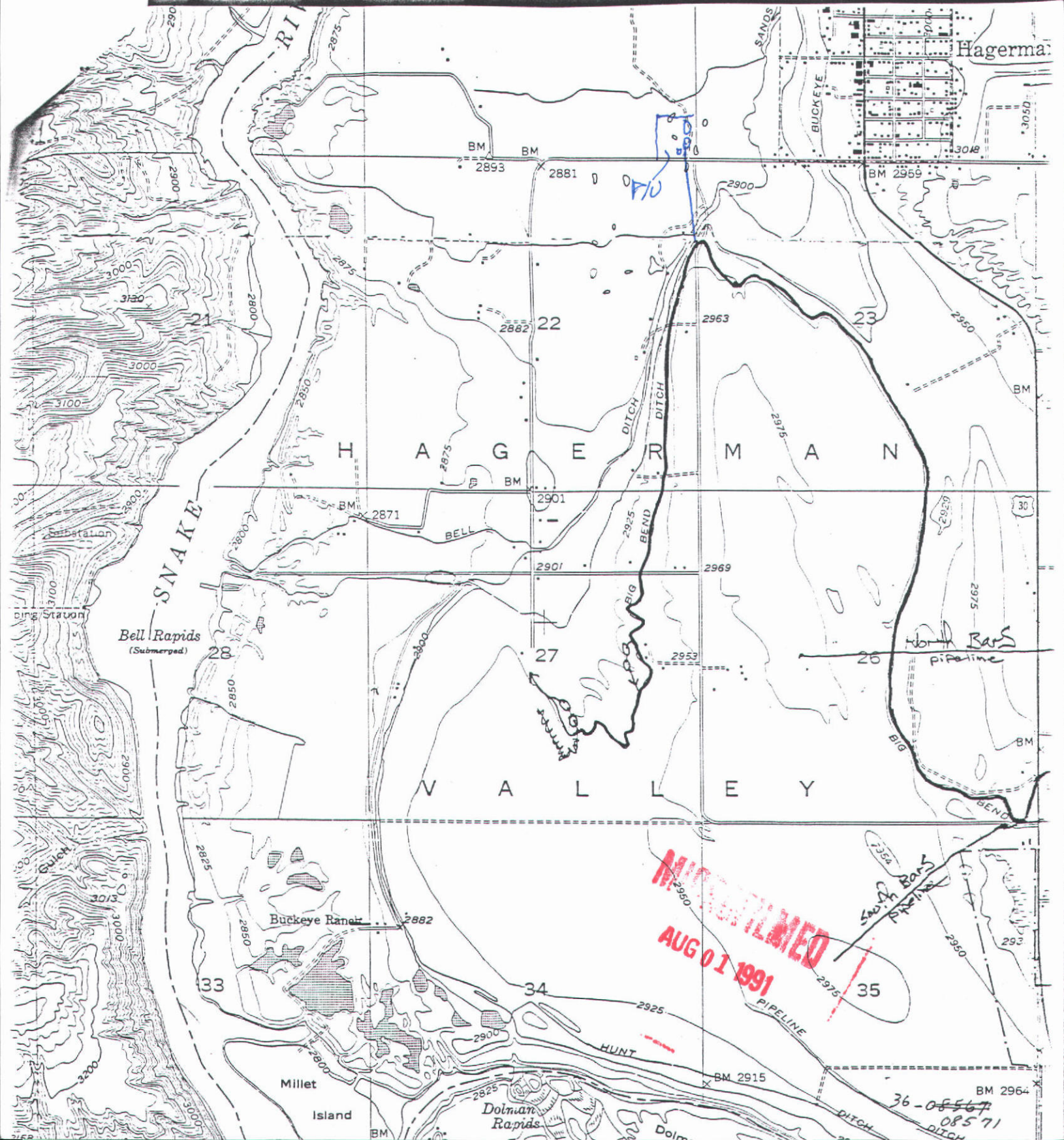
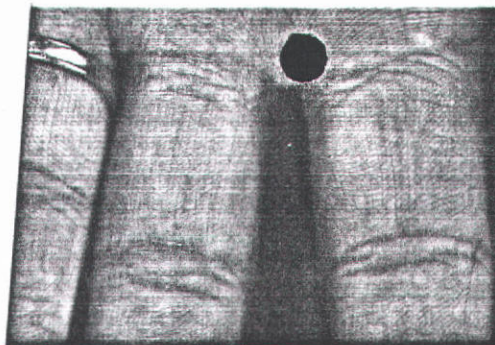




AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho,)
) SS.
County of Gooding)

FEB 28 1991

Department of Water Resources
Southern Region Office

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 20th day of Feb. 19 91, and the date of the last publication was on the 27th day of Feb., 19 91.

Patty Nance

Subscribed and sworn to before me this 27th day of Feb., 19 91.
(SEAL)

Vivian Gandia
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

OK
MB
3-26-91

MICROFILMED

Number of Lines in Notice _____
Number of Insertions 2X AUG 01 1991

COPY OF NOTICE
(Paste Here)

Nat. Appl. Water Rt.
TITLE OF NOTICE
Big Bend Mining & Irrig.
36-08571

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. Dept. Wat. Res.
BILL TO

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-08571

BIG BEND MINING AND IRRIGATION
C/O VERL BELL

RT. 1 BOX 42
HAGERMAN, ID 83332

Source: TUCKER SPRINGS, UPPER—
Tributary: RILEY CREEK

Source: TUCKER SPRINGS, LOWER—
Tributary: RILEY CREEK

Diversion Pt: SWNWNW Sec 23 T 07S R 13E

SENWSE Sec 36 T 07S R 13E

NWSESE Sec 36 T 07S R 13E

Use: WILDLIFE (4,000 CFS)

HEATING (.100 CFS)

COOLING (.100 CFS)

Total Diversion: (4,000 CFS)

Date Filed: 12/13 1990

In: T07S R13E S15 - SESE

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301 on or before MARCH 11, 1991.

R. Keith Higginson, Director
Pub: 2-20, 27 G4883

7-8 pt. per line tabular.....4¢/Pica

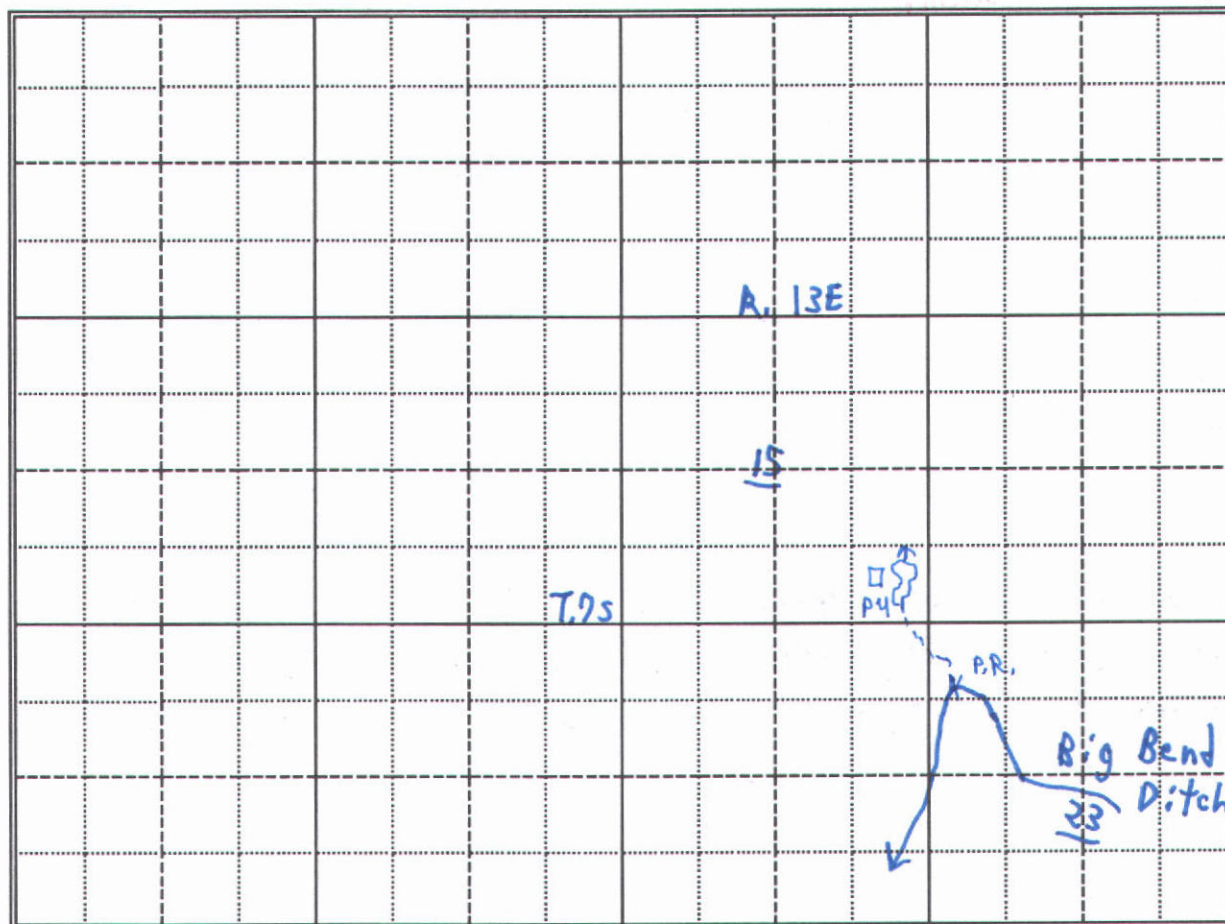
7-8 pt. per line successive
insertions.....4¢/Pica

No 954

4883

Lines tabular at _____ 6¢/Pica
421.8 Lines straight at 21.09 5¢/Pica
Subsequent lines at 16.88 4¢/Pica
TOTAL COST 37.97

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

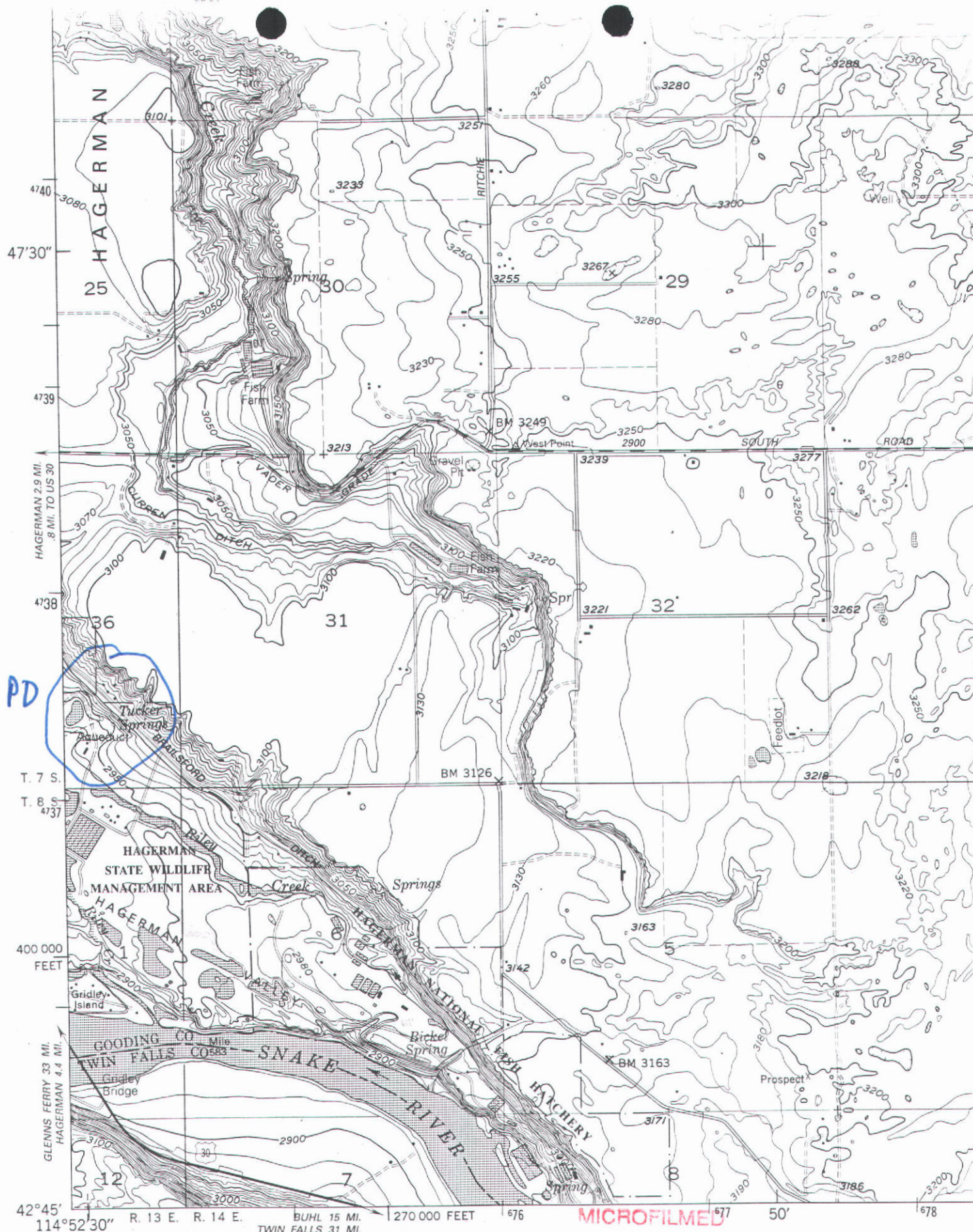
*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
3 contracted rect. weir						

2. Measurements: $0.5\frac{1}{2}'$ head = 4.03 cfs. Measured at $0.72'$ head 2-1-96 by Steve Clelland of IDWR = 5.81 cfs.

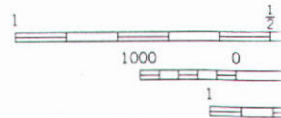


Produced by the United States Geological Survey
in cooperation with the Army Corps of Engineers
Control by USGS and NOS/NOAA

Compiled from aerial photographs taken 1946. Information shown
in purple has been updated from aerial photographs taken 1987-88
and field checked. Map edited 1992. Conflicts may exist between
different editions of this map.

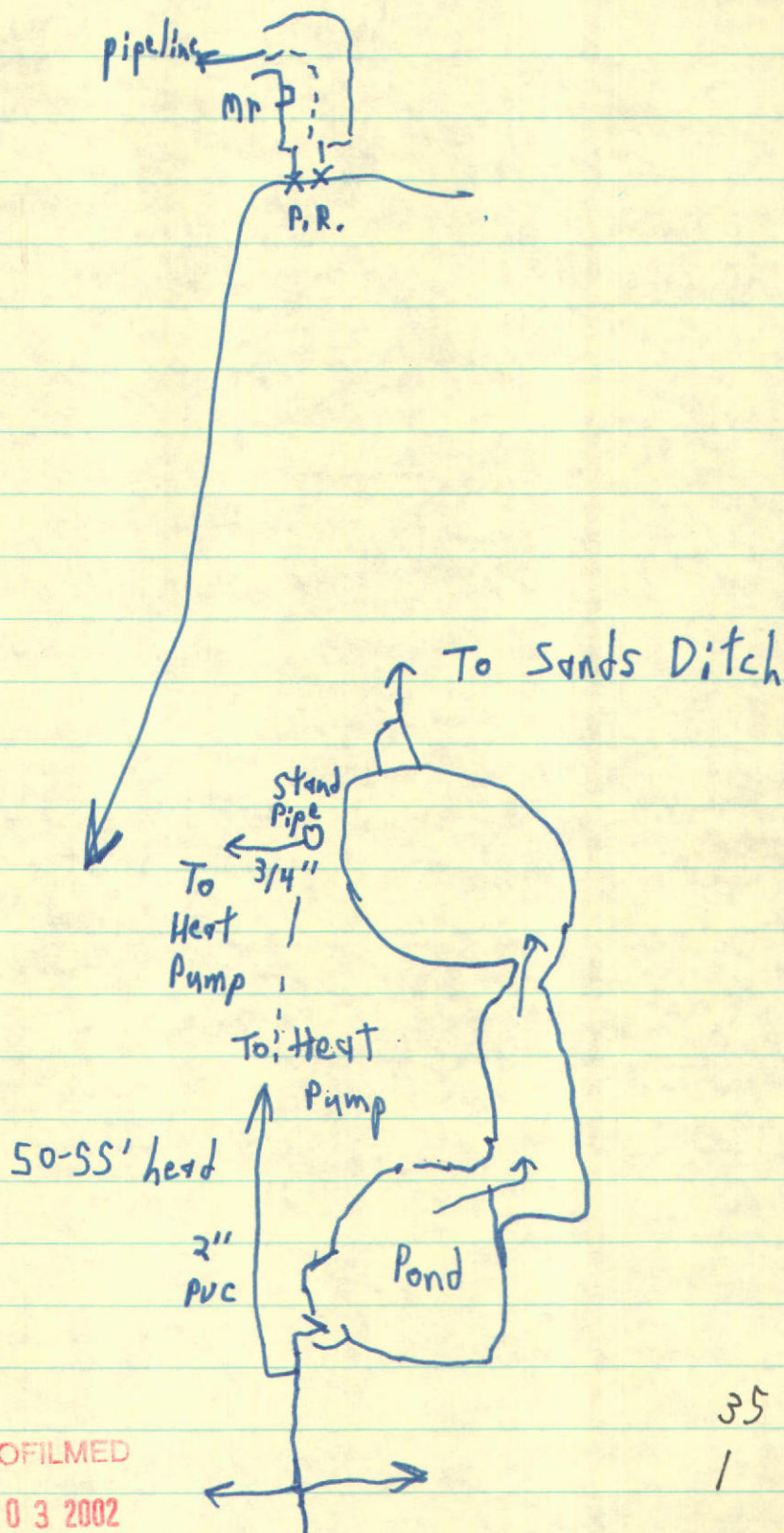
APR 8 3 2002

GN MN
1°29' 15 1/2°
276 MILS



(YAHOO CREEK)

36-8571

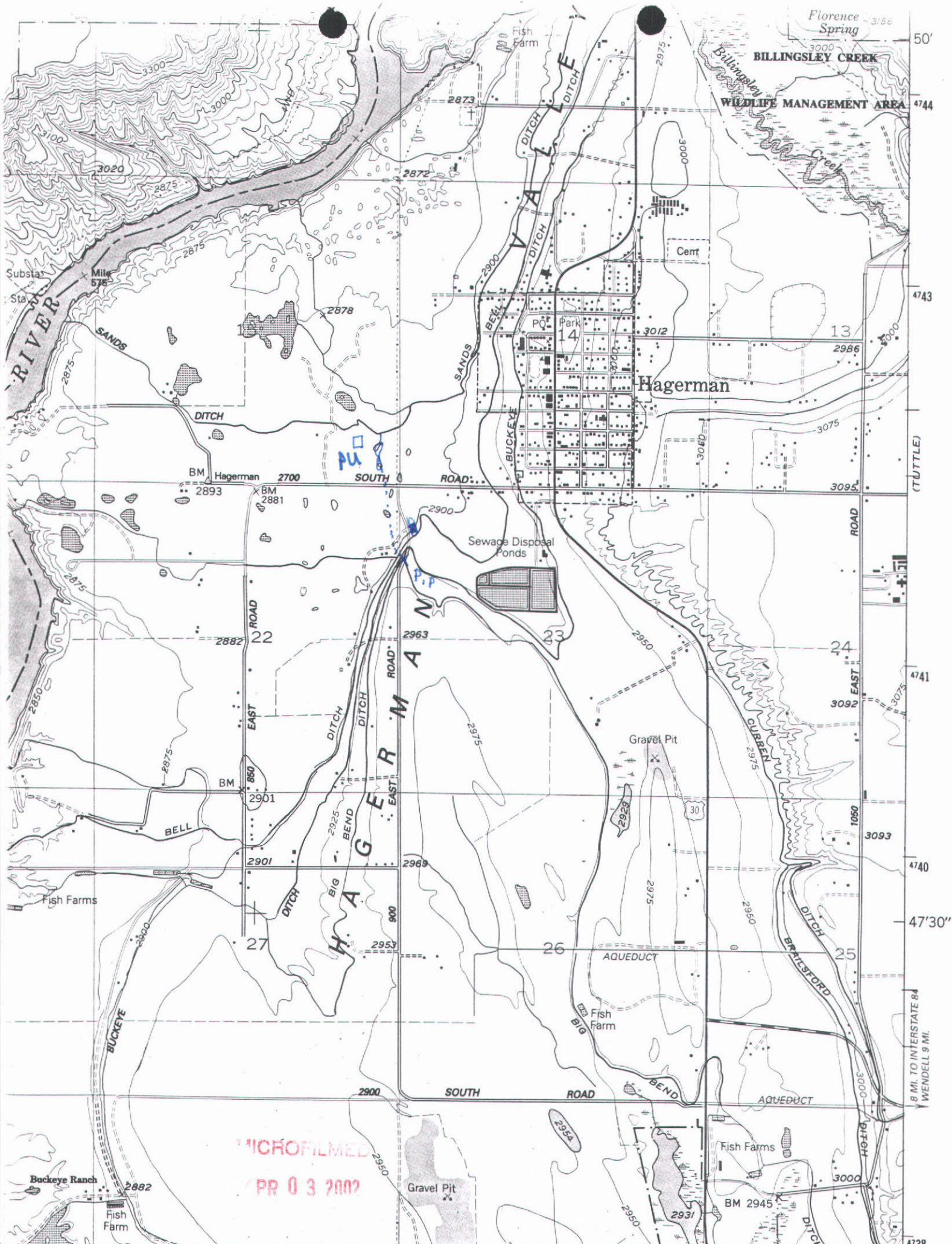


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APR 03 2002

35

/





Two Headgates In Big Bend Ditch



Measuring Point & Head of Pipeline

Pipeline Discharge
Into Ponds,
White PVC Pipe
To Heat Pump



1. 10/11/02
APR 0 3 2002

36-08571 JES
3-1-96



Upper Lower Pond



Upper Pond



Middle Pond

MICHONIMED

APR 03 2002



Outlet From Lower Pond

36-8571 JES
3-1-96



Pipe/line To Standpipe & Filter Screen



Standpipe & Filter. Black plastic
Hose To Heat Pump

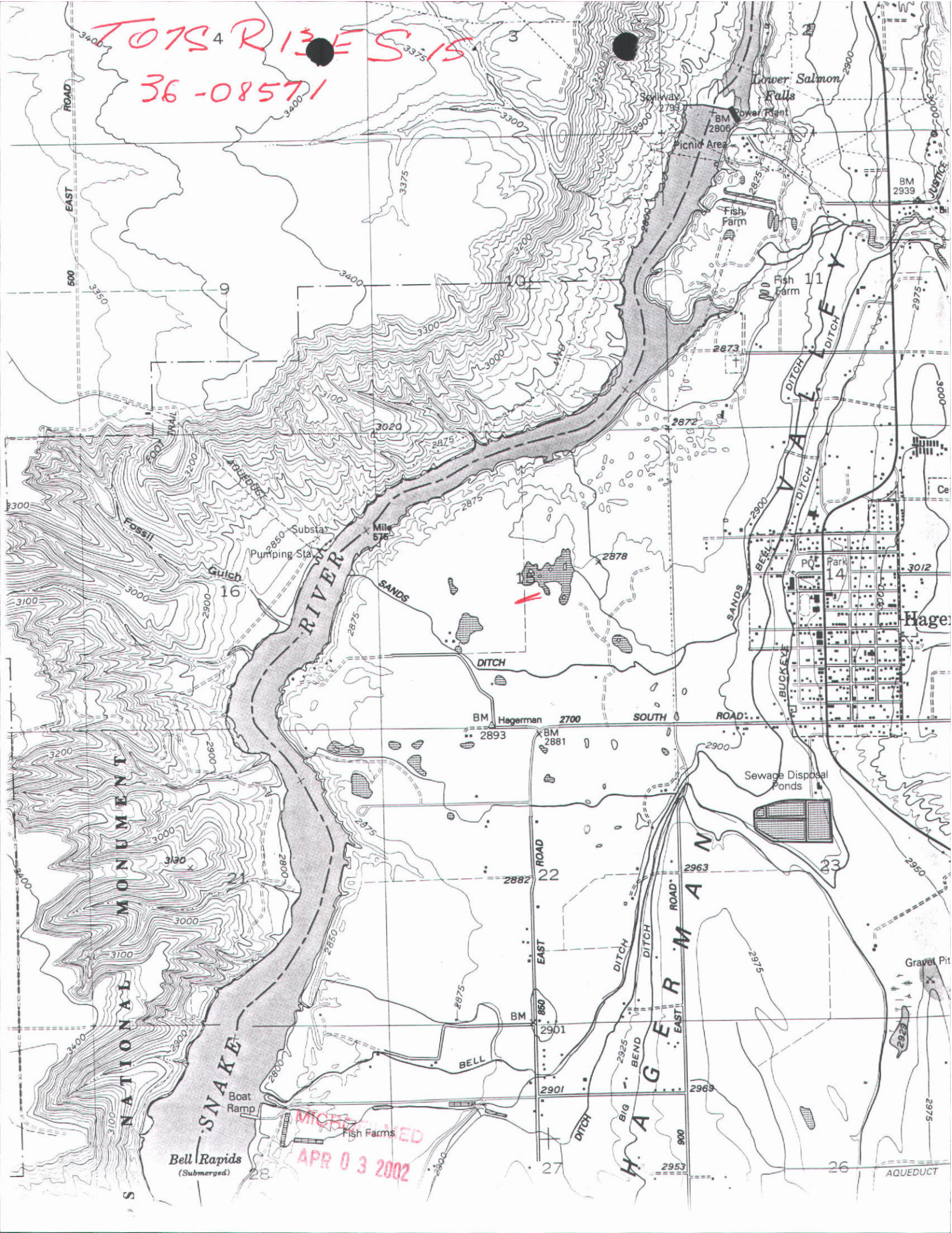
MICROFILMED

APR 03 2002

36-08571 JES

3-1-96

TOTUS 4 RISES 15
36-08571



SNAKE RIVER

Bell Rapids
(Submerged)

MICHELYNED
APR 03 2002

HAGERMAN

BUCKEYE DITCH

Lower Salmon Falls

Fish Farm

Fish Farm

Fish Farm

Fish Farm

Fish Farm

Fish Farm

Fish Farm

Fish Farm

Fish Farm

Fish Farm

Fish Farm

Fish Farm

Fish Farm

Fish Farm

Fish Farm

Fish Farm

Fish Farm

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08571

Priority: December 25, 1990

Maximum Diversion Rate: 4.00 CFS

It is hereby certified that **BIG BEND IRRIGATION & MINING CO**
C/O PAM WASCHER
PO BOX 334
HAGERMAN ID 83332-0334 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated December 13, 1990; and has
submitted Proof of Beneficial Use on July 13, 1995. An examination indicates that the works have a
diversion capacity of 4 cfs of water from:

SOURCE

LOWER TUCKER SPRINGS
UPPER TUCKER SPRINGS

Tributary: RILEY CREEK
RILEY CREEK

and a water right has been established as follows:

BENEFICIAL USE

WILDLIFE

PERIOD OF USE

11/15 to 03/15

DIVERSION RATE

4.00 CFS

LOCATION OF POINTS OF DIVERSION:

LOWER TUCKER SPRINGS SE 1/4 NW 1/4 SE 1/4 Sec. 36, Twp 07S, Rge 13E, B.M., GOODING County
UPPER TUCKER SPRINGS NW 1/4 SE 1/4 SE 1/4 Sec. 36, Twp 07S, Rge 13E, B.M., GOODING County

PLACE OF USE: WILDLIFE

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	15																	X

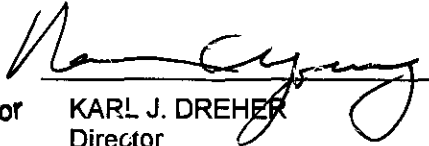
CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. Water is delivered through Big Bend Ditch.
3. The rate of diversion shall not conflict or interfere with the future diversion of water for irrigation or other beneficial consumption.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 14TH day of MARCH, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED

SEP 13 2002

RECEIVED

APR 15 1999

Department of Water Resources

As soon as you know your new address, mail this card to all of the people, businesses, and publications who send you mail.

For publications, tape an old address label over name and old address sections and complete new address.

Your Name (Print or type. Last name, first name, middle initial.) <i>Big Bend Irrigation & Mining Company.</i>					
Old Address	No. & Street <i>7</i>	Apt./Suite No.	PO Box	RR No.	Rural Box No.
	City <i>7</i>	State	ZIP + 4		
New Address	No. & Street <i>P.O. Box 749</i>	Apt./Suite No.	PO Box	RR No.	Rural Box No.
	City <i>HAGERMAN, IDAHO</i>	State <i>ID</i>	ZIP + 4 <i>83332</i>		
Sign Here <i>Chad Davis (Sent)</i>		Date new address in effect <i>4/7/99</i>		Keyline No. (if any)	

PS Form 3576, November 1990

RECEIVER: Be sure to record the above new address.

RECEIVED

APR 08 1999

Department of Water Resources
Southern Region

MICROFILMED

APR 03 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 36-08571)
)
IN THE NAME OF BIG BEND MINING & IRRIGATION) **ORDER OF**
) **REINSTATEMENT**

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before July 1, 1995; and,

WHEREAS, the Department notified the permit holder on April 30, 1995, by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

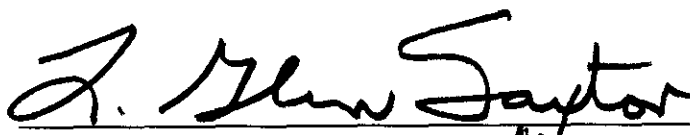
WHEREAS, the Department notified the permit holder on July 7, 1995, that the permit had lapsed for failure to submit an acceptable proof of beneficial use or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting an acceptable proof of beneficial use on July 13, 1995;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 36-08571 be **REINSTATED** with an advance in priority to December 25, 1990.

DATED this 3rd day of August, 1995.


L. GLEN SAXTON
Chief, Water Allocation Bureau

RECORDED
AUG 08 1995

FOR OFFICE USE ONLY
Amt. of Fee \$: 175
Receipt No. 5018279
Receipt By: RKC
Date Received: 7-13-95

RECEIVED

JUL 13 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 14 1995

Department of Water Resources **PROOF OF BENEFICIAL USE**

The Idaho Department of Water Resources considers this form a statement that the permit holder has 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. 36-08571 Telephone No. 837-6164 (Dick Cook)
2. Name(s) of Permit Holder(s): Big Bend Mining & Irrigation
3. Mailing Address: 2715 SO. 900 E Hagerman, Idaho, 83332
4. Source of Water: UPPER & LOWER LUCKY SPRINGS 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): ONE HOME Stockwater (No. and type of stock): WILD LIFE
Irrigation (No. of acres): HEATING & COOLING Other: DUCKS GEESE
6. Total rate of diversion and/or volume for which proof is submitted: 4 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 1 or No ____

Has the measuring device been installed?

Yes 1 or No ____

Flow Measurement Port: Is a flow measurement port required?

Yes ____ or No ____

Has the measurement port been installed?

Yes ____ or No ____

8. Fee Enclosed: \$ 175.00 (See Fee Schedule on back of the instructions for filling proof of beneficial use)

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

Name: CLEAVE LLOYD Telephone Number: NO PHONE
Address: 2715 SO 900 E Hagerman Idaho CALL NUMBER ABOVE.

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: Cleave C. Lloyd President
(include your title, if on behalf of company or organization)

Date: 7-13-95
RECEIVED
AUG 08 1995

RECEIVED

RECEIVED

MAY 23 1994

MAY 19 1994

Department of Water Resources
Southern Region Office

STATE OF IDAHO Department of Water Resources

DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 Fee Received by MTS
Date 5-19-94
Receipt No. 5016923**REQUEST FOR EXTENSION OF TIME****TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT**

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 36-08571
Name(s) of Permit Holder: Big Bend Mining & Irrigation
Mailing Address: 880 E 2700 N Tagerman, ID 83332
Date Proof Is Due 7-1-94 Telephone No. 837-6164

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

We have completed construction of the mainline under a county highway and obtained the right to cross neighbors land. We have purchased \$7,400 of culvert, steel and plastic pipe.
Costing \$ 9,200

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

This is a source for winter water only. We won't have the water available to use until after the 1994 irrigation season.

Permit holder(s) request an extension to 7-1, 19 95.

FEE: \$15.00

☒

Big Bend Mining & Irrigation
Cleaveland C. Lloyd
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to July 1, 1995.

Signed this 25th day May, 19 94

J. Glen Saylor
Chief, Water Allocation Bureau

JUN 10 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08571

Proposed Priority: December 13, 1990

Maximum Diversion Rate:

4.00 CFS

Maximum Diversion Volume:

16.0 AF

This is to certify, that **BIG BEND MINING & IRRIGATION**
C/O VERL BELL
RT. 1 BOX 42
HAGERMAN, ID 83332

has applied for a permit to appropriate water from:

TUCKER SPRINGS, UPPER
TUCKER SPRINGS, LOWER

tributary of RILEY CREEK
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>
WILDLIFE	11/15 to 03/15	4.00 CFS
HEATING	11/15 to 03/15	0.10 CFS
COOLING	11/15 to 03/15	0.10 CFS
	Totals	4.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

Rediversion

SWNWNW Sec. 23, Township 07S, Range 13E
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 15 SESE

PLACE OF USE: HEATING, same as WILDLIFE use

PLACE OF USE: COOLING, same as WILDLIFE use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1994.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this permit is subject to control by the watermaster of State Water District No. 36A.

MICROFILMED

AUG 01 1991

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 36-08571

5. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.
6. Use of water under this permit shall be non-consumptive.
7. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
8. Heating and cooling use is for domestic heat pump.
9. This right authorizes an annual volume of water to fill the ponds and the amount required to replace losses through evaporation.
10. The rate of diversion shall not conflict or interfere with the future diversion of water for irrigation or other beneficial consumption.

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

15th day of July, 1991.

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

AUG 01 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 36-08571

To appropriate the public waters of the State of Idaho

1. Name of applicant Big Bend mining & irrigation Phone #837-4405
Post office address Verl Bell RT#1 box 42 HAGERMAN, Idaho
2. Source of water supply UPPER & LOWER TAPER SPRINGS which is a tributary of RILEY CREEK
~~SE R. Snake River~~
3. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 36 Township 7S Range 13E B.M. Gooding County; additional
points of diversion if any: SE NW SE S36 T7S R13E; pt of redirection:
SWNW NW S23 T7S R13E
4. Water will be used for the following purposes:
Amount 4.0 for Wildlife Habitat purposes from 11/15 to 3/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.1 for Heating/Cooling purposes from 11/15 to 3/15 (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) 4.0 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. 12" pipe From Big Bend Ditch to property (50' fall), smaller pipe from 12" to heat pump, both pipes discharge into two 1 acre x 8' max deep ponds
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? N/A
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 years (minimum 1 year).

MICROFILMED

AUG 01 1991

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. wildlife ponds, domestic heat pump

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	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	13E	15																W G	

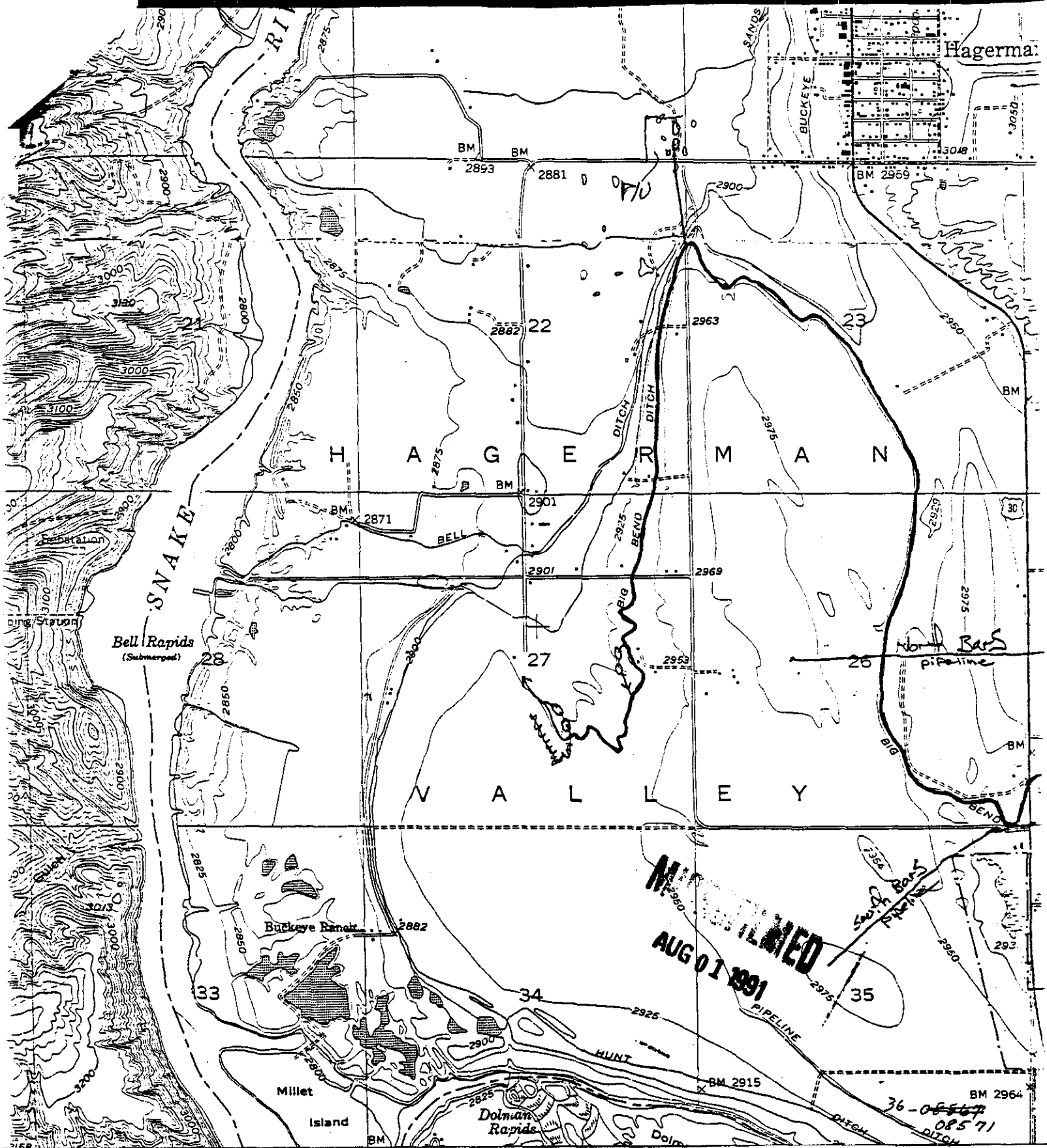
Total number of acres to be irrigated _____

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? Id Dept of Fish and Game
- b. Who owns the land to be irrigated or place of use? Applicant Richard L. Cook
- 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: Place of use owned by water returned to Sands Ditch at NESESE S15 T7S R13E Big Bend Mining & Irrigation Co Board: Verl Bell, Pres. of Board (Box 42 Rt 1 Hagerman); Leo Ray, Director of Board (Rt 3 Box 234, Buhl); Cleve C. Lloyd, Director of Board (Rt 1, Box 14, Hagerman)

REGISTERED



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

[illegible]

Scale: 2 inches equal 1 mile.

AUG 01 1991

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.

Clavel C. Lloyd - Director
(Applicant)

Received by DRJ Date 12/13/90 Time 4:50 Preliminary check by _____
Fee \$ 105.00 Receipted by DRJ # 5012900 Date 12/13/90
Publication prepared by M. Baldwin Date 2-11-91 Published in Gooding Co. Leader
Publication approved M. Baldwin Date 3-26-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

RECORDED

AUG 01 1991

AFFIDAVIT of PUBLICATION

RECEIVED

FEB 28 1991

Department of Water Resources
Southern Region Office

State of Idaho,)
) SS.
County of Gooding)

Patty Nance, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 20th day of Feb. 19 91, and the date of the last publication was on the 27th day of Feb., 19 91.

Patty Nance

Subscribed and sworn to before me this 27th day of Feb., 19 91
(SEAL)

Vivian Gaudin
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho
COST OF PUBLICATION

MICROFILMED

Number of Lines in Notice _____
Number of Insertions 2X AUG 01 1991

— Lines tabular at _____ 6¢/Pica
— 4-21-8 Lines straight at 21.09 5¢/Pica
— Subsequent lines at 16.88 4¢/Pica
TOTAL COST 37.99

COPY OF NOTICE
(Paste Here)

Wat. Cont. Notice R4.
TITLE OF NOTICE

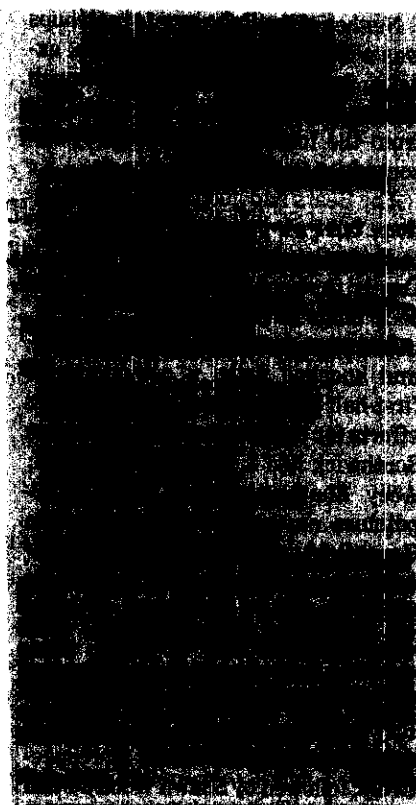
Big Bend Mining - Inc.
36-65511

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. Dept. Wat. Res.
BILL TO



7-8 pt. per line tabular.....5¢/Pica
7-8 pt. per line successive
insertions.....4¢/Pica

No 954

4883



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

March 15, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BIG BEND IRRIGATION & MINING CO
C/O PAM WASCHER
PO BOX 334
HAGERMAN ID 83332-0334

RE: Permit No. 36-08571

Dear Water Right Holders:

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

Please note that we have not licensed the heating and cooling uses that were permitted under this right because the use had not been established when our examiner conducted his field inspection. We can only license uses that were developed during the permit development period. If you intend to use water for the heating and cooling uses, a new application for permit should be filed. We also notice that you do not have a water right to store water in the ponds that you developed. You should apply for a storage permit if you intend to store water in these ponds. This license only covers a live flow of water through the ponds during the non-irrigation season.

The license 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.

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.

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

Sincerely,

SHELLEY W. KEEN
Water Rights Supervisor

MICROFILMED

APR 9 3 2002

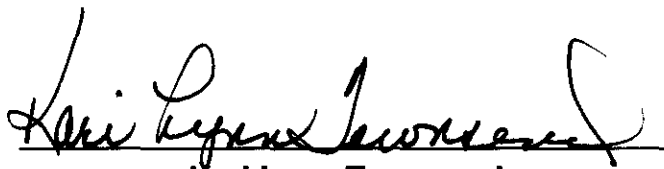
SWK:kw
Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 36-8571

**BIG BEND IRRIGATION & MINING CO
C/O PAM WASCHER
PO BOX 334
HAGERMAN ID 83332-0334**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

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APR 03 2002

**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).

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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.

Comment Report

36-8571

kw. 1. kwalker 3/13/2002 Proposed license

Comment: We have made several changes to this right while preparing the license. We did not include the redirection point shown on the exam because we do not normally include a redirection unless its from a natural source of water. The redirection point on the exam is from Big Bend Ditch. We also did not include the heating and cooling uses under this right since the system was not completed when the exam was done. The uses could only be included if used during permit development period. System was not usable because permit holder was waiting for the installation of a filter screen when exam was conducted 8 months after proof was submitted.

2. VAULT 7/7/1995 Lapse Notice Sent

Comment: Lapse Notice Sent

3. VAULT 7/21/1995 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

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LICENSE REVIEW CHECKLIST

Permit No. 36-8571 Date: 3-11-02 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK
Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): _____
File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 4.0 cfs
Fee Limit 4.0 cfs
Measured 3.81 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 4.0

Water Uses OK

Change (P46)

Season of Use per new Standards

Irrigation	_____ cfs	_____ af
Stockwater	_____ cfs	_____ af
Domestic	_____ cfs	_____ af
Wild	<u>4.0</u> cfs	<u>7.1</u> af
~~Herb/Co~~	<u>0.03</u> cfs	<u>7.1</u> af
Total	<u>4.0</u> cfs	<u>7.1</u> af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (106/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: 027, R04, R43

Additional Conditions 36A Watermaster Control
_____ GW Measurement/Measuring Device
_____ Other
_____ Trust R55 - remove 051)
_____ Non-trust (048)

GW Dist? _____
Water Mgmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes If yes, explain why below.
no

SRBA Claim?

no - not req'd

Adjust memo _____

Amend Letters _____ P87, S06 Second Amendment Notice _____ S06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
APR 11 1996
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 36-08571

1. Owner: Big Bend Mining & Irrigation Co. Phone No. -

Current Address: 2715 S 900 E, Hagerman, ID 83332 C/o Cleve Lloyd

2. Accompanied by: Dick Cook EXAM DATE: 3-1-96

Address: 870 E 2700 S, Hagerman, ID 83332 Phone No. 837-6164

Relationship to Permit Holder: owner of P/U & diversion system from Big Bend Ditch

3. Source: Upper & Lower Tucker Springs tributary to Riley Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 36-00133, 00192 (irrigation)

2. Other water rights with the same point of diversion: Numerous

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NW	SE	36	75	13E	Gooding	Lower Tucker Spr. & Head of Big Bend Ditch
		NW	SE	SE	"	"	"	"	Upper Tucker Spr.
		SW	NW	NW	23	"	"	"	Re-diversion from Big Bend Ditch

2. Place(s) of Use:

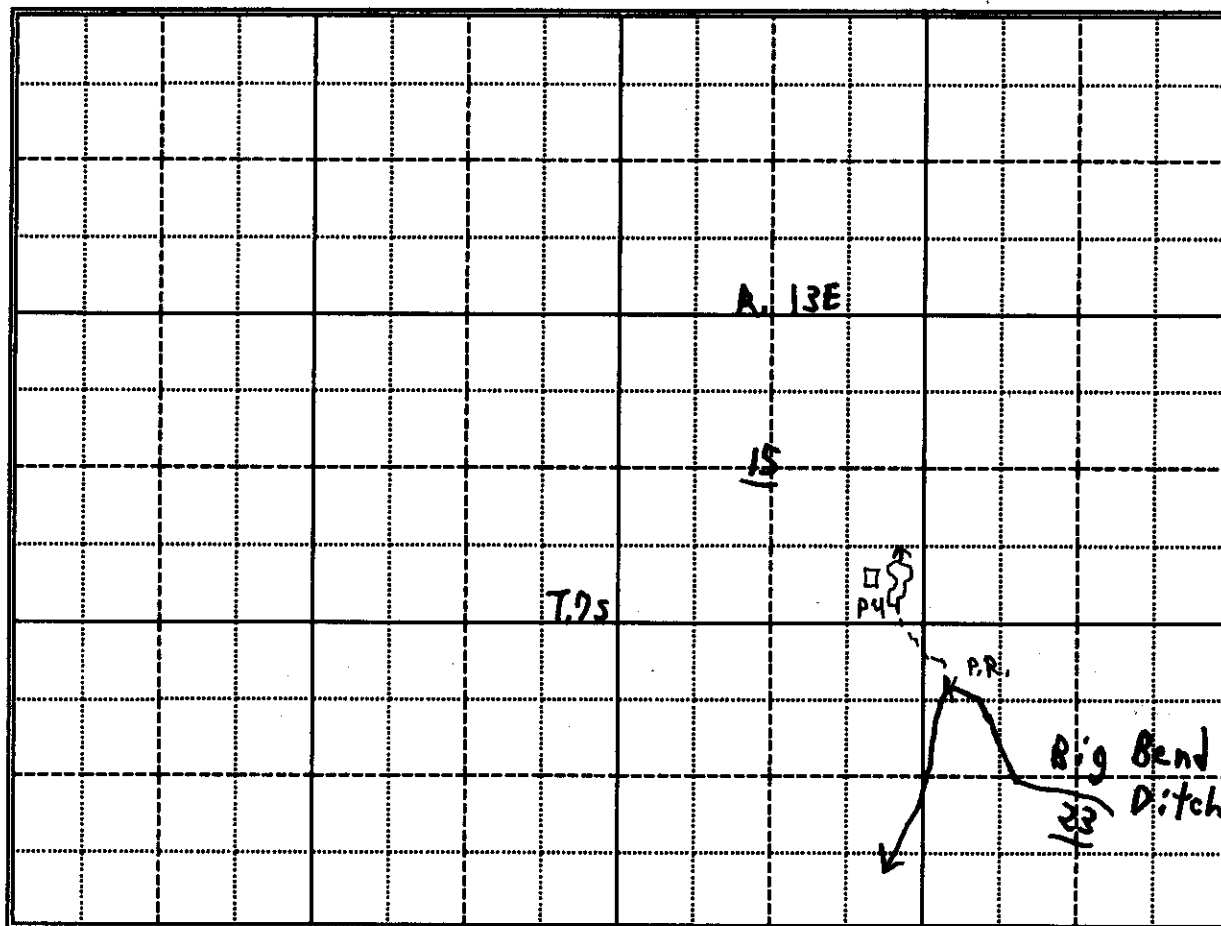
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
75	13E	15																W	
																		G	
																		H	

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3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
3 contracted rect. weir						

2. Measurements: $0.52'$ head = 4.03 cfs. Measured at $0.72'$ head 2-1-96 by Steve Clegg of IDWR = 5.81 cfs.

APR 03 2002

E. NARRATIVE/REMARKS/COMMENTS

Collection works & Big Bend Ditch carry 25 cfs from Tucker Springs to various parts of the Hagerman Valley. The Ditch goes under the county road in a westerly direction, then turns abruptly to the south. Just before the turn, 2 headgates in the Big Bend Ditch re-divert water into a short ditch that feeds water into a steel pipeline that goes to Mr. Cook's property. This pipeline feeds 10 acres of sprinklers during the irrigation season under a recently-approved transfer. In the off-season, the pipeline open discharges into 3 shallow wildlife ponds. A white pvc pipe with a shutoff valve takes water from near the end of the pipeline to a standpipe with filter screen & overflow. A 1" plastic pipe takes water from the standpipe to a heat pump under the Cook home. System is waiting the installation of a filter screen before being used for heating & cooling in a heat pump. But since these uses are totally non-consumptive, I am recommending that they be licensed. Any unused water leaving Mr. Cook's property runs into the Sands Ditch.

Have conditions of permit approval been met? ☒ yes ☐ no

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F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

Allow 4.0 cfs permitted for wildlife

Allow 0.03 cfs for heating/cooling per telecon w/Plains Heating & Air Conditioning of Twin Falls

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

Heating / cooling - Allow .03 cfs $\times 1.9835 \times 120 \text{ days/yr} = 7.1 \text{ AFA}$ Wildlife - 4.0 cfs $\times 1.9835 \times 120 \text{ days/yr} = 952.1 \text{ AFA}$ **H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Wildlife	11-15	3-15	4.0	952.1
Heating	"	"	0.03	7.1
Cooling	"	"	0.03	
Totals:			4.0	952.1

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

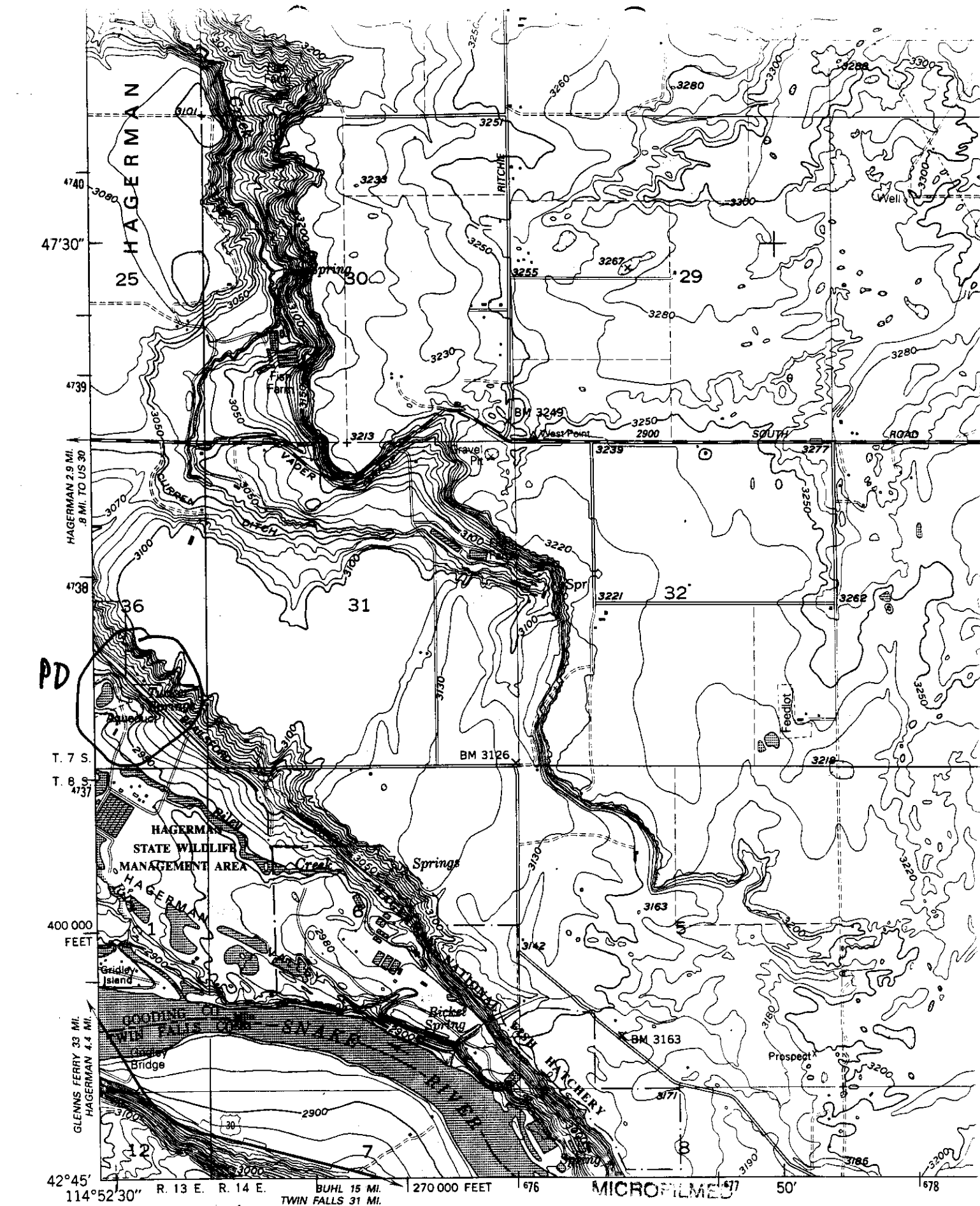
I. AUTHENTICATIONField Examiner's Name J. F. Stanton Date 4-25-96

Reviewer _____ Date _____

SEAL

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APR 03 2002



Produced by the United States Geological Survey
in cooperation with the Army Corps of Engineers

Control by USGS and NOS/NOAA

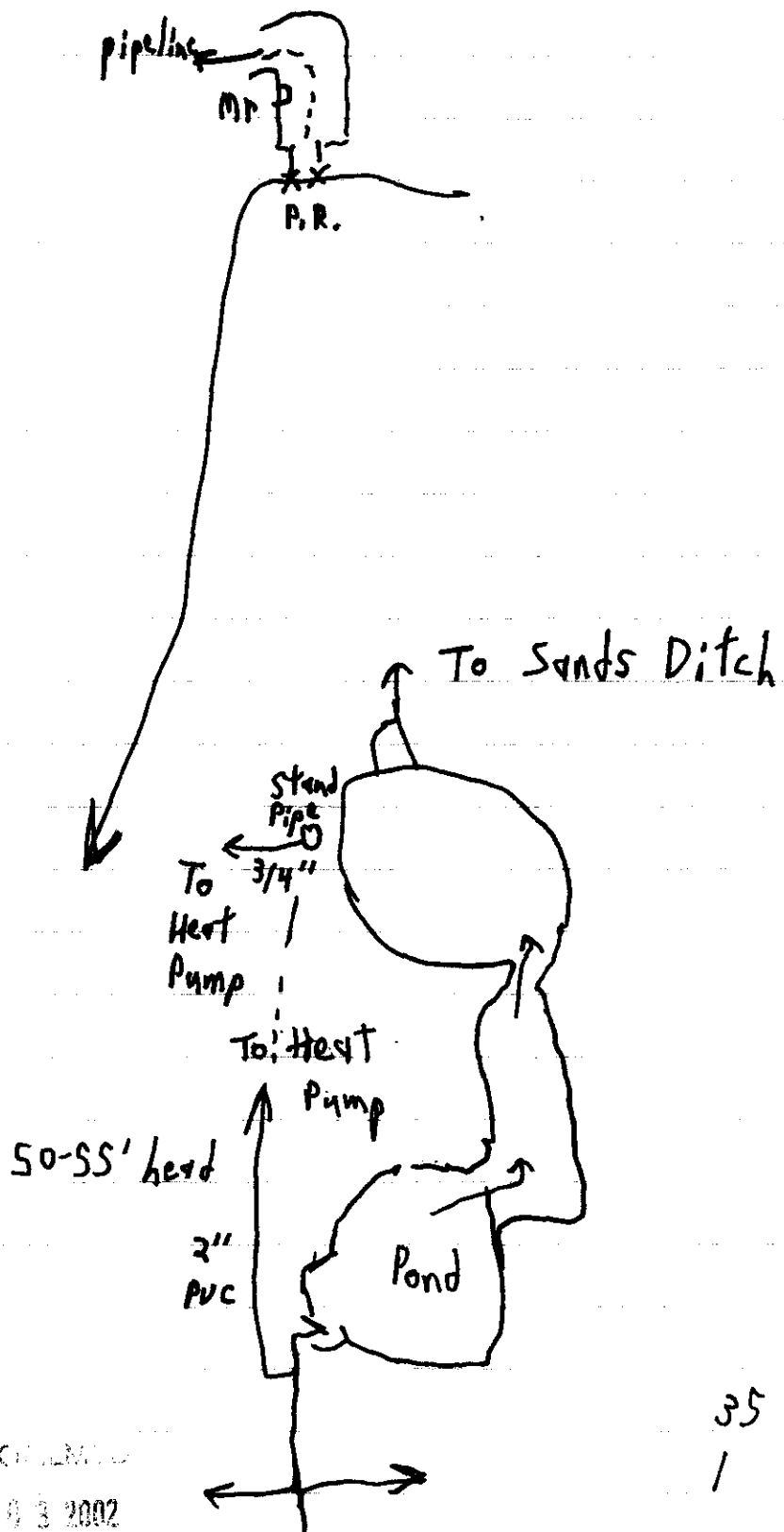
Compiled from aerial photographs taken 1946. Information shown
in purple has been updated from aerial photographs taken 1987-88
and field checked. Map edited 1992. Conflicts may exist between

1992 6 3 2002

GN MN
15 1/2°
276 MILS

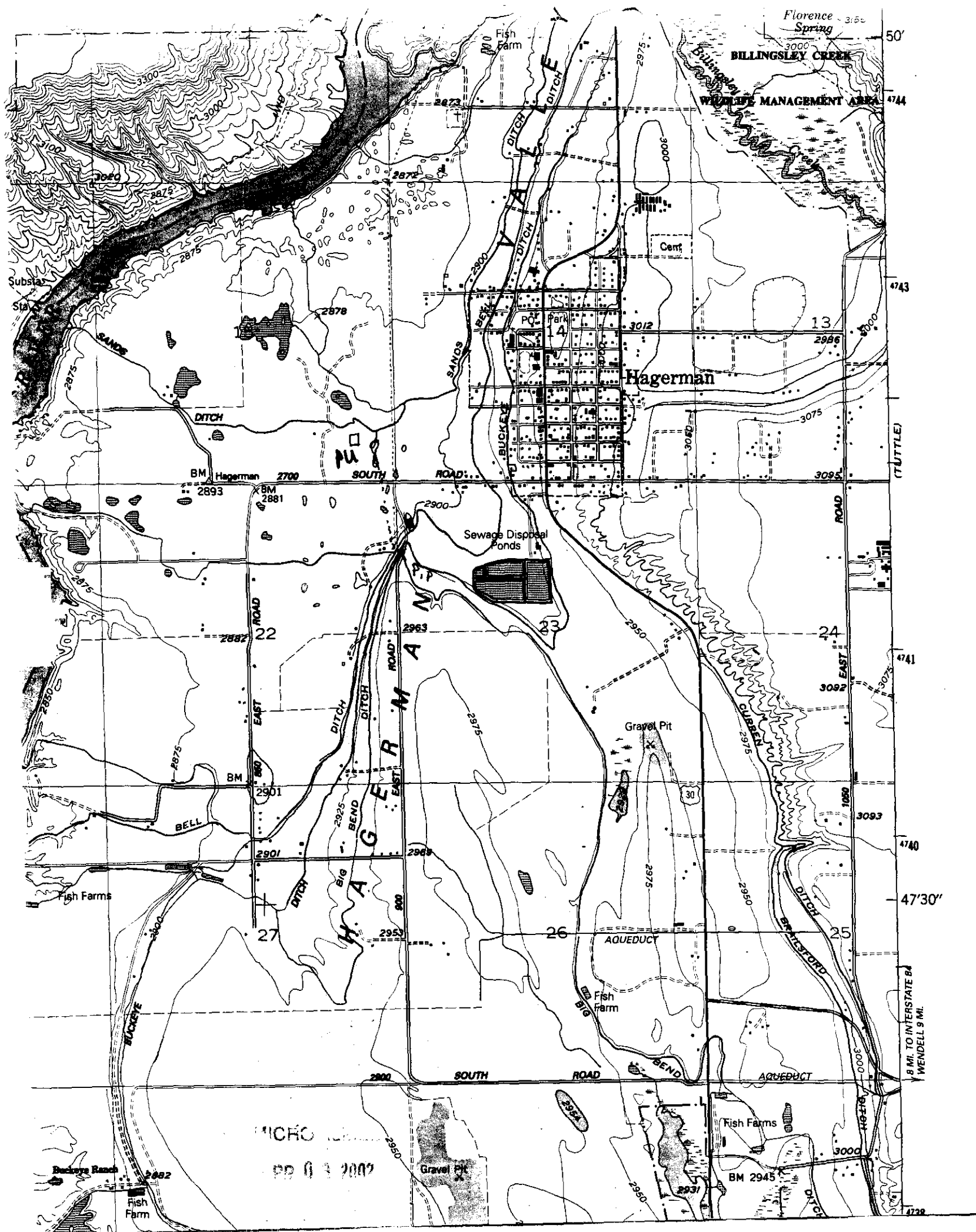
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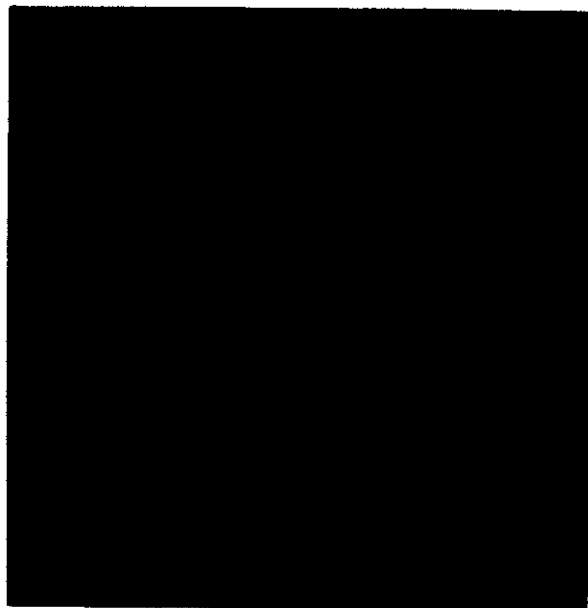
36-8571



MICROFILMED
SEP 23 2002

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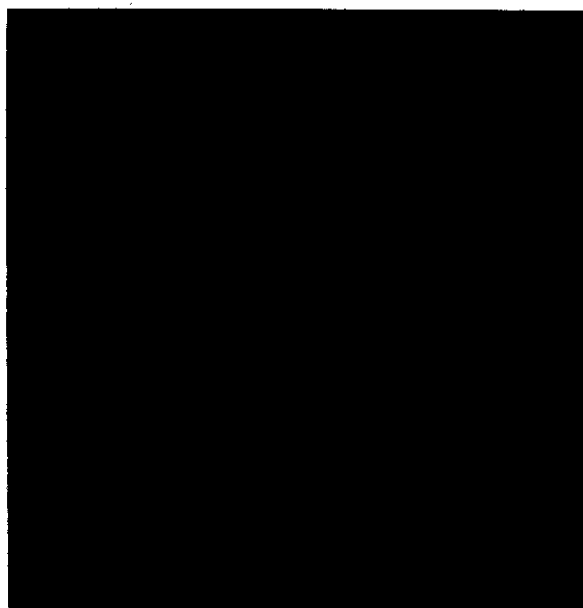




Two Herdgates In Big Bend Ditch

Measuring Point & Head of Pipeline

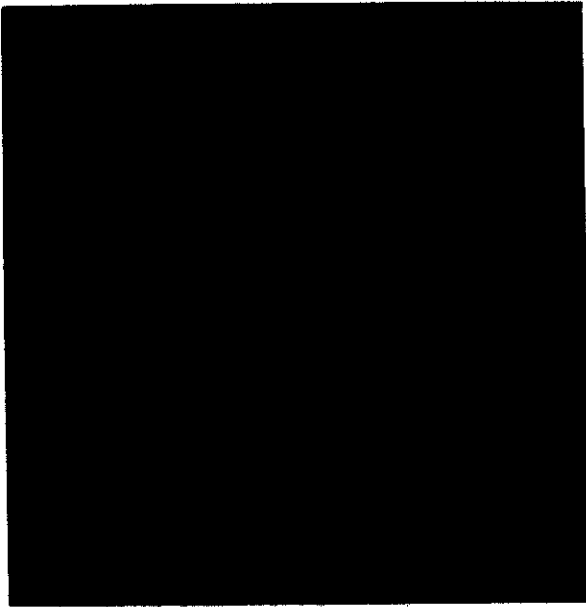
Pipeline Discharge
Into Ponds,
White PVC Pipe
To Heat Pump



A 10FILMED

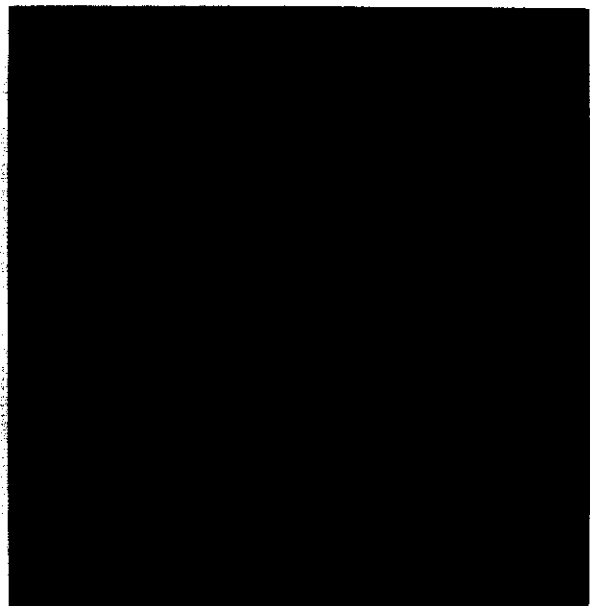
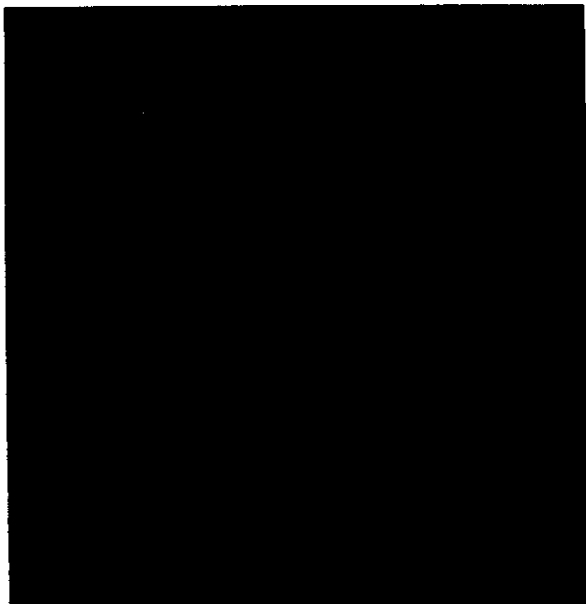
APR 0 1 2002

36-08571 JES
3-1-96



Upper Lower Pond

Upper Pond



Middle Pond

MICHOIEMED

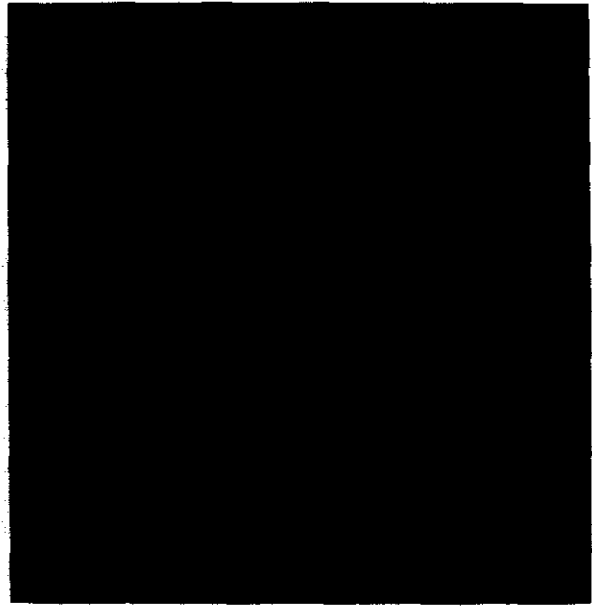
APR 03 2002

Outlet From Lower Pond

36-8571 JES
3-1-96



Pipe/line To Standpipe & Filter Screen



Standpipe & Filter. Black plastic
Hose To Heat Pump

MICROFILMED

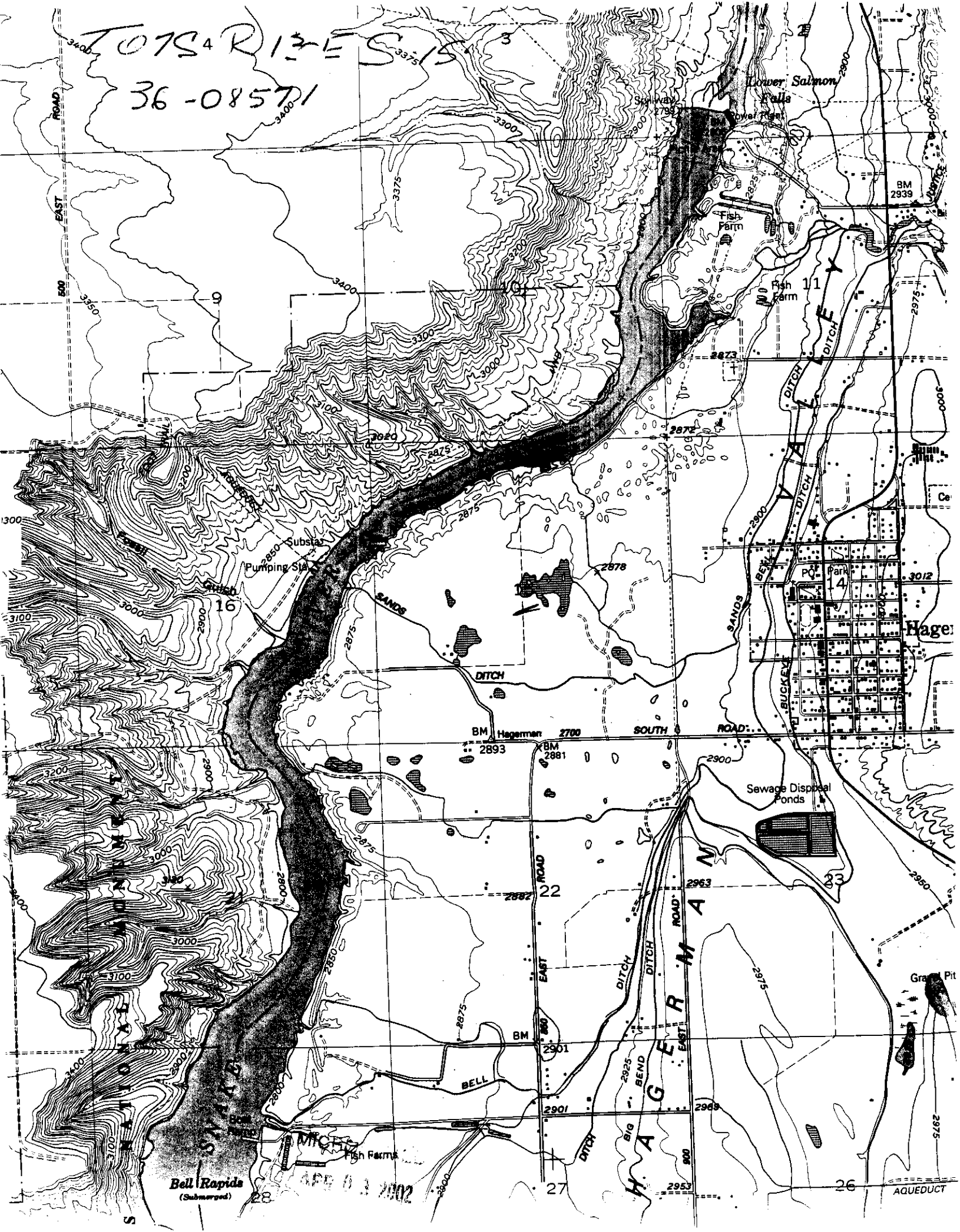
APR 03 2002

36-0857A JES

3-1-96

TOTSA RIZES

36-08571



S1
4/92

IDAHO DEPARTMENT OF WATER RESOURCES

STAFF ANALYSIS SHEET FOR BENEFICIAL USE FIELD EXAMS:

PERMIT NO.

36-08571

A. Items To Be Placed In Exam File (Items A & B to be Completed by Compiler)

- (☒) Blank Field Report & Notice of Completed Exam
- (☒) Copy of App. for Permit, Approved Permit, Amendments, Orders, Assignments, Proof of Beneficial Use, SRBA Claim (Claim Filed? Required?)
- () Well Inspection Form, Dairy Water-Use Worksheet (if applicable)
- () Well Log(s) & Groundwater Measurement Analysis Form (if applicable)
- (☒) Copy of Orthophotoquad Map
- () 660-Scale Aerial Photo (Examiner Will Obtain If Applicable)
- () Government Lot Plats (If Applicable)

B.1. P/D Overlap - Yes or No? If Yes, Include Copy of Overlapping Rights & Claims

- If Yes, Type of Overlap: (☒) Add Acres or Uses to Existing System
() Increase Rate of Flow or Volume

B.2. P/U Overlap - Yes or No? If Yes, Include Copies of Overlapping Rights & Claims

- If Yes, Type of Overlap: () Increase Rate of Flow or Volume
() Add Supplemental Water Source
() Increase Acres Within Tracts

C. Field Exam Appointment Made:

Date 3-1-96

Time 2pm

Place Cook's place

Contact Person & Phone

Dick Cook

D. Post-Exam Review & Processing

Exam Completed 3-1-96

Notice of Completion Turned In 4-26-96

Field Report Completed 4-26-96

JF Stanton 4-26-96
Signature of Examiner & Date

Field Report Reviewed by Sr. Agent _____ (Initial & Date)

Field Report Reviewed by Region Mgr. _____ (Initial & Date)

Field Report Sent to S.O. _____ Region Card File Updated _____



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

August 3, 1995

BIG BEND MINING & IRRIGATION
2715 S 900 E
HAGERMAN ID 83332

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 36-08571

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating your permit since proof of beneficial use was received after the proof due date. Please note that the priority date has been advanced to December 25, 1990.

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 the field examination, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208) 736-0303.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

RECEIVED

AUG 08 1995

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 36 - 8571 Reviewed by Jay Date 8-1-95

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

heating, wildlife, cooling

no Address same as permit?

no 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?

yes Required?

175 Amount Submitted

yes Installed?

yes Correct?

 Waiver requested?

PRIORITY CALCULATION

Date proof received 7-13-95

Date proof due 7-1-95

No. of days late 12 = 12

Priority Date 12-13-90 + 347

New Priority Date 12-25-90

7/12/25/90

DEFICIENCIES OR ACTION ITEMS

Reinstate + advance priority to Dec. 25, 1990.

Proof acceptable

DATA ENTRY

New Address 2715 S 900 E Proof Made 7-13-95

Hagerman ID. 83332

July 7, 1995

BIG BEND MINING & IRRIGATION
C/O VERL BELL
880 E 2700 N
HAGERMAN ID 83332

LAPSE NOTICE

RE: PERMIT NO. 36-08571

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated April 30, 1995. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 7/7/95
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

RECEIVED
AUG 08 1995

April 30, 1995

BIG BEND MINING & IRRIGATION
C/O VERL BELL
880 E 2700 N
HAGERMAN ID 83332

PROOF DUE NOTICE

RE: PERMIT NO. 36-08571

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 July 1, 1995.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete 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.

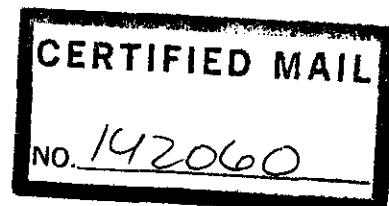
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

AUG 08 1995



May 25, 1994

Big Bend Mining & Irrigation
880 E. 2700 N.
Hagerman, ID 83332

RE: Permit No. 36-08571

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to July 1, 1995. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

RECEIVED

JUN 10 1994

ANALYSIS SHEET
FOR
EXTENSION OF TIME

Permit No. 36-08571 Reviewed by [Signature] Date 5-25-94

BASIC INFORMATION

5-19-94 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
yes Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
_____ Has the permit been involved in litigation?
_____ Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is delay by a government agency?
_____ Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Should extend to July 1, 1995
for due diligence

PRIORITY CALCULATION

Date extension received		=	
Proof due date		=	
Number of days late		=	
Priority date		=	
New Priority Date		=	

DATA ENTRY

New Address 880 E 2700 N, Hagerman Id. 83332
Change Proof Due Date 7-1-95
Change Priority Date _____

April 30, 1994

BIG BEND MINING & IRRIGATION
C/O VERL BELL
RT. 1 BOX 42
HAGERMAN ID 83332

PROOF DUE NOTICE

RE: PERMIT NO. 36-08571

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 July 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete 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.

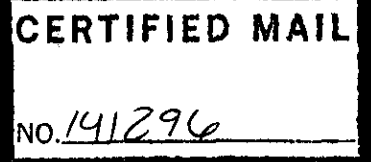
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED

JUN 10 1994





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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 16, 1991

BIG BEND MINING & IRRIGATION
C/O VERL BELL
RT. 1 BOX 42
HAGERMAN, ID 83332

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08571

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

Enclosures

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AUG 01 1991

APPLICATION FOR PERMIT REVIEW

Application #: 36-8571
Date: 6-28-91

Reviewer: Pam Skaggs *PS*

- ✓ Existing:
- ✓ No - 26A-P17
 - Complete in 1 year - P16
 - Yes
 - Proof not submitted - P16
 - Proof submitted - N/A
 - Groundwater:
 - GT. 0.2 cfs - 01G-P03, 01C-P03 (existing well)
 - LT. 0.2 cfs - N/A
 - Drilling Permit:
 - Approved w/permit - P99
 - Not included - 046-P23 (All GW, even existing wells)
 - ✓ Location:
 - ✓ Water Districts - WD No. 36A
 - ✓ Surface water - 005, 005-01H-P01 (LT.2 w/pump)
 - 005-01J-P08 (GT.2)
 - Groundwater - P05
 - Irrigation Districts - 023
 - Canal Co. Areas - 023
 - Drainage Districts - 024
 - Boise Front (63) - 058 (Groundwater)
 - ✓ Swan Falls Flag - ~~DOM~~ (1, Blank or Other)
 - ✓ Trust *Non Consumptive* - 051-052-053-P74 (Cons.), ~~041~~ (DCMI, w/Irr
 - Non Trust - 048-049 or Irr & Dom)
 - River Basins:
 - (Surface Water) Water District Control Condition &....
 - Boise (63) - 05A & 11E
 - Payette (65) - 047-P04, 059-P71
 - Snake (01, 02 & 03) - 11A-P04 (01), 061-P07 (02/03 No W.D.Cond.)
 - ✓ Use:
 - Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One), 042 (req.), 002-P06 (MD), 07A (Spec.), 044 (Policy 5G)
 - Power - Use Power Review
 - Mining - 06A or 010, 09E-P10 & 054 (req.)
 - Storage - 18A-for multiple measuring devices (In WD), 18B-P09 (Size)
 - Wildlife Lands*
Rec. & Aesthetic - 027 (Non-Consumptive)
 - Domestic - 021 (restricted areas)
 - ✓ Ownership:
 - ✓ Non land owner - 004
 - Protested:
 - Agreement - 020

- ✓ Beneficial Use Due Date: - 07-01-1994
✓ Other Conditions Recommended *Wildlife Lands/Conditions*

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AUG 01 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY JD DATE 12-24-90 APPLICATION NUMBER 36-08571

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 and/or volume)
☒ County
☒ Quantity (flow and/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 12/13/90
4:50 PM

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
☐ Overlapping point of diversion
☒ Yes ☐ No Field check required
Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical groundwater 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 trust water supplementary analysis sheet.)
SWAN FALLS HOLD? _____
☐ 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

RECEIVED
JUN 11 1991

Department of Water Resources

PROCESSING ☒ Yes ☐ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☒ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☒ Water District
☐ Adjudication Bureau Unit 26A. ☐ 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 & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 3/4/91
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on application
☐ 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.

015, 05 36-A, Billings 64/R. 61 41-2, 26A, 27, 09E

See below for additional information

Date of priority recommended 12/13/91

By Karen D. Thelmer Date 6/10/91

STATE OFFICE REVIEW

By _____ See below for additional information
Date _____

ADDITIONAL INFORMATION

N

LOCAL PUBLIC INTEREST

Comments received from:

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other <u> </u>

Project impacts/implications report

COMMENTS

RECEIVED

MAR - 7 1991

STANLEY F. HAMILTON
DIRECTORDepartment of Water Resources
Southern Region OfficeBOARD OF LAND
COMMISSIONERSCECIL D. ANDRUS
GovernorPETE T. CENARRUSA
Secretary of StateLARRY ECHOHAWK
Attorney GeneralJ.D. WILLIAMS
State AuditorJERRY L. EVANS
Sup't of Public
Instruction

March 4, 1991

TO: Department of Water Resources
Southern Region

FROM: Bryce D. Taylor
Leasing Specialist

RE: 36-08571
Big Bend Mining & Irrigation

The above application does not involve a navigable waterway or endowment land. A permit from the Department of Lands is not required.



BDt:lr

c: Dept. of Fish and Game

MICROFILMED

AUG 01 1991

14-Feb-1991

BIG BEND MINING & IRRIGATION
C/O VERL BELL
RT 1 BOX 42
HAGERMAN ID 83332

Re: Application for Permit No. 36-08571

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 will be advertising the application in the Gooding County Leader on 2/20 & 2/27/91. A period of ten days following the second publication will be allowed for the submittal of protests.

If the 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 the 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,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

RECEIVED

AUG 01 1991

14-Feb-1991

GEORGE LEMMON WATERMASTER
WATER DISTRICT #36-A
RT 1 BOX 218
HAGERMAN ID 83332

Re: Application(s) for Permit

Dear Mr. Lemmon:

Please find enclosed copy(ies) of an Application(s) for Permit for your information and files.

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

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

Enclosure(s)

MICROFILMED

AUG 01 1991

14-Feb-1991

IDAHO DEPT OF LANDS
STATEHOUSE
BOISE ID 83720

Re: Application(s) for Permit

Gentlemen:

Please find enclosed copy(ies) of an Application(s) for Permit for your information and files.

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

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

Enclosure(s)

MICROFILMED

AUG 01 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208)734-3578

FEBRUARY 11, 1991

GOODING COUNTY LEADER
BOX 56
GOODING, ID 83330

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before MARCH 11, 1991.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECEIVED
FEB 10 1991

36-08571

BIG BEND MINING AND IRRIGATION
C/O VERL BELL
RT. 1 BOX 42
HAGERMAN, ID 83332

Source: TUCKER SPRINGS, UPPER
Source: TUCKER SPRINGS, LOWER

Tributary: RILEY CREEK
Tributary: RILEY CREEK

Diversion Pt: SWNWNW Sec 23 T 07S R 13E
 SENWSE Sec 36 T 07S R 13E
 NWSESE Sec 36 T 07S R 13E

Use: WILDLIFE (4.000 CFS)
 HEATING (.100 CFS)
 COOLING (.100 CFS)
 Total Diversion: (4.000 CFS)

Date Filed: 12/13/ 1990

In: T07S R13E S15 SESE

MICROFILMED

AUG 01 1991

The permit(s) will be subject to all prior water rights. Protests may be submitted bas on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301 on or before MARCH 11, 1991.

R. Keith Higginson, Director

Published 2/20/1991 & 2/27/1991

RECORDED
INDEXED

AUG 01 1991