

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 40794
PERMIT No. 32646
DISTRICT No.

1. Name of Applicant: State of Idaho, Fish and Game Department
Postoffice address: P.O. Box 25, Boise County: Ada State: Idaho
 1. If applicant is a corporation, give:
 (a) Date and place of incorporation:
 (b) Amount of capital stock:
 (c) Amount paid in:
 (d) Names and addresses of directors:
11. The financial resources of the applicant are:
 (a) Cash on hand:
 (b) Treasury stock:
 (c) Bond to be issued:
 (d) Other resources:
2. Quantity of water claimed: 10.0 cubic feet per second.
3. Source of water supply: Horsethief Creek of Big Cr. which is a tributary of the North Fork of the Payette River
4. Location of point of diversion: N 19° E 1170 feet distant from the SW corner of Section 30, T. 14 N., R. 5 E., B.M., and is in the Lot 4 of section 30, T. 14 N., R. 5 E., B.M., County of Valley
5. Water is to be used for Filling, storage, maintenance and replenishment of a reservoir and for the propagation of fish and wildlife and for public recreation.
6. If for mining, milling, power or manufacturing purposes, give:
 - (a) Point of use of water: 1170 feet distant from SW corner of Section 30 T. 14 N., R. 5 E., B.M., in the Lot 4 of Section of 30, T. 14 N., R. 5 E., B.M.
 - (b) Amount of power generated: H.P., under feet head.
 - (c) Water is to be returned to Horsethief Creek at a point 1240 feet distant from the NW corner of Section 36, T. 14 N., R. 4 E., B.M., in the NW/4 SW/4 of Section 36, T. 14 N., R. 4 E., B.M.
7. Estimated cost of works: \$ 100,000.00
8. Kind of works: A dam to create a reservoir for water storage
9. Height of dam 55 feet; length of dam at top 160+ feet; length of dam at bottom 35 feet; material used in dam: concrete
10. Size of headgate: Width feet; height feet
11. Ditch: Width at bottom feet; width at water line feet; depth of water feet; dimensions of flume:
 Diameter of pipe inches; length of conduit miles
 Average grade per mile feet.
12. The time required for the completion of such work is two (2) years.
13. The time required for the complete application of the water to the proposed use is no additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.
15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: R-1140

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

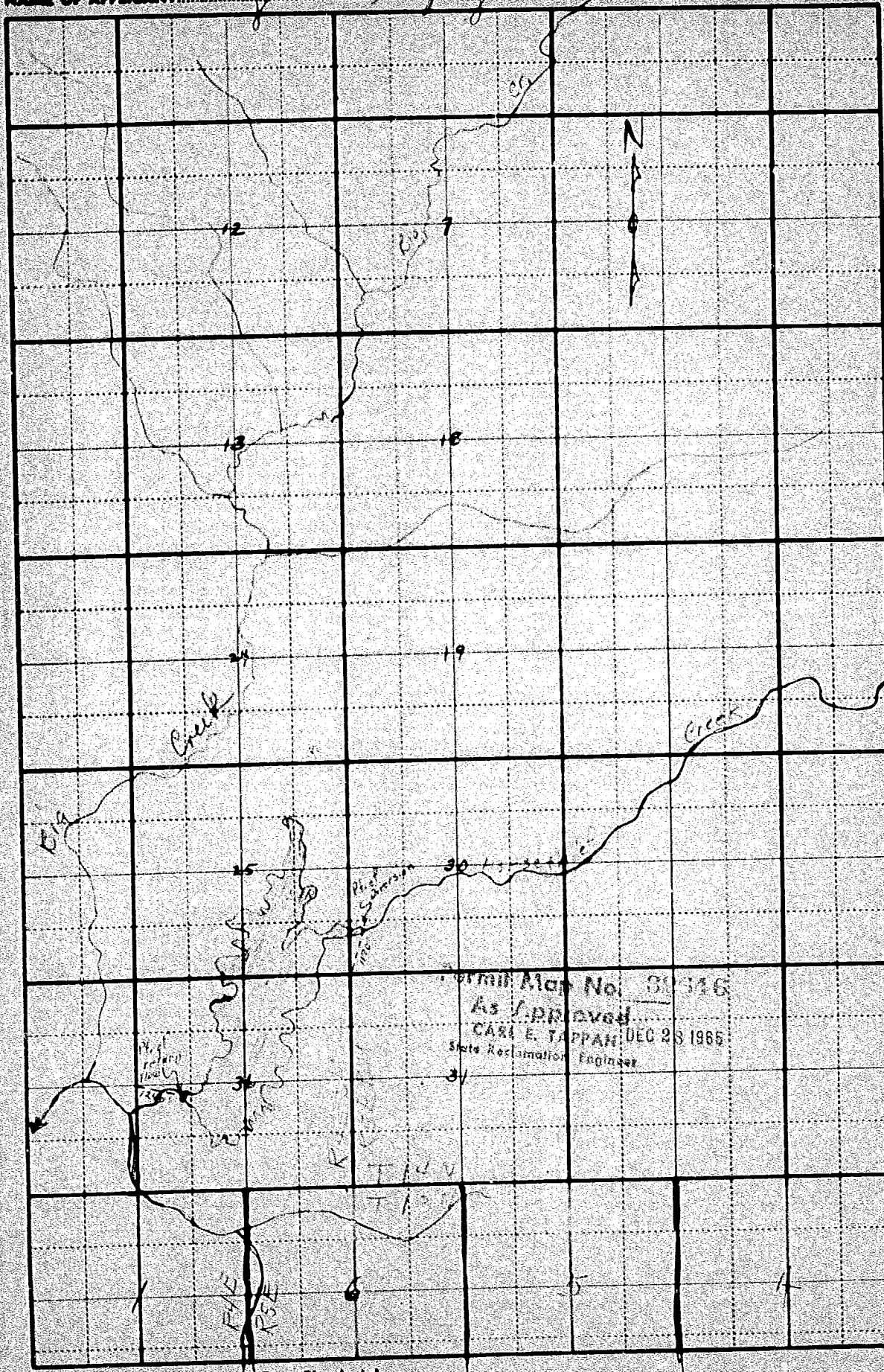
By /s/ JOHN R. WOODWORTH, Agent.
Director

Corrected application received:

The number of this permit is 32646
 Recorded in Book 114 Page 32646 Approved December 28, 1965
 This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and
 hereby approve the same, subject to the following limitations and conditions:
 Bond in the sum of \$ _____ to be filed on or before _____
 Work to begin on or before February 28, 1966 and to continue diligently and uninterruptedly to completion,
 unless temporarily interrupted by circumstances over which permit holder has no control.
 One-fifth of the work above specified to be completed on or before December 28, 1966
 The whole of said work to be completed on or before December 23, 1967
 Beneficial use of water appropriated in accordance herewith, to be made on or before December 23, 1967

REMARKS: All of the flow of Horsethief Creek is needed to fill, store, maintain and replenish the waters of the reservoir of Horsethief Dam.
Approved as required by Idaho State Constitution and subject to Idaho Law in proving Beneficial Use of Water.

Twp.	Range	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	
1 1/2 N	4 E	25			X	X				X			X	X	X	X	X		
		36	X	X	X		X		X	X	X	X		X					
	5 E	30										X							
Reservoir covers parts of the above subdivisions Map in file																			



SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.

REPORT 1 SMYLLIE, Governor
COMMISSION
BEN STANGER, Idaho Falls
J. HOLMES, Twin Falls
D.E. JOHNSON, Boise
ELIAM B. DUBON, Moscow
W.H. TULLEN, Coeur d'Alene

JOHN R. WOODWORTH, Director

POST OFFICE BOX 25
660 SOUTH WALNUT STREET
BOISE, IDAHO 83701

IDAHO FISH AND GAME DEPARTMENT

December 1, 1965

RECEIVED
DEC 7 1965

Department of Reclamation

Mr. Carl E. Tappan
State Reclamation Engineer
Department of Reclamation
Statehouse

Dear Sir:

Subject: Horsethief Reservoir

Enclosed is Application for Permit to Appropriate the Public Waters of the State of Idaho, in the amount of fifty cubic feet per second of the waters of Horsethief Creek in Valley County, Idaho.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT

John R. Woodworth
John R. Woodworth
Director

Enclosure

Address all communications to
Idaho Fish and Game Department
P. O. Box 25, Boise, Idaho

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 40794

Permit No. 32546

District No. _____

DEC 7 1965

Department of Reclamation

1. Name of Applicant: State of Idaho, Fish and Game Department

Post Office address P.O. Box 25, Boise County Ada State Idaho

If applicant is a corporation, give:

(a) Date and place of incorporation: _____

(b) Amount of Capital stock: \$ _____ (c) Amount paid in: \$ _____

(d) Names and addresses of directors: _____

The financial resources of the applicant are: (a) Cash on hand: \$ _____

(b) Treasury stock: _____ (c) Bonds to be issued: _____

(d) Other resources: _____

2. Quantity of water claimed: (70) (fifty) 10.0 50.0 cubic feet per second

3. Source of water supply: Horsethief Creek of Big Creek
which is tributary of the North Fork of the Payette River

4. Location of point of diversion: N 19° E 1170 feet distant from the southwest corner
of Section 30, Twp. 14 N., Rge. 5 E., B. M., and is in the Lot 4
of Section 30, Twp. 14 N., Rge. 5 E., B. M., County of Valley

5. Water is to be used for: Filling, storage, maintenance and replenishment of a reservoir and
for the propagation of fish and wildlife and for public recreation.

6. If for any non-irrigation purpose, give:

(a) Point of use of water: 1170 feet distant from southwest corner of Section 30
Twp. 14 N., Rge. 5 E., B. M., in the Lot 4 of Section 30, Twp. 14 N., Rge. 5 E., B. M.

(b) Amount of power generated: 500 14 H. P., under _____ feet head

(c) Water is to be returned to Horsethief Creek at a point 1240 feet
distant from the west quarter corner of Section 36, Twp. 14 N., Rge. 4 E., B. M., in the
NW/4 SW/4 of Section 36, Twp. 14 N., Rge. 4 E., B. M.

7. Estimated cost of works: \$ 100,000.00

8. Kind of works: A dam to create a reservoir for water storage
(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam 55 feet; length of dam at top 160+ feet; length of dam at bottom 35

feet; material used in dam concrete
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)

10. Size of headgate: Width _____ feet; Height _____ feet

11. Ditch: Width at bottom _____ feet; Width at water line _____ feet; Depth of water _____ feet;

Dimensions of flume _____; Diameter of pipe _____ inches;

Length of conduit _____ miles. Average grade per mile _____ feet.

12. The time required for the completion of such work is two years.

13. The time required for the complete application of the water to the proposed use is no additional years.

14. The land to be irrigated is ^{inundated} described in the following tabulation:
(Give irrigable acreage in each 40-acre subdivision)

Twp.	Range	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	
14N	4E	25			X	X					X			X	X	X	X	X	
		36	X	Y	X		X			X	X	X		X		Y			
14N	5E	30											X						
Reservoir ~~area~~ covers parts of																			
the above subdivisions																			
Map in file																			

Total Number of Acres to be Irrigated.....

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

16. (a) Is reservoir to be used? Yes (If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit: Morsethief Dam Reservoir, R-1140

(c) Date of filing of Application for Storage Permit and Name of Applicant: November 6, 1962

Applicant: State of Idaho, Department of Fish and Game

Remarks: All of the flow of Morsethief Creek is needed to fill, store, maintain
and replenish the waters of the reservoir of Morsethief Dam.

Approved as required by Idaho State Constitution and subject to Idaho
Law in proving Beneficial Use of Water.

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.

STATE OF IDAHO, FISH AND GAME DEPARTMENT
Applicant.

By John R. Woodworth, Agent
John R. Woodworth, Director

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, _____, of _____, County of _____,
State of _____, do hereby certify that I am the owner
of the land on which the spring mentioned in the application of _____ is
located, to-wit: _____

and that I do hereby grant unto the said _____ permission to file on the said spring
as set forth in the foregoing application.

STATE OF IDAHO)
County of _____) ss.

On this _____ day of _____, 19____, before me, a Notary Public for the State of Idaho, residing
at _____, personally appeared _____
known to me to be the person whose name _____ subscribed to the foregoing certificate, and acknowledged
to me that he executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

My commission expires _____

Notary Public.

Approval of State Reclamation Engineer

The number of this permit is 32646

Recorded in Book 111 Page 32646 Approved DEC 28 1965

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$..... to be filed before

Work to begin on or before February 28, 1966, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before December 28, 1966

The whole of said work to be completed on or before December 28, 1967

Beneficial use of water appropriated in accordance herewith, to be made on or before December 28, 1967

Witness my hand this 28th day of December, 1965

Carl P. Gappan
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE Governor of the State of Idaho,

and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 28th day of December, 1965.

Counter signed:

By Arnold Williams
Secretary of State.

STATE OF IDAHO

By Robert E. Smyllie
Governor.

No. 32646

PERMIT

Date of first receipt at office of State
Reclamation Engineer

3:30 P.M. December 7, 1965

Returned to applicant for correction

Corrected application received

Fees, \$ No Fee required

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof 25

Approved as required by Idaho
State Constitution, ^{and} subject to Idaho Law
in proving Beneficial Use
of Water.

Under Remarks on
both applications.

ROBERT E. SMYLLIE
Governor



CARL E. TAPPAN
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 14, 1966

Re: Permit No. 32646

State of Idaho, Fish and Game Dept.
P.O. Box 25
Boise, Idaho

Dear Sir:

We enclose Permit No. 32646 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. - - which was issued covering payment in the amount of \$ no fee for the filing fee of the above mentioned permit.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

Edna P. Rule
(MRS.) EDNA P. RULE
Chief Clerk

Encl. permit and receipt
EPR:pmk

- 32646

Application For Permit To appropriate the Public Waters of the State of Idaho

APPLICATION No. 40794
PERMIT No. 32646
DISTRICT No.

1. Name of Applicant: State of Idaho, Fish and Game Department
Postoffice address: P.O. Box 25, Boise County: Ada State: Idaho
1. If applicant is a corporation, give:
(a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:
II. The financial resources of the applicant are:
(a) Cash on hand:
(b) Treasury stock:
(c) Bond to be issued:
(d) Other resources:
2. Quantity of water claimed: 10,0 cubic feet per second.
3. Source of water supply: Horsethief Creek of Big Cr. which is a tributary of the North Fork of the Payette River
4. Location of point of diversion: N 19° E 1170 feet distant from the SW corner of Section 30, T. 14 N., R. 5 E., B.M., and is in ~~the~~ Lot 4 of section 30, T. 14 N., R. 5 E., B.M., County of Valley
5. Water is to be used for Filling, storage, maintenance and replenishment of a reservoir and for the propagation of Fish and wildlife and for public recreation.
6. If for mining, milling, power or manufacturing purposes, give:
(a) Point of use of water: 1170 feet distant from SW corner of Section 30 T. 14 N., R. 5 E., B.M., in the Lot 4 of Section of 30, T. 14 N., R. 5 E., B.M.
(b) Amount of power generated: H.P., under feet head.
(c) Water is to be returned to Horsethief Creek at a point 1240 feet distant from the NW corner of Section 36, T. 14 N., R. 4 E., B.M., in the NW/4 SW/4 of Section 36, T. 14 N., R. 4 E., B.M.
7. Estimated cost of works: \$ 100,000.00
8. Kind of works: A dam to create a reservoir for water storage
9. Height of dam 55 feet; length of dam at top 160+ feet; length of dam at bottom 35 feet; material used in dam: concrete
10. Size of headgate: Width feet; height feet.
11. Ditch: Width at bottom feet; width at water line feet; depth of water feet; dimensions of flume:
Diameter of pipe inches; length of conduit miles.
Average grade per mile feet.
12. The time required for the completion of such work is two (2) years.
13. The time required for the complete application of the water to the proposed use is no additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.
15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: R-1140

32646

16. (a) Is reservoir to be used? yes If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit: Horse Thief Dam Reservoir R-1140
 (c) Date of filing of Application for Storage Permit and Name of Applicant: November 6, 1962
State of Idaho Department of Fish and Game

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

State of Idaho, Fish and Game Department

By /s/ JOHN R. WOODWORTH, Agent.
 Director

Date of first receipt at Department of Reclamation: 3:30 P.M. December 7, 1965.

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 32646

Recorded in Book 114 Page 32646 Approved December 28, 1965

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before February 28, 1966 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before December 28, 1966

The whole of said work to be completed on or before December 23, 1967

Beneficial use of water appropriated in accordance herewith, to be made on or before December 23, 1967

WITNESS My hand this 28th day of December 1965. /s/ CARL E. TAPPAN

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho,

and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 28th

day of December, 19 65

STATE OF IDAHO

Countersigned:

(SEAL)

By /s/ ARNOLD WILLIAMS
 Secretary of State.

By /s/ ROBERT E. SMYLIE
 Governor.

REMARKS: All of the flow of Horse Thief Creek is needed to fill, store, maintain and replenish the waters of the reservoir of Horse Thief Dam. Approved as required by Idaho State Constitution and subject to Idaho Law in proving Beneficial Use of Water.

14.

Twp.	Range	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	
14 N	4 E	25			X	X					X			X	X	X	X	X	
		36	X	X	X		X		X		X	X	X		X				
	5 E	20											X						
Reservoir covers parts of the above subdivisions Map in file																			

32646

N-13-69

WOLD UNTIL

EXAM IS

COMPLETED

JRR

32646

ROBERT E. SMYTHE, Governor
COMMISSION
GLENN STANGER, Idaho Falls
R. J. HOLMES, Twin Falls
ARLIE JOHNSON, Boise
WILLIAM B. DUBOIN, Moscow
FRANK EILLEN, Coeur d'Alene

JOHN R. WOODWORTH, Director

POST OFFICE BOX 25
600 SOUTH WALNUT STREET
BOISE, IDAHO 83701

IDAHO FISH AND GAME DEPARTMENT

December 1, 1965

RECEIVED
DEC 7 1965

Department of Reclamation

Mr. Carl E. Tappan
State Reclamation Engineer
Department of Reclamation
Statehouse

Dear Sir:

Subject: Horsethief Reservoir

Enclosed is Application for Permit to Appropriate the
Public Waters of the State of Idaho, in the amount of fifty
cubic feet per second of the waters of Horsethief Creek in
Valley County, Idaho.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT

John R. Woodworth
John R. Woodworth
Director

Enclosure

32646

January 14, 1966

Re: Permit No. 32646

State of Idaho, Fish and Game Dept.
P.O. Box 25
Boise, Idaho

Dear Sir:

We enclose Permit No. 32646 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. " " which was issued covering payment in the amount of \$ no fee for the filing fee of the above mentioned permit.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl. permit and receipt
EFR:gnk

32646

ROBERT E. SMYTH, Governor
COMMISSION
GLENN STANGER, Idaho Falls
E. J. HOLMES, Twin Falls
ARLIE JOHNSON, Boise
WILLIAM B. DUBOCH, Moscow
FRANK CULLEN, Coeur d'Alene

JOHN R. WOODWORTH, Director

POST OFFICE BOX 25
600 SOUTH WALNUT STREET
BOISE, IDAHO 83701

IDAHO FISH AND GAME DEPARTMENT

December 1, 1965

RECEIVED
DEC 7 1965

Department of Reclamation

Mr. Carl E. Tappan
State Reclamation Engineer
Department of Reclamation
Statehouse

Dear Sir:

Subject: Horsethief Reservoir

Enclosed is Application for Permit to Appropriate the
Public Waters of the State of Idaho, in the amount of fifty
cubic feet per second of the waters of Horsethief Creek in
Valley County, Idaho.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT

John R. Woodworth
John R. Woodworth
Director

Enclosure

32646

Re: Permit No. 32646

September 1, 1967

State of Idaho Fish & Game Dept.
P. O. Box 25
Boise, Idaho 83701

~~Gentlemen:~~ Proof of completion of works and application of water to beneficial use for the above referenced permit is due not later than December 28, 1967.

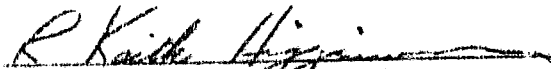
Under the terms of your permit, it is required that a notice be published once a week for four consecutive weeks in a local newspaper showing your intent to submit proof. The proof will consist of depositions which the permit holder and two disinterested witnesses must complete before the listed notary public, and must be accompanied by an affidavit of publication of the legal notice.

We have prepared the enclosed notice from the information on your permit. The complete name and address of a notary public of the State of Idaho must be entered together with a date for you to appear before the notary. Allow at least 40 days from the date the notice is mailed to this department for your appearance before the notary.

If you find any discrepancy in the notice or have made any changes, please advise this department and we will assist you in doing whatever may be necessary to assure correct publication.

If the enclosed notice is correct, complete the blank spaces and sign the form authorizing us to publish the notice at your expense and return all forms. At the time we send the notice to the newspaper, you will be supplied with further instructions.

If you do not desire to complete the proofs and obtain a license of water right, you are requested to complete the relinquishment portion of this form below and return it to the Department of Reclamation.


State Reclamation Engineer

RELINQUISHMENT

I hereby relinquish to the State of Idaho, all my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. _____.

Dated _____.

permit holder

32646

November 2, 1967

Re: Permit No. 32646
State of Idaho, Fish & Game Dept.

The Star-News
McCall, Idaho

Gentlemen:

Enclosed is a legal notice which we wish to have published for four consecutive weeks prior to December 4, 1967. The expense of the publication is to paid by State of Idaho, Fish & Game Department, by John R. Woodworth, Director, Box 25, Boise, Idaho 83702 to whom you should furnish the affidavit of publication on or before the above date. Please acknowledge receipt of this notice by furnishing this office with a tear sheet for checking prior to the first publication.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dj

Enc: Legal Notice

32646

RECEIVED
DEC 27 1967

**NOTICE OF PROOF OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Notice is hereby given that on December 4, 1967 at Boise,
County of Ada, State of Idaho, before notary public (name & address) _____
Anna Ewaldi, 600 South Walnut, Boise, Idaho, proof will be
submitted of the completion of works for the diversion of 10.0 c.f.s. of the waters
of Horse Thief Creek of Big Creek, and the application to beneficial use of said water,
in accordance with the terms and conditions of permit 32646, heretofore issued by
the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is State of Idaho Fish & Game
Department, P. O. Box 25, Boise, Idaho.
2. Said works of diversion will be fully completed on the date for such completion,
and the amount of water which said works are capable of conveying to the place of use is
10.0 cubic feet per second.
3. The use to which said water has been applied is filling, storage, maintenance,
and replenishment of a reservoir and for the propagation of fish and wildlife
and for public recreation purposes, and the amount applied to beneficial
use is 10.0 c.f.s.
4. The point of diversion of said water is Lot 4, Sec. 30, T. 14 N.
R. 5 E, B.M., Valley County.
5. The place where said water is used is S/4NE/4, E/4SW/4, SE/4, Sec. 25,
N/4NE/4, SW/4NE/4, E/4NW/4, N/4SW/4, SE/4SW/4, NW/4SE/4, Sec. 36, T. 14 N, R. 4 E, B.M.
and SW/4SW/4, Sec. 30, T. 14 N, R. 5 E, B.M.
6. The date of priority which said user is prepared to establish is _____
December 7, 1965.

R. KEITH HIGGINSON
State Reclamation Engineer

32646

OCT 27 1967

Department of Reclamation

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the Bozeman Lake Star - News of McCall, Idaho; published in the county in which the works are situated.

STATE OF IDAHO, FISH AND GAME DEPARTMENT

By John R. Woodworth (signature) John R. Woodworth, Director

Box 25, 600 South Walnut

Boise, Idaho 83797
(address)

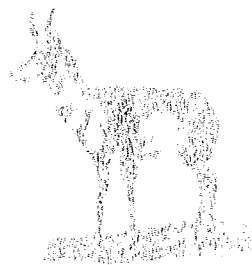
October 25, 1967
(date)

In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer when proof is for completion of works.

I hereby certify that the facts set forth in the attached notice are true.

Engineer

32646



JOHN R. WOODWORTH, Director

POST OFFICE BOX 21
600 SOUTH WALNUT STREET
BOISE, IDAHO 83702

DOUG SAMUELSON, Governor
COMMISSION
GLENN STANGER, Idaho Falls
R. J. HIGGINS, Twin Falls
ARLIE JOHNSON, Boise
WILLIAM S. TUBBON, Moscow
RAY SIMS, Burley

IDAHO FISH AND GAME DEPARTMENT

October 26, 1967

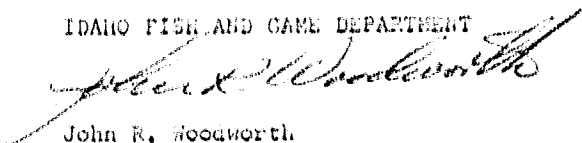
Mr. R. Keith Higginson
State Reclamation Engineer
Department of Reclamation
S T A T E H O U S E

Dear Sir:

Enclosed herewith is authorization to publish Notice of
Completion of Works and Application of Water to Beneficial Use,
Permit No. 32646.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT


John R. Woodworth
Director

Enclosure

RECEIVED

OCT 27 1967

Department of Reclamation

32646

November 2, 1967

Re: Permit No. 32646

John H. Woodworth, Director
State of Idaho, Fish & Game Dept.
Box 25, 600 South Walnut
Boise, Idaho 83707

Dear Mr. Woodworth:

This acknowledges receipt of the notice of intent to make proof of completion of works and application of water to beneficial use for permit 32646.

We have mailed the notice to the Star-News, McCall, Idaho to be published once a week for four consecutive weeks prior to December 4, 1967, which is the hearing date when the permit holder

State of Idaho, Fish & Game Department and two disinterested witnesses must appear before Anne Eppeldi, notary public, to complete the enclosed depositions. The witnesses must be familiar with the works and permit.

After the hearing, the depositions and an affidavit of publication must be submitted to this office. The affidavit may be obtained from the newspaper when the advertising bill is paid by State of Idaho, Fish & Game Department. Be sure all the forms have the notary's seal and are signed.

Please feel free to contact us if we may be of any assistance.

Very truly yours,

Donald W. McElDowney
Water Rights Clerk

DWM:dj

Enc: Depositions

cc: Notary

32646

32646

ROBERT H. REMAKLUS
ATTORNEY AT LAW
CASCADE, IDAHO

November 30, 1967

RECEIVED

DEC 1 1967

Department of Reclamation

State Reclamation Engineer
State Department of Reclamation
State House
Boise, Idaho

Dear Sir:

Pursuant to the provisions of Section 42-203, Idaho Code, notice is hereby given that Forest E. Robb of Cascade, Idaho, J. R. Simplot Company, a Nevada corporation qualified to do business in Idaho, whose address is Simplot Building, Boise, Idaho, protest against the approval of the application filed by the State of Idaho Fish and Game Department to appropriate and store waters of Horsethief Cree, a tributary of Big Creek in Valley County, Idaho, under permits numbered R-1140 and 326463 issued by your office.

As grounds for such protests the said protestants claim prior right to appropriate for irrigation purposes, the waters of Big Creek in Valley County, Idaho, at diversion points downstream from the confluence of said Horsethief Creek and Big Creek, under the provisions of the permits to appropriate such waters issued by your office to said Forest E. Robb, as follows:

Permit No. 19968, dated November 14, 1946,
Permit No. 32483, dated August 10, 1965.

This protest is lodged by said Forest E. Robb as the owner of the real property covered by said Permits numbered 19968 and 32483, and J. R. Simplot Company as the lessee of such real property with an option to purchase the same.

Very truly yours,



Robert H. Remaklus
Attorney for Protestants

ccs Forest E. Robb
J. R. Simplot Company

32646

ROBERT H. REMAKLUS
ATTORNEY AT LAW
CASCADE, IDAHO
November 29, 1967

RECEIVED
NOV 30 1967
Department of Reclamation

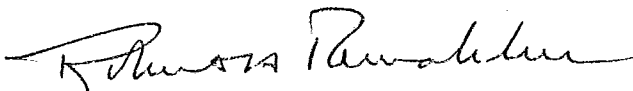
State Department of Reclamation
Room 107, State House
Boise, Idaho

Re: Permit Nos. R-1140 and 32646
Idaho Fish and Game Department

Gentlemen:

Enclosed herewith is the protest of Warner Ditch Company
to the appropriation and impoundment of waters under the
above permits.

Very truly yours,



Robert H. Remaklus

bb
encs

32646

Cascade, Idaho
November 29, 1967

State Department of Reclamation
Room 107, State House
Boise, Idaho

Gentlemen:

Warner Ditch Company does hereby protest the application of the State of Idaho Fish and Game Department to appropriate the waters of Horsethief Creek, a tributary of Big Creek in Valley County, Idaho, under permit number R-1140 and 32646. Such waters were appropriated by the ditch company for irrigation purposes many years ago and have been so used continuously since the appropriation thereof.

This protest is made to the appropriation and impoundment of such waters during the irrigation season.

Please advise the date of hearing on this protest.

Very truly yours,

WARNER DITCH COMPANY



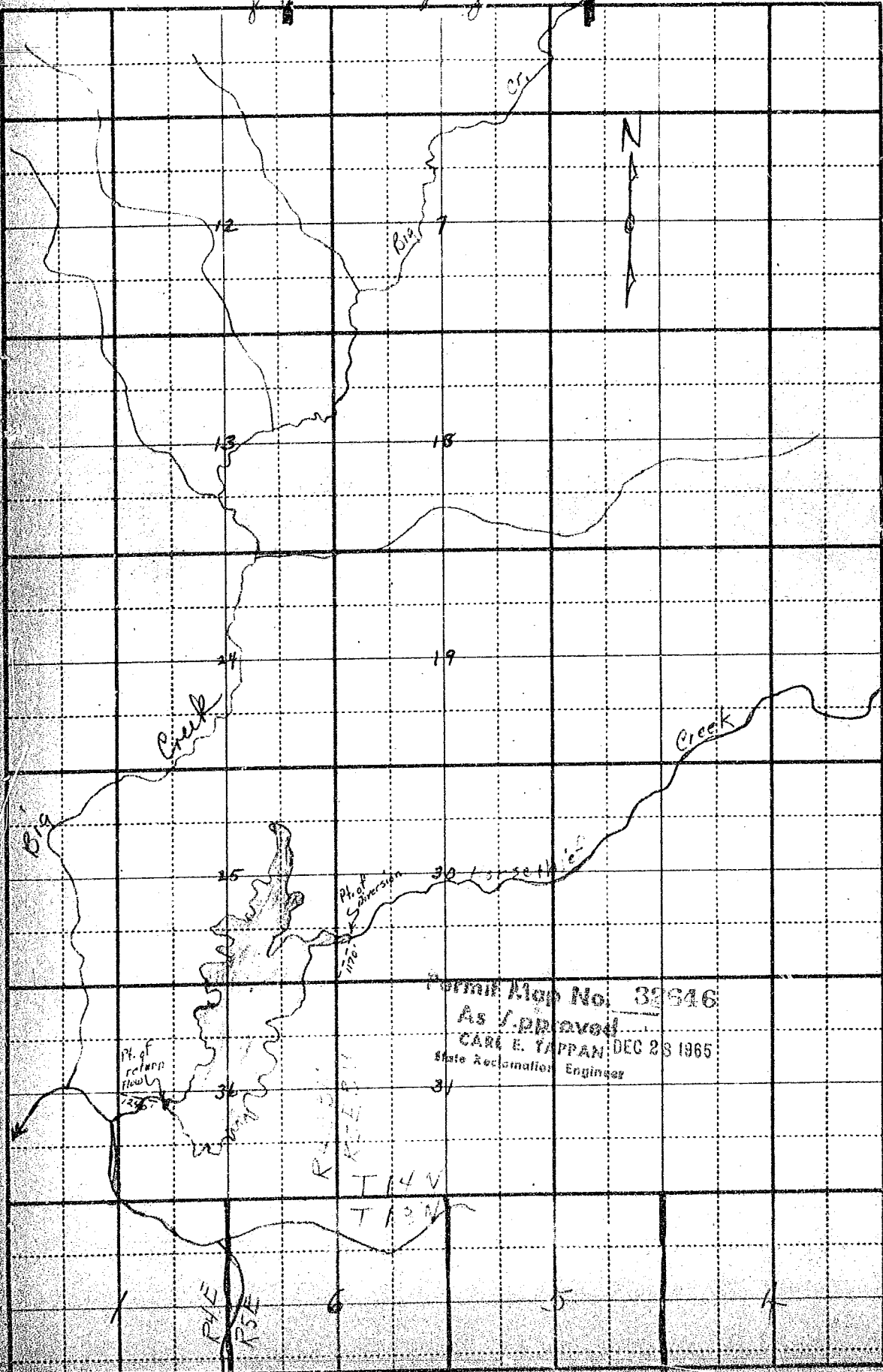
Secretary

"RECEIVED"

Nov 30 1967

Department of Reclamation

32646



Permit Map No. 32646
As Approved
CARL E. YAPPAN DEC 28 1965
State Reclamation Engineer

DON SAMUELSON, Governor
COMMISSION
GLENN STANGER, Idaho Falls
R. J. HOLMES, Twin Falls
ARLIE JOHNSON, Boise
WILLIAM B. DUBSON, Moscow
RAY SIMS, Bonnetts Ferry

IDAHO FISH AND GAME DEPARTMENT

December 6, 1967

Mr. R. Keith Higginson
State Reclamation Engineer
Department of Reclamation
STATE HOUSE

Sir:

Enclosed herewith is a copy of Disposition of Holder and two Disposition of Witness asserting Application of Water to Beneficial Use and Completion of Works permits 32646 and R-1140, Horsetheif Basin and Publication Affidavit for Permit 32646.

Affidavit of Publication R-1140 has not yet been received by this office.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT
John R. Woodworth, Director



T. D. Biladeau, Land Agent
Business Administration Division

TDB:cw
Enclosures

RECEIVED
DEC 7 1967

Department of Reclamation
JOHN R. WOODWORTH, Director

POST OFFICE BOX 25
600 SOUTH WALNUT STREET
BOISE, IDAHO 83707

32646
R 1140

32646

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO)

County of Valley) ss.

Glen E. Youngblood, being first duly sworn, deposes and

says: That he is the editor of the Cascade News, a Weekly newspaper published at Cascade, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said news-

paper once a week for four consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began

November 9, 1967, and ended November 30, 1967

Subscribed and sworn to before me, a Notary Public in and for

the County of Valley, and the State of Idaho, this 4th

day of December, 19 67

Richard W. Kewalcher Notary Public.

My commission expires 10/25, 1969

RECEIVED
DEC 7 1967
Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that on December 4, 1967 at Boise, County of Ada, State of Idaho, before notary public Anne Epeldi, 600 South Walnut, Boise, Idaho, proof will be

submitted of the completion of works for the diversion of 10.0 c.f.s. of the waters of Horseshoe Creek of Big Creek, and the application to beneficial use of said water, in accordance with the terms and conditions of permit 32646, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is State of Idaho Fish & Game Department, P.O. Box 25 Boise, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 10.0 cubic feet per second.

3. The use to which said water has been applied is filling, storage, maintenance and replenishment of a reservoir and for the propagation of fish and wildlife and for public recreation purposes, and the amount applied to beneficial use is 10.0 c.f.s.

4. The point of diversion of said water is Lot 4, Sec. 30, T.14N, R.5E, B.M., Valley County.

5. The place where said water is used is S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 25, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T.14N, R. 4E, B.M. and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T.14N, R.5E, B.M.

6. The date of priority which said user is prepared to establish is December 7, 1963.

32646

5-5-65

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 32846

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of WorksDEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: _____

John R. Woodworth, Boise, Director of the Idaho Fish and Game Department, 600 South Walnut

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Acting for and in behalf of the Idaho Fish and Game Department as its Director

Ques. 3. State number, approval date of permit, and date of priority: _____

32846, Approved December 28, 1965, Priority December 7, 1965Ques. 4. State source of water supply: Horsethief CreekGive location of point of diversion, showing subdivision, section, township and rangeLot 4, Section 30, Township 14 North, Range 5 East Boise Meridian, Valley County, IdahoQues. 5. Describe your works of diversion: Natural flow of stream_____; state amount of water they are capable of conveying from point of diversion to place of use: 50 c.f.s.; Give name of canal or ditchor other works by which water is conducted to such place of use: Reservoir of HorsethiefDam; if a well, state depth of well _____; depth and size of

casing _____; depth to water _____; if pump is used,

state discharge of pump: _____; tell how it was measured or determined _____

_____; if sprinkler irrigation, give number and size

of nozzles and operating pressure: _____ Filling, storage, maintenance, replenishment
_____ of Horsethief Reservoir for the propagationQues. 6. State for what purpose water is used: of fish and wildlife and public recreation.
(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:Inundated irrigated lands. Township 14 North, Range 4 East, Section 25, portions of E/2
NE/4, E/2 SW/4, SE/4; Section 36, N/2 NE/4, SW/4 NE/4, E/2 NE/4, N/2 SW/4, SE/4 SW/4, NW/4
SW/4, Township 14 North, Range 5 East, Section 30, Lot 4.

3 28 46

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho
Permit No. 32846

RECEIVED
DEC 7 1967
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: _____

John R. Woodworth, Boise, Director of the Idaho Fish and Game Department, 600 South Walnut

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Acting for and in behalf of the Idaho Fish and Game Department as its Director

Ques. 3. State number, approval date of permit, and date of priority: _____

32846, Approved December 28, 1965, Priority December 7, 1965

Ques. 4. State source of water supply: Horsethief Creek
Give location of point of diversion, showing subdivision, section, township and range

Lot 4, Section 30, Township 14 North, Range 5 East Boise Meridian, Valley County, Idaho

Ques. 5. Describe your works of diversion: Natural flow of stream

_____ ; state amount of water they are capable of con-

veying from point of diversion to place of use: 50 c.f.s. ; Give name of canal or ditch

or other works by which water is conducted to such place of use: Reservoir of Horsethief

Dam ; if a well, state depth of well _____ ; depth and size of

casing _____ ; depth to water _____ ; if pump is used,

state discharge of pump: _____ ; tell how it was measured or determined _____

_____ ; if sprinkler irrigation, give number and size

of nozzles and operating pressure: _____ Filling, storage, maintenance, replenishment
of Horsethief Reservoir for the propagation

Ques. 6. State for what purpose water is used: of fish and wildlife and public recreation.
(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

Inundated irrigated lands. Township 14 North, Range 4 East, Section 25, portions of E/2 NE/4, E/2 SW/4, SE/4, Section 36, N/2 NE/4, SW/4 NE/4, E/2 NW/4, N/2 SW/4, SE/4 SW/4, NW/4 SW/4, Township 14 North, Range 5 East, Section 30, Lot 4.

32846

State nature of all improvements which have been made as a direct result of said use:

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: _____

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Refer to Question 6

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: October 1, 1967 - Time used since first use:

Continuously

Ques. 10. Describe all other water rights appurtenant to same place of use: _____

R-1140 and R-1221

State of Idaho
FISH AND GAME DEPARTMENT

(sign)

John R. Woodworth
John R. Woodworth, Director

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Boise

County of Ada

State of Idaho, on this 4th day of December, A. D. 19 67

My commission expires: June 1, 1970

Anne Epeldi
Anne Epeldi, Idaho Notary Public
Residing at Boise

32646

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho
Permit No. 32646

* * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

Jack Fisher, of legal age, Engineer, Box 25, Boise, Idaho 83707

Ques. 2 Are you acquainted with John R. Woodworth, the holder of Permit No. 32646? How long have you known him and where does he reside?

Five years He resides in Boise, Idaho

Ques. 3. Have you read or heard said Permit No. 32646 read, and are you familiar with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: Horsethief Creek

Give location of place of diversion, showing subdivision, section, township and range
Lot 4, Section 30, Township 14 North, Range 5 East Boise Meridian, Valley County, Idaho /

Describe works for conveying water to place of use: natural stream course

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 50 c.f.s. How much water have you seen being so conveyed? 10 c.f.s.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

32646

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used. Township 14 North, Range 4 East, Section 25, portion of S/2 NE/4, E/2 SW/4, SE/4; Section 36, N/2 NE/4, SW/4 NE/4, E/2 NW/4, N/2 SW/4, SE/4 SW/4, NW/4 SW/4 and Township 14 North, Range 5 East, Section 30, Lot 4 used for inundation of above lands for filling, storage, maintenance, replenishment of Horsethief Reservoir for the propagation of fish and wildlife and public recreation.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

5,000 acre feet

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? October 1, 1967

Other times you have seen such use: November, 1967

(Signed):

***** Jack Fisher

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise

County of Ada, State of Idaho, on

this 4th day of December, A. D. 1967

Anne Epeldi
Notary Public for the State of Idaho

Residing Boise

My commission expires June 1, 1970

32644

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho
Permit No. 32646

* * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

Ted D. Biladeau, of legal age, Land Agent, Box 25, Boise, Idaho 83707

Ques. 2 Are you acquainted with John R. Woodworth, the holder of
Permit No. 32646? How long have you known him and where does he reside?

Five years He resides in Boise, Idaho

Ques. 3. Have you read or heard said Permit No. 32646 read, and are you familiar
with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: Horsethief Creek

Give location of place of diversion, showing subdivision, section, township and range
Lot 4, Section 30, Township 14 North, Range 5 East Boise Meridian, Valley County, Idaho

Describe works for conveying water to place of use: natural stream course

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: unknown How much water have you seen being so
conveyed? 10 c.f.s.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

32646

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used. Township 14 North, Range 4 East, Section 25, portion of S/2 NE/4, E/2 SW/4, SE/4; Section 36, N/2 NE/4, SW/4 NE/4, E/2 NW/4, N/2 SW/4, SE/4 SW/4, Nw/4 SW/4 and Township 14 North, Range 5 East, Section 30, Lot 4, water is used to inundate the above lands and for filling, storage, maintenance, and replenishment of Horsethief Reservoir for the propagation of fish and wildlife and public recreation.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

5,000 acres feet (flood irrigation for aquatic plant growth)

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? October 1, 1967

Other times you have seen such use: None

(Signed):

T. D. Biladeau

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise

, County of Ada, State of Idaho, on this 4th day of December, A. D. 1967

Anne Epeldi
Anne Epeldi
Notary Public for the State of Idaho

Residing Boise

My commission expires June 1, 1970

32646

January 17, 1968

Re: Permits No. 32646 and R-1140

State of Idaho
Department of Fish & Game
Statehouse,
Boise, Idaho

Attention: Mr. Bob Salters

Gentlemen:

Enclosed are copies of protests received in opposition to the proof of completion of works and application of water to beneficial use submitted under the above referenced permit. The Department of Reclamation will advise you at a later date as to the time and place set for a conference and hearing to review the protest matter.

Please contact us if we may assist you in any manner.

Very truly yours,

Donald W. McElweeney
Water Rights Clerk

DWM:ks

Enclosure: Copies of protests

32640

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 23, 1968

Re: Permit No. R-1140 and 32646

J. R. Simplot
805 Idaho
Boise, Idaho

Dear Mr. Simplot:

Please be advised that the Department of Reclamation has scheduled a conference and hearing on the above referenced permits on February 6, 1968 at 1:30 p.m. in the Valley County Courthouse, Cascade, Idaho.

You or your representative are required to attend.

Very truly yours,

C. Stephen Allred
Assistant State Reclamation Engineer

CSA:DM:ks

32646

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 23, 1968

Re: Permit No. R-1140 and 32646
Fish and Game Department

F. E. Robb
c/o Robert H. Remaklus
Cascade, Idaho

Dear Mr. Robb:

Please be advised that the Department of Reclamation has scheduled a conference and hearing on the above referenced permits on February 6, 1968 at 1:30 p.m. in the Valley County Courthouse, Cascade, Idaho

You or your representative are required to attend.

Very truly yours,

C. Stephen Allred
Assistant State Reclamation Engineer

CSA:DM:ks

32646

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

107 STATE HOUSE

BOISE, IDAHO 83701

January 23, 1968

Re: Permit No. R-1140 and 32646
Fish and Game Department

Robert H. Remaklus
Attorney at Law
Cascade, Idaho

Dear Mr. Remaklus:

Please be advised that the Department of Reclamation has scheduled a conference and hearing on the above referenced permits on February 6, 1968 at 1:30 p.m. in the Valley County Courthouse, Cascade, Idaho.

You or your representative are required to attend.

Very truly yours,

C. Stephen Allred
Assistant State Reclamation Engineer

CSA:DM:ks

32646

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 23, 1968

Re; Permit No. R-1140 and 32646
Fish and Game Department

Warner Ditch Co.
Cascade,
Idaho

Gentlemen:

Please be advised that the Department of Reclamation has scheduled a conference and hearing on the above referenced permits on February 6, 1968 at 1:30 p.m. in the Valley County Courthouse, Cascade, Idaho.

You or your representative are required to attend.

Very truly yours,

C. Stephen Allred
Assistant State Reclamation Engineer

CSA:DM:ks

32646

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 23, 1968

Re: Permit No. R-1140 and 32646

State of Idaho Department of Fish and Game
600 South Walnut Street
Boise, Idaho

Attention : Bob Salters

Gentlemen:

Please be advised that the Department of Reclamation has scheduled a conference and hearing for February 6, 1968 at 1:30 p.m. in the Valley County Courthouse, Cascade, Idaho.

Enclosed are copies of the protests filed in opposition with the licensing of the above referenced permits.

You or your representative are required to attend.

Very truly yours,

C. Stephen Allred
Assistant State Reclamation Engineer

CSA:DM:ks

Enclosure: Copies of protests

32646

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 23, 1968

✓
Re: Permit No. R-1140 and 32646 and
Application No. 63-7014 and 63-7015

Clerk of the District Court
Courthouse,
Cascade, Idaho

Gentlemen:

We wish, by this letter, to confirm the use of your courtroom on February 6, 1968 at 10:00 a.m. and again at 1:30 p.m. for public conferences and hearings being held by the State Reclamation Engineer.

Please contact us immediately if these times are not satisfactory.

Very truly yours,

C. Stephen Allred,
Assistant State Reclamation Engineer

CSA:DM:ks

32646

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and address where delivered ☐ Deliver ONLY to addressee
(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

19691

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

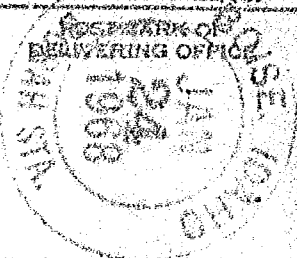
SHOW WHERE DELIVERED (only if requested)

JAN 24 1968

32646

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300



INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moistened gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

RETURN
TO

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Room 107, Statehouse

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83701

3611-16-71248-10

PCN Form 3611 Apr. 1967

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and address where delivered

☐ Deliver ONLY to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

Heik & Garne

INSURED NO.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

JAN 24 1940

655-10-71045-10 GPO

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AGENT
PAYMENT OF POSTAGE \$300

POSTMARK OF
DELIVERY OFFICE

BOISE, ID

JAN
24
1968

RETURN
TO

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Room 107, Statehouse

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83701

655-16-71548-10

Apr. 1967

POD Form 3811

NAME AND ADDRESS OF SENDER

Dept. of Speculation
19688

Indicate type of mail

☐ INSURED ☐ C. O. D.
☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

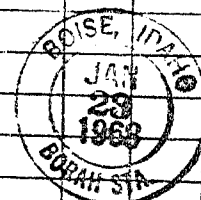
NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSEMENT	R. R. FEE	S. D. FEE	S. H. FEE	RESTRICTED DELIVERY FEE
1	19688 <i>Signito of the U of I, Madison</i>	.80	30			10			42127
2	19689 <i>Robert W. Bernabue, Caspado</i>	.06	30			10			R-1140 32646
3	19690 <i>Forest E. Galt Caspado to Bernabue</i>	.06	30			10			R-1140 32646
4	19691 <i>JB Amplett - 805 Waco - Blair</i>	.06	30			10			R-1140 32646
5	19692 <i>Everett Allen - Caspado</i>	.06	30			10			63-7015
6	19693 <i>Warner Nitch CO</i>	.06	30			10			63-7015
7	19694 <i>David H. (Armand) Wharton, Calif</i>	.06	30			10			R-1140 32646
8	19695 <i>John E. & Gloria Wharton Blair</i>	.06	30			10			63-7015
9	19696 <i>Dept of Fish & Game - Blair</i>	.06	30			10			63-7015
10									R-1140 32646
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									

TOTAL NUMBER OF PIECES LISTED BY SENDER

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE

POSTMASTER, PER (Name of receiving employee)

* Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up."
* Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.



POD Form 387-A-July 1958

32646

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE \$100
PAYMENT OF POSTAGE GUARANTEED

POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Room 107, Statehouse

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83701

RETURN
TO

32646

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and address where delivered ☐ Deliver ONLY to addressee
(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

3

32646
GPO

DON SAMUELSON, Governor
COMMISSION
GLENN STANGER, Idaho Falls
R. J. HOLMES, Twin Falls
ARLIE JOHNSON, Boise
WILLIAM B. DURBIN, Moscow
RAY SIMS, Bonners Ferry

IDAHO FISH AND GAME DEPARTMENT

January 24, 1968

Re: Horsethief Creek

R-1221

R. Keith Higginson, Engineer
Department of Reclamation
STATEHOUSE MAIL

Dear Sir:

Enclosed herewith is authorization to publish at the expense of the Fish and Game Department the attached Notice of Proof of Completion of Works and Application of Water to Beneficial Use.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT

John R. Woodworth
John R. Woodworth
Director

Enclosure

RECEIVED
JAN 31 1968
Department of Reclamation
JOHN R. WOODWORTH, Director
POST OFFICE BOX 25
600 SOUTH WALNUT STREET
BOISE, IDAHO 83707

32646

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

NOTICE IS HEREBY GIVEN THAT ON THE 18th day of March, 1968
at 10 a.m., County of Ada, State of Idaho
before Anne Field, Notary Public at (address) 600 So. Walnut
Boise, proof will be submitted of Completion of Works for the
diversion of 5,000 acre feet of storage, of waters of Horsethief Creek,
and of the application to Beneficial Use of said water, in
accordance with the terms and conditions of Permit No. R-1221, heretofore
issued by the Department of Reclamation of the State of Idaho

1. The name and postoffice address of the person or corporation holding said
permit is Idaho Fish and Game Department, Box 25, Boise, Idaho

2. Said works of diversion of water for storage will be fully completed on the
date set for such completion and the amount of water which said works are capable
of conveying to the place of storage is 5,000 acre ~~cubic~~ feet per ~~second~~ annum.

3. Reservoir capacity is 5,000 acre feet.

4. The use to which said water has been applied is fishing and recreation
purposes, and the amount applied to beneficial use is 5,000 acre feet.

5. The point of diversion of said waters for beneficial use is _____
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 14 N, R. 4 E, B.M., Valley County,

_____ and the amount which can be diverted is
5,000 acre ~~cubic~~ feet per ~~second~~ annum.

6. The place where said water is used is the area inundated by the reservoir.

7. The date of priority which said user is prepared to establish is June 30,
1966.

State Reclamation Engineer

3-26-68

JONES & JONES
ATTORNEYS & COUNSELORS AT LAW
1611 WEST JEFFERSON STREET
BOISE, IDAHO 83702
TELEPHONE 344-7676
AREA CODE 208

THOMAS J. JONES, JR.
T. J. JONES, III
L. ALAN SMITH
MAUREEN J. WARREN

March 12, 1968

RECEIVED
F. J. JONES, JR.
F. T. JONES, 1954-1968

MAR 14 1968

Department of Reclamation

32646
Mr. Robert H. Renaklus
Attorney at Law
Cascade, Idaho

In re: Matter of the licensing of Permit Nos. 2-1140
and 32646 by the State of Idaho Fish and Game Department to
Appropriate and Store Waters of Horsechief Creek, Valley
County, Idaho. *File*

Dear Mr. Renaklus:

Pursuant to the instructions of the State Reclamation Engineer at
the close of the hearing on the above-entitled matter on February
6, 1968, at Cascade, please find enclosed herewith original and
two copies of the proposed stipulation and order.

If the same meets with your approval, will you also sign this and
forward the original and one copy to the State Reclamation Engineer
for his signature.

Very truly yours,

T. J. Jones, III
Special Counsel
Idaho Fish and Game Dept.

TJJ/adm

Enclosures

cc: ✓ Mr. Higginson
Mr. Biladeau

32646

JONES & JONES
ATTORNEYS & COUNSELORS AT LAW
1611 WEST JEFFERSON STREET
BOISE, IDAHO 83702
TELEPHONE 344-7676
AREA CODE 208

THOMAS J. JONES, JR.
T. J. JONES, III
L. ALAN SMITH
MAUREEN J. WARREN

March 12, 1968

RECEIVED
J. JONES, JR. 1894-1970
F. T. JONES, 1894-1970

MAR 14 1968

Department of Reclamation

32646
Mr. Robert H. Renakius
Attorney at Law
Cascadia, Idaho

In re: Matter of the Licensing of Permit Nos. 2-1140
and 32646 by the State of Idaho Fish and Game Department to
Appropriate and Store Waters of Horsehead Creek, Valley
County, Idaho. *File*

Dear Mr. Renakius:

Pursuant to the instructions of the State Reclamation Engineer at
the close of the hearing on the above-captioned matter on February
6, 1968, at Cascade, please find enclosed herewith original and
two copies of the proposed stipulation and order.

If the same meets with your approval, will you also sign this and
forward the original and one copy to the State Reclamation Engineer
for his signature.

Very truly yours,

T. J. Jones, III
Special Counsel
Idaho Fish and Game Dept.

TJJ/cdm

Enclosures

cc: ✓ Mr. Higginson
Mr. Biladeau

32646

Permit 32646

RECEIVED

APR 8 1968

Department of Reclamation

POST OFFICE BOX 11
200 SOUTH WALFORD STREET
BOISE, IDAHO 83702

DOUG SAMUELSON, Governor
COMMISSION
PATRICK STANGER, Idaho Falls
B. J. HOUASS, Twin Falls
ARLE JOHNSON, Boise
WILLIAM P. JARBOHN, Moscow
RAY SIMS, Bonners Ferry

IDAHO FISH AND GAME DEPARTMENT

April 5, 1968

Mr. R. Keith Higginson
State Reclamation Engineer
Idaho Department of Reclamation
107 State House
Boise, Idaho 83701

In re: In the Matter of the Licensing of Permit Nos. R-1140
and 32646 by the State of Idaho Fish and Game Department to Appropriate
and Store Waters of Horsethief Creek, Valley County, Idaho.

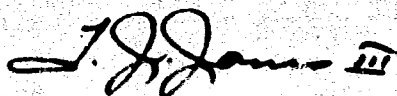
Dear Mr. Higginson:

Enclosed herewith please find original Stipulation and Order in the
above-entitled matter arising out of the pre-hearing conference con-
ducted before you on February 6, 1968, at Cascade, Idaho.

The Stipulation has been signed by myself as attorney for the Idaho
Fish and Game Department and by Mr. Robert H. Remakius as attorney for
the Warner Ditch Company, Forest E. Robb and J. R. Simplot Company,
Protestants.

Will you please execute the Order and place this instrument in your
file on this matter and advise Mr. Remakius and myself as to the date
that you executed and filed said Order.

Very truly yours,



T. J. Jones, III
Special Counsel
Idaho Fish and Game Dept.

TJJ/sdm
Enclosure

cc: Mr. Robert H. Remakius
Idaho Fish and Game Department

32646

BEFORE THE STATE RECLAMATION ENGINEER, STATE OF IDAHO

In the Matter of the Licensing)
of Permit Nos. R-1140 and 32646)
by the State of Idaho Fish and)
Game Department to appropriate)
and Store Waters of Horsethief)
Creek, Valley County, Idaho.)

STIPULATION AND ORDER

WHEREAS, protests of the Warner Ditch Company, Forest E. Robb and the J. R. Simplot Company, a Nevada corporation qualified to do business in Idaho, to the licensing of permit numbers R-1140 and 32646 by the State of Idaho Fish and Game Department to appropriate and store waters of Horsethief Creek in Valley County, Idaho, came on for Pre-Hearing Conference before the State Reclamation Engineer of the State of Idaho on February 6, 1968, at 1:30 o'clock p.m., in the Valley County Courthouse, Cascade, Idaho, and

WHEREAS, it was agreed between counsel for the parties that certain matters be stipulated in the above-entitled matter,

NOW THEREFORE, it is hereby stipulated by the applicant and the protestants that:

1. That the Idaho Fish and Game Department will install three weirs for the measurement of the stream flow of Horsethief Creek as soon as weather permits. One weir will be installed above the headwaters of Horsethief Reservoir, and if adaptable, the Fish and Game Department will use for this upstream weir the existing highway culvert above the headwaters of said reservoir. One temporary weir will be installed on the spillway of the Horsethief Reservoir Dam. The third weir will be installed at a site above the confluence of Horsethief Creek and Big Creek, the location of the said site of this weir below the Horsethief Reservoir Dam and above the confluence of Horse-

32646

thief Creek and Big Creek is to be established by agreement between field representatives of the State of Idaho Department of Reclamation, the Idaho Fish and Game Department and the Warner Ditch Company.

2. Periodic measurements at all three weirs will be conducted at least once a week during the irrigation season by Idaho Fish and Game Department personnel with spot checks of the same to be made by representatives of the Warner Ditch Company and the State of Idaho Department of Reclamation. These measurements are to commence as soon as the weirs are installed, but in no event not later than July 1, 1968.

3. Measurement data compiled from the aforementioned checks will be furnished monthly by the party making the same to all other involved parties, that is, to the Idaho Fish and Game Department, the Warner Ditch Company and the State Department of Reclamation.

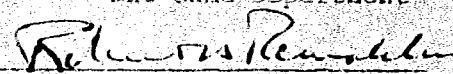
4. Prior to July 1, 1968, the Warner Ditch Company will install at its own expense a weir on its canal at its head near the point of diversion on Big Creek. Measurements at this weir will be made at least weekly by the Warner Ditch Company and furnished to all parties monthly with spot checks to be made by the State Department of Reclamation at its discretion.

5. The plans and specifications for all weirs to be installed by either the Idaho Fish and Game Department or the Warner Ditch Company are to be furnished to the State Department of Reclamation for its approval prior to commencement of construction.

6. Should the Horsethief Reservoir fail to fill during the year 1968, and should the protestants thereupon make a showing to the State Department of Reclamation and clearly demonstrate to the satisfaction of the said Department of Reclamation that the installation of a siphon or other device across, through, or under the Horsethief Reservoir Dam is necessary for downstream irrigation requirements pursuant to valid licenses and a permit held by the protestants, then and in that event and pursuant to the order of the State Department of Reclamation, the Idaho Fish and Game Department will, at its own expense, install such device or devices as may be necessary at the dam for the carriage of the same amount of water as would be passing the upstream weir located above the headwaters of Horsethief Reservoir.

DATED This 30 day of March, 1968.


T. J. Jones, III
Attorney for Idaho Fish
and Game Department


Robert H. Remaklus
Attorney for Warner Ditch
Company, Forest E. Robb
and J.R. Simplot Company

ORDER

Based upon the above and foregoing Stipulation, and good cause appearing therefor, it is hereby

ORDERED, that no further action will be taken by the State of Idaho Department of Reclamation upon the licensing of permit Nos. R-1140 and 32646 until a further hearing in the matter is set down by the State of Idaho Department of Reclamation or until one is requested by either the parties hereto upon proper notice in writing for the same served upon the State of Idaho Department of Reclamation and the opposing party.

DATED This 9th day of April, 1968


R. Keith Higgins
State Reclamation Engineer

July 15, 1969

Re: Permit No. 32646

State of Idaho
Fish and Game Department
P. O. Box 25
Boise, Idaho 83701

Gentlemen:

A representative of this department has made an examination of the works covered by your Permit 32646 and has found the following:

Quantity of water diverted: 10.0 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 10.0 c.f.s.

The maximum quantity diverted shall not exceed 3500 acre feet per season.

Purpose of use: filling, storage, maintenance and replenishment of a reservoir and for the propagation of fish and wild life.

The priority date established is: December 7, 1965

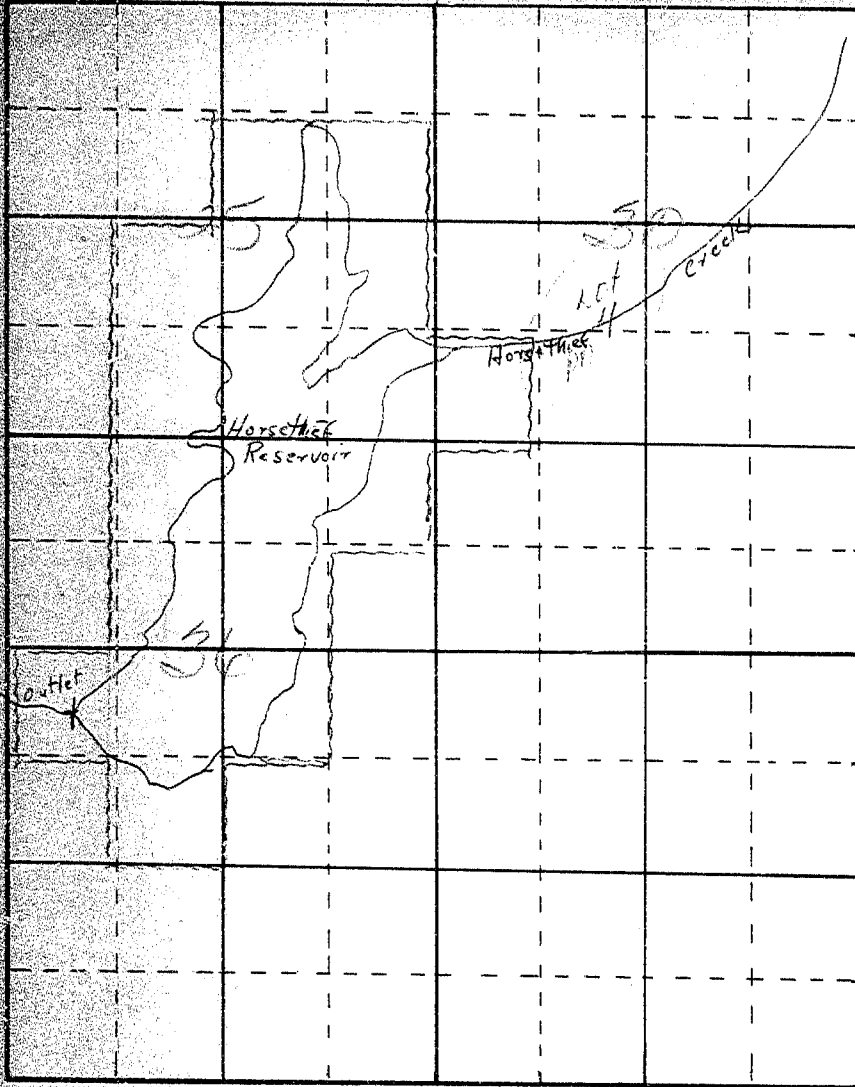
A fee totaling \$ 5.00 must be received within 30 days from the date of this letter in order that we can issue you the License and Certificate of Water Right as described above.

Very truly yours,

Dean R. Reynolds
Field Examiner

DRR /mh

32646



Permit No. 32646

Name of Applicant State of Idaho, Fish and Game Department
P. O. Box 25, Boise, Idaho

Source of Water _____

a tributary of Horsethief Creek of Big Creek, tributary of the
North Fork of the Payette River

Location of P.D. _____

Lot 4, Sec. 30, T. 14 N, R. 5 E, B.M.

Valley County

Water is used for filling, storage, maintenance and replenishment of
a reservoir and for the propagation of fish and wildlife

Quantity of water claimed: Permit 10.0 c.f.s. Depositions 50 c.f.s.

Type of measuring device installed or method of measurement and general description
of diversion works natural flow of stream

Land to be irrigated or place of use:
TWP. RGE. SEC.

Description

14 N	4 E	25	S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$,
		36	N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
14 N	5 E	30	SW $\frac{1}{4}$ SW $\frac{1}{4}$

Total acreage (Not for irrigation)

Filed - December 7, 1965

Made - December 4, 1967

Due - December 28, 1967

Priority - December 7, 1965

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and
acreage covered by subdivision; also show land covered on the map.)

R-1140

32646

Source of supply Horseshoe Creek
a tributary of Big Creek
Location of P.D.(s) SW¹⁴SW⁴-30; -T. 14N. R. 5E BM.

Water is used for Fish + Wildlife Propagation
Quantity of water found Approximately 1500 AF.
How was the measurement made? None
Measurement calculations Reservoir less than half full
Inflow into Reservoir measured at 0.7 thru
V notch Weir

Diversion works description and diagram

V notch Weir on road
Culvert above back waters.
Also V notch below res. To
Measure discharge, 4"
Syphon with Regulation
Valve over dam To discharge
Small flows

Indicate area irrigated in each subdivision on the map. Reservoir Area shows
instead of irrigated Acreage
Total acreage irrigated _____

If water is used for purposes other than irrigation, fully describe how the water is
used and what is done with it after the use.

Reservoir was Stocked with Trout and open for
Fishing during 1968. Wildlife also received some
benefit.

Who represented the permit holder at the examination?

Jack Fisher

Recommended allowance for licensing 3500 AF. + 10.0 C.F.S. When available

Description of required amendments. Comments. Additional
Mr. Fisher plans doing this work in 1968.
Periodic measurements to be made of inflow by fish + Game
Warden ditch people + this department to make spot checks.
During 1968 Warden ditch could not call for inflow (natural
flow) because they did not install their measuring device
at the head of their ditch.

Report checked? _____

Examination date 8-2-68

Signature Robert W. Hamilton

32646

BEFORE THE STATE RECLAMATION ENGINEER
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMITS	)	
	)	
# R-1140, # R-1221, #32646	)	
	)	AN ORDER
In the name of IDAHO DEPARTMENT	)	
	)	DENYING PROTEST
OF FISH AND GAME	)	
_____	)	

Permits #R-1140, #R-1221 and #32646 cover storage and use of water in the Horsethief Basin Reservoir, constructed by the Idaho Department of Fish and Game.

Permit #R-1140 was issued on November 14, 1962, and provided for storage of 3,500 acre feet of water behind a dam to be located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, T. 14 N., R. 4 E. The water was to be used for "propagation of fish and wildlife".

Permit #R-1221 was issued on July 5, 1966, and provided for appropriation of 5,000 acre feet of water in the Horsethief Basin Reservoir, to be used for "fishing and recreation purposes".

Permit #32646 was issued on December 28, 1965, and provided for diversion of 10 second feet of water for "filling, storage, maintenance and replenishment of the reservoir, and for the propagation of fish and wildlife, and for public recreation".

Proof of completion of works and beneficial use of water have been submitted in connection with each of these three permits. These proofs were protested by the Warner Ditch Company, Forest E. Robb and J. R. Simplot Company. A conference concerning their objections was held at Cascade, Idaho, on February 6, 1968. Pursuant to that conference the protestants and applicant agreed to a Stipulation and Order which was issued by the State Reclamation Engineer on April 9, 1968. The six provisions of this Stipulation are set out below:

1. That the Idaho Fish and Game Department will install at its expense three weirs for the measurement of the stream flow of Horsethief Creek as soon as weather permits. One weir will be installed above the headwaters of Horsethief Reservoir, and if adaptable, the Fish and Game Department will use for this

32646
65-2818

upstream weir the existing highway culvert above the headwaters of said reservoir. One temporary weir will be installed on the spillway of the Horsethief Reservoir Dam. The third weir will be installed at a site above the confluence of Horsethief Creek and Big Creek, the location of the said site of this weir below the Horsethief Reservoir Dam and above the confluence of Horsethief Creek and Big Creek is to be established by agreement between field representatives of the State of Idaho Department of Reclamation, the Idaho Fish and Game Department and the Warner Ditch Company.

2. Periodic measurements at all three weirs will be conducted at least once a week during the irrigation season by Idaho Fish and Game Department personnel with spot checks of the same to be made by representatives of the Warner Ditch Company and the State of Idaho Department of Reclamation. These measurements are to commence as soon as the weirs are installed, but in no event not later than July 1, 1968.

3. Measurement data compiled from the aforementioned checks will be furnished monthly by the party making the same to all other involved parties, that is, to the Idaho Fish and Game Department, the Warner Ditch Company and the State Department of Reclamation.

4. Prior to July 1, 1968, the Warner Ditch Company will install at its own expense a weir on its canal at its head near the point of diversion on Big Creek. Measurements at this weir will be made at least weekly by the Warner Ditch Company and furnished to all parties monthly with spot checks to be made by the State Department of Reclamation at its discretion.

5. The plans and specifications for all weirs to be installed by either the Idaho Fish and Game Department or the Warner Ditch Company are to be furnished to the State Department of Reclamation for its approval prior to commencement of construction.

6. Should the Horsethief Reservoir fail to fill during the year 1968, and should the protestants thereupon make a showing to the State Department of Reclamation and clearly demonstrate to the satisfaction of the said Department of Reclamation that the installation of a siphon or other device across, through, or under the Horsethief Reservoir Dam is necessary for downstream irrigation requirements pursuant to valid licenses and a permit held by the protestants, then and in that event and pursuant to the order of the State Department of Reclamation, the

32646
65-2818

Idaho Fish and Game Department will, at its own expense, install such device or devices as may be necessary at the dam for the carriage of the same amount of water as would be passing the upstream weir located above the headwaters of Horsethief Reservoir.

The Department of Reclamation has withheld further action concerning this matter until it could be determined from the measuring devices agreed to be installed what effect, if any, the operation of Horsethief Reservoir had upon the established rights of the protestants. Evidence available to the office indicates that the Department of Fish and Game has fully complied with the terms of the Stipulation, but that the protestants have failed to install the required measuring devices. It was also apparent that the reservoir has been operated during the last two seasons without substantial interference with the water supply of Big Creek. It should be pointed out that the only basis for objection to the issuance of license in connection with these three permits would be that the applicant had failed to complete the works and apply the water to beneficial use. There appears to be adequate evidence that all conditions of the permits and the Stipulation and Order have been met by the applicant.

It is therefore ordered that the protests of the Warner Ditch Company, Forest E. Robb and J. R. Simplot Company against the issuance of license confirming the appropriation of water under Permits #R-1140, #R-1221 and #32646 be set aside and the Department will proceed to immediately issue such licenses.

DATED this 15th day of August, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

32646
65-2818

DA JB

2 - REMITTANCE ADVICE

STATE OF IDAHO

Miscellaneous Expenditure Voucher

No.

FOR USE OF DIVISION
OF ACCOUNTS ONLY

No.

FOR USE OF DEPARTMENT

FROM
DEPARTMENT Fish and GameSUB-DIVISION Fish and Game CommissionAPPROPRIATION
ACCOUNT TITLE Fish and Game Fund

PAY TO:

CODE NO.

Department of ReclamationSTATEHOUSE MAILBoise, Idaho

ACCOUNT CODES					
FUND	FUNCTION	SUB DIV	APPR	OBJECT	COST CODES
6	6	01	6401	210	5.00
COMPUTATION CHECKED BY:				PRE-AUDITED BY:	
INCLUDED IN DAILY SUMMARY NO.				POSTED TO BUDGET CONTROL LEDGER	

DATE	EXPLANATION	AMOUNT	LEAVE BLANK
July 29	License Fee Permit #32646 Horsethief Basin	\$5.00	

The above purchases are exempt from Idaho Sales Tax according to Tax Collectors Regulations No. 52 & 53 Idaho Sales Tax Act.

TO THE CLAIMANT:

Enclosed please find State of Idaho warrant in full settlement of the claim.

Please address any inquiries concerning this transaction to the

STATE AUDITOR,
Division of Accounts
State Capital Building,
Boise, Idaho

045274

32646

65-2818

July 15, 1969

Re: Permit No. 32646

State of Idaho
Fish and Game Department
P. O. Box 25
Boise, Idaho 83701

32646

Gentlemen:

A representative of this department has made an examination of the works covered by your Permit 32646 and has found the following:

Quantity of water diverted: 10.0 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 10.0 c.f.s.

The maximum quantity diverted shall not exceed 3500 acre feet per season.

Purpose of use: filling, storage, maintenance and replenishment of a reservoir and for the propagation of fish and wild life.

The priority date established is: December 7, 1965

A fee totaling \$ 5.00 must be received within 30 days from the date of this letter in order that we can issue you the License and Certificate of Water Right as described above.

Very truly yours,

Dean R. Reynolds
Field Examiner

DRR /ch

32646
65-2818

August 18, 1969

Re: Permit Nos. R-1121 & 65-2818

State of Idaho
Department of Fish and Game
Building

Gentlemen:

Enclosed you will find your Water Licenses issued on the
above numbered permits.

Also enclosed is departmental receipts 3027 in the amount
of \$8.00 and No. 3463 in the amount of \$5.00 covering the fees.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosures

32646
65-2218

WATER LICENSE

Water License No. 32646/65-2818 Priority December 7, 1965 Amount 10.0 c. f. s.

THIS IS TO CERTIFY, that STATE OF IDAHO, DEPARTMENT OF FISH AND GAME
of Boise, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated December 7, 1965; that Permit 32646/65-2818 was issued pursuant
to said application; that the proposed works were completed on or about October 1, 1967
with a storage/or carrying capacity of 10.0 c. f. s., said works consisting of
reservoir and v-notch weirs; and that on December 4, 1967
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 3500
acre feet per season, with a maximum rate of diversion of 10.0 cubic feet per second of the waters
of Horseshief Creek of Big Creek, tributary of N. Fork of the Payette River
for the purpose of Filling, Storage, Maintenance and replenishment of reservoir for the propagation of
fish and wildlife
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in Lot 4 ~~XXX~~ XXX Sec. 30, T. 14 N, R. 5 E, B.M., and
other additional points _____, in the County of
Valley; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 3500 acre feet per year.

Description and location of place of use:

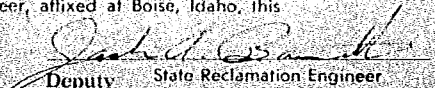
TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres irrigated _____

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

18th day of August, 19 69


Deputy State Reclamation Engineer

32646
65-2818

KEYPUNCHED

J X 65 2818

VALLEY-BOISE SURFACE WATER

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM**

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

**NOTICE OF CLAIM
TO A
WATER RIGHT**

IDENT. NO.

MAP NO.

Department of Reclamation

Notice is hereby given that The State of Idaho, Fish and Game Department

Box 25, Boise, Idaho 83720

and beneficial use of the surface or groundwater, of or tributary to the Payette River;

The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) December 7, 1965

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) Horsethief Creek of Big Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: (Both Dates Inclusive)

Filling, storage, maintenance & replenishment

Use of reservoir for propagation of fish & wildlife Period of Use From Jan. 1 To Dec. 31

Use for fish propagation Period of Use From Jan. 1 To Dec. 31

Use 3500 AFA Period of Use From Jan. 1 To Dec. 31

(4) Quantity of water claimed: 10.0 Cubic Feet Per Second, or 3,500 Acre Feet Per Annum, and/or Gals. Per Minute.

(5) A) Point of Diversion: Give location of point where water is diverted from its source Sec. 30-36, Twp. 14 North, Rge. 5 East, B.M.; additional points: 4E

B) Describe means of diversion of water: (Pump and piping, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. catch fill dam

(6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
14 N	5 E	30											X						
14 N	4 E	25			X	X					X	X		X	X	X	X	X	
14 N	4 E	36	X	X	X		X			X	X	X		X					

Total No. of acres 500

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

The filling, storage, maintenance & replenishment of reservoir water space on 500 acres of land

(7) Effluent, sewage waste, or return water from this use is discharged into Horsethief Creek

(8) If you are claiming water as a member of an organization, list name of organization.

State of Idaho Fish and Game Department

(9) Remarks Horsethief Reservoir when combined with 65-2957 shall provide no more than 45 AFA/acre 3,500 AFA.

(10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.

☐ B) Right decreed by court, cite title of case

☒ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No. 32646/65-2818

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

State of Idaho, Fish and Game Department

by its Director

(Signature of Claimant)

Organization

(Signature of Sponsor)

(Signature of Authorized Agent)

State of Idaho

County of Ada

SS.

Organization Seal

On this 25th day of May, in the year 1970

a notary public, personally appeared John R. Woodworth as Director of the State of Idaho Fish & Game Dept. known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or) executed the same. on behalf of said Department

Notary Public residing at Boise, Idaho

My commission expires June 1, 1970

2KN 11/3/78

WATER LICENSE

Water License No. 32646/65-2818 Priority December 7, 1965 Amount 10.0 c.f.s.

THIS IS TO CERTIFY, that STATE OF IDAHO, DEPARTMENT OF FISH AND GAME
of Boise, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated December 7, 1965; that Permit 32646/65-2818 was issued pursuant
to said application; that the proposed works were completed on or about October 1, 1967
with a storage/or carrying capacity of 10.0 c.f.s., said works consisting of
reservoir and v-notch weirs; and that on December 4, 1967
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 3500
acre feet per season, with a maximum rate of diversion of 10.0 cubic feet per second of the waters
of Horsethief Creek of Big Creek, tributary of N. Fork of the Payette River,
Maintenance and replenishment of reservoir for the propagation of
for the purpose of Filling, Storage, / from January 1 to December 31, fish
wildlife
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in Lot 4 ~~XXX~~ XXX Sec. 30, T. 14 N, R. 5 E, B.M., and
other additional points _____, in the County of
Valley; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 3500 acre feet per year.

Description and location of place of use: _____

TWP.	RANGE	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	

Total number of acres irrigated _____

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

18th day of August, 19 69.

Jack C. Smith
Deputy State Reclamation Engineer

65 2818

32646
65-2818