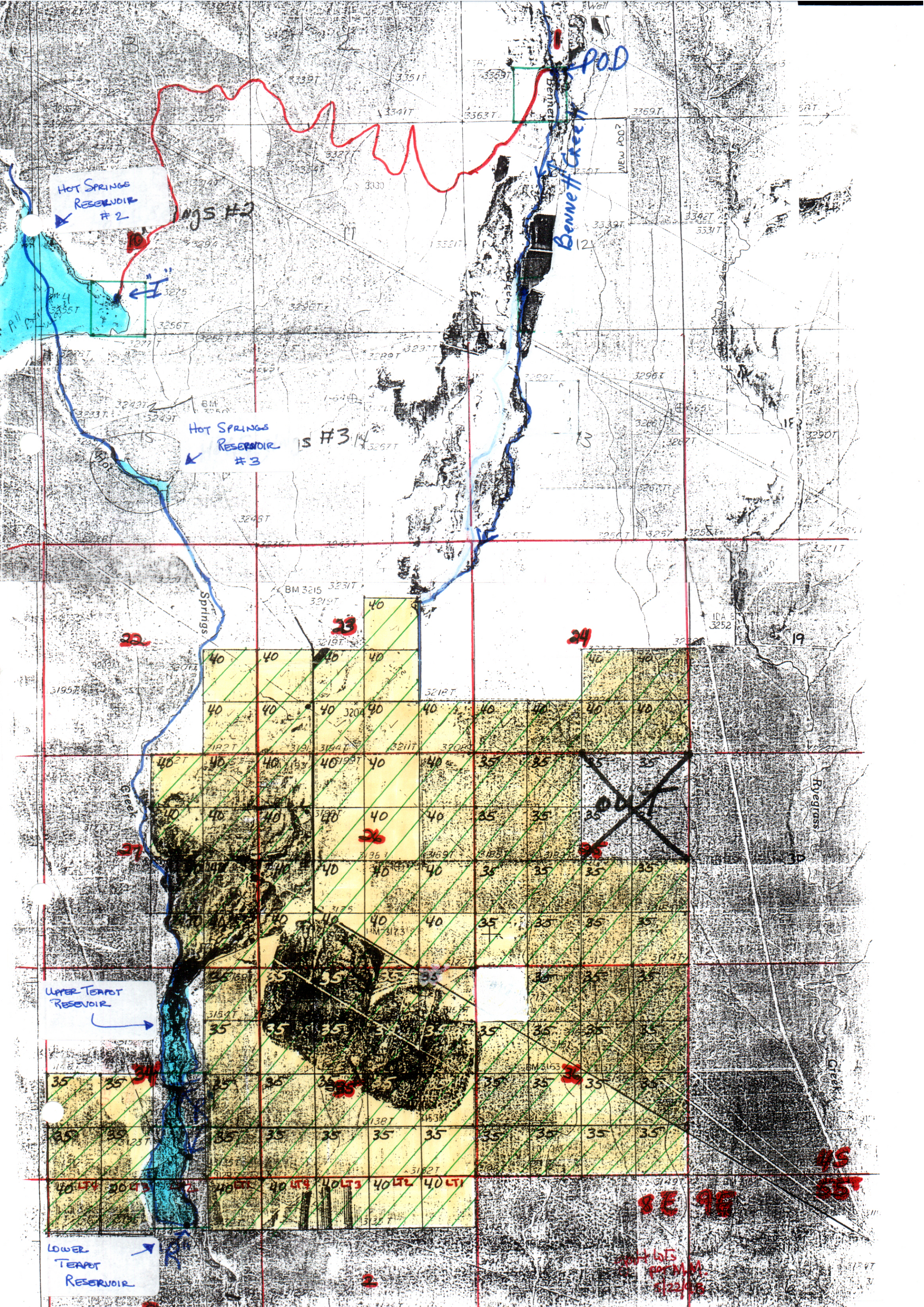




HOT SPRINGS
RESERVOIR
#2

ngs #2

HOT SPRINGS
RESERVOIR
#3

s #3

WATER TREAT
RESERVOIR

LOWER
TREAT
RESERVOIR

POD

Bennett Creek

8E 9E

45
55

not to
form
4/22/05

NOTICE OF APPLICATION
FOR WATER RIGHT

The Following application has been
filed to appropriate the public waters of
the State of Idaho:

61-07727 ✓

REYNOLDS & SONS, CARL F.

1115 W. 24TH SOUTH

MOUNTAIN HOME, ID 83647

Source: BENNETT CREEK; Tribu-
tary: SNAKE RIVER.

Diversion Pt: SESW Sec. 1 T 04S R
08E in ELMORE County; SESW Sec.
10 T 04S R 08E in ELMORE County;
NWSE Sec. 34 T 04S R 08E in EL-
MORE County; SWSE Sec. 34 T 04S R
08E in ELMORE County; NWNE Sec. 3
T 05S R 08E in ELMORE County.

Use: IRRIGATION STORAGE
(454.00 AF); IRRIGATION FROM
STORAGE (454.00 AF); DIVERSION
TO STORAGE (4.900 CFS); Total Di-
version: (4.900 CFS) (454.00 AF).

Date Filed: 12/9/1996.

In: ELMORE County, T04S R08E
S22 NESE, SESE; S23 SWNE, NESW,
NWSW, SWSW, SESW, NWSE, SWSE,
SESE; S24 SWSW, SESW, NESE,
NWSE, SWSE, SESE; S25 NENW,
NWNW, SWNW, SENW, NESW,
NWSW, SWSW, SESW, NESE, NWSE,
SWSE, SESE; S26 NENE, NWNE,
SWNE, SENE, NENW, NWNW,
SWNW, SENW, NESW, NWSW,
SWSW, SESW, NESE, NWSE, SWSE,
SESE; S27 NENE, NWNE, SWNE,
SENE, NESE, NWSE, SWSE, SESE;
S34 NENE, SENE, NESW, NWSW,
SWSW, SESW, NESE, SESE; S35
NENE, NWNE, SWNE, SENE, NENW,
NWNW, SWNW, SENW, NESW,
NWSW, SWSW, SESW, NESE, NWSE,
SWSE, SESE; S36 NENE, NWNE,
SWNE, SENE, NENW, SWNW,
SENE, NESW, NWSW, SWSW,
SESW, NESE, NWSE, SWSE, SESE;
T05S R08E S02 NENE, NWNE,
NENW, NWNW; S03 NENE, NENW,
NWNW.

3585.0 ACRES TOTAL.

Use is limited to 114 acres per year
in permissible place of use.

The permit will be subject to all prior
water rights. Protests may be submit-
ted based on the criteria of Sec. 42-
203A, Idaho Code and/or the new pub-
lic interest criteria of Sec. 42-203C, Ida-
ho Code. Protests must be filed with
the Director, Dept. of Water Resources,
2735 Airport Way, Boise, Idaho 83705
on or before APRIL 21, 1997.

KARL J. DREHER, Director

Published: 4/2/1997 & 4/9/1997.

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I
am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, pub-
lished once a week at MOUNTAIN HOME, IDAHO,
that the notice attached hereto and which is a part
of publication thereof; was published in said news-
paper for

2 consecutive weeks, the first publi-
cation having been made on 2nd day of
April, 1997, and the last publi-
cation having been made on the 9th day of
April, 1997; every Wednesday

issue of the paper during the period and time of
publication and that the notice was published in the
newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN
HOME NEWS has been continuously and uninterru-
ptedly published in said Elmore County during a
period of 78 consecutive weeks prior to the first
publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 9th day of

April, 1997

Cynthia Roberson
Notary Public

Residing in Mountain Home, Elmore County, Ida-
ho. My commission expires 09/09/2002

RECEIVED

APR 15 1997

WATER RESOURCES
WESTERN REGION

MICROFILMED

JUN 04 1998

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 0042633
Receipt By: JS
Date Received: 6/19/98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 18 1998

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have 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, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 61-07727 Telephone No. (208) 581-5145

2. Name(s) of Permit Holder(s): Carl F. Reynolds & Sons

3. Mailing Address: 1115 W. 24th South Mtn Home 83647

4. Source of Water: Bennett Creek If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____

a. Well Driller: ____ Drilling Permit Number: ____ - ____ - ____

b. OPTIONAL:
Pump Horsepower: ____ Pressure (psi): ____ Dynamic pumping level (ft): ____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): ____ Stockwater (No. and type of stock): ____

Irrigation (No. of acres): ____ Other: Storage PPU on 3585 acres

6. Total rate of diversion and/or volume for which proof is submitted: 0.02 cfs OR 4.0 acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes ____ or No ✓

Has the measuring device been installed? Yes ____ or No ✓

Flow Measurement Port: Is a flow measurement port required? Yes ____ or No ✓

Has the measurement port been installed? Yes ____ or No ✓

8. Fee Enclosed: \$ 50 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Steve Reynolds Telephone Number: 581-2947

Address: 1115 W. 24th South Mtn Home 83647

10. The information given on this form 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.

Signature of permit holder: Steve Reynolds (Partner) Date: 6/1/98
(include your title, if on behalf of company or organization)

AUG 21 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 61-07727

Proposed Priority: December 9, 1996 Maximum Diversion Rate: 4.90 CFS

This is to certify, that **CARL F REYNOLDS & SONS**

1115 W 24TH S

MOUNTAIN HOME ID 83647

has applied for a permit to appropriate water from:

BENNETT CREEK

tributary of **SNAKE RIVER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	01/01 to 12/31		454.0 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		454.0 AF
DIVERSION TO STORAGE	11/01 to 03/31	4.90 CFS	
	Totals	4.90 CFS	

LOCATION OF POINT(S) OF DIVERSION:

Injection

SESW , Sec. 1, Township 04S, Range 08E

Rediversion

SESW , Sec. 10, Township 04S, Range 08E

Rediversion

NWSE , Sec. 34, Township 04S, Range 08E

Rediversion

SWSE , Sec. 34, Township 04S, Range 08E

Lot 2(NWNE), Sec. 3, Township 05S, Range 08E

ELMORE County

PLACE OF USE: IRRIGATION FROM STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S	08E	22	NESE 40.0	SESE 40.0		80.0
		23	SWNE 40.0	NESW 40.0	NWSW 40.0	
			SWSW 40.0	SESW 40.0	NWSE 40.0	
			SWSE 40.0	SESE 40.0		320.0
		24	SWSW 40.0	SESW 40.0	NESE 40.0	
			NWSE 40.0	SWSE 40.0	SESE 40.0	240.0
		25	NENW 35.0	NWNW 35.0	SWNW 35.0	
			SENE 35.0	NESW 35.0	NWSW 35.0	
			SWSW 35.0	SESW 35.0	NESE 35.0	
			NWSE 35.0	SWSE 35.0	SESE 35.0	420.0
		26	NENE 40.0	NWNE 40.0	SWNE 40.0	
			SENE 40.0	NENW 40.0	NWNW 40.0	
			SWNW 40.0	SENE 40.0	NESW 40.0	
			NWSW 40.0	SWSW 40.0	SESW 40.0	
			NESE 40.0	NWSE 40.0	SWSE 40.0	
			SESE 40.0			640.0
		27	NENE 40.0	NWNE 40.0	SWNE 40.0	
			SENE 40.0	NESE 40.0	NWSE 10.0	
			SWSE 10.0	SESE 40.0		
		34	NENE 35.0	SENE 35.0	NESW 35.0	
			NWSW 35.0	SWSW 35.0	SESW 35.0	
			NESE 35.0	SESE 35.0		280.0
		35	NENE 35.0	NWNE 35.0	SWNE 35.0	
			SENE 35.0	NENW 35.0	NWNW 35.0	

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260 JUN 04 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 61-07727

PLACE OF USE: IRRIGATION FROM STORAGE

<u>TWN</u> <u>RGE</u> <u>SEC</u>				<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>		<u>TOTAL</u>	
36				SWNW	35.0	SENW	35.0	NESW	35.0	560.0	
				NWSW	35.0	SWSW	35.0	SESW	35.0		
				NESE	35.0	NWSE	35.0	SWSE	35.0		
				SESE	35.0						
				NENE	35.0	NWNE	35.0	SWNE	35.0	525.0	
				SENE	35.0	NENW	35.0	SWNW	35.0		
				SENE	35.0	NESW	35.0	NWSW	35.0		
				SWSW	35.0	SESW	35.0	NESE	35.0		
				NWSE	35.0	SWSE	35.0	SESE	35.0		
05S 08E	2	Lot 1	(NENE)	40.0	Lot 2	(NWNE)	40.0	Lot 3	(NENW)	40.0	160.0
		Lot 4	(NWNW)	40.0							
	3	Lot 1	(NENE)	40.0	Lot 3	(NENW)	20.0	Lot 4	(NWNW)	40.0	100.0

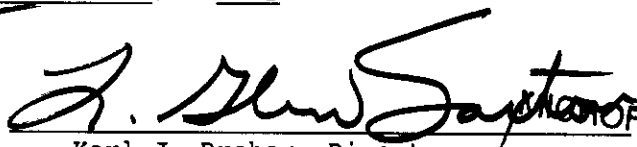
Total number of acres irrigated: 3585.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **October 1, 1998**.
2. Subject to all prior water rights.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 61C.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. This right does not authorize the irrigation of land not previously irrigated.
6. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
7. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
8. Irrigation storage place of use is locally known as Hot Springs Reservoir No. 2.
9. This right does not authorize any new or additional storage to the existing storage facility.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

26th day of May, 1998.

for 
Karl J. Dreher, Director

FILMED
JUN 04 1998

RECEIVED

DEC 13 1996

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 61-07727

RECEIVED
MAY 21 1998
Department of Water Resources

1. Name: CARL F REYNOLDS & SONS
Address: 1115 W 24TH SOUTH
MOUNTAIN HOME ID 83647

208-587-2947

2. Source: BENNETT CREEK

Trib. to: SNAKE RIVER

3. Location of Point of Diversion:

Injection

Rediversion

Rediversion

Rediversion

SESW	Sec. 1, Township 04S, Range 08E
SESW	Sec. 10, Township 04S, Range 08E
NWSE	Sec. 34, Township 04S, Range 08E
SWSE	Sec. 34, Township 04S, Range 08E
NWNE	Sec. 3, Township 05S, Range 08E
ELMORE	County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION STORAGE	01/01	12/31			454.00
IRRIGATION FROM STORAGE	04/01	10/31			454.00
DIVERSION TO STORAGE	11/01	03/31	4.900		

5. Total quantity to be appropriated is:

4.900 CFS (and/or) 454.00 AF

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc.

b. Height of storage dam 37 feet; active reservoir capacity 5334.00 acre-feet; total reservoir capacity 5334.00 acre-feet; period of year when water will be diverted to storage: 11/01 to 3/31 inclusive.

c. Proposed well diameter is inches; proposed depth of well is feet.

d. Is groundwater with a temperature greater than 85F being sought? NO

e. If well is already drilled, when?

Drilling Firm

Well was drilled for

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

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JUN 14 1998

8. Place of Use: IRRIGATION FROM STORAGE

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
04S	08E	22	NESE 40	SESE 40		80
		23	SWNE 40	NESW 40	NWSW 40	
			SWSW 40	SESW 40	NWSE 40	
			SWSE 40	SESE 40		320
		24	SWSW 40	SESW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	240
		25	NENW 35	NWNW 35	SWNW 35	
			SENE 35	NESW 35	NWSW 35	
			SWSW 35	SESW 35	NESE 35	
			NWSE 35	SWSE 35	SESE 35	420
		26	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
		27	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESE 40	NWSE 10	
			SWSE 10	SESE 40		260
		34	NENE 35	SENE 35	NESW 35	
			NWSW 35	SWSW 35	SESW 35	
			NESE 35	SESE 35		280
		35	NENE 35	NWNE 35	SWNE 35	
			SENE 35	NENW 35	NWNW 35	
			SWNW 35	SENE 35	NESW 35	
			NWSW 35	SWSW 35	SESW 35	
			NESE 35	NWSE 35	SWSE 35	
			SESE 35			560
		36	NENE 35	NWNE 35	SWNE 35	
			SENE 35	NENW 35	SWNW 35	
			SENE 35	NESW 35	NWSW 35	
			SWSW 35	SESW 35	NESE 35	
			NWSE 35	SWSE 35	SESE 35	525
05S	08E	2	NENE 40	NWNE 40	NENW 40	
			NWNW 40			160
		3	NENE 40	NENW 20	NWNW 40	100

Total number of acres irrigated: 3585

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

JACK AND BETTY POWERS

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

APPLICANT

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.
THE POD HAS BEEN USED FOR MANY YEARS PRIOR TO THE CURRENT OWNERSHIP.

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JUN 04 1998

Ident. No. 61-07727

Page 3

10. Remarks: *This pre 1987 development includes irrigation of 114 acres per year within above place of use via existing Hot Springs Reservoir #2.*
11. Map of proposed point of diversion and place of use attached? ☒

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.

Carl Reynolds and Sons by:

Alex Reynolds (Partner)
Applicant

Received by *MTS* Date *12/13/96* Time *1:45* Preliminary check by *J*

Fee \$ *180.00* Receipted by *MTS* # *W021804* Date *12/13/96*

Publication prepared by *St* Date *3-26-97* Published in *Mtn Home News*

Publication approved *St* Date *4-22-97* *4-22-97*

Protests dismissed by order dated 5/1/98. Gary S

MICROFILMED

JUN 04 1998

Ident. No. 61-07727

Comments: Date: 12/13/1996 User-ID: MSCHULTE

Subject: ADDITIONAL APPLICATION INFORMATION

THE RESERVOIR USED TO STORE WATER IS LOCATED IN SECTIONS 4, 9, 10, 15 & 16, T4S, R8E, AND IS KNOWN AS HOT SPRINGS RESERVOIR #2. WATER IS INJECTED INTO AND REDIVERTED FROM HOT SPRINGS CREEK. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 113.5 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN ANY ONE IRRIGATION SEASON.

LIMITED TO 5334 AF WHEN COMBINED WITH 61-07273 AND 61-02236D. RIGHTS 61-07273, 61-02236D AND 61-07561 ARE ALSO DIVERED FROM THE POINT OF DIVERSION DESCRIBED ABOVE.

THE PURPOSE OF THIS RIGHT IS TO COVER 454 AF OF STORAGE IN HOT SPRINGS RESERVOIR #2 NOT INCLUDED IN OTHER RIGHTS. IT WAS BUILT IN 1968 AND IS IDENTIFIED AS D61-2236 IN IDWR DAM RECORDS.

MICROFILMED

JUN 04 1998

BASIN -----> :	61		CONDITION -----> :	GD
DAM NUMBER -----> :	2236		MAINTENANCE -----> :	ROUTINE
FED_ID_NO -----> :	ID00202		INSPECTION DATE --> :	1094 MO/YR
DAM_NAME -----> :	HOT SPRINGS NO 2		CERTIFICATE EXP --> :	1195 MO/YR
COUNTY -----> :	ELMORE		LAST RISK EVAL --> :	0491 MO/YR
STREAM -----> :	HOT SPRINGS CREEK		SURVEY DATE -----> :	06/20/91
REGION -----> :	W		CALL UP DATE -----> :	/ /
PURPOSE -----> :	I		CERT ISSUE DATE --> :	12/19/94
RISK CATEGORY -----> :	1		INSPECT INTERVAL --> :	2YR
SIZE CATEGORY -----> :	1		PHASE 1 INSP DATE --> :	/ /
Q-Q SECTION -----> :	NWNW		OPERATION PLAN -----> :	U
SECTION -----> :	15		SEISMIC ANALYSIS--> :	N
TOWNSHIP -----> :	04S		RESTRICTED -----> :	Y
RANGE -----> :	08E		JOINT INSPECTION --> :	
LATITUDE DEC -----> :	43.0813		QUAD NUMBER -----> :	265
LONGITUDE DEC -----> :	115.4978		QUAD NAME -----> :	HOT SPRINGS CK RES
DAM TYPE -----> :	EARTH			
STORAGE CAPACITY --> :	5334	ACFT		
HEIGHT -----> :	37.0	FT		
DRAINAGE AREA -----> :	20.0	SQMI		
RESERVOIR AREA -----> :	430	AC		
YEAR COMPLETED -----> :	1968			
CREST ELEVATION --> :	3278	MSL	DAM OWNER -----> :	BENNETT CREEK FARMS
CREST LENGTH -----> :	8340	FT	ADDRESS-1 -----> :	C/O STEVE REYNOLDS
SPILLWAY TYPE -----> :	RKCHAN		ADDRESS-2 -----> :	1115 W 24th S
SPILLWAY DEPTH -----> :	4.7	FT	CITY -----> :	MOUNTAIN HOME
SPILLWAY CAPACITY --> :	100	CFS	STATE -----> :	ID
OUTLET TYPE -----> :	RNFCNP		ZIP CODE -----> :	83647
OUTLET SIZE -----> :	18	IN	ZIP SUFFIX -----> :	
OUTLET CAPACITY --> :	38	CFS	PHONE -----> :	5875145
IDF -----> :	PMF		AREA CODE -----> :	208
IDF MAGNITUDE -----> :	7200	CFS		
RELEASE CAPACITY--> :	138	CFS		

GENERAL REMARKS : DAM AND RESERVOIR ALSO SHOWN ON QUAD MAP 264-REVERSE. PLANS SHOW CREST ELEV=3286'. CREST ELEV IS FROM QUAD MAP. PART OF DAM LOCATED IN SECTION 9,10,16, T4S-R8E. Q100 = 880 CFS CAN BE PASSED WITH 1.2' FB. PMF WILL OVERTOP DAM.

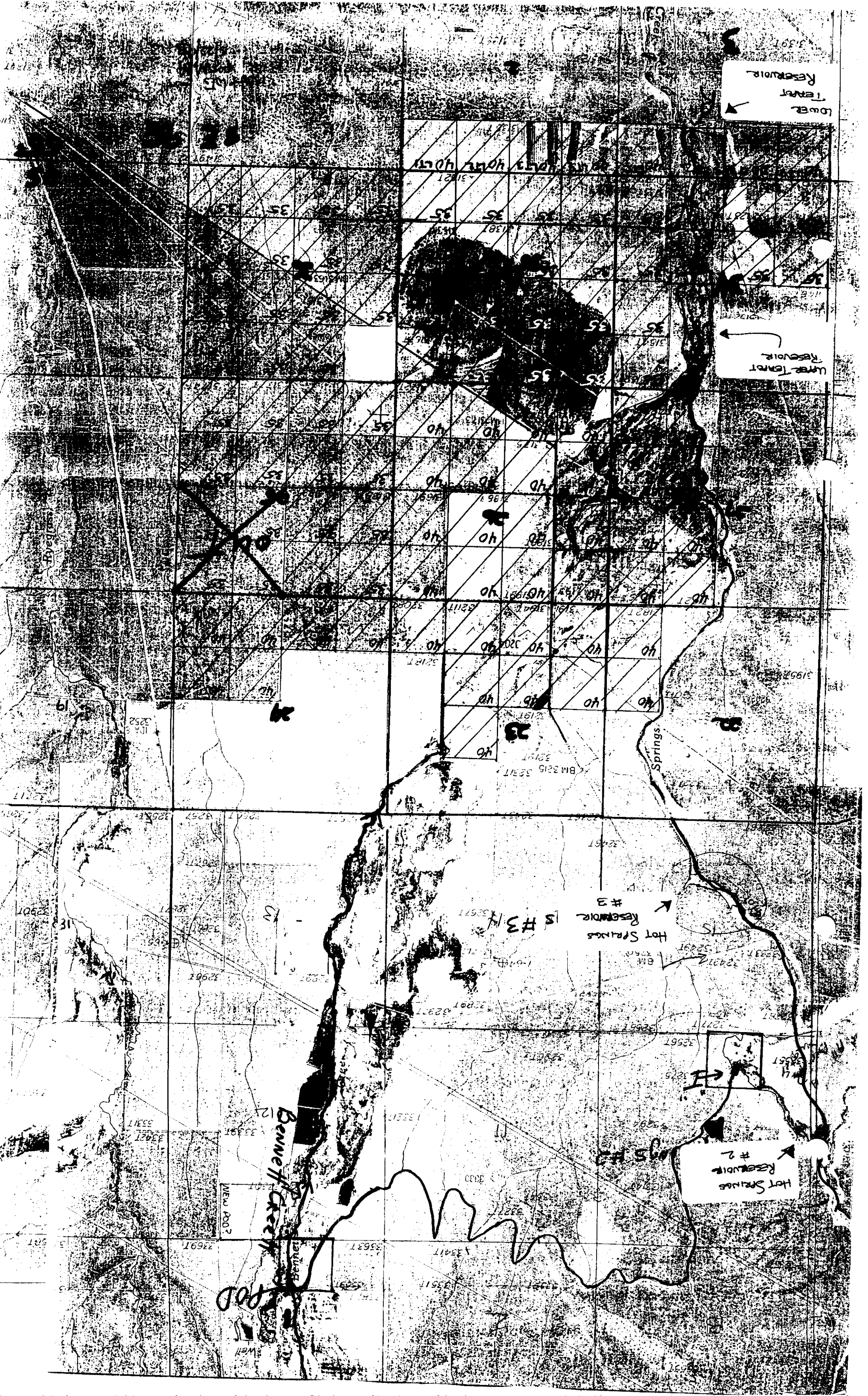
TECHNICAL REMARKS : SPILLWAY HAS CONCRETE CREST FOR FLASHBOARDS. W/ FLASHBOARDS: RESV CAP = 5800 ACFT, DAM HT = 38.0'. DAM RAISED IN 1976. WATER IS ALSO DIVERTED FROM BENNETT CREEK INTO RESV. DIVERSION CANAL CAP = 900 CFS. SPILL CAP IS WITH 3.8' FB AND NO FLASHBOARDS.

RESTRICTIONS : USE OF FLASHBOARDS IN THE SPILLWAY IS NOT AUTHORIZED EXCEPT UPON WRITTEN REQUEST AND APPROVAL BY THE DEPARTMENT. THE OUTLET AND SPILLWAY SHALL BE OPERATED TO MAINTAIN A MINIMUM OF 3.5' FEET OF FREEBOARD ON THE EMBANKMENT AT ALL TIMES.

ALTERNATE CONTACTS : RANDY REYNOLDS, PH = 587-2760, STEVE REYNOLDS, PH = 587-2947, DAVID REYNOLDS, PH = 366-2140.

MICROFILMED

JUN 04 1998



**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 61-67727 Reviewed by [Signature] Date 8-4-98

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
Drilling permit required?
Copy in the file? Drilling Permit No. _____
Amount paid for permit _____ Correct?
Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50- Amount Submitted
yes Correct?
yes Required?
NO Installed?
NO Waiver requested?

PRIORITY CALCULATION

Date proof received _____
Date proof due _____
No. of days late _____
Priority Date _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

Advise of measuring device requirement
Proof Acceptable

DATA ENTRY

New Address [X] Proof Made 6-18-98



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 13, 1998

Carl F Reynolds and Sons
1115 W 24th S
Mountain Home ID 83647

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 61-07727

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Condition #6 of your water right permit, requires that the permit holder install and maintain a permanent measuring device as part of this diversion. This condition must be complied with before the department conducts the license examination or you can request, in writing, a waiver of the condition.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination or measuring device requirement, please contact the **WESTERN** Regional Office in Boise, at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

c: IDWR - Region

MICROFILMED

AUG 21 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

May 26, 1998

PHILIP E. BATT
GOVERNOR

CARL F REYNOLDS & SONS
1115 W 24TH S
MOUNTAIN HOME ID 83647

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 61-07727

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

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

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED

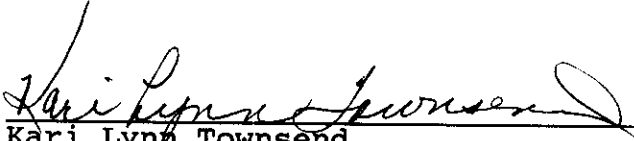
JUN 04 1998

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of May, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 61-07727

CARL F REYNOLDS & SONS
1115 W 24TH S
MOUNTAIN HOME ID 83647


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 04 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

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

MICROFILMED
JUN 04 1998

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
JUN 04 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lou*

No.: 61-7727 Name: Reynolds Sone Date: 5/24/98 Ad OK? ☒ ~~SWMA~~ / Trust / ~~Not~~ ☒ Gvmt Lts: ☒

AREA OF CONCERN:

PROTESTED: dismissed

SYSTEM COMPLETED:

> 1 year

≤ 1 year/no proof

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

WMD Supplemental use

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

DRILLING PERMIT:

All wells (✓ WDQ3)

In Basin 34?

Irr. within WD

SURFACE WATER: (✓ FLO-CH) (Surface water that *doesn't sink* is regulated):

IN/ABOVE MIN. STR. FLOW (✓ MAP)

WD (✓ MAP & LISTING)

> 0.10 cfs

≤ 0.10 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

RIVER BASINS: (*Surface water):

Snake R (01)

(02/03-irr)

Payette R(65)

Salmon R (70's)

USE:

Domestic surface

>1 in rest. area

Fire Protection

Fish Propagation

Heating/Cooling

Irr ≤ 5 acres

> 5 acres

Mining

Municipal

Power

Stockwater

Storage (✓ 3 compo.)

LOCATION:

42-248 area

Boise Front LoGeo.

In-stream dev. existing

Mitigation

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- No/Yes: _____ Mor /

- 020 (Protest Agreement) or *W19 (Order)

- 26A-P17

P16

- North / East / West

- 067 or No MD (in-stream stock or power)

- No MD

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

- 01M (report when notified)

- No MD

- 046-P23

- 085

- P05 (new well location)

- *WB9

- R04 (WD # 161C)use 18A ~~18A~~ (MD & LD)

- 01H-P01 (LD), 01P or No MD (in-stream stock)

- 067 or No MD (in-stream stock or power)

- No MD

- 01M or No MD (in-stream stock or power)

- No MD

- *W22 -P04, NA

- 007 (w/ remark *WB9 if above Weiser), NA

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

- 029 (fish screens), NA

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

- 071-070

- 077

- 029-007-042(req)-081 (WQ)-P10

- R07 (injection well)

- R66/R67 ~~68~~ R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- 054(req) -081-P10

- 022, 075, 004 (+memo?), NA (not in restricted area)

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

- R37 (BLM/USFS); NA

- 18A (in & out MD for on-stream storage), 18B P09 >10' dam), NAP84 in 20/30/40/50/60/70/80 (87) basin)

- 058 (<85° GW temp only)

- P52 (stream channel alteration)

- 120

- 051-052-053-P74 (Consumptive Uses), NA

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU)

- 074- ① 074 - no new storage ② W60/Hot Spr No2 Res. ③ W27- 10/1/1998

* See, p. 14 with, remarks

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

MAY 21 1998

INITIAL REVIEW BY: 6 DATE: 3/21/97 APPLICATION: 6 DEPARTMENT OF WATER RESOURCES
61-09927

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Fee:
- ☒ Yes ☐ No* In form to receipt:

Gov't. Lots:

☒ P/D

☐ P/U

ADDITIONAL INFORMATION

YES NO

- ☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ ☐ Overlapping point of diversion.
- ☐ ☐ Field check required: Field check by: _____
- ☐ ☐ Field report attached:
- ☐ ☐ Critical groundwater area:
- ☐ ☐ Groundwater management area:
- ☐ ☒ 1992 moratorium:
- ☒ ☒ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ ☒ Copy to Dam Safety staff: (for any storage)
- ☐ ☒ Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
- ☐ ☒ Send power requirement letter:
- ☐ ☒ Send fish farm requirement letter:
- ☐ ☒ Power residency affidavit:
- ☐ ☒ Power efficiency form:
- ☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.) N/A - only 114 new acres - see appl comment.
- ☐ ☐ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED

ADDITIONAL INFORMATION ON REVERSE SIDE:

PROCESSING

APP. NO.

61-07727

YES NO

☒ ☐ In form for advertising:
☒ ☐ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO:

YES NO

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands
☐ ☒ Adjudication Bureau

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:
☒ ☐ Protests received. Final date for protest 4-21-97
☒ ☐ Protest dates, resolution of protest recorded on application:
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Measuring port required:
☒ ☐ Water delivered by water master? District # 61 C, Bennett Creek
☐ ☐ Special conditions of approval or cover letter: R04 (61 C, Bennett Creek)
See also proposed conditions on page 3 of application & overlap conditions written below under additional info.

See below for additional information

Recommended Date or Priority 12/13/96Recommended by: Gary Date: 5/19/98STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

P/O overlaps: TOTAL COMBINED ANNUAL CONSUMPTIVE USE VALUE OF 10755 AF.
 COMBINED RIGHT NOS.: 61-00277, 61-00278, 61-00279, 61-00359,
 61-00360, 61-02034, 61-02092, 61-02225, 61-02236C, 61-02236D,
 61-07244, 61-07561. all
- same owner
(applicant)

P/O overlaps: 61-02236D }
 61-07561 } same owner
 61-07273 } applicant
 61-02013 } different P/O
 - 02014 } separate owner
 (not reservoir)

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

IN THE MATTER OF APPLICATION FOR	)	
	)	
PERMIT NO. 61-07727 IN THE NAME	)	DEFAULT ORDER
	)	DISMISSING PROTEST
CARL F. REYNOLDS & SONS	)	

This matter having come before the Idaho Department of Water Resources (department), the department Finds, Concludes, and Orders as follows:

FINDINGS OF FACT

1. On December 13, 1996, Carl F. Reynolds & Sons filed with the department an application to appropriate 4.9 cubic feet per second of water from Bennett Creek, tributary to the Snake River for storage of 454 acre feet. The application proposes storage of water for irrigation.
2. The application was protested by James McFarland and Patrick Elliott. The department held a conference on March 4, 1998. The department mailed a notice of conference to the protestants. The protestants failed to appear at the conference.
3. The department sent a letter to the protestants on March 30, 1998, asking them to show cause why they failed to appear. The protestants did not respond to the letter.
4. The department sent a notice of default order to the protestants on April 24, 1997. The protestants did not respond to the notice.

CONCLUSIONS OF LAW

1. Pursuant to Rule 700 et seq. of the department's Rules of Procedure, the director of the department is empowered to dismiss a protest wherein the protestant fails to appear.
2. The protestants, James McFarland and Patrick Elliott have refused to appear at the scheduled pre-hearing conference.

MICROFILMED
JUN 04 1998

ORDER

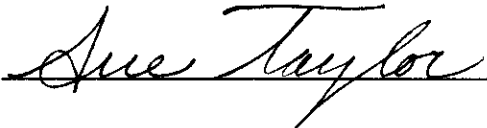
IT IS HEREBY ORDERED that the protests of application no. 61-07727 in the name of Carl F. Reynolds & Sons are DISMISSED.

Dated this 1st day of May, 1998.


GARY SPACKMAN
Western Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of May, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicants and protestants listed below.



CARL F REYNOLDS
1115 W 24TH S
MOUNTAIN HOME ID 83647

JAMES MCFARLAND
PO BOX 113
HAMMETT ID 83627

PATRICK ELLIOTT
PO BOX 6203
SUN VALLEY ID 83354

MICROFILMED
JUN 04 1998

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

**IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 61-07727 IN THE NAME)
CARL F. REYNOLDS & SONS)
_____)**

**NOTICE OF
DEFAULT ORDER**

Notice is hereby given that a default order will be issued against you after seven days from the date of this letter dismissing your protest to application to appropriate water no. 61-07727, filed by Carl F. Reynolds & Sons. The default order will be issued for failure to appear at the prehearing conference on March 4, 1998, as authorized by Rule 700 et seq. of the Rules of Procedure of the Department of Water Resources.

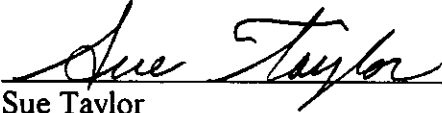
DATED this 28th day of April, 1998.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 28TH day of April, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicants and protestants listed below.


Sue Taylor
Senior Secretary

CARL F REYNOLDS
1115 W 24TH S
MOUNTAIN HOME ID 83647

JAMES MCFARLAND
PO BOX 113
HAMMETT ID 83627

PATRICK ELLIOTT
PO BOX 6203
SUN VALLEY ID 83354

MICROFILMED
JUN 04 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

March 30, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES MCFARLAND
PO BOX 113
HAMMETT ID 83627

PATRICK ELLIOTT
PO BOX 6203
SUN VALLEY ID 83354

Re: Application for Permit No. 61-07727 in the Name of Carl F. Reynolds & Sons

Dear Protestants:

You protested application to appropriate water no. 61-07727. The application proposed diversion of 4.90 cfs during the non-irrigation season for the storage of 450 acre feet in an existing reservoir. I understand the application was filed because the applicants discovered their existing water rights did not describe sufficient storage for the already constructed reservoir.

A conference regarding your protest was conducted on Wednesday, March 4, 1998, at the Elmore County Courthouse, Commissioners' Room, 1505 4th St. E., Mountain Home, Idaho 83647. Steve Reynolds appeared representing the applicants. Neither of you attended the conference.

The purpose of this letter is to ask why the Department of Water Resources should not dismiss your protest because of your failure to appear. Please respond within 21 days, or your protest will be dismissed.

Respectfully,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

CC: Steve Reynolds

MICROFILMED

JUN 04 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 61-07727 IN THE)
NAME OF CARL F. REYNOLDS &)
SONS.)**

NOTICE OF CONFERENCE

On December 13, 1996, Carl F. Reynolds & Sons filed with the Department of Water Resources (department) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by the James McFarland and Patrick Elliott.

The department has scheduled a conference for the protest to be held on Wednesday, March 4, 1998, at 10:00 a.m. at the Elmore County Courthouse, Commissioner's Room, 1505 4th St. E., Mountain Home, Idaho 83647. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

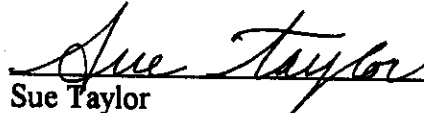
The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 13th day of February, 1998.



Gary Spackman

I hereby certify that on the 13TH day of February, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

CARL F REYNOLDS & SONS
1115 W 24TH S
MOUNTAIN HOME ID 83647

JAMES MCFARLAND
PO BOX 113
HAMMETT ID 83627

PATRICK ELLIOTT
PO BOX 6203
SUN VALLEY ID 83354

MICROFILMED
JUN 04 1998

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. the applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

MICROFILMED

JUN 04 1998

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file a petition for reconsideration, exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

The hearing will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

MICROFILMED

JUN 04 1998

RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

Name of Applicant

Carl Reynolds & Sons

Mailing Address

1115 West 24th South

Mtn. Home Id. 83647

Application No.

61-07727

Mitigation

Yes, I agree to accept a condition of approval on my application that will require mitigation related to fishery resources based upon a finding by the Director, Idaho Dept. of Water Resources. I understand that mitigation is not needed now but may be needed in the future. I also understand that the Director will not invoke this condition until I have an opportunity to participate in the process by which mitigation is identified and quantified.

Signature

Steve Reynolds

Date

Jan 30th 1998

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

MICROFILMED

JUN 04 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 22, 1997

CARL F REYNOLDS & SONS
1115 W 24TH S
MOUNTAIN HOME ID 83647

Re: Application for Permit No. 61-07727

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application(s). The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) have been resolved, the matter will be scheduled for a conference. The following are the criteria the Department must consider (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,


Gary Spackman

Enclosure: Copy of protest(s)

GS/st

MICROFILMED

JUN 04 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

April 22, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES MCFARLAND
PO BOX 113
HAMMETT ID 83627

PATRICK ELLIOTT
PO BOX 6203
SUN VALLEY ID 83354

Re: Application for Permit No. 61-07727 in the Name of Carl F. Reynolds & Sons

Dear Protestants:

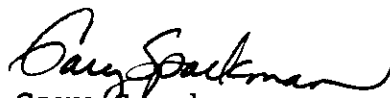
This office acknowledges receipt of your protest(s) to the issuance of a permit pursuant to the above referenced application(s). The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest(s) have been resolved, the matter will be scheduled for conference. The following are the criteria the Department must consider in either approving or denying an application or permit (Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

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

Sincerely,


Gary Spackman

GS/st

MICROFILMED

JUN 04 1998

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

RECEIVED

APR 21 1997

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

APR 18 1997

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203B, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for water Right # 61-07727, IN the NAME OF CARL P. REYNOLDS & SONS
2. Name of protestant Patrick Elliott
3. Protestant's representative for service (If different than protestant)

4. Service mailing address P.O. Box 6203, SUN VALLEY, Idaho 83354
5. Service telephone no. 208-622-3404

6. Basis of protest (including statement of facts and law upon which the protest is based)

Presently Little or no water passes down Bennet Creek, additional water taken out above, will endanger wildlife & plantlife below. So little passes during Spring & Summer months now - that additional water taken will virtually stop Bennet Creek within miles of Snake River. PERTINENT TO SEC. 42-203A, IDAHO CODE.

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? leave some water to come down Bennet Creek, so Bennet Creek can still be called a Creek -

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 17 day of April, 19 97.

Patrick Elliott
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
JUN 04 1998

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by J. E. Linton Date 4-18-97 Time 2:55 pm
\$25.00 fee Received by JS # SD 20041 Date 4-18-97

MICROFILMED

JUN 04 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

APR 21 1997

WATER RESOURCES
WESTERN REGION

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested 61-07227 Reynolds & Sons
2. Name of protestant James McFarland
3. Protestant's representative for service (If different than protestant)

4. Service mailing address P.O. Box 113, Hammon, Idaho 83627
5. Service telephone no. (208) 366-7669
6. Basis of protest (including statement of facts and law upon which the protest is based)
There is only a little bit of water that flows down the Creek now. Sometimes only a trickle. Pay more restoration of water would totally leave the Creek to dry up on our land. Wildlife & Vegetation would all die. Sec. 42-203A & Sec. 42-203C
(additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? dry

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 16 day of April, 19 97

James McFarland
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED

JUN 04 1998

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by DB Date 4-21-97 Time 11:50
\$25.00 fee Receipted by DB # W022149 Date 4-21-97

MICROFILMED
JUN 04 1998

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: W022149

Date: 4/21/1997
Time: 11:56:26

Received From: ROBERTS, CATHY V/SUZANNE E

Type of Payment	Program A cct	Amount
NOTICE OF PROTEST # 61-07727	62103 229 21 1155	25.00
CHECK 1876		
	Total	\$ 25.00

Region: WESTERN

Signature: DBuffington

MICROFILMED

JUN 04 1998

PROTEST INFORMATION SHEET

APPLICANT: CARL F. REYNOLDS & SONS

WR #: 61-07727

DATE FILED: 12-13-96

PROTEST DATE: 4-21-97

PROTESTANT(S) NAME & ADDRESS:

James McFarland
PO Box 113,
Hammett, ID 83627

Patrick Elliott
PO Box 6203
Sun Valley, ID 83354

Attorney - Name & Address _____

Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement Letters _____

Hearing Notice _____

Hearing Date _____

Other: _____

MICROFILMED

JUN 11 1998

NOTICE OF APPLICATION
FOR WATER RIGHT

The Following application has been
filed to appropriate the public waters of
the State of Idaho:

REYNOLDS & SONS, CARL F.
1115 W. 24TH SOUTH
MOUNTAIN HOME, ID 83647

Source: BENNETT CREEK, Tribu-
tary: SNAKE RIVER

Diversion Pt: SESW Sec. 1 T 04S R
08E in ELMORE County; SESW Sec.
10 T 04S R 08E in ELMORE County;
NWSE Sec. 34 T 04S R 08E in EL-
MORE County; SWSE Sec. 24 T 04S R
08E in ELMORE County; NWNE Sec. 3
T 06S R 08E in ELMORE County.

Use: IRRIGATION STORAGE
(454.00 AF); IRRIGATION FROM
STORAGE (454.00 AF); DIVERSION
TO STORAGE (4.900 CFS); Total Di-
version: (4.900 CFS) (454.00 AF).

Date Filed: 4/2/1997

In: ELMORE County, T04S R08E
S22 NESE, SESE; S23 SWNE, NESW,
NWSW, SWSW, SESE, NWSE, SWSE,
SESE; S24 SWSW, SESW, NESE,
NWSE, SWSE, SESE; S25 NENW,
NWNW, SWNW, SENW, NESW,
NWSW, SWSW, SESW, NESE, NWSE,
SWSE, SESE; S26 NENE, NWNE,
SWNE, SESE, NENW, NWNW,
SWNW, SENW, NESW, NWSW,
SWSW, SESW, NESE, NWSE, SWSE,
SESE; S27 NENE, NWNE, SWNE,
SESE, NESE, NWSE, SWSE, SESE;
S34 NENE, SESE, NESW, NWSW,
SWSW, SESW, NESE, SESE; S35
NENE, NWNE, SWNE, SESE, NENW,
NWNW, SWNW, SENW, NESW,
NWSW, SWSW, SESW, NESE, NWSE,
SWSE, SESE; S36 NENE, NWNE,
SWNE, SESE, NENW, SWNW,
SESW, NESW, NWSW, SWSW,
SESW, NESE, NWSE, SWSE, SESE;
T06S R08E S02 NENE, NWNE,
NENW, NWNW; S03 NENE, NENW,
NWNW.

3585.0 ACRES TOTAL.

Use is limited to 114 acres per year
in permissible place of use.

The permit will be subject to all prior
water rights. Protests may be submit-
ted based on the criteria of Sec. 42-
203A, Idaho Code and/or the new pub-
lic interest criteria of Sec. 42-203C, Ida-
ho Code. Protests must be filed with
the Director, Dept. of Water Resources,
2735 Airport Way, Boise, Idaho 83705
on or before APRIL 21, 1997.

KARL J. DREHER, Director
Published: 4/2/1997 & 4/9/1997.

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I
am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, pub-
lished once a week at MOUNTAIN HOME, IDAHO,
that the notice attached hereto and which is a part
of publication thereof; was published in said news-
paper for

2 consecutive weeks, the first publi-
cation having been made on 2nd day of
April, 1997, and the last publi-
cation having been made on the 9th day of
April, 1997; every Wednesday
issue of the paper during the period and time of
publication and that the notice was published in the
newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN
HOME NEWS has been continuously and uninter-
ruptedly published in said Elmore County during a
period of 78 consecutive weeks prior to the first
publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 9th day of

April, 1997

Cynthia Roberson
Notary Public

Residing in Mountain Home, Elmore County, Ida-
ho. My commission expires 09/09/2002

RECEIVED

APR 15 1997

WATER RESOURCES
WESTERN REGION

MICROFILMED

JUN 04 1998

MEMORANDUM

To: File no. 61-07727
From: Gary Spackman *Gay*
Date: March 7, 1997

Re: Processing application and publication of notice

Application for permit no. 61-07727 seeks to divert 4.90 cubic feet per second from Bennett Creek which will accumulate as 454 acre-feet of storage for irrigation purposes. John Westra and Steve Lester confirm that the application was filed to authorize storage of water that has been stored in the past by the applicant's storage facilities. The application does not propose an increase in the dam or reservoir size. The storage capacity was constructed in 1976.

The application can be processed because the development was complete prior to November 19, 1987, the commencement of the adjudication.

The following language should be added to the legal notice printed in the newspaper:

This applications seeks storage of water for irrigation that has been stored and used since 1976, and does not propose a new use of water.

MICROFILMED

JUN 04 1998

*↑
this was not done
in ad
-jc 1/22/98*

SD-0605-2 Township: 04S Range: 08E Section: 1 Tract: SESW Lot: 12

S	L	R	STATE	O	S	Max #	Records	12		
E	O	D	Water	Name	W	T	Priority	Total		
L	Tract	T	V	Right No.	Last, First	N	G	Date		
								Source		
								Diversion		
SES	W			61-02013	WILSON, ANNA R	C	L	03/17/1909	BENNETT CRE	1.05
SES	W			61-02014	WILSON, WILLIA	C	L	05/10/1909	BENNETT CRE	5.00
SES	W			61-02236D	HALL, A B	O	L	03/24/1965	BENNETT CRE	20.00
					GALEY JR, FRAN	C				
SES	W			61-07561	GALEY JR, FRAN	C	L	04/19/1984	BENNETT CRE	50.00
SES	W			61-07273	REYNOLDS & SON	C	L	06/25/1976	BENNETT CRE	100.00
					GALEY JR, FRAN	O				
SES	W			61-07727	REYNOLDS & SON	C	A	12/09/1996	BENNETT CRE	4.90

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

[illegible][illegible][illegible]

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SE				SW				SUM
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
A6107273	BENNETT CR :	40	:	40	:	40	40	40	40	:	40	40	40	:	40	40	40	320
6107561	BENNETT CR :	40	:	40	:	40	40	40	40	:	40	40	40	:	40	40	40	320
6107727	BENNETT CR :	40	:	40	:	40	40	40	40	:	40	40	40	:	40	40	40	320

T04S R08E S 24

[illegible]

T04S R08E S 25

[illegible]

[illegible][illegible]

A6100277	BENNETT CR :	40	40	40	40	:				40	10	10	40	:	26
A6100278	BENNETT CR :	40	40	40	40	:				40	10	10	40	:	26
A6100279	BENNETT CR :	40	40	40	40	:				40	10	10	40	:	26
A6100359	BENNETT CR :	40	40	40	40	:				40	10	10	40	:	26
A6100360	BENNETT CR :	40	40	40	40	:				40	10	10	40	:	26
A6102034	BENNETT CR :	40	40	40	40	:				40	10	10	40	:	26
A6102092	BENNETT CR :	40	40	40	40	:				40	10	10	40	:	26
6102225	WASH SPRIN :	40	25	40	40	:							13	:	
A6102225	WASH SPRIN :	40	40	40	40	:				40	10	10	40	:	26
6102236C	HOT SPRING :	40	40	40	40	:				40	10	10	40	:	26
A6102236C	HOT SPRING :	40	40	40	40	:				40	10	10	40	:	26

UR-NUMBER	SOURCE	NE				NW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
61022360	BENNETT CR :	40	40	40	40	:	:	:	:	40	10	10	40	26
A6102236D	BENNETT CR :	40	40	40	40	:	:	:	:	40	10	10	40	26
6107244	BENNETT CR :	40	40	40	40	:	:	:	:	40	10	10	40	26
A6107244	BENNETT CR :	40	40	40	40	:	:	:	:	40	10	10	40	26
6107273	BENNETT CR :	40	40	40	40	:	:	:	:	40	10	10	40	26
A6107273	BENNETT CR :	40	40	40	40	:	:	:	:	40	10	10	40	26
6107561	BENNETT CR :	40	40	40	40	:	:	:	:	40	10	10	40	26
6107727	BENNETT CR :	40	40	40	40	:	:	:	:	40	10	10	40	26

[illegible][illegible]

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
A61022360	BENNETT CR :	40	40	40	40	:	40	40	40	:	40	40	40	:	40	40	40	160
6107244	BENNETT CR :	40	40	40	40	:	40	40	40	:	40	40	40	:	40	40	40	160
A6107244	BENNETT CR :	40	40	40	40	:	40	40	40	:	40	40	40	:	40	40	40	160
6107273	BENNETT CR :	40	40	40	40	:	40	40	40	:	40	40	40	:	40	40	40	160
A6107273	BENNETT CR :	40	40	40	40	:	40	40	40	:	40	40	40	:	40	40	40	160
6107561	BENNETT CR :	40	40	40	40	:	40	40	40	:	40	40	40	:	40	40	40	160
6107727	BENNETT CR :	40	40	40	40	:	40	40	40	:	40	40	40	:	40	40	40	160
PLSS DATA	LEGAL LOOK :	01	40	02	40	:	40	40	03	40	04	40	:	40	40	40	40	160

T05S ROBE S 3																		
A6100277	BENNETT CR :	40	40	40	40	:	20	40	40	:	20	40	40	:	20	40	40	100
A6100278	BENNETT CR :	40	40	40	40	:	20	40	40	:	20	40	40	:	20	40	40	100
A6100279	BENNETT CR :	40	40	40	40	:	20	40	40	:	20	40	40	:	20	40	40	100
A6100359	BENNETT CR :	40	40	40	40	:	20	40	40	:	20	40	40	:	20	40	40	100
A6100360	BENNETT CR :	40	40	40	40	:	20	40	40	:	20	40	40	:	20	40	40	100
A6102034	BENNETT CR :	40	40	40	40	:	20	40	40	:	20	40	40	:	20	40	40	100
6102092	BENNETT CR :	40	40	40	40	:	20	40	25	:	40	25	40	:	20	40	85	100
A6102092	BENNETT CR :	40	40	40	40	:	20	40	40	:	20	40	40	:	20	40	100	
A6102225	WARM SPRIN :	40	40	40	40	:	20	40	40	:	20	40	40	:	20	40	100	
6102236C	HOT SPRING :	40	40	40	40	:	20	40	40	:	20	40	40	:	20	40	100	
A6102236C	HOT SPRING :	40	40	40	40	:	20	40	40	:	20	40	40	:	20	40	100	
61022360	BENNETT CR :	40	40	40	40	:	20	40	40	:	20	40	40	:	20	40	100	
A61022360	BENNETT CR :	40	40	40	40	:	20	40	40	:	20	40	40	:	20	40	100	
6107244	BENNETT CR :	40	40	40	40	:	20	40	40	:	20	40	40	:	20	40	100	
A6107244	BENNETT CR :	40	40	40	40	:	20	40	40	:	20	40	40	:	20	40	100	
6107273	BENNETT CR :	40	40	40	40	:	20	40	40	:	20	40	40	:	20	40	100	
A6107273	BENNETT CR :	40	40	40	40	:	20	40	40	:	20	40	40	:	20	40	100	
6107561	BENNETT CR :	40	40	40	40	:	20	40	40	:	20	40	40	:	20	40	100	
6107727	BENNETT CR :	40	40	40	40	:	20	40	40	:	20	40	40	:	20	40	100	
PLSS DATA	LEGAL LOOK :	01	40	02	40	:	40	40	40	:	40	40	40	:	40	40	40	100



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MARCH 26, 1997

Legal Notices Department
Mountain Home News
PO Box 1330
Mountain Home, ID 83647

Dear Legal Dept.:

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. 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 billing to this office before APRIL 21, 1997.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICROFILMED

JUN 04 1998

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

MICROFILMED
JUN 04 1998

61-07727

REYNOLDS & SONS, CARL F
1115 W 24TH SOUTH
MOUNTAIN HOME, ID 83647

Source: BENNETT CREEK

Tributary: SNAKE RIVER

Diversion Pt:	SESW	Sec 1	T 04S R 08E	in ELMORE County.
	SESW	Sec 10	T 04S R 08E	in ELMORE County.
	NWSE	Sec 34	T 04S R 08E	in ELMORE County.
	SWSE	Sec 34	T 04S R 08E	in ELMORE County.
	NWNE	Sec 3	T 05S R 08E	in ELMORE County.

Use: IRRIGATION STORAGE	(	454.00 AF)	
IRRIGATION FROM STORAGE	(	454.00 AF)	
DIVERSION TO STORAGE	(	4.900 CFS)	
Total Diversion:	(	4.900 CFS) (	454.00 AF)

Date Filed: 12/ 9/1996

In: ELMORE County				
T04S R08E S22	NESE	SESE		
S23	SWNE	NESW	NWSW	SWSW
	SESW	NWSE	SWSE	SESE
S24	SWSW	SESW	NESE	NWSE
	SWSE	SESE		
S25	NENW	NWNW	SWNW	SENW
	NESW	NWSW	SWSW	SESW
	NESE	NWSE	SWSE	SESE
S26	NENE	NWNE	SWNE	SENE
	NENW	NWNW	SWNW	SENW
	NESW	NWSW	SWSW	SESW
	NESE	NWSE	SWSE	SESE
S27	NENE	NWNE	SWNE	SENE
	NESE	NWSE	SWSE	SESE
S34	NENE	SENE	NESW	NWSW
	SWSW	SESW	NESE	SESE
S35	NENE	NWNE	SWNE	SENE
	NENW	NWNW	SWNW	SENW
	NESW	NWSW	SWSW	SESW
	NESE	NWSE	SWSE	SESE
S36	NENE	NWNE	SWNE	SENE
	NENW	SWNW	SENW	NESW
	NWSW	SWSW	SESW	NESE
	NWSE	SWSE	SESE	
T05S R08E S02	NENE	NWNE	NENW	NWNW
S03	NENE	NENW	NWNW	

3585.0 ACRES TOTAL

Use is limited to 114 acres per year in permissable place of use.

MICROFILMED

JUN 0 4 1998

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2735 Airport Way, Boise, Idaho 83705 on or before APRIL 21, 1997.

KARL J. DREHER, Director

Published: 4/ 2/1997 & 4/ 9/1997

MICROFILMED
JUN 01 1998
MICROFILMED

SUPPLEMENTAL INFORMATION
APPLICATION FOR PERMIT 61-07727

The purpose of Application for Permit 61-07727 is to provide a storage right for a use that has existed since 1976. During the review process for the Bennett Creek Farms (aka Carl F. Reynolds & Sons) SRBA claims, it was disclosed that ~~554~~ acre feet (AF) of capacity in Hot Springs No. 2 reservoir was not covered by a water right. The applicants were not aware of this problem and desire to rectify this discrepancy. MTS
3-21-97

The first approved storage right for Hot Springs No.2 was filed 3/24/1965 as 61-02236 for 2710 AF. The reservoir was completed in 1968. Application for Permit 61-07273 was filed 6/25/1976 for additional storage of 2170 AF. The height of the dam was raised in 1976 to its current elevation which provides a storage capacity of 5334 AF without the use of flashboards in the spillway.

There are no records available that support any increases in the storage capacity of Hot Springs No. 2 reservoir since 1976. The applicants have leased or owned the Bennett Creek Farms since 1986 and will attest that they have not increased the reservoir capacity during their possession. Therefore, it is concluded the current capacity of 5334 AF has existed and been used since 1976. This statistical information is available in IDWR water right and dam record files.

The Point of Diversion from Bennett Creek is located on private land not owned by the applicants. Access to this POD has been available since the reservoir was initially constructed and is most likely now protected by a prescriptive easement. The diversion canal that delivers water from the POD to the reservoir crosses private and public land. If there is no recorded right-of-way or easement for this canal it also should be protected by a prescriptive easement.

This supplemental information is provided as support that this application should not be subject to any current holdbacks or moratoriums. If approved there will be not be any additional uses nor consumption than what has historically existed and there would be no additional storage added to the system than what currently exists.

MTS

JUN 04 1998