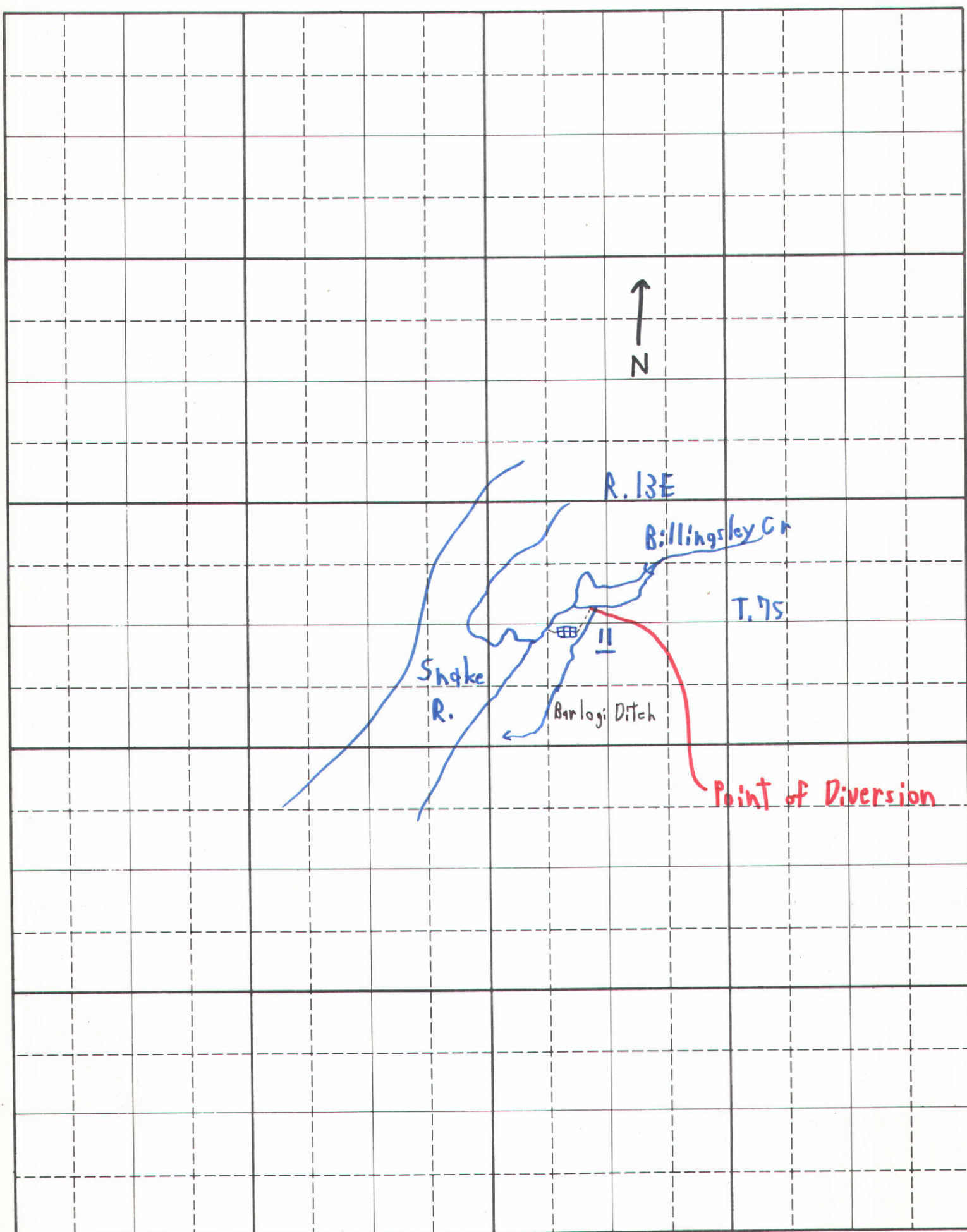


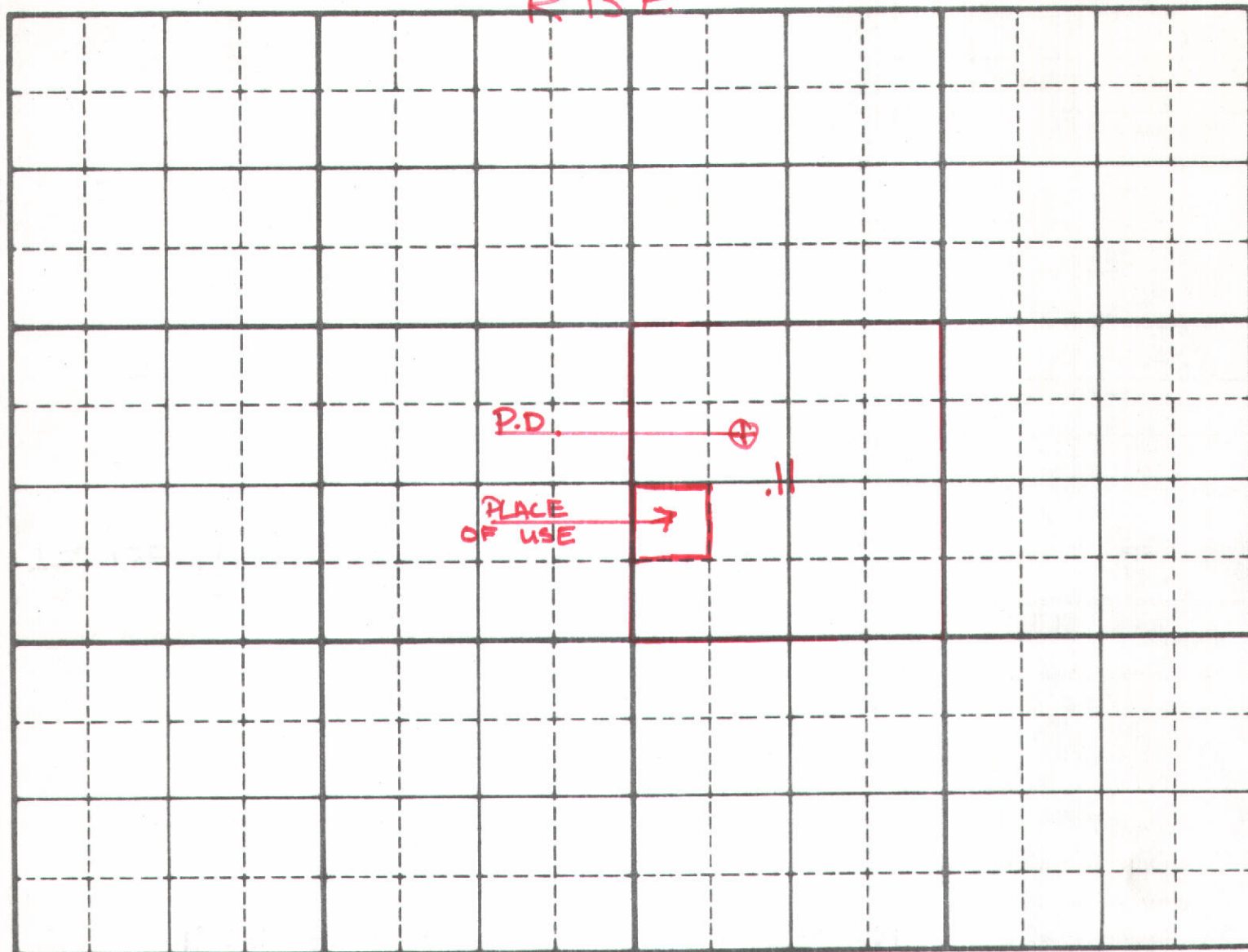
- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

MICROFILMED

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



Scale: 2 inches equal 1 mile

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

Signed at Twin Falls, this 31 day of Oct., 19 73.

Dale E. Boyer
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration, hereby approve the above application for amendment for Permit No. 36-7129.

Witness my hand this 5 day of November, 19 73.

R. Keith Higgins
Director

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
2232	Dale E. Boyer	11.57	0	36-7129

T
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RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

RECEIVED

FEB 1 1978

APPROVED
Department of Water Resources
Southern District Office

Name of applicant Dale E. Boyer Phone 837-4588

Post office address Hagerman, Idaho 83332

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. 36-7129 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Billingsley Creek tributary to Snake R.

4. Date of priority May 22, 1970

5. Water is used for the following purposes:
amount 11.57 cfs for fish propagation purposes from Jan 1 to Dec 31
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day – both dates inclusive)

6. Total amount of water under right: a. 11.57 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11
Township 7S Range 13E, B.M., in Gooding County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7S	13E	11										X							

Total number of acres to be irrigated _____

RECEIVED

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

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

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion No Change

a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet

b. Point(s) of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

c. Description of diverting works _____

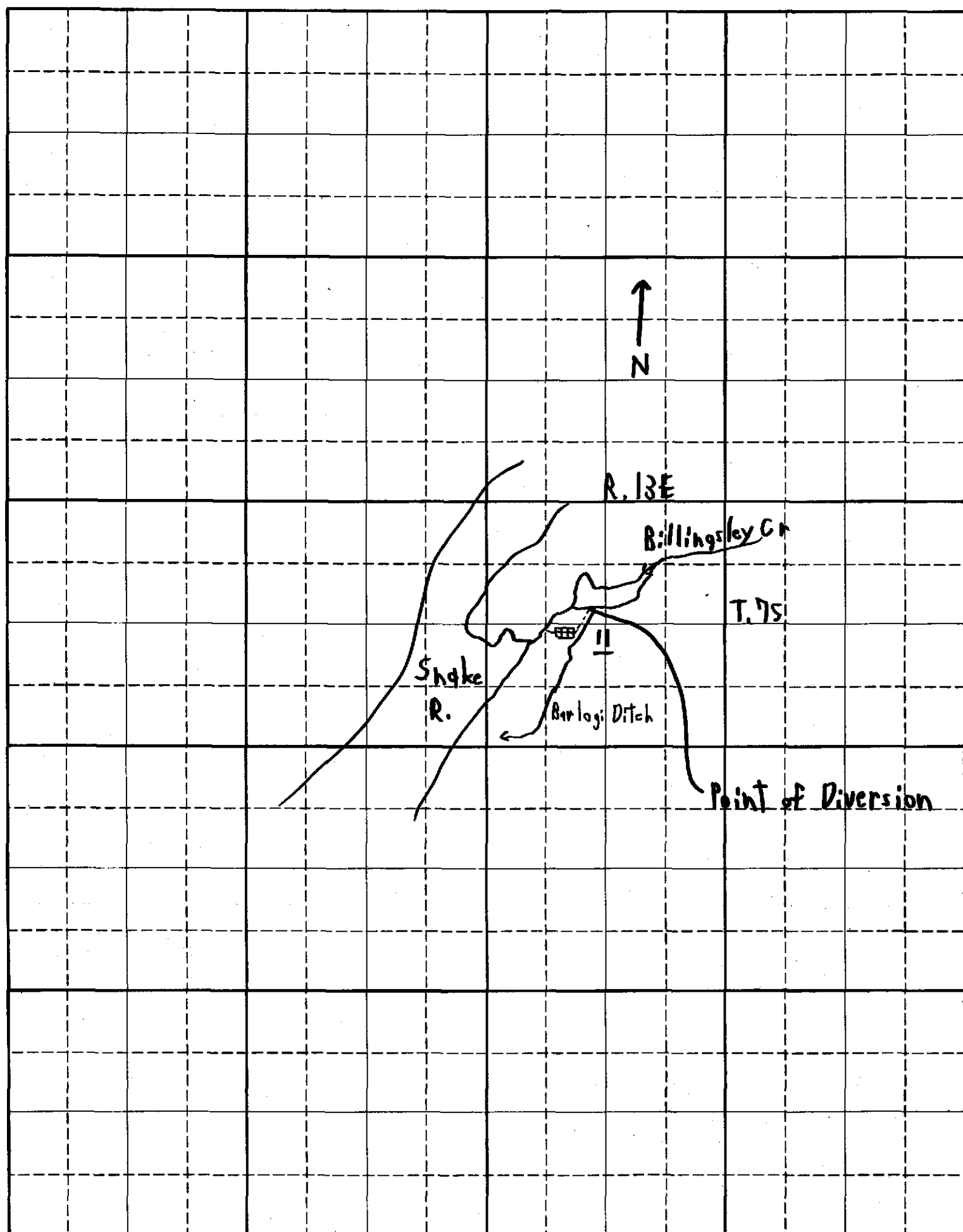
d. Describe the reasons for applying for a change in the point(s) of diversion _____

2. Change in place of use
- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	13E	11									XX								

Total number of acres to be irrigated _____

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

11/10/1960

3. Remarks Place of use was shown incorrectly on water license. This transfer
corrects that mistake.

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Dale E. Boyer
(Signature of applicant)

Subscribed and sworn to before me this 1st day of February, 19 78.

[Signature]
(Notary public)

My commission expires 9-22-81

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 36-7129
and said application is hereby APPROVED, subject to the following limitations and conditions:

A measuring device of a type approved by the Department shall be permanently
maintained at the point of effluent discharge.

Use of water under this transfer is subject to the control by the watermaster of
State Water District No. 36-A, Billingsley Creek.

Witness my hand this 7th day of May, 19 78.

Norman C. Young
Administrator

FOR DEPARTMENT USE ONLY

Received by <u>J. Stanton</u>	Date <u>2-1-78</u>	Protest filed by _____
Prelim. check by <u>mls</u>	Fee <u>30.00</u> # <u>7509</u>	_____
Receipted by <u>Aj</u>	Date <u>2/1/78</u>	_____
Published in <u>Gooding Co. Leader</u>		Copies of protest forwarded by _____
Pub. dates <u>2/23 + 3/2/78</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on <u>MTA</u>		Recommended for <u>approval</u> denial
_____ rec'd. <u>MAR-22-78</u>		by <u>Michael L. Steele</u>

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

Department of Water Resources
Bozeman, District Office

Kim R. Compton

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 23 day of February

19 78, and the date of the last publication was on the 2

day of March, 19 78.

Kim R. Compton

Subscribed and sworn to before me this 2

day of March, 19 78.

(SEAL)

Garnet H. Hays
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 48
Number of Insertions 2
Lines tabular at 315c
Lines straight at 48 21c 10.08
Subsequent lines at 48 15c 7.20
TOTAL COST 17.28

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 36-7129

Notice is hereby given that Dale E. Boyer of Hagerman, Idaho, has applied to the Dept. of Water Resources for a change of the place of use of the waters of Billingsley Cr. The right sought to be changed is evidenced by License No. 36-7129 and is recorded as follows:

Amount: 11.57 cfs.
Priority: May 22, 1970
Point of diversion: SE $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 11, Twp. 7S, Rge. 13E., B.M., Gooding County

The water is used for fish propagation within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, Twp. 7S, Rge. 13E., B.M.

TO BE CHANGED AS FOLLOWS

Place of use: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, Twp. 7S, Rge. 13E., B.M., Gooding County

Any protest against the approval of the proposed change of water right must be filed with the Idaho Dept. of Water Resources, 1041 Blue Lakes Blvd. N., Twin Falls, ID 83301, on or before March 13, 1978.

s/ C. Stephen Allred
Director

Pub: 2-23; 3-2

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

24016

N^o 1543

AFFIDAVIT of PUBLICATION

MAR 8 1978

State of Idaho, }
County of Gooding } SS.

Department of Water Resources
Southern District Office

Kim R. Compton

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 23 day of February

19 78, and the date of the last publication was on the 2

day of March, 19 78

Kim R. Compton

Subscribed and sworn to before me this 2

day of March, 19 78.
(SEAL)

Carroll Harris
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice	<u>48</u>
Number of Insertions	<u>2</u>
Lines tabular at	315c
Lines straight at <u>48</u>	21c <u>10.08</u>
Subsequent lines at <u>48</u>	15c <u>7.20</u>
TOTAL COST	<u>17.28</u>

(Paste Here)

36-7129

TITLE OF NOTICE

Boyer

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water
BILL TO

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

24016

Nº 1543

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7129 Priority May 22, 1970 Amount 11.57 cfs

THIS IS TO CERTIFY, that DALE E. BOYER
of Hagerman, Idaho, has complied with the terms and conditions of Permit
No. 36-7129 issued pursuant to Application for Permit dated April 23, 1970,
and has submitted proof to the Department of Water Resources on October 30, 1974 (late proof),
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 11.57 cfs of water from Billingsley Creek,
tributary to the Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Fish	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>11.57</u> cfs and	<u>n/a</u>
Propagation	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 11.57 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
n/a acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 11,
Twp. 7 S, Rge. 13 E, B. M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7 S	13 E	11									X								

Total number of acres irrigated _____

A measuring device of a type approved by the Department shall be permanently
maintained at the point of effluent discharge.

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of
January, 19 75.

Director

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 36-7129)

in the name of DALE E. BOYER)

ORDER OF REINSTATEMENT

WHEREAS, on April 23, 1970, Dale E. Boyer applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 12 cubic feet per second of water from Billingsley Creek, tributary to the Snake River, within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, Twp. 7S, Rge. 13E, B.M., Gooding County, to be used for fish propagation purposes; and,

WHEREAS, on September 15, 1970, the Department approved said application and issued Permit No. 36-7129 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before October 1, 1972; and,

WHEREAS, on September 18, 1972, the Department extended the time within which to submit proof of beneficial use of water for said permit to October 1, 1974; and,

WHEREAS, on August 1, 1974, the Department notified the permit holder by certified mail that proof of beneficial use of water was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on October 7, 1974, the Department notified the permit holder that Permit No. 36-7129 had lapsed for failure to submit proof of beneficial use; and,

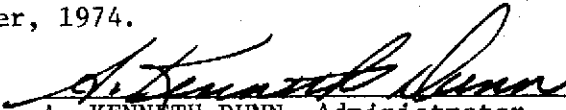
WHEREAS, on October 30, 1974, the Department received the required proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 36-7129 be REINSTATED and the priority advanced to May 22, 1970.

Dated this 8th day of November, 1974.


A. KENNETH DUNN, Administrator
Operations Division

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING DEVICE)
REQUIREMENT AT THE POINT OF DIVERSION ONLY FOR) ORDER
PERMIT NO. 36-7129 IN THE NAME OF DALE E. BOYER)

WHEREAS, on April 23, 1970, Dale E. Boyer applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 12 cubic feet per second of water from Billingsley Creek, tributary to the Snake River, to be diverted at a point within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, Twp. 7S, Rge. 13 E, B.M., Gooding County, to be used for fish propagation purposes; and,

WHEREAS, on September 15, 1970, the Department approved said application and issued Permit No. 36-7129 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before October 1, 1972, and that permanent measuring devices of a type approved by the Department be placed and maintained at such locations as to accurately measure the amount diverted to the project and the effluent from the project; and,

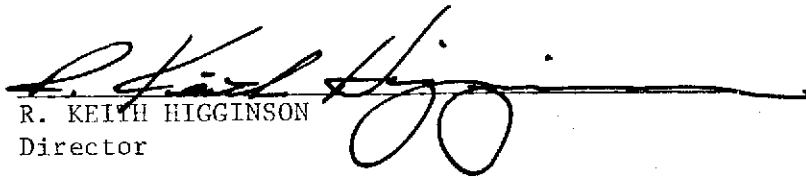
WHEREAS, on September 18, 1972, the Department extended the time within which to submit proof of beneficial use under said permit to October 1, 1974; and,

WHEREAS, on March 26, 1974, the Department received a request from the permit holder for the removal of the measuring device requirement at the point of diversion; and,

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

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval of Permit No. 36-7129 that a measuring device be installed at the point of diversion is REMOVED. The permit holder should be aware, however, that the Department will require a measuring device to be installed and maintained at the point of effluent discharge.

Dated this 2 day of April, 1974.


R. KEITH HIGGINSON
Director

BDF:JC

36-7129

APPLICATION FOR AMENDMENT

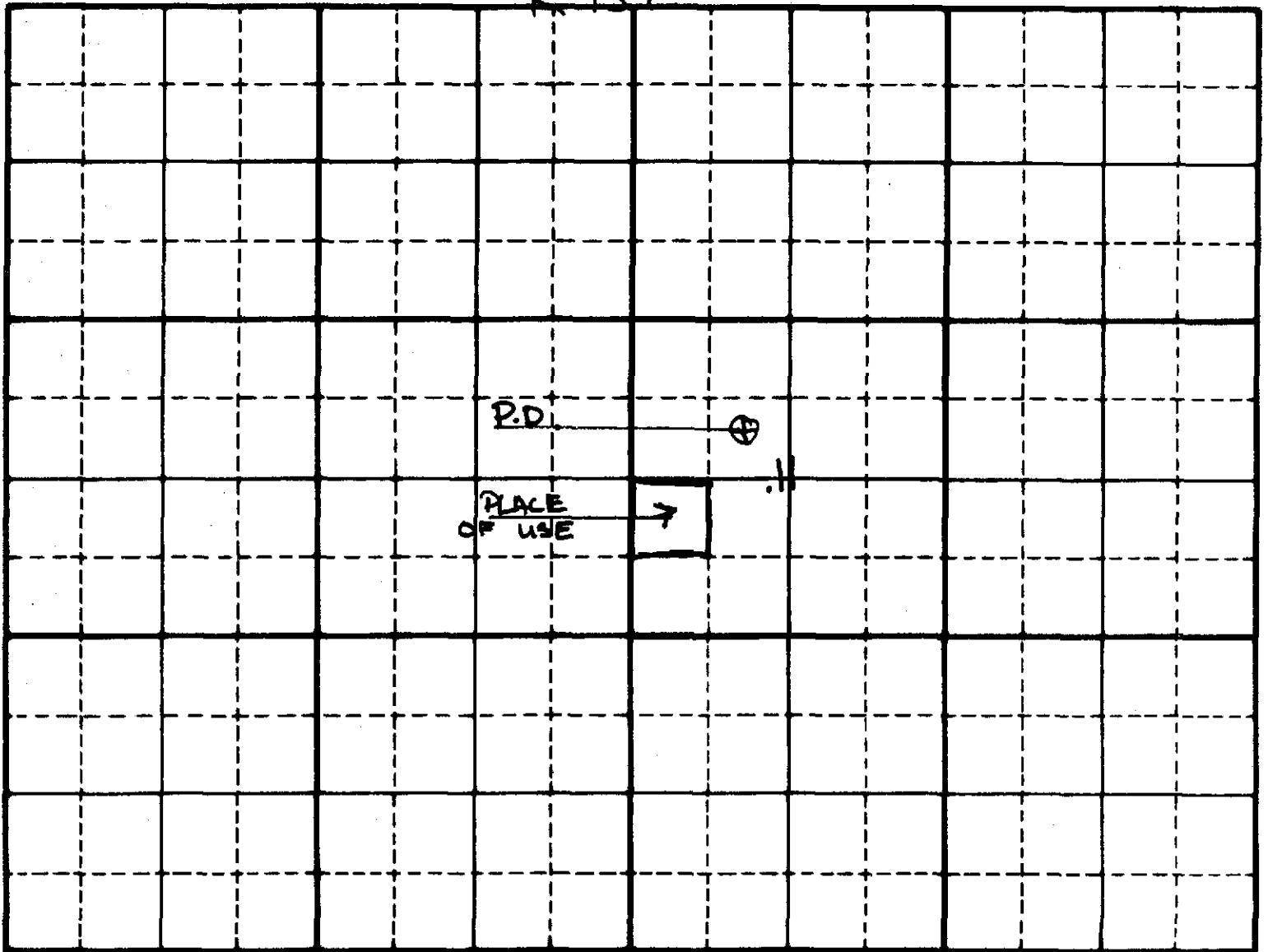
Permit No. 36-7129

Comes now DALE E. BOYER of (address) _____

1. Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11 Twp. 7S
Rge. 13E, B.M., County of GOODING. Other points of diversion:

36 7229

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



Scale: 2 inches equal 1 mile

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

Signed at Twin Falls, this 31 day of Oct., 19 73.

Dale E. Boyer
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration,
hereby approve the above application for amendment for Permit No. 36-7129.

Witness my hand this 5 day of November, 19 73.

R. Keith Higgins
Director

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR EXTENSION OF TIME

RECEIVED
SEP 13 1972
Department of Water Administration

State of Idaho)
County of Gooding)

Permit No. 36-7129

Dale E. Boyer of Box 232, Hagerman
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to appropriate the Public Waters of the State of Idaho No. 36-7129.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before October 1, 19 72.

That he has heretofore performed the following work described under said permit:

18" X 900" pipe been installed, completed one large pond. Another pond has been excavated but hasn't had the cement installed. First pond is in operation.

Costing \$ 6000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: because of construction has been stopped due to heavy rock, bad weather.

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to October 1, 19 72.

Dale E. Boyer
(signature) *

Subscribed and sworn before me this 12th day of September, 19 72.

seal

Amelia L. Warrington
(notary public)

My commission expires Aug 2, 1976

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Idaho Department of Water Administration, State of Idaho, hereby approve the above application for extension of time for Permit No. 36-7129 to October 1, 1974.

Witness my hand this 18 day of September, 19 72.

APPROVED

R. Keith Higgins
Director

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707.

36-7129

Identification No. 36-7129
Application No. _____

LICENSE ISSUED FOR 11.57 SEC. FT.
LICENSE PAGE NO. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant DALE E BOYER
post office address BOX 232 HAGERMAN IDAHO 83332
2. Source of water supply BILLINGSLEY CREEK which is a tributary of SNAKE RIVER
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11 Township 75
Range 13 E B.M. Gooding County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into BILLINGSLEY CREEK at a point in SE $\frac{1}{4}$
of NW $\frac{1}{4}$ of Section 11 Township 75 Range 13 E B.M. _____
4. Water will be used for the following purposes:
Amount 12 for FISH PROPAGATION purpose from JANUARY 1 to DECEMBER 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 12 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. A DIVERSION STRUCTURE WILL BE CONSTRUCTED
IN BILLINGSLEY CREEK & THE WATER PIPED IN A 18" PIPE 525' TO THE HATCHERY SITE
A CIPOLLETTE WEIR WILL BE CONSTRUCTED AT THE PIPE INLET FOR A MEASURING DEVICE

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ (Mo. Day) to _____ (Mo. Day) inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
(allow 2 years)
is 2 years.
b. Estimated construction cost is \$ 8,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 11 Township 75
Range 13 E B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

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

36-7129

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_____

9. a. Who owns the property at the point of diversion O.S. "Bud" Smith

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

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

10. Remarks Bud Smith has agreed to give us a right of way for the diversion & pipeline to carry the water to the hatchery

A hand-drawn diagram on graph paper. It features a circle and a square. An arrow points from the circle to the label 'AD'. Another arrow points from the square to the label 'ase'.

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.

Dale E. Boyer
(Applicant)

36-7129

Received by JA Date 4-23-70 Time 2:30
Preliminary check by JA Fee \$ 25.00
Receipted by JA Date 4-23-70
Publication prepared by JA Date 4-29-70
Published in Gooding Leader
Publication dates 5-7-14-70
Publication approved JA Date 5-19-70
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for (approval) denial by JA DEC 1971

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7129, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 19 72.
- c. Other: That permanent measuring devices of a type approved by the Department be placed and maintained at such locations as to accurately measure the amount diverted to the project and the effluent from the project. That the permit cannot be assigned or sold without the written consent of the Department of Water Administration, and that failure to receive such consent will be deemed by the Department to be an admission that the permit was obtained for speculative purposes and as such will be subject to cancellation. The applicant will be given a period of two years within which to construct the facility and apply the water to a beneficial use, with the understanding that an extension of time can be granted if requested at the end of that period and conditioned upon the permit holder making reasonable and diligent progress.

Witness my hand this 15th day of September 19 70.

See Order dated 4/23/74 concerning this

Deputy State Reclamation Engineer

DEPARTMENT OF RECLAMATION

STAFF ANALYSIS

Application No.	36-7129	Name	Dale E. Boyer
Source	Billingsley Creek		
Point of Diversion	SE 1/4 NW 1/4 of Sec. 11, T. 7S, R. 13E, B.M., Gooding		
Quantity	12.0	Use	fish propagation
		Period	Jan. 1 - Dec. 31
Quantity		Use	
		Period	
Quantity		Use	
		Period	
Well Size		Diameter	Proposed Depth
			Feet
Use	FISH PROPAGATION		
Date Forwarded	6-8-70	Date Returned	7-7-70
		Received by	<i>Dale</i>

RECOMMENDATIONS:

Qty. 12 Cfs Use fish Prop Period _____ AF _____ AFA _____

Qty. _____ Use _____ Period _____ AF _____ AFA _____

Qty. _____ Use _____ Period _____ AF _____ AFA _____

ACTION: Approved ☒ Denied _____

Conditions of approval or reason for denial:

Subject to cancellation after one year if inspection
shows work is not proceeding - etc.

ENGINEERING By *A. H. Quinn* Title *Asst Director*

Date 7-7-70

36-7129

DEPARTMENT OF RECLAMATION

STAFF ANALYSIS

Application No.	36-7129		Name	Dale E. Boyer	
Source	Billingsley Creek				
Point of Diversion	SE 1/4 of Sec. 11, T. 7S, R. 13E, B.M., Gooding				
Quantity	12.0	Use	fish propagation	Period	Jan. 1 - Dec. 31
Quantity		Use		Period	
Quantity		Use		Period	
Well Size		Diameter		Proposed Depth	
Use	FISH PROPAGATION				
Date Forwarded	6-8-70		Date Returned	6-8-70	
			Received by	HMM	

RECOMMENDATIONS: Flow in Billingsley Creek is not gaged, but miscellaneous measurements indicate a flow of 150 to 200 cfs @ the mouth which is near the proposed diversion.

Qty. 12.0 Use fish propagation Period All Year AF 8750 AFA —

Qty. Use Period AF AFA

Qty. Use Period AF AFA

ACTION: Approved X Denied

Conditions of approval or reason for denial: INFLOW AND OUTFLOW MEASUREMENT DEVICES.

INVESTIGATION By Norman C. Young Title WR II

Date June 19, 1970

36-7129

RECEIVED

MAY 20 1970

Department of Reclamation

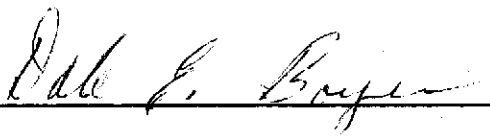
TO: Idaho Department of Reclamation

RE: Application for Permit No. 36-7129
Dale E. Boyer

DATE: May 20, 1970

Work would begin, if permit is approved, in the fall of 1970, around the first part of October.

Initial work will include the digging of all four ponds; putting to use one series of two ponds upon completion, approximately the following year, 1971. Completion of work will be in 1972.



Dale E. Boyer

36-7129

RECEIVED

MAY 20 1970

Trout Facilities

Dale Boyer Department of Reclamation

The water requirements for this trout facility are 12 cfs. There will be ^{two}~~one~~ series of ^{two}~~three~~ ponds. Each pond will be 135' x 40' x 4' deep. The water will be changed two times per hour for a water requirement of 12 cfs.

The approximate annual production will be ^{129,600}~~97,200~~ pounds. This is based on 1.5 pounds/ 1 cu. ft. of water space. This is considered a conserative estimate. As the degree of pond management increases through experience, the production could increase to 2 pounds/ 1 cu. ft. of water space. There is 21,600 cu. ft. of water in each pond x 1.5 = 32,400 pounds 1 pond.

84 B

36-7129

The Farmers National Bank

OF
BUHL, IDAHO

April 16, 1970

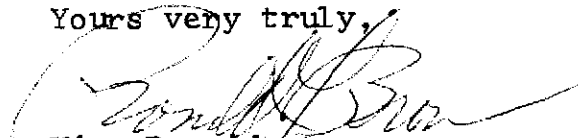
RECEIVED
APR 17 1970
BANK OF AMERICA

TO WHOM IT MAY CONCERN:

Mr. Dale Boyer has been a customer of our bank since 1959. He had had a satisfactory checking account and has repaid all loans as agreed.

His Net Worth is in the low-to-medium five-figures. We feel he is financially capable of developing facilities for fish propagation.

Yours very truly,



Vice President

36-7129

Affidavit of Publication

State of Idaho, }
County of Gooding } SS.

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

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 7 day of May, 1970, and the date of the last publication was on the 14 day of May, 1970.

Thomas D. Miller

Subscribed and sworn to before me this 18

day of May, 1970
(SEAL)

Andrew C. Belcher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

.....Lines at 14c

.....Lines at 10c

TOTAL COST

COPY OF NOTICE

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Dale E. Boyer, Box 232, Hagerman, Idaho, has on April 23, 1970, submitted application No. 36-7129 to appropriate the public waters of Billingsley Creek, tributary of the Snake River.

The application proposes a maximum diversion and appropriation of 12.0 cubic feet per second of water to be diverted by diversion structure and pipe within the SE 1/4 - NW 1/4 Sec. 11, T. 7S, R. 13E, B.M., Gooding County, and is to be used within the NE 1/4 - SW 1/4 Sec. 11, T. 7S, R. 13E, B.M. from Jan. 1 to Dec. 31 for fish propagation purposes.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Reclamation on or before May 25, 1970.

R. Keith Higginson
State Reclamation
Engineer

5-7-2tc

PUBLICATION RATES:

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

No 786

36-7129

Affidavit of Publication

State of Idaho, }
County of Gooding } ss.

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

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 7 day of May, 1970, and the date of the last publication was on the 14 day of May, 1970.

Thomas D. Miller

Subscribed and sworn to before me this 18

day of May, 1970
(SEAL)

Andrey C. Belsher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

Lines at 14c

Lines at 10c

TOTAL COST

Title of Notice

Water Permit
Title of Notice

Dale E. Boyer
Plaintiff Attorney

Defendant

Plaintiff

Bill to

State of Idaho
Dept. of Reclamation
Statehouse Annex 2
Boise, Idaho
83707

PUBLICATION RATES:

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

No 786

36-7129

VERIFIED RDH

5/9/85

WATER RIGHT NUMBER 36-7129

OWNER LAST NAME - BOYER

FIRST NAME - DALE E.

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - HAGERMAN

STATE - ID ZIP CODE - 83332

SOURCE - BILLINGSLEY CREEK

TRIBUTARY OF - SNAKE RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 05-22-1970 COUNTY - GOODING

TOTAL DIV. RATE - 11.5700 -CFS

TOTAL DIV. VOLUME -

.00 AFA

TRFR/AMEND - T

WATER DIST. - 36A

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SENW 11 07S 13E LOT

REDIV -

272.0 389.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.6

FROM - 01-01 TO - 12-31 USE - FISH PROP.

USE DIV. RATE -

11.5700 CFS

USE DIV. VOLUME -

.00 AFA

USE - FISH PROP.

PLACE OF USE - TWN 07S PNG 13E SEC 11 TRACT NESW LOT

AC

DECREE NAME -

DATE -

TOTAL ACRES

0

REMARKS - TRANS. 2232.

USE OF WATER UNDER THIS TRANSFER IS SUBJECT TO THE CONTROL BY
THE WATERMASTER OF STATE WATER DIST. NO. 36-A, BILLINGSLEY CK.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - FLD EXAM - COND. OF APPROVAL - R01 16

DIVERSION MEANS -

IDENT. NO. 36-7129

WATER RIGHT
DATA ENTRY LOG

Date _____

Item

Edit Report Correct

Date Protested

Date of Hearing

Date Approved/Denied
(Proof due date, stage and/or status,
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

Partial Proof

Proof Complete

Field Exam Received

Field Exam Accepted
and changes entered

License Signed

Transfer Approved

Keypunched by State Office

12.20.79

1000

OTd No.

New No.

Record

1. Original Owner: Wale E. Boyer

Present Owner: _____

2. Address:

3. City: Laguerman State: ID Zip: 83332

4. A. Source of Water: *Billingsley Creek*
B. Tributary of: *Snake River*

5. A. Stage (A,P,L,D,S,J): /

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 5-22-1970

D. County: 47

E. Total Diversion Rate: 11.57

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank): T

H. Water District:

I. DLE/Carey Act (D,C or blank): ~~NE~~

J. Right Basis (for adjudication claims A,B,C only):

	<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	SE1/4	11	7S	13E		

7. Period of Use, Use, Diversion Rate/Volume:

from 1-1 to 12-31 for IT purposes. Amount 11.57
(cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from to for purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from		to		for		purposes.	Amount
------	--	----	--	-----	--	-----------	--------

from		to		for		purposes.	Amount
------	--	----	--	-----	--	-----------	--------

8. Use Code: *H*

ff 11 26 79

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<i>7A</i>	<i>BE</i>	<i>11</i>									<i>H</i>								

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. *Trans. 2232.*
 B.
 C.
 D.
 E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: _____

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

Transfer # 2232

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 36-1129

JUL 19 1978

Department of Water Resources
Southern District Office

RECOMMENDATION OF WATERMASTER

I, Geo Lemmon, watermaster of Hagerman,
of Water District No. 36-A, County of Gooding, State of Idaho,
whose address is Box 218 Hagerman, Idaho 83332
have read the attached copy of the application for transfer of water right for 36-1129
Dale E. Boyer, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: _____

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Twin Falls, Idaho, this 18 day of July 1978.

Geo. H. Lemmon
(signature)

Please use reverse side if needed.

May 15, 1978

Re: Transfer of Water Right No. 36-7129

Dale E. Boyer
Hagerman,
Idaho 83332

Dear Mr. Boyer:

Enclosed is a copy of the approved Application for Transfer of Water Right No. 36-7129 (Transfer No. 2232).

Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

1. Source Billingsley Creek

Name BOYER, DALE E.

2. Right Being Transferred

Right No. 36-7129

a. ☐ Decree

Transfer No. _____

☒ License

☐ Use

b. ☒ Priority

c. ☒ Location - Original P. D.

d. ☒ " - Original P. U.

e. ☒ " - New P.D.

f. ☒ " - New P.U.

g. ☒ Amount

☒ All

☐ Part

3. ☐ Proof of Ownership of Right

Comment Not needed

4. ☒ Expansion of Right

Comment N

5. ☒ Map

6. ☒ Signature

7. ☒ Fee

8. Watermaster's Comments N/A sent for comments 3/14/78 per mls.

W.D. 36 A Billingsley Creek

Watermaster comments

9. Comments Received 3/22/78

10. Initial Review by mls

Date 3-27-78

11. Recommended Action

☒ Approve

☐ Deny

☒ Conditions SAME CONDITIONS AS IN 9/2/74 ORDER

By Michael L. Steelt

Date 3-14-78

RECEIVED

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 36-7129

Department of Water Resources
Southern District Office

RECOMMENDATION OF WATERMASTER

I, Geo. H. Lemmon, watermaster of 36-A,
of Water District No. _____, County of Gooding, State of Idaho,
whose address is Box 218, Hagerman, Idaho 83332
have read the attached copy of the application for transfer of water right for _____
Dale E. Boyer, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: the dept. correct their
Books.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Hagerman, Idaho, this 22 day of March 19 78.

Geo. H. Lemmon
(signature)

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

March 14, 1978

Mr. George Lemmon
Hagerman, Idaho 83332

Re: Transfer of a Water Right No. 36-7129 - Dale E. Boyer

Dear Mr. Lemmon:

We have received an Application for Transfer of Water Right No. 36-7129 in the name of Dale E. Boyer. Enclosed is a copy of the transfer for your review. The Department requests that comments on this transfer be submitted to this office prior to March 24, 1978

Please complete the form enclosed and return it to the Southern Region Office.

Sincerely,

Gary Funderburg
Senior Water Resource Agent

GF:sm

Enclosures

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 36-7129

Notice is hereby given that Dale E. Boyer of Hagerman, Idaho, has applied to the Dept. of Water Resources for a change of the place of use of the waters of Billingsley Cr. The right sought to be changed is evidenced by License No. 36-7129 and is recorded as follows:

Amount: 11.57 cfs

Priority: May 22, 1970

Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, Twp. 7S, Rge. 13E., B.M.,
Gooding County.

The water is used for fish propagation within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, Twp. 7S, Rge. 13E., B.M.

TO BE CHANGED AS FOLLOWS

Place of use: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, Twp. 7S, Rge. 13E., B.M., Gooding
County

Any protest against the approval of the proposed change of water right must be filed with the Idaho Dept. of Water Resources, 1041 Blue Lakes Blvd. N., Twin Falls, ID 83301, on or before March 13, 1978.

C. STEPHEN ALLRED

Director

Published in the Gooding County Leader on 2/23 and 3/2/78.



LEGAL (257) 1e

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT
NO. 36-7129**

Notice is hereby given that Dale E. Boyer of Hagerman, Idaho, has applied to the Dept. of Water Resources for a change of the place of use of the waters of Billingsley Cr. The right sought to be changed is evidenced by License No. 36-7129 and is recorded as follows:

Amount: 11.57 cfs
Priority: May 22, 1970
Point of diversion: SE $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 11, Twp. 7S, Rge. 13E., B.M., Gooding County

The water is used for fish propagation within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, Twp. 7S, Rge. 13E., B.M.

**TO BE CHANGED AS
FOLLOWS**

Place of use: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, Twp. 7S, Rge. 13E., B.M., Gooding County

Any protest against the approval of the proposed change of water right must be filed with the Idaho Dept. of Water Resources, 1041 Blue Lakes Blvd. N., Twin Falls, ID 83301, on or before March 13, 1978.

s/ C. Stephen Allred
Director

Pub: 2-23; 3-2

01 2/21/78

February 15, 1978

Gooding County Leader
Box 56
Gooding, ID 83330

Re: Notice of Proposed Change of Water Right No. 36-7129 - Dale E. Boyer

Gentlemen:

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

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

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sm

Enc.

Bill submitted: _____



January 27, 1975

Re: Permit No. 36-7129

Mr. Dale Boyer
Hagerman,
Idaho 83332

Dear Mr. Boyer:

Enclosed herewith is a copy of the water license issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

MICROFILMED

January 6, 1974

Mr. Dale E. Boyer
Hagerman,
Idaho 83332

Dear Mr. Boyer:

A representative of this Department has made an examination of the works covered by your Permit No. 36-7129 and has found the following:

Quantity of water diverted: 11.57 cfs Source: Billingsley Creek

Amount of water that can be recognized as beneficially used under
Idaho law: 11.57 cfs

Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, Twp. 7S, Rge. 13E, B.M.

Beneficial use: Fish propagation purposes within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11,
Twp. 7S, Rge. 13E, B.M.

Priority date established: May 22, 1970

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR

MICROFILMED

RECEIVED

MICROFILMED

TOTAL ACREAGE

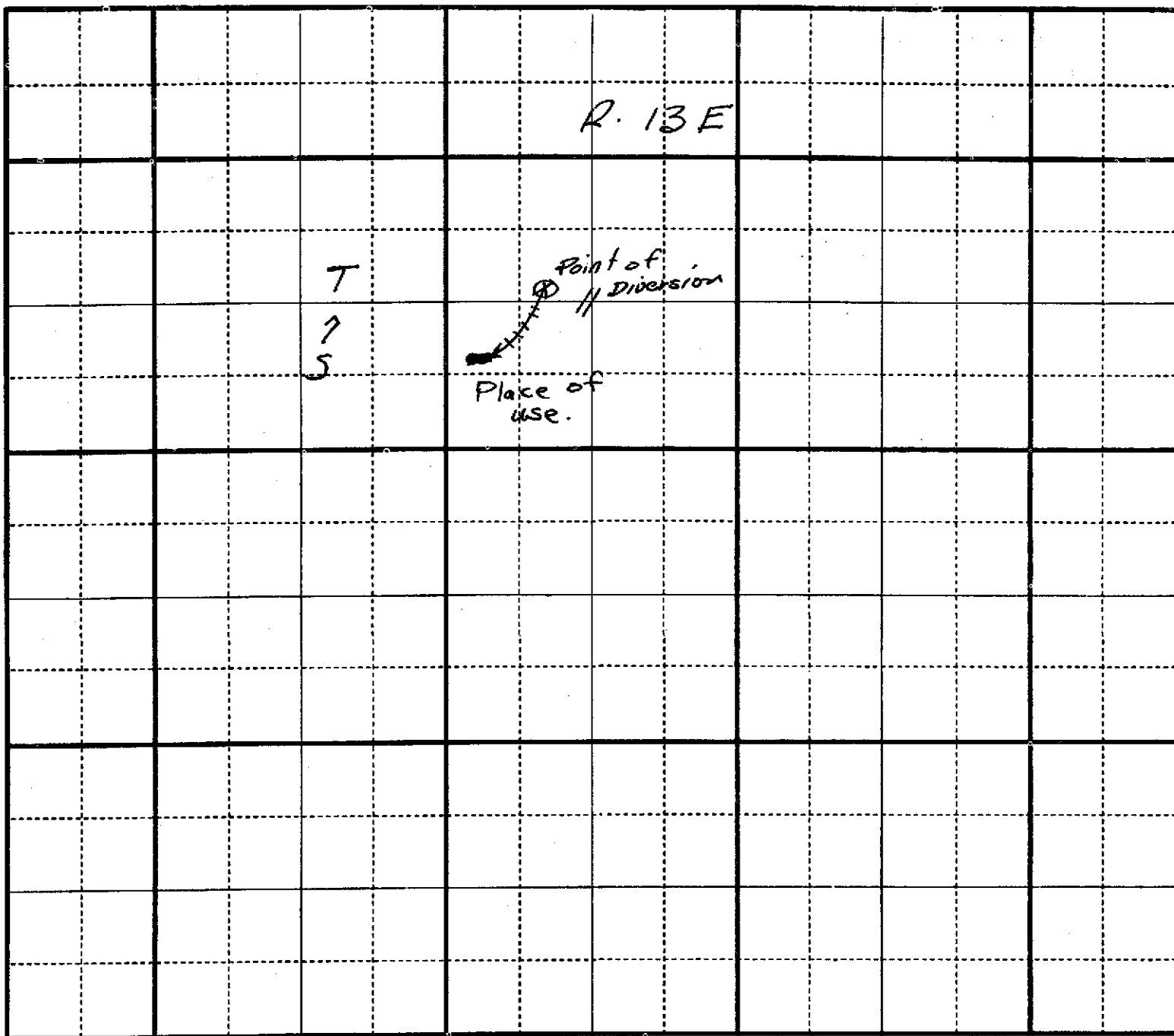
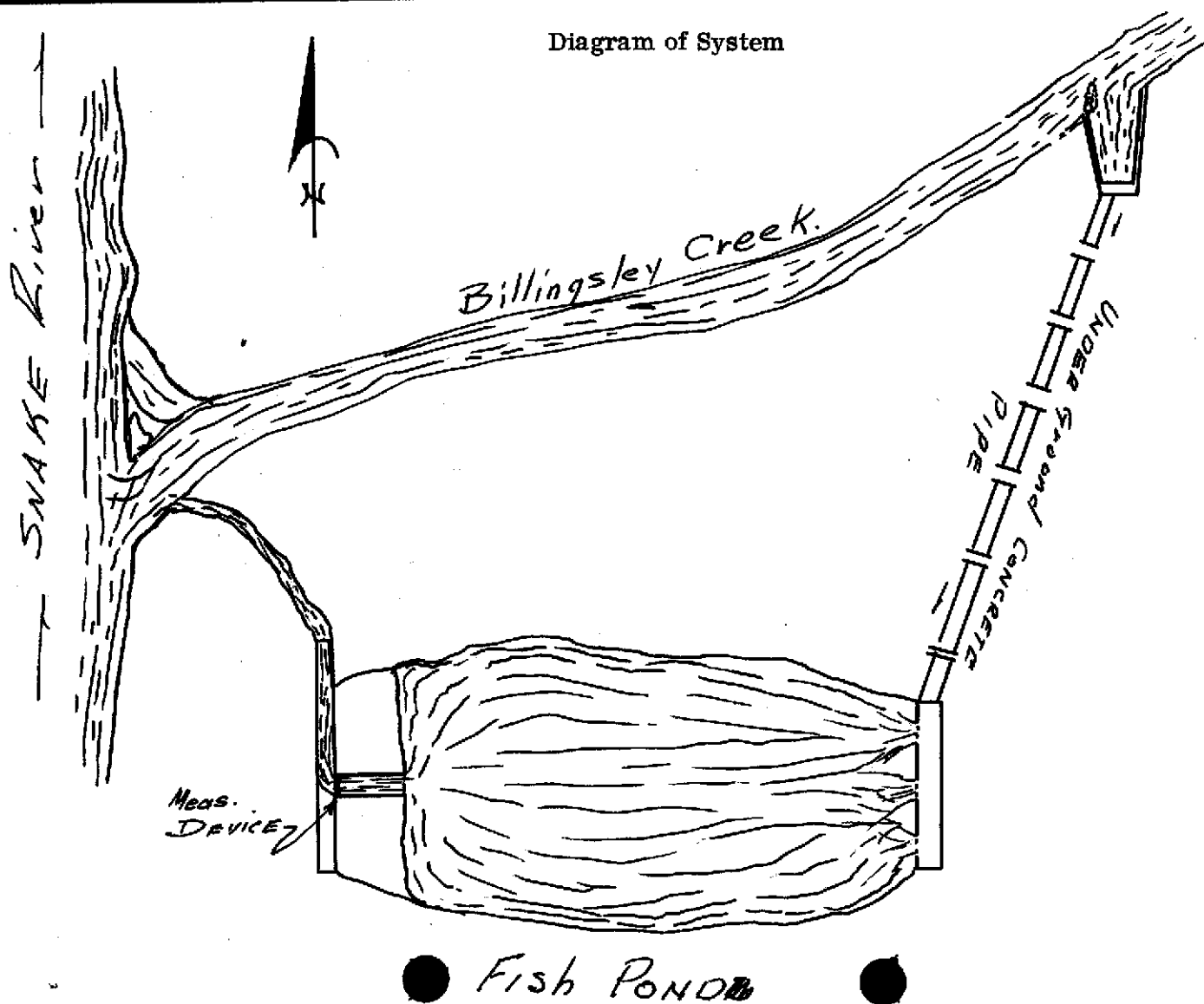


Diagram of System



STATE		PROJECT		
BY	DATE	CHECKED BY	DATE	JOB NO.
SUBJECT				SHEET _____ OF _____

Dale Boyer Weir Measurements					
9 "	6.72	C.F.S.	13 $\frac{1}{16}$ "	11.88	C.F.S.
9 $\frac{1}{8}$ "	6.85	"	13 $\frac{3}{16}$ "	12.06	"
9 $\frac{1}{4}$ "	7.00	"	13 $\frac{5}{16}$ "	12.22	"
9 $\frac{3}{8}$ "	7.13	"	13 $\frac{7}{16}$ "	12.38	"
9 $\frac{1}{2}$ "	7.28	"	13 $\frac{9}{16}$ "	12.56	"
9 $\frac{5}{8}$ "	7.41	"	13 $\frac{11}{16}$ "	12.73	"
9 $\frac{11}{16}$ "	7.57	"	13 $\frac{13}{16}$ "	12.90	"
9 $\frac{13}{16}$ "	7.68	"	13 $\frac{15}{16}$ "	13.08	"
9 $\frac{15}{16}$ "	7.84	"	14 $\frac{1}{16}$ "	13.23	"
10 $\frac{1}{16}$ "	8.00	"	14 $\frac{3}{16}$ "	13.42	"
10 $\frac{3}{16}$ "	8.12	"	14 $\frac{1}{4}$ "	13.62	"
10 $\frac{5}{16}$ "	8.27	"	14 $\frac{3}{8}$ "	13.78	"
10 $\frac{7}{16}$ "	8.43	"	14 $\frac{1}{2}$ "	13.95	"
10 $\frac{9}{16}$ "	8.56	"	14 $\frac{5}{8}$ "	14.12	"
10 $\frac{11}{16}$ "	8.71	"	14 $\frac{3}{4}$ "	14.29	"
10 $\frac{13}{16}$ "	8.87	"	14 $\frac{7}{8}$ "	14.48	"
10 $\frac{15}{16}$ "	9.02	"	15 $\frac{1}{8}$ "	14.67	"
11 $\frac{1}{16}$ "	9.17	"	15 $\frac{1}{4}$ "	14.87	"
11 $\frac{3}{16}$ "	9.33	"	15 $\frac{3}{8}$ "	15.02	"
11 $\frac{1}{4}$ "	9.48	"	15 $\frac{1}{2}$ "	15.19	"
11 $\frac{3}{8}$ "	9.64	"	15 $\frac{5}{8}$ "	15.37	"
11 $\frac{1}{2}$ "	9.79	"	15 $\frac{3}{4}$ "	15.56	"
11 $\frac{5}{8}$ "	9.95	"	15 $\frac{13}{16}$ "	15.76	"
11 $\frac{3}{4}$ "	10.11	"	15 $\frac{15}{16}$ "	15.93	"
11 $\frac{7}{8}$ "	10.26	"	16 $\frac{1}{16}$ "	16.12	"
12 "	10.42	"			
12 $\frac{1}{8}$ "	10.58	"			
12 $\frac{1}{4}$ "	10.76	"			
12 $\frac{3}{8}$ "	10.92	"			
12 $\frac{1}{2}$ "	11.08	"			
12 $\frac{5}{8}$ "	11.22	"			
12 $\frac{3}{4}$ "	11.38	"			
12 $\frac{13}{16}$ "	11.57	"			
12 $\frac{15}{16}$ "	11.72	"			

Rectangular Suppressed Weir.
All flow figures are
computed for 37 $\frac{1}{4}$ " weir
width

The 37 $\frac{1}{4}$ " weir measures
3% higher than the
36" weir.

Approved by _____ Date _____

November 8, 1974

Re: Permit No. 36-7129

Dale E. Boyer
Hagerman,
Idaho 83332

Dear Mr. Boyer:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order of Reinstatement; please note that the priority has been advanced to May 22, 1970.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

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

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

MICROFILMED

Identification No. _____

Permit No. _____

RECEIVED

OCT 30 1974

late
jg

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder Dale E. Boyer Ph-NO- 837-4588
b) Post Office Address Hagerman, Idaho
2. Permit Number 36-7529 de 10-30-74
3. Date of Priority that you are prepared to establish 4-23-70
4. a) Source from which water was appropriated Billingsley Creek
b) Location of the point of diversion: SE 1/4 NW 1/4, Section 11
Township 7S, Range 13E Boise Meridian, Other points of diversion:

5. a) The amount of water and use to which the water has been applied:
amount 12 cfs for Fish Prop. purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 12 cfs cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: N/A
b) Describe the agreement or understanding by which you take water from the works: N/A

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Concrete check and 900 feet concrete pipe into ponds
b) Describe the type and size of measuring device which you have installed at your point of diversion: Weir
c) Give well drillers name and address and date the well was completed _____

Exam typed 11/8/74 by jg

MICROFILMED

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	13E	11										X							

Total number of acres irrigated _____

10. Remarks: _____

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

(Date)

Dale P. Bayer

(Signature)

State of Idaho)

County of Gooding)

ss.

On this 28th day of October, 19 74, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Lowell R. [Signature]

Notary Public residing at Wendell Idaho

My commission expires 12-9-76

Oct 23 1974
Hagerman Idaho
83332

State of Idaho
Department of Reclamation
State house - Annex #2
Boise, Idaho 83707

Dear Sir:

Under the advice of Bob Hoynes,
Irwin Falls office, I'm sending in this
document to be reinstated.

The ~~reiser~~ has been prepared,
and the pond in use for quite ~~some~~
some time. The reason for not sending
proof of beneficial use is because
I ~~rease~~ and harvest water melons
in Aug & Sept. and was too busy
at that time to have the weir
inspected Sept. 27, 74 - my wife had
a car accident in which she broke
her neck and was hospitalized
for better than 2 weeks. So - - -

now I have the time and will
you please reinstate my water
permit # 36-7429.

DE 1036-74

Sincerely

Dale E. Boyer

MICROFILMED

36-7129



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

October 7, 1974

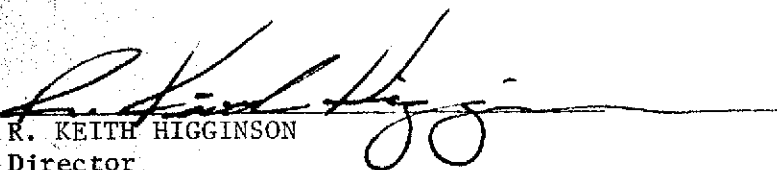
Re: Permit No. 36-7129

Dale E. Boyer
Box 232
Hagerman, ID 83332

Dear Mr. Boyer:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 36-7129 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON
Director

RKH:jg

RECEIVED
OCT 10 1974

WATER RESOURCE BOARD:

John F. Streiff
Chairman
Franklin Jones

George L. Yost
Vice-Chairman
M. Reed Hansen

Donald R. Kramer
Secretary
Scott W. Reed

Edwin C. Schlender
Member

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

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

CERTIFIED NO.

25879

INSURED NO.

DATE DELIVERED

AUG 2 1974



Alb. Boyer

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY



SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

36-7129

J.S. POSTAL SERVICE
OFFICIAL BUSINESS



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



Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moistened gummed ends and attach to back of article.

RETURN
TO

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

MICROFILMED

August 1, 1974

CERTIFIED MAIL

#25879

Re: Permit No. 36-7129

Dale E. Boyer
Box 232
Hagerman, ID 83332

Dear Mr. Boyer:

One of the conditions of approval of your water Permit No. 36-7129 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before October 1, 1974. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit

MICROFILMED

April 11, 1974

Re: Permit No. 36-7129

Dale E. Boyer
Box 232
Hagerman, ID 83332

Dear Mr. Boyer:

Enclosed is an Order which removes the measuring device requirement for this permit from the point of diversion ONLY. Please note that a measuring device is required, however, at the point of effluent discharge.

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

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC
Enclosure

36-7129

RECEIVED

MAR 26 1974

Department of Water Administration

March 26, 1974

Re: Permit No. 36-7129

Mr. R. Keith Higginson
Dept. of Water Administration
Statehouse - Annex #2
Boise, Idaho 83720

Dear Mr. Higginson:

I hereby request that the measuring device requirement be removed from permit at the point of diversion. I feel that there is very little water lost between the point of diversion and the measuring device at the point of discharge. The water is conveyed from the point of diversion to the ponds in an 18" diameter pipeline.

Sincerely,

Dale E. Boyer

36-7129

November 6, 1973

Re: Permit No. 36-7129

Dale E. Boyer
Box 232
Hagerman, Idaho 83332

Dear Mr. Boyer:

Enclosed is a copy of the approved application for amendment in connection with the above referenced permit number.

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

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JC
Enclosure

36 7129

September 18, 1972

Re: Permit No. 36-7129

Mr. Dale E. Boyer
Box 232
Hagerman, Idaho 83332

Dear Mr. Boyer:

Enclosed please find a copy of the approved application for extension of time in connection with the above referenced permit.

Please note that the time within which to submit proof of beneficial use has only been extended to October 1, 1974.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosure

36 7129

RECEIVED



CERTIFIED
No. 8587/3

State of Idaho
Dept of Water Administration
State House
Boise, Idaho

82

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)



Show to whom, date and address
where delivered



Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

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

CERTIFIED NO.

23865

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

Elaine Boyer

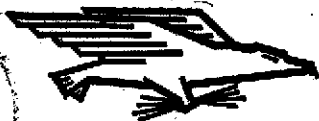
DATE DELIVERED

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

3

36 7120

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



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

Postmark of Delivery

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.



- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.



**RETURN
TO**

DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE • ANNEX #2
BOISE, IDAHO 83707

36 7420

August 1, 1972 CERTIFIED MAIL

23865

Re: Permit No. 36-7129

Dale E. Boyer
Box 232
Hagerman, Idaho 83332

Dear Mr. Boyer:

One of the conditions of approval of your water Permit No. 36-7129 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before October 1, 1972. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit
dr

36 7129

September 17, 1970

Re: Permit No. 36-7129

Mr. Dale E. Boyer
Box 232
Hagerman, Idaho 83332

Dear Mr. Boyer:

Enclosed is a copy of your approved Application for Permit No. 36-7129. We direct your attention to the conditions of approval as listed on the fourth page.

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

Very truly yours,

C. Stephen Allred
Deputy Director

CSA:kh

Enclosures: Copy of permit
Receipt No. 4537 for \$75
1 letter

36-7129

May 21, 1970

C
O
P
Y
Re: Application for Permit No. 36-7129

Mr. Dale E. Boyer
Box 232
Hagerman, Idaho 83332

Dear Mr. Boyer:

This is to acknowledge receipt of the financial statement, schedule of construction of works and plans in connection with the above referenced application.

You will be notified when final action is taken on your application for permit.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

36-7129

**NOTICE OF APPLICATION
FOR PERMIT TO
APPROPRIATE THE
PUBLIC WATERS OF THE
STATE OF IDAHO**

Notice is hereby given that Dale E. Boyer, Box 232, Hagerman, Idaho, has on April 23, 1970, submitted application No. 36-7129 to appropriate the public waters of Billingsley Creek, tributary of the Snake River.

The application proposes a maximum diversion and appropriation of 12.0 cubic feet per second of water to be diverted by diversion structure and pipe within the SE $\frac{1}{4}$ -NW $\frac{1}{4}$ Sec. 11, T. 7S, R. 13E, B.M., Gooding County, and is to be used within the NE $\frac{1}{4}$ -SW $\frac{1}{4}$ Sec. 11, T. 7S, R. 13E, B.M. from Jan. 1 to Dec. 31 for fish propagation purposes.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Reclamation on or before May 25, 1970.

R. Keith Higginson
State Reclamation
Engineer

5-7-2tc

36-7129

April 30, 1970

Re: Application for Permit No. 36-7129

Mr. Dale E. Boyer
Box 232
Hagerman, Idaho 83332

Dear Mr. Boyer:

In reviewing your application for permit, we find that in order for your application to be considered complete it will be necessary for you to submit additional information on or before June 1, 1970, in order to maintain your proposed priority of April 23, 1970 (Section 42-204, Idaho Code).

1. A preliminary design of the hatchery facilities, indicating the size of raceways, general layout, the size of pipelines or other diversion works and such other information as will fully describe the method and means of diversion and verify the need for the quantity of water you have requested.
2. A justification based upon the preliminary design and the estimated production of the hatchery for the amount of water requested.
3. An estimated schedule of construction, giving the dates for the start of construction, the finish of construction and the date that full operation of the hatchery is anticipated.

We are returning the map submitted with your application as it is not acceptable unless the township and range is shown.

36-7129

Page 2

Mr. Dale E. Boyer

Re: 36-7129

April 30, 1970

C
O
P
Y

You should be aware that all applications, if approved, will require the installation and maintenance of adequate measuring devices, both at the point of diversion and the point of return of the water, especially in cases of non-consumptive uses. These devices must be of a type approved by the Department of Reclamation; they can be of any generally recognized standard measuring device type. You should include the installation of these devices in your preliminary plans for construction.

If you have any questions concerning your application, please contact us at once.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

Enc: Map
Information letter

36-7129

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

April 29, 1970

Re: Application for Permit No. 36-7121 - Norman Standal and George H. Lemmon
36-7127 - Richard J. Gooby
36-7129 - Dale E. Boyer
37-7058 - Norman S. Standal

Gooding Leader
Box 56
Gooding, Idaho 83330

Gentlemen:

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

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

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

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

(Signature of the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Legal notices (4)

*Bill submitted
5-19-70
Dr*

36-7129

NOTICE OF APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Dale E. Boyer, Box 232, Hagerman, Idaho,

has on April 23, 1970,

submitted Application No. 36-7129 to appropriate the public waters of
Billingsley Creek, tributary of the Snake River

the proposed uses are

The application proposes a maximum diversion and appropriation of 12.0

cubic feet per second acre/feet of water to be diverted by diversion

structure and pipe within the SE~~1~~/~~4~~ NW~~1~~ Sec. 11,

T. 7S, R. 13E, B.M., Gooding County,

and is to be used within the NE~~1~~/~~4~~ SW~~1~~ Sec. 11, T. 7S, R. 13E, B.M. from Jan. 1
to Dec. 31 for fish propagation purposes

Any permit issued pursuant to this application will be subject to ALL PRIOR
WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest
against this application must be filed with the Idaho Department of Reclamation on
or before May 25, 1970.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Gooding Leader, Gooding, Idaho,

on May 7 and May 14, 1970

K.H.

36-7129

April 29, 1970

Re: Application for Permit No. 36-7129

Mr. Dale E. Boyer
Box 232
Hagerman, Idaho 83332

Dear Mr. Boyer:

This letter is to inform you of an informal conference to be held to discuss your above numbered application for permit, as well as, all the other applications filed in connection with Billingsley Creek. This conference will be held on May 12th, at 1:30 p.m., in the District Court room at Twin Falls, Idaho.

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CSA:kh

36-7129

C
O
P
Y