

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO.)

13-7151 IN THE NAME OF LYNN W. ATKINSON &/OR)

RAY I. STEADMAN &/OR WILMA VIEHWEG)

MEMORANDUM DECISION
AND ORDER

On February 28, 1977, Lynn W. Atkinson, Ray I. Steadman, and Wilma Viehweg of Clifton, Idaho, filed with the Department of Water Resources an application for permit to appropriate 0.29 cubic feet per second of water from Atkinson-Steadman Spring, to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, Twp. 15S, Rge. 38E, B.M., Franklin County, to be used for domestic purposes for four families and stockwater for 110 head of dairy cattle.

Notice of this application was published 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 applicants were represented by J. D. Williams, Attorney at Law, and Utah Power and Light Company was represented by Thomas W. Forsgren, Attorney at Law. Arguments on behalf of both the applicants and protestant were heard. Based upon the information presented at this conference and other pertinent 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 applicants have 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 Atkinson-Steadman Spring sinks and cannot be shown to be tributary to the Bear River.

CONCLUSIONS OF LAW

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

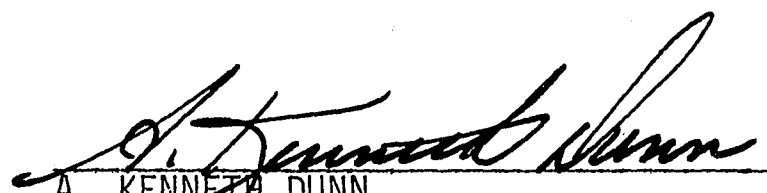
2. The applicants are entitled to a permit from the Department of Water Resources.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 13-7151
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 on or
before April 1, 1979.

Dated this 8 day of March, 1978.


A. KENNETH DUNN
Deputy Director

Identification No. 13 7151

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)

- Lynn W. Atkinson &/or Ray I. Steadman
1. Name of applicant &/or Wilma Viehweg Phone: 747-3438
post office address Clifton, Idaho 83228
2. Source of water supply Atkinson-Steadman Spring which is a tributary of sinks
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3 Township 15S
Range 38E B.M. Franklin County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into _____ 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 0.16 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.13 for Stockwater 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. 0.29 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. headbox, pipeline, and storage tank

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 \$ 2000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2 Township 15S
SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35 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 _____
110 head of dairy cattle
(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 4.
(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	

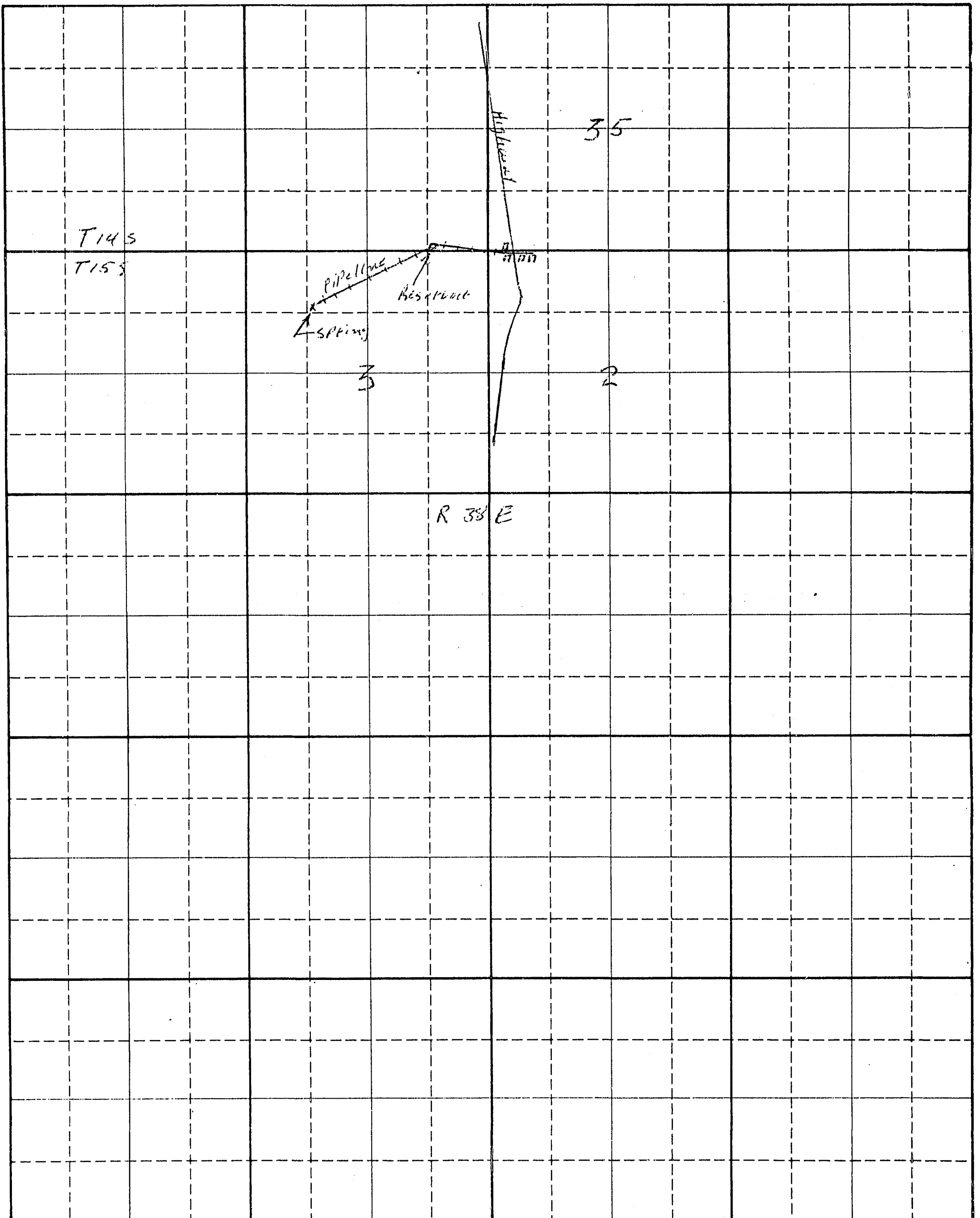
Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. _____
None

9. a. Who owns the property at the point of diversion _____ Applicants
b. Who owns the land to be irrigated or place of use _____ Applicants
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Verbal agreement with property owner, applicants share in maintenance of system

10. Remarks This system has been in existence for several years. One new dwelling is being added.

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.

Lynn W. Atkinson
(Applicant)
Ray I. Steadman

Proposed Priority 2-28-1977

Received by CW Date 2-28-77 Time 12:40p
Preliminary check by SW Fee \$ 25.00 # 4579 \$ 12.50
Receipted by CW Date 2-28-77 # 4578 \$ 12.50
Publication prepared by CW Date 3-04-77
Published in Preston 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 CW

Hearing held by _____ Date _____

Recommended for approval denial by RAE WJH

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. 13-7151, 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

MAR 23 1977

AFFIDAVIT OF PUBLICATION

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

County of Franklin

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.

Fee \$ 14.06

Subscribed and sworn to before me this 21st day
of March, 1977.

Notary W. Simpson

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11, 1980

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Lynn W. Atkinson & or Ray I. Steadman, & or Wilma Viehweg, Clifton, Idaho has on 2-28-77 submitted Application No. 13-7151 for a permit to appropriate 0.29 cubic feet per second of water from Atkinson-Steadman Spring tributary to sinks by means of headbox and pipeline within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 15S, R. 38E, B.M. Franklin County; to be used from Jan. 1 to Dec. 31 for domestic purposes for 4 families and for stockwatering purposes for 110 head of dairy cattle, all uses within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, T. 15S, R. 38E; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, 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. 307 - Pub.
March 10, 17, 1977.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lynn W. Atkinson &/or Ray I. Steadman, &/or Wilma Viehweg, Clifton, Idaho

has on 2-28-77 submitted Application No. 13-7151
for a permit to appropriate 0.29 cubic feet per second XXXXXXXXXXXXXXXXXXXX acre feet per annum
of water from Atkinson-Steadman Spring tributary to sinks
by means of headbox and pipeline
within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 15S, R. 38E, B.M., Franklin County;

to be used from Jan. 1 to Dec. 31 for domestic purposes for 4 families and
for stockwatering purposes for 110 head of dairy cattle, all uses

within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, T. 15S, R. 38E; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, 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. d.
me. C.*

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. 13-7151 ATKINSON, STEADMAN & VIEHWEG

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

IN THE MATTER OF THE APPLICATION :
OF LYNN W. ATKINSON AND/OR RAY :
I. STEADMAN AND/OR WILMA VIEHWEG : PROTEST OF
TO DIVERT 0.29 CUBIC FEET PER :
SECOND OF WATER FROM ATKINSON- : UTAH POWER & LIGHT COMPANY
STEADMAN SPRING TRIBUTARY TO :
SINKS BY MEANS OF HEADBOX AND :
PIPELINE IN FRANKLIN COUNTY, :
IDAHO. :
APPLICATION NO. 13-7151. :

COMES NOW the protestant UTAH POWER & LIGHT COMPANY (Utah Power) and protests the Application of Lynn W. Atkinson and/or Ray I. Steadman and/or Wilma Viehweg 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 W. Atkinson and/or Ray I. Steadman and/or Wilma Viehweg filed an Application with the office of the Idaho Department of Water Resources numbered 13-7151 seeking to appropriate 0.29 cubic feet per second of water at points of diversion specified in said Application.

4. The granting of the Application of Lynn W. Atkinson and/or Ray I. Steadman and/or Wilma Viehweg for the appropriation of 0.29 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 W. Atkinson and/or Ray I. Steadman and/or Wilma Viehweg 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

28

SALT LAKE CITY, UTAH 84110

March 24, 1977

MARY STIRK
LEGAL ASSISTANT
350-3217

MAR 30 1977

Department of Water Resources
Eastern District Office

Gentlemen:

Transmitted herewith are Protests of Utah Power & Light Company, in duplicate, to the following listed Applications:

No. 13-7148 filed by Travis Bergeson

No. 13-7150 filed by Lynn Davis

No. 13-7151 filed by Lynn W. Atkinson and/or Ray
I. Steadman and/or Wilma Viehweg

No. 13-7149 filed by Clair D. Bosen

Yours truly,

THOMAS W. FORSGREN

TWF : LK
ENC. 4



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 W. Atkinson
Clifton, Idaho 83228

Dear Mr. Atkinson:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 13-7151. 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

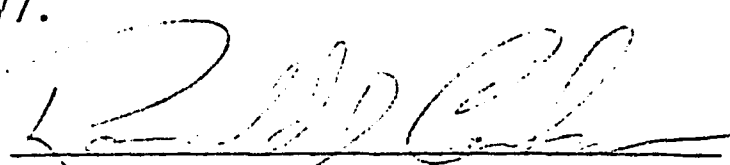
Applications to appropriate the public waters of the State of Idaho were filed with the Department of Water Resources on February 28, 1977 by Clair D. Bosen, Lynn Davis and Lynn W. Atkinson et al; on March 9, 1977 by Carl J. Rasmussen; and on March 18, 1977, by Lorin Spencer Panter. These applications 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.
☐ 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	HEST. DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS
299	Ray Mue, Divd 83260	13	60					11-7129-11-7165
300	Werns Divd, Paid 83261	13	60					"
301	May Kbas, Paid 83261	13	60					"
302	S.R. Matthews, Paid	13	60					"
303	David Valentine, Paid	13	60					"
304	James B. Smedley, Paid	13	60					"
305	Barrel Smedley, Paid	13	60					"
306	Max E. Sedice, Paid	13	60					"
307	James Valentine, Paid	13	60					"
308	M. Smith Butcher, Paid	13	60					"
309	Joseph D. Jemid, Montpelier 83254	13	60					"
310	Robert Humphrey, Paid	13	60					"
311	James B. Sedice, Paid	13	60					"
312	St. Stealing & Valentine, Bay St. Paid	13	60					"
313	Clare D. Brown, Rt 2, Pleasant 83263	13	60					13-7149
314	Mr. James David, Clifton, 83228	13	60					13-7150
315	James A. Kennedy, Clifton	13	60					13-7151
316	Carl J. Kennedy, Rt 1 Bay 141, Grace	13	60					13-7155
317	James J. Brown, Bay 73, Chatham, 83283	13	60					13-7160
318	James J. Brown, Bay 34, S. 1300, Kinnelon, NJ, 83265	13	60					13-7165

NO. 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 3877, Dec. 1973

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

(Declaration of value is required on international registered mail)
* U. S. GOVERNMENT PRINTING OFFICE: 1974-0-319-725

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

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 Dosen - well - Attorney JD Williams

*13-7150 - Lynn Davis - spring

- 13-7151 - Lynn Atkinson for Ray Steadman for 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~~ 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

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 - Lorin 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 Arner ditch.

MICROFILMED

Tom Forsgre—

UP&L

All water in Bear River basin
goes to fill rights on Bear River
& other existing rights

MICROFILMED

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
Laurie Spencer Bates
Carl J. Rasmussen
Lynn M. Davis
J. H. Williams no. 13-7149, no. 13-7160

Item Initial Date

Application No. Itkinosel Steadman

- ☒ 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
- ☒ ART PACKETT

(3) EMC 2/28/77

- ☐ 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) EMC 2/28/77

Platted on Map No. DD 42-43.

(6) EMC 2/28/77

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

(7) EMC 2/28/77

Critical groundwater area: yes ☐ no ☒

(8) EMC 2/28/77

Groundwater levels:

☐ Declining, ☒ Stable, ☐ Increasing

(comment) 145 38E 15 CDC

(9) EMC 2/28/77

Other rights on the same place of use NONE.

(10) EMC 2/28/77

Comments: PRE-PERMIT EXAM SHOULD BE CONSIDERED.

(11) EW 3-23-77

Affidavit of Publication received(date) Mar. 23, 1977

(12) EW 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

☒ Measuring device required

☐ See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District E By RDC Date 3/28/77

Copy Sent

March 10, 1978

Re: Permit No. 13-7151

Lynn W. Atkinson &/or Ray I. Steadman
&/or Wilma Viehweg
Clifton,
Idaho 83228

Dear Ms. Viehweg and Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 13-7151 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
Enclosure

cc: J. D. Williams, Attorney at Law
Thomas W. Forsgren, Attorney at Law
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

100609

January 30, 1979

Re: Permit No. 13-7151

Lynn W. Atkinson &/or Ray L. Steadman
&/or Wilma Viehweg
Clifton,
Idaho 83228

Dear Ms. Viehweg and Gentlemen:

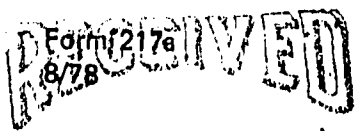
One of the conditions of approval of your water Permit No. 13-7151 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before April 1, 1979. Enclosed is an affidavit form which must 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



Identification No. 13-7151

JAN 29 1979
Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**PROOF OF APPLICATION
OF WATER TO BENEFICIAL USE**

1. a) Name of permit holder Lynn W. Atkinson &/or Ray I. Steadman &/or Wilma Viehwig
b) Post office address Clifton, Idaho 83228
2. Permit number 13-7151
3. Date of priority that you are prepared to establish 2/28/77
4. a) Source from which water was appropriated Atkinson-Steadman Spring
b) Location of the point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3
Township 15S, Range 38E Boise Meridian. Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
- | | | |
|--|-----------------------|---|
| Amount <u>0.16</u>
(cfs &/or acre-feet per annum) | for <u>Domestic</u> | purposes from <u>Jan 1</u> to <u>Dec 31</u> incl. |
| | | (month-day) (month-day) |
| Amount <u>0.13</u>
(cfs &/or acre-feet per annum) | for <u>Stockwater</u> | purposes from <u>Jan 1</u> to <u>Dec 31</u> incl. |
| | | (month-day) (month-day) |
| Amount _____
(cfs &/or acre-feet per annum) | for _____ | purposes from _____ to _____ incl. |
| | | (month-day) (month-day) |
- b) Total amount appropriated 0.29 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:

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):
Headbox, pipeline and storage tank

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

Exam typed 2-12-79 by [signature]

[illegible]

[illegible]

Lynn W. Atkinson
(Signature)

My commission expires Lifeterm



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 13, 1979

Lynn W. Atkinson &/or Ray I. Steadman &/or
Wilma Viehwig
Clifton, ID 83228

Dear Ms. Viehwig:and Gentlemen:

Re: Permit No. 13-7151

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 No. 13-7151 Priority 2/28/1977 Amount .06 CFS 7.5 AF

THIS IS TO CERTIFY, that LYNN W. ATKINSON &/or RAY I. STEADMAN &/or WILMA VIEHWEG

of Clifton, Idaho, has complied with the terms and conditions of

Permit No. 13-7151 issued pursuant to Application for Permit dated 2/28/1977, and has

submitted proof to the Department of Water Resources on 1/29/1979, that he has applied water to a

beneficial use; and examination by the Department indicates that the works have a capacity for the

diversion of N/A of water from Atkinson-Steadman Spring

tributary to Sinks, and that the permit holder has

applied to a beneficial use and established a right to use water as follows:

RATE OF DIVERSION	VOLUME	BENEFICIAL USE	PERIOD OF USE
.04 CFS	4.8 AF	Domestic (4 units)	1/1 to 12/31
.02 CFS	2.7 AF	Stockwater	1/1 to 12/31

Location of point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, Twp. 15S, Rge. 38E, B.M., Franklin County

Location of place of use:

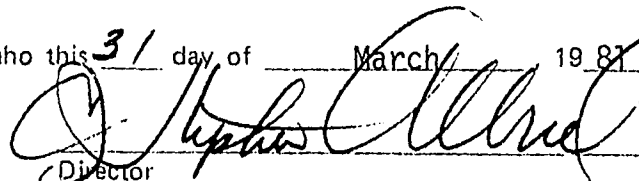
TWP.	RGE.	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14S	38E	35											X						
15S	38E	2						X											

Total number of acres irrigated _____

NOTE: Modifications to or variance from the use of water as shown on this license must be made in accordance with 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 31 day of March 19 81.


Director

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

1. Name of permit holder Lyman W. Atkinson & Rayl Steadman
 Post office address 401 Wilma Luehewig Phone _____
Clifton, Rd 83228
 Person to contact _____ Phone _____

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

3. Water will be used for the following purposes:

Amount 0.16 c.f.s. for domestic (4)
 AF/Annum (nature of use)

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

Amount 0.13 c.f.s. for stockwater (110)
 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
 FEB 20 1979
 Department of Water Resources
 Eastern District Office

Permit No. 13-7151
 Examination for b/c

4. Total amount to be appropriated:

Max Rate of Diversion 0.29 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 15S N/S, Range 38E E/W, B.M., Section 3, Subdivision NE 1/4 NW 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: head up, pipeline & storage tank

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	
15S	38E	2					X												
14S	38E	35										X							

TOTAL ACREAGE _____

Station - Affirmation
13-7151

A
83.1

E
24.8

Lyndell
and Roy Steward

13-7151

H
2.6

82.4

B
64.8

D-228
990
John Sparrow

55.3

isotage
A tank

10.3

4.6

5.0

13.3

K
9.5

X
26.8

6.0

AK 7201

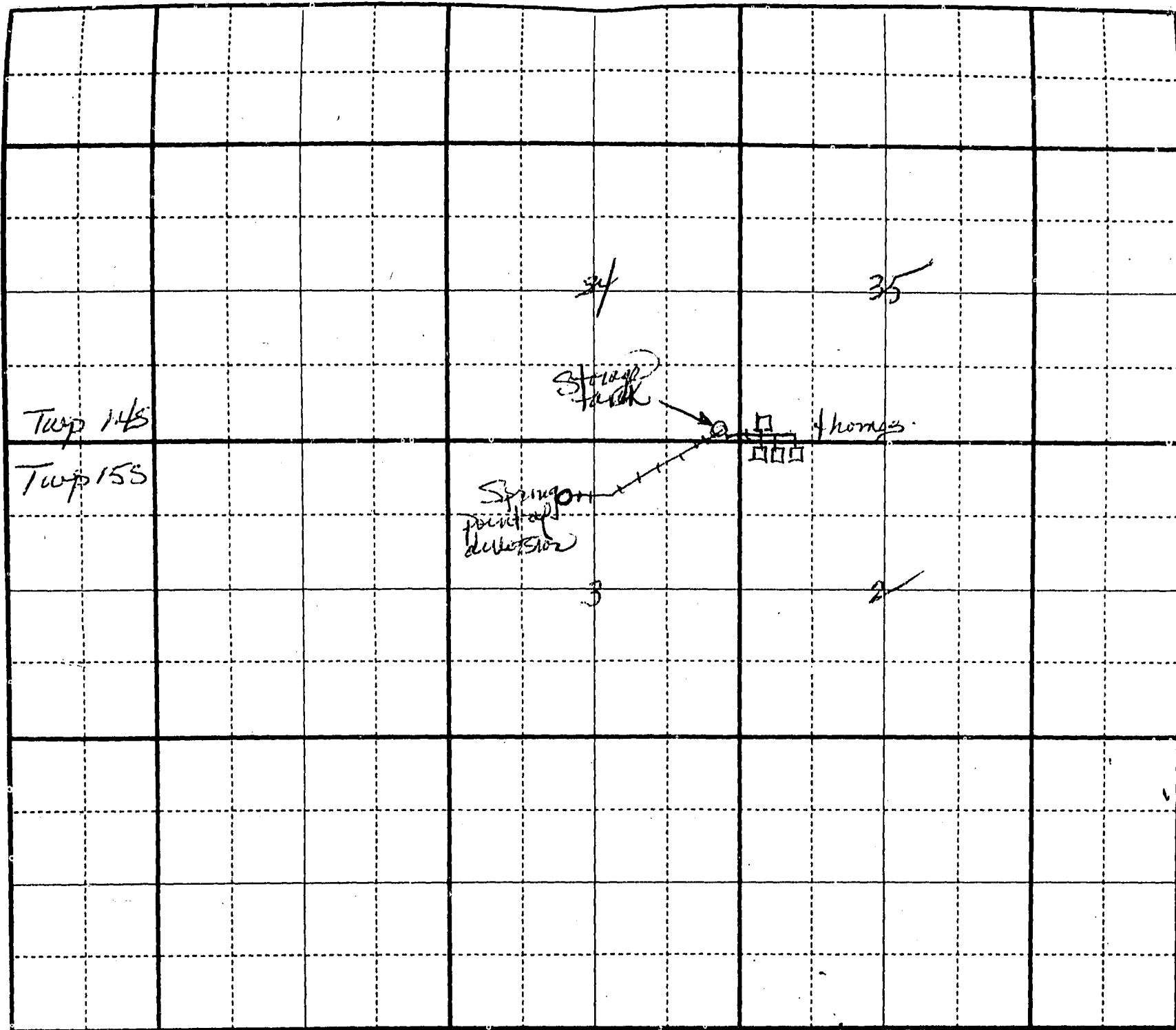
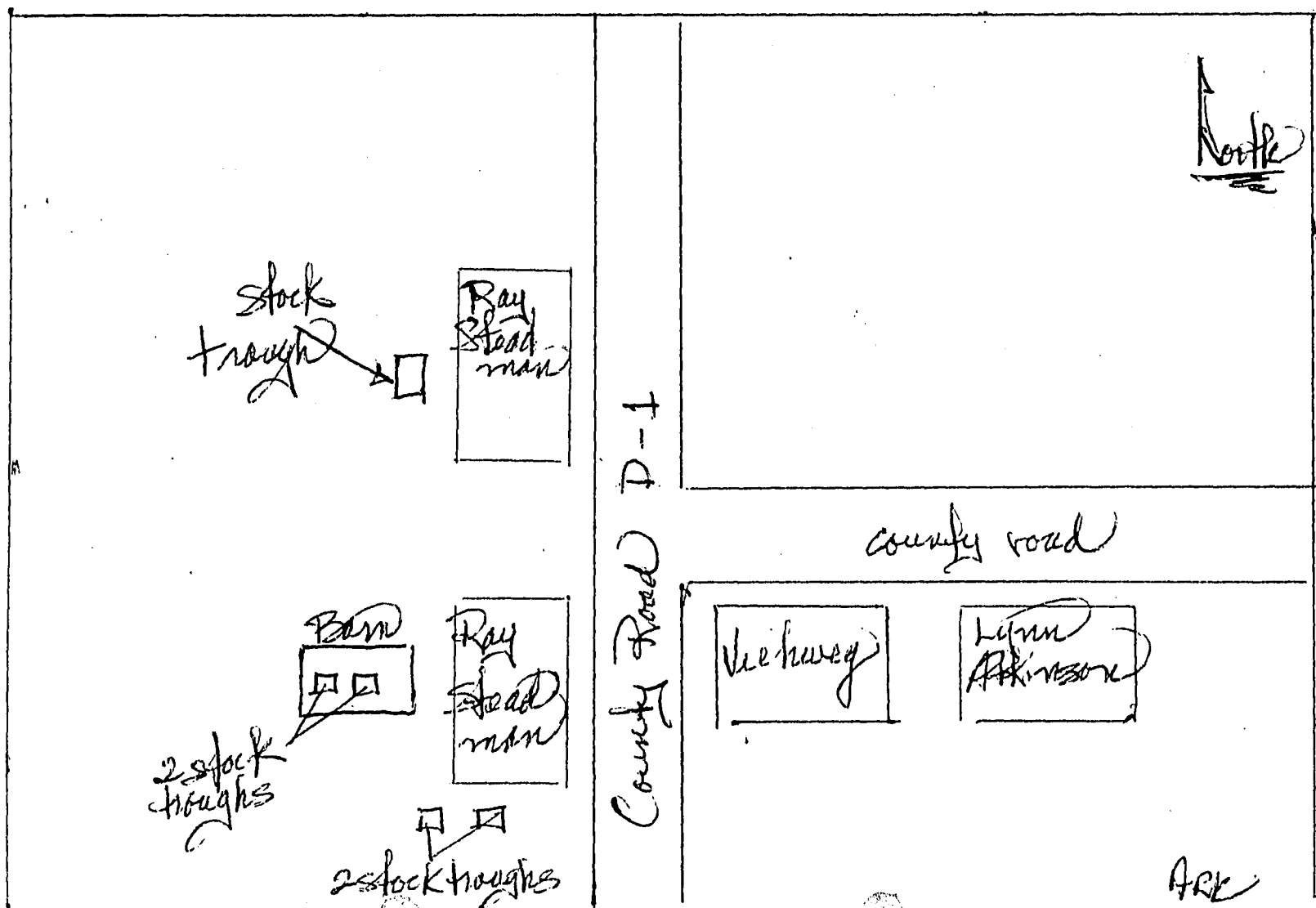


Diagram of System



DATE OF EXAM 21st day of June, 1979

ACREAGE
Found n/a
Recommended n/a

Irrigation Requirement n/a Ac Ft/Ac

USE

Irrigation Q = 0.04 c.f.s. V = 4.80 AF/Ann. from Jan 1 to Dec 31
Domestic Q = 0.04 c.f.s. V = 2.70 AF/Ann. from Jan 1 to Dec 31
Livestock Q = 0.04 c.f.s. V = 2.70 AF/Ann. from Jan 1 to Dec 31

Q tot = 0.08 cfs V = 7.50 AF/yr

Is water co-mingled? yes no X

Name source: n/a
twp. N/S Rge E/W B.M., Sec. 1/4 Sub. 1/4 County

Exchange? yes no X

Name source exchanged with: n/a
twp. N/S Rge E/W B.M., Sec. 1/4 Sub. 1/4 County

Point of injection: n/a
twp. N/S Rge E/W B.M., Sec. 1/4 Sub. 1/4 County

Point of exchange: n/a
twp. N/S Rge E/W B.M., Sec. 1/4 Sub. 1/4 County

Total Q measured n/a Method of measurement none

Total Q recommended 0.08 cfs Meter No. n/a Type n/a Condition n/a

Total V recommended 7.50 AF/yr

Recommended Amendments: recommend amounts as per field Exam
Domestic Q = Allow .04 cfs per unit as per permit

P.D. Domestic
Place of Use Domestic
Other None
Stock Q = Allow .13 AF per stock table
V = 4 units x .6 = 2.4 AF
V = 7.9 110 head year old dairy?

MEASUREMENT CALCULATION:

Q by assignment: - Recommended .04 cfs domestic unit x 4 units
= .04 cfs
Domestic = 1.2 AF/unit x 4 units = 4.80 AF/yr
Q stockwater for 110 head yr cattle = .02 cfs
as per administrative memo
V stock = 2.7 AF/yr

SYSTEM DESCRIPTION:

Surface water from Robinson Standman spring is collected by
4" of 4" diam. buried perforated plastic pipe and flows downhill
into the force of gravity thru a 2" diam lined (which extends
a distance of approx 1/2 mi. to a buried cast iron storage
tank - 6' deep x 10' wide x 12' long - 2 1/2" diam buried plastic
waterline extends from the tank to 4 homes - spray tank is located
1/2 mi SESE 34 Twp 14S 35E

REMARKS: Unable to make a measurement of the spring as
all diversion works a buried

System shown & described by the permit holders
This system depends on storage and there is insufficient water
to irrigate crops - it is barely adequate for the uses it is applied to

Examiner's Signature Anthony R. Kozlowski Date 1-9-80

Checked by John D. Carrion Date 4/11/80

Approved by [Signature] Date 3/9/81

Note: Water from the spring is used by Ray Standman
to water approx 110 head of stock - there are 2
stock troughs in the barn and 3 stock troughs in
the field

(over)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

March 9, 1981

Lynn W. Atkinson & Ray I. Steadman &
Wilma Viehweg
Clifton, Idaho 83228

Dear Sirs,

A representative of this Department has made an examination of the works covered by your Permit No. 13-7151, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: .06 cfs Source: Atkinson-Steadman spring

The maximum quantity diverted shall not exceed 7.5 acre feet per year.

Point(s) of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, Twp. 15S, Rge. 38E, B.M.

Beneficial use: Domestic use and stockwater use within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35,
Twp. 14S, Rge. 38E, and same uses within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2,
Twp. 15S, Rge. 38E.

Priority date established: February 28, 1977

Conditions (if any):

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

April 6, 1981

Lynn W. Atkinson &
Ray I. Steadman &
Wilma Viehweg
Clifton, Idaho 83228

Dear Sirs,

RE: License No. 13-7151

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:mr

Enclosure