

Identification No. 13 7209

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Winder-Banida Water & Sewer Dist. Phone: 852-1096
post office address Rt. #3, Preston, Idaho 83263
2. Source of water supply unnamed spring which is a tributary of sinks
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34 Township 13S
Range 39E 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 0.48 for Domestic 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)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.48 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. buried perforated collector pipes
into a concrete collection box, 6" x 300', pipe to a reservoir and distribution
system
7,500 Gal. Storage Tank (New)
b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 189,000.00.
8. Description of proposed uses: SEE ITEM 8b
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 Community of Winder, or number of families to be
supplied with domestic water 26.
(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	39E	20												X			X	X	
		29	X			X									X			X	
		28						X	X			X	X						
		32	X			X									X				

Total number of acres to be irrigated _____

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

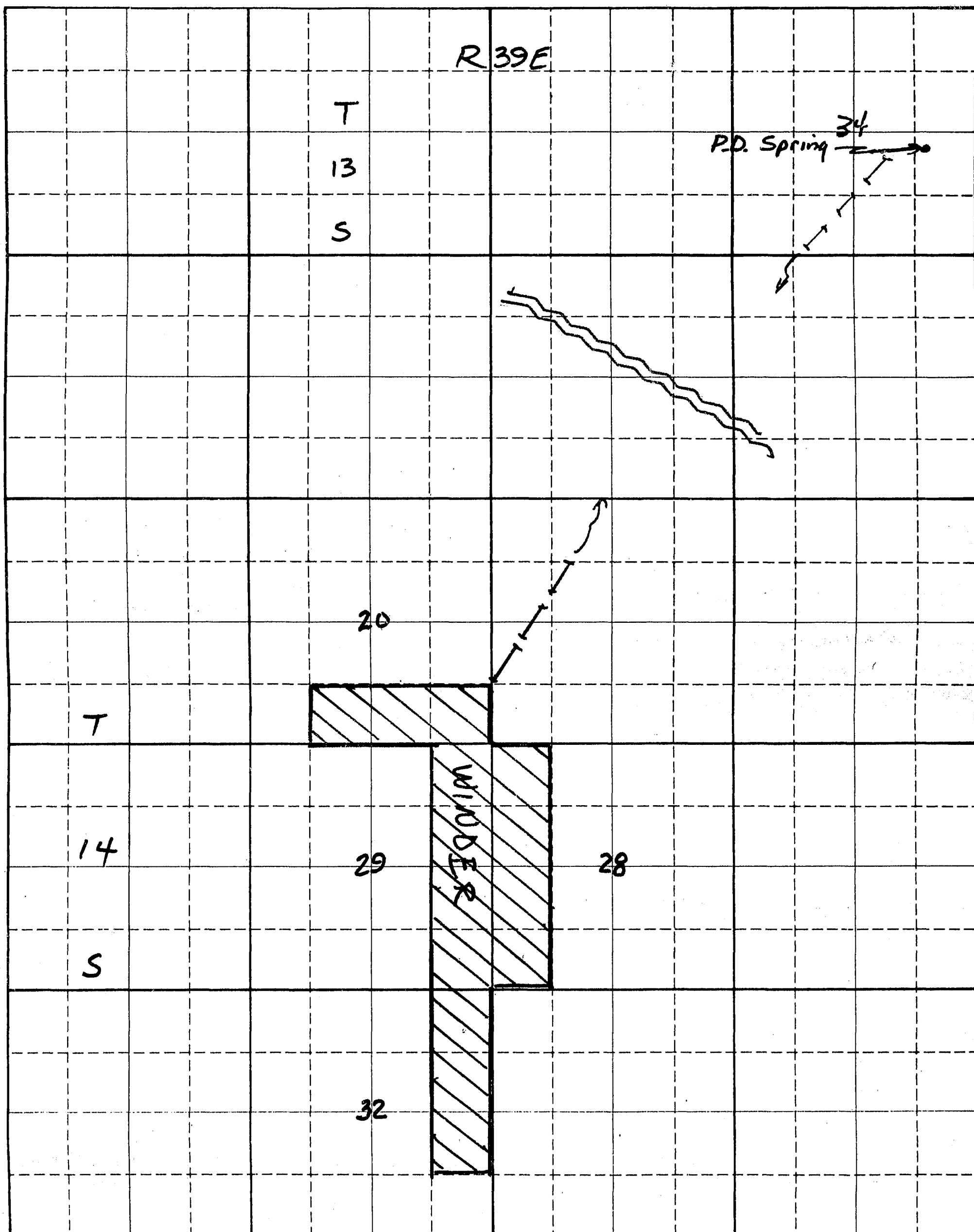
9. a. Who owns the property at the point of diversion Wiford Bosworth

b. Who owns the land to be irrigated or place of use Residents of Community of Winder

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Is in the process of obtaining an easement access and use of the water from Mr. Bosworth.

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.

Winder - Banida Water & Sewer Dist.
s/ Samuel J. Bennett
(Applicant)

07/25/77

Proposed Priority _____

Received by ML Date 7-25-77 Time 11:15 A.

Preliminary check by Ind Fee \$ 25.00

Receipted by CU Date 8-01-77 # 8310

Publication prepared by CU Date 8-05-77

Published in Oreton Citizen

Publication dates Aug 11 & 18-1977

Publication approved me Date Aug. 22, 1977

Priority reduced to _____ Reason _____

Protests filed by General & Nelson
Swainston, Heikyma Olsen

Copies of protests forwarded by ed

Hearing held by _____ Date _____

Recommended for approval denial by RDC Wahm

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. 13-7209, 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 January 1, 1983.
- c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

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

Witness my hand this 29 day of January 1978.

A. Kenneth Shinn
DEPUTY Director

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

RICHARD D. STOCKDALE

being duly sworn,

deposes and says:

That he is the Office Manager of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

August 11th, 1977, and ending with the issue of August 18th, 1977.

Richard D. Stockdale

Fee \$ 14.06

Subscribed and sworn to before me this 18th day of August, 1977.

Dottie E. Casperson

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11, 1980

NOTICE OF APPLICATION FOR WATER PERMIT
Notice is hereby given that Winder-Banida Water & Sewer Dist., Preston, Idaho has on 7-25-77 submitted Application No. 13-7209 for a permit to appropriate 0.48 cubic feet per second of water from an unnamed spring by means of pipeline and collection box within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T. 13S, R. 39E, B.M., Franklin County; to be used from Jan. 1 to Dec. 31 for domestic purposes for 26 families within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 20, E $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 29, W $\frac{1}{2}$ W $\frac{1}{2}$, Sec. 28, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 14S, R. 39E, 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 August 29, 1977.

C. STEPHEN ALLRED
Director

Published in the Preston Citizen, Preston, Idaho on August 11 and August 18, 1977
Legal No. 446 — Pub. Aug. 11, 18, 1977

RECEIVED

AUG 22 1977

Department of Water Resources
Eastern District Office



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

August 2, 1977

RE: Application for Permit No. 13-7208 and 13-7209

Mr. Marion H. Bennett
Route #3
Preston, Idaho 83263

Dear Mr. Bennett:

Attached herewith is departmental receipt No. 8310 in the amount of \$50.00 for the above referenced applications.

We have taken the liberty of retyping your applications, making a few necessary changes in order to complete them for advertising. Please review the retyped applications and if they meet with your approval, sign and return to this office on or before August 29, 1977, which is the final date of protest.

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

Very truly yours,

LOY H. JOHNSON
Senior Water Resource Agent

LHJ:cw

Attachment

Enclosures (2)

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 13-7209

☒ 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)

JAG

8/1/77

In form to receipt yes

(2)

"

"

Send Copies to:

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

(3)

"

"

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

(4)

"

"

In form for advertising yes

(5)

"

"

Platted on Map No. DD-43

(6)

"

"

Located within Water District No. Basin 13

(7)

"

"

☒ Critical groundwater area: yes no

(8)

"

"

☒ Groundwater levels:

Declining, Stable, Increasing

(comment)

(9)

"

"

Other rights on the same place of use

(10)

"

"

Comments:

Applicant stated there were shallow individual wells that have dried up.

(11)

Cal

8-22-77

Affidavit of Publication received (date) Aug. 22-1977

(12)

Cal

8-23-77

Final date for protests Aug. 29-1977

Protests received: yes no

(13)

RDC

12/15/77

All requested information received from agencies or applicant: yes no

(14)

"

"

Action recommended:

☒ Approve

Deny

7/25/77 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

12/15/77

August 3, 1977

RE: Application for Permit No. 13-7208/13-7209

Mr. Kirby Vickers
Public Health Engineer
Department of Health & Welfare
636 Pershing
Pocatello, ID 83201

Dear Mr. Vickers:

We are enclosing a copy of two applications that may be of interest to your agency. Please review the applications and if you have any comments, submit them to our Department as soon as possible. The last date of protest is August 29, 1977, and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Enclosures

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Winder-Banida Water & Sewer Dist.,
Preston, Idaho

has on 7-25-77 submitted Application No. 13-7209
for a permit to appropriate 0.48 cubic feet per second XXXXXXXXXXXXXXXXXXXX
of water from an unnamed spring
by means of pipeline and collection box
within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T. 13S, R. 39E, B.M., Franklin County;

to be used from Jan. 1 to Dec. 31
for domestic purposes for 26 families

within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 20, E $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 29, W $\frac{1}{2}$ W $\frac{1}{2}$, Sec. 28, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 32, T. 14S, R. 39E, 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 _____
August 29, 1977

C. STEPHEN ALLRED
XXXXXXXXXXXXXXXXXXXX
R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho
on August 11 and August 18, 1977

me-
D.

August 5, 1977

RE: Application for Permit No. 13-7207 SPARKS
13-7208 BANIDA-WINDER
13-7209 " "
13-7210 FORMAN
13-7211 WRIGHT

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

RDC:CW

Enc: Legal Notice (5)

Bill submitted 8-22-77 by CW

Identification No. 13 7209

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 Winder-Banida Water & Sewer Dist. Phone: 852-1096
post office address Route 3 Preston, Idaho 83263
2. Source of water supply Spring which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ $\frac{1}{4}$ of SE $\frac{1}{4}$ $\frac{1}{4}$ of Section 34 Township 13S AL
Range 39E 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:
48 CFS. or 216 gal per minute
Amount _____ for Domestic 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)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. _____ cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. open ditch 17 miles long

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive:
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation: See 8B
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. Parts of Sections 20, 28, 29, 32, 33 Township 14 Range 39
(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 Winder Ward, or number of families to be
supplied with domestic water 26.
(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	
14	39	20			X	X													
14	39	29	X			X													
14	39	28		~~X~~	~~X~~			X	X										
14	39	32	X			X													

Total number of acres to be irrigated _____

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

9. a. Who owns the property at the point of diversion Wilford Bosworth % 69 Farms

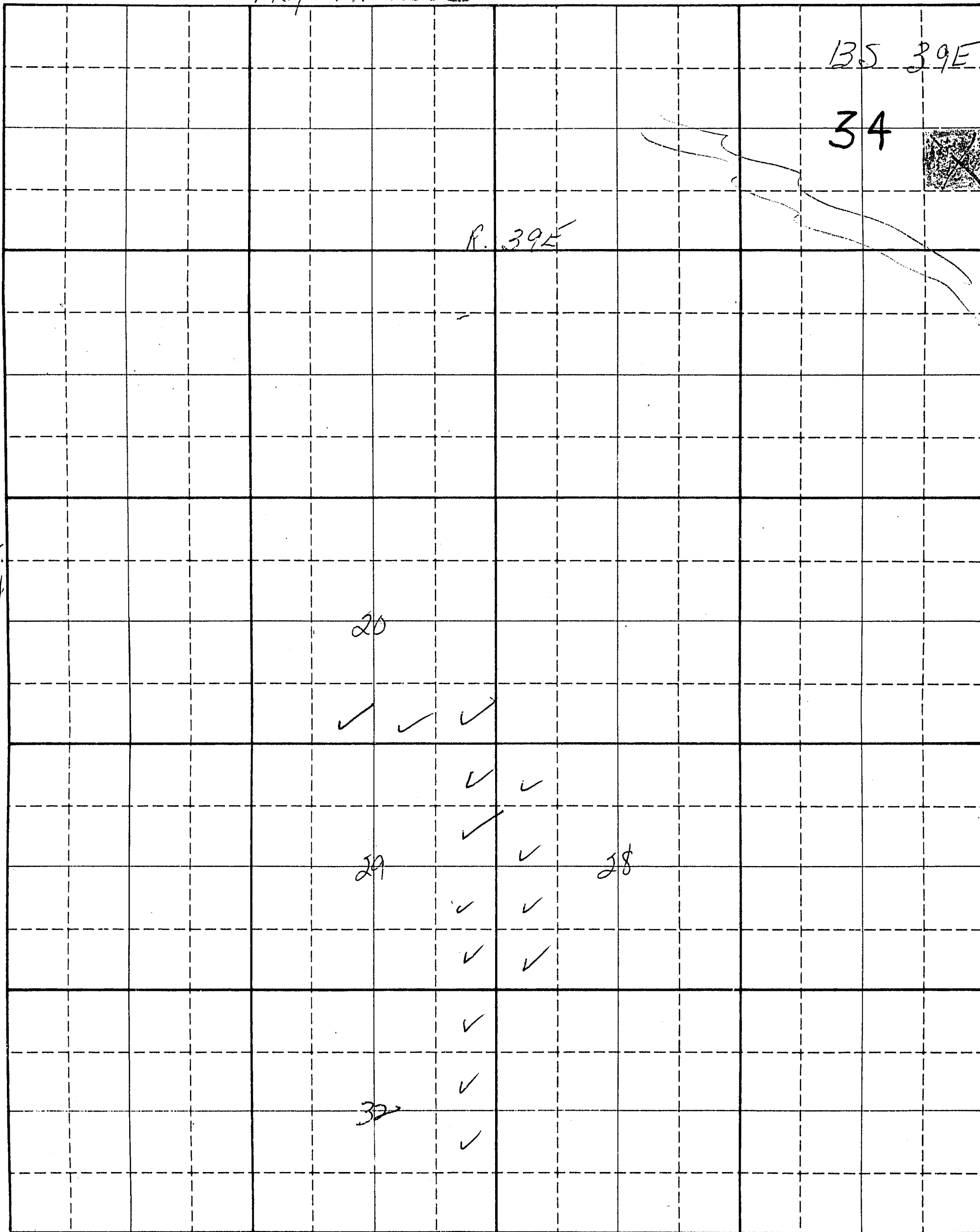
b. Who owns the land to be irrigated or place of use _____

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.

Map Enclosed



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.

Marion H. Burnett Sec.
(Applicant)

70-52

Received by me Date 7-25-77 Time 11:15 a.

Preliminary check by L.V. Fee \$ 25.00

Receipted by CW Date 8-01-77

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved _____ Date _____

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



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

Department of Water Resources
Eastern District Office

AUG 10 1977

DIVISION OF-ENVIRONMENT
636 Pershing
Pocatello, Idaho
83201

9 August 1977

C

Winder-Banida Water & Sewer District
Route #3
Preston, Idaho 83263

Re: Application #13-7208² (Franklin
County)

Gentlemen:

O

We have reviewed the subject application to appropriate public waters of the State of Idaho to provide domestic water for twenty-six families (connections) for the community of Winder. The use is defined as a public water supply.

P

Title 39-118 of the Idaho Code requires that plans and specifications must be reviewed and approved by our Department prior to construction. The enclosed copy of Idaho Drinking Water Standards present the minimum requirements for construction and operation of a public water supply.

Y

If you have any questions, please do not hesitate to contact our office.

Yours very truly,

Henry L. Moran, P.E.
Rgnl. Environmental Supervisor

HLN/md

CC: Ron Carlson ✓
Jack Palmer
Bill Maibauer

EQUAL OPPORTUNITY EMPLOYER

August 29, 1977

RE: Application for Permit No. 13-7209

Mr. DeWayne L. Olsen
Banida,
Idaho 83264

Dear Mr. Olsen:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider 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 purpose 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?

If this office can be of further assistance, please contact us.

Sincerely,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

August 29, 1977

RE: Application for Permit No. 13-7209

Geneal and Heber Swainston
Rt. #3, Box 203
Preston, Idaho 83263

Dear Mr. Swainston:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider 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 purpose 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?

If this office can be of further assistance, please contact us.

Sincerely,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

August 29, 1977

RE: Application for Permit No. 13-7209

Winder-Banida Water & Sewer Dist.
Rt. #3
Preston, Idaho 83263

Gentlemen:

Enclosed is a copy of two protests filed against the issuance of a permit pursuant to your Application No. 13-7209. The Department suggests you contact the protestants directly in an effort to determine the nature of the protests and to attempt to resolve the protests.

If you do not advise us within twenty (20) days that the protests have been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the 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?

If this office can be of further assistance, please contact us.

Sincerely,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Enclosures (2)

RECEIVED

SEP 16 1977

Department of Water Resources
Eastern District Office

September 15, 1977

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

Dear Sirs:

We have not at this time received any word from your office indicating there was any protest on our application for permits on the two springs to be used for the Winder-Banida Water and Sewage District. Would we assume the permits would be granted?

Yours Truly,


Marion H. Bennett, Secretary

MHB: AKS

September 19, 1977

RE: Application for Permit 13-7209 and 13-7208

Mr. Marion H. Bennett
Secretary
Winder-Banida Water & Sewer District
Rt. #3
Preston, Idaho 83263

Dear Mr. Bennett:

In reference to your letter of September 15, 1977, concerning the above referenced applications we are submitting the following information:

Application No. 13-7208 was forwarded to our Boise Office for final action on August 29, 1977.

Application No. 13-7209 has been protested. Copies of the protests were forwarded on August 29, 1977, however, we are enclosing copies of these protests again for your records.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosures (3)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval)
of Application for Permit No. 13-7209)
in the Name of WINDER-BANIDA WATER AND)
SEWER DISTRICT)

NOTICE OF CONFERENCE
AND/OR HEARING

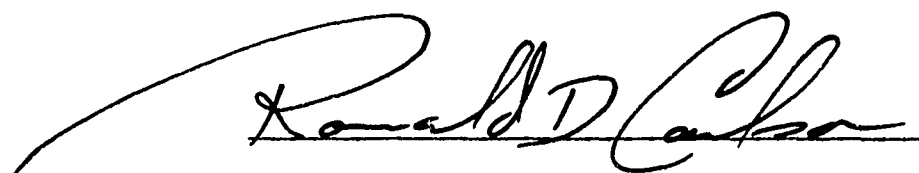
On July 25, 1977, the Winder-Banida Water and Sewer District filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On August 23, 1977, the Department received a protest against approval of said application from Geneal and Heber Swainston. On August 26, 1977, the Department received an additional protest from DeWayne Olsen.

The Department has set the matter of protests for conference and/or hearing for Tuesday, December 13, 1977, at 9:00 a.m., in the Jury Room of the Franklin County Courthouse, Preston, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

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

Dated this 30th day of November, 1977.



RONALD D. CARLSON

Supervisor, Eastern Region

November 30, 1977

Franklin County Clerk
Franklin County Courthouse
Preston, Idaho 83263

Dear Sir:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Monday, December 12, 1977, at 2:00 p.m.; and the use of the Jury Room on Tuesday, December 13, 1977, beginning at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Name and Address of Sender

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

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

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

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	HEST. DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1	Robert F. Allen, Rt. 2, (Sawtooth) Id.	13	100					13-0136
2	James W. Lattin, Rt. 1, (Sawtooth)							13-0215
3	James W. Lattin, Rt. 1, (Sawtooth)							"
4	James W. Lattin, Rt. 1, (Sawtooth)							13-0209
5	James W. Lattin, Rt. 1, (Sawtooth)							"
6	James W. Lattin, Rt. 1, (Sawtooth)							"
7	James W. Lattin, Rt. 1, (Sawtooth)							13-0220
8	James W. Lattin, Rt. 1, (Sawtooth)							"
9	James W. Lattin, Rt. 1, (Sawtooth)							"
10	James W. Lattin, Rt. 1, (Sawtooth)							
11	James W. Lattin, Rt. 1, (Sawtooth)							
12	James W. Lattin, Rt. 1, (Sawtooth)							
13	James W. Lattin, Rt. 1, (Sawtooth)							13-0220
14	James W. Lattin, Rt. 1, (Sawtooth)							
15	James W. Lattin, Rt. 1, (Sawtooth)							
16	James W. Lattin, Rt. 1, (Sawtooth)							
17	James W. Lattin, Rt. 1, (Sawtooth)							
18	James W. Lattin, Rt. 1, (Sawtooth)							
19	James W. Lattin, Rt. 1, (Sawtooth)							
20	James W. Lattin, Rt. 1, (Sawtooth)							

TOTAL NO. OF PIECES LISTED BY SENDER

TOTAL NO. OF PIECES RECEIVED BY ADDRESSEE

POSTMASTER, please name of receiving employee

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

PS 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: 1974-0-555-716

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

13-7209 - Winder-Banida Water & Sewer District

Jury Room, Franklin County Courthouse, Preston, Idaho

December 13, 1977 - 9:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Robert Quillhardt	Preston, Idaho	Winder-Banida Water Dist
Marion H. Bennett	Preston, Idaho	- - - -
Royal M. Anderson	Banida, Idaho	- - - -
Verlyn S. Reay	Banida, Idaho	- - - -
Geneal Swainston	Winder, Idaho	
Leber Swainston	Winder, Idaho	

Dwayne Olse - Moose, Id

13-7209

Winder-Banida

Geneal Swainston -

1. Concerned about present domestic use.

Bob Lindhardt - Winder has agreed to install pipe to supply Swainston domestic water

2. Irrigation from about 1908

3. Excess water enters Casperson reservoir

Albert Jensen, County engr. supposed to have measured spring flow at ~ 0.48 cfs.

Reay's reservoir can be filled w/ spring run-off 60 AF

60 AF not adequate - additional water needed during summer

1. Availability of water
2. Affect on other rights.

Swainston claim to irrigate ~ 15 Ac below springs

Swainston claim - 13-4057

December 19, 1977

RE: Application for Permit No. 13-7209 WINDER-BANIDA WATER & SEWER DISTRICT

Geneal & Heber Swainston
Rt. #3, Box 203
Preston, Idaho 83263

Dear Mr. & Mrs. Swainston:

Enclosed please find a copy of the agreement that was reached at the conference held concerning the above referenced application for permit. The Department has now resumed the processing of this application pursuant to this agreement.

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

Enclosure

December 19, 1977

RE: Application for Permit No. 13-7209 WINDER-BANIDA WATER & SEWER DISTRICT

Mr. Dewayne L. Olsen
Banida,
Idaho 83264

Dear Mr. Olsen:

Enclosed please find a copy of the agreement that was reached at the conference held concerning the above referenced application for permit. The Department has now resumed the processing of this application pursuant to this agreement.

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

Enclosure

December 19, 1977

RE: Application for Permit No. 13-7209

Winder-Banida Water & Sewer District
Rt. #3
Preston, Idaho 83263

Gentlemen:

Enclosed please find a copy of the agreement that was reached at the conference held concerning the above referenced application for permit. The Department has now resumed the processing of this application pursuant to this agreement.

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

Enclosure

Aug 21, 1977

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

Dear Sir:

I wish to register a protest
to application #13-7209.

Yours Truly
Geneal & Heber Swainston
Rt 3 Box 203
Preston, Idaho 83263

RECEIVED

AUG 23 1977

Department of Water Resources
Eastern District Office

approached me to sell the above water
but I have declined because the
water is part of the real property
as legally defined in my contract.

Reason No. 3 - I commenced a filing
on this water some two years ago
with your office, but did not complete
the application because of many people
who would claim ownership to
the water notwithstanding I had
purchased the water.

I hope this explanation will in
part define this water usage and
hope to hear from your office should
there be further discussion on this
subject.

Sincerely yours

DeWayne L. Olsen
DeWayne L. Olsen
Box 2, Idaho 83264

Mr. C. Stephen Allred
Director
Idaho Department of Water Resources
1515 Lincoln Road.
Idaho Falls, Idaho 83401.

22 August 1977
RECEIVED

AUG 26 1977

Department of Water Resources
Eastern District Office

Dear Mr. Allred:

I am writing to formally protest application No. 15-7209 legal No 446, which is applying for usage of water which ~~water~~ is flowing into my reservoir. This reservoir is

The Casperson Dam your file number D13-XX01 which Dam and water usage dates back into the 1930 era.

There are several reasons for protesting this filing e.g.
Reason No 1 - Paramount is the current and established usage of the water to irrigate my farm the Real property was purchased with all usages of said water being a part of the real estate value and an integral part of the real property.

Reason No 2 - The newly established directors of the Windermere Water District, Robert Lindhardt, Heber Swinston et. al, have

In The Matter of)
Application for Permit)
No: 13-7209 in the) STIPULATION
Name of WINDER-) &
BANIDA WATER &) WITHDRAWAL OF
SEWER DISTRICT) PROTESTS

It appears from the available information that there will be some affect on Prior water rights from the ^{development of} Springs located in the NE⁴ SE⁴ Sec 34 T13S R39E. However it is agreed that the system proposed in this application is necessary and we do not want to stop Winder & Banida from obtaining the water they need.

We therefore agree to withdraw our protest to the approval of this permit to prevent any further delays in the administrative processing of this application, under the condition that before any construction is started we will have worked out an agreement with the Winder-Banida Water & Sewer Dist. to define a Compensation plan to compensate us for water we may lose due to this development.

Signed this 13th day of Dec. 1977

Heber C. Swainston

Maureen H. Bennett

Nancy S. Leary

Geneal Swainston

Robert C. Swainston

INTER-DEPARTMENT MEMO — 1

FROM NCY

DATE

12/14/77

TO File 13-7209

SUBJECT A conference was held on 12/13/77 at which an agreement was reached & signed allowing protest to be withdrawn. Protestant Olsen was not present but has reportedly sold all interest to Mr. Ray. May need confirmation of this.

SIGNATURE

January 30, 1978

Re: Permit No. 13-7209

Winder-Banida Water & Sewer Dist.
Route #3
Preston, ID 83263

Enclosed is a copy of your approved Application for Permit No. 13-7209. 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

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 13-7209

ORDER

WHEREAS, it has been determined by the Department of Water Resources that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from said permit.

Dated this 28th day of August, 1978.

L. Glen Saxton
L. GLEN SAXTON

Chief, Operations Bureau

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-7209

Priority: July 25, 1977 Amount: .13 CFS 27.6 AFA

This is to certify, that WINDER-BANIDA WATER & SEWER DIST.

RT. 3 BOX 203

PRESTON, ID 83263

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated July 25, 1977, and has submitted proof to the Department of Water Resources on November 8, 1982, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .13 cfs of water from;

SPRING

tributary to SINKS

and that a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	VOLUME
Domestic	01/01 to 12/31	.13 cfs	27.6 afa

LOCATION OF POINT OF DIVERSION(S): NESE , Sec. 34, Township 13S, Range 39E
Franklin County

PLACE OF USE: Domestic

TWN RGE SEC

14S	39E	20	SESW	SWSE	SESE
		28	NWNW	SWNW	NWSW
		29	NENE	NESE	SESE
		32	NENE	SENE	NESE

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Domestic use is for 23 homes within community of Winder.

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 28 day of August, 1987.

for Director DAVID B. SHAW



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 25, 1982

Dear Water user:

The enclosed Order removes the measuring device requirement as a condition of approval from your permit.

If you have already installed the measuring device, the field examination can be more quickly conducted by the Department's field examiner. You will also derive benefit from water management information which may be obtained from the installed meter.

If you have questions regarding this matter, please contact this office or one of our regional offices.

Sincerely,

David R. Tuthill Jr.

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

DRT:jg

Enclosure

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

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138797

WINDER-BANIDA WATER & SEWER DIST.
RT. 3
PRESTON, ID 83263

OCTOBER 31, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 13-7209 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JANUARY 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

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

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card a statement that the permit holder(s) has completed development to the extent shown below of permit No. 13-7209.

Name(s) of Permit Holder: Winder, Banida Water & Sewer

Post Office Address: Idaho

RT 3 Box 203 Preston, Idaho, 83263 Tel. No. _____

Source of Water: two (2) springs

Extent of Use: ☒ Domestic 71 (number of households)
☐ Stockwater _____ (number and type of stock)
☐ Irrigation _____ (acres)
☐ Other _____

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

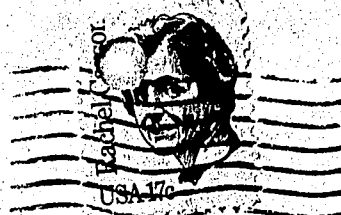
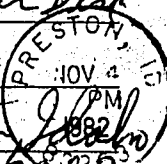
Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

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

Date _____

Signature of Permit Holder [Signature]

Winder B. ~~Idaho~~ Water Dist
98 Heber C. Swainston
RT 3 Box 903 Preston Idaho
83429



RECEIVED
NOV 8 1992

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources



John V. Evans
Governor

A. Kenneth Dunn
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

February 9, 1983

Winder-Banida Water & Sewer District
Rt. #2, Box 203
Preston, Idaho 83263

RE: Permit No. 13-7209

Dear Permit Holder:

We acknowledge receipt of your statement 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.

☐ A field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

☒ A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent
HWJ:CM

Winder-Banda Water Sewer
 PERMIT NO. 7209 (Name)
 Accompanied by: Over Swamston
 EXAMINATION: DATE: 8-24-83

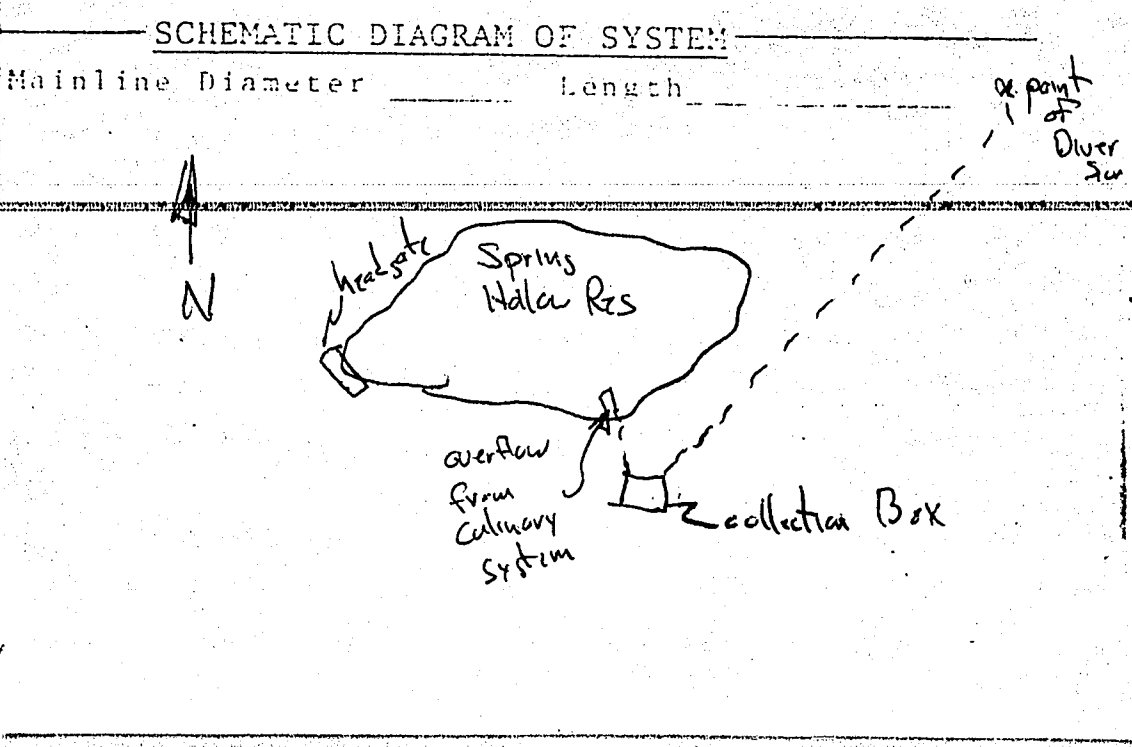
Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No.

Measuring Device Type: Bucket stopwatch
 Meter # _____ Annubar# _____ Size # _____

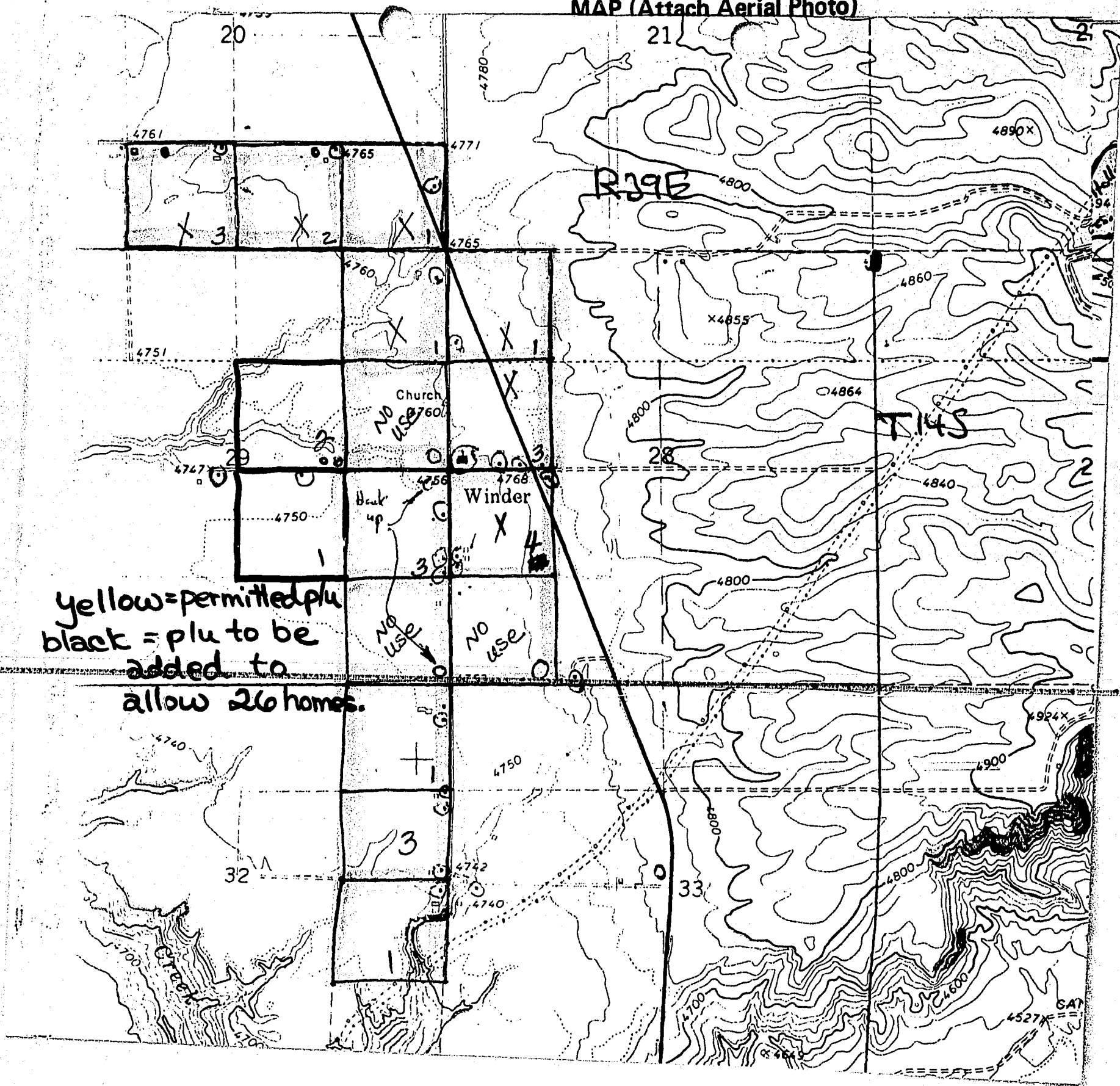
Remarks: Gravity flow to Winder

Measurement calculations:

2 gallons/minute = 60 gpm at collection Box



MAP (Attach Aerial Photo)



RECEIVED

APR 2 1984

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

RECEIVED

APR 19 1985

Department of Water Resources

Department of Water Resources

13-7209

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 8-24-83 Accompanied by Heber Swainston Total Q measured 0.13 cfs ✓
If source is surface water, estimate total flow of source _____
Methods of measurement Bucket + Stopwatch Meets Permit requirements? _____

Measurement calculations:

measurement
2 galbn / 2 sec
or 60 gpm
or 0.13 cfs ✓

✓ ~~V = not restricted for community use (municipal)~~

$$V = 20 \times 1.2 = 31.2 \text{ AF}$$

$$V = 0.13 \times 1.9835 \times 365 = 94.1 \text{ AF}$$

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	NA	NA	NA	NA				

System Description Buried pipe from spring to collection box next to Spring Hollow
Reservoir with overflow pipe into said reservoir then line to distribution system
at Custer.

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

RECOMMENDED AMOUNTS

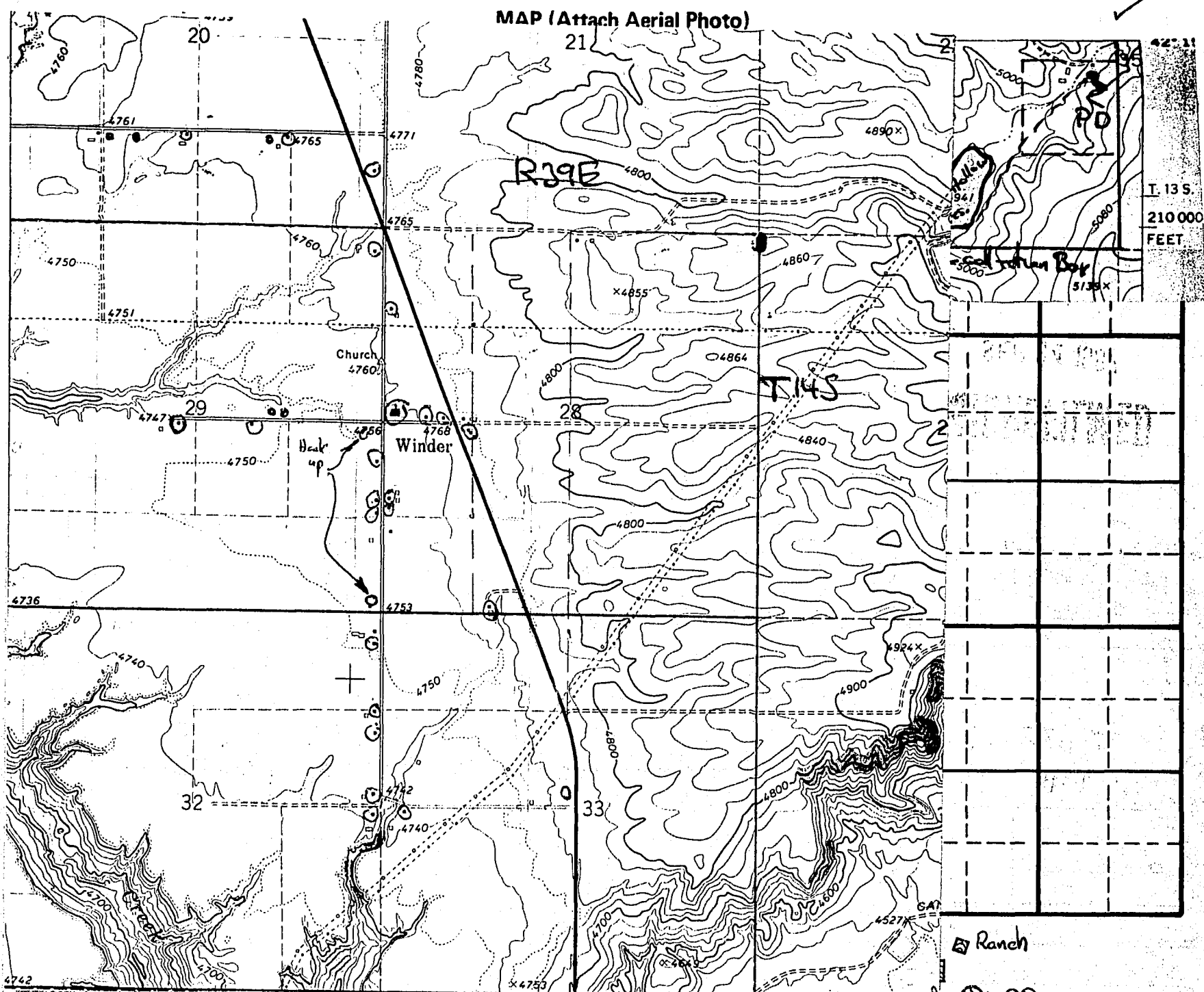
USE	Irrigation requirement =	AFA/Acre
<u>Domestic</u> ✓	<u>Q (cfs)</u> <u>0.13 cfs</u> ✓	<u>V (afa)</u> <u>AA</u> ✓
<u>Domestic</u>		<u>31.2 AF</u>

Total 0.13 cfs 31.2 AFRemarks Lines go to 31 use sites permit allows only 26-

License without amendment - allow only
23 homes since only 23 are within
permitted p/u-

$$23 \times 1.2 \text{ AF} = 27.6 \text{ AFA}$$

KW 7/14/87



Point(s) of diversion: NE 1/4 SE 1/4 Sect. 34 T14S R39E

To Winder

Place(s) of Use Community of Winder

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14S	39E	20												X			X	X	
		28					X	X			X		X						
		29	X		X						X				X	X		X	
		32	X			X									X				
		33							X										

Recommended Amendments:

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

☐ Add P.D. as reflected above

☒ Add P.U. as reflected above

☒ None

☐ Other

only 23 homes in permitted plu - amend to add unpermitted plu - red boxed plu not included on this right once licensed

Examiner's Signature

Checked by

Approved by

SEP 24 1987
Ray Walker
kw

Date

Date

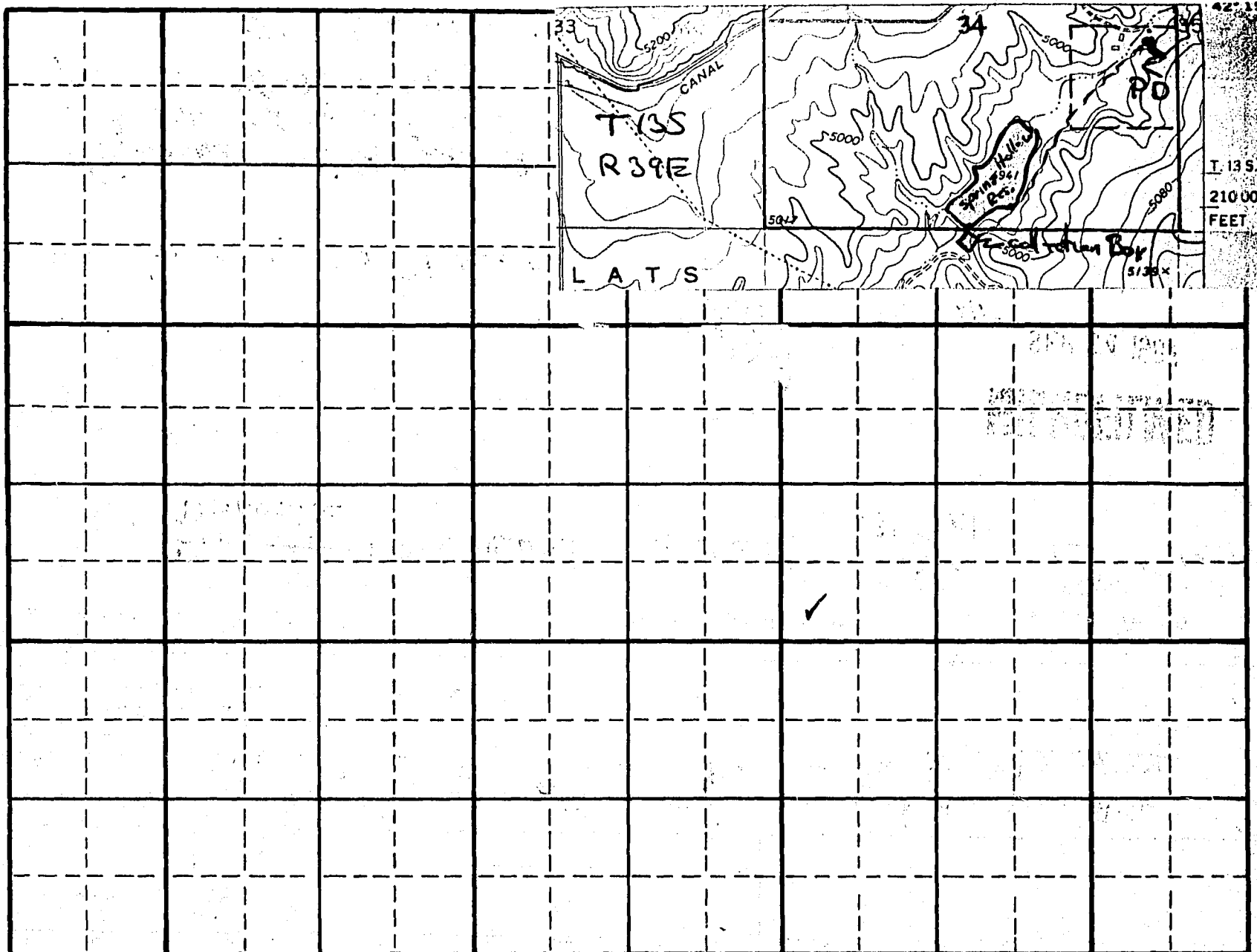
Date

1-5-84

29 Mar 1984

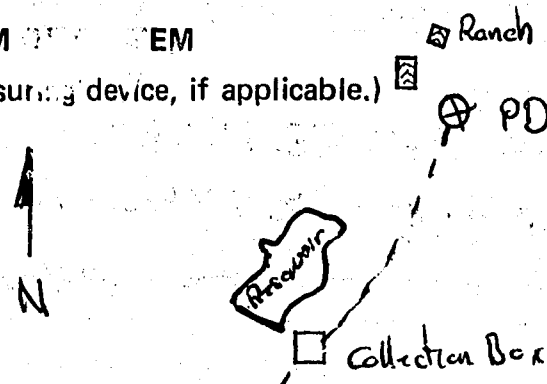
4-17-84

4-16-86



SCHEMATIC DIAGRAM

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



Point(s) of diversion: NE 1/4 SE 1/4 Sect. 34 T 35 R 39 E

Place(s) of Use Community of Winder

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
35	39 E	30												X			X	X	
		28						X	X			X		X					
		29	X		X						X				X	X		X	
		32	X			X									X				
		33							X										

Recommended Amendments:

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

☐ Add P.D. as reflected above

☒ Add P.D. as reflected above

☒ None

☐ Other

only 23 homes in permitted plu-amend to add unpermitted plu - red boxed plu not included on this right once licensed

Examiner's Signature

Checked by

Approved by

SEP 24 1987
Ray Walker
kw

Date

Date

Date

1-5-84

29 Mar 1984

4-17-84

4-16-86



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

June 5, 1986

RE: Permit No. 13-7209

Winder-Banida Water & Sewer Dist.
Rt. 3, Box 203
Preston, ID 83263

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 all of the 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

July 16, 1986

RE: Permit No. 13-7209

Winder-Banida Water & Sewer Dist.
Rt. 3, Box 203
Preston, ID 83263

Dear Permit Holder:

On June 5, 1986, we 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.

~~Since the license will be a permanent water right your prompt attention to this matter will be appreciated.~~

If you have any questions please contact us as soon as possible.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

WINDER-BANIDA WATER & SEWER DIST.
RT. 3 BOX 203
PRESTON, ID 83263

September 1, 1987

RE: Permit No. 13-7209

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure