

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 Arlo M. and/or Judith A. Larsen Phone 582-1768

Post office address Rt. 3, Box 339 A Preston, ID 83263

2. Source of water supply Unnamed Stream which is a tributary of Worm Creek

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 19 Township 15S

Range 40E B.M. Franklin County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 40.0 for Aesthetic Storage 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. _____ cubic feet per second and/or b. 40.0 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing Dam

b. Height of storage dam 20 feet, active reservoir capacity 0 acre-feet; total reservoir capacity 40 acre-feet, materials used in storage dam: Earth (clay)

Period of year when water will be diverted to storage 1-1 to 12-31 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 5 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: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 19 Township 15S

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 _____

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

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

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

[illegible]

Total number of acres to be irrigated

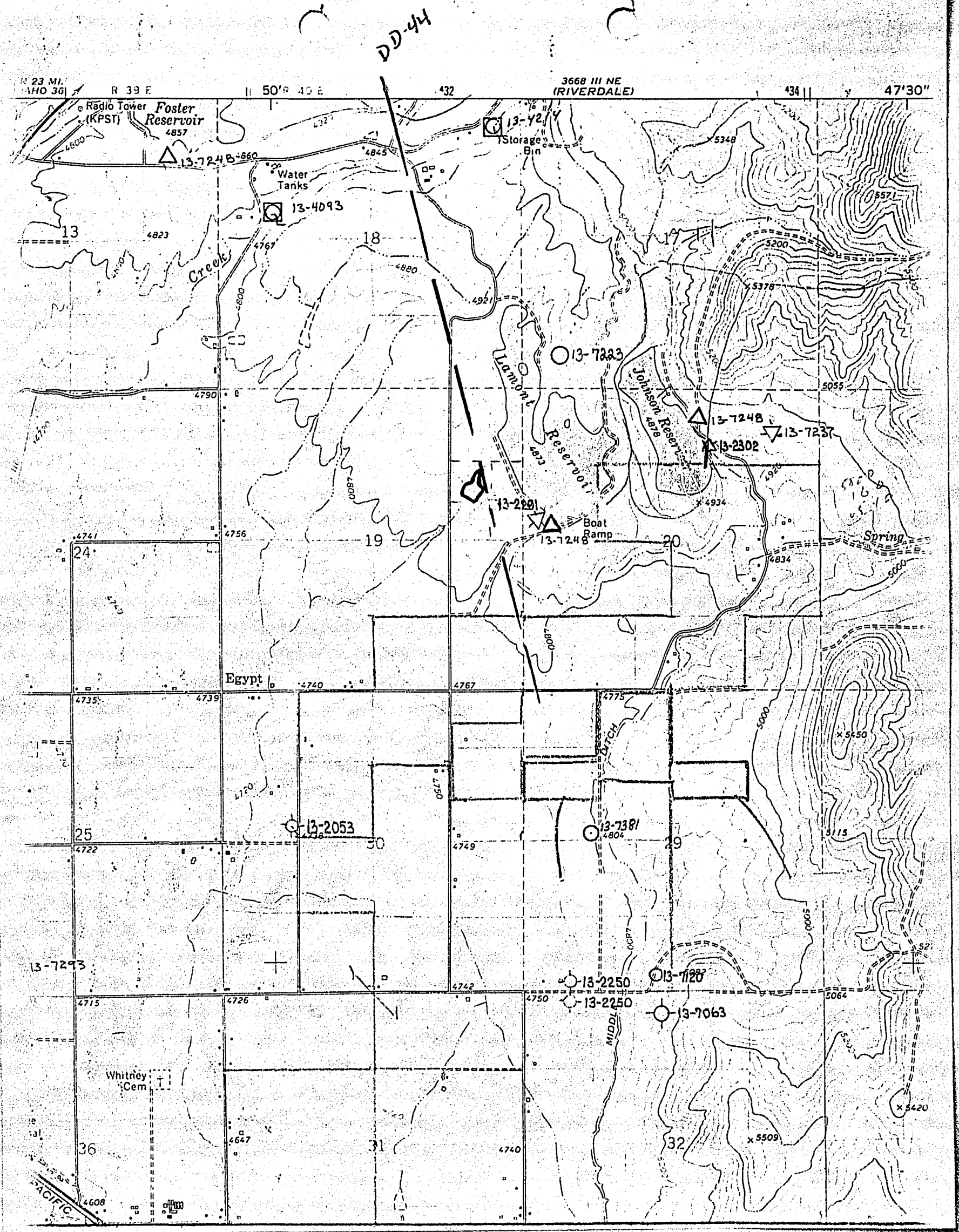
c. Describe any other water rights used for the same purposes as described above. None

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

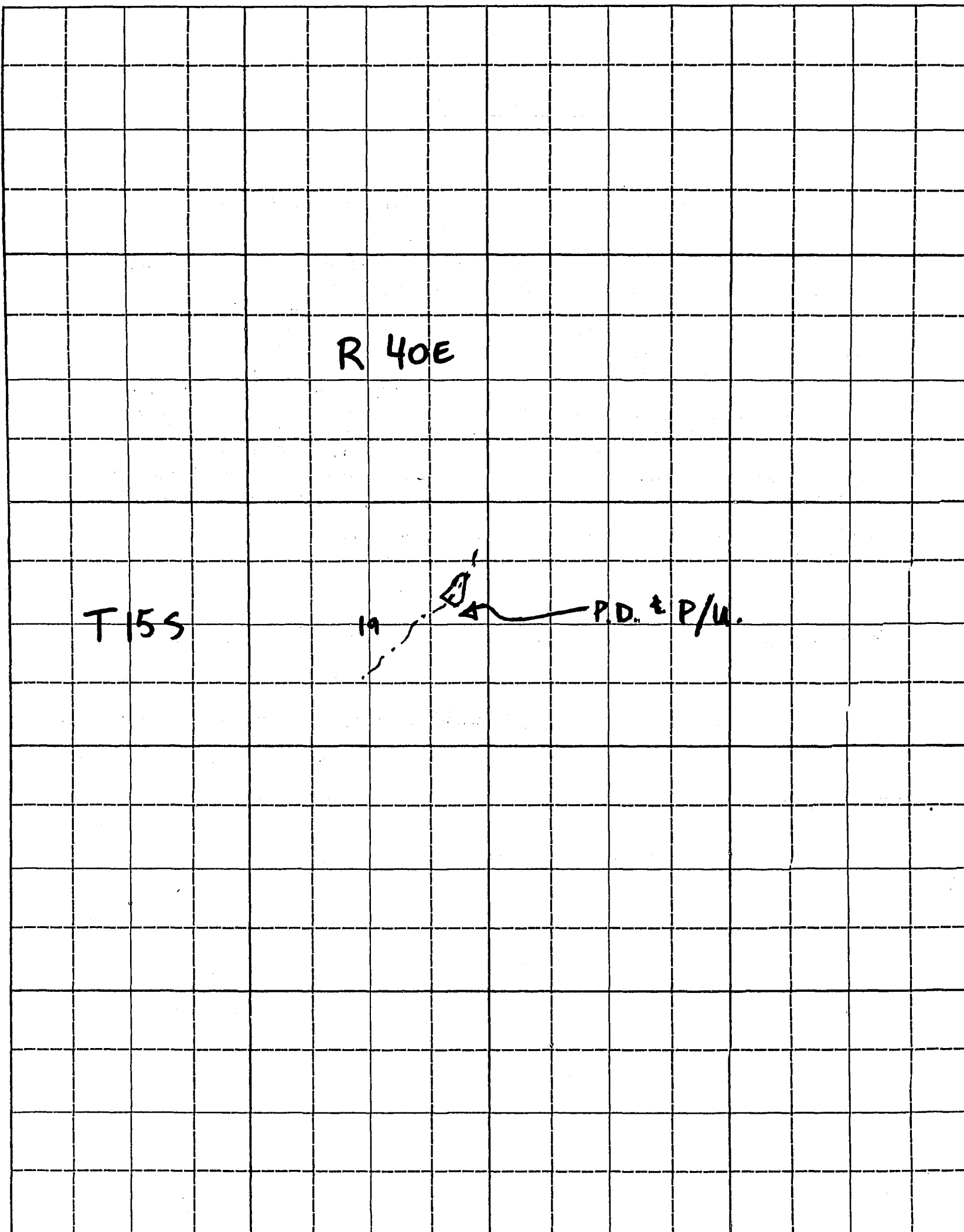
b. Who owns the land to be irrigated or place of use " "

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

10. Remarks



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



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.

Orlo M. Larsen
(Applicant)

Proposed Priority 4/25/85

Received by DRT Date 5-07-85 Time 12:05 P.
Apr 25, 1985 11:15 PM
Preliminary check by KW Fee \$ 45.00
Receipted by 14 Date 4-25-85 # 36420
Publication prepared by at Date 5-15-85
Published in Prairie (Pittman)
Publication dates 5-23 & 5-30-85
Publication approved kw Date 6-07-85
Protests filed by: none

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

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. 13-7428, 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 June 1, 19 90.
 - 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:

The storage of water under this permit is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

Use of water under this permit shall be non-consumptive.

Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

Use of water under this permit is subject to control by the watermaster of State Water District No. 13A, Cub River.

Witness my hand this 28th day of June, 1985.

A. Glen Saxton
Chief, Operations Bureau

#475 MAY 30 1985

No 2312

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. William Ross
being duly sworn,

deposes and says:

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

Such notice was published in the issue beginning with

May 23, 1985, and ending
with the issue of May 30, 1985

Fee \$ 23.63

Subscribed and sworn to before me this 29th day
of May, 1985.

Ken D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1986.

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-7428

LARSEN, ARLO M. &/or JUDITH A.
ROUTE 3 BOX 339 A, PRESTON, ID
83263

Source: UNNAMED STREAM trib. to
WORM CREEK

Date filed: 04/25/1985

Diversion Pt: SENE Sec 19 T 15S R 40E
Use: AESTHETIC STORAGE (40.0 AF)

In: SENE Sec 19 T 15S R 40E

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 JUNE 10, 1985.

KEN DUNN, Dir.

Legal No. 2312 -27L- Publish May 23, 30, 1985.

RECEIVED

JUN 7 1985

Department of Water Resources
Eastern District Office

13-2428-

LARSEN, ARLO M. &/or JUDITH A.

ROUTE 3 BOX 339 A, PRESTON, ID 83263

Source: UNNAMED STREAM trib. to WORM CREEK

Date Filed: 04/25/1985

Diversion Pt: SENE Sec 19 T 15S R 40E

Use: AESTHETIC STORAGE (40.0 AF)

In: SENE Sec 19 T 15S R 40E

*proofed by phone
5-20-85
et*

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KEN DUNN, Dir.

Published 5/23 & 5/30/85.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MAY 15, 1985

The Preston Citizen
P. O. Box 472
Preston, Idaho 83263

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 JUNE 10, 1985.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

May 20, 1985

RE: Application for Permit No. 13-7428 LARSEN

Mr. Conan Foster, Watermaster
Water District No. 13-A
Rt. #3
Preston, ID 83263

Dear Mr. Foster:

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is June 10, 1985, 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

Enclosure

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: KEITH C WILSON

APPLICATION NUMBER: 13 7428

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.
☐ 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.

Field check by: _____
Date: _____
Comments: _____

9 May 1985 Talked w/ Steve McCormick, Dam Safety Personnel, Steve said that he would inspect dam when in the area but he did not believe dam would require inspection/certificate.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

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 W.D. 13-A

Copies sent by: _____ Date: _____

(CW) 5-20-85

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: 6-10-85
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 6-07-85
☐ 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? 13A
4-25-85 Date of priority recommended.
Special conditions of approval or cover letter.
05 (W.P. 13A), 18A, 18B

used 18A instead A LOCKABLE DEVICE, SUBJECT TO THE APPROVAL OF THE DEPT. SHALL BE PERMANENTLY INSTALLED ON THE OUTLET PIPE IN A MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE CONTROL OF THE DIVERSION.

By: Ernest Caisher. Date: June 11, 1985.

STATE OFFICE REVIEW:

109, 117 27 18B 18A 26 05 (13A, CUB, 18B)

- ☐ See attached sheet for more information.
By: KW

Date: 6/18/85 JUN 18 1985

Department of Water Resources

MEMORANDUM

TO: File No. 13-7428
FROM: Dave Tuthill *DPT*
DATE: June 21, 1985
RE: Explanation of Aesthetic Storage Use

The purpose of this memorandum is to provide additional information regarding the circumstances of the aesthetic storage use identified on the above-numbered water right Application for Permit.

Mr. Arlo M. Larsen visited this office on April 25, 1985, with the intent to record a water right for a proposed use. Mr. Larsen indicated that he owns the property surrounding an existing small pond or reservoir located in the Worm Creek drainage basin. Mr. Larsen indicated that the water in the pond has not been beneficially utilized in the past, but that he intends to build a home on the banks of the pond, and desires to maintain water in the pond for aesthetic purposes.

I advised Mr. Larsen that the only means of insuring that water would be maintained in the reservoir would be to develop a recorded water right to the use. Because an adjudication was recently conducted in the area for which no water right for this water was recorded, and because the aesthetic uses are not fully developed since his proposed house has not yet been constructed, the proper method of recording appeared to be to file an Application for Permit. Mr. Larsen opted to show five years as the development period in order to insure that he could construct his house and be able to demonstrate aesthetic use of the water to the field examiner when the examination is conducted.

Because the diversion structure in this system is an existing dam, a requirement that excavation or construction of diverting works be commenced within one year of date of approval of the permit is not required.

July 12, 1985

RE: Permit No. 13-7428

Arlo M. &/or Judith A. Larsen
Rt. 3, Box 339A
Preston, ID 83263

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.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

Please note the 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 a form entitled "Instructions for 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. 13-7428 IN THE)
NAME OF ARLO M. & \OR JUDITH A. LARSEN) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department 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 June 1, 1990; and,

WHEREAS, the Department has notified the permit holders by certified mail that proof was due and instructed the permit holders as to the steps to be taken to make said proof; and,

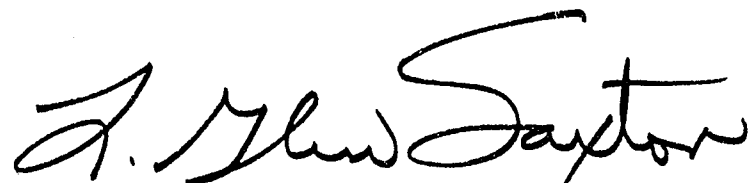
WHEREAS, on June 1, 1990 the permit lapsed for failure of the permit holders to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of lapsing; and,

WHEREAS, the permit holders have provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on June 4, 1990;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 13-7428 be REINSTATED and the priority advanced to April 28, 1985.

Dated this 3rd day of August, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau

130309
March 31, 1990

ARLO M. LARSEN
JUDITH A. LARSEN
ROUTE 3 BOX 339 A
PRESTON, ID 83263

PROOF DUE NOTICE

RE: PERMIT NO. 13-07428

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 June 1, 1990.

(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 complete 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
08/89

RECEIVED
JUN 4 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only

Amt. of Fee \$ 100.00

Date 6/4/90

Receipt No. 6017113

Received by L. Devine

8-8-6-90

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have 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. 13-7428

Telephone No. 852-1036

Name(s) of Permit Holder(s): ARLO M. & OR JUDITH A. LARSEN

Post Office Address: Rt. 3, Box 339A - (582 N ^{NEW} 2200E) - PRESTON, IDAHO 83263

Source of Water: UNNAMED STREAM

If ground water, well driller's name: _____

Date drilled: _____

Extent of Use:

Domestic 1 (No. of households)

Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock)

Other RECREATIONAL STORAGE

Total rate and/or volume for which proof is submitted _____ cfs 40 acre/feet

Show date water was first diverted and beneficially used under this permit: 1985

One of the following may be a condition of approval of your permit:

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

OR

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

Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)

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

ARLO OR JUDY LARSEN
Name

852-1036
Telephone No.

582 N. 2200 E. PRESTON, IDAHO 83263
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.

MAY 29 1990
Date

Arlo M. Larsen
Signature (and title if on behalf of a company or organization)

August 8, 1990

ARLO M. LARSEN
JUDITH A. LARSEN
ROUTE 3 BOX 339 A
PRESTON, ID 83263

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07428

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I note that the permit issued to you by the department requires the installation of a measuring device to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

/ The installation of the measuring device must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region