

Identification No. 13 7105  
Application No. \_\_\_\_\_

**APPROVED**

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION  
**APPLICATION FOR PERMIT**

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

1. Name of applicant Carl W. Bingham and Fred R. Bingham  
post office address Weston, Idaho 83286 Phone: 852-2478
2. Source of water supply Unnamed ponds which is a tributary of sinks
3. a. Location of point of diversion is NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 6 Township T6S  
Range R39E B.M. Franklin County; additional points of diversion if any: 2 points in NW1/4 SE1/4 Sec. 6 T16S R39E
- 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 3.1 for Irrigation purpose from April 1 to Nov. 1 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:  
a. 3.1 cubic feet per second and/or  
b. \_\_\_\_\_ acre feet per annum.
6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. \_\_\_\_\_  
6 inch Centrifugal Pump
- b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre feet; total reservoir capacity \_\_\_\_\_ acre feet, materials used in storage dam: \_\_\_\_\_  
Period of year during which storage will occur \_\_\_\_\_ (Mo. Day) to \_\_\_\_\_ (Mo. Day) inclusive.
- c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.  
b. Estimated construction cost is \$ (?).
8. Description of proposed uses:  
a. If water is **not** for irrigation:  
(1) Give the place of use of water: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M.  
(2) Amount of power to be generated: \_\_\_\_\_ hp under \_\_\_\_\_ feet of head.  
(3) List number of each kind of livestock to be watered \_\_\_\_\_  
(4) Name of municipality to be served \_\_\_\_\_, or number of families to be supplied with domestic water \_\_\_\_\_.  
(5) If water is to be used for other purposes describe: \_\_\_\_\_

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

[illegible]

Total number of acres to be irrigated 155

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

NONE

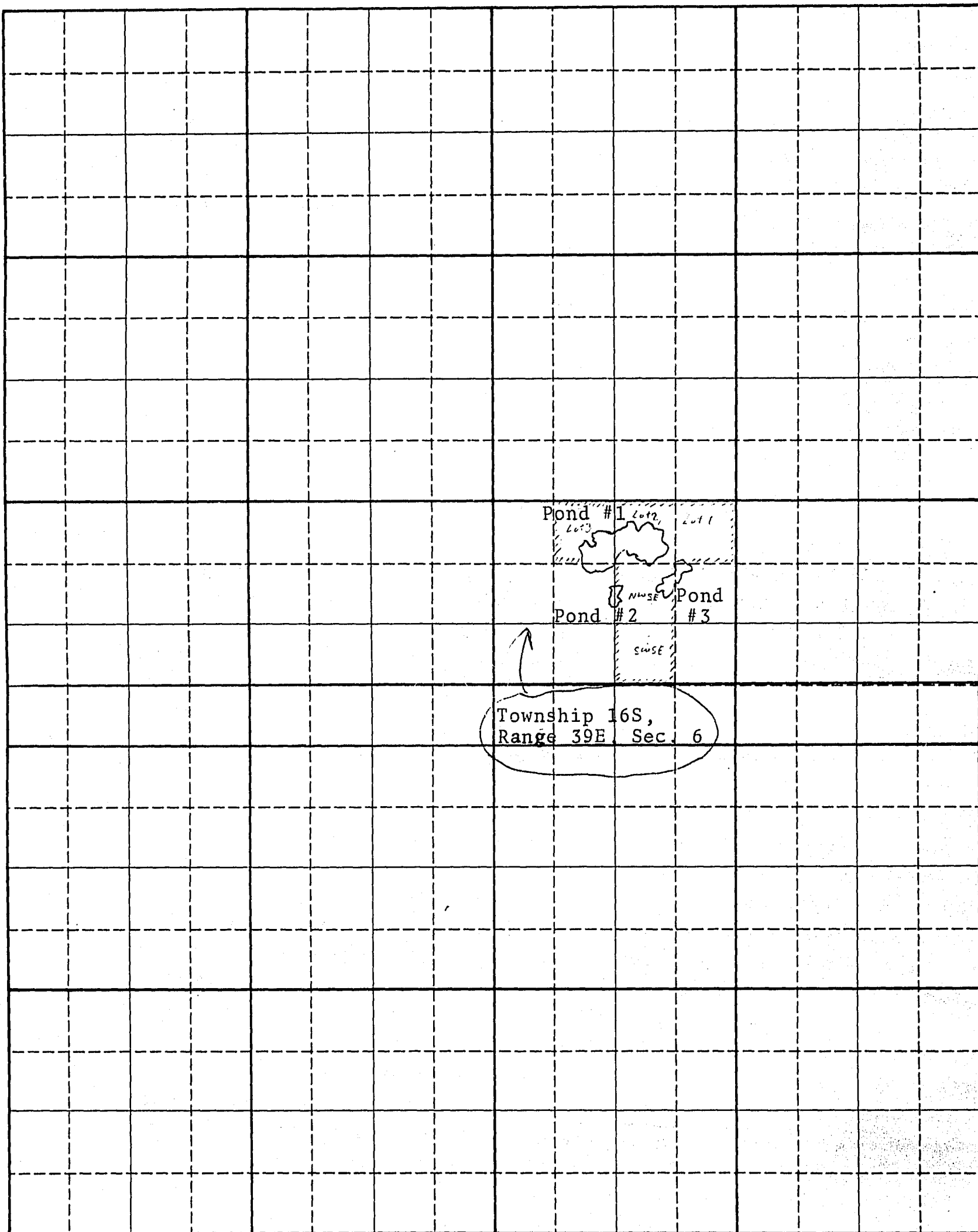
9. a. Who owns the property at the point of diversion Applicants

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

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

10. Remarks \_\_\_\_\_

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



Scale: 2 inches equal 1 mile

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

*Carl W. Bingham*  
(Applicant)

*Fred K. Bingham*  
(Applicant)

Proposed Priority 3-14-1975

Received by MB Date 3-14-75 Time 11:35 A  
3-04-75 11:35 A

Preliminary check by MB Fee \$ 55.00

Receipted by CW Date 3-14-75 # 4139

Publication prepared by CW Date 3-14-75

Published in Leiston Citizen

Publication dates 3/20 & 3/27/75

Publication approved CW Date 4-02-75

Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_

Protests filed by: \_\_\_\_\_

Copies of protests forwarded by \_\_\_\_\_

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for approval denial by JYS

#### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7105, and said application is hereby APPROVED.

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

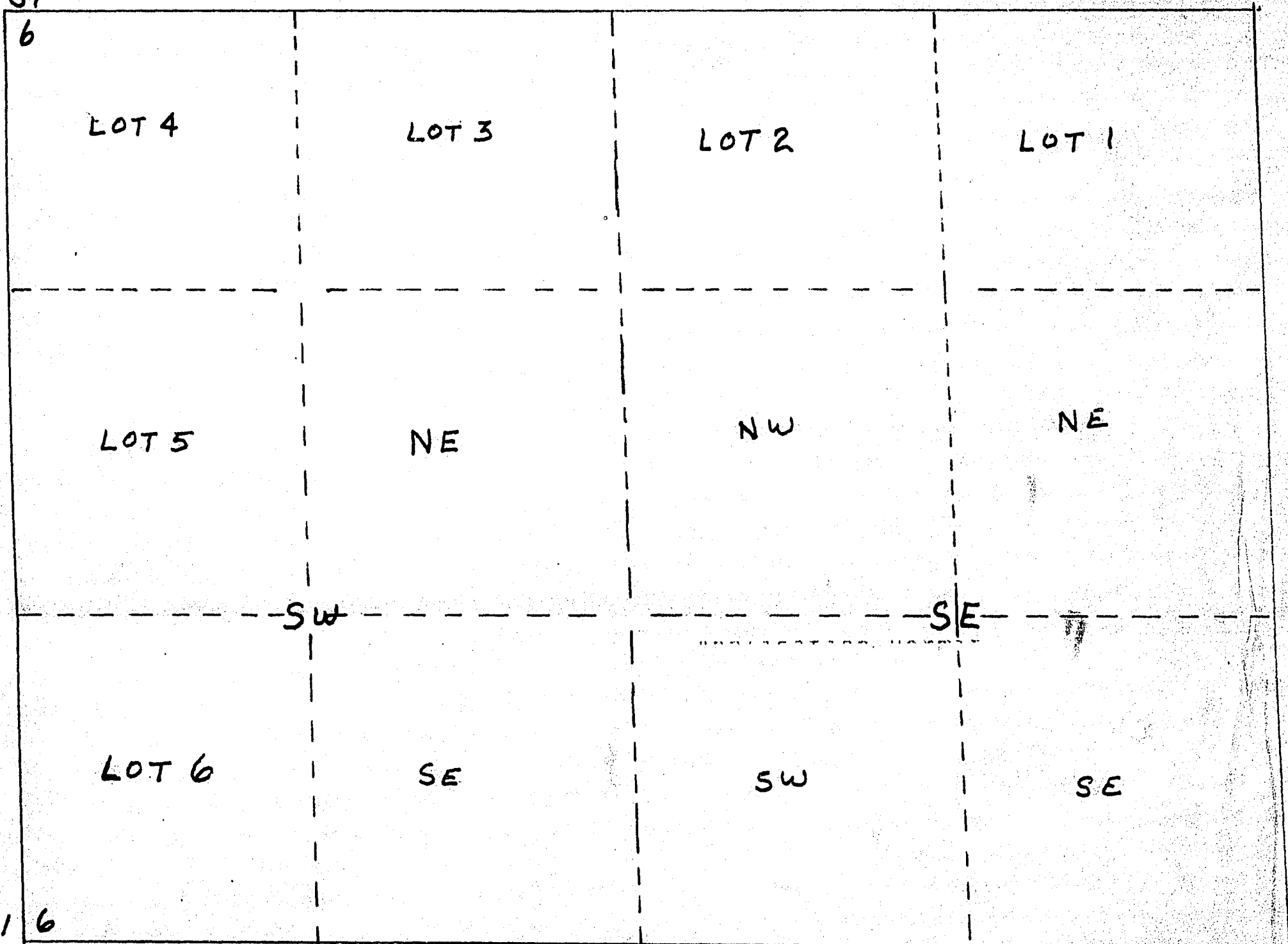
- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1980.
- Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

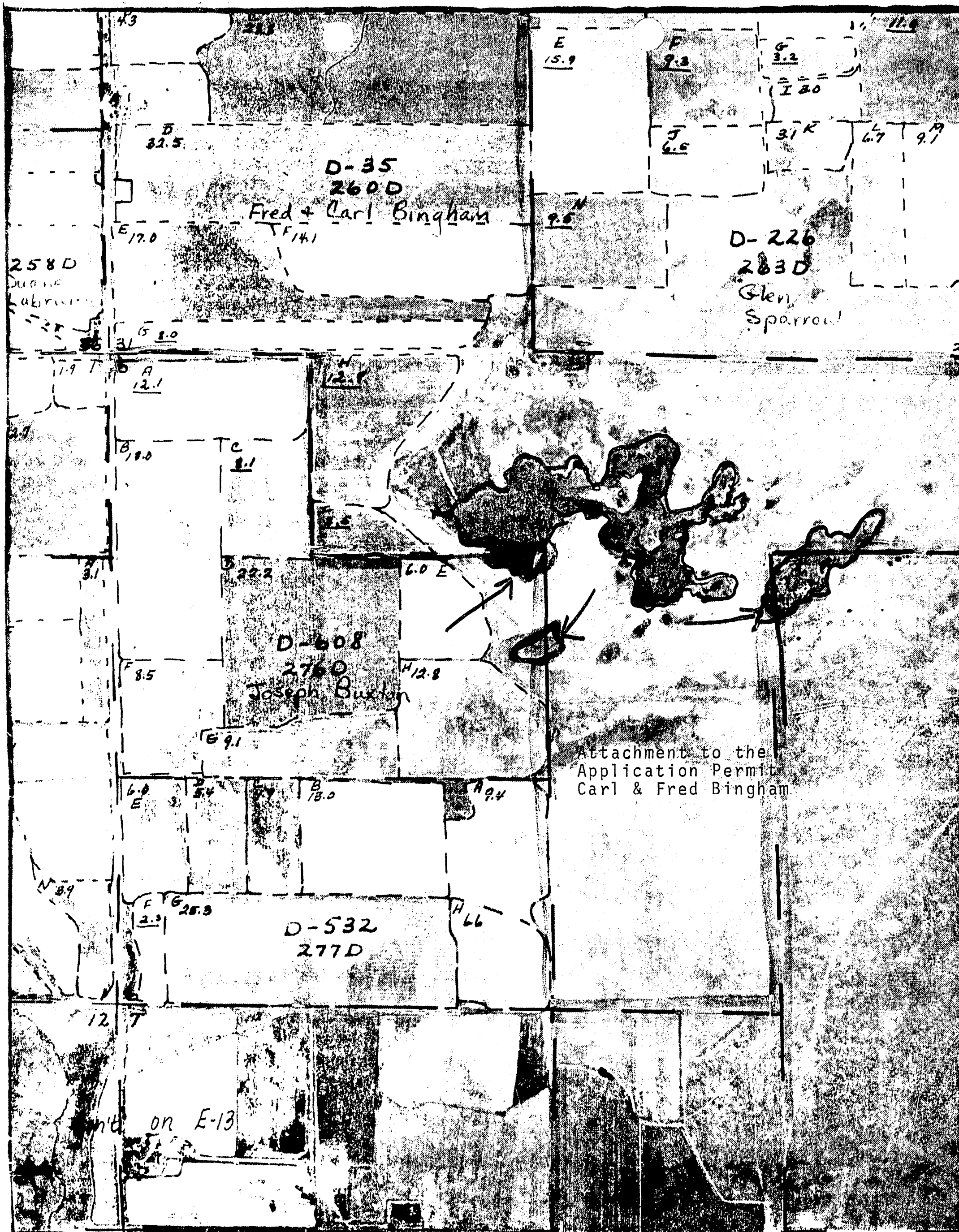
Witness my hand this 10 day of April 19 75.

R. Kirk Hyatt  
Director

36 31  
1 6



1 6  
12 7



DEPARTMENT OF WATER RESOURCES  
- STAFF ANALYSIS -

Item Initial Date

13 7105

Application No. \_\_\_\_\_

- ☒ 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

*LH* 3-14-75

(1) " "

In form to receipt *YCS*

(2) " "

Send Copies to:

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

(3) " "

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

(4) " "

In form for advertising *YCS*

(5) " "

Platted on Map No. \_\_\_\_\_

(6) " "

Located within Water District No. 13

(7) " "

*NA* Critical groundwater area: yes no

(8) " "

*NA* Groundwater levels:

Declining, Stable, Increasing

(comment) \_\_\_\_\_

(9) " "

Other rights on the same place of use *None*

(10) " "

Comments: No other surface rights.

(11) MB 4-2-75

Affidavit of Publication received (date) April 2

(12) OW 4-7-75

Final date for protests April 7, 1975  
Protests received: yes no ☒

(13) " "

All requested information received from agencies or applicant: yes N.A. no no

(14) LH 4-7-75

Action recommended:

☒ Approve Deny

3-14-75 Proposed Priority

Reason for Reduction

☒ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District Eastern

By Loren O. Hulmer Date April 7, 1975

RECEIVED

APR 9 1975

Department of Water Resources

*Copy*

DEPARTMENT OF WATER RESOURCES  
- STAFF ANALYSIS -

Item Initial Date

Application No. \_\_\_\_\_

☒ Source  
☒ Point of Diversion  
☒ County  
☒ Quantity of Water and Period of Use 1.29 <sup>15</sup>/<sub>Acres/yr</sub>  
☒ Description of Diverting Works  
☒ Time required for B/U of water  
☒ Place of Use or Acres Irrigated  
☒ Map  
☒ Signature  
☒ Fee

LH 3-4-75

ch to 1

(1) " "

In form to receipt 105

(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

(5) \_\_\_\_\_

Platted on Map No. \_\_\_\_\_

(6) \_\_\_\_\_

Located within Water District No. \_\_\_\_\_

(7) \_\_\_\_\_

Critical groundwater area: yes \_\_\_\_\_ no \_\_\_\_\_

(8) \_\_\_\_\_

Groundwater levels:  
\_\_\_\_ Declining, \_\_\_\_ Stable, \_\_\_\_ Increasing  
(comment) \_\_\_\_\_

(9) \_\_\_\_\_

Other rights on the same place of use

(10) \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_

(11) \_\_\_\_\_

Affidavit of Publication received (date) \_\_\_\_\_

(12) \_\_\_\_\_

Final date for protests \_\_\_\_\_  
Protests received: yes \_\_\_\_\_ no \_\_\_\_\_

(13) \_\_\_\_\_

All requested information received from agencies or  
applicant: yes \_\_\_\_\_ no \_\_\_\_\_

(14) \_\_\_\_\_

Action recommended:  
\_\_\_\_ Approve \_\_\_\_\_ Deny  
\_\_\_\_ Proposed Priority  
\_\_\_\_ Reason for Reduction \_\_\_\_\_  
\_\_\_\_ Measuring device required  
\_\_\_\_ See attached sheet for other conditions of  
approval  
\_\_\_\_ No special conditions for approval

(15) District \_\_\_\_\_ By \_\_\_\_\_ Date \_\_\_\_\_

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

*March 20*, 19 *75*, and ending

with the issue of *March 27*, 19 *75*

*J. Walter Ross*

Fees, \$ *12.58*

Subscribed and sworn to before me this *31* day

of *March*, 19 *75*

*D. Ann D. Liddle*

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19 *78*

RECEIVED

APR 2 1975

Department of Water Resources  
Eastern District Office

NOTICE OF APPLICATION  
FOR WATER PERMIT

Notice is hereby given that Carl W. & Fred R. Bingham, Weston, Idaho have on 3-14-75 submitted Application No. 13-7105 for a permit to appropriate 3.1 cubic feet per second of water from unnamed ponds tributary to sinks by means of pumps within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 2 points in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 6, T. 16S, R. 39E, B.M., Franklin County; to be used from Apr. 1 to Nov. 1 for the irrigation of 155 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 6, T. 16S, R. 39E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 7, 1975.

R. KEITH HIGGINSON  
Director

Published in the Preston Citizen, Preston, Idaho on March 20 and March 27, 1975.

Legal No. 2842 - Pub. March 20, 27, 1975. *cu*

RECEIVED

MAR 4 1975

J. DENNIS (J. D.) WILLIAMS

ATTORNEY & COUNSELOR AT LAW

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

Department of Water Resources  
Eastern District Office

J. D. WILLIAMS

LOWELL D. CASTLETON  
LAW INTERN

TELEPHONE:  
(208) 852-2680

March 3, 1975

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

Dear Mr. Carlson:

Thank you for your letter of February 20, 1975, regarding the application for permit submitted by us on behalf of Fred and Carl Bingham. Upon reviewing the application and your letter, it is understandable that the description of the property which we provided raised questions in your mind as to the classification of the water.

I am returning to you the original application and check. In addition thereto, I am also enclosing a photograph of the property in question.

If you compare our photograph and the boundaries drawn with the description of the proposed project in the application, I think you will find it clear that portions of the water in question extend over the boundaries of the land owned by the applicants and thus would not come within the purview of Idaho Code Section 42-212.

If this information is not adequate for your purposes in making the Bingham application complete, please notify this office requesting further information you might desire.

Yours very truly,



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

JDW/jp

Enc.

1515 Lincoln Road

March 6, 1975

Mr. J. D. Williams  
Attorney at Law  
P.O. Box 191  
Preston, Idaho 83263

Dear Mr. Williams:

Once again I find it necessary to return Check No. 92-273 in the amount of \$35.00, and the application you submitted in the name of Fred or Carl Bingham.

There appears to be a discrepancy in the legal description for the point of diversion and place of use. This is undoubtedly due to the fact that Section 6 is in a row of corrected sections and has lots numbered across the northern and western edges of the section.

Also, it is necessary to specify a diversion rate rather than an annual volume. The applicants may appropriate a maximum of 2.0 c.f.s. for the \$35.00 application fee. However, they may legally appropriate 3.1 c.f.s. which is the maximum rate of diversion for 155 acres. This of course would require an extra \$20.00 in filing fees.

I have prepared a rough draft indicating my interpretation of the information supplied. I also am enclosing a transparent overlay for the aerial photo supplied with the application. I thought perhaps it would be useful in making the necessary corrections on this application.

If you have any questions concerning the necessary corrections, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON  
District Engineer

RDC:cw

Enclosures

Attachment

March 14, 1975

RE: Application for Permit No. 13-7105

Mr. J. D. Williams  
Attorney at Law  
P.O. Box 191  
Preston, Idaho 83263

Dear Mr. Williams:

Attached herewith is departmental receipt No. 4139 in the amount of \$55.00 for the above referenced application submitted by you in the name of Carl W. and Fred R. Bingham.

Very truly yours,

RONALD D. CARLSON  
District Engineer

RDC:cw

Attachment

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Carl W. & Fred R. Bingham,  
Weston, Idaho  
have ~~has~~ on 3-14-75 submitted Application No. 13-7105  
for a permit to appropriate 3.1 cubic feet per second ~~xxx feet per second~~  
of water from unnamed ponds tributary to sinks  
by means of pumps  
within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 2 points in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 6, T. 16S, R. 39E, B.M.,  
Franklin County;  
  
to be used from Apr. 1 to Nov. 1  
for the irrigation of 155 acres  
  
within the S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 6, T. 16S, R. 39E, B.M.

If issued, this permit will be subject to all prior water rights. Protests  
against the granting of the permit must be filed with the Idaho Department of  
Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 7, 1975.

R. KEITH HIGGINSON  
Director

Published in the Preston Citizen, Preston, Idaho  
on March 20 and March 27, 1975

CW-H  
CW-A

March 14, 1975

RE: Application for Permit No. 13-7105 - Bingham

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  
District Engineer

RDC:CW

Bill submitted 4-2-75 by MB

Enc: Legal Notice

April 10, 1975

Re: Permit No. 13-7105

Carl W. & Fred R. Bingham  
Weston,  
Idaho 83286

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 13-7105 . We direct your attention to the conditions of approval as listed on the fourth page.

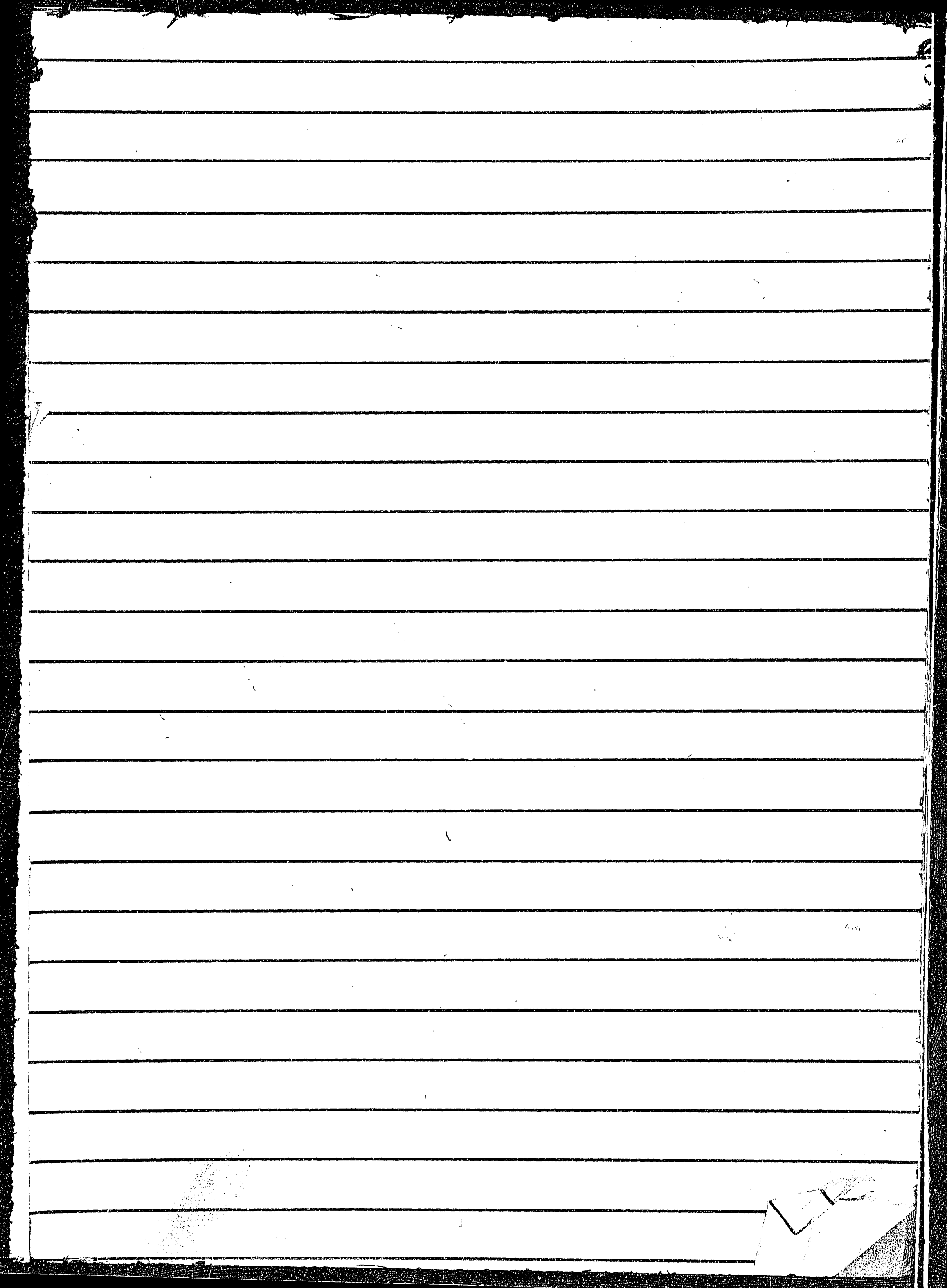
Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR  
Chief, Water Rights

BDF:jfr

Enclosures



RECEIVED  
Form 217a  
8/78

MAR 6 1979

Department of Water Resources  
Eastern District Office

Identification No. 13-7105

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION  
OF WATER TO BENEFICIAL USE

1. a) Name of permit holder Carl W. Bingham & Fred R. Bingham  
b) Post office address Weston, Idaho 83286
2. Permit number 13-7105
3. Date of priority that you are prepared to establish 3/14/75
4. a) Source from which water was appropriated unnamed ponds  
b) Location of the point of diversion: NE 1/4 SW 1/4, Section 6  
Township 16S, Range 39E Boise Meridian. Other points of diversion: (2 pts) in NW 1/4 SE 1/4 sec 6, T16S R39E
5. a) The amount of water and use to which the water has been applied:  
Amount 3.1 for irrigation purposes from April 1 to Nov 1 incl.  
(cfs &/or acre-feet per annum) (month-day) (month-day)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
(cfs &/or acre-feet per annum) (month-day) (month-day)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
(cfs &/or acre-feet per annum) (month-day) (month-day)  
b) Total amount appropriated 3.1 cfs and/or acre-feet per annum.  
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement:  
n/a
6. If the means of diversion and conveyance are owned by someone other than the permit holder:  
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:  
n/a  
b) Describe the agreement of understanding by which you take water from the works:  
n/a
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch):  
6" intake & discharge pump, 100 H.P. diesel motor, water conveyed thru a series of 3 mainlines (2-10") (1-6") acreage irrigated by 4-1/4 mi lateral wheelmanes.  
b) Describe the provision for making a measurement which you have at your point of diversion: (i.e., installed measuring device, access port, other)  
applicant will provide an access port for measuring

Exam typed 3-14-75 by sf



BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING  
DEVICE REQUIREMENT FOR PERMIT NO. 13-7105

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

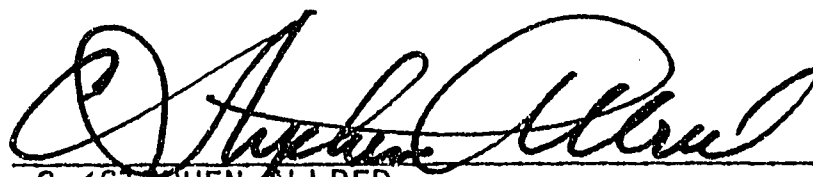
WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18<sup>th</sup> day of August, 1978.

  
C. STEPHEN ALLRED  
Director



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

March 19, 1979

Carl W. and Fred R. Bingham  
Weston,  
Idaho 83286

Gentlemen:

Re: Permit No. 13-7105

Enclosed is a copy of the Order modifying your measuring device requirement.

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

State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 13-7105 Priority March 14, 1975 Amount 0.84 cfs

THIS IS TO CERTIFY, that Carl W. Bingham & Fred R. Bingham  
of Weston, Idaho, has complied with the terms and conditions of Permit  
No. 13-7105 issued pursuant to Application for Permit dated March 14, 1975,  
and has submitted proof to the Department of Water Resources on March 6, 1979,  
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 1.45 cfs of water from unnamed ponds,  
tributary to sinks, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

| Beneficial Use         | Period of Use                            | Rate of Diversion      | Annual Volume          |
|------------------------|------------------------------------------|------------------------|------------------------|
| <u>Irrigation</u>      | from <u>April 1</u> to <u>November 1</u> | at <u>0.84</u> cfs and | <u>147.0</u> acre feet |
|                        | from _____ to _____                      | at _____ cfs and       |                        |
|                        | from _____ to _____                      | at _____ cfs and       |                        |
| (both dates inclusive) |                                          |                        |                        |

Subject, however, to the condition that no more than 0.84 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  
147.0 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 6, Twp.  
16S, Rge. 39E 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 $\frac{1}{4}$ |        |
| 16S  | 39E   | 6    |                  |                  |                  | 15               |                  |                  |                  | 17               |                  |                  |                  |                  |                  |                  |                  | 10               | 42     |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 42

This right when combined with License 13-2173 shall not exceed a total capacity  
of 1.45 cubic feet per second nor 322.0 afa for the lands above.

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 30 day of  
December, 19 81.

Director



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

March 19, 1979

RECEIVED

JUN 21 1979

Department of Water Resources  
Eastern District Office

Carl W. and Fred R. Bingham  
Weston,  
Idaho 83286

Gentlemen:

Re: Permit No. 13-7105

Enclosed is a copy of the Order modifying your measuring device requirement.

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

Mr. Anthony R. Kozlowski  
Dept of Water Resources  
Eastern Region..

Weston, Idaho  
June 19, 1979

RECEIVED

JUN 21 1979

Department of Water Resources  
Eastern District Office

Dear Mr. Kozlowski..

At our meeting in Preston last spring you informed me that I should let you know when we were pumping from our ponds so a representative from your office could come + install a measuring device.

This is to inform you that we are now pumping + would be glad to assist anyone in the installation of such a device. Please let us know in advance however so we may make plans to be available..

Thank you very much.

Carl W. Bingham

Permit No. 13-7105

# State of Idaho

## License and Certificate of Water Right

Water License No. 23896

Amount 1.0 c.f.s.

Water District No.

Priority March 12, 1953

THIS IS TO CERTIFY that H. R. BINHAM of Weston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 12, 1953; that Permit No. 23896 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.0 second feet, was issued thereunder on March 31, 1958, showing that said works were completed on the 21 day of March, 1958; and that on the 14 day of March, 1959,

H. R. BINHAM

of Weston, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of springs & drainage, a tributary of applicant's and other persons property, for the purpose of irrigation, under Use Permit No. 23896 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 11 of Licenses at page 6849, on the 10 day of December, 1959;

The right hereby confirmed dates from March 12, 1953;

The Point of Diversion is located

in the NW 1/4 SE 1/4, Sec. 6, Tp. 16S., R. 39 E., B. M. County of Franklin

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.0 cubic feet per second.

Description and location of use:

| Twp.  | Range | Sec. | Forty-acre Tract                | No. Acres Described in Permit | No. Acres Actually Irrigated |
|-------|-------|------|---------------------------------|-------------------------------|------------------------------|
| 16 S. | 39 E. | 6    | NW 1/4 SE 1/4<br>SW 1/4 SE 1/4  | 40<br>40                      | 20<br>10                     |
|       |       |      | Total number of acres irrigated |                               | 30                           |

The right to the use of the water aforesaid hereby confirmed is restricted to the kind or kinds of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, at Boise, Idaho,

10 day of December, 1959.

/s/ GEO. W. CARTER

State Reclamation Engineer

(SEAL)

13 2173

## Overlap Review for 13-7105

License 13-2173 Same Source & P/D

$$\frac{1.0 \text{ cfs}}{50 \text{ AC}} = .02 \text{ cfs/AC}$$

P/U T16S R39E Sec 6 NWSE 20  
SWSE 30

(copy attached)

By omitting the above 50 acres from the licensing of 13-7105, we would have no lands overlapping. ✓

Capacity of system = 1.45 cfs ✓

13-2173 1.0 cfs

13-7105 + .84 cfs

✓ 1.84 cfs is greater than capacity

Recommend condition limiting to capacity of system & ✓

TOTAL acres  $92 \times 3.5 = \underline{322 \text{ AF}}$  ✓ ✓

RC  
Jim 11/20  
81

**DEPARTMENT OF WATER RESOURCES**  
FIELD REPORT

1. Name of permit holder Carl W. & Fred P. Burgham  
 Post office address Wister, Idaho Phone 852-2478  
 Person to contact \_\_\_\_\_ Phone \_\_\_\_\_

2. Source of water supply: Groundwater ☐ Surface water ☒ unnamed ponds  
 (name spring, stream, etc.)  
 Tributary to \_\_\_\_\_

3. Water will be used for the following purposes:

Amount 3.1 c.f.s. for irrigation  
 \_\_\_\_\_ AF/Annum (nature of use)

Period of Use: from 4-1 to 11-1  
 (mo.-day) inclusive (mo.-day)

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

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

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

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

Other uses: \_\_\_\_\_

4. Total amount to be appropriated:

Max Rate of Diversion 3.1 cubic feet per second and annual volume \_\_\_\_\_ AF/Annum.

5. Location of Point(s) of Diversion:

Township 14S N/S, Range 39E E/W, B.M., Section 10, Subdivision NE 1/4 SW 1/4 Franklin  
 County \_\_\_\_\_

Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
 County \_\_\_\_\_

Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
 County \_\_\_\_\_

Other Points of Diversions: \_\_\_\_\_

Description of diverting works: 6" intake, 4" discharge, 100 hp diesel motor

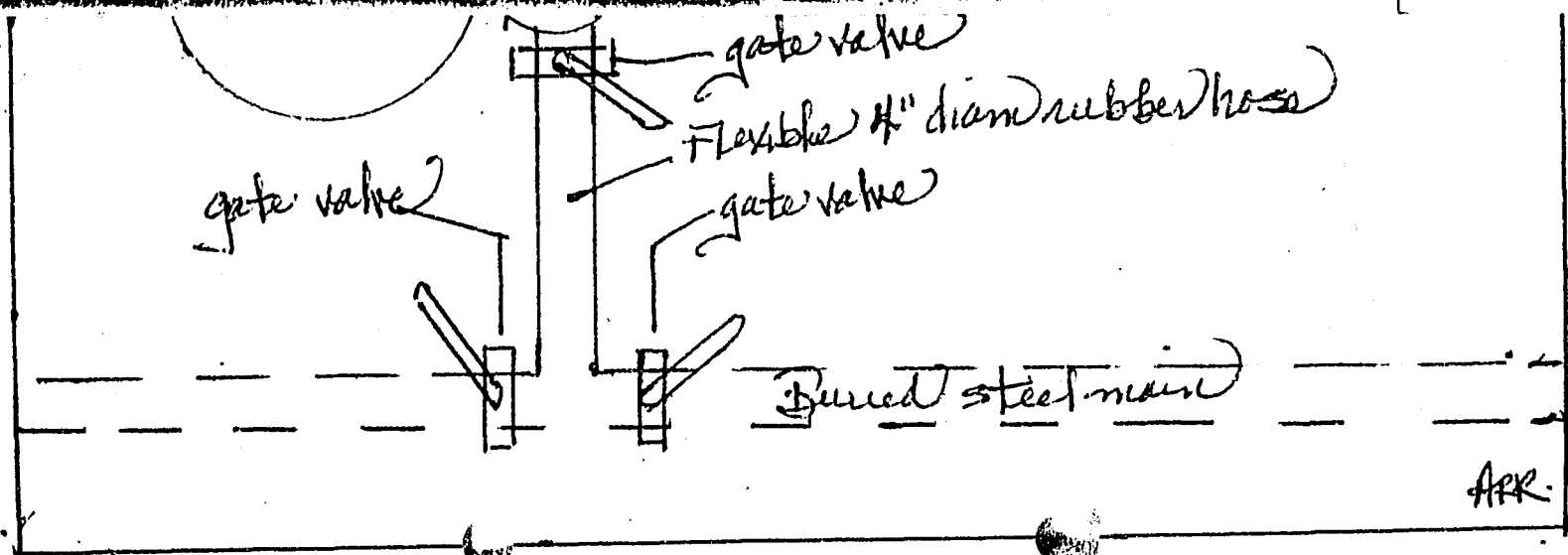
Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

| TWP.       | RANGE      | SEC.     | NE 1/4 |        |           |           | NW 1/4 |        |        |           | SW 1/4 |        |        |        | SE 1/4 |           |           |        | TOTALS     |
|------------|------------|----------|--------|--------|-----------|-----------|--------|--------|--------|-----------|--------|--------|--------|--------|--------|-----------|-----------|--------|------------|
|            |            |          | NE 1/4 | NW 1/4 | SW 1/4    | SE 1/4    | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4    | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4    | SW 1/4    | SE 1/4 |            |
| <u>14S</u> | <u>39E</u> | <u>6</u> |        |        | <u>15</u> | <u>30</u> |        |        |        | <u>30</u> |        |        |        |        |        | <u>40</u> | <u>40</u> |        | <u>155</u> |
|            |            |          |        |        |           |           |        |        |        |           |        |        |        |        |        |           |           |        |            |
|            |            |          |        |        |           |           |        |        |        |           |        |        |        |        |        |           |           |        |            |
|            |            |          |        |        |           |           |        |        |        |           |        |        |        |        |        |           |           |        |            |
|            |            |          |        |        |           |           |        |        |        |           |        |        |        |        |        |           |           |        |            |
|            |            |          |        |        |           |           |        |        |        |           |        |        |        |        |        |           |           |        |            |
|            |            |          |        |        |           |           |        |        |        |           |        |        |        |        |        |           |           |        |            |
|            |            |          |        |        |           |           |        |        |        |           |        |        |        |        |        |           |           |        |            |
|            |            |          |        |        |           |           |        |        |        |           |        |        |        |        |        |           |           |        |            |
|            |            |          |        |        |           |           |        |        |        |           |        |        |        |        |        |           |           |        |            |

TOTAL ACREAGE 155

Permit No. 13-7105  
 Examination for 6/15  
 Department of Water Resources  
 Eastern District Office

[illegible]

Range 39E

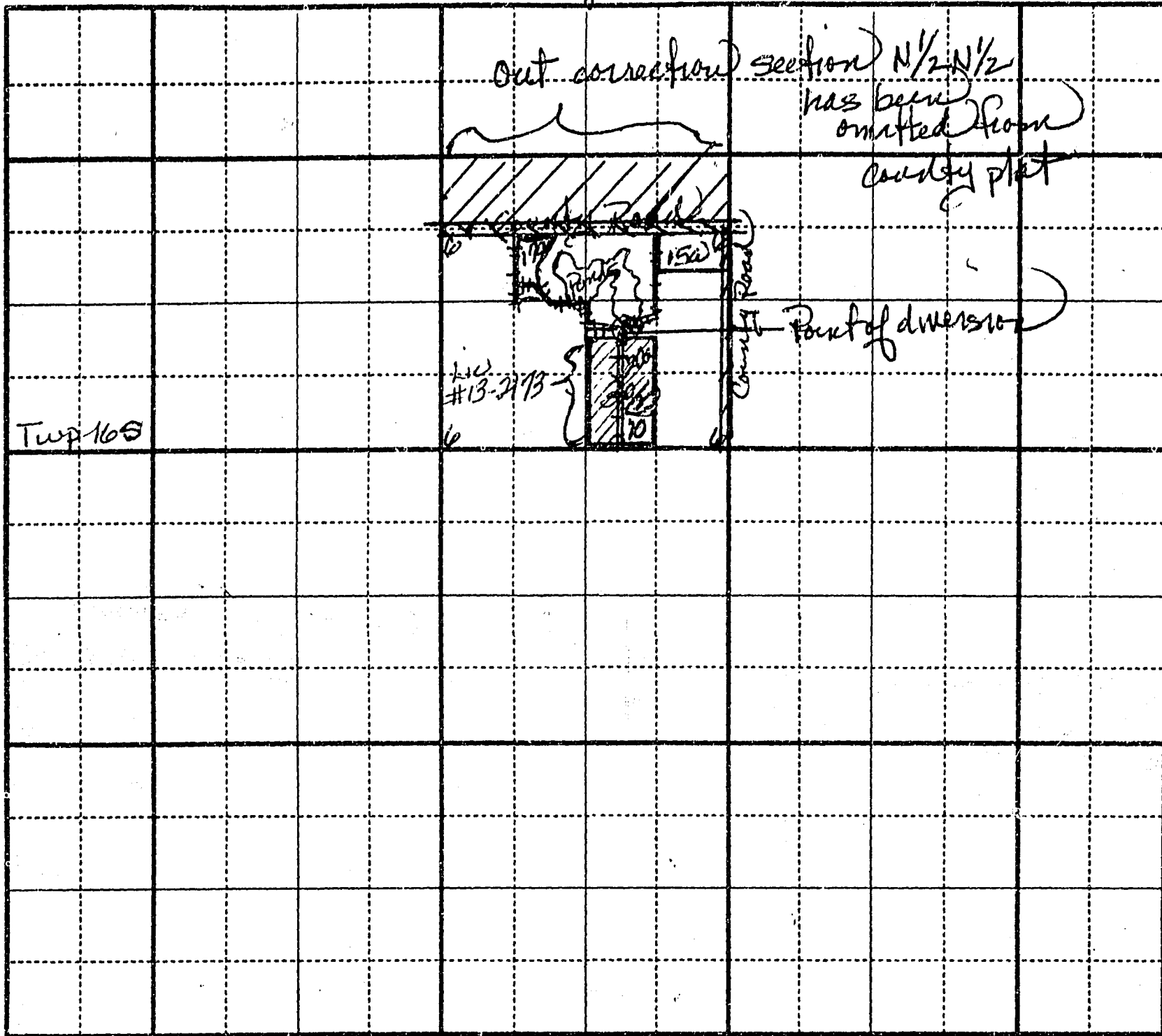
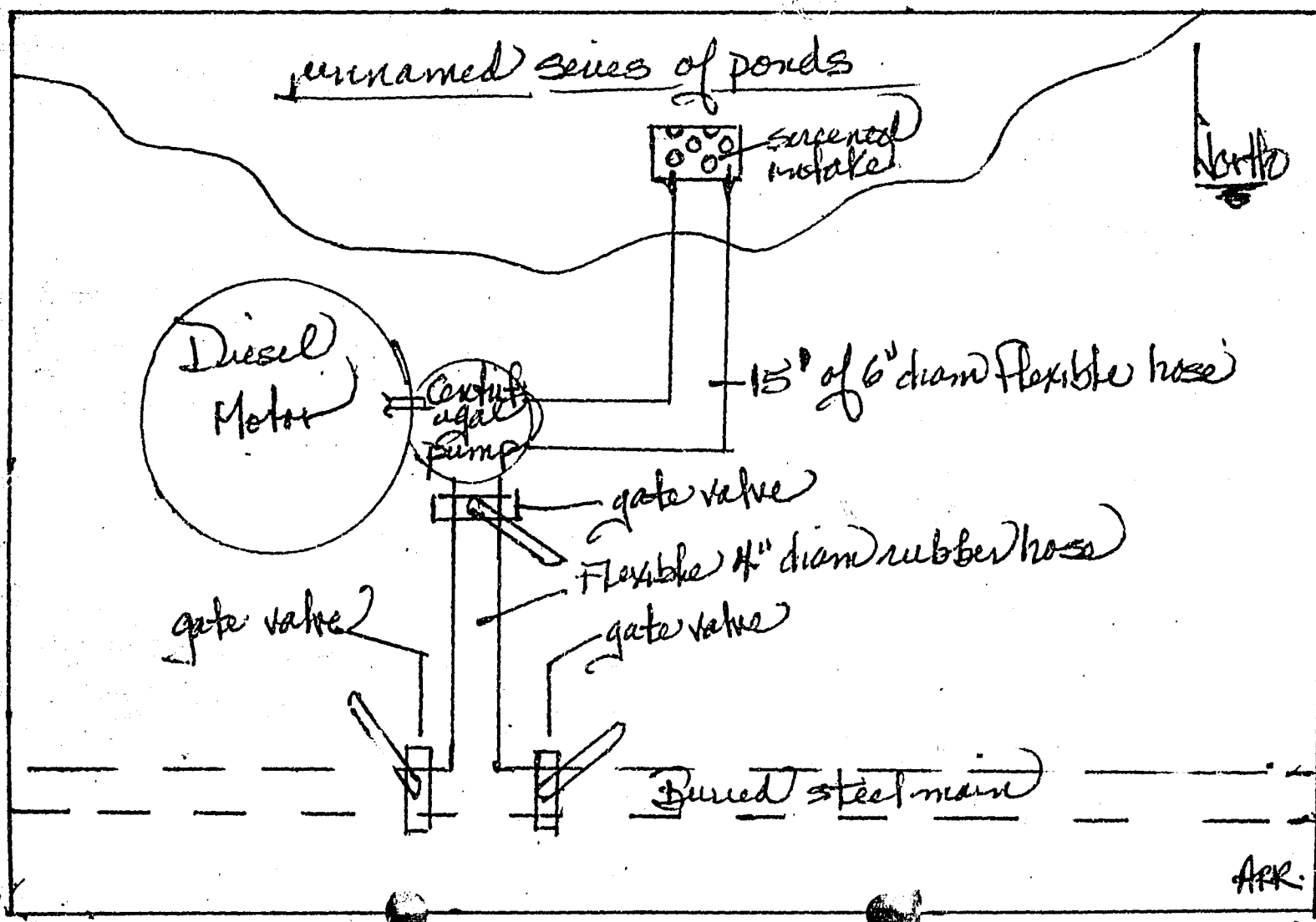


Diagram of System



27th day of June, 1979

Buried steel main

APR

DATE OF EXAM 27th day of June, 1979

ACREAGE

Found

Recommended

920

(See Remarks) ✓

420 ✓

Irrigation Requirement

3.5

Ac Ft/Ac

USE

Irrigation Q = 0.84 ✓ c.f.s.

V = 147 ✓

AF/Ann. from

April 1

to

Nov. 1

Domestic Q = \_\_\_\_\_ c.f.s.

V = \_\_\_\_\_

AF/Ann. from \_\_\_\_\_

to \_\_\_\_\_

Livestock Q = \_\_\_\_\_ c.f.s.

V = \_\_\_\_\_

AF/Ann. from \_\_\_\_\_

to \_\_\_\_\_

Is water co-mingled? yes \_\_\_\_\_ no X

Name source: \_\_\_\_\_

twp. \_\_\_\_\_

N/S, Rge \_\_\_\_\_

E/W, B.M., Sec. \_\_\_\_\_

Sub. \_\_\_\_\_

1/4 \_\_\_\_\_

1/4 \_\_\_\_\_

County \_\_\_\_\_

Exchange? yes \_\_\_\_\_ no X

Name source exchanged with: not applicable

twp. \_\_\_\_\_

N/S, Rge \_\_\_\_\_

E/W, B.M., Sec. \_\_\_\_\_

Sub. \_\_\_\_\_

1/4 \_\_\_\_\_

1/4 \_\_\_\_\_

County \_\_\_\_\_

Point of injection: not applicable

twp. \_\_\_\_\_

N/S, Rge \_\_\_\_\_

E/W, B.M., Sec. \_\_\_\_\_

Sub. \_\_\_\_\_

1/4 \_\_\_\_\_

1/4 \_\_\_\_\_

County \_\_\_\_\_

Point of exchange: not applicable

twp. \_\_\_\_\_

N/S, Rge \_\_\_\_\_

E/W, B.M., Sec. \_\_\_\_\_

Sub. \_\_\_\_\_

1/4 \_\_\_\_\_

1/4 \_\_\_\_\_

County \_\_\_\_\_

Total Q measured 1.45 cfs

Method of measurement

Pitot tube

Total Q recommended 0.84 cfs

Meter No. MR-III

Type Marshall

Condition standard

Total V recommended 147 AF/yr

Recommended Amendments:

P.D. Should be NW 1/4 SE 1/4 Sec 6, Twp 10S Rge 39E B.M. Franklin Co.

Place of Use \_\_\_\_\_

Other \_\_\_\_\_

None \_\_\_\_\_

MEASUREMENT CALCULATION:

See reverse side for pitot tube measurement = 1.45 cfs capacity

Volume = 420 x 3.5 AF/A = 1470 AF/yr

1.9835 AF/day/cfs x 0.84 cfs x 214 days = 356.6 AF/yr

SYSTEM DESCRIPTION:

Surface water is diverted from unnamed ponds by an 80 HP portable diesel John Deere pump motor # X8804 and by a portable Cornell centrifugal pump. Storage is irrigated by a buried steel mainline and 3-1/4 inch wheel move lateral sprinklers.

REMARKS:

System shown operated and described by the permit holder. Note: There is a pre-existing license 13-2173 which overlaps this filing on 50 ac. As the pre-existing filing is for 1 inch/acre on overlapping lands and since the license is from the same source these lands will be omitted from this license.

Examiner's Signature

Anthony R. Kozlowski

Date

Nov. 6, 1979

Checked by

John D. Carlson

Date

4/9/80

Approved by

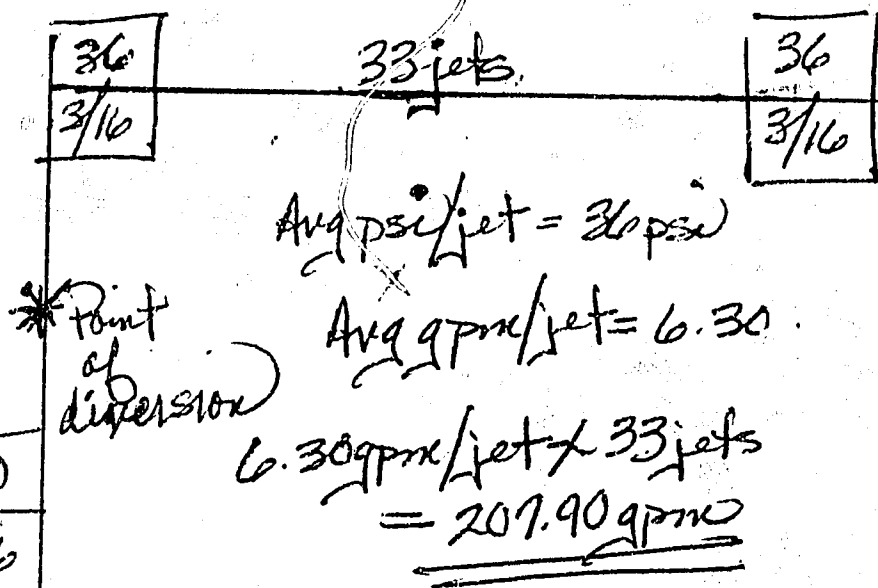
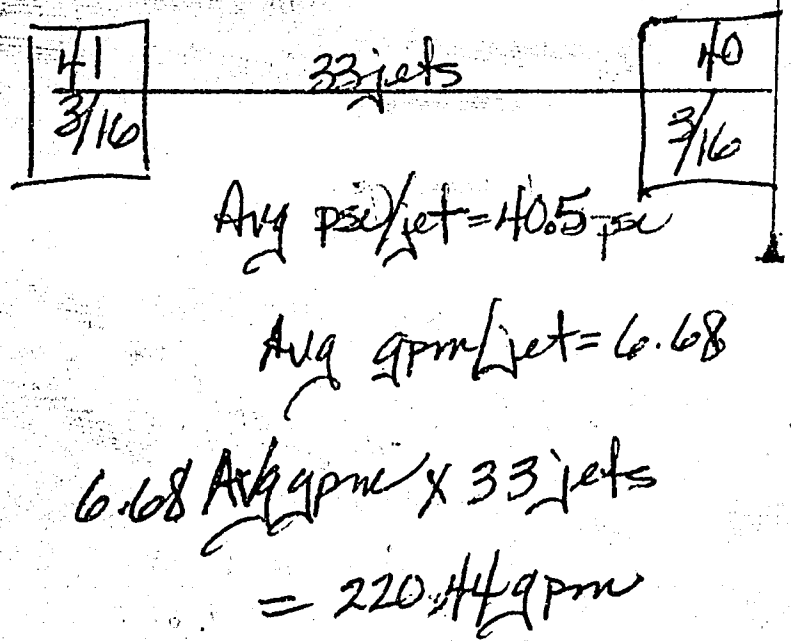
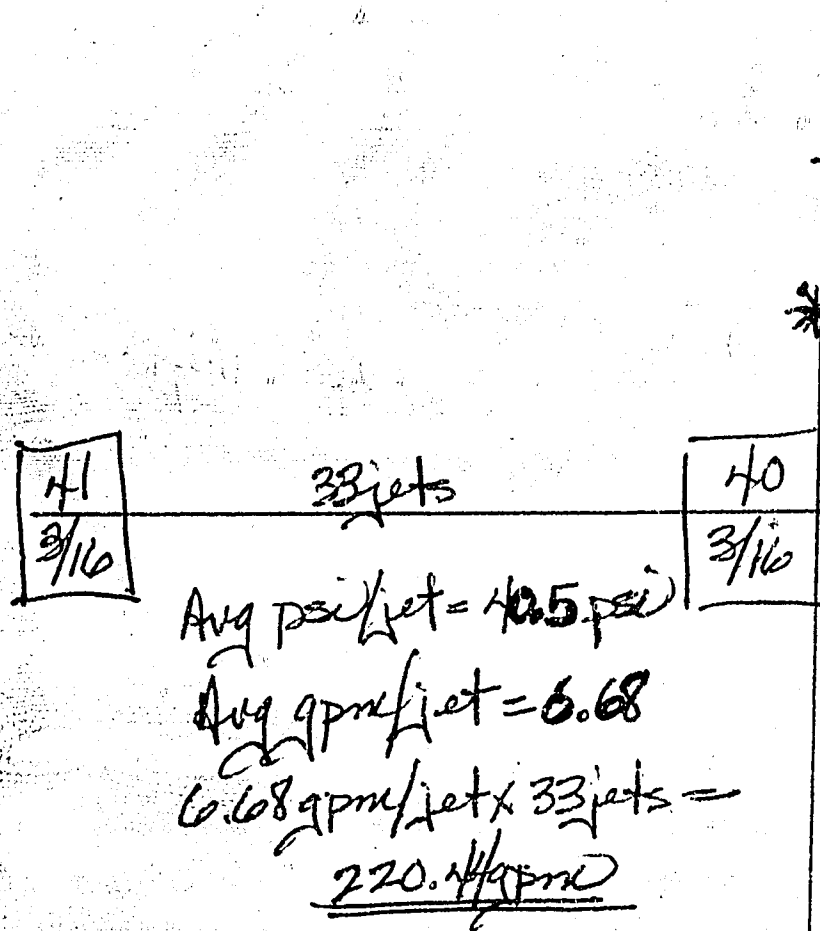
Robyn

Date

11/20/81

Overlap Review attached

# Pitot tube measurement.



Total

|                     |
|---------------------|
| 207.90              |
| 220.44              |
| 220.44              |
| <hr/>               |
| 648.78 gpm          |
| ÷ 448.8 gpm/cfs     |
| <u>= 1.45 cfs ✓</u> |



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

December 7, 1981

RE: Permit No. 13-7105

Carl W. & Fred R. Bingham  
Weston,  
Idaho 83286

Dear Sirs:

A representative of this Department has made an examination of the works covered by your Permit No. 13-7105, and has found the following:

Amount of water that can be recognized as beneficially used under  
Idaho law: 0.84 cfs Source: unnamed ponds trib. to sinks

The maximum quantity diverted shall not exceed 147.0 acre feet per year.

Point(s) of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 6, Twp. 16S, Rge. 39E, Franklin County

Beneficial use: Irrigation of 42 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Sec. 6, Twp. 16S, Rge. 39E

Priority date established: March 14, 1975

Conditions (if any): This right when combined with License 13-2173 shall not  
exceed a total capacity of 1.45 cubic feet per second nor 322.0 afa for the  
lands above.

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

January 28, 1982

RE: Permit No. 13-7105

Carl W. Bingham & Fred R. Bingham  
Weston,  
Idaho 83286

Gentlemen:

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

Sincerely,



JIM JOHNSON  
Water Distribution Supervisor

JJ:kw  
Enclosure