

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Gary Len Miller Phone 648-7684
Post office address Box 184 Bancroft, ID 83217

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11 Township 10S
Range 40E B.M. Caribou County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.09 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.06 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.02 for Stockwater 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)

5. Total quantity to be appropriated:

a. 0.17 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well pump with distribution
lines to two domestic homes, stock troughs and irrigation system.

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

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

c. Proposed well diameter is 6 inches; proposed depth of well is 180 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 3 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: NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11 Township 10S
and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11 Township 10S
Range 40E 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 3 horses and range cattle

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

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

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S	40E	11						1.5 X	1.5 X										3

Total number of acres to be irrigated 3

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

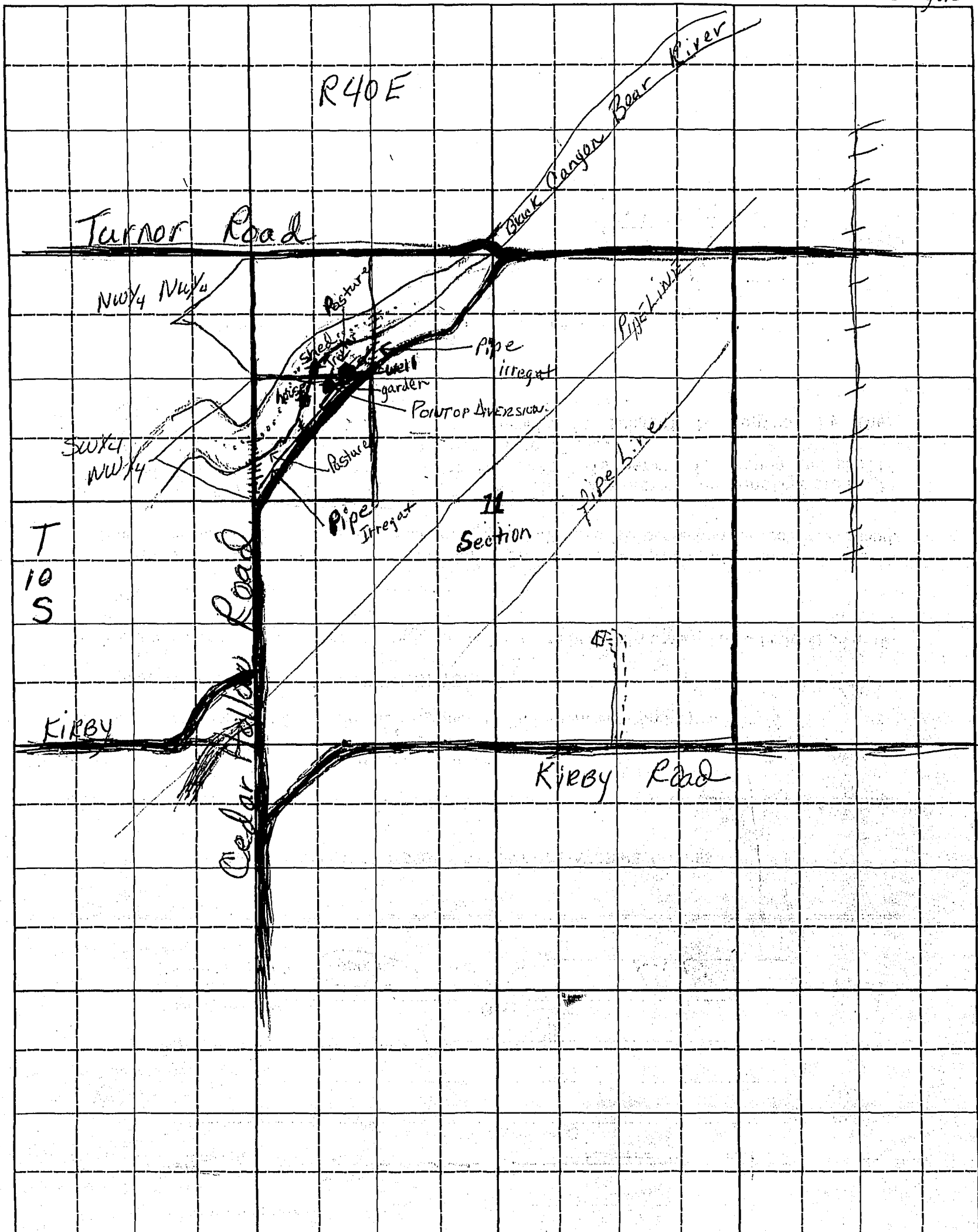
9. a. Who owns the property at the point of diversion Applicant

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

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

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. a portion of the $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 11: Beginning at a point on the centerline of Cedar Hollow Road across to the center of the Black Canyon



Scale: 2 inches equal 1 mile.
2 inches equal $\frac{1}{2}$ 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.

Georgy Miller
(Applicant)

Proposed Priority 7/26/83

Received by ew Date 7-26-83 Time 3:30p

Preliminary check by S.M. Fee \$ 30⁰⁰

Receipted by BP Date 7/26/83 # 29373

Publication prepared by BP Date 9/14/83

Published in Caribou County Sun

Publication dates 9/22 - 9/29/83

Publication approved ew Date 10-05-83

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ew

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. 13-7407, 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 November 1, 19 86.

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: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
Use of water under this permit is subject to control by the watermaster of State Water District 11, Bear River.

Witness my hand this 25th day of October, 1983.

J. M. Saxton
Chief, Operations Bureau

RECEIVED

OCT 3 1983
Department of Water Resources
Eastern District Office

Affidavit of Publication

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

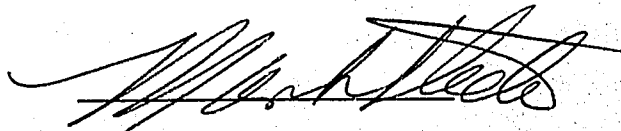
for 2 successive weekly
issues thereof, the date of the
first publication being the

22nd day of
September, 1983

The date of the last publication

being the 29th day of

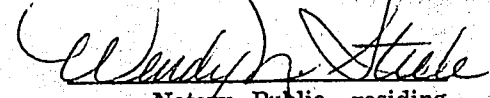
September, 1983



Subscribed and sworn to be-

fore me this 30th day

of September, 1983



Notary Public, residing
at Soda Springs, Idaho

(SEAL)

My Commission expires the

1st day of March

1984

PUBLIC NOTICE

First Time Published

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s)
have been filed to appropriate the
public waters of the State of
Idaho:

13-7407

MILLER, GARY LEN
BOX 184, BANCROFT, ID
83217

Source: GROUNDWATER

Date Filed: 07-26-1983

Diversion Point: SWNW Sec 11 T 10S R 40E

Use: IRRIGATION (0.09
CFS) STOCKWATER (0.02
CFS) DOMESTIC (0.06 CFS)

In: NWNW SWNW Sec 11 T
10S R 40E FOR 4 ACRES

The permit(s) will be subject to
all prior water rights. Protests
must be filed with the Director,
Dept. of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls,
Idaho 83402 on or before OCTO-
BER 10, 1983.

KEN DUNN

Director

Published Sept. 22 and 29,
1983 in the Caribou County Sun.

13-7407

MILLER, GARY LEN

BOX 184, BRANCROFT, ID 83217

Source: GROUNDWATER

Date Filed: 07/26/1983

Diversion Pt. SWNW Sec 11 T 10S R 40E

Use: IRRIGATION	(0.09 CFS)
STOCKWATER	(0.02 CFS)
DOMESTIC	(0.06 CFS)

In: NWNW SWNW Sec 11 T 10S R 40E FOR 4 ACRES

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before OCTOBER 10, 1983.

KEN DUNN, Dir.

Published 9/22 & 9/29/83.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

July 1, 1983

Gary Len Miller
Box 184
Bancroft, ID 83217

Dear Mr. Miller:

Enclosed is an application for permit that was received by this office, a typed application for permit, and examples of how to complete a map.

To complete the typed application the location of the point of diversion (item 3) by quarter quarter section must be completed as well as the location of the place of use of the homes and stock troughs (item 8 a.1.) by quarter-quarter section, section number, township and range.

The grid item 8b needs to indicate where the three acres are located for irrigation and item #11 the map needs to be completed as shown in the examples.

Upon receipt of a signed, completed, application and \$30 filing fee, processing will begin.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:jk

Enclosures

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Steve McIlmick APPLICATION NUMBER: 13 7407

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.
☒ Fee.

Field check by: _____

Date: _____

Comments: _____

- ☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☐ Other _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising. _____
Final date for protests: Oct. 10, 1983
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 10-3-83
☒ 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? 11
☒ 7-26-83 Date of priority recommended.
Special conditions of approval or cover letter. _____

Code 05, 26

By: Ernest Collier Date: Oct 13/1983

STATE OFFICE REVIEW:

417 26 05 (11, Bear River)

- ☐ See attached sheet for more information.

By: FW Date: 10/24/83

make "special approval letter"
use above paragraphs along
with 417. Thanks!

Department of Water Resources

November 16, 1983

RE: Permit No. 13-7407

Gary Len Miller
Box 184
Bancroft, ID 83217

Dear Permit Holder(s):

Enclosed is a copy of your approved Application for Permit. Note that one of the conditions of approval is that diversion of water under the permit is subject to the control of the Bear River watermaster. The reason for this is that some hydrologic studies of the Bear River indicate that wells constructed in the sand and gravel aquifers of the area may intercept water that otherwise would have entered the Bear River. However, the extent of the alluvial material thickness is not known nor is the precise degree of interference of wells with the Bear River surface water flows. Studies do indicate that as much as 50% of the water diverted from a well located one mile from the river would have reached the Bear River if impermeable layers of clay on hard rock do not separate the river from the aquifer from which the well is producing.

The information available to us at this time does not warrant refusing to issue you a permit but does merit cautioning you that any permit issued by the Department cannot deprive water users with earlier rights of their water supply.

The reason for conditioning the permit and explaining the potential interference problem is to make you aware that future tests may definitely show that diversion of water from your well should be administered together with the older surface water priorities of the Bear River and tributaries. If this were to occur, it would essentially mean that there would not be water available for a 1981 priority diversion from your well since the Bear River surface water system is fully appropriated. By locating your well as far from the

November 16, 1983

Page 2

river as possible and by casing out upper water producing zones as the well is constructed, you may be able to reduce the amount of interference with the river.

The 1983 Idaho Legislature added a requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed instructions 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

DRT:sc

Enclosures

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 13-7407 IN THE
NAME OF GARY LEN MILLER

)
) ORDER OF REINSTATEMENT
)
)

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before November 1, 1986; and,

WHEREAS, the Department has notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

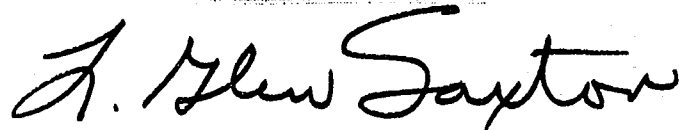
WHEREAS, the Department has notified the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause by the permit holder after the permit lapses; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on January 26, 1987;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 13-7407 be REINSTATED and the priority advanced to October 20, 1983.

Dated this 11th day of February, 1987.


L. GLEN SAXTON
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
AUGUST 31, 1986

138217

MILLER, GARY LEN
BOX 184
BANCROFT, ID 83217

PROOF DUE NOTICE

RE: PERMIT NO. 13-7407

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 NOVEMBER 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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

CLAIM CHECK
192666

☐ HOLD

DATE

9-8

1ST NOTICE

2ND NOTICE

9-13

RETURN

9-23

Detached from
PS Form 3849-A
Oct 80

RETURNED TO SENDER

REASON CHECKED

Unclaimed ☒ Refused

Addressee unknown

Insufficient address

No such street number

No such office in state

Not mailed in this envelope

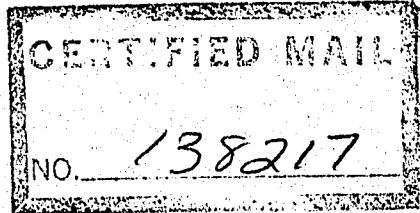
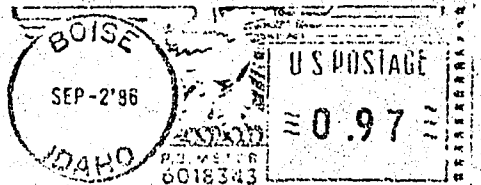
RECEIVED
SEP 25 1988

Department of Water Resources

Box 606

Grange, Idaho

83241



INTER-DEPARTMENT MEMO — 1

FROM

Rita Fleck

DATE 10-1-1986

TO

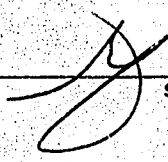
File 13-7407

SUBJECT

Returned Bk Notice

The Caribou County Assessor's Office has an address of Grace, Id. and the same address for Bancroft.

I'm going to send this to the Grace address on the envelope again since the notice came back marked "unclaimed"


SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
NOVEMBER 13, 1986

MILLER, GARY LEN
BOX 184
BANCROFT, ID 83217

Box 606
Grace, ID 83241

LAPSE NOTICE

RE: PERMIT NO. 13-7407

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A, IDAHO CODE, THE ABOVE REFERENCED WATER PERMIT HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE PROOF OF BENEFICIAL USE SUBMITTAL OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED AUGUST 31, 1986.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT PROOF OF BENEFICIAL USE OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED PROOF OF BENEFICIAL USE SUBMITTAL (INCLUDING THE EXAMINATION FEE OR A COMPLETED FIELD EXAMINATION REPORT) OR THE EXTENSION REQUEST FORM TOGETHER WITH THE \$15 FEE MUST BE RECEIVED BY THIS DEPARTMENT WITHIN SIXTY DAYS OF THE DATE OF MAILING OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A PROOF OF BENEFICIAL USE FORM AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

CERTIFICATION OF MAILING

I hereby certify that on 11-21-1986
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Rita Fleck

STATE OF IDAHO
Department of Water Resources

No 40997

Boise, Idaho, 1-26, 1987

RECEIVED FROM Gary L. Miller of Lose \$50⁰⁰
Fifty & no/100 DOLLARS

CK 1286 92-1/1241

FOR		
<u>Proof fee</u>	\$	
<u>13-7407</u>	\$	
	\$	
<u>0630722-1238</u>	\$	
TOTAL - - -	\$	<u>50</u>

Roberta Harvett

Form 217
03/86

RECEIVED
JAN 26 1987

STATE OF IDAHO Department of Water Resources
DEPARTMENT OF WATER RESOURCES

For Office Use Only
Fee Received \$50.00
Date 1-26-87
Receipt # 40997
Receipt by
Reviewed by
Sent to region

PROOF OF BENEFICIAL USE

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. 13-7407
Name(s) of Permit Holder: GARY LEN MILLER
Post Office Address: POB 606 GRACE IDA 83241
Telephone No. 425 3542

Source of Water: WELL

Extent of Use:

Domestic (.06) (number of households) Stockwater (.02) 3 HORSES (number and type of stock)
Irrigation (.09) 3 (acres) Other/Remark

Total rate and/or volume for which proof is submitted 0.17 cfs 3 acre-feet

Show the date water was first diverted and beneficially used under this permit: AUG/1983

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

Fee enclosed \$ 50
(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:

GARY MILLER
(Name)

425 3542
(Telephone Number)

POB 606 GRACE IDAHO 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.

1-10-86
Date

Gary Len Miller
Signature of Permit Holder (and title, if appropriate)

CALCULATION OF NEW PRIORITY DATE

FROM: RITA FLECK

TO: FILE # 13-7407

DATE: 2-11-1987

Date proof received (365 + 26 =) 391

Proof due -305

Number of day proof late 86

Priority date +207

New priority date 293

Jan. 26, 1987

Nov. 1

July 26, 1983

Oct. 20, 1983

Remarks:

MEMORANDUM

February 11, 1987

TO: File 13-7407

FROM: L. Glen Saxton *WLS*

RE: Submittal of Proof of Beneficial Use

The lapse notice for Permit No. 13-7407 was sent on November 21, 1986. Subsequent to that date, but on an undated memo, the department received a call from the permit holder relative to the lapse notice and was requested to return the call. Attempts to return the call were made for two weeks.

The permit holder eventually contacted the department and the proof of beneficial use was submitted. The proof, however, was submitted on the 66th day after the proof due notice was sent.

It is my recommendation in this case that the proof be considered timely filed and treated similar to extension requests where additional time is allowed to provide additional information. The priority, however, probably should be advanced the full number of days late, since the undated memo of the phone call does not provide a basis for other action.