

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

IN THE MATTER OF APPLICATION FOR PERMIT
NO. 13-7233 IN THE NAME OF LYNN M. DAVIS

MEMORANDUM DECISION
AND ORDER

On April 24, 1978, Lynn M. Davis of Clifton, Idaho applied to the Department of Water Resources for a permit to appropriate 2.40 cubic feet per second of water from Loafer Creek, a tributary of Deep Creek, at a point within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, Twp. 14S, Rge. 38E B.M., Franklin County, for the irrigation of 120 acres of land.

Notice of this application was published in the Preston Citizen on May 4, and May 11, 1978, and subsequently, was protested by Howard Henderson, Carl A. Mortensen, Leonard Povey, Carl Sohn, and Ronald J. Lang on behalf of the Clifton Irrigation Company. Additional protests were later received from Karl D. Reeder, Jack J. Wood, and J. Myron Moyle.

On November 15, 1978, a conference was held in Preston, Idaho pursuant to Section 42-203 of the Idaho Code and the Rules of Practice and Procedure of the Department. The applicant was present and represented himself. Protestants Howard Henderson, Leonard Povey, and Carl Sohn represented the Clifton Irrigation Company. J. Myron Moyle appeared on behalf of the City of Clifton. Karl Reeder was present and represented himself.

The protestants expressed two main objections, that can be considered against the approval of this application.

First, The Clifton Irrigation Company has diverted water from Loafer Creek for the irrigation of land under their system. They are in the process of installing a gravity sprinkler system which will irrigate about 700 acres of land, a portion of which will be within the boundary of the City of Clifton. When this system is complete all of the flow of Loafer Creek will be required leaving an inadequate water supply for the applicant's proposed project, and increasing the possibility of his interfering with Clifton Irrigation Company's use of the water.

The second objection is that this permit will interfere with the gravity irrigation project proposed by the irrigation company to provide water for irrigation of lands within the City of Clifton, designed to reduce the demand on the city's existing domestic system. If the applicant's development limits the ability of the residents of Clifton to obtain water from the Clifton Irrigation Company, this application would be in conflict with the public interest of the residents of Clifton.

A third concern of the protestant is the increase in the cost of water distribution that would occur due to the difficulty in reaching the proposed point of diversion.

The applicant argued that there had traditionally been water in Loafer Creek in excess of that diverted by the irrigation company especially in the early part of the irrigation season. His application was made to obtain a right to use this water on 120 acres of pasture.

After considering all the information presented at the conference and reviewing the pertinent material in the Department's files, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, Analysis, and Order:

FINDINGS OF FACT

1) In the case of Utah Power and Light -vs- Last Chance Canal Company et. al. dated July 14, 1920, the protestant, Clifton Irrigation Company, was decreed the right to beneficial use of fourteen (14) cubic feet per second from Clifton Creek with a priority of May 1, 1869 for the irrigation of 707 acres and that right is identified by number 11-0081 in the records of the Department of Water Resources.

2) The point of diversion for the Clifton Irrigation Company, however, has for many years been on Loafer Creek at a point approximately two miles below that proposed by the applicant. The change in point of diversion was made by the Clifton Irrigation Company without filing a transfer with the Department of Water Resources, therefore, there are no water rights on Loafer Creek in the name of Clifton Irrigation Company indicated in the records of the Department.

3) Loafer Creek is not a tributary of Clifton Creek but both creeks are tributary to Deep Creek.

4) During the last four or five years about 450 acres of land to which water was decreed has been irrigated with water from alternate sources, Twin Lakes and groundwater. Therefore, less water has been diverted from Loafer Creek by Clifton Irrigation Company than that historically diverted.

5) There is water flowing past the existing diversion works of the company until June 1st in most years.

CONCLUSIONS OF LAW

1) Clifton Irrigation Company has a water right for the use of Loafer Creek either because they transferred the right decreed to them from Clifton Creek or because they have diverted and use for a beneficial purpose the water of Loafer Creek prior to May 20, 1971, the last day a water right could be initiated without obtaining a permit.

2) There is water available in Loafer Creek a sufficient amount of the time in excess of what has been normally diverted for irrigation by the Clifton Irrigation Company.

3) The proposed appropriation will not interfere with the use of water within the city for the land that has an earlier water right.

ANALYSIS

It is an established policy that available water should be put to a beneficial use. Therefore, the water from Loafer Creek that has not been diverted by the company for the last four or five years may be appropriated and beneficially used until the company resumes their use. There is no need to wait until the statutory five years forfeiture period elapses before water is available but water is available whenever it is not used by prior right holders.

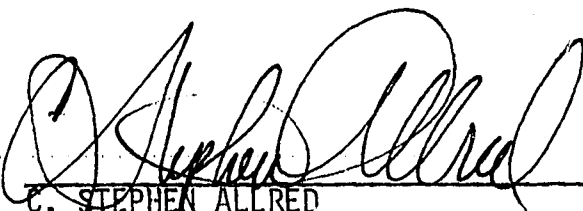
The protestant is also concerned about the increased cost of water distribution that will occur because of the difficulty in reaching the new point of diversion. This is a matter outside the statutory authority of the Director; and, therefore, cannot be considered in his decision of this application for permit.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 13-7233 is APPROVED subject to the following conditions:

- 1) This permit is subject to all prior water rights.
- 2) A measuring device of a type approved by this Department shall be installed and maintained as part of the diverting works.
- 3) Use of water under this permit is subject to control by the watermaster of State Water District No. 11, Bear River.
- 4) Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1984.

Dated this 15 day of May, 1979.


C. STEPHEN ALLRED
Director

Identification No. 13 7233
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Lynn M. Davis Phone: 747-3406
post office address Clifton, Idaho 83228
2. Source of water supply Loafer Creek which is a tributary of Deep Creek
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 29 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 2.40 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. 2.40 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. collection box and gravity flow
pipeline to sprinkler irrigation 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 _____ 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 \$ 8,000.00.
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	29			33										10	37	10	30	120

Total number of acres to be irrigated 120

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

None

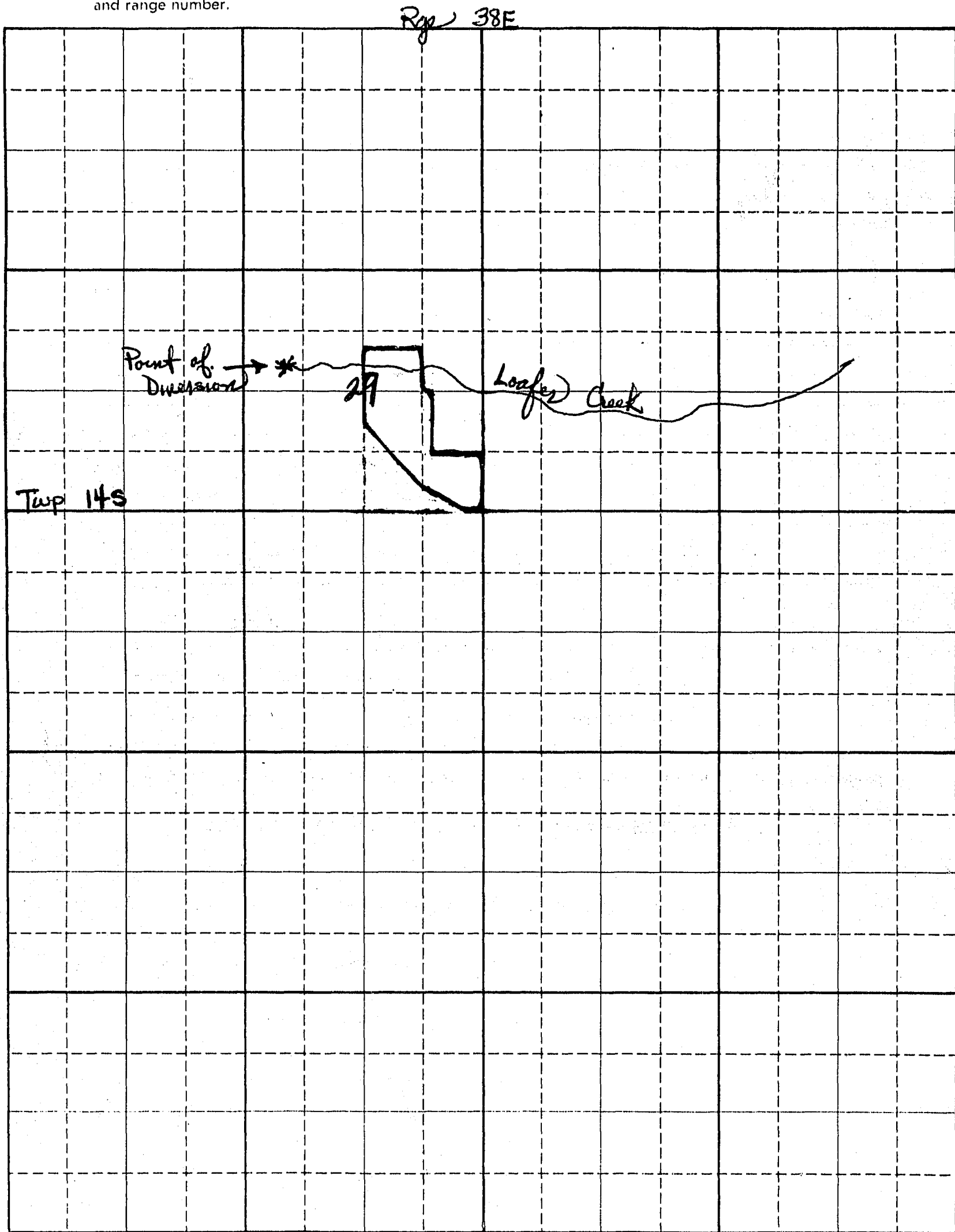
9. a. Who owns the property at the point of diversion Applicant

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 This filing is subject to pre-existing decreed water rights in Loafer Creek (Clifton Irrigation Co.)

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



Scale: 2 inches equal 1 mile

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

Lynn M. Davis
(Applicant)

Proposed Priority: 4-24-78

Received by CU Date 4-24-78 Time 2:50p.
Preliminary check by APK Fee \$ 45.00
Received by CU Date 4-24-78 # 9950
Publication prepared by CU Date 4-24-78
Published in Spokane Citizen
Publication dates May 4 & 11-1978
Publication approved CU Date 6-01-78
Priority reduced to _____ Reason _____

Protests filed by: Clifton Irrigation
Co. Earl D. Kessler, Inc.
J. T. Kessler, C. Myron Miller
Copies of protests forwarded by CU
Hearing held by _____ Date _____
Recommended for approval denial by EMC JS

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. 13-7233, and said application is hereby APPROVED.

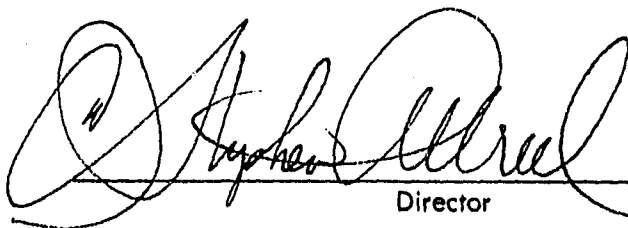
1. Approval of said application is subject to the following limitations and conditions:

- 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 May 1, 1984.
- c. Other: _____

PURSUANT TO MEMORANDUM DECISION AND ORDER OF THIS DATE

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

Witness my hand this 15 day of May, 1979.


Director

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO)

COUNTY OF ADA)

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have on this date served a true and correct copy of the foregoing MEMORANDUM DECISION AND ORDER by depositing a copy thereof in the United States mail postage prepaid and addressed to:

Lynn M. Davis
Clifton,
Idaho 83228

Mr. Howard Henderson
Clifton Irrigation Company
Clifton, ID 83228

Karl D. Reeder
Clifton,
Idaho 83228

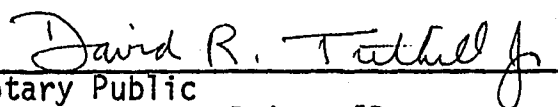
Jack J. Wood
Box 87
Clifton, ID 83228

J. Myron Moyle
50 W. Canyon Blvd.
Clifton, ID 83228

Dated this 5th day of June, 19 79.



On this 5th day of June, 19 79, personally appeared before me the signer of the above instrument, who duly acknowledged to me that he (she) executed the same.


Notary Public
Residing at Boise, ID

My commission expires 9/10/80

13-7233

11-15-78

Applicant - Lynn M. Davis

Jess Elgen on behalf of Lynn Davis

Protestant -

Clifton Irrig Co - ~~Howard Henderson~~ President

Karl Reeder

Jack Wood

Myron Moyle - Councilman for city of Clifton

Issues

1. Injury
2. Insufficient
3. local public interest

Applicant -

Wants only the ~~old~~ water that goes to waste

Wants to irrigate pasture >

Point of diversion located about 2 mile about Co diversion >

Protestant -

Spending 75,000 for sprinkler system

70% acres decree - will irrigate 700 - irrigated recently

about 250 acres =

Applicant
There has been excess water the last 4 or 5 years >

Applicant -

There has been water available until the 1st of June some years.

~~There~~

~~There~~

Condition → Must have controlling works → lockable headgate

→ Water is available only when there is an overflow of Co. lower ^{diversion works} ~~the~~

Protestant

Jay Moyle on city council wants the Clifton Irr Co. project completed to irrigate new land within the city to alleviate the demand on the domestic system.

Filing made to protect water from neighbor below
Concerned about additional watermaster cost.

Will have two 12 inch pipeline

IN THE MATTER }
OF PROTEST OF }
APPLICATION FOR }
PERMIT # 13-7233 }

Stipulation & Agreement.

We hereby agree to allow the Department of
Water Resources to make a decision on this matter
based on information presented at the conference, &
any additional information contained in the Department's
records.

Signed the 15th day of November, 1978 in ~~Malad~~ ^{Preston}, Idaho.

Howard H. H. H.
Lemon Grey
Carl L. L.
Lynn M. Davis
L. M. M.
Carl O. Reeder

13-1233. Lynn Davis.

11/15/78

Applicant - Lynn Davis.

Represented by Jess Elgon.

Protestants.

Howard Henderson - Pres. Clifton Irrig. Co.

Leonard Pouey

Carl Sohn

Alton Butters.

Maple.

- 1) Injury:
 - 2) Insufficient
 - 3) local public interest.
-

Davis - plans to irrigate pasture

- appropriate water not used by Clifton.

pid. is about 2 miles above pid. for Clifton.

Protestant -

- Installing ~~irriga~~ sprinkler irrigation system.

Decreed H₂O for 707 acres, most users have gone to ground water, as little as ²¹3 ~~acre~~ of decreed acreage has been irrigated in recent years. (401.5)

Sprinkler system will irrigate up to 700 acres.

Water master estimated 7.0 cfs was not being used at beginning of irrigation ~~sg~~ season.

There has been water available ~~for~~ until the 1st of June some years.

There is a water master available to regulate water distribution.

Overflow Water can be measured at Clifton Irrigation.

Clifton Irrigation has ~~14~~ 14 cfs decreed ~~by~~ water.

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
(b) 1875—May 1	.8 c.f.s.	To be diverted from said Battle Creek. The waters decreed in paragraphs (a) and (b) immediately preceding are to be diverted from said Branch Creek and Battle Creek where the same cross the lands hereinafter described, for the irrigation of 60 acres in the North half of the Northeast quarter of Section 25, the Southwest quarter of the Southeast quarter of Section 24, Township 13 South, Range 39 East, B. B. M.
496. <i>John R. Reeder:</i> 1911—May 1	0.06 c.f.s.	To be diverted from a spring tributary to said Battle Creek, rising in Section 7, Township 13 South, Range 40 East, for the irrigation of 3 acres in Lot 3, said Section 7.
497. <i>Mrs. Alonzo H. Seamons:</i> 1902—May 1	0.7 c.f.s.	To be diverted from said Battle Creek on the land hereinbelow described for the irrigation of 35 acres in the Northeast quarter of Section 8, Township 15 South, Range 39 East.
498. <i>Wm. H. Carter:</i> 1886—June 14	0.5 c.f.s.	To be diverted from Battle Creek in Section 4, Township 15 South, Range 39 East, for the irrigation of 25 acres in the Northwest quarter of the Northwest quarter of Section 9, and the Southwest quarter of Section 4, said Township and Range.
499. <i>O. M. Seamons:</i> 1907—May 1 1913—March 3	.6 c.f.s. 2.0 c.f.s.	To be diverted from said Battle Creek at a point 900 feet East and 625 feet North of the Northeast corner of Section 8, Township 15 South, Range 39 East, B.B.M., for the irrigation of 182 acres in the Southeast quarter of the Northeast quarter, the Southwest quarter of the Northwest quarter, the Southeast quarter of the Northwest quarter, the Northwest quarter of the Southeast quarter of Section 8, the Northwest quarter of the Southwest quarter of Section 9, Township 15 South, Range 39 East, B.B.M.

CLIFTON CREEK.

- 11-088/ 500. *Clifton Irrigating Company:*
1869—May 1 14 c.f.s. To be diverted from said Clifton Creek in the Northeast quarter of Section 27, Township 14 South, Range 38 East, B.M., for

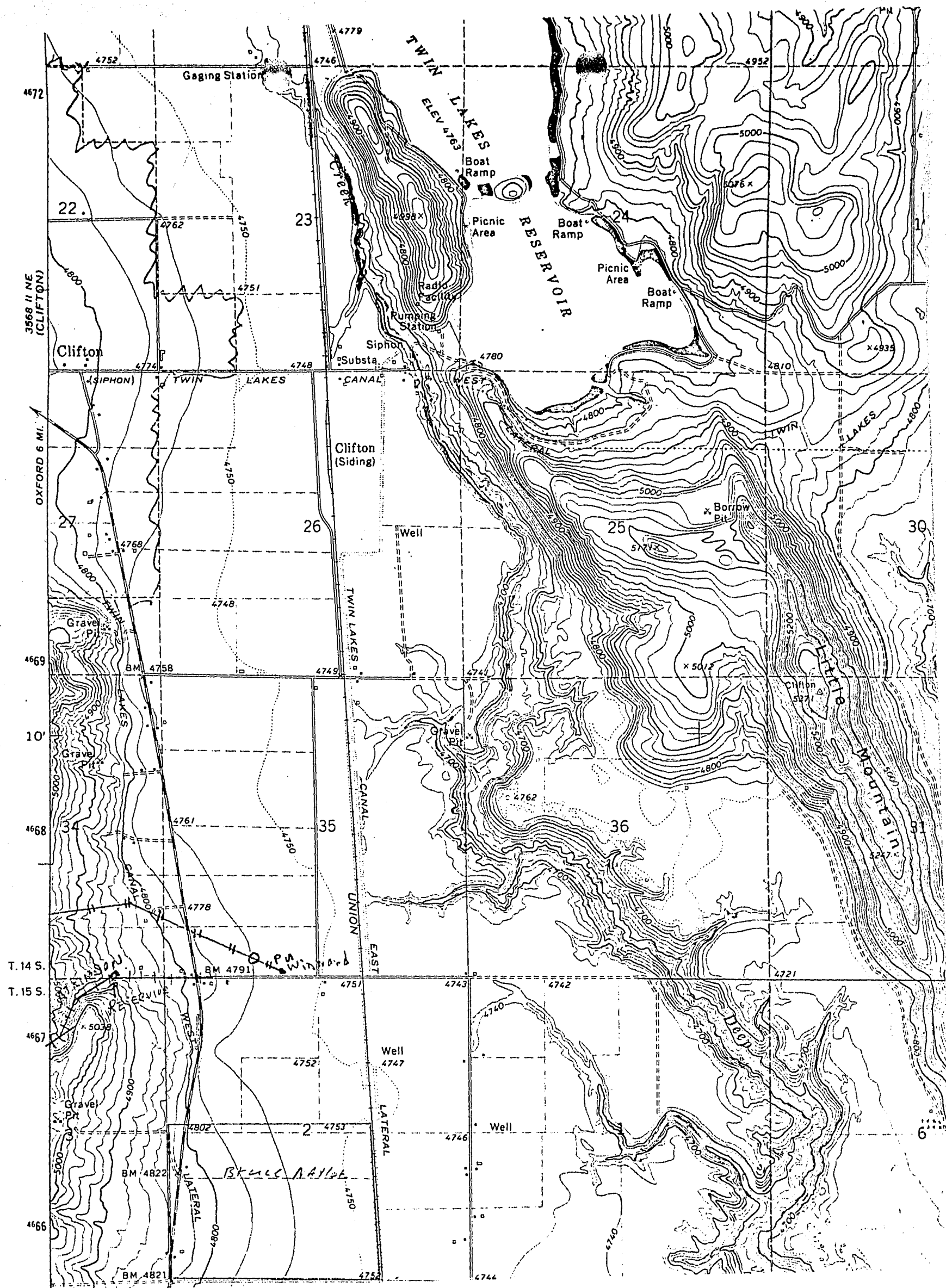
DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
		the irrigation of 707 acres in Sections 22 and 27, said Township and Range.
501. <i>Rushville Irrigation Company:</i> 1869—May 1	6 c.f.s.	To be diverted from said Clifton Creek in Section 16, Township 14 South, Range 39 East, for the irrigation of 300 acres in Sections 15, 16, 21 and 22, said Township and Range.

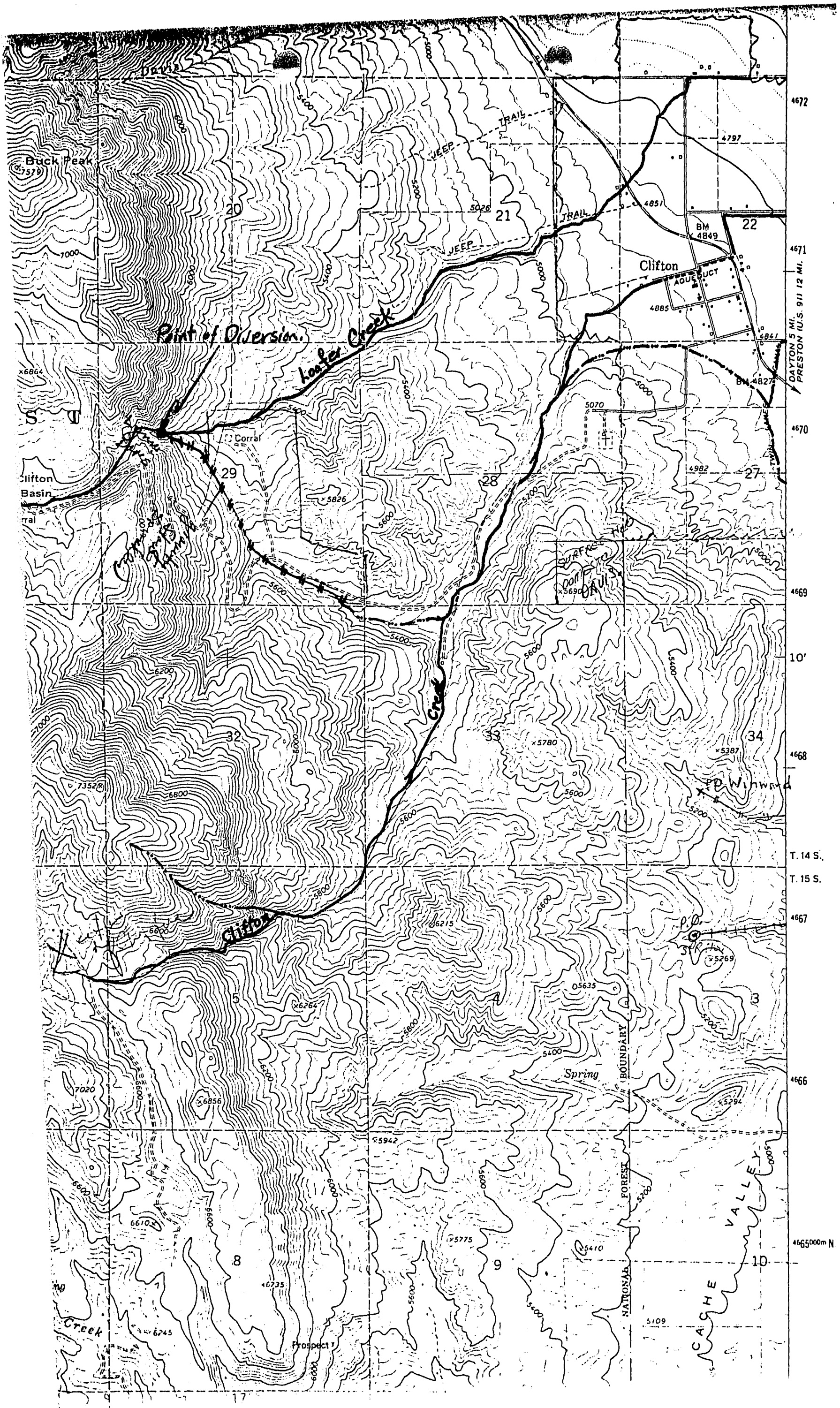
FIVE MILE CREEK.

502. <i>Five Mile Irrigation Company:</i> 1880—May 2	8 c.f.s.	To be diverted from said Five Mile Creek in the Southwest quarter of Section 15, Township 15 South, Range 38 East, B.M., for the irrigation of 400 acres in Sections 11, 13, 14, 22, 23 and 27, said Township and Range.
503. <i>Loren Mendenhall, Willis Mendenhall and Jacob Peterson:</i> 1880—May 1	0.5 c.f.s.	To be diverted and used by the above named parties for the irrigation of their lands hereinafter described near Deep Creek in the following proportions: One-half to Willis Mendenhall, One-fourth to Jacob Peterson, One-fourth to Loren Mendenhall.

DEEP CREEK AND TRIBUTARIES.

504. <i>Ira R. Steed, substituted for A. D. Henderson:</i> 1881—May 1	3.0 c.f.s.	To be diverted from Sperry Hollow and Henderson Spring tributary to said Deep Creek at a point two miles West and two miles South of the Village of Clifton, Franklin County, Idaho, for the irrigation of 160 acres in the Southwest quarter of Section 35, Township 14 South, Range 38 East.
505. <i>Mrs. Sarah Hess:</i> 1881—May 1	3.0 c.f.s.	To be diverted from North Canyon Hollow, a tributary of said Deep Creek, at a point two miles West and two miles South of the Village of Clifton, Franklin County, Idaho, for the irrigation of 160 acres in Section 34 and 35, Township 14 South, Range 38 East.
506. <i>Loren Mendenhall, Willis Mendenhall and Jacob Peterson:</i> 1882—June 1	8.0 c.f.s.	To be diverted from said Deep Creek through the West Cache Supplemental Canal diverting therefrom in the South-





No 627

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

Kevin D. Allen
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

May 4, 1978, and ending

with the issue of May 11, 1978.

Kevin D. Allen

Fee \$ 1332

Subscribed and sworn to before me this 22 day
of May, 1978.

Dottie W. Casperson

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11, 1980

RECEIVED

JUN 1 1978

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lynn M. Davis, Clifton, Idaho has on 4-24-78 submitted Application No. 12-7233 for a permit to appropriate 2.40 cubic feet per second of water from Loafer Creek tributary to Deep Creek by means of headbox and pipeline within the SW 1/4 NW 1/4, Sec. 29, T. 14S, R. 38E, B.M. Franklin County, to be used from Apr. 1 to Nov. 1 for the irrigation of 120 acres within the SW 1/4 NE 1/4, SE 1/4, Sec. 29, 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 May 22, 1978.

C. STEPHEN ALLRED
Director

Published in the Preston Citizen, Preston, Idaho on May 4 and May 11, 1978.

Legal No. 627-18L - Pub. May 4 and May 11, 1978.

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Lynn M. Davis

- ☒ 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) Inf 4/24/78

In form to receipt yes

(2) " "

Send Copies to:

- ☒ Idaho State Health Department
- ☒ Idaho Fish and Game Department
- ☒ Bureau of Land Management
- ☒ Clifton Irrigation Co. Leonard Povey Pres Clifton, ID
- ☒ Request Special Use Permit from U.S.F.S.
- ☒ Request Easement from B.L.M.
- ☒ Request Information from Applicant

(3) " "

In form for advertising yes

(4) " "

Platted on Map No. DD-42

(5) " "

Located within Water District No. 11 - Basin 13

(6) " "

Critical groundwater area: yes NA

(7) " "

Groundwater levels: NA

(8) " "

Declining, Stable, Increasing

(comment)

(9) " "

Other rights on the same place of use yes
Clifton Irrigation Co.

(10) " "

Comments: Subject to Clifton Irrigation Co
Prior water Rights

(11) OW 6-01-78

Affidavit of Publication received (date) June 1-1978

(12) OW 5-04-78

Final date for protests May 22-1978
Protests received: yes ☒ no ☐

(13) " "

All requested information received from agencies or applicant: yes ☒ no ☐

(14) " "

Action recommended:

☒ Approve ☐ Deny

4/24/78 Proposed Priority

Reason for Reduction

Measuring device required

☒ See attached Memorandum sheet for other conditions of approval

No special conditions for approval

(15) District Eastern

By Ernest Carlson Date 11/22/78

Copy
Sent

RECEIVED
JUN 04 1979

Department of Water Resources

April 25, 1978

RE: Application for Permit No. 13-7233

Clifton Irrigation Co.
c/o Leonard Povey, President
Clifton, Idaho 83228

Gentlemen:

We are enclosing a copy of an application that may be of interest to your company. The last day of protest is May 22, 1978 and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CS

Enclosure

NOTICE OF APPLICATION FOR WATER PERMIT

Lynn M. Davis,

Notice is hereby given that
Clifton, Idaho

has on 4-24-78 submitted Application No. 13-7233
for a permit to appropriate 2.40 cubic feet per second XXXXXXXXXXXXXXXXXXXX acre feet per annum
of water from Loafer Creek tributary to Deep Creek
by means of headbox and pipeline
within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T. 14S, R. 38E, B.M., Franklin County;

Apr. 1 to Nov. 1
to be used from
the irrigation of 120 acres
for
within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 29, 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
May 22, 1978

C. STEPHEN ALLRED

Director
Preston Citizen, Preston, Idaho

Published in the
May 4

May 11, 1978

on _____ and _____

the
- 2 -

April 28, 1978

RE: Application for Permit No. 13-7233 DAVIS

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:CS

Enc: Legal Notice

Bill submitted _____ by _____

Bill not certified



STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

REGION 5
636 PERSHING, SUITE B
POCATELLO, IDAHO 83201

May 5, 1978

RECEIVED

MAY 8 1978

Department of Water Resources
Eastern District Office

Mr. Ron Carlson, Supervisor
Eastern Region
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Ron:

Reference: Permit No. 13-7232 for Maxine Wilker
Unnamed Springs - Tributary to Bear River

We have reviewed the application by Maxine Wilker to appropriate water from unnamed springs which are tributaries to Bear River in Sec. 4, T11S, R40E, and have the following comments.

The use of the spring which originates south of the oiled road and flows west into Bear River will not affect fish population in this area. This spring does not support a wild fish population because of its small size and the falls at its mouth preclude its use by spawning fish from Bear River.

The springs located midway between the oiled road into the north end of Wilker's property is also too small to afford a fish population and has falls at its mouth which preclude fish migration from Bear River; therefore, its use for fish propagation will not affect wild fish populations.

The use of the spring which originates on the Turner property and flows southwest through the Wilker property and then into Bear River would affect fish populations. It is used by spawning trout from Bear River and important for their perpetuation; therefore, we recommend this spring not be used for fish production.

Thank you for the opportunity to comment on this application.

Sincerely,

IDAHO DEPARTMENT OF FISH AND GAME
Joseph C. Greenley, Director

Bill Davidson
Bill Davidson, Supervisor
Region 5

EQUAL OPPORTUNITY EMPLOYER



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

May 9, 1978

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

Mr. Lynn M. Davis
Clifton,
Idaho 83228

Dear Mr. Davis:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 13-7233. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest 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 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?
5. Will the proposed use under this permit conflict with the local public interest.

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC: CW

Enc

State of Idaho
Department of Water Resources
1515 Lincoln Rd.
Idaho Falls, Idaho 83401
May 2, 1978

RECEIVED

MAY 4 1978

Department of Water Resources
Eastern District Office

Mr. Ronald D. Carlson

We the duly elected officers of the Clifton Irrigation Co.
do hereby register our protest to the application for permit
Number 13-7233 filed by Mr. Lynn M. Davis of Clifton, Idaho.

We make this protest for the following reasons:

1. It is our understanding that the water rights to Loafer Creek
have been decreed to Clifton Irrigation Co. in 1869.
2. These waters have been used by shareholders since about 1885.
3. Plans are now being made to put the waters of Clifton Irrigation
Co. into pipe so that they can be used under gravity sprinkling
throughout the entire irrigation season. We feel that this
filing could adversely affect these plans.
4. There are other land owners with farms adjacent to irrigation
co. streams. If each were granted similar permits, it could
be very detrimental to the company and its shareholders.
5. Possible water storage sites are now being seriously considered.

Thank you for your consideration,

Clifton Irrigation Co. Board

Howard Henderson
Howard Henderson
President

Carl A. Mortensen

Edward P. Over

Carl John

Ronald J. Long

Note: Would you please send us copies of whatever information
you have regarding ownership of water rights, permits etc.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

May 9, 1978

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7166

C. Stephen Allred
Director

RE: Application for Permit No. 13-7233 DAVIS

Mr. Howard Henderson
Clifton Irrigation Co.
Clifton, Idaho 83228

Dear Mr. Henderson:

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):

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4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can 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 REGION

John V. Evans
Governor

May 9, 1978

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

C. Stephen Allred
Director

RE: Application for Permit No. 13-7233 DAVIS

Mr. Carl A. Mortensen,
Clifton,
Idaho 83228

Dear Mr. Mortensen:

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):

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4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can 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 REGION

John V. Evans
Governor

C. Stephen Allred
Director

May 9, 1978

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

RE: Application for Permit No. 13-7233 DAVIS

Mr. Leonard Povey
Clifton, Idaho 83228

Dear Mr. Povey:

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):

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4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can 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 REGION

John V. Evans
Governor

May 9, 1978

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

C. Stephen Allred
Director

RE: Application for Permit No. 13-7233 DAVIS

Mr. Ronald J. Long
Clifton,
Idaho 83228

Dear Mr. Long:

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):

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If this office can 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 REGION

John V. Evans
Governor

May 9, 1978

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

C. Stephen Allred
Director

RE: Application for Permit No. 13-7233 DAVIS

Mr. Carl Sohn
Clifton,
Idaho 83228

Dear Mr. Sohn:

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):

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5. Will the proposed use under this permit conflict with the local public interest?

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC: CW

cc: IDWR - State Office

RECEIVED

MAY 18 1978

Department of Water Resources
Eastern District Office

Clifton, Idaho 83228
May 15, 1978

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

Dear Sirs:

This letter is to inform you that I protest Application No. 13-7233 on the grounds that the water therein described belongs to the Clifton Irrigation Company and because I own six shares of water in said company.

This company has owned the water for many, many years and it is much needed to supply the irrigation needs of the people of this city and surrounding area.

Thank you for your consideration of this matter.

Sincerely,

Karl D. Reeder

Karl D. Reeder

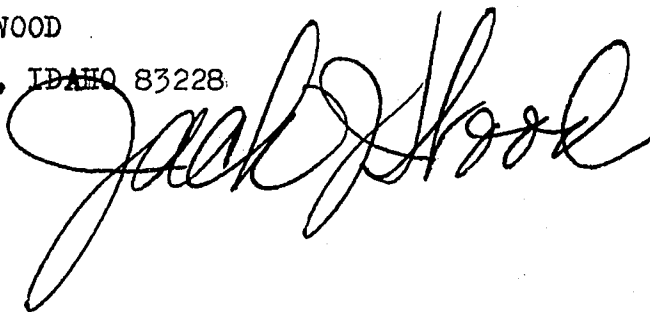
CLIFTON, IDAHO
5-11-78

I WISH TO PROTEST MR. LYNN DAVIS FILING ON LOAFER
CREEK WATER ON THE FOLLOWING GROUNDS.

- 1- THERE IS NOT ADEQUATE WATER AVAILABLE.
- 2- TAKING WATER OUT ABOVE CLIFTON IRRIGATION CO.
POINT OF DIVERSION COULD CAUSE A GROUND WATER LOSS
AFFECTING NUMEROUS WELLS IN THE AREA INCLUDING THE
CLIFTON CITY CULINARY WELL.
- 3- I BELIEVE HE IS FILING SPECULATIVELY.

I HAVE ONE AND THREE QUARTERS SHARES IN
CLIFTON IRRIGATION COMPANY WHICH COMPANY OWNS
WATER IN QUESTION AND HAS HAD IT IN CONTINUOUS
BENEFICIAL USE FOR MANY YEARS.

JACK J WOOD
BOX 87
CLIFTON, IDAHO 83228



RECEIVED

MAY 22 1978

Department of Water Resources
Eastern District Office

May 7, 1978

RECEIVED

MAY 23 1978

Department of Water Resources
Eastern District Office

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

Re: Application No. 137233
Dated 4-24-78
2.4 C.F.s of water (Loafer Creek)
by Lynn M. Davis, Clifton, Idaho

As a stock holder in Clifton Irrigation Company and as a councilman for the city of Clifton, I would like to enter a protest to the filing of Lynn M. Davis on Loafer Creek-Application 137233.

1. Water has been deeded water to Clifton Irrigation Company since 1869.
2. Plans have developed to pipe both Loafer and Clifton creeks into irrigation sprinkling system for stockholders who are residents of the City of Clifton.
3. In the past eight years, the water hookups to the Clifton City Culinary System have increased from 45 to 63. The increase has taxed our culinary system to its limit.
4. With the Clifton Irrigation Co. piping their water system and distributing the same throughout the city of Clifton, it would relieve the pressure from the culinary system as Clifton irrigation water can be used for lawns and gardens of many of these new residences.
5. Taking 2.4 C.F.s from Loafer Creek during our peak use months, May - September, would dry the creek up and would take days to get the creek wet enough to bring the water down for stockholder's use.
6. To let Lynn M. Davis cannibalize the water from Loafer Creek because it is adjacent to or runs through his property above Clifton Irrigation diversion points would open up the system to be cannibalized by other landowners who own property adjacent to the waters of Clifton Irrigation Co.

If Mr. Davis's application is not withdrawn and the filing progresses to a hearing, please notify me.

Thank you,

J. Myron Moyle
J. Myron Moyle

50 W CANYON BLVD
CLIFTON-IDAHO 83278



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 30, 1978

RE: Application for Permit No. 13-7233

Mr. Lynn M. Davis
Clifton,
Idaho 83228

Dear Mr. Davis:

Please find enclosed additional protests submitted by J. Myron Moyle, Jack J. Wood, and Karl D. Reeder.

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 (3)

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

May 30, 1978

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

C. Stephen Allred
Director

RE: Application for Permit No. 13-7233 DAVIS

Mr. Karl D. Reeder
Clifton,
Idaho 83228

Dear Mr. Reeder:

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):

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4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can 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 REGION

John V. Evans
Governor

May 30, 1978

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

C. Stephen Allred
Director

RE: Application for Permit No. 13-7233 DAVIS

Mr. Jack J. Wood
Box 87
Clifton, Idaho 83228

Dear Mr. Wood:

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):

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If this office can 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 REGION

John V. Evans
Governor

May 30, 1978

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

C. Stephen Allred
Director

RE: Application for Permit No. 13-7233 DAVIS

Mr. Jay Moyle
50 W. Canyon Blvd.
Clifton, Idaho 83228

Dear Mr. Moyle:

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):

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If this office can 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 REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

May 30, 1978

RE: Application for Permit No. 13-7233 DAVIS

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on May 4 and May 11, 1978.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

October 31, 1978

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 Wednesday, November 15,
1978 at 2:00 p.m. and Thursday, November 16, 1978 at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval
of Application for Permit No. 13-7233 in
the Name of LYNN M. DAVIS

NOTICE OF CONFERENCE
AND/OR HEARING

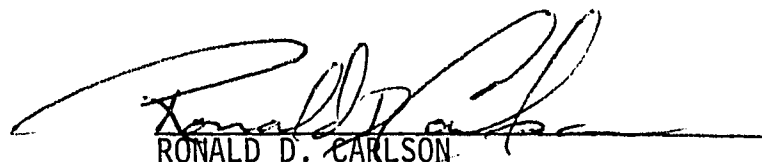
On April 24, 1978, Lynn M. Davis filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On May 4, 1978, the Department received protests against approval of said application from ^{Howard Henderson} Harold Anderson, President, Carl A. Mortensen, Leonard Povey, Carl Sohn and Ronald J. Long of Cliffton Irrigation Company Board. On May 18, 1978, the Department received a protest from Karl D. Reeder and on May 22, 1978 a protest was received from Jack J. Wood. On May 23, 1978, the Department received an additional protest from J. Myron Moyle.

The Department has set the matter of protest for conference and/or hearing for 2:00 p.m. on Wednesday, November 15, 1978 in the Conference 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 protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 1st of November, 1978.


RONALD D. CARLSON
Supervisor, Eastern Region

Name and Address of Sender

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

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

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

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	INSUR. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS
1	1158 J. Mel Hill Box 6, Twin Butte, Idaho	15	80	45				29-7454
2	1159 Kara Ranch Farmington, Box 345, Alta, N.S.							" "
3	1160 John Murphy, Auburn, Idaho 83212							29-7447
4	1161 Zule A. Elverson, Atty, Box 168, American Falls							" "
5	1162 Bureau of Land Management, Rt 3, Box 1, Burley, 83318							" "
6	1163 Bond Zonia, 238 S. Main, Boise, Idaho 83252							15-7044
7	1164 William T. Evans, Donkey, Id 83234							" "
8	1165 Guy Curtis, 409 N. Main, Donkey, Id 83234							" "
9	1166 Arthur Trevaux, Donkey, Id 83234							" "
10	1167 Dale Wilkey, Donkey, Id 83234							" "
11	1168 Kenneth Wilkey, Donkey, Id 83234							" "
12	1169 William Green, 824 Franklin St, Ogden, Utah							" "
13	1170 Dale Jones, 1426 East Elm, Payette, Idaho 83201							" "
14	1171 Dale Jones, 10 S. 3 E., Donkey, Id 83234							" "
15	1172 Dave Trevaux, Donkey, Id 83234							" "
16	1173 Eugene M. Davis, Clifton, Id 83228							13-7233
17	1174 Kenneth J. Long, Clifton, Id 83228							" "
18	1175 Carl & Ruth J. Clifton, Id 83228							" "
19	1176 Leonard Porey, Clifton, Id 83228							" "
20	1177 Carl & Ruth Porey, Clifton, Id 83228							" "

TOTAL NO. OF PIECES LISTED BY SENDER

POSTMASTER, DELIVERY OF RECEIVING EMPLOYEES

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

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

(Declaration of value is required on international registered mail)

* U. S. GOVERNMENT PRINTING OFFICE: 1974-315-725

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

EASTERN DISTRICT OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

Name and Address of Sender

25

IDAHO FALLS, IDAHO 83401

Indicate type of mail:

☐ REGISTERED ☐ C.O.D.

X CERTIFIED

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

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	P.R. FEE	INSURANCE FEE	ACTUAL VALUE	HANDLING CHARGES	REMARKS
1176	Norval Anderson, Clifton, dt 83228	15	80	45				13-7233
1179	Karl D. Roeder, Clifton, dt 83228							" "
1180	S. Johnson mpls., 50 W. Congress Blvd, Clifton							" "
1181	Jack Wood, Box 82, Clifton							" "
1182	~~Ronald E. Barton, Box 1283, Montpelier~~							11-7134
1183	Dickel Franchin, Bx M, 440 Zurich, d.T.							" "
1184	Thomas W. Thompson, 1107 W. North Temple, Salt Lake City							" "
		477 postage	-					Certified return receipt
		458.75						

TOTAL, NO. OF
PIECES REC'D AT P.O.

POSTMASTER, ~~RETURN TO~~ name of receiving employee.

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

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

(Declaration of value is required on international registered mail)

U. S. GOVERNMENT PRINTING OFFICE: 1974-0-289-722

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

PERMIT NO. 13-7233 - LYNN M. DAVIS

Conference Room, Franklin County Courthouse, Preston, Idaho

November 15, 1978 - 2:00 p.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
Harold Henderson	Clifton	Clifton Irrigation Co.
Leonard Povey	Clifton	" "
Carl John	Clifton	" "
Lynn M. Davis	Clifton	Self
Jim Elgren	"	"
Jay Mope	Clifton	Clifton Irrigation Stock Holder
Alton Butters	Weston	City of Clifton
Karl O. Reeder	Clifton	West Gadge Canal Co. Protestant

RETURNED RECEIPTS

13-7233 - DAVIS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address, and ZIP CODE in the space below.
- Complete items 1, 2, and 3 on the reverse.
 - Moistened gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

NOV 6 1978

DEPARTMENT OF WATER RESOURCES
(Name of Sender)
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
(Street or P.O. Box) 83401
(City, State, and ZIP Code)

CLIFTON, ID
NOV 8 1978
83228

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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 - Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

NOV 6 1978

DEPARTMENT OF WATER RESOURCES
(Name of Sender)
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401
(Street or P.O. Box)
(City, State, and ZIP Code)

CLIFTON, ID
NOV 8 1978
83228

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

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RETURN TO

NOV 8 1978

DEPARTMENT OF WATER RESOURCES
(Name of Sender)
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO (Street or P.O. Box) 83401
(City, State, and ZIP Code)

CLIFTON, ID
NOV 8 1978
83228

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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RETURN TO

NOV 6 1978

DEPARTMENT OF WATER RESOURCES
(Name of Sender)
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401
(Street or P.O. Box)
(City, State, and ZIP Code)

CLIFTON, ID
NOV 6 1978
83228

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address, and ZIP CODE in the space below.
- Complete items 1, 2, and 3 on the reverse.
 - Moistened gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

NOV 6 1978

DEPARTMENT OF WATER RESOURCES
(Name of Sender)
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401
(Street or P.O. Box)
(City, State, and ZIP Code)

CLIFTON, ID
NOV 6 1978
83228

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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 - Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

NOV 2 1978

DEPARTMENT OF WATER RESOURCES
(Name of Sender)
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO (Street or P.O. Box) 83401
(City, State, and ZIP Code)

CLIFTON, ID
NOV 2 1978
83228

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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RETURN TO

NOV 2 1978

DEPARTMENT OF WATER RESOURCES
(Name of Sender)
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401
(Street or P.O. Box)
(City, State, and ZIP Code)

CLIFTON, ID
NOV 6 1978
83228

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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 - Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

NOV 3 1978

DEPARTMENT OF WATER RESOURCES
(Name of Sender)
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401
(Street or P.O. Box)
(City, State, and ZIP Code)

CLIFTON, ID
NOV 3 1978
83228

PS Form 3811, Apr. 1977
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
☒ Show to whom and date delivered. 45¢
☐ Show to whom, date, and address of delivery. ¢
☐ RESTRICTED DELIVERY
 Show to whom and date delivered. ¢
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Harold Anderson (13-7233)
 Clifton
 ID 83228

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1178

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY 11-7-78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977-0-249-595

PS Form 3811, Apr. 1977
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3.
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☐ RESTRICTED DELIVERY
 Show to whom and date delivered. ¢
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Carl Sohn (13-7233)
 Clifton
 ID 83228

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1175

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977-0-249-595

PS Form 3811, Apr. 1977
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☐ RESTRICTED DELIVERY
 Show to whom and date delivered. ¢
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Karl D. Reeder (13-7233)
 Clifton
 ID 83228

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1179

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY 11-07-78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977-0-249-595

PS Form 3811, Apr. 1977
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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☐ Show to whom, date, and address of delivery. ¢
☐ RESTRICTED DELIVERY
 Show to whom and date delivered. ¢
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 J. Myron Moyle (13-7233)
 50 W. Canyon Blvd.
 Clifton, ID 83778

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1180

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY 11-04-78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977-0-249-595

PS Form 3811, Apr. 1977
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

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☐ Show to whom, date, and address of delivery. ¢
☐ RESTRICTED DELIVERY
 Show to whom and date delivered. ¢
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Ronald J. Long (13-7233)
 Clifton,
 ID 83228

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1174

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY 11-04-78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977-0-249-595

PS Form 3811, Apr. 1977
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

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☐ RESTRICTED DELIVERY
 Show to whom and date delivered. ¢
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Leonard Povey (13-7233)
 Clifton
 ID 83228

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1176

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY 11-06-78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977-0-249-595

PS Form 3811, Apr. 1977
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3.
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☐ RESTRICTED DELIVERY
 Show to whom and date delivered. ¢
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Carl A. Mortensen (13-7233)
 Clifton
 ID 83228

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1177

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY 11-04-78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977-0-249-595

PS Form 3811, Apr. 1977
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☐ RESTRICTED DELIVERY
 Show to whom and date delivered. ¢
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Lynn M. Davis (13-7233)
 Clifton
 ID 83228

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1173

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY 11-07-78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

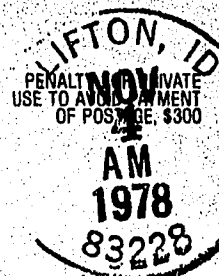
☆GPO: 1977-0-249-595

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



RETURN
TO
RECEIVED

NOV 6 1978

DEPARTMENT OF WATER RESOURCES

EAST (Name of Sender) OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

(Street or P.O. Box)

By Eastern District Office

(City, State, and ZIP Code)

PS Form 3811, Apr. 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
☒ Show to whom and date delivered.....45¢
☐ Show to whom, date, and address of delivery.....¢
☐ RESTRICTED DELIVERY
Show to whom and date delivered.....¢
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery.....\$
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Jack Wood (13-7233)
Box 87
Clifton, ID 83228

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
1181

(Always obtain signature of addressee or agent)

I have received the article described above:
SIGNATURE ☒ Addressee ☐ Authorized agent

4. DATE OF DELIVERY
11-4-78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK
NOV 4 1978

CLERK'S INITIALS
mm

June 5, 1979

Mr. Howard Henderson
Clifton Irrigation Company
Clifton, ID 83228

Dear Mr. Henderson:

Re: Application for Permit No. 13-7233

Enclosed is a copy of the Memorandum Decision and Order approving Application for Permit No. 13-7233 in the name of Lynn M. Davis.

We feel you should be concerned about two aspects of the irrigation company's water right. First, the change in the point of diversion and the source of water from that identified in the decree was made without a transfer being approved. This, of course, raises the question of whether the water you are now using is actually the water you are entitled to by the decree. Second, has your water right been lost through non-use, since for several years you have diverted water from another source, Twin Lakes? Are you now entitled to resume the use of the water decreed to you is probably a question that may have to be resolved by the courts.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within 20 days or may appeal directly to the district court within 60 days of the date the decision is mailed to you.

If you have any questions, please let us know.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

June 5, 1979

Lynn M. Davis
Clifton,
Idaho 83228

Dear Mr. Davis:

Re: Permit No. 13-7233

Enclosed is a copy of your approved Application for Permit No. 13-7233 along with a copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the order.

Be sure to note the special condition requiring you to install and maintain a measuring device at your point of diversion 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.

Even though you have been issued a water right permit for the use of Loafer Creek, there may not be water available for your project if the Clifton Irrigation Company demands its entire water right.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within 20 days or may appeal directly to the district court within 60 days of the date the decision is mailed to you.

If you have any questions, please let us know.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

cc: Jack J. Wood
J. Myron Moyle
Karl Reeder

Enc: App. for Permit
Measuring Device Letter
Memo. Dec. & Order
Cert. of Mailing

INTER-DEPARTMENT MEMO — 1

FROM

TO

SUBJECT

DATE

- BDF
- TO ~~Norm~~ ^{Norm} ~~Glen~~ →
- ① Finding discuss water right in Clifton Ck. and use of Loafer Ck. Conclusion does not discuss what Clifton Irrig. Co. water right is being recognized
 - ② Is the proposed irrig. of 700 acres an expansion? ^{No.} Has there been a forfeiture for that portion not used for more than 5 yrs? We don't have enough information to reach that conclusion. The applicant did not push the issue of forfeiture.
 - ③ No discussion of concern about increased cost except in "Analysis" which is after conclusions. ^{Attorneys recommended that only items that we should include in finding are the five statutory issues and that}
 - ④ If part of Clifton ~~Irrig.~~ Irrig. Co. right has been lost ^{or if} there is an expansion proposed is there a new filing?

SIGNATURE

←

Davis
13-57
13-7232
13-9384

Blue Card
+9

RECEIVED

DEC 27 1982
Clifton, Ida.
Department of Water Resources
Dec 20 - 82

Dep. of water resources
Gentlemen,

I was to let you know
when I had my irrigation system
completed on Lafer. Creek in Clifton.
It was completed in October of
this year at a cost of about
\$1500.00. We used 10" plastic pipe
reduced to 8" plastic pipe buried 3'
in the ground. I'll still have to
buy more sprinkler pipe to have
it just as I want it, but it
is ready for use.

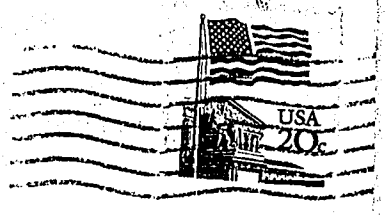
Resp. yours
Lynn M. Davis
Clifton, Ida.

BLUE CARD [out 11/18/83]

No response reg'd Oct 1-17-83

Lynn Davis
Box 86
Clifton Id
83228

PRESTON,
ID
DEC 23
PM
1982
83263



Department of Water Resources
Statehouse
Boise Idaho 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138472

DAVIS, LYNN M.
CLIFTON, ID 83228

PROOF DUE NOTICE

FEBRUARY 28, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 13-7233 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MAY 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

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

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

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. 13-7233.

Name(s) of Permit Holder: Lynn M. Davis

Post Office Address: Clifton Idaho Box 86

Tel. No. 747-3406

Source of Water: Loafen Cr.

Extent of Use: ☐ Domestic _____ (number of households)

☐ Stockwater _____ (number and type of stock)

☒ Irrigation _____ (acres) 120

☐ Other This is the second notice I have sent.

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

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

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

Mar 21 - 1984
Date

Lynn M. Davis
Signature of Permit Holder

Lynn Davis
Clifton Idaho



RECEIVED



MAR 26 1984

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE

BOISE, IDAHO 83720

Department of Water Resources

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)

WATER RIGHT NO. 13-07233

RECEIVED
MAR 29 1989

Date of Priority: April ²⁴14, 1978

Comes now LYNN M. DAVIS
P.O. BOX 86
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. 13-07233, and requests that the permit be changed as follows:

Source: LOAFER CREEK

tributary to DEEP CREEK

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

VOLUME

IRRIGATION

04/01 to 11/01

1.53 CFS

350.0 AFA

LOCATION OF POINT(S) OF DIVERSION:

SWNW, Sec. 29, 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	28	SWSW 5			5
		29	SWNE 21	SENE 3	SENE 4	
			NESW 3	NESE 6	NWSE 30	
			SWSE 8	SESE 20		95

Total number of acres irrigated: 100

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 Clifton Ida., this 27 day of mar, 1989

Lynn M. Davis
(Signature)

PAGE 2

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07233

FOR DEPARTMENT USE ONLY

Preliminary check by ICW Fee = \$20.00 ✓ Received by KSH Date 3/30/89

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. 13-07233 with the following;

CONDITIONS/REMARKS:

1. The right to the use of 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. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
5. Use of water under this water right is subject to control by the watermaster of State Water District No. 11

Witness my hand this 21st day of April, 1989.

Norm C. Young
Acting for the (Director)

JH

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-07233

Priority: April 24, 1978 Amount: 1.53 CFS 350.0 AFA

This is to certify, that LYNN M. DAVIS

P.O. BOX 86

CLIFTON, ID 83228

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated April 14, 1978, and has submitted proof to the Department of Water Resources on March 26, 1984, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 1.530 cfs of water from:

LOAFER CREEK

tributary to DEEP CREEK

source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	04/01 to 11/01	1.53 CFS	350.0 AFA

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 29, 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	28	SWSW 5			5
		29	SWNE 21	SENE 3	SENE 4	
			NESW 3	NESE 6	NWSE 30	
			SWSE 8	SESE 20		95

Total number of acres irrigated: 100

CONDITIONS/REMARKS:

1. The right to the use of 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. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
5. Use of water under this water right is subject to control by the watermaster of State Water District No. 11

PAGE 2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-07233

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 21st
day of April, 1989.

Acting for the Director

Norman C. Young



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup, Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 19, 1984

LYNN M. DAVIS
BOX 86
CLIFTON ID 83228

RE: Permit No. 13-7233

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 examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent

Form 204-p
6/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 137233
Name(s) of Permit Holder(s): LYNN M. DAVIS
Post Office Address: Clifton, Ida. Tel. No. 747-3406

☒ I hereby certify that construction of diversion works for the above referenced permit began on July 6 - 1982 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

July 20 - 1982 Date Lynn M. Davis Signature of Permit Holder

Lynne Davis
Clifton Idaho



RECEIVED

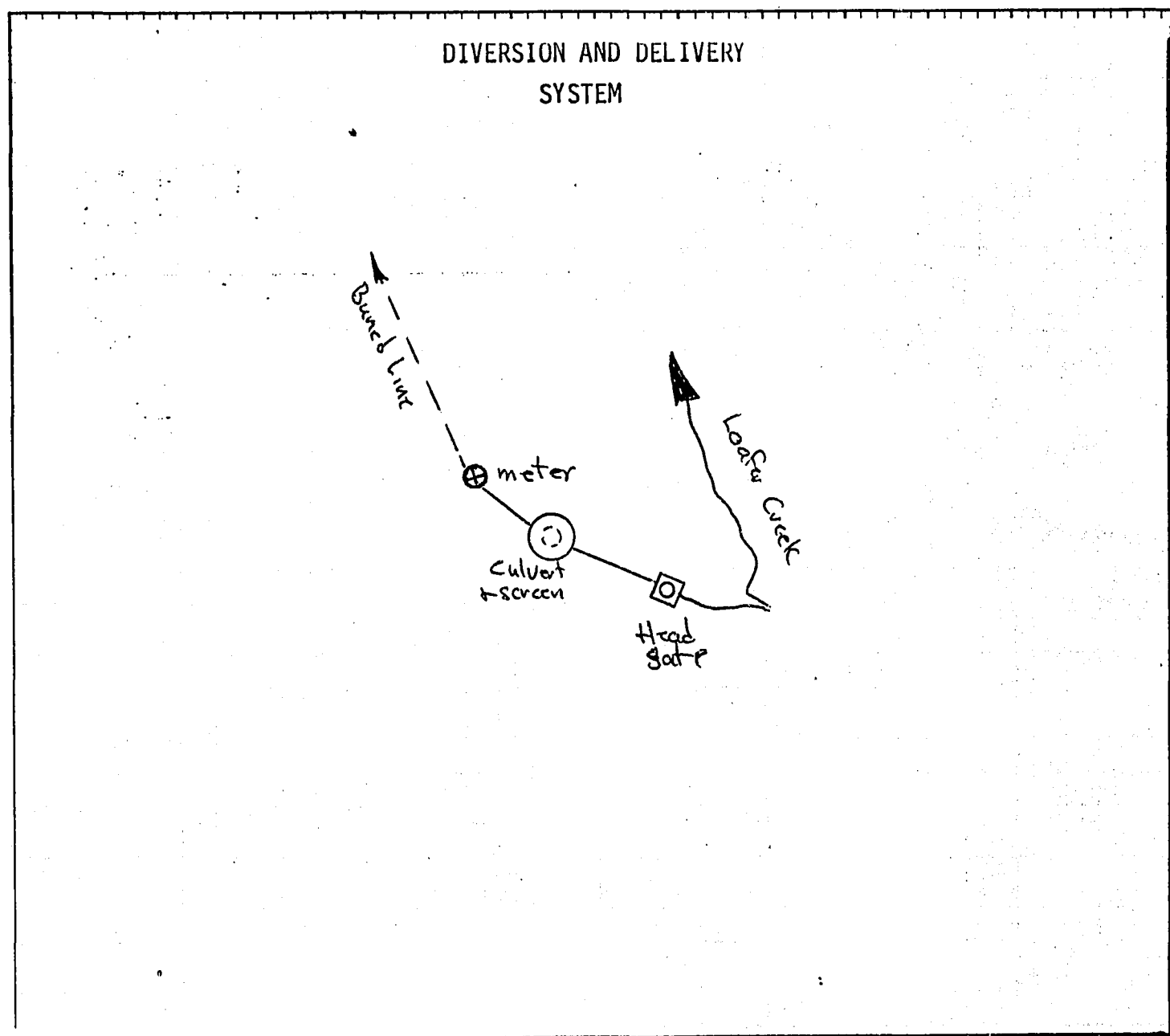
JUL 23 1982

Department of Water Resources
IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Phone No. 747-3406

- [illegible]

10. Other water rights on these lands NA
11. Other water right diverted from same p.d. NA
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 _____

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 H.W. Jones Date 10-09-85

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

CONSULTANT SEAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED
JAN 13 1986

13-7233
Permit No.

Department of Water Resources

1. Measurement Calculations

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

By McGraw-Hill meter 200 gpm or 1.56 cfs

$$\text{by core foot indicator; } = \frac{43.560}{28.5} = \underline{\underline{1.53 \text{ cfs}}}$$

(.001 af / 28.5 secs)

Use Lower measurement of 1.53 cfs

- b) Volume Calculations for Irrigation:

$$\begin{aligned} V_{I.R.} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 100 \text{ acres} \times 3.5 \text{ af/a} = 350 \text{ af} \\ V_{D.R.} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.53 \text{ cfs} \times 214 \times 1.9835 = 649.4 \\ V &= \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\underline{350 \text{ af}}} \end{aligned}$$

- c) Volume Calculations for Other Uses:

2. Overlap Review

- a) Other water rights with same place of use: N.A.

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

- c) Analysis:

RECOMMENDED AMOUNTS

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

4. Permit Holder: _____

Address: _____

5. Source: _____ tributary to _____

6. Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afa)

Ingoschen 4-1 11-1 1.53 350

Allowable Maximums: _____

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 D.W. Jones

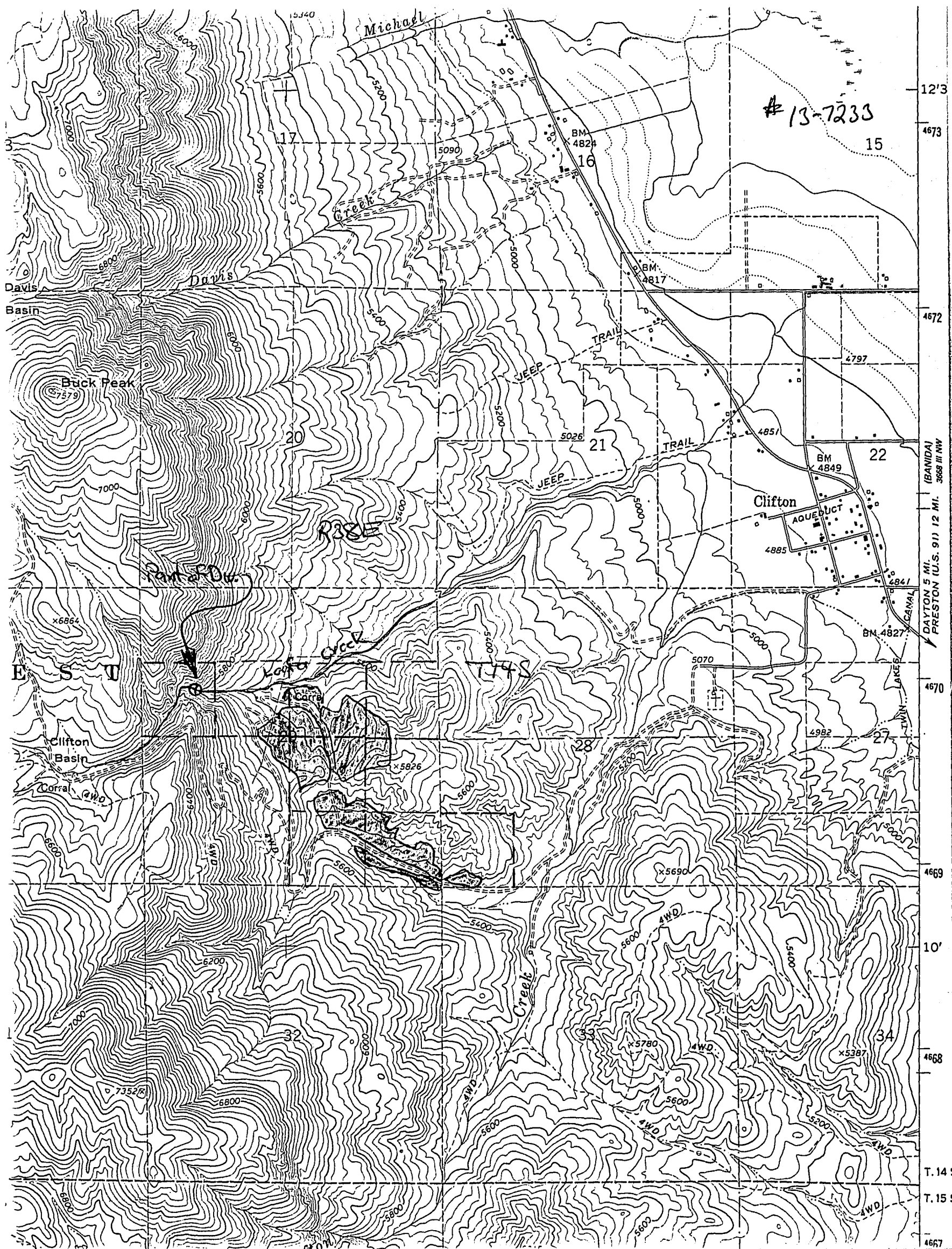
Date 10-09-85

Checked in Regional Office by Dan Spackman

Date 1-08-86

Approved in State Office by Deanne T. Fanning

Date 11/20/80



13-7233

20 21
29 28

H
47.3

D-368
38D

Dennis Ralphs

C-8

int

M L
6.9 13.2

H
3.7

PD
under
170000
Mf



D C
9.9 5.0

D-106
53D

Lynn Davis

P R
1.8 4.0

28 29
32 33
E
10.1

D-368
76D

Dennis Ralphs

NOT TO SCALE

POD OVERLAP REV

WR-NUMBER	TWP	RNG	SC	TRACT	LT	#SOURCE	#NAME
				1\4 1\4 1\4			
1307233	14S	38E	29	SW NW		LOAFER CREEK	DAVIS, LYNN M.

March 20, 1989

LYNN M. DAVIS
P.O. BOX 86
CLIFTON, ID 83228

RE: PERMIT NO. 13-07233

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

April 25, 1989

LYNN M. DAVIS
P.O. BOX 86
CLIFTON, ID 83228

RE: PERMIT NO. 13-07233

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