



Sec. 36

NW 1/4 SE 1/4

Bend

Brallford

County

Canal

Refuge
Headquarters

Bass

P.D.

Anderson
#1

Ponds

Anderson
#2

Canal

Tucker
Spring

Road

Shops

Rearing
Ponds

Hatchery

Fishery
Housing

Fry
Pond

Rearing
Ponds

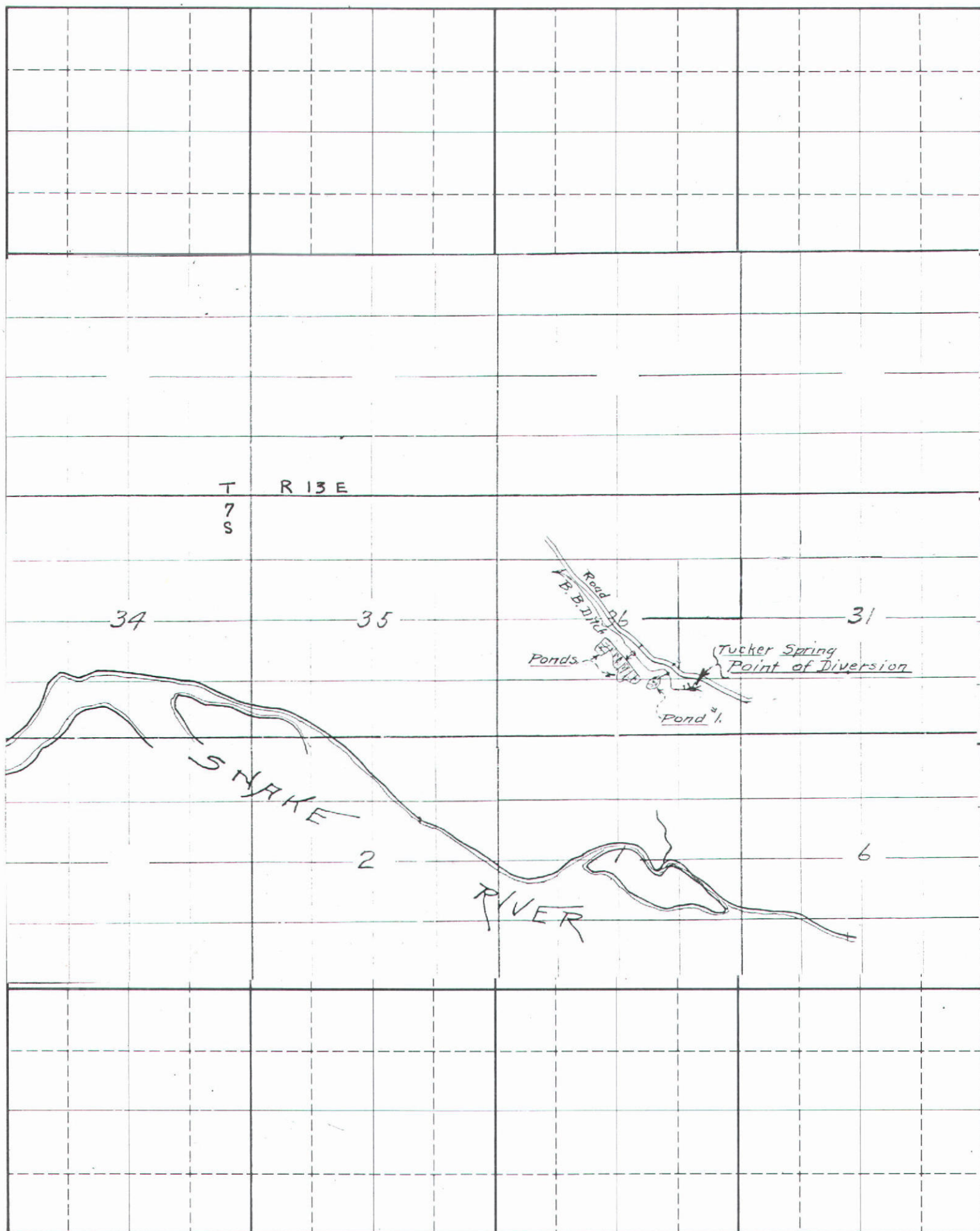
lot 3

AUG 07 1996

Ditch

lot 6

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

RECEIVED
AUG 07 1996

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

Kim R. Compton 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 newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 8 day of February 19 79, and the date of the last publication was on the 15 day of February, 19 79.

Kim R. Compton
Subscribed and sworn to before me this 15 day of February, 1979.
(SEAL)

Garnett Uno
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice	60
Number of Insertions	2
Lines tabular at	315c
Lines straight at <u>60</u>	21c <u>12.60</u>
Subsequent lines at <u>60</u>	15c <u>9.</u>
TOTAL COST	<u>21.60</u>

NOTICE OF AMENDED APPLICATION FOR CHANGE OF WATER RIGHT NO. -36-2056

Notice is hereby given that the Idaho Department of Fish & Game has amended its Application to change a right to the waters of Tucker Springs via the Big Bend Ditch.

The right sought to be changed is evidenced by License 36-2056 and is recorded as follows:

Amount: 3.0 cfs
Priority: September 16, 1947
Point of Diversion: SE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E, B.M., Gooding County

The water is used for fish propagation purposes from Jan. 1 to Dec. 31, within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E, B. M.

The Application was originally made to change the Point of Diversion to two points within the NW $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E.

The Application has been Amended and the following change is now proposed:

Point of Diversion: SE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E

Place of Use: NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E

Any protest against approval of the Amended Application for Transfer must be filed with the Idaho Department of Water Resources on or before February 26, 1979.

/s/ C. Stephen Allred
Director

Pub: 2-8, 15

29092

No. 1993

AUG 07 1996

AFFIDAVIT of PUBLICATION

RECEIVED

DEC 15 1977

State of Idaho, }
County of Gooding } SS.

Department of Water Resources
Southern District Office

Kim R. Crampton, 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 newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 1 day of December

1977, and the date of the last publication was on the 8

day of December, 1977.

Kim R. Crampton

Subscribed and sworn to before me this 8

day of December, 1977.

(SEAL)

Garnett H. Hise

NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 60

Number of Insertions 1

Lines tabular at 315c

Lines straight at 60 21c 12.60

Subsequent lines at 60 15c 9.00

TOTAL COST 21.60

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 36-2056

Notice is hereby given that Idaho Dept. of Fish & Game of Jerome, Idaho, has applied to the Department of Water Resources for a change of the point of diversion of the waters of Tucker Springs via Big Bend Ditch. The right sought to be changed is evidence by License No. 36-2056 and is recorded as follows:

Amount: 3.0 cfs
Priority: September 16, 1947
Point of diversion: SE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E., B.M., Gooding County.

The water is used for fish propagation purposes from Jan. 1 to Dec. 31 within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E., B.M.

TO BE CHANGED AS FOLLOWS

Amount: 3.0 cfs [same as above]
Point of diversion: [2 points], NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E., B.M., Gooding County

Any protest against approval of the above proposed change of water right must be filed with the Idaho Dept. of Water Resources, 1041 Blue Lakes Blvd., No., Twin Falls, ID. 83301, on or before December 19, 1977.

/s/ C. Stephen Allred
Director

Pub: 12-1, 8

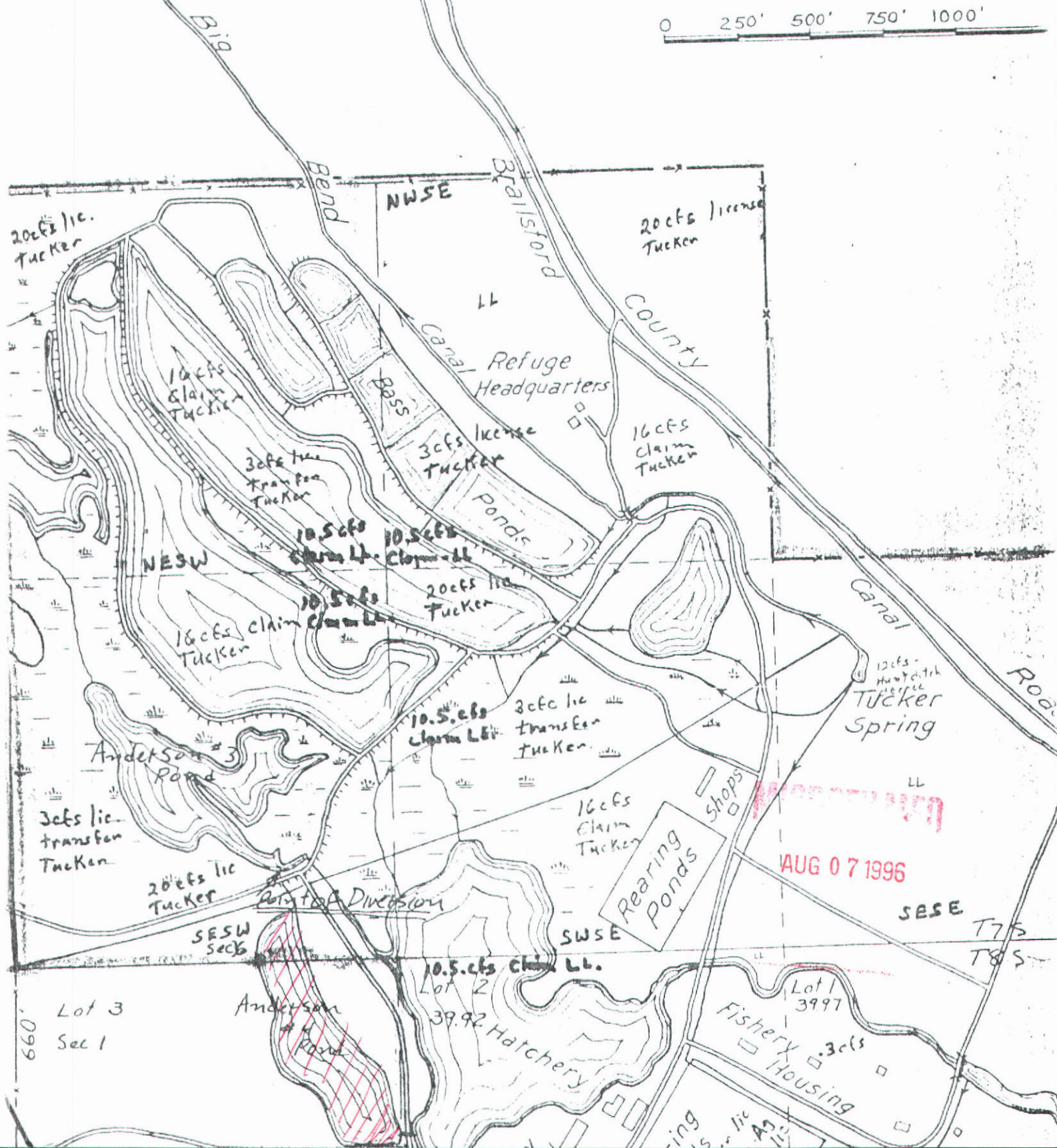
ATES
es 1971)
..... 21c
..... 315c
..... 15c

22698

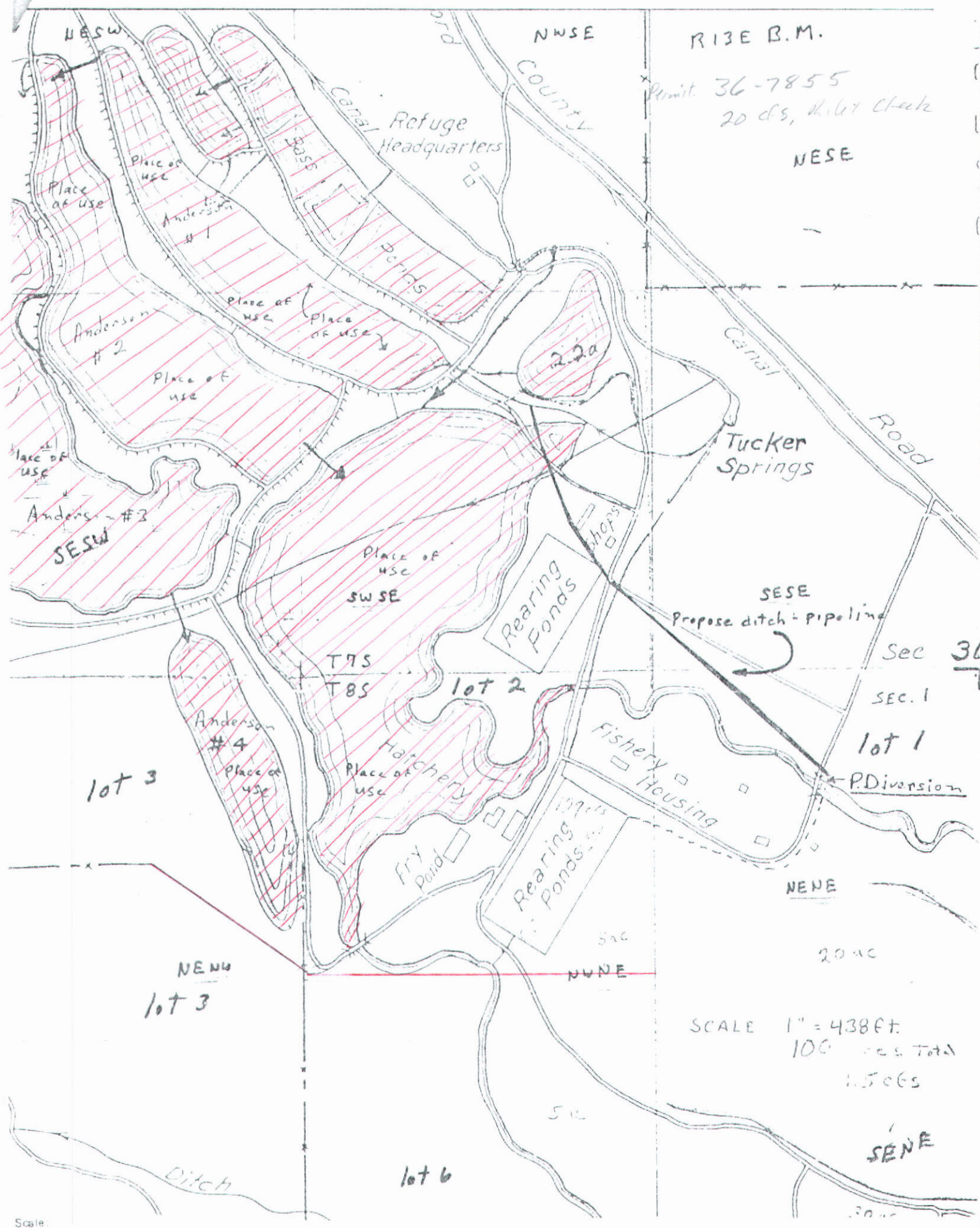
No. 1461

AUG 07 1996

A horizontal number line with tick marks at 0, 250', 500', 750', and 1000'.



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



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.

AUG 07 1996

(Applicant)

1.13

Hunt Ditch

RISE
T85
Section 1
lot 6

APP 3C-7780
130 cfs Riley Creek

Gridley



Island

Riley Creek

Point of diversion
Point of Return

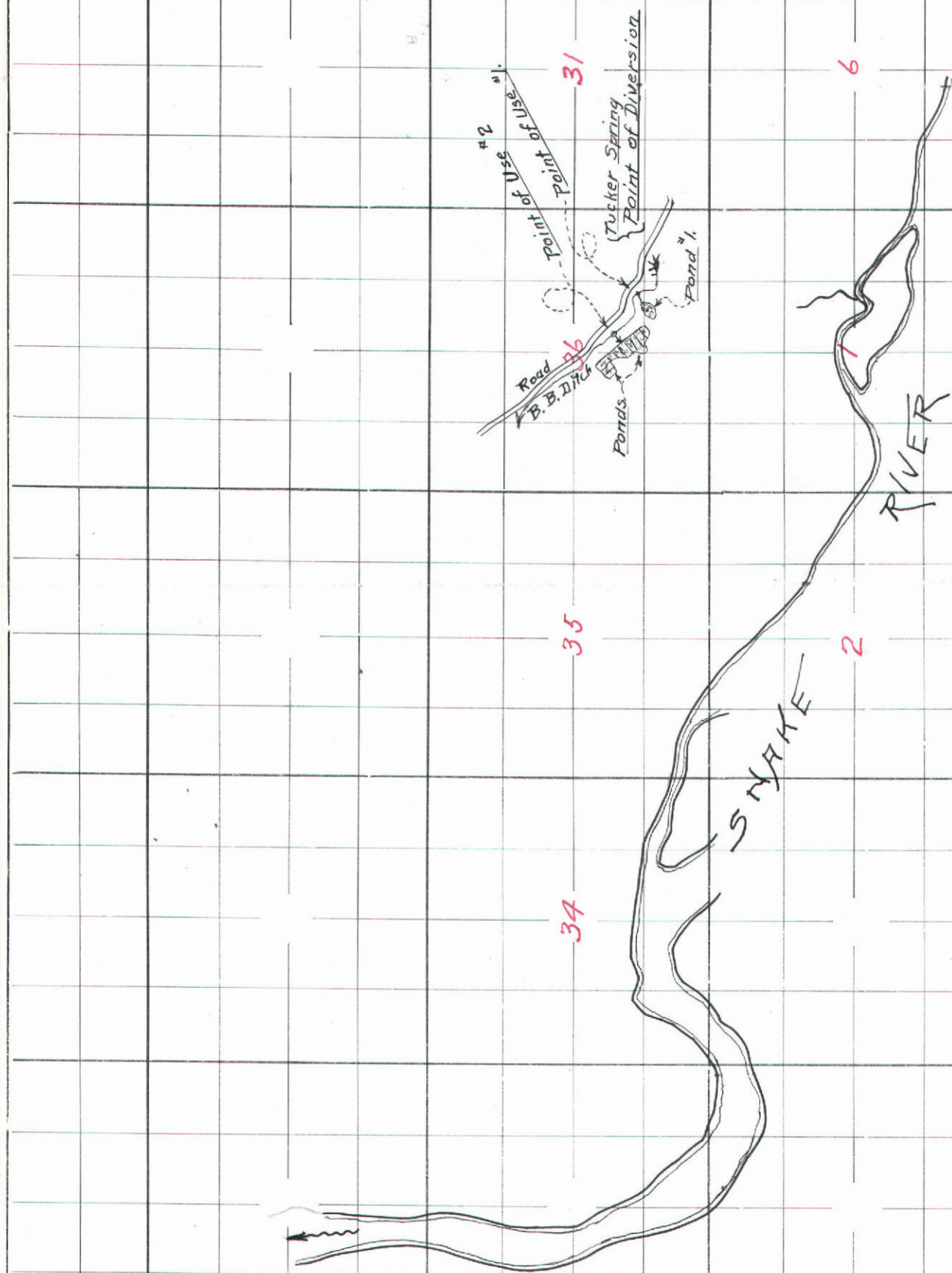
Oster

lot 7

lot 6

RIVER

AUG 07 1996



AFFIDAVIT OF PUBLICATION

**Notice for Publication
NOTICE OF PROOF
APPLICATION OF WATER
TO BENEFICIAL USE**
Notice is hereby given that at

10:00 A.M on the 20th day of February, 1948, at Boise, County of Ada, State of Idaho, before Ann Mastro, Notary Public, proof will be submitted of the application to beneficial use of 6 cubic feet per second of the waters of Tucker Spring in accordance with the terms and conditions of Permit No. 20189 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are State Fish and Game Department, Boise, Idaho.

The use to which said water has been applied is Fish rearing pond purposes.

The amount applied to beneficial use is six (6) cubic feet per second.

The place where said water is used NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Twp. 7 South, Range 13 East, B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Big Bend Ditch.

The right to take water from such works is based upon Permit No. 20189.

The source of supply from which such water is diverted is Tucker Spring, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Twp. 7 South, Range 13 East, B.M.

The date of priority which said user is prepared to establish is September 16, 1947.

MARK R. KULP, State Reclamation Engineer. 10-13

STATE OF IDAHO }
County of Gooding } ss.

I, *Leland G. Burress*, do solemnly swear that I am the printer and publisher of THE GOODING LEADER, a weekly newspaper of general circulation, published once each week at Gooding, Idaho; that the notice attached hereto was published in said newspaper *four* consecutive weeks, the first publication having been made on the *22nd* day of *January*, 194*8*, and the last publication having been made on the *12th* day of *February*, 194*8*, that said notice was published in the regular and entire issue of every number of the paper during that period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in *Gooding, Gooding County, Idaho*, for a period of more than 78 weeks prior to the first publication of the attached notice.

Leland G. Burress *ERI*
Subscribed and sworn to before me this

8th day of *March*, 194*8*.

Helen J. Smith
Notary Public.

20189

ding, Idaho

Jan. 22-1948

10:00 A.M on the 20th day of February, 1948, at Boise, County of Ada, State of Idaho, before Ann Mastro, Notary Public, proof will be submitted of the application to beneficial use of 6 cubic feet per second of the waters of Tucker Spring in accordance with the terms and conditions of Permit No. 20189 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are State Fish and Game Department, Boise, Idaho.

The use to which said water has been applied is Fish rearing pond purposes.

The amount applied to beneficial use is six (6) cubic feet per second.

The place where said water is used NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Twp. 7 South, Range 13 East, B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Big Bend Ditch.

The right to take water from such works is based upon Permit No. 20189.

The source of supply from which such water is diverted is Tucker Spring, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Twp. 7 South, Range 13 East, B.M.

The date of priority which said user is prepared to establish is September 16, 1947.

MARK R. KULP, State Reclamation Engineer.

10-13

NOTICE OF SUMMONS

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 2184 OF WATER)
RIGHT NO. 36-02056 IN THE NAME)
OF IDAHO DEPT OF FISH & GAME)

PRELIMINARY ORDER

1. On November 21, 1977, the Idaho Department of Fish & Game (applicant) filed Application for Transfer No. 2184 (application) with the Department of Water Resources (department) proposing to change the point of diversion of Water Right No. 36-02056. The application was subsequently protested by Big Bend Irrigation and Mining Company, Ltd. (Big Bend or protestant).

2. On January 10, 1979, the applicant filed an amended application seeking to change the place of use of water. Big Bend renewed its protest against the amended application.

3. On March 13, 1984, the applicant and protestant entered into an agreement which resulted in withdrawal of the protest.

4. On September 28, 1990, the applicant filed a claim in the Snake River Basin Adjudication which did not reflect the licensed place of use or the place of use described on the transfer application. The department investigated the claim and recommended the claim showing an accomplished change in the place of use.

5. On March 28, 1996, the Department sent a Notice of Intent to Reject the application to the applicant and requested the withdrawal of the application. The applicant did not respond to the department.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, states in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined

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in section 42-203A, Idaho Code; ...

2. The application is superceded by the recommendation of this water right in the Snake River Basin Adjudication.

3. The department should deny the application for transfer.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Amended Application for Transfer No. 2184 of Water Right No. 36-02056 in the name of Idaho Department of Fish and Game is **DENIED**.

Dated this 29th day of April, 1996.


L. GLEN SAXTON, Chief
Water Allocation Bureau


AUG 07 1996

Transfer No. 2184

Application No. 36-2056

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AMENDED
RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

AMENDED
JAN 10 1979

MAR 2 1996

Department of Water Resources
Southern District Office

Name of applicant Idaho Dept. of Fish & Game Phone 324-4359
Post office address 868 East Main, Jerome, Idaho 83338

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)

b. License No. 36-2056 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Tucker Spr. via Big Bend Ditch tributary to Snake River

4. Date of priority September 16, 1947

5. Water is used for the following purposes:

amount 3.0 cfs for fish propagation purposes from January 1 to December 31
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 3.0 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36
Township 7S Range 13E, B.M., in Gooding County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7S	13E	36														X			

Total number of acres to be irrigated _____

AUG 27 1996

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion NO CHANGE
- a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet
- b. Point(s) of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____
- c. Description of diverting works _____
- d. Describe the reasons for applying for a change in the point(s) of diversion _____

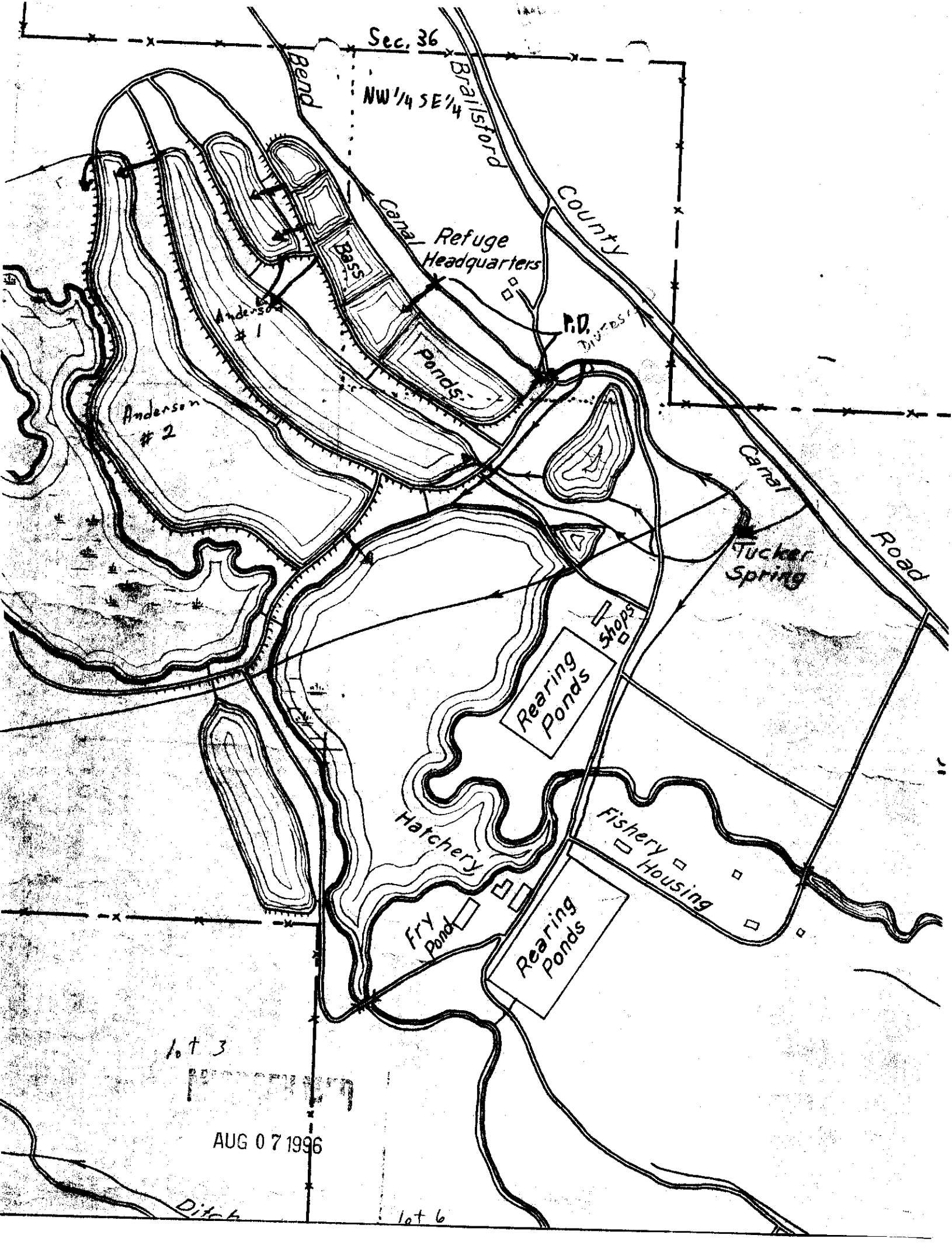
2. Change in place of use
- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	13E	36									X					X	X		

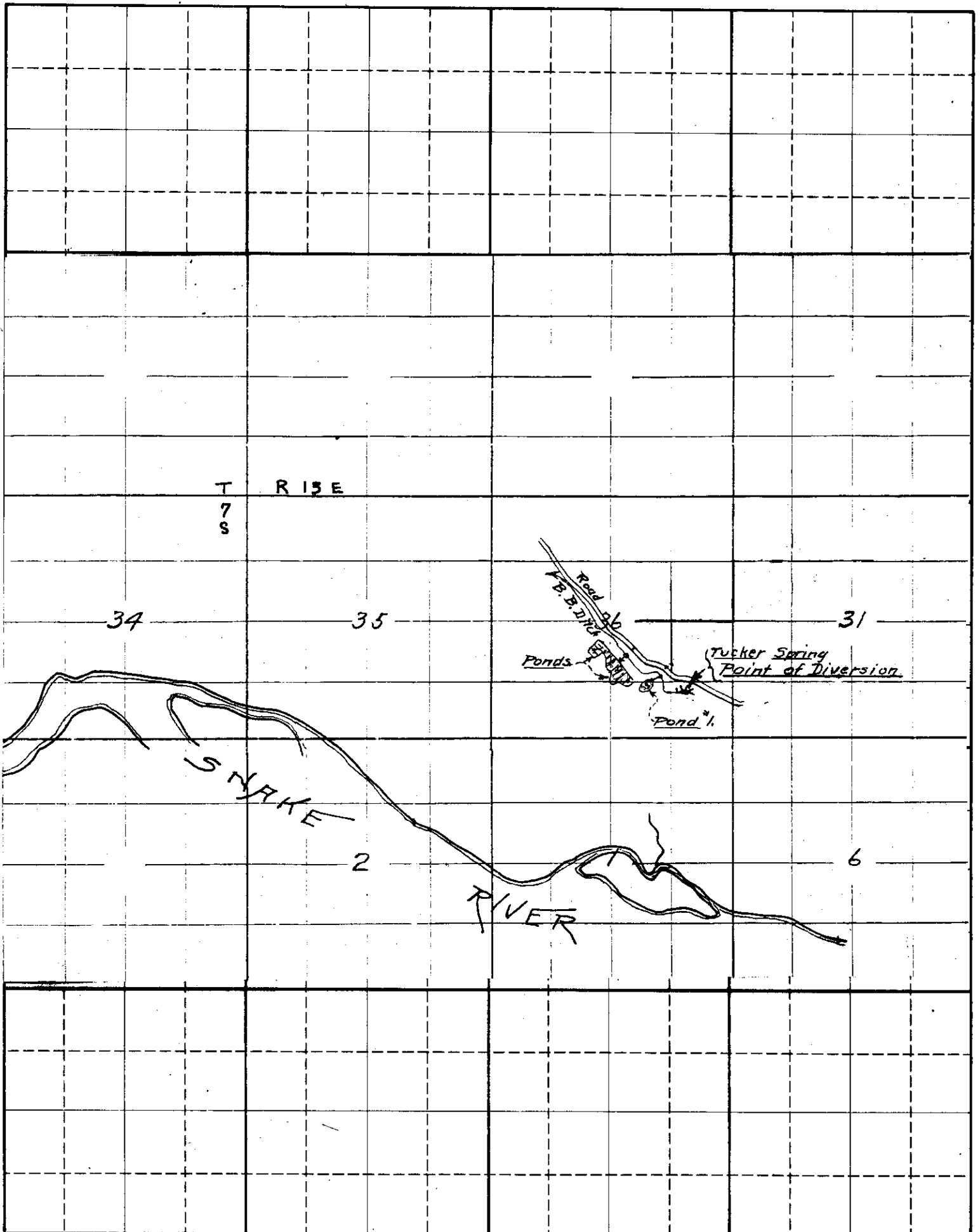
RECORDED

Total number of acres to be irrigated _____

AUG 07 1996



- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

AUG 07 1996

3. Remarks The purpose of this transfer is to more accurately describe the
location of the Bass ponds identified in License 36-2056.

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Dale Thompson
(Signature of applicant)

Subscribed and sworn to before me this 10 day of January, 19 79

Mary A. Hill
(Notary public)

My commission expires life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____,
and said application is hereby _____.

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

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

Witness my hand this _____ day of _____, 19 _____

FOR DEPARTMENT USE ONLY

Received by LH Date 1-10-79

Prelim. check by _____ Fee 20.00

Receipted by Mary A Date 1/4/79 #12659

Published in Gooding Co. Leader

Pub. dates 1/8 + 1/15/79

Watermaster recommendation requested on _____

_____ rec'd. _____

Protest filed by Big Bend Irrigation & Mining Co.

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for _____ approval _____ denial _____

by _____

AUG 07 1996

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Idaho Dept. of Fish & Game Phone 324-4359

Post office address 868 East Main, Jerome, Idaho 83338

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to _____ (Name) _____
in case of _____ vs _____
dated _____ in _____ county of _____ (Name of court)

b. License No. 36-2056 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
3. Source of water Tucker Spr. via Big Bend Ditch tributary to Snake River
4. Date of priority September 16, 1947
5. Water is used for the following purposes:

amount 3.0 cfs for fish propagation purposes from Jan 1 to Dec 31

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____ (month/day – both dates inclusive)
6. Total amount of water under right: a. 3.0 cubic feet per second &/or b. _____ acre feet per annum
7. Location of original point of diversion is SE ¼ of SE ¼ of Section 36 Township 7S Range 13E, B.M., in Gooding County
Additional points of diversion, if any _____
8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	13E	36													X				

Total number of acres to be irrigated _____

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
- a. Amount of water to be diverted 3.0 c.f.s. &/or _____ acre feet
(2 points)
- b. Point(s) of diversion NW ¼ SE ¼, Section 36 Township 7S
Range 13E, B.M., Gooding County _____
Additional points _____

- c. Description of diverting works two ditches with headgates
- d. Describe the reasons for applying for a change in the point(s) of diversion original point
of diversion was incorrect as shown on license. This is not an actual change
of diverting works

2. Change in place of use No change

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

AUG 07 1996

Total number of acres to be irrigated _____

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

[illegible]

SCALE: 2 inches equal 1 mile. Draw plan in ink.

AUG 07 1995

3. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Regional Wildlife Land Manager

Dale Turnipseed
(Signature of applicant)

Subscribed and sworn to before me this 21st day of November, 19 77

[Signature]
(Notary public)

My commission expires 2-22-81

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____, and said application is hereby _____.

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

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

Witness my hand this _____ day of _____, 19 _____

FOR DEPARTMENT USE ONLY

Received by J. E. Stanton Date 11-21-77

Prelim. check by ADM Fee 11/22/77

Receipted by GR #7438 Date 11-21-77 Warrant 43487

Published in Gooding Co. Leader

Pub. dates 12/1 & 12/8/77 ^{pub approved} 12/16/77 eq

Watermaster recommendation requested on _____
_____ rec'd. _____

Protest filed by Big Bend Irrigation & Mining Co.

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial
by ADM

AUG 07 1996

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

Kim R. Compton

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 continuous-
ly and uninterruptedly published for a period of seventy-eight consecu-
tive 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 newspaper
proper and not in a supplement; that the date of the first publication

of said advertisement was on the 8 day of February

19 79, and the date of the last publication was on the 15

day of February, 19 79

Kim R. Compton
Subscribed and sworn to before me this 15

day of February, 19 79.
(SEAL)

Garnett Olson
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 60

Number of Insertions 2

Lines tabular at 315c

Lines straight at 60 21c 12.60

Subsequent lines at 60 15c 9.

TOTAL COST ... 21.60

29092

No 1993

AUG 07 1996

AFFIDAVIT of PUBLICATION

DEC 15 1977

State of Idaho, }
County of Gooding } SS.

Department of Water Resources
Southern District Office

Kim R. Compton 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 continuous-
ly and uninterruptedly published for a period of seventy-eight consecu-
tive weeks prior to the first publication of the annexed notice, and is
a newspaper qualified to publish legal notices as provided by act of
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each week for 2 consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication

of said advertisement was on the 1 day of December

19 77, and the date of the last publication was on the 8

day of December, 19 77

Kim R. Compton
Subscribed and sworn to before me this 8

day of December, 19 77.
(SEAL)

Gaines H. H. H.
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 60

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Subsequent lines at 60 15c 9.00

TOTAL COST 21.60

TES
1971)
21c
315c
15c

22698

Nº 1461

1133

State of Idaho
License and Certificate of Water Right

Water License No. 20189

Amount 3 second feet

Water District No. _____

Priority Sept. 16, 1947

THIS IS TO CERTIFY that STATE FISH AND GAME DEPARTMENT
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 16, 1947; that Permit No. 20189
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
6 second feet, was issued thereunder on January 27, 1948, showing that said works
were completed on the 23rd day of January, 1948; and that on the 20th
day of February, 1948,

STATE FISH AND GAME DEPARTMENT

of Boise, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Tucker
Spring, a tributary of Riley Creek, for the purpose of fish rearing
pond uses, under Use Permit No. 20189 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 4429, on the 7th day of January, 1949;

The right hereby confirmed dates from September 16, 1947;

The Point of Diversion is located in the

in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Tp. 7 S., R. 13 E., B. M., Gooding County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed three (3) cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
NW $\frac{1}{4}$	SE $\frac{1}{4}$	Section 36,	Township 7 South, Range 13 East, B.M.		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
7th day of January, 1949.

MARK R. KULP

State Reclamation Engineer

(SEAL)

36 2056

State of Idaho

License and Certificate of Water Right

Water License No. 20272Amount 15 second feet

Water District No. _____

Priority January 26, 1948

THIS IS TO CERTIFY that STATE OF IDAHO DEPARTMENT OF FISH AND GAME
 of Boise, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated January 26, 1948; that Permit No. 20272
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 15 second feet, was issued thereunder on January 7, 1949, showing that said works
 were completed on the 5th day of May, 1948; and that on the 5th
 day of May, 1948,

STATE OF IDAHO DEPARTMENT OF FISH AND GAME

of Boise, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of a
 spring, a tributary of Loving Creek, thence, for the purpose of fish cultural
 uses, under Use Permit No. 20272 of the Department of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
 8 of Licenses at page 4430, on the 7th day of January, 1949;
 The right hereby confirmed dates from January 26, 1948;
 The Point of Diversion is located S. 11° 15' W. 1680 ft. from the North 1/4 corner Section 13, and
 in the SE 1/4 NW 1/4, Sec. 13, Tp. 1 S., R. 19 E., B. M., Blaine County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed 15 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Hayspur Hatchery, at Gannett, Idaho, in the SE 1/4 NW 1/4 Section 13, Township 1 South, Range 19 East, B.M.		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
 of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
 7th day of January, 1949.

MARK R. KULP

State Reclamation Engineer

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

File - 2056

Application No. 27782

Permit No. 20189

District No.

1. Name of Applicant: State Fish and Game Department

Postoffice address: Box 417, Boise

County: Ada

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
 (b) Amount of capital stock:
 (c) Amount paid in:
 (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
 (b) Treasury stock:
 (c) Bonds to be issued:
 (d) Other resources:

2. Quantity of water claimed: Six (6) cubic feet per second.
3. Source of water supply: Tucker Spring which is a tributary of Riley Creek
4. Location of point of diversion: N. 44° 30' W. 1410 feet distant from the S E corner of Section 36, T. 7 S., R. 13 E., B.M., and is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, T. 7 S., R. 13 E., B.M., County of Gooding
5. Water is to be used for Fish rearing pond purposes
6. If for mining, milling, power or manufacturing purposes, give:
 # 1-
 (a) Point of use of water N. 51° 00' W. 1850 feet distant from S E corner of Section 36 T. 7 S., R. 13 E., B.M., in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, T. 7 S., R. 13 E., B.M.
 # 2- N. 53° 30' W. 2870 ft. from S E corner Sec. 36, T. 7 S., R. 13 E. in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36- 7 S-13 #,
 (b) Amount of power generated: H.P., under feet head.
 (c) Water is to be returned to Tucker Spring Cr. & swamp at a point feet distant from the corner of Section, T., R., B.M., in the S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 36, T. 7 S., R. 13 E., B.M.
7. Estimated cost of works: \$ 2,000.00
8. Kind of works: Spring flows into Big Bend Ditch
9. Height of dam feet; length of dam at top feet; length of dam at bottom feet; material used in dam:
10. Size of headgate: Width feet; height feet;
11. Ditch: Width at bottom 4 feet; width at water line 6 feet; depth of water 3 feet;
 dimensions of flume:
 Diameter of pipe inches; length of conduit 1/3 miles.
 Average grade per mile 5.28 feet.
12. The time required for the completion of such work is Completed years.
13. The time required for the complete application of the water to the proposed use is -- additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.
- 14-A. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

15. (a) Is reservoir to be used? If so, fill in (b) and (c) below.
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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.

STATE FISH AND GAME DEPARTMENT *Applicant.*

By T. B. Murray, Director Agent.

Date of first receipt at Department of Reclamation: 10:00 A. M. Sept. 16, 1947

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20189

Recorded in Book 72 Page 20189 Approved October 25, 1947

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

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

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

One-fifth of the work above specified to be completed on or before _____

The whole of said work to be completed on or before January 25, 1948

Beneficial use of water appropriated in accordance herewith, to be made on or before January 25, 1948

Witness my hand this 25th day of October, 1947

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho,
and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 25th
day of October, 1947

STATE OF IDAHO

Countersigned:

(SEAL)

By J. D. "CY" PRICE Secretary of State.

By C. A. ROBINS Governor.

Remarks: Work completed in 1941. Permission from Big Bend Ditch to run 6 second feet through their ditch.

The spring is located on land within the boundaries of the Hagerman Game Refuge.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
			APPROVAL OF STATE RECLAMATION ENGINEER I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 20189, to February 20, 1948 Witness my hand this 19th day of January, 1948. MARK R. KULP State Reclamation Engineer PERMIT NO. 20189 Certificate of Completion of Works To All Whom it May Concern: This is to certify that State Fish & Game Department, of Boise, County of Ada, and State of Idaho, the holder of Permit No. 21089, issued upon Application No. 27782, bearing date of priority of September 16, 1947, authorizing the diversion of Six (6) second feet of the waters of Tucker Spring, a tributary of Riley Creek, County of Gooding, State of Idaho, for fish rearing pond purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use Six (6) second feet of the waters of Tucker Springs; that the point of diversion of said waters is N. 44°30' W. 1410 feet from the Southeast corner Section 36, Township 7 South, Range 13 East, B.M., and in the NE$\frac{1}{4}$ SE$\frac{1}{4}$ of said Section 36; and that the place of use of said water is in the NW$\frac{1}{4}$ SE$\frac{1}{4}$ Section 36, Township 7 South, Range 13 East, B.M. Witness my hand this 27th day of January, A. D. 1948 MARK R. KULP State Reclamation Engineer Proof of completion of works made January 23, 1948 Certificate of completion of works issued January 27, 1948																
			3. 1948. P. 4429																

This
Right has been
Decreed in the
SRBA.

UNITED STATES POSTAL SERVICE



Official Business

RECEIVED

MAY 6 - 1996

AUG 07 1996

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

Department of Water Resources

Print your name, address and ZIP Code here

Water Allocation Bureau
Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

利

36-02056

- I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
- ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

STATE OF IDAHO
DEPARTMENT OF FISH & GAME
PO BOX 25
BOISE ID 83706 07 1996

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Date of Delivery

MAY 3 1966

5. Signature (Addressee)

MAY 6 - 1966

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

6. Signature Agent Department of Water Resources

U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

APRIL 29, 1996

STATE OF IDAHO
DEPARTMENT OF FISH & GAME
PO BOX 25
BOISE ID 83720

RE: Permit No. 36-02056

Dear Permit Holder:

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

AUG 07 1996

7-2-96 Database Updated. 22

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

AUG 07 1996

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

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

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure

AUG 07 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 28, 1996

State of Idaho
Department of Fish & Game
P.O. Box 25
Boise, ID 83720

RE: NOTICE OF INTENT TO REJECT APPLICATION FOR TRANSFER NO. 2184

Dear Applicant:

The above referenced Application for Transfer was originally filed on 11-21-1977, and an amended version filed 01-10-1979 proposing a change in the place of use under Water Right No. 36-02056. The application was protested and negotiations for an agreement continued for years. These negotiations apparently were completed on 03-13-1984 when the agreement was signed.

Our regional office contacted you on 12-28-1995 to check the current status of your interest in this application. Your regional office responded by providing a letter from the protestant withdrawing their protest subject to the negotiated agreement, with the expectation that the transfer would be processed. The application was forwarded to our state office for final review and action.

After the protest agreement was reached in 1984, Fish and Game filed a Snake River Basin Adjudication (SRBA) Claim for this water right on 09-28-1990. This claim did not reflect the licensed place of use, or the place of use described on the transfer application, but rather a larger place of use.

A field exam of the claim was conducted on 04-19-1991 and the claim was recommended to the court as part of the Basin 36 Director's report on 11-02-1992. The recommended claim acknowledged an accomplished change in place of use and modified the originally claimed place of use by removing one quarter-quarter.

The actions taken in the SRBA process are the most accurate reflection of this right as currently used and supersede this prior transfer application that initially proposed the change. As a result of your more recent actions regarding this right, it is the intent of the Department to reject this application for transfer. You may simplify the administrative process by requesting the withdrawal of the application.

RECEIVED

AUG 07 1996

I will withhold the application from processing for 15 days to allow for your response to my letter. I have enclosed copies of the amended application, and computer generated representations of the license, proposed transfer, claim and SRBA recommendation for your review. Should you have any additional information or explanation to provide regarding this application, it will be reviewed and considered before final action is taken.

I hope I have answered all your questions regarding this matter. If you require any further assistance, please contact me directly at 327-7943 and I will be happy to help you.

Sincerely,

Pamela Skaggs

PAMELA SKAGGS
Sr. Water Resource Agent

Enclosures

cc: Carl H. Nellis
Idaho Fish & Game
Magic Valley Region
P.O. Box 428
Jerome, ID 83338

AUG 07 1996

SD-0611-2 Basin: 36 Starting Water Right: 02056

S	Water	Name	O	Priority	STG/		Use	S
E	Right No.	Last, First	W	Date	STS	Source	Desc	Y
L			N					S
-	36-02056	STATE OF IDAHO	C	09/16/1947	L/	TUCKER SPRING	FISH	WR
-	T36-02056	STATE OF IDAHO	C	09/16/1947	L/	TUCKER SPRING	FISH	WR
-	36-02056	STATE OF IDAHO	C	09/16/1947	L/	TUCKER SPRINGS,	FISH	AJ
-	36-02056	STATE OF IDAHO	C	09/16/1947	L/	TUCKER SPRINGS,	FISH	AJ
-	A36-02056	STATE OF IDAHO	C	09/16/1947	L/	TUCKER SPRING	FISH	AJ

(GOLD6=Print Profile Rpt For All Rights/Claims on Screen)
(Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel) (Menu _____)
Natural 2.1/7V OVR LIB=PRODLIBS Last key was ENTR

WR5809NP
No. 36-02056

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/28/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO DEPT OF FISH & GAME BOX 25 BOISE ID 83720	09/16/1947	FISH PROPAGATION	00/00 00/00	3.000 CFS	
TOTAL DIVERSION:					3.000 CFS	

Water Source: TUCKER SPRING

Tributary to: RILEY CREEK

Stage: LICENSE

Point(s) of Diversion:

T07S R13E S36

SESE

GOODING County

Place of use Legal Description for: FISH PROPAGATION

				NE				NW				SW				SE				
				NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07S 13E 36 :																F				

Pou County: GOODING

Other Water Rights Listing Overlapping Place(s) of use:

36-00012 36-00013 36-00014 36-00171 36-00172 36-00173 36-00174

Dates:	App. Received:	Priority Date:	09/16/1947
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		12/10/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 06/07/1991 User-ID: BALDWIN Subject:
PENDING TRANSFER #2184 FILED 11/27/77 HAS BEEN PROTESTED.

Audit: 09/09/86 05/28/88 CONVERT 09/25/90 CURTIS 06/07/91 BALDWIN
06/24/91 JOHNSON 07/01/91 JOHNSON 01/19/92 POST-STD

WR5809NP
No. T36-02056

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/28/96
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO DEPT OF FISH & GAME 868 EAST MAIN JEROME ID 83338	09/16/1947	FISH PROPAGATION	01/01 12/31	3.000 CFS	
	PO Box 25 Boise ID 83720 334-3700					
	Water Source: TUCKER SPRING					
				TOTAL DIVERSION:	3.000 CFS	

Tributary to: RILEY CREEK
Stage: LICENSE

Point(s) of Diversion: T07S R13E S36 SESE GOODING County

Place of use Legal Description for: FISH PROPAGATION

NE				NW				SW				SE											
T	R	S	;	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	;	Lt	Ac	Lt	Ac	Lt	Ac	;
07S	13E	36	:																				

Pou County: GOODING

Other Water Rights Listing Overlapping Place(s) of use:

36-00012 36-00013 36-00014 36-00171 36-00172 36-00173 36-00174

Remarks: TRANSFER #2184 FILED 11-27-1977

Dates: App. Received: Priority Date: 09/16/1947
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 12/10/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 06/07/1991 User-ID: BALDWIN Subject: PROTEST
PROTESTED BY BIG BEND IRR. & MINING ON 2-9-1979.

Date: 03/20/1996 User-ID: MBALDWIN Subject: PROTEST WITHDRAWN
Protest by Big Bend Irrigation & Mining Co., Ltd. was withdrawn
on 3/20/96.

Audit: 06/24/91 BALDWIN 07/05/91 BALDWIN 01/19/92 POST-STD 07/11/95 PSKAGGS
03/20/96 MBALDWIN

These GQs added per T#2184

DATE: 03/28/96
PAGE: 3

Audit: 11/13/90 CARLSON 07/18/92 POST-STD

AJ5809NP
No. 36-02056

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/28/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE ID 83720 (208) 334-3700	09/16/1947	FISH PROPAGATION	01-01 12-31	3.00 CFS	
TOTAL DIVERSION:					3.00 CFS	

Water Source: TUCKER SPRINGS, UPPER

Tributary to: RILEY CREEK

Stage: LICENSE

Point(s) of Diversion:

T07S R13E S36

NWSESE

GOODING County

Place of use Legal Description for: FISH PROPAGATION

NE				NW				SW				SE							
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S	13E	36	:																
08S	13E	1	:									F				F		F	

POU County: GOODING

These QGs not requested on T #2184, but recommended in SRBA
Basin 36 Director's Report.

Non-Irrigation Uses: FISH PROPAGATION, BASS PONDS, ANDERSON 1,2,3 & IMPOUNDMENT POND

Other Rights: 36-07855

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

Remarks: GEN FACILITY VOLUME 211 AF.
USE OF THIS RIGHT WITH RIGHT NO. 36-07855 & 36-07836 IS LIMITED
TO A TOTAL COMBINED FACILITY VOLUME OF 232 AF.
RIGHT NO. 36-00133 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: 04/19/1991 Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: C

Comments: Date: 04/24/1991 User-ID: CLELLAND Subject: COPIED FROM REMARKS
TRANS. 2184 PROTESTED.
PROTESTANTS: ID. FISH & GAME, BIG BEND IRR. & MINING CO.

Date: 04/24/1991 User-ID: CLELLAND Subject: PLACE OF USE

Comments: Date: 04/24/1991 User-ID: CLELLAND Subject: PLACE OF USE
PONDS USED INCLUDE THE BASS PONDS, ANDERSON PONDS 1, 2 & 3 AND
THE IMPOUNDMENT POND ON RILEY CREEK.
POND DESCRIPTIONS:
BASS POND 2 AC. + 7 AC. X 4' DEEP = 36 AF.
AND. #1 13 AC. X 4' = 52 AF.
AND. #2 15 AC. X 4' = 60 AF.
AND. #3 4 AC. X 3' = 12 AF.
(AND. #4 7 AC. X 3' = 12 AF.) COVERED BY LICENSE 36-07836.
IMPOUND POND 17 AC. X 3' = 51 AF.
TOTAL POND VOLUME = 232 AF.

Date: 10/20/1992 User-ID: SOUTH3 Subject: NOE RECEIVED/NO CHANGE TO RECOMMENDATION
THIS RIGHT HAS BEEN RECOMMENDED AS IT WAS LICENSED. A LETTER
OF EXPLANATION HAS BEEN SENT. RMC

Date: 10/28/1992 User-ID: THORNTON Subject: CHANGE IN RECOMMENDATION
CORRECTED SOURCE TO TUCKER SPRINGS (PLURAL), UPPER

Audit: 04/24/91 CLELLAND 06/05/92 CLELLAND 07/18/92 POST-STD 08/28/92 PR-PRODM
10/20/92 SOUTH3 10/28/92 THORNTON 11/02/92 CPSHAW 12/05/92 ADT-SHAW

FROM: Allen Merritt

DATE: March 22, 1996

TO: Transfer File #2184 in the name of F&G

SUBJECT: Review and Recommendation

This transfer has been around in one form or another since 11/21/1977. It was originally protested by the Big Bend Irrigation Company. At one point it appeared to have been withdrawn but it then was amended on 1/10/1979 with the original protest continuing. Conferences were set for the protested matter and it appears that negotiations on an agreement continued for many years. In the SRBA the transfer in affect was claimed and recommended as an accomplished transfer. Only recently was the agreement finalized and the protest withdrawn.

Recommendation

At this point I believe the transfer should be approved as recommended in the SRBA. I believe the private agreement should be acknowledged in the approval and binding on the SRBA recommendation. Prior to approval the SRBA lawyers should review the file.

100-2184-1

AUG 07 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

March 20, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

CARL H NELLIS SUPERVISOR
PO BOX 428
JEROME ID 83338

RE: Protested Application for Transfer No. 36-02056 (T# 2184)

Dear Mr. Nellis:

This office acknowledges receipt of the withdrawal of the protest filed by the Big Bend Irrigation & Mining Company, Ltd. against approval of the above referenced application. We also thank you for providing this office with a copy of the finalized Agreement between your department and the Big Bend Irrigation & Mining Company, Ltd.

The issue of the protest has been resolved. No further contact with the protestant is anticipated unless information is requested.

The Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

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

Very truly yours,

Allen D. Merritt, P.E.
Regional Manager

AM:MB

cc:

Cleave C. Lloyd, President
Big Bend Irrigation &
Mining Co., Ltd.
2715 S 900 E
Hagerman ID 83332

John Rosholt Esquire
Rosholt Robertson &
Tucker
PO Box 1906
Twin Falls ID 83303

AUG 07 1996



IDAHO FISH & GAME

Magic Valley Region
868 East Main • P.O. Box 428
Jerome, Idaho 83338
(208) 324-4350
Fax (208) 324-1160

Phil Batt / Governor
Jerry M. Conley / Director

March 15, 1996

RECEIVED

MAR 20 1996

Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Dept. of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301-6105

RE: Water Right Protest of Transfer Application 2184 (#36-02056)

Dear Allen,

Enclosed is a letter from the Big Bend Irrigation and Mining Company, LTD. withdrawing their protest to our proposed transfer of 3.0 cfs. of water on the Big Bend canal. It is our understanding this letter and agreement will clear the way for the transfer to proceed to conclusion. If this is not the case, please contact us immediately so we may address any additional information requests.

Thank you for your help in resolving this matter.

Sincerely,

Carl H. Nellis
Magic Valley Regional Supervisor

cc: NRPB (Robertson)
IDFG-Parrish
IDFG-Gorgen
IDFG-DeShon

AUG 07 1996

**BIG BEND IRRIGATION AND MINING COMPANY LTD.
2715 South 900 East
Hagerman, ID 83332**

RECEIVED

March 8, 1996

MAR 20 1996

Mr. Dave Parish
Idaho Department of Fish and Game
Region 4
Box 428
Jerome, ID 83338

Department of Water Resources
Southern Region

Dear Mr. Parish:

The Big Bend Irrigation and Mining Company Ltd. withdraws any and all protest to the Idaho Department of Fish and Game water application No. 36-02056 if the attached agreement between Idaho Fish and Game and the Big Bend Irrigation and Mining Company Ltd., signed February 29, 1984 by Aldrich Bowler and March 13, 1984 by James F. Keating, for Jerry M. Conley, is made part of that permit.

Sincerely, *Cleve C. Lloyd*

Cleve Lloyd
President of Big Bend Irrigation and Mining Company Ltd.

Enclosure

FISH AND GAME: R4

MAR 15 1996

TO: _____

FROM: _____

ACTION: _____

DATE: _____

BY: _____

REMARKS: _____

AUG 07 1996

Lyle
Callow

See Key
~~Don't know~~

AGREEMENT

THIS AGREEMENT made between THE BIG BEND IRRIGATION AND MINING COMPANY, LTD., an Idaho irrigation corporation, hereinafter called "BIG BEND" and THE STATE OF IDAHO DEPARTMENT OF FISH AND GAME, hereinafter called the "Department" is made in reference to the following facts:

RECITALS

A. The United States District Court for the District of Idaho, Southern Division, entered a decree on March 23, 1932 in the case of New International Mortgage v. Idaho Power Company, Equity No. 1602. In said decree BIG BEND was decreed the rights to the use of waters of Large Thompson Springs, also called Large Tucker Springs, in the amount of 20 c.f.s. with a priority of December 17, 1903. Said waters are diverted by means of diversion works into the canal of BIG BEND in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 36, Township 7 South, Range 13E, Boise Meridian, Gooding County, Idaho. In said decree BIG BEND was further decreed the rights to the use of all of the waters of Small Thompson Spring, also called Small Tucker Spring, estimated to flow in the amount of 15 c.f.s. with a priority of April 1, 1906. Said waters are diverted by means of diversion works into the canal of BIG BEND in the Southwest Quarter of the Southeast Quarter (SW

AUG 07 1936

1/4 of SE 1/4) of Section 36, Township 7 South, Range 13E,
Boise Meridian, Gooding County, Idaho.

B. The DEPARTMENT holds 40 shares of stock in
BIG BEND which entitles it to a proportionate share of the
BIG BEND's decreed rights to the use of water from Large
Thompson Springs and Small Thompson Springs.

C. The DEPARTMENT also holds various other
rights to the use of water which are evidenced by the following
designated licenses issued by the Idaho Department of Water
Resources or by a predecessor agency and which list Tucker
Springs or Tucker Spring Creek as their point of diversion:

<u>License Number</u>	<u>Priority Date</u>	<u>Amount</u>
36-2055	9-16-47	64 c.f.s.
36-2056	9-16-47	3 c.f.s.
36-2159	4-23-56	20 c.f.s.

All said rights to the use of water include fish propagation
as a purpose of use and License Number 36-2159 includes
wildlife as a purpose of use.

D. The parties hereto desire to provide for the
transportation through a portion of BIG BEND's canal system
of that 3 c.f.s. belonging to the DEPARTMENT under the
rights it acquired under License No. 36-2056.

E. The parties desire to clarify further their
rights to the use of waters of Large Thompson Springs and
Small Thompson Springs and their rights and responsibilities
in the repair and maintenance of BIG BEND's diversion works
and canal.

AUG 07 1996

NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES
STATED, HEREIN, THE PARTIES AGREE AS FOLLOWS:

SECTION ONE

Definitions

A. The term "BIG BEND" refers to "THE BIG BEND IRRIGATION AND MINING COMPANY, LTD., an Idaho Irrigation Corporation with its principal place of business in Hagerman, County of Gooding, State of Idaho.

B. The abbreviation "c.f.s." refers to cubic feet per second.

C. The term "decree" refers to the decree entered by the United States District Court for the District of Idaho, Southern Division on March 23, 1932 in the case of New International Mortgage v. Idaho Power Company, Equity No. 1602.

D. The phrase "decreed rights of the Department" refers to those rights to the use of water held by the Department based on its ownership of 40 shares of stock in BIG BEND.

E. The term "DEPARTMENT" refers to the State of Idaho Department of Fish and Game acting by and through its authorized representative.

F. The phrase "Large Thompson Springs" collectively refers to that natural series of springs which arise in the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) of Section 36, Township 7 South, Range 13E., Boise,

AUG 07 1996

Meridian, Gooding County, Idaho. Large Thompson Springs may also be divided into an upper and lower springs, respectively referred to herein as Upper Large Thompson Springs and Lower Large Thompson Springs. Large Thompson Springs is also known as "Large Tucker Springs".

G. The phrase "Small Thompson Springs" refers to that natural spring which arises in the Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) of Section 36, Township 7 South, Range 13 E., Boise, Meridian, Gooding County, Idaho. Small Thompson Springs is also known as "Small Tucker Springs".

SECTION TWO

Priority of Exercise of Rights to the Use of Water

A. BIG BEND's rights to the use of water from Large Thompson Springs in the amount of 20 c.f.s. shall have priority to any rights of the DEPARTMENT to the use of the waters of Large Thompson Springs, except the decreed rights of the DEPARTMENT.

B. BIG BEND's rights to the use of all the waters of Small Thompson Springs, estimated to flow in the amount of 15 c.f.s. shall have priority to any right of the DEPARTMENT to the use of the waters of Small Thompson Springs, except the decreed rights of the DEPARTMENT.

AUG 07 1996

SECTION THREE

Incorporation of Prior Agreement

A. The parties acknowledge that they executed a written agreement on or about July 21, 1960 and that they intend to comply with said agreement, except as specified in Sections Six, Seven, and Eight. A true and correct copy of said agreement is attached hereto as Exhibit "A" and by this reference is made a part hereof.

SECTION FOUR

Withdrawal of Objection By Big Bend

A. In accordance with the terms and conditions of water right License No. 36-2056, the DEPARTMENT has a right to the use of 3 c.f.s. of water from Large Thompson Spring. The place of use of said water as designated in said water right license is the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 36, Township 7 South, Range 13 E., Boise Meridian.

B. The DEPARTMENT filed with the State of Idaho Department of Water Resources an application to change its place of use of the above 3 c.f.s. of water to include the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4); Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4); and Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 36, Township 7 South, Range 13 E., Boise Meridian.

RECORDED
AUG 07 1996

C. BIG BEND has heretofore filed its objection to the application of the DEPARTMENT. BIG BEND agrees to withdraw its objection and to permit that application to be granted without a hearing on their objection in consideration of the stipulations herein set forth.

SECTION FIVE

Transportation of Water By Big Bend

A. BIG BEND shall convey for the DEPARTMENT the 3 c.f.s. of water represented by water right License No. 36-2056 from its diversion works at Large Thompson Springs a distance of about one-quarter (1/4) mile through the BIG BEND canal, at which point the Department diverts said water into ponds for fish propagation purposes.

B. BIG BEND shall convey said water through its canal system for the use and benefit of the DEPARTMENT pursuant to the following provisions:

(1) When the flow of Large Thompson Springs is equal to or less than 20 c.f.s., the DEPARTMENT shall not be entitled to divert any water under any rights acquired under water right License No. 36-2056. Nothing contained herein shall be construed to mean that BIG BEND has not exercised or intends not to exercise fully its rights to the use of water from Large Thompson Springs.

(2) When the flow of Large Thompson Springs exceed 20 c.f.s. the DEPARTMENT shall be entitled to divert water under rights acquired under water right License No.

AUG 07 1996

36-2056 only to the extent that said flow exceeds 20 c.f.s. Nothing contained herein shall be construed to mean that BIG BEND has not exercised or intends not to exercise fully its rights to the use of water from Large Thompson Springs.

(3) The DEPARTMENT shall bear a proportionate part of any transportation loss, whether caused by seepage, evaporation, transpiration, or otherwise. Said loss shall be determined by measuring the flows at the beginning point of the BIG BEND canal and at that point where the DEPARTMENT diverts its waters from the canal and into its fish ponds.

(4) The DEPARTMENT shall install and maintain at its sole expense a diversion gate, weir, or device to be used by the DEPARTMENT to divert its water from the BIG BEND canal or from the headworks of Large Thompson Springs into the fish ponds of the DEPARTMENT. Said device shall be capable of measuring the flow of water from the BIG BEND canal and into the DEPARTMENT's fish ponds. BIG BEND, through its duly authorized agents, shall be authorized to measure the flow of water through that measuring device at any reasonable time. The flow of water through that diversion device shall be regulated by BIG BEND by its duly authorized agents or representatives. BIG BEND shall not decrease the flow of water to the DEPARTMENT without first giving to the DEPARTMENT 48 hours advance written notice of its intentions, except in an emergency.

(5) The DEPARTMENT shall install and maintain at its sole expense a parshall flume which shall be of such size

AUG 07 1996

and dimension as to measure the flow of water from Large Thompson Springs. The flow of water through that diversion device shall be regulated by BIG BEND by its duly authorized agents or representatives.

(6) If any emergency requires the shutoff of water above the DEPARTMENT's diversion point delivered under subdivision (A) of Section Five, BIG BEND shall before or following that shutoff notify the DEPARTMENT as soon as reasonably practicable of said shut off.

(7) Neither BIG BEND nor any of its agents shall in any way assume responsibility for the DEPARTMENT's losses or damages due to non-delivery of water diverted under License No. 36-2056 by failure of BIG BEND's or of the DEPARTMENT's water diversion or carriage works, if BIG BEND provides the notice required by clause (4) or clause (6) of subdivision (B) of Section Five, as the case may be.

(8) It is understood that the rights of the DEPARTMENT to the delivery of water through the BIG BEND canal under subdivision (A) of Section Five shall be considered a license right only, and nothing herein shall be construed as a conveyance of an easement, right of way, or other real property right in the canal system of BIG BEND. This provision does not apply to the decreed rights of the DEPARTMENT.

(9) The parties acknowledge that the DEPARTMENT has the diversion works at Large Thompson Springs to divert the 3 c.f.s. authorized for diversion under water right License No. 36-2056. The DEPARTMENT at its ~~discretion~~ discretion

AUG 07 1906

may divert said 3 c.f.s. at Large Thompson Springs rather than from the canal of BIG BEND.

SECTION SIX

Reimbursement for Repair Work of Canal and Diversion Works

A. BIG BEND diverts its water from Upper Large Thompson Springs by means of a tunnel located at the head of its canal. It is acknowledged by the parties hereto that a portion of those waters are lost by seepage through the banks or bed of that ditch.

B. The DEPARTMENT shall reimburse BIG BEND for the actual cost of correcting this water loss up to the amount of two thousand dollars (\$2,000). The work to be performed to correct this water loss is specified in Section Seven. In the event the cost to correct this water loss exceeds the amount of two thousand dollars (\$2,000), the DEPARTMENT shall reimburse BIG BEND for one-half of the cost which exceeds the amount of two thousand dollars (\$2,000).

C. The parties agree that the obligation of the DEPARTMENT to reimburse BIG BEND for the work to be performed in accordance with Section Seven shall be a non-reoccurring obligation on the part of the DEPARTMENT. Accordingly, the Agreement dated July 21, 1960 shall not apply to the work contemplated by Section Seven. However, following reimbursement in accordance with this section by the DEPARTMENT to BIG BEND for the work contemplated in Section Seven, the duties of the DEPARTMENT under Sections Six and Seven ~~shall~~ cease and the rights and duties of the parties as respects maintenance shall be determined by the Agreement dated July 21, 1960.

AUG 07 1966

D. The DEPARTMENT shall credit against its obligation to reimburse BIG BEND for said repair work the amount of fifty cents (\$0.50) for each mile driven by the DEPARTMENT in the dump truck provided under the provisions of Section Eight.

SECTION SEVEN

Repair Work to be Performed by BIG BEND

A. BIG BEND shall construct a roadway to the point where water is diverted by BIG BEND from the Large Thompson Springs tunnel into its canal system. Said roadway may follow such a course as BIG BEND deems appropriate, but shall, in any case, be of such a size and shall be so constructed so as to facilitate the carriage of a backhoe or equivalent equipment.

B. BIG BEND shall improve the banks and bed of the BIG BEND canal in order to eliminate, to the extent possible, future water seepage. Said improvements shall include the removal of large rocks and boulders from the bed of the canal, and the placement of gravel or other material along the bed and bank of the canal in order to alleviate or prevent future seepage problems. Said improvements shall be made along that portion of the canal where the same is located above those spring waters captured and used by the DEPARTMENT and commonly referred to as the Large Thompson Springs.

C. BIG BEND shall designate by written notice to the DEPARTMENT a parcel of land where the DEPARTMENT in

conjunction with BIG BEND shall dig, load, and remove fill material for the repair work contemplated by this agreement, in addition to any fill material provided from the DEPARTMENT'S sand pit on the Hagerman Wildlife Management Area. BIG BEND shall procure all permits and licenses necessary to dig, load, and remove fill material from the parcel designated by BIG BEND in its written notice to the DEPARTMENT.

SECTION EIGHT

Repair Work to be Performed by DEPARTMENT

A. The DEPARTMENT shall provide a qualified driver and a dump truck with a minimum capacity of 5 (five) cubic yards for repairing the diversion works and canal of BIG BEND.

B. The DEPARTMENT shall transport in said dump truck up to 1,000 cubic yards of fill material for construction of the roadway referred to in subdivision (A) of Section Seven. Said fill material shall be hauled from a site designated by BIG BEND in accordance with the provisions of subdivision (D) of Section Seven hereof or from the sand pit found on the Hagerman Wildlife Management Area.

C. Said driver shall assist BIG BEND in the repair work as required.

D. The DEPARTMENT shall provide an appropriately sized pipe or pipes to be installed in the bed of the roadway

to be constructed to the diversion works and canal of BIG BEND at Upper Large Thompson Springs.

E. The DEPARTMENT shall provide use of a caterpillar tractor with dozer as needed for repairing the diversion works and canal of BIG BEND.

F. The DEPARTMENT shall provide up to 50 cubic yards of pit run 3/4" gravel for construction of the roadway.

SECTION NINE

Records

A. BIG BEND shall maintain books, papers, records, documents and other evidence and shall establish accounting procedures sufficient to determine its actual cost of performance of the work specified in Section Seven.

B. BIG BEND shall make said books, papers, records, documents, and other evidence available to the DEPARTMENT at all reasonable times for inspection, audit, and copying.

C. DEPARTMENT shall maintain books, papers, records, documents, and other evidence and shall establish accounting procedures sufficient to determine the actual mileage of the dump truck provided under subdivision (A) of Section Eight hereof.

D. DEPARTMENT shall make said books, papers, records, documents, and other evidence available to BIG BEND at all reasonable times for inspection, audit, and copying.

SECTION TEN

Waiver, Modification, or Amendment

No waiver, modification, or amendment of this contract or of any covenant, condition, or limitation herein contained shall be valid unless in writing duly executed by the party to be charged therewith and the parties further agree that the provisions of this section may not be waived, modified, or amended except as herein set forth.

SECTION ELEVEN

Effect of Section Headings

The section headings appearing in this agreement are not to be construed as interpretations of the text but are inserted for convenience and reference only.

SECTION TWELVE

Permits

BIG BEND shall acquire all permits, licenses, and other entitlements for use necessary for the lawful prosecution of the work.

SECTION THIRTEEN

Notices

A. Any written notices to the DEPARTMENT required or permitted under this contract shall be delivered to the DEPARTMENT at the following address:

Regional Supervisor
Idaho Department of Fish and Game
Region 4
868 E. Main
Jerome, Idaho 83338

B. Any emergency notice may be made in the most practical manner including but not limited to a telephone call to the Regional Supervisor of Region 4 or to the Regional Land Manager of Region 4.

C. The Regional Supervisor of Region 4 may in writing change the address for delivery of written notice at any time by transmitting to BIG BEND a written notice of change of address. Said notice shall become a part of this contract upon delivery to BIG BEND as if fully set forth herein.

SECTION FOURTEEN

Indemnification

A. BIG BEND in all of its operations hereunder shall be regarded as an independent contractor, and assumes and agrees to protect, defend, indemnify, and hold harmless the Department and its employees from all liability and expense on account of claims, suits and costs growing out of or connected with such operation by it and its employees, if any, provided, however, that the DEPARTMENT shall not be relieved hereby from liability for its own negligence and that of its employees.

B. The DEPARTMENT in all of its operations hereunder shall be regarded as an independent contractor,

AUG 07 1996

and assumes and agrees to protect, defend, indemnify, and hold harmless BIG BEND and its employees from all liability and expense on account of claims, suits and costs growing out of or connected with such operation by it and its employees, if any, provided, however, that BIG BEND shall not be relieved hereby from liability for its own negligence and that of its employees.

SECTION FIFTEEN

Taxes

A. BIG BEND with respect to its employees and those of its subcontractors, if any, shall pay, indemnify and save the DEPARTMENT harmless from the payment of all taxes and contributions imposed by federal and state laws with respect to said employees and their remunerations, including all interest and penalties payable under said laws as the result of noncompliance therewith.

B. The DEPARTMENT with respect to its employees and those of its subconstructors, if any, shall pay, indemnify and save BIG BEND harmless from the payment of all taxes and contributions imposed by federal and state laws with respect to said employees and their remunerations, including all interest and penalties payable under said laws as the result of noncompliance therewith.

SECTION SIXTEEN

Attorneys Fees

If it becomes necessary for a party to initiate legal action to enforce its rights under this agreement, the

AUG 07 1996

prevailing party shall be entitled to all reasonable attorneys fees.

IN WITNESS WHEREOF, the parties hereto have executed this agreement upon the date following their respective signatures.

STATE OF IDAHO
DEPARTMENT OF FISH AND GAME

BIG BEND IRRIGATION AND
MINING COMPANY, LTD.

for *Jerry M. Conley*
Director

3-13-84
Date

Aldrick Bowler

Feb 29 1984
Date

36-02056

1/3/96

Adm

Dave Parrish (F&G) called in response to letter. He indicated that agreement with Big Bend Ditch was finalized and use has been changed. He will send agreement & get withdrawal of protest.

I reviewed SRBA Recommendation and appears recommendation includes accomplished transfer that in effect makes the pending transfer ~~unneeded~~ outdated or moot.

1/26/96 Crystal Vincent (Rosholt & Associates) telephoned asking for a copy of the draft agreement. After reading above notations, a call was made to Dave Parrish (F&G) who will fax her a copy of finalized agreement. He also stated he was holding off sending IDWR a copy until the Big Bend Irrigation Dist. Board met in Feb. so he could send a withdrawal of their protest at same time. Leo Ray is now President of Big Bend Irr. Dist. (MS.)

AUG 07 1996

AJ5808NP
(CD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

01/03/96 16:50:29
Page 1

Water Right Number - 36-02056

Prefix Translation: WATER RIGHT

Old (D) Number - 20189

*** C - CURRENT OWNER ***
STATE OF IDAHO

1 - DEPT OF FISH & GAME
2 - PO BOX 25
3 -
City- BOISE
Phone - 208-334-3700

State- ID Zip- 83720

*** K - ALSO KNOWN AS ***
FISH & GAME

1 -
2 -
3 -
City- BOISE
Phone - 208-000-0000

State- ID Zip- 83720

Priority Date - 09/16/1947

Region - 17 SOUTHERN

Stage - L - LICENSE

Status -

Source - TUCKER SPRINGS, UPPER

Tributary - RILEY CREEK

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name
07S	13E	36	NW SE SE			(47)	GOODING	

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
19	FISH PROPAGATION	01/01	12/31		3.000	

+ - Total Div. Rate - 3.000 + - Total Div. Volume - 3.000 + - Total Div. Capacity - 0.0 + - Total Consumptive Use - + - KW Usage - +

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
07S	13E	36	NE SW				19	FISH PROPAGATION	(47) GOODING
07S	13E	36	SE SW				19	FISH PROPAGATION	(47) GOODING
07S	13E	36	NW SE				19	FISH PROPAGATION	(47) GOODING
07S	13E	36	SW SE				19	FISH PROPAGATION	(47) GOODING
08S	13E	1	NW NE	2			19	FISH PROPAGATION	(47) GOODING

+ - Diversion Means - CONCRETE DIVERSION ON BIG BEND DITCH INTO 15 ACRE POND AND OTHERS
+ - Non-Irrigation Use - FISH PROPAGATION, BASS PONDS, ANDERSON 1,2,3 & IMPOUNDMENT POND
+ - Other Rights for Same Use - 36-07855

Facility Volume 211 AF.
USE OF THIS RIGHT WITH RIGHT NO. 36-07855 & 36-07856 IS LIMITED
TO A TOTAL COMBINED FACILITY VOLUME OF 232 AF.
RIGHT NO. 36-00133 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

AUG 07 1996

Water right number - 36-02056

Prefix Translation: WATER RIGHT

Old Water Right Numbers - - - - -
Old Water Right Numbers - - - - -
3602056

Conditions of Approval - - - - -
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

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

Audit Fields - 04/24/91 CLELLAND 06/05/92 CLELLAND 07/18/92 POST-STD 08/28/92 PR-PRODM 10/20/92 SOUTH3
10/28/92 THORNTON 11/02/92 CPSHAW 12/05/92 ADT-SHAW

Certified Numbers & Date Mailed - 258617 08/24/92

Date: 04/24/1991 User Id: CLELLAND Subject: COPIED FROM REMARKS
TRANS. 2184, PROTESTED. PROTESTANTS: 10. FISH & GAME, BIG BEND IRR. & MINING CO.

Date: 04/24/1991 User Id: CLELLAND Subject: PLACE OF USE
POMDS USED INCLUDE THE BASS POMDS, ANDERSON POMDS 1, 2 & 3 AND THE IMPROVEMENT POND ON RILEY CREEK.
POND DESCRIPTIONS: BASS POND 2 AC. + 7 AC. X 4' DEEP = 36 AF.

AND. #1 13 AC. X 4' = 52 AF.
AND. #3 4 AC. X 3' = 12 AF.
IMPOND POND 17 AC. X 3' = 51 AF.
AND. #4 7 AC. X 3' = 12 AF. TOTAL POND VOLUME = 232 AF.

Date: 10/20/1992 User Id: SOUTH3 Subject: MOE RECEIVED/NO CHANGE TO RECOMMENDATION
THIS RIGHT HAS BEEN RECOMMENDED AS IT WAS LICENSED. A LETTER OF EXPLANATION HAS BEEN SENT. RMC
Date: 10/28/1992 User Id: THORNTON Subject: CHANGE IN RECOMMENDATION
CORRECTED SOURCE TO TUCKER SPRINGS (PLURAL), UPPER

Adjudication Rights Dates and Flags Area

Court Report Filing	- 11/02/1992	Field Inspection Made	- 04/19/1991	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/28/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- C018457	Federal/State Indicator	- S
Claims Tape Error Flag	-	POU Ownership Flag	- Y	Presumption Flag	- C
Fee Exempt Flag	-	Name Corrector	-	Notice of Error Flag	- B

AUG 07 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

December ²⁸~~27~~, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

ATTN DAVE PARRISH
IDAHO FISH & GAME
PO BOX 428
JEROME ID 83338

RE: APPLICATION FOR TRANSFER NO. 2184 (36-02056)

Dear Mr. Parrish:

The Department has recently reviewed a number of applications which are pending in Department files to determine what further action is appropriate in connection with the applications.

It has been noted that a protest was filed against the above referenced application by the Big Bend Irrigation Company. It appears that the last action in this case was a Draft Agreement created in March, 1982 but our file does not contain a final copy signed by the parties.

Please notify this office in writing if your agency has a continued interest in the application. A Withdrawal of Application form is also enclosed to be returned to the Department as an additional action option.

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

Very truly yours,

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

AM:mb

Enclosure

cc: John Rosholt, Esquire
Rosholt, Robertson & Tucker
PO Box 1906
Twin Falls, ID 83303-1906

AUG 07 1996



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

DAVID H. LEROY
ATTORNEY GENERAL
DAVID J. BARBER
STEPHEN V. GODDARD
DEPUTY ATTORNEYS GENERAL
IDAHO DEPARTMENT OF FISH AND GAME

RECEIVED

MAR 11 1982

Department of Water Resources
Cody, Idaho 83401

600 S. WALNUT ST.
P.O. Box 25
BOISE, IDAHO 83707
(208) 334-3715

March 10, 1982

Mr. Brent Martens
Hepworth, Nungester and Felton
Attorneys at Law
Professional Center - 1020 Main
P. O. Box 589
Buhl, Idaho 83316

Re: Third Redraft of Proposed Agreement Between the Idaho
Department of Fish and Game and Big Bend Irrigation
Company.

Dear Brent:

Enclosed is my third redraft of the subject agreement. I
made the changes requested by Big Bend at the meeting on
February 11, 1982. Please review this redraft and give me
your comments. Thank you.

Sincerely,

COPY ORIGINAL SIGNED BY
DAVID J. BARBER
David J. Barber
Deputy Attorney General
Idaho Dept. of Fish and Game

DJB:tlv

Enclosure

cc: Loren Holmes

AUG 07 1996

AGREEMENT

THIS AGREEMENT made between THE BIG BEND IRRIGATION AND MINING COMPANY, LTD., an Idaho irrigation corporation, hereinafter called "BIG BEND" and THE STATE OF IDAHO DEPARTMENT OF FISH AND GAME, hereinafter called the "Department" is made in reference to the following facts:

RECITALS

A. The United States District Court for the District of Idaho, Southern Division, entered a decree on March 23, 1932 in the case of New International Mortgage v. Idaho Power Company, Equity No. 1602. In said decree BIG BEND was decreed the rights to the use of waters of Large Thompson Springs, also called Large Tucker Springs, in the amount of 20 c.f.s. with a priority of December 17, 1903. Said waters are diverted by means of diversion works into the canal of BIG BEND in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 36, Township 7 South, Range 13E, Boise Meridian, Gooding County, Idaho. In said decree BIG BEND was further decreed the rights to the use of waters of Small Thompson Spring, also called Small Tucker Spring, in the amount of 15 c.f.s. with a priority of April 1, 1906. Said waters are diverted by means of diversion works into the canal of BIG BEND in the Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) of Section 36, Township 7 South, Range 13E, Boise Meridian, Gooding County, Idaho.

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B. The DEPARTMENT holds 40 shares of stock in BIG BEND which entitles it to a proportionate share of the BIG BEND's decreed rights to the use of water from Large Thompson Springs and Small Thompson Springs.

C. The DEPARTMENT also holds various other rights to the use of water which are evidenced by the following designated licenses issued by the Idaho Department of Water Resources or by a predecessor agency and which list Tucker Springs or Tucker Spring Creek as their point of diversion:

<u>License Number</u>	<u>Priority Date</u>	<u>Amount</u>
36-2055	9-16-47	64 c.f.s.
36-2056	9-16-47	3 c.f.s.
36-2159	4-23-56	20 c.f.s.

All said rights to the use of water include fish propagation as a purpose of use and License Number 36-2159 includes wildlife as a purpose of use.

D. The parties hereto desire to provide for the transportation through a portion of BIG BEND's canal system of that 3 c.f.s. belonging to the DEPARTMENT under the rights it acquired under License No. 36-2056.

E. The parties desire to clarify further their rights to the use of waters of Large Thompson Springs and Small Thompson Springs and their rights and responsibilities in the repair and maintenance of BIG BEND's diversion works and canal.

NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES STATED, HEREIN, THE PARTIES AGREE AS FOLLOWS:

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SECTION ONE

Definitions

A. The term "BIG BEND" refers to "THE BIG BEND IRRIGATION AND MINING COMPANY, LTD., an Idaho Irrigation Corporation with its principal place of business in Hagerman, County of Gooding, State of Idaho.

B. The abbreviation "c.f.s." refers to cubic feet per second.

C. The term "decree" refers to the decree entered by the United States District Court for the District of Idaho, Southern Division on March 23, 1932 in the case of New International Mortgage v. Idaho Power Company, Equity No. 1602.

D. The phrase "decreed rights of the Department" refers to those rights to the use of water held by the Department based on its ownership of 40 shares of stock in BIG BEND.

E. The term "DEPARTMENT" refers to the State of Idaho Department of Fish and Game acting by and through its authorized representative.

F. The phrase "Large Thompson Springs" collectively refers to that natural series of springs which arise in the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) of Section 36, Township 7 South, Range 13E., Boise, Meridian, Gooding County, Idaho. Large Thompson Springs may also be divided into an upper and lower springs, respectively referred to herein as Upper Large Thompson Springs and Lower Large Thompson Springs. Large Thompson Springs is also known as "Large Tucker Springs".

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G. The phrase "Small Thompson Springs" refers to that natural spring which arises in the Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) of Section 36, Township 7 South, Range 13 E., Boise, Meridian, Gooding County, Idaho. Small Thompson Springs is also known as "Small Tucker Springs".

SECTION TWO

Priority of Exercise of Rights to the Use of Water

A. BIG BEND's rights to the use of water from Large Thompson Springs in the amount of 20 c.f.s. shall have priority to any rights of the DEPARTMENT to the use of the waters of Large Thompson Springs, except the decreed rights of the DEPARTMENT.

B. BIG BEND's rights to the use of water from Small Thompson Springs in the amount of 15 c.f.s. shall have priority to any right of the DEPARTMENT to the use of the waters of Small Thompson Springs, except the decreed rights of the DEPARTMENT.

SECTION THREE

Incorporation of Prior Agreement

A. The parties acknowledge that they executed a written agreement on or about July 21, 1960 and that they intend to comply with said agreement, except as specified in Sections Six, Seven, and Eight. A true and correct copy of said agreement is attached hereto as Exhibit "A" and by this reference is made a part hereof.

AUG 07 1996

SECTION FOUR

Withdrawal of Objection By Big Bend

A. In accordance with the terms and conditions of water right License No. 36-2056, the DEPARTMENT has a right to the use of 3 c.f.s. of water from Large Thompson Spring. The place of use of said water as designated in said water right license is the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 36, Township 7 South, Range 13 E., Boise Meridian.

B. The DEPARTMENT filed with the State of Idaho Department of Water Resources an application to change its place of use of the above 3 c.f.s. of water to include the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4); Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4); and Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 36, Township 7 South, Range 13 E., Boise Meridian.

C. BIG BEND has heretofore filed its objection to the application of the DEPARTMENT. BIG BEND agreed to withdraw its objection and to permit that application to be granted without a hearing on their objection in consideration of the stipulations herein set forth.

SECTION FIVE

Transportation of Water By Big Bend

A. BIG BEND shall convey for the DEPARTMENT the 3 c.f.s. of water represented by water right License No. 36-

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2056 from its diversion works at Large Thompson Springs a distance of about one-quarter (1/4) mile through the BIG BEND canal, at which point the Department diverts said water into ponds for fish propagation purposes.

B. BIG BEND shall convey said water through its canal system for the use and benefit of the DEPARTMENT pursuant to the following provisions:

(1) When the flow of Large Thompson Spring is equal to or less than 20 c.f.s., the DEPARTMENT shall not be entitled to divert any water under any rights acquired under water right License No. 36-2056, unless BIG BEND is not exercising its rights to the use of water from Large Thompson Springs.

(2) When the flow of Large Thompson Springs exceeds 20 c.f.s. the DEPARTMENT shall be entitled to divert water under rights acquired under water right License No. 36-2056 only to the extent that said flow exceeds 20 c.f.s., unless BIG BEND is not exercising its rights to the use of water from Large Thompson Springs.

(3) The DEPARTMENT shall bear a proportionate part of any transportation loss, whether caused by seepage, evaporation, transpiration, or otherwise. Said loss shall be determined by measuring the flows at the beginning point of the BIG BEND canal and at that point where the DEPARTMENT diverts its waters from the canal and into its fish ponds.

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(4) The diversion gate, weir, or device to be used by the DEPARTMENT to divert its water from the BIG BEND canal and into its fish ponds shall be installed and maintained at the sole expense of the DEPARTMENT. Said device shall be capable of measuring the flow of water from the BIG BEND canal and into the DEPARTMENT's fish ponds. BIG BEND, through its duly authorized agents, shall be authorized to measure the flow of water through that measuring device at any reasonable time. The flow of water through that diversion device shall be regulated by BIG BEND by its duly authorized agents or representatives. BIG BEND shall not decrease the flow of water to the DEPARTMENT without first giving to the DEPARTMENT 48 hours advance written notice of its intentions, except in any emergency.

(5) If any emergency requires the shut off of water above the DEPARTMENT's diversion point delivered under subdivision (A) of Section Five, BIG BEND shall before or following that shutoff notify the DEPARTMENT as soon as reasonably practicable of said shut off.

(6) Neither BIG BEND nor any of its agents shall in any way assume responsibility for the DEPARTMENT's losses or damages due to non-delivery of water diverted under License No. 36-2056 by failure of BIG BEND's or of the DEPARTMENT's water diversion or carriage works, if BIG BEND provides the notice required by clause (4) or clause (5) of subdivision (B) of Section Five, as the case may be.

(7) It is understood that the rights of the DEPARTMENT to the delivery of water through the BIG BEND

AUG 07 1986

canal under subdivision (A) of Section Five shall be considered a license right only, and nothing herein shall be construed as a conveyance of an easement, right of way, or other real property right in the canal system of BIG BEND. This provision does not apply to the decreed rights of the DEPARTMENT.

(8) The parties acknowledge that the DEPARTMENT has the diversion works at Large Thompson Springs to divert the 3 c.f.s. authorized for diversion under water right License No. 36-2056. The DEPARTMENT at its sole discretion may divert said 3 c.f.s. at Large Thompson Springs rather from the canal of BIG BEND.

SECTION SIX

Reimbursement for Repair Work of Canal and Diversion Works

A. BIG BEND diverts its water from Upper Large Thompson Springs by means of a tunnel located at the head of its canal. It is acknowledged by the parties hereto that a portion of those waters are lost by seepage through the banks or bed of that ditch.

B. The DEPARTMENT shall reimburse BIG BEND for the actual cost of correcting this water loss up to the amount of two thousand dollars (\$2,000). The work to be performed to correct this water loss is specified in Section Seven. In the event the cost to correct this water loss exceeds the amount of two thousand dollars (\$2,000), the DEPARTMENT shall reimburse BIG BEND for one-half of the cost which exceeds the amount of two thousand dollars (\$2,000).

AUG 07 1996

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C. The parties agree that the obligation of the DEPARTMENT to reimburse BIG BEND for the work to be performed in accordance with Section Seven shall be a non-reoccurring obligation on the part of the DEPARTMENT. Accordingly, the Agreement dated July 21, 1960 shall not apply to the work contemplated by Section Seven. However, following reimbursement in accordance with this section by the DEPARTMENT to BIG BEND for the work contemplated in Section Seven, the duties of the DEPARTMENT Sections Six and Seven shall cease and the rights and duties of the parties as respects maintenance shall be determined by the Agreement dated July 21, 1960.

D. The DEPARTMENT shall credit against its obligation to reimburse BIG BEND for said repair work the amount of fifty cents (\$0.50) for each mile driven by the DEPARTMENT in the dump truck provided under the provisions of Section Eight.

SECTION SEVEN

Repair Work to be Performed by BIG BEND

A. BIG BEND shall construct a roadway to the point where water is diverted by BIG BEND from the Large Thompson Springs tunnel into its canal system. Said roadway may follow such a course as BIG BEND deems appropriate, but shall, in any case, be of such a size and shall be so constructed so as to facilitate the carriage of a backhoe or equivalent equipment.

B. BIG BEND shall divert the flow of water from the BIG BEND ditch at a point immediately below the outlet

AUG 07 1996

of the spring into the tunnel. Said water shall be diverted into a pipeline and spillway to be installed by BIG BEND, which pipeline and spillway shall remain permanently in place and shall permit future diversion of a similar nature where circumstances require. Said pipeline shall divert the water otherwise carried by the BIG BEND canal to such point or points as BIG BEND may desire.

C. Following diversion of the BIG BEND water into the pipeline and spillway as above described, BIG BEND shall improve the banks and bed of the BIG BEND canal in order to eliminate, to the extent possible, future water seepage. Said improvements shall include the removal of large rocks and boulders from the bed of the canal, and the placement of gravel or other material along the bed and bank of the canal in order to alleviate or prevent future seepage problems. Said improvements shall be made along that portion of the canal where the same is located above those spring waters captured and used by the DEPARTMENT and commonly referred to as the Large Thompson Springs.

D. BIG BEND shall designate by written notice to the DEPARTMENT a parcel of land where the DEPARTMENT in conjunction with BIG BEND shall dig, load, and remove fill material for the repair work contemplated by this agreement, in addition to any fill material provided from the DEPARTMENT's sand and gravel pit on the Hagerman Wildlife Management Area. BIG BEND shall procure all permits and licenses necessary to dig, load, and remove fill material from the

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parcel designated by BIG BEND in its written notice to the DEPARTMENT.

SECTION EIGHT

Repair Work to be Performed by DEPARTMENT

A. The DEPARTMENT shall provide a qualified driver and a dump truck with a minimum capacity of 5 (five) cubic yards for repairing the diversion works and canal of BIG BEND.

B. The DEPARTMENT shall transport in said dump truck up to 1,000 cubic yards of fill material for construction of the roadway referred to in subdivision (A) of Section Seven. Said fill material shall be hauled from a site designated by BIG BEND in accordance with the provisions of subdivision (D) of Section Seven hereof or from the sand and gravel pit found on the Hagerman Wildlife Management Area.

C. Said driver shall assist BIG BEND in the repair work as required.

D. The DEPARTMENT shall provide an appropriately sized pipe or pipes to be installed in the bed of the roadway to be constructed to the diversion works and canal of BIG BEND at Upper Large Thompson Springs.

E. The DEPARTMENT shall provide use of a caterpillar tractor with dozer as needed for repairing the diversion works and canal of BIG BEND.

F. The DEPARTMENT shall provide up to 50 cubic yards of pit run 3/4" gravel for construction of the roadway.

[Handwritten signature]

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SECTION NINE

Records

A. BIG BEND shall maintain books, papers, records, documents and other evidence and shall establish accounting procedures sufficient to determine its actual cost of performance of the work specified in Section Seven.

B. BIG BEND shall make said books, papers, records, documents, and other evidence available to the DEPARTMENT at all reasonable times for inspection, audit, and copying.

C. DEPARTMENT shall maintain books, papers, records, documents, and other evidence and shall establish accounting procedures sufficient to determine the actual mileage of the dump truck provided under subdivision (A) of Section Eight hereof.

D. DEPARTMENT shall make said books, papers, records, documents, and other evidence available to BIG BEND at all reasonable times for inspection, audit, and copying.

SECTION TEN

Waiver, Modification, or Amendment

No waiver, modification, or amendment of this contract or of any covenant, condition, or limitation herein contained shall be valid unless in writing duly executed by the party to be changed therewith and the parties further agree that the provisions of this section may not be waived, modified, or amended except as herein set forth.

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SECTION ELEVEN

Effect of Section Headings

The section headings appearing in this agreement are not to be construed as interpretations of the text but are inserted for convenience and reference only.

SECTION TWELVE

Permits

BIG BEND shall acquire all permits, licenses, and other entitlements for use necessary for the lawful prosecution of the work.

SECTION THIRTEEN

Notices

A. Any written notices to the DEPARTMENT required or permitted under this contract shall be delivered to the DEPARTMENT at the following address:

Regional Supervisor
Idaho Department of Fish and Game
Region 4
868 E. Main
Jerome, Idaho 83338

B. Any emergency notice may be made in the most practical manner including but not limited to a telephone call to the Regional Supervisor of Region 4 or to the Regional Land Manager of Region 4.

C. The Regional Supervisor of Region 4 may in writing change the address for delivery of written notice at any time by transmitting to BIG BEND a written notice of change of address. Said notice shall become a part of this contract upon delivery to BIG BEND as if fully set forth herein.

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SECTION FOURTEEN

Indemnification

A. BIG BEND in all of its operations hereunder shall be regarded as an independent contractor, and assumes and agrees to protect, defend, indemnify, and hold harmless the DEPARTMENT and its employees from all liability and expense on account of claims, suits and costs growing out of or connected with such operation by it and its employees, if any, provided, however, that the DEPARTMENT shall not be relieved hereby from liability for its own negligence and that of its employees.

B. The DEPARTMENT in all of its operations hereunder shall be regarded as an independent contractor, and assumes and agrees to protect, defend, indemnify, and hold harmless BIG BEND and its employees from all liability and expense on account of claims, suits and costs growing out of or connected with such operation by it and its employees, if any, provided, however, that BIG BEND shall not be relieved hereby from liability for its own negligence and that of its employees.

SECTION FIFTEEN

Taxes

A. BIG BEND with respect to its employees and those of its subcontractors, if any, shall pay, indemnify and save the DEPARTMENT harmless from the payment of all taxes and contributions imposed by federal and state laws

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MAR 9 1982

with respect to said employees and their remunerations, including all interest and penalties payable under said laws as the result of noncompliance therewith.

B. The DEPARTMENT with respect to its employees and those of its subcontractors, if any, shall pay, indemnify and save BIG BEND harmless from the payment of all taxes and contributions imposed by federal and state laws with respect to said employees and their remunerations, including all interest and penalties payable under said laws as the result of noncompliance therewith.

SECTION SIXTEEN

Attorneys Fees

If it becomes necessary for a party to initiate legal action to enforce its rights under this agreement, the prevailing party shall be entitled to all reasonable attorneys fees.

IN WITNESS WHEREOF, the parties hereto have executed this agreement upon the date following their respective signatures.

STATE OF IDAHO
DEPARTMENT OF FISH AND GAME

BIG BEND IRRIGATION AND
MINING COMPANY, LTD.

Jerry M. Conley

By _____

Date

Date

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AUG 07 1996

Approved as to content and form:

Deputy Attorney General
Idaho Department of Fish and Game

Date

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36-2056 - F & G

36 Form 3811, Jan. 1978

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

1. The following service is requested (check one.)
☒ Show to whom and date delivered. \$
☐ Show to whom, date and address of delivery. \$
☐ **RESTRICTED DELIVERY**
 Show to whom and date delivered. \$
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery. \$ _____
 (CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**
 Dale Turnipseed-Reg. Wildlife Land Mgr
 Dept F & G - 868 East Main
 Jerome, ID 83338

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	93	

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
[Signature]

4. **DATE OF DELIVERY** 9-3-78 **POSTMARK**

5. **ADDRESS** (Complete only if requested)

6. **UNABLE TO DELIVER BECAUSE:** **CLERK'S INITIALS**

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

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

07 1996



**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1001 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

36-2056 F & G

Form 3811, Jan. 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.								
1. The following service is requested (check one.) ☒ Show to whom and date delivered..... ☐ Show to whom, date and address of delivery..... ☐ RESTRICTED DELIVERY Show to whom and date delivered..... ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery..... (CONSULT POSTMASTER FOR FEES)								
2. ARTICLE ADDRESSED TO: John A. Rosholt- Attny at Law Box 1906 - Twin Falls, ID 83301 (Big Bend Irrig. & Mining Co.)								
3. ARTICLE DESCRIPTION: <table border="1"> <tr> <td>REGISTERED NO.</td> <td>CERTIFIED NO.</td> <td>INSURED NO.</td> </tr> <tr> <td></td> <td>85</td> <td></td> </tr> </table> (Always obtain signature of addressee or agent)			REGISTERED NO.	CERTIFIED NO.	INSURED NO.		85	
REGISTERED NO.	CERTIFIED NO.	INSURED NO.						
	85							
I have received the article described above. SIGNATURE ☐ Addressee ☒ Authorized agent <i>[Signature]</i>								
4. DATE OF DELIVERY 9-3-81		POSTMARK						
5. ADDRESS (Complete only if requested)								
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS						

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on the reverse.
 - Attach to front of article if space permits, otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" adjacent to number.

Penalty for Private
Use to Avoid Payment
of Postage, \$300



AUG 07 1986

**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83201

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

NAME AND ADDRESS OF SENDER		NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS		Indicate type of mail		I certify that we have		Affix stamp here if issued as certificate of mailing or for additional copies of this bill					
NUMBER OF ARTICLE				☐ REGISTERED	☐ COD	☐ Commercial Insurance	☐ A deductible clause of \$	POSTMARK AND DATE OF RECEIPT	DUE SENDER IF C.O.D.	R.R. FEE	S.D. FEE	S.H. FEE	REST DEL FEE
1	83	1	date Thompson - Reg. will be made										
2	84		John Michael - 318										
3	85		John Michael										
4			Big Bend Log & Mining Co.										
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13													
14													
15													
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full amount of the deductible if the deductible exceeds valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$10,000 for registered mail, \$300 for COD and \$200 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.							
3													

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

AUG 07 1996

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

IN THE MATTER OF PROTEST AGAINST APPROVAL)
OF APPLICATION FOR TRANSFER OF WATER RIGHT)
No. 36-2056 - TRANSFER NO. 2184 IN THE)
NAME OF IDAHO DEPARTMENT OF FISH & GAME)

NOTICE OF CONFERENCE
AND/OR HEARING

On January 10, 1979, the Idaho Department of Fish & Game filed with the Department of Water Resources an amended application to change the place of use of an established water right.

On February 9, 1979, the Department received a protest against approval of said application from the Big Bend Irrigation and Mining Company via its attorney John Rosholt.

The Department has set the matter of protest for hearing for Monday, September 21, 1981, at 10:00 a.m., in the Commissioners Room of the Gooding County Court-house, Gooding, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67 of the IDAHO CODE and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

In accordance with IDAHO CODE, Section 42-222, the following issues are involved in consideration of the application and protest:

- 1) Will other water rights be injured by the change?
- 2) Does the change constitute an enlargement in use of the original right?

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

If the hearing is conducted by a hearing office appointed by the Director,

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

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

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

DATED This 1 day of September, 1981.


LOREN O. HOLMES
Southern Region Supervisor

AUG 07 1986



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

September 1, 1981

Mrs. Marda Exon
Deputy
Gooding County Sheriff
Gooding County Courthouse
Gooding, Idaho 83330

Dear Deputy Exon:

This is to confirm the use of the Commissioners Conference Room for conference and/or hearing to be held by this office Monday, September 21, 1981 at 10:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

Mary A. Hill
Sr. Secretary

for

Loren O. Holmes
Southern Region Supervisor

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

May 21, 1981

Dale Turnipseed
Regional Wildlife Land Manager
Department of Fish & Game
Region #4
868 East Main
Jerome, Idaho 83338

Re: Application for Transfer of Water Right No. 36-2056

Dear Mr. Turnipseed:

At the request of counsel, the conference and/or hearing set for May 27, 1981, in the above referenced matter is continued for sixty days to allow the parties to seek an agreement.

The matter will be tentatively re-scheduled for conference and/or hearing in August, 1981 if not resolved among the parties by July 31, 1981.

Very truly yours,

Loren O. Holmes
Loren O. Holmes
Southern Region Supervisor

LOH:marya

AUG 07 1996



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

May 21, 1981

Steve Goddard
Deputy Attorney General
Department Fish & Game
600 South Walnut
Boise, Idaho 83701

Re: Application for Transfer of Water Right No. 36-2056

Dear Mr. Goddard:

At the request of counsel, the conference and/or hearing set for May 27, 1981, in the above referenced matter, is continued for sixty days to allow the parties to seek an agreement.

The matter will be tentatively re-scheduled for conference and/or hearing in August, 1981, if not resolved among the parties by July 31, 1981.

Very truly yours,

Loren O. Holmes
Loren O. Holmes
Southern Region Supervisor

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AUG 07 1981



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

May 21, 1981

Brent Martens
Hepworth Nungester & Felton
Attorneys at Law
1020 Main
Buhl, Idaho 83316

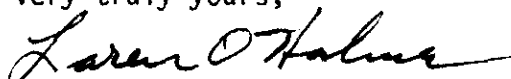
Re: Application for Transfer of Water Right No. 36-2056

Dear Mr. Martens:

At the request of counsel, the conference and/or hearing set for May 27, 1981, in the above referenced matter, is continued for sixty days to allow the parties to seek an agreement.

The matter will be tentatively re-scheduled for conference and/or hearing in August, 1981, if not resolved among the parties by July 31, 1981.

Very truly yours,


Loren O. Holmes
Southern Region Supervisor

LOH:marya

AUG 07 1981

36-2056 - Department of Fish & Game

Commissioners Room - Gooding County Courthouse - Gooding, Idaho

Wednesday, May 27, 1981 - 10:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
------	---------	--------------

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

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

☒ Show to whom and date delivered.....
☐ Show to whom, date and address of delivery.....
☐ RESTRICTED DELIVERY
☐ Show to whom and date delivered.....
☐ RESTRICTED DELIVERY

Show to whom, date, and address of delivery. \$ —
☐ RESTRICTED DELIVERY.

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

John A. Rosholt - Attny at Law
 Box 1906 - Twin Falls, Idaho 83301
 (Big Bend Irrig. & Mining Co.)

3. ARTICLE DESCRIPTION:

REGISTERED NO.
 CERTIFIED NO.
 INSURED NO.
 496

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

John A. Rosholt
 DATE OF DELIVERY MAY 4 1981
 POSTMARK MAY 4 1981

5. ADDRESS (Complete when registered)

6. UNABLE TO DELIVER BECAUSE:

6. UNABLE TO DELIVER BECAUSE:
 CLEVER'S
 INITIALS

PS Form 3811, Jan. 1979
 RETURN RECEIPT, REGISTERED, INSURED & CERTIFIED MAIL

36-2056 - 8/9

☆ GPO : 1979-300-459

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

Enclosed to return to:

**RETURN
TO**

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH

TWIN FALLS, IDAHO 83301
(Name of Sender)

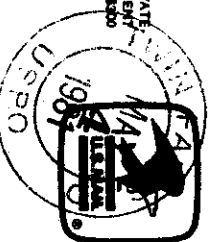
(Street or P.O. Box)

(City, State, and ZIP Code)

MAILED 5 1981
Department of Water Resources
Southern District Office

AUG 07 1986

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE. \$20



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

1. The following service is requested (check one.)
☒ Show to whom and date delivered.....
☐ Show to whom, date and address of delivery.....
☐ RESTRICTED DELIVERY
 Show to whom and date delivered.....
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$.....
 (CONSULT POSTMASTER FOR FEES)

2 ARTICLE ADDRESSED TO:
 John Vehlow - Deputy Atty Gen
 Dept F & G - 600 S. Walnut
 Boise, Idaho 83701
 3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 497

(Always obtain signature of addressee or agent)
 I have received the article described above.
 SIGNATURE ☐ Addressee ☒ Authorized agent
 DATE OF DELIVERY
 POSTMARK

5. ADDRESS (Complete in full)
 6. UNABLE TO DELIVER REASON
 7. CLERK'S INITIALS

PS Form 3811, Jan. 1978

RETURN RECEIPT, REGISTERED, INSURED

CERTIFIED MAIL

36-2056 F & G

☆ GPO : 1979-300-459

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete Items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" IDAHO DEPARTMENT OF WATER RESOURCES
adjacent to number.

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



RECEIVED
MAY 5 1991
RETURN TO

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

Department of Water Resources
Southern District Office

AUG 07 1996

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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

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

☒ Show to whom and date delivered.....

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

☐ RESTRICTED DELIVERY

Show to whom and date delivered.....

☐ RESTRICTED DELIVERY.

Show to whom, date, and address of delivery.\$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Bate Turnipseed-Reg. Wildlife Land Mgr
Dept F & G - 868 East Main
Jerome, ID 83338

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. *Michael Bate*
DATE OF DELIVERY *5-1-81*
POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

AUG 07 1986

PS Form 3811, Jan 1979

RETURN RECEIPT, REGISTERED, INSURED

CERTIFIED MAIL

GPO : 1979-300-459

36-2056 - F. R.

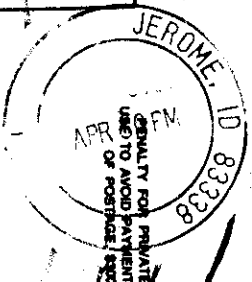
UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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



IDAHO DEPARTMENT OF WATER RESOURCES

SOUTHERN DISTRICT OFFICE

1041 BLUE LAKES BLVD. NORTH

TWIN FALLS, IDAHO 83301

(Name of Sender)

**RETURN TO
RECEIVED**

MAY 4 1981

APR 27 1981

(Street or P.O. Box)

**Department of Water Resources
Southern District Office**

(City, State, and ZIP Code)

NAME AND ADDRESS OF SENDER
 # 36-2056
 Sept 21/9-

Indicate type of mail
☐ REGISTERED ☐ COD
☐ INSURED ☐ CERTIFIED

I certify that we have
☐ Commercial Insurance
☐ A deductible clause of \$

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

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S. D. FEE	S. H. FEE	POST. DEL. FEE	REMARKS
1 495	Repts. Fish & Game	18	25	60							
2 496	John Marshall	18	25	60							
3 497	John Marshall	18	25	60							
4											
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15											

AUG 07 1996

AUG 07 1996

POSTMASTER, PER (Name of receiving employee)
 The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$10,000 for registered mail, \$300 for COD and \$200 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

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

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

IN THE MATTER OF PROTEST AGAINST APPROVAL }
OF APPLICATION FOR TRANSFER OF WATER RIGHT }
NO. 36-2056 - TRANSFER NO. 2184 IN THE }
NAME OF IDAHO DEPARTMENT OF FISH & GAME }

NOTICE OF CONFERENCE
AND/OR HEARING

On January 10, 1979, the Idaho Department of Fish & Game filed with the Department of Water Resources an amended application to change the place of use of an established water right.

On February 9, 1979, the Department received a protest against approval of said application from the Big Bend Irrigation and Mining Company via its attorney John Rosholt.

The Department has set the matter of protest for hearing for Wednesday, May 27, 1981, at 10:00 a.m., in the Commissioners Room of the Gooding County Courthouse, Gooding, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the IDAHO CODE and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

In accordance with IDAHO CODE, Section 42-222, the following issues are involved in consideration of the application and protest:

- 1) Will other water rights be injured by the change?
- 2) Does the change constitute an enlargement in use of the original right?

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

If the hearing is conducted by a hearing officer appointed by the Director,

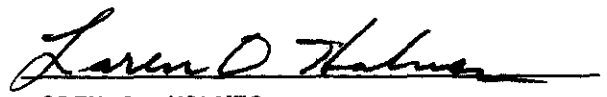
RECEIVED
AUG 07 1996

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

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

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

DATED This 30th day of April, 1981.


LOREN O. HOLMES
Hearing Officer

AUG 07 1986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: J F Stanton

1. Right number 36-2056 Applicant Idaho Dept. of Fish & Game
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
- a. ☒ All of right.
- b. ☐ ^{NO} Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments No expansion - original place of use
not properly described on license
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) N/A
- j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 36-A

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

4. By _____ Date _____

* All uses within Watermaster Districts require special conditions.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

February 14, 1979

Dale Turnipseed - Regional Wildlife Land Manager
Idaho Department of Fish & Game
868 East Main
Jerome, Idaho 83338

Re: Application for Permit No. 36-2056 - Idaho Fish & Game Dept.

Dear Mr. Turnipseed:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 36-2056. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

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

Sincerely,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

RECORDED

AUG 07 1996



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

C. Stephen Allred
Director

February 14, 1979

John A. Rosholt
Parry Robertson Daly & Larson
Attorneys at Law
P. O. Box 1906
Twin Falls, Idaho 83301

Re: Application for Permit No. 36-2056 - Idaho Fish & Game Department

Dear Mr. Rosholt:

Your protest against the approval of the above-referenced application submitted in behalf of Big Bend Irrigation & Mining Co. has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

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

Sincerely,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

AUG 07 1979

1 John A. Rosholt
2 PARRY, ROBERTSON, DALY & LARSON
3 P. O. Box 1906
4 Twin Falls, Idaho 83301
5 Telephone: 733-3722

RECEIVED
FEB 9 1979
Department of Water Resources
Southern District Office

9 BEFORE THE DEPARTMENT OF WATER RESOURCES
10 OF THE STATE OF IDAHO

11 * * * * *

12 IN THE MATTER OF AMENDED APPLICA-	)	<u>PROTEST OF BIG BEND</u>
	)	
13 TION FOR TRANSFER OF WATER RIGHT	)	<u>IRRIGATION AND MINING</u>
14 NO. 36-2056,	)	
	)	<u>COMPANY TO PROPOSED</u>
15 IDAHO DEPARTMENT OF FISH AND GAME	)	<u>TRANSFER OF WATER RIGHT</u>

16 * * * * *

17 COMES NOW the Big Bend Irrigation and Mining Company,
18 by and through their attorneys, Parry, Robertson, Daly & Larson,
19 and respectfully allege:

- 20 1. That protestant Big Bend Irrigation and Mining
21 Company is a non-profit, public irrigation corporation, which
22 owns and operates a system of canals and ditches so as to deliver
23 water to member shareholders-landowners in Gooding County,
24 Idaho.
- 25 2. That Amended Application No. 36-2056 proposes to
26 change a place of beneficial use to include additional lands.
- 27 3. That the right to the water is junior to perfected
28 rights of protestant.
- 29 4. Applicant has no permission or right to utilize
30 any part of protestant's ditch to convey water other than as
31 shown on attached agreement.

32
MICROFILMED
AUG 07 1996

1 5. To allow the application would be to reduce the
2 quantity of water available under existing rights to protestant
3 and to encourage trespass.

4 NOW, THEREFORE, the Big Bend Irrigation and Mining
5 Company hereby protests Amended Application No. 36-2056 for the
6 following reasons, to-wit:

7 (1) That the proposed change in place of use is an
8 enlargement in use of the original right.

9 (2) That the proposed change in the Amended Applica-
10 tion seeks to bootstrap a right in the Big Bend Irrigation and
11 Mining Company system without the permission of the Company
12 constitutes injury to the Company.

13 (3) That even though the applicant claims a licensed
14 right to the use of said 3.0 c/f/s of water, protestant holds
15 prior rights to the use of waters from the springs in question
16 and has never allowed the applicant into the protestant's system
17 for any purpose except as set out in the agreement attached
18 hereto as Exhibit "A".

19 WHEREFORE, the Big Bend Irrigation and Mining Company,
20 by and through their attorneys, Parry, Robertson, Daly & Larson,
21 respectfully request that Amended Application No. 36-2056 be
22 denied and that no change be permitted.

23 DATED this 2 day of Feb, 1979.

24 PARRY, ROBERTSON, DALY & LARSON

25
26 By: Sam A. Norval

27 P. O. Box 1906
28 Twin Falls, Idaho 83301
29 Attorneys for Portestant
30 Big Bend Irrigation and Mining
31 Company
32

Mineral

AUG 07 1996

A G R E E M E N T

THIS AGREEMENT, Made this _____ day of _____, 1960, by and between the BIG BEND IRRIGATION AND MINING COMPANY, LTD., a corporation, organized and existing under and by virtue of the laws of the State of Idaho, duly qualified and having its principal place of business at Hagerman, Idaho, hereinafter referred to as the "Company" and THE STATE OF IDAHO, DEPARTMENT OF FISH AND GAME, by and through its Director, hereinafter referred to as the "Department";

W I T N E S S E T H :

WHEREAS, The Company is the holder of decreed water rights to the waters of Large Thompson or Tucker Spring, in the amount of 20 c.f.s., situated in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Township 7 South, Range 13 East, Boise Meridian, in Gooding County, Idaho, and said water is diverted at said spring by means of diversion works into the canal of the Company; and

WHEREAS, The Department is the holder of various licenses for the use of waters of Large Thompson or Tucker Spring, issued by the State Reclamation Engineer in compliance with state law, in the amount of 84 c.f.s., for fish cultural purposes; and

WHEREAS, The Department's points of diversion are at different elevations, the upper of which diverts all waters presently available at that elevation; and

WHEREAS, The Department desires to increase, by approximately 5 c.f.s., its water flow at its upper diversion by diverting a portion of its waters from Large Thompson or Tucker Spring at the Company's point of diversion through a pipeline to the Department's upper point of diversion; and

RECORDED
AUG 07 1960

EXHIBIT "A"

WHEREAS, Said diversion would not interfere with, or in any way restrict, the Company's use of the waters of Large Thompson or Tucker Spring, and would provide the Department a means whereby it could regulate the flow of said 5 c.f.s. of waters from its lower diversion point to its upper diversion point and/or vice versa;

NOW, THEREFORE, The parties hereto covenant and agree as follows:

1. That the Company hereby authorizes the Department to penetrate the easterly portion of its diversion works, being an earth embankment, for the purpose of installing a 14-inch pipeline, which pipeline would convey waters of Large Thompson or Tucker Spring, in the amount of 5 c.f.s., from the Company's diversion works above its water regulating overflow to the Department's upper point of diversion.
2. That the Department will install a suitable gate in said pipeline for the purpose of controlling the water flow into said pipeline.
3. That the Department will assume all costs and expenses for its pipeline installation and for all repairs of any damages caused to the Company's diversion works by the installation of said pipeline.
4. That the Department will pay one-half (1/2) of all future maintenance costs on the Company's diversion works and canal from the Department's bass pond diversion upstream to the source of the canal, which distance is approximately one-quarter mile. It is mutually understood and agreed by the parties hereto that the Department is in no way liable for the cost of any repairs or maintenance to the Company's canal or irrigation system below the said bass pond diversion works.
5. That the Company shall in no way assume responsibility for loss of fish reared in the Department's hatchery and ponds by failure of its or of the Department's water diversion or carriage works.

RECORDED
AUG 07 1996

IN WITNESS WHEREOF, The parties hereto have executed this agreement on the day and year first above written.

BIG BEND IRRIGATION & MINING COMPANY, LTD.

By Howard F. Clifford
President

Attest:

Esther Strand
Secretary

(Corporate Seal)

STATE OF IDAHO
DEPARTMENT OF FISH AND GAME

By Frank Leonard
Director

STATE OF IDAHO)
 : ss
County of Gooding)

On this 21 day of July, in the year 1960, before me, the undersigned notary public, personally appeared Howard F. Clifford and Esther Strand, known to me to be the president and secretary, respectively, of the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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

(Seal) Emmanuel P. [Signature]
Notary Public for the State of Idaho
Residing at Idaho Falls, Idaho

STATE OF IDAHO)
 : ss
County of Ada)

On this 11th day of July, in the year 1960, before me, the undersigned notary public, personally appeared ROSS LEONARD, known to me to be the Director of the Department of Fish and Game of the State of Idaho, that executed the foregoing instrument, and acknowledged to me that such Department of Fish and Game executed the same.

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

(Seal) Ann [Signature] **AUG 07 1996**
Notary Public for the State of Idaho
Residing at Boise, Idaho

An Extract from the
Minute Book of Big Bend Irrigation & Mining Company, Ltd.

Ragerman, Idaho

at Page 18 of said Book

The Board of Directors of the Big Bend Irrigation & Mining Company met in special session, pursuant to call of the president, July 20, 1940. Directors present were Hitchcock, Cook, Stroud, Glauner, and Mariner; also present were Boyle and Perrine representing the Fish and Game Department of the State of Idaho.

The following resolution was presented and by a unanimous vote adopted:

Whereas, the Fish and Game Department of the State of Idaho desires the privilege to run a certain quantity of water through the Big Bend Irrigation and Mining Company's canal from Thompson's Spring to a certain point to be later designated, and has submitted the following proposal to wit:

The Fish and Game Department will repair and enlarge the canal, if necessary, to safely carry the extra water needed, from the intake gate to the point of diversion; construct a diversion weir; construct a waste outlet; construct a stop gate at said point of diversion for the stoppage of all water in the canal below point of diversion, if required by the Big Bend Irrigation & Mining Company; all to be done at the expense of the Fish and Game Department, also will pay its proportional share of maintenance from the intake gate to the point of diversion.

THEREFORE BE IT RESOLVED: By the Board of Directors of the Big Bend Irrigation & Mining Company, in special meeting assembled, do hereby authorize and instruct the President to permit the passage of water as required through our canal upon the following terms and conditions only, to-wit:

The President shall at all times, have sole and absolute control of the entrance gate allowing the passage of water into the canal, also the sole and absolute control of the exit or diversion gate permitting the

AUG 07 1996

passage of water out of the canal. That said diversion gate shall be so constructed as to contain a measuring device showing the amount of water passing through the gate. At no time shall the President allow the passage of any water through any part of the canal that will impede or interfere with the usual flow of water needed by the Big Bend Irrigation & Mining Company.

It is also understood and agreed that the Big Bend Irrigation & Mining Company shall not be responsible for any damage which may be sustained by the Fish and Game Department by reason of the granting of said privilege.

/s/ F. C. Mariner, Secretary

AUG 07 1906

NOTICE OF AMENDED APPLICATION

FOR CHANGE OF WATER RIGHT

NO. - 36-2056

Notice is hereby given that the Idaho Department of Fish & Game has amended its Application to change a right to the waters of Tucker Springs via the Big Bend Ditch.

The right sought to be changed is evidenced by License 36-2056 and is recorded as follows:

Amount: 3.0 cfs Priority: September 16, 1947
Point of Diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E, B.M.,
Gooding County

The water is used for fish propagation purposes from Jan. 1 to Dec. 31, within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E, B. M.

The Application was originally made to change the Point of Diversion to two points within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E.

The Application has been Amended and the following change is now proposed:

Point of Diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E

Place of Use; NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E

Any protest against approval of the Amended Application for Transfer must be filed with the Idaho Department of Water Resources on or before February 26, 1979.

C. STEPHEN ALLRED
Director

Published in the Gooding County Leader on February 8 and February 15, 1979.

RECORDED
AUG 07 1996

LEGAL (257) 1e

**NOTICE OF AMENDED
APPLICATION FOR
CHANGE OF WATER
RIGHT
NO. -36-2056**

Notice is hereby given that the Idaho Department of Fish & Game has amended its Application to change a right to the waters of Tucker Springs via the Big Bend Ditch.

The right sought to be changed is evidenced by License 36-2056 and is recorded as follows:

Amount: 3.0 cfs
Priority: September 16, 1947
Point of Diversion: SE $\frac{1}{4}$ -
SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E, B.M., Gooding County

The water is used for fish propagation purposes from Jan. 1 to Dec. 31, within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E, B. M.

The Application was originally made to change the Point of Diversion to two points within the NW $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E.

The Application has been Amended and the following change is now proposed:

Point of Diversion: SE $\frac{1}{4}$ -
SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E

Place of Use: NE $\frac{1}{4}$ SW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E

Any protest against approval of the Amended Application for Transfer must be filed with the Idaho Department of Water Resources on or before February 26, 1979.

/s/ C. Stephen Allred
Director

Pub: 2-8, 15

*ok
meyer
12/1/79*

RECORDED

AUG 07 1990



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

January 17, 1979

Gooding County Leader
Box 56
Gooding, Idaho 83330

Re: Notice of Amended Application for Change of Water Right No. 36-2056
Idaho Department of Fish & Game

Gentlemen:

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

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

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Mary A. Hill

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

RECEIVED

AUG 07 1996



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

January 11, 1979

John Rosholt
Parry, Robertson, Daly & Larson
Attorneys at Law
P. O. Box 1906
Twin Falls, Idaho 83301

Dear Mr. Rosholt:

Please find enclosed, for your information, a copy of Amended Application for Transfer of Water Right No. 2184 (36-2056), - Idaho Department of Fish and Game, which was received in our office January 3, 1979.

Sincerely,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

MAILED 1 14 79

AUG 07 1986



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

C. Stephen Allred
Director

January 11, 1979

John Vehlow
Idaho Department of Fish & Game
Attorney at Law
600 South Walnut
P. O. Box 25
Boise, Idaho 83707

Dear Mr. Vehlow:

Please find enclosed, for your information, a copy of Amended Application for Transfer of Water Right No. 2185 (36-2056), - Idaho Department of Fish and Game, which was received in our office January 3, 1979.

Sincerely,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

771335



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

January 10, 1979

Idaho Department of Fish & Game
868 East Main
Jerome, Idaho 83338

Re: Application for Permit No. 36-7767, Amended Application for Transfer
of Water Right - No. 36-2056 - 2184, Amended Application for Permit
No. 36-7767

Gentlemen:

Enclosed is your receipt No. 12659 for check No. 92-9 in the amount
of \$95.00 for the above referenced applications, which was received
in this office January 4, 1979.

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

Sincerely,

Mary A. Hill

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

AUG 07 1979

INTER-DEPARTMENT

FROM LOREN O. HOLMES

DATE December 18

TO File T36-2056

SUBJECT This application for Transfer has been withdrawn.

At a hearing held on Application 36-7767, Fish and Game decided to amend that application to show the springs as the point of diversion instead of the location of their headgate on the Brailsford ditch.

I later talked with Dale Turnipseed about this transfer and pointed out to him that this transfer would have the opposite effect on this ³⁶⁻⁷⁷⁶⁷ right. That is, changing the point of diversion from the spring to the canal headgate.

Fish & Game has decided to withdraw the transfer and file a supplemental claim to the same right giving the canal headgates as points of diversion.

AUG 07 1996

Loren O. Holmes

SIGNATURE

FORM DA-8 Rev. 7-1-77
 WHITE - State Auditor
 BLUE - Purchasing Copy
 YELLOW - Remittance Advice
 PINK - State Auditor then Agency
 GOLDENROD - Agency Copy
 AGENCY USE

EXPENDITURE VOUCHER

STATE OF IDAHO
 Office of State Auditor

AUDITOR USE

Document No. 075543	
Pre-Audit	Date DEC 26 1978
Warrant No. 1192924	

Date 12-21-78
Code 18-3101

AGENCY NAME: **Fish & Game**

CHECK ONE:

☒ MISCELLANEOUS EXPENDITURE
☐ STATE CONTRACT

☐ PURCHASE ORDER
☐ MISCELLANEOUS ENCUMBRANCE REQUISITION

PAY **Idaho Department of Water Resources**
1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301

TO

Encumbrance Reference No.

PAYMENT: ☐ PARTIAL ☐ FINAL

LINE No.	PROGRAM			ACCT.	CLASS		DESCRIPTION (Include Quantity)	COMPLETE ONE		AGENCY USE
	Maj	Min	Ele		Maj	Min		%	LINE AMOUNT	
1	04	34	882	2206	8121		Stnt. 12-18 D. Tseed		95.00	Water assessment
DT.act Smb										
NOTE: Final payment must be accompanied by a receiving copy								TOTAL	100%= 95.00	

RECEIVED

JAN 3 1979

Department of Water Resources
 Southern District Office

AUG 07 1996

AUDITOR'S CERTIFICATE

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

12-21-78
 State Auditor

State Auditor



STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

REGION 4

868 EAST MAIN P.O. BOX 428

JEROME, IDAHO 83338

December 11, 1978

Loren Holmes
Southern Region Supervisor
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

RECEIVED

DEC 12 1978

Department of Water Resources
Southern District Office

Re: 36-2056

Dear Loren:

Would you please accept our request to withdraw our application for transfer #36-2056. We have decided to correct this water license by filing a claim.

Sincerely yours,

IDAHO DEPARTMENT OF FISH AND GAME
Joseph C. Greenley, Director

William E. Webb
Region 4 Supervisor

WEW:ar

RECEIVED

AUG 07 1996



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

file copy

December 28, 1977

Mr. Dale Turnipseed
Idaho Dept. of Fish & Game
868 East Main
Jerome, Idaho 83338

Re: Application for Transfer of Water Right No. 2184

Dear Mr. Turnipseed:

Enclosed is a copy of a protest file against the issuance of a permit pursuant to your Transfer No. 2184. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for Transfer (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?

If this office can be of further assistance, please feel free to contact this office.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:dj

[Handwritten signature]

AUG 07 1996



file copy

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

December 28, 1977

Mr. Cleave C. Lloyd
Hagerman, Idaho 83332

Re: Application for Transfer of Water Right No. 2184

Dear Mr. Lloyd:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the 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?

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

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sm

MAILED 12/29/77

AUG 07 1996



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

file copy

December 28, 1977

Mr. John A. Rosholt
Parry, Robertson, Daly & Larson
P. O. Box 525
Twin Falls, Idaho 83301

Re: Application for Transfer of Water Right No 2184 - Idaho Dept. of Fish & Game

Dear Mr. Rosholt:

Your protest against the approval of the above referenced Transfer submitted in behalf of Big Bend Irrigation and Mining Company has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the Transfer and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and / or hearing, the following are the principle items the Department can consider in either approving or denying an application for Transfer (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 purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:dj

[Handwritten signature]

AUG 07 1996

As a Director of the Big Bend Ditch Co I wish
to file a exception to Claim No 36-2056 for
transfer of a water right by Kish and Game as
this is a different elevation that is lower than
that of the Big Bend canal and they have never
used this source of water in our ditch.

The water they have been using in the bass pond
area comes from 40 shares of stock they hold in
The Canal company of the Big Bend

The 3. CFS Kish and Game Claims is a
source some 10 feet lower elevation and at the same
location as cyper Tucker spring almost piggy
back fashion.

Chavel C. Lloyd

December 13, 1977

RECEIVED

AUG 07 1978

RECEIVED

DEC 19 1917

Department of Water Resources
Southern District Office

PARRY ROBERTSON, DALY & LARSON
P. O. Box 525
Twin Falls, ID 83301
Telephone: 733-3722

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	<u>PROTEST OF BIG BEND</u>
FOR CHANGE OF WATER RIGHT	)	<u>IRRIGATION AND MINING</u>
NO. <u>36-2056</u> ,	)	<u>COMPANY TO PROPOSED</u>
IDAHO DEPARTMENT OF FISH AND GAME	)	<u>CHANGE OF WATER RIGHT</u>

Comes now the Big Bend Irrigation and Mining Company,
by and through their attorneys, Parry, Robertson, Daly &
Larson, and respectfully allege:

1. That protestant Big Bend Irrigation and Mining
Company is a nonprofit, public irrigation corporation, which
owns and operates a system of canals and ditches so as to
deliver water to member shareholders - landowners in Gooding
County, Idaho.

2. That application No. 36-2056 proposed to change a
point of diversion to a spring adjudicated to protestant for
beneficial use and is water beneficially used by protestant.

3. While protestant recognized the right of
applicant in License No. 20189/36-2056 to divert 3.0 c/f/s,
said right is limited to a point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of
Section 36, Township 7 South, Range 13 East, Boise Meridian
from which source said water has been traditionally diverted.

AUG 07 1996

1 4. That the waters sought to be appropriated are
2 subject to perfected rights of protestant.

3 5. Applicant has no permission or right to utilize
4 any part of protestant's system.

5 6. To allow the application would be to reduce the
6 quantity of wate available under exisiting rights to
7 protestant.

8 NOW, THEREFORE, the Big Bend Irrigation and Mining
9 Company hereby protests application No. 36-2056 for the
10 following reasons, to-wit:

11 (1) That the change proposed in application
12 No. 36-2056 proposes diversion of water to which protestant is
13 entitled through valid and existing water rights.

14 (2) That the Applicant has no right to use the
15 facilities of the protestant.

16 (3) That the applicant has traditionally diverted
17 their water subject to License No. 20189/36-2056 from the
18 spring in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and this change would injure protestant's
19 rights and constitute an enlargement of the original rights.

20 WHEREFORE, the Big Bend Irrigation and Mining Company
21 by and through their attorneys, Parry, Robertson, Daly &
22 Larson, respectfully request the application No. 36-2056 be
23 denied by the Department of Water Resources and that no change
24 be permitted.

25 Dated this 16th day of December, 1977.

26 PARRY, ROBERTSON, DALY & LARSON

27 BY John A. Rosholt
28 P. O. Box 525
29 Twin Falls, Idaho 83301
30 Attorneys for Protestant
31 Big Bend Irrigation and Mining
32 Company

AUG 07 1996

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

1. Source Tucker Spr. via Big Bend Ditch Name Ida. Dept. of Fish & Game
2. Right Being Transferred Right No. 36-2056
- a. ☐ Decree Transfer No. _____
- ☒ License
- ☐ Use
- b. ☒ Priority
- c. ☒ Location - Original P. D.
- d. ☒ " - Original P. U.
- e. ☒ " - New P.D.
- f. ☒ " - New P.U.
- g. ☒ Amount
- ☒ All
- ☐ Part
3. _____ Proof of Ownership of Right
- Comment Original Owner
4. ☒ Expansion of Right
- Comment None
5. ☒ Map
6. ☒ Signature
7. ☒ Fee
8. Watermaster's Comments _____
9. Comments _____
10. Initial Review by ADM Date 11/22/77
11. Recommended Action
- ☒ Approve
- ☐ Deny
- ☐ Conditions _____
- By ADM Date 3/22/96
- See Memo 3/22/96

RECEIVED
MAR 27 1996
Department of Water Resources

RECEIVED
DEC 21 1978

Department of Water Resources

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 36-2056

Notice is hereby given that Idaho Dept. of Fish & Game of Jerome, Idaho, has applied to the Department of Water Resources for a change of the point of diversion of the waters of Tucker Springs via Big Bend Ditch. The right sought to be changed is evidence by License No. 36-2056 and is recorded as follows:

Amount: 3.0 cfs

Priority: September 16, 1947

Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E., B.M., Gooding County.

The water is used for fish propagation purposes from Jan. 1 to Dec. 31 within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E., B.M.

TO BE CHANGED AS FOLLOWS

Amount: 3.0 cfs (same as above)

Point of diversion: (2 points), NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E., B.M., Gooding County

Any protest against approval of the above proposed change of water right must be filed with the Idaho Dept. of Water Resources, 1041 Blue Lakes Blvd. N., Twin Falls, ID 83301, on or before December 19, 1977.

C. STEPHEN ALLRED

Director

Published in the Gooding County Leader on 12/1 and 12/8/77.

RECORDED
AUG 07 1977

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT**

NO. 36-2056

Notice is hereby given that Idaho Dept. of Fish & Game of Jerome, Idaho, has applied to the Department of Water Resources for a change of the point of diversion of the waters of Tucker Springs via Big Bend Ditch. The right sought to be changed is evidence by License No. 36-2056 and is recorded as follows:

Amount: 3.0 cfs
Priority: September 16, 1947
Point of diversion: SE $\frac{1}{4}$ -
SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge.
13E., B.M., Gooding County.

The water is used for fish propagation purposes from Jan. 1 to Dec. 31 within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E., B.M.

**TO BE CHANGED AS
FOLLOWS**

Amount: 3.0 cfs [same as above]
Point of diversion: [2 points], NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E., B.M., Gooding County

Any protest against approval of the above proposed change of water right must be filed with the Idaho Dept. of Water Resources, 1041 Blue Lakes Blvd., No., Twin Falls, ID. 83301, on or before December 19, 1977.

/s/ C. Stephen Allred
Director

Pub: 12-1, 8

AUG 07 1996

November 25, 1977

Gooding County Leader
Box 56
Gooding, ID - 83330

36-2056

Re: Change of Water Right No./ - Idaho Dept. of Fish & Game

Gentlemen:

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

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

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sm

Enc.

AUG 07 1978
Bill submitted

F&G. Rights for
Hagetman W.M.A.

MEMOREX

WINER
LAWYER BUSINESS REPRODUCIBLES

NASHUA
CORPORATION

savin



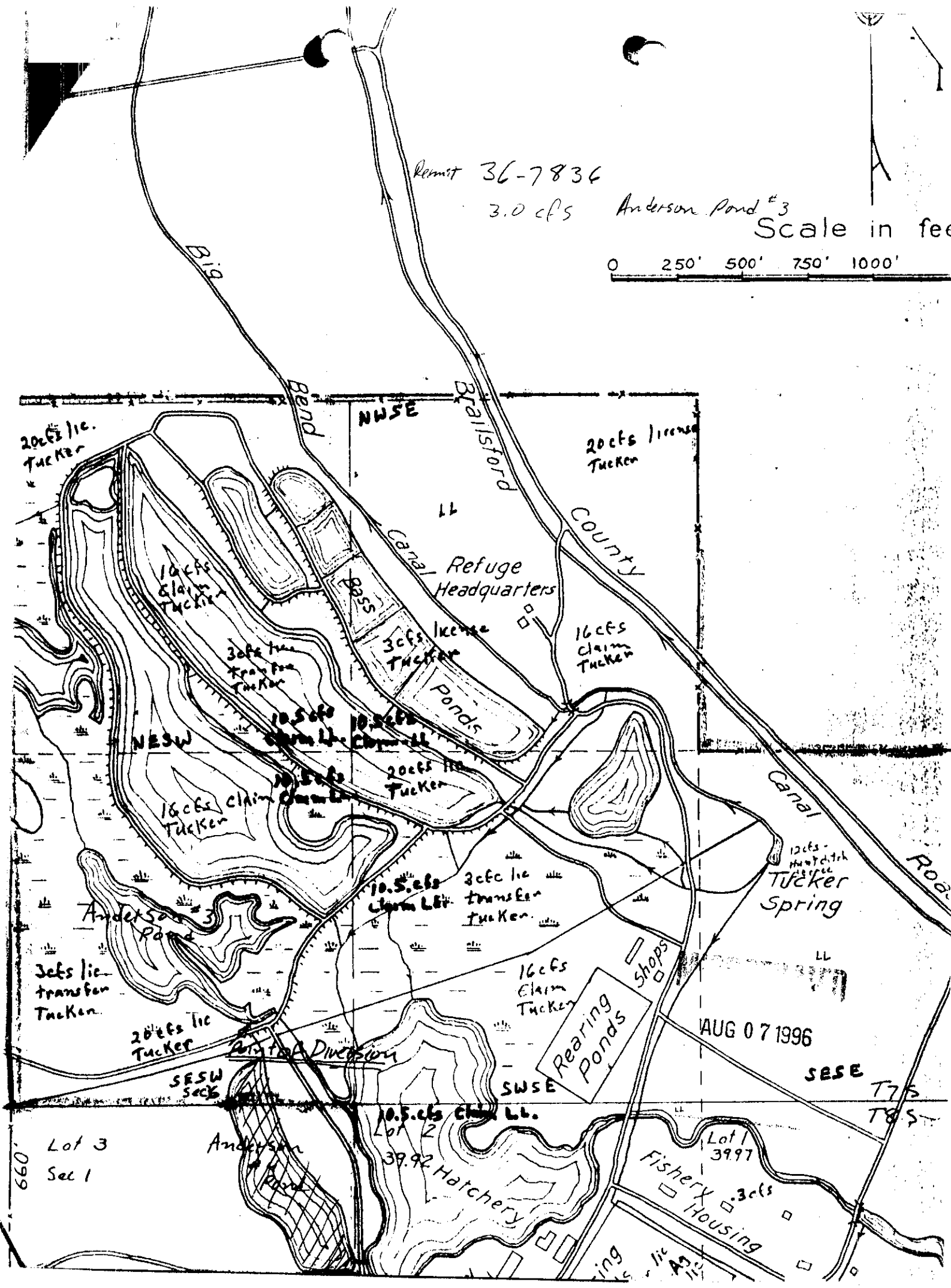
AUG 07 1996

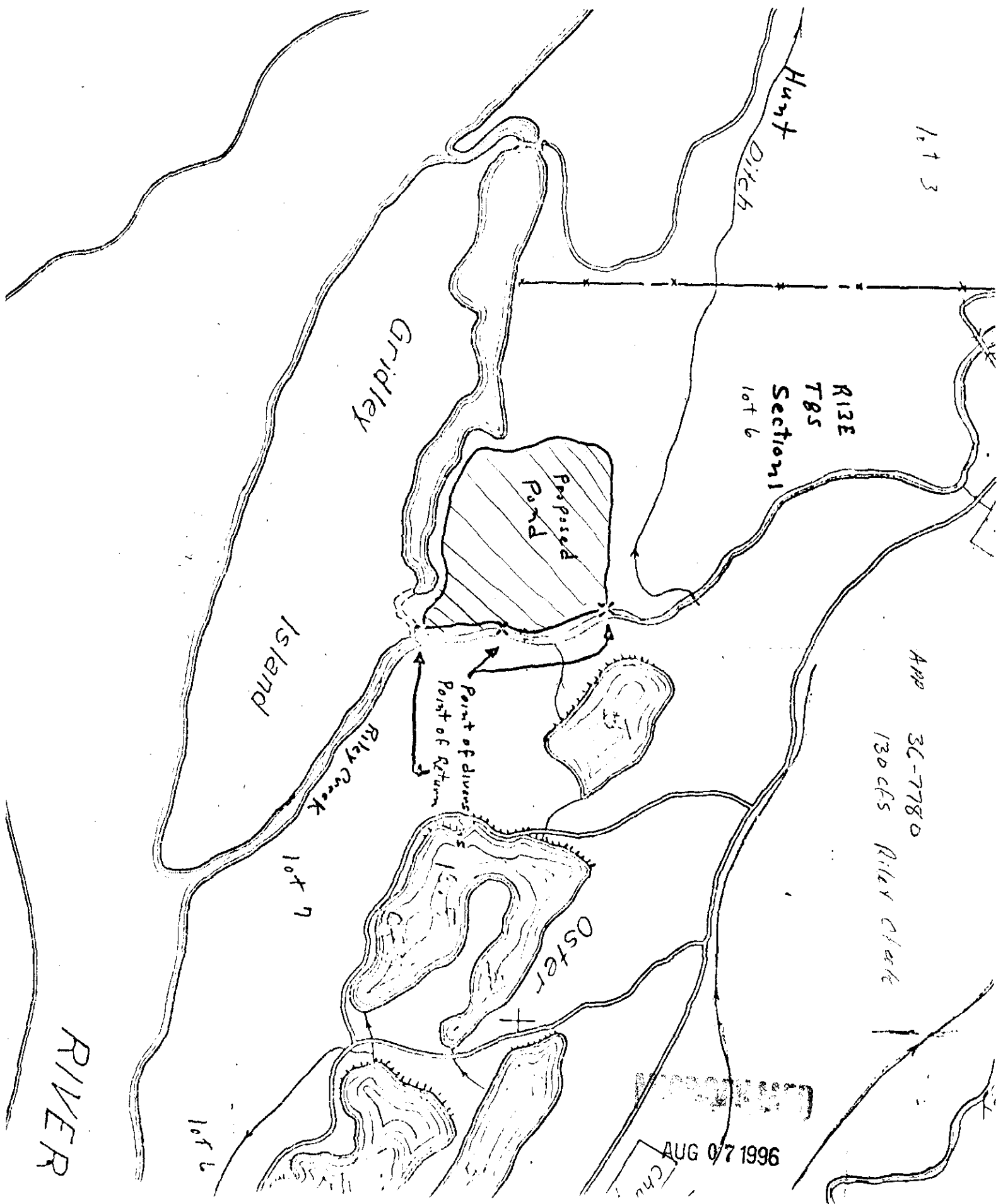
P.B.S.

PROFESSIONAL BUSINESS SYSTEMS

TWIN FALLS, IDAHO 83301
(208) 734-6181

0 250' 500' 750' 1000'





lot 3

RISE
T85
Section 1
lot 6

APP 3C-7780
130 cfs Riley Creek

AUG 07 1996

RIVER

License Certificate of Water Right

Water License No. 20189 136-2056

Amended (3)

Test

Water District No. _____

Filed for _____

1947

THIS IS TO CERTIFY that STATE FISH AND GAME DEPARTMENT
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 16, 1947; that Permit No. 20189
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
second feet, was issued thereunder on January 37, 1948, showing that said works
were completed on the 23rd day of January, 1948; and that on the 20th
day of February, 1948,

STATE FISH AND GAME DEPARTMENT

of Boise, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Tucker
Spring, a tributary of Riley Creek, for the purpose of fish rearing
pond uses, under Use Permit No. 20189 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

8 of Licenses at page 4429, on the 7th day of January, 1949;

The right hereby confirmed dates from September 16, 1947;

The Point of Diversion is located in the
in the SE 1/4 SE 1/4, Sec. 36, Tp. 7 S., R. 13 E., B. M. Gooding County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed three (3) cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>NW 1/4</u>	<u>SE 1/4</u>	<u>Section 36</u>	<u>Township 7 South, Range 13 East, B.M.</u>		

MICROFILMED

AUG 07 1996

The right to the use of the waters of the State of Idaho is hereby confirmed to the holder of this
license in accordance with the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
7th day of January, 1949.

Water Right No.

36/2158

15 cfs

Water Right No.

of Boise, Idaho

public waters of the State of Idaho, dated December 11, 1951; that Permit No. 12516 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 15 cubic feet, was issued thereunder on May 25, 1953, showing that said works were completed on the 23rd day of March, 1953; and that on the 20th day of April, 1958,

STATE OF IDAHO DEPT. FISH & GAME

By: Ross Leonard, Director

of Boise

, State of

Idaho

, made proof to the satisfaction of the

State Reclamation Engineer

of Idaho, of the right to use the waters of Dickel Spring

Creek

, a tributary of

Snake River

, for the purpose of Irrigation & Fish Propa-

gation, under Use Permit No. 22516 of the Department of Reclamation and that said right to the use of said waters, has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

11 of Licenses at page 6556, on the 4th day of December, 1958;

The right hereby confirmed dates from April 22, 1956;

The Point of Diversion is located

in the NW 1/4, SE 1/4, Sec. 6, Tp. 8 S., R. 14 E., B. M. County Gooding

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 15 cubic feet per second.

1.5 c.f.s. Irrigation

13.5 c.f.s. Fish Propagation

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 S.	14 E.	6	NW 1/4 NW 1/4	5	2
			SW 1/4 NW 1/4	20	20
	13 E.	1	NE 1/4 NE 1/4	20	15
			NW 1/4 NE 1/4	5	5
			SW 1/4 NE 1/4	5	3
			SE 1/4 NE 1/4	30	30
Total number of acres irrigated - - -				75	
8 S.	14 E.	6	NW 1/4 SW 1/4	Fish Propagation	
	13 S.	1	NE 1/4 SE 1/4		

AUG 07 1996

36-2159

AMOUNT 20.00 488.

Water District No.

Priority APRIL 1, 1956

THIS IS TO CERTIFY that STATE OF IDAHO, Department of Fish and Game

Boise, Idaho

made application for a permit to appropriate the

public waters of the State of Idaho dated December 12, 1951; that Permit No. 22517

was issued under said application; that Certificate of Completion of works, with a carrying capacity of

20 second feet, was issued thereunder on January 18, 1954, showing that said works

were completed on the 14 day of December, 1953; and that on the 19

day of April, 1958,

IDAHO DEPARTMENT OF FISH & GAME

of Boise, State of Idaho, made proof to the satisfaction of the

State Reclamation Engineer of Idaho, of the right to use the waters of Tusker Springs

Creek, a tributary of Snake River, for the purpose of propagation of fish &

wild life, under Use Permit No. 22517 of the Department of Reclamation

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,

and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

11 of Licenses at page 6821, on the 13 day of November, 1959;

The right hereby confirmed dates from April 23, 1956;

The Point of Diversion is located

in the SW 1/4 SE 1/4, Sec. 36, Tp. 7 S., R. 13 E., B. M. County of Gooding

That the amount of water to which such right is entitled and hereby confirmed, for the purposes

aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall

not exceed 20 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S.	13 E.	36	NW 1/4 SE 1/4 SW 1/4 SE 1/4 NE 1/4 SW 1/4 NW 1/4 SW 1/4 SW 1/4 SW 1/4 SE 1/4 SW 1/4	100 acres for the propagation of fish and wild life	

AUG 07 1996

The right to use the water as said hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, official at Boise, Idaho, this

36-2706

45

State of Idaho

Idaho Department of Fish & Game

THIS IS TO CERTIFY that IDAHO FISH AND GAME DEPARTMENT
 of Boise, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated October 21, 1952; that Permit No. 27158
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 45 c.f.s., was issued thereunder on November 13, 1959, showing that said works
 were completed on the 20 day of April, 1958; and that on the 2
 day of April, 1958.

IDAHO DEPARTMENT OF FISH & GAME

of Boise, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of Riley Creek
 a tributary of Snake River, for the purpose of fish propagation & irrigation
 under Use Permit No. 27158 of the Department of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
 11 of Licenses at page 6803, on the 13 day of November, 1959;

The right hereby confirmed dates from October 21, 1952;

The Point of Diversion is located

in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, Tp. 8 S., R. 13 E., B. M. County of Gooding

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed 45 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 E.	13 E.	1	NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	5 0	<u>4</u> 1
			1 c.f.s. for irrigation 4.9 " for fish propagation Hatchery and rearing ponds in NE $\frac{1}{4}$, Sec. 1, T. 8 S., R. 13 E., B. M.		5 acres

AUG 07 1966

WITNESSED my hand and the seal of the State Reclamation Engineer, at Boise, Idaho, this 13 day of November, 1959.

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that **IDAHO DEPARTMENT OF FISH AND GAME**
(name of claimant)

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) **Brailsford Ditch**
tributary to, **Sage River**
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	20 cfs Use	fish propaga- tion	Period of Use	From	Oct. 15	To	April 15
Amount	Use		Period of Use	From		To	
Amount	Use		Period of Use	From		To	
(cfs, gpm or a/f)		(dom. firm, stock, etc.)					(both dates inclusive)

- | | | | | |
|--|--------|---------------------------|------|-----------|
| (3) Total quantity of water claimed | 20 cfs | cubic feet per second, or | 7240 | acre feet |
| per annum, and or | | gallons per minute | | |
| (4) Priority claimed: (the date water was first applied to beneficial use) | | | 1941 | |

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE 14 SE 14, Sec. 36 Twp. 7S Rge. 13E B. M. County of Gooding
Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities, be as specific as possible. **Headgate**

AUG 07 1996

- (b) **A)** Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of cases

- b) If the water is used for other than irrigation, fully describe that use, being as specific as possible. Game fish propagation and game fish rearing.
- (7) If you are claiming water as a member of an organization, list name of organization: State of Idaho--
Department of Fish and Game

36-4066

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, be used as evidence in a declaration of the water right by the Court.

Notwithstanding, given that **IDAHO DEPARTMENT OF FISH AND GAME**

1999-2000

600 South Walnut, Boise, Idaho
(mailing address)

... claims a right to the diversion and beneficial use of

the public waters of the State of Idaho

The extent and nature of such claims are as follows:

(1) Describe source of water (name of stream, lake, spring, etc.) (or ground water) **Ditch Big Bend (Tucker Springs)**
tributary to **Snake River**

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: **camp fish**

Amount	16 cfs	game fish propagation	Period of Use	From	Oct. 15	To	Apr. 15
--------	--------	-----------------------	---------------	------	---------	----	---------

Amount	Use	Period of Use	From	To
--------	-----	---------------	------	----

Amount	Use	Period of Use	From

(cts. gpm or a ft)	(dom. int. stock, etc.)	(both dates incl. 1911)

(3) Total quantity of water claimed:	16 cfs	cubic feet per second, or	5856	acre feet
per annum, and/or		gallons per minute		

(4) Priority claimed: (the date water was first applied to beneficial use) 1941

A claim is not acceptable on a ground-water source with a priority later than March 3, 1933, or on a surface water source with a priority later than May 30, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) **At Point of diversion:** (give location of point where water is diverted from river) _____

Point of diversion: (give location of point where water is diverted from)		River				
NW 1/4	SE 1/4, Sec	36 Twp	7S Rce	13E B.M.	County of	Gooding

Additional points of diversion:

B) Describe means of diversion of water (pump and pipeline, well, diversion dam, reservoir, length of ditch and field etc.) Give sizes and capacities, be as specific as possible. A spill ditch approx. 550 feet long with a capacity of 35 cfs which feeds into Anderson Ponds and the east pond of Hagerman Refuge.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

10) If the water is used for other than irrigation, fully describe that use, being as specific as possible.

To raise 100 two-pound bass and 300 half-pound bluegill for planting said species into other waters in the State.

AUG 07 1996

(7) If you are claiming water as a member of an organization, list name of organization

ISLAND DEPARTMENT OF FISH AND GAME.

DEPARTMENT OF WATER RESOURCES

36-4067

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that

Idaho Dept of Fish & Game

(name of claimant)

of **868 East Main, Jerome, Idaho 83338**
(mailing address)

claims a right to the diversion and beneficial use of

the public water of the State of Idaho

The extent and nature of said claim is as follows

(1) Describe source of water (name of stream, lake, spring, etc., or ground water) **Tucker Springs via Big Bend Ditch** tributary to, **Snake River**

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed

Amount	3.0 cfs	Use	fish prop.	Period of Use	From	Jan 1	To	Dec 31
Amount		Use		Period of Use	From		To	
Amount		Use		Period of Use	From		To	
	(cfs, gpm or a ft)		(dom., irri. stock, etc.)					(both dates inclusive)

(3) Total quantity of water claimed **3.0** cubic feet per second, or _____ acre feet per annum, and or _____ gallons per minute

(4) Priority claimed (the date water was first applied to beneficial use) **September 16, 1947**

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location or point where water is diverted from its source)

(2 pts.) NW 1/4 SE 1/4, Sec 36 Twp. 7S Rge. 13E B.M. County of Gooding

Additional points of diversion:

B) Describe means of diversion of water. (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. **2 ditches with headgates to Pass Ponds**

#2 to 11, and Anderson Ponds

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1	1	36																	30
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25	1	36																	
26	1	36																	
27	1	36																	
28	1	36																	
29	1	36																	
30	1	36																	

Total No. of acres **30**

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible.

AUG 07 1996

propagation of game fish (largemouth & smallmouth bass, bluegills, bullheads) for planting in public waters of Idaho.

(7) If you are claiming water as a member of an organization, list name of organization:

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7249 Priority June 5, 1972 Amount 24.00 cfs

THIS IS TO CERTIFY, that State of Idaho, FISH AND GAME DEPARTMENT
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 36-7249 issued pursuant to Application for Permit dated June 5, 1972,
and has submitted proof to the Department of Water Resources on June 13, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 85 cfs of water from Riley Creek,
situated to Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Fish Culture from	January 1 to December 31	24.00 cfs and	N/A
from		cfs and	
from		cfs and	

Subject, however, to the condition that no more than 24.00 cfs of water be diverted at any one time, and
that the amount of water to be diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
N/A acre feet per year, said waters to be diverted within the NE 1/4, Sec. 1, T20N, R8E,
Rge. 13E, B.M. in the County of Gooding

Description and location of place of use:

Twp.	Range	NE 1/4				NW 1/4				SW 1/4				Total	
		NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW		
20N	13E														

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-322, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the land of June 13, 1974
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this _____ day of _____

April 19 79

36-2056 - Department of Fish & Game

Commissioners Room - Gooding County Courthouse - Gooding, Idaho

Monday, September 21, 1981 - 10:00 a.m.

Hearing Officer _____

ROSTER OF ATTENDANCE

Assisted by _____

Name	Address	Representing
------	---------	--------------

RECEIVED

AUG 07 1996

DD

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

IN THE MATTER OF PROTEST AGAINST APPROVAL)
OF APPLICATION FOR TRANSFER OF WATER RIGHT)
NO. 36-2056 - TRANSFER NO. 2184 IN THE)
NAME OF IDAHO DEPARTMENT OF FISH & GAME)

NOTICE OF CONFERENCE
AND/OR HEARING

On January 10, 1979, the Idaho Department of Fish & Game filed with the Department of Water Resources an amended application to change the place of use of an established water right.

On February 9, 1979, the Department received a protest against approval of said application from the Big Bend Irrigation and Mining Company via its attorney John Rosholt.

The Department has set the matter of protest for hearing for Wednesday, May 27, 1981, at 10:00 a.m., in the Commissioners Room of the Gooding County Courthouse, Gooding, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the IDAHO CODE and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

In accordance with IDAHO CODE, Section 42-222, the following issues are involved in consideration of the application and protest:

- 1) Will other water rights be injured by the change?
- 2) Does the change constitute an enlargement in use of the original right?

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

If the hearing is conducted by a hearing officer appointed by the Director,

AUG 07 1996

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

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

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

DATED This 30th day of April, 1981.



LOREN O. HOLMES
Hearing Officer

RECEIVED
AUG 07 1981



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

file copy

December 28, 1977

Mr. Dale Turnipseed
Idaho Dept. of Fish & Game
868 East Main
Jerome, Idaho 83338

Re: Application for Transfer of Water Right No. 2184

Dear Mr. Turnipseed:

Enclosed is a copy of a protest file against the issuance of a permit pursuant to your Transfer No. 2184. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for Transfer (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?

If this office can be of further assistance, please feel free to contact this office.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:dj

Microfilm

AUG 07 1996



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

December 28, 1977

Mr. Cleave C. Lloyd
Hagerman, Idaho 83332

Re: Application for Transfer of Water Right No. 2184

Dear Mr. Lloyd:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the 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?

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

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sm

Michael L. Steele

AUG 07 1996



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

file copy

December 28, 1977

Mr. John A. Rosholt
Parry, Robertson, Daly & Larson
P. O. Box 525
Twin Falls, Idaho 83301

Re: Application for Transfer of Water Right No 2184 - Idaho Dept. of Fish & Game

Dear Mr. Rosholt:

Your protest against the approval of the above referenced Transfer submitted in behalf of Big Bend Irrigation and Mining Company has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the Transfer and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and / or hearing, the following are the principle items the Department can consider in either approving or denying an application for Transfer (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 purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:dj

RECORDED

AUG 07 1996

As a director of the Big Bend Ditch Co I wish
to file a exception To Claim No 36-2856 for
transfer of a water right by Fish and Game as
this is a different elevation that is lower than
that of the Big Bend canal and they have never
used this source of water in our ditch.

The water they have been using in the bass pond
area comes from 40 shares of stock they hold in
The Canal company of the Big Bend

The 3. CFS Fish and Game Claims is a
source some 10 feet lower elevation and at the same
location as upper Tucker spring almost piggy
back fashion.

Chavel C. Lloyd

December 13, 1977

RECEIVED

AUG 07 1996

RECORDED

DEC 19 1977

Department of Water Resources
Southern District Office

PARRY ROBERTSON, DALY & LARSON
P. O. Box 525
Twin Falls, ID 83301
Telephone: 733-3722

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	<u>PROTEST OF BIG BEND</u>
	)	
FOR CHANGE OF WATER RIGHT	)	<u>IRRIGATION AND MINING</u>
NO. <u>36-2056</u> ,	)	
	)	<u>COMPANY TO PROPOSED</u>
IDAHO DEPARTMENT OF FISH AND GAME	)	<u>CHANGE OF WATER RIGHT</u>
	)	

Comes now the Big Bend Irrigation and Mining Company,
by and through their attorneys, Parry, Robertson, Daly &
Larson, and respectfully allege:

1. That protestant Big Bend Irrigation and Mining
Company is a nonprofit, public irrigation corporation, which
owns and operates a system of canals and ditches so as to
deliver water to member shareholders - landowners in Gooding
County, Idaho.

2. That application No. 36-2056 proposed to change a
point of diversion to a spring adjudicated to protestant for
beneficial use and is water beneficially used by protestant.

3. While protestant recognized the right of
applicant in License No. 20189/36-2056 to divert 3.0 c/f/s,
said right is limited to a point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of
Section 36, Township 7 South, Range 13 East, Boise Meridian
from which source said water has been traditionally diverted.

AUG 07 1996

1 4. That the waters sought to be appropriated are
2 subject to perfected rights of protestant.

3 5. Applicant has no permission or right to utilize
4 any part of protestant's system.

5 6. To allow the application would be to reduce the
6 quantity of wate available under exisiting rights to
7 protestant.

8 NOW, THEREFORE, the Big Bend Irrigation and Mining
9 Company hereby protests application No. 36-2056 for the
10 following reasons, to-wit:

11 (1) That the change proposed in application
12 No. 36-2056 proposes diversion of water to which protestant is
13 entitled through valid and existing water rights.

14 (2) That the Applicant has no right to use the
15 facilities of the protestant.

16 (3) That the applicant has traditionally diverted
17 their water subject to License No. 20189/36-2056 from the
18 spring in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and this change would injure protestant's
19 rights and constitute an enlargement of the original rights.

20 WHEREFORE, the Big Bend Irrigation and Mining Company
21 by and through their attorneys, Parry, Robertson, Daly &
22 Larson, respectfully request the application No. 36-2056 be
23 denied by the Department of Water Resources and that no change
24 be permitted.

25 Dated this 16th day of December, 1977.

26 PARRY, ROBERTSON, DALY & LARSON

27 BY

John A. Rosholt
P. O. Box 525
Twin Falls, Idaho 83301
Attorneys for Protestant
Big Bend Irrigation and Mining
Company

January 7, 1949

Re: Permit No. 20189

State Fish and Game Department
Building

Gentlemen:

We enclose License and Certificate of Water Right issued under your Permit No. 20189 authorizing the diversion of three second feet of water from Tucker Spring with priority of September 16, 1947, for fish rearing pond purposes, with point of diversion being in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 7 S., Range 13 E. B.M. and place of use in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of the same section.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt
Enc.

20189

February 12, 1973

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

Dear Mr. Rosholt:

Subsequent to our telephone conversation of today, we are enclosing copies of License Nos. 36-2478, 36-2007, 36-2085 and 36-2056.

The charge for these copies will be \$1.75.

If we can be of further assistance in this matter, please advise.

Sincerely,

JAMES E. BOOKER
W. R. Supervisor

Enclosures

36 2056

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

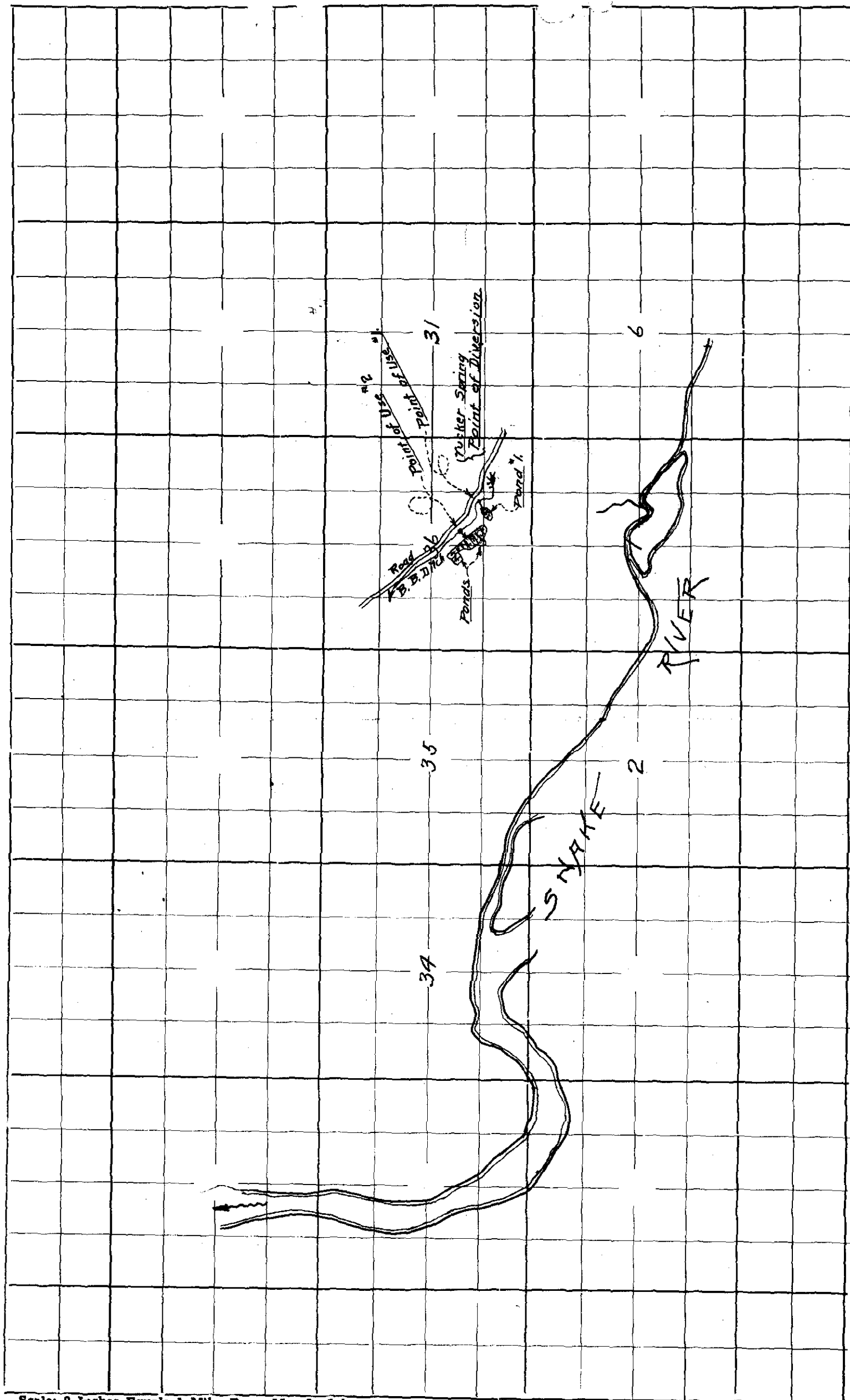
REPORT OF ENGINEER

PERMIT NO. 20189

REPORT ON PROOF OF Beneficial use

232 - 6 00

3015
- 1015



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

20189

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 20189

This proof is for Beneficial use

In Water District No.

1. Name of applicant State Fish and Game Department, Boise, Idaho

2. Source of water supply: Tucker Spring

3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36

T. 7 S. R. 13 E. B.M. County of Gooding

4. Describe works as they exist, giving dimensions and capacities of same: Concrete and rock structure diverts from the Tucker Spring to the "Big Bend Ditch" through which the water for this permit flows for a distance of $\frac{1}{4}$ mile (approx) to the point of diversion from said ditch; Thence through a concrete control and culvert 3Ft. X 2Ft. X 20 feet long to a concrete division box, and thence to a series of ponds for the rearing of small mouth black bass

5. Water is used for: Fish rearing pond

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Place of use- NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 7 South, Range 13 East, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake River

Remarks:

Following a verbal protest ^mfor Mr. H. F. Clifford to the effect that the amount of the filing was excessive, he was interviewed by Mr. George Tucker of the Fish and Game Dept. Mr. Herman Anderson, and the undersigned. The original flow of 6 Sec. Feet having been reduced to half that amount, Mr. Clifford expressed himself perfectly satisfied with that arrangement, and as this is said to be satisfactory to the Fish and Game Department it is recommended that this Permit be granted the diversion of Three Second feet in lieu of the amount originally applied for.

This examination was made on the 29th day of July 1948

(Signed)

H. A. Holman

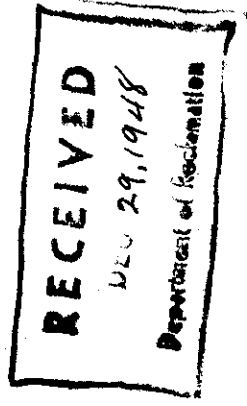
Examiner.

20189

Fish & Game Department
Boise, Idaho
Permit No. 20189

Examination for Beneficial use

County Gooding



INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

March 10, 1948

Re: Permit No. 20189

The Gooding Leader
Gooding, Idaho

Gentlemen:

We acknowledge receipt of the affidavit of publication of notice of proof of beneficial use, published January 22 to February 12, inclusive, accompanied by statement for the \$12.00 publication cost.

As you will note by reference to the letter sending this notice for publication, the cost is to be paid by the applicant, State Fish & Game Department. We have, therefore, forwarded the statement to them.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
CC to Fish & Game Dept.

20189

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Gooding } ss.

I, *Leland G. Burress*, do solemnly swear that I am the printer and publisher of THE GOODING LEADER, a weekly newspaper of general circulation, published once each week at Gooding, Idaho; that the notice attached hereto was published in said newspaper *four* consecutive weeks, the first publication having been made on the *29th* day of *January*, 194*8*, and the last publication having been made on the *12th* day of *February*, 194*8*, that said notice was published in the regular and entire issue of every number of the paper during that period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in *Gooding, Gooding County, Idaho*, for a period of more than 78 weeks prior to the first publication of the attached notice.

Leland G. Burress
Subscribed and sworn to before me this

8th day of *March*, 194*8*.

Heleen P. Smith
Notary Public.

20189

February 23, 1948

Re: Permit No. 20189

State Fish and Game Department
Statehouse
Boise, Idaho

Attn: Mr. George E. Tucker

Dear Mr. Tucker:

We acknowledge receipt of the deposition of the holder and two witnesses in proof of beneficial use under Permit No. 20189, for the diversion of water from Tucker Spring, Gooding County.

However, we have not yet received the affidavit of publication in connection with this proof.

Very truly yours,

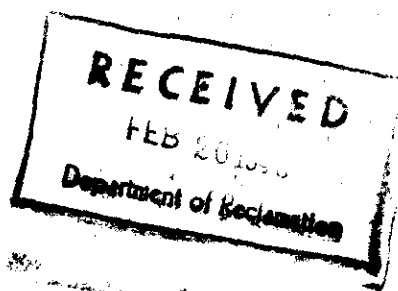
MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm

20189

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 20189

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. T. B. Murray, Director, State Fish and Game Department, Boise, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Director, Idaho Fish and Game Department

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 20189 - October 5, 1947

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Tucker Spring N. 44° - 30' W. 1410' from SE corner, Sec. 36, T. 7S, R. 13 EBM

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Big Bend Ditch - permission to carry 3 sec. ft.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. fish rearing pond purposes.

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. _____

20189

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 3 Sec. ft.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Work completed in 1941. Water used continually since that date.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Other water also conveyed through Big Bend ditch.

(Sign) J. M. Murray

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was

subscribed and sworn to before me, at my office in Boise, County of Ada,

State of Idaho, on this 20th day of February, A. D. 19 48.

My commission expires 6/3/1950

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20189

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. George E. Tucker, 58, Boise - Civil Engineer - 1912 State St.

Ques. 2. Are you acquainted with T. B. Murray, the holder of Permit No. 20189? How long have you known him and where does he reside?

Ans. Since 1935 - Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 20189, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Tucker Spring, water conveyed through Big Bend ditch to rearing ponds.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 3 sec. ft. - 3 sec. ft.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Fish Rearing Pond purposes.

20189

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. None

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Since 1941 have seen 3 sec. ft. conveyed through Big Bend ditch to rearing ponds.

(Signed)

George E. Tucker

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise, County of Ada, State of Idaho, on this 20th day of February, A. D. 19 48.

My commission expires

6/3/1950

Anna M. Minter
Notary Public.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20189**Proof of Application of Water to Beneficial Use****Deposition of Witness**

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Frank H. Oster , 116 E. Idaho St., Boise - Surveyor 56.

Ques. 2. Are you acquainted with T. B. Murray, the holder of Permit No. 20189? How long have you known him and where does he reside?

Ans. Boise, Idaho - about 10 months

Ques. 3. Have you read or heard read said Permit No. 20189, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Tucker Spring - water conveyed through Big Bend ditch to Fish Rearing Ponds

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 3 sec. ft. - 3 sec. ft.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Fish Rearing pond purposes.

20189

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. None

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Since 1941 have seen 3 sec. ft. conveyed through Big Bend ditch to rearing ponds.

(Signed)

Frank N. Peter

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise, County of Ada, State of Idaho, on this 20th day of February, A. D. 19 48.

Anna M. M. M.
Notary Public.

My commission expires 6/3/1950

✓
January 27, 1948

Re: Permit 20189

State Fish and Game Department
State House
Boise, Idaho

Attn: George E. Tucker

Dear Mr. Tucker:

We enclose Certificate of Completion of Works issued under Permit No. 20189 for the diversion of 8 second feet of water from Tucker Spring, for fish rearing pond with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Township 7 S., Range 13 E. B.M., with priority of September 16, 1947.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

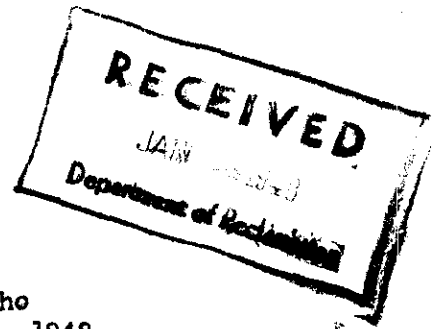
Chief Clerk

A/dm
Enc.

20189

State of Idaho

DEPARTMENT OF
FISH AND GAME



Boise, Idaho
January 23, 1948

State Department of Reclamation
State House
Boise, Idaho

Re: Permit # 20189

Gentlemen :

Enclosed you will find Proof of Completion of Works
on Permit # 20189.

Very truly yours,

IDAHO FISH AND GAME DEPT.
T. B. Murray, Director

George E. Tucker
George E. Tucker
Engineer

GET/jr
Encl.

20189

Permit No. 20189

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Ada

SS.

T. B. Murray, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 20189, and that his postoffice address is Boise

State of Idaho

Second: That the name of the stream ^{FROM} which said water is to be ^{DEVERTED} directed is Tucker Spring
Tributary to Riley Creek.

Third: That the point of diversion of said water is N. 44° 30' W. 1410' from
SE Cor. Sec. 36. T. 7. S. R. 13. EBM

Fourth: That under the terms and conditions of said permit, construction thereunder was ~~required to be~~ completed by 1-25-45, 19 41

Fifth: That the use for which said water is intended is fish propagation

Sixth: That on the date above mentioned, the works constructed under said permit were ~~(or were not)~~ fully completed and consisted of the following:

I. Kind of works: Big Bend Ditch
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit ditch width at bottom 4 feet, width at water line 6
(State whether ditch, flume or pipe)

feet, depth of water 3 feet; diameter of pipe inches, average grade per mile is 5.28 feet. Length of conduit is 1/3 miles.

Seventh: That said works are capable of conducting to the place of intended use
6 second feet of water.

Eighth: That water appropriated under said permit is available for fish propagation
~~across of land~~ described as follows: by use in series of rearing ponds.

Ninth: Remarks: That Permission from Big Bend Ditch Co. to run 6 sec. ft.
through their ditch.

STATE FISH AND GAME DEPARTMENT

By T. B. Murray Director
(Sign Here)

Subscribed and sworn to before me this 23 day of June, 19 44

My commission expires 6/2/50

Notary Public.

20189

11118

✓
January 21, 1948

Re: Permit No. 20189

Attn: George E. Tucker

State Fish and Game Department
State House
Boise, Idaho

Dear Mr. Tucker:

We enclose approval of the State Reclamation Engineer of your application for extension of time for beneficial use proof under Permit No. 20189 to February 20, 1948.

A copy of the notice in connection with this proof has been sent to the Gooding Leader, at Gooding, Idaho, with instructions to publish it once a week for four consecutive weeks beginning with their next issue.

Your attention is called to the fact that the completion of works proof which is due under this permit on or before January 23, 1948, has not yet been made. The necessary form for making this proof was enclosed in office letter addressed to you on November 1, 1947.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm
Enc.

20159

A SECTO' TELEGRAM

The Fooding Leader

ONE COST—ONE COVERAGE—ONE GOOD NEWSPAPER

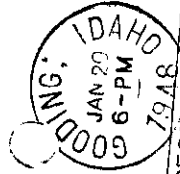
January 20, 1948

Dear Mr. Kulp:

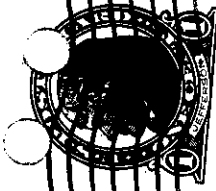
Your notice Re: Permit No. 20189
of January 19, 1948, has been received
and publication will begin Jan. 22.

Copy will be sent of this issue. L.G. Burress

20189



THIS SIDE OF CARD IS FOR ADDRESS



Mark R. Kulp
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

20189

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Re: Permit No. 20189

Date: January 19, 1948

The Gooding Leader

Gooding, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **February 20, 1948**. ^{**beginning with your next issue**} the date set for proof, the expense of the publication to be paid by the applicant, **State Fish & Game Department** of **Boise, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

20189

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 20th day of February, 1948,
at Boise, County of Ada, State of Idaho, before
Anna Mastro, Notary Public,, proof will be submitted of the
application to beneficial use of 6 cubic feet per second of the waters of Tucker
Spring in accordance with the terms and conditions of Permit No. 20189
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
State Fish & Game Department, Boise, Idaho

The use to which said water has been applied is Fish rearing pond purposes

The amount applied to beneficial use is six (6) cubic feet per second

The place where said water is used (~~for irrigation, give full and accurate description of the~~
~~landwater~~ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Twp. 7 South, Range 13 East, B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of
use is Big Bend Ditch

The right to take water from such works is based upon Permit No. 20189

The source of supply from which such water is diverted is Tucker Spring, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 36, Twp. 7 South, Range 13 East, B.M.

The date of priority which said user is prepared to establish is September 16, 1947

MARK R. KULP

State Reclamation Engineer.

20189

STATE OF IDAHO
Department of Reclamation

Permit No.

Application for Extension of Time for Beneficial Use Proof

STATE OF IDAHO

County of Ada

ss

T. B. Murray

, of Boise

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 20189

That, under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by January 25, 1948

That he has heretofore put to beneficial use 6 second feet of water

~~under said permit for fish cultural purposes.~~ for fish cultural purposes.

That, for the following reasons, he is unable to put to beneficial use ~~within~~ the required time the remainder of the water appropriated under his permit, to-wit:

Not time for proper advertisement - Consulting County Papers

State Reclamation Engineer

WHEREFORE, He asks that the ~~Commissioner of Reclamation~~ extend the time for the making of proof of beneficial use under said permit to February 20, 1948

Subscribed and sworn to before me this 17th day of January, 1948

Notary Public.

My commission expires 6/2/50

Date of receipt at office of Department of Reclamation Jan. 19, 1948

STATE RECLAMATION ENGINEER
APPROVAL OF ~~COMMISSIONER OF RECLAMATION~~
State Reclamation Engineer

I, Mark R. Kulp, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to appropriate the Public Waters of the State of Idaho, No. 20189, to

February 20, 1948

Witness my hand this 19th day of January, 1948

Mark R. Kulp
State Reclamation Engineer

20189

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) January 17, 1948

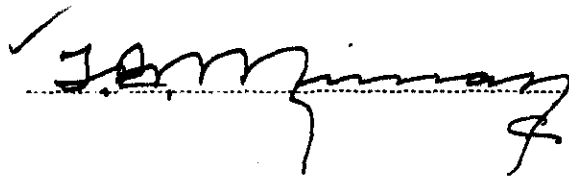
(P. O.) Boise, Idaho

STATE RECLAMATION ENGINEER:
TO THE ~~COMMISSIONER OF RECLAMATION~~

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Gooding Leader of Gooding, Idaho, published in
the county in which the works are situated.



(In case of canals or other works designed to divert and carry more than 50 cubic feet of water
per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

20189

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 A. M. on the 20th day of February, 19 48,
at Boise, County of Ada, State of Idaho, before
Anna Mastro, Notary Public, proof will be submitted of the
application to beneficial use of 6 cubic feet per second of the waters of Tucker Spring
in accordance with the terms and conditions of Permit No. 20189
heretofore issued by the State Reclamation Department of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are

6th and Banneck Sts. Boise, Idaho

The use to which said water has been applied is fish propagation / SVB

The amount applied to beneficial use is 6 sec. ft.

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated)

21/2 SE 36-7-13

The name of the canal or ditch or other works by which said water is conducted to such place of
use is Big Bend Ditch

The right to take water from such works is based upon Permit No. 20189

The source of supply from which such water is diverted is Tucker Spring 1555836

75138

The date of priority which said user is prepared to establish is Sept 16
October 25, 1947

State Reclamation Engineer.

20189

October 29, 1947

ReL Permit No. 20189

State Fish & Game Department
Buildings

Attention- Mr. Tucker

Gentlemen:

We enclose herewith Permit No. 20189.

Since you state that the works are already completed, we have allowed three months within which to make the statutory proofs, or until January 25, 1948.

We enclose Form 6 for the completion of works proof, and two copies of Form 10, and also Form 11, for your use in preparing the notice of Beneficial Use proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

20189

