

STARTING LEFT SIDE OF FILE

SCANNED
MAR 05 2008

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

1997 DEC 30 AM 9:41

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07160

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

NAME & ADDRESS: AQUARIUS AQUACULTURE INC
2053 MONTANE DR
GOLDEN CO 80401

SOURCE: SPRINGS TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 2.64 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 22.64 CFS AND THE TOTAL COMBINED
FACILITY VOLUME OF THESE RIGHTS IS LIMITED TO 3.97 AF.
OTHER RIGHT NOS.: 36-07159 AND 36-07092B.

PRIORITY DATE: 02/18/1971

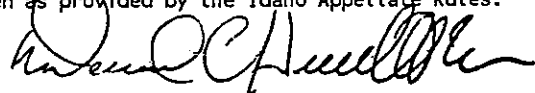
POINT OF DIVERSION: T07S R14E S18 LOT 1 (SWNWNW) Within GOODING County
LOT 2 (NWSWNW)
LOT 2 (SWSWNW)
LOT 2 (SESWNW)
LOT 3 (NENWSW)

PURPOSE AND PERIOD OF USE: PURPOSE OF USE FISH PROPAGATION PERIOD OF USE 11-01 04-01 QUANTITY 2.64 CFS

PLACE OF USE: FISH PROPAGATION Within GOODING County
T07S R13E S13 SENE
R14E S18 SWNW

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

MICROFILMED
DEC 17 2003

This
Right has been
Decreed in the
SRBA.

WATER RIGHT LICENSE

License of Water Right No. 36-7160 Priority Feb. 18, 1971 Amount 2.64 cfs

THIS IS TO CERTIFY, that Virgil U. &/or Ardith Norwood

of Hagerman, Idaho, has complied with the terms and conditions of Permit No. 36-7160 issued pursuant to Application for Permit dated February 18, 1971, and has submitted proof to the Department of Water Resources on June 25, 1975, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 22.64 cfs of water from unnamed springs, tributary to Billingsley Creek, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Fish	from Nov. 1 to April 1	at 2.64	cfs and n/a
Propagation	from _____ to _____	at _____	cfs and _____
	from _____ to _____	at _____	cfs and _____
	(both dates inclusive)		

Subject, however, to the condition that no more than * 2.64 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed n/a acre feet per year, said waters to be diverted at points within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7 S, Rge. 13 E, B. M. and SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, Twp. 7 S, Rge. 14 E, B. M. in the County of Gooding

Twp. 7 S, Rge. 13 E, B. M. and SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, Twp. 7 S, Rge. 14 E, B. M.

Description and location of place of use:















Twp.	Range	Sec.	NW 1/4						SW 1/4					
			NW	NE	SE	SW	NW	NE	SE	SW	NW	NE	SE	SW
7S	13E	13	X											
7S	14E	18												
			Totals											

* Subject to the condition that the maximum rate of diversion shall not exceed 22.64 cfs when combined with Licenses No. 36-7092 and 36-7159.

A measuring device of a type approved by the Department shall be permanently maintained as part of the outlet works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 16 day of August, 19 76.

Director

Receipt # 5348 JK

RECEIVED
S AUG 9 1976

Department of Water Resources

Permit No. 36-7160

Hagerman, Idaho

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 36-7160, and requests that the permit and permit map be changed as follows:

at points within the

1. Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13 Twp. 7 S

Rge. 13 E, B.M., County of Gooding. Other points of diversion:

and SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, Twp. 7 S, Rge. 14 E, B. M.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

NO CHANGE

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount for purposes from to (both dates inclusive)

Amount for purposes from to (both dates inclusive)

Amount for _____ purposes from _____ to _____ (both dates inclusive)

(cfs or acre feet per annum)

3. Place of use or land to be irrigated: NO CHANGE

[illegible]

Total number of acres to be irrigated

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.

Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Borse, this 9 day of Aug, 19 76.

Virgil W. Newwood
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, R. KEITH HIGGINSON, Director of the Department of Water Resources
hereby approve the foregoing application for amendment for Permit No. 36-7160.

Witness my hand this 14 day of August, 19 76.

R. Keith Higgins
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 36-7160)
in the name of VIRGIL U. &/or ARDITH NORWOOD)

ORDER

WHEREAS, on February 18, 1971, Virgil U. &/or Ardith Norwood filed with the Department of Water Resources (formerly the Department of Water Administration) an application for permit; and,

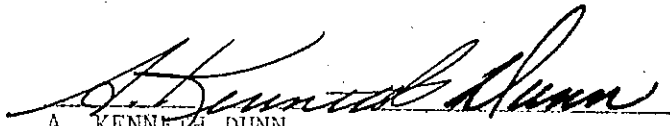
WHEREAS, on September 22, 1971, the Department approved said application and issued Permit No. 36-7160 to appropriate 18.00 cubic feet per second of water from unnamed springs, tributary to Billingsley Creek, to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ (2 points), NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, Twp. 7S, Rge. 14E, B.M., Gooding County, to be used for fish propagation purposes, and with the conditions of approval that proof of construction of works and application of water to beneficial use be submitted to the Department on or before September 1, 1976, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on June 25, 1975, the Department received the required proof of application of the water to beneficial use along with a request that the measuring device requirements at the inlet works only, be removed; and,

WHEREAS, it has been determined by the Department that the permit holder has shown just cause to relieve the measuring device requirement at the inlet works;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval of Permit No. 36-7160 that a measuring device be installed and maintained at the inlet works is REMOVED. The permit holder should be aware, however, that the Department will require a measuring device to be installed and maintained at the outlet works.

Dated this 30th day of June, 1975.


A. KENNETH DUNN
Administrator, Operations Division

MICROFILMED

Went 6955

Identification No. _____
Application No. 36-7160 A M E N D E D

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

LICENSE ISSUED FOR 264 Sec. 11.

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK) *Amended*

1. Name of applicant Virgil U. and/or Ardith Norwood
post office address Route #1, Hagerman, Idaho
2. Source of water supply unnamed springs which is a tributary of Billingsley Creek
3. a. Location of point of diversion is (2 pts) SE 1/4 of SW 1/4 of Section 18 Township 7 S
Range 14 E B.M. Gooding County; additional points of diversion if any: Lot 1, NW 1/4 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SW, Sec. 18, T. 7S, R. 14E
- b. If water is not consumed, it will be discharged into _____ at a point in _____ 1/4
of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 18.0 for Fish Prop. purpose from Nov. 1 to April 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 18.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Existing canal & Headgates

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation: W 1/2 NW 1/4, Sec. 18, T. 7S, R. 14E.
(1) Give the place of use of water: SE 1/4 of NE 1/4 of Section 13 Township 7 S
Range 13 E B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: Fish Propagation

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

Total number of acres to be irrigated_____

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

- [illegible]

1

[illegible]

Scale: 2 inches equal 1 mile

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

Ardith Harwood
(Applicant)

88 7160

AMENDED APPLICATION
7-19-71

ORIGINAL APPLICATION
2-18-71

Received by De Date 7-19-71 Time 1:30 PM

Preliminary check by D-4 Fee \$ 10.00

Received by ej Date 7-20-71

Publication prepared by dr Date 8-2-71

Published in Gooding County Leader

Publication dates 8-12 & 8-19, 1971

Publication approved dr Date 8-25-71

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by D-4

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7160, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1976.
- c. Other: The permit holders shall permanently install and maintain as part of the diverting works measuring devices at the points of diversion of a type approved by this Department.

2. Denial of said application is for the following reasons: _____

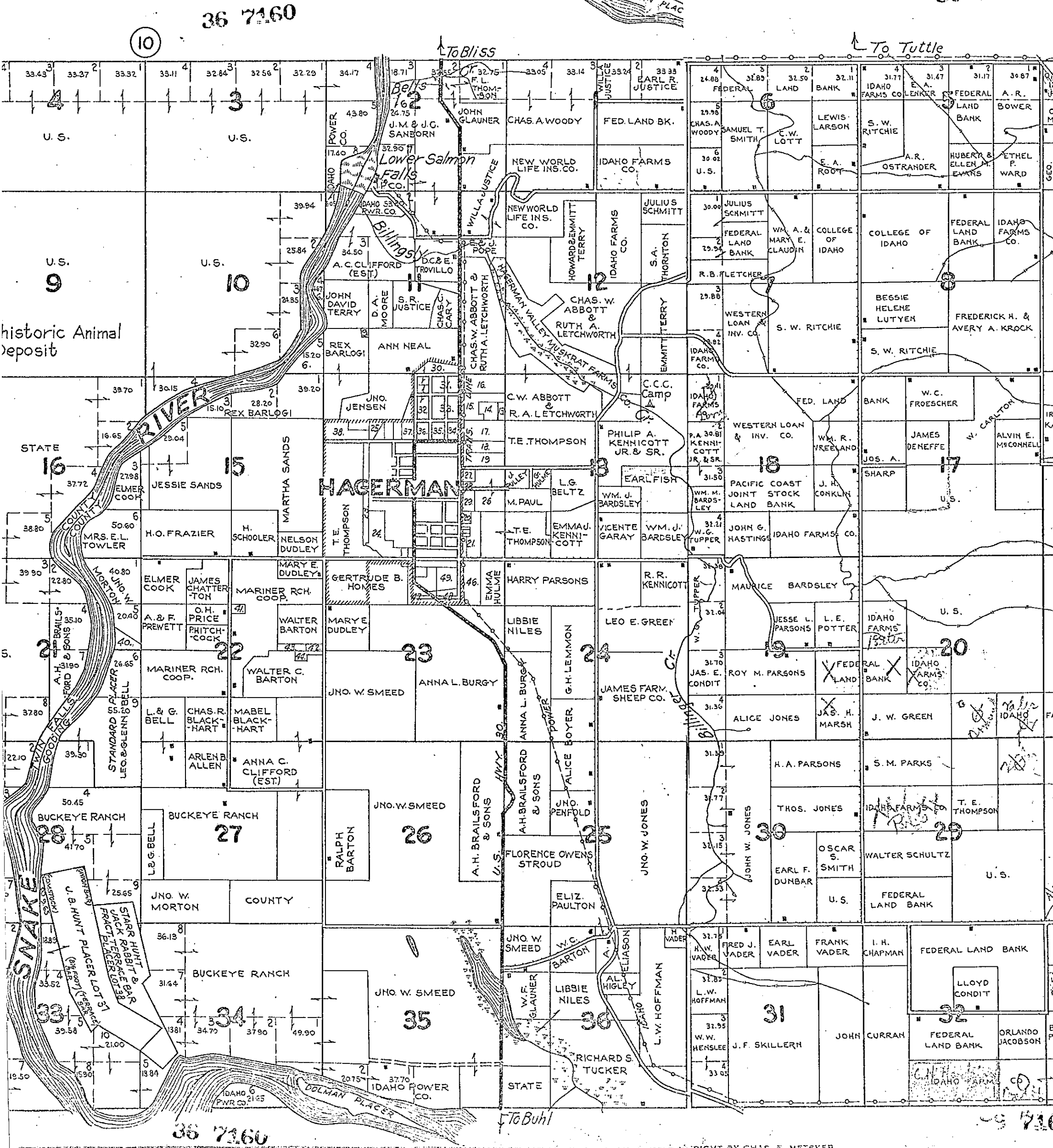
Witness my hand this 22 day of September 1971.

R. Keith Higgins
Director

OWNSHIP 7 S., RANGE 13 E. B. M.
GOODING & TWIN FALLS COUNTIES, IDAHO

FOR SALE BY
CHAS. F. METSKER
14 S. W. OAK STREET, PORTLAND, OREGON
1 SOUTH 10TH ST., TACOMA, WASHINGTON
120 THIRD AVE., SEATTLE, WASHINGTON

36 7160



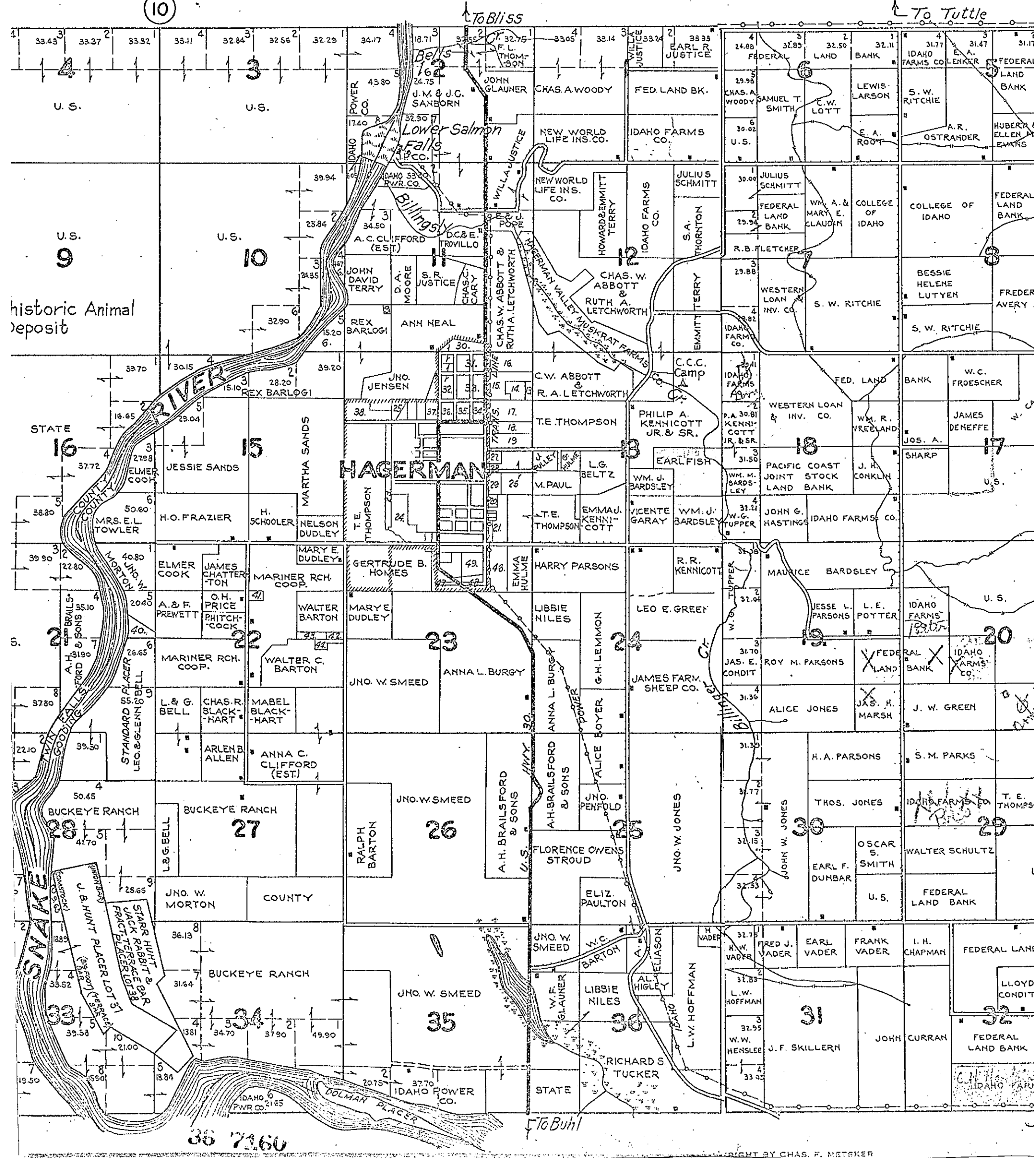
FOR SALE BY
CHAS. F. METSKER
14 S. W. OAK STREET, PORTLAND, OREGON
1 SOUTH 10TH ST., TACOMA, WASHINGTON
320 THIRD AVE., SEATTLE, WASHINGTON

36 7160

10

↑ To Bliss

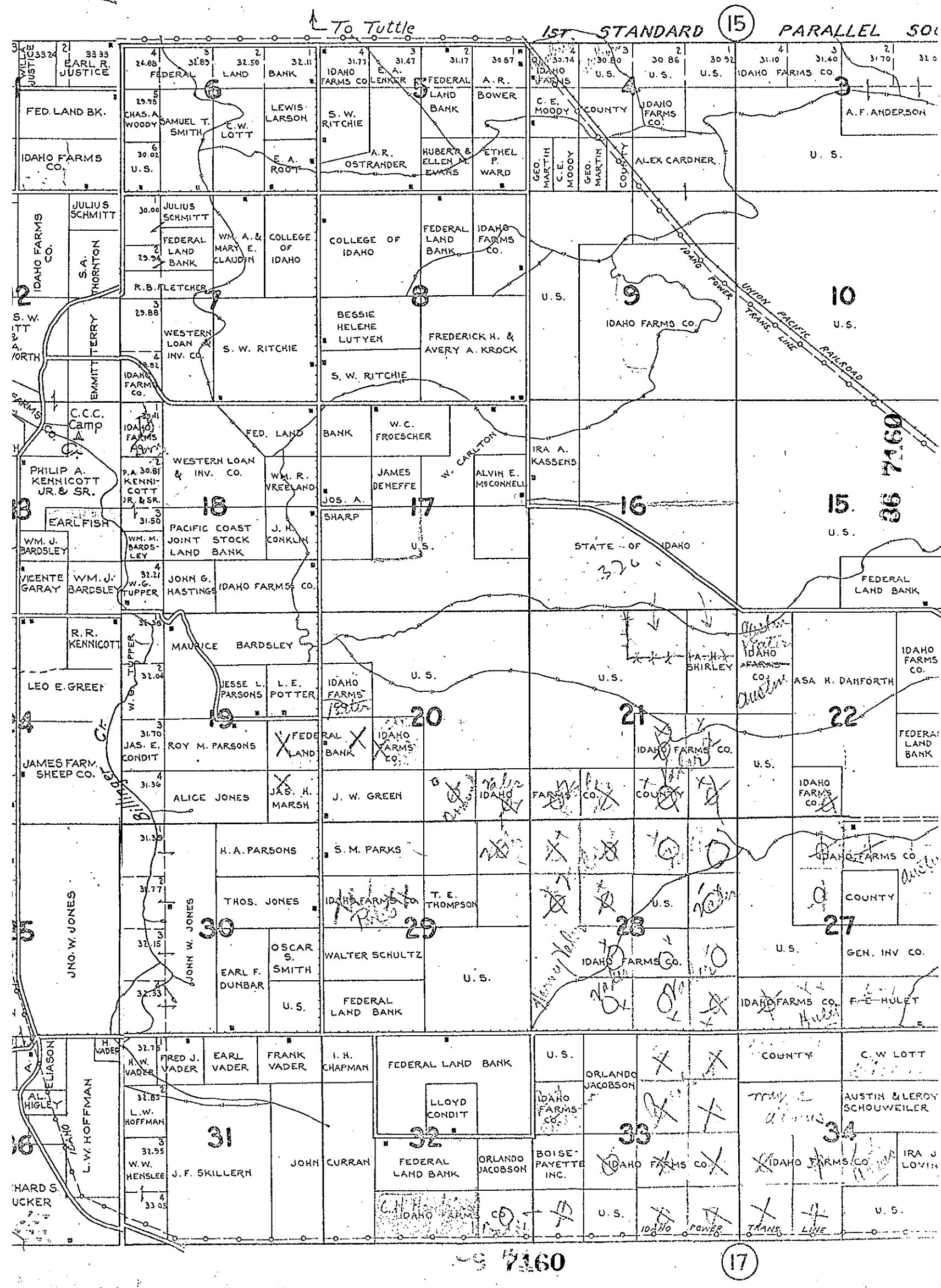
↑ To Tuttle



RIGHT BY CHAS. F. METSKER

14 S. W. OAK STREET, PORTLAND, OREGON
1 SOUTH 10TH ST., TACOMA, WASHINGTON
20 THIRD AVE., SEATTLE, WASHINGTON

36 72.60



RIGHT BY CHAS. F. METSKER

Identification No. 36-7160

Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

AMENDED

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Virgil H. Norwood and Ardith Norwood
post office address Route # 1, Hagerman, Idaho
2. Source of water supply Unnamed springs which is a tributary of Billingsley Creek
3. a. Location of point of diversion is _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____ County; additional points of diversion if any: _____
5 points in Lot 3, Sec. 18, Twp 7 S., R. 14 EBM; 5 points in Lot 2
Sec. 18, Twp 7 S, R. 14 E.BM; and 2 points in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7 S
R. 13 EBM
- b. If water is not consumed, it will be discharged into Billingsley Creek at a point in SE $\frac{1}{4}$
of NE $\frac{1}{4}$ of Section 13 Township 7 Range 13 E B.M. _____
4. Water will be used for the following purposes:
Amount 18.0 for fish prop purpose from Oct. 15 to April 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 18.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. as per original application

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years. As per original application
b. Estimated construction cost is \$ _____.
8. Description of proposed uses: As per original application.
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

36 7160

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes_____

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

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

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

10. Remarks This amended application is being filed for the purpose of
clarifying and correcting legal descriptions contained in the
original application both as to points of diversion and place of
use.

1. What is the main purpose of the document?
 2. What are the key findings of the study?
 3. What are the limitations of the study?
 4. What are the implications of the study?
 5. What are the conclusions of the study?
 6. What are the recommendations of the study?
 7. What are the future research directions?
 8. What are the acknowledgments?
 9. What are the references?
 10. What are the appendices?
 11. What are the footnotes?
 12. What are the endnotes?
 13. What are the glossary?
 14. What are the index?
 15. What are the tables?
 16. What are the figures?
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 217. What are the charts?
 218. What are the graphs?
 219. What are the diagrams?
 220. What are the illustrations

[illegible]

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.

Vigil U. Norwood
(Applicant)
Archie Harwood

36 7160

36 7160

Received by _____ Date _____ Time _____
Preliminary check by _____ Fee \$ _____
Receipted by _____ Date _____
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Priority reduced to _____ Reason _____

Protests filed by: _____

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

ACTION OF STATE RECLAMATION ENGINEER

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

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

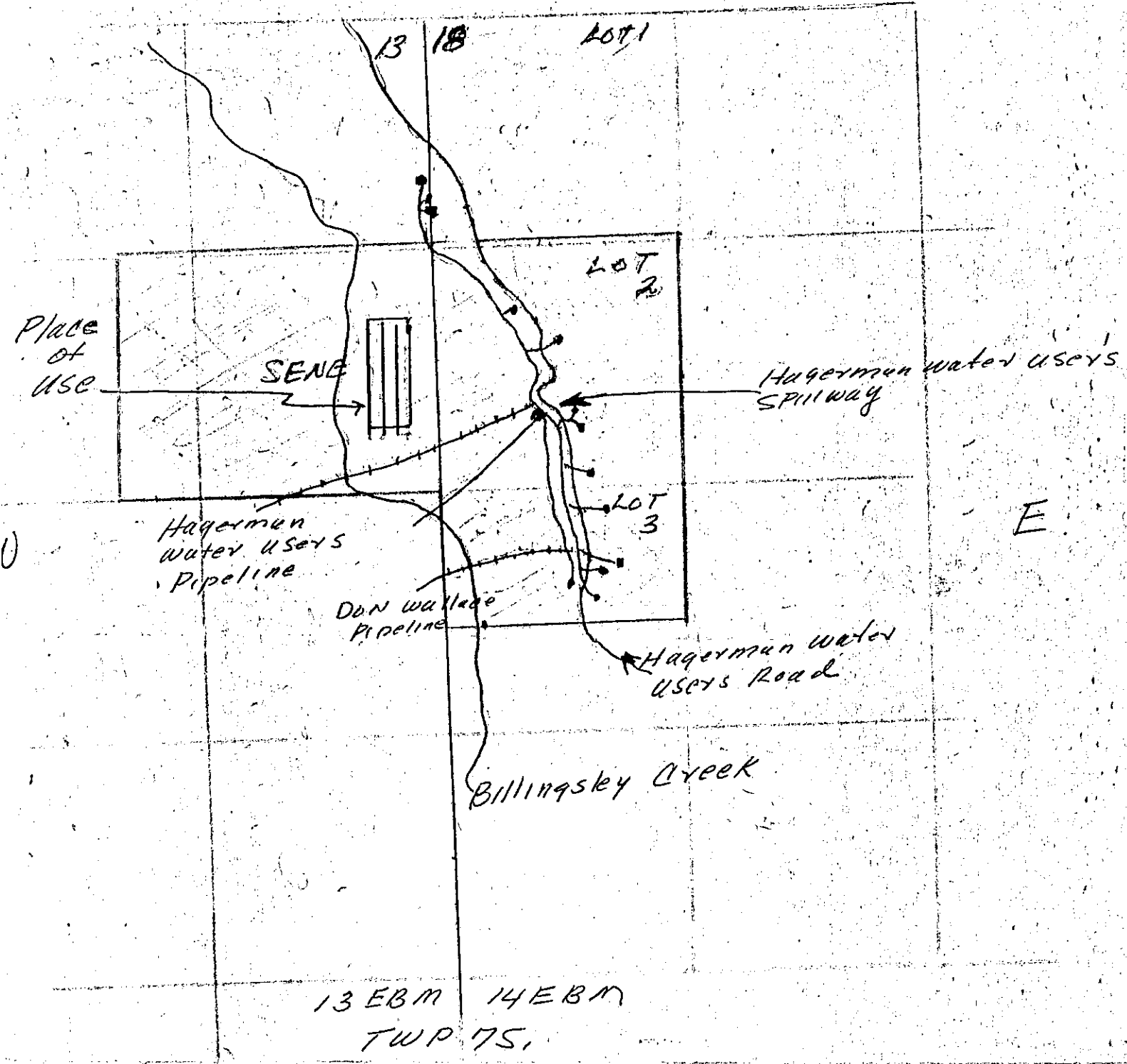
- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
- c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____ 19____.

State Reclamation Engineer

N



Identification No. 36-7160
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Virgil U. and/or Ardith Norwood
post office address Route #1, Hagerman, Idaho
2. Source of water supply unnamed springs which is a tributary of Billingsley Creek
3. a. Location of point of diversion is _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. Gooding County; additional points of diversion if any: _____
T. 7S, R. 14E, B.M., Sec. 18, Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, (2 pts) - SE $\frac{1}{4}$ SW $\frac{1}{4}$
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 18.0 for fish / propagation purpose from Oct. 15 to Apr. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 18.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. existing canal and headgates

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation: W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18, T. 7 S., R 14 E., B.M.
(1) Give the place of use of water: E $\frac{1}{2}$ SE $\frac{1}{4}$ of NE $\frac{1}{4}$ $\frac{1}{4}$ of Section 13 Township 7S
Range 13E B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
(5) If water is to be used for other purposes describe: fish propagation

36 7160

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated_____

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

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

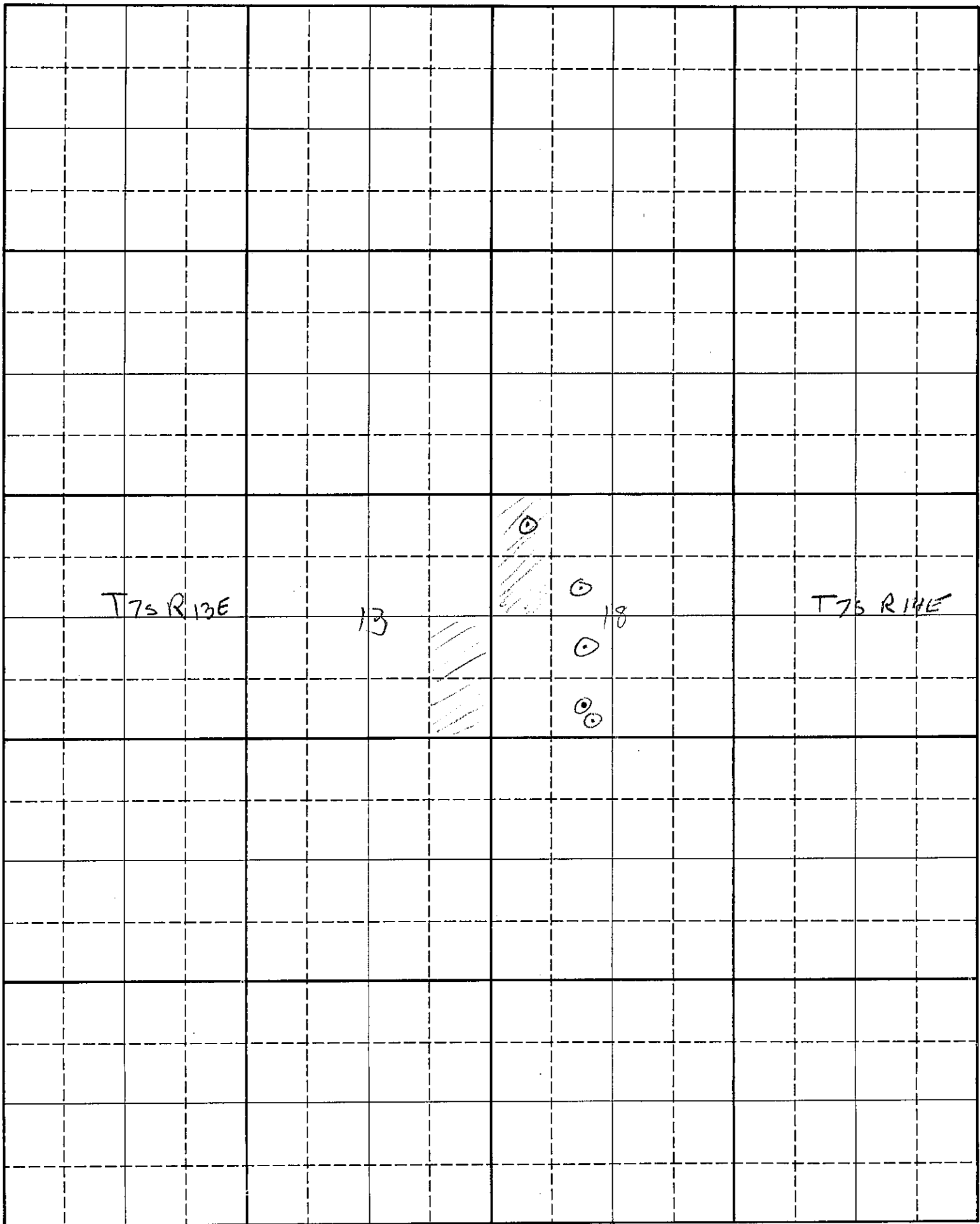
b. Who owns the land to be irrigated or place of use self

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing canal belongs to Hagerman Water Users Ass'n.

10. Remarks These are the same springs as used by the Hagerman Water Users Ass'n.

[illegible]

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



Scale: 2 inches equal 1 mile

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

Virgil M. Norwood
(Applicant)

36 7260

Received by OK Date 2-18-71 Time 11:00 AM
Preliminary check by OK Fee \$ 100.00 rec't #2368 given
Receipted by OK Date 2-18-71
Publication prepared by dr Date 3-2-71
Published in Gooding County Leader
Publication dates 3-11 & 3-18, 1971
Publication approved dr Date 3-24-71
Priority reduced to _____ Reason _____

Protests filed by: Don Wallace
Withdrawn 4-30-71
Copies of protests forwarded by dr 3-29-71
Hearing held by _____ Date _____
Recommended for approval denial by _____

Fish letter

supplement

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

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

1. Approval of said application is subject to the following limitations and conditions:
- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
 - c. Other: _____

2. Denial of said application is for the following reasons: _____

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

Director

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 36-7160 Name Virgil U. and/or Ardith Norwood

Source unnamed springs

Point of Diversion T. 7S, R. 14E, B.M., Sec. 18, Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, (2pts) SE $\frac{1}{4}$ SW $\frac{1}{4}$, Gooding County

Quantity 18.0 Use fish prop. Period Oct. 15 - April 15

Quantity Use Period

Quantity Use Period

Well Size Diameter Proposed Depth Feet

Use

Date Forwarded 3-3-71 Date Returned 4-27-71 Received by D.B.

COMMENTS: No comments from a geologic standpoint. AMC

RECOMMENDED:

Applied: Qty. 18.0 Use FISH PROP. Period 10/15-4/15 AF/A AF

Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

Maximum: Qty. 18.0 Use FISH PROP. Period 10/15-4/15 AF/A AF 6,530

Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

ACTION: Approved ✓ Denied

Conditions of approval or reason for denial:

INVESTIGATION By Paul M. Costello Title W.R.I. - I

Date April 27, 1971

36 7160

Affidavit of Publication

State of Idaho, }
County of Gooding } ss.

Al Hagen being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the

first publication of said advertisement was on the 11 day

of March, 1971, and the date of the last publication

was on the 18 day of March, 1971

Subscribed and sworn to before me this 22

day of March, 1971
(SEAL)

Audrey C. Belsher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

.....Lines at 14¢

.....Lines at 10¢

TOTAL COST.....

36 7160

COPY OF NOTICE

Title of Notice

Water Permit

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Virgil U. and/or Ardith Norwood, Route 1, Hagerman, Idaho, have on February 18, 1971, submitted Application No. 36-7160 for a permit to appropriate 18.0 cubic feet per second of water from unnamed springs, tributary to Billingsley Creek by means of canal and headgates within Lot 1 (NW 1/4 NW 1/4), SE 1/4 NW 1/4, NE 1/4 SW 1/4, SE 1/4 SW 1/4 (2 points), Sec. 18, T. 7S, R. 14E, B.M., Gooding County, to be used from Oct. 15 to April 15 for fish propagation purposes within the E 1/2 SE 1/4, Sec. 13, T. 7S, R. 13E, B.M. and W 1/2 NW 1/4, Sec. 18, T. 7S, R. 14E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before March 29, 1971.

R. Keith Higginson
Director

3-11-2tc

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956
7 pt. per line, straight 14c
7 pt. per line, tabular 20c
7 pt. per line, successive insertions.....10c
6 pt. per line, straight 15c
6 pt. per line, tabular 20c
6 pt. per line, successive insertions.....10c

No 1061

MAR 23 1971

Department of Water Administration

Affidavit of Publication

Department of Water Administration

AUG 20 1971

State of Idaho, }
County of Gooding } ss.

Alfred E. Hager, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the

first publication of said advertisement was on the 12 day

of August, 1971, and the date of the last publication

was on the 19 day of August, 1971

Subscribed and sworn to before me this 19

day of August, 1971.
(SEAL)

Audrey C. Belsher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

_____ Lines at 14¢

_____ Lines at 10¢

TOTAL COST.....

COPY OF NOTICE

Title of Notice

Notice of Amended
Title of Notice

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that Application for Permit No. 36-7160 in the name of Virgil U. and/or Ardith Norwood, Hagerman, Idaho, was filed for the diversion of 18.0 cubic feet per second of water from unnamed springs, tributary to Billingsley Creek, with points of diversion within Lot 1, NW 1/4 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, SE 1/4 SW 1/4 (2 points), Sec. 18, T. 7S, R. 14E B.M., Gooding County, to be used from Oct. 15 to April 15 for fish propagation purposes within the W 1/2 NW 1/4, Sec. 18, T. 7S, R. 14E, B.M. and E 1/2 SE 1/4, Sec. 13, T. 7S, R. 13E, B.M.

The applicants now propose to amend Application No. 36-7160, requesting 18.0 cubic feet per second of water from unnamed springs, tributary to Billingsley Creek, with points of diversion within Lot 1, NW 1/4 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, SE 1/4 SW 1/4 (2 points), Sec. 18, T. 7S, R. 14E, B.M., Gooding County, to be used from Nov. 1 to April 1 for fish propagation purposes within the W 1/2 NW 1/4 Sec. 18, T. 7S, R. 14E, B.M. and SE 1/4 NE 1/4 Sec. 13, T. 7S, R. 13E, B.M.

Any protest to the proposed amending of the above application may be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho, within ten days from the last date of publication of this notice.

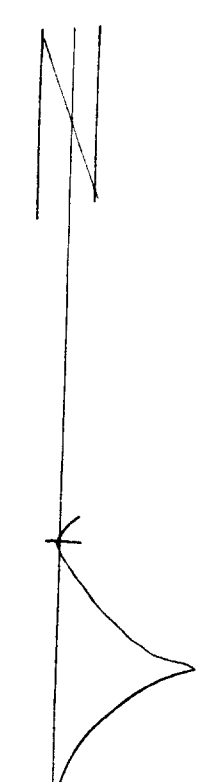
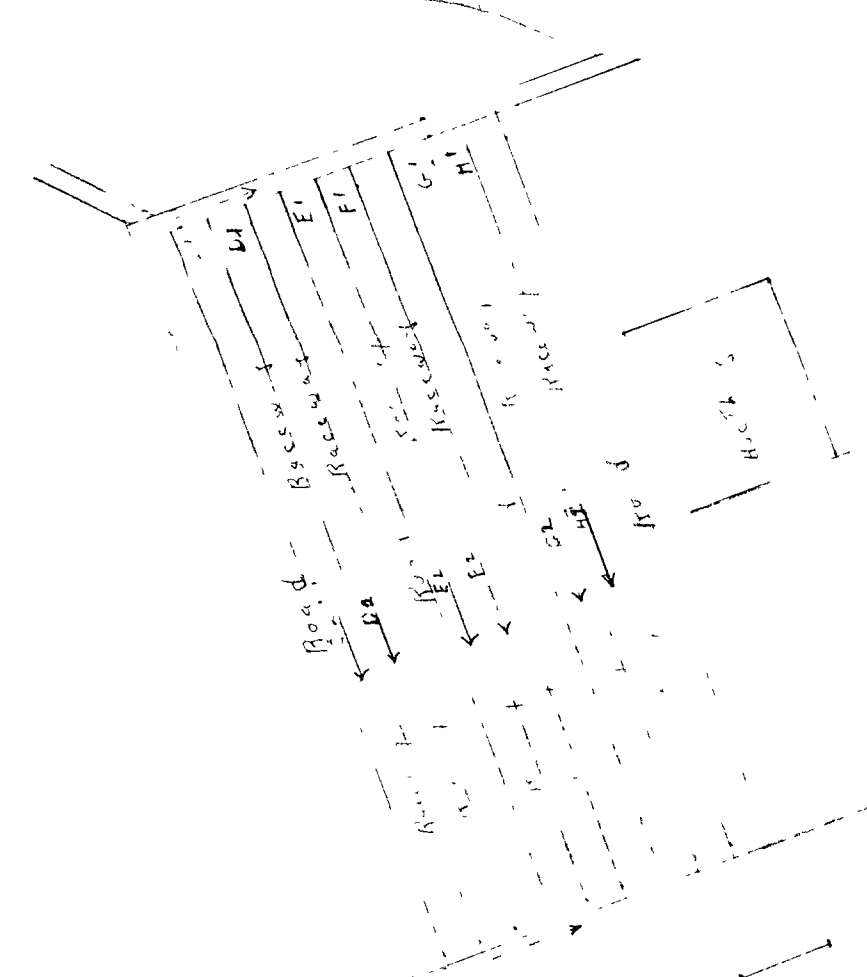
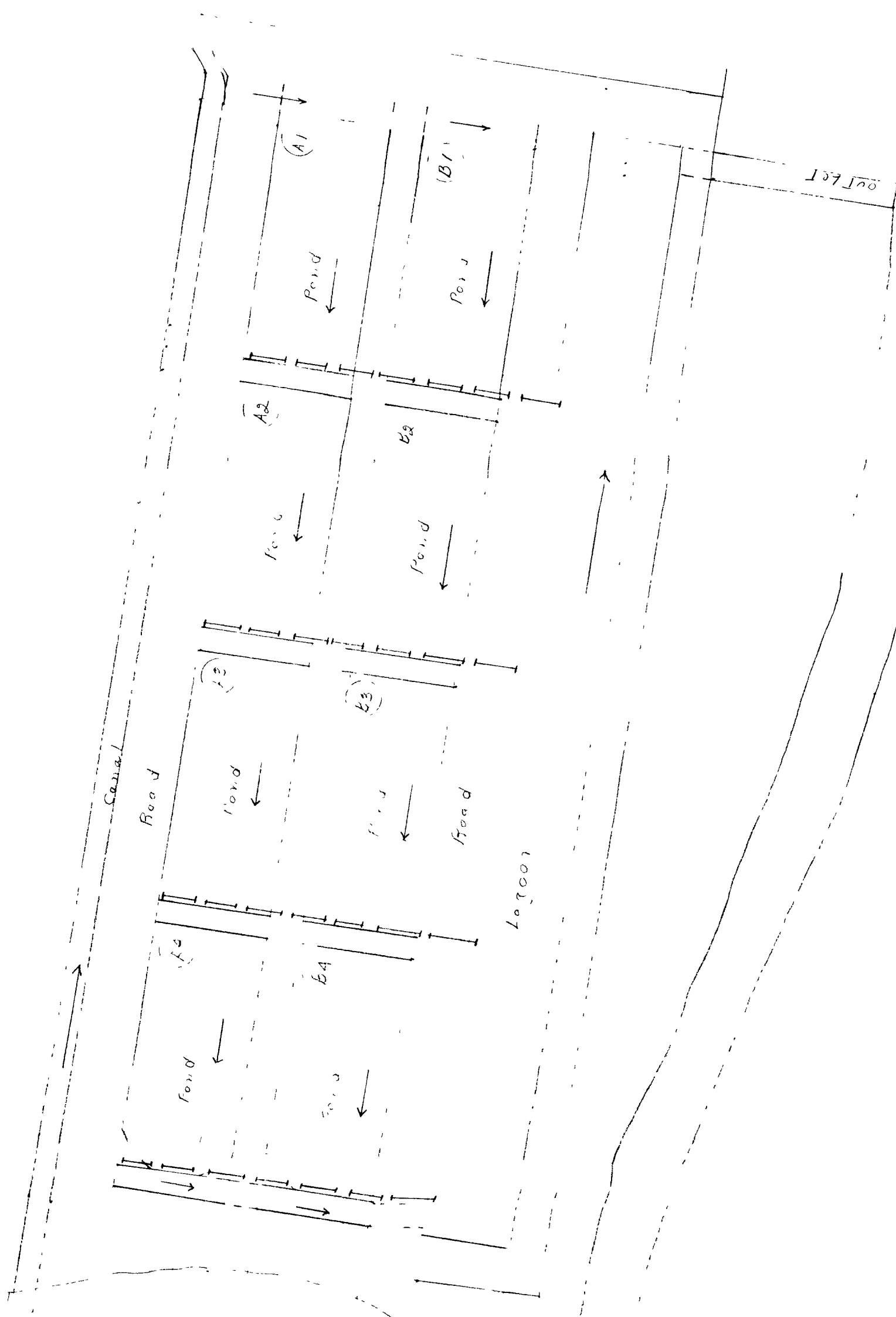
R. Keith Higginson
Director

8-12-2tc

No 1238

36 7160

V. S. L. Norwood
 Project Engineer
 Design
 Scale 1" = 50'



**STARTING
RIGHT
SIDE OF
FILE**

This
Right has been
Decreed in the
SRBA.

MICROFILMED
DEC 17 2003

file
307160

36-A

HEPWORTH, NUNGESTER & FELTON
1020 Main, Buhl, Idaho 83316
Tel. No. 208-543-4368
Attorneys for Defendant

APR 13 AM 11:53

*Copy mailed
to Mr. [unclear]
3/14/78*

Department of Water Resources
Southern District Office

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

* * * * *

HIDDEN SPRINGS TROUT RANCH,	)	Case No. 16651
INC., a corporation,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	<u>AMENDED</u>
	)	<u>JUDGMENT</u>
HAGERMAN WATER USERS, INC.,	)	
a corporation, LOUIS KOOPMAN	)	
and OSCAR ANDERSON,	)	
	)	
Defendants.	)	

* * * * *

The above-entitled action having come before this
Court for determination on plaintiff's Amended Complaint and
defendants' Answer, Counterclaim and response thereto, and it
being the agreement and stipulation of the parties to this action
that this Court render its opinion as based upon the Stipulation
of Facts previously submitted, and this Court having considered
that Stipulation of Facts and legal briefs submitted both by
plaintiff and defendants, as well as all other pleadings and
other papers and documents filed herein, and this court having
heard evidence and arguments of counsel on Count Two of plaintiffs'
Amended Complaint and as pertained to the interpretation to be

AMENDED JUDGMENT -1-

LAW OFFICES
HEPWORTH
NUNGESTER
And
FELTON
Buhl, Idaho

MICROFILMED

1 given to that agreement of the parties dated April 28, 1971,
2 and this Court having entered its memorandum opinion which is to
3 serve as findings of fact and conclusions of law together with
4 additional findings of fact and conclusions of law thereafter
5 entered by this Court, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

6 (1) That Hagerman Water User's, Inc. is the owner
7 of a water right which entitles it to 26.2 c.f.s. of water with
8 its source being numerous unnamed springs located in the Northeast
9 Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and the Southeast Quarter
10 of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 13, Township 7 South,
11 Range 13 E., B.M., and in the Southwest Quarter of the Northwest
12 Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) and the Northwest Quarter of the Southwest
13 Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 18, Township 7 South, Range 14, E.,
14 B.M., all located in Gooding County, State of Idaho. The rights
15 of Hagerman Water User's Inc. to these waters and in the amounts
16 above set forth, carry with it a priority of appropriation date
17 of April 7, 1906.

18 (2) That the rights of Hagerman Water User's, Inc.
19 to the above-referred to water is prior and superior to the
20 rights of the plaintiff in those same waters. Hagerman Water
21 User's, Inc. is further entitled to make improvements to its
22 diversionary and conveyance system in order to reduce or eliminate
23 waste and/or seepage of that water. Plaintiff, its agents, ser-
24 vants and employees, are enjoined and restrained from interfering
25 with Hagerman Water User's, Inc. in the diversion, conveyance
26 and use of this water or in the attempt of Hagerman Water User's
27 Inc. to maintain and improve its diversionary or conveyance works.

28 (3) That Hagerman Water User's, Inc. has the exclusive
right to the use of the above-mentioned water from January 1st of

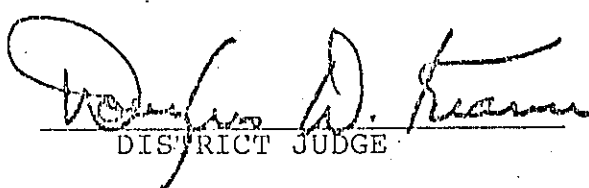
all
36-7159
36-7160

1 each year through December 31st of each year for irrigation uses.
2 From November 1st of each year and until April 1st of the subse-
3 quent year, the plaintiff shall be entitled to use those waters
4 for purposes of fish propagation. The use of these waters by
5 plaintiff for fish propagation during those months shall be
6 subject to the prior and superior right of the defendant, Hagerman
7 Water User's, Inc. and its members to use those same waters during
8 that same period of time for irrigation. In the event the defen-
9 dant, Hagerman Water User's, Inc., or its members, desire to
10 divert any or all of the above-referred to water between November
11 1st of one year and April 1st of the subsequent year for irriga-
12 tion purposes, it shall notify plaintiff of its intentions a week
13 prior to the time when the actual diversion is made. Hagerman
14 Water User's, Inc. and its members shall additionally have the
15 year around right of use of the above referred to water for
16 domestic and livestock purposes and for fire protection for the
17 city of Hagerman.

16 (4) That in all respects not otherwise herein provided,
17 plaintiffs' Amended Complaint is dismissed with prejudice.

18 (5) That defendants have and recover of and from
19 the plaintiff its costs incurred herein in the sum of \$115.20.

20 DATED this 13 day of March, 1978.

21 
22 DISTRICT JUDGE
23
24
25
26
27
28



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

July 2, 1975

Re: Permit No. 36-7092 & 36-7160 & 36-7159

Virgil U. &/or Ardith Norwood
Hagerman,
Idaho 83332

Dear Mr. & Mrs. Ardith:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permits. Enclosed are Orders which remove the measuring device requirements for the permits, at the inlet works only.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, however, our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions concerning the field exam, please contact our District Office in Twin Falls.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:JFR

Enclosures

RECEIVED

August 19, 1976

Re: Permits No. 36-7092 36-7159
 36-7092 A 36-7160

Virgil U. &/or Ardith Norwood
Route # 1
Hagerman, Idaho 83332

Dear Mr. & Mrs. Norwood:

This is to acknowledge receipt of the assignment conveying a part of permit 36-7092 to Norwood Subdivision. The assignment has been recorded and given the identification number 36-7092 A.

Enclosed for your records are copies of the Water Licenses issued on the above referenced permits along with a copy of the approved application for amendment for 36-7160.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

Enclosures (5)

RECEIVED

JUN 25 1975

by

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

Identification No. _____

Permit No. 36-7160

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Virgil U. &/or Ardith Norwood
b) Post Office Address Hagerman, Idaho
2. Permit Number 36-7160
3. Date of Priority that you are prepared to establish 2-18-71
4. a) Source from which water was appropriated _____
b) Location of the point of diversion: Lot 1 $\frac{1}{4}$ $\frac{1}{4}$, Section 18
Township 7S, Range 14E Boise Meridian, Other points of diversion: _____
NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, Twp. 7S, Rge. 14E, B.M.
5. a) The amount of water and use to which the water has been applied:
Amount 18 cfs for fish propogation purposes from Oct. 15 to April 15 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 18.0 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) spring & fish ponds.
b) Describe the type and size of measuring device which you have installed at your point of diversion: (3) 3 cipolletti weirs
c) Give well driller's name and address and the date the well was completed: _____
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Fish propogation

Exam typed 67-2-25 by jc

MICROFILMED

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	13E	13				X													
7S	14E	18						X	X										

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

6-24-75

(Date)

Vigil E. Norwood

Ardis Norwood

(Signature)

State of Idaho)

) ss.

County of Gooding)

On this 24th day of June, 19 75, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

L. H. Harny
Notary Public residing at
Hagerman, Idaho

My commission expires 3-1-79

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

RECEIVED

1. Name of permit holder Virgil U. &/or Ardith Norwood JUL 7 1975
Post office address Hagerman, ID 83332 Department of Water Resources
Southern District Office
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ unnamed springs
(name spring, stream, etc.)
Tributary to Billingsley Creek

3. Water will be used for the following purposes:

Amount 18.00 c.f.s. for Fish Propagation
_____ AF/Annum (nature of use)

Period of Use: from Nov. 1 to April 1
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 36-7160
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 18.00 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

(2 pts.)

Township 7S N/S, Range 14E E/W, B.M., Section 18, Subdivision SE 1/4 SW 1/4, Gooding

Township 7S N/S, Range 14E E/W, B.M., Section 18, Subdivision Lot 1 1/4, County

Township " N/S, Range " E/W, B.M., Section ", Subdivision NW 1/4 NW 1/4, County
Gooding County

Other Points of Diversions: SE 1/4 NW 1/4, NE 1/4 SW 1/4, Sec. 18, Twp. 7S, Rge. 14E, Gooding

Description of diverting works: Spring & Fish ponds.

Measuring device required: yes ☒ no ☐ at the outlet works only by ORDER

6. Lands to be irrigated or 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	
7S	13E	13				X													
7S	14E	18					~~no~~	X											

TOTAL ACREAGE _____

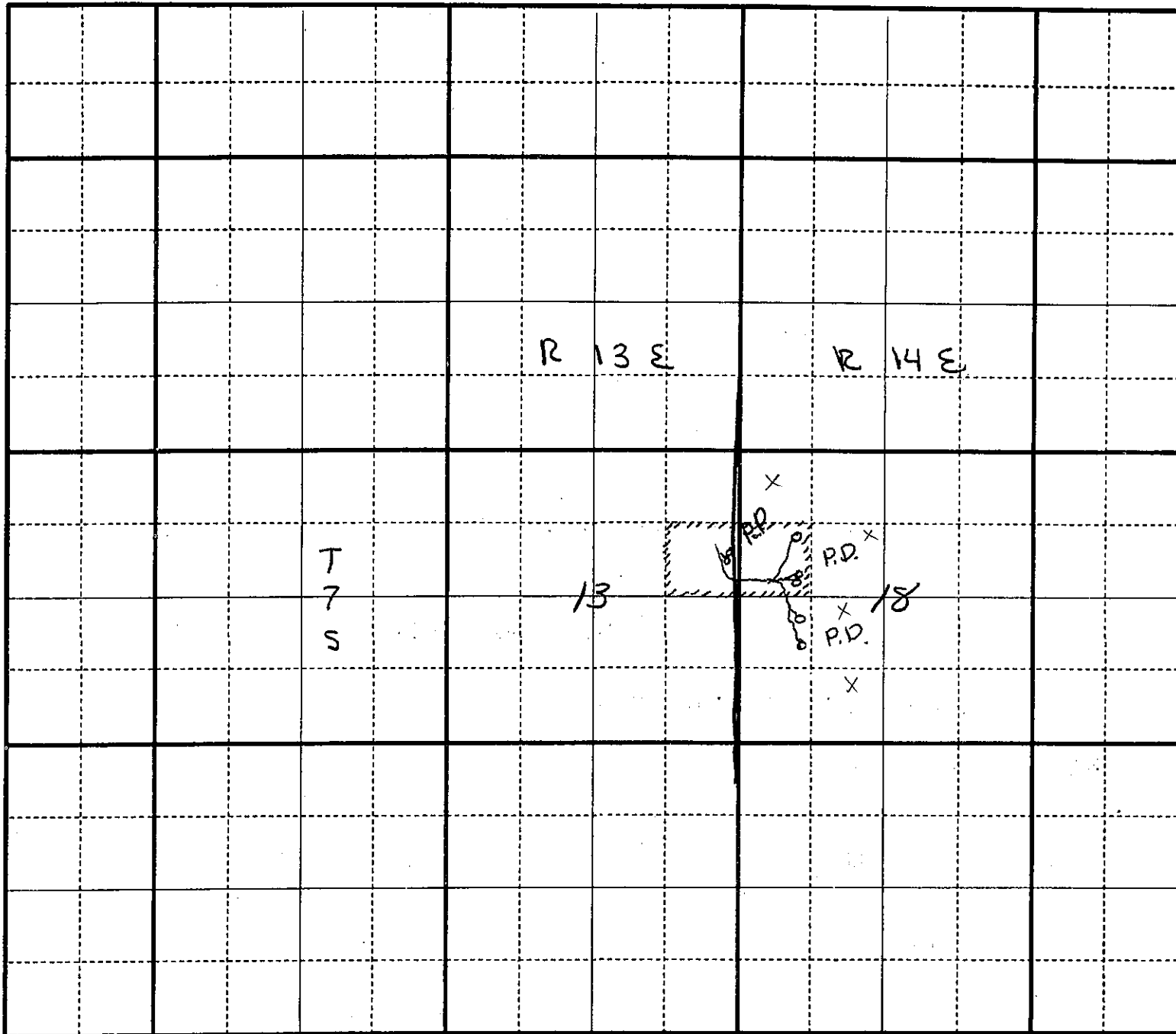
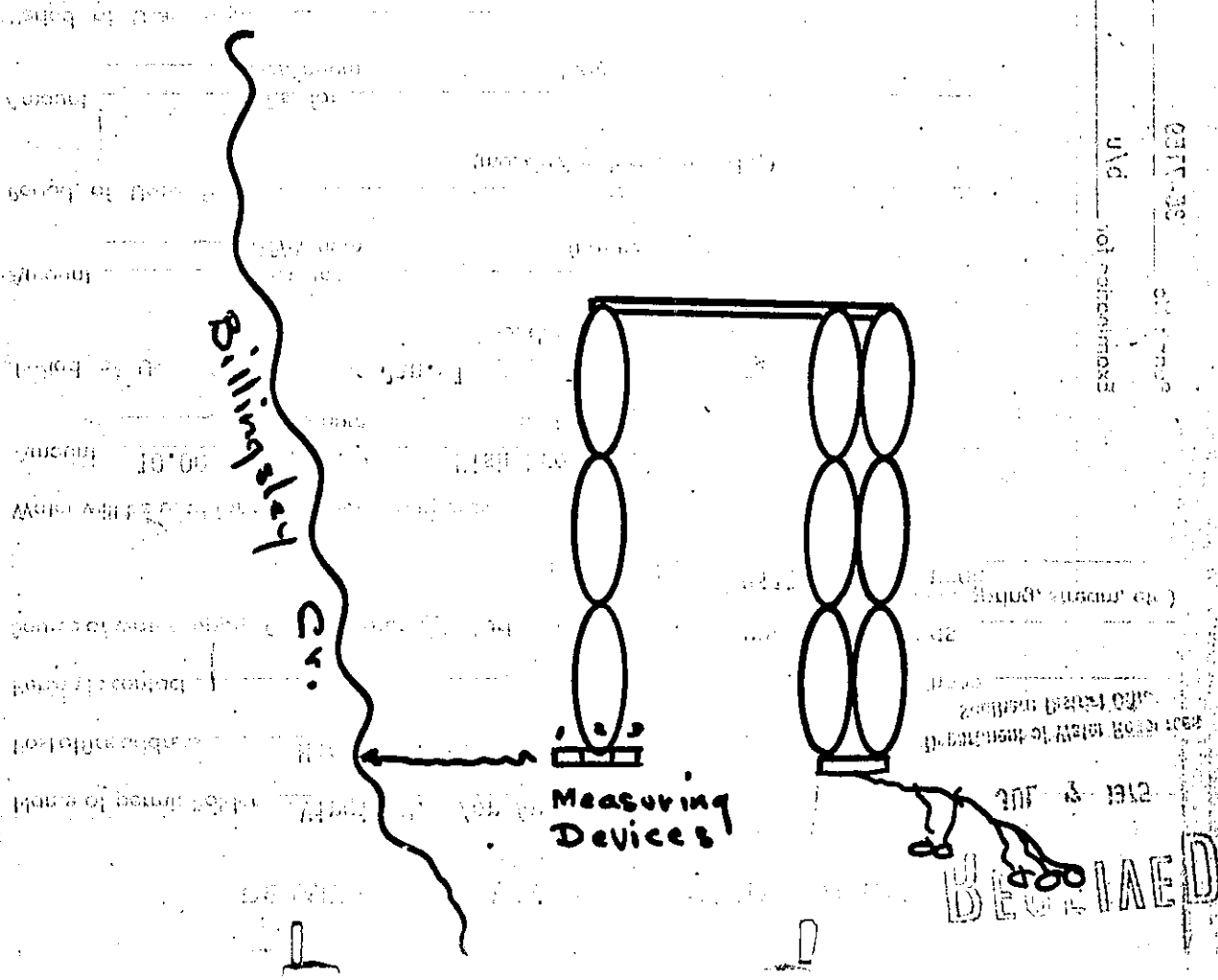


Diagram of System



DATE OF EXAM 5-27-75

ACREAGE

Found ✓
Recommended ✓

Irrigation Requirement ✓ Ac Ft/Ac

USE

Irrigation Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____
Domestic Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____
Livestock Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____
Fish Propagation Q=18.0 c.f.s. V= None AF/Ann from Nov 1 to April 1 152
Required

Is water co-mingled? yes _____ no ✓

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ✓

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 22.64 c.f.s. Method of measurement (3) Cipolletti Weirs

Total Q recommended 18.0 c.f.s. Meter No. ✓ Type 3 ft. Condition New

Total V recommended Not Required

Recommended Amendments:

NO AMENDMENTS. ONLY THESE P.D. USED,
P.D. SE 1/4 NE 1/4 Sec 13 7S-13E & SW 1/4 NW 1/4 Sec 18 7S-14E
Place of Use _____
Other _____
None ✓

MEASUREMENT CALCULATION:

Meas: Q = 22.64 c.f.s. (3) 3 ft. Cipolletti Weirs 1. Meas. 0.81 = 7.36 c.f.s.
Q = 18.0 c.f.s. Amount Applied for. 2. Meas. 0.82 = 7.50 c.f.s.
3. Meas. 0.84 = 7.78 c.f.s.
22.64

SYSTEM DESCRIPTION:

Water diverts from springs which is conveyed to the place of use. There were (9) ponds which use the water for raising fish. The water is then diverted into Billingsley Cr.
place of use is only SE 1/4 NE 1/4 Sec. 13 7S-13E, SW 1/4 NW 1/4 Sec 18, 7S-14E

REMARKS:

There are (2) other permits # 36-7092 # 36-7159 for fish propagation. No more than 22.64 c.f.s. should be diverted @ one time w/ the combination of these 3 permits

Examiner's Signature Sam Lundberg Date 11-21-75

Checked by Alan Martin Date 11-24-75

Approved by Michael Steele Date 12-2-75

August 6, 1976

Re: Permits No. 36-7092, 36-7159 & 36-7160

Virgil U. &/or Ardith Norwood
Route # 1
Hagerman, Idaho 83332

Dear Mr. & Mrs. Norwood:

A representative of this Department has made a re-examination of the works covered by the above referenced permits and the Department is prepared to issue water right licenses as follows:

Permit 36-7092

Amount of water that can be recognized as beneficially used under Idaho law: * 11.10 cfs

Points of diversion: Within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7 S, Rge. 13 E, B.M. and SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, Twp. 7 S, Rge. 14 E, B.M.

Beneficial use: Fish propagation from Jan. 1 to Dec. 31 within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13 and the irrigation of 55 acres from April 1 to Nov. 1 within the S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, all in Twp. 7 S, Rge. 13 E, B.M.

Priority date established: November 6, 1969

Permit 36-7159

Amount of water that can be recognized as beneficially used under Idaho law: * 10.0 cfs

Points of diversion: Within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7 S, Rge. 13 E, B.M. and SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, Twp. 7 S, Rge. 14 E, B.M.

Virgil U. &/or Ardith Norwood
Re: 36-7092, 36-7159, 36-7160
August 6, 1976

Permit 36-7159 (con'd)

Beneficial use: Fish propagation from Jan. 1 to Dec. 31 within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7 S, Rge. 13 E, B.M. and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, Twp. 7 S, Rge. 14 E, B.M.

Priority date established: February 18, 1971

Permit 36-7160

Amount of water that can be recognized as beneficially used under Idaho law: * 2.64 cfs

Points of diversion: Within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7 S, Rge. 13 E, B.M. and SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, Twp. 7 S, Rge. 14 E, B.M.

Beneficial use: Fish propagation from Nov. 1 to April 1 within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7 S, Rge. 13 E, B.M. and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, Twp. 7 S, Rge. 14 E, B.M.

Priority date established: February 18, 1971

* Subject to the condition that the maximum rate of diversion shall not exceed 22.64 cfs when all three licenses are combined.

Please be advised that we will still require that you amend Permit 36-7160 to include all of the points of diversion. A partially completed application for amendment is enclosed for your use in this matter. Please sign the application and return it to this office along with a \$10.00 filing fee within 30 days in order that we may issue your licenses as set forth in this letter.

If you have questions regarding the proposed licenses, please contact us within the 30-day period.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR
Enc: App for amend / 36-7160

M E M O

TO: Mike Steele
FROM: Bob Fleenor
DATE: 3/5/76
SUBJ: Exams for 36-7092, 36-7159 & 36-7160
(Virgil U. &/or Ardith Norwood)

Mr. & Mrs. Norwood were in the office today concerning the findings of our examination.

They are particularly concerned that irrigation was omitted from the proposed license under 36-7092. Claim that they have a buried pipeline from the spring in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13 which crosses Billingsley Creek and irrigates several acres of land in and around their subdivision. Mr. Norwood also has an aerial photo of his place and the location of the springs should be verified.

Since permits 36-7159 & 36-7160 are related, we are also returning those exams.

January 20, 1976

Re: Permits No. 36-7092, 36-7159 & 36-7160

Virgil U. &/or Ardith Norwood
Route # 1
Hagerman, Idaho 83332

Dear Mr. & Mrs. Norwood:

A representative of this Department has made an examination of the works covered by the above referenced permits and has found the following:

Permit 36-7092

Quantity of water diverted: 22.64 cfs Source: unnamed springs

Amount of water that can be recognized as beneficially used under Idaho law: 10.0 cfs

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7 S, Rge. 13 E, B. M. and SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, Twp. 7 S, Rge. 14 E, B. M.

Beneficial use: Fish propagation purposes from Jan. 1 to Dec. 31 within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7 S, Rge. 13 E, B. M. and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, Twp. 7 S, Rge. 14 E, B. M.

Priority established: November 6, 1969

Permit 36-7159

Quantity of water diverted: 22.64 cfs Source: unnamed springs

Amount of water that can be recognized as beneficially used under Idaho law: 10.0 cfs

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7 S, Rge. 13 E, B. M. and SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, Twp. 7 S, Rge. 14 E, B. M.

Page 2
Virgil U. &/or Ardith Norwood
Re: 36-7092, 7159 & 7160
January 20, 1976

Permit 36-7159 (con'd)

Beneficial use: Fish propagation purposes from Jan. 1 to Dec. 31 within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7 S, Rge. 13 E, B.M. and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, Twp. 7 S, Rge. 14 E, B.M.

Priority established: February 18, 1971

Permit 36-7160

Quantity of water diverted: 22.64 cfs Source: unnamed springs

Amount of water that can be recognized as beneficially used under Idaho law: 2.64 cfs

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7 S, Rge. 13 E, B.M. and SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, Twp. 7 S, Rge. 14 E, B.M.

Beneficial use: Fish propagation purposes from Nov. 1 to April 1 within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7 S, Rge. 13 E, B.M. and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, Twp. 7 S, Rge. 14 E, B.M.

Priority established: February 18, 1971

Before licenses can be issued under these permits, it will be necessary to amend permits 36-7092, to change the place of use, and 36-7160, to change the points of diversion. Enclosed are two applications for amendment for your use in this matter. Please sign the applications and return them to this office with a \$20.00 fee within 30 days of the date of this letter in order that we might issue the water right licenses as set forth.

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

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR
Enc: App for amend (2)

April 20, 1971 at 10:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
John A. Rosholt	P.O. 525 Twins Falls	Don Wallace
John C. Hargraves	Buhl	Herbert Maske
Paul D. Hargraves	Br 176, Gooding	M. Wood
Thelma Maske	Hagerman	Idaho
M. Maske	"	"
Joy Judge	New Jersey	
Bea Anderson	Hagerman	"
Kenneth Hulme	"	"
Mr James Norwood	"	"
Mrs Virgil Norwood	"	"
Mrs Elwood Grimes	Hagerman	"
Elwood D. Grimes	Hagerman	"
Don Wallace	Kimberly	"
Nathan Scott	Hagerman	

ANDREW F. JAMES
CECIL D. HOBDEY
CHAS. C. SHAW

LAW OFFICES
JAMES, HOBDEY & SHAW
125 FIFTH AVENUE WEST
BOOPIING, IDAHO 83339

P. O. BOX 178
TELEPHONE 934-4429
AREA CODE 208

April 30, 1971

Department of Water Administration

State of Idaho
Boise, Idaho

83707

Re: Application No. 36-7159
Re: Application No. 36-7160
Permit No. 36-7080

Gentlemen:

In connection with the above we inclose the following:

(1) Amended application for permit in application
No. 36-7160.

This amendment is made for the purpose of
properly identifying the points of diversion
and the place of use.

(2) With respect to 36-7159 and 66-7092 may this
serve as notification that the intended place
of use as set forth in each of the numbered
applications contains a typographical error
in referring to the East Half SE $\frac{1}{4}$ Section
13, Twp. 7 S., R. 13 E.B.M. and the same
should be corrected to read as the SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Section 13, Twp. 7 S., R. 13 E.B.M.

(3) In support of the application 36-7160 we inclose
herewith original agreement executed by the Hagerman
Water Users Association.

(4) In support of 36-7080 we inclose herewith affidavit.

Respectfully Yours

Cecil D. Hobdey

CPH:fm
Encls.

Gooding County, Idaho, to-wit:

Township 7 South, Range 13 East of the Boise Meridian,
Section 13:

NE $\frac{1}{4}$ SE $\frac{1}{4}$, and that part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ described as follows: Beginning at the Northeast corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$; Thence South 32 rods along the East line of said 40-acre tract; Thence West 30 rods; Thence North 32 rods to the North line of said 40-acre tract; Thence East 30 rods to the point of beginning; and

SE $\frac{1}{4}$ SE $\frac{1}{4}$, except tract described as follows: Beginning at the Southeast corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$; Thence North 71°55' West 575 feet; Thence Northeasterly 845 feet to a point on the East line of SE $\frac{1}{4}$ SE $\frac{1}{4}$, 823 feet North of the point of beginning; Thence South along said East line 823 feet to the point of beginning.

2. That the applicants shall allow the waters of the Big Spring Water Users Association to flow through the Association's pipeline so that the said Don Wallace might utilize his 9-share entitlement therein for beneficial purposes.

3. That to avoid operational problems, the applicant's permit be conditioned to allow the delivery to Don Wallace, his successors and assigns, his just water entitlement at all times that said water can be beneficially applied as determined by the said Don Wallace.

John A. Rosholt

PARRY, ROBERTSON, DALY & LARSON
Attorneys for Protestant Don Wallace

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of April, 1971, I served the foregoing withdrawal of protest by causing to be deposited a copy thereof in the post office at Twin Falls, Idaho, enclosed in envelopes with postage prepaid addressed to the following:

John C. Hepworth
Hepworth, Walker, Nungester & Felton
1020 Main Street
Buhl, Idaho 83316

Cecil D. Hobdey
James, Hobdey & Shaw
P. O. Box 176
Gooding, Idaho 83330

John A. Rosholt

Of Parry, Robertson, Daly & Larson

RECEIVED

APR 10 1971

PARRY, ROBERTSON, DALY & LARSON
Box 525, Twin Falls, Idaho 83301
Telephone: 733-3722

Department of Water Administration

STATE OF IDAHO

BDF

DEPARTMENT OF WATER ADMINISTRATION

In the Matter of Application)
No. 36-7160 of VIRGIL U.) WITHDRAWAL OF PROTEST
NORWOOD and ARDITH NORWOOD,)
husband and wife.)

Comes now Don Wallace of Twin Falls, Idaho, and herein with-
draws his protest to Application No. 36-7160 on the following
conditions:

1. That the water from "Sherman Spring" located in the
Northwest Quarter of the Southwest Quarter of Section 18, Town-
ship 7 South, Range 14 East, Boise Meridian, Gooding County, Idaho,
now appurtenant to the property being purchased by Don Wallace
from Thomas Fausett, will not be interfered with nor used by the
applicant at any time that the waters from said spring can be
beneficially applied by the said Don Wallace or his successors
and assigns in accordance with the provisions of Water License
No. 4504 and that subsequent Decree of the Federal District Court
for the United States for the District of Idaho, entitled New
International Mortgage Bank vs. Idaho Power Company, said Decree
dated March 22, 1932. The lands being purchased by Don Wallace,
to which the waters of the said "Sherman Spring" are appurtenant,
are more particularly described as follows:

The following described real property situate in

AGREEMENT

On this 27th day of April 1971, before me, the undersigned, a notary public in and for said State personally appeared Virgil U. Norwood and Ardith Norwood and Elwood D. Grimes and Mary A. Grimes and Kenneth Halme, President and Oscar Anderson, Sec'y - Treas. of the Hagerman Water Users known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

John B. McQuay
Notary Public for the State of Idaho
residing at Hagerman

AGREEMENT

It is agreed between Virgil U. Norwood and Ardith Norwood, husband and wife and Elwood D. Grimes and Mary A. Grimes, husband and wife and the Hagerman Water Users ^{P.O. D.N.} that the water from ~~the~~ springs and spillway may be used by the first parties mentioned and hereafter known as Norwood and Grimes for fish propagation from November 1 until April 1 except at any other time when ~~the Hagerman Water Users~~ ^{P.O. D.N.} the Hagerman Water Users use this water for irrigation. Furthermore it is expressly understood that the Hagerman Water Users have the year round right of use of any of their water for domestic and livestock purposes and the village of Hagerman has the additional right to the use of 47 miners inches (47 shares) at any time of the year it is necessary for fire protection. No weed killer or other substances harmful to fish will be used in any of the waters before they enter the 24 inch pipeline. Norwood and Grimes agree to let the Hagerman Water Users use their road to the head of their ditches and pipeline for maintenance of same providing the Hagerman Water Users will continue to use their road right of way across the Denver Kinyon and Herbert Maske property enough to maintain this right of way. Permission is hereby granted to Norwood and Grimes to file on this water according to the terms of this agreement using the priority established in the original filing 36-7160 of Virgil U. and Ardith Norwood of February 18, 1971. This agreement shall be binding upon the heirs, representatives and successors of all parties concerned.

Kenneth Hulme Pres. ^{Hagerman Water Users}

Robert Anderson Secy. Treas.

Virgil U. Norwood

Ardith M. Norwood

Elwood D. Grimes

Mary A. Grimes

State of Idaho)
County of Gooding) ss.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

May 14, 1971

Re: Nos. 36-7159
36-7160
36-7080
36-7092

Law Offices of
JAMES, HOBDEY & SHAW
125 Fifth Avenue West
Gooding, Idaho 83330

ATTENTION: Cecil D. Hobdey

Dear Mr. Hobdey:

We are in receipt of the documents submitted in connection with the above referenced applications and permits. Before we could process these applications and permits, the Department will require the following:

Application for Permit No. 36-7159 could only be amended by submitting an amendment application to replace it. There would be a \$10.00 fee required for this transaction.

Application for Permit No. 36-7160 will require a \$10.00 fee before we can continue with its processing.

Permit No. 36-7080 appears to be in order and there are no further requirements at this time.

Permit No. 36-7092 could only be changed if an amendment were submitted to change it. We are enclosing such an amendment form for your consideration in this matter.

As soon as we are in receipt of the clarifications required for the above applications and permits, we shall continue with their processing.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

36 7160

NOTICE OF AMENDED
APPLICATION FOR WATER PERMIT

Notice is hereby given that Application for Permit No. 36-7160 in the name of Virgil U. and/or Ardith Norwood, Hagerman, Idaho, was filed for the diversion of 18.0 cubic feet per second of water from unnamed springs, tributary to Billingsley Creek, with points of diversion within ~~the~~ Lot 1, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ (2 points), Sec. 18, T. 7S, R. 14E, B.M., Gooding County, to be used from Oct. 15 to April 15 for fish propagation purposes within the W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18, T. 7S, R. 14E, B.M. and E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 13, T. 7S, R. 13E, B.M.

The applicants now propose to amend Application No. 36-7160, requesting 18.0 cubic feet per second of water from ~~xxxx~~ unnamed springs, tributary to Billingsley Creek, with points of diversion within Lot 1, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, ~~SE $\frac{1}{4}$ SE $\frac{1}{4}$~~ SE $\frac{1}{4}$ SW $\frac{1}{4}$ (2 points), Sec. 18, T. 7S, R. 14E, B.M., Gooding County, to be used from Nov. 1 to April 1 for fish propagation purposes within the W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 18, T. 7S, R. 14E, B.M. and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, T. 7S, R. 13E, B.M.

Any protest to the proposed amending of the above application may be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho, within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON

Director

Published in the Gooding County Leader, Gooding, Idaho, on August 12 and August 19, 1971.

36 7160

**NOTICE OF AMENDED
APPLICATION FOR WATER
PERMIT**

Notice is hereby given that Application for Permit No. 36-7160 in the name of Virgil U. and/or Ardith Norwood, Hagerman, Idaho, was filed for the diversion of 18.0 cubic feet per second of water from unnamed springs, tributary to Billingsley Creek, with points of diversion within Lot 1, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ (2 points), Sec. 18, T. 7S, R. 14E B.M., Gooding County, to be used from Oct. 15 to April 15 for fish propagation purposes within the W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18, T. 7S, R. 14E, B.M. and E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 13, T. 7S, R. 13E, B.M.

The applicants now propose to amend Application No. 36-7160, requesting 18.0 cubic feet per second of water from unnamed springs, tributary to Billingsley Creek, with points of diversion within Lot 1, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ (2 points), Sec. 18, T. 7S, R. 14E, B.M., Gooding County, to be used from Nov. 1 to April 1 for fish propagation purposes within the W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 18, T. 7S, R. 14E, B.M. and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, T. 7S, R. 13E, B.M.

Any protest to the proposed amending of the above application may be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho, within ten days from the last date of publication of this notice.

R. Keith Higginson
Director

Handwritten:
4-9-71

August 2, 1971

Re: Application No. 36-7160 - Virgil U. &/or Ardith Norwood

Gooding County Leader
Box 56
Gooding, Idaho 83330

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

Bill submitted 8-25-71 By dr

DWM:DR
Enc: Legal notice

36 7160

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

June 29, 1971

Re: Application for Permit No. 36-7159
Application for Permit No. 36-7160
Permit No. 36-7092

James, Hobdey, & Shaw
P.O. Box 176
Gooding, Idaho 83330

ATTN: Cecil D. Hobdey

Gentlemen:

We are once again in receipt of documents submitted in reference to the above numbered applications and permit.

Permit No. 36-7092 now appears to be in order. The information submitted in reference to the two applications still appears to be inadequate to constitute the necessary amendments. It would appear that the only change on these two applications will be in the place of use. We have prepared two new amended applications for your consideration in the matter. Please review them, and if you are in agreement with them, return them properly signed and we shall continue with their processing.

If you will recall in our last correspondence, you submitted the Norwood check in the amount of \$20. \$10 has been used to record the amendment on Permit No. 36-7092, and \$10 will be used to record one of the two amended applications. We will, therefore, require an additional \$10 for the other amended application.

If you should have any questions in reference to this matter, please do not hesitate to contact us.

Very truly yours,


Dorian Clay
Appropriation Examiner

DC:cr

Enc: Applications for Permit (2)

36 7160

July 30, 1971

Re: Application No. 36-7160 - Virgil U. &/or Ardith Norwood

Mr. Don Wallace
Twin Falls,
Idaho -83301

Kimberly
13341

Dear Mr. Wallace:

Please be advised that Mr. & Mrs. Norwood have submitted an amended application changing the place of use to the ~~W. 1/4~~ Sec. 18, T. 7S, R. 14E, B.M. and ~~SE 1/4~~ Sec. 13, T. 7S, R. 13E, B.M.

The Department will take final action on the amended application the week of August 30th.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

cc: John A. Rosholt

36 7160

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

September 23, 1971

Re: Permit No. 36-7160 - Virgil U. &/or Ardith Norwood

Virgil U. Norwood
Route #1
Hagerman, Idaho 83332

Dear Mr. Norwood:

Enclosed is a copy of your approved Application for Permit No. 36-7160. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:cr

Enclosures (Receipt #6955)

cc: Don Wallace

36 7160

June 21, 1975

RECEIVED

July 2, 1964

Depletion of Water Resources

Dear Sirs;

Your time and effort in this matter is greatly appreciated.

Respectfully,

James F. Horwood
James F. Horwood

True Friend

REF ID: A66042

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

April 16, 1971

Mr. John Rosholt
PARRY, ROBERTSON, DALY & LARSON
P. O. Box 525
Twin Falls, Idaho 83301

Dear Mr. Rosholt:

Pursuant to your request, please find enclosed copies of permit no. 36-7159 and 36-7160. Also enclosed is information on decree files 71-C and 71-C-1.

If we may assist you further in this matter, do not hesitate to contact us.

Very truly yours,

Donald W. McEldowney
Assistant Supervisor

DWM/BB
Enclosures

36 7160

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

April 12, 1971

Re: Applications for Permit Nos. 36-7148, 36-7159,
36-7160, 37-7084,
and 37-7085



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

County Recorder
Gooding County Court House
Gooding, Idaho 83330

Dear Sirs:

This letter is to confirm the use of a room at the court house for conferences and/or hearings to be held by this office during the entire day of April 19th and during the morning of April 20th.

Thank you for your cooperation in this matter.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

36 7160

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
House - Annex 2
Boise, Idaho 83707

RECEIVED

APR 15 1971

Department of Water Administration

Returned
TO
WATER
REASON CHECKED
Unclaimed
Unknown
Refused
for better address
Moved, Left no address
No back office & data

Mr. Don Wallace

S. E. of City

Twin Falls, Idaho 83301

0976
36

REASON CHECKED
Unclaimed
Unknown
Refused
for better address
Moved, Left no address
No back office & data

APR 2 1971

April 7

CERTIFIED MAIL

NO. 22648

RETURN RECEIPT & STED

36 7460

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.

22648

INSURED NO.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)



055-16-71649-10 GPO

NAME AND
ADDRESS
OF SENDER

Dept. of Water Administration

Indicate type of mail:

☐ REGISTERED ☐ REGISTERED
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	R. R. FEE	REST. DEL. FEE	ACTUAL VALUE	SURCHARGE	REMARKS*
✓ 1 22647	Herbert L. Maske, Indian Springs Ranch	06	30	15				36-7159
2	P.O. Box 238, Nagerman Idaho							
✓ 3 22648	Don Wallace, S.E. of City, Twin Falls Ida.	06	30	15				36-7159
4								36-7160
✓ 5 22649	Virgil U. and/or Adith Noweod, Route 1	06	30	15				36-7159
6	Nagerman Idaho							36-7160
✓ 7 22650	Pammy Robertson, Daly + Larson, P.O.	06	30	15				36-7159
8	Box 525 Attn. John A. Roschall							37-7055
9	Twin Falls Idaho							36-7160
✓ 10 22651	Ronald Frederick Beck, Carey Idaho	06	30	15				37-7075
✓ 11 22652	Murphy + Adkins Attn. Jack M. Murphy	06	30	15				37-7075
12	P.O. Drawer 666, Shoshone, Idaho							
✓ 13 22653	Miles Reay, Carey, Idaho	06	30	15				37-7075
✓ 14 22654	William C. Davis, Rte 3, Twin Falls Ida	06	30	15				37-7055
15 22655	Eldon Bean, Box 354, Ketchum Idaho	06	30	15				37-7055
16 22656	Philip J. Puchner, P.O. Sun Valley Ida	06	30	15				37-7055
17 22657	Houghton M. Holt, Sun Valley, Idaho	06	30	15				37-7055
✓ 18 22658	Patricia P. Bratt, Box 1994, Aspen, Colo.	06	30	15				37-7055
✓ 19 22659	Jo Ann Brunetta, Box 714, Sun Valley Ida	06	30	15				37-7055
20 22660	Mary Pichon, Box 602, Ketchum Idaho	06	30	15				37-7055

TOTAL NO. OF PIECES
LISTED BY SENDER

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POSTMASTER, PER (Name of receiving employee)

*Show under "Remarks" class postage paid if other than first or if international

POD Form 3877, Nov. 1968

APPLICATION FOR REGISTRATION OR CERTIFICATION

(Surcharges are not required on international registered mail)

16-10-8702-15 U.S. GOVERNMENT PRINTING OFFICE

36-7160

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

March 22, 1971

Re: Application No. 36-7159 - Virgil U. and/or Ardith Norwood
36-7160 - Virgil U. and/or Ardith Norwood

Hepworth, Walker, Nungster, & Felton
Attorneys at Law
Bank of Idaho Bldg.
Buhl, Idaho 83316

ATTENTION: Mr. Hepworth

Dear Mr. Hepworth:

Please find enclosed copies of the above referenced permits, with the additional information you requested. There is a \$1.25 copy fee for application no. 36-7159.

If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB

Enc: copies

36 7160

LAW OFFICES

HEPWORTH, NUNGESTER, AND FELTON

PROFESSIONAL CENTER
1020 MAIN

AREA CODE 208
PHONE 543-4368

BUHL, IDAHO -- 83316

JOHN C. HEPWORTH
WM. L. NUNGESTER
MICHAEL H. FELTON

March 23, 1971

Donald W. McEldowney
State of Idaho
Department of Water Administration
Statehouse -- Annex 2
Boise, Idaho 83707

Re: Fee for Application No. 36-7159
and 36-7160

Dear Sir:

We are enclosing our check for \$1.25 to cover cost of
the copies for the above-captioned application.

Very truly yours,

HEPWORTH, NUNGESTER & FELTON

Alta Gannon
Alta Gannon, Secretary

36 7160

March 24, 1971

Hepworth, Nungester and Felton
Attorneys at Law
1020 Main
Buhl, Idaho 83316

Gentlemen:

Returned herewith is your receipt No. 5795 in the amount of \$1.25
for copies of permit No. 36-7159 and 36-7160,
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

36 7160

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RECEIVED

MAR 23 1971

Department of Water Administration

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

In the Matter of Application)

No. 36-7160 of Virgil U. Norwood)

and Ardith Norwood, husband)

and wife.)

PROTEST

Comes now DON WALLACE, of Twin Falls, Idaho, and respectfully alleges:

1. That on the eleventh day of March, 1971, he became the contract purchaser of certain lands in the Southeast Quarter of Section 13, Township 7 South, Range 13 East, Boise Meridian, Gooding County, Idaho, from Thomas B. Fausett and Chloe J. Fausett, husband and wife.

2. That your protestant's property adjoins Billingsley Creek and has a decreed water right from a certain spring located in the West Half of the Southwest Quarter of Section 18, Township 7 South, Range 14 East, Boise Meridian, Gooding County, Idaho. Said source of water is commonly known as the "Sherman Springs", and is in fact one of the sources of water sought to be appropriated by Application No. 36-7160.

3. That protestant is the successor in interest to said water right acquired by Edgar E. Sherman and Margaret Sherman first represented by Water License No. 4504, said license being found in the Department of Water Administration of the State of Idaho in Book 5 of Water Licenses, page 2326, said 1.6 cubic feet per second of water being transferred on the

36 7160

1 25th day of February, 1927, and thereafter appurtenant to the NE $\frac{1}{4}$ of SE $\frac{1}{4}$
2 and Tax Lot No. 4, Section 13, Township 7 South, Range 13 East, Boise
3 Meridian, Gooding County, Idaho. Said right is also recorded in Book 1 of
4 Water Rights at page 324 of the records of Gooding County, Idaho.

5 4. Said right was also decreed in that certain case of New International
6 Mortgage Bank vs. Idaho Power Company, tried in the District Court of the
7 United States for the District of Idaho, Southern Division, under Case #54398,
8 said decree being dated March 22, 1932, and recorded April 19, 1932, in
9 Book 6 of Judgments at page 31, in the records of Gooding County, Idaho.

10 5. That protestant's right is both licensed and decreed to the extent
11 of 1.6 cubic feet per second for agricultural and domestic uses without any
12 limitation on period of use.

13 6. That protestant as successor in interest of said rights is informed
14 and believes that the normal season that irrigation water can be beneficially
15 applied in the Hagerman Valley is between approximately March 15 and
16 November 1 of each year.

17 7. That your protestant plans on operating a cattle feeding operation
18 necessitating the year round use of water for stock watering and is considering
19 the possibility of constructing raceways for the propagation of fish for com-
20 mercial purposes which said uses are permitted within the license and decree
21 of protestant.

22 8. That protestant's use of this water for domestic purposes will also
23 be interfered with if Application No. 36-7160 be granted.

24 NOW, THEREFORE, DON WALLACE hereby protests Application
25 No. 36-7160 of Virgil U. Norwood and Ardith Norwood, husband and wife,
26 for the following reasons, to-wit:

27 (1) That the use proposed in Application No. 36-7160 would reduce the
28 quantity of water to which protestant is entitled by license and decree.

29 (2) That the supply of water itself is insufficient for the purposes
30 which applicants seek to appropriate it if protection is afforded to protestant's
31 prior and existing rights.

32 (3) That the issuance of a permit pursuant to Application No. 36-7160

1 would be contrary to the spirit of Idaho Code §42-202 and the protection of
2 water rights within the appropriation doctrine reference of "first in time is
3 first in right".

4 (4) That the use of water for fish propagation is not a beneficial use
5 as recognized by the constitution and the statutes of the State of Idaho.

6 (5) That such use by applicants would interfere with the domestic
7 use of protestant.

8 WHEREFORE, DON WALLACE respectfully prays that Application
9 No. 36-7160 of Virgil U. Norwood and Ardith Norwood of Route 1, Hagerman,
10 Idaho, be denied, disallowed, rejected, and that the Department of Water
11 Administration refuse the issuance of a permit.

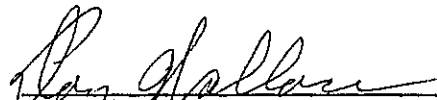
12 DATED this 26 day of March, 1971.

13 
14 Don Wallace

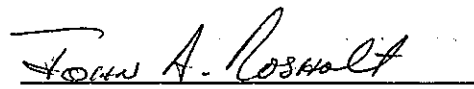
15 STATE OF IDAHO)
16) ss.
17 County of)

18 DON WALLACE, being first duly sworn, says:

19 That he is the protestant in the above-entitled proceeding; that he has
20 read the above and foregoing, knows the contents thereof, and believes the
21 facts stated therein to be true.

22 
23 Don Wallace

24 SUBSCRIBED AND SWORN to before me this 26 day of March, 1971.

25 
26 Notary Public for Idaho
27 Residing in: Twin Falls

31 36 7160

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

March 26, 1971

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1960)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

Department of Water Administration

TELEPHONE
(208) 733-3722

R. Keith Higginson, Director
Department of Water Administration
State House - Annex 2
Boise, Idaho 83707

Attn: Don McEldowney, Water Rights Division

Dear Don:

Enclosed are Protests to applications No. 36-7159 and 36-7160.

Please file these in the appropriate files. If there is a filing fee, please advise us of what it is and we will submit the amount by return mail.

Also, kindly advise us as to what information your office has concerning the Big Springs Waterusers Association. As I understand it, they supply the Village of Hagerman and several other users. I am interested in determining the amount of water that shares in this corporation represent. Thank you.

Sincerely,

John A. Rosholt
JOHN A. ROSHOLT

JAR:php

Enc.

36 7160

Page 2

Mr. Don Wallace

Re: 36-7159 & 36-7160

March 29, 1971

A permit issued by this office is subject to all prior water rights. and does not in any way convey or establish right-of-ways over private or governmental lands. Right-of-ways or easements must be obtained by the individual concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a hearing and/or conference to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

cc: John A. Rosholt

36 7160

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

March 29, 1971

Re: Applications No. 36-7159 - Virgil U. &/or Ardith Norwood
36-7160

Mr. Don Wallace
S.E. of City
Twin Falls, Idaho 83301

Dear Mr. Wallace:

We are in receipt of your protests to issuance of permits pursuant to the above referenced applications. The following are the only items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

36 7160

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

March 29, 1971

Re: Applications for Permit No. 36-7159 & 36-7160

Virgil U. &/or Ardith Norwood
Route 1
Hagerman, Idaho 83332

Dear Mr. & Mrs. Norwood:

Enclosed please find copies of the protests filed by John R. Rosholt in behalf of Don Wallace in connection with the above referenced applications.

You will be notified at a later date as to the time and place set for a hearing and/or conference.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosures

36 7160

April 12, 1971

Re: Applications for Permit Nos. 36-7159 & 36-7160

C

Mr. Oscar Anderson
Hagerman Water Users Association
Route 1
Hagerman, Idaho 83332

Dear Mr. Anderson:

P We are in receipt of your letter, dated March 26, 1971, stating your concern about the two above referenced applications for permit. Protests have been received against approval of these applications from Mr. Don Wallace and Mr. Herbert L. Maske. We have set the matter of protests for conferences and/or hearings, on April 20, 1971, at 8:00 and 10:00 a.m., in the Gooding County Court House, Gooding, Idaho. The matters listed in your letter can be discussed during these conferences and/or hearings.

V If you have any questions, please feel free to contact us.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

36 7160

Hagerman, Idaho
March 26, 1971

Mr. Donald W. McEldowney
Appropriation Supervisor
State of Idaho
Dept. of Water Administration
Statehouse -- Annex 2
Boise, Idaho 83707

Dear Mr. McEldowney:

The stockholders in the Hagerman Water Users Association are concerned about the dates Mr. Virgil Norwood used in filing for the use of the water from our springs when we are not using it for irrigation. For example, this year, we had some water in the ditch on the 18th of March. There is always some water in the ditch for domestic use and stockwater. Also the village of Hagerman has 47 shares for 47 inches of water for fire protection that should be available at any time of the year it is needed for this purpose.

Our water comes from two large springs and several small springs. During part of the year we have always used all of the water we can get through our present canals and pipes, but this has proven adequate for our needs.

We propose to formulate a committee to arrive at a suitable agreement among the parties concerned. We would like your advice and guidance in working with us to form a suitable agreement. Please advise us how you feel we should approach this problem, if you can meet with us, and whether we should attempt a solution before we meet with you or at the time we can meet together. Please let us know your feelings on this matter as all parties concerned are anxious to expedite a solution as soon as possible.

Very truly yours,

Oscar Anderson
Oscar Anderson, Sec.
Hagerman Water Users Association
Route 1
Hagerman, Idaho 83332

36 7160

April 12, 1971

Re: Applications for Permit No. 36-7159 and 36-7160

C

Virgil U. and/or Ardith Norwood
Route 1
Hagerman, Idaho 83332

Dear Mr. & Mrs. Norwood:

P Enclosed is a copy of a letter which we received concerning your above referenced applications for permit. We have advised Mr. Anderson that the matters listed in his letter can be discussed at the conferences and/or hearings we have scheduled for April 20, 1971, at 8:00 and 10:00 a.m.

V If you have any questions, please feel free to contact us.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Enclosure

36 7160

Hagerman, Idaho
Apr. 13, 1971

State of Idaho
Dept. of Water Administration
Bobby D. Flinn
Assistant Director

RECEIVED
APR 23 1971
Department of Water Administration

Dear Sir -

I would like two copies
of each oral proceedings concerning
the protests of Herbert L. Maske (to
be held on Apr. 20, at 8:30 AM) and
Don Wallace (10:00 A.M.) at the Blading
County Court House.
Concerning application for
Permits No. 36-7159 and No 36-7160.

Thank you.

Called Mr. Norwood 4/14/71 and
he would like a transcript made
from our tape recording of 837-4454
any hearing.

BDF

Sincerely
Virgil U. Norwood
Hagerman, Idaho

36 7160

BEFORE THE DIRECTOR
OF THE
IDAHO DEPARTMENT OF WATER ADMINISTRATION

In the Matter of Protest Against
Approval of Application for Permit
No. 36-7160 in the names of
VIRGIL U. and/or ARDITH NORWOOD

NOTICE OF CONFERENCE
AND/OR HEARING

On February 18, 1971, Virgil U. Norwood, Route 1, Hagerman, Idaho, filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On March 29, 1971, the Department received a protest against approval of this application filed by John A. Rosholt, Attorney at Law, in behalf of Don Wallace, Twin Falls, Idaho.

The Department has set the matter of protest for conference and/or hearing on April 20, 1971, at 10:00 a.m., in the Gooding County Court House, Gooding, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicants or the protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such nonappearance may be assessed against such nonappearing parties.

Dated this 6th day of April, 19 71.

Bobby D. Fleenor
BOBBY D. FLEENOR
Assistant Director

Mailed this 9th day of April, 1971, to Don Wallace, S.E. of City, Twin Falls, Idaho,
certified No. 22648; Virgil U. and/or Ardith Norwood, Rte. 1, Hagerman, Idaho, certified No.
22649; Parry, Robertson, Daly & Larson, P.O. Box 525, Attn: John A. Rosholt, Twin Falls,
Idaho, certified mail No. 22650. Copy of protest enclosed with No. 22649

March 2, 1971

Re: Application No. 36-7159 & (36-7160) - Virgil U. &/or Ardith
Norwood

Gooding County Leader
Box 56
Gooding, Idaho 83330

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

*Bill submitted
4-7-71
dw*

DWM:DR
Enc: Legal notices (2)

36 7160

NOTICE OF
APPLICATION FOR
WATER PERMIT

RECEIVED

MAR 8 1971

Notice is hereby given that Virgil U. and/or Ardith Norwood, Route 1, Hagerman, Idaho, have on February 1971, submitted Application No. 36-7160 for a permit to appropriate 18.0 cubic feet per second of water from unnamed springs, tributary to Billingsley Creek by means of canal and headgates within Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ (2 points), Sec. 18, T. 7S, R. 14E, B.M., Gooding County, to be used from Oct. 15 to April 15 for fish propagation purposes within the E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 13, T. 7S, R. 13E, B.M. and W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18, T. 7S, R. 14E, B.M. If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before March 29, 1971.

R. Keith Higginson
Director

O.K. 71
3-8-71
83

36 7160

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Virgil U. and/or Ardith Norwood, Route 1,
Hagerman, Idaho, have on
Feb/68 February 18, 1971, submitted Application No. 36-7160
for a permit to appropriate 18.0 cubic feet per second Acft/feet/ft/ann
of water from unnamed springs, tributary to Billingsley Creek
by means of canal and headgates
within the SE1/4, NE1/4, SE1/4, NE1/4 (2 points), Sec. 18,
T. 7S, R. 14E, B.M., Gooding County,
to be used from Oct. 15 to April 15
for fish propagation purposes

within the E1/4, Sec. 13, T. 7S, R. 13E, B.M. and W1/4, Sec. 18, T. 7S,
R. 14E, B.M.

issued,
If ~~any~~ this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of Water
Administration, Statehouse, Boise, Idaho, 83707, on or before March 29, 1971.

R. KEITH HIGGINSON
Director

Published in the Gooding County Leader, Gooding, Idaho,
on March 11 and March 18, 1971.

36 7160