

13 7091

Identification No. _____

Application No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPROVED**APPLICATION FOR PERMIT**

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

RECEIVED

NOV 32 1974

Department of Water Resources
Eastern District Office

1. Name of applicant Edwin or Joann Hendrickson Phone: 852-2363
post office address Dayton, Idaho
2. Source of water supply Subsurface Drainage which is a tributary of Dayton Slough
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 23 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 Nash Reservoir at a point in SE $\frac{1}{4}$
of NW $\frac{1}{4}$ of Section 23 Township 15S Range 38E B.M. _____
4. Water will be used for the following purposes:
Amount 1.0 for Irrig. purpose from Apr. 1 to Oct. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 1.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Tile drain, existing storage pond, pump and sprinkler system.

- b. Height of storage dam 8 feet, active reservoir capacity 3 acre feet; total reservoir capacity 3 acre feet, materials used in storage dam: Earth and rock
Period of year during which storage will occur Apr. 1 to Oct. 1 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 1 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation: N.A.
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

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

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	23			15					15	20		40	40		20	20		170

Total number of acres to be irrigated 170

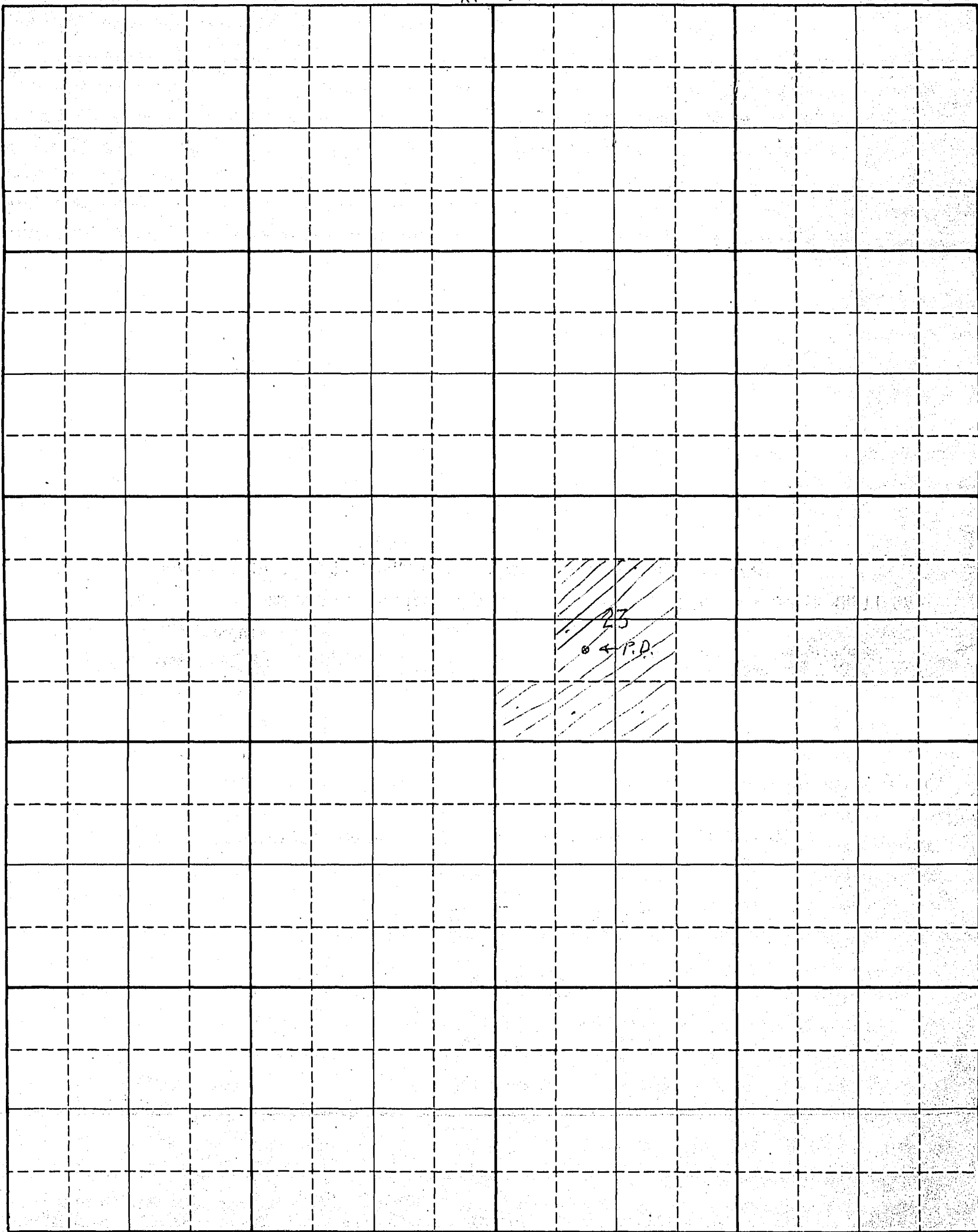
c. Describe any other water rights used for the same purposes as described above.

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 Tile drain being jointly constructed by applicant and LaVar Jensen, adjoining land owner, to remove and use subsurface water.

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

R. 38E



Scale: 2 inches equal 1 mile

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

John H. Hendrickson
(Applicant)
John H. Hendrickson

Proposed Priority ~~11-13-1974~~

Received by OW Date 11-18-74 Time 10:30A
Received by MB Date 10-25-74 Time 10:55A
Preliminary check by LF Fee \$ 35
Received by OW Date 11-13-74 # 13150
Publication prepared by OW Date 11-14-74
Published in (Preston) (Citizen)
Publication dates 11/21 & 11/28/74
Publication approved OW Date 12-04-74
Priority reduced to _____ Reason _____

Protests filed by: H. Ford Nelson, Lee C. Nelson, Melvin A. McKay, Shirley S. Ford, David A. Gosi, Jr., J. Burton Milburn
Copies of protests forwarded by MB 12-3-74
Hearing held by _____ Date _____
Recommended for approval denial by RDC

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. 13-7091, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 76.
- c. Other: A measuring device of a type approved by this Department 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 2nd day of June, 19 75.

R. Keith Higgins
Director

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 13-7091

in the name of EDWIN OR JOANN HENDRICKSON

MEMORANDUM DECISION
AND ORDER

On November 12, 1974, Edwin or Joann Hendrickson filed with the Department of Water Resources an application to appropriate 1.0 cubic feet per second of water from a drain with a point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, Twp. 15S, Rge. 38E, B.M., Franklin County, to be used from April 1 to October 1 for the irrigation of 170 acres of land. Notice of the application was published in the Preston Citizen, Preston, Idaho, on November 21 and November 28, 1974.

The Department received protests against the issuance of the permit from F. Barlow Gilbert, David A. Nash, Jr., Wesley S. Nash, Melvin W. McKay, H. Ward Hielsen and Lee C. Nielsen. A conference was held to consider the protests against said application on February 27, 1975, at Preston, Idaho. The applicants were present and represented themselves. The protestants were present and were represented by Ralph Jones, Attorney at Law.

Both the applicants and the protestants were given an opportunity to present their arguments at the conference. All parties agreed to allow the Department to reach a decision in this matter based upon the information presented at the conference and all relevant information contained in the official files of the Department. The Department then took the matter under consideration and after having reviewed the information supplied by the parties, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

(1) The protestants have licensed rights on Dayton Slough dating back to June 10, 1924, as follows:

License No. 16021/13-2105 - 1.4 cfs from Weston Slough to be diverted in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, Twp. 16S, Rge. 39E, B.M., with a priority of June 10, 1924.

License No. 16646/13-2113 - 4.36 cfs from Weston Slough to be diverted in Lot 3, Sec. 1, Twp. 16S, Rge. 38E, B.M., with a priority of December 19, 1938.

License No. R-819/13-2292 - 150 af from Dayton-Weston Slough with the point of outlet in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, Twp. 15S, Rge. 38E, B.M., with a priority of November 16, 1948.

License No. 20759/13-2154 - 1.85 cfs from Dayton Creek to be diverted in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, Twp. 15S, Rge. 38E, B.M. with a priority of November 16, 1948.

(2) The applicant's land has a high water table which prevents it from being used to produce crops.

(3) In the fall of 1974, the applicants installed an interceptor drain, at a depth ranging from 3 ft. to 6 ft. below land surface, to drain a portion of their property.

(4) The water developed by the applicants is new water that would not normally reach the Dayton Slough during the irrigation season.

CONCLUSIONS OF LAW

(1) The water sought to be appropriated under Application No. 13-7091 is from a new source and will not interfere with, or damage rights on the Dayton Slough.

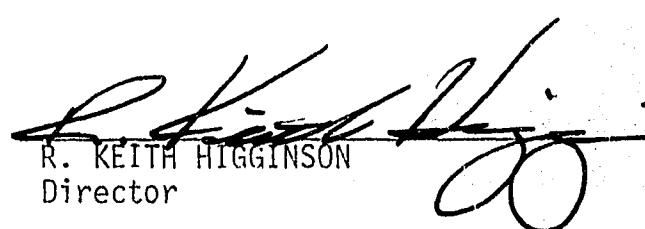
(2) The applicants, Edwin and Joann Hendrickson, are entitled to use the water of the constructed drain up to 1.00 cfs.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 13-7091 is APPROVED subject to the following conditions:

1. That a measuring device of a type approved by the Department of Water Resources be permanently installed and maintained at the point of diversion.
2. That proof of construction of works and application of water to beneficial use shall be submitted to the Department of Water Resources on or before July 1, 1976.

Dated this 2 day of June, 1975.


R. KEITH HIGGINSON
Director

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

13 7091

Item Initial Date

Application No. 13-7091

- ☒ 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) LH 11-12-74

In form to receipt yes

(2) " "

Send Copies to:

- ☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☐ Bureau of Land Management

(3) " "

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

(4) " "

In form for advertising yes

(5) " "

Platted on Map No. "

(6) " "

Located within Water District No. 13-R

(7) " "

NA Critical groundwater area: yes " no "

(8) " "

NA Groundwater levels:

" Declining, " Stable, " Increasing
(comment) "

(9) " "

Other rights on the same place of use no

(10) " "

Comments: No other Surface Rights

(11) Mb 12-4-74

Affidavit of Publication received(date) Dec. 4, 1974

(12) " "

Final date for protests December 9, 1974

Protests received: yes x no "

(13) RDC 3/20/75

All requested information received from agencies or applicant: yes " no "

(14) " "

Action recommended:

☒ Approve ☐ Deny

11/12/75 Proposed Priority

" Reason for Reduction FEE

☒ Measuring device required

MEMORANDUM DECISION
☒ See attached sheet for other conditions of approval

" No special conditions for approval

(15) District E By RDC Date 3/20/75

[Signature]

No 2765

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

J. Walter Ross

being duly sworn,

deposes and says:

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

Such notice was published in the issue beginning with

November 21, 19 *74*, and ending
with the issue of *November 28*, 19 *74*

R. Keith Higginson

Fees, \$ *13.32*

Subscribed and sworn to before me this *2nd* day

of *December*, 19 *74*.

Richard D. Ladd

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19 *78*.

RECEIVED

DEC 4 1974

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Edwin or Joann Hendrickson, RFD No. 1, Weston, Idaho have on 11-12-74 submitted Application No. 13-7091 for a permit to appropriate 1.0 cubic feet per second of water from subsurface drainage tributary to Dayton Slough by means of pump and drain within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, T. 15S, R. 38E, B.M., Franklin County; to be used from Apr. 1 to Oct. 1 for the irrigation of 170 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23, 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 December 9, 1974.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on November 21 and November 28, 1974.

Legal No. 2765 — Pub.
Nov. 21, 28, 1974.

October 25, 1974

Mr. & Mrs. Edwin Hendrickson
Dayton
Idaho 83232

Dear Mr. & Mrs. Hendrickson:

This office is in receipt of the application for permit, but find it necessary to return it because the statutory filing fee of \$25.00 was submitted. We have taken the liberty to retype the application from the information listed on the original form. Please check it for correctness, sign your names exactly as they appear in Item 1 and return it together with the filing fee of \$25.00.

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

Very truly yours,

LOREN O. HOLMES
Asst. to District Engineer

LOH:MB

Enclosures

November 13, 1974

C
Mr. & Mrs. Edwin Hendrickson
RFD #1
Weston, Idaho 83286

Dear Mr. & Mrs. Hendrickson:

Attached herewith is departmental receipt No. 13150 in the amount of \$25.00 for your application for permit.

Very truly yours,

P
RONALD D. CARLSON
Acting District Engineer

RDC: CW

Y
Attachment

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Edwin or Joann Hendrickson,
RFD #1, Weston, Idaho
have ~~xxx~~ on 11/12/74 submitted Application No. 13-7091
for a permit to appropriate 1.0 cubic feet per second ~~xxxxxx feet per second~~
of water from subsurface drainage tributary to Dayton Slough
by means of pump and drain
within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, T. 15S, R. 38E, B.M., Franklin County;

to be used from Apr. 1 to Oct. 1
for the irrigation of 170 acres

within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23, 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 December 9, 1974.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho
on November 21 and November 28, 1974.

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aw-
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THE FBI HAS BEEN ADVISED THAT THE
RECENTLY REPORTED BY THE FBI

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Edwin or Joan Hendrickson, RFD No. 1, Weston, Idaho have on 11-12-74 submitted Application No. 13-7091 for a permit to appropriate 1.0 cubic feet per second of water from subsurface drainage tributary to Dayton Slough by means of pump and drain within the NE¹/₄SW¹/₄, Sec. 23, T. 15S, R. 38E, B.M., Franklin County; to be used from Apr. 1 to Oct. 1 for the irrigation of 170 acres within the SW¹/₄NE¹/₄, SE¹/₄NW¹/₄, E¹/₂SW¹/₄, SW¹/₄SW¹/₄, W¹/₂SE¹/₄, Sec. 23, 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 December 9, 1974.

R. KEITH HIGGINSON
Director

Published in the Preston
Citizen, Preston, Idaho on
November 21 and November
28, 1974.

Legal No. 2765 — Pub.
Nov. 21, 28, 1974.

11-11-68 11:11 AM 11:11 AM
 11-11-68 11:11 AM 11:11 AM
 11-11-68 11:11 AM 11:11 AM

RE: UNBROADCASTED FOR DELETED NO. 13-1081 - HENNINGERSON
NO. 13-1082 -
NO. 13-1083 -
NO. 13-1084 - JONKSON

NOVEMBER 12, 1957

YOUNG ADULT LITERATURE RESOURCES

XXXXXXXXXXXXXXXXXXXXX RESOURCES

November 15, 1974

RE: Application for Permit No. 13-7086 - JOHNSON
" " " No. 13-7090 - "
" " " No. 13-7091 - HENDRICKSON

Preston Citizen
Box 472
Preston, Idaho 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

RDC:CW

Bill submitted 12-4-74 by MB

Legal Notice Enclosed (3)

RECEIVED

November 29, 1974

DEC 2 1974

Department of Water Resources
Eastern District Office

Mr. R. Keith Higginson, Director
DEPARTMENT OF WATER RESOURCES
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Sir:

Notice of protest is hereby given by H. Ward Nielsen and Lee C. Nielsen of Weston, Idaho, and protest is hereby made against the application of Edwin or Joann Hendrickson of RFD No. 1 Weston, Idaho, on their application dated 11/12/74, application no. 13-7091 for a permit to appropriate 1.0 cfs of water from subsurface drainage tributary to Dayton Slough by means of pump and drain within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Twp. 15S, Range 38E, B.M., Franklin County; to be used from April 1 to October 1 for the irrigation of 170 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 23, Twp. 15S, Range 38E, B.M.

Objections are made to the approval of said application as the protestants are using said waters under a license of water rights no. 20759/13-2154 with a priority of December 16, 1948, for 1.85 cfs with an irrigation use from April 1 to November 1 of 1.85 cfs with an annual volume of 784 acre feet or $3\frac{1}{2}$ acre feet per acre. That said water has been beneficially used under said water license on 361 acres in Section 36, Twp. 15S, Range 38 EBM, all of which acreage is described in said water license and reference is made thereto for further particulars, and which is on record and on file with the Department of Water Resources, as well as storage reservoirs we own.

Objections are further made to the approval of said application as the water is claimed and used, and the application would interfere with the rights of the protestants. The protestants have reservoir storage rights on said Weston-Dayton slough under permit no. 13-2292 and otherwise. All available waters from the Weston-Dayton slough are now in use under water licenses and reservoir storage rights, and water appropriations, along

November 29, 1974
Page Two

said stream. The application should be denied.

Respectfully submitted:

H. Ward Nielsen

H. Ward Nielsen
Weston, Idaho

Lee C. Nielsen

Lee C. Nielsen
Weston, Idaho

RECEIVED

Weston, Idaho
December 2, 1974

Mr. R. Keith Higginson, Director
DEPARTMENT OF WATER RESOURCES,
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

DEC 5 1974

Department of Water Resources
Eastern District Office

Dear Sir:

Melvin W. McKay of Weston, Idaho, does hereby protest the application of Edwin or Joann Hendrickson, RFD No. 1, Weston, Idaho who on 11-12-74 submitted Application No. 13-7091 for a permit to appropriate 1.0 cubic feet per second of water from sub-surface drainage tributary to Dayton Slough, a tributary of Bear River for the following reasons:

The protestant has a water right under water licence no. 16021 with a priority of June 10, 1924, and this water right priority is for 1.4 cfs which is used in common with F. Barlow Gilbert of Preston, Idaho, Route 1, who joins me in this protest as we are the owners of the original water right. We share it on land which we purchased from the original appropriators and licensees.

That that part of the license owned by Daniel Gilbert is the part that F. Barlow Gilbert is now the owner of, and that that part of the original license owned by A. J. Dawson is the water right that was acquired by protestant, Melvin W. McKay.

That the protestant, Melvin W. McKay, has leveled land and reclaimed more of the A. J. Dawson land and for over 20 years has used approximately 1 cfs of additional water right when the same has been available in addition to his rights in the water license no, 16021. The land irrigated by water is 30 Acres in the NE $\frac{1}{4}$ - NW $\frac{1}{4}$ and 10 Acres in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 20 -tpw 16 South Range 39 EBM.

The water right under Water Licence No. 16021 with a priority of June 10, 1924 is geographically the last diversion on the Weston-Dayton Slough before it enters the Bear River, therefore any additional upstream diversions would only jeopardize and interfere with the irrigation of the protestants land, as this stream is already over appropriated.

Respectfully submitted:



Melvin W. McKay
Weston, Idaho

December

RECEIVED

DEC 5 1974

Mr. Keith Higginson, Director
DEPARTMENT OF WATER RESOURCES
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

Dear Sir

Notice of protest is hereby given by Wesley S. Nash of Weston, Idaho, and Protest is hereby made against the application of Edwin Hendrickson RFD 1 Weston Idaho on his application dated 11,12,74 Application No 13-7091 for a permit to appropriate 1.0 cubic feet From subface drain tributary to Dayton Slough by means of pump and drain within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec23, T. 15S, R. 38E, B.M., Franklin County; to be used from Apr 1 to Oct 1 for the irrigation of 170 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec, 23, T. 15S, R. 38E, B.M.

Wesley S. Nash has a water license no 16646 priority of December 19, 1938, for the right to use water of Weston-Dayton slough, a tributary of Bear River, under use permit no 16646 for the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, Twp 16S, Range 39E BM for a total of 69 acre of an inch per water under Water right no 16646, and reference are made to said description in said water license with its priority issued by said State of Idaho. Said water right and claims of priority of protestant appear of record in the State Department of Reclamation, Volume 7 of Licenses, Page 4276.

That your protestant claims water right and storage rights for his land as herein referred to under the above numbered permit as well as storage rights under permit no 13-2292. The protestant also uses a small reservoir on the Weston-Dayton Slough, and that said water therfrom has been continuously used on the described land protestant.

That said water right and usage have continued and is still in use and that the application no 13-7088 for a permit to appropriate 1.0 cubic feet of water by Edwin Hendrickson of Weston, Idaho, From the Weston-Dayton Slough, a tributary of Bear River, Would interfere with and disturb the water rihgts and priority of the protestant, and the application should be denied as all the waters are now being beneficially used for irrigation and domestic purposes in said irrigation season out of the Weston-Dayton Slough. There are no water available for new appropriations from the Weston-Dayton Slough.

Respectfully Submitted

Wesley S. Nash

December 7, 1974

RECEIVED

DEC 9 1974

Department of Water Resources
Eastern District Office

Mr. R. Keith Higginson, Director
Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Sir:

Notice of protest is hereby given by David A. Nash Jr. of Weston, Idaho, and protest is hereby made against the application of Edwin or Joann Hendrickson RFD No. 1, Weston Idaho, on their application dated 11-12-74, application No. 13-7091 for a permit to appropriate 1.0 cfs of water from subsurface drainage tributary to Dayton Slough by means of pump and drain within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, T. 15S, R. 38E, B.M., Franklin County; to be used from Apr. 1 to Oct. 1 for the irrigation of 170 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23, T. 15S, R. 38E, B.M.

David A. Nash Jr. has a water license No. 16646 priority of December 19, 1938, for the right to use water of Weston-Dayton slough, a tributary of Bear River, under use permit No. 16646 for the Tp 16 S Range E Section 7 SW $\frac{1}{4}$ SW $\frac{1}{4}$ for a total of 10 acres or an inch per acre of water under water right No. 16646, and references are made to said description in said water license with its priority issued by said State of Idaho. Said water right and claims of priority of protestant appear of record in the State Department of Reclamation Volume 7 of licenses, page 4276.

That said water rights and usage have continued and is still in use and that the application No. 13-7091 for a permit to appropriate 1.0 cfs of water by Edwin or Joann Hendrickson, RFD No. 1, Weston, Idaho, from the Dayton slough would interfere with and disturb the water rights and priority of the protestant, and the application should be denied as all the waters are now being beneficially used for irrigation and domestic purposes in said irrigation season out of the Dayton Slough. There are no waters available for new appropriations from the Dayton slough.

Respectfully submitted:

David A. Nash Jr.

RECEIVED

DEC 10 1974

Department of Water Resources
Eastern District Office

December 7, 1974

Mr. R. Keith Higginson, Director
DEPARTMENT OF WATER RESOURCES
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Sir:

F. Barlow Gilbert of Route 1, Preston, Idaho, does hereby protest the application of Edwin or Joann Hendrickson of Weston, Idaho, submitted on 11/12/74 as application no. 137091 to appropriate 1.0 cfs of water from tributaries to Dayton Slough, a tributary of Bear River for the following reasons:

The protestant has a water right under water license no. 16021 with a priority of June 10, 1924, and this water right priority is for 1.4 cfs which is used in common with Melvin W. McKay of Weston, Idaho, who joins me in this protest as we are the owners of the original water right we share on land which we purchased from the original appropriators and licenses.

That the part of the license owned by A. J. Dawson is the part that Melvin W. McKay is now the owner of, and that the part of the original license owned by Daniel Gilbert is the water right that was acquired by protestant, F. Barlow Gilbert.

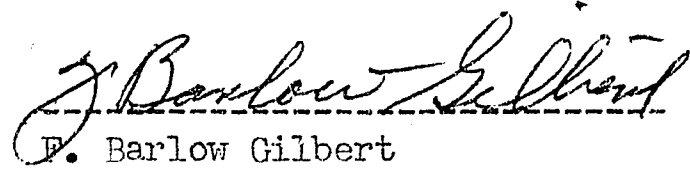
That the protestant, F. Barlow Gilbert, is now irrigating and has been irrigating for over 20 years approximately 60 acres of land from water license no. 16021, and from appropriation, diversion and use from the channel of the Weston-Dayton slough, and that this water has been claimed and beneficially used for over 20 years.

That the protestant claims the water rights under water license no. 16021 as well as from direct appropriation and use for more than 20 years on the lands set forth as follows, about 100 acres of the following described property has been irrigated:

N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 20, Twp 16S, Range 39 EBM

There are no waters available for new appropriations upstream from the Weston-Dayton slough.

Respectfully submitted:


F. Barlow Gilbert

Route 1
Preston Idaho



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

December 3, 1974

RE: Application for Permit No. 13-7091

Mr. H. Ward Nielsen
Weston
Idaho 83286

Dear Mr. Nielsen:

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

bc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

December 3, 1974

RE: Application for Permit No. 13-7091

Mr. Lee C. Nielsen
Weston
Idaho 83286

Dear Mr. Nielsen:

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

bc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

December 3, 1974

RE: Application for Permit No. 13-7091

Mr. & Mrs. Edwin Hendrickson
Dayton
Idaho 83232

Dear Mr. & Mrs. Hendrickson:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 13-7091. 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:MB

Enc: Copy of Protest(s)

bc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

December 9, 1974

RE: Application for Permit No. 13-7091

Mr. Melvin W. McKay
Weston
Idaho 83286

Dear Mr. McKay:

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):

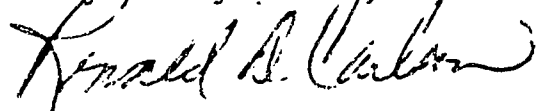
1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete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



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

December 9, 1974

RE: Application for Permit No. 13-7091

Mr. Wesley S. Nash
Weston
Idaho 83286
Dear Mr. Nash:

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



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

December 9, 1974

RE: Application for Permit No. 13-7091

Mr. David A. Nash, Jr.
Weston
Idaho 83286

Dear Mr. Nash:

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

December 9, 1974

RE: Application for Permit No. 13-7091

Mr. & Mrs. Edwin Hendrickson
Dayton
Idaho 83232

Dear Mr. & Mrs. Hendrickson:

Enclosed please find copies of additional protests against the approval of the above referenced permit.

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

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Enclosures

December 11, 1974

RE: Application for Permit No. 13-7091

Mr. G. Barlow Gilbert
Route #1
Preston, ID 83263

Dear Mr. Gilbert:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The protest period had elapsed but we will accept the protest. A hearing will be set at a later date. However, at the hearing the timeliness of the protest may be one of the matters considered; and if necessary, the Department will make a decision at that time. 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

December 10, 1974

RE: Application for Permit No. 13-7091

Mr. & Mrs. Edwin Hendrickson
Dayton
Idaho 83232

Dear Mr. & Mrs. Hendrickson:

Enclosed please find a copy of an additional protest against the approval of the above referenced permit.

If you have any questions, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Enclosure

February 12, 1975

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

O
Dear Sir:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Thursday, February 27, 1975, beginning at 9:00 a.m.

P
Thank you for your cooperation in this matter.

Very truly yours,

Y
RONALD D. CARLSON
Acting District Engineer

RDC:MB

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

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	REST. DEL. FEE	ACTUAL VALUE	SURCHARGE	REMARKS*
1	Mr & Mrs Edwin Melnickson, Alington	10	30	15				13-7091
2	Mrs J. Sparrow, Hunter	10	30	15				13-7868
3	Jessie H. Hall, Hunter	"	"	"				13-7861
4	GEO. GORDON, Hunter	"	"	"				"
5	H. M. Gordon, Hunter	"	"	"				"
6	Alexander Gordon, Jr.	"	"	"				"
7	(Gordon) A. Gordon, Hunter	"	"	"				"
8	E. P. Gordon & Elmer V. H. #1 Hunter	"	"	"				"
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								

TOTAL NO. OF PIECES LISTED BY SENDER

TOTAL NO. OF PIECES RECD AT P.O.

POSTMASTER, PER (Name of receiving employee)

POD Form 8877, 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 Protests Against Approval)
of Application for Permit No. 13-7091)
in the name of EDWIN OR JOANN)
HENDRICKSON)

NOTICE OF CONFERENCE

AND/OR HEARING

On November 12, 1974, Edwin or Joann Hendrickson filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On December 2, 1974, the Department received a protest against approval of said application from H. Ward Nielsen and Lee C. Nielsen. On December 5, 1974, the Department received additional protests from Melvin W. McKay and Wesley S. Nash. On December 9, 1974, an additional protest was received from David A. Nash, Jr. and on December 10, 1974, an additional protest was received from F. Barlow Gilbert.

The Department has set the matter of protests for conference and/or hearing for Thursday, February 27, 1975, 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 Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. Because of the similarity of the issues involved in the protests to Application No. 13-7088 - John Sparrow, and No. 13-7091 - Edwin or Joann Hendrickson, the Department proposes to consolidate the conferences and hearings as provided in rule 9.7 of the Department's Rules of Practice and Procedure.

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 13th day of February, 1975.



RONALD D. CARLSON
Acting District Engineer

John Sparrow - 13-7088

Edwin or Joann Hendrickson - 13-7091

Courtroom, Franklin County Courthouse, Preston, Idaho

February 27, 1975 - 9:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Edwin & Joann Hendrickson	Rt #1 Weston, Idaho	
Dale McMay	Weston, Idaho	
Stephen A. Nash	Weston, Idaho	
Atty. Reginald J. Jones	Central Bldg, Pocatello, Idaho 83201	Protestants
W. Ward Nielsen	Weston, Idaho	
L. L. Nielsen	Weston, Idaho	
J. Baylow Gilbert	Preston, Idaho	
Alvin H. McKeay	Weston, Idaho	
David A. Nash Jr.	Weston, Idaho	

Attorney - Jonas' catello

APPLICATIONS 13-7088 & 15-7091

1. 13-7091 - EDWIN & JOAN HENDRICKSON
SUBSURFACE DRAINAGE - 11/12/74
TWIN LAKES WATER NOW USED ON PROPERTY
- 91 SHARES FOR 165 ACRES -
TURN EACH $7\frac{1}{2}$ DAYS

FIELDS TOO WET - WANT TO DRAIN FIELDS
& USE DRAINAGE WATER FOR IRRIGATION

TILES INSTALLED FALL OF 1974
STORAGE POND ON ~~PROPERTY~~ ^{PROPERTY} WHEN
PURCHASED. PROBABLY CONSTRUCTED AFTER
1964.

NASH - 16646

NIELSEN - 13-2/54

GILBERT - 16021

MACKEY - LATE LICENSE

BARLOW GILBERT - NOW OBTAIN EXTRA WATER
FROM WEST CASH CANAL

TILE DEPTH 3'-6' - GRAVEL PACKED

PROTESTANTS AGREED TO ALLOW DEPT. TO
MAKE DECISION - APPLICANTS AGREED

June 2, 1975

Re: Permit No. 13-7091

Edwin or Joann Hendrickson
Dayton,
ID 83232

Dear Mr. & Mrs. Hendrickson:

Enclosed is a copy of your approved Application for Permit No. 13-7091 . 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

17

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

RECEIVED

MAY 26 1976

APPLICATION FOR EXTENSION OF TIME

Department of Water Resources

State of Idaho)
County of Franklin)

Permit No. 13-7091

Edwin or JoAnn Hendrickson of RT#1 Weston
(name) (address)

State of Idaho 83286, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 13-7091.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before July 1, 19 76.

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

We have repaired & installed buried main line, Reached
above main line, some backhoe work on dam this has all
been at a cost of \$1500.00 we are unable to get the Pump & Water
meter at this time Costing \$ _____

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Unable to finance this project soon
enough to complete by above date

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to July 1, 19 78.

Edwin S. Hendrickson
(signature) *

Subscribed and sworn before me this 24 day of May, 19 76.

seal

Michael A. Dunn
(notary public)

My commission expires life

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

Administrator, Operations Division

I, A. KENNETH DUNN, ~~Director~~ of the Idaho Department of Water Administration, State of Idaho, hereby Approve the above application for extension of time for Permit No. 13-7091 to July 1, 1978.

Witness my hand this 15 day of July, 19 76.

A. Kenneth Dunn
Director
Administrator, Operations Division

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

14-B

September 11, 1975

Re: Permit No. 13-7091

C
Mr. & Mrs. Edwin Hendrickson:
Dayton,
Idaho 83232

O
Dear Mr. & Mrs. Hendrickson:

In reviewing our file, we find that we may have neglected to send you a copy of the Memorandum Decision and Order issued in connection with the approval of your Permit No. 13-7091.

P
We are enclosing said copy at this time in the event we did fail to enclose them with our letter of June 2, 1975. We apologize for any inconvenience we may have caused.

Sincerely,

Y
D. DARLENE REICH
Water Rights Supervisor

Enc: Copy of Memorandum Decision and Order

cc: protestants, enclosure

G. Barlow Gilbert
David A. Nash, Jr.
Wesley S. Nash
Melvin W. McKay
Lee C. Nielsen
H. Ward Nielsen

bc: Eastern District Office
Attn: Ron C.

April 30, 1976

CERTIFIED MAIL #138521

Re: Permit No. 13-7091

Edwin or Joann Hendrickson
Dayton,
Idaho 83232

Dear Mr. & Mrs. Hendrickson:

One of the conditions of approval of your water Permit No. 13-7091 (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 JULY 1, 1976. 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
Director

RKH:jg
Enc: Proof affidavit

PS Form 3811, Jan. 1975

● **SENDER:** Complete items 1, 2, and 3.
Add your address to 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¢

☐ RESTRICTED DELIVERY.
Show to whom and date delivered..... 65¢

☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	138521	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☒ Addressee ☐ Authorized agent

[Signature]

4. DATE OF DELIVERY *5/10/76* POSTMARK *1976*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

★ GPO: 1975-O-568-047

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

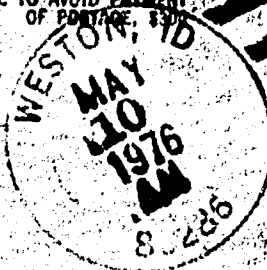
Print your name, address, and ZIP Code in the space below.
• Complete items 1, 2, and 3 on reverse side.
• Maintain gummed ends and attach to back of article.

RETURN
TO



DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$30



June 2, 1976

Re: Permit No. 11-7091

Edwin or Joann Hendrickson
Dayton,
Idaho 83232

Dear Mr. & Mrs. Hendrickson:

We have received an application for extension of time on the above referenced permit.

We are, however, returning this application as we need additional information concerning the work that has been done during the permit period before we can process the extension.

Please return the application and the information to us as soon as possible.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

July 20, 1976

Re: Permit No. 13-7091

Edwin or JoAnn Hendrickson
Route 1
Weston, Idaho 83232 *83286*

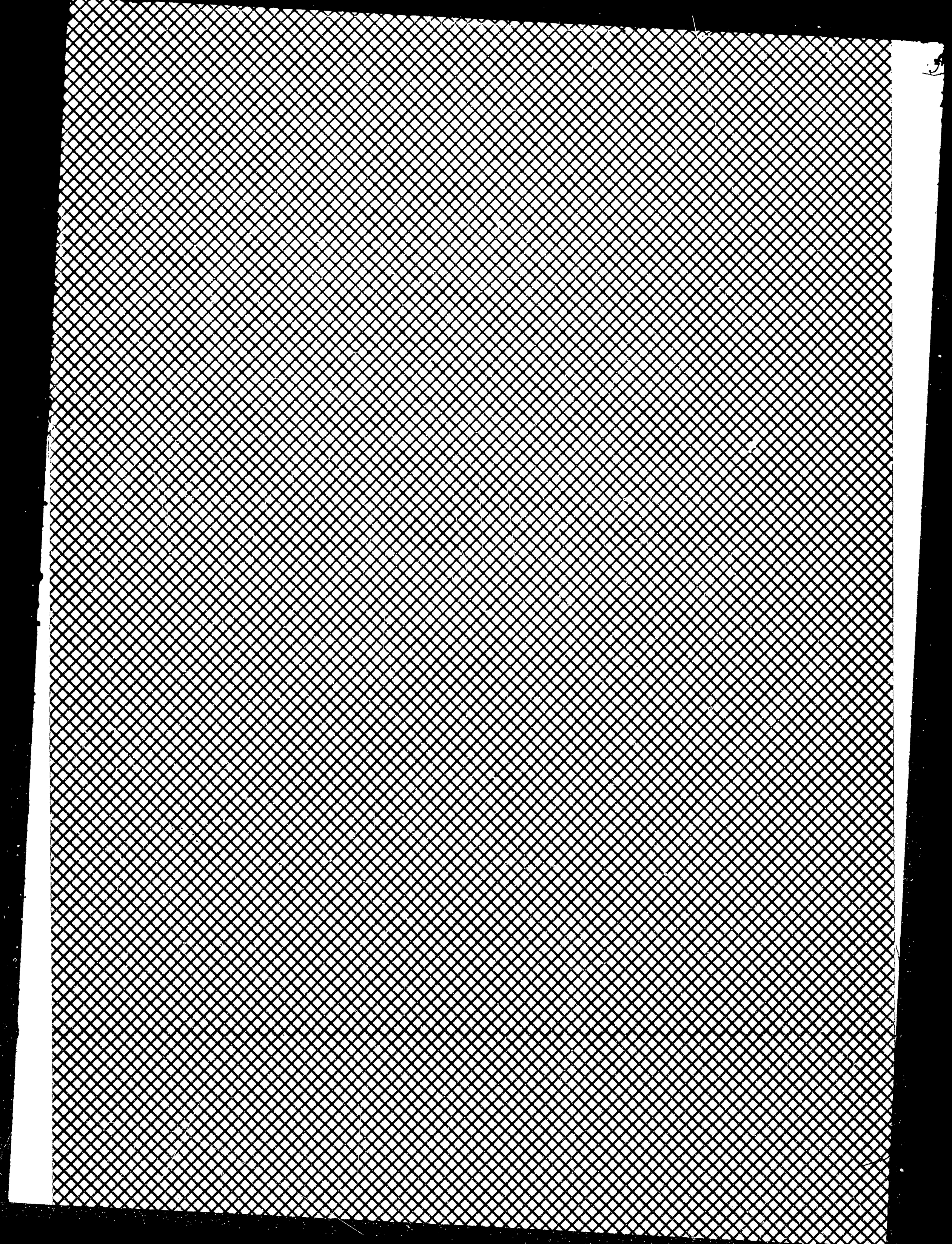
Dear Mr. & Mrs. Hendrickson:

Enclosed is a copy of the approved application for extension of time in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to July 1, 1978.

Sincerely,

D. Darlene Reich
Water Rights Supervisor



BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 13-7091
IN THE NAME OF EDWIN OR JOANN HENDRICKSON

ORDER OF REINSTATEMENT

WHEREAS, on November 13, 1974, Edwin and Joann Hendrickson filed with the Department of Water Resources an application for permit to appropriate 1.0 cubic feet per second of water from a subsurface drainage tributary to Dayton Slough to be diverted from a point within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, Twp. 15S, Rge. 38E, B.M., Franklin County, to be used for irrigation purposes; and,

WHEREAS, on June 2, 1975, the Department approved said application and issued Permit No. 13-7091 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before July 1, 1976; and,

WHEREAS, on May 26, 1976, the permit holder submitted a request for an extension of time and was granted a two year extension making proof due July 1, 1978; and,

WHEREAS, on April 28, 1978, the Department notified the permit holders by certified mail that proof of beneficial use was due and instructed the permit holders as to the steps to be taken to make said proof; and,

WHEREAS, on July 11, 1978, the Department notified the permit holders that Permit No. 13-7091 had lapsed for failure to submit proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of notice of lapsing; and,

WHEREAS, the permit holders have provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on August 1, 1978.

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 13-7091 be REINSTATED and the priority advanced to December 14, 1974.

Dated this 17 day of August, 1978.

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

(late proof)
License of Water Right No. 13-7091 Priority December 14, 1974 Amount .40 cfs

THIS IS TO CERTIFY, that EDWIN &/or JO ANN HENDRICKSON
of Weston, Idaho, has complied with the terms and conditions of Permit
No. 13-7091 issued pursuant to Application for Permit dated November 13, 1974,
and has submitted proof to the Department of Water Resources on August 1, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of .40 cfs of water from an unnamed drain,
tributary to Dayton Slough, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>October 1</u>	at <u>.40</u> cfs and	<u>144.4</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than .40 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
144.4 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, Twp. 15S,
Rge. 38E, B.M. 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	23			7					7	20							19	53

Total number of acres irrigated 53

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 16th day of
April, 19 81.

Director



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

April 28, 1978

CERTIFIED MAIL

133770

Re: Permit No. 13-7091

Edwin or JoAnn Hendrickson
Route 1
Weston, Idaho 83286

Dear Mr. & Mrs. Hendrickson:

One of the conditions of approval of your water Permit No. 13-7091 (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 July 1, 1978. 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.

Norman C. Young
NORMAN C. YOUNG
Administrator,
Resources Administration Division

NY:jfr

1: Proof affidavit



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

July 11, 1978

Re: Permit No. 13-7091

Edwin or JoAnn Hendrickson
Route #1
Weston, ID 83286

Dear Mr. & Mrs. Hendrickson:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 13-7091 has lapsed since you have not notified us that you have completed the project by the date required on your permit. You were provided forms for that purpose in our notice to you dated April 28, 1978.

Your permit cannot be reinstated unless you submit the proof of beneficial use affidavit, enclosed, or show other reasonable cause why the permit should be reinstated within 60 days from the date of this lapse notice.

A handwritten signature in cursive script, reading "C. Stephen Allred", is written over a horizontal line.

C. STEPHEN ALLRED
Director

CSA:jfr

Encl.

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

Jan
FROM Bill Rhoads *BR*

TO Bob Fleenor

SUBJECT Application for Permit No. 13-7091 - HENDRICKSON

INTER-DEPARTMENT MEMO — 1

DATE July 17, 1978

I have discussed this matter with Ron Carlson and he concurs with the following:

Mr. Erwin Hendrickson has stated accurately and truthfully the conditions preventing the completion of works under the above referenced permit. Initially, the time required for the completion of works was stated to be one year. An extension of time was issued for a second year with proof due July 1, 1978.

I realize that second extensions of time are not usually available but we believe that with the total time period of only two years to prove up on the permit and the extenuating circumstances described, consideration for a second extension is warranted.

We will leave it in your hands to complete this matter.

BILL RHOADS

SIGNATURE

*Bill R
Called this
date 7/24/78
stated Mr. Hendrickson
was going to submit
proof. Jan G.*

Identification No. _____

Permit No. 13-7091

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 1 1978

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder Edwin & JoAnn Hendrickson
b) Post Office Address Rt #1 Box 145 Weston Idaho 83286
2. Permit Number 13-7091
3. Date of Priority that you are prepared to establish _____
4. a) Source from which water was appropriated tile drain
b) Location of the point of diversion: N/E $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23
Township 15-S, Range 38-E Boise Meridian, Other points of diversion: NONE

5. a) The amount of water and use to which the water has been applied:
Amount $\frac{1}{2}$ CFS for Irrigation purposes from April 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 $\frac{1}{2}$ 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: Self - 4" in line gallon water meter

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:

b) Describe the agreement or understanding by which you take water from the works:

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)

Water comes from drain pipe into ditch which runs at bottom of 70 house. Blue Ford pump and is pumped into a buried 212 in line which goes to the head line & wheel mowers

b) Describe the type and size of measuring device which you have installed at your point of diversion:

4" in line gallon water meter

c) Give well driller's name and address and the date the well was completed:

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:

8/21/78

[illegible]

10. Remarks: P.S. Sorry to be late in filling out home
been working with Mr. P.D. Rhodes on this matter
E.H.

July 20 1978
(Date)

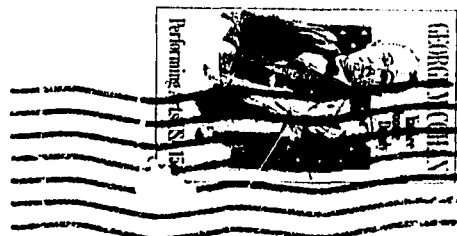
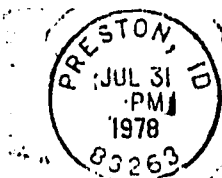
Edmund S. Hendrickson
(Signature)

State of Idaho)
) ss.
County of Franklin)

Notary Public residing at Weston, Idaho

My commission expires Lifetime

ES. Hendrickson
RFD #1 Box 145
Weston, Idaho
87286



State of Idaho
Department of water Resources
Statehouse
Boise
Idaho
83720



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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

August 21, 1978

Re: Permit No. 13-7091

Edwin and Joann Hendrickson
Route 1, Box 145
Weston, ID 83286

Dear Mr. & Mrs. Hendrickson:

Enclosed is a copy of the Order reinstating your permit and advancing your priority date to December 14, 1974.

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

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

If you have any questions regarding the field examination, please contact our regional office in **Idaho Falls**.

Sincerely,

RITA FLECK
Water Rights

FIELD REPORT

1. Name of permit holder Edwin or Jo Ann Hendrickson
Post office address Rt 1, Box 145, Weston, Ind Phone 852-2363
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ Surface drainage
(name spring, stream, etc.)
Tributary to Dayton Slough

3. Water will be used for the following purposes: *1.4 m. in 7 Sheds. 1.0 cfs*

Amount 0.5 c.f.s. for irrigation
 AF/Annum :- (nature of use)

Period of Use: from 4/1 to 10/
(mo.-day) inclusive (mo.-day)

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

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

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

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

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 0.5 cubic feet per second and annual volume _____ AF/Annum.

- 5. Location of Point(s) of Diversion:**

Township 15.5 N/S, Range 38E E/W, B.M., Section 23, Subdivision NE 1/4 SW 1/4 Franklin
County

Township_____N/S, Range_____E/W, B.M., Section_____, Subdivision_____1/4_____1/4, _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____

Other Points of Diversions: _____

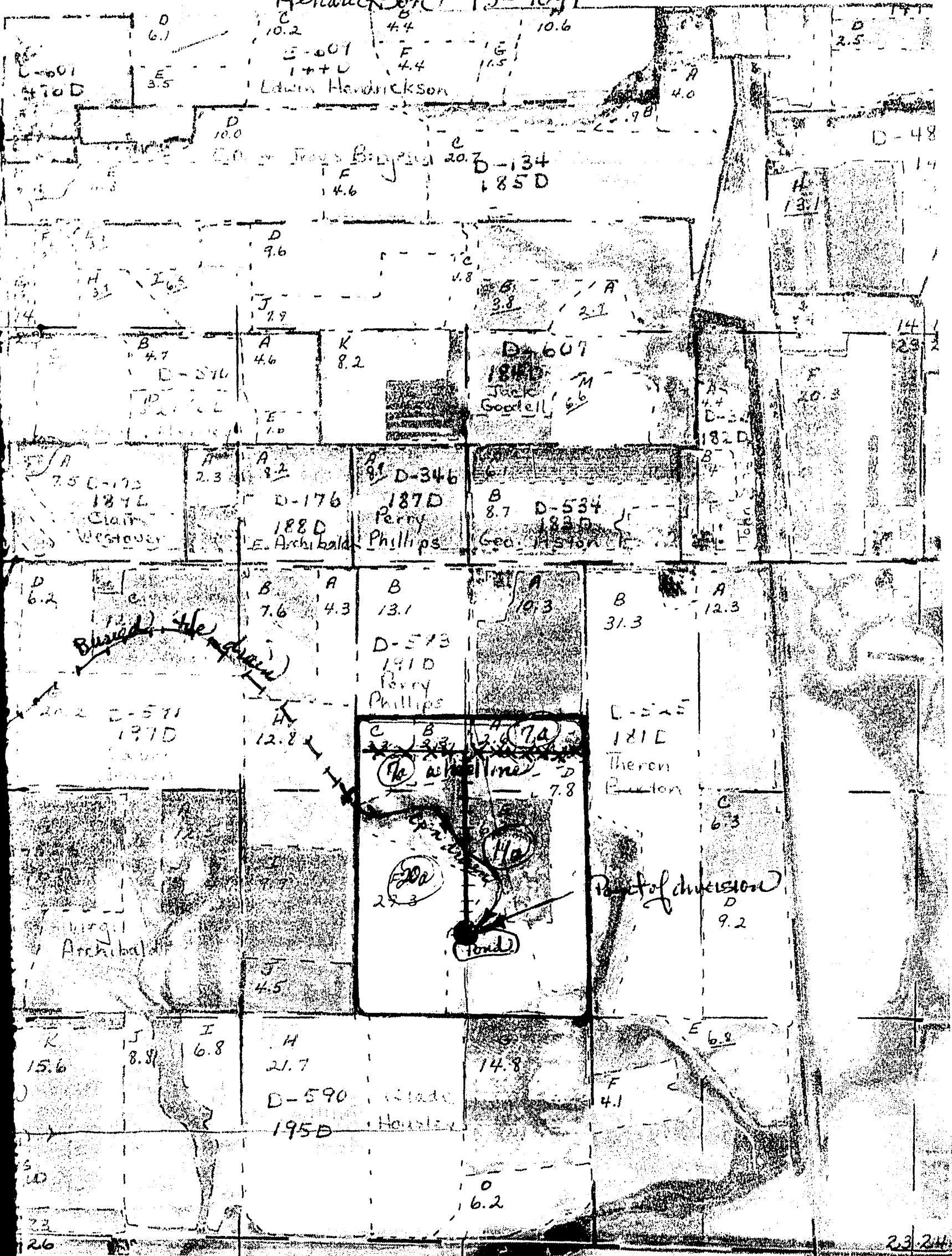
Description of diverting works: drain pipe to ditch, 70 Hp Ford pump,
mainline haul line & wheel movers

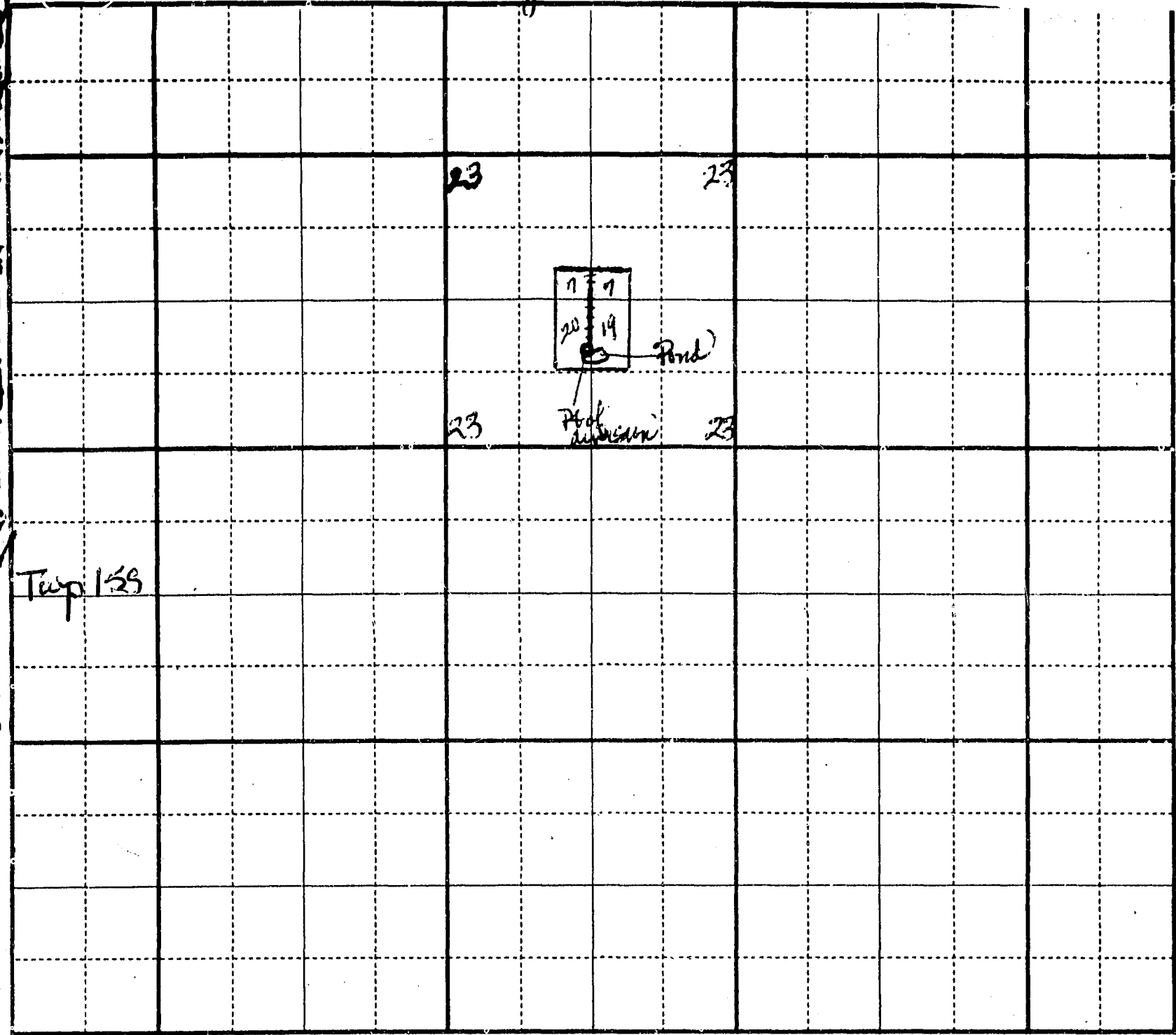
Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

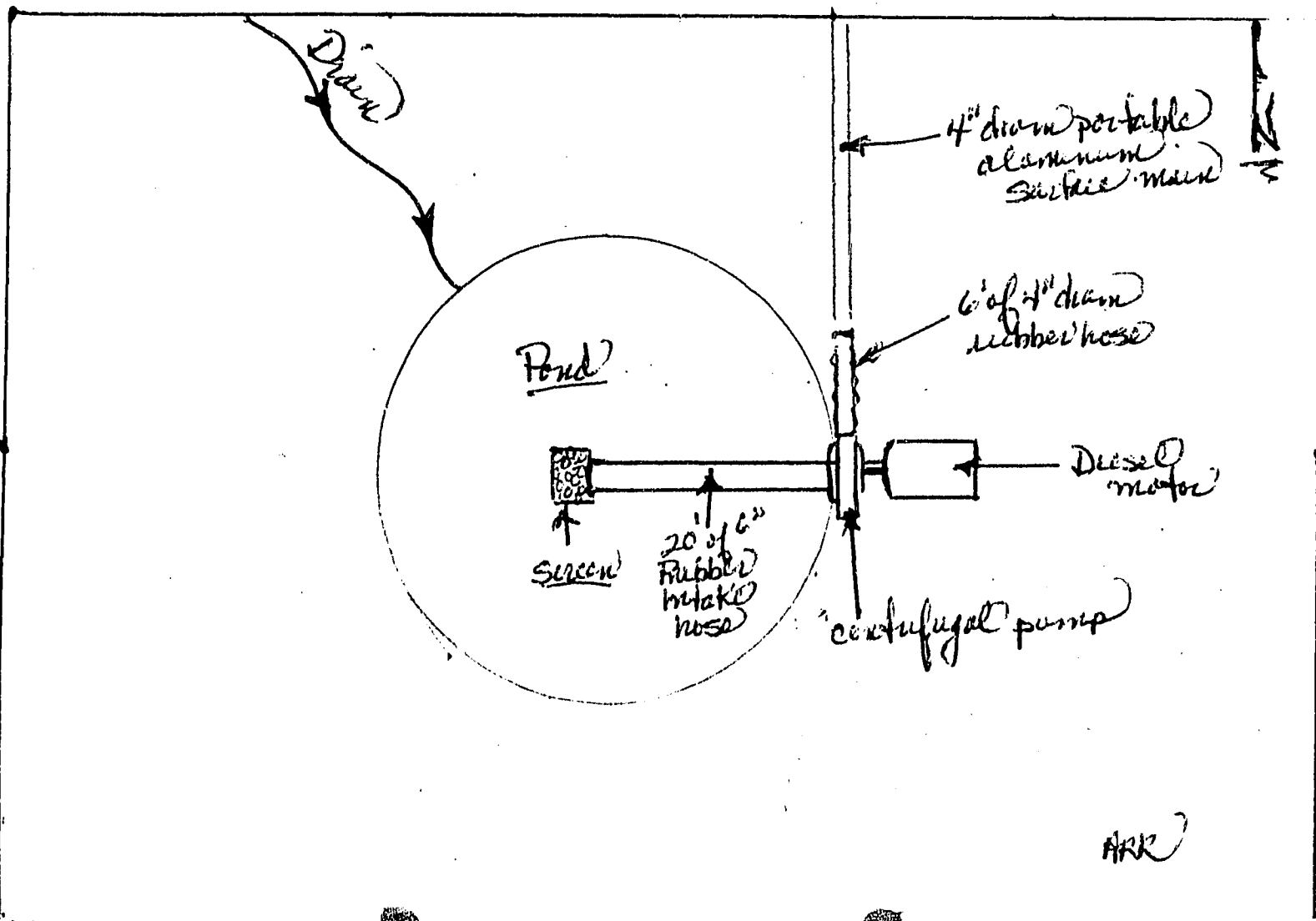
Hendrickson 13-7091





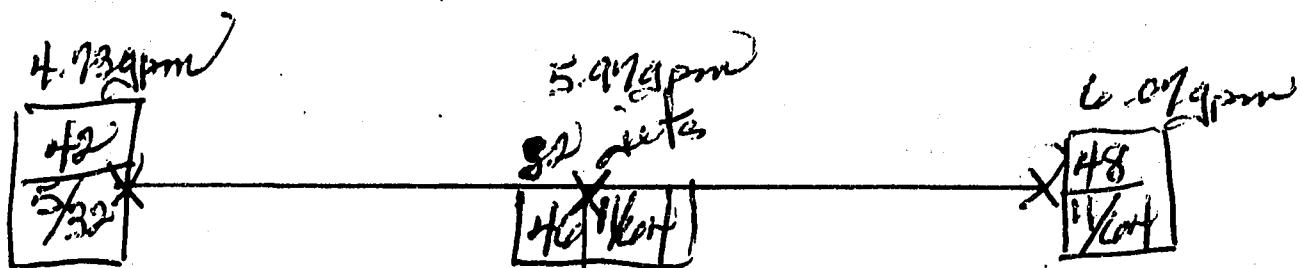
Temp 135

Diagram of System



~~The Changing Light~~

Pitot tube measurement



$$\text{Avg } q_{\text{pm}}/\text{jet} = 5.59$$

$$5.59 \text{ gpm/jet} \times 32 \text{ jets} \\ = 178.88 \text{ gpm}$$

$$\div 48.8 \text{ gpm/cfs} \\ = .40 \text{ cfs} \checkmark$$



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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

March 9, 1981

Edwin & JoAnn Hendrickson
Rt. 1, Box 145
Weston, Idaho 83286

Dear Mr. & Mrs. Hendrickson,

A representative of this Department has made an examination of the works covered by your Permit No. 13-7091, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: .40 cfs Source: an unnamed drain

The maximum quantity diverted shall not exceed 144.4 acre feet per year.

Point(s) of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, Twp. 15S, Rge. 38E, B.M.

Beneficial use: Irrigation of 53 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, Twp. 15S, Rge. 38E.

Priority date established: December 14, 1974

Conditions (if any):

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor



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

JOHN V. EVANS

Governor

A. KENNETH DUNN

~~& STEPHEN K. ALKED~~

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

April 22, 1981

Edwin & JoAnn Hendrickson
Routt, Box 145
Weston, Idaho 83286

Dear Mr. & Mrs. Hendrickson,

RE: License No. 13-7091

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

Please be advised that one of the conditions of your permit was that a measuring device be installed as part of your diversion works. That requirement has been waived with issuance of the enclosed license. However, in the event that water supply shortages become a problem installation of measuring devices may be required.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Johnson".

JIM JOHNSON

Water Distribution Supervisor

JJ:mr

Enclosure