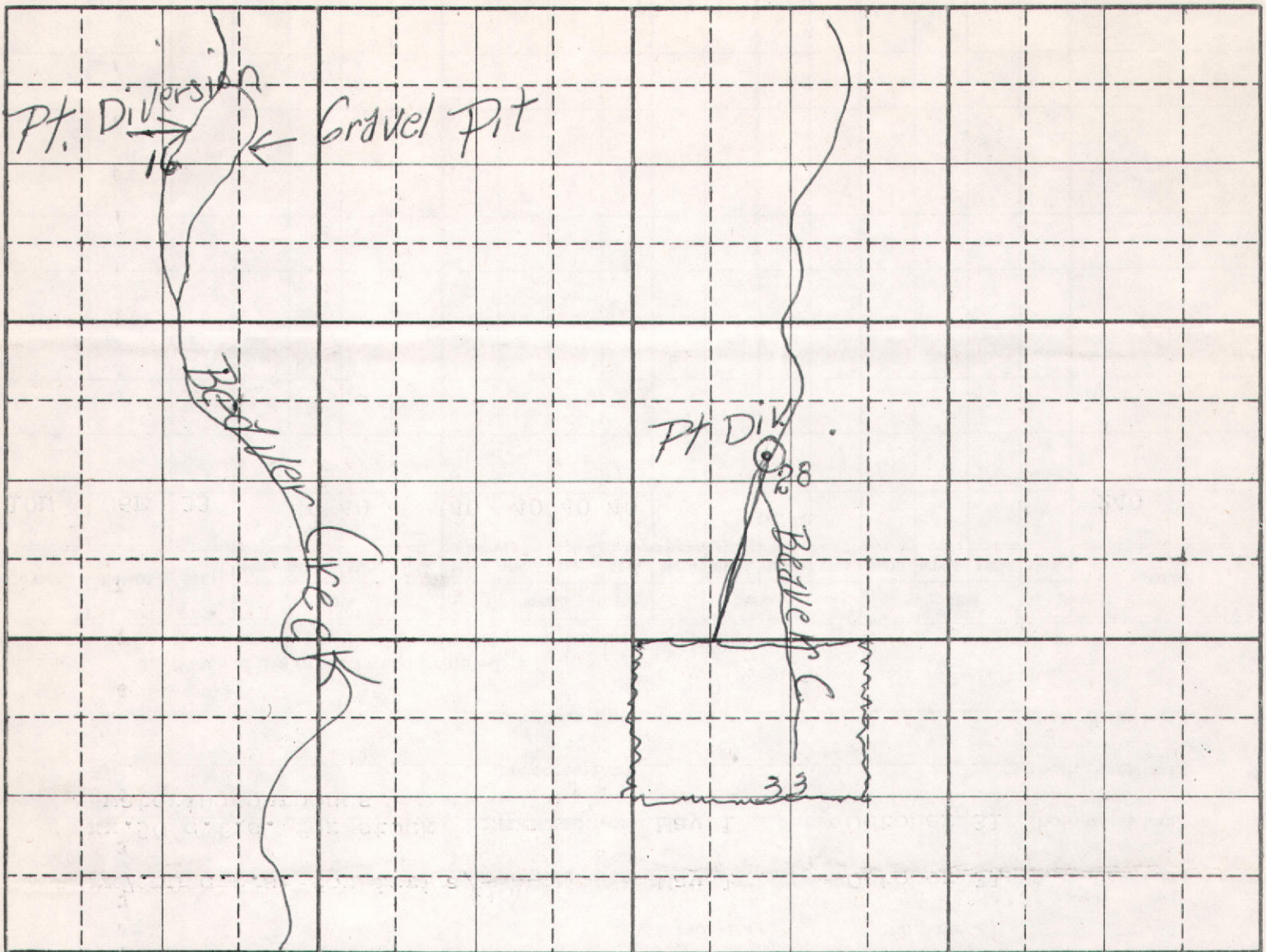


Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

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

Signed at Idaho Falls, Idaho, this 25th day of March, 1971.
 By FARREL BLACK RANCHES, INC.
 By Farrel Black
 (signature)

ACTION OF STATE RECLAMATION ENGINEER

I, _____, State Reclamation Engineer of the State of Idaho,
 hereby _____

Witness my hand this _____ day of _____, 19____.

 State Reclamation Engineer

Proof of Publication

RECEIVED

MAR 2 1971

Department of Water Administration

STATE OF IDAHO }
County of Clark } ss.

M. L. Phippen being
first duly sworn, deposes and says that he is the
chief clerk of THE CLARK COUNTY
ENTERPRISE, a weekly newspaper published in
Dubois, Clark County, in the State of Idaho. That

the Notice Application Water Permit,
a true copy of which is hereto attached was pub-
lished in THE CLARK COUNTY ENTERPRISE for

2 consecutive weeks, first publication

having been made on the 11th day of

February, 1971 and the last

publication having been made on the 18th

day of February, 1971.

That said paper has been continuously and
uninterruptedly published in said county during
a period of seventy-eight consecutive weeks
prior to the first publication of said notice or
advertisement, and is a newspaper within the
meaning of the laws of Idaho.

M. L. Phippen
SUBSCRIBED AND SWORN TO before me
this 18th day of February, A. D., 1971

Reto Phippen

Notary Public.

My commission expires 10-20, 1972

PUBLIC NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Farrell
Black Ranches, Box 52, Terreton,
Idaho has on January 22, 1971 sub-
mitted Application No. 31-7045 for
a permit to appropriate 8.0 cubic
feet per second of water from Beaver
Creek, trib. to Camas Creek by
means of check dam, ditch, and gate
within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T.
10N, R. 36E, B.M., Clark County to
be used from May 1 to October 30
for the irrigation of 240 acres within
the W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 33, T. 10N,
R. 36E, B.M.

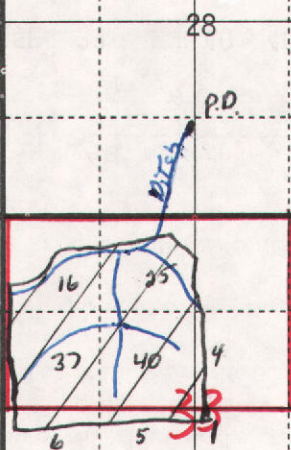
If issued, this permit will be sub-
ject to all prior water rights. Pro-
tests against the granting of the per-
mit must be filed with the Idaho De-
partment of Water Administration,
Statehouse, Boise, Idaho, 83707, on
or before March 1, 1971.

R. KEITH HIGGINSON
Director

Published in the Clark County Enter-
prise, Dubois, Idaho on February 11
and February 18, 1971.

31 7045

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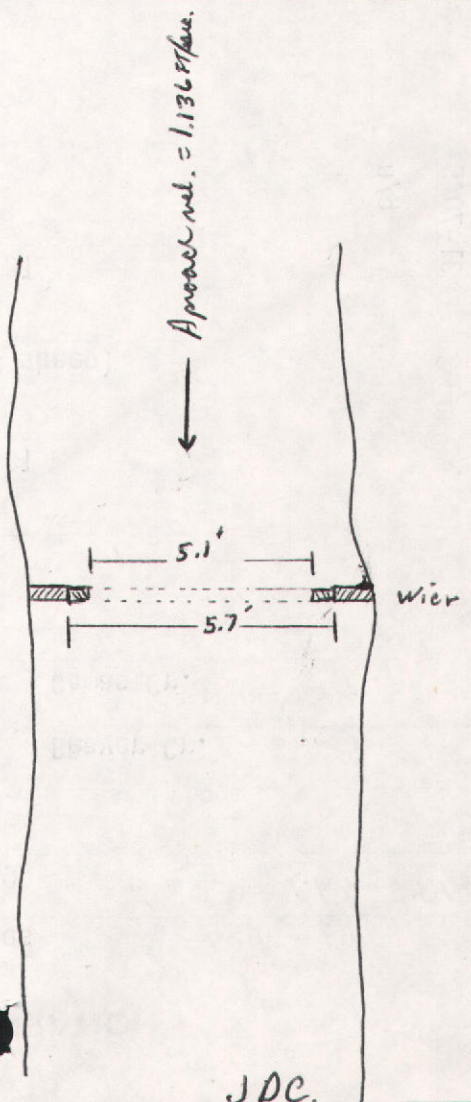
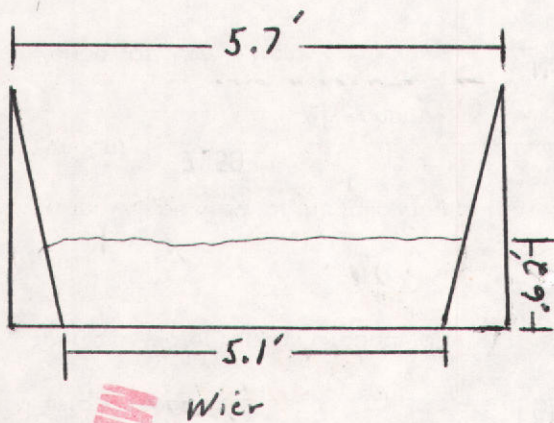
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16

Diagram of System

N
↑



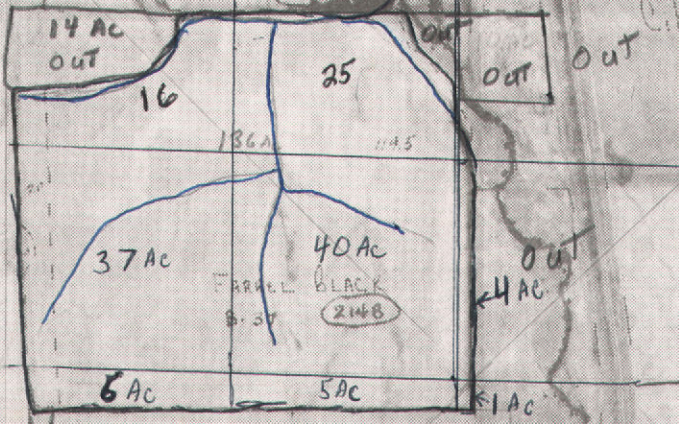
P.D. Lewis

31-7045

JC 5/21/79

2928
3283

B-23 (2076)
Phyllis LAIRD



Alvin Munns & Sons
B-76 (2168)

Howard Frederiksen
A-26 (2158)

Webster
B-21 (2118)

W. K. RANCH
B-21 (2928)

MICROFILMED

NOT TO SCALE

US

NOT TO SCALE

Mrs. HOGAN
C-107 (2863)

Mrs. HOGAN
C-107 (2863)

MICROFILMED

Blaine House
B-28 (2863)

Blaine House
B-28 (2863)

Phillips Land
B-28 (2863)

Phillips Land
B-28 (2863)

Are past
City of Harris

2122
2827

2021
2828

Mrs. HOGAN
C-107 (2863)

2108

2109

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 31-7045 Priority January 22, 1971 Amount 4.04 cfs

THIS IS TO CERTIFY, that Farrel Black Ranches
of Hamer, Idaho, has complied with the terms and conditions of Permit
No. 31-7045 issued pursuant to Application for Permit dated January 22, 1971,
and has submitted proof to the Department of Water Resources on June 30, 1976,
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 8.47 cfs of water from Beaver Creek,
tributary to Camas Creek, 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
<u>Irrigation</u>	from <u>May 1</u> to <u>October 31</u> at <u>4.02</u> cfs and	<u>402.0</u> acre feet	
<u>Stockwater</u>	from <u>May 1</u> to <u>October 31</u> at <u>0.02</u> cfs and	<u>0.6</u> acre feet	
	from _____ to _____ at _____ cfs and		

(both dates inclusive)

Subject, however, to the condition that no more than 4.04 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 for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
402.6 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Twp.
10N, Rge. 36E, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Twp. 8N, in the County of Clark
Rge. 36E

Description and location of place of use:

Twp.	Range	Sec.	Section												Totals
			SW $\frac{1}{4}$	SE $\frac{1}{4}$	NW $\frac{1}{4}$	NE $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NW $\frac{1}{4}$	NE $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NW $\frac{1}{4}$	NE $\frac{1}{4}$	
10N	36E	33							25	16	37	40	5	6	134
8N	36E	16													

Total number of acres irrigated 134

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of
January, 19 83.

Director



JAN 7 1983

STATE OF IDAHO

Department of Water Resources
Eastern District Office

LICENSING

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Farrel Black Ranches Phone _____
of (address) Hamer, Idaho 83425, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 31-7045, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE 1/4 SW 1/4, Section 28, Township 10N, Range 36E, B.M.,
County of Clark. Other points of diversion: NENW, Sec. 16, T. 8N,
R. 36E

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 4.02 for Irrigation purposes from 5-1 to 10-30 (both dates inclusive)
(cfs or acre feet per annum)

Amount .02 for Stockwater purposes from 5-1 to 10/30 (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)

3. Place of use or land to be irrigated:

TWP	RGE	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	
10N	36E	33			4		25	16	37	40	5	6				1			134

Total number of acres to be irrigated = 134

4. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or the place of use? "
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: _____

Show 40-acre subdivisions, townships, ranges and ditches.

[illegible]

Scale: 2 inches equal 1 mile.

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

Signed at Idaho Falls

7th day of

January

1983

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by 75 Fee = \$20.00

Preliminary check by

Publication prepared by 7/5 Date

Date _____

Published in

Publication dates

APPROVE the above Application for Amendment of Permit No. 31-7045.

I, A. KENNETH DUNN, of the Department of Water Resources hereby

ACTION OF THE DEPARTMENT OF WATER RESOURCES

A. KENNETH DUNN

of the Department of Water Resources hereby

APPROVE the above Application for Amendment of Permit No. 31-7045.

Witness my hand this 7 day of

January

1983

Director

Dr

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED

JAN 7 1983

Department of Water Resources
Eastern District Office

Handwritten: K to proceed RE 1-13-83

I, Farrel Black, hereby assign to Roger and Cybil Ferguson
of Diet Center, Rexburg, Idaho 83440
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 31-7045
to appropriate the public waters of the State of Idaho.

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

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 7 day of January, 19 83.

Farrel Black Jr.
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Bonneville) ss.

On this 7th day of January, 19 83, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

William Wray

Notary Public residing at
Idaho Falls, ID

seal

My commission expires:
6/15/85

Handwritten: 6/15/85

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 31-7065)

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

Identification No. 31-7045
Application No. _____

APPROVED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

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

- 662-5459
Ph: 663-9390
1. Name of applicant Farrel Black Ranches
post office address Box 52, Terreton, Idaho
2. Source of water supply Beaver Creek which is a tributary of Camas Creek
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 Township 10N
Range 36E B.M. Clark County; additional points of diversion if any: NE NW Sec 16 8N 36E
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 7.50 for irrigation purpose from May 1 to Oct. 30 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .50 for Stock purpose from May 1 to Oct 30 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 8.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. check dam and gate with ditch

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

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

See Approved App. 4-22-1971 TSK

31 7045

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
10N	36E	33		40	40		40	40	40	40								
																		240
			TOTALS															

Total number of acres to be irrigated 240

c. Describe any other water rights used for the same purposes as described above.
Decree 80 acres and 80"

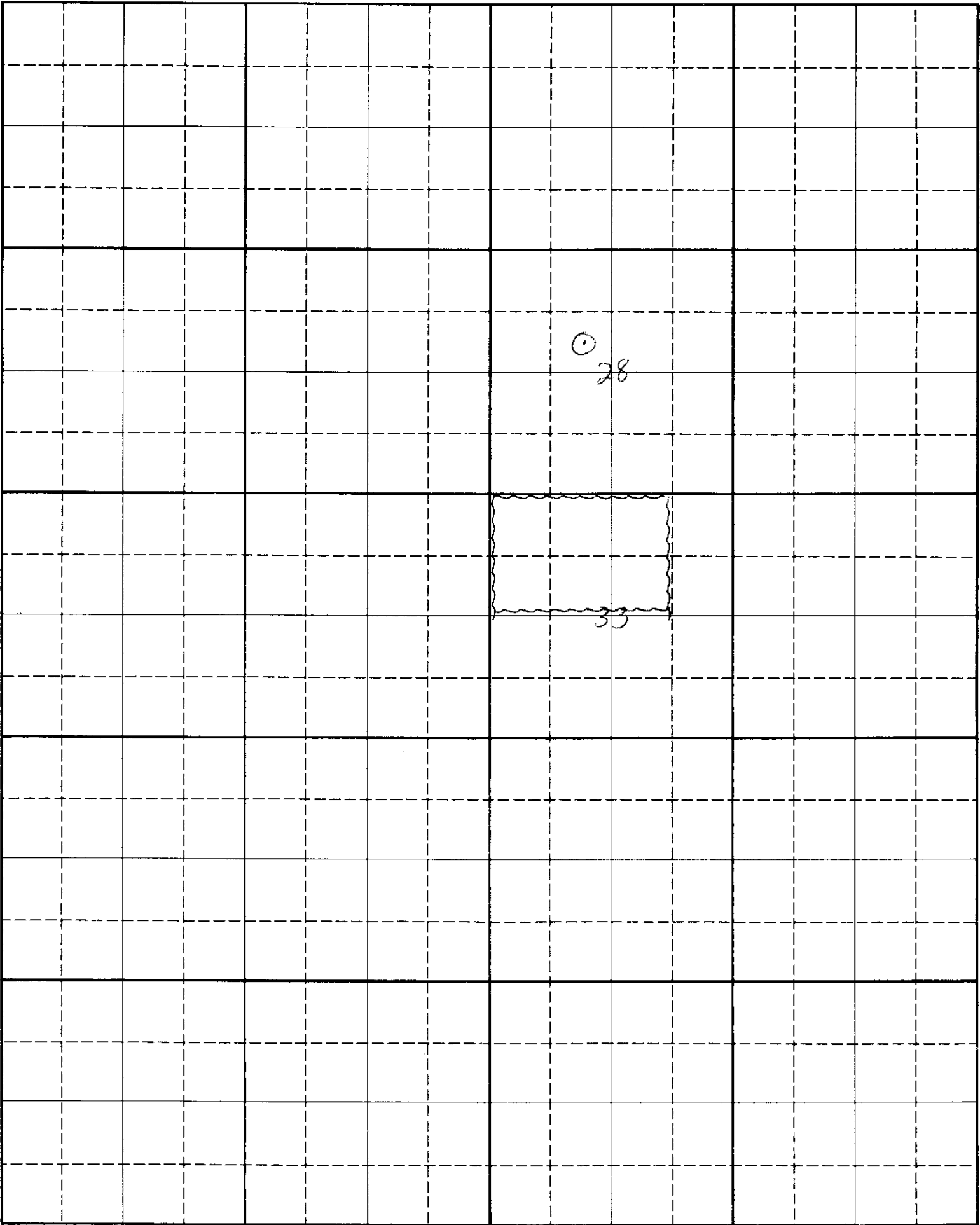
9. a. Who owns the property at the point of diversion Phyllis Laird

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

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

10. Remarks Land requires 2" per acre because of sandy soils.

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



Scale: 2 inches equal 1 mile

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

James Black Ranch
(Applicant)
by J. Black

[Signature]
Deputy Director

Witness my hand this 31st day of July, 19 71.

2. Denial of said application is for the following reasons: _____

_____ approved by this Department.

the diverting works measuring devices at the point of diversion of a type

c. Other: The permit holder shall permanently install and maintain as part of

before July 1, 19 76.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

Idaho No. 31-7045, and said application is hereby APPROVED.

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

Received by [Signature] Date 1-22-71 Time 3:00 PM
Preliminary check by [Signature] Fee \$ 55.00
Received by [Signature] Date 1-25-71
Publication prepared by [Signature] Date 2-2-71
Published in Clark County Enterprise
Publication dates 2-11 & 2-18, 71
Publication approved [Signature] Date 2-11-71
Priority reduced to _____ Reason _____
Protests filed by: Clark County Stockgrowers, Assn.
(David D. Phillips, Larry Lee, Phyllis L.
Laird, Wesley M. Grover) and Reed Mickelsen 3-3-71 dr
Twichel & Peterson 3-17-71
Copies of protests forwarded by [Signature] dr 2-26-71
Hearing held by _____ Date _____
Recommended for approval/denial by [Signature]

Application

Comes now **FARREL BLACK RANCHES, INC.**

of (address) _____

Hamer, Idaho

No. 31-7045, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE ¼, NW ¼, Sec. 28, T. 10 N., R. 36,
E, B.M. Other points of diversion NE ¼ NW ¼, Sec. 16, T. 8 N., R. 36 EBM
for only .50 c.f.s. for stock watering purposes.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

mo. - day

mo. - day

For 7.50 c.f.s. for irrigation purposes from May 1 to October 31 (both dates incl.)

For 50 c.f.s. for stock ~~x purposes~~ from May 1 to October 31 (both dates incl.)
watering purposes

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

3. Place of use or land to be irrigated:

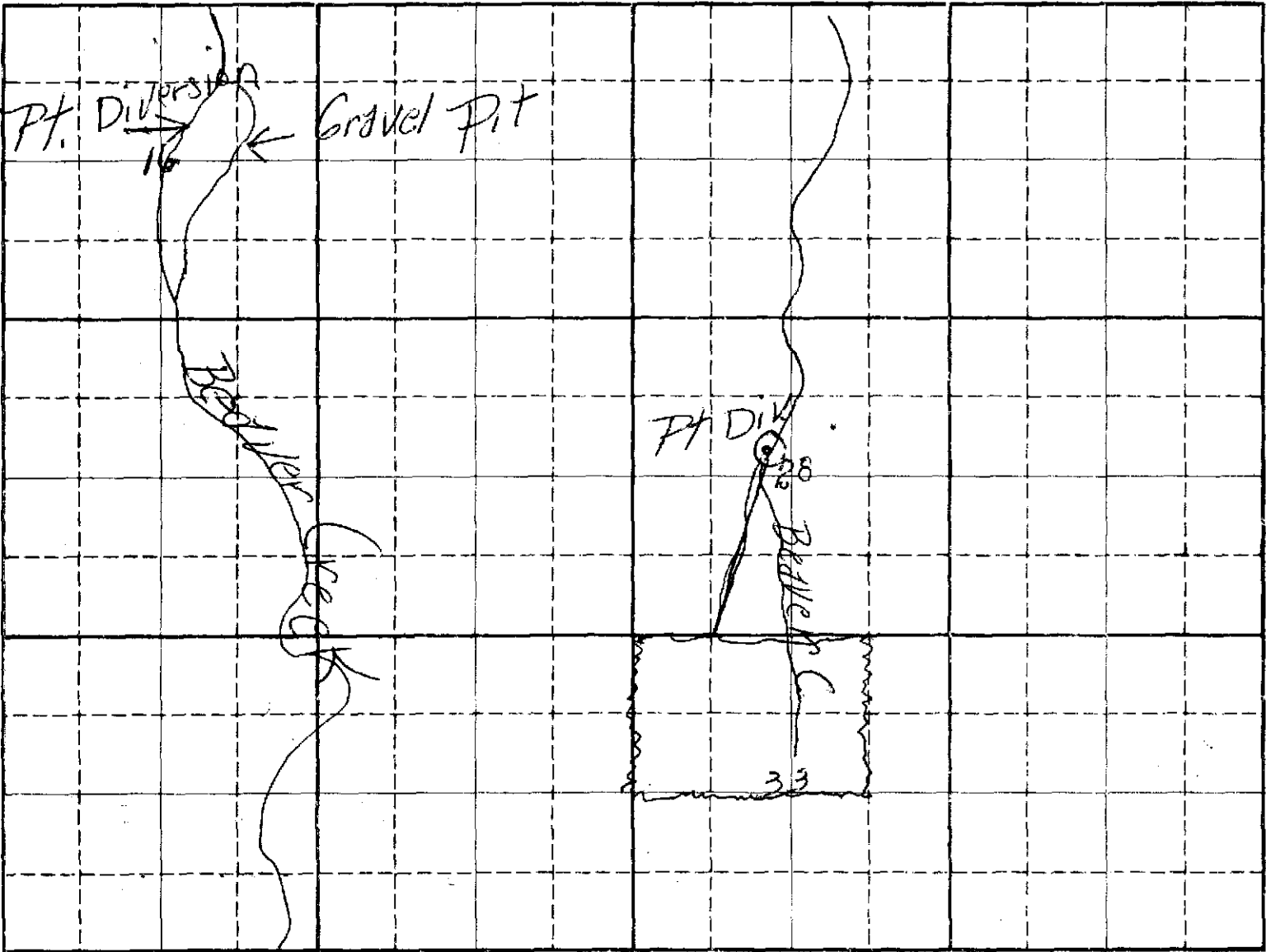
[illegible]

Total number of acres to be irrigated

240

31 7045

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



Scale: 2 inches equal 1 mile

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

Signed at Idaho Falls, Idaho, this 25th day of March, 1971.
(FARREL BLACK RANCHES, INC.)
By Farrel Black
(signature)

ACTION OF STATE RECLAMATION ENGINEER

I, _____, State Reclamation Engineer of the State of Idaho,
hereby _____

Witness my hand this _____ day of _____, 19____.

State Reclamation Engineer

Dubois, Idaho
February 22, 1971

RECEIVED

FEB 23 1971

Department of Water Administration

Idaho State Dept. of
Water Administration
Statehouse Annex #2
Boise, Idaho 83707

Gentlemen:

It has come to our attention that Mr. Ferrel Black has made application for the diversion of additional water from Beaver Creek under application No. 31-7045.

It is our opinion that the water of Beaver Creek is over-appropriated at the present time and that the diversion of water at this point would be most detrimental to the interests of many livestock producers who use the creek as their sole supply of water for their livestock.

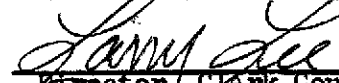
It also serves as a source of water at several locations downstream from the applied-for point of diversion for migrating livestock along a long-established B.L.M. livestock trail.

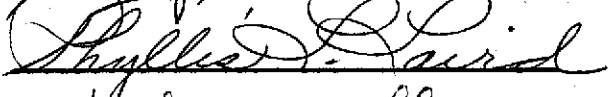
Therefore, we request that you deny the application.

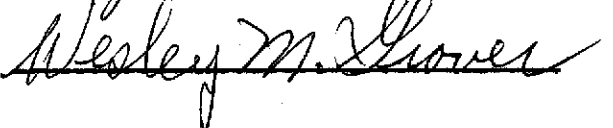
Thanking you for your consideration and cooperation, we remain

Sincerely yours,


President, Clark County Stockgrowers Assoc.


Director, Clark County Stockgrowers Assoc.





31 7045

RECEIVED
FEB 17 1971
Department of Water Administration

Hamer, Idaho
Feb. 15, 1971

Idaho State Department of Water Administration
State House Annex 2
Boise, Idaho 83707

Dear Sirs:

We wish to protest Water Application number 31-7045 filed
by Ferrol Black.

We have a section of ground through which this creek flows
and depend entirely on this creek for water for our livestock in
the spring and fall.

During the forty years that we have run sheep and cattle
in this part of the country we, as well as many other stockmen,
have depended entirely on this flow of water for our stock while
trailing to the summer range. Therefore we make a solemn declara-
tion against this fileing by Mr. Ferrol Black and sons.

Respectfully yours,

Twichel & Peterson

Hamer, Idaho 83425

Lester Twichel
Phil Peterson

662-5441

31 7045

Idaho Dept. of Water Admin.
Statehouse, Boise 83707

RECEIVED
Feb. 24/1971

MAR 1 1971

Dear Sir:

Department of Water Administration

I would like to protest the application for 8.0 Cubic Inches of water from Beaver Creek in Clark Co. by Farrell Black Ranches, Terreton, Ids.

This water is used by the Stock-powers in the Spring and Fall to water cattle & sheep on the trail to and from our summer range.

Sincerely
Reed Mickelsen
Hamer, Idaho
83425

31 7045

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No.	31-7045		Name	Farrel Black Ranches	
Source	Beaver Creek, trib. to Camas Creek				
Point of Diversion	SE1/4, Sec. 28, T. 10N, R. 36E, N.M., Clark County				
Quantity	8.0	Use	irrigation	Period	May 1 - Oct. 30
Quantity		Use		Period	
Quantity		Use		Period	
Well Size		Diameter		Proposed Depth	
Use	240 acres				
Date Forwarded	2-2-71		Date Returned		
			Received by		

COMMENTS: This stream is decreed and this right will only be good during the high water season. Install measuring device. R.W.H. 2-2-71
 No comments from a geological standpoint. AMC

RECOMMENDED:

Applied: Qty.	8.0	Use	IRR.	Period	5/1-10/30	AF/A	3.0	AF	612
Qty.		Use		Period		AF/A		AF	
Qty.		Use		Period		AF/A		AF	
Maximum: Qty.	4.8	Use	IRR.	Period	4/1-11/1	AF/A	3.0	AF	720
Qty.		Use		Period		AF/A		AF	
Qty.		Use		Period		AF/A		AF	

ACTION: Approved _____ Denied _____

Conditions of approval or reason for denial: _____

INVESTIGATION By Paul M. Casteln Title W.R.I. - I
BOB HAMILTON Date Feb. 3, 1971

31 7045

Proof of Publication

STATE OF IDAHO }
County of Clark } ss.

M. L. Phippen being
first duly sworn, deposes and says that he is the
chief clerk of THE CLARK COUNTY
ENTERPRISE, a weekly newspaper published in
Dubois, Clark County, in the State of Idaho. That

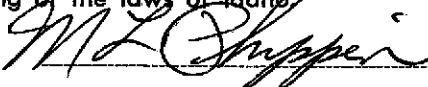
the Notice Application Water Permit,
a true copy of which is hereto attached was pub-
lished in THE CLARK COUNTY ENTERPRISE for

2 consecutive weeks, first publication

having been made on the 11th day of
February, 1971 and the last

publication having been made on the 18th
day of February, 1971.

That said paper has been continuously and
uninterruptedly published in said county during
a period of seventy-eight consecutive weeks
prior to the first publication of said notice or
advertisement, and is a newspaper within the
meaning of the laws of Idaho.



SUBSCRIBED AND SWORN TO before me
this 18th day of February A. D., 1971



Notary Public.

My commission expires 10-20, 1972

PUBLIC NOTICE

NOTICE OF APPLICATION
FOR WATER PERMIT
is hereby given that Farrell
Box 52, Terreton,
Idaho, on January 22, 1971 sub-
mitted Application No. 31-7045 for
a permit to appropriate 8.0 cubic
feet per second of water from Beaver
Creek, trib. to Camas Creek by
means of check dam, ditch and gate
within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T.
10N, R. 36E, B.M., Clark County to
be used from May 1 to October 30
for the irrigation of 240 acres within
the W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 33, T. 10N,
R. 36E, B.M.

If issued, this permit will be sub-
ject to all prior water rights. Pro-
tests against the granting of the per-
mit must be filed with the Idaho De-
partment of Water Administration,
Statehouse, Boise, Idaho, 83707, on
or before March 1, 1971.

R. KEITH HIGGINSON
Director

Published in the Clark County Enter-
prise, Dubois, Idaho on February 11
and February 18, 1971.

31 7045



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

February 16, 1983

RE: Permit No. 31-7045

Roger and Cybil Ferguson
Diet Center
Rexburg, ID 83440

Dear Mr. and Mrs. Ferguson:

This office acknowledges receipt of the assignment of permit, assigning the above referenced permit to you.

Enclosed is a copy of the water right license issued on this permit. Please note that when a water right is licensed, proof of owning the land is proof of owning the water right. Our records do show you as the new water right holders even though the license is in the name of Farrel Black. Also enclosed is a copy of the approved application for licensing amendment for this permit.

Should you have any questions concerning this matter, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosures

cc: Farrel Black
General Delivery
Hamer, ID 83450
Enclosures

CONVERSATION MEMORANDUM

DATE 12/23/82

FILE 31-7045

NAME OF PARTY Mr. Farrel Black

EMPLOYEE Dave Tottill

RE: Amendment of Permit

I called Mr. Black to warn him that our next step in action for this permit is to send ~~an~~ an Order to Show Cause. He indicated that he had sold the property but that he would go by the Id Falls office to file the amendment & an assignment prior to 1-15-1983. Therefore we will hold the file without further processing until that date.

DRT

C.C. Eastern Idaho Regional Office

w/ copy of Amendment Rough Draft

August 27, 1982

RE: Permit No. 31-7045

Farrel Black Ranches
General Delivery
Hamer, ID 83450

Gentlemen:

On July 23, 1982, we forwarded an amendment to you to be completed to amend this permit to correspond with the findings of the field examiner so that we could issue this license.

As of this date, we have not received this amendment. If we do not receive it within fifteen (15) days, we will assume you no longer have any interest in this permit and cancellation proceedings will begin.

If you have any questions, please contact us.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

July 23, 1982

RE: Permit No. 31-7045

Farrel Black Ranches
General Delivery
Hamer, ID 83450

Gentlemen:

A representative of the Department made an examination of the works covered by your Permit No. 31-7045 and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 400.6 acre feet Source: Beaver Creek to Camas Creek

The maximum quantity diverted shall not exceed 400.6 acre feet per year.

SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, Twp. 10N, Rge. 36E, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, Twp. 8N, Rge. 36E: Clark County

Stockwater and irrigation of 134 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, Twp. 10N, Rge. 36E (irrigation) and NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, Twp. 8N, Rge. 36E (stockwater).

January 22, 1971

Priority date established:

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

Hand fee
178. due to
diving
8/9/77

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

RECEIVED

JUL 8 1976

662-3442

Department of Water Resources
Phone
Eastern District Office

1. Name of permit holder Farrel Black Ranches
Post office address General Delivery, Hamer, ID 83450
Person to contact Farrel Black Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ Beaver Cr.
Tributary to Camas Cr. (name spring, stream, etc.)

3. Water will be used for the following purposes:

Amount 7.50 c.f.s. for Irrigation
AF/Annum (nature of use)

Period of Use: from May 1 to Oct. 31
(mo.-day) inclusive (mo.-day)

Amount 0.50 c.f.s. for Stockwater (500 sheep)
AF/Annum (nature of use)

Period of Use: from May 1 to Oct. 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 31-7045
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 8.00 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

(Irrigation diversion)
Township 10N N/S, Range 36E E/W, B.M., Section 28, Subdivision SE 1/4 SE 1/4, Clark County
(Stockwater diversion)
Township 8N N/S, Range 36E E/W, B.M., Section 16, Subdivision NE 1/4 NW 1/4, _____ County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County

Other Points of Diversions: _____

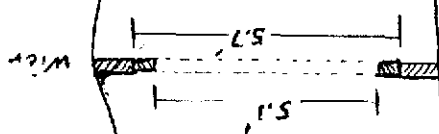
Description of diverting works: check dam and gate with ditch

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10N	36E	33		40	40		40	40	40	40									240

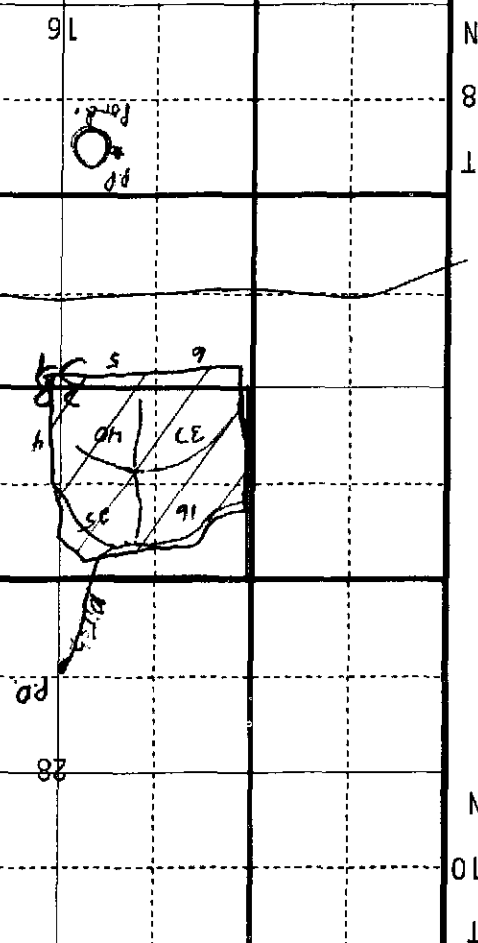
TOTAL ACREAGE _____



→ Approach vel. = 1.136 m/sec.

۷۰۷

Diagram of System



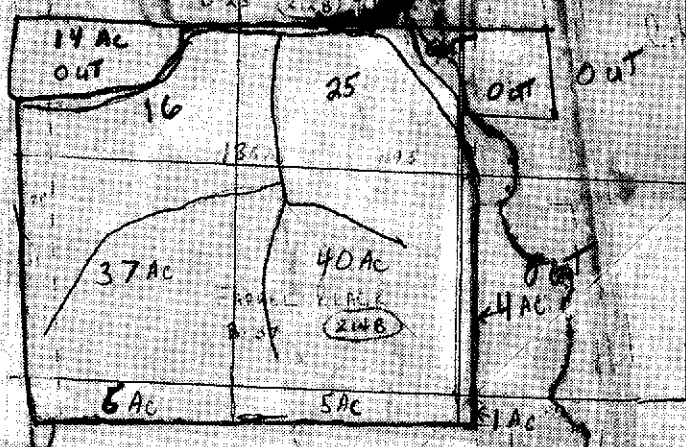
P.D.
Lewier

31-7045

JC. 5/21/79

27/28
30/23

0-20 2070
Darius Land



Alvin Munn & Son
0-70 2000

Howard T. Anderson
A-26 2158

0-20 2110

0-21 2110

NOT TO SCALE

NOT TO SCALE



DATE OF EXAM May 21, 79

ACREAGE
Found 134 Ac ✓
Recommended 13400 ✓

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = 4.02 c.f.s. V = 402.0 ✓ AF/Ann. from May 1 to Oct 30
Domestic Q = 0.02 c.f.s. V = .6 ✓ AF/Ann. from May 1 to Oct 30
Livestock Q = 0.02 c.f.s. V = .6 ✓ AF/Ann. from May 1 to Oct 30

Totals 4.04 402.6

Is water co-mingled? yes _____ no X

Name source: M/A
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no X

Name source exchanged with: M/A
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: M/A
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: M/A
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 8.47 cfs Method of measurement Standard contracted Lipolite wire
5.38 Based on .04 cfs per acre

Total Q recommended .6 cfs Meter No. _____ Type _____ Condition Std

Total V recommended 402.6 AF/Ann.

Recommended Amendments:

SE SW Sec 28 instead of SE NW Sec 28
Place of Use Add. Stock water Use. NE NW Sec 16. T8N R36E
Other _____
None _____

MEASUREMENT CALCULATION:

Lipolite wire $Q = 3.367 L(H + 1.5h)^{3/2}$ $Q = 3.367 5.1' (.62' + 1.5 \frac{1.176^2}{2(32.2)})^{3/2}$
 $L = \text{Length of crest in ft.} = 5.1'$
 $H = \text{Height of wire in ft.} = .62'$
 $h = \text{Height of water in ft.} = .028'$
 $Q = 3.367 \times 5.1 \times (.62 + 1.5 \times .028)^{3/2} = 8.47 \text{ cfs}$
Volume = $134 \text{ Ac} \times 3.0 \text{ AF} = 402 \text{ AF/Ann}$
Stock volume $2 \text{ gal per sq ft} \times 500 \text{ ac} = 1000 \text{ gal} = .6 \text{ AF/Ann}$
Total V = $402 + .6 = 402.6 \text{ AF/Ann}$

SYSTEM DESCRIPTION:

Water from Beaver Cr. is diverted by a headgate which is situated on a culvert 3' in dia. under a road. The headgate is 25' from the actual diversion from the creek. Then a couple of hundred feet down the ditch is a weir where the measurement was taken. Stock water is diverted into a gravel pit.

Allow .03 cfs/Ac as approved on permit
 $.03 \times 134 = 4.02 \text{ cfs}$ $V = 4.02 \times 1.9835 \times 183 = 1459.2 \text{ or } 134 \times 3.0 = 402.0 \text{ AF}$ ✓

REMARKS:

System shown and described by Tanel Black

NE NW Sec 16 T8N R36E. (Stock water divert)

There was no water visible at the time of the exam (too much wind) but the diversion was in place. There is only water in the ditch in the early spring, and for a short period of time.

No conflicting water rights

Examiner's Signature John D. Carlson Date 3/24/80

Checked by Anthony R. Kozlowski Date 4-4-80

Approved by R. Kozlowski Date 6/21/82

31-7247 gw - No Overlap - different source

Farel Black visited the office today
& he was made aware of the need to
complete this exam. I attempted to
complete it last season but there
was insufficient water due to the drought.
A Weir has been installed in the
ditch

ARK Jan 24. 1928

MICROFILMED

9/78

IDENT. NO. 31-7045I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E SWATER RIGHT
DATA ENTRY LOG

<u>Initials</u>	<u>Date</u>	<u>Item</u>
		Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
<u>RC</u>	<u>4-3-79</u>	<u>RP</u>
	<u>1-13-83</u>	<u>Note: assignment will be</u>
		<u>entered at the same time the</u>
		<u>license info is entered.</u>
<u>D.W.</u>	<u>2/22/83</u>	<u>License update</u>

AGREEMENT

THIS AGREEMENT, entered into in triplicate this 25th day of March, 1971, by and between FARREL BLACK RANCHES, INC., a corporation, of Jefferson County, State of Idaho, hereinafter designated Party of the First Part, and CLARK COUNTY STOCK-GROWERS ASSOCIATION, a corporation, of Clark County, State of Idaho, hereinafter designated as the Party of the Second Part.

W I T N E S S E T H

WHEREAS, First party has made application, No. 31-7045, to appropriate 8.00 c.f.s. of the waters of Beaver Creek in Clark County, Idaho, and second party has filed a protest to said application for the permit, and the parties hereto, desiring to amicably settle said controversy.

NOW, THEREFORE, IT IS AGREED that of the 8.00 c.f.s. of water being applied for by the first party, .50 c.f.s. shall be used by the second party as priority water over the remaining 7.50 c.f.s. and administered in the following manner: When the unallotted water in Beaver Creek passes the point where Beaver Creek intersects the Clark-Jefferson County line but does not reach Camas Creek, said .50 c.f.s. of water will be used to fill a livestock pond located in the NW $\frac{1}{4}$ of Section 16, Township 8 North, Range 36, ERM and at alternate diversion point, located in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 8 North, Range 36 ERM and said water in said ponds shall be used for stock watering purposes for migratory livestock. The diversion works necessary for such use of livestock water shall be constructed and completed by second party or its stockholders.

At any time the flow in Beaver Creek will not reach said Clark-Jefferson County line, said water may be diverted for irrigation at the point of diversion described in Application #31-7045 For Permit.

31 7045

This agreement is executed in settlement of the protest of second party to first party's application for said water permit, and the parties hereto have caused these presents to be executed by their respective officers thereunto duly authorized the day and year first above written.

FARREL BLACK RANCHES, INC.
A Corporation

By Farrel Black S.

PARTY OF THE FIRST PART

CLARK COUNTY STOCKGROWERS ASSOCIATION
A Corporation

By David A. Phillips

PARTY OF THE SECOND PART

31 7045



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

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

July 28, 1980

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the Regional Office nearest to you.

Sincerely,

David R. Tuthill Jr.

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

DRT:jg

Enclosures

Northern Region Office
Rt. #5 Box 203, Government Way
Coeur d'Alene, Idaho 83814

Eastern Region Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Southern Region Office
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301

Western Region Office
92 South Cole Road
Boise, Idaho 83705

July 7, 1976

Re: Permit No. 31-7045

Farrel Black Ranches
General Delivery
Hamer, Idaho 83450

Gentlemen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, however, our examiner will try to contact you at the time he makes the exam so that you may show him the system.

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

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

MICROFILMED

RECEIVED

JUN 30 1976

OKY

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Identification No. _____

Permit No. 31-7045

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Farrel Black Ranches
b) Post Office Address General Delivery, Hamer, Idaho
2. Permit Number 31-7045
3. Date of Priority that you are prepared to establish 1-22-71
4. a) Source from which water was appropriated Beaver Creek tributary to Camas Creek
b) Location of the point of diversion: SE ¼ NW ¼, Section 28
Township 10N, Range 36E, Boise Meridian, Other points of diversion:
NE ¼ NW ¼, Sec. 16, T. 8N, R. 36E, B.M. (Stockwater Diversion)
5. a) The amount of water and use to which the water has been applied:
Amount 7.50 for Irrigation purposes from May 1 to Oct. 30 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount 0.50 for Stockwater purposes from May 1 to Oct. 30 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 8.00 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Watermaster Don Shenton, W. D. #31
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
N.A.
b) Describe the agreement or understanding by which you take water from the works:
N.A.
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) check dam and gate with ditch
b) Describe the type and size of measuring device which you have installed at your point of diversion: Weir
c) Give well driller's name and address and the date the well was completed: N.A.
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Stockwater for 500 head of sheep

Exam typed

7-2-76

by ja

If you are irrigating 15 or more acres, please submit an aerial photo of the property with this affidavit.

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10N	36E	33		40	40		40	40	40	40									240

Total number of acres irrigated 240

10. Remarks: _____

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

6-30-76
(Date)

Jerry Blak
(Signature)

State of IDAHO)
County of BONNEVILLE) ss.

On this 30th day of JUNE, 1976, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Ronald D. Carlson
Notary Public residing at
IDAHO FALLS, IDAHO

My commission expires 2/14/78

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

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ **RESTRICTED DELIVERY.**
 Show to whom and date delivered..... 65¢
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

MICROFILMED



3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

138535

(Always obtain signature of addressee or agent)

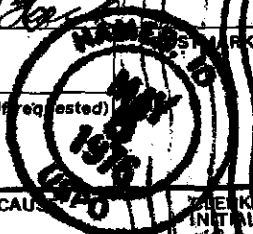
I have received the article described above.

SIGNATURE ☒ Addressee ☐ Authorized agent

4. *Dorothy Black*
DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE



CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POST SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

RETURN
TO



PRINT FOR PRIVATE
USE ONLY NO POSTAGE
NECESSARY IF MAILED
IN THE UNITED STATES

MAY 5 1976
P.M. 6.425



U.S. MAIL

April 30, 1976

CERTIFIED MAIL #138535

Re: Permit No. 31-7045

Farrel Black Ranches
Box 52
Terreton, Idaho 83450

Dear Mr. Black:

One of the conditions of approval of your water Permit No. 31-7045 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before JULY 1, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

October 12, 1971

Re: Permit No. 31-7045

Mr. Farrel T. Black, President
Farrel Black Ranches, Inc.
Hamer, Idaho 83425

Dear Mr. Black:

We have received your letter dated October 4, 1971, answering our questions relating to the agreement between your corporation and the Clark County Stock Growers Association. If the requirement to supply 0.5 c.f.s. downstream has been changed, we should have a new agreement or at least receive notification from the Clark County Stock Growers Association. Otherwise, we will be required to instruct the watermaster to distribute the Beaver Creek waters as per the agreement. Our records must show that some other arrangement agreeable to both parties has been reached.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:mjl

cc: Mr. Norman Young, District Engineer
Department of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Mr. Don Shenton, Watermaster
Water District 31
Dubois, Idaho 83421

31 7045

FARREL BLACK RANCHES, INC.

Telephones: Area Code 208 662-5570 / 663-4390 (Terreton)

HAMER, IDAHO 83425

October 4, 1971

RECEIVED
OCT 8 1971

Department of Water Administration

Re: Permit No. 31-7045

State of Idaho
Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Attn: Mr. Robert Hamilton
Supervisor of Water Distribution

Dear Sir:

The point, at which the 0.5 c.f.s. to be diverted, has been cancelled, in Section 16, by the Clark County Stock Growers.

The remaining point of diversion, which is being corrected, should read the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 9 North, Range 36 E., B.M. Our error was in the wrong township.

~~This point of diversion in Section 33 has been installed by myself and Mr. Don Shenton and is in operation.~~

Sincerely,

FARREL BLACK RANCHES, INC.


Farrel T. Black, President

FTB:sd

cc: Mr. Norman Young, District Engineer
Department of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Mr. Don Shenton, Watermaster
Water District 31
Dubois, Idaho 83423

31 7045

September 27, 1971

Re: Permit No. 31-7045

Farrel Black Ranches
Box 52
Terreton, Idaho 83450

Dear Mr. Black:

A question has arisen regarding your agreement with the Clark County Stock Growers Association.

The point at which the 0.5 c.f.s. was to be diverted was shown as being in the NW1/4 of Section 16; Township 8 North, Range 36E, B.M., and at an alternate point of diversion in the NW1/4SW1/4 of Section 33; Township 8 North, Range 36E, B.M. It appears that this last point of diversion is south of Camas Creek and could not be diverted from Beaver Creek. It also fails to show this point on the permit. To avoid confusion in instructing the watermaster on the distribution of this water, we will need this point clarified.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:mjl

cc: Mr. Norman Young, District Engineer
Department of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Mr. Don Shenton, Watermaster
Water District 31
Dubois, Idaho 83423

31 7045

August 6, 1971

Re: Transfer Nos. 31-0003 - Laird & Jones, Inc.
31-0004 - " " " "
Permit No. 31-7045 - Farrel Black Ranches

Norman C. Young
STATE OF IDAHO
DEPT. OF WATER ADMINISTRATION
240 South Holmes
Idaho Falls, Idaho 83401

Dear Norm:

Please find enclosed copies of the above referenced transfers and permit that have been approved by this office.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:CR

Enc: copies

31 7045

August 3, 1971

Re: Transfer Nos. 31-0003
" " 31-0004
Permit No. 31-7045

Donald W. Shenton
Box 331
Dubois, Idaho 83423

Dear Mr. Shenton:

We are enclosing copies of approved Permit No. 31-7045 and Transfer Nos. 31-0003 and 31-0004.

If you have any questions in the matter, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: Copies

31 7045

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

August 3, 1971

Re: Transfer Nos. 31-0003

31-0004

Permit No. 31-7045

Ralph L. Albaugh
P.O. Box 428
Idaho Falls, Idaho 83401

We are enclosing copies of approved Permit No. 31-7045 for Farrel Black Ranches, and also approved Transfer Nos. 31-0003 and 31-0004 for Laird and Jones, Inc. Please forgive the extreme delay in completing these transfers; however, as you know, many questions were raised in connection with these issues.

Your assistance in this matter has been appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: copies

31 7045

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse -- Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

August 3, 1971

Re: Permit No. 31-7045

Clark County Stockgrowers Assn.
David D. Phillips, Pres.
Dubois, Idaho 83423

Gentlemen:

We are enclosing a copy of approved Permit No. 31-7045 in the name of Farrel Black Ranches, Inc. This copy is supplied to you for informational purposes only.

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: Copy

31 7045

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse -- Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

August 3, 1971

Re: Permit No 31-7045

Farrel Black Ranches
Box 52
Terreton, Idaho

Gentlemen:

We are enclosing copy of approved Permit No. 31-7045, which we direct your attention to the conditions and limitations of approval on Page 4 of the permit.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: Copy

31 7045

LAW OFFICES OF
ALBAUGH, BLOEM, SMITH & PIKE
P. O. Box 428
IDAHO FALLS, IDAHO 83401

RALPH L. ALBAUGH
JOHN L. BLOEM
ARTHUR L. SMITH
EDWARD W. PIKE
ROBERT J. FANNING

FOURTH FLOOR
ROGERS ANNEX BUILDING
TELEPHONE 522-6291

April 21, 1971

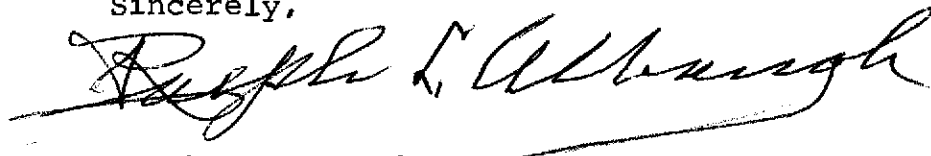
Idaho Department of Reclamation
State House
Boise, Idaho 83707

Gentlemen: Re: Farrell Black Ranches, Inc.
 Permit No. 31-7045

You will recall that an application for permit #31-7045 was protested at Dubois, Idaho, by the Clark County Stockgrowers Assoc. about thirty days ago and that Farrell Black Ranches, Inc. and Clark County Stockgrowers Association amicably settled this dispute verbally but did not have any agreement in writing at the time of the hearing. They have since reduced their oral agreement to writing and I am enclosing a signed duplicate of said agreement, together with the application for amendment of permit #31-7045 to correspond with the agreement between the protestant, and Farrell Black Ranches, Inc.

If there is anything further you need in connection with this permit, kindly let me know by return mail and I will try to furnish same. Otherwise, we trust the permit will be promptly approved.

Sincerely,



Ralph L. Albaugh

j
encls

31 7045

~~Amended app~~

~~no fees~~

Amended application!
we have received no
fee. See ltr of
5-4-71 to remove
Protest

31 7045

31 7045

call to determine
of stock of
NO Fee!

May 4, 1971

Re: Application No. 31-7045 - Farrel Black Ranches

Mr. Reed Mickelsen
Hamer,
Idaho 83425

Dear Mr. Mickelsen:

Enclosed please find a copy of the Agreement between Farrel Black Ranches and Clark County Stockgrowers Association in connection with the above referenced application for permit.

If you do not concur with this agreement, please notify this office within 15 days of the date of this letter. Otherwise, the Department will consider the protest resolved and continue with the issuance of a permit.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosure

31 7045

May 4, 1971

Re: Application No. 31-7045 - Farrel Black Ranches

Mr. Lester Twichel
Hamer,
Idaho 83425

Dear Mr. Twichel:

Enclosed please find a copy of the agreement between Farrel Black Ranches and Clark County Stockgrowers Association in connection with the above referenced application for permit.

If you do not concur with this agreement, please notify this office within 15 days of the date of this letter. Otherwise, the Department will consider the protest resolved and continue with the issuance of a permit.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

31 7045

BDF:DR
Enclosure

May 4, 1971

Re: Application No. 31-7045 - Farrel Black Ranches

Mr. Phil S. Peterson
Hamer,
Idaho 83425

Dear Mr. Peterson:

Enclosed please find a copy of the agreement between Farrel Black Ranches and Clark County Stockgrowers Association in connection with the above referenced application for permit.

If you do not concur with this agreement, please notify this office within 15 days of the date of this letter. Otherwise, the Department will consider the protest resolved and continue with the issuance of a permit.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosure

31 7045

MEMORANDUM

Re: Application for Permit No. 31-7045

A conference was held in Dubois, Idaho, on March 22, 1971, to consider the protests against Application for Permit No. 31-7045.

The applicant, Mr. Farrel Black, was represented by Mr. E. W. Pike, Attorney from Idaho Falls. The protestants were not represented by legal counsel.

The main point of contention appeared to be the drying up of the stream during periods when it is needed and has been used in the past for stockwatering purposes.

A tentative agreement was reached between the parties with Mr. Black amending his application to include several points of diversion for stockwatering downstream.

He also agreed that he would not irrigate during the time the stock needs the water unless the stream was dry below where it crosses under the highway.

The Stockgrowers Association agreed to pay one-half the cost of the amended application.

A reminder should be sent to Mr. Black if we do not receive the amended application and agreement within sixty (60) days.

Dated April 16, 1971

Bobby D. Fleenor
Bobby D. Fleenor
Assistant Director

31 7045

31-7045

Mr. Black intends now to irrigate only 120 acres instead of 240 acres as listed in application.

Question seems to be whether or not water will be available for cattle watering at County line during stock drives. Is very little return flow

Omies July & September.

Subject to the condition that water be ~~released~~ ^{supplied} downstream ~~at the~~ for use in watering stock when called for by president of the Clark County Stockgrowers Assn.

Amend application to include stockwater uses at points of diversion below - plus condition of ~~the~~ when Black can use

TRANSFER - Approve Subject to Loss being determined & subject to right of ways being obtained.

31 7045

31-7045 - Farrel Black Ranches
Clark County Court House, Dubois, Idaho
March 22, 1971 at 1:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Phil S. Peterson	Hamer, Idaho	Twichel & Peterson
Blaine Downey	Hamer, Idaho	S.C.S. Territon
Larry B. Munne	Hamer, Idaho	Alvin W. Munne & Sons, Inc.
Lester Twichel	Hamer	Twichel & Peterson
Wesley Grover	Hamer	Clark County Stockgrowers
Farrel Black	Territon, Idaho	Clark Co. Stockgrowers
E.W. Pike	Idaho Falls	Farrel Black Ranches Inc.
Red Mickelson	Hamer	Rancher
Phyllis Laird	Dubois, Idaho	Rancher
Joe Petersen	Territon, Idaho	Earl Petersen
Donald S. Petersen	Territon, Idaho	Petersen Ranches
David W. Phillips	Territon, Idaho	Clark Co. Stockgrowers
Larry H. Warden	Hamer, Idaho	Camas Refuge
Ronald W. Shenton	Dubois, Idaho	Water Dist #66
Larry Lee	Territon, Idaho	Clark Co. Stockgrowers

31-7045

Protestants

- 1) Twichel & Peterson - Lester Twichel & Phil Peterson
- 2) Reed Mickelsen
- 3) Clark County Stockgrowers Assoc

David Phillips - Pres

Larry Lee - Director

- 4) Phyllis Laird
- 5) Wesley Glover



→ 1.60
8.00 240
480
960 960

Supplemental water →

No affect of present water rights

Beaver Creek

120 240
240 ~~720~~
180 160

4.80

1.60

120 - actually irrigated

→ 3.20 sec. feet supplemental water
required to irrigate 120 acres

Agreement - between Clark County Stockmen's Assoc.

Mr. Black agreement to release any water requested by Assoc. - Amend
to Permit - Permit to include stockwatering and two additional points of diversions

Drive 1-10 of July

1st of Sept

1) Gaging Sta -

2) Tw - Peterson -

3) Clark County Line -

31 7045

March 17, 1971

Re: Application for Permit No. 31-7045

Barrel Black Ranches
Box 52
Terreton, Idaho 83450

Dear Mr. Black:

Enclosed please find a copy of the protest filed by Lester Twichel and Phil S. Peterson against the issuance of a permit pursuant to the above referenced application.

We had inadvertently misplaced this protest which was brought to our attention yesterday. We hope we have not inconvenienced you by not forwarding this copy sooner.

As you were advised previously, the conference and/or hearing has been set for March 22, 1971, at 1:00 p.m., at the Clark County Court House at Dubois, Idaho.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Copy of protest

31 7045

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered ☐ Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

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

CERTIFIED NO.

1

Wesley Stover

INSURED NO.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

2

31 7045

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

3

3/16-71
Home Office

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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

**MARK OF
DELIVERY OFFICE**

**161
1971
6 PM
83425**

**RETURN
TO**

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

NAME OF SENDER

DEPARTMENT OF WATER ADMINISTRATION

STREET AND NO. OR P.O. BOX

STATEHOUSE - 4TH FL. #2

BOISE, IDAHO 83707

POST OFFICE, STATE, AND ZIP CODE

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

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INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

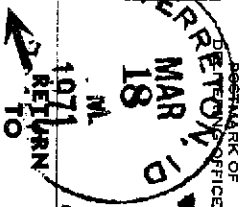
3

31 7045

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**



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STREET AND NO. OR P.O. BOX

DEPARTMENT OF LABOR ADMINISTRATION

STATEHOUSE - ANNEX #2

POST OFFICE, STATE, AND ZIP CODE

**31 MOISTEN HERE TO RETURN
31 OAHOT83707**

INSTRUCTIONS TO DELIVERING EMPLOYEE

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address where delivered ☐ Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

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

CERTIFIED NO.

1

John L. Smith

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

3

SHOW WHERE DELIVERED (only if requested)

MAR 16 1971

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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



POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED**.

**RETURN
TO** ←

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DEPARTMENT OF WATER ADMINISTRATION

STREET AND NO. OR P.O. BOX

STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

POST OFFICE, STATE, AND ZIP CODE

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and ☐ Deliver ONLY
address where delivered to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

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

CERTIFIED NO.

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

22526

2

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

3

3/16-71 31 7045

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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

POSTMASTER
DELIVERING OFFICE

APR 16 1977
8 34 PM

RETURN
TO

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED**.

NAME OF SENDER

DEPARTMENT OF WATER ADMINISTRATION

STREET AND NO. OR P.O. BOX

STATEHOUSE - ANNEA #2
BOISE, IDAHO 83707

POST OFFICE, STATE, AND ZIP CODE

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered ☐ Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

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

CERTIFIED NO.

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

3

SHOW WHERE DELIVERED *Only if requested*

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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

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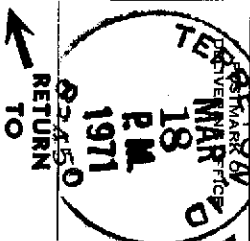
NAME OF SENDER

STREET AND NO. OR P.O. BOX

DEPARTMENT OF WATER ADMINISTRATION

POST OFFICE, STATE, AND ZIP CODE

STATEHOUSE ANNEX #2
BOISE, IDAHO 83707



INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered ☐ Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

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

CERTIFIED NO.

1



INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

22522

DATE DELIVERED

3

SHOW WHERE DELIVERED (only if requested)

31 7015

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR RETURN TO SENDER
IF NOT POSTAGE PAID
PLACEMENT OF POSTAGE \$300

POST OFFICE
DELIVER TO OFFICE
11710

1071

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moistened gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED**.

**RETURN
TO**

NAME OF SENDER

STREET AND NO. OR P.O. BOX

DEPARTMENT OF WATER ADMINISTRATION

STATEHOUSE - ANNEX #2

BOISE, IDAHO 83707

POST OFFICE, STATE, AND ZIP CODE

31 7045

NAME AND ADDRESS OF SENDER

Department of Water Administration

Indicate type of mail:
☐ Registered
☒ Registered C.O.D.
☒ Certified

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

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	RECEIPT	ACTUAL VALUE	SURCHARGE	REMARKS*
✓ 1	James Black Ranch, Box 33, Junction	06	30	15				31-7045, 1006
✓ 2	Clark County Rectory, Clark Co. Mo. Hwy 1	06	30	15				31-7045
3	Lee Quisenberry, Quisenberry, Idaho							
✓ 4	Clark County Rectory, Junction, Mo.	06	30	15				31-7045
5	Quisenberry, Junction, Idaho							
✓ 6	Charles J. Smith, Quisenberry, Idaho	06	30	15				31-7045, 1006
✓ 7	Reed, Quisenberry, Junction, Idaho	06	30	15				31-7045
✓ 8	Wesley M. Smith, Junction, Idaho	06	30	15				31-7045
✓ 9	City of Rigby, Rigby, Idaho	06	30	15				31-7010
10	John A. Smith, Rigby, Idaho							
✓ 11	Young & George, 115 North Clark, Rigby, Idaho	06	30	15				31-7010
12	Reynolds, Rigby, Idaho							
✓ 13	Bernard Bennett, R.D. #1, Box 2, Rigby, Idaho	06	30	15				31-7010
✓ 14	H. J. Federal, Attorney at Law, Rigby, Idaho	06	30	15				31-7038
✓ 15	Hammer, Quisenberry, Idaho	06	30	15				31-7038
16	Hammer, Quisenberry, Idaho							
✓ 17	Marshall E. & Edward W. Quisenberry, Junction, Idaho	06	30	15				31-7038
✓ 18	Quisenberry, Junction, Idaho	06	30	15				31-7010
19	Quisenberry, Junction, Idaho							
20	Quisenberry, Junction, Idaho							
TOTAL NO. OF PIECES LISTED BY SENDER 13		TOTAL NO. OF PIECES RECD. AT P.O.		POSTMASTER, PER (Name of receiving employee)		*Show under "Remarks" class postage paid if other than first or if international		

APPLICATION FOR REGISTRATION OR CERTIFICATION

(Surcharges are not required on international registered mail)

31 7045

March 17, 1971

Re: Application for Permit No. 31-7045 - Farrel Black Ranches

C
Twichel & Peterson
Hamer,
Idaho 83425

O
Gentlemen:

We acknowledge receipt of your protest concerning the above referenced application for permit. The following are the only items which, under Section 42-203 of the Idaho Code, can be considered at a conference and/or hearing in either approving or denying an application for permit:

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

Please bear in mind that the Department may reject such application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

Page 2

Twichel & Peterson

Re: 31-7045

March 17, 1971

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish right-of-ways over private or governmental lands. Right-of-ways or easements must be obtained by the individuals concerned through action outside of the water right proceedings.

Enclosed please find the Notice of Conference and/or Hearing. The conference and/or hearing is to be held on March 22, 1971, at 1:00 p.m., in the Clark County Court House at DuBois, Idaho.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosure

31 7045

March 15, 1971

Re: Application for Permit No. 31-7045
Applications for Transfer of Water Rights 1656 & 1659

Clerk of the District Court
Clark County Court House
Dubois, Idaho 83423

Dear Sir:

This letter is to confirm the use of a room for conferences and/or hearings to be held by this office at 1:00 p.m. and 3:00 p.m. on March 22, 1971.

Thank you for your cooperation in this matter.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

31 7045

BEFORE THE DIRECTOR
OF THE
IDAHO DEPARTMENT OF WATER ADMINISTRATION

In the Matter of Protest Against)
Approval of Application for)
Permit No. 31-7045 in the name)
of FARREL BLACK RANCHES)

NOTICE OF CONFERENCE
AND/OR HEARING

On January 22, 1971, Farrel Black, Box 52, Terreton, Idaho, filed in behalf of Farrel Black Ranches an application to appropriate the public waters of the State of Idaho. On February 26, 1971, this Department received a protest against approval of this application for permit from Wesley M. Grover, Hamer, Idaho; Phyllis L. Laird, Dubois, Idaho; David D. Phillips, President, Clark County Stockgrowers Association, Dubois, Idaho; and Larry Lee, Director, Clark County Stockgrowers Association, Dubois, Idaho. On March 1, 1971, a protest against issuance of this permit was filed by Reed Mickelsen, Hamer, Idaho.

The Department has set the matter of protests for conference and/or hearing on March 22, 1971, at 1:00 p.m., in the Clark County Court House, Dubois, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

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

Dated this 11 day of March, 19 71.

Bobby D. Fleenor
BOBBY D. FLEENOR
Assistant Director

Mailed this 12th day of March, 1971, to Farrel Black Ranches, Box 52, Terreton, Idaho,
certified mail No. 22522; Clark County Stockgrowers Assn., Mr. Larry Lee, Director, Dubois,
Idaho, certified mail No. 22523; Clark County Stockgrowers Assn., Mr. David S. Phillips, Presiden
Dubois, Idaho, certified mail No. 22524; Phyllis L. Laird, Dubois, Idaho, certified mail No. 22525;
Reed Mickelsen, Hamer, Idaho, certified mail No. 22526; Wesley M. Grover, Hamer, Idaho,
certified mail No. 22527. Copy of protest enclosed with Mr. Black's notice.

March 3, 1971

Re: Application for Permit No. 31-7045

Farrel Black Ranches
Box 52
Terreton, Idaho 83450

Dear Mr. Black:

Enclosed please find a copy of the protest filed by Reed Mickelsen against the issuance of a permit pursuant to the above referenced application for permit.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

EDF:DR
Enclosure

31 7045

March 3, 1971

Re: Application for Permit No. 31-7045 - Farrel Black Ranches

Mr. Reed Mickelsen
Hamer,
Idaho 83425

Dear Mr. Mickelsen:

We acknowledge receipt of your protest concerning the above referenced application for permit. The following are the only items which, under Section 42-203 of the Idaho Code, can be considered at a conference and/or hearing in either approving or denying an application for permit:

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

Please bear in mind that the Department may reject such application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

31 7045

Page 2
Mr. Reed Mickelsen
Re: 31-7045
March 3, 1971

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish right-of-ways over private or governmental lands. Right-of-ways or easements must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please advise.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

P

Y

31 7045

March 2, 1971

Re: Notice - Change of Water Right No. 1656
Notice - Change of Water Right No. 1659
Notice - Application for Permit No. 31-7045

M. L. Phippen & Sons
P.O. Box 1881
Idaho Falls, Idaho 83401

Gentlemen:

We are herewith returning the bills for publication in connection with the above referenced items. Please be advised that the bills must be certified before we can submit them to our accounting department for payment.

Please sign the certifications on the bottom of the bills and return them for processing as soon as possible.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enclosures (3)

31 7045

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

February 26, 1971

Re: Application for Permit No. 31-7045

Farrel Black Ranches
Box 52
Terreton, Idaho 83450

Dear Mr. Black:

Enclosed is a copy of the protest filed against the issuance of a permit pursuant to your Application for Permit No. 31-7045. This protest was filed by the Clark County Stockgrowers Assn.

The following are the only items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

The waters intended to be appropriated must be public water of the State of Idaho. If private waters, as defined under Section 42-212 of the Idaho Code, the applicant must have authority from the owner of the land on which the water lies to divert the water.

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

31 7045

Page 2

Farrel Black Ranches

Re: 31-7045

February 26, 1971

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish right-of-ways over private or governmental lands. Right-of-ways or easements must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosure

31 7045

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Statehouse - Annex 2
Boise, Idaho 83707



REASON CHECKED
 Delivered...
 Not delivered...
 Not at address...
 Not at office in state...
 Not at home in state...

MAR 10 1971

Department of Water Administration

~~Larry Lee
Dubois,~~

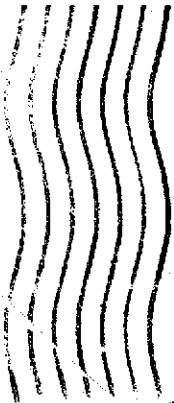
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STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

February 26, 1971

Re: Application for Permit No. 31-7045 - Farrel Black Ranches

Clark County Stockgrowers Assn.
David D. Phillips, Pres.
Dubois, Idaho 83423

Gentlemen:

We acknowledge receipt of your protest concerning the above referenced application for permit. The following are the only items which, under Section 42-203 of the Idaho Code, can be considered at a conference and/or hearing in either approving or denying an application for permit:

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

Please bear in mind that the Department may reject such application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

31 7045

Page 2
Clark County Stockgrowers Assn.
Re: 31-7045
February 26, 1971

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish right-of-ways over private or governmental lands. Right-of-ways or easements must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a hearing and/or conference to discuss the matters of protest. If we may be of further assistance, please advise.

Very truly yours,

Bobby D. Fleenor

BOBBY D. FLEENOR
Assistant Director

BDF:DR

cc: Larry Lee
Phyllis L. Laird
Wesley M. Grover

31 7045

February 26, 1971

Re: Application for Permit No. 31-7045 - Farrel Black Ranches

C
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David D. Phillips, Pres.
Dubois, Idaho 83423

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Page 2

Clark County Stockgrowers Assn.

Re: 31-7045

February 26, 1971

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BOBBY D. FLEENOR
Assistant Director

BDF:DR

cc: Larry Lee
Phyllis L. Laird
Wesley M. Grover

31 7045

PUBLIC NOTICE
NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Farrell Black Ranches, Box 52, Terreton, Idaho has, on January 22, 1971 submitted Application No. 31-7045 for a permit to appropriate 8.0 cubic feet per second of water from Beaver Creek, trib. to Camas Creek by means of check dam, ditch, and gate within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 10N, R. 36E, B.M., Clark County to be used from May 1 to October 30 for the irrigation of 240 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 33, T. 10N, R. 36E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before March 1, 1971.

R. KEITH HIGGINSON
Director

Published in the Clark County Enterprise, Dubois, Idaho on February 11 and February 18, 1971.

M. L. Phipps & Son
30 May 1981
Idaho Falls Idaho
(Corrected)

February 3, 1971

Re: Application No. 31-7045 - Farrel Black Ranches

C
Mr. Don Shenton, Watermaster
P.O. Box 331
Boise, Idaho 83423

Dear Mr. Shenton:

C
We are enclosing a copy of application for permit no. 31-7045 in the name of
Farrel Black Ranches. Would you please review this application and give us
your comments on it?

Your assistance in this matter is greatly appreciated.

P
Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

Y
DWM/DG
Enc: copy of application

31-7045

February 2, 1971

Re: Application No. 31-7045 - Farrel Black Ranches

Clark County Enterprise
Box 1881
Idaho Falls, Idaho 83401

Gentlemen:

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

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

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

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

(signature of claimant)

Very truly yours,

Dorian Clay,
Appropriation Examiner

DC/DG
Enc: legal notice

*Bill submitted
3-10-71
dc*

31 7045

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Farrell Black Ranches, Box 52, Terreton, Idaho

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of water from Beaver Creek, trib. to Camas Creek

by means of check dam, ditch, and gate

within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 10N, R. 36E, B.M., Clark County

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for the irrigation of 240 acres

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issued

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R. KEITH HIGGINSON
Director

Published in the Clark County Enterprise, Idaho Falls, Idaho

on February 11 and February 18, 1971.

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215

January 25, 1971



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

Farrel Black Ranches
Box 52
Terreton, Idaho 83450

Dear Mr. Black:

Returned herewith is Departmental Receipt No. 5541 in the amount of
\$55.00 for Application for Permit,

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt