

MEMORANDUM

TO: Allen Merritt

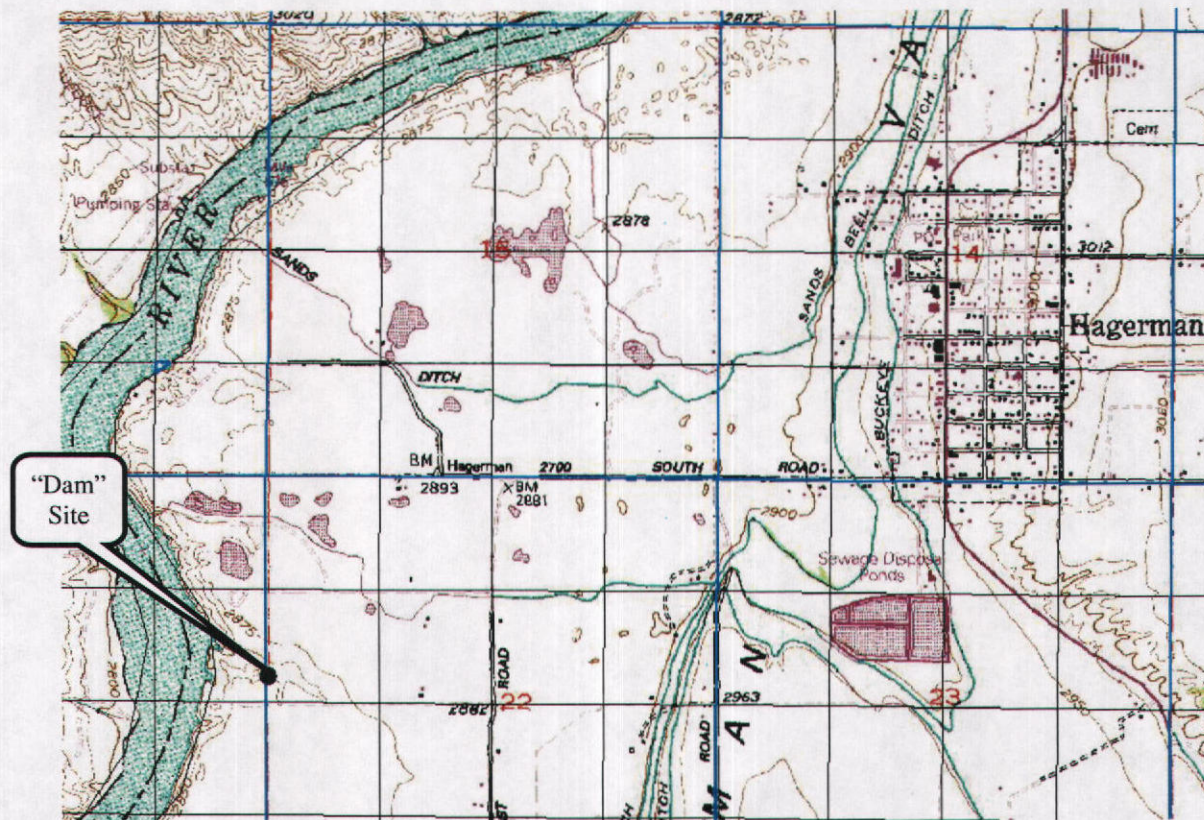
FROM: Corey Skinner

DATE: December 5, 2002

SUBJECT: "Dam" Complaint and Investigation

On December 2nd I received a telephone call from Allan Brooks who was concerned about a "dam" located southwest of Hagerman. After talking with Mr. Brooks, it appeared that his description of the situation warranted a field visit by the Department. I made arrangements to meet Mr. Brooks this morning so he could show me the "dam" site.

This morning, I met Mr. Brooks and we proceeded to the "dam" site. Upon arrival, I observed a small "dam" and reservoir in a draw leading directly to the Snake River. The "dam" site is located along the west edge of the Southwest ¼ of the Northwest ¼ of Section 22 (T07S, R13E) as indicated on the following map...



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December 5, 2002

The "dam" consisted of an earth embankment built from sandy material with poor compaction and overall design with regards to dam safety issues. The dam had very steep downstream slopes ($\approx 1.3:1$), a gloryhole outlet that apparently discharged at the toe of the dam, and a 16" diameter steel pipe through the end of the embankment that apparently served as an alternate spillway. Various measurements were made to determine whether the "dam" would be jurisdictional for dam safety and in an effort to quantify the amount of water storage. These measurements are summarized as follows...

- Structural height ≈ 12.6 feet
- Estimated hydraulic height ≈ 10 feet
- Reservoir surface area ≈ 1.4 acres
- Estimated storage volume $\approx$ four to five acre-feet

The "dam" was located in a draw approximately 1/8 mile from the Snake River with no development in the draw directly below the "dam". Due to size and downstream development, the area below the "dam" would be considered low hazard. Due to the low hazard classification and a storage volume of less than 10 acre-feet, the "dam" is non-jurisdictional for the Department's dam safety program.

Mr. Brooks indicated that at one time there was a small pond at this location, but recent work had been done to build the "dam" and increase the water storage. He indicated that the new "dam" had already washed out once and was rebuilt to what was observed today.

Upon returning to the office, I checked with the Gooding County Assessor's Office and found that the owners of the property are...

Ralph and Patricia Forgeon
PO Box 5654
Ketchum, ID 83340

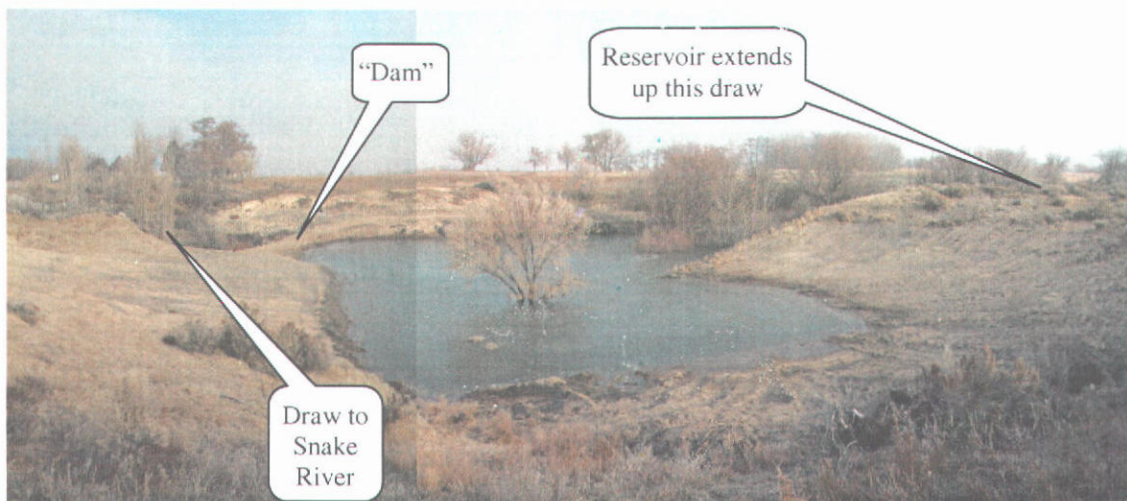
Examination of the Department's records indicated that there is a decreed water right, 36-8318, listing wildlife storage use in the SWNW $\frac{1}{4}$ of Section 22 (T07S, R13E). Ralph and Patricia Forgeon are listed as the current owners of right 36-8318. Note that this wildlife storage use is limited to 1.4 acre-feet. Examination of the licensing exam for right 36-8318 revealed that the license was issued for six ponds having a total surface area of 0.47 acres, and average depths of three feet. The map included with the licensing

December 5, 2002

exam indicates that these six ponds were located some distance east of the "dam" site observed this morning. The SRBA claim file revealed that the original claimants (Lyle and Charlotte Callow) claimed a smaller storage volume (0.8 acre-feet) than what was licensed and had a statement on their claim that stated "average pond depth is about 18" instead of the 3' shown on the licensing exam." However, in 1992, the SRBA claim was amended to reflect what was licensed, and ultimately the decree was issued for 1.4 acre-feet.

Further examination of the Department's records indicates that SRBA recommendations in the name of the Big Bend Irrigation and Mining Company lists stock water and irrigation places of use in the SWNW ¼ of Section 22 (T07S, R13E). Separate tracts are designated as wildlife and wildlife storage uses. I believe that the Big Bend rights may still be working through the SRBA process (Steve may know more about these).

In summary, the "dam" is non jurisdictional for dam safety, but there are apparent safety problems with the structure. The "dam" has washed out once, and it appears it is only a matter of time before it washes out again. There may be possible water right issues with the reservoir since it does not appear to be covered under right 36-8318, unless it is somehow covered under the Big Bend rights. I have let Terry know of what I observed, for possible stream channel or wetland (Corps) issues. The attached photos document my observations this morning...



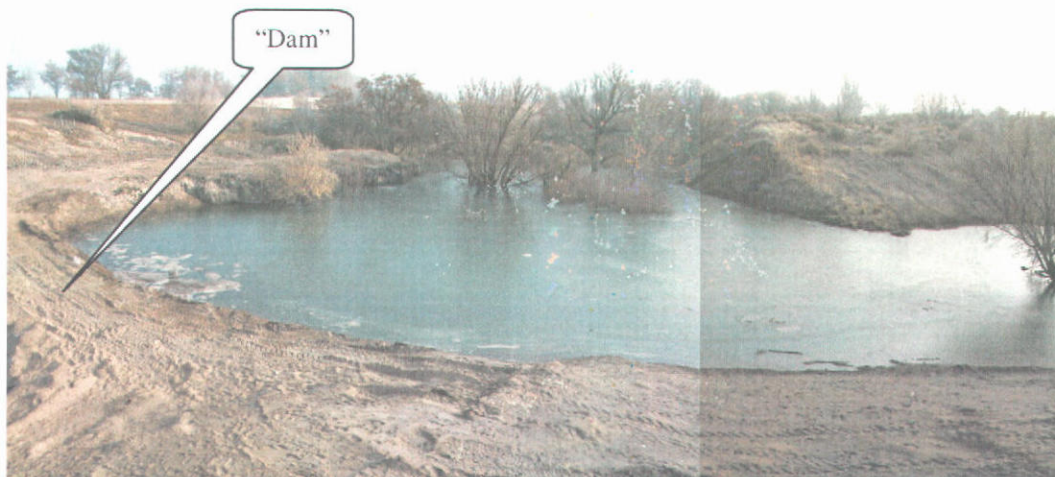
View from the south side of the reservoir and the "dam".

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ABOVE: View from the left end of the "dam" showing the downstream slope. Note the steep downstream slope ($\approx 1.3:1$) and the loose, poorly compacted fill material.

BELOW: View from the left end of the "dam" looking upstream showing the reservoir.



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ABOVE: View from the right end of the "dam" showing the location of the glory hole intake (apparently feeds outlet at downstream toe) and the location of the 16inch diameter steel pipe at the right end of the "dam" that apparently serves as an alternate spillway.

BELOW: View showing the downstream end of the pipe at the right end of the "dam" that apparently serves as an alternate spillway. Note that pipe discharges into fill material that makes up the embankment.



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View showing the downstream end of the outlet and erosion at the toe of the "dam". Note that erosion from the outlet discharge and the steep, loose, downstream slope are causing embankment slope stability problems in this area.

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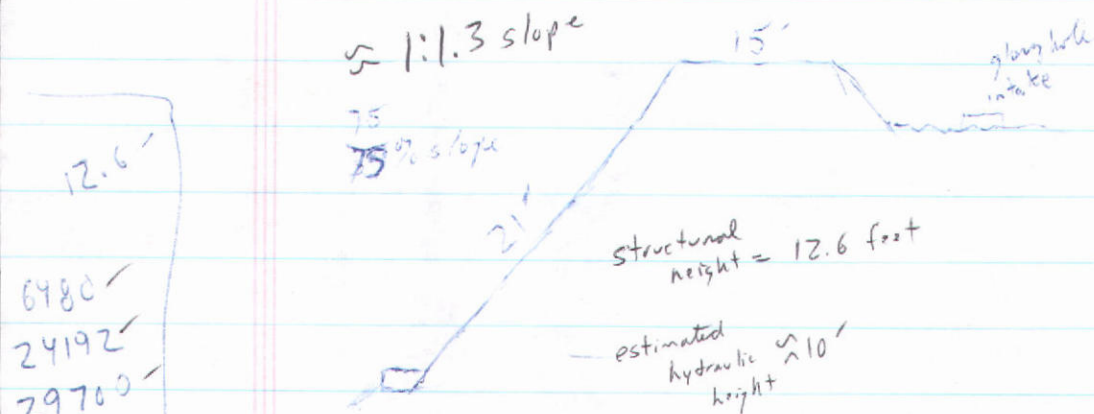
DEC 11 2003

Big head comes from north

6/25/87

Napp photos
not sure if there
is a pond

12/5/2002
FIELD NOTES P.S.



EPR 18

424193

189847

12.6'
6480
24192
29700
60,372

1.4 acres

Surface area

Volume four to five acre-feet

90 x 72
24 yds

90 x 330

30 yds

110 yds

252 x 96

84 yds

32 yds

outlet

16.5" 16"
in
diameter

Spillway pipe @ right

16.5" 16"
in
diameter

3' freeboard

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STEELE'S TREE SERVICE



Chuck Steele

837-4018

Pruning
Trimming
Shaping
60' Bucket Truck

Insured

Shrubs
Hedges
Complete Removal
Free Estimates

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF CHANGING THE)
MEASURING DEVICE CONDITION OF)
APPROVAL FOR PERMIT NO. 36-16099)
IN THE NAME OF RALPH FORGEON)
AND/OR PATRICIA FORGEON)
_____)

ORDER

WHEREAS, the Department of Water Resources (department) has issued the above captioned water right permit with a condition of approval requiring the permit holderS to provide a means acceptable to the department to measure the amount of water entering and released from the reservoir; and

WHEREAS, the department has determined that the measuring devices are not presently needed to measure the water in question.

ORDER

IT IS THEREFORE HEREBY ORDERED that the condition of approval requiring the installation of measuring devices for the above captioned permit is **WAIVED**.

IT IS FURTHER ORDERED that the department retains jurisdiction to reinstate the condition in the future upon a finding of need by the department.

Dated this 7th of November, 2003.



GARY SPACKMAN

MICROFILMED

DEC 11 2003

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 5026172
Receipt By: MB
Date Received: 10/9/03

RECEIVED
OCT 09 2003
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED
OCT 14 2003
Department of Water Resources
Department of Water Resources

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

1. Permit No. 36-16099 Telephone No. 208-726-2661
2. Name of Permit Holder(s): RALPH FORGEON AND PATRICIA FORGEON
3. Mailing Address: P.O. Box 5654
City KETCHUM State ID. Zip 83340
4. Source of Water: WASTE WATER If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: WATER QUALITY IMPROVEMENT STORAGE
6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 5.0 acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X
(AS PER ATTACHED NOTE)
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: CHUCK STEELE Telephone Number: 208-837-4018
Address: 797 E-2725 S HAGERMAN ID. 83332
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature] Date: 10/2/03
(include your title, if on behalf of company or organization)

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RECEIVED
OCT 09 2003
Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 36-16099

Priority: December 23, 2002

Maximum Diversion Volume: 5.0 AF

This is to certify, that RALPH FORGEON And PATRICIA FORGEON
PO BOX 5654
KETCHUM ID 83340

has applied for a permit to appropriate water from:

Source: WASTE WATER

Tributary: SNAKE RIVER

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

BENEFICIAL USE

WATER QUALITY IMPROVEMENT STORAGE

PERIOD OF USE

01/01 to 12/31

ANNUAL VOLUME

5.0 AF

LOCATION OF POINT OF DIVERSION:

WASTE WATER SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 22, Twp 07S, Rge 13E, B.M., GOODING County

PLACE OF USE:

WATER QUALITY IMPROVEMENT STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	22							X										

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2003**.
2. Subject to all prior water rights.
3. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
5. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 29th day of August, 2003

MICROFILMED *for*

K. J. Dreher
KARL J DREHER, Director

DEC 11 2003

AUG 26 2003

Department of Water Resources

Page 1

Ident. No. 36-16099

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

CORRECTED

APPLICATION FOR PERMIT

APR - 1 2003

To appropriate the public water of the State of Idaho

Department of Water Resources
Southern Region

1. Name: PATRICIA FORGEON
PO BOX 5654
KETCHUM ID 83340
(208)726-2661

RALPH FORGEON
PO BOX 5654
KETCHUM ID 83340
(208)726-2661

2. Source: WASTE WATER Tributary to: SNAKE RIVER

3. Location of Point of Diversion:

#1 WASTE WATER SW1/4SW1/4NW1/4 Sec. 22, Twp 07S, Rge 13E, B.M.
GOODING County

4. Water will be used for the following purposes:

Purpose	From To	RATE OF DIVERSION	ANNUAL VOLUME
WATER QUALITY	01/01 to 12/31		5.0 AF
IMPROVEMENT STORAGE			

5. Total quantity to be appropriated is: 5.0 AF

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: EARTH & ROCK DAM IN
GULLEY, LINED POND WITH VALVED OVERFLOW PIPE

b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;

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

d. Is ground water with a temperature of greater than 85F being sought?

e. If well is already drilled, when? _____;
Drilling Firm _____;
Drilling Permit No. _____.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

8.

PLACE OF USE: WATER QUALITY
IMPROVEMENT STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	22							X										

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

* 10. Remarks:

This dam was constructed many years ago by chinese gold miners, but was poorly constructed. The dam failed and the reservoir was not properly maintained. The dam and pond have been rebuilt to a size that requires a water right. Sediment collected in the pond is removed and spread on our land instead of running into the Snake River. Some of the water entering the pond during the non-irrigation season comes from the upstream pond covered by Water Right 36-8318, which is fed by the Big Bend Ditch out of Tucker Springs. During the irrigation season, about 58 shares of Tucker Springs water are delivered to this farm through the Big Bend Ditch; runoff from irrigating with these shares reaches the lower pond then. The Bell Ditch out of Billingsley Creek runs into the lower pond all year before entering the Snake River; any unused water remaining in the ditch is either stored or passed through to the River. No additional water will reach this pond as a result of this application.

11. Map of proposed point of diversion and place of use attached? ☐

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.


Applicant

Received by  Date 4-1-02 Time 4pm Preliminary check by _____

MICROFILMED

DEC 11 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Receipt No. S025381

Date: _____

Received by: _____

MICROFILMED
DEC 11 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**CORRECTED** APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: PATRICIA FORGEON
PO BOX 5654
KETCHUM ID 83340
(208)726-2661

RALPH FORGEON
PO BOX 5654
KETCHUM ID 83340
(208)726-2661

2. Source: WASTE WATER Tributary to: SNAKE RIVER

3. Location of Point of Diversion:

#1 WASTE WATER SW1/4SW1/4NW1/4 Sec. 22, Twp 07S, Rge 13E, B.M.
GOODING County

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WATER QUALITY	01/01 to 12/31		5.0 AF
IMPROVEMENT STORAGE			

5. Total quantity to be appropriated is: 5.0 AF

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: EARTH & ROCK DAM IN GULLEY, LINED POND WITH VALVED OVERFLOW PIPE

- b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;

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

- d. Is ground water with a temperature of greater than 85F being sought?

- e. If well is already drilled, when? _____;

Drilling Firm _____;

Drilling Permit No. _____.

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DEC 11 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

8.

PLACE OF USE: WATER QUALITY
IMPROVEMENT STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	22							X										

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9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

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10. Remarks:

This dam was constructed many years ago by chinese gold miners, but was poorly constructed. The dam failed and the reservoir was not properly maintained. The dam and pond have been rebuilt to a size that requires a water right. Sediment collected in the pond is removed and spread on our land instead of running into the Snake River. Some of the water entering the pond during the non-irrigation season comes from the upstream pond covered by Water Right 36-8318, which is fed by the Big Bend Ditch out of Tucker Springs. During the irrigation season, about 58 shares of Tucker Springs water are delivered to this farm through the Big Bend Ditch; runoff from irrigating with these shares reaches the lower pond then. The Bell Ditch out of Billingsley Creek runs into the lower pond all year before entering the Snake River; any unused water remaining in the ditch is either stored or passed through to the River. No additional water will reach this pond as a result of this application.

11. Map of proposed point of diversion and place of use attached? ☐

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.

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

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DEC 11 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

Receipt No. S025381

Date: _____

Received by: _____

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DEC 11 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: PATRICIA FORGEON
PO BOX 5654
KETCHUM ID 83340
(208)726-2661

And

RALPH FORGEON
PO BOX 5654
KETCHUM ID 83340
(208)726-2661

2. Source: WASTE WATER Tributary to: SNAKE RIVER

3. Location of Point of Diversion:

#1 WASTE WATER

SW1/4SW1/4NW1/4

Sec. 22. Twp 07S, Rge 13E, B.M.

GOODING County

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WATER QUALITY	01/01 to 12/31		5.0 AF
IMPROVEMENT STORAGE			

5. Total quantity to be appropriated is:

5.0 AF

6. Proposed diverting works:

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a. Type and size of devices used to divert water from the source: EARTH & ROCK DAM IN GULLEY, LINED POND WITH VALVED OVERFLOW PIPE

b. Height of storage dam 12.6 feet;

Active reservoir capacity 5 acre-feet;

Total reservoir capacity 5 acre-feet;

c. Proposed well diameter is _____ inches;

Proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85F being sought?

e. If well is already drilled, when? _____

Drilling Firm _____

Drilling Permit No. _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

8.

PLACE OF USE: WATER QUALITY
IMPROVEMENT STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 13E 22							X										

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

This dam was constructed many years ago by chinese gold miners, but was poorly constructed. The dam failed and the reservoir was not properly maintained. The dam and pond have been rebuilt to a size that requires a water right. Sediment collected in the pond is removed and spread on our land instead of running into the Snake River. Water entering the pond comes from the Big Band & Bell Ditches out of Billingsley Creek, and is used for irrigation and other purposes before reaching this pond. No additional water will reach this pond as a result of this application.

11. Map of proposed point of diversion and place of use attached? ☐

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.

Patricia Ferguson
Applicant

Received by J. E. Stanton Date 12-23-02 Time 9:50 Preliminary check by C.S.
Publication prepared by MS Date 1/29/03 Published in Gooding Co. Leader
Publication approved _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

Receipt No. S025381

Date: 12-23-02

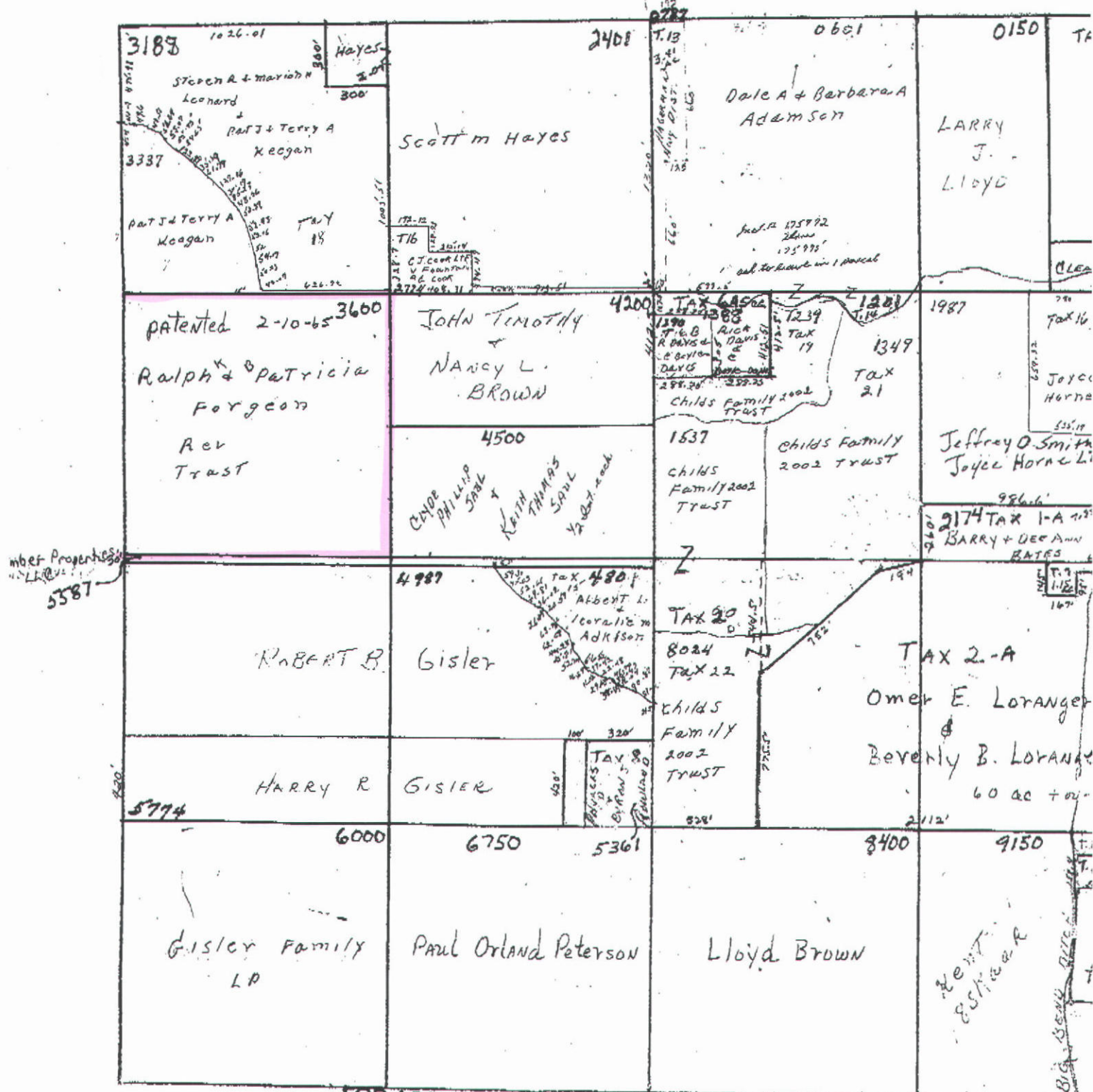
Received by: JS

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Hwy. 3
Sch. Dist 233
Cem: Hagerman Fire: Hagerman

07S 13E 22. —



FOR ASSESSMENT
USE ONLY

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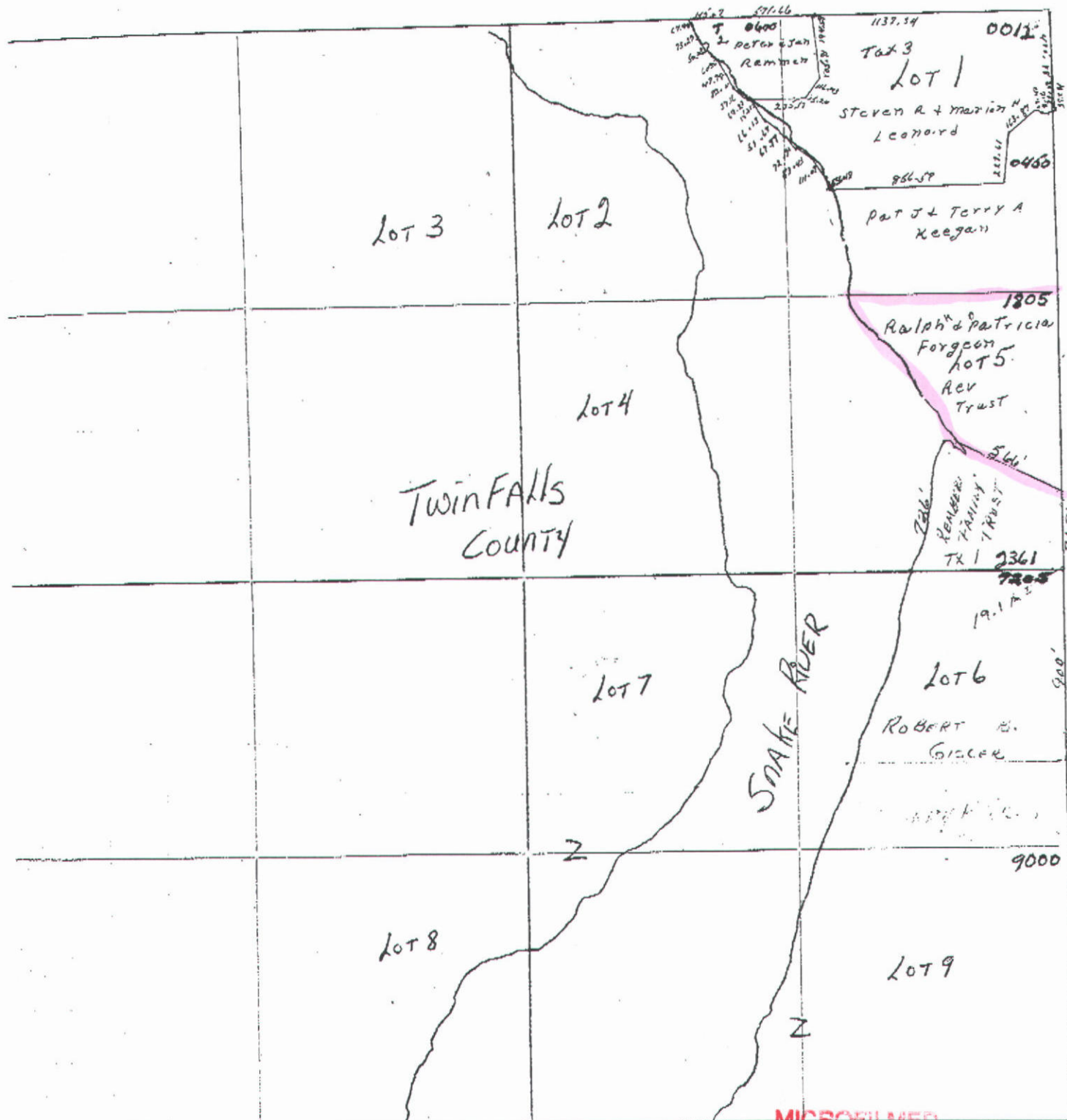
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GOODING COUNTY

Dist. 3 City _____
 Dist. 233 Cem. Dist. H
 Fire Dist. H

Sec. 21 Twp. 7 Rng. 13

07513E21



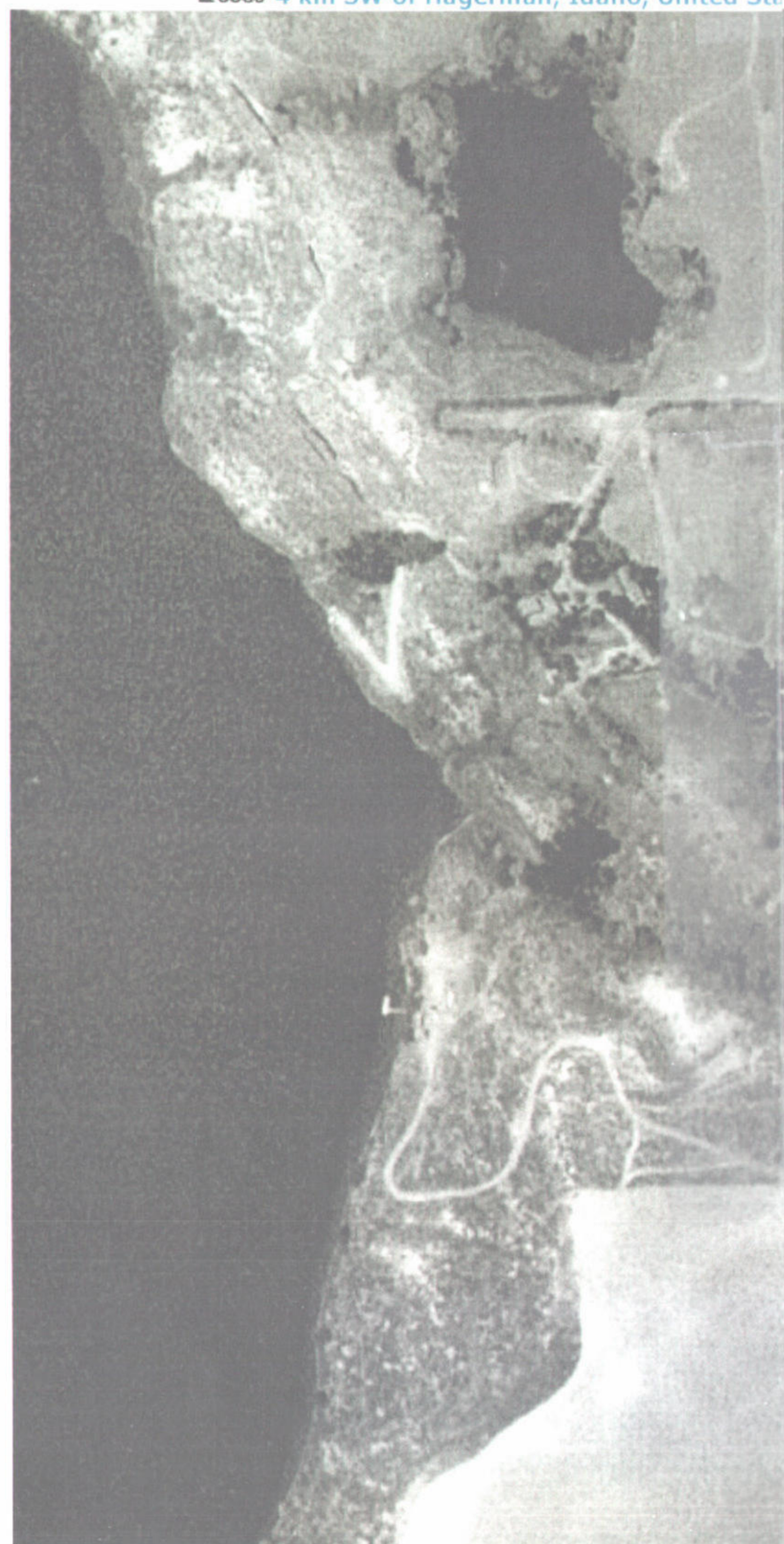
**FOR ASSESSMENT
USE ONLY**

Platt Redrawn 2-10-86! To CORRECT DE
River Counties

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DEC 11 2003

[Send To Printer](#) [Back To TerraServer](#) 11 x 17
USGS 4 km SW of Hagerman, Idaho, United States



0 100M

Image courtesy of the U.S. Geological Survey
© 2002 Microsoft Corporation. All rights reserved.

[Send To Printer](#) [Back To TerraServer](#) 11 x 17 Print Size
USGS 3 km SW of Hagerman, Idaho, United States 16 May 1992



0 100M

0 100yd

Image courtesy of the U.S. Geological Survey
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36-16089



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 7, 2003

RALPH FORGEON
PATRICIA FORGEON
PO BOX 5654
KETCHUM ID 83340

Re: Permit No. 36-16099

Dear Permit Holders:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

In response to your request to waive your measurement requirement, the department has issued the enclosed Order waiving the measurement condition of your permit at this time. You will be notified by the department if this condition must be reinstated, should there become a need to measure your water use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.state.id.us.

If you have questions, please contact the **Southern** Regional Office of the department in Twin Falls (208) 736-3033. If you have any questions, please don't hesitate to contact me at (208) 327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

Cc: Southern Region
Chuck Steele
Frank Erwin, Watermaster, Water Dist. 36A

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Chuck Steele, 797 E 2725 S, Hagerman, ID 83332
Frank Erwin, Watermaster, Water District 36A, 2628 S 975 E, Hagerman, ID 83332

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ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 36-16099

Reviewed By: dgibson

Date: November 6, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		S025381, S026172	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?	X	

Priority Calculation

Date proof received	10/09/2003
Date proof due	- 12/01/2003
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 12/23/2002
New priority date	= 12/23/2002

Deficiencies of Actions Items

Acknowledge proof. Issue Order waiving measurement device on this permit.

11-5-03

State of Idaho
Dept. of Water Resources
Atten: Debbie Gibson

RECEIVED

NOV - 6 2003

Department of Water Resources

Reference To Ralph Forgeon Pond
And Waste Water Right.

Installation of Weirs Is Not
Necessary At This Point In Time But
Reserve The Right To Require Them
At A Later Date.

Frank Erwin
Water Master 36-A

Frank Erwin

MICROFILMED

DEC 11 2003

RECEIVED

Merritt, Allen

OCT 14 2003

From: Merritt, Allen
Sent: Thursday, October 09, 2003 9:22 AM
To: Keen, Shelley; Peppersack, Jeff
Subject: Permit 36-16099

Department of Water Resources

Today Chuck Steel visited the office and filed "proof of beneficial use" for 36-16099. (We are forwarding the proof). Attached to the proof is a request to waive the measuring device requirement to install measuring devices above and below the pond.

As Chuck explained the area below the pond is a tangled mess full of briars and the area above is steep and head cutting so they would like to avoid the condition if possible.

The pond serves to improve water quality for wastewater flowing back into the Snake River. I doubt that the measuring devices would ever be used to regulate so I recommend modification of the permit conditions deleting this requirement.

MICROFILMED

DEC 11 2003

RECEIVED

OCT 09 2003

Department of Water Resources
Southern Region

October 7, 2003

Idaho State Department of Water Resources
1341 Fillmore, Ste 200
Twin Falls, ID 83301

Dear Sirs/Madam,

Per my conversation with Alan Merritt, we are requesting that we not be required to install measuring devices due to the fact it is waste water entering the Snake River and is used as a sediment pond and revitalization to the Snake River. We understand it is standard procedure to require the measuring device but under these conditions we are asking that this not apply to our situation or pond.

Sincerely,



Chuck Steele, Representative
Ralph Forgeon, Property Owner

MICROFILMED

DEC 11 2003

Keen, Shelley

From: Merritt, Allen
Sent: Thursday, October 09, 2003 9:22 AM
To: Keen, Shelley; Peppersack, Jeff
Subject: Permit 36-16099

Today Chuck Steel visited the office and filed "proof of beneficial use" for 36-16099. (We are forwarding the proof). Attached to the proof is a request to waive the measuring device requirement to install measuring devices above and below the pond.

As Chuck explained the area below the pond is a tangled mess full of briars and the area above is steep and head cutting so they would like to avoid the condition if possible.

The pond serves to improve water quality for wastewater flowing back into the Snake River. I doubt that the measuring devices would ever be used to regulate so I recommend modification of the permit conditions deleting this requirement.

MICROFILMED
DEC 11 2003

September 30, 2003

RALPH FORGEON
PATRICIA FORGEON
PO BOX 5654
KETCHUM, ID 83340

PROOF DUE NOTICE

RE: PERMIT NO. 36-16099

Dear Permit Holder:

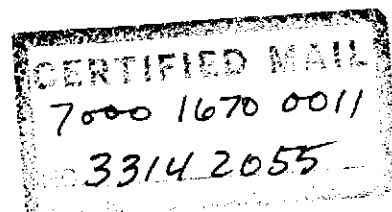
One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau
Enclosures



MICROFILMED
DEC 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 3, 2003

RALPH FORGEON
PATRICIA FORGEON
PO BOX 5654
KETCHUM ID 83340

RE: Permit No. 36-16099

Permit Approval Notice

Dear Permit Holder:

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

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

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

MICROFILMED

DEC 11 2003

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

Sincerely,

for Kari Lynn Swensen
Shelley W. Keen
Water Rights Supervisor

SWK:klr

Enclosure(s)

MICROFILMED
DEC 11 2003

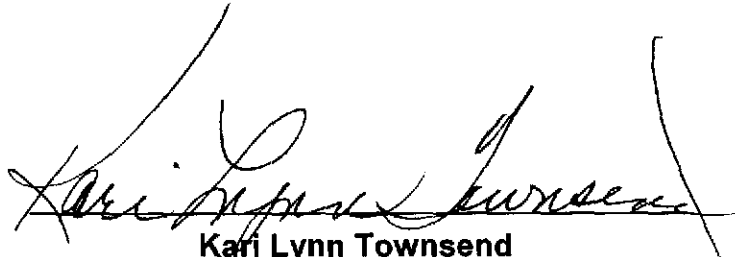
CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

36-16099

RALPH FORGEON
PATRICIA FORGEON
PO BOX 5654
KETCHUM ID 83340



Kari Lynn Townsend
Secretary

MICROFILMED

DEC 11 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document 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 of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

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 IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED

DEC 11 2003

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

DEC 11 2003

FORM NO.202A
REVISED 10/29/02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY C. SKINNER DATE 1/17/2002

APPLICATION NO. 36-16099

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (see USGS quad for names of water sources)
- ☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
- ☒ County
- ☒ Quantity (flow &/or volume)
- ☒ Period of use
- ☒ Nature of proposed use (include description of use)
- ☒ Description of diverting works.
- ☒ Time required for beneficial use of water.
- ☒ Place of use or acres irrigated.
- ☒ Map SEE FIELD REVIEW MEMO
- ☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

+++PROPOSED PRIORITY DATE 12/23 19 2002

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back. NONE
- ☒ Overlapping point of diversion. NONE
- ☒ Yes ☐ No Field check required
Field check by C. SKINNER
- ☒ Yes ☐ No Field report attached
- ☐ Yes ☒ No Critical Ground water area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send Dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit.
- ☐ Yes ☒ No Power efficiency form
- ☒ Yes ☐ No Within trustwater boundary(If yes, attach trustwater supplementary analysis sheet.
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.
- ☐ See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

_____ Date Requested _____, 20

PROCESSING ☒ Yes ☐ No In form for Advertising

☐ Yes ☒ No No Statewide Advertising

☒ Yes ☐ No Fee amount, receipt date & No. recorded on app.

SEND COPIES TO: ☐ Idaho Dept of Health & Welfare ☐ USDI BLM

☒ Idaho Dept of Fish & Game ☐ USFS

☐ Idaho Dept of Lands ☒ Water Dist. 36-4

☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☐ Yes ☐ No Affidavit of publication received.
☐ Yes ☐ No Application published correctly. If not, record action taken.

☐ Yes ☐ No Publication dates and paper, recorded on App.
☐ Yes ☐ No Protests received
Final date for protest _____
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on app.
☐ Yes ☐ No Recommendations attached
☐ Yes ☐ No Measuring device required
☐ Yes ☐ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what dist. JGA & (ML5 be)
☐ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information:

Date of priority recommended 12/23 ~~20~~ 20 02
By PO Date 8/8/05 20 _____

STATE OFFICE REVIEW

Date _____, 20 _____

ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST

Comments recieved from:

☐ City ☐ Idaho Fish & Game ☐ Irrigation Dist.
☐ County ☐ Idaho Health & welfare ☐ Canal Company
☐ Reservations ☐ Div. of Enviromental Quality
☐ Other _____

PROJECT IMPACTS/IMPLICATIONS REPORT

COMMENTS:

DATE _____, 20 _____

surface area of pond?

pre 97 development

map?

process & advertisement
nonconsumptive

Ar Norm

DRAFT PERMIT

NOT YET CREATED

C.S. 1/11/00

note

12-27-02

FILE PROGRESS SUMMARY

APPLICANT:

Fogwon Patricia

WATER RIGHT NO.

36-16099

INIT.	DATE	COMMENT
~~MB~~	12/27/02	Staffed to John Freitag
CS	01/13/02	RESTAFFED TO COREY SKINNER
CS	01/14/02	GAVE TO MARY FOR ADVERTISING
MB	1/29/03	Adv. Sch G L 2/6 + 2/13/03; 2/24/03
		Copies to Agencies, ltr to app. & rep.
MB	2/21/03	Protests Received
	2/24/03	
MB	2/26/03	Prot. ack. ltr & Notice of Prot. ltr sent
	3-9-03	Corrected application produced to change applicant remarks to deal with protests. Copy given to Chuck Steele for faxing to applicant
	4-1-03	Signed corrected app received
	4-2-03	Copies of corrected app sent to protestants
MB	7/28/03	Protests Withdrawn
MB	8/4/03	LTR sent to all parties.
AD-	8/20/03	Updated Permit Cycles 2 SD 12 PD ✓ PD ✓
AD-	8/20/03	Review of Recommendation
AD-	8/20/03	To MP + forward.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 4, 2003

RALPH & PATRICIA FORGEON
PO BOX 5654
KETCHUM ID 83340

Re: Application for Permit No. 36-16099

Dear Applicants:

We have received withdrawal of the protests filed by the Big Bend Irrigation and Mining Company and also Kenny Crist against approval of the above referenced application.

The issue of the protests has been resolved and 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.
Southern Region Manager

AM:MB

cc:
CHUCK STEELE
797 E 2725 S
HAGERMAN ID 83332

MICROFILMED
DEC 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 4, 2003

BIG BEND IRRIGATION AND MINING COMPANY
C/O PAMELA WASCHER
PO BOX 209
SWAN VALLEY, ID 83449

Re: Application for Permit No. 36-16099 (Forgeon)

Dear Protestants:

This office acknowledges receipt of the withdrawal of your protest against the above referenced application.

The issue of all protests has been resolved and 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.

The Department will continue review of the application without further contact with you unless information is requested.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

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

AM:mb

MICROFILMED

DEC 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 4, 2003

KENNY CRIST
760 E 2700 S
HAGERMAN, ID 83332

Re: Application for Permit No. 36-16099 (Forgeon)

Dear Mr. Crist:

This office acknowledges receipt of the withdrawal of your protest against the above referenced application.

The issue of all protests has been resolved and 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.

The Department will continue review of the application without further contact with you unless information is requested.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

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

AM:mb

MICROFILMED

DEC 11 2003

BIG BEND IRRIGATION & MINING CO.

P. O. Box 209, Swan Valley, ID 83449
Fax (208) 787-4227
Cell Phone: (208) 539-5641
waterlandplan@earthlink.net

July 28, 2003

RECEIVED

JUL 29 2003

Idaho Department of Water Resources
Southern Region
Twin Falls, ID 83301

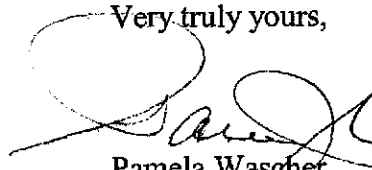
**Department of Water Resources
Southern Region Office**

Re: Forgeon Protest

To Whom It May Concern:

Please be advised that Big Bend hereby withdraws its protest against the
Ralph & Pat Forgeon.

Very truly yours,



Pamela Wascher
Secretary

MICROFILMED

DEC 11 2003

Merritt, Allen

From: Pamela Wascher [waterlandplan@earthlink.net]

Sent: Tuesday, July 29, 2003 7:34 AM

To: amerritt@idwr.state.id.us

Subject: Forgeon Protest

Allen,

I am attaching a letter from Big Bend withdrawing the protest against Forgeon. I have also faxed it this a.m.

If you need any thing further, please give me a call. Thanks -- Pam

Pamela Wascher

(208) 539-5641

P. O. Box 209

Swan Valley, ID 83449-0209

waterlandplan@earthlink.net

MICROFILMED

DEC 11 2003

7/29/2003

BIG BEND IRRIGATION & MINING CO.

P. O. Box 209, Swan Valley, ID 83448
Fax (208) 787-4227
Cell Phone: (208) 538-5841
waterandpien@earthlink.net

July 28, 2003

Idaho Department of Water Resources
Southern Region
Twin Falls, ID 83301

RECEIVED

JUL 29 2003

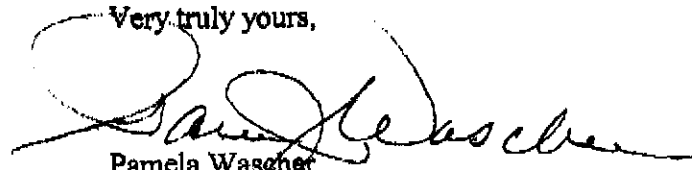
Department of Water Resources
Southern Region

Re: Forgeon Protest

To Whom It May Concern:

Please be advised that Big Bend hereby withdraws its protest against the permit for a pond for Ralph & Pat Forgeon.

Very truly yours,



Pamela Wascher
Secretary

MICROFILMED

DEC 11 2003

RECEIVED
JUL 28 2003
Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

WITHDRAWAL OF PROTEST

I, Kenny Crut hereby withdraw my protest filed
in the matter of Application No. 36-16099 in the name of

Dated this 7-28 day of 28 03

Signature Kenny Crut
Protestant

MICROFILMED
DEC 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 2, 2003

Kenny Crist
760 E 2700 S
Hagerman, ID 83332

RE: Corrected Application for Permit 36-16099, Ralph & Pat Forgeon

Dear Mr. Crist;

This application, which you protested, has been corrected by adding language to the Remarks section clarifying the description of the water source for the pond. The property manager has asked me to send you a copy of the corrected document in the hope that this will be sufficient grounds for you to withdraw your protest.

If you have questions, feel free to contact me.

Regards,

James E. Stanton
Sr. Water Resource Agent

MICROFILMED

DEC 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 2, 2003

Big Bend Irrigation & Mining Co.
C/o Pam Wascher
PO Box 209
Swan Valley, ID 83449

RE: Corrected Application for Permit 36-16099, Ralph & Pat Forgeon

Dear Pam;

This application, which you protested, has been corrected by adding language to the Remarks section clarifying the description of the water source for the pond. The property manager has asked me to send you a copy of the corrected document in the hope that this will be sufficient grounds for you to withdraw your protest.

If you have questions, feel free to contact me.

Regards,

James E. Stanton
Sr. Water Resource Agent

MICROFILMED

DEC 11 2003

MEMO

TO: FILE DATE: 3-4-03
FROM: JIM STANTON
RE: App For Permit 36-16099, Ralph Forgeon

Today I met with Chuck Steele in an effort to resolve the protests on this application. He runs the farm for the applicants, who live in Ketchum. I changed the Remarks portion of the application to better describe the water source after talking to Pam Wascher, who works for the Big Bend Irrigation Co. (one of the protestants). Once the changes were made and reviewed by Mr. Steele, I printed a corrected application that I faxed to Ms. Wascher. I called her a few minutes later to see if the changes were acceptable, but was only able to leave a message for her to call back. I then gave a copy of the corrected app to Steele so that he could fax it to the applicants for signature. He was also going to call Ms. Wascher to see if the changes were enough to get the protest dropped. I did not talk to the other protestant, but hopefully the changes that were made will satisfy both parties.

MICROFILMED

DEC 11 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

RETURN SERVICE REQUESTED

RALPH & PATRICIA FORGEON
PO BOX 5654
KETCHUM ID 83340

FORG654 T833402223 1103 17 03/01/03
FORGEON RETURN TO SENDER
TEMPORARILY AWAY
RETURN TO SENDER

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES
JAN 02 2003
FBI - KETCHUM

36-16099

MICROFILMED

DEC 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

February 26, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RALPH & PATRICIA FORGEON
PO BOX 5654
KETCHUM ID 83340

Application to Permit No. 36-16099

Dear Applicant(s):

Enclosed are copies of protests filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, 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?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Allen D. Merritt
Regional Manager

AM:MB
Enclosures
cc:
Chuck Steele
797 E 2725 S
Hagerman ID 83332

MICROFILMED
DEC 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 26, 2003

KENNY CRIST
760 E 2700 S
HAGERMAN, ID 83332

Application to Permit No. 36-16099

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, 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?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Allen D. Merritt
Regional Manager

AM:MB
Enclosures

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DEC 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

February 26, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BIG BEND IRRIGATION AND MINING COMPANY
C/O PAMELA WASCHER
PO BOX 209
SWAN VALLEY, ID 83449

Application to Permit No. 36-16099

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, 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?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Allen D. Merritt
Regional Manager

AM:MB
Enclosures

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RECEIVED

FEB 24 2003

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region

NOTICE OF PROTEST

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

1. Matter being protested Application for Permit No. 36-16099
2. Name of protestant Kenny Crist
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 760 East 2700 South, HAGERMAN, ID
5. Service telephone no. 837-6259
6. Basis of protest (including statement of facts and law upon which the protest is based)
I am downstream from proposed water right -it will impact the
delivery of water from Big Bend which I use for fish and have
historically used. My shares from Big Bend, which is separate from
my fish has not (additional pages may be attached to describe nature of the protest)
been fully delivered this past year.
7. What would resolve your protest? disallow permit application

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

Signed this 20th day of February, ~~2000~~ 2003

Kenny Crist
Protestant Kenny Crist

Protestant's Representative

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DEC 11 2003

2/24/03
SD 25518
MB

November 26, 1999

RECEIVED

FEB 26 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED

FEB 21 2003

Department of Water Resources

Department of Water Resources

Southern Region

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

1. Matter being protested Application for Permit No. 36-16099
2. Name of protestant Big Bend Irrigation and Mining Company
3. Protestant's Representative for service (If different than protestant)
Pamela Wascher, Corporate Secretary
4. Service mailing address P. O. Box 209, Swan Valley, ID 83449
5. Service telephone no. (208) 539-5641
6. Basis of protest (including statement of facts and law upon which the protest is based)
See Attached Exhibit A & Exhibit B, Exhibit C & Exhibit D; also
internet copy of Application for Permit blank form
- (additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? Disallow permit application

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

Signed this 20th day of February ~~x2000x~~ 2003

BIG BEND IRRIGATION AND MINING COMPANY

Protestant

Pamela Wascher, Secretary
Protestant's Representative Pamela Wascher, Secretary

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NOTE:

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

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by J. Masri Date FEB 21 2003 Time 2:06
\$25.00 fee Received by J. Masri # 0067519 Date FEB 21 2003

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Exhibit A

Notice of Protest

6. Basis of Protest (including statement of facts and law upon which the protest is based) **NOTE: APPLICATION FOR PERMIT IN FILE IS DIFFERENT APPLICATION FOR PERMIT THAN IS PUBLISHED ON INTERNET. COPY OF INTERNET APPLICATION ATTACHED.**

- (1) Application is deficient and consequently the Notice is insufficient. Applicant has engaged in misrepresentation in the source of water. There is no named source for water supply on application.
 - i. See Exhibit B – Instructions for Filing an Application for Permit - #2. Source of water supply.
 - ii. See Exhibit C – IDWR Application for Permit Analysis Sheet Under Required Information “Source (see USGS quad for names of water sources)
 - iii. #10 on application states the water comes from Big Bend Ditch and Bell Ditch out of Billingsley Creek. This should be stated in #2 source and shown in published Notice.
- (2) Application for Permit -(Exhibit D) #13 **map of proposed project required. Attach an 8-1/2” x 11” map clearly identifying the proposed point of diversion, place of use, section #, township & range. No such map exists in applicant file.** Only maps are a 1992 USGS map but shows no “point of diversion” or identified water sources and county maps showing ownership of property. It is unclear where this “wastewater” will be diverted from.
- (3) Application for Permit #10 states: Describe any other water rights used for the same purposes as described above. Printed application for permit does not even address “other water rights” except in Remarks. File contains inaccurate information by the IDWR Analysis Sheet - Exhibit C “Additional information” states that there is no overlapping point of diversion. **This is not correct.** Applicant has a water right 36-8318 for 3.95 CFS from the Big Bend Ditch, the same source where this alleged 5 CFS of wastewater is to come from. Notice states the application is for water for an “existing pond”. The Notice is unclear as to whether or not this is the same pond as water right 36-8318.
- (4) Four shareholders are downstream from applicant and need to have water delivered from same source as applicant is claiming “wastewater”.
- (5) IDWR file states that there is a safety issue in their 12/5/02 Memo yet . IDWR Application for Permit Analysis Sheet (Exhibit C) Indicated “No – send Dam safety information” WHY? IDWR file contains a letter from State Fish & Game addressing the same issue, and recommending other agency review of problem

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DEC 11 2003

- (6) The Dam which has been "reconstructed" was allegedly used by the Chinese many years earlier for mining and therefore a resumption of use of a dam is not for the same purpose. Applicant brings up this point but clearly they can make no claim for the resumption of use.
- (7) IDWR states in application file that there is a reservoir question and questions whether or not the Big Bend Ditch Company has a reservoir right. IT DOES NOT. It does not appear that this application is for a "reservoir" right as defined by the IDWR in this application.
- (8) IDWR Application for Permit Analysis Sheet (Exhibit C) states that this is within the trustwater boundary and a "trustwater supplementary analysis sheet must be attached. Protestant found no such analysis sheet in applicant file.

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EXHIBIT B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

INSTRUCTIONS FOR
FILING AN APPLICATION FOR PERMIT

A right to use water of the state of Idaho can only be acquired by obtaining a permit from the Department of Water Resources. The "Application for Permit" form must be filed and approved as a permit prior to any diversion of water. The date of priority of any water right is the date the completed form, with fee, is received by the Department. The only water uses that are authorized to commence without an approved permit are: 1) Use for single ownership homes, campgrounds, stockwater or other uses of less than 2,500 gallons of water per day from groundwater and 2) Stockwater use where the stock drink directly from a surface water source.

Below are the instructions for completing the form.

COMPLETE THE APPLICATION FORM AS FOLLOWS:

1. Print the full name, mailing address and telephone number of the applicant.
2. Identify the source of water supply and the major stream to which it is tributary.

EXAMPLES:

Source of water supply <u>Trail Creek</u>	which is tributary to <u>Snake River</u>
Source of water supply <u>unnamed stream</u>	which is tributary to <u>Grimes Creek</u>
Source of water supply <u>groundwater</u>	which is tributary to <u>n/a</u>

3. Locate the point of diversion within each 40 acre tract and/or the U.S. Government Lot of the Public Land Survey System. Spring sources should be described to the nearest 10 acre tract. Identify the county where the point of diversion is located.

EXAMPLE:

Location of point of diversion is SW 1/4 of NE 1/4 of NW, Govt. Lot 4 Sec. 14 Township 10S Range 14E B.M. Twin Falls County.

Note: When both the government lot and the 10 or 40 acre tract are shown, the Government Lot is considered to be the principal legal description.

4. Estimate the rate of diversion or the amount of storage to be used for each purpose shown. Describe the intended use of the water and state the annual beginning and ending dates for the diversion of water. The maximum rate needed for each purpose should be requested. For instance, the normal maximum rate of diversion for irrigation is 0.02 cubic feet per second per acre.

EXAMPLES:

Amount 6.4 for Irrigation purposes from Mar. 15 to Nov. 15 (both dates inclusive).
cubic feet per second

Amount 100 for Irrigation Storage purposes from Jan. 1 to Dec. 31 (both dates inclusive).
acre feet per annum

Amount 6.4 for Fish Propagation purposes from Jan. 1 to Dec. 31 (both dates inclusive).
cubic feet per second

Note: If the proposed use is fish propagation, heating, cooling, or power, or if the proposed flow rate exceeds 5.0 cfs, or if proposed irrigation exceeds 200 acres, additional information will be required. Contact a department office to determine the requirements.

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EXHIBIT C

Forgeson, Patrice
12-27-02

FORM NO.202A
REVISED 10/29/02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY C. SKINNER DATE 1/19/2002

APPLICATION NO. 36-16099

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
☒ County
☒ Quantity (flow &/or volume)
☒ Period of use
☒ Nature of proposed use (include description of use)
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
 Map SEE FIELD REVIEW MEMO
☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ___ No* In form to receipt

++++PROPOSED PRIORITY DATE 12/33 19 2002

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back. NONE
☒ Overlapping point of diversion. NONE
☒ Yes ___ No Field check required
 Field check by C. SKINNER
☒ Yes ___ No Field report attached
 Yes ☒ No Critical Ground water area
 Yes ☒ No Groundwater management area
 Yes ☒ No Send Dam safety information
 Yes ☒ No Send power requirement letter
 Yes ☒ No Send fish farm requirement letter
 Yes ☒ No Power residency affidavit.
 Yes ☒ No Power efficiency form
☒ Yes ___ No Within trustwater boundary(If yes, attach trustwater supplementary analysis sheet.
 Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.
 See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____, 20____

PROCESSING ☒ Yes ___ No In form for Advertising

___ Yes ☒ No No Statewide Advertising

☒ Yes ___ No Fee amount, receipt date & No. recorded on app.

SEND COPIES TO: ___ Idaho Dept of Health & Welfare ___ USDI BLM

___ ☒ Idaho Dept of Fish & Game ___ USFS

___ Idaho Dept of Lands ☒ Water Dist. 36-A

___ Adjudication Bureau Unit ___ Other _____

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DEC 11 2002

EXHIBIT D

10. Describe all other water rights used for the same purpose as sought in the application. Identify the right with the number assigned by the Department of Water Resources.
11. a. Identify the land owner of record even if the land is being purchased, rented, or leased.
b. Follow the same instructions as above in Item #11a.
c. Explain the contract, lease, desert land entry, or other arrangement by which land not owned by applicant will be developed. If any federal lands must be accessed as part of the development, include with the application evidence that an application has been filed with the federal government for a right-of-way or special use permit. If developing water from a pond of less than five acres in surface area or from a spring wholly contained within a single land ownership and not flowing therefrom, submit evidence that the land owner consents to the proposed development.
12. The remarks section should relate any pertinent information that will be beneficial to the Department. For example, list unique features such as: treatment of industrial waste, name of well drillers, number of raceways, or total weight of fish anticipated to be grown for a fish propagation filing.
13. The map must locate the point of diversion from the source of water and the location of the lands to be irrigated or the place where the water will be used. The map must also show townships, ranges, sections, and government lots. Important landmarks such as rivers, streams, roads and highways should be shown on the map. If the place of use is located in a recorded subdivision, submit a copy of that portion of the subdivision plat which contains the place of use lot.

Note: Using a scale of two inches equaling one mile, the smallest square shown on the map under Item #13 is a forty (40) acre tract. A copy of the U.S. Geological Survey map which identifies the point of diversion and place of use may be submitted for the map under Item #13.

SIGNATURE:

Sign the application exactly as the name appears in Item #1, unless the applicant is a corporation, municipality, partnership or other entity.

An application in more than one name must be signed by each applicant unless the names are joined "and/or".

If the applicant is a corporation, municipality, or partnership, the person signing the application must be an officer or elected official of the corporation or municipality and must show the position below the signature. The applicant must submit a list of corporate or partnership officers, directors and partners and corresponding addresses to the Department with the application.

If someone other than the applicant or a company officer signs the application, evidence must be included with the application that the person signing has authority to sign and holds a current "Power of Attorney" authorizing the action. (Power of Attorney forms are available from the Department upon request.)

Approval of the Application

Processing an application takes approximately 6 to 8 weeks. The Department will notify the applicant of any protests received. Most approved permits require compliance with specific conditions. For instance, a measuring device is usually required. Failure to comply with the conditions of approval may be cause to cancel a permit.

Measurement Units

One cubic foot per second (cfs) = 448.8 gallons per minute or 50 miner's inches (Idaho)

One cubic foot per second flowing 24 hours = 1.9835 acre feet

Acre-foot: The volume necessary to cover one acre to a depth of one foot (43,560 cubic feet)

Miner's inch: A continuous flow equal to 1/50 cubic feet per second or 0.02 cubic feet per second

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DEC 11 2003

EXHIBIT E

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres to be irrigated _____

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

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

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

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

12. Remarks: _____

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Signature of Applicant (and title, if applicable)

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Received by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

MICROFILM

DEC 11 2003

AFFIDAVIT of PUBLICATION

State of Idaho } ss.
County of Gooding }

Norma DeVoe, being first duly sworn, deposes and says that he/she 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 6th day of February, 2003, and the date of the last publication was on the 13th day of February, 2003.

On this 13th day of February, in the year of 2003, before me, a Notary Public, personally appeared Norma DeVoe, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

SHELLEY STURGEON
Notary Public
State of Idaho

Shelley Sturgeon
Notary Public for Idaho
Residing at Jerome
My commission expires: 12/3/05

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

Lines tabular at _____ 8.0¢/Pica
414.56 Lines straight at 29.02 7.0¢/Pica
414.56 Subsequent lines at 24.87 6.0¢/Pica

Affidavit Fee: 2.50

TOTAL COST 56.39

COPY OF NOTICE

(Paste Here)

Ralph Forgeon
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

The following application has been filed to appropriate the public waters of the State of Idaho, Gooding County:

36-16099
RALPH & PATRICIA FORGEON
PO BOX 5654
KETCHUM ID 83340
Point of Diversion: SWSWNW S22 T07S R13E
Source: WASTE WATER Tributary To SNAKE RIVER
Use: 01/01 To 12/31
WATER QUALITY IMPROVEMENT STORAGE 5 AFA
Date Filed: 12/23/2002
Place Of Use: SWNW S22 T07S R13E

Remark: Applicants are attempting to obtain a non-consumptive water right for an existing pond located approximately 1.5 miles West and 0.5 miles South of Hagerman. Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 02/24/2003. The protestant must also send a copy of the protest to the applicant.
KARL J. DREHER, Director

PUB: 2/6 - 2/13 048429

8082

45429

RECEIVED

MICROFILMED FEB 18 2003

Department of Water Resources
Southern Region



IDAHO FISH & GAME

MAGIC VALLEY REGION

868 East Main Street

P.O. Box 428

Jerome, Idaho 83338-0428

February 12, 2003

Dirk Kempthorne / Governor
Steven M. Huffaker / Director

State of Idaho
Department of Water Resources
1341 Fillmore Street
Suite 200
Twin Falls, ID 83301-3380

RECEIVED
FEB 14 2003
Department of Water Resources
Southern Region

Re: Application for Permit No. 36-16099 - Patricia and Ralph Forgeon

The Idaho Department of Fish and Game has toured the project site and reviewed the application for permit from Patricia and Ralph Forgeon to store up to 5.0 AF of irrigation wastewater from the Big Bend and Bell ditches behind an earthen dam at Township 7 South, Range 13 East, Section 22 in Gooding County. Issuance of the above referenced permit should have minimal negative impacts on fish and wildlife resources in the area.

A 2-12-03 tour of the project site indicated that a series of earthen ditches and spill site on the Applicant's property are contributing a significant amount of sediment to the impoundment. We recommend the Applicant contact the Soil Conservation District or Natural Resource Conservation Service in Gooding County to explore options for stabilizing the ditches and spill site.

Thank you for the opportunity to provide comment. If you have further questions please contact Mike McDonald, Environmental Staff Biologist, at this office.

Sincerely,

David Parrish
Magic Valley Regional Supervisor

Cc: Patricia and Ralph Forgeon (Applicants)
IDFG (NRPB)
ECc: IDFG (Region 4 staff)

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DEC 11 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

RECEIVED

FEB 05 2003

Department of Water Resources
Southern Region

1103 00.370 JAN 29 2003
83301
MAILER WITH ZIP CODE

MICROFILMED
DEC 11 2003

FORG654 T833402000 1103 06 02/01/03
RETURN TO SENDER
FORGEON TEMPORARILY AWAY
RETURN TO SENDER

83301 83320x2654

|||||



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

January 29, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RALPH & PATRICIA FORGEON
PO BOX 5654
KETCHUM ID 83340

RE: Application for Permit No. **36-16099**

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared for publication in the **Gooding County Leader** on **2/6 & 2/13/03**. Submittal of protests to the application will be allowed for a period ending ten days after the second publication. (**February 24, 2003**)

If an application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Mary A. Baldwin
Administrative Assistant I

cc:
CHUCK STEELE
797 E 2725 S
HAGERMAN ID 83332

MICROFILMED

DEC 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 29, 2003

ATTN MIKE MC DONALD
ID DEPT FISH & GAME
PO BOX 428
JEROME ID 83338

Re: Application for Permit No. 36-16099 filed in the name of Ralph Forgeon

Dear Mr. McDonald:

The Department is seeking your comment and/or recommendations regarding the above referenced application; a copy is enclosed for your information and files.

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

Very Truly Yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

MICROFILMED

DEC 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 29, 2003

FRANK C. ERWIN WATERMASTER
WATER DISTRICT #36-A
2628 S 975 E
HAGERMAN ID 83332

Re: Application for Permit No. 36-16099 filed in the names of Ralph Forgeon

Dear Mr. Erwin:

Enclosed is a copy of an Application for Permit within your District.

We also have enclosed a Watermaster's Recommendation Form(s) for your comment and/or recommendation.

Regional review of an un-protested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about an application, please contact this office or the applicant.

Very truly yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

MICROFILMED
DEC 11 2003

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax#: 736-3037

January 29, 2003

ATTN: Norma
MAGIC VALLEY PUBLISHING
Gooding County Leader
PO BOX 468
JEROME ID 83338

Dear Norma:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely

Mary Baldwin

Mary A. Baldwin
Administrative Assistant

MICROFILMED

DEC 11 2003

The following application has been filed to appropriate the public waters of the State of Idaho, Gooding County:

36-16099

RALPH & PATRICIA FORGEON

PO BOX 5654

KETCHUM ID 83340

Point of Diversion: SWSWNW S22 T07S R13E

Source: WASTE WATER Tributary To SNAKE RIVER

Use: 01/01 To 12/31

WATER QUALITY IMPROVEMENT STORAGE 5 AFA

Date Filed: 12/23/2002

Place Of Use: SWNW S22 T07S R13E

Remark: Applicants are attempting to obtain a non-consumptive water right for an existing pond located approximately 1.5 miles West and 0.5 miles South of Hagerman.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 02/24/2003. The protestant must also send a copy of the protest to the applicant.

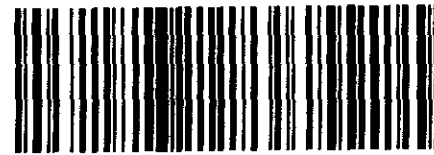
KARL J DREHER, Director

Published in the Gooding County Leader on 2/6 & 2/13/03

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DEC 11 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
41 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380



7002 0460 0000 7276 2016

RETURN SERVICE REQUESTED

Department of Water Resources
Southern Division

DEC 30 2002

RECEIVED

RETURN RECEIPT
REQUESTED

RALPH & PATRICIA FORGEON
PO BOX 5654
KETCHUM ID

★ ★ PITNEY BOWES
★ ★
★ ★
U.S. POSTAGE P83524253
1060
3370 \$04.42 DEC 11 2002
4475 MAILED FROM ZIP CODE 83303

RETURN RECEIPT REQUESTED

MICROFILMED
DEC 11 2003

DEC 12-12
DEC 12-14
DEC 12-27

DEC 11 2003
MICROFILMED

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: 12/11/02 - New
ADM

RALPH & PATRICIA FORGEON
PO BOX 5654
KETCHUM ID 83340

2. Article Number (Copy from service label)

7002 0460 0000 7276 2016

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Big head comes from north

12/5/2002

Not sure if there is a pond

12/5/2002

FIELD NOTES P.S.

1:1.3 slope

75% slope

structural height = 12.6 feet

estimated hydraulic height ~ 10'

glass hole intake

12.6'

EPR 16

12/24/93

189807

6480

24192

29700

60,372

1.4 acres

Surface area

Volume for to five acre-foot

90x72

90x330

252x96

87 yds

37 yds

outlet

16" 16"

in

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DEC 11 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-8318

WATER RIGHT NUMBER: 36-8318

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PATRICIA FORGEON PO BOX 5654 KETCHUM, ID 83340 (208)726-2661
Directors Report Owner	CHARLOTTE E CALLOW PO BOX 126 HAGERMAN, ID 83332
Directors Report Owner	LYLE W CALLOW PO BOX 126 HAGERMAN, ID 83332 (208)837-6456
Current Owner	RALPH FORGEON PO BOX 5654 KETCHUM, ID 83340 (208)726-2661

Priority Date: 10/28/1986

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LOWER TUCKER SPRINGS	RILEY CREEK
UPPER TUCKER SPRINGS	RILEY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	10/15 to 3/15	3.950 CFS	
WILDLIFE STORAGE	10/15 to 3/15		1.40 AF
<u>Total Diversion:</u>		3.950 CFS	1.40 AF

Location of Point(s) of Diversion

UPPER TUCKER SPRINGS	NW1/4SE1/4SE1/4	Sec. 36, Twp 07S, Rge 13E, B.M.
GOODING County		
LOWER TUCKER SPRINGS	SE1/4NW1/4SE1/4	Sec. 36, Twp 07S, Rge 13E, B.M.
GOODING County		

Place of Use

WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	22																	

DIVERSION TO STORAGE same as WILDLIFE STORAGE

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-8318

Conditions of Approval:Remarks:

1. Explanatory WILDLIFE STORAGE/HABITAT PONDS WATER IS DELIVERED THROUGH BIG BEND DITCH.

Comments:

1. CLELLAND 12/10/1991 COPIED FROM REMARKS

Comment: CLAIM IS BASED ON IDWR LICENSING EXAM CONDUCTED IN 1987. PART OF THIS WATER IS USED FOR IRRIGATION UNDER SHARES IN BIG BEND DITCH. WE ARE CLAIMING ONLY 2 CFS FOR THIS USE DUE TO THE EXPENSE OF CLAIMING MORE. THIS ENOUGH TO PROPERLY MAINTAIN THESE PONDS. ALSO, THE POND VOLUME IS ABOUT 0.8 AF. AVERAGE POND DEPTH IS ABOUT 18" INSTEAD OF THE 3' SHOWN ON THE LICENSE EXAM.

2. SCLELLAN 11/25/1997 COPIED FROM REMARKS

Comment: WATER IS DELIVERED THROUGH BIG BEND DITCH. PORTIONS OF RIGHT NOS. 36-00133 & 36-00192 ARE LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT. SOURCES FOR THIS RIGHT ARE UPPER TUCKER SPRINGS AND LOWER TUCKER SPRINGS, BOTH TRIBUTARY TO RILEY CREEK. REFORMAT REFORMAT

3. SCLELLAN 5/28/1998 NAME CHANGE

Comment: THE DATA IN THE NAME FILE WAS CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. TYPICALLY THIS CHANGE IS TO THE CURRENT OWNER OF THE WATER RIGHT. HOWEVER, THE CHANGE MAY BE TO ADD OR DELETE AN ATTORNEY OR LIENHOLDER, FOR EXAMPLE, WITHOUT CHANGING THE CURRENT OWNER OF THE WATER RIGHT.

Dates and Other Information:

Licensed Date:

Decreed Date: 12/29/1997

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: And

Water District Number: 36A

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

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