

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/22/2020

Water Permit 47-7629

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|--------------------------------|
| Current Owner | WILLIAM EDWARD ROBERTS , ZZ |
| Current Owner | GOLDIE ROBERTS , ZZ |

Status: Relinquished

Source

Tributary

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|------------------------------|--------------------|------------------|------------------------------|----------------------|
|------------------------------|--------------------|------------------|------------------------------|----------------------|

Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

Comments:

Dates and Other Information

Water District Number: TBD
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

FEB 15 1963

Department

South

To appropriate the public waters of the State of Idaho

1. Name of applicant WILLIAM EDWARDS & OR GOLDIE ROBERTS Phone 543-5084
Post office address Rte 4. Buhl, IDAHO 83316
2. Source of water supply UNAMED SPRINGS which is a tributary of Trib. to Mud Creek SNAKE RIVER
3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24 Township 9S
Range 14E B.M. TWIN FALLS County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 3.0 for FISH PROP purposes from JAN 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)Amount 3.0 for Aesthetics purposes from JAN 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)Amount 3.0 for HYDRO 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)

5. Total quantity to be appropriated:

a. 3.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. HEADGATES, DITCHES
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 _____ to _____ inclusive.
(Month/Day) (Month/Day)

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24 Township 9SRange 14E B.M.

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.

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

Applicant

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

17

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

10. Remarks

[illegible]

3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24 Township 9S

Range 14E B.M. TWIN FALLS County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

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(cfs or acre-feet per annum)

Amount 3.0 for Aesthetics purposes from JAN 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 3.0 for HYDRO 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)

5. Total quantity to be appropriated:

a. 3.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. HEADGATES, DITCHES
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b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year – maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24 Township 9S

Range 14E B.M.

(2) Amount of power to be generated: 4.0 horsepower under 10 feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served (1) Power, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: AESTHETICS, FISH PONDS
(4) 25' WIDE, 100 FT LONG 4' DEEP.

WARRANTY DEED

For Value Received

WILLIAM J. ROBERTS AND DAWN L. ROBERTS, husband and wife,

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

WILLIAM EDWARD ROBERTS AND GOLDIE H. ROBERTS, husband and wife,
whose address is: Route 4 Buhl, Idaho 83316

Hereinafter called the grantee, the following described premises, in Twin Falls County, Idaho,
to-wit:

A tract of land located in the Southeast Quarter
Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-four
(24), Township Nine (9) South, Range Fourteen (14)
East, Boise Meridian, and more particularly
described as follows, to-wit:

Beginning at the Southwest corner of Section
Twenty-four (24),
Thence North 89°51'42" West a distance of
1539.01 feet,
Thence North 1321.30 feet;
Thence South 39°57'47" East 231 feet,
Thence South 1321.70 feet,
Thence North 89°51'42" West to the TRUE POINT
OF BEGINNING, containing 7.00 acres more or less.

SUBJECT to a First Deed of Trust to the First Federal
Savings & Loan Association of Twin Falls.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
and to the Grantee's their heirs and assigns forever. And the said Grantor does hereby
covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises;
that they are free from all incumbrances except as described above and that Grantor will warrant
and defend the same from all lawful claims whatsoever.

Dated: 12/13/76

William J. Roberts
Dawn L. Roberts

STATE OF IDAHO, COUNTY OF TWIN FALLS,

On this 13th day of December, 19 76
before me, a notary public in and for said State, per-
sonally appeared WILLIAM J. ROBERTS AND

STATE OF IDAHO, COUNTY OF TWIN FALLS

I hereby certify that this instrument was filed for record at
the request of Robert C. Weaver

20 minutes past 9 o'clock A.M.

INSTRUMENT

to-wit:

A tract of land located in the Southeast Quarter Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-four (24), Township Nine (9) South, Range Fourteen (14) East, Boise Meridian, and more particularly described as follows, to-wit:

Beginning at the Southwest corner of Section Twenty-four (24),
Thence North 89°51'42" West a distance of 1539.01 feet,
Thence North 1321.30 feet;
Thence South 39°57'47" East 231 feet,
Thence South 1321.70 feet,
Thence North 89°51'42" West to the TRUE POINT OF BEGINNING, containing 7.00 acres more or less.

SUBJECT to a First Deed of Trust to the First Federal Savings & Loan Association of Twin Falls.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: 12/13/79

William J. Roberts
Dawn L. Roberts

STATE OF IDAHO, COUNTY OF TWIN FALLS,

On this 13th day of December, 1976 before me, a notary public in and for said State, personally appeared WILLIAM J. ROBERTS AND DAWN L. ROBERTS, husband and wife,

known to me to be the person S whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Residing at
Comm. Expires

Notary Public
Buhl, Idaho

STATE OF IDAHO, COUNTY OF TWIN FALLS

I hereby certify that this instrument was filed for record at the request of Robert C. Weaver at 30 minutes past 9 o'clock A.M., this JAN 5 - 1977 day of 19, in my office, and duly recorded in Book 227 of Deeds at page 938

GARY WHITMAN

Ex-Officio Recorder

By

Heleen Portyuis

Deputy.

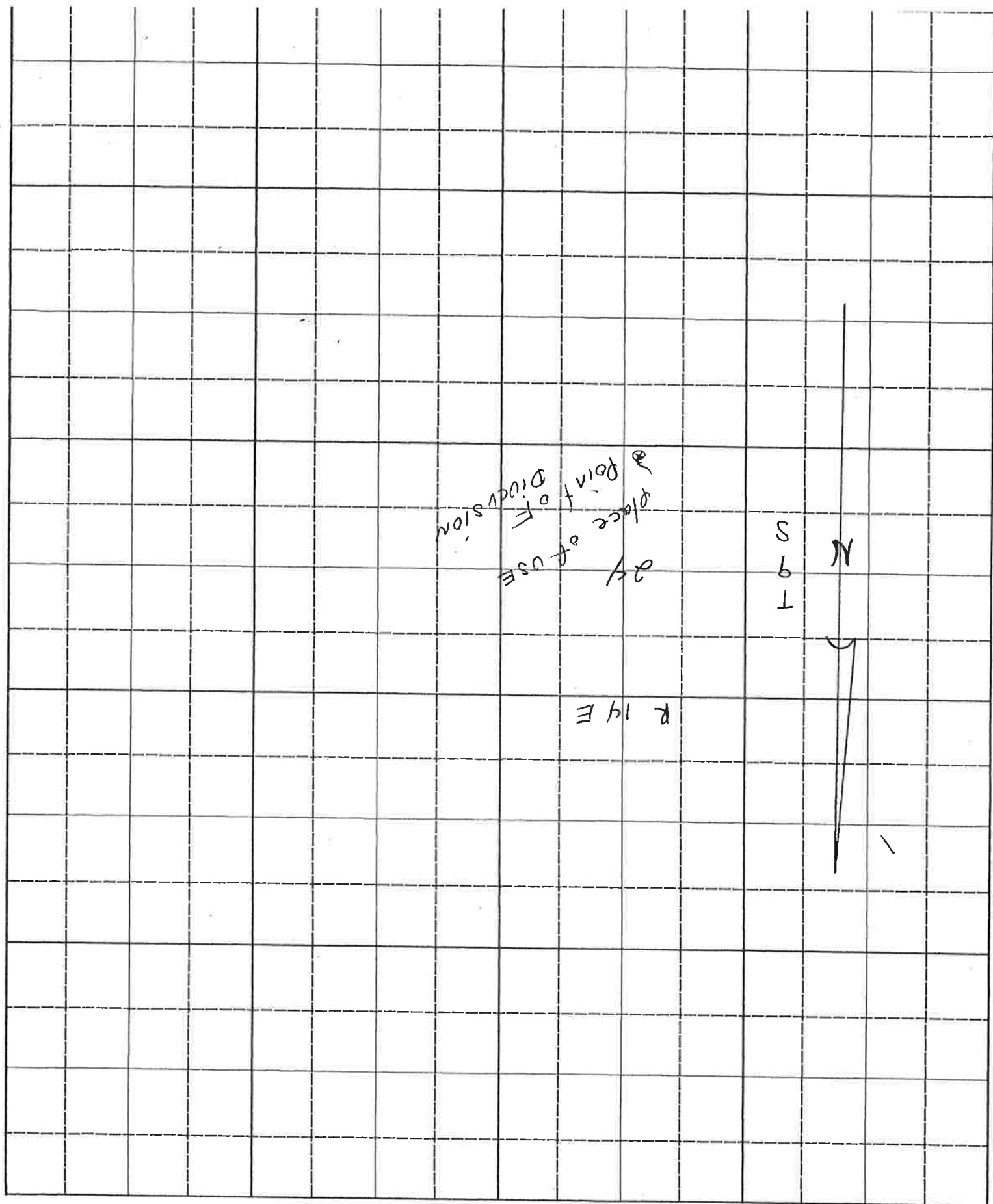
Fees \$ 1.00
Mail to:

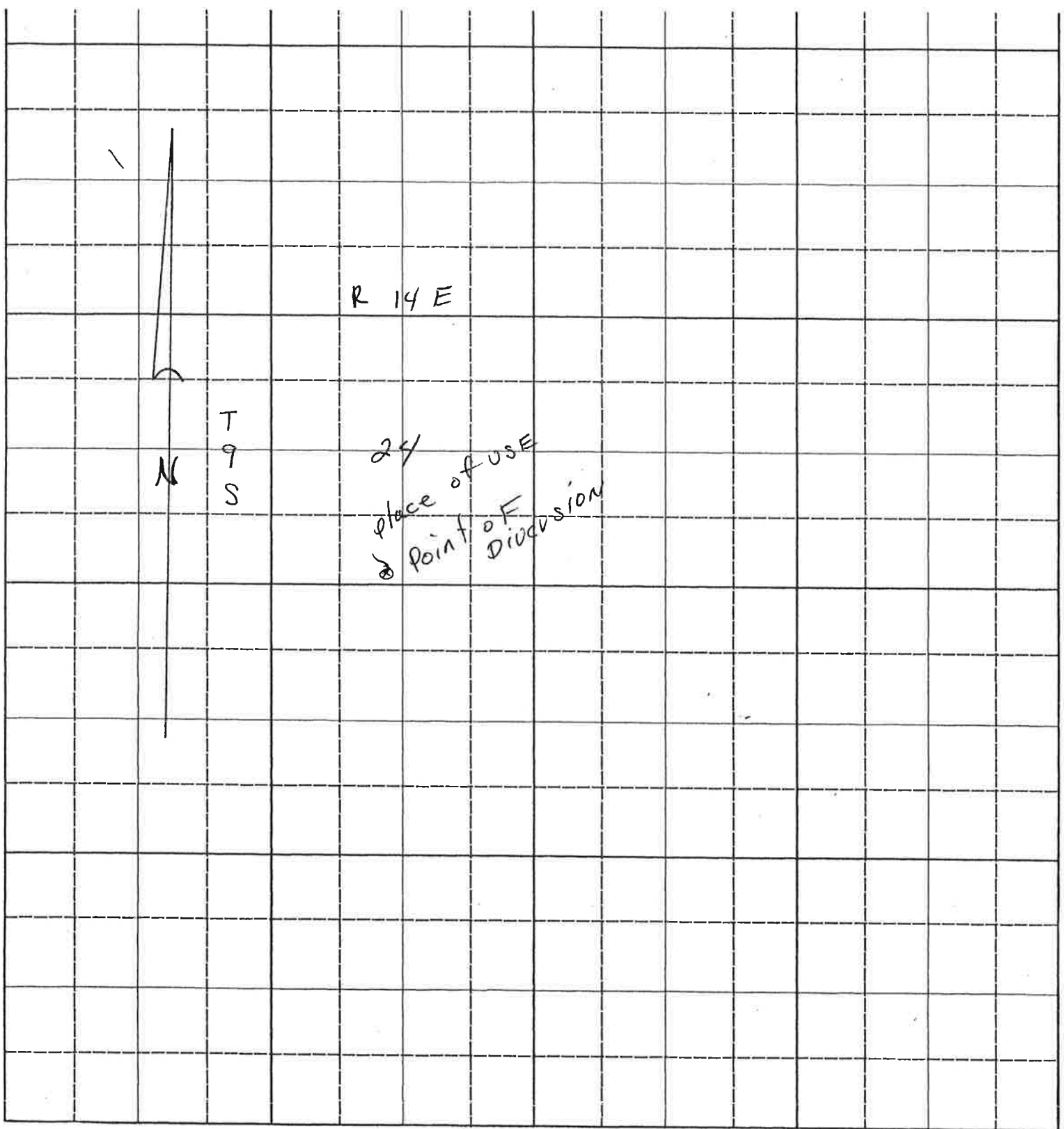
Robert C. Weaver
130 N. Broadway, Buhl

INSTRUMENT No.

INDEXED
DIRECT 2
REVEREND

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





Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

William Edward Roberts
(Applicant)

Received by J.F. Date 2/15/80 Time 4:00 P.M.
Preliminary check by ADM Fee \$ 55.00 # 17106
Received by #17106DD Date 2/19/80
Publication prepared by ADM Date 2/19/80
Published in Times News
Publication dates 3/6 & 3/13/80
Publication approved ed Date 2/26/80
Protests filed by: Twin Falls Canal Co.

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

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. Other: _____

Witness my hand this _____ day of _____, 19 ____.

Protests filed by: Linton Falls (and co.)

Copies of protests forwarded by _____

Hearing held by _____ Date: _____

Recommended for approval denial by _____

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. Other: _____

Witness my hand this _____ day of _____, 19 ____.

Director

Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

I, William Edward Roberts of Rt. 4 Buhl, Idaho, 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.

/s/ William Edward Roberts

Subscribed and sworn to before me this 15th day of February, 1980

/s/ Loren O. Halme

Notary Public

Residence Twin Falls, Id

My Commission Expires Lfe

Corporation or Association

AFFIDAVIT TO ESTABLISH RESIDENCE
OR QUALIFICATIONS TO DO BUSINESS UNDER THE LAWS OF
IDAHO...

I, _____ of _____, County of _____, State of Idaho, being first duly sworn, depose and say:

That I am the designated statutory agent of the _____,

that as such I am in charge of the registered office of the said _____

_____, as provided by Section 30-143, Idaho Code, at _____

_____, Idaho, wherein are kept the records provided by Section 30-144, Idaho

Code, and that _____ is a legal _____

qualified to do business in the State of Idaho under the laws of the State of Idaho.

/s/ _____

Subscribed and sworn to before me this _____ day of _____, 19____

/s/ _____

Notary Public

Residence _____

My Commission Expires _____

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

47-7628
TUNNEL CREEK RANCH,
INC.

RT. 4 BOX 240, BUHL, ID
83316

Source: UNNAMED CREEK
tributary to SNAKE RIVER

Date Filed: 02/14/1980

Amount: 10.00 CFS

Diversion Point: NWSE Sec
07 T 09S R 15E, TWIN
FALLS Co.

Use: FISH PROP. (10.00 CFS)
from 01/01 to 12/31

Place of Use: NWSE Sec 07
T 09S R 15E

Diversion Means: ROCK
FILL WITH CONC.
HEADGATE DIVERTING
TO PONDS

47-7629
ROBERTS, WILLIAM
EDWARD &/or GOLDIE

RT. 4, BUHL, ID 83316

Source: UNNAMED
SPRINGS tributary to MUD
CREEK

Date Filed: 02/15/1980

Amount: 3.00 CFS

Diversion Point: SESW Sec
24 T 09S R 14E, TWIN
FALLS Co.

Use: FISH PROP. (3.00 CFS)
from 01/01 to 12/31

POWER (3.00 CFS) from
01/01 to 12/31

Place of Use: SESW Sec 24 T
09S R 14E

Diversion Means:
HEADGATE, DITCHES,
POWERPLANT & PONDS

If issued, the permit(s) will
be subject to all prior water
rights. Protests against the
granting of any permit must
be filed with the Director of
the Idaho Department of
Water Resources, 1041 Blue
Lakes Blvd. North, Twin
Falls, Idaho 83301 and re-
ceived on or before MARCH
24, 1980.

C. STEPHEN ALLRED
Director

PUBLISH: Thursday, Mar. 6,
and 13, 1980.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

No 9659

I, Linda Capps McBue being first duly sworn upon
oath, depose and say that I am Print 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
March 6, 1980, and ending with the issue dated
March 13, 1980.

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 com-
petent 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 there-
of, Thursday is announced as the day on which said legal notices will be published.

Linda Capps McBue
Subscribed and sworn to before me on this 17 day of

March, 1980.

Melba Rowlett Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho



DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 5, 1991

138751
CERTIFIED MAIL

William E. and Golda Roberts
Rte 4
Buhl, ID 83316

RECEIVED

JUN 07 1991

RE: PROTESTED APPLICATION FOR PERMIT NO. 47-7629

Department of Water Resources
Southern Region Office

Dear Mr. and Mrs. Roberts:

The department of Water Resources (DWR) is currently reviewing protested applications for permit which are pending before the department. Our files show that the above referenced application was filed on February 15, 1980, proposing the diversion of 3 cubic feet per second (cfs) of water from Unnamed Springs tributary to Mud Creek to be used year round for fish propagation, aesthetics and hydropower purposes. The application was subsequently protested by The Twin Falls Canal Company.

Since substantial time has passed after the filing of the application, the department requests certain information in order to resolve the matter of the pending protested application. It appears that one of two potential actions needs to occur in connection with the application as follows:

1. If you are no longer interested in pursuing the development proposed in the application, please complete and return the enclosed relinquishment form. The application will then be removed from DWR records.
2. If you are interested in pursuing the proposed development you need to specifically advise the department in writing of your continued interest within thirty (30) days of the date of this letter. In addition, for the fish propagation use you must provide the information described below to the department within sixty (60) days of the date of this letter.
 - Copies of deeds, leases, easements or other evidence to document that you have a possessory interest in the place of proposed use. (Water Appropriation Rule 4,5,3,3,1.).
 - Copies of plans and specifications for the project works. The plans must be definite enough to allow for determination of project impacts and implications.

47-7629

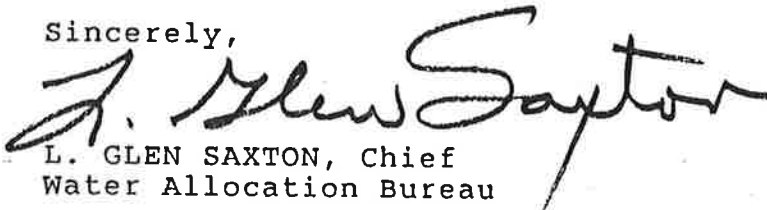
The plans must show the number of ponds proposed and give the length, width, and depth dimensions of all ponds. (Water Appropriation Rule 4,5,3,4,2.).

- You must seek comment on the effects of the construction and operation of the proposed project from the city and/or county within which the project is to be located, and from the Idaho Department of Fish and Game. In addition, you must obtain certification from the Idaho Department of Health and Welfare, Division of Environment, that operation of your project will meet state water quality standards before IDWR will issue a permit.

For the proposed power use, you must be able to show in any hearing scheduled in this matter that you have applied for other required approvals associated with the power use. This requirement may be found in Water Appropriation Rule 4,5,3,3,2.

If you do not timely respond to this letter, the department will reject the application as being filed for speculative purposes. If you do timely respond and provide the required information, the department will schedule a hearing if appropriate. Feel free to contact this office or our Southern Regional Office in Twin Falls if you have questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." and last name "Saxton" clearly legible.

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region
Twin Falls Canal Co.

Encl: 1

47-7629
Edwards/Roberts

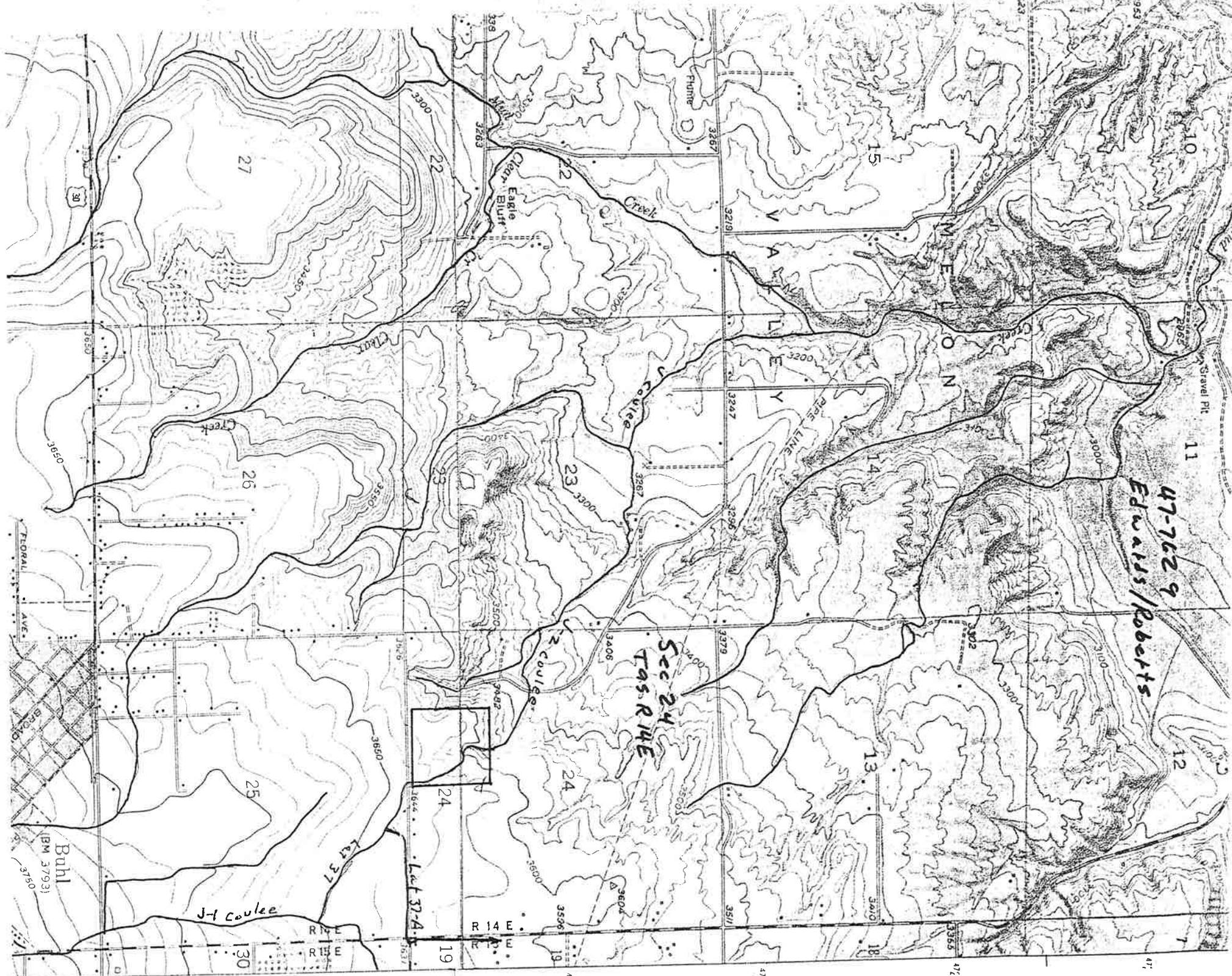
Sec 24
T4S R14E

J-1 coulee

Lat 37-A

Lat 37

Buhl
BM 37931
3750





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

January 30, 1989

Twin Falls Canal Co.
c/o John Rosholt
Nelson, Rosholt, Robertson, Tolman and Tucker
P. O. Box 1906
Twin Falls, ID 83301

Gentlemen:

Re: Twin Falls Canal Co. vs. State of Idaho
Applications for Permit affected by Stipulation

Attached is a copy of a map and an analysis sheet for applications for permit protested by the Twin Falls Canal Co. It appears that the stipulation entered into by the Twin Falls Canal Co. and IDWR (Case No. 69005) will resolve the pending protests. Please review each carefully to determine if the proposed condition of approval will satisfy the company's objections in the matter.

Most of the applications are for fish propagation, some are for multi-purpose. Should you withdraw your protest, the department will resolve any other protests existing, and address those that will need to be processed under Sec. 42-203C and/or 42-203D, Idaho Code.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

LOREN O. HOLMES, P.E.
Manager, Southern Regional Office

1 John A. Rosholt
2 NELSON, ROSHOLT, ROBERTSON,
3 WALKER, TOLMAN & TUCKER
4 P. O. Box 1906
5 Twin Falls, Idaho 83301
6 Telephone: 734-0700



MAR 24 1964

Department of Water Resources
Southern District Office

11 BEFORE THE DEPARTMENT OF WATER RESOURCES
12 OF THE STATE OF IDAHO

13 * * * * *

14 IN THE MATTER OF APPLICATION)
15 FOR PERMIT NO. 47-7629) PROTEST OF TWIN FALLS CANAL
16 WILLIAM EDWARD &/or GOLDIE) COMPANY TO APPLICATION FOR
17 ROBERTS.) WATER PERMIT

18 * * * * *

19 COMES NOW The Twin Falls Canal Company, by and
20 through their attorneys, Nelson, Rosholt, Robertson, Walker,
21 Tolman & Tucker, and respectfully allege:

22 1. That protestant Twin Falls Canal Company is a
23 nonprofit, public irrigation corporation, which owns and
24 operates a complex system of canals and ditches so as to
25 deliver water to member shareholders who farm 202,000 acres
26 in Twin Falls County, Idaho, and to whom the Canal Company
27 has the legal duty of delivering the irrigation water repre-
28 sented by such shares.

2. That this application proposes to divert water

6
7
8
9
10 BEFORE THE DEPARTMENT OF WATER RESOURCES
11 OF THE STATE OF IDAHO
12

13 * * * * *

14 IN THE MATTER OF APPLICATION)
15 FOR PERMIT NO. 47-7629) PROTEST OF TWIN FALLS CANAL
16 WILLIAM EDWARD &/or GOLDIE) COMPANY TO APPLICATION FOR
17 ROBERTS.) WATER PERMIT
18)

19 * * * * *

20 COMES NOW The Twin Falls Canal Company, by and
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24 1. That protestant Twin Falls Canal Company is a
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27 deliver water to member shareholders who farm 202,000 acres
28 in Twin Falls County, Idaho, and to whom the Canal Company
29 has the legal duty of delivering the irrigation water repre-
30 sented by such shares.
31

32 2. That this application proposes to divert water
from a portion of the Company's system which is under the
regulation, control and ownership of the Twin Falls Canal
Company and is operated and maintained by said company to
satisfy their legal obligation to their shareholders to

file

1 deliver water to their member shareholders below the point
2 where the water is sought to be diverted by said applicant.

3 3. That the proposed use of the water shall violate
4 protestant's prior rights to a quantity of water of a "given-
5 quality" by polluting said water.

6 4. The applicant has no permission or right of way,
7 and cannot acquire one from the Company to construct the
8 contemplated diversion works.

9 5. That the water sought to be appropriated is
10 private water not subject to appropriation.

11 6. That the use of said water as requested would
12 cause transmission loss and continuing regulation problems
13 for the Company in carrying out their duty of delivering
14 irrigation and stock water.

15 7. That the Twin Falls Canal Company's duty in
16 delivering irrigation and stock water to their member stock-
17 holders is in the local public interest and that this appli-
18 cation, if granted, would erode the Company's ability to
19 perform their mission in violation of local public interest.

20 NOW, THEREFORE, The Twin Falls Canal Company hereby
21 protests the above-numbered application for the following
22 reasons, to-wit:

23 (1) That the proposed use will reduce the quantity
24 of water available to the Company under prior existing water
25 rights.

26 (2) That the Company is entitled to a quantity of a
27 "given-quality" of water under their prior rights and that
28 said application if granted will add pollution to the pro-

6 4. The applicant has no permission or right or way,
7 and cannot acquire one from the Company to construct the
8 contemplated diversion works.

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25 rights.

26 (2) That the Company is entitled to a quantity of a
27 "given-quality" of water under their prior rights and that
28 said application if granted will add pollution to the pro-
29 testant's system.

30 (3) That the diversion and use of said water pur-
31 suant to said application for fish propagation purposes,
32 although deemed nonconsumptive, will cause additional water

1 losses by reason of seepage and regulation problems for the
2 Company and their stockholders who depend upon said water for
3 irrigation and stock water below the identified point of said
4 intended use.

5 (4) That the applicant has no permission to divert
6 from the rights of way of the Company and no permission to
7 enlarge or alter appurtenant drainage easements.

8 (5) That the intended supply of water is not sub-
9 ject to appropriation.

10 (6) That granting of said permit is not in the
11 local public interest and if granted would conflict with the
12 local public interest.

13 (7) That this permit should not be processed until
14 Ada County Civil Case No. 69005, Twin Falls Canal Company v.
15 Department of Water Resources, is determined and it is judi-
16 cially decided whether the Department of Water Resources has
17 jurisdiction to consider applications for water use within
18 protestant's irrigation system.

19 WHEREFORE, the Twin Falls Canal Company by and
20 through their attorneys, Nelson, Rosholt, Robertson, Walker,
21 Tolman & Tucker, respectfully request that the above-numbered
22 application be denied by the Department of Water Resources
23 and that no permit be issued thereto.

24 DATED this 13 day of March, 1980.

25 NELSON, ROSHOLT, ROBERTSON,
26 WALKER, TOLMAN & TUCKER

27 By: John A. Rosholt
28 John A. Rosholt
Attorneys for Protestant

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12 local public interest.

13 (7) That this permit should not be processed until
14 Ada County Civil Case No. 69005, Twin Falls Canal Company v.
15 Department of Water Resources, is determined and it is judi-
16 cially decided whether the Department of Water Resources has
17 jurisdiction to consider applications for water use within
18 protestant's irrigation system.

19 WHEREFORE, the Twin Falls Canal Company by and
20 through their attorneys, Nelson, Rosholt, Robertson, Walker,
21 Tolman & Tucker, respectfully request that the above-numbered
22 application be denied by the Department of Water Resources
23 and that no permit be issued thereto.

24 DATED this 13 day of March, 1980.

25 NELSON, ROSHOLT, ROBERTSON,
26 WALKER, TOLMAN & TUCKER

27 By: John A. Rosholt
28 John A. Rosholt
29 Attorneys for Protestant
30 Twin Falls Canal Company
31
32

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

Roberts

INITIAL REVIEW BY: ADM

APPLICATION NUMBER: 47-7629

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☒ Yes ☐ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☒ Idaho State Health Department.
☒ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No
☐ Yes ☐ No

Platted by: ADM Map No. BB-70

Other rights on same place of use. _____

- ☒ Yes ☐ No*

In form for advertising.

Final date for protests: 3/24/80

- ☒ Yes ☐ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received. Date: _____
☒ Application published correctly. If not, record action taken: _____
☐ Fee amount, receipt date & number, recorded on application.
☐ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., recorded on application.
☐ Recommendation & initial, recorded on application.

☐ Yes ☐ No Measuring device required.

☐ Yes ☐ No Access port required.

☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____

Date of priority recommended. _____

Special conditions of approval or cover letter. _____

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

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

PROCESSING:

☐ Yes ☒ No Platted by: ADM Map No. BB-70
☐ Yes ☐ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising. N/A
☒ Yes ☐ No Final date for protests: 3/24/80
☒ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

☐ Affidavit of publication received. Date: _____
☒ Application published correctly. If not, record action taken: _____
☐ Fee amount, receipt date & number, recorded on application.
☐ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., recorded on application.
☐ Recommendation & initial, recorded on application.
☐ Yes ☐ No Measuring device required.
☐ Yes ☐ No Access port required.
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____
_____ Date of priority recommended.

Special conditions of approval or cover letter. _____

By: _____ Date: _____

STATE OFFICE REVIEW:

☐ See attached sheet for more information.

By: _____ Date: _____

WATER RIGHT
DATA ENTRY LOG

[illegible]

2/12/87

47-7629

William Edwards &/or Goldie Roberts

Source: Unnamed springs tributary to Mud Creek

Amount & Use: 3.0 cfs for fish propagation, aesthetics &
hydropower

Analysis: Twin Falls Canal Company designates this source the J-2 Coulee. The company's records indicate there are 4 delivery gates downstream from this site.

Proposed Condition:

Water shall not be diverted under this permit until a written agreement with the irrigation district or canal company serving the area containing the point of diversion is filed with the Department of Water Resources providing for the coordination of the permit use with the irrigation district or canal company operation.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

March 27, 1980

William Edwards &/or Goldie Roberts
Route 4
Buhl, Idaho 83316

Re: Application for Permit No. 47-7629

Dear Mr. & Mrs. Roberts:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 47-7629. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle 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 water 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 project?
5. Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Sincerely,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

Mr. Bob Bell, Regional Fisheries Biologist
Idaho Fish & Game Department
Region #4
P. O. Box 428
Jerome, Idaho 83338

Re: Application for Permit No. 47-7628 - 47-7629

Dear Mr. Bell:

Please find enclosed a copy of the above referenced application for permit for your information and files.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

March 27, 1980

John A. Rosholt
Attorney at Law
P. O. Box 1906
Twin Falls, Idaho 83301

Re: Applications for Permit No. 47-7629 - William & Goldie Roberts Edwards
47-7628 - Tunnell Creek Ranch, Inc.
47-7630 - C. B. Cannon

Dear Mr. Rosholt:

Your protest against the approval of the above-referenced application submitted in behalf of Twin Falls Canal Company 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.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle 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 water rights?
2. Is the proposed water supply insufficient for the purpose 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 project?
5. Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Sincerely,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

MEMO

TO: File

Date: 2/26/80

FRom: Gary Funderburg

Re: Surface water Application #47-7629

On 2/25/80 I made a Field Trip to the proposed place of use and point of diversion for application #47-7629. Robert Meyers, Grandson of Applicant accompanied me to the location of the springs and described their proposed project.

At this time of year the springs in this area are at their low flow. The Applicant filed for 3.0 cfs. during the field trip there appeared to be only 1.0 C.F.S. of water flowing. High water mark indicated the springs have flown with a high capacity of approximately 3.0 C.F.S. to 4.0 C.F.S.

The springs are located on the applicants property and runs into the neighbors stock pond. There it runs on into Mud Creek which is a tributary to Snake River.

Since this application is for non-consumptive use I feel this application should be approved.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

FEBRUARY 20, 1980

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before MARCH 24, 1980.

Yours truly,

Mary A. Hill
Secretary

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before MARCH 24, 1980.

C. STEPHEN ALLRED

Director

Published 3/6 & 3/13/80.

ROBERTS, WILLIAM EDWARD &/or GOLDIE

RT. 4, BUHL, ID 83316

Source: UNNAMED SPRINGS tributary to MUD CREEK

Date Filed: 02/15/1980

Amount: 3.00 CFS

Diversion Point: SESW Sec 24 T 09S R 14E, TWIN FALLS Co.

Use: FISH PROP. (3.00 CFS) from 01/01 to 12/31

POWER (3.00 CFS) from 01/01 to 12/31

Place of Use: SESW Sec 24 T 09S R 14E

Diversion Means: HEADGATE, DITCHES, POWERPLANT & PONDS