

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/7/2020

Water Application 47-8194

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|--|
| Current Owner | ALBERT J MUNK 1201 E 4325 N APT D BUHL, ID 83316 (208) 543-5646 |

Status: Denied

Source

Tributary

Beneficial Use

From

To

Diversion Rate

Volume

Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

Comments:

Dates and Other Information

Application Denied Date: 1/27/1995

Number of Protests: 0

Water District Number: TBD

Application Type: New Appropriation

Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

[REDACTED]



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

app. denied 12/20/94
Filmed & destroyed
1/27/95

1 6 15 11 V

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

NOV 15 1994

November 9, 1994

Department of Water Resources
Southern Region Office

RE: In the matter of Application for Permit No. 47-08194 in the
name of Albert J. Munk

Dear Interested Party:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

47-08194

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

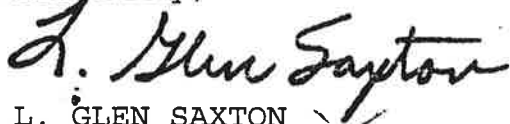
APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Sincerely,

A handwritten signature in cursive script, reading "L. Glen Saxton".

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 47-08194 IN THE)
NAME OF ALBERT J. MUNK)
_____)

PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources (department) as a result of the review of applications for permit pending before the department, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On December 30, 1988, Albert J. Munk (applicant) filed Application for Permit No. 47-08194 (application) with the department proposing the diversion and use of 4 cubic feet per second of water from Wilson Creek tributary to Mud Creek to be used year round for power generation purposes.

2. Review of the application shows that the last correspondence in connection with the proposed project was in 1989 and that there has been no activity toward project development since that time.

3. On September 29, 1994, the department corresponded with the applicant and requested information to show that the applicant was still interested in the project. The applicant did not respond to the department and did not show a continuing interest.

4. Failure to actively pursue the proposed project shows that the application has become speculative in nature and should be removed from active department files and records.

CONCLUSIONS OF LAW

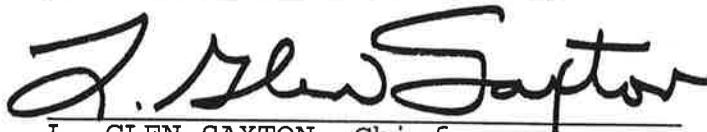
1. Section 42-203A, Idaho Code, provides that the Director may reject an application for permit which is speculative.

2. The application has become speculative in nature and should be rejected pursuant to Section 42-203A, Idaho Code.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Permit No. 47-08194 in the name of Albert J. Munk is **REJECTED** pursuant to the provisions of Section 42-203A, Idaho Code.

Dated this 9th day of November, 1994.



L. GLEN SAXTON, Chief
Water Allocation Bureau


CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 9th day of November, 1994,
I mailed a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER to the following:

Albert J. Munk
Rt. 3 Box 290
Buhl, ID 83316

Jerry L. Zinn
Rt. 3 Box 299
Buhl, ID 83316

Glenn W. Zack
24450 Kirby St. Sp. 63
Hemet, CA 92343


JULIE L. YARBROUGH
Senior Secretary

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT TO APPROPRIATE)
WATER NO. 47-08194)
_____)

Albert J. Munk)

Applicant)

Glenn W. Zack,)
Jerry L. Zinn)
_____)

Protestants)

NOTICE OF
PRE-HEARING CONFERENCE

SOURCE: Wilson Creek

COUNTY: Twin Falls

RECEIVED
SEP 15 1989

On December 30, 1988, Albert J. Munk, applicant, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On May 4, 1989, the Department received protests against the approval of said application from Glenn W. Zack and Jerry L. Zinn.

The Department has set the matter of protest for conference for Tuesday, September 26, at 1:00 PM, at the Health & Welfare Mental Health Center, 823 Harrison St., Twin Falls.

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 13 day of September, 1989.


Loren O. Holmes
Southern Region Manager

| NAME AND ADDRESS OF SENDER | | Indicate type of mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> COD <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail | | Check appropriate block for Registered Mail: <input type="checkbox"/> With Postal Insurance <input type="checkbox"/> Without Postal Insurance | | Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT | | | | | | |
|---|-------------------|--|--|---|---|---|---------------|----------------------|-----------|-----------|-----------|---------------------------|
| Line | Number of Article | Name of Addressee, Street, and Post-Office Address | Postage | Fee | Handling Charge | Act. Value (If Regis.) | Insured Value | Due Sender If C.O.D. | R. R. Fee | S. D. Fee | S. H. Fee | Rest. Del. Fee Remarks |
| 1 | 843 | Albert J Monte | .25 | .85 | .95 | 2.05 | | | | | | |
| 2 | 844 | Glen W. Zuck | | | | | | | | | | |
| 3 | 845 | Jeff L Zinn | | | | | | | | | | |
| 4 | | | | | | | | | | | | |
| 5 | 846 | David Millard 47-7971 & 47-8198 | | | | | | | | | | |
| 6 | 847 | Lee Langlois 47-8198 & 47-7971 | | | | | | | | | | |
| 7 | 848 | Eugene Weaver 47-8198 | | | | | | | | | | |
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| Total Number of Pieces Listed by Sender | | Total Number of Pieces Received at Post Office | POSTMASTER, PER (Name of receiving employee) | | The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service. | | | | | | | |
| 6 | | | | | | | | | | | | |

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

Sept 7, 1989
Dept. of Water Resources;
Loren O. Holmes;
Southern Region Manager.

Dear Mr Holmes:

Re: Application for permit # 47-08194
Albert G. Goulet

Jerry Zinn will be representing our
interest - due to Glenn's illness - he
is not able to travel.

Ruth Jack

RECEIVED

SEP 13 1989

Department of Water Resources
Southern Region Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 6, 1989

Albert J. Munk
Rt. 3 Box 290
Buhl, ID 83316



Re: Application for permit No. 47-08194, Albert J. Munk Department of Water Resources

Dear Mr. Munk:

This office is tentatively scheduling the matter of protests for a pre-hearing conference for September 26, 1989. Notices formally setting the conference time and place will be mailed about September 13.

The purpose of the conference will be to familiarize the department and the parties with the issues and to provide a forum for possible resolution of the matter.

If you will not be available on this date, please advise this office prior to formal setting.

Very Truly yours,

Loren O. Holmes
Loren O. Holmes, P. E.
Southern Region Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 6, 1989

Glenn W. Zack
24450 Kirby St., Sp. 63
Hemet, CA 92343

Re: Application for permit No. 47-08194, Albert J. Munk

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Very Truly yours,


Loren O. Holmes, P. E.
Southern Region Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 6, 1989

Jerry L. Zinn
Rt. 3 Box 299
Buhl, ID 83316

Re: Application for permit No. 47-08194, Albert J. Munk

Dear Mr. Zinn:

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Very Truly yours,


Loren O. Holmes, P. E.
Southern Region Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Albert J. Munk Phone 543-5646
Post office address Rt. 3 Box 290, Buhl, ID 83316
2. Source of water supply Wilson Creek which is a tributary of Mud Creek
3. Location of point of diversion is _____ $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 27 Township 9S Range 14E B.M. Twin Falls County; additional
points of diversion if any: Re-diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27 T. 9S R. 14E
4. Water will be used for the following purposes:
Amount 4.0 cfs for Power 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 is (a) 4.0 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Existing check dam & ditch to existing fish ponds of Dale Van Winkle. Re-diversion from ponds, buried pipeline to penstock & generator or Pelton wheel. Discharge into Wilson Creek or Mud Creek.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? N/A
7. Time required for the completion of the works and application of the water to the proposed beneficial use is five years (*minimum 1 year*).

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

- a. Hydropower; show total feet of head and proposed capacity in KW. 64' of head for 20 KW at 70% eff.
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

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

| TWP | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 9S | 14E | 27 | | | | | | P | | | | | | | | | | | |
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P is P/U for Power

Total number of acres to be irrigated _____

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

None

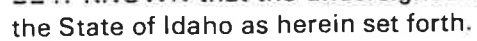
11. a. Who owns the property at the point of diversion? Dale Van Winkle

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

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

12. Remarks: This same pipeline carries 1.6 cfs from Wilson Creek for irrigation. This application is for an additional 4.0 cfs. A larger pipeline may be needed to carry the additional water. This power is for personal consumption, not for sale. The irrigation system has carried water to my property since 1936 per Claim 47-4048.

290 000 FEET



2. *Am. A.*

Received by JP Date 12-30-88 Time 4:30 pm Preliminary check by JE
Fee \$ 105 Receipted by M. Baldwin # 500 5535 Date 12/30/88
Publication prepared by M. Baldwin Date 4/10/89 Published in Times News
Publication approved LP Date 5/6/89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

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

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

e. Other:

RECEIVED

MAY 4 1989

Department of Water Resources
Southern Region Office

May 2, 1989

State Dept. of Water Resources
2148 4th Ave. East
Twin Falls, Ida. 83301

Gentlemen:

I, Jerry L. Zinn, am protesting water filing number 47-08194, Munk, Albert J. of Route 3, Box 290, Buhl, Ida. 83316. Mr. Munk has filed on 4.0 cfs of Wilson Creek water for hydro power. I currently operate fish ponds on Wilson Creek and I feel a power operation above my ponds would jeopardize my operation. My reasons are the following:

1. There is a potential for warming the water.
2. The point of diversion would not allow solids to settle out by going through a pipe. With the current elevation drop between the proposed diversion and my ponds there is extensive settling out of solids.
3. Last and most important, there would not be adequate oxygen recharge by carrying water through an enclosed pipe when diverted for hydro power. The proposed diversion is immediately below Dale Van Winkle's farm ponds. With the drop between these ponds and my ponds there is adequate aeration and rejuvenation of the water. This would not be the case if water were carried through an enclosed pipe. Not only would there be inadequate oxygen recharge, but there would not be an opportunity for ammonia to be dissipated.

Respectfully submitted,

Jerry L. Zinn

Jerry L. Zinn

RECEIVED

MAY 4 1989

Department of Water Resources
Southern Region Office

Hermet, Ca

May 2, 1989

Dept. of Water Resources

This is to protest:

The filing of # 4708194 by
Albert J mlenk Rt 3 Box 290 Buhr 833/4

I as holder of water license
477456 for fish propagation
and with the issue of such a filing
and the way he plans to structure
would Raise the temperature of the
water coming into my fish ponds
and also there would be no way
to aerate the water -

Glen W Zach Sp. 63
24450 - Ruby St.
Hermet, Calif 92343 -

This is my mailing address since the
house burned down the far - So if
you have any correspondence send it
here please -

Glen

09-Aug-1989

Albert J. Munk
Rt. 3 Box 290
Buhl, ID 83316

Re: Application for permit No. 47-08194

Dear Mr. Munk:

Enclosed are copies of protests filed against the issuance of a permit pursuant to your above referenced application. The Department suggests you contact the protestants directly in an effort to determine nature of the protests and to attempt to resolve the protests.

The following are the principal items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the proposed project?
- 5) Will the proposed use conflict with the local public interest?

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

09-Aug-1989

Glenn W. Zack
24450 Kirby St., Sp. 63
Hemet, CA 92343

Re: Application for permit No. 47-08194

Dear Mr. Zack:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

The following are the principal items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

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- 2) Is the proposed water supply insufficient for the purposes intended?
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Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

09-Aug-1989

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- 4) Has the applicant sufficient financial resources with which to complete the proposed project?
- 5) Will the proposed use conflict with the local public interest?

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

NOTICE OF APPLICATION FOR WATER RIGHT

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

47-08194
MUNK, ALBERT J.
RT. 3 BOX 290
BUHL, ID 83316
Source: Wilson Creek
Tributary: Mud Creek
Diversion Pt: NWSW Sec
27 T 09S R 14 E
NWSW Sec 27 T 09S R
14E
Use: Power (4,000 CFS)
Date Filed: 12/30/1988
In: T09S R14E S27
NWNW

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before May 8, 1989.
R. Keith Higginson, Director
PUBLISH: Thursday, April 20 and 27, 1989.

- Selected Offsets**
- 001 General
 - 002 Land & Water
 - 003 Special Notices
 - 004 Supply List
 - 005 Monthly Notices
 - 006 Personnel
 - 007 Jobs of Interest
 - 008 State People
 - 009 Adult Care Services
 - 010 Professional Services
 - 011 Child Care Services
 - 012 Daycare Services
 - 013 Employment Wanted
 - 014 Business Opportunities
 - 015 Income Property
 - 021 Money Wanted

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

I, Sandra Copps McGuire, being first duly sworn, depose and say that I am Quine Clerk of the TIMES-NEWS published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated April 20, 1989, and ending with the issue dated April 27, 1989.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 28 day of April in the year of 1989, before me, a Notary Public, personally appeared Sandra Copps McGuire, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Irene R. Feltman
Notary Public for Idaho
Residing at Twin Falls County
My commission expires: 5/19/94

RECEIVED

MAY 3 1989 No. 19743

Department of Water Resources
Southern Region Office



The Times-News

P.O. Box 548 • Twin Falls, Id. 83303-0548

May 1, 1989

RECEIVED

MAY 3 1989

Idaho Water Resources
2148 4th Ave East
Twin Falls ID 83301

Department of Water Resources
Southern Region Office

CLAIM #47-08192 ET AL

Two Times

April 20, 1989, 161 lines @ .36- - \$57.96
April 27, 1989, 161 lines @ .28- - \$45.08

TOTAL DUE \$103.04

INVOICE
19743

ACE PTO.

10304
19743
THIS SPACE FOR ADDRESS ONLY
ID
TWIN FALLS
2148 4TH AVE EAST
ID
83301

Department of Water Resources
Southern Region Office
RETURN THIS PORTION WITH YOUR REMITTANCE

MAY 3 1989

RECEIVED

| | | | | | |
|-----------------|--|---------------|--|--------------|--|
| PAY THIS AMOUNT | | 103.04 | | 103.04 | |
| 161 | | 2 | | 103.04 | |
| LINES/WORDS | | TIMES | | RATE | |
| 4/20/89 | | 734-3578 | | GROSS AMOUNT | |
| START DATE | | TELEPHONE NO. | | ORDER NO. | |
| #47-08192 | | | | | |
| INDEXING TERM | | 19743 | | 04/30/89 | |
| INVOICE NO. | | CLASS | | BILLING DATE | |
| | | | | | |

RETURN POSTAGE GUARANTEED

TWIN FALLS TIMES NEWS
132 3RD ST W.
P.O. BOX 548
TWIN FALLS ID 83303

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

47-08194

MUNK, ALBERT J.
RT. 3 BOX 290
BUHL, ID 83316

Source: WILSON CREEK

Tributary: MUD CREEK

Diversion Pt: NWSW Sec 27 T 09S R 14E
 NWSW Sec 27 T 09S R 14E

Use: POWER (4.000 CFS)

Date Filed: 12/30/1988

In: T09S R14E S27 NWNW

The permit(s) will be subject to all prior water rights. Protests must be filled with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before MAY 8, 1989.

R. KEITH HIGGINSON, Director

Published 4/20/1989 & 4/27/1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

APRIL 10, 1989

TIMES NEWS
P.O. BOX 548
TWIN FALLS, ID 83303-548

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 8, 1989.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

10-Apr-1989

Albert J. Munk
Rt. 3 Box 290
Buhl, ID 83316

Re: Application for Permit No. 47-08194

The Department of Water Resources acknowledges receipt of your application for a water right permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

A legal notice of the application is being prepared for publication in the Times News and will appear on 4/20 & 4/27/89. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be notified and sent a copy of all protests filed.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

INTER-DEPARTMENT MEMO — 1

FROM Gary Funderburg
Sr. Water Resource Agent

DATE 1/24/89

TO File, Re: Munk, Albert J.

SUBJECT

I visited applicant's proposed point of diversion and place of use.

There is water users below the applicant's proposed point of diversion that use this water.

There is, at this time, water available for applicant's proposed beneficial use.

There are Fish propogation ponds above applicant's proposed point of diversion.

Applicant does not have right of way to build diversion structure at this time.

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY A. L. [Signature] DATE 1/24 APPLICATION NUMBER

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☒ Yes ☐ No Field check required
Field check by _____
- ☐ Yes ☐ No Field report attached
- ☐ Yes ☒ No Critical groundwater area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☒ Yes ☐ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☒ Yes ☐ No Power residency affidavit
- ☒ Yes ☐ No Power efficiency form
- ☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

QUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

 _____ Date Requested _____

PROCESSING

☒ Yes ☐ No form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM, District _____
☒ Idaho Dept. of Fish & Game, Region _____ ☐ U.S. Forest Service, Forest _____
☐ Idaho Dept. of Lands ☐ Water District # _____
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☐ Yes ☐ No Affidavit of publication received
☐ Yes ☐ No Application published correctly. If not, record action taken.

☐ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☐ No Protests received
Final date for protest _____
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☐ No Recommendations attached
☐ Yes ☐ No Measuring device required
☐ Yes ☐ No Access port required
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. _____
☐ Yes ☐ No Special conditions of approval or cover letter below. _____

☐ See below for additional information

Date of priority recommended _____

By _____ Date _____

STATE OFFICE REVIEW

☐ See below for additional information

By _____ Date _____

ADDITIONAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or Individual Members of a Partnership:

I, Albert J. Munk of Buhl,
(name) (city)
county of Twin Falls, State of Idaho, being duly sworn, do
hereby certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, _____ of _____,
(name) (city)
County of _____, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the _____
_____: that as such I am in charge of the registered
(name of corporation)
office of the said corporation as required by Section 30-1-12, Idaho Code, at
_____ Idaho, wherein are kept the corporate records required
(city)
by Section 30-1-52, Idaho Code; and that _____
(name of corporation)
is a corporation qualified to do business in the State of Idaho under the laws of
the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for
Permit:

- (check one)
- ☐ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
- ☒ Will utilize existing man-made irrigation facilities such as a dam or a canal and the owner of the facilities is the signee of this affidavit.

Albert J. Munk
Applicant

State of Idaho
County of Twin Falls ss.

On this 30th day of December, 19 88, personally appeared
before me the signer(s) of the above instrument, who duly acknowledged to me that
he (she) (they) executed the same.

Roxanne Storey
Notary Public residing at
Buhl, ID

seal

My commission expires:

6-30-94

10-Apr-1989

Idaho Dept. of Fish & Game
P.O. Box 428
Jerome, ID 83338

Re: (2) Applications for Permit

Gentlemen:

Please find enclosed copies for your information and files.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

Enclosures