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

See attached "Quad" sheet for diversion point and Canal



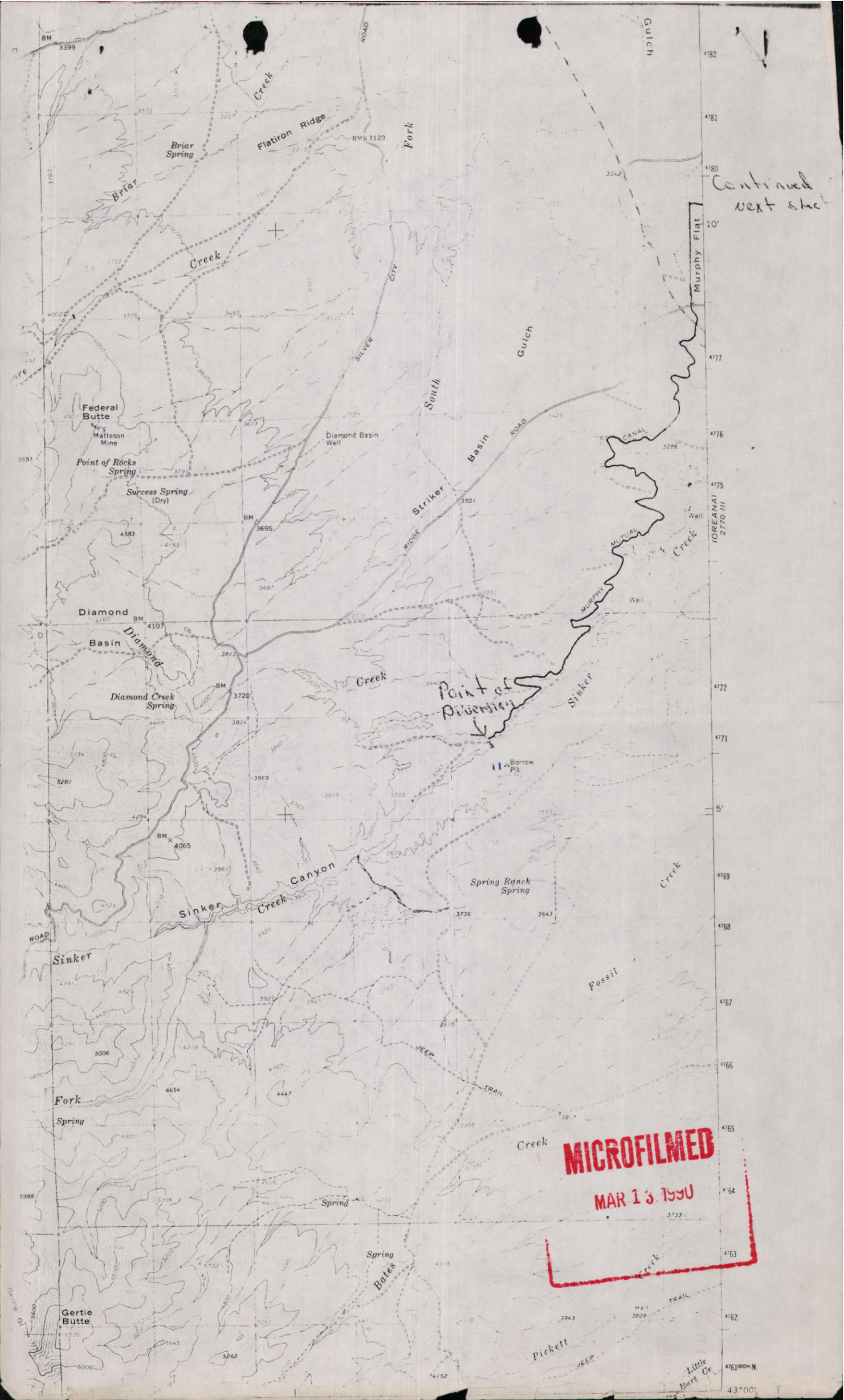
Scale: 2 inches equal 1 mile.

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

MICROFILMED
MAR 13 1990

+ Jay H. Hulet
(Applicant)

T 2S R 1E
T 3S R 1E


Federal Butte
Matteson Mine
Point of Rocks Spring
Success Spring (Dry)
Diamond Basin Well
Diamond Basin
Diamond Creek Spring
Briar Spring
Flatiron Ridge
Briar Creek
Silver City Road
South Fork
Striker Ridge
Gulch
Murphy Flat
Canal
Murphy Well
Creek
Point of Diversion
Borrow Pit
Sinker Creek Canyon
Spring Ranch Spring
Fossil Creek
Jeep Trail
Fork Spring
Bates Spring
Gertie Butte
Pickett Creek
Little Hart Cr.
BM 3399
BM 3120
BM 3695
BM 4107
BM 3720
BM 4065
Continued next sheet
MICROFILMED
MAR 13 1990

PROOF OF PUBLICATION

STATE OF IDAHO, County of Owyhee, s.s.

I, MICK HODGES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by MICK HODGES, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once a week and every week for 2 consecutive weeks, the first publication being on the 2 day of May, 1984, and the last publication being on the 9 day of May, 1984;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy - eight consecutive weeks prior to the first publication of the attached notice.

Mick Hodges
PUBLISHER

Subscribed and sworn to before me this 9 day of May, 1984.

Kyle L. Hodges
NOTARY PUBLIC

My commission expires 3-86

(SEAL)

NOTICE OF AMENDED APPLICATION FOR PERMIT

Notice is hereby given that application No. 57-7385 in the name of Jay H. Hulet was filed on March 1, 1983 for the diversion of 70 cfs up to 7000 ac. ft from Sinker Creek tributary to the Snake River with a point of diversion within the SE¼NW¼, Sec 11, Twp 4S, Rge 2W, B.M. Owyhee Co. to be used for diversion to storage purposes from 11/1 to 4/1, storage for irrigation from 1/1 to 12/31 and irrigation from storage from 4/1 to 11/1 within portions of Sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 15, 17, 18, 19 and 20 all in Twp 3S, Rge 1W B.M., Owyhee Co.

The applicant now proposes to amend the application by changing the time during which the water is diverted to storage to 11/1 to 7/1.

Any protest against the acceptance or approval of the proposed amendment must be filed with the Department of Water Resources, Statehouse, 450 W. State St., Boise, ID 83720 on or before May 21, 1984.

A. KENNETH DUNN
Director

Published in the Owyhee Nugget, Marsing and Homedale, Owyhee County, Idaho, 5/2 & 5/9/1984.

MICROFILMED
MAR 13 1990

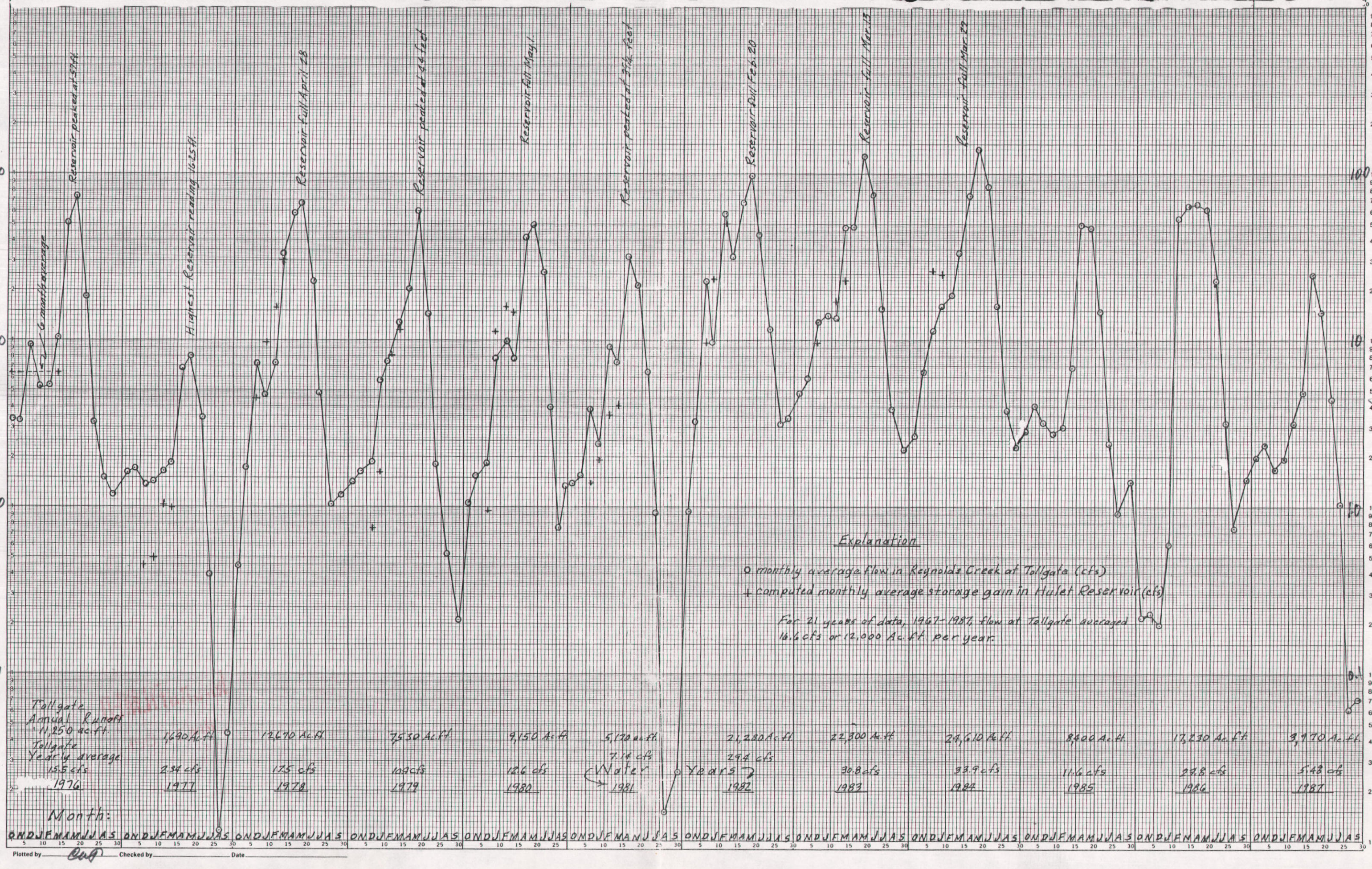
RECEIVED
MAY 14 1984
Department of Water Resources
Western Regional Office

Form 9-285 (9-77)

Station Name Reynolds Creek at Tollgate, average gain in Hulet Reservoir

SEMI-LOG PLOT OF ~~DAILY~~ VALUES Monthly average

Station Number



Plotted by Rob Checked by Date

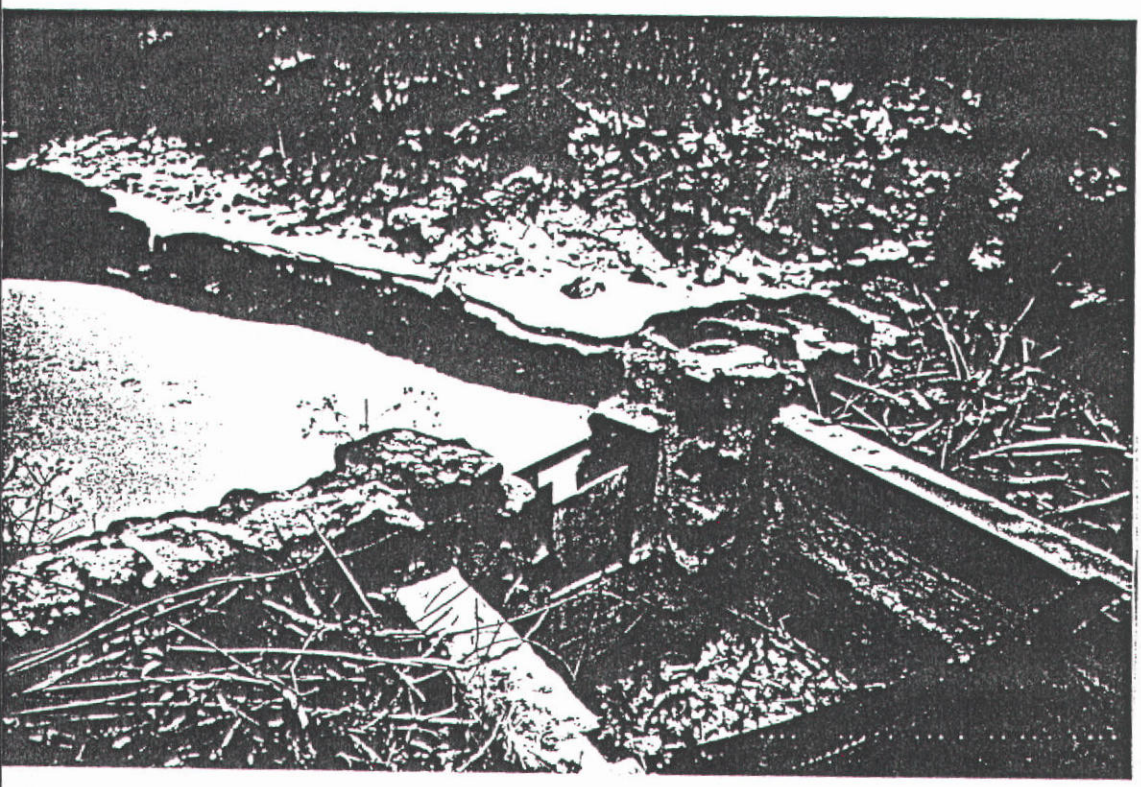
Map of Sinker Creek below Hulet Dam and vicinity



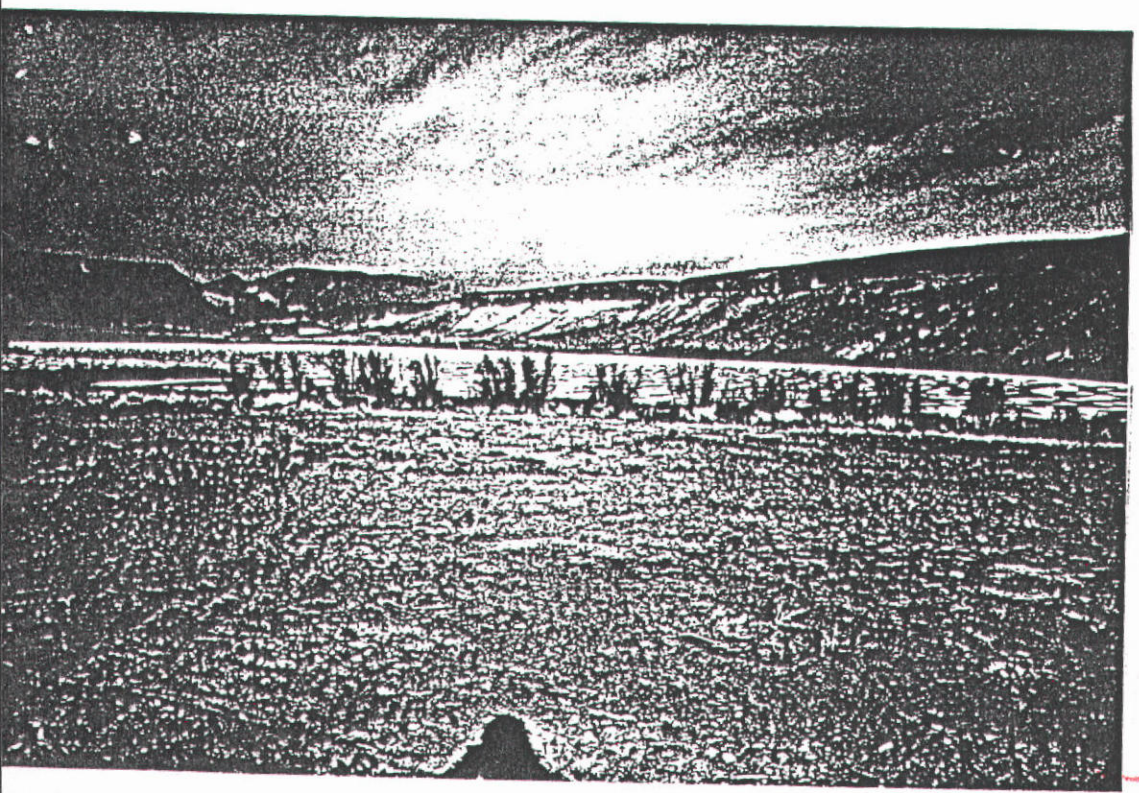
For

GROUND WATER ~~ON~~ AREA OF INTEREST

W 1 o Well 04S02W11ABA1 5' to water, 12" casing, water level 3245 ft Feb. 1, 1967
W2 o Well 03S02W36DDB1 19' to water, 20" casing, water level 3112 ft Jan. 8, 1979
W 3 o Well 03S01W31BCC1 20' to water, 48" casing, water level 3105 ft Jan. 19, 1967
W4 o Well 03S01W31BAA1 16' to water, 8" casing, water level 3064 ft Jan. 1, 1952
W5 o Well 03S01W30CDA1 230 ft to water, casing n.r., water level 2850 ft Feb. 1, 1979
W6 o Well 03S01W18DCC1 365 ft to water 6" casing, water level 2875 ft Feb. 23, 1979
W7 o Well 03S01W15CDC1 49.5 ft to water 12" casing, water level 2696 ft Dec. 18, 1959
W8 o Well 03S01W08CBC1 414.5 ft to water 6" casing, water level 2766 ft Jan. 19, 1967
W9 o Well 03S01W04DCC1 587 ft to water, 8" casing, water level 2513 ft Jan. 1, 1975

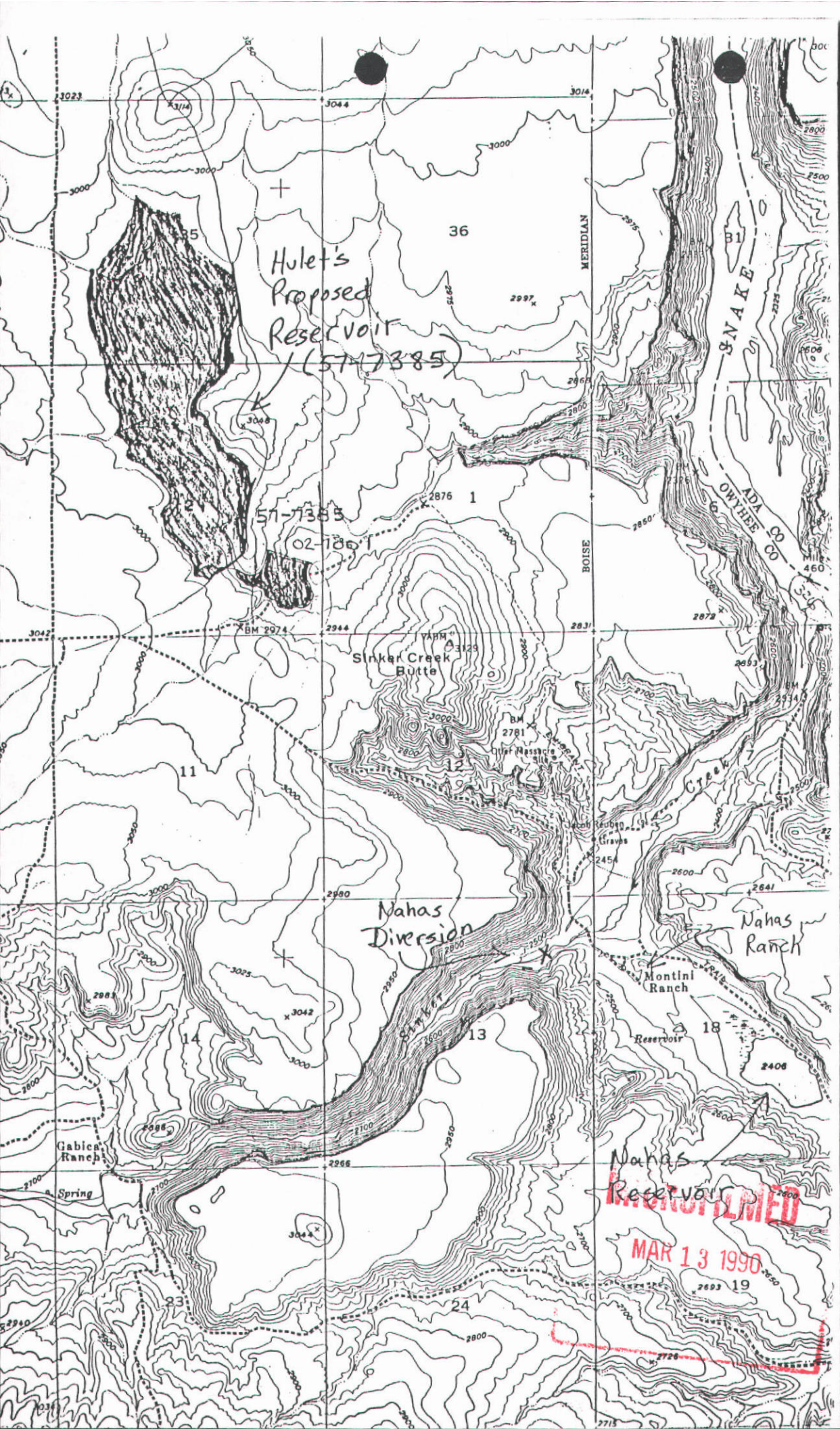


Nahas diversion from Sinker Creek.



Nahas Reservoir

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MAR 13 1990


Hulet's Proposed Reservoir (57-7385)
57-7385
02-1861
Nahas Diversion
Nahas Reservoir
Nahas Ranch
Montini Ranch
Reservoir
Sinker Creek Butte
Gabica Ranch
Spring
Sinker Creek
Owyhee Co
Ada Co
Snake
Boise Meridian
RECEIVED
MAR 13 1990



MICROFILMED
MAR 13 1990

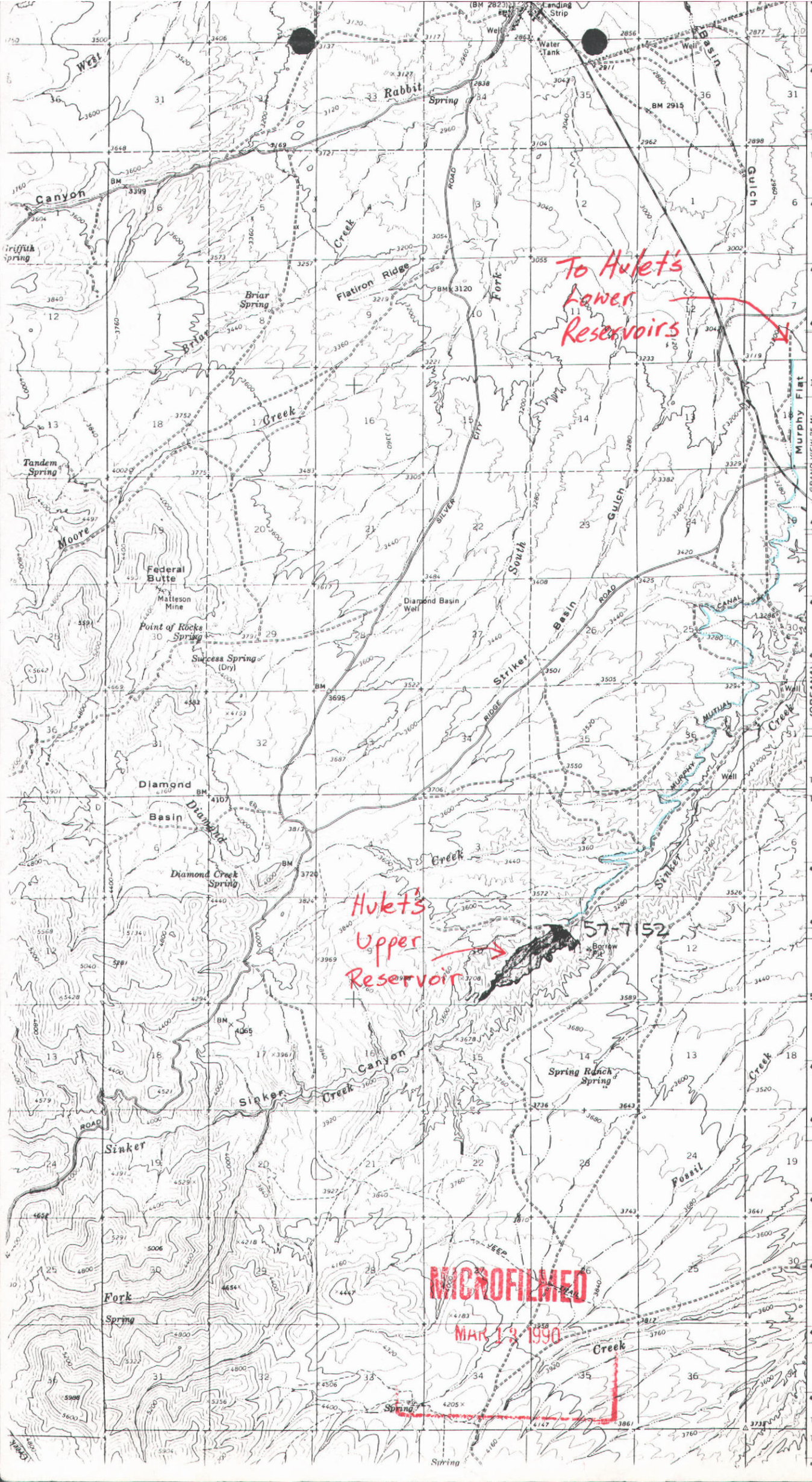


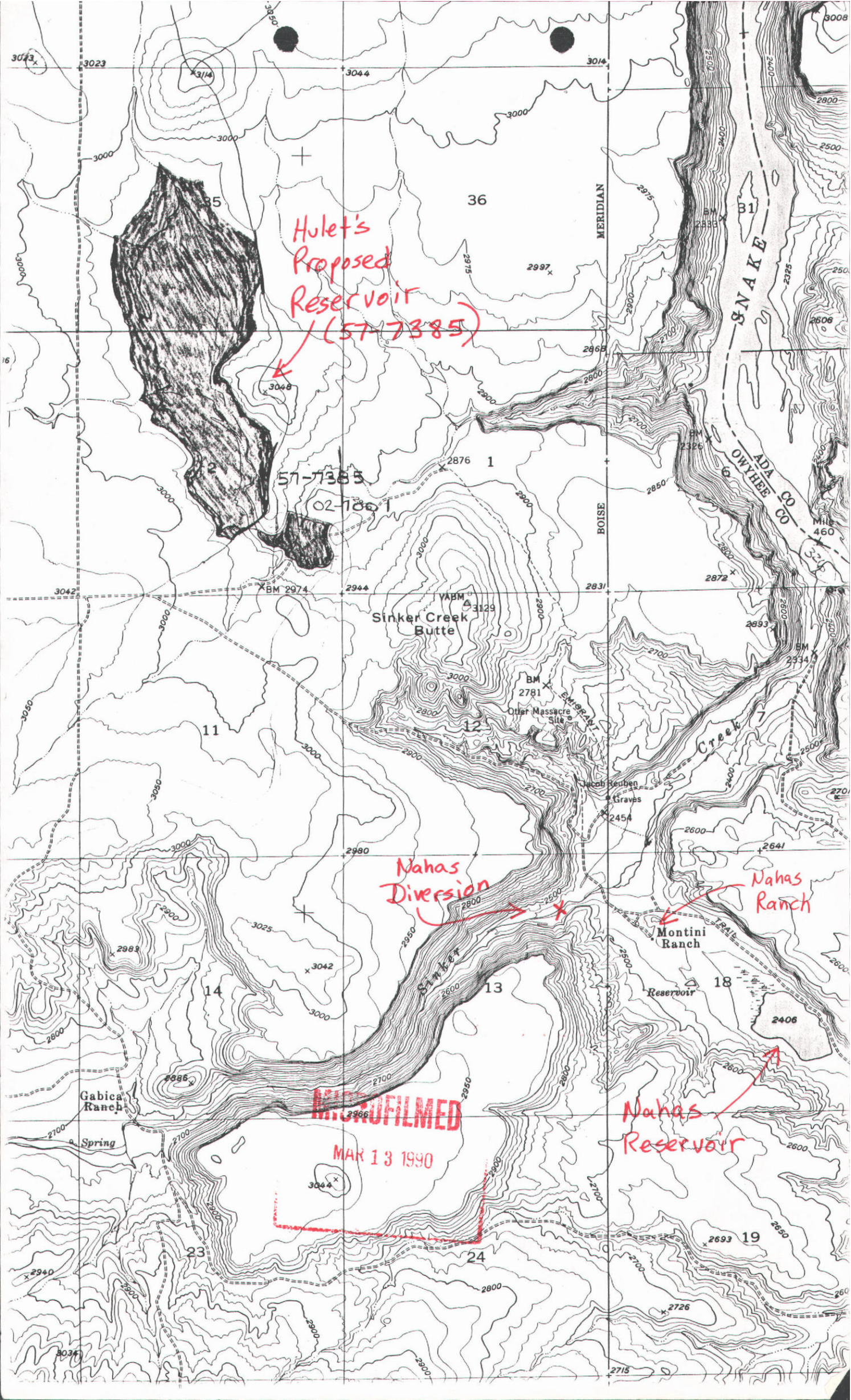
Nahas diversion from Sinker Creek.

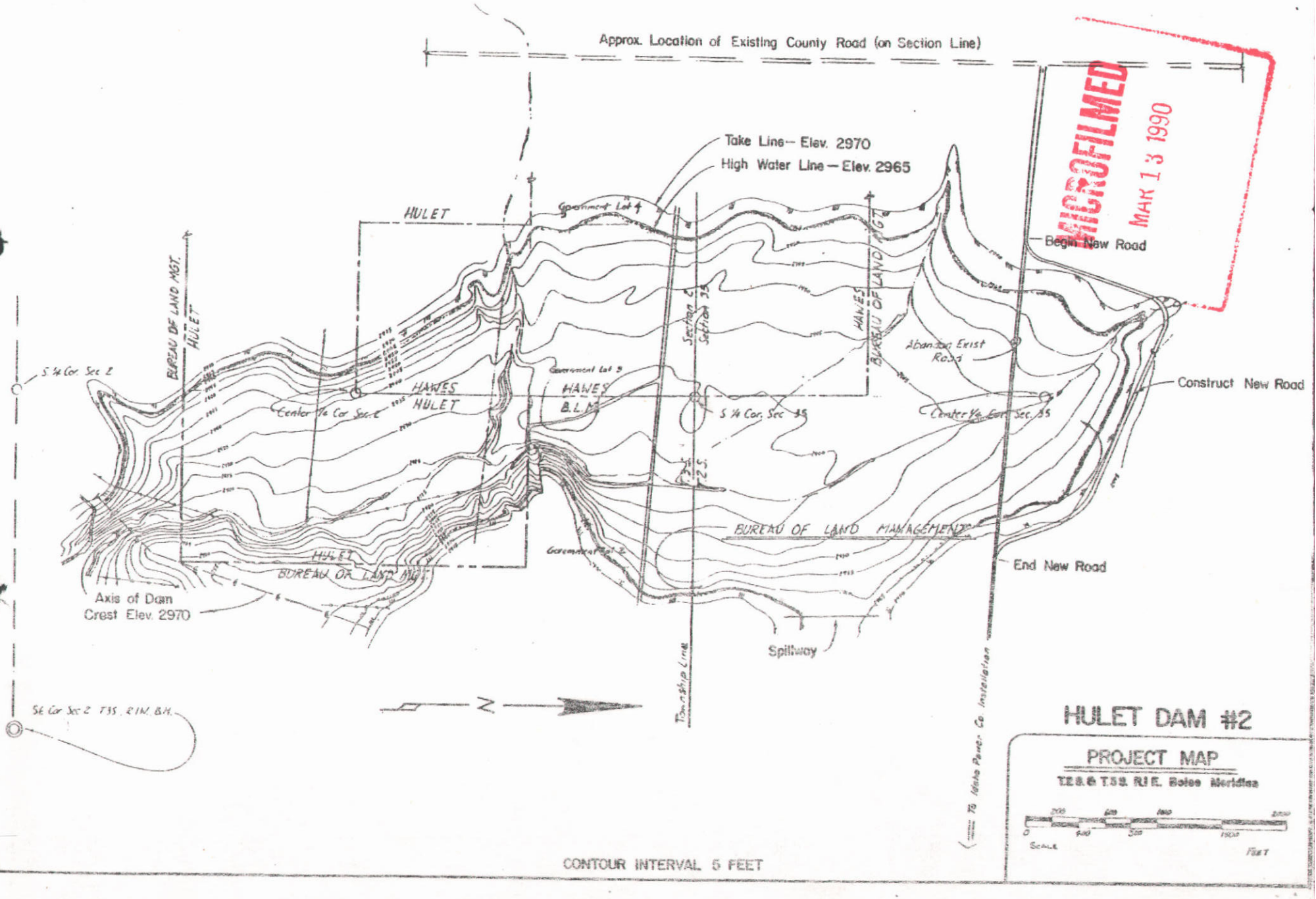


Nahas Reservoir

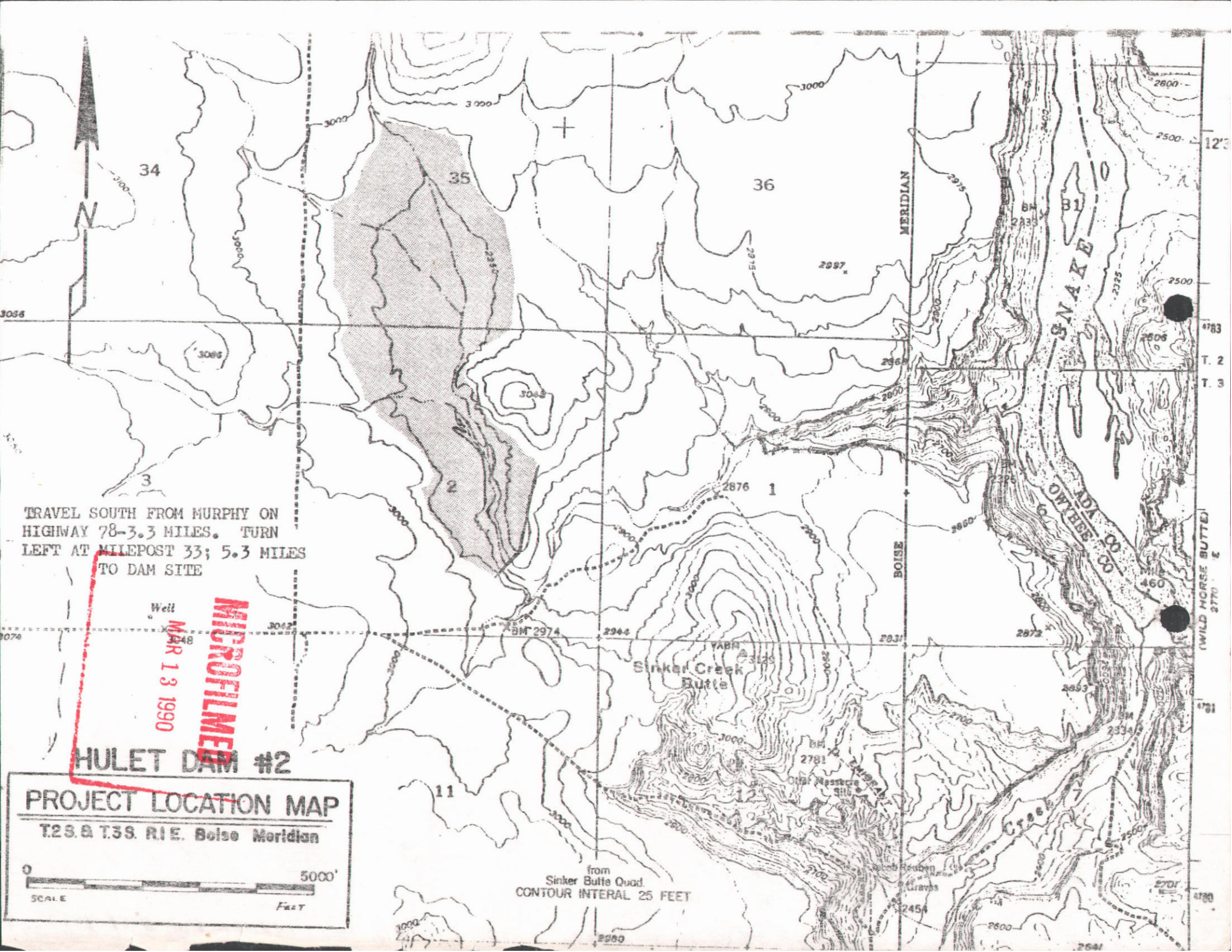
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MAR 13 1990


To Hulet's Lower Reservoirs
Hulet's Upper Reservoir
57-7152
MICROFILMED
MAR 13 1990
Rabbit Spring
Flatiron Ridge
Briar Spring
Tandem Spring
Federal Butte
Point of Rocks Spring
Success Spring (Dry)
Diamond Basin
Diamond Creek Spring
Spring Ranch Spring
Fossil Creek
Sinker Creek
Murphy Flat
Silver Creek
South Fork
Striker Ridge
Diamond Basin Road
Sinker Canyon Road
Landing Strip
Water Tank
Borrow Pit
Diamond Basin Well
Matteson Mine
Fork Spring
Jeep Trail
Canal
Well
BM 3399
BM 3120
BM 2915
BM 4107
BM 3695
BM 4065
BM 3726
T. 2 S.
T. 3 S.
T. 4 S.
T. 5 S.
GRAND VIEW 25 MI.
BRUNEAU 43 MI.
(OREANA) 2770 III


Hulet's Proposed Reservoir (57-7385)
57-7385
02-1861
Nahas Diversion
Nahas Ranch
Nahas Reservoir
MICROFILMED
MAR 13 1990
SNAKE
BOISE MERIDIAN
ADA CO
OWYHEE CO
Sinker Creek Butte
Otter Massacre Site
EMIGRANT
Jacob Reuben Graves
Montini Ranch
Reservoir
Gabica Ranch
Spring
Sinker Creek
TRAIL
Mile 460
BM 2974
BM 2781
BM 2333
BM 2326
BM 2838
VABM 3129
35
36
31
1
2
11
12
13
14
18
19
23
24



MICROFILMED
MAR 13 1990


TRAVEL SOUTH FROM MURPHY ON HIGHWAY 78-3.3 MILES. TURN LEFT AT MILEPOST 33; 5.3 MILES TO DAM SITE
HULET DAM #2
PROJECT LOCATION MAP
T.2S. & T.3S. R.1E. Boise Meridian
0
5000'
SCALE
FEET
from Sinker Butte Quad.
CONTOUR INTERAL 25 FEET
MICROFILMED
MAR 13 1990
Sinker Creek Butte
BOISE MERIDIAN
SNAKE
OWYHEE CO
ADA CO
(WILD HORSE BUTTE)
34
35
36
31
1
2
3
11
12
7
T. 2
T. 3
N

POOR QUALITY

REYNOLDS CREEK EXPERIMENTAL WATERSHED BOISE, IDAHO

STATION 13039080 REYNOLDS CREEK OUTLET WEIR (57754 ACRES) 90 SQ MILES SCOV TYPE WEIR

DAILY, MONTHLY, AND YEARLY SUMMARY OF RUNOFF FOR YEAR 1963

RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	2.708	364.531	23.103	10.321	21.488	5.933	0.518	0.434	0.394	0.512	0.835	4.988
2	3.018	91.367	23.343	7.151	18.931	5.023	6.241	0.380	0.338	0.541	0.812	4.391
3	3.261	91.[illegible]	20.[illegible]	[illegible]	[illegible]	[illegible]	0.421	0.279	0.347	0.521	0.883	4.334
4	2.845	65.[illegible]	18.[illegible]	[illegible]	[illegible]	[illegible]	0.641	0.259	0.308	0.541	1.194	4.339
5	1.985	43.207	18.612	19.872	24.885	33.751	4.310	0.322	0.324	0.689	2.368	4.488
6	1.[illegible]	30.[illegible]	[illegible]	[illegible]	[illegible]	21.[illegible]	3.122	0.245	0.300	0.648	3.[illegible]	5.191
7	2.243	24.701	15.[illegible]	[illegible]	[illegible]	13.172	3.467	0.237	0.329	0.658	3.235	3.605
8	1.956	20.638	15.091	31.441	37.196	12.721	3.479	0.327	0.336	0.648	8.278	4.573
9	2.261	17.995	14.446	61.203	46.853	12.982	3.144	0.524	0.336	0.921	13.196	4.485
10	1.878	14.752	13.883	43.809	32.083	25.356	3.290	0.478	0.323	0.745	9.623	2.799
11	1.601	12.157	13.[illegible]	30.117	27.015	18.736	3.445	0.367	0.308	0.704	6.634	3.043
12	1.340	9.[illegible]	12.[illegible]	21.[illegible]	[illegible]	15.440	2.405	0.378	0.[illegible]	0.711	5.714	5.329
13	1.144	[illegible]	[illegible]	[illegible]	[illegible]	12.087	1.889	0.303	0.281	0.728	5.097	6.992
14	1.061	[illegible]	[illegible]	[illegible]	[illegible]	12.[illegible]	1.[illegible]7	0.307	0.[illegible]	0.685	5.202	5.142
15	1.068	11.[illegible]	[illegible]	[illegible]	[illegible]	13.228	1.[illegible]	0.307	0.325	0.559	7.800	4.176
16	1.115	[illegible]	[illegible]	[illegible]	21.227	9.538	1.220	0.311	0.358	0.578	5.885	4.190
17	1.115	[illegible]	[illegible]	[illegible]	[illegible]	8.210	1.132	0.323	0.367	0.568	5.094	4.529
18	1.142	15.[illegible]	[illegible]	24.[illegible]	[illegible]	7.183	1.153	0.292	0.398	0.582	4.850	4.157
19	1.170	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	0.962	0.324	0.[illegible]	0.775	4.613	4.135
20	1.170	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	0.679	4.862	4.433
21	1.193	[illegible]	[illegible]	[illegible]	[illegible]	65.011	0.829	0.399	0.[illegible]	0.679	3.[illegible]	4.122
22	1.[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	24.[illegible]	[illegible]	[illegible]	[illegible]	0.630	3.757	2.970
23	1.227	20.[illegible]	[illegible]	[illegible]	28.[illegible]	28.348	0.980	0.289	0.[illegible]	0.674	7.912	3.200
24	1.227	23.778	6.[illegible]	21.[illegible]	14.045	28.387	0.720	0.260	0.407	0.700	11.461	2.721
25	1.170	20.598	4.935	22.073	9.398	21.692	0.635	0.266	0.628	0.800	8.273	4.354
26	1.115	33.150	5.220	19.371	8.661	18.850	0.612	0.269	0.579	0.744	7.270	3.220
27	1.115	24.654	5.183	19.[illegible]	7.609	15.288	0.585	0.283	0.548	0.722	6.988	4.433
28	1.142	22.769	21.[illegible]	16.542	5.166	12.262	0.547	0.269	0.511	0.744	5.977	6.523
29	1.170	0.000	13.[illegible]	[illegible]	4.099	15.037	0.530	0.253	0.485	0.767	5.284	7.055
30	1.135	0.000	.9 763	28.[illegible]	4.730	12.[illegible]	0.545	0.290	0.504	0.871	5.441	6.007
31	431.810	0.000	10.[illegible]	0.000	5.213	0.000	0.423	0.426	0.000	0.635	0.000	5.267
TOTAL	15.456	42.471	12.548	34.383	21.787	17.634	2.385	0.320	0.392	0.681	5.518	4.478

YEARLY - 12.911

MICROFILMED MAR 1 8 1990

1 / Ave cfs / day × 2 × 365 = AF

Ave cfs/day

1 cfs - 24 hrs = 2 AF

REYNOLDS CREEK EXPERIMENTAL WATERSHED BOISE, IDAHO

STATION 68036068 REYNOLDS CREEK OUTLET WEIR (57754 ACRES) 90 SQ MILES SCOV TYPE WEIR

DAILY, MONTHLY, AND YEARLY SUMMARY OF RUNOFF FOR YEAR 1964

RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	5.717	8.252	7.179	110.534	55.966	46.313	8.284	0.990	0.722	0.608	1.160	32.566
2	8.315	6.811	7.045	54.164	41.745	35.177	7.785	0.871	0.659	0.635	1.031	23.848
3	4.148	6.172	5.898	42.902	33.283	31.561	6.765	0.908	0.631	0.621	0.983	14.837
4	5.753	7.273	7.599	48.393	29.513	32.576	5.526	0.917	0.609	0.633	0.945	8.593
5	3.999	6.864	7.728	44.757	21.652	32.147	7.502	0.985	0.611	0.623	0.983	9.290
6	13.248	6.077	5.935	37.249	19.372	37.743	6.678	0.901	0.609	0.599	1.022	6.593
7	5.695	7.700	5.863	38.896	19.749	55.538	5.078	0.817	0.594	0.[illegible]	1.167	6.118
8	3.968	7.110	5.757	57.811	19.625	52.548	4.481	0.748	0.576	[illegible]	1.220	9.325
9	6.765	8.419	7.059	73.150	24.197	63.869	4.468	0.687	0.612	0.[illegible]	1.330	9.625
10	6.261	11.418	6.571	74.128	43.580	69.269	4.386	0.678	0.449	0.[illegible]	1.751	49.340
11	6.482	11.082	6.530	60.085	45.294	64.068	3.251	0.725	0.376	0.64[illegible]	2.020	45.532
12	10.089	8.866	10.225	44.709	51.387	59.630	2.552	0.716	0.387	0.628	2.085	15.907
13	4.474	8.309	6.404	47.489	62.348	48.574	2.434	0.764	0.360	0.623	1.840	11.467
14	4.379	7.382	6.565	68.687	61.109	47.716	2.460	0.736	0.359	0.643	1.483	15.659
15	4.435	8.142	9.710	81.955	67.544	46.284	2.182	0.782	0.359	0.704	1.302	14.087
16	4.382	7.859	11.454	73.608	76.403	44.576	2.020	0.773	0.431	0.717	1.658	8.077
17	5.014	7.328	22.252	62.635	75.288	39.245	1.776	0.768	0.449	0.836	1.722	8.096
18	4.289	8.336	25.068	54.033	81.791	43.795	1.583	0.687	0.449	0.883	1.506	11.248
19	29.721	9.857	18.118	57.328	86.632	37.351	1.615	0.645	0.471	0.902	1.648	20.065
20	30.151	8.531	17.565	59.553	82.664	35.663	1.465	0.657	0.474	0.932	1.645	13.802
21	13.575	9.691	19.973	54.594	74.539	39.736	1.530	0.630	0.490	0.945	1.524	30.376
22	6.485	10.453	16.561	49.263	58.394	31.328	1.447	0.616	0.490	0.932	1.752	578.472
23	5.299	9.928	14.823	35.975	50.021	26.588	1.566	0.571	0.462	0.872	1.826	982.364
24	6.225	10.080	14.020	33.772	47.364	22.481	1.479	0.581	0.470	0.883	3.055	571.164
25	66.140	7.965	13.771	30.511	45.809	22.083	1.433	0.532	0.448	0.883	10.950	225.836
26	49.741	7.515	13.914	26.888	47.976	16.917	1.385	0.657	0.463	0.918	8.315	195.744
27	12.388	6.436	13.640	26.433	69.639	11.649	1.343	0.592	0.447	0.913	5.163	131.018
28	8.674	7.452	17.948	31.008	71.380	11.744	1.463	0.556	0.524	0.907	7.290	95.956
29	7.840	6.513	37.389	50.099	61.527	10.582	1.524	0.516	0.648	0.938	8.712	86.934
30	6.716	0.000	67.221	60.120	62.198	8.528	1.097	0.519	0.611	0.984	3.188	79.612
31	6.141	0.000	96.497	0.000	58.617	0.000	0.952	0.881	0.000	0.957	0.000	64.256
TOTAL	11.499	8.200	16.976	53.045	53.115	37.508	3.145	0.724	0.507	0.768	2.875	108.894

YEARLY TOTAL 24.87;

MICROFILMED
MAR 13 1990

REYNOLDS CREEK EXPERIMENTAL WATERSHED BOISE, IDAHO

STATION 68036068 REYNOLDS CREEK OUTLET WEIR (57754 ACRES) 90 SQ MILES SCOV TYPE WEIR

DAILY, MONTHLY, AND YEARLY SUMMARY OF RUNOFF FOR YEAR 1965

RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	52.081	211.191	36.215	26.312	147.904	70.243	17.301	1.451	3.007	3.540	3.622	4.584
2	56.172	165.086	36.509	35.733	117.429	61.336	17.241	2.557	3.018	3.250	3.414	4.391
3	51.472	138.727	37.292	34.206	98.789	53.047	15.247	27.634	2.933	3.106	3.369	3.705
4	49.669	125.201	34.468	35.683	91.755	46.758	14.674	8.080	2.622	2.939	3.145	3.354
5	51.412	116.520	34.986	36.462	86.082	42.858	13.523	5.589	2.755	3.136	3.213	3.173
6	70.420	95.028	34.107	38.205	77.652	37.338	11.479	3.659	2.700	3.306	3.321	2.864
7	57.322	78.334	34.561	36.957	73.168	37.318	7.560	3.852	2.876	3.252	3.343	4.096
8	43.663	78.333	34.449	37.630	61.797	37.693	6.658	3.378	3.284	2.942	4.332	3.304
9	44.229	67.763	35.980	41.439	53.740	31.522	5.746	3.154	2.996	2.743	4.820	4.167
10	43.415	59.427	35.775	42.370	47.037	28.406	4.852	3.474	2.878	2.818	5.188	5.347
11	43.457	53.479	32.361	40.067	46.436	29.631	4.873	12.800	2.854	3.168	5.582	4.973
12	37.824	55.444	31.666	41.199	44.727	29.976	4.269	6.363	2.822	3.311	5.784	4.163
13	34.605	60.008	30.417	45.086	48.531	29.068	3.503	5.426	2.627	3.733	6.113	3.517
14	33.364	54.515	31.106	45.302	54.942	26.920	3.393	3.989	2.566	4.355	9.222	4.034
15	31.315	50.101	31.376	48.057	56.715	28.450	3.215	3.433	2.653	5.630	8.244	4.159
16	30.507	50.229	31.790	49.330	62.118	28.251	3.090	3.624	3.833	5.831	6.952	2.298
17	30.294	49.714	28.536	47.680	62.202	27.114	3.233	3.015	3.191	6.167	6.770	2.642
18	31.781	48.739	21.872	57.964	55.758	26.461	3.157	3.230	3.395	5.886	6.560	2.608
19	32.877	48.462	23.361	125.879	55.844	26.205	3.264	3.690	3.579	5.957	6.317	2.741
20	33.149	49.014	25.474	144.476	52.229	22.603	2.917	17.080	3.353	5.901	6.171	2.176
21	33.055	49.159	28.785	168.062	47.724	18.342	2.949	11.451	3.459	5.512	6.225	2.955
22	31.333	48.272	29.220	184.105	114.143	16.080	2.642	39.322	3.434	5.326	5.901	3.941
23	57.997	42.438	28.743	179.408	292.020	15.922	2.700	22.342	3.394	4.824	6.206	3.019
24	139.389	41.782	33.056	166.119	214.709	14.245	2.676	8.700	3.592	5.122	6.285	3.579
25	62.212	39.255	32.000	158.909	154.912	15.369	2.532	5.874	3.827	5.064	5.442	3.941
26	53.454	41.273	25.582	150.768	125.098	26.888	2.354	4.782	2.908	5.034	3.982	3.609
27	77.255	53.340	25.133	140.419	103.905	20.064	2.160	4.516	2.824	5.065	3.607	3.921
28	655.273	39.967	24.179	135.644	93.876	17.665	1.710	3.811	2.924	5.258	3.159	5.059
29	726.280	0.000	24.944	155.114	89.227	17.266	1.526	3.645	2.964	4.854	4.106	5.474
30	737.515	0.000	26.880	160.371	91.138	13.659	1.383	3.580	3.209	4.534	4.523	5.011
31	428.224	0.000	23.398	0.000	83.955	0.000	1.390	3.206	0.000	3.734	0.000	4.288
TOTAL	124.546	71.813	30.458	86.964	90.501	29.918	5.587	7.635	3.082	4.364	5.163	3.777
YEARLY TOTAL-	38.454											

MICROFILMED
MAR 13 1990

STATION 13036060 REYNOLDS CREEK OUTLET WEIR 157754 ACRES 90 SQ MILES SCOV TYPE WEIR BOISE, IDAHO

DAILY, MONTHLY, AND YEARLY SUMMARY OF RUNOFF FOR YEAR 1986

RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	4.264	3.559	5.342	38.157	6.931	2.442	0.729	0.265	0.158	0.221	0.648	4.818
2	4.981	4.182	3.778	39.870	8.192	2.452	0.762	0.234	0.124	0.301	0.690	5.490
3	5.766	4.488	3.731	28.019	6.616	2.893	0.920	0.184	0.114	0.286	0.690	10.312
4	6.205	4.435	4.271	24.880	5.138	2.797	0.921	0.221	0.111	0.293	0.690	6.860
5	7.425	4.433	5.015	24.856	8.202	2.953	0.745	0.203	0.111	0.300	0.710	6.389
6	9.865	4.699	5.101	26.542	11.035	2.699	0.841	0.216	0.191	0.322	1.192	4.593
7	10.458	4.398	6.986	26.206	8.963	2.624	0.951	0.175	0.191	0.300	0.971	4.571
8	8.513	3.797	7.701	24.204	8.136	3.004	0.881	0.205	0.179	0.300	0.859	3.357
9	5.539	4.308	10.674	21.498	7.143	4.873	0.888	0.282	0.162	0.307	0.821	2.607
10	6.232	4.547	15.750	24.963	6.922	4.481	0.794	0.290	0.185	0.330	1.250	4.657
11	6.626	4.928	11.289	19.933	5.189	4.094	0.706	0.277	0.162	0.352	1.355	3.987
12	6.637	4.214	10.741	15.081	4.592	3.855	0.633	0.165	0.157	0.415	1.171	4.021
13	6.209	4.003	30.360	9.531	4.085	3.606	0.593	0.150	0.179	0.424	1.075	4.892
14	6.697	4.289	32.424	7.139	5.135	3.333	0.554	0.153	0.359	0.424	1.022	7.573
15	6.452	5.307	21.583	6.064	6.690	3.240	0.508	0.113	0.288	0.432	0.965	4.735
16	3.138	4.813	18.489	8.158	5.179	3.375	0.438	0.087	0.273	0.457	1.593	3.996
17	3.507	4.922	12.515	9.552	5.517	3.831	0.373	0.055	0.234	0.494	1.786	4.118
18	4.518	4.907	11.464	5.030	5.268	3.412	0.294	0.055	0.204	0.502	1.576	4.426
19	4.534	4.618	11.857	3.239	4.935	3.298	0.282	0.086	0.251	0.494	1.518	4.060
20	4.249	4.974	9.228	3.121	4.707	2.454	0.247	0.038	0.240	0.396	1.429	4.261
21	4.264	5.554	11.215	3.253	4.841	2.487	0.237	0.001	0.197	0.476	1.559	3.459
22	4.628	5.712	9.275	3.462	5.325	2.585	0.235	0.008	0.151	0.661	1.565	1.991
23	4.638	5.425	9.524	2.413	4.573	2.306	0.194	0.037	0.150	0.627	1.486	2.041
24	4.623	5.243	10.199	2.051	3.088	2.638	0.195	0.071	0.185	0.638	1.078	3.044
25	4.574	5.473	12.183	2.435	3.577	2.449	0.235	0.063	0.184	0.617	1.047	3.341
26	4.545	5.246	17.250	4.012	3.316	2.091	0.231	0.168	0.278	0.617	1.702	2.719
27	4.259	4.887	21.659	4.735	3.002	1.476	0.239	0.253	0.329	0.648	1.411	2.103
28	5.040	5.251	23.852	5.511	3.194	0.785	0.200	0.153	0.279	0.658	1.941	2.981
29	5.302	0.000	28.333	5.333	3.415	0.850	0.184	0.116	0.250	0.680	5.743	3.478
30	4.853	0.000	32.820	5.929	2.972	0.799	0.218	0.126	0.207	0.680	6.522	2.979
31	4.961	0.000	37.940	0.000	2.334	0.000	0.237	0.133	0.000	0.647	0 000	2.993
TO	5.596	4.736	14.597	13.507	5.425	2.805	0.498	0.147	0.202	0.481	1.535	4.220

YE TOTAL- 4.475

MICROFILMED
MAR 13 1990

REYNOLDS CREEK EXPERIMENTAL WATERSHED BOISE, IDAHO

STATION 13269000 REYNOLDS CREEK OUTLET WEIR (57754 ACRES) 90 SQ MILES SCOV TYPE WEIR

DAILY, MONTHLY, AND YEARLY SUMMARY OF RUNOFF FOR YEAR 1967

RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	2.865	22.833	15.325	9.672	15.312	91.679	7.520	0.638	0.780	1.008	1.806	1.094
2	2.751	19.272	14.219	9.493	14.326	81.816	7.125	0.614	0.877	1.167	1.802	1.196
3	3.164	21.237	11.521	9.369	13.637	73.326	5.297	0.610	0.907	1.260	1.839	1.312
4	3.819	21.993	9.648	7.174	13.445	61.028	3.551	0.690	0.936	1.096	1.875	1.258
5	2.529	19.643	10.776	7.648	14.197	65.643	3.368	0.676	0.913	1.131	1.830	1.725
6	1.680	14.955	10.877	7.616	21.575	132.455	2.922	0.701	0.916	1.169	1.797	1.001
7	3.319	15.142	10.375	7.830	38.686	122.728	2.779	0.657	0.896	1.106	1.819	1.398
8	3.291	13.412	10.186	7.878	46.044	107.508	2.630	0.747	0.921	1.075	1.778	1.416
9	2.792	15.191	9.701	7.990	71.781	94.129	2.359	0.659	0.912	1.011	2.173	1.814
10	3.309	14.017	8.917	8.266	60.236	95.061	2.534	0.699	0.925	1.005	2.198	2.641
11	3.217	11.925	9.050	10.186	42.712	86.180	2.471	0.719	1.177	1.030	1.975	2.588
12	3.270	12.609	8.945	9.699	29.947	84.517	2.472	0.707	1.111	1.145	1.875	1.475
13	4.422	14.476	8.797	9.504	25.517	75.972	2.182	0.734	0.991	1.132	1.875	1.011
14	6.135	12.089	8.089	9.806	26.581	69 846	1.992	0.731	0.934	1.062	1.608	0.913
15	6.295	10.662	7.813	9.395	34.405	61.151	1.697	0.782	0.907	1.153	1.464	1.117
16	5.995	12.069	10.960	8.054	52.017	52.152	1.586	0.840	0.882	1.115	1.460	1.525
17	4.459	14.208	20.636	8.352	80.438	48.920	1.566	0.787	0.856	1.138	1.452	1.705
18	3.772	16.080	20.524	8.538	86.729	49.786	1.443	0.828	0.810	1.112	2.448	2.138
19	6.190	9.496	17.982	8.737	93.721	41.009	1.391	1.069	0.858	1.082	2.794	2.197
20	8.132	9.862	16.083	7.943	97.085	33.540	1.396	0.925	0.817	1.168	1.604	2.098
21	91.295	11.053	15.944	8.684	91.699	34.045	1.288	0.749	0.795	1.156	1.393	2.006
22	50.028	11.785	17.173	8.678	100.181	33.712	1.347	0.735	0.742	1.116	1.228	2.215
23	17.218	13.637	19.581	12.012	97.033	31.749	1.471	0.581	0.808	1.075	1.191	2.548
24	13.340	14.043	15.677	13.627	80.600	28.835	1.470	0.362	0.843	1.222	1.097	2.830
25	14.424	14.508	13.119	16.454	60.264	26.307	1.241	0.405	0.784	1.165	1.007	5.365
26	12.214	14.120	13.035	17.290	52.351	22.263	1.130	0.712	0.837	1.258	0.973	8.186
27	29.993	12.576	12.207	17.409	53.587	18.690	1.278	0.758	0.804	1.324	0.916	7.933
28	44.827	13.049	11.366	17.421	53.525	15.776	1.064	0.904	0.770	1.913	1.108	6.697
29	64.837	0.000	11.711	16.147	51.628	11.527	0.932	0.784	0.806	1.508	1.131	4.931
30	35.387	0.000	10.283	15.833	48.457	8.216	0.843	0.765	0.959	1.532	0.980	3.576
31	40.397	0.000	11.251	0.000	65.459	0.000	0.676	0.651	0.000	1.821	0.000	3.632
T	15.979	14.497	12.637	10.556	52.682	58.651	2.290	0.716	0.882	1.201	1.616	2.630

Y TOTAL- 14.486

MICROFILMED
MAR 13 1990

STATION 60030065 REYNOLDS CREEK OUTLET WEIR (57754 ACRES) 90 SQ MILES SCOV TYPE WEIR BOISE, IDAHO

DAILY, MONTHLY, AND YEARLY SUMMARY OF RUNOFF FOR YEAR 1968

RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	4.033	3.195	14.143	4.283	3.591	1.695	2.011	0.166	0.371	0.420	0.426	1.012
2	2.705	3.906	15.410	4.350	3.203	1.603	1.630	0.141	0.344	0.382	0.476	1.068
3	1.445	4.509	15.395	3.766	3.424	1.821	1.575	0.213	0.372	0.399	0.644	1.178
4	1.610	4.242	16.907	3.214	2.994	1.951	1.336	0.274	0.511	0.414	0.682	1.116
5	2.820	3.670	18.561	4.202	3.986	2.358	1.347	0.247	0.498	0.431	0.563	1.070
6	1.340	2.527	16.202	4.200	3.402	2.309	1.504	0.171	0.502	0.403	0.540	1.012
7	1.479	2.542	13.473	3.216	2.563	1.943	1.524	0.719	0.542	0.405	0.572	0.982
8	1.644	2.625	12.025	2.912	2.465	2.103	1.492	1.799	0.507	0.386	0.748	1.078
9	4.113	2.319	10.839	2.911	2.065	2.411	1.588	3.242	0.523	0.416	7.027	1.047
10	4.833	2.305	9.199	2.881	2.146	2.331	1.397	2.599	0.493	0.439	3.503	1.011
11	1.945	1.978	8.445	3.473	2.785	2.013	1.454	1.916	0.521	0.372	1.727	1.388
12	3.533	1.881	8.400	3.980	4.679	1.984	1.330	1.718	0.553	0.334	1.115	1.428
13	4.632	2.189	8.165	3.450	3.561	1.954	1.286	1.840	0.563	0.400	0.860	1.473
14	4.686	1.697	7.790	2.984	2.493	2.012	1.132	6.784	0.576	0.464	0.729	2.476
15	5.396	2.115	7.238	2.723	2.645	1.962	0.821	2.113	0.535	0.395	0.812	2.593
16	6.710	2.137	6.599	2.958	2.733	1.820	0.670	1.729	0.501	0.328	0.784	2.604
17	3.547	2.352	5.303	3.225	2.318	1.906	0.637	7.504	0.431	0.279	0.746	2.010
18	3.694	12.254	4.466	3.479	2.598	1.859	0.801	2.064	0.379	0.300	0.857	1.726
19	4.145	33.308	2.813	4.131	2.633	1.803	0.691	1.704	0.395	0.288	0.883	1.770
20	3.963	83.216	2.918	3.777	3.563	1.803	0.903	1.380	0.425	0.392	0.907	1.761
21	3.912	132.297	2.750	3.932	3.254	1.875	0.641	1.092	0.434	0.394	0.907	1.189
22	3.669	49.273	2.482	3.630	3.184	1.947	0.584	0.721	0.423	0.354	0.927	1.299
23	3.800	110.518	2.371	3.716	2.892	1.947	0.505	0.437	0.449	0.383	0.895	1.776
24	3.759	53.470	2.210	3.870	2.558	1.947	0.437	0.408	0.467	0.370	1.055	13.509
25	3.781	33.085	2.402	3.568	2.304	1.947	0.397	0.418	0.534	0.361	1.074	11.527
26	2.332	26.409	2.515	3.457	3.088	1.657	0.475	0.365	0.515	0.352	1.264	6.384
27	3.193	20.567	2.256	3.309	3.040	1.712	0.431	0.362	0.374	0.362	1.279	3.408
28	2.309	17.137	2.288	3.220	2.551	1.237	0.403	0.357	0.372	0.390	1.072	4.025
29	2.961	14.857	2.373	3.228	2.327	1.370	0.396	0.348	0.398	0.390	1.095	4.242
30	6.548	0.000	2.888	3.608	2.223	1.731	0.251	0.367	0.410	0.407	1.211	2.552
31	5.619	0.000	3.009	0.000	2.110	0.000	0.249	0.350	0.000	0.432	0.000	3.446
TOTAL	3.553	21.812	7.478	3.521	2.883	1.900	0.964	1.404	0.463	0.382	1.179	2.682

YEARLY TOTAL- 3.945

MICROFILMED
MAR 13 1990

REYNOLDS CREEK EXPERIMENTAL WATERSHED BOISE, IDAHO

STATION 13172000 REYNOLDS CREEK OUTLET WEIR (57754 ACRES) 90 SQ MILES SCOV TYPE WEIR

DAILY, MONTHLY, AND YEARLY SUMMARY OF RUNOFF FOR YEAR 1969

RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	4.669	25.609	13.677	126.287	43.911	21.630	7.879	1.179	1.089	0.729	[illegible]6	1.427
2	5.646	21.070	11.754	127.902	40.921	20.288	6.269	1.061	1.034	0.897	[illegible]6	1.011
3	4.536	18.841	11.846	113.888	37.144	17.126	5.961	1.061	1.061	0.812	[illegible]6	0.907
4	4.701	21.965	12.139	114.797	34.848	16.521	3.633	1.034	1.028	0.812	[illegible]27	0.883
5	12.918	23.235	13.618	146.681	37.374	19.380	2.604	1.089	0.945	0.784	[illegible]86	0.875
6	20.480	19.550	13.572	120.025	44.265	21.504	2.814	1.074	0.790	0.820	[illegible]73	1.359
7	15.791	14.033	12.149	94.652	53.716	21.274	3.069	1.034	0.762	0.769	[illegible]38	1.722
8	7.301	12.503	11.784	97.116	58.750	30.608	3.394	1.008	0.812	0.688	1.345	1.736
9	8.653	13.573	9.981	125.667	64.920	28.654	2.569	1.008	0.883	0.700	1.407	1.948
10	9.309	12.105	9.274	112.695	71.564	36.568	2.736	1.008	0.907	0.917	1.391	1.924
11	10.003	13.976	10.762	101.143	74.985	39.791	2.700	1.008	0.883	0.883	1.363	2.214
12	15.116	19.457	11.771	115.573	69.815	27.957	2.691	1.075	0.883	0.941	1.286	2.340
13	90.645	14.312	11.536	114.345	75.573	26.347	2.979	1.482	0.883	0.957	1.345	2.894
14	93.666	10.241	11.292	99.483	87.473	23.696	2.859	1.142	0.883	1.054	1.375	2.760
15	37.915	11.925	13.252	84.654	83.651	20.639	2.373	1.190	0.907	1.021	1.406	2.570
16	23.599	10.429	16.210	80.396	70.494	18.995	1.594	1.407	0.883	1.283	1.437	2.099
17	17.282	9.018	27.099	89.701	60.589	16.205	1.477	1.612	0.859	1.914	1.354	2.416
18	17.157	11.609	38.218	96.012	61.053	14.087	1.761	1.666	0.818	1.471	1.330	2.416
19	83.331	12.526	27.713	76.584	60.728	27.037	1.593	1.631	0.855	1.286	1.391	2.654
20	282.851	10.119	29.502	76.386	53.193	15.533	1.436	1.857	0.908	1.227	1.358	6.179
21	653.577	9.033	28.940	85.524	44.342	11.379	1.354	2.138	0.932	1.227	1.353	10.875
22	211.422	9.207	36.694	100.855	35.389	9.677	1.271	2.246	0.907	1.256	1.320	10.522
23	96.035	9.894	31.328	104.324	36.096	11.151	1.321	2.374	0.883	1.382	1.305	6.849
24	72.491	10.439	23.398	92.246	37.152	17.517	1.346	2.315	0.812	1.406	1.318	5.683
25	77.716	10.985	30.632	67.819	37.699	14.422	1.395	2.098	0.812	1.412	1.385	4.087
26	84.445	14.265	49.752	52.413	37.069	12.360	1.256	1.785	0.812	1.454	1.334	3.945
27	50.718	11.773	56.682	49.158	35.995	11.341	1.227	1.327	0.702	1.406	1.266	2.802
28	45.966	11.350	70.608	49.704	32.871	11.300	1.227	1.351	0.680	1.502	1.285	2.327
29	30.271	0.000	85.345	51.809	28.716	10.375	1.227	1.446	0.744	1.533	1.313	2.903
30	28.801	0.000	102.246	45.858	26.775	7.972	1.227	1.305	0.723	1.437	1.421	3.463
31	25.531	0.000	140.671	0.000	26.151	0.000	1.316	1.276	0.000	1.406	0.000	3.239
TOTAL	69.112	14.036	31.401	93.787	50.428	19.377	2.469	1.428	0.869	1.141	1.357	3.213

YEARLY TOTAL- 24.077

MICROFILMED MAR 13 1990

IDAHO

DAILY, MONTHLY, AND YEARLY SUMMARY OF RUNOFF FOR YEAR 1970

RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	2.024	36.670	17.501	18.102	10.435	47.631	11.155	1.469	1.804	1.014	1.341	14.855
2	2.152	30.009	17.099	18.980	10.489	43.474	9.628	1.633	1.733	0.859	1.327	15.235
3	2.748	29.186	15.547	17.359	16.336	35.577	7.656	1.733	1.699	0.916	1.327	11.615
4	3.735	25.264	14.489	17.628	25.405	35.236	5.572	1.804	1.599	0.880	1.315	15.173
5	2.618	22.480	13.453	18.820	39.297	32.090	5.367	1.839	1.532	0.870	1.407	13.576
6	7.073	21.714	13.833	22.371	46.784	25.603	8.468	1.803	1.532	0.962	1.711	19.944
7	10.846	21.299	21.034	22.055	46.842	25.394	6.121	1.875	1.532	0.958	1.734	33.473
8	9.669	20.943	51.851	19.718	51.774	24.943	6.072	1.947	1.532	1.000	1.735	58.296
9	2.523	20.546	19.481	20.774	75.355	29.876	5.732	1.947	1.532	1.154	2.176	39.365
10	6.030	20.235	24.396	33.854	67.552	28.206	5.559	1.806	1.532	1.188	2.294	26.991
11	5.752	20.250	22.787	31.548	52.446	22.118	4.981	1.568	1.532	1.073	2.749	23.857
12	5.782	23.438	22.335	21.909	40.896	18.684	4.689	1.904	1.532	0.973	3.215	13.178
13	4.377	27.682	21.780	21.198	38.702	18.990	4.495	1.709	1.532	1.008	2.281	14.374
14	6.297	22.195	30.476	29.079	31.811	18.360	4.495	1.590	1.469	1.018	1.913	17.243
15	7.727	21.253	31.875	21.890	36.539	18.360	4.838	1.574	1.346	1.026	2.023	14.940
16	10.965	20.201	29.782	24.350	56.879	17.872	4.794	1.641	1.200	1.193	1.863	14.560
17	18.283	37.263	32.920	29.629	94.561	17.722	4.495	1.960	1.074	1.211	1.875	11.674
18	30.531	26.935	27.287	31.315	110.193	16.275	4.495	1.922	1.015	1.244	1.984	9.843
19	51.818	22.308	28.636	33.766	95.870	14.576	4.475	1.675	1.174	1.198	2.595	5.733
20	49.151	20.699	28.443	26.721	90.126	13.905	3.056	1.561	1.234	1.257	3.587	11.494
21	95.849	19.897	27.719	27.799	89.736	12.497	1.989	1.502	1.290	1.315	3.393	15.65:
22	176.951	18.786	26.939	27.698	97.195	9.401	1.803	1.701	1.190	1.341	2.739	11.198
23	179.316	19.341	26.333	24.391	113.187	9.401	1.636	1.875	1.132	2.056	5.388	8.837
24	129.516	17.206	25.260	20.764	107.725	7.656	1.348	1.947	1.128	2.224	36.491	12.394
25	62.182	16.554	26.441	14.273	101.067	6.427	1.227	1.985	1.183	1.768	54.090	10.828
26	60.343	16.701	26.346	13.479	100.942	5.753	1.227	2.022	1.171	1.718	26.374	13.397
27	326.063	16.021	22.736	13.152	102.207	6.324	1.227	2.022	1.110	1.283	16.028	17.467
28	93.378	16.108	21.015	11.568	84.354	10.282	1.128	2.022	1.124	1.246	11.517	11.521
29	56.560	0.000	20.322	11.176	71.464	11.795	1.036	1.948	1.099	1.244	10.015	9.608
30	41.318	0.000	20.662	11.176	59.691	10.079	1.171	1.875	1.142	1.328	20.414	9.451
31	42.405	0.000	18.170	0.000	51.669	0.000	1.316	1.875	0.000	1.315	0.000	10.032
TOTAL	48.515	22.506	24.069	21.884	65.081	19.816	4.233	1.797	1.356	1.220	7.563	16.638

YEARLY TOTAL- 19.605

MICROFILMED
MAR 13 1990

REYNOLDS CREEK EXPERIMENTAL WATERSHED BOISE, IDAHO

STATION 68036068 REYNOLDS CREEK OUTLET WEIR (57754 ACRES) 90 SQ MILES SCOV TYPE WEIR

DAILY, MONTHLY, AND YEARLY SUMMARY OF RUNOFF FOR YEAR 1971

RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	8.296	61.332	19.674	84.511	85.312	32.109	19.547	1.860	1.712	5.307	2.941	11.266
2	7.513	57.599	18.773	81.077	104.381	41.706	19.115	2.011	1.653	4.906	2.724	12.541
3	6.913	41.393	22.892	75.898	115.581	34.749	14.394	2.064	1.627	5.242	2.686	11.884
4	6.483	40.496	21.361	74.161	122.911	34.303	10.479	2.127	1.570	6.258	2.765	11.748
5	6.272	35.009	17.183	77.007	122.973	33.265	10.318	1.999	1.460	7.010	2.688	29.123
6	6.234	27.646	16.940	82.294	131.117	29.321	9.430	2.013	1.553	7.251	3.194	77.586
7	6.327	30.875	17.230	95.160	133.111	27.947	6.587	1.813	1.542	6.779	6.339	18.000
8	17.961	28.680	17.616	81.315	127.953	26.762	5.148	1.673	1.412	5.855	6.998	14.701
9	80.919	26.695	16.607	81.473	119.251	24.155	5.332	1.568	1.431	5.278	6.273	16.208
10	34.880	47.028	18.597	87.881	111.702	24.517	5.053	1.564	1.428	4.916	6.135	15.749
11	20.381	45.461	26.245	75.176	107.019	25.710	4.629	1.439	1.375	4.730	6.478	15.409
12	13.276	36.449	72.755	67.046	104.202	22.846	4.592	1.747	1.466	4.613	8.111	15.186
13	9.768	36.864	73.501	64.399	97.444	19.289	4.586	1.826	1.426	4.462	8.372	14.964
14	18.663	35.915	39.928	68.747	83.504	16.314	4.887	1.777	1.360	4.702	7.927	14.853
15	25.271	38.870	35.009	78.327	74.433	17.107	4.778	1.589	1.431	4.892	7.513	14.634
16	52.822	33.468	30.425	76.808	74.199	16.937	4.271	1.373	1.408	5.380	6.422	14.201
17	297.260	34.176	30.233	79.421	58.969	22.455	4.109	1.575	1.488	7.123	6.599	13.775
18	411.010	30.847	31.509	71.836	46.104	22.276	4.378	1.806	1.581	6.451	7.284	13.355
19	276.003	29.457	30.476	68.653	39.602	22.152	4.039	1.761	1.587	6.739	7.058	12.943
20	182.159	27.198	35.295	74.094	31.705	19.387	4.729	1.874	1.594	7.355	7.230	12.538
21	113.980	27.896	50.820	73.853	25.659	17.213	3.307	2.221	1.763	7.079	7.297	12.139
22	93.635	27.422	97.784	66.632	19.994	15.233	2.519	1.901	1.788	6.512	7.277	11.942
23	80.448	24.935	240.493	71.557	21.829	13.393	2.339	1.685	1.605	6.462	7.021	11.652
24	70.879	27.141	178.083	69.815	21.672	12.299	2.218	1.929	1.311	6.210	7.555	10.989
25	73.033	22.579	128.116	67.653	24.957	14.155	2.050	1.977	1.297	5.777	7.826	10.343
26	77.325	18.807	241.114	65.047	32.779	30.202	2.597	2.150	1.503	5.145	26.004	9.721
27	70.168	18.162	143.236	61.431	39.485	32.091	3.104	2.228	1.532	3.147	47.417	9.117
28	62.705	19.368	112.339	63.339	38.004	32.548	2.984	2.143	1.619	1.962	22.061	8.617
29	55.335	0.000	116.354	68.597	35.225	24.356	3.178	4.090	2.680	2.334	19.982	8.132
30	56.680	0.000	111.884	76.736	36.664	20.794	2.636	2.337	6.256	2.563	16.130	7.663
31	63.167	0.000	96.426	0.000	32.509	0.000	1.757	2.314	0.000	2.760	0.000	7.208
TOTAL	74.379	33.277	68.028	74.331	71.620	24.185	5.776	1.949	1.715	5.328	9.476	15.102

YEARLY TOTAL- 32.133

MICROFILMED
MAR 13 1990

REYNOLDS CREEK EXPERIMENTAL WATERSHED BOISE, IDAHO

STATION 68036068 REYNOLDS CREEK OUTLET WEIR (57754 ACRES) 90 SQ MILES SCOV TYPE WEIR

DAILY, MONTHLY, AND YEARLY SUMMARY OF RUNOFF FOR YEAR 1972

RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	6.840	26.745	73.886	87.740	32.324	68.237	12.608	3.461	1.357	2.681	5.032	6.964
2	6.695	16.532	476.665	120.893	33.290	61.603	11.665	3.377	1.379	2.607	5.111	6.767
3	6.695	19.735	349.698	99.991	39.403	62.973	10.705	3.592	1.340	2.604	5.180	6.415
4	6.695	31.595	177.403	115.478	50.195	62.829	9.618	2.895	1.287	2.628	7.219	5.803
5	13.320	29.701	174.281	136.745	57.814	58.206	8.909	2.572	2.344	2.671	7.022	5.101
6	13.614	15.548	186.458	133.241	62.323	62.768	7.516	2.405	1.392	2.682	5.798	4.334
7	13.257	10.290	123.729	106.671	67.614	82.563	5.781	2.305	1.262	2.565	5.536	3.629
8	12.344	15.913	111.708	104.361	67.520	100.770	4.912	2.380	1.246	2.292	5.800	3.040
9	11.672	23.084	154.739	98.629	68.178	113.233	4.850	2.543	1.290	2.359	5.557	2.547
10	11.650	20.342	204.605	96.553	67.755	108.167	4.937	2.580	1.529	2.489	5.609	2.178
11	14.855	8.363	185.370	96.362	66.628	76.585	4.892	2.667	2.065	2.564	5.800	1.878
12	14.702	10.493	173.239	91.419	67.426	67.288	5.625	2.675	1.985	2.680	5.601	1.666
13	10.189	19.838	176.807	69.384	68.178	54.663	5.572	2.765	1.949	2.715	5.570	1.565
14	9.727	16.285	159.731	75.005	70.406	50.201	4.788	3.075	2.170	2.830	5.902	1.469
15	12.084	22.992	151.272	63.723	78.067	44.681	4.592	3.233	2.080	3.416	5.936	1.437
16	12.072	24.706	163.282	56.770	80.116	39.714	4.701	3.091	2.146	3.623	5.965	2.637
17	22.067	48.030	189.034	50.797	78.830	35.428	4.596	3.059	2.067	3.802	6.068	23.582
18	234.189	39.270	196.574	47.696	73.974	35.140	4.780	2.850	2.025	4.212	6.132	36.370
19	136.398	38.145	168.533	45.824	72.880	32.107	4.643	2.651	1.947	5.349	7.381	63.040
20	112.099	48.137	145.910	39.482	73.533	29.892	4.367	2.380	1.844	10.094	6.370	39.396
21	64.371	47.942	152.038	40.121	76.446	26.307	4.651	2.034	1.769	6.128	5.218	30.741
22	320.504	42.714	166.387	33.775	72.751	25.612	4.799	1.243	1.720	5.511	4.898	32.147
23	207.886	36.754	153.858	34.029	67.316	23.883	4.464	1.072	1.656	5.169	4.851	23.725
24	83.208	31.964	135.084	36.561	70.484	23.616	3.756	1.045	1.768	5.057	5.551	27.249
25	61.201	25.555	137.483	35.514	66.740	24.349	3.280	1.050	1.833	5.025	5.762	19.963
26	44.426	42.254	101.786	35.115	61.603	21.868	3.160	1.082	2.100	4.971	15.395	18.296
27	27.107	114.945	78.528	36.306	61.603	20.541	3.079	0.952	2.315	4.801	11.878	17.175
28	20.494	351.866	81.024	34.714	61.603	17.097	3.298	0.922	2.501	4.866	9.029	15.679
29	18.562	221.261	76.333	38.525	67.683	12.701	3.184	1.166	2.628	5.032	8.337	9.190
30	16.290	0.000	73.305	32.885	72.789	15.233	2.780	1.384	2.657	4.354	7.513	10.435
31	18.842	0.000	75.215	0.000	72.789	0.000	2.579	1.304	0.000	4.624	0.000	12.011
TOTAL	50.452	48.309	160.446	69.809	65.427	48.608	5.454	2.251	1.855	3.948	6.567	14.078

YEARLY TOTAL - 39.805

MISCELLANEOUS
MAR 13 1990

STATION [illegible] BOISE, IDAHO

[illegible] WEIR (5175M ACRES) 80 SQ MILES SCOV TYPE WEIR

DAILY, MONTHLY, AND YEARLY SUMMARY OF RUNOFF FOR YEAR 1973

RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	8.719	9.343	17.497	15.267	38.830	10.682	3.038	1.734	0.785	0.2[illegible]	1.286	10.468
2	13.735	10.247	12.350	13.635	37.852	9.356	2.834	1.527	0.735	0.9[illegible]	1.292	8.322
3	8.003	10.492	7.379	13.256	41.150	7.656	2.538	1.544	0.740	1.038	1.266	7.715
4	9.290	11.137	7.426	13.983	42.575	6.755	2.442	1.553	0.705	0.888	1.383	6.680
5	12.737	11.280	6.831	17.557	41.657	6.563	2.305	1.475	0.608	0.871	1.631	6.535
6	18.868	10.872	6.432	18.243	44.712	5.698	2.206	1.463	0.566	0.863	1.646	6.406
7	17.650	10.804	6.758	11.238	42.381	5.529	2.123	1.565	0.662	0.996	2.249	7.295
8	13.121	9.500	6.465	8.846	48.023	5.242	2.064	1.619	0.673	1.087	3.582	9.832
9	10.569	9.937	6.801	12.866	49.757	4.462	1.935	1.625	0.634	1.063	2.353	6.973
10	10.961	11.751	7.928	8.414	42.457	4.649	1.858	1.408	0.621	1.067	2.085	7.259
11	8.123	12.070	8.508	5.766	41.550	4.840	1.746	1.333	0.567	1.054	2.114	8.254
12	23.145	12.135	7.252	5.899	42.877	4.453	1.776	1.268	0.525	1.043	2.931	7.957
13	42.725	13.154	8.021	26.714	43.395	4.457	1.960	1.166	0.530	0.975	3.374	7.885
14	33.539	10.603	6.513	111.920	41.915	6.104	1.816	0.929	0.545	0.980	3.457	7.215
15	30.585	10.606	6.920	66.946	39.345	5.777	1.685	0.980	0.605	1.015	3.550	6.525
16	38.612	9.725	7.133	64.638	31.499	4.978	1.655	0.906	0.641	0.994	4.079	7.559
17	42.317	10.548	7.992	126.078	26.561	5.834	1.986	0.916	0.624	1.012	4.935	27.652
18	31.615	10.584	6.653	72.592	23.380	5.527	2.247	0.891	0.599	1.001	5.858	24.032
19	21.713	9.054	8.169	68.732	27.431	5.344	2.241	0.869	0.639	1.038	5.690	14.653
20	15.913	9.305	10.775	61.833	26.783	5.089	2.049	0.805	0.769	1.088	4.519	14.152
21	21.657	9.051	19.867	57.777	22.443	4.984	1.869	0.763	0.668	1.097	5.067	19.755
22	13.802	9.196	19.372	51.458	20.045	5.248	1.787	0.803	0.694	1.012	5.308	20.308
23	15.944	9.933	16.380	58.870	18.347	5.159	1.976	0.966	0.773	1.085	4.933	17.974
24	15.416	10.304	17.867	53.033	15.825	4.720	2.012	0.853	1.226	1.114	5.085	14.732
25	17.799	10.696	21.830	47.492	21.365	4.949	2.217	1.003	1.044	1.165	4.799	15.479
26	14.146	11.717	22.732	43.482	16.810	4.755	2.704	0.943	0.895	1.192	5.501	10.867
27	7.615	13.047	19.936	48.388	14.172	4.697	2.501	0.813	0.960	1.198	5.399	18.933
28	13.331	15.363	18.037	53.787	12.303	4.332	2.335	0.774	0.959	1.265	6.356	27.261
29	12.826	0.000	15.735	45.826	11.924	3.413	2.138	0.718	0.933	1.351	8.831	28.906
30	13.921	0.000	16.249	39.263	11.016	3.177	1.948	0.682	0.908	1.286	12.350	22.736
31	13.366	0.000	16.508	0.000	10.299	0.000	1.839	0.775	0.000	1.218	0.000	18.587
TOTAL	18.443	10.801	11.881	41.457	30.634	5.481	2.123	1.118	0.727	1.062	4.096	13.512

YEARLY TOTAL- 11.769

MISCELLANEOUS
MAR 13 1990

DAILY, MONTHLY, AND YEARLY SUMMARY OF RUNOFF FOR YEAR 1974

RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	12.775	28.245	38.035	132.421	68.563	52.202	10.579	1.695	1.018	0.668	3.419	2.742
2	6.171	22.917	41.204	117.283	61.787	50.180	10.744	1.661	1.253	0.672	3.419	2.736
3	8.477	22.060	27.684	99.364	60.624	49.457	10.873	1.507	0.993	0.682	3.370	1.961
4	11.819	20.329	24.436	89.116	61.714	52.659	10.673	1.312	0.999	0.716	3.224	2.024
5	15.434	16.956	31.660	92.854	66.917	77.090	7.553	1.304	0.967	0.737	3.186	2.049
6	12.283	17.536	49.759	92.978	73.029	63.537	5.205	1.595	0.908	0.738	3.224	1.981
7	11.385	22.937	37.114	82.903	86.410	56.937	5.743	1.477	0.907	0.738	3.244	2.022
8	11.150	18.437	32.546	84.293	94.283	48.249	5.594	1.193	0.873	0.826	4.686	1.771
9	7.231	17.667	28.804	88.555	92.888	43.843	6.340	1.124	0.994	1.099	3.622	2.113
10	6.347	16.356	36.029	77.392	82.406	40.730	8.034	1.164	1.370	0.855	3.358	1.917
11	5.999	16.761	55.628	76.713	76.985	34.270	6.145	1.114	1.772	0.773	3.129	2.398
12	11.252	18.019	106.138	76.667	74.262	27.170	4.683	1.281	2.122	0.894	3.197	2.354
13	41.700	17.764	88.153	71.275	59.212	28.469	4.540	1.460	1.815	0.895	3.127	2.473
14	38.652	17.377	112.791	73.875	52.165	30.644	4.315	1.683	0.923	0.913	3.127	2.406
15	118.636	17.545	194.289	80.192	45.013	29.551	3.889	1.642	0.827	0.904	3.127	2.728
16	113.554	18.750	187.926	87.057	45.496	29.681	3.901	1.610	0.711	0.859	3.283	3.576
17	109.226	17.601	222.300	94.969	44.701	29.501	3.574	1.364	0.779	1.050	3.784	5.007
18	100.919	17.928	183.900	102.130	40.608	27.139	3.400	1.066	0.731	1.230	5.919	3.568
19	108.772	22.003	137.940	101.754	35.831	22.183	3.559	1.169	0.732	1.504	5.102	4.392
20	69.854	17.740	109.365	90.040	31.657	18.465	3.706	1.135	0.742	1.739	4.681	10.112
21	46.448	17.380	95.298	81.988	30.104	21.020	3.699	1.157	0.760	1.818	4.410	11.234
22	44.350	16.056	90.153	91.802	27.439	21.783	3.595	1.133	0.758	2.061	4.120	4.618
23	39.807	12.852	82.052	95.524	27.409	20.133	2.973	1.085	0.723	1.679	3.774	4.215
24	35.958	14.293	78.882	84.946	31.029	18.314	2.290	1.062	0.662	2.006	3.549	4.592
25	35.017	14.928	82.615	75.773	38.054	17.029	2.203	1.221	0.636	1.487	3.700	5.402
26	31.317	15.682	102.665	64.964	44.339	14.920	2.195	1.228	0.605	1.417	3.031	4.652
27	25.596	14.432	102.021	54.547	54.247	11.741	2.087	1.129	0.807	1.804	3.580	5.406
28	27.974	16.078	90.294	47.042	58.783	13.132	1.975	1.421	0.633	2.406	3.078	4.924
29	26.662	0.000	134.197	48.910	55.097	12.692	1.841	1.258	0.648	7.117	2.800	3.344
30	24.571	0.000	175.105	58.926	53.595	11.661	1.703	1.008	0.617	4.818	3.008	4.484
31	30.862	0.000	127.742	0.000	52.993	0.000	1.632	0.915	0.000	3.635	0.000	3.601
TOTAL	38.393	18.100	93.764	83.874	55.729	32.412	4.813	1.295	0.936	1.572	3.609	3.767

YEARLY TOTAL- 28.244

MICROFILMED
MAR 13 1990

REYNOLDS CREEK EXPERIMENTAL WATERSHED BOISE, IDAHO

STATION 68036068 REYNOLDS CREEK OUTLET WEIR (57754 ACRES) 90 SQ MILES SCOV TYPE WEIR

DAILY, MONTHLY, AND YEARLY SUMMARY OF RUNOFF FOR YEAR 1975

RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	3.005	11.578	106.807	28.950	62.561	121.604	19.118	4.267	2.096	1.916	8.908	14.087
2	4.188	9.668	102.032	30.987	74.658	160.733	21.503	4.267	2.318	1.776	8.522	15.802
3	4.149	7.503	58.382	30.912	80.638	176.441	22.622	4.267	1.973	1.658	8.478	13.225
4	4.384	7.357	45.902	29.808	65.433	147.639	22.013	4.267	1.750	1.533	8.658	13.135
5	8.128	7.371	42.886	29.585	55.698	141.085	22.654	4.267	1.719	1.558	8.724	20.919
6	11.169	6.823	39.189	29.105	53.020	135.357	21.796	4.267	1.640	2.397	8.738	56.315
7	5.434	7.811	37.123	29.228	45.230	118.873	17.991	3.419	1.539	6.874	9.152	42.045
8	8.900	7.672	47.545	27.706	45.711	99.493	17.092	2.578	1.495	3.735	8.895	28.784
9	4.371	10.721	46.074	27.691	69.544	85.662	19.642	2.539	1.629	4.080	7.660	24.613
10	4.750	11.361	37.934	32.679	118.377	68.022	18.538	2.626	1.594	4.592	7.939	23.123
11	4.444	8.387	32.846	41.417	135.515	55.478	19.049	2.647	1.474	5.303	6.169	20.662
12	4.420	23.344	26.187	57.496	117.053	53.509	19.348	2.336	1.402	6.045	5.370	20.826
13	4.276	112.324	24.405	71.738	130.516	52.015	17.576	2.382	1.455	5.069	6.319	15.003
14	4.523	33.969	21.559	78.689	166.865	45.963	15.544	2.216	1.556	4.775	7.239	14.063
15	5.059	21.451	19.934	63.904	179.966	44.777	13.629	2.408	1.713	4.604	7.015	19.572
16	5.396	16.898	21.147	56.088	166.159	41.493	12.396	2.232	1.556	4.816	8.425	16.417
17	6.765	15.694	18.290	55.458	145.695	41.694	10.961	2.207	1.469	4.728	7.905	13.984
18	8.521	14.581	31.518	56.582	140.344	42.568	9.043	2.005	1.481	4.438	5.753	12.673
19	7.638	17.889	106.479	65.403	132.218	43.123	8.016	2.183	1.482	4.496	4.791	11.705
20	7.139	18.591	71.896	70.323	93.924	40.108	7.486	1.496	1.625	4.438	7.226	13.880
21	6.597	12.008	52.805	73.118	87.153	34.353	22.324	1.163	1.788	4.676	7.757	13.880
22	5.502	14.922	44.484	84.030	76.057	32.977	25.915	1.729	1.968	10.154	7.292	13.774
23	7.356	12.538	38.007	87.950	86.063	32.609	12.110	1.704	1.881	6.922	7.480	13.774
24	28.493	11.053	39.642	85.735	78.428	34.422	9.449	1.607	1.987	5.862	7.483	13.596
25	40.402	9.804	125.737	100.046	73.267	32.876	8.796	1.597	1.961	7.663	7.313	12.178
26	21.699	9.918	57.708	81.541	73.609	29.042	8.284	1.716	1.953	43.229	7.866	14.626
27	11.225	16.540	40.175	83.655	74.829	25.368	7.819	1.860	2.047	16.888	7.841	13.852
28	10.857	188.301	40.515	69.913	83.164	24.703	5.608	1.574	2.024	12.260	6.277	11.520
29	7.496	0.000	38.029	55.691	94.301	24.141	4.267	1.601	1.952	10.555	5.011	12.370
30	6.907	0.000	43.576	53.216	105.796	23.128	4.267	1.743	1.969	10.217	7.974	11.456
31	7.677	0.000	38.247	0.000	112.852	0.000	4.267	2.261	0.000	9.876	0.000	9.038
TOTAL	8.737	23.073	48.290	56.287	97.566	66.974	14.487	2.497	1.749	7.004	7.472	17.770

YEARLY TOTAL - 29.330

MICROFILMED
MAR 13 1990

REYNOLDS CREEK EXPERIMENTAL WATERSHED BOISE, IDAHO

STATION 68036068 REYNOLDS CREEK OUTLET WEIR (57754 ACRES) 90 SQ MILES SCOV TYPE WEIR

DAILY, MONTHLY, AND YEARLY SUMMARY OF RUNOFF FOR YEAR 1976

RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	7.081	12.373	18.867	58.642	48.264	29.999	4.538	2.198	1.637	1.865	2.599	2.045
2	5.777	13.727	5.076	45.700	65.213	26.981	5.322	3.576	1.785	2.052	2.530	2.004
3	10.967	14.834	6.551	53.128	66.641	25.207	5.107	3.339	1.343	2.154	2.564	2.570
4	16.576	6.175	6.767	71.487	66.108	23.021	4.669	2.744	1.500	2.107	2.542	2.463
5	33.150	3.631	6.695	86.642	68.943	22.206	4.696	2.386	1.313	2.100	2.617	2.022
6	15.798	5.664	7.908	75.912	72.138	21.070	3.395	2.324	1.331	2.024	2.578	2.266
7	15.497	9.921	10.018	70.929	74.421	20.327	2.454	2.240	1.394	2.051	2.595	2.993
8	50.240	15.839	16.032	96.063	77.640	19.275	3.116	2.270	1.227	2.020	2.585	2.948
9	22.065	18.018	13.872	87.237	81.673	19.279	3.565	2.227	1.227	1.984	2.585	2.876
10	15.128	12.527	19.172	84.412	85.745	21.138	3.638	2.071	1.227	1.980	2.649	2.376
11	15.027	10.349	17.204	65.629	89.119	32.099	3.897	1.840	4.307	1.993	2.585	2.389
12	13.677	11.011	16.447	57.698	92.061	22.140	4.271	1.703	2.149	2.064	2.480	2.194
13	12.917	11.153	18.368	53.431	99.088	23.146	4.470	1.932	1.875	2.094	2.421	3.015
14	14.245	12.778	21.604	48.797	98.809	21.681	4.298	2.597	1.875	2.079	2.936	2.666
15	30.003	10.878	20.889	44.568	89.788	20.820	3.832	2.751	1.922	2.091	2.769	2.692
16	34.898	13.895	23.091	40.524	84.839	20.952	3.209	2.695	2.720	2.174	2.986	2.877
17	27.171	11.981	35.355	36.088	80.034	19.866	2.873	2.647	2.602	2.158	3.038	2.794
18	22.914	10.525	42.923	32.951	75.595	18.342	3.104	2.772	2.519	2.186	2.940	2.632
19	18.802	10.298	22.845	30.373	69.043	15.728	2.993	2.533	2.459	2.190	2.940	2.477
20	16.819	9.902	23.423	33.573	67.230	13.285	2.813	2.274	2.275	2.260	2.914	2.415
21	14.937	6.933	23.795	31.605	61.728	11.410	2.849	2.159	2.221	2.297	2.861	2.334
22	16.192	9.032	27.197	32.768	49.084	10.916	2.165	2.461	2.254	2.315	2.933	2.640
23	16.988	10.709	26.744	28.859	47.243	9.586	1.936	2.486	2.023	2.335	2.812	2.761
24	15.019	10.622	31.254	34.291	46.677	9.399	2.023	2.236	2.101	2.315	2.758	2.595
25	15.309	11.300	28.081	40.702	38.424	9.274	2.065	1.995	2.094	3.155	2.760	3.000
26	16.600	19.270	24.139	40.007	33.296	8.239	2.078	1.979	2.091	3.055	2.313	2.894
27	14.575	22.742	24.102	39.466	33.578	6.722	1.837	1.940	2.080	2.715	2.157	2.760
28	12.595	50.206	22.404	39.308	35.252	5.930	2.117	1.975	1.97	2.671	2.478	2.671
29	12.392	27.581	27.496	38.545	31.014	5.674	2.046	1.978	1.873	2.715	3.044	2.671
	12.291	0.000	37.921	39.226	28.755	4.544	1.529	1.741	1.881	2.768	2.755	2.671
	12.258	0.000	54.056	0.000	32.238	0.000	2.285	1.722	0.000	2.822	0.000	2.671
L	17.996	13.581	21.943	51.285	64.183	17.274	3.198	2.315	1.975	2.282	2.690	2.592

LY TOTAL- 16.773

MICROFILMED
MAR 13 1990

REYNOLDS CREEK EXPERIMENTAL WATERSHED BOISE, IDAHO

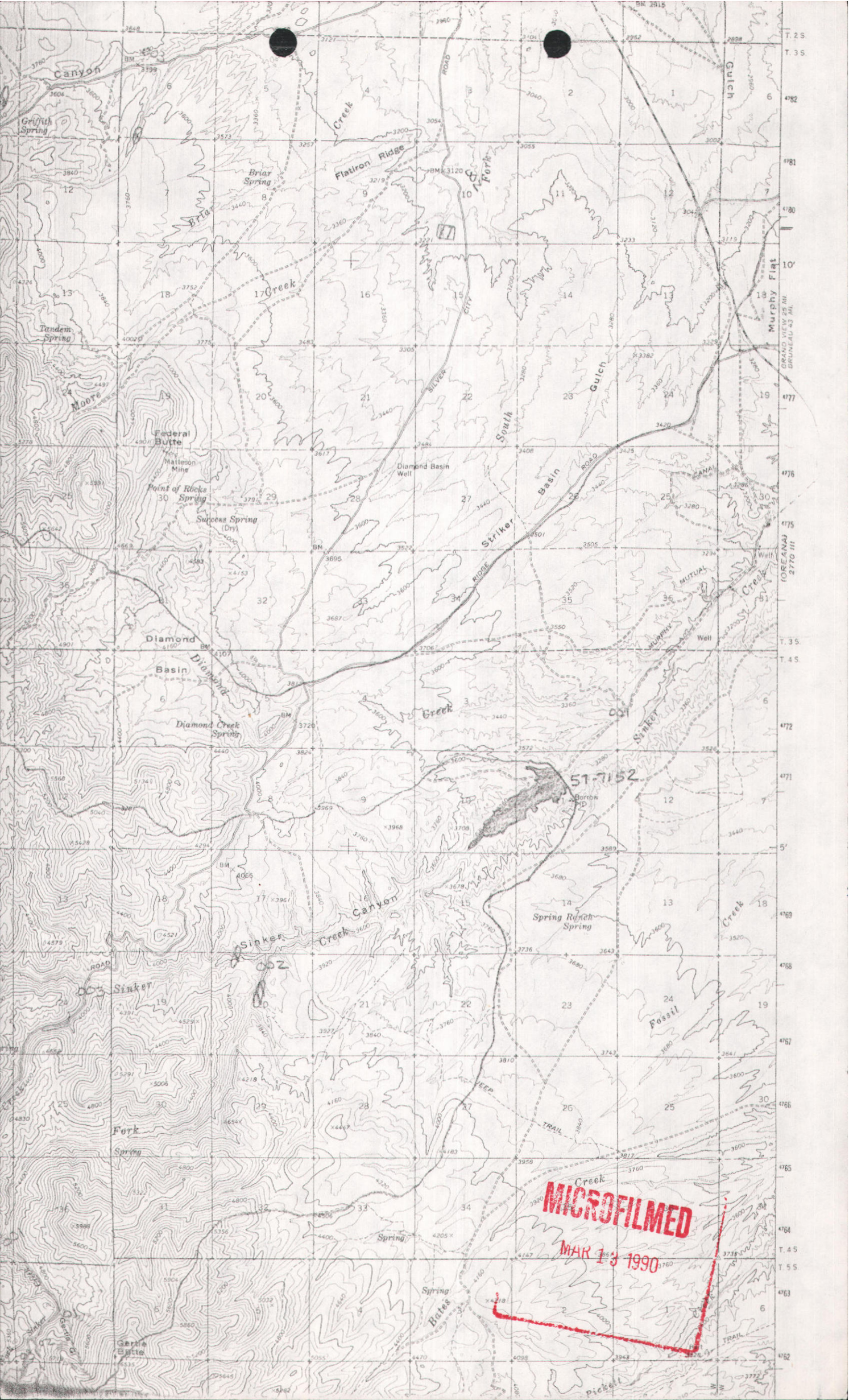
STATION 13269060 REYNOLDS CREEK OUTLET WEIR (57754 ACRES) 90 SQ MILES SCOV TYPE WEIR

DAILY, MONTHLY, AND YEARLY SUMMARY OF RUNOFF FOR YEAR 1977

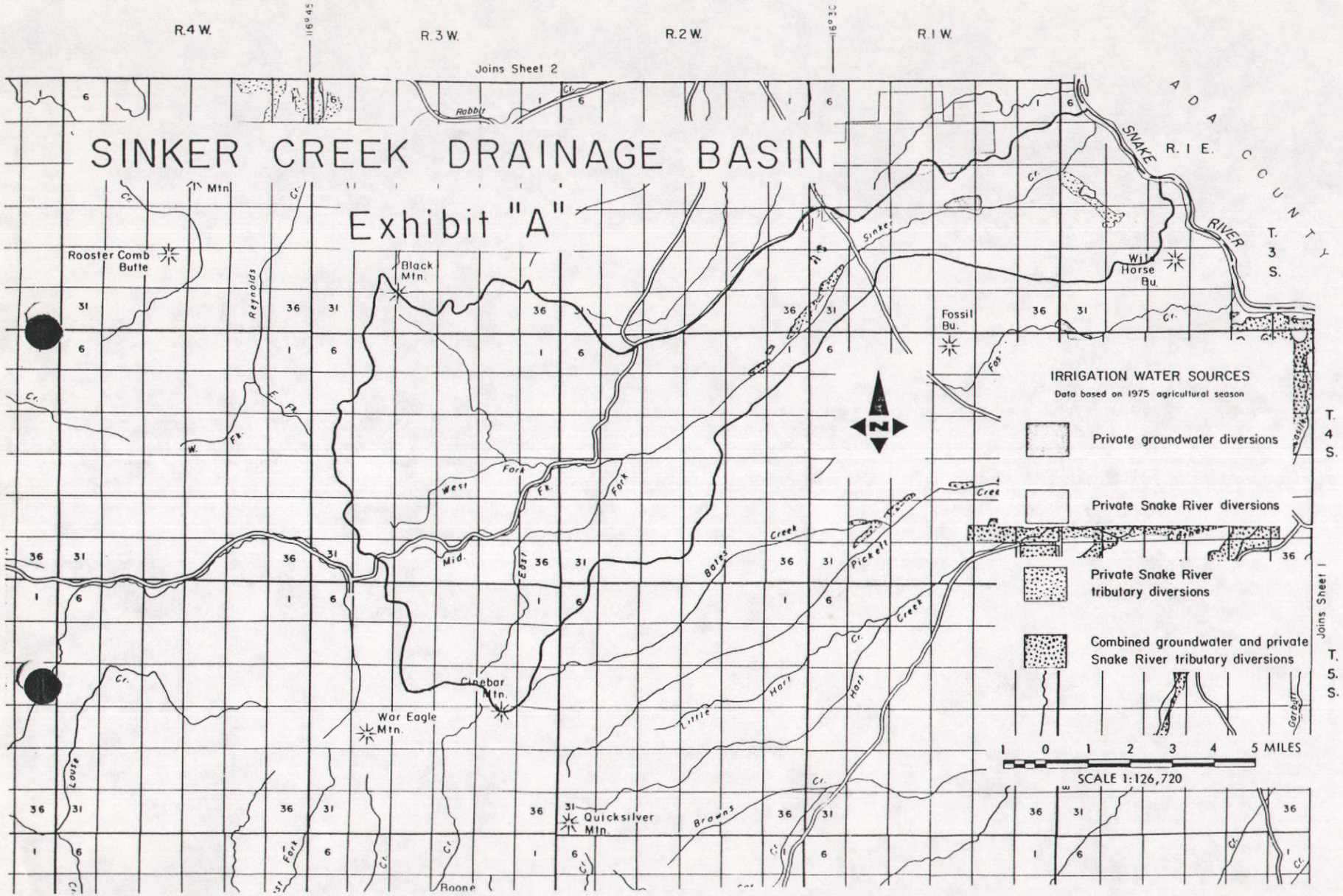
RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	2.368	3.127	3.093	2.458	3.531	3.998	1.235	0.258	0.206	0.214	0.352	1.565
2	2.671	3.127	3.129	2.423	3.901	4.102	1.695	0.456	0.233	0.202	0.352	1.565
3	2.671	3.127	3.145	2.416	3.577	4.016	0.954	0.445	0.192	0.190	0.352	1.645
4	2.715	3.127	3.208	2.506	2.948	3.744	0.892	0.431	0.186	0.202	0.352	2.162
5	2.850	3.127	2.869	3.045	2.788	3.617	0.654	0.455	0.175	0.202	0.454	1.917
6	2.940	3.127	2.941	3.433	2.886	3.768	0.504	0.447	0.165	0.215	0.456	1.899
7	2.940	3.127	3.175	3.396	3.282	3.740	0.481	0.426	0.173	0.190	0.399	1.377
8	2.986	3.127	3.127	2.579	3.273	4.055	0.382	0.468	0.174	0.202	0.416	1.215
9	3.033	3.127	4.036	3.444	4.186	4.064	0.356	0.360	0.185	0.202	0.541	1.351
10	3.033	3.127	3.554	3.226	5.464	3.770	0.378	0.395	0.178	0.190	0.485	1.361
11	3.033	3.127	3.229	2.416	4.535	37.569	0.395	0.370	0.158	0.202	0.449	1.979
12	3.033	3.127	3.180	2.376	4.307	5.720	0.422	0.272	0.133	0.214	0.443	2.936
13	3.033	3.127	2.722	2.403	4.333	4.004	0.431	0.368	0.144	0.214	0.504	3.326
14	3.033	3.127	2.382	2.342	4.277	3.133	0.791	0.397	0.156	0.191	0.563	13.564
15	3.033	3.292	2.090	2.509	4.254	2.713	0.720	0.123	0.179	0.167	0.561	68.107
16	3.033	3.420	2.128	2.459	3.838	2.749	0.525	0.068	0.243	0.167	0.484	22.977
17	3.033	3.469	2.490	2.381	4.321	2.598	0.514	0.068	0.240	0.167	0.537	15.316
18	3.033	3.365	2.628	2.475	4.810	2.116	0.430	0.086	0.203	0.167	0.603	11.450
19	3.035	2.933	2.699	2.334	4.997	1.843	0.179	0.068	0.191	0.167	0.752	4.981
20	2.919	3.000	2.672	2.294	4.751	2.159	0.154	0.041	0.273	0.167	0.663	7.836
21	2.377	3.648	2.580	2.419	4.502	1.859	0.276	0.035	0.253	0.187	0.789	11.136
22	2.589	3.198	2.534	2.559	4.379	1.523	0.432	0.017	0.214	0.167	1.448	9.197
23	2.513	2.924	2.894	3.079	4.268	1.086	0.476	0.094	0.214	0.233	1.985	9.127
24	2.752	2.699	2.825	2.736	4.083	0.993	0.411	0.237	0.291	0.215	1.334	9.144
25	3.400	2.629	2.498	1.973	4.216	0.944	0.277	0.418	0.227	0.190	2.960	8.372
26	3.035	3.115	2.255	2.289	4.294	0.844	0.263	0.393	0.214	0.202	5.309	7.475
27	3.042	3.012	2.209	2.014	4.524	1.174	0.180	0.322	0.214	0.277	3.375	7.284
28	3.004	3.320	2.625	2.507	4.120	1.238	0.162	0.323	0.214	0.293	2.187	6.840
29	3.194	0.000	2.159	2.348	4.360	1.124	0.205	0.293	0.266	0.293	1.704	6.767
30	3.110	0.000	2.263	2.872	4.047	0.905	0.151	0.240	0.251	0.412	1.565	7.588
31	3.252	0.000	2.327	0.000	3.923	0.000	0.150	0.266	0.000	0.352	0.000	5.769
TOTAL	2.925	3.135	2.763	2.589	4.096	3.838	0.485	0.2[illegible]	0.207	0.214	1.045	8.296
YEARLY TOTAL-	2.490											

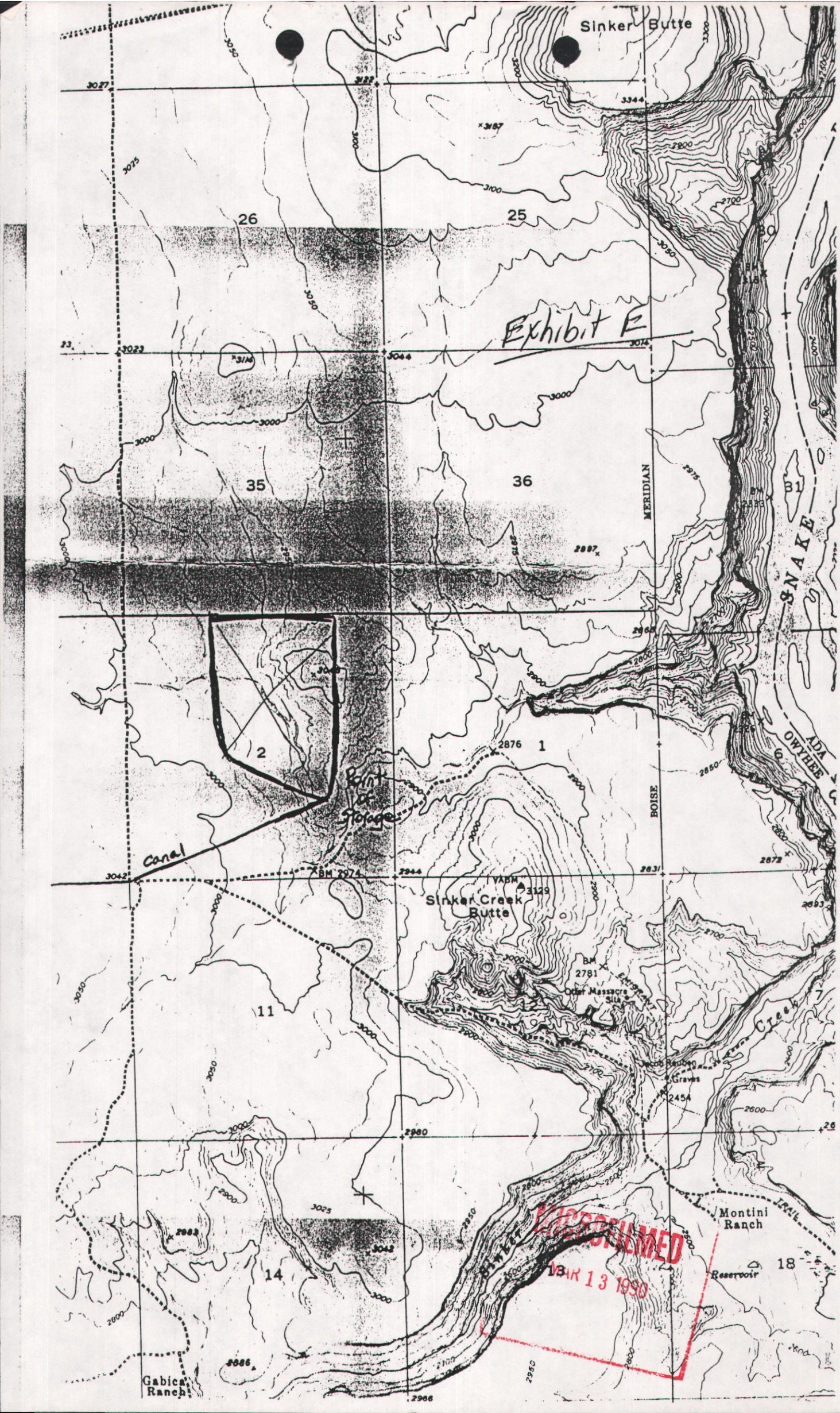
MICROFILMED
MAR 13 1990


Griffith Spring
Briar Spring
Flatiron Ridge
Tandem Spring
Federal Butte
Matteson Mine
Point of Rocks Spring
Success Spring (Dry)
Diamond Basin Well
Striker Basin Road
Silver City Road
South Fork
Murphy Flat
Diamond Basin
Diamond Creek Spring
Sinker Creek Canyon
Spring Ranch Spring
Fossil Creek
Sinker Road
Fork Spring
Jeep Trail
Bates Spring
Gertie Butte
Pickett
51-7152
Barton
MICROFILMED
MAR 13 1990
T. 2 S.
T. 3 S.
T. 4 S.
T. 5 S.


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SNAKE
OWYHEE CO
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2997
2876
BM 2318
BM 2333
BM 2326
BM 2974
2944
2831
2872
2893
VABM 3129
Sinker Creek Butte
BM 2781
Otter Massacre Site
EMIGRANT
Creek
Well
Well
Well
BM 3093
3140
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3048
MICROFILMED
MAR 13 1990



MICROFILMED
MAR 13 1990


Sinker Butte
Exhibit E
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MERIDIAN
BOISE
SNAKE
ADA
OWYHEE
Point of Storage
Canal
Sinker Creek Butte
Oliver Massacre Site
Jacob Reuben Graves
Montini Ranch
Reservoir
Gabica Ranch
RECEIVED
MAR 13 1990

Form No. 217
7/94

FOR OFFICE USE ONLY
Amt. of Fee $: 600.00
Receipt No C037342
Receipt By. JW
Date Receipted: 12-31-96

RECEIVED
DEC 3 1 1996
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Partial

PROOF OF BENEFICIAL USE

Partial

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed 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. 67-07385 Telephone No. 208-834-2738

2. Name(s) of Permit Holder(s): Jay H. Hulet

3. Mailing Address: HC 79 Box 2020 Murphy - Idaho 83650
Sinker Creek Drainage

4 Source of Water: to Snake River 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): 7000 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted _____ cfs **OR** 7000 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 X **or** No ____
Has the measuring device been installed? Yes X **or** No ____

Flow Measurement Port: Is a flow measurement port required? Yes ____ **or** No X
Has the measurement port been installed? Yes ____ **or** No X

8 Fee Enclosed. $ 600.00 (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: Jay H. Hulet Telephone Number: 208-834-2738

Address: Same as #3

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: Jay H Hulet Date: Dec. 31-96
(include your title, if on behalf of company of organization)

Form No 204
7/94

For Office Use Only
$50 Fee Receipted by RT
Date 1-19-95
Receipt No. C03 1989

RECEIVED
JAN 18 1995
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 57-7385

Name(s) of Permit Holder: Jay Hulet

Mailing Address: HC 79 Box 2020 Murphy, Idaho 83650

Date Proof is Due: Jan. 1-1995 Telephone No. 208 834 2738

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Dam is complete except to finish Gravel Blanket on down stream side.

Costing $ 600,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

This permit is for storage of excess flows from Sinker Creek which has not occurred in the drought period.

Permit holder(s) request an extension to January 1, 19 97

FEE: $50.00

Jay Hulet FEB 16 1995
(Signature)*

**If other than permit holder, Power of Attorney must be supplied.*

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to **January 1, 1997.**
IT IS FURTHER HEREBY ORDERED that the permit be reinstated and the priority date is advanced to March 12, 1984.

Signed this 27th day of January, 19 95.

L. Glen Saxton
Chief, Water Allocation Bureau

Form 204
11-91

RECEIVED
DEC 2 3 1992
Department of Water Resources

For Office Use Only
$15 Fee Receipted by SL
Date 12-21-92
Receipt No W0135737

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 57-07385

Name(s) of Permit Holder: Jay H. Hulet

Mailing Address: HC 89 Box 2020 Murphy Flat Rd Murphy, Id 83650

Date Proof is Due JAN. 1, 1993 Telephone No. 934-2738

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Finished Except For Some Touch Up Work
There Has Been No Water Available For Storage

Costing $ 6000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Waiting For A Wet Year To Make Use Of
Storage - 1982 Was The Last Year That Any
Water Would Have Been Available For Storage

Permit holder(s) request an extension to Dec., 19 94.

FEE: $15.00

Jay H Hulet
(Signature)*
*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to January 1, 1995.

JAN 29 1993

Signed this 24th day December, 19 92

R. Allen Saxton
Chief, Water Allocation Bureau

Form 202
3/78

Ident. No. 57-7385

APPROVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Jay H. Hulet Phone (208) 834-2738

Post office address Murphy, Idaho 83650

2. Source of water supply Sinker Creek which is a tributary of Snake River

3. Location of point of diversion is SE ¼ of NW ¼ of Section 11 Township 4S

Range 2W B.M. Owyhee County, additional points of diversion if any:

none

4. Water will be used for the following purposes:

7/1 J.H.H Feb. 23-84

Amount 70 (cfs or ~~acre-feet per annum~~) for Diversion to storage purposes from 11/1 to A++ (both dates inclusive)

Amount 7000 (~~cfs~~ or acre-feet per annum) for storage for irrigation purposes from 1/1 to 12/31 (both dates inclusive)

Amount 7000 (~~cfs~~ or acre-feet per annum) for Irrigation from storage purposes from 4/1 to 11/1 (both dates inclusive)

Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

a. 70 cubic feet per second and/or b. 7000 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing Murphy Mutual Canal Co. (Sinker Creek) dam and canal

b. Height of storage dam 60 feet, active reservoir capacity 7000 acre-feet; total reservoir capacity 7000 acre-feet, materials used in storage dam: Earth fill

Period of year when water will be diverted to storage 11/1 (Month/Day) to 4/1 (Month/Day) inclusive.

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years *(minimum 1 year – maximum 5 years).*

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ ¼ of _____ ¼ of Section _____ Township _____

Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower 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: _____

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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 4800
See attached land list

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

Permit 57-0181

9. a. Who owns the property at the point of diversion Murphy Mutual Canal Co. Inc. (owned by Jay H. Hulet)
b. Who owns the land to be irrigated or place of use Jay H. Hulet

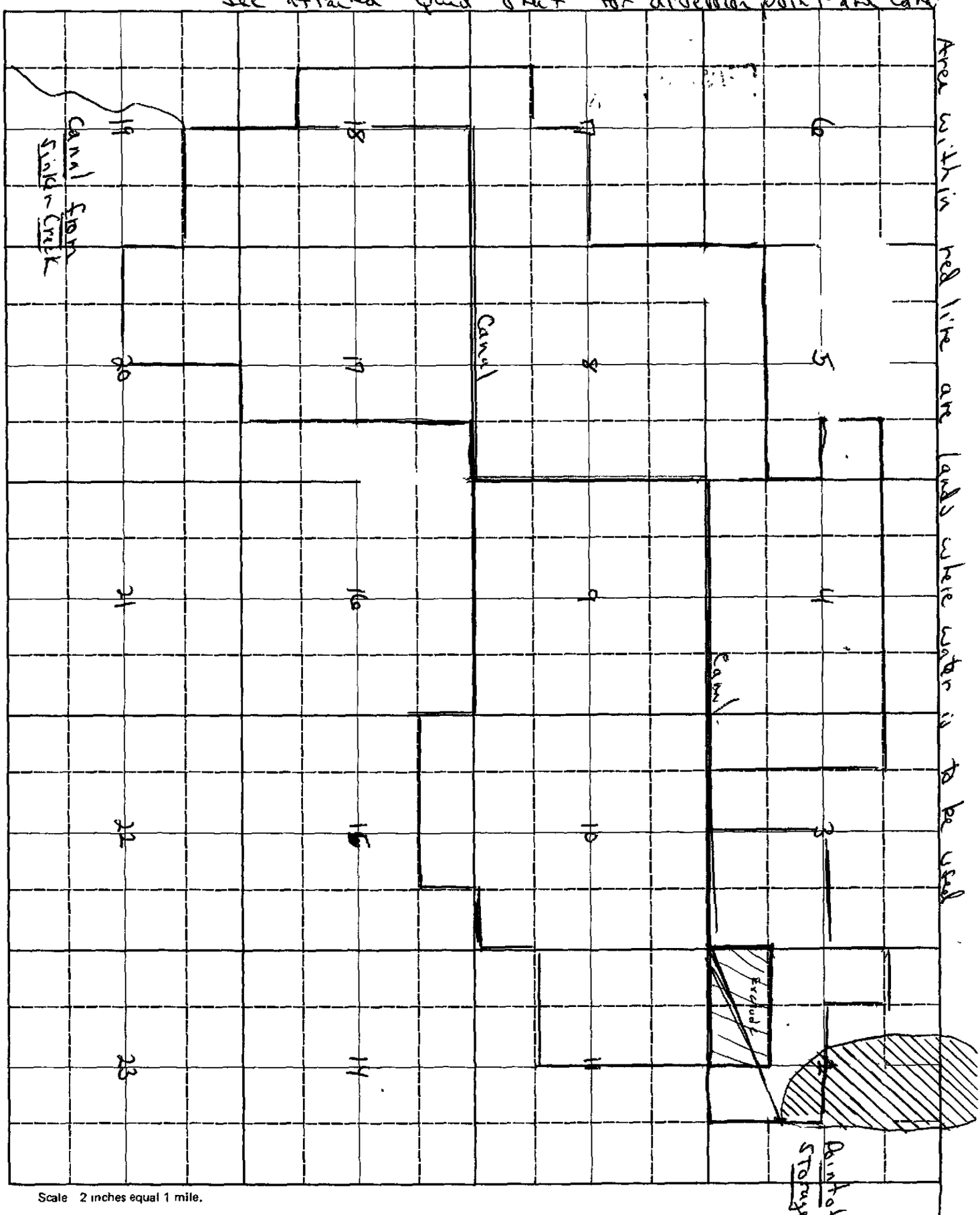
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks. Applicant currently has a 400 cfs right on Sinker Creek and this storage application is made in order to utilize more of that water. This water is primarily flood waters. This storage would effectively eliminate the problem of excess high water on the lower end of Sinker Creek, without infringing on any other water rights.

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

See attached "Quad" sheet for diversion point and Canal



Scale 2 inches equal 1 mile.

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

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MAR 13 1990

Jay H. Hulet
(Applicant)

$385.00

Priority date: February 23, 1984

Amended 085 2/23/84 5:02 p.m.

Received by 6/5 Date 3/1/83 Time 2:00

Preliminary check by JG Fee $ ~~925.00~~ Amended 20.00

085 2/23/84 925.00 # 32561 # 27818

Receipted by SP Date 3/1/83

Publication prepared by SP Date 9/8/83

Published in Owyhee Nugget

Publication dates 9/15 & 9/22/83

Publication approved SP Date 10/6/83

Protests filed by: R. T. Nahas, Eva Nahas, R. T. Nahas Co., Glenbrook Properties by James W. Kiser, Atty. & Paul Nettleton, Hugh Nettleton, Helen Nettleton, Joyce Livestock Co. by James W. Kiser, Atty.

Copies of protests forwarded by SP

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 57-7385, 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 January 1, 19 93.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. Other:

      Pursuant to Proposed Memorandum Decision and Order Approving Application for Permit No. 57-7385 and Order Adopting Proposed Memorandum Decision and Order.

Dated this 21ST day of DECEMBER, 19 89.

R. KEITH HIGGINSON
Director

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MAR 13 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 57-7385 IN THE NAME OF JAY H. HULET	))))	ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER

WHEREAS, R. Keith Higginson, Director of the Department of Water Resources having issued and served a copy on the parties on November 21, 1989, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Section 67-5211, Idaho Code; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exception to that Proposed Memorandum Decision and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order and Application for Permit No. 57-7385 be APPROVED and proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1993.

Dated this 21st day of DECEMBER, 1989

R. KEITH HIGGINSON
Director

MICROFILMED
MAR 13 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 57-7385	SOURCE: Sinker Creek TRIBUTARY TO: Snake River
JAY H. HULET, Applicant, PAUL NETTLETON, HUGH NETTLETON, HELEN NETTLETON, JOYCE LIVESTOCK COMPANY, COMPANY, R.T. NAHAS, EVA NAHAS, R.T. NAHAS COMPANY, and GLENBROOK PROPERTIES, Protestants.	COUNTY: Owyhee

PROPOSED MEMORANDUM DECISION AND ORDER
APPROVING APPLICATION FOR PERMIT NO. 57-7385

BY HEARING OFFICER BOBBY D. FLEENOR.

Jay H. Hulet having filed with the Department of Water Resources Application for Permit No. 57-7385 to appropriate unappropriated water; protests to the application having been received; a hearing having been held; a request for a supplemental hearing having been received based on amendment of the application; and a supplemental hearing having been held, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On March 1, 1983, Jay H. Hulet (hereinafter applicant) applied to the Department for a permit to appropriate 7,000 acre-feet of water from Sinker Creek tributary to the Snake River, to be diverted at a maximum rate of 70.0 cubic feet per second during the period from November 1 through April 1

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annually, to be stored and used for irrigation purposes. The water was proposed to be diverted through the existing Murphy Mutual Canal Company canal, diverted by the Sinker Creek Dam at a point in the SE 1/4 NW 1/4, Sec. 11, Twp. 4 S., Rge. 2 W., B.M., Owyhee County.

2. Notice of the application was published in the Owyhee Nugget on September 21 and 28, 1983.

3. Protests against approval of the application were received by the Department from James W. Kiser on behalf of Paul Nettleton, Hugh Nettleton, Helen Nettleton, and Joyce Livestock Company, and an additional protest was received from Mr. Kiser on behalf of R.T. Nahas, Eva Nahas, R.T. Nahas Company and Glenbrook Properties. The Department also considered Idaho Power Company to be a protestant against the approval of this application based upon their protest dated December 30, 1977 and subsequent correspondence between the Department and Idaho Power Company representatives.

4. On November 16, 1983, a pre-hearing conference and an initial hearing were held in Boise, Idaho. The issues raised by the protestants at the hearing were:

a) Will the proposed diversion reduce the quantity of water under existing water rights?

b) Is the supply of water insufficient for the purposes of the proposed permit?

c) Is the application speculative and legally insufficient on its face?

d) Does the application conflict with the local public interest?

e) Are there technical errors on the application?

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MAR 13 1990

5. Based on the record of the hearing and the official files and records of the Department, a Proposed Memorandum Decision was issued by the hearing officer on February 10, 1984. This proposed decision denied the application.

6. On February 23, 1984 the Department received from William F. Ringert, attorney for the applicant, Exceptions to Order Issuing Proposed Decision and Request for Extension of Time. In this document the applicant delineated exceptions to findings of fact, exceptions to conclusions of law, and general exceptions. In addition the applicant requested an extension of time to supplement the exceptions and file a brief. On February 23, the applicant amended the application by modifying the period of diversion to storage from the original period of November 1 through April 1, to an expanded period of November 1 through July 1.

7. On February 27, 1984, the Department received from Mr. Ringert a request to present oral argument on his Exceptions to Order Issuing Proposed Decision. On February 29, 1984, the Department received from Mr. Ringert a Petition for Remand and Supplemental Hearing. On that same day the Department also received from Mr. Kiser an objection to the taking of any additional evidence in this matter.

8. On January 26, 1988 the Department held a pre-hearing conference in this matter for the purpose of discussing the elements of protest. On January 16, 1989, the Department held a supplemental hearing. At the hearing the applicant was represented by Steven A. Adamson, attorney at law, and the protestants were represented by Mr. Kiser. During the hearing, the hearing officer indicated that the Department would take official notice of both the record of the initial hearing and the Nahas v Hule[illegible] Court of Appeals Decision 752 P2d 625 (Ct. App. 1988).

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9. The storage reservoir into which the water is to be placed has been constructed, however a dam safety certificate of storage for the reservoir has not yet been issued by the Department pending the completion of certain corrections to the dam. The dam was constructed under water right permit no. 02-7409, which was issued to store water pumped to it from the Snake River.

10. Downstream from Sinker Creek the Idaho Power Company maintains a prior water right for 8,400 cfs to be used for power generation at Swan Falls Dam. Flows between 5,600 cfs and 8,400 cfs during the period from November 1 through March 31, and between 3,900 cfs and 8,400 cfs during the period from April 1 through October 31, are subject to appropriation as trust water. Flows in excess of 8,400 cfs are subject to appropriation and are not subject to trust water considerations. The applicant has requested that the application be considered only for non-trust water which is available when the flow at Swan Falls Dam exceeds 8,400 cfs.

11. There are some periods during some years when water in excess of downstream water rights is available for appropriation.

12. Water is delivered from Sinker Creek under the control of the watermaster of Water District 57-D.

CONCLUSIONS OF LAW

1. With proper regulation by the watermaster, diversion of water under this water right would not reduce the water under existing rights.

2. There is unappropriated water in Sinker Creek at times.

3. Since the diversion works and storage reservoir are mostly constructed the application is not found to be speculative. Also for this reason lack of financial resources does not constitute reason to deny.

4. The public interest is not adversely affected by this project.

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ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 57-7385 is APPROVED subject to the following conditions:

1. This water right is subject to all prior water rights.

2. The water right holder shall provide for the watermaster a means to measure and control all water diverted under this water right.

3. Use of water under this permit is subject to the control of the watermaster of State Water District No. 57-D, Sinker Creek. The watermaster and the Department shall be given access to the point of diversion.

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

5. Diversion shall not occur under this water right when the United States Geological Survey Murphy gaging station shows less than 8400 cfs to be flowing in the Snake River unless Idaho Power Company is not using the available flow to generate power at the Swan Falls hydroelectric power plant.

6. Proof of construction of works and application of water to beneficial use shall be submitted on or before the date indicated on the final order.

7. The date of priority of this water right is February 23, 1984.

8. Sufficient water shall be allowed past the point of diversion to satisfy existing prior downstream stockwater rights.

9. Storage of water under this permit is contingent upon certification of the dam and authorization of storage per the safety of dams provisions of the Idaho Code.

10. Violation of any of these conditions of approval can be the cause of an action by the Department to cancel this permit.

MICROFILMED

MAR 13 1990

Dated this 20TH day of NOVEMBER, 1989.

for BOBBY D. FLEENOR, HEARING OFFICER

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 21 day of November, 1989, a true and correct copy of the ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION AND ORDER, was mailed, postage prepaid to:

Jay H. Hulet
Murphy, ID 83650

Steve Adamson, Esq.
Alaska Building
1020 Main #312
Boise, ID 83702

Jim Kiser, Esq.
5404 Overland Rd.
Boise, ID 83705

RITA I. FLECK
Secretary/Records Manager

MICROFILMED
MAR 13 1990

CERTIFICATE OF MAILING

I hereby certify that on this the 22nd day of December, 1989, a true and correct copy of the foregoing ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER, was mailed postage prepaid to:

Jay H. Hulet
Murphy, ID 83650

Steve Adamson, Esq.
Alaska Bldg.
1020 Main #312
Boise, ID 83702

Jim Kiser, Esq.
5404 Overland Rd.
Boise, ID 83705

RITA I. FLECK
Secretary/Records Manager

MICROFILMED
MAR 13 1990

BEFORE THE DIRECTOR OF THE DEPARTMENT

OF WATER RESOURCES OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 57-7385 IN THE NAME OF JAY H. HULET	ORDER ISSUING PROPOSED MEMORANDUM DECISION

R. Keith Higginson, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by this appointee, Bobby D. Fleenor, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

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III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral agruments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.
CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.
FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 20th day of November, 19 89.

R. KEITH HIGGINSON
Director

MICROFILMED
MAR 13 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 57-7385	SOURCE: Sinker Creek
JAY H. HULET Applicant, GLENBROOK PROPERTIES, et al Protestants,	COUNTY: Owyhee

ORDER

On March 1, 1983, Jay Hulet filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The application was protested by R. T. Nahas, Eva Nahas, R. T. Nahas Co., Glenbrook Properties, Paul Nettleton, Hugh Nettleton, Helen Nettleton, and Joyce Livestock Co. The protestants are represented by James W. Kiser, attorney.

On November 16, 1983, a hearing was held to consider the approval of the application and the protests against approval. The applicant chose to represent himself at the hearing and the protestants were represented by attorney Kiser. On February 10, 1984, a Proposed Memorandum Decision and Order was issued denying the application for permit. On February 23, 1984, the applicant, through attorney William F. Ringert, filed "Exceptions To Order Issuing Proposed Decision and Request for Extension of Time". On the same day the applicant requested that the application be amended to expand the season of diversion to storage from November 1 through April 1 annually, to November 1 through July 1.

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MAR 1 3 1990

On February 29, 1984, Mr. Kiser, the attorney for the protestants filed objections to the request for extension time and to the request to amend the application. Mr Ringert, the applicant's attorney, also on February 29 filed a Petition for Remand and Supplemental Hearing.

A conference was held on January 26, 1988 to discuss whether another hearing is needed and if so, what issues should be considered. A primary issue of whether an application for permit can be amended after the hearing is held and a decision is reached was argued by the attorneys present and that issue must be decided before proceeding further with exceptions and the request for supplemental hearing. The applicant was represented at the conference by attorney Steven A. Adamson and the protestants were represented by Mr. Kiser.

The applicant argues that an amendment of the application enlarging the diversion season should be allowed and a new hearing should be granted so it could be shown that water is available during the additional diversion season proposed. The applicant argues, also, a new hearing should be allowed since he was not represented by legal counsel at the first hearing.

The protestants argue that the applicant had opportunity to have legal counsel present and chose not to until he received the proposed decision from the department. The protestants feel it would be unfair to allow the applicant to determine if he can prevail without legal counsel and then, when the decision is adverse to him, allow him to retain legal counsel and be granted a new hearing. The protestants also use a similar argument in objecting to the expansion of the diversion season. They argue that the decision must be based upon the project described in the application and that the application should not be allowed to be changed after an adverse decision is reached in hopes of making the amended application, describing the new project, approvable.

The argument of the protestants is most appealing, but when the matter

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MAR 13 1990

is viewed from the standpoint that the applicant could simply submit a new application for the extended diversion season which would most likely be protested and a new hearing would be required, the argument of allowing the amendment to the application becomes the more practical approach.

Therefore, the application will be allowed to be amended by expanding the season of diversion and the date of priority on the application will be advanced to the date the amended application was received. Also, the hearing record will be re-opened to receive evidence concerning the availability of water during the expanded period only. All of the evidence obtained at the hearing held on November 16, 1983 will be considered a part of the record when reaching a decision on the amended application.

Dated this 25th day of April, 1988.

Bobby D. Fleenor

BOBBY D. FLEENOR
Hearing Officer

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MAR 13 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 57-7385

JAY H. HULET

Applicant,

GLENBROOK PROPERTIES, et al

Protestants,

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 26th day of April, 1988, a true and correct copy of the foregoing ORDER was mailed, postage prepaid to:

Jay H. Hulet
Murphy, ID 83650

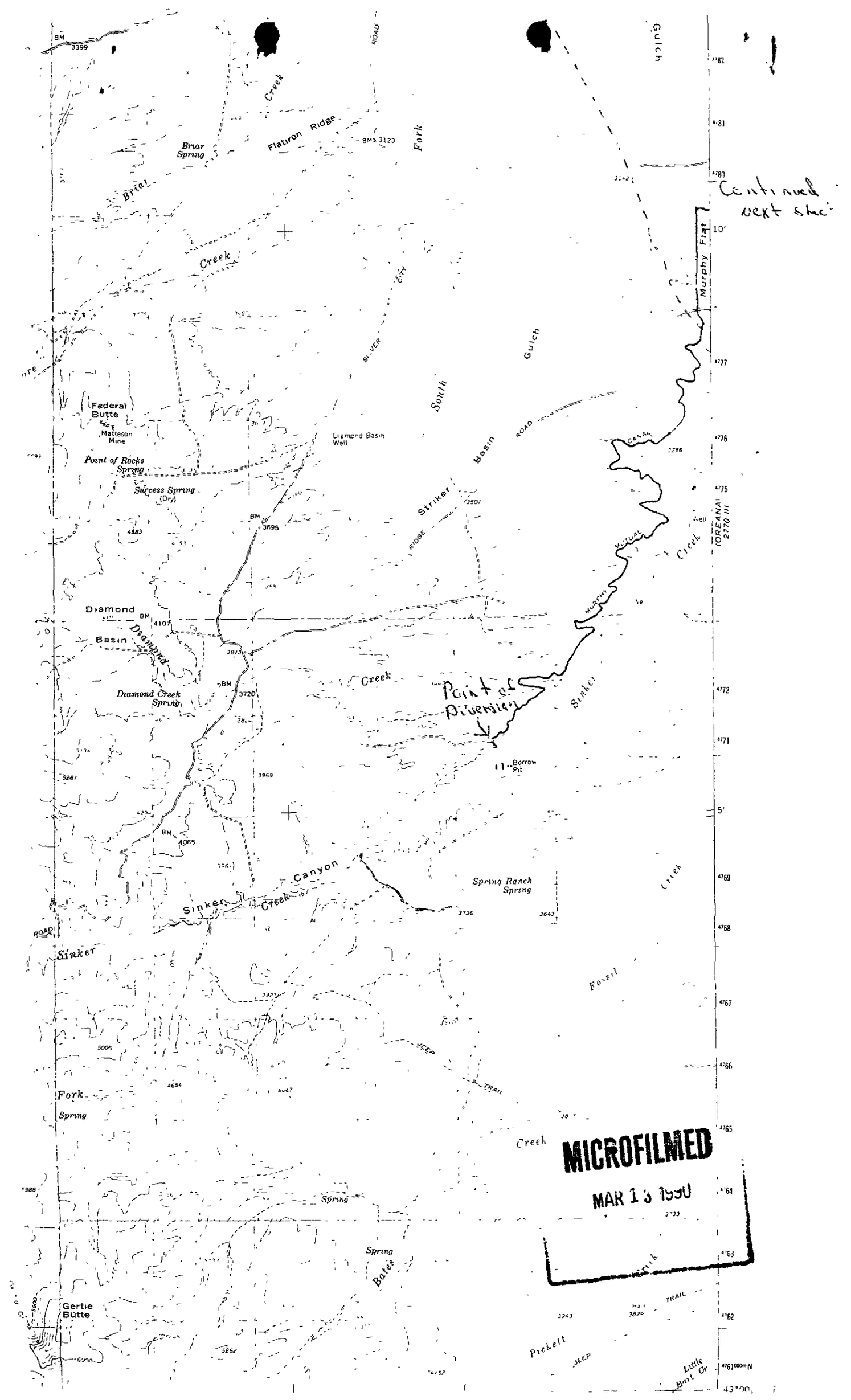
Jim Kiser. Esq.
5405 Overland Rd.
Boise, ID 83705

Steve Adamson, Esq.
Alaska Bldg.
1020 Main, Suite 312
Boise, ID 83702

RITA Q. FLECK
Secretary/Records Manager
Idaho Dept. of Water Resources

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MAR 1 3 1990


Federal Butte
Matteson Mine
Point of Rocks Spring
Success Spring (Dry)
Diamond Basin Well
Diamond Basin
Diamond Creek Spring
Point of Diversion
Borrow Pit
Spring Ranch Spring
Sinker Creek Canyon
Sinker
Fork Spring
Spring
Gertie Butte
Briar Spring
Flatiron Ridge
Briar Creek
Silver City Road
South Fork
Striker Ridge
Murphy Flat
Murphy Mutual Canal
Sinker Creek
Fossil Creek
Jeep Trail
Pickett Creek
Little Hunt Cr
Continued next sheet
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MAR 13 1990

LAND LIST ATTACHMENT

Description and location of 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	
3S	1W	2							40		40	40				40	40		200
		3							40			40	40		40	40	40	40	280
		4			40	40			40	40	40	40	40	40	40	40	40	40	480
		5				40							40	40			40	40	200
		7												40	40	40	40	40	200
		8	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		9	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		10	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		11					40	40	40	40	40	40							240
		15		40			40	40											120
		17		40	40		40	40	40	40	40	40	40	40		40	40		480
		18	40	40	40	40	40			40	40				40	40	40	40	440
		19	40	40															80
		20					40	40	40	40									160

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Total number of acres irrigated 4800

BEFORE THE DIRECTOR OF THE DEPARTMENT

OF WATER RESOURCES OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL) OF APPLICATION FOR PERMIT NO. 57-7385) IN THE NAME OF JAY H. HULET)	ORDER ISSUING PROPOSED DECISION

A. Kenneth Dunn, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Bobby D. Fleenor, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposal for decision pursuant to Idaho Code, § 67-5211 and orders that said proposed decision and a copy of this order be served upon each of the parties to these proceedings who appeared at the hearing on November 16, 1983, of this matter or upon their attorneys in accordance with Rule 7.3 of the Rules of Practice and Procedure of this Department.

Each party to these proceedings who appeared at the hearing is hereby afforded the opportunity, pursuant to Idaho Code §§ 42-1701A and 67-5211, to file exceptions to the attached proposed decision and to present briefs and oral agruments in accordance with the provisions of this order. Exceptions may not be filed and briefs and oral agruments may not be presented by parties who did not appear at the hearing of this case. If no timely and proper exceptions are received, an order by the Director will be entered adopting and issuing the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

B. Exceptions not in compliance with the above stated requirements will not be considered and will be deemed an objection to the propose decision.

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II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. Any party desiring to file a brief in response to any exceptions filed by any other party may do so by filing such brief with the Director on or before the 15th day following the last day any exceptions by any other party were served upon that party desiring to respond.

III.
ORAL ARGUMENTS

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exceptions.

B. If oral agruments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral arguments in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposal for decision shall be heard at the discretion of the Director, pursuant to Idaho Code, § 42-1701A. After all exceptions, briefs and requests for oral arguments have been received, the Director will decide whether to hear oral agruments. If oral arguments are to be heard, the Director will, within a reasonable time, set the case for oral agruments and notify each party of the place, date and hour the oral agruments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral agruments shall be heard in Boise, Idaho.

IV.
CERTIFICATION OF SERVICE

A. All exceptions, briefs, requests for oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.
FINAL DECISION

A. Following the submission of all exceptions and briefs and oral agruments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 10th day of February, 1984.

A. KENNETH DUNN
Director
Department of Water Resources

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BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF APPLICATION FOR PERMIT NO. 57-7385 IN THE NAME OF JAY H. HULET	PROPOSED MEMORANDUM DECISION AND ORDER

On March 1, 1983, Jay H. Hulet applied to the Department of Water Resources for a permit to appropriate 7,000 acre feet of water at a diversion rate of 70 cubic feet per second from Sinker Creek tributary to the Snake River to be diverted within the SE1/4NW1/4, Sec. 11, Twp. 4S, Rge. 2W, B.M., Owyhee County to be stored and used for irrigation purposes.

Notice of this application was published in the Owyhee Nugget newspaper, Marsing, Idaho on September 21 and 28, 1983. On October 11, 1983, protests against the approval of the application were received from James W. Kiser, attorney at law, on behalf of Paul Nettleton, Hugh Nettleton, Helen Nettleton and Joyce Livestock Company and an additional protest was received from James W. Kiser, attorney at law, on behalf of R. T. Nahas, Eva Nahas, R. T. Nahas Company and Glenbrook Properties. The Department of Water Resources also considered Idaho Power Company to be a protestant against the approval of this application based upon their protest dated December 30, 1977 and subsequent correspondence between the Department of Water Resources and Idaho Power Company representatives.

On November 16, 1983, a hearing was held in Boise, Idaho. The applicant was present and represented himself. The protestants, Nettleton, et al and Nahas, et al were represented by James W. Kiser, attorney at law. Thomas G. Nelson, attorney at law, was present on behalf of Idaho Power Company. Mr. Nelson made a statement for the record that he was present because Idaho Power Company had received notice of the hearing but Idaho Power Company does not consider itself to be a protestant against the approval of this application and, therefore, neither Idaho Power Company nor Mr. Nelson participated in this hearing.

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The issues raised by the protestants at the hearing were:

1) Will the proposed diversion reduce the quantity of water available under existing water rights?

2) Is the supply of water sufficient for the purposes of the proposed permit?

3) Is the application speculative and legally insufficient on its face?

4) Does the application conflict with the local public interest?

5) Are there technical errors in the application?

At the conclusion of the applicant's presentation, the protestant moved for denial of the application based on the lack of evidence presented by the applicant to support approval of the application. The Director finds the applicant had made a sufficient showing on which he can reach a decision based on the evidence submitted at the hearing, therefore the protestants' motion is denied.

At the conclusion of the hearing, the applicant stated he wished to summarize the evidence presented on his behalf to supplement the record. The applicant was given 15 days to prepare the summary with the stipulation that no new evidence be included in the summary.

In the protestants' response to the applicant's summary, it was pointed out that new evidence was included that was not subject to cross-examination and asked that the new evidence be stricken.

No new evidence submitted in the applicant's summary was considered in this decision. A review of that new evidence, however, reveals that its consideration would not have would not have changed the final decision.

Based on the record of the hearing, the official files and records of the Department of Water Resources and the Director's understanding of the law, the hearing officer for the Director of the Department of Water Resources proposes the following Findings of Fact, Conclusions of Law, Analysis and Order:

FINDINGS OF FACT

1) The applicant proposes to divert water from November 1 through April 1 from Sinker Creek through the existing Murphy Mutual Canal and store that water in an off-stream storage reservoir outside of the Sinker Creek Drainage.

2) Plans on file with the Department of Water Resources at the time of the hearing show a suitable dam and reservoir can be constructed at the applicant's proposed storage site.

3) The applicant and his family own 67 to 68 percent of the Murphy Mutual Canal.

4) The existing water rights from Sinker Creek are not entirely defined nor is the amount of water required to fill those water rights for each reason of use quantified.

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5) There is presently a suit filed in the district court to determine the existing water rights from Sinker Creek.

6) The applicant and his witnesses testified that in their opinion, the granting of this permit would not reduce the water available under existing water rights.

7) The applicant and his witnesses testified that in their opinion water would be available in some years to store in the proposed reservoir.

8) At the hearing, the applicant testified he estimated there was an excess of 5,000 acre feet of water available for storage in the 1977 - 1978 water year, but in his summary he estimates there was 3,500 acre feet of excess water available during the 1977 - 1978 water year.

9) The applicant's engineer testified that the water stored in the proposed reservoir would be used to replace water currently lifted 600 feet from the Snake River and would, thus, reduce power requirements for pumping costs and in his opinion would be economical regardless of the cost of the dam or frequency with which water could be stored in the proposed reservoir.

10) The applicant testified that he would conduct cloud seeding operations, if necessary, to increase the availability of water, however, no data was presented to show that cloud seeding operations would increase the water supply available for storage in the proposed reservoir.

11) The applicant's witness testified that the existing diversion and canal system to the reservoir site has been in use for eight years and has carried, for irrigation purposes, the same flow as has been applied for, for storage purposes.

12) The applicant's witness testified that in his opinion the local public interest would be served by reducing the high flows in Sinker Creek and enhancing wildlife at the proposed storage site if the application were approved.

13) The applicant's witness testified that in his opinion distribution would not be a problem if the permit were granted.

14) The applicant's witness testified the dam construction would require 50 to 75 days from the start of construction and would cost between $225,000 and $550,000 to construct.

15) The protestant's engineer testified his analysis of the run-off available in Sinker Creek at the applicant's proposed point of diversion, by correlation to available flow records from Reynolds Creek, showed [illegible] storage;

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total annual winter run-off November 1 through March 31 of about 4,100 acre feet, which is slightly less than the active storage capacity of the existing Sinker Creek Reservoir.

16) The protestant's engineer testified that in his examination of the water use of Sinker Creek, he has encountered instances when irrigation water was beneficially applied downstream from the existing Sinker Creek Dam after November 1 and prior to April 1 during the year.

17) The protestant's engineer testified that in his opinion the proposal to construct an additional reservoir to be filled with Sinker Creek water is speculative since in his opinion the supply of water is insufficient to utilize the additional reservoir storage capacity.

18) The protestants provided unrefuted testimony that since the construction of the existing Sinker Creek Dam, water has been stored in that dam while earlier in time downstream storage rights have been unfilled.

19) The protestants also testified that in years prior to the existance of the Sinker Creek Dam, they had irrigated after November 1 and prior to April 1 and in their opinion, the water used in that irrigation was beneficially used.

20) Protestants provided unrefuted testimony that in years past, they had encountered icing problems in the Murphy Mutual Canal when attempting to run water in the canal during the winter months.

21) Protestants testified that a canal break would cause damage to their property. They felt an ice build up, which would likely result by attempting to run water in the canal during the winter months, or an extended period of canal bank saturation caused by running water in the canal for additional months during the year would both contribute to the possibility of a canal break.

CONCLUSIONS OF LAW

1) The applicant did not show there is water available in Sinker Creek for storage in the proposed reservoir without reducing the quantity of water available for existing water rights.

2) The applicant did not show the supply of water in Sinker Creek is sufficient for the proposed storage.

3) Local public interest does include the potential danger the canal could pose for adjacent property and property owners.

4) The safety of the canal during winter operations and [illegible]

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impact on the local public interest was not adequately addressed by the applicant.

5) The proposal to construct or actual construction of the proposed dam without evidence of the frequency of water availability and quantification of the storable water is speculative.

6) The applicant did not make the necessary showing for all the criteria of Section 42-203, Idaho Code and the application should be denied.

ANALYSIS

The applicant proposes to divert water from Sinker Creek at the existing Sinker Creek Dam, through the existing Murphy Mutual Canal and store that water in an off-stream storage facility located outside of the Sinker Creek Drainage. The applicant seeks to divert up to 70 cubic feet per second of water from November 1 to April 1 to fill the proposed 7,000 acre-foot storage. According to information presented at the pre-hearing conference, a portion of the proposed reservoir would be located on federal lands administered by the Bureau of Land Management. At the pre-hearing conference one of the applicant's witnesses stated the necessary approvals had been received from the Bureau of Land Management.

The protestants identified five issues, listed previously, upon which they based their protests and sought denial of the application for permit. As is well established in Idaho Law, the applicant had the burden of proving that the issues raised by the protestants either could not properly be considered by the Department in its review of the application or that the issues had been adequately addressed by the applicant and that a permit should be issued.

The applicant and his witnesses testified there is water available for appropriation to the proposed storage in some years and there will not be water available for storage in other years. The applicant's engineer testified he had not done a hydrologic analysis of Sinker Creek to quantify the amount of water likely to be available for storage in the proposed reservoir. The only quantification by the applicant, during the hearing, of the amount of water that might be available for storage in the proposed reservoir is the applicant's estimate that in excess of 5,000 acre feet of water spilled over the existing Sinker Creek Dam in the spring of 1978. This quantity was later contradicted by the applicant in his summary. Also in the applicant's summary he states a statistical analysis was utilized in determining that water was avail[illegible] for the proposed reservoir. No such statistical analysis was presented at the hear[illegible]

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the applicant.

The protestants' engineer did present an analysis based upon the flow records available for the Reynolds Creek Drainage that showed the average amount of water available from Sinker Creek from November 1 thru April 1 only slightly over 4,000 acre feet. The known existing storage capacity in the applicant's reservoir and the protestant Nahas's reservoir is in excess of 5,000 acre feet. This analysis was unrefuted at the hearing by the applicant.

The question of conflict with existing water rights was also raised at the hearing. Sinker Creek water rights consist of decreed rights, statutory rights and, perhaps, constitutional rights that have not yet been quantified. Many of the existing decreed irrigation rights do not have a season of use specified as a part of the decreed right. Testimony for the protestants points out that in some years water is beneficially used for irrigation after November 1 and prior to April 1. This testimony was not refuted by the applicant.

There is presently a law suit filed in the district court to adjudicate the waters of Sinker Creek. Part of the quantification of the water rights when they are adjudicated will be a determination of the season of their use. Until this case is settled, it is not possible to determine, for certain, the impact of this application on existing water rights since the existing water rights are not themselves fully quantified.

The issue of speculation was raised at the hearing and directed toward the apparent lack of water that would be available for storage in the proposed reservoir. The applicant's testimony indicates the proposed reservoir may cost in excess of $500,000. The applicant's engineer testified at the hearing that since the reservoir will eliminate 600 feet of lift of water from the Snake River, the proposed reservoir will be economical regardless of its cost and frequency of water availability. This testimony was not supported by evidence nor was the cost of pumping offered for comparison to the cost of the reservoir.

The applicant testified at the hearing he would do cloud seeding, if necessary, to augment the flow of Sinker Creek to provide water for the proposed reservoir. The feasibility of cloud seeding in a situation like this is unclear since cloud seeding is not commonly practiced to augment water supplies in Idaho. The effectiveness of cloud seeding and the amount of additional water it is likely to produce, as well as the cost of the cloud seeding, were not included as evidence at the hearing. The testimony that cloud seeding will be done if necessary to provide additional water for the proposed reservoir without

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presenting any evidence of the effect of cloud seeding on the proposed project appears only to clarify the speculative tone of the proposed storage project.

Testimony for the applicant was that the proposed project would have a positive influence on the local public interest by reducing the high flows in Sinker Creek and reducing the power consumption for pumping from the Snake River. Testimony for the applicant also related that the Bureau of Land Management felt the proposed reservoir would be an enhancement for wildlife in the area.

The protestants' concern for local public interest includes the difficulty in having water delivered downstream from the existing Sinker Creek Dam during the storage season to valid existing water rights. The protestants' testimony indicated that since the existing Sinker Creek Dam was built and even after downstream storage rights had been decreed, in some years it has not been possible to fill the downstream storage reservoir. Protestants also testified they were concerned about the delivery of water for stockwater during the non-irrigation season and the delivery of irrigation water even if those water rights are decreed by the present court case.

The other primary concern of the protestants Nettleton regarding local public interest is the potential threat the canal poses if an attempt is made to run water through the canal during the winter months. Protestants testified that in past years it was not possible to run even a small amount (4 to 6 cfs) of water through the canal during the winter months without encountering ice problems. The protestants feel an attempt to run a larger amount of water through the canal during the winter months will increase the icing problem to the point that the canal will fail. Protestants are also concerned that an extended period of usage of the canal will increase the saturation of the canal and could lead to failure of the canal. Protestants are concerned that any failure of the canal will cause damage to their property and, depending on the time of the failure, could prevent them from delivering their own water to their lands through the canal. Protestants were also concerned that if the canal were used to deliver water to the proposed reservoir there would be inadequate time to properly maintain the canal. The protestants currently share maintenance of the canal with the applicant.

None of the concerns raised by the protestants regarding the winter operations of the canal were addressed by the applicant during the hearing. The definition of local public interest does include the kinds of concerns raised by

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the protestants and those concerns are, therefore, valid to be considered by the Director in his decision on this application.

Prior to the hearing, protestants raised the question of errors in the application filed by the applicant. Stipulations made on behalf of the applicant at the hearing and information on file with the Department of Water Resources at the time of the hearing were sufficient to make the application acceptable. Information on file with the Department at the time of the hearing included plans and specifications for the dam. These plans and specifications show that a suitable storage facility could be constructed at the proposed reservoir site.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 57-7385 be DENIED.

Dated this 10 day of February, 1984.

Bobby D. Fleenor

BOBBY DJ FLEENOR
Hearing Officer

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MAR 13 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF APPLICATION FOR PERMIT NO. 57-7385 IN THE NAME OF JAY H. HULET	CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 10th day of February, 1984, true and correct copies of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION AND ORDER were mailed, postage prepaid to:

Jay H. Hulet
Murphy, ID 83650

James W. Kiser
Attorney at Law
5000 Fairview Avenue
Boise, ID 83706

Rita I. Fleck

RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

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MAR 13 1990

DBS

RECEIVED
OCT 11 1983
Department of Water Resources
Western Regional Office

JAMES W. KISER
Attorney at Law
5000 Fairview Avenue
Boise, Idaho 83706
(208) 376-3100

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

In the Matter of the Application for Permit No. 57-7385 in the Name of J. H. Hulet	PROTEST DEMAND FOR HEARING

COMES NOW R. T. Nahas, Eva Nahas, R.T. Nahas Company, a California Corporation, and Glenbrook Properties, a Nevada Corporation (hereinafter "Protestant") by and through James W. Kiser, Attorney at Law, and hereby protest that Application for Permit No. 57-7385 of J. H. Hulet to appropriate and divert for irrigation and storage certain waters (purportedly 7,000 acre feet) of Sinker Creek and its tributaries.

The objections to the approval of the above Application include, but are not limited to the following:

(1) Granting of the Application will reduce the quantity of water under existing water rights;

(2) That the Application for water rights is only made for speculative purposes.

(3) That if the Application is granted, it will interfere with Protestant's constituionally established rights to winter runoff for stock water and other purposes, and will interfere with Protestant's decreed and licensed rights.

(4) That granting of the Application may necessitate the construction of additional measuring devices and further employment of a Watermaster to the cost and detriment of the Protestant.

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MAR 15 1990

(5) That the proposed Application for water is not economically feasible due to (a) distance to storage facilities; (b) distance to land where water is proposed to be applied; (c) lack of adequate storage facilities; (d) lack of adequate water transportation system; (e) lack of sources of energy for transmission of water and/or sprinkling capabilities.

(6) That the existing water supply is insufficient for the purposes for which the Application is made.

(7) That the proposed use will conflict with the local public interest.

Protestant hereby requests a hearing pursuant to Idaho Code Section 42-203 and 42-1701A (1) & (2).

DATED This 11th day of October, 1983.

R. T. Nahas, Eva Nahas, R.T. Nahas Company, a California Corporation, and Glenbrook Properties, a Nevada Corporation

by James W. Kiser

James W. Kiser
Attorney for Applicant

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OCT 11 1983
Department of Water Resources
Western Regional Office

JAMES W. KISER
Attorney at Law
5000 Fairview Avenue
Boise, Idaho 83706
(208) 376-3100

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

In the Matter of the Application for Permit No. 57-7385 in the Name of J. H. Hulet	PROTEST DEMAND FOR HEARING

COMES NOW Paul Nettleton, Hugh Nettleton, Helen Nettleton and Joyce Livestock Company (hereinafter "Protestant") by and through James W. Kiser, Attorney at Law, and hereby protest that Application for Permit No. 57-7385 of J. H. Hulet to appropriate and divert for irrigation and storage certain waters (purportedly 7,000 acre feet) of Sinker Creek and its tributaries.

The objections to the approval of the above Application include, but are not limited to the following:

(1) Granting of the Application will reduce the quantity of water under existing water rights;

(2) That the Application for water rights is only made for speculative purposes.

(3) That if the Application is granted, it will interfere with Protestant's constitutionally established rights to winter runoff for stock water and other purposes, and will interfere with Protestant's decreed and licensed rights.

(4) That granting of the Application may necessitate the construction of additional measuring devices and further employment of a Watermaster to the cost and detriment of the Protestant.

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MAR 13 1990

(5) That the proposed Application for water is not economically feasible due to (a) distance to storage facilities; (b) distance to land where water is proposed to be applied; (c) lack of adequate storage facilities; (d) lack of adequate water transportation system; (e) lack of sources of energy for transmission of water and/or sprinkling capabilities.

(6) That the existing water supply is insufficient for the purposes for which the Application is made.

(7) That the proposed use will conflict with the local public interest.

Protestant hereby requests a hearing pursuant to Idaho Code Section 42-203 and 42-1701A (1) & (2).

DATED This 11th day of October, 1983.

Paul Nettleton, Hugh Nettleton, Helen Nettleton, Joyce Livestock Company

by _____
James W. Kiser
Attorney for Protestants

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MAR 13 1990

PROOF OF PUBLICATION

STATE OF IDAHO, County of Owyhee, s.s.

I, MICK HODGES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by MICK HODGES, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once a week and every week for 2 consecutive weeks, the first publication being on the 2 day of May, 1984, and the last publication being on the 9 day of May, 1984;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy - eight consecutive weeks prior to the first publication of the attached notice.

Mick Hodges
PUBLISHER

Subscribed and sworn to before me this 9 day of May, 1984.

Kyle L. Hodges
NOTARY PUBLIC

My commission expires 3-86

(SEAL)

NOTICE OF AMENDED APPLICATION FOR PERMIT

Notice is hereby given that application No. 57-7385 in the name of Jay H. Hulet was filed on March 1, 1983 for the diversion of 70 cfs up to 7000 ac. ft from Sinker Creek tributary to the Snake River with a point of diversion within the SE¼NW¼, Sec 11, Twp 4S, Rge 2W, B.M. Owyhee Co. to be used for diversion to storage purposes from 11/1 to 4/1, storage for irrigation from 1/1 to 12/31 and irrigation from storage from 4/1 to 11/1 within portions of Sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 15, 17, 18, 19 and 20 all in Twp 3S, Rge 1W B.M., Owyhee Co.

The applicant now proposes to amend the application by changing the time during which the water is diverted to storage to 11/1 to 7/1.

Any protest against the acceptance or approval of the proposed amendment must be filed with the Department of Water Resources, Statehouse, 450 W. State St., Boise, ID 83720 on or before May 21, 1984.

A. KENNETH DUNN
Director

Published in the Owyhee Nugget, Marsing and Homedale Owyhee County, Idaho, 5/2 & 5/9/1984.

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Department of Water Resources
Western Regional Office

NOTICE OF APPLICATION FOR WATER RIGHT

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

57-7385

HULET, JAY H.
MURPHY, ID 83650
Source: SINKER CREEK trib. to SNAKE RIVER
Date Filed. 03/01/1983
Diversion Pt: SENW Sec 11 T 04S R 02W
Use: IRRIGATION STORAGE (7000.0 AF)
IRRIGATION FROM STORAGE (7000.0 AF)
DIVERSION TO STORAGE (70.00 CFS)
In: SWNW NESW NWSW NWSE SWSE Sec 02 T 03S R 01W SWNW NWSW SWSW NESE NWSE SWSE SESE Sec 03 T 03S R 01W SWNE SENE SWNW SENW NESW NW SW SWSW SESW NESE NW SE SWSE SESE Sec 04 T 03S R 01W SENE SWSW SESW SW SE SESE Sec 05 T 03S R 01W SESW NESE NWSE SWSE SESE Sec 07 T 03S R 01W NE NE NWNE SWNE SENE NE NW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 08 T 03S R 01W NENE NWNE SWNE SENE NENW NW NW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 09 T 03S R 01W NENE NWNE SW NE SENE NENW NWNW SWNW SENW NESW NW SW SWSW SESW NESE NW SE SWSE SESE SEC 10 T 03S R 01W NENW NWNW SW NW SENW NESW NWSW Sec 11 T 03S R 01W NWNE NENW NWNW Sec 15 T 03S R 01W NWNE SWNE NEN W NWNW SWNW SENW NESW NWSW SWSW SES W NWSE SWSE Sec 17 T 03S R 01W NENE NWNE SWNE SENE NENW SENW NESW NESE NWSE SWSE SESE Sec 18 T 03S R 01W NENE NWNE Sec 19 T 03S R 01W NENW NWNW SWNW SENW Sec 20 T 03S R 01W FOR 4800 ACRES .

The permit(s) will be subject to all prior water rights Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before OCTOBER 10, 1983.

KEN DUNN, Dir.

Published in the Owyhee Nugget, Marsing, Owyhee County, Idaho 9/21 & 9/28/83.

PROOF OF PUBLICATION

STATE OF IDAHO, County of Owyhee, s.s.

I, MICK HODGES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by MICK HODGES, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once a week and every week for 1 consecutive weeks, the first publication being on the 21 day of September, 1983, and the last publication being on the 28 day of September, 1983;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy - eight consecutive weeks prior to the first publication of the attached notice.

Mick Hodges
PUBLISHER

Subscribed and sworn to before me this 28 day of September, 1983.

Kyle L. Hodges
NOTARY PUBLIC

My commission expires 3-86

(SEAL)

OCT 1983
Department of Water Resources
Western Regional Office

MICROFILMED
MAR 13 1990

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 57-07385 Reviewed by [illegible] Date 1-2-97

GENERAL CONSIDERATIONS

Yes Name same as permit?

Yes Address same as permit?

Yes Proof timely received? Correct Uses? Yes
If not, complete calculation below.

TYPES OF USE

Irr.

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

Yes Required?

600 Amount Submitted

Yes Correct?

MEASURING DEVICE

Yes Required?

Yes Installed?

_____ Waiver requested?

PRIORITY CALCULATION

Date proof received		
Date proof due	-	
No. of days late	=	
Priority Date	+	
New Priority Date		

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____ Proof Made 12-31-96

January 7, 1997

JAY H. HULET
HC 79 BOX 2020 MURPHY FLAT RD
MURPHY ID 83650

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 57-07385

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.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

MEMORANDUM

To: File 57-07385

From: L. Glen Saxton

RE: **TELEPHONE CONVERSATION**

Date: December 19, 1996

Jay Hulet called today with a question about the amount of the license examination fee associated with the above referenced permit.

I advised him that the fee for 70 cfs and 7,000 acre feet was the maximum fee in the amount of $600. He then inquired about the fee for 50 cfs which I advised was also the maximum of $600.

RECEIVED

NOV 13 1996

Department of Water Resources

CONVERSATION MEMORANDUM

DATE 11/12/96

FILE 57-07385
-07438
-07470

NAME OF PARTY Jay Hulet

EMPLOYEE Steve Lester

RE: Status of (some) Rights - Office Visit

57-07385 - Permit, Sinker Ck. Storage

Project mostly completed & has been able to make B.U. of system - putting finishing touches on it & intends to file proof on time.

57-07438 - Diamond Ck, Storage } protested
07470 - Well, Non-storage } Applic. e Regin

Per 11/6/96 Notice of Intent to Void - does want to proceed with these projects - requests hearing to resolve issues not disposed of in protest conference.

I will check with DRT + files e background & provide written response as appropriate.

cc - S.O. file 57-07385

October 31, 1996

JAY H. HULET
HC 79 BOX 2020 MURPHY FLAT RD
MURPHY ID 83650

PROOF DUE NOTICE

RE: PERMIT NO. 57-07385

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1997. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

CERTIFIED MAIL
NO. [illegible]

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 57 07385 Reviewed by [signature] Date 1-26-95

BASIC INFORMATION

1-18-95 Date stamp received

NO Extension received timely

Yes Fee received and receipted

Yes Name and signature same as permit

Yes Address Change

BASIS FOR EXTENSION REQUEST

Yes Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file?_____ Requested?_____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file?_____ Requested?_____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Should extend to January 1, 1997, Since drought has reduced flows.

PRIORITY CALCULATION

Date extension received	1-18-95	= _____
Proof due date	1-1-95	= _____
Number of days late	17	= 17
Priority date	2 23-84	= 54
New Priority Date	3-12-84	= 71

DATA ENTRY

New Address HC 79 Box 2020, murphy Id 83650

Change Proof Due Date 1-1-97

Change Priority Date 3-12-84

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 27, 1995

Jay Hulet
HC 79 Box 2020
Murphy, ID 83650

RE: Permit No. 57-07385

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to **January 1, 1997** . Please note that the department has granted this extension since development of the permit has been delayed for reasons beyond your control . It is important that you work diligently toward the completion of this project during the construction period allowed since the department **may not** be able to grant additional extension requests.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

RECEIVED
FEB 16 1995

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

January 5, 1995

JAY H. HULET
HC 89 BOX 2020 MURPHY FLAT RD
MURPHY ID 83650

LAPSE NOTICE

RE: PERMIT NO. 57-07385

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated October 31, 1994. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar ($50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

RECEIVED

FEB 16 1995

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 1-6-95
a copy/an original of this document was deposited in the United States mail, postage prepaid addressed to the individual(s) named above.

October 31, 1994

JAY H. HULET
HC 89 BOX 2020 MURPHY FLAT RD
MURPHY ID 83650

PROOF DUE NOTICE

RE: PERMIT NO. 57-07385

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1995. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

FEB 16 1995

CERTIFIED MAIL
NO. 141705

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 28, 1992

Jay H Hulet
HC 89 Box 2020 Murphy Flat Rd
Murphy, ID 83650

Re: Permit No. 57-07385

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to January 1, 1995. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

Karen L Gustafson

Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

[redacted]

JAN 29 1993

ANALYSIS SHEET
FOR
EXTENSION OF TIME

Permit No. 57-07385 Reviewed by klg Date 12/23/92

BASIC INFORMATION

12/23/92 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
yes Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
____ Has the permit been involved in litigation?
____ Is supporting documentation needed to complete the file? ____ Requested? ____
____ Is delay by a government agency?
____ Is supporting documentation needed to complete the file? ____ Requested? ____
____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Recommend approval Based on due diligence & the drought
extend to 1/1/95

PRIORITY CALCULATION

Date extension received	NA	=	
Proof due date	/	=	
Number of days late	/	=	
Priority date	/	=	
New Priority Date	/	=	

DATA ENTRY

New Address NC 84 Box 2220 Murphy Fish Lard
Change Proof Due Date ~~12/8/9~~ 12/28/92 klg
Change Priority Date ____

October 31, 1992

JAY H. HULET
MURPHY ID 83650

PROOF DUE NOTICE

RE: PERMIT NO. 57-07385

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

CERTIFIED MAIL
NO 105467

JAN 29 1993

December 22, 1989

Jay H. Hulet
Murphy, ID 83650

Dear Mr. Hulet:

Re: Application for Permit No. 57-7385

Enclosed is a copy of the approved Application for Permit No. 57-7385 along with a copy of the Order Adopting Proposed Memorandum Decision and Order and a copy of the Proposed Memorandum Decision and Order. Please note the conditions of approval as set forth in the Proposed Memorandum Decision and Order.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must eventually take further action to develop this permit into a license. The proof due date is indicated on the final order and last page of the permit.

Any person who does not agree with the decision of the department may request a rehearing before the Director within 20 days, or may appeal directly to the district court within 30 days of the date the decision is mailed.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosures

c: Steve Adamson, Esq.
Jim Kiser

IMAGED
MAR 13 1990

SNAKE RIVER MAIN STEM

13172500 SNAKE RIVER NEAR MURPHY, ID

LOCATION.—Lat 43°17'31", long 116°25'12", in NW¼ NE¼ SE¼ sec.35, T.1 S., R.1 W., Ada County, Hydrologic Unit 17050103, on right bank 4.2 mi downstream from Swan Falls powerplant, 7.5 mi northeast of Murphy, and at mile 453.5.

DRAINAGE AREA.—41,900 mi², approximately.

PERIOD OF RECORD.—August to October 1912, August 1913 to current year.

REVISED RECORDS.—WSP 1737: 1933(M).

GAGE.—Water-stage recorder. Datum of gage is 2,271.17 ft above National Geodetic Vertical Datum of 1929. Prior to Sept. 7, 1914, nonrecording gage, and Sept. 7, 1914, to Sept. 30, 1935, water-stage recorder at site 3.5 mi upstream at datum 9.79 ft higher.

REMARKS.—No estimated daily discharges. Records good. Major regulation by American Falls Reservoir, 260.5 mi upstream. Diurnal fluctuation caused by hydroelectric plants upstream. Diversions above station for irrigation of about 2,590,000 acres, of which about 701,000 acres are irrigated by withdrawals from ground water (1966 determination).

AVERAGE DISCHARGE.—74 years, 11,290 ft³/s, 8,180,000 acre-ft/yr.

EXTREMES FOR PERIOD OF RECORD.—Maximum discharge, 47,300 ft³/s June 22, 1918, gage height, 13.95 ft, site and datum then in use; minimum, 3,650 ft³/s July 7, 1981, gage height, 2.22 ft; minimum daily, 4,530 ft³/s June 28, 1981.

EXTREMES FOR CURRENT YEAR.—Maximum discharge, 21,200 ft³/s Oct. 31, gage height, 8.40 ft; minimum, 4,920 ft³/s Mar. 23, gage height, 2.79 ft; minimum daily, 5,360 ft³/s June 25.

Rating table (gage height, in feet, and discharge, in cubic feet per second)

2.5	4140	6.0	14000
3.0	5480	8.0	20000
4.0	8250	10.0	26700

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1986 TO SEPTEMBER 1987
MEAN VALUES

days below 8400 cfs are marked

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	14700	20600	18600	17800	10000	8910	11900	8070	7270	5420	6040	8010
2	15700	19800	17400	17600	10000	8760	9510	7900	7430	5380	8200	7730
3	15900	17300	18600	18300	12000	9290	9630	8330	6180	6410	6680	7540
4	16400	15300	18400	18800	9700	8140	7260	7450	7460	6770	6330	8010
5	17500	14000	18500	17900	10300	7600	8030	7280	6350	5960	6960	7640
6	16900	9900	19000	17600	12300	10700	7420	7440	6830	5610	6330	7840
7	17300	9840	18300	17800	12800	9560	6990	6480	6450	6260	6830	8100
8	17100	10400	17800	18000	12900	8120	7920	6540	6830	6640	6330	8740
9	17100	13500	17400	18000	13000	8230	7490	5960	8360	5610	6420	8330
10	17000	16100	17900	18100	11300	8850	7650	5970	7070	6250	7100	8370
11	17400	15900	18000	17900	8700	9940	7740	6620	6780	6440	7190	8340
12	17900	15900	18000	17500	7920	9810	9230	5940	8130	7340	7050	8530
13	18800	17000	18000	16900	7690	7930	8980	6340	7090	6590	6600	8270
14	18400	16600	18400	18100	6740	7360	9920	6040	7220	7720	6880	8190
15	17800	16700	18400	17800	8060	10200	9940	6330	5930	6790	7300	8200
16	17900	16600	18600	17100	8620	8870	8890	6210	5940	6640	6990	8330
17	18000	16400	18000	16800	8900	9460	7370	6110	5730	6350	7340	8280
18	18500	16300	17900	15000	9510	8270	7680	6490	5410	7100	7300	9060
19	18600	15800	18000	14700	9640	6270	7950	7760	6030	6740	7570	8460
20	18800	16000	18300	14400	9990	7820	6640	8160	5910	8660	6540	9100
21	19300	16200	18800	13300	9660	9530	8760	8200	6400	8470	7260	9130
22	18700	16600	19100	12900	8870	7710	8006	6380	5390	8460	6330	9210
23	18700	17100	18800	11400	9270	6180	6740	7670	5740	8270	6670	9030
24	18800	17700	18100	11900	9550	7570	7090	7080	6670	7910	7350	9120
25	19200	17900	18200	11600	9910	7310	7530	7040	5360	7140	6750	8930
26	19200	18900	18800	11700	8920	7720	7030	8060	5940	7360	6880	8780
27	19200	18300	18100	12100	9160	6930	7040	7510	5950	7310	6110	8760
28	19300	18200	18000	12100	9180	9230	6950	7710	5370	7250	6960	8760
29	19300	18900	18070	11000	---	10400	7180	7730	6440	5920	7310	8920
30	19600	19100	18100	11300	---	10400	6920	7670	6440	6830	8110	8880
31	20700	---	17700	10800	---	8900	---	7370	---	6040	8370	---
TOTAL	559700	488040	565200	476200	274590	265970	241380	219840	194100	211640	216120	254590
MEAN	18050	16270	18230	15360	9807	8580	8046	7092	6470	6827	6972	8486
MAX	20700	20600	19100	18800	13000	10700	11900	8330	8360	8660	8370	9210
MIN	14700	9840	17400	10800	6740	6180	6640	5940	5360	5380	6040	7540
AC-FT	1110000	968000	1121000	944500	544600	527600	478800	436100	385000	419800	428700	505000

CAL YR 1986 TOTAL 6258060 MEAN 17150 MAX 33700 MIN 6180 AC-FT 12410000
WTR YR 1987 TOTAL 3967370 MEAN 10870 MAX 20700 MIN 5360 AC-FT 7869000

Days ≤ 8400 cfs = 105

MAR 13 1990
MICROFILMED

13172500 SNAKE RIVER NEAR MURPHY, ID

LOCATION.--Lat 43°17'31", long 116°25'12", in NW¼NE¼SE¼ sec.35, T.1 S., R.1 W., Ada County, Hydrologic Unit 17050103, on right bank 4.2 mi downstream from Swan Falls powerplant, 7.5 mi northeast of Murphy, and at mile 453.5.

DRAINAGE AREA.--41,900 mi^2, approximately.

PERIOD OF RECORD.--August to October 1912, August 1913 to current year.

REVISED RECORDS.--WSP 1737: 1933(M).

GAGE.--Water-stage recorder. Datum of gage is 2,271.17 ft above National Geodetic Vertical Datum of 1929. Prior to Sept. 7, 1914, nonrecording gage, and Sept. 7, 1914, to Sept. 30, 1935, water-stage recorder at site 3.5 mi upstream at datum 9.79 ft higher.

REMARKS.-- Estimated daily discharges: Jan. 1 to Feb. 26 Records good Major regulation by American Falls Reservoir, 280.5 mi upstream. Diurnal fluctuation caused by hydroelectric plants upstream. Diversions above station for irrigation of about 2,590,000 acres, of which about 701,000 acres are irrigated by withdrawals from ground water (1966 determination).

AVERAGE DISCHARGE.--73 years, 11,300 ft^3/s, 8,187,000 acre-ft/yr.

EXTREMES FOR PERIOD OF RECORD --Maximum discharge, 47,300 ft^3/s June 22, 1918, gage height, 13.85 ft, site and datum then in use; minimum, 3,850 ft^3/s July 7, 1981, gage height, 2.22 ft; minimum daily, 4,530 ft^3/s June 28, 1981.

EXTREMES FOR CURRENT YEAR.--Maximum daily discharge, 33,700 ft^3/s Feb. 21, minimum, 4,750 ft^3/s July 18, gage height, 2.73 ft; minimum daily, 6,180 ft^3/s July 18

Rating table (gage height, in feet, and discharge, in cubic feet per second)

3.0	5480	8.0	20000
4.0	8250	10.0	26700
6.0	14000	12.0	34000

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1985 TO SEPTEMBER 1986
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	10500	10100	15500	13000	15500	20000	28300	23800	21800	8870	6490	8770
2	10300	10400	15900	13400	15000	20100	30800	24200	20600	9080	6510	8810
3	10000	10300	15800	12700	14000	20500	31100	23900	20700	7760	6810	9340
4	9920	10300	15000	12100	13500	19500	30500	24800	21000	8420	7200	9020
5	9560	10400	12600	12400	13200	18700	30400	24000	19900	8620	7190	9130
6	9380	12200	12700	12500	12200	19700	30200	24100	18500	8500	7380	9100
7	9700	11600	9580	12200	12000	19900	29600	25300	21100	9130	7220	9130
8	9800	11400	8930	12600	11800	20400	29800	24600	20800	9150	7360	9480
9	10300	10900	11500	12500	11900	24600	25700	27000	22200	8780	7610	9870
10	10000	10800	11800	12200	10500	28300	22900	27200	22600	7880	7390	9620
11	10000	11300	11200	12100	12700	27600	21900	27500	24000	6840	7270	9910
12	10500	10600	10300	11900	12500	27400	23400	28300	24600	6950	7420	9850
13	10100	11100	10700	11900	13200	27700	24000	27500	24800	6770	7650	10600
14	10000	12300	9840	12000	15000	28200	23000	27700	23000	6660	6860	10300
15	10200	9630	10600	12200	16000	28500	24900	27100	23500	7150	7320	10100
16	11200	10400	12300	14000	18000	28300	26600	25900	23700	7440	7690	10100
17	11100	14500	13700	14300	20500	24000	26800	26900	24900	7580	7290	10600
18	10700	13500	12600	15000	25500	20400	26400	26500	24000	6180	8190	10500
19	10100	12700	10900	14100	29000	16100	26900	26300	22500	6840	7370	10400
20	10200	12600	11200	13600	33500	15700	27000	26100	21700	6750	8210	10200
21	10200	10800	12300	14100	33700	15700	25800	25900	21900	7390	8610	10400
22	9950	11400	11600	13500	24700	20600	26000	23400	21900	6590	8800	10700
23	10000	12000	12000	12400	20500	27800	26000	21200	21900	7040	8460	11100
24	10000	11600	12600	12100	23500	29700	23100	20000	22100	7080	7480	11000
25	10200	11100	11600	12900	25600	30000	21100	21400	21300	6690	7790	10900
26	10500	11900	12000	12800	22000	29600	24300	23000	17900	6850	8540	12800
27	10700	12300	13300	12700	20800	30000	23700	23300	15600	7500	8570	12100
28	10400	12100	14000	12900	20600	29600	23400	23300	13300	7810	8220	13700
29	10300	12800	12900	12500	---	30100	25200	23500	11100	7950	8230	14500
30	9880	16000	13200	13900	---	30000	25200	22000	10300	7570	8330	15800
31	9720	---	13500	15000	---	30600	---	22700	---	7770	7840	---
TOTAL	315410	349030	381650	401500	517100	759300	784000	768400	624200	235690	237100	317930
MEAN	10170	11630	12310	12950	18470	24490	26130	24790	20810	7603	7648	10600
MAX	11200	16000	15900	15000	33700	30600	31100	28300	24900	9150	8800	15800
MIN	9380	9630	8930	11900	10500	15700	21100	20000	10300	6180	6490	8770
AC-FT	625600	692300	757000	796400	1026000	1506000	1555000	1524000	1238000	467500	470300	630600

CAL YR 1985	TOTAL	4573230	MEAN	12530	MAX	23100	MIN	4940	AC-FT	9071000
WTR YR 1986	TOTAL	5691310	MEAN	15590	MAX	33700	MIN	6180	AC-FT	11289000

Jay Hulet App for Permit No. 57-7385

Second Hearing, Re: Amendment of App to include diversion to storage from 4-1 to 7-1

Hearing Officer: Bob Fleenor Notes by Dave Tuthill

1/16/1989 IDWR Second Floor Conf Room 10:00 AM

Applicant Jay Hulet present & represented by Steve Adamson, Esq.
Engineer: Cecil Thomas

Protestant Represented by Jim Kiser, Esq. Also present:
John Richard and Paul Nettleton

Preliminary Matters - ① This hearing will deal only with the availability of water from April 1 - July 1
② We will take official notice of the Nahas/Hulet court case

MICROFILMED
MAR 13 1990

Cecil A. Thomas
Civil Engineer, P.E. USGS 1938-1980
Sinker Creek has 1 year of record at a measurement site upstream from the Upper dam. Was not able to find file.
1986 Existing (Upper) reservoir spilled
Tollgate at Reynolds Creek - good similar record to Sinker Creek
Tollgate drainage is higher (more water) and more westerly (more water) but smaller (less water). On balance, the yield of the two drainages seems very similar.

Thomas (cont)

These are flashy streams.

Inflow averages 39 cfs April
63 cfs May
30 cfs June

totalling 52% of the yearly total runoff

See written testimony.

57 sq miles of drainage above Upper Hulet Reservoir (Upper reservoir holds 4200 af + spill surcharge)

Anticipates that much of the water lost in the canal will percolate into Sinker Creek (25% loss in canal, of which ½ or more would return to Sinker Creek)

→ ? Do fill rates contemplate a 60 cfs max fill rate of second reservoir?

Exhibits were objected by Mr. Kiser. Objections were noted by the hearing officer, but Exhibits were admitted.
Objections were that ① Only the info after April 1 is important

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X Exam by Kiser

Q. Were the numbers your own?

A. No - they were from other records

Q: Are the numbers based on Jay Hulet's measurements?

A: Yes, to the extent in exhibit 4c.

X Exam by Kiser, Cont.

Q: Are the measurements based on 18 cfs of decreed rts?
A: Yes.
Q: What does Stubblefield's letter show after April 1?
A: Spill on 5/3 was 0 cfs
Q: How much benefit to Snider Cr. to store in lower res?
A: None
Q: Will there be an icing problem?
A: Yes, but it can be managed.
Q: Is proper management required to prevent damage?
A: Yes

Redirect It is common to use the data collected by others to prepare hydrologic summaries.

Water in a reservoir never gets colder than 34°F (expands from 34 to 32°). Running of water in wintertime is common, due to latent heat in water. Careful control, based on weather predictions, can limit icing problems.
60 days to take water from upper to lower reservoir (for 7000 af)

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X by Turnill

Q: Is there capacity to convey this water to the lower dam?
A: Did not review - perhaps canal would have to be increased in size

Jay Hulet

Capacity of canal is 125 cfs per 57-2015 license

Hulet (cont)

Demand - Small amt in April
50% in may
All pumps in June

4800 acres of land in ownership of Hulet family
Water from Snake is pumped 840'
Irrigation cost from Snake R is about $70/acre - this water is cost prohibitive
If both dams are full, cost is decreased by $500,000/yr, half from lower dam.
Continued viability of the Murphy Project is tied to the new dam, in the current farm situation
Has copy of agreement to supply 950" to account for all downstream rts
- Willing to reserve 300 AF in upper dam for guarantee of fill of Nahas Lake
- Is aware that the use of lower flooded land would have to be acquired

X Exam by Kiser

Q: What is the capacity?
A: Measured 70 cfs - has seen 125 cfs in canal
Q: What size is siphon?
A: 36" or 40"
Q: Who owns ground under Lower Reservoir
A: BLM, Hulet interests, Rodney Hawes
Q: Who owns land under dam?
A: BLM & Hulet
Q: Who owns land under water when filled to capacity
A: BLM (with permission), Rodney Hawes (no permission), Hulet

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X examby Kiser (cont)

Q: Who owns real estate under upper dam?

A: ~~Murphy mutual canal~~ Hulet family - Murphy Mutual Canal Co

Q: Who are the players?

A: Blaine Hulet, Barbara Hartley, Marcia Hulet, Ihli Marilyn Allen

Q: Do Jay & Gertrude Hulet own any portion of the dam on Sinker Creek?

A: No

Q: When was transfer to "Hulet family" accomplished?

A: Sometime after 1984.

Q: Do you have sufficient cash resources to obtain the easement of the reservoir land from Rodney Hawes?

A: No, but they can get it.

Redirect by Adamson of Hulet

- Have (has) commenced an action to flood land of Rodney Hawes Currently this action is pending, and is being negotiated

Mike Ihli - Son-in-law to applicant

Secy/Treas of Murphy Mutual Canal Co.

Mr. Hulet is owner of 20 shares (he thinks) (if not "he has it coming")

Mr. Nettleton is owner of 32% or 36% of shares — doesn't own water rights of the company

There is an agreement by Murphy Mutual ~~[illegible]~~ DETERMINED water to lower reservoir.

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Murphy Mutual users have agreed to provide funds to purchase or condemn land flooded by reservoir

Employed 1966-1973 by Res. Checked Tollgate Weir on Reynolds Cr.

X Exam of Mike Ihli by Kiser

Q: What does it mean to "have 20 shares coming"?

A: Jay Hulet is Supervisor of Water Distrib for coorp.

Q: How many shares total?

A: 860 or 864

Protestants

Paul Neff Ieton

3700+ inches - max amt measured by watermaster (noted that this flow was too much to be safe)

Tape 3 Would not feel safe at flows > 80 cfs because of trashing & "other considerations"

Exhibit 12C was not an agreement & was not adhered to in 1987.

Total decreed rts below the reservoir: 1500+ cfs

X exam by Adamson

X exam by Tuthill

Q: What is your estimate of worst case damage caused by canal breakage?

A: $250,000

Hearing closed at 4:30 pm.

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List of Exhibits

Applicants No.	Description		Admitted ?
1C	Logarithmic chart of historic flows		✓
2C	Testimony of Cecil Thomas	(PP 1-4)	✓
3C	Estimated Surplus in Sinker Cr after reservoir filled		✓
4C	Letter from Mike Stubblefield dated 10/28/1986		✓
5C	Map showing wells		✓
6C	Letter from D. Tuthill	12/10/88	Take official notice
7C	Letter from D. Tuthill	1/3/89	Take official notice
8C	Memo from Brad Dingee	1/20/88	Take official notice
9C	Letter from D. Tuthill	9/23/88	Take official notice
10C	Approval of Water Rt E-320		Take official notice
11C	Typed document		✓
12C	Handwritten document		✓

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Jan 16 1989

57-7385

Applicant

Jay H. Hulet

Attorney - Steve Adamson - Engr. Cecil Thomas -

Protestant

R.T. Nahas, Eva Nahas, R.T. Nahas Co., Glenbrook Properties, Paul Nettleton, Hugh Nettleton Helen Nettleton, Joyce Livestock Co. -

Attorney - Jim Kiser

Hearing record re opened to hear evidence on availability of water April 2 thru July 1

Status of Water Rights of Sinker Creek

" of Dam Construction -

-Introductory Statement - by Steve -

1st Witness Cecil Thomas - Registered Civil Engineer

Water Inventory -

Water Shed Area -

Mean Elev 5,200 ft.

borrowed geological map -

Exhib. 1C Hydograph -

4780 AF more than amount need to fill the decree -

Exhibit 2C [redacted] Thomas Report

Exhibit 3C - Amount of water available to fill lower reservoir after upper filled and other rights are satisfied -

Exhibit 4C Stubblefield letter -

Exhibit 5C Map -

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Upper Reservoir 4,200 AF
Rainwater flow greater than 20 cfs is not used-
Upper reservoir recharges Sinter Ck
Murphy Mutual Canal leakage also would flow into Sinter Ck.
25% of flow of Canal is lost to seepage—
½ of seepage would recharge to Sinter Ck.
Doesn't have personal Knowledge of Hulet Reservoir but has been told it fills every year—

My Question → Capacity of Murphy Canal — 3000 in
738
50 | 2262 inches
46.5

Sinter Ck is flashy and have very high and very low flows—

X-examination of Mr Thomas—
No examination of Nahas diversion — gates are locked-
Paul Nett 738 inches
Icing if not properly managed would cause an extreme hazard—
Not aware of Nahas' reservoir not filling—
Max peak flow — 1500 cfs

Re-direct—
Water never colder than 34°F from the bottom of the reservoir-
Water would not

Exhibit 6C - 12-10-88 letter from Tuthill
Exhibit 7C - 1-3-89 " " "
Exhibit 8C - 1-20-88 Memo " Brad Dinger to Tuthill
Exhibit 9C Sept 23, 88 letter from Tuthill
Exhibit 10C Permit R-320

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Jay - Hulet

2nd Witness Capacity 7000 AF —

Dam existing —

22 yrs has used the canal —

Capacity 125 cfs Li 57-2015 Point-2611

Irrigation usually begins

April - small May - ½ capacity June full capacity

Lower reservoir would be used to irrigate land that is now irrigated from the upper dam.

Snake River water lifted 840 ft for 4 miles —

Cost $170 acre —

Supply copy of agreement

→ Must obtain easement →

Max capacity measurement — 70 cfs —

Siphon — 36" or 42" in pipe —

Exhibit 11C Typed Copy of agreement } Neither signed —

12C Written agreement }

Ground at Reservoir — BLM, Rodney Hawes, Hulet interest —
has permit — Have an existing lawsuit —

Do not have permission to flood BLM or Rodney Hawes property

Hulet family = consists ~~of~~ =

~~Etc~~

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Sinker Ck. —

Murphy Mutual Canal owns Dam ~~Reservoir~~ & Canal —

The two reservoirs are owned by different parties —

Cost to obtain rights from Hawes — $50,000 —

Do you have financial resources to condemn the Hawes land (No!)
but can get the water

Re-Direct —

There are agreement to deliver water to other family members.

Hawes suit postponed to determine if this water right — is granted —

3rd Witness Mike Ihli —

Jay Hulet owns 20 shares

Paul Nettleton owns 32% of Murphy Mutual Canal Co.

Mr Hulet uses water from M M Canal Co.

Agreement between MMCCo & Hulet to use upper reservoir

Offer Exhibits

X-exam —

20 shares of stock should be transferred to Jay —

— This appears to be a smoke screen to try to show Jays dam —

860 shares —

Witness! → Paul Nettleton

Most water conveyed in the canal $\frac{74\ cfs}{5}$ 3700 plus $\frac{35}{20}$

Siphon capacity 80 cfs

No agreement — $\frac{19\ cfs}{5}$ 950 inches

Total decreed rights $\frac{75}{5}$ below reservoir 1530 inches

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Form 9-285 (9-77)

Station Name Reynolds Creek at Tollgate, average gain in Hulet Reservoir

SEMI-LOG PLOT OF ~~DAILY~~ VALUES ^Monthly average

Station Number

Plotted by Berg Checked by Date

Explanation

o monthly average flow in Reynolds Creek at Tollgate (cfs)

• computed monthly average storage gain in Hulet Reservoir (cfs)

For 21 years of data, 1967-1987, flow at Tollgate averaged 16.6 cfs or 12,000 Ac.ft. per year.

Tollgate Annual Runoff
11,250 Ac.ft.
Tollgate Yearly average
15.5 cfs

1976 | 1977 | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1984 | 1985 | 1986 | 1987

Years

Water

Months

O N D J F M A M J J A S

120/7000

X-exam

Watermaster 3 or 8 yrs out of last 20 -
In 1987 Mr Hulet released the water coming into the reservoir —

Question by Mr ~~Hellerton~~ Tuthill # — by Tuthill —
$250,000 damage possible — Paul Adamson —

Adamson Summary
- Listen to the third tape —
- Wants to capture gully washers
(how is this possible unless upper reservoir used)
- In half of the years there is total water available but no analysis has been made as to how much water could be stored —

Condition — Hulet must leave enough water in upper reservoir to fill Nahas reservoir — (Problem: both reservoirs not owned by same persons)
Most run-off occurs during May — The canal during this month is being used to capacity by the irrigators —

Condition — No trespass —

Keiser Summary —

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(1)

Exhibit 2C

STORAGE OF WATER IN UPPER RESERVOIR IN APRIL, MAY, and JUNE

DESCRIPTION

Sinker Creek, which feeds the reservoir, begins in the Silver City Range in Owyhee County, Idaho. The highest point is at the top of Hayden Peak at 8401 feet, from which the basin descends in elevation nearly 3 mile to 4,279.6 feet at the invert of the outlet tunnel from the reservoir, a distance from Hayden Peak of about 10 miles. The drainage area of the basin above the dam is 57 square miles, and the mean elevation of the basin above the dam is 5,700 feet based on U.S.G.S. maps.

The geological map of Owyhee County (1964) shows that most of the basin is classified as granite rocks and rhyolites of silver City which are relatively dense and impervious materials. Near the downstream edge of the basin, near the reservoir, the predominant surface rocks are silicic and basaltic volcanic rocks with a considerable thickness of fine grained sediment. Bordering these rocks at the downstream edge of the basin and at and near the reservoir are the alluvium and varying depths of the Glenns Ferry and Banbury Formations, which consist of moderately to poorly consolidated sand, silt, and gravels and basalt. The creek flows through younger quaternary alluvium. The downstream formations are less dense than the granites and rhyolites in some areas transmit large quantities of water.

The present dam was built by Bengal Construction Company and was completed in March of 1976. A previous dam at the site failed on June 19, 1942, when the fill began sloughing, until it was was overtopped and washed away. Details of the present structure are contained in an inspection report by State of Idaho, Department of Water Resources for U.S. Corps of Engineers, Walla Walla District dated September 1978. The following data are taken from that report:

Top of dam	Elevation 4,304 feet
Top of spillway crest	Elevation 4,292 feet
Invert of tunnel outlet, discharge gate	Elevation 4,279.6 feet
Capacity of reservoir at elevation of 4292 feet	4,290 acre-feet
Zero on the reservoir gage is the invert of the tunnel outlet	

(see geology & topographic maps)

HYDROLOGY OF THE RESERVOIR DRAINAGE

There are few published records of discharge for Sinker Creek at or near the reservoir. A gaging station was established by U.S. Soil Conservation Service and reportedly about 1 year of records were obtained. I have not located these records. A few measurements of peak discharge were obtained at a site about 4 miles downstream where the drainage area is about 30% larger and discharges are probably not equivalent to those at the reservoir. The results of these measurements areas follows: 774 cfs on June 19, 1962; 400 cfs on Feb 1, 1963; and 1400 cfs on Dec 31, 1964.

Estimates of the inflow into the reservoir by Paul Nettleton at 1/2 month intervals are available for the water years 1971 to 1984. These estimates are nearly equivalent to records of discharge collected by U.S.A.E.S. for Reynolds Creek at Tollgate, as shown on the accompanying hydrograph. That the flows into the reservoir are about equivalent to the discharge measured at Tollgate appears roughly supported by analyses I have made in mountainous areas precipitation and thus runoff increases with elevation increases, and also (runoff curves can be drawn for drainage basins where sufficient data are available, such as in the Reynolds Creek basins. Winds that cross the final precipitation and thus runoff decreases from west to east, presumably as the storms move farther from their moisture source, the Pacific Ocean, because they have dropped some of their moisture as they move from west to east. Therefore, even though the basin above Tollgate is smaller in size than the basin above Outlet Reservoir and higher in elevation, it is west of Sinker Creek and the effects combine to make the yields about equivalent. Because the basins are near in location runoff

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characteristics should be similar except for differences due to the higher mean elevation above Tollgate. Estimates I made to convert from Tollgate to the Sinker Creek indicate the Sinker Creek flow probably averages somewhat more than the flow at Tollgate. Monthly mean discharges computed from reported rises in the reservoir while filling, the monthly mean discharge in Reynolds Creek at Tollgate, and the mean biweekly discharge from the estimates by Paul Nettleton are plotted on the hydrograph. The records appear to be fairly consistent. I believe they are a good representation of inflow to the reservoir in absence of better data.

From the hydrograph, inflow to the reservoir averages 84 cfs in April, 63 cfs in May, and 30 cfs in June, and the total for the 3 months is 52% of the yearly average. That is 4,0 acre feet more than the 13 cfs needed to fill the decree on an average year. The monthly averages omit much important detail given by daily discharge records. Streamflow is usually fairly constant July to November with wide variations occurring sometimes in November to March and nearly always in April to June.

STORAGE IN HULET RESERVOIR APRIL, MAY, AND JUNE

Storage is desirable these 3 months because flow in Sinker Creek ranges from very low in late summer to very high March to June, and the unregulated flows do not conform with needs. According to the hydrograph streamflow is below 1 cfs in late summer and several years flows have averaged more than 100 cfs in May. Estimated flows have been above 20 cfs (four inches) an average of 70 days each year, April to June. According to Nettleton's records, and other analyses, Hulet Reservoir filled and spilled in 1978, 1980, 1982, 1983, 1984, 1986, and probably would have filled in 1976 or 7 of 13 years since the dam was built.

According to my estimates, both Hulet Reservoir and Murphy Flats Reservoir could have been filled in 1982, 1983, 1984 and 1986.

Storage in the reservoir improves the quality and usability of the water by settling out suspended sediment. Measurements of suspended sediment in Reynolds Creek show that tons of thousands of tons are carried downstream in some floods. Sinker Creek, no doubt, carries similar loads which would fill gates, utilities, canals and require considerable maintenance expense each year. The SCS report of Nov. 12, 1957, referred to previously stated "A heavy bed load hinders operations under present conditions and increases maintenance costs considerably above that existing when the reservoir was operating."

To utilize the high flow in April, May, and June requires that some of the space in the reservoir should be evacuated in the existing canal to the off channel reservoir on Murphy Flat. A similar movement of stored water to an off-channel reservoir from an existing reservoir occurs each winter and spring in New York canal, which carries large quantities of water from Lucky Peak Reservoir more than 40 miles to Lake Lowell. The transfer requires some management but occurs each year. Weather near Boise is not much different from weather at Hulet Reservoir. The water comes from the bottom of Lucky Peak at about 31 degrees Fahrenheit and contains sufficient dissolved oxygen to prevent ice formation except during extended extremely cold periods. Good judgment and management would allow safe movement of the water from Hulet Reservoir 9 miles to the Murphy Flat as is done in the New York canal past Boise.

The Hulet Reservoir is located in that part of the Sinker Creek basin where the impermeable granite and the more permeable sediments and alluvium interface. In their report of November 22, 1957, relating to rebuilding the old dam, the U.S. Soil Conservation said "Sinker Creek got it's name from the fact that during low flow, water sinks and emerges on its passage to the Snake River. Certain reaches are permanent flow while other reaches are intermittent, a condition making it impossible for an upstream user to divert all the flow from a downstream user." Water in Sinker Creek consists of intermingling supplies of groundwater and surface water so that either ground

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Water Court

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water or surface water do not necessarily represent the total water supply in transit. Flow measurements exist which define the characteristics of the return flow, say, at the heading of the diversion to Nahos Reservoir.

Storage in the Hulet Reservoir which is in the area of Bruneau basalts and the Glenns Ferry Formation for extended periods allows more infiltration into groundwater at the reservoir site than occurred without the storage thus increasing the groundwater recharge because the water in the reservoir is spread over a larger recharge area than when the unponded stream passes down the reservoir reach. The seepage of up to 100 inches around the abutments is an indication of considerable percolation into the groundwater from the reservoir, and the total recharge is probably larger than the 100 inches which appears at the surface. Storage in the reservoir increases recharge to ground water.

The quote from U.S. Soil Conservation on the preceding page indicates there is considerable potential for interchange of water in the creek to percolate to the groundwater and vice versa. It is well known that the creeks on both sides of Snake River between Grandview and Murphy including Jacks, Wickahoney, Shoofly, Birch, Fossil, Castle and others lose all of their flows to groundwater most of the time. Likewise considerable groundwater has been developed by pumping in aquifers underneath their losing channels which cross Bruneau and Glenns Ferry Fort similar to those at Sinker Creek. A significant difference between those streams and Sinker Creek at and below Hulet Reservoir is that Sinker Creek is deeply incised, as much as 500 feet. The Creek then becomes more of a receiving stream because of the deep incision. No flow below Hulet Reservoir does not necessarily dry up Sinker Creek in the deep canyon. As the S.C.S. quote says it is "a condition making it impossible for an upstream user to divert all the flows from a downstream user." Springs and other inflow from upstream irrigation, leakage from diversions into Murphy Mutual Canal, leakage from the losing channels upgradient, and other sources contribute to maintain flows in the lower reaches of the Sinker Creek.

Water pumped from 4 wells, no doubt, decreases the flow in the downstream sections of the Sinker Creek Valley. These wells are located on the accompanying map and some well data are listed. Typically, pumping causes cones of depression around the wells. These cones would then be filled by flows seeping from the creek. In effect, this is like pumping from the creek. Throughout the Snake River system storage reservoirs have resulted in better utilization of available supplies of water by storing water upstream in the basin during high flows in flashy streams, especially in April, May, and June, and spreading the flows for irrigation in channels and ditches in the headwaters, increasing the recharge and increasing return flows later in the season, which tends to lower the peak flows and increase the low flows, thus improving the general utility of the system. This tendency is borne in this system. Even though there was only minimal storage in Hulet Reservoir during both 1987 and 1988 water years, flows at the lower diversions on Sinker Creek were at reasonably high levels, indicating a sustained return flow to the creek in spite of withdrawals by ditches pumping upstream and low yields from snow melts.

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RECHARGE BELOW THE RESERVOIR

The storage in the reservoir and passage of water in the Murphy Mutual Canal both contribute to better sustained inflow to Sinker Creek downstream. An estimated several cfs seeps into the system when storage is held in the reservoir.

Seepage from Murphy Mutual Canal has been measured to be about 25 percent of the canal flow. Losses from the canal then would be as much as 15 cfs for long periods. This is enough to raise a mound of ground water under the canal sufficient to raise the gradient and force much of the leakage into Sinker Creek. The more that is stored in the reservoir the more that will flow into Sinker Creek.

The increase of Sinker Creek inflow is an improvement of great comercial value to the downstream users. Water at these elevations is worth $35.00 per acre foot based on pumping costs from Snake River at comparable altitudes.

In addition, abatement of sediment movement in the stream is of considerable value to those users. Based on records by ARS for Reynolds Creek very large sediment movement occured 1969, 1970, 1971, 1972, 1973, 1982, 1986 and occur during high flows which reached more than 850 cfs in February 1982 when 23,100 tons of sediment moved past the gage at Reynolds Creek at outlet.

This is a tremendous load to move from existing canals, ditches and other structures and a cleaning job of this magnitude is all avoided in Sinker Creek because of the reservoir.

LOCAL BENEFITS

The storage of surplus high flows in April, May, and June, and the transfer of the surplus to the new reservoir on Murphy Flat is of considerable benefit to the economy of Owyhee County because of the saving of high pump costs and the provision of more flow in the Sinker Creek channel below the dam. It avoids waste of high flows down the Creek to Snake River and thus provides for better utilization of the water resource.

I agree wholeheartedly with the policy of the Idaho State Water Plan that states, "Optimum beneficial use shall be achieved through the integration and coordination of use of water and by augmentation of existing supplies." I believe that is being done by storage of the Sinker Creek waters from April 1 to June 30.

Cecil A. Thomas P.E.

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5)

CONCLUSIONS:

(A) Sinker Creek is a gaining and a losing stream.
(B) Sinker Creek carries large loads of sediment.
(C) Sinker Creek at the reservoir carries approximately the same flow as Reynolds Creek at Tollgate where 22 years of record are available
(D) About 52% of the flow in an average year April 1 to May 31.
(E) Storage in the reservoir settles out the sediment presenting large clean up jobs after high flows
(F) Storage results in increased recharge to Sinker Creek from seepage
(G) Flow in Murphy Mutual Canal loses about 25% of its flow in the 8 miles from the reservoir to Murphy Flat.
(H) More storage in Hulet Reservoir results in more leakage from canal which results in more recharge to lower Sinker Creek.
(I) The more water is stored and transferred the more recharge moves into the groundwater system and the more return flow enters Sinker Creek as in other streams in Snake River Basin.
(J) More storage in Owyhee County results in more use of the water resource in Owyhee County increasing crop production and taxes and taxable income in Owyhee County as in the other stream basins in Idaho.
(K) In Sinker Creek surface water and ground water are intermingled and interdependent Ground water becomes surface water and vice-versa at several points along the stream Ground water elevations are available in the vicinity at 9 points as listed in the map. In general ground w water contours are nearly parallel with surface contours Ground water tables are shallow near Sinker Creek, (6-49 feet) and deep away from the creek Pumping lowers the ground water near the creek by forming a depression cone. The leakage from Hulet Reservoir and Murphy Mutual Canal tend to form a ground water mound and the mounds form a gradant towards Sinker Creek resulting in a significant recharge to the creek estimated at 50% of the leakage Ground water is a valuable resource because recharge stored as ground water is available when demands are high Utilization of the supply in Sinker Creek is enhanced by recharge from reservoir storage, diversions for irrigation and diversions in Murphy Mutual Canal It appears, for example, from the small number of ground water elevations available that there is a sizeable amount of ground water storage available for development above W4 at elevation above 3000 feet which is only about 250 feet lower than the Murphy Mutual Canal.
(L) It follows from these conclusions that the more storage and the longer the period of storage in Hulet Reservoir and the more flow and the longer the period of flow in Murphy Mutual Canal the more the recharge to ground water Extension of storage to the period April 1 to June 30 will greatly increase the recharge and the flow in Sinker Creek down stream
(M) Storage of Sinker Creek water from April 1 to June 30 in Hulet Reservoir assists in achieving optimum beneficial use for Sinker Creek water.
(N) According to my estimates, both Hulet Reservoir and Murphy Flats Reservoir could have been filled in 1982,1983,1984,and 1986.

MAR 13 1990

Estimated surplus in Sinker Creek after Reservoir filled:

1976 — No surplus to other storage. Reservoir did not spill

Department of Water Resources
APPLICANT'S
Exhibit 3C
Date Admitted 1/16/89 BOF

1977 - same as above

1978 — Reservoir filled Apr 28. All flow above 20 cfs could be transferred from equal yield line, flow above 20 cfs, or 1652 acre feet in May plus 338 acre feet in June or 1990 acre feet would would have been available for transfer all of which is in the April to June period

1979 No surplus No spill

1980 Reservoir filled May 1. All flow above 20 cfs could be transferred from equal yield line, flow above 20 cfs after May 1 or 1174 in May plus 500 in June or 1674 total acre feet would have been available for transfer all of which is in the April to June period

1981. No surplus.

1982 Reservoir filled Feb 20 Flow 21-25, flow in March and above 20 cfs in April May and June could be transferred from equal yield line, 1359 ac ft. in Feb, 3072 ac. ft. in March, 2752 acre feet in April, 4697 acre feet in May, 1388 acre feet in June and 90 acre feet in July or a total of 12358 acre feet would have been available for transfer of which 6157 acre feet are in April to June period.

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GPO : 1971 OF - 413-014

1983 Reservoir filled March 13. Flow in March and above 20 cfs April to July could be transferred From equal yield line, 750 acre feet in March, 1630 acre feet in April, 6647 acre feet in May, 3237 acre feet in June, and 112 in July for a total of 12,576 was available for transfer of which 11514 acre feet are in the April to June period

1984 Reservoir filled March 29 Flow above 20 cfs would be available for transfer after filling. From equal yield line 570 acre feet in March, 3231 acre feet in April, 7350 acre feet in May, 3707 acre feet in June, and 141 acre feet in July for a total of 14,710 acre feet practical to use of which is in the April to June period

1985 Reservoir did not spill

1986 Reservoir filled Feb. 23. Flow Feb. 23-28 of 1325 acre-feet, 3998 acre feet in March, and flows above 20 cfs in April of 2696 acre feet in May of 1527 acre feet, in June of 496 acre feet for a total of 10,496 acre feet most of which was in the April to June period

Using a weir formula and reservoir readings Mr. Stubbefield, Idaho Department of Water Resources, estimated the spill in 1986 at 12,066 acre feet, which verifies the order of magnitude of the 1986 spill

1977, 1988 } No spill occurred in 1987 and 1988

Summary - Sizable spill occurred in 1978, 1980, 1982, 1983, 1984, and 1986 and more occurred in 1976, 1977, 1979, and 1981, 1987, and 1988 or 8 of 10 years, as shown in the following table

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Sheet No. ..... of ..... Sheets. Prepared by CAG Date 1/14/89 Checked by ..... Date .....

...OF THE INTERIOR
...GEOLOGICAL SURVEY

File .....

Summary, cont'd.

Year	Date Full	Estimated Spill Feb	Mar	Apr	May	June	July	Total
					(acre feet)			
1976	—							
1977	—							
1978	April 28				1652	338		1990
1979	—							
1980	May 1				1174	500		1674
1981	—							
1982		1359	2072		2752	4697	90	12358
1983			950	1630	6647	3237	112	12576
1984			57	3631	7354	3707	141	14490
1985	—							
1986		1325	3998	2696	2527	496		*10496
1987	—							
1988	—							

* Estimated by Michael Stubblefield, Idaho Water Resources, to be 12,066 acre feet.

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GPO : 1971 OF - 413-014

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

October 28, 1986

Department of Water Resources
APPLICANT'S
Exhibit 4C
Date Admitted 1/14/89 BDF

Jay Hulet
HC 79, Box 2020
Murphy, ID 83650

RE: D57-7152, D57-7385

Dear Mr. Hulet:

I have reviewed your recent letter concerning water flow through the Sinker Creek Dam spillway. Your calculations appear to be good however, both methods used in your calculations would appear to give results higher than what may have actually occurred. Your methods both indicate a full spillway flow for a certain period decreasing to two-thirds flow for a short period, one-third flow for a period and finally decreasing to no flow. A better estimation would be to decrease the flow on a straight line between known points or flows.

Enclosed is a spillway capacity chart which I have developed to relate actual or estimated spillway flows to the staff gage height. By accurately reading the gage height, the spillway flow can be estimated from the chart. The flows on the chart are estimates based on the weir formula, but they should be within ± 10% of the actual flow. You must realize that the chart is a good estimation of the spillway flow and greatly depends on an accurate reading of the staff gage.

Based on your staff gage readings in your March 1, 1986 letter I have determined the maximum spillway flow, gage height 71.25, to be 424 cfs which occurred on February 24. I inspected the dam on March 26 and read the staff gage at 70.0 which would indicate 65 cfs was flowing through the spillway on that date. By straight-line interpolation, the amount of water that flowed through the spillway would be as follows:

Date	Days	(Ft) Res. Gage Ht.	(Cfs) Spillway Flow	(Cfs) Ave Flow	Ac-Ft	Ttl Ac-Ft
2/23(Noon)-		69.5	0	-	-	-
2/23(6 PM)	1/4	71.0	336	168	84	84
2/24	3/4	71.25	424	380	570	654
2/25	1	71.0	336	380	760	1414
2/26	1	70.75	256	296	592	2006
2/27	1	70.75	256	256	512	2518
3/1	2	70.5	183	219.5	878	3396
3/26	25	70.0	65	124	6200	9596
5/3	38	69.5		32.5	2470	12066

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Based on my calculations, about 12,000 ac-ft of water flowed through the spillway this spring. If you have more gage height readings taken between 3/1 and 5/3 it would make the calculations more accurate. I assumed the gage height or spillway flow dropped at a constant rate between 3/1 and 5/3. Storms during this period may have increased the spillway flow at times which may add considerably to the 12,000 ac-ft calculated above. If you would like me to expand on the above chart please submit any other gage height readings taken between 3/1 and 5/3/86.

Also, I recently stopped by and looked at construction at the Hulet No. 2 Dam. Considerable work is still needed, and before storage can be authorized the work must be completed, a final inspection made and the engineers final report and as-built plans submitted to and approved by the Department.

Please let me know if you have any questions.

Sincerely,

A. MICHAEL STUBBLEFIELD, P.E.
Water Resource Engineer

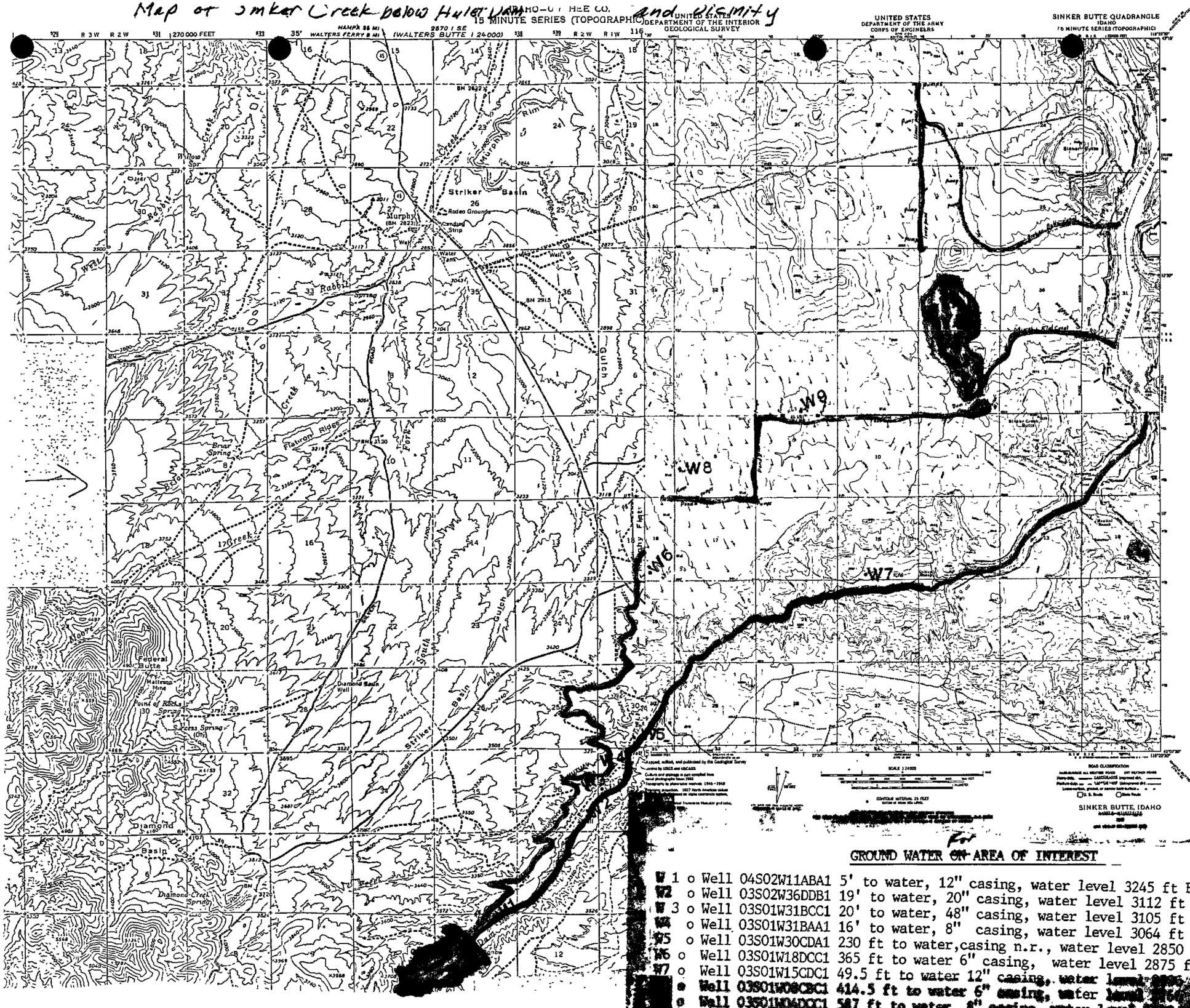
AMS:nl

cc: IDWR - State Office

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MAR 13 1990

Map of Sinker Creek below Hwy 95 and vicinity



GROUND WATER ~~ON~~ AREA OF INTEREST

W 1 o Well 04S02W11ABA1 5' to water, 12" casing, water level 3245 ft Feb. 1, 1967
W2 o Well 03S02W36DDB1 19' to water, 20" casing, water level 3112 ft Jan. 8, 1979
W 3 o Well 03S01W31BCC1 20' to water, 48" casing, water level 3105 ft Jan. 19, 1967
W4 o Well 03S01W31BAA1 16' to water, 8" casing, water level 3064 ft Jan. 1, 1952
W5 o Well 03S01W30CDA1 230 ft to water, casing n.r., water level 2850 ft Feb. 1, 1979
W6 o Well 03S01W18DCC1 365 ft to water 6" casing, water level 2875 ft Feb. 23, 1979
W7 o Well 03S01W15CDC1 49.5 ft to water 12" casing, water level [illegible] ft Dec. 18, 1958
[redacted] • Well 03S01W08CBC1 414.5 ft to water 6" casing, water level [illegible] ft Jan. 19, 1961
[redacted] o Well 03S01W04DCC1 587 ft to water, 8" casing, water level [illegible] Jan. 1, 1975

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

December 10, 1988

Department of Water Resources
APPLICANT'S
Exhibit 6C
Date Admitted

Scott L. Campbell, Esq.
Elam, Burke and Boyd
P.O. Box 1559
Boise, ID 83701

RE: Delivery of Water During the Non-Irrigation Season from Sinker Creek

Dear Scott:

In mid-November, 1988, you requested on behalf of your client Mr. R.T. Nahas that this office take action to insure delivery of non-irrigation season flows in Sinker Creek. Per my request you agreed to discuss the matter in a meeting of the Sinker Creek waterusers. The meeting was held on December 1, 1988, and because the meeting was unsuccessful in negotiating a resolution in this regard, I indicated to you that I would provide a written response of the Department's position on the matter. The purpose of this letter is to provide this response.

The records of the Department indicate that there are two valid, approved water rights for the storage of the waters of Sinker Creek. The senior water right is decreed to Mr. Nahas for the filling and use of water from Nahas Lake (as the reservoir is now called) for irrigation purposes. The junior water right is a permit in the name of Jay H. Hulet for the filling and use of water from Hulet Reservoir for irrigation and stock water purposes. The only other recorded water right that specifically is to be delivered during the non-irrigation season is a right for the instream flow of twelve (12) miners inches (0.24 cfs) to be left in Sinker Creek through the Nahas ranch for stock watering purposes. There are no recorded non-irrigation season uses other than for stock water and irrigation storage for the waters of Sinker Creek.

The relative locations of the three non-irrigation season water rights have a bearing on the analysis of water delivery timing. The junior water right, belonging to Mr. Hulet, is located upstream from any other diversions from Sinker Creek. Downstream from the reservoir there are several miles of spring-recharged streambed. The last diversion from the creek upstream from the confluence with the Snake River is the diversion into Nahas Lake, which is an off-stream reservoir. Flows that arise in Sinker Creek downstream from Hulet Reservoir, which are not diverted into Nahas Lake, flow unimpeded into the Snake River.

At the meeting on December 1, 1988, the Department was informed that for at least the past two years (both of which were years of below average streamflow), Hulet Reservoir has been closed on or about November 15 and Nahas

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Lake has filled with flows which arose in or were tributary to Sinker Creek below Hulet Reservoir. Also at the meeting, Mr. Richard stated that Nahas Lake was about one to two feet from being full. The rate of inflow into the reservoir was unknown. A concern was expressed regarding the possibility that filling of the reservoir would have to cease due to ditch icing. Your request was that a flow of about 200 miners inches (4.0 cfs) be released through Hulet Reservoir, to provide for an immediate filling of Nahas Lake.

Since the conclusion of the waterusers meeting I have discussed this water delivery matter with various authorities within the Department, and each source has provided a common response. The timing of the filling of a storage reservoir for the purpose of a future beneficial use is to be dictated by the best management of the resource rather than by a strict application of "first in time is first in right." This interpretation is complimented by Policy 4L of the Idaho State Water Plan (adopted on December 12, 1986) which states as follows:

> It is the policy of Idaho that, when public interest criteria are met, optimum beneficial use of a water resource shall be encouraged. Optimum beneficial use shall be achieved through the integration and coordination of use of water and by augmentation of existing supplies.

The Plan also provides the guidance that the integration and coordination of the use of water, while recognizing existing water rights, will frequently require the exchange of water between right holders in order to make use of the most efficient points or sources of diversion. The Plan states that the Department should use this criterion in the water allocation process.

In the case of Sinker Creek, if Nahas Lake is filled immediately, then for the remainder of the non-irrigation season the flows in Sinker Creek downstream from Hulet Reservoir that are in excess of the instream flow water right would be allowed to flow into the Snake River, without being beneficially utilized in the Sinker Creek area. The technique of filling Nahas Lake before filling Hulet Reservoir would not optimize beneficial use of the Sinker Creek waters, as directed by Policy 4L.

This analysis is not unique to the Sinker Creek drainage basin. The management of a stream flow to provide for the maximum utilization of junior water rights while delaying filling of a senior storage water right is utilized in the distribution of water in the Hayden Lake drainage in northern Idaho.

With respect to the concern about icing in the ditch that diverts flows into Nahas Lake, as a practical matter there will be ample time between the date when winter icing conditions have ceased and the date when flows are required, to convey needed flows into Nahas Lake prior to the time when they will be needed to provide for irrigation.

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The guidance of the Department at this time relative to water delivery of non-irrigation season flows in Sinker Creek is that Hulet Reservoir may continue to store inflows. All available flows at the Nahas Lake point of diversion should be diverted into the lake except for flows needed to satisfy the decreed instream flow water right. If Nahas Lake does not receive sufficient inflows to fill during the non-irrigation season, on March 15 of each year, at the request of Mr. Nahas, the Department will review the need to take action to satisfy the senior storage water right.

Sincerely,

David R. Tuthill Jr.

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

cc: Jay H. Hulet
State Office

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MAR 13 1990

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

January 3, 1989

Department of Water Resources
APPLICANT'S
Exhibit 7 C
Date Admitted

Mr. Jay Hulet
HC 79 Box 2020
Murphy, ID 83650

RE: Water District 57-D, Sinker Creek

Dear Mr. Hulet:

I am in receipt of your letter dated December 16, 1988. With respect to the identification of water right ownership that you provided, I have passed the listing to Mr. Stubblefield, who will discuss the matter at the Water District meeting on January 9.

You have requested documentation regarding visitation of the Nahas diversion site by your engineer. In early December, per your request I contacted Mr. Nahas' attorney Mr. Campbell to inquire about the potential of your engineer Mr. Thomas accompanying Department personnel in a visit to the Nahas diversion site. Mr. Campbell responded on behalf of his client that a site visit by Department personnel would be acceptable, but that your representative would not be allowed to visit the site.

Please advise if you would like additional information prior to the Water District meeting next week.

Sincerely,

David R. Tuthill

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

cc: Scott Campbell, Esq.

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MAR 13 1990

Talked with Dave Jan. 5 at 8:00 AM

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

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Governor

R. KEITH HIGGINSON
Director

Department of Water Resources
APPLICANT'S
Exhibit 8C
Date Admitted

To: Dave Tuthill

From: Brad Dingee

Date: January 20, 1988

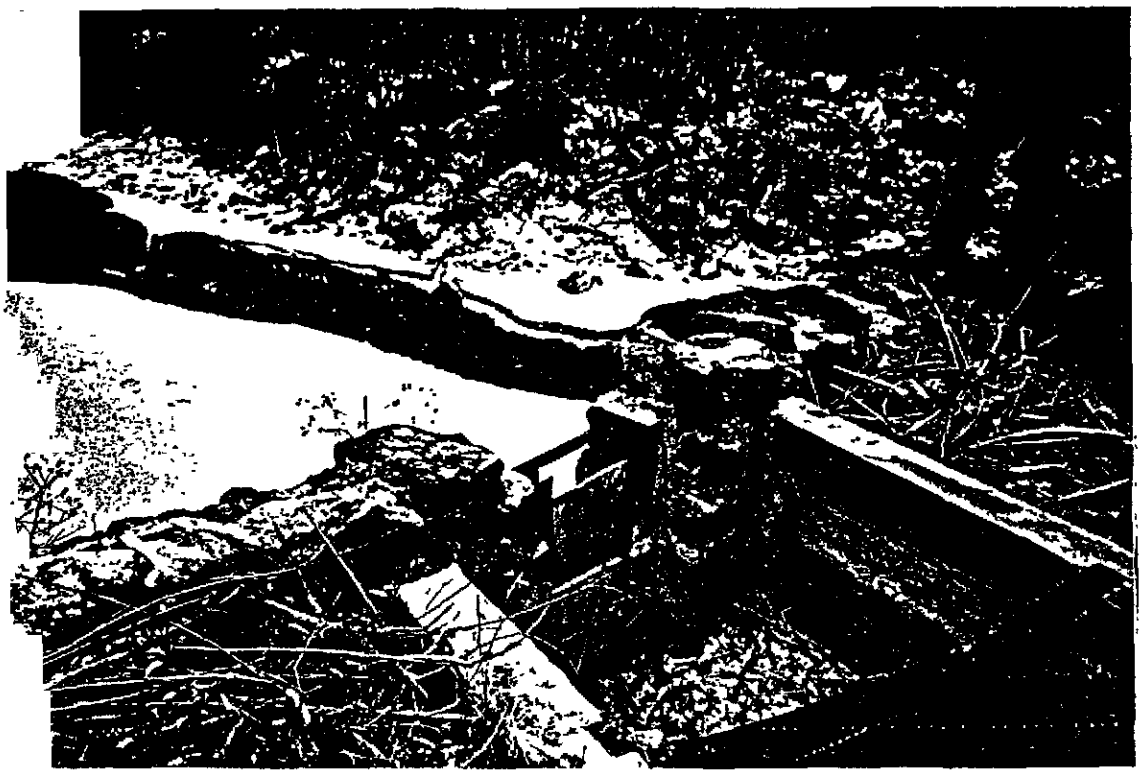
Subject: Inspection of Sinker Creek Flows

Per your request I visited the Sinker Creek area on the morning of January 18, 1988 to inspect diversions and flows in this drainage. I met with Jay Hulet, and we drove to the Nahas ranch where we met ranch manager John Richards.

It was estimated that Sinker Creek was flowing at about 60 inches near the Nahas diversion into their reservoir ("No Name Lake"; see attached maps and photographs). No water was being diverted; Sinker Creek was flowing in its natural course to the Snake River and was being used to water stock. Mr. Richards stated that he usually diverts water to the reservoir until approximately late December, depending upon reservoir level and weather. However, previous ranch managers have diverted water throughout the winter and usually have experienced problems with ice in the diverting works. Based upon observed high water marks on trees, the Nahas reservoir was within 6-10 inches of being full. Mr. Richards anticipated filling the reservoir during the spring runoff.

Mr. Hulet and I then drove to the site of his reservoir on upper Sinker Creek. Mr. Hulet showed me where water is to be diverted from Sinker Creek via the Murphy Mutual Canal and a pipeline to the reservoir associated with application 57-7385. On the way to the reservoir we inspected Sinker Creek where it crosses beneath Highway 45 through a culvert. The flow here was substantially less than that observed downstream near the Nahas diversion; we estimated the flow to be approximately 40 inches.

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MAR 13 1990

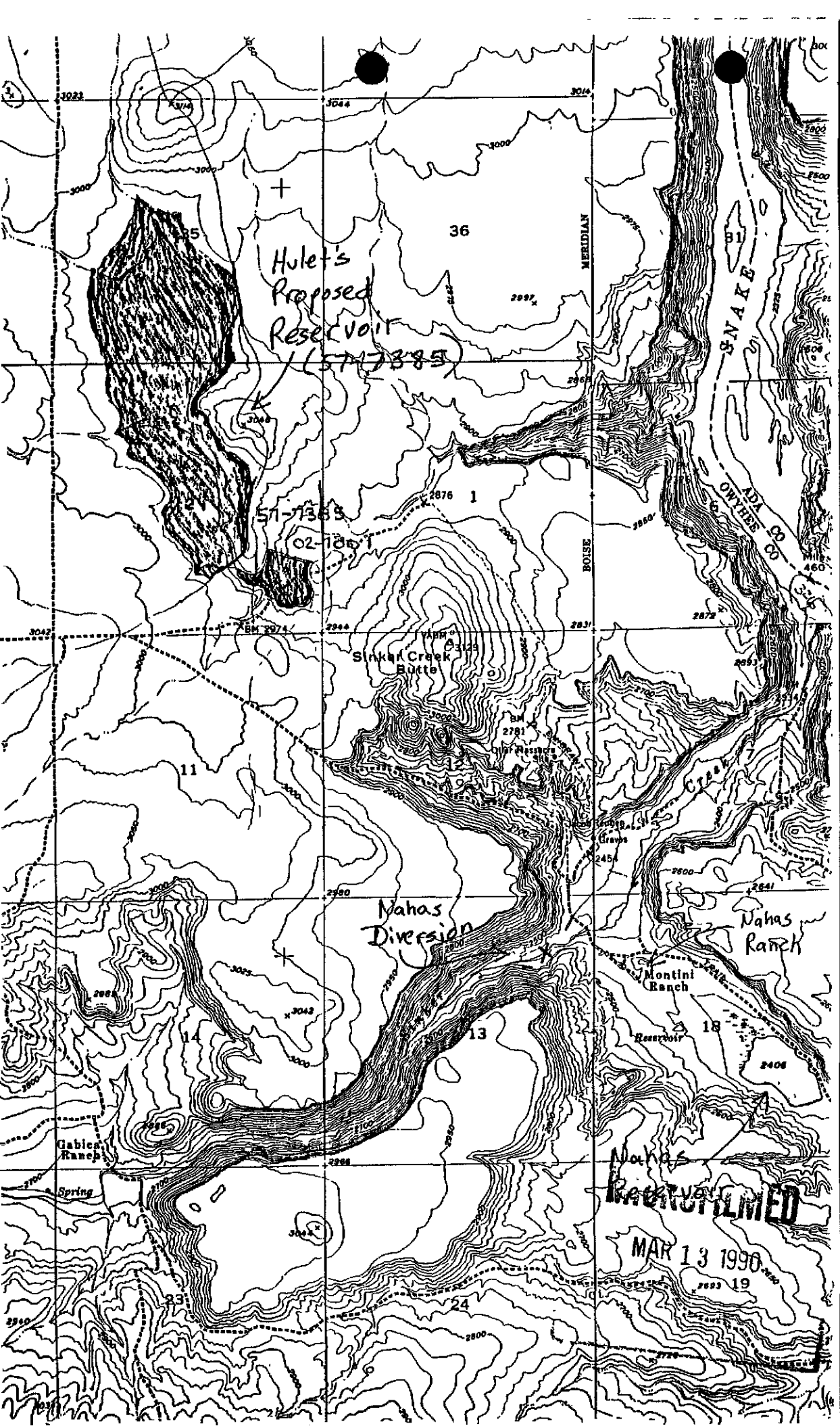


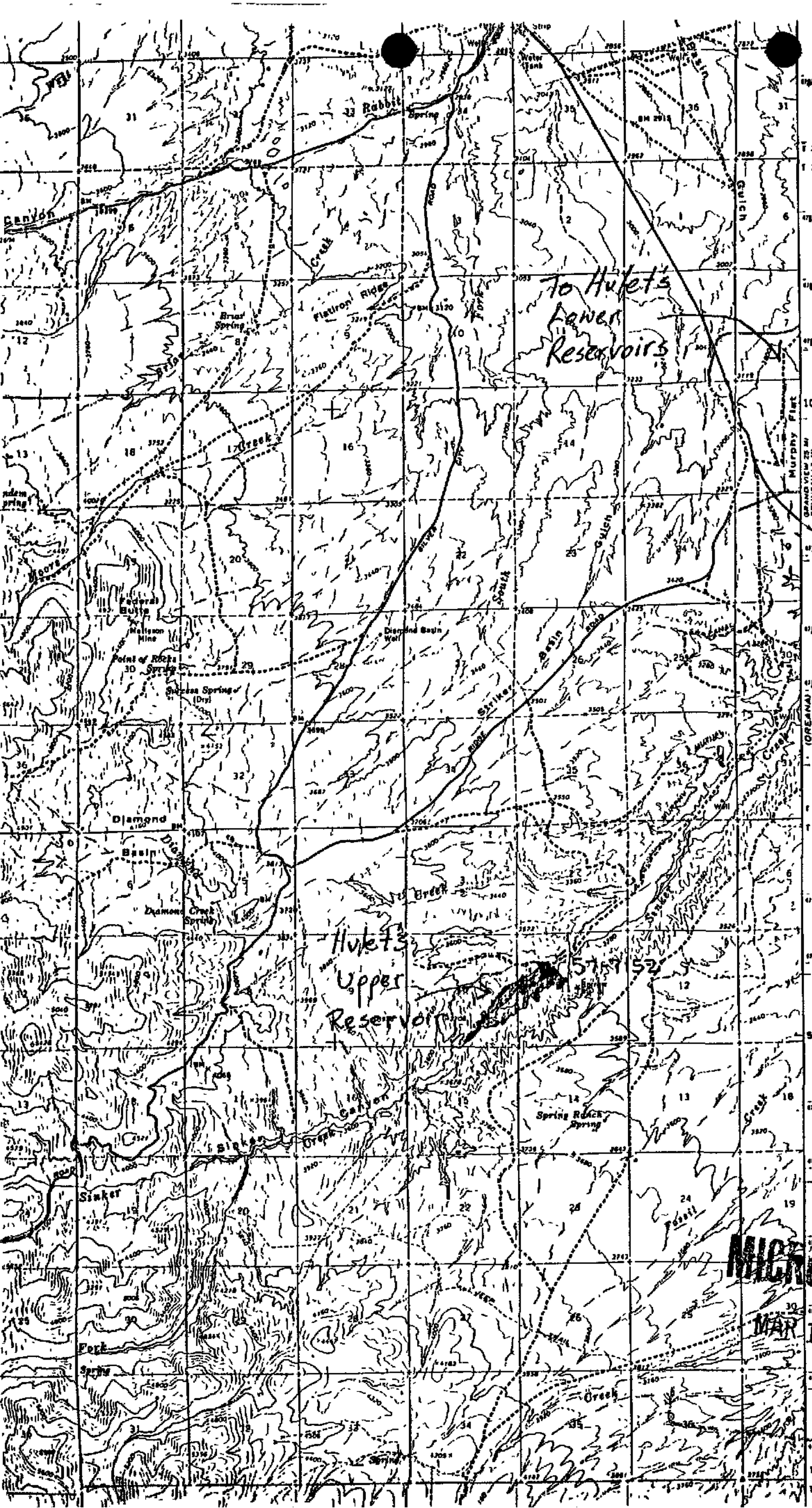
Nahas diversion from Sinker Creek.



Nahas Reservoir

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MAR 13 1990


Hule's
Proposed
Reservoir
(57-7385)
57-7385
02-1861
Sinker Creek
Butte
Nahas
Diversion
Nahas
Ranch
Montini
Ranch
Nahas
Reservoir
Gabica
Ranch
Spring
SNAKE
ADA CO
OWYHEE CO
BOISE
MERIDIAN
RECEIVED
MAR 13 1990



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MAR 13 1990

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CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 23, 1988

Department of Water Resources
APPLICANT'S
Exhibit 9C
Date Admitted

Mr. Jay Hulet
HC 79 Box 2020
Murphy, ID 83650

RE: Water Distribution on Sinker Creek

Dear Mr. Hulet:

I am in receipt of your letter dated September 5, 1988, which was received in this office on September 12, 1988. This response is prepared to address to the concerns you have expressed.

With respect to the field measurement of August 26, 1988, the report has been corrected to show that measurements Nos. 2 and 3 were conducted per my request and measurement No. 1 was conducted at your request. Flow measuring equipment such as that which our measurement crew used can be purchased from: Scientific Instruments, Inc., 518 W. Cherry St., Milwaukee, WI 53212.

With respect to your question about the difference between a measurement which is rated good and one which is rated fair, we do not have a specific quantification of the difference in level of reliability. The U.S. Geological Survey rating system classifies a "good" rating to be plus or minus 5 percent, and a "fair" rating to be plus or minus 8 percent. This guideline is applicable for rivers and major streams, but the error percentages should be increased for measurements of lesser flows such as those made in the Sinker Creek system.

You have requested additional followup regarding the breakdown of how to apportion your stored water, your water right for 30 miners inches, and Mr. Nettleton's water. Our position on the delivery of your water right for 30 miners inches and Mr. Nettleton's water is was expressed in the fifth paragraph of my letter to you dated August 23, 1988. Our position regarding delivery of your stored water has been that the timing is at your discretion, provided the payment of assessments and the measuring device requirements are met.

The reason that the mailing list for the letter dated September 1, 1988 included your attorney, Mr. Adamson, and Mr. Nahas' attorney, Mr. Campbell, is to (1) apprise them of the status of the flow measurements, and (2) provide to them the same initial notice of the November 1988 meeting [illegible] to the other waterusers. In your letter dated June 6, 1988, you [illegible] a

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MAR 13 1990

concern that your attorney had not been notified of the Sinker Creek meeting that was held on May 26, 1988. If in the future you would prefer that he not be apprised of upcoming meetings, please advise.

If you wish to discuss any of the items in this letter in further detail, please feel free to contact this office.

Sincerely,

David R. Tuthill

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

cc: R. Keith Higginson, Director
Senator Atwell Parry
Don Hartley
Larry Cronin, Watermaster

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MAR 13 1990

320

555 a → 400 cfs 7611

Date of first receipt at office of State Engineer 9:00 A.M. Aug. 6, 1923.

Returned to applicant for correction Aug. 6, 1923.

Corrected application received Aug. 14, 1923.

Department of Water Resources
APPLICATION
Exhibit 10 c
Date Admitted

Approval of State Engineer

The number of this Permit is R -320

Recorded in book R-2 Page 320 Approved August 20, 1923.

This is to certify that I have examined the within application for a permit to construct a reservoir and to store the unappropriated public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of $ to be filed on or before

Work to begin on or before October 19,1923, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before November 20,1923.

The whole of said work to be completed on or before February 20,1924.

Beneficial use of water stored in accordance herewith, to be made on or before

as set out in Permit No. for the appropriation of the public waters of the State of Idaho, which is hereby referred to and made a part hereof.

A-1

Witness my hand this 20th day of August, 1923.

W. G. SWENDSEN,
Commissioner of Reclamation.
State Engineer

Remarks:

On December 26, 1906, C. C. Childs, et al, the predecessors in interest of this applicant, the Murphy Irrigation District, secured Permit No. 2611 from the State Engineer of the State of Idaho for 400 cubic feet per second of the water of Sinker Creek. This water right for the same amount and for the same priority date was also adjudicated in the Sinker Creek water suit in the District Court of the Third Judicial District in and for the County of Owyhee, entitled Mathew Joyce et al vs. Jacob Rubin, et al., the decree in which case, dated March 20, 1912, was filed in said action April 1,1912, and subsequently modified and confirmed by the Supreme Court of the State of Idaho, 23 Idaho 296; 130 Pac. 793. This permit filing was made before the law authorized separate filing for reservoir and secondary use and has been always relied upon by this applicant and its predecessors to appropriate the direct flow of Sinker Creek up to 400 cubic feet per second to fill and refill its reservoir. The reservoir and canal system proposed in said Permit No. 2611 has been completed in its entirety. License was issued under said permit for 55 sec.ft. as of Oct. 22, 1907. The said license was issued as a secondary rather than as a storage permit. In order to leave no question to the right of the Murphy Irrigation District to store the crest of the flood of Sinker Creek which actually flows in excess of 55 cubic feet per second, this application for storage permit is made but without waiver of the claim of the applicant to store said flood water as it has for years done under said Permit No. 2611 and the Decree of Court aforesaid.

For maps, and other information, connected with the completed dam and reservoir, reference is hereby made to the said Permit No. 2611 and the Proofs of Completion filed and to the records and files of the State Department of Reclamation relating to dams of the State of Idaho.

Proof of Completion of Works made November 3, 1923.
Certificate of Completion of Works issued December 7, 1923.

July 22-1985

Paul will allow Jay to use 200" of his 1050" water right. 850

Jay nor Paul will call for a Water Master because of the above approach.

Paul, will be able to pick up and divert water out of the creek below the creek measuring device at his disgression with nnw measuring device required.

Paul will take the responsibility to see that Nahas Ranch and John Tyson get their decreed water rights as long as enough water is coming into the Hulet reservoir to satisfy all rights.

Nettletons water delivery of 850' will be taken at the measuring device below the Hulet dam and or the Murphy Mutual Canal. (Canal deliveries ~~will~~ carry a 20% loss factor)

Paul, receives credit for water delivered to Jay during the time Paul is haying to the extent that he can ask for the return of 100' of water by giving Jay 24 hours notice, this is limited to 7 days useage per hay cutting.

Paul will cooperate with Jay on his application for storage of Dinker Creek water on Murphy Flat and remove his protest.

For this cooperation Jay will not transport storage water thru Murphy Mutual Canal during the last half of December and all of January except by Paul's full approval.

Whenever the stored water ceases to run into the Murphy Mutual Canal Jay will give Paul his useage of the 30" decreed right.

Department of Water Resources
APPLICANTS
Exhibit 11C
Date Admitted 1/16/89 BDF

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MAR 13 1990

Response to Jay Hulet's letter of proposed agreement concerning water and canal matters 1987

PART ONE

Paul will allow Jay the use of 100" of his 1050" water right. —

Jay agrees not to call for a water master and agrees to allow Paul the full use of any and all diversions below reservoir at his discretion with no measurements required or taken.

Paul further agrees to satisfy the Tyson and Nokas water rights under these conditions provided that enough water is flowing in creek above reservoir to satisfy these rights.

This part of agreement will immediately terminate whenever a watermaster is called for by any other parties in the water district.

PART TWO

Paul agrees to drop his protest of Jay's application for storage of water from Sinker Cr on Murphy Flat.

Jay agrees that he and Paul must come to full agreement as to off-season canal usage (when and how much water in canal) at the time usage is desired or no water will be put in canal.

Jay agrees to give Paul a key to the reservoir headgate and instruction on proper operation of headgate during off-season canal use so that sudden changes in weather conditions or canal conditions observed by Paul can be dealt with immediately.

Paul agrees not to shut off or adjust headgate during off-season usage except in times of emergency concerning weather or canal conditions and then only after notifying Jay or attempting to notify Jay or family of action to be taken.

Jay agrees that all canal repair and maintenance costs and liability costs during usage of canal between [illegible] April 1 will be totally his.

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MAR 13 1990

Jay agrees to satisfy Paul's claim to off-season irrigation and stock water and to make water available when asked to by Paul provided creek flow is sufficient to satisfy those rights.

This [redacted] agreement will automatically terminate at end of season so as to require annual review and renewal by both parties

Re: 57-7385

Place: Boise, IDWR Conference Room

Date: January 16, 1989

Hearing conducted by: Bob Fleenor and Dave Tuthill

ROSTER OF ATTENDANCE

Name	Address	Representing
Paul Nettleton	Murphy	Joyce Livestock Co.
Jay Hulet	Murphy	Same (Hulet)
Carol Thomas	Meridian	Jay Hulet
JAMES W KISER	Boise	Nettleton + Nahas
[illegible]	Murphy	Nahas
[illegible]	Boise	Jay Hulet
MIKE IHLI	11854 FLINTLOCK - BOISE	J. H.

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MAR 13 1990

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

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

1. ☑ Show to whom delivered, date, and addressee's address *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

Jim Kiser, Esq.
5404 Overland
Boise, ID 83705

MICROFILMED
MAR 13 1990

57-7385

4. Article Number

P 397 135 248

Type of Service:

☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature – Addressee

X

6. Signature – Agent

X

7. Date of Delivery

DEC 7 1990

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

AP
5405 Overland

PS Form **3811**, Mar. 1987 ★ U.S.G.P.O. 1987-178-268 **DOMESTIC RETURN RECEIPT**

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURNED

MAR 13 1990

RETURN TO

Department of ... Western Regi...

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

PS Form 3811, Dec 1990

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

(CONSULT POSTMASTER FOR FEES)

1 The following service is requested (check one).

☑ Show to whom and date delivered ..... ¢

☐ Show to whom, date, and address of delivery ¢

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

TOTAL $

3 ARTICLE ADDRESSED TO:
Jim Kiser
5404 Bwanslow
Boise ID 83703

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☑ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER

(Always obtain signature of addressee or agent)

I have received the article described above

SIGNATURE ☐ Addressee ☐ Authorized agent

5. DATE OF DELIVERY 1/6/87

POSTMARK

6. ADDRESSEE'S ADDRESS *(Only if requested)*

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

MAR 1990

MAR 1990

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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

U.S. MAIL

MICROFILMED

RETURN TO

MAR 13 1990

DEPARTMENT OF WATER RESOURCES
[illegible] PORT WAY
BOISE IDAHO 83705

(Name of Sender)

[illegible]

(Street or P.O. Box)

[illegible] Office

(City, State, and ZIP Code)

PS Form 3811, Dec 1990

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED M

58EL-49

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

(CONSULT POSTMASTER FOR FEES)

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

TOTAL $

3. **ARTICLE ADDRESSED TO:**
Steve Adamson, Esq
Adams Eddy
1020 Main
Boise ID 83702

4. **TYPE OF SERVICE:** **ARTICLE NUMBER**
   - ☐ REGISTERED ☐ INSURED
   - ☑ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

P 800 228 148

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. **DATE OF DELIVERY** **POSTMARK**

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*
STEVE Adamson
1020 Main Boise, ID

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

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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



RETURN TO

MICROMED RESOURCES

AIRPORT WAY

MAR 13 1990 85705

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

P 300 228 147

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO
Jim Kiser, Esq

STREET AND NO
5404 Overland Rd

P O STATE AND ZIP CODE
Boise ID 83705

POSTAGE	$
CERTIFIED FEE	¢
SPECIAL DELIVERY	¢
RESTRICTED DELIVERY	¢
SHOW TO WHOM AND DATE DELIVERED	¢
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY	¢
SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES	$

CONSULT POSTMASTER FOR FEES
OPTIONAL SERVICES
RETURN RECEIPT SERVICE

POSTMARK OR DATE

PS Form 3800, Apr. 1976

P 300 228 148

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO
Steve Adamson Esq

STREET AND NO
Alaska Bldg
1020 Main # 312

P O STATE AND ZIP CODE
Boise ID 83702

POSTAGE	$
CERTIFIED FEE	¢
SPECIAL DELIVERY	¢
RESTRICTED DELIVERY	¢
RETURN RECEIPT SERVICE — SHOW TO WHOM AND DATE DELIVERED	¢
RETURN RECEIPT SERVICE — SHOW TO WHOM DATE AND ADDRESS OF DELIVERY	¢
RETURN RECEIPT SERVICE — SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
RETURN RECEIPT SERVICE — SHOW TO WHOM DATE AND ADDRESS OF DELIVERY RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES	$
POSTMARK OR DATE	

CONSULT POSTMASTER FOR FEES
OPTIONAL SERVICES

PS Form 3800, Apr 1976

P 300 228 146

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO
Gary Hulet

STREET AND NO

P.O., STATE AND ZIP CODE
Burnsville ID 83650

POSTAGE	$
CERTIFIED FEE	¢
SPECIAL DELIVERY	¢
RESTRICTED DELIVERY	¢
SHOW TO WHOM AND DATE DELIVERED	¢
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY	¢
SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES	$

CONSULT POSTMASTER FOR FEES
OPTIONAL SERVICES
RETURN RECEIPT SERVICE

POSTMARK OR DATE

DELIVERED

PS Form 3800, Apr. 1976

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4

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

1. ☒ Show to whom delivered, date, and addressee's address *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to.

Jay Hulet
Murphy
IDAHO 83650

MICROFILMED
MAR 13 1990
57-7385

4. Article Number
P397 135 247

Type of Service.
- ☐ Registered
- ☐ Insured
- ☑ Certified
- ☐ COD
- ☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature – Addressee
X Jay Hulet

6. Signature – Agent
X

7 Date of Delivery
12-10-88

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

PS Form **3811**, Mar. 1987 ★ U.S.G.P.O. 1987-178-268 **DOMESTIC RETURN RECEIPT**

UNITED STATES POSTAL SERVICE

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SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

BOISE, ID 837 10 DEC 1988

MICROFILMED

MAR 13 1990

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

Western Regional Office
[illegible] of Water Resources

DEPARTMENT OF WATER RESOURCES
2235 AIRPORT WAY
BOISE, IDAHO 83705

77-7385

P 397 135 247

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Jay Hulet	
Street and No Murphy	
P O , State and ZIP Code IDAHO 83650	
Postage	
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return Receipt Showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$
Postmark or Date	

MAR 13 1990

'S Form 3800, Feb. 1982

P 397 135 246

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED--
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Steve Adamson, Esq.	
Street and No. Alaska Bldg., 1020 Main 312	
P.O., State and ZIP Code Boise, ID 83702	
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return Receipt Showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$
Postmark or Date	

S Form 3800, Feb. 1982

P 397 135 248

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Jim Kiser, Esq.	
Street and No. 5404 Overland	
P O , State and ZIP Code Boise, ID 837	
Postage	
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return Receipt Showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$
Postmark or Date	

MAR 13 1990

CERTIFIED

PS Form 3800, Feb. 1982

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER F APPLICATION	)	
	)	
FOR PERMIT NO. 57-7385 IN THE	)	NOTICE OF HEARING
	)	
NAME OF JAY H. HULET	)	

On March 1, 1983, Jay H. Hulet filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The application was protested by R. T. Nahas, Eva Nahas, R. T. Nahas Co., Glenbrook Properties, Paul Nettleton, Hugh Nettleton, Helen Nettleton, and Joyce Livestock Co. The protestants are represented by James W. Kiser, Attorney.

On November 16, 1983, a hearing was held to consider the approval of the application and the protests against approval. Subsequent activities regarding this application are described in an order regarding this matter filed by the hearing officer on April 25, 1988. Pursuant to this order, the hearing record in this matter will be re-opened to receive evidence concerning the availability of water during the period from April 2 through July 1 of each year. A hearing for the purpose of amending the record in this regard has been set for Monday, January 16, 1989, at 10:00 a.m. in the Second Floor Conference Room, Department of Water Resources, 1301 N,. Orchard Ave., Boise, Idaho, 83706. The hearing 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 and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations for Water Appropriation

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MAR 13 1990

of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 5th day of January, 1989.

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

I hereby certify that on the 5th day of January, 1989, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Gail Garrett
Secretary

CERTIFIED MAIL

Steven A. Adamson, Esq.
Alaska Bldg.
1020 Main St. #312
Boise, ID 83702

Jay Hulet
Murphy
IDAHO 83450

Jim Kiser, Esq.
5404 Overland
Boise, ID 83705

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MAR 13 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER F APPLICATION FOR PERMIT NO. 57-7385 IN THE NAME OF JAY H. HULET	)))))	NOTICE OF HEARING

Delayed per request of Steve Adamson, Esq

On March 1, 1983, Jay H. Hulet filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The application was protested by R. T. Nahas, Eva Nahas, R. T. Nahas Co., Glenbrook Properties, Paul Nettleton, Hugh Nettleton, Helen Nettleton, and Joyce Livestock Co. The protestants are represented by James W. Kiser, Attorney.

On November 16, 1983, a hearing was held to consider the approval of the application and the protests against approval. Subsequent activities regarding this application are described in an order regarding this matter filed by the hearing officer on April 25, 1988. Pursuant to this order, the hearing record in this matter will be re-opened to receive evidence concerning the availability of water during the period from April 2 through July 1 of each year. A hearing for the purpose of amending the record in this regard has been set for Wednesday, December 14, 1988, at 10:00 a.m. in the Second Floor Conference Room, Department of Water Resources, 1301 N,. Orchard Ave., Boise, Idaho, 83706. The hearing 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 and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation

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MAR 13 1990

of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 2nd day of December, 1988.

David R. Tuthill

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

I hereby certify that on the 2nd day of December, 1988, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Judy Pense

Judy Pense
Secretary

CERTIFIED MAIL

Steven A. Adamson, Esq.
Alaska Bldg.
1020 Main St. #312
Boise, ID 83702

Jay Hulet
Murphy
IDAHO 83450

Jim Kiser, Esq.
5404 Overland
Boise, ID 83705

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MAR 13 1990

CONFERENCE AND HEARING INFORMATION
IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

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

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

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

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

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

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

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

FILMED

MAR 13 1990

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

Cecil D. Andrus
Governor

2735 Airport Way
Boise, Idaho 83705
(208) 334-2266

November 4, 1988

Steven A. Adamson,, Esq.
Alaska Bldg.
1020 Main St. #312
Boise, ID 83702

Re: Application for Permit No. 57-7385, in the Name of Jay Hulet

Dear Mr. Adamson:

This office has been requested to delay the proposed date for rehearing on this matter due to the unavailability of counsel for the protestants. Accordingly, the matter has been rescheduled to be held on Tuesday, December 13, 1988, in Boise at 10:00 a.m.

Please be advised that pursuant to the provisions of the Order dated April 25, 1988, the hearing record will be re-opened to receive evidence concerning the availability of water during the expanded period only. All of the evidence obtained at the hearing held on November 16, 1983 will be considered to be a part of the record when reaching a decision on the amended application.

Please telephone this office no later than Friday, November 18, 1988, at (208) 334-2190 if you desire to make a change to the schedule. If the hearing is to proceed as scheduled, we will prepare final arrangements the following week, and you will be notified accordingly.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:jp

1990

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

Cecil D. Andrus
Governor

2735 Airport Way
Boise, Idaho 83705
(208) 334-2266

November 4, 1988

Jay Hulet
Murphy
IDAHO 83450

Re: Application for Permit No. 57-7385, in the Name of Jay Hulet

Dear Mr. Hulet:

This office has been requested to delay the proposed date for rehearing on this matter due to the unavailability of counsel for the protestants. Accordingly, the matter has been rescheduled to be held on Tuesday, December 13, 1988, in Boise at 10:00 a.m.

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Sincerely,

David R. Tuthill, Jr.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:jp

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MAR 13 1990

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

Cecil D. Andrus
Governor

2735 Airport Way
Boise, Idaho 83705
(208) 334-2266

November 4, 1988

Jim Kiser, Esq.
5404 Overland
Boise, ID 83705

Re: Application for Permit No. 57-7385, in the Name of Jay Hulet

Dear Mr. Kiser:

This office has been requested to delay the proposed date for rehearing on this matter due to the unavailability of counsel for the protestants. Accordingly, the matter has been rescheduled to be held on Tuesday, December 13, 1988, in Boise at 10:00 a.m.

Please be advised that pursuant to the provisions of the Order dated April 25, 1988, the hearing record will be re-opened to receive evidence concerning the availability of water during the expanded period only. All of the evidence obtained at the hearing held on November 16, 1983 will be considered to be a part of the record when reaching a decision on the amended application.

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Sincerely,

David R. Tuthill

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:jp

1990

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 6, 1988

Jim Kiser, Esq.
5404 Overland
Boise, ID 83705

Re: Application for Permit No. 57-7385, in the Name of Jay Hulet

Dear Mr. Kiser:

Because the protest you filed on the above-referenced water right application has been not yet been resolved, a hearing for this matter has tentatively been scheduled for: Thursday, December 1, 1988, in Boise. (10:00 a.m.)

The purpose of this letter is to advise you of this schedule and to provide you with an opportunity to notify this office if the scheduled time is not acceptable or if there is another reason the hearing should not be held at this time. Similar letters are being sent to other parties interested in this water right.

Please telephone this office no later than Friday, October 21, 1988, at (208) 334-2190 if you desire to make a change to the schedule. If the hearing is to proceed as scheduled, we will prepare final arrangements the following week, and you will be notified accordingly.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:jp

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MAR 13 1990

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 6, 1988

Jay Hulet
Murphy
Idaho 83450

Re: Application for Permit No. 57-7385

Dear Applicant(s):

As you have previously been notified, the above-referenced application for permit has been protested. A hearing for this matter has been tentatively scheduled for: Thursday, December 1, 1988, in Boise. (10:00 a.m.)

The purpose of this letter is to advise you of this schedule and to provide you with an opportunity to notify this office if the scheduled time is not acceptable or if there is another reason the hearing should not be held at this time. Similar letters are being sent to other parties interested in this water right.

Please telephone this office no later than Friday, October 21, 1988, at (208) 334-2190 if you desire to make a change to the schedule. If the hearing is to proceed as scheduled, we will prepare final arrangements the following week, and you will be notified accordingly.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:jp

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 6, 1988

Steven A. Adamson, Esq.
Alaska Bldg.
1020 Main St. #312
Boise, ID 837020

Re: Application for Permit No. 57-7385, in the Name of Jay Hulet

Dear Mr. Adamson:

As you have previously been notified, the above-referenced application for permit has been protested. A hearing for this matter has been tentatively scheduled for: Thursday, December 1, 1988, in Boise. (10:00 a.m.)

The purpose of this letter is to advise you of this schedule and to provide you with an opportunity to notify this office if the scheduled time is not acceptable or if there is another reason the hearing should not be held at this time. Similar letters are being sent to other parties interested in this water right.

Please telephone this office no later than Friday, October 21, 1988, at (208) 334-2190 if you desire to make a change to the schedule. If the hearing is to proceed as scheduled, we will prepare final arrangements the following week, and you will be notified accordingly.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

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State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

August 24, 1988

Steven A. Adamson, Esq.
1020 Main Street
Boise, ID 83701

RE: Application for Permit No. 57-7385 in the Name of Jay Hulet

Dear Steve:

We are currently in the process of setting water right hearings for October, 1988, and the above-referenced application is one for which a hearing is needed. Would you please provide to me a list of your available dates during October?

Sincerely,

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

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MAR 13 1990

MEMORANDUM

TO: Keith Higginson

FROM: Dave Tuthill DT

DATE: August 16, 1988

RE: Sinker Creek

Here are responses to the Sinker Creek matters for which you requested additional information:

1. Is there a water right for 55 cfs that is diverted through the Murphy Mutual Canal? A brief history of the large direct flow water rights delivered by this canal follows:

- On December 26, 1906 Charles Childs and S.E. Vance filed an application for permit to appropriate 400 cfs from Sinker Creek for the irrigation of 20,017 acres in the Murphy Flat area. This water right was later numbered 57-2015.

- On March 8, 1912 the Murphy Land and Irrigation Company, Ltd. filed for completion of works of 125 cfs for this water right.

- On July 25, 1917 the Third Judicial Court in the case of Joyce v. Rubin awarded to the Murphy Land and Irrigation Company, Ltd. decreed water right No. 57-0181 for 400 cfs to be used on 20,017 acres with date of priority of December 26, 1906.

- On January 2, 1919, J.F. Cook, Receiver for the Murphy Land and Irrigation Company made proof of beneficial use for permit No. 57-2015.

- On April 10, 1922, License No. 57-2015 was issued in the amount of 55 cfs for the irrigation of 2750 acres in the Murphy flat area, with date of priority of October 22, 1907.

Based on this chronology it appears that the decree merely affirmed a water right that was represented by the original permit for this project. Although it is not appropriate to remove the 400 cfs decreed right from our records at this time, this analysis should serve to substantiate that this decreed water right is likely not valid and should not be reaffirmed in the Snake River Basin Adjudication.

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2. Does one of the decrees allow for a direct flow water right to be stored?

I have reviewed in detail the following documents, which are located in the Western Region Sinker Creek decree file (57-D):

- Agreement dated March 9, 1953 between Joyce Livestock Company and the Montinis.

- Order on Water Delivery From Sinker Creek dated June 16, 1960.

- Agreement dated December 28, 1964 between the Nettletons and Pacific Land Company.

- Joyce v. Rubin, July 25, 1917.

- Rubin v. Montini, July 12, 1917.

- Nahas v. Hulet, December 27, 1983 (Id Supreme Court Decision).

I was not able to find any reference to storage of direct flow water rights in these documents, and would be interested in reviewing any such references that Mr. Hulet is able to cite.

3. What is the status of protested application for permit No. 57-7385?

- On April 25, 1988, the Department issued an Order which allowed the amendment of the application for permit by expanding the season of diversion and advancing the priority date to the date the amendment was made.

- On May 5, 1988, the Western Regional office prepared an order setting a hearing for May 26, 1988. This order was canceled before the notices were mailed, at the request of Steve Adamson, the attorney for Mr. Hulet. At that time he stated that he would not be available for a hearing until late June at the earliest.

- On June 16, 1988 I called Steve Adamson to set a hearing date. He stated that he would not be available for a hearing at any time in July, but would likely be available in August.

- In mid-July the Department received a draft agreement from Jim Kiser, attorney for R.T. Nahas, which proposed a comprehensive settlement of the differences between his client and Mr. Hulet. Included in the agreement is an offer to withdraw the protest on this Application for Permit No. 57-7385. Pending review of the draft agreement by all parties, I delayed setting this matter for hearing. On August 13, 1988, having heard no word on the matter, I called Mr. Kiser to determine the status of the application. He stated that he had heard nothing, and that Mr. Adamson would not return his calls. He suggested that I call Mr. Adamson. I did so on that day, left a message, and have not yet received a response. I called again this morning, and at 10:00 am there was no answer. At 1:10 pm a woman answered and I again left a message, to which I have received no response as of 4:00 pm.

- I plan to continue pursuing a resolution of this matter. If I hear no positive response to the settlement agreement, the hearing will be set for the soonest available time.

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MAR 13 1990

CONVERSATION MEMORANDUM

DATE 8/10/88

FILE 57-7385

NAME OF PARTY Steve Adamson 345-9900

EMPLOYEE D. Tuthill

RE: Status of Compromise Agreement Drafted by Jim Kiser

Left Message to return call — not returned.

8/16/88 Left message to return call. not returned

MICROFILMED

MAR 13 1990

CONVERSATION MEMORANDUM

DATE 5/4/88, 5/5/88

FILE 57-7385

NAME OF PARTY Steve Adamson's Secy, Judy

EMPLOYEE D. Tuthill

RE: Hearing

I set as a tentative date May 26 at 10:00 am. On 5/4/88 this appeared ok per Jim Kiser's secy & Steve Adamson's secy. We prepared the notice but just before copies were mailed we rec'd notice from Steve Adamson's secy that he will not be able to attend a hearing until late June at the earliest. Thus, the May 26 date is cancelled.

5/5/88 - 1:48 p.m. - I called Mr. Kiser's Office and left message with his secretary, Diane, that the hearing on the above-referenced file had been cancelled. Judy

Steve Adamson is not available for a hearing at any time during July. August is a possibility, except for August 22 and 26.

DRT 6/16/88

MICROFILMED
MAR 13 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

Cancelled before notices were sent, per call from Steve Adamson's office, until the end of June at the earliest. DRT 5/5/88

IN THE MATTER OF APPLICATION)
)
FOR PERMIT NO. 57-7385 IN THE) NOTICE OF HEARING
)
NAME OF JAY H. HULET)

On March 1, 1983, Jay H. Hulet filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The application was protested by R. T. Nahas, Eva Nahas, R. T. Nahas Co., Glenbrook Properties, Paul Nettleton, Hugh Nettleton, Helen Nettleton, and Joyce livestock Co. The protestants are represented by James W. Kiser, Attorney.

On November 16, 1983, a hearing was held to consider the approval of the application and the protests against approval. Subsequent activities regarding this application are described in an order regarding this matter filed by the hearing officer on April 25, 1988. Pursuit to this order, the hearing record in this matter will be re-opened to receive evidence concerning the availability of water during the period from April 2 through July 1 of each year. A hearing for the purpose of amending the record in this regard has been set for Thursday, May 26, 1988, at 10:00 a.m. in the Second Floor Conference Room, Department of Water Resources, 1301 N. Orchard Ave., Boise, Idaho, 83706. The hearing 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 and Procedure of the Department of Water

Cancelled 5/5 JP

MICROFILMED MAR 13 1990

Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on this issue.

Dated this 5th day of May, 1988.

David R. Tuthill

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Jay Hulet
Murphy, ID 83650

Jim Kiser, Esq.
5404 Overland Rd.
Boise, ID 83705

Steve Adamson, Esq.
Alaska Bldg.
1020 Main, Suite 312
Boise, ID 83702

I hereby certify that on the 5th day of May, 1988, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed above.

Judy Pense

Judy Pense, Secretary

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MAR 13 1990

CONFERENCE AND HEARING INFORMATION
IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

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

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

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

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

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

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

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

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MAR 13 1990

April 26, 1988

Jay Hulet
Murphy, ID 83650

Jim Kiser, Esq.
5404 Overland Rd.
Boise, ID 83705

Steve Adamson, Esq.
Alaska Bldg.
1020 Main, Suite 312
Boise, ID 83702

Re: Application for Permit No. 57-7385

Enclosed is a copy of the Order which allows the amending of the application for permit by expanding the season of diversion and advancing the priority date to the date the amendment was made.

The department will schedule this matter for hearing shortly.

If you have any questions concerning this matter, please feel free to contact David Tuthill, Western Region, 334-2190.

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Office Bureau

Enclosure

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MAR 13 1990

Pre hearing Conference > 1-26-88 -

Steve Adamson — for Holet

Jim Kizer — for Protestants

— Petition for Amendment —

— Issues at new hearing? —

Jay is the manager —

-Supplemental Application — Amended Application

Mr. Adamson —
— Wants to begin at the beginning —
Mr Kizer — Doesn't want further hearing —

Acting as debtor-regulator? —
— has nearly all the rights of a trustee —

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MAR 13 1990

Pre-Hearing Conference
Jay Hulet App No. 57-7385 1/26/88

In attendance
Jay Hulet, Represented by Steve Adamson, Esq.

Kiser, Jim, Esq. representing protestants

Per Steve Adamson
Jay Hulet is debtor in posession under Chapter 11 bankruptcy. He is given legal authorities to continue running the business. Legal stays do not bar Mr. Hulet from taking action on behalf of the property

Suggests that any new proceeding on this matter should incorporate formal testimony already provided.

Kiser - objects to adding new evidence to record. Does not object to a rehearing (or oral argument) based on existing record.

Dept will issue an order based on this conference, related to the next required step.

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MAR 13 1990

57-7385

Pre-Hearing Conference

Attendance Roster

Hearing by Bob Fleenor & Dave Tuthill

Name	Representing
James W. Kiser	Nahas et al
	Nettleton et al
Jay Holet	Same - Hulet
Michael B. IHCI	Hulet Farms Management Committee
	Murphy Mutual Canal Company
Steven A. Adamson	Jay H. Hulet
	Hulet Farm Management Committee

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MAR 13 1990

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

January 22, 1988

Jay H. Hulet
Murphy Flat Road
Murphy, ID 83650

Jim Kiser, Esq.
5405 Overland Rd.
Boise, ID 83705

Steve Adamson, Esq.
Alaska Bldg.
1020 Main, Suite 312
Boise, ID 83702

RE: Application for Permit No. 57-7385 in the Name of Jay H. Hulet

Gentlemen:

Enclosed are copies of (1) the Notice of Pre-Hearing Conference in this matter, and (2) recent field report information that we will be discussing at the conference.

Sincerely,

David R. Tuthill, Jr.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:jp

Enclosure:

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MAR 13 1990

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
)
FOR PERMIT NO. 57-7385 IN THE) NOTICE OF PRE-HEARING CONFERENCE
)
NAME OF JAY H. HULET)

On March 1, 1983, Jay H. Hulet filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On October 11, 1983, the Department received protests against the approval of said application from R. T. Nahas, Eva Nahas, R. T. Nahas Co., and Glenbrook Properties by James W. Kiser, Attorney, and from Paul Nettleton, Hugh Nettleton, Helen Nettleton, and Joyce Livestock Co. by James W. Kiser, Attorney. The Department also considered this application to be protested by Idaho Power Co. pursuant to their protest dated December 30, 1977 and subsequent correspondence, but Thomas Nelson, attorney for Idaho Power Co., indicated that the firm does not desire to be a protestant in this matter.

On November 16, 1983, a hearing was held in Boise, Idaho for the purpose of examining the application and the concerns of the protestants. Subsequently, on February 10, 1984 a Proposed Memorandum Decision and Order was issued by the Hearing Officer and the Director. On February 23, 1984, the Department received from William F. Ringert, Attorney for the applicant, "Exceptions To Order Issuing Proposed Decision and Request for Extension of Time". On the same day the applicant attempted to amend the application by changing the season of diversion to storage from November 1 through April 1 annually, to November 1 through July 1 annually. On February 29, 1984, the Department received from Mr. Kiser objections to the request for extension of

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MAR 13 1990

time and to the amendment of the application. On February 29, 1984 the Department also received from Mr. Ringert a petition for Remand and Supplemental Hearing.

On April 24, 1984 the Department responded that the amended application would be advertised and the matter would be set for an additional hearing unless the protests were rescinded. The questions of (1) whether the application can be amended after the proposed decision, and (2) whether the additional hearing should be limited to evidence and testimony on the additional period that water would be diverted to storage, were referred to be reviewed at the re-hearing and any subsequent briefing.

On June 1, 1984 the Department contacted Mr. Ringert regarding the scheduling of a hearing but was advised that the applicant was not ready to schedule a hearing at that time.

Recently the applicant requested that the Department pursue scheduling a hearing. The Department has set the matter for a pre-hearing conference to be held on Tuesday, January 26, 1988 at 1:30 p.m. in the new Department of Water Resources Building, Second Floor Conference Room, 1301 N. Orchard Street, Boise, Idaho, 82706. The purposes of the conference are to discuss the continuing elements of protest in this matter and to re-acquaint the parties with the issues, including the issues established in the letters and orders identified above, and any impacts of bankruptcy proceedings.

Dated this 22nd day of January, 1988.

David R. Tuthill

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

MAR 13 1990

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

To: Dave Tuthill DCT

From: Brad Dingee

Date: January 20, 1988

Subject: Inspection of Sinker Creek Flows

Per your request I visited the Sinker Creek area on the morning of January 18, 1988 to inspect diversions and flows in this drainage. I met with Jay Hulet, and we drove to the Nahas ranch where we met ranch manager John Richards.

It was estimated that Sinker Creek was flowing at about 60 inches near the Nahas diversion ~~into~~ for their reservoir ("No Name Lake"; see attached maps and photographs). No water was being diverted; Sinker Creek was flowing in its natural course to the Snake River and was being used to water stock. Mr. Richards stated that he usually diverts water to the reservoir until approximately late December, depending upon reservoir level and weather. However, previous ranch managers have diverted water throughout the winter and usually have experienced problems with ice in the diverting works. Based upon observed high water marks on trees, the Nahas reservoir was within 6-10 inches of being full. Mr. Richards anticipated filling the reservoir during the spring runoff.

Mr. Hulet and I then drove to the site of his reservoir on upper Sinker Creek. Mr. Hulet showed me where water is to be diverted from Sinker Creek via the Murphy Mutual Canal and a pipeline to the reservoir associated with application 57-7385. On the way to the reservoir we inspected Sinker Creek where it crosses beneath Highway 45 through a culvert. The flow here was substantially less than that observed downstream near the Nahas diversion; we estimated the flow to be approximately 40 inches.

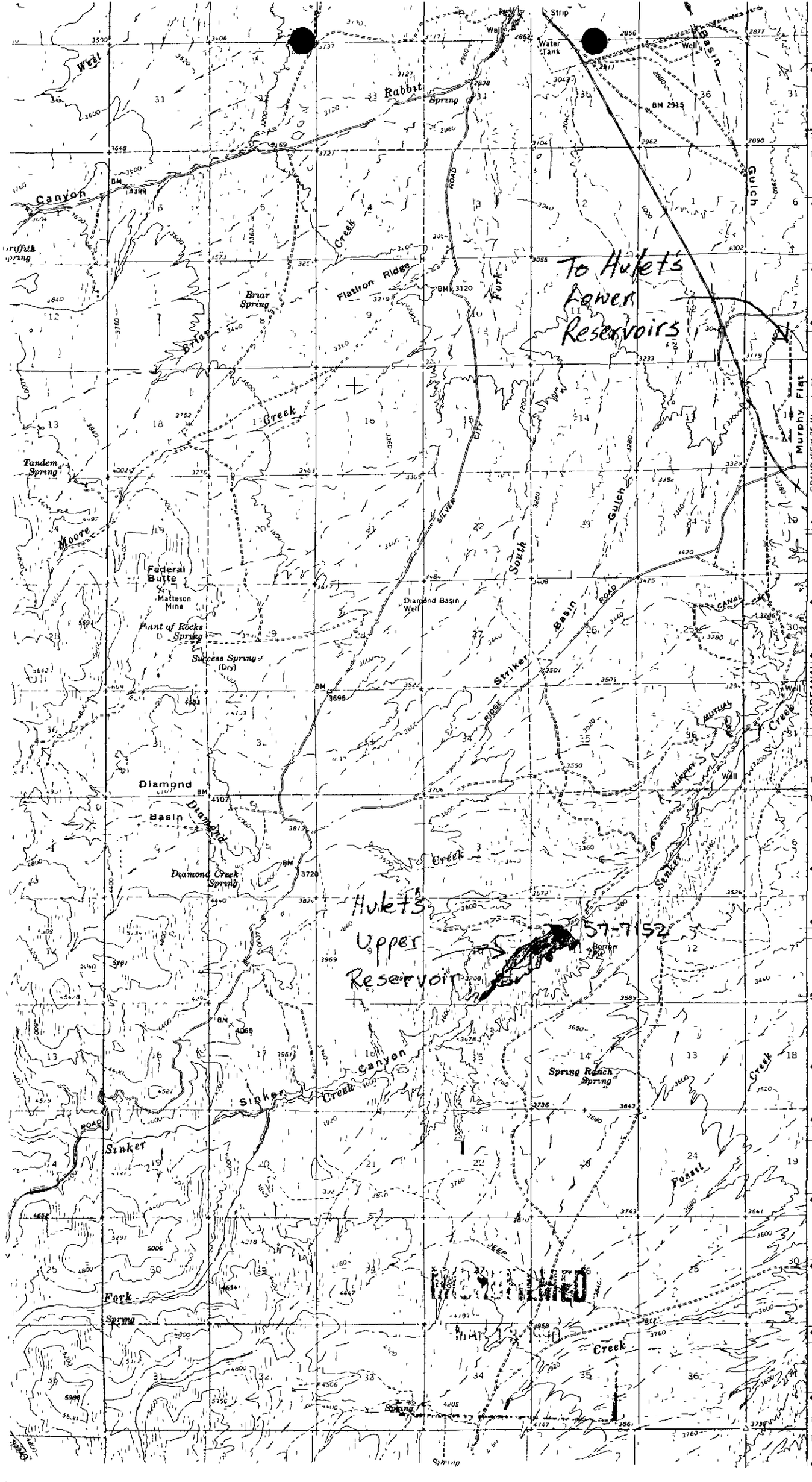


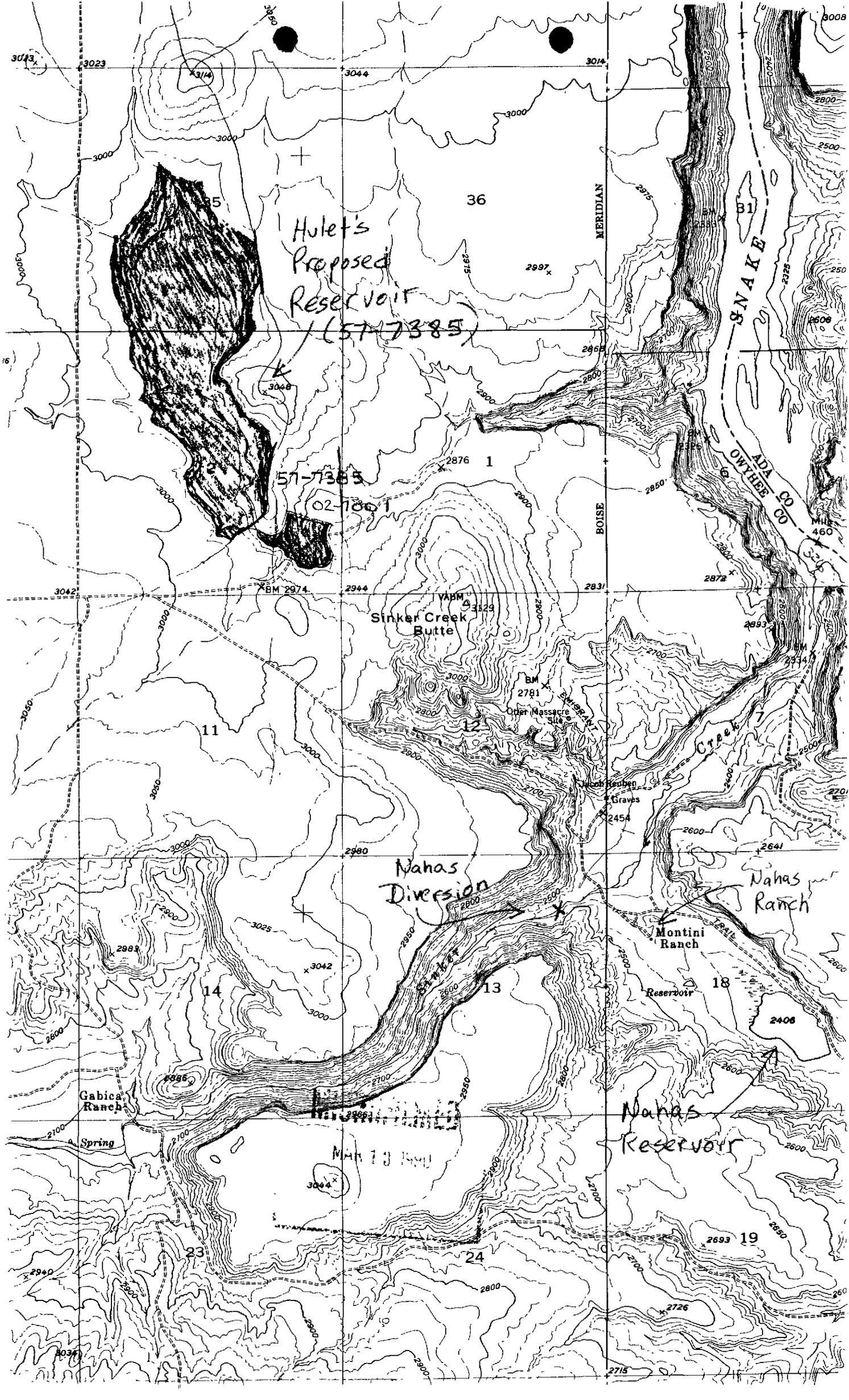
Nahas diversion from Sinker Creek.



Nahas Reservoir

MAR 1 0 1990


To Hulet's Lower Reservoirs
Hulet's Upper Reservoir
57-7152
Rabbit Spring
Flatiron Ridge
Briar Spring
Tandem Spring
Moore Creek
Federal Butte
Matteson Mine
Point of Rocks Spring
Success Spring (Dry)
Diamond Basin
Diamond Basin Creek
Diamond Creek Spring
Sinker Creek
Sinker Creek Road
Spring Ranch Spring
Fossil Creek
Murphy Flat
Murphy Creek
Striker Ridge
Silver City Road
South Fork Canyon Creek
Gulch
Canyon
Water Tank
Strip
Well
Borrow Pit
BM 3120
BM 3695
BM 4107
BM 3720
BM 4065
BM 3399
Jeep Trail
Spring
T 2 S
T 3 S
T 4 S
T 5 S
GRAND VIEW 25 MI
BRUNEAU 43 MI
OREANA
2770 III


Hulet's Proposed Reservoir (57-7385)
57-7385
02-7001
Sinker Creek Butte
Nahas Diversion
Nahas Ranch
Montini Ranch
Nahas Reservoir
Gabica Ranch
Spring
Reservoir
Oder Massacre Site
EMIGRANT
Creek
SNAKE
ADA CO
OWYHEE CO
BOISE MERIDIAN
Jacob Reuben Graves
BM 2974
BM 2781
BM 2886
BM 2334
BM 2366
VABM 3329
35
36
31
1
2
11
12
7
14
13
18
23
24
19

INTER-DEPARTMENT MEMO — 1

DATE 1/13/88

FROM Dave

TO Brad

SUBJECT

Plz conduct a pre-permit exam on 57-7385 with Mr. Hulet, sometime during the week of Jan 18. Plz plan to have the report, with photos, ready for the pre hearing conf on this matter which is scheduled for Jan 25 or 28. I have the file — it will be available for your exam. Mr. Hulet is expecting a call from you on Mon Jan 18 at 7:30 am to set a time for the exam.

Dave
SIGNATURE

DRS

January 12-1988

State Of Idaho
Department of Water Resources
Boise, Idaho 83720

To Whom It May Concern;

In the Nahas-Hulet lawsuit the Court of Appeals identified that Water Resource should document the water that generates between the Hulet Sinker Creek Dam and No Name Lake .In as much as the No Name Lake is near full at this time and they are spilling the available water to the river this should be documented.

This past season has been classed as one of the worse drought years on record, yet this early filling has been possible.

Please mail a report of the documentation and action to me.

Sincerely,

Jay Hulet

Jay Hulet
HC 79 Box 2020
Murphy, Idaho 83650

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MAR 1 5 1990

CONVERSATION MEMORANDUM

DATE 12/9/87

FILE 57-7385

NAME OF PARTY Steve Adamson, Esq 343-1834 1020 Main, Suite 312
345-9900 Alaska Bldg.

EMPLOYEE Dave Tuthill

RE: Pre-Hearing Conf for Jan 26th

I called Mr. Adamson to inquire about his thoughts regarding a pre-hearing conf in this matter. He said that this type of conference would be useful in better describing the scope of the issues. I advised that we will be reviewing the impact of any Chapter 11 bankruptcy proceeding on this matter, and offered our file for review.

DMS

Note: He stated that the afternoon of the 26th is an acceptable time.

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CONVERSATION MEMORANDUM

DATE 11/12/87

FILE 57-7385

NAME OF PARTY Jay Hulet

EMPLOYEE Dave Tuthill

RE: Hearing

In response to my letter dated 10/26/87, Mr. Hulet called to say that he would like for us to schedule a hearing

Dtr

11/18/87

Steve Adamson, Boise, will be representing Mr. Hulet. Mr. Hulet is aware that only flood waters would be available to fill this water right, and he desires to proceed with the hearing as quickly as possible on the chance that the 1988 runoff will include flood flows.

Dtr

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MAR 13 1990

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

October 26, 1987

Jay Hulet
Murphy Flat Road
Murphy, ID 83650

Re: Water Right ~~Permit~~ App No. 57-7385

Dear Mr. Hulet:

Last December you contacted this office with respect to scheduling a conference and/or hearing regarding the above-referenced ~~permit~~ app. As you recall, the ~~permit~~ app has not been issued ~~but~~ and you have petitioned for remand and supplemental hearing with respect to the ~~conditions imposed on the permit.~~ application. DRT 12/9/87

The purpose of this letter is to inquire as to your intent regarding this water right. The water right continues to be held in our protest drawer and we wish to clarify the outstanding questions on this water right if possible. Please advise this office no later than November 13, 1987 in this regard.

With respect to your applications Nos. 57-7337, 57-7338, and 57-7438, the applications are also being held in our protested file drawer but a hearing on these items is not needed until the Swan Falls water right review procedures are implemented.

Sincerely,

David R. Tuthill

DAVID R. TUTHILL, JR, P. E.
Manager, Western Regional Office

DRT:jp

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MAR 13 1990

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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

February 25, 1987

James W. Kiser
Attorney at Law
5000 Fairview Avenue
Boise, ID 83706

Dear Mr. Kiser:

Enclosed are the copies of water right filings which you requested. Following is a list of the numbers and their current status:

Water Right Number	Current Status
57-7207	Permit
57-7219	Permit
57-7385	Application
51-7201	Application
57-7331	Permit
57-7333	Permit

You have asked what steps must be taken for each of the above listed filings such that the right and applicant for the filing will no longer be a party to the Idaho Power Swan Falls litigation. The Department understands that Idaho Power has been dismissing parties together with their water right filings in three categories: (1) Those who had expended substantial sums towards development of an irrigation system prior to November, 1982, and currently have a pending water permit or application; (2) Those persons who have beneficially used water prior to October, 1, 1984, and who have filed an application or claim for said use by June 30, 1985; and (3) Those persons who own a permit that has been put to beneficial use prior to July 1, 1985, and who have filed Proof of Beneficial Use.

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RECEIVED
MAR 2 1987
Department of Water Resources
Western Regional Office

The method by which Idaho Power has released people from the law suit is not within our immediate knowledge, however. For further information regarding dismissal from the law suit, I would suggest you contact the attorneys for the Idaho Power Company.

Sincerely,

Gary Spackman

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Western Region

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MAR 13 1990

CONVERSATION MEMORANDUM

DATE 12/17/86

FILE 02-2361 / 57-7385

NAME OF PARTY Jay Hulet 834-2738

EMPLOYEE Dave Tuthill

RE: Water Rights to be reviewed in a Conf/hearing

I called Mr. Hulet to confirm that he is aware that to set up a conf/hearing, his atty must set up an acceptable time with Jim Kiser.

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MAR 13 1990

CONVERSATION MEMORANDUM

DATE 12/9/86

FILE 02-2361/57-7385

NAME OF PARTY Jay Hulet

EMPLOYEE Dave Tuthill

RE: Water Rights to be reviewed in a Conf/Hearing

Mr. Hulet does not want to proceed with a hearing/conf on 57-7338, 57-7337 or 57-7438 at this time. He does want to proceed with one on 57-7385 ASAP, and he will call Bill Ringert to ~~do~~ attempt to arrange an acceptable date. Also, he is willing to take a look at whether or not the matter of a request for hearing on conditions of approval for the transfer of License No. 02-2361 should be reviewed now or should be delayed for a separate hearing. He will contact us next on this matter.

DRT

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MAR 13 1990

Files of Interest re: Hulet Dam No. 2 water rights

57-D Decree file
57-2315
57-7385
57-7152
02-2361
57-7438
57-7338
57-7337
02-7409
57-2015
02-7001

This list is included in file 57-7385 to provide an assist in research. The list was compiled based on a precursory review of lands for which Hulet Dam No. 2 is anticipated to provide storage water. The list is preliminary, and may be incomplete.

Dave Tuthill
October 6, 1986

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MAR 13 1990

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

JOHN V EVANS
Governor

A KENNETH DUNN
Director

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

October 4, 1984

Jay Hulet
Murphy Flat Road
Murphy, ID 83650

RE: Hulet Dam No. 2 D57-7385

Dear Mr. Hulet:

Your plans to start construction of your new water storage dam are approved. Please contact our Western Regional Office (phone 334-2190) to schedule the necessary construction inspections.

This approval for construction does not ensure the future approval of any water rights necessary to utilize this dam. Your petition for a hearing on the conditions of approval of the transfer to store water in this reservoir from the Snake River has been received and granted. Your application for additional storage to replace the evaporative loss from this reservoir has also been received and is being processed. The application to store water in this reservoir from Sinker Creek is awaiting rehearing.

If you choose to construct this dam at this time you are hereby notified that you are doing so at your own risk without any certainty that water rights will ever be available to store water behind the dam. The Department will not consider any costs incurred in constructing this dam when considering action on any water rights associated with the dam.

Should the water right issue be resolved, an initial pool raising plan, an operations plan including emergency procedures, as-built plans (if necessary) and a construction report prepared by a registered professional engineer must be submitted for Department approval before storage can be authorized.

If you have any questions, please call either David LePard (phone 334-4490) or David Hollingshead (phone 334-4009) in our Dam Safety Section. You will be contacted to schedule a time for the hearing on your transfer.

Very truly yours,

NORMAN C. YOUNG, Administrator
Resources Administration Division

NCY:DS:ldt(7-1.19)

CC: IDWR - Western Region,
Carl Meyers,
William. F. Ringert,
James Kiser

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MAR 13 1990

CONVERSATION MEMORANDUM

DATE May 29, '84

FILE 57-7385

NAME OF PARTY Bill Ringert

EMPLOYEE David Shaw

RE: Need & Time for hearing.

Bill met w/ Jim Kiser last week & had meeting set w/ Hulet today but Hulet had to cancel. Plans to meet w/ Hulet on Thursday. Will call with need for hearing information after meeting w/ Hulet.

6/1/84 Bill Ringert

Was not able to meet w/ Hulet on 5/31/84. Still not sure when or if a hearing will be necessary. Not ready to schedule at this time.

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MAR 13 1990

April 24, 1984

William F. Ringert
The Law Center
599 West Bannock St.
P. O. Box 2773
Boise, ID 83701

James W. Kiser
5000 Fairview Ave.
Boise, ID 83706

RE: Application for Permit No. 57-7385

Dear Messrs. Ringert & Kiser:

Subsequent to issuance of the proposed decision on this protested water appropriation application, the applicant filed an amended application extending the period water would be diverted to storage. The department receipted the amended application but reserved a ruling as to whether it could be considered. Mr. Ringert then filed exceptions to the proposed decision and a petition for remand and supplemental hearing along with a request for extension of time to file a brief in support of the exceptions. Mr. Kiser on behalf of the protestants filed a response objecting to amending the application after the proposed decision was issued and objecting to a remand for a supplemental hearing.

I believe this matter will be expedited by advertising the amended application as required by Section 42-211, Idaho Code, and setting the matter for an additional hearing unless the protests to the initial application are dropped. All protests to the application as originally filed are considered by the department as carrying over to the amended application without the need for the protestants to refile them.

The questions of: (1) whether the application can be amended after the proposed decision and (2) whether the additional hearing should be limited to evidence and testimony on the additional period that water would be diverted to storage will be issues to be considered at the hearing and any subsequent briefing.

I ask for your cooperation in proceding on this matter as herein outlined because it reduces the potential for sequential hearings and appeals on these issues and the primary issues.

Sincerely,

NORMAN C. YOUNG
Administrator
Resource Administration Division

NCY:alw

SPECIAL NOTE: _____ Application No. 57-7385

PROTEST INFORMATION SHEET

Protestant - Name(s)

R. T. Nahas, Eva Nahas, R. T. Nahas Co., Glenbrook Properties

by James W. Kiser, Atty.

Paul Nettleton, Hugh Nettleton, Helen Nettleton, Joyce Livestock Co.

by James W. Kiser, Atty.

Also, on 11/16/83 Idaho Power Co's attorney said they were not protestants in this case.

Address _____

Attorney - Name & Address James W. Kiser, Attorney at Law,

5000 Fairview Ave. Boise, ID 83706 Paul Jauregui, Vice President Idaho Power Co. Box 70 Boise 83707

Date Filed 10/11/83 Protest Date 10/11/83

Issues _____

Applicant - Attorney - Name & Address W. F. Ringert

Dates: _____

Acknowledgement letters: 11/2/83

Hearing Notice: 11/2/83

Hearing Date: 11/16/83

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MAR 13 1990

Other: 10/10/83 would normally have been the final date for submitting protests, however, since 10/10/83 was a holiday for IDWR protests were considered timely on 10/11/83.

Protest Information submitted in Computer (following hearing): _____

Form No. 202a
3/79

State of Idaho

Department of Water Resources

Amended APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: DBS APPLICATION NUMBER: 57-7385

CHECK:

- ☑ Source.
- ☑ Point of diversion.
- ☑ County.
- ☑ Quantity of water and period of use.
- ☑ Description of diverting works.
- ☑ Time required for beneficial use of water.
- ☑ Place of use or acres irrigated.
- ☑ Map.
- ☑ Signature.
- ☑ Fee.

Field check by: _____
Date: _____
Comments: _____

- ☐ Yes ☑ No Field check required.
- ☐ Yes ☑ No Critical groundwater area.
- ☒ Yes ☐ No Request dam safety information. Sent by: Dam App already submitted Date: _____
- ☑ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
- ☐ Idaho Fish and Game Department.
- ☐ Idaho Department of Lands.
- ☐ U.S. Bureau of Land Management.
- ☐ U.S. Forest Service.
- ☐ Other _____

PROCESSING:

- ☐ Yes ☑ No Platted by: _____ Map No. _____
- ☑ Yes ☐ No Other rights on same place of use. 57-0181, 57-7337, 57-7338, 57-7152
- ☑ Yes ☐ No* In form for advertising. Final date for protests: _____
- ☑ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW: Previous protests stand.

- ☑ Affidavit of publication received. Date: 5/14/84
- ☑ Application published correctly. If not, record action taken: _____
- ☑ Fee amount, receipt date & number, recorded on application. Owyhee Nugget
- ☑ Publication dates and paper, recorded on application. 5/2 & 5-9/84
- ☐ Protests, dates, withdrawal, etc., recorded on application.
- ☐ Recommendation & initial, recorded on application.
- ☐ Yes ☐ No Measuring device required.
- ☐ Yes ☐ No Access port required.
- ☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____
- _____ Date of priority recommended.

Special conditions of approval or cover letter. _____

By: _____ Date: _____

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: _____ Date: _____

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX

NOTICE OF AMENDED APPLICATION FOR PERMIT

Notice is hereby given that application No. 57-7385 in the name of Jay H. Hulet was filed on March 1, 1983 for the diversion of 70 cfs up to 7000 ac. ft from Sinker Creek tributary to the Snake River with a point of diversion within the SE¼NW¼, Sec 11, Twp 4S, Rge 2W, B.M. Owyhee Co. to be used for diversion to storage purposes from 11/1 to 4/1, storage for irrigation from 1/1 to 12/31 and irrigation from storage from 4/1 to 11/1 within portions of Sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 15, 17, 18, 19 and 20 all in Twp 3S, Rge 1W B.M., Owyhee Co.

The applicant now proposes to amend the application by changing the time during which the water is diverted to storage to 11/1 to 7/1.

Any protest against the acceptance or approval of the proposed amendment must be filed with the Department of Water Resources, Statehouse, 450 W. State St., Boise, ID 83720 on or before May 21, 1984

A. Kenneth Dunn
Director

Published in the Owyhee Nugget, Marsing, Owyhee Co., Idaho
May 2 and May 9, 1984

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MAR 13 1990

INTER-DEPARTMENT MEMO — 1

FROM Norman C. Young NCY

DATE April 23, 1984

TO File 57-7385

SUBJECT Telecom with Bill Ringert and James W. Kiser

1. Application amendment will be advertised.
2. Unless protests are dropped, an additional hearing will be scheduled.
3. An issue at the hearing can be whether an amended application can be processed after a proposed decision is issued.
4. Another issue may be whether testimony should be limited to just the effect of the change.

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SIGNATURE

JAMES W. KISER
ATTORNEY AT LAW
5000 FAIRVIEW AVE.
(FAIRVIEW AT MTN. VIEW DR.)
BOISE, IDAHO 83706
208 376-3100

RECEIVED
FEB 29 1984
Department of Water Resources

February 28, 1984

Mr. A. Kenneth Dunn, Director
Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Re: Hulet Application No. 57-7385

Dear Mr. Dunn:

I am in receipt of W. F. Ringert's February 24, 1984, letter to you, referring to certain "exceptions" and requesting oral argument on these "exceptions" to the Memorandum Decision and Order denying Hulet's application for permit.

1. In your Order Issuing Proposed Decision denying Mr. Hulet's application for Permit No. 57-7385 dated February 10, 1984, you stated that, "To be considered by the Director, exceptions must:. . .3. be sent to each of the parties who appeared or their attorneys". No such "exceptions" have ever been received by this office (or my clients) so I do not even know what "exceptions" we are talking about. According to your Order, "Exceptions not in compliance with the above-stated requirement will not be considered and will be deemed an acceptance of the proposed decision". Therefore, technically the decision should stand.

Notwithstanding this portion of your Order, if you allow the exceptions to be considered, I still need my time to respond to them once I receive them.

2. I will be out of state from March 2 until March 12, 1984.

3. Bill Ringert's letter also refers to some type of an "amendment" to Mr. Hulet's application which has been filed. I am unaware that any "amendments" to the application have been filed and I have not received any amended documents.

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4. The Protestants formally object to any amending of the application at this late date, after the hearing and after the Proposed Order denying the application. Mr. Hulet has already had his bite out of the apple. Just because he is unhappy with the first bite shouldn't allow him to keep getting more bites. So, we object to the amendments of the original application.

5. We also strenuously object to any request for a remand (for taking additional evidence at yet another hearing) for the same reasons as set out in No. 4. Mr. Hulet's obvious purpose in requesting a remand is to try and prove what he failed to prove in the first evidentiary hearing. It simply is not right that Protestants have to keep spending more time and more money to fight a battle that has no end. A full hearing was held, and a decision was reached. My clients cannot afford to fight the same battle over and over. Therefore, we object to any remand.

Sincerely,

James W. Kiser

James W. Kiser

JWK:da

cc: Mr. W. F. Ringert
Mr. Paul Nettleton
Mr. R. T. Nahas
Mr. Keith Anderson

MAR 13 1990

ANDERSON, KAUFMAN, RINGERT AND CLARK
CHARTERED
LAWYERS
THE LAW CENTER
599 WEST BANNOCK STREET
P. O BOX 2773
BOISE, IDAHO 83701

RICHARD ANDERSON
SAMUEL KAUFMAN
WILLIAM F RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JAMES G REID
JEFFREY R CHRISTENSON
JAMES P KAUFMAN
MICHAEL J GAFFNEY

EUGENE H ANDERSON
(1902-1972)

TELEPHONE (208) 342-4591

February 28, 1984

RECEIVED
FEB 29 1984
Department of Water Resources

Mr. A. Kenneth Dunn
Director
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Application No. 57-7385
Jay H. Hulet

Dear Mr. Dunn:

Enclosed is Petition for Remand and Supplemental Hearing in the above mentioned matter, upon which your action is requested.

Yours very truly,

ANDERSON, KAUFMAN, RINGERT & CLARK

By W. F. Ringert

WFR:am
Enclosure
cc: Jay H. Hulet
Mike Ihli
James W. Kiser

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MAR 13 1990

BEFORE THE DIRECTOR OF THE DEPARTMENT

OF WATER RESOURCES OF THE

STATE OF IDAHO

*
*
*

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF APPLICATION FOR PERMIT NO. 57-7385 IN THE NAME OF JAY H. HULET	PETITION FOR REMAND AND SUPPLEMENTAL HEARING

*
*
*

COMES NOW the Applicant, Jay H. Hulet, and petitions the Director of the Idaho Department of Water Resources to remand the above mentioned matter to the hearing officer for a supplemental hearing.

The grounds for this Petition are that the Applicant has amended the application to extend the period of diversion to storage so as to include the months of April, May and June, and that additional storage period will have a significant effect on the factual matters to be considered with the application and the protest, including, but not limited to, the amount of water available and the effect of alleged icing conditions upon the Applicant's ability to convey water to the storage site.

Dated February 28, 1984.

W. F. Ringert
Attorney for Applicant, Jay H. Hulet

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CERTIFICATE OF MAILING

I hereby certify that service of the within and foregoing Petition for Remand and Supplemental Hearing was made this 28th day of February, 1984, by mailing a copy thereof, postage prepaid, to James W. Kiser, Attorney at Law, 5000 Fairview Avenue, Boise, Idaho 83706.

W. F. Ringert

APPLICANT'S NAME AND ADDRESS:
Jay H. Hulet
Murphy, Idaho 83650

ATTORNEY'S NAME AND ADDRESS:
W. F. Ringert
ANDERSON, KAUFMAN, RINGERT & CLARK
P. O. Box 2773
Boise, Idaho 83701

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MAR 13 1990

DBS
1/18

ANDERSON, KAUFMAN, RINGERT AND CLARK
CHARTERED
LAWYERS
THE LAW CENTER
599 WEST BANNOCK STREET
P O. BOX 2773
BOISE, IDAHO 83701

RICHARD ANDERSON
SAMUEL KAUFMAN
WILLIAM F RINGERT
D BLAIR CLARK
ANDREW M HARRINGTON
JAMES G REID
JEFFREY R CHRISTENSON
JAMES P KAUFMAN
MICHAEL J GAFFNEY

EUGENE H ANDERSON
(1902-1972)

TELEPHONE (208) 342-4591

February 24, 1984

RECEIVED
FEB 27 1984
Department of Water Resources

Mr. A. Kenneth Dunn
Director
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Application No. 57-7385
Jay H. Hulet

Dear Mr. Dunn:

The applicant for Permit No. 57-7385, Jay H. Hulet, hereby requests oral argument on his Exceptions to Order Issuing Proposed Decision.

As I mentioned to Mr. Young in telephone conversation today, I anticipate that a request to remand the matter to the hearing officer will be filed, for the purpose of taking additional evidence in light of the amendment made by Mr. Hulet on February 23, 1984.

I am sending a copy of this letter to Mr. James W. Kiser, attorney for the protestant, at 5000 Fairview Avenue, Boise, Idaho 83706.

Yours very truly,

ANDERSON, KAUFMAN, RINGERT & CLARK

By W. F. Ringert

WFR:am
cc: Mr. James W. Kiser

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MAR 13 1990

RECEIVED
FEB 28 1984
Department of Water Resources
Western Regional Office

BEFORE THE DIRECTOR OF THE DEPARTMENT

OF WATER RESOURCES OF THE

STATE OF IDAHO

*
*
*

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF APPLICATION FOR PERMIT NO. 57-7385 IN THE NAME OF JAY H. HULET	EXCEPTIONS TO ORDER ISSUING PROPOSED DECISION AND REQUEST FOR EXTENSION OF TIME

*
*
*

Jay H. Hulet, Applicant for Permit No. 57-7385, makes and presents the following exceptions to the Order Issuing Proposed Decision entered by Hearing Officer Bobby D. Fleenor on the 10th day of February, 1984, in the above captioned matter. The portions of the Proposed Decision to which exceptions are made, and grounds for those exceptions, are as follows:

EXCEPTIONS TO FINDINGS OF FACT

Finding No. 4 is improper or irrelevant because all parties desiring to protest must be required to define and quantify their water rights and any water rights not defined and quantified are not entitled to consideration in the consideration of any application for a water permit. The District Court adjudication action now has become final, and the record should be supplemented by the decision in the adjudication case to show the elements of the other water rights on Sinker Creek.

Exception is made to Finding No. 8 on the ground that the 3500-acre foot amount mentioned in the Finding is believed to have been based on an inaccurate computation in the summary, which Applicant requests an opportunity to correct by affidavit.

Exception is made to Finding No. 15 because Applicant was not

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MAR 13 1990

given an adequate opportunity to rebut the surprise testimony concerning flow records from Reynolds Creek, and Applicant is prepared to present additional evidence regarding the runoff in the Reynolds Creek watershed. Exception is made to Finding No. 15 because the occurrence of some instances when irrigation water was beneficially applied downstream from the existing Sinker Creek Dam is not sufficient to show that the requested appropriation would reduce the quantity of water under existing rights. Further exception is made to Finding No. 15 on the ground that a greater quantity of water than is necessary to satisfy prior rights was deducted in determining the 4100-acre foot quantity.

Exception is made to Finding No. 16 on the ground that the testimony is not sufficient to establish the quantity of irrigation water beneficially applied, if any, and is not sufficient to establish the times of the year when those diversions, if they occurred, were made.

Exception is made to Finding No. 17 because the Protestant's engineer, in spite of his experience, is not qualified to render an opinion on the issue of speculation or speculative intent, and even if the reservoir would not fill in all years, that circumstance does not render an application speculative.

Exception is made to Finding No. 18 because the storing of water at the existing Sinker Creek Dam while earlier downstream storage rights have been unfilled is a matter of administration and proper distribution by the watermaster, and is not sufficient ground for denying an application for a permit to appropriate water.

Exception is made to Finding No. 19 because the mere fact of beneficial use after November 1 and prior to [illegible] 1 does not

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establish that the requested appropriation would reduce the quantity of water under existing rights.

Exceptions are made to Findings Nos. 20 and 21 because the "icing problems," if they in fact exist, can be handled by proper engineering or by shutting off the flow when icing conditions exist, or by a combination of the two. The Twin Falls Canal Company operated its canals during the winter for more than 40 years, without insurmountable problems.

EXCEPTIONS TO CONCLUSIONS OF LAW

Exception is made to Conclusion No. 1 because the evidence shows that water is available at many times during the proposed diversion period, and, even assuming, arguendo, that water is required by prior rights during some portions of the proposed periods of diversion, that is not sufficient ground for denying the application where it is clearly shown that water is available from time to time for diversion to storage under the use proposed by the application. Conclusion No. 1 constitutes an erroneous interpretation of I.C. §42-203.

Exception is made to Conclusion No. 2 because the evidence clearly shows that water is available at some times, even though it might not be adequate during all years to fill the reservoir. Proof that water is available to fill the reservoir every year is not a requirement of the law, any more than it would have been necessary for prior applicants on Sinker Creek to show that the full quantity of water is available throughout the entire irrigation season in each and every year, in order for them to make their appropriations. Conclusion No. 2 constitutes an erroneous interpretation of I.C. §42-203.

Exception is made to Conclusion No. 3 because the fact, if it

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be a fact, that "the potential danger the canal could pose for adjacent property and property owners" is not sufficient ground for denial of the application. If the danger exists, and if the consideration of local public interest is constitutionally valid, the Director's duty is to impose reasonable conditions to protect the local public interest. Conclusion No. 3 constitutes an erroneous interpretation of I.C. §42-203. Further, exception is made to Conclusion No. 3 because it violates Article 15, Section 3 of the Idaho Constitution and is unconstitutional, both on its face and as applied to this application.

The issue of safety of the canal during winter operations and its potential impact on local public interest was not properly and timely raised by the Protestant and the Applicant was not furnished sufficient detail nor adequate time to enable him to properly address that issue. Conclusion No. 4 constitutes an erroneous interpretation of I.C. §42-203, and it was an abuse of discretion to reject the application instead of imposing permissible conditions to alleviate the "potential" icing problems. Further, exception is made to Conclusion No. 4 on the constitutional grounds stated in the exceptions to Conclusion No. 3.

Exception is made to Conclusion No. 5 on the grounds that it constitutes an erroneous interpretation of I.C. §42-203 and on the further ground that scientific certainty of the availability of water is not required by the statute.

Exception is made to Conclusion No. 6 on the ground that it constitutes an erroneous interpretation of I.C. §42-203 and violates Article 15, Section 3 of the Idaho Constitution.

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GENERAL EXCEPTIONS

Applicant makes exception to the Findings of Fact and Conclusions of Law on the further grounds that the Findings are contrary to, and not supported by, the evidence, are arbitrary and capricious and constitute an abuse of discretion, and go beyond the issues properly raised by the protest. Further general exception is made to the Findings and Conclusions on the ground that the adjudication action in the District Court now has been completed and an appeal to the Idaho Court of Appeals has been concluded. The results of that adjudication should be considered in determining the priority, quantity, season of use and all other elements of the prior rights on Sinker Creek.

Applicant is willing to take the financial risk of constructing the reservoir, and neither the Department of Water Resources nor the Protestant would be adversely effected by any financial loss that might be suffered by the Applicant by reason of failure of the reservoir to fill in each and every year. Applicant has made a reasonable proposal for development of the water resources of the State of Idaho and for the conservation of energy, by avoiding the necessity for pumping water with a lift of several hundred feet from the Snake River. The application is not speculative.

REQUEST FOR EXTENSION OF TIME TO SUPPLEMENT THE EXCEPTIONS AND FILE A BRIEF

Applicant's attorney is presently serving in the Idaho State Legislature and his time available for preparing these Exceptions is extremely limited by the time demands of his duties in the Legislature. For that reason, Applicant requests an extension of time to a date ten days following final adjournment of the 47th Idaho Legislature, Second Regular Session, in which to supplement

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these Exceptions and to file a brief in support of the Exceptions.

Dated this 23rd day of February, 1984.

W F Ringert

Attorney for Applicant, Jay H. Hulet

CERTIFICATE OF MAILING

I hereby certify that service of the within and foregoing Exceptions to Order Issuing Proposed Decision and Request for Extension of Time was made this 23rd day of February, 1984, by mailing a copy thereof, postage prepaid, to James W. Kiser, Attorney at Law, 5000 Fairview Avenue, Boise, Idaho 83706.

W F Ringert

W. F. Ringert

APPLICANT'S NAME AND ADDRESS:
Jay H. Hulet
Murphy, Idaho 83650

ATTORNEY'S NAME AND ADDRESS:
W. F. Ringert
ANDERSON, KAUFMAN, RINGERT & CLARK
P. O. Box 2773
Boise, Idaho 83701

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DRAFT: FOR DBS:alw
1-26-84

FLEENOR: We are here today to consider an application for permit No. 57-7385. This application was filed by J. H. Hulet to. He proposes. Mr. Hulet proposes to divert 70 cfs for storage from Sinker Creek, which is tributary to the Snake River. That water would be then stored in a 7,000 af reservoir. I'm Bob Fleenor with the Department of Water Resources and have been asked by Ken Dunn, the director of the department, to act as the hearing examiner in this particular matter. Mr. Hulet is here today and would like at this time to take the, take the appearances of the other attorneys that are, that are present today. Mr. Kiser would you tell us who you, state your name and tell us who you're representing today.

KISER : James W. Kiser, representing the Nettleton interest, which on the protest are Hubert Nettleton, Helen Nettleton, Paul Nettleton and Joyce Lystock, a partnership; also representing R. T. Nahass, Ebeny Nahass, R. T. Nahass Company and Glenbrook Properties. R. T. Nahass Company is a California corporation; Glenbrook Properties is a Nevada corporation.

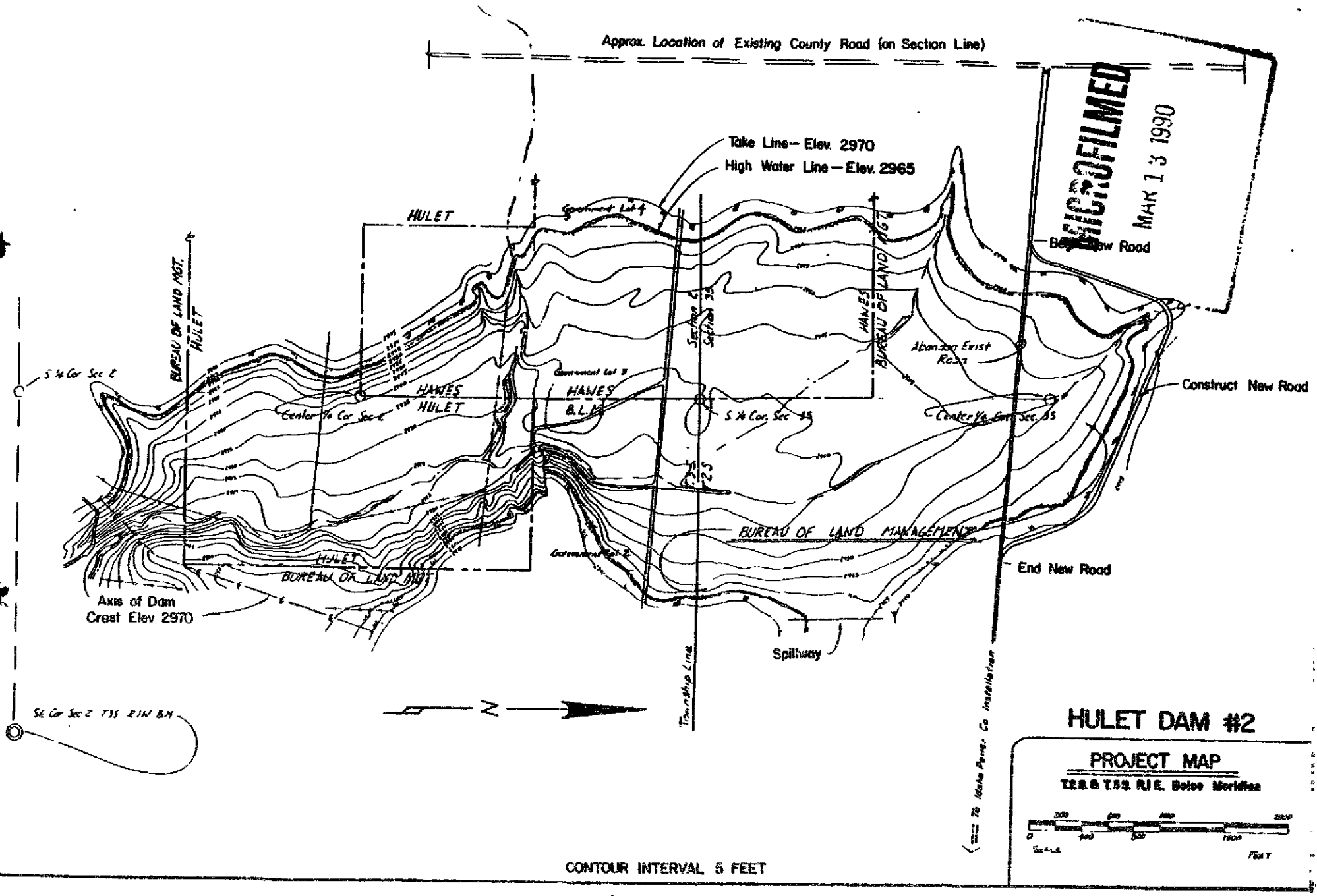
FLEENOR: Notice of this hearing is also sent to Idaho Power as a result of a protest that they filed some time long before this application for permit was filed, but we consider that as a standing protest by Idaho Power against any future applications; and therefore, they were notified of this particular hearing and their attorney is here today, Mr. Nelson is here and would like to make a statement for the record.

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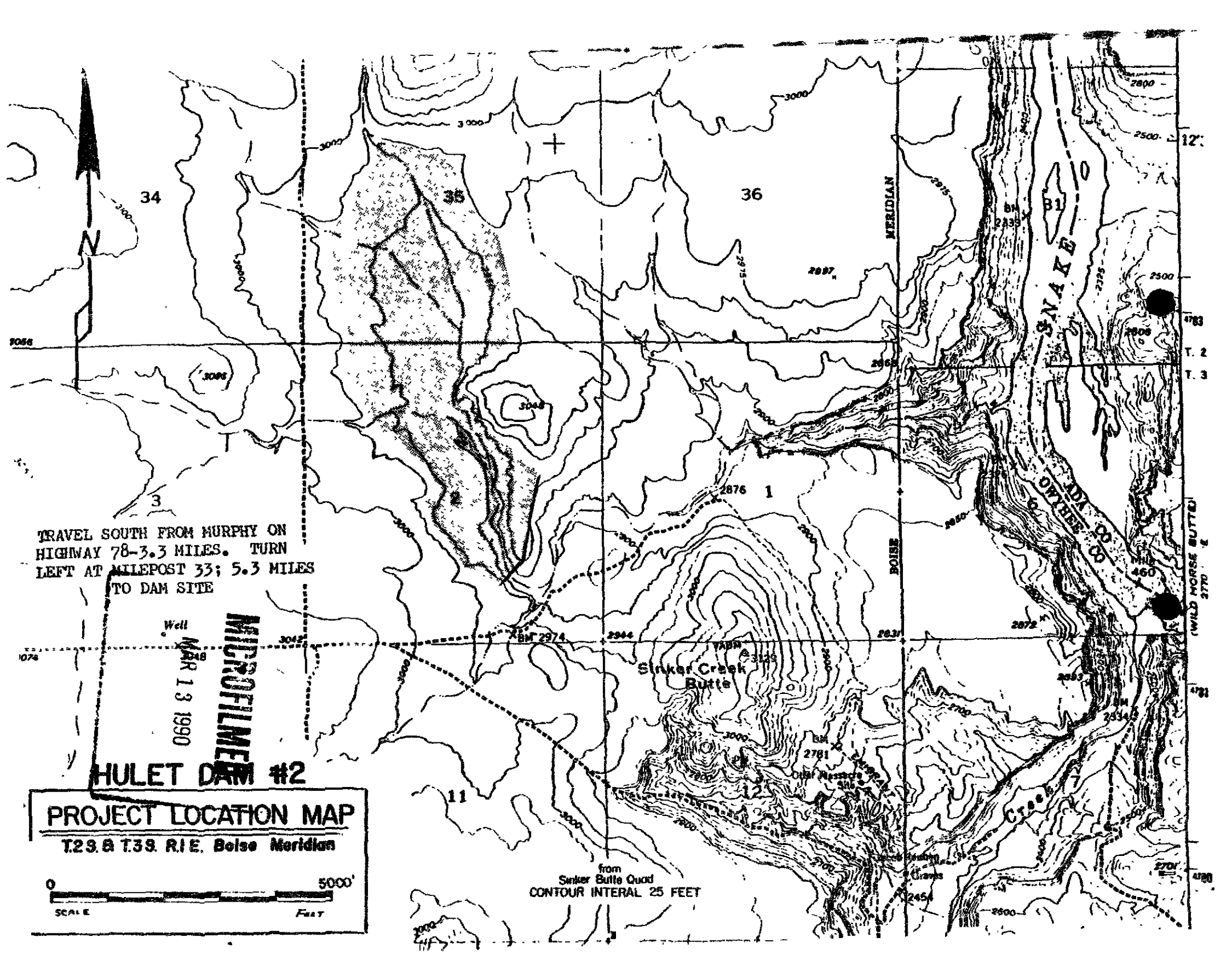
NELSON: Thank you, Mr. Fleenor. Thomas G. Nelson, Twin Falls, here on behalf of Idaho Power Company. I'm here because the company received notice of hearing, because of the timing of this particular application, we don't consider Idaho Power to have formally protested it; and would not want my appearance here today to be understood as an effort to file or participate in a late protest. So, Idaho Power Company does not consider itself party to these proceedings and would not propose to participate.

FLEENOR: Thank you, Mr. Nelson. Mr. Hulet, we've discussed the issues

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TRAVEL SOUTH FROM MURPHY ON HIGHWAY 78-3.3 MILES. TURN LEFT AT MILEPOST 33; 5.3 MILES TO DAM SITE
MICROFILMED
MAR 13 1990
HULET DAM #2
PROJECT LOCATION MAP
T.2 S. & T.3 S. R.1 E. Boise Meridian
0
5000'
SCALE
FEET
from
Sinker Butte Quad
CONTOUR INTERAL 25 FEET
Sinker Creek Butte
SNAKE
BOISE MERIDIAN
T. 2
T. 3
34
35
36
1
2
3
11
12
7
8
Well
BM 2974
BM 2761
2876
3129
3042
2944
2831
2672
2633
2534
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DEC14 1983
Department of Water Resources
Western Regional Office

JAMES W. KISER
Attorney at Law
5000 Fairview Avenue
Boise, Idaho 83706
(208) 376-3100

Attorney for Protestants Nettleton and Nahas

In the Matter of the Application for Permit No. 57-7385 in the Name of J.H. Hulet	)))))	POST HEARING MEMORANDUM AND SUMMARY OF THE EVIDENCE

TO: HEARING OFFICER AND DEPARTMENT OF WATER RESOURCES

This matter was heard at a formal hearing on November 16, 1983. Applicant testified in their own behalf. But, as will be recalled, the Applicant presented no evidence in their testimony which would support their burden of proof to show that the application would comply with the applicable provisions of I.C. 42-203 as amended.

Due to that lack of evidence, counsel, at the end of Applicant's case in chief, moved for immediate denial of the application based on the fact that Applicant had presented no evidence to support it. The Hearing Officer took the motion under advisement. That motion should now be decided and the application, based solely on the Applicant's case in chief, must now be denied.

A summary of the Applicant's evidence is not possible since no evidence dealing with the issues of I.C. 42-203 was presented by the Applicant.

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It was stipulated at the end of the hearing that the evidentiary part of the hearing was closed. Summaries of the evidence in written form were to be submitted. The Applicant's "Summary" includes new evidence which is against the Hearing Officer's directions. This new evidence is not now susceptible to cross-examination. Therefore, Protestants formally move that any new "evidence" in their "summary" be stricken.

A summary of the Protestants' evidence follows:

1. Reduce Quantity of Water Under Existing Rights: The unrefuted evidence of Keith Anderson, an expert hydrologist with Sinker Creek experience (and qualified as an expert in other Sinker Creek litigation), was that the application would diminish the quantity of water under existing rights: a) Idaho Power's rights at Swan Falls would be affected; b) The irrigation rights of downstream users prior to April 1 and after October 31 would be affected; and c) Removing water from the Sinker Creek drainage would affect downstream users of Sinker Creek water since once removed the water cannot be replaced in the creek.

2. Water Supply Insufficient for Purposes: Applicant did not introduce one shred of competent evidence that the water in Sinker Creek was sufficient for the purposes of his 7,000 acre foot reservoir applied for.

Presently, there are two reservoirs on Sinker Creek. The uncontradicted evidence produced at the hearing by Keith Anderson, Bill White and Judge Doolittle's "Findings of Fact" in the Nahas v. Hulet lawsuit showed conclusively that in the 1976, 1977, 1978, 1979, 1980 and 1981

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the Nahas reservoir was not filled to capacity. If there is not enough water to fill Nahas's reservoir, then there certainly isn't enough water "for purposes of the application".

There is no contrary evidence. While the 1982-83 water had filled Nahas's reservoir, no evidence exists which shows how much water (if any) was available for the present application, after the filling of the two existing reservoirs.

Furthermore, it was Keith Anderson's expert opinion that there was not sufficient water for the purposes of the application.

3. The Application "Will Conflict with the Public Interest, Where the Local Public Interest is Defined as the Affairs of the People in the Area Directly Affected by the Proposed Use" (I.C. 42-203): The only testimony regarding the public interest as defined in I.C. 42-203 was adverse to the Applicant. The uncontradicted evidence at the hearing showed that: (1) the application would lead to icing problems in the Murphy Mutual Canal; (2) it would lead to oversaturation of the canal banks posing a danger to life and property; (3) it would detrimentally affect other owners' maintenance of the canal.

Downstream users' interest would also be greatly affected by the problems of administration and enforcement of water rights if this new application is granted. This is especially true where it was admitted that once the water got into the new reservoir, it could never again be available for Sinker Creek property owners downstream.

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While the Applicant professes to comply with all prior water rights, the testimony at the hearing itself proved this to be false. In the year immediately following the Court Decree in Nahas v. Hulet, the Nahas reservoir went unfilled despite a Court Decree. And from the Applicant's own admission the dam has now shut off all water downstream. Nahas's reservoir is not full. This itself is a pure violation of the Court's Decree.

In short, there is ample evidence in the record which shows that this application will be detrimental to the local public interest. There is no evidence in the record to the contrary.

CONCLUSION

There is no evidence in the record to support the granting of a permit pursuant to the standards as mandated by I.C. 42-203. All evidence adduced at the hearing mandates against the application.

The application must be denied.

DATED This 13th day of December, 1983.

James W. Kiser
Attorney for Protestants

CERTIFICATE OF MAILING

I hereby certify that on December 13, 1983, I served a copy of the Post Hearing Memorandum and Summary of the Evidence upon Jay Hulet, Murphy, Idaho 83650, by depositing a copy hereof in the U.S. Mail, postage prepaid.

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MAR 13 1990

Form No. 202a
3/79

Don't Advertise
9/16 DS. revised to Advertise

State of Idaho

Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Jan Graves APPLICATION NUMBER: 57-7385

CHECK:

- [x] Source.
- [x] Point of diversion.
- [x] County.
- [x] Quantity of water and period of use.
- [x] Description of diverting works.
- [x] Time required for beneficial use of water.
- [x] Place of use or acres irrigated.
- [x] Map.
- [x] Signature.
- [x] Fee.

Field check by: _____
Date: _____
Comments: _____
DO NOT ADVERTISE ABOVE SWAN FALLS

- ☐ Yes ☐ No Field check required.
- ☐ Yes [x] No Critical groundwater area.
- [x] Yes ☐ No Request dam safety information. Sent by: _____ Date: _____
- [x] Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- [x] Idaho State Health Department. Copies sent by: _____ Date: _____
- ☐ Idaho Fish and Game Department.
- ☐ Idaho Department of Lands.
- ☐ U.S. Bureau of Land Management.
- ☐ U.S. Forest Service.
- [x] Other _____

PROCESSING:

- ☐ Yes [x] No Platted by: _____ Map No. _____
- [x] Yes ☐ No Other rights on same place of use. 57-0181 - MURPHY CANAL CO. WATER RIGHT. (HULET OWNS CANAL CO (SEE ITEM 9a ON APP).
- ☐ Yes ☐ No* In form for advertising.
  Final date for protests: 9/26/83 10/11/83
- ☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- [x] Affidavit of publication received. Date: 10/6/83
- [x] Application published correctly. If not, record action taken: _____
- [x] Fee amount, receipt date & number, recorded on application. 925.00 3/1/83 27818
- [x] Publication dates and paper, recorded on application. 9/16 & 9/22/83 Owyhee Nugget
- ☐ Protests, dates, withdrawal, etc., recorded on application.
- ☐ Recommendation & initial, recorded on application.
- ☐ Yes ☐ No Measuring device required.
- ☐ Yes ☐ No Access port required.
- ☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____
  _____ Date of priority recommended.

Special conditions of approval or cover letter. _____

377-4851
939-2120
FHI

By: _____ Date: _____

RECEIVED
MAR 28 1989
Department of Water Resources

STATE OFFICE REVIEW:

Order of Denial

RECEIVED
JAN 30 1984
Department of Water Resources

☐ See attached sheet for more information.

By: Kay Date: 1-25-84

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
_____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

_____.__.__.__.__.__.__.__.__.__.__

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
_____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

_____.__.__.__.__.__.__.__.__.__.__

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
_____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

_____.__.__.__.__.__.__.__.__.__.__

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
_____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

_____.__.__.__.__.__.__.__.__.__.__

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
_____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

_____.__.__.__.__.__.__.__.__.__.__

SUMMARY OF TESTIMONY

Hearing for Application for Water Rights

Submitted to Hearing Officer

IDAHO DEPARTMENT OF WATER RESOURCES

December 1, 1983

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MAR 13 1990

SUMMARY OF APPLICANTS TESTIMONY

In summary of the facts concerning this application, it can be seen that it meets all of the criteria set forth by the Water Resources Department for the granting of water rights under Idaho Code, Section 42-203. Those criteria are as follows:

I. Will the proposed use reduce the quantity of water under existing water rights?

No. It is obvious that this permit, when granted would be junior to any rights recognized by the State of Idaho, and of course those rights would be filled before this permit. Prudent reservoir management, which dictates that upstream reservoirs be brought to near full levels before downstream reservoirs are filled, would insure that there would be sufficient water retained in the Sinker Creek Reservoir to satisfy any pre-existing right that would have otherwise been filled in that given year. In addition, this permit will basically be for winter excess water flow that is otherwise being wasted and therefore will not infringe on or conflict with any previous rights. It must be pointed out, though, that any use of water on Sinker Creek, in order to be unaffected by this application would actually have to be a properly perfected water right under applicable state law.

II. Is the proposed water supply insufficient for the purpose intended?

No. Both through personal observation and statistical analysis, the Applicant has determined that sufficient water would be available to accomplish the purpose he has intended. It has always been obvious that neither the existing Sinker Creek Reservior or the proposed new reservoir would fill every year, and no claim has been made that they would. "Average runoff" cannot be used to judge the performance of any water facility depending on natural flows, since there would tend to be as many years above the average as below. These above-average years produce the surplus water that would be stored in these reservoirs. Prudent water management dictates that one build with the peak years in mind, i.e. the proposed reservoir capable of storing 7,000 acre feet, even though that reservoir will not fill every year. The applicant has determined that if the proposed reservoir were able to store water in about one year out of three, then it would be sufficient for the purpose intended. The following points indicate that the ratio would actually be closer to one year out of two. These points are:

A. Since the existing Sinker Creek Dam was completed there have been seven complete water years of storage there. In three of these years, 1977-78, 1981-82 and 1982-83, the reservoir filled and spilled. The year 1977-78 had the least amount of spill with an estimated 3,500 acre feet of water flowing over the spill. In the other two years, it was estimated that enough water spilled to entirely fill the proposed new reservoir. It should also be noted that the Sinker Creek Reservoir is filling rapidly right now, and the outlook is for a good water year 1983-84.

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B. By using the data for correlations to Reynolds Creek, provided by Keith Anderson, witness for the Protestants, we see that he calculates average flows for Sinker Creek of about 85% of average flows for Reynolds Creek. It follows, then that this factor would also hold true for high and low water years. By using this calculation in correlation with each year of Reynolds Creek, we find eleven years between 1963 and 1982 with sufficient water to fill all existing rights and to either fill all or partially this proposed reservoir. (Support data for Reynolds Creek attached for convenient and easy reference. Applicant presumes that data is on file with Department of Water Resources.)

C. Approaching the data from another angle, we get about the same results. By correlating the year 1977-78, in which approximately 3,500 acre feet of water was available on Sinker Creek, with the same year on Reynolds Creek we could see that any year on Reynolds Creek which had flows of equal to or more than 15,921 A.F. would show 3,500 acre feet of water available for storage on Sinker Creek. Another way of looking at this would be to subtract the 3,500 A.F. and say that in any year on Reynolds Creek with more than 12,421 A.F. of flow would show at least some water available for storage on Sinker Creek. In this case we find water available in 10 of the last 20 years. (It must be noted that the figures for Reynolds Creek are based on calendar years rather than water years, but the overall annual flows would not be much different.)

In all of the above cases it can be seen that water availability for storage under this application would be available for storage a sufficient amount of time for the purposes intended. It is important to keep in mind at all times that this application is for offstream storage of excess winter flows, and would not conflict in any way with existing rights.

III. Is the application made in good faith or for delay or speculative purposes?

In good faith, Yes. Speculative, No. The reservoir project and the water permit that goes with it will be a needed and integral part of the Applicants present farming operation. The project is elegantly conceived as all of the diversion works (existing Sinker Creek Dam) and water transportation facilities (Murphy Mutual Canal and existing Hulet pipelines) are already in place, functioning well, and are capable of handling any of the water use contemplated under this proposal. The only structures necessary to take advantage of the surplus water asked for in this application are the dam itself and a small amount of inlet and outlet pipe. In addition, no further modification is necessary to put the water stored in that reservoir right into the Hulet irrigation system.

The dam was designed by Carl Myers, P.E., a consulting engineer in conjunction with Northern Testing Laboratories, who did the geological analysis and composition specifications. It has passed all the requirements of the Dam Safety Regulations of the Department of Water Resources. The storage site has an excellent ratio of storage capability to dam size, and in fact Northern Testing Laboratories judged this site one of the best they had seen in many years for the construction of a dam and reservoir. It is unfortunate that Keith Anderson either didn't have the time or the inclination to discover the facts concerning the dam and reservoir placement before his testimony in this matter.

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All specifications concerning the dam and reservoir are currently in the hands of the Department of Water Resources. Information regarding the balance of the system is either in their hands now or can be provided upon request by the department.

The applicant has spent in excess of $30,000.00 in engineering and design fees to determine the feasibility of the project. By the time it is completed the total cost for engineering, construction, and land acquisition could run over $500,000.00. This kind of money is only being spent in order to make the applicants current farming operation more efficient and it is hoped more profitable. The applicant has calculated that three years worth of full storage will conserve enough electrical power to pay for the cost of the project. One can easily see by the numbers involved that this application has not been tendered for frivolous reasons.

IV. Has the applicant sufficient financial resources with which to complete the project?

Yes. The applicant has already applied to and received approval from Production Credit Association for financing of this project. Even though no question has been raised, the applicant does have the capability and plans to complete the project in the most expeditious manner.

V. Will the proposed use conflict with the public interest?

No. The actual storage of the water in the reservoir site is the only new factor that could conceivably affect the local public interest, and will have no impact on the safety or rights of people in the area. All other uses of the water are basically ongoing at this time so should pose no new problems. However, because the transportation and proposed storage system will function so well, any potential problems will be easily handled by basic good practices of operation and maintenance.

The benefits to the local public should also be pointed out. Destructive high water flow and floods will be eliminated from Sinker Creek below the existing dam. Also, ditches, headgates, and measuring devices will no longer become filled with sand due to high waters.

Since the existing Sinker Creek Dam was constructed, the Murphy Mutual Canal has not flooded. This is due to the unique capability of completely controlling the water flows down that canal. The added capability of another reservoir would be added insurance against any potential problem in extreme high water years, and would make the maintainence and operation schedules of the canal easier to accomplish.

Fish and wildlife would also benefit from the relief of high water flows, mostly due to increased streamside vegetation. The reservoir will provide cover and water which should increase wildlife numbers and diversity, and in addition should serve as a waterfowl resti[illegible]a. These are all factors brought to the applicants attention by [illegible]ists from the Bureau of Land Management.

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VI. Miscellaneous and Conclusions

It is assumed that studies and information pertinent to the application are on file with the Department of Water Resources and in fact are

part and parcel of the application. This information includes but is not limited to the Hulet Dam Phase I Inspection Report for the National Dam Safety Program (State No. D 57-7152, September 1978), Annual Flow Data for Reynolds Creek Watershed, and Application for Construction of Large Dam No. 57-XX01.

Any typographical or other errors in filling out this application were unintential and can be easily corrected.

In conclusion, as this application meets all of the criteria set forth by the Department of Water Resources for the granting of water rights, the Applicant respectfully requests that a permit be granted.

Jay H. Hulet

Jay H. Hulet

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ANNUAL RUNOFF - REYNOLDS CREEK

YEAR	ACRE FEET
1963	9,417
1964	18,155
1965	28,105
1966	3,263
1967	10,578
1968	2,876
1969	17,578
1970	14,308
1971	23,455
1972	29,054
1973	8,592
1974	20,615
1975	21,389
1976	12,242
1977	1,818
1978	15,921
1979	9,840
1980	11,366
1981	8,424
1982	32,930

AVERAGE - 14,996

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POOR QUALITY

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STATION [illegible]

	JAN	FEB	MAR							NOV	DEC
1	5 717	8 242	7								
2	8 316										
3			5								
4											
5			7								
6			5								
7	5 615	7 750									
8	3	7 110	5								
9		6 413	7								
10	6 251	11 415	6								
11		11									
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TOTAL	11	8 200	16								
YEAR	TOTAL	24									

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9	[illegible]	67 [illegible]	[illegible]	41 [illegible]	52.740	[illegible]	[illegible]	3 1[illegible]	2 9[illegible]	2.743	[illegible] 820	4 167
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17	[illegible]	[illegible]	[illegible]	47 [illegible]	[illegible]	[illegible]	3 2[illegible]	[illegible]	3 1[illegible]	6 [illegible]7	6.770	2 [illegible]
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21	[illegible]	[illegible]	[illegible]	158	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible] 225	[illegible]
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28	[illegible]	[illegible]	24 17[illegible]	155 644	[illegible]	[illegible]	1 [illegible]	[illegible]	[illegible] 924	5 2[illegible]	3 159	5 [illegible]
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TOTAL	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	3 022	4 364	5 183	3 777

[illegible] TOTAL- [illegible]

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10	4.043	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	0.403	0.439	3.503	1.011
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28	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	0.374	[illegible]	[illegible]	[illegible]
29	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	1.237	0.423	[illegible]	0.372	[illegible]	1.072	[illegible]
30	[illegible]	[illegible]	[illegible]	3.263	2.327	1.370	0.395	[illegible]	0.303	0.390	1.034	[illegible]
31	[illegible]	[illegible]	[illegible]	[illegible]	2.223	1.771	0.231	[illegible]	0.410	0.407	[illegible]	[illegible]
[illegible]	5.619	0.000	[illegible]	0.000	2.113	0.000	0.249	0.350	0.000	0.432	0.000	[illegible]
TOTAL	3.553	[illegible]	7.478	3.521	[illegible]	[illegible]	0.954	1.404	0.463	0.382	1.179	[illegible]

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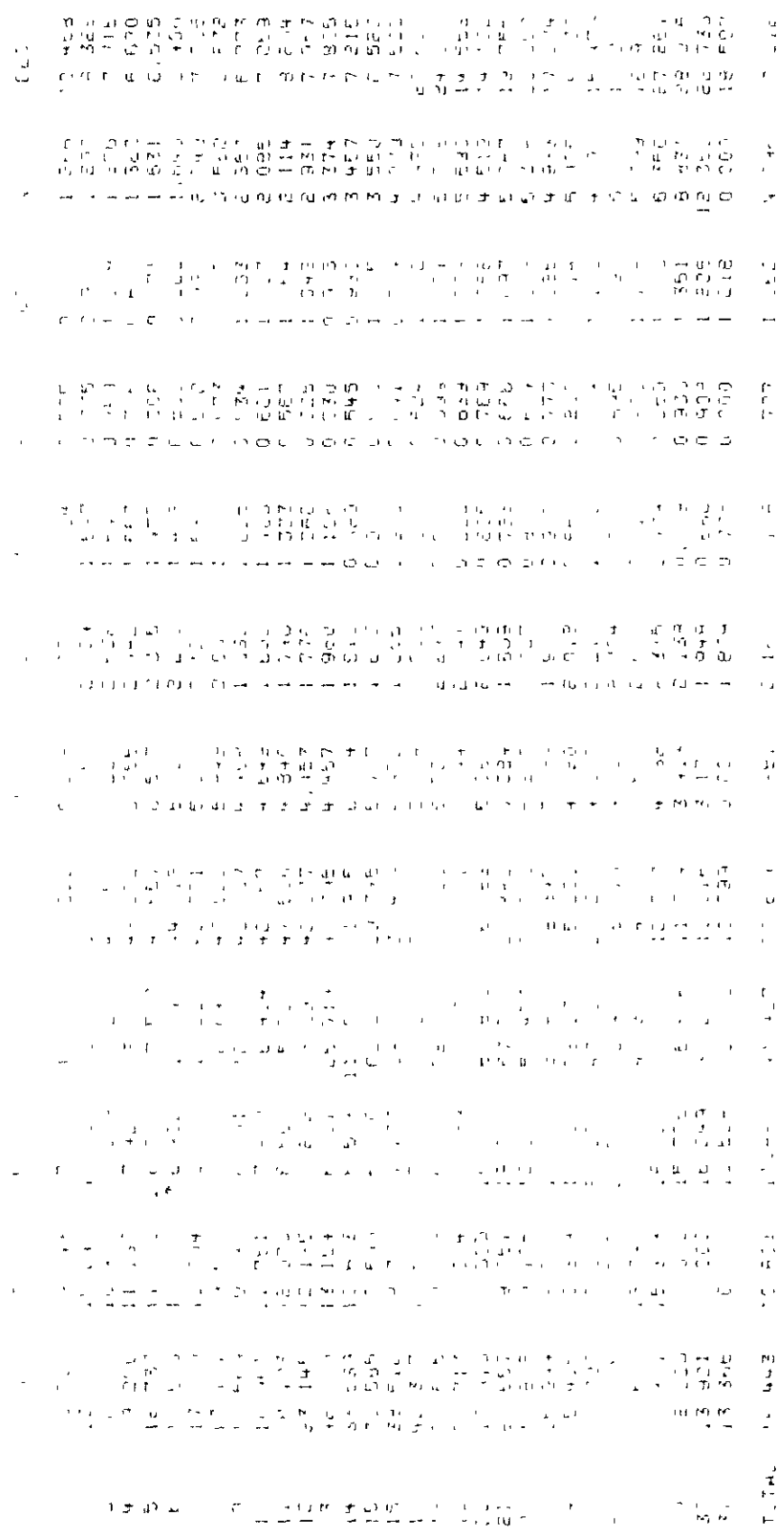
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2	[illegible]	18 532	[illegible]	120 033	[illegible]	8 [illegible]	11 [illegible]	[illegible]	[illegible]	2 [illegible]	5 111	[illegible]
3	[illegible]	16 [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	11 [illegible]	[illegible]	1 340	2 504	5 150	6 915
4	[illegible]	31 [illegible]	[illegible]	115 [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	1 007	2 688	[illegible]	[illegible]
5	13 [illegible]	[illegible]	104 [illegible]	136 [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	2 144	2 671	[illegible]	5 171
6	13 614	15 [illegible]	[illegible]	125 [illegible]	[illegible]	[illegible]	[illegible]	2 [illegible]	1 352	2 682	5 708	4 334
7	13 [illegible]	16 [illegible]	124 [illegible]	108 [illegible]	[illegible]	[illegible]	3 [illegible]	[illegible]	1 262	2 565	5 536	3 529
8	12 [illegible]	15 913	111 [illegible]	[illegible]	[illegible]	103 [illegible]	[illegible]	2 760	1 245	2 292	5 800	3 040
9	11 672	23 [illegible]	154 739	[illegible]	[illegible]	[illegible]	4 [illegible]	2 [illegible]	1 290	2 359	5.567	2 547
10	11 550	20 342	[illegible]	[illegible]	[illegible]	109 [illegible]	4 [illegible]	2 [illegible]	1 523	2.489	5 [illegible]	2 178
11	14 856	8 [illegible]	180 370	[illegible]	[illegible]	[illegible]	4 [illegible]	2 [illegible]	2 565	2 584	5 [illegible]	1 [illegible]
12	14 7[illegible]	[illegible]	173 [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	1 [illegible]	2 [illegible]	5 601	1 [illegible]
13	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	2 [illegible]	2 715	5 570	1 [illegible]
14	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	2 830	5 [illegible]	1 [illegible]
15	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	3 [illegible]	[illegible]	3 416	5 [illegible]	1 [illegible]
16	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	7 [illegible]	[illegible]	3.623	5 [illegible]	2 [illegible]
17	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	2 [illegible]	3 [illegible]	6.[illegible]	[illegible]
18	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	4 212	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	1 347	5 343	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	10 [illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	6 128	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	5 511	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	5 [illegible]	[illegible]	[illegible]	[illegible]
25	[illegible]	[illegible]	137 [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
26	[illegible]	[illegible]	101 [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
27	27 107	114 945	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
28	20 494	351 866	81 [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
29	18 [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
30	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
31	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]		[illegible]	[illegible]	[illegible]		[illegible]
TOTAL	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

YEARLY TOTAL- 39 805

MICROFILMED
MAR 13 1990



MICROFILMED
MAR 13 1990

MICROFILMED
MAR 13 1990

1	2 055				10 119		4 267	2 996	1 910	8 305		14 007
2	4 180				11 537		4 257	2 310	1 775	6 562		15 002
3	4 146				12 663		4 257	1 975	1	4 772		11 224
4	4 304				22 013		4 267	1 750	1 533	6 653		13 155
5	4				12 634		4	1	1	6		11
6	5				21 780		4 257	1 716	1	6		55 315
7	5				17 701		4 257	1 640	1	6		42 045
8	6 900				17 032		3 413	1 533	3 735	9 152		28 784
9	4 371				10 642		2 578	1 629	4 080	7		24 613
10	4 759				10 538		2 628	1 534	4 532	7 939		23 103
11	4 444				16 043		2 647	1 474	5 303	6 169		20 602
12	4 420				15 945		2 336	1 452	6 045	5 376		20 233
13	4				17 575		2 352	1 435	5 089	5 319		15 743
14	5 523				16 544		2	1 456	4 775	7		14
15	5				13		2	1	4	7		13
16	5				13		2	1	4	6		13
17	5				16		2	1	4	6		13
18	5				9		2	1	4	6		13
19	5				8		2	1	4	6		13
20	5				7		2	1	4	6		13
21	5				22		1	1	4	6		13
22	5				11		1	1	4	6		13
23	5				9		1	1	4	6		13
24	5				9		1	1	4	6		13
25	5				7		1	1	4	6		13
26	5				6		1	1	4	6		13
27	11				7		1	1	4	7		13
28	10				7		1	1	4	7		13
29	8				6		1	1	4	7		13
30	8				6		1	1	4	7		13
31	7				6		1	1	4	7		13
TOTAL	8	7	2	29	336							
YEARLY							2	1	7	7		17

MICROFILMED
MAR 13 1990

MICROFILMED
MAR 13 1990

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MAR 1 3 1990

DATE 12-MAR-79 TIME 13 55.19
REYNOLDS CREEK EXPERIMENTAL WATERSHED BOISE, IDAHO
STATION 68036068 REYNOLDS CREEK OUTLET WEIR (57754 ACRES) 90 SQ MILES SCOV TYPE WEIR

DAILY, MONTHLY, AND YEARLY SUMMARY OF RUNOFF FOR YEAR1978

RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
1	4 489	7 480	22.899	81 756	106 628	26 365	7 374	3 820	1 734	1 347	1 972	7 870	1
2	6 940	7 821	21 060	75.434	99 978	24 870	7 600	4 085	1 535	1 354	1.911	5 018	2
3	8 241	24 504	22 271	72 302	95 733	25 584	8 565	4 396	1 345	1 406	1 947	3.982	3
4	6.798	24 547	26 324	66 566	90 019	25 612	8 469	4 163	1 227	1.392	1 947	6 299	4
5	7 250	19.656	49.108	62 832	81 340	23.958	7 894	3 341	1 089	1 326	1 984	7 850	5
6	9 187	25 965	59 381	61 946	72 286	20 352	9 587	3 187	0 975	1 198	1 952	5.082	6
7	8.317	26 489	48 074	57 070	63.020	17.534	9 225	3 003	1.052	1 285	1 986	3 914	7
8	8 046	27 104	56 321	53 824	54 215	16 826	8 116	2 953	0.917	1 271	2 079	5 621	8
9	8 858	24.617	62.425	51 588	54 315	15 721	7 861	2 831	0.842	1 198	2 361	6 950	9
10	9.935	23.643	56 697	48.113	68.500	16.538	7 388	2 409	0.859	1 198	2.699	7 597	10
11	10 442	20 563	51.713	42.405	67 378	19.436	7.250	2 003	0 835	1 170	2 301	4.891	11
12	12 493	19 653	46.285	40.911	62 607	19.558	5 432	1.715	0.861	1 170	2 375	4 235	12
13	11 434	19 174	40 160	40.859	75 729	18 800	3 967	1 979	0 915	1 170	2 188	4 295	13
14	11 080	17 638	34 495	37 439	97 048	18.051	3 798	2 159	0.946	1 170	2 091	4 667	14
15	16 116	17 748	31.176	34 233	90.124	17.564	3.549	1 803	0 947	1 198	2 350	4 592	15
16	15 372	18 866	30 537	47.485	67 441	18.892	3 205	1.915	0 901	1 256	2 542	3 575	16
17	19 119	18 989	40.885	38 903	59.975	18 394	3.189	1 803	0 990	1 285	2 627	4 546	17
18	17 000	17 633	55 433	31.934	59.347	17 468	3 164	1 826	1.061	1 256	2 899	4 463	18
19	15.809	21 273	65.826	27 665	59 960	17 362	3 093	1 880	1 087	1.285	3 033	4 213	19
20	15 095	29 430	74 477	30 873	62 941	16 081	2 974	2 025	1 145	1 344	2.940	4 100	20
21	13 835	29 470	70 757	31 592	65 970	17 086	2 803	2 137	1 271	1 471	3 033	4 100	21
22	12 788	27.959	79.579	29 869	60 205	18 107	2 841	2 188	1 508	1 631	3 126	4 045	22
23	11.942	27 004	88 466	26 729	56 330	15 855	2 818	1 990	1 487	1 699	3.033	4 156	23
24	11 747	27 179	77 725	25.767	56 880	13 462	3 041	1 933	1 521	1 734	2 894	4 439	24
25	11 460	26 519	69.185	28 450	52.454	13 311	3 302	2 005	1 458	1.736	3 153	2 963	25
26	10 313	29 850	73 830	263.878	45 570	11.652	3 296	2 108	1.398	1 948	3 126	3.451	26
27	9 221	26 950	83.299	264.556	42 941	10 497	3 084	2 357	1 382	2 021	3 174	4 589	27
28	8 679	24.840	86 947	196 657	41 778	7.014	3 070	2 021	1 345	2 059	3 763	3.631	28
29	8 821	0 000	87.704	148 804	36.229	6 163	4 160	2.021	1 364	2 097	4 763	3 286	29
30	7 784	0 000	86 730	126.420	32.234	7.273	4.417	1.948	1 379	2 097	5.410	3 802	30
31	8 121	0 000	78 002	0.000	29 091	0.000	3 902	1 838	0 000	2 161	0 000	3 201	31
TOTAL	10 862	22 592	57 347	71.562	64 783	17 180	5.111	2 447	1 179	1 482	2.722	4 691	

YEARLY TOTAL- 2[illegible]

MAR 13 1990
MICROFILMED

DATE 21-FEB-80 TIME 15:22 14

REYNOLDS CREEK EXPERIMENTAL WATERSHED BOISE, IDAHO

STATION 68036068 REYNOLDS CREEK OUTLET WEIR (57754 ACRES) 90 SQ MILES SCOV TYPE WEIR

DAILY, MONTHLY, AND YEARLY SUMMARY OF RUNOFF FOR YEAR 1979

RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
1	1 993	4 045	9 125	10 505	25 130	20 824	4 313	0 288	0 775	0 846	1 877	1 989	1
2	1.870	4 045	7 462	10 092	36 036	16 571	4 043	0 115	0 801	0 761	1 984	3 263	2
3	2 506	4 100	7 814	9 595	42.637	11 426	3 829	0 106	1 206	0.743	1 646	5 939	3
4	2 672	4.211	9 466	9.415	41 558	9 513	3 306	1 030	1 521	0.743	1 285	4 620	4
5	2 770	7 840	60 716	8 625	43 813	8 806	2.736	1 492	1 643	0.839	1 226	3 840	5
6	2 672	26 880	149 004	13 804	48 611	8.426	1 477	1 612	1 637	0.883	1.226	3 517	6
7	2 804	94 956	116 351	15 857	47.014	8 240	1 256	1 493	1 558	0.872	1 226	3 271	7
8	2 804	38.557	60 254	14.718	46 369	8 431	0 997	1 628	1.614	0 869	1.226	3 174	8
9	2 943	31 055	34 751	23.670	52 762	7 333	1 368	1.474	1 671	0 858	1.198	3.608	9
10	45 892	26 932	27 766	20 794	48 668	7.397	0 936	1 140	1 191	0 955	1 170	4 265	10
11	506 701	61 189	30 396	19 123	45.954	6 334	1.231	1 548	1 142	0 982	1 170	2 029	11
12	83 265	30 869	38 279	17.450	41 863	5 852	0 698	0 976	1 092	1 008	1 187	2 585	12
13	14 748	121 344	38 791	17 203	43 278	5 478	0.637	1.687	1.061	0 942	1 241	2 516	13
14	10 997	123 932	29 987	16.426	50.258	5 741	1 273	0 709	1.024	0 932	1 289	2 653	14
15	9 085	30 059	30 985	16 677	57 974	5 323	2 118	0 506	1 010	1 035	1.454	2 715	15
16	8 231	17 320	35.691	18 151	69 466	5 539	2.971	0.218	0.984	1.114	1 552	2 725	16
17	6 920	14 260	24 107	16 792	67 528	6.411	3 033	0.164	0 988	1 142	1 631	3 070	17
18	7 352	13 646	19 810	15 550	64 102	8 813	2 876	0 174	0 992	1 281	1 769	2 888	18
19	11 919	12.088	18 526	12 513	62 284	9 291	2 457	0.412	0 952	2 230	1 565	2 562	19
20	8 315	8 811	21 138	12.499	60 054	9 327	2 068	0 443	0 933	2 726	1 113	2 627	20
21	6 301	9 979	20 250	12 659	56 443	11.759	2 604	0 594	0.928	1 830	1 253	2.671	21
22	6 911	9 190	17 054	14 026	55.130	10.224	1.712	0 631	0 899	1 716	1 840	2 485	22
23	4 046	8.658	12 686	15 922	60 065	8 247	2 182	0 663	0 928	1 934	1 890	1 928	23
24	6 178	8 478	13 447	14 478	51 947	7 469	2 075	0 701	0 951	1 986	2 693	2 896	24
25	6 160	8 669	15 852	10 191	43 576	6 132	1.332	0.762	1.246	1.874	3 229	3.033	25
26	6 006	10 251	14 936	8 883	35 995	5 175	2 082	0 676	1 281	2 316	3 086	2 805	26
27	6 412	9 032	16 826	9 415	33.027	6 117	1 210	0.550	1.088	2 496	2 044	2 366	27
28	6 492	9.771	17 036	10 146	32.372	5 752	0 632	0 680	0 983	2 543	1 736	2 596	28
29	6 166	0 000	15 347	15 644	30 276	6 277	0 563	0.793	0 965	2 319	1 833	2 219	29
30	4 619	0 000	12 966	21 264	28 375	4 444	0 501	0 871	0 899	1.874	1.659	2 407	30
31	5 673	0 000	11 732	0 000	24 850	0 000	0 414	0 835	0 000	1 803	0 000	2 716	31
TOTAL	25 852	26 792	30 276	14 403	46 691	8.222	1.901	0.806	1 132	1.434	1 643	2 967	

YEARLY TOTAL 13 479

MICROFILMED
MAR 13 1990

DATE 09-MAR-81 TIME 09.54.40

REYNOLDS CREEK EXPERIMENTAL WATERSHED BOISE, IDAHO

STATION 68036068 REYNOLDS CREEK OUTLET WEIR (57754 ACRES) 90 SQ MILES SCOV TYPE WEIR

DAILY, MONTHLY, AND YEARLY SUMMARY OF RUNOFF FOR YEAR 1980

RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
1	2 987	8 235	26.037	16.249	51 939	68 397	5 914	1.218	0 788	1.927	2.584	3.243	1
2	2 901	7 661	25 313	14 900	50 556	66 289	6 375	1 123	0 963	2 165	2 584	5 663	2
3	3 081	15 123	25 483	13 941	55 007	66 933	7.135	1.082	1 226	2 166	2 584	5 415	3
4	3 222	14 686	24 952	14.113	48 607	65 631	6 292	1 025	1.256	2 128	2 627	4 956	4
5	4.341	9 097	23.758	17 221	45 081	58 967	5 747	1 004	1 188	2 132	2 671	4.318	5
6	3 758	9.245	21 887	15 537	78 713	59 691	5 229	0.871	1 129	2 133	2 845	3 791	6
7	3 229	8 808	20 698	11, 721	56 248	56.011	5. 164	0.792	1.061	2 145	2.976	2.954	7
8	4.419	7 951	20 051	12 693	49 161	47 442	5 192	0 748	1 361	2 184	2 940	3 085	8
9	4 435	7 419	18 660	13 812	48 033	42.734	4 652	1.084	1 220	2 165	2 848	3 142	9
10	4 695	7 500	17 930	13 482	48 683	38 940	4 351	1 583	1 427	2 124	2 804	3 738	10
11	3 422	6 908	18 936	10 953	46 101	33 664	4.496	1.665	1.313	2.077	2.895	3 851	11
12	56 057	6 483	16 128	10 381	38 960	35 506	4 376	1 744	1 246	2 034	2 940	4 514	12
13	55 065	7 294	16 968	12 131	38 372	34 550	4.113	1.291	2.390	2.253	2 786	3 673	13
14	79 977	6 945	17 367	16 193	34 958	37 842	3 646	1 485	3 838	2 253	2 734	3.621	14
15	53 775	8 378	19 452	16 376	34 410	34 516	3.608	1.592	1.877	2.442	2 908	3 621	15
16	34 665	10 710	15 207	13 051	38 796	31 345	3 624	1 110	1 748	2 304	2 856	3 833	16
17	39 605	31 954	16 036	15 228	29 272	28 354	3 512	1.535	1.672	2.214	2.857	3.712	17
18	24 794	78 947	19 505	20 674	25.976	26 121	2 802	1 934	1 778	2 175	2 960	3 834	18
19	20 925	44 800	18 030	29 267	24 050	27 056	2 406	1.776	1.721	2.214	2.954	4 200	19
20	23 556	45 331	19 119	39 269	22 380	23 334	1 949	1 610	1 960	2 253	3 031	4 268	20
21	17 126	35 382	21 355	44 659	20.983	20.703	1.693	1.606	2.064	2.214	3.308	5 586	21
22	14 234	30 383	23 379	58 531	25 590	18 998	1 634	1 537	1 911	2 214	4.662	7 907	22
23	11 535	27.724	26 316	56 160	28.272	18 765	1 528	0.961	1.924	2.294	3.669	6 527	23
24	10 589	26 136	23.540	85.205	27 989	14 950	1 516	0.977	1 806	2 375	3 293	7 103	24
25	9 709	27 375	22 236	63 388	31 372	12 145	1.642	1.042	1.769	2.500	3 170	44.575	25
26	7 958	34 914	21 978	58 391	53 645	9 818	1 379	1 132	1 754	2 542	3 652	25 096	26
27	7 425	37 355	21 958	54 194	56 154	9 140	1 297	0 770	1.753	2.458	3.531	17.474	27
28	6 769	34 452	19 257	65 148	56 692	8 834	1 519	0 700	1 755	2 458	3 419	14 464	28
29	7 939	27 865	19 592	67 242	53 488	6.141	1 392	0.701	1.797	2.542	3.320	11 572	29
30	9 473	0 000	18 782	57 583	61 481	6 735	1 147	0 719	1 779	2 584	3 320	10 857	30
31	9 034	0 000	16 808	0 000	71 407	0 000	1.153	0.984	0.000	2.584	0.000	9 096	31
TOTAL	17 442	21 554	20 539	31 256	43 625	33.652	3.435	1.213	1.649	2.276	3.057	7 745	

YEARLY TOT 15 568

MICROFILMED
MAR 13 1990

DATE 23-FEB-82 TIME 16 37 26

REYNOLDS CREEK EXPERIMENTAL WATERSHED BOISE, IDAHO

STATION 68036068 REYNOLDS CREEK OUTLET WEIR (57754 ACRES) 90 SQ MILES SCOV TYPE WEIR

DAILY, MONTHLY, AND YEAPLY SUMMARY OF RUNOFF FOR YEAR' 1981

RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
1	8 652	4 377	12 461	19 543	31 444	14 197	3 148	1 804	0 422	0 170	0 835	4 304	1
2	8 262	5 281	11 744	17 720	30 118	12 540	3 150	1.537	0 396	0 506	0 811	5 290	2
3	7 920	5 155	11 221	15 984	28 730	11 719	2 956	1 300	0 343	0 634	0 811	5 928	3
4	7 619	5 093	10 653	13 620	26 372	11.167	2 477	1 689	0 301	0 575	0 788	5 374	4
5	6 551	5 032	9 355	11 979	23 450	11 263	2 224	1 683	0 262	0 478	0 766	5 209	5
6	7 094	4 910	8 046	11 232	21 827	9 855	1 922	1 361	0 323	0 706	0 788	5 450	6
7	6 683	4 799	7 639	10 342	20 217	9 343	1 269	1 210	0 369	0 795	0 811	6 370	7
8	6 164	4 612	8 069	9 410	17 942	14 893	1 665	1 623	0 350	0 766	0 835	6 145	8
9	7 452	4 495	8 673	9 055	16 835	14 588	1 540	1 390	0 334	0 755	0 896	5 970	9
10	7 655	4 495	8.621	8 808	16 425	11 851	1 560	0 770	0 323	0 962	0 946	5 705	10
11	7 688	4 325	8 273	8 846	16 500	11 427	1 661	0 772	0 277	0 933	0 982	5 253	11
12	6 730	5 690	7 244	8 370	15 408	12 812	1 629	0 718	0 206	0 947	1 118	4 801	12
13	5 115	6 161	7 142	7 820	13 218	15 100	1 530	0 647	0 202	1 004	1 244	5 453	13
14	5 394	34 897	6 605	7 906	14 759	14 036	1 606	0 557	0 161	0 956	1 215	8 330	14
15	4 501	25 199	6 140	7 561	17 788	12 902	2 235	0 526	0 064	0 956	1 405	36 399	15
16	5 280	59 955	6 394	6 700	15 812	12 479	2 542	0 599	0 103	0 932	2 375	19 259	16
17	5 609	57 986	5 145	5 963	14 046	11 548	2 359	0 858	0 115	0 932	2 144	12 105	17
18	5 313	32 319	4 335	5 210	12 735	9 979	2 175	1 205	0 128	0 946	1 850	11 154	18
19	5 267	51 981	3 329	14 649	12 494	9 349	2 022	1 062	0 125	0 956	1 803	164 882	19
20	5 082	33 637	7 131	130 296	21 535	8 036	1 875	1 078	0 220	0 948	2 003	264 507	20
21	5 022	25 829	7 786	92 435	32 910	7 376	1 734	0 743	0 201	0 932	2 243	107 897	21
22	5 049	28 046	9 885	70 471	23 961	6 491	1 598	0 614	0 180	0 953	5 309	69 531	22
23	5 692	21 118	10 071	65 238	21 596	5 949	1 469	0 536	0 163	0 917	5 190	46 925	23
24	6 631	23 938	8 699	60 150	19 387	5 765	1 280	0 511	0 171	0 873	12 068	48 767	24
25	5 405	19 091	15 098	56 977	21 170	5 070	1 153	0 476	0 171	0 859	8 964	42 215	25
26	4 853	16 215	29 946	60 025	18 987	4 706	1 525	0 494	0 190	0 958	8 523	38 855	26
27	5 955	14 614	26 522	55 711	17 240	4 739	1 601	0 525	0 199	0 846	8 198	34 309	27
28	5 842	13 472	22 189	49 653	15 325	4 064	1 499	0 792	0 202	0 535	6 055	31 780	28
29	5 722	0 000	23 109	46 248	14 496	3 663	1 217	0 897	0 200	0 856	4 751	30 206	29
30	5 079	0 000	20 835	38 403	14 381	3 438	1.378	0 554	0 157	0 883	4 161	30 839	30
31	5 159	0 000	19 591	0 000	15 048	0 000	1 374	0 564	0 000	0 883	0 000	31 563	31
TOTAL	143	9 456	11 353	30 878	19 451	9 679	1 851	0 939	0 229	0 822	2 998	35 541	

YEARLY TOTAL 1. 554

MICROFILMED MARPE 3 1990

FORM 1411-3 PRINTED IN U.S.A.

DATE: 21-MAR-83 TIME . 10.17.55
REYNOLDS CREEK EXPERIMENTAL WATERSHED BOISE, IDAHO
STATION 68036068 REYNOLDS CREEK OUTLET WEIR (57754 ACRES) .90 SQ MILES . SCOV TYPE WEIR

DAILY, MONTHLY, AND YEARLY SUMMARY OF RUNOFF FOR YEAR . 1982

RUNOFF IN CFS (AVERAGE FOR PERIOD)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
1	34 591	18.313	100 824	69 187	103.895	47.932	40.139	3.121	3.351	1.643	6.636	10.639	1
2	29.993	18 324	110 683	63 493	114 518	42.718	46.019	3 208	2 689	2 072	5 733	9 681	2
3	21 071	17.656	96 124	69.502	114 472	43 789	41 095	3.029	2.165	2.253	5.622	11.090	3
4	20.022	11 822	93 555	67.029	104 720	43 312	34 098	2 365	2 135	2 344	4 548	17 392	4
5	24 776	12.427	85.441	60 219	99.224	41.730	31 321	2 232	2.123	2 279	4.517	17.991	5
6	23 682	14 118	80 584	58.932	96 937	39.648	28.794	2.696	2 252	2 261	4 611	91 685	6
7	23.682	13 879	77.907	59.865	95.772	36.404	29.738	2.703	1.982	2.260	4.439	32.756	7
8	23 540	13.773	74.885	57.925	96.189	32.715	29 122	3 410	2 033	2.214	4 393	18.611	8
9	23 257	13.668	71 810	60 781	92.095	31.901	26 303	3.396	2 018	2.042	4.708	17.726	9
10	21 384	14.880	72 765	76.330	96.554	28 159	23 303	3 228	2 108	2.021	4.867	16.482	10
11	16 716	14 770	87.718	379 313	84.174	26.426	19.297	2 815	2.365	2.046	4.888	16.032	11
12	17 860	15 905	79 445	230.920	65 282	26 247	14.833	3.406	2 531	2.059	4.172	14.398	12
13	18 674	19 138	73 012	170.555	58.196	29.757	12 169	3.651	2.520	2.096	4.798	14.296	13
14	18 133	490.663	74.547	153 084	59 286	28 731	11.870	2 860	2 491	1.920	3 720	12 949	14
15	17 110	672 732	66.722	140 816	64 861	29.363	8 136	2.786	2 632	1.893	4.240	13.438	15
16	18.068	850 212	53.313	125 586	67 273	29 926	6 675	2 508	3 049	1.838	4 842	14.845	16
17	19 812	332.223	65 480	116 190	75 766	27 863	5.587	3.454	3.358	1.855	6.480	16.237	17
18	18 029	178 898	67 007	104 659	83 448	22 820	5 455	2 699	3 450	1.928	21.984	13 646	18
19	17 084	393 862	60 911	96.359	73 482	21.920	5 218	2 738	3 915	2.090	19.039	12 920	19
20	13 796	402 838	57 444	87 819	68 108	24.884	4 459	2 563	5 120	2 807	11 820	13 718	20
21	16 792	442 309	54 768	84.844	69 705	25.686	4 247	2.418	5.666	2.834	10.413	142.170	21
22	14 574	305 567	55 123	85.381	76 655	35 521	4 188	2 295	5 810	2 835	9 655	67 653	22
23	23 555	183.567	58 560	91 956	77 225	34 586	4.273	2 260	5 998	2.704	7.546	37.796	23
24	30 860	138.145	62 235	102 156	77 707	36 678	4.544	3 077	5 828	2 964	8 922	21 333	24
25	25 147	129.107	64 619	109.237	83 501	49.646	4 462	3.732	4.577	2.849	9.786	16.390	25
26	31 215	115 659	65.523	108.099	82 682	36 311	4 240	2.674	3.485	3 645	10 934	20.922	26
27	27 381	102.999	64 636	104 029	77 052	32.921	4 436	3 955	2 683	3.850	8.822	9 026	27
28	23 577	91 604	66 622	113 300	71.290	37 009	4 205	3 774	1 762	3 623	9 780	8 069	28
29	20 957	0.000	64 485	104 466	66.058	39.405	2.922	3 747	1 652	10.815	13.636	11.480	29
30	20 065	0 000	62.225	99.085	56 144	36 052	3 135	3 626	1.650	14 426	12 180	12 913	30
31	19 319	0 000	70.306	0 000	50.244	0.000	3.572	3.346	0.000	8.239	0.000	20 176	31
TOTAL	21 765	179.609	72 235	108.371	80.733	34.002	15.092	3 025	3.113	3.249	7.924	24.337	

YEARLY TOTAL- 109

MICROFILMED
MAR 13 1990

CONVERSATION MEMORANDUM

DATE 12/1/83

FILE 57-7385

NAME OF PARTY Jay Hulet

EMPLOYEE David Shaw

RE: Extension to submit his summary. Mr. Hulet asked if he could have a one day extension to submit his summary. He needs to bring it to Boise to be typed of due to the snow travel is difficult in his area.

I told him an extension would be ok under the circumstances.

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MAR 13 1990

57-7385 11-16-83

Jay H Hulet —

Attorney — Michael ~~IHI~~ Ihli (eye-Li)

Protestants

R.T. Nahas, Eva Nahas, R.T. Nahas Co., Glenbrook Properties

Paul Nettleton, Hugh Nettleton, Helen Nettleton, Joyce Livestock Co.

Attorney — James Kiser

Idaho Power Co.

Attorney — Tom Nelson

Conference

Issues —

I. Reduce water available

II Supply insufficient

III Speculative

IV Conflicts with local public interest

V Errors in the application

Works are existing

Last year — There was sufficient water after existing reservoir is full

Technical questions — App [redacted] does not meet requirements of 42-2

Reservoir would be located on BLM ground

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MAR 13 1990

Hearing 11:00

Idaho Power's Position

Direct —

Statement >

Michael B. Ihli > Son-in-law - of Hulet —

Off stream storage - reservoir location partially on BLM ground

Understand the reservoir will not fill each year

No changes will be required in diversion or conveyence system. Only a dam will be necessary —

1 a.

b. Nettletons rights may or may not be valid —

c. Would not affect Swan Falls due to timing of storage —

Timetable of construction of dam

2. He remembers water being available the last 2 yrs and possibly 1 other year in the last 5 years —

Have plans been prepared for the dam?

3. Plans can be prepared —

BLM right-of-way

4. Public Interest

Would reduce incidence of high water on Snake Creek

Reservoir would (BLM claims) enhance wildlife

Nettleton's house is below the ditch —

Nettleton's own's 32% or 33% of Murphy Mutual Canal Co.

Enforcement is possible - not a reason for denial of permit

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MAR 13 1990

5. Technical —

Stipulate - there is a water right from Snake River —

400 cfs is in the comments only does not effect [illegible]

Stipulate - Nettleton does own 32% or 33% of Murphy Mutual Canal Co

Construction Time —
51 to 71 days

Cost —
$225,000 to $550,000 —

Plans — Have been filed with Dam Safety —

— Carl Myers — Consultant — Reg P.E.
Haven't done a hydrologic analysis of Sinker Creek —
— Mr. Hulet —
May hire a cloud-seeding firm

Preliminary
Motion — taken under advisement
Taken under advisement —

X-exam — Mr. Ihli
Doesn't know flow of Sinker Ck. Nov 1 to Apr 1 of any year
No feasible to take water from reservoir to Nahas reservoir —
Mr Hulet
76-77 —
77-78 - Reservoir filled and Spilled Hulet —
Nahas reservoir —

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Re-direct —
Ask that questions be deleted —

Keith Anderson - Consulting Engineer & Geologist

Summary of Education — Experience — Consulting since 1957

Qualified as an expert in Nahas vs Hulet —

First examined Sinker Ck in 1959 & 60?

Involved during Nahas vs Hulet suit —

— Would reduce water available to existing rights —

1. There have been year when water has been used beneficially downstream
   11-1 to 3-1
2. Would interfere possibly with Swan Falls
   There would be evaporation and consumptive rights

— Supply insufficient

No long record on Sinker Creek flow but Reynolds Ck flow can be used — Toll Gate weir 20 □ mile drainage and Outlet Weir 96 □ miles

→ ARS Records 53 thru 1978 —— Shows no water —

Average Annual Runoff = 12,500 acre ft.

" Winter " = 1/3 = ~4,100 acre ft.

— Speculation indicated by lack of water supply and location of reservoir not likely at that spot.

— local public interest — affairs of the people directly affected by the project — not major [illegible]

Water

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X- exam → by Mr Myers —

only 2 years — of 13 years has water been available —

Averages can be used because there is a existing reservoir —

X-exam by Hulet

This dam construction is predicated on the flow of the last 2 years —

There are sketchy flow measurements on Sinker Ck.

No re direct

William L. White - employed by R.T Nahas 1975

Ranch Manager since 1978

The Nahas Lake has not been filled → since 1977

Diversion works being repaired only in 1978, 79.

In 1980 and following all available water went to the lake

~~Mr White~~

X-exam by

Reservoir — filled last year

Paul Nettelton —

Rancher on Sinker Ck. has lived ther all his life

Shareholder in Murphy Mutual Canal Co

Dam Built in 1976

Prior to Dam irrigated some year After Nov 1 and befor April 1

Dam shut off Nov 1 in every year except last 2 years

Rights have not be adjudicated —

Canal may ice up during the winter

Nettleton used to run 200 to 300 inches of water at time down MMC Co canal found icing caused problems

Canal break would cause considerable damage especilly along during first 10 miles.

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Paul Nettleton (direct cont)

Canal Slope 25' in 13 miles

Canal ices up with any flow since the water moves slowly —

Possible loss of early and late season rights

Only water available to downstream user during winter has been when dam has filled the last 2 years.

If this permit is issued there would never be water available

X-exam

Nettleton retained 1069 inches of water for ~~How many day~~

From Jan 1 to April 1 no days would be safe to run water during the year —

Wouldn't consider it safe to run 25 cfs —

Live ¼ to ½ mile from the canal

Canal has run over by Joe Nettleton's house

Canal has not run over or at least no damage since the dam was built.

Reduce Maintenance Time — On the canal

Takes 6 months after canal water is turned in for springs to appear —

Keisor [redacted] 1

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MAR 13 1990

Hulet - 57-7385

11/16/83 - 10:00a.m.

Applicant - Jay Hulet
Michael B. Ihli
Carl Meyers - Engr.

Protestants - Nettletons - Kiser Atty & Keith Anderson-Engr
Nahas - Kiser Atty
Idaho Power - Tom Nelson Atty - Not as a party?

Hulet - Existing diversion & canal to site. last 2 years 1/30 - 5/30 excess water in Sinker Creek - used w/ existing irrigation system - only new facilities will be dam & dam outlet

Kiser - understand app @ this time & proposed project. - Application is not complete ie technical deficiencies. BLM land may be part of Nahas grazing area (Local public interest)
Hulet - 400 cfs is not part of this app - making application for new water right.

Ihli - have gone to BLM & approval.

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MAR 13 1990

Nelson - present app. has not been protested by I.P. but Hulet will be joined in District Court Case. (Cold Springs letter should have also referred to Sinker Creek) Will make statement on record - does not want to be appearing as a protestant & having withdrawn.

(2)

Hearing convened - 11:02 a.m.
Hulet - Introduced Mike Ihli -
Ihli - Secretary Murphy Mutual Canal
offstream storage on Hulet & BLM property.
Project will reduce power costs by
reducing pumping requirements from Snake River
Existing irrigation system can be used - including
existing canal and diversion.
Reduction of existing rights - not filing for
existing rights But for extra water.
Water Supply - The existing reservoir has filled in
some years and there appears to have been some
excess in some years.
Speculation - existing system has been used for 8
years with same flow as applied for.
Local Public Interest - BLM conflict should not be
part of this proceeding. Propose to reduce high flows
in Sinker Creek & enhance wildlife @ new site.
Nettleton's down 32 or 33% of Murphy Canal
& remainder is owned by Hulet or his family.
Distribution - does not feel it will effect distribution.
Application - do have Snake River water right for
same land.
- Water is there in some years; willing to take
risk of using water when it is available.

Fleenor X

Time table for construction - Contractors time
51 - 75 days. Begin as soon as they get (bids)
Cost - $225,000 to $550,000 estimates received.
Dam Safety plans have been filed

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MAR 13 1990

~~Kiser~~

Meyers - PE - Description of dam - Simple earth embankment dam.

Hulet - dam will put water into existing pond & use existing pumps (Pond #1)

Meyers - Will eliminate 600' lift from Snake River for water available in reservoir. No hydrologic study on Sinker Ck. - realize it is not a reliable source. When water is available will reduce power requirements - will be economic regardless of cost.

Hulet - Will do cloud seeding if necessary.

Kiser~~x~~ Applicant has completed his presentation - make formal ~~request~~ motion for denial. Prima Facia case has not been made. No evidence to refute.

~~Ihli~~ -

Fleenor - Take motion under advisement - will proceed with testimony.

Kiser X Ihli - Flow of Sinker Creek -
- Does not know flows of Sinker Creek or amount that other rights will require.
- Not feasible to get water from new reservoir to Nahes
- No knowledge of present Sinker Creek dam and Nahes dam.

Kiser X Hulet - 11/1/77 ⇒ 4/1/78 - excess of 5000 ac-ft -
79-81 pipe was out of Nahes reservoir according to Hulet.

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MAR 13 1990

Hulet -

1:32 p.m. back on record - Mr. Ihli did not return.

Hulet - asks that questions about amount of water be deleted because amount of water is an act of God.

Fleenor - motion denied

Protestants case -

Anderson - Consulting Engineer & Geologist PE & PG

Familiar w/ Sinker Creek, Nahas Ranch & to a lesser degree Nettleton Ranch

1969 first work on Sinker Creek

did water availability work from Sinker Creek.

Nahas - Hulet suit did more research including comparison to Reynolds Cr. due to available data

Feels project would reduce water available under existing rights.

Water has been applied beneficially prior to 4/1 and after 11/1 in some cases.

Swan Falls - there are occassions when winter flows at Swan Falls are below 8400.

Water not sufficient for intended uses - no long term records but have correlated to Reynolds Ck. Tolegate ~~Higher than Ck~~ & Outlet weir above Sinker Ck down about 50 mi

12,500 average annual approx @ Sinker

4,000+ during winter months

some excess in some years since active capacity is about 4500 ac-ft in existing reservoir

MICROFILMED MAR 28 1990

(5)

Speculation – not sufficient water – reservoir site shown on app is not a good site.
Local Pubic interest – added administration difficulties.
Problems – proper distribution – any water taken to off site dam would not be ~~opte~~ ~~edete~~ available to downstream Sinken Ck users
Anderson X Myers – Irrigation Season –

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MAR 13 1990

KEITH ANDERSON X MYERS FOR HULET

REYNOLDS CR IS ADEQUATE ~~NOT~~ DATA FOR SINKER CR SIMILIAR ORDER OF MAGNITUDE.

KEITH ANDERSON X HULET

SIMALIARITY OF REY & SINKER DRAINAGES

ELEV. & SLOPES SIMICIAR

DIAMOND BASIN LOCATION - No

TIMES IN UPPER SINKER - TWICE

HAVE NOT BEEN AT DAM WHEN HULET RES. SPILLING

IN GENERAL, HIGHER MTNS. BUT MORE PRECIP.

SINKER CR HAS NOT BEEN GAUGED.

STRIKE HULET'S 67 MI^2 OF DRAINAGE.

IN LAST TWO YRS, EXCESS WATER WOULD HAVE BEEN AVAILABLE FOR STOR.

BILL WHITE KISER DIRECT

76-77 NAHAS RES. DID NOT FILL

77-78 No "

78-79 No "

79-80 No " REPAIRED NAHAS DIV. WORKS

80-81 No "

81-82 No "

82-83 YES IT FILLED.

WATER YRS

FLOWS IN CREEKS WERE DIMINISHED WITH CONST. OF HULET RES.

NO OBJ TO RESERVOIR ITSELF., MAY BE ADMIN PROBLEMS.

WHITE X HULET ~~THROUGH MIKE LITET~~.

PIPE WAS IN PLACE IN SUMMER, 1981

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MAR 13 1990

PAUL NETTLETON DIRECT USER

< '76, IRR. FEB. 1 UNTIL FREEZE UP IN FALL

> '76, IRR. PRACTICES RESTRICTED

HULET DAM SHUT NOV. 1 - APR. 1 EXCEPT WHEN SPILLING FOR SHORT PERIODS.

LAW SUIT PENDING - INVEST. W/ DWR

APPL. V. MURPHY MUTUAL CANAL CO.

DIV WOULD CAUSE PROBLEMS.

ICING & SNOW

DOES NOT BELIEVE WINTER IS SAFE PERIOD TO MOVE 70 CFS DOWN CANAL. - BANK SATURATION

IMPACT OF POSSIBLE CANAL BREAK.

CANAL UPHILL FROM ENTIRE HOME RANCH, HOMES, BARNS, CORRALS, HAY FIELDS - VERY SERIOUS PROBLEM.

25 FT FALL IN 13 MILES

DANGER OF CANAL ICING UP - CANAL COULD WASH OUT WITH ICING.

ADDITIONAL PROBLEMS

FURTHER DENIAL OF USE.

RELIEF COMES WHEN HULET RES. ~~OTHER~~ SPILLS

ANOTHER RES. WOULD DENY THIS RELIEF FOR ~~MICROFILMED~~ WATER.

STOR. OF WTR IN THIS APPL WOULD BE COST TO NEWMAN & LUCE LIVESTOCK

MICROFILMED MAR 13 1990

NETTLETON X BY HULET

RETAINED RT FOR 1069 INCHES FOR IRR. IN SALE TO HULET PLUS RT ~~TO BE USED~~ BY EITHER PARTY TO BUILD RES.

1/1 TO 2/15 UNSAFE TO WTR DOWN CANAL

DID RUN WATER, SMALL AMT, DURING THIS TIME IN PAST

24 HRS FOR ALL OF WTR TO RUN OUT OF CANAL.
LIVE MORE THAN 1/4 MI, < 1/2 MI. WTR HAS FLOWED OVER CANAL * BY LOCATION OF HAUK'S HOUSE.
CANAL HAS NOT RUN OVER SINCE HULET DAM WAS BUILT.
? ADV. TO HAVE CANAL BREAK IN WINTER OVER SUMMER. NO.
? BETTER TO HAVE UNIFORM FLOW. NO.
NO TIME FOR MAINTENANCE. MUD, SNOW OR ICE ON CANAL ROAD FOR ACCESS.
LAST MAINTENANCE TO CANAL IN JUNE, 1983.
FOR PEACE OF MIND, WOULD PATROL CANAL IF WTR WAS IN IT IN WINTER.
WATER DIV WOULD NOT HELP STK WTR SPRINGS UNTIL APRIL
PROTESTANTS RELY ON RECORD FOR SUMMARY.
APPL. WILL SUMMARIZE IN WRITING ~~DO~~ BY DEC. 1, RESPONSE BY DEC. 16.

MICROFILMED
MAR 13 1990

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW
P.O. Box 1906
TWIN FALLS, ID 83303-1906
TELEPHONE (208) 734-0700

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVE K. TOLMAN
JAMES C. TUCKER

TIMOTHY M. WALTON

SUN VALLEY-KETCHUM OFFICE
P.O. BOX 2399
SUN VALLEY, IDAHO 83353
TELEPHONE (208) 726-4491

C-1199
L-001

November 4, 1983

Mr. Norman C. Young
Resources Administration Division
Department of Water Resources
450 W. State St.
Boise, ID 83720

RE: COLD SPRINGS CREEK

Dear Mr. Young:

Idaho Power Company has asked that I reply to your letter of September 9, 1983, to Paul Jauregui concerning storage applications above Swan Falls and below Bliss. Apparently the above application has been set for hearing.

Your letter mentions the Company's 8400 cfs right at Swan Falls. So long as the storage permit is issued subject to that right, Idaho Power Company will not further protest issuance of the permit.

Yours very truly,

Thomas G. Nelson

TGN
pj
cc: Paul Jauregui

MICROFILMED
MAR 13 1990

Re: Application for Permit No. 57-7385

Place: Third Floor Conference Room, Department of Water Resources, Boise, ID.

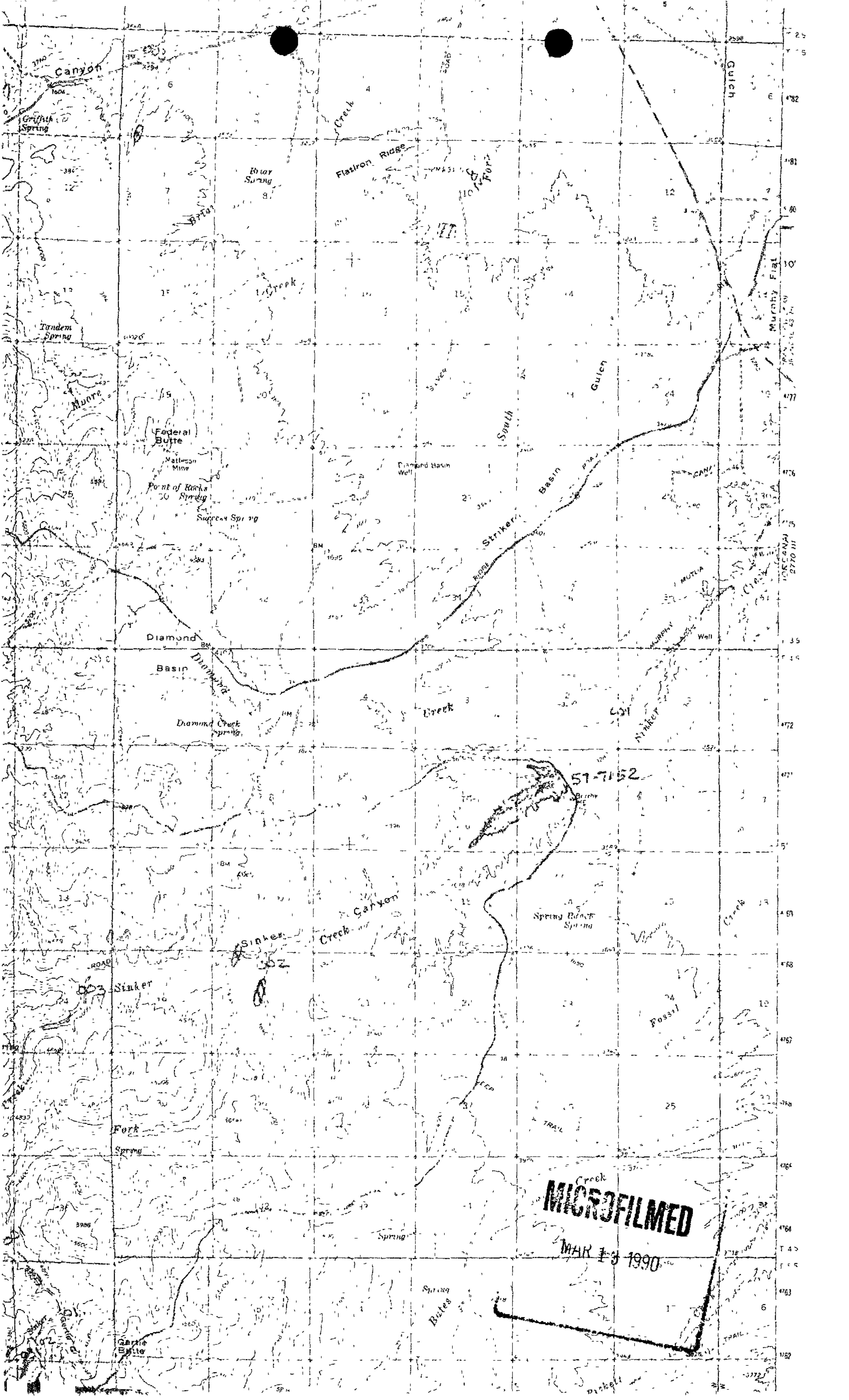
Date: 10:00 a.m., Wednesday, November 16, 1983

Hearing conducted by: Bob Fleenor & Dave Shaw

ROSTER OF ATTENDANCE

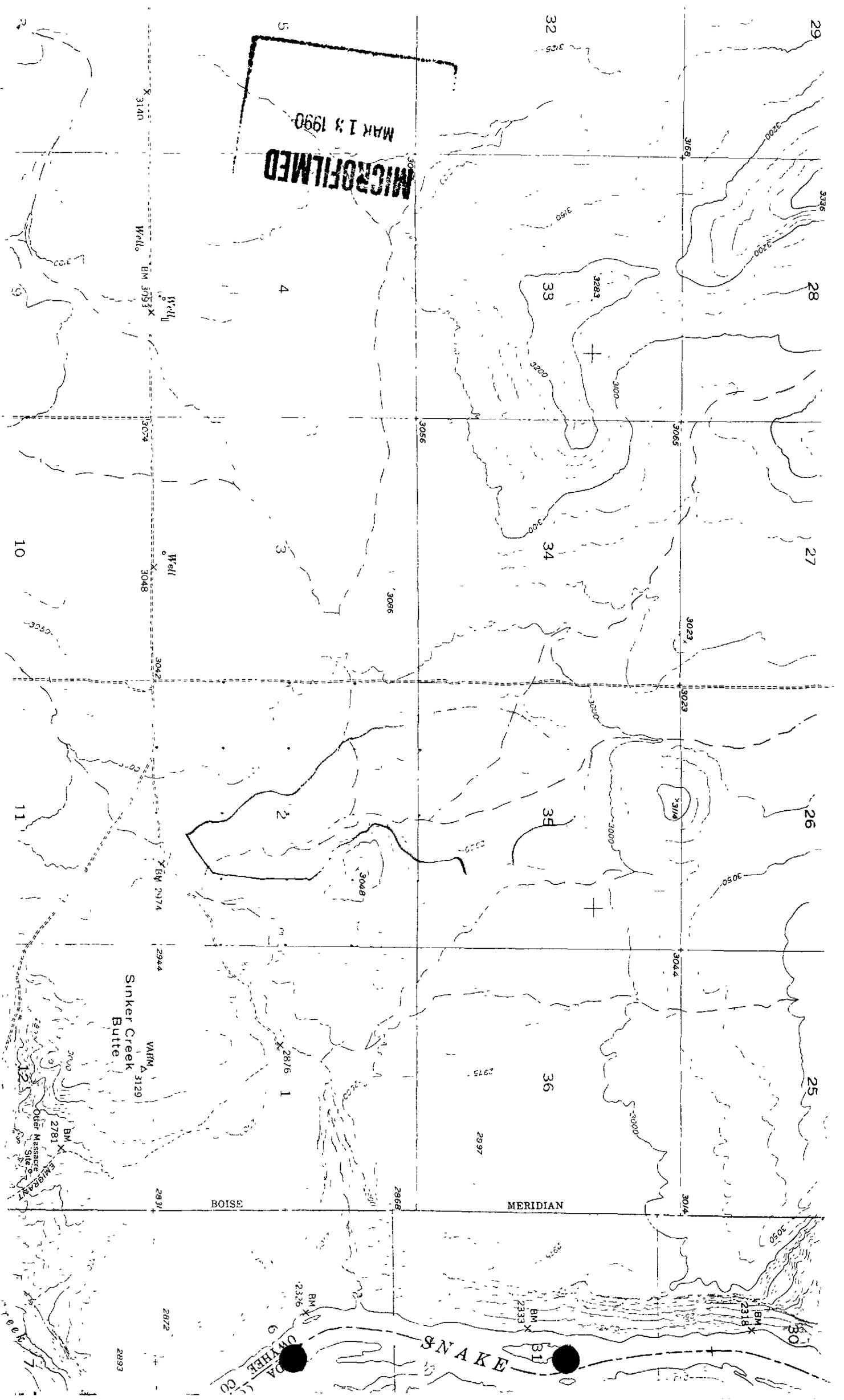
Name	Address	Representing
MICHAEL B. IHLI	11992 JODY DR., BOISE	JAY H. HULET
Jay H. Hulet	Murphy Idaho	Self
CARL L MYERS	710 Warm Springs - Boise	Jay Hulet
JAMES W KISER	5000 Fairview Ave	Nahas / Nettleton
Paul Nettleton	Murphy	Joyce Livestock Co.
William L. White	Murphy	Nahas Ranch.
T. G. NELSON	TWIN FALLS	—
Keith E. Anderson	Boise	Nahas / Nettleton

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Canyon
Griffith Spring
Briar Spring
Flatiron Ridge
Creek
Fork
Gulch
Tandem Spring
Murphy Flat
Moore
Federal Butte
Matteson Mine
Point of Rocks Spring
Success Spring
South
Diamond Basin Well
Striker
Basin
Diamond
Diamond Creek Spring
Sinker
Creek
51-7152
Spring Ranch Spring
Sinker Creek Canyon
Fossil
TRAIL
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Bates
Gertie Butte

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

In the Matter of the Application for Permit No. 57-7385 in the Name of J. H. Hulet	))))	MEMORANDUM IN OPPOSITION TO APPLICATION FOR PERMIT

As this Department is aware, Sinker Creek water has been the center of a large amount of litigation in Owyhee County recently. All of this litigation has stemmed from the Applicant's present storage dam on Sinker Creek.

On May 11, 1981, the District Court for the Third Judicial District entered its findings of fact and conclusions of law in Case No. 4091, R.T. Nahas Co., et al. vs. Jay H. Hulet. (A copy of these findings of fact and conclusions of law are attached hereto as Exhibit A.) On May 22, 1981, the District Court entered its Judgment and Decree. (A copy is attached as Exhibit B.)

In 1980, the Nettletons filed suit against Jay H. Hulet in Owyhee County, Case No. 4255. (A copy of the Complaint in that action is attached as Exhibit C.) This case has not yet been adjudicated. In 1982 the Court sent this suit to the Department of Water Resources ordering the Department to examine the Sinker Creek water rights and to make a report to the Court on those water rights. (A copy of the Court's Order is attached as Exhibit D.) At this point in time the Department's schedule for examination and reporting is sometime in late 1984.

Notwithstanding this past and presently pending litigation over Hulet's present storage facility, this Department is now asked to grant a permit providing for the additional diversion and storage of some 7,000 acre feet of Sinker Creek water. The Nahas and Nettleton interests have protested this application and have protested for just cause. The application should be denied for a variety of reasons.

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I. REDUCTION OF QUANTITY OF WATER UNDER EXISTING WATER RIGHTS: Pursuant to I.C. 42-203, a factor in determining whether this permit will be issued is the question of whether this permit will reduce the quantity of existing rights.

A. Issue is Premature: First, it should be noted that because the Third District Court has ordered the Department to examine and report on all existing water rights, it would be premature for the Department to now find that Hulet's application would not reduce the quantity of existing water rights when the Department won't, until after 1984, determine exactly what those rights are. This application is not now ripe for a favorable determination due to the uncertainty of the Court proceedings and for that reason alone should be denied.

B. Permit will Reduce Other Rights: Hulet's application calls for diversion to storage from November 1 to April 1 of each year. There is no question that this diversion will reduce the quantity of water under decreed, licensed and constitutional water rights which Protestants have acquired and which Protestants contend entitle them to use during these winter months when the ground is not frozen. Use of irrigation water by Protestants, especially the Nettletons, during these winter months has been a fact of life on these Owyhee County farms since the turn of the century.

C. Swan Falls: Finally, a diversion for storage will yield a loss of water from the Sinker Creek drainage due to consumptive use and evaporation which will effect the rights of Idaho Power and its Swan Falls project.

II. WATER SUPPLY IS INSUFFICIENT FOR PURPOSES OF PERMIT: In order for there to be sufficient water for the purposes of Hulet's application, there must be more than enough water to satisfy the Nahas storage right and Hulet's present 4,035 acre foot storage permit. If Hulet's present dam were filled to capacity and the Nahas reservoir were filled to capacity, only then could water be put into a third storage reservoir.

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Yet, the facts found by the District Court in the Nahas v. Nettleton lawsuit conclusively show that there has not been enough water to fill both. The Court found that for the years 1977, 1978, 1979, 1980 and 1981 that Nahas was wrongfully deprived of water by Hulet and that Nahas' storage right went unfulfilled.

Clearly, if there has not been enough water historically to fill a 4,035 acre foot reservoir and a 729 acre foot water storage right, then it defies logic to argue that there is enough excess water to fill another 7,000 acre foot storage facility. In short, the quantity of water in Sinker Creek is wholly insufficient for the intended purposes of this permit and for this reason should be denied.

III. APPLICATION IS SPECULATIVE AND IS LEGALLY INSUFFICIENT ON ITS FACE: Idaho Code 42-202 states as follows:

> "The application shall be accompanied by a plan and map of the proposed works for the diversion and application of the water to a beneficial use, showing the character, location, and dimensions of the proposed reservoirs, dams, canals, ditches, pipelines, wells and all other works proposed to be used by them in the diversion of the water."

A review of Hulet's application shows that this part of I.C. 42-202 has not been complied with. The application simply does not state the character and dimensions of the dams, canals and other water works.

And more importantly, an examination of the proposed reservoir site on the Applicant's map shows that this site is physically impossible as a place for storage. Exhibit E attached hereto is a copy of a portion of a Geological Survey Topographical Map on which Keith Anderson, a hydrological engineer, has transposed the storage site. As can be seen on this Exhibit, the water enters the "storage" site at the lower elevation in the reservoir and the reservoir has a large hill right in the middle of it.

IV. APPLICATION CONFLICTS WITH LOCAL PUBLIC INTEREST: Idaho Code 42-203 defines public interest as "the affairs of the people in the area directly affected by the proposed use".

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There is no question that the Protestants herein are directly affected and that their interests would be adversely affected by Hulet's application.

The Nettletons' interests are adversely affected in several ways:

A. Murphy Mutual Canal is a very old canal. The Nettletons' homes are located directly below this canal. The Nettletons fear that running the water through this canal year around will so saturate the canal's banks as to weaken them thereby threatening loss of life and property due to a break in the canal.

B. Icing is another problem. Running water through this canal in severely cold weather will cause icing. With ice buildup an overflow of the canal is likely, again creating a potential for loss of life and property to the homes and property directly under the canal.

C. The Nettletons own a portion of the Murphy Mutual Canal Company and are involved in the maintenance of that canal. Water in this canal for nearly the entire year will render their ability to maintain the canal nearly impossible.

D. Finally, both the Nettletons' and Nahas' interests will be impacted by the problems of administration and enforcement of yet another Hulet permit. History has showed us that with a permit to store upstream the only method to enforce water rights is to seek legal redress through the courts. The primary problem with a new reservoir out of Sinker Creek is that once the water is released into that new reservoir there will be no way in the world to get it back into Sinker Creek to fill the downstream users' rights.

Therefore, it is respectfully submitted that this new application is not in the local public interest, as defined in Idaho Code 42-203.

V. TECHNICAL ERRORS IN APPLICATION: It should also be pointed out that there are some errors contained in Hulet's application.

A. In part 8(c) the application fails to disclose that Hulet has and uses Snake River water rights (pumping) for these same lands.

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B. In part 10 the application states that "Applicant currently has a 400 cfs. right on Sinker Creek". As a result of the Nahas v. Hulet lawsuit this statement is not correct. This old 400 cfs. right was related to a prior dam that burst in 1943. No water was stored in that dam after that date. As the Court noted in its Findings of Fact (IV), "It was stipulated between the parties that no water was stored at or near the old dam site by any person or organization until. . .1976". In other words, by stipulation of Hulet it was conceded that these old flood water rights were not used for more than five years after 1943 and hence, pursuant to Idaho law were abandoned and forfeited. In short, Hulet has no 400 cfs. right on Sinker Creek and the District Court has so found.

C. Part 9(a) lists Jay H. Hulet as the owner of the Murphy Mutual Canal Company, the legal owner of the property at the point of diversion. This is incorrect in that the Nettletons own approximately one-third of the stock in Murphy Mutual Canal Company.

VI. CONCLUSION: For the reasons stated above, Hulet's application for a permit to divert and store an additional 7,000 acre feet of water should be denied.

DATED This 15th day of November 1983.

James W. Kiser
Attorney for Protestants

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Exhibit A

FILED
9:52 A.M. P.M.
MAY 1 1981
BARBARA JAYO, CLERK
Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

R. T. NAHAS, CO., a California corporation, ROBERT T. NAHAS, and EVA C. NAHAS, Plaintiffs,	)	CIVIL CASE NO. 4091
-vs-	)	
JAY H. HULET and GERTRUDE HULET, husband and wife, Defendants.	)	FINDINGS OF FACT AND CONCLUSIONS OF LAW

This case was tried by the court without a jury in Murphy, Idaho on March 23, 24 and 25, 1981. The court having heard all the evidence including stipulation offered by the parties, considered the briefs of both parties, reviewed and examined all evidence offered and admitted by both parties and having considered the oral evidence introduced by both parties, as well as the proposed findings and conclusions of both counsel, herewith makes its Findings of Fact and Conclusions of Law. The pleadings were amended to conform to the proof at the close of all evidence.

FINDINGS OF FACT

I.

Plaintiffs are now the owners of that real property situate in Owyhee County, State of Idaho described in their pleadings and comprising approximately 1080 acres.

II.

Sinker Creek is a tributary of the Snake River which runs south to north in Owyhee County, Idaho. During the non-irrigation season which is defined as those days falling between November 1 and April 1, Sinker Creek has winter run off flows.

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III.

This lawsuit involves the right to divert, appropriate and store for later irrigation purposes the winter flow or run off waters of Sinker Creek during the non-irrigation season.

IV.

Prior to June 20, 1943 the winter run off waters were stored in a reservoir located upstream from where plaintiffs' property is located. On June 20, 1943 that dam completely washed out. It was stipulated between the parties that no water was stored at or near the old dam site by any person or organization until the defendant constructed his dam at or near the old site in 1976. The court finds that from June 20, 1943 to the date defendant stored water in late 1976 or early 1977 the winter flow waters of Sinker Creek were available and subject to appropriation by any person who diverted, stored and placed said water to a beneficial use.

V.

The Court finds that the plaintiffs and plaintiffs' predecessors in interest diverted, stored and appropriated a portion of the winter flow of Sinker Creek in an "unnamed lake" located on plaintiffs' property. The stored water was then put to beneficial use in the irrigation of crops by plaintiffs or their predecessors during the regular irrigation season which is defined to mean April 1 through November 1.

VI.

The unnamed lake located on plaintiffs premises was filled by diverting water from Sinker Creek via a ditch system. When plaintiffs acquired the property the diversion works (ditches) were partly earthen ditches with some culvert and concrete. In the late 1970's plaintiffs improved this system and at the time of trial the water was transported by pipeline and concrete ditches from the diversion works to the unnamed lake.

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VII.

The point of diversion from Sinker Creek is located in the NE 1/4 SW 1/4 Section 13, T. 3 S., R. 1 W., B.M., Owyhee County, Idaho, and is found by the Court to be a reasonably constructed and adequate diversion works.

VIII.

In 1966 plaintiffs' predecessors, Mitchell, installed two electric pumps (approximately 25 HP and 35 HP) on a dike in the unnamed lake and irrigated land with the water stored in the lake.

IX.

In 1969 when plaintiffs acquired Parcels I and II from the Mitchells, approximately 140.3 acres were under cultivation for the production of crops. (See Palintiffs' Exhibit 3 and testimony of Keith Anderson, Robert Nahas and William White.) Of this 140.3 acres, 17.5 acres lie west of the Sinker Creek streambed. The 17.5 acres could be irrigated only from direct application of water from Sinker Creek and could not be irrigated from the unnamed lake. Of the remaining 122.8 acres, 63.8 acres could be partially irrigated directly from Sinker Creek when Sinker Creek waters were available during the irrigation season. The remaining 59 acres could be irrigated only from waters pumped from the unnamed lake.

X.

Sinker Creek history indicates that it is an unreliable source of irrigation water during the irrigation season. The Court finds that the irrigation flow in Sinker Creek ceases in most years in July.

XI.

When the irrigation waters of Sinker Creek did flow during the irrigation season, plaintiffs applied these waters for the production of crops to the 17.5 acres lying west of the Sinker Creek streambed, and also to 63.8 acres lying northwest of the unnamed lake.

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XII.

When the irrigation flow waters of Sinker Creek ceased in June or July, the plaintiffs irrigated 122.8 acres exclusively from the unnamed lake until October 31, the end of the regular irrigation season. Of these 122.8 acres irrigated from the lake, 35.2 acres lie southeast of the lake and 87.5 lie northwest of the lake.

The amount essential for the irrigation of plaintiffs' irrigated acres is five (5) acre feet per acre per year. The amount of water necessary for irrigation of the 122.8 acres from the lake is dependent upon the irrigation season flows. In low irrigation flow years, more lake water is necessary to irrigate the 63.8 acres which utilizes water directly from Sinker Creek.

XIII.

In a typical year, of the five (5) acre feet necessary for each of the 63.8 acres, approximately 50%, or 2 1/2 acre feet, will come from the direct flows of Sinker Creek and the other 50% or 2 1/2 acre feet come from the lake--1969, 1970 and 1971 were such typical years.

XIV.

This Court finds that the duty of water on plaintiffs' irrigated lands is five (5) acre feet per acre. This Court also finds that this duty of water is reasonable and essential considering plaintiffs' soils, land and climate. This Court also finds that the unnamed lake has a reasonable evaporation loss of 115 acre feet per year.

XV.

Therefore, this Court finds that plaintiffs, at a minimum, have established a beneficial use of the stored winter flow waters of Sinker Creek in the unnamed lake as follows:

(a) 295 acre feet computed by multiplying the five (5) acre feet duty of water times the 59 acres irrigated solely from the unnamed lake; plus

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(b) 159 acre feet computed by multiplying the 63.8 acres times the 2 1/2 acre feet necessary from the unnamed lake; plus

(c) 115 acre feet from reasonable evaporation losses.

Total: 569 acre feet

This Court finds therefore that the plaintiffs are entitled, at a minimum, to divert (at Plaintiffs' diversion works), appropriate and store 569 acre feet of the winter flow waters of Sinker Creek between November 1st and April 1st of each year.

XVI.

Because plaintiffs have put the stored waters to beneficial use on 122.8 acres, and because the irrigation waters of Sinker Creek are unreliable as an irrigation source, plaintiffs have established a maximum beneficial use of the stored waters equal to five (5) acre for each of the 122.8 acres irrigated from the lake or 614 acre feet per year. This 614 acre feet per year plus the 115 acre feet of evaporation loss establishes plaintiffs' maximum beneficial use of the stored waters at 729 acre feet.

This Court finds, therefore, that the plaintiffs are entitled, at a maximum, to divert (at Plaintiff's diversion works), appropriate and store 729 acre feet of the winter flow waters of Sinker Creek between November 1st and April 1st of each year.

XVII.

The Court finds that in each of the years 1966 through 1976 inclusive the unnamed lake was filled to capacity prior to April 1 of each year. When the lake is filled it has a surface area of approximately 55 acres. There was some testimony that the lake, when filled, had a surface area of less than 55 acres. The Court, however, relies upon the scientific expert testimony of Keith Anderson that the lake when filled to capacity had a surface area of 55 acres. The pumping system installed by Lester Mitchell

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had a capacity to draw the lake down ten feet from the high water mark. (See testimony of Keith Anderson, Robert Nahas and William White.) Plaintiffs and/or plaintiffs' predecessors, filled the unnamed lake each and every year between 1966 and 1976 by diverting winter flow run off waters of Sinker Creek into the unnamed lake. By so diverting, storing and later using said water for irrigation purposes, plaintiffs and/or plaintiffs' predecessors clearly appropriated those winter flow waters of Sinker Creek. The only method to apply the water from the lake to the surrounding farm land is to pump the water out of the lake. The power and pumping records of Lester Mitchell establish that Mitchell pumped between 642 and 798 acre feet of water from the unnamed lake in each of the years 1967 and 1968. (See testimony of Keith Anderson.)

XVIII.

Plaintiffs and plaintiffs' predecessors have continuously run livestock on pastures below plaintiffs' diversion works. The Court finds that the stock water need is greater during the months of November through March because the livestock are gathered off the open range at the end of summer and are pastured below the plaintiffs' diversion works during these months. A continued flow of Sinker Creek is needed to supply livestock water. The Court finds that 12 miners inches on a continuing flow basis is required during the non-irrigation season for the watering of plaintiffs' livestock. The Court further finds that the watering of stock is a beneficial use of water. The Court further finds, however, that the minimal flow aforementioned is supplied by a series of springs rising between defendants' dam and plaintiffs' place of use below his weir.

XIX.

In 1975 defendants filed an application with the State of Idaho for a permit to build a dam on Sinker Creek up stream from plaintiffs'

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property. (See Defense Exhibit A). The state granted defendants permit to store 4085 acre feet of water from the winter flow of Sinker Creek. The priority date of defendants' application is October 28, 1975. The permit specifically and conspicuously states that it is "SUBJECT.TO ALL PRIOR WATER RIGHTS."

XX.

Defendants' 100 foot dam was constructed at or near the site of the old dam which was washed out in 1943. Defendants completed their dam in 1976 and commenced to store winter run off waters of Sinker Creek during the winter of 1976-77.

XXI.

Defendants' storage of the winter run off waters deprived plaintiffs of a significant portion of the winter run off water which plaintiffs had previously been diverting and storing. The Court finds that the plaintiffs notified defendants that they were not receiving the winter run off waters and were incurring economic damage as a result of defendants' storage of said water. The defendants' capture and storage of winter flow waters of Sinker Creek continued from the winter of 1976-77 through the date of trial, March 23, 1981.

XXII.

The Court finds that subsequent to the construction of defendants' dam, plaintiffs have been unable, in each successive winter, to fill the unnamed lake to capacity. The Court finds that the inability of plaintiffs to fill their lake was, and is, caused by defendants' storage of plaintiffs' water.

XXIII.

The Court further finds that the defendants' conduct was motivated by monetary gain. Defendants' only other significant source of water is the Snake River. Pumping from the river is more

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expensive than utilizing stored water in defendants' lake. Defendants' lift was approximately 900' from the Snake River.

XXIV.

The Court therefore finds that under the circumstances the defendants' conduct in 1976, 1977, 1978, 1979, 1980 and 1981 was willful. The Court finds further that the complaint was filed prior to March 1, 1979 and the Court also finds that defendants' defense to plaintiffs' action has been unreasonable in that defendants, at trial, presented no evidence or testimony to suggest that plaintiffs had not, during the years in question, diverted, appropriated, stored and put to beneficial use Sinker Creek winter flow waters.

XXV.

The Court further finds that prior to the construction of defendants' dam there was little, if any, need for a water master on Sinker Creek. The Court finds that because of defendants' construction of the dam and refusal to pass through the run off waters that a water master is necessary. The Court finds that the cost of the water master should be borne by the defendant.

CONCLUSIONS OF LAW

I.

As a matter of law this Court finds that plaintiffs have a valid and legally recognized right to divert, appropriate and store the winter flow waters of Sinker Creek in the unnamed lake for later use in the irrigation of crops.

II.

While this Court can infer from all the evidence produced at trial that plaintiffs' predecessors in interest probably have diverted, appropriated and stored the winter flow waters of Sinker Creek for

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many decades prior to this action, the direct testimony showed that plaintiffs' unnamed lake was filled by winter flow waters to capacity in 1966. Therefore, this Court finds as a matter of law, that plaintiffs' right to divert, appropriate and store the winter flow waters of Sinker Creek from November 1st to April 1st of each year has a priority date of April 1, 1966, said April 1, 1966, being the first day of application to beneficial use by pumping out of the lake for irrigation. Said appropriation continued through July 1, 1971.

(It should be noted that under plaintiffs' Water License #26520, admitted into evidence as plaintiffs' Exhibit 9, plaintiffs have a priority date of August 30, 1956, to pump out of the unnamed lake.)

By application of those stored waters to beneficial use, i.e., the irrigation of crops, plaintiffs' predecessors in interest at that point in time established a "Constitutional" water right, which right was clearly recognized under the water law of the State of Idaho prior to July 1, 1971, when the mandatory permit system was implemented by statute. (See §42-201 as amended in 1971.)

III.

There is no question that defendants' priority date for their permit to store the waters of Sinker Creek has a priority of October 28, 1975. Defendants' priority date is later in time than plaintiffs'. Therefore, under Idaho law that "First in time is first in right," plaintiffs' right to divert, appropriate and store the winter flow waters of Sinker Creek is superior to the defendants' right to store those water.

This first in time rule holds equally true in the case of competing storage reservoirs. That is, the reservoir with the first priority has the right to fill first before the reservoir with the subsequent right is allowed to fill. Such is the crux of this case.

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IV.

Because plaintiffs have proven the application of the stored water to beneficial use upon 122.8 acres of land, the duty of water on those acres as 5 acre feet per acre, and evaporation loss of 115 acre feet, plaintiffs' appropriative "Constitutional" water right which is superior to the Defendants' totals 729 acre feet of the winter flow waters of Sinker Creek between November 1st and April 1st of each year. Plaintiffs' appropriative right to divert and store the winter flow waters of Sinker Creek, however, is limited by the capacity of plaintiffs' unnamed lake. In other words, if plaintiffs' "Constitutional" appropriative right for that winter season is filled, and defendants would have the right under their junior permit right to capture and store the remainder of the winter flow waters for that winter season.

It is the specific conclusion of this Court, therefore, that the plaintiffs have the right during each winter season of November 1st to April 1st to fill their unnamed lake to capacity, or to divert and appropriate and store 729 acre feet of the winter flow waters of Sinker Creek, whichever is less. This right is superior to the storage rights of the defendants.

V.

While it is true in Idaho that from July 1, 1971, on, an appropriator must follow the statutory permit method to secure a water right, (I.C., §42-201 et seq.) this statutory scheme has no effect on rights secured and vested before that date. See, State v. Smith, 92 Idaho 451, 456, 444 P.2d 412 (1968).

VI.

The watering of livestock is a beneficial use of water. Plaintiffs are entitled to a stockwater right of 12 miners inches of the continuous flow of Sinker Creek winter waters below plaintiffs'

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diversion works during the time period November 1, to April 1 of each year. The Court concludes that this need is supplied by existing springs arising below defendants' dam.

VII.

In Findings of Fact the Court has found the defendants' actions were willful. Defendants deprivation of plaintiffs' lawful water rights after notification to the defendants of damage to plaintiffs constitutes an intentional act on defendants' part. This Court concludes as a matter of law that plaintiffs may be entitled to punitive damages, but reserves that final conclusion.

VIII.

The Court further concludes that any award of attorney fees should await the trial of the damage aspect of this case.

IX.

Because no costs for watermasters or the administrative costs would be incurred by plaintiffs, "but for" defendants' dam, this Court holds that any such watermaster or other administrative costs incurred by the Plaintiffs to enforce plaintiffs' rights under this decree shall be borne exclusively by the defendants.

Dated this 7th day of May, 1981.

District Judge

RECEIVED
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Exhibit A

FILED
11:00 AM P.M.
MAY 22 1981
BARBARA JAYO, CLERK
Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWHYEE

R. T. NAHAS CO., a California corporation, ROBERT T. NAHAS and EVA C. NAHAS, Plaintiffs, vs. JAY H. HULET and GERTRUDE HULET, Husband and Wife, Defendants.	CASE NO. 4091 JUDGMENT AND DECREE

This matter was tried by the court sitting without a jury in Murphy, Idaho on March 23, 24 and 25, 1981. The plaintiffs appeared and were represented by Robert J. Koontz of the firm of Elam, Burke, Evans, Boyd & Koontz and James Kiser of the firm of Kiser & Kiser. The defendants appeared and were represented by Terrence R. White and Phil Peterson of the firm of Yost, White & Ahrens. At the conclusion of the case the pleadings were amended to conform to the proof.

On the 7th day of May, 1981 the court entered its Findings of Fact and Conclusions of Law. By agreement of counsel, the damage portion of the case was bifurcated and awaits further hearing.

It is hereby ORDERED, ADJUDGED and DECREED that:

1. Plaintiffs' have a valid and legal right to divert, appropriate and store the winter flow waters of Sinker Creek into their "unnamed lake" for later irrigation use upon 122.8 acres located within the following described land situate in Owyhee County, State of Idaho, to wit:

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PARCEL I: Township 3 South, Range 1 East, Boise Meridian
Section 7: Lots 4 and 5
NE 1/4 SW 1/4
Section 18: Lots 1 and 2
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SE 1/4

Township 3 South, Range 1 West, Boise Meridian
Section 12: SE 1/4 SE 1/4
Section 13: NE 1/4 NE 1/4

PARCEL II: Township 3 South, Range 1 East, Boise Meridian
Section 18: S 1/2 SE 1/4
Section 19: NE 1/4 NE 1/4
Section 20: NW 1/4
NE 1/4 SW 1/4
NE 1/4
N 1/2 SE 1/4
Section 21: NW 1/4 NW 1/4

2. Plaintiffs' point of diversion shall be located in the NE-1/4 SW-1/4 Section 13, T. 3 S., R. 1 W., B.M., Owyhee County, Idaho.

3. Plaintiffs' have established a superior right to store 729 acre feet of water per year between the months of November 1 and April 1. This right shall be limited by the capacity of plaintiffs 55 acre unnamed lake.

4. Plaintiffs priority date on their Constitutional appropriation is April 1, 1966. Defendants priority date to store water is October 25, 1975.

5. Plaintiffs are entitled to a stock water right of 12 miners inches of the continuous flow of Sinker Creek winter run off waters below plaintiffs' diversion works during the period November 1 to April 1 of each year.

6. All water master costs and administrative costs incurred pursuant to this judgment shall be borne exclusively by the defendants.

7. In the courts Findings of Fact and Conclusions of Law heretofore entered the court has made a finding that defendants deprivation of plaintiffs' lawful water rights after notification to defendants of damage to plaintiffs

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constitutes an intentional act on defendants' part and that defendants conduct was motivated by monetary gain.

8. The court concluded as a matter of law that plaintiffs may be entitled to punitive damages. The court, however, reserves judgment on this issue. The reservation of judgment on punitive damages shall, however, not effect the finality of the remainder of this judgment.

9. Plaintiffs request for attorney fees shall await the damage aspect of the trial. The determination of attorneys fees shall, however, not effect the finality of the remainder of this judgment.

The court having found for the plaintiffs and against the defendant, defendants shall pay to plaintiffs their costs of suit in the amount of $ 6,170.12 .

DATED This 21st day of May, 1981.

Jim R. Doolittle, District Judge

RULE 54(b) CERTIFICATE

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

DATED This 21st day of May, 1981.

Jim R. Doolittle, District Judge

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Exhibit C

JAMES W. KISER
Attorney at Law
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Boise, Idaho 83706
(208) 376-3100

ELLISON MATTHEWS
MATTHEWS, LEE & WILSON
777 North 4th
Boise, Idaho 83702
(208) 345-9100
Attorneys for Plaintiffs

DISTRICT COURT, THIRD JUDICIAL DISTRICT

STATE OF IDAHO, COUNTY OF OWYHEE

HUBERT NETTLETON AND HELEN NETTLETON, Husband and Wife, PAUL NETTLETON AND PATRICIA NETTLETON, Husband and Wife, JOYCE LIVESTOCK COMPANY, a co-partnership Plaintiffs. vs JAY H. HULET AND GERTRUDE HULET, Husband and Wife, Defendants.	CASE NUMBER C O M P L A I N T

COMES NOW the Plaintiffs above named and for a cause of action against Defendants complain and allege as follows:

COUNT ONE

I

That the Plaintiffs, HUBERT NETTLETON, HELEN NETTLETON, PAUL NETTLETON AND PATRICIA NETTLETON are residents of Owyhee County, Idaho. That Joyce Livestock Company is a co-partnership composed of HUBERT NETTLETON, HELEN NETTLETON AND PAUL NETTLETON with its principal place of business in Owyhee County, Idaho. That Defendants JAY H. HULET AND GERTRUDE HULET are residents of Owhyee County, Idaho.

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II

That the Plaintiffs and their grantors and predecessors in interest have been and Plaintiffs now are the owners and possessors of that real property described in Exhibit "A", attached hereto.

III

That said land is arid land and requires the artificial application of water in order to produce crops thereon but with the application of water, said land is fertile and produces crops commonly raised in that section of the country.

IV

That Sinker Creek is a tributary of the Snake River and is a stream or water course flowing in a northeasterly course in the County of Owyhee in the State of Idaho and flows through various lands including, among others, those sections in which part of Plaintiff's land is situated described in Exhibit "A" attached hereto.

V

That the Plaintiffs have adjudicated water rights to the flows of Sinker Creek in the following amounts with the following priority dates:

Miners Inches	Priority Date
50	April 1, 1865
597.4	April 1, 1867
62.5	April 1, 1867
118.6	April 1, 1871
30.0	April 1, 1876
72.0	April 1, 1881
88.0	April 1, 1892
35.0	April 1, 1901
1,053.5 Total	

VI

That the Plaintiffs and their predecessors in interest have diverted and appropriated the above described waters and have put such to a beneficial use on the lands described in Exhibit "A", since on or before the turn of the century.

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VII

That Defendants have a Water License No. 57-7152 to store certain waters of Sinker Creek in Defendants' reservoir from November 15 to June 15. The priority of this License is October 28, 1975. This license provides that Defendants only have said right "SUBJECT TO ALL PRIOR WATER RIGHTS." That Defendants have constructed a dam and obstructions on Sinker Creek at a location upstream from Plaintiffs for the purpose of storing waters of Sinker Creek. Defendants have no other valid rights to store any of the waters of Sinker Creek.

VIII

That for more than 50 years prior to the construction of Defendants' reservoir, the Plaintiffs and their predeceasors in interest diverted appropriated and put to beneficial use the above-described water on a year around basis, including but not limited to diversion, appropriation and beneficial use during the winter months or the non-regular irrigation season of April 1 - October 31.

IX

That Plaintiffs had and continue to have a constitutional right to continue to divert, appropriate and place to beneficial use those above described waters in Sinker Creek during the entire year and also during the winter months. That Plaintiffs' right is prior to and superior to any of Defendants' rights to capture and store the waters of Sinker Creek.

X

That ever since the Defendants constructed their reservoir on or about the year 1976, Defendants have wrongfully interfered with and wrongfully obstructed and stored the water and water rights which lawfully belong to the Plaintiffs thereby depriving the Plaintiffs of the comfortable enjoyment and free use of those waters.

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MAY 18 1990

XI

That Defendants acts of depriving Plaintiffs of their rightful water and totally obstructing the flow of Sinker Creek are malicious, wanton, wilful, and in complete disregard of Plaintiffs' rights.

XII

That the Defendants threaten to continue to maintain said reservoir dam and obstructions upstream from Plaintiffs and to continue to wrongfully capture and wrongfully store the waters which rightfully belong to the Plaintiffs and unless restrained by order of this Honorable Court, such wrongful acts, intent and threat will be continued and made effectual.

XIII

That unless Defendants and each of them are restrained and enjoined by decree of this Court from interfering with Plaintiffs' Constitutional and decreed water rights, Plaintiffs will suffer great and irreparable damage by being deprived of the use of said waters which are put to continuous beneficial use in the irrigation of Plaintiffs above described lands. Plaintiffs have no plain, speedy or adequate remedy at law.

XIV

That by reason of Defendants' wrongful and unlawful acts, Plaintiffs have had to employ counsel to prosecute this action and protect Plaintiffs' interests. Plaintiffs are entitled to recover reasonable attorneys fees in addition to other relief pursuant to Idaho Statutes.

XV

Because of Defendants' actions in building the above said dam and obstructing the flow of Sinker Creek, a water master had to be employed putting Plaintiffs to unnecessary expense. If Defendants observed all prior water rights when storing and releasing water in Sinker Creek, no water master would be necessary. Such a situation existed for eight continuous years prior to the construction of the dam. After construction of the dam, however, Defendants wrongfully

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MAR 13 1990

interfered with Plaintiffs' water rights and a water master had to be employed. Plaintiffs are entitled to recover their portion of the expenses for the water master where those expenses are related to the wrongful interference of Plaintiffs' water rights by the Defendants.

COUNT TWO

I

Plaintiffs herein reallege those allegations contained in Count One and incorporate herein as if set our in full.

II

That Plaingiffs, their Grantors and Successors in interest had for more than 50 years prior to the construction of Defendants reservoir diverted appropriated and put the waters of Sinker Creek to beneficial use for the watering of stock. That Plaintiffs have a Constitutional Right to this stock water and this right is in addition to all other water rights held by Plaintiffs.

III

That the Defendants in constructing their reservoir and in storing and obstructing the flows of Sinker Creek during the winter months have been and are depriving the Plaintiffs of their lawfull and Constitutional right to this stock water, and are depriving Plaintiffs of the comfortable enjoyment and free use of these waters and are causing Plaintiffs great injury.

IV

That the Defendants' actions in interfering with and obstructing Plaintiffs stock water rights during the winter months is willful, wanton and malicious and in total disregard for Plaintiffs' rights.

V

That Defendants have threatened to continue to wrongfully and unlawfully interfere with and obstruct Plaintiffs' water rights to Sinker Creek and unless restrained and enjoined by this Honorable Court, such wrongful acts, intent and threat will be continued and made effectual; all which will cause the Plaintiffs to suffer great

and irreparable injury be depriving them of their rightful water. Plaintiffs have no plain, speedy or adequate remedy at law.

XI

That by reason of Defendants' wrongful and unlawful acts, Plaintiffs have had to employ counsel to prosecute this action and protect Plaintiffs' interests. Plaintiffs are entitled to recover reasonable attorneys fees in addition to other relief pursuant to Idaho Statutes.

COUNT THREE

Plaintiffs herein reallege all allegations of Counts One and Two and incorporate them herein as if set out in full.

II

That by reason of Defendants' interference with and obstruction of Plaintiffs' Constitutional and lawful water rights, Plaintiffs have suffered pecuniary loss and lost profits in the production of crops, feed and cattle in the sum of $25,000.00.

III

That Plaintiffs have had to employ counsel to prosecute this action. That pursuant to Idaho Statutes, Defendants and each of them should be made to pay Plaintiffs reasonable attorneys fees.

WHEREFORE, Plaintiffs pray judgment against the Defendants as follows:

1. That the Court determine, declare and decree the water rights of the Plaintiffs and the Defendants along with their amounts and priorities.

2. That the title of the Plaintiffs to their said water rights be quieted and established in the rightful names of the Plaintiffs and that the rights of the Defendants be declared to be subject and subordinate to the rights of Plaintiffs.

3. That the Defendants, and each of them, be permanently enjoined and restrained from obstructing or interfering with in any manner

MAR 1 - 1990

Plaintiffs' prior decreed and Constitutional Water Rights to Sinker Creek and that this Honorable Court order Defendants to allow sufficient water of Sinker Creek to flow through Defendants' dam to satisfy all of Plaintiffs' rights.

4. That the Defendants, and each of them, be permanently enjoined and restrained from obstructing or interfering with in any manner Plaintiffs' stock water rights and that Defendants be ordered to allow sufficient waters of Sinker Creek at all times all year around to pass through their dam to satisfy these rights.

5. That Defendants and each of them, be required, at their expense, to maintain accurate measuring devices above their dam and below their dam to insure that the amount of water that flows into their dam from Sinker Creek is the same amount that is released into Sinker Creek below the dam.

6. That Plaintiffs have judgment against the Defendants, and each of them, jointly and severally, for the costs incurred by Plaintiffs in employing the water master to prevent Defendants wrongful interference with Plaintiffs' water rights.

7. That the Court order that any water master employed in the future to prevent Defendants' wrongful interference with Plaintiffs' water rights be employed at the sole expense of the Defendants.

8. That the Plaintiffs recover their reasonable attorneys fees from Defendants, or each of them, jointly or severally as well as the costs incurred in this action.

9. That Plaintiffs recover punitive damages from the Defendants and each of them, jointly or severally in the amount of $25,000.00.

10. That Plaintiffs be awarded the sum of $25,000.00 for all pecuniary losses and lost profits.

11. That the Plaintiffs may have such other or further or different relief as this Honorable Court deems just and reasonable.

DATED This day of August, 1980.

James W. Kiser
Attorney for Plaintiff

EXHIBIT "A"

TOWNSHIP 2 SOUTH, RANGE 2 WEST, B.M.
Section 35: SW¼NE¼ lying West of Highway

TOWNSHIP 3 SOUTH, RANGE 1 WEST, B.M.
Section 18: SE¼SW¼
Section 19: Lots 1, 2, 3 and 4, E½NW¼, E½SW¼, SE¼, SW¼NE¼, S½SE¼NE¼, NW¼SE¼NE¼
Section 20: S½
Section 21: SW¼NW¼, NW¼SW¼
Section 29: NW¼, N½SW¼
Section 30: Lots 1 and 2, NE¼, E½NW¼, SE¼SW¼, N½SE¼, SW¼SE¼
Section 31: Lots 2 and 3, E½NW¼

TOWNSHIP 3 SOUTH, RANGE 2 WEST, B.M.
Section 36: S½SE¼, NE¼SE¼

TOWNSHIP 4 SOUTH, RANGE 1 WEST, B.M.
Section 7: Lot 3, S½NE¼, SE¼NW¼, NE¼SW¼
Section 8: S½NW¼

TOWNSHIP 4 SOUTH, RANGE 2 WEST, B.M.
Section 1: SW¼SW¼, N½SW¼, E½NW¼
Section 2: S½SE¼
Section 4: N½SW¼
Section 11: N½NE¼
Section 12: NW¼NW¼, NE¼SE¼
Section 14: S½
Section 15: NE¼NW¼, S½NW¼, S½
Section 16: SE¼NE¼
Section 17: S½SE¼
Section 20: W½SW¼
Section 23: NW¼NE¼, E½NW¼, NE¼SW¼
Section 29: W½NW¼
Section 32: SE¼SE¼
Section 33: S½S½
Section 34: SW¼SW¼

TOWNSHIP 4 SOUTH, RANGE 3 WEST, B.M.
Section 23: S½NE¼, SE¼NW¼, SE¼
Section 24: SW¼NW¼, W½SW¼
Section 25: NW¼NW¼
Section 26: NE¼NE¼

TOWNSHIP 5 SOUTH, RANGE 2 WEST, B.M.
Section 4: Lots 1, 2, 3 and 4, S½N½
Section 5: Lots 1 and 2, S½NE¼, SE¼NW¼, E½SW¼, SW¼SW¼, N½ SE¼

TOWNSHIP 5 SOUTH, RANGE 3 WEST, B.M.
Section 2: S½NE¼, N½SE¼

Also Tax Numbers # 89B, 89D, 89F and 139 (Patented Mining Claims)

TOWNSHIP 3 SOUTH, RANGE 1 WEST, B.M.
Section 17: NE¼SE¼

TOWNSHIP 4 SOUTH, RANGE 2 WEST, B.M.
Section 34: SW¼SW¼

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MAR 13 1990

EXHIBIT "A" CONTINUED

TOWNSHIP 5 SOUTH, RANGE 2 WEST, B.M.
Section 3: Lot 4, S½NW¼, W½SW¼
Section 4: N½S½, SE¼SE¼
Section 5: NE¼SE¼
Section 9: SE¼NW¼, NE¼, N½S½
Section 10: NW¼NW¼

TOWNSHIP 4 SOUTH, RANGE 2 WEST, B.M.
Section 19: Lots 1 and 2

TOWNSHIP 4 SOUTH, RANGE 3 WEST, B.M.
Section 24: Lots 1 and 2
Section 35: Lot 3

TOWNSHIP 5 SOUTH, RANGE 3 WEST, B.M.
Section 1: SW¼SW¼
Section 2: Lots 3 and 4, SE¼NW¼, SW¼NW¼, NW¼SW¼, S½SE¼
Section 11: E½NE¼, NW¼NE¼, E½NW¼, S½
Section 12: W½NW¼

Also Tax Nos. 62, 88 and 140 (Patented Mining Claims.)

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MAR 13 1990

Exhibit D

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

HUBERT NETTLETON AND HELEN NETTLETON, Husband and Wife, PAUL NETTLETON AND PATRICIA NETTLETON, Husband and Wife, JOYCE LIVESTOCK COMPANY, A Co-partnership, Plaintiff, vs. JAY H. HULET AND GERTRUDE HULET, Husband and Wife, Defendants.	Case No. 4255 ORDER DIRECTING THE IDAHO DEPARTMENT OF WATER RESOURCES TO EXAMINE AND FILE A REPORT ON THE WATER RIGHTS IN SINKER CREEK
JAY H. HULET AND GERTRUDE HULET, Husband and Wife, Counter-Plaintiff, vs. KENNETH NEAVILL, as duly appointed Watermaster for Water District 57-D, State of Idaho, Department of Water Resources, Third Party Defendant, vs. HUBERT NETTLETON AND HELEN NETTLETON, Husband and Wife, PAUL NETTLETON AND PATRICIA NETTLETON, Husband and Wife, JOYCE LIVESTOCK COMPANY, a Co-partnership, Counter Defendants.	

This action, which began with the filing of a complaint on August 18, 1980, seeks to determine inter alia, the existing rights of the plaintiffs and defendants to the waters of Sinker Creek in Owyhee County. The Court is familiar with the water right adjudication procedures of the Idaho Department of Water Resources ("Water Resources") set forth in Title 42, Chapter 14,

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MAR 13 1990

Idaho Code, and has been informed that Water Resources has the personnel and funds to complete an examination and report on the water rights in the Sinker Creek drainage.

WHEREFORE, good cause appearing, IT IS ORDERED and this DOES HEREBY ORDER that:

1. The Idaho Department of Water Resources proceed, pursuant to Idaho Code 42-1406, et seq. (1977), with the general determination of all surface waters of Sinker Creek Drainage Basin, which waters lie in or are being used in Owyhee County, as shown on the attached map, Exhibit A.

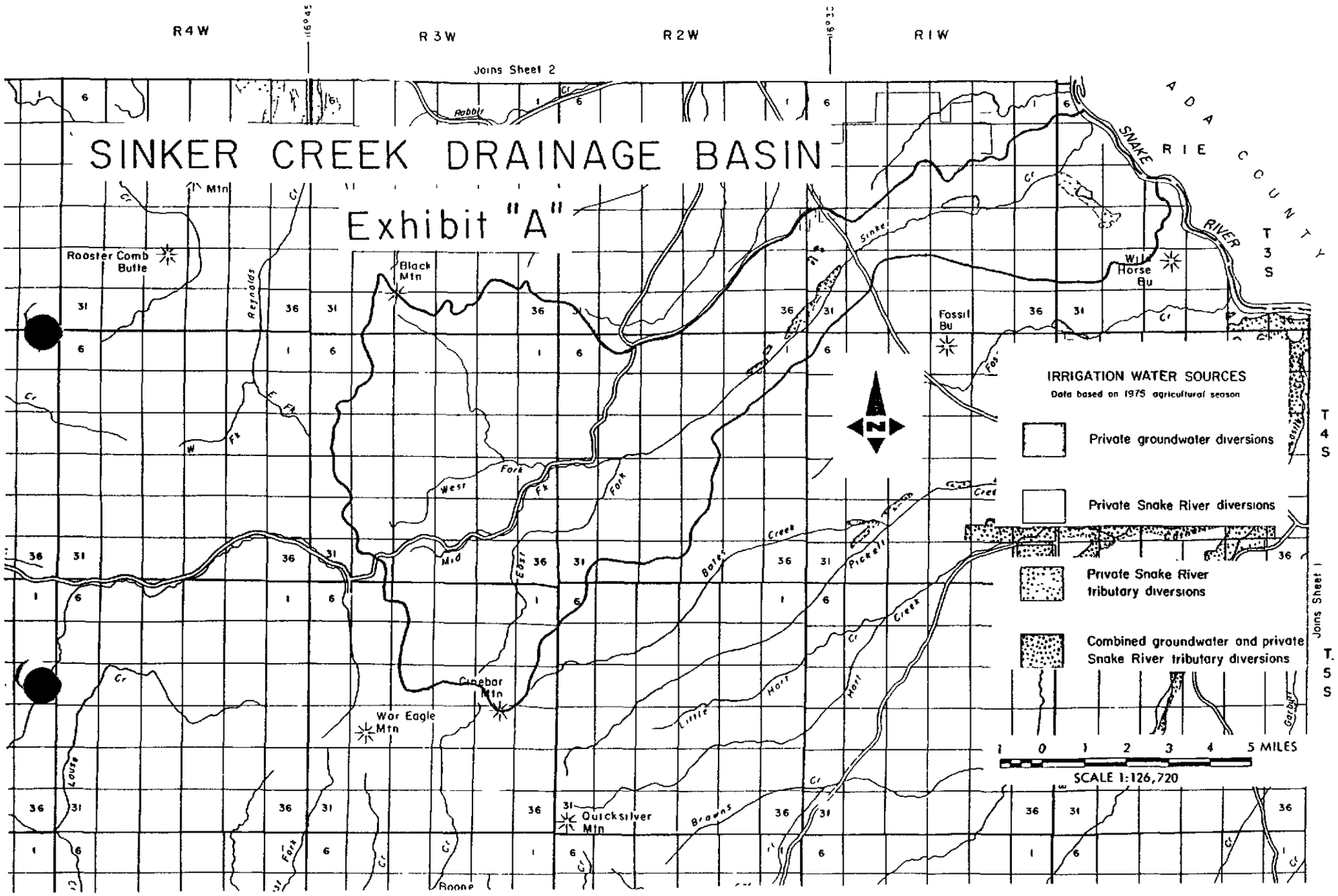
2. The Idaho Department of Water Resources conduct a survey and make an examination of the Sinker Creek Drainage Basin, the canals and ditches diverting water therefrom and all of the land being irrigated by such canals and ditches and other works, and prepare maps or plats on a scale of not less than one (1) inch to the mile, showing with substantial accuracy, the course of the stream, the location of each ditch, canal or other works diverting water therefrom and the legal subdivision of the land which has been irrigated, and the other uses being made of the water diverted from the system.

3. The Idaho Department of Water Resources shall prepare a list and/or show on said maps the present users and/or prior claimants to the water being used, and the location of their uses.

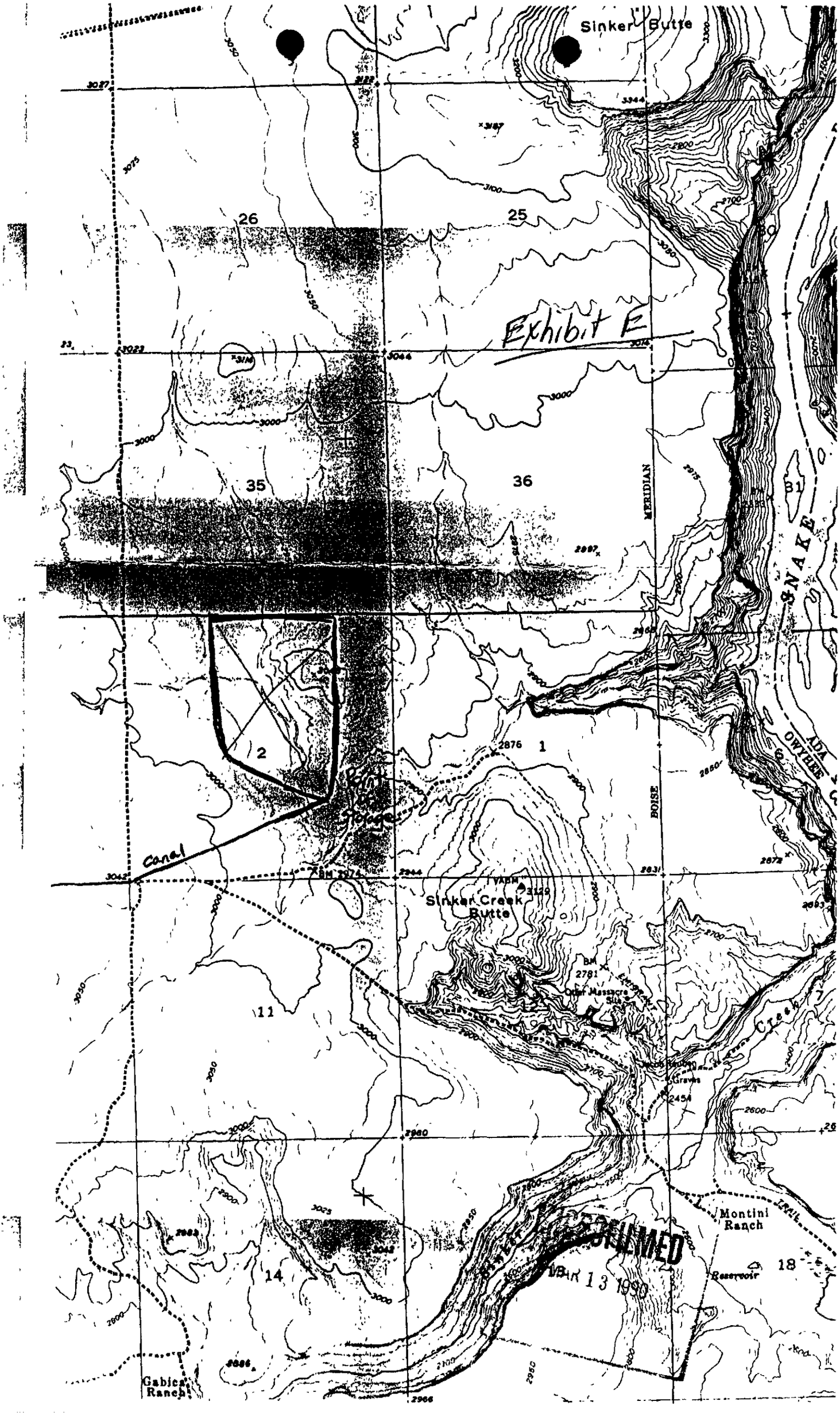
DATED this _____ day of _____, 1982.

_____
Jim. R. Doolittle
District Judge

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MAR 13 1990



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MAR 13 1990


Sinker Butte
Exhibit E
26
25
35
36
MERIDIAN
BOISE
SNAKE
ADA
OWYHEE
Point of Rocks
Canal
Sinker Creek Butte
Creek
Montini Ranch
Reservoir
Gabica Ranch
14
11
2
1
18
FILED
MAR 13 1990

P 397 135 003

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Paul Sousley	
Street and No. Town Co. Box 79	
P.O., State and ZIP Code Boise, Id. 83707	
Postage	
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return Receipt Showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$
Postmark or Date	

UNCLAIMED

MAR 1 1980

S Form 3800, Feb. 1982

P 397 135 002

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Doug H. Hulet	
Street and No.	
P.O., State and ZIP Code Burley Id. 83	
Postage	CERTIFIED MAIL
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return Receipt Showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$
Postmark or Date	

MAR 13 1990

S Form 3800, Feb. 1982

P 397 135 001

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Clarence W. Kiser	
Street and No. 5000 Fairview Ave	
P.O., State and ZIP Code Boise Id 83706	
Postage	
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return Receipt Showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$
Postmark or Date	

MAR 1 1983

DELIVERED

S Form 3800, Feb. 1982

PS Form 3811, Dec. 1990

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

S&SL-LS

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

(CONSULT POSTMASTER FOR FEES)

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

TOTAL $

3. ARTICLE ADDRESSED TO:
Paul Jauregui Wise Pres.
Idaho Power
Box 70
Boise Id 83707

MICROFILMED

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
MAR 13 1990

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

Mary L. Watson

5. DATE OF DELIVERY
NOV -4 1983

POSTMARK
S&SL
NOV 4 1983
USPS

6. ADDRESSEE'S ADDRESS *(Only if requested)*

7. UNABLE TO DELIVER BECAUSE.

7a. EMPLOYEE'S INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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

U.S.MAIL

MICROFILMED

NOV 2 1983

MAR 13 1990

RETURN

Department of Water Resources

RECEIVED
NOV 7 1983
Department of Water Resources
Western Regional Office

Idaho Department of Water Resources
Western Region
Statehouse
Boise, Idaho 83720

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

5671-LS

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

(CONSULT POSTMASTER FOR FEES)

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

TOTAL $

3. ARTICLE ADDRESSED TO:
James W. Harvey
5000 Ranchwood
Boise ID 83706

MICROFILMED
MAY 1 1990

4. TYPE OF SERVICE:
   - ☑ REGISTERED ☐ INSURED
   - ☐ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. Diane Deschbacher

DATE OF DELIVERY
11-4-83

POSTMARK
NOV 4 1983
BOISE, IDAHO

6. ADDRESSEE'S ADDRESS *(Only if requested)*

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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

U.S. MAIL

MICROFILMED

NOV 7 1983

Department of Water Resources

MAR 13 1990

RETURN TO

(Name of Sender)

Idaho Department of Water Resources
Western Region
Statehouse (Street or P.O. Box)
Boise, Idaho 83720

(City, State, and ZIP Code)

GEARY

NOV 7 1983

Department of Water Resources
Western Regional Office

PS Form 3811, Dec. 1990

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SN-1-385

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

(CONSULT POSTMASTER FOR FEES)

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

TOTAL $

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MAR 13 1990

3. ARTICLE ADDRESSED TO:
Jay H. Hulet
Murphy, ID. 83650

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

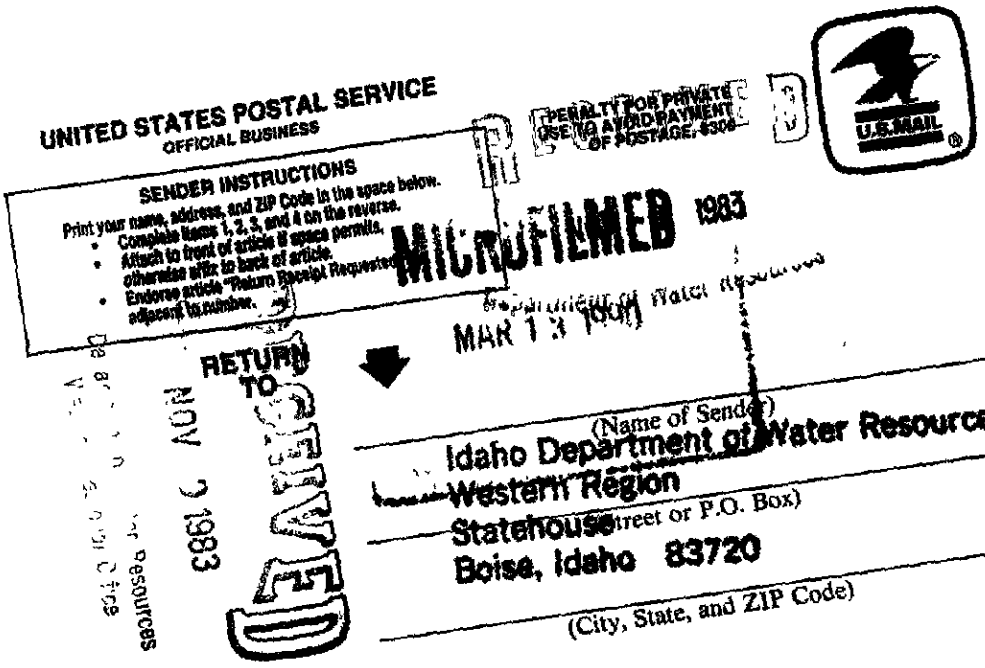
5. DATE OF DELIVERY
11-7-83

POSTMARK
MURPHY ID
NOV 7 1983
US

6. ADDRESSEE'S ADDRESS *(Only if requested)*

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS
E.B.


UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS
SENDER INSTRUCTIONS
Print your name, address, and ZIP Code in the space below.
• Complete items 1, 2, 3, and 4 on the reverse.
• Attach to front of article if space permits, otherwise affix to back of article.
• Endorse article "Return Receipt Requested" adjacent to number.
PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300
U.S.MAIL
MICROFILMED 1983
MAR 1 3 1984
RETURN TO
(Name of Sender)
Idaho Department of Water Resources
Western Region
Statehouse
(Street or P.O. Box)
Boise, Idaho 83720
(City, State, and ZIP Code)
RECEIVED
NOV 2 1983
Idaho Dept. of Water Resources

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

September 9, 1983

Mr. Paul Jauregui, Vice President
Idaho Power Company
Box 70
Boise, ID 83707

RE: Applications for Storage Water Above Swan Falls

Dear Paul:

The Department has on file several applications for permit for storage water upstream from Swan Falls and downstream from the Bliss - Salmon Falls complex. Flow records from the Murphy gage show that in all years there is more than 8400 cubic feet per second of water in the river at that point for at least part of the year. This leads the Department to believe that these storage applications should be advertised and considered because there may be water available for appropriation during some portions of the year.

The Department will consider that Idaho Power has a protest against any of these applications that are advertised unless your protest is specifically withdrawn for an individual application or this class of applications. If your protest is not withdrawn, you will be notified of the time and place of any hearing for these applications.

The Department also has on file an application that was filed before November, 1982, was protested and a hearing has been held, but no decision has been issued. The application is to store up to 4500 acre feet of water from Cold Springs Creek near Hammett, for irrigation. This application fits the class of applications the Department will begin to process but will consider to be protested by Idaho Power. Unless your protest is withdrawn, a hearing will be set in the future.

If you would like to review the Cold Springs Creek application before making your decision, please contact David Shaw in our Western Region office at 334-2190.

Sincerely,

Norman C. Young

NORMAN C. YOUNG, Administrator
Resources Administration Division

NCY:sc

cc: Tom Nelson
Western Region

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MAR 13 1990

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW
P.O. BOX 1906
TWIN FALLS, IDAHO 83301
TELEPHONE (208) 734-0700

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

SUN VALLEY-KETCHUM OFFICE
P.O. BOX 2399
SUN VALLEY, IDAHO 83353
TELEPHONE (208) 726-4491

RECEIVED
DEC 3 1982
Department of Water Resources

December 2, 1982

Mr. Kenneth Dunn, Director
Department of Water Resources
Statehouse
Boise, Idaho 83724

Re: Idaho Power Co. vs. State of Idaho

Dear Ken:

While there are certainly many unanswered questions to be discussed since the November 19, 1982 opinion of the Idaho Supreme Court in the above case, Idaho Power has inquired of us as to whether or not they now need to file protests against each application that would be filed for consumptive use of waters tributary to the Snake River above Swan Falls.

I am enclosing copies of the correspondence between Josephine Beeman and myself in late 1977 and 1978. Presumably every applicant who sought to appropriate and consumptively use waters tributary above Hells Canyon have received one of the form letters. It would now seem appropriate that the decision would dictate that no applications for consumptive use of waters tributary above Swan Falls should be processed. Idaho Power's query now is what the Department's policy will be in the future during the pendency of any rehearing or appeal, as well as until a subsequent District Court decision is obtained, if the efforts for rehearing and appeal would be unsuccessful in changing the result of the decision.

We would appreciate your counsel in this regard since we do still see applications for permits for tributary goundwater as well as surface water advertised on a weekly basis in the newspapers to which this firm subscribes.

I would be willing to discuss the matter further with you at your convenience, but our client thinks it is important that they receive some indication of the

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MAR 13 1990

Department's posture in this regard so as to determine whether or not they need to initiate separate protests of each such filing until the final result is obtained.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:cw

CC: Josephine Beeman, Ass. Att. Gen.
J.E. Bruce, Chairman
Paul Jaurequi, General Counsel

MICROFILMED
MAR 13 1990

ARRY, ROBERTSON, DALY & LARSON
LAWYERS
THE IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 1326
TWIN FALLS, IDAHO 83301
(208) 733-3722

R. P. PARRY
HURT LARSON
C. C. McINTYRE
JOHN R. OLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. FAINE
J. EVAN ROBERTSON
THOMAS G. WALKER, JR.
JAMES C. TUCKER

J. M. ROBERTSON (1911-1977)
JOHN H. DALY (1913-1968)

March 21, 1978

Josephine P. Beeman
Assistant Attorney General
Idaho Department of Water Resources
Statehouse
Boise, ID 83707

Dear Jo:

Thank you for your letter of March 15th with the form letters attached.

They appear fine and thank you for your cooperation.

I have advised Paul Jauregui's staff that there is no need to lodge the 300 plus protests that they have prepared in their office. I suppose the one question I have is whether or not everybody who has filed an application with the Department since December 9th of 1977 will be receiving one of these letters when their permits are approved. Essentially we had covered everybody in every mothershed between Milner Dam and Hells Canyon through December 9th with the Power Company's notice letter. As for the notice letters to those on the Snake Plain Aquifer and in watershed 55, we were probably current through about January 10th. I presume that in the normal course of events applications filed as late as December 7th of 1977 have not yet been processed. If, however, there are some that have been processed, then perhaps it would be necessary for this letter to follow up or on the other hand, we could find out which ones they were and Idaho Power could subsequently notify those persons.

Thanks for your cooperation in this matter.

Sincerely,

JOHN A. ROSHOLT

JAR:kf

cc: Steve Allred
Paul Jauregui

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MAR 13 1990

PARRY, ROBERTSON, DALY & LARSON
MAR 1 7

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
BOISE 83720

WAYNE L. KIDWELL
ATTORNEY GENERAL

TELEPHONE
(208) 384-2400

March 15, 1978

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

RE: Blanket Protest of Idaho Power

Dear John:

I am enclosing the final copies of the two form letters (SNAKE RIVER LETTER and TRIBUTARY letter), which will be mailed with the Department of Water Resource's issuance of new permits on the Snake River and tributaries to the Snake River between Milner Dam and Hells Canyon. Your suggestions by phone this noon have been incorporated into these final copies.

The Department of Water Resources will now assume that these letters satisfactorily address the general protest filed December 30, 1977, by Idaho Power. However, for the record, you may wish to file a formal withdrawal of the protest with the Department.

Thank you again.

Cordially,

JOSEPHINE P. BEEMAN
Assistant Attorney General
Legal Counsel, Idaho Department of Water Resources

JPB:dlc

2 Encls.

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MAR 13 1990

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

Date

RE: Permit No. _____.

Letter for Surface & Ground-water Tributaries to Snake River Between Milner Dam and Hells Canyon (see attached map)

Name
Address

Dear _____:

Your approved copy of Application for Permit No. _____ is enclosed and we direct your attention to the conditions of approval on the fourth page.

*Please 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. Enclosed is a letter describing the different types of measuring devices accepted by this Department.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

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Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit.

However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

L. Glen Saxton
Chief, Operations Bureau

*extra: used only when measuring device is required

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MAR 13 1990

JAN 5 1978

Department of Water Resources

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

6th aug : 79
-A. Glen Saxton

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FILED FOR WATER DIVERSIONS FOR CONSUMPTIVE USE ON THE SURFACE AND SUBTERRANEAN TRIBUTARIES OF THE SNAKE RIVER BETWEEN MILNER DAM AND HELLS CANYON	PROTEST OF IDAHO POWER COMPANY TO APPLICATIONS FOR PERMITS TO DIVERT AND CONSUMPTIVELY USE WATER

Comes now the Idaho Power Company, by and through their attorneys, Parry, Robertson, Daly & Larson, and respectfully allege:

1. That protestant is a corporation organized and existing under the laws of the State of Maine, qualified to do business in the State of Idaho, with principal offices at 1220 Idaho Street, Boise, Idaho, 83721.

2. The protestant holds certain decreed and licensed water rights on the Snake River in the State of Idaho for power production at its Swan Falls hydroelectric plant.

3. A complaint has been filed in the Idaho Public Utilities Commission in Case No. U-1006-124 alleging that the licensed right of the protestant at Swan Falls should be used as the basis to protest all present and future water right applications above and below Swan Falls between Milner Dam and the Hells Canyon complex.

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EXHIBIT A

4. That case No. 62237 has been filed by the protestant as plaintiff against multiple defendants in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, seeking declaratory relief as to whether or not the protestant has a protectable right in the reach of the river between Milner Dam and Hells Canyon.

5. Protestant has previously notified or will notify by letter all persons, corporations or other entities if that they have filed applications or obtained permits from the Department of Water Resources to divert waters for consumptive use from the Snake River and its surface and subterranean tributaries between Milner Dam and Hells Canyon that the protestant cannot hook up electrical service to facilitate such depletionary diversions.

6. That the Department of Water Resources has received and does receive on a daily basis permits for the diversion of waters which are surface or subterranean tributaries of the Snake River between Milner Dam and Hells Canyon, (as shown on Exhibit "A" hereto) and that it is burdensome to require protestant to submit individual protests against each application received by the Department until such time as Case No. 62237 is determined by the Fourth Judicial District Court in Ada County, and Case No. U-1006-124 filed in the Public Utilities Commission is determined.

WHEREFORE, Protestant, Idaho Power Company, hereby protests all past and future water applications filed with the Department of Water Resources which contemplate diversion and consumptive use of waters from the surface and subterranean tributaries of the Snake River, including the Snake River, between Milner Dam, the Snake River east of Twin Falls and the Hells Canyon Dam in Basin identified by the Department of Water Resources as Nos. 34, 35, 36, 37, 45, 47, 51, 55, 57, 61, 63, 65 and 67.

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MAR 13 1990

1. That all such applications filed with the Department reduce the quantity of water under existing water rights available to the Company.

2. That the water supply sought to be appropriated by said applicants, if in fact tributary to the Snake River between Milner Dam and Hells Canyon, is insufficient for the purposes for which it is sought to be appropriated when the rights of the protestant are considered.

WHEREFORE, The Idaho Power Company, by and through their attorneys, Parry, Robertson, Daly & Larson, respectfully request that all applications filed which contemplate diversion and comsumptive use of surface or subterranean waters which would otherwise be tributary to the Snake River between Milner Dam and Hells Canyon be denied by the Department of Water Resources and that no permits be issued pursuant to said applications.

DATED This 30th day of December, 1977.

PARRY, ROBERTSON, DALY & LARSON

BY Thomas F. Romney

P. O. Box 525
Twin Falls, Idaho
Attorneys for the Protestant
Idaho Power Company

The foregoing [illegible] of the [illegible] of [illegible] Signed this 6th day of Aug. 79

L. Glen Saxton

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MAR 13 1990

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

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 57-7385 IN THE NAME)
OF JAY H. HULET)

NOTICE OF HEARING AND/OR CONFERENCE

On March 1, 1983, Jay H. Hulet filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On October 11, 1983, the Department received a protest against the approval of said application from R. T. Nahas, Eva Nahas, R. T. Nahas Co., Glenbrook Properties by James W. Kiser, Attorney and Paul Nettleton, Hugh Nettleton, Helen Nettleton, Joyce Livestock Co. by James W. Kiser, Attorney. The Department also considers this application to be protested by Idaho Power Co. pursuant to their protest dated December 30, 1977 and subsequent correspondence attached.

The Department has set the matter of protest for hearing for Wednesday, 10:00 a.m., November 16, 1983 in the Third Floor Conference Room, State Tower Bldg., Department of Water Resources, 450 W. State Street, Boise, Idaho, 83720. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

Dated this 2 day of November, 1983.

DAVID B. SHAW
Western Regional Supervisor

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MAR 13 1990

CONFERENCE AND HEARING INFORMATION
IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

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

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

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

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

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

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

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

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MAR 13 1990

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. 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 has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quanity 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 propsed use under this permit conflict with the local public interest?

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

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

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MAR 13 1990

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

J

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to your Application No. _____. The Department suggests you contact the protestant(s) directly in an effort to determine the nature of the protest(s) and to attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quanity 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?

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

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

Enc:

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MAR 13 1990

JAMES W. KISER
ATTORNEY AT LAW
5000 FAIRVIEW AVE.
(FAIRVIEW AT MTN. VIEW DR.)
BOISE, IDAHO 83704
208 376-3100

March 11, 1983

Mr. Lee Sisco
Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Re: Hulet's Most Recent Application for Storage of 7,000 Acre Feet of Sinker Creek Dated March 1, 1983 (No D.W.R. number as yet)

Dear Lee,

If and when the above application is published, I request that you notify the following persons so that a timely protest can be filed. I make this request because sometimes the small notices in the Owyhee newspaper get overlooked (especially by those of us in Boise and California).

1. James W. Kiser
   Attorney at Law
   5000 Fairview Avenue
   Boise, Idaho 83706

2. R. T. Nahas
   R. T. Nahas Company
   20630 Patio Drive
   Castro Valley, CA 94546

3. Bill White
   Murphy, Idaho 83650

4. Paul Nettleton
   c/o Joyce Livestock
   Murphy, Idaho 83650

Sincerely,

James W. Kiser

JWK:da

cc: Mr. R. T. Nahas
Mr. Paul Nettleton

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MAR 13 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

SEPTEMBER 8, 1983

Owyhee Nugget
Marsing, ID 83639

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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 OCTOBER 3, 1983.

Yours truly,

JUDY PENSE
Secretary

Encl.

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MAR 13 1990

NOTICE OF APPLICATION FOR WATER RIGHT

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

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before OCTOBER 3, 1983.

KEN DUNN, Dir.

Published 09/15 & 09/22/83.

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MAR 13 1990

57-2385_

HULET, JAY H.

MURPHY, ID 83650

Source: SINKER CREEK trib. to SNAKE RIVER

Date Filed: 03/01/1983

Diversion Pt: SENW Sec 11 T 04S R 02W

Use: IRRIGATION STORAGE (7000.0 AF)
IRRIGATION FROM STORAGE (7000.0 AF)
DIVERSION TO STORAGE (70.00 CFS)

In: SWNW NESW NWSW NWSE SWSE Sec 02 T 03S R 01W SWNW NWSW SWSW NESE NWSE SWSE SESE Sec 03 T 03S R 01W SWNE SENE SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 04 T 03S R 01W SENE SWSW SESW SWSE SESE Sec 05 T 03S R 01W SESW NESE NWSE SWSE SESE Sec 07 T 03S R 01W NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 08 T 03S R 01W NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 09 T 03S R 01W NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 10 T 03S R 01W NENW NWNW SWNW SENW NESW NWSW Sec 11 T 03S R 01W NWNE NENW NWNW Sec 15 T 03S R 01W NWNE SWNE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NWSE SWSE Sec 17 T 03S R 01W NENE NWNE SWNE SENE NENW SENW NESW NESE NWSE SWSE SESE Sec 18 T 03S R 01W NENE NWNE Sec 19 T 03S R 01W NENW NWNW SWNW SENW Sec 20 T 03S R 01W
FOR 4800 ACRES

MICROFILMED

MAR 13 1990

3/79

IDENT. NO. 57-7385

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

Initials	Date	Item
JP	9/8/93	Original form entered
		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