

22 23
27 26

BIG BEND DITCH

551
T-740

509
T-686
17.4

532
7.6
T-717

1402
T-1533

PONDS

1400
T-1450

R13E

117.0

27 26
34 35

MICROFILMED
DEC 19 1996

T75

36-08752

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho }
County of Gooding } ss.

JUN 13 1996

Department of Water Resources
Southern Region

Patty Nance, being first duly sworn, deposes and says that 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

5 day of June, 1996.

and the date of the last publication was on the 12 day of

June, 1996.

Patty Nance

Subscribed and sworn to before me this 12th day of

June, 1996.

(SEAL)

Norma De Voe
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 28

Affidavit Fee \$2.25

340.31 Lines tabular at _____ 6¢/Pica

340.31 Lines straight at 17.02 5¢/Pica

340.31 Subsequent lines at 13.61 4¢/Pica

TOTAL COST 32.88

COPY OF NOTICE

(Paste Here)

Water Permit - Gustafson
TITLE OF NOTICE 36-08752

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. Water Res.
BILL TO

NOTICE OF APPLICATION FOR WATER PERMIT

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

GUSTAFSON FAMILY TRUST
PO BOX 209
HAGERMAN ID 83332
36-08752

Source: Tucker Springs, Upper & Lower tributary to Riley Creek

Diversion Pt: NW1/4SE1/4SE1/4, SE1/4NW1/4SE1/4, S36, T7S, R13E; Gooding County.

Use: Wildlife (3.0 cfs) 3/16-11/14

Date Filed: 4/17/96

In: N1/2SE1/4, S27, T7S, R13E.

The permit will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before June 24, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 6/6 & 6/13/96.

7-8 pt. per line straight.....5¢/Pica

7-8 pt. per line successive

insertions.....4¢/Pica

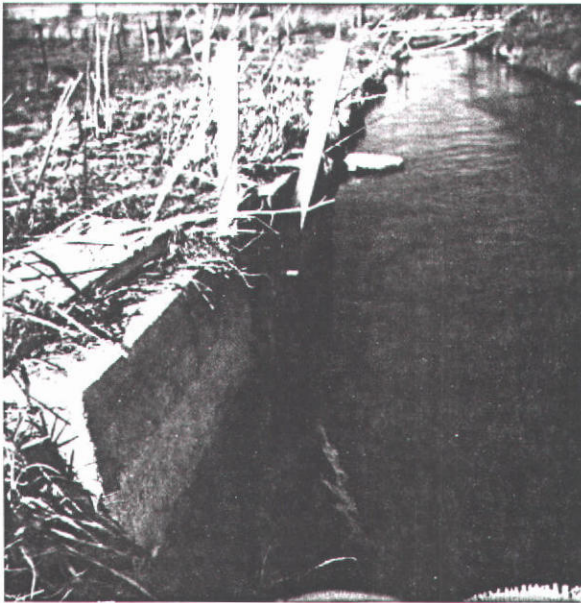
MICROFILMED
DEC 19 1996

Nº 6228

11015

01 MARCH 1996 — 1600 HRS.
EXAMINERS: J. STANTON
G. SATTERLEE

PHOTO 1/2
GUSOFFSON FAMILY TRUST



Big Bend Ditch

APPROXIMATE LOCATION: SEC 27, T7S, R13E NE SE

MICROFILMED
DEC 19 1996

36-08752

01 MARCH 1996 - 1600 HRS.
EXAMINERS: J. STANTON
G. SATTERLEE

PHOTO 2/2

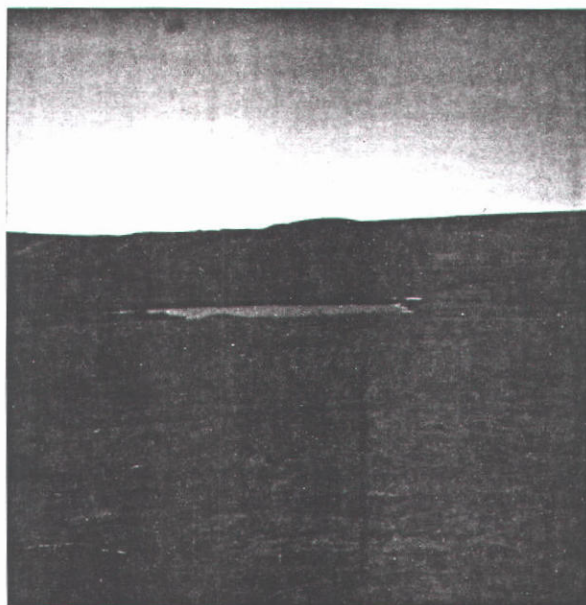
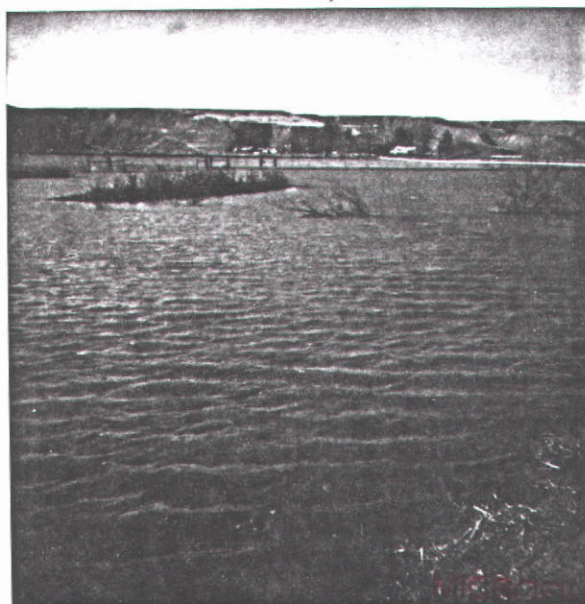


PHOTO LOOKING WEST

LOCATION OF PONDS: SEC 27, T7S, R13E NE SE & NW SE



RECEIVED

DEC 19 1996

FOR OFFICIAL USE ONLY
Amt. of Fee \$: 150
Receipt No. 1030055
Receipt By: RCT
Date Received: 10-1-96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

AUG 27 1996

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

1. Permit No. 36-08752 Telephone No. 208-837-6411

2. Name(s) of Permit Holder(s): ~~IVAN J. GUSTAFSON~~ GUSTAFSON FAMILY TRUST

3. Mailing Address: Box 209, HAGERMAN, IDAHO 83332

4. Source of Water: BIG BEND IRRIGATION If GROUNDWATER (well), Date Drilled: mo. / yr.

a. Well Driller: Drilling Permit Number:

b. **OPTIONAL:**
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): Stockwater (No. and type of stock):

Irrigation (No. of acres): Other: WILDLIFE

6. Total rate of diversion and/or volume for which proof is submitted: 3.0 cfs OR acre feet

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

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

Measuring Device: Is a measuring device required? Yes or No X
Has the measuring device been installed? Yes or No X

Flow Measurement Port: Is a flow measurement port required? Yes or No X
Has the measurement port been installed? Yes or No X

8. Fee Enclosed: \$ (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: IVAN J. GUSTAFSON Telephone Number: 208-837-6411

Address: Box 209, HAGERMAN ID.

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: GUSTAFSON FAMILY TRUST
Ivan J. Gustafson - Co-Trustee Date: 8/21/96
(include your title, if on behalf of company or organization)

PONDS HAVE ALREADY BEEN INSPECTED
By DEPT, WATER RESOURCES UNDER PERMIT #36-08567

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 36-08752

Proposed Priority: April 17, 1996

Maximum Diversion Rate:

3.00 CFS

This is to certify, that **GUSTAFSON FAMILY TRUST**

PO BOX 209

HAGERMAN ID 83332-0209

has applied for a permit to appropriate water from:

TUCKER SPRINGS

tributary of **RILEY CREEK**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE	03/16 to 11/14	3.00 CFS	
WILDLIFE STORAGE	01/01 to 12/31		54.0 AF
	Totals	3.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SENWSE , Sec. 36, Township 07S, Range 13E

NWSESE , Sec. 36, Township 07S, Range 13E

GOODING County

PLACE OF USE: WILDLIFE

TWN RGE SEC

07S 13E 27

NESE

NWSE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1997.
2. Subject to all prior water rights.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 36A.
4. 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.
5. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
7. The issuance of this right does not grant any right-of-way or easement across the land of another.
8. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

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DEC 19 1996

State of Idaho
Department of Water Resources

Permit To Appropriate Water

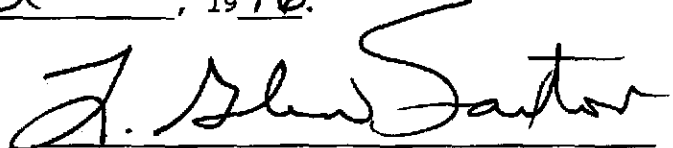
NO. 36-08752

CONDITIONS OF APPROVAL AND REMARKS

9. This right authorizes an annual volume of water to fill the ponds and the amount required to replace losses through evaporation.
10. This right does not authorize the development of additional ponds or enlargement of existing ponds.
11. The rate of diversion shall not conflict or interfere with the future diversion of water for irrigation or other beneficial uses.

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

16 th day of August, 1996.



Karl J. Dreher, Director

for

MICROFILMED
DEC 19 1996

RECEIVED
APR 17 1996
Department of Water Resources
Southern Region

Ident. No. 36-08752

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JUL 19 1996

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant John Gustafson Family Trust Phone 832-6411
Mailing address PO Box 209, Hagerman, ID 83332
2. Source of water supply Upper & Lower Tucker Springs which is a tributary of Riley Creek
3. Location of point of diversion is Township 7S Range 13E Sec. 36, in the NW 1/4, SE 1/4, SE 1/4, Govt. Lot _____, B.M., Gooding County;
additional points of diversion if any: SE/NW/SE Sec. 36 T.7S R. 13E

4. Water will be used for the following purposes:

- Amount 3.0 cfs for Wildlife purposes from 3-16 to 11-14 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 3.0 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source Existing Big Bend Mining & Irrigation Co. system. Big Bend Ditch flows into 4 existing ponds
- 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 85°F being sought? _____
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

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

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. 4 existing ponds (2 large & 2 small) provide habitat for waterfowl & other wildlife during the non-irrigation season, under Permit 36-08567.

MICROFILMED

DEC 19 1996

9. Description of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	13E	27													W	W			

Total number of acres to be irrigated _____

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

36-08567

11. a. Who owns the property at the point of diversion? Is state or federal property

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

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

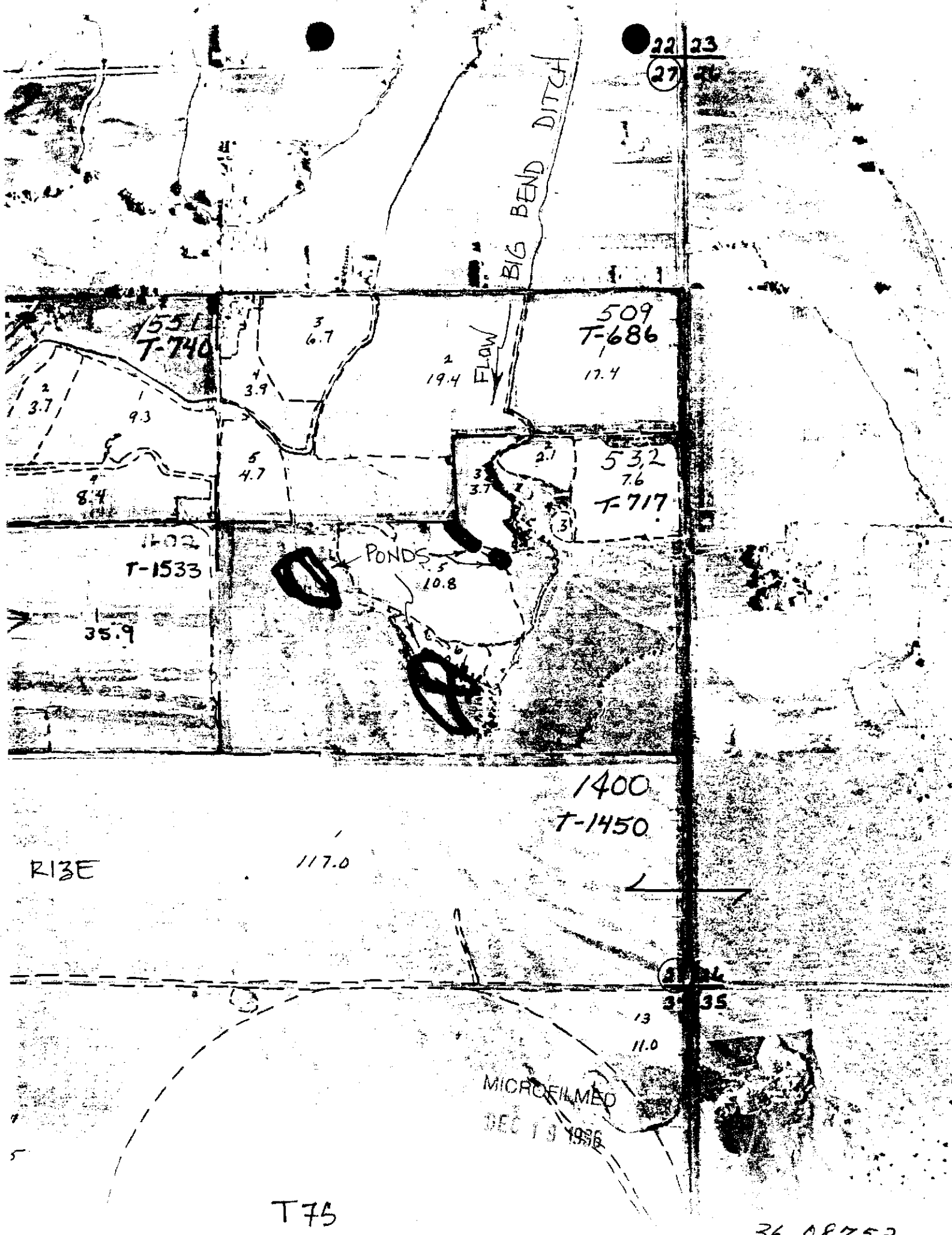
12. Remarks: Water has been used all year since the ponds were built in 1991, but the existing permit only allows off-season use. Summer Flows to the ponds vary from 0 to 3 cfs depending on upstream irrigation demands. Co-trustees are Ivan J. & Lucille E. Gustafson.

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.

Ivan J. Gustafson Co-Trustee
Signature of Applicant (and title, if applicable) " "

Received by GF Stanton Date 4-17-96 Time 10:10 am Preliminary check by GLS
Fee \$ 140.00 Received by GLS # 5019031 Date 4-17-96
Publication prepared by me Date 5/16/96 Published in Gooding Co. Leader
Publication approved me Date 6/14/96



22 23
27 28

BIG BEND DITCH

1551
T-740

509
T-686
17.4

532
7.6
T-717

1402
T-1533

POND

1400
T-1450

RIZE

117.0

34 35

MICROFILMED
DEC 19 1986

T75

36-08752



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 10, 2004

GUSTAFSON FAMILY TRUST
PO BOX 209
HAGERMAN ID 83332-0209

RE: Water right number(s): 36 8752

Dear Water Right Holder(s):

The purpose of this letter is to notify you in advance that present drought conditions in Eastern Idaho may result in the flow of the Snake River falling below the minimum stream flow of 3,900 cubic feet per second ("cfs") established by the Swan Falls Agreement at the Murphy gage on the Snake River. Your water right bears a later priority date than July 1, 1985, the priority date for the minimum stream flow. As a result, if the flow falls below 3,900 cfs, the department will send you another letter advising you to cease diversion of water.

This notice is being provided so that you have advance warning to make arrangements to minimize impacts to growing crops or other loss that could occur if your water diversion is curtailed. Such arrangements may include temporary transfers as provided under Section 42-222A, Idaho Code, for areas declared a drought emergency. Declaration of a drought emergency can be initiated by petition of the Board of County Commissioners to the director of this department subject to approval by the Governor.

There are many variables that affect stream flows in the Snake River. Normally, the flows in the Snake River at Murphy gauge are lowest during June and July.

Information about your water right can be found on the department's website at the following address: <http://www.idwr.state.id.us/apps/ExtSearch/SearchWRAJ.asp>. Real time flow data for the Murphy gage can also be found at the following address: <http://www.idahopower.com/riversrec/waterlevels/streamflow/showgraph.cfm>

Thank you for your cooperation in this matter. If you have questions, please feel free to contact the department.

Sincerely,

Gary Spackman
Water Allocations Bureau Chief

State of Idaho
Department of Water Resources
PO BOX 83720
BOISE ID 83720-0098

PRSRT STD
U.S. POSTAGE
PAID
PERMIT NO.
BOISE, ID

GUSTAFSON FAMILY TRUST
PO BOX 209
HAGERMAN ID 83332-0209

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 36-8752

WATER RIGHT NUMBER: 36-8752

Owner Type Name and Address
 Current Owner GUSTAFSON FAMILY TRUST
 PO BOX 209
 HAGERMAN, ID 833320209
 (208)837-6411

Priority Date: 04/17/1996

Basis:

Status: Active

Source Tributary
 TUCKER SPRINGS RILEY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
WILDLIFE	3/16 to 11/14	3.000 CFS	
WILDLIFE STORAGE	1/01 to 12/31		54.00 AF
<u>Total Diversion:</u>		3.000 CFS	

Location of Point(s) of Diversion

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

Place of Use

WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	13E	27													X	X			

WILDLIFE STORAGE same as WILDLIFEConditions of Approval:

1. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
2. 005 Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.
3. 028 After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
4. 051 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.
5. 052 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

Call to go to exam left voice mail

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 36-8752

6. 053 The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.

Remarks:

1. General This right authorizes an annual volume of water to fill the ponds and the amount required to replace losses through evaporation.
This right does not authorize the development of additional ponds or enlargement of existing ponds.
The rate of diversion shall not conflict or interfere with the future diversion of water for irrigation or other beneficial uses.

Comments:

1. MBALDWIN 5/16/1996 TRUSTEE NAMES
Comment: Co-trustees are Ivan J. & Lucille E. Gustafson.
2. VAULT 8/27/1996 Proof of Beneficial Use Rcvd
Comment: Proof of Beneficial Use Rcvd
3. PHARRELL 10/1/1996 Proof of Beneficial Use Rcvd
Comment: Proof of Beneficial Use Rcvd

Dates and Other Information:

Permit Proof Due Date: 8/1/1997
Permit Proof Made Date: 8/27/1996
Permit Approved Date: 8/16/1996
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date:
Date Sent to State Office:
Date Received at State Office:
State or Federal:
Owner Name Connector:
Water District Number: 36A
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

November 12, 1996

GUSTAFSON FAMILY TRUST
PO BOX 209
HAGERMAN ID 833320209

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08752

Dear Permit Holder:

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 conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

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DEC 19 1996

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 36-08752 Reviewed by [Signature] Date 9-6-96

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

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

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
0 Amount Submitted
no Correct?
no Required?
1 Installed?
1 Waiver requested?

PRIORITY CALCULATION

Date proof received _____
Date proof due _____
No. of days late _____
Priority Date _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

*Request a \$150.00 lic. exam fee
Fee Received, Proof acceptable*

DATA ENTRY

New Address [X] Proof Made 8-27-96



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 6, 1996

Gustafson Family Trust
P.O. Box 209
Hagerman, ID 83332

RE: Permit No. 36-08752

Dear Permit Holder:

I have returned a copy of the Proof of Beneficial Use form submitted in connection with the above referenced water right. You state on the proof form that you are diverting 3.0 cfs for wildlife purposes. Before the department can process the proof, it must be accompanied by the appropriate license examination fee. The license examination fee for a rate of diversion of 3.0 cfs is \$150.00.

Please return the copy of the proof along with the \$150.00 license examination fee within thirty (30) days of receipt of this letter. Please address your correspondence to my attention.

If you have any questions regarding this matter, please contact me at (208)327-7953.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough".

JULIE L. YARBROUGH
Senior Secretary

Enclosure

MICROFILMED

DEC 19 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 16, 1996

PHILIP E. BATT
GOVERNOR

GUSTAFSON FAMILY TRUST
PO BOX 209
HAGERMAN ID 83332-0209

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08752

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "Conditions of Approval and Remarks" listing on the permit.

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.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify 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 to obtain the proper reporting form.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph
Enclosures

MICROFILMED

DEC 19 1996

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW**
by Cindy Zimmerman

No.: 36-8752 Name: Gustafson Family Trust Date: 7/19/96 Ad OK? ☒
Correct Fee? ☒ Receipt #: 5019031 Priority: 4/17/96 ☒ Gvmt Lts: ☒

AREA OF CONCERN? - No/Yes ESRP ^{→ within "Aquifer"} Mor GWMA Trust/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)

SYSTEM COMPLETED:

Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065(if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

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

Water District(~~dem~~) - 005 (req) WD # 36A <SEE MAP & LISTING>
+ 0.2 cfs - ~~01J(meas dev)-P08~~ removed from existing permit same
=/- 0.2 cfs - 01H(lock dev)-P01 or No MD ^{Ponds/system}
~~In-WD~~ + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9-† Weiser), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA

USE:

Domestic (surface) - 021(Boise R † Star Bridge); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10; 044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - 7 <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

004 (PD/PU) US/State?
028
① W07 ② Subordinate ③ No new dev.
8-1-1997

Paragraph P84

MEMORANDUM

DATE: July 26, 1996
TO: File No. 36-08752
FROM: Cindy Zimmerman³.
SUBJECT: Review of Application for Permit

=====

Allen Merritt recommended Wildlife Storage use for 54.0 AF be included on this application for permit. I have modified the database record to reflect this use. Re-advertisement is not required.

MICROFILMED
DEC 19 1996

FROM: Allen Merritt *Am*

DATE: July 17, 1996

TO: Application No. 36-08752

In the Name of: Gustafson Family Trust

SUBJECT: Review and Recommendation

The application proposes to use water from the Big Bend Ditch during the irrigation season for wildlife purposes (Fill ponds for habitat). The applicant already has permit 36-08567 covering wildlife use during the non-irrigation season. The Big Bend Ditch presently diverts water from the Tucker Springs complex under various decreed rights for irrigation and other purposes down the ditch. The application does not propose to divert additional water from the springs but rather use what water makes it to the ponds after delivery of the other rights on the ditch. It is noted that the ponds are at the end of the ditch and during the normal operation of delivery through the system water wastes out the end into the ponds.

The application was processed by the staff on the assumption that the use was non-consumptive. I would rather the processing be in accordance to statement 9.b in the order portion of the 4/30/93 Amended Eastern Snake Plain Moratorium Order. The proposed use will have no effect on prior surface rights since it is on the end of the ditch and any consumption is insignificant.

RECOMMENDATION

I recommend that the application be approved with the following conditions:

-***THE SAME CONDITIONS AS 36-08567***.

-The use does not authorize the construction of additional ponds not already developed under 36-08567.

-The permit should list Storage for Wildlife as an element. (Additionally recommended license for 36-08567 should list a Storage for Wildlife volume). Permit 36-08567 has 54 af identified in electronic record. This appears to be upper limit and more than estimated existing pond capacity.

-When combined with existing rights no additional diversion from springs authorized. This use limited to utilization of the normal excess or waste incurred in delivery of prior rights in the Big Bend Ditch system.

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DEC 18 1996

Gustafson Family Trust

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 19 1996

Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Genia Satterlee DATE 09 MAY, 1996
APPLICATION NO. 36-008752

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners. SEE ATTACHMENT B)
- ☒ 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
- ☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

++++PROPOSED PRIORITY DATE

17 April 19, 96

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back.
- ☒ Overlapping point of diversion. Surface Water SEE: ATTACHMENT "A"
- ☒ Yes ☐ No Field check required
- ☒ Yes ☐ No Field check by Jim Stanton - 01 March 96
- ☒ Yes ☐ No Field report attached G. SATTERLEE
- ☒ Yes ☒ No Critical Ground water area
- ☒ Yes ☒ No Groundwater management area Process application because
- ☒ Yes ☒ No Send Dam safety information Ponds are determined as
- ☒ Yes ☒ No Send power requirement letter "non-consumptive."
- ☒ 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
- ☒ Yes ☒ No 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 _____, 19____

PROCESSING Yes No In form for Advertising
Yes ☒ 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 Sent 5-28-86 USFS
Idaho Dept of Lands 36A Water Dist.
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
NA 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. 36A
Yes ☒ No Special conditions of approval or cover letter below.

See Attached Memo

See below for additional information

Date of priority recommended 4/17, 1996
By AD Date 7/17, 1996

STATE OFFICE REVIEW

See below for additional information

By Date, 19

ADDITIONAL INFORMATION:

SEE ATTACHMENT "A"

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 _____, 19____

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho }
County of Gooding } ss.

JUN 13 1996

Department of Water Resources
Southern Region

Patty Rance, being first duly sworn, deposes and says that 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 5 day of June, 1996, and the date of the last publication was on the 12 day of June, 1996.

Subscribed and sworn to before me this 12th day of June, 1996.
(SEAL)

Patty Rance

Norma W. Doe
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 28

Lines tabular at _____ 6¢/Pica
340.31 Lines straight at 17.02 5¢/Pica
340.31 Subsequent lines at 13.61 4¢/Pica

TOTAL COST 32.88

COPY OF NOTICE

(Paste Here)

Water Permit - Gustafson
TITLE OF NOTICE 36-08752

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. Water Res.
BILL TO

NOTICE OF APPLICATION FOR WATER PERMIT

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

GUSTAFSON FAMILY TRUST
PO BOX 209
HAGERMAN ID 83332
36-08752

Source: Tucker Springs, Upper & Lower tributary to Riley Creek

Diversion Pt: NW1/4SE1/4SE1/4, SE1/4NW1/4SE1/4, S36, T7S, R13E; Gooding County.

Use: Wildlife (3.0 cfs) 3/16-11/14

Date Filed: 4/17/96

In: N1/2SE1/4, S27, T7S, R13E.

The permit will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before June 24, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 6/6 & 6/13/96.

7-8 pt. per line straight...
7-8 pt. per line successive
insertions.....4¢/Pica

NO 6228
11015
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DEC 19 1996

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Karl J. Dreher, Director

Published in the Gooding County
Leader on 6/6 & 6/13/96.

MICROFILMED
DEC 19 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

May 17, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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

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

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

MICROFILMED

DEC 19 1995

NOTICE OF APPLICATION FOR WATER PERMIT

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Karl J. Dreher, Director

Published in the Gooding County Leader on 6/6 & 6/13/96.

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DEC 19 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

May 16, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

IVAN J & LUCILLE E GUSTAFSON
PO BOX 209
HAGERMAN ID 83332

Re: Application for Permit No. 36-08752

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the Gooding County Leader for 6/6 & 6/13/96. A period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Very truly yours,

Georgia Satterlee L.S.I.T.
Water Resource Agent

GS:mb

MICROFILMED
DEC 13 1996

01 MARCH 1996 — 1600 HRS.
EXAMINERS: J. STANTON
G. SATTERLEE

PHOTO 1/2
GUSOFSON FAMILY TRUST



Big Bend Ditch

APPROXIMATE LOCATION: SEC 27, T7S, R13E NE SE

MICROFILMED
DEC 19 1996

36-08752

01 MARCH 1996 - 1600 HRS.
EXAMINERS: J. STANTON
G. SATTERLEE

PHOTO 2/2

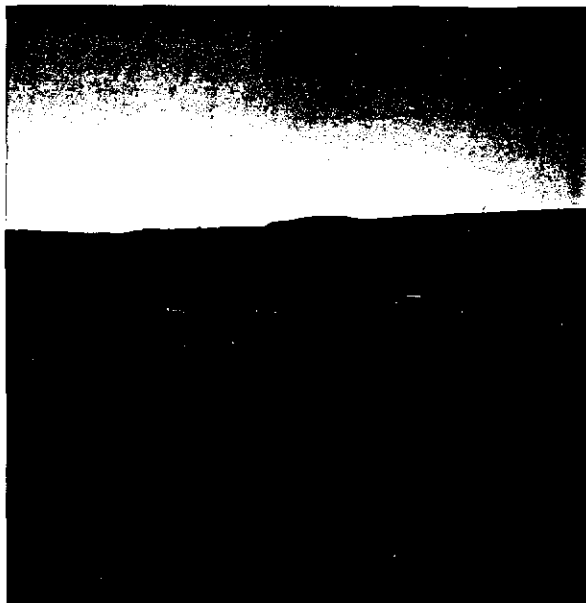
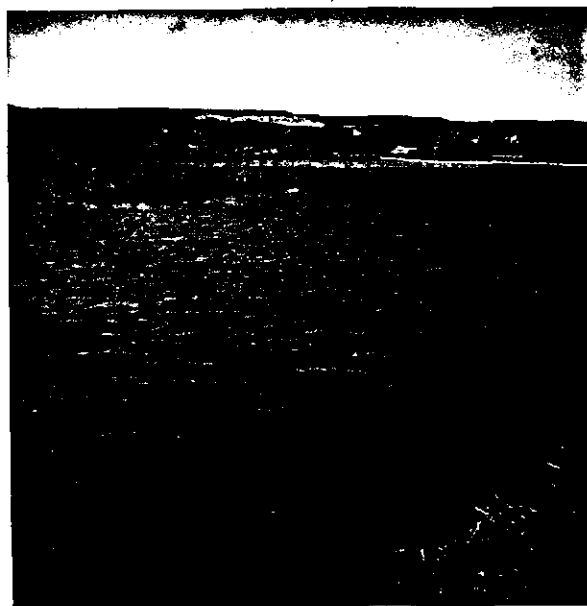


PHOTO LOOKING WEST

LOCATION OF PONDS: SEC 27, T7S, R13E NE SE $\frac{1}{4}$ NW SE



MED

DEC 19 1996

ATTACHMENT "A"

09 MAY 1996

TO: FILE PER APPLICATION FOR PERMIT
GUSTAFSON FAMILY TRUST

FROM: GEORGIA SATTERLEE

THE APPLICATION FOR PERMIT FROM IVAN GUSTAFSON, CO-TRUSTEE, IS FOR THREE (3) C.F.S. USED IN FOUR EXISTING PONDS TO PROVIDE HABITAT FOR WATERFOWL AND OTHER WILDLIFE. THE BIG BEND DITCH, WHICH IS FED BY TUCKER SPRINGS, FLOWS THROUGH THE PONDS. THE PONDS WERE DEVELOPED IN 1991. THE EXISTING PERMIT 36-08567 (PRIORITY DATE 30 OCTOBER 1990) IS FOR THE SAME USE AS THE RECENT APPLICATION FOR PERMIT. HOWEVER, PERMIT #36-08567 ALLOWS FOR OFF-SEASON USE ONLY, 11/15 TO 03/15. THE RECENT APPLICATION FOR PERMIT IS TO EXTEND THE TIME FOR USE, 3/16 TO 11/14.

ON THE APPLICATION, QUESTION 11.a. STATES, "WHO OWNS PROPERTY AT THE POINT OF DIVERSION?"
THE QUESTION IS ANSWERED WITH, "IS STATE OR FEDERAL PROPERTY."
ON THE APPLICATION, QUESTION 11.c. STATES, "IF PROPERTY IS OWNED BY A PERSON OTHER THAN THE APPLICANT, DESCRIBE THE ARRANGEMENT ENABLING THE APPLICANT TO MAKE THIS FILING".
THE SAME QUESTION ON THE APPLICATION FOR PERMIT #36-08567 WAS ANSWERED, "IDAHO DEPT. OF FISH AND GAME".
MY QUESTION IS: CAN THIS SAME INFORMATION BE USED FOR THE LATEST APPLICATION FOR PERMIT?

THE OVERLAP FOR PLACE OF USE IS: #36-08567
THE OVERLAP FOR POINT OF DIVERSION IS MANY DUE TO THE AREA HAVING NUMEROUS WATER USERS.

ON MARCH 01, 1996, JIM STANTON AND GEORGIA SATTERLEE MET WITH IVAN GUSTAFSON. MR. GUSTAFSON SHOWED US HOW HE DIVERTS WATER FROM THE BIG BEND DITCH INTO THE PONDS. THE DIVERSION IS EITHER BY A GATED PIPE OR BY DITCH. ONCE IT FLOWS THROUGH THE PONDS, THE WATER DRAINS BACK INTO THE BIG BEND DITCH.
THE ORIGINAL PHOTOS ARE IN THE FILE: #36-08567

THE GUSTAFSON'S ARE THE LAST WATER USERS ON THE BIG BEND DITCH. THE FLOWS VARY FROM 0 TO 3 C.F.S., DEPENDING UPON UPSTREAM IRRIGATION DEMANDS. THE DETERMINATION IS THE PONDS ARE FOR NON-CONSUMPTIVE USE.

MICROFILMED
DEC 19 1996

36-08752

ATTACHMENT B

Pamela Skaggs
Technical Records Specialist
Department - Water Resources
1301 N. Orchard St.
Statehouse Mall
Boise, ID 83720-9000

RE: Application for Permit #36-8567
Letter dated March 18, 1991

Dear Ms. Skaggs:

At the time of the above application the officers and director of the Big Bend Mining and Irrigation Co. were:

NAMES FOR
DIRECTOR
OFFICERS
ET. AL.

Verl Bell, President and Director
Rt. 1, Box 42
Hagerman, ID 83332

Cleve Lloyd
Rt. 1, Box 14
Hagerman, ID 83332

Leo Ray
4647 - C River Road
Buhl, ID 83316

The present officers are the same except Ivan Gustafson -Box 209, Hagerman, ID 83332- has replaced Verl Bell as a director.

We have requested a water right of 5.0 cfs because that amount is needed to prevent freezing in the winter. Also, at times this amount will be necessary to refill the ponds as the Big Bend ditch is shut off periodically to kill the moss, make repairs, etc.

The total number of ponds and approximate size is as follows:

Pond #1 - $\frac{1}{4}$ A
Pond #2 - $\frac{1}{4}$ A
Pond #3 - 5 A
Pond #4 - 3 A

All ponds will have gated diversions at separate places from the Big Bend ditch.

The flow rate was determined by needs to refill the ponds and the flow estimated to keep the ditch open in freezing weather. The location of this part of the Big Bend ditch is at the end of the system. The Big Bend Ditch Company needs this flow to dispose of unused water during the winter. As you will notice the permit is not for the summer months.

The wildlife needs are for migratory duck and geese and for hatching and residential habitat for the permanent residents. As for the nature of the habitat the water ponds will provide a resting place for migrating birds. In addition to this it is the plan in the future to plant trees and coverage around the ponds.

P.O. Box 209
Hagerman, ID 83332
March 18, 1991

RECEIVED
MAR 19 1991

Department of Water Resources

MICROFILMED

DEC 16 1991