

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 36-07159

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

SOURCE: SPRINGS TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 10.00 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.: 36-07160 AND 36-07092B.

PRIORITY DATE: 02/18/1971

POINT OF DIVERSION: T07S R14E S18 LOT 1 (SWNNW) Within GOODING County
LOT 2 (NWSNW)
LOT 2 (SWSNW)
LOT 2 (SESWN)
LOT 3 (NENSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	FISH PROPAGATION	01-01 12-31	10.00 CFS

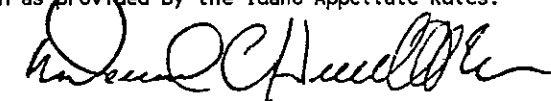
PLACE OF USE: FISH PROPAGATION Within GOODING County
T07S R13E S13 SENE
R14E S18 SWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7159 Priority Feb. 18, 1971 Amount 10.0 cfs

THIS IS TO CERTIFY, that Virgil U. &/or Ardith Norwood
of Hagerman, Idaho, has complied with the terms and conditions of Permit
No. 36-7159 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 _____, 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
<u>Fish</u>	from <u>Jan. 1</u> to <u>Dec. 31</u> at <u>10.0</u> cfs and <u>n/a</u>		
<u>Propagation</u>	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than * 10.0 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

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7 S	13 E	13				X													
7 S	14 E	18							X										

Total number of acres irrigated _____

* Subject to the condition that the maximum rate of diversion shall not exceed
22.64 cfs when combined with Licenses No. 36-7092 and 36-7160.

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.

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

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

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. 36-7159)

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,

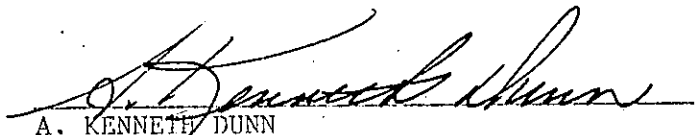
WHEREAS, on October 29, 1971, the Department approved said application and issued Permit No. 36-7159 to appropriate 10.00 cubic feet per second of water from unnamed springs to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ (3 points), SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7S, Rge. 13E, and 4 points in Lot 2(SW $\frac{1}{4}$ NW $\frac{1}{4}$), 9 points in Lot 3(NW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 18, Twp. 7S, Rge. 14E, B.M., Gooding County, to be used for fish propagation 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 October 1, 1976, and that a measuring device of a type approved by the Department be permanently installed and maintained at the points of diversion and the point of effluent discharge; 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. 36-7159 that a measuring device be installed 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

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 36-7159 in the name of)
VIRGIL U. &/or ARDITH NORWOOD)

AMENDED
MEMORANDUM DECISION
AND ORDER

Application for Permit No. 36-7159 was filed with the Department of Water Administration on February 18, 1971, by Virgil U. &/or Ardith Norwood. The application requested the right to divert 10.0 cubic feet per second of water from 17 unnamed springs within Gooding County, with 3 points of diversion within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 1 point of diversion within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, all within Sec. 13, Twp. 7S, Rge. 13E, B.M.; 4 points of diversion within Lot 2, 9 points of diversion within Lot 3, all within Sec. 18, Twp. 7S, Rge. 14E, B.M. The water was to be used from January 1 to December 31 for fish propagation purposes within the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 18, Twp. 7S, Rge. 14E, B.M. and the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 13, Twp. 7S, Rge. 13E, B.M. A notice of the application was published in the Gooding County Leader, Gooding, Idaho, on March 11 and March 18, 1971.

On March 23, 1971, a protest was filed against the approval of the application by Herbert L. Maske. The protest was made on the basis of his prior application, No. 36-7080, for a water right for two of the springs which are located on his land. Another protest was received on March 29, 1971, from Don Wallace. The basis of this protest was his concern over the appropriation of water from Sherman Spring, with resulting injury to existing water rights and that a portion of the place of use described in the said application included land that he owns.

A conference was held in the Gooding County Courthouse, Gooding, Idaho, on April 20, 1971. It was decided that the protest by Mr. Maske could be resolved if the site of the springs in question was physically visited and then factual information submitted at a later time for consideration by the Department.

The protest by Don Wallace was satisfied and later withdrawn when it was determined that the place of use on Mr. & Mrs. Norwood's application was described in error, and that the applicants recognized the prior rights of Don Wallace for the use of Sherman Spring and the Big Springs Water Users Association for the use of Big Spring. An amended application correctly describing the place of use within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 7S, Rge. 13E, B.M. and the W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 18, Twp. 7S, Rge. 14E, B.M., was received by the Department on July 19, 1971.

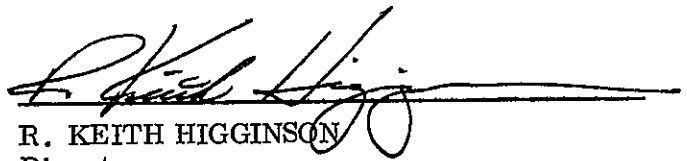
Factual information regarding the physical location of the springs in question was submitted by Herbert Maske as a result of a visit to the springs by Mr. Maske and Mr. Norwood. This information, received May 12, 1971, indicates that the springs in question are springs included in Mr. Maske's Application for Permit No. 36-7080. The description of the points of diversion contained in the application on file in the records of the Department indicates that the springs in question could have been included in Application No. 36-7080.

Therefore, the Department having considered the information presented at the conference, the subsequent information presented in affidavit form and the information contained in the records of the Department, IT IS HEREBY ORDERED that Application for Permit No. 36-7159 be APPROVED subject to the following conditions:

1. That proof of construction of works and application of water to beneficial use shall be submitted to the Department of Water Administration on or before October 1, 1976.
2. That Permit No. 36-7159 is subject to all prior water rights and more explicitly those of Don Wallace in the 'Sherman Spring' and the Big Spring Water Users Association in the 'Big Spring' and also that of Herbert L. Maske from the two springs that are located on Mr. Maske's property, to the extent that such rights do exist.
3. That the permit holder shall not assign, sell nor transfer ownership of the permit without the written approval of the Department of Water Administration. Any attempt to make such transfer without prior approval will be taken as an admission that the application was not filed in good faith and that the applicant had no intention of developing the project with his own resources but that the application was filed for the purposes of delay or speculation.
4. That measuring devices of a type approved by the Department of Water Administration be permanently installed and maintained at the points of diversion and the point of effluent discharge.

IT IS HEREBY FURTHER ORDERED that this Amended Memorandum Decision and Order supercede that Memorandum Decision and Order of October 29, 1971.

Dated this 10 day of January, 19 72.


R. KEITH HIGGINSON
Director

36 7159

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 36-7159 in the name of)
VIRGIL U. &/or ARDITH NORWOOD)
_____)

MEMORANDUM DECISION
AND ORDER

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On March 23, 1971, a protest was filed against the approval of the application by Herbert L. Maske. The protest was made on the basis of his prior application, No. 36-7080, for a water right for two of the springs which are located on his land. Another protest was received on March 29, 1971, from Don Wallace. The basis of this protest was his concern over the appropriation of water from Sherman Spring, with resulting injury to existing water rights and that a portion of the place of use described in the said application included land that he owns.

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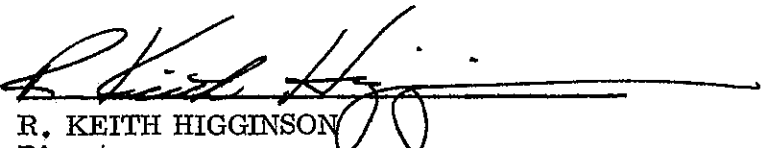
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2. That Permit No. 36-7159 is subject to all prior water rights and more explicitly those of Don Wallace and Big Springs Water Users Association from "Sherman Spring" and also that of Herbert L. Maske from the two springs that are located on Mr. Maske's property.
3. That the permit holder shall not assign, sell nor transfer ownership of the permit without the written approval of the Department of Water Administration. Any attempt to make such transfer without prior approval will be taken as an admission that the application was not filed in good faith and that the applicant had no intention of developing the project with his own resources but that the application was filed for purposes of delay or speculation.
4. That measuring devices of a type approved by the Department of Water Administration be permanently installed and maintained at the points of diversion and the point of effluent discharge.

Dated this 29 day of October, 1971.


R. KEITH HIGGINSON
Director

BDF:DR

5

36 7159

Identification No. _____

Application No. 36-7159

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

Amended

Next 6560

PERMIT ISSUED FOR 10.0 SEC. FT.

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: _____
3 points in NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 7S, R. 13E; 4 points in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$);
9 points in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Sec. 18, T. 7S, R. 14E
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 10.0 for Fish Prop. purpose from Jan. 1 to Dec. 31 (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. 10.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Headgate and ditch

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 \$ 16,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 7S, R. 13E.
(1) Give the place of use of water: W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 18 Township 7 S
Range 14 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 propogation

36 7159

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 _____

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 _____

A full-page sheet of graph paper featuring a uniform grid of small squares. The grid consists of 20 columns and 20 rows, creating a total of 400 square units. The lines are thin and black, set against a white background. There are no margins, text, or other markings on the page.

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.

36 7159

36 7159

AMENDED APPLICATION
7-20-71

Received by DE Date 7-19-71 Time 1:30 Pm

Preliminary check by De Fee \$ 10.00

Receipted by EJ 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 2-18-71 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

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. 36-7159, 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 October 1, 19 76.

c. Other: Pursuant to Memorandum Decision and Order of this date.

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

Witness my hand this 29 day of October, 19 71.

R. Keith Hiji
Director

Identification No. 36-7159
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: _____
NE $\frac{1}{4}$ NE $\frac{1}{4}$ (3 pts) and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 7S, R. 13E, B.M.; Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 4 pts),
Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 9 pts), Sec. 18, T. 7S, R. 14E, B.M.
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 10.0 for fish propagation purpose from Jan. 1 to Dec. 31 (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. 10.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. headgate and ditch

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 \$ 16,000.00.
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 $\frac{1}{2}$ $\frac{1}{4}$ of SE $\frac{1}{4}$ 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 7159

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. _____

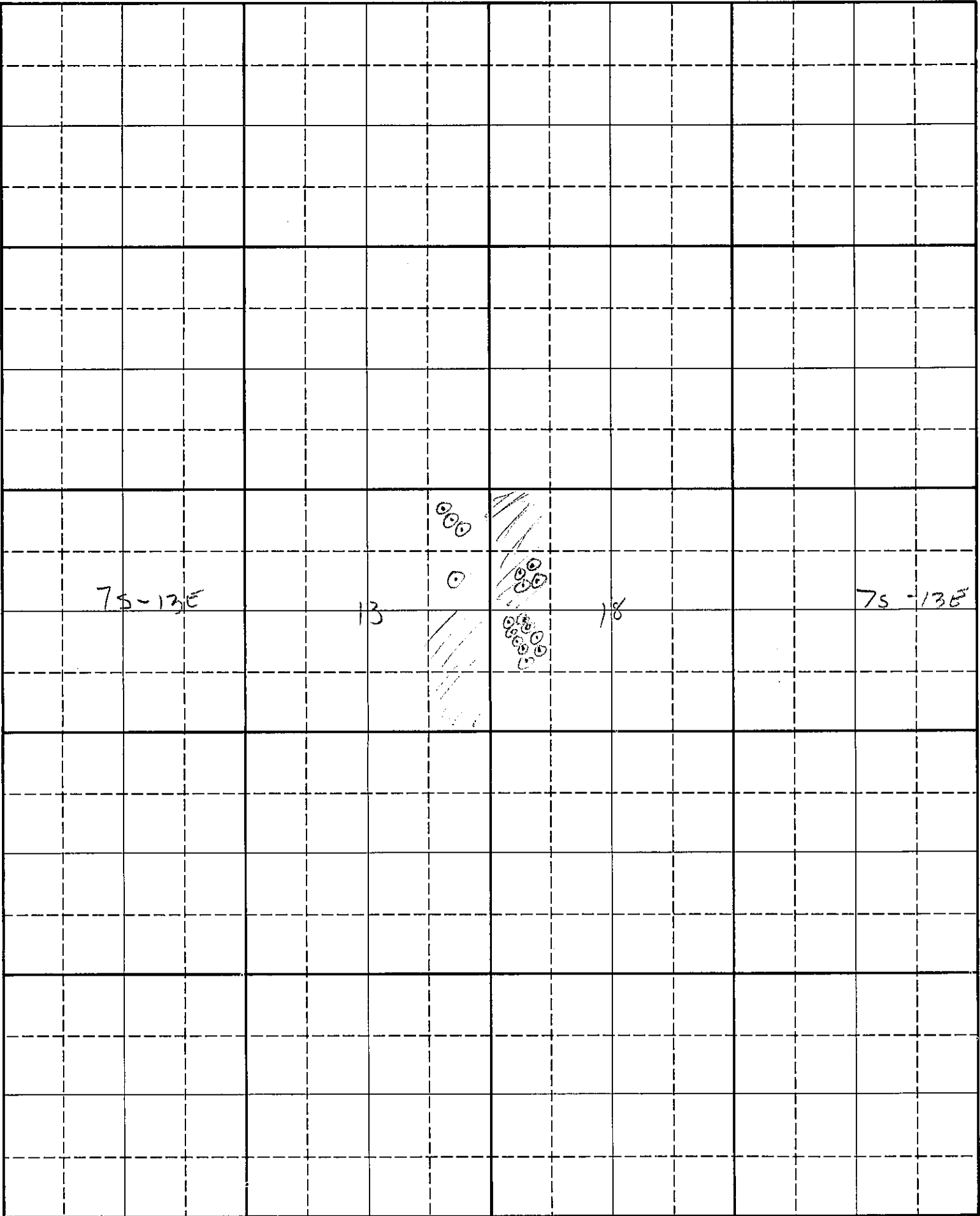
9. a. Who owns the property at the point of diversion Sell H. Maske

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing written agreement SEE 36-7092

10. Remarks _____

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 U. Norwood
(Applicant)

Received by du Date 2-18-71 Time 11:00 AMPreliminary check by du Fee \$ 70.⁰⁰ recit #2368 givenReceipted by ej Date 2-18-71Publication prepared by dr Date 3-2-71Published in Gooding County LeaderPublication dates 3-11 & 3-18, 1971Publication approved du Date 3-29-71

Priority reduced to _____ Reason _____

Protests filed by: Herbert L. MaskeDon WallaceCopies of protests forwarded by dr 3-26-71

Hearing held by _____ Date _____

Recommended for approval denial by _____

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. 36-7159 Name Virgil U. and/or Ardith Norwood

Source unnamed springs

Point of Diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, (3 pts.) and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 7S, R. 13E, B.M.;
Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 4 pts.), Lot 3 NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 9 pts), Sec. 18, T. 7S, R. 14E, B.M.
Gooding County

Quantity 10.0 Use fish prop. Period Jan. 1 - Dec. 31

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.D.

COMMENTS: No comments from a geologic standpoint. me

RECOMMENDED:

Applied: Qty.	<u>10.0</u>	Use	<u>FISH PROP.</u>	Period	<u>1/1-12/31</u>	AF/A	<u> </u>	AF	<u> </u>
Qty.	<u> </u>	Use	<u> </u>	Period	<u> </u>	AF/A	<u> </u>	AF	<u> </u>
Qty.	<u> </u>	Use	<u> </u>	Period	<u> </u>	AF/A	<u> </u>	AF	<u> </u>
Maximum: Qty.	<u>10.0</u>	Use	<u>FISH PROP.</u>	Period	<u>1/1-12/31</u>	AF/A	<u> </u>	AF	<u>7,240</u>
Qty.	<u> </u>	Use	<u> </u>	Period	<u> </u>	AF/A	<u> </u>	AF	<u> </u>
Qty.	<u> </u>	Use	<u> </u>	Period	<u> </u>	AF/A	<u> </u>	AF	<u> </u>

ACTION: Approved ✓ Denied

Conditions of approval or reason for denial:

INVESTIGATION

By

Paul M. Castelin

Title

W.R.I. - I

Date

April 27, 1971

Affidavit of Publication

State of Idaho, }
County of Gooding } ss.

Al 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 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)

Andrew C. Belcher
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

Water Permit
Title of Notice

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. 36-7159 for a permit to appropriate 10.0 cubic feet per second of water from unnamed springs, tributary to Billingsley Creek by means of headgate and ditch within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ (3 points), SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 7S, R. 13E, B.M. and Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ —4 points), Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ —9 points), Sec. 18, T. 7S, R. 14E, B.M., Gooding County, to be used from Jan. 1 to Dec. 31 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

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. 1060

MAR 23 1971

Department of Water Administration

**STARTING
RIGHT
SIDE OF
FILE**

This
Right has been
Decreed in the
SRBA.

MICROFILMED
DEC 17 2003

File 36-7159

36-11

COURT
IDAHO

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

13 JAN 11:55

*Copies 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
of April 7, 1906.

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

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

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



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

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

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

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 7159

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

BOBBY D. FLEENOR
Assistant Director

BDF:DR

cc: John A. Rosholt

36 7159

April 12, 1971

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

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

Dear Mr. & Mrs. Norwood:

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.

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

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Enclosure

36 7159

April 12, 1971

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

C
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 7159

Hagerman, Idaho
March 26, 1971

RECEIVED
MAR 29 1971
Department of Water Resources

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

86 7159

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 12, 1971

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

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 7159

36 7159

BEFORE THE DIRECTOR
OF THE
IDAHO DEPARTMENT OF WATER ADMINISTRATION

In the Matter of Protests Against
Approval of Application for Permit
No. 36-7159 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 23, 1971, John C. Hepworth, Attorney at Law, filed, in behalf of Herbert L. Maske, Indian Springs Ranch, P.O. Box 238, Hagerman, Idaho, a protest against approval of this application. The Department received, on March 29, 1971, a protest against approval of this application from John A. Rosholt, Attorney at Law, filed in behalf of Don Wallace, Twin Falls, Idaho.

The Department has set the matter of protests for conference and/or hearing on April 20, 1971, at 8:00 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 protestants may allow the Department without prejudice to dismiss the protests 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 9 day of April, 1971, to James, Hobdey & Shaw, P.O. Box 176, Attn: Cecil Hobdey, Gooding, Idaho, certified No. 22644; Hepworth, Walker, Nungester & Felton, Bank of Idaho Building, Attn: John C. Hepworth, Buhl, Idaho, certified No. 22646; Herbert L. Maske, Indian Springs Ranch, P.O. Box 238, Hagerman, Idaho, certified No. 22647; 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. Copies of protests enclosed with Nos. 22644 and 22648.

36 7159

LAW OFFICES

JAMES, HOBDEY & SHAW

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

125 FIFTH AVENUE WEST
GOODING, IDAHO 83380

P. O. BOX 176

TELEPHONE 934-4429
AREA CODE 208

REC

April 3, 1971

APR 6 1971

Department of Water Administration

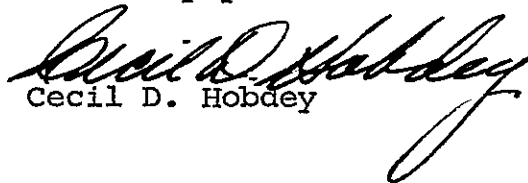
Director
Department of Water
Administration
Statehouse-Annex 2
Boise, Idaho 83707

Re: Application # 36-7159
Virgil U. Norwood

Dear Mr. Higginson:

We would appreciate a hearing of the protest of
Herbert L. Maske in the above entitled application
at your earliest convenience.

Sincerely yours


Cecil D. Hobdey

CDH:fm
cc John Hepworth

*Notified that hearing has been set
by telephone 4/6/71
BDF*

36 7159

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 7159

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,

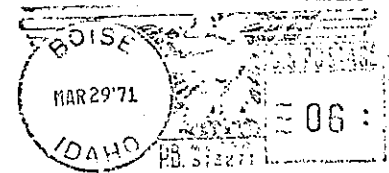
M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

36 7159

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



Mr. Don Wallace

UNKNOWN - Rt. 2

S.E. of City

Twin Falls, Idaho

83301

6544 92

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and address where delivered

☐ Deliver ONLY to addressee

(Additional charges required for these services)

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Received the numbered article described below.

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22646

INSURED NO.

DATE DELIVERED

4/12/71

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DATE DELIVERED

4/11/71

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36 7159

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INSTRUCTIONS TO DELIVERING EMPLOYEE

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INSURED NO.

DATE DELIVERED

APR 12 1971

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36 7159

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INSTRUCTIONS TO DELIVERING EMPLOYEE

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DATE DELIVERED

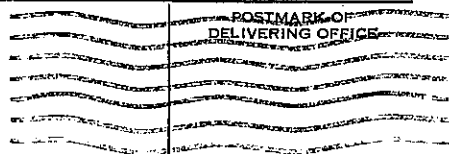
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36 7159

c55-16-71548-10 GPO

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OFFICIAL BUSINESS

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STATE OF IDAHO

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BOISE, IDAHO 83715

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STATE OF IDAHO

STREET AND NO. OR P.O. BOX

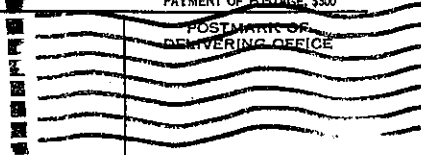
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POST OFFICE, STATE, AND ZIP CODE

BOISE, IDAHO 83715

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OFFICIAL BUSINESS

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



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PAYMENT OF POSTAGE, \$300



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STREET AND NO. OR P.O. BOX

DEPARTMENT OF WATER ADMINISTRATION

POST OFFICE, STATE, AND ZIP CODE

BOISE, IDAHO 83715

63 7159

NAME AND
ADDRESS
OF SENDER

Dept 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

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✓ 1 22637	Frank Schwartz, Council Idaho	06	30	15			app.	67-7031
✓ 2 22638	Clear Lake Trout Co. Inc. m. Earl	06	30	15				36-7148
3	m. Hardy, President, 1220 Vista Ave.							
4	Boise Idaho							
✓ 5 22639	Thousand Springs Trout Farms Inc.	06	30	15				36-7148
6	Box 232, Buhl Idaho							
7 22640	Charles G. Rast, King Hill, Idaho	06	30	15				37-7084
✓ 8 22641	Ralph Faulkner Land Inc. Hooding Ida	06	30	15				37-7084
✓ 9 22642	Faulkner Land & Livestock Co. Inc.	06	30	15				37-7084
10	Hooding, Idaho							
✓ 11 22643	Bryan Kelso, Bliss, Idaho	06	30	15				37-7084
12								37-7085
✓ 13 22644	James, Hobdley & Shaw, P.O. Box 176	06	30	15				37-7084
14	Attn: Cecil D. Hobdley, Hooding, Idaho							36-7159
15 22645	Lyle C. Farley Idaho Power Company	06	30	15				36-7085
16	Box 70, Boise, Idaho							
✓ 17 22646	Hepworth, Walker, Rungles & Helton	06	30	15				36-7159
18	Bank of Idaho Bldg. Attn: John C.							
19	Hepworth, Buhl, Idaho							
20								

TOTAL NO. OF PIECES
LISTED BY SENDER

10

TOTAL NO. OF
PIECES REC'D AT P.O.

POSTMASTER, PER (Name of receiving employee)

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if international

POD Form 3877, Nov. 1963

APPLICATION FOR REGISTRATION OR CERTIFICATION

(Surcharges are not required on international registered mail)

648-16-5792-15 U.S. GOVERNMENT PRINTING OFFICE

36 7159

NAME AND
ADDRESS
OF SENDER

Dept. of Water Administration

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☐ 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 Edith Nowood, Route 1	06	30	15				36-7159
6	Nagerman, Idaho							36-7160
✓ 7	22650 Pansy Robertson, Daly & Larson, P.O.	06	30	15				36-7159
8	Box 525, Attn. John A. Rosbalt							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 L. 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 JoAnn 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

11

TOTAL NO. OF
PIECES REC'D AT P.O.

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)

648-10-5792-15 U.S. GOVERNMENT PRINTING OFFICE

36 7159

Received by Bill Date 8-22-69 Time 1:45
Preliminary check by Bill Fee \$ 100.00
Receipted by ef Date 8-22-69
Publication prepared by ef Date 8-23-69
Published in Boeing Co. Times
Publication dates 9-11 & 18-69
Publication approved du Date 10-15-69
Priority reduced to _____ Reason _____

Protests filed by: None
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by Bill

APPROVED

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. 36-7080, 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 July 1, 19 75.
- c. Other: The permit holder shall permanently install and maintain a measuring device of a type approved by the department as part of the diverting works and outlet works.

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

Witness my hand this 23rd day of July, 19 70.

P. Karl Higg
State Reclamation Engineer

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

Department of Water Administration

BDF

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

In the Matter of Application)
No. 36-7159 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. 36-7159 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

36 7159

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

36 7159

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

April 28, 1971

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

RECEIVED
APR 30 1971
Department of Water Administration
TELEPHONE
(208) 733-3722

Mr. Bob Fleenor
Assistant Director
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Re: Applications 36-7159 & 36-7160

Dear Bob:

Enclosed are pleadings entitled Withdrawal of Protest in regard to the above two permits. Please note that we have conditioned our withdrawals in accordance with what we think our current and future rights and entitlements are.

Please send us copies of the permits when they are issued.

Sincerely,


JOHN A. ROSHOLT

JAR:php

Enc. (2)

36 7159

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

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

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



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

36 7159

36 7159

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

LAW OFFICES
JAMES, HOBDEY & SHAW

125 FIFTH AVENUE WEST
GOODING, IDAHO 83330

P. O. BOX 176
TELEPHONE 834-4420
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 36-7092 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
Cecil D. Hobdey

CDH:fm
Encis.

36 7159

PARRY, ROBERTSON, DALY & LARSON

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED O. DECKER
ROBERT C. PAINE

LAWYERS
THE IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 525
TWIN FALLS, IDAHO 83301

March 26, 1971

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.

16980

36-2043

Answered
D

Sincerely,

John A. Rosholt
JOHN A. ROSHOLT

JAR:php

Enc.

6-3-1970 statement in Sec of State office shows

Art. V. Hagerman
Ferry Jolley U.P.
George H. Lammert
T. B. Fausett
Traveller

304

36 7159

Bob do you have
any knowledge of this
Bob F

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
Person to contact _____ Southern District Office 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 10.00 c.f.s. for Fish Propagation
_____ AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(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. 36-7159
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 10.00 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

(3 pts.)
Township 7S N/S, Range 13E E/W, B.M., Section 13, Subdivision NE 1/4 NE 1/4, Gooding
County
* Township 7S N/S, Range 13E E/W, B.M., Section 13, Subdivision SE 1/4 NE 1/4, Gooding
(4 pts.) County
* Township 7S N/S, Range 14E E/W, B.M., Section 18, Subdivision SW 1/4 NW 1/4, Gooding
County
* Other Points of Diversions: 9 pts., NW 1/4 SW 1/4, Sec. 18, Twp. 7S, Rge. 14E, Gooding County

Description of diverting works: headgate & 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	14E	18					X	X											
7S	13E	13				X													

TOTAL ACREAGE _____

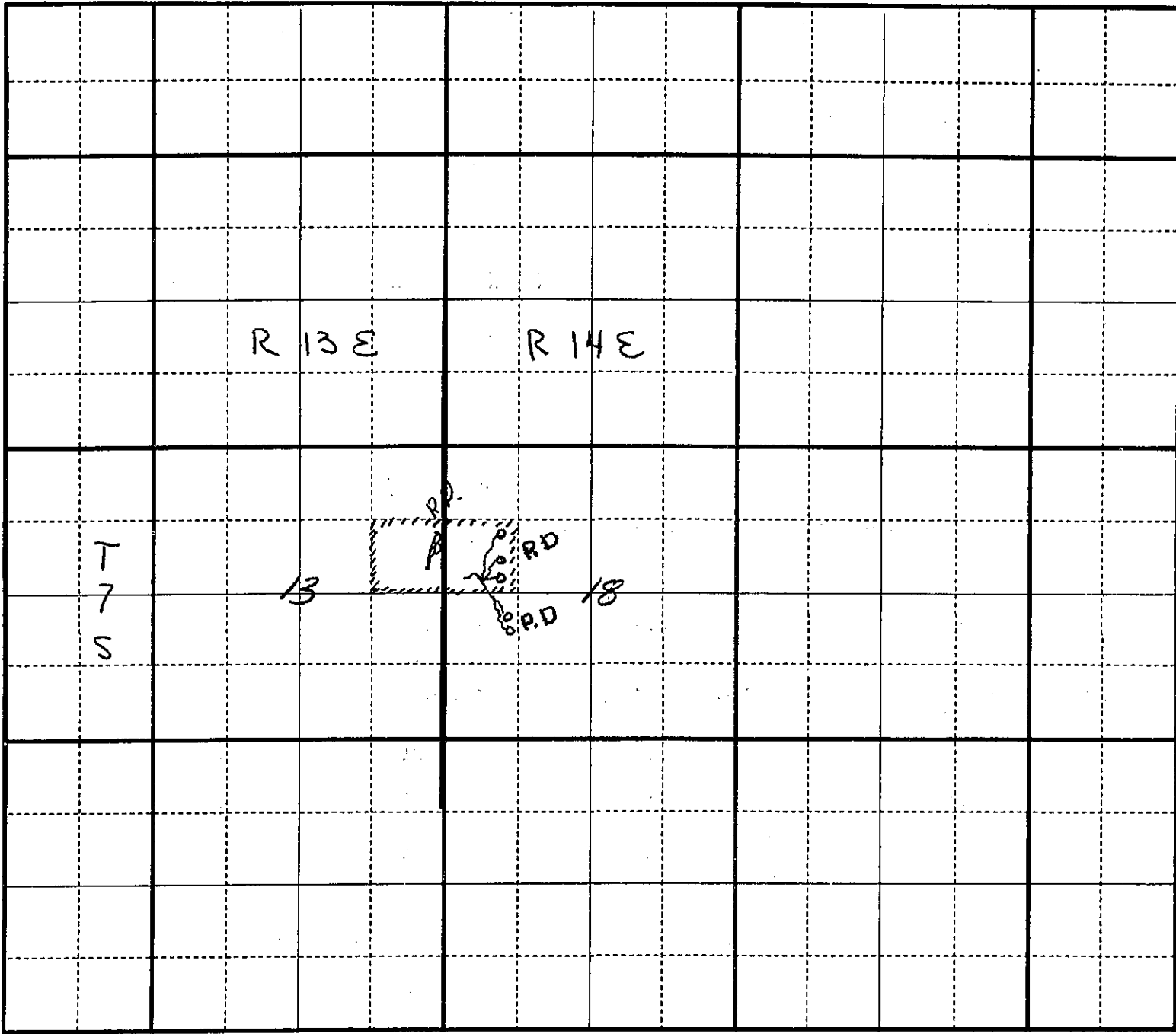
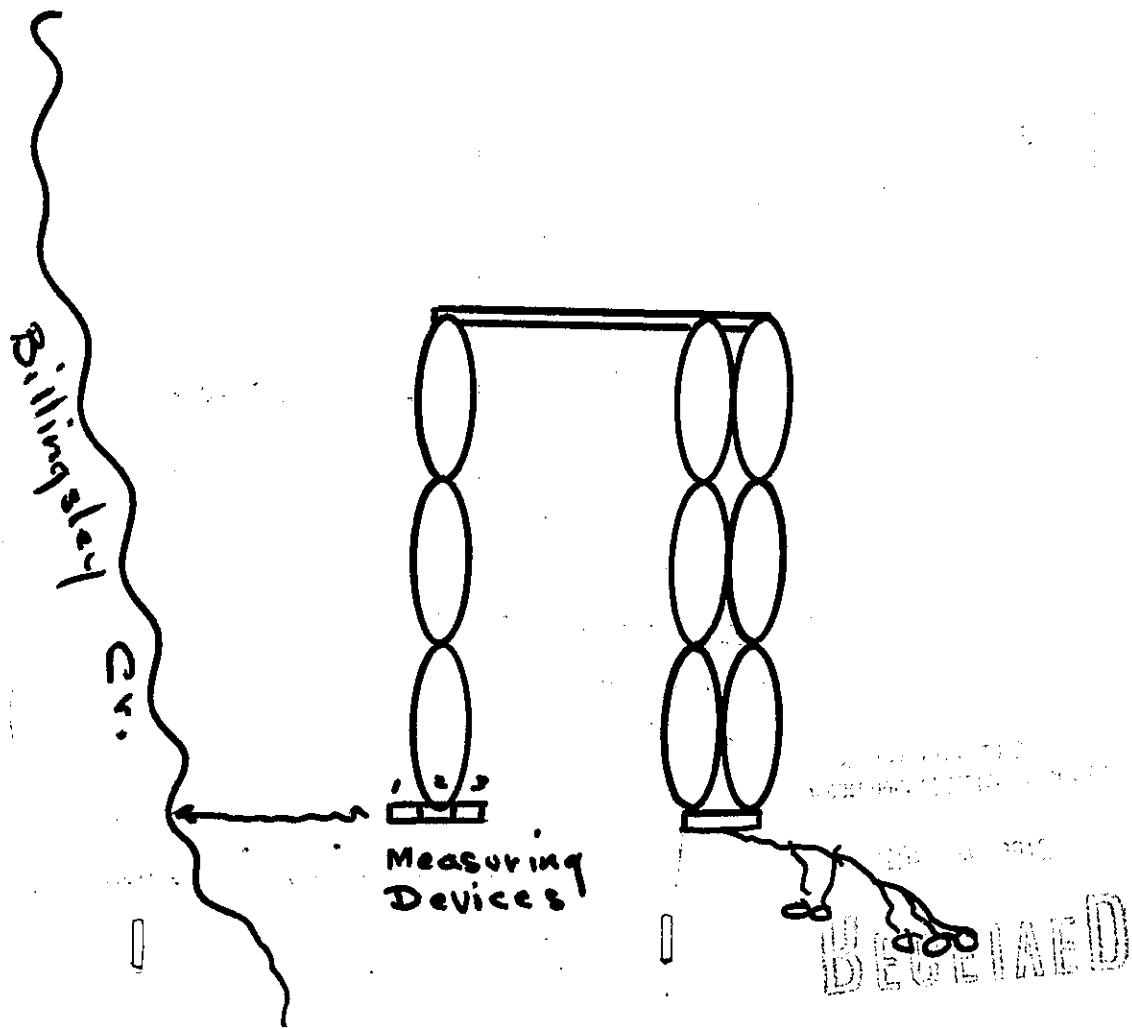


Diagram of System



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 = 10.0 c.f.s. from Jan 1 to Dec 31

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 10.0 c.f.s. Meter No. ✓ Type 3 ft Condition New.

Total V recommended None Required.

Recommended Amendments: No Amendments. only these points of diversion 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 ft Cipolletti Weirs
Q = 10.0 c.f.s. Amount Applied for.

0.82 = 7.50 c.f.s. (2) .84 = 7.28 c.f.s. (3) .81 = 7.36 c.f.s

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 #36-7160, #36-7092 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 May Lunderburg Date 11-21-75

Checked by Allen Merrill Date 11-24-75

Approved by Date

Identification No. _____

Permit No. 36-7159

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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 36-7159
3. Date of Priority that you are prepared to establish 2-18-1971
4. a) Source from which water was appropriated Unnamed springs
b) Location of the point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$ $\frac{1}{4}$ NE $\frac{1}{4}$ $\frac{1}{4}$, Section 13
Township 7S, Range 13E Boise Meridian, Other points of diversion: _____
(Lot 2) SW $\frac{1}{4}$ NW $\frac{1}{4}$, (Lot 3) NW $\frac{1}{4}$ 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 10.0 cfs for Fish propogation purposes from Jan. 1 to Dec. 31 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 10.0 cfs 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) Headgate & fish ponds.
b) Describe the type and size of measuring device which you have installed at your point of diversion: cipolletti wiers
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 7-2-75 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)

Virgil H. Norwood
Ardis H. Norwood
(Signature)

State of Idaho)

County of Gooding) ss.

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. Hansen
Notary Public residing at _____
Hagerman, Idaho

My commission expires 3-1-79

June 21, 1975

REGARD

1174 20

Management of Water Resources

Dear Sirs;

Your time and effort in this matter is greatly appreciated.

Respectfully,

James Norwood
James V. Norwood

True Friend

REPORT

MEMO

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 NE¹/₄NE¹/₄, 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)

September 18, 1974

Federal Land Bank of Gooding
Attn: Allan McCombs
121 4th Ave., West
Gooding, ID 83330

Dear Mr. McCombs:

Enclosed is a copy of License No. 36-2602, Permit No. 36-7080, Permit No. 36-7159, and the Memorandum Decision and Order issued on Permit No. 36-7159.

The fee for the copies is \$2.75 which you may remit to this office at your earliest convenience.

If you have any questions concerning this matter, please contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JG
Enclosures

MICROFILMED

January 12, 1972

Re: Permit No. 36-7159

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

Dear Mr. & Mrs. Norwood:

Enclosed please find a copy of the Amended Memorandum Decision and Order issued in connection with your permit 36-7159. You will note that the wording has been changed in item 2 of the conditions of approval.

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

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosure

cc: John C. Hepworth
Cecil D. Hobday
John A. Rosholt

36 7159

December 20, 1971

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

Mr. Cecil D. Hobdey
JAMES & HOBDEY
P.O. Box 176
Gooding, Idaho 83330

Dear Mr. Hobdey:

Recently, Mr. John Rosholt brought to our attention a change of wording that should be made in the Memorandum Decision and Order issued in the above named matter on October 29, 1971.

The wording has reference to the description of the particular rights that are recognized by Mr. & Mrs. Norwood. The present description of the rights of Don Wallace and Big Springs Water Users Association would indicate that both have rights in 'Sherman Spring', when in fact, Don Wallace has the right in 'Sherman Spring' and the Big Springs Water Users Association in 'Big Spring'.

Unless you have some objection to this change, we will issue an amended order indicating this change in the description of the various rights in the last paragraph on page 1 and also change item 2 of the conditions of approval to read as follows:

"That Permit No. 36-7159 is subject to all prior water rights and more explicitly those of Don Wallace in the 'Sherman Spring' and the Big Spring Water Users Association in the 'Big Spring' and also that of Herbert L. Maske from the two springs that are located on Mr. Maske's property."

If we do not hear otherwise in 15 days, we will assume you have no objections and the amended memorandum decision and order will be issued.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:dr
cc: John R. Rosholt

36 7159

LAW OFFICES
HEPWORTH, NUNGESTER, AND FELTON
PROFESSIONAL CENTER
1020 MAIN
AREA CODE 208
PHONE 543-4368
BUHL, IDAHO -- 83316

RECEIVED

NOV 17 1971

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

November 16, 1971

Department of Water Administration

Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Atten: Mr. Fleenor

Re: Permit No. 36-7159 - Norwood

Dear Bob:

I received a copy of the letter sent to you by John Rosholt, dated November 12, 1971, regarding the above permit. I agree with John's comment and respectfully suggest that paragraph 2 might be amended as John has suggested in the interests of clarification. I am sure that it changes nothing from your order other than correcting a technicality and perhaps making it a little less ambiguous.

I am sending a copy of this letter to John Rosholt. Thank you for your consideration.

Very truly yours,

HEPWORTH, NUNGESTER & FELTON


John C. Hepworth

JCH:bh
cc. John A. Rosholt

36 7159

36 7159

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

November 12, 1971

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

RECEIVED

NOV 15 1971

Department of Water Administration
TELEPHONE
(208) 733-3722

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

Re: Permit No. 36-7159 - Norwood

Attention: Bobby D. Fleenor

Dear Bob:

I have just received and read through Keith's memorandum decision and order concerning the above permit.

Everything would appear to be in order except that the order indicates that both Don Wallace and the Big Spring Water Users Association have rights in the use of Sherman Spring. This is evident from reading the last paragraph on Page 1 and paragraph No. 2 of the order. In fact, the "Sherman Spring" and the "Big Spring" are separate springs. In other words, the Big Spring Water Users Association has no right in Sherman Spring but Don Wallace has some right in the Big Spring by reason of the fact that he is a shareholder in the Big Spring Water Users Association. I am sure I am merely pointing out a technical difference, however, I think it is somewhat important to note that the springs are separate and, in fact, according to the New International decree entered in 1932, the springs lie approximately fifty feet apart. It would appear to me that perhaps a more appropriate paragraph 2 would indicate as follows:

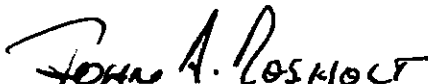
"That permit No. 36-7159 is subject to all prior water rights and more explicitly those of Don Wallace in the 'Sherman Spring' and the Big Spring Water Users Association in the 'Big Spring' and also that of Herbert L. Maske from the two springs that are located on Mr. Maske's property."

36 7159

Page 2. Letter to Mr. Keith Higginson dated November 12, 1971

I believe this would make the order somewhat more meaningful.

Sincerely,


JOHN A. ROSHOLT

JAR:php

November 11, 1971

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

Parry, Robertson, Daly & Larson
P.O. Box 525
Twin Falls, Idaho

ATTN: John A. Rosholt

Dear John;

Enclosed please find a copy of our cover letter to Virgil U. Norwood and the Memorandum Decision and Order in connection with the above referenced permit.

Copies of this Decision and Order were sent to all attorneys and protestants involved. We have failed to contact Mr. Don Wallace of Twin Falls; therefore, we would appreciate it if you could contact Mr. Wallace making sure he receives a copy of this Decision and Order.

Your assistance in this matter is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:CR

Enc: copies

36 7159

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

November 9, 1971

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

Virgil U. Norwood
Route #1
Hagerman, Idaho

Dear Mr. Norwood:

Enclosed is a copy of your approved Application for Permit No. 36-7159. 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

cc: All protestants and Attorneys

36 7159

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 7159

ANDREW F. JAMES
CECIL D. HOBDEY

LAW OFFICES
JAMES & HOBDEY
125 FIFTH AVENUE WEST
P.O. BOX 176
GOODING, IDAHO 83330

TELEPHONE 934-4429
AREA CODE 208

May 22, 1971

Dept. of Water Administration
State House - Annex 2
Boise, Idaho 83707

Re: Permit No. 36-7159
36-7092
Virgil U. Norwood.

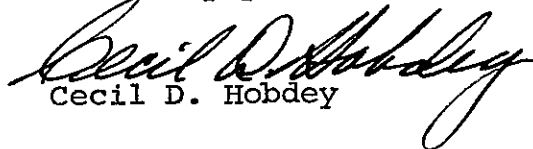
Gentlemen:

We inclose herewith applications for amendment in each of the above referenced. The purpose of the amendment is to correctly designate the place of use.

Also inclosed is Mr. Norwood's check in the amount of \$20.00, representing a \$10.00 fee in each permit.

Also inclosed in connection with the application number 36-7159 is an affidavit of Roy Smalley.

Sincerely yours


Cecil D. Hobdey

CDH:fm
Encls.

P.S. We would appreciate an early decision in this matter inasmuch as construction is underway on the fish ponds etc.

CDH.

36-7159

not enclosed

RECEIVED
MAY 24 1971
Department of Water Administration

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RECEIVED

Department of State Administration

Hagerman, Idaho
May 20, 1971

In April of 1970, approximately April 13, water filings on springs were discussed by Virgil Norwood and myself in the presence of Herbert L. Maske. We were on the railroad fill near the springs. One of the springs was within approximately 30 feet northeast of the cut or washout in the railroad fill and the other springs were directly below the north spring of the Hagerman Water Users Association and near the fence forming the south boundary between the property of Virgil Norwood and Herbert Maske. At that time it was the intention of Mr. Maske to develop and pipe the spring nearest the cut in the railroad fill to his property below for fish propagation. To my knowledge he had no intention of using the springs directly below the north spring of the Hagerman Water Users Association and near the south fence boundary between Norwood and Maske. I suggested to Mr. Maske that he could also pipe the water from these springs near the south boundary fence through the cut in the railroad fill. At this time Virgil Norwood stated that he had ~~an~~ ^{R.S.} ~~an~~ filing on these two springs, with Mr. Maske's approval, and intended to use them on his own property. As I remember Mr. Maske said nothing.

Roy Smalley
Roy Smalley

Witness: *Ralph Behrens*

Witness: *Elwood D. Thimes*

State of Idaho) ss.
County of Gooding)

On this 20 day of May 1971, before me the undersigned, a notary public and for said State personally appeared Roy Smalley known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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.

David R. Johnson

Notary Public for the State of
Idaho residing at *Hagerman*

28 7159

RECEIVED
Department of Water Administration

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STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

In the Matter of Application)
No. 36-7159 of Virgil U. Norwood)
and Ardith Norwood, husband) PROTEST
and wife.)

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. 36-7159.

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

PARRY, ROBERTSON & DALY
LAWYERS
TWIN FALLS, IDAHO

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. 36-7159 be granted.

24 NOW, THEREFORE, DON WALLACE hereby protests Application
25 No. 36-7159 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. 36-7159 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. 36-7159

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. 36-7159 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 on oath, 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

28
29
30 36 7159
31
32

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 25, 1971

Re: Application No. 36-7159

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

Dear Mr. and Mrs. Norwood:

Enclosed is a copy of the protest filed against the issuance of a permit pursuant to your Application for Permit No. 36-7159. This protest was filed by John C. Hepworth in the behalf of Herbert L. Maske.

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 waters intended to be appropriated must be public water of the State of Idaho. If private waters, as defined under Section 42-212 of the Idaho Code, the applicant must have authority from the owner of the land on which the water lies to divert the water.

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.

Page 2

Mr. & Mrs. Norwood

Re: 36-7159

March 25, 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 applicant 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 conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although, you may desire to employ an attorney in your behalf.

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

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF/bb

Enclosure

36 7159

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 25, 1971

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

Mr. Herbert L. Maske
Indian Springs Ranch
P. O. Box 238
Hagerman, Idaho 83332

Dear Mr. Maske:

We are in receipt of your protest concerning the above referenced application for permit. The following are the only items which, under Section 42-203 of the Idaho Code, can be considered at a hearing and/or conference in either approving or denying an application for permit:

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?

Please bear in mind that the Department may reject such 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.

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 individuals concerned through action outside of the water right proceedings.

36 7159

36 7159

Page 2
Mr. Herbert Maske
Re: 36-7159
March 25, 1971

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 can be of further assistance, please contact us.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF/bb
cc: John C. Hepworth

36 7159

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 7159

RECEIVED

MAR 8 1971

Hagerman, Idaho
March 4, 1971

Department of Water Administration

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

file

Dear Mr. McEldowney:

A construction schedule is being submitted to supplement the maps and other data presently in your office showing the general layout of the proposed fish hatchery facilities including the locations of the springs, size and locations of the raceways, feeder canals, diversion works, headgates, spillways and measuring weirs on the property of Virgil U. Norwood adjacent to Billingsley Creek in the Hagerman Valley.

Starting February 22, 1971 a road was built into the sight of the proposed raceways, the area of the raceways surveyed and land levelling is presently under progress for their construction.

The raceways will be completed and ready to receive 6 to 7 inch rainbow trout for rearing by October 1971. Also ditches, pipes and headgates will be constructed to convey the water for the raceways, measuring weirs installed and access roads completed. The trout eggs have already been ordered and arrangements made to rear them to the 6 to 7 inch size for us. Upon reaching market size the sales arrangements have already been completed.

In addition, construction of a residence adjacent to the fisheries facility will be completed by early 1972.

Presently the residence of Virgil Norwood is relatively close to and in view of the proposed rearing facilities.

Mr. Elwood D. Grimes, who has been engaged in fisheries work for 31 years, holds a B.A. Degree in Biology and has been actively propagating trout on a large scale and doing research on fish nutrition and disease for the last 23 consecutive years will be an active partner in this business venture.

Very truly yours,

Virgil U. Norwood
Hagerman, Idaho 83332

36 7159

R 13E 7 7 T
 S 8 S R 14E

12 17

NE 1/4, NE 1/4 Sec 13

13 18 Lot 1 Sec 18

Virgil Norwood

SE 1/4, NE 1/4 Sec 13

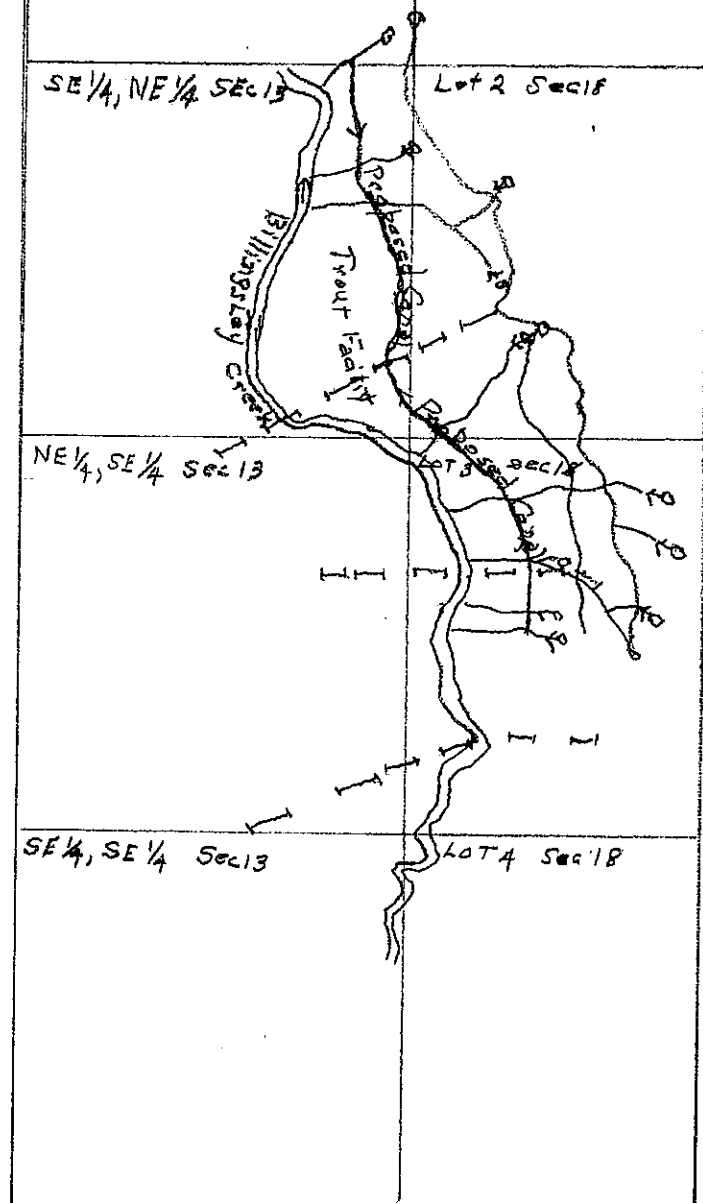
Lot 2 Sec 18

NE 1/4, SE 1/4 Sec 13

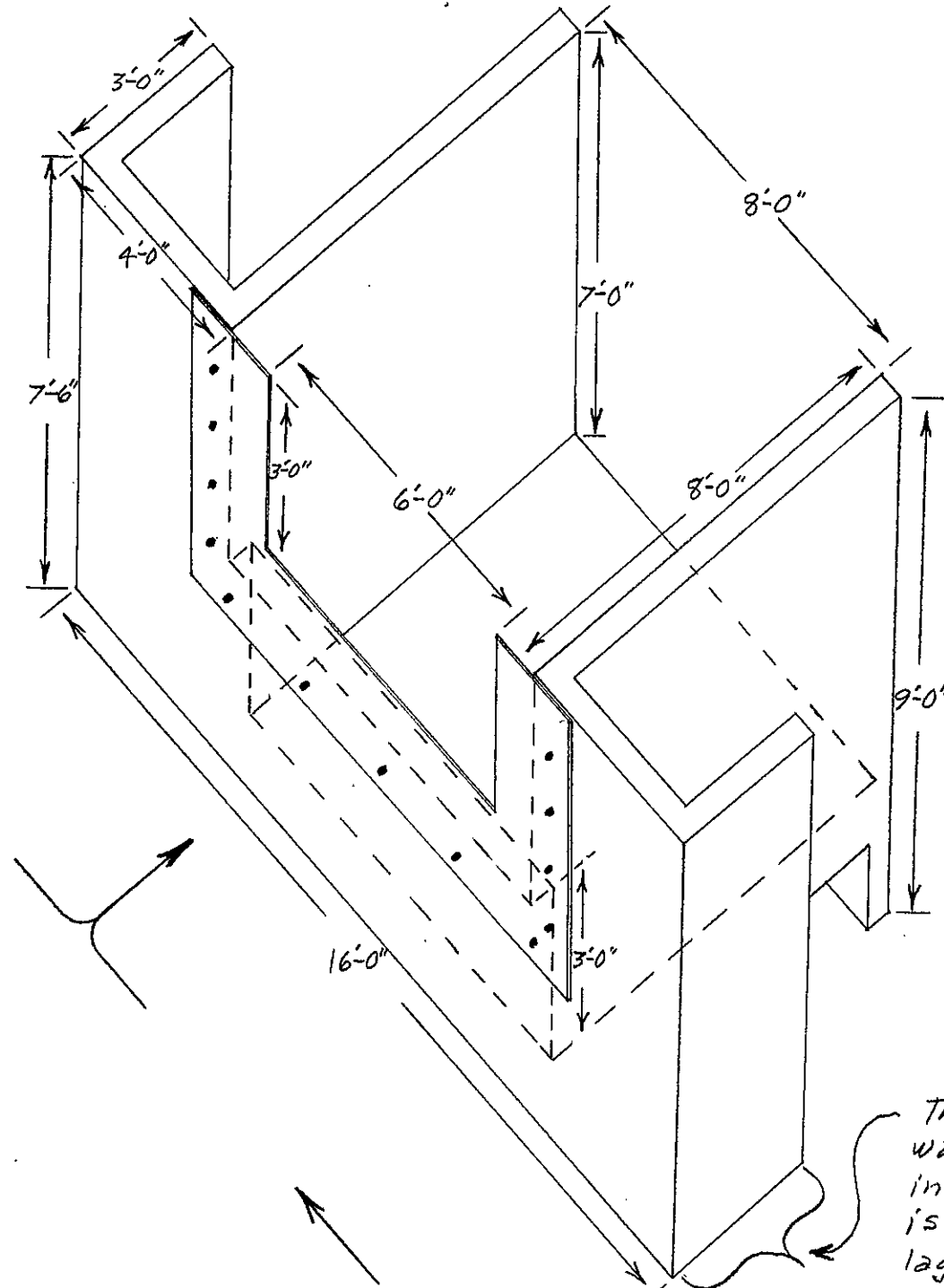
Lot 3 Sec 18

SE 1/4, SE 1/4 Sec 13

Lot 4 Sec 18



This structure to be used for measuring device
before the raceways and from the lagoon to Billingsley Cr.



6514 36 7159

All walls are
to be 6" thick.
All steel is #4($\frac{1}{2}$)
 ϕ @ 12" C-C placed
both ways in slab.

Weir plate to be
bolted to the face
of the str.

This portion of wing
wall will not be
installed when str.
is used between
lagoon and Creek.

*This copy for
Virgil*

RECEIVED

MAR 3 1971

Department of Water Administration

36 7159

RECEIVED

MAR 3 1971

VIRGIL NORWOOD

Department of Water Administration

The water requirements for this commercial trout facility is 36 cu. ft. per second. A permit was granted for a 10 cfs facility. This 10 cfs + the 26 cfs in this filing will be used in the same trout facility. The A & D pond series requires 33 cfs. The C thru H raceway series requires 12.8 cfs. The Hatchery facility .2 cfs for a total of 46.0 cfs. The 12.8 cfs and .2 cfs will flow through the A & B pond series.

The soils the facility will be constructed on are lake laid silts and will work satisfactory for the earthen ponds. The pond will have a two to one side slope and will be gravelled on the sides and bottom.

The area around the ponds and other disturbed areas will be seeded to sodar wheatgrass for erosion stabilization. Juniper trees and shrubs will be planted in a non conforming manner beautifying the site.

36 7159

RECEIVED

MAR 3 1971

VIRGIL NORWOOD

Water Requirements

Department of Agriculture

Field No.	Length	Average Width	Water Depth	Cu. Ft.	No. Water Changes per hour	Cu. ft. water needed per hour	CFS. Needs
A1	110'	40'	4.5	19,800	3.0	59,400	
A2	110'	40'	4.5	19,800	3.0	59,400	
A3	110'	40'	4.5	19,800	3.0	59,400	
A4	110'	40'	4.5	19,800	3.0	59,400	16.5
B1	110'	40'	4.5	19,800	3.0	59,400	
B2	110'	40'	4.5	19,800	3.0	59,400	
B3	110'	40'	4.5	19,800	3.0	59,400	
B	110'	40'	4.5	19,800	3.0	59,400	16.5
C1	100'	10'	4	4,000	2.0	8,000	
C2	100'	10'	4	4,000	2.0	8,000	2.3 *
D1	100'	10'	4	4,000	2.0	8,000	
D2	100'	10'	4	4,000	2.0	8,000	2.3 *

36 7159

Virgil Norwood cont.

Pond No.	Length	Average Width	Water Depth	Cu. Ft.	No. water Changes per hour	Cu. ft. Water needed per hour	CFS. Needs
E1	100'	10'	4	4,000	2.0	8,000	
	100'	10'	4	4,000	2.0	8,000	2.3 *
F1	100'	10'	4	4,000	2.0	8,000	
F2	100'	10'	4	4,000	2.0	8,000	2.3 *
G1	100'	10'	4	4,000	2.0	8,000	
G2	100'	10'	4	4,000	2.0	8,000	2.3 *
H1	100'	10'	4	4,000	2.0	8,000	
H2	100'	10'	4	4,000	2.0	8,000	2.3 *
Hatchery							.2
Total							<u>46.0</u>

36 7159

* This water will be re-used in the A & B series.

RECEIVED

MAR 3 1977

U.S. DEPT. OF WATER RESOURCES

VIRGIL NORWOOD

Annual Trout Production

Pond No.	Length.	Average Width	Water Depth	Cu. Ft.	Lbs. per cu. ft.	Annual Pond Production
A1	110'	40'	4.5	19,800	1.75	34,650
A2	110'	40'	4.5	19,800	1.75	34,650
A3	110'	40'	4.5	19,800	1.75	34,650
A4	110'	40'	4.5	19,800	1.75	34,650
B1	110'	40'	4.5	19,800	1.75	34,650
B2	110'	40'	4.5	19,800	1.75	34,650
B3	110'	40'	4.5	19,800	1.75	34,650
B4	110'	40'	4.5	19,800	1.75	34,650
C1	100'	10'	4	4,000	1.75	7,000
C2	100'	10'	4	4,000	1.75	7,000
D1	100'	10'	4	4,000	1.75	7,000
D2	100'	10'	4	4,000	1.75	7,000

7459
36

Virgil Norwood cont.

Pond No.	Length	Average Width	Water Depth	Cu. Ft.	lbs. per cu. ft.	Annual Pond Production
E1	100'	10'	4	4,000	1.75	7,000
E2	100'	10'	4	4,000	1.75	7,000
F1	100'	10'	4	4,000	1.75	7,000
F2	100'	10'	4	4,000	1.75	7,000
G1	100'	10'	4	4,000	1.75	7,000
G2	100'	10'	4	4,000	1.75	7,000
H1	100'	10'	4	4,000	1.75	7,000
H2	100'	10'	4	4,000	1.75	7,000
Total						361,200

6574 92

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 7159

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 7159

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 7159

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 (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

RECEIVED
MAR 27 1971
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

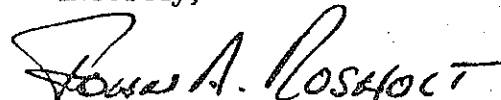
Dear Don:

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

JAR:php

Enc.

36 7159

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
ds*

DWM:DR
Enc: Legal notices (2)

36 7159

3-11-2tc

**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. 36-7159 for a permit to appropriate 10.0 cubic feet per second of water from unnamed springs, tributary to Billingsley Creek by means of headgate and ditch within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ (3 points), SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 7S, R. 13E, B.M. and Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ —4 points), Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ —9 points), Sec. 18, T. 7S, R. 14E, B.M., Gooding County, to be used from Jan. 1 to Dec. 31 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

3-11-2tc

O.K.
3-8-71
J.D.

36 7159

1

1

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Virgil U. and/or Ardith Norwood, Route 1,
Hagerman, Idaho, have on
4/15/71 February 18, 1971, submitted Application No. 36-7159
for a permit to appropriate 10.0 cubic feet per second ~~Acres/feet/ft/ft/ft~~
of water from ~~an~~ unnamed springs, tributary to Billingsley Creek
by means of headgate and ditch
within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ (3 points), SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 7S, R. 13E, B.M. and Lot 2
(SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 4 points), Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 9 points), Sec. 18, T. 7S, R. 14E, B.M.,
Gooding County,
to be used from Jan. 1 to Dec. 31
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.

^{issued}
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

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

36 7159

February 18, 1971

Mr. Virgil U. Norwood
Route #1
Hagerman, Idaho 83332

Dear Mr. Norwood:

We will require a map for each of your new applications, showing the spring locations by 40-acre subdivision, section, township, and range; also the location of your fish ponds and the feeder canal.

We will also need a construction schedule, as well as a preliminary design of the hatchery facilities, indicating the size of raceways, general layout, the size of pipelines or other diversion works and such other information as will fully describe the method and means of diversion and verify the need for the quantity of water you have asked to appropriate.

Please submit this information within 15 days from the date of this letter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

36 7159

LAW OFFICES
HEPWORTH, NUNGESTER, AND FELTON
PROFESSIONAL CENTER
1020 MAIN
AREA CODE 208
PHONE 543-4368
BUHL, IDAHO -- 83316

RECEIVED

MAR 23 1971

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

March 22, 1971

Department of Water Administration

Department of Water Administration
Statehouse - Annex 2
Boise, ID 83707

Gentlemen:

Please find enclosed the Protest of Herbert L. Maske to the
appllction filed by Virgil U. and/or Ardith Norwood of Hagerman.
Would you please file the above protest and keep me advised with
respect to the status of the application.

Very truly yours,

HEPWORTH, NUNGESTER & FELTON

John C. Hepworth
John C. Hepworth

JCH:bh

Encl.

36 7159

RECEIVED

MAR 23 1971

Department of Water Administration

1 HEPWORTH, NUNGESTER & FELTON
2 1020 Main, Buhl, Idaho 83316
3 Tel. No. 208-543-4368
4 Attorneys for Protestant
5
6
7

8 BEFORE THE DIRECTOR OF THE
9 IDAHO DEPARTMENT OF WATER ADMINISTRATION

10 * * * * *

11
12 IN THE MATTER OF THE APPLICATION OF)
13 VIRGIL U. and/or ARDITH NORWOOD) P R O T E S T
14 Identification No. 36-7159) of
HERBERT L. MASKE

15 * * * * *

16 COMES NOW Herbert L. Maske and protests the above
17 application for a permit and in support of said protest states:

18 (1) That protestant owns the property upon which the
19 diversion in the above application is located. The applicant in
20 the above application has not obtained permission to enter upon
21 protestant's land for the purpose of the above application.

22 (2) That protestant is the owner of an approved permit,
23 to wit: Identification No. 36-7080, which awards to the pro-
24 testant the right to develop all or a portion of the waters
25 applied for in the above-captioned permit, therefore, there is
26 no water available at the locations designated for appropriation.

27 -1-
28

1 (3) That protestant is advised and on such information
2 believes that the above application has been made for a specula-
3 tive purpose and is, therefore, contrary to the public policy of
4 the State of Idaho and should not be approved.

5 WHEREFORE, protestant prays that the application be
6 denied.

7 Dated this 22nd day of March, 1971.

8
9 *Herbert L. Maske*

10 Herbert L. Maske
11 Indian Springs Ranch
12 P. O. Box 238
13 Hagerman, Idaho 83322



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)

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

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

May 11, 1971

Department of Water Administration

Dept. Water Administration
Statehouse-Annex 2
Boise, ID 83707

Re: Application No. 36-7159
Virgil Norwood--Protest of
Herbert L. Maske

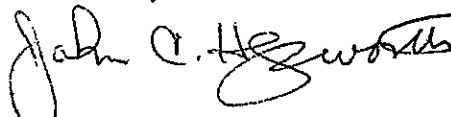
Gentlemen:

I represent Herbert L. Maske in connection with the protest which he filed relating to Virgil U. Norwood's application, No. 36-7159. You may recall that an informal conference was held in Gooding concerning this matter and Mr. Norwood's attorney, Mr. Cecil Hobdey, and I agreed to submit affidavits with respect to the only factual matter that appears to be in dispute and then submit the matter for decision. Mr. Hobdey may wish to submit further factual information or to submit briefs. I am willing to follow his lead in this connection. I will wait until I hear from either Mr. Hobdey or the department with respect to either submitting this matter for decision without anything further or whether we will be expected to file briefs or submit further information on the factual issues.

I am sending a copy of the enclosed affidavit to Mr. Hobdey for his information.

Very truly yours,

HEPWORTH, NUNGESTER & FELTON


John C. Hepworth

JCH:bh
Encl.
cc. Cecil Hobdey

36 7159

Department of Water Administration

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

BEFORE THE STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

IN THE MATTER OF THE APPLICATION,)
No. 36-7159 OF VIRGIL U. NORWOOD,) AFFIDAVIT
AND ARDITH NORWOOD.)

STATE OF IDAHO)
County of Twin Falls) ss.

Herbert L. Maske being first duly sworn deposes and
says:

That he is the owner and holder of permit No. 36-7080
filed with the Department of Water Administration and approved
October 15, 1969.

That a copy of the approved application is attached to
this affidavit and incorporated herein by reference for greater
certainty.

That Virgil U. Norwood filed the application in
question seeking to appropriate two of the springs located on
affiant's land after affiant's application was filed.

1.

36 7159

1 That affiant makes this affidavit in response to the
2 affidavit submitted by Virgil U. Norwood, dated April 30, 1971.
3 Mr. Norwood in his affidavit contends that affiant gave permis-
4 sion to Mr. Norwood to file upon the two springs located on
5 affiant's land.

6 Affiant affirmatively states that he has never given
7 Virgil U. Norwood nor anyone else permission to file upon the
8 two springs in question. The first time affiant recalls having
9 any discussion with Virgil U. Norwood regarding the two springs
10 in question occurred late in March or early in April of 1971.
11 On that occasion, Mr. Norwood asked affiant if he (Mr. Norwood)
12 could enter upon affiant's land for the purpose of piping water
13 from the two springs to Norwood's land. Affiant advised Mr.
14 Norwood that affiant had filed on the springs, expected to use
15 the same for purposes of fish propagation and pointed out to
16 Mr. Norwood that considerable development work had already been
17 done relative to developing the springs located upon affiant's
18 land for this purpose. Affiant has since discussed this matter
19 with Mr. Norwood in an effort to resolve the question but
20 affiant has never by act or deed indicated any willingness
21 to allow Mr. Norwood to enter affiant's land to divert the two
22 springs in question, nor has affiant in any way indicated an
23 approval to Norwood to use the springs in question. The truth
24 is, that affiant advised Norwood that he had filed an application
25 to appropriate the two springs in question and others located
26 on affiant's land and that the permit had been approved by the
27 Department of Water Administration.

28 2. 36 7159 36 7159

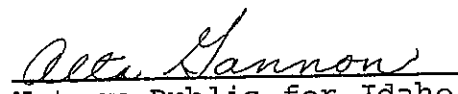
1 The assertion contained in Mr. Norwood's affidavit
2 inferring that affiant could not use the waters from the two
3 springs is totally in error. The water from the two springs
4 can be used by affiant and affiant has, in fact, been doing
5 the development work necessary to beneficially use the waters
6 from said springs for the purpose of fish propagation.

7 The assertion by Mr. Norwood that affiant has not filed
8 upon the springs in question is neither accurate nor supported
9 by the facts on file with the Department of Water Administration.
10 Affiant requires the springs in question to satisfy application
11 number 36-7080 which the Department of Water Administration
12 has already approved.

13
14 Dated: May 10, 1971.

15
16 
17

18
19 Subscribed and sworn to before me this 10th day of
20 May, 1971.

21
22 
23 Notary Public for Idaho
24 Residing at Buhl
25
26
27

28
36 7159

Identification No. 36-7080

Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

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

APPROVED

1. Name of applicant Herbert L. Maske
post office address Indian Springs Ranch, Box 238, Hagerman, Idaho 83332
2. Source of water supply 8 Springs, unnamed which is a tributary of runs into Millinsley Cre
3. a. Location of point of diversion is 1/4 of NE 1/4 of Section 13 Township 7 S Range 13 E B.M. Gooding County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into Millinsley Creek at a point in NE 1/4 of Section 13 Township 7 S Range 13 East of Boise Meridian
4. Water will be used for the following purposes:
Amount 17.2 for fish propagation purpose from Jan. 1 to Dec. 31 (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. 17.2 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 24" corrugated metal pipe, collection box with steel from two springs
pipe

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 _____ (Mo. Day) to _____ (Mo. Day) inclusive.
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 \$ 2,000.00.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: NE 1/4 of NE 1/4 of Section 13 Township 7 S Range 13 E B.M. East of the Boise Meridian
(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: for fish propagation

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

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_____

Spring # 1 - 5.2 c.f.s.
(Indiam Sp.) #3 - 4.0 c.f.s.

Spring #5 - 8.0 c.f.s.

We contemplate building several fish ponds on our property description mentioned above and the water that we are asuming permit to use is overflow water or surplus water from a spring adjoining our property and flows over our land and empties into Billingsley Creek on our property. We want to have this surplus water flow through the fish ponds and then empty into Billingsley Creek.

三、



