

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO.)
13-7150 IN THE NAME OF LYNN DAVIS)

MEMORANDUM DECISION
AND ORDER

On February 28, 1977, Lynn Davis applied to the Department of Water Resources for a permit to appropriate 0.09 cubic feet per second of water from an unnamed spring, to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, Twp. 14S, Rge. 38E, B.M., Franklin County, to be used for domestic purposes for two families and stockwater for 150 head of beef cattle.

Notice of this application was advertised in the Preston Citizen on March 10 and March 17, 1977, and subsequently was protested by Utah Power and Light Company.

A conference in the matter was held in Preston, Idaho, on May 4, 1977. The applicant was present and represented himself. The protestant, Utah Power and Light Company was represented by Thomas W. Forsgren, Attorney at Law. Pertinent information on behalf of both the applicant and the protestant was presented and it was agreed that all parties involved would waive their right to a formal hearing and allow the Department to make a decision in the matter based upon the conference. After having reviewed all of the pertinent information presented at the conference, the information contained in the Department's official files, and based upon the Director's understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. The applicant has applied to the Department of Water Resources for a permit to appropriate unappropriated water of the State of Idaho pursuant to Section 42-202, Idaho Code.

2. Water from the unnamed spring sinks and cannot be shown to be tributary to the Bear River.

CONCLUSIONS OF LAW

1. The water from the unnamed spring is not tributary to the Bear River and, therefore, diversion of this water will not have an adverse effect on the water rights of Utah Power and Light Company.

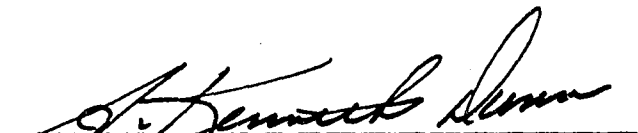
2. The applicant is entitled to a permit from the Department of Water Resources.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 13-7150
is APPROVED subject to the following conditions:

1. This permit shall be subject to all prior water rights.
2. Proof of construction of works and application of water
to beneficial use shall be submitted to the Department of
Water Resources on or before April 1, 1979.

Dated this 8 day of March, 1978.


A. KENNETH DUNN
Deputy Director

Identification No. 13 7150
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 Lynn Davis Phone: 747-3406
post office address Clifton, Idaho 83228
2. Source of water supply spring which is a tributary of N/A
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28 Township 14S
Range 38E. B.M. Franklin County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into N/A 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 .05 ^{livestock} for watering purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .04 for dwelling purpose from Jan. 1 to Dec. 31 (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. .09 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. one inch pipe from diversion
point to watering trough, approximately 20 feet; water will
be free-flowing via gravity from spring to points of use.

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 1 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 SE $\frac{1}{4}$ of Section 28 Township 14S
Range 38E. B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 150 cattle - non-dairy.

(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: Two separate single - family
dwelling located indicated at 3.a. above.

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	

Total number of acres to be irrigated _____

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 _____

Section 28, T. 14S, R. 38E., Franklin County

• → Point of diversion
and place of use.

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.

Lynn McDavis
(Applicant)

Proposed Priority 2-28-1977

Received by CU Date 2-28-77 Time 11:30 A
Preliminary check by EMC Fee \$ 10.00
Receipted by CU Date 2-28-77 # 4581
Publication prepared by CU Date 3-04-77
Published in Creston Citizen
Publication dates March 10 & 17, 1977
Publication approved me Date 3-23-77
Priority reduced to _____ Reason _____

Protests filed by: Utah Power & Light

Copies of protests forwarded by CU
Hearing held by _____ Date _____
Recommended for approval denial by ROC WPH

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. 13-7150, 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 April 1, 19 79.
- c. Other: PURSUANT TO MEMORANDUM DECISION AND ORDER DATED THIS DATE.

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

Witness my hand this 8 day of _____ March 19 78.

[Signature]
Deputy Director

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

RICHARD D. STOCKDALE

being duly sworn,

deposes and says:

That he is the Office Manager 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 2 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

March 10th, 1977, and ending

with the issue of March 17th, 1977.

Richard D. Stockdale

Fee \$ 12.58

Subscribed and sworn to before me this 21st day

of March, 1977.

Notary Public

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11, 1980

RECEIVED

MAR 28 1977

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lynn Davis, Clifton, Idaho, has on 2-28-77 submitted Application No. 13-7150 for a permit to appropriate 0.09 cubic feet per second of water from a spring by means of a pipeline and stockwatering troughs within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 14S, R. 38E, B.M. Franklin County; to be used from Jan. 1 to Dec. 31 for stockwatering purposes for 150 head of cattle and domestic purposes for two families within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 14S, 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 March 28, 1977.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on March 10 and March 17, 1977.
Legal No. 306 - Pub.
March 10, 17, 1977.

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

J. DENNIS "J. D." WILLIAMS
LOWELL D. CASTLETON

RECEIVED

FEB 28 1977

Department of Water Resources
Eastern District Office

TELEPHONE:
(208) 852-2680

February 25, 1977

State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Application for Water Permit for Lynn Davis

Gentlemen:

Enclosed please find a completed Application for Water Permit which we are filing on behalf of the above named individual.

Also enclosed you will find a check for the appropriate filing fee.

If you have any questions regarding these matters, please advise.

Yours very truly,

WILLIAMS & CASTLETON



LOWELL D. CASTLETON
Attorney At Law

LDC/1b

Enc.

cc: Lynn Davis

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lynn Davis,
Clifton, Idaho

has on 2-28-77 submitted Application No. 13-7150
for a permit to appropriate 0.09 cubic feet per second XXXXXXXXXXXXXXXXXXXX
of water from a spring
by means of a pipeline and stockwatering troughs
within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 14S, R. 38E, B.M., Franklin County;

to be used from Jan. 1 to Dec. 31
for stockwatering purposes for 150 head of cattle and domestic purposes for
two families
within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 14S, 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 _____
March 28, 1977.

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho
on March 10 and March 17, 1977

*me. J.
me. G.*

March 4, 1977

RE: Application for Permit No. 13-7149 BOSEN
13-7150 DAVIS
13-7151 ATKINSON, ETC.

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 3-23-77 by CW

RDC:CW

Enc: Legal Notice (3)

March 4, 1977

RE: Application for Permit No. 13-7150 DAVIS

Williams & Castleton
P.O. Box 191
Preston, Idaho 83263

Gentlemen:

Attached herewith is departmental receipt No. 4581 in the amount of \$10.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment

cc: Mr. Davis

March 4, 1977

RE: Application for Permit No. 13-7150 DAVIS

Mr. Art Tackett
Regional Director
Idaho State Planning & Community Affairs Agency
600 East Oak, Suite B
Pocatello, Idaho 83201

Dear Mr. Tackett:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is March 28, 1977, and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

RECEIVED

MAR 30 1977

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern District Office

IN THE MATTER OF THE APPLICATION :
OF LYNN DAVIS TO DIVERT 0.09 :
CUBIC FEET PER SECOND OF WATER :
FROM A SPRING BY MEANS OF A :
PIPELINE AND STOCKWATERING :
TROUGHS IN FRANKLIN COUNTY, :
IDAHO. :
APPLICATION NO. 13-7150. :

PROTEST OF
UTAH POWER & LIGHT COMPANY

COMES NOW the protestant UTAH POWER & LIGHT COMPANY (Utah Power) and protests the Application of Lynn Davis and alleges as follows:

1. Utah Power holds Water Rights decreed in the matter of Utah Power & Light Company vs. The Last Chance Canal Company, Limited, et al, In Equity No. 203, July 14, 1920, and Utah Power & Light Company vs. Richmond Irrigation Company, et al, February 21, 1922, as well as other rights in the Bear River.

2. The Bear River below Stewart Dam is fully appropriated.

3. Lynn Davis filed an Application with the Office of the Idaho Department of Water Resources numbered 13-7150 seeking to appropriate 0.09 cubic feet per second of water at points of diversion specified in said Application.

4. The granting of the Application of Lynn Davis for the appropriation of 0.09 cubic feet per second of water would adversely affect the aforementioned water rights of Utah Power & Light Company.

WHEREFORE, protestant prays that the Application of Lynn Davis be denied inasmuch as there is no unappropriated water in the proposed source and the proposed use will impair existing rights.

DATED this 24th day of March, 1977.

SIDNEY G. BAUCOM
THOMAS W. FORSGREN

BY 
Attorneys for Protestant
Utah Power & Light Company
1407 West North Temple
Salt Lake City, Utah 84116



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

March 31, 1977

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

R. Keith Higginson
Director

RE: Applications for Permit No. 13-7149 BOSEN, 13-7150 DAVIS, 13-7151 ATKINSON/etc.

Mr. Thomas W. Forsgren, Attorney
Utah Power & Light Company
P.O. Box 899
Salt Lake City, Utah 84110

Dear Mr. Forsgren:

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
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

March 31, 1977

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

R. Keith Higginson
Director

Mr. Lynn Davis
Clifton, Idaho 83228

Dear Mr. Davis:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 13-7150. You should be aware that the following are the principal 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
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval
of Applications for Permit No. 13-7149 CLAIR
D. BOSEN; No. 13-7150 LYNN DAVIS; No. 13-7151
LYNN W. ATKINSON &/or RAY I. STEADMAN &/or WILMA
VIEHWEG; No. 13-7155 CARL J. RASMUSSEN and No.
13-7160 LORIN SPENCER PANTER

NOTICE OF COMBINED CONFERENCE
AND/OR HEARING

Applications to appropriate the public waters of the State of Idaho were filed with the Department of Water Resources on February 28, 1977 by Clair D. Bosen, Lynn Davis and Lynn W. Atkinson et al; on March 9, 1977 by Carl J. Rasmussen; and on March 18, 1977, by Lorin Spencer Panter. These applications were subsequently protested by Utah Power and Light Company.

The Department has set the matter of protests for conference and/or hearing for Wednesday, May 4, 1977, at 9:00 a.m., in the Courtroom of the Franklin County Courthouse, Preston, Idaho. Because of the similarity of the issues involved, the Department has combined these hearings. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

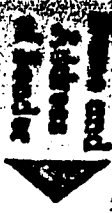
Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be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

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

Dated this 18th day of April, 1977.



RONALD D. CARLSON
Supervisor, Eastern Region



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

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	INT. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS
299	Ray, Fred, David 83260	13	60					11-7109-11-7110
300	Wheeler, David 83261	13	60					"
301	Wheeler, David 83261	13	60					"
302	S.K. Matthews, David	13	60					"
303	David Wallace, David	13	60					"
304	James B. Sweeney, David	13	60					"
305	Barbara Wheeler, David	13	60					"
306	Max E. Wallace, David	13	60					"
307	James Wallace, David	13	60					"
308	Th. Smith, David	13	60					"
309	Joseph D. Sweeney, David 83254	13	60					"
310	Robert Humphrey, David	13	60					"
311	James B. Sweeney, David	13	60					"
312	St. Stephen's, David	13	60					"
313	Walter D. Sweeney, David 83263	13	60					"
314	Wm. Sweeney, David 83228	13	60					"
315	James Sweeney, David	13	60					"
316	Wm. Sweeney, David 141, Bruce	13	60					"
317	James Sweeney, David 83283	13	60					"
318	Wm. Sweeney, David 1363451300	13	60					"

OF PIECES BY SENDER

TOTAL NO. OF PIECES RECD AT P.O.

POSTMASTER (Name of receiving employee)

*Show under "Remarks" class postage paid if other than first or if international

Form 387, Dec. 1973

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

(Declaration of value is required on international registered mail)

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

U. S. GOVERNMENT PRINTING OFFICE: 1974-0-539-726

April 20, 1977

C
Franklin County Clerk
Franklin County Courthouse
Preston, Idaho 83263

Dear Sir:

This letter is to confirm the use of the Courtroom in the Franklin County Courthouse on Wednesday, May 4, 1977, beginning at 9:00 a.m.

Very truly yours,

P
RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW
Y

- 13-7149 - Clair Bozen - well - Attorney JD Williams

*13-7150 - Lynn Davis - Spring

- 13-7151 - Lynn Atkinson & Ray Steadman & Wilma Viehweg - Spring - Attorney JD Williams

- *13-7155 - Carl Rasmussen - well

*13-7160 - Lorin Panter

- 13-7149 - 2½ to 3 miles north of the Bear River -

- 13-7151 - Spring has been used for domestic purpose for 50 to 60 years - feel a right has been established but applicants feel a permit would be a superior right - located 6 miles from the Bear River

13-7150 - Spring used in stock tanks for 70 or 80 years
- New use for domestic purpose -

13-7155 - Wells in the area 150 to 250 feet deep -

➤ About 1 mile from Bear River -

- Claims there is no connection -

13-7160 - Springs have been used by 8 families for domestic ^{has} ~~has~~ not been used for 27 years.

- No live water leaves applicants property ➤

- Protestants ≡ All water in these applications would deplete the River and interfere with existing decree - Water is fully appropriated below Stewart Dam

RE: Application for Permit No. 13-7149; 13-7150; 13-7151; 13-7155; 13-7160
in the name of _____

We agree that all of the facts pertinent to this matter have been presented during the conference held on May 4 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. This does not effect our right to request a rehearing within 20 days after the decision before the Department or 60 days to the District Court.

Signed at Preston this 4 day of May, 1977.

Thomas W. Ferguson UP&L Co
Laird Spence
Carl J. Rasmussen
Lynn M. Davis
J. W. Williams no. 13-7149, no. 13-7150

Tom Forsgre—

UP&L

All water in Bear River barr—
goes to fill rights on Bear River
& other existing rights.

MICROFILMED

MAY 4, 1977

13-7149 Bosen - G.W.
13-7150 Davis - Springs
13-7151 Atkinson - Springs
13-7155 Rasmussen - G.W.
13-7160 Panter - Springs

13-7149 - Not tributary to Bear
J.D. Williams River - water has been used
for many years, Applicants would
rather have license than Claim.

13-7149 - G.W. - no connection

13-7150 Lynn Davis - same comments
as 13-7151

13-7155 - Carl Rasmussen - Gentle Valley
Irrigation well

13-7160 - Lori Panter - wants
to develop spring.
Claims water does not make it
to Bear River. 1950 Last time water
used for domestic. No development.
Runs into Panter Arnes ditch.

MICROFILMED

MAY 4, 1977

13-7149 Bosen - G.W.
13-7150 Davis - Springs
13-7151 Atkinson - Springs
13-7155 Rasmussen - G.W.
13-7160 Panter - Springs

13-7151 - Not tributary to Bear
J.D. WILLIAMS RIVER - water has been used
for many years, Applicants would
rather have license than Claim.

13-7149 - G.W. - no connection

13-7150 Lynn Davis - same comments
as 13-7151

13-7155 - Carl Rasmussen - Gentle Valley
Irrigation well

13-7160 - Lori Panter - wants
to develop spring.
Claims water does not make it
to Bear River. 1950 Last time water
used for domestic. No development.
Runs into Panter's ditch.

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

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

(1) EMC 2/28/77

In form to receipt YES.

(2) EMC 2/28/77

Send Copies to:

- _____
Idaho State Health Department

Idaho Fish and Game Department

Bureau of Land Management

(3) EMC 2/28/77

- * ART FRACKETT

Request Special Use Permit from U.S.F.S.

Request Easement from B.L.M.

Request Information from Applicant

(4) EMC 2/28/77

In form for advertising YES.

(5) _____

Platted on Map No. DD42-CLIFTON PLATT.

(6) EMC 2/28/77

Located within Water District No. 13-R (INACTIVE).

(7) EMC 2/28/77

Critical groundwater area: yes _____ no X

(8) EMC 2/28/77

Groundwater levels:

_____ Declining, X Stable, _____ Increasing

(comment) 145 38E 15 CDR

(9) EMC 2/28/77

Other rights on the same place of use NONE.

(10) EMC 2/28/77

Comments: Prepermit exam should be considered.

(11) CD 3-23-77

Affidavit of Publication received (date) MAR 23 1977

(12) CD 3-28-77

Final date for protests MARCH 28 1977

Protests received: yes ✓ no _____

(13) RDC 3/28/77

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

(14) 11 11

Action recommended:

✓ Approve _____ Deny

2/28/77 Proposed Priority

_____ Reason for Reduction _____

NO Measuring device required

_____ See attached sheet for other conditions of approval

✓ No special conditions for approval 9/26/77

(15) District E

By RDC

Date 3/28/77

March 10, 1978

Re: Permit No. 13-7150

Lynn Davis
Clifton,
Idaho 83228

Dear Mr. Davis:

Enclosed is a copy of your approved Application for Permit No. 13-7150 along with a copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the Order.

You should be aware that any person who does not agree with the decision may request a re-hearing before the Director of the Department of Water Resources within 20 days, or may appeal directly to the District Court within 60 days of the date of the decision.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS/kw
Enclosures

cc: Mr. Thomas W. Forsgren
Attorney at Law
Utah Power and Light Co.
P. O. Box 899
Salt Lake City, UT 84110
Encl. copy of Memorandum Decision and Order



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

CERTIFIED MAIL

January 30, 1979

Re: Permit No. 13-7150

100608

Lynn Davis
Clifton,
Idaho 83228

Dear Mr. Davis:

One of the conditions of approval of your water Permit No. 13-7150 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before April 1, 1979. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise, the permit will lapse and be of no further force or effect.


RITA FLECK
Water Rights

Encl: Proof affidavit

Lynn M Davis
750486
Clifton Idaho
83228

State of Idaho
Department of Water Resources
State Office
373 W. Franklin Street
Boise Idaho

83720



OLIVER
WENDILL
HOLMES

State of Idaho
County of Franklin
On this 15th day of February
signer(s) of the above instrument, who do
My commission expires Lifetime

Form 217a
8/79

Identification No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
**PROOF OF APPLICATION
OF WATER TO BENEFICIAL USE**

RECEIVED
FEB 16 1979
Department of Water Resources

1. a) Name of permit holder Lynn M. Davis
b) Post office address Clifton Ida
2. Permit number 137150
3. Date of priority that you are prepared to establish 2-28-77
4. a) Source from which water was appropriated Spring
b) Location of the point of diversion: S. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$, Section 28
Township 14 S, Range 38 E Boise Meridian. Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:

Amount 1.05 for Livestock purposes from Jan 1 to Dec 31 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 _____ 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:

Geologist

Jess Elgan

6. If the means of diversion and conveyance are owned by someone other than the permit holder:

- a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

- b) Describe the agreement of understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch):

Tiled Spring into headhouse then piped into
trough

- b) Describe the provision for making a measurement which you have at your point of diversion: (i.e., installed measuring device, access port, other)

Stop watch + container

Exam typed 2-29-79 by [signature]

Livestock water

[illegible]

10. Remarks: _____

Lynn M. Davis
(Signature)

ne that he (she) (they) executed the same.

My commission expires Lifetime





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

February 21, 1979

Lynn M. Davis
Clifton,
Idaho 83228

Dear Mr. Davis:

Re: Permit No. 13-7150

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. 13-7150 Priority February 28, 1977 Amount 0.05 cfs

THIS IS TO CERTIFY, that Lynn Davis
of Clifton, Idaho, has complied with the terms and conditions of Permit
No. 13-7150 issued pursuant to Application for Permit dated February 28, 1977,
and has submitted proof to the Department of Water Resources on February 16, 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 0.05 cfs of water from spring,
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
Stockwater	from <u>January 1</u> to <u>December 31</u>	at <u>0.05</u> cfs and	<u>2.7</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 0.05 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
2.7 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Twp.
14S, 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 $\frac{1}{4}$	
14S	38E	28																X	

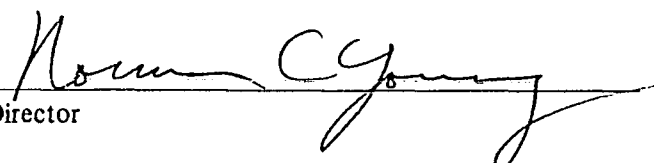
Total number of acres irrigated _____

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 29th day of
April, 19 82.

Acting for the Director



DEPARTMENT OF WATER RESOURCES
FIELD REPORT

1. Name of permit holder Lynn M. Davis
Post office address Clifton, Id Phone 747-3406
Person to contact _____ Phone _____

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

3. Water will be used for the following purposes:

Amount 0.05 c.f.s. for livestock (150)
AF/Annum (nature of use)

Period of Use: from 1-1 to 12-31
(mo.-day) inclusive (mo.-day)

Amount 0.04 c.f.s. for household (2)
AF/Annum (nature of use)

Period of Use: from 1-1 to 12-31
(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: _____

RECEIVED

DEC 6 1978

Department of Water Resources
Eastern District Office

Permit No. 13-7150
Examination for 6/28

4. Total amount to be appropriated:

Max Rate of Diversion 0.09 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 14S N/S, Range 38E E/W, B.M., Section 28, Subdivision SE 1/4 SE 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: _____

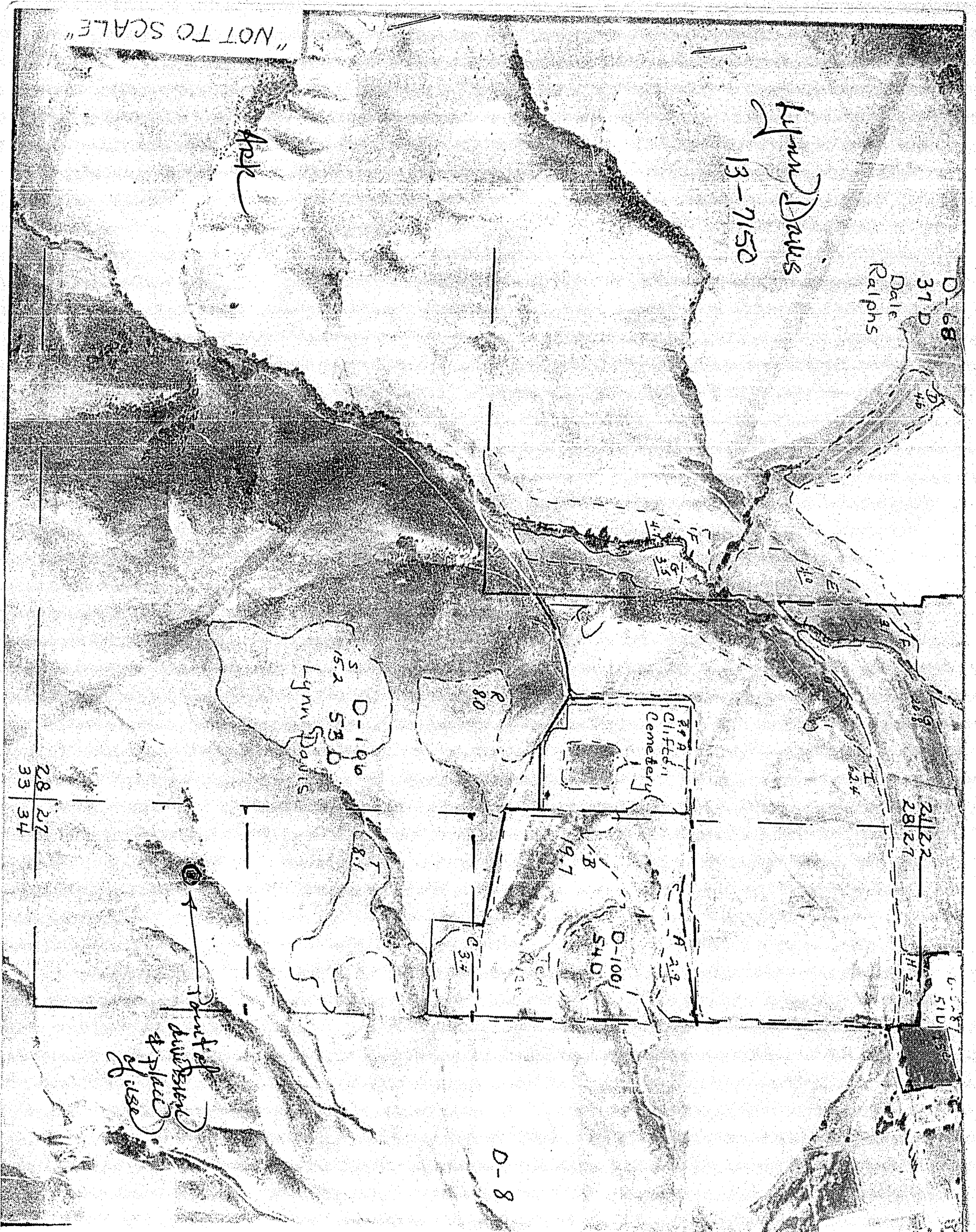
Description of diverting works: pipeline, trough

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>38E</u>	<u>28</u>																<u>X</u>	

TOTAL ACREAGE _____



unknown Spring

ARL

Page 38E

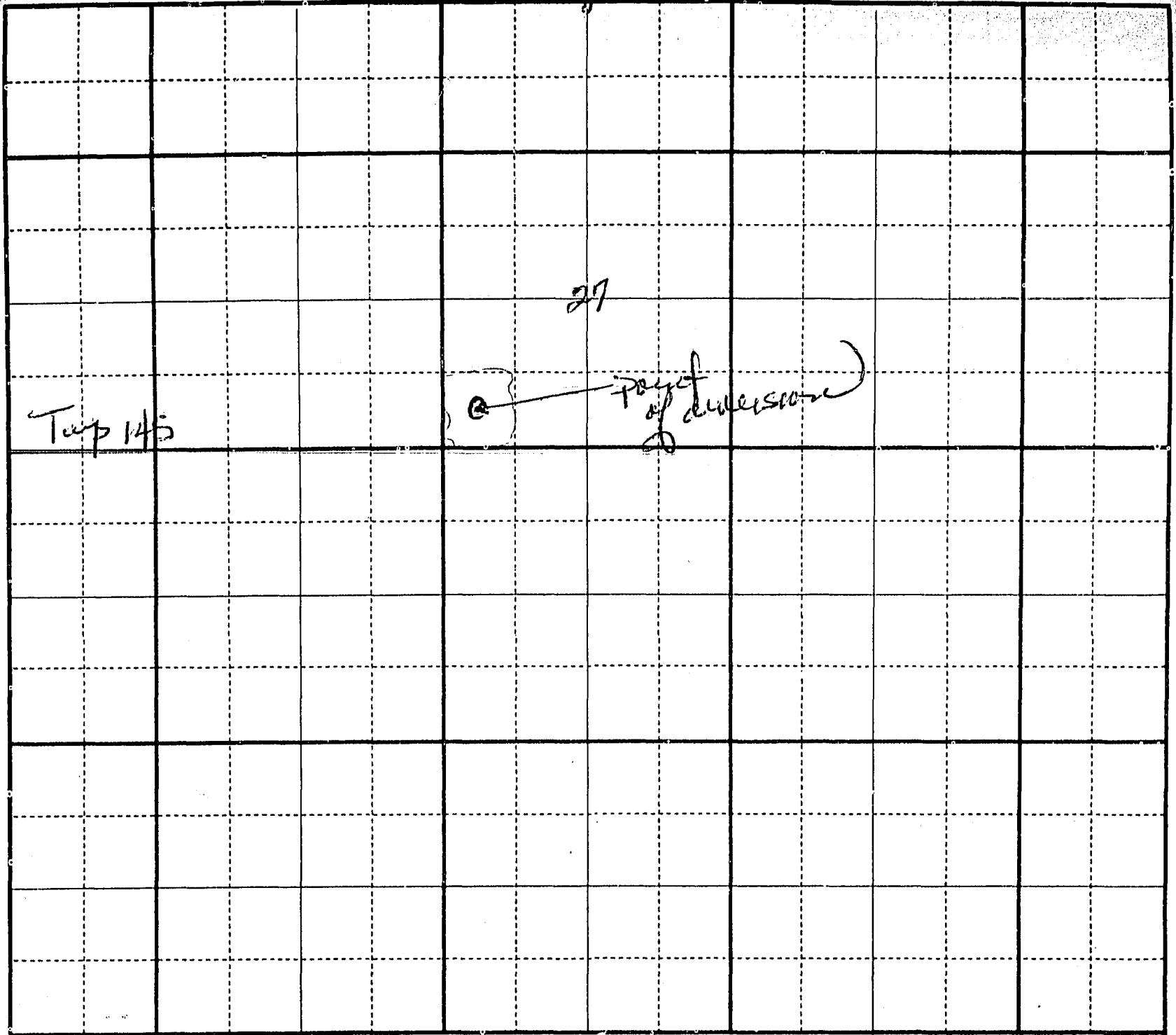
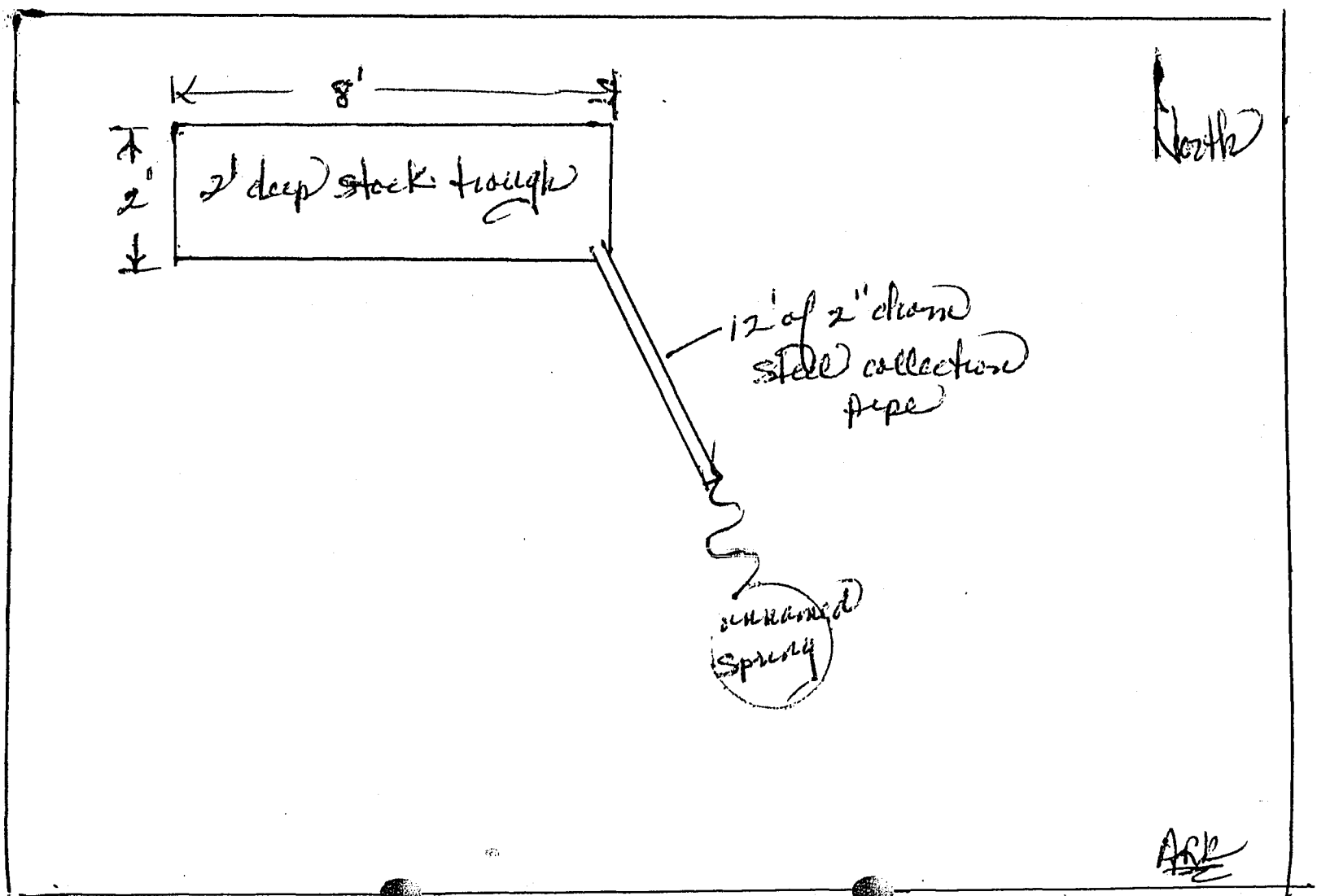


Diagram of System



MICROFILMED

ARP

DATE OF EXAM 26th day of June, 1979

ACREAGE

Found n/aRecommended n/aIrrigation Requirement n/a Ac Ft/Ac

USE

Irrigation Q = c.f.s.V = AF/Ann. from to Domestic Q = c.f.s.V = AF/Ann. from to Livestock Q = .05 c.f.s.V = 2.70AF/Ann. from Jan 1to Dec 31Is water co-mingled? yes no XName source: n/atwp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County Exchange? yes no XName source exchanged with: n/atwp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County Point of injection: n/atwp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County Point of exchange: n/atwp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County Total Q measured none Method of measurement noneTotal Q recommended .05 cfs Meter No. n/a Type n/a Condition n/aTotal V recommended 2.70 AF/yr 3.5.Recommended Amendments: allow SESE⁴ per letter dated 3/29/82P.D. should be 28-145-38E-B.M. FranklinPlace of Use should be 28-145-38E-B.M. FranklinOther None

MEASUREMENT CALCULATION:

none - Spring had dried up. Recommended increasing the diversion of .02 cfs by assignment - (cattle have compacted the ground causing the spring to cease its flow).
V = 2.70 AF/yr for 150 head of range cattle as per administrator's memo for stockwater use.

SYSTEM DESCRIPTION:

Surface water when available is diverted from an unnamed spring by a 12" - 2" diam steel collection pipe. Water flows downhill through the pipe via the force of gravity into a metal stockwater trough 2 wide 8' long and 2' deep.

REMARKS:

X No domestic use at one time per permit holder. Contemplated building of cabin near the spring but the cabin was never completed.

System shown and described by permit holder.

Examiner's Signature Anthony R. Kozlowski Date 12-14-79Checked by Joe D. Carlson Date 3/31/80Approved by Karp Date 12/2/81No Overlapping rightJim 1/19/82



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. 13-7150

Lynn Davis
Clifton,
Idaho 83228

Dear Mr. Davis:

A representative of this Department made an examination of the works covered by your Permit No. 13-7150 and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.05 cfs Source: spring

The maximum quantity diverted shall not exceed 2.7 acre feet
per year.

Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, Twp. 14S, Rge. 38E, Franklin County

Beneficial use: Stockwater purposes within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, Twp. 14S,
Rge. 38E

Priority date established: February 28, 1977

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

February 22, 1982

RE: Permit No. 13-7150

Lynn Davis
Clifton,
Idaho 83228

Dear Mr. Davis:

On January 18, 1982, we forwarded an amendment to you to be completed to amend this permit to correspond with the findings of the field examiner so that we could issue this license.

As of this date, we have not received this amendment. If we do not receive this amendment within fifteen (15) days, we will assume you no longer have any interest in this permit and cancellation proceedings will begin.

If you have any questions, please contact us.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw



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

February 22, 1982

RE: Permit No. 13-7150

Lynn Davis
Clifton,
Idaho 83228

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If you have any questions, please contact us.

Sincerely,

Jim Johnson
JIM JOHNSON *by kw*
Water Distribution Supervisor

JJ:kw

(Over)

RC

Clifton, Ida

MAR 9 1982

mar. 5-82

Department of Water Resources

Dear Sir;

I don't understand what is going on. I filed on this spring & received papers stating I had filed on it. I paid my filing fees. At times, like last summer all the creeks & springs in this area almost dry up. This spring is on my ranch & aside from high water in the early part of the summer stays on my ranch. Who else can take it? It seems to me this is an unnecessary \$20.⁰⁰ for a cow man having a hell of a time with his finance.

Resp. yours

Lynn M. Davis

March 24, 1982

RE: Permit No. 13-7150

Lynn M. Davis
Clifton,
Idaho 83228

Dear Mr. Davis:

Thank you for responding to my letter of February 22, 1982. I can understand your concern for seeing endless requests for money at a time when things are so bleak. The amendment of Permit No. 13-7150 which was requested was done in order for you to receive a licensed water right. The amendment is required because your permit located the spring and stockwater use in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Twp. 14S, Rge. 38E, however, the field examiner using an aerial photo located the springs in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Twp. 14S, Rge. 38E.

If you choose not to file an amendment you will receive one more item of correspondence from us cancelling your permit which will be issued shortly. If you do want a license, please return the amendment form with the fee on or before April 15, 1982.

If I can answer any questions you may have, please let me know. My phone number is 334-4162.

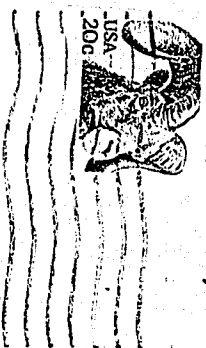
Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

Wynne M. Brown
Box 96
Chaplin Alaska
95525

State of Alaska
Dept of Natural Resources
Hatchery
Barrow Alaska
93720







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

March 24, 1982

RE: Permit No. 13-7150

Lynn M. Davis
Clifton,
Idaho 83228

Dear Mr. Davis:

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If I can answer any questions you may have, please let me know. My phone number is 334-4162.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw



UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Franklin County ASCS Committee
Box 111, Preston, Idaho 83263

MAR 30 1982

March 29, 1982

Department of Water Resources

Department of Water Resources
450 W. State Street
Boise, Idaho 83720

Dear Mr. Johnson:

Lynn Davis was in our office today to request assistance concerning the enclosed letter.

We again checked the location of Mr. Davis spring on the aerial photo in our office and find that the location is the original description of SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Twp. 14S, Rge. 38E.

Enclosed is a copy of our aerial photo, which we hope will help in a correction of the problem.

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

Sincerely,

A handwritten signature in cursive script that reads "Jack W. Grover".

Jack W. Grover
County Executive Director

JWG:bh
enclosures

May 20, 1982

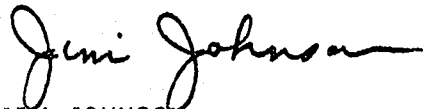
RE: Permit No. 13-7150

Lynn Davis
Clifton,
Idaho 83228

Dear Mr. Davis:

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

RECEIVED
JUL 23 1993

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

RECEIVED
JUL 22 1993

Department of Water Resources

I, Douglas Fisher, hereby assign to Clark Cox
of, 8955 N. Church St. Clifton, ID
(Full Address)

All my right, title, and interest in and to Application for Permit
No. 13-07180 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

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

Describe portion of the application assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.

Made this _____ day of _____,

Douglas L. Fisher
Applicant

State of Idaho)
County of Franklin) ss

On this 14th day of July, 93, personally appeared before me the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.

Thane G. Winward
Notary Public
PRESTON, IDAHO

seal

My commission expires: 12-01-98



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 28, 1993

CLARK COX
8955 N CHURCH ST
CLIFTON ID 83228

RE: Water Right No. 13-07150

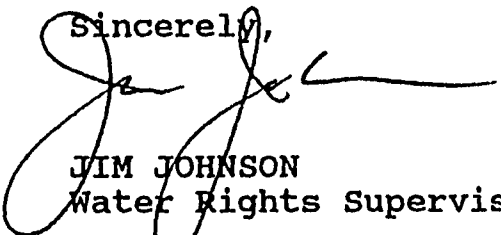
Dear Mr. Cox:

We are in receipt of the correspondence concerning ownership of the above referenced water rights.

In Idaho, licensed water rights are considered real property; therefore, proof of owning the land is proof of owning the water rights unless specifically excluded in the sale. Water right statute does not provide a means for changing owner of record for licensed water rights; although, we have placed your correspondence in our files for future reference.

If you have any questions, please let us know.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:dc