

Identification No. 13 7126
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Burnell H. Baird Phone: 852-0709
post office address Rt. #2, Preston, Idaho 83263
2. Source of water supply spring which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 6 Township 13S
Range 41E B.M. Franklin County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Bear River at a point in SE $\frac{1}{4}$
of NW $\frac{1}{4}$ of Section 6 Township 13S Range 41E B.M. Franklin County
4. Water will be used for the following purposes:
Amount 0.08 for domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.08 for irrigation purpose from May 1 to Oct. 31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.18 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. spring is developed and run on pipe
to water stock, house or sprinkler.

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 \$ 2,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 31 Township 12S
Range 41E 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 50 head of beef cattle

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 2.
(5) If water is to be used for other purposes describe: Household and gardening

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

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 $\frac{1}{4}$	
12S	41E	31											4						4

Total number of acres to be irrigated 4

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

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

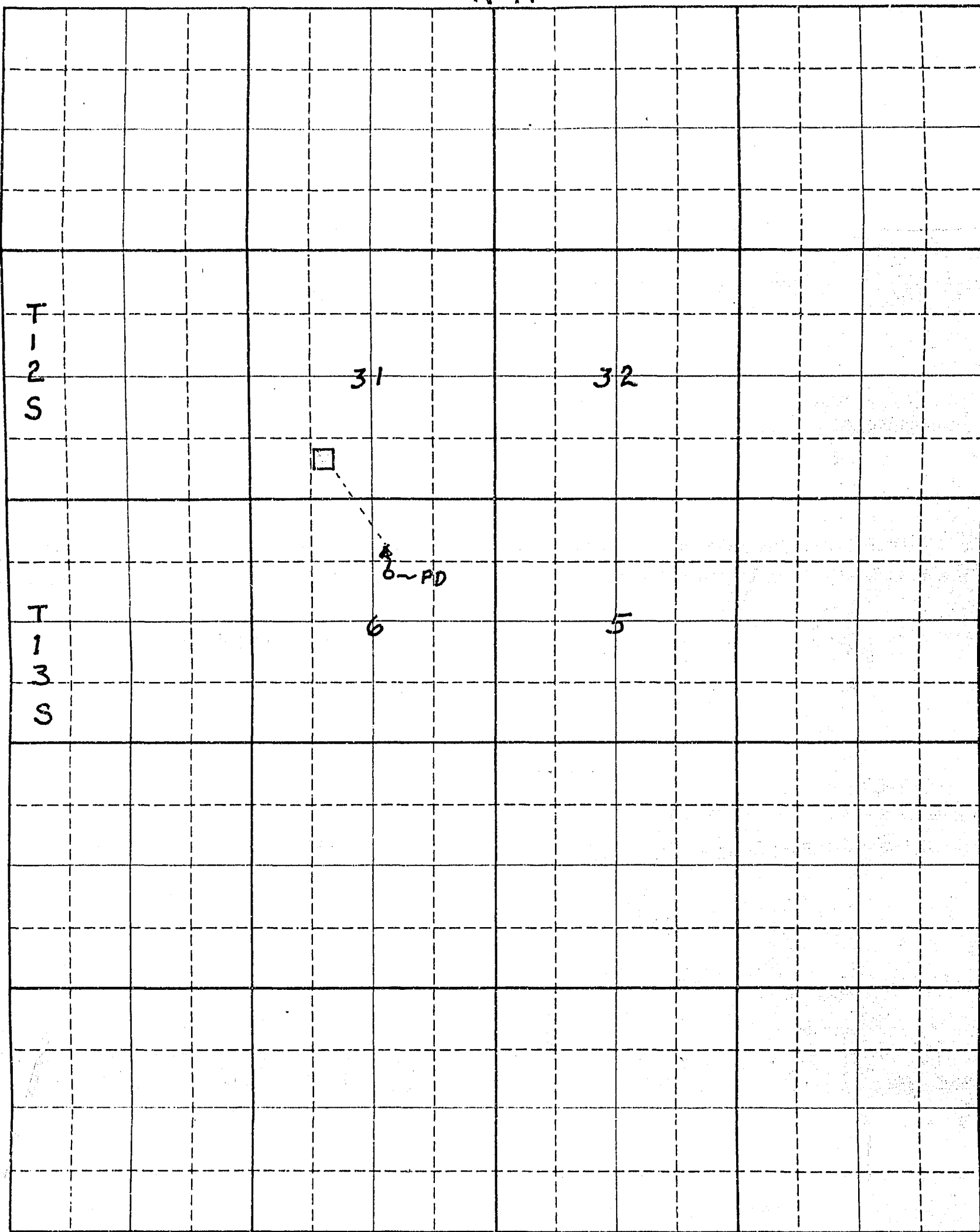
b. Who owns the land to be irrigated or place of use Applicant

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

10. Remarks

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

R 41 E



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.

Burrell H Baird
(Applicant)

Proposed Priority 2-9-76

Received by me Date 2-9-76 Time 12:33 a.

Preliminary check by RDC Fee \$10.00

Receipted by me Date 2-9-76 # 15614

Publication prepared by me Date 2-10-76

Published in The Preston Citizen

Publication dates 2-19-76 & 2-26-76

Publication approved me Date 3-03-76

Priority reduced to _____ Reason: _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by Det

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. 13-7126, and said application is hereby APPROVED.

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

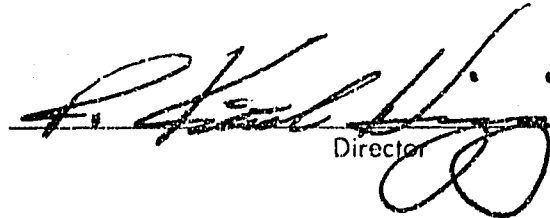
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1981.

c. Other: _____

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

Witness my hand this 11 day of March, 1976.


Director

RECEIVED

MAR 8 1976

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss...... *Wayne D. Bell*
being duly sworn,

deposes and says:

That he is the *Co. publisher* of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period of 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

..... *February 19*, 19*76*, and ending
with the issue of *February 26*, 19*76*...... *Wayne D. Bell*
Fee \$..... *13.69* Subscribed and sworn to before me this *1* day
of *March*, 19*76*..... *Delma D. Liddes*

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19*78*NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Burnell H. Baird, Preston, Idaho has on 2-09-76 submitted Application No. 13-7126 for a permit to appropriate 0.18 cubic feet per second of water from a spring by means of pipeline and pressure system within the SW 1/4, NE 1/4, Sec. 6, T. 13S, R. 41E, B.M., Franklin County, to be used from Jan. 1 to Dec. 31 for domestic purposes for two families and stock watering purposes for 50 head of cattle, and from May 1 to Oct. 31 for the irrigation of 4 acres; all uses within the SE 1/4, SW 1/4, Sec. 31, T. 12S, R. 41E, 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 March 8, 1976.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on February 19 and February 26, 1976.

Legal No. 91 -- Pub. Feb. 19, 26, 1976.

DEPARTMENT OF WATER RESOURCES
-- STAFF ANALYSIS --

Item Initial Date

Application No. _____

LH 2-9-76

- ☒ 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) " "

In form to receipt *yes*

(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 *yes*

(5) " "

Platted on Map No. _____

(6) " "

NA Located within Water District No. _____

(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: *Abstracts indicate NO other rights in this spring*

(11) *CW* 3-03-76

Affidavit of Publication received (date) *3-03-76*

(12) *CW* 3-08-76

Final date for protests *March 8, 1976*

Protests received: yes _____ no ☒

(13) *LH* 3-8-76

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

(14) " "

Action recommended:

☒ Approve

2-9-76 Proposed Priority

Reason for Reduction _____

Measuring device required _____

See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District *E* By *Lara O'Halloran* Date *3-8-76*

RECEIVED

2-9-76
Set
APR

February 9, 1976

RE: Application for Permit No. 13-7126

Mr. Burnell H. Baird
Rt. #2
Preston, Idaho 83263

Dear Mr. Baird:

Attached herewith is Departmental receipt No. 15614 in the amount of \$10.00 for the above referenced application for permit.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

Attachment

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Burnell H. Baird,
Preston, Idaho
has on 2-09-76 submitted Application No. 13-7126
for a permit to appropriate 0.18 cubic feet per second ~~XXXXXX feet per second~~
of water from a spring
by means of pipeline and pressure system
within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 13S, R. 41E, B.M., Franklin County;

to be used from Jan. 1 to Dec. 31 for domestic purposes for two families and
~~for~~ stockwatering purposes for 50 head of cattle, and from May 1 to Oct. 31 for
the irrigation of 4 acres; all uses within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 12S, R. 41E, B.M.
within the

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
March 8, 1976.

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho
on February 19 and February 26, 1976.

for
OK

February 10, 1976

RE: Application for Permit No. 13-7126

The 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
Supervisor,
Eastern Region

Bill submitted 3-03-76 by ad

RDC:ME

Legal Notice (1)

March 12, 1976

Re: Permit No. 13-7126

Burnell H. Baird
Rt. #2
Preston, ID 83263

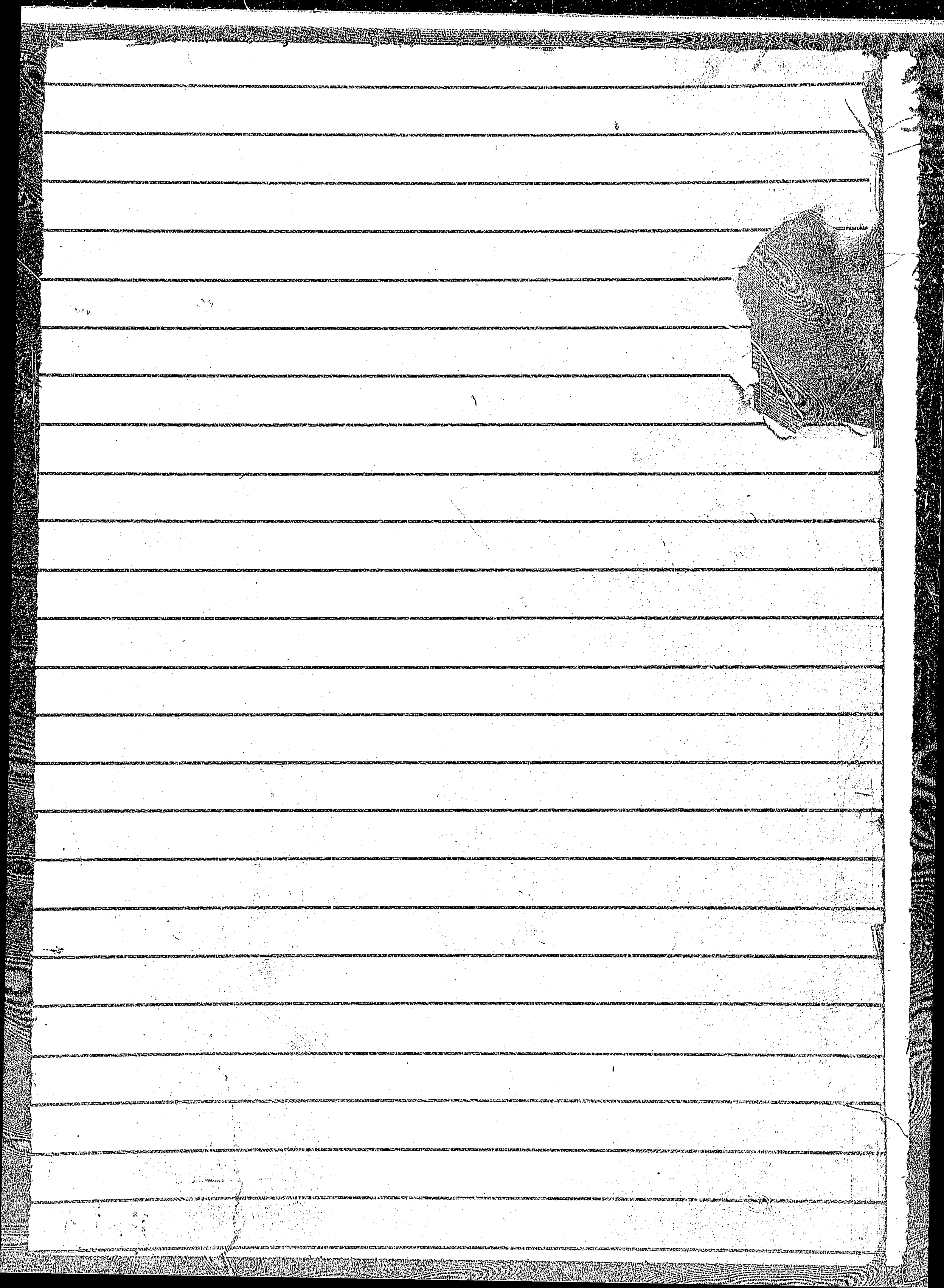
Dear Mr. Baird:
Enclosed is a copy of your approved Application for Permit No. 13-7126. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 13-7126 IN
THE NAME OF BURNELL H. BAIRD

ORDER OF REINSTATEMENT

WHEREAS, on February 9, 1976, Burnell H. Baird applied to the Department of Water Resources for a permit to appropriate 0.18 cubic feet per second of water from a spring to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, Twp. 13S, Rge. 41E B.M., Franklin County, to be used for domestic, stockwater and irrigation purposes; and,

WHEREAS, on March 11, 1976, the Department approved said application and issued Permit No. 13-7126 with the condition that proof of construction of works and application of water to beneficial use be submitted on or before March 1, 1981; and,

WHEREAS, on December 31, 1980, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on March 9, 1981, the Department notified the permit holder that Permit No. 13-7126 had lapsed for failure of the permit holder to submit proof of beneficial use; and,

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

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on March 16, 1981;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 13-7126 be REINSTATED and the priority advanced to February 24, 1976.

Dated this 23rd day of March, 1981.



L. GLEN SAXTON
Chief, Operations Bureau

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

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

BAIRD, BURNELL H.
RT 2
PRESTON, ID 83263

198737

DECEMBER 31, 1980

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 13-7126 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MARCH 01, 1981. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

BAIRD, BURNELL H.
RT 2
PRESTON, ID 83263

MARCH 05, 1981

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 13-7126 HAS LAPSED SINCE YOU HAVE NOT NOTIFIED US THAT YOU HAVE COMPLETED THE PROJECT BY THE DATE REQUIRED ON YOUR PERMIT. YOU WERE PROVIDED FORMS FOR THAT PURPOSE IN OUR NOTICE TO YOU DATED DECEMBER 31, 1980.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD, ENCLOSED, OR SHOW OTHER REASONABLE CAUSE WHY THE PERMIT SHOULD BE REINSTATED WITHIN 60 DAYS FROM THE DATE OF THIS LAPSE NOTICE.

C. STEPHEN ALLRED
DIRECTOR

ENCLOSURE

CERTIFICATION OF MAILING

I hereby certify that on Mar 9, 1981
a copy of this document was
deposited in the United States mail,
postage prepaid addressed to the
return address shown above.

Rita L. Luck

DEPARTMENT OF WATER RESOURCES

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. 13-7126.

Name(s) of Permit Holder: Burnell H. Baird

Post Office Address: Rt. 2, Preston, ID 83263

Tel. No. 852-0709

Source of Water: Spring

Extent of Use: ☐ Domestic (number of households)

☒ Stockwater 100 head dairy (number and type of stock)

☒ Irrigation 13 acres (acres)

☒ Other milk barn & garden

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.

March 11, 1981
Date

Burnell H. Baird
Signature of Permit Holder

Burnell H. Baird
Rt. 2,
Preston, Idaho 83263

PLACE
TEN CENT
STAMP
HERE

*Received
March 14, 1981
Dept. of Water
Resources*



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

April 2, 1981

Burnell H. Baird
Route 2, Box 504
Preston, ID 83263

Dear Mr. Baird:

On March 16, 1981, this office received an amended claim to Right No. 13-4088, a statement of beneficial use postcard for Permit No. 13-7126 and a check (92-273/1241) in the amount of \$15.00.

This office has forwarded the amended claim to the region for processing. Our Eastern Regional office in Idaho Falls will contact you if they need further information.

The statement of beneficial use postcard is in proper order and has been accepted. Since the permit lapsed on March 1, 1981, upon receipt of this statement, the permit has been reinstated with an advance in priority to February 24, 1976. (See enclosed order).

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.

Lastly, enclosed is your check for \$15.00. There is no fee for submittal of the amended claim or the statement of beneficial use.

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

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosures

bcc: Eastern Region
Roberta Garrett