

Identification No. 13 7085

Application No. _____

APPROVED STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

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

1. Name of applicant Darrell D. Rank Phone: 747-3492
post office address P.O. Box 52, Dayton, Idaho

2. Source of water supply Five Mile Creek which is a tributary of Bear River

3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 22 Township 15S
Range 38E B.M. Franklin County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount 100 for Storage for irrigation purpose from Mar 1 to Oct. 15 (both dates inclusive)
(acre-feet per annum)
Amount 2.0 for Irrig. purpose from Apr 1 to Oct. 15 (both dates inclusive)
(cfs or ~~acre-feet per annum~~)
Amount 0.06 for Stock & Dom. purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or ~~acre-feet per annum~~)

from
storage

5. Total quantity to be appropriated:

a. 2.06 cubic feet per second and/or
b. 100 acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Headgate to be installed with shut
off valve at point of diversion to catch (excess) water from spring runoff to
fill reservoir. Plan to sprinkle pasture and farm land with pump;

b. Height of storage dam 8 feet, active reservoir capacity 1 $\frac{1}{4}$ acre feet; total reservoir
capacity 1 $\frac{1}{4}$ acre feet, materials used in storage dam: Earth lined with clay
Period of year during which storage will occur March 1 to April 15 inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.

b. Estimated construction cost is \$ 2000.00.

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 22 Township 15S
Range 38E 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 30 head of cows and calves

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water one.

(5) If water is to be used for other purposes describe: _____

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	38E	21	20																20
"	"	22					20	20	40										80

Total number of acres to be irrigated 100

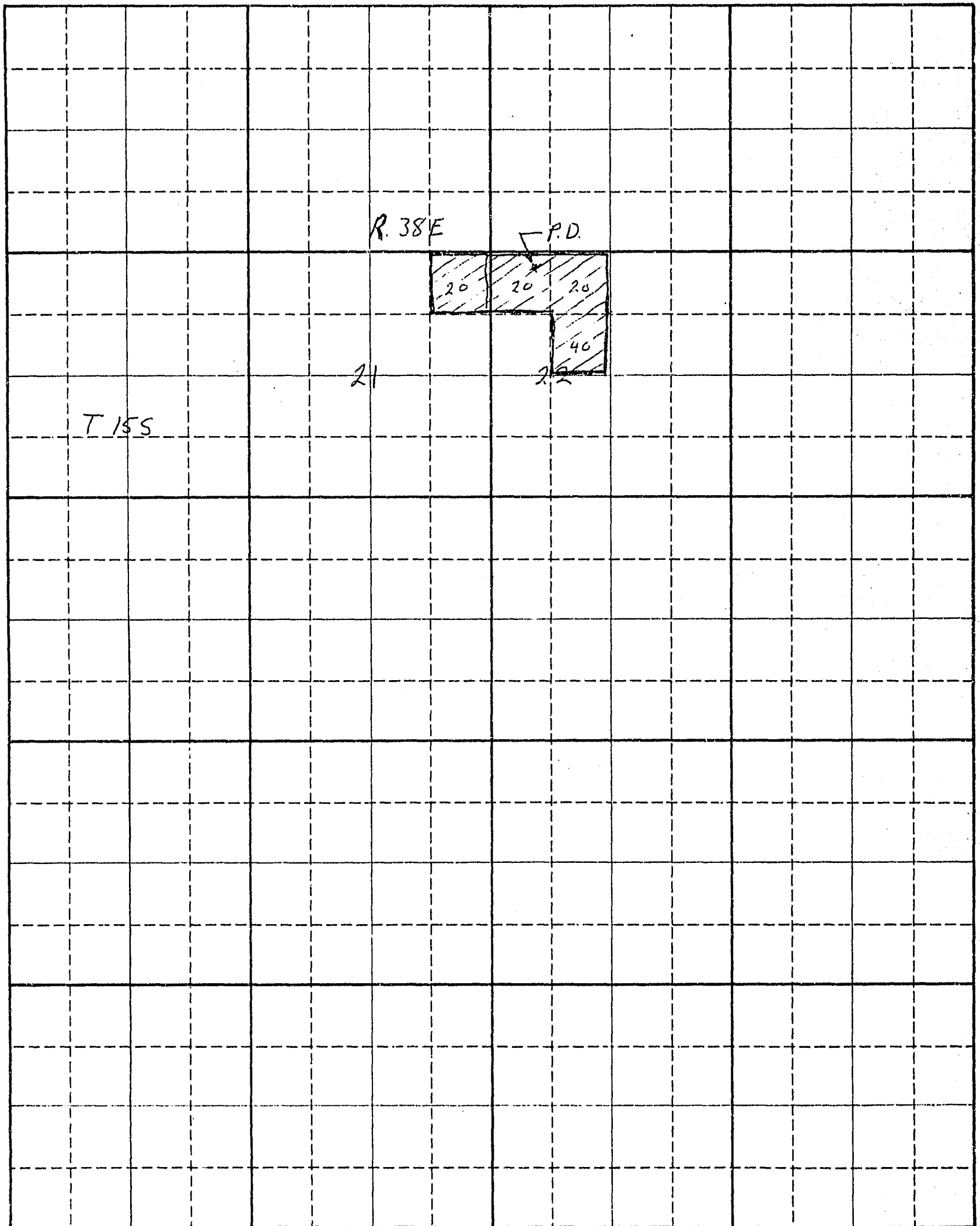
c. Describe any other water rights used for the same purposes as described above. None. There are several people that own Five-Mile Creek water shares below me, but do not use spring runoff which is wasted.

9. a. Who owns the property at the point of diversion Applicant
 b. Who owns the land to be irrigated or place of use Applicant
 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 I want to catch excess water in spring to fill reservoir to sprinkle irrigate pasture and farm land. Storage reservoir will be off stream. All diversions listed will be from storage, no diversions will be made from the live stream except that made for storage

Samuel B. Rank 7-8-75

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



Scale: 2 inches equal 1 mile

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

Danell D. Rank
(Applicant)

Proposed priority 10-11-1974

Received by MB Date 10-11-74 Time 11:15 A

Preliminary check by RDC Fee \$ 45.00

Receipted by MB Date 10-11-74 # 13088

Publication prepared by MB Date 10-11-74

Published in The Preston Citizen

Publication dates Oct 17 & 24, 1974

Publication approved aw Date 11/06/74

Priority reduced to _____ Reason _____

Protests filed by: Low Mile Irrig. Co.

Copies of protests forwarded by CB

Hearing held by _____ Date _____

Recommended for approval denial by RDC DF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7085, 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 November 1, 19 80.
- c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 25 day of November 19 75.


Director

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 13-7085

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) RDC 10/11/74

In form to receipt YES

(2) LL LL

Send Copies to:

☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☒ Bureau of Land Management
W.D. #11

(3) LL LL

☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant

(4) LL LL

In form for advertising

(5) LL LL

Platted on Map No. _____

(6) LL LL

Located within Water District No. NONE

(7) _____

NO Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) MB 11-6-74

Affidavit of Publication received (date) Nov. 6, 1974

(12) RDC 11/17/75

Final date for protests November 4, 1974

Protests received: yes x no _____

(13) LL LL

All requested information received from agencies or applicant: yes x no _____

(14) LL LL

Action recommended:

☒ Approve _____ Deny

10/11/74 Proposed Priority

Reason for Reduction _____

☒ Measuring device required

☐ See attached sheet for other conditions of approval

☐ No special conditions for approval

SEE CONFERENCE MEMO &
LETTER W/ DRAWING PROTEST

(15) District E By RDC Date 11/17/75

Copy
48

No 2745

AFFIDAVIT OF PUBLICATION

RECEIVED
NOV 6 1974

Department of Water Resources
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

October 17, 19 *74*, and ending
with the issue of *October 24*, 19 *74*

Wayne D. Bell

Fees, \$ *16.28*

Subscribed and sworn to before me this *5* day
of *November*, 19 *74*

Robert D. Ladd

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19 *78*

NOTICE OF APPLICATION
FOR WATER PERMIT
Notice is hereby given that Darrell D. Rank, P.O. Box 52, Dayton, Idaho has on 10-11-74 submitted Application No. 13-7085 for a permit to appropriate 2.06 cubic feet per second &/or 100 acre feet per annum of water from Five-Mile Creek tributary of Bear River by means of headgate and reservoir within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, T. 15 S., R. 38 E., B.M., Franklin County; to be used from Mar. 1 to Oct. 15 for storage and from Apr. 1 to Oct. 15 to be diverted from storage for the irrigation of 100 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, T. 15 S., R. 38 E., and from Jan. 1 to Dec. 31 for stock-watering purposes for 30 head of cows and calves within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, T. 15 S., R. 38 E., 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 Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before November 4, 1974.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on October 17 and October 24, 1974.

Legal No. 2745 -- Pub. Oct. 17, 24, 1974

XXXXXXXXXXXXXXXXXXXXX RESOURCES

September 27, 1974

Mr. Darrell D. Rank
P.O. Box 52
Layton, Idaho 83232

Dear Mr. Rank:

We are returning herewith your application and Check No. 92-273 in the amount of \$10.00. The statutory filing fee for an application to appropriate 100 A.F. of water is \$25.00.

Please clarify or complete the following specific items on the application before resubmitting it:

Item 3 indicates the point of diversion is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 15S, R. 38E. The map and aerial photo locate the point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, T. 15S, R. 38E. This location should be consistent throughout the application.

Item 4 indicates a quantity of 8.5 for irrigation and 1.5 for domestic. Should these quantities be 85 acre feet for irrigation and 15 acre feet for domestic use?

Item 8a (1) should be completed to reflect the places of use for stockwater and domestic uses.

Item 8a (3) indicates 30 head of cows and calves are to be watered. This should be reflected as a separate use with its own quantity and time during the year that water will be used for this purpose in Item 4. If this significantly changes the total quantity to be appropriated in Item 5 the statutory filing fee must be adjusted as indicated by the enclosed instructions.

Item 8a (4) should be completed.

Item 8b indicates land irrigated in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, T. 15S, R. 38E, and the E $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 15S, R. 38E. This land is not shown in Item 11; map of proposed project.

Mr. Darrell D. Rank
September 27, 1974
Page 2

It appears from the map in Item 11 that land will be irrigated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T. 15S, R. 38E, and the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, T. 15S, R. 38E. This land is not shown in the acreage grid Item 8b. The acreage grid and map of land to be irrigated should be consistent.

Item 8c should be completed. If no other water rights are used for the same purpose as described in the application insert the word "none".

For your convenience, please find enclosed a blank application, instructions, and Water Users Handbook to aid you in completing this filing. If we can be of further assistance, please do not hesitate to contact this office.

Very truly yours,

JOHN R. FEREBAUER
Water Resource Technician

JRF:cb

Attachment

Enclosures

P
Y

XXXXXXXXXXXXXXXXXXXXX RESOURCES

October 8, 1974

Mr. Darrell D. Rank
P.O. Box 52
Dayton, ID 83232

Dear Mr. Rank:

We are in receipt of your application for permit, but feel that it needs some further clarification. We have taken the liberty to retype your application with the following changes:

Item 2 shows the water source as an unnamed stream. If the stream has a name or if the water is surface runoff, please show this.

Item 4 has been changed to show 100 acre feet of storage, 0.94 cfs for irrigation and 0.06 cfs for stockwater and domestic purposes. The 0.06 cfs listed for stockwater and domestic is the maximum amount allowed for these purposes. The maximum amount that could be appropriated for the 100 acres is 2.0 cfs, but this would bring the total amount to 2.06 cfs, which would require a filing fee of \$45.00. If you wish to file on the additional water and pay the higher fee, please change Item 4 and Item 5 showing the amount you wish to appropriate.

If we may be of further assistance, please feel free to contact this office.

Very truly yours,

LOREN O. HOLMES:
Asst. to District Engineer

LOH:mb

Enc: Check No. 92-273
App/permit
Retyped App.

10-10-74

Dear Mr. Holmes,
Thank you for filling
this out for me.

The name of the Stream
in Item 2 is Five Mile
Creek. Please change this
if need be and am
putting another check in

Thank you
David Rank

RECEIVED

OCT 11 1974

Department of Water Resources
Eastern District Office

XXXXXXXXXXXXXXXXXXXXX RESOURCES

October 11, 1974

C Re: Application for Permit No. 13-7085

O Mr. Darrell D. Rank
P.O. Box 52
Dayton, ID 83232

Dear Mr. Rank:

P Attached herewith is departmental receipt No. 13098 in the amount of \$45.00
for the above referenced application.

Very truly yours,

Y RONALD D. CARLSON
Acting District Engineer

RDC:MB

Attachment

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Darrell D. Rank

P.O. Box 52, Dayton, Idaho

has on 10-11-74 submitted Application No. 13-7085

for a permit to appropriate 2.06 cubic feet per second &/or 100 acre feet per annum

of water from Five-Mile Creek tributary of Bear River

by means of headgate and reservoir

within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, T. 15S, R. 38E, B.M., Franklin County;

to be used from Mar. 1 to Oct. 15 for storage and from Apr. 1 to Oct. 15 to be

~~for~~ diverted from storage for the irrigation of 100 acres within the NE $\frac{1}{4}$ NW $\frac{1}{4}$,

Sec. 21, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, T. 15S, R. 38E; and from Jan. 1 to Dec. 31 for

~~within the~~ stockwatering purposes for 30 head of cows and calves within the

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, T. 15S, R. 38E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before _____

November 4, 1974

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho

on October 17 and October 24, 1974

CB-R.
CW-A.

XXXXXXXXXXXXXXXXXXXXX RESOURCES

October 11, 1974

Re: Application for Permit No. 13-7085 Rank
Claim to a Water Right No. 13-4018 Peterson

The 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 time for you to submit us a galley proof for review before publication.

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

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

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

Bill submitted 11-6-74 by MB

RDC:MB

Enc: Legal Notices (2)

XXXXXXXXXXXXXXXXXXXXX RESOURCES

October 16, 1974

C Re: Application for Permit No. 13-7085

O Mr. Russell D. Stoker, Watermaster
Water District No. 01
Box 726
Soda Springs, ID 83276

Dear Mr. Stoker:

P We are enclosing a copy of an application that may be of interest to your district.
Please review the application and if you have any comments, please submit them to
our Department as soon as possible. The last date of protest is November 4, 1974,
and we are required to take final action shortly thereafter.

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

Y Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Enclosure

LEGAL NOTICES

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Darrell D. Rank, P.O. Box 52, Dayton, Idaho has on 10-11-74 submitted Application No. 13-7085 for a permit to appropriate 2.06 cubic feet per second &/or 100 acre feet per annum of water from Five-Mile Creek tributary of Bear River by means of headgate and reservoir within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, T. 15 S, R. 38E, B.M., Franklin County; to be used from Mar. 1 to Oct. 15 for storage and from Apr. 1 to Oct. 15 to be diverted from storage for the irrigation of 100 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, T. 15S, R. 38E; and from Jan. 1 to Dec. 31 for stock-watering purposes for 30 head of cows and calves within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, T. 15S, R. 38E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before November 4, 1974.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on October 17 and October 24, 1974.

Legal No. 2745 — Pub. Oct. 17, 24, 1974.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Thatcher Water Co., Inc., Thatcher, Idaho has on 9-30-74 submitted Application No. 13-7083 for a permit to appropriate 0.52 cubic feet per second of water from a spring tributary of Bear River by means of pump and

NOTICE OF TO A WATER RIGHT NO. 13-1018

Notice is hereby given that Lloyd B. Peterson, Rt. 3, Box 59, Preston, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.40 cubic feet per second of water from a spring tributary of Bear River with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 15S, R. 39E, B.M., Franklin County.

The water is claimed to be used from Apr. 1 to Oct. 15 for the irrigation of 23.7 acres with a priority of April 1, 1882; the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 15S, R. 39E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on October 17 and October 24, 1974.

Legal No. 2744 — Pub. Oct. 17, 24, 1974.

CALL FOR BIDS

The City of Preston is calling for bids for Preston City Maintenance and Equipment Building.

Information on the above specified item may be obtained at the City Clerk's office.

Bids must be submitted to the Preston City Clerk's office by October 31, 1974 at 5:00 p.m. M.S.T.

Bids will be opened on October 31, 1974, at 6:00 P.M. and the Council reserves the right to accept or reject any or all bids.

Arlene Nash
City Clerk

Legal No. 2743 — Pub. Oct. 17, 24, 1974.



SECOND LIEUTENANT
SHELDON A. KIDD

Sheldon Kidd Receives Silver Wings

Second Lieutenant Sheldon A. Kidd, son of Mr. and Mrs. Garland H. Kidd, Rt. 2, Preston, has been awarded silver wings upon graduation from U.S. Air Force navigator training at Mather AFB, Calif.

Lieutenant Kidd is being assigned to Ellsworth AFB, S.D., for flying duty with a unit of the Strategic Air Command.

A 1966 graduate of Preston High School, the lieutenant received his B.S. degree in accounting in 1973 from Brigham Young University, Provo, Utah, and was commissioned upon completion of the Reserve Officers Training Corps program.

His wife, Colleen, is the daughter of Mr. and Mrs. Walter R. Clark, Ashton.

Par

By JOANN S

FRANK
Mrs. Calvin
happy over
twin grand
and boy, be
Mrs. Tom (D
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and Mrs. D
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Mrs. B

HARDING & WILLIAMS

ATTORNEYS & COUNSELORS AT LAW

DON L. HARDING
137 EAST 50 SOUTH
MALAD CITY, IDAHO 83252
208-766-2201

October 25, 1974

RECEIVED
OCT 23 1974

J. DENNIS WILLIAMS
NORTH STATE
P. O. BOX 87
PRESTON, IDAHO 83263
208-852-6880

Department of Water Resources
Eastern District Office

Mr. Keith Higginson
DEPT. of WATER RESOURCES
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Protest to Application #13-785

Dear Mr. Higginson:

Our Law Firm has been retained by the Five-Mile Irrigation Company to protest the above reference application for water permit, a copy of the notice which is attached hereto, from the waters of Five-Mile Creek by Mr. Darrell D. Rank, P. O. Box 52, Dayton, Idaho.

Therefore, this is formal notice to you of the protest to said water application by the irrigation company as a result of rights acquired in 1880 and later, and also on behalf of Mr. Denzil L. Coleman, Mr. Eldon B. Bingham, and Mr. Leon Nuffer, who have acquired rights in the waters of Five-Mile Creek.

If any further information is required, please advise.

Yours very truly,

HARDING AND WILLIAMS

J. Dennis Williams

J. Dennis (J. D.) Williams
Preston Office

JDW/bm

Enc.

cc: Mr. Darrell D. Rank
Delores Henderson

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION RESOURCES
EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

1515 Lincoln Road
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

October 29, 1974

Mr. Darrell D. Rank
P.O. Box 52
Dayton, Idaho 83232

RE: Application for Permit No. 13-7085

Dear Mr. Rank:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 13-7085. 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,

RONALD D. CARLSON
Acting District Engineer

RDC: CW

Enc: Copy of Protest(s)

cc: IDWR - State Office

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION RESOURCES
EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
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

October 29, 1974

RE: Application for Permit No. 13-7085

Mr. J. Dennis Williams
P.O. Box 87
Preston, Idaho 83263

Dear Mr. Williams:

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,

RONALD D. CARLSON
Acting District Engineer

RDC:MB CC: IDWR - State Office, E.B. Bingham, D. L. Coleman, Leon Nuffer

November 1, 1974

C RE: Application for Permit No. 13-7085

Mr. J. D. Williams, Attorney
P.O. Box 87
Preston, Idaho 83263

Dear Mr. Williams:

Darrell Rank contacted me this morning and requested that I send you a copy of his application No. 13-7085.

P If this application is approved it will have a priority of October, 1974. Any water users with rights prior to October, 1974 will be entitled to fill their rights before any water can be appropriated under this permit.

Mr. Rank believes that there is water available early in the spring that he could use to fill his reservoir and divert for irrigation later in the year.

V If the protestants are satisfied that their prior water rights will not be effected by the issuance of this permit and wish to withdraw their protest, or can work out a stipulated agreement with Mr. Rank, the Department will resume processing this application as soon as we receive a copy of the agreement.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:cw

Enclosure

cc: Darrell Rank

November 4, 1974

RE: Application for Permit No. 13-7085 Rank
Claim to a Water Right No. 13-4018 Peterson

The Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with each of the above referenced applications. The legal notices were to have been published in your paper on October 17 and October 24, 1974.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

CONVERSATION MEMORANDUM

DATE November 1, 1974

FILE 13-7085

NAME OF PARTY Darrell Rank

EMPLOYEE Ron Carlson

RE: Darrell Rank called and said he will be in Arizona until April of
1975.

ADDRESS:

Darrell Rank

1159 Avenue "B"

Huma, Arizona 85364

June 17, 1975

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

Dear Sir:

O
This is to confirm the use of the Courtroom for conferences and/or hearings to be held by this office on July 8, 1975, beginning at 9:00 a.m., and on July 10, 1975, beginning at 9:00 a.m.

Thank you for your cooperation in this matter.

P
Very truly yours,

Y
RONALD D. CARLSON
District Engineer

RDC:MB

NAME AND ADDRESS OF SENDER
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE

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

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

for additional

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	FEE	R. R. FEE	REST. DEL. FEE	ACTUAL VALUE	SURCHARGE	REMARKS
1	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045
2	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045
3	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045
4	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045
5	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045
6	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045
7	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045
8	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045
9	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045
10	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045
11	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045
12	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045
13	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045
14	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045
15	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045
16	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045
17	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045
18	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045
19	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045
20	Arnold, Al Fred, 301. Bruce, Wheat	10	30	15				13-7045

TOTAL NO. OF PIECES LISTED BY SENDER 10 TOTAL NO. OF PIECES RECD AT P. O. POSTMASTER, PER (Name of receiving employee) "Show under 'Remarks' class postage paid if other than first or if international"

POD Form 3877, Nov. 1968 APPLICATION FOR REGISTRATION OR CERTIFICATION (Surcharges are not required on international registered mail)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval)
of Application for Permit No. 13-7085)
in the name of DARRELL D. RANK)
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

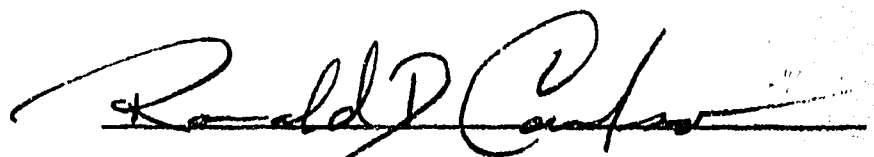
On October 11, 1974, Darrell D. Rank filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On October 29, 1974, the Department received a protest against approval of said application from J. Dennis Williams, Attorney at Law, on behalf of Five-Mile Irrigation Company.

The Department has set the matter of protest for conference and/or hearing for Tuesday, July 8, 1975, at 3:00 p.m., in the Courtroom of the Franklin County Courthouse, Preston, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

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

Dated this 19th day of June, 1975.



RONALD D. CARLSON

District Engineer

13-7085

PS Form 3811, Nov. 1973

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

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

2. ARTICLE ADDRESSED TO:
Five-Mile Navigation Co.

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 705

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE
Deborah Henderson (sic)

4. DATE OF DELIVERY POSTMARK
6-21-75

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

* GPO : 1974 O - 527-803

PS Form 3811, Nov. 1973

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

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

2. ARTICLE ADDRESSED TO:
Eldon B. Bingham

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 706

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE
Eldon Bingham

4. DATE OF DELIVERY POSTMARK
6-21-75

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

* GPO : 1974 O - 527-803

13-7085

PS Form 3811, Nov. 1973

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

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

2. ARTICLE ADDRESSED TO:
Donnell W. Rank

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 704

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE
Donnell Rank

4. DATE OF DELIVERY POSTMARK
6-25-75

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

* GPO : 1974 O - 527-803

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

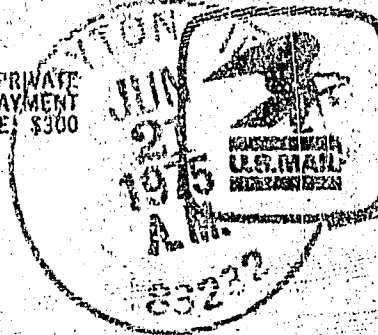
SENDER INSTRUCTIONS

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

RETURN
TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

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



RECEIVED

JUN 23 1975

Department of Water Resources
Eastern District Office

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

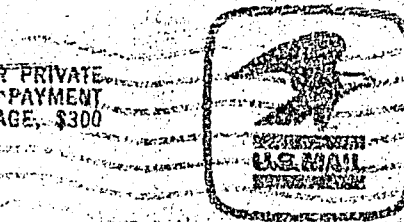
SENDER INSTRUCTIONS

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

RETURN
TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

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



RECEIVED

JUN 23 1975

Department of Water Resources
Eastern District Office

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

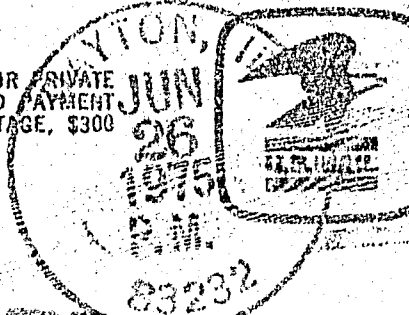
SENDER INSTRUCTIONS

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

RETURN
TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

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



RECEIVED

JUN 27 1975

Department of Water Resources
Eastern District Office

Darrell D. Rank - 13-7085

Courtroom, Franklin County Courthouse, Preston, Idaho

July 8, 1975 - 3:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Darrell Rank	Dayton, Idaho	
Eugene F. Lifford	Dayton, Idaho -	Self-
Jerome Campbell	" "	Self.
Leon H. Nuffer	" "	Self.
Denzil L. Coleman	ATI Weston Idaho	Self.
Erson Nelson	" "	Self.
J. Blair Henderson	Dayton, Idaho	Fun mtl. Dring Co.
Delora W. Henderson	Dayton, Idaho	" " " "
Edna Bingham	Preston Idaho	
Jaune Bingham	Preston Idaho	Runer - case -
Joseph L. Anson	Preston Idaho	
Lyle E. Jensen	Dayton Ida -	Fun mtl. Pres.
Myrtle B. Borden	Dayton Idaho	Self.
John Sullivan	Preston, Ida -	Smile

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

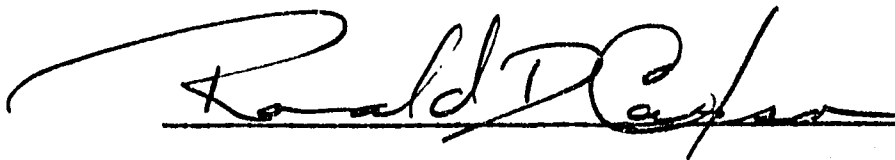
IN THE MATTER OF PROTEST AGAINST APPROVAL)
OF APPLICATION FOR PERMIT NO. 13-7085)
IN THE NAME OF DARRELL D. RANK)

CONFERENCE MEMORANDUM

A conference in the matter of protest filed against the granting of this permit by Five Mile Irrigation Company was held on July 8, 1975, in Preston, Idaho. The applicant was present and represented himself. All of the protestants present were represented by J. D. Williams, Attorney at Law.

The testimony given at the conference indicated that early in the season unappropriated water is available in Five Mile Creek. When it was determined that the proposed reservoir indicated on this application was off stream storage and that water would only be diverted for storage early in the year, the protestants agreed to withdraw their protest, provided it was clearly stated on the application that all diversions listed will be made from storage and that no irrigation or stock water would be pumped from the live stream. J. D. Williams, attorney for the protestants, agreed to prepare a document withdrawing the protest.

Dated this 15th day of July, 1975.



RONALD D. CARLSON
District Engineer

July 16, 1975

C

RE: Application for Permit No. 13-7085 DARRELL D. RANK

O

Mr. J. Dennis Williams
Attorney at Law
24 North State
Preston, Idaho 83263

P

Dear Mr. Williams:

Please find enclosed a copy of Application for Permit No. 13-7085 as amended at the conference held on July 8, 1975. As agreed at the conference, the Department will take no further action on this application until we received a document withdrawing the protest filed by your clients.

Y

If you have any questions, please contact me.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:mb

Enclosure

October 30, 1975

RE: Application for Permit No. 13-7085 DARRELL D. RANK

Mr. J. Dennis Williams
Attorney at Law
24 North State
Preston, Idaho 83263

Dear Mr. Williams:

As you recall, it was agreed at the conference held in Preston, July 8, 1975, that you would prepare a document withdrawing the protests submitted against the above referenced application for permit. Since it has been nearly four months since the conference, I have become concerned that possibly some additional problems have developed that are delaying the withdrawal of these protests.

Please keep me advised what progress is being made in this matter.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:cw

RECEIVED

NOV 14 1975

Department of Water Resources
J. DENNIS "J. D." WILLIAMS District Office
LOWELL D. CASTLETON

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191
PRESTON, IDAHO 83263

November 13, 1975

TELEPHONE:
(208) 852-2680

Mr. Ronald D. Carlson
District Engineer
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Withdrawal of Protest for Application for Permit No. 13-7085
Filed by Darrell D. Rank - Franklin County, Idaho

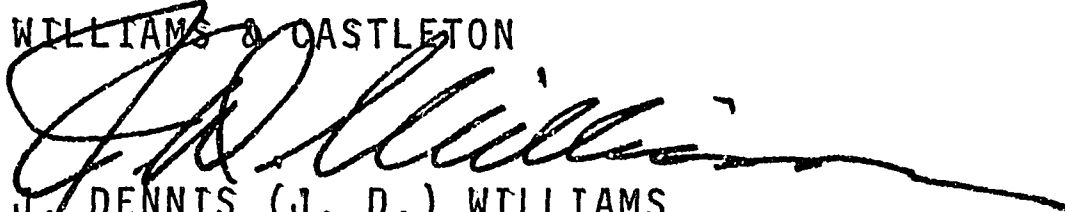
Dear Mr. Carlson:

At the request of Preston Five Mile Irrigation Co., I have reviewed the revised application for permit submitted by Mr. Darrell Rank of Dayton, Idaho. Additional restrictions added to the application provide that the storage rights will be for irrigation, the proposed storage reservoir will be off stream and that all other diversions applied for will be from the storage reservoir and not from the channel of Five Mile Creek.

In view of these restrictions on Mr. Rank's application, I have been authorized to inform you that the Preston Five Mile Irrigation Company will withdraw its protest previously filed with the department.

Yours very truly,

WILLIAMS & CASTLETON


J. DENNIS (J. D.) WILLIAMS
Attorney at Law

JDW/jp

cc: Mr. LaVar Jensen

November 26, 1975

Re: Permit No. 13-7085

Darrell D. Rank
P. O. Box 52
Dayton, ID 83232

Dear Mr. Rank:

Enclosed is a copy of your approved Application for Permit No. 13-7085 . We direct your attention to the conditions of approval as listed on the fourth page.

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

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

cc: J. Dennis Williams, Attorney

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

RANK, DARRELL D.
P.O. BOX 52
DAYTON, ID 83232

108411

AUGUST 31, 1980

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 13-7085 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE NOVEMBER 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY 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. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD 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 WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES

September 22, 1980

Barrell Rank
Box 52
Dayton, ID 83232

Dear Mr. Rank:

Re: Permit No. 13-7085

Enclosed is the statement of beneficial use received in our office on September 5, 1980.

I have compared your statement of beneficial use along with Permit No. 13-7085 and find there is a discrepancy in the source of water. Permit No. 13-7085 is for 2.06 cubic feet per second of water from Five Mile Creek for storage, irrigation, stock and domestic purposes. The recently submitted postcard shows water is diverted from a groundwater source (well) for irrigation purposes only.

Our records show you do have a water right permit (29-7406) for use of water from a groundwater source. However, you have met the requirement of beneficial use for that permit.

If you are diverting water from Five Mile Creek for the purposes described above, complete the blank postcard and return it to this office before November 1 to keep your permit in good standing. If you haven't completed the project and need an extension of time, complete the enclosed request and return it along with the \$15.00 filing fee.

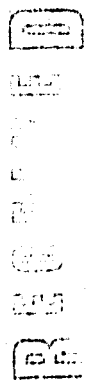
If you need further assistance with this matter, please feel free to contact this office.

Sincerely,

RITA FLECK
Sr. Secretary

Enclosures

Dan McGraw
Box 52
Dayton, Idaho 83232



OCT 22 1980

Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 13-7085

Name(s) of Permit Holder: Dartell D Rank

Post Office Address: Box 52

Dayton, Idaho 83232 Tel. No. 747-3492

Source of Water: 5 Mile Storage

Extent of Use: ☒ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 100 - (acres)
☐ Other

Measuring Device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No
Access Port: Required? ☐ Yes ☒ No Installed? ☒ Yes ☐ No

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

10-17-80
Date

Dartell D Rank
Signature of Permit Holder



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

November 21, 1980

RE: Permit No. 13-7085

Darrell D. Rank
Box 52
Dayton, Idaho 83232

Dear Mr. Rank:

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

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

If you have any questions regarding the field examination, please contact our eastern regional office.

Very truly yours,

JOHN D. CARLSON
Sr. Resource Agent

cc: IDWR - State Office

INTER-DEPARTMENT MEMO — 1

FROM DAVE TUTHILL

DATE 3-2-1979

TO LICENSEE

SUBJECT 13-7005

NOTE THAT THIS APP ~~CALLS~~ PROVIDES 100 AF STORAGE
RIGHT. HOWEVER THE SIZE OF THE PROPOSED RESERVOIR
IS 1.25 AF ! NOTE ALSO IN THE REMARKS THAT
LIVE FLOW WATER USE IS NOT ALLOWED FOR THIS RIGHT.
BE AWARE OF THESE FACTORS WHEN LICENSING.

DET

SIGNATURE

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 13-7085 Priority October 11, 1974 Amount 2.0 acre feet

THIS IS TO CERTIFY, that Darrell D. Rank
of Dayton, Idaho, has complied with the terms and conditions of Permit
No. 13-7085 issued pursuant to Application for Permit dated October 11, 1974,
and has submitted proof to the Department of Water Resources on October 22, 1980,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the ~~diversion~~ ^{storage} of 3.4 acre feet of water from Five Mile Creek,
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
<u>Stockwater</u>	from <u>January 1</u> to <u>December 31</u>	at <u>N/A</u> cfs and	<u>2.0 acre feet</u>
<u>Storage</u>	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 2.0 acre feet of water be ~~diverted~~ ^{stored} 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
2.0 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22,
Twp 15S, Rge 38E in the County of Franklin

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15S	38E	22					X												

Total number of acres irrigated _____

CONDITIONS OF APPROVAL

a. 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.

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

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Source is actually spring run-off retained in a pond structure.

Facility Volume = 3.4 acre feet.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30TH day of JULY, 19 86.

Roman C Young
Director

OK
JIM
6-5-

INTER-DEPARTMENT MEMO — 1

FROM Keith C. Wilson

DATE 30 Jan 1984

TO File

SUBJECT Field Report 13-7085

In talking with field examiner we felt that the permit defines storage diversion and stockwater diversion as being during the spring runoff (items 6a, 8c and 10). Therefore only a storage amount could be justified during the spring runoff.

Keith C. Wilson

SIGNATURE

Form 219
12/79

RECEIVED

JAN 31 1984

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

Department of Water Resources

13-7085
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 7-28-82 Accompanied by Patsy Rank Total Q measured 3.44 AF
If source is surface water, estimate total flow of source _____
Methods of measurement Measuring tape Meets Permit requirements? _____

Measurement calculations: allow 2.0 af; water is spring runoff
Stock Pond on property retained in a pond
250' x 150' x 4' deep structure.
with headgate (3.44 af) ✓

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	NA	NA	NA	NA				

System Description Headgate on creek to ditch + 3.44 af Stock pond
20-30 head of dairy cattle - ALLOW 2.0 AF PER
ADMIN. MEMO.

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

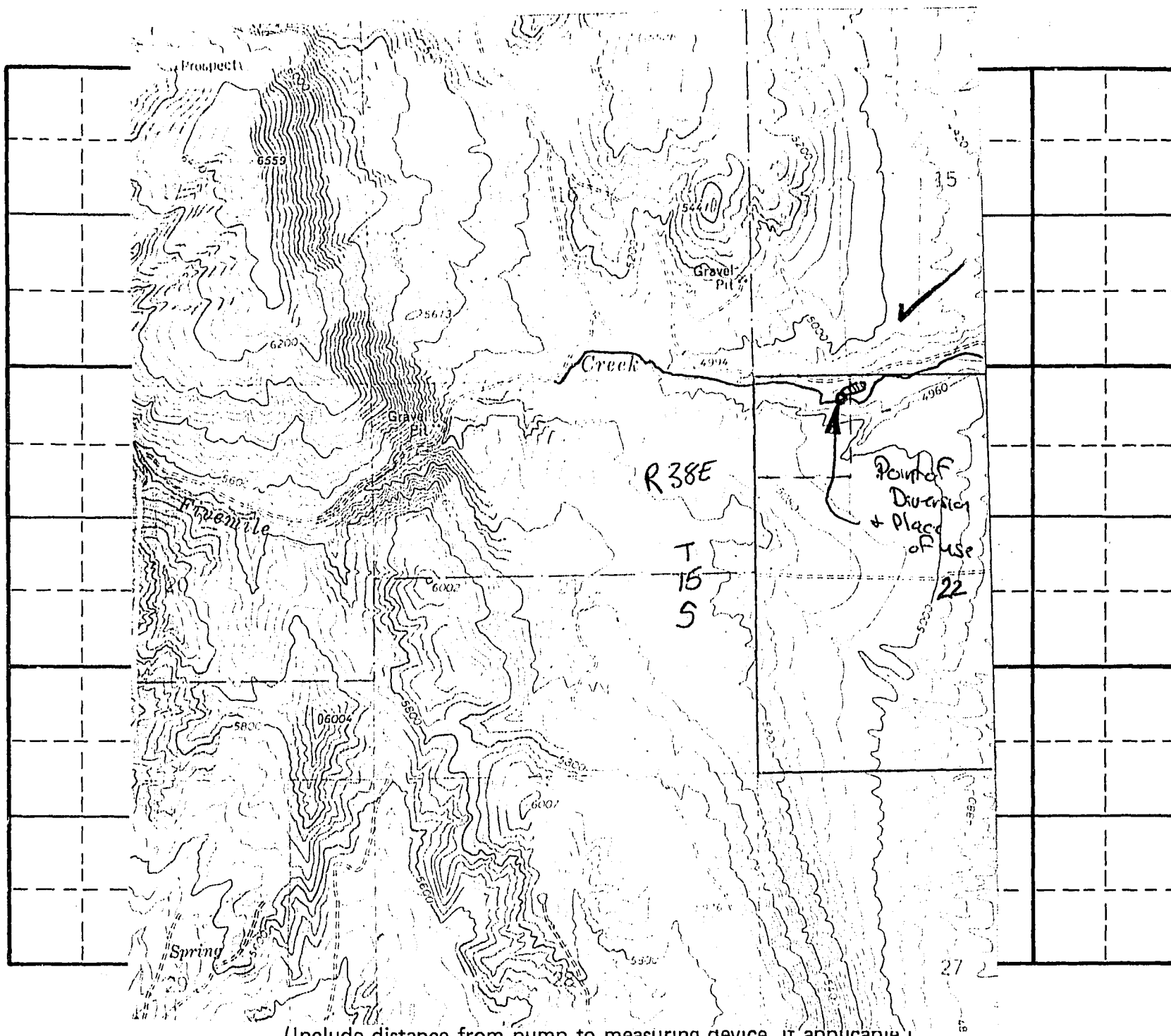
Irrigation requirement = _____ AFA/Acre

USE	Q (cfs)	V (afa)	FROM	TO
<u>Stockwater Storage</u>	<u>1.1</u>	<u>2.0 ✓</u>	<u>3-1 ✓</u>	<u>4-75 ✓</u>
			<u>5-1-1</u>	<u>12-31</u>
Total	<u>—</u>	<u>2.0 AF</u>		

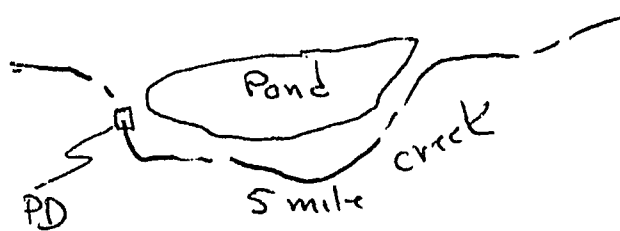
Remarks Water is stored during spring runoff + cattle drink from pond which
has a 3.44 af capacity. Pond is off stream. No water was
being diverted at time of exam

No Irrigation from pond! (at time of measurement)

Since this is off stream storage we did not feel a rate
could be given. Time of use for stock water is listed as year round
on permit but off stream storage seems to need definite dates within
the confines of a calendar year.



(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: NW NW Sect. 22 T15S R38E

Place(s) of Use ✓

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	38E	22						S											

Recommended Amendments:

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

Examiner's Signature

[Signature]

Date 12-27-83

Checked by

[Signature]

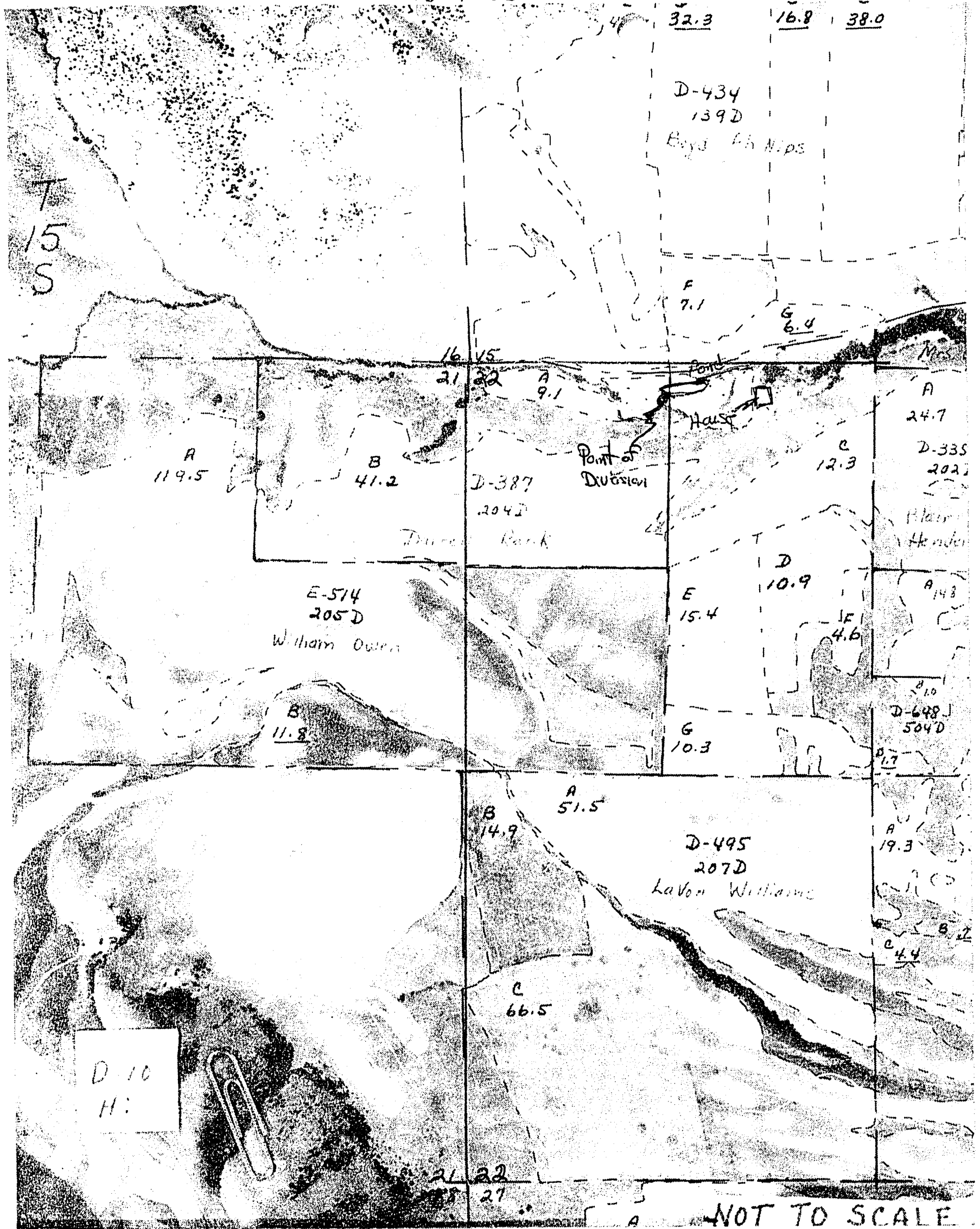
Date 30 Jan 1984

Approved by

[Signature]

Date 4-14-86

13-7085





State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

April 21, 1986

RE: Permit No. 13-7085

Darrell D. Rank
Box 52
Dayton, ID 83232

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

If you do not concur with the information shown on the draft license, please advise the Department within ten (10) days. If you have any questions, please let us know; otherwise, the license will be issued as identified on the draft copy.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

August 4, 1986

RE: Permit No. 13-7085

Darrell D. Rank
Box 52
Dayton, ID 83232

Dear Mr. Rank:

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

Please note that a couple of minor changes were made to the proposed license you received in April. The period of use was changed from 3/1 - 4/15 to 1/1 - 12/31. Also, the storage capacity was changed from 2.0 acre feet to 3.4 acre feet.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure