

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

Ident. No. 13-1525

RECEIVED  
SEP 19 1994

Department of Water Resources

- To appropriate the public waters of the State of Idaho
1. Name of applicant Dwight B. Carter, and  
M. Douglas Carter Family Trust Phone 208-427-6323  
Post office address 1594 Carter Lane, Grace, ID 83241
2. Source of water supply Unnamed spring which is a tributary of sinks
3. Location of point of diversion is NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_  
Sec. 1 Township 11 South Range 39 East B.M. Caribou County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
0.02 cfs for stockwater purposes from Jan 1 to Dec 1 (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 is (a) 0.02 cfs and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. This is an existing system. An  
underground pipe carries water from spring source in NENWSE of Section 1, TS11S,  
R39E, Boise Meridian, about 200 feet to a 6'x6'x6' concrete collection box, located in  
NWNESE of Sect 1. Water is then piped to 3 troughs with shutoff floats, at places of use.
- b. Height of storage dam N/A feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity N/A acre-feet; period of year when water will be diverted to storage:  
\_\_\_\_\_ to \_\_\_\_\_ inclusive.
- c. Proposed well diameter is N/A inches; proposed depth of well is \_\_\_\_\_ feet.
- d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is  
This system has been in use for 4-5 years.  
1 years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- b. Stockwatering; list number and kind of livestock. beef cattle, approximately 200 head
- c. Municipal; show name of municipality. \_\_\_\_\_
- d. Domestic; show number of households. \_\_\_\_\_
- e. Other; describe fully. \_\_\_\_\_

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

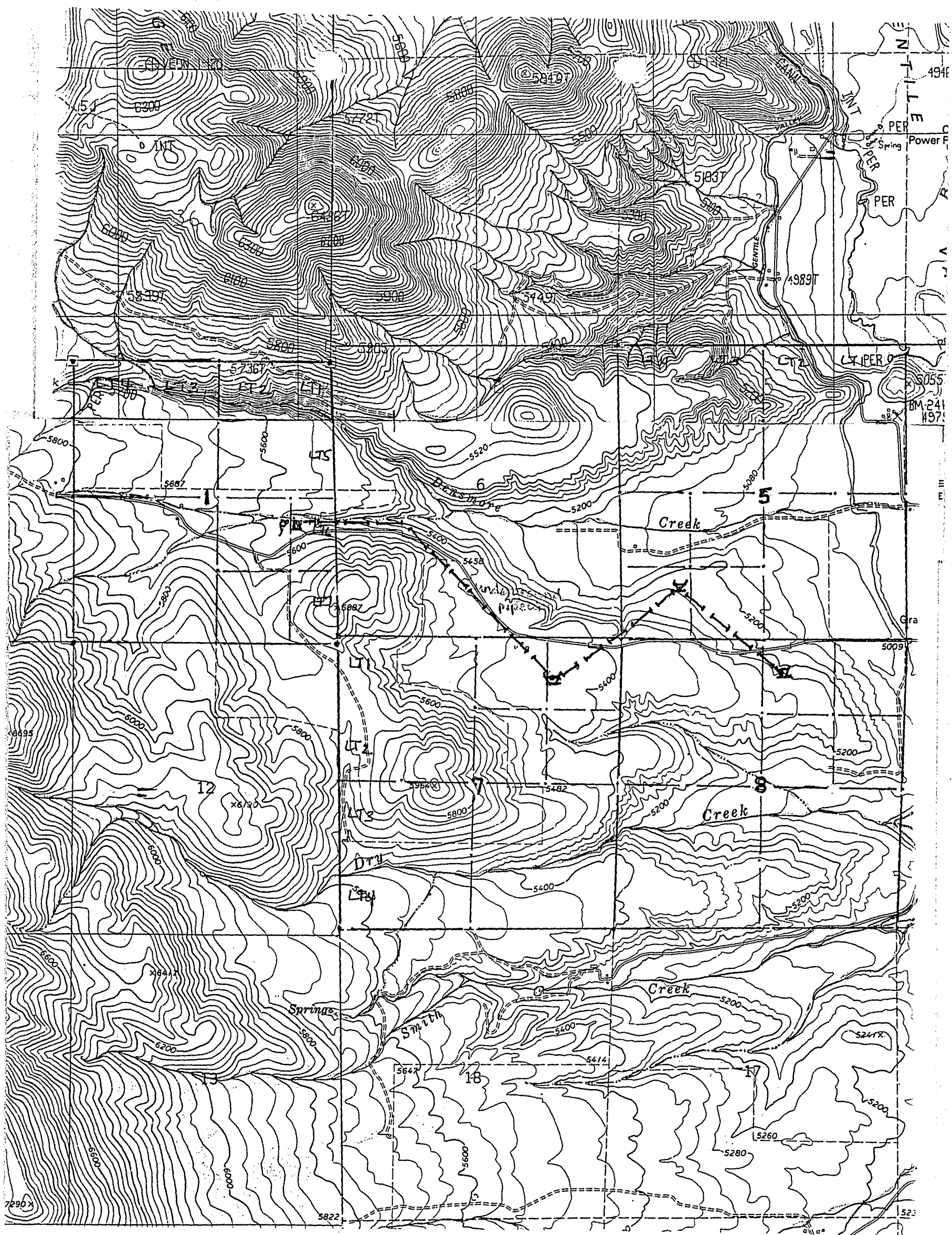
| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 11S | 40E   | 7    | S   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
| 11S | 40E   | 5    |     |     |     |     |     |     |     |     |     | S   |     |     |     |     |     |     |        |
| 11S | 40E   | 8    |     | S   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated \_\_\_\_\_

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

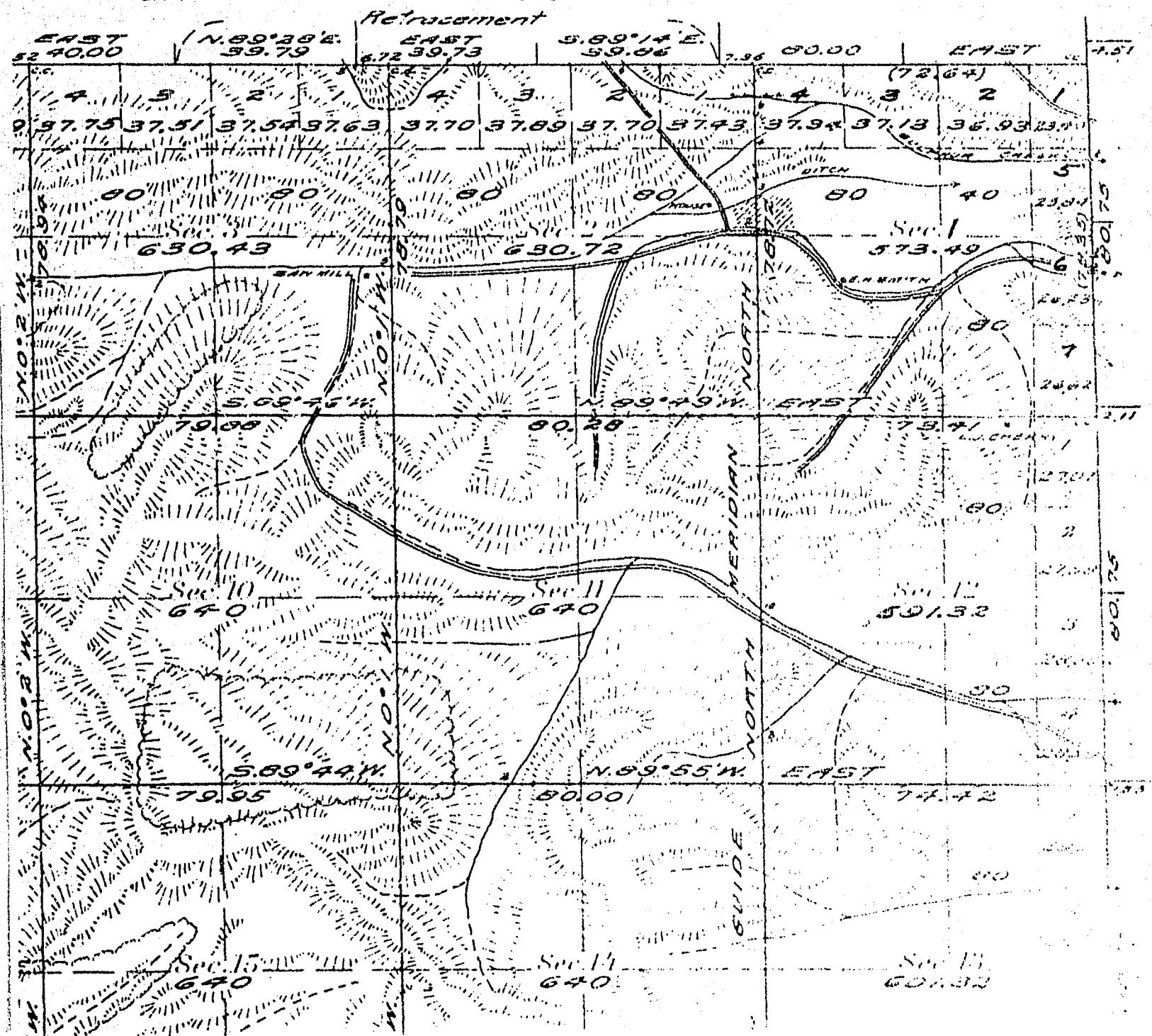
11. a. Who owns the property at the point of diversion? Don W. Gilbert
- b. Who owns the land to be irrigated or place of use? Dwight B. Carter, and M. Douglas Carter Family Trust
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. See attached deeds and explanatory note.

12. Remarks: \_\_\_\_\_

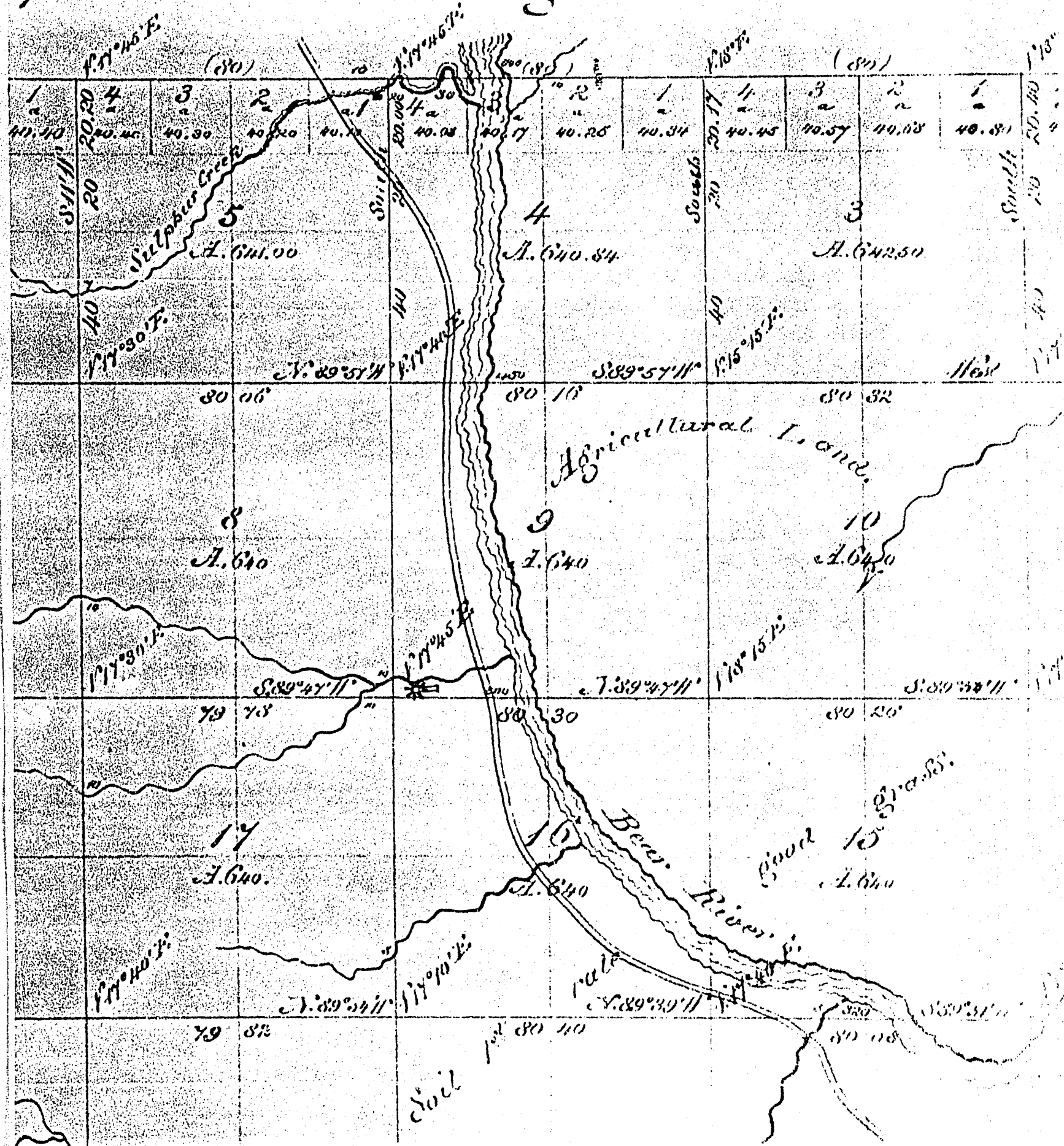


D                      C                      B                      A

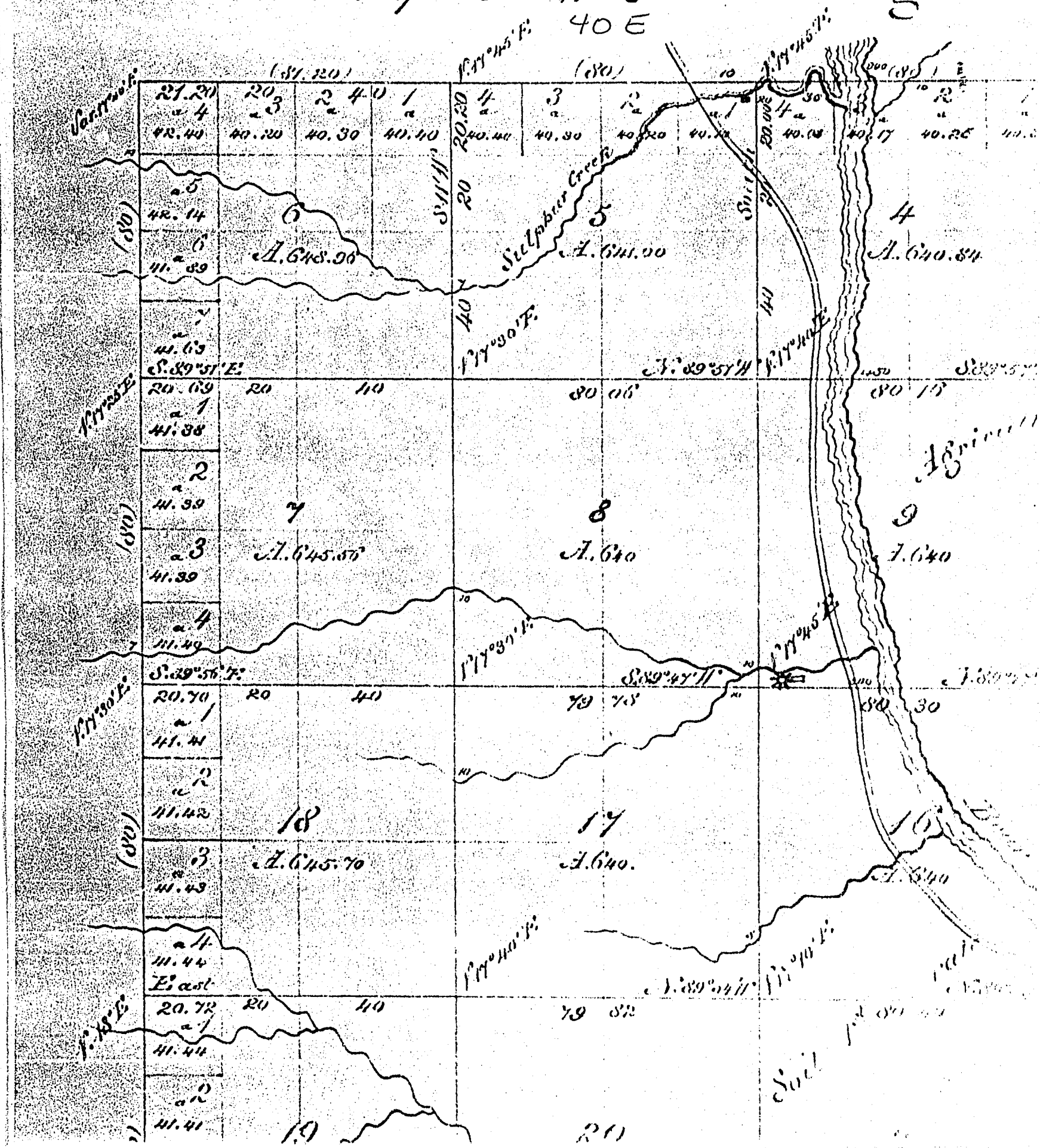
Sec. 34                      Sec. 35                      Sec. 36



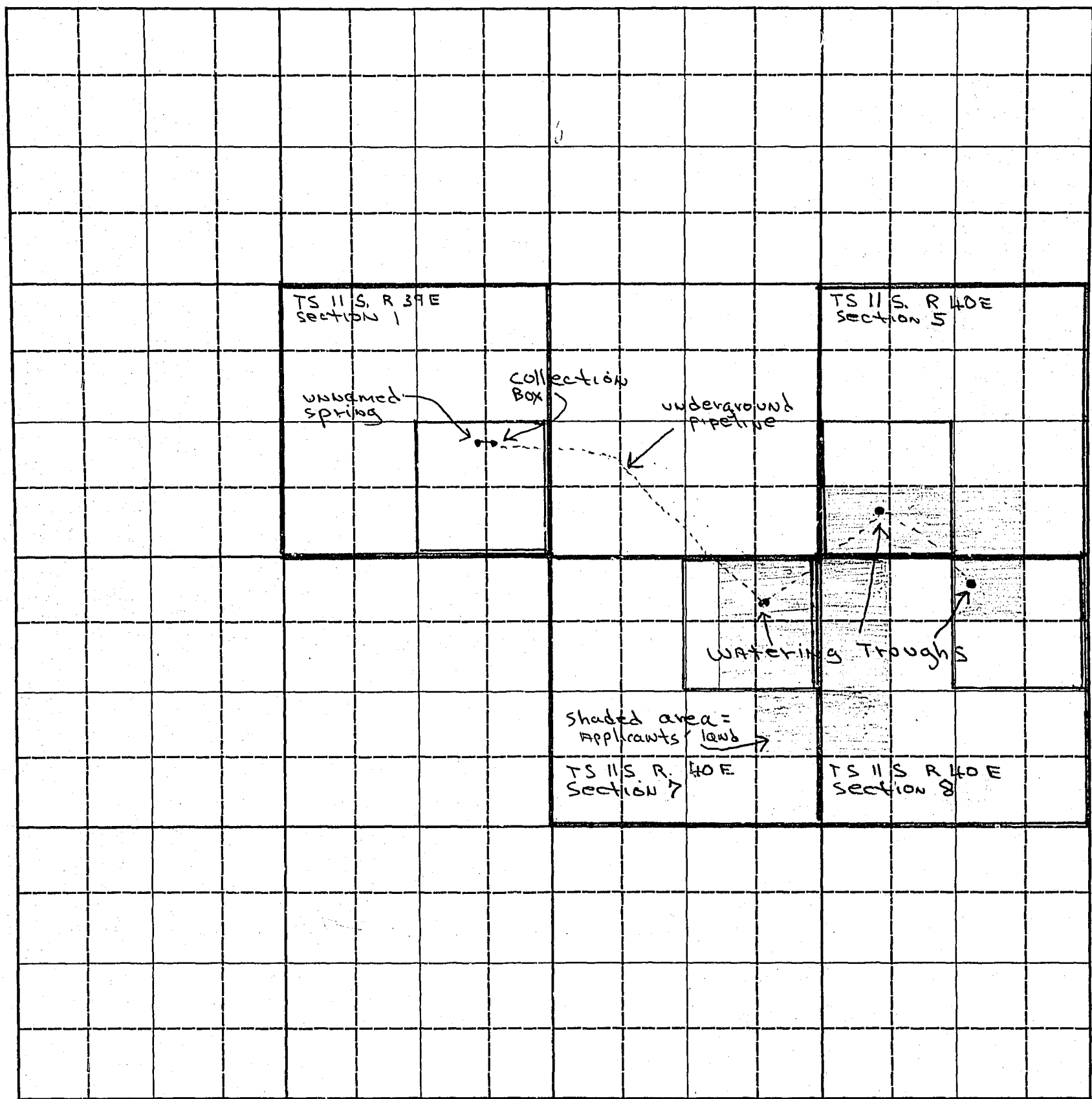
# Up No 11 South Range No. 40 East 1/2



# Township No 11 South Range



13. 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.

*Dwight Carter*  
*Myron R. Carter*  
 (Applicant)

Received by LB Date 7-19-94 Time 11:52 am Preliminary check by \_\_\_\_\_  
Fee \$ 50<sup>00</sup> Receipted by HWJ # E020064 Date 7-20-94  
Publication prepared by LB Date 8-18-94 Published in Caribou County Sun  
8-25-94  
Publication approved LB Date 9-6-94

### 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. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

State of Idaho  
Department of Water Resources  
**Permit To Appropriate Water**

NO. 13-07525

Proposed Priority: July 19, 1994

Maximum Diversion Rate:

0.02 CFS

This is to certify, that DWIGHT B CARTER  
M DOUGLAS CARTER FAMILY TRUST  
1594 CARTER LN  
GRACE ID 83241

has applied for a permit to appropriate water from:

SPRING

tributary of SINKS

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

STOCKWATER

01/01 to 12/31

0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENWSE , Sec. 1, Township 11S, Range 39E  
CARIBOU County

PLACE OF USE: STOCKWATER

TWN RGE SEC

11S 40E 5

SWSW

7

NENE

8

NWNE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1995.
2. Subject to all prior water rights.
3. Stockwater use is for 200 range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.  
Witness the signature of the Director, affixed at Boise, this

21<sup>st</sup> day of October, 1994.

*R. Keith Higginson*  
for R. Keith Higginson, Director

Form 217  
1/7/90

RECEIVED

OCT 31 1994

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only  
Amt. of Fee \$25 @ 25  
Date 10-31-94  
Receipt No. C031573  
Received by RF

C031574

## 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.

1. Permit No. 13-07525 Telephone No. 208-427-6327

2. Name(s) of Permit Holder(s): Dwight B. CARTER - H. Douglas CARTER Family Trust

3. Post Office Address: 1594 CARTER LN. GRACE Idaho 83241

4. Source of Water: Spring

a. If ground water, well driller's name: \_\_\_\_\_ Date drilled: \_\_\_\_\_

b. Pump horsepower: \_\_\_\_\_ Pressure (psi): \_\_\_\_\_ Dynamic pumping level (ft.): \_\_\_\_\_

5. Extent of Use:

Domestic \_\_\_\_\_ (No. of households) Irrigation \_\_\_\_\_ (No. of acres)

Stockwater 200 (No. and type of stock) Other \_\_\_\_\_

RANGE CATTLE

6. Total rate and/or volume for which proof is submitted 0.02 cfs \_\_\_\_\_ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

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

OR

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

8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

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

Dwight CARTER 208-427-6327  
Name Telephone No.

1680 ROPER LN. GRACE Idaho 83241  
Address

10. 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.

10/26/94  
Date

Dwight Carter  
Signature (and title if on behalf of a company or organization)

Explanatory Note:

The attached deeds show the chain of title for the subject spring, as a "perpetual right to use the waters of spring", together with a "right-of-way over intervening property from said spring" (in Section 1), for use in Sections 7 and 8. George Sivell Smith homesteaded the property where the spring is located, as well as the property to which applicants are successors in interest.

The property where the spring is located is presently owned by Don Gilbert. Gilbert's chain of title also comes through George Sivell Smith, and all deeds on the chain of title include an exception for the above-referenced spring, as well as the above-referenced right-of-way.

## Warranty Deed

THIS INDENTURE, Made this seventh day of March  
in the year of our Lord One Thousand Nine Hundred and fifty-one, between  
George Sivell Smith and Ethel E. Smith, husband and wife  
of Grace, County of Caribou, State of Idaho  
the part 1es of the first part, and  
John S. Smith and Josephine MaRea Smith, husband and wife,  
of Grace, County of Caribou, State of Idaho  
the part 1es of the second part:

WITNESSETH: That the said part 1es of the first part, for and in consideration of the sum of  
Eighty five hundred and no/100 - - - - - DOLLARS,  
lawful money of the United States of America, to them in hand paid by the said part 1es of the second part, the receipt  
whereof is hereby acknowledged

, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said part  
of the second part, and to and assigns forever: All th at certain lot  
piece or parcel of land situate, lying and being in the County of Caribou State of Idaho, bounded  
and more particularly described as follows, to-wit:

The East half of the West Half of the Northeast Quarter, the East Half  
of the Northeast Quarter, and the Northeast Quarter of the Southeast Quarter  
of Section Seven; the West Half of the Northwest and the Northwest Quarter  
of the Southwest Quarter of Section Eight; all in Township Eleven South, Range  
Forty East of the Boise Meridian.

Together with the perpetual right to use of waters of spring for  
domestic use a nd right of way over intervening property from said spring  
located in the Northwest Quarter of the Southeast Quarter of Sec. One,  
Township 11 South, Range 39 E. B. M.



Together with all and singular, the tenements, hereditaments and appur  
the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident  
unto the said part 1es of the second part, and to their heirs and assigns forever. And the said part 1es of the  
first part, and their heirs the said premises in the quiet and peaceable possession of the said part 1es of the second part,  
and their heirs assigns against the said part 1es of the first part, and their heirs and against all and every  
person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said part 1es of the first part have hereunto set their hands and seals  
the day and year first above written.

Signed, Sealed and Delivered in the Presence of

George Sivell Smith (Seal)  
Ethel E. Smith (Seal)  
(Seal)  
(Seal)

Instrument #39643

WARREN DEED

For Value Received JOHN S. SMITH and JOSEPHINE MA REA SMITH, husband and wife, the grantors, do hereby grant, bargain, sell and convey unto ERNEST OLSEN and SADIE L. OLSEN, husband and wife, as joint tenants, with full right of survivorship, the grantees, the following described premises, to-wit:

The East Half of the West Half of the Northeast Quarter, the East Half of the Northeast Quarter, and the Northeast Quarter of the Southeast Quarter of Section 7, The West Half of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 8, all in Township 11 South, Range 40 East of the Boise Meridian.

Together with the perpetual right to use of waters of spring for domestic use and right of way over intervening property from said springs located in the Northwest Quarter of the Southeast Quarter of Section 1, Township 11 South, Range 39 East of the Boise Meridian, as now located and used.

The South Half of the Southwest Quarter, and the Southwest Quarter of the Southeast Quarter of Section 5; and the Northwest Quarter of the Northeast Quarter of Section 8; all in Township 11 South, Range 40 East of the Boise Meridian.

(\$15.40 I. R. Stamps)

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantees, Their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances except mortgage in favor of Federal Land Bank and indebtedness due to George Sivall Smith and Ethel L. Smith, which said obligations are assumed by the grantees herein, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: August 13, 1957.  
B. J. Resten

John S. Smith  
Josephine MaRea Smith

STATE OF UTAH, County of Cache

On this 13th day of August, 1957, before me, a notary public in and for said State, personally appeared John S. Smith and his wife, Josephine MaRea Smith, known to me to be the persons who names are subscribed to the within instrument, and acknowledged to me that they executed the same.

At request of Mountain States Realty  
August 15, 1957 at 11:35 A.M.  
Fee: \$1.50

SEAL

S. L. Hyman Notary Public  
Residing at Logan, Utah  
Comm. Expires Dec. 30, 1959

COLIN CHESTER  
RECORDER

*Colin Chester* -----00----- *Realty*

Instrument #39644

QUITCLAIM DEED

THIS INDENTURE, Made this Fifteenth day of August, in the year of our Lord one thousand nine hundred and Fifty-seven, between LARGILLIERE COMPANY BANKERS, a corporation, of Soda Springs County of Caribou, State of Idaho, the party of the first part, and DAVID H. FLINT and LOIS FLINT, husband and wife, of Kaysville, County of Davis, State of Utah, the parties of the second part.

WITNESSETH That the said party of the first part, for and in consideration of the sum of ONE AND NO/100THS (\$1.00)-----DOLLARS, LAWFUL Money of the United States of America, to it in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM, unto the said parties of the second part, and to their heirs and assigns, all those certain lots, pieces or parcels of land, situate, lying and being in the County of Caribou

142531

### QUIT CLAIM DEED

ERNEST OLSEN, individually and as Trustee of the Ernest Olsen Revocable Trust dated July 5, 1985, and SADIE L. OLSEN, individually and as Trustee of the Sadie L. Olsen Revocable Trust dated July 5, 1985, Grantors of North Logan, County of Cache, State of Utah, hereby QUIT CLAIM to DWIGHT B. CARTER, a single man, and M. DOUGLAS CARTER and ELAINE CARTER, Co-Trustees in Trust of the M. Douglas Carter Family Trust dated February 13, 1990, Grantees of 1594 Carter Lane, Grace, Idaho 83241, for the sum of Ten Dollars and other good and valuable consideration, the following described tract of land in Caribou County, State of Idaho:

A perpetual right to use of waters of spring for domestic use and right-of-way over intervening property from said springs located in the Northwest Quarter of the Southeast Quarter of Section 1, Township 11 South, Range 39 East of the Boise Meridian, as now located and used.

WITNESS, the hands of said Grantors, this 14th day of November, A.D. 1991.

Ernest Olsen  
Ernest Olsen, individually  
Ernest Olsen Trustee  
Ernest Olsen, Trustee of the Ernest Olsen Revocable Trust dated July 5, 1985

Marlene Furlong  
Witness

Sadie L. Olsen  
Sadie L. Olsen, individually  
Sadie L. Olsen Trustee  
Sadie L. Olsen, Trustee of the Sadie L. Olsen Revocable Trust dated July 5, 1985

STATE OF UTAH           )  
                              : ss.  
County of Cache        )

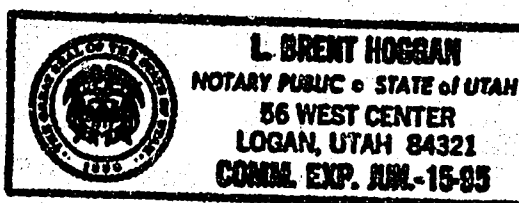
On the 14th day of November, A.D., 1991, personally appeared before me ERNEST OLSEN, individually and as Trustee of the Ernest Olsen Revocable Trust dated July 5, 1985, and SADIE L. OLSEN, individually and as Trustee of the Sadie L. Olsen Revocable Trust

142531

2

dated July 5, 1985, the signers of the within instrument, who duly acknowledged to me that they executed the same individually and as such Trustees.

*L. Brent Hoggan*  
NOTARY PUBLIC



LBH/rec  
ernest.wd  
N-2955

STATE OF IDAHO  
County of Caribou  
Date: Nov 18, 1991  
Time: 2:00 PM  
Micafilim Records  
Recorder: Rebecca A. Jenkins  
Deputy: Stephanie L. Anderson  
Fee: 6.00

142530

### WARRANTY DEED

ERNEST OLSEN, individually and as Trustee of the Ernest Olsen Revocable Trust dated July 5, 1985, and SADIE L. OLSEN, individually and as Trustee of the Sadie L. Olsen Revocable Trust dated July 5, 1985, Grantors of North Logan, County of Cache, State of Utah, hereby CONVEY AND WARRANT to DWIGHT B. CARTER, a single man, and M. DOUGLAS CARTER and ELAINE CARTER, Co-Trustees in Trust of the M. Douglas Carter Family Trust dated February 13, 1990, Grantees of 1594 Carter Lane, Grace, Idaho 83241, for the sum of Ten Dollars and other good and valuable consideration, the following described tracts of land in Caribou County, State of Idaho:

The South Half of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 5, Township 11 South, Range 40 East of the Boise Meridian.

The West Half of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 8, Township 11 South, Range 40 East of the Boise Meridian.

The Northwest Quarter of the Northeast Quarter of Section 8, Township 11 South, Range 40 East of the Boise Meridian.

The East Half of the West Half of the Northeast Quarter, the East Half of the Northeast Quarter, and the Northeast Quarter of the Southeast Quarter of Section 7, Township 11 South, Range 40 East of the Boise Meridian.

LESS the following: Beginning at the ACCEPTED Northwest corner of the East Half of the Northwest Quarter of the Northeast Quarter of Section 7, Township 11 South, Range 40 East of the Boise Meridian, said point being 3214.5 feet East of the Northwest corner of Section 7; thence East along the North line of Section 7, 360.0 feet; thence South 190.0 feet; thence West 360.0 feet; thence North 190.0 feet to the point of beginning.

WITNESS, the hands of said Grantors, this 14th day of November, A.D. 1991.

STATE OF IDAHO  
County of Caribou  
Date: Nov 18, 1991  
Time: 2:00 PM  
Microfilm Records  
Recorder: Rebecca A. Hopkins  
Deputy: Stephanie Landberry  
Fee: 6.00

Ernest Olsen  
Ernest Olsen, individually  
Ernest Olsen Trustee  
Ernest Olsen, Trustee of the Ernest Olsen Revocable Trust dated July 5, 1985

142530

2

Marlea Furlong  
Witness

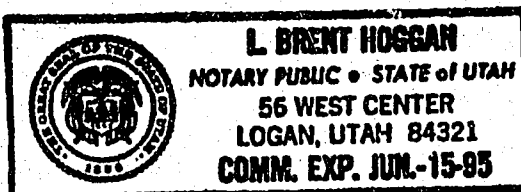
Sadie L. Olsen  
Sadie L. Olsen, individually

Sadie L. Olsen Trustee  
Sadie L. Olsen, Trustee of the  
Sadie L. Olsen Revocable Trust  
dated July 5, 1985

STATE OF UTAH           )  
                              : ss.  
County of Cache        )

On the 14th day of November, A.D., 1991, personally appeared before me ERNEST OLSEN, individually and as Trustee of the Ernest Olsen Revocable Trust dated July 5, 1985, and SADIE L. OLSEN, individually and as Trustee of the Sadie L. Olsen Revocable Trust dated July 5, 1985, the signers of the within instrument, who duly acknowledged to me that they executed the same individually and as such Trustees.

L. Brent Hoggan  
NOTARY PUBLIC



LBH/rec  
ernest.wd  
N-2955

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**Jay R. McKenzie Law Office**  
Attorney and Counselor

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RECEIVED

JUL 19 1994

July 15, 1994

Department of Water Resources  
Eastern District Office

Idaho Department of Water Resources  
900 North Skyline Drive  
Idaho Falls, ID 83402

RE: Dwight B. Carter and M. Douglas Carter Family Trust  
Application for Permit

Gentlemen:

Please find enclosed a completed Application for Permit, having to do with spring waters located in Caribou County, Idaho, tributary to sinks, and for use as stockwatering.

I am also enclosing a fee check in the sum of \$50.00 to cover the filing fee herein.

If you have any questions, or if you need additional information, please do not hesitate to give me a call.

Very truly yours,

*Jay R. McKenzie*  
Jay R. McKenzie  
Attorney at Law

JRM:bj

Enclosure

12-Aug-1994

DWIGHT B. CARTER  
M. DOUGLAS CARTER FAMILY TRUST  
1594 CARTER LN  
GRACE ID 83241

RE: Application No. 13-07525

Dear Water Right Applicant:

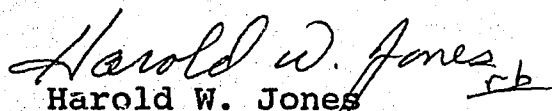
The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the CARIBOU COUNTY SUN on 8-18 & 25-1994. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this 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 about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

  
Harold W. Jones  
Water Right Supervisor

HWJ:rb

13-07525

CARTER, DWIGHT B  
FAMILY TRUST, M DOUGLAS CARTER  
1594 CARTER LN  
GRACE, ID 83241

Source: SPRING

Tributary: SINKS

Diversion Pt: NENWSE Sec 1 T 11S R 39E in CARIBOU County.

Use: STOCKWATER ( .020 CFS)  
Total Diversion: ( .020 CFS)

Date Filed: 7/19/1994

In: CARIBOU County  
T11S R40E S05  
S07  
S08

SWSW  
NENE  
NWNE

No 3823

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }  
County of Franklin } ss.

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

8-24, 1994, and ending  
with the issue of 8-31, 1994

Fee \$ 64.67

Subscribed and sworn to before me this 31 day  
of Aug, 1994.

Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 14, 1995.

## NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07523  
CITY OF WESTON  
293 S 2ND E  
WESTON, ID 83286  
Source: GROUNDWATER  
Diversion Pt: NWSW Sec 9 T 16S  
R 38E in FRANKLIN County.  
Use: MUNICIPAL (2.000 CFS)  
Total Diversion: (2.000 CFS)  
Date Filed: 7/11/1994  
In: The City of Weston

13-07524  
ATKINSON, DAL VON  
11685 N TREASURETON RD  
PRESTON, ID 83263  
Source: SPRINGS  
Tributary: SINKS  
Diversion Pt: SENE Sec 1 T 15S R  
39E in FRANKLIN County.  
Use: DOMESTIC (.040 CFS)  
Total Diversion: (.040 CFS)  
Date Filed: 7/18/1994  
In: FRANKLIN County T15SR39E  
S01 NWNE

13-07525  
CARTER, DWIGHT B  
FAMILY TRUST, M DOUGLAS  
CARTER  
1594 CARTER LN  
GRACE, ID 83241  
Source: SPRING  
Tributary: SINKS  
Diversion Pt: NENWSE Sec 1 T  
11S R 39E in CARIBOU County.  
Use: STOCKWATER (.020 CFS)  
Total Diversion: (.020 CFS)  
Date Filed: 7/19/1994  
In: CARIBOU County T11SR40E  
S05 SWSW S07 NENE S08 NWNE  
The permit(s) will be subject to all  
prior water rights. Protests must be  
filed with the applicant and with the  
Director, along with a \$25.00 filing  
fee to the Department of Water Re-  
sources, 900 N. Skyline Dr., Idaho  
Falls, ID 83402, on or before SEP-  
TEMBER 12, 1994.



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000  
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

October 21, 1994

DWIGHT B CARTER  
M DOUGLAS CARTER FAMILY TRUST  
1594 CARTER LN  
GRACE ID 83241

PERMIT APPROVAL NOTICE

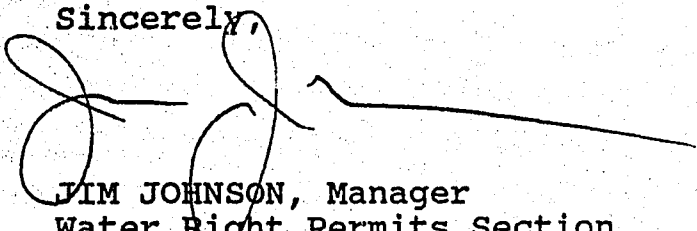
RE: PERMIT NO. 13-07525

Dear Permit Holder:

Enclosed is a copy of your approved application for permit.  
Please be sure to thoroughly review the "CONDITIONS/REMARKS:"  
listing on the permit.

Enclosed is a form entitled "Instructions for Proof of  
Beneficial Use". Please read the instructions carefully since  
you must take further action to develop this permit. Also  
enclosed is a form entitled "Proof of Beneficial Use". If your  
project is already completed you should complete and submit this  
form immediately.

Sincerely,

  
JIM JOHNSON, Manager  
Water Right Permits Section

JJ:dc

Enclosures

November 16, 1994

DWIGHT B. CARTER  
M DOUGLAS CARTER FAMILY TRUST  
1594 CARTER LN  
GRACE ID 83241

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07525

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.

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

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary

c: IDWR - Region