

Identification No. 13 7156

Application No. _____

Amended

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Amended

APPLICATION FOR PERMIT

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

1. Name of applicant Jess Elgan Phone: 747-3701
post office address Clifton, ID 83228
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9 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 _____ 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 5.48 for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 5.48 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump and sprinkler system

- 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 16 inches; proposed depth of well is 120 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 \$ 12,000.00
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

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

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

TWP.	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14S	38E	8				40									40				80
		9			17				40	40	40	40				17			194

Total number of acres to be irrigated 274

c. Describe any other water rights used for the same purposes as described above. rights in Oxford Irrigation Ditch

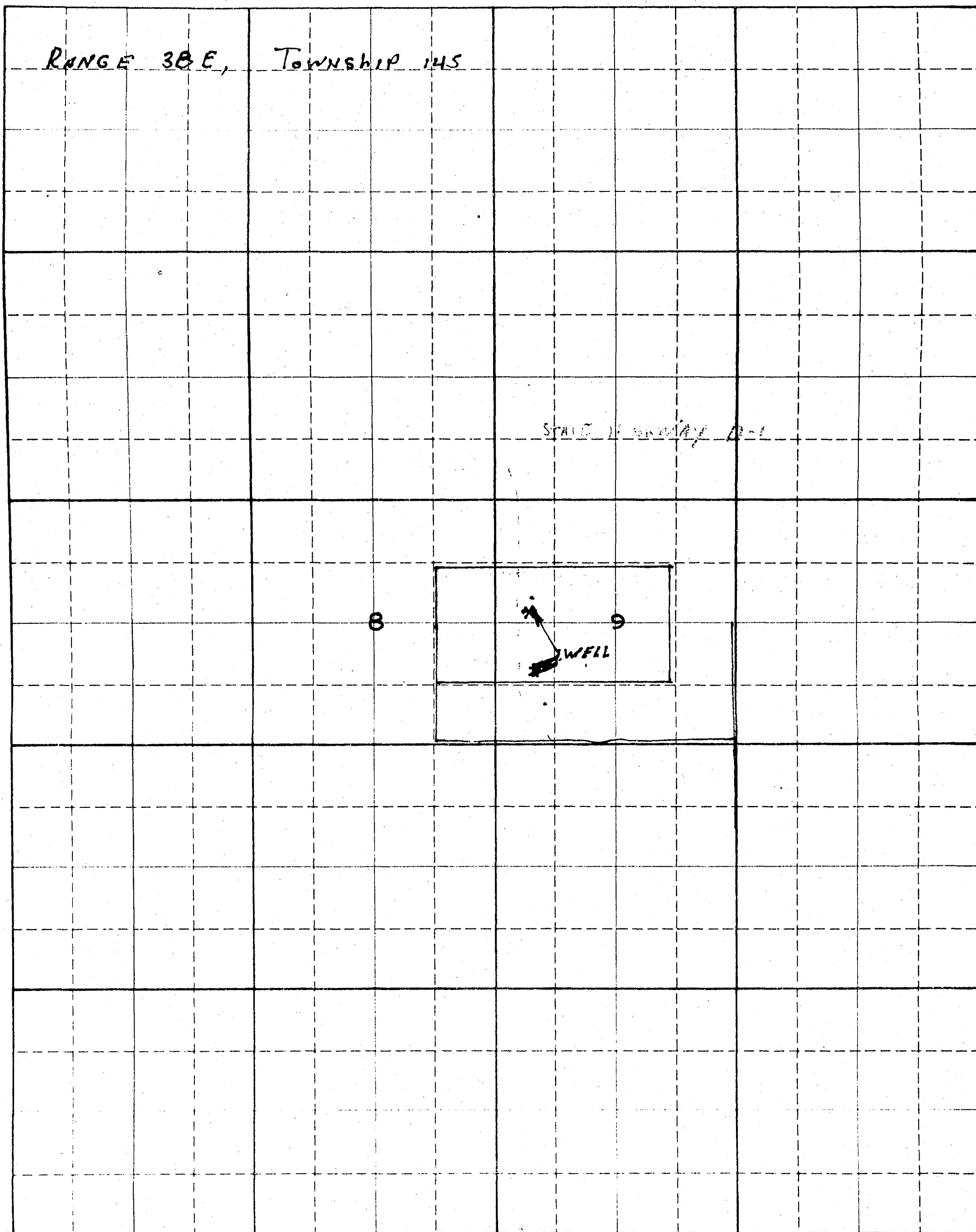
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant and D. Marcel Beckstead

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

10. Remarks _____

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



Scale: 2 inches equal 1 mile

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

John B. Elgall
(Applicant)

Received by me Date 4-6-77 Time 10:50 a.

Preliminary check by BR Fee \$ 10.00

Received by me Date 4-7-77 # 8389

Publication prepared by me Date 7-7-77

Published in the Proctorville

Publication dates Sept. 15 + 22, 1977

Publication approved me Date Sept. 26, 1977

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by YG

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. _____, and said application is hereby _____.

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 _____, 19____.

c. Other: _____

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

Witness my hand this _____ day of _____ 19____.

Director

FROM THE DESK OF

Frank L. Hart

RECEIVED

APR 6 1977

Department of Water Resources
Eastern District Office

April 4, 1977

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

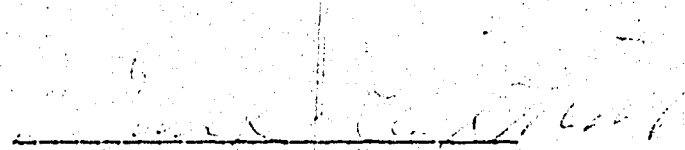
Gentlemen:

I, Frank L. Hart, of 112 N. Oakwood Drive, Layton, Utah, protest the granting of Permit No. 13-7156 for the drilling of a well and Permit No. 13-7157 for the diversion of water from a spring on the following grounds:

The pumping of the well may impair water under my Permit number 13-7116 dated October 14, 1975. The filing may further reduce the quality of water available from a spring which supplies culinary water to my ranch. The spring is located about one half mile from the planned well location.

The diversion of the water from the spring under 13-7157 may further reduce the quality of the water available from a spring which supplies culinary water to my ranch, the outflow from which said spring has supplied said ranch for forty years.

Very truly yours,


Frank L. Hart

FHsg

RECEIVED

APR 6 1977

Department of Water Resources
Eastern District Office

April 4, 1977

Dear Sir:

Per my phone call with you this day at 10:30am, in
regards to well permits 13-7136 and 13-7157.

I am submitting a certified and notarized letter of protest
regarding the above well permits 13-7136 and 13-7157.

Following out of it he did not hear of this request
until this morning - this being the last day to protest. I
do not have time to appear in person so I am submitting a
definite protest against these permits being issued, and
I am sending my request for a hearing to appeal these
permits if necessary.

Thank you.

Kayle G. Richins
Kayle G. Richins

13650 N. 13th East
Riverton, Utah 84065

Claude L. Richins
13650 N. 13th East
Riverton, Utah 84065

Kayle G. Richins

I do hereby certify that Claude L. Richins appeared before me this 4th
day of April 1977.

My commission expires: Feb/ 14, 1979

Stanley W. Burgeon
NOTARY PUBLIC

Residing in: Midvale, Utah

APR 6 1977

Department of Water
Eastern District Office

the water supply will definitely reduce under the present
water rights.

of any one can be sure the water supply will be in-
sufficient for future intentions but it seems to be
evident with intent to cut our source of water.

Our financial resources are very adequate - the other
is not.

Claude L. Richins
Kayle G. Richins

Claude L. Richins
Kayle G. Richins

appeared before me this 4th day of April

1977.

Stanley W. Burson
NOTARY PUBLIC

My Commission expires: Feb. 14, 1979

Resides: Midvale, Utah

RECEIVED

APR 4 1977

April 4, 1977

Department of Water Resources
Eastern District Office

RE: Applications for Permit No. 13-7156 and 13-7157

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

Gentlemen:

I wish to protest the applications of Jess Elgan, No. 13-7156 and 13-7157.

The spring that Elgan wishes to file on is used for culinary purposes and the overflow has been used on the Claude Richens farm for around 50 years for irrigation.

No right-of-way or easement has been granted for Jess Elgan to pass through our property to install a pipeline.

Earl H. Ward

EARL H. WARD
Dayton, Idaho

Anna Mae Ward

ANNA MAE WARD
(Husband and Wife)

Identification No. 13 7158

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

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

1. Name of applicant Jess Elgan Phone: 747-3701
post office address Clifton, ID 83228
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 4 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 _____ 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 5.48 for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 5.48 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump and sprinkler system

- 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 12 inches; proposed depth of well is 300 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 \$ 12,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

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

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

[illegible]

Total number of acres to be irrigated_____274

c. Describe any other water rights used for the same purposes as described above. _____
rights in Oxford Irrigation Ditch

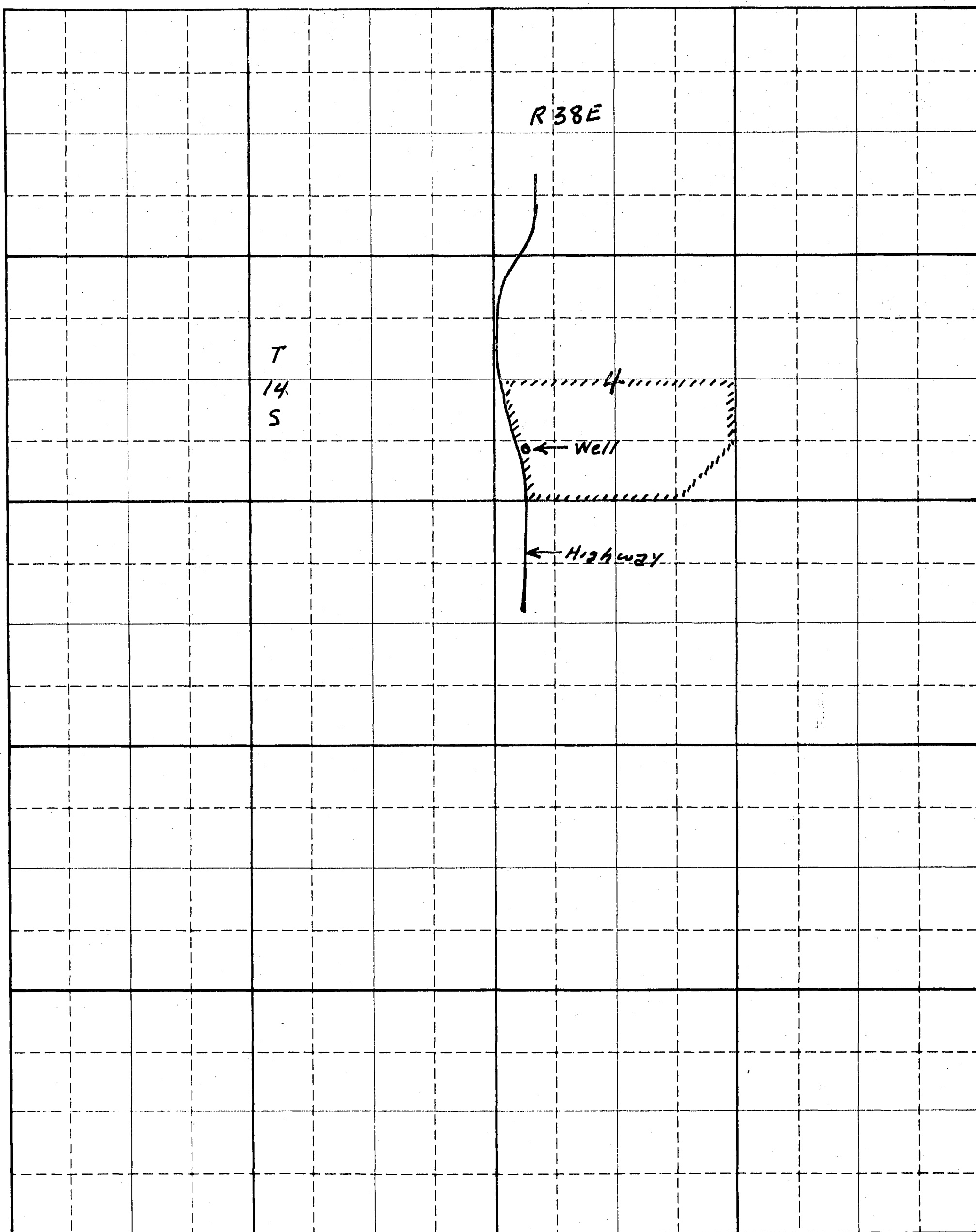
9. a. Who owns the property at the point of diversion Applicant

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.



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.

(Applicant)

John B. Edwards

Received by Date 3-10-77 Time 1:30 P.
Preliminary check by Fee \$ 25.00
Receipted by Date 3-10-77 # 1437
Publication prepared by Date
Published in
Publication dates March 10-14, 1977
Publication approved Yes Date 3-25-77
Priority reduced to Reason

Protests filed by

Copies of protests forwarded by
Hearing held by Date
Recommended for approval denial by

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. , and said application is hereby .

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 , 19 .

c. Other:

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

Witness my hand this day of 19 .

Director

AFFIDAVIT OF PUBLICATION

MAR 23 1977

Department of
Eastern District of Idaho

STATE OF IDAHO, }
County of Franklin } ss.

RICHARD A. STICKDALE

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 17th, 1977, and ending
with the issue of March 24th, 1977.

Richard D. Stickdale

Fee \$ 11.47

Subscribed and sworn to before me this 24th day
of March, 1977.

Notary Public

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11, 1980

NOTICE OF APPLICATION FOR WATER PERMIT

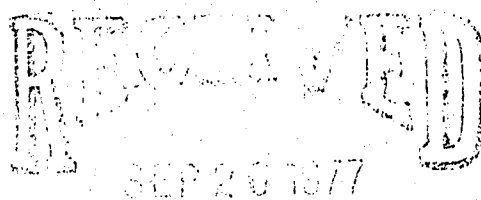
Notice is hereby given that Jess Elgan, Clifton, Idaho has on 3-10-77 submitted Application No. 13-7156 for a permit to appropriate 5.48 cubic feet per second of water from a ground-water source by means of well and pump within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 14S, R. 38 E, B.M., Franklin County; to be used from Apr. 1 to Nov. 1 for the irrigation of 274 acres within the S $\frac{1}{2}$, Sec. 4, 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 April 4, 1977.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen on March 17 and March 24, 1977.

Legal No. 314 — Pub.
March 17 and 24, 1977.



AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

Department of Water Resources
Eastern District Office

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

September 15th, 1977, and ending
with the issue of September 22nd, 1977.

Fee \$ 14.80Subscribed and sworn to before me this 22nd dayof September, 1977.

Dottie W. Thompson

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11, 1988NOTICE OF AMENDED APPLICATION
FOR WATER PERMIT

Notice is hereby given that Application for Permit No. 13-7156 in the name of Jess Elgan was filed for the diversion of 5.48 c.f.s. of water from a ground-water source with point of diversion within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 14S, R. 38E, B.M., Franklin County; to be used from Apr. 1 to Nov. 1 for the irrigation of 274 acres within the S $\frac{1}{2}$, Sec. 4, T. 14S, R. 38E, B.M.

The applicant now proposes to amend Application No. 13-7156, changing the point of diversion to the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 14S, R. 38E, B.M., Franklin County, and the place of use to the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, T. 14S, R. 38E, B.M.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before October 3, 1977.

C. STEPHEN ALLRED
Director

Published in the Preston Citizen, Preston, Idaho, on September 15 and September 22, 1977.

Legal No. 484 — Pub. Sept. 15 and 22, 1977.

DEPARTMENT OF WATER RESOURCES
-- STAFF ANALYSIS --

Item Initial Date

Application No. See Item

☒ 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) ARK 3/10/77
(2) ARK 3/10/77
(3) ARK 3/10/77
(4) ARK 3/10/77
(5) ARK 3/10/77
(6) ARK 3/10/77
(7) ARK 3/10/77
(8) ARK 3/10/77

In form to receipt

Send Copies to:

n/a Idaho State Health Department
n/a Idaho Fish and Game Department
n/a Bureau of Land Management

n/a Request Special Use Permit from U.S.F.S.
n/a Request Easement from B.L.M.
n/a Request Information from Applicant
n/a Request Dam Safety Information

In form for advertising

Platted on Map No. 145 38E

Located within Water District No. Basin 13

Critical groundwater area: yes no X

Groundwater levels:

Declining, X Stable, Increasing

(comment) 5 c/d is stable

- (9) ARK 3/10/77
(10) ARK 3/10/77

Other rights on the same place of use none

Comments: none

- (11) ARK 3-25-77
(12) ARK 4-04-77

Affidavit of Publication received (date) 3-10-77

Final date for protests April 4 1977

Protests received: yes no

- (13) ARK 3/10/77

All requested information received from agencies or applicant: yes no

- (14) ARK 3/10/77

Action recommended:

Approve Deny

Proposed Priority

Reason for Reduction

Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

- (15) District By Date

Carey
Stout

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Jess Elgan,
Clifton, Idaho

has on 3-10-77 submitted Application No. 13-7156
for a permit to appropriate 5.48 cubic feet per second XXXXXXXXXXXXXXXXXXXX
of water from a ground-water source
by means of well and pump
within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 14S, R. 38E, B.M., Franklin County;

to be used from Apr. 1 to Nov. 1
for the irrigation of 274 acres

within the S $\frac{1}{2}$, Sec. 4, 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 _____
April 4, 1977

R. KEITH HIGGINSON

Director

Published in the Preston Citizen
on March 17 and March 24, 1977

file - C.

March 11, 1977

RE: Application for Permit No. 13-7153 NAYLOR
No. 13- 7154 PHILLIPS
No. 13-7156 ELGAN
No. 13-7157 ELGAN

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 3-25-77 by Carl

RDC:CW

Enc: Legal Notice (4)

4/4/77

NAME OF PARTY Mr. Kayle RichinsEMPLOYEE Isa JRE: Protest on applications for Permits. # 13-7156 - 13-7157

Mr. Richins telephoned and stated he wanted to file a protest against the issuance of the above numbered applications for permits for the following reasons:

The spring located in the SE NW Sec. 6, T14S, R38E is located on his land but has been jointly used for many years by the former owners for domestic water which is diverted through 2 pipelines. The overflow has been used by the prior of Mr. Richins land for irrigation for the past 80 years.

Mr. Elger, a real person to the area, is in the process of installing a new 3" pipe line across Mr. Richins' property without obtaining permission or an easement.

I told Mr. Richins we would accept his telephone call as an intent to protest, but he would have to follow the telephone call with a written protest by return mail.

Mr. Richins also raised a protest against Mr. Elger's Well permit, because it is to be located near the new well site he had selected to drill to replace the well Frank Hart drilled under Permit # 13-7116 that did not prove to have enough water for irrigation, now owned by Mr. Richins.

Kayle, R. L. 604

13650 S 13th West

Phone 34665

201-754-4503 - Call Collect



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

April 6, 1977

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

R. Keith Higginson
Director

RE: Applications for Permit No. 13-7156 and 13-7157 JESS ELGAN

Mr. & Mrs. Earl H. Ward
Dayton, Idaho 83232

Dear Mr. & Mrs. Ward:

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

April 6, 1977

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

R. Keith Higginson
Director

Mr. Jess Elgan
Clifton, Idaho 83228

Dear Mr. Elgan:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 13-7156. 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



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

April 7, 1977

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

R. Keith Higginson
Director

RE: Applications for Permit No. 13-7156 and 13-7157 JESS ELGAN

Mr. Claude L. Richins
13634 So. 13th West
Riverton, Utah 84065

Dear Mr. Richins:

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

April 7, 1977

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

R. Keith Higginson
Director

RE: Applications for Permit No. 13-7156 and 13-7157 JESS ELGAN

Mr. Kayle G. Richins
13650 So. 13th West
Riverton, Utah 84065

Dear Mr. Richins:

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

April 7, 1977

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

R. Keith Higginson
Director

RE: Application for Permit No. 13-7156 and 13-7157 JESS ELGAN

Mr. Frank L. Hart
112 North Oakwood Drive
Layton, Utah 84041

Dear Mr. Hart:

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

R. Keith Higginson
Director

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

April 7, 1977

RE: Applications for Permit No. 13-7156 and 13-7157

Mr. Jess Elgan
Clifton,
Idaho 83228

Dear Mr. Elgan:

Enclosed please find additional protests submitted by Kayle G. and Claude L. Richins and Frank L. Hart against the above referenced applications.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosures (2)

The Richins Brothers asked for and received my help as a geologist in finding a new drill site since Mr. Harts test hole was dry. The site I located has been drilled and logged. It appears successful. I have drilled a test hole on my Ranch 1900 feet south of the Richins test hole and approximately 3500 feet from the spring.

At the hearing I will show why there will be no interference between the two wells, and also no interference with the spring.

2. A diversion cannot possibly reduce the quality of the spring water which is used for culinary purposes by both ranches.

Protest of Kayle G. and Claude L. Richins

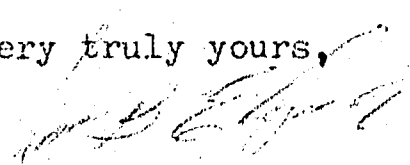
1. Since I own 1/2 of the spring and that is all I intend to use, I will not reduce Richins water one iota. Presently more than 50% of the water is being wasted by sinking into the ground before it can be used by myself or the Richins. I intend to establish a definite water right for my ranch, and develop water that is now being wasted.

2. I am not speculating and will not "tap" Richins water.

3. Over 90% of the water in our area is subsurface and has never been developed. Two wells will have an insignificant impact on this resource. I am sure my resources are not as great as the Richins, however they are adequate as witnessed by the improvements on my ranch since purchase.

Please advise me if other information would be useful prior to a hearing.

Very truly yours,


Jess B. Elgan

Clifton Idaho
10 April 1977

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

Attn: Ronald D. Carlson

Re: Applications for Permit No. 13-7156 and 13-7157

Dear Sir:

Thank you for your letter of 7 April 1977. I intend to submit a complete argument at the hearing, but for background information and my basic position I submit the following:

All protests came from a single ranch which has passed through four owners during the past few years. It has changed hands three times in the last two years with two of the owners being absentee owners. The present owners are the Richins Brothers.

I purchased my ranch from Andrew Hunt in 1975, who purchased from the estate of Ira Hillman in 1967, the son of the man who homesteaded in early days. I have purchased part of and have an option to purchase the Rosenhan ranch which borders me on the south. I am in the process of building a new home and ranch buildings. I am selling approximately 160 acres with the old home to finance my building.

The spring referred to is a series of springs which emerge on the Rosenhan and Richins Ranches. I do not believe there is any protest over that part of the spring system which arises in section 6, but only those springs which issue from East $\frac{1}{2}$, E $\frac{1}{2}$, SW $\frac{1}{4}$, Sec 5, and are partly on the Rosenhan Ranch and partly on the Richins Ranch. The water from Sec 6 does not flow from off the Rosenhan Ranch.

Protest of Earl and Anna Mae Ward

1. I grant that the spring has been used by the Claude Richins ranch for years, but it has also been used by my ranch since the early days. I do not claim more than $\frac{1}{2}$ interest in this spring.
2. I do not need a right-of-way across the Richins ranch since my points of diversion will be on the Rosenhan and Beckstead Ranches. I have signed right of ways across both ranches.

Protest of Frank L. Hart

1. Mr. Harts argument against a well permit sounds like the reverse of the argument used against Mr. Hart by Mr. Hunt in 1975. Certainly Mr. Hart was not concerned about the spring flow to my ranch when he located his test hole less than $\frac{1}{4}$ mile from the spring and on the same fault from which the spring feeds.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval
of Applications for Permit No. 13-7156 and
13-7157 in the Name of JESS ELGAN

NOTICE OF COMBINED CONFERENCE
AND/OR HEARING

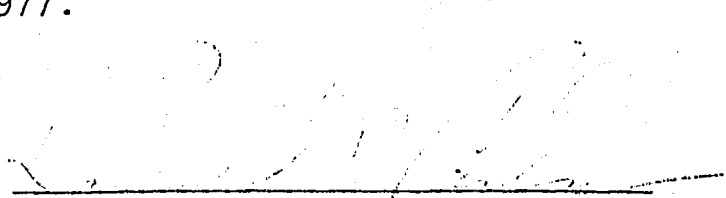
On March 10, 1977, Jess Elgan filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On April 4, 1977, the Department received a protest against approval of said application from Earl H. and Anna Mae Ward. On April 6, 1977, the Department received additional protests from Frank L. Hart and Kayle G. and Claude L. Richins.

The Department has set the matter of protests for conference and/or hearing for Wednesday, May 4, 1977, at 1:00 p.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.

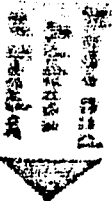
Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be 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 15 day of April, 1977.


RONALD D. CARLSON

Supervisor, Eastern Region



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

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

NUMBER OF PIECES	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	POST. DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
319	Mrs. Thos. Earl H. Ward, Dayton 83232	13	60					13-756+B-761
320	Mrs. Kayle H. Federal, 136505, 13th Avenue, CT 84665	13	60					"
321	Shackel, Hart, 112 N. Oakwood Dr., Dayton 0784041	13	60					"
322	Geo. Hagan, Cifton 83228	13	60					"
323	Raymond Shook, Rt#1, Cincinnati, Ohio 83211	13	60					01-7208
324	Richard D. Buss, 5120 East Ave, Cincinnati 83211	13	60					"
325	Ed. H. Hines, Rural Electric Co., Rt#17, Maita	13	60					"
326	Robert D. Hall, 33031, Keeley Rd., Cincinnati 83211	13	60					"
327	Paul Chapman, 4706 Fairview, Cincinnati 83764	13	60					"
328	Virgil Blake, Rt#1, Box 125, Cincinnati 83211	13	60					25-7364
329	Alfred L. Williams, Box 4, Cincinnati 83211	13	60					"
330	Mrs. Margaret Smith, Rt#1, Box 301, G.F.	13	60					26-2281
331	City of Mackay	13	60					34-7088
332	East 1st, 28 Box 129, IF	13	60					"
333	John J. Powers, 211 North Main, Mackay	13	60					"
334	Red Springs, 20 Box 409, Clatsop, 83211	13	60					"

NUMBER OF
PIECES

TOTAL NO. OF
PIECES RECD. AT P.O.

POSTMASTER PER (Name of receiving employee)

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

FORM 257, 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: 1974-0-328-728

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

April 20, 1977

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,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

May 18, 1977

RE: Applications for Permit Nos. 13-7156)
13-7157) Elgan

Please find enclosed a copy of the agreements reached at the conference held in Preston, Idaho, on May 4, 1977. The Department has now resumed the processing of these applications for permit pursuant to these agreements.

If you have any further questions or need additional information in this matter, Please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:me

Enclosure

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

BR 9-6

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 \$75 original App \$10 Amended App

(1) BR 9-6

In form to receipt

(2) 11 "

Send Copies to:

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

(3) 11 "

Request Special Use Permit from U.S.F.S.
Request Easement from B.L.M.
Request Information from Applicant
Request Dam Safety Information

(4) 11 "

In form for advertising

(5) 11 "

Platted on Map No. 14,388

(6) 11 "

Located within Water District No. N.A.

(7) 11 "

Critical groundwater area: yes no ☒

(8) 11 "

Groundwater levels:

Declining, ☒ Stable, Increasing

(comment) _____

(9) 11 "

Other rights on the same place of use None G.W.

(10) 11 "

Comments: Obs well sec 15 T8S R38E
W.D. 11

(11) Me 9-26-77

Affidavit of Publication received(date) 9-26-77

(12) aw 10-03-77

Final date for protests Retain 3, 1977

Protests received: yes no ☒

(13) RDC 10/3/77

All requested information received from agencies or applicant: yes no

(14) 11 "

Action recommended:

☒ Approve Deny

9/6/77 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 10/5/77

Copy sent

Supplemental

September 7, 1977

RE: Application for Permit No. 13-7156 AMENDED

Mr. D. Beasteat
Clifton,
ID 83228

Dear Mr. Beasteat:

Attached herewith is Departmental receipt No. 8389 in the amount of \$10.00 for the above referenced application amendment in the name of Jess Elgan.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Attachment

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that Application for Permit No. 13-7156 in the name of Jess Elgan was filed for the diversion of 5.48 c.f.s. of water from a ground-water source with point of diversion within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 14S, R. 38E, B.M., Franklin County; to be used from Apr. 1 to Nov. 1 for the irrigation of 274 acres within the S $\frac{1}{2}$, Sec. 4, T. 14S, R. 38E, B.M.

The applicant now proposes to amend Application No. 13-7156, changing the point of diversion to the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 14S, R. 38E, B.M., Franklin County, and the place of use to the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, T. 14S, R. 38E, B.M.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before October 3, 1977.

C. STEPHEN ALLRED

Director

Published in the Preston Citizen, Preston, Idaho, on September 15 and September 22, 1977.

Mr. J.
Mc-
Q.

September 9, 1977

RE: Application for Permit No. 13-7217 NORTH PRESTON STAKE

Application for Amendment No. 11-7156 ELGAN

The Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

Enc: (2) legals

Bill submitted Sept. 26, 1977 by me

In The Matter of Protests)
Against Approval of) withdrawal of
Application for Permit) Protests
NO. 13-7157 JESS ELGAN)

We hereby agree to withdraw
our protest against approval of
the above referenced application
for Permit with the understanding
that our permit No 13-7116 is earlier
in priority and that permit 13-7157
will be subject to our prior
water rights.

Signed at Preston Idaho
this 4th day of May 1977.

Gayle M. Perkins
Gordon L. Perkins
Earl H. Ward
Frank R. Hart

November 28, 1977

Re: Application for Permit No. 13-7156

Dear Protestants:

Enclosed please find a copy of the agreement reached at a conference held in Preston, Idaho on May 4, 1977. It appears that this withdrawal erroneously references Application for Permit No. 13-7157 where it should reference 13-7156.

Unless you contact us within 15 days we will assume this is the case and continue the processing of application number 13-7156.

Sincerely,

Bill MacAllister
Water Resource Agent

BM/kaw
Enclosure

State of Idaho
Department of Water Resources

RECEIVED

AUG 5 1981

ASSIGNMENT OF PERMIT

Department of Water Resources

We, JESS B. ELGAN and, hereby assign to ROY GRANT PETERSON and
NANCY LEE ELGAN BEVERLY LaVERLA PETERSON
of Clifton, Idaho 83228 Address

CHECK ONE

- ☒ All my right, title, and interest in and to Permit No. 13 7156
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.
(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 15th day of July, 19 81.

Jess B. Elgan
Permit Holder

Nancy Lee Elgan
Spouse of Permit Holder

State of Idaho)
County of FRANKLIN) ss.

On this 15th day of July, 19 81, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Barbara Sorenson
Notary Public residing at Swan Lake, Idaho

My commission expires:
Lifetime

RECEIVED

JUL 31 1981

Department of Water Resources
Easter Office

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 13-7156

ORDER

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

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

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

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

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

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

Dated this 1st day of June 1981.

Glen Saxton

GLEN SAXTON
Chief, Operations Bureau

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT C.F.S.
~~Original Permit~~	~~13-7156~~	~~Jess Elgan~~	~~5.48 cfs~~
Full Assignment	13-7156	Roy Grant Peterson & Beverly LaVerla Peterson	5.48 cfs

State of Idaho
Department of Water Resources

RECEIVED
DEC 5 1989

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07156

Department of Water Resources

Date of Priority: September 6, 1977

Maximum Diversion Rate: 1.58 CFS
Maximum Diversion Volume: 931.0 AF

Comes now

ROY GRANT PETERSON
BEVERLY LA VERLA PETERSON

CLIFTON, ID 83228

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 13-07156, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	1.58 CFS	931.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWNW, Sec. 9, Township 14S, Range 38E²
FRANKLIN County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14S	38E	8	NENE 22	SENE 40		62
		9	SWNE 25	NWNW 22	SWNW 36	
			SENE 40	NESW 40	NWSW 18	
			NWSE 23			204

Total number of acres irrigated: 266

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Beverly L Peterson, this _____ day of OCT 15, 1989.

Beverly L Peterson, trustee
(Signature)

PAGE 2

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07156

FOR DEPARTMENT USE ONLY

Preliminary check by Kyo Fee = \$20.00 ✓ Received by Hwj Date 12-4-89 # E011238

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 13-07156 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
- ✓ 5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

Witness my hand this 5TH day of JANUARY, 1990.

R. Keith Higginson
Acting for R. Keith Higginson, Director

5107

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 13-07156

Priority: September 6, 1977

Maximum Diversion Rate: 1.58 CFS
Maximum Diversion Volume:¹ 931.0 AF

This is to certify, that ROY GRANT PETERSON
BEVERLY LA VERLA PETERSON
CLIFTON, ID 83228 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated September 6, 1977; and
has submitted Proof of Beneficial Use on August 14, 1981. An examination indicates
that the works have a diversion capacity of 1.580 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	1.58 CFS	931.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWNW, Sec. 9, Township 14S, Range 38E
FRANKLIN County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14S	38E	8	NENE 22	SENE 40			62
		9	SWNE 25	NWNW 22	SWNW 36		
			SESW 40	NESW 40	NWSW 18		204
			NWSE 23				

Total number of acres irrigated: 266

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

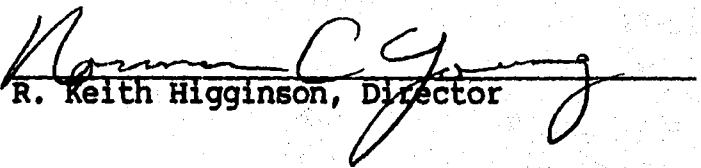
PAGE 2

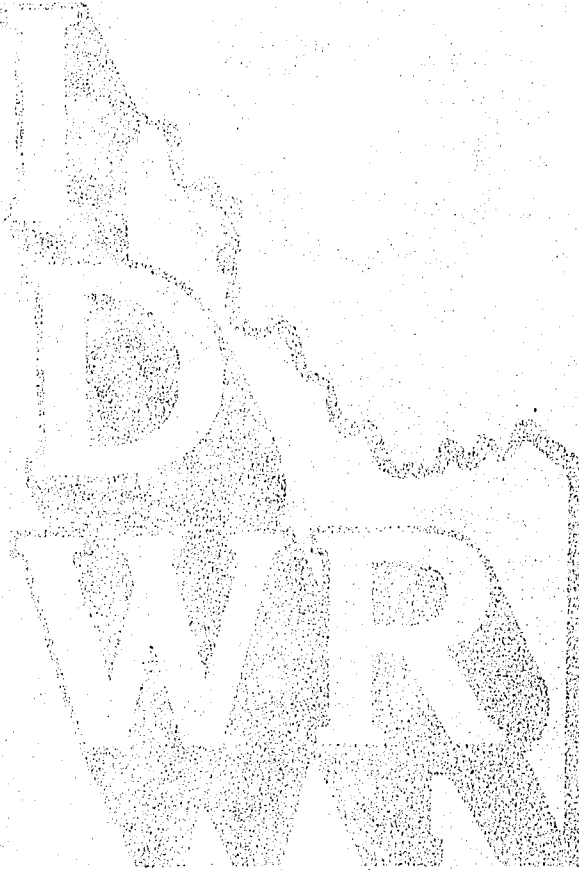
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 13-07156

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 5th
day of JANUARY, 1990.

Acting for


R. Keith Higginson, Director



January 31, 1978

Re: Permit No. 13-7156

Jess Elgan
Clifton, ID 83228

Dear Mr. Elgan:

Enclosed is a copy of your approved Application for Permit No. 13-7156 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to either install and maintain a measuring device at your point of diversion or to provide the Department a certified measurement of the systems diversion capacity prior to submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah

Enclosure

Federal Land Bank Association of Preston

P.O. Box 386 102 North State,
Preston, Idaho 83263
Telephone: (208) 852-2145

J.P. Garner, Manager

July 30, 1981

Idaho Dept. of Water Resources
Eastern Dist. Office
150 Shoup
Idaho Falls, Idaho 83401

Gentlemen:

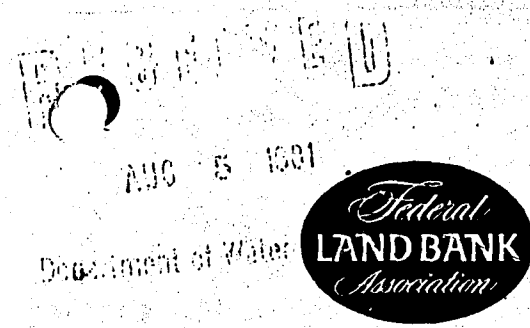
Enclosed are two "Assignment of Permit" for permit no. 13 7157 and no. 13 7156 both signed by Jess B. Elgan, Permit Holder and Nancy Lee Elgan, Spouse of Permit Holder to Roy Grant Peterson and Beverly LaVerla Peterson.

Please make the necessary transactions on the assignment and if you have any questions or we need to do anything to complete this assignment please let us know.

Sincerely,

Karl L. Anderson

Secretary
kla
Encls:



RECEIVED

JUL 31 1981

Department of Water Resources
Eastern District Office



SERVING FRANKLIN, CARIBOU, ONEIDA, BEAR LAKE, & BANNOCK COUNTIES

Robyn

Federal Land Bank Association of Preston

P.O. Box 386 102 North State,
Preston, Idaho 83263
Telephone: (208) 852-2145

J.P. Garner, Manager

August 7, 1981

Re: Loan No. 189085-7
Roy Grant Peterson

Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Gentlemen:

Enclosed is a copy of Application for Permit for Jess Elgan on Permit No. 13-7156. This application was approved and the number was issued.

Mr. Elgan has now sold to Roy Grant Peterson and we are trying to get all water papers for Mr. Peterson. We can not find a letter from the State of Idaho for Approval of Application for Permit #13-7156. On July 30, 1981 we sent in a Assignment of Permit to change the name from Jess B. Elgan and Nancy Lee Elgan to Roy Grant Peterson and Beverly LaVerla Peterson.

We called the Water Resources Office in Idaho Falls and they were going to request that you send us a copy of the letter for this permit. We need to complete the following requirement: A copy of the receipt for request for license/certificate from the appropriate state agency and receipt acknowledging request to our Federal Land Bank of Spokane.

We would appreciate it if you could send this letter as soon as possible as we are in the process of making a loan to Mr. Peterson and we will not be able to complete this loan until we have a copy of this letter in our file.

Thank you.

Yours truly,

Doris Lee Bybee

Secretary
dlb
enclosure



SERVING FRANKLIN, CARIBOU, ONEIDA, BEAR LAKE, & BANNOCK COUNTIES



10/29/81 - Called Ms. Bybee & she said that Rita Fleck took care of everything that was needed - Therefore this letter is just being filed for record RC

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 13-7156.

Name(s) of Permit Holder: Roy Grant Peterson
Beverly LaVerla Peterson

Post Office Address: Clifton, Idaho 83229

Source of Water: Well

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 274 (acres)
☐ Other

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

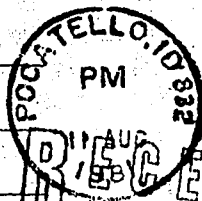
The above information is a true statement of the extent to which the above numbered permit has been developed.

August 10, 1981

Date

Roy Grant Peterson
Beverly LaVerla Peterson
Signature of Permit Holder

Roy G. Peterson



AUG 14 1981

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Rita

Federal Land Bank Association of Preston

P.O. Box 386 102 North State,
Preston, Idaho 83263
Telephone: (208) 852-2145

J.P. Garner, *Manager*

August 25, 1981

Re: Loan #189095-7
Roy Grant Peterson



AUG 26 1981

Department of Water Resources

13-7156
13-7157

Idaho Department of Water Resources
Statehouse
Boise, ID 83720

Gentlemen:

On August 11, 1981, we mailed a Proof of Beneficial Use Card to the Department of Water Resources in behalf of Roy Grant Peterson and LaVerla Peterson, H/W. We would appreciate a letter from you stating that you received this Proof of Beneficial Use Card and that it was filled out correctly. We would appreciate your cooperation in this matter.

Yours truly,

Robert G. Morrison

Robert G. Morrison
Assistant Manager

RGM:jc



SERVING FRANKLIN, CARIBOU, ONEIDA, BEAR LAKE, & BANNOCK COUNTIES



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

September 2, 1981

Roy Grant Peterson & Beverly LaVerla Peterson
Clifton, ID 83228

RE: Permit No. 13-7156

Dear Mr. & Mrs. Peterson

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

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

Sincerely,

A handwritten signature in cursive script that reads "Jim Johnson".

JIM JOHNSON
Water Distribution Supervisor

JJ:jg

Enclosure

CONVERSATION MEMORANDUM

DATE Sept. 18, 1981

FILE 13-7156 & 13-7157

NAME OF PARTY Robert Morrison

EMPLOYEE Rita Fleck

RE: Statements of Beneficial Use

I'm unable to find the statement of beneficial postcards for these files.

I contacted the Federal Land Bank, in particular Robert Morrison and requested
that he send us the postcards again.

Federal Land Bank Association of Preston

P.O. Box 386 102 North State,
Preston, Idaho 83263
Telephone: (208) 852-2145

J.P. Garner, Manager

September 21, 1981

Re: Loan #189095-7
Roy Grant Peterson



RECEIVED

SEP 23 1981

Department of Water Resources

Idaho Department of Water Resources
450 West State
Statehouse
Boise, ID 83720

Attn: Rita Fleck

Dear Mrs. Fleck:

Enclosed is a signed "Beneficial Use" card for Roy Grant Peterson and Beverly LaVerla Peterson H/W. Please check the card over and make sure it is filled out correctly and send us a letter stating you have received the Proof of Beneficial Use card.

We have appreciated your cooperation on this matter and if you have any questions, don't hesitate to contact me.

Yours truly,

Robert G. Morrison

Robert G. Morrison
Assistant Manager

RGM:jc

Enclosure



SERVING FRANKLIN, CARIBOU, ONEIDA, BEAR LAKE, & BANNOCK COUNTIES

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 13-7156.

Roy Grant Peterson

Name(s) of Permit Holder: Beverly LaVerla Peterson

Post Office Address: Clifton, Idaho 83228

Source of Water: Well

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 274 (acres)
☐ Other

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

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

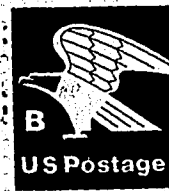
Sept. 18, 1981
Date

Beverly LaVerla Peterson
Signature of Permit Holder

~~Federal Land Bank Association~~

~~P. O. Box 386~~

~~Preston, Idaho 83263~~



RECEIVED

SEP 23 1981

Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

October 6, 1981

Robert G. Morrison
Federal Land Bank of Preston
P.O. Box 386
Preston, Idaho 83263

Dear Mr. Preston:

Consider this letter as additional proof that a beneficial use card was submitted to the Department of Water Resources by Roy and Beverly Peterson. The proof was submitted for permit #13-7156. Attached is a copy of their proof card as well as a copy of the letter I am sending them today.

Allow me to apologize for the delay in this matter. I only received word that Peterson's had submitted proof in yesterday's mail from our state office.

If there are additional questions regarding this matter, please do not hesitate to contact this office.

Sincerely,

BOBBIE R. STEPHENS
Principal Clerk

BRS

attachments:



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7188

October 6, 1981

RE: Permit No. 1307156

Roy G. & Beverly L. Peterson
Clifton
Idaho 83228

Dear Mr. & Mrs. Peterson:

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

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

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

Very truly yours,

BOBBIE R. STEPHENS
Principal Clerk

cc: Federal Land Bank of Preston
cc: IDWR - State Office



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

October 28, 1982

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocations Section

DRT:jg

Enclosures

NORTHERN REGION OFFICE
Route #5, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190

13-7156

D-668

4D

Roy Petersen

R38E

T14S

D-354

5D

D. Marcel
Beckstead

C-7

LO

NOT TO SCALE

13-7156

D-648

4D

Roy Peterson

R38E

C-7

L0

D-667

~~52D~~

4D

D-354

5D

D. Marcel Backstead

D-68

10D

Dale Ralphs

D-7

D-77

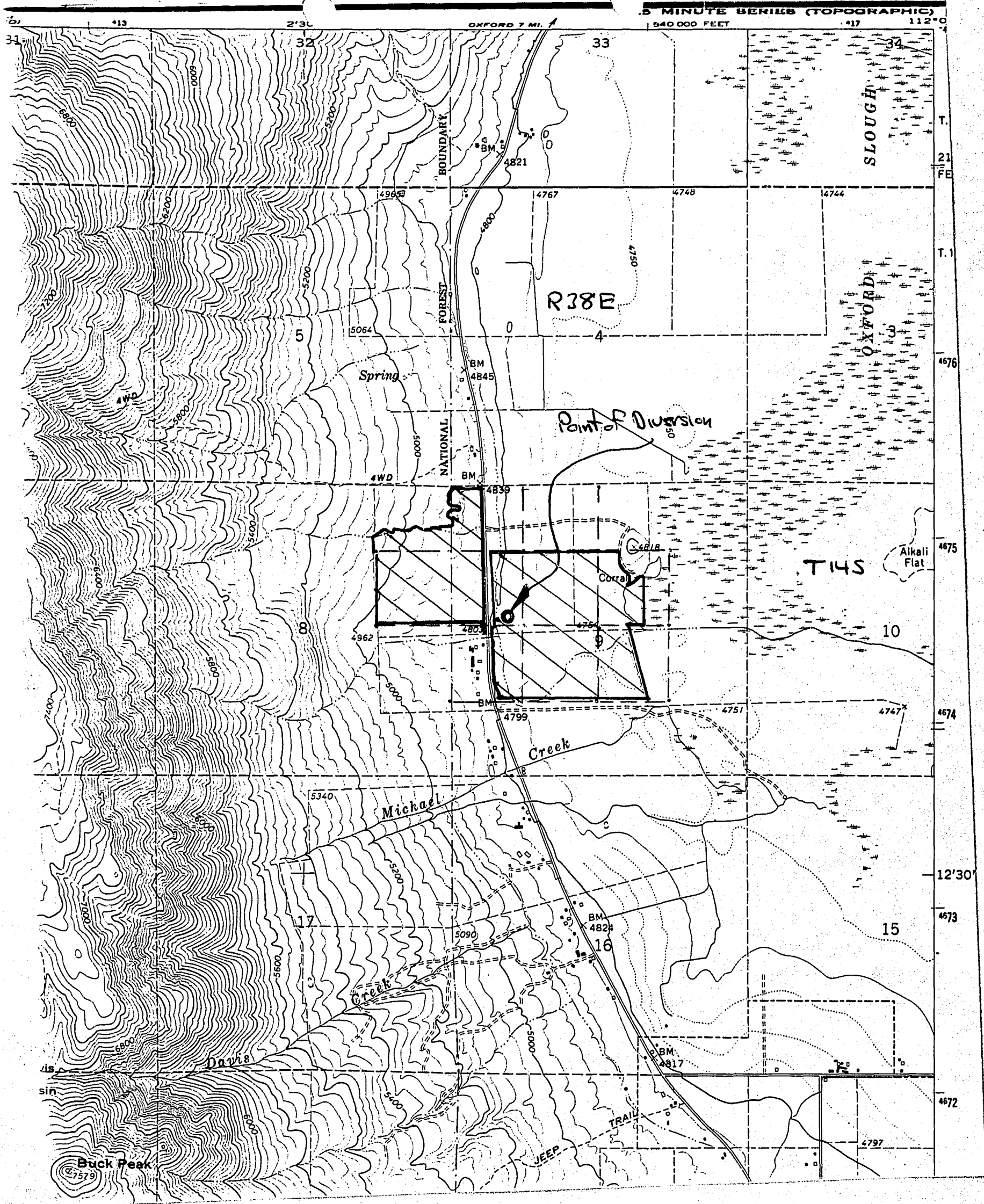
11D

Nord. K. Westbauer

NOT TO SCALE

NOT TO SCALE

13-7156



METER NO. 091471 RAN 10"-80" DATE TESTED 7-19-1985

UPSCALE	DOWNSCALE	AVERAGE	METER READING	Flow ERROR	Flow CORREC FACTOR
9.37	9.06	9.215	10		0.959
14.62	14.62	14.62	16		0.955
18.50	18.50	18.50	20		0.962
24.25	24.50	24.375	26		0.968
27.87		27.87	30		0.963
	29.87	29.87	31		0.981
34.25		34.25	36		0.975
40.25		40.25	41		0.990

13-7156

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED
JAN 13 1986

13-7156
Permit No.

1. Measurement Calculations

Department of Water Resources

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

$$Q = (6" \text{ mainline ID})^2 \times 3.85 \sqrt{\frac{28"}{\text{Meter Reading}}} = 733.4 \text{ gpm} \times 0.966 = 708.5 \text{ gpm}$$

or
1.58 cfs
capacity

b) Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 266 \times 3.5 = 931.0$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.58 \text{ cfs} \times 214 \times 1.9835 = 670.66$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 670.7 \text{ afa}$$

c) Volume Calculations for Other Uses:

2. Overlap Review

a) Other water rights with same place of use: Shares in Oxford Irrigation Ditch

b) Other water rights with same point of diversion: N.A.

c) Analysis: RIS (3.5)

RECOMMENDED AMOUNTS

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity

4. Permit Holder: _____

Address: _____

5. Source: _____ tributary to _____

[illegible]

Irrigation	4-01	11-01	1.58	670.7
------------	------	-------	------	-------

Allowable Maximums: 1.58 cfs 670.7 afy

7. Point(s) of Diversion:

[illegible]

8. Place(s) of Use

[illegible]

9. Recommended Conditions/Remarks: _____

10. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other _____

11. Examiner's Signature H. W. Jones Date 11-26-85

Checked in Regional Office by Bary Spallman Date 1-06-86

Approved in State Office by *Deanne McCarthy* Date *4/1/89*

JAN 13 1986

Department of Water Resources

Permit No. 13-7156

Phone No. 747-3358

1. Owner: Ray Peterson Phone No. 747-3358
Current Address: Clifton, ID.
2. Accompanied by: D. Marcel Beckstead (Part owner of) EXAM. DATE: 9-03-85
Address: Box 143 Clifton, ID. 83228 Phone No. 747-3491
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	N.A.	50	N.A.	N.A.	N.A.

***Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.**

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
Well/pump to four 1/4 mile lines (submerged motor/pump set at 50')

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Annubar					6.0"	
Eagle Eye Meter				091461	2"-13'	7-19-85

7. Measurements 6" mainline ID ☐ Additional data/computation sheets attached
28" meter readings

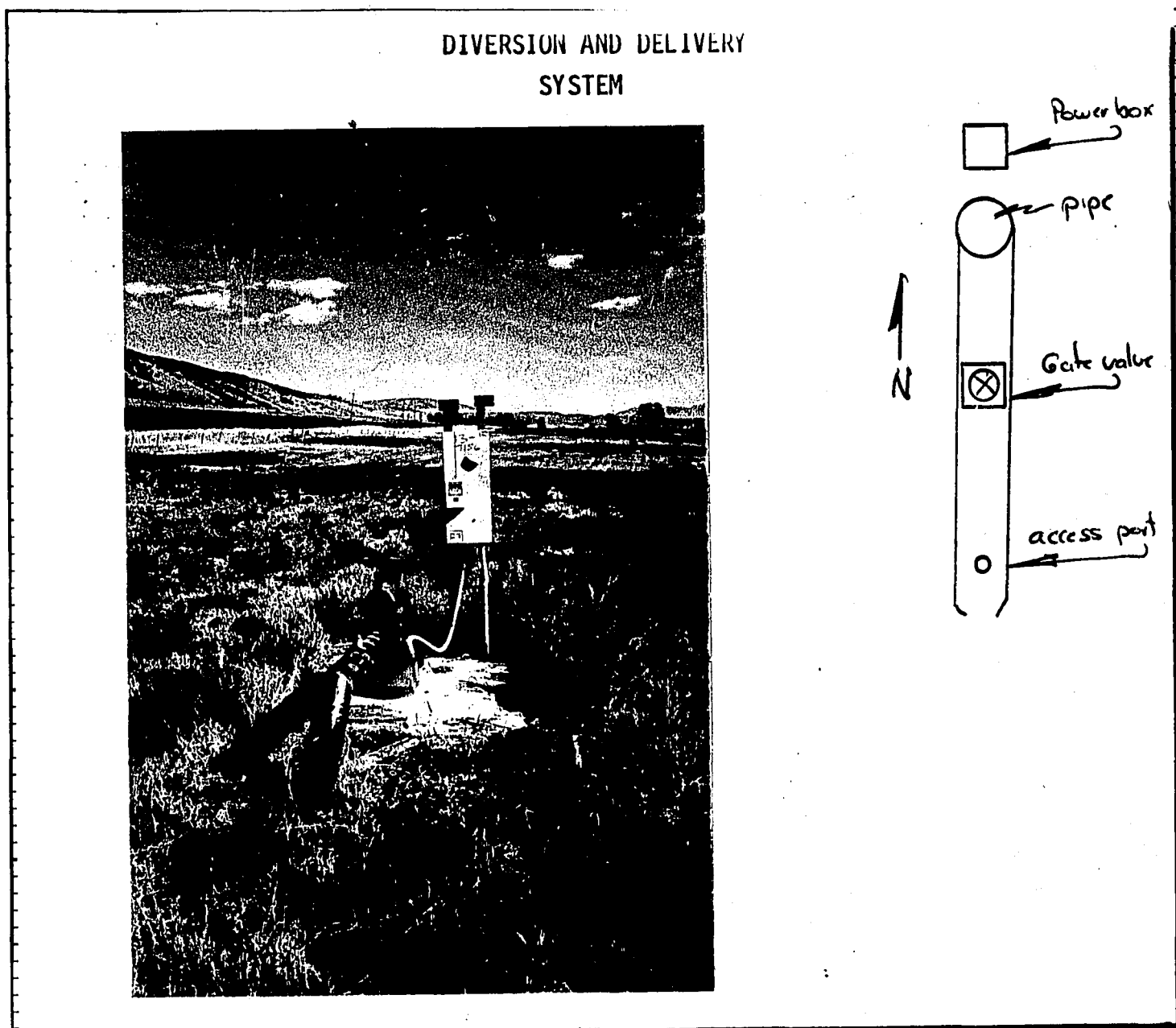
- | 8. Point(s) of Diversion: | Indicate Method of Determination |
|---------------------------|----------------------------------|
| | ASCS Air Photo |

[illegible]

9. Place(s) of Use: Irrigation - give acres served by system at time of exam.
Indicate Method of Determination ASCS & photo

[illegible]

10. Other water rights on these lands: Oxford irrigation Ditch
11. Other water right diverted from same p.d. N.A.
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached
or Map of Irrigated Acreage Attached

14. Remarks Property is split in ownership between Marcel Beckstead
and Mr. Peterson

15. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

16. Examiner's/Consultant's Signature John Jones Date 11-15-85

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

CONSULTANT SEAL

POINT OF DIVERSION OVERLAP REVIEW

WR-NUMBER	TWP	RNG	SC	TRACT	LT	#SOURCE	#NAME
				1\4 1\4 1\4			
1307156	14S	38E	9	SW NW		GROUNDWATER	ELGAN, JESS

September 27, 1989

ROY GRANT PETERSON
BEVERLY LA VERLA PETERSON
CLIFTON, ID 83228

RE: PERMIT NO. 13-07156

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

November 17, 1989

ROY GRANT PETERSON
BEVERLY LA VERLA PETERSON
CLIFTON, ID 83228

RE: PERMIT NO. 13-07156

Dear Permit Holder(s):

We previously forwarded to you an Amendment for Water Permit so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received this amendment. If we do not receive the amendment within fifteen (15) days, we will issue a Water Right License which reduces the amount that could have been allowable to you. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

January 9, 1990

ROY GRANT PETERSON
BEVERLY LA VERLA PETERSON
CLIFTON, ID 83228

RE: PERMIT NO. 13-07156

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

State of Idaho
Department of Water Resources

AMENDED

WATER RIGHT LICENSE

AMENDED

WATER RIGHT NO. 13-07156

Priority: September 6, 1977

Maximum Diversion Rate:

1.58 CFS

Maximum Diversion Volume:

833.0 AF

This is to certify, that ROY GRANT PETERSON
BEVERLY LA VERLA PETERSON

CLIFTON ID 83228 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 6, 1977; and has submitted Proof of Beneficial Use on August 14, 1981. An examination indicates that the works have a diversion capacity of 1.580 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	1.58 CFS	833.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 9, Township 14S, Range 38E
FRANKLIN County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14S	38E	8	NENE 19	SENE 37		56
		9	SWNE 11	NWNW 14	SWNW 36	
			SENE 40	NESW 40	NWSW 18	
			NWSE 23			182

Total number of acres irrigated: 238

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

PAGE 2

State of Idaho
Department of Water Resources

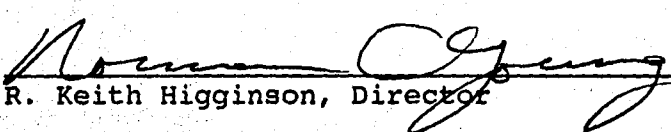
AMENDED

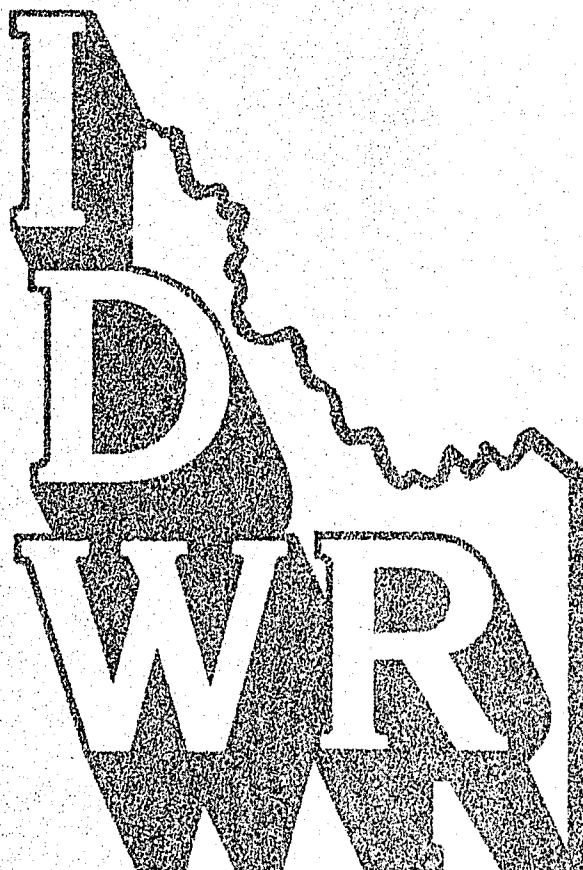
WATER RIGHT LICENSE

AMENDED

WATER RIGHT NO. 13-07156

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 9th
day of SEPTEMBER, 1994.

Acting for  R. Keith Higginson, Director



RECEIVED
FEB 10 1994
BOISE
IDAHO

Memorandum

Date: August 18, 1994

From: Susan Hamlin

To: Jim Johnson

Subject: Amending License 13-07156

=====

Start the process to amend license no. 13-07156 to conform to the field exam recommendation. Delete the following acres:

Sec. 8	NENE	3 acres
	SENE	3 acres
Sec. 9	SWNE	14 acres
	NWNW	8 acres

If you have further questions about the numbers ask Marci Sterling or come talk to me.

Thanks-- Susan

MEMORANDUM

Date: August 23, 1994
From: Jim Johnson
To: File
Subject: Amendment of License

=====

On August 18, 1994 I received from Susan Hamlin, a request to amend this license. See attached memo.

The basis for the request came from a recent adjudication of water uses between two parties. During this activity several water rights of Mr. Peterson (one of the two parties) were reviewed. Right No. 13-07156 was licensed on January 5, 1990 based on information collected in an examination done on September 3, 1985. At the time of the examination, the examiner, Harold Jones, did not have an aerial photo visualizing the sprinkler system he found in use at the time of his examination. A subsequent examination done in 1988 on other right, No. 13-07157, also owned by Mr. Peterson, used an aerial photo taken after the photo used by Mr. Jones. This photo clearly showed the sprinkler irrigated fields reported by Mr. Jones in 1985. A close inspection of this later photo also showed acres that were not irrigated by the sprinkler system, but were listed as irrigated on Mr. Jones examination report.

The attached memo by Susan Hamlin lists the specific acres and locations which should be removed from the license. The aerial photo used to make these adjustments is found in Water Right no. 13-07157.

MEMO

FROM: Marci Sterling
TO: License file 13-07156
DATE: September 8, 1994
RE: Amendment of license 13-07156

This license, along with several other water rights, was reviewed recently in connection with a small adjudication. The adjudication examiner, Eric Verner, also completed the licensing exam for another right, 13-07157, which overlaps a portion of this right. During his review, Eric found some discrepancies between this license and the conditions he observed in the field. This creates a problem because the license was issued in 1990 and Eric's exam was only two years later.

The lands originally licensed under this right in the SWNE of Section 9, T14S, R38E amounted to 25 acres. Upon review of the licensing exam and Eric Verner's later adjudication recommendation, however, it was concluded that fewer acres within that 40 acre tract should have been licensed.

First, Eric found that only a portion of the original 25 acres was actually being irrigated. He excluded a small triangular shaped piece at the south end of the quarter quarter and later described that piece to me as being boggy ground. It is not covered by any other water right.

Eric also excluded some acres on the east side of the quarter quarter because they are irrigated by a different system. A flood irrigation system serves these acres, along with other lands to the east. A ditch runs along the west edge of this land and is evident on photos. License files 13-07156 and 13-07157 both have ASCS photos in them and there are U2 photos in the Department from 1976 and 1977 which all show this ditch. The U2 photos also clearly show that the land to the east of the ditch is irrigated with a different system than the land to the west. Only the 11 acres on the west side of the quarter quarter are supplied by the well. There is a water right which covers the flood irrigated ground, 13-04110A.

In addition to the areas described above, there are several other small pieces of land that Eric did not recommend, but were licensed under this right. These areas are high, rocky ground within the NE quarter of Section 8 and the NWNW of Section 9. It is evident from the U2 photos that there is no plant growth in any of these areas and the ASCS photos do not include them as cropland.

The factors specified in this memo provide the justification for the license amendment. The memo from Susan Hamlin to Jim Johnson describes in detail the acres to be deleted and their locations.



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

September 12, 1994

Roy Grant Peterson
Beverly LaVerla Peterson
Clifton, ID 83228

RE: Water Right No. 13-07156

Dear Mr. and Mrs. Peterson:

Enclosed herewith is a copy of the Amended Water Right License issued on the above referenced right. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Shelley W. Keen'.

Shelley W. Keen
Water Rights Supervisor

SK:sc

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 13-7156A

WATER RIGHT NUMBER: 13-7156A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROY G PETERSON 7239 N WEST SIDE HWY CLIFTON, ID 83228 (208)747-3358
Current Owner	BEVERLY PETERSON 7239 N WEST SIDE HWY CLIFTON, ID 83228 (208)747-3358
Original Owner	JESS ELGAN ID

Priority Date: 09/06/1977

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.540 CFS	283.50 AF
	<u>Total Diversion:</u>	0.540 CFS	283.50 AF

Location of Point(s) of Diversion
GROUND WATER
FRANKLIN County

SW1/4NW1/4

Sec. 9, Twp 14S, Rge 38E, B.M.

Place of Use
IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Total
14S	38E	9									40.0	18.0					23.0		81.0

Total Acres: 81

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 13-7156A

Comments:

1. VERNER 3/11/1993 COPIED FROM REMARKS

Comment: TOTAL WATER RIGHT IS NO LESS THAN 3.16 CFS. THE 1.58 CFS REPRESENTS PETERSONS ONE-HALF OF THE ABOVE WATER RIGHT. THE OTHER ONE-HALF IS USED ON PROPERTY OWNED BY D. MARCEL BECKSTEAD. SEE APPLICATION FOR WATER RIGHT #13-7156. DISALLOWAL AND SPLIT RIGHT THE PLACE OF USE UNDER THIS PORTION OF THE LICENSE IS NOT OWNED BY THE CLAIMANTS. RECOMMEND DISALLOWING ADJUDICATING THIS PORTION OF THE RIGHT BECAUSE THE PROPERTY OWNER IS NOT PART OF THIS ADJUDICATION. ONCE ADJUDICATION IS OVER, RECOMMEND THIS PORTION OF RIGHT REVERT BACK TO LICENSE UNDER NUMBER 13-07156A. SPLIT RIGHT PURSUANT TO PROPERTY OWNERSHIP.

2. CFRITSCH 6/20/1997 CHANGED STATUS

Comment: STATUS CHANGED FROM "I" TO "Z" SINCE THIS RIGHT WAS NOT ACTUALLY BEING RECOMMENDED FOR DISALLOWAL. INSTEAD, IT IS RECOGNIZED THAT IT IS NOT A PART OF THIS ADJUDICATION AND IT WILL REMAIN AS A LICENSED WATER RIGHT.

3. jpeppers 12/24/2001 SPLIT RIGHT

Comment: License 13-7156 was split into two parts for the Peterson v Richins decree. The first part was designated 13-7156B in the decree. The second part is the remaining portion, 13-7156A, and was not part of the adjudication.

Dates and Other Information:

Licensed Date: 1/5/1990

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: Or

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre: 3.5

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False