

Identification No. 13 7110
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)

1. Name of applicant TRAVIS BERGESON Phone: 747-3561
post office address Dayton, Idaho
2. Source of water supply Unnamed Drain which is a tributary of --
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 14 Township 15 S
Range 38 E B.M. Franklin County; additional points of diversion if any: _____

_____ b. unnamed pond-slough
If water is not consumed, it will be discharged into on OSLRR right-of-way at a point in NE $\frac{1}{4}$
of NE $\frac{1}{4}$ of Section 23 Township 15 S Range 38 E B.M. _____
4. Water will be used for the following purposes:
Amount 0.50 1.5 TB 7/10/75 for irrigation purpose from May 1 to October 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. 1.5 0.50 TB 7/10/75 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Electric pump placed in pond to be constructed at point of diversion which will receive water discharged from an unnamed drain being constructed on applicant's property.
 - b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 3,000.00.
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:

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	14											20				35		55
15S	38E	23		20															20

Total number of acres to be irrigated 75

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

125 Shares of Twin Lakes Irrigation Co.

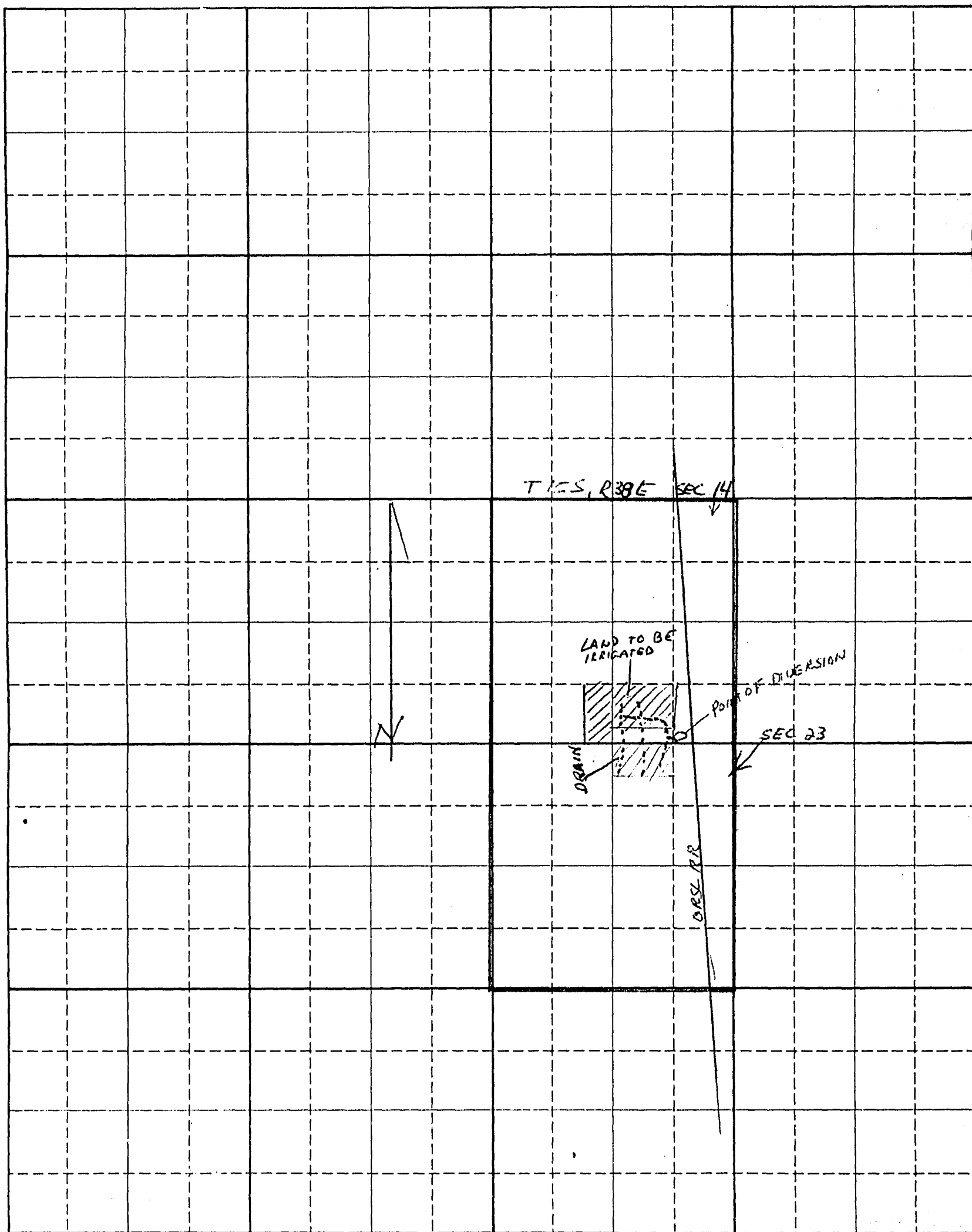
9. a. Who owns the property at the point of diversion Applicant

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 Construction of Drain commenced in February 1975, and it is estimated that the drain will be completed by May 1, 1975 - Drain and proposed pond are designated on attached aerial photograph.

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.

Lewis Bergeson
(Applicant)

Proposed Priority 4-25-1975

Received by CW Date 4-25-75 Time 9:58A

Preliminary check by KOF Fee \$ 35.00

Receipted by MB Date 4-25-75 # 4217

Publication prepared by MB Date 5-1-75

Published in (Preston Citizen)

Publication dates May 8 & 15, 1975

Publication approved CW Date 6-04-75

Priority reduced to _____ Reason _____

Protests filed by: Shirley S. Nash, David
A. Nash, Jr., H. H. Hildon, Lee
C. Hildon

Copies of protests forwarded by MB

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. 13-7110, and said application is hereby APPROVED.

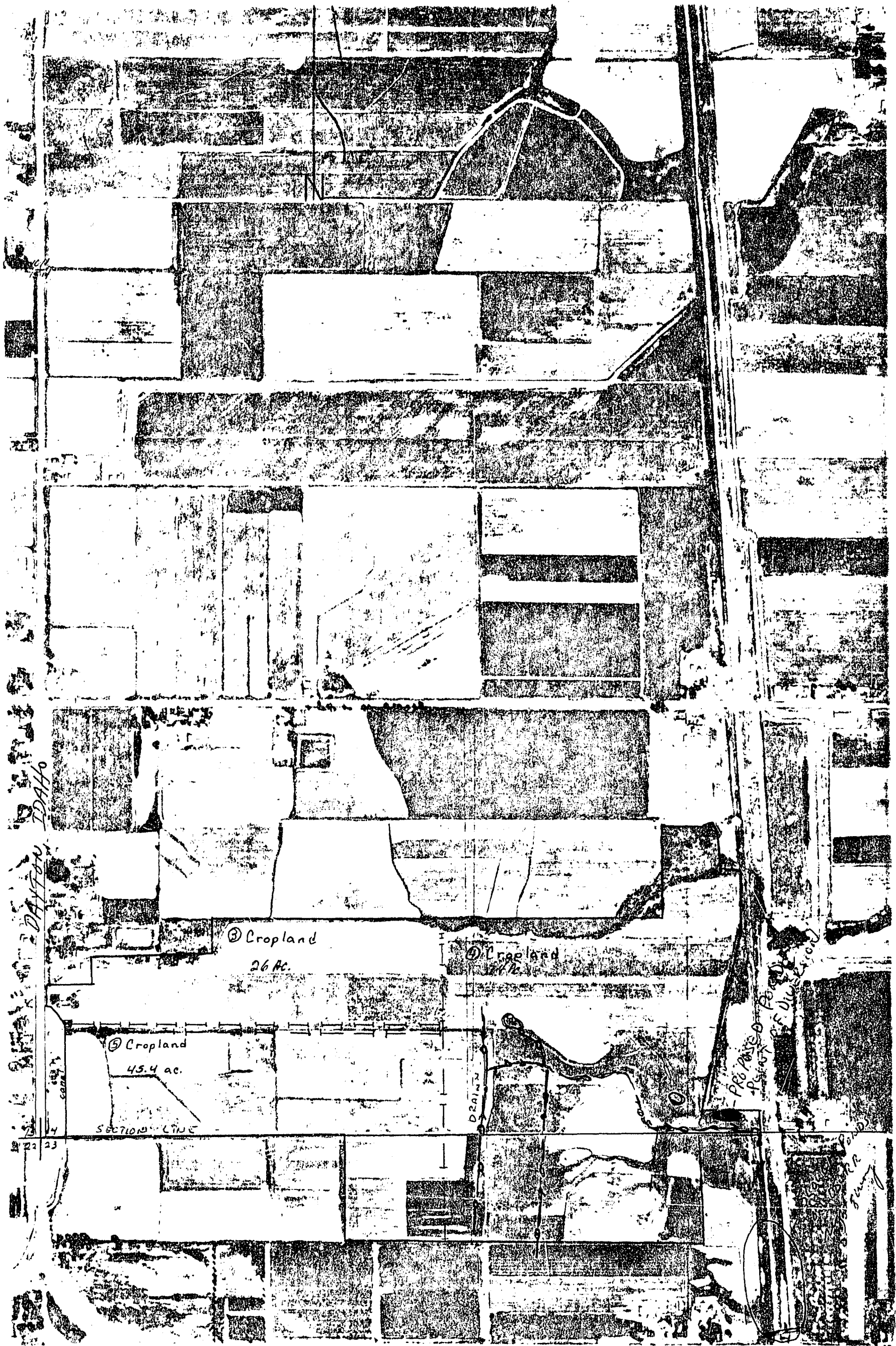
1. Approval of said application is subject to the following limitations and conditions:

- 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 September 1, 19 80.
- c. Other: Pursuant to Memorandum Decision and Order dated September 18, 1975.

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

Witness my hand this 22 day of September, 19 75.

[Signature]
Director



OF AGRICULTURE
SERVICE

RECEIVED

MAY 27 1975

Department of Water Resources
Eastern District Office

May 22, 1975

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 against the application of Travis Bergeson, Dayton, Idaho Application No. 13-7110 for a permit to appropriate 1.5 cfs of water from an unnamed drain at the upper end of the Dayton slough.

David A. Nash Jr. has a water license No. 16646 for the right to use water of Weston-Dayton slough. Said water rights and usage have continued and are still in use and the application No. 13-7110 from the Dayton slough would interfere with and disturb the water rights and priority of the protestant.

Respectfully submitted,

David A. Nash Jr.

David A. Nash Jr.

May 23, 1975

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

RECEIVED

MAY 27 1975

Department of Water Resources
Eastern District Office

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 Travis Bergeson, Dayton, Idaho, on his application dated 4-25-75, application no. 13-7110, for a permit to appropriate 1.5 cubic feet per second of water from an unnamed drain by means of pump and drain within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 15S, R. 38E, B.M., Franklin County; to be used from May 1 to October 1 for the irrigation of 75 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 15S, R. 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 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

May 21 1975

RECEIVED

MAY 23 1975

Department of Water Resources
Eastern District Office

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

Dear Sir:

Notice of Protest is hereby given by Wesley S. Nash of Weston, Idaho, and Protest is hereby made against the application of Travis Bergeson of Dayton Idaho, of his application dated May 15, 1975 No 13-7110 for the permit to appropriate 1.5 cubic feet per second of water from an unnamed drain by means of pump and drain within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec 14, T 15S, R 38E, B.M. Franklin County to be used from May 1 to Oct 1 for the irrigation of 75 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 14 NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 23, T 15S R 38E B.M.

Wesley Nash has Water License no 16646 Priority of Dec 19, 1938 for the right to use water from the Weston Dayton Slough a, tributary of Bear River, My record appears in the State Department Of Reclamation Volume 7, of Licenses Page 4276.

Mr. Bergeson has just bought the land that along the Slough this application no 13-7110 would interfere with and disturb the water right I have

Respectfully Submitted

Wesley S. Nash

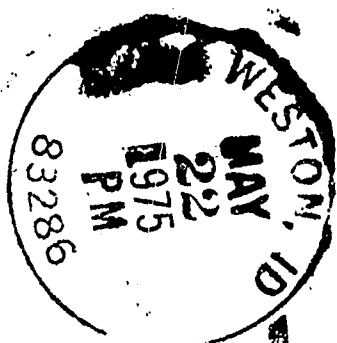
Wesley Nash
Weston Idaho

No. 159423

MAIL

Mr. Ronald Carlson
Idaho Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho

83401



Cent 40

NO 2885

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

May 8, 19 *75*, and ending
with the issue of *May 15*, 19 *75*.

Fees, \$ *12.21*

Subscribed and sworn to before me this *2* day
of *June*, 19 *75*.

Dellana D. Leddes

Notary Public, Residing at Preston, Idaho

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

RECEIVED

JUN 4 1975

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Travis Bergeson, Dayton, Idaho has on 4-25-75 submitted Application No. 13-7110 for a permit to appropriate 1.5 cubic feet per second of water from an unnamed drain by means of pump and drain within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 15S, R. 38E, B.M., Franklin County, to be used from May 1 to October 1 for the irrigation of 75 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$, 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 May 27, 1975.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on May 8 and May 15, 1975.
Legal No. 2885 — Pub. May 8, 15, 1975.

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 13-7110 IN THE NAME OF
TRAVIS BERGESON

MEMORANDUM DECISION
AND ORDER

On April 24, 1975, Travis Bergeson, Dayton, Idaho, applied to the Department of Water Resources for a permit to appropriate 1.50 cubic feet per second of water from an unnamed sub-surface drain with a proposed point of diversion within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Twp. 15S, Rge. 38E, B.M., Franklin County, to be used from May 1 to October 1 for the irrigation of 75 acres of land.

The Department received protests against the granting of the permit from David A. Nash, Jr., H. Ward Nielsen, Lee C. Nielsen, and Wesley S. Nash. A conference was held to consider the protests against said application on July 10, 1975, at Preston, Idaho. The protestants were present and represented by Ralph H. Jones, Attorney at Law. The applicant was present and represented himself.

Both the applicant and protestants were given an opportunity to present testimony and evidence in the matter. The applicant also reduced the amount requested on the application to 0.50 cubic feet per second since that was the maximum flow of the drain.

All parties agreed to allow the Director of the Department to reach a decision on this matter based upon the information presented at the conference.

The Department has taken the matter under consideration and after having reviewed all pertinent testimony and evidence, including that contained in the Department's records, the Director of the Department of Water Resources makes the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

- (1) In 1974, the applicant constructed sub-surface drains in an attempt to reclaim land that had historically been too wet to allow effective farming.
- (2) The maximum flow in the completed drains is 0.50 cubic feet per second of water.
- (3) The information now available in the Department's files and that presented by the protestants at the conference does not show the water being developed by the applicant's drains prior to their construction, to have been tributary to the Weston-Dayton Slough.

CONCLUSIONS OF LAW

- (1) The water developed by the applicant is unappropriated water.
- (2) The protestants failed to show probable cause of interference to their water rights that would result from the approval of this permit.
- (3) The applicant is entitled to a permit from the Department of Water Resources.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 13-7110 is hereby APPROVED subject to the following conditions:

- (1) That this permit, be and is, subject to all prior existing water rights.
- (2) That the permit holder permanently install and maintain a measuring device as part of the diverting works.
- (3) That the overflow from his system be allowed to discharge into the natural drainage of the Weston-Dayton Slough.
- (4) That proof of construction of works and application of water to beneficial use be submitted to the Department on or before October 1, 1980.

Dated this 19 day of September, 1975.


R. KEITH HIGGINSON
Director

BDF:jfr

J. DENNIS (J. D.) WILLIAMS
ATTORNEY & COUNSELOR AT LAW
24 NORTH STATE - P. O. BOX 191
PRESTON, IDAHO 83263

J. D. WILLIAMS
LOWELL D. CASTLETON
LAW INTERN

RECEIVED
APR 25 1975

Department of Water Resources
Eastern District Office
TELEPHONE: 268-2680

April 22, 1975

Idaho Department of Water Administration
Eastern District Office
240 South Holmes Avenue
Idaho Falls, Idaho 83401

Dear Sir:

Enclosed please find the Water Application for Mr. Travis E. Bergeson, along with the \$35.00 application fee.

Yours very truly


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

JDW/jp

Enc..

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Bergeson

- ☒ 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) KOF 4-25-75

In form to receipt

(2) " "

Send Copies to:

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

(3) " "

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

(4) " "

In form for advertising

(5) " "

Platted on Map No. NA

(6) " "

Located within Water District No. NA

(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 G.W. rights per plots. 125 shares of canal water per Application.

(11) MB 6/4/75

Affidavit of Publication received(date) June 4, 1975

(12) RDC 9/11/75

Final date for protests May 27, 1975

Protests received: yes X no no

(13) 11 11

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

(14) 11 11

Action recommended:

Approve

RECEIVED

Deny

4/25/75

Proposed Priority SEP 15 1975

Reason for Reduction Department of Water Resources

Measuring device required

MEMO DECISION

See attached sheet for other conditions of approval

No special conditions for approval

(15) District E

By RDC

Date 9/11/75

Copy
88

May 1, 1975

RE: Application for Permit No. 13-7110 TRAVIS BERGESON

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

Dear Mr. Williams:

Attached herewith is departmental receipt No. 4217 in the amount of \$35.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB

Attachment

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Travis Bergeson,

Dayton, Idaho

has on 4-25-75 submitted Application No. 13-7110

for a permit to appropriate 1.5 cubic feet per second ~~XXXXXX~~

of water from an unnamed drain

by means of pump and drain

within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 15S, R. 38E, B.M., Franklin County;

to be used from May 1 to October 1

for the irrigation of 75 acres

within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$, 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 May 27, 1975.

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho

on May 8 and May 15, 1975

*CW-H
CW-H
CW-H*

128
**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Travis Bergeson, Dayton, Idaho has on 4-25-75 submitted Application No. 13-7110 for a permit to appropriate 1.5 cubic feet per second of water from an unnamed drain by means of pump and drain within the SE¹₄SE¹₄, Sec. 14, T. 15S, R. 38E, B.M., Franklin County; to be used from May 1 to October 1 for the irrigation of 75 acres within the SE¹₄SW¹₄, SW¹₄SE¹₄, Sec. 14, NW¹₄NE¹₄, 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 May 27, 1975.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on May 8 and May 15, 1975.

Legal No. 2885 — Pub. May 8, 15, 1975.

May 2, 1975

RE: Application for Permit No. 13-7110 BERGESON

Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

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

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

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

Very truly yours,

RONALD D. CARLSON
District Engineer

Bill submitted 6-4-75 by MB

RDC:MB

Enc: Legal Notice (1)



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

May 23, 1975

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

R. Keith Higginson
Director

Mr. Travis Bergeson
Dayton
Idaho 83232

Dear Mr. Bergeson:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 13-7110. 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 41-202, 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
District Engineer

RDC:MB

Enc: Copy of Protest(s)



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

May 23, 1975

RE: Application for Permit No. 13-7110 BERGESON

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
District Engineer

RDC:ME

May 27, 1975

RE: Application for Permit No. 13-7110 BERGESON

C
O
P
Y
The Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on May 8 and May 15, 1975.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
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

May 28, 1975

RE: Application for Permit No. 13-7110

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?
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- (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
District Engineer

RDC: MB

bc: IDWR - State



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

May 28, 1975

RE: Application for Permit No. 13-7110

Mr. H. Ward Nielsen
Weston
Idaho

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
District Engineer

RDC:ME

bc: IDWR - State



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

May 28, 1975

RE: Application for Permit No. 13-7110

Mr. Lee C. Nielsen
Weston
Idaho

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
District Engineer

RDC: MB

bc: IDWR - State

May 28, 1975

C RE: Application for Permit No. 13-7110

O Mr. Travis Bergeson
Dayton
Idaho 83232

Dear Mr. Bergeson:

P Enclosed please find copies of additional protests filed against the
issuance of a permit pursuant to the above referenced application.

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

Very truly yours,

Y RONALD D. CARLSON
District Engineer

RDC:ME

Enclosures

June 2, 1975

RE: Application for Permit No. 13-7110 BERGESON

C
O
P
Y

The Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on May 8 and May 15, 1975.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB

June 17, 1975

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

Dear Sir:

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

Thank you for your cooperation in this matter.

P
Very truly yours,

V
RONALD D. CARLSON
District Engineer

I
RDC:MB

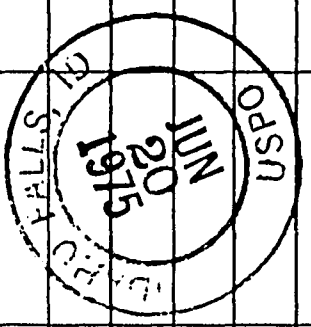
DEPARTMENT OF WATER RESOURCES
 EASTERN DISTRICT OFFICE
 1515 LINCOLN ROAD
 IDAHO FALLS, IDAHO 83401

NAME AND ADDRESS OF SENDER

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

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

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	FEE	R. R. FEE	REST. DEL. FEE	ACTUAL VALUE	SURCHARGE	REMARKS
1	Edward Bremer, Director	10	30	15				13-7110
2	Reeling J. Spaul, Merton	10	30	15				13-7110
3	Joe P. Williams, Merton	10	30	15				13-7110
4	W. Ward Williams, Merton	10	30	15				13-7110
5	David H. Spaul, Jr., Merton	10	30	15				13-7110
6	Robert W. Jones, Mt. Central Bldg, Graceth	10	30	15				13-7088
7	John Lawrence, Merton	10	30	15				13-7088
8	William J. McKay, Merton	10	30	15				13-7088
9	J. Bradley Gilbert, Rt 1, Merton	10	30	15				13-7088
10								
11								
12								
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16								
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18								
19								
20								



TOTAL NO. OF PIECES LISTED BY SENDER: 9
 TOTAL NO. OF PIECES RECD AT P. O.: 1
 POSTMASTER, PER (Name of receiving employee):
 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. 13-7110)
in the name of TRAVIS BERGESON)
_____)

NOTICE OF CONFERENCE

AND/OR HEARING

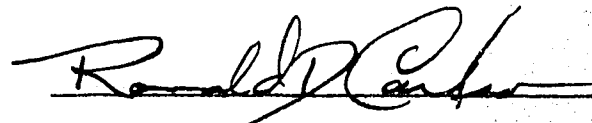
On April 25, 1975, Travis Bergeson filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On May 23, 1975, the Department received a protest against approval of said application from Wesley S. Nash. On May 27, 1975, the Department received additional protests from David A. Nash, Jr. and a protest signed by H. Ward Nielsen and Lee C. Nielsen.

The Department has set the matter of protests for conference and/or hearing for Thursday, July 10, 1975, at 11:00 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.

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 19th day of June, 1975.



RONALD D. CARLSON

District Engineer

PS Form 3811, Nov. 1973

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

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

2. ARTICLE ADDRESSED TO:
W. Hard Nielsen

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 698

(Always obtain signature of addressee or agent)
 I have received the article described above.
 SIGNATURE
Nancy P. Nielsen

4. DATE OF DELIVERY POSTMARK
6-21-75 1975

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

★ GPO : 1974 O - 527-803

PS Form 3811, Nov. 1973

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

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

2. ARTICLE ADDRESSED TO:
Lesley S. Nash

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 696

(Always obtain signature of addressee or agent)
 I have received the article described above.
 SIGNATURE
Charles Nash

4. DATE OF DELIVERY POSTMARK
6-21-75 1975

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

★ GPO : 1974 O - 527-803

PS Form 3811, Nov. 1973

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

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

2. ARTICLE ADDRESSED TO:
Travis Bergeson

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 695

(Always obtain signature of addressee or agent)
 I have received the article described above.
 SIGNATURE
Mrs. Travis Bergeson

4. DATE OF DELIVERY POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

★ GPO : 1974 O - 527-803

PS Form 3811, Nov. 1973

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

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

2. ARTICLE ADDRESSED TO:
David A. Nash, Jr.

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 699

(Always obtain signature of addressee or agent)
 I have received the article described above.
 SIGNATURE
D. A. Nash Jr.

4. DATE OF DELIVERY POSTMARK
6-23-75 1975

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

★ GPO : 1974 O - 527-803

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**

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

JUN 25 1975

Department of Water Resources
Eastern District Office



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

1975
P.M.
83232

RECEIVED

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**

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

JUN 24 1975

Department of Water Resources
Eastern District Office



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

RECEIVED

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**

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

JUN 24 1975

Department of Water Resources
Eastern District Office



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

RECEIVED

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

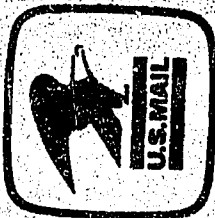
- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**

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

JUN 24 1975

Department of Water Resources
Eastern District Office



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

RECEIVED

Travis Bergeson - 13-7110

Courtroom, Franklin County Courthouse, Preston, Idaho

July 10, 1975 - 11:00 a.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
Leo Nielsen	Weston	
Ralph H. Jones	Pocatello	Protestants
A. Ward Nielsen	Weston	
Wesley Mark	Weston	
Travis Bergeson		

RE: Application for Permit No. 13-7110

in the name of TRAVIS BERGESON

We agree that all of the facts pertinent to this matter have been presented during the conference held on JULY 10 at PRESTON, IDAHO. We, therefore, waive our right to a formal hearing at this time and agree to allow the Department of Water Resources to rule on this matter based upon the information presented here today and information available in the official files of the Department.

Signed at Preston, Idaho this 10th day of July, 1975.

Lee L. Nielsen
H. Ward Nielsen
Shelby A. Vash
Travis Bergeson

July 15, 1975

C
RE: Application for Permit No. 13-7110 TRAVIS BERGESON

O
Mr. Ralph Jones
Attorney at Law
Central Building
Pocatello, Idaho 83201

Dear Mr. Jones:

P
Please find enclosed a copy of the application which Travis Bergeson amended at the conference held on July 10, 1975. The Department is in the process of preparing a decision in this matter and it should be completed by the end of this month.

Very truly yours,

Y
RONALD D. CARLSON
District Engineer

RDC:mb

Enclosure

September 23, 1975

Re: Permit No. 13-7110

Mr. Travis Bergeson
Dayton,
Idaho 83232

Dear Mr. Bergeson:

Enclosed is a copy of your approved Application for Permit No. 13-7110. We direct your attention to the conditions of approval as listed on the fourth page.

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

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

cc: Copy of Order to:
David A. Nash, Jr.
H. Ward Nielsen

Lee C. Nielsen
Wesley S. Nash

September 25, 1975

Re: Permit No. 13-7110

Mr. Travis Bergeson
Dayton,
Idaho 83232

Dear Mr. Bergeson:

Enclosed is an amendment form which you requested. The filing fee for this amendment is \$10.00 which you may remit to this office when you return the amendment form.

Sincerely,

JANICE F. ROHM
Secretary

JER

RECEIVED

State of Idaho
Department of Water Resources

JUL 25 1977

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Travis Bergeson, hereby assign to Sheldon Beutler
of Dayton, Idaho
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 13 7110
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 19 day of July, 19 77.

Travis Bergeson
Permit Holder

Rae Bergeson
Spouse of Permit Holder

State of Idaho

County of Franklin

ss.

On this 21 day of July, 19 77, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

[Signature]
Notary Public residing at

Dayton, Idaho

My commission expires:

April - 29 - 1980

Receipt # 8553

RECEIVED

JUL 25 1977

Department of Water Resources

APPLICATION FOR AMENDMENT

Permit No. 13 7110

Comes now Lewis Bergeson of (address) _____
Dayton, Idaho, and represents to the Director of
the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 13 7110, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14 Twp. 15S
Rge. 38E, B.M., County of Franklin. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount .50 for irrigation purposes from april 1 to nov 1, (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum)

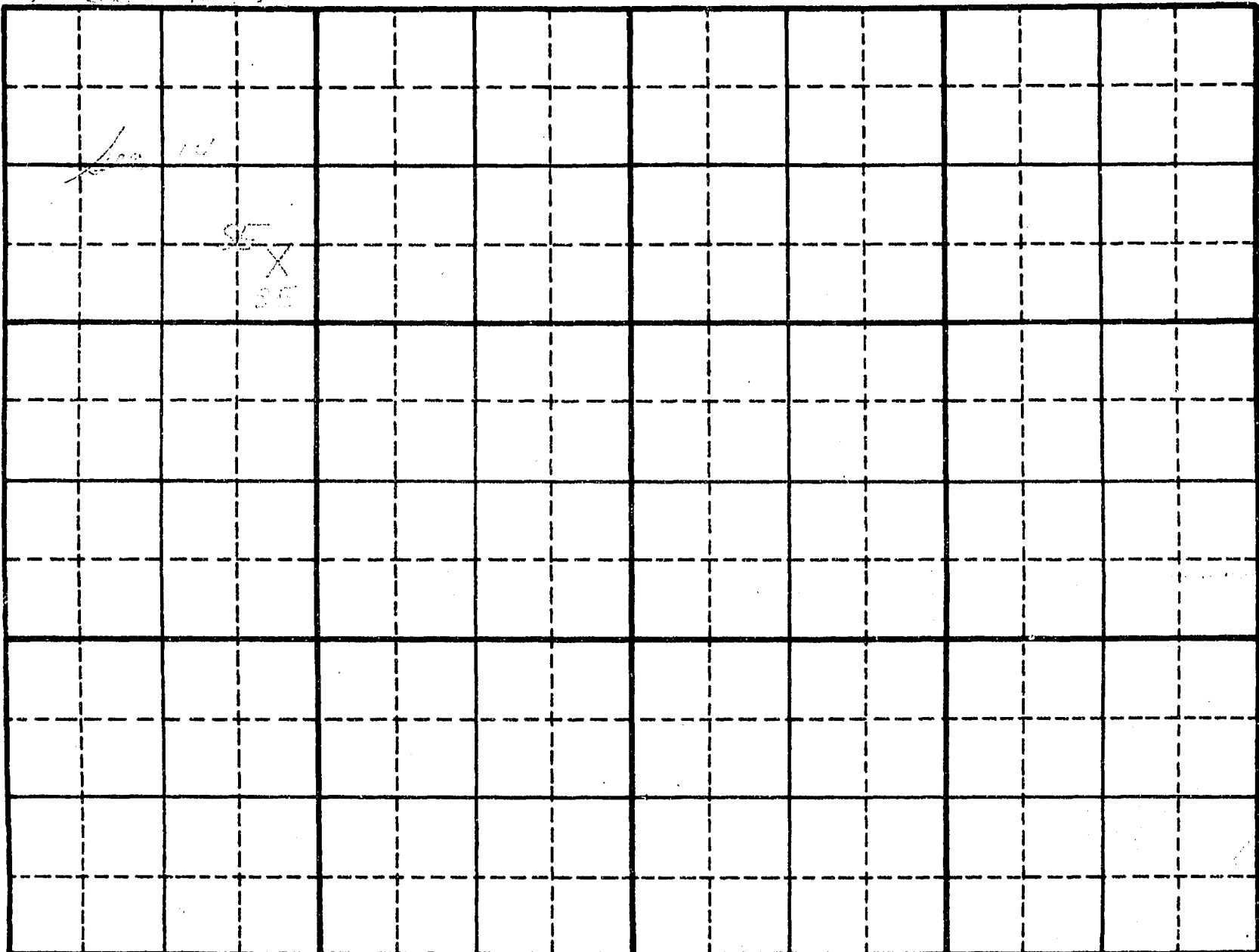
3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated

~~80~~ 75

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at 7:00 PM, this 19 day of July, 19 77.

Haris Bergeson
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Chief, Operations Bureau

I, BOBBY D. FLEENOR, Director of the Department of Water Resources

hereby APPROVE the above application for amendment on Permit No. 13-7110.

Witness my hand this 27 day of July, 19 77.

Bobby D. Fleenor
Director

Chief, Operations Bureau

July 18, 1977

C
Re: Permit Nos. 13-7110 and 13-7148

O
Mr. Travis Bergeson
Dayton, ID 83232

P
Dear Mr. Bergeson:

Enclosed are copies of your Permit Nos. 13-7110 and 13-7148, which you requested today.

We are sending you another Application for Amendment, as we noted from the file that you requested this form in September, 1975. The form was sent at that time, but was never returned to us. An Amendment must be filed in order to change a point of diversion or place of use on a permit.

Also enclosed, is an Assignment of Permit for the land you are selling under Permit No. 13-7110. You should complete and return this form when you land and water right are sold.

If you have any questions, please contact us.

Sincerely,

CARROL A. HOMUTH
Senior Clerk

CAH

Enclosures

July 27, 1977

Re: Permit No. 13-7110

Sheldon Beutler
Dayton,
Idaho 82232

Dear Mr. Beutler:

We acknowledge receipt of the assignment submitted conveying the above referenced permit to you. The assignment has been recorded and the Department's records changed.

Also enclosed is a copy of the approved application for amendment submitted for this permit along with Receipt No. 8553 for \$10.00 covering the amendment filing fee.

If you have any questions concerning this matter, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:j

Enc: Copy of amendment
Receipt No. 8553

cc: Travis Bergeson

Rdu

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 13 7110.

Name(s) of Permit Holder: SHELDON BEUTLER

Post Office Address: Box 130
Weston, Idaho 83286

Source of Water: _____

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

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

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

8-9-79
Date

Sheldon Beutler
Signature of Permit Holder

RECEIVED

AUG 9 1979

Department of Water Resources
Eastern District Office



PLACE
TEN CENT
STAMP
HERE

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

RECEIVED

OCT 2 1979

Department of Water Resources

September 28, 1979

RE: Permit No. 13-7110

Sheldon Beutler
Box 30
Weston, ID 83286

Dear Mr. Beutler:

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

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

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

Very truly yours,

JACKIE S. DENNING
Senior Clerk

cc: IDWR - State Office

STATE OF IDAHO

RECEIVED

JAN 27 1982

LICENSING

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Sheldon Beutler Phone _____
of (address) Weston, Idaho, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 13-7110, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE ¼ NE ¼, Section 23, Township 15S, Range 38E, B.M.,
County of Franklin. Other points of diversion: _____

Re-diversion SE ¼ SE ¼, Sec. 14, Twp. 15S, Rge. 38E

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount .50 for irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre feet per annum)

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

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

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

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	38E	14																16	16
		13									13		20	20		6			59

Total number of acres to be irrigated = 75

4. a. Who owns the property at the point of diversion? TRAVIS BERGESON
b. Who owns the land to be irrigated or the place of use? SHELDON BEUTLER
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: _____

Show 40-acre subdivisions, townships, ranges and ditches.

T 155 R 38 E

SEC 14

SE
X
SE
X

SEC 23

Scale: 2 inches equal 1 mile.

Signed at 8: Am, this 25 day of JANUARY, 19 82.

Shelton Burtis
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by Jeni Fee = \$20.00

Received by 79 Date 2-25-82 #21785

Publication prepared by N/A Date _____

Published in _____

Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, of the Department of Water Resources hereby APPROVE the above Application for Amendment of Permit No. 13-7110.

Witness my hand this 25TH day of May, 19 82

Norman C Young
for the Director

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 13-7110 Priority April 25, 1975 Amount 0.50 cfs

THIS IS TO CERTIFY, that Sheldon Beutler
of Weston, Idaho, has complied with the terms and conditions of Permit
No. 13-7110 issued pursuant to Application for Permit dated April 25, 1975,
and has submitted proof to the Department of Water Resources on August 9, 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 0.72 cfs of water from unnamed drain,
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
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>0.50</u> cfs and	<u>212.0</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 0.50 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
212.0 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Twp.
15S, Rge. 38E in the County of Franklin

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15S	38E	13									13		20	20			6		59
		14																16	16

Total number of acres irrigated 75

This right when combined with all other rights shall provide no more than 0.02
cfs per acre nor more than 3.5 afa per acre 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.

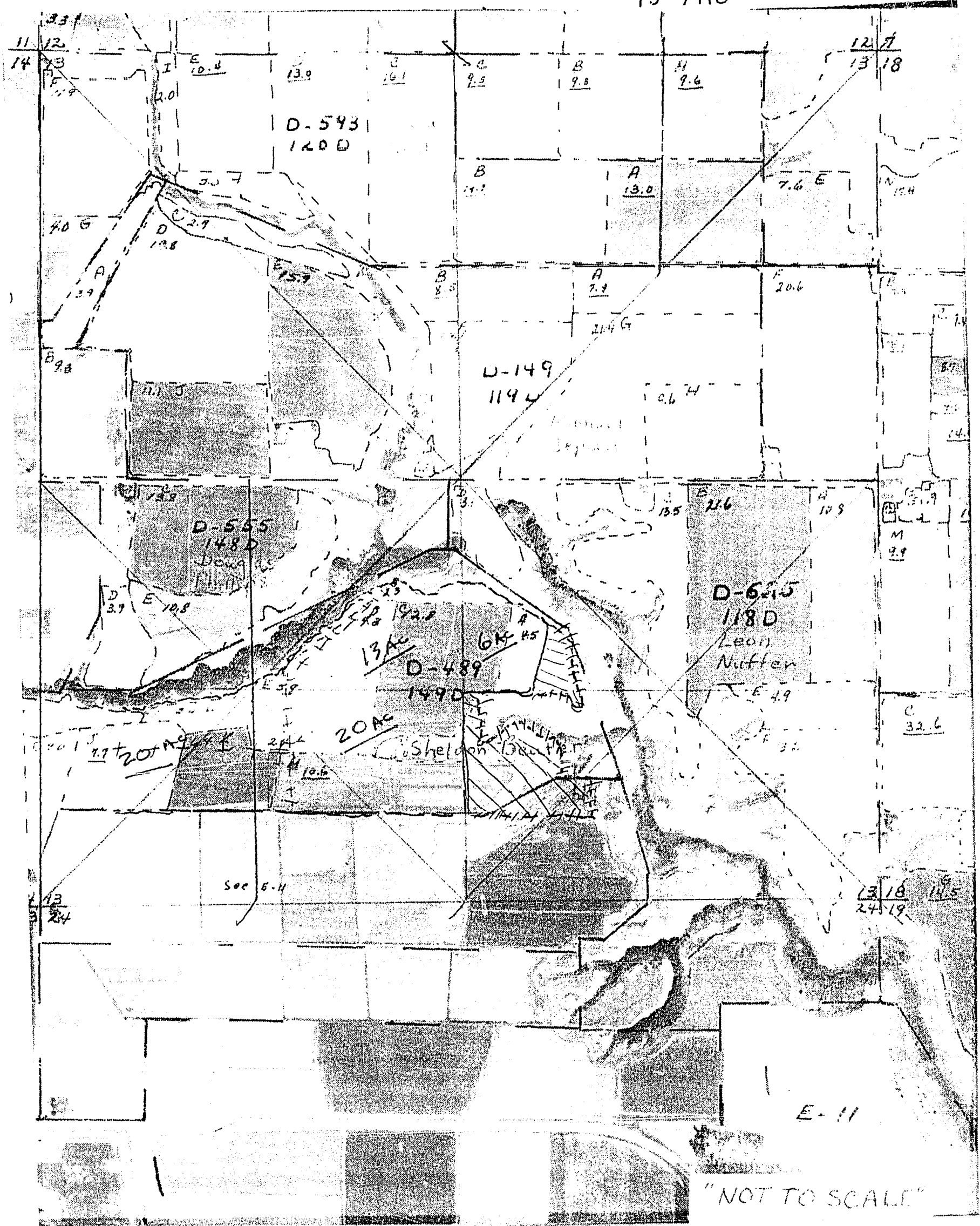
The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25th day of
May, 19 82.

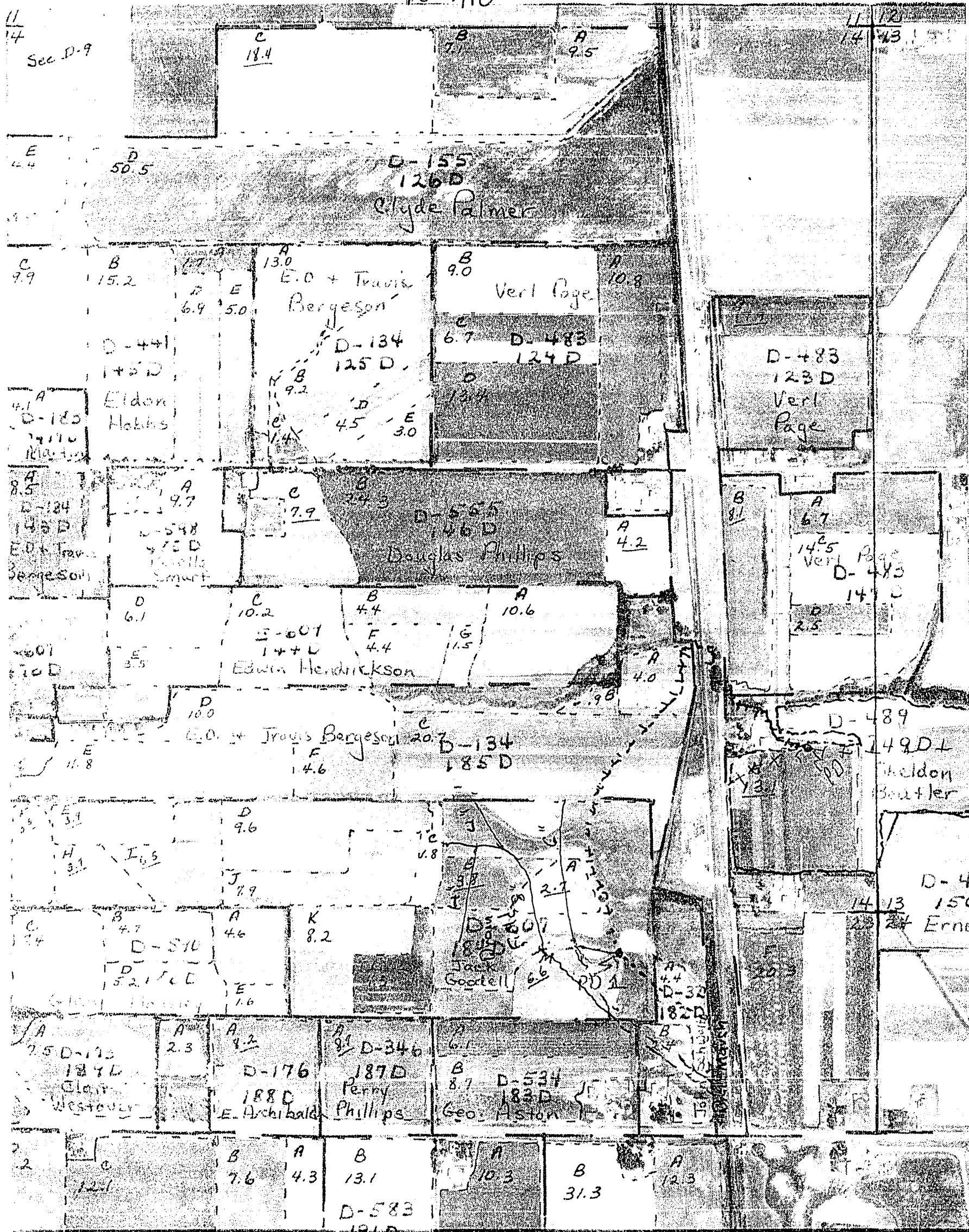
Acting for the Director

Norman C Young

13-7110



13-7110



11/15/80 still down

13-7110

Permit No.

REMARKS

- (Date, time, location)

Methods of measurement Stopwatch / measuring Tape Meets Permit requirements?

$$V = 0.5 \text{ cfs} \times 1.9835 \times 214 \text{ days} = 212 \text{ af/a}$$

Allow .50cfs as per permit

System Description From Drain-water collection well, 6' deep x 48" diam., to Shp Motor + pump thru 4" line (buried). To a Rediversion Pt (collection chamber 4'x5'x 6' deep) approx 1/3 mile to the NE. Water is then pumped by 25Hp Motor + Cornell Centrifugal pump to 6" ^{to} 8" buried mainline.

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

Irrigation requirement = 3.5 AFA/Acre

TO

Irrigation

0.50

212 AF/c

April 1

Nov. 1

Total

Remarks

13-2162

Five mile creek

→ no overlap different sources.

13-7148

- Groendwater

Permit No. 2014-0012 due to stage

13-7256

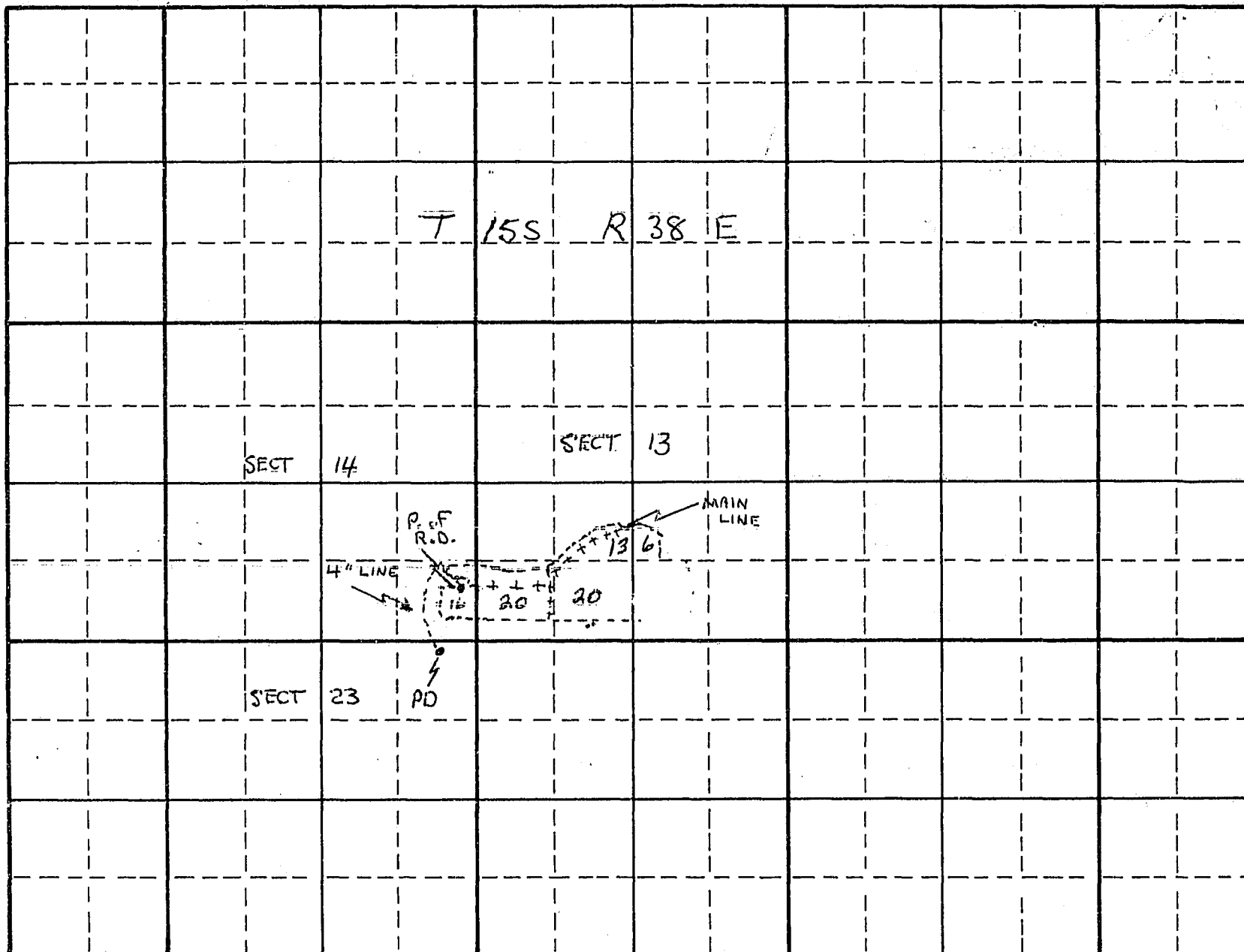
unusual design

→ Permit No Overlap due to stage

1/20/82

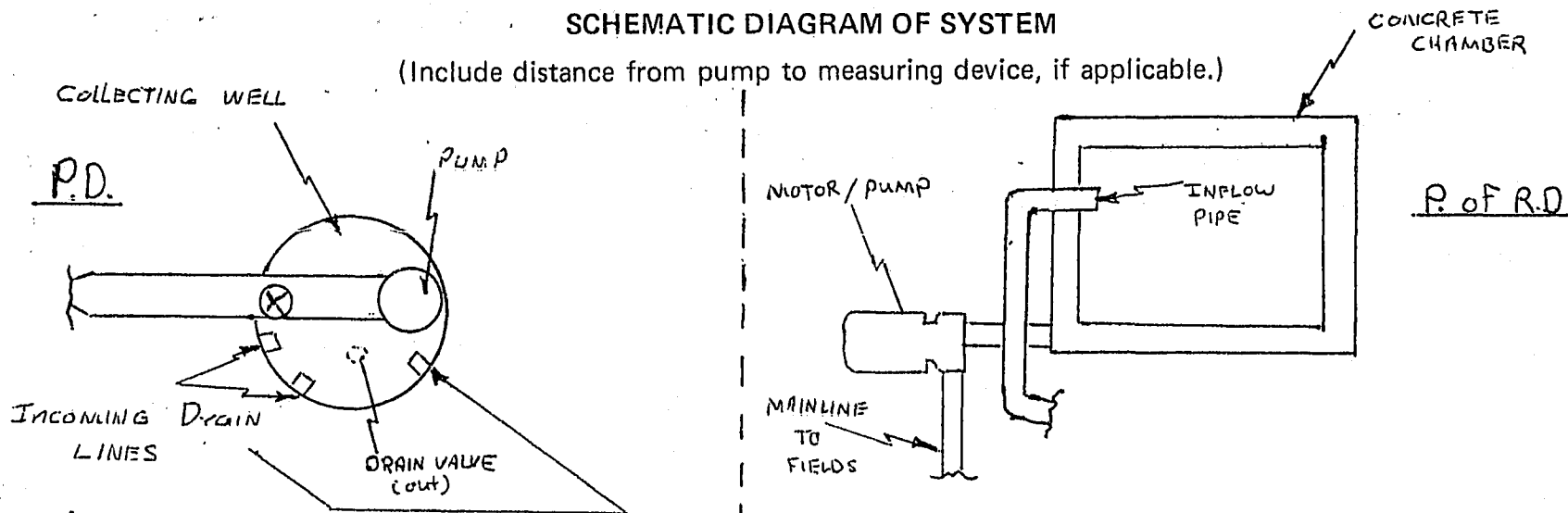


MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

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



Point(s) of diversion: NE 1/4 of NE 1/4 SECT 23 T15S R38E

Point of Rediversion: SE of SE SECT 14 T15S R38E

Place(s) of Use

TWP.	RGE.	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	14																16	16
15S	38E	13									13		20	20		6			59
																			75

Recommended Amendments:

- ☒ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☒ Add P.U. as reflected above

- ☐ None
☐ Other

Examiner's Signature John Jones

Checked by John Jones

by John Jones

Date 11/10/80

Date 11/10/80

Date 12/1/81



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

January 18, 1982

RE: Permit No. 13-7100

Sheldon Beutler
Box 130
Weston, ID 83286

Dear Mr. Beutler:

A representative of this Department made an examination of the works covered by your Permit No. 13-7110 and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 0.50 cfs Source: unnamed drain

The maximum quantity diverted shall not exceed 212.0 acre feet per year.

Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, Twp. 15S, Rge. 38E, Franklin County
Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Twp. 15S, Rge. 38E
Beneficial use: Irrigation of 75 acres within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Twp. 15S, Rge. 38E

Priority date established: April 25, 1975

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

May 26, 1982

RE: Permit No. 13-7110

Sheldon Beutler
Box 130
Weston, ID 83286

Dear Mr. Beutler:

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of the approved application for amendment. Also enclosed is Departmental Receipt No. 21785 in the amount of \$20.00 for the filing fee on the amendment.

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.

Should you have any questions, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosures