

STARTING LEFT SIDE OF FILE

SCANNED
MAR 05 2008

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	45-07567	Woodhouse Brothers Clyde Goodrich, Golden Valley Land & Cattle Co Joe Tugaw	30.00
Full Assignment	45-07567	Southwest Irrigation District	30.00

DEC 19 1994

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 45-07567

RECEIVED

JAN 19 2005

Department of Water Resources
Southern Region

Priority: February 27, 1985

Maximum Diversion Rate: 20.00 CFS
Maximum Diversion Volume: 2,111.0 AF

It is hereby certified that SOUTHWEST IRRIGATION DIST
PO BOX 668
BURLEY ID 83318 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated February 27, 1985; and has
submitted Proof of Beneficial Use on May 27, 1986. An examination indicates that the works have a
diversion capacity of 27 cfs of water from:

SOURCE

BIG COTTONWOOD CREEK

Tributary: DRY CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
GROUND WATER RECHARGE	03/01 to 07/10	20.00 CFS	2,111.0 AF

LOCATION OF POINT OF DIVERSION:

BIG COTTONWOOD CREEK NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 17, Twp 13S, Rge 21E, B.M., CASSIA County

PLACE OF USE: GROUND WATER RECHARGE

Twp Rge Sec	NE				NW				SW				SE				Totals
13S 21E 6	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
	X																
13S 21E 8	L 1										X						

CONDITIONS OF APPROVAL

1. Pursuant to Section 42-4201A(3), Idaho Code, the Director may reduce the amount of water diverted for recharge purposes under this right even though there is sufficient water to supply the entire amount authorized for appropriation under this right.
2. Pursuant to Section 42-4201A(4), Idaho Code, to insure that other water rights are not injured by the operations of the recharge project authorized by this right, the Director has authority to approve, disapprove, or require alterations in the methods employed to achieve ground water recharge.
3. This right is for the diversion of waters at times when those waters are not diverted to fill rights having priority dates earlier than the date of this right.
4. This right is subject to the agreement dated 4/13/1985 between the right holder and Cottonwood Water Users Assn. to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

45-7567

State of Idaho
Department of Water Resources
Water Right License

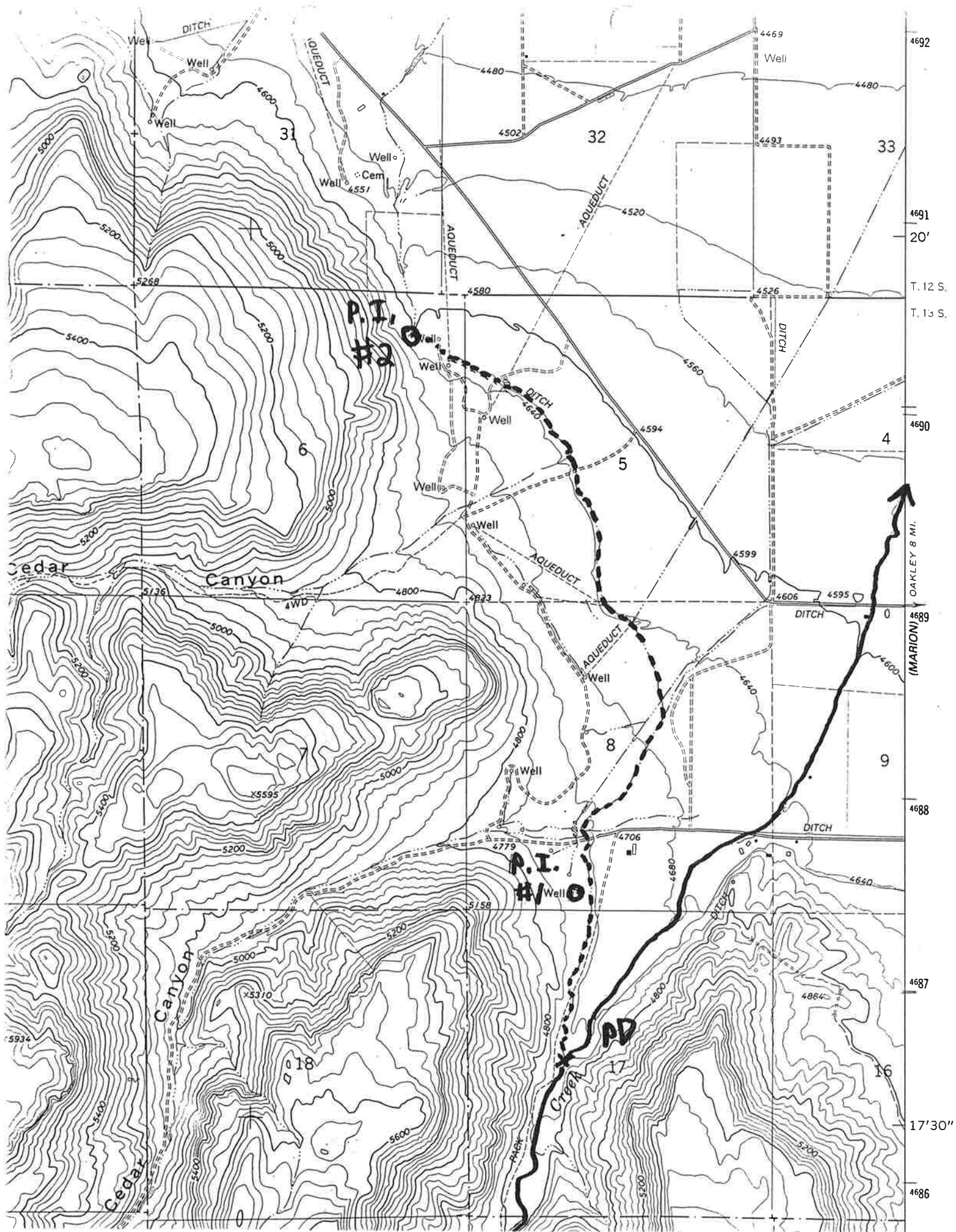
WATER RIGHT NO. 45-07567

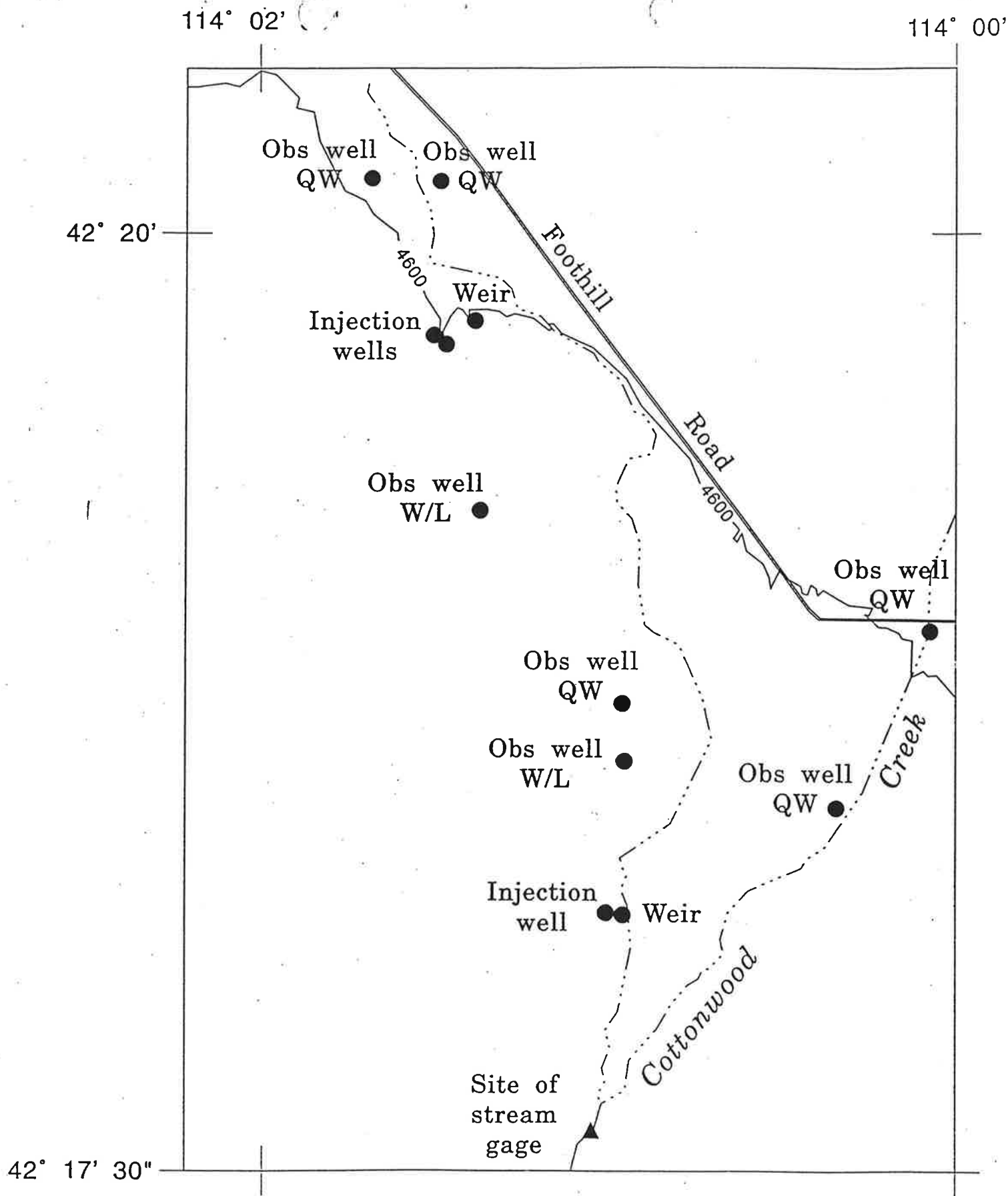
5. This right does not grant any right-of-way or easement across the land of another.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45K.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. Permanent measuring devices that are capable of measuring the flow into the wells and the total volume of water injected must be maintained at each injection well.
9. The discharge of water into injection wells must be authorized by separate injection well permits.
10. Two injection wells are located in the NENE, Section 6 and one injection well is located in the SESW, Section 8; Twp. 13S, Rge. 21E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 14th day of January, 2005.


for **KARL J. DREHER**
Director





GROUND-WATER RECHARGE

<u>Site</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>Source of Water</u>
	<i>(acre feet for all years)</i>			
1	177	0	593	Cottonwood Creek
2	531	250	971	Cottonwood Creek
3	0	139	740	Dry Creek
4	17	212	1,050	Dry Creek
5	141	34	226	Dry Creek
6	1,164	1,285	1,964	Murtaugh Lake
7	0	103	930	Murtaugh Lake
Totals	2,030	2,023	6,474	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

WOODHOUSE BROTHERS, individually and as
successors in interest to Clyde Goodrich, Golden
Valley Land & Cattle Co, Joe Tugaw, hereby assign to Southwest Irrigation District

of, Box 668, Burley, Idaho 83318

(Full Address)

our
All ~~xxx~~ right, title, and interest in and to Application for Permit
No. 457567 to appropriate the public waters of the State of Idaho.

Of (for partial assignments)

The following described portion of my right, title, and interest in and to
Application for Application for Permit No. _____ to appropriate the public
waters of the State of Idaho.

Describe portion of the application assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.

Made this 30 day of April, 1993.

WOODHOUSE BROTHERS,

BY

Applicant

GOLDEN VALLEY LAND & CATTLE CO.,

State of Idaho)

County of Cassia)

ss

BY

Joe Tugaw

On this 30 day of April, 1993 personally appeared before me the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.

WILLIAM A. PARSONS
NOTARY PUBLIC
STATE OF IDAHO

Residing at Burley, Idaho
My Commission Expires 7/29/98

Notary Public

My commission expires: _____

DEC 19 1994

database update 11/23/94 czf

RECEIVED

JUN 4 1986

RECEIVED

MAY 27 1986

Department of Water Resources

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Fee Received \$575

Date 6-4-86

Receipt # 37780-37782

Receipt by [Signature]

Reviewed by [Signature]

Sent to region [Signature]

37780 - \$197.67
37781 - 191.66
37782 - 185.67

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 45-7567

Name(s) of Permit Holder: Woodhouse Brothers, Joe Tugan, Clyde Goodrich, Golden Valley Land & Cattle Co.

Post Office Address: Box 25, STAR Route, BURLEY, ID. 83318

Telephone No. 208-678-4754

Source of Water: Big Cedar Canyon - Big Cottonwood Creek

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark Ground Water Recharge

This water is diverted at 2 sites and injected into deep wells.

Total rate and/or volume for which proof is submitted 20 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 5/4/85

Measuring Device: Required? ☒ Yes ☐ No
Installed? ☒ Yes ☐ No

Fee enclosed \$ 575.00
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

KIRK WOODHOUSE 678-4754
(Name) (Telephone Number)

333 W 25th ST, BURLEY, ID. 83318
(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

MICROFILMED

5-12-86
Date

[Signature] Partner
Signature of Permit Holder (and title, if appropriate)

6-18-86
[Signature]

APPROVED**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT****RECEIVED**

FEB 27 1985

To appropriate the public waters of the State of Idaho
Woodhouse Brothers, Clyde Goodrich

Department of Water Resources

1. Name of applicant Golden Valley Land & Cattle Co., Joe Tugaw Phone 208-678-4754Post office address Box 25, Star Rt., Burley, Idaho 833182. Source of water supply Big Cedar Canyon ^{KW} which is a tributary of same sinks ^{KW}
Big Cottonwood Creek3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 17 Township 13SRange 21 E B.M. CASSIA County, additional points of diversion if any: NW 1/4
SW 1/4 of Section 8 Township 13 S Range 21 E B.M. Cassia, County; SE 1/4 of SW 1/4 of
Section 8, Township 13 S, Range 21 E. B.M., Cassia, County

4. Water will be used for the following purposes:

4/2/85 Amount 30 cfs for Ground Water Recharge purposes from 3-1 to 7-10 (both dates inclusive)
^{KW} (cfs or acre-feet per annum)Amount 5 cfs for Ground Water Recharge purposes from 11-1 to 3-1 (both dates inclusive)
(cfs or acre-feet per annum)Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 30 CFS cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. The main diversion at Big Cottonwood Creek will divert water into the Warm Creek ditch which will deliver to the diverting ditches and headgate, measuring device installed at each injection well- 3 wells will be constructed and maintained to inject approx. 30 CFS or 10 CFS per injection wellb. Height of storage dam n/a feet, active reservoir capacity acre-feet; total reservoir capacity acre-feet, materials used in storage dam: Period of year when water will be diverted to storage to inclusive.
(Month/Day) (Month/Day)c. Proposed well diameter is inches; proposed depth of well is feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is 1 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses: Ground Water Recharge of the Cottonwood Aquifer

a. If water is not for irrigation: ^{SW KW}(1) Give the place of use of water: SE $\frac{1}{4}$ of -SE- $\frac{1}{4}$ of Section 8 Township 13S
^{SW KW}Range 21 E B.M., NW 1/4 of SE-1/4 of Section 8, Township 13S, Range 21 E B.M.;
NE 1/4 of NE 1/4 of Section 6 Township 13 S Range 21 E B.M. Cassia County(2) Amount of power to be generated: m/a horsepower under feet of head.(3) List number of each kind of livestock to be watered n/a(4) Name of municipality to be served n/a, or number of families to be supplied with domestic water . KW = Kirk Woodhouse, 3-11-85(5) If water is to be used for other purposes describe: **MICROFILMED**

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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.L. M and Clyde Goodrich, Ore-Ida Foods, In

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing All of the above parties have been contacted and legal right of ways and permits from the BLM have been filed. Ore- Ida said they would send a letter pf approval- they own two of the abandoned wells which are on Federal land, the other well to be used is owned by Clyde Goodrich on his property.

10. Remarks we are in the process of using SCS technicians for engineering this project, also the USGS IS helping to set up monitoring sites within the aquifer and has decided also to give advice on some technical design. We hope to have all permits and letters of approval ready for construction by April 1, 1985.

The USGS is working in the area and will be taking water samples for turbidity and will also be taking measurements of the Big Cottonwood Creek. We hope to

know more about the amount of water which can be injected and how each well will

respond to injection as we start each project. The number 1 well will be injection

Big Cedar Creek water, number 2 well will be injecting Big Cottonwood Creek and

3 well will bd injection a combination of both creek, but under normal conditions

should basically be Big Cottonwood Creek because it runs about 5-20 times the

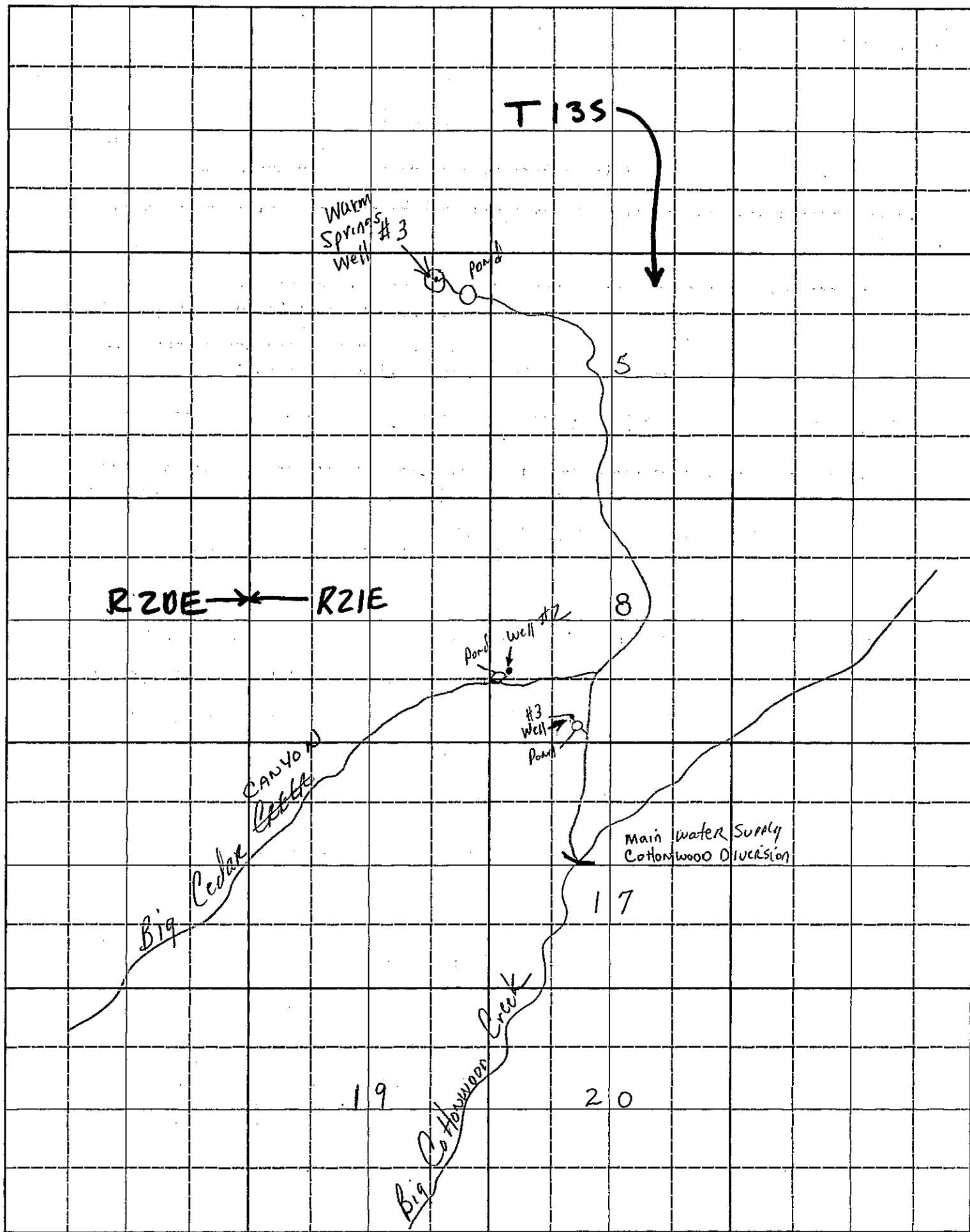
volume of Big Cedar Creek. We hope through this ground water recharge that

the critical water problems will be aided and that the water levels will become

back to the levels where the wells were originally pumped at on the initial drill

dates.

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



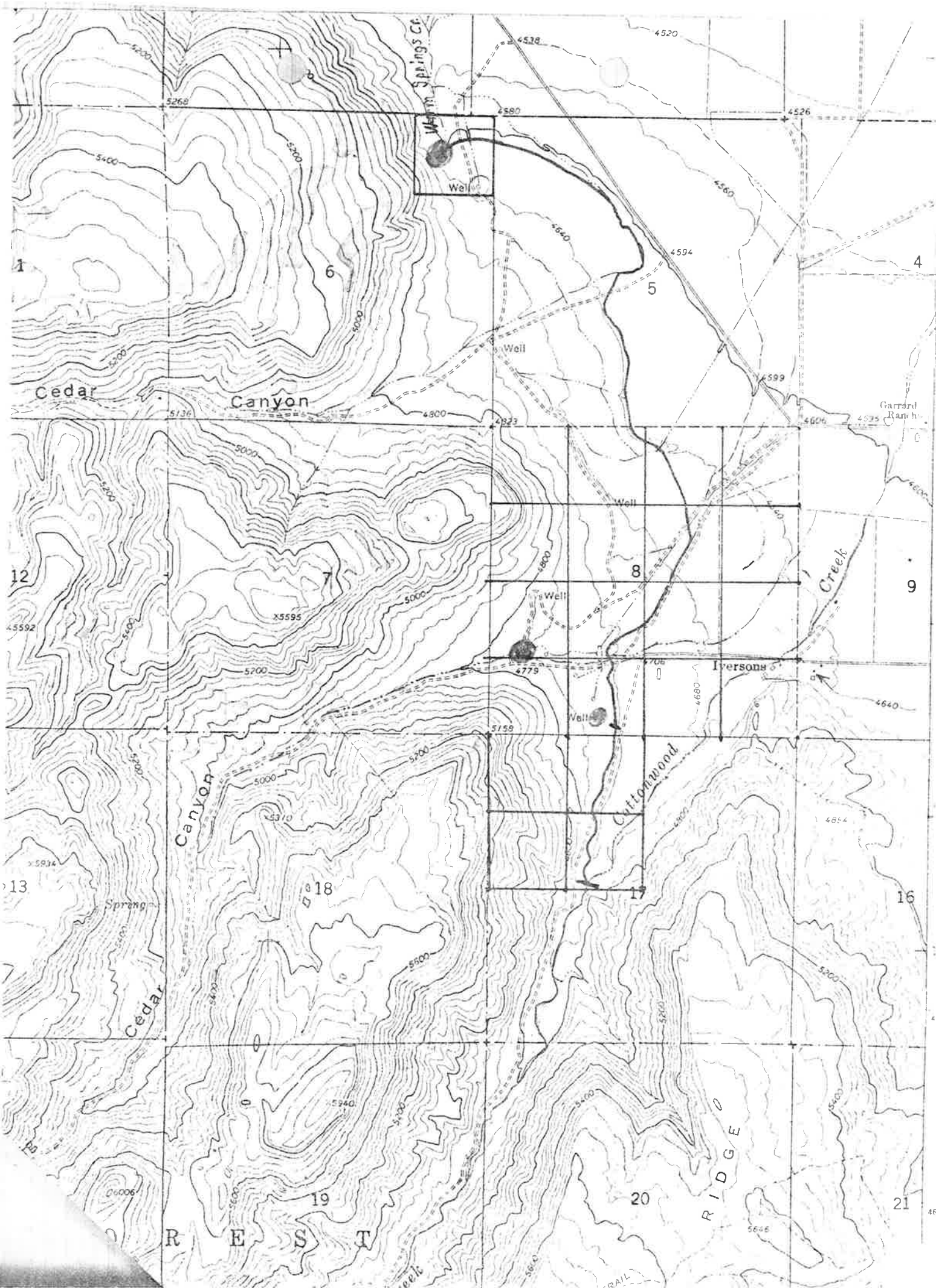
Scale: 2 inches equal 1 mile.

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.

John B. Bynum, Jr.
Joe Bynum

Clyde Goodrich
 (Applicant)
 Golden Valley Land & Cattle Co.
 by *Don Walworth*

MICROFILMED





State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 28, 2005

CLINT MUHLSTEIN WATERMASTER
WATER DISTRICT # 45K
PO BOX 207
OAKLEY ID 83346-0207

Re: **License No. 45-7567**

Dear Mr. Muhlstein:

For your information, we have enclosed a copy of a recently issued License within your District.

If you have any questions, please contact this office or the applicant.

Very truly yours,

Mary A. Baldwin
Administrative Assistant I

MB

Enclosure

MICROFILMED

Received by LS Date 2-27-85 Time 8:47 amPreliminary check by DRT Fee \$ 525.00Received by LS Date 2-28-85 # 36280, 36281, 36282Publication prepared by LS Date 3/4/85Published in South Id. Press ~~SA~~Publication dates 3/7 & 3/14/1985Publication approved LS Date 3/25/85Protests filed by: Harold Clannet 3/12/85 - withdrawn 4/29/85Delroy Milton 3/19/85 - withdrawn 4/10/85Sidnee Faye Milton 3/25/85 withdrawn 4/22/85Harold Clannet Jr. 3/25/85 withdrawn 4/29/85Kim Clannet 3/25/85 "Copies of protests forwarded by LS

Hearing held by _____ Date _____

Recommended for approval denial by LS

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 45-7567, 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 June 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: This permit is for the diversion of waters at times when those waters are not diverted to fill rights having priority dates earlier than the date of the permit.

This permit is subject to the agreement dated 4/13/1985 between the permit holder and Cottonwood Water Users Association to the extent such agreement covers matter within the jurisdiction of the Dept. of Water Resources.

The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Use of water under this permit is subject to control by the watermaster of State Water District No. 45K, Cottonwood Creek.

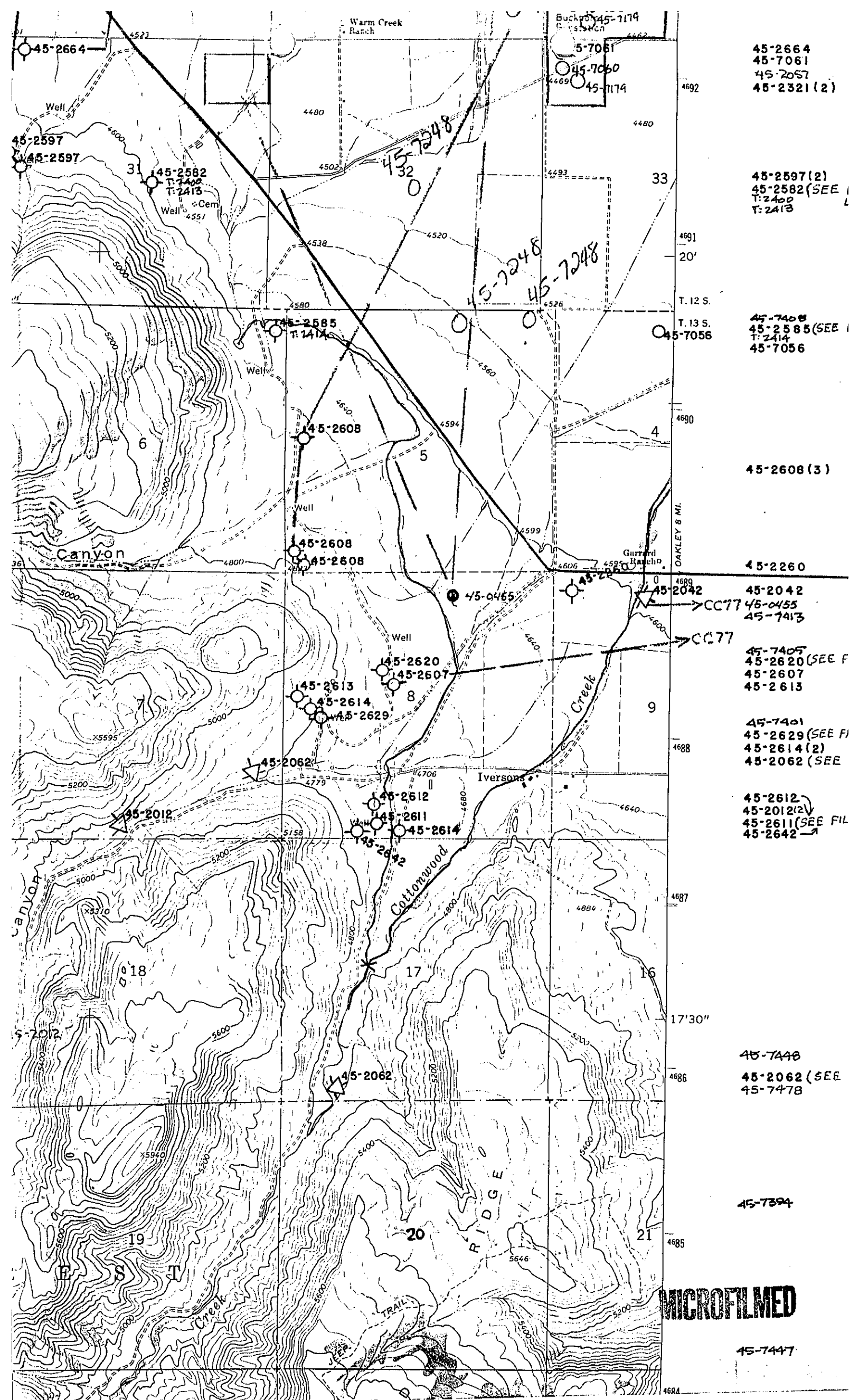
A measuring device and lockable controlling works of a type acceptable to the Dept. shall be permanently installed & maintained as part of the diverting works.

Permanent measuring devices must be installed at each injection well which are capable of measuring the flow into the well and the total volume of water injected.

The discharge of water into injection wells must be authorized by separate injection well permits.

Witness my hand this 2nd day of May, 1985.

J. Glen Saylor
Chief, Operations Bureau



SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Patty Staker, being first

duly sworn, deposes and says that she is the

Ex. Secretary of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for 2

consecutive weeks, commencing with the issue

dated March 7 1985, and ending

with the issue dated March 14, 1985.

Subscribed and sworn to before me

this 20th day of March

1985.

Kenick Mark Notary Public

Cost of Publication \$29.04

Notary Fee .50

Total Cost \$29.54

WAR 25 1985

Department of Water Resources
Southern District Office

85-56

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

45-7567

WOODHOUSE BROTHERS

GOODRICH, CLYDE

GOLDEN VALLEY LAND & CATTLE CO.

BOX 25, STAR RT., BURLEY, ID 83318

Source: BIG COTTONWOOD CREEK trib. to SINKS

BIG CEDAR CANYON trib. to SINKS

Date Filed: 02/27/1985

Diversion Pt: SENW Sec 17 T 13S R 21E

NWSW SESW Sec 08 T 13S R 21E

Use: GROUNDWATER RECHARGE (30.00 CFS)

GROUNDWATER RECHARGE (5.00 CFS)

In: SESW NWSW Sec 08 T 13S R 21E NENE

Sec 06 T 13S R 21E

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before MARCH 25, 1985.

A. KENNETH DUNN
Director

Published in the South Idaho Press on
March 7 and 14, 1985.

RECEIVED

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**STARTING
RIGHT
SIDE OF
FILE**



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

45-7567
WOODHOUSE BROTHERS
BOX 25
STAR RT.
BURLEY, ID 83318

August 12, 1986

138115
CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers or geologists certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water

DEC 19 1994

right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

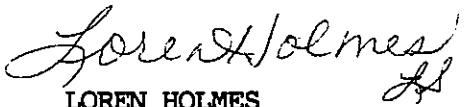
FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department office.

Southern Region
Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Sincerely,


LOREN HOLMES
Southern Regional Manager

Enclosures

DEC 19 1934



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

May 28, 1986

Woodhouse Brothers,
Joe Tugaw, Clyde Goodrich,
Golden Valley Land & Cattle Co.
Star Route, Box 25
Burley, ID 83318

Gentlemen:

RE: Permit 45-7567

We have received your proof of beneficial use form and checks in the amount of \$580.99 for filing proof on 20 cfs under Permit No. 45-7567. The checks received are as follows:

The Woods, \$191.66, check No. 1210, 92-6/1241
Golden Valley Land & Cattle Co., Inc., \$197.67,
check No. 16255, 92-38/1241
Clyde Goodrich, \$191.66, check No. 1098, 92-7006/3241

The fee for filing proof of beneficial use on the rate of 20 cfs is \$575. Since the total amount of the checks is greater than \$575, we are returning your checks and proof form with the request that you resubmit the form with checks to total \$575.

If you have any questions, please do not hesitate to contact us.

Sincerely,

ROBERTA GARRETT
Records Supervisor

Enclosures: Proof Form, 3 checks

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State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

May 21, 1986

Elmo Woodhouse and Sons
Star Route Box 19
Burley, ID 83318

Re: Permit No. 45-7567

Dear Mr. Woodhouse:

As per our conversation this date, please find attached an examination fee information form and fee schedule.

This is not official notification for submitting the examination fee. This will be mailed to you after you have submitted the Proof of Beneficial Use.

Please submit the Proof of Beneficial Use by June 1, 1986.

If you have any further questions, please feel free to contact this office or our Twin Falls office at 734-3578.

Very truly yours,

John P. Carlson
JOHN P. CARLSON
Permit Section

1s

Enclosures

MICROFILMED

ELMO WOODHOUSE & SONS
Star Route Box 19
Burley, Idaho 83318

RECEIVED
MAY 2 1986

Department of Water Resources

April 28, 1986

STATE OF IDAHO
Department of Water Resources
Statehouse
Boise, Idaho 83720

RE: MARCH 31 LETTER TO WOODHOUSE BROTHERS ET AL
Star Route Box 25
Burley, Idaho 83318
Permit No. 45-7567

Woodhouse Brothers was dissolved in 1961 and we received our share of the land, water, equipment, etc. from that partnership.

Could you send us the legal description or a description relating to your letter of March 31, 1986 so that we can determine if the letter is for us or one of the other partners.

Would you also send a Proof of Beneficial Use Form because we are in the process of having some water transferred.

Sincerely,

Elmo Woodhouse & Sons


By: Vaughn Woodhouse

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
MARCH 31, 1986

WOODHOUSE BROTHERS, ET AL
BOX 25
STAR RT.
BURLEY, ID 83318

PROOF DUE NOTICE

RE: PERMIT NO. 45-7567

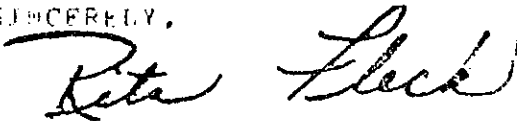
DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 1, 1986. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

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SINCERELY,



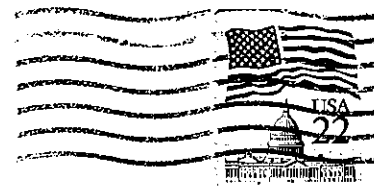
RLTA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED



Elmo Woodhouse & Sons
Star Route, Box 19
Burley, Idaho 83318



State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery.
2. ☐ Restricted Delivery.

3. Article Addressed to:

Harold Cranny
Oakley, Idaho
83346

4. Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Article Number

138834

Always obtain signature of addressee or agent and
DATE DELIVERED.

5. Signature - Addressee

X *Harold Cranny*

6. Signature - Agent

X

7. Date of Delivery

2-12-86

8. Addressee's Address (ONLY if requested and fee paid)

MICROFILMED

45-W-3, 4, 5, 45-7567 (Q85)

PS Form 3811, July 1983 447-845

DOMESTIC RETURN RECEIPT

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery
2. ☐ Restricted Delivery.

3. Article Addressed to:

Joe Tugaw
55 E. Miller Ave.
Salt Lake City, UT 84115

4. Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Article Number

138835

Always obtain signature of addressee or agent and
DATE DELIVERED.

5. Signature - Addressee

X *Pat W. ...*

6. Signature - Agent

X

7. Date of Delivery

FEB 13 1986

8. Addressee's Address (ONLY if requested and fee paid)

MICROFILMED

45-W-3, 4, 5, 45-7567 (Q85)

PS Form 3811, July 1983 447-845

DOMESTIC RETURN RECEIPT

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery.
2. ☐ Restricted Delivery.

3. Article Addressed to:

Golden Valley Land & Cattle Co.
c/o Don Wolverton
Murtaugh, ID 83344

PS Form 3811, July 1983 447-845

DOMESTIC RETURN RECEIPT

SENDER: Complete items 1, 2, 3 and 4.

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1. ☐ Show to whom, date and address of delivery.
2. ☐ Restricted Delivery.

3. Article Addressed to:

William A. Parsons
Parsons, Smith, Stone & Fletcher
137 West 13th St.
Burley, ID 83318

4. Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Article Number

138833

Always obtain signature of addressee or agent and
DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X *Della Johnson*

7. Date of Delivery

FEB 12 1986

8. Addressee's Address (ONLY if requested and fee paid)

MICROFILMED

45-W-4, 45-7567 (Q85)

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery.

2. ☐ Restricted Delivery.

3. Article Addressed to:
Golden Valley Land & Cattle Co.
c/o Don Wolverton
Murtaugh, ID 83344

4. Type of Service:	Article Number
☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail	138836

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
X *Don Wolverton*

6. Signature - Agent
X *R/M*

7. Date of Delivery
2-12-86

8. Addressee's Address (ONLY if requested and fee paid)
45-W-39,5,45-7567 (255)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
MARCH 31, 1986

138060

WOODHOUSE BROTHERS
BOX 25
STAR RT.
BURLEY, ID 83318

PROOF DUE NOTICE

RE: PERMIT NO. 45-7567

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 1, 1986. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

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SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

*K-K - You should
take care of this
by 6/1/86*

DEC 19 1994

INTER-DEPARTMENT MEMO — 1

FROM

John Beal

DATE

5/8/86

TO

Glen Saxton

SUBJECT

45-7567 - Proof Due Notice

Kirk Woodhouse did not get this.

Please return with letter to

Kirk Woodhouse - Same Address.

[Post office fouled-up - Vaughn
is Kirk's cousin - at 2 different
Addresses].

JB.

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
MARCH 31, 1986

138060

WOODHOUSE BROTHERS
BOX 25
STAR RT.
BURLEY, ID 83318

PROOF DUE NOTICE

RE: PERMIT NO. 45-7567

DEAR PERMIT HOLDER:

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SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
BURLEY, IDAHO 83318

P. O. BOX 910
TELEPHONE
(208) 678-8382

September 24, 1985

File

RECEIVED

SEP 25 1985

Mr. Steve Bywater
Barrus and Bywater
Box 487
Burley, Idaho 83318

RE: 45-7567

45-W-4-

Department of Water Resources
Burley District Office

Dear Steve:

As you recall your clients obtained the above permit to appropriate waters and for license to inject water into the aquifer through three wells early in 1985.

Apparently this was done and now the problem developes is by that process there has become a polution of the well of Harold Cranney. The polution was so bad that employees got sick, Harold was sick and it is the purpose of this letter to advise you and the persons to whom the copies have been sent of the polution so that necessary steps can be taken that this does not happen in the spring of 1986.

The question will undoubtedly be asked, how do you know that this process poluted the well? It is very evident that it did because the footage of the well raised five feet as well as the temperature. For the last six or seven years the water has been good and only by this injection process did the problem develope.

I have taken the liberty to send this letter to the addressees on the permit and I presume that you will also tell any of the other clients you represent of this problem.

Yours very truly,

William A. Parsons
William A. Parsons

MICROFILMET

WAP/jg

cc/Department of Water Resources, Harold Cranney,
Woodhouse Bros., Clyde Goodrich, Golden Valley
Land and Cattle Co. and Joe Tugaw

RECEIVED

SEP 27 1985

Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT.

(2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

July 31, 1985

Woodhouse Brothers, Clyde Goodrich,
Joe Tugaw & Golden Valley Land and Cattle Co.
Star Rt., Box 25
Burley, ID 83318

Gentlemen:

Re: Permit No. 45-7567

Enclosed is the proof of beneficial use form submitted to this office on May 21, 1985. Some clarification of what action you wish the department to take is needed before the Department accepts the proof form.

After reviewing the proof form, I see that the project is not yet complete although a considerable amount of work has been done. The proof form is a statement to the department that you have completed as much of the water right as you are going to and you wish the department to proceed with the licensing procedure. If you were to submit the proof form on this permit now, the department could issue the water right license for only that amount of work completed. Or in this case, for the use of water from one injection well. Any water not yet diverted would need to be covered under a new application.

If you wish to continue developing the project under this permit, you may. Proof of beneficial use is not due until June 1, 1986. However, the permit then must be reviewed under the provisions of Section 42-203D, Idaho Code, the public use criteria.

If you still wish the department to accept the proof form, return it. Upon receipt, the department will start the licensing process for that amount of the water right which is being beneficially used.

If you have any questions concerning this permit, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

cc: Southern Region

ENCLOSURE

RECEIVED

MAY 21 1985

45-7567

May 15, 1985

Department of Water Resources

Dear Sirs:

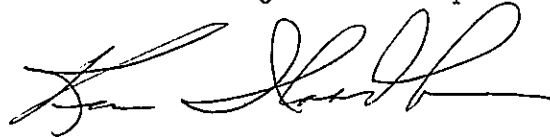
Our Project has been partially completed with one pond and injection well in operation. This well has a 8'x8' drop box with a 48" cipolletti weir and a stage recorder in operation. This measuring device was set up by the Dept. of Interior and has been checked out by the USGS, Bill Young. Our silt pond is 150' x 50' x 4' deep. It has a one hour retention time for silting. The water after it has dropped into the box is piped 204' into the injection well which is cased with 18"-16"-14" pipe to 400'. Our maximum input of volume water to date was 405"(miners), this was running very good and filled the 18" inlet pipe about 3/4. We feel that the potential of this well may be more than 10 CFS at one time.

We are in the process of designing the other sites and planning for next year for their injection. It was our intent to have the three injection wells running by April 1, 1985, however when Harold Cranney and the other protestants filed we lost 45 days of construction time and all of the high water. Big Cedar Creek is only running 2 CFS now and Big Cottonwood Creek is running right at the full first right decrees. It is our intent to construct these two sites through the summer and be on line for injection by fall. We hope that our beneficial use will be proven through the monitoring that USGS is doing in conjunction with our project.

The results of our projects should be quite evident, if all indications of the check wells below our injection keep up. The positive increases that were evident after only 5 injection days, which USGS indicated were at +1'. We are optimistic about our project and feel that if given the time and water, through these injection wells we can directly increase the water levels in the Cottonwood aquifer.

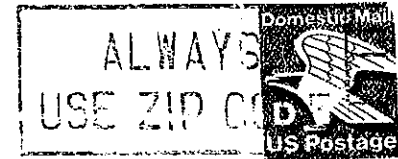
We need an extension of time to be considered without loss of priority, because of the time element and water levels are such that we cannot inject. Please notify us if anything is needed to help expedite license and approval of the projects.

Warm Creek Injection Group



MICROFILMED

Warm Creek Inspection Group
To KIRK WOODHOUSE
333 W 25th St.
Burley ID 83318



IOAHO DEPT. OF WATER RESOURCES

STATE HOUSE MAIL

BOISE, ID.

83720



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

May 22, 1985

Carl Simons
Bureau of Land Management
Burley District Office
Route #3 Box 1
Burley, ID 83318

RE: 45-W-3, 45-W-4, 45-W-5 & 45-7567

Dear Mr. Simons:

Enclosed are copies of Injection Well Permits Nos. 45-W-3, 45-W-4 and 45-W-5, and Water Right Permit No. 45-7567.

Also enclosed are the Rules and Regulations for Construction and Use of Injection Wells.

If I can be of further assistance, please contact me.

Sincerely,

JOHN D. CARLSON
Construction Permits Section

JDC:ldt

Enclosures

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

May 3, 1985

RE: Permit No. 45-7567

Woodhouse Brothers, Clyde Goodrich,
Golden Valley Land & Cattle Co.,
Joe Tugaw
Star Rt., Box 25
Burley, ID 83318

Gentlemen:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

Be sure to note the special condition requiring you to install and maintain a measuring device at your point of diversion. We have enclosed a description of the different types of measuring devices accepted by this office.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is the statement of beneficial use that must be submitted when your project is completed.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

MICROFILMED

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
BURLEY, IDAHO 83318

P. O. BOX 910
TELEPHONE
(208) 678-8382

April 25, 1985

Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

RE: 45-7567 - Woodhouse Bros., et al

Attn: Loren O. Holmes

Dear Loren:

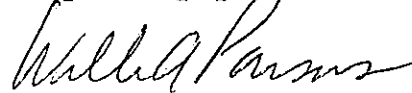
On behalf of each of the Cranney Protestants you are hereby advised that the protest is withdrawn because you have changed the wording on the permit and because the agreement has been entered into between the Water Users Association and the Applicant.

Would you please send to me the final approved permit so that I can further a copy of the same to my client.

You can observe by this letter that copies of this letter have gone to counsel for the Applicants.

We appreciate your cooperation and believe that the matter has now been concluded with your sending me the final document.

Very truly yours,



William A. Parsons

WAP:rt

cc: Steve Bywater
Harold Cranney

RECEIVED

APR 29 1985

Department of Water Resources
Burley District Office

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

April 22, 1985

William A. Parsons
Attorney at Law
P. O. Box 910
Burley, Idaho 83318

Re: Application for Permit No. 45-7567 - Woodhouse Bros. et al

Dear Mr. Parsons:

Enclosed is an amended draft of the conditions of approval for the above referenced application for permit per your letter of April 19, 1985.

The word "flood" has been deleted from paragraph 1, the date April 13, 1985 has been inserted in paragraph 2, and "Cottonwood Water Users Association" has been substituted for "protestants" in paragraph 2.

Please advise me if there are any further changes.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

cc: Kirk Woodhouse
Steve Bywater

MICROFILMED

APPLICATION FOR PERMIT 45-7567

PROPOSED CONDITIONS OF APPROVAL

(Revised April 22, 1985)

- 1) This permit is for the diversion of waters at times when those waters are not diverted to fill rights having priority dates earlier than the date of the permit.
- 2) This permit is subject to the agreement dated April 13, 1985 between the permit holder and Cottonwood Water Users Association to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.
~~agreement covers matters within the jurisdiction of the Department of Water Resources.~~
- 3) The issuance of this permit in no way grants any right-of-way or easement across land of another.
- 4) Use of water under this permit is subject to control by the Watermaster of State Water District No. 45-K, Cottonwood Creek.
- 5) A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
- 6) Permanent measuring devices must be installed at each injection well which are capable of measuring the flow into the well and the total volume of water injected.
- 7) The discharge of water into injection wells must be authorized by separate injection well permits.

MICROFILMED

We hereby withdraw protests filed
against the granting of Application for
Permit 45-7567

Dellay Milton

Dellay Milton

Sidnee Faye Milton

Sidnee Faye Milton 4/22/85

MICROFILMED

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
BURLEY, IDAHO 83318

P. O. BOX 910
TELEPHONE
(208) 678-8382

April 19, 1985

RECEIVED

APR 22 1985

Mr. Loren O. Holmes
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Department of Water Resources
Southern District Office

Re: 45-47567

Dear Loren:

Please find enclosed Page 2 (as revised)
of the Agreement in the above regard.

Very truly yours,

PARSONS, SMITH, STONE & FLETCHER

William A. Parsons

William A. Parsons

/dmj

WAP/dmj
Encl.

MICROFILMED

involved in the expansion, construction, repair, and maintenance of the said diversion facilities and ditches that the protest will be withdrawn; and

WHEREAS, the parties desire to memorialize and define their mutual rights and responsibilities relative to certain expenses and the maintenance of the facilities.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The Petitioners jointly and severally agree to pay the Water Users the sum of \$1,500.00 to cover the increased costs incurred by the Water Users, as a result of the increase in the size of the Cottonwood diversion and measuring structure which was made necessary by the needs of the Petitioners. Such sum shall be due and payable upon completion of the construction of the structure.

2. The Petitioners agree to bear the full expenses of a one time cleaning and deepening approximately 3/4ths of a mile of the Warm Creek ditch to the extent necessary to carry the water of the Water Users and the Petitioners, commencing just below the Cottonwood structure. The work shall be done under the supervision of the Water Users and payment shall be within thirty (30) days of the completion of the work.

3. The parties agree that all subsequent repair, maintenance, cleaning, and replacement expenses incurred on the Cottonwood diversion and measuring structure and the Warm Creek ditch below the said structure shall be paid on a pro-rata basis by those members of the Water Users and the Petitioners using the said structure and ditch for conveyance of their water, based upon the percentage that amount of water each conveys through the

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
BURLEY, IDAHO 83318

P. O. BOX 910
TELEPHONE
(208) 678-8382

April 18, 1985

RECEIVED

The Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

APR 19 1985

Department of Water Resources
Southern District Office

Attn: Loren O. Holmes

RE: 45-47567

Dear Loren:

It is believed that the agreement between the Petitioners and the Cottonwood Water Users is just about in place. One of the clauses has to be accepted and with that it will be in place, therefore, we would like to see your corrected language on the application where in you eliminate the term in (1) "Flood" and in paragraph 2 that the agreement between the permit holder and Cottonwood Water Users Association be inserted and not the Protestants.

With these final details then Cranneys are in a position to withdraw the protest.

Very truly yours,


William A. Parsons

WAP:rt
cc: Steve Bywater
Harold Cranney

MICROFILMED

AGREEMENT

THIS AGREEMENT is made this 13 day of April, 1985, between WOODHOUSE BROTHERS, a general partnership, CLYDE GOODRICH, and GOLDEN VALLEY LAND AND LIVESTOCK, INC., an Idaho Corporation, ("Petitioners") and the COTTONWOOD CREEK WATER USERS ("Water Users").

WHEREAS, the Petitioners have filed with the Idaho Department of Water Resources an application for a water permit, #45-7567 to appropriate excess waters and/or waters not being used by those having prior rights of Cottonwood Creek and Big Cedar Creek, from March 1 to July 1 of each year, and the Petitioners have also requested a license to inject such water into the aquifer through three (3) wells; and

WHEREAS, the Water Users have prior water rights from Cottonwood Creek and Big Cedar Creek and said Users own and maintain certain diversion facilities and ditches used in the conveyance of Cottonwood Creek and Big Cedar Creek waters to various properties; and

WHEREAS, the Petitioners will need to use and expand the said diversion facilities and ditches to convey water to the respective injection wells; and

WHEREAS, Harold Cranney and others, who are also Water Users, have filed a protest in opposition to the approval of the application with the Idaho Department of Resources. They have expressed that if an agreement is executed between the Petitioners and the Water Users relative to the allocation of the expenses

involved in the expansion, construction, repair, and maintenance of the said diversion facilities and ditches that the protest will be withdrawn; and

WHEREAS, the parties desire to memorialize and define their mutual rights and responsibilities relative to certain expenses and the maintenance of the facilities.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The Petitioners jointly and severally agree to pay the Water Users the sum of \$1,500.00 to cover the increased costs incurred by the Water Users, as a result of the increase in the size of the Cottonwood diversion and measuring structure which was made necessary by the needs of the Petitioners. Such sum shall be due and payable upon completion of the construction of the structure.

2. The Petitioners agree to bear the full expenses of a one time cleaning and deepening (where necessary) of approximately 3/4ths of a mile of the Warm Creek ditch commencing just below the Cottonwood structure. The work shall be done under the supervision of the Water Users and payment shall be within thirty (30) days of the completion of the work.

3. The parties agree that all subsequent repair, maintenance, cleaning, and replacement expenses incurred on the Cottonwood diversion and measuring structure and the Warm Creek ditch below the said structure shall be paid on a pro-rata basis by those members of the Water Users and the Petitioners using the said structure and ditch for conveyance of their water, based upon the percentage that amount of water each conveys through the

structure and ditch bears in relation to the total waters conveyed through the structure and ditch by all water users as determined by the Cottonwood Water Master.

4. To accurately establish the pro-rata share for each User of such expenses, the Water Users agree to instruct its Water Master to keep and maintain complete and accurate records each year of the water conveyed through the said structure and ditch and the amount for each user. The Petitioners agree to share prorata in the compensation of the Water Master based on the amount of water conveyed and used.

5. The term of this agreement shall be perpetual or so long as the Petitioners use the said diversion works for the delivery of water.

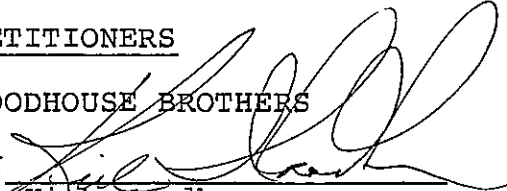
6. This agreement shall be binding on the parties, their successors and assigns of the lands or wells where the water is used, approved or implemented.

7. The failure of the Petitioners, their successors and assigns, to pay their required sums under this agreement shall, after ten (10) days written notice by the Water Users to the Petitioners, their successors and assigns, terminate the right to use the ditch and diversion works.

IN WITNESS WHEREOF, these parties have executed this agreement, individually or through their duly authorized representatives.

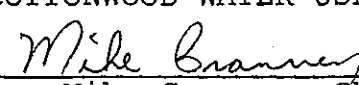
PETITIONERS

WOODHOUSE BROTHERS

BY 
F. Kirk Woodhouse
General Partner

USERS

COTTONWOOD WATER USERS ASSOCIATION

By: 
Mike Cranney, Chairman

MICROFILMED

Clyde Goodrich
Clyde Goodrich

GOLDEN VALLEY LAND AND LIVESTOCK

BY Michael Wolverton
President

STATE OF IDAHO)
County of CASSIA)

On this 13 day of April in the year 1985, before me, the undersigned, a Notary Public in and for said State, personally appeared F. KIRK WOODHOUSE, known or identified to me to be one of the partners in the partnership of WOODHOUSE BROTHERS, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

Shelma L. Clark
Notary Public for Idaho
Residing at Oakley, Id.

STATE OF IDAHO)
County of CASSIA) ss

On this 13 day of April in the year 1985, before me, the undersigned, a Notary Public in and for said State, personally appeared CLYDE GOODRICH, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Shelma L. Clark
Notary Public for Idaho
Residing at Oakley, Id.

STATE OF IDAHO)
County of CASSIA) ss

On this 13 day of April in the year of 1985, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael Wolverton, known or identified to me to be the President of GOLDEN VALLEY LAND AND LIVESTOCK, the corporation that executed the instrument or the

person who executed the instrument on behalf of said corporation,
and acknowledged to me that such corporation executed the same.

Shelma L. Clark
Notary Public for Idaho
Residing at Oakley Id.

STATE OF IDAHO)
County of Cassia) ss

On this 13 day of April in the year of 1985,
before me, the undersigned, a Notary Public in and for said
State, personally appeared MIKE CRANNEY, known or identified to
me to be the Chairman of COTTONWOOD WATER USERS ASSOCIATION, the
association, that executed the instrument or the person who
executed the instrument on behalf of said association, and
acknowledged to me that such association executed the same.

Shelma L. Clark
Notary Public for Idaho
Residing at Oakley Id.

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

April 11, 1985

Woodhouse Brothers
Clyde Goodrich
Golden Valley Land & Cattle Co.
Joe Tugaw
Box 25 Star Rt.
Burley, ID 83318

Re: Application for Permit No. 45-7567

Gentlemen:

Enclosed is a copy of the application and a draft of the proposed conditions of approval as discussed in our conference on April 10, 1985.

Conditions 1 and 2 specifically address concerns which were discussed at the conference. Conditions 3, 4, and 5 are standard conditions applied by the Department on permits within watermaster districts and where diversion works are on lands not owned by applicant. Conditions 6 and 7 are special conditions which are proposed for this application.

Please advise me if these conditions are sufficient to resolved your protest or if you have any questions.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED

APPLICATION FOR PERMIT 45-7567

PROPOSED CONDITIONS OF APPROVAL

(Revised 4/22/85)

- 1) This permit is for the diversion of ~~flood~~ ✓ waters at times when those waters are not diverted to fill rights having priority dates earlier than the date of the permit.
- 2) This permit is subject to the agreement dated April 13, 1985 between the permit holder and ~~protestants~~ to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources. *Cottonwood Water Users Association*
- 3) The issuance of this permit in no way grants any right-of-way or easement across land of another.
- 4) Use of water under this permit is subject to control by the Watermaster of State Water District No. 45-K, Cottonwood Creek.
- 5) A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
- 6) Permanent measuring devices must be installed at each injection well which are capable of measuring the flow into the well and the total volume of water injected.
- 7) The discharge of water into injection wells must be authorized by separate injection well permits.

*New version of
Conditions of Approval.*

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

April 11, 1985

William A. Parsons
Attorney for Harold & Kerma Cranney
P. O. Box 910
Burley, ID 83318

Re: Application for Permit No. 45-7567

Dear Mr. Parsons:

Enclosed is a copy of the application and a draft of the proposed conditions of approval as discussed in our conference on April 10, 1985.

Conditions 1 and 2 specifically address concerns which were discussed at the conference. Conditions 3, 4, and 5 are standard conditions applied by the Department on permits within watermaster districts and where diversion works are on lands not owned by applicant. Conditions 6 and 7 are special conditions which are proposed for this application.

Please advise me if these conditions are sufficient to resolved your protest or if you have any questions.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED

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MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

April 11, 1985

Kim Cranney
P. O. Box 43-B
Oakley, ID 83346

Re: Application for Permit No. 45-7567

Dear Mr. Cranney:

Enclosed is a copy of the application and a draft of the proposed conditions of approval as discussed in our conference on April 10, 1985.

Conditions 1 and 2 specifically address concerns which were discussed at the conference. Conditions 3, 4, and 5 are standard conditions applied by the Department on permits within watermaster districts and where diversion works are on lands not owned by applicant. Conditions 6 and 7 are special conditions which are proposed for this application.

Please advise me if these conditions are sufficient to resolved your protest or if you have any questions.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED

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MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

April 11, 1985

Delroy Mitton
Sidnee Faye Mitton
Oakley, ID 83346

Re: Application for Permit No. 45-7567

Dear Mr. & Mrs. Mitton:

Enclosed is a copy of the application and a draft of the proposed conditions of approval as discussed in our conference on April 10, 1985.

Conditions 1 and 2 specifically address concerns which were discussed at the conference. Conditions 3, 4, and 5 are standard conditions applied by the Department on permits within watermaster districts and where diversion works are on lands not owned by applicant. Conditions 6 and 7 are special conditions which are proposed for this application.

Please advise me if these conditions are sufficient to resolved your protest or if you have any questions.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED

APPLICATION FOR PERMIT 45-7567

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MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

April 11, 1985

Harold Cranney
Harold Cranney Jr.
P. O. Box 51
Oakley, ID 83346

Re: Application for Permit No. 45-7567

Gentlemen:

Enclosed is a copy of the application and a draft of the proposed conditions of approval as discussed in our conference on April 10, 1985.

Conditions 1 and 2 specifically address concerns which were discussed at the conference. Conditions 3, 4, and 5 are standard conditions applied by the Department on permits within watermaster districts and where diversion works are on lands not owned by applicant. Conditions 6 and 7 are special conditions which are proposed for this application.

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Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED

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MICROFILMED

45-7567

4-9-1985

Woodhouse Bros by Kirk W.

Clyde Goodrich, Golden Valley Land & Cattle Co. & Joe Tugaw

Protestants

- Harold Cranney & Kerma Cranney
Bill Parsons, Attorney

Delroy Milton

Sidnee Milton

- Harold Cranney Jr. Bill Parsons

- Kim Cranney Bill Parsons

Conference —

They hope to get at least \$ 10 cfs —
How often are right

Protestants.

Major Concern has been removed —

Primary Concern —

- Woodhouse will pay for increased cost for both of these items
1. Extra cost of distribution
 2. Participation of Cost of improved diversion facilities
 3. Change source to flood water →

MICROFILMED

45-7567 - Woodhouse et al

Conference -

Bill Parsons - Replants all channels

Kirk Woodhouse:

Ind. Wells: warm spr well on property of C/D C Goodrich
Others owned by OPE-IDA.

M.D.s to be designed by SCS.

Additional in section wells may be needed
water supply: Cottonwood cr is main supply.

Peak flow in mid-April.

Parsons: how is operation to be controlled?

Permit should identify water as Floodwater

→ Q - What is Quantity of Oakley Canal Co. Rights?

Milton: Concern is effect on Domestic well

Woodhouse - will pay cost of upgrading diversion of canal.

Parsons: wants to see Proposed Permit.

Conditions: - all prior RTS.

- No R.O.W in Cottonwood
Assoc Ditch

- May be affected by Agreement.

- W.M. Control

MICROFILMED

Joe Tugaw

Date: April 10, 1985 - 11:00 a.m.

Assisted by

ROSTER OF ATTENDANCE

[illegible]

● **SENDER:** Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☒ Show to whom and date delivered 70¢
☐ Show to whom, date, and address of delivery ..
☐ RESTRICTED DELIVERY
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. ARTICLE ADDRESSED TO:
 R. I. M. Clathery
 P. O. Box 43-B
 Oakley, ID 83346

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL
(Always obtain signature of addressee or agent)

5. DATE OF DELIVERY
 Signature: *R. I. M. Clathery*
 I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

6. ADDRESSEE'S ADDRESS (Only if requested)
 POSTMARK (may be on reverse side)

7. UNABLE TO DELIVER BECAUSE: 7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

* GPO: 1982-379-593

● **SENDER:** Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☒ Show to whom and date delivered 70¢
☐ Show to whom, date, and address of delivery ..
☐ RESTRICTED DELIVERY
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. ARTICLE ADDRESSED TO:
 Delroy Milton
 Sidnee Faye Milton
 Oakley, ID 83346

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL
(Always obtain signature of addressee or agent)

5. DATE OF DELIVERY
 Signature: *Delroy Milton*
 I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

6. ADDRESSEE'S ADDRESS (Only if requested)
 POSTMARK (may be on reverse side)

7. UNABLE TO DELIVER BECAUSE: 7a. EMPLOYEE'S INITIALS

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☐ RESTRICTED DELIVERY
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. ARTICLE ADDRESSED TO:
 Harold Cranney
 Harold Cranney Jr.
 P. O. Box 51
 Oakley, ID 83346

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL
(Always obtain signature of addressee or agent)

5. DATE OF DELIVERY
 Signature: *Harold Cranney*
 I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

6. ADDRESSEE'S ADDRESS (Only if requested)
 POSTMARK (may be on reverse side)

7. UNABLE TO DELIVER BECAUSE: 7a. EMPLOYEE'S INITIALS

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(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. ARTICLE ADDRESSED TO:
 William A. Parsons
 P. O. Box 910
 Burley, ID 83318

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL
(Always obtain signature of addressee or agent)

5. DATE OF DELIVERY
 Signature: *Della Johnson*
 I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

6. ADDRESSEE'S ADDRESS (Only if requested)
 POSTMARK (may be on reverse side)

7. UNABLE TO DELIVER BECAUSE: 7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

* GPO: 1982-379-593

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(CONSULT POSTMASTER FOR FEES)

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☐ Show to whom, date, and address of delivery ..
☐ RESTRICTED DELIVERY
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. ARTICLE ADDRESSED TO:
 Woodhouse Brothers
 Box 25 Star Rt.
 Burley, ID 83318

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL
(Always obtain signature of addressee or agent)

5. DATE OF DELIVERY
 Signature: *Diane Woodhouse*
 I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

6. ADDRESSEE'S ADDRESS (Only if requested)
 POSTMARK (may be on reverse side)

7. UNABLE TO DELIVER BECAUSE: 7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

* GPO: 1982-379-593

MAR 29 1985
TWIN FALLS, IDAHO 83301
Name of Sender
1041 BLUE LAKES BLVD. NORTH
SOUTHERN DISTRICT OFFICE
IDAHO DEPARTMENT OF WATER RESOURCES
RETURN TO

(Street or P.O. Box)

MAR 29 1985
TWIN FALLS, IDAHO 83301
Name of Sender
1041 BLUE LAKES BLVD. NORTH
SOUTHERN DISTRICT OFFICE
IDAHO DEPARTMENT OF WATER RESOURCES
RETURN TO

(Street or P.O. Box)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS
Print your name, address, and ZIP Code in the space below.
• Complete items 1, 2, 3, and 4 on the reverse.
• Attach to front of article if space permits, otherwise affix to back of article.
• Endorse article "Return Receipt Requested" adjacent to number.

U.S. MAIL

PENALTY FOR PRIVATE USE, \$300

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS
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U.S. MAIL

PENALTY FOR PRIVATE USE, \$300

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

RETURN TO

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

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IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

RETURN TO

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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OFFICIAL BUSINESS

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U.S. MAIL

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IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

RETURN TO

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

NAME AND
ADDRESS
OF SENDER

3/29/85
45-7567

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ Certified

I certify that we have
☐ Commercial Insurance
☐ A deductible clause of
\$

Affix stamp here if issued as
certificate of mailing or for
additional copies of this bill.
POSTMARK AND DATE OF REC

1 No	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	R
1	229	✓ Woodhouse Bros. etc.	.39	.70	.75						
2	270	✓ Harold Channey & Harold Channey Jr.	.22	.70	.75						
3	231	✓ Delroy & Sidnee Faye Milton	.22	.70	.75						
4	232	✓ Kim Channey	.22	.70	.75						
5	233	✓ Williams A. Parsons	.56	.70	.75						
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											

TOTAL NUMBER OF
PIECES LISTED BY
SENDER

5

TOTAL NUMBER OF
PIECES RECEIVED
AT POST OFFICE

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MICROFILMED

PS Form 3877 April 1980 ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

★ U.S. GOVERNMENT PRINTING OFFICE : 1980

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL) NOTICE OF HEARING
OF APPLICATION FOR PERMIT NO. 45-7567) AND/OR CONFERENCE
IN THE NAME OF WOODHOUSE BROTHERS,)
CLYDE GOODRICH, GOLDEN VALLEY LAND & CATTLE)
CO. ,AND JOE TUGAW

On February 27, 1985, The above named Applicants, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On March 12, 1985 the Department received a protest against the approval of said application from Harold Cranney. Additional protests were received from Delroy Mitton, Sidnee Faye Mitton, Harold Cranney Jr., Kim Cranney., and William A. Parsons, attorney for Harold and Kerma Cranney.

The Department has set the matter of protest for hearing for 11:00 AM, April 10, 1985, in the Council Room of the Burley City Hall, 1401 Overland, Burley Idaho.

The hearing will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 26 day of March, 1985.



Loren O. Holmes
Southern Region Supervisor

MICROFILMED

CONFERENCE AND HEARING INFORMATION

IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

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

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. 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.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties may be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the Director's review of party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the district court.

Under the provisions of IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

Failure to appear at the time and place set for hearing by the applicant or protestant(s) may allow the Department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

March 26, 1985

Mr Bud Brinegar
Box 1040
Burley, ID 83318

Dear Mr Brinegar:

This is to confirm the use of the City Council Room for a conference and/or hearing to be held by this office on April 10, 1985.

Thank you very much for your cooperation.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

March 26, 1985

Woodhouse Brothers
Clyde Goodrich
Golden Valley Land & Cattle Co.
Joe Tugaw
Box 25 Star Rt.
Burley, ID 83318

Re: Application for permit No 45-7567

Gentlemen:

Enclosed are copies of protests filed against the issuance of a permit pursuant to your above referenced application. The Department has set ther matter for conference and/or hearing for April 10, 1985, as described in the enclosed hearing notice.

At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

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

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

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

March 26, 1985

Delroy Mitton
Sidnee Faye Mitton
Oakley, ID 83346

Re: Application for permit 45-7567

Dear Mr & Mrs. Mitton:

Your protests against the approval of the above referenced application have been received and a copies have been sent to the applicant.

The matter has been set for conference and/ or hearing on April 10, 1985 as described in the enclosed notice.

At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

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

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

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

March 26, 1985

Kim Cranney
P. O. Box 43-B
Oakley, ID 83346

Re: Application for permit 45-7567

Dear Mr. Cranney:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant.

The matter has been set for conference and/ or hearing on April 10, 1985 as described in the enclosed notice.

At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

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

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

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

March 26, 1985

Harold Cranney
Harold Cranney Jr.
P. O. Box 51
Oakley, ID 83346

Re: Application for permit 45-7567

Gentlemen:

Your protests against the approval of the above referenced application have been received and a copies has been sent to the applicant.

The matter has been set for conference and/ or hearing on April 10, 1985 as described in the enclosed notice.

At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

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

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

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

cc: William A. Parsons

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

March 26, 1985

William A. Parsons
Attorney for Harold & Kerma Cranney
P. O. Box 910
Burley, ID 83318

Re: Application for permit 45-7567

Dear Mr Parsons:

Your protest against the approval of the above referenced application filed in behalf of Harold and Kerma Cranney has been received and a copy has been sent to the applicant.

The matter has been set for conference and/ or hearing on April 10, 1985 as described in the enclosed notice.

At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

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

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

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED

Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho

RE: Permit 45-7567

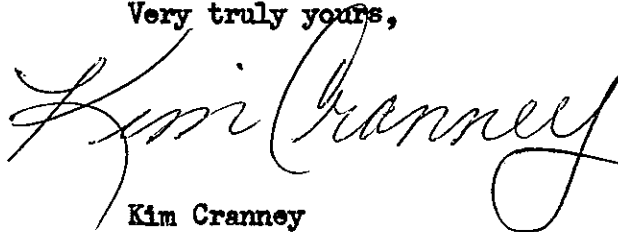
Gentlemen:

I Kim Cranney do hereby protest the issuance of permit
under number 45-7567

I Kim Cranney request a hearing on this matter pursuant
to the Rules of Practice of the Idaho Resources Board.

If you have a special form to be filled for such protest,
please me a form.

Very truly yours,



Kim Cranney
208 862 9234

P.O. box 43-b
Oakley

RECEIVED

MAR 26 1985

Department of Water Resources
Southern District Office

MICROFILMED

Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

RE: Permit 45-7567

Gentlemen:

Harold Cranney Jr. do hereby protest the issuance of
permit under number 45-7567

I Harold Cranney Jr. request a hearing on this matter
pursuant to the Rules of Practice of the Idaho Resources Board.

If you have a special form to be filled for such protest,
please send me a form

RECEIVED

MAR 25 1985

Department of Water Resources
Southern District Office

Very truly yours,

Harold Cranney Jr.

Harold Cranney Jr.

P.O. Box 51

Oakley

MICROFILMED

Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

RE: Permit 45-7567

Gentlemen:

I Sidnee Faye Mitton do hereby protest the issuance of
permit under number 45-7567

I Sidnee Faye Mitton request a hearing on this matter
pursuant to the Rules of Practice of the Idaho Resources Board.

If you have a special form to be filled out for such
protest, please send me a form.

Very truly yours,

Sidnee Faye Mitton

Sidnee Faye Mitton
862 3645

oakley.

83346

RECEIVED

JUN 25 1985

Department of Water Resources
Bureau of Reclamation

MICROFILMED

March 19, 1985

I, Delroy Mitton, protest application for permit No. 45-7567 in the name of Woodhouse Brothers, Clyde Goodrich, Golden Valley Land & Cattle Company as it will effect my domestic well.


DELROY MITTON *okley*

MICROFILMED

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
BURLEY, IDAHO 83318

P. O. BOX 910
TELEPHONE
(208) 678-8382

March 21, 1985

Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

RE: Permit 45-7567

Gentlemen:

Harold Cranney and Kerma Cranney do hereby protest the issuance of permit under number 45-7567.

On behalf of Harold Cranney and Kerma Cranney we request a hearing on this matter pursuant to the Rules of Practice and Procedure of the Idaho Resources Board.

If you have a special form to be filed for such protest, please send me a form.

We called your office and asked for a copy of the complete application, and we have not received it.

Very truly yours,


William A. Parsons

WAP:rt

cc: Harold Cranney

RECEIVED

MAR 22 1985

Department of Water Resources
Southern District Office

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

March 19, 1985

Gary Burkett
Department of Health & Welfare
Division of Environment
P. O. Box 1626
Twin Falls, Idaho 83301

Re: Application for Permit No. 45-7567

Dear Mr. Burkett:

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

March 19, 1985

U. S. Department of Interior
Bureau of Land Management
299 South Oakley Highway
P. O. Box 4896
Burley, Idaho 83318

Re: Application for Permit No. 45-7567

Gentlemen:

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED

RECEIVED

MAR 12 1985

Department of Water Resources
Southern District Office

March 12, 1985

To Whom it May Concern:

I, Harold Cranney, protest application for permit No. 45-7567 in the name of Woodhouse Brothers, Clyde Goodrich, Golden Valley Land & Cattle Company.

Harold Cranney
HAROLD CRANNEY *okkup*

P.O. Box 51
Oakley

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

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

MARCH 4, 1985

South Idaho Press
P.O. Box 190
Burley, Idaho 83318

Gentlemen:

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

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

Please send the affidavit of publication and publication billings to this office before MARCH 25, 1985.

Yours truly,



fat
Mary A. Newby
Secretary

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

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

45-7567

WOODHOUSE BROTHERS
GODDRICH, CLYDE
GOLDEN VALLEY LAND & CATTLE CO.

BOX 25, STAR RT., BURLEY, ID 83318

Source: BIG COTTONWOOD CREEK trib. to SINKS
BIG CEDAR CANYON trib. to SINKS

Date Filed: 02/27/1985

Diversion Pt: SENW Sec 17 T 13S R 21E NWSW SESW Sec 08 T 13S R 21E

Use: GROUNDWATER RECHARGE (30.00 CFS)
GROUNDWATER RECHARGE (5.00 CFS)

In: SESW NWSW Sec 08 T 13S R 21E NENE Sec 06 T 13S R 21E

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before MARCH 25, 1985.

A. KENNETH DUNN

Director

Published 3/7 & 3/14/85.

MICROFILMED

85-56

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

45-7567

WOODHOUSE BROTHERS
GOODRICH, CLYDE
GOLDEN VALLEY LAND & CATTLE CO.
BOX 25, STAR RT., BURLEY, ID 83318
Source: BIG COTTONWOOD CREEK trib. to
SINKS

BIG CEDAR CANYON trib. to SINKS

Date Filed: 02/27/1985

Diversion Pt: SENW Sec 17 T 13S R 21E
NWSW SESW Sec 08 T 13S R 21E

Use: GROUNDWATER RECHARGE (30.00 CFS)

GROUNDWATER RECHARGE (5.00 CFS)

In: SESW NWSW Sec 08 T 13S R 21E NENE
Sec 06 T 13S R 21E

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before MARCH 25, 1985.

A. KENNETH DUNN

Director

Published in the South Idaho Press on
March 7 and 14, 1985.

MICROFILMED

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mays*

Morgan W. Richards, Jr.
MOFFATT, THOMAS, BARRETT & BLANTON
CHARTERED
Post Office Box 829
Boise, Idaho 83701
Telephone: (208) 345-2334
MTB&B 14-209

Attorneys for Woodhouse Brothers,
Don and Mike Wolverton as Golden
Valley, and Clyde Goodrich

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF GROUNDWATER)
WITHDRAWAL IN THE COTTONWOOD) REQUEST FOR HEARING
CRITICAL GROUNDWATER AREA.)
_____)

COME NOW Woodhouse Brothers, Don and Mike Wolverton, as
representatives of Golden Valley Land & Cattle Company, and Clyde
Goodrich (hereinafter "Petitioners"), by and through their counsel,
the undersigned, pursuant to Idaho Code Section 42-1701A and
request a hearing before the Director of the Department of Water
Resources. This request is based upon the attached memorandum of
points and authorities.

DATED this 21 day of January, 1985.

MOFFATT, THOMAS, BARRETT & BLANTON
CHARTERED

By Morgan W. Richards, Jr.
Morgan W. Richards, Jr. - Of the Firm
Attorneys for Petitioners

Morgan W. Richards, Jr.
MOFFATT, THOMAS, BARRETT & BLANTON
CHARTERED
Post Office Box 829
Boise, Idaho 83701
Telephone: (208) 345-2334
MTB&B 14-209

Attorneys for Woodhouse Brothers,
Don and Mike Wolverton as Golden
Valley, and Clyde Goodrich

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF GROUNDWATER)	
WITHDRAWAL IN THE COTTONWOOD)	MEMORANDUM OF POINTS
CRITICAL GROUNDWATER AREA.)	AND AUTHORITIES
_____)	

FACTS

The Cottonwood Critical Groundwater Area was created by order of the Director of the Department of Water Resources on January 19, 1962. The Director of the Department of Water Resources is empowered to:

[P]rohibit or limit the withdrawal of water from any well during any period that he determines that water to fill any water right in said well is not there available. . . . Water in a well shall not be deemed available to fill a water right therein if withdrawal therefrom of the amount called for by such right would affect, contrary to the declared policy of this act, the present or future use of any prior surface or ground water right or result in the withdrawing [of] the ground

water supply at a rate beyond the reasonably anticipated average rate of future natural recharge.

Idaho Code § 42-237a(g) (emphasis added).

On June 25, 1980, judgment was entered in Briggs v. Higginson. Said judgment provided for an allocation of water rights among groundwater pumpers in the Cottonwood Critical Groundwater Area. As a result of the judgment, the groundwater pumpers were allowed to effect an average annual withdrawal of 5500 acre feet of groundwater. The judgment also entitled each of the parties to carry over for pumping during succeeding years any water which the user did not pump but was entitled to pump during a preceding year (water in the bank).

The Department of Water Resources of the State of Idaho issued summary order in the Matter of Groundwater Withdrawal in the Cottonwood Critical Groundwater Area on January 4, 1985. The order declared that:

The average annual withdrawal of groundwater for irrigation purposes within the boundaries of the Cottonwood Critical Groundwater Area not exceed 4000 acre feet

Summary Order, p. 2. The pumpers with the least senior priority date were required to reduce or discontinue the pumping of groundwater in order to achieve the 1500 acre foot reduction.

The summary order of January 4, 1985, also ordered that:

The volume of water carried over from the five-year period from 1980 through 1984 to be available for the 1985 irrigation season be calculated as if 4000 acre feet per annum instead of 5500 acre feet per annum were available during the 1980 through 1984 period

Summary Order, p. 2. This order has the effect of eliminating petitioners' "water in the bank" in the affected area.

The summary order curtailing groundwater pumping from 5500 acre feet to 4000 acre feet for the Cottonwood Critical Groundwater Area was based upon the findings of the U.S. Geological Survey report entitled "Groundwater Conditions in the Cottonwood-West Oakley Fan Area, South Central Idaho" (hereinafter "U.S.G.S. Report") published in the fall of 1984. The report concludes that annual groundwater withdrawals from 1977 through 1982 have averaged 5300 acre feet and that annual recharge is approximately 4000 acre feet. It further states that "water levels in the Cottonwood Critical Groundwater Area have declined five feet per year since 1977."

In order to promote a more efficient use of and to curtail the waste of groundwater, petitioners have made significant investments in water delivery mechanisms. Since 1980 the Woodhouse brothers have installed extensive pipeline and sprinkler systems. These improvements reduce water loss dramatically, but they do so at a very high cost. The Woodhouse brothers invested \$175,000 in order to insure efficient water use. It takes a very long time to recapture an investment of this magnitude.

Petitioner Goodrich also made investments similar to those of Woodhouse. The pipeline system on his property is somewhat larger than that of Woodhouse and it cost \$225,000.

It is also believed that Golden Valley made investments substantially greater than those of Woodhouse and Goodrich. This information will be provided at the hearing.

I.

THE REDUCTION OF PUMPING LEVELS FROM 5500 ACRE FEET TO 4000 ACRE FEET IS UNNECESSARY.

A. A Five-Year Study Of Groundwater Levels Is Insufficient.

The Department of Water Resources has based its summary order upon the findings of the U.S.G.S. Report. This report is incomplete and also encompasses too limited a time frame in order for the Department to rely upon it and cause such egregious damage to petitioners. The five-year period of 1977 to 1982 is not of sufficient length to allow the Department of Water Resources to determine whether groundwater levels are in fact declining as speculated by the U.S.G.S. Report.

B. The Time Period Of The Study Includes A Period Of Exceptional Drought.

From 1977 to 1979, south central Idaho experienced a drought of serious proportions. As a result of the drought, the U.S.G.S. Report is unreliable as it reflects a more drastic change in groundwater levels than has actually occurred.

C. The Study Is Inaccurate As It Relies Only On Recharge From Precipitation.

The U.S.G.S. Report concludes that:

The Rock Creek Hills overlying the limestone aquifer [the aquifer in question] receive about 80,000 acre feet per year of precipitation.

* * *

Groundwater recharge from annual precipitation ranges from less than two percent to slightly greater than five percent of the total precipitation . . . recharge to the limestone aquifer from infiltration of precipitation in the Rock Creek Hills is probably nearer five percent of the total, or about 4000 acre-feet per year. . . . No other source of recharge to this aquifer is apparent.

The report provides no allowance for recharge from surface water even though Big Cottonwood and Big Cedar Creeks flow through the area in question. Some allowance should be made for recharge from the surface water of Big Cottonwood and Big Cedar Creeks. In addition, the report provides no allowance for recharge from wastewater. The report assumes that all of the groundwater diverted is consumptively used. This conclusion is illogical. It is clear that a growing crop does not consume 100 percent of all water applied to the ground. Some of it must continue to flow past the plant and eventually reach the aquifer. Any distinction between rainwater falling upon the earth and groundwater being applied through an irrigation system is illogical. The water contacts the ground, some of it evaporates, some is consumed by the growing plant and the balance must continue to percolate through the ground until reaching the aquifer.

D. The Report Is Too Vague To Be Relied On.

The U.S.G.S. Report provides that:

If all the data considered in determining the values in Table Two (summary of annual recharge and discharge estimates) are accurate, discharge from pumpage presently exceeds recharge

U.S.G.S. Report, p. 18 (emphasis added). The nature of hydrology requires that it not lend itself to exact science. Before this board requires petitioners to surrender a significant portion of their adjudicated water rights, some tangible and reliable proof of declining water levels should be provided. The Director should remember that the Department controls the economic livelihood of petitioners. Before the Department requires that petitioners forfeit their substantial investments in pipeline, sprinkler systems, land and farm equipment, it should base such a decision upon a competent long-range study of recharge to the aquifer in question.

E. The U.S.G.S. Report Is Unreliable.

The U.S.G.S. Report provides that:

An imbalance between the volume of recharge and that which is currently withdrawn is distinctly apparent from the water levels in the wells that continue to decline under present pumping conditions.

U.S.G.S. Report, p. 18. The report studies only one well in each of the aquifers (limestone and silicic) and concludes that:

Water levels in well 12S-21E-2DAA1, completed in the silicic volcanics aquifer have declined at a rate of about 5.5 feet per year since 1977. Water levels in well 13S-21E-18BBC1, completed in the limestone aquifer [the aquifer in question], have declined about 5 feet per year during the same period.

U.S.G.S. Report, p. 12.

The U.S.G.S. should perform more extensive research before reaching such a conclusion. The U.S.G.S. Report at page 10 lists a survey of 42 wells within the two aquifers. The

data in the U.S.G.S. Report includes the water level in feet below land surface measured in the spring of 1982. A similar study performed in the spring of 1984, entitled "Potentiometric-Surface Contours, Directions of Ground Water Movement, and Perched-Water Zones, Oakley Fan, Southeastern Idaho" by H. W. Young provides an updated report for some of these same wells. Of the 27 area wells common to the two studies, most have improved their well levels by the spring of 1984. The five-year U.S.G.S. Report does not appear to be in agreement with additional U.S.G.S. Report (at least the 1984 study) and it is somewhat disturbing to see that the two conflicting reports contain a common author.

F. Natural Springs, In The Cottonwood Critical Groundwater Area, Which Have Not Run For Years Are Now Flowing.

As evidence that the aquifer in question is presently recharged to a sufficient level to support pumping at 5500 acre feet per year, petitioners will produce a witness to testify:

(1) That he has resided within the area known as the Cottonwood Critical Groundwater Area for a great many years;

(2) There is a natural spring in the area which has been above the water level of the wells, or the aquifer, for approximately 30 years, and therefore has been dry;

(3) This spring flows into the Little Cedar Creek and flows therein for approximately two miles. Thereafter the water flow disappears into a natural fault.

(4) This spring has not flowed at a rate exceeding 200 feet nor duration exceeding 45 days for at least 20 years.

(5) The past two years this spring has flowed at a rate of approximately 500 feet for a duration of approximately 70 days.

CONCLUSION

The Idaho Department of Water Resources is empowered to prohibit the withdrawal of groundwater at a rate beyond the reasonably anticipated average rate of future natural recharge. The U.S.G.S. Report encompassing a five-year span from 1977 to 1982 is inaccurate and unreliable and provides little foundation upon which to estimate the "reasonably anticipated rate of future natural recharge."

The curtailment of petitioners' water rights will cause them irreparable harm. It would be arbitrary and capricious for the Department to curtail the petitioners' water rights in reliance upon a short-term study such as the U.S.G.S. report. If the Department can extinguish existing water rights based upon a short-term study based upon inaccurate assumptions and conclusions based upon little or no scientific evidence, then other water users cannot be expected to make the capital investments in more efficient delivery mechanisms which are required to insure that water is actually applied to its highest and most beneficial use.

WHEREFORE, petitioners pray for the following relief:

1. That the Department of Water Resources Summary Order In the Matter of Groundwater Withdrawal in the Cottonwood Critical Groundwater Area, dated January 4, 1985, be rescinded to

allow groundwater withdrawals at the rate approved by the judgment in Briggs v. Higginson, June 25, 1980.

2. That the concept of "water in the bank" as provided by the judgment in Briggs v. Higginson be reinstated.

3. For such other relief that the Department of Water Resources deems reasonable.

DATED this 21 day of January, 1985.

MOEFFATT, THOMAS, BARRETT & BLANTON
CHARTERED

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