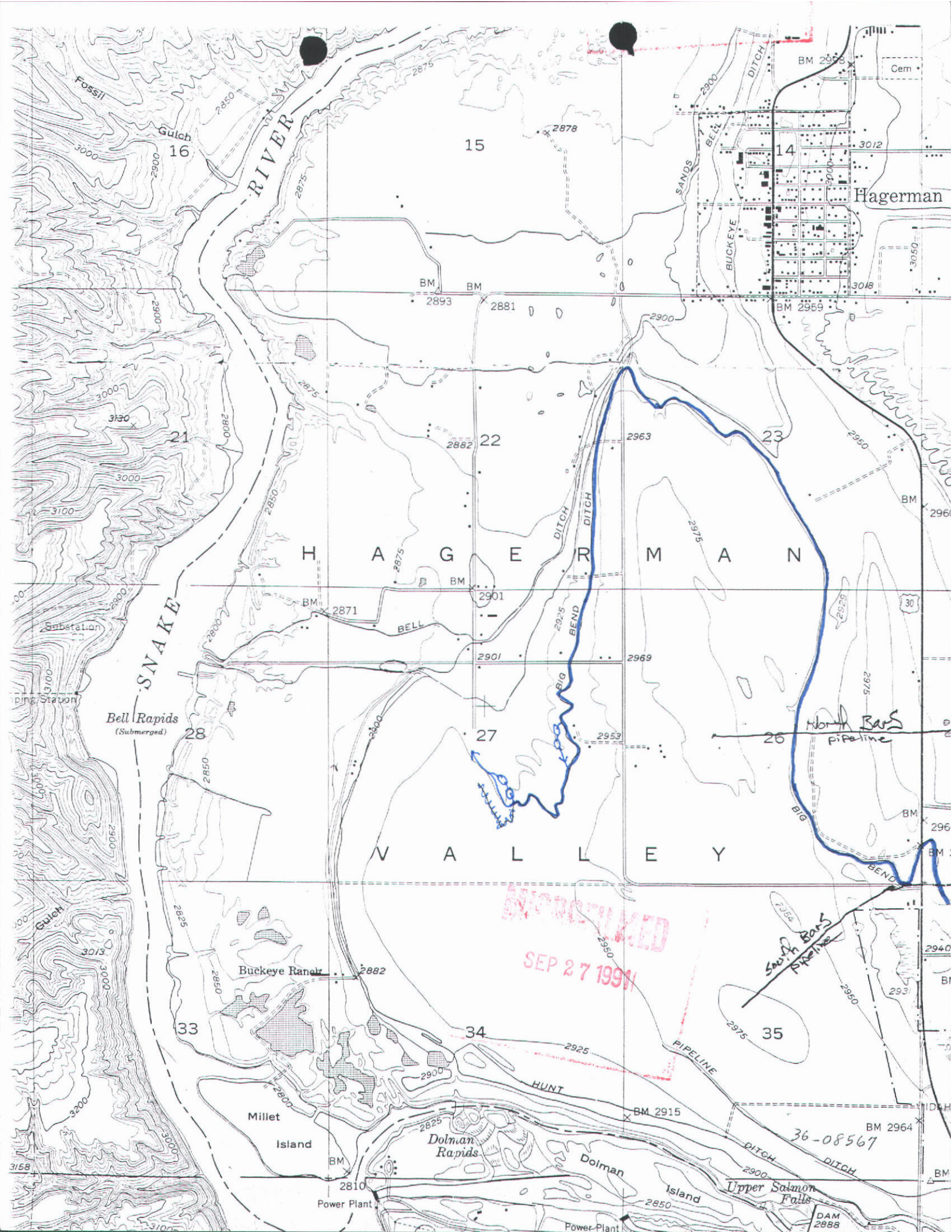




NOTICE OF
APPLICATION FOR
WATER RIGHT

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

36-08567
BIG BEND MINING &
IRRIGATION CO.
C/O Verl Bell President
RT. 1 Box 42
HAGERMAN, ID 83332

Source: TUCKER
SPRINGS,
UPPER
Tributary: RILEY CREEK
Source: TUCKER
SPRINGS,
LOWER
Tributary: RILEY CREEK
Division Pt:
SEWSE Sec 36 T 07S R
13E
NWSE Sec 36 T 07S R
13E
Use: WILDLIFE (5.000
CFS)
Total Diversion: (5.000
CFS)
Date Filed: 10/30/1990
In: T07S R13E S27
SENE
NESE
NWSE

The permit(s) will be sub-
ject 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,

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

RECEIVED

No 21924

JAN 14 1991

I, Linda Coops McQuire being first duly sworn upon oath, depose
and say that I am Quire Clerk of the TIMES-NEWS, published daily, at
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
clipping attached, was published in the regular and entire issue of said newspaper, and not in
any supplement thereof, for Two consecutive Weeks,
commencing with the issue dated January 3, 1991,
and ending with the issue dated January 10, 1991.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily ex-
cept Monday, both of which newspapers prior to consolidation had been published under said names in said city and
county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at
which time said newspaper began daily publication under said name in said city and county continuously and
uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho,
to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers,
and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 10 day of January in the year of 1991, before me,
a Notary Public, personally appeared Linda Coops McQuire,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

SEP 27 1991

Shirley R. Foltman
Notary Public for Idaho

Residing at

My commission expires:

Twin Falls County
5/19/94

AFFIDAVIT of PUBLICATION

RECEIVED

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

JAN 11 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 2nd day of Jan. 19 91, and the date of the last publication was on the 9th day of Jan., 19 91.

Patty Nance

Subscribed and sworn to before me this 10th

day of Jan., 19 91.
(SEAL)

Vivian Pandiano
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho
COST OF PUBLICATION

OK
mb
2-1-91

Number of Lines in Notice _____

Number of Insertions 2X

Lines tabular at _____ 6¢/Pica
393.7 Lines straight at 19.69 5¢/Pica
Subsequent lines at 15.75 4¢/Pica
TOTAL COST 35.44

COPY OF NOTICE
(Paste Here)

Not. Appl. for Water Rt.
Big Bend Mining & Irrig. Co.
36-08567

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

J. O. W. R. T.F.
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:

36-08567
BIG BEND MINING & IRRIGATION CO.
C/O VERL BELL PRESIDENT
RT. 1 BOX 42
HAGERMAN, ID 83332
Source: TUCKER SPRINGS,
UPPER Tributary: RILEY CREEK
Source: TUCKER SPRINGS,
LOWER Tributary: RILEY CREEK
Division Pt: SENWSE Sec 36 T 07S R 13E

NWSESE Sec 36 T 07S R 13E
Use: WILDLIFE (5,000 CFS)
Total Diversion: (5,000 CFS)
Date Filed: 10/30/1990
In: T07S R13E S27 SENE NESE NWSE

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 JANUARY 21, 1991.

-s- R. Keith Higginson
Director
G3454

Pub: 1-2, 9

7-8 pt. per line straight.....5¢/Pica
7-8 pt. per line tabular.....6¢/Pica
7-8 pt. per line successive
insertions.....4¢/Pica

RECEIVED
SEP 27 1991

No 856

3454

Proof of Publication
The Post-Register

RECEIVED

JAN 11 1991

Department of Water Resources
Southern Region Office

State of Idaho, }
County of Bonneville } ss

I, ... Ted Delezene, first being duly sworn, depose and say: That I am the
..... Foreman of The Post Company, a corporation of Idaho Falls, Bonneville
County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except
Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in
the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903,
such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been
published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and
said Post-Register having been published continuously and uninterruptedly from the date of such consolidation,
up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in
said Post-Register for Two Issues consecutive weeks, first publication having been made
on the 3rd day of January , 19. 91. , last publication
having been made on the 10th day of January , 19. 91. , and that the
said notice was published in the regular and entire issue of said paper on the respective dates of publication, and
that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 10th day of

Ted Delezene
.....
Cathy von Borstel
.....
Notary Public

My commission expires March 5 , 19. 96

B10

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

36-08567
BIG BEND MINING &
IRRIGATION CO.
C/O VERL BELL PRESIDENT
RT. 1 BOX 42
HAGERMAN, ID 83332
Source: TUCKER SPRINGS, UPPER;
Tributary: RILEY CREEK
Source: TUCKER SPRINGS, LOWER;
Tributary: RILEY CREEK
Diversion Pt: SENWSE Sec 36 T 07S R
13E
NWSESE Sec 36 T 07S R 13E
Use: WILDLIFE (5,000 CFS)
Total Diversion: (5,000 CFS)
Date Filed: 10/30/ 1990
In: T07S R13E S27 SENE NESE NWSE

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 JAN-
UARY 21, 1991.

R. Keith Higginson, Director
Published: January 3, 10, 1991

OK
MB
2-1-91

MICROFILMED
SEP 27 1991

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

41.88

Account Number 47628		Identification Application for Water Right	
Ordered By Gail Garrett	P.O. Number	Rate nt	Run Dates January 3, 10, 1991
Idaho Department of Water Resources 2735 Airport Way Boise ID 83705		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 7293

RECEIVED

JAN 24 1991

Department of Water Resources
Southern Region Office

Julie Day

, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for two

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of Jan. 3, 1991

and ending with the issue of Jan. 10, 1991

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 10th day of January, 1991, before me, a Notary Public, personally appeared Julie Day, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho

Residing at Boise, Id.

My commission expires: 5/91

NOTICE OF APPLICATION FOR WATER RIGHT

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

36-08567

BIG BEND MINING & IRRIGATION CO.

C/O VERL BELL PRESIDENT
RT. 1 BOX 42

HAGERMAN, ID 83332

Source: TUCKER SPRINGS,

UPPER Tributary: RILEY CREEK

Source: TUCKER SPRINGS,

LOWER Tributary: RILEY CREEK

Diversion Pt: SENWSE Sec 36 T 07S

R 13E

NWSESE Sec 36 T 07S R 13E

Use: WILDLIFE (5,000 CFS)

Total Diversion: (5,000 CFS)

Date Filed: 10/30/1990

In: T07S R13E S27 SENE

NESE NWSE

The permit(s) will be subject of 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 JANUARY 21, 1991

R. Keith Higginson, Director
Pub. Jan. 3, 10, 1991 7293

RECEIVED

JAN 14 1991

Department of Water Resources
Western Regional Office

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune

505 C St., P.O. Box 957

Lewiston, Idaho 83501

(208) 743-9411

Date 011091INVOICE No. L00218524Account No. 4466203-08567Description 18524NOTICTimes 2Lines 35Tab Lines **LEGAL ADVERTISING****INVOICE**

SOLD TO:

DEPT. OF WATER RESOURCES
2148 4TH AVE. E.
TWIN FALLS
ID 83301

\$ 39.38

OK
mb
2-1-91

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Sue Baumeister, being duly sworn,

deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 010391, or once a

WEEK for 2 consecutive WEEKS, the first publication thereof being on the 010391, and the last publication thereof being on the 011091, and said

NOTICE OF APPLICATION

was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Sue Baumeister

SUBSCRIBED AND SWORN BEFORE ME THIS THE 15day of January 1991

Sheryl M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

RECEIVED

JAN 18 1991

Department of Water Resources
Southern Region Office

MICROFILMED**SEP 27 1991**

No 21860

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS } SS.

I, Linda Capps McQuire being first duly sworn upon oath, depose and say that I am Print Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated December 12, 1990, and ending with the issue dated December 13, 1990.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 27 day of December in the year of 1990, before me, a Notary Public, personally appeared Linda Capps McQuire, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true and acknowledged to me that he executed the same.

Lura R. Feltman
Notary Public for Idaho

Residing at Twin Falls County

My commission expires: 5/19/94

NOTICE OF
APPLICATION
FOR WATER RIGHT
The Following
application(s) have been
filed to appropriate the
public waters of the State
of Idaho:

36-08567 ✓

GUSTAFSON TRUST
P.O. Box 209
HAGERMAN, ID 83332
Source: TUCKER
SPRINGS, UPPER
Tributary: RILEY CREEK
Source: TUCKER
SPRINGS, LOWER

Tributary: RILEY CREEK
Diversion Pt: NWSE Sec
36 T 07S R 13E

SESE Sec 36 T 07S R
13E

Use: WILDLIFE (12.000
CFS)

Total Diversion: (12.000
CFS)

Date Filed: 10/30/1990

In: T07S R13E S27 SENE
NESE NWSE

47-08045 ✓

WINN, NYLE K.

RT. 2

BOX 177B

BUHL, ID 833160000

Source: UNNAMED
STREAM

Tributary: CLEAR CREEK

Source: CLEAR CREEK

Tributary: MUD CREEK

Diversion Pt: SWSESW

Sec 26 T 09S R 14E

SESESW Sec 26 T 09S R
14E

Use: WILDLIFE (.020
CFS)

STOCKWATER (.020
CFS)

Total Diversion: (.040
CFS)

Date Filed: 4/25/1986

In: T09S R14E S26 SESW

The permit(s) will be sub-
ject 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 DECEMBER
24, 1990.

R. Keith Higginson,
Director

PUBLISH: Thursday, De-
cember 6 and 13, 1990

OK
MB
1-14-91

SEP 27 1991

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 121390 INVOICE No. 100216378
Account No. 446620 36-08567
Description 16378NOTIC
Times 2 Lines 36
Tab Lines _____

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

\$ 40.50

DEPT. OF WATER RESOURCES
222 SHOSHONE STREET EAST
TWIN FALLS
ID 83301

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

16378
**NOTICE OF APPLICATION
FOR WATER RIGHT**
The Following application(s) have
been filed to appropriate the public
waters of the State of Idaho:
36-08567
GUSTAFSON TRUST
P.O. BOX 209
HAGERMAN, ID 83332
Source: TUCKER SPRINGS,
UPPER
Tributary: RILEY CREEK
Source: TUCKER SPRINGS,
LOWER
Tributary: RILEY CREEK
Diversion Pt: NWSE Sec 36 T 07S R
13E
SESE Sec 36 T 07S R
13E
Use: WILDLIFE (12,000 CFS)
Total Diversion: (12,000 CFS)
Date Filed: 10/30/1990
In: T07S R13E S27 SENE NESE
NWSE
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 DECEMBER 24, 1990.
R. Keith Higginson, Director

Sue Baumeister, being duly sworn,
deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION
attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 120690, or once a
WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 120690, and the last pub-
lication thereof being on the 121390, and said

NOTICE OF APPLICATION
was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

RECEIVED

DEC 17 1990

Department of Water Resources
Southern Region Office

MICROFILMED

SEP 27 1991

SUBSCRIBED AND SWORN BEFORE ME THIS THE 13
day of December 1990

Sheral M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

RECEIVED

DEC 18 1990

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

41.88

Department of Water Resources

Account Number Southern Region Office

100632

Identification

Application for Water Right: #36-08567

Ordered By

Mary Baldwin

P.O. Number

Rate

NT

Run Dates

1990

December 6, 13

Idaho Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301

Estimated Inches

Real Inches

Affidavits

1

Legal Number

7147

NOTICE OF APPLICATION FOR WATER RIGHT

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

36-08567

GUSTAFSON TRUST

P.O. BOX 209

HAGERMAN, ID 83332

Source: TUCKER SPRINGS, UPPER

Tributary: RILEY CREEK

Source: TUCKER SPRINGS, LOWER

Tributary: RILEY CREEK

Diversion Pt:

NWSE Sec 36 T 07S R 13E

SESE Sec 36 T 07S R 13E

Use: WILDLIFE (12,000 CFS)

Total Diversion (12,000 CFS)

Date Filed: 10/30/1990

In: T07S R13E S27 SENE NESE

NWSE

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 DECEMBER 24, 1990.

R. Keith Higginson, Director
Pub. Dec. 6, 13, 1990 7147

OK MB
12-18-90

Cherami J. Snow

, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for two

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of Dec. 6, 19 90

and ending with the issue of Dec. 13, 19 90

Cherami J. Snow

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 13th day of December in the year of 1990, before me, a Notary Public, personally appeared Cherami J. Snow, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho

Residing at Boise, Idaho

My commission expires: 12/93

NOT RECORDED

SEP 27 1991

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss

I, ... Ted Delezene, first being duly sworn, depose and say: That I am the
..... Foreman of The Post Company, a corporation of Idaho Falls, Bonneville
County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except
Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in
the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903,
such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been
published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and
said Post-Register having been published continuously and uninterruptedly from the date of such consolidation,
up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in
said Post-Register for Two Issues consecutive weeks, first publication having been made
on the 6th day of December, 1990..., last publication
having been made on the 13th day of December 1990..., and that the
said notice was published in the regular and entire issue of said paper on the respective dates of publication, and
that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this .. 13th .. day of .. December .., 1990
..... Ted Delezene
..... Cathy von Borstel
Notary Public
My commission expires .. March 5 .., 1996

B10

**NOTICE OF APPLICATION
FOR WATER RIGHT**
The Following application(s) have been
filed to appropriate the public waters of the
State of Idaho:
36-08567
GUSTAFSON TRUST
P.O. BOX 209
HAGERMAN, ID 83332
Source: TUCKER SPRINGS, UPPER;
Tributary: RILEY CREEK
Source: TUCKER SPRINGS, LOWER;
Tributary: RILEY CREEK
Diversion Pt: NWSE Sec 36 T 07S R 13E
SESE Sec 36 T 07S R 13E

Use: WILDLIFE (12,000 CFS)
Total Diversion: (12,000 CFS)
Date Filed: 10/30/ 1990
In: T07S R13E S27 SENE NESE NWSE
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 cri-
teria 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
DECEMBER 24, 1990.
R. Keith Higginson, Director
Published: December 6, 13, 1990

RECEIVED

DEC 17 1990

Department of Water Resources
Southern Region Office

SEP 27 1991

AFFIDAVIT of PUBLICATION

RECEIVED

DEC 14 1990

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

Department of Water Resources
Southern Region Office

Patty Spence, 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 5th day of Dec. 19 90, and the date of the last publication was on the 12th day of Dec., 19 90.

Patty Spence
Subscribed and sworn to before me this 13th day of Dec., 19 90.
(SEAL)

Vincent J. Gandias
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

OK
mb
12-18-90

Number of Lines in Notice _____

Number of Insertions 2X

Lines tabular at _____ 6¢/Pica
365.6 Lines straight at 18.28 5¢/Pica

Subsequent lines at 14.63 4¢/Pica
TOTAL COST 32.91

COPY OF NOTICE
(Paste Here)

Note Appl. for Wat. Rt.
TITLE OF NOTICE

Gustafson
36-08567

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

J D W R - Tr.
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:
36-08567
GUSTAFSON TRUST
P.O. BOX 209
HAGERMAN, ID 83332
Source: TUCKER SPRINGS, UPPER.
Tributary: RILEY CREEK
Source: TUCKER SPRINGS, LOWER.
Tributary: RILEY CREEK
Diversion Pt: NWSE Sec 36 T 07S R 13E
SESE Sec 36 T 07S R 13E
Use: WILDLIFE (12,000 CFS)
Total Diversion: (12,000 CFS)
Date Filed: 10/30/1990
In: T07S R13E S27 - SENE NESE NWSE
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 DECEMBER 24, 1990.
R. Keith Higginson
Director
G3394A
Pub: 12-5, 12

(Idaho Code, Rev. Statutes 1984)

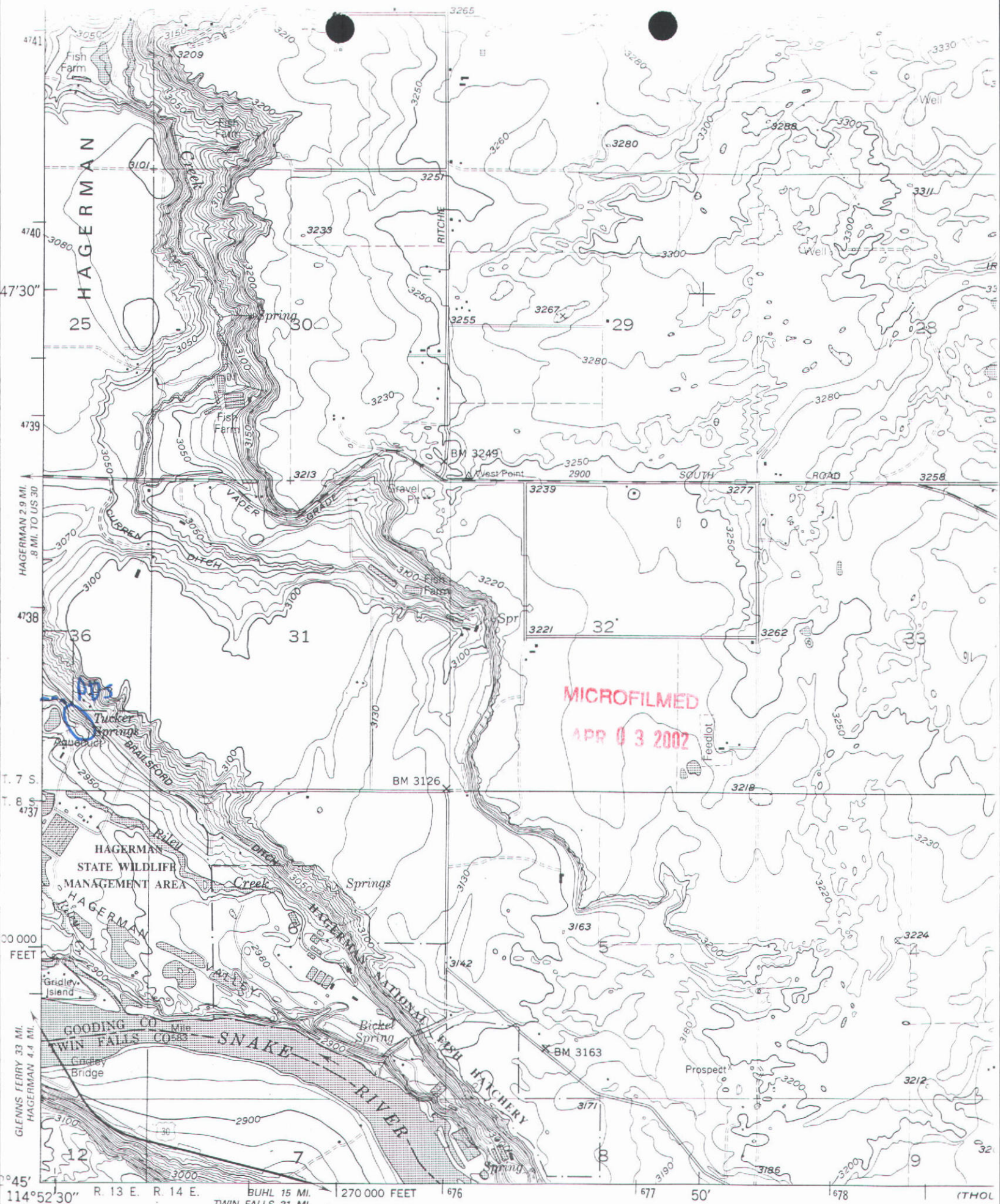
7-8 pt. per line straight.....5¢/Pica
7-8 pt. per line tabular.....6¢/Pica
7-8 pt. per line successive
insertions.....4¢/Pica

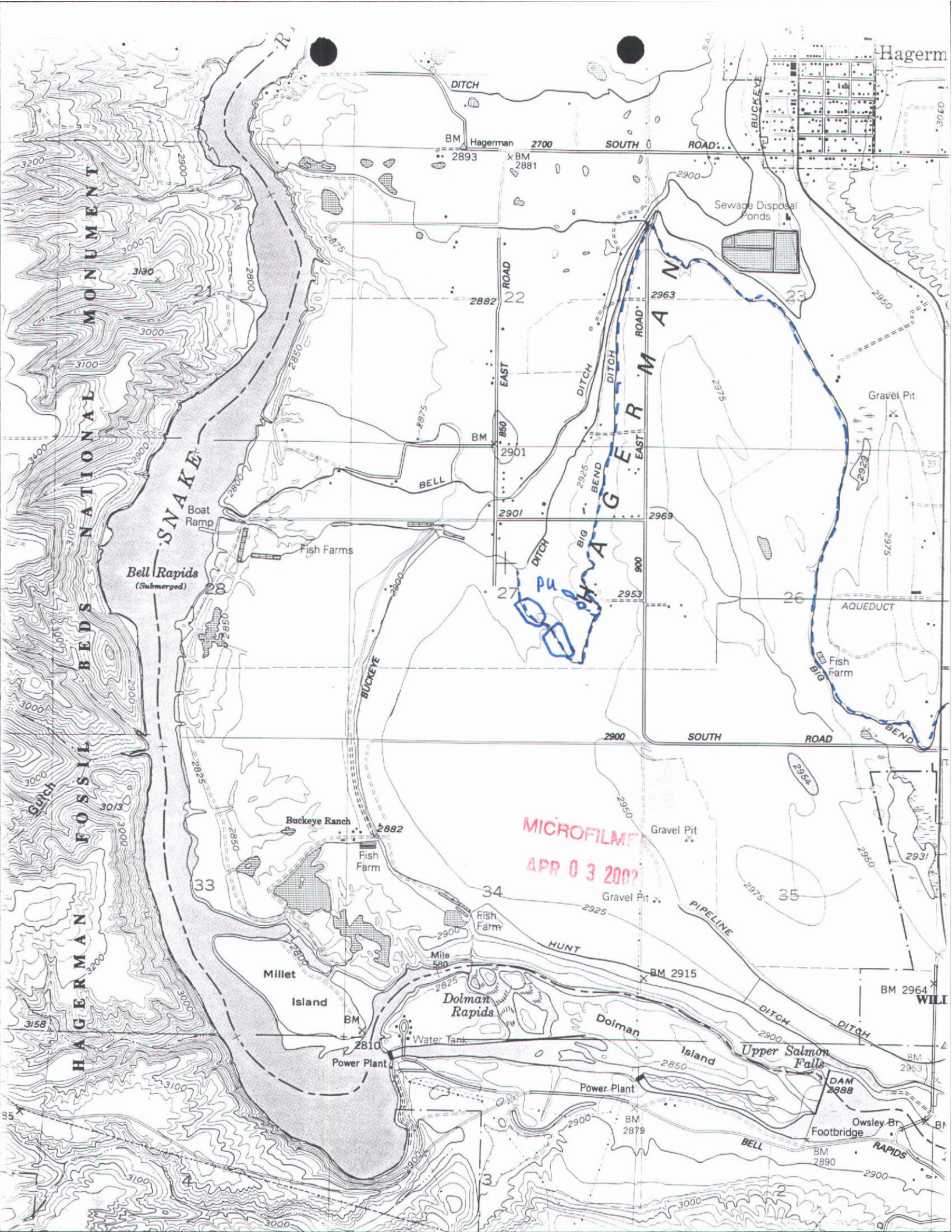
MICROFILMED

SEP 27 1991

No 841

3394A





22 23
27 26

551
T-740

509
T-686
17.4

1602
T-1533

532
7.6
T-717

1400
T-1450

MICROFILMED
APR 03 2002



Large Ponds

MICROFILMED
APR 03 2002

36-8567
3-1-96 JES



Big Bend Ditch,
Headgate in Ditch



Private Ditch to North Pond

Pond

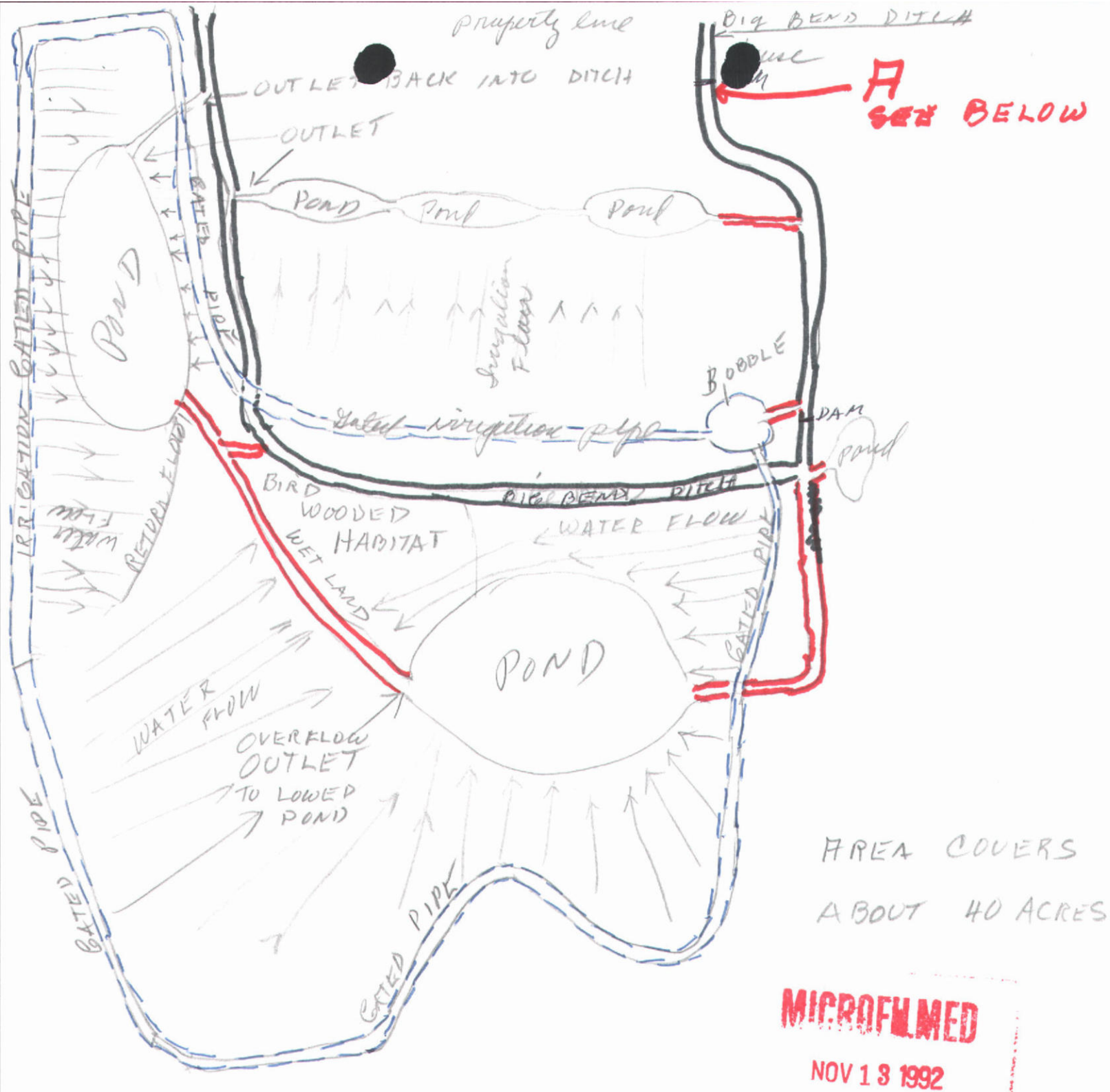


MICROFILMED

2007 4 3 2007

36-8567

3-1-95 JES



PROPERTY LINE

A I COULD PUT A NON-LOCKABLE MEASURING DEVICE AT A WHICH WOULD MEASURE TOTAL FLOW. IT WOULD BE OF NO VALUE EXCEPT TO SATISFY THE DEPT. OF WATER RESOURCES. A LOCKABLE DEVICE WOULD FLOOD OVER THE BANK.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08567

Priority: October 30, 1990

Maximum Diversion Rate: 5.00 CFS

It is hereby certified that BIG BEND MINING & IRRIGATION CO
C/O IVAN GUSTAFSON
PO BOX 749

HAGERMAN ID 83332 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 30, 1990; and has submitted Proof of Beneficial Use on February 4, 1993. An examination indicates that the works have a diversion capacity of 5.00 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
5.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

UPPER TUCKER SPRINGS NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, Twp 7S, Rge 13E, B.M. GOODING County
LOWER TUCKER SPRINGS SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, Twp 7S, 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		

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 uses.
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 5TH day of MARCH, 2002.

Acting for


KARL J. DREHER
Director

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>?</i>	Apt./Suite No.	PO Box	RR No.	Rural Box No.
	City <i>?</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 (Sect)</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 03 1999

Department of Water Resources
Southern Region

MICROFILMED

APR 03 1999

Amt. of Fee \$ 200.00
Date 2-4-93
Receipt No. 0026687
Receipt by [Signature]

RECEIVED

FEB 4 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 36-08567 Telephone No. 837-6411
2. Name(s) of Permit Holder(s): IVAN J. GUSTAFSON
3. Mailing Address: Box 209 Hagerman, ID 83332
4. Source of Water: ~~BIG BEAR IRRIGATION DITCH~~
Jucker Springs, Lower & Upper Date Drilled: 2/5/93 Klg
If GROUNDWATER, Well Driller's Name: per telecon
- OPTIONAL:
Pump horsepower: Pressure (psi): Dynamic pumping level (ft.):

5. Extent of Use (as authorized by the permit):

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

Irrigation (No. of acres) Other PONDS FOR BIRDS, WILDLIFE

6. Total rate and/or volume for which proof is submitted 5.00 cfs OR acre/feet to be returned
7. Refer to the approval conditions on your permit and respond accordingly: 2/5/93 Klg per telecon by Dept.

Measuring device: Required? Yes No Installed? Yes No

OR
Flow Measurement Port: Required? Yes No Installed? Yes No

8. Fee Enclosed: \$ 200.00 (See License Fee Schedule on back of Instruction Sheet)

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

IVAN J. GUSTAFSON 837-6411
Name Telephone No.

Box 209, HAGERMAN, ID 83332 - mailing
Address
900 E 2853 S, Hagerman - HOME LOCATION

10. The above information 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.

APPROVED

1/4/93 Ivan J. Gustafson, Trustee Gustafson Family Trust
Date Signature (and title, if on behalf of a company or organization) FEB 17 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

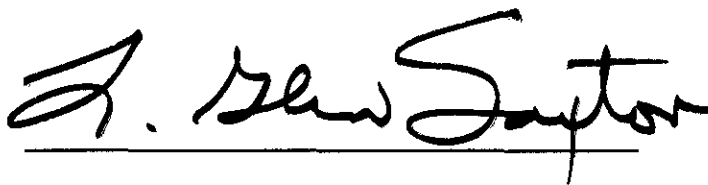
IN THE MATTER OF REMOVING THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 36-08567) ORDER
IN THE NAME OF BIG BEND MINING &)
IRRIGATION CO.)

WHEREAS, Permit No. 36-08567 was issued with a condition requiring the installation of a measuring device approved by the Department and,

WHEREAS, the Department of Water Resources has determined that a measuring device is not required at this time for a determination of the quantity of water appropriated under this permit;

NOW THEREFORE, the condition of approval on Permit No. 36-08567 requiring that a measuring device be installed is hereby REMOVED.

Dated this 5th day of November, 1991.



L. GLEN SAXTON
Chief, Water Allocations Bureau

MICROFILMED

NOV 13 1992

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 36-08567

Proposed Priority: October 30, 1990

Maximum Diversion Rate:
Maximum Diversion Volume:

5.00 CFS
54.0 AF

This is to certify, that **BIG BEND MINING & IRRIGATION CO.**
C/O IVAN GUSTAFSON
P.O. BOX 209
HAGERMAN, ID 83332

has applied for a permit to appropriate water from:

TUCKER SPRINGS, UPPER	tributary of RILEY CREEK
TUCKER SPRINGS, LOWER	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	5.00 CFS

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	NWSESE	Sec. 36, Township 07S, Range 13E
	SENWSE	Sec. 36, Township 07S, Range 13E
		GOODING County

PLACE OF USE: WILDLIFE
TWN RGE SEC

07S 13E 27	SENE	NESE	NWSE
------------	------	------	------

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1993.
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.
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. Any license issued by IDWR pursuant to the permit 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.

SEP 27 1991

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

NO. 36-08567

7. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
9. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
10. This right authorizes an annual volume of water to fill the ponds and the amount required to replace losses thru evaporation.
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 seal and signature of the Director, affixed at Boise, this

23rd day of

April

, 1991.

R. Keith Higginson
for R. Keith Higginson, Director

SEP 27 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

I, Gustafson Trust, hereby assign to Big Bend Mining & Irrigation Co.
of, Yo Veth Bell, President Rt 1 Box 42 Hagerman, ID 83332
(Full Address)

All my right, title, and interest in and to Application for Permit
No. 36-08567 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Application for Application for Permit No. _____ to appropriate the public
waters of the State of Idaho.

Describe portion of the application assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.

Made this 13 day of December, 1990.

[Signature]
Applicant
Trustee

State of Idaho)
County of Twin Falls)
ss

On this 13 day of December, 1990, personally appeared before me the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.

[Signature]

Notary Public

seal

My commission expires: 3/21/93

SEP 27 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Gustafson Trust Phone 837-6411
Post office address P.O. Box 209, Hygerman, ID 83332
2. Source of water supply Upper & Lower Tucker Springs ^{via Big Bend Ditch} which is a tributary of Riley Creek
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 Sec. 36 T. 7S R. 13E
4. Water will be used for the following purposes:
12/13/90 Amount 12.0 ^{5.0} for Wildlife Habitat purposes from 11/15 to 3/15 (both dates inclusive)
(cfs or acre-feet per annum) ~~12.0~~
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) 12.0 ^{5.0} 12/13/90 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. Existing Big Bend Ditch, diversions
from Ditch to 2 sets of ponds, discharge back into Big Bend Ditch
- 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).

SEP 27 1991

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. Ponds for wildlife habitat

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
75	13E	27				X									X	X			

X = P/U for Wildlife

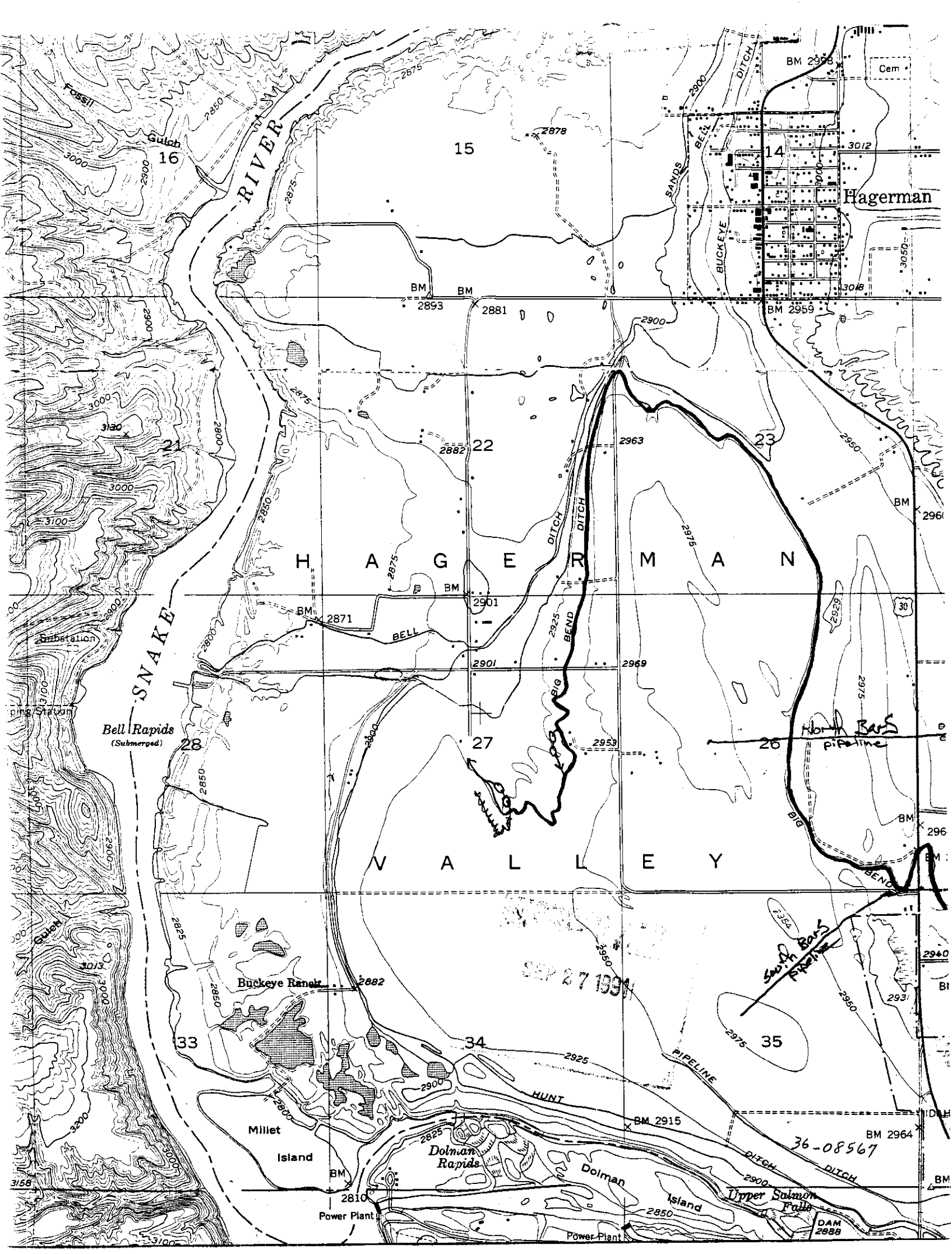
Total number of acres to be irrigated _____

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

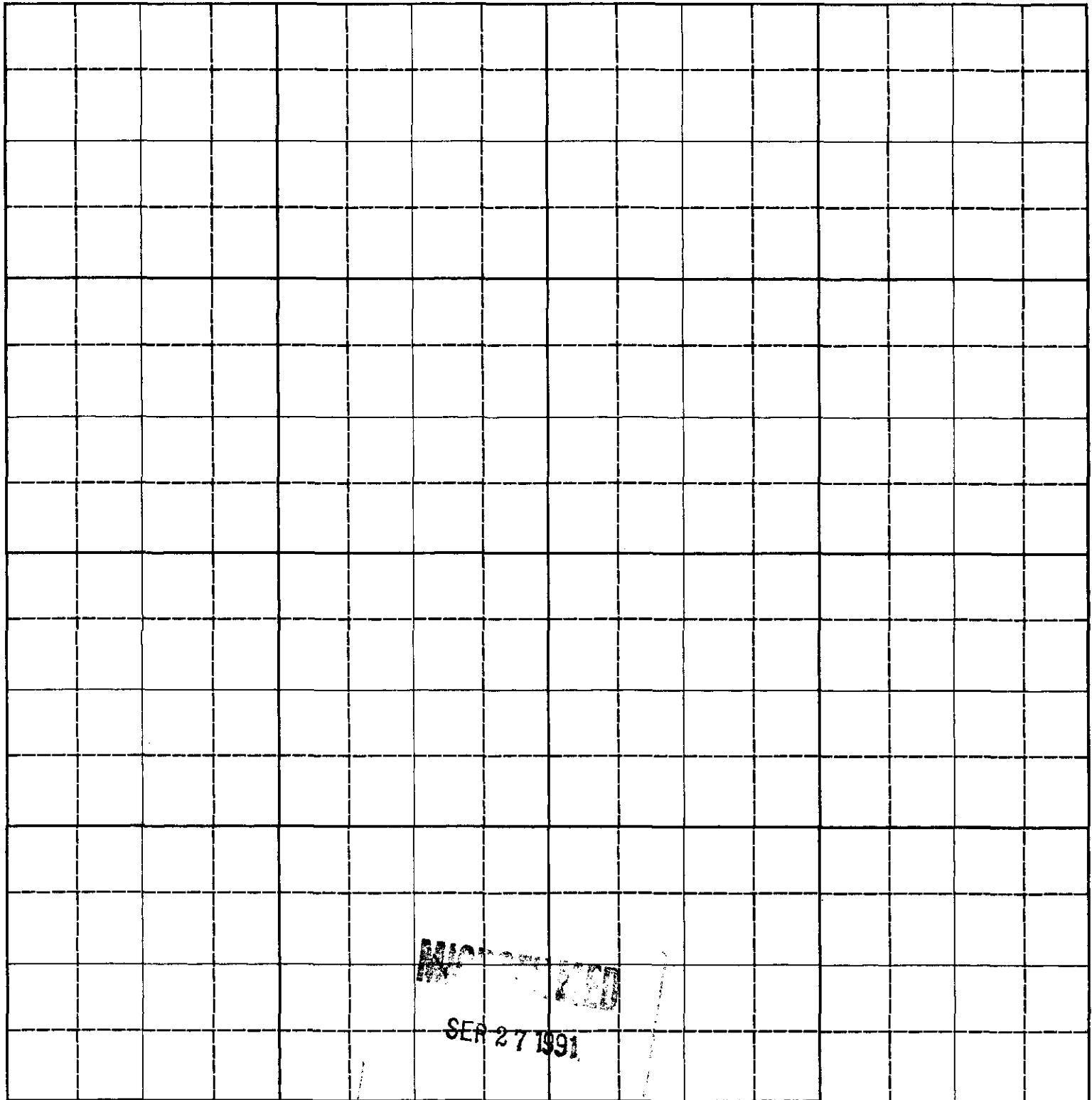
- Who owns the property at the point of diversion? Unknown Id. Dept of Fish & Game
- Who owns the land to be irrigated or place of use? Applicants Gustafson Trust
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: We are the last water users on the Big Bend Ditch.
Trustees are Ivan & Lucille E. Gustafson.
Re-diversion from Ditch is on our own land.

SEP 27 1991



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



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SEP 27 1991

SEP 27 1991

Scale: 2 inches equal 1 mile.

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

James Gustafson Trustee
(Applicant)
for Gustafson Trust.

Received by J. Stanton Date 10-30-90 Time 3:23 pm Preliminary check by JD
Fee \$ 265.00 Receipted by J # 5012788 Date 10-30-90
Idaho Statesman, Lewiston A.M. Tribune, Times News
Publication prepared by M. Baldwin Date 11-28-90 Published in Gooding Co. Leader; Post Register
Publication approved M. Baldwin Date 12-18-90, 1-14-91, 2-1-91

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

SEP 27 1991

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS

SS.

RECEIVED

No 21924

JAN 14 1991

I, Linda Capps McGuire being first duly sworn upon oath, depose and say that I am Bruce Cl. DeBartolo of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive weeks, commencing with the issue dated January 3, 1991, and ending with the issue dated January 10, 1991.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 10 day of January in the year of 1991, before me, a Notary Public, personally appeared Linda Capps McGuire known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

SEP 27 1991

Notary Public for Idaho

Residing at

My commission expires:

Shirley R. FeltmanTwin Falls County5/19/94OK
MB
2-1-91

AFFIDAVIT of PUBLICATION

RECEIVED

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

JAN 11 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 2nd day of Jan. 1991, and the date of the last publication was on the 9th day of Jan., 1991.

Patty Nance

Subscribed and sworn to before me this 10th

day of Jan., 1991.
(SEAL)

Vivian Gardiagos
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho
COST OF PUBLICATION

OK
MB
2-1-91

Number of Lines in Notice _____
Number of Insertions 2 X

COPY OF NOTICE
(Paste Here)

Not. Appl. by Water Rt.
TITLE OF NOTICE

Big Bend Mining & Irrig. Co.
36-08567

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

J. O. W. R. T.E.
BILL TO

7-8 pt. per line straight.....5¢/Pica
7-8 pt. per line tabular.....6¢/Pica
7-8 pt. per line successive
insertions.....4¢/Pica

Lines tabular at _____ 6¢/Pica
393.7 Lines straight at 19.69 5¢/Pica
Subsequent lines at 15.75 4¢/Pica
TOTAL COST 35.44

SEP 27 1991

No 856

3454

Proof of Publication
The Post-Register

RECEIVED

JAN 11 1991

Department of Water Resources
Southern Region Office

State of Idaho, }
County of Bonneville } ss

I, ... Ted Delezene, first being duly sworn, depose and say: That I am the
..... Foreman of The Post Company, a corporation of Idaho Falls, Bonneville
County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except
Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in
the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903,
such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been
published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and
said Post-Register having been published continuously and uninterruptedly from the date of such consolidation,
up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in
said Post-Register for Two Issues consecutive weeks, first publication having been made
on the 3rd day of January, 19 91 .., last publication
having been made on the 10th day of January, 19 91 .., and that the
said notice was published in the regular and entire issue of said paper on the respective dates of publication, and
that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this .. 10th ..

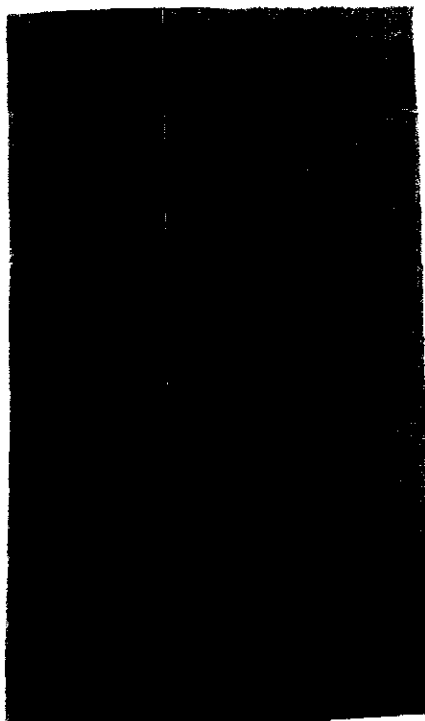
day of ..

Ted Delezene
.....
Cathy van Borsstel
Notary Public

My commission expires ..

March 5 .., 19 *91*

B10



OK
MB
2-1-91

MICROFILMED

SEP 27 1991

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

41.88

Account Number 47628		Identification Application for Water Right	
Ordered By Gail Garrett	P.O. Number	Rate nt	Run Dates January 3, 10, 1991
Idaho Department of Water Resources 2735 Airport Way Boise ID 83705		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 7293

RECEIVED

JAN 24 1991

Department of Water Resources
Southern Region Office

Julie Day

_____ , being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for two

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of Jan. 3, 19 91

and ending with the issue of Jan. 10, 19 91

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 10th day of January in the year of 1991, before me, a Notary Public, personally appeared Julie Day known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho

Residing at Boise, Id.

My commission expires: 5/91

RECEIVED

JAN 14 1991

Department of Water Resources
Western Regional Office

OK
MB
2-1-91

RECORDED
SEP 27 1991

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 010391 INVOICE No. 00256524

Account No. 446620 5-08517

Description 18524NOT10

Times 2 Lines 35

Tab Lines

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

USPT. OF WATER RESOURCES
2145 4TH AVE. E.
TWIN FALLS
ID 83301

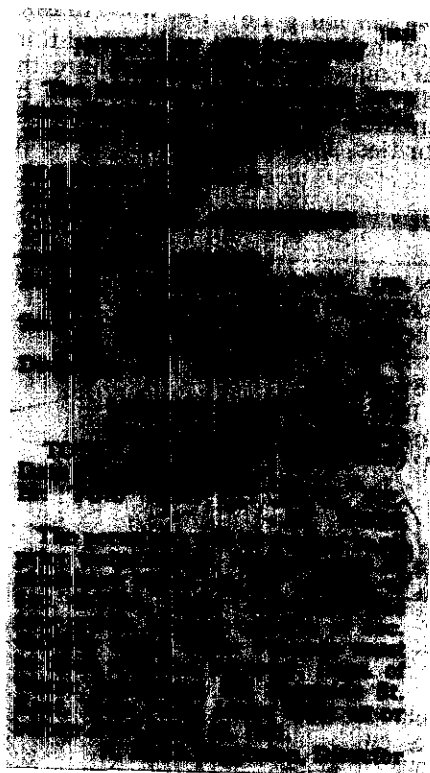
\$ 39.38

OK
MB
2-1-91

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce



Sue Baumeister, being duly sworn,

deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 010391, or once a

WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 010391, and the last pub-
lication thereof being on the 011091, and said

NOTICE OF APPLICATION

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

Sue Baumeister

SUBSCRIBED AND SWORN BEFORE ME THIS THE 15

Sheryl M. Lentz 1991

RECEIVED

JAN 18 1991

Department of Water Resources
Southern Region Office

SEP 27 1991

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

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

36-08567 ✓

GUSTAFSON TRUST
P.O. Box 209
HAGERMAN, ID 83332
Source: TUCKER

SPRINGS, UPPER
Tributary: RILEY CREEK
Source: TUCKER
SPRINGS, LOWER

Tributary: RILEY CREEK
Diversion Pt: NWSE Sec
6 T 07S R 13E

SESE Sec 36 T 07S R
3E

Use: WILDLIFE (12.000
FS)

Total Diversion: (12.000
FS)

Filed: 10/30/1990

TO7S R13E S27 SENE
ESE NWSE

47-08045 ✓

NN, NYLE K.
2

OX 177B
HL, ID 833160000

Source: UNNAMED
REAM

Tributary: CLEAR CREEK
Source: CLEAR CREEK

Tributary: MUD CREEK
Diversion Pt: SWSEW

26 T 09S R 14E
SESW Sec 26 T 09S R

Use: WILDLIFE (.020

CKWATER (.020

Diversion: (.040

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS

SS.

No 21860

I, Linda Capps McQuire being first duly sworn upon oath, depose
and say that I am Quire Clerk of the TIMES-NEWS, published daily, at
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
clipping attached, was published in the regular and entire issue of said newspaper, and not in
any supplement thereof, for Two consecutive Weeks,
commencing with the issue dated December 12, 1990,
and ending with the issue dated December 13, 1990.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily ex-
cept Monday, both of which newspapers prior to consolidation had been published under said names in said city and
county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at
which time said newspaper began daily publication under said name in said city and county continuously and
uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho,
to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers,
and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO

COUNTY OF TWIN FALLS

On this 27 day of December in the year of 1990, before me,
a Notary Public, personally appeared Linda Capps McQuire
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

SEP 27 1991

Shirley R. Feltman
Notary Public for Idaho

Residing at Twin Falls County

My commission expires: 5/19/94

CLASSIFIED ADVERTISING INVOICE

TWIN FALLS TIMES NEWS
132 3RD ST W.
P. O. BOX 548
TWIN FALLS

ID 83303

Forwarding & address correction requested

INVOICE NO.		CLASS		BILLING DATE	
21860		343		12/28/90	
INDEXING TERM					
#36-08567, 47-08045					
START DATE			TELEPHONE NO.		
12/06/90			734-3573		
LINES/WORDS	TIMES	RATE	NET AMOUNT	GROSS AMOUNT	
67	2		48.24	48.24	
AFFIDAVI			3.00	3.00	
PAY THIS AMOUNT			51.24	51.24	

GROSS AMT DUE AFTER 01/12

RECEIVED

DEC 31 1990

Department of Water Resources
Southern Region Office

RETURN THIS PORTION WITH YOUR REMITTANCE

21860

5124

THIS SPACE FOR ADDRESS ONLY

IDAHO WATER RESOURCES

222 SHOSHONE ST EAST
TWIN FALLS ID
83301

MICROFILMED

SEP 27 1991

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 121390 INVOICE No. 100246375
Account No. 446620 08567
Description 16378NOTIC
Times 2 Lines 36
Tab Lines _____

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

\$ 40.50

DEPT. OF WATER RESOURCES
222 SHOSHONE STREET EAST
TWIN FALLS
ID 83301

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Sue Baumeister, being duly sworn,
deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION
attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 120690, or once a
WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 120690, and the last pub-
lication thereof being on the 121390, and said

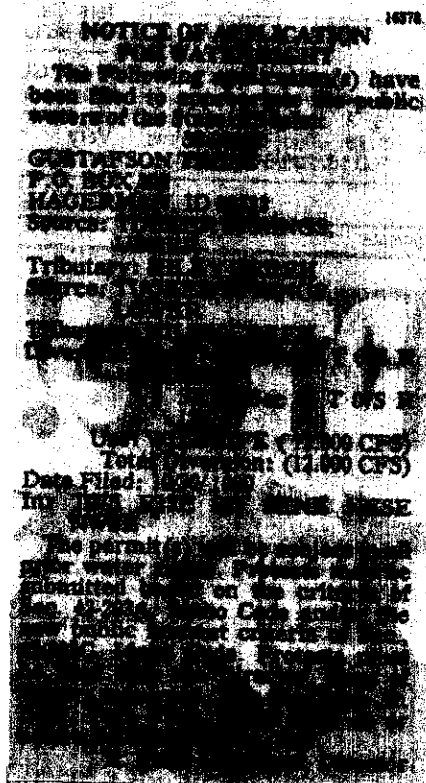
NOTICE OF APPLICATION
was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

Sue Baumeister

SUBSCRIBED AND SWORN BEFORE ME THIS THE 13
day of December 1990

Sheryl M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.



RECEIVED

DEC 17 1990

Department of Water Resources
Southern Region Office

SEP 27 1991

RECEIVED

DEC 18 1990

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

41.88

Department of Water Resources

Account Number 100632		Identification Application for Water Right: #36-08567	
Ordered By Mary Baldwin	P.O. Number	Rate NT	Run Dates 1990 December 6, 13
Idaho Department of Water Resources Southern Region 222 Shoshone Street East Twin Falls, ID 83301		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 7147

Cherami J. Snow

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for two

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of Dec. 6, 19 90

and ending with the issue of Dec. 13, 19 90

Cherami J. Snow

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 13th day of December, 1990, before me, a Notary Public, personally appeared Cherami J. Snow, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

[Signature]
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 12/93

OK
MB
12-18-90

FILED

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss

I, ... Ted Delezene first being duly sworn, depose and say: That I am the Foreman of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

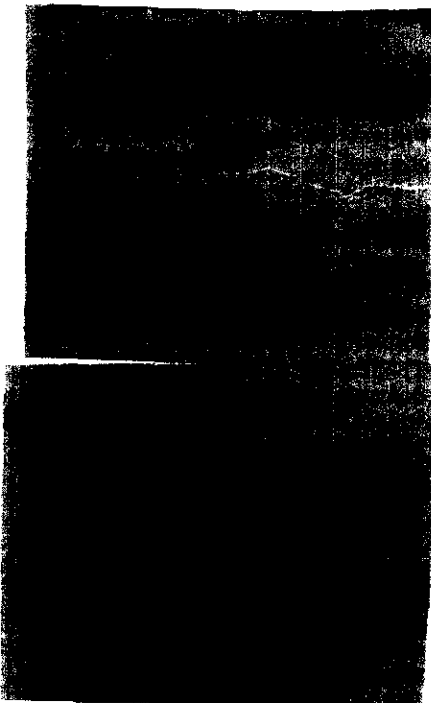
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for Two Issues consecutive weeks, first publication having been made on the 6th day of December 1990..., last publication having been made on the 13th day of December 1990..., and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this .. 13th .. day of .. December .., 1990

Ted Delezene
.....
Cathy van Borstel
Notary Public

My commission expires .. March 5 .., 1996

B10



OK
MB
12-18-90

RECEIVED
DEC 17 1990
Department of Water Resources
Southern Region Office
FILMED
SEP 27 1991

STATEMENT

The Post-Register

EAST IDAHO'S HOME PAPER

333 NORTHGATE MILE

IDAHO FALLS, IDAHO
83401

DIAL 522-1800

State Of Idaho
Department Of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301
FEDERAL ID. #82-0220642

TEAR OFF THIS SLIP AND ENCLOSE WITH CHECK TO ASSURE PROPER CREDIT BEING GIVEN.
YOUR CANCELLED CHECK WHEN RETURNED BY YOUR BANK IS A VALID RECEIPT.

\$

DATE	INCHES - LINES	WORDS	DAYS	CHARGES	✓	CREDITS	BALANCE
BALANCE FORWARD							
Dec 6, 1990				Legal Notice: Notice of Application For Water Right <u>36-08567</u> Published December 6, 13, 1990			\$34.02
				\$34.02			\$34.02
I hereby certify that the foregoing account is correct and just, that the services were actually rendered as charged, and I/we have not received payment thereof. THE POST REGISTER <i>Cathy von Borstel</i> Cathy von Borstel Legal Secretary RECEIVED DEC 17 1990 Department of Water Resources Southern Region Office SEP 27 1991							

OK
MB
12-18-90

EXPLANATION OF SYMBOLS:

DS DISPLAY ADV.
EC ENGRAVED CUTS

CL CLASSIFIED ADV.
CS CASH

LG LEGAL ADV.
AJ ADJUSTMENT

SP SPECIAL ADV.
RE RE-ORDER (CLASSIFIED ADV)

DIAL 522-1800

333 NORTHGATE MILE

The Post-Register

IDAHO FALLS, IDAHO

AFFIDAVIT of PUBLICATION

RECEIVED

DEC 14 1990

State of Idaho,)
County of Gooding) SS.

Department of Water Resources
Southern Region Office

Patty Hance, 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 5th day of Dec. 19 90, and the date of the last publication was on the 12th day of Dec., 19 90.

Patty Hance

Subscribed and sworn to before me this 13th day of Dec., 19 90.
(SEAL)

Vincent J. Jandaghi
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho
COST OF PUBLICATION

OK MB
12-18-90

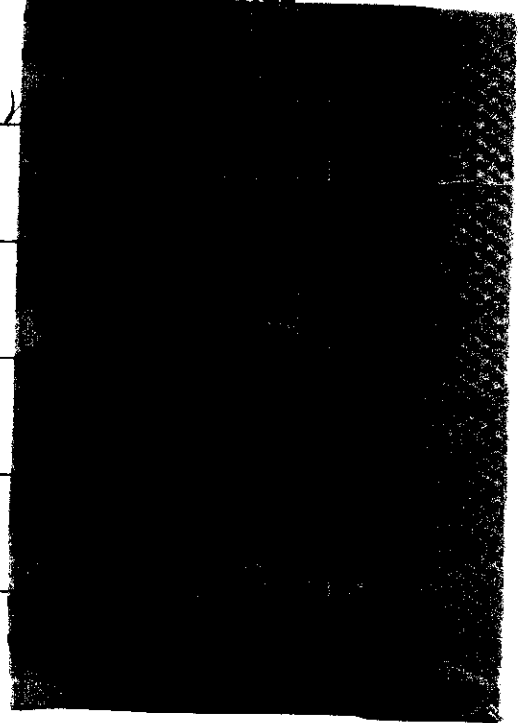
Number of Lines in Notice _____
Number of Insertions 2X

Lines tabular at _____ 6¢/Pica

Lines straight at 18.28 5¢/Pica

Subsequent lines at 14.63 4¢/Pica
TOTAL COST 32.91

COPY OF NOTICE



PUBLICATION RATES	
(Idaho Code, Rev. Statutes 1984)	
7-8 pt. per line straight.....	5¢/Pica
7-8 pt. per line tabular.....	6¢/Pica
7-8 pt. per line successive insertions.....	4¢/Pica

MICROFILMED

SEP 27 1991

841

3394A



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 7, 2002

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

RE: License No. 36-8567 - Issuance of License

Dear Water Right Holder(s):

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.

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

SWK:klt

Enclosure(s)

MICROFILMED

APR 03 2002

CERTIFICATE OF SERVICE

I hereby certify that on March 7, 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. 36-8567

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


Kari Lynn Townsend
Secretary

MICROFILM

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).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
APR 03 2002

LICENSE REVIEW CHECKLIST

Permit No. 36-8567 Date: 2-26-02 Reviewer: Kay Walker

Change/OK

Name/Address change address

Source ok Does change clarify original intended source? If no, void permit.
Point of Diversion: ok 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 5.0 cfs
Fee Limit 5.0 cfs Recommended Total Diversion Rate 5.0
Measured NONE cfs
Theoretical NONE cfs

Water Uses ok Change (P46) Season of Use per new Standards _____

Irrigation _____ cfs _____ 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)
Stockwater _____ cfs _____ af	
Domestic _____ cfs _____ af	
<u>Wild</u> <u>5.0</u> cfs _____ af	
_____ cfs _____ af	
Total <u>5.0</u> cfs _____ af	

Volume Determination 5.0 cfs x 1.9835 x 121 days = 1200 ~~148.0~~ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: 855 027 2 = 9.9 AF/day - would be trust water but

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

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

not depleting Snake River - so remove trust condition

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

MEMORANDUM

DATE: July 8, 1999

TO: Water Right Files 36-08567, 36-08735, & 45-07737

FROM: Shelley W. Keen 

RE: Trust Water Conditions

When these rights are reviewed for licensing, the reviewer should determine whether the Trust Water conditions were actually appropriate for these water uses.

MICROFILMED
APR 03 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 26 1996

Department of Water Resources

A. GENERAL INFORMATIONPermit No. 36-085671. Owner: Big Bend Mining & Irrigation Co. Phone No. 837-6411Current Address: ^{CO}Ivan Gustafson PO Box 209, Hagerman, ID 833322. Accompanied by: Mr. Gustafson EXAM DATE: 3-1-96

Address: _____ Phone No. _____

Relationship to Permit Holder: land owner & on company board of directors3. Source: Upper & Lower Tucker Springs tributary to Riley Creek
via Big Bend Ditch**B. OVERLAP REVIEW**1. Other water rights with the same place of use: none for wildlife permit 36-087522. Other water rights with the same point of diversion: Many irrigation & fish propagation rights**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
		NW	SE	SE	36	7S	13E	Gooding	Upper Tucker Spr.
		SE	NW	SE	"	"	"	"	Lower " "

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	
7S	13E	27													W	W			

MICROFILMED

APR 03 2002

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

2. Measurements: Flow not measured.

MICROFILMED

APR 03 2000

E. NARRATIVE/REMARKS/COMMENTS

Water is diverted from Tucker Springs via the Big Bend Ditch all year long. The Ditch flows about five miles thru the Hagenman Valley before ending on Mr. Gustafson's property. Water is taken out of the Ditch at various points above his property for irrigation and other uses. He also gets irrigation water thru this ditch. A total of 39 cfs is recommended to the Big Bend Irrigation Co. in the SRBA. Depending on what upstream users are doing, flows reaching the Gustafson property vary from almost nothing to 5 cfs during the non-irrigation season.

This system is not set up to be measured. Mr. Gustafson gets what he gets, and has no control over the water coming to his property. He has essentially the 1st priority on the Big Bend Ditch, so his use of water for wildlife does not affect any other users ^{there}. Water leaving his property ends up in the ~~Santa River~~ Buckeye Ditch.

While this permit only covers direct flow for wildlife, it should also have included wildlife storage. More water is available ~~for~~ for storage during the winter than during the summer. ^{But} Mr. Gustafson recently obtained Permit 36-08752, which includes year-around wildlife storage for the full volume of the ponds, so I am only recommending direct flow under 36-08567. Condition of Approval #11 seems to authorize storage even though no storage was applied for. We certainly don't want to license the same storage twice.

Condition of approval #5 (measuring devices) should be dropped, as it is meaningless & burdensome. The Big Bend Ditch has always run into the area where the ponds are located. Mr. Gustafson is the last irrigation on the ditch.

Due to the variable nature of the available flow, no realistic annual volume can be assigned.

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

APR 03 2002

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Wildlife	11-16	3-14	5.0	
Totals:			5.0	

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. AUTHENTICATION

Field Examiner's Name J. P. Stanton Date 11-22-96

Reviewer _____ Date _____

SEAL

MICROFILMED

APR 03 2002

From PH. CONVERSATION WITH MR. IVAN GUSTAFSON THE
PONDS RANGE FROM 1.5 TO 8 FT DEEP WITH AN
AVERAGE DEPTH OF 3 FT.

4/18/91 - 10:00AM - QUENTIN NEELITT

I AM GOING TO DOSE VOLUME CALCULATIONS ON
AN AVERAGE DEPTH OF 4 FT, BECAUSE IN THE
PERMIT STAGE.

VOLUME:

Pond # 1 - $\frac{1}{2}$ ACRE

$$.5 \text{ ac} \times 4 \text{ FT deep} = \underline{2 \text{ ac-ft}}$$

Pond # 2 - $\frac{1}{2}$ ACRE

$$= \underline{2 \text{ ac-ft}}$$

Pond # 3 - 5 ACRES

$$5 \text{ ac} \times 4 \text{ FT deep} = \underline{20 \text{ ac-ft}}$$

Pond # 4 - 3 ACRES

$$3 \text{ ac} \times 4 \text{ FT deep} = \underline{12 \text{ ac-ft}}$$

TOTAL VOLUME: 36 ac-ft

EVAPORATION LOSSES: NOV. 15 - MARCH 15

ESTIMATE 2 FT

$$\frac{1}{2} \text{ ac} + \frac{1}{2} \text{ ac} + 5 \text{ ac} + 3 \text{ ac}$$

$$= 9 \text{ ac} \times 2 \text{ FT EVAP. LOSS} = \underline{18 \text{ ac-ft}}$$

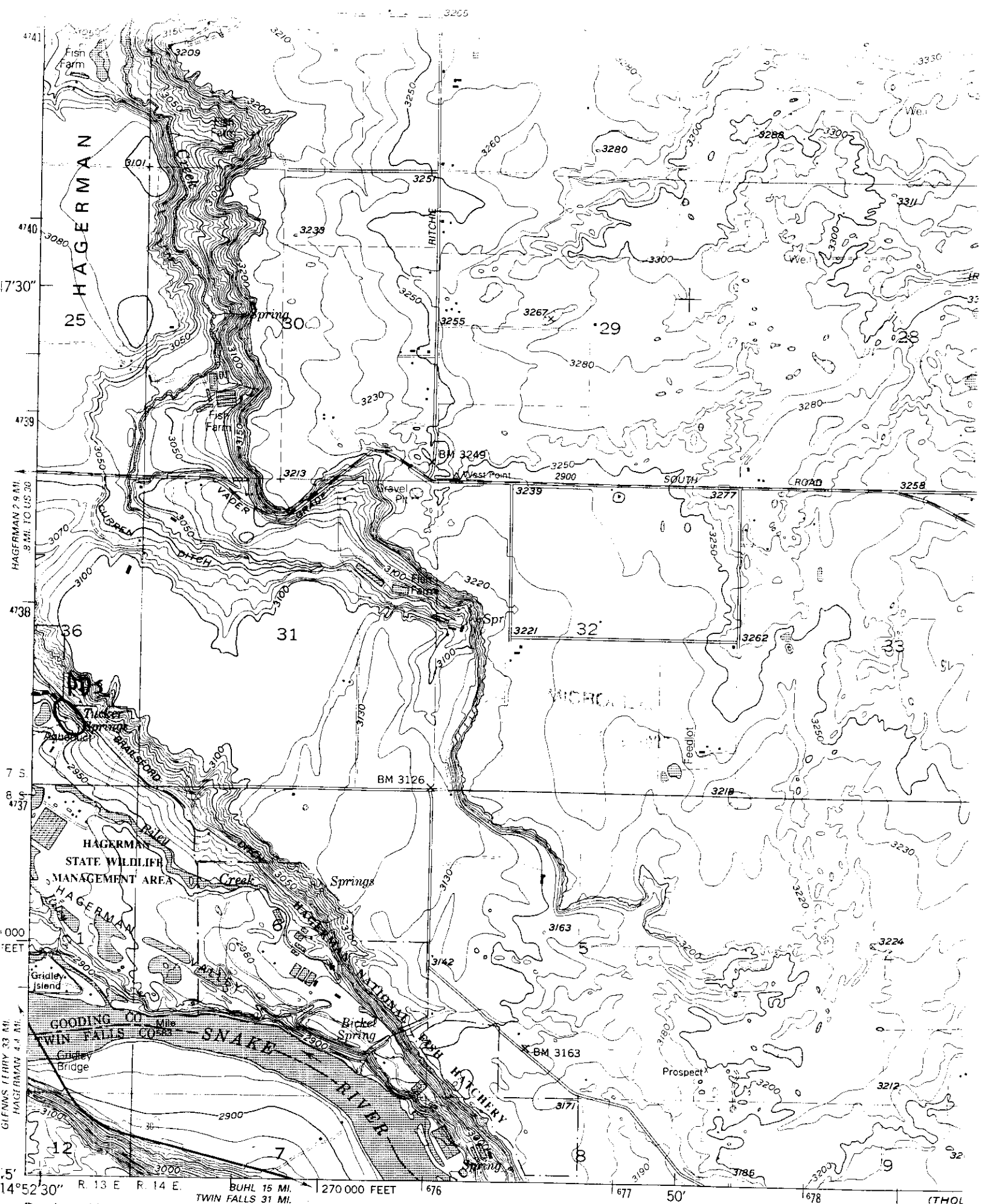
5 1/2 ac
Total

NOV. 15 - MARCH 15 - 121 days

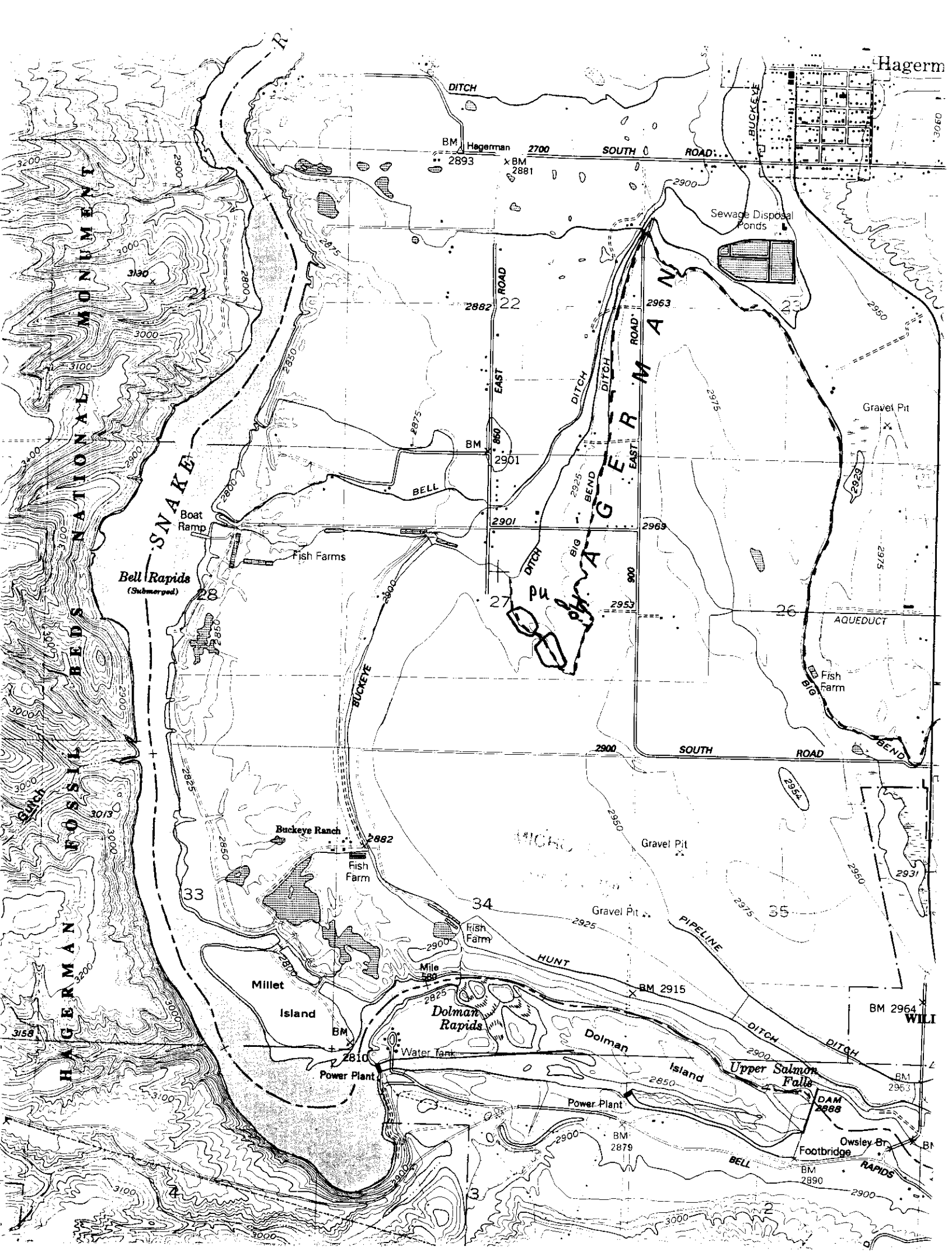
$$18 \text{ ac-ft} / 121 \text{ days} = .14876 \text{ ac-ft/day}$$

$$= .075 \text{ ft}^3/\text{ac} \quad \text{Cec: Quentin Neelitt}$$

WIC-001010

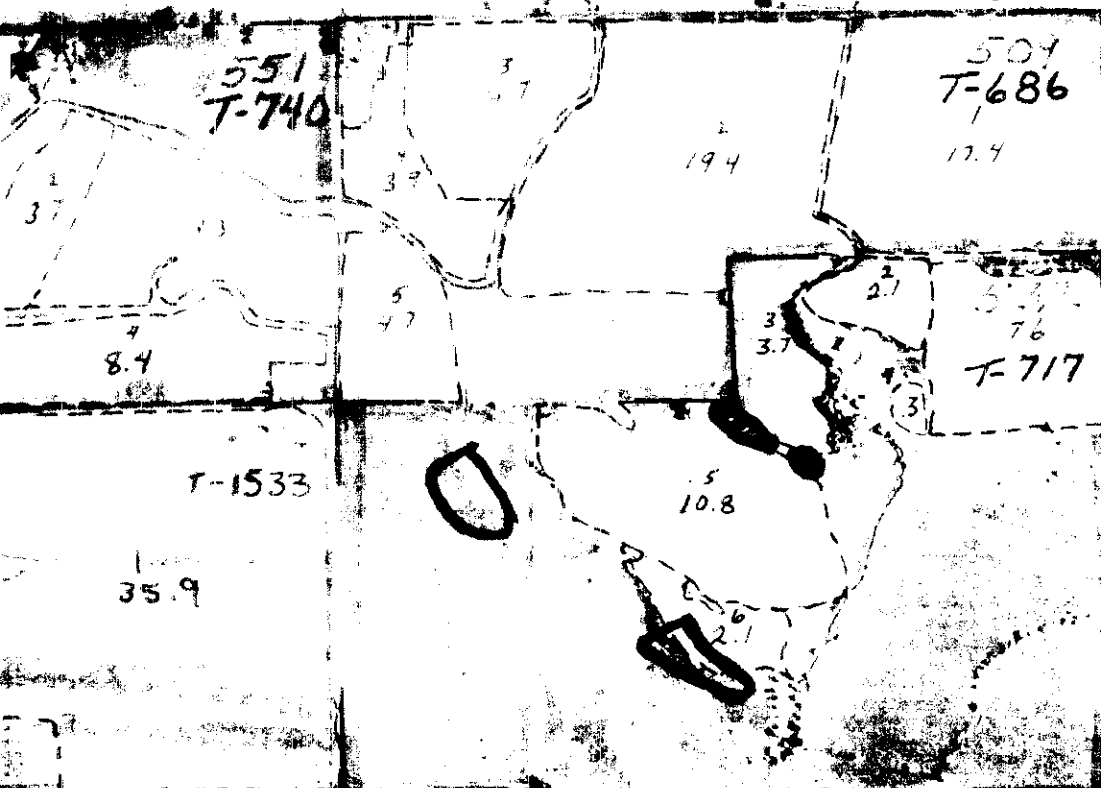


Produced by the United States Geological Survey
in cooperation with the Army Corps of Engineers
Control by USGS and NOS/NOAA



22 23

27 26



1400
T-1450

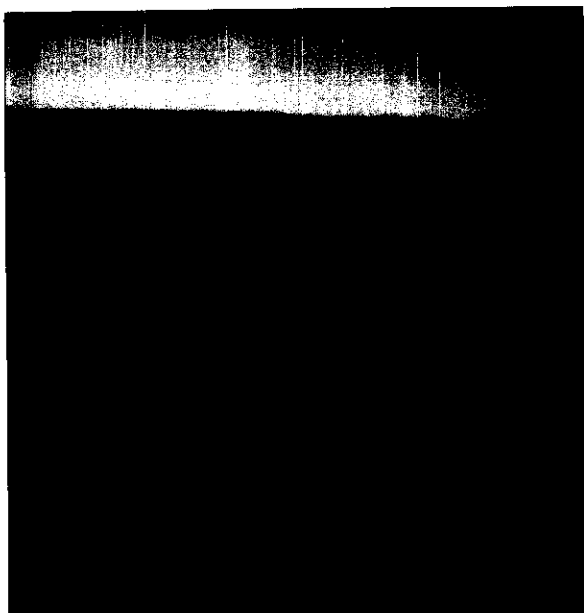
117.0



37 34
34 35

13
11.0

MICROFILMED
1977



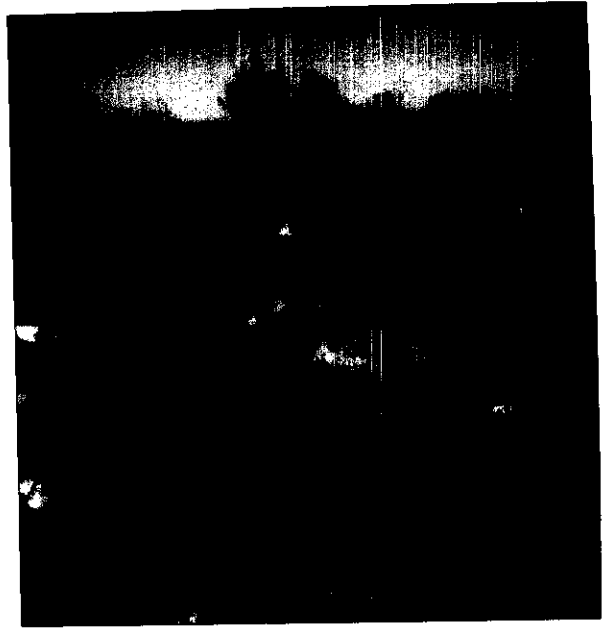
Large Ponds

36-8567
3-1-96 JEs

36-8567
3-1-96 JEs

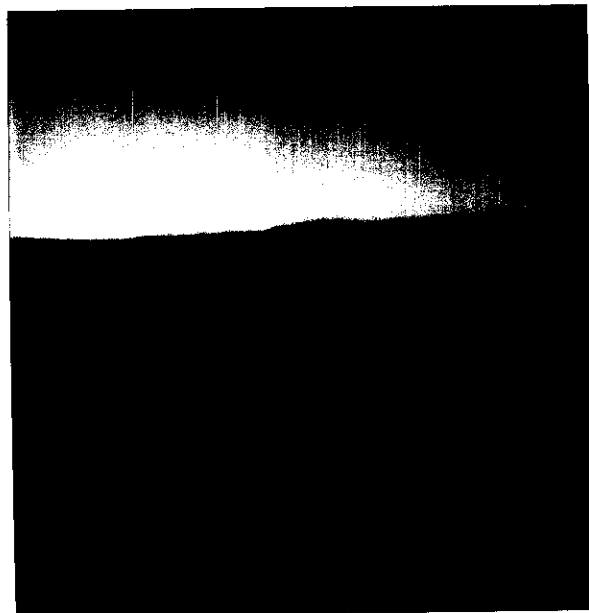


Big Bend Ditch,
Headgate in Ditch



Private Ditch to North Pond

Pond



36-8567
3-1-95 JES

February 12, 1993

BIG BEND MINING & IRRIGATION CO.
C/O IVAN GUSTAFSON
P.O. BOX 209
HAGERMAN ID 83332

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08567

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,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECORDED
FEB 17 1993

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 36-08567

Reviewed by Klg

Date 2/5/93

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

wildlife

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

NA Drilling permit required?

/ Copy in the file? Drilling Permit No. _____

/ Amount paid for permit _____ Correct?

/ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

200 Amount Submitted

yes Correct?

MEASURING DEVICE

NA Required?

/ Installed?

/ Waiver requested?

PRIORITY CALCULATION

Date proof received NA

Date proof due / -

No. of days late / =

Priority Date / +

New Priority Date /

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address _____

Proof Made

5/4/93
3/12/93 Klg

December 31, 1992

BIG BEND MINING & IRRIGATION CO.
C/O IVAN GUSTAFSON
P.O. BOX 209
HAGERMAN ID 83332

PROOF DUE NOTICE

RE: PERMIT NO. 36-08567

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 March 1, 1993. (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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



FEB 17 1993



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

November 5, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

BIG BEND MINING & IRRIGATION CO.
c/o Ivan Gustafson
PO Box 209
Hagerman, Idaho
83332

Dear Mr. Gustafson;

Enclosed is an order removing the measuring device requirement on your permit. Please be aware that the Department may reverse the requirement if more control on the delivery of water under this right is required.

Sincerely,

Jim Johnson
Water Rights Supervisor

MICROFILMED

NOV 13 1992

RECEIVED
OCT 09 1992

Box 204
Hagerman, Id. 83332

Jim Johnson
Water Rights Supervisor
Dept. Water Resources
Boise, Idaho

Department of Water Resources

RE. Permit # 36-08567

Dear Sir:

I have completed the construction of works under permit # 36-08567 except for condition #5 "A measuring device and lockable controlling works of a type acceptable to the Dept. shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit"

I request that this condition be rescinded for the following reasons:

① I am at the end of the Big Bend Ditch and I get what water is left over so there is no reason to measure it.

② There are no measuring devices on the south lateral of the Big Bend Ditch. To require that I install one just doesn't make sense in my case when I am at the end of the ditch.

③ A "lockable controlling works" is not applicable because there is so much variation in water flow (From 0 to about 100 cfs) that if locked it would flood over the ditch bank and wash it out.

RECEIVED

NOV 18 1992

(2)

④ All water passing through the ponds returns to the ditch anyway so measuring the amount passing through the ponds would be useless.

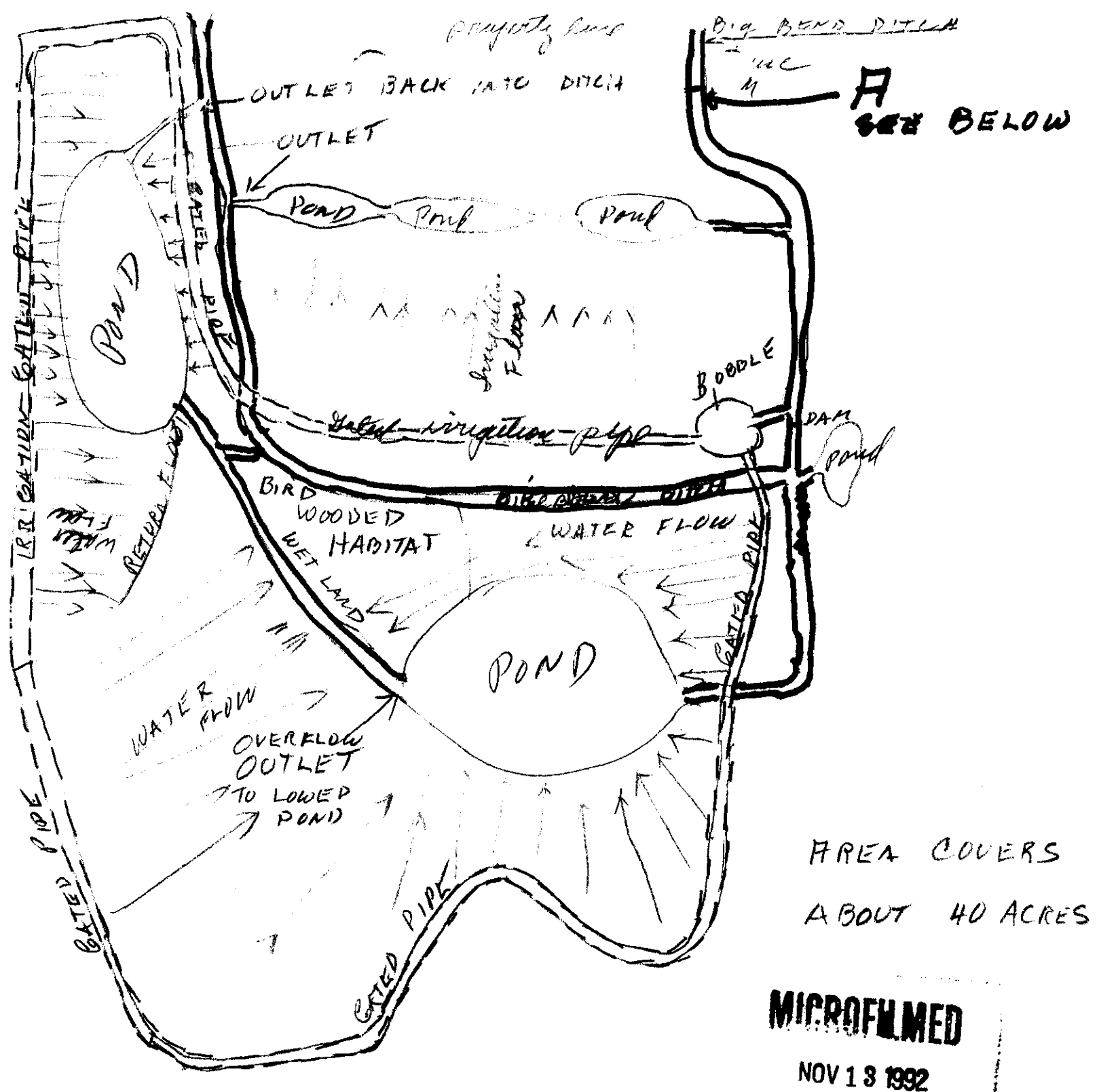
⑤ There are numerous ponds which if we complied with Condition #5 would require several "lockable" measuring devices.

⑥ All the ponds are also filled from my irrigation system so much of the water would not ~~be~~ be measurable, as a matter of fact I am using wastewater from irrigation to fill the ponds.

I realize that it is difficult to sit on the fence and visualize what is going on in my project in Hagerman. Also not all blanket conditions apply to every project. Therefore, I am enclosing a sketch showing the problems that complying with this condition would create. I also invite you to inspect the project so you can ~~visualize~~ better appreciate the problems. I am doing this to create wetlands and habitat for wildlife. There is only expense and no monetary benefit from the project. My wife like birds

NOV 13 1992

Respectfully Yours
Lynn Gustafson



PROPERTY LINE

A I COULD PUT A NON-LOCKABLE MEASURING DEVICE AT A WHICH WOULD MEASURE TOTAL FLOW. IT WOULD BE OF NO VALUE EXCEPT TO SATISFY THE DEPT. OF WATER RESOURCES. A LOCKABLE DEVICE WOULD FLOOD OVER THE BANK.



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

April 26, 1991

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

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08567

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.

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

SEP 27 1991

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.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

SEP 17 1994

MEMORANDUM

TO: JIM JOHNSON

FROM: PAM SKAGGS *PS*

RE: CONDITIONS FOR APPLICATION 36-8567

DATE: 19-APR-1991

=====

These are the proposed conditions for the Gustafson Trust application for wildlife ponds.

1. This right authorizes an annual volume of water to fill the ponds and the amount required to replace losses thru evaporation.
2. The rate of diversion shall not conflict or interfere with the future diversion of water for irrigation or other beneficial consumption.

The permit will show both diversion rate and annual volume.

RECEIVED
SEP 27 1991

From PH. CONVERSATION WITH MR. IVAN GUSTAFSON THE
Ponds RANGE From .5 to 8 FT DEEP WITH AN
AVERAGE DEPTH OF 3 FT.

4/18/91 - 10:00AM - QUENTIN NESBITT

I AM GOING TO BASE VOLUME CALCULATIONS ON
AN AVERAGE DEPTH OF 4 FT, BECAUSE IN THE
PERMIT STAGE.

VOLUME:

Pond # 1 - $\frac{1}{2}$ ACRE

$$.5 \text{ ac} \times 4 \text{ FT deep} = \underline{2 \text{ ac-ft}}$$

Pond # 2 - $\frac{1}{2}$ ACRE

$$= \underline{2 \text{ ac-ft}}$$

Pond # 3 - 5 ACRES

$$5 \text{ ac} \times 4 \text{ FT deep} = \underline{20 \text{ ac-ft}}$$

Pond # 4 - 3 ACRES

$$3 \text{ ac} \times 4 \text{ FT deep} = \underline{12 \text{ ac-ft}}$$

TOTAL VOLUME : 36 ac-ft

EVAPORATION LOSSES: NOV. 15 - MARCH 15

ESTIMATE 2 ft

$$\frac{1}{2} \text{ ac} + \frac{1}{2} \text{ ac} + 5 \text{ ac} + 3 \text{ ac}$$

$$= 9 \text{ ac} \times 2 \text{ ft EVAP./SEASON} = \underline{18 \text{ ac-ft}}$$

54 ac-ft
Total

NOV. 15 - MARCH 15 - 121 days

$$18 \text{ ac-ft} / 121 \text{ days} = .14876 \text{ ac-ft/day} \quad \frac{\text{day}}{24 \text{ hr}} \quad \frac{1 \text{ hr}}{3600 \text{ sec}} \quad \frac{43,560 \text{ ft}^2}{1 \text{ ac}}$$

$$= .075 \text{ ft}^3/\text{sec}$$

See: Quentin Nesbitt

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

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

RECEIVED
MAR 19 1991

Department of Water Resources

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:

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 - $\frac{1}{2}$ A
Pond #2 - $\frac{1}{2}$ 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.

SEP 27 1991

The type and number of wildlife to be served will be ducks, geese, and other song birds attracted to a water environment. In addition pheasant, quail, and hungarian partridges should benefit from the cover being planned. Probably skunks, foxes, coyotes, and muskrats will unfortunately find a home also.

The numbers will be variable and impossible to determine with any accuracy. In migrating season thousands of ducks and geese will use the ponds. Probably 50-100 pheasants, quail, and hungarian partridges will find a home in the area.

The Big Bend Directors have not selected a new president so please direct all inquiries to:

Ivan J. Gustafson
Director, Big Bend Mining and Irrigation Co.
P.O. Box 209
Hagerman, ID 83332

Phone: 837-6411

Sincerely,


Ivan J. Gustafson

IJG/amc

LA
SEP 9 1967



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

March 13, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

BIG BEND MINING & IRRIGATION CO.
C/O Verl Bell, President
Rt. 1 Box 42
Hagerman, ID 83332

RE: Application for Permit #36-8567

Dear Mr. Bell:

The above referenced application has reached the State Office for final review and processing. Before the application can be processed and approved I will need some additional information.

Applications in the name of a corporation must submit the names and addresses of its directors and officers. There is no record of officers included with the assignment of this application to your company. Would you please include this information in your reply.

Idaho water law requires that water appropriated be put to beneficial use and limits the issuance of water rights to amounts that can be shown as beneficially used for uses described on the water right. The large rate of diversion, 5.0 cfs, for wildlife use is a concern. I need additional information to justify the large diversion for wildlife use. Would you please provide more specific information describing your project including total number of ponds, approximate size of ponds, specific means of diversion, and detail how the flow rate was determined. Also, fully describe wildlife water needs; the specific nature of the habitat and approximate type and number of wildlife. The more information about the project provided, the more accurate of an evaluation can be made.

Thank you for your time and assistance in these matters. I will hold the application from further processing pending your reply. Please respond at your earliest convenience in order to prevent undue delay in processing this application.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

SEP 27 1991

APPLICATION FOR PERMIT REVIEW

Application #: 36-8567
Date: 3-11-91

Reviewer: Pam Skaggs *CS*

Existing:

✓ No

- 26A-P17

Complete in 1 year - P16

Yes

Proof not submitted - P16

Proof submitted - N/A

Groundwater:

GT. 0.7 cfs - 01G-P03, 01C-P03 (existing well)

LT. 0.7 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.7 w/pump)

005-01J-P08 (GT.7)

Groundwater - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

✓ Swan Falls Flag - W (1 or Blank)

✓ Trust - 051-052-053-P74 (Cons.), 041 (DCMI, w/Irr or Irr & Dom)

Non Trust - 048-049

River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 11D-P72

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 002-P06, 06A, 007, 09E-P10, 010, 042, 044

Power - Use Power Review

Mining - 06A, 006, 010, 09E-P10 & 054 (req.)

Storage - 18A-for multiple measuring devices (In WD), 18B-P09 (Size)

Rec. & Aesthetic - 027 (Non-Consumptive)

Domestic - 021 (restricted areas)

Ownership:

✓ Non land owner

- 004

Protested:

Agreement - 020

Minimum Stream Flow:

Overlapping uses - 029-P20

✓ Beneficial Use Due Date: - 03-01-1993

✓ Other Conditions Recommended Per my memo of 4-19-91

Need list of Corporate Officers ✓

SEP 27 1991

TER-DEPARTMENT MEMO — 1

FROM

D Jones

DATE

3/6/91

TO

File 37-08527

SUBJECT

Reviews and approval

Applicant requests expedited
Review of application. They have
contacted us several times about
status and have become irate

NOT FILMED

SEP 27 1991

Douglas Jones
SIGNATURE

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

GF
Gustafson Trust

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY AD DATE 11/23/90 APPLICATION NUMBER 36-08567

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 10-30-90
3:23 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
- ☐ Yes ☒ No 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.)
- ☒ 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

SWAN FALLS HOLD? _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

MAR 08 1991

Date Requested Department of Water Resources

RECEIVED

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 ☒ 36-A ☐ 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 1/21/91
☐ 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. 36-A
☒ Yes ☐ No Special conditions of approval or cover letter below.

014, 09E, 05-36A, Billingsley & Riley Co. 27
04, 26A See below for additional information
Date of priority recommended 10/30/90
By Larry E. Hansen Date 3/6/91

STATE OFFICE REVIEW

See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

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 _____

Project impacts/implications report

COMMENTS

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

DECEMBER 24, 1990

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 JANUARY 21, 1991.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECEIVED
SEP 27 1991

36-08567

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

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

Tributary: RILEY CREEK
Tributary: RILEY CREEK

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

Use: WILDLIFE (5.000 CFS)
 Total Diversion: (5.000 CFS)

Date Filed: 10/30/ 1990

In: T07S R13E S27

SENE

NESE

NWSE

NOTED

SEP 27 1991

The permit(s) will be subject to all prior water rights. Protests may be submitted base 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 JANUARY 21, 1991.

R. Keith Higginson, Director

Published 1/ 2/1991 & 1/ 9/1991

SEP 27 1991

The permit(s) will be subject to all prior water rights. Protests may be submitted base 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 JANUARY 21, 1991.

R. Keith Higginson, Director

Published 1/ 3/1991 & 1/10/1991

SEP 27 1991

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

DECEMBER 24, 1990

IDAHO STATESMAN, LEGAL ADS
BOX 40
BOISE, ID 83707

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 JANUARY 21, 1991.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECEIVED
SEP 27 1991

(S T A T E O F I D A H O)
DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208)734-3578

DECEMBER 24, 1990

POST REGISTER
P.O. BOX 1800
IDAHO FALLS, ID 83402

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.

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Please send the affidavit of publication and publication billing to this office before JANUARY 21, 1991.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

SEP 27 1991

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

DECEMBER 24, 1990

LEWISTON MORNING TRIBUNE
505 C STREET
LEWISTON, ID 83501

Gentlemen:

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(S T A T E O F I D A H)
DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208)734-3578

DECEMBER 24, 1990

TIMES NEWS
P.O. BOX 548
TWIN FALLS, ID 83303-548

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SEP 27 1991

Form No.
7/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHECKLIST OF REQUIREMENTS
LARGE DIVERSION SUPPLEMENTARY
ANALYSIS SHEET*

EFFECT ON EXISTING RIGHTS

- ☐ Yes ☐ No Springs/surface streams with 5 or less existing users
- ☐ Identify number of impacted rights
- ☒ Name and address of users
- ☒ Location of points of diversion
- ☐ Nature of use of the existing rights
- ☐ Yes ☒ No Groundwater
- ☐ Plat showing proposed well and any other wells &/or springs within 1/4 mile radius
- ☒ Yes ☐ No Statement of design construction, or operation techniques which will be used to reduce impact on existing rights

SUFFICIENCY OF WATER SUPPLY

Water Requirements of Proposed Project

- ☐ Required diversion rate during peak use (Maximum rate)
- ☐ Required diversion rate during average use period
- ☐ Annual volume
- ☐ Season of use
- ☐ Volume to be consumptively used/year

Quantity of Water Available from Source

- ☐ Flow rates for surface water sources available during peak and average water demand period
- ☐ Properties of aquifers
- ☐ Other sources available for supplementation

GOOD FAITH, DELAY OR SPECULATION

- ☒ Copies of deeds, leases, easements, and right-of-ways from _____
- ☐ Power applications affidavit form 205/206 is required
- ☐ Yes ☒ No Other needed permits, licenses, or approvals required. If yes, _____.

FINANCIAL RESOURCES

- ☒ Current certified financial statement
- ☐ Financial commitment letter/financial statement from committed party
- ☐ Project design/plans along with cost estimation to complete project

*For applications of more than 5 cfs. or more than 500 AF.

LOCAL PUBLIC INTEREST

Comments received from:

- | | | |
|---------------------------------------|---|--|
| ☐ City | ☐ Idaho Fish & Game | ☐ Irrigation District |
| ☐ County | ☐ Idaho Health & Welfare | ☐ Canal Company |
| ☐ Reservations | Division of Environment | ☐ Other _____ |

Project impacts/implications report

COMMENTS

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

NOVEMBER 28, 1990

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.

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Enclosure

RECEIVED
SEP 27 1991

The permit(s) will be subject to all prior ~~water~~ rights. Protests may be submitted base 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 DECEMBER 24, 1990.

R. Keith Higginson, Director

Published 12/ 5/1990 & 12/12/1990

SEP 27 1991

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

NOVEMBER 28, 1990

LEWISTON MORNING TRIBUNE
505 C STREET
LEWISTON, ID 83501

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MICROFILMED
SEP 27 1991

(S T A T E O F I D A H O)
DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208)734-3578

NOVEMBER 28, 1990

POST REGISTER
P.O. BOX 1800
IDAHO FALLS, ID 83402

Gentlemen:

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

NOVEMBER 28, 1990

IDAHO STATESMAN, LEGAL ADS
BOX 40
BOISE, ID 83707

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NOVEMBER 28, 1990

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Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

SEP 27 1991

36-08567

GUSTAFSON TRUST
P.O. BOX 209
HAGERMAN, ID 83332

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

Tributary: RILEY CREEK
Tributary: RILEY CREEK

Diversion Pt: NWSE Sec 36 T 07S R 13E
 SESE Sec 36 T 07S R 13E

Use: WILDLIFE (12.000 CFS)
 Total Diversion: (12.000 CFS)

Date Filed: 10/30/ 1990

In: T07S R13E S27 SENE NESE NWSE

RECEIVED
SEP 27 1991

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R. Keith Higginson, Director

Published 12/ 6/1990 & 12/13/1990

RECEIVED

SEP 27 1991

28-Nov-1990

IVAN J GUSTAFSON TRUSTEE
GUSTAFSON TRUST
PO BOX 209
HAGERMAN ID 83332

Re: Application for Permit No. 36-08567

Dear Mr. Gustafson:

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 12/5 & 12/12/90 and in Idaho Statesman, Post Register, Lewiston Morning Tribune, Times News on 12/6 & 12/13/90. 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
SEP 27 1991