

First Time Published

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

13-7347 *okw*

**CHEAPBECK WATER
COMPANY**

C/O GLAYD CHRISTEN-
SEN, STAR RT. BOX 289,
GRACE, ID 83241

Source: CHEATBECK
SPRINGS tributary to CHEAT-
BECK CREEK

Date Filed: 07-17-1981 *4/3*

Amount: 2.00 CFS

Diversion Point: SENW Sec 03
T 11S R 41E, Caribou Co.

Use: DOMESTIC (2.00 CFS)
from 01-01 to 12-31

Place of Use: NENE Sec 05 T
11S R 41E SWSW Sec 33 T 10S
R 41E SWNE SENE NWNE
NENE NENW NWNW Sec 04 T
11S R 41E

Diversion Means: COLLEC-
TION BOX & PIPELINE.

PUBLIC NOTICE

**NOTICE OF AMENDED
APPLICATION FOR WATER
PERMIT**

Notice is hereby given that Application for Permit No. 13-7347 in the name of Cheapbeck Water Company was filed for the diversion of 2.00 cfs of water from Cheatbeck Springs tributary to Cheatbeck Creek, with point of diversion within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 11S, R. 41E, B.M., Caribou County; to be used from Jan. 1 to Dec. 31 for domestic purposes for fifteen homes within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 4, T. 11S, R. 41E; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 10S, R. 41E, B.M.

The applicant now proposes to amend Application No. 13-7347, requesting the use of water from Jan. 1 to Dec. 31 for 0.18 cfs for domestic purposes, 0.12 cfs for stockwatering, and 0.70 for fire protection within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 4, T. 11S, R. 41E; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 10S, R. 41E; and from Apr. 1 to Oct. 1 for 1.00 cfs of water for the irrigation of 50 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 10S, R. 41E; NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 4, T. 11S, R. 41E, B.M.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83402, on or before October 13, 1981.

A. KENNETH DUNN
Director

Published in the Caribou
County Sun, Soda Springs, Idaho,
Sept. 24 and Oct. 1, 1981. *QW*

PUBLIC NOTICE

First Time Published

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho.

13-7347

**CHEATBECK WATER
COMPANY**

C O GLAYD CHRISTENSEN, STAR RT. BOX 289,
GRACE, ID 83241

Source: CHEATBECK
SPRINGS tributary to CHEAT-
BECK CREEK

Date Filed: 07-17-1981

Amount: 2.00 CFS

Diversion Point: SENW Sec 03
T 11S R 41E, Caribou Co.

Use: DOMESTIC (2.00 CFS)
from 01-01 to 12-31

Place of Use: NENE Sec 05 T
11S R 41E SWSW Sec 33 T 10S
R 41E SWNE SENE NWNE
NENE NENW NWNW Sec 04 T
11S R 41E

Diversion Means: COLLEC-
TION BOX & PIPELINE.
29-7608

RINDLISBAKER, TERRY
BANCROFT, ID 83217

Source: GROUNDWATER

Date Filed: 07-21-1981

Amount: 8.00 CFS

Diversion Point: SESW Sec 04
T 09S R 39E, CARIBOU Co.

Use: IRRIGATION (8.00
CFS) from 04-01 to 11-01

Place of Use: SWNE SENW
NESW SESW NESE NWSE
SWSE SESE Sec 04 T 09S R 39E
NENW NWNW Sec 09 T 09S R
39E FOR 400 ACRES

Diversion Means: WELL,
PUMP & SPRINKLERS

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402 on or before AUGUST 17, 1981.

A. KENNETH DUNN

Director

Published July 30 and Aug. 6,
1981 in the Caribou County Sun.

**Affidavit of
Publication**

Department of Water Resources
Eastern District Office
County of Caribou
State of Idaho

ss.

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

30th day of
July, 1981

The date of the last publication

being the 6th day of
August, 1981

Mark Steele

Subscribed and sworn to be-

fore me this 7th day

of August, 1981

Clayton Steele
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the
1st day of March

1984

RECEIVED

OCT 13 1981

Department of Water Resources
Eastern District Office

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

PUBLIC NOTICE

First Time Published

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that Application for Permit No. 13-7347 in the name of Cheapbeek Water Company was filed for the diversion of 2.00 cfs of water from Cheatbeek Springs tributary to Cheatbeek Creek, with point of diversion within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 11S, R. 41E, B.M., Caribou County; to be used from Jan. 1 to Dec. 31 for domestic purposes for fifteen homes within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 4, T. 11S, R. 41E; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 10S, R. 41E, B.M.

The applicant now proposes to amend Application No. 13-7347, requesting the use of water from Jan. 1 to Dec. 31 for 0.18 cfs for domestic purposes, 0.12 cfs for stockwatering, and 0.70 for fire protection within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 4, T. 11S, R. 41E; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 10S, R. 41E; and from Apr. 1 to Oct. 1 for 1.00 cfs of water for the irrigation of 50 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 10S, R. 41E; NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 4, T. 11S, R. 41E, B.M.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83402, on or before October 13, 1981.

A. KENNETH DUNN

Director

Published in the Caribou County Sun, Soda Springs, Idaho, Sept. 24 and Oct. 1, 1981.

Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof

for 2 successive weekly issues thereof, the date of the first publication being the

24th day of

September, 1981

The date of the last publication

being the 1st day of

October, 1981

Subscribed and sworn to before me this

2nd day

of October, 1981

Notary Public, residing at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of March

1984

Received by BRS Date 7/17/81 Time 11:00
Preliminary check by HWT Fee \$ 65.00
Receipted by KW Date 7/21/81 # 17795
Publication prepared by kw Date 7/23/81
Published in Caribou County Sun
Publication dates 7/30 & 8/06/81
Publication approved KW Date 8/3/81 8/21/81
Protests filed by: _____

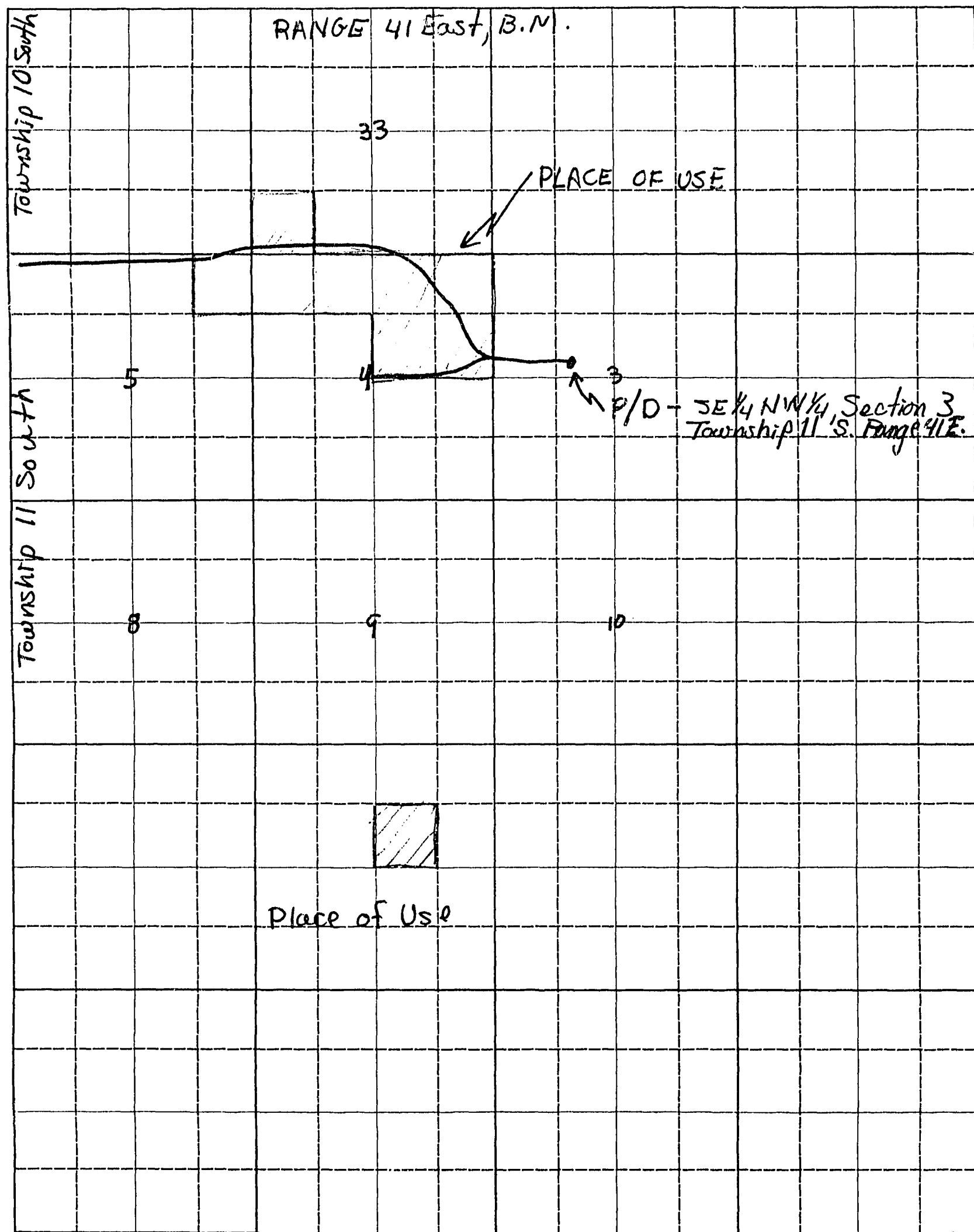
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

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. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
 - d. Other:

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.

CHEAPBECK WATER COMPANY

Gloyd M. Christensen
(Applicant)

Gloyd Christensen, President

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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 U.S. Department of Interior, Bureau of Land Management

b. Who owns the land to be irrigated or place of use (see No. 10 below)

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing an application for right-of-way is being submitted to the Bureau of Land Management, Idaho State Office, pursuant to Title 43 CFR, Group 2,800.

10. Remarks There presently is in existence an old head box, pipeline, and delivery system constructed in approximately 1928, and used continuously since that time to supply waters of Cheapbeck Springs to provide water for domestic purposes to 15 homes. This old system is inadequate and in need of replacement which is presently being undertaken. Although there are no water rights established of record, the users have clearly established certain water rights under the Idaho Constitution by diversion and application to a beneficial use since 1928. The existing rights are in harmony and therefore this application is submitted to obtain the appropriate license.
As per 9.b. above the names and addresses of the owners at the place of use are as follows: Don and Lucile Clegg, Star Route, Box 302, Grace, ID; Robert & Vivian Fraser, Star Route, Box 305, Grace, ID 83241; Jack & Dorthay Hubbard, Star Route, Box 311, Grace, ID 83241; Morris and Marilyn Clegg, 2806 Chariton St., Oakton, Va. 22124; Todd and Cheri Michelson, Star Route, Box 300, Grace, ID 83241; Don W. and Dolores Gilbert, Rural Route, Box 177, Grace, ID 83241; Owen & Marna Clegg, Star Route, Box 291, Grace, ID 83241; Dean and Lezlie Clegg, Star Route, Box 292, Grace, ID 83241; Ardel Merrill, P. O. Box 3866, Incline Village, Nevada 89450; Glayd & Helen Christensen, Star Route, Box 289, Grace, ID. 83241; and DeMar & Kim Clegg, Star Route, Box 293, Grace, ID 83241. Robert and Donnett Young, Grace, ID 83241.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant CHEAPBECK WATER COMPANY Phone (208) 425-3634
Post office address c/o Glayd Christensen, Star Rt., Box 289, Grace, ID 83241
Cheapbeek Springs, a/k/a Sheepbeek Springs
2. Source of water supply Cheatbeek* which is a tributary of Cheapbeek Creek a/k/a
Sheepbeek Creek
*as per telecon w/ Randy Budge 7/20/81 HWJ
3. Location of point of diversion is SE 1/4 of NW 1/4 of Section 3 Township 11 South
Range 41 E.B.M. Caribou County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.0 cfs for domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 2.0 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. cement collection box at point
of diversion with delivery to place of use by means of 4" buried line.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is three years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NE 1/4 of NE 1/4 of Section 5 Township 11 South
SW1/4SW1/4, S33, T. 10 S., R. 41, E.B.M.;
Range 41 E.B.M. SW1/4NE1/4, SE1/4NE1/4, NW1/4NE1/4, NE1/4NE1/4, NE1/4
NW1/4, and NW1/4NW1/4, all in S4, T. 11 S., R. 41, E.B.M.

(2) Amount of power to be generated: _____ horsepower 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 fifteen.

(5) If water is to be used for other purposes describe: _____

Prepared by CW Date 7/17/81

Received by CW Date 9/10/81 Time 10:05 A.

Preliminary check by EMC Fee \$ 20.00

Receipted by CW Date 9/10/81 # 19069

Publication prepared by CW Date 9/17/81

Published in Caribou County Sun

Publication dates September 24 and October 1, 1981

Publication approved CW Date 10-13-81

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC RC

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. 13-7347, and said application is hereby APPROVED.

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

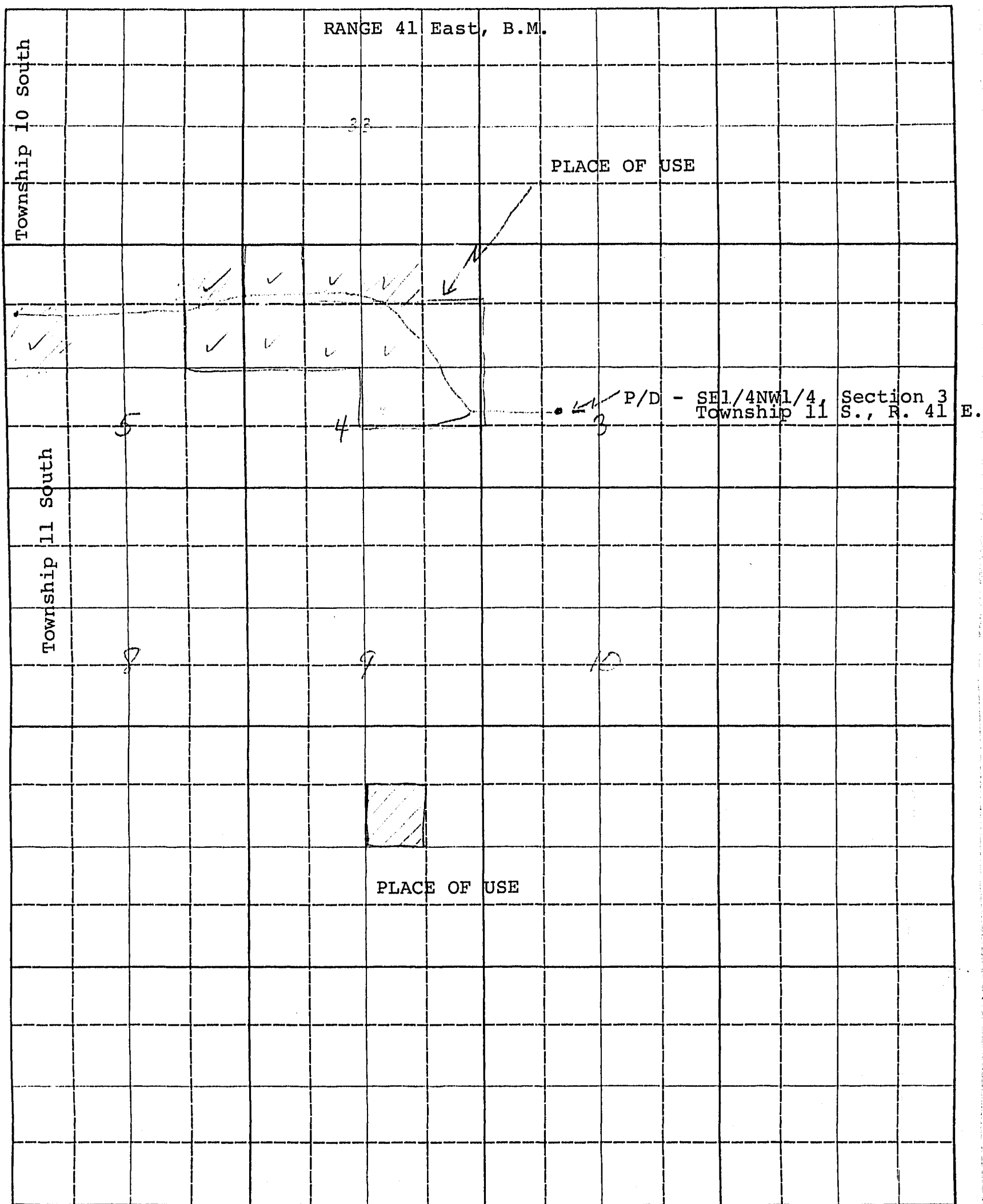
- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 19 84.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 4th day of November, 1981.

A. Glen Saxton
Chief Operations Bureau

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.

CHEAPBECK WATER COMPANY

Gloyd Christensen
(Applicant)

Gloyd Christensen, President

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S.	41E.	33											5	5			5		15
10S.	41E.	32																5	5
11S.	41E.	5	5					5											10
11S.	41E.	4			5		5	10											20

Total number of acres to be irrigated 50

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 U.S. Department of Interior, Bureau of Land Management.
b. Who owns the land to be irrigated or place of use (see No. 10 below)
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing an application for right-of-way is being submitted to the Bureau of Land Management, Idaho State Office, pursuant to Title 43 CFR, Group 2,800.

10. Remarks There presently is in existence an old head box, pipeline, and delivery system constructed in approximately 1928, and used continuously since that time to supply waters of Cheapbeck Springs to provide water for domestic purposes to 15 homes. This old system is inadequate and in need of replacement which is presently being undertaken. Although there are no water rights established of record, the users have clearly established certain water rights under the Idaho Constitution by diversion and application to a beneficial use since 1928. The existing rights are in harmony and therefore this application is submitted to obtain the appropriate license.
As per 9.b. above, the names and addresses of the owners at the place of use are as follows: Don and Lucile Clegg, Star Route, Box 302, Grace, ID; Robert & Vivian Fraser, Star Route, Box 305, Grace, ID 83241; Jack & Dorthay Hubbard, Star Route, Box 311, Grace, ID 83241; Morris and Marilyn Clegg, 2806 Chariton St., Oakton, Va. 22124; Todd and Cheri Michelson, Star Route, Box 300, Grace, ID 83241; Don W. and Dolores Gilbert, Rural Route, Box 177, Grace, ID 83241; Owen and Merna Clegg, Star Route, Box 291, Grace, ID 83241; Dean and Lezlie Clegg, Star Route, Box 292, Grace, ID 83241; Ardel Merrill, P. O. Box 3866, Incline Village, Nevada 89450; Glayd & Helen Christensen, Star Route, Box 289, Grace, ID, 83241; and Demar & Kim Clegg, Star Route, Box 293, Grace, ID 83241; Robert and Donnett Young, Grace, ID 83241.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR PERMIT **APPROVED**

To appropriate the public waters of the State of Idaho

1. Name of applicant CHEAPBECK WATER COMPANY Phone (208) 425-3634
Post office address c/o Glayd Christensen, Star Rt., Box 289, Grace, ID. 83241
Cheatbeck Springs, a/k/a Sheepbeck Springs and Cheapbeck Springs
2. Source of water supply / which is a tributary of Cheapbeck Creek a/k/a
Sheepbeck Creek
3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3 Township 11 South
Range 41 B.M. Caribou County, additional points of diversion if any:

4. Water will be used for the following purposes:

- Amount .18 cfs for domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.0 for irrigation purposes from 4/1 to 10/1 (both dates inclusive)
(cfs or acre-feet per annum)
Allow 0.12 cfs for stockwatering purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Allow 0.70 cfs for fireprotection purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

- a. 2.0 cfs cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. cement collection box at point of
diversion with delivery to place of use by means of 4" buried line.
b. Height of storage dam feet, active reservoir capacity acre-feet; total reservoir
capacity acre-feet, materials used in storage dam:
Period of year when water will be diverted to storage to inclusive.
(Month/Day) (Month/Day)
c. Proposed well diameter is inches; proposed depth of well is feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is three years (minimum 1 year -- maximum 5 years).

8. Description of proposed uses:

- a. If water is not for irrigation:
(1) Give the place of use of water: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5 Township 11 South
Range 41 E. B.M. SW1/4SW1/4, S33, T. 10 S., R. 41, E.B.M.;
SW1/4NE1/4, SE1/4NE1/4, NW1/4NE1/4, NE1/4NE1/4, NE1/4
NW1/4, and NW1/4NW1/4, all in S4, T. 11 S., R. 41, E.B.M.
(2) Amount of power to be generated: horsepower under feet of head.
(3) List number of each kind of livestock to be watered 400 beef cattle, 100 dairy cattle,
25 horses.
(4) Name of municipality to be served , or number of families to be
supplied with domestic water fifteen.
(5) If water is to be used for other purposes describe: Fire protection for 15 residential
dwellings and adjacent out-buildings.

LAW OFFICES OF
RACINE, HUNTLEY & OLSON
CHARTERED

LOUIS F. RACINE, JR.
ROBERT C. HUNTLEY, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER

CENTER PLAZA - CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83201

TELEPHONE
AREA CODE 208
232-6101

THOMAS J. HOLMES
RANDALL C. BUDGE
JOHN A. BAILEY

May 27, 1981

RECEIVED

JUN 1 1981

Department of Water Resources
Eastern District Office

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

I represent a number of water users near Grace, Idaho, who desire to form a nonprofit water company for the purpose of owning and distributing certain waters of Sheepbeck Spring. The waters have been used for many used to supply culinary water to approximately 13 households in the area, and they intend to replace and improve the existing diversion and distribution pipeline system.

I am advised that there are no permits, licenses or other filings on the water although the water clearly established constitutional rights by diversion and use. We would request that the department review their records as to any water rights or other filings on Sheepbeck Springs so that the appropriate filings can then be made to put the water rights in proper perspective. The spring arises and is diverted on Bureau of Land Management property located in the Southeast Quarter of the Northwest Quarter of Section 3, Township 11 South Range 41 East B.M., Caribou County. The place of use is in the North Half of Section 4T 11S R.41 East and also in the S½ of Section 33, T.10S R.41 East B.M.

At your early convenience we would appreciate your review and advice as to any water rights or filings on Sheepbeck Spring. Thank you for your time and cooperation.

If you have any questions please contact me.

Very truly yours,

Randy Budge
Randall C. Budge

RCB/pb

LAW OFFICES OF
RACINE, HUNTLEY, OLSON
NYE & COOPER

LOUIS F. RACINE, JR.
ROBERT C. HUNTLEY, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER

THOMAS J. HOLMES
RANDALL C. BUDGE
JOHN A. BAILEY

CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83201

TELEPHONE
AREA CODE 208
232-6101

July 15, 1981

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

Re: Cheapbeck Water Company

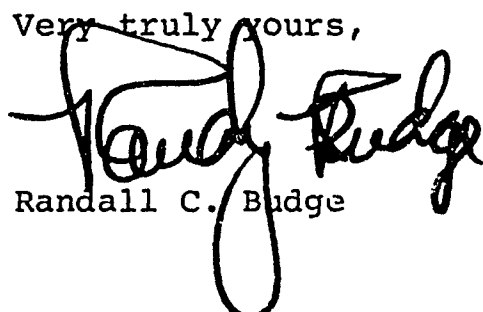
Gentlemen:

Enclosed please find Application for Water Permit together
with our check in the amount of \$65.00 on the above.

Please file same and begin processing.

Your attention to this matter is appreciated.

Very truly yours,


Randall C. Budge

RCB/cn

Enclosures

RECEIVED
JUL 17 1981
Department of Water Resources
Eastern District Office

13-2347.

CHEATBECK WATER COMPANY

C/O GLAYD CHRISTENSEN, STAR RT. BOX 289, GRACE, ID 83241

Source: CHEATBECK SPRINGS tributary to CHEATBECK CREEK

Date Filed: 07/17/1981

Amount: 2.00 CFS

Diversion Point: SENW Sec 03 T 11S R 41E, CARIBOU Co.

Use: DOMESTIC (2.00 CFS) from 01/01 to 12/31

Place of Use: NENE Sec 05 T 11S R 41E SWSW Sec 33 T 10S R 41E SWNE SENE NWNE
NENE NENW NWNW Sec 04 T 11S R 41E

Diversion Means: COLLECTION BOX & PIPELINE.

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402 on or before AUGUST 17, 1981.

A. KENNETH DUNN

Director

Published 7/30 & 8/06/81.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83402
(208) 525-7161

JULY 23, 1981

Caribou County Sun
P. O. Box 815
Soda Springs, Idaho 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 17, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

July 23, 1981

RE: Application for Permit No. 13-7347 CHEAPBECK WATER COMPANY

Randall C. Budge
RACINE, HUNTLEY & OLSON
P.O. Box 1391
Pocatello, ID 83201

Dear MR. Budge:

Attached herewith is Departmental Receipt No. 17795 in the amount of \$65.00
for the above referenced application.

Sincerely,

KAY WALKER
Secretary



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

July 24, 1981

RE: Application for Permit No. 29-7607 LACEY'S VISTA ACRES WATER CORP.
Application for Permit No. 13-7347 CHEAPBECK WATER COMPANY

Mr. Elmer W. Smith
Environmental Engineer
Department of Health & Welfare
636 Pershing
Pocatello, Idaho 83201

Dear Mr. Smith:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is August 17, 1981, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw:kw

Enclosure

July 24, 1981

RE: Application for Permit No. 13-7347 CHEAPBECK WATER COMPANY

Bureau of Land Management
940 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is August 17, 1981, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw:kw

Enclosure

-2-
Randy Budge/August 24, 1981

Respectfull~~y~~ submitted,

ERNEST M. CARLSEN
Asst. Regional Supervisor

EMC:brs

enc: as stated

August 24, 1981

Randy Budge
Atty. at Law
Racine, Huntley & Olson
P.O. Box 1391
Pocatello, Idaho 83201

RE: Application for permit 13-7347 Cheapbeck Water Co.

Dear Mr. Budge:

Prior to recommending final action on the above captioned application, there are a couple of issues needing consideration.

The application is requesting ~~2w6s~~ of water for domestic purposes in a multi-household water system. Domestic water in this type of system is limited to in-house use only with the maximum instantaneous water requirement for fifteen (15) households calculated to be 0.18 cfs. (see enclosed chart) Furthermore, the water right description for a multi-household water system should identify all other uses such as irrigation, stockwater, recreation and fire protection.

If the system in question supplies water for uses in addition to in-house use, the application should be amended to include them, then returned to this office accompanied by a check for \$20 as payment for the statutory filing fee. If the application is limited to in-house use, then justification for the water in excess of 0.18 cfs will have to be submitted for evaluation. To assist you in this matter, a copy of the application is enclosed along with a blank application form.

If no response is received and neither an amended application nor justification is submitted by September 8, 1981, the application will be reduced by 0.18 cfs and forwarded to the State office for final action.

As always, feel free to call or contact me should you have any questions regarding the above.



United States Department of the Interior

IN REPLY REFER TO

3800

BUREAU OF LAND MANAGEMENT

Soda Springs Resource Area

P.O. Box 855

Soda Springs, Idaho 83276

August 14, 1981

RECEIVED

AUG 17 1981

Department of Water Resources
Eastern District Office

Mr. Ernest Carlsen
Assistant Supervisor
Eastern Region
Department of Water Resources
150 Shoup
Idaho Falls, ID 83401

Dear Mr. Carlsen:

Thank you for sending us a copy of water permit application No. 13-7347, Cheatbeck Water Company.

We have been aware that this application was coming up. Other than the fact that the BLM has not received a right-of-way application as stated in the water permit application, we have only one comment to make.

The Cheatbeck Water Company has applied for 2 cfs for domestic use for 15 families. Using the Idaho Water Users handbook to make an estimate of their water needs, a figure of 0.9 cfs seems to be reasonable. Although 0.9 cfs need not be the upper limit, we wonder if granting an allocation of 2 cfs is necessary.

Our own application (13-7268) on this source predates the water company application by some several months. We have not perfected our right as yet but we anticipate no problems or conflicts with the Cheatbeck Water Company.

Sincerely yours,

Geoff Hogander

Geoff Hogander
Acting Area Manager



Save Energy and You Serve America!

CONVERSATION MEMORANDUM

DATE August 31, 1981

FILE 13-7347

NAME OF PARTY Randy Budge

EMPLOYEE Ernie Carlsen *ene*

RE: Pursuant to Department letter dated August 24, 1981,
I was contacted by Mr. Budge and advised that his
client would amend the application to include other
beneficial uses. If the amended application is not
received by September 14th, pull file and call Mr. Budge.

LAW OFFICES OF
RACINE, HUNTLEY, OLSON
NYE & COOPER

CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83201

September 8, 1981

LOUIS F. RACINE, JR.
ROBERT C. HUNTLEY, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER

THOMAS J. HOLMES
RANDALL C. BUDGE
JOHN A. BAILEY

TELEPHONE
AREA CODE 208
232-6101

RECEIVED

SEP 10 1981

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
150 Shoup
Idaho Falls, ID. 83401

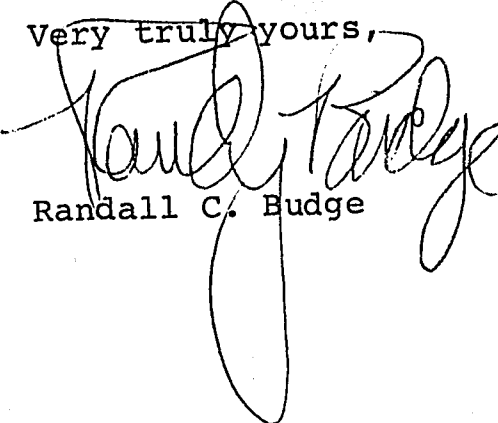
Attention: Mr. Ernest M. Carlson

Re: Cheapbeck Water Co. - Application for Permit 13-7347

Dear Mr. Carlson:

Enclosed please find our Amended Application for Permit together with our check in the amount of \$20.00 for the above matter.

Very truly yours,


Randall C. Budge

RCB/cn

Enclosure

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that Application for Permit No. 13-7347 in the name of Cheapbeck Water Company was filed for the diversion of 2.00 cfs of water from Cheapbeck Springs tributary to Cheapbeck Creek, with point of diversion within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 11S, R. 41E, B.M., Caribou County; to be used from Jan. 1 to Dec. 31 for domestic purposes for fifteen homes within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 4, T. 11S, R. 41E; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 10S, R. 41E, B.M.

The applicant now proposes to amend Application No. 13-7347, requesting the use of water from Jan. 1 to Dec. 31 for 0.18 cfs for domestic purposes, 0.12 cfs for stockwatering, and 0.70 for fire protection within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 4, T. 11S, R. 41E; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 10S, R. 41E; and from Apr. 1 to Oct. 1 for 1.00 cfs of water for the irrigation of 50 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 10S, R. 41E; NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 4, T. 11S, R. 41E, B.M.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83402, on or before October 13, 1981.

A. KENNETH DUNN

Director

Published in the Caribou County Sun, Soda Springs, Idaho, Sept. 24 & Oct. 1, 1981.

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: HWS

APPLICATION NUMBER: 13 7347

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.

Field check by: _____
Date: _____
Comments: _____

- ☒ Fee.
☒ Yes ☒ No Field check required.
☒ Yes ☒ No Critical groundwater area.
☒ Yes ☒ No Request dam safe / information. Sent by: _____ Date: _____
☒ Yes ☒ No In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Cheatbrook Creek tub sinks.

SEND COPIES TO:

- ☒ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☒ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: KW Date: 7-27

KW 7-27

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No In form for advertising. Aug. 17 Re-ad
☐ Yes ☒ No Final date for protests: _____
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: Aug. 14-81 Oct 13, 81
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☒ Yes ☐ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
7-17-81 Date of priority recommended.
☒ Special conditions of approval or cover letter. _____

By: Gret Carlson Date: Oct. 17-81

STATE OFFICE REVIEW: return receipt w/cover letter Cou item 4

SLW/L02 01 04
☐ See attached sheet for more information.
By: Kelvin Date: 11/3/81

RECEIVED
OCT 21 1981

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

CHEAPBECK WATER CO.
C/O GLAYD CHRISTENSEN
STAR RT. BOX 289
GRACE, ID 83241

NOVEMBER 12, 1981

RE: PERMIT NO. 13-7347

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL AND MAINTAIN A MEASURING DEVICE AT YOUR POINT OF DIVERSION. WE HAVE ENCLOSED A DESCRIPTION OF THE DIFFERENT TYPES OF MEASURING DEVICES ACCEPTED BY THIS OFFICE.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
Fee Received 15.00
Date 11-9-84
Receipt # 35819

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

RECEIVED

NOV 8 1984

Gloyd Christensen
Cheapbeek Water Co of Star Rt. Box 289
(Name) (Address)

Department of Water Resources

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of
the State of Idaho No. 13-7347.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before

Dec 1, 1984

That he has heretofore performed the following work described under said permit: The spring has been developed, covered and planted. A pressure head box has placed approx. 2000 ft. down the canyon from the spring. Approx. 2 mi. of main line has been installed from the pressure head box to ten homes. The ten homes are connected to and are using water from this line, which is connected to the old system at the pressure head box. Installing a collection box, a water meter and 2000 ft. of pipe between two boxes is all that is left to do. Costings 37,000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

This is a do it yourself project. We are all farmers and able to work on the project, only in the fall when the crops are in. Do to the wet weather in the fall the past two years, we have not been able to get the crops in and work on the water system before it gets to wet and snow covered up the canyon to complete the project.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations
under said permit to Dec. 1, 1986.

(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.

Gloyd M. Christensen (President)
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within
which to submit the statement of beneficial use is extended to December 1, 1986.

Signed this 23rd day of November, 1984.

J. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138261

CHEAPBECK WATER CO.
C/O GLAYD CHRISTENSEN
STAR RT. BOX 289
GRACE, ID 83241

PROOF DUE NOTICE

SEPTEMBER 30, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 13-7347 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 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,

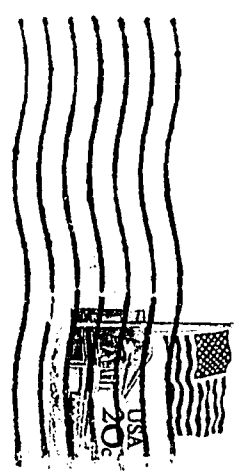
RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

GLAYD M. CHRISTENSEN
STAR ROUTE BOX 268
GRACE, IDAHO 83241

Idaho Dept. of Water Resource
Statehouse
Boise, Idaho 83720

GRACE, ID
NOV 7
PM
1984
83241





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

EXTENSION OF TIME

November 9, 1984

Glady Christensen
Cheapbeek Water Co.
Star Rt. Box 289
Grace, ID 83241

PERMIT NO. 13-7347

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 35819.

Roberta Garrett
Records Supervisor

Enclosure

STAFF REVIEW OF REQUESTS FOR EXTENSION OF TIME

Permit Number 13-7347

- ☒ Date received stamp
☒ Fee received and receipted
☒ Name on request same as on permit
☒ Address same permit as on latest correspondence
☒ Proof due date within six months of due date
☒ Signature same as permit
☒ Source of water the same

☐ Permit holder named in Swan Falls lawsuit

☒ Proceed diligently

☒ Is delay caused by litigation:

Date lit. completed _____

Date lit. began _____

Period of delay _____

New proof due date _____

ACTION: *Recommend approval based on due diligence*

☒ Is the extension timely received?

☒ Reinstate: Extension received _____

Proof due date _____

Days late _____

Priority date _____

Adjusted priority date _____

☒ Is there commencement of works?

☐ Cover letter

☐ Coding sheet

☐ Rolodex card updated and refiled

Reviewed by *[Signature]* Date: 11-21-1984

November 28, 1984

Glayd Christensen
Cheapbeck Water Co.
Star Route, Box 289
Grace, ID 83241

Dear Mr. Christensen:

Re: Permit No. 13-7347

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use postcard is extended to December 1, 1986.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure: Ext. of Time

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
SEPTEMBER 30, 1986

138319

CHEAPBECK WATER CO.
C/O GLAYD CHRISTENSEN
STAR RT. BOX 289
GRACE, ID 83241

PROOF DUE NOTICE

RE: PERMIT NO. 13-7347

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 1, 1986. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH WHEN ACCOMPANIED BY THE LICENSE EXAMINATION FEE OR A COMPLETED FIELD EXAMINATION REPORT PREPARED BY A CERTIFIED WATER RIGHT EXAMINER 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 WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER AN ACCEPTABLE PROOF OF BENEFICIAL USE SUBMITTAL OR AN ACCEPTABLE 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

Form 217
03/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received \$125.00
Date 11-12-86
Receipt # 40804
Receipt by [initials]
Reviewed by [initials]
Sent to region 11-19-86

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 13-7347

Name(s) of Permit Holder: Cheapbeek Water Co.

Post Office Address: Star Rt. Box 289 Grace, Id. 83241

Telephone No. 208-425-3634

Source of Water: Cheapbeek canyon spring.

Extent of Use:

Domestic 15 (number of households)

Stockwater 400 Beef (number and type of stock)

Irrigation 50 (acres)

Other/Remark Fire protection

Total rate and/or volume for which proof is submitted 2.0 cfs acre-feet

Show the date water was first diverted and beneficially used under this permit: Nov. 1981 - Oct 1986

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

Fee enclosed \$ 125.00
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

Gloyd M. Christensen 208-425-3634 or 307-886-9861
(Name) (Telephone Number)

Star Rt. Box 289 Grace Id. 83241
(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

11-10-86
Date

Gloyd M. Christensen (President)
Signature of Permit Holder (and title, if appropriate)

AUG 02 1999

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07347

RECEIVED
AUG 02 1999
Department of Water Resources

Date of Priority: July 17, 1981

Maximum Diversion Rate: 0.33 CFS
Maximum Diversion Volume: 37.6 AF

Comes now
Scott F. Elsmore
631 Bench View Dr
Grace Id. 83241
CHEAPBECK WATER CO
President

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. 13-07347, and requests that the permit be changed as follows:

Source: SPRING

tributary to CHEATBECK CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.12 CFS	7.0 AF
DOMESTIC	01/01 to 12/31	0.29 CFS	30.6 AF
FIRE PROTECTION	01/01 to 12/31	0.33 CFS	
	Totals	0.33 CFS	37.6 AF

LOCATION OF POINT(S) OF DIVERSION: SESENW, Sec. 3, Township 11S, Range 41E
CARIBOU County

PLACE OF USE: DOMESTIC

TWN RGE SEC

10S 41E 32	SESE		
33	SWSW	SESW	
11S 41E 4	NWNE	NENW	NESW
	SESW	NWSE	
5	NENE		

PLACE OF USE:

STOCKWATER, same as DOMESTIC use

PLACE OF USE:

FIRE PROTECTION, same as DOMESTIC use

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 Grace, Id, this 27th day of July, 1999.

Scott F. Elsmore

PAGE 2

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07347

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$50.00 Receipted by KL # C046166 Date 8.2.99

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 13-07347 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall maintain a measuring device of a type approved by the Department as a part of the diverting works.
2. Domestic use is for 13 homes.

Witness my hand this 11TH day of AUGUST, 19 99.


Acting for KARL J. DREHER, Director

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 13-07347

Priority: July 17, 1981

Maximum Diversion Rate:

0.33 CFS

Maximum Diversion Volume:

37.6 AF

This is to certify, that CHEAPBECK WATER CO

SCOTT F ELSMORE

631 BENCH VIEW DR

GRACE ID 83241

has complied with the terms and conditions

of the permit, issued pursuant to Application for Permit dated July 17, 1981; and

has submitted Proof of Beneficial Use on November 12, 1986. An examination indicates that the works have a diversion capacity of 0.330 cfs of water from:

SPRING

tributary to CHEATBECK CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.12 CFS	7.0 AF
DOMESTIC	01/01 to 12/31	0.29 CFS	30.6 AF
FIRE PROTECTION	01/01 to 12/31	0.33 CFS	
	Totals	0.33 CFS	37.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SESENW , Sec. 3, Township 11S, Range 41E
CARIBOU County

PLACE OF USE: DOMESTIC

TWN RGE SEC

10S 41E 32

SESE

33

SWSW

SESW

11S 41E 4

NWNE

NENW

NESW

SESW

NWSE

5

NENE

PLACE OF USE:

STOCKWATER, same as DOMESTIC use

PLACE OF USE:

FIRE PROTECTION, same as DOMESTIC use

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall maintain a measuring device of a type approved by the Department as a part of the diverting works.
2. Domestic use is for 13 homes.

State of Idaho
Department of Water Resources

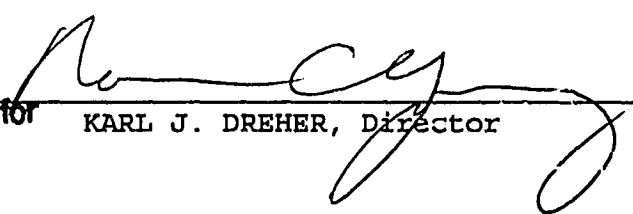
Water Right License

WATER RIGHT NO. 13-07347

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 11th day of

August, 1999.

Acting for


KARL J. DREHER, Director

Form 204-p
6/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 13-7347
Name(s) of Permit Holder(s): Cheapest Water Co.
Post Office Address: Star Rt Box 289 Tel. No. 425-3634

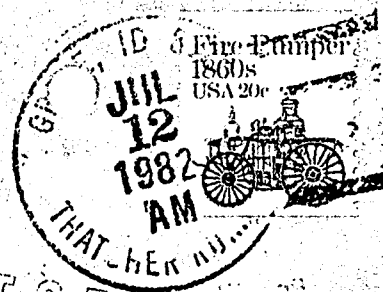
- ☐ I hereby certify that construction of diversion works for the above referenced permit began on Oct 1, 1981 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.
- ☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

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

7-10-82
Date

Gladys M. Christensen
Signature of Permit Holder

Cheaplack Water Co.
Star Rt Box 289
Grace, Id. 83241



RECEIVED

JUL 14 1982

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JANUARY 12, 1987

CHEAPBECK WATER CO.
STAR ROUTE, BOX 289
GRACE ID 83241

RE: Permit No. 13-7347

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 condition of approval of your original permit required the installation of a measuring device which, according to the proof card submitted by you has not been installed. A measuring device must be installed and operating at the time the field examination is made. If a measuring device is not installed your permit may be subject to cancellation.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB 16 1999

A. GENERAL INFORMATION

Department of Water Resources
Permit No. 13-1347

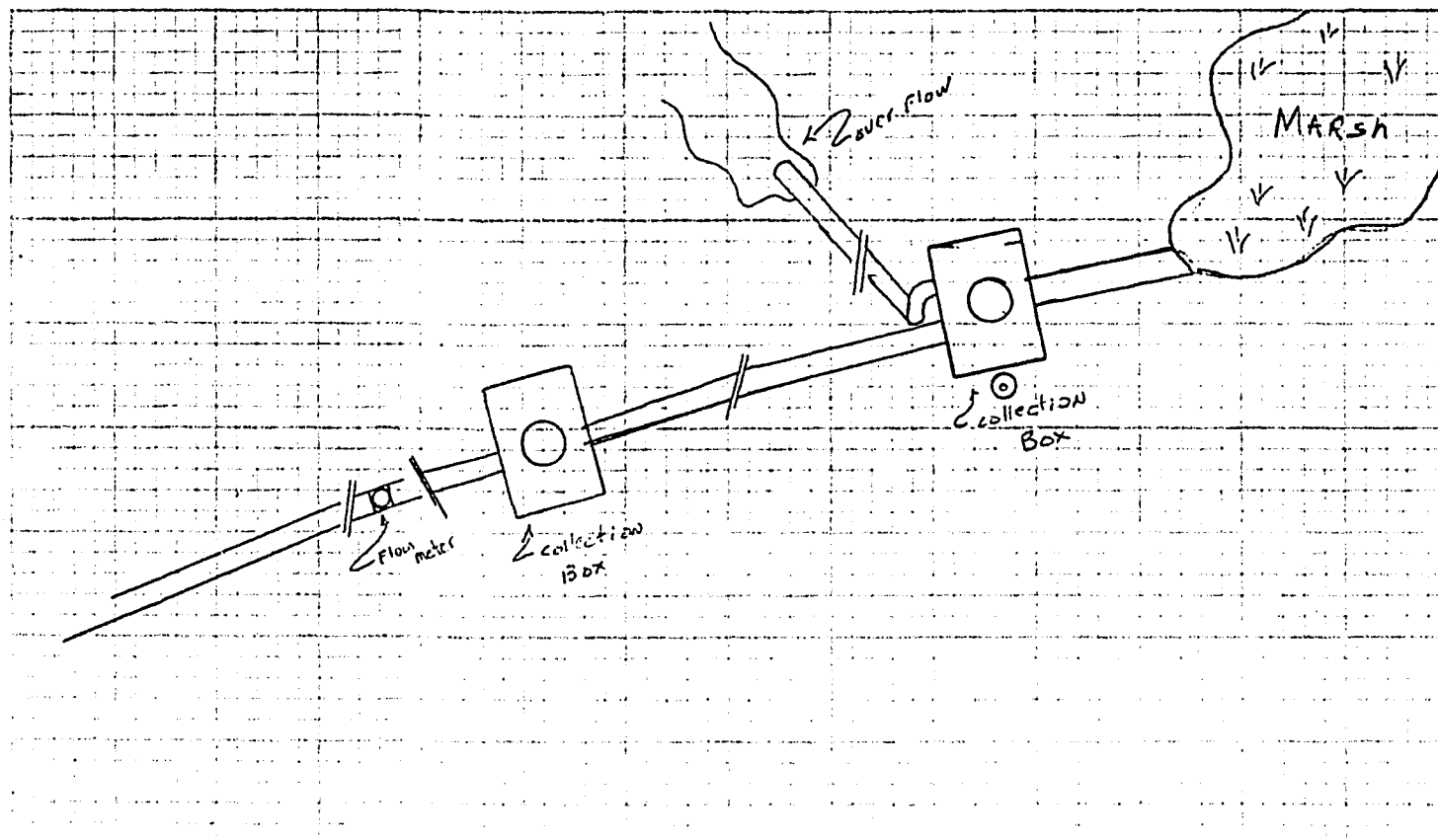
1. Owner: Cheapbeck Water Company Phone No. 425-3634
Current Address: Star Rt. Box 289 Grace Idaho 83241
2. Accompanied by: Gladys Christensen EXAM. DATE: 7-6-87
Address: Star Rt. Box 289 Grace Id. Work Phone No. 307-886-9861
Relationship to Permit Holder: Resident
3. Source: Cheapbeck Spring tributary to Cheapbeck creek

B. OVERLAP REVIEW

1. Other water rights with same place of use: N/A.
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: N/A.
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached



Scale: 1" = 100'

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
- ☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Spring to 2-1000 gallon collection boxes with overflow and then to 11 houses for domestic use, irrigation of lawn, and stock water.
main line is 6" P.V.C. pipe.
The yards around these homes are very small; they are surrounded by farm land.
There are 13 hook ups, and * 11 homes are on the system.

* There are 4 other homes running off the same spring but thru a separate system.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N. A.	—	—	—	—	—

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE 1/4	NW 1/4	3	11S	41E	Garbrow	USGS and NOAA/NOAA maps

6. Place(s) of Use:

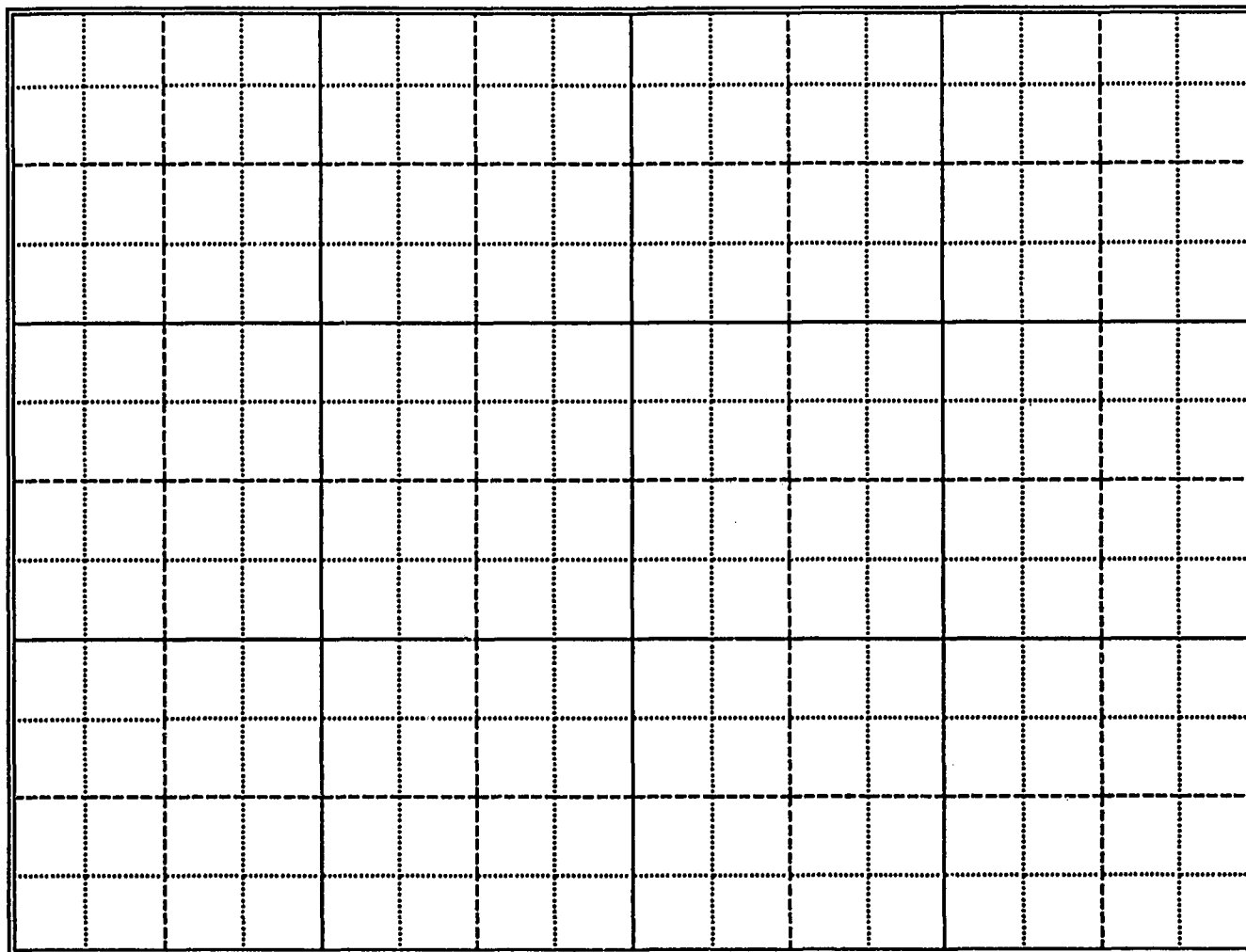
Indicate Method of Determination

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	
10S	41E	32																D ₂	
		33										D ₁	D ₁						
11S	41E	4				D ₁			D ₁		D ₁		D ₁		D ₁				
		5				D ₁													

11 homes total

Do not use this space

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____.

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Bucket + stopwatch					5gal	
In-line flow meter		Rainbird		86-6-1234	0-1300 gpm	

2. **Measurements:** Bucket+watch yielded 5 gallons/2 sec or 150 gpm or 0.33 cfs.
 In-line meter with all supply running yielded 150 gpm or 0.33 cfs.

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

Capacity of system = 0.33 cfs

11 homes = 0.15 cfs in house cfs

1/2 acre/home x 11 = 5.5 acres x 0.02 cfs = 0.11 cfs

Domestic total = 0.26 cfs

525 head of stock = 0.12 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

11 homes at 1.2 af/home = 13.2 af

Implied 525 head of stock = 7.0 af

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic (11 homes)	01-01	12-31	0.26 cfs	13.2
Stock	01-01	12-31	0.12 cfs	7.0
Fire protection	01-01	12-31	0.33 cfs	
Totals:			0.33 cfs	20.2 afa

2. 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

1st Exam - Richard Lencu 7-6-1987

I. AUTHENTICATION

2nd Exam
Field Examiner's Name Lee Simmons Date Summer 1998

Reviewer J. W. Jones Date 1-5-99

SEAL

① Fred Toone
598 Bench Lago Rd
Grace, Idaho 83241

② Don Gilbert
599 Bench Lago Rd
Grace, Idaho 83241

③ Todd Mickelson
2346 Niter Bench Rd
Grace, Idaho 83241

④ Dave Tingey
2304 Niter Bench Rd
Grace, Idaho 83241

⑤ Owen Clegg
2297 Niter Bench Rd
Grace, Idaho 83241

⑥ Robert Harris
2210 Niter Bench Rd
Grace, Idaho 83241

⑦ Glayd Christensen
613 Bench View Dr.
Grace, Idaho 83241

⑧ Scott Elsmore
623 Bench View Drive
Grace, Idaho 83241

⑨ Robert Fraser
547 Bench Lago Rd
Grace, Idaho 83241

⑩ Robert Young
528 Bench Lago Rd
Grace, Idaho 83241

⑪ Keith Jorgensen
503 Bench Lago Rd.
Grace, Idaho 83241

There is one hookup at each home site.

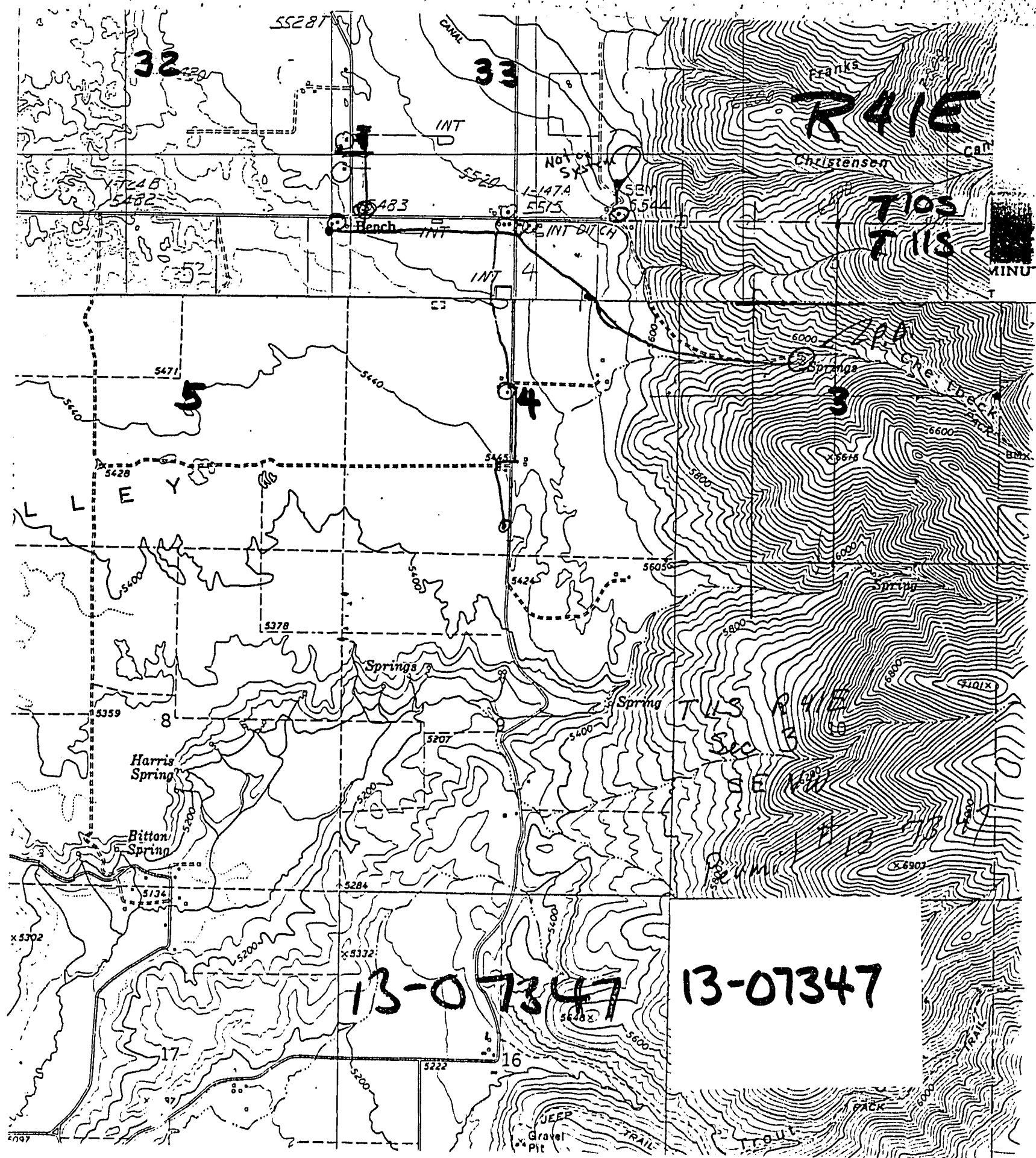
All of the are used for Domestic (including yard watering) and Stock Watering.

Used the Plat in package to locate users and to indicate current configuration of system.
The numbers on the Plat correspond to the numbers on this page.

No irrigation except for yards. A larger volume than need for the domestic and stock watering is available at times through the summer. The excess is used to water pasture.

Each home has a 3/4" hookup.

Note: With all ~~se~~ supply running the flow meter
on the System indicated 150 gal/min $\rightarrow$ 0.33 cfs



SEA
COLLECTION BOX
CTION BOX
ELEV. 7

GRAVITY SUPPLY PIPE
ASS 200

JUNCTION BOX
FLOW & DRAIN TO CREEK
ION BOX ELEV. 1572.5

PIPE CLASS 160

This route was not installed

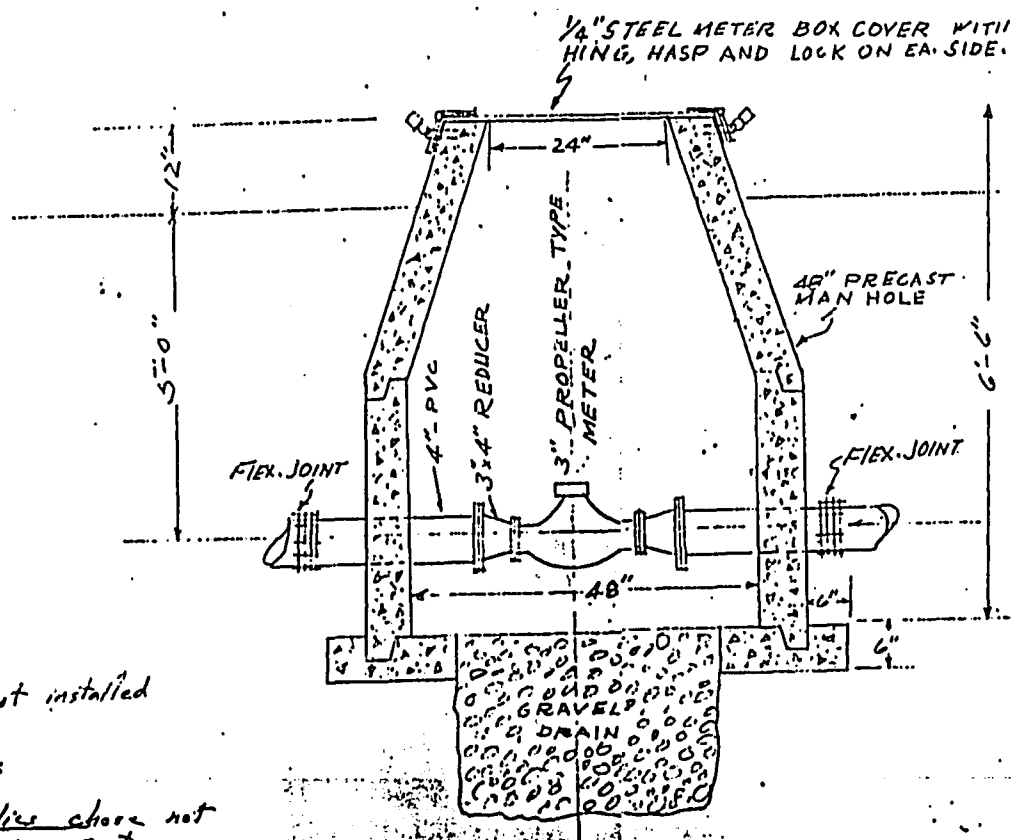
JOHN CLEGG
ELEV. 383.4
ON CLEGG
ELEV. 371.3

*These two families above not
connected to the new system*

ROBERT YOUNG
ELEV. 308.1
FUTURE
ELEV. 313.00
BERT FRASER

J.C. Jorgensen

COUNTY ROAD



NOTE: THE 3 INCH
SHALL ACCURATELY
FLOW FROM 0 G.P.M.
WITH $\pm 5\%$ THA
TOTALIZE THE F.
THE RATE OF FL

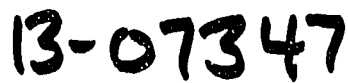
TYPICAL FLOW METER INSTALLATION

LEGEND

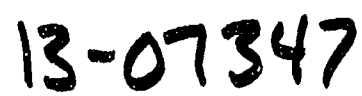
- SCALE: 1" = 300'
- PROPOSED NEW WATER LINE
- ⊗ PROPOSED NEW CONTROL VALVE WITH BOX
- HOUSE OR USER TO BE SERVED
- 3' BURRY REQUIRED ON ALL WATER LINES

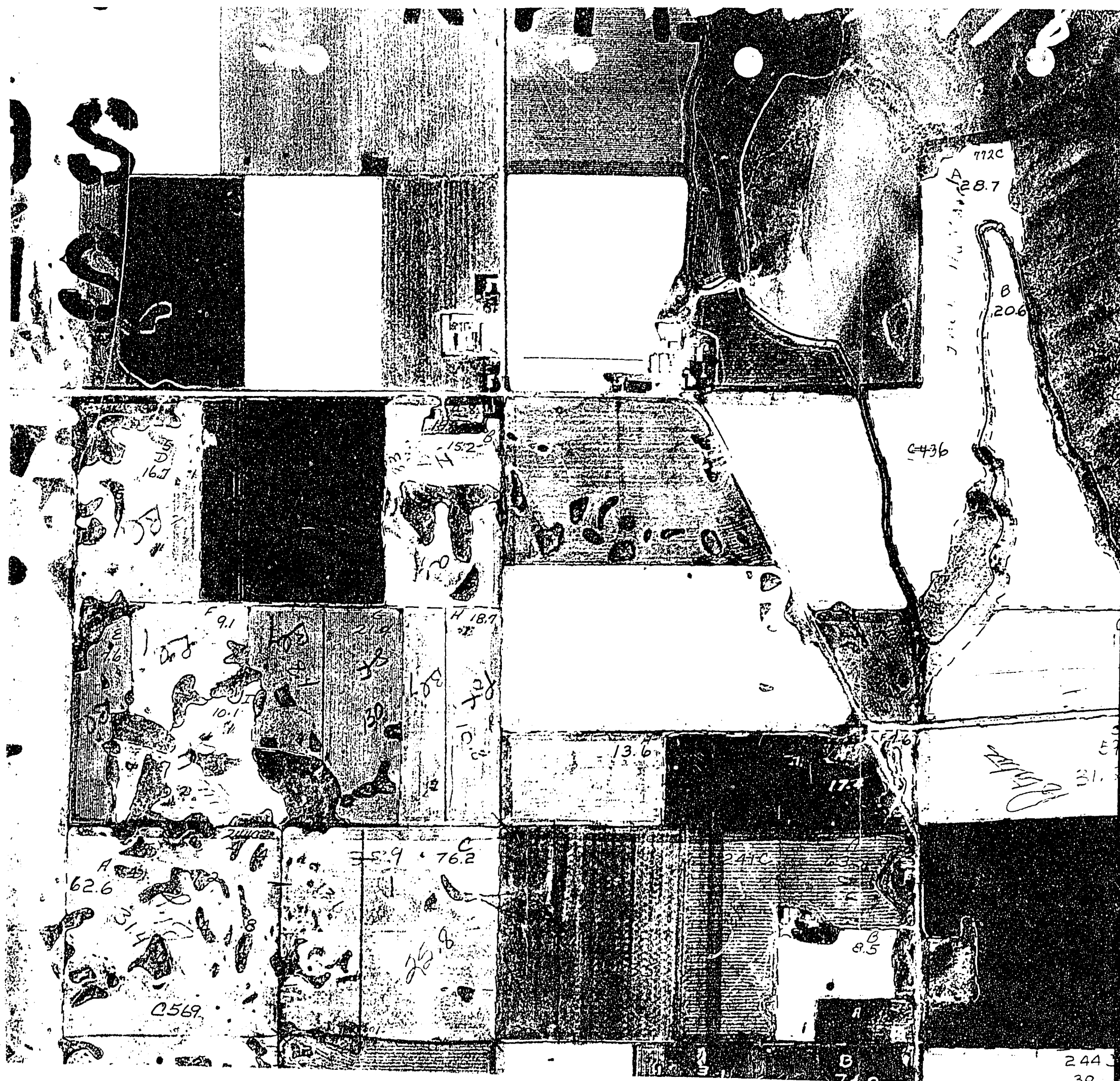
Current System 9/22/98
 (N) Numbers indicate Person and
 address of individuals serviced.

13-07347

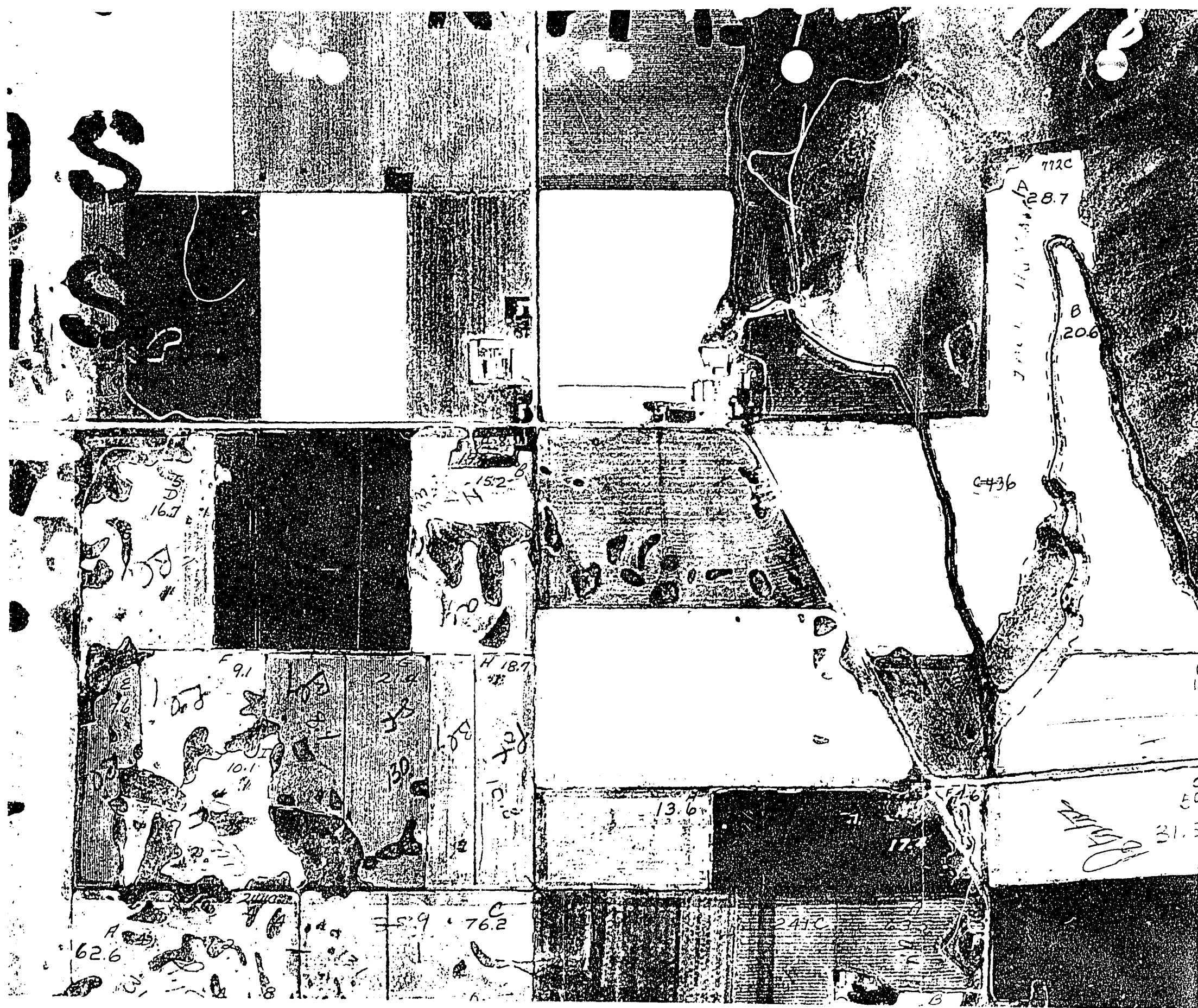


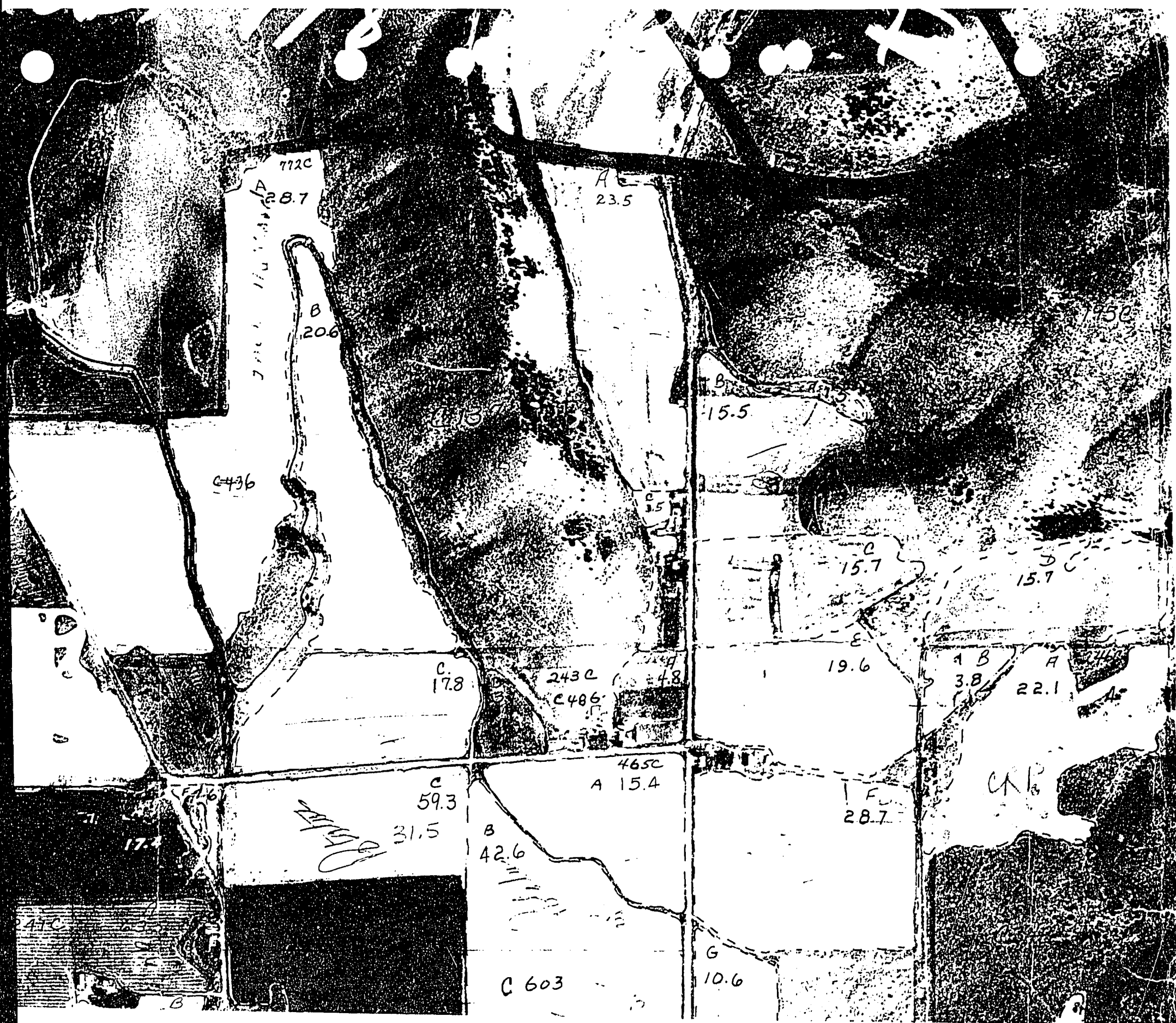
13-07347





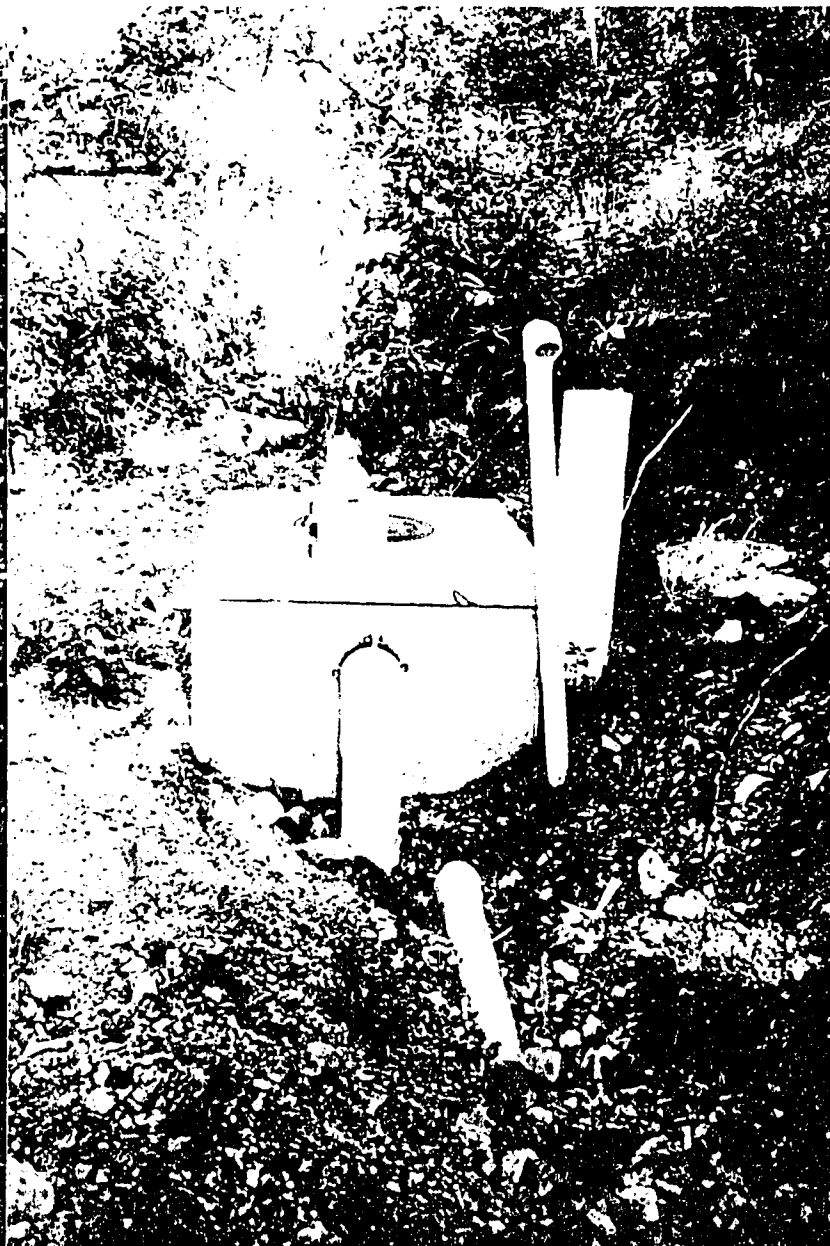






13-7347

1. 100 g. spec. for collection
for



over 100 g. from spec.
collected in Box

2. 100 g. spec. collection
Box 100 g. spec.

13-7347

Photo of lower Collection Box in C. P. Proctor

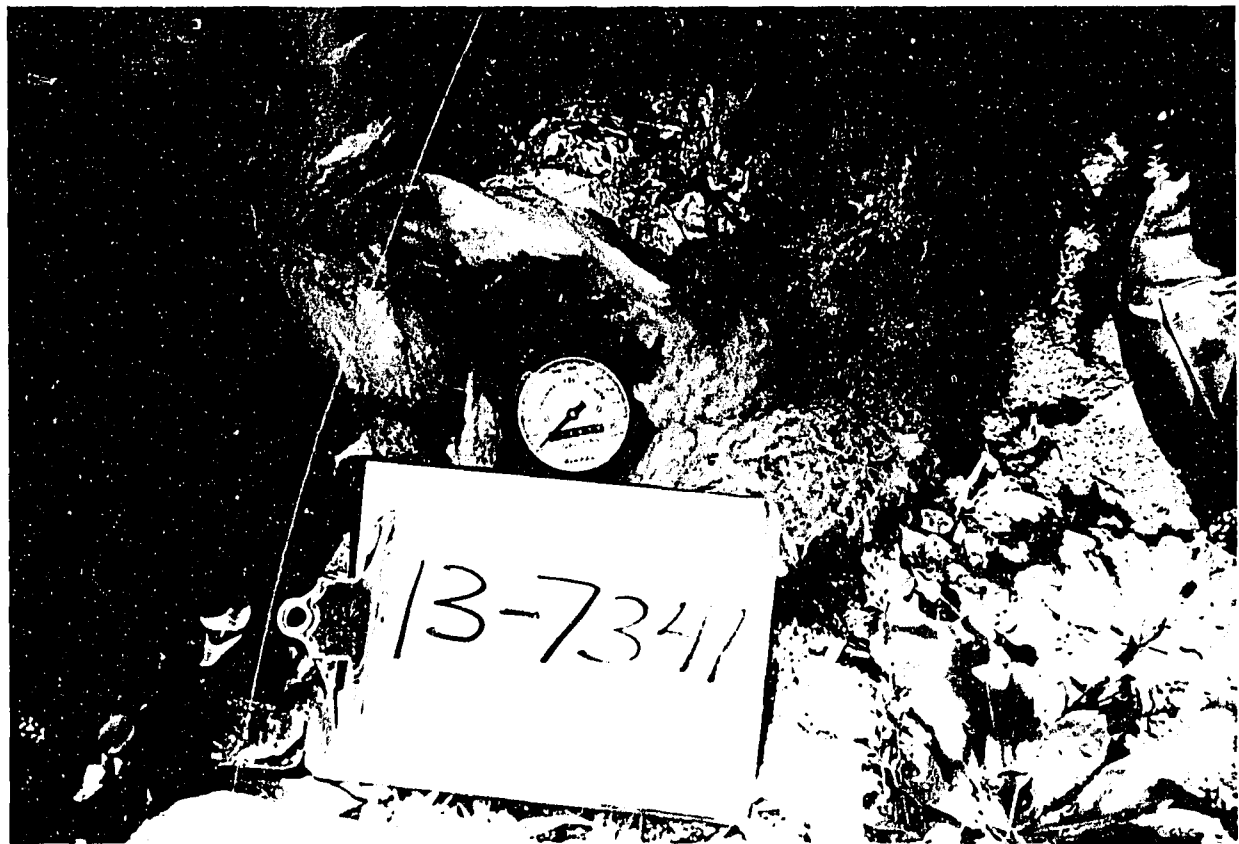


Photo of Flow meter

***FOR CLARITY
OF ANY
PHOTOGRAPHS
MICROFILMED,
SEE FILE.***

MEMORANDUM

TO: File 13-07347

FROM: Sharla

DATE: June 22, 1999

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit 13-07347 are as follows:

B. SYSTEM DESCRIPTION

5. Point(s) of Diversion: SESENW, S3, T11S, R41E

All rights with source of water as springs requires a ten-acre point of diversion description.

Exam Date: July 6, 1987

Examiner: Richard Lenon/Lee Simmons



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

June 23, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHEAPBECK WATER CO
C/O GLAYD CHRISTENSEN
STAR RT BOX 289
GRACE ID 83241

RE: WATER RIGHT NO. 13-07347

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that your place(s) of use is in a location other than what was described on your permit. Therefore, before a license can be issued, the permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the place(s) of use and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

Keen, Shelley

From: Keen, Shelley
Sent: Wednesday, July 07, 1999 8:13 AM
To: Jones, Skip (vax)
Subject: Water Right 13-07437

Yesterday Scott Elsmore of Cheapbeck Water Co. called to discuss my licensing amendment request for 13-07347. Mr. Elsmore has documentation suggesting that Cheapbeck Water Co. bought a water right about 20 years ago from a downstream user in order to secure the company's domestic water supply. He wanted to know how right 13-07347 fits with the other right. I was not able to identify any other filing that might be the right Mr. Elsmore says the company purchased. Mr. Elsmore seemed reluctant to complete the licensing amendment, and I am reluctant to push for licensing, until the mystery of the other right is resolved. It seems possible that the current beneficial use may be better covered by a transfer of the older right, if it exists, than by the 1981 priority license. It also seems possible that a statutory claim filing is warranted. Anyway, when Mr. Elsmore asked whom he could meet with in Idaho Falls to review his documentation, I suggested you. I told him that I would hold file 13-07437 for 30 days while he pursues the matter. Please let me know if you need a copy of the field report or anything else from the file.

Thanks for your help.

Shelley Keen

MEMO

TO: SHELLEY KEEN
FROM: H W JONES
RE: PERMIT 13-07347

AS A RESULT OF MY VISIT WITH THE CHEAPBECK WATER COMPANY FOLKS AND YOU I AM SUBMITTING SOME SUGGESTED CHANGES FOR THE LICENSING AMENDMENT.

1. CHANGE THE DOMESTIC CFS TO 0.29 AS COMPUTED FOR 13 RECOMMENDED LOTS. THIS AMOUNT INCLUDES THE IRRIGATION COMPONENT FOR UP TO 1/2 ACRE PER HOME.
2. WE ALWAYS GIVE DOMESTIC CREDIT FOR STUBBED IN LOTS AND THE FIELD EXAMINER FOUND 13. I MADE THE MISTAKE IN MY WRITE-UP OF ONLY USING 11.
3. TOTAL CFS FOR ALL USES WILL STILL BE 0.33 CFS.

H W Jones
H W JONES

JULY 12, 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

July 20, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHEAPBECK WATER COMPANY
C/O GLAYD CHRISTENSEN
STAR RT BOX 289
GRACE ID 83241

RE: Water Right No. 13-07347

Dear Permit Holders:

Harold Jones informed me that you recently met with him to discuss your concerns about the licensing recommendation for water right 13-07347. The enclosed amendment form contains the revisions Mr. Jones recommended after your meeting. Please review the amendment form carefully. If you concur with the information presented, sign the form and return it with the \$50.00 filing fee within fourteen days.

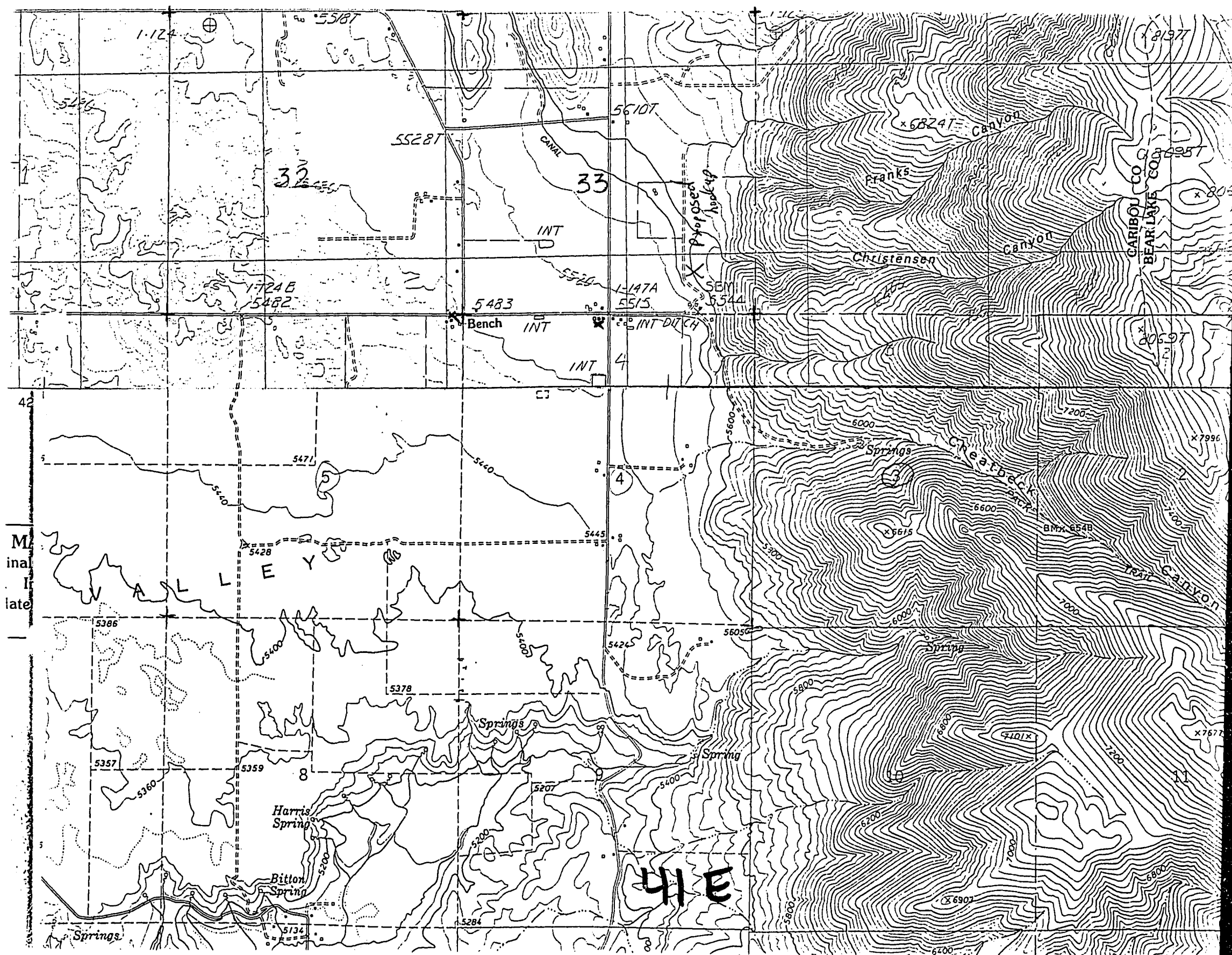
Also, please mark on the enclosed map the locations of the two system stubs that are not currently connected to homes, and return the map with your amendment form. If the stubs are located in a quarter-quarter or quarter-quarters not listed on the amendment form, please write the additions on the form and initial the changes.

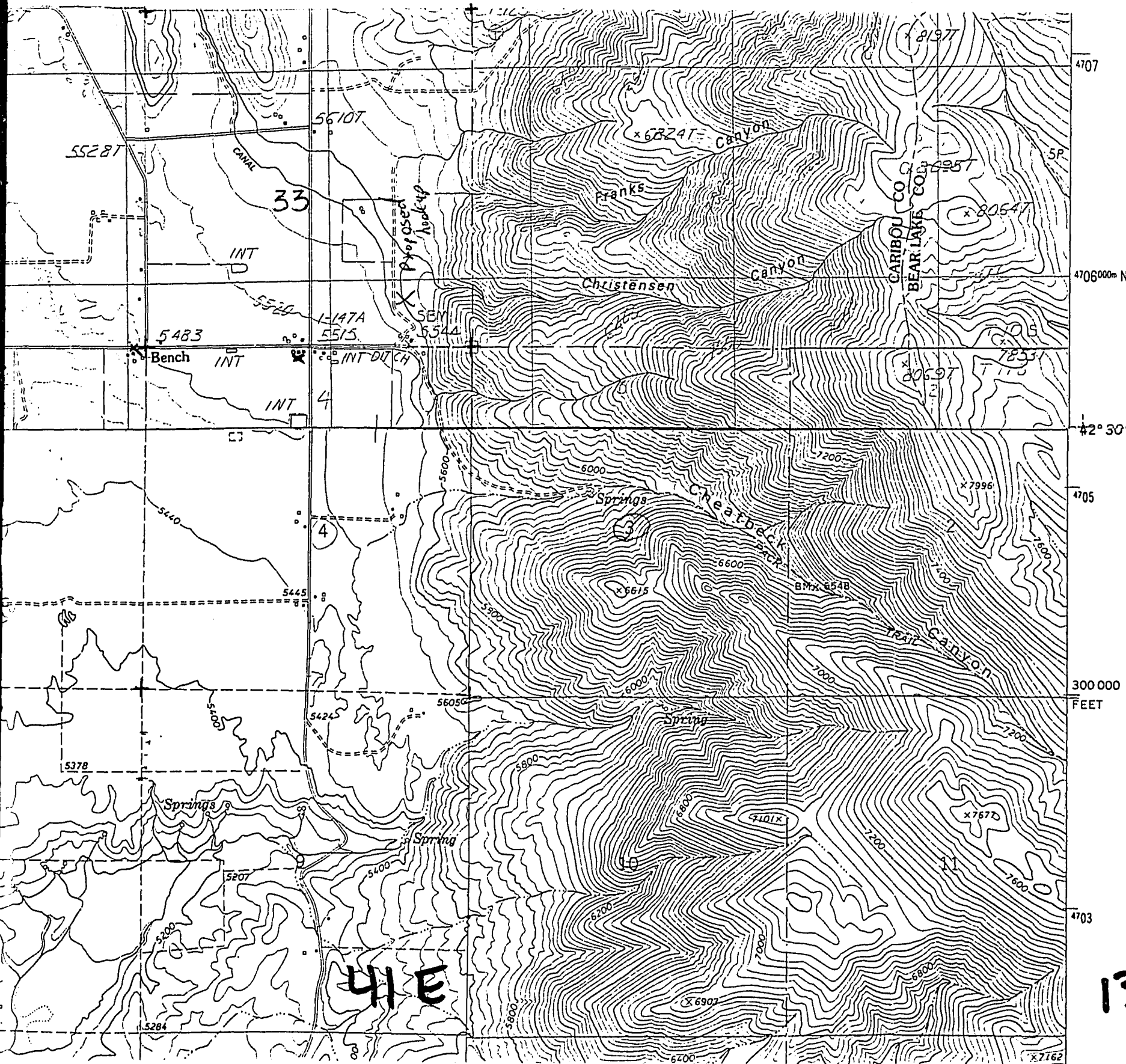
If you have any questions about this information, please contact me at (208) 327-7946 in Boise.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

enclosures





10S

11S

Stubs not connected to homes

13-07347

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

August 12, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHEAPBECK WATER CO
SCOTT F ELSMORE
631 BENCH VIEW DR
GRACE ID 83241

RE: WATER RIGHT NO. 13-07347

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

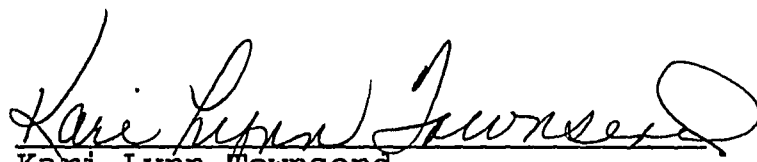
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of August, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 13-07347

CHEAPBECK WATER CO
SCOTT F ELSMORE
631 BENCH VIEW DR
GRACE ID 83241


Kari Lynn Townsend
Secretary

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

331. *William H. Mendenhall:*
1878—May 1: 06520.6 c.f.s.
1905—May 1: 06535.3 c.f.s.
1905—June 1: 06542.4 c.f.s.

quarter of the Southeast quarter; North-east quarter of the Southwest quarter, and the Southeast quarter of the Northwest quarter of Section 19, Township 11 South, Range 41 East, B.M.

For the irrigation of 265 acres in Lots 2 and 3 of Section 31, Township 11 South, Range 41 East, B.M., and the North half of the Southeast quarter, the Southeast quarter of the Northeast quarter, and the East half of the Southwest quarter of Section 36, Township 11 South, Range 40 East, B.M.

332. *John R. Turner:*
1880—May 1: 06550.8 c.f.s.
1905—May 1: 06556.7 c.f.s.
1905—June 1: 06571.3 c.f.s.

For the irrigation of 190 acres in the South half of the Northeast quarter, the Northeast quarter of the Northeast quarter, the North half of the Southeast quarter, the North half of the North half of the South half of the Southeast quarter of Section 25, Township 11 South, Range 40 East, B.M., and that portion of the North half of the Southwest quarter and of the South half of the Northwest quarter of said Section 25 which lies East of Bear River.

*Sec 25 suppl decree
Turner vs. Turner
6-4-1943*

SESE 124/145/40E - 102.0/117.0/0.6

Collins Ditch, diverts from said Whiskey Creek at a point North 75 degrees 20 minutes West 1490 feet from the Southeast corner of Section 24, Township 11 South, Range 40 East, B.M. The following named parties are entitled to divert through said ditch, with priority and in the amount hereinbelow set forth:

333. *Melissa Collins:*
1876—May 1: 06581.8 c.f.s.
1905—May 1: 06591.5 c.f.s.
1905—June 1: 06600.7 c.f.s.

For the irrigation of 200 acres in the Southwest quarter and the South half of the Southeast quarter of Section 24; the Northeast quarter of the Northwest quarter, the Northwest quarter of the Northeast quarter of Section 25, Township 11 South, Range 40 East, B.M., and the Southeast quarter of Section 24, said Township and Range.

TROUT CREEK—NORTH FORK.

- 11 0661
334. *Wm. McGee Harris:*
(a) 1878—May 1 2.0 c.f.s.

To be diverted from said North Fork through a ditch diverting therefrom near the Northeast corner of the Northwest quarter of the Southwest quarter of Section 9, Township 11 South, Range 41 East, B. M., for the irrigation of 100 acres of

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
11 0662 (b) 1899—May 1	3.2 c.f.s.	land in the Southwest quarter of the Southeast quarter and the North half of the Southeast quarter of Section 8, said Township and Range.
335. Joseph Swensen: 11 0663 (a) 1880—May 1	0.7 c.f.s.	To be diverted from the said North Fork through the Bench Ditch which crosses the North Fork in the West half of the Northwest quarter of Section 10, Township 11 South, Range 41 East, B.M., for the irrigation of 160 acres in the West half of the Southeast quarter and the East half of the Southwest quarter of Section 6, said Township and Range.
		To be diverted from the North Fork through a ditch diverting therefrom on the South side of the said North Fork in the Northwest quarter of the Southeast quarter of Section 9, Township 11 South, Range 41 East, B.M., and through another ditch having its intake at a spring located on the North side of the said creek in the Southeast quarter of the Northwest quarter of said Section 9, and through another ditch having its intake at a spring located on the South side of the said North Fork in the East half of the Northeast quarter of said Section 9, said springs being tributaries of said North Fork.
11 0664 (b) 1902—May 1	1.8 c.f.s.	To be diverted from said North Fork through a ditch having its intake on the South side thereof in the Northwest quarter of the Southeast quarter of Section 9, Township 11 South, Range 41 East, B.M., and another ditch having its intake in the springs (tributaries of said creek) on the North side of said stream in the Southeast quarter of the Northwest quarter of said Section 9.
		Water decreed under paragraphs (a) and (b) immediately preceding, is to be used for the irrigation of 125 acres in the Southeast quarter of the Northwest quarter and Southwest quarter of the Northeast quarter, the Northeast quarter of the Southwest quarter and the Northwest quarter of the Southeast quarter of Section 9, said Township and Range.

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
336. <i>Hyrum Swensen:</i> 1871—May 1	1.1 c.f.s.	To be diverted from said North Fork through a ditch having its intake on the West side of the said North Fork near the Northwest corner of Section 17, Township 11 South, Range 41 East, B.M., for the irrigation of 55 acres of land in the North half of the Northeast quarter of Section 19, and the Southeast quarter of Section 18, said Township and Range.
337. <i>Joseph Olerenshaw:</i> 1900—May 1	0.1 c.f.s.	To be diverted from said North Fork through a ditch having its intake therefrom near the Northwest corner of Section 17, Township 11 South, Range 41 East, B.M., for the irrigation of 5 acres in the Northeast quarter of the Southeast quarter of Section 18, said Township and Range.
338. <i>Benjamin Clegg:</i> 1879—May 1 1885—May 1	2.9 c.f.s. 0.7 c.f.s.	To be diverted from said North Fork through a ditch having its intake therefrom in the Northwest quarter of Section 10, Township 11 South, Range 41 East, B.M., for irrigation of 180 acres in Lots 2, 3, and 4, and the South half of the Northeast quarter and the Northeast quarter of the Southeast quarter of Section 4, said Township and Range.
339. <i>Charles N. Ellis:</i> 1882—May 1	0.7 c.f.s.	To be diverted from said North Fork through a ditch diverting therefrom in the Northwest quarter of Section 10, Township 11 South, Range 41 East, for the irrigation of 35 acres in the Southeast quarter of the Southwest quarter of Section 4, said Township and Range.
340. <i>Thomas N. Ellis:</i> 1882—May 1	2.2 c.f.s.	To be diverted from said North Fork by means of the last above described ditch for the irrigation of 110 acres in the North half of the Northwest quarter of Section 9, the Southwest quarter of the Southwest quarter of Section 4, the Southeast quarter of the Southeast quarter of Section 5, and the Northwest quarter of the Northwest quarter of Section 8, said Township and Range.
341. <i>Esther N. Peterson:</i> (a) 1879—May 1	0.6 c.f.s.	To be diverted from said North Fork through a ditch having its intake there-

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
11-0672 (b) 1909—May 1	.4 c.f.s.	from in the Northwest quarter of Section 10, Township 11 South, Range 41 East, B.M. To be diverted from said North Fork through a ditch diverting therefrom in the Northeast quarter of Section 4, said Township and Range, for the irrigation of 50 acres in Lots 1 and 2 of Section 4, said Township and Range.
11-0673 ³⁴² L. K. Bitten: 1878—May 1	2.4 c.f.s.	To be diverted through ditches diverting— 1. In the Northeast quarter of the Northwest quarter of Section 17, Township 11 South, Range 41 East. 2. In the Northeast quarter of the Northeast quarter of said Section 17. 3. In the Southwest quarter of the Northwest quarter of said Section 17. 4. In the Southeast quarter of the Southwest quarter of Section 8, said Township and Range, for the irrigation of 120 acres in the North half of Northwest quarter, the Southwest quarter of the Northwest quarter and the Northwest quarter of the Southwest quarter of said Section 17.
11-0674 ³⁴³ Hyrum D. Collins: 1879—May 1	2.0 c.f.s.	To be diverted through a ditch diverting on the North side of Trout Creek in the Southwest quarter of Section 3, Township 11 South, Range 41 East, B.M., for the irrigation of 120 acres in the West half of the Southeast quarter and the Southeast quarter of the Southeast quarter of Section 4, said Township and Range.
11-0675 1885—May 1	.4 c.f.s.	

TROUT CREEK—MIDDLE FORK.

Bench Ditch, diverts from Middle Fork of Trout Creek near the center of Section 15, Township 11 South, Range 41 East, B.M., and the following parties are entitled to divert through the said Bench Ditch according to the priorities and in the amounts hereinbelow set forth:

11-0676 ³⁴⁴ Wm. McGee Harris: (a) 1899—May 1	1.6 c.f.s.	For the irrigation of the North half of the Northeast quarter of Section 16, said Township and Range.
11-0677 (b) 1901—June 1	1.6 c.f.s.	For the irrigation of 80 acres in the South half of the Northwest quarter and the North half of the Southwest quarter of Section 4, said Township and Range.

LAW OFFICES OF

RACINE, OLSON, NYE, BUDGE & BAILEY

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODSELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER**
LISA M. CHRISTON***
RICHARD A. HEARN, M.D.****
ERIC L. OLSEN
WARREN W. DOWDLE
LANE V. ERICKSON
*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR
***ALSO MEMBER IL BAR
****ALSO MEMBER D.C. BAR

CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: randy-b@racinelaw.net

ASSOCIATED WITH
McGRATH, SMITH &
ASSOCIATES
414 SHOUP
P.O. BOX 50731
IDAHO FALLS, ID 83405
TEL (208) 524-0731
FAX (208) 529-4166

STEPHEN J. McGRATH
BRYAN D. SMITH†
†ALSO ADMITTED IN CA

December 16, 1999

RECEIVED

DEC 20 1999

Department of Water Resources

Idaho Department of Water Resources
Attn: Shelley W. Keen
Water Right Supervisor
1301 N. Orchard Street
Boise, Idaho 83706-2273

Re: *Cheapbeck Water Company*
License No. 13-07347

Dear Shelley:

This will confirm and follow up on our recent discussion regarding License No. 13-07347 issued to Cheapbeck Water Company.

The license which I understand was recently issued August 11, 1999, appears to have inadvertently excluded 1.0 cfs of water for irrigation purposes which was included in the original Application filed in 1991, the subsequent publication, and was also apparently recommended in the Field Report apparently sent by the Eastern Division to Boise for final approval in February of 1999. As this 1.0 cfs of irrigation water appears to have been omitted due to inadvertence or oversight, we would respectfully request that the Department re-examine the license, conduct further field examinations if necessary and amend the License to include the irrigation water as applied for and recommended.

Additionally, since a statutory claim under I.C. §42-243 could now be filed and was not available at the time of the original application, I'd appreciate the Department's advice whether it would be appropriate to file such a claim on the entire right.

As you requested, I will provide some background information.

The Cheapbeck Water Users consisted of 15 users of Cheapbeck Springs for domestic purposes. The facilities consisted of an old head box, pipeline and delivery system constructed in approximately 1928 and used continuously since that time to supply waters of Cheapbeck Springs to some 15 homes. The old system became inadequate and in need of replacement.

In order to obtain the necessary financing to upgrade the system, to organize the owners and be in a position to levy and collect assessments, they incorporated Cheapbeck Water Company in 1981 as a nonprofit corporation. The enlarged system was contemplated to provide additional domestic water for a few additional lots that would be built on, to meet future needs, and enhance the delivery of water to the users who also irrigated gardens and pastures, some of considerable size, adjacent to their homes.

One problem encountered is that the water of Cheapbeck Springs was fully appropriated, being used by Don W. Gilbert for irrigation purposes. Accordingly, Cheapbeck purchased 1 cfs of irrigation water from Gilbert for \$10,000 plus I believe two hookups to the system. I am enclosing a copy of my May 27, 1981 letter discussing the organization of the company and the purchase from Don Gilbert, as well as my November 10, 1981 letter, both directed to President Glayd Christensen, which discuss in detail the water rights and history of use on Cheapbeck as well as Trout Creek. The additional water was to be used by some of the shareholders as necessary for irrigation purposes, with the excess or overflow from the system leased out. That was the reason for the 1.0 cfs irrigation claim in the application.

It is my understanding from discussing this matter with Glayd Christensen and Scott Elsmore that in fact all of the overflow, being the 1.0 cfs, has been leased out and used for irrigation purposes by Scott Hubbard, Robert Harris and/or Glayd Christensen. It was contemplated that if the domestic uses expanded in the future, a Change of Use Application could be filed to begin utilizing the irrigation water for the expanded domestic needs. Apparently there are currently 13 homes on the system, although they have a total of 14 shares issued and outstanding. They also want to be in the position of selling a few more shares within the system's capabilities as new houses are added to the subdivision. Since the water of Cheapbeck is not tributary to the Bear River or any other stream, no one else is impacted.

It is my understanding that the Field Report in fact recommended that the license be issued identical to the Application, i.e., including the 1.0 cfs for irrigation. Scott Elsmore recalls that when the field examination was conducted, the use of the irrigation water was not really looked at or thought to be a problem as the focus apparently was on the new system and domestic uses.

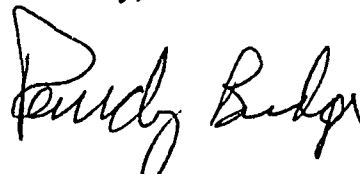
Based upon this information and the recommendation in the Field Report, we would respectfully request that the Department amend the license to include the 1.0 cfs of irrigation water. While we would hope additional field exams would not be necessary, if the Department feels it is

Idaho Department of Water Resources
December 16, 1999
Page 3

required arrangements can be made for that to happen next summer with the current President, Scott Elsmore, who can be reached at 631 Bench View Road, Grace, Idaho 83241, phone 425-3648.

Additionally, it appears appropriate that Cheapbeck file a I.C. §42-243 Claim to a Water Right, and I would appreciate the Department's recommendation on this.

Sincerely,



RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Cheapbeck Water Company
Scott Elsmore, President
Glayd Christensen

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR PERMIT **APPROVED**

To appropriate the public waters of the State of Idaho

1. Name of applicant CHEAPBECK WATER COMPANY Phone (208) 425-3634
Post office address c/o Glayd Christensen, Star Rt., Box 289, Grace, ID. 83241
Cheatbeck Springs, a/k/a Sheepbeck Springs and Cheapbeck Springs
2. Source of water supply / which is a tributary of Cheapbeck Creek a/k/a
Sheepbeck Creek
3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3 Township 11 South
Range 41 E B.M. Caribou County, additional points of diversion if any:

4. Water will be used for the following purposes:

- Amount .18 cfs for domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.0 for irrigation purposes from 4/1 to 10/1 (both dates inclusive)
(cfs or acre-feet per annum)
Allow 0.12 cfs for stockwatering purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Allow 0.70 cfs for fireprotection purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 7051 for fireprotection purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

- a. 2.0 cfs cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. cement collection box at point of
diversion with delivery to place of use by means of 4" buried line.

- b. Height of storage dam feet, active reservoir capacity acre-feet; total reservoir
capacity acre-feet, materials used in storage dam:

Period of year when water will be diverted to storage to inclusive.
(Month/Day) (Month/Day)

- c. Proposed well diameter is inches; proposed depth of well is feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is three years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

- a. If water is not for irrigation:

(1) Give the place of use of water: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5 Township 11 South
SW1/4SW1/4, S33, T. 10 S., R. 41, E.B.M.;

Range 41 E B.M. SW1/4NE1/4, SE1/4NE1/4, NW1/4NE1/4, NE1/4
NW1/4, and NW1/4NW1/4, all in S4, T. 11 S., R. 41, E.B.M.

(2) Amount of power to be generated: horsepower under feet of head.

(3) List number of each kind of livestock to be watered 400 beef cattle, 100 dairy cattle
25 horses.

(4) Name of municipality to be served , or number of families to be
supplied with domestic water fifteen.

(5) If water is to be used for other purposes describe: Fire protection for 15 residential
dwellings and adjacent out-buildings.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR PERMIT **APPROVED**

To appropriate the public waters of the State of Idaho

1. Name of applicant CHEAPBECK WATER COMPANY Phone (208) 425-3634

Post office address c/o Glayd Christensen, Star Rt., Box 289, Grace, ID. 83241
Cheatbeck Springs, a/k/a Sheepbeck Springs and Cheapbeck Springs

2. Source of water supply / which is a tributary of Cheapbeck Creek a/k
Sheepbeck Creek

3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3 Township 11 South
Range 41 E B.M. Caribou County, additional points of diversion if any:

4. Water will be used for the following purposes:

Amount .18 cfs for domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.0 for irrigation purposes from 4/1 to 10/1 (both dates inclusive)
(cfs or acre-feet per annum)
Allow 0.12 cfs for stockwatering purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Allow 0.70 cfs for fire protection purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 2.0 cfs cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. cement collection box at point of
diversion with delivery to place of use by means of 4" buried line.

b. Height of storage dam feet, active reservoir capacity acre-feet; total reservoir
capacity acre-feet, materials used in storage dam:

Period of year when water will be diverted to storage to inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is inches; proposed depth of well is feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is three years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5 Township 11 South

SW1/4SW1/4, S33, T. 10 S., R. 41, E.B.M.;

Range 41 E B.M. SW1/4NE1/4, SE1/4NE1/4, NW1/4NE1/4, NE1/4NE1/4, NE1/4
NW1/4, and NW1/4NW1/4, all in S4, T. 11 S., R. 41, E.B.M.

(2) Amount of power to be generated: horsepower under feet of head.

(3) List number of each kind of livestock to be watered 400 beef cattle, 100 dairy catt
25 horses.

(4) Name of municipality to be served , or number of families to be
supplied with domestic water fifteen.

(5) If water is to be used for other purposes describe: Fire protection for 15 residential
dwellings and adjacent out-buildings.

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

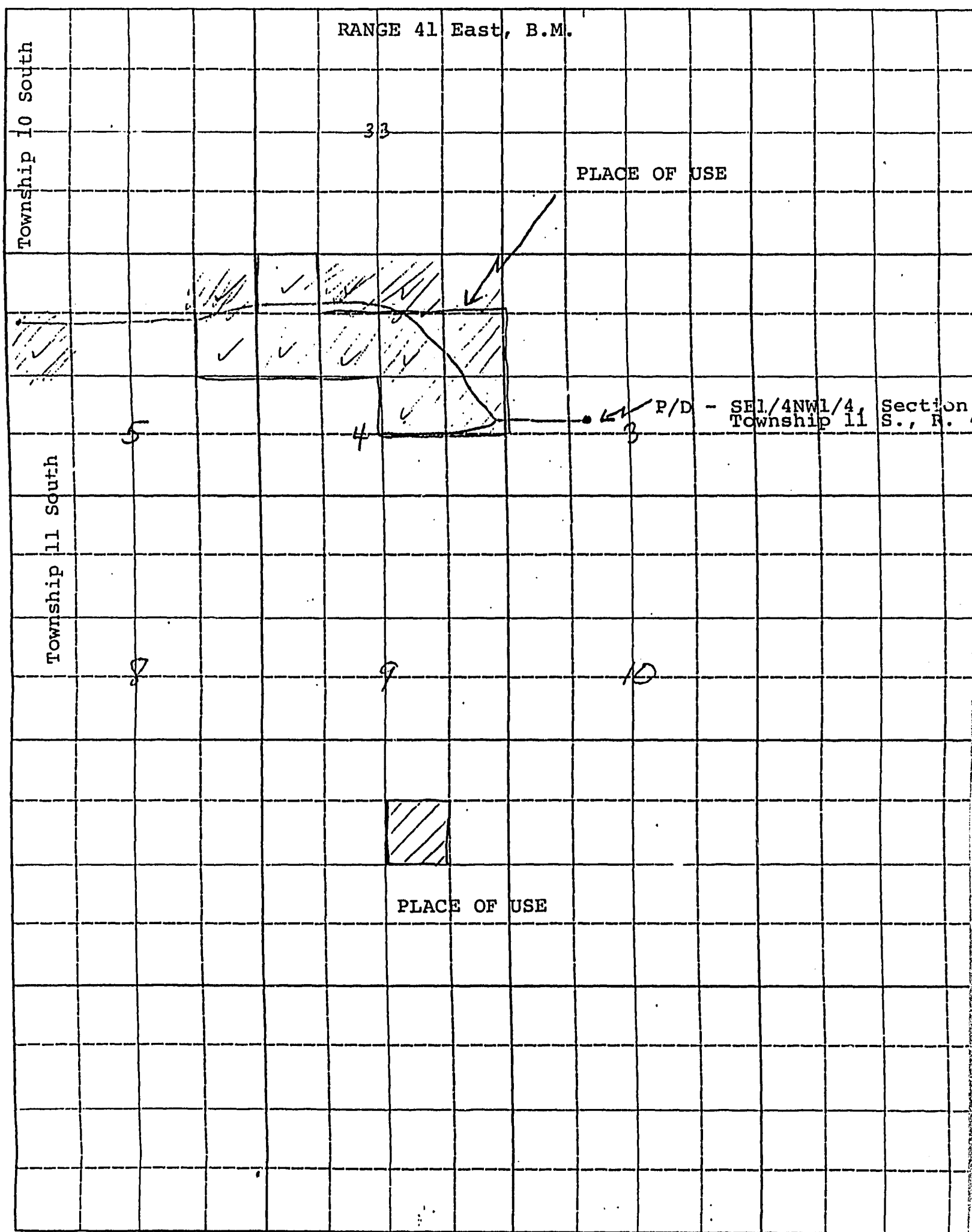
TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S.	41E.	33											5	5			5		15
10S.	41E.	32															5		5
11S.	41E.	5	5					5											10
11S.	41E.	4			5		5	10											20
Total number of acres to be irrigated																			50

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 U.S. Department of Interior, Bureau of Land Management.
b. Who owns the land to be irrigated or place of use (see No. 10 below)
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing an application for right-of-way is being submitted to the Bureau of Land Management, Idaho State Office, pursuant to Title 43 CFR, Group 2,800.

10. Remarks There presently is in existence an old head box, pipeline, and delivery system constructed in approximately 1928, and used continuously since that time to supply waters of Cheapbeck Springs to provide water for domestic purposes to 15 homes. This old system is inadequate and in need of replacement which is presently being undertaken. Although there are no water rights established of record, the users have clearly established certain water rights under the Idaho Constitution by diversion and application to a beneficial use since 1928. The existing rights are in harmony and therefore this application is submitted to obtain the appropriate license.
As per 9.b. above, the names and addresses of the owners at the place of use are as follows: Don and Lucile Clegg, Star Route, Box 302, Grace, ID; Robert & Vivian Fraser, Star Route, Box 305, Grace, ID 83241; Jack & Dorthay Hubbard, Star Route, Box 311, Grace, ID 83241; Morris and Marilyn Clegg, 2806 Chariton St., Oakton, Va. 22124; Todd and Cheri Michelson, Star Route, Box 300, Grace, ID 83241; Don W. and Dolores Gilbert, Rural Route, Box 177, Grace, ID 83241; Owen and Merna Clegg, Star Route, Box 291, Grace, ID 83241; Dean and Lezlie Clegg, Star Route, Box 292, Grace, ID 83241; Ardel Merrill, P. O. Box 3866, Incline Village, Nevada 89450; Glayd & Helen Christensen, Star Route, Box 289, Grace, ID, 83241; and Demar & Kim Clegg, Star Route, Box 293, Grace, ID 83241; Robert and Donnett Young, Grace, ID 83241.

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.

CHEAPBECK WATER COMPANY

Gloyd Christensen

(Applicant)

Gloyd Christensen, President

RECEIVED

Priority 7/17/81...

Received by CW Date 9/10/81 Time 10:05 A.
Preliminary check by Emc Fee \$ 20⁰⁰
Receipted by CW Date 9/10/81 # 19069
Publication prepared by CW Date 9/17/81
Published in Caribou County Sun
Publication dates September 24 and October 1, 1981
Publication approved CW Date 10-13-81
Protests filed by: None
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by Emc RC

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. 13-7347, 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 December 1, 19 84.
 - c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
 - d. Other: A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 4th day of November, 1981.

A. Glen Saxton
Chief Operations Bureau

NOTED

②

LAW OFFICES OF
RACINE, HUNTLEY, OLSON
NYE & COOPER

LOUIS F. RACINE, JR.
ROBERT C. HUNTLEY, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER

THOMAS J. HOLMES
RANDALL C. BUDGE
JOHN A. BAILEY

CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204

TELEPHONE
AREA CODE 208
232-6101

November 10, 1981

Mr. Glayd Christensen
President - Cheapbeck Water Company
Star Route, Box 289
Grace, ID 83241

Dear Glayd:

I am writing to respond to the recent inquiries you received about the origin of the water rights owned by Don Gilbert in Cheatbeck Springs. To respond appropriately I believe it would be helpful to set forth some of the history of the water rights based upon certain records provided me and other facts as represented by Don Gilbert. As you know, the North Fork of Trout Creek arises in the same general area on the East Bench as does Cheatbeck Creek, both flowing in a Westerly direction. My understanding is that the waters of Cheatbeck Creek are fully consumed and ultimately ceased to flow somewhere in Township 11 South, Range 41 EBM, Caribou County and not governed by any Court Decree. On the other hand, the North Fork Trout Creek is tributary to the Bear River and was adjudicated, along with all other waters of the Bear River and its tributaries, by the Federal Court Decree commonly known as the "Dietrich Decree" entered back in 1921.

Right No. 338 of the Dietrich Decree establishes a water right in favor of Benjamin Clegg to certain waters of the North Fork of Trout Creek. Benjamin's water right was succeeded to by his three sons, Joe Clegg (presently owned by Morris Clegg), Don Clegg (still owns) and Orsen Clegg (Don Gilbert's father-in-law). Historically, there is said to have existed a ditch that carried the Benjamin Clegg right in Northerly direction where it picked up the waters flowing from Cheatbeck Creek all of which were used for irrigation purposes.

Sometime thereafter, an agreement was reached between the three sons whereby Joe and Don Clegg traded their interests in Cheatbeck Creek to Orsen Clegg who gave

Mr. Glayd Christensen

November 10, 1981

Page 2

up all of his interests in the North Fork of Trout Creek. Pursuant to that arrangement, Don Gilbert and his predecessors have used all of the Cheatbeck Creek water and none of the Trout Creek water, at least for the last 17 years that Don Gilbert has been involved with the property. The Cheatbeck Creek water was used by the Gilbert's and their predecessors for irrigating lands located in Section 4 of Township 11 South, Range 41 EBM. Similarly, Joe and Don Clegg have used all of the waters of Trout Creek and none of the Cheatbeck water. For your information I am enclosing a copy of the Dietrich Decree Right No. 338 of Benjamin Clegg and also the Deed dated 3-13-65 whereby the Gilbert's acquired their water rights with the purchase of land in Section 4 from Laura Clegg, who was the surviving spouse of Orsen Clegg. Although this background information is not particularly relevant to the current water rights existing on Cheatbeck Springs, I thought it might be helpful to you in understanding the historic development and use of these water rights.

Although the waters of Cheatbeck Springs and their use are not governed by a Court Decree, it is clear that there exists established water rights under the Idaho Constitution. Although you are more familiar with the more recent statutory procedure for acquiring a water right by application and permit through the Idaho Department of Water Resources, most older water rights with early priority dates have been acquired under the Idaho Constitution simply by continuous diversion and application to a beneficial use. The perimeters or limitations of a constitutional water right established by diversion and application to a beneficial use would be the priority date, or first date from which continuous use began, the point of diversion, quantity diverted, place of use and time period of use.

By Idaho Statute, any water right, whether obtained constitutionally, by Court Decree, or by permit and license is forfeited and lost by a period of five or more years of nonuse.

Court decrees to a given source established conclusively who owns what water and usually arise when there has been a dispute by the various users over the water. Although it is possible to obtain a Court Decree to adjudicate the various water rights on Cheatbeck Springs, it would appear to be unnecessary as the water rights appear to have been well established by long periods of use. Clearly, all of those parties who have been using the waters of Cheatbeck Springs for years to supply domestic water to the homes in the area have established water rights under the Idaho Constitution. These rights would be limited to a priority date of when the use began (approximately 1928), be tied to the existing points of diversion and places of use as established by the old culinary system, and most importantly would be limited in quantity to that amount of water actually used under the old system. The remaining water which flowed on down the

Mr. Glayd Christensen
November 10, 1981
Page 3

Creek has been totally consumed by Don Gilbert for irrigation purposes during the summer month. The Gilbert's advised that they sprinkle irrigate up to 80 acres from the Cheatbeck Spring water. This means that their maximum water right would be 1.6 CFS during the summer irrigation season as Idaho law provides that a maximum of one second foot can be used to irrigate each 50 acres.

Since Cheapbeck Water Company desires to increase the size of the pipe and divert and use substantially more water than they have in the past, they can only do so to the extent that there is available water and that they do not interfere with existing water rights. Since the waters of Cheatbeck Springs are totally consumed, to the extent that the Water Company uses additional waters they are interfering and taking water from the Gilbert's for which reasonable compensation is owing. The purchase of the Gilbert's water rights by the Company will enable it to own and utilize all of the waters of Cheatbeck Springs. This could be utilized totally in the new culinary water system or if there was excess water it also could be leased or sold.

To the extent that some of those involved in the old system do not want to participate in the construction and operation of the new culinary system, they clearly would be entitled to continue to utilize their established water rights through the old system or otherwise. They could only divert and use that quantity of water that they have historically diverted and used over the years. Of Course those on the old system would have to bear the expense of maintaining and operating it. At some point in the future this expense will likely out weigh the costs of being a stock holder and obtaining their waters through the new system the Company is constructing.

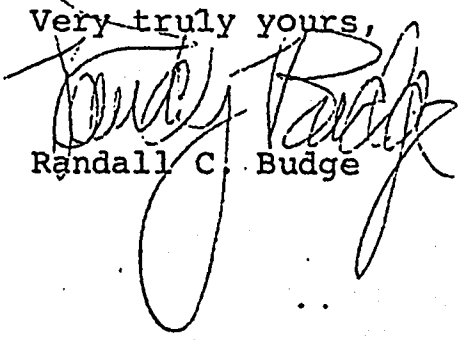
I see no reason why all of the interested parties could not recognize and utilize their respective rights. If some of the parties are going to remain on the old system this may well require that measurements be taken at each of the diversion points to determine what there historic use has been. Claims or permit applications attempting to claim water in excess of what has been historically diverted and used, would surely draw protest from the remaining users.

The foregoing is intended to be a general assessment of the water rights on Cheatbeck Springs based upon certain assumptions and factual representations that have been made. It is not intended to be a comprehensive outline of Idaho water law, which is quite complex, but merely a basis for my

Mr. Glayd Christ. en
November 10, 1981
Page 4

opinion that the various users have all established certain rights to use the waters of Cheatbeck Springs which must be recognized in developing the new culinary water system. I would be happy to discuss these matters in greater detail with you as well as the other users if you would desire.

Very truly yours,


Randall C. Budge

RCB/jw

Enclosure

LAW OFFICES OF
RACINE, HUNTLEY & OLSON
CHARTERED

CENTER PLAZA - CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83201

TELEPHONE
AREA CODE 208
232-6101

LOUIS F. RACINE, JR.
ROBERT C. HUNTLEY, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER

THOMAS J. HOLMES
RANDALL C. BUDGE
JOHN A. BAILEY

May 27, 1981

Mr. Glayd Christensen
Star Rt., Box 289
Grace, Idaho 83241

Re: Sheepbeck Water Co.

Dear Glayd:

Enclosed please find in duplicate proposed Articles of Incorporation. You will note that I have listed the initial officers as the incorporators and also the initial Board of Directors.

You will note that I provided for 25 shares to be initially authorized. I thought this amount would be sufficient to cover your existing needs and some growth in the future. If you feel that the possible future use might exceed 25 shares please let me know and I will amend that to 50 or 100 as you may feel appropriate.

Please date, sign and return the Articles which I will forward to the Secretary of State's office for filing. The Secretary of State's office will then return back a certified copy of the Articles together with a Certificate of Incorporation. I have ordered a corporate record book and am also working on a proposed set of by-laws as well as minutes for the initial organizational meeting to be held after the incorporation has been complete. Also I will be sending you some proposed easement agreements in the next several days so that you can begin acquiring the easement for the pipeline from the respective property owners. I have written to the Department of Water Resources regarding any prior filings on Sheepbeck Springs, and will advise you when a response has been received. At that point we can determine what further filings need to be pursued to get your water rights in proper perspective.

When you have the proposed survey and/or map completed please forward the same so that I can begin with the right of way application through the BLM. Also, you should make a

Mr. Christensen
May 27, 1981
Page 2

point to get in contact with Don Gilbert to make sure that you have an understanding with him for the acquisition of his water rights in the spring as he previously indicated to me that the sale price would be \$10,000 and not \$9,000 figure you have understood to be correct.

If you have any questions please don't hesitate to contact me.

Very truly yours,

Randy Budge /pb
Randall C. Budge

RCB/pb
En.

SD-0604-2 Township: 11S Range: 41E Section: 4			Tract:		Lot:		
S	L	STATE	O	S	Max # Records	52	
E	O	Water	W	T	Priority	Use	
L Tract	T	Right No.	N	AC	G	Date	Code Desc
SWNE		13-07347			P	07/17/1981	43 DOMEST
SWNE		13-07347	C	5	P	07/17/1981	49 FIRE
SENE		13-00730	C		D	05/01/1879	01 IRR
SENE		13-00731	C		D	05/01/1885	01 IRR
SENE		13-04193	C		S	06/01/1937	43 DOMEST
SENE		13-07347	C		P	07/17/1981	04 STOCK
SENE		13-07347	C		P	07/17/1981	01 IRR
SENE		13-07347	C		P	07/17/1981	04 STOCK
SENE		13-07347	C		P	07/17/1981	43 DOMEST
SENE		13-07347	C		P	07/17/1981	49 FIRE
NENW		13-07347	C		P	07/17/1981	01 IRR

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

SD-0604-2 Township: 11S Range: 41E Section: 4				Tract:		Lot:				
S	L	STATE	O	S	Max # Records	52				
E	O	Water	Name	W	T	Priority	Use			
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc
---	---	---	---	---	---	---	---	---	---	---
---	NENW		13-07347				P	07/17/1981	04	STOCK
---									43	DOMEST
---									49	FIRE
---	NENW		13-07347	CHEAPBECK WATER CO.	C	5	P	07/17/1981	01	IRR
---									04	STOCK
---									43	DOMEST
---									49	FIRE
---	NENW		L13-07347	CHEAPBECK WATER CO	C		L	07/17/1981	04	STOCK
---									43	DOMEST
---									49	FIRE
---	NENW	3	13-00730	CLEGG, BENJAMIN	C		D	05/01/1879	01	IRR
---	NENW	3	13-00731	CLEGG, BENJAMIN	C		D	05/01/1885	01	IRR
---	NWNW		13-07347	CHEAPBECK WATER CO.	C		P	07/17/1981	01	IRR
---									04	STOCK
---									43	DOMEST
---									49	FIRE

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

SD-0604-2 Township: 11S Range: 41E Section: 4			Tract:		Lot:		
S	L	STATE	O	S	Max # Records	52	
E	O	Water	Name	W	T	Priority	Use
L	Tract	T	Right No.	Last, First	N	AC	G
						Date	Code Desc
	NWNW		13-07347	CHEAPBECK WATER CO.	C	10	P
						07/17/1981	01 IRR
							04 STOCK
							43 DOMEST
							49 FIRE
	NWNW	4	13-00730	CLEGG, BENJAMIN	C		D
	NWNW	4	13-00731	CLEGG, BENJAMIN	C		D
	SWNW		13-00740	HARRIS, WILLIAM MC GEE	C		D
	SESW		13-00740	HARRIS, WILLIAM MC GEE	C		D
	NESW		13-00740	HARRIS, WILLIAM MC GEE	C		D
	NESW		L13-07347	CHEAPBECK WATER CO	C		L
						07/17/1981	04 STOCK
							43 DOMEST
							49 FIRE
	NWSW		13-00740	HARRIS, WILLIAM MC GEE	C		D
	SWSW		13-00733	ELLIS, THOMAS N.	O		D
				JORGENSEN, CARL B.	C		
	SESW		13-00732	ELLIS, CHARLES N.	C	35	D
						05/01/1882	01 IRR

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

SD-0604-2 Township: 11S Range: 41E Section: 4				Tract:		Lot:		
S	L	Water	Name	O	S	Max # Records	52	
E	O	Right No.	Last, First	W	T	Priority	Use	
L	Tract	T		N	AC	G	Date	
							Code	
							Desc	
		13-00956	BENCH CANAL	O		D	12/31/1909	01 IRR
			LAST CHANCE CANAL COMP	C				
		11-00262	LAST CHANCE CANAL COMP	C		D	07/29/1910	01 IRR
		13-04076	LAST CHANCE CANAL CO I	C		S	04/01/1919	02 IRR S
								03 IRR FS
		13-00991C	LAST CHANCE CANAL COMP	C		D	03/01/1897	01 IRR
		13-00992C	LAST CHANCE CANAL COMP	C		D	05/14/1901	01 IRR
		13-00955	LAST CHANCE CANAL COMP	C		D	08/09/1909	01 IRR
			BENCH CANAL	O				
	NENE	13-07347	CHEAPBECK WATER CO.	C		P	07/17/1981	01 IRR
								04 STOCK
								43 DOMEST
								49 FIRE
	NENE	1	13-00734	PETERSON, ESTHER N.	C	D	05/01/1879	01 IRR
	NENE	1	13-00735	PETERSON, ESTHER N.	C	D	05/01/1909	01 IRR
	NENE	1	13-02062	PETERSON, ESTHER N.	C	20 L	09/26/1913	01 IRR

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

SD-0604-2 Township: 11S Range: 41E Section: 4				Tract:		Lot:		
S	L	STATE	W	S	Max # Records	52		
E	O	Water	N	T	Priority	Use		
L	Tract	Right No.	Name	AC	Date	Code	Desc	
	T		Last, First					
	NENE	1	13-02062		20	L	09/26/1913	43 DOMEST
	NWNE		13-07347	CHEAPBECK WATER CO.	C	P	07/17/1981	01 IRR
								04 STOCK
								43 DOMEST
								49 FIRE
	NWNE		L13-07347	CHEAPBECK WATER CO	C	L	07/17/1981	04 STOCK
								43 DOMEST
								49 FIRE
	NWNE	2	13-00730	CLEGG, BENJAMIN	C	D	05/01/1879	01 IRR
	NWNE	2	13-00731	CLEGG, BENJAMIN	C	D	05/01/1885	01 IRR
	NWNE	2	13-00734	PETERSON, ESTHER N.	C	D	05/01/1879	01 IRR
	NWNE	2	13-00735	PETERTSON, ESTHER N.	C	D	05/01/1909	01 IRR
	SWNE		13-00730	CLEGG, BENJAMIN	C	D	05/01/1879	01 IRR
	SWNE		13-00731	CLEGG, BENJAMIN	C	D	05/01/1885	01 IRR
	SWNE		13-07347	CHEAPBECK WATER CO.	C	P	07/17/1981	01 IRR
								04 STOCK

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

LAW OFFICES OF

RACINE, OLSON, NYE, BUDGE & BAILEY

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER**
LISA M. CHRISTON***
RICHARD A. HEARN, M.D.****
ERIC L. OLSEN
WARREN W. DOWDLE
LANE V. ERICKSON
*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR
***ALSO MEMBER IL BAR
****ALSO MEMBER D.C. BAR

CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: randy-b@racinelaw.nc.

December 16, 1999

Idaho Department of Water Resources
Attn: Shelley W. Keen
Water Right Supervisor
1301 N. Orchard Street
Boise, Idaho 83706-2273

Re: *Cheapbeck Water Company*
License No. 13-07347

Dear Shelley:

This will confirm and follow up on our recent discussion regarding License No. 13-07347 issued to Cheapbeck Water Company.

The license which I understand was recently issued August 11, 1999, appears to have inadvertently excluded 1.0 cfs of water for irrigation purposes which was included in the original Application filed in 1981, the subsequent publication, and was also apparently recommended in the Field Report apparently sent by the Eastern Division to Boise for final approval in February of 1999. As this 1.0 cfs of irrigation water appears to have been omitted due to inadvertence or oversight, we would respectfully request that the Department re-examine the license, conduct further field examinations if necessary and amend the License to include the irrigation water as applied for and recommended.

Additionally, since a statutory claim under I.C. §42-243 could now be filed and was not available at the time of the original application, I'd appreciate the Department's advice whether it would be appropriate to file such a claim on the entire right.

As you requested, I will provide some background information.

The Cheapbeck Water Users consists of 14 users of Cheapbeck Springs for domestic purposes. The users consist of 11 homes with 5 acres (more or less), 1 share for 450 head stock cows, plus 2 shares inactive with the excess water used for irrigation. The facilities consisted of an old head box, pipeline and delivery system constructed in approximately 1928 and used continuously since that time to supply water to the shareholders. The old system became inadequate and in need of replacement.

In order to obtain the necessary financing to upgrade the system, to organize the owners and be in a position to levy and collect assessments, they incorporated Cheapbeck Water Company in 1981 as a nonprofit corporation. The enlarged system was contemplated to provide additional domestic water for a few additional lots that would be built on, to meet future needs, and enhance the delivery of water to the users who also irrigated gardens and pastures, some of considerable size, adjacent to their homes.

One problem encountered is that the water of Cheapbeck Springs was fully appropriated, being used by Don W. Gilbert for irrigation purposes. Accordingly, Cheapbeck purchased 1 cfs of irrigation water from Gilbert for \$10,000 plus two shares of stock. I am enclosing a copy of my May 27, 1981 letter discussing the organization of the company and the purchase from Don Gilbert, as well as my November 10, 1981 letter, both directed to President Glayd Christensen, which discuss in detail the water rights and history of use on Cheapbeck as well as Trout Creek. The additional water was to be used by some of the shareholders as necessary for irrigation purposes, with the excess or overflow from the system leased out. That was the reason for the 1.0 cfs irrigation claim in the application.

It is my understanding from discussing this matter with Glayd Christensen and Scott Elsmore that in fact all of the overflow, being the 1.0 cfs, has been leased out and used for irrigation purposes by Scott Hubbard, Robert Harris and/or Glayd Christensen. It was contemplated that if the domestic uses expanded in the future, a Change of Use Application could be filed to begin utilizing the irrigation water for the expanded domestic needs. Apparently there are currently 13 homes on the system, although they have a total of 14 shares issued and outstanding. They also want to be in the position of selling a few more shares within the system's capabilities as new houses are added to the subdivision. Since the water of Cheapbeck is not tributary to the Bear River or any other stream, no one else is impacted.

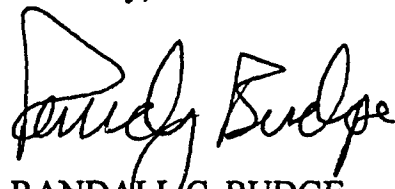
It is my understanding that the Field Report in fact recommended that the license be issued identical to the Application, i.e., including the 1.0 cfs for irrigation. Glayd Christensen recalls that when the field examination was conducted, the use of the irrigation water was not really looked at or thought to be a problem as the focus apparently was on the new system and domestic uses.

Idaho Department of Water Resources
December 16, 1999
Page 3

Based upon this information and the recommendation in the Field Report, we would respectfully request that the Department amend the license to include the 1.0 cfs of irrigation water. While we would hope additional field exams would not be necessary, if the Department feels it is required arrangements can be made for that to happen next summer with the current President, Scott Elmore, who can be reached at 631 Bench View Road, Grace, Idaho 83241, phone 425-3648.

Additionally, it appears appropriate that Cheapbeck file a I.C. §42-243 Claim to a Water Right, and I would appreciate the Department's recommendation on this.

Sincerely,



RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Cheapbeck Water Company
Scott Elmore, President
Glayd Christensen

RECEIVED

JAN 13 2000

Idaho Department of Water Resources
LOUIS RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN

*ALSO MEMBER IL & WY BARS

LAW OFFICES OF
**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: randy-b@racinelaw.net

ERIC S. HUNN
DAVID E. ALEXANDER**
LISA M. CHRISTON***
RICHARD A. HEARN, M.D.****
ERIC L. OLSEN
WARREN W. DOWDLE
LANE V. ERICKSON

**ALSO MEMBER MO BAR
***ALSO MEMBER IL BAR
****ALSO MEMBER D.C. BAR

January 11, 2000

Idaho Department of Water Resources
Attn: Shelley W. Keen
Water Right Supervisor
1301 N. Orchard Street
Boise, Idaho 83706-2273

Re: Cheapbeck Water Company
License No. 13-07347

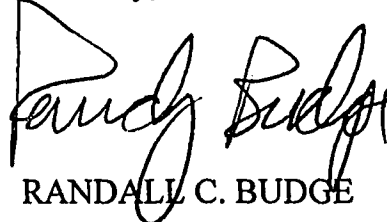
Dear Shelley:

Enclosed please find my letter to you of December 16 which contains some minor corrections pointed out by our clients. Please replace the prior letter with this one.

Also enclosed for filing is a Form 243 Claim to a Water Right, together with Cheapbeck Water Company's check in the amount of \$250 for filing fees. Please file and process the same.

Thank you for your assistance. Please contact me if you have any questions.

Sincerely,


RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Cheapbeck Water Company

RECEIVED

JAN 13 2000

Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

August 30, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RANDY BUDGE
RACINE, OLSON, NYE, BUDGE, & BAILEY, CHTD
PO BOX 1391
POCATELLO, ID 83204-1391

RE: Cheapbeck Water Company Water Right License No. 13-07347

Dear Randy:

I am replying to the request you sent me last winter for another field examination to determine if Water Right License 13-07347 should have included an irrigation component. I apologize for not replying sooner.

Permit 13-07347, which was issued to Cheapbeck Water Company in 1981, authorized the diversion of 1.0 cfs from a spring tributary to Cheapbeck Creek for irrigation purposes. Other uses, including domestic use, were also authorized. The permitted place of use for irrigation purposes matches the permitted place of use for domestic purposes, suggesting that Cheapbeck Water Company intended to develop irrigation in association with each home it serves. According to the Beneficial Use Field Report I received from our regional office in 1999, department field examiners visited the permitted place of use in 1987 and in 1998. The field report indicates that the examiners found no irrigation under Permit 13-07347 "except for yards", which the examiners characterized as "very small." In accordance with the field report, License 13-07347 was issued without an authorized irrigation use, but an annual diversion volume sufficient to irrigate a yard at each home was included under the domestic use component of the water right.

In your letter you describe how Cheapbeck Water Company purchased 1.0 cfs of irrigation water from Don Gilbert in 1981 and then included it in the application that became Permit 13-07347. Because it was not needed by the shareholders of Cheapbeck Water Company for domestic purposes, the irrigation water was leased out for use by area irrigators. The permit was not amended to authorize a different place of use for the irrigation water. Because the permit was not amended to show any other irrigation place of use, and because the permit holders apparently did not show the examiners that irrigation was occurring at a location other than in the yards of the domestic users, the field report -- and the license based on the field report -- are not unreasonable. Moreover, your request for reconsidering the license came long after the procedural period for doing so had expired.

Randy Budge
August 30, 2000
Page 2

Nevertheless, if there is a history of irrigation from the spring, or from Cheapbeck Creek itself, which is not covered by an existing water right or by a claim to a water right, the extent of the use should be identified and addressed somehow. I had hoped that the statutory claim filed by Cheapbeck Water Company in January would resolve this issue by describing the longstanding irrigation practice as it has actually occurred. By including the irrigation on the statutory claim, Cheapbeck would be able to claim it with a priority dating back to the initial use by Orsen Clegg, as described in your November 10, 1981, letter to Glayd Christensen. Unfortunately, the statutory claim, No. 13-04348, describes the irrigation place of use the way it was described on the application for permit in 1981. According to the field report for 13-07347, this place of use description does not reflect actual water use.

At this point I can see two options for pursuing this matter.

1. Amend statutory claim 13-04348 to show the actual irrigated place of use and provide supporting documentation showing how the place of use and ownership have changed between the claimed priority date of April 1, 1928, and now. When Cheapbeck Water Company wants to change the irrigated place of use in the future, they will have to file an application for transfer pursuant to §42-222, *Idaho Code*.
2. Provide these items to support your request for a re-examination:
 - A map showing the land actually irrigated and the layout of the system conveying water to the land.
 - Evidence that the water was used for irrigation during the authorized development period, 11/4/81 to 11/12/86.
 - Copies of the lease agreements or other documentation demonstrating that the water used for irrigation purposes is rightfully owned by Cheapbeck Water Company and not by the owners of the land where the water is used.
 - An examination fee in the amount of \$100.00.

If you choose option number two, I cannot guarantee that the department will be able to correct the license. The facts must lead to a finding that the irrigation use was established in accordance with the permit and that the department erred in the field examination and licensing process. Moreover, the fact that the license became an uncontested final order will have to be overcome.

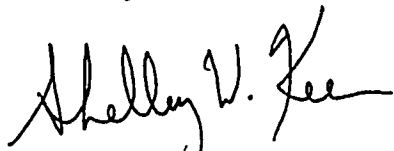
It might also be worth noting that Water Right License No. 13-02062 recognizes a 1913 priority date for 0.40 cfs from "Sheepbeck" Creek to irrigate 20 acres in the NE¼NE¼ of Section 4,

Randy Budge
August 30, 2000
Page 3

T11S, R41E, B.M. I do not know if this license has any connection to the current water use on Cheatbeck Creek, but I have enclosed a copy for you to review.

If you have any questions, please contact me at 208-327-7946.

Sincerely,



Shelley V. Keen
Water Rights Supervisor

Enclosure

Cc: Cheapbeck Water Company c/o Scott Elsmore
IDWR Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 70790

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED

JAN 26 2004

Name of applicant Cheatbeck Water Company Phone 208 425-3648
Department of Water Resources 631 Bench View Dr. Grace Idaho 83241

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes changing from home locations
still 13 homes - Adding new location for stockwater only.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>13-07347</u>	<u>July 17, 1981</u>	<u>.29 33 cfs</u>	<u>Domestic</u>	<u>01/01</u> to <u>12/31</u>
		<u>.12</u>	<u>STOCK</u>	<u>01/01</u> to <u>12/31</u>
		<u>.33</u>	<u>FIRE</u>	<u>01/01</u> to <u>12/31</u>

2. Total amount of water being transferred .33 cubic feet per second and/or 37.6 acre-feet per annum.

3. Source of water Cheatbeck spring tributary to Cheatbeck Creek

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	NW	3	11S	41E	Caribou	Cheatbeck spring

5. Lands irrigated or place of use:

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	
10S	41E	32													D/s			D/s	
		33											D/s	D/s				D/s	
					L-2				L-3										
11S	41E	4			D/s				D/s				D/s		D/s			D/s	
					L-1														
		5			D/s														

SCANNED

Total acres

SEP 12 2003

T70790

Page 2 of 7

PART 1

Transfer No. 70790

6. General Information:

a. Description of diversion system spring box 6" pvc line to 13 houses
d/s

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
NONE

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

T70790

SCANNED
SEP 12 2003

Page 3 of 7

T70790

Page 1

09/04/2003

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 13-7347

WATER RIGHT NUMBER: 13-7347

Owner Type Name and Address
Current Owner CHEAPBECK WATER CO
C/O SCOTT F ELSMORE PRESIDENT
631 BENCH VIEW RD
GRACE, ID 83241
(208)425-3648

Priority Date: 07/17/1981
Basis: License
Status: Active

Source Tributary
SPRING CHEATBECK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.120 CFS	7.00 AF
DOMESTIC	1/01 to 12/31	0.290 CFS	30.60 AF
FIRE PROTECTION	1/01 to 12/31	0.330 CFS	
<u>Total Diversion:</u>		0.330 CFS	37.60 AF

Location of Point(s) of Diversion
SPRING SE1/4SE1/4NW1/4 Sec. 3, Twp 11S, Rge 41E, B.M.
CARIBOU County

Place of Use
DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	41E	32													X				X
10S	41E	33										X	X						
11S	41E	4		X			X				X		X		X				
11S	41E	5	X																

STOCKWATER same as DOMESTIC
FIRE PROTECTION same as DOMESTIC

Conditions of Approval:

SCANNED
SEP 12 2003

T70790

Page 4 of 7

T70790

Page 2

09/04/2003

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 13-7347

Remarks:

1. General The right holder shall maintain a measuring device of a type approved by the Department as a part of the diverting works.
Domestic use is for 13 homes.

Comments:

Dates and Other Information:

Licensed Date: 8/11/1999
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SCANNED

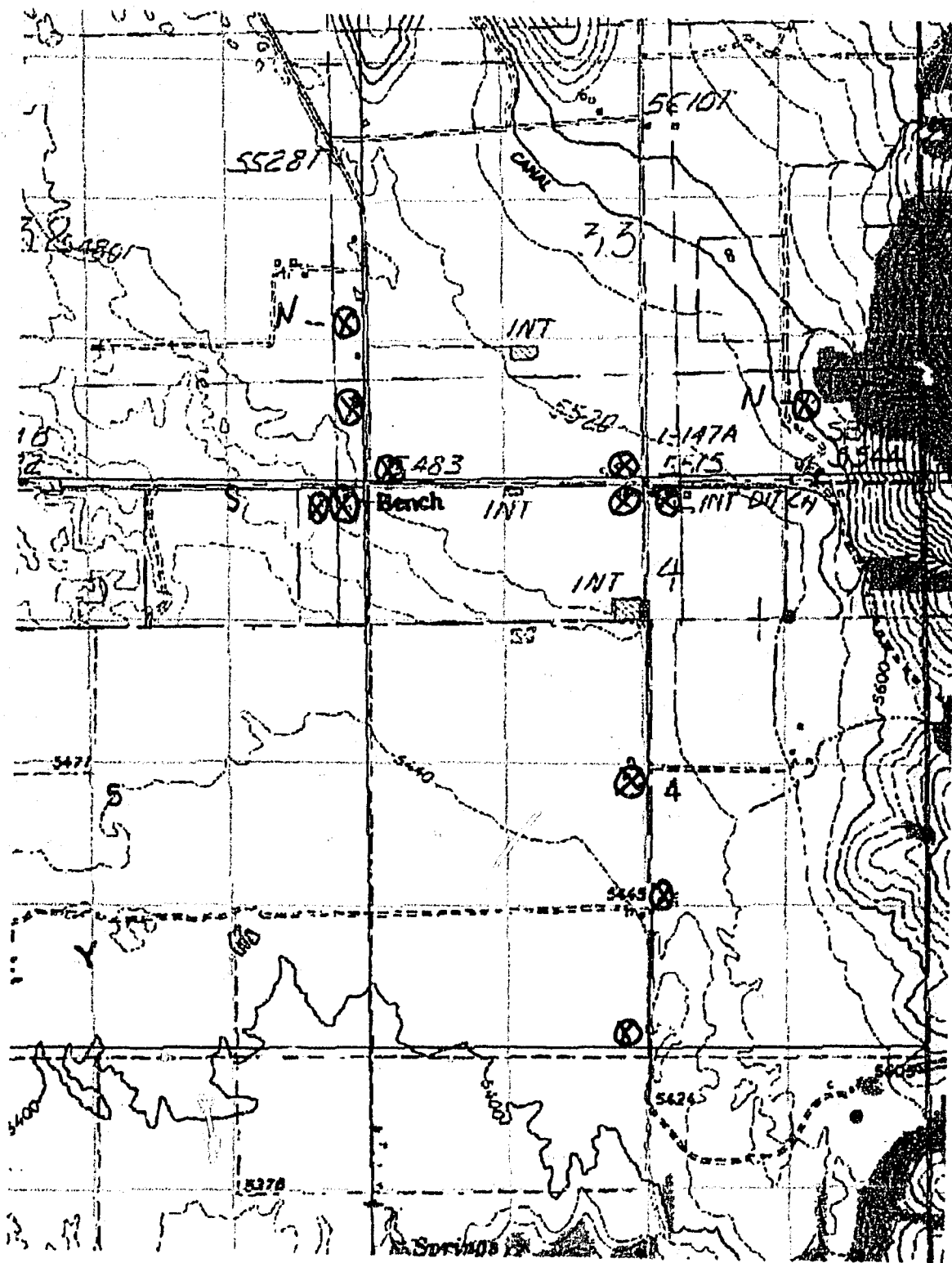
SEP 12 2003

T70790

page 5 of 7

T70790

NWNN
STOCK

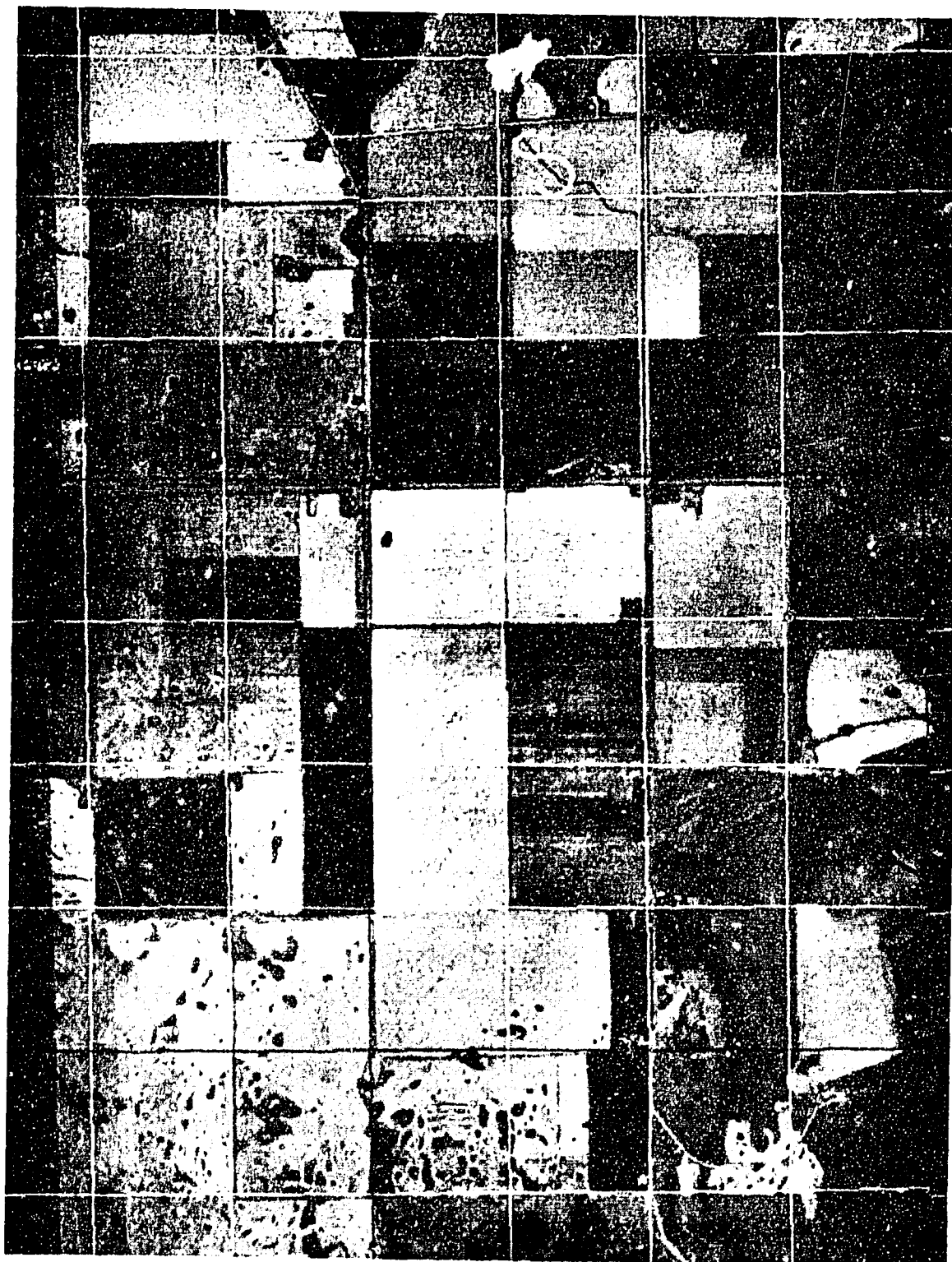


T70790

SCANNED
SEP 12 2003

Page 6 of 7

T70790



T70790

SCANNED
SEP 12 2003

Page 7 of 7

Transfer No. 70790

PART 3

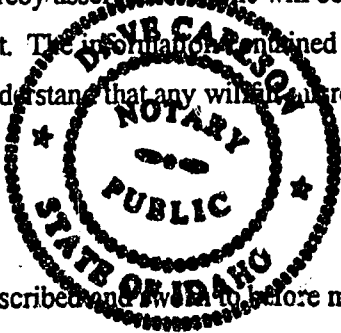
B., CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.
I understand that any willful misrepresentations made in this application may result in voiding its approval.



+ Scott F. Johnson
(Signature of Applicant)

Subscribed and sworn to before me this 5 day of Sept, 20 03

Dane Carls
(Notary Public)

My commission expires 2/28/2008

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and _____ attachments
Received by 9/5/2003 Date _____ Protest filed by _____
Prelim. Check by _____ Fee _____
Received by DC E029160 Date 9/5/2003
Published in Caribou Co. Sun (Thurs) Copies of protest forwarded by _____
Pub. Dates 1/1 & 1/8/04 Hearing held by _____ Date _____
Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial
_____ received _____ by _____

Copy of transfer sent to lien holder _____

SCANNED

SEP 12 2003

T70790

Additional Computation Sheets Attached

Measured Method:

Capacity of system = 0.33 cfs

11 homes = 0.15 cfs in house cfs

$$\frac{1}{2} \text{acres/home} \times 11 = 5.5 \text{acres} \times 0.025 = 0.11 \text{CU}$$

Densidade total = 0.26 cf

525 hrs of
stock = 0.12 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{LH} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$
$$V_{AA} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$V = \text{Smaller of } V_{IA} \text{ and } V_{PA} =$

2. Volume Calculations for Other Uses:

11 homes at $1.2 \text{ af/home} = 13.2 \text{ af}$

Implied S&P head of stock = 7.0%_{yr}

H. RECOMMENDATIONS

1. Recommended Amounts

[illegible]

2. Recommended Amendments

<u> </u> Change P.D. as reflected above	<u> </u> Add P.D. as reflected above	<u> </u> None
<u> </u> Change P.U. as reflected above	☒ Add P.U. as reflected above	<u> </u> Other

1. AUTHENTICATION

Field Examiner's Name 2nd Exam Lee Simmons Date 5-22-99
Reviewer 2161-1112 Date 1-5-99

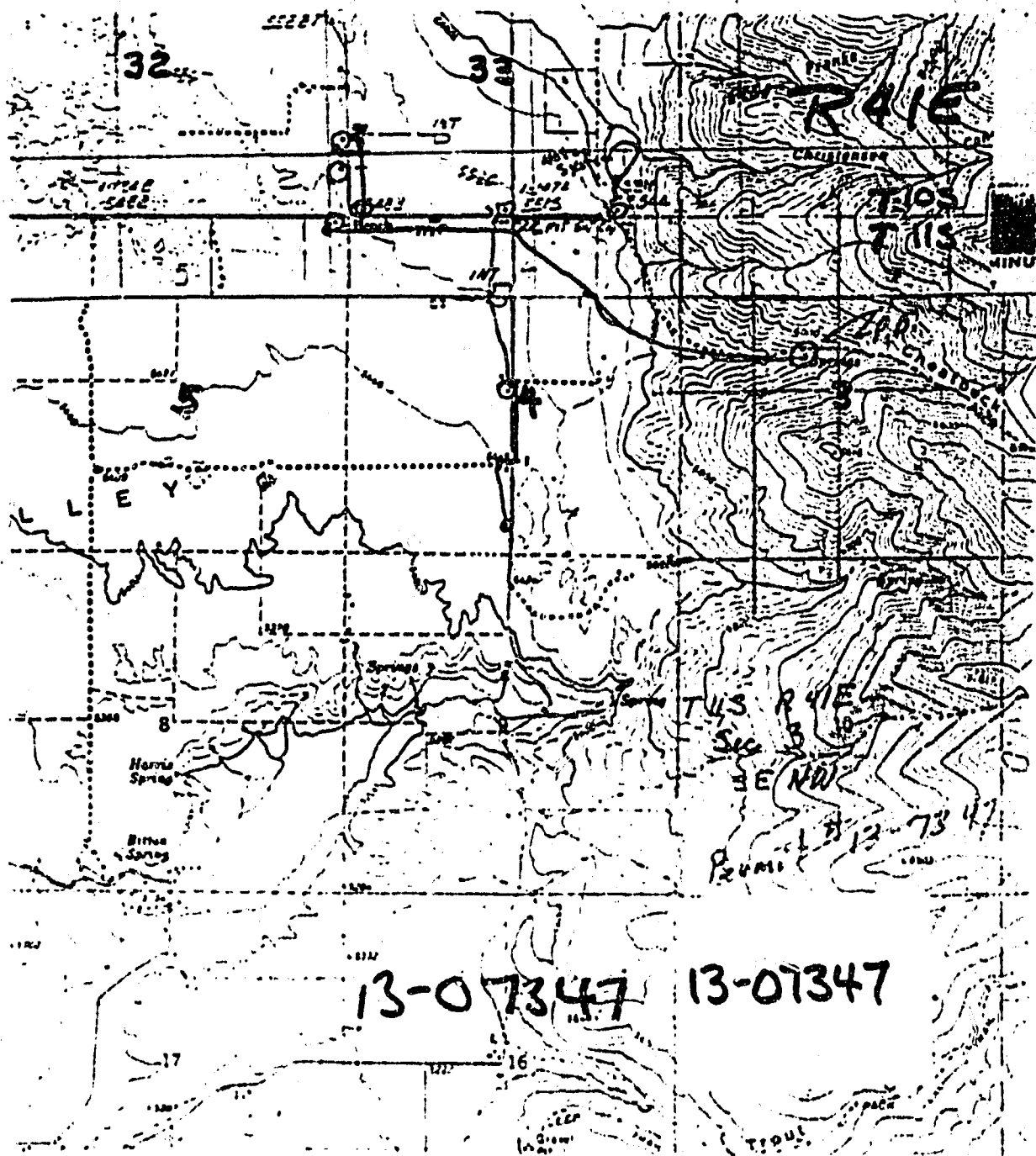
SEAL

SCANNED

SEP 12 2003

ATTACHMENT

T 70790
1 OF 2



SCANNED
SEP 12 2003

T 70790
ATTACHMENT 2 OF 2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70790

This is to certify that: CHEAPBECK WATER CO
631 BENCH VIEW RD
GRACE ID 83241
(208)425-3648

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
13-7347	WR/License	07/17/1981	0.33 cfs	37.6 af	N/A	N/A	SPRING

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
13-7347	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
13-7347	13-7347	0.33 cfs	37.6 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS		0.33 cfs	37.6 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 30th day of January, 20 04


Chief, Water Allocation Bureau

SCANNED
FEB 18 2004

WATER RIGHT NO. 13-7347
As Modified by Transfer No. 70790

In accordance with the approval of Transfer No. 70790, Water Right No. 13-7347 is now described as follows.

Right Holder: CHEAPBECK WATER CO
 631 BENCH VIEW RD
 GRACE ID 83241

Priority Date: July 17, 1981

Source: SPRING

Tributary: CHEATBECK CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.12 CFS	7.0 AF
DOMESTIC	01/01 to	12/31	0.29 CFS	30.6 AF
FIRE PROTECTION	01/01 to	12/31	0.33 CFS	
			0.33 CFS	37.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING SESENW Sec. 3, Twp 11S Rge 41E CARIBOU County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 41E 32													X				X
10S 41E 33										X		X					X
11S 41E 4			X		X				X			X			X		
11S 41E 5	X						X										
	L1						L3										
			L2				L4										

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 41E 32													X				X
10S 41E 33										X		X					X
11S 41E 4			X		X				X			X			X		
11S 41E 5	X						X										
	L1						L3										
			L2														

PLACE OF USE: FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 41E 32													X				X
10S 41E 33										X		X					X
11S 41E 4			X		X				X			X			X		
11S 41E 5	X						X										
	L1						L3										
			L2														

SCANNED

FEB 18 2004

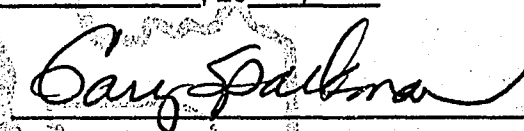
WATER RIGHT NO. 13-7347
As Modified by Transfer No. 70790

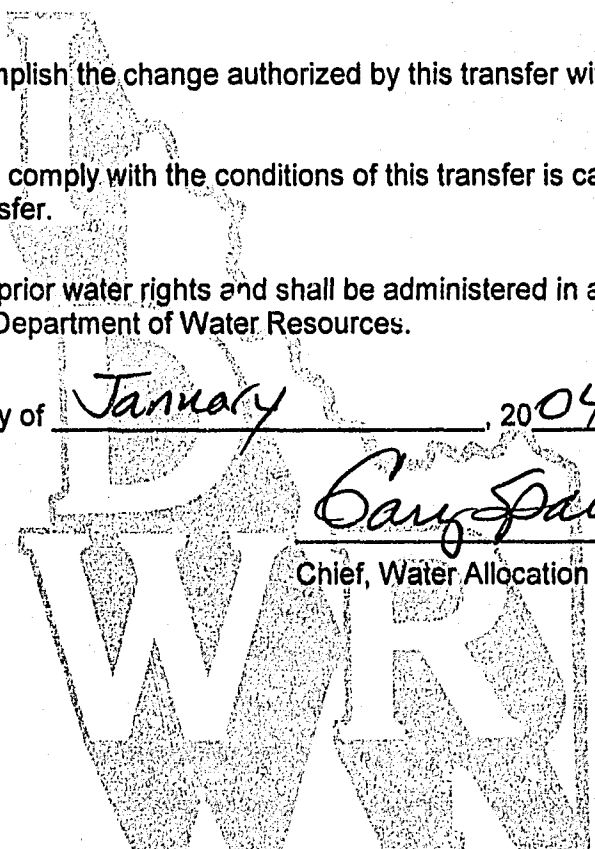
CONDITIONS OF APPROVAL

1. The right holder shall maintain a measuring device of a type approved by the Department as a part of the diverting works.
2. Domestic use is for 13 homes.
3. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 30th day of January, 2004


Chief, Water Allocation Bureau



SCANNED

FEB 18 2004

MEMORANDUM

Date: September 08, 2003
To: Transfer 70790
From: dcarlson
Re: transfer evaluation

This transfer proposes change the POU for the domestic homes and change and add the POU for stockwater. Some of the 13 homes have been replaced with newer homes in different locations. A new stockwater POU in the NWNW of sec 5 will be added

Authority to File:
Applicant is owner of record as far as the water right.

Water Right Validity:
This water right is for domestic use. Forfeiture is not an issue.

Injury to Other Water Rights:
Transfer will be advertised to determine any protests.

Enlargement of Use:
There is no evidence of enlargement of use.
Same number of homes and stockwater AF

Local Public Interest:
No issues identified.

Beneficial Use / Conservation of Water Resources:
No issue identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

SCANNED

SEP 12 2003

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 70790

CHEAPBECK WATER CO, 631 BENCH VIEW RD, GRACE ID 83241, has filed Application No. 70790 for changes to the following water rights within CARIBOU County:

Right No. 13-7347

Priority 7/17/1981

Source SPRING

Use STOCKWATER 0.12 CFS 7.0 AFA
DOMESTIC (0 acres)
FIRE PROTECTION

Total Amount 0.33 CFS 37.6 AFA

Point(s) of Diversion SESENW S3 T11S R41E

Place of Use S32 T10S R41E
S33 T10S R41E
S4 T11S R41E
S5 T11S R41E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant proposes to change the place of use for domestic homes and to add stockwater in the NWNW Sec 5 T11S R41E. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before January 20, 2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on January 1 and 8, 2004

SCANNED

JAN 22 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 23, 2003

Legal Notice Department
CARIBOU COUNTY SUN
PO BOX 815
SODA SPRINGS ID 83276

RE: Transfer No. 70790
Water Right No(s). 13-7347

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before January 20, 2004. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mauleel
12/28/03
ze*

SCANNED

JAN 22 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 23, 2003

CHEAPBECK WATER CO
631 BENCH VIEW RD
GRACE ID 83241

RE: Application for Transfer No 70790
Water Right No(s) 13-7347

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right transfer application. Please refer to the above referenced transfer number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Caribou County Sun on January 1 and 8, 2004. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

W Roger Warner
Water Rights Supervisor

WRW:sc

SCANNED
JAN 22 2004

RECEIVED
JAN 15 2004

Department of Water Resources
Eastern Region

PUBLIC NOTICE

First Time Published

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 70790**

CHEAPBECK WATER CO.,
631 BENCH VIEW ROAD,
GRACE, ID 83243, has filed
Application No. 70790 for changes
to the following water rights within
CARIBOU COUNTY:

Right No. 13-7347

Priority: 7/17/1981

Source: SPRING

Use: STOCKWATER 0.12 CFS
7.0 AFA, DOMESTIC (0 acres),
FIRE PROTECTION

Total Amount: 0.33 CFS 37.6
AFA

Point(s) of Diversion: SESENW
S3 T11S R41E

Place of Use: S32 T10S R41E,
S33 T10S R41E, S4 T11S R41E,
S5 T11S R41E

The purpose of the transfer is to
change a portion of the above rights
as follows:

The applicant proposes to
change the place of use for domes-
tic homes and to add stockwater in
the NWNW Sec. 5 T11S R41E.
Protests may be submitted based on
the criteria of Sec. 42-222, Idaho
Code.

Any protest against the pro-
posed change must be filed with the
Department of Water Resources,
Eastern Region, 900 North Skyline
Drive, Ste. A, Idaho Falls, ID
83402 together with a protest of
\$25.00 for each application on or
before Jan. 20, 2004. The protestant
must also send a copy of the protest
to the applicant.

(s) KARL J. DREHER

Director

Published on Jan. 1 and 8, 2004
in the Caribou County Sun.

**Affidavit of
Publication**

County of Caribou } ss.
State of Idaho }

Mark Steele

Being first duly sworn on his
oath, states:

That he is publisher
of the Caribou County Sun, a
newspaper of general circulation
in Caribou County, Idaho, pub-
lished weekly at Soda Springs in
said County that said newspaper
has been published in said
County uninterruptedly and con-
tinuously for over seventy-eight
consecutive weeks, prior to the
first publication of the annexed
notice or advertisement;

That the annexed notice was
published as per clipping
attached in the regular and entire
edition of said newspaper and
not in any supplement thereof for

two

successive weekly issues there-
of, the date of the first publica-
tion being the

First day of
January, 2004

The date of the last publication
being the eighth day of

January, 2004

On this 13th day of January

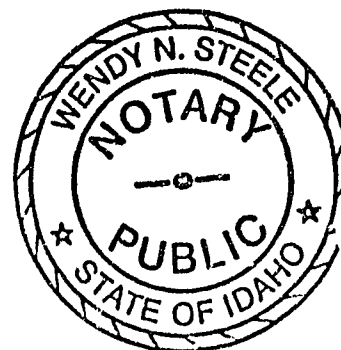
in the year of 2004, before
me, a Notary Public, personally
appeared

Mark Steele
known or identified to me to be
the person whose name sub-
scribed to the within instrument,
and being by me first duly
sworn, declared that the state-
ments therein are true, and
acknowledged to me that he exe-
cuted the same.

Mark Steele
Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:

March 11, 2006

SCANNED
JAN 22 2004





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 5, 2004

CHEAPBECK WATER CO
631 BENCH VIEW RD
GRACE ID 83241

RE: Transfer No.: 70790 - Water Right 13-7347 - Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

SCANNED
FEB 11 2004

If you have any questions, please contact me at 208-327-7940.

Sincerely,

for *Camila S. Hughes*
Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

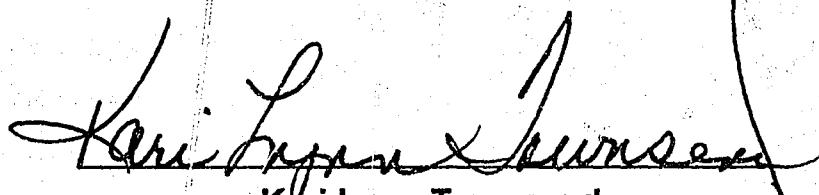
SCANNED
FEB 18 2004

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 70790 - WATER RIGHT 13-7347

**CHEAPBECK WATER CO
631 BENCH VIEW RD
GRACE ID 83241**


**Kari Lynn Townsend
Secretary**

**ANNED
FEB 18 2004**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.