Form 42-248/42-1409(6) July, 2000

RECEIVED
MAR 18 2005
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
~~37-11134~~	37-797	—			
	37-1175A	—			
	37-7116	—			
	37-12868	—			
37-11134		—			

2. The following **REQUIRED** information must be submitted with this form:

   A. The appropriate **FILING FEE**. See instructions for fee amounts.

   B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

   C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
   PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
   OR
   If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): Clifford J. Simms (deceased)
   17816 Hwy 30, Bliss, ID 83314

4. New Owner/Claimant(s): Barbara J. Simms, trustee
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or
   New Mailing Address: ~~C.J. Simms~~ Clifford J. Simms Family Trust
   N/C Simms Credit Shelter Trust
   City, State and ZIP Code: N/C
   New Telephone Number: N/C

5. Date you acquired the property: TRUSTS
   Fam Trust ~~6/21/94~~ 11/13/91
   Credit Shelter 6/21/94

Form 42-248/42-1409(6) July, 2000

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

7. Signature of New Owner(s) or Claimant(s) (include title if applicable) Barbara J Simms, Trustee
C.J. Simms Family Trust
Simms Credit Shelter Trust

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
Received by Hurst Date 3/12/05 Fee $25.
Receipted by Hurst Date 3/14/05 Receipt No. 5027475
Processed by _____ AJ Date _____ WR _____ Date _____

COPY

WARRANTY DEED

FOR VALUE RECEIVED Clifford J. Simms, Jr. Family Trust, by Barbara J. Simms, successor Trustee to Clifford J. Simms, deceased, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Simms Credit Shelter Trust, Barbara J. Simms, Trustee, 17816 Highway 30, Bliss, ID 83314, hereinafter called the Grantee, an undivided one-half interest in the following described premises, in Gooding County, Idaho, to-wit:

Township 6 South, Range 13, East of the Boise Meridian, Gooding County, Idaho

PARCEL 1

Section 34: A parcel of land, described as follows:

Beginning at the Northeast corner of Section 34;
Thence South along the East line of Section 34, 625.6 feet to THE TRUE POINT OF BEGINNING;
Thence Southwesterly to a point 276 feet North of the Southwest corner NE1/4NE1/4;
Thence South along West line E1/2NE1/4 and NE1/4SE1/4, 2818 feet, more or less, to a point 6 rods or (99 feet) North of the Southwest corner of the NE1/4SE1/4;
Thence East parallel to South line of NE1/4SE1/4, 1320 feet to the East line of Section 34;
Thence North along said East line of Section 34, 3235.4 feet, more or less, to THE POINT OF BEGINNING;

EXCEPTING THEREFROM the tracts conveyed to the State of Idaho for Highway purposes as set forth in the following instruments:
(a) Deed dated August 9, 1955, recorded August 31, 1955 in Book 46 Deeds, Page 286
(b) Deed dated August 9, 1955, recorded October 5, 1955 in Book 46 Deeds, Page 304
(c) Deed dated August 10, 1955, recorded October 5, 1955 in Book 46 Deeds, Page 306
(d) Second Judgment and Decree of Condemnation dated March 20, 1964, recorded March 20, 1964, as microfilmed Instrument No. 10908, records of Gooding County, Idaho

BJS to Credit Shelt trust

PARCEL II

Section 35: A parcel of land, described as follows:

Beginning at the Northwest corner of Section 35;
Thence South along the West line of Section 35, 625.6 feet to THE TRUE POINT OF BEGINNING;
Thence Northeasterly 207.3 feet to a point 577 feet South of the North line of said Section;
Thence Southeasterly 571.9 feet to a point 610 feet South of the North line of said Section;
Thence Southeasterly to a point in the East line of the NW1/4NW1/4 and 685 feet South of the Northeast corner of said NW1/4NW1/4 of said Section;
Thence South along said East line of the NW1/4NW1/4

635 feet to the Southeast corner of NW1/4NW1/4;
Thence East along the North line of the SE1/4NW1/4, 435 feet;
Thence South 1°15' West, 2670 feet;
Thence North 88°0' East, 800 feet;
Thence South 41°0' East, 330 feet;
Thence South 38°40' West, 880 feet;
Thence South 70°30' West, 880 feet to a point on the West line of SE1/4SW1/4 and 124 feet North of the Southwest corner of SE1/4SW1/4;
Thence North along West line of the SE1/4SW1/4, 1196 feet to the Northwest corner of said SE1/4SW1/4;
Thence West along the South line of the NW1/4SW1/4 to the Southwest corner of said NW1/4SW1/4;
Thence North along West line of Section 35, 3334.4 feet to THE POINT OF BEGINNING.

EXCEPTING THEREFROM the following described tract of land located in the W1/2NW1/4, described as follows:

Beginning at the Northwest corner of said Section 35;
Thence South 625.6 feet along the West line of said Section 35;
Thence North 76°32' East, 207.3 feet;
Thence South 86°42' East, 43.43 feet to THE TRUE POINT OF BEGINNING;

Thence South 8°13' East, 792.43 feet;
Thence North 78°41' East, 980.86 feet to the East line of the NW1/4NW1/4 of said Section 35;
Thence North 486.41 feet along said East line;
Thence North 82°12' West, 552.56 feet;
Thence North 86°42' West, 528.47 feet to THE TRUE POINT OF BEGINNING;
A strip of land 50 feet in width in the NW1/4NW1/4 of Section 35, the centerline which is described as follows for road easements:
Beginning at the Northwest corner of said Section 35:
Thence South 625.6 feet along the section line common to said Sections 34 and 35;
Thence North 76°32' East, 207.3 feet to THE TRUE POINT OF BEGINNING;
Thence South 86°42' West, 43.43 feet.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated this 21 day of June, 1994.

CLIFFORD J. SIMMS, JR. FAMILY TRUST

By: Barbara J. Simms
Barbara J. Simms, Trustee

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 21st day of June, 1994, before me, the undersigned, a notary public in and for said county and state, personally appeared Barbara J. Simms, known to me to be the person whose name is subscribed to the foregoing instrument as trustee for the Clifford J. Simms, Jr. Family Trust, and acknowledged to me that she executed the same as trustee of said Trust.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the same day and year in this certificate first above written.

Karen Nesbit
NOTARY PUBLIC FOR IDAHO
Residing at: Bull, Idaho
My Commission Expires: March 1998

WLN/31036wd.524

157582
STATE OF IDAHO COUNTY OF GOODING
Filed for record at the request of Hepworth, etal
58 min. past 9 o'clock A m. this 23
of June 1994 12.00
[illegible] Recorder
By Juanita Sosa Deputy

WARRANTY DEED

For Value Received CLIFFORD J. SIMMS, JR. and BARBARA J. SIMMS, husband and wife, hereinafter called the "Grantors," hereby grant, bargain, sell and convey unto CLIFFORD J. SIMMS, JR. FAMILY TRUST, whose address is 17816 U.S. Highway 30, Bliss, Idaho 83314, hereinafter called the "Grantee," certain real property located in Gooding County, Idaho, and more particularly described as follows, to-wit:

Township 6 South, Range 13, East of the Boise Meridian, Gooding County, Idaho

Parcel I:

Section 34: A parcel of land described as follows:

BEGINNING at the Northeast corner of Section 34;
Thence South along the East line of Section 34, 625.6 feet to the TRUE POINT OF BEGINNING;
Thence Southwesterly to a point 276 feet North of the Southwest corner of NE1/4NE1/4;
Thence South along the West line of E1/2NE1/4 and NE1/4SE1/4, 2818 feet, more or less, to a point 6 rods or (99 feet) North of the Southwest corner of the NE1/4SE1/4;
Thence East parallel to the South line of NE1/4SE1/4, 1320 feet to the East line of Section 34;
Thence North along said East line of Section 34, 3235.4 feet, more or less, to the POINT OF BEGINNING.

EXCEPTING THEREFROM the tracts conveyed to the State of Idaho for Highway purposes as set forth in the following instruments:
(a) Deed dated August 9, 1955, recorded August 31, 1955 in Book 46 of Deeds, page 286
(b) Deed dated August 9, 1955, recorded October 5, 1955 in Book 46 of Deeds, page 304
(c) Deed dated August 10, 1955, recorded October 5, 1955 in Book 46 of Deeds, page 306
(d) Second Judgment and Decree of Condemnation dated March 20, 1964, recorded March 20, 1964, as microfilmed instrument No. 10908, records of Gooding County, Idaho.

Fam.
cgs, Jr. to Trusts

Parcel II:

Section 35: A parcel of land described as follows:

BEGINNING at the Northwest corner of Section 35;
Thence South along the West line of Section 35, 625.6 feet to the TRUE POINT OF BEGINNING;
Thence Northeasterly 207.3 feet to a point 577 feet South of the North line of said Section;
Thence Southeasterly 571.9 feet to a point 610 feet South of the North line of said Section;
Thence Southeasterly to a point in the East line of the NW1/4NW1/4 and 685 feet South of the Northeast corner of said NW1/4NW1/4 of said Section;
Thence South along said East line of the NW1/4NW1/4, 635 feet to the Southeast corner of NW1/4NW1/4;
Thence East along the North line of the SE1/4NW1/4, 435 feet;
Thence South 1° 15' West 2670 feet;
Thence North 88° 0' East 800 feet;
Thence South 41° 0' East 330 feet;
Thence South 38° 40' West 880 feet;
Thence South 70° 30' West 880 feet to a point on the West line of SE1/4SW1/4 and 124 feet North of the Southwest corner of SE1/4SW1/4;
Thence North along West line of the SE1/4SW1/4, 1196 feet to the Northwest corner of said SE1/4SW1/4;
Thence West along the South line of the NW1/4SW1/4 to the Southwest corner of said NW1/4SW1/4;
Thence North along West line of Section 35, 3334.4 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM the following described tract of land located in the W1/2NW1/4, described as follows:

BEGINNING at the Northwest corner of said Section 35;
Thence South 625.6 feet along the West line of said Section 35;
Thence North 76° 32' East 207.3 feet;
Thence South 86° 42' East 43.43 feet to the TRUE POINT OF BEGINNING;
Thence South 8° 13' East 792.43 feet;

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 13 day of November, 1991, before me, a notary public in and for said county and state, personally appeared CLIFFORD J. SIMMS, JR. and BARBARA J. SIMMS, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.

NOTARY PUBLIC FOR IDAHO
Residing at: Jerome
My Commission Expires: March 15, 1994

(DWLN\SIMMSWD.N14)

146804
STATE OF IDAHO, COUNTY OF GOODING
Filed for record at the request of Hepworth, Nungester & Lezamiz
34 min. past 10 o'clock A M. this 18
Nov 1991 Jur 12.00
JOHN A. MYERS Recorder
By Deputy

HNL
Hepworth
Nungester
& Lezamiz

Thence North 78°41' East 980.86 feet to the East line of the NW1/4NW1/4 of said Section 35;
Thence North 486.41 feet along said East line;
Thence North 82°12' West 552.56 feet;
Thence North 86°42' West 528.47 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING a strip of land 50 feet in width in the NW1/4NW1/4 of Section 35, the centerline which is described as follows for road easements:

BEGINNING at the Northwest corner of said Section 35;
Thence South 625.6 feet along the section line common to said Sections 34 and 35;
Thence North 76°32'East 207.3 feet to the TRUE POINT OF BEGINNING;
Thence South 86°42' West 43.43 feet.

To have and to hold the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. The Grantors hereby covenant to and with the Grantee, that the Grantors are the owners in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantors will warrant and defend the same from all lawful claims whatsoever.

Dated this 13 day of November, 1991.

Clifford J. Simms, Jr.
CLIFFORD J. SIMMS, JR.

Barbara J. Simms
BARBARA J. SIMMS

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	37-7116	Huff, Vernon J.	6.0 total
Full Assignment	37-7116	Jones, Art	6.0
Full Assignment	37-7116	Simms, Clifford J.	6.0

SCANNED
OCT 31 2003

MICROFILMED
DEC 29 1988

RECEIVED
NOV 03 1988
Department of Water Resources

RECEIVED
NOV 2 1988
Department of Water Resources
Southern Region Office

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

I, ARTHER E. JONES, hereby assign to CLIFFORD J. SIMMS

of 17816 HIGHWAY 30 BLISS, ID 83314
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 37-7116 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 12th day of September, 1988.

Arthur E. Jones
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Twin Falls) ss.

On this 12th day of September, 1988, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

John S. Ritchie
Notary Public residing at
Twin Falls, Idaho

seal

My commission expires:
3/25/91

JOHN S. RITCHIE
NOTARY PUBLIC - STATE OF IDAHO
Residing at Twin Falls, ID
Commission Expires 3-25-91

MICROFILMED
DEC 2 5 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 37-7116 IN THE NAME OF ART JONES	ORDER OF REINSTATEMENT

WHEREAS, on April 19, 1972, the Director of the Department of Water Resources issued Permit No. 37-7116 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before May 1, 1974; and,

WHEREAS, on March 1, 1974, the Department sent a proof due notice to the permit holder; and,

WHEREAS, on May 3, 1974, the Department sent a lapse notice to the permit holder since neither proof of beneficial use nor a request for extension of time had been received from the permit holder; and,

WHEREAS, on January 12, 1984, proof of beneficial use was submitted by the permit holder; and,

WHEREAS, amendments to Section 42-218A, Idaho Code, effective April 8, 1983, provide that the Director may reinstate a permit upon which proof has been submitted subsequent to the sixty day period after the notice of lapsing; and,

WHEREAS, permit holder has shown adequate cause that the permit can be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that permit No. 37-7116 be reinstated; and It Is Further ordered that the priority be advanced to January 12, 1984.

Dated this 21st day of October, 1985.

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

RECEIVED
SEP 7 1983
Department of Water Resources
Southern District Office

I, Virginia Huff, hereby assign to Art Jones

of Hagerman, Idaho 83314
Address

CHECK ONE

[X] All my right, title, and interest in and to Permit No. 37- 7116 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 5th day of August, 1983.

Virginia Huff
Permit Holder Virginia Huff

Spouse of Permit Holder

State of Idaho)
ss.
County of Twin Falls)

On this 5th day of August, 1983, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Cynthia Cranston
Notary Public residing at
Twin Falls, Idaho

seal

My commission expires:
June 1986

ok to process
KW
4/5/84

MICROFILMED

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF Application for Permit No. 37-7116 in the name of VERNON J. HUFF

MEMORANDUM DECISION AND ORDER

Application for Permit No. 37-7116 was filed with the Department of Water Administration on November 15, 1971. The application requests the right to divert 6.0 cubic feet per second of water from Birch Creek, tributary to the Snake River, from a point within the SE¼SW¼ and SW¼SW¼ of Sec. 35, Twp. 6 S, Rge. 13 E, B.M., Gooding County. The water is to be used from March 15 to November 15 for irrigation purposes and from January 1 to December 31 for stockwater and fish propagation purposes. Notice of said application was published in the Gooding County Leader at Gooding, Idaho, on December 9 and December 16, 1971.

The Department received a protest on December 27, 1971, against the issuance of a permit for the above-numbered application from Gary W. Shaw, Attorney at Law, filed in behalf of E. Bud Jensen and Paul Fleming.

On April 4, 1972, a stipulation was received by the Department executed in behalf of the protestants and the applicant by their respective attorneys. As a result of this stipulation, the protestants have agreed to withdraw their protest. The Department recognizes that agreement, but is not bound to recognize the unadjudicated rights set forth until such time as these rights are set forth by court action.

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 37-7116 be and is APPROVED subject to the following conditions:

1. Subject to all prior water rights.
2. That proof of construction of works and application of water to beneficial use shall be submitted to the Department of Water Administration on or before May 1, 1974.
3. That an adequate measuring device of a type approved by the Department of Water Administration be permanently installed and maintained as part of the diversion works and outlet works.
4. That the agreement dated March 30, 1972, entered into between the applicant and protestants shall become a part of the permit for the purpose of delivering water between the parties. However, this condition in no way recognizes, for any other purposes or as against any party other than the applicant, any right that the protestants may hold as described in the agreement.

Dated this 19 day of April, 1972.

R. KEITH HIGGINSON
Director

37 7116

Identification No. 37-7116

Application No. _____

APPROVED

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

Power of Attorney: John A. Rosholt

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Vernon J. Huff

post office address 111 Shoshone Street North, Twin Falls, Idaho 83301

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

3. a. Location of point of diversion is SE ¼ of SW ¼ of Section 35 Township 6S Range 13E B.M. Gooding County; additional points of diversion if any: SW¼,SW¼, Sec. 35, T. 6S, R. 13E, B.M.

b. If water is not consumed, it will be discharged into Birch Creek at a point in SE ¼ of SE ¼ of Section 35 Township 6S Range 13E B.M. Gooding County

4. Water will be used for the following purposes:

Amount 6.00 (cfs or acre-feet per annum) for Fish Prop. purpose from Jan. 1 to Dec. 31 (both dates inclusive)

Amount 1.00 (cfs or acre-feet per annum) for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)

Amount .50 (cfs or acre-feet per annum) for Stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)

5. Total quantity to be appropriated.

a. 6.0 cubic feet per second and/or

b. 4,380 acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Diversion boxes and structures already constructed and in use for four large fish ponds and irrigation works are intact as have been used for many years.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ (Mo. Day) to _____ (Mo. Day) inclusive.

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

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years.

b. Estimated construction cost is $ 5,000.00.

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NE¼ NW¼ SE¼ SW¼ Stock-water SE¼ SW¼ 34 35 6S 6S ~~Fish Prop.~~ SE ¼ of SW ¼ of Section 35 Township 6S Range 13E 13E 13E 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 300 - 1,000 head of cattle.

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: Fish propagation

37 7116

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	13E	35						20	25			25							70
		34	20			40									40				100

Total number of acres to be irrigated 170

c. Describe any other water rights used for the same purposes as described above. Applicant uses water to supplement low flows in flat ditches on parcels where full right has been used and applied for.

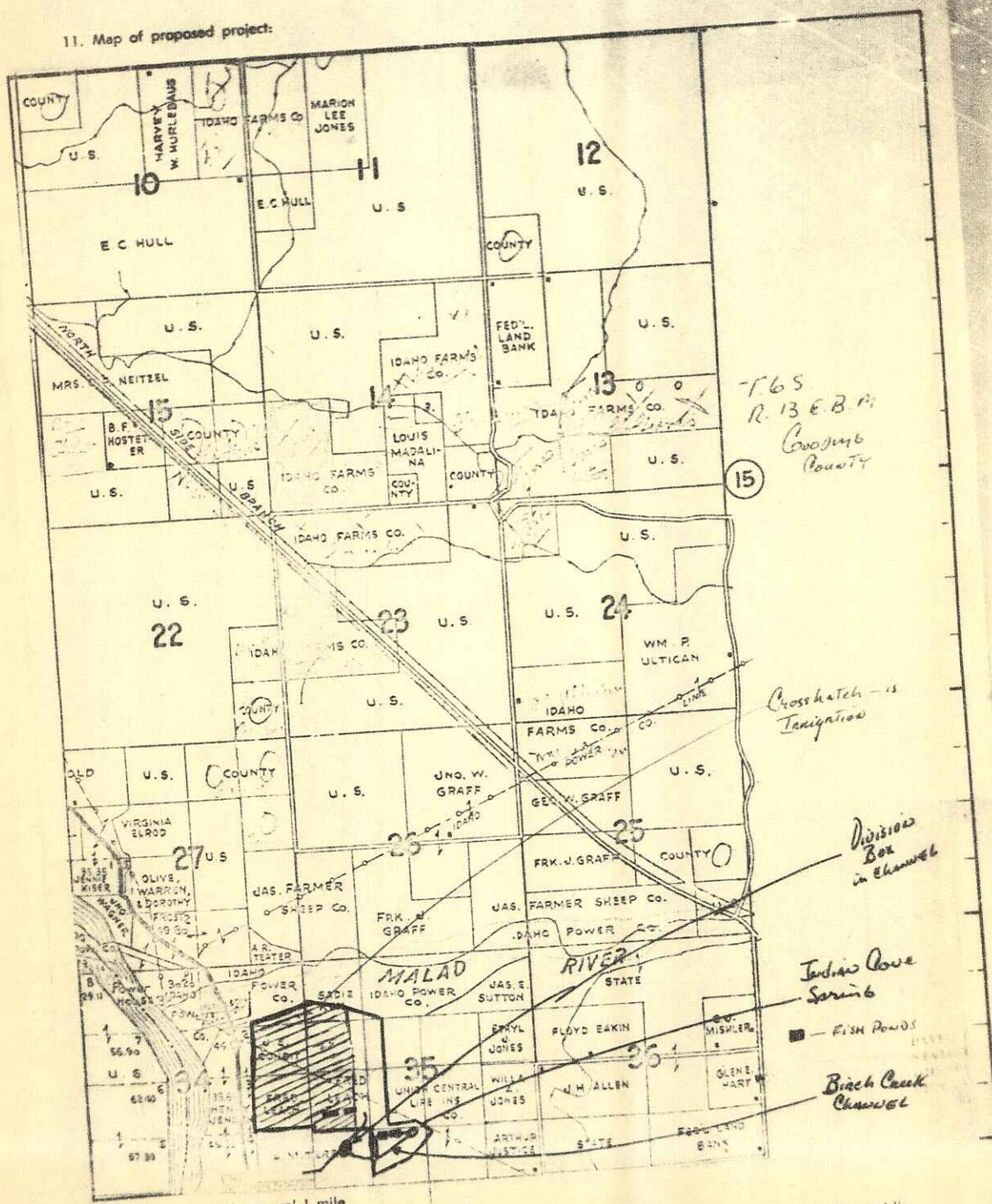
9. a. Who owns the property at the point of diversion Vernon J. Huff - Wagon Wheel Ranching Corp.

b. Who owns the land to be irrigated or place of use Vernon J. Huff - Wagon Wheel Ranching Corp.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Property is being purchased under contract by Wagon Wheel Ranching Corp. from George M. Talbot and Marlene M. Talbot.

10. Remarks All of the ponds contemplated to be used for fish propagation purposes have been constructed and have been used for the past several years. Applicant's predecessors had an adjudicated irrigation right which was used on some of the above enumerated lands. In recent years applicant's predecessors have used additional amounts of water from this spring and creek for irrigation purposes to the total extent of 3 cfs. The purpose for this application is to make a record for the previous diversions of 6 cfs by applicant's predecessors for fish propagation and for the additional 1 cfs which his predecessors have used for irrigation purposes which is in addition to the 105 inches previously decreed to some of the same properties. Those rights are set forth in the case of Swineheart vs. Frank Vader, filed in Gooding County on December 19, 1917, in Book 1 of Civil Judgments at page 533. The ranch is so situated that the irrigation can be accomplished after the water has been used for fish propagation purposes. The amount of water which applicant contemplates using is the amount traditionally diverted pursuant to previous agreement entered by the applicant's predecessors and his neighbor. A copy of that agreement was recorded May 4, 1943, in Book 5 of Miscellaneous Documents at page 255 in Gooding County.

11. Map of proposed project:



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.

Wagon Wheel Ranching Corp.

By: [signature]
(Applicant) President

37 7116

37 7116

Proposed priority: 11/15/71

11-15-71

Received by LL Date 11-2-71 Time 8:00 A

Preliminary check by JL Fee $ 75.00 Rec't #8416

Receipted by LJ Date 11-16-71

Publication prepared by cr Date 11-30-71

Published in Gooding County Leader

Publication dates 12-9 & 12-16-71

Publication approved CR Date 12-22-71

Priority reduced to _____ Reason _____

Protests filed by: Gary W. Shaw, Attny. in behalf of E. Bud Jensen & Paul Fleming 12-27-71

Copies of protests forwarded by dr

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7116, and said application is hereby APPROVED.

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

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 74.

   c. Other: Pursuant to Memorandum Decision and Order of this date.

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

Witness my hand this 19 day of April 19 72.

Director

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Power of Attorney

The undersigned hereby nominates and appoints John A. Rosholt, whose address is P. O. Box 525, Twin Falls, Idaho, 83301, as Attorney-in-Fact with full authority to act for and on behalf of the undersigned with the Department of Water Administration of the State of Idaho in all matters pertaining to applications, claims and other water matters. Such acts shall include, but not be limited to the filing of applications, receiving all notices, the signing and filing of applications for extension of time and amendment of said application, and the submission of proofs of completion of works and beneficial use of water.

Dated this 15th day of October, 1971.

Vernon J. Huff

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 15th day of October, 1971, before me, the undersigned, a notary public in and for said State, personally appeared VERNON J. HUFF, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Notary Public for Idaho
Residing in Twin Falls, Idaho

(Seal)

37 7116

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF GOODI

RECEIVED
NOV 10 1971
Department of Water Administration

****

HARRY E. SWINEHART,
WILLIAM WOODY, and
H. SWINEHART. *

PLAINTIFFS

VS *

FRANK VADER, WATER MASTER
OF WATER DISTRICT NO.63, and *
ROY E. BOYER,

DEFENDANTS. *

DECREE*******

THIS CAUSE CAME on regularly for trial the 13th day of December, 1917, the plaintiffs appearing by their counsel, A.F. James, Esquire, and the defendants failing to appear at all, and default being entered against them. The cause was tried by the court sitting without a jury, the plaintiff/s submitting their evidence, both testimonial and documentary, and the court having taken the matter under consideration and being fully advised in the premises, ordered that judgment be entered against the defendants and in favor of the plaintiffs as prayed in the complaint on file in this cause.

WHEREFORE BY REASON OF THE PREMISES AND OF THE LAW, it is ordered, adjudged and decreed that that certain judgment rendered in the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Lincoln, under date of December 31st, 1902, in the cause entitled, "Roy E. Boyer, Plaintiff vs William Croco, E. Swinehart and Mary E. Bell, defendants" of record in Book A of Civil Judgments, at page 46, Records of Gooding County, Idaho, be and the same is corrected as hereinafter set out, and that the plaintiffs do have judgment respectively for the right to use for irrigation purposes the following number of inches of water measured under a four(4) inch pressure, from Birch Creek and its tributaries in the County of Gooding, Idaho, as a prior right respectively dating as follows to wit;---

The plaintiff, Harry E. Swinehart(and successors), seventy

37 7116

(70) inches, with a priority as follows; 35 inches dating from June 30,1878, and 35 inches from June 30,1880, all appurtenant to the following described lands situate in Gooding County, Idaho:
The southwest quarter of the southwest quarter of section thirty five(35)in township six south(T6S) of range thirteen east(R.13E)B.M., also the following described tract of land; "Commencing at a point twelve rods north of the southeast corner of section thirty four in township six south of range thirteen east, B.M.; thence north seventy four rods; thence west eighty rods; thence south seventy four rods; thence east eighty rods to the point of beginning, all in section thirty four, in township six south of range thirteen east, B.M."

The plaintiff, William Woody(and successors) one hundred five(105) inches with a priority of June 30, 1880, all appurtenant to the following described lands situate in Gooding County, State of Idaho;---

"The northeast quarter of the southeast quarter of section thirty four(34)in township six south(T6S) of range thirteen east(R13E)B.M.; the southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter of section thirty five(35) in township six south(T6S) of range thirteen east(R13E) B.M.; the southeast quarter of the northwest quarter, and the southwest quarter of the northeast quarter; the east one half of the southwest quarter and the west one half of the southeast quarter, section thirty five(35) in township six south(T6S) of range thirteen east, (R13E)B.M."

The plaintiff E.Swinehart(and successors) thirty-two(32) inches of a priority of June 30,1878, appurtenant to the following described lands;

"A strip of land on the south side of the southeast quarter of the southeast quarter of section thirty four (34)in township six south(T6S) of range thirteen east, (R.13E) B.M.more particularly described as follows;
Beginning at a point on the southeast corner of said southeast quarter of the southeast quarter of said section thirty four; thence due north along the east boundary line of said Southeast quarter of the southeast quarter of said section thirty four; a distance of 12 rods; thence due west to a point on the west boundary of the southeast quarter of the southeast quarter of said section thirty four 12 rods north of the southwest corner of the said southeast quarter of the southeast quarter of said section thirty four; thence south to the southwest corner of the said southeast quarter of the southeast quarter of said section thirty four; thence due east along the south boundary of the said southeast quarter of the southeast quarter to the point of beginning containing approximately six acres:

Also all of lot one(1) of section two(2) in township seven south(T7S) of range thirteen east(R13E)B.M.except three acres thereof sold to one William Glauner of the south side of said lot one, on January 12,1910, deed for which is recorded in book F of deeds at page 326, records of Gooding County, Idaho, leaving approximately 29 acres.

Also a parcel of land in the northeast corner of lot two(2) in section two(2) in township seven south (T7S) of range thirteen east(R13E)B.M. containing approximately six acres."

37 7110

Defendant Roy C.Boyer,1½ inches with a priority from April 15th,1896.

It is further ordered,adjudged and decreed that each and every party to this suit and the successors and assigns of each one be and is hereby enjoined from using or in any manner interfering with the water of said Birch Creek, and its tributaries except in the manner and in the amount and in the order in which it is herein decreed that each one is entitled thereto;provided that said water may be measured according to the plan prescribed by the State Engineer as an equivalent of so many feet per second of time instead of under the four inch pressure.

Dated this 14th day of December,1917.

Wm. A. Babcock

District Judge.

37 7116

Affidavit of Publication

RECEIVED

Dec 22 1971

Department of Water Administration

State of Idaho,
County of Gooding } ss.

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

was published once each week for 2 consecutive issues in said newspapr proper and not in a supplement; that the date of the first publication of said advertisement was on the 9 day of December, 1971, and the date of the last publication was on the 16 day of December, 1971

Alfred E Hayes

Subscribed and sworn to before me this 16 day of December, 1971.
(SEAL)

Audrey C. Belsher
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice		
Number of Insertions		
Lines at 14¢		
Lines at 10¢		
TOTAL COST		

COPY OF NOTICE

Title of Notice

Water Permit

Title of Notice

NOTICE FOR APPLICATION FOR WATER PERMIT

Notice is hereby given that Vernon J. Huff, 711 Shoshone Street North, Twin Falls, Idaho has on November 22, 1971, submitted Application No. 37-7116 for a permit to appropriate 0.0 cubic feet per second and 1,180 acre feet per annum of water from Birch Creek, tributary of Snake River by means of diversion boxes within the SE¼SW¼, SW¼SW¼, Sec. 35, T. 6S, R. 18E., B.M., Gooding County to be used from Jan. 1 to Dec. 31 for stockwatering purposes within the NE¼SE¼, Sec. 34; NW¼SW¼, Sec. 35, T. 6S, R. 18E. B.M.; and for fish propagation purposes within the SE¼SW¼, Sec. 35, T. 6S, R. 18E. B.M.; and from March 15 to Nov. 15 for the irrigation of 170 acres within the W½NW¼, NW¼SW¼, Sec. 35; E½NE¼, NE¼SE¼, Sec. 34, T. 6S, R. 18E, 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 December 27, 1971.

R. KEITH HIGGINSON,
Director

12-9-2tc

PUBLICATION RATES
(Idaho Code, (Rev. Statutes) 1956

7 pt. per line, straight	14c
7 pt. per line, tabular	20c
7 pt. per line, successive insertions	10c
6 pt. per line, straight	15c
6 pt. per line, tabular	20c
6 pt. per line, successive insertions	10c

No 1349

37 7116

37 7116

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Vernon J. Huff, 111 Shoshone Street North, Twin Falls, Idaho has on November 15, 1971 submitted Application No. 37-7116 for a permit to appropriate 6.0 cubic feet per second and 4,380 acre feet per annum of water from Birch Creek, tributary of Snake River by means of diversion boxes within the SE¼SW¼, SW¼SW¼, Sec. 35, T. 6S, R. 13E, B.M., Gooding County to be used from Jan. 1 to Dec. 31 for stockwatering purposes within the NE¼-SE¼, Sec. 34; NW¼SW¼, Sec. 35, T. 6S, R. 13E, B.M.; and for fish propagation purposes within the SE¼SW¼, Sec. 35, T. 6S, R. 13E, B.M.; and from March 15 to Nov. 15 for the irrigation of 170 acres within the W½NW¼, NW¼SW¼, Sec. 35; E½-NE¼, NE¼SE¼, Sec. 34, T. 6S, R. 13E, B.M.

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R. KEITH HIGGINSON,
Director

12-9-2tc

O.K.
12-7-71
BB

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

May 18, 2005

SIMMS CREDIT SHELTER TRUST
BARBARA SIMMS TRUSTEE
17816 HWY 30
BLISS ID 83314

RE: Water Right Permit 37-07116

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has actually been developed.

As of this date, I have not received the amendment. If I do not receive the amendment within **14 days**, a Water Right License will be issued for less than could have been allowed. In case the amendment form I sent you have been misplaced, a new one is enclosed. Please note that the filing fee is **$50.00**.

If you have any questions regarding this matter, please call me at 208-287-4947.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 27, 2005

SIMMS CREDIT SHELTER TRUST
BARBARA SIMMS TRUSTEE
17816 HWY 30
BLISS ID 83314

RE: Water Right Permit No. 37-07116

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

__✓__ **Point(s) of Diversion**

__✓__ **Place(s) of Use**

_____ **Other**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the $50.00 filing fee within 14 days.

If you have any questions, please call me at 208-287-4947.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Enclosure(s)

MEMORANDUM

Date: April 27, 2005

To: Water Right File 37-7116

From: Shelley Keen

Re: Licensing Review

ANNUAL VOLUME -- The annual volume was rounded to three significant figures to remain consistent with the guidance provided in Application Processing Memo. No. 6.

DIVERSION IN SERIES -- This water right authorizes the simultaneous diversion of 6.00 cfs at each of the two authorized points of diversion. Despite the fact that this choice results in one water right with two separate, complete diversion and distribution systems, it was deemed the best option. The other option would have been to split the right, showing two separate rights each for 3.0 cfs. The historic practice has been to divert 6.0 cfs at each point of diversion.

OWNERSHIP -- The ownership change notice submitted on March 18, 2005, is being implemented at licensing because the permit holder of record is not available to assign the permit to a new owner. Because the claim to the right is still pending in the SRBA, no fee has been charged to process the ownership change notice.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 37-7116
Exam Date: 3-9-2005

1. Current Owner: CLIFFORD J. SIMMS JR. FAMILY TRUST
17816 HWY 30
BLISS ID 83314
(208)837-4537

RECEIVED
MAR 24 2005
DEPARTMENT OF WATER RESOURCES

2. Accompanied by: Barbara Simms & Jeff Deakins
Phone No: Same
Address: Same
Relationship to Permit Holder: Widow of Clifford Simms & her partner

3. **SOURCE** **TRIBUTARY**
BIRCH CREEK SNAKE RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None for fish propagation
2. Other water rights with the same point of diversion: 37-797 uses outflow from lower ponds up to 1.97 cfs; 2.1 cfs Recommended in SRBA based on previous decreed rate

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**

BIRCH CREEK GOODING County	SW1/4NW1/4SW1/4	Sec. 35,	Twp 06S,	Rge 13E, B.M.
BIRCH CREEK GOODING County	SW1/4SE1/4SW1/4	Sec. 35,	Twp 06S,	Rge 13E, B.M.

Method of Determination: GPS & ArcView 2004 Photo

2.
PLACE OF USE: FISH PROPAGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 13E 34													X				
06S 13E 35										X		X					

Method of Determination:

3. __X___ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
___X_ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be

1:24,000 or greater.

__X__ Aerial Photo Attached (required for irrigation of 10+ acres).

__X__ Photo of Diversion and System Attached

4.

Well or Diversion ID 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
Rect Weir					3 Ft 4 Inches	5-27-1999
Rect Weirs (2)					5 Ft 9" & 5 ft 10"	5-27-1999

2. Measurements:

Owner reported up to 7.5 cfs through upper weir (1999), and up to 6.3 cfs through lower weirs (also in 1999) as required by Water District 130. As these measurements exceed the permitted flow, I did not take additional readings during my exam. The lower pond is not in use at this time, as it is being cleaned; the property is for sale.

E. FLOW CALCULATIONS ___X__Additional Computation Sheets Attached

Measured Method: Actual diversion rates exceed the 6.0 cfs allowed under the permit, so recommend that only the permitted rate be licensed. The water diverted into the lower ponds represents a re-use of the water diverted into the upper ponds, so no additional rate or volume should be licensed for the lower ponds.

F. VOLUME CALCULATIONS

2. Volume Calculations for Other Uses: 6.0 cfs continuous flow = 4343.9 afa. A total diverted volume of 4601 af was reported by owner in 2000, but this exceeds the legal usage based on the permitted flow rate. Recommend the lower amount be licensed.

G. **NARRATIVE/REMARKS/COMMENTS : As this exam was due March 1 due to the related SRBA claim, I did it as soon as possible. I met with Mrs. Simms in her home to discuss the system before going out to look at the property accompanied by her partner. They were knowledgable & quite helpful. Cindy Yenter created rating tables for the weirs in 1999, and gave me annual reports for 1999 through 2001 for the water used in the ponds. I verifed the pods with a GPS unit. While the lower ponds are hard to see on the 1987 ArcView photos, they show up clearly on the 2004 photo. Shapes were created for both sets of ponds on the 2004 photo, and then converted into IDTM so they could be entered into SDE for licensing. The lower ponds converted perfectly, while the upper pond shape had to be tweaked a little bit. All of the production ponds are in Sec. 35, while the settling pond is partly in Sec. 34; per Shelley Keen, I have shown the pou in both sections.**

While the permit includes irrigation use, this is being fully recommended under earlier rights in the SRBA by Carter Fritschle and is therefore not included in the licensing recommendation. No additional land or diversion capacity for irrigation were developed under this permit. I have already e-mailed Carter with my findings, as he had several questions concerning the water use on this farm.

There are no specific stockwater diversions, as the stock drink directly from the various streams. Therefore, stockwater is not recommended as a use to be licensed.

Mrs. Simms has filed a Change of Ownership form for the SRBA claims, so I am recommending that the license be issued to her late husband's trust (she is the trustee).

Have conditions of permit approval been met? Yes

H. RECOMMENDATIONS

1. Recommended Amounts

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
FISH PROPAGATION	01/01 to 12/31	6.000 CFS	4,343.90 AF
	Totals:	6.000 CFS	4,343.90 AF

2. Recommended Amendments

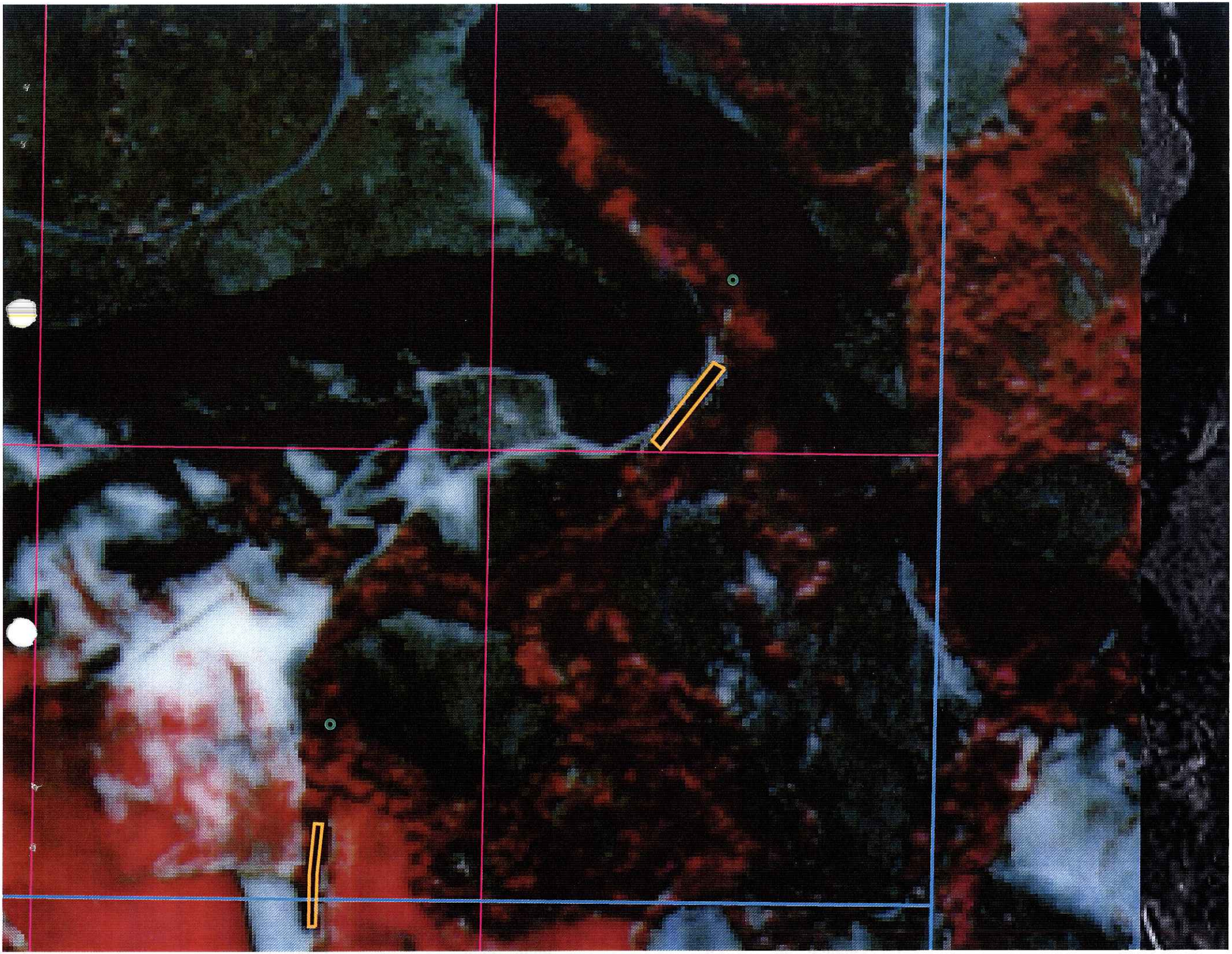
_X_Change P.D. as reflected above ___Add P.D. as reflected above ___None

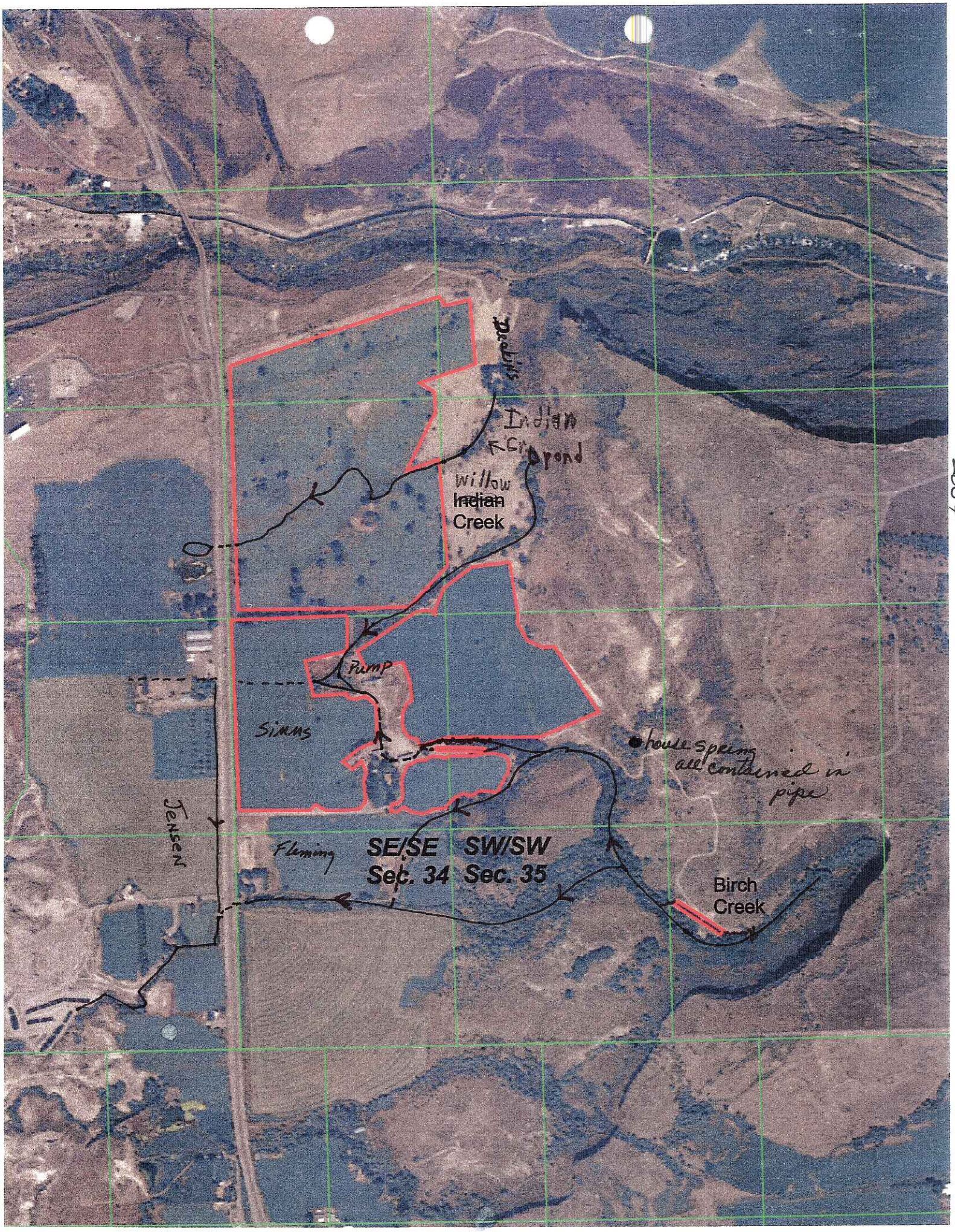
_X__Change P.U. as reflected above ___Add P.U. as reflected above ___Other

I. AUTHENTICATION

Field Examiner's Name J P Stanton Date 3-22-05

Reviewer_____ Date_____




Indian
Creek
Willow
Indian
Creek
Pond
Pump
Simms
House Spring
all contained in
pipe
Jensen
Fleming
SE/SE Sec. 34
SW/SW Sec. 35
Birch
Creek

2004

Discharge table for Simms Pond #1

Formula: Q = 3.33 L H^(1.5) for rectangular suppressed weirs.

For crest length = **3 feet 4 inches**:

Head (feet)	Head (inches)	Flow (cfs)
0.40	4 13/16	2.80
0.41	4 15/16	2.90
0.42	5 1/16	3.01
0.43	5 3/16	3.12
0.44	5 1/4	3.23
0.45	5 3/8	3.34
0.46	5 1/2	3.45
0.47	5 5/8	3.56
0.48	5 3/4	3.68
0.49	5 7/8	3.79
0.50	6	3.91
0.51	6 1/8	4.03
0.52	6 1/4	4.15
0.53	6 3/8	4.27
0.54	6 1/2	4.39
0.55	6 5/8	4.51
0.56	6 3/4	4.63
0.57	6 13/16	4.76
0.58	6 15/16	4.88
0.59	7 1/16	5.01
0.60	7 3/16	5.14

Head (feet)	Head (inches)	Flow (cfs)
0.61	7 5/16	5.27
0.62	7 7/16	5.40
0.63	7 9/16	5.53
0.64	7 11/16	5.66
0.65	7 13/16	5.79
0.66	7 15/16	5.93
0.67	8 1/16	6.06
0.68	8 3/16	6.20
0.69	8 1/4	6.34
0.70	8 3/8	6.47
0.71	8 1/2	6.61
0.72	8 5/8	6.75
0.73	8 3/4	6.90
0.74	8 7/8	7.04
0.75	9	7.18
0.76	9 1/8	7.32
0.77	9 1/4	7.47
0.78	9 3/8	7.62
0.79	9 1/2	7.76
0.80	9 5/8	7.91

prepared by: chodges 5/27/99

Diversion Name: SIMMS POND 1 & 2 **Water Dist Div. No.:** 410114

Discharge, Cubic Feet Per Second, Calendar Year 1999

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01	5.8	5.8	0.0	4.6	5.5	6.9	6.9	6.6	6.8	7.5	6.8	6.2
02	5.8	5.8	0.0	4.6	5.5	6.9	6.9	6.6	6.8	7.5	6.8	6.2
03	5.8	5.8	0.0	4.6	5.5	6.9	6.9	6.6	6.8	7.5	6.8	6.2
04	5.8	5.8	0.0	4.6	5.5	6.9	6.9	6.6	6.8	7.5	6.8	6.2
05	5.8	5.8	0.0	4.6	5.5	6.9	6.9	6.6	6.8	7.5	6.8	6.2
06	5.8	5.8	0.0	4.6	5.5	6.9	6.9	6.6	6.8	7.5	6.8	6.2
07	5.8	5.8	5.0	4.6	6.2	6.9	6.8	6.6	6.8	7.5	6.8	6.1
08	5.8	5.8	5.0	4.6	6.2	6.9	6.8	6.6	6.8	7.5	6.8	6.1
09	5.8	5.8	5.0	4.6	6.2	6.9	6.8	6.6	6.8	7.5	6.8	6.1
10	5.8	5.8	5.0	4.6	6.2	6.9	6.8	6.6	6.8	7.5	6.8	6.1
11	5.8	5.8	5.0	4.6	6.2	6.9	6.8	6.6	6.8	7.5	6.8	6.1
12	5.8	5.8	5.0	4.6	6.2	6.9	6.8	6.6	6.8	7.5	6.8	6.1
13	5.8	5.8	5.0	4.6	6.2	6.9	6.8	6.6	6.8	7.5	6.8	6.1
14	5.8	5.8	5.0	4.6	6.3	7.0	6.6	6.8	6.9	7.5	6.6	5.9
15	5.8	0.0	5.0	4.6	6.3	7.0	6.6	6.8	6.9	7.5	6.6	5.9
16	5.8	0.0	5.0	4.6	6.3	7.0	6.6	6.8	6.9	7.5	6.6	5.9
17	5.8	0.0	5.0	4.6	6.3	7.0	6.6	6.8	6.9	7.5	6.6	5.9
18	5.8	0.0	5.0	4.6	6.3	7.0	6.6	6.8	6.9	7.5	6.6	5.9
19	5.8	0.0	5.0	4.6	6.3	7.0	6.6	6.8	6.9	7.5	6.6	5.9
20	5.8	0.0	5.0	4.6	6.3	7.0	6.6	6.8	6.9	7.5	6.6	5.9
21	5.8	0.0	5.0	4.6	6.8	7.2	6.8	6.6	7.0	7.0	6.6	6.1
22	5.8	0.0	5.0	4.6	6.8	7.2	6.8	6.6	7.0	7.0	6.6	6.1
23	5.8	0.0	5.0	4.6	6.8	7.2	6.8	6.6	7.0	7.0	6.6	6.1
24	5.8	0.0	5.0	5.5	6.8	7.2	6.8	6.6	7.0	7.0	6.6	6.1
25	5.8	0.0	5.0	5.5	6.8	7.2	6.8	6.6	7.0	7.0	6.6	6.1
26	5.8	0.0	5.0	5.5	6.8	7.2	6.8	6.6	7.0	7.0	6.6	6.1
27	5.8	0.0	5.0	5.5	6.8	7.2	6.8	6.6	7.0	7.0	6.6	6.1
28	5.8	0.0	4.6	5.5	6.9	7.2	6.6	6.6	7.0	6.9	6.5	5.9
29	5.8		4.6	5.5	6.9	7.2	6.6	6.6	7.0	6.9	6.5	5.9
30	5.8		4.6	5.5	6.9	7.2	6.6	6.6	7.0	6.9	6.5	5.9
31	5.8		4.6		6.9		6.6	6.6		6.9		5.9
Total	179.5	81.06	123.7	145.2	195.8	210.8	208.6	205.9	206.5	226.3	199.7	187.3
Mean	5.8	2.9	4.0	4.8	6.3	7.0	6.7	6.6	6.9	7.3	6.7	6.0
Min	5.8	0.0	0.0	4.6	5.5	6.9	6.6	6.6	6.8	6.9	6.5	5.9
Max	5.8	5.8	5.0	5.5	6.9	7.2	6.9	6.8	7.0	7.5	6.8	6.2
Ac-Ft	356.0	160.8	245.4	288.0	388.4	418.1	413.8	408.4	409.5	448.8	396.1	371.5

Calendar Year 1999 Total Cfs: 2170 **Total Ac-Ft: 4305**

Diversion Name: SIMMS POND 1 & 2 **Water Dist Div. No.:** 410114

Discharge, Cubic Feet Per Second, Calendar Year 2000

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01	6.1	5.7	5.5	5.8	5.9	6.3	6.3	6.9	6.9	7.2	7.2	6.1
02	6.1	5.7	5.5	5.8	5.9	6.3	6.3	6.9	6.9	7.2	7.2	6.1
03	6.1	5.7	5.5	5.8	5.9	6.3	6.3	6.9	6.9	7.2	7.2	6.1
04	6.1	5.7	5.5	5.8	5.9	6.3	6.3	6.9	6.9	7.2	7.2	6.1
05	6.1	5.7	5.5	5.8	5.9	6.3	6.3	6.9	6.9	7.2	7.2	6.1
06	6.1	5.7	5.5	5.8	5.9	6.3	6.3	6.9	6.9	7.2	7.2	6.1
07	6.1	5.5	5.5	5.7	6.2	6.3	6.5	6.9	6.9	7.0	7.0	6.3
08	6.1	5.5	5.5	5.7	6.2	6.3	6.5	6.9	6.9	7.0	7.0	6.3
09	6.1	5.5	5.5	5.7	6.2	6.3	6.5	6.9	6.9	7.0	7.0	6.3
10	6.1	5.5	5.5	5.7	6.2	6.3	6.5	6.9	6.9	7.0	7.0	6.3
11	6.1	5.5	5.5	5.7	6.2	6.3	6.5	6.9	6.9	7.0	7.0	6.3
12	6.1	5.5	5.5	5.7	6.2	6.3	6.5	6.9	6.9	7.0	7.0	6.3
13	6.1	5.5	5.5	5.7	6.2	6.3	6.5	6.9	6.9	7.0	7.0	6.3
14	5.9	5.7	5.8	5.5	6.2	6.5	6.5	6.6	7.2	7.0	6.6	6.3
15	5.9	5.7	5.8	5.5	6.2	6.5	6.5	6.6	7.2	7.0	6.6	6.3
16	5.9	5.7	5.8	5.5	6.2	6.5	6.5	6.6	7.2	7.0	6.6	6.3
17	5.9	5.7	5.8	5.5	6.2	6.5	6.5	6.6	7.2	7.0	6.6	6.3
18	5.9	5.7	5.8	5.5	6.2	6.5	6.5	6.6	7.2	7.0	6.6	6.3
19	5.9	5.7	5.8	5.5	6.2	6.5	6.5	6.6	7.2	7.0	6.6	6.3
20	5.9	5.7	5.8	5.5	6.2	6.5	6.5	6.6	7.2	7.0	6.6	6.3
21	5.9	5.5	5.7	5.7	6.3	6.5	6.6	6.9	7.3	7.2	6.1	6.1
22	5.9	5.5	5.7	5.7	6.3	6.5	6.6	6.9	7.3	7.2	6.1	6.1
23	5.9	5.5	5.7	5.7	6.3	6.5	6.6	6.9	7.3	7.2	6.1	6.1
24	5.9	5.5	5.7	5.7	6.3	6.5	6.6	6.9	7.3	7.2	6.1	6.1
25	5.9	5.5	5.7	5.7	6.3	6.5	6.6	6.9	7.3	7.2	6.1	6.1
26	5.9	5.5	5.7	5.7	6.3	6.5	6.6	6.9	7.3	7.2	6.1	6.1
27	5.9	5.5	5.7	5.7	6.3	6.5	6.6	6.9	7.3	7.2	6.1	6.1
28	6.1	5.5	5.7	5.8	6.3	6.6	7.2	6.9	7.2	7.6	5.9	6.1
29	6.1	5.5	5.7	5.8	6.3	6.6	7.2	6.9	7.2	7.6	5.9	6.3
30	6.1		5.7	5.8	6.3	6.6	7.2	6.9	7.2	7.6	5.9	6.3
31	6.1		5.7		6.3		7.2	6.9		7.6		6.3
Total	186.0	162.1	174.7	170.1	192.1	192.8	203.6	211.9	212.7	222.4	198.8	192.6
Mean	6.0	5.6	5.6	5.7	6.2	6.4	6.6	6.8	7.1	7.2	6.6	6.2
Min	5.9	5.5	5.5	5.5	5.9	6.3	6.3	6.6	6.9	7.0	5.9	6.1
Max	6.1	5.7	5.8	5.8	6.3	6.6	7.2	6.9	7.3	7.6	7.2	6.3
Ac-Ft	369.0	321.4	346.5	337.3	381.1	382.5	403.9	420.2	422.0	441.1	394.4	382.1

Calendar Year 2000 Total Cfs: 2320 **Total Ac-Ft: 4601**

Diversion Name: SIMMS POND 1 & 2 **Water Dist Div. No.:** 410114

Discharge, Cubic Feet Per Second, Calendar Year 2001

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01	6.1	5.9	5.8	5.3	5.1	5.9	5.7	6.1	6.5	6.1	6.3	5.9
02	6.1	5.9	5.8	5.3	5.1	5.9	5.7	6.1	6.5	6.1	6.3	5.9
03	6.1	5.9	5.8	5.3	5.1	5.9	5.7	6.1	6.5	6.1	6.3	5.9
04	6.1	5.9	5.8	5.3	5.1	5.9	5.7	6.1	6.5	6.1	6.3	5.9
05	6.1	5.9	5.8	5.3	5.1	5.9	5.7	6.1	6.5	6.1	6.3	5.9
06	6.1	5.9	5.8	5.3	5.1	5.9	5.7	6.1	6.5	6.1	6.3	5.9
07	5.9	5.9	5.8	5.3	5.3	5.7	5.9	6.3	6.5	6.2	6.1	5.9
08	5.9	5.9	5.8	5.3	5.3	5.7	5.9	6.3	6.5	6.2	6.1	5.9
09	5.9	5.9	5.8	5.3	5.3	5.7	5.9	6.3	6.5	6.2	6.1	5.9
10	5.9	5.9	5.8	5.3	5.3	5.7	5.9	6.3	6.5	6.2	6.1	5.9
11	5.9	5.9	5.8	5.3	5.3	5.7	5.9	6.3	6.5	6.2	6.1	5.9
12	5.9	5.9	5.8	5.3	5.3	5.7	5.9	6.3	6.5	6.2	6.1	5.9
13	5.9	5.9	5.8	5.3	5.3	5.7	5.9	6.3	6.5	6.2	6.1	5.9
14	5.8	5.9	5.5	5.3	5.5	5.9	5.9	6.6	6.3	6.5	6.1	5.8
15	5.8	5.9	5.5	5.3	5.5	5.9	5.9	6.6	6.3	6.5	6.1	5.8
16	5.8	5.9	5.5	5.3	5.5	5.9	5.9	6.6	6.3	6.5	6.1	5.8
17	5.8	5.9	5.5	5.3	5.5	5.9	5.9	6.6	6.3	6.5	6.1	5.8
18	5.8	5.9	5.5	5.3	5.5	5.9	5.9	6.6	6.3	6.5	6.1	5.8
19	5.8	5.9	5.5	5.3	5.5	5.9	5.9	6.6	6.3	6.5	6.1	5.8
20	5.8	5.9	5.5	5.3	5.5	5.9	5.9	6.6	6.3	6.5	6.1	5.8
21	5.8	6.1	5.4	5.3	5.7	5.9	6.1	6.6	6.2	6.3	5.9	5.8
22	5.8	6.1	5.4	5.3	5.7	5.9	6.1	6.6	6.2	6.3	5.9	5.8
23	5.8	6.1	5.4	5.3	5.7	5.9	6.1	6.6	6.2	6.3	5.9	5.8
24	5.8	6.1	5.4	5.3	5.7	5.9	6.1	6.6	6.2	6.3	5.9	5.8
25	5.8	6.1	5.4	5.3	5.7	5.9	6.1	6.6	6.2	6.3	5.9	5.8
26	5.8	6.1	5.4	5.3	5.7	5.9	6.1	6.6	6.2	6.3	5.9	5.8
27	5.8	6.1	5.4	5.3	5.7	5.9	6.1	6.6	6.2	6.3	5.9	5.8
28	5.9	5.8	5.3	5.1	5.9	5.7	6.1	6.5	6.1	6.3	5.9	5.9
29	5.9		5.3	5.1	5.9	5.7	6.1	6.5	6.1	6.3	5.9	5.9
30	5.9		5.3	5.1	5.9	5.7	6.1	6.5	6.1	6.3	5.9	5.9
31	5.9		5.3		5.9		6.1	6.5		6.3		5.9
Total	182.7	166.8	172.9	157.7	169.8	175.2	183.6	199.2	190.1	194.8	182.2	181.9
Mean	5.9	6.0	5.6	5.3	5.5	5.8	5.9	6.4	6.3	6.3	6.1	5.9
Min	5.8	5.8	5.3	5.1	5.1	5.7	5.7	6.1	6.1	6.1	5.9	5.8
Max	6.1	6.1	5.8	5.3	5.9	5.9	6.1	6.6	6.5	6.5	6.3	5.9
Ac-Ft	362.3	330.9	342.9	312.8	336.8	347.5	364.2	395.0	377.0	386.4	361.4	360.7

Calendar Year 2001 Total Cfs: 2157 **Total Ac-Ft: 4278**

Discharge table for Simms Pond #3

Formula: Q = 3.33 L H^(1.5) for rectangular suppressed weirs.

For crest length = **5 feet 9 inches**: **(SOUTH weir)**

Head (feet)	Head (inches)	Flow* (cfs)
0.10	1 3/16	0.61
0.11	1 5/16	0.70
0.12	1 7/16	0.80
0.13	1 9/16	0.90
0.14	1 11/16	1.00
0.15	1 13/16	1.11
0.16	1 15/16	1.23
0.17	2 1/16	1.34
0.18	2 3/16	1.46
0.19	2 1/4	1.59
0.20	2 3/8	1.71
0.21	2 1/2	1.84
0.22	2 5/8	1.98
0.23	2 3/4	2.11
0.24	2 7/8	2.25
0.25	3	2.39
0.26	3 1/8	2.54
0.27	3 1/4	2.69
0.28	3 3/8	2.84
0.29	3 1/2	2.99
0.30	3 5/8	3.15
0.31	3 3/4	3.30
0.32	3 13/16	3.47
0.33	3 15/16	3.63
0.34	4 1/16	3.80
0.35	4 3/16	3.96

Head (feet)	Head (inches)	Flow* (cfs)
0.36	4 5/16	4.14
0.37	4 7/16	4.31
0.38	4 9/16	4.49
0.39	4 11/16	4.66
0.40	4 13/16	4.84
0.41	4 15/16	5.03
0.42	5 1/16	5.21
0.43	5 3/16	5.40
0.44	5 1/4	5.59
0.45	5 3/8	5.78
0.46	5 1/2	5.97
0.47	5 5/8	6.17
0.48	5 3/4	6.37
0.49	5 7/8	6.57
0.50	6	6.77
0.51	6 1/8	6.97
0.52	6 1/4	7.18
0.53	6 3/8	7.39
0.54	6 1/2	7.60
0.55	6 5/8	7.81
0.56	6 3/4	8.02
0.57	6 13/16	8.24
0.58	6 15/16	8.46
0.59	7 1/16	8.68
0.60	7 3/16	8.90

* ***Note: A reading should be taken over each set of boards and flows summed.***

prepared by: chodges 5/27/99

Discharge table for Simms Pond #3

Formula: Q = 3.33 L H^(1.5) for rectangular suppressed weirs.

For crest length = **5 feet 10 inches**: **(NORTH weir)**

Head (feet)	Head (inches)	Flow* (cfs)
0.10	1 3/16	0.61
0.11	1 5/16	0.71
0.12	1 7/16	0.81
0.13	1 9/16	0.91
0.14	1 11/16	1.02
0.15	1 13/16	1.13
0.16	1 15/16	1.24
0.17	2 1/16	1.36
0.18	2 3/16	1.48
0.19	2 1/4	1.61
0.20	2 3/8	1.74
0.21	2 1/2	1.87
0.22	2 5/8	2.00
0.23	2 3/4	2.14
0.24	2 7/8	2.28
0.25	3	2.43
0.26	3 1/8	2.57
0.27	3 1/4	2.72
0.28	3 3/8	2.88
0.29	3 1/2	3.03
0.30	3 5/8	3.19
0.31	3 3/4	3.35
0.32	3 13/16	3.51
0.33	3 15/16	3.68
0.34	4 1/16	3.85
0.35	4 3/16	4.02

Head (feet)	Head (inches)	Flow* (cfs)
0.36	4 5/16	4.19
0.37	4 7/16	4.37
0.38	4 9/16	4.55
0.39	4 11/16	4.73
0.40	4 13/16	4.91
0.41	4 15/16	5.10
0.42	5 1/16	5.28
0.43	5 3/16	5.47
0.44	5 1/4	5.67
0.45	5 3/8	5.86
0.46	5 1/2	6.06
0.47	5 5/8	6.26
0.48	5 3/4	6.46
0.49	5 7/8	6.66
0.50	6	6.86
0.51	6 1/8	7.07
0.52	6 1/4	7.28
0.53	6 3/8	7.49
0.54	6 1/2	7.70
0.55	6 5/8	7.92
0.56	6 3/4	8.14
0.57	6 13/16	8.35
0.58	6 15/16	8.58
0.59	7 1/16	8.80
0.60	7 3/16	9.02

* ***Note: A reading should be taken over each set of boards and flows summed.***

prepared by: chodges 5/27/99

Diversion Name: SIMMS POND 3 **Water Dist Div. No.:** 410115

Discharge, Cubic Feet Per Second, Calendar Year 1999

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01							5.4	5.4	5.4	6.0	5.1	4.7
02							5.4	5.4	5.4	6.0	5.1	4.7
03							5.4	5.4	5.4	6.0	5.1	4.7
04							5.4	5.4	5.4	6.0	5.1	4.7
05							5.4	5.4	5.4	6.0	5.1	4.7
06							5.4	5.4	5.4	6.0	5.1	4.7
07							5.1	5.4	5.4	6.3	5.1	4.7
08							5.1	5.4	5.4	6.3	5.1	4.7
09							5.1	5.4	5.4	6.3	5.1	4.7
10							5.1	5.4	5.4	6.3	5.1	4.7
11							5.1	5.4	5.4	6.3	5.1	4.7
12							5.1	5.4	5.4	6.3	5.1	4.7
13							5.1	5.4	5.4	6.3	5.1	4.7
14							5.4	4.8	5.7	6.0	4.8	4.7
15							5.4	4.8	5.7	6.0	4.8	4.7
16							5.4	4.8	5.7	6.0	4.8	4.7
17							5.4	4.8	5.7	6.0	4.8	4.7
18							5.4	4.8	5.7	6.0	4.8	4.7
19							5.4	4.8	5.7	6.0	4.8	4.7
20							5.4	4.8	5.7	6.0	4.8	4.7
21							5.4	5.4	5.7	6.0	4.8	4.7
22							5.4	5.4	5.7	6.0	4.8	4.7
23							5.4	5.4	5.7	6.0	4.8	4.7
24							5.4	5.4	5.7	6.0	4.8	4.7
25							5.4	5.4	5.7	6.0	4.8	4.7
26							5.4	5.4	5.7	6.0	4.8	4.7
27							5.4	5.4	5.7	6.0	4.8	4.7
28						5.4	5.4	5.4	5.7	5.4	4.8	4.7
29						5.4	5.4	5.4	5.7	5.4	4.8	4.7
30						5.4	5.4	5.4	5.7	5.4	4.8	4.7
31							5.4	5.4		5.4		4.7
Total						16.2	165.6	163.6	167.6	186.4	148.4	144.8
Mean						5.4	5.3	5.3	5.6	6.0	4.9	4.7
Min						5.4	5.1	4.8	5.4	5.4	4.8	4.7
Max						5.4	5.4	5.4	5.7	6.3	5.1	4.7
Ac-Ft						32.2	328.5	324.5	332.4	369.8	294.3	287.2

Calendar Year 1999 Total Cfs: 993 **Total Ac-Ft: 1969**

Diversion Name: SIMMS POND 3 **Water Dist Div. No.:** 410115

Discharge, Cubic Feet Per Second, Calendar Year 2000

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01	4.7	4.1	4.0	4.1	4.5	4.7	3.6	4.0	4.0	4.5	5.0	0.0
02	4.7	4.1	4.0	4.1	4.5	4.7	3.6	4.0	4.0	4.5	5.0	0.0
03	4.7	4.1	4.0	4.1	4.5	4.7	3.6	4.0	4.0	4.5	5.0	0.0
04	4.7	4.1	4.0	4.1	4.5	4.7	3.6	4.0	4.0	4.5	5.0	0.0
05	4.7	4.1	4.0	4.1	4.5	4.7	3.6	4.0	4.0	4.5	5.0	0.0
06	4.7	4.1	4.0	4.1	4.5	4.7	3.6	4.0	4.0	4.5	5.0	0.0
07	4.7	4.1	4.0	4.1	5.0	4.7	3.6	3.7	4.0	4.5	4.7	0.0
08	4.7	4.1	4.0	4.1	5.0	4.7	3.6	3.7	4.0	4.5	4.7	0.0
09	4.7	4.1	4.0	4.1	5.0	4.7	3.6	3.7	4.0	4.5	4.7	0.0
10	4.7	4.1	4.0	4.1	5.0	4.7	3.6	3.7	4.0	4.5	4.7	0.0
11	4.7	4.1	4.0	4.1	5.0	4.7	3.6	3.7	4.0	4.5	4.7	0.0
12	4.7	4.1	4.0	4.1	5.0	4.7	3.6	3.7	4.0	4.5	4.7	0.0
13	4.7	4.1	4.0	4.1	5.0	4.7	3.6	3.7	4.0	4.5	4.7	0.0
14	4.1	4.1	4.4	4.4	5.6	4.3	4.0	4.0	4.3	5.1	0.0	4.4
15	4.1	4.1	4.4	4.4	5.6	4.3	4.0	4.0	4.3	5.1	0.0	4.4
16	4.1	4.1	4.4	4.4	5.6	4.3	4.0	4.0	4.3	5.1	0.0	4.4
17	4.1	4.1	4.4	4.4	5.6	4.3	4.0	4.0	4.3	5.1	0.0	4.4
18	4.1	4.1	4.4	4.4	5.6	4.3	4.0	4.0	4.3	5.1	0.0	4.4
19	4.1	4.1	4.4	4.4	5.6	4.3	4.0	4.0	4.3	5.1	0.0	4.4
20	4.1	4.1	4.4	4.4	5.6	4.3	4.0	4.0	4.3	5.1	0.0	4.4
21	4.1	4.0	4.3	3.7	5.6	4.3	4.0	4.0	4.4	5.9	0.0	4.5
22	4.1	4.0	4.3	3.7	5.6	4.3	4.0	4.0	4.4	5.9	0.0	4.5
23	4.1	4.0	4.3	3.7	5.6	4.3	4.0	4.0	4.4	5.9	0.0	4.5
24	4.1	4.0	4.3	3.7	5.6	4.3	4.0	4.0	4.4	5.9	0.0	4.5
25	4.1	4.0	4.3	3.7	5.6	4.3	4.0	4.0	4.4	5.9	0.0	4.5
26	4.1	4.0	4.3	3.7	5.6	4.3	4.0	4.0	4.4	5.9	0.0	4.5
27	4.1	4.0	4.3	3.7	5.6	4.3	4.0	4.0	4.4	5.9	0.0	4.5
28	4.5	4.0	4.3	4.1	5.0	3.6	4.0	3.9	4.3	5.1	0.0	4.5
29	4.5	4.0	4.3	4.1	5.0	3.6	4.0	3.9	4.3	5.1	0.0	4.5
30	4.5		4.3	4.1	5.0	3.6	4.0	3.9	4.3	5.1	0.0	4.5
31	4.5		4.3		5.0		4.0	3.9		5.1		4.5
Total	136.4	118.0	129.2	122.5	159.8	131.0	118.4	121.1	125.2	156.3	62.5	80.6
Mean	4.4	4.1	4.2	4.1	5.2	4.4	3.8	3.9	4.2	5.0	2.1	2.6
Min	4.1	4.0	4.0	3.7	4.5	3.6	3.6	3.7	4.0	4.5	0.0	0.0
Max	4.7	4.1	4.4	4.4	5.6	4.7	4.0	4.0	4.4	5.9	5.0	4.5
Ac-Ft	270.5	234.1	256.3	243.0	317.0	259.8	234.8	240.2	248.3	310.0	124.0	159.8

Calendar Year 2000 Total Cfs: 1461 **Total Ac-Ft: 2898**

Diversion Name: SIMMS POND 3 **Water Dist Div. No.:** 410115

Discharge, Cubic Feet Per Second, Calendar Year 2001

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01	4.5	5.0	4.5	4.3	3.7	4.1	3.2	4.1	5.4	4.5	4.5	4.5
02	4.5	5.0	4.5	4.3	3.7	4.1	3.2	4.1	5.4	4.5	4.5	4.5
03	4.5	5.0	4.5	4.3	3.7	4.1	3.2	4.1	5.4	4.5	4.5	4.5
04	4.5	5.0	4.5	4.3	3.7	4.1	3.2	4.1	5.4	4.5	4.5	4.5
05	4.5	5.0	4.5	4.3	3.7	4.1	3.2	4.1	5.4	4.5	4.5	4.5
06	4.5	5.0	4.5	4.3	3.7	4.1	3.2	4.1	5.4	4.5	4.5	4.5
07	4.5	4.5	4.5	4.3	3.9	3.9	3.7	4.3	5.3	4.5	4.8	4.5
08	4.5	4.5	4.5	4.3	3.9	3.9	3.7	4.3	5.3	4.5	4.8	4.5
09	4.5	4.5	4.5	4.3	3.9	3.9	3.7	4.3	5.3	4.5	4.8	4.5
10	4.5	4.5	4.5	4.3	3.9	3.9	3.7	4.3	5.3	4.5	4.8	4.5
11	4.5	4.5	4.5	4.3	3.9	3.9	3.7	4.3	5.3	4.5	4.8	4.5
12	4.5	4.5	4.5	4.3	3.9	3.9	3.7	4.3	5.3	4.5	4.8	4.5
13	4.5	4.5	4.5	4.3	3.9	3.9	3.7	4.3	5.3	4.5	4.8	4.5
14	4.8	4.5	4.5	4.3	3.9	3.9	4.0	4.8	5.0	4.5	4.5	4.1
15	4.8	4.5	4.5	4.3	3.9	3.9	4.0	4.8	5.0	4.5	4.5	4.1
16	4.8	4.5	4.5	4.3	3.9	3.9	4.0	4.8	5.0	4.5	4.5	4.1
17	4.8	4.5	4.5	4.3	3.9	3.9	4.0	4.8	5.0	4.5	4.5	4.1
18	4.8	4.5	4.5	4.3	3.9	3.9	4.0	4.8	5.0	4.5	4.5	4.1
19	4.8	4.5	4.5	4.3	3.9	3.9	4.0	4.8	5.0	4.5	4.5	4.1
20	4.8	4.5	4.5	4.3	3.9	3.9	4.0	4.8	5.0	4.5	4.5	4.1
21	4.8	4.5	4.3	4.0	4.1	3.9	3.9	5.0	4.8	4.8	4.8	4.1
22	4.8	4.5	4.3	4.0	4.1	3.9	3.9	5.0	4.8	4.8	4.8	4.1
23	4.8	4.5	4.3	4.0	4.1	3.9	3.9	5.0	4.8	4.8	4.8	4.1
24	4.8	4.5	4.3	4.0	4.1	3.9	3.9	5.0	4.8	4.8	4.8	4.1
25	4.8	4.5	4.3	4.0	4.1	3.9	3.9	5.0	4.8	4.8	4.8	4.1
26	4.8	4.5	4.3	4.0	4.1	3.9	3.9	5.0	4.8	4.8	4.8	4.1
27	4.8	4.5	4.3	4.0	4.1	3.9	3.9	5.0	4.8	4.8	4.8	4.1
28	5.0	4.5	4.3	4.0	4.1	3.2	4.1	5.4	4.5	4.5	4.5	4.5
29	5.0		4.3	4.0	4.1	3.2	4.1	5.4	4.5	4.5	4.5	4.5
30	5.0		4.3	4.0	4.1	3.2	4.1	5.4	4.5	4.5	4.5	4.5
31	5.0		4.3		4.1		4.1	5.4		4.5		4.5
Total	146.3	129.5	137.4	125.1	121.4	115.1	116.4	144.6	151.4	142.5	140.0	134.6
Mean	4.7	4.6	4.4	4.2	3.9	3.8	3.8	4.7	5.0	4.6	4.7	4.3
Min	4.5	4.5	4.3	4.0	3.7	3.2	3.2	4.1	4.5	4.5	4.5	4.1
Max	5.0	5.0	4.5	4.3	4.1	4.1	4.1	5.4	5.4	4.8	4.8	4.5
Ac-Ft	290.1	256.8	272.4	248.1	240.9	228.3	230.9	286.8	300.3	282.6	277.6	266.9

Calendar Year 2001 Total Cfs: 1604 **Total Ac-Ft: 3182**

Stanton, Jim

From: Stanton, Jim
Sent: Thursday, March 10, 2005 11:59 AM
To: Fritschle, Carter
Cc: Stanton, Jim
Subject: Barbara Simms Water Use

Carter - Here is what I found on the Simms place yesterday. There are 4 water sources on this property. What she calls Indian Creek starts as a spring arising in the SW/NW/NW Sec. 35; it appears as an opening in a grove of trees, A tree line runs SW from the spring before turning westerly and running through the rocky pasture on the north part of the farm. While it may have been used for gravity irrigation many years ago, that use no longer exists. Livestock may drink out of it as it flows through the pasture, however.

Moving south, the next water source is what she calls Willow Creek. The tree line runs south along the canyon rim before turning southwesterly. There is a concrete dam below the spring that forms a small pond (SE/NW/NW Sec. 35) where the irrigation pump sat until 1989 or 1990. The pump was then moved to its present location in the center of the north half of the NE/SE Sec. 34. This switched the primary water source to Birch Creek, the southernmost (& only named water source) on this farm. Birch Creek splits naturally, with the north branch forming a dome-shaped loop in the south part of the NW/SW Sec. 35. There is a check dam near the top of the loop that forces water into a ditch that feeds 2 ponds (1 pond for fish production and one settling pond below it). At the west end of the settling pond, a buried pipeline takes water to the present pump site on a tiny pond. Willow Creek used to meet the fish-pond discharge at this point, but now is shunted around the tiny pond most of the time. Willow Creek water is mainly used at the start of the season to help charge the sprinkler system (some Willow Cr. water was flowing thru the dirt/rock dike into the pond during my visit, so the control of the water source is not that perfect). The pump was moved from the head of Willow Creek in order to take advantage of the free fertilizer from the fish ponds, and also to the problem of reaching the old pump site once irrigation started. The pump, which is in the large indentation in the green field NW of the Simms home, was measured at 1.97 cfs at 71 psi last year. So the pod on Birch Creek is the SW/NW/SW Sec. 35. The pod for the unnamed stream (Willow Creek) is the NW/NE/SE Sec. 34. The pond tail water and Willow Creek co-mingled at the tiny pond until about 5 years ago, but Willow Cr. is kept out most of the time now due to siltation problems (which they are trying to fix). But the dike and the pump are within maybe 7 feet of each other, so there is no change in legal description (the qqq is a little iffy on the 1987 photo, but clear in the 2004 photo; I am going with 2004).

The domestic spring that has already been decreed is located in the SE/NW/SW Sec. 35; it is in the trees north of the south-pointing loop in the access road to the upper fish ponds, & is clearly shown on the 2004 photo. This is used for domestic water and watering her flowers. The lawn is watered from the pump described above.

With regard to the Malad River claim that you were going to disallow, her hired man told me that it was last used in the 1960's. The state park has refused to allow the water (which is actually tail water from the Justice Ditch plus field runoff from their system) to run over the rim to her (you can still clearly see white marks on the rimrock where the water used to come over), but she is still negotiating with them to try and get the use of it. I told her that the right has probably been forfeited for non-use, so I don't know what she will do with your recommendation.

With regard to stockwater use, she said that they have up to 150 cow/calf pairs since they bought the place in 1988. The cattle just drink from the Indian Creek & Willow Creek as they flow thru the property (no man-made diversion works). I saw a lot of cattle waste along Birch Creek, so I guess they drink out of that also; it is not specifically diverted for cattle, however, so I would just call it in-stream use. I do not plan to recommend stockwater on the license.

I gave Mrs. Simms a Change of Ownership, but she wanted to check with her lawyer (they are meeting today) before submitting it. The farm is for sale, but she has not heard from the potential buyer lately; maybe the sale is uncertain at this point.

Let me know if you need anything else (ArcView maps, etc.) I am rushed today (more field work after lunch), so am doing what I can for the moment.

Creek 37-7118

ponds 27' x 155' x 3' deep
30' x 175' x 3'
23 x 170' x 4' deep
settling 25 x 175' x 4'

upper diversion 2427797 x 1295039 53' EPE

lower diversion 2427406 x 1295408 21' EPE

pod on middle stream 2427054 x 1295571 15' EPE
is used at start of season to help charge irrig system.
could be used any time if needed,
streams came together run into pond until 5 yrs ago, now Willow Cr is shunted around pond but can be let into pond as needed

pump was on Willow Cr. spring until 1989 or 1990, when it was moved to present site due to access problems once irrigation started, & also so fish effluent could be land applied to improve effluent quality.

pump site 2427054 x 1295564

original pump site on pond at spring ≈ 2427410 x 1295913 13' EPE



Point of Diversion For Upper Ponds Looking SE
Permit 37-7116 3-9-05 By J E Stanton



Diversion Ditch to Upper Ponds Looking NW
By J E Stanton 3-9-05



Upper Ponds Looking NW – Permit 37-7116
By J E Stanton 3-9-05



Inlet For Upper Ponds Looking NE
By J E Stanton 3-9-05



Second Upper Pond Looking NW – Permit 37-7116
By J E Stanton 3-9-05



Discharge of Upper Ponds Back Into Birch Cr
Looking SW By J E Stanton 3-9-05



Diversion For Lower Ponds Looking SE – Permit 37-7116
By J E Stanton 3-9-05



Ditch To Lower Ponds Looking West (Dry for pond cleaning)
By J E Stanton 3-9-05



Inlet To Lower Ponds Looking SE – Permit 37-7116 By J E Stanton 3-9-05



Lower Pond (Dry for Cleaning) Looking West By J E Stanton 3-9-05



Settling Pond Looking West – Permit 37-7116
By J E Stanton 3-9-05 (Pond dry for cleaning)



Outlet From Settling Pond To Irrigation Pump
By J E Stanton 3-9-05



Weir Between
Upper Ponds
Looking SE



Weir AT End of
Lower Pond
Looking SE

Permit 37-7116
4-9-1999
By Cindy Yenter



Ditch To Upper Ponds (Looking SW)



Settling Pond Below Lower Pond (Looking West)

Permit 37-7116
By Cindy Yenten
~~Sept~~. 1999
4-9-

4H

June 8, 1992

CLIFFORD J. SIMMS
17816 HWY. 30
BLISS ID 83314-0000

RE: Water Right No. 37-07116

Dear Water Right Holder(s):

On May 19, 1992, the department sent you a letter advising that you might be required to temporarily cease diverting water from the Snake River or its tributaries if the established minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second measured near Weiser is not satisified or likely will not be satisfied.

The flow of the Snake River at Weiser is now less than 4,750 cfs. You are, therefore, directed to immediately cease diverting water under the above referenced water right and to not resume use until authorized by the department.

Past flow records show that the duration of seasonal low flow periods typically last several days to a week. Since your use of water is extremely important to you and since mail notification includes a delay associated with mail delivery time, feel free to call the toll-free telephone number 1-800-451-4129 to determine when you are again authorized to divert and use water under your water right. Please use this phone number only in connection with resumption of use.

You need to be aware that Section 42-351, Idaho Code, provides for penalties of up to $100 per day for unauthorized diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

SCANNED
OCT 3 1 2003

4H

June 12, 1992

CLIFFORD J. SIMMS
17816 HWY. 30
BLISS ID 83314-0000

RE: Water Right No. 37-07116

Dear Water Right Holder(s):

On June 8, 1992, the department sent you a letter which directed you to immediately cease diverting water under the above referenced water right, since the minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second (cfs) measured near Weiser was not being satisfied.

The flow of the Snake River at Weiser is now above 4,750 cfs. You are, therefore, authorized to again divert water under your water right. If the minimum stream flow is not met later this year, however, the department will again notify you to temporarily cease diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

4H

May 19, 1992

CLIFFORD J. SIMMS
17816 HWY. 30
BLISS ID 83314-0000

RE: Water Right No. 37-07116

Dear Water Right Holder(s):

Department water right records show that you divert water from the Snake River or its tributaries under a water right that has a priority date later than December 29, 1976. This is the priority of the established minimum stream flow of the Snake River at the Weiser Gage (Weiser) in the amount of 4,750 cubic feet per second.

Because of the continuing drought conditions in the Snake River Basin, department hydrologists project that during 1992, there could be periods when the required minimum flow will not be satisfied due to low flows of the Snake River. The department urges you to not divert at a higher rate than authorized by your water right and to not use your right in any manner different than authorized. In addition, when the minimum flow will not be satisfied or is not being satisfied, you are required to cease diverting water under your water right, because your right is of later priority than the minimum stream flow at Weiser.

If the department determines the minimum flow will not be satisfied, the department will advise you and will provide as much lead time as possible in requiring that you temporarily cease your diversion of water. The greatest likelihood for this to occur is during a period from mid-June to late June.

While the department expects good cooperation from junior water right holders, water users should be aware that Section 42-352, Idaho Code, provides for penalties of up to $100 per day for unauthorized diversions of water.

The department has contacted both the Idaho Power Company and the U.S. Bureau of Reclamation with respect to the timing of storage releases from upstream reservoirs for flow enhancement purposes. This type of coordination could minimize the impact on

existing water users and reduce the need to curtail diversions.

The department has scheduled public information meetings relative to this potential regulation as follows:

Mountain Home - June 4, 1992 - 10:00 a.m. - gymnasium at North Elementary School, 290 E. 12th N.

Caldwell - June 4, 1992 - 7:00 p.m. - Ballroom in the Student Union Building, Albertson College of Idaho, 2112 Cleveland

If you have questions concerning this letter or wish to provide the name of a different contact person or address to receive department correspondence, please contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVENOR
R. KEITH HIGGINSON
DIRECTOR

December 22, 1988

RE: Water Right No. 37-7116

Clifford J. Simms
17816 Hwy. 30
Bliss, ID 83314

Dear Water Right Holder(s):

We acknowledge receipt of the correspondence transferring ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

We assume you are aware of requirements remaining to finalize the permit into a license.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:ky

MICROFILMED
DEC 23 1988

Permit No. 37-7116

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? ✓
2. Notary? ✓
3. a. Full Assignment? ✓

   b. Partial Assignment? N/A
4. "No assignment" condition on permit? N/A
5. Commencement of Works received? – proof already submitted

   a. Commencement of works requested?

   b. Show Cause Order drafted & sent?

   c. Cancellation necessary?
6. Affidavit of residency required? N/A
7. Extension granted due to litigation?
   (If yes, commencement of works is not required.)

1. Type permit summary sheet. ✓
2. Coding sheet. ✓
3. Acknowledgement letter type.
4. Copy to region. ✓

Date 12-20-88

Employee S Curtis

4/86

RECEIVED
AUG 14 1987
Department of Water Resources
Southern Region Office

RECEIVED
AUG 19 1987
Department of Water Resources

For Office Use Only
Fee Received $225.
Date 8-14-87
Receipt # 45148
Receipt by J Estlander
Sent to S.O. 8/17/87

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

1. Permit No. 37-7116

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ XX I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Art Jones

3. Post Office Address: P. O. Box 55, Hagerman, ID 83314

Telephone No. 837-6343

4. Source of Water: Birch Creek trib. to Snake R.

5. Extent of Use:

Domestic _____ (No. of households) Stockwater 110 (No. and type of stock) horses & beef cattle

Irrigation 170 (acres) Other/Remark

fish propagation in 4 ponds

6. Total rate &/or volume for which proof is submitted 6.0 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

1972

8. Person to contact to accompany the department representative during the field examination:

Permittee Art Jones
(Name)

(Address) (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

MICROFILMED
DEC 23 1988

8-14-87
Date

Art Jones
Signature of Permit Holder (and title, if appropriate)

ate of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

37-711b
JONES, ART
HAGERMAN, ID 83314

April 30, 1987

Dear Permit Holder:

LAPSE NOTICE
License Examination Fee

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be of no further force nor effect on June 30, 1987, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of § 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on April 30, 1986.

The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before August 28, 1987, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Enclosed is a fee information sheet that must be completed and submitted to the Department to keep the permit in good standing. If you have questions, please contact any office of the Department.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Operations Bureau

Enclosure

MICROFILMED
DEC 23 1988

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

37-7116
JONES, ART
HAGERMAN, ID 83314

138676

April 30, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

MICROFILMED
DEC 23 1988

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region
Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region
Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region
Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

MICROFILMED
DEC 23 1988

November 4, 1985

RE: Permit No. 37-7116

Art Jones
Hagerman,
Idaho 83314

Dear Mr. Jones:

We acknowledge receipt of the Assignment of the above referenced permit to you. We also acknowledge receipt of the statement of beneficial use postcard and the supporting documentation for reinstating the above referenced permit. Enclosed is a copy of the Order of Reinstatement. Please note that the priority date has been advanced to January 12, 1984.

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

If you have any questions regarding this matter, please contact this office or our Southern Regional Office at 734-3578.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc
Enclosure

MICROFILMED

Reinstatement Review P.N. 37-7116

PROOF DUE: 5/1/74
PROOF RECEIVED: 1/12/84
PROOF LETTER SENT: 3/1/74
LAPSE LETTER SENT: 5/3/74

Supporting Info:
Letter dated 1/6/84 from Blue Lakes Trout Farm. (started receiving trout from company 4/76)
Billing from ~~Blue Lakes Trout Farm~~ Idaho Power for 1973-1983.

Reason for not submitting proof in a timely fashion may be partly contributed to lack of current address (see letter dated 3/8/74).

Per review of Aerial Photo's, land covered under permit was irrigated at time photo was taken on 5-10-1969
Rt. appears ready for reinstatement

Jim
10-21-85

MICROFILMED

United States
Department of
Agriculture

Soil
Conservation
Service

Gooding Field Office
122-5th Ave. West
Gooding, Idaho 83330

RECEIVED
AUG 19 1985
Department of Water Resources

37-7116
W½ NW¼, NWSW - Sec. 35
E½ NE¼, NESE - Sec. 34.

August 12, 1985

Sharla Curtis
Department of Water Resources
450 West State Street
Boise, Idaho 83720

Dear Sharla;

Please find enclosed photocopies of the Gooding County aerial photography you requested. This photography was taken May 10, 1969.
If we can assist you further, please let us know.

Sincerely,

Daniel A Ogle Acting

Brian Miller
District Conservationist

The Soil Conservation Service
is an agency of the
Department of Agriculture

MICROFILMED

SCS-AS-1
10-79

T6S R13E Sec. 34




T6S R13E Sec 35
35
36
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5.9
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MICROFILMED

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

37-7116

April 17, 1985

U.S. Dept. of Agri.
Agri. Stabilization & Conservation Service
130 4th Ave. W.
Gooding, ID 83330

Gentlemen:

Please send to my attention an aerial photo taken prior to May, 1974 (preferrably sometime in 1973), of the following lands:

Twp 6S, Rge 13E - Sec. 35 - $W\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$
Sec. 34 - $E\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$

Please notate on the photo the date it was taken.

Thank you in advance for your assistance in this matter.

Sincerely,

Sharla Curtis

SHARLA CURTIS
Water Rights Processing Clerk

SC:s

RECEIVED
APR 22 1985
Department of Water Resources

I am sorry, but we do not have any aerial photos on file taken prior to 1974. Our current maps were taken in 1977. The flight prior to that was 1969. These maps were given to the Soil Conservation Service in Gooding.

Gooding County ASCS Office

RECEIVED
APR 18 1985
Gooding County A.S.C.S.

MICROFILMED

ate 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 17, 1984

RE: Lapsed Permit Nos. 37-7116/7117/7118

Art Jones
Hagerman,
Idaho 83314

Dear Mr. Jones:

We are currently in the process of reviewing the above referenced files for possible reinstatement. However, a few things first need to be clarified:

Permit 37-7116 - appears to be in order and can be reinstated

Permit 37-7117 - no supporting documentation was submitted for this file - only the beneficial use card and the assignment. Evidence of beneficial use during the permit period of January 18, 1972 and January 1, 1977 needs to be submitted.

Permit 37-7118 - evidence of beneficial use submitted is for fish propagation (letter and billings from Blue Lakes Trout Farm). However, there is no fish propagation listed as a use on the original permit. The only use for this permit is irrigation of 120 acres within the W½NW¼, SE¼NW¼, N½SW¼, SE¼SW¼, Sec. 35, Twp 6S, Rge 13E. Therefore, evidence needs to be supplied which supports this use. Dated aerial photos would be very helpful in this respect.

Please submit the requested information on or before August 15, 1984 so that processing can continue towards reinstatement of these permits. If we can be of any further assistance or if you have any questions, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

MICROFILMED

VIRGINIA A. HUFF
1321 BYNUM RD
BARTLESVILLE, OK. 74006
TELE. - 918-335-3529

MARCH 30, 1984

STATE of IDAHO
Dept of WATER RESOURCES
STATE OFFICE, 450 W. STATE ST.
BOISE, IDAHO 83720

RECEIVED
APR 2 1984
Department of Water Resources

Dear Ms. Walker,

I am enclosing copies of my divorce decree and the agreement stating that I am the owner of WAGONWHEEL RANCH CORP.

These water rights are necessary for the operation of this property.

Please keep me informed

Yours very truly,
Virginia Huff

37-7116 L
-7117 L
-7118 L
please pull files

MICROFILMED

RAYBORN, RAYBORN and RONAYNE
Attorneys at Law
P. O. Box 821
Bank of Idaho Building
Twin Falls, Idaho 83301
(208) 733-2600

RECEIVED
APR 2 1984
Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

* * * * * *

VIRGINIA A. HUFF, Plaintiff,	)	Case No. 6706
vs.	)	DECREE OF DIVORCE
VERNON J. HUFF, Defendant.	)	

* * * * * *

The above matter came on regularly for hearing before this Court on the 22nd day of March, 1976, at the hour of 10:00 o'clock a.m. Plaintiff appeared through the firm of Rayborn, Rayborn & Ronayne. Defendant did not appear in person or through counsel. It appears that defendant was duly served with Summons and Complaint by signing an Acceptance of Service, Entry of Appearance and Consent to Entry of Default, that more than twenty days have elapsed since said Summons was served, and that the Default of defendant was duly entered.

Plaintiff testified in support of the material allegations of her Complaint, and a competent witness was sworn and testified corroborating plaintiff's testimony concerning her residence in the State of Idaho. During the

plaintiff's case, an "Agreement" was admitted into evidence and marked Exhibit "A" as specifically set out.

Based upon the pleadings and evidence, and good cause appearing:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Plaintiff is awarded an absolute divorce from defendant on the basis of irreconcilable differences.

2. The Agreement, admitted into evidence as plaintiff's Exhibit "A", is in all respects ratified and approved by the Court, and is incorporated in this Decree of Divorce as though each provision were specifically set out herein.

3. All indebtedness of the Wagonwheel Ranch Corporation is the separate property of the wife.

4. All of the interest of the parties in the following described insurance policies is awarded to plaintiff as her sole and separate property:

The Prudential Insurance Company of America	Policy Number 33 096 604
Occidental Life Insurance Company of California	Policy Number 2660211
The Lincoln National Life Insurance Company	Policy Number 1441794
Reliance Life Insurance Company	Policy Number 700431
Northwestern National Life Insurance Company	Policy Number B838215
Northwestern National Life Insurance Company	Policy Number B746579

5. Defendant shall pay plaintiff a sum equal in amount to all of the policy premiums upon the life insurance policies described in number four above as they accrue in the

N AND RONAYNE
AT LAW
X 321
HO BUILDING
DAHO 83301
30-2600

future. Defendant shall further repay all loans against said policies, and the interest thereon, within five years after the date of the execution of the property agreement between the parties. Said payments to be made to plaintiff, in an amount equal to the premiums upon said policies as they accrue, shall be paid to plaintiff not later than sixty days prior to the date upon which each premium payment becomes due.

6. Defendant shall pay all income tax liability which plaintiff may incur upon her 1975 salary, and her 1976 salary received prior to the date of the execution of the property agreement between the parties. Defendant shall pay any tax on any gain resulting from the dissolution of Wagonwheel Ranch Corporation which is to occur during the year 1976 if the net loss reported upon his Federal Income Tax Return is disallowed for any reason. If any tax liability develops with respect to years prior to the year 1976, resulting from the transactions during the year 1976 prior to the date of this decree, defendant shall pay such tax liability, and any penalties thereon. Defendant shall hold the wife harmless from any tax liability of any kind whatsoever arising or resulting from the property settlement entered into between the parties. Defendant shall indemnify and hold plaintiff harmless from any loss of any kind resulting from legal actions now pending or hereafter filed against defendant, plaintiff, Wagonwheel Ranch Corporation, or any other corporation in which defendant or plaintiff has any interest, including but not limited to any potential liability to Petrofunds, Inc., a corporation, except for actions resulting from business transactions or personal activities of plaintiff.

AND RONAYNE
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321
BUILDING
HO 83301
-2600

AGREEMENT

1. Parties: The parties to this Agreement are: VERNON J. HUFF, (hereinafter referred to as "Husband") and VIRGINIA A. HUFF, (hereinafter referred to as "Wife").

2. Recitals: This Agreement is made with reference to the following facts:

a) The parties hereto were married in the City of Evansville, State of Indiana, on November 23, 1950, and ever since have been, and still are, husband and wife.

b) The parties hereto have two children, Stephen G. Huff and Bradford John Huff, issue of such marriage. Both of said children are now of legal age and living away from home.

c) Unhappy differences have arisen between Husband and Wife, as a result of which they have for some time been living separate, and they have agreed to permanently live apart.

d) The parties hereto desire, by this Agreement, to settle and adjust, as between themselves, their respective property rights.

3. Wife's Separate Property: Husband hereby acknowledges the fact that all of the shares of stock in Wagonwheel Ranch Corporation, a Wyoming corporation, which is now standing in the names of either Husband or Wife is the sole and separate property of Wife, by virtue of an assignment from Husband to Wife executed on the 6th day of July, 1972. Husband further acknowledges the fact that any and all indebtedness of the Wagonwheel Ranch Corporation to Husband or Wife or either of them, regardless of how reflected upon the books of Wagonwheel

RN AND RONAYNE
S AT LAW
OX 321
HO BUILDING
IDAHO 83301
33-2600

Ranch Corporation, is now and for a considerable period of time has been the sole and separate property of the Wife, by virtue of mutual agreement of the parties, and that all salary payments previously made to Wife from said corporation were and are her separate property by virtue of prior agreement of the parties. Husband further acknowledges that he owes to Wife the sum of Ten Thousand ($10,000.00) Dollars as Wife's sole and separate property. Husband agrees that contemporaneously with the execution of this Agreement he will sign and deliver to Wife his Promissory Note for the payment of said Ten Thousand ($10,000.00) Dollars, due one year after the date of the execution of this Agreement, together with interest at the rate of six (6%) percent per annum from the date of the note until full payment thereof.

4. Division of Other Property:

a) Husband hereby agrees to, and by this Agreement he does hereby, sell, transfer, assign and convey unto Wife, as her sole and separate property, and does hereby forever waive any and all rights which he may have in or to the following items of property:

i. Any interest of the Husband in Wife's home, which stands in her name, situated in Twin Falls, Twin Falls County, Idaho, together with the lots upon which it is situated more particularly described as Lots 30, 31, and 32, in Block 5 of Blue Lakes Addition to the City of Twin Falls, Twin Falls County, Idaho.

ii. All of the household furniture, appliances, and effects of the parties situated in the home above described.

iii. The 1975 Oldsmobile automobile now owned

DORN AND RONAYNE
YS AT LAW
BOX 321
AHO BUILDING
IDAHO 83301
733-2600

iv. All of the interest of the parties in the insurance policies described in Exhibit "A", which is attached hereto and incorporated herein by reference.

v. All bank accounts and certificates of deposit which are owned by Wife and which now stand in Wife's name.

b) Wife hereby forever waives any and all rights in or to any and all other community property of the parties, real or personal, wheresoever situated, and she does hereby sell, transfer, assign and convey unto Husband any and all interest which she may have as Wife or otherwise in or to the said property or any part thereof. This transfer by Wife shall encompass and include all property accumulated by the parties during their marriage, whether or not denominated community property under the laws of the state where acquired, other than that specifically awarded to Wife by this Agreement. Provided, however, that this transfer by Wife is made in reliance upon information submitted to her by Husband in writing with respect to the property now owned by the parties, and Wife reserves the right to make a claim against any other property or assets in which the parties may have an interest, if such additional property was not included in the list of assets submitted to Wife and her attorney by Husband during the negotiations which culminated in the execution of this Agreement.

c) It is the intention of the parties by this Agreement to divide all property accumulated by them during their marriage equally. As the property hereby awarded to Husband exceeds in value the property awarded to Wife, and to equalize in value the property received by each under the terms of this Agreement, Husband further agrees as follows:

RN AND RONAYNE
RS AT LAW
BOX 321
HO BUILDING
IDAHO 83301
733-2600

4. As a part of the property settlement of the parties, and not as alimony, Husband agrees that he will pay to Wife a sum equal in amount to all of the policy premiums upon the life insurance policies described on Exhibit "A", as they accrue in the future. In addition, Husband will repay all loans against said policies, and the interest thereon, within five years after the date of the execution of this Agreement. Said payments to be made to Wife, in an amount equal to the premiums upon said policies as they accrue, shall be paid to Wife not later than sixty (60) days prior to the date upon which each premium payment becomes due. It is the intent of the parties that said payments by Husband to Wife will be used by Wife to pay the insurance policy premiums as they accrue. However, Wife shall not be obligated to use any or all of said payments from Husband for this purpose if she elects not to do so.

5. Release of Rights:

a) Except as in this Agreement otherwise provided, each party to this Agreement does hereby release the other from any and all liabilities, debts or obligations, of every kind or character, heretofore or hereafter incurred, and from any and all claims and demands, including all claims of either party upon the other for support and maintenance as Wife or Husband, it being understood that this present agreement is intended to settle the rights of the parties hereto in all respects.

b) Husband hereby warrants to Wife that he has not incurred, and he hereby covenants that he will not incur, any liability or obligation upon which she is or may be liable; and Husband hereby covenants and agrees that if

ORN AND RONAYNE
YS AT LAW
BOX 321
AHO BUILDING
IDAHO 83301
733-2600

any claim, action or proceeding shall hereafter be brought seeking to hold Wife liable on account of any debt, liability, act or omission of Husband, he will, at his sole expense, defend the Wife against any such claim or demand (whether or not well founded) and that he will hold her free and harmless therefrom. Specifically, Husband agrees to pay all income tax liability which Wife may incur upon her 1975 salary, and her 1976 salary received prior to the date of the execution of this Agreement, and any tax on any gain resulting from the dissolution of Wagonwheel Ranch Corporation, which is to occur during the year 1976, if the net loss reported upon his Federal Income Tax Return is disallowed for any reason, which loss is being used by Wife to offset said income items. In addition, if any tax liability develops with respect to years prior to the year 1976, or resulting from transactions during the year 1976 prior to the time when the parties hereto are divorced, if such a divorce does occur, Husband agrees to pay such tax liability, and any penalties and interest thereon. Husband further agrees to hold the Wife harmless from any tax liability of any kind whatsoever arising or resulting from this property settlement agreement or the implementation of its terms. Husband further agrees to indemnify and hold Wife harmless from any loss of any kind resulting from legal actions now pending or hereafter filed against Husband, Wife, Wagonwheel Ranch Corporation, or any other corporation in which Husband or Wife has any interest, including but not limited to any potential liability to Petrofunds, Inc., a corporation, except for actions resulting from business transactions or personal activities of Wife.

HORN AND RONAYNE
ATTYS AT LAW
BOX 321
DAHO BUILDING
, IDAHO 83301
733-2600

c) Wife hereby warrants to Husband that she has not incurred, and she hereby covenants that she will not incur, any liability or obligation upon which he is, or may be liable; and Wife hereby covenants and agrees that if any claim, action or proceeding shall hereafter be brought seeking to hold Husband liable on account of any debt, liability, act or omission of Wife, she will, at her sole expense, defend Husband against any such claim or demand, (whether or not well founded) and that she will hold him free and harmless therefrom.

d) It is hereby agreed that any and all property acquired by either of the parties to this Agreement from and after the effective date of this Agreement shall be the sole and separate property of the one so acquiring the same; and each of the parties hereto does hereby waive any and all right in or to such further acquisitions and does hereby grant to the other all such further acquisitions of property as the sole and separate property of the one so acquiring the same.

e) Each party hereto does hereby waive any and all right to inherit the estate of the other at his or her death, or to take property from the other by devise or bequest (unless under a will executed subsequent to the effective date hereof), or to act as administrator or administratrix of the estate of the other (except as the nominee of another person legally entitled to said right), or to act as executor or executrix or personal representative under the will of the other (unless under a will executed subsequent to the effective date hereof).

6. Agreement Binding on Successors: Each and every covenant and agreement herein contained shall inure to the

HORN AND RONAYNE
EYS AT LAW
BOX 321
DAHO BUILDING
, IDAHO 83301
733-2000

benefit of, and shall be binding upon, the heirs, legatees devisees, assignees, administrators, executors, personal representatives and successors in interest of the parties hereto.

7. Execution of Further Instruments: Each party hereto does hereby covenant and agree, on demand, to execute any other or further instruments necessary or convenient to carry out the provisions of this Agreement.

8. Each Party Fully Advised: Each party does hereby stipulate with the other: that he or she has been represented in the negotiations for and in the preparation of this Agreement by counsel of his or her own choosing; that he or she has read this Agreement and has had it fully explained to him or her by such counsel and is fully aware of the contents thereof and of its legal effect.

9. Provision for Attorneys Fees: Wife has employed R.E. Rayborn, of the firm of Rayborn, Rayborn and Ronayne, attorney at law, duly licensed to practice in the State of Idaho, to advise her in connection with this Agreement. In addition, Wife has instituted an action for divorce against Husband, and now intends to prosecute said action for divorce to conclusion. Husband agrees that he will pay to said attorney the sum of One Thousand Five Hundred ($1,500.00) Dollars to apply upon the fees of said attorney incurred for said purposes. Said payment in the amount of One Thousand Five Hundred ($1,500.00) Dollars shall be made at the time of the execution of this Agreement. Said payment shall be in full satisfaction of any legal obligation of Husband to reimburse Wife for attorneys' fees and costs in connection with such action. Provided, however, that if it shall hereafter be necessary for

RAYBORN AND RONAYNE
ATTYS AT LAW
BOX 321
IDAHO BUILDING
IDAHO 83301
733-2600

Wife to employ counsel to enforce this Agreement or any of the terms contained herein or if for any reason Husband should contest the divorce action above referred to, Wife reserves the right to apply to any court of competent jurisdiction for such additional attorneys' fees and costs as she may then be entitled to, and Husband agrees to pay reasonable fees and costs in such event.

10. Effective Date: This Agreement is executed and shall be effective from and after the 16th day of MARCH, 1976. It is agreed that this Agreement may, if desired, be submitted to the Court in the divorce action above mentioned for approval, but this Agreement shall not depend for its effectiveness upon such approval, nor be affected thereby except as may be required by law.

VERNON J. HUFF
"Husband"

VIRGINIA A. HUFF
"Wife"

Approved as to form:

Attorney for Husband

Attorney for Wife

STATE OF _____)
: ss.
County of _____)

On this 16th day of _____, 1976, personally appeared before me, a notary public in and for said State,

ERN AND RONAYNE
S AT LAW
OX 321
HO BUILDING
IDAHO 83301
33-2600

VERNON J. HUFF, known to me to be the person whose name is subscribed to the within instrument, who duly acknowledged to me that he executed the same.

NOTARY PUBLIC
Residence: _____

STATE OF IDAHO)
: ss.
County of Twin Falls)

On this 16th day of March, 1976, personally appeared before me, a notary public in and for said State, VIRGINIA A. HUFF, known to me to be the person whose name is subscribed to the within instrument, who duly acknowledged to me that she executed the same.

NOTARY PUBLIC
Residence: Twin Falls, Idaho

ORN AND RONAYNE
YS AT LAW
BOX 321
AHO BUILDING
IDAHO 83301
733-2600

EXHIBIT "A"

Name	Policy #	Face Amt.
The Prudential Insurance Company of America	33 096 604	$10,000.00
Occidental Life Insurance Company of California	2660211	$75,000.00
The Lincoln National Life Insurance Company	1441794	$25,000.00
~~Occidental Life Insurance Company of California~~	~~4277232-C~~	~~$175,000.00~~
Reliance Life Insurance Company	700431	$ 1,000.00
Northwestern National Life Insurance Company	B838215	$10,000.00
Northwestern National Life Insurance Company	B746579	$ 7,000.00

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

March 22, 1984

RE: Lapsed Permit Nos. 37-7116, 37-7117 & 37-7118

Virginia Huff
168 Pierce
Twin Falls, ID 83301

Dear Ms. Huff:

I have reviewed the Assignment of Permit forms that you submitted in connection with the above referenced water rights. We cannot, however, accept these forms unless you can provide evidence that you are in the position to assign the permits since they are solely in the name of Vernon Huff.

In Idaho a water right permit is considered personal property and can only be assigned by the permit holder. In this case, only Vernon J. Huff can assign these permits unless you can show that you are the executive of the estate by sending us either a copy of the will designating you as an authorized agent or a copy of other documents which give you power of attorney for Mr. Huff.

Please forward these documents as soon as possible so we can continue our processing toward reinstatement of said permits.

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

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc

MICROFILMED

March 20, 1984

Greg Ruddell
Box 1077
Twin Falls, ID 83301

Dear Mr. Ruddell:

Per a telephone conversation with Terry Blau, I am sending you this letter infomming you of the status of Permits 37-7116, 37-7117 and 37-7118.

The processing of these files is being delayed until the person making the assignment of permits to Art Jones can provide documents showing that she is the permit holder. Our records show that the permtts are in the name of Vernon J. Huff. On September 7, 1983, the Department received assignment of permits to change ownership from Vernon Huff to Art Jones. However, the assignments were signed by Virginia Huff. There is no record in our files to show that Virginia is qualified to make the assignments. Correspondence has been prepared to request proof of ownership from Ms. Huff. No further action toward reinstatement of the said permits can be initiated until this proof is received.

If you have any questions, please let me know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

E

MICROFILMED

BLUE LAKES TROUT FARM, Inc.
PERCY M. GREENE, MANAGER
BOX 1237 DIAL (208) 733-4631
TWIN FALLS, IDAHO 83301

RECEIVED
JAN 12 1984
Department of Water Resources
Southern District Office

January 6, 1984

To Whom it may concern:

Art Jones first received trout for growing from Blue Lakes Trout Farm, Inc. in April 1976.

Respectfully,

Coral Sparrow — Farm Pond Secretary

BLUE LAKES TROUT FARM, INC.
PERCY M. GREENE

PRODUCERS AND PACKERS OF
Blue Lakes
BRAND ROCKY MOUNTAIN RAINBOW TR
MICROFILMED

Irr. pump usage

Idaho Power

0356-0006-434

Annual Guaranty & Customer's Advance for Construction Record

Customer Art Jones
Vernon J Huff

Acct. No. ~~0456~~ 7430
~~0356-1150-~~

Contract Dated May 22, 1973 – for 10 yr. Term to Begin 1973 –

Annual Guaranty 505.00 – to be Billed Annually

Rate Schedule No. 24 Service Location SW¼ NW¼ S.35T.7S R.13E B.M.

Date of Connection 7/16/73 WO No. 42-739-693

Remarks Town Wendell

RECEIVED
JAN 12 1984
Department of Water Resources
Southern Region Office

ANNUAL GUARANTY						CASH ADVANCE		
Mo. 1973	Service Billing	Cumulative Service Billings	Mo.	Service Billing	Cumulative Service Billings	Date and Ref.	**Additions or Refunds	Balance
9/29		30572						
1974								
1st Data	505.00	40500	NO USAGE					
1975								
Data	505.00	x 50500	NO USAGE					
1976								
2nd 9/29		118901 x						
1977								
3rd 9/29		187449						
4th 78								
Data		154066						
5th 79								
Data		199934						
6th 80								
Data		233584						
7th 81								
Data		263152						
82								
8 Data		338054						
83								
9 Data		452318						

MICROFILMED

022 - M 12-70

*Circle Addition Entries

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

May 3, 1974

Re: Permit No. 37-7116

Vernon J. Huff
c/o John A. Rosholt
Idaho First National Bank Bldg.
P. O. Box 525
Twin Falls, Idaho 83301

Dear Mr. Huff:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 37-7116 has lapsed.

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

R. KEITH HIGGINSON
Director

Office Memorandum • POST OFFICE DEPARTMENT

DATE: 3-8-74

SUBJECT: Wrong addressee

IN REPLY REFER TO: P. O. Cl.—

RECEIVED
MAR 11 1974
Department of Water Administration

FROM: Postmaster
Twin Falls, Idaho 83301

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

The enclosed letter addressed to Vernon J. Huff was delivered to Mr. Verno C. Huff at his present address 311 Sunnyview Courts. Mr. Verno C. Huff opened the letter in error and says the letter does not belong to him. Mr. Verno C. Huff did live at 181 Austin Ave. until January of 1974. Some people by the name of Stockton live there now.

We are not aware of a Vernon J. Huff in Twin Falls. Perhaps you have another address for him.

Sincerely,
L. E. Libert, Postmaster
By: Russell B. Pike
Foreman of Delivery

POD Form 31A — Exception to Standard Form 64 approved by Bureau of the Budget August 1954.
Jan. 1955

☆ GPO: 1955—O-331305

37-7116

March 1, 1974 CERTIFIED MAIL

#25191

Re: Permit No. 37-7116

Vernon J. Huff
111 Shoshone St. No.
Twin Falls, Idaho 83301

Dear Mr. Huff:

One of the conditions of approval of your water Permit No. 37-7116 (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 May 1, 1974. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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

R. Keith Higginson

R. KEITH HIGGINSON
Director

37-7116

Enc: Proof affidavit

April 19, 1972

Re: Permit No. 37-7116

Mr. Vernon J. Huff
[illegible] Shoshone St. No.
Twin Falls, Idaho 83301

Dear Mr. Huff:

Enclosed is a copy of your approved Application for Permit No. 37-7116. We direct your attention to the conditions of approval as listed in the Memorandum Decision and Order.

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

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Copy of permit
Inform. ltr.

cc: John A. Rosholt
Enc: Copy of permit

Gary W. Shaw
Enc: Copy of permit

37 7116

BEFORE THE IDAHO DEPARTMENT OF WATER ADMINISTRATION

OF THE STATE OF IDAHO

Re: Application No. 37-7116,
Vernon J. Huff

STIPULATION

Comes now Parry, Robertson, Daly and Larson of Twin Falls, Idaho, on behalf of the applicant, Vernon J. Huff, and Becker, Swenson and Shaw, of Gooding, Idaho attorneys for protestants E. Bud Jensen and Paul Fleming, of Hagerman, Idaho, and stipulate as follows:

1. That the protest of E. Bud Jensen and Paul Fleming is hereby withdrawn and the Department of Water Administration may issue a permit pursuant to application No. 37-7116 to Vernon J. Huff if said application meets the other requirements of the Department.

2. The undersigned request that the Department of Water Administration condition any permit issued pursuant to Application No. 37-7116 as follows:

a. So long as the applicant utilizes the water of Birch Creek pursuant to the provisions of a permit which may be issued pursuant to application No. 37-7116, the applicant guarantees that the pipeline of E. Bud Jensen will be kept full at all times during the irrigation season when requested by Jensen and that during Jensen's use of said water the water level will be maintained at least twelve (12) inches from the top of the headwall where the water enters Jensen's pipeline. The pipeline owned by Jensen is located in the NE¼ of the SE¼ of Section 34, Township 6 South, Range 13, E.B.M., Gooding, Idaho.

37 7116

b. Applicant Vernon J. Huff will not alter the natural rock diversion of Birch Creek as previously set out in that certain agreement dated May 4, 1943, concerning the diversion at the "forks" of Birch Creek located in the Southwest Quarter of the Southwest Quarter of Section 35, Township 6 South, Range 13 East, Boise Meridian, Gooding, County, Idaho.

c. The parties further stipulate that if the natural flows of Birch Creek ever diminish to a point where the one cubic foot of water for consumption use for irrigation purposes set out in application No. 37-7116 cannot be filled without interferences with the water right E. Bud Jensen, his successors, or assigns, Vernon J. Huff will cease consumptively using said one second foot of water covered by said application No. 37-7116 or any permit issued pursuant thereto, and the parties will then determine the respective amounts of water and the priority dates to which each are entitled to by constitutional usage in addition to the amounts set out in the decree of Swineheart v. Vader filed in Gooding County, December 19, 1971, recorded in Book I of Civil Judgments at page 533.

d. Vernon J. Huff will provide access to E. Bud Jensen and Paul Fleming to their domestic well located on the property of Vernon J. Huff for the purpose of maintaining said domestic well and will co-operate if additional construction is required.

The Applicants and the Protestants agree to bind their heirs, personal representatives, their successors and assigns.

DATED: March 30, 1972.

Applicant Vernon J. Huff

BY Tom A. Rajnacc
Parry, Robertson, Daly & Larson
P. O. Box 525
Twin Falls, Idaho 83301

Protestants E. Bud Jensen
Paul Fleming

BY Harry W. Shaw
Becker, Swenson & Shaw
P. O. Box 238
Gooding, Idaho 83330

37 7116

PARRY, ROBERTSON, DALY & LARSON
LAWYERS
THE IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 525
TWIN FALLS, IDAHO 83301
TELEPHONE
(208) 733-3722

P. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1966)
BERT LARSON
C. O. McINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

RECEIVED
MAR 10 1972
Department of Water Administration

March 9, 1972

Mr. Bobby D. Fleenor
Assistant Director
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Re: Application for Permit No. 37-7116
Vernon J. Huff

Dear Mr. Fleenor:

Yesterday I met with Gary W. Shaw, attorney from Gooding, Idaho, representing Mr. E. Bud Jensen and Paul Fleming of Hagerman. Mr. Jensen was also present. They were protestants to the above-mentioned permit.

As a result of yesterday's meeting, we have agreed to prepare a stipulation which may be incorporated as conditions on the permit. The parties will work this out among themselves.

The purpose of this letter is to advise you that the "conference and/or hearing" scheduled for March 14 on the above permit may be vacated.

We will supply you with the stipulation in the near future.

Thanks for your cooperation.

Sincerely,

John A. Rosholt
JOHN A. ROSHOLT

JAR:ib
cc: Gary Shaw
Becker, Swenson & Shaw
Gooding, Idaho
Bud Jensen, Hagerman
Paul Fleming "
Vernon J. Huff, Bliss

37 7116

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

In the Matter of Protests Against Approval of Application for Permit No. 37-7116 in the name of VERNON J. HUFF	NOTICE OF CONFERENCE AND/OR HEARING

On November 15, 1971, Vernon J. Huff, Twin Falls, Idaho, filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On December 27, 1971, the Department received a protest against approval of said application from Gary W. Shaw, Attorney-at-Law, Gooding, Idaho, filed in behalf of E. Bud Jensen and Paul Fleming, Hagerman, Idaho.

The Department has set the matter of protests for conference and/or hearing on March 14, 1972, at 9:00 a.m., in the Gooding County Courthouse, Gooding, 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 before 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 protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 25 day of February, 1972.

January 4, 1972

Re: Application for Permit No. 37-7116

Mr. Vernon J. Huff
111 Shoshone St. No.
Twin Falls, Idaho 83301

Dear Mr. Huff:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 37-7116. You should be aware that the following are the principle items we can consider at a conference &/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?

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement 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 &/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.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Copy of protest

37 7116

January 4, 1972

Re: Application No. 37-7116 - Vernon J. Huff

Mr. Gary W. Shaw
BECKER & SWENSON
Box 228
Gooding, Idaho 83330

Dear Mr. Shaw:

This is to acknowledge receipt of the protest filed in behalf of E. Bud Jensen and Paul Fleming in connection with the above referenced application for permit. The following are the principle 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 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.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement 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 contact us.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

37 7116

BDF:DR
cc: E. Bud Jensen
Paul Fleming

RECEIVED
DEC 27 1971
Department of Water Administration
Accepted 12/27/71
BDF

BEFORE THE IDAHO DEPARTMENT OF WATER ADMINISTRATION

STATE OF IDAHO

RE APPLICATION No. 37-7116) VERNON J. HUFF))	PROTEST OF E. BUD JENSEN AND PAUL FLEMING

COMES NOW the undersigned attorney, GARY W. SHAW of the firm of Becker, Swenson and Shaw of Gooding, Idaho, on and for the behalf of E. BUD JENSEN and PAUL FLEMING of Hagerman, Idahoand protests the granting to Vernon J. Huff a permit to appropriate 6.0 cubic feet per second and 4,380 acre feet per annum from Birch Creek, a tributary of the Snake River, located in the Hagerman Valley, County of Gooding, State of Idaho, under application No. 37-7116.

This protest is based and predicated upon the allegations and facts hereinafter set forth.

Both E. Bud Jensen and Paul Fleming of Hagerman, Idaho are presently applying to a beneficial use the waters of the above named Birch Creek and they and their predecessors in interest have used said water for a period of 45 years last past for the purpose of irrigation. That said E. Bud Jensen and Paul Fleming have established rights to use the waters of Birch Creek by reason of a prior decree and also by application of said water to a beneficial use. That by virtue of said decree and use said E. Bud Jensen and Paul Fleming claim a prior right to the use of said waters entering their premises. That said protestants are informed and believe that their prior established water rights will be jeopardized and reduced

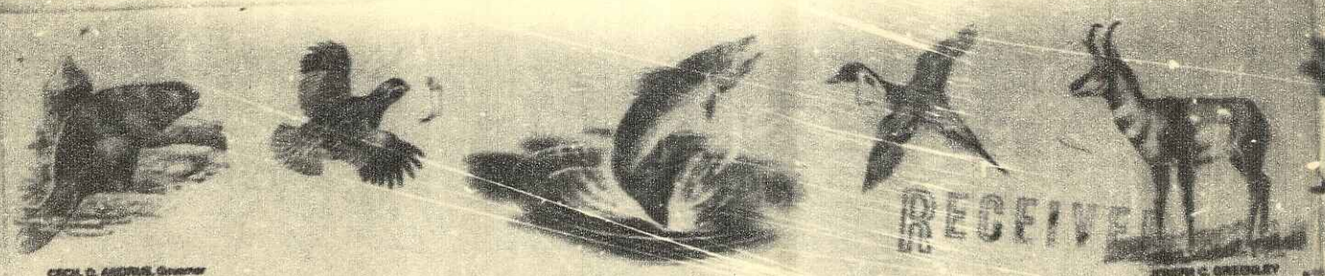
37 7116

if application No. 37-7116 for Vernon J. Huff is approved and granted. Wherefore said E. Bud Jensen and Paul Fleming object and protest the granting of said permit unless the same can be established and proved as not interfering with their prior rights of appropriation as hereinabove set forth.

DATED this 24th day of December, 1971.

BECKER, SWENSON and SHAW
P.O. BOX 238
Gooding, Idaho
Gary W. Shaw

Gary W. Shaw
Attorneys for protestants E. Bud Jensen and Paul Fleming



RECEIVED
DEC 27 1971
Department of Water Administration

CECIL D. ANDRUS, Governor
COMMISSION
ROBERT G. KALB, Sandpoint
PAUL C. KEETON, Lewiston
JOHN EATON, Conway
JACK HEMINGWAY, Sun Valley
H. JACK ALVORD, Pocatello

JOSEPH C. GREELEY
Director

IDAHO FISH AND GAME DEPARTMENT

POST OFFICE BOX 25
600 SOUTH WALNUT STREET
BOISE, IDAHO 83707

December 22, 1971

Mr. R. Keith Higginson, Director
Idaho Department of Water Administration
Statehouse--Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

Reference: Application No. 37-7116, 37-7117, 37-7118

Fish and Game personnel have reviewed and approve of the above referenced application with the following provisions:

(1) Every reasonable attempt be made to minimize any future work needed on existing stream or spring bottoms.

(2) Every reasonable attempt be made to keep siltation to a minimum in any of the necessary work.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT

Robert J. Bell

Regional Fishery Biologist

37 7116

cc: Fisheries Division
District Conservation Officer
Ted Chu

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

December 2, 1971

Re: Application for Permit No. 37-7116, 37-7117 & 37-7118 - Vernon J. Huff

Mr. Ted Biladeau
Dept. of Fish & Game
Engineering Division
Boise, Idaho

Dear Mr. Biladeau:

We are enclosing copies of the above referenced applications that may be of interest to your agency. Please review these applications and if you have any comments, please submit them to our Department as soon as possible. We normally complete the processing of an application within a 6-week period and we are required to take final action shortly thereafter.

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/bb

Enclosures

37 7116

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Vernon J. Huff, 111 Shoshone Street North, Twin Falls, Idaho has on November 15, 1971 submitted Application No. 37-7116 for a permit to appropriate 6.0 cubic feet per second and 4,380 acre feet per annum of water from Birch Creek, tributary of Snake River by means of diversion boxes within the SE¼SW¼, SW¼SW¼, Sec. 35, T. 6S, R. 13E, B.M., Gooding County

to be used from Jan. 1 to Dec. 31 for stockwatering purposes within the NE¼SE¼, Sec. 34; NW¼SW¼, Sec. 35, T. 6S, R. 13E, B.M.; and for fish propagation purposes within the SE¼SW¼, Sec. 35, T. 6S, R. 13E, B.M.; and from March 15 to Nov. 15 for the irrigation of 170 acres within the W½NW¼, NW¼SW¼, Sec. 35; E½NE¼, NE¼SE¼, Sec. 34, T. 6S, R. 13E, 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 December 27, 1971.

R. KEITH HIGGINSON

Director

Published in the Gooding County Leader, Gooding, Idaho on Dec. 9 and DEC. 16, 1971.

37 7116

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

November 9, 1971

Re: Permit application for Vernon J. Huff

Mr. John Rosholt
P. O. Box 525
Twin Falls, Idaho 83301

Dear John:

Pursuant to our telephone conversation of November 9, 1971, we have retyped the applications for Mr. Huff clarifying the issues that we discussed. Please review these applications carefully and if you find them acceptable, return each with the proper fee and we shall begin their processing. Also, please find enclosed Mr. Huff's personal check, numbered 92-160 in the amount of $75.00.

If you should have any questions, please feel free to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC/bb

Enc: 3 application forms
Check #92-160 ($75.00)

37 7116

PARRY, ROBERTSON, DALY & LARSON
LAWYERS
THE IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 525
TWIN FALLS, IDAHO 83301

R. P. PARRY
T. H. ROBERTSON
JOHN H. DALY (1913-1958)
BERT LARSON
C. J. McINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

RECEIVED
NOV 10 1971
Department of Water Administration
(208) 733-3729

November 8, 1971

Mr. R. Keith Higginson, Director
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Attention: Dorian Clay

Re: Vernon J. Huff - Wagon Wheel Ranching Corporation

Dear Dorian:

Pursuant to our telephone conversation, please find enclosed a copy of a power of attorney which was previously executed by Vernon Huff. The purpose for sending this power of attorney is so that you will have it on file to cover you for those changes which we agreed to on the telephone and which I will hereinafter reiterate.

As per the permit concerning "Indian Cove Spring" the following changes are authorized:

1. In question 2 of the application, Birch Creek may be inserted in the first blank as well as Indian Cove Spring.

2. The typed in response - the last line of question 4 may include 6 cfs as a maximum.

3. As to question 8b., the tabulation may be corrected to show in Section 35, 25 acres in the SW 1/4 of the NW 1/4, 25 acres in the NW 1/4 of the SW 1/4, and 20 acres in the SE 1/4 of the SW 1/4 for a total of 70 acres in Section 35. As to the acreages in Section 34, the acreages should include 40 acres in the SE 1/4 of the NE 1/4 and 40 acres in the NE 1/4 of the SE 1/4 for a total of 80 acres in Section 34 for a total of 150 acres.

37 7116

I am also enclosing for your information, a copy of that certain Swineheart vs. Vader decree. You can see by reading it that Mr. Woody is the predecessor of Mr. Leach, who is one of the predecessors in ownership of Mr. Huff and the Wagon Wheel Ranching Corporation. I am also enclosing a copy of an abstract found in the title company for entry No. 92, which is miscellaneous document No. 87147 of Gooding County, recorded May 4, 1943. You will note that it concerns the division of Birch Creek waters which I have marked on the copy of the enclosed SCS map.

As to the application for waste water from the Justice Ditch, you are authorized:

1. To change the first blank in question 2 to indicate waste water from Justice Ditch so as to eliminate any question we are not filing on Justice Ditch water other than water which has traditionally been wasted over the canyon rim at the two points of diversion as specified in the permit.

2. The grid on the map would appear to be correct and again question 8b. is somewhat inaccurate. I feel that the grid is accurate and consequently would authorize you to change the answers in 8b. as follows:

SW 1/4 NW 1/4	20 acres
SE 1/4 NW 1/4	20 acres
NW 1/4 NW 1/4	10 acres
NE 1/4 NW 1/4	10 acres
NW 1/4 SW 1/4	20 acres
NE 1/4 SW 1/4	20 acres
SE 1/4 SW 1/4	20 acres

As to the application for "Big Spring," as per our conversation, you may indicate no more than ten points of diversion to the last response to question 3a.

I think that covers all of the matters about which we conversed on the telephone except the filing fee. I was apparently not operating under the provisions of House Bill No. 182 as passed by the 41st Legislature in 1971. The section that would apply to the three applications, as amended by the Legislature, I presume reads as follows:

"For a quantity greater than 1.0 cfs but not exceeding 20 cfs or for a storage volume greater

than 100 acre-feet but not exceeding 2000 acre-feet the fee is $25.00 plus $10.00 for each additional cfs or part thereof or 100 acre-feet or part thereof over the first cfs or 100 acre-feet."

As per this change, we would compute the filing fee as follows:

1. As to Indian Cove Spring, wherein a maximum of 6 cubic feet per second is applied for, a total amount of $75.00.

2. As to the Justice Ditch, a filing fee of $45.00.

3. As to Big Spring, a filing fee of $55.00.

Since you have previously received the $75.00 check from the Wagon Wheel Ranching Corporation, find enclosed our check in the amount of $100.00 in payment of the remaining filing fees.

If there are additional questions, please do not hesitate to be in contact with me.

Sincerely,

John A. Rosholt

JOHN A. ROSHOLT

JAR:php

Enclosures: Power of Attorney
Swineheart vs. Vader decree
Abstract
Check, $100.00 filing fee
SCS Map

37 7116

PARRY, ROBERTSON, DALY & LARSON
LAWYERS
THE IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 525
TWIN FALLS, IDAHO 83301
TELEPHONE
(208) 733-3722

R. P. PARRY
T. H. ROBERTSON
JOHN H. DALY (1912-1966)
BERT LARSON
C. G. McINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAIPE

November 12, 1971

RECEIVED
NOV 15 1971
Department of Water Administration

Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Attention: Dorian Clay

Dear Dorian:

I am returning to you the three applications which your office so courteously typed for me making the corrections about which we talked. I don't know what is wrong with me but I am apparently having problems reading land descriptions this week and I note that my letter of November 8 is even inaccurate. Since these applications will stand, I would ask that you just return to me your copy of my letter of November 8 because it is easier to have it back than to attempt to correct the descriptions in it.

I have checked the applications which you retyped and I thank you very much. Again enclosed is the $75.00 check. Thanks for your continuing help.

Sincerely,

John A. Rosholt

JOHN A. ROSHOLT

JAR:php

Enclosures: Three applications
Check $75.00

37 7116

PARRY, ROBERTSON, DALY & LARSON
LAWYERS
THE IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 525
TWIN FALLS, IDAHO 83301
TELEPHONE
(208) 733-3722

R. F. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1966)
BERT LARSON
C. G. McINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

RECEIVED
NOV 2 1971
Department of Water Administration

October 29, 1971

Mr. R. Keith Higginson, Director
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Attn: Water Rights Division

Gentlemen:

Enclosed are three applications by which we hope to clarify Mr. Huff's water rights. Also enclosed is the check for the filing fee. If there is a discrepancy in the amount, please advise and bill us for the difference.

Please also send notices concerning progress on these applications to me at this address.

Sincerely,

John A. Rosholt
JOHN A. ROSHOLT

JAR:php

Enclosures: Three Applications
Filing Fee

37 7116

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 37-7116 Name Vernon J. Huff

Source Birch Creek, tributary of Snake River

Point of Diversion SE¼SW¼ Sec. 35, T. 6S, R. 13E, B.M., Gooding County

Quantity 6.0 Use Fish Propagation Period Jan. 1 - Dec. 31

Quantity 1.0 Use Irrigation Period March 15 - Nov. 15

Quantity .50 Use Stockwater Period Jan. 1 - Dec. 31

Well Size _____ Diameter _____ Proposed Depth _____ Feet

Use 170 acres and 300 - 1,000 head of cattle.

Date Forwarded 12-2-71 Date Returned 12-2-71 Received by _____

COMMENTS: Subject to prior rights.

RECOMMENDED:

Applied: Qty. _____ Use _____ Period _____ AF/A _____ AF _____

Qty. _____ Use _____ Period _____ AF/A _____ AF _____

Qty. _____ Use _____ Period _____ AF/A _____ AF _____

Maximum: Qty. _____ Use _____ Period _____ AF/A _____ AF _____

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 Castelin Title W.R.I. - I

Date Dec. 2, 1971

37 7116

INTER-DEPARTMENT MEMO — 1

DATE 1/12/84

FROM Loren Holmes

TO Dave Tuthill

SUBJECT 37-7116 & 37-7118

I believe these Permits have been assigned to Art Jones who has filed late Proof & asked that they be reinstated.

The Attached is to support the item statement request.

Loh

SIGNATURE

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
ATTORNEYS AT LAW
IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 1906
TWIN FALLS, IDAHO 83301
(208) 734-0700

RECEIVED
SEP 27 1983
Department of Water Resources

DATE: 9/7/83

TO: Lorin Holmes
DWR

RE: Air Tower Permits

Inclosed are Assignments & Proof Cards as to 7116 → 7118, Showing Proof made in 1972. We Ask for Reinstatement in Accord with 42-218a 2. Passed By 1983 Ida Legislature

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

BY Holmes Young

MICROFILMED

P.S. Call w/ Questions

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has com[illegible]d development to the extent shown below of Perr[illegible]o. 7116(37).

Name(s) of Permit Holder: Vernon J. Huff

Post Office Address: 168 Pierce

Twin Falls, ID 83301 Tel. No.

Source of Water: Birch Creek

Extent of Use:

- ☐ Domestic (number of households)
- ☑ Stockwater 300 cattle (number and type of stock)
- ☑ Irrigation 170 (acres)
- ☐ Other fish

MICROFILMED

Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

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

August 5th 1983

Completed: Date nov. 1972

Signature of Permit Holder