

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
AUG 30 2004
 Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
45-7727					
	45-7360				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) W Nolan Victor
4. New Owner/Claimant(s) 1528 Addison Ave - Twin Falls, Ida
Edward Leon Nolan - R.A. Foss
- Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 616 main 1157 E 4400 N
Filer
- City, State and ZIP Code Filer, 83328 Buhl, Ida 83312
- New Telephone Number 208-326-6953 208/543-6932
5. Date you acquired the property 8-26-04

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Col. J. J. J. J.
BSA 1000

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by *Yamamoto* Date 8/30/04 Fee 25.00
 Received by *Yamamoto* Date 8/30/04 Receipt No. 5027003
 Processed by _____ AJ Date _____ WR _____ Date _____

RECEIVED
AUG 30 2004
Department of Water Resources
Southern Region

WARRANTY DEED

FOR VALUE RECEIVED, THE VICTOR FAMILY LIVING TRUST, does hereby grant, bargain, sell and convey, unto EDWARD LEON NOLAN and R.A. FOSS, whose address is 616 Main Street, Filer, Idaho the following described premises, to-wit: *1157 E. 4400 N, Buhl*

PARCEL #1

Part of Sections 33 and 34, Township 14 South, Range 21 E. B.M., Cassia County, Idaho. Beginning at the $\frac{1}{4}$ Section corner common to Sections 33 and 34, thence S. 00°00' E. 50.00 feet to the real point of beginning. Thence S. 89° E. 347.48 feet; Thence S. 05°45' W. 334.48 feet; Thence S. 68°12' W. 390.24 feet; Thence S. 55°22' W. 625.49 feet; Thence N. 20°26' W. 146.32 feet; Thence N. 00°24' E. 235.46 feet; Thence N. 48°39' E. 118.58 feet; thence N. 48°39' E. 251.20 feet; Thence N. 56°57' E. 399.78 feet to the point of beginning, LESS: an easement for ingress and egress over all existing roadways that exist on the above described property, together with: an easement for ingress over existing roadways.

PARCEL #2

A portion of Section 34, Township 14 South, Range 21 E.B.M., Cassia County, Idaho, described as: Beginning at the C-S-NW $\frac{1}{64}$ corner of Section 34, thence S. 43°29' E. 100.30 feet to the real point of beginning, thence N. 62°03' 103.63 feet; thence N. 89°43' E. 352.49 feet; thence S. 08°43' E. 297.35 feet; thence S. 63°14' W. 939.6 feet; thence N. 29°47' W. 108.04 feet; thence N. 53°41' E. 282.55 feet; thence N. 06°21' W. 80.05 feet; thence N. 16°47' E. 132.67 feet; thence N. 36°25' E. 247.66 feet to the real point of beginning, less: an easement for ingress and egress over all existing roadways that exist on the above-described property, together with: an easement for ingress and egress over existing roadways.

TOGETHER WITH ALL WATER RIGHTS

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises.

DATED: August 26, 2004

Nolan Victor

Nolan Victor Trustee

The Victor Family Living Trust

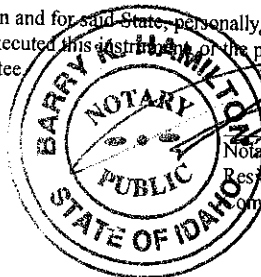
Twin Falls County, Idaho

Recorded for:
R.A. FOSS

10:24am Aug. 26, 2004
2004 - 018655
No. of Pages: 1 Fee: \$3.00
KRISTINA GLASCOCK
County Clerk
Deputy: CN

STATE OF IDAHO)
COUNTY OF TWIN FALLS) ss

On the 25th day of August, 2004 before me, a Notary Public in and for said State, personally appeared NOLAN VICTOR, known or identified to me to be the Trustee of THE VICTOR FAMILY LIVING TRUST that executed this instrument of the person who executed the instrument on behalf of said Trust, and acknowledged to me that he executed the same as such Trustee.



[Signature]
Notary Public for Idaho
Residing in Twin Falls, Idaho
Commission Expires 12/31/2006

28

27

33

34

4

3

RECEIVED

AUG 30 2004

Department of Water Resources
Southern Region



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

RECEIVED

JAN 15 2004

Department of Water Resources
Southern Region

CHANGE IN ADDRESS

☐ Water Right Number(s): 37-2513 AND NUMEROUS OTHERS

☐ Old Mailing Address: 1520 ADDISON AVE E
WRONG

☐ New Mailing Address: 1528 ADDISON AVE E
TWIN FALLS, ID 83301

☐ New Telephone Number: (1 733 - 1359) ^{JUST} NO LONGER USES
733-5217

☐ Signature of Claimant(s): [Signature]

Date: 1/15/2004

FOR IDWR USE ONLY
Initial Review and Data Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data Entry
Date: _____ By: _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

February 9, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

W NOLAN VICTOR
1528 ADDISON AVE E
TWIN FALLS ID 83301

RE: Snake River Basin Adjudication (SRBA)
Change of Address Notification

Dear Mr. Victor,

Thank you for notifying us of your change in address on the water right claims. Our records have been updated accordingly.

If you have any questions, please feel free to contact this office.
(208) 736-3033

Sincerely,

Carrie Hahn
Clerk

COPY

IN T

IN
OF
THI

*looks like
OK needed
from Victor
to Thompson*

PART OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
AND FOR THE COUNTY OF TWIN FALLS

ADJUDICATION
USE OF WATER FROM
ASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-07360

Date Received: 4/17/1991

Receipt No: 5013245

Received By: *APM*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NOLAN VICTOR
Address: 1528 ADDISON AVE. E.
TWIN FALLS, ID

83301

208-733-5217

2. Date of Priority: SEP 9, 1979

3. Source: TRAPPER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of
14S	21E	34	SE	SW	NW

5. Description of diverting works:
CHECKDAM WITH DIVERSION TO CANAL TO EARTHEN

6. Water is used for the following purposes:

Purpose	From	To	C.F.
FISH PROPAGATION	01/01	12/31	1

7. Total Quantity Appropriated is:
10.400 C.F.S. (and/or) 7521.20 A.F.

8. Total consumptive use is

Acre Feet

9. Non-irrigation uses:
FISH PROPAGATION/ RAISE FISH FOR COMMERCIAL

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot
14S	21E	34	SW	NW	
			SE	SW	

11. Place of use in counties: CASSIA

typo?
Tony 670-1345
claimed PoU says
SESW (and SWNW)
see... says SWNW

Remarks say ponds
are also located
in the SENW which
was omitted from the
license

GIS looks like it
s/b SENW like
Remarks...

FISH
FISH

A45-07360

Page 1

Date: 04/17/91

MAR 08 1993

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

Facility volume = 2.53 acre feet.

NOTE THAT AN ERROR WAS DISCOVERED IN THE LOCATION OF THE PONDS
ON THE ORIGINAL LICENSE WHICH HAS BEEN CORRECTED. THE MAJOR
PORTION OF THE FACILITY IS LOCATED IN THE SENW OF SEC. 34 WHICH
WAS OMITTED FROM THE LICENSE. THE ADDITION OF THIS DESCRIPTION
IS NOT AN INCREASE IN FACILITY VOLUME.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 Map

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Walter Victor Date: 4/17/91

Date: _____

State of Idaho

County of Twin Falls)
SS.

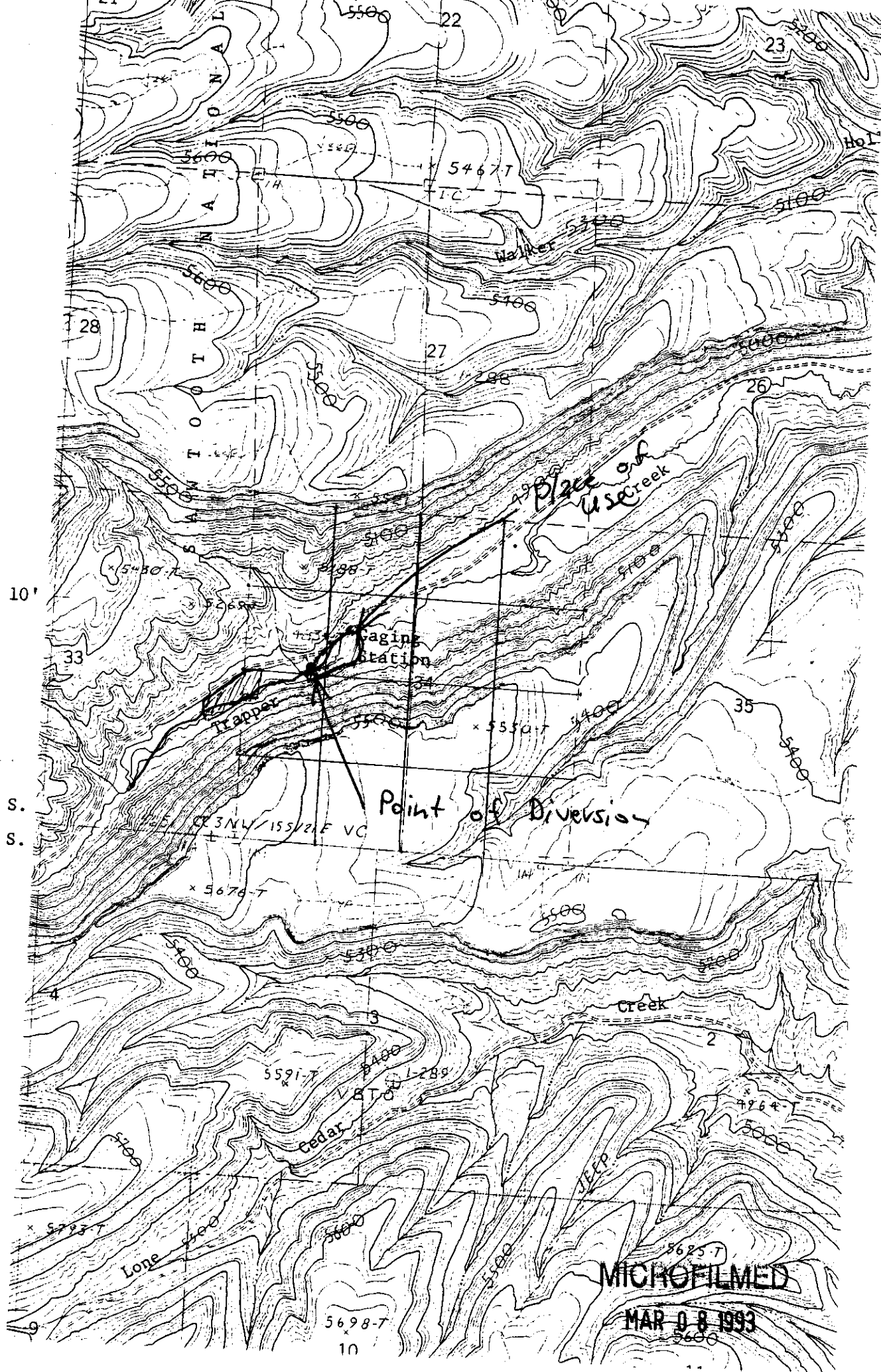
Subscribed and sworn (or affirmed) before me this 17th day
of April 19 91

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/92

T.15 S.



CONVERSATION MEMORANDUM

NAME OF PARTY ANTONE THOMPSON
EMPLOYEE COREY SKINNER CS

DATE 10/31/95
FILE 45-07360-7

RE: AT ≈ 2:45 P.M. I RECEIVED A CALL FROM
ANTONE THOMPSON. MR THOMPSON HAD JUST BOUGHT
SOME PROPERTY AND A WATER RIGHT FOR 10.4 cfs
OUT OF TRAPPER CREEK FROM ~~VICTOR NOLAN~~ ^{NOLAN VICTOR} ~~NOLAN~~
~~MR.~~ MR. THOMPSON WANTED TO MOVE THE 10.4
cfs FROM TRAPPER CREEK TO ~~A~~ A "WELL" ON HIS
PROPERTY. HOWEVER, MR. THOMPSON STATED THAT THE
"WELL" JUST FLOWED INTO TRAPPER CREEK. MR.
THOMPSON WAS NOT AWARE OF ANY EXISTING WATER
RIGHTS OTHER THAN THE 10.4 cfs HE HAD
PURCHASED. HE INQUIRED ABOUT DEVELOPING ^(FILING) WATER
RIGHTS ON HIS PROPERTY, AND I TOLD HIM THAT
THE MORATORIUM PREVENTED HIM FROM FILING ANY
RIGHTS ON SURFACE OR GROUNDWATER. HE THEN INQUIRED
ABOUT A DOMESTIC WELL PERMIT, AND I TOLD HIM
THAT THE MORATORIUM ALLOWED DOMESTIC DEVELOPMENT.
HE STATED THAT HE ALSO NEEDED A DRILLING
PERMIT. I ADVISED HIM TO BRING ALL HIS
INFORMATION TO OUR OFFICE, ASK FOR JIM STANTON
OR ALLEN MERRITT AND WE WOULD SEE WHAT WE
COULD DO. HE SAID HE WOULD BE IN IN ~~IN~~ THE NEXT
COUPLE OF WEEKS.

DISTRICT COURT-SHEA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
NOV 3 - 2004	
By _____	Clerk _____
	Deputy Clerk _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SREA)

A.)

Subcase)

45-7360

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: B.A. FossAddress: 1137 E 4400 NBuhl, ID 83316Daytime Phone: 208/543-6932

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: _____

Address: _____

45-7727

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: R.A. Foss 1157 E 4400N
Buhl, Ida 83312
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Heating, Domestic Irrigation
8. ☒ **Period of Year**
Should be: 01/01 - 12/31
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☒ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): Department of Water Resources
Water right license 45-07727 and ~~45-07727~~
~~Recommended~~ water right 45-7360 - DTD.
General Application of UG to Buhl. Under 45-12304

F.

VERIFICATION (must be completed)

State of Idaho)
) ss

County of Sevier Falls

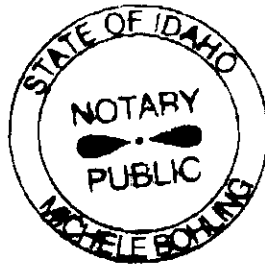
R. A. Fassi, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Signature of person filing objection

(Attorney signing in representative capacity)

Subscribed and sworn to before me on. 11-1-64



Michelle Rabl
Notary Public for State of Michigan
Residing at: 2405 33rd St
My Commission Expires: 3-10-2005

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.**CERTIFICATE OF MAILING**

I certify that on _____, 200__, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: R. D. FOSS - 1157 E 4400 N Buhl, ID 83314
Address: PO Box 2595 - 1157 E 4400 N Buhl, ID 83314
07

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

Signature of objector or attorney
mailing on Objector's behalf

Adjudication Recommendation Report 45-7360 V1

WATER RIGHT NUMBER: 45-7360 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DENISE K FUNDERBURG 400 S 147 W JEROME, ID 83338 (208)324-7211
Original Owner	GARY L FUNDERBURG 400 S 147 W JEROME, ID 83338 (208)324-7211
Previous Owner	W NOLAN VICTOR 1528 ADDISON AVE E TWIN FALLS, ID 83301 (208) 733-1359
Current Owner	R A FOSS 1157 E 4400 N BUHL, ID 83316 (208)543-6932
Current Owner	EDWARD LEON NOLAN 616 MAIN FILER, ID 83328 (208)326-6953

Priority Date: 09/09/1979

Basis:	License
--------	---------

Status: Active

Source

TRAPPER CREEK

Tributary

GOOSE CREEK

Beneficial Use

FISH PROPAGATION

From To
01/01 to 12/31

Diversion Rate
10.400 CFS

Annual Volume
7,521.20 AF

Total Diversion:

10.400 CFS

7,521.20 AF

Location of Point(s) of Diversion

TRAPPER CREEK

CASSIA County

SE1/4SW1/4NW1/4

Sec. 34, Twp 14S, Rge 21E, B.M.

Place of Use

FISH PROPAGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-7360 V1

Conditions of Approval:

1. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. Quantity FACILITY VOLUME 2.53 AF.

Comments:

1. jroberts 1/21/2003 Basis of Recommendation
Comment: Recommendation is per the license but also adding the SENW to the pou. (The license was only for the SWNW, the claim added the SESW typo?, but the remarks state it should be the SENW, as does the GIS of the 1987 aerial photo). Also added Condition 020 because there was a protest and a subsequent "Stipulated Agreement" signed by the parties. [Needs O/C from Victor to Thompson but phone messages and letters to new owner have thus far been ignored.]

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	1/21/2003 12:03:40 PM	jroberts			Active
POD	1/21/2003 12:04:00 PM	jroberts			Active
Source	1/21/2003 12:17:58 PM	jroberts			Active
POU	1/21/2003 12:23:38 PM	jroberts			Active
Use	1/21/2003 12:24:37 PM	jroberts			Active
Season	1/21/2003 12:25:24 PM	jroberts			Active
Quantity	1/21/2003 12:26:14 PM	jroberts			Active
Summary			01/21/2003	jroberts	Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-7360 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	1/21/2003 12:24:14 PM	jroberts	Edited PLS
POD	1/21/2003 12:04:01 PM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Priority Date	1/21/2003 12:03:41 PM	jroberts	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	1/21/2003 12:17:25 PM	jroberts	Edited point location
POD	1/21/2003 12:17:35 PM	jroberts	Edited PLS
Source	1/21/2003 12:17:59 PM	jroberts	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	1/21/2003 12:23:59 PM	jroberts	Edited shape boundary
Season	1/21/2003 12:25:25 PM	jroberts	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

08/31/2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-7360 V1

POU	1/21/2003 12:23:39 PM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 8 - Ponds were licensed in the SWNW of Sec. 34, but they are also located in the SENW as mentioned in Remarks, even though they were claimed in the SESW (typo?). Will recommend in SWNW and SENW. Description for Question 13 - From License and GIS of map in file.
Use	1/21/2003 12:24:38 PM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Quantity	1/21/2003 12:26:15 PM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - Determined in License
Summary	1/21/2003 12:35:14 PM	jroberts	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?



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

April 28, 2003

William A. Parsons
137 West 13th Street
P.O. Box 910
Burley, ID 83318

RECEIVED
APR 30 2003
Department of Water Resources
Boise, Idaho

RE: PERMIT NOS. 45-7360 AND 45-7727

Dear Mr. Parsons:

I have reviewed your letter dated April 25, 2003 in connection with the above referenced water right numbers in which you request the Department to "cancel" the "permits and claim."

My review of the files shows that the Department issued a license for 45-7360 on August 31, 1990. The file also shows that an adjudication claim has been filed on the license and that Noland Victor is the present owner of the right. The water right claims in Basin 45 have not yet been recommended to the court as a part of the Snake River Basin Adjudication. If your client believes this right is not valid, your client should file an exception to the validity of this claim when Basin 45 is recommended to the SRBA court.

Department files show that 45-07727 is a permit on which proof of beneficial use has been filed. On December 14, 2001, Department staff conducted a field examination for this permit and forwarded the beneficial use field report to this office. At this point, this office has not reviewed the examination with respect to the extent of beneficial use made during the development period and has not issued a license.

I will place your letter in the appropriate files to document your concern about validity of the rights. If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: ✓ IDWR - S. Region
✓ Allen Merritt
45-7360 and 45-7727

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
LANCE A. LOVELAND
DAVID F. SHIRLEY

PARSONS, SMITH & STONE, LLP
ATTORNEYS AT LAW
137 WEST 13TH STREET
P. O. BOX 910
BURLEY, IDAHO 83318

TELEPHONE
(208) 878-8382
FAX NO.
(208) 878-0146
pss@pmt.org

RECEIVED
APR 28 2003

April 25, 2003

Department of Water Resources

Mr. L. Glen Saxton
Department of Water Resources
1301 North Orchard
P. O. Box 83720
Boise, ID 83720-0098

RE: 45-07727 and 45-07360
Our File No. 15999.960010

Dear Glen:

It's been some time since we've corresponded relative to the water subject to the above numbers.

As the file will reflect there was a Stipulation entered into between Tony Thompson and the Oakley Canal Company and Shoulder 3 Ranches, Inc. back in 1996. Subsequently the Department issued a permit for certain fish propagation, domestic and commercial. There was not any substantive compliance with the Stipulation, nor the terms and conditions of your permit. Tony Thompson subsequently filed bankruptcy in Utah as Case No. 02-34096. I have a letter from R. Kimbell Mosier that any interest in property of Tony Thompson was abandoned and not a part of the estate. Since that time, of course, there has been even less activity on the site and in fact almost nonexistent.

On behalf of Oakley Canal Company and Shoulder 3 Ranches, Inc. we respectfully request that you implement proceedings to cancel the permit and the claim under the above serial numbers.

We've had correspondence from the Department and recognizing that the Department is subject to the current financial position of the State of Idaho, nevertheless we believe that sufficient time has elapsed that an inspection should be made and that the permits and claim be cancelled.

Page - 2
April 25, 2003

Oakley Canal Company owns the water flowing under the surface as it having been reserved in a prior deed. If we need to file something different with you to initiate the action then please advise me and we will comply on behalf of our two clients.

We need to get this matter in motion and take out all of the contingencies in the case at this juncture.

Very truly yours,

PARSONS, SMITH & STONE, LLP



William A. Parsons

WAP:sw

cc: Oakley Canal Company
Shoulder 3 Ranches



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 10, 2002

ANTONE R THOMPSON
350 S 500 W
CEDAR CITY UT 84720

RE: Ownership Change 45-7360

Dear Mr. Thompson,

It has come to our attention that you own the 7360. Our records still show this claim under original claim in 1991. Please complete the original claim on page 2, and return it along with a copy update our records. No fee is required at

If you have any questions, feel free to give r

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

- fix typo & OK to
add 2nd BU
(see ADM) not in permit

- refer to stip. agree
in EXP
(ask Garick?)

- get O/C from
Victor Thompson

no Thompson lost it,
Victor got it back)

01/21/2003

1/21/03

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-7360

NAME AND ADDRESS: NOLAN VICTOR
1528 ADDISON AVE E
TWIN FALLS ID 83301

SOURCE: TRAPPER CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 10.400 CFS
7,521.200 AFY

FACILITY VOLUME 2.53 AF.

PRIORITY DATE: 09/09/1979

POINT OF DIVERSION:

T14S R21E S34 SESWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
FISH PROPAGATION

PERIOD OF USE
01/01 12/31

QUANTITY
10.400 CFS
7,521.20 AFY

PLACE OF USE: FISH PROPAGATION Within CASSIA County

T14S R21E S34

SWNW

T14S R21E S34

SENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

Use of water under this right may be affected by an agreement between the protestant and the right holder.

45-7360



0 1320 2640 3960 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON JAN. 21, 2003
TWP 14S, RNG 21E, SEC. 34



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-7360 V1

WATER RIGHT NUMBER: 45-7360 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DENISE FUNDERBURG
	, ID
Original Owner	GARY FUNDERBURG
	, ID
Current Owner	NOLAN VICTOR 1528 ADDISON AVE E TWIN FALLS, ID 83301 (208)733-5217

Priority Date: 09/09/1979

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
TRAPPER CREEK	GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION	01/01 to 12/31	10.400 CFS	7,521.20 AF
	<u>Total Diversion:</u>	10.400 CFS	7,521.20 AF

Location of Point(s) of Diversion

TRAPPER CREEK	SE1/4SW1/4NW1/4	Sec. 34, Twp 14S, Rge 21E, B.M.
CASSIA County		

Place of Use

FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	21E	34							X	X									

Conditions of Approval:

1. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. Quantity FACILITY VOLUME 2.53 AF.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-7360 V1

Comments:

1. jroberts 1/21/2003 Basis of Recommendation

Comment: Recommendation is per the license but also adding the SENW to the pou. (The license was only for the SWNW, the claim added the SESW typo?, but the remarks state it should be the SENW, as does the GIS of the 1987 aerial photo). Also added Condition 020 because there was a protest and a subsequent "Stipulated Agreement" signed by the parties. [Needs O/C from Victor to Thompson but phone messages and letters to new owner have thus far been ignored.]

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	1/21/2003 12:03:40 PM	jroberts			Active
POD	1/21/2003 12:04:00 PM	jroberts			Active
Source	1/21/2003 12:17:58 PM	jroberts			Active
POU	1/21/2003 12:23:38 PM	jroberts			Active
Use	1/21/2003 12:24:37 PM	jroberts			Active
Season	1/21/2003 12:25:24 PM	jroberts			Active
Quantity	1/21/2003 12:26:14 PM	jroberts			Active
Summary			01/21/2003	jroberts	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	1/21/2003 12:24:14 PM	jroberts	Edited PLS
POD	1/21/2003 12:04:01 PM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

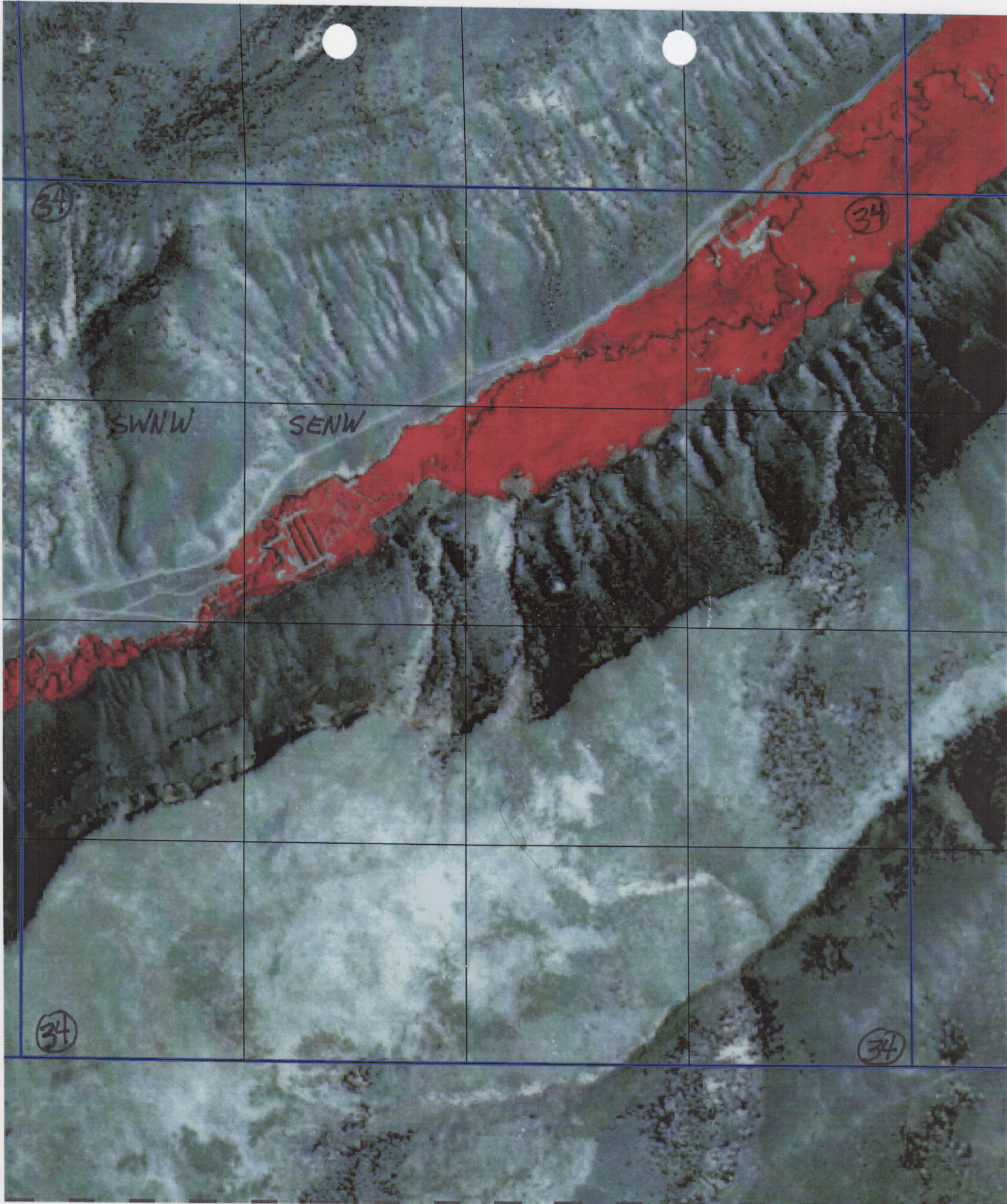
Adjudication Recommendation Report 45-7360 V1

Priority Date	1/21/2003 12:03:41 PM	jroberts	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	1/21/2003 12:17:25 PM	jroberts	Edited point location
POD	1/21/2003 12:17:35 PM	jroberts	Edited PLS
Source	1/21/2003 12:17:59 PM	jroberts	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	1/21/2003 12:23:59 PM	jroberts	Edited shape boundary
Season	1/21/2003 12:25:25 PM	jroberts	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POU	1/21/2003 12:23:39 PM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 8 - Ponds were licensed in the SWNW of Sec. 34, bu they are also located in the SENW as mentioned in Remarks, even though they were claimed in the SESW (typo?). Will recommend in SWNW and SENW. Description for Question 13 - From License and GIS of map in file.

IDAHO DEPARTMENT OF WATER RESOURCES

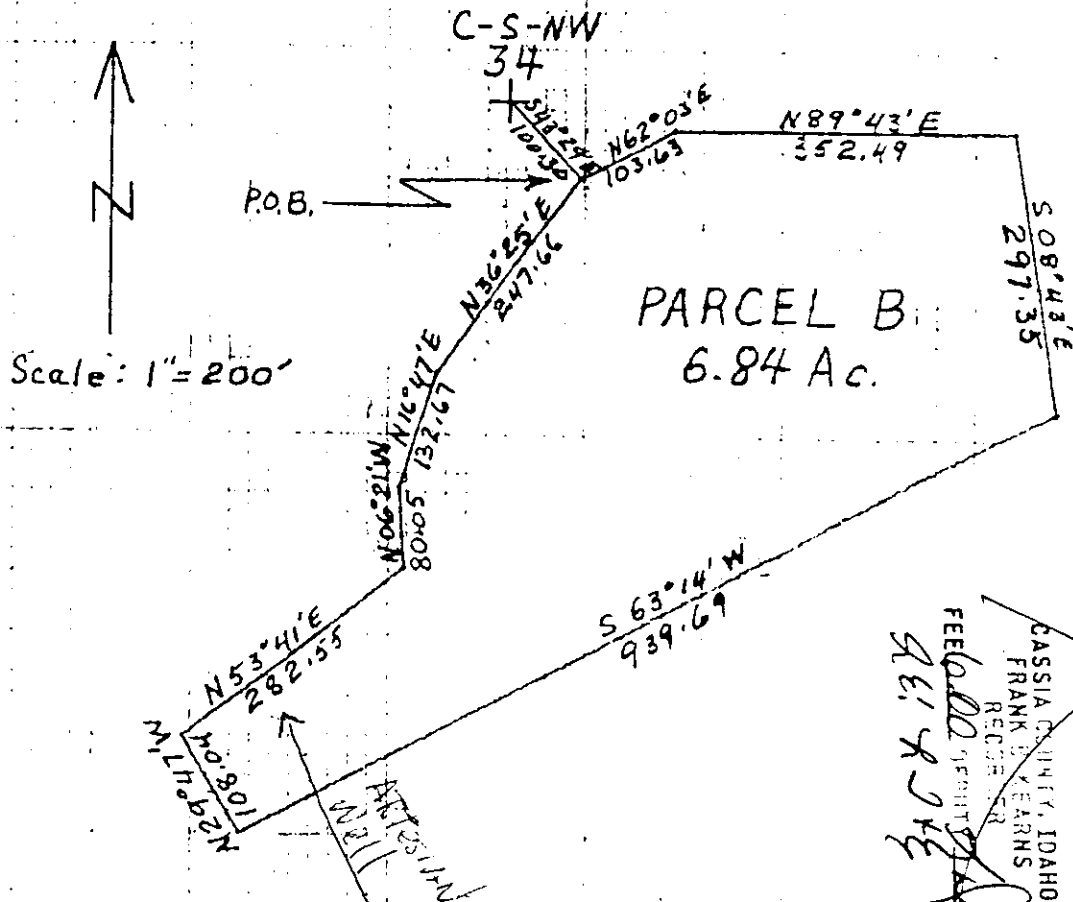
Adjudication Recommendation Report 45-7360 V1

Use	1/21/2003 12:24:38 PM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Quantity	1/21/2003 12:26:15 PM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - Determined in License
Summary	1/21/2003 12:35:14 PM	jroberts	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?



T/4S R21E Sec.34

T14S, R21E, B.M.



PROPERTY DESCRIPTION

PARCEL B

Beginning at the C-S-NW 1/64 corner of Section 34
Twp 14S Rge 21E, B.M.; Thence S 43° 29' E 100.30 ft.
to the REAL POINT OF BEGINNING.

Thence	N 62° 03' E	103.63 ft.
Thence	N 89° 43' E	352.49 ft.
Thence	S 08° 43' E	297.35 ft.
Thence	S 63° 14' W	939.69 ft.
Thence	N 29° 47' W	108.04 ft.
Thence	N 53° 41' E	282.55 ft.
Thence	N 06° 21' W	80.05 ft.
Thence	N 16° 47' E	132.67 ft.
Thence	N 36° 25' E	247.66 ft.

To the REAL POINT OF BEGINNING.
Containing 6.84 Acres, more or less.

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM 170
JAN 28 1 43 PM '85
CASSIA COUNTY, IDAHO
FRANK E. EARNES
RECORDER
FEE \$10.00
G.E. & J.E.

Loren O Holmes, P.E., L.S.
741 Beta Circle
Twin Falls, ID 83301



TMS R21E Sec. 34

Robertson, Jean

From: Robertson, Jean
Sent: Tuesday, July 09, 2002 11:42 AM
To: Baxter, Garrick
Subject: RE: 45-7360

Yeah, I think General Condition 020 says something like that. I'll go ahead and use that. Thanks!
P.S. Will you be involved in our Basin 43 initial hearings scheduled for next month, or is that just Candace?

-----Original Message-----

From: Baxter, Garrick
Sent: Tuesday, July 09, 2002 11:21 AM
To: Robertson, Jean
Subject: RE: 45-7360

Hi Jeanie,

I didn't forget about this one...I just got finished with Basin 65 Part III initial hearings. Now I'm back to Basin 45 :)

Is there a standard condition that says something like "Use of water under this right is affected by an agreement between the protestant and the right holder."? I think it is sufficient to just put in a reference to the agreement.

Garrick

-----Original Message-----

From: Robertson, Jean
Sent: Friday, June 07, 2002 2:28 PM
To: Baxter, Garrick
Subject: 45-7360

Hi Garrick,

There is a **7 page "Stipulated Agreement"** between the Oakley Canal Company, Shoulder 3 Ranches and Thompson (the current owner of 45-7360, but I still have to get an ownership change from him). This was signed 1/29/1997. Anyway, should I refer to this agreement somehow in Remarks, but not put the whole context of the agreement in the recommendation? Seems like it should be **more** than hidden away in Comments though...
Thanks, Jeanie

sent to S.O. 2/27/02

?
06/07/2002

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 45-7727

WATER RIGHT NUMBER: 45-7727

Owner Type Name and Address
Original Owner ACE REALTY TRUST

Current Owner , ID
 ANTONE R THOMPSON
 PO BOX 221
 OAKLEY, ID 83346
 (208)731-1345

Priority Date: 04/11/1995

Basis:

Status: Active

Source Tributary
GROUND WATER TRAPPER CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	1/01	12/31	0.600 CFS	
DOMESTIC	1/01	12/31	0.100 CFS	
FISH PROPAGATION	1/01	12/31	0.900 CFS	
<u>Total Diversion:</u>			1.000 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4NW1/4	Sec. 34, Twp 14S, Rge 21E, B.M.
CASSIA County		
GROUND WATER	SW1/4SE1/4NW1/4	Sec. 34, Twp 14S, Rge 21E, B.M.
CASSIA County		

Place of Use
COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	21E	34							X	X									

DOMESTIC same as COMMERCIAL
FISH PROPAGATION same as COMMERCIAL

Conditions of Approval:

1. 005 Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.
2. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
3. 028 After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 45-7727

4. 042 The right holder shall provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
5. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

Remarks:

1. General The right holder shall install and maintain a totalizing measuring device of a type approved by IDWR as a part of the diverting works and shall install and maintain a suitable measuring device as determined by the department at the point effluent water is discharged to Trapper Creek.
The commercial and fish propagation uses shall be non consumptive. Commercial use is for greenhouses and a swimming pool.
Domestic use is for 4 homes. Fish propagation in existing ponds. Approval of the permit does not confirm ownership of the existing well and does not authorize the construction of a new well. Approval of the permit authorizes use of water from the existing well if the permit holder obtains any needed consents to use the existing well.
Effluent discharged to Trapper Creek shall be treated, if necessary, to insure that the effluent meets Idaho Water Quality Standards.
Use of water for domestic purposes is limited to in-house use and water for livestock kept for household use.
This right authorizes the use of heat in the water for greenhouse use but does not authorize the use of the water for irrigation use within the greenhouses or for lawns of the domestic residences.
The permit holder is not authorized to assign ownership of the permit to another party without prior approval of the department.

Comments:

1. MBALDWIN 3/19/1996 POINT OF DIVERSION
Comment: Well is very close to line and may be in SESWNW, S34, T14S, R21E.
2. KTOWNSEN 1/13/2000 Proof of Beneficial Use Rcvd
Comment: Proof of Beneficial Use Rcvd

Dates and Other Information:

Permit Proof Due Date: 11/1/1999
 Permit Proof Made Date: 11/3/1999
 Permit Approved Date: 1/23/1997
 Permit Moratorium Expiration Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Field Exam Date: 2/22/2002
 Date Sent to State Office: 2/28/2002
 Date Received at State Office: 3/1/2002
 Formal Action Date:
 State or Federal:
 Owner Name Connector:
 Water District Number: 45C
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Memorandum

To: Field Exam – 45-7727

From: John Freitag, Water Resource Agent

Re: Exam review notes

Date: 12-14-01

During the summer of 2001 Field Agent Amanda Folsom met with Tony Thompson to conduct a field exam for permit 45-7727. From this exam the flow was measured using the Aqua master 400B at the site. An average of 600 gpm, 1.33 cfs, was found. The flow rate of 1.33 cfs is a combination of artesian flow and a buried collection pipe with a 3 hp pump on it. Apparently the artesian well has a considerable amount of leakage around it just below surface level. This leakage is caught by a collection pipe and then pumped through the 3 hp pump.

On 11-01-01 I met with Tony Thompson to finish 45-7727. He showed me around the facility. I took pictures and GPS'd the well. There are currently 3 sets of ponds each one is segmented into 3 different sections. Currently only one pond has fish in it, but future plans are to have fish in all ponds. There is one manufactured home with hot water piped to it. There is also a foundation under construction with hot water piped to it. Two more hook-ups are also buried with future plans of two more homes to be connected to the system. A hot tub is also part of the system, which has a capacity of 1616 gallons.

Since the flow rate measured at the time of Amanda Folsom's exam was 1.33 cfs, I recommend this license for the flow rate as permitted, a total of 1.0 cfs.

The volume of the fish facility was determined in license 45-7360 to be 2.53 acre-feet. Since 45-7360 is for the same facility as this permit I recommend

the facility volume for 45-7727 to be 2.53 acre-feet and a flow of 0.9 cfs(as permitted). I recommend the annual volume for Fish Propagation at 87.1 acre feet, based on the flow rate, 0.9 cfs 365 days a year.

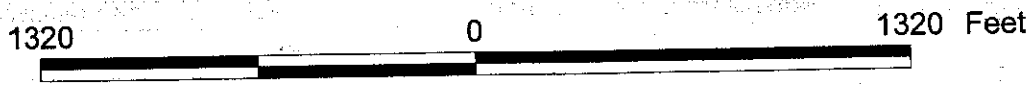
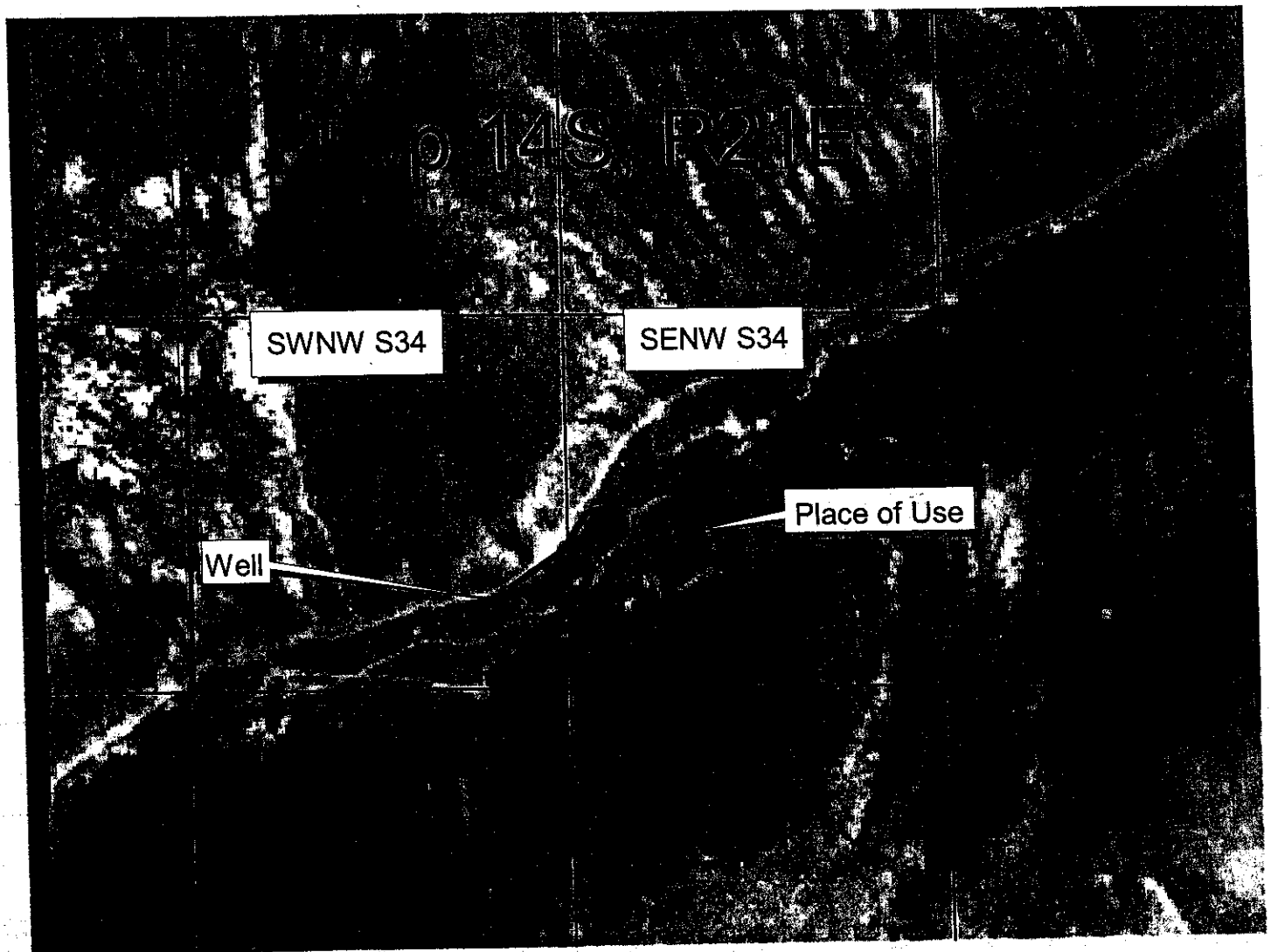
I recommend the in house use for the four domestic uses at 2.4 acre-feet. Since there is no heating component on the permit, I recommend the heating for the four homes as part of the domestic use, at 24.87 acre-feet. I am recommending the hot tub as part of the domestic use as well, since it does not appear to be used commercially. The hot tub volume is 1616 gallons, if it is filled once a day 365 days a year it would equal 1.8 acre feet. So the total volume recommended for domestic is 29.1 acre-feet with a flow rate of 0.1 cfs.

I am not recommending any commercial use since there does not appear to be any commercial use present.

2. WCA
read
thi

Field Exam for 45-07727

↑ N



(34)

(34)

Shoulder 3
Ranches

SNNW

SENN

ACE REALTY
c/o Thompson

Shoulder 3
Ranches

(34)

(34)

T14S R21E Sec. 34

TRANSMISSION VERIFICATION REPORT

TIME : 06/13/2002 14:05
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

06/13 14:01
IDWR SO
00:04:12
16
OK
STANDARD
ECM

TRANSMITTAL COVER SHEET

TO: Garrick Baxter

TOTAL PAGES SENT: 16
(including cover sheet)

DOCUMENT DESCRIPTION: a little background info, & stipulation
for 43-7727 (permit - sent to S.O. 2/27/02 for licensing)
43-7360 license

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

CHARGES: One (1) free copy
per request, cover sheet not
counted. Two (2) or more
copies per request will cost
\$0.25 per page. (\$0.50
minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: _____ Please remit to the above address.

SENDER: Jeanie

COMMENTS: don't know if "step" was recorded
at Courthouse

OCT 03 1996

FROM: Allen Merritt *AM*

DATE: October 3, 1996

TO: Application for Permit No. 45-07727
In the Name of: Antone Thompson

SUBJECT: Review and Recommendation

This application was originally filed by Ace Realty Trust on 4/11/95 and protested by the Oakley Canal Company. The application was assigned to Antone Thompson on 3/15/96 who on the same date amended the application. The amended application was re-advertised and was again protested by the Oakley Canal Company. A pre-hearing conference was held on 6/19/96. Based on the conference a prehearing order was issued on 6/26/96 and in part allowed the intervention of Shoulders 3 Ranches. (I do not know if they paid an intervention fee) On 9/19/96 our office received a letter from Mr. Parsons, attorney for the Oakley Canal Company and also for Shoulders 3 Ranches which requested the department execute the signed stipulation which if adopted by the department would resolve the protests. I consulted with Phil Rassier which resulted in my letter dated 9/20/96. Since my letter no further correspondence has been received from any of the parties.

RECOMMENDATION

I recommend that the permit 45-07727 be approved as a recommended order giving opportunity of the protestants to continue protest if they don't like the department's conditions. The recommended conditions are:

- Subject to an agreement between applicant and protestants.
- A measuring device with totalizing meter shall be maintained on the well and a measuring device be maintained at the point of discharge back to Trapper Creek.
- This permit is under the control of the watermaster of district 45C.
- The commercial and fish propagation uses shall be non-consumptive.
- No new well is authorized under initial approval of this application. Use will be from an existing well. The approval of this permit in no way confirms ownership of the well. This permit does not in itself grant right to use the well which may be owned by others whose approval must be obtained.
- Return water shall be treated to insure that the effluent meets DEQ standards.
- Use of water for domestic purposes is limited to in-house use and watering of household stock.
- Irrigation use of water within greenhouses or for lawns or crops is not authorized.

Post-it Fax: 7671	Date: 9-20-96	# of pages: 2
To: ALLEN, MERRITT	From: P. L. RASSELL	
Co./Dept: Southern Reg.	Co: IDWR	
Phone #	Phone #: 203/327-7505	
Fax #: 203/736-3037	Fax #	

LT-ALLEN, MERR

September 20, 1996

Allen Merritt,

Re: Suggested response to faxed letter on Stipulation for App. 45-07727

* * * * *

The Department of Water Resources acknowledges receipt on September 19, 1996 of six originals of a Stipulation of the parties in the contested proceeding before the department in the matter of Application for Permit No. 45-07727 in the name of Antone R. Thompson. I have placed the department's filing stamp on each original. One original has been placed in the department's files and another sent to Mr. Thompson. The other four originals are returned to you as requested.

The department in acting upon the application for permit will determine at that time the extent to which the provisions of the Stipulation shall be included as specific conditions of approval on the permit, or acknowledged as an agreement which may affect the rights existing under the permit and any subsequent license. It is not the practice of the department to bind itself by approving a stipulation among the parties to an agency proceeding before the department has formally acted in the matter. Under the Department's Rule of Procedure 557, the agency is not bound to adopt a stipulation of the parties, but may do so. If the agency rejects a stipulation, it will do so before issuing a final order, and it will provide an additional opportunity for the parties to present evidence and arguments on the subject matter of the rejected stipulation. IDAPA 37.01.01.557.

In reviewing the Stipulation, I have identified several matters which may merit further consideration by the parties:

1. Paragraph 3 of the Stipulation calls for the installation of measuring devices capable of verifying that no consumptive use of the diverted water has occurred beyond that amount that would have been consumed in the normal flow without the use by Thompson. This standard of measurement is not reasonably capable of being satisfied by any measuring device known to the department. Further, it will not be possible to compare current consumptive measurements with pre-development conditions that no longer exist.

2. While the parties to a department proceeding are free to make such side agreements between themselves as they deem appropriate, the department should not be placed in the position of being expected to enforce matters of agreement between the parties that the department would not itself consider necessary or appropriate conditions on a water right. Enforcement of such provisions might better be left to a court of competent jurisdiction.

RECEIVED

SEP 20 1996

Department of Water Resources
Southern Region

3. The Stipulation provides that it shall become a part both of Permit No. 45-07727, the subject of the present agency proceeding, and License No. 45-07360, an existing water right to be used in conjunction with the new permit. The permit applicant voluntarily may agree to conditions on his use of the existing licensed water right, and the parties may request that a copy of the agreement be included in the department's water right file for the existing license. The department does not anticipate, however, that it would take any further action to formally condition license no. 45-07360 to reflect the provisions of the agreement.

* * * * *

Allen,

Please give me a call if you want to discuss this or if you want us to transfer the document to you.

Phil



State Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

September 20, 1996

COPY

William A. Parsons
PARSONS, SMITH, STONE & FLETCHER
PO Box 910
Burley, ID 83318

RE: Amended Application for Permit 45-07727 in the name of Antone Thompson

Dear Mr. Parsons:

The Department of Water Resources acknowledges receipt on September 19, 1996, of six originals of a Stipulation of the parties in the contested proceeding before the department in the matter of Application for Permit No. 45-07727 in the name of Antone R. Thompson. I have placed the department's filing stamp on each original. One original has been placed in the department's files and another sent to Mr. Thompson along with a copy of this letter. The other four originals are returned to you as requested.

The department in acting upon the application for permit will determine at that time the extent to which the provisions of the Stipulation shall be included as specific conditions of approval on the permit, or acknowledged as an agreement which may affect the rights existing under the permit and any subsequent license. It is not the practice of the department to bind itself by approving a stipulation among the parties to an agency proceeding before the department has formally acted in the matter. Under the Department's Rule of Procedure 557, the agency is not bound to adopt a stipulation of the parties, but may do so. If the agency rejects a stipulation, it will do so before issuing a final order, and it will provide an additional opportunity for the parties to present evidence and arguments on the subject matter of the rejected stipulation. IDAPA 37.01.01.557.

In reviewing the Stipulation, I have identified several matters which may merit further consideration by the parties:

1. Paragraph 3 of the Stipulation calls for the installation of measuring devices capable of verifying that no consumptive use of the diverted water has occurred beyond that amount that would have been consumed in the normal flow without the use by Thompson. This standard of measurement is not reasonably capable of being satisfied by any measuring

device known to the department. Further, it will not be possible to compare current consumptive measurements with pre-development conditions that no longer exist.

2. While the parties to a department proceeding are free to make such side agreements between themselves as they deem appropriate, the department should not be placed in the position of being expected to enforce matters of agreement between the parties that the department would not itself consider necessary or appropriate conditions on a water right. Enforcement of such provisions might better be left to a court of competent jurisdiction.

3. The Stipulation provides that it shall become a part both of Permit No. 45-07727, the subject of the present agency proceeding, and License No. 45-07360, an existing water right to be used in conjunction with the new permit. The permit applicant voluntarily may agree to conditions on his use of the existing licensed water right, and the parties may request that a copy of the agreement be included in the department's water right file for the existing license. The department does not anticipate, however, that it would take any further action to formally condition license no. 45-07360 to reflect the provisions of the agreement.

I propose to hold the application in our office for 10 days so that you may consider the foregoing. At the end of the 10 days I plan to forward the application to our state office and recommend that the permit be issued with conditions as a "recommended order" pursuant to Section 67-5243, Idaho Code.

If you have questions, please feel free to contact our office.

Sincerely,



Allen Merritt, PE
Southern Region Manager

CC: Norm Young, Phil Rassier - IDWR State Office
Norm Semanko

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
P. O. BOX 910
BURLEY, IDAHO 83318

TELEPHONE
(208) 678-8382
FAX NO.
(208) 678-0146

September 18, 1996

Allen Merritt
Department of Water Resources
222 Shoshone Avenue East
Twin Falls, Idaho 83301

RE: Permit 45-07727

Dear Allen:

Enclosed are six Stipulations which have been signed by all parties, and which now need to be executed by Idaho Department of Water Resources. Please have all six Stipulations signed.

When they are signed please retain one completed copy for your file, send one copy to Mr. Thompson and return the other four to me.

Thank you for your prompt attention to this matter.

Very truly yours,

William A. Parsons
William A. Parsons

WAP:rt
Enc.

RECEIVED

SEP 19 1996

Department of Water Resources
Southern Region

RECEIVED

SEP 19 1996

Department of Water Resources
Southern Region

PARSONS, SMITH, STONE & FLETCHER
137 West 13th Street
P.O. Box 910
Burley, Idaho 83318
(208) 678-8382
Attorneys for Oakley Canal Company

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

In the Matter of the Application)
for Permit No. 45-07727-Antone) STIPULATION
R. Thompson and License No.)
45-07360.)

OAKLEY CANAL COMPANY, ("Oakley"), SHOULDER 3 RANCHES,
INC. ("Shoulder"), and ANTONE R. THOMPSON, ("Thompson")
stipulate as follows:

1. Use of water under Permit No. 45-07727 or License
No. 45-07360 shall be non consumptive.

2. Ground water used pursuant to Permit No. 45-07727
shall be discharged into Trapper Creek so as to avoid injury to
Oakley Canal Company and Shoulder or their successors in
interest. The parties shall agree in writing on the point of
discharge so as to avoid injury. The water shall be treated

1 so as to insure that all discharges meet applicable Idaho Water
2 Quality Standards. The applicant shall comply with all
3 applicable health and environmental regulations during the
4 period of development and ultimate use under Permit No. 45-
5 07727 and License No. 45-07360 and shall furnish copies of any
6 compliance report to Oakley and Shoulder or their successors in
7 interest that have been provided to the Division of
8 Environmental Quality during all use periods. If no reports
9 are required by said Department, Thompson shall provide at
10 least quarterly, water quality reports to Oakley and Shoulder.
11 The quarterly report shall commence three (3) months from the
12 effective date of the stipulation unless the reports are being
13 made to the Division of Environmental Quality.

14 3. Measuring devices will be installed at the cost
15 to Thompson on or before one (1) year from the approval of the
16 Department of Water Resources of Permit No. 45-07727, provided
17 that any use under License No. 45-07360 shall have measuring
18 devices installed prior to the beginning of the irrigation
19 season in 1997 or March 1, 1997, whichever first occurs. Such
20 measuring devices shall be gauged by an independent engineer to
21 verify:

22 3.1. The amount of water diverted from the
23 Artesian ground water well pursuant to Permit No. 45-07727 and
24 any license issue thereto, and

25 3.2. The amount of water diverted from Trapper
26

1 Creek pursuant to License No. 45-07360.

2 3.3. The amount of water discharged to Trapper
3 Creek after use under Permit No. 45-07727 and License No. 45-
4 07360 and any license issued therefore.

5 The measuring devices will be maintained by Thompson
6 or his successors in interest of the lands described in
7 paragraph 19.

8 The measuring devises shall be of such accuracy that
9 will enable Oakley and Shoulder to verify that there has not
10 been any consumptive use of water beyond that amount that would
11 have been consumed in the normal flow without the use by
12 Thompson.

13 4. Oakley and Shoulder, their successors in
14 interest, shall have access to the well, the measuring devices,
15 diversion works, and other reasonable access to the property
16 where the diversions and devises are installed for observing
17 the compliance with the terms of this stipulation and any
18 permits or licenses issued by the Idaho Department of Water
19 Resources. Oakley and Shoulder shall attempt reasonable notice
20 before entry by giving notice to Thompson or the occupant of
21 the property owned by Thompson or his successor wherein the
22 water is being utilized.

23 5. Thompson shall notify Oakley and Shoulder, or
24 their successors, prior to filing any application for extension
25 of time to submit proof of beneficial use to the Idaho
26

1 Department of Water Resources for Permit No. 45-07727. Such
2 application shall be filed only if good faith development is in
3 progress consistent with this stipulation.

4 6. Oakley and Shoulder may apply to the Idaho
5 Department of Water Resources for cancellation of any permit or
6 license in the event of noncompliance with this stipulation and
7 the terms and conditions of any permit and/or license
8 subsequently issued under Nos. 45-07727 and/or 45-07360.
9 Revocation may occur under Idaho Code § 42-350 or any
10 subsequent legislation or regulation of similar provisions.
11 The same right to petition for cancellation may be made by
12 Oakley and Shoulder under Idaho Code § 42-311 in the event of
13 noncompliance with conditions of the permit or such other
14 statute or regulation as may be in effect regarding permits.

15 7. Upon the execution of this stipulation by Oakley,
16 Shoulder, and Thompson and the inclusion by the Department of
17 Water Resources as a condition to Permit No. 45-07727 and
18 License No. 45-07360, Oakley and Shoulder shall withdraw their
19 objection to application for Permit No. 45-07727.

20 8. Permit No. 45-07727 shall contain a condition
21 that the use combined with License No. 45-07360 is subject to
22 this stipulation.

23 9. The Artesian Ground Water Well subject to
24 application 45-07727 is located in the SW¼SE¼NW¼, Section 34,
25 Township 14 South, Range 21 East, Boise Meridian. Appropriate
26

1 amendments may be made by the Idaho Department of Water
2 Resources consistent with this stipulation as to location of
3 said well.

4 10. The provisions of this stipulation regarding
5 consumptive use, measuring devices, water quality shall be
6 applicable to License No. 45-07360 on fish propagation.

7 11. All fish ponds shall be so constructed and
8 maintained as to eliminate consumptive use beyond the amount
9 that would have been consumed in the normal flow without the
10 use by Thompson and to provide for water quality consistent
11 with Idaho Water Quality Standards.

12 12. Oakley and Shoulder shall not be responsible for
13 any of the costs incident to Thompson complying with the
14 requirements of this stipulation.

15 13. If any party to this stipulation or their
16 successors in interest are required to enforce this stipulation
17 or defend against the enforcement of this stipulation, the
18 prevailing party in such action shall be entitled to reasonable
19 attorney fees for the cost of prosecution or the defense of
20 such action. This provision shall include attorney fees
21 incurred at the administrative level before the Idaho
22 Department of Water Resources or other applicable
23 jurisdictional agency such as, but not limited to the agency
24 determining water quality standards.

25 14. "Consumptive Use" shall mean the amount of water
26

1 that does not remain in the water system after its use or is
2 not returned to the water system through return flows or
3 seepage. "Water System" means all rivers, streams, lakes,
4 springs, ground waters, or other sources within this state,
5 including a river system or other source upon which Oakley and
6 Shoulder rely for their water rights.

7 15. Thompson shall construct and maintain all
8 necessary diversion apparatus necessary for the use of the
9 water consistent with this stipulation and the permit and/or
10 license granted by the Idaho Department of Water Resources.
11 This provision shall not prevent Oakley, Shoulder or Thompson
12 or their successors from entering into any written agreements
13 pertaining to the construction and maintenance of diversion
14 apparatus, provided, however, that such agreements to be
15 effective must be in writing and signed by the respective party
16 or parties and shall not modify this stipulation.

17 16. This stipulation shall become a part of the
18 conditions of Permit No. 45-07727 and License No. 45-07360 and
19 any licenses issued on either or both permits. This stipulation
20 shall be effective upon the signing by Oakley, Shoulder, and
21 Thompson and inclusion by the Idaho Department of Water
22 Resources as a condition to Permit No. 45-07727 and License No.
23 45-07360.

24 17. Oakley is the owner of Water Right Nos. A45-
25 12457 and A45-04234 from the well located on the description in
26

1 paragraph 6. Each party has right to access to the well for
2 maintenance and repairs to the use of water rights. Each party
3 will cooperate and notify the other of repairs and maintenance
4 or changes in the well.

5 18. If the measuring devices demonstrate that
6 Thompson, or his successor in interest, is consuming water,
7 beyond the amount that would have been consumed in the normal
8 flow without the use by Thompson or his successor in interest
9 shall immediately cease and desist from diverting the water so
10 that the water can flow into the Trapper Creek or provide
11 replacement water. The determination of whether Thompson is
12 consuming water beyond the amount that would have been consumed
13 in the normal flow without the use by Thompson shall be
14 verified by an independent engineer. The permit or license
15 shall not be cancelled until the provisions of paragraph 6 have
16 been followed and completed.

17 19. Time is of the essence of this stipulation as to
18 completion of the measuring devices, diversion and diversion
19 apparatus as well as the compliance with the other terms and
20 conditions of this stipulation in the use of the water under
21 Permits and/or Licenses 45-07727 and 45-07360.

22 20. This stipulation when executed and approved
23 shall be binding on Thompson and his successors and assigns of
24 the land generally described as SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34,
25 Township 14 South, Range 21 E.B.M.
26

21. This stipulation shall be binding upon Oakley and Shoulder and their successors and assigns.

IN WITNESS WHEREOF, this stipulation has been
executed this 10 day of Sept., 1996.

Antone R. Thompson
Antone R. Thompson

OAKLEY CANAL COMPANY

INTERVENOR

SHOULDER 3 RANCHES, INC.
BY [Signature]
Its President

1 45-07727 and License No. 45-07360.

2 DATED this _____ day of _____, 1996.

3 IDAHO DEPARTMENT OF WATER
4 RESOURCES

5 BY _____
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 45-07360

Priority: September 9, 1979

Maximum Diversion Rate: 10.40 CFS
Maximum Diversion Volume:¹ 7521.2 AF

This is to certify, that NOLAN VICTOR
1528 ADDISON AVE. E.
TWIN FALLS, ID 83301

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated October 20, 1978; and
has submitted Proof of Beneficial Use on September 11, 1985. An examination indicates
that the works have a diversion capacity of 10.400 cfs of water from:

TRAPPER CREEK

tributary to GOOSE 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>
FISH PROPAGATION	01/01 to 12/31	10.40 CFS	7521.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 34, Township 14S, Range 21E
CASSIA County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

14S 21E 34

SWNW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.
6. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.

MICROFILMED

SEP 12 1980

State of Idaho
Department of Water Resources

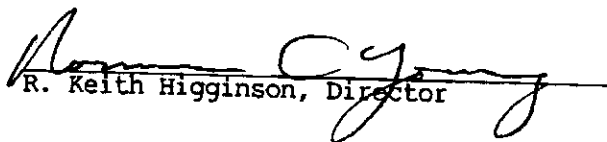
WATER RIGHT LICENSE
WATER RIGHT NO. 45-07360

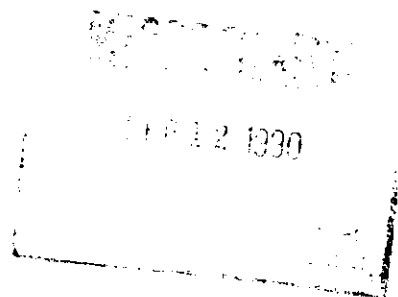
CONDITIONS/REMARKS:

7. Facility volume = 2.53 acre feet.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 31ST
day of AUGUST, 1970.

Acting for


R. Keith Higginson, Director



RECEIVED

FEB 21 1997

Department of Water Resources

1
2
3
4 PARSONS, SMITH, STONE & FLETCHER, LLP
5 137 West 13th Street
6 P.O. Box 910
7 Burley, Idaho 83318
8 Telephone: (208) 678-8382
9 Fax: (208) 678-0146
10 Attorneys for Oakley Canal Company

11 STATE OF IDAHO

12 DEPARTMENT OF WATER RESOURCES

13 In the Matter of the Application)
14 for Permit No. 45-07727 -Antone) STIPULATION
15 R. Thompson, and License No.)
16 45-07360.)

17 OAKLEY CANAL COMPANY ("Oakley"), SHOULDER 3 RANCHES,
18 INC. ("Shoulder") and ANTONE R. THOMPSON, ("Thompson")
19 stipulate as follows:

20 1. Use of water under Permit No. 45-07727 or License
21 No. 45-07360 shall be non consumptive.

22 2. Ground water used pursuant to Permit No. 45-07727
23 shall be discharged into Trapper Creek so as to avoid injury to
24 Oakley Canal Company and Shoulder or their successors in
25 interest. The parties shall agree in writing on the point of
26 discharge so as to avoid injury. The water shall be treated so
as to insure that all discharges meet applicable Idaho Water

1 Quality Standards. The applicant shall comply with all
2 applicable health and environmental regulations during the
3 period of development and ultimate use under Permit No. 45-
4 07727 and License No. 45-07360 and shall furnish copies of any
5 compliance report to Oakley and Shoulder or their successors in
6 interest that have been provided to the Division of
7 Environmental Quality during all use periods. If no reports
8 are required by said Department, Thompson shall provide at
9 least quarterly, water quality reports to Oakley and Shoulder.
10 The quarterly report shall commence three (3) months from the
11 effective date of the stipulation unless the reports are being
12 made to the Division of Environmental Quality.

13 3. Measuring devices will be installed at the cost
14 of Thompson on or before one (1) year from the approval of the
15 Department of Water Resources of Permit No. 45-07727, provided
16 that any use under License No. 45-07360 shall have measuring
17 devices installed prior to the beginning of the irrigation
18 season in 1997 or March 1, 1997, whichever first occurs. Such
19 measuring devices shall be gauged by an independent engineer to
20 verify:

21 3.1. The amount of water diverted from the
22 Artesian ground water well pursuant to Permit No. 45-07727 and
23 any license issue thereto, and

24 3.2. The amount of water diverted from Trapper
25 Creek pursuant to License No. 45-07360.

26 3.3. The amount of water discharged to Trapper
Creek after use under Permit No. 45-07727 and License No. 45-

1 07360 and any license issued therefore.

2 The measuring devices will be maintained by Thompson
3 or his successors in interest of the lands described in
4 paragraph 19.

5 The measuring devices shall be of such accuracy that
6 will enable Oakley and Shoulder to verify that there has not
7 been any consumptive use of water beyond that amount that would
8 have been consumed in the normal flow without the use by
9 Thompson.

10 4. Oakley and Shoulder, their successors in
11 interest, shall have access to the well, the measuring devices,
12 diversion works, and other reasonable access to the property
13 where the diversions and devises are installed for observing
14 the compliance with the terms of this stipulation and any
15 permits or licenses issued by the Idaho Department of Water
16 Resources. Oakley and Shoulder shall attempt reasonable notice
17 before entry by giving notice to Thompson or the occupant of
18 the property owned by Thompson or his successor wherein the
19 water is being utilized.

20 5. Thompson shall notify Oakley and Shoulder, or
21 their successors, prior to filing any application for extension
22 of time to submit proof of beneficiary use to the Idaho
23 Department of Water Resources for Permit No. 45-07727. Such
24 application shall be filed only if good faith development is in
25 progress consistent with this stipulation.

26 6. Oakley and Shoulder may apply to the Idaho
Department of Water Resources for cancellation of any permit or

1 license in the event of noncompliance with this stipulation and
2 the terms and conditions of any permit and/or license
3 subsequently issued under Nos. 45-07727 and 45-07360.

4 Revocation may occur under Idaho Code § 42-350 or any
5 subsequent legislation or regulation of similar provisions.

6 The same right to petition for cancellation may be made by
7 Oakley and Shoulder under Idaho Code § 42-311 in the event of
8 noncompliance with conditions of the permit or such other
9 statute or regulation as may be in effect regarding permits.

10 7. Upon the execution of this stipulation by Oakley,
11 Shoulder, and Thompson and the inclusion by the Department of
12 Water Resources that the use of water under the right affected
13 by an agreement among the parties, Oakley and Shoulder shall
14 withdraw their objection to application for Permit No. 45-
15 07727.

16 8. The use of Permit No. 45-07727 and License No.
17 45-07360 is subject to this stipulation.

18 9. The Artesian Ground Water Well subject to
19 Application 45-07727 is located in the SE~~SE~~NW~~SE~~, Section 34,
20 Township 14 South, Range 21 East, Boise Meridian. Appropriate
21 amendments may be made by the Idaho Department of Water
22 Resources consistent with this stipulation as to location of
23 said well.

24 10. The provisions of this stipulation regarding
25 consumptive use, measuring devices, water quality shall be
26 applicable to License No. 45-07360 or fish propagation.

11. All fish ponds shall be so constructed and

1 maintained as to eliminate consumptive use beyond the amount
2 that would have been consumed in the normal flow without the
3 use by Thompson and to provide for water quality consistent
4 with Idaho Water Quality Standards.

5 12. Oakley and Shoulder shall not be responsible for
6 any of the costs incident to Thompson complying with the
7 requirements of this stipulation.

8 13. If any party to this stipulation or their
9 successors in interest are required to enforce this stipulation
10 or defend against the enforcement of this stipulation, the
11 prevailing party in such action shall be entitled to reasonable
12 attorney fees for the cost of prosecution or the defense of
13 such action. This provision shall include attorney fees
14 incurred at the administrative level before the Idaho
15 Department of Water Resources or other applicable
16 jurisdictional agency such as, but not limited to the agency
17 determining water quality standards.

18 14. "Consumptive Use" shall mean the amount of water
19 that does not remain in the water system after its use or is
20 not returned to the water system through return flows or
21 seepage. "Water System" means all rivers, streams, lakes,
22 springs, ground waters, or other sources within this state,
23 including a river system or other source upon which Oakley and
24 Shoulder rely for their water rights.

25 15. Thompson shall construct and maintain all
26 necessary diversion apparatus necessary for the use of the
water consistent with this stipulation and the permit and/or

1 license granted by the Idaho Department of Water Resources.
2 This provision shall not prevent Oakley, Shoulder, or Thompson
3 or their successors from entering into any written agreements
4 pertaining to the construction and maintenance of diversion
5 apparatus, provided, however, that such agreements to be
6 effective must be in writing and signed by the respective party
7 or parties and shall not modify this stipulation.

8 16. This stipulation shall be effective upon the
9 signing by Oakley, Shoulder, and Thompson and inclusion by the
10 Idaho Department of Water Resources as a condition to Permit
11 No. 45-07727, providing that the use of water under the right
12 is affected by an agreement among the parties.

13 17. Oakley is the owner of Water Right Nos. A45-
14 12457 and A45-04234 from the well located on the description in
15 paragraph 6. Each party has right to access to the well for
16 maintenance and repairs to the use of water rights. Each party
17 will cooperate and notify the other of repairs and maintenance
18 or changes in the well.

19 18. If the measuring devices demonstrate that
20 Thompson, or his successor in interest, is consuming water,
21 beyond the amount that would have been consumed in the normal
22 flow without the use by Thompson or his successor in interest
23 shall immediately cease and desist from diverting the water so
24 that the water can flow into the Trapper Creek or provide
25 replacement water. The determination of whether Thompson is
26 consuming water beyond the amount that would have been consumed
in the normal flow without the use by Thompson shall be

1 verified by an independent engineer. The permit or license
2 shall not be cancelled until the provisions of paragraph 6 have
3 been followed and completed.

4 19. Time is of the essence of this stipulation as to
5 completion of the measuring devices, diversion and diversion
6 apparatus as well as the compliance with the other terms and
7 conditions of this stipulation in the use of the water under
8 Permits and/or Licenses 45-07727 and 45-07360.

9 20. This stipulation when executed and approved
10 shall be binding on Thompson and his successors and assigns of
11 the land generally described as SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34,
12 Township 14 South, Range 21 E.B.M.

13 21. This stipulation shall be binding upon Oakley
14 and Shoulder and their successors and assigns.

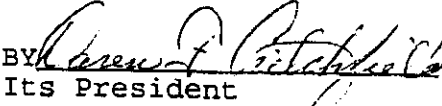
15 IN WITNESS WHEREOF, this stipulation has been
16 executed this 29 day of January, 1997.

17 APPLICANT

18 
19 Antone R. Thompson

20 PROTESTANT

21 OAKLEY CANAL COMPANY

22 BY 
23 Its President

24 INTERVENOR

25 SHOULDER 3 RANCHES, INC.

26 
Its President

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 45-7360

APPROVED
RECEIVED

To appropriate the public waters of the State of Idaho

OCT 20 1978

1. Name of applicant Gary Funderburg &/or Denise Funderburg Phone Department of Water Resources
Post office address Box 191C - Rt. 3, Jerome, Idaho 83338 Southern District Office
2. Source of water supply Trapper Creek which is a tributary of Goose Creek
3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 34 Township 14S
Range 21E B.M. Cassia County, additional points of diversion if any: NENE, NWNE, SWNE, Sec. 34; NESW, SWSW, Sec. 26, Twp. 14S, Rge. 21E
4. Water will be used for the following purposes:
- Amount 20cfs for fish prop purposes from Jan. 1 to Dec. 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. 20 cfs cubic feet per second and/or b. acre-feet per annum.
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. Headgate, Ditch & Fish Ponds
- 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 (Month/Day) to (Month/Day) inclusive.
- 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:
- | | | |
|----|----|----|
| NE | NE | 34 |
| NW | NE | 34 |
| SW | NE | 34 |
| SE | NW | 34 |
| | SW | 26 |
- a. If water is not for irrigation:
- (1) Give the place of use of water: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 34 Township 14S
Range 21E B.M. Cassia
- (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: Fish Propagation

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 Donald L. & Barbara J. Maybe

b. Who owns the land to be irrigated or place of use Donald L. & Barbira J. Maybe

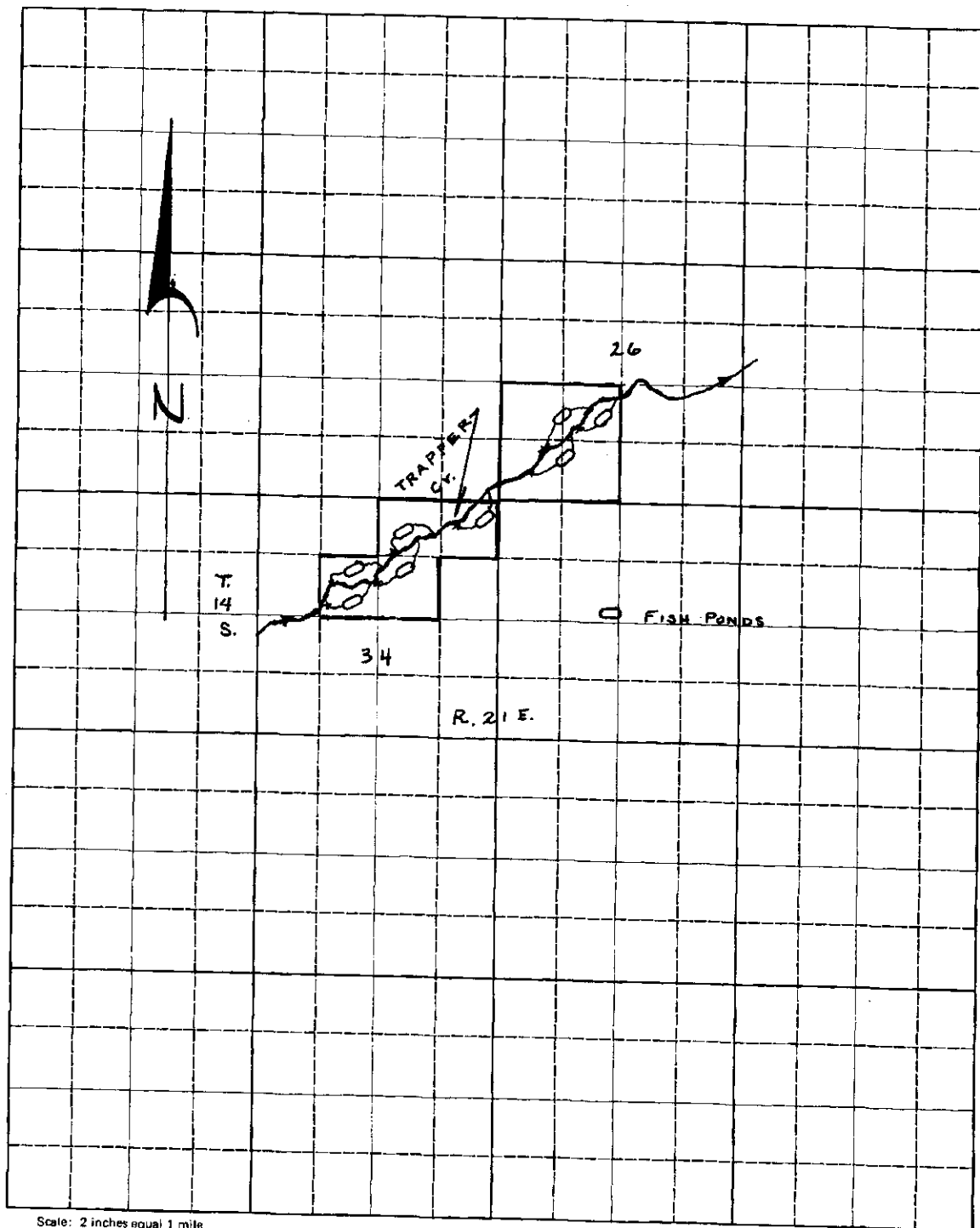
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Leased contract

10. Remarks 1) Sufficient amount of water will be left in the stream to maintain
aquatic life.

2) Part of the water applied for is water that has been used in the past
for irrigation

~~3) Discharge will meet E.P.A. Standards.~~

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



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.

James L. Anderson
(Applicant)

State of Idaho
Department of Water Resources

RECEIVED

AUG 20 1990

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 45-07360

Department of Water Resources

Date of Priority: September 9, 1979

Maximum Diversion Rate: 10.40 CFS
Maximum Diversion Volume: 7521.2 AF

Comes now
1528 ADDISON AVE. E.
TWIN FALLS, ID 83301

NOLAN VICTOR

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. 45-07360, and requests that the permit be changed as follows:

Source: TRAPPER CREEK

tributary to GOOSE CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	10.40 CFS	7521.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW, Sec. 34, Township 14S, Range 21E
CASSIA County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

14S 21E 34

SWNW

MICROFILMED

SEP 12 1990

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 Twin Falls, Idaho, this 16 day of August, 1990.

Nolan Victor
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 45-07360

FOR DEPARTMENT USE ONLY

#C018078

Preliminary check by SL Fee ☒ \$20.00 Received by JS Date 8/26/90

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 45-07360 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

Witness my hand this 31st day of August, 19 90.

Acting for R. Keith Higginson
R. Keith Higginson, Director

RECEIVED

SEP 17 1990



RECEIVED

FEB 21 1997

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

PARSONS, SMITH, STONE & FLETCHER, LLP

ATTORNEYS AT LAW
137 WEST 13TH STREET
P. O. BOX 910
BURLEY, IDAHO 83318

Department of Water Resources
TELEPHONE
(208) 678-8382
FAX NO.
(208) 678-0146

February 19, 1997

Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Attn: L. Glen Saxton

RE: Permit 45-07727 and
License 45-07360

Dear Glen:

I am enclosing the executed Stipulation between Thompson,
Oakley Canal and Shoulder 3.

This should be part of the departmental official records.

Very truly yours,

William A. Parsons
William A. Parsons

WAP:rt
Enc.
cc: Norman Semanko

September 4, 1990

NOLAN VICTOR
1528 ADDISON AVE. E.
TWIN FALLS, ID 83301

RE: PERMIT NO. 45-07360

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

SEP 12 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

August 10, 1990
R. KEITH HIGGINSON
DIRECTOR

NOLAN VICTOR
1528 ADDISON AVE. E.
TWIN FALLS, ID 83301

RE: PERMIT NO. 45-07360

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

P.S. Also enclosed is an Order reinstating this permit due to late submittal of the fee information sheet and certified exam.

MICROFILMED

SEP 12 1990

MEMORANDUM

TO: FILE

FROM: ROXANNE MCCARTHY

RE: ANNUAL VOLUME FOR FISH PROPAGATION

DATE: 7-SEP-1989

Per a memo dated 1-15-88, volume is calculated in this way:

1. calculate changes per hour:
total flow into facility x 3600/facility volume(cf)=changes
 2. calculate annual volume:
facility volume(AF) x changes x 8760=AFA
 3. calculate volume given by permitted flow:
flow rate(cfs) x 1.9835 x 365 days=AFA
 4. recommend lower figure
-

1. 10.4 cfs x 3600/ 110,000 cf= 0.34
2. 2.53 AF x 0.34 x 8760= 7521.2 AFA
3. 10.4 cfs x 1.9835 x 365 days= 7529.4 AFA

RECOMMENDATION: 7521.2 AFA

MicroFILMED

SEP 12 1990

BENEFICIAL USE FIELD REPORT REVIEW

TO: FILE 45-7360
FROM: ROXANNE MC CARTHY
RE: PRIORITY ADVANCE REVIEW
DATE: 11-OCT-1989

This review memo is prepared to show the process for determining what elements were involved in advancement of the priority.

PERMIT	<u>DATE</u>	<u>JULIAN</u>
Permit priority Date:	OCTOBER 20 1978	293
EXAM FEE NOTICE		
Exam Fee Notice Date:	AUGUST 12 1986	224
Exam Fee/Info Sheet Received Date:	JUNE 30 1987	546
Exam Fee or Info Due Date:	OCTOBER 11 1986	284
Days Late:		262 DAY(S)
CERTIFIED EXAM		
Exam Received Date:	OCTOBER 13 1987	286
Exam by Examiner Due Date:	AUGUST 12 1987	224
Days Late:		62 DAY(S)
NEW PRIORITY DATE		
Original Priority Date:	OCTOBER 20 1978	293
Total Days Late:		324 DAY(S)
New Priority Date:	SEPTEMBER 09 1979	252

MICROFILMED

SEP 12 1990

CWR Consulting

Clarence Wm. Robison, P.E.

Route 2, 230 Maxine

Kimberly, Idaho 83341

(208) 423-4972

RECEIVED

OCT 13 1987

Department of Water Resources
Southern Region Office

October 13, 1987

Mr. Loren Holmes, Regional Supervisor
Idaho Department of Water Resources, Southern Region
2148 4th Ave East
Twin Falls, Idaho 83301

RE: Field Examination Report for Permit #45-7360

Mr. Holmes:

Please find enclosed the field examination report for Nolan Victor water permit #45-7360 for fish propagation. The diversion channel has a broad crested weir installed 250 feet downstream of the diversion structure. The effluent pond check structure can be treated as a weir with proper installation of boards; however, my measurements indicate that there is no loss of water due to this permit. If there should be seepage from the ponds, the seepage will either feed the creek or reservoir.

I had requested Mr. Victor to request an extension in filing the field report in June this summer due to drought conditions. Mr Victor apparently did not request the extension in time to be granted; therefore, as instructed by the department through Mr. Victor, I request that this field examination not be reviewed for licensing pending further flow measurements during non drought conditions. The flow I measured was 10.4 cfs and the permit was for 20.0 cfs. Trapper Creek was not flowing 20 cfs in June or October. Providing that there is a normal winter, I feel that any additional flow measurements should be completed by August 1, 1988.

Please feel free to contact me if you have any questions.

Sincerely,



Clarence Wm. Robison, P.E.

enc.

cc: Mr. Nolan Victor
1528 Addison Ave. West
Twin Falls, Idaho

Mr. Richard Webster
Twin Falls, Idaho

RECEIVED

SEP 12 1990

RECEIVED

OCT 16 1987

Department of Water Resources

RECEIVED

OCT 16 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

A. GENERAL INFORMATION

1. Owner: Nolan Vidar Permit No. 45-1360
Current Address: 1528 Addison Ave West, Twin Falls, Idaho 83301 Phone No. 733-5217
2. Accompanied by: Richard Webster EXAM. DATE: 10-10-87
Address: Twin Falls, Idaho Phone No. 733-2744
Relationship to Permit Holder: Property owner
3. Source: Trapper Creek tributary to Goose Creek

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: _____
_____ ☐ 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

RECEIVED

SEP 12 1987

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached ☐ Aerial Photo Attached
Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more).
place(s) of use (required).
☒ 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.)

Water was being diverted at PD#1 diversion on Trapper Creek at a rate of 104 cfs. There was 1 to 2 cfs left in the creek. The diverted water flows through an earth channel varying between 3 to 8 in width some 850' in length to 3 raceways. Some 250' downstream of the diversion a 36" wide, 72" long Broad crested weir is installed. The sill of the broad crested is 5.5" high and has a length of 36". In the last 150' of the diversion channel 6 12" PVC pipes, 2 per ~~pond~~ raceway. The three race ways are earthen in construction and have

☒ 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
PD#1	NONE	—	—	NONE	—

*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
PD#1		SE	SW	NW	34	14S	21E	CASSIA	Existing BM in the field & Topo. Map

6. Place(s) of Use:

Indicate Method of Determination SAME 5 - BM & Topo

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	
14S	21E	34							X										9 PONDS

Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
3'W 5.5" Sill BCW	Broad crested weir	—	—	—	3'	—
Ott Current Meter	Prop	Ott	—	47966	125mm	1/77

Ott $V(fps)$ for $n < .68 rps = .7872n + .062$ For $n > .68 .8495n + .020$

2. Measurements:

Broad crested weir depth to water 18.5"

Two current meter measurement ~~Dis~~ at the BCW and (2) in the effluent discharge channel prior to re-entering Trapper Creek

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

BCW 18.5" yields 10.4 cfs

2. Alternate Method for Checking Purposes:

Discharge ① = 10.2 cfs Discharge in effluent channel 10.6 cfs

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

: Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

2. Volume Calculations for Other Uses:

Attached system drawing for individual Pond volumes.

Total pond vol = 110000 ft³

Changes of water = $10.4 \frac{\text{ft}^3}{\text{sec}} \times \frac{1}{110000 \text{ ft}^3} \times \frac{3600 \text{ sec}}{\text{hour}} = .340 \frac{\text{change}}{\text{hr.}}$

H. REMARKS AND OVERLAP REVIEW ANALYSIS

~~and~~ an average length of 291' and width of 28'. Each raceway has three ponds with an average depth of 4.5'. During the measurement water was flowing through each raceway; however, only the ponds in the outside raceways were full. The effluent leaves the raceways via a 46" CMP conduit which delivers the water to an effluent settling pond which has a single concrete check structure for controlling the water elevation with broods. During the exam there were no broods installed. The effluent passes through some 80' of earthen channel, top width 5', where upon it enters Trapper Creek, approximately 100' upstream of the Trapper Creek stream gaging station.

I. RECOMMENDATIONS

1. Recommended Amounts

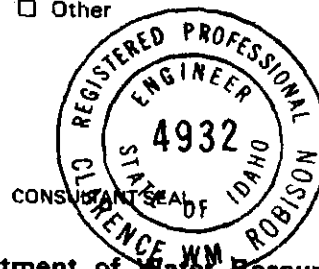
Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
Fish Propagation	1/1	12/31	10.4	313 af or .34 changes hour.
Totals:			10.4	

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

J. AUTHENTICATION

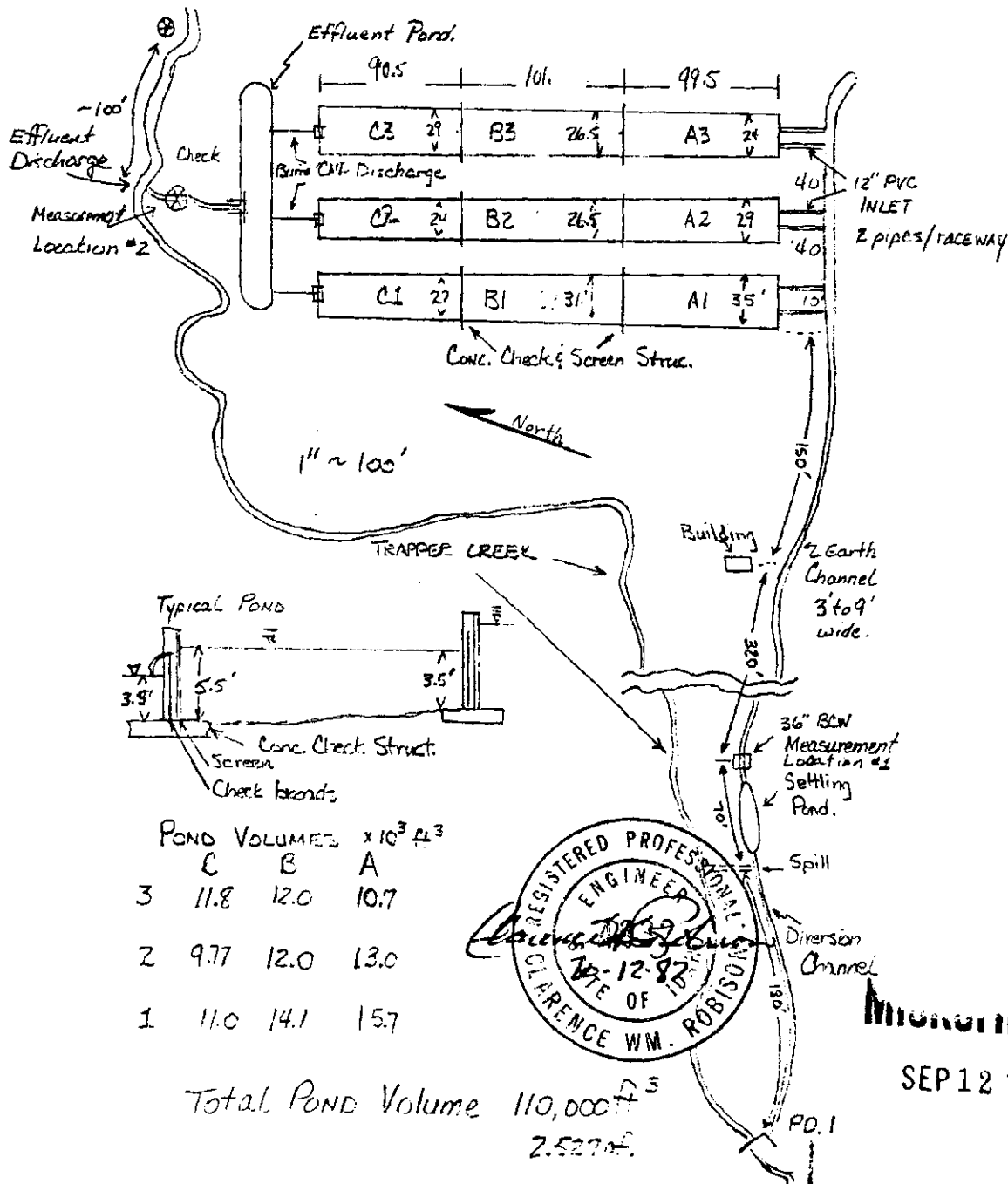
Field Examiner's Name Clarence Wm Robison
 Signature Clarence Wm Robison
 Certification Date 4-7-87
 Field Report Preparation Date 10-12-87

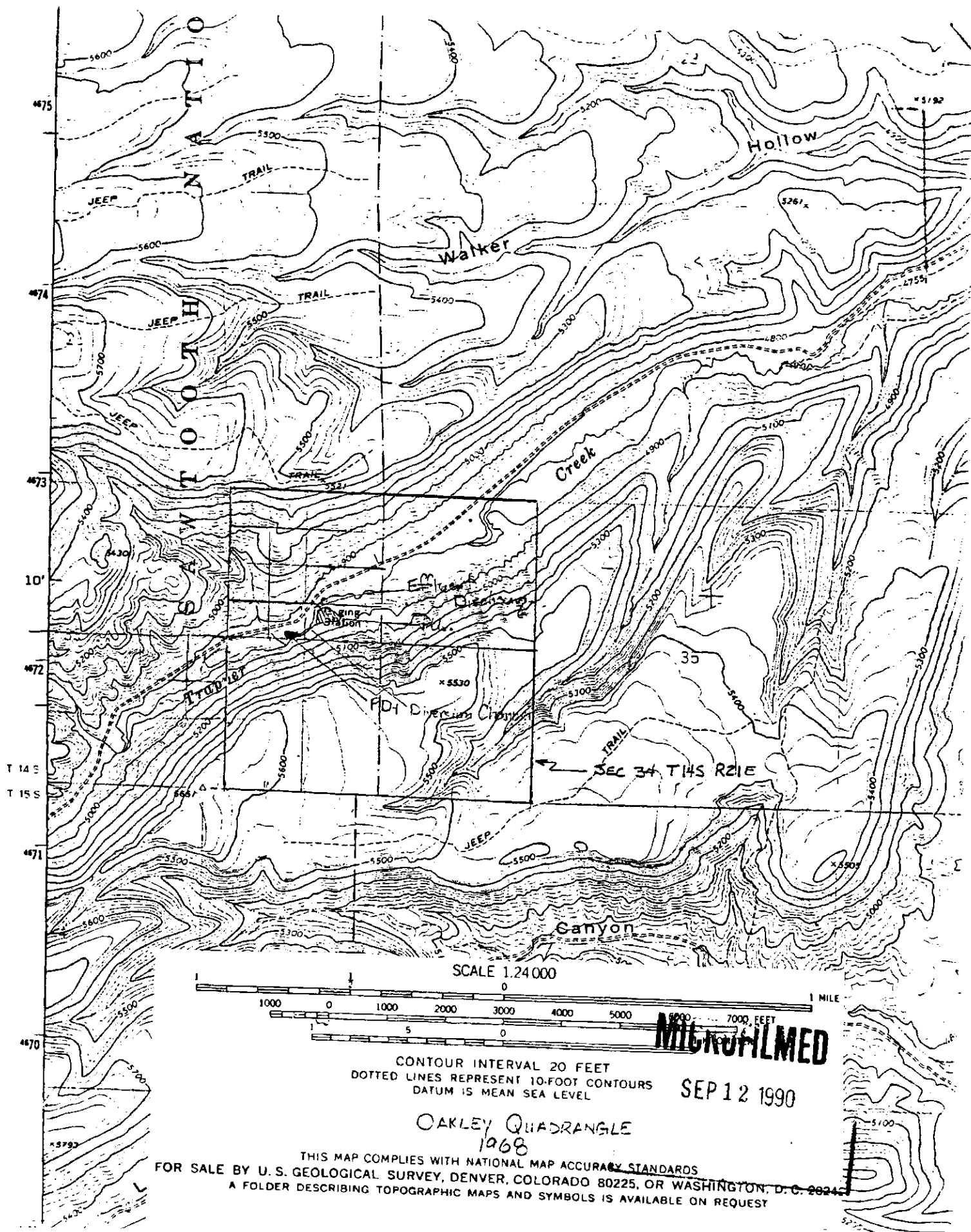


K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

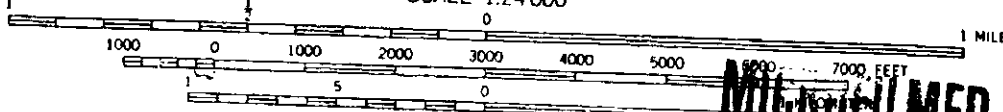
USGS GAGE HOUSE

PERMIT #45-7360





SCALE 1:24000



CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT 10-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

OAKLEY QUADRANGLE
1968

SEP 12 1990

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D. C. 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

N. Victor

#45-7360



Diversion Structure on Trapper Creek



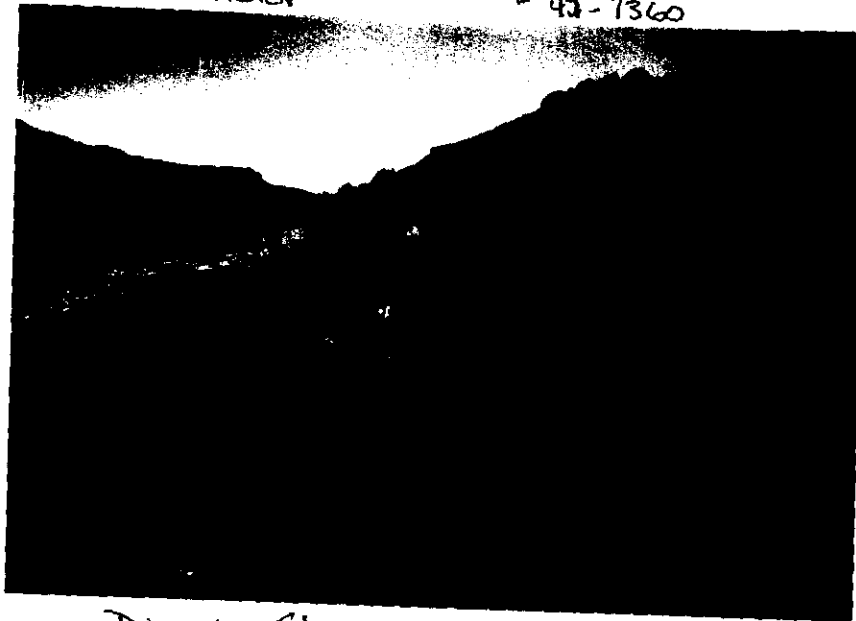
Diversion Channel w/ measurement BCW

MICROFILMED
SEP 12 1963



N. Victor

45-7360



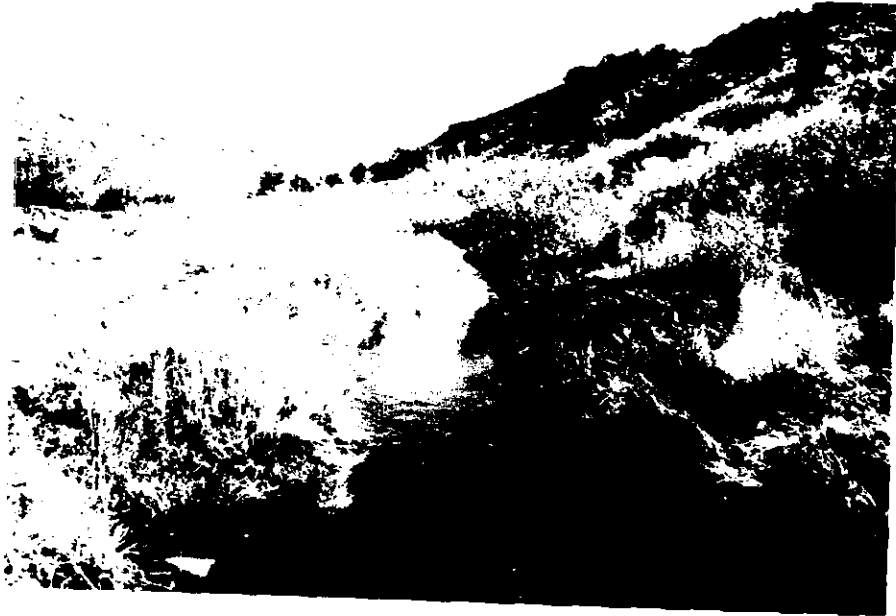
Diversion Channel at upstream edge of raceways.



Raceway set #3. U.S.G.S. Gauge in background.

SEP 12 1940

REPROFILMED



N. Victor

45-7360



Raceway Set # 1.



Effluent Measurement Cross Section.

SEP 12 1990
MICROFILMED



N. Victor

#45-7360



Trapper Creek between diversion and
effluent discharge. 10/10/87 1-2 cfs

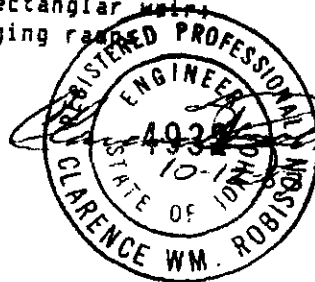
REPRODUCED
SEP 12 1990



TRAPPER CREEK FISH FACILITY BROAD CRESTED WEIR

As built dimensions for stationary rectangular weir:

Length from MP to converging ramp:	2.0 ft
Converging ramp length:	1.0 ft
Throat length:	3.0 ft
Diverging ramp:	0.0 ft
Sill height:	5.5 in
Approach Section width:	3.0 ft
Throat Section width:	3.0 ft
Tailwater Section width:	4.0 ft



RATING TABLE

Sill Reference Head (ft)	MP Depth to Water (inch)	Flow (cfs)
0.17	28.50	0.60
0.19	28.25	0.73
0.21	28.00	0.86
0.23	27.75	0.99
0.25	27.50	1.14
0.27	27.25	1.29
0.29	27.00	1.45
0.31	26.75	1.62
0.33	26.50	1.79
0.35	26.25	1.97
0.38	26.00	2.16
0.40	25.75	2.35
0.42	25.50	2.55
0.44	25.25	2.76
0.46	25.00	2.97
0.48	24.75	3.18
0.50	24.50	3.41
0.52	24.25	3.64
0.54	24.00	3.87
0.56	23.75	4.11
0.58	23.50	4.36
0.60	23.25	4.61
0.63	23.00	4.87
0.65	22.75	5.13
0.67	22.50	5.40
0.69	22.25	5.67
0.71	22.00	5.95
0.73	21.75	6.23
0.75	21.50	6.52
0.77	21.25	6.81
0.79	21.00	7.11
0.81	20.75	7.42
0.83	20.50	7.73
0.85	20.25	8.04
0.88	20.00	8.36
0.90	19.75	8.68
0.92	19.50	9.01
0.94	19.25	9.34

MICROFILMED

SEP 12 1990

TRAPPER CREEK FISH FACILITY BROAD CRESTED WEIR

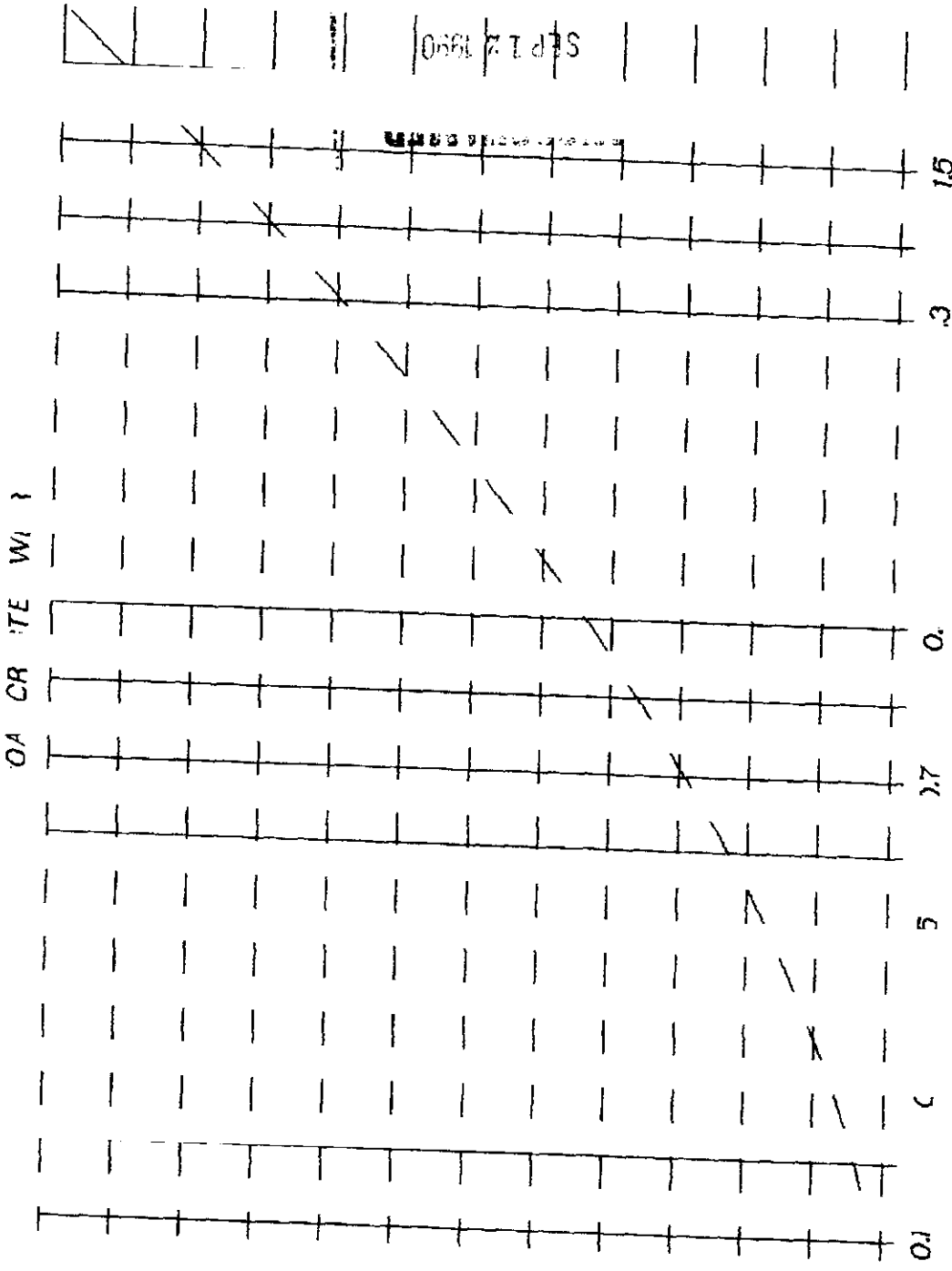
RATING TABLE CONT.

Sill Reference Head (ft)	MP Depth to Water (inch)	Flow (cfs)
0.96	19.00	9.68
0.98	18.75	10.02
1.00	18.50	10.37
1.02	18.25	10.72
1.04	18.00	11.08
1.06	17.75	11.44
1.08	17.50	11.81
1.10	17.25	12.18
1.13	17.00	12.55
1.15	16.75	12.93
1.17	16.50	13.31
1.19	16.25	13.70
1.21	16.00	14.09
1.23	15.75	14.49
1.25	15.50	14.89
1.27	15.25	15.30
1.29	15.00	15.71
1.31	14.75	16.12
1.33	14.50	16.54
1.35	14.25	16.96
1.38	14.00	17.39
1.40	13.75	17.82
1.42	13.50	18.25
1.44	13.25	18.69
1.46	13.00	19.14
1.48	12.75	19.58
1.50	12.50	20.03
1.52	12.25	20.49
1.54	12.00	20.95
1.56	11.75	21.41
1.58	11.50	21.88
1.60	11.25	22.35
1.63	11.00	22.82
1.65	10.75	23.30
1.67	10.50	23.78

RECEIVED

SEP 17 1967

REP ERS + 7 N IT



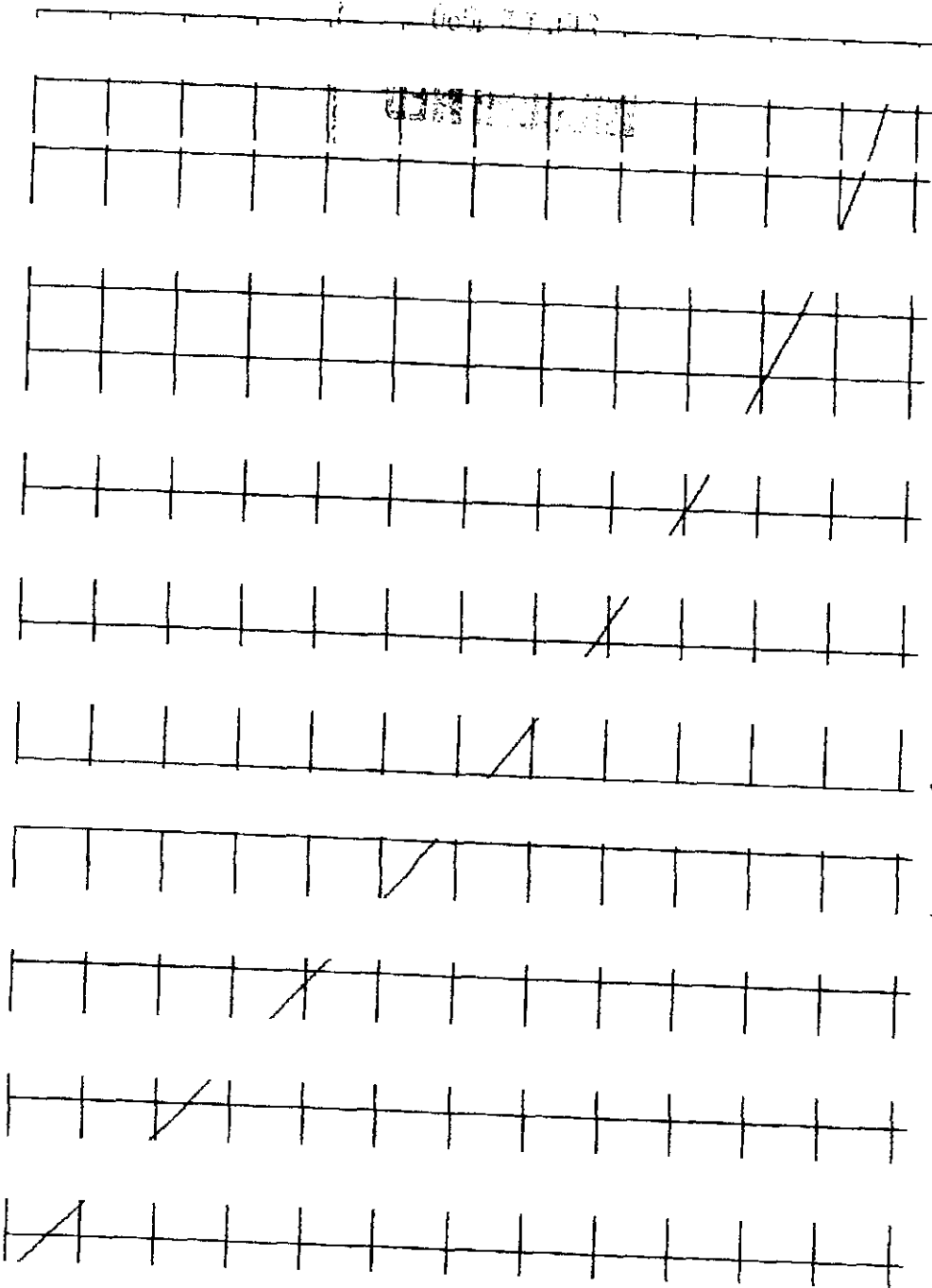
III fei ice ea 21 (ft)

Discharge (cfs)

24
22
20
18
16
14
12
10
8
6
4
2
0

TR
'PE
CI
ER
IS
F
ILITY

BR
CRE
WE



Dept
Wat
MP

DISCHARGE MEASUREMENT — CURRENT METER

PARTY Robison & Webster

METER OTT

LOCATION Trapper Creek Fish Pond Effluent

LOCATION (numeric)

METER CODE

DATE

NUMBER SECTIONS

GAGE

2

9

10/10/87

8

—

SEC. #	DISTANCE	DEPTH	REV. 6 or .2	REV. 0.8	TIME (sec.)	ANGLE CORRECTION
01	2.00	.66	-0	-0	50	1.00
02	3.00	1.91	11	20		1.00
03	4.00	2.12	31	68		1.00
04	5.00	2.09	102	114		1.00
05	6.00	1.98	96	107		1.00
06	7.00	1.11	52	0		1.00
07	8.00	.5	41	0		1.00
08	8.40	.38	0	0	50	1.00
09						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						

METER CODES

1 = HOFF 551
2 = DAVID WHITE
3 = HOFF 183-3
4 = HOFF 183-4
5 = OTT-446 (I)

6 = NEYRPIC MIG. BLUE (4)
7 = NEYRPIC MIG. RED (6)
8 = NEYRPIC CABLE
9 = OTT-47966
10 = HOFF 557

11 =
12 =
13 =
14 =
15 =

REMARKS 5.10 (ent) 5.04' in Trapper Creek Gage

DEPTH	.2	.6	.8	DEPTH	.2	.6	.8	DEPTH	.2	.6	.8	DEPTH	.2	.6	.8
1	.08	.04	.02	4.1	3.28	1.64	.82	8.1	6.48	3.24	1.62	12.1	9.68	4.84	2.42
2	.16	.08	.04	4.2	3.36	1.68	.84	8.2	6.56	3.28	1.64	12.2	9.76	4.88	2.44
3	.24	.12	.06	4.3	3.44	1.72	.86	8.3	6.64	3.32	1.66	12.3	9.84	4.92	2.46
4	.32	.16	.08	4.4	3.52	1.76	.88	8.4	6.72	3.36	1.68	12.4	9.92	4.96	2.48
5	.40	.20	.10	4.5	3.60	1.80	.90	8.5	6.80	3.40	1.70	12.5	10.0	5.00	2.50
6	.48	.24	.12	4.6	3.68	1.84	.92	8.6	6.88	3.44	1.72	12.6	10.1	5.04	2.52
7	.56	.28	.14	4.7	3.76	1.88	.94	8.7	6.96	3.48	1.74	12.7	10.2	5.08	2.54
8	.64	.32	.16	4.8	3.84	1.92	.96	8.8	7.04	3.52	1.76	12.8	10.2	5.12	2.56
9	.72	.36	.18	4.9	3.92	1.96	.98	8.9	7.12	3.56	1.78	12.9	10.3	5.16	2.58
10	.80	.40	.20	5.0	4.00	2.00	1.00	9.0	7.20	3.60	1.80	13.0	10.4	5.20	2.60
11	.88	.44	.22	5.1	4.08	2.04	1.02	9.1	7.28	3.64	1.82	13.1	10.5	5.24	2.62
12	.96	.48	.24	5.2	4.16	2.08	1.04	9.2	7.36	3.68	1.84	13.2	10.6	5.28	2.64
13	1.04	.52	.26	5.3	4.24	2.12	1.06	9.3	7.44	3.72	1.86	13.3	10.6	5.32	2.66
14	1.12	.56	.28	5.4	4.32	2.16	1.08	9.4	7.52	3.76	1.88	13.4	10.7	5.36	2.68
15	1.20	.60	.30	5.5	4.40	2.20	1.10	9.5	7.60	3.80	1.90	13.5	10.8	5.40	2.70
16	1.28	.64	.32	5.6	4.48	2.24	1.12	9.6	7.68	3.84	1.92	13.6	10.9	5.44	2.72
17	1.36	.68	.34	5.7	4.56	2.28	1.14	9.7	7.76	3.88	1.94	13.7	11.0	5.48	2.74
18	1.44	.72	.36	5.8	4.64	2.32	1.16	9.8	7.84	3.92	1.96	13.8	11.0	5.52	2.76
19	1.52	.76	.38	5.9	4.72	2.36	1.18	9.9	7.92	3.96	1.98	13.9	11.1	5.56	2.78
20	1.60	.80	.40	6.0	4.80	2.40	1.20	10.0	8.00	4.00	2.00	14.0	11.2	5.60	2.80
21	1.68	.84	.42	6.1	4.88	2.44	1.22	10.1	8.08	4.04	2.02	14.1	11.3	5.64	2.82
22	1.76	.88	.44	6.2	4.96	2.48	1.24	10.2	8.16	4.08	2.04	14.2	11.4	5.68	2.84
23	1.84	.92	.46	6.3	5.04	2.52	1.26	10.3	8.24	4.12	2.06	14.3	11.4	5.72	2.86
24	1.92	.96	.48	6.4	5.12	2.56	1.28	10.4	8.32	4.16	2.08	14.4	11.5	5.76	2.88
25	2.00	1.00	.50	6.5	5.20	2.60	1.30	10.5	8.40	4.20	2.10	14.5	11.6	5.80	2.90
26	2.08	1.04	.52	6.6	5.28	2.64	1.32	10.6	8.48	4.24	2.12	14.6	11.7	5.84	2.92
27	2.16	1.08	.54	6.7	5.36	2.68	1.34	10.7	8.56	4.28	2.14	14.7	11.8	5.88	2.94
28	2.24	1.12	.56	6.8	5.44	2.72	1.36	10.8	8.64	4.32	2.16	14.8	11.8	5.92	2.96
29	2.32	1.16	.58	6.9	5.52	2.76									

MICROFILMED

SEP 2 1996

DISCHARGE MEASUREMENT — CURRENT METER

PARTY Robison Webster

METER 04

LOCATION Fish Diversion at ECLW.

LOCATION (numeric)

METER CODE

DATE

NUMBER SECTIONS

GAGE

#1

9

10/10/82

7

18.5"

SEC. #	DISTANCE	DEPTH	REV. 6 or .2	REV. 0.8	TIME (sec.)	ANGLE CORRECTION
01	0.00	.70	0	0	50	1.
02	0.30	.70	315	0	50	1.
03	1.00	.70	321	0	50	1.
04	1.50	.70	322	0	50	1.
05	2.00	.70	318	0	50	1.
06	2.70	.70	314	0	50	1.
07	3.00	.70	0	0	50	1.
08						
09						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						

METER CODES

1 = HOFF 551

2 = DAVID WHITE

3 = HOFF 183-3

4 = HOFF 183-4

5 = OTT-446 (1)

6 = NEYRPIG MIG. BLUE (4)

7 = NEYRPIG MIG. RED (6)

8 = NEYRPIG CABLE

9 = OTT-47966

10 = HOFF 557

11 = **RECEIVED**

12 =

13 =

14 = SEP 12 1980

15 =

REMARKS 18.5" from Measuring P. on BCW to water

ENTER POSITION FROM CHANNEL BOTTOM FOR .6 AND .24.8 METHODS.

MICROFILMED

SEP 12 1990

TRAPPER CREEK FISH POND DIVERSION CHANNEL; 45-7360. ROBISON & WEBSTER

INPUT DATA FROM FIELD

Sta	Depth	Rev (.6or.2)	Rev (.8)	Time	Angle Corr
.00	.70	.00	.00	50.00	1.00
.30	.70	315.00	.00	50.00	1.00
1.00	.70	321.00	.00	50.00	1.00
1.50	.70	322.00	.00	50.00	1.00
2.00	.70	318.00	.00	50.00	1.00
2.70	.70	314.00	.00	50.00	1.00
3.00	.70	.00	.00	50.00	1.00

TRAPPER CREEK FISH POND DIVERSION CHANNEL; 45-7360. ROBISON & WEBSTER

Dist	Depth	N	S	V	W	Area	Sarea	Q	SumQ
.0	.7	.00	.00	.00	.00	.00	.00	.00	.00
.3	.7	6.30	.00	5.37	.00	.21	.21	.56	.56
1.0	.7	6.42	.00	5.47	.00	.49	.70	2.66	3.22
1.5	.7	6.44	.00	5.49	.00	.35	1.05	1.92	5.14
2.0	.7	6.36	.00	5.42	.00	.35	1.40	1.91	7.05
2.7	.7	6.28	.00	5.35	.00	.49	1.89	2.64	9.69
3.0	.7	.00	.00	.00	.00	.21	2.10	.56	10.25

Location	Date	Meter	Vel fps	Area sqft	Discharge cfs	GAUGE
1.	10-10-87	9	4.88	2.10	10.25	18.50

MICROFILMED

SEP 12 1990

TRAPPER CREEK FISH POND DISCHARGE CHANNEL; 45-7360. ROBISON & WEBSTER

INPUT DATA FROM FIELD

Sta	Depth	Rev (.6or.2)	Rev (.8)	Time	Angle Corr
2.00	.66	.00	.00	50.00	1.00
3.00	1.91	11.00	20.00	50.00	1.00
4.00	2.12	31.00	68.00	50.00	1.00
5.00	2.09	102.00	114.00	50.00	1.00
6.00	1.98	96.00	107.00	50.00	1.00
7.00	1.10	52.00	.00	50.00	1.00
8.00	.50	41.00	.00	50.00	1.00
8.40	.38	.00	.00	50.00	1.00

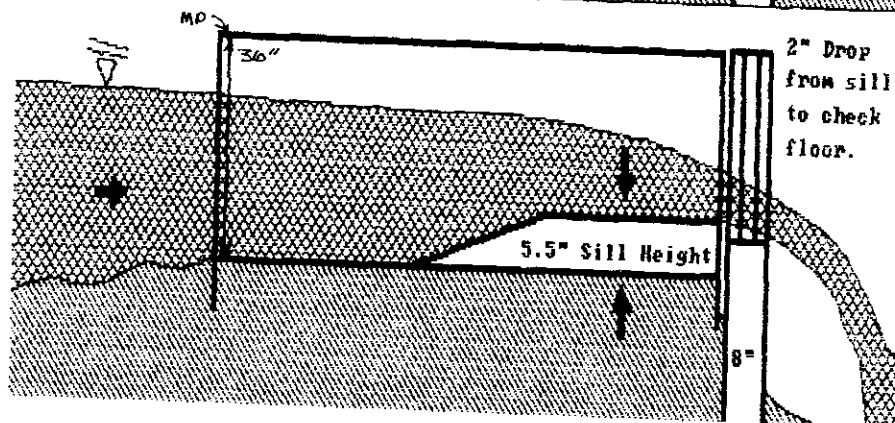
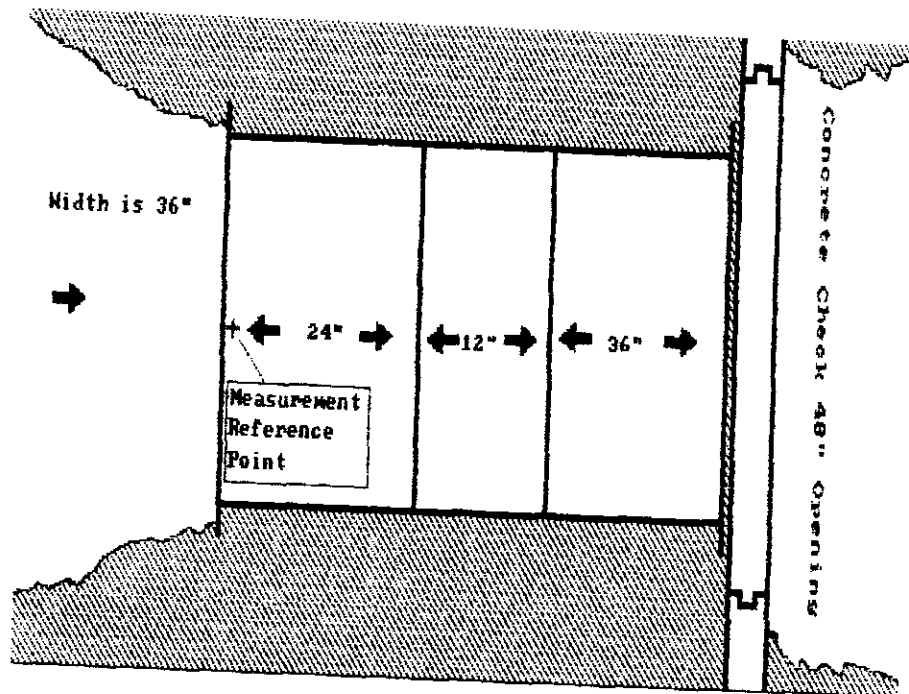
TRAPPER CREEK FISH POND DISCHARGE CHANNEL; 45-7360. ROBISON & WEBSTER

Dist	Depth	N	S	V	W	Area	Sarea	Q	SumQ
2.0	.7	.00	.00	.00	.00	.00	.00	.00	.00
3.0	1.9	.22	.40	.24	.38	1.28	1.28	.20	.20
4.0	2.1	.62	1.36	.55	1.13	2.01	3.30	1.16	1.35
5.0	2.1	2.04	2.28	1.75	1.96	2.11	5.40	2.84	4.19
6.0	2.0	1.92	2.14	1.65	1.84	2.03	7.44	3.66	7.85
7.0	1.1	1.04	.00	.90	.00	1.54	8.98	2.04	9.89
8.0	.5	.82	.00	.72	.00	.80	9.78	.65	10.54
8.4	.4	.00	.00	.00	.00	.18	9.96	.06	10.60

Location	Date	Meter	Vel fps	Area sqft	Discharge cfs	GAUGE
1.	10-10-87	9	1.06	9.96	10.60	.00

MICROFILMED

SEP 12 1990



RECEIVED
 OCT 12 1960

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 45-7360
Name(s) of Permit Holder(s): Carol Funderburg
Post Office Address: Bx 1915 / Rte 3
Payson ID
☒ I hereby certify that construction of diversion or the above referenced permit began on 8-1-1988 (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.

7/7/82
date

Carol Funderburg
Signature of Permit Holder

PLACE
STAMP
HERE

MICROFILMED

SEP 12 1990

Department of Water Resources



JUL 8 1982

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720