

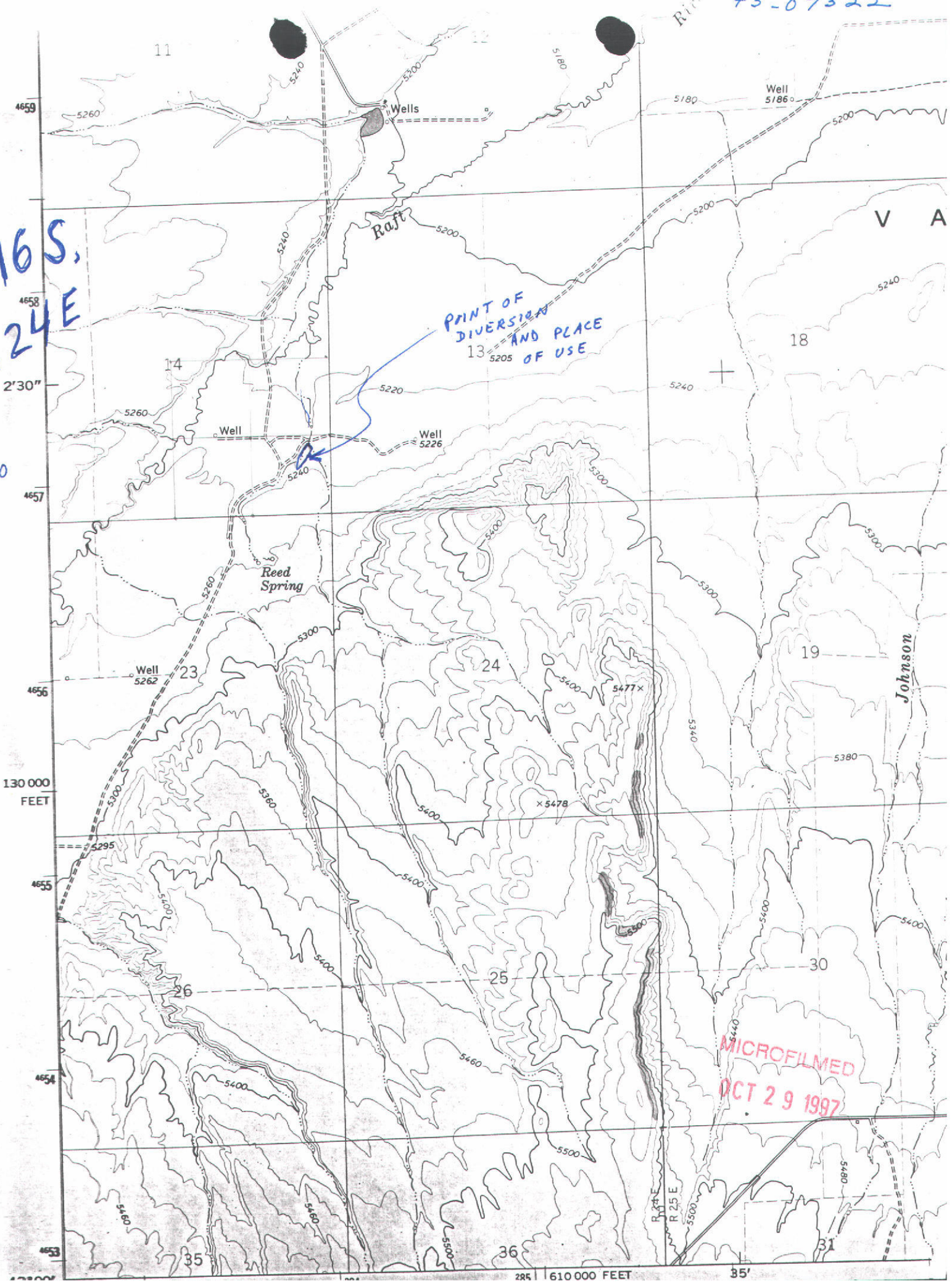
43-07322

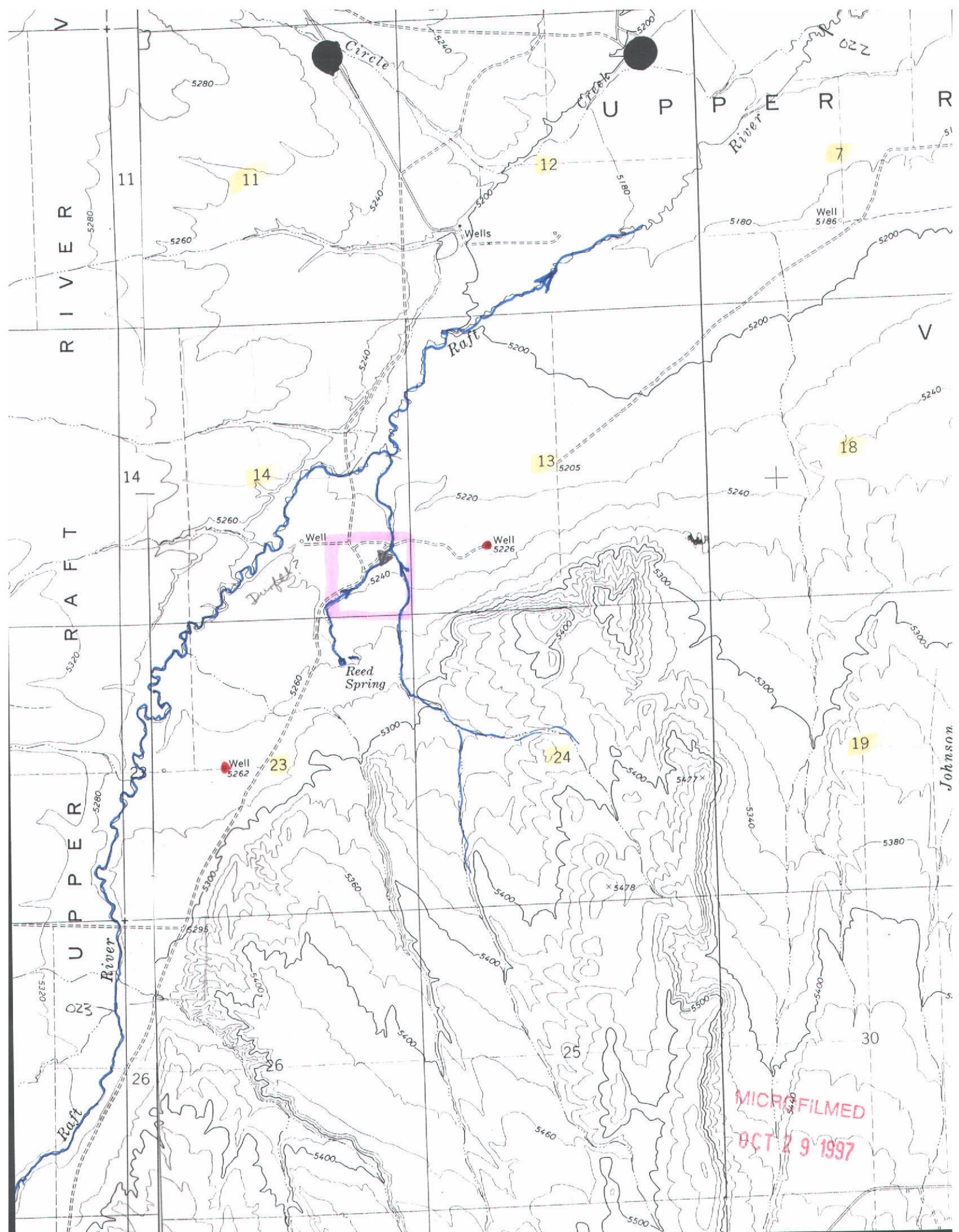
T16S.
R24E

QUAD
DD 80

POINT OF
DIVERSION
AND PLACE
OF USE

MICROFILMED
OCT 29 1997





Field Exam for 43-07322 Gary Steed.
Done by John Freitag and Allen Merritt on 06/15/00

Picture of measuring device (installed backwards) at the top of the pond



Just downstream from measuring device pictured above.



43-07322 cont.

Spring

Groundwater being piped into spring.



43-07322 cont.

Pond outlet
A measuring device needs to be installed here



Close-up of pond outlet



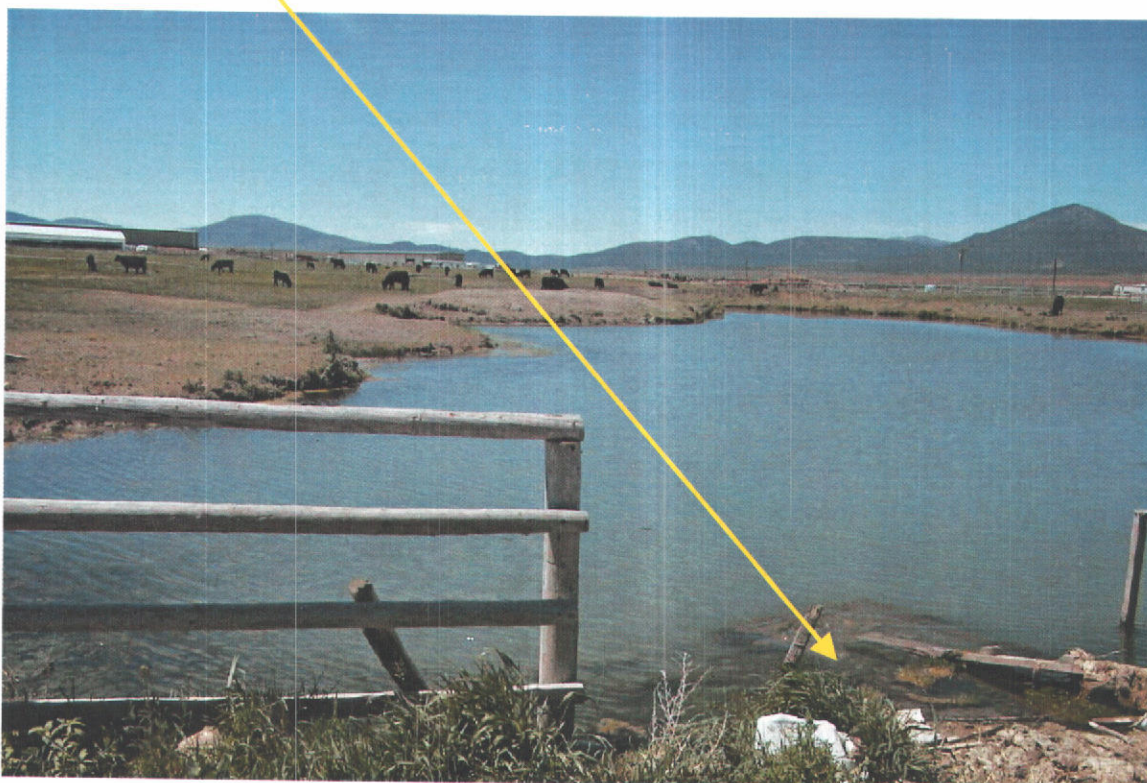
43-07322 cont.

Pond looking east.



Pond looking west.

Screen and pipe, takes water under road and back into Reed Springs Creek .



43-07322

11

12

4659

5260

5240

5200

Wells

5180

Well 5186

5200

T16S,
R24E

2'30"

WAD
D 80

4657

5260

Well

Well 5226

Raft

POINT OF
DIVERSITY
AND PLACE
OF USE

5205

18

5240

V

5240

Reed Spring

Well 5262

23

24

19

130 000
FEET

4656

4655

5295

26

25

30

4654

5400

5460

5500

35

36

31

R 24E
R 25E

Johnson

5380

5340

5400

5400

5400

5380

5300

5300

5300

5300

5300

5400

5400

5300

5260

5260

5240

5200

5200

5200

5200

5200

5200

5200

4658

4659

4659

4659

4659

4659

4659

1/2



upstream measuring device

photo looking downstream



looking from farm road under which
the water flows from spring to pond



2/2

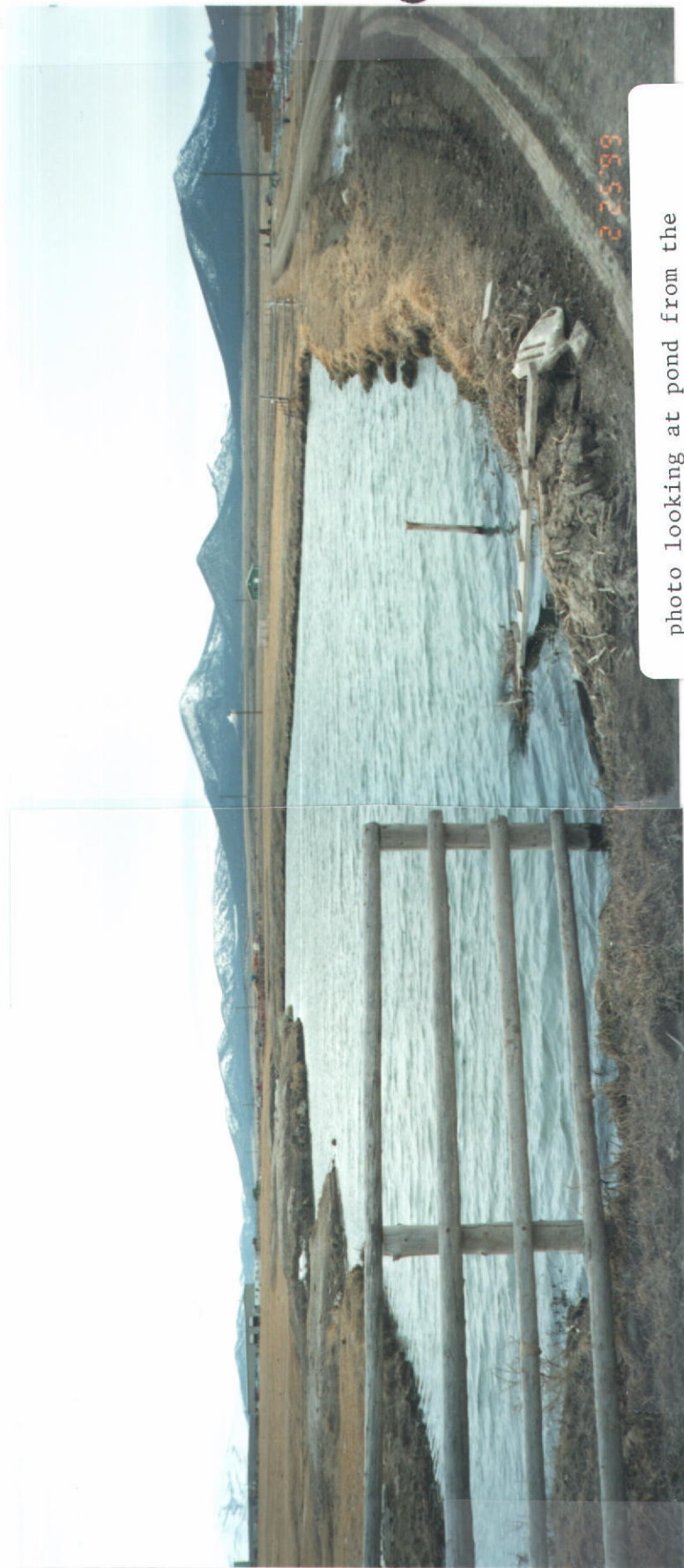


photo looking at pond from the east side



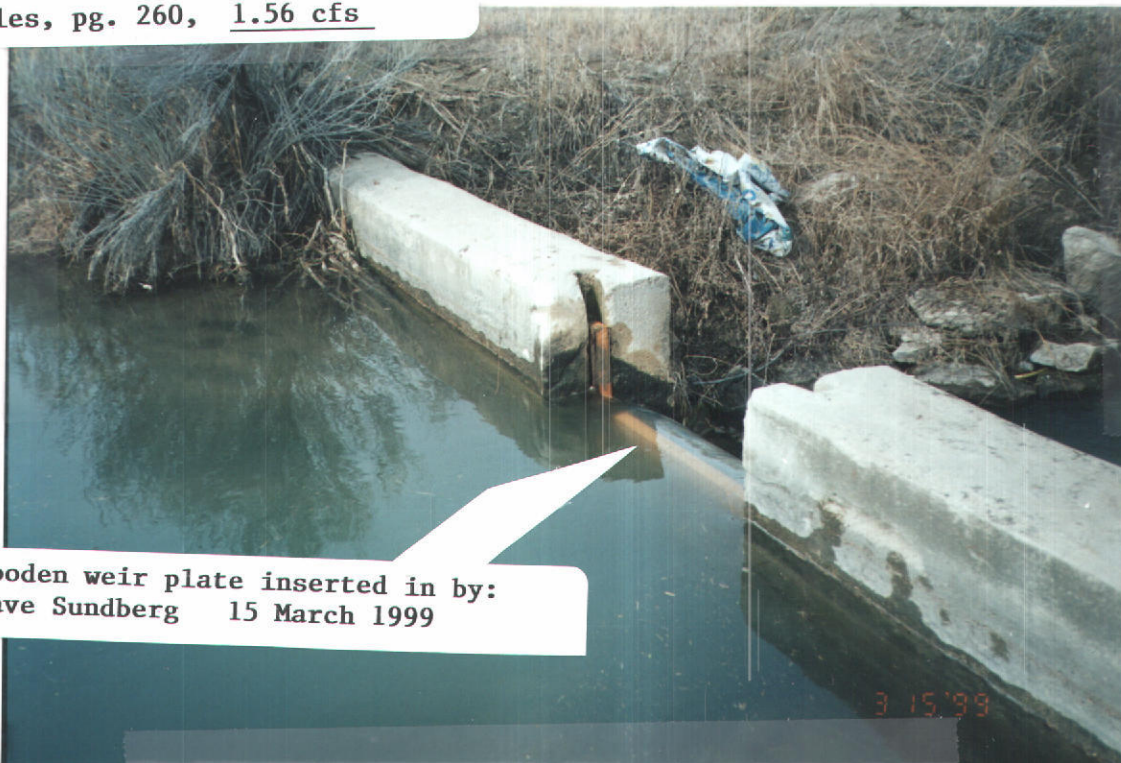
measuring outlet from pond

downstream diversion

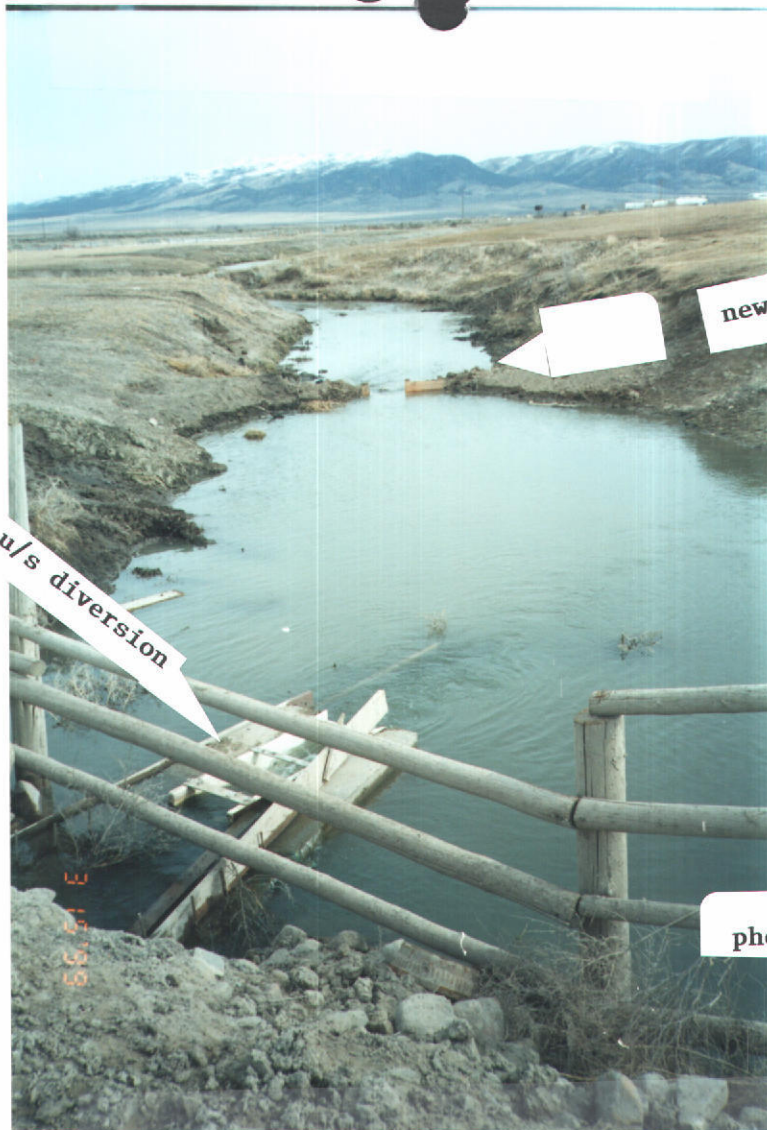
rectangular weir similar to this one would be acceptable at upstream diversion



D/S measurement: $H=0.38'$ $L=2.0'$
 From Tables, pg. 260, 1.56 cfs



wooden weir plate inserted in by:
 Dave Sundberg 15 March 1999



new u/s diversion

old u/s diversion

photo looking NE'ly from farm rd



U/S Weir $H=0.38'$ $L=2.08'$ $\frac{1.62 \text{ cfs}}{\text{computed from the formula on pg. 260}}$

Steed, Gary
43-07322



upstream
New diversion structure



new u/s diversion

old u/s diversion



looking downstream from farm road



looking upstream

looking SW'y

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Ston*No.: 43-7322 Name: Steed Date: 7/14/99 Ad OK? ☒ ☐ Gvmt Lts: ☒AREA OF CONCERN: - No/Yes: ESRP Mor / GWMA / Trust / Non-trustPROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)
- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067
- ≤ 0.24 cfs/5 acres - No MD
- WMD
- Supp irr use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)
- Supp. irr + uses - 100-101
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

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

- FISH & GAME CONTACTED: - YES / NO; WHEN: N/A RESPONSE: _____
- IN/ABOVE MSF (✓ MAP) - *WB9
- IN-STREAM DEVELOPMENT - P52 (stream channel alteration) *existing*
- WD (✓ MAP & LISTING) - R04 (WD # 43B)
- > 0.20 cfs - 01J-P08 (MD & LD)
- others - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP) - *use per SWK*
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- SPRINGS/SINK, INACTIVE WD & REST OF STATE
- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22 -P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087

USE:

- STORAGE (✓ 3 compo.) - 18A (in & out MD for on-stream storage)-01H-P01 (LD)/01P, 18B-P09 (>10' dam), NA
- IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- STOCKWATER - R37 (BLM/USFS); NA
- MINING - 054(req) -081-P10
- FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-P10
- HEATING/COOLING - R07 (injection well)
- POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- MUNICIPAL
- In restricted area? - 022, 075, 004 (+memo?)
- Irr., GW supp. to SW? - 102
- DOMESTIC
- Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070
- FIRE PROTECTION - 077

LOCATION:

- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 120
- 42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin)
- SWAN FALLS FLAG (✓ Code) -
- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU) _____

OTHER CONDITIONS:

STANDARD REMARKS:

- 0 Temp permit cond.

BENEFICIAL USE DUE:

- 11 /1/ 1999

COMMENTS:

- _____

FEB 7 - 2000

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. C018011
Receipt By: A. Keach
Date Received: 2-8-00

RECEIVED

FEB 7 - 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 43-07322 Telephone No. 208-824-5582

2. Name(s) of Permit Holder(s): CARY Steel

3. Mailing Address: P.O. Box 127 Almo Ida 83312

4. Source of Water: Reid Springs 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): Beef Cattle 200

Irrigation (No. of acres): _____ Other: Fish propagation (non-commercial)

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

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

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

Measuring Device: Is a measuring device required? Yes ☒ or No _____

Has the measuring device been installed? Yes ☒ or No _____

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No ☒

Has the measurement port been installed? Yes _____ or No ☒

8. Fee Enclosed: \$ _____ (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: CARY GARY Telephone Number: 824-5582

Address: 3382 Reid Springs Rd Almo Ida

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: Cary Steel Date: 11/30/99
(include your title, if on behalf of company or organization)

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

IN THE MATTER OF LAPSED PERMIT)
NO. 43-07322 IN THE NAME OF)
GARY STEED)
_____)

REINSTATEMENT ORDER

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On July 14, 1999, the Department issued Permit No. 43-07322 to Gary Steed ("permit holder") authorizing the storage of 1.0 acre feet of surface water to be used for Wildlife, Recreation and Aesthetic purposes within Section 14, Township 16S, Range 24E, Cassia County, B.M. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before November 1, 1999.
2. On February 7, 2000, the permit holder submitted proof to the Department.

CONCLUSIONS OF LAW

1. Section 42-218a.2, Idaho Code, provides as follows:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

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MAR 1 1999

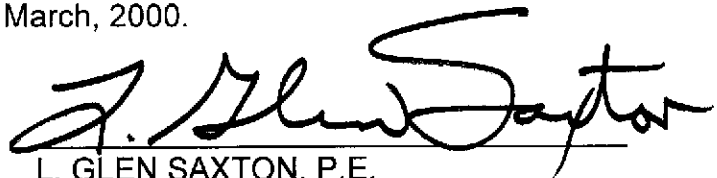
2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting proof of beneficial use on February 7, 2000.

3. The Department should reinstate the permit with the priority advanced to the date that proof and the license examination fee were received.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Permit No. 43-07322 in the name of Gary Steed is **REINSTATED** with the priority advanced to **February 7, 2000**.

Dated this 7th day of March, 2000.

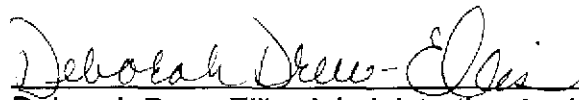


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this 7th day of March, 2000, the above and foregoing document was served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

GARY STEED
PO BOX 127
ALMO ID 83312


Deborah Drew-Ellis, Administrative Assistant
Water Allocation Bureau

REC'D
MAR 2 4 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 43-07322

Proposed Priority: January 28, 1997

Maximum Storage Volume:

1.0 AF

This is to certify, that **GARY STEED**

PO BOX 127

ALMO ID 83312-0127

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of **RAFT RIVER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		1.0 AF
RECREATION STORAGE	01/01 to 12/31		1.0 AF
AESTHETIC STORAGE	01/01 to 12/31		1.0 AF
	Totals		1.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 14, Township 16S, Range 24E
CASSIA County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

16S 24E 14

SESE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1999.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 43B.
5. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
6. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
7. The permit holder shall mitigate losses as determined to be appropriate by the director. MICROFILMED
8. This permit authorizes an annual volume of water to fill the storage facility and the amount required to replace losses through evaporation and seepage. 16S 24E 14
9. Recreation storage use is for a private fish pond.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 43-07322

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

14 th day of July, 1999.



Karl J. Dreher, Director

for



MICROFILMED
APR 09 1999

RECEIVED

FORM 202
2/96

Ident. No. 43-07322

JAN 28 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant GARY STEED Phone (208) 824-5582
Mailing address PO BOX 127 ALMO, ID 83312
2. Source of water supply UNNAMED STREAM which is a tributary of RAFT RIVER
3. Location of point of diversion is Township 16 S Range 24 E Sec. 14, in the SE 1/4, SE 1/4, Govt. Lot , B.M., CASSIA County;
additional points of diversion if any:
4. Water will be used for the following purposes:
Amount 1.0 ACRE-FT for WILDLIFE purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.0 ACRE-FT for RECREATION purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.0 ACRE-FT for AESTHETIC purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) and/or (b) 1.0 ACRE-FEET
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source EXISTING EARTH EMBANKMENT
(ROAD FILL) ~~TO~~ ACROSS CHANNEL
b. Height of storage dam 5 feet feet; active reservoir capacity 1.0 ACRE-FEET acre-feet; total reservoir capacity 1.0 ACRE-FEET acre-feet
c. Proposed well diameter is inches; proposed depth of well is feet
d. Is ground water with a temperature of greater than 85°F being sought?
e. If well is already drilled, when? ; Drilling firm
Well was drilled for (well owner) ; Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW.
b. Stockwatering; list number and kind of livestock.
c. Municipal; show name of municipality.
d. Domestic; show number of households.
e. Other; describe fully. WILDLIFE, RECREATION, AND AESTHETIC. POND
IS STOCKED WITH TROUT FOR FISHING PURPOSES.

b. If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

[illegible]

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? APPLICANT

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

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

:ବିଧ୍ୟୁତ୍ତ୍ୱ ଶୁଦ୍ଧ

12. Remarks: UNNAMED STREAM IS FED BY REED SPRING.

Remarks: UNNAMED STREAM IS FED BY REED SPRING.
TOTAL POND SURFACE AREA IS APPROXIMATELY 50' x 150'
AND USE IS NON-CONSUMPTIVE. A CONCRETE HEAD BOX
AND A 24" G.M.F. ALLOWS WATER TO CONTINUE ON
DOWN THE CHANNEL.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Signature of Applicant (and title, if applicable)

Received by	C. SKINNER	Date	01/28/97	Time	2:30
Fee \$	50.00	check #	5054	Received by	C. SKINNER
#	5019817	Preliminary check by	C. SKINNER	Date	01/28/97
Publication prepared by	M. B.	Date	2/10/97	Published in	J. O. Brown
Publication approved by	M. B.	Date	2/22/97		

Riv 43-07322

11

T16S.
R24E

2'30"

QUAD
DD 80

POINT OF
DIVERSION
AND PLACE
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V A

18

14

Reed
Spring

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Johnson

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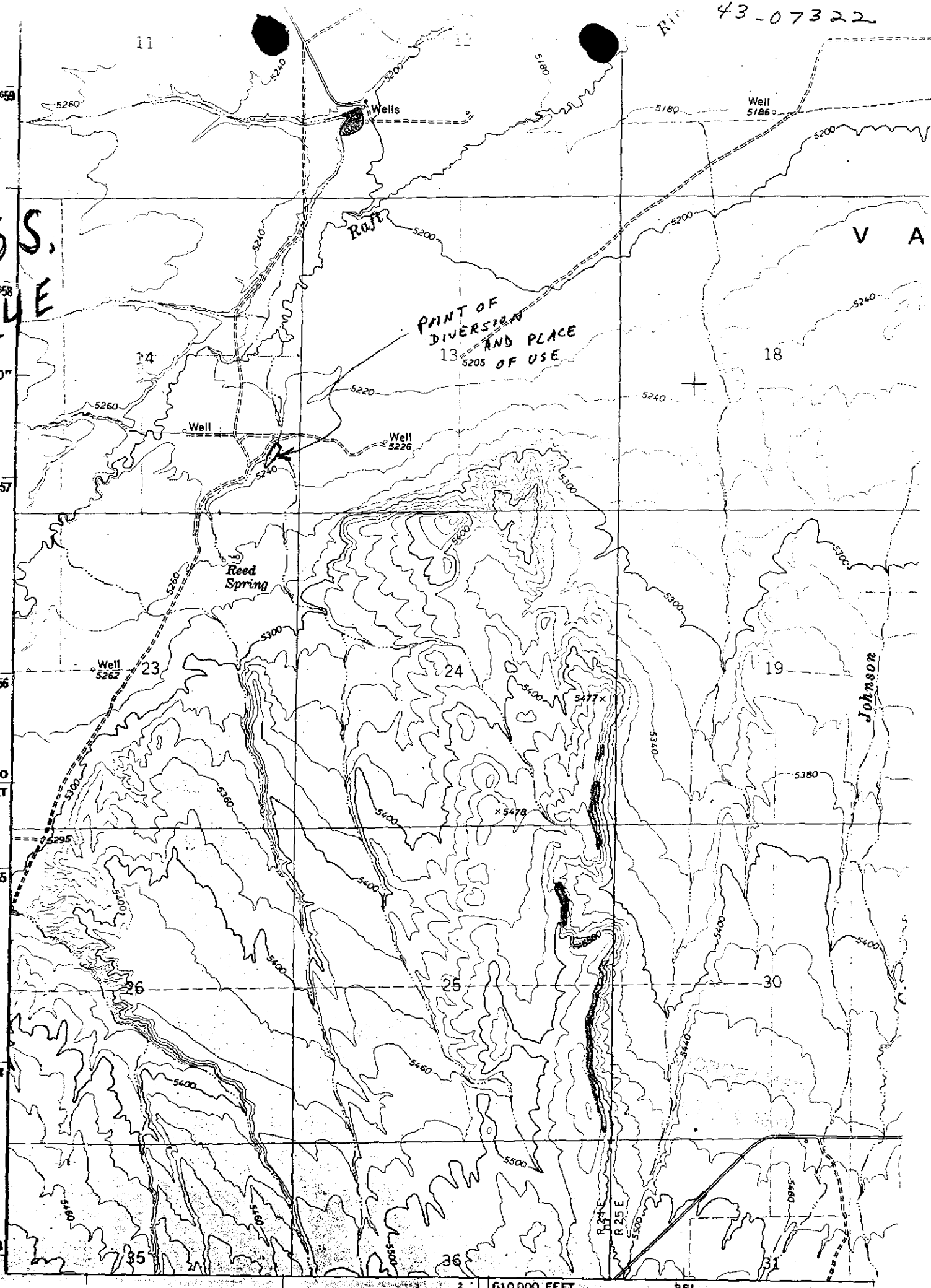
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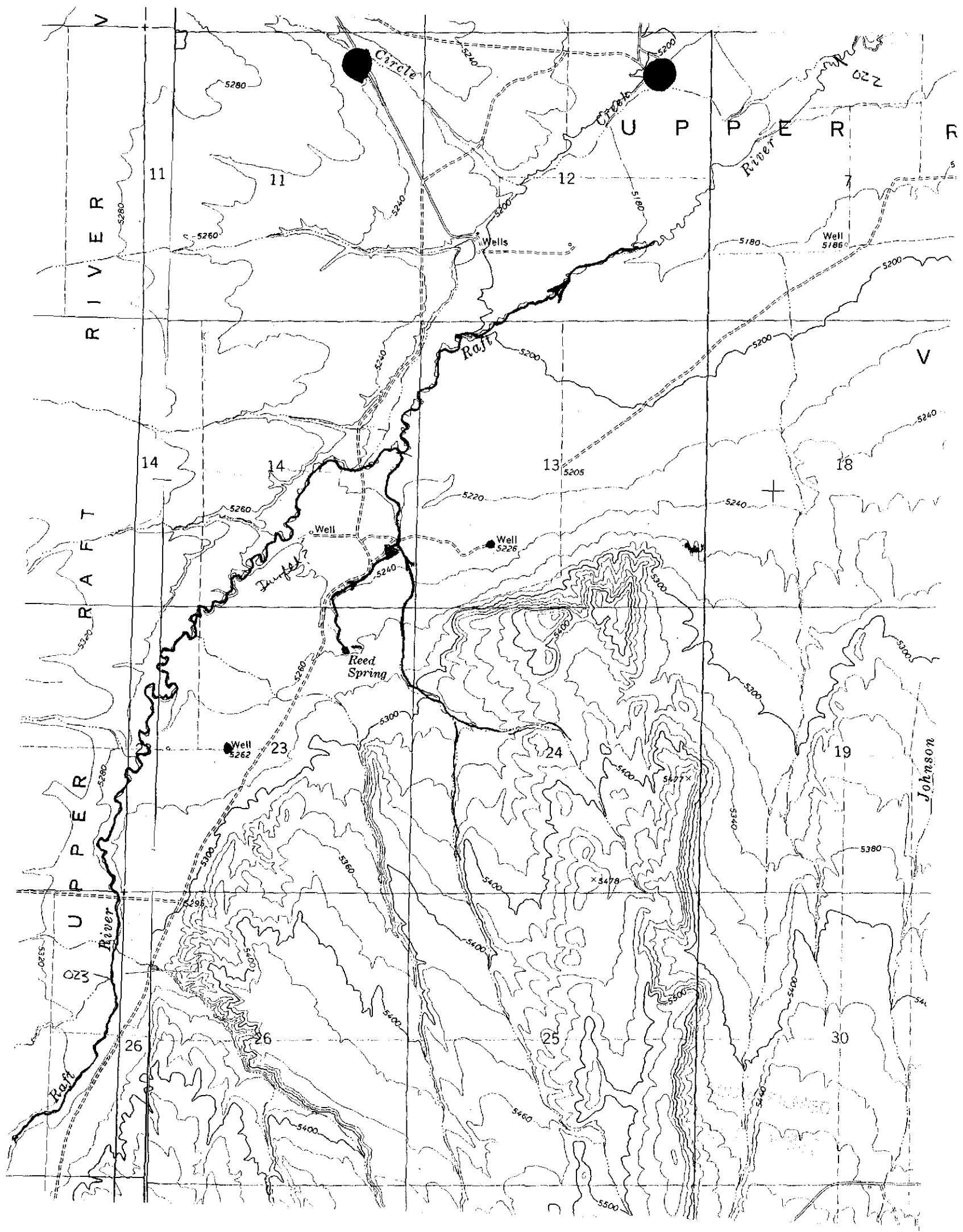
36

31

2' 610 000 FEET

35'





Gary Steed
43-07322

STAFF ANALYSIS SHEET FOR BENEFICIAL USE FIELD EXAMS:

PERMIT NO.

A. Items To Be Placed In Exam File (Items A & B to be Completed by Compiler:

- (☒) Blank Field Report & Notice of Completed Exam
 (☒) Copy of App. for Permit, Approved Permit, Amendments, Orders, Assignments.
 Proof of Beneficial Use, SRBA Claim (Claim Filed? _____ Required? _____)
 () Well Inspection Form, Dairy Water-Use Worksheet (if applicable)
 () Well Log(s) & Groundwater Measurement Analysis Form (if applicable)
 () Copy of Orthophotoquad Map
 (☒) 660-Scale Aerial Photo (Examiner Will Obtain If Applicable)
 () Government Lot Plats (If Applicable)

B.1. P/D Overlap - Yes or No? If Yes, Include Copy of Overlapping Rights & Claims

If Yes, Type of Overlap: () Add Acres or Uses to Existing System

() Increase Rate of Flow or Volume

B.2. P/U Overlap - Yes or No? If Yes, Include Copies of Overlapping Rights & Claims

If Yes, Type of Overlap: () Increase Rate of Flow or Volume

() Add Supplemental Water Source

() Increase Acres Within Tracts

C. Field Exam Appointment Made:

Date 06-13-00Time 1:00 pmPlace AlmoContact Person & Phone Gary Steed 824-5582

D. Post-Exam Review & Processing

Exam Completed 06-13-00
7-27-00Notice of Completion Turned In 07-27-00Field Report Completed 07-27-00Signature of Examiner & Date
07-27-00

Field Report Reviewed by Sr. Agent _____ (Initial & Date)

Field Report Reviewed by Region Mgr. AD 8/28/00 (Initial & Date)

Field Report Sent to S.O. _____ Region Card File Updated _____

RECEIVED

SEP 1 2000
 DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 1 2000
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 43-07322

1. Owner: Gary Steed Phone No. 208-824-5582

Current Address: P.O. Box 127 Almo, ID 83312-0127

2. Accompanied by: Grant Steed EXAM DATE: 6/13/00

Address: _____ Phone No. _____

Relationship to Permit Holder: Son

3. Source: Unamed Stream tributary to Raft River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None apparent

2. Other water rights with the same point of diversion: None apparent

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe l.d. as applicable.

Scale: 1" = _____
 _____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
 _____ Aerial Photo Attached (required for irrigation of 10+ acres)
 _____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

Memorandum

To: 43-07322

From: John Freitag, Water Resource Agent

Re: Field exam

Date: 06/13/00

Today Allen Merritt and myself stopped at the Gary Steed residents to do a field exam for 43-07322. We spoke with his son Grant Steed, who told us we could do the exam.

We took the following pictures and GPS'd the pond.

Gary Steed would like the measuring device at the top of the pond to be waived (see enclosed letter on this matter). We spoke with Dave Sunberg, the water master for this district, later in the day and said that he did not have a problem with waiving the measuring device at the top of the pond.

Note that at the outlet of the pond, a measuring device still needs to be maintained and brought up to standard conditions.

May 14, 1999

RECEIVED

SEP 08 1999

Department of Water Resources
Southern Region

Mr. Allen Merritt
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Dr. Mr. Merritt:

We received your letter as to our permit/application 43-07322. We appreciate the information as collected by the watermaster. We feel that this definitely shows that there is no appreciable effect on the downstream water caused by the pond. As your letter indicates, the main objection filed against the permit for the pond was by Mr. Olen Ward, who has withdrawn his objection. We have contacted Mr. Harper who represents the water board. He originally informed us that the board was filing their objection so that they would be able to participate in the hearings. If that is so, and we believe it is, then that protest should be withdrawn shortly.

We do have a question about the measuring device above the pond. As you know, we have had an interesting time getting one in that provided the correct measurements. The one presently in is made out of plywood and is very temporary. Our understanding was that the only reason the weir was necessary was to satisfy Mr. Ward's questions as to whether the pond was causing a significant water loss and/or a change in water temperature such that it would cause the water to freeze by the time it reached his place. If we were correct in our understanding then there would be no need for the measuring weir above the pond now that the measurements have been established. Especially since the measurements made show no significant differences above and below the pond. Another concern that we have is that the temporary weir, the way it has been constructed will prevent the pond fish from swimming up the stream to spawn, which they have done regularly in the past.

We also have a concern as to how the normal flows from the spring are established for the summer. The practice now, is to measure the flow just before we turn the pumps in to irrigate. Then our responsibility is to provide input into the spring to keep the flow at that constant level. We have two concerns. One - the highest flow of the spring naturally occurs at that time of year. Mr. Sundberg's measurements are an example of that. If this is the measurement we go by, then we are being required to keep the spring flowing at spring run-off levels. Our feeling is that this is too high, but we don't know what a fair level would be, unless you might have more data for later in the year. Second - it seems to be self-defeating to pump more water into the stream during July when the stream below has dried up. This practice seems to waste water that is in short supply during that season of the year. We would be interested in hearing your views on these areas, although these concerns probably need to be taken to our water board. If you have any research on the normal spring flows we would be very interested in getting those.

Thank you.

Sincerely,



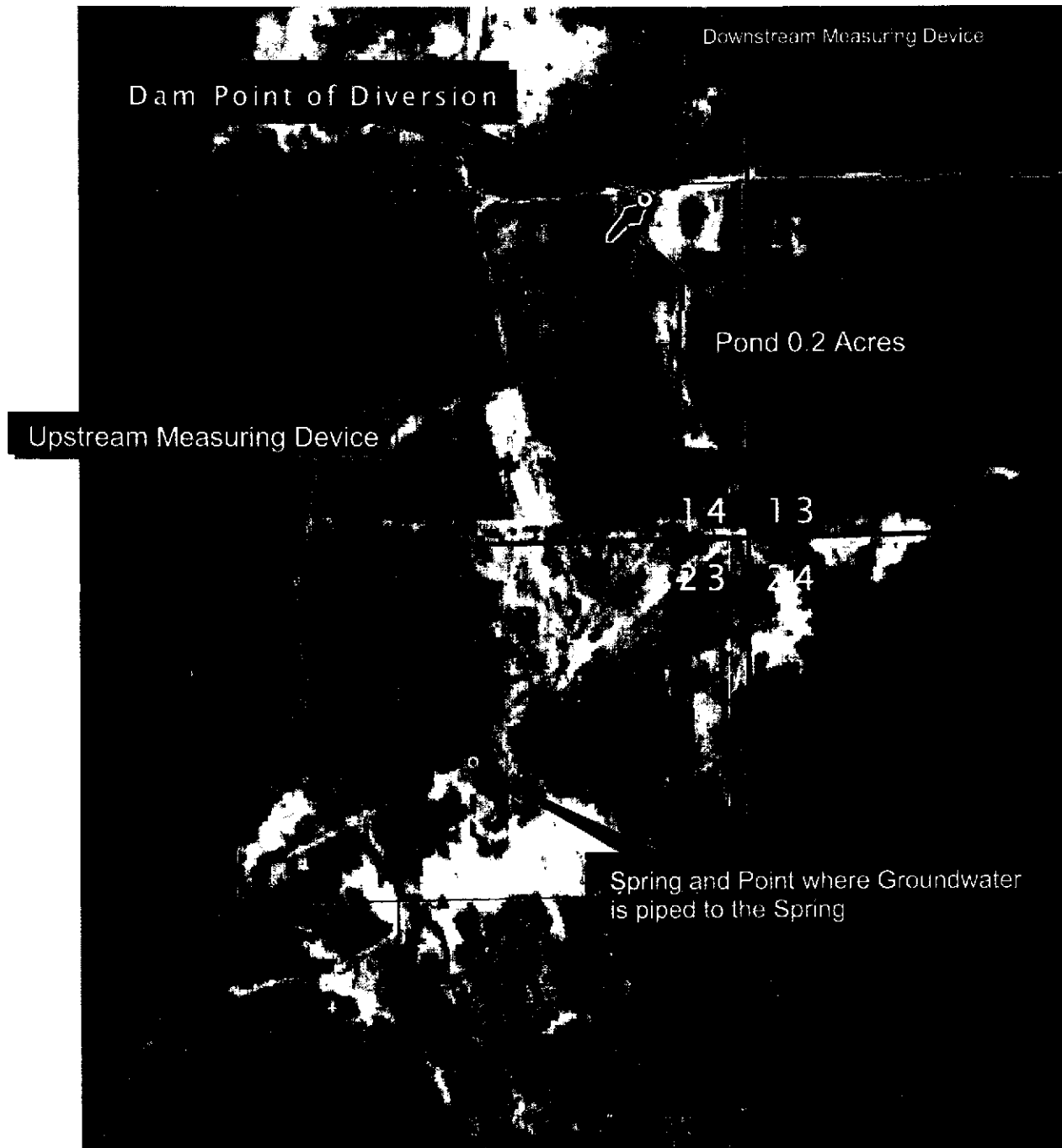
Col. Jay Harper

Idaho Department of Water Resources

Field Exam for Gary Steed, permit # 43-07322

Done on 06-13-00 by John Freitag and Allen Merritt

Township 16 South, Range 24 East, Cassia County



Place of Use

⊙ Point of Diversion

— Section Lines

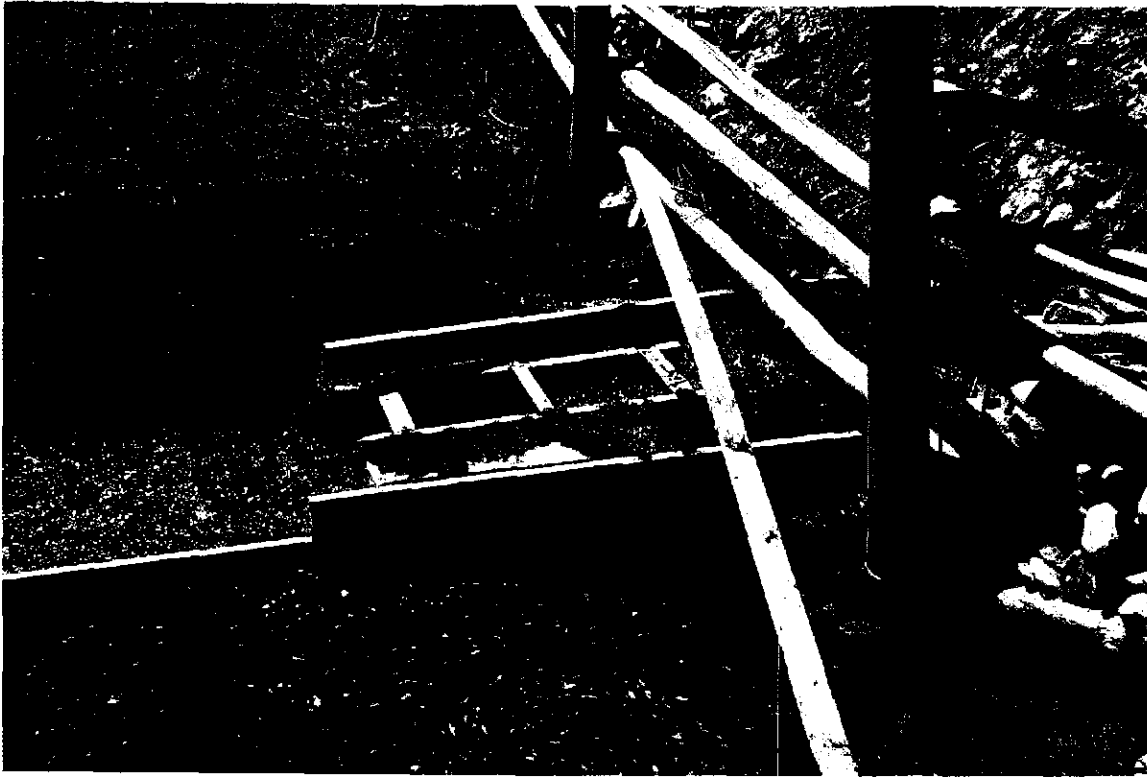
· Quarter Quarter Lines



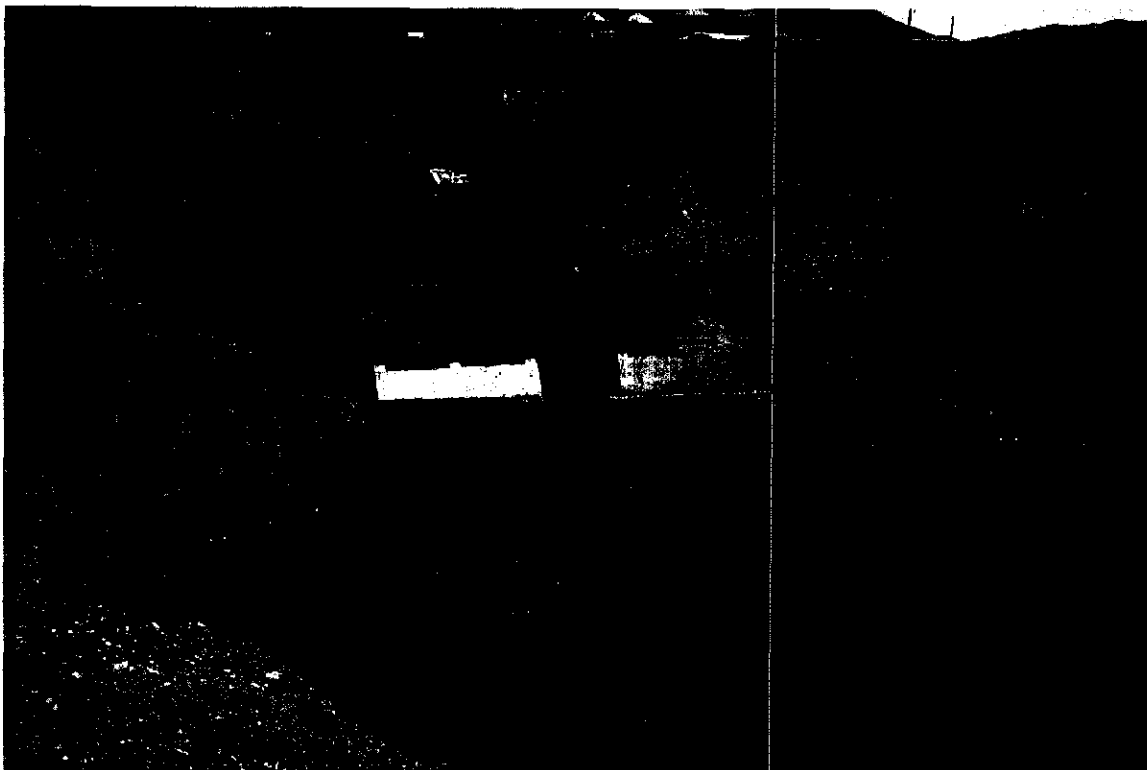
1987/1988 NAPP Photography
Data Entry by John Freitag

Field Exam for 43-07322 Gary Steed.
Done by John Freitag and Allen Merritt on 06/15/00

Picture of measuring device (installed backwards) at the top of the pond



Just downstream from measuring device pictured above.



43-07322 cont.

Spring

Groundwater being piped into spring.



43-07322 cont.

Pond outlet
A measuring device needs to be installed here



Close-up of pond outlet

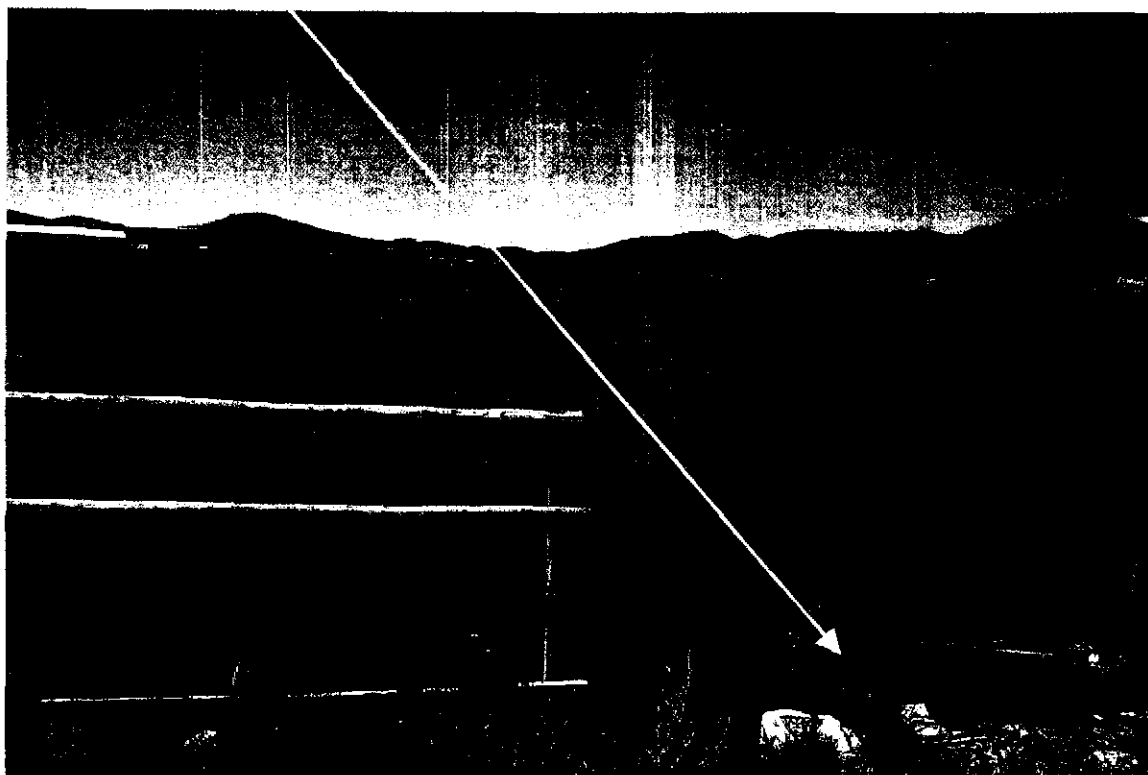


43-07322 cont.

Pond looking east.



Pond looking west.
Screen and pipe, takes water under road and back into Reed Springs
Creek .



E. NARRATIVE/REMARKS/COMMENTS

See memo

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

Measured Method: _____

Additional Computation Sheets Attached _____

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

Find Volume for Wildlife Storage, Recreation Storage and Reservoir Storage

$$V = \text{Area (in acres)} \times \text{average depth (in feet)}$$

$$V = 0.2 \text{ acres} \times 5 \text{ feet}$$

$$V = 1 \text{ acre foot}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Wildlife Storage
Recreation Storage
Reservoir Storage

From
01/01

To
12/31

Rate of Diversion
Q (cfs)

Annual Volume
V (afa)
1.0 afa

2. Recommended Amendments

Change P.D. as reflected above
Change P.U. as reflected above

Add P.D. as reflected above
Add P.U. as reflected above
None
Other

I. AUTHENTICATION

Field Examiner's Name John Freidberg Date 6-13-00
Reviewer John Freidberg Date 7-19-00

SEAL

September 30, 1998

RECEIVED
OCT 07 1998
Department of Water Resources
Southern Region

IDAHO DEPARTMENT OF WATER RESOURCES
ATTN: L. Glen Saxton, Chief, Water Allocation Bureau
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

Subject: Withdrawal of Protest Concerning PERMIT 43-07322 in the Name
of Gary Steed

Dear Mr. Saxton:

The "temporary" permit granted in September 1997 in conjunction with the application for permit 43-07322 was based upon an agreement with the applicant and the protestants. Conditions of the "temporary" permit included: (1) installation of a water measuring device above the pond by December 1, 1997, (2) measurement of quantity of water flow above and below the pond by the Water Master for the remainder of 1997 and into 1998, and (3) measurement of water temperature above and below the pond and temperature measurements in the Raft River above and below the confluence of the river and Reed Spring. Based on an analyses of data collected a decision concerning the protests would then be made by the protestants.

It is my understanding that due to unusual circumstances, the measuring device was not installed until September 9, 1998. As a result, water flow measurements above the pond could not be obtained.

I respectfully request that the "temporary" permit be extended to the beginning of the 1999 irrigation season so that water flow measurements above and below the pond can be accomplished as originally agreed upon. This data, in conjunction with data already obtained, should be made a matter of record and incorporated into the permit/permanent water right document. By doing this, future problems, misunderstandings, disagreements and disputations relative to the permit/permanent water right will be avoided.

Based on my interim review of the water measurements that could be obtained and water temperature readings that were taken I withdraw my protest to Permit 43-07322.

Sincerely,



H. Olen Ward
P.O. Box 114
Almo, Idaho 83312

cc: Allen Merritt
Water Dist. 43-D
Dave Sunberg
Gary Steed

OCT 06 1997

State of Idaho
Department of Water Resources

Department of Water Resources
Southern Region

Permit To Appropriate Water

NO. 43-07322

Proposed Priority: January 28, 1997

Maximum Storage Volume:

1.0 AF

This is to certify, that GARY STEED

PO BOX 127

ALMO ID 83312-0127

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of RAFT RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		1.0 AF
RECREATION STORAGE	01/01 to 12/31		1.0 AF
AESTHETIC STORAGE	01/01 to 12/31		1.0 AF
	Totals		1.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 14, Township 16S, Range 24E
CASSIA County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

16S 24E 14

SESE

CONDITIONS OF APPROVAL AND REMARKS

1. This permit to appropriate water expires on October 1, 1998.
2. Subject to all prior water rights.
3. Use of water under this permit is affected by an agreement between the protestant and the right holder.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 43B.
5. Permanent measuring devices must be installed/maintained in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
6. The director retains jurisdiction of this permit to change the conditions of approval or to rescind its approval.
7. The permit holder shall mitigate losses as determined to be appropriate by the director.
8. This permit authorizes an annual volume of water to fill the storage facility and the amount required to replace losses through evaporation and seepage.
9. Recreation storage use is for a private fish pond.

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

30th day of September, 1997.

Karl J. Dreher, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 8, 1998

RE: In the matter of Permit No. 43-07322 in the name of Gary Steed

Dear Interested Parties:

The accompanying order is a "**preliminary order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

43-07322

AD~

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

- i. A hearing was held,
- ii. The final agency action was taken,

- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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

Sincerely,

A handwritten signature in black ink, reading "L. Glen Saxton". The signature is written in a cursive, flowing style.

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Region

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

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 43-07322 IN THE NAME OF) **PRELIMINARY ORDER**
GARY STEED)
_____)

This matter having come before the Idaho Department of Water Resources ("department"), as a result of a protested application for permit, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On January 28, 1997, Gary Steed (applicant) submitted Application for Permit No. 43-07322 (application) to the department proposing the appropriation of 1.0 acre foot of water from an Unnamed Stream tributary to the Raft River to be used year-round for wildlife, recreation and aesthetic purposes.

2. The department published notice of the application which was protested by H. Olen Ward and Jay Harper on behalf of Water District No. 43-D. On September 10, 1997, the department conducted a conference in the matter. At the conference, the protestants agreed to withdraw their protests for a period of one year to allow the applicant to install measuring devices above and below the reservoir to allow the watermaster to measure flows and water temperature.

3. Due to illness, the applicant did not install the devices until September 29, 1998. Both the applicant and the protestants have asked the department to extend the temporary permit to May 1, 1999, to allow the agreed upon measurements to be taken and evaluated.

CONCLUSIONS OF LAW

1. The applicant and protestants have shown sufficient cause why the temporary permit should be extended.

2. The department should issue an order extending the temporary permit to May 1, 1999 to allow additional measurements to be taken.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the above captioned permit is **EXTENDED** to May 1, 1999.

IT IS FURTHER HEREBY ORDERED that Conditions of Approval 2 through 9 as shown on the permit issued on September 30, 1997 continue to be in effect.

Dated this 8th day of October, 1998.

A handwritten signature in cursive script, reading "L. Glen Saxton".

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

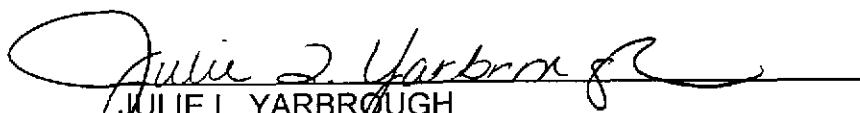
CERTIFICATE OF MAILING

I DO HEREBY CERTIFY that on the 8th day of October, 1998, a true and correct copy of the foregoing **PRELIMINARY ORDER** was forwarded, by regular U.S. Mail, to the parties listed below:

Gary Steed
PO Box 127
Almo ID 83312-0127

H Olen Ward
PO Box 114
Almo ID 83312

D Jay Harper
1926 S 2350 E
Malta ID 83342


JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 11, 1997

RECEIVED

SEP 15 1997

Gary Steed
P.O. Box 127
Almo, ID 83312

Department of Water Resources
Southern Region

RE: APPLICATION FOR PERMIT NO. 43-07322 IN THE NAME OF GARY
STEED

Dear Mr. Steed:

Enclosed for your records is a copy of the agreement reached at the conference conducted in Burley, Idaho on September 10, 1997 in connection with the above referenced application.

As I described to the parties at the hearing, the department will issue a temporary water right permit to you to make the impoundment of water legal during the next year. After the agreed upon data has been collected and provided to the department and to the parties for review and analysis, the department will determine the need for rescheduling the hearing or whether the department can otherwise take final action on the application.

If you or any of the parties have questions, please feel free to contact me or Allen Merritt in Twin Falls at (208) 736-3037.

Sincerely,


L. GLEN SAXTON
Hearing Officer

Encl: 1

c: H. Olen Ward
D. Jay Harper
Dave Sundberg
Allen Merritt

43-07322

ADW

In the Matter of)
Application for Permit)
No. 43-07322 in)
The Name of Gary)
Steed)

Agreement

Protestants agree to withdraw
their protest against the above captioned
Application for a Period of 1 year from
Nov 15 1997 ~~the date of this agreement~~ to allow
for the gathering of data as provided
below:

The parties agree as follows:

1. The applicant will install a
measuring device upstream from
applicant's pond by Dec 1, 1997 as
determined to be appropriate by the
department.

2. The watermaster will measure
water flow, water temperature and
air temperature as follows;

- a) above applicant's pond,
- b) below applicant's pond, and
- c) approx 2 miles downstream.

measurements are to be taken
once a month beginning October 1,
and ending March 1.

(OVER FOR SIGNATURES)

Dated this 10th September, 1997,

Gary Steed

Gary Steed, Applicant

L. Jay Harper

Water Dist #43-D by

Jay - Harper

H. Olen Ward

H. Olen Ward

File

Date Sent to S.O.

SEP 10 1997

Glen Saxton

agreement made, no

hrg on 9/10/97

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 43-07322

Gary Steed, Applicant

Water District #43-D,
H. Olen Ward,

Protestants

NOTICE OF HEARING

SOURCE: Unnamed Stream

Tributary to Raft River

COUNTY: Cassia

On January 28, 1997 Gary Steed, applicant, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The Department has received protests against the approval of said application from the above captioned protestants. The Pre-hearing Conference held on June 12, 1997 did not resolve the matter.

THEREFORE, The Department has scheduled the matter for hearing on **Wednesday, September 10, 1997 commencing at 10:00 a.m.** in Room 3 (Commissioners Room), Cassia County Courthouse, 1459 Overland Avenue-Burley, Idaho

The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of Procedure of the department. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be Glen Saxton.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

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

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 28th day of July, 1997.


Allen D. Merritt, P.E.
Southern Region Manager

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of July, 1997, a true and correct copy of the foregoing Notice of Hearing was forwarded with all required charges prepared, by the method indicated below to the parties listed:

Mary Baldwin
Secretary

GARY STEED
PO BOX 127
ALMO ID 83312

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x _____
Fax _____

ADVISORY COMMITTEE
WATER DISTRICT #43-D
c/o D JAY HARPER
1926 S 2350 E
MALTA ID 83342

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x _____
Fax _____

H OLEN WARD
PO BOX 114
ALMO ID 83312

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x _____
Fax _____

Merritt, Allen

From: Saxton, Glen
Sent: Wednesday, May 12, 1999 10:50 AM
To: Merritt, Allen
Subject: RE: APPLICATION FOR PERMIT NO. 43-07322 - GARY STEED

Yes, I think it would be a good idea for you to send a letter to the protestants as you suggest.

thanks

lgs

-----Original Message-----

From: Merritt, Allen
Sent: Wednesday, May 12, 1999 10:46 AM
To: Saxton, Glen
Cc: Merritt, Allen; Satterlee, Georgia
Subject: RE: APPLICATION FOR PERMIT NO. 43-07322 - GARY STEED

Georgia has been out there and met with the watermaster and Steed's son for the purpose of seeing that the measuring device for looking at the flow through the pond has been installed. It has and there have been some measurements taken. We received on 5/8/99 a copy of the measurements the watermaster made in 1998 and 1999. I will make sure you get a copy. To resolve this maybe the department should send a copy of the measurements to all parties and inquire if they wish to continue the hearing/conference or withdraw the protest. Let me know if you want me to send a letter to that affect.

Allen

-----Original Message-----

From: Saxton, Glen
Sent: Tuesday, May 11, 1999 9:43 AM
To: Merritt, Allen
Subject: APPLICATION FOR PERMIT NO. 43-07322 - GARY STEED

What is the status of the above referenced matter? If you recall, on October 8, 1998, we issued a preliminary order extending the temporary permit to May 1, 1999 to allow additional measurements to be taken on the Unnamed Stream.

After May 1, 1999, Steed is not authorized to store water in his 1 AF pond. It seems Steed needs to seek withdrawal of the protest based on the measurements he has taken in order that IDWR can issue a permanent permit. Please check into this matter when you have time. Thanks lgs

May 14, 1999

RECEIVED

SEP 08 1999

Department of Water Resources
Southern Region

Mr. Allen Merritt
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Dr. Mr. Merritt:

We received your letter as to our permit/application 43-07322. We appreciate the information as collected by the watermaster. We feel that this definitely shows that there is no appreciable effect on the downstream water caused by the pond. As your letter indicates, the main objection filed against the permit for the pond was by Mr. Olen Ward, who has withdrawn his objection. We have contacted Mr. Harper who represents the water board. He originally informed us that the board was filing their objection so that they would be able to participate in the hearings. If that is so, and we believe it is, then that protest should be withdrawn shortly.

We do have a question about the measuring device above the pond. As you know, we have had an interesting time getting one in that provided the correct measurements. The one presently in is made out of plywood and is very temporary. Our understanding was that the only reason the weir was necessary was to satisfy Mr. Ward's questions as to whether the pond was causing a significant water loss and/or a change in water temperature such that it would cause the water to freeze by the time it reached his place. If we were correct in our understanding then there would be no need for the measuring weir above the pond now that the measurements have been established. Especially since the measurements made show no significant differences above and below the pond. Another concern that we have is that the temporary weir, the way it has been constructed will prevent the pond fish from swimming up the stream to spawn, which they have done regularly in the past.

We also have a concern as to how the normal flows from the spring are established for the summer. The practice now, is to measure the flow just before we turn the pumps in to irrigate. Then our responsibility is to provide input into the spring to keep the flow at that constant level. We have two concerns. One -- the highest flow of the spring naturally occurs at that time of year. Mr. Sundberg's measurements are an example of that. If this is the measurement we go by, then we are being required to keep the spring flowing at spring run-off levels. Our feeling is that this is too high, but we don't know what a fair level would be, unless you might have more data for later in the year. Second -- it seems to be self-defeating to pump more water into the stream during July when the stream below has dried up. This practice seems to waste water that is in short supply during that season of the year. We would be interested in hearing your views on these areas, although these concerns probably need to be taken to our water board. If you have any research on the normal spring flows we would be very interested in getting those.

Thank you.

Sincerely,



cc: Jay Harper

COMMUNICATION DOCUMENTATION

IDWR Employee/Agent Georgia Satterlee

DATE

April 22, 1999 8:52am

CUSTOMER

Sundberg, David

SUBJECT: Steed 43-07322, i.e. Measuring Device(s)
phone call (.) walk-in (.) other (x)

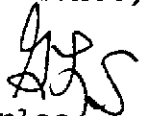
Per our conversation on 21 April 1999: You took measurements approximately two weeks ago, at the upper and lower measuring devices.

What I will need are the measurements taken on that day, plus the measurements that you will obtain prior to 01 May 1999.

In addition to the first measurement on 15 March 1999, and the two measurements you perform, there will be three consecutive readings in a period of seven weeks. Once the measurements are compiled, and the protestants are convinced to withdraw their protest, Glen Saxton will review the matter and decide on appropriate action.

For your convenience, I am enclosing a SA envelope.

Thank you.


Georgia Satterlee
Sr. Water Resource Agent

cc:: Steed, Gary/Garth

COMMUNICATION DOCUMENTATION

IDWR Employee/Agent Georgia Satterlee

DATE: April 14, 1999 8:40am

TO: Dave Sundberg and Gary/Garth Steed

SUBJECT: Measuring Device(s)

We are scheduled to be in the Raft River area on 21 April 1999. We would like to stop by and see how the measuring devices are holding up.

If this is not a convenient time, please let me know, (208)736-3033. Thank you.

Georgia Satterlee

Satterlee, Georgia

From: Luke, Tim
Sent: Monday, March 15, 1999 4:01 PM
To: Satterlee, Georgia
Subject: RE: Steed 43-07322

Georgia,

Copies of photos etc. may be helpful for our files here as well. Perhaps you can make double prints.
Tim

-----Original Message-----

From: Satterlee, Georgia
Sent: Monday, March 15, 1999 3:19 PM
To: Luke, Tim
Cc: Satterlee, Georgia
Subject: Steed 43-07322

Returned from Steed's place. The downstream measurement: 1.56 cfs
The upstream measurement: 1.62 cfs
Another measurement will be taken in the first part of April.
I have documented w/ photographs our file here. Let me know if
you want copies.
That's it for now. GLS

18 March 1999 As promised: the Steed Saga —
more to come ...
GLS

COMMUNICATION DOCUMENTATION

IDWR Employee/Agent Georgia Satterlee

DATE
March 15, 1999 2:44pm

CUSTOMER
Steed/Sundberg

SUBJECT: 43-07322
phone call (.) walk-in (.) other (.)

Met w/ Garth and Dave at 1000 hrs.
Dave placed a wooden weir, 2 foot in length, in the concrete structure at the downstream end.
Measurement taken directly from Tables, pg. 260,
Downstream Weir $H=0.38'$ $L=2.0' = 1.56$ cfs

Garth Steed build up the banks on the upstream weir, although it appears to be unstable, and the weir will probably wash out, today a measurement was taken.

Upstream Weir $H=0.38'$ $L=2.08' = 1.62$ cfs computed from the formula on page 260, Tables.

Difference $1.62 - 1.56 = 0.06$ cfs or 3 inches

COMMUNICATION DOCUMENTATION

IDWR Employee/Agent Georgia Satterlee

DATE
March 8, 1999 1:54pm

CUSTOMER
Steed/Sundberg

SUBJECT: 43-07322
phone call (.) walk-in (.) other (x)

I met with Dave Sundberg and Garth Steed. The new structure still isn't up to par. See photographs. The items that will be corrected:

1. The rectangular weir will have a crest length of 2.0'.
2. The fall distance seems to be acceptable, however the structure was leaning downstream and it will be necessary to plumb it up.

Amongst the discussion for this structure, Dave brought up the inadequacy of the downstream structure. When the above items were clarified, I then said to Dave, "The last time we met, you did not have a problem with the downstream structure." He began saying that the Water District has spent hundreds of dollars on this one problem. I replied with, "That is why we are here and discussing the solutions." He said the boards were taken out and they should be replaced to make the weir accurate (when the boards are replaced the weir would be a broad crested weir?). I believe replacing the boards is not a major deal.

We are going to meet again 15 March 1999 @ 1000 hrs.,
to verify if the upstream device is acceptable.
Most likely hash over the downstream device.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 12, 1999

Gary Steed
PO Box 127
Almo, ID 83312-0127

H Olen Ward
PO Box 114
Almo, ID 83312

D Jay Harper
1926 S 2350 E
Malta, ID 83342

RE: Permit/Application 43-07322

Gentlemen:

As you know the department issued permit 43-07322 on a temporary basis. The temporary approval was based on agreement of the applicant and protestants that required:

- Installation of a measuring device above the pond.
- Measurement of flows above and below the pond by the watermaster.
- Measurement of water temperature of the Reed Springs water above and below the pond and at sites on Raft River by the watermaster.

Our office recently was provided a report of the watermaster's measurements. (Please find a copy for your reference.) I understand that the required measuring devices have been installed however the stability of the installation is questionable with regard to the device above the pond. (It needs to be made more permanent.)

Our records indicate that:

- The protest of H. Olen Ward was withdrawn in a letter dated September 30, 1998.
- The protest of Water District 43-B has not been withdrawn.
- The temporary permit expired May 1 1999.

It is requested that all parties review the enclosed watermaster report and decide what settlement of protest if any can be made. Please provide to me within 15 days one of the following:

- A written withdrawal of protest by the Water District 43-B with any written agreement between parties.
- A list of available days in June, July and August

in which the parties may be available to attend a hearing
if the protest is not withdrawn.

Please note that if the protest is not withdrawn the pond must be
drained until such time the permit is approved.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Allen Merritt".

Allen Merritt, PE
Southern Region Manager

May 24, 1999

State of Idaho
Dept of Water Resources
1341 Fillmore St. Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED
MAY 28 1999
Department of Water Resources
Southern Region

Gary Steed
P. O. Box 127
Almo, Id 83312-0127

Re: Permit 43-07322

Dear Mr. Steed,

We have received and reviewed the data provided by the Water Master of Water District 43-B concerning the flow of Reed Springs.

Water District 43-B withdraws it's protest to Permit 43-07322 with the understanding that adequate measuring devices be maintained as required by the Idaho Department of Water Resources.

Sincerely

Advisory Committee
Water District 43-B

Gay Harper
Douglas Freestone
Roscoe Work



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

Southern

March 7, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY STEED
PO BOX 127
ALMO ID 83312

RE: PERMIT NO. 43-07322 - REINSTATEMENT ORDER

RECEIVED

MAR 09 2000

Department of Water Resources
Southern Region

Dear Mr. Steed:

The department acknowledges receipt of the proof of beneficial use ("proof") form and supporting information submitted for the above referenced lapsed permit.

Enclosed is an order reinstating the permit, since proof and the license examination fee were submitted more than 60 days after the lapse notice was issued. Please note that the priority date has been advanced to **February 7, 2000**, the date the proof and license examination fee were submitted to the department, as provided in Section 42-218a.2, Idaho Code.

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 the field examination, please contact the **SOUTHERN** Regional Office of the department in Twin Falls at (208) 736-3033.

Sincerely,

Deborah Drew-Ellis

DEBORAH DREW-ELLIS
Administrative Assistant I
Water Allocation Bureau

Enclosure

c: IDWR - Region

43-07322

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

IN THE MATTER OF LAPSED PERMIT)
NO. 43-07322 IN THE NAME OF)
GARY STEED)

REINSTATEMENT ORDER

_____)
This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On July 14, 1999, the Department issued Permit No. 43-07322 to Gary Steed ("permit holder") authorizing the storage of 1.0 acre feet of surface water to be used for Wildlife, Recreation and Aesthetic purposes within Section 14, Township 16S, Range 24E, Cassia County, B.M. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before November 1, 1999.

2. On February 7, 2000, the permit holder submitted proof to the Department.

CONCLUSIONS OF LAW

1. Section 42-218a.2, Idaho Code, provides as follows:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

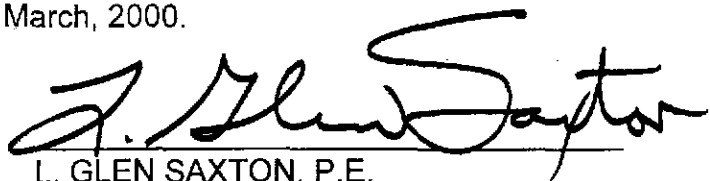
2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting proof of beneficial use on February 7, 2000.

3. The Department should reinstate the permit with the priority advanced to the date that proof and the license examination fee were received.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Permit No. 43-07322 in the name of Gary Steed is **REINSTATED** with the priority advanced to **February 7, 2000**.

Dated this 7th day of March, 2000.

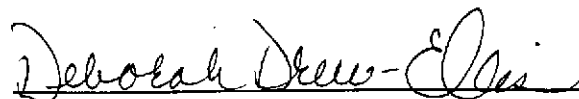


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this 7th day of March, 2000, the above and foregoing document was served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

GARY STEED
PO BOX 127
ALMO ID 83312



Deborah Drew-Ellis, Administrative Assistant
Water Allocation Bureau

FEB 7 - 2000

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. C-480411
Receipt By: A. Keach
Date Received: 2-8-00

RECEIVED

FEB 7 - 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 43-07322 Telephone No. 208-824-5582
2. Name(s) of Permit Holder(s): GARY Steel
3. Mailing Address: P.O. Box 127 Almo, Ida 83312
4. Source of Water: Reid Springs 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): Beef Cattle 200
Irrigation (No. of acres): _____ Other: Fish propagation (non-commercial)
6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes ☒	or	No ☐
	Has the measuring device been installed?	Yes ☒	or	No ☐
Flow Measurement Port:	Is a flow measurement port required?	Yes ☐	or	No ☒
	Has the measurement port been installed?	Yes ☐	or	No ☒
8. Fee Enclosed: \$ _____ (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: GARY GARY Telephone Number: 824-5582
Address: 3382 Reid Springs Rd, Almo, Ida.
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:

GARY Steel

(include your title, if on behalf of company or organization)

Date: 11/30/99

March 05, 1997

RECEIVED

MAR 05 1997

Idaho Department of Water Resources
1341 Fillmore St. Suite 200
Twin Falls, ID. 83301

Department of Water Resources
Southern Region

Reference: Application for permit No. 43-07322

Subject: Formal Protest of the Application

I, H. OLEN WARD, formally file a protest to application for permit No. 43-07322 to store water in a man made pond on a unnamed tributary to Raft River. The pond is located a short distance downstream (estimated to be - 1/2 mile) from Reed Springs. To avoid confusion, reference to Reed Springs should be acknowledged in the application for permit.

I have two concerns upon which I base my protest.

1. In years prior to the most recent drought, the flow from Reed Springs was about 120 Idaho miner inches. Water from the spring provided not only irrigation water to existing rights but also provided livestock water to several livestock operations below the spring on Raft River. Since the pond was installed, water for livestock use has consistently been interfered with during the winter months. The pond cools the water sufficiently during the winter before exiting the pond which causes the water to freeze before the flows reach the majority of the downstream users.

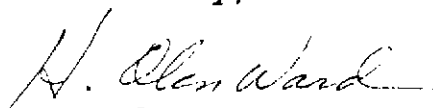
2. The approval of the permit and allowing the pond to remain sets a precedent for future ponds which will further interfere with livestock and irrigation use of earlier rights. Such precedent should not be established.

Objection to the pond and a request that the pond be removed or dewatered during the winter months has been addressed in the irrigation district minutes for the last several years. The Idaho Department of Water Resources has been formally request to take appropriate action on this matter.

My mailing address is P.O. Box 114, Almo, Idaho 83312. My telephone number is (208) 824-5580.

I am willing to work with the party making the application to solve the apparent problem.

Sincerely,


H. Olen Ward

Date 05 March 1997

3/5/97
Receipt # 501-200

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

MAR 06 1997

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

1. Matter being protested Application for Permit No 43-07322
2. Name of protestant Advisory Committee Water District 43-B
3. Protestant's representative for service (If different than protestant)
D. Jay Harper
4. Service mailing address 1926 S 2350 E Malta, Idaho 83342
5. Service telephone no. 208-645-2533
6. Basis of protest (including statement of facts and law upon which the protest is based)
Copy of letter, 1994 enclosed
minutes of water district 43-B annual meetings
Jan. 1991 - Jan 1997

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

7. What would resolve your protest? Agreement with Applicant

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

Signed this 6 day of March, 19 97.

Advisory Committee Water District 43-B
 PROTESTANT

D. Jay Harper
 PROTESTANT'S REPRESENTATIVE

NOTE:

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

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____".
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by J. SKINNER Date 03/06/97 Time 4:59 PM
\$25.00 fee Received by J. SKINNER # 0019910 Date 03/06/97

March 5, 1997

Department of Water Resources
Southern Region
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301

Karl J Dreher, Director

The water users of Water District 43-B file a protest against the application for water permit No. 43-07322 filed by Gary Steed on January 28, 1997.

Our first objection to the application is the "unnamed source". The source has always been referred to as Reed Springs.

The water users of Water District 43-B have attempted to resolve the problem since it's origination in 1990 with the previous owner, Barry Anderson. We refer you to Water District 43-B minutes, on file in your office, of January 14, 1991 to which Jack Erickson and Barry Anderson were present. Also, minutes of January 13, 1992 and January 11, 1993. Each year's minutes noted the continuing problem.

In the January 10, 1994 meeting of Water District 43-B, secretary Robert Hope was instructed to draft a letter to the Department of Water Resources soliciting help in resolving the problem. (copy enclosed)

The problem was discussed in each of the January 9, 1995; January 15, 1996 and the January 21, 1997 Water District 43-B annual meetings hoping to find a solution to the problem.

We seek a permanent solution that protects prior or senior water rights.

Advisory Committee
Water District 43-B
Douglas Truett, Chairperson
Roscoe Ward
D. Jay Harper

March 05, 1997

RECEIVED

MAR 05 1997

Department of Water Resources
Southern Region

Idaho Department of Water Resources
1341 Fillmore St. Suite 200
Twin Falls, ID. 83301

Reference: Application for permit No. 43-07322

Subject: Formal Protest of the Application

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I have two concerns upon which I base my protest.

1. In years prior to the most recent drought, the flow from Reed Springs was about 120 Idaho miner inches. Water from the spring provided not only irrigation water to existing rights but also provided livestock water to several livestock operations below the spring on Raft River. Since the pond was installed, water for livestock use has consistently been interfered with during the winter months. The pond cools the water sufficiently during the winter before exiting the pond which causes the water to freeze before the flows reach the majority of the downstream users.

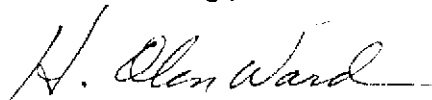
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My mailing address is P.O. Box 114, Almo, Idaho 83312. My telephone number is (208) 824-5580.

I am willing to work with the party making the application to solve the apparent problem.

Sincerely,


H. Olen Ward

Date 05 March 1997

March 05, 1997

Idaho Department of Water Resources
1341 Fillmore St. Suite 200
Twin Falls, ID. 83301

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Sincerely,

H. Olen Ward

Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOTICE OF PROTEST

MAR 06 1997

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1. Matter being protested Application for Permit No 43-17322
2. Name of protestant Advisory Committee Water District 43-13
3. Protestant's representative for service (If different than protestant)
D. Jay Harper
4. Service mailing address 1926 S 2356 E Malta, Idaho 83543
5. Service telephone no. 208-645-2533
6. Basis of protest (including statement of facts and law upon which the protest is based)
Copy of letter, 1994 enclosed
minutes of water district 43-13 annual meeting
Jan. 1991 - Jan 1997
7. What would resolve your protest? Agreement with Applicant

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

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

Signed this 6 day of March, 1997

Advisory Committee Water District 43-13
PROTESTANT

D. Jay Harper
PROTESTANT'S REPRESENTATIVE

[Handwritten notes]
2/13/97

March 5, 1997

Department of Water Resources
Southern Region
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301

Karl J Dreher, Director

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Our first objection to the application is the "unnamed source". The source has always been referred to as Reed Springs.

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The problem was discussed in each of the January 9, 1995; January 15, 1996 and the January 21, 1997 Water District 43-B annual meetings hoping to find a solution to the problem.

We seek a permanent solution that protects prior or senior water rights.

Advisory Committee
Water District 43-B
Douglas Freestone Chairperson
Roscoe Ward
D. Jay Harper

January 14, 1994

Idaho Dept. of Water Resources
222 Shoshone St. East
Twin Falls, Id. 83301

Lorin Holmes, Manager,

Water users of the Upper Raft River District 43-B request assistance from your office to resolve a problem of a ranch owner who has blocked the flow of Upper Raft River to establish a pond on his property. Water for the Upper Raft River begins at Reed Springs located south of Almo Idaho. The water flows about $\frac{1}{2}$ mile through the ranch property to a culvert under a road and over a measuring weir. The rancher has installed a standpipe at the upper end of the culvert. Water backs up for about 300 feet to form a pond. Ranchers downstream want the water during the cold weather to water their livestock but the water freezes much faster than it did before the standpipe was installed. The property around Reed Springs has been sold or leased to new people since the standpipe was installed and no-trespassing signs have been put up. The property around Reed Springs does not have a water right from the springs. Water users downstream would like the standpipe removed or, see a headgate that can be opened to drain the pond during cold weather. The standpipe was installed in 1990.

Your advice and assistance to help us in the District avoid a lawsuit and get our problem resolved will be greatly appreciated.

Sincerely,

Advisory Committee
Water District 43-B



D Jay Harper

Doug Freestone

Boyd Booth

Merritt, Allen

From: Saxton, Glen
Sent: Tuesday, April 13, 1999 11:52 AM
To: Merritt, Allen
Subject: RE: Steed

Yes, the state office is having trouble today receiving incoming calls.

Yes, I think the activity you have already undertaken with Steed is enough. The ball really is in Steed's court to convince the protestants to withdraw their protest and allow him to receive a permit. His failure to do that will either result in a hearing or will result in the department telling Steed to cease impounding water. At any rate, after May 1, 1999, we need to review the matter and decide on appropriate action.

Talk to you later. lgs

-----Original Message-----

From: Merritt, Allen
Sent: Tuesday, April 13, 1999 11:46 AM
To: Saxton, Glen
Subject: Steed

I got your phone message but have been trying to call you back but the line is always busy. Are you guys having trouble with your phones?

**

I talked to Georgia regarding the matter of getting a measuring device in at Steed's place. She has been out there this spring meeting with Steed's son and the watermaster.

On 2/18 they met and found that the flume installed above the pond was not acceptable. They agreed to do more work or move the flume or replace it with a weir further down the stream.

On 2/25 she checked the site but nothing had changed.

On 3/7 they met and a new weir had been installed but it was leaning badly. They also discussed improvements of the weir below the pond.

On 3/15 they met again and things had improved. They took measurements and found that the flow above the pond was 1.56 cfs and the measurement below was 1.62 cfs. The watermaster was to take measurements again around 4/1 and around 5/1. The new weir's bank was still unstable and Steed's son was to attempt to do more work to stabilize the installation.

It is scheduled to do another site visit around 4/22 when she will be in the area on other matters.

Is this dinging them enough or do you feel we need to write a letter?

43-07322

11

T16S.
R24E

2'30"

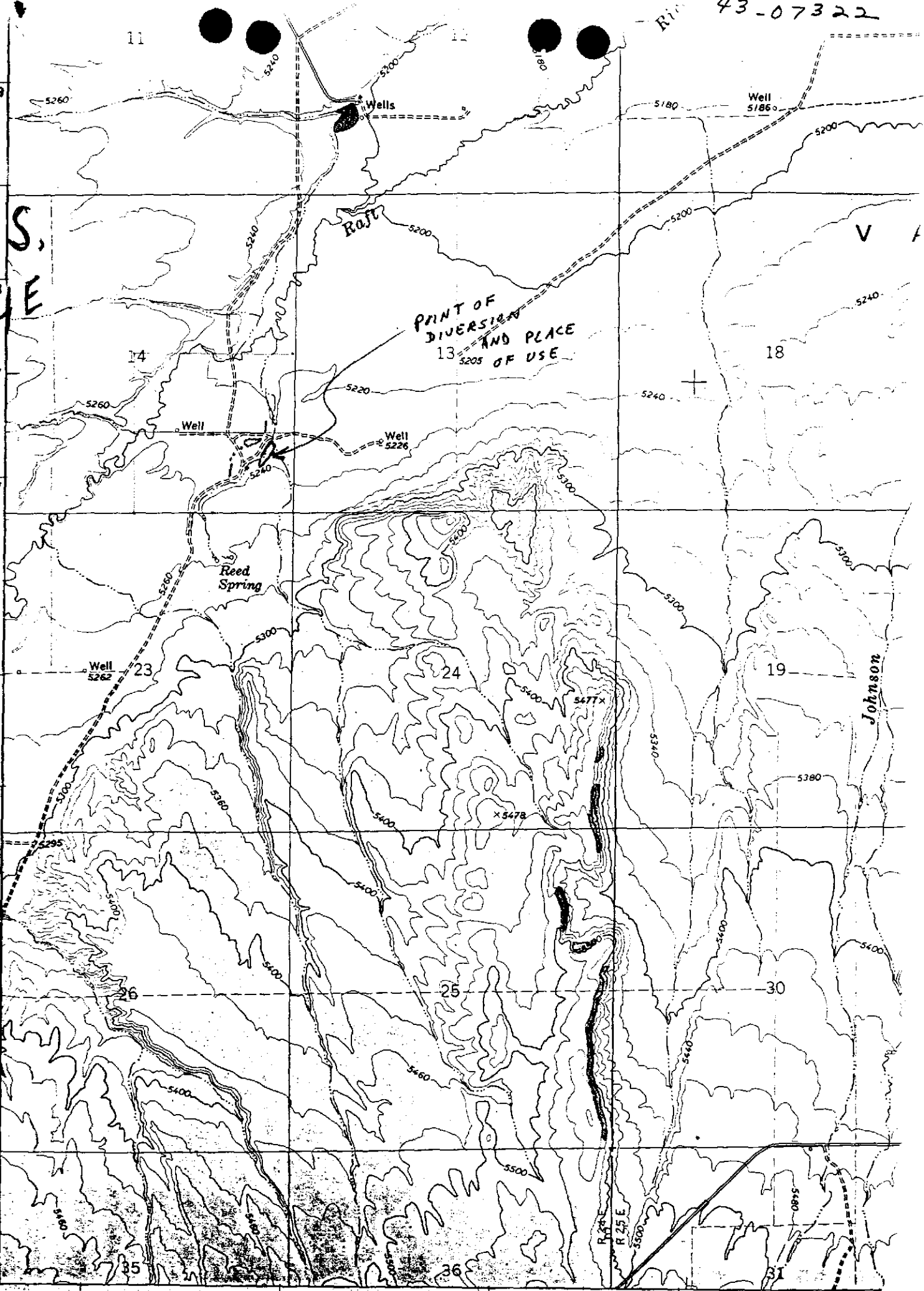
ROAD
D 80

POINT OF
DIVERSION
AND PLACE
OF USE

130 000
FEET

V A

Johnson



COMMUNICATION DOCUMENTATION

IDWR Employee/Agent Georgia Satterlee

DATE
February 19, 1999 8:08am

CUSTOMER
Steed, Gary

SUBJECT: 43-07322

phone call (.) walk-in (.) other (x)

On 18 February 1999 @ 1030 hrs. Dave Sundberg, Garth Steed, and myself met to discuss the measuring device upstream from the pond. (See all documentation calling to the conditions and requirements for this permit).

The existing device is a metal flume in concrete. The concrete structure was placed next to the outflow running under the farm road. There are several pipes carrying the water under the farm road (pipes are concrete material with diameters between 8" and 12"). The water from these pipes was flowing in, around, through, and over the flume. The stated problem is obvious.

Some of the solutions that were discussed:

1) Dragging the existing structure downstream 100 feet, to a narrower portion of channel, and build dikes/dams on each side of the concrete slab. However, Garth said they could not construct anything until the necessary equipment could get in the channel. The existing conditions are muddy.

2) Dave Sundberg wants measurements March 1, April 1, and May 1, so he suggested a wooden weir built in the same place Garth wanted to drag the existing device to.

The second suggestion seemed to be agreeable. Garth said a wooden weir will be built by March 1st, and if he could not make that date, he will call Dave and let him know of the projected completion date.

As a point of reference, we looked at the device at the outflow of the pond. Dave said a rectangular weir constructed similar to this one would be acceptable.

Once there seemed to be an agreement, I departed the area at 1140 hrs.

cc:: file(s)
D.Sundberg
G.Steed

COMMUNICATION DOCUMENTATION

IDWR Employee/Agent Georgia Satterlee 

DATE
March 4, 1999 8:06am

CUSTOMER
Dave Sundberg

SUBJECT: 43-07322
phone call (x) walk-in (.)

This morning I tried calling you at the number: 645-2394 twice, to no avail.

I called Garth Steed at 824-5549 and he said the new weir is under construction and will be completed by Saturday 6 March 1999. Garth said he tried calling you at the same number and could never get a hold of you.

I will go to the site and photograph the new construction. Perhaps we can meet at the weir again? Please call me at 736-3033 to set up a time convenient for you. Thank you.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 29, 1999

David Sundberg
Watermaster District 43-D
PO Box 1
Malta, ID. 83342

RE: Permit 43-07322 Gary Steed

Dear Mr. Sundberg,

I am writing to you regarding the annual Water District meeting that was held recently in your area. Tim Luke, from the Boise office, was representing the department.

I am following up on the discussion regarding the measuring devices, per the conditions of the permit. I want to visit the site to take photographs for the field report. I would appreciate your expertise and input in this issue. Could you accompany me out to the location?

Please call me at the Southern Region Office and we could discuss a convenient time and date. I feel this matter needs immediate attention and I am available to assist you or one of your agents.

Thank you and I look forward to your call.

Cordially,

Georgia Satterlee
Sr. Water Resource Agent

cc:: G.Steed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 28, 1998

Gary Steed
PO Box 127
Almo, ID 83312-0127

RE: Permit 43-07322 for Storage

Dear Mr. Steed:

As you may recall the department issued permit 43-07322 as a "temporary" permit based on the agreement between you and the protestants. On August 5th of this year the department sent you a letter reminding you that certain things needed to be accomplished or the permit would expire October 1, 1998. (Please find copy of August 5th letter enclosed)

To date the department has not received a response to the August 5th letter. Please be advised that until the items listed in the August 5th letter are addressed, no storage is authorized after October 1st. Until this matter is resolved your cooperation in draining the pond after October 1st is requested; otherwise you may be found in violation of water right statutes and subject to civil penalties.

If you have questions, please feel free to contact me at this office or Glen Saxton in the state office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

CC: Glen Saxton - IDWR State Office
Dave Sundberg



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 5, 1998

RECEIVED

AUG 07 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Gary Steed
P.O. Box 127
Almo, ID 83312-0127

Department of Water Resources
Southern Region

RE: PERMIT 43-07322 IN THE NAME OF GARY STEED

Dear Mr. Steed:

This letter follows up our telephone conversation yesterday in connection with the above referenced permit.

On September 30, 1997, the department issued Permit No. 43-07322 to you with certain conditions and limitation including a condition which reads as follows:

1. This permit to appropriate water expires on October 1, 1998.

The department issued the "temporary" permit based upon an agreement between you and the protestants to provide for the gathering of certain data for the coming year. Enclosed is a copy of the agreement which required you to install a measuring device and for the watermaster to make certain measurements.

The water right files shows that on July 31, 1998, the department sent you a certified letter titled PROOF DUE NOTICE. The department should not have sent you this notice, since the permit at this stage is temporary and can not be developed into a permanent water right. Please disregard the notice.

In order for you to pursue the development of a permanent water right for the permit, you need to do the following:

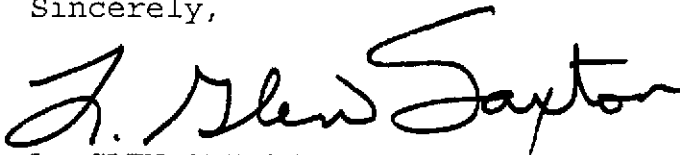
1. Provide to the department the measurements taken by the watermaster as described in the agreement.
2. Seek a permanent written withdrawal of protest from the protestants and provide it to the department.

43-07322

3. Submit the information to the department together with a written request asking that the permit be reissued or amended to exclude the expiration date presently shown on the temporary permit.

If you have questions, please feel free to contact me.

Sincerely,

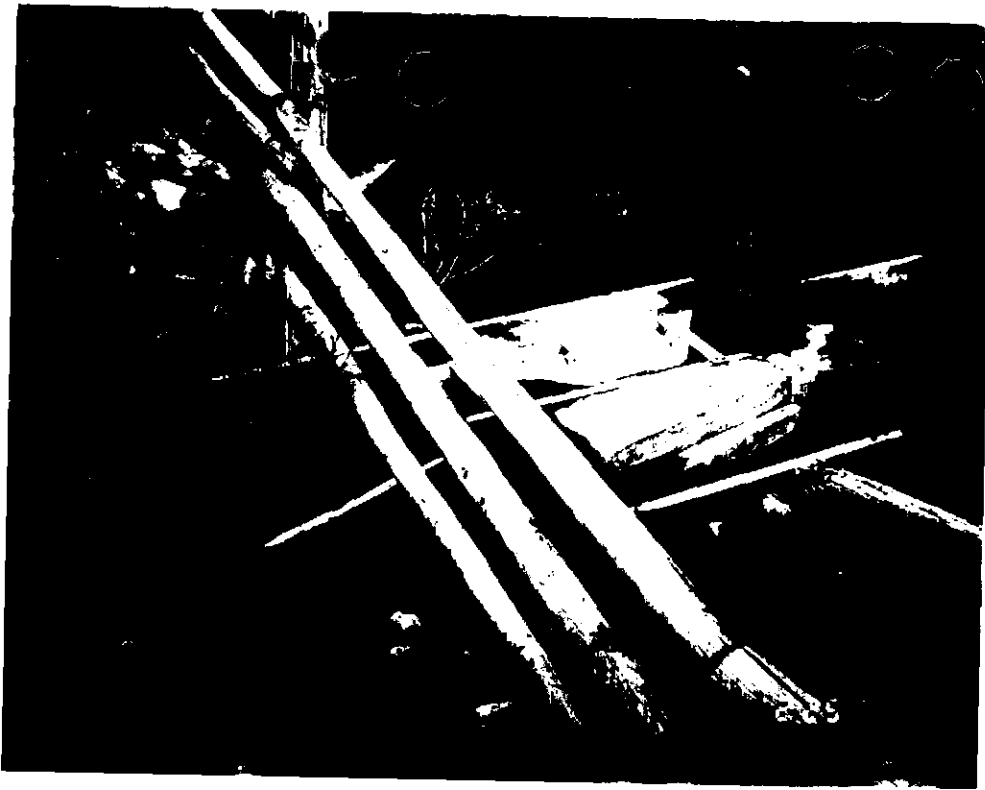
A handwritten signature in cursive script, reading "L. Glen Saxton". The signature is written in dark ink and is positioned above the printed name and title.

L. GLEN SAXTON, P.E.

Chief, Water Allocation Bureau

Encl: 1

c: Allen Merritt
H. Olen Ward
Water Dist. 43-D
Dave Sundberg



1/2

upstream measuring device

photo looking downstream



looking from farm road under which
the water flows from spring to pond





photo looking at pond from the
east side



downstream
diversion

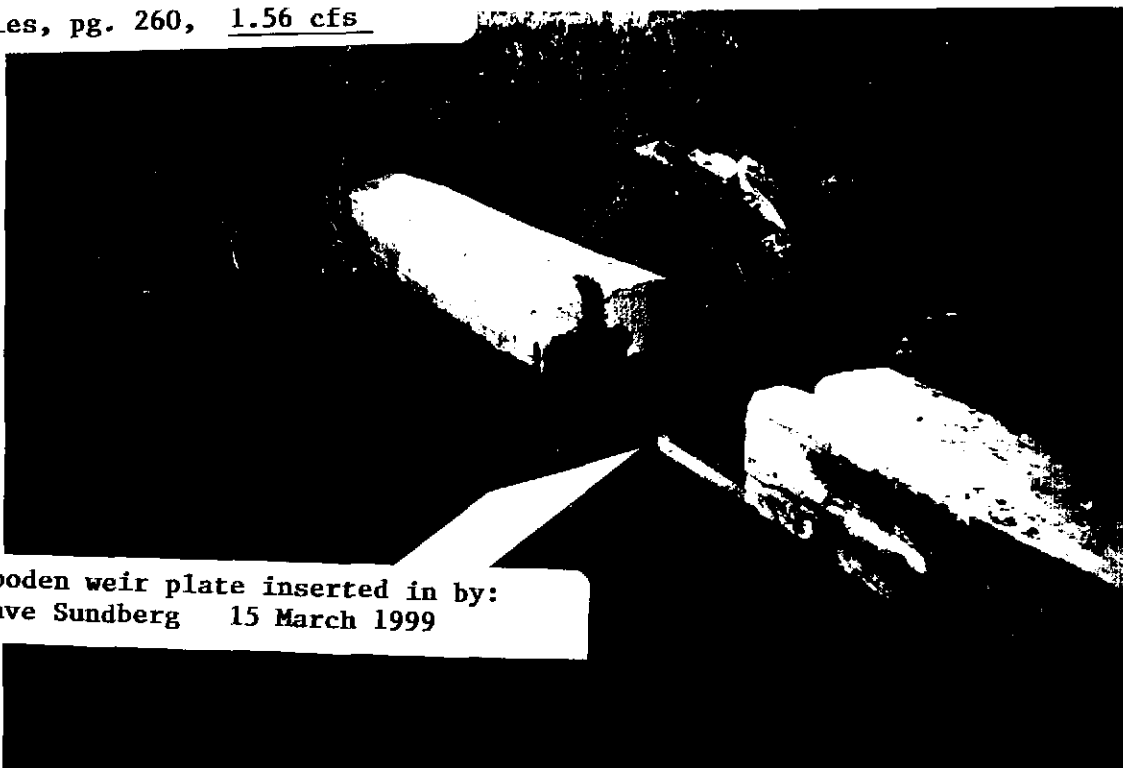
measuring
outlet from pond

rectangular weir
similar to this one would be
acceptable at upstream diversion

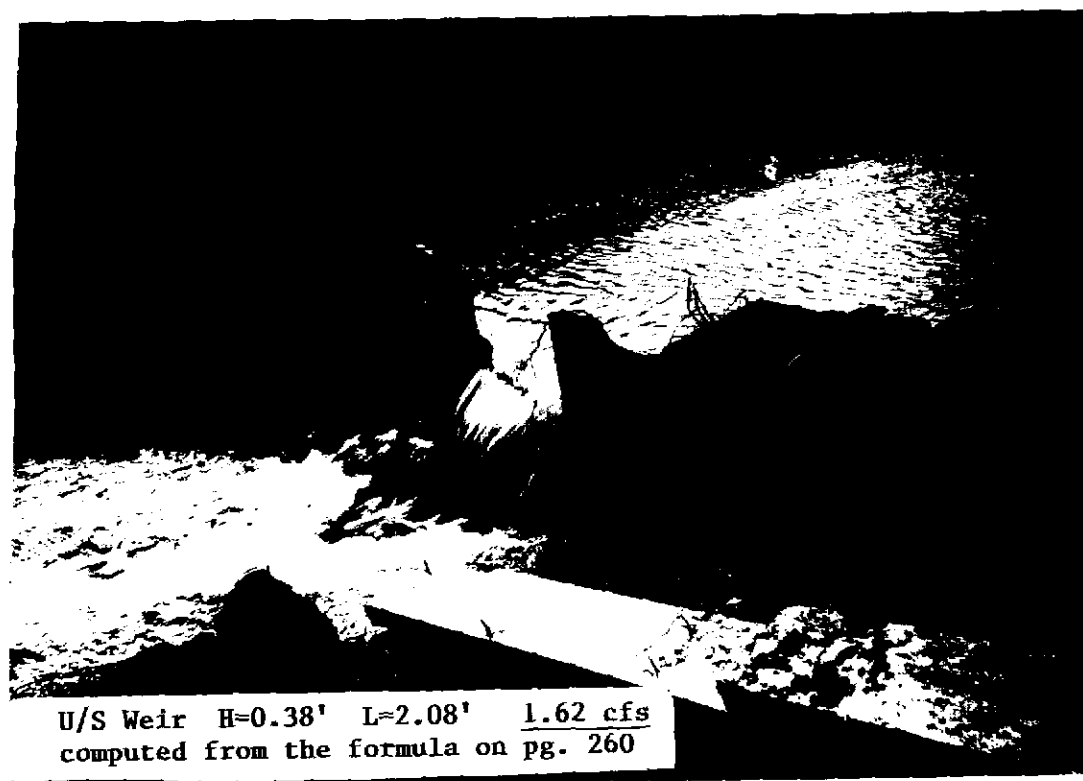
24/2



D/S measurement: $H=0.38'$ $L=2.0'$
From Tables, pg. 260, 1.56 cfs



wooden weir plate inserted in by:
Dave Sundberg 15 March 1999

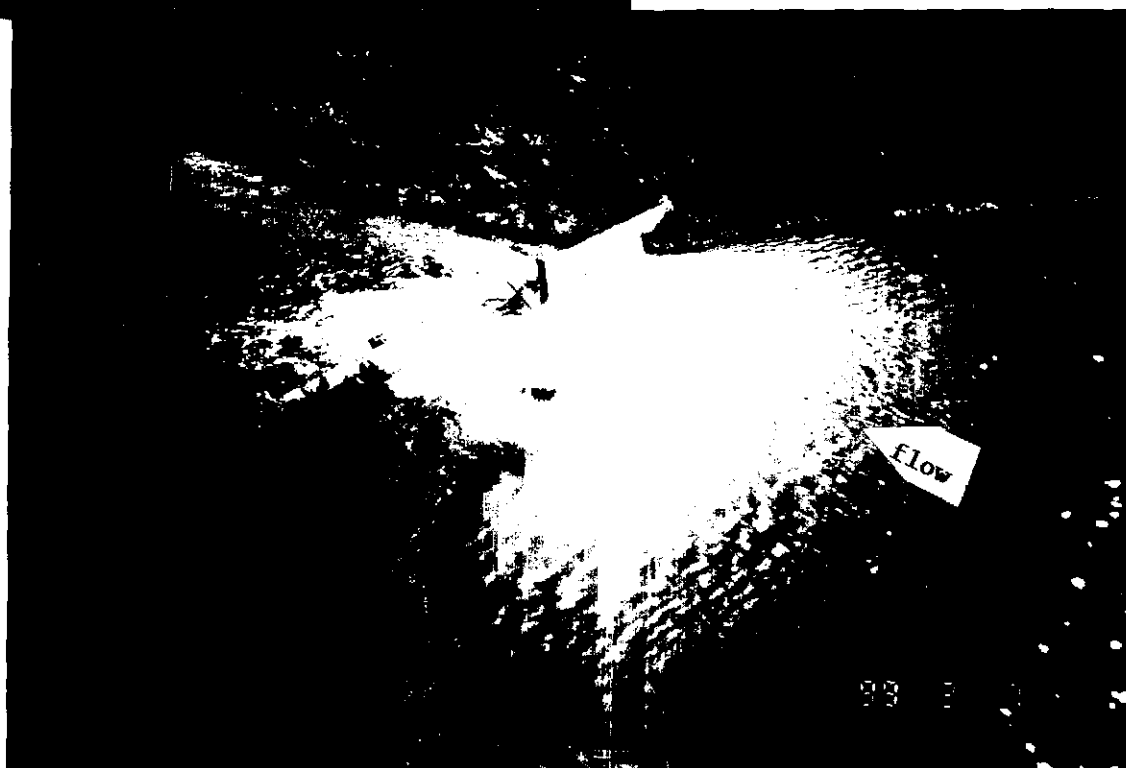


Steed, Gary
43-07322



upstream

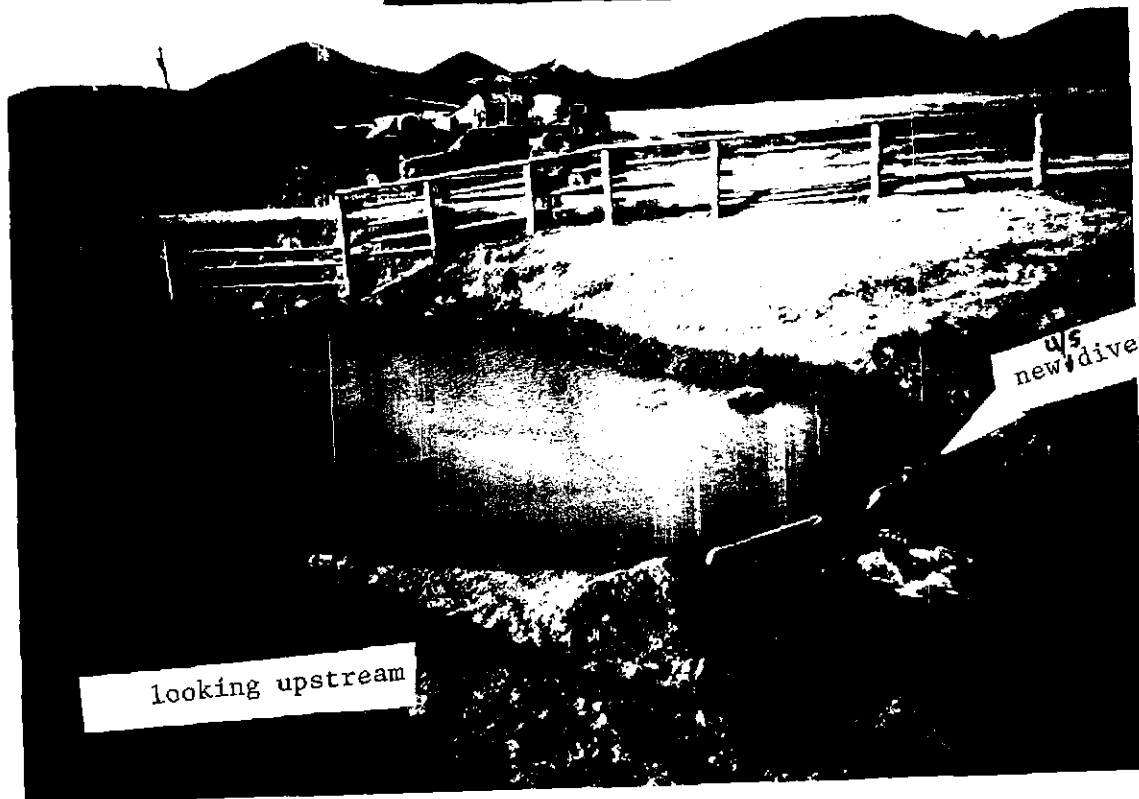
New diversion structure



new u/s diversion

old u/s diversion

looking downstream from farm road



looking upstream

u/s
new diversion

looking SW'ly



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

March 7, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY STEED
PO BOX 127
ALMO ID 83312

RE: PERMIT NO. 43-07322 - REINSTATEMENT ORDER

Dear Mr. Steed:

The department acknowledges receipt of the proof of beneficial use ("proof") form and supporting information submitted for the above referenced lapsed permit.

Enclosed is an order reinstating the permit, since proof and the license examination fee were submitted more than 60 days after the lapse notice was issued. Please note that the priority date has been advanced to **February 7, 2000**, the date the proof and license examination fee were submitted to the department, as provided in Section 42-218a.2, Idaho Code.

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 the field examination, please contact the **SOUTHERN** Regional Office of the department in Twin Falls at (208) 736-3033.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Drew-Ellis".

DEBORAH DREW-ELLIS
Administrative Assistant I
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

MAR 14 1990

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 43-07322 Reviewed by dde Date 3/6/00

GENERAL CONSIDERATIONS

TYPES OF USE

Yes Name same as permit?
Yes Address same as permit?
No Proof timely received? Correct Uses? _____
If not, complete calculation below.

SOURCE OF WATER

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

LICENSE EXAMINATION FEE

MEASURING DEVICE

Yes Required?
\$50 Amount Submitted
Yes Correct?
Yes Required?
Yes Installed?
_____ Waiver requested?

PRIORITY CALCULATION

Date proof received 2/7/00
Date proof due 11/1/99 - _____
No. of days late _____ = 70
Priority Date 11/1/99 + 70 days = 1/1 - 2/7 = 38 → +38 days
New Priority Date 2/7/00
Lapse Notice sent 11/29 = 333
12/31 = 365
365 - 333 = 32 days
*70
*over 60 day late

DEFICIENCIES OR ACTION ITEMS

Permit is lapsed and of no force nor effect.
Order to reinstate needed. Advance priority date of
permit to date proof was received.

DATA ENTRY

New Address _____ Proof Made 2/7/00
_____ Data: 3/6/00 dde

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 00448141

Date: 2-8-1981
Time: 10:23:41

Received
From: STEED HIGH VAL SEED FARM

Type of Payment	Program Acct	Amount
BENEFICIAL USE	78104	229 21 1155

CHECK _____
Total 229 21 1155

Signature: api Koark

MICROFILMED
MAR 24 1981

RECEIVED

FEB 28 2000

Dave Sundberg
Box 1 Malta Id. 83342

Jeff Peppersack
IDWR
1301 North Orchard Street
Boise Idaho 83706

Department of Water Resources

Dear Jeff,

Jay Harper has asked me to explain the concerns which Water District 43-B has concerning Gary Steed's pond permit number 43-07322. As you know, the department issued this permit with conditions of approval. Condition number 5 was of particular interest to the water district. It says "Permanent measuring devices must be installed/maintained in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured". When Gary Steed acquired that ranch there was a 24 inch cippolletti weir in a cement structure below the road which is damming the creek up to make the pond. The cement structure and weir were installed at a considerable expense to his predecessors.

In the spring of 1997 the weir was removed, leaving the cement frame. I made measurements as good as I could using the cement frame that Summer. In September Gary signed an agreement to install a measuring device above the pond before December 1, 1997. He did not install any such measuring device in 1997 or again in 1998. In March 1999 Steed put a board with a non-standard sized opening in it above the pond. By recomputing to make up for the non-standard size we arrived at a measurement which was comparable to the measurement in the 24" weir I put in below the pond. In March 1999 I put a 24" wide rectangular weir in the cement structure below the road where Steed had removed the weir in 1997.

In the winter 1999-2000 the weir I put in was removed. The board which Steed put in was tromped out by livestock before any other measurements were made and has been destroyed now, so since they removed the weir that I put in there is no measuring device at all. In 1997 Gary Steed was boasting that he was not going to replace the spring water into Raft River as required by his well license and that Allen Merritt doesn't have guts enough to make him do it. That and the fact that he removed the existing weir and did not replace the water that year was the main inspiration for the water district to put condition number 5 on his permit. In 1999 again Gary vehemently refused to replace water into Raft River except just enough to keep his fish alive.

The following 4 paragraphs are taken from my daily log in 1997 and illustrate the problem of dealing with Gary Steed.

"On July 11 I received a letter from IDWR (Allen Merritt) saying to take charge of the replacement of Reed Springs by Gary Steed, which he has not been doing except enough to keep the fish alive in his pond. Gary Steed was not putting any water into the river and Bruce Durfee was putting in about 25 inches which was just barely reaching the road below Olen Ward's. In fact it may not have been running on the surface at 2:00 p.m. I went to Malta and talked to Jay Harper who suggested that I talk to Gary. When I went back at about 7:00p.m., it had rained and a fair stream was running down below Ward's. I couldn't find Gary so I didn't do anything. Saturday I didn't do anything about Steed because nobody was home. Sunday July 13, I turned some water into Reed Spring from Steed's injection pipe. Monday morning there was nothing leaving the pond so I went up to the injection pipe and found the valve wide open with 3-4 ft/s running into the spring. When I arrived at the pond somebody on a 4-wheeler went up to the spring and obviously opened the valve because the water was not reaching the pond and in fact did not reach the pond while I was there. The water had obviously been shut off shortly after I left Sunday afternoon because the moss had not floated off of the pond and plugged the standpipe.

MIKOFILMED

Tuesday there was no water leaving the pond and it had obviously been

turned off as soon as I left Monday. Wednesday I talked quite a while with Gary. He claimed that no water was reaching the road below Ole Ward's. We went down and looked and there was about 10 inches crossing the road. About 20" was coming from Utah and Durfees were putting in 25", so of 45" 10 were reaching the users below. I pointed out to Gary that if he put in 60" it would all probably reach because the river was already sinking it's capacity. He agreed to put water in. I turned a stream which I quite carefully estimated as 60" where it forms a channel below the injection pipe. It was 2' wide and 10" deep and moving a little less than 1 foot per second.

I talked to Bruce Durfee and he told me to turn 35" if I wanted to from his pipe. I turned 30". I didn't ask Bruce to give water because he really has no obligation to do so. Thursday morning the weir below the pond measured 5" deep or 1.75cfs but was not reaching the road any more than when only Durfee's water was running. Friday morning there was some water running from the pond but not reaching so I went back later and it was shut off. Apparently they are turning it on just before I get there and backoff as soon as I leave.

July 23 Allen Merritt and I met with Gary Steed and we agreed that he would put a handle that can be locked on the injection pipe and an accurate measuring device below the pond."

Steed has not put a lockable handle on his injection pipe nor put any kind of weir below the pond. He has not put a measuring device of any kind above or below the pond except for the odd sized board which the cows tromped out and he has removed two measuring devices from below the pond. Gary complains that a weir would cost too much and would be a waste of money, but that does not justify him removing the weir that I put in at my own expense. One requirement of any new water right is that the applicant must be financially able to complete the project. Gary Steed claims that measuring devices are too costly, or at least the pond is not worth the cost. The water district has spent over \$1000 in the last three years trying to get Gary Steed to comply with the requirements of his pond permit and it is my opinion that as long as Gary maintains his attitude of non-compliance his pond is not in the best interest of the community. One requirement of any new water right is that it be in the public interest.

Gary Steed's on-going complaints against measuring devices and being regulated by a state water district indicate to me that he has no intention of ever complying with the requirements of this permit or the replacement requirements of his well license. One of Gary's excuses for not having a weir in Reed Spring Creek is that his fishes can't travel up and down the stream if it has weirs in it. The same species of fish in Clear Creek can swim up 4 ft. high waterfalls in the headgates. Gary's main problem is that he gets a thrill out of being defiant. If he is going to use the pond as an excuse to interfere with his well's replacement requirement being regulated by the water district then the pond is a public nuisance.

I am tired of Mr. Steed running me in circles and refusing to comply with his obligations and the consensus of the last water meeting was that he should be required to install the measuring device which he agreed to put in above the pond and replace the weir which he destroyed below the pond. This would bring him into compliance with the conditions of permit #43-07322. He should be required to do this before April so we can measure and determine how much water he needs to put into the river. He has time to remove weirs so I'm sure he has time to put them back in. He should also put a lock on his injection pipe so that he can't turn the water off as soon as the watermaster leaves. That would resolve the problems between Gary Steed and the water district.

If I can be of further assistance to you, feel free to contact me.

Sincerely,


Dave Sundberg

November 29, 1999

GARY STEED
PO BOX 127
ALMO ID 833120127

LAPSE NOTICE

RE: PERMIT NO. 43-07322

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 August 31, 1999. 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.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 11/29/99
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

MID-NOV-1999

MAR 2 - 2000

August 31, 1999

GARY STEED
PO BOX 127
ALMO ID 833120127

PROOF DUE NOTICE

RE: PERMIT NO. 43-07322

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 November 1, 1999.

(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.

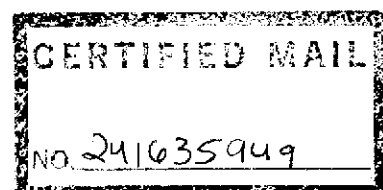
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

NOTED

SEP 2 4 1999





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

July 15, 1999

DIRK KEMPTHORNE
GOVERNOR

GARY STEED
PO BOX 127
ALMO ID 83312-0127

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 43-07322

Dear Permit Holder:

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

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

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

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED

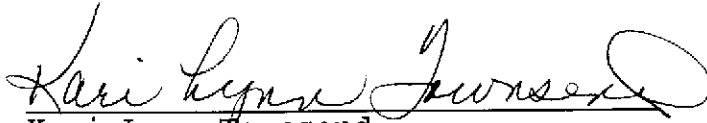
JUL 23 1999

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of July, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 43-07322

GARY STEED
PO BOX 127
ALMO ID 83312-0127


Kari Lynn Townsend
Secretary

MICROFILMED
AUG 11 1999

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

MICROFILMED
APR 29 1998

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
JUN 13 1997

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy*No.: 43-7322 Name: Steed Date: 7/14/99 Ad OK? ☒ Gvmt Lts: ☒AREA OF CONCERN: No/Yes: ESRP Mor / GWMA / Trust / Non-trustPROTESTED: 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A-P17
- ≤ 1 year/no proof - (P16)

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)
- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067
- ≤ 0.24 cfs/5 acres - No MD

WMD

- Supp irr use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)
- Supp. irr + uses - 100-101
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

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

FISH & GAME CONTACTED: YES / NO; WHEN: N/A RESPONSE: _____

IN/ABOVE MSF (✓ MAP) - *WB9

IN-STREAM DEVELOPMENT: P02 (stream channel alteration) existingWD (✓ MAP & LISTING) - R04 (WD # 43B)

- > 0.20 cfs - 01J-P08 (MD & LD)
- others - (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22 -P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087

USE:

- STORAGE (✓ 3 compo.) - 18A (in & out MD for on-stream storage)-01H-P01 (LD)/01P, 18B-P09 (>10' dam), NA
- IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- STOCKWATER - R37 (BLM/USFS); NA
- MINING - 054(req)-081-P10
- FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-P10
- HEATING/COOLING - R07 (injection well)
- POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERG); 18B-P09; >25 cfs-P18

MUNICIPAL

- In restricted area? - 022, 075, 004 (+memo?)
- Irr., GW supp. to SW? - 102

DOMESTIC

- Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070

FIRE PROTECTION

- 077

LOCATION:

- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 120
- 42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin)
- SWAN FALLS FLAG (✓ Code) -

- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

- 0 Temp permit cond.

BENEFICIAL USE DUE:

- 11/1/99

COMMENTS:

RECEIVED

JUN - 1 1999

Department of Water Resources

May 24, 1999

State of Idaho
Dept of Water Resources
1341 Fillmore St. Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED

MAY 28 1999

Department of Water Resources
Southern Region

Gary Steed
P. O. Box 127
Almo, Id 83312-0127

Re: Permit 43-07322

Dear Mr. Steed,

We have received and reviewed the data provided by the Water Master of Water District 43-B concerning the flow of Reed Springs.

Water District 43-B withdraws it's protest to Permit 43-07322 with the understanding that adequate measuring devices be maintained as required by the Idaho Department of Water Resources.

Sincerely

Advisory Committee
Water District 43-B

Jay Harper
Douglas Freestone
Roscoe Work

MICROFILMED

435 6 9 205



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNORKARL J. DREHER
DIRECTOR

May 12, 1999

Gary Steed
PO Box 127
Almo, ID 83312-0127

H Olen Ward
PO Box 114
Almo, ID 83312

D Jay Harper
1926 S 2350 E
Malta, ID 83342

RE: Permit/Application 43-07322

Gentlemen:

As you know the department issued permit 43-07322 on a temporary basis. The temporary approval was based on agreement of the applicant and protestants that required:

- Installation of a measuring device above the pond.
- Measurement of flows above and below the pond by the watermaster.
- Measurement of water temperature of the Reed Springs water above and below the pond and at sites on Raft River by the watermaster.

Our office recently was provided a report of the watermaster's measurements. (Please find a copy for your reference.) I understand that the required measuring devices have been installed however the stability of the installation is questionable with regard to the device above the pond. (It needs to be made more permanent.)

Our records indicate that:

- The protest of H. Olen Ward was withdrawn in a letter dated September 30, 1998.
- The protest of Water District 43-B has not been withdrawn.
- The temporary permit expired May 1 1999.

It is requested that all parties review the enclosed watermaster report and decide what settlement of protest if any can be made. Please provide to me within 15 days one of the following:

- A written withdrawal of protest by the Water District 43-B with any written agreement between parties.
- A list of available days in June, July and August

Post-It® Fax Note 7671		Date	# of pages 4
To	Glen Sexton	From	Allen Newitt
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

MICROFILMED

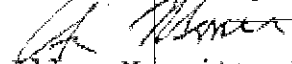
AUG 09 1999

in which the parties may be available to attend a hearing
if the protest is not withdrawn.

Please note that if the protest is not withdrawn the pond must be
drained until such time the permit is approved.

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

Sincerely,



Allen Merritt, PE
Southern Region Manager

MICROFILMED

AUG 19 1999

45-07322

MEASUREMENTS MADE BY WATERMASTER, SEPT.15,1997 THROUGH SEPT.30,1998

DATE	REED SPRING		RIVER ABOVE STEED'S		RIVER BELOW WARDS	
	FLOW	TEMPERATURE	FLOW	TEMP.	TEMP.	AIR TEMP.
		ABOVE POND BELOW				
	(No flow measurements were made above pond because there was no measuring device yet)					
Sept.18 1997	0					
21	0					
27	0					
30	15 inches					
Oct 7	30"					
14	33"					
22	45"					
28	52"		5.2 cfs			
Nov. 7	60"	55°	50°	5 cfs	44°	44° 58°
Dec. 3 1998	60"	44°	42°	5	34°	36° 54° (and frozen night before)
Jan 3	?	52°	42°	Frozen over	32°	32° 50° (after warm night)
Feb. 5	67"	50°	42°		36°	36° 36°
March 4	93"	45°	36°		33°	33° 30°
April 2	96"					
20	110"		40 cfs			
May 1	112"					
7	124"	Measured with Gary Steed.				
June 4	124"		96 cfs			
25	125"		48 cfs			
July 1	125"					
8	125"					
17	20"					
23	90"					
Aug. 1	105"		0			
7	105"		Flash flood not reaching road below Olen's			
16	180"		0			
24	350"		0			
Sept 2	160"		0			
7	160"		0			
12	70"		0			
21	0		0			
30	0		15 cfs			

RECEIVED

MAY 06 1999

Department of Water Resources
Southern Region

WATERMASTER DAVE SUNDBERG

MICROFILMED

MAY 09 1999

MEASUREMENTS MADE BY WATERMASTER, OCT. 20, 1998 THROUGH MAY 27, 1999

DATE	FEED SPRING FLOW	TEMPERATURE ABOVE POND	TEMPERATURE BELOW	RIVER ABOVE STEED'S FLOW	TEMP.	RIVER BELOW WARD'S TEMP.	AIR TEMP.
Oct. 20 1998	20 inches below pond						
Nov. 3	60"						
Dec. 7	70"	42°	34°		32°	32°	40°
Jan. 3							
1999	73"	52°	42°	frozen over		frozen	45°
Feb. 1	96"	44°	42°	32°		32°	40°
March 15	78" above pond		75" below pond				
April 6	120" above		120" below				
April 27	94"		94"	38.16cfs			


 DAVE SUNDBERG

RECEIVED

MAY 23 1999

Department of Water Resources
Southern Region

MICROFILMED

JUN 03 1999

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

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 43-07322 IN THE NAME OF) **PRELIMINARY ORDER**
GARY STEED)
_____)

This matter having come before the Idaho Department of Water Resources ("department"), as a result of a protested application for permit, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On January 28, 1997, Gary Steed (applicant) submitted Application for Permit No. 43-07322 (application) to the department proposing the appropriation of 1.0 acre foot of water from an Unnamed Stream tributary to the Raft River to be used year-round for wildlife, recreation and aesthetic purposes.
2. The department published notice of the application which was protested by H. Olen Ward and Jay Harper on behalf of Water District No. 43-D. On September 10, 1997, the department conducted a conference in the matter. At the conference, the protestants agreed to withdraw their protests for a period of one year to allow the applicant to install measuring devices above and below the reservoir to allow the watermaster to measure flows and water temperature.
3. Due to illness, the applicant did not install the devices until September 29, 1998. Both the applicant and the protestants have asked the department to extend the temporary permit to May 1, 1999, to allow the agreed upon measurements to be taken and evaluated.

CONCLUSIONS OF LAW

1. The applicant and protestants have shown sufficient cause why the temporary permit should be extended.
2. The department should issue an order extending the temporary permit to May 1, 1999 to allow additional measurements to be taken.

MICROFILMED

SEP 26 1998

ORDER

IT IS THEREFORE, HEREBY ORDERED that the above captioned permit is **EXTENDED** to May 1, 1999.

IT IS FURTHER HEREBY ORDERED that Conditions of Approval 2 through 9 as shown on the permit issued on September 30, 1997 continue to be in effect.

Dated this 8th day of October, 1998.


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

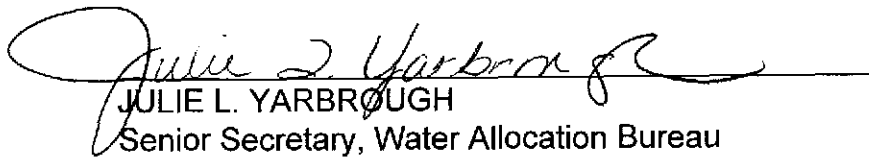
CERTIFICATE OF MAILING

I DO HEREBY CERTIFY that on the 8th day of October, 1998, a true and correct copy of the foregoing **PRELIMINARY ORDER** was forwarded, by regular U.S. Mail, to the parties listed below:

Gary Steed
PO Box 127
Almo ID 83312-0127

H Olen Ward
PO Box 114
Almo ID 83312

D Jay Harper
1926 S 2350 E
Malta ID 83342


JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

ORDER - Pg 3

MICROFILMED

OCT 20 1998

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 43-07322

Proposed Priority: January 28, 1997

Maximum Storage Volume:

1.0 AF

This is to certify, that GARY STEED

PO BOX 127

ALMO ID 83312-0127

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of RAFT RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		1.0 AF
RECREATION STORAGE	01/01 to 12/31		1.0 AF
AESTHETIC STORAGE	01/01 to 12/31		1.0 AF
	Totals		1.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 14, Township 16S, Range 24E
CASSIA County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

16S 24E 14

SESE

CONDITIONS OF APPROVAL AND REMARKS

1. This permit to appropriate water expires on October 1, 1998.
2. Subject to all prior water rights.
3. Use of water under this permit is affected by an agreement between the protestant and the right holder.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 43B.
5. Permanent measuring devices must be installed/maintained in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
6. The director retains jurisdiction of this permit to change the conditions of approval or to rescind its approval.
7. The permit holder shall mitigate losses as determined to be appropriate by the director.
8. This permit authorizes an annual volume of water to fill the storage facility and the amount required to replace losses through evaporation and seepage.
9. Recreation storage use is for a private fish pond.

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

30th day of September, 1997.

Karl J. Dreher
Karl J. Dreher, Director

In the Matter of)
Application for Permit)
No. 43-07322 in)
The Name of Gary)
Steed)

Agreement

Protestants agree to withdraw
their protest against the above captioned
Application for a Period of 1 year from
Nov 12 1997 ~~the date of this agreement~~ to allow
for the gathering of data as provided
below:

The parties agree as follows:

1. The applicant will install a
measuring device upstream from
applicant's pond by Dec 1, 1997 as
determined to be appropriate by the
department.

2. The watermaster will measure
water flow, water temperature and
air temperature as follows;

- a) above applicant's pond,
- b) below applicant's pond, and
- c) approx 2 miles downstream.

measurements are to be taken
once a month beginning October 1,
and ending March 1.

(OVER FOR SIGNATURES)

Dated this 10th September, 1997,

Gary Steed

Gary Steed, Applicant

L. Jay Harper

Water Dist #43-D by

Jay - Harper

H. Olen Ward

H. Olen Ward

WATERLINE

WATERLINE

*File in
43-07322*

ROUTING SLIP

DISTRIBUTION		REFERENCE	
TO: <i>Glen Sexton</i>		Our Conversation	
FROM: <i>Alb Merritt</i>		Your Request	
		The Attached	X
PROVIDED FOR YOUR:		PLEASE REVIEW AND:	
Information	X	Take Proper Action	
Approval		Comment and Return	
Signature		File	
SPECIAL NOTES: <i>Measurements by</i>			
<i>Weternaster 43-B for permit 43-07322</i>			
<i>in name of Stood.</i>			

MEASUREMENTS MADE BY WATERMASTER, OCT. 20, 1998 THROUGH MAY 27, 1999

DATE	REED SPRING FLOW	TEMPERATURE ABOVE POND=BELOW	RIVER ABOVE STEED'S FLOW	TEMP.	RIVER BELOW WARD'S TEMP.	AIR TEMP.
Oct. 20 1998	30 inches below pond					
Nov. 3	60"					
Dec. 7	70"	42°	34°	32°	32°	40°
Jan. 3 1999	73"	52°	42°	frozen over	frozen	45°
Feb. 1	96"	44°	42°	32°	32°	40°
March 15	78" above pond		75" below pond			
April 6	120" above		120" below			
April 27	94"		94"	38.16 cfs		

DAVE SUNDBERG
DAVE SUNDBERG

RECEIVED

MAY 12 1999

Department of Water Resources

RECEIVED

MAY 06 1999

Department of Water Resources
Southern Region

MEASUREMENTS MADE BY WATERMASTER, OCT. 20, 1998 THROUGH MAY 27, 1999

DATE	REED SPRING FLOW	TEMPERATURE ABOVE POND*BELOW	RIVER ABOVE STEED'S FLOW	TEMP.	RIVER BELOW WARD'S TEMP.	AIR TEMP.
Oct. 20 1998	30 inches below pond					
Nov. 3	60"					
Dec. 7	70"	42°	34°	32°	32°	40°
Jan. 3 1999	73"	52°	42°	frozen over	frozen	45°
Feb. 1	96"	44°	42°	32°	32°	40°
March 15	78" above pond		75" below pond			
April 6	120" above		120" below			
April 27	94"		94"	38.16 cfs		

DAVE L. J.
DAVE SUNDBERG

RECEIVED

MAY 06 1999

Department of Water Resources
Southern Region

**** NOTICE ****

This is a temporary application and should not be called up for proof of beneficial use notice. The data base indicates a proof due date of May 1, 1999, however, the department should not send a proof due notice at that time, rather, the file should be called up in May to determine next appropriate action.

J. Yarbrough 10/08/98

MICROFILMED

OCT 26 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 8, 1998

RE: In the matter of Permit No. 43-07322 in the name of Gary Steed

Dear Interested Parties:

The accompanying order is a "**preliminary order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

- i. A hearing was held,
- ii. The final agency action was taken,

- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Region

RECEIVED

OCT 05 1998

Department of Water Resources

September 30, 1998

IDAHO DEPARTMENT OF WATER RESOURCES
ATTN: L. Glen Saxton, Chief, Water Allocation Bureau
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

Subject: Withdrawal of Protest Concerning PERMIT 43-07322 in the Name
of Gary Steed

Dear Mr. Saxton:

The "temporary" permit granted in September 1997 in conjunction with the application for permit 43-07322 was based upon an agreement with the applicant and the protestants. Conditions of the "temporary" permit included: (1) installation of a water measuring device above the pond by December 1, 1997, (2) measurement of quantity of water flow above and below the pond by the Water Master for the remainder of 1997 and into 1998, and (3) measurement of water temperature above and below the pond and temperature measurements in the Raft River above and below the confluence of the river and Reed Spring. Based on an analyses of data collected a decision concerning the protests would then be made by the protestants.

It is my understanding that due to unusual circumstances, the measuring device was not installed until September 9, 1998. As a result, water flow measurements above the pond could not be obtained.

I respectfully request that the "temporary" permit be extended to the beginning of the 1999 irrigation season so that water flow measurements above and below the pond can be accomplished as originally agreed upon. This data, in conjunction with data already obtained, should be made a matter of record and incorporated into the permit/permanent water right document. By doing this, future problems, misunderstandings, disagreements and disputations relative to the permit/permanent water right will be avoided.

Based on my interim review of the water measurements that could be obtained and water temperature readings that were taken I withdraw my protest to Permit 43-07322.

Sincerely,



H. Olen Ward
P.O. Box 114
Almo, Idaho 83312

cc: Allen Merritt
Water Dist. 43-D
Dave Sunberg
Gary Steed

MICROFILMED

OCT 28 1998

FAX COVER SHEET

STEED HIGH VALLEY SEED FARM

GARY AND SONIA STEED

3382 REID SPRINGS ROAD

BOX 127

ALMO, IDAHO 83312

(208) 824-5582

fax: (208) 824-5587

DATE: October 2, 1998

TO: L Glenn Saxton

PHONE: (208) 327-7866

FROM: Steed Farms, Sonia Steed

SUBJT: Extension of deadline for permit 43-07322

COMMENTS

Mr. Saxton, included are letters from us, the water committee, and Mr. Olen Ward. I am faxing copies to Mr. Allen Merritt and mailing copies to the interested parties.

MICROFILMED

OCT 2 8 1998

October 2, 1998

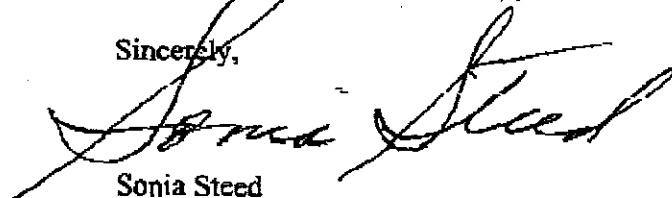
Mr. L. Glenn Saxton, P. E.
Chief, Water Allocation Bureau
1301 North Orchard Street,
P O Box 83720
Boise, Idaho 83720-0098

Dear Sir:

I am writing to request an extension of the deadline in permit 43-07322. As you might recall we had applied for a water permit for a pond that had been built on our farm. One of our neighbors objected because he felt that the pond caused the water to cool too much causing the river to freeze in the wintertime, not allowing his cattle to water. The irrigation company felt that because of his objection, they needed to file an objection so they would have a say in the hearing. Another question had to do with just how much water was lost due to the pond. In an effort to answer this we decided at the hearing that we should place a measuring device above the pond as well as the one below so that comparative measurements could be made. In trying to make arrangements for this, we were not able to get the weir built by the company until this spring. At the time we were to pick up the completed weir Gary was severely injured in a farm accident and hospitalized in intensive care in Salt Lake for a month. We brought him home the second week in June only to have him back in the hospital four days later for emergency surgery in Burley. To make a long story short, it was September before we got the weir installed. The water master has made some measurements, but the Chairman of Water district felt that the data collected wasn't sufficient as it didn't include the springtime flow that took place before the pumps were turned on. So, we are requesting that the deadline be set back to May 1st to allow for these measurements to be made. It is my understanding that all the other objections to the water right have been answered except for this data collection and I have included letters from the other parties who have agreed to this.

Your help with this would be appreciated. Thank you very much.

Sincerely,



Sonia Steed

Steed High Valley Seed
3382 Reid Springs Road
Almo, Idaho 83312
(208) 824-5582

MICROFILMED

SEP 13 1998

September 30, 1998

Gary Steed
P.O. Box 127
Almo, ID 83312-0127

RE: PERMIT 43-07322 IN THE NAME OF GARY STEED

Dear Mr. Steed:

On September 29, 1998; the installation of the measuring device upstream from applicant's pond was completed. This will allow the water master to complete the measurements agreed upon on Sept. 10, 1997. This data can be done over the next few months and completed by May 1, 1999.

After the data has been collected and provided to the Department of Water Resources and to both parties for review, Water District 43-B will release the protest and recommend Permit No. 43-07322 be granted.

Sincerely,

Advisory Committee District 43-B

D. Jay Harper
Rogee Ward
Douglas Furston

MICROFILMED

OCT 26 1998

September 30, 1998

IDAHO DEPARTMENT OF WATER RESOURCES
ATTN: L. Glen Saxton, Chief, Water Allocation Bureau
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

Subject: Withdrawal of Protest Concerning PERMIT 43-07322 in the Name
of Gary Steed

Dear Mr. Saxton:

The "temporary" permit granted in September 1997 in conjunction with the application for permit 43-07322 was based upon an agreement with the applicant and the protestants. Conditions of the "temporary permit included: (1) installation of a water measuring device above the pond by December 1, 1997, (2) measurement of quantity of water flow above and below the pond by the Water Master for the remainder of 1997 and into 1998, and (3) measurement of water temperature above and below the pond and temperature measurements in the Raft River above and below the confluence of the river and Reed Spring. Based on an analyses of data collected a decision concerning the protests would then be made by the protestants.

It is my understanding that due to unusual circumstances, the measuring device was not installed until September 9, 1998. As a result, water flow measurements above the pond could not be obtained.

I respectfully request that the "temporary" permit be extended to the beginning of the 1999 irrigation season so that water flow measurements above and below the pond can be accomplished as originally agreed upon. This data, in conjunction with data already obtained, should be made a matter of record and incorporated into the permit/permanent water right document. By doing this, future problems, misunderstandings, disagreements and disputations relative to the permit/permanent water right will be avoided.

Based on my interim review of the water measurements that could be obtained and water temperature readings that were taken I withdraw my protest to Permit 43-07322.

Sincerely,


H. Olen Ward
P.O. Box 114
Almo, Idaho 83312

cc: Allen Merritt
Water Dist. 43-D
Dave Sunberg
Gary Steed

MICROFILMED

007 2 6 1100



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Gary Steed
P.O. Box 127
Almo, ID 83312-0127

RE: PERMIT 43-07322 IN THE NAME OF GARY STEED

Dear Mr. Steed:

This letter follows up our telephone conversation yesterday in connection with the above referenced permit.

On September 30, 1997, the department issued Permit No. 43-07322 to you with certain conditions and limitation including a condition which reads as follows:

1. This permit to appropriate water expires on October 1, 1998.

The department issued the "temporary" permit based upon an agreement between you and the protestants to provide for the gathering of certain data for the coming year. Enclosed is a copy of the agreement which required you to install a measuring device and for the watermaster to make certain measurements.

The water right files shows that on July 31, 1998, the department sent you a certified letter titled PROOF DUE NOTICE. The department should not have sent you this notice, since the permit at this stage is temporary and can not be developed into a permanent water right. Please disregard the notice.

In order for you to pursue the development of a permanent water right for the permit, you need to do the following:

1. Provide to the department the measurements taken by the watermaster as described in the agreement.
2. Seek a permanent written withdrawal of protest from the protestants and provide it to the department.

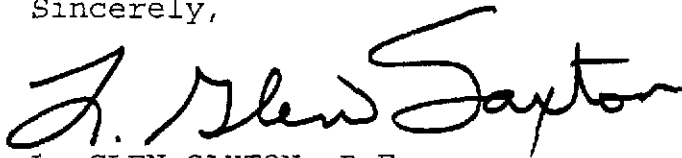
MICROFILMED

OCT 26 1998

3. Submit the information to the department together with a written request asking that the permit be reissued or amended to exclude the expiration date presently shown on the temporary permit.

If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, reading "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." being small and the last name "Saxton" being larger and more prominent.

L. GLEN SAXTON, P.E.

Chief, Water Allocation Bureau

Encl: 1

c: Allen Merritt
H. Olen Ward
Water Dist. 43-D
Dave Sundberg

UNRECORDED
OCT 26 1966

July 31, 1998

GARY STEED
PO BOX 127
ALMO ID 833120127

PROOF DUE NOTICE

RE: PERMIT NO. 43-07322

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 October 1, 1998.

(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.

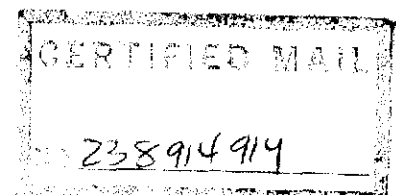
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
OCT 28 1998





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 30, 1997

GARY STEED
PO BOX 127
ALMO ID 83312-0127

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 43-07322

Dear Permit Holder:

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

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

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

43-07322-1
SEP 30 1997

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of **September, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 43-07322

**GARY STEED
PO BOX 127
ALMO ID 83312-0127**


Kari Lynn Townsend
Secretary

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GARY STEED	01/28/1997	WILDLIFE STORAGE	01/01 12/31		1.00 AFA
	PO BOX 127		RECREATION STORAGE	01/01 12/31		1.00 AFA
	ALMO ID 83312-0127		AESTHETIC STORAGE	01/01 12/31		1.00 AFA
	(208) 824-5582					
TOTAL DIVERSION:						1.00 AFA

Water Source: UNNAMED STREAM

Tributary to: RAFT RIVER

Stage: PERMIT

Point(s) of Diversion: T16S R24E S14 SESE CASSIA County

Place of use Legal Description for: WILDLIFE STORAGE

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
16S 24E 14 :															

Pou County: CASSIA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
43-07322Other Water Rights Listing Overlapping Place(s) of use:
43-02557

Remarks: This permit to appropriate water expires on October 1, 1998.
Use of water under this permit is affected by an agreement between the protestant and the right holder.
Use of water under this water right will be regulated by the watermaster of State Water District No. 43B.
Permanent measuring devices must be installed/maintained in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
The director retains jurisdiction of this permit to change the conditions of approval or to rescind its approval.
The permit holder shall mitigate losses as determined to be appropriate by the director.
This permit authorizes an annual volume of water to fill the storage facility and the amount required to replace losses through evaporation and seepage.
Recreation storage use is for a private fish pond.

Dates:	App. Received:	01/28/1997	Priority Date:	01/28/1997
	Proof Due Date:		Proof Made Date:	
	Exam Made Date:		Exam Sent to S.O.:	
	Licensed Date:			

Misc: Water District Number: 43B Field Exam Fee:

=====
Comments: Date: 02/04/1997 User-ID: MBALDWIN Subject: SOURCE
Unnamed Stream is fed by Reed Spring.

Date: 03/06/1997 User-ID: MBALDWIN Subject: PROTEST
A protest was filed on 3/5/97 by H. Olen Ward.

Date: 09/19/1997 User-ID: CZIMMERM Subject: DIVERSION DESCRIPTION
Existing earth embankment (road fill) across channel.
Unnamed stream is fed by Reed Spring. Total pond surface area is
approximately 50' x 150' and a 24" CMP allows water to continue
on down the channel.
On 9/10/97, protestants agreed to withdraw their protest for the
period of 1 year from 11/1/97 to allow the gathering of data. For
specific provisions, see agreement in file.

Audit: 09/19/97 CZIMMERM 09/23/97 SKEEN 09/30/97 CZIMMERM

APPLICATION FOR ~~PERMIT~~ * TEMPORARY PERMIT * STATE OFFICE REVIEW

by *Cindy Lou*

No.: 43-07322 Name: Steed Date: 9/19/97 Ad OK? ☒ / Gvmt Lts: _____

AREA OF CONCERN:

- No/Yes: ESRP Mor / _____ GWMA / Trust / Non-trust

PROTESTED:

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

SYSTEM COMPLETED:

N/A
1 year/no proof
>1 year

- ~~P16~~
- 26A-R17

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

>0.24 cfs/5 acres

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

≤ 0.24 cfs/5 acres

- No MD

WMD >0.24 cfs

- 01M (report when notified)

>5 a.

- 01M; 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

≤ 0.24 cfs/5 acres

- No MD

DRILLING PERMIT:

Existing well

- NA (pre 7/1/87; ✓ WDQ3)

Included w/permit

- Permit No. _____ - _____ - _____, P99

No drilling permit?

- 046-46B-P23 (post 7/1/87)

irr. in WD

- P05 (new well location)

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

IN MIN. STR. FLOW (✓ MAP)

- 31A (modify remark *WB9)

WD (✓ MAP & LISTING)

- ~~R04~~ (WD # 438) ~~P08~~ (MD)

Pumped >0.20 cfs

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

WMD (✓ MAP)

> 0.24 cfs/5 acres

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

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

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

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

- *W22 P04, NA

(02/03-irr)

- 007-P07 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

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

USE:

Domestic surface

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

>1 in rest. area

- 070-071- P53

Fish Propagation

- 029-007-042(req)-081-R07 (WQ)-P10; 044 (N of 1000 Springs)

Irr ≤ 5 acres

- R49/R50/R51/R52 (0.03 cfs/acre +AF)

> 5 acres

- R29/R30/R31/R32 (0.02 cfs/acre +AF)

Mining

- 054(req)-081-R07-P10

Muni (in restricted areas)

- 022, 075, 004 (+memo?)

Power

- 17H/17K(+uses)-08A-025-01N(P19)-028-081-R07(P10); 027 (if no other cons. use);

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

Stock (BLM/USFS)

- R37

Storage (✓ 3 compo.)

- ~~080~~ 18A (in- & out-flow MD within district), 18B-P09 (>10' dam),

LOCATION:

42-248 area *N/A*- ~~P04~~ (in 20/30/40/50/60/70/80 (87) basin)

Basins 71-79

- 029 (fish screens)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev. *epist*- ~~P62~~ (stream channel alteration)

Irr Dist/Canal Co.

- 023 (Twin Falls area)

SWAN FALLS FLAG (See Code Chart)

- ~~009~~

Trust

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

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

- *Rec Storage / fishing*~~BENEFICIAL USE DUE~~ *N/A*- *10/11*

COMMENTS:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 11, 1997

Gary Steed
P.O. Box 127
Almo, ID 83312

RE: APPLICATION FOR PERMIT NO. 43-07322 IN THE NAME OF GARY
STEED

Dear Mr. Steed:

Enclosed for your records is a copy of the agreement reached at the conference conducted in Burley, Idaho on September 10, 1997 in connection with the above referenced application.

As I described to the parties at the hearing, the department will issue a temporary water right permit to you to make the impoundment of water legal during the next year. After the agreed upon data has been collected and provided to the department and to the parties for review and analysis, the department will determine the need for rescheduling the hearing or whether the department can otherwise take final action on the application.

If you or any of the parties have questions, please feel free to contact me or Allen Merritt in Twin Falls at (208) 736-3037.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Glen Saxton', written over the typed name and title.
L. GLEN SAXTON
Hearing Officer

Encl: 1

c: H. Olen Ward
D. Jay Harper
Dave Sundberg
Allen Merritt

In the Matter of)
Application for Permit)
No. 43-07322 IN)
The Name of Gary)
Steed)

Agreement

Protestants agree to withdraw
Their protest against the above captioned
Application for a Period of 1 year from
Nov. 12, 1997 ~~the date of this agreement~~ to allow
for the gathering of data as provided
below:

The parties agree as follows:

1. The applicant will install a
measuring device upstream from
applicant's pond by Dec 1, 1997 as
determined to be appropriate by the
department.

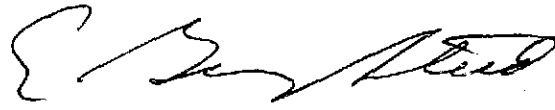
2. The watermaster will measure
water flow, water temperature and
air temperature as follows;

- a) above applicant's pond,
- b) below applicant's pond, and
- c) approx 2 miles downstream.

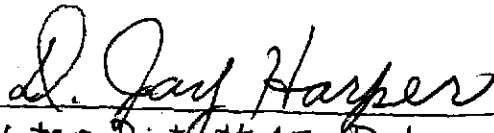
Measurements are to be taken
Once a month beginning October 1,
and ending March 1.

(OVER FOR SIGNATURES)

Dated this 10th September, 1997,



Gary Steed, Applicant



Water Dist #43-D by
Jay Harper



H. Olen Ward

WATER DISTRICT #43-D
20-1-1997

MEMORANDUM

To: File 43-07322

From: L. Glen Saxton *LS*

RE: RESULT OF HEARING IN BURLEY ON SEPTEMBER 10, 1997

Date: September 11, 1997

On September 10, 1997, Allen Merritt and I traveled to Burley to conduct a hearing in the matter of protested application for permit no. 43-07322 filed in the name of Gary Steed. Appearing at the hearing were Gary Steed, the applicant and Protestants H. Olen Ward and D. Jay Harper for Water District 43-D Advisory Committee.

At the conference held before the hearing, the parties reached an agreement allowing the department to issue a temporary permit for a period of one (1) year during which time certain data would be collected.

The agreement provided that by December 1, 1997, the applicant would install a measuring device upstream from the applicant's existing pond as determined and approved by the department. The purpose of the measuring device was to provide for the measurement of discharge from Reed Spring.

The agreement also provided that the watermaster would measure water flow, water temperature and air temperature once a month beginning on October 1 and ending on March 1 as follows:

- a) Above applicant's pond,
- b) below applicant's pond, and
- c) approximately 2 miles downstream near upstream boundary of protestant Olen Ward's property.

After the data has been collected and evaluated, the parties may come to a permanent settlement in the protested matter.

Note: While impoundment of water in the pond was the stated purpose for the protests, other general matters concerning use of water by the applicant and assessment for water delivery within the water district seemed to be the real matter of concern to the protestants. The parties took the opportunity to discuss these matters during the conference. Hence, I am optimistic that the parties will work out the matter allowing the department to take final action on the pending application after a year of data gathering has occurred.

IN THE MATTER OF APPLICATION FOR PERMIT NO.
43-07322 IN THE NAME OF GARY STEED

* * Please Print * *

NAME	ADDRESS	REPRESENTING
DAVE SYNDERG	BOX #1 MALTA	43-D (watermaster)
D. Jay Harper	19245 2350 E Malta Ida	Advisory Board 43-D
H. Olen Ward	P.O. Box 114, Almo, Ida	Protestant
Gary Steed	P.O. Box 127 Almo, Ida.	Applicant
Larry Steed	"	"
Edgar Steed	P.O. Box 195 Almo Ida	"
Robert Hope	Box 2270-2354 Olson Rd Malta Id.	post watermaster 43



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

MEMORANDUM

KARL J. DREHER
DIRECTOR

To: L. Glen Saxton

From: Karl J. Dreher 

RE: **APPOINTMENT AS HEARING OFFICER - PROCEDURE RULE 410**

Date: August 18, 1997

You are hereby appointed as hearing officer and are authorized to represent the department as provided by IDAPA Rule 37.01.01410 (Procedure Rule 410) in the following matter:

In the Matter of Application for Permit No. 43-07322 in the name of Gary Steed.

The department has scheduled a hearing in the matter as follows:

Date: September 10, 1997

Time: 10:00 a.m.

Place: Commissioner's Room
Cassia County Courthouse
1459 Overland Avenue
Burley, ID

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 43-07322

Gary Steed, Applicant

Water District #43-D,
H. Olen Ward,

Protestants

NOTICE OF HEARING

SOURCE: Unnamed Stream

Tributary to Raft River

COUNTY: Cassia

On January 28, 1997 Gary Steed, applicant, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The Department has received protests against the approval of said application from the above captioned protestants. The Pre-hearing Conference held on June 12, 1997 did not resolve the matter.

THEREFORE, The Department has scheduled the matter for hearing on **Wednesday, September 10, 1997 commencing at 10:00 a.m.** in Room 3 (Commissioners Room), Cassia County Courthouse, 1459 Overland Avenue-Burley, Idaho

The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of Procedure of the department. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be Glen Saxton.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

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

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 28th day of July, 1997.


Allen D. Merritt, P.E.
Southern Region Manager

RECEIVED
JUL 28 1997

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of July, 1997, a true and correct copy of the foregoing Notice of Hearing was forwarded with all required charges prepared, by the method indicated below to the parties listed:

Mary Baldwin
Secretary

GARY STEED
PO BOX 127
ALMO ID 83312

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x _____
Fax _____

ADVISORY COMMITTEE
WATER DISTRICT #43-D
c/o D JAY HARPER
1926 S 2350 E
MALTA ID 83342

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x _____
Fax _____

H OLEN WARD
PO BOX 114
ALMO ID 83312

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x _____
Fax _____

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT ISSUES

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

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

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria. The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

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

CONFERENCE

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

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape. The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director. Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer. As part of the conference a date may be set by which exchange of exhibits and witness lists must occur.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or 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 party.

AMERICANS WITH DISABILITIES ACT

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

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to: **43-7322**

**H OLEN WARD
PO BOX 114
ALMO ID 83312**

**RECEIVED
OCT 2**

4a. Article Number

1712

4b. Service Type

- ☒ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

8-5-97

5. Signature (Addressee)

H. Olen Ward

6. Signature (Agent)

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

I also want to receive the following services (for an extra fee):

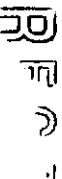
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



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



AUG 06 1987 2 9 1937

Department of

Southern Region your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4.
- Print your name and address on the reverse of this form so that we can return this card to you.
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3. Article Addressed to: **43-7322**

**ADVISORY COMMITTEE
WATER DISTRICT #43-D
C/O D JAY HARPER
1926 S 2350 E
MALTA ID 83342**

4a. Article Number

1711

4b. Service Type

☐ Registered ☐ Insured

☒ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

DEC 28 1991

5. Signature (Addressee)

D. Jay Harper

6. Signature (Agent)

D. Jay Harper

I also want to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

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

PS Form 3811, December 1991 *U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business

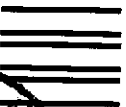
JUL 31 1997

MICROFILMED

OCT 29 1997

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3360



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to: **43-7322**

**GARY STEED
PO BOX 127
ALMO ID 83312**

4a. Article Number

1710

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

OFFICE 29, 1997

5. Signature (Addressee)

Gary Steed

6. Signature (Agent)

Raymond Steed

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

I also want to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery

Consult postmaster for fee.

Thank you for using Return Receipt Service.

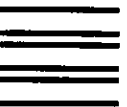
PS Form 3811, December 1991

★U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE

Official Business



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



JUL 31 1997

MACROFILMED

OCT 29 1997

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3980

NAME AND ADDRESS OF SENDER

Indicate type of mail:
☐ Registered
☐ Insured
☐ COD
☐ Certified
☐ Express Mail

Check appropriate block for Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

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

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee
1	1700	James J. Webb Esq AM-4/22/67	.32	110	110	252			
2	1701	Leo Ray P.O. 47-8076	.32	110	110	252			
3	1702	James J. Webb Esq							
4	1703	Fred Krueger							
5	1704	High Plains Drillers 513047	.32	110	110	252			
6	1705	High Plains Drillers 0299-2-5-97-01	.32	110	110	252			
7	1706	High Plains Drillers 0299-2-5-97-01	.32	135	110	277			
8	1707	Andrew Fitzgerald AM 7/10/97	.32	35	110	277			
9	1708	Robert E. Williams, Esq							
10	1709	Bonnie Ankoosh c/o C. Tom Ankoosh							
11	1710	Gary Steed AM-7/28/97	.32	35	110	277			
12	1711	WP #43-D c/o Jay Harper							
13	1712	H. Olen Ward							
14									
15									

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	POSTMASTER, PER (Name of receiving employee)

The full declaration of value is required on all domestic and international mail. The maximum indemnity payable for nonnegotiable documents under the maximum reconstruction insurance is \$50,000 per piece subject to a \$500 occurrence. The maximum indemnity payable on Express Mail mail is \$500. The maximum indemnity payable is \$25,000 for Registered Mail parcels. Special handling charges apply only to the parcels. Special delivery service also includes special handling service.

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

U.S. GOVERNMENT PRINTING OFFICE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 28, 1997

ATTN Randi
CASSIA COUNTY COURTHOUSE
1459 OVERLAND AVE
BURLEY ID 83318

Dear Randi:

This is a follow-up to our telephone conversation of July 24th to confirm the reservation of the Commissioners Room for a meeting to be held by this office on **September 10, 1997** from 10:00 a.m. - 5:00 p.m.

If you have any questions please feel free to contact me or Allen Merritt, Southern Regional Office Manager.

Thank you very much for your assistance in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Mary Baldwin".

Mary Baldwin
Senior Secretary

RECEIVED

AUG 13 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 10, 1997

Gary Steed
PO Box 127
Almo ID 83312

RE: Application for Permit 43-07322 (Pond)
Control by watermaster of License 43-07086

Dear Mr. Steed:

As you may recall, at the pre-hearing conference for your protested application 43-07322 held on June 12th, it was decided that the parties involved would get together and explore options for agreement and/or settlement of the protests. I requested that you contact me by July 1 to inform me of the progress of these negotiations or to advise me if I need to schedule another conference or set the hearing if things cannot be worked out. To date I have not heard from you. Please contact me as soon as possible to inform me of what needs to be done.

On another note, at the conference, you may recall the discussion regarding the requirement for you to replace water in Reed Springs as mitigation for pumping water from your nearby well. The question was asked if mitigation was required at all times or were there situations during flooding or drought where mitigation would not be required. I have researched our records and discussed this matter with the department administrators. I have found that license 43-07086 (copy enclosed) is conditioned that:

- Flows of Reed Springs, depleted by pumpage of groundwater under this license, shall be replaced to protect prior water rights.
- Use of water under this water right will be regulated by the watermaster of State Water District 43-B.

These two conditions were placed on the license so that the watermaster, who delivers the rights on the Upper Raft River, can regulate the water required to be replaced so that the rights of prior right holders are not injured. In the specific situations where:

- The Raft River is at flood stage and all rights called for are being filled

or

MAILED
JUL 15 1997
FBI - TWIN FALLS

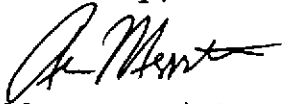
-The Raft River is at extreme low flow or dried up
(futile call),

then the watermaster is authorized to determine that no replacement is required; otherwise, the affect of pumping groundwater pursuant to license 43-07086 on Reed Springs shall be mitigated by replacing water from the well back into the Reed Springs or the Raft River.

By copy of this letter I will inform the watermaster to take control of this situation. Please note that measuring devices may need to be installed by you to allow the watermaster to make the measurements necessary to determine and monitor the water replaced if they do not presently exist.

If you have questions, please feel free to contact our office.

Sincerely,



Allen Merritt, PE
Southern Region Manager

Encl: License 43-07086

CC: Dave Sundberg, watermaster 43-B, PO Box 1, Malta 83342
Jay Harper, 43-B chairman, 1926 S 2350 E, Malta 83342

100-100000
100-100000

RECEIVED

State of Idaho
Department of Water Resources

NOV 18 1986

Department of Water Resources
Southern Region Office

WATER RIGHT LICENSE

License of Water Right No. 43-7086 Priority July 22, 1977 Amount 6.23 cfs

THIS IS TO CERTIFY, that Jack &/or Kathryn Erickson
of Almo, Idaho, has complied with the terms and conditions of Permit
No. 43-7086 issued pursuant to Application for Permit dated July 22, 1977
and has submitted proof to the Department of Water Resources on December 9, 1982
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 12.43 cfs of water from a groundwater source
tributary to _____ and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>6.23</u> cfs and	<u>1260.0</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 6.23 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1260.0 acre feet per year, said waters to be diverted within the SE1SW1 Section 13;
SE1NW1, Sec. 23; NW1NW1, Sec. 26; _____ in the County of Cassia
Twp 16S, Rge 24E
Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
16S	24E	13	35	30	38	40	24	10	8	1	12	1	18	28	40	40		23	348
		14												12					12

Total number of acres irrigated 360

13-7086

CONDITIONS OF APPROVAL

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

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

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

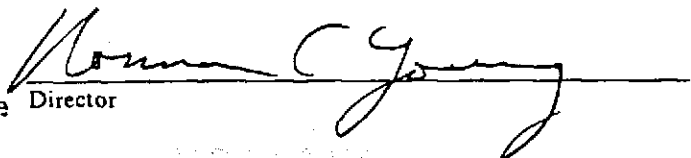
The maximum combined rate of diversion under this right and Right Nos. 43-2557 & 43-7087 shall not exceed 12.43 cfs.

Use of water under this license is subject to control by the watermaster of State Water District No. 43B, Upper Raft River.

Flows of Reed Springs, depleted by pumpage of groundwater under this license, shall be replaced to protect prior water rights.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 6TH day of November, 19 86.

Acting for the Director



7/26/7

T.F.
0/2 Wred

No opportunity to put suggested
2 alternatives together

Recommend : grant Temporary Lk
for the pond.

MICROFILMED
JUL 28 1977

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

06/20/97 14:43:09
Page 1

Water Right Number - 43-02557

Prefix Translation: WATER RIGHT

Old (D) Number - 30822

+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - +

*** C - CURRENT OWNER ***
ERICKSON

JACK EMERY

1 -
2 -
3 -
City- ALMO
Phone -
State- ID Zip- 83312

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
02/21/1963 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - + + - - - Tributary - - - - +
GROUNDWATER

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
16S	24E	23	SE NW			(31) CASSIA				
		26	NW NW			(31) CASSIA				

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31		7.300	1322.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
7.300 1322.00

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
16S	24E	13	NE NE		5.0		01	IRRIGATION	(31) CASSIA
16S	24E	13	NW NE		10.0		01	IRRIGATION	(31) CASSIA
16S	24E	13	SW NE		2.0		01	IRRIGATION	(31) CASSIA
16S	24E	13	NE NW		16.0		01	IRRIGATION	(31) CASSIA
16S	24E	13	NW NW		5.0		01	IRRIGATION	(31) CASSIA
16S	24E	13	SW NW		32.0		01	IRRIGATION	(31) CASSIA
16S	24E	13	SE NW		39.0		01	IRRIGATION	(31) CASSIA
16S	24E	13	NE SW		28.0		01	IRRIGATION	(31) CASSIA
16S	24E	13	NW SW		39.0		01	IRRIGATION	(31) CASSIA
16S	24E	13	SW SW		20.0		01	IRRIGATION	(31) CASSIA
16S	24E	14	SE SW		14.0		01	IRRIGATION	(31) CASSIA
16S	24E	14	SW SE		35.0		01	IRRIGATION	(31) CASSIA
16S	24E	14	SE SE		25.0		01	IRRIGATION	(31) CASSIA
16S	24E	23	NW NE		33.0		01	IRRIGATION	(31) CASSIA
16S	24E	23	NE NW		36.0		01	IRRIGATION	(31) CASSIA
16S	24E	23	SE NW		39.0		01	IRRIGATION	(31) CASSIA

Total Acres: 378.0

+ - - Diversion Means -

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

06/20/97 14:43:09
Page 2

Water right number - 43-02557

Prefix Translation: WATER RIGHT

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

TRANS. 2564. Remarks - - - - -

+ - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + Decree Defendant - - - + Decree Date - +
00/00/0000

+ - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - 02/11/85 05/28/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - -
Proof Due Date - 00/00/0000 Field Exam Made - 00/00/0000 Field Exam Fee -
Approved/Denied - 00/00/0000 Protested Date - 00/00/0000 Swan Falls -
Proof Made Date - 00/00/0000 Hearing Date - 00/00/0000 Temporary Right - P
Exam to S.O. Date - 00/00/0000 Verified Date - 02/11/1985 DLE/Carey Act -
Order Show Cause - 00/00/0000 Receipt Number - Water District -
Licensed Date - 06/28/1979 Appl Received - 00/00/0000 Transfer/Amended - T
Decree Date - 00/00/0000 Name Connector - POU Ownership Flag -
Presumption Flag -

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

06/20/97 14:42:45
Page 1

Water Right Number - 43-07087

Prefix Translation: WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
ERICKSON
DENNIS H.
1 -
2 -
3 -
City- ALMO
Phone -
1 -
2 -
3 -
City- ALMO
Phone -
State- ID Zip- 83312

ERICKSON

PAULINE

Priority Date - - - + 07/22/1977 + - - - Region - - - + 17 SOUTHERN + - - - Stage - - - + L - LICENSE + - - - Status - - - +

Source - - - - - +
GROUNDWATER

Twn Rng Sec Tract Lot Rflg County Point of Diversion - - - - - +
16S 24E 26 NW NW (31) CASSIA

Code Description Period from Period to Water Use - - - - - +
01 - IRRIGATION 04/01 11/01 4.320 756.00

+ - Total Div. Rate - + 4.320 + - Total Div. Volume - + 756.00 + - Total Div. Capacity - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
16S	24E	22	SE SE		38.0	01	IRRIGATION	(31) CASSIA
16S	24E	23	NW SW		39.0	01	IRRIGATION	(31) CASSIA
16S	24E	23	SW SW		38.0	01	IRRIGATION	(31) CASSIA
16S	24E	26	NW NW		27.0	01	IRRIGATION	(31) CASSIA
16S	24E	26	SW NW		36.0	01	IRRIGATION	(31) CASSIA
16S	24E	27	NE NE		38.0	01	IRRIGATION	(31) CASSIA
Total Acres:					216.0			

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

Water right number - 43-07087

Prefix Translation: WATER RIGHT

+ - - - - - Remarks - - - - -
No Remarks found.

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + - - - - Decree Defendant - - - + - - - - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - -
No Comments found

+ - - Audit Fields - 01/28/85 05/28/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date - 01/01/1983	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 01/13/1978	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 01/01/1990	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 01/28/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 04/19/1982	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000	Name Connector -	POU Ownership Flag -
Presumption Flag -		

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

06/20/97 14:41:31
Page 1

Water Right Number - 43-07086

Prefix Translation:

WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
Last Name - First Name - Address -
ERICKSON JACK

ERICKSON

KATHRYN

1 -
2 -
3 -
City- ALMO
Phone -
1 -
2 -
3 -
City- ALMO
Phone -
State- ID Zip- 83312
State- ID Zip- 83312

Priority Date - 07/22/1977
Region - 17 SOUTHERN
Stage - L - LICENSE
Status -

Source -
GROUNDWATER

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion Volume	Diversion No.
16S	24E	13	SE SW			(31) CASSIA					
		23	SE NW			(31) CASSIA					
		26	NW NW			(31) CASSIA					

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	11/01		6.230	1260.00
+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - +						
6.230 1260.00 12.430						

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
16S	24E	13	NE NE		35.0	01	IRRIGATION	(31) CASSIA
16S	24E	13	NW NE		30.0	01	IRRIGATION	(31) CASSIA
16S	24E	13	SW NE		38.0	01	IRRIGATION	(31) CASSIA
16S	24E	13	SE NE		40.0	01	IRRIGATION	(31) CASSIA
16S	24E	13	NE NW		24.0	01	IRRIGATION	(31) CASSIA
16S	24E	13	NW NW		10.0	01	IRRIGATION	(31) CASSIA
16S	24E	13	SW NW		8.0	01	IRRIGATION	(31) CASSIA
16S	24E	13	SE NW		1.0	01	IRRIGATION	(31) CASSIA
16S	24E	13	NE SW		12.0	01	IRRIGATION	(31) CASSIA
16S	24E	13	NW SW		1.0	01	IRRIGATION	(31) CASSIA
16S	24E	13	SE SW		18.0	01	IRRIGATION	(31) CASSIA
16S	24E	13	SW SW		28.0	01	IRRIGATION	(31) CASSIA
16S	24E	13	SE SE		40.0	01	IRRIGATION	(31) CASSIA
16S	24E	13	NW SE		40.0	01	IRRIGATION	(31) CASSIA

MR5808NP
(00-26)

IDAH0 DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

06/20/97 14:41:31
Page 2

Water right number - 43-07086

Prefix Translation: WATER RIGHT

Twn	Rng	Sec	Tract	lot	Acres	Place of Use	Code	Description	County
16S	24E	13	SE SE		23.0		01	IRRIGATION	(31) CASSIA
16S	24E	14	SE SW		12.0		01	IRRIGATION	(31) CASSIA

Total Acres: 360.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - LIC. 43-2557.

Remarks
FLOWS OF REED SPRINGS, DEPLETED BY PUMPAGE OF GROUNDWATER
UNDER THIS LICENSE, SHALL BE REPLACED TO PROTECT PRIOR WATER
RTS. THE MAX. COMBINED RATE OF DIV. UNDER THIS RT. &
RTS. 43-2557/7087 SHALL NOT EXCEED 12.43 CFS.

+ - - Old Water Right Numbers -
No Old Water Right Numbers found.

+ - - Conditions of Approval -
R04 - Use of water under this water right will be regulated by the
- Watermaster of State Water District No. 43B.
016 - See remarks for additional conditions of approval.

+ - - Decree Plaintiff -

+ - - Decree Defendant -

00/00/0000

-Comments-
No Comments Found

+ - - Audit Fields - 09/21/87 05/28/88 CONVERT

+ - - Water Rights Dates and Flags Area -

Proof Due Date	- 01/01/1983	Field Exam Made	- 07/11/1983	Field Exam Fee	-
Approved/Denied	- 01/13/1978	Protested Date	- 00/00/0000	Swan Falls	- Y
Proof Made Date	- 12/09/1982	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 12/30/1986	DLE/Carey Act	- 1
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 43B
Licensed Date	- 11/06/1986	Appl Received	- 00/00/0000	Transfer/Amended	- A
Decree Date	- 00/00/0000	Name Connector	-	POU Ownership Flag	-
Presumption Flag	-				

FROM: Allen Merritt

DATE: June 12, 1997

TO: Application for Permit File: 43-07322
In the name of: Gary Steed

SUBJECT: Pre-hearing conference.

On this day I conducted a pre-hearing conference in Burley. The attached list indicates who was present. All parties were represented.

BACKGROUND:

This application covers a small pond built in about 1989 on the stream flowing from Reed Springs tributary to Raft River. It is reported that Reed Springs flowed about 120 to 125 miners inches but during the drought in the 1990's the flow has diminished to about 60 miners inches. The existence of the pond was pointed out to the department a few years ago by members of water district 43-B. The department has attempted several contacts with different reported owners to see about what right exists for the pond. These contacts ultimately resulted in Mr. Steed filing for the pond to make it legal.

At the conference several issues were discussed which are related to Reed Springs but are tangential to this application.

43-B Concerns:

- They feel the application should show Reed Springs as the source instead of unnamed stream.
- Concerned about interference of wells with Reed Springs and also ponds affect on stockwater users below.
- Concerned that well use in area should be measured and monitored to protect Reed Springs.

Olen Wards Concerns:

- Concerned about his stockwater use on Raft River below the pond. He contends that during winter the spring water is cooled off too fast through the pond and thus the water freezes before it gets to his place.

Nobody seemed to argue the issue of evaporation or seepage loss from the pond. Since the pond is very small I would assume these are not large issues.

Mr. Steeds Response:

He contends that the freezing issue is due to a lack of water due to drought and unrelated to pond. He contends the pond is a benefit to his seed potato sales effort and also provides local benefit for recreation and wildlife. He wishes the department look

at his well right (43-07086) condition that he provide water to creek due to the affect his well has on the spring. He feels he should be given latitude when there is not enough water flowing in Raft River to do anyone any good so he could cease mitigation and not just waste the water; additionally like this year when there is excess water flowing in Raft River and they are trying to get rid of the water to prevent flooding he would also like to cease pumping and injecting into Raft River.

The during the remainder of the conference we tried to focus of the issue of the pond and its affect. We discussed potential things that may be implemented by the parties to resolve the problem. Things discussed included:

- Headbox at spring for pond with bypass channel to around pond. Along same line was bypass pipe around pond with overflow to maintain pond in winter.
- Mitigation by supplying water to stock from wells.
- Develop watering system from spring for livestock.
- Withdraw application and remove pond.

Since nothing was settled at the conference and they did not wish to talk about setting a hearing, they preferred to continue negotiations, I requested that Mr. Steed contact me by July 1 to inform me of the progress and at that time we may set another conference.

Regarding issues involving license 43-07086 requiring mitigation to Reed Springs, I find that the license presently has a condition that it is under the control of the watermaster of 43B so I believe the watermaster can make the determination for when to call on mitigation requirement. Maybe a letter to Steed and watermaster is appropriate to outline guidelines which address Mr. Steeds concerns.

RE: WR# 43-07322 (Gary Steed)

PLACE: Commissioners Rm; Cassia County Courthouse-Burley, ID

DATE: 10:00 a.m. - Thursday; June 12, 1997

CONFERENCE OFFICER: Allen D. Merritt

ASSISTED BY:

ROSTER OF ATTENDANCE

[illegible]

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 43-07322

Gary Steed, Applicant

Water District #43-D,
H. Olen Ward,

Protestants

NOTICE OF
PRE-HEARING CONFERENCE

SOURCE: Unnamed Stream

Tributary to Raft River

COUNTY: Cassia

On January 28, 1997 Gary Steed, applicant, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The Department has received protests against the approval of said application from the above captioned protestants.

The Department has set the matter of protest for conference on Thursday-June 12, 1997 at 10:00 a.m. in Room 3 (Commissioners Room), Cassia County Courthouse, 1459 Overland Avenue-Burley, Idaho.

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with Chapter 2, Title 42, of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources.

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

Dated this 25th day of April, 1997.)


Allen D. Merritt, P.E.
Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of April, 1997, a true and correct copy of the foregoing Notice of Pre-hearing Conference was forwarded with all required charges prepared, by regular U.S. Mail to the parties listed:


Secretary

GARY STEED
PO BOX 127
ALMO ID 83312

ADVISORY COMMITTEE
WATER DISTRICT #43-D
c/o D JAY HARPER
1926 S 2350 E
MALTA ID 83342

H OLEN WARD
PO BOX 114
ALMO ID 83312



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 25, 1997

ATTN RANDI
CASSIA COUNTY COURTHOUSE
1459 OVERLAND AVE
BURLEY ID 83318

Dear Randi:

This is a follow-up to our telephone conversation of 4/24 to confirm the reservation of the Commissioners Room for a meeting to be held by this office on Thursday, June 12, 1997 from 10:00 a.m. - 1:00 p.m.

If you have any questions please feel free to contact me or Allen Merritt, Southern Regional Office Manager.

Thank you very much for your assistance in this matter..

Very truly yours,

Mary Baldwin

Mary Baldwin
Senior Secretary

ACTION REQUIRED

FROM: Allen

TO: Mrs.

Please try to get the commissioners
room @ Cassia county for
Fri 13th of June starting @ 10:00 AM
to maybe 1:00 PM.

Then prepare notice for conference.

RECORDED

JUL 29 1937

MAILING LIST

APP. 43-07322 (Steed, Gary)

Applicant:

GARY STEED
PO BOX 127
ALMO ID 83312

Protestants:

ADVISORY COMMITTEE
WATER DISTRICT #43-D
c/o D JAY HARPER
1926 S 2350 E
MALTA ID 83342

H OLEN WARD
PO BOX 114
ALMO ID 83312

RECEIVED
JAN 11 1971



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

March 25, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY STEED
PO BOX 127
ALMO ID 83312

RE: APPLICATION FOR PERMIT NO. 43-07322

Dear Mr. Steed:

Enclosed are copies of protests filed against the above referenced application.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

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

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT ISSUES

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

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

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria. The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

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

CONFERENCE

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

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape. The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director. Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer. As part of the conference a date may be set by which exchange of exhibits and witness lists must occur.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or 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 party.

AMERICANS WITH DISABILITIES ACT

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



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

March 25, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

D JAY HARPER
ADVISORY COMMITTEE WD #43-D
1926 S 2350 E
MALTA ID 83342

RE: APPLICATION FOR PERMIT NO. 43-07322 (Gary Steed)

Dear Mr. Harper:

The protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

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

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

March 25, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

H OLEN WARD
PO BOX 114
ALMO ID 83312

RE: APPLICATION FOR PERMIT NO. 43-07322 (Gary Steed)

Dear Mr. Ward:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

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

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)

From: DWR60::MBALDWIN 25-MAR-1997 08:46:40.11
To: DWR01::VAULT,MBALDWIN
CC:
Subj: ORIGINAL PROTEST

The original copy of two protests on app. 43-07322 (Gary Steed) may have been sent to the State Office. Since Southern Region has the file and will hold the pre-hrg. conference, would you please send them back to us. I will be sending you a duplicate file when acknowledgement letters are sent to the protestants. Thanks!

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

MAR 06 1997

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

1. Matter being protested Application for Permit No. 43-07322
2. Name of protestant Advisory Committee Water District 43-B
3. Protestant's representative for service (If different than protestant)
D. Jay Harper
4. Service mailing address 1926 S 2350 E Malta, Idaho 83342
5. Service telephone no. 208-645-2533
6. Basis of protest (including statement of facts and law upon which the protest is based)
Copy of letter, 1994 enclosed
Minutes of Water District 43-B annual meetings
Jan. 1991 - Jan 1997

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

7. What would resolve your protest? Agreement with Applicant

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

Signed this 6 day of March, 1997

Advisory Committee Water District 43-B
 PROTESTANT

D. Jay Harper
 PROTESTANT'S REPRESENTATIVE

Receipt #
 5012210
 3/6/97

March 5, 1997

Department of Water Resources
Southern Region
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301

Karl J Dreher, Director

The water users of Water District 43-B file a protest against the application for water permit No. 43-07322 filed by Gary Steed on January 28, 1997.

Our first objection to the application is the "unnamed source". The source has always been referred to as Reed Springs.

The water users of Water District 43-B have attempted to resolve the problem since it's origination in 1990 with the previous owner, Barry Anderson. We refer you to Water District 43-B minutes, on file in your office, of January 14, 1991 to which Jack Erickson and Barry Anderson were present. Also, minutes of January 13, 1992 and January 11, 1993. Each year's minutes noted the continuing problem.

In the January 10, 1994 meeting of Water District 43-B, secretary Robert Hope was instructed to draft a letter to the Department of Water Resources soliciting help in resolving the problem. (copy enclosed)

The problem was discussed in each of the January 9, 1995; January 15, 1996 and the January 21, 1997 Water District 43-B annual meetings hoping to find a solution to the problem.

We seek a permanent solution that protects prior or senior water rights.

Advisory Committee
Water District 43-B
Douglas Freestone Chairperson
Roscoe Ward
D. Jay Harper

January 14, 1994

Idaho Dept. of Water Resources
222 Shoshone St. East
Twin Falls, Id. 83301

Lorin Holmes, Manager,

Water users of the Upper Raft River District 43-B request assistance from your office to resolve a problem of a ranch owner who has blocked the flow of Upper Raft River to establish a pond on his property. Water for the Upper Raft River begins at Reed Springs located south of Almo Idaho. The water flows about $\frac{1}{2}$ mile through the ranch property to a culvert under a road and over a measuring weir. The rancher has installed a standpipe at the upper end of the culvert. Water backs up for about 300 feet to form a pond. Ranchers downstream want the water during the cold weather to water their livestock but the water freezes much faster than it did before the standpipe was installed. The property around Reed Springs has been sold or leased to new people since the standpipe was installed and no-trespassing signs have been put up. The property around Reed Springs does not have a water right from the springs. Water users downstream would like the standpipe removed or, see a headgate that can be opened to drain the pond during cold weather. The standpipe was installed in 1990.

Your advice and assistance to help us in the District avoid a lawsuit and get our problem resolved will be greatly appreciated.

Sincerely,

Advisory Committee
Water District 43-B



D Jay Harper

Doug Freestone

Boyd Booth

March 05, 1997

RECEIVED

MAR 05 1997

Department of Water Resources
Southern Region

Idaho Department of Water Resources
1341 Fillmore St. Suite 200
Twin Falls, ID. 83301

Reference: Application for permit No. 43-07322

Subject: Formal Protest of the Application

I, H. OLEN WARD, formally file a protest to application for permit No. 43-07322 to store water in a man made pond on a unnamed tributary to Raft River. The pond is located a short distance downstream (estimated to be - 1/2 mile) from Reed Springs. To avoid confusion, reference to Reed Springs should be acknowledged in the application for permit.

I have two concerns upon which I base my protest.

1. In years prior to the most recent drought, the flow from Reed Springs was about 120 Idaho miner inches. Water from the spring provided not only irrigation water to existing rights but also provided livestock water to several livestock operations below the spring on Raft River. Since the pond was installed, water for livestock use has consistently been interfered with during the winter months. The pond cools the water sufficiently during the winter before exiting the pond which causes the water to freeze before the flows reach the majority of the downstream users.

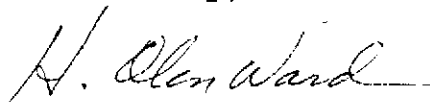
2. The approval of the permit and allowing the pond to remain sets a precedent for future ponds which will further interfere with livestock and irrigation use of earlier rights. Such precedent should not be established.

Objection to the pond and a request that the pond be removed or dewatered during the winter months has been addressed in the irrigation district minutes for the last several years. The Idaho Department of Water Resources has been formally request to take appropriate action on this matter.

My mailing address is P.O. Box 114, Almo, Idaho 83312. My telephone number is (208) 824-5580.

I am willing to work with the party making the application to solve the apparent problem.

Sincerely,


H. Olen Ward

Date 05 March 1997

3/5/97
Receipt # 5018906

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY C. SKINNER DATE 01/30, 1997
APPLICATION NO. 43-07322

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block description, subdivisions, local name, flow &/or volume.)
☒ County
☒ Quantity (flow &/or volume)
☒ Period of use
☒ Nature of proposed use (include description of use)
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, signature of signator is required)
☒ Fee
☒ Yes ☐ No* In form to recipient

-----PROPOSED PRIORITY DATE
JAN. 28, 1997

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to previous application on the back. NONE)
☒ Overlapping point of diversion. NONE
☒ Yes ☒ No Field check required ALREADY DONE
Field check by ADM ON MARCH 8, 1995
Yes ☒ No Field report attached IN REED SPRINGS COMPLAINT
Yes ☒ No Critical Ground water area INVESTIGATION FILE.
Yes ☒ No Groundwater management area
Yes ☒ No Send Dam safety information
Yes ☒ No Send power requirement letter
Yes ☒ No Send fish farm requirement letter
Yes ☒ No Power residency affidavit.
Yes ☒ No Power efficiency form
Yes ☒ No Within trustwater boundary(If yes, attach trustwater supplementary analysis sheet.)
Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If attach large diversion supplementary analysis sheet.)

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Date Requested _____, 19____

SEND COPIES TO: _____ Idaho Dept of Health & Welfare _____ USDI BLM
 _____ Idaho Dept of Fish & Game _____ USFS
 _____ Idaho Dept of Lands _____ Water Dist.
 _____ Adjudication Bureau Unit _____ Other _____

☐ Yes ☐ No Affidavit of publication received.
☐ Yes ☐ No Application published correctly. If not, record action
 taken.

Yes	No	Publication dates and paper, recorded on App.
Yes	No	Protests received
		Final date for Protest
Yes	No	Protests, dates, resolution of protest, recorded on app.
Yes	No	Recommendations attached
Yes	No	Measuring device required
Yes	No	Access port required
Yes	No	Will water be delivered by watermaster? If yes, what dist.
Yes	No	Special conditions of approval or cover letter below.

See below for additional information _____
Date of priority recommended _____, 19____
By _____ Date _____, 19____

See below for additional information

By _____ Date _____, 19____

ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST

City
County
Reservations

Comments recieved from:

Idaho Fish & Game
Idaho Health & Welfare
Div. of Environmental Quality

_____ Irrigation Dist.
_____ Canal Company
_____ Other _____

PROJECT IMPACTS/IMPLICATIONS REPORT

CONTENTS:

DATE

SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION

RECEIVED

FEB 27 1997

County of Cassia)
) ss
STATE OF IDAHO)

Department of Water Resources
Southern Region

Amy Cantrell, being first duly sworn, deposes and says that she is the Legals clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for two consecutive week(s), commencing with the issue dated February 17 1997, and ending with the issue dated February 24, 1997.

Amy Cantrell

STATE OF IDAHO)
COUNTY OF)
MINIDOKA)

On this 25th day of February in the year of 1997 before me, a Notary Public, personally appeared Amy Cantrell, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Lamar Burns
Notary Public for Idaho

Residing at: Rupert, Idaho

My commission expires: 6-28-2000

OK
MB
2/27/97

Cost of Publication 39.60

Affidavit Fee 5.00

Total Cost \$44.60

RECEIVED
FEB 27 1997

97-46

**NOTICE OF APPLICATION FOR
WATER PERMIT**

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

GARY STEED

PO BOX 127

ALMO ID 83312

Application for Permit No. 43-07322

**Source: Unnamed Stream tributary to
Raft River (Existing development)**

**Diversion Pt(s): SE1/4SE1/4, S14,
T16S, R24E; Cassia County.**

Use: 1/1-12/31

Wildlife (1.0 afa)

Recreation (1.0 afa)

Aesthetic (1.0 afa)

Total Diversion: 1.0 afa

In: SE1/4SE1/4, S14, T16S, R24E.

Date Filed: 1/28/97

The permit will be subject to all prior
water rights. Any protest must be filed
with the Director, Dept. of Water
Resources, Southern Region, 1341
Fillmore St., Suite 200; Twin Falls, ID
83301 together with a protest fee of
\$25.00 on or before March 6, 1997.

The protestant must also send a copy of
the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on
February 22 and 24, 1997.

**NOTICE OF APPLICATION FOR
WATER PERMIT**

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

GARY STEED

PO BOX 127

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Resources, Southern Region, 1341
Fillmore St., Suite 200; Twin Falls, ID
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\$25.00 on or before March 6, 1997.
The protestant must also send a copy of
the protest to the applicant.

Karl J. Dreher, Director

**Published in the South Idaho Press on
2/17 & 2/24/97.**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

February 12, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SOUTH IDAHO PRESS
PO BOX 190
BURLEY ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

NOTICE OF APPLICATION FOR WATER PERMIT

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

GARY STEED
PO BOX 127
ALMO ID 83312

Application for Permit No. 43-07322

Source: Unnamed Stream tributary to Raft River (Existing development)

Diversion Pt(s): SE1/4SE1/4, S14, T16S, R24E; Cassia County.

Use: 1/1-12/31
Wildlife (1.0 afa)
Recreation (1.0 afa)
Aesthetic (1.0 afa)

Total Diversion: 1.0 afa

In: SE1/4SE1/4, S14, T16S, R24E.

Date Filed: 1/28/97

The permit will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before March 6, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on 2/17 & 2/24/97.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

February 11, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY STEED
PO BOX 127
ALMO ID 83312

Re: Application for Permit No. 43-07322

Dear Mr. Steed:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the South Idaho Press for 2/17 & 2/24/97. A period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

cc: D. Jay Harper-PO Box 2156-Malta, ID 83342
Robert S. Hope-HC 72 Box 2270-Malta, ID 83342



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 30, 1997

D. Jay Harper
HC 72
PO Box 2156
Malta, ID 83342

Dear Mr. Harper:

Our office has recently received an application for permit, filed by Gary Steed, for the impoundment of water in a small pond formed by a road crossing below Reed Springs in the Upper Raft River Valley. The application proposes to store 1.0 acre feet of water in a small pond located within the Southeast Southeast $\frac{1}{4}$ of Section 14, Township 16 South, Range 24 East.

Our office is currently preparing the legal advertising that will serve as the public notice for the application. This public notice should appear in the South Idaho Press, sometime in the near future.

If you have any questions, feel free to contact our office at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Corey Skinner'.

Corey Skinner, EIT
Dam Safety Section

cc: Robert Hope

43-07322



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 30, 1997

Robert S. Hope
H.C. 72
Box 2270
Malta, ID 83342

Dear Mr. Hope:

Our office has recently received an application for permit, filed by Gary Steed, for the impoundment of water in a small pond formed by a road crossing below Reed Springs in the Upper Raft River Valley. The application proposes to store 1.0 acre feet of water in a small pond located within the Southeast Southeast $\frac{1}{4}$ of Section 14, Township 16 South, Range 24 East.

Our office is currently preparing the legal advertising that will serve as the public notice for the application. This public notice should appear in the South Idaho Press, sometime in the near future.

If you have any questions, feel free to contact our office at your convenience.

Sincerely,

Corey Skinner, EIT
Dam Safety Section

cc: Jay Harper

43-07322



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 24, 1997

Gary Steed
PO Box 127
Almo, ID 83312

RE: Complaints of illegal impoundment of Reed Springs

Dear Mr. Steed:

Our office has again been approached by waterusers in the upper Raft River drainage to investigate the impoundment of water in a small pond formed by the road crossing below Reed Springs. Our office has in the past corresponded with and talked via telephone with Mr. Dave Hammons regarding this matter. (Please find copies of our 4/19 & 13 /95 letters) It was my understanding from these contacts that water would not be impounded until the water right had been obtained. It is also my understanding from the waterusers in the area that you now operate or own the land where the pond is located.

Please be aware that since 1971, to develop a use from surface water, you are required first to obtain a water right permit. Since no right or permit exists in our records I request your cooperation in:

- identifying what water right covers the pond if our records are not correct.
- do not impound water in the pond if you do not have a water right.
- &/or obtain a valid permit or water right for your development.

Please respond to our office within 14 days of the date of this letter as to the status of your project. Please also note that to divert water in Idaho without a valid water right is illegal pursuant to §42-351, Idaho Code and subject to civil penalties of up to \$100 per day.

If you have questions regarding this matter please feel free to contact our office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

43-07322