: Okay, now you say that in answer to a question by Mr. Smith that in 1973, there was a month, approximately a month, when there was no water coming down there due to it being damed up, upstream I guess. Now what month was that? Or what period of time?

S: It was in the middle of the summer, when they was dry, the earlier part.

MICROFILMED

H: Now by the middle, do you mean June or July or what are you talking about?

S: Somewhere thru there. I didn't..... all I know it was dry, cause there was hardly very much water then, because they was backed it up, it was dry, there was a drought.

H: And at one time it rained....I mean it was dry and no water coming down for at least about 30 days. Is that right?

S: Well, somewhere around there.

H: Okay

S: Give or take

H: Were there other times in the 1973 irrigating system, season, where there was not water coming down to your source there?

S: There's always been a little, but not much. You know there's always some.

H: On these times when there's just a little, can you remember any specific months that occurred in this last season?

S: There was only that one that I know of, where they had it damed right off. There was very little coming down then.

H: Okay then.....

S: They had that off pumping with it.

H: They had it off pumping with it, okay. Now, you said in answer to a question by Mr. Smith, that in previous years, that is years before 1973, there were times when they had everything damed off upstream and were pumping with it and nothing coming down to you of any significance. Is that right?

S: No. The only time that they'd ever have it damed off is if it was a real dry year, like last year at first, then after that the water comes, but very seldom that you know.

H: Okay. Say it happens very seldom, it has happened before, hasn't it?

S: Not like this year. There hasn't been that much pumping going on.

H: Okay, it has happended before, hasn't it?

S: Not shut off, no, not cut it right off, no.

H: Well, has it ever been down to where there's just a little bit coming?

S: There's always some coming.

H: Okay now, there's always some coming. Has there ever been down to where there's just a little bit coming?

S: Not that I recall.

H: Othere than this one month, in 1973, were there any days or weeks when there weren't in your opinion 1.2 cfs coming down.

S: Oh yea.

H: How many days out of the whole summer would it been that there couldn't even been that much coming down?

H: There were a lot of them weren't there?

S: No not especially, not too many. There's always some coming down. /Usually Cause usually they have cattle and stuff in there for watering and that.

H: Well, there's difference....isn't there a difference in your mind between some and 1.2 cfs?

S: Well, there's quite a difference if you're going to measure.

H: How many gallons per min. is 1.2 cfs?

S: I don't know right off hand.

H: Is it more than 450?

S: I have no idea right off hand. I've read it but I don't know what it is.

H: As I understand it now as you sit here today you've never had a hydrauligist or water engineer make any measurements to tell us what amount of water might be available at any particular time?

S: I've asked them about it,... . irrrigation company to... if they thought they could make a sprinkler work there.

H: Now did you at any time during this last year, tell Mr. Harold Stevenson that if you succeeded in getting this water that you'd run a 2" pipe over to him?

S: Did I?

H: Umhm

S: He just said he had...all he wanted was water to irrigate with...his lawn. Not that I know of but I don't....

H: Now did you or didn't you tell him that you'd run a 2" pipe over to him?

S: I don't know.

H: You don't know whether you did or didn't?

S: Nope

H: You do recall talking to him about some water?

S: On this?

H: Yes.

S: Only time that I remember is when they'd been watering they're lawn or something and it's been laid out on top, you might ask him what is watering their lawn, what size of pipe to irrigate it there. They had it drilled full of holes, it was something different.

H: I'm not asking you what's been done, I'm asking if you have made him any promises to some water.

End of Reel #1

Fleenor: Okay, Mr. Huntley I believe we left off with your cross-examination.

H: Yes, I think I'm just about thru, maybe one or two questions. The deed that you've testified about earlies, the quit-claim deed from the estate, from John Sparrow to you does contain a mention of it, of water shares in the Twin Lakes Canal Co., is that right?

S: Yes, I have some Twin Lake water .

MICROFILMED

H: And that is with respect to the land that your making this application for?

S: Yes.

H: OK, its all over it, I guess. And would it be true that with respect to where this 10" pipe commences, the smaller of the two pipes, that some of the water that gets to that pipe is water that comes off the 20 acres that you sprinkler irrigate with Twin Lakes Water.

S: The water comes in off the 20 acres into that area?

H: Yes.

S: Not unless it subs.

H: Well does it sub?

S: No.

H: It doesn't, okay.

S: The only place that would run into it is where it cuts thru the field where its supposed to be buried, and there's holes where the water will..it sinks and it will go around into the pipe and sinks and makes a big hole in the field.

H: I have no further questions.

SMITH: GEE: In view of the exhibit, I did have a couple of questions, whenever it would be appropriate.

Mr. Sparrow, could

GEE: Mr. Sparrow, could you just mark on there please where for the benefit of information here, who this 8" pump is that you, that is shown on here, do you know who's that is?

S: 8" pump?

G: Yes, there's an indication here of an 8" pump on there.

Huntley: I'd better explain that, that's my handwriting on there, and i'd written on there. There's a pump at that location that appears to have an 8" pipe coming out of it.

Gee: well, at that location is that where Mr. Poulson's pump is located?

S: Yea, right in that corner.

G: Alright, wonder if you would just mind writing on there, Perth Poulson, and then if you would also write on there the location of the place where you said Mr. Hobbs pumped out of there, if you would just mark it right on that exhibit, please.

S: Go ahead.

G: Just write, Perth Poulson. Perth....well put his last name there, Poulson please. Now that's the place where Mr. Poulson dams off the drain and uses a pump to pump it thru an underground line and up onto his field there. Isn't that true?

S: Yes.

G: Alright, then would you mark on there also the place where Mr. Hobb's dams it off and pumps it out?

S: It's right here.

H: For the record, it's written where I've written the words "screw-headgate".

RECEIVED

Gee: Now is that where Mr. Hobb's pumped it out at the time when you said that he did last year? Approximately?

S: Somewhere around there.

G: Alright, why don't you just write that down then.

S: He's got it right there.

G: Well,

S: It's wrote right there, Roland Hobbs.

G: Yes, alright, but there's a pump there?

S: No, it's a portable pump.

G: Oh, I see, alright. Thank-you.

S: Its a motor off a beater. They used to use it for a beater.

G: Now, do you have a pump anywhere in there?

S: No, I haven't got a pump drawed on that. I didn't draw it.

G: No I mean do you have a pump anywhere along that drain?

S: Have I put one in?

G: Yes.

S: No, I haven't.

G: Do you have a pump anywhere in your field, a portable pump, gas powered pump?

S: I have a pump, yes.

G: And where is that and how do you use it?

S: When I pump,,,when I want to pump the water, I use it. I haven't pumped out of the drain.

G: Where do you get the water that you do use your portable pump on?

S: I haven't pumped out of this drain around the irrigation here at all.

G: You have a portable pump, where do you get the water that you use that portabel pump to pump?

S: I haven't used it on the farm, that portable pump.

G: I see. I have no further questions at this time, thank-you.

Fleenor: Mr. Smith, do you have any re-directives at this time.

Smith: Yes, they have marked here Mr. Roland Hobbs, was this a pump that he used for a sprinkler?

S: Yes!

Sm: And when did he first use that Mr. Sparrow?

S: He used that, well it's just a portable pump, he uses that just when the years are dry, to like bring up crops, start them and that's about all he uses it for. It's a portable pump, they don't use it all the time.

Sm: Now is this land next to you?

S: His land?

Sm: Yes.

MICROFILMED

S: Yes.

Sm: Which side of you?

S: The west side.

Sm: Thank-you. And how many years has he used this?

S: The pump.

Sm: Yes.

S: Well, I don't think you could put it into years. Cause he only uses it once in awhile when it's dry. He don't use it every year, continuous every year. Depends on the weather if it's a dry year he'll use it, if it isn't he won't. I don't imagine they've used that for 5 or 6 years. This is the first year he's used it for 5 or 6 years.

SM: What year now,'73?

S: Yes.

Sm: And that's since you filed the applicatiohn?

S: Yes.

Sm: Now, is the shares of water that you have in Twin Lakes adequate to irrigate your land?

S: No.

Sm: I think that's all I have.

Huntley: Nothing further

Gee: We have nothing further at this time, thank-you.

Fleenor: Mr. Smith, do you have any other witnesses?

Smith: Yes, I have one more. I wonder if we could have this deed put in, is there any objections to this deed.

Gee: We have no objection.

H: None.

Fleenor: Okay, thank-you Mr. Sparrow.

Smith: We call Mr. John Sparrow.

Fleenor: Would you raise your right hand please. You swear the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Sp: I do.

F: Would you state your name & address for the record please?

Sp: John Sparrow, Weston, Idaho.

Sm: How old are you....may I proceed?

F: Yes go ahead

Sm: How old are you, Mr. Sparrow?

Sp: 50

Sm: And how long have you lived in the are that Mr. Raymond Sparrow has been talking about?

MICROFILMED

Sp: All my life.

Sm: And do you own a farm in this area?

Sp: Yes.

Sm: And does this drain that we're talking about run thru your premises?

Sp: It does.

Sm: Are you acquainted with 60 acres of Mr. Raymond Sparrows.
Sp: I do.
Sm: And how are you acquainted with it?

Sp: I've had it rented for the last 15 yrs. probably.

Sm: You have operated it to yourself.

Sp: Yes.

Sm: For 15 years?

Sp: Yes.

Sm: Now, Mr. Sparow, is the shares of water of Twin Lakes Canal Co. adequate to irrigate these 60 acres?

Sp: No.

Sm: Now, how do you know this?

Sp: This 20 acres is on my....same ditch as I am and I have to take my water down there to have enough enough to irrigate it.

Sm: And what is the condition of the soil?

SP: Very sandy.

Sm: And what does this cause Mr. Sparrow?

Sp: Well...

Sm: The result of the sandy soil?

Sp: It just burns, it don't water or nothing it just burns up

Sm: Mr. Sparrow, have you observed what has been happening on this drain for the past 4 years?

SP: Pretty well, I've never left out there, I've been there all my life.

Sm: I see. Now in the years, you have observed it during the months from May to October, is this true?

Sp: Yes.

Sm: Each year?

Sp: Pretty well

Sm: And each month?

Sp: Right

Sm: Now, Mr. Sparrow, you say that you have this rented that Raymond owns at this time?

Sp: Yes I had it rented to my Dad.

Sm: And would you go across this roadway that leads up to his home.

Sp: I DO EVERyday.

MICROFILMED

Sm: Now, during this time you have observed water going thru this pipe?

Sp: Yes, it's went there every year up till this year.

Sm: Now how much water have you observed going thru this pipe.

Sp: Well, on the new pipe, it's poobably 2/3rds full.

Sm: And do you know the size of the new pipe?

Sp: 12"

Sm: And where would this water come from?

SP: It's seepage and from drains. Seepage and springs on up thru the drain. Starts at the top and picks up as it comes down thru.

Sm: Now, they have spoken, wonder if I could see the other exhibit . Thank-you.

F: Would that be protestant Hobbs Exhibit 1.

Sm: They have said here in Roland Hobbs, that he has had a pump there now, have you observed a pump there?

Sp: Yes.

Sm: Now Hobbs knew you observed that?

Sp: Well it's been used off and on but I don't think it's ever sit there much, it hasn't even set along that drain for at least 4 years, until this year.

Sm: And that's since this application was filed?

Sp: That's right.

Sm: Are there other dams and pipes in this drain? uh, pumps I'm sorry.

Sp: Yea, there's a pump up here, right against my place. There's an electric pump sitting there.

Sm: Now, wherest the source of the water for this electric pump?

Sp: Its dumped in up at the head of...by the Twin Lakes, it's Twin Lakes water, it's dumped in and comes down thru the drain.

Sm: and it commingles with the drainage water?

Sp: That's right.

Sm: Now how long has that pump been in there?

Sp: This pump. 4 or 5 or 6 years.

Sm: And to what extent has it been used?

SP; Off and on all summer.

Sm: Now, this summer?

Sp: Yes.

Sm: How about last summer?

SP: Yes it was used last summer.

Sm: That's all the questions I have.

Gee: That second pump/you're referring to that's Mr, Perth Poulson's pump isn't it?

Sp: Yes that's right.

See: And it's then fully electrified as far as you can recall the last 4 or 5 years?

Sp: I think so.

G: And before that he used a tractor power pump didn't he not?FOr approximately the last since 1961?

Sp: Well, I have a hard time keeping track of the years.

G: Yes, well it's been quite a few years hasn't it?

Sp: Yes.

See: And The Twin Lakes Water that you said had been put in there that's Mr. Poulson's water that he dumps in further up in his field and then he pumps it out down in this place that's really a corner of your former place, isn't it?

Sp: Yea, it's run down there on to my place.

G: And then he puts it thru an underground pipe that passes thru a corner of your ground and goes on up to his property that's on both sides of the drain. That's true isn't it?

Sp: Yes, it comes kind of comes thru by point.

G: Now, you know also do you not that there are two tile drains that arise on Mr. Perth Poulson's property that drain into this open drain? You're acquainted with those are you sir?

Sp: Well, there isn't 2 on Perth's, it comes into the drain and one has to come thru my place.

G: Well, but it starts, does it not, the one that goes thru your place actually starts in Mr. Poulson's ground and runs thru a part of his ground and then thru a part of your ground and dumps into the drain in your ground?

Sp: That's right.

G: Then, he has another tile drain, that's strictly on his ground that dumps into there, does he not?

Sp: Yes, he put it in last year.

G: How many acres would you estimate that Mr. Perth Poulson irrigates with that pump and with his Twin Lakes Canal Co. water?

Sp: Well, both together he's got 80 acres.

G: And then from his place the drain goes on down thru Mr. Olson's and Mr. Hobb's and some of those other peopel? Does it not?

Sp: That right.

G: And then the place where Mr. Roland Hobbs has sometimes had his pump in is in his property isn't it?

Sp: Yes

G: Now if Mr. Perth Poulson, shuts off the drain entirely there would be no water going thru in the drain above that point, would there? No water above that point would go past his headgate.

Sp: Not if he shut it all off there, if he shut if off right there, but there's still a pump

on further down.

G: Yes.

Sp: There's water picked up from the top to the end.

G: And there are springs in your property and springs in Mr. Poulson's property and springs in Mr. Raymond Hobbs property, are there not?

Sp; That's right.

G: All the way up along the channel.

G: Now, as I understood you Mr. Sparrow, it was only the 20 acre piece of ground that you formerly rented that you put your own separate water on?

Sp: That's the only one I can.

G: What Pardon?

Sp: That the only one I can from my place.

G: And the rest of it was irrigated with Twin Lakes Canal Co. water was it?

Sp: Yes.

G: I think that's all the questions I Have at this time thank-you.

Fleenor: Mr. Huntley?

Huntley: No questions.

Smith: I have none.

Fleenor: Thank you Mr. Sparrow. Do you have another witness Mr. Smith?

Smith: No, that's all we have.

Fleenor: At this time we should be prepared for Mr. Gee's witness, or do you wish to make a statement concerning your protestant's ????

Huntley: Mr. examiner, for the record I would like to make a motion at this time that the application be dismissed on several grounds. First is perhaps the most important, is the applicant has not his (burden) ????of showing that there are 1.2 cfs of water availabel during the period he's claiming, or at/any period at all. And I think that's his burden and without that you cannot legally or practically grant the application. And the record as it now is established before you establishes secondly that the water by their own testimony and was shut off or/utilized above for a period of one month during the year 1973. And according to Mr. Raymond Sparrow's testimony it had been shut off on numerous occasions or several depending on which testimony you take, in previous years as well as other times in 1973, so there's no way that this record would establish the claim to which they are applying for.

Gee: And the protestant Perth Poulson joins in that motion and adds the further grounds tht the evidence now discloses without any question that Mr. Perth Poulson has used water out of this drain for the past 10 or 11 or 12 even 13 years. That whenever he desired so he would shut the ditch off, or the drain off and use his own water. Their evidence is

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that the water which flows into the drain is springs arising on the property of other users, as well as surface and seepage and drain waters which we submit the owners of the ground are entitled to reclaim. And until the applicant has shown a quantity of water that is available for appropriation to him we submit that his application is premature and should be denied, and the hearing should be discontinued at this time.

Fleenor: Should make a ruling on this at the present time. I think the application and the applicant has shown that there are,maybe water available for appropriation. Of course it's subject to existing water rights, however, as far as the motions are concerned, as far as dismissing, I think we should take it under advisement...we can't make a ruling. Continue with the witnesses for the protestants.

Gee: Mr. Poulson please.

Fleenor: Would you raise your right hand. Do you swear the testimony you are about to give to be the truth the whole truth and nothing but the truth so help you God.

Poulson: I do.

Fleenor: State your name and address for the record please

P: Perth Poulson, Weston, Idaho.

Gee: Your full name is Perth Poulson, you live in Weston.

P: Right.

G: And you own some property that is shown on the protestant Hobb's exhibit. That's the one right in front of you there, Mr. Poulson.

P: Yes sir.

G: How long have you been acquainted with this property?

P: Since 1948.

G: and you bought that did you at that time?

P: That's right.

G: Were you acquainted with it even before that?

P: No.

G: Since 1948, Mr. Poulson, has there been this drain that's now in question? in some form or another running thru, starting at Mr. Raymond Hobb's property, running thru your property and then into the adjacent property now owned by Mr. Sparrow and Mr. Olson.....

P: Yes.

G:.and Mr. Hobbs. Is there a drain that you have installed in your propety, one or more drains that feed into this open drain, that we're talking about?

P: Yes.

G: And this drains water that arises on your property and puts it into the open drain?

P: Yes sir.

G: Then in addition to that, Mr. Poulson, what other sources of water do you have that flow into this drain?

P: Twin Lakes.

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G: In other words you have Twin Lakes shares of water that you put actually pour into the drain?

P: Right.

G: Then there are springs that arise on your ground in the area of the drain itself, are ther?

P: Well, some. Seepage.

G: Yes. Alright then at what point do you recapture this water and apply it to your ground?

P: Down in the corner of John Sparrow's.

G: And that's shown on that exhibit, is it?

P: Yes sir.

G: When did you first start using a pump to irrgate your groudn.

P: 1961.

G: And at that time that was tractor driven pump, was it?

P: Yes.

G: Before that time you had used some of this same water for sub-irrigation on your ground, had younot?

P: Yes.

G: Then when did you convert from a tractor-driven pump to an all electric pump?

P: It was in 1968.

G: Every year from 1961, until 1973, up until the present time, Mr. Poulson, have you used the water out of this drain, both the water that you have placed in your Twin Lakes Water, the draingge from the 2 tile drains that flow thru your field and return flow from your surface irrigation?

P: We have sprinkled everyear, I bet.

G: Now, Mr. Sparrow mentioned that there was a high bank on the west side of your property that kept the water from flowing from your property into the drain, do you know of any such high bank?

P: Years ago there was a big...the bank of the drain down there, but we leveled that off. Today there isn't one.

G: Today there isn't one?

P: There isn't one.

G: I see. And that's been true for many years?

P: Right.

G: Now you sprinkle irrigate on both sides of the drain, do you not?

P: Yes sir.

G: and the return flow from that would flow into the drain and you could recapture it again couldn't you?

P: Yes sir.

G: Yes/Sir/ And you do that don't you?

P: Right.

G: And have done every year since 1961?

P: Right.

G: And approxiamtely how many acres do you irrigate with the water that you take out of this drain down in the corner there?

P: I sprinkler 40, entirely, out of the drain, and then the other 40 is partially sprinklerd.

G: Then, Mr. Hobbs,.Mr. Poulson, Mr. Hobbs, likewise, sprinkles somewhat out of this drain, does he not, on occasions, that you have observed?

P: Yes, his pump's been there.

G: Which Mr. Hobb's is that that has used the pump?

P: Well, I've seen pumps down there from Olson/&/Hobbs/s both of the Hobbs's,on the drain.

G: I see. Are there times, Mr. Poulson, when in order to irrigate your property you have completely shut off any water from going beyond your headgate at the place where you pump out.

P: Yes.

G: And approximately how many years has this been the situation and what kind/ times of the year?

P: It's kind of hard to know just exactly, how much, but it's would be during the summer months.

G: And would this be true practically every summer, at one time or another, during almost every summer?

P: Yes.

G; And of course in dry years you make sure that no water gets past your headgate, do you?

P: Right.

G: So that whenever you deed the water in that drain, you attempt to take every bit of it that comes to you diversion point.

P: Half the time.

G: And have done every year since 1961

P: Haven't used it all, but have attempted to.

G: Then do you flood irrigate some of your ground with Twin Lakes Canal water?

P: Yes.

G: And as/a does the return flow from that sometimes come into this drain?

P: Very little of it, cause it's up on the other area, and it doesn't get down there.

???????28

G: And if it gets by that way it's accidental, is it? Do you have any position with the

P/ Twin Lakes Canal Co.?

P: I'm on the board.

G: Are you acquainted with the amount of water that the a share of Twin Lakes Canal Co. water

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is intended to irrigate?

P: They originally set it up//..they set a share per acre.

G: And what's the present status?

P: It's still that way. There has been some ~~change~~ shifting to where some land require more, and some lands require less.

G: The intention still is to provide one share of water per acre of ground?

B: Right.

G: And approximately how much actually does that yield in an average year? How much water would you say?

P: Of course it depends on the amount of water...but the highest has been 1 and 92 hundreds inches.

G: 1.92.....

P: Right

G:.inches per acre

P: Right

G: In other words that's nearly 2 acre feet a year?

P: Right.

G: There are a lot of people out in that area who have sandy ground, are there not?

P: Yes.

G: And Mr. Sparrow doe s have Twin Lakes Canal Co. water, does he not?

P: Yes.

G: And it's delivered to him every year?

P: Yes.

G: Mr. Poulson, if you were required by the action of the Department of Water Administration to contribute to Mr. Raymond Sparrow's claim of 1.2 ~~cfs~~ second ft. of water, to guarantee and see that he would receive that amount of water, during the entire irrigation season that he has claimed, from the first of May to the first of October, would that do injury to you and the water right which you have claimed and excercised since 1961?

P: Seems to me ~~that~~ like there isn't that much water there, so it sure would.

G: Have you since 1961 and do you now claim all of the water that you were able to capture at your pumps, that flows in this open drain?

P:Yes.

G: I have now further questions at this time, Thank-you.

Fleenor: Mr. Huntley?

Huntley: I have no questions.

Fleenor: Mr. Smith?

Smith: Now, Mr. Poulson, the amount of water that's needde on this land, depends entirely on the type of land,

END OF REEL #2 FRONT SIDE

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Reel #2, 2nd side
Fleenor: Mr. Smith:

S: I'll start. Mr. Poulson, it depends on the type of land, the amount of water that is needed.

P: I guess so.

S: And sand y soil out there needs much more than the heavy loam.

P: Yes.

S: Now do you have an overlfow on your dam or catch basin as you call it?

P: Yes.

S: Now does water run overthis overflow during the year?

P: During the summer?

S: Yes,

P: Sometimes.

S: And there's water that goes over your overflow and where does it go?

P: It goes down the drain.

S: Down the drain. Now, is sometimes, Mr. Hobbs and Mr. Sparrow, flooded in their fields?

P: To my....your talking about Ray Sparrow?...

S: Yes.....

p: and Roland Hobbs.

S: where this drain goes to

P: To my knowledge since the that 12" pipe was put down thru there, there hasn't been.

S: Now how about before then?

P: Well, that was the reason the 12" pipe was put down in there to carry that water off there, so that they wouldn't have, so they wouldn't be flooded.

S: I see. What size was the pipe before?

P: Well, all I know about this is heresay, and that was they claim it was 10".

S: I see. But this wasn't adequate to carry the water?

P: Probably would have been had it been cleaned out, but it was pretty ~~fil~~well filled up with sand ~~in~~ so it actually isnt' adequate.

S: I see. Now, Mr. Poulson, do you ever pump when you do not have your Twin Lakes Water in the drain?

P: Yes.

S: How often do you do this?

P: It's kind of hard to say.

S: Don't you have the pump to pump Twin Lake water that you own?

P: I have it to pump both, Twin Lakes and these two drains.

S: Is there the water that leaves your drain or your place, or this place of impoundment, and goes down the drain?

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P: Yes there was.

S: Yes.

P; Well there's always water there, yes.

S: Right// I see. That's all the questions I have.

Fleenor: Mr. Gee do you have any re-directs?

G: I think I have no further questions of this witness at this time.

Fleenor: Thank you Mr. Poulson.

Huntley: Do you want me to start now?

Fleenor: Yes, if your ready with your presentation.

Huntley: Thank-you I'll call Mr. Dav Frew.

Fleenor: Do you swear the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Frew; I do.

Fleenor: Woudl you state your name and address for the record.

Frew: M Dav Frew, Preston, Idaho.

Huntley: Mr. Frew, you and your father have a place where this drain dithc eventually comes out, don't you?

F: Yes.

H: And your place is down over the hill where the West Cache Canal goes thru is that right?

F: Yes.

H: And the drainage ditch which is the subject of this case comes down over a hill and then dumps into that West Cache canal, is that right?

F: Yes.

H: And so, and where this water comes out of the drainage ditch, does it come out in an open pipe where you can see whats waters coming out?

F: Yes.

H: And is that point visible from your father's and your house. I don't know whether you both live there are not.

F: Yes we do, maybe if I was standing on the canal bank, a few feet from the house.

H: Yes. How many years have you been familiar with the what water comes out of that pipe at the end before dumping into the West Canhe canal?

F: I'm 41 years old, and i've lived there all my life.

H: And is it fair to say that whatever water is unused in this drainage ditch, significantly all of it has to come out of that pipe that you can see from your house on the canal bank by your house.

F: Yes.

H: In the year 1972, did you have a place on up on top of the hill, that was being rented out to a fellow by the name of Gay Bench?

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F: That was in 1973.

H: In 73?

F: Yes.

H: Was it ~~Day~~ Gay Bruce, did I get the right name?

F: Gary

H: Gary Bruce, Beus?

F: Yes.

H: Would you point out on this Hobb's exhibit 1, about where the Beus land is, this is the beginning up here, and then it goes doewn to your place in this direction.

F: This would be the conversion point on these 2 pipes right....the house would be right there.

H: Okay now, you tell me if I'm doing it properly, I'm going to write the Beus, ~~B~~

F: B - E - A - U - S

H: B-e-a-u-s....and then the house is on which side of the drain going down over the hill?

F: It's on the west side of the ~~hill~~ drain. The pipe runs right in front of the house.

H: So I'll draw a block ~~right~~ about where the house is. Is that about right?

F: yes.

H: And then an arrow from Beaus pointing ~~toward~~ the house.

F: Yes.

H: Now I got a square drawn for the house. Now what is the....has Beaus ever, in '73, tried to irrigate his garden with water coming from the ~~2nd~~ subject drain ditch?

F: Yes.

H: And to you knowledge what if anything took place in the summer of '73 relative to his needs to water his garden?

F: Well, Mr. Beaus came to me and ~~I~~ said I got my garden and I like to water it, and I said fine, we'll dam the water off in this man-hole and it should run over there. So we built a dam to put over the pipe and put it down in there and it stayed in there for several days, and it never got to the top of that 4 foot pipe they had for the man-hole to run out. He eventually, we had a rain storm and there's a little flush of water came down, and he got his garden watered about twice. That was the extent of it. Most of that water that was running into the man-hole was coming out of this old drainpipe which had just ~~been~~ a very small trickle.

H: So in summary it would be fair to say that in the summer of 1973 there was not enough excess water ~~to~~ there to adequately water Beaus's garden?

F: yes.

H: Now, as the water in previous years, ~~has~~ the water came down over the hill to your place did you have a works, ~~did~~/~~y~~ set up where you tried to use this drain water to water some of your garden & lawn?

F; Yes.

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H: Have you discontinued that practice/

F: Yes.

H: And when did you discontinue it?

F:/About 1958.

H: And why did you discontinue it?

F: There wasn't enough water.

H: How big is your lawn?

F: oh our lawn and garden runs approximately a ½ acre, together.

H: I have no further questions.

Fleenor: Okay, Mr. Gee do you have any questions?

Gee: Yes, thank you. Mr. Frew, as far as you know is there any leak in the pipelines from the point where it enters, the water enters it at Mr. Sparrow's field, til the pt. where it emerges at your property?

F: Any leaks in it?

G: Yes.

F: You mean going out of it?

G: Right.

F: No, there's aleak that comes into it. From the water that comes in from Mr. Sparrow's.

G: So far as your observation is concerned the amount of water entering the pipes and the amoutn of water leaving the pipe were still insufficient to irrigate your ½ acre lawn or insufficient to irrigate Mr. Beaus's garden?

F: Yes.

G: Now I take it that there are probably times during the heavy rain fall, if there is any during the early part of the spring and before the irrigation season begins when there might be a quite a flow of water thru there. Would that be right?

F: Yes.

G: But once the irrigation season starts say approximately the first of May, until the first of Oct. would this be characteristic that during those periods of time there has not usually been enough water to irriaget either your lawn, ½ acre lawn, or a garden spot where Mr. Beaus was/

F: yes.

G: I don't think I have any further questions, Mr. Frew, thank-you.

Smith: I have one. Now this experience that you had was in 1973 of this past summer, wasn't it?

F: The one on Mr. Beaus's garden?

S: Yes.

F: Yes.

S: That's all I have.

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Fleenor: Thank you Mr. Frew.

Huntley: I'll call Harold Stevenson, Please.

Fleenor: Do you swear the testimony you are about to give is the truth, the whole truth and nothing but the truth so help you God?

Stevenson: I do.

Fleenor: Would you state your name and address for the record?

Stevenson: My name is Harold Stevenson, Weston, Idaho.

H: Now Mr. Stevenson, referring to the Hobb's Exhibit No. 1, I'd like you to look at and orient yourself, we have your name written in down here, as being a neighbor of Ray Sparrow, just across the road from him. Does that appear to be accurate representation of the lay-out?

S: That's about right.

H: In any of the last two years did you have to make a special request for....well, first off do you a garden?

S: Yes.

H: Did you have a garden in which years? Recently?

S: The last 20, 30 40.

H: Isee. Well that's recent. In the summers, in any recent summers have you had to ask specifically of the people up above to let some water down in order for you to take care of your garden.

S: Just once.

H: When was that?

S: This summer.

H: 1973?

S: Yes.

H: Who did you make that request of?

S: Roland Hobbs.

H: Roland Hobbs?

S: Yes.

H; And do you remember what month that was?

S: No.

H: But was it during the irrigating period between May 1 & Oct. 1?

S: Yes.

H: No further questions.

Fleenor: Mr. Gee do you have any questions?

Gee: No questions, thank you your honor.

F: Mr. smith?

SMith: where do you get your water for your garden, Mr. Stevenson?

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Stevenson: From the drain.

Sm: From the drain. You've always had adequate water until 1973?

St: Most of the time yes.

Sm: Now, so what you're saying is 1973 was especially dryer than any years that you've ever witnessed on this drain?

St: Well, not necessarily, I put in a bigger pump this year and I put in a bigger pump than what there was water for, it was an inch and a ½ pump, it threw a inch and a half stream and it wasn't there to supply the pump for a short period of time.

Fleenor: How big is your garden?

St: My garden and lawn probably a ½ acre.

Sm: Can i ask, are your thru?

Fleenor: Yes, go ahead.

Sm: How many acres do you have, Mr. Stevenson

St: ~~Two hundred~~ Eighty

~~How~~

Sm: How many shares do you have?

St: One hundred and eight

Sm: And is that in the Twin Lakes?

St: Yes.

Sm: Is that adequate water for your premises.

St: Sometimes it isn't

Sm: I see, you need more water than this at times.

St: Sometimes yes.

Sm: That's all I have.

~~S~~tGee:One question, one simply by the additional questions, could be proceed?

Fleenor: Yes, Go ahead.

Gee: Mr. Stevenson, if the water were shut off completely atthe pooint where Mr. Sparrow proposes to ... would you be able to get any water at all for your garden?

St: I'd have to make different arrangements, yes, unless I used the TwinLakes water, I haven't used the Twin Lakes waeer for the garden in several years.

Ge: About how many years have you used water out of this drain for your garden?

St: Oh about 20, approximately that's not accurate.

Ge: And it's been a half inch pump up until now?

St: No, I've used a sump pump, like you use in the basement, you know just an automatice pump, until this last year I bought it, it's an inch and a half, it ~~that~~ throws an inch and a half stream.

Ge: What size was the sump pump that you used in the past?

St: It's about the same size, but it doesn't throw that much water.

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Gee: Would you estimate approximately how many cubic feet per second or fractional feet. What would be the size of the pipe that you use for discharge. Would it be an inch pipe.

St: I have an inch and a quarter.

Gee: An inch and a quarter.

Fleenor: Do you know how many gallons per min. your pump was rated?

Gee: I have no further questions, Mr. Stevenson, Thank-you.

Fleenor: We thank you Mr. Stevenson.

Huntley: Okay I'll call Mr. Raymond Hobbs. Let's see, excuse me, I'd better call Roland. He wants to go to a funeral.

Fleenor: Do you swear the testimony you are about to give to be the truth, the whole truth, and nothing but the truth, so help you God.

Hobbs: I do.

Fleenor: State you name and address for the records.

Hobbs: Roland Hobbs, Weston, Idaho.

Huntley: Mr. Hobbs you had the property listed on the Hobb's exhibit one, which is on one side has Joseph Olsen, and the other side has the applicant Raymond Sparrow, is that right?

Hobbs: Yes sir.

Huntley: And how many years have you farmed your land?

Hobbs: I've lived there all my life. We moved out there when I was a year old in 1916.

Huntley; How young are you now?

Hobbs: 56 or seven whichever. Whatever it comes to.

Huntley: And there's a lane which goes...splits your farm? Is that right?

Hobbs: Yes.

Huntley: And I'm writing the word lane on there now. And marked on the exhibit is the word "screw headgate", with some red works there drawn across that canal. Is that your diversion point?

Hobbs: Yes sir.

Huntley: What type of diversion point do you have?

Hobbs: I have a screw-type headgate that blocks the water up in the drain.

Huntley: And then how do you get the water out from that point?

Hobbs: I use a 6" pump.

Hu: 6" pump?

Ho: Yes. Gas motor.

Ho: Since what year have you been utilizing apump to get water from that diversion pt.?

Ho: We've been pumping since 1954, when we bought the pump in 1953, the company or Mtn. States Implement Co. come out several times to try to settle a pumping system that we didn't think was adequate, we didn't think that there was that much water there, so they asked if they could bring a machine..an outfit in, in the month of August, I think it was August, right after dry-farming was done, and we experimented that year with a pumping system

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Huntley: Would you state whether or not in the years from 1954 up to the present time, there have been times when you have, for all practical purposes stopped the entire flow of the ditch/going from below you at your diversion pt., in order to irrigate your lands?

Hobbs: Yes, practically every year.

Huntley: Practically every year?

Hobbs: Yes.

Huntley, And would you state whether or not it frequently happened more than once in an irrigation system..season.

Hobbs: Yes.

Huntley: That you stopped the entire flow.

Hobbs: Several of them. Quite often several times.

Huntley: What would be the effect on your farming operation if you were required to allow 1.2 cfs to go past that point, your diversion pt., from the period from May 1 to Oct. 1, of every year?

Hobbs: I'd have to ban the pumping system and there would be irrigate about 20 to 30 acres that is being watered by this drain thru a sprinkler system that would have to be abandoned, and expense would have to be acquired to do some leveling in order to irrigate it with Twin Lakes water.

Huntley: You are at the present time, and in recent years, irrigating how many acres from this drain?

Hobbs: About 20 acres, and then I use it to bring crops up earlier in the spring, when needs be, further on down thru the field.

Huntley: And your the person that Harold Stevenson who just testified that/a asked to let him have some water for his garden?

Hobbs: That's right.

Huntley: As I understand the application of the applicant says the water from this drainage ditch goes into the Bear River, what is the fact as you understand it?

Hobbs: I understand that he used Bear River as a diversion pt., of the drain, which is not true, the pt//of/diversion diversion pt. of the drain is West Cache Canal.

Huntley: There's been a lot of testimony that the 12'" pipe that was installed at the east end of the exhibit there, was put in to drain off excess waters because the previous system couldn't handle it. What is the fact as to what time of year this problem comes up, that the 12" pipe was needed?

Hobbs: That would be thru the early spring and probably the late fall when your flood waters are coming in, probably rainy seasons, possibly maybe once during the summer when there's rainy seasons.

Huntley: In your opinion, based on your experience, is there any possiblity that there is 1.2 cfs of water available to Mr. Sparrow, based on what's the practice in the previous years between yourself, your brother, and Mr. Poulson, for a period from May 1 to Oct. 1. Is there any possiblity of that kind of water being avalable.

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Hobbs: No possiblity whatsoever. When I shut it off that's generally the end only what's seeps thru into the drain from my pt. of diversion down to his place, from other sources.

Huntley: I have no further questions.

Fleenor: Mr. Gee do you have any questions.

Gee: Yes, just a few. Mr. Hobbs as I understand it you use this water, or have used it, every year on the 20 acre tract right close to the pump itself, and an additional acres for supplemental water to start your crops.

Hobbs: Absolutely.

Gee

~~Huntley~~: That hasn't been just this last year, ~~but every year?~~

Hobbs: No sir

Gee:

~~Huntley~~: But every year. There are springs that arise in the drain along as it passes thru your property, are there not?

Hobbs: Yes, sir. Seepage.

Gee: And return full from there with Twin Lakes Canal irrigation water?

Hobbs: Return full?

Gee: Yes, when you put Twin Lakes Canal Co. water on your property does it some of it flow into the drain?

Hobbs: Well, from seepage. ~~My On~~ my property is so that it flows two different directions.

Gee: I see.

Hobbs: The lay of the ground.

Gee: You have seen Mr. Perth poulson's pump at his pt. of diversion, have you not?

Hobbs: Yes, sir.

Gee: And have you seen that he has used water out of this drain every year since 1961?

Hobbs: yes, sir.

Gee: Has there ever been a time that you have observed during the irrigation season when Mr. Poulson was able to turn down say 1.2 cfs of water?

Hobbs: The only way he'd be able to do that if he used his irrigation water to dump into the drain and send it down.

Gee: I have no further questions for Mr. Hobb's at this time, thank-you.

Fleenor: Mr. Smith?

Smith: Mr. Hobbs, have you observed Mr. Sparrow's land down there.

Hobbs: Yes, sir.

Smith: Have you seen it flooded?

Hobbs: Yes, I've seen it flooded in the spring of theyear and in the fall of the year, and in rainy seasons.

Smith: How about this year.

Hobbs: This summer it hasn't been flooded.

Smith; How about last ~~fall~~ month?

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Hobbs: It wasn't flooded last month only maybe just a little of the heighth of what the rains put on itself before it was drained out.

Smith: I see, then there has been flooding this last month and probably the month before, is this true?

Hobbs: No there wasn't any flooding the month before.

Smith: In September?

Hobbs: No, because the drain was keeping that pretty well down, if he had been flooded part of my ground would have been flooded and there has been no water set on my property ~~Smith~~ since September, during September, only through extreme rains for a few days.

Smith: I see. But this has happened?

Hobbs: What's that?

Smith: Now the only time you use this is in the spring when you bring your crops up, is this right?

Hobbs: No, I use it during the summer. I got a sprinkler, I sprinkle a lot of it during the summer.

Smith: Isn't there a lot of years that you have never put a pump in there?

Hobbs: No, sir.

Smith: And now usually the only time you put your pump on is when you turn Twin Lakes Water in there, isn't it?

Hobbs: I do not turn any Twin Lakes water.

Smith: That's all the questions I have.

Huntley: I have just one. If Mr. Sparrow were to be permitted to put a dam in to dam water up for a pump of his, would it tend to...would you say whether or not it would tend to make your ground as well as the Jones ground too wet?

Hobbs: Yes, sir, it would have a tendency to hold the water back.

Huntley: Where is the Jones's ground?

Hobbs: That would be on this side of the road.

Hunltye: You're indicating that Jones would be somewhere to the north side of the road.

Hobbs: Yes, that's right.

Huntley: And opposite Ray's house, Sparrow's ground or your ground or both?

Hobbs: Both.

Huntley: No further questions.

Fleenor: Mr. Smith did you have anything further on that particular question?

Smith: No.

Huntley: May Mr. Hobbs be excused?

Fleenor: yes that would be fine. Appreciate your coming today.

Huntley: I'll call Mr. Raymond Hobbs please.

Fleenor: Do you swear the testimony you are about to give to be the truth, the whole truth and nothing but the truth, so help you God?

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Raymond Hobbs: I do.

Fleenor: Would you state your name and address for the record please?

Hobbs: Raymond Hobbs, Weston, Idaho.

Huntley: You swore him in already?

Fleenor: Yes.

Huntley: Mr. Hobbs, referring to the Hobb's exhibit #1, would you state and point out where you land is?

Hobbs: My lands at the top/where the drain originates on my farm. that's

Huntley: The very beginning of this drainage ditch that's in question is right on your ground?

Hobbs: Right.

Huntley: How many years have you farmed that particular ground?

Hobbs: My brother and I bought the farm in 1936, I've been there ever since.

Huntley: In those years, well, have you... how does the water get into the ditch, where does it come from? I should say the water that's in the ditch, in the vicinity of your land, as it passes across your land where does the water come from?

Hobbs: Well it...the old original drain, ~~the~~originated just not too far thru the fence from Poulson's. But since I've been there, I've installed two tile drains which amounts to approximately about 1,400 feet, one about 600 feet, and the other one 800 feet.

Huntley: And those tile drains goe into this ditch?

Hobbs: Right.

Huntley: And then in connection with that did you run the ditch farther up into your property?

Hobbs: Yes, I ran it up further and enlarged it as a holding pond.

Huntley: And the purpose of the enlarging was so that you would have a volume for a holding pond, is that right?

Hobbs: Right.

Huntley: Now have you ever pumped the water out of that holding pond?

Hobbs: Yes.

Huntley: When is the first year as you recall that you, or approximately how many years have you been pumping out of that holding pond?

Hobbs: Oh I think about the first time was the next year, or the second year after Dad bought the pump that Roland was speaking of, and I borrowed it and pumped out of the drain and sprinkled ground that year, and I used it several times between that time and then I have had my own sprinkling system approximately 12 or 13 years, I don't know for sure but I could find out.

Huntley: Now when you say your own sprinkling system that includes the pump?

Hobbs: Right.

Huntley: And what size of pump?

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Hobbs: 4" I guess. It's one of those little irrigation, it isn't a large one.

Huntley: And you have operated your pump for at least 12 years?

Hobbs: Yes.

Hunltey: Would you state whether or not you have utilized that pump every one of the last 12 years?

Hobbs: It might be that there was one of two years that I didn't install it on the drain, but I have used the water every year, I've damed it off every year for subbing.

Huntley: Okay, you used the....you were able to do some irrigating by way of sub-irrigation on some of your land?

Hobbs: Right.

Huntley: Now, approximately how many acres can you sub-irrigate from this drain, and how many acres do you sprinler irrigate?

Hobbs: Well there would probably be about 14 sub, and then I have sprinkled probably 40 out of the drain with Twin Lakes supplement water going into the drain, and then I have a further on up on the hill, I have a reservoir, an overnight reservoir, inwhich I have pumped from the drain into this reservoir and then flood irrigated out of the reservoir with the drain water.

Huntley: Now has it been your practice....let's talk about the last five years, at any time to End of Reel (Huntley doesn't finish question, but starts back a little, and asks it later)

Huntley: What did you use your pumping for? You say you pumped into a reservoir?

Hobbs: Right, and then flooded irrigated out of the reservoir, I have done that.

Huntley: Now during the last five years, would you state whether or not there have been times when at your diversion pt. which I understand is near the boundaries of Poulson's ground, Is that correct?

Hobbs: Right.

Huntley: At your diversion pt. have you ever had a practice of shutting off all of the water so that none goes below your point?

Hobbs: Yes, I have shut it all off, I haven't kept it for a month or two, you know like that, but I have shut it all off and used all of it at different times.

Huntley: Does this happen every summer?

Hobbs: yes.

Huntley: And does it happen on more than one occasion every summer?

Hobbs: Yes.

Huntley: What would be the effect on you and your farming operation if you were required during those periods when you need to have this water shut completely off for your pond to be required to let the water go down so Mr. Sparrow could get his water that he's claiming?

Hobbs: I don't know hardly how to answer that one, that's a stiff one. The ? can't understand would probably go down which would hurt the pasture, and I don't know to what extent that would be a hard question, it would hurt me there's no question about that.

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Huntley: Over the course of the years have you been familiar with the amount of water that goes past Roland's property?

Hobbs: Well yes.

Huntley: In your opinion is there any possibility that there would be 1.2 cfs available past his property under the circumstances that this system has been used in the past five years, during the period from May 1, to October 1?

Hobbs; There wouldn't be.

Huntley: I have no further questions.

Fleenor: Mr. Gee, do you have any questions?

Gee: Yes, just a few. Mr. Hobbs if I understand correctly there are times when you have shut off all the water from the drain and used it on your own ground?

Hobbs: Right.

Gee: Have there been times when you have observed the same thing being done by Mr. perth Poulson where he shut it all off and used it on his ground.

Hobbs: Uh-huh.

Gee: And have there been times when you have observed your brother doing the same thing at his pt. of diversion, that is shutting off all the water and using it on his ground.

Hobbs: Right, many times I've had to go tap and change the sprinkler a few times.

Gee: I see.

Hobbs: So I know it's been done.

Gee: I have no further questions, thank-you.

Fleenor: Mr. Smith?

Smith: Yes. Mr. Hobbs, when did you put the drain to be extended up into your area?

Hobbs: As near as we can figure out, the one drain has been about 20 some odd years possibly.

Smith: Maybe this would clarify it Mr. Hobbs, we have a map here that was taken in 1970, and I wonder if you would just look at it please. This looking north, this is John Sparrows, Perth Poulson, and this is your property here Raymond Hobbs, is this true?

Hobbs: Right.

Smith: And does this show any of the drain into your property?

Hobbs: Yes, right here. This is the one...this is an open drain out to here and then I had extended it on up thru this field and across to there.

Smith: You have done that since this was taken, is that true?

Hobbs: When was this taken?

Smith: 1970.

Hobbs: Heavens no, that was years before.

Smith: I see, I wonder if you could show it on this....

Hobbs: There is one that's been done since 70.....

Smith: I see.

Hobbs: And that was right here, that extends from here, almost to right there

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Smith: I see, most of the time since this drain was filled, I mean it just started on your premises, isn't this true?

Hobbs: Well it the original one was approximately right there, cause I extended that and enlarged it.

Smith: I see, right on the property line between you and Mr. Poulson?

Hobbs: No, well it's not Mr. Poulson's?

Smith: How far to Mr. Poulsons?

Hobbs; Oh, 100 feet.

Smith: Now, into your property a 100 feet.

Hobbs: Right.

Smith: Now you're talking about Roland Hobbs, he's your brother isn't he?

Hobbs: Right.

Smith: Hasn't there been some years that he hasn't even used his pump on he's land down there?

Hobbs: To tell you the truth I can't recall.

Smith: I see.

Hobbs: Cause he has some high ground west of the barn that he doesn't irrigate and he sprinles and makes a crop there every year. And to say that that hasn't been used, I'm not going to say.

Smith: Now this is usually he uses it for just a few days and then that's the extent of his use, is this true?

Hobbs: No, he uses it the full season.

Smith: I see.

Hobbs: You can't raise three crops of hay and use it for a few days.

Smith: That's all the questions I have.

Fleenor: Anything further Mr. Huntley?

Huntley: Nothing further.

Fleenor: Thank-you Mr. Hobbs. Do you have any other witnesses at this time?

Huntley: Mr. Examiner, I have no further witnesses, I would for the purpose of the record like you to take official notice of the fact that Roland Hobbs's filed a claim to a water right, your identification number 13-4007, for any purposes that might be material in this hearing, and that there has been no protests to that filing to my knowledge.

Fleenor: Okay, again that is part of the record of the Department and we will take notice of that. Are you prepared for your final statements at this time?

Gee: I guess it's Mr. Smith's turn first, come to think about it. I'll respond to anyting he has to say.

Smith: To say to the Administration, there has been shown even by the protestant's testimony, that there is water that has flooded down onto Mr. Ray Sparrows, that there is water that

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has filled up a 12" pipe, and that the water rights that he has are not adequate for the crops because of the condition of the land. And that only....odd times/that there has been no filing until we have found out today that Mr. Raymon Hobbs has filed on the waters of this drain. And that we realize that some years that is dry, and that there is probably no water at that dry time. But all the waters of the drain, Mr. Sparrow feels,since he was the one that has filed on it, he is entitiled to it, at this time. And that's his position.

Fleenor: Mr. Gee?

Gee: The constitution of the State of Idaho states that waters which have not otherwise been appropriated are available for appropriation. The court's have interpreted that consistently to mean that an applicant for water must show that there is unappropriated water. It has further been interpreted that they must show what quantity of water is available and the period of time during which it is available, and that the use of the proposed water would not injure the rights of others. Now there has been no rebuttal evidence offered to show that the use, proposed use, by this applicant would not injure other rights. Each of the owners and users of the waters out of this drain, Mr. Roland Hobbs, Mr. Raymond Hobbs, Mr. Perth Poulson, and Mr. Frew have testified that the proposed use would interfere with and would be detrimental to them, and the property rights which they have acquired in the use of this water over many years. Furthermore, the applicant has not shown any quantity of water which is unappropriated. And the courts again have interpreted that that is one of the requirements, and one of the classical cases that has been handed down by the courts was an opinion by Justice Lee concerning a judge who in one instance had decreed the appropriation of water that simply didn't exist and the Supreme Court was with tongue in cheek, generous enough to say that the judge was the most powerful person on the face of the earth because he created water when Jupiter Pluvious himself had not been able to do so, and we would wish that the Water Administration could create enough water for Mr. Sparrow, we passionately wish it. And if some arrangement could be worked out where additional water could be made available thru the Administration, or anyplace else, we'd have no objections. But we do feel that in this particular instance there has been no showing of any quantity of water which would be available for appropriation without injuring the already established and existing rights of others. Furthermore, he has not actually shown that the water rights which he does have now are properly applied and used, and therefore, that the water is necessary upon his ground. Recall a testimony that there is 15 acres of his ground which is already so wet that he can't utilize it, that brings the total down to 45 acres of irrigated ground. He has 53 shares of Twin Lakes water, and Mr. Hobbs's has testified that he has I think a 101 shares for approximately 80 acres, and if I'm not mistaken that's approximately the same proportion and that appears to be adequate, and there has been no showing that this same type of circumstance and situation does not exist to where Mr. Sparrow is concerned, so what essentially he's asking for here is that this Administration decree to him 1.2 cfs of water or enough water for approximately 60 acres of ground to be use on approximately 20 or less acres and we submit

that this does not rise to the criteria that has been established by long presidence and by the previous decisions of the Administration itself. Therefore, we renew our motion that the petition, the application be dismissed, or denied at this time for want of satisfactory proof. Thank-you.

Fleenor: Thank-you Mr. Gee. Mr. Huntley.

Huntley: Well I would just merely add to Mr. Gee's remarks as he has pointed out I think correctly, the burden is on the applicant to show that there is water available when he wants to make a claim. And by no stretch of the imagination has he met that burden in this case. His testimony is that no measurements had been made, no statistics taken, the only evidence that has been put before you is that at some times, undefined, there is a 12" pipe which is ½ to 2/3rds full, no testimony about any head, what it means in gallons per minute, cubic feet per second or anything, and I don't think that the Department is/required nor would it be proper for the Department to just speculate and guess at a figure, in this type of thing. The evidence has been clear, that the stream is not shut down to substantially nothing at various times throughout the season, and that there is just no way that he's met his burden of proving that there is any water that he should have. Additionally on the second issue of the case of the damage of the testimonies uncontroverted that each of the people above him who have been using the water for a number of years would be damaged, severely damaged, were this application be granted. So I think that the application should be dismissed. Thank-you.

Fleenor: Thank-you Mr. Huntley. Is there anything else we should consider at this time. We appreciate all of your attendance for you gentlemen who have taken the time to come today.

MICROFILMED

September 5, 1974

C

Re: Permit No. 13-7043 - Raymond O. Sparrow

O

Roland Hobbs
Weston,
Idaho 83286

P

Dear Mr. Hobbs:

Pursuant to your inquiry concerning the denial of the re-hearing request for the above referenced permit, it is our understanding that Mr. Robert Huntley, attorney, will be sending a copy of that decision to you shortly.

Y

We are, however, enclosingaa copy of the Memorandum Decision and Order issued for this permit along with a copy of the permit for your records.

If you have any questions concerning this matter, please do not hesitate to contact us.

Sincerely,

NORMAN C. YOUNG
Chief, Engineering Bureau

NCY:JG
Enclosures

MICROFILMED

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 13-7043 IN THE NAME OF RAYMOND O. SPARROW.	MEMORANDUM DECISION

On March 15, 1974 the protestants Roland Hobbs and Raymond Hobbs moved that the Department of Water Administration amend its order dated February 20, 1974, which was not mailed by the Department until February 28, 1974, in several particulars. The motion essentially alleges that the evidence at the hearing does not support the findings and conclusions entered by the Department and therefore the decision should be amended to deny the application.

The Department reviewed a transcript of the proceedings held on October 24, 1973 at Preston, Idaho. It is the decision of the Department that the order previously entered is fully supported by the evidence adduced at said hearing. The evidence shows that water is available for the applicants right at least during portions of the irrigation season, if not all of it. The use of this right was expressly conditioned and made subject to all valid prior existing water rights including those of the protestants, Hobbs.

The protestants state that they have not received a copy of the approved permit. The memorandum decision is the approval of the application. However, a copy of the approved application is being served along with this decision.

Therefore, good cause appearing, and the evidence in this matter supporting the prior decision of the Department:

IT IS ORDERED AND THIS DOES HEREBY ORDER That protestants motion for modification or for rehearing be and the same is hereby denied in all particulars.

DATED this 20th day of May, 1974.

R. KEITH HIGGINSON
Director, Idaho Department
of Water Administration

MICROFILMED

December 31, 1974 CERTIFIED MAIL #26355

Re: Permit No. 13-7043

Raymond O. Sparrow
Preston,
Idaho 83263

Dear Mr. Sparrow:

One of the conditions of approval of your water Permit No. 13-7043 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before March 1, 1975. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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

R. Keith Higginson

R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

cc: Dell W. Smith
Preston,
Idaho 83263

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RETURN TO

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Eastern District Office

Identification No. _____
Permit No. 13-7043

RECEIVED
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Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Raymond O. Sparrow
   b) Post Office Address Weston Id. 83263
2. Permit Number 13-7043
3. Date of Priority that you are prepared to establish 5/17/73
4. a) Source from which water was appropriated Open Drain
   b) Location of the point of diversion: NW ¼ NE ¼, Section 31
   Township 15S, Range 39E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
   Amount 1.2 cfs for Irr purposes from MAY 1 to Oct 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 1.2 cfs 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: _____

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) 12 hp motor, pump, 6" main
   b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
   1 4" Badger Water meter - main Gallon's
   No. 437187 To be put on 26 Feb
   Meter purchased. Installed when weather permits
   c) Give well driller's name and address and the date the well was completed: N.A.

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

Exam typed 2/11/75 By _____

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	39E	31		20	20														40
		30																20	20

Total number of acres irrigated 60

10. Remarks: _____

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

1-30-75 (Date)

Raymond Pearson (Signature)

State of Idaho)
) ss.
County of Franklin)

On this 30th day of January, 1975, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Sonnie Westover
Notary Public residing at
Preston, Idaho

My commission expires 7/30/78

February 10, 1975

Re: Permit No. 13-7043

Raymond O. Sparrow
Weston,
Idaho 83263

Dear Mr. Sparrow:

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

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

We note that in reviewing your proof affidavit you indicate that a measuring device as required by the conditions of approval of your permit will be installed. Please be advised that this measuring device must be installed by the time our examiner makes the exam or your water rights cannot be confirmed by the issuance of a license.

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

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

IDAHO FALLS, IDAHO 83401

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October 30, 1975

RE: Permit No. 13-7043

Mr. Raymond Sparrow
Weston
Idaho 83263

Dear Mr. Sparrow:

It has been brought to my attention that the methods you are employing to appropriate water pursuant to permit No. 13-7043 result in the frequent flooding of your neighbor's property. While damages that may result from the appropriation of water are out of the realm of authority of the Department, I want you to be aware that a permit from the Department does not grant an easement for the use of another persons property. Any damage that may result to said property due to your use of water is subject to due compensation by law.

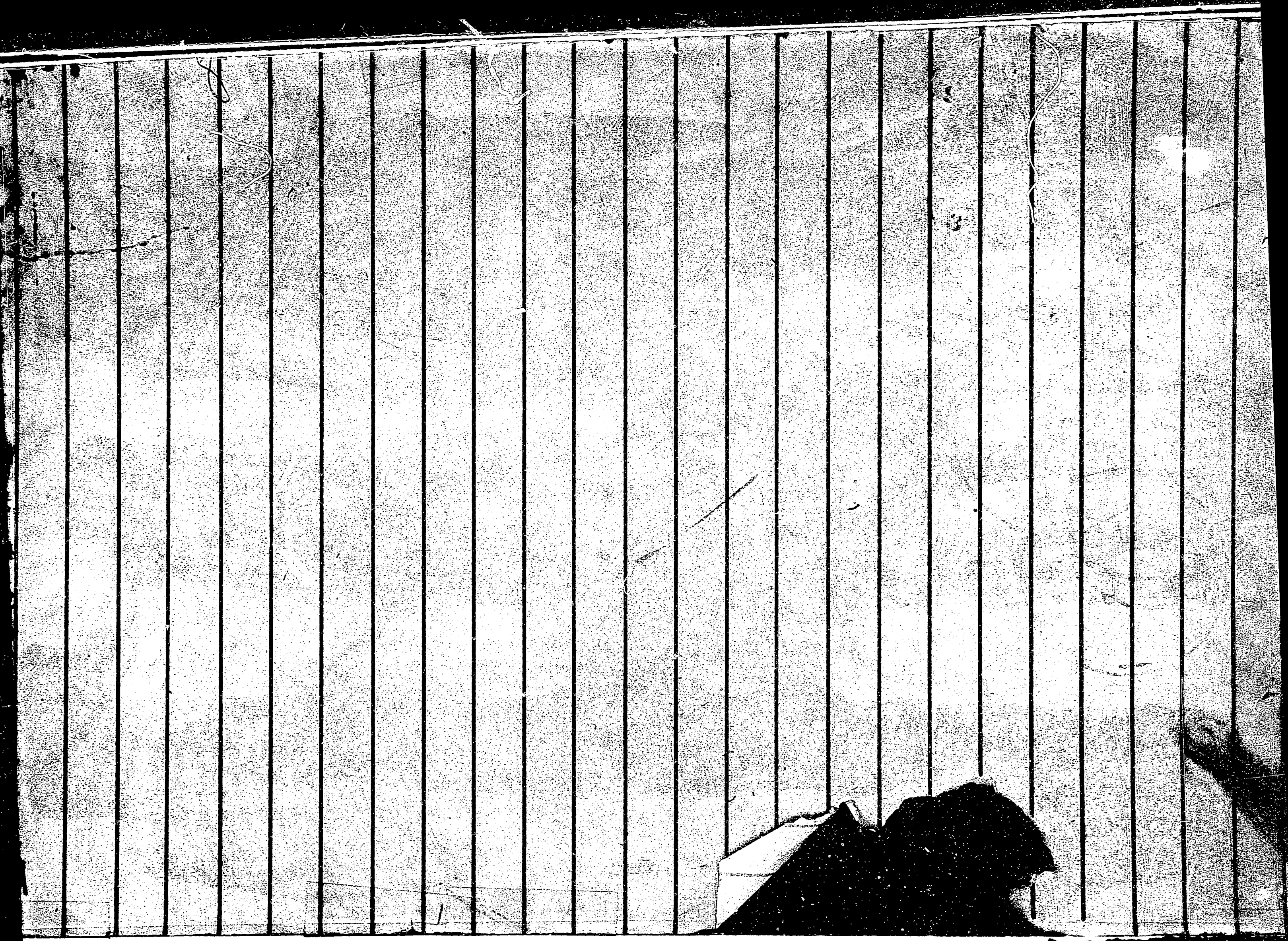
I trust that if your present system and methods are causing damage to adjacent land owners you will seriously consider making the necessary modifications in your system to prevent further damages and possible litigation.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:me

cc: Roland Hobbs, R. Keith Higginson



State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 13-7043 Priority May 17, 1973 Amount 0.28 cfs

THIS IS TO CERTIFY, that Raymond O. Sparrow

of Weston, Idaho, has complied with the terms and conditions of Permit No. 13-7043 issued pursuant to Application for Permit dated May 17, 1973, and has submitted proof to the Department of Water Resources on January 31, 1975, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.48 cfs of water from open drain, tributary to Bear River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
Irrigation	from May 1	to October 1	at 0.28 cfs and	49 acre feet
	from	to	at cfs and	
	from	to	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.28 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 49 acre feet per year, said waters to be diverted within the NW¼NE¼, Sec. 31, Twp. 15S, Rge. 39E, B. M. in the County of Franklin

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	39E	31		14															14

Total number of acres irrigated 14

A measuring device of a type approved by this Department shall be 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 7 day of February, 19 78.

Director

To: File

From: Bob Fleenor

Date: 5/21/76

13-7043 - Raymond Sparrow Mr Bingham

Call Ron Carlson -

Tony Jolley visited the office today concerning the interference to Mr Raymond Sparrow's permit by a Mr Bingham who is upstream from Mr Sparrow. I called Ron Carlson, Eastern Region Supervisor, since a field exam of Mr Sparrow is to be made this summer and Mr Bingham will be contacted

No water in drain at present 7/13/75

DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT

1. Name of permit holder Raymond O. Sparrow

Post office address Weston, Idaho 83263 Phone _____

Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ open drain (name spring, stream, etc.)

Tributary to Bear River

RECEIVED
FEB 12 1975
Department of Water Resources
Eastern District Office

3. Water will be used for the following purposes:

Amount 1.2 c.f.s. for irrigation
_____ AF/Annum (nature of use)

Period of Use: from May 1 to Oct. 1
(mo.-day) inclusive (mo.-day)

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

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

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

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

Other uses: _____

Examination for b/u Permit No. 13-7043

4. Total amount to be appropriated:

Max Rate of Diversion 1.2 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 15S N/S, Range 39E E/W, B.M., Section 31, Subdivision NW ¼ NE ¼, Franklin County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ ¼ _____ ¼, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ ¼ _____ ¼, _____ County

Other Points of Diversions: _____

Description of diverting works: 12 hp motor, pump, 6" main.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	39E	31		20	20														40
		30																20	20

TOTAL ACREAGE 60

Rge - 39E

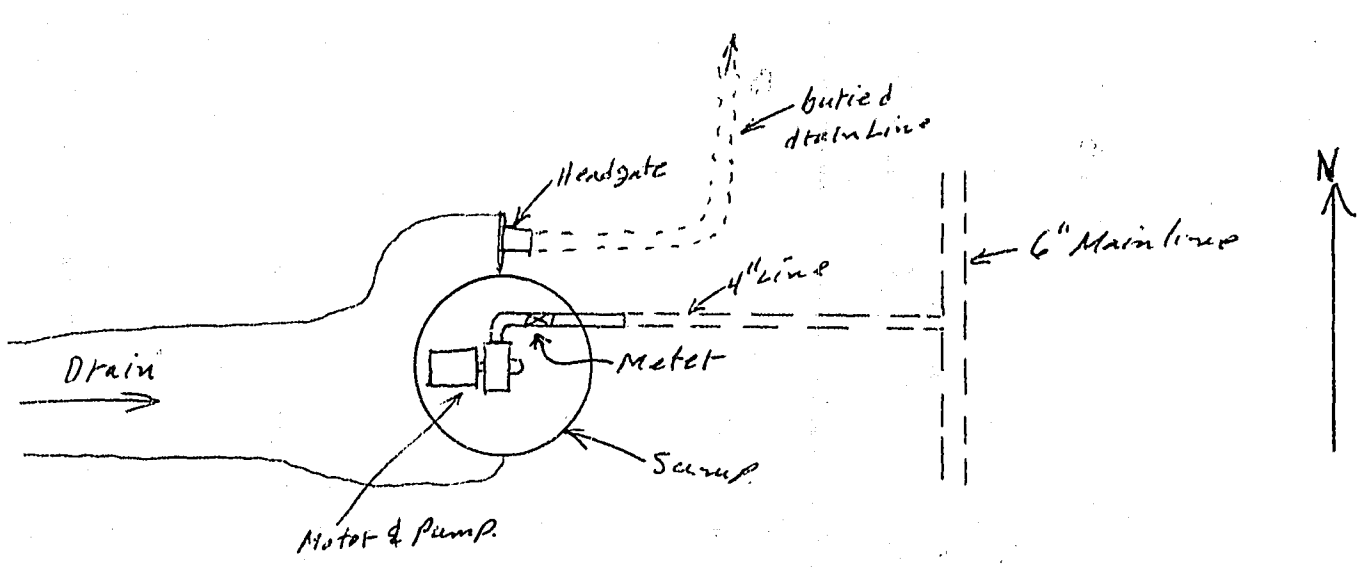
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15
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Diagram of System



Raymond O. Sparrow 13-7043

DATE OF EXAM June 26, 1977

ACREAGE
Found 14
Recommended 14

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q=0.28 c.f.s. V=49 AF/Ann. from May 1 to Oct 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 ✓

Name source: n/a
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼_____¼_____
County

Exchange? yes_____ no X

Name source exchanged with: n/a
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼_____¼_____
County

Point of injection: n/a
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼_____¼_____
County

Point of exchange: n/a
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼_____¼_____
County

Total Q measured .48 cfs Method of measurement In-Line meter

Total Q recommended 0.28 Meter No. M0437186 Type Badger Condition OK

Total V recommended 49 Ac-ft/yr.

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ✓

MEASUREMENT CALCULATION:

100 gal/28sec x $\frac{\text{cosec}}{\text{min}}$ /448.8 = 0.48 cfs.

14ac x 3.5 = 49 AF/yr.

SYSTEM DESCRIPTION:

Pump: Cornell 6¼" Model 2½W10-2 Set# 16175
Motor: G.E Model 5K 213JN66 Set# 213 TCZ
Meter: Badger 4" # M0437186
Sprinkler System: Buckner #185 sprinklers on 3" Alum. laterals; 6" buried mainline.

REMARKS:

System shown by Ray Stallcup

No land in Sec 30 irrigated by this system.

Examiner's Signature Lauren O Hahn Date June 15, 1977

Checked by Anthony R. Kozlowski Date 9/14/77

Approved by _____ Date _____

Taylor Cox

Elden Bingham
D-509
160

Arthur Stevenson
D-191
162D

D-185
160

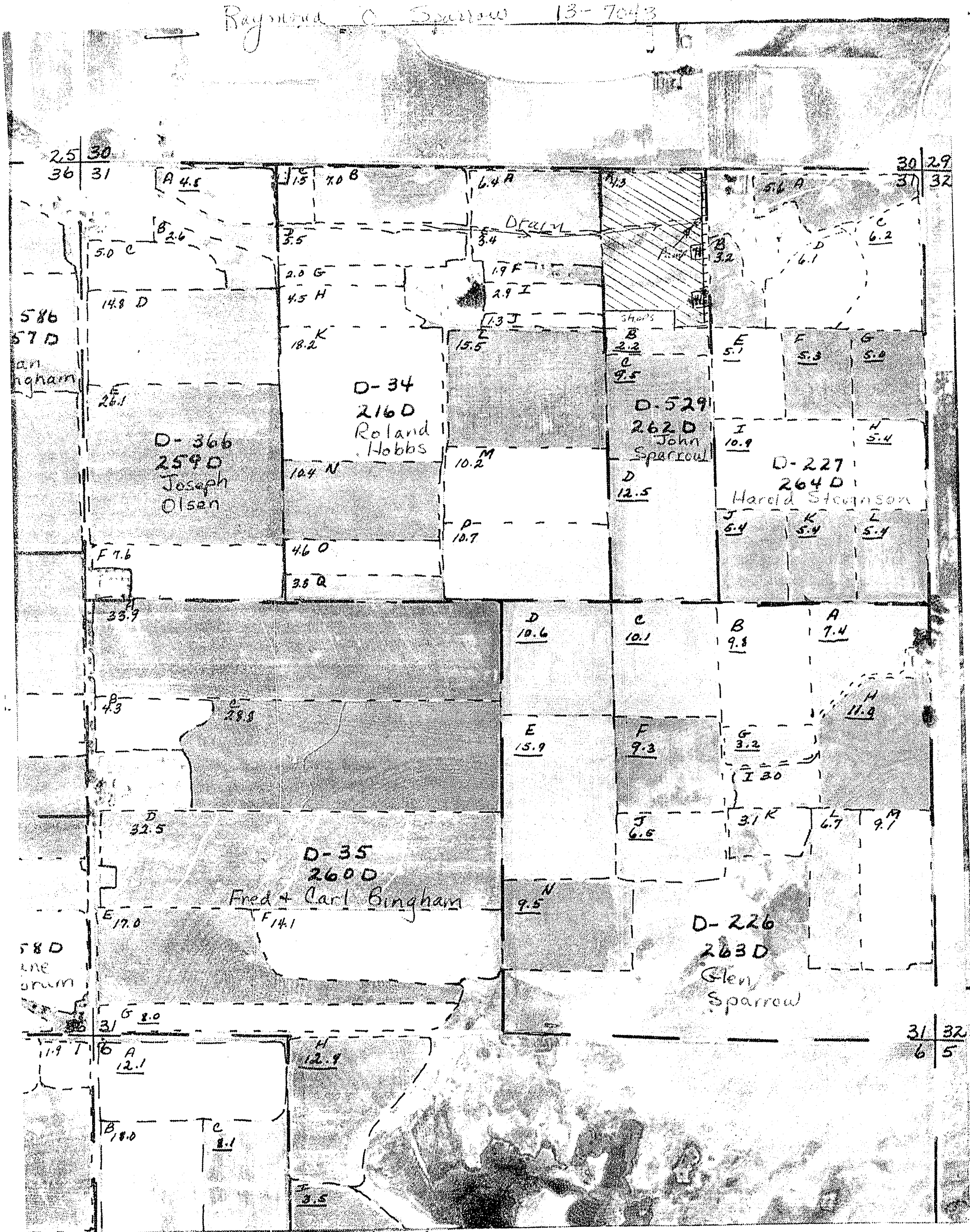
D-520
160D.
Carl Frew

D-529
262D
John Sparrow

System Shown by Kal Stallow

No land in Sec 30 irrigated by This System.

Raymond C Sparrow 13-7043



System shown by Kal Sparrow

No land in Sec 30 irrigated by this system.

January 26, 1978

Re: Permit No. 13-7043

Raymond O. Sparrow
Weston,
Idaho 83263

Dear Mr. Sparrow:

A representative of this Department made an examination of the works covered by your Permit No. 13-7043 on June 15, 1977, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 0.28 cfs Source: open drain

The maximum quantity diverted shall not exceed 49 acre feet per year.

Point of diversion: NW¼NE¼, Sec. 31, Twp. 15S, Rge. 39E, B. M., Franklin County

Beneficial use: Irrigation of 14 acres within the NW¼NE¼, Sec. 31, Twp. 15S, Rge. 39E, B. M.

Priority date established: May 17, 1973

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,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah

February 8, 1978

Re: Permit No. 13-7043

Raymond O. Sparrow
Weston, Idaho

Dear Mr. Sparrow:

Enclosed is a copy of your Water Right License issued on the above referenced permit.

Sincerely,

Jan Grover
Water Rights Supervisor

JG:sg