



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

July 11, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MANTECH INC
1400 S FOOTHILL DR
SUITE 525
SALT LAKE CITY UT 84108

RE: Water Right 36-07824

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed license confirming that a water right has been established in accordance with Section 42-219, Idaho Code. We found that this right has been partially decreed in the Snake River Basin Adjudication (SRBA), however pursuant to Section 42-1421, Idaho Code, we must complete the statutory licensing procedure. We have included copies of the above referenced sections of Idaho Code for your convenience. Once the license has been issued the Department will reflect the completion of the licensing process in its water rights database. Please note that we have also included an Order Advancing the Date of Priority for this water right.

The license is a preliminary order issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet at <http://www.idwr.state.id.us/> to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, reading 'Shelley W. Keen'.

Shelley W. Keen
Water Rights Supervisor

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JUL 14 2000

Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of July, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: Water Right 36-07824

MANTECH INC
1400 S FOOTHILL DR
SUITE 525
SALT LAKE CITY UT 84108


Kari Lynn Townsend
Secretary

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EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

NOTED
JUL 14 2000

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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SRBA

PARTIAL DECREE 36-07824

Issued on 01-15-1998.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:	B.C. HYDRO LIMITED PARTNERSHIP RICHARD N. GREEN, PRESIDENT 1400 S FOOTHILL DRIVE #B25 SALT LAKE CITY, UT 84108		
SOURCE:	BOX CANYON SPRING	TRIBUTARY:	SNAKE RIVER
QUANTITY:	300.00 CFS		
PRIORITY DATE:	09/13/1978		
POINT OF DIVERSION:	T08S R14E S28	SWNE SENE	Within Gooding County
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE Power	PERIOD OF USE 01-01 TO 12-31	QUANTITY 300.00 CFS
PLACE OF USE:	Power	Within Twin Falls Co	
	T08S R14E S28 LOT 03 (SWNW)	LOT 04 (NESW)	
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT: THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).			

[Return to SRBA Home Page](#)

*Signed copy
not available at
this time - per
Sandy Egbert 6/16
RW*

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SRBA SUBCASE SUMMARY REPORT 36-07824

Return to SRBA Home Page

SRBA
06-14-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 36-07824 FILE#: 00597
CLAIMANT: B.C. HYDRO LIMITED PARTNERSHIP
STATUS: PD ISSUED
WATER SOURCE: BOX CANYON SPRING, SNAKE RIVER

**** PARTIES INVOLVED ****

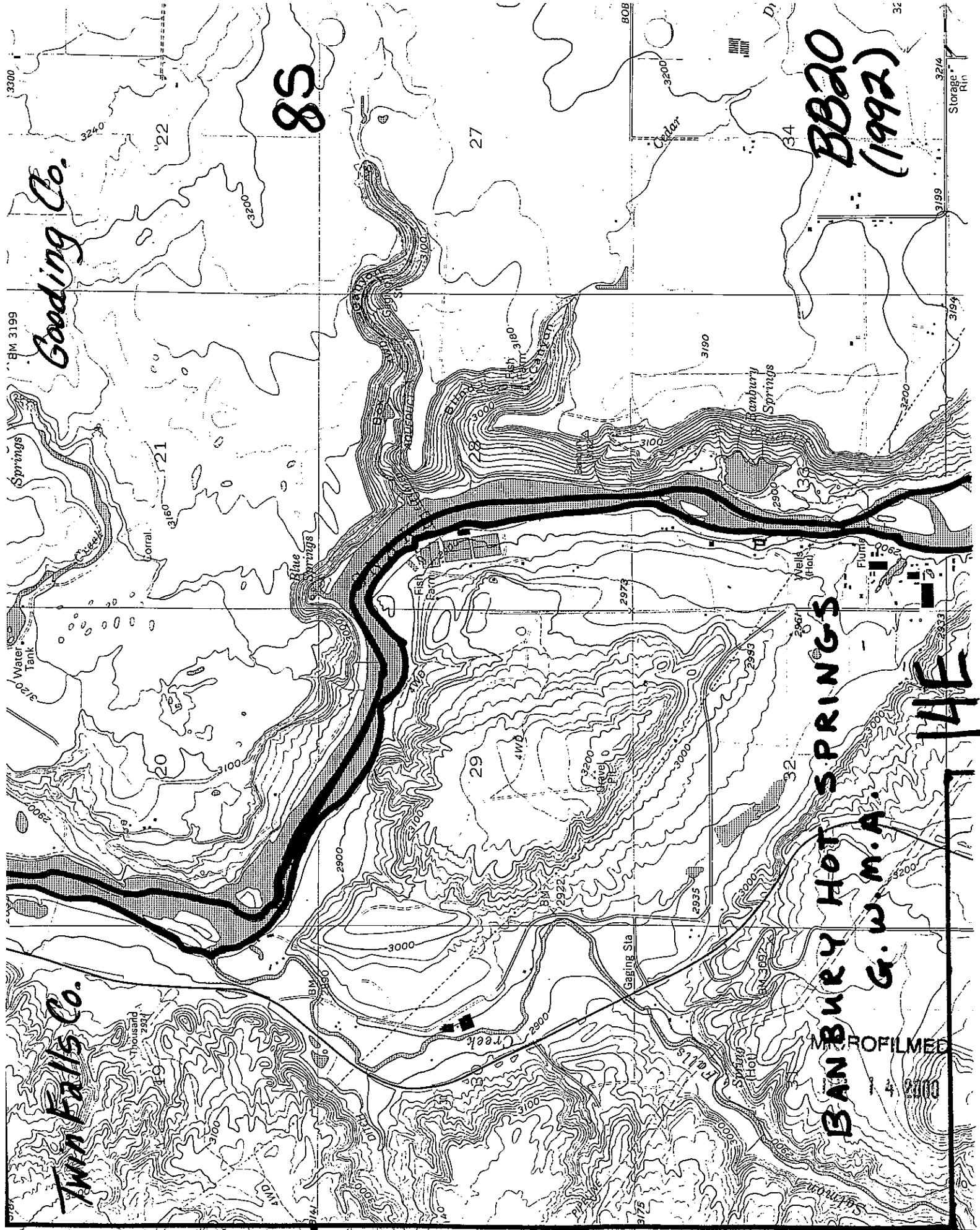
B.C. HYDRO LIMITED PARTNER C PRO SE

**** ROA ENTRIES ****

07-20-1994	CHANGE OF ADDRESS FILED	07-20-1994
01-15-1998	PARTIAL DECREE FILED	01-15-1998
01-15-1998	CERTIFICATE OF MAILING - PARTIAL DECREE	

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Gooding Co.

Twin Falls Co.

85

BB20
(1992)

BANBURY HOT SPRINGS

G.W.M.A.

14E

REPROFILMED

4 2000

MEMORANDUM

TO: File 36-07824

FROM: Kay Walker

RE: License Recommendations

Date: June 12, 2000

.....

This permit has been decreed by the SRBA Court as a permit and I was asked to pursue licensing so we could clear up our records. I reviewed the file and prepared a license based on findings of field examiner.

The field examiner did not address a diversion volume on his recommendation. I have used a maximum diversion volume of 217193.3 AF as was used on licenses for Clear Springs that were issued using the same water as being licensed under this permit. License 36-07040 was recommended to the SRBA Court using 300 cfs and 217193.0 AFA. License 36-08080 (not required to be included in the SRBA) was issued for 300 cfs and 217193.3 AFA. The volume is based the following: $300 \text{ cfs} \times 1.9835 \times 365 \text{ days/year} = 217193.3 \text{ afa}$. Since this license is for same water as above licenses, I recommend we use same volume amount.

Proof of beneficial use for this right was filed on February 16, 1984. Since 10 years have passed since proof was made, I had recommended review by the Director on 2/16/2004. Since there is not much time between today and 2004, Shelley recommended we allow 20 years from today for review by the Director. I have corrected my recommendation to show review by the Director to be June 12, 2020.

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LICENSE REVIEW CHECKLIST

Permit No. 36-07824 Date: 10-8-2000 Reviewer: Kay Walker

Change/OK

Name/Address

Source

Point of Diversion:

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44)

Feds (P43)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

Change (P41/P49) Add (P41/P44)

Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s):

File reviewed

Profile reports printed

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate

Fee Limit

Measured

Theoretical

cfs

cfs

cfs

cfs

Recommended Total Diversion Rate

Water Uses

Irrigation

cfs

af

Stockwater

cfs

af

Domestic

cfs

af

power

300. cfs

217193.3

Total

300. cfs

217193.3

Change (P46)

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/079)

overlap spec combined rts (W35)

>1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/047/27A)

Volume Determination

300. cfs x 1.9835

x 365

days =

217193.3

af

(vs)

acres x

(FHR) =

af

Remarks:

W35 - gnt volume

004,

W36

Additional Conditions

☒

Watermaster Control

☒

GW Measurement/Measuring Device

☒

Other

☒

Trust (052/R55 - remove 051)

☒

Non-trust (048/049)

Government Lots?

YES

Advance Priority?

☒ yes

☐ no

If yes, explain why below.

late exam fee

SRBA Claim?

YES

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

S06

Rt. claimed
as permit -
"A01" on
decree

P/D OL's

W36 - 36-07040

- 36-08080

Permits ~~36-07334~~

ho

af

pro

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MEMORANDUM

TO: File 36-07824

FROM: Kay Walker *KW*

Date: June 6, 2000

RE: Licensing Recommendations

.....

In a review of this file, I found that the measuring device condition had been complied with. The water under this right is measured when it is diverted under Rts. 36-07040 and 36-08080, which have the same point of diversion, before it is discharged to the power use under this permit.

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CALCULATION OF NEW PRIORITY DATES LATE EXAM FEES

FOR PERMIT NO. 36-07824
 BY: Kay Walker
 DATE: 6-8-2000

	DATE	NUMBER OF DAYS (From Table of Days Between Two Dates)
A. EXAMINATION FEE NOTICE SENT	<u>2-2-88</u>	<u>33</u>
B. DATE FEE DUE (60 days)	<u>4-3-88</u>	<u>93</u> ⁽³⁶⁵⁻⁹³⁾ ₌₂₇₂
C. DATE FEE RECEIVED ^{- see letter of 1/20/89}	<u>1-25-89</u> ^{Rec'd}	<u>25</u> + 272
D. NUMBER OF DAYS LATE (C - B) ^{fee receipted 2/7/89}	<u> </u>	<u>297</u>
E. ORIGINAL PRIORITY DATE (Check Reinstatement, etc)	<u>9-13-78</u>	<u>256</u> ^{> 553} _{- 365} <u>188</u>
F. NEW PRIORITY DATE (D + E)	<u>7-7-79</u>	<u>188</u>

REMARKS:

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IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

AJ5809NP
No. 36-07040

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CLEAR SPRINGS FOODS INC	09/04/1968	FISH PROPAGATION	01-01 12-31	300.000 CFS	217193.00 AFA
D	CLEAR SPRINGS TROUT CO				---	---
	PO BOX 712				---	---
	BUHL ID 83316				300.000 CFS	---
	(208) 543-4316				---	---
	TOTAL DIVERSION:				300.000 CFS	---

Water Source:	BOX CANYON CREEK	Tributary to:	SNAKE RIVER	Stage:	LICENSE
) of Diversion:	T08S R14E S28		NESWNE	GOODING County	

Point(s) of Diversion: T08S R14E S28

Place of use Legal Description for: FISH PROPAGATION

[illegible]

POU County: TWIN FALLS

Non-Irrigation Uses: COMMERCIAL TROUT PRODUCTION; RECREATION, FISHING

Other Rights: NONE

Conditions of Approval:

- A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: GEN FACILITY VOLUME 1,134,000 CU. FT.
RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF
DIVERSION OF THESE RIGHTS IS LIMITED TO 300.00 CFS.
OTHER RIGHT NOS.: 36-07824 & 36-08080.

Dates:	Exam Made Date: 06/18/1991	Verified Date:	Objection Filed Date: 04/29/1993
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Misc:
Water District Number:
Field Inspection Flag:
Presumption Flag:

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

WR5809NP
No. 36-08080

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CLEAR SPRINGS TROUT CO PO BOX 712 BUHL ID 83316	04/20/1982	POWER	01/01 12/31	300.000 CFS	217193.30 AFA
TOTAL DIVERSION:					300.000 CFS	217193.30 AFA

Water Source: BOX CANYON CREEK Tributary to: SNAKE RIVER Stage: LICENSE

Point(s) of Diversion Capacity: 300.000 CFS
Point(s) of Diversion: T08S R14E S28 SWNE GOODING County

Place of use Legal Description for: POWER																
NE					NW				SW				SE			
NENE NNNE SWNE SENE					NENW NNW SWW SENW				NESH NWSW SWSH SESW				NESE NWSE SWSE SESE			
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