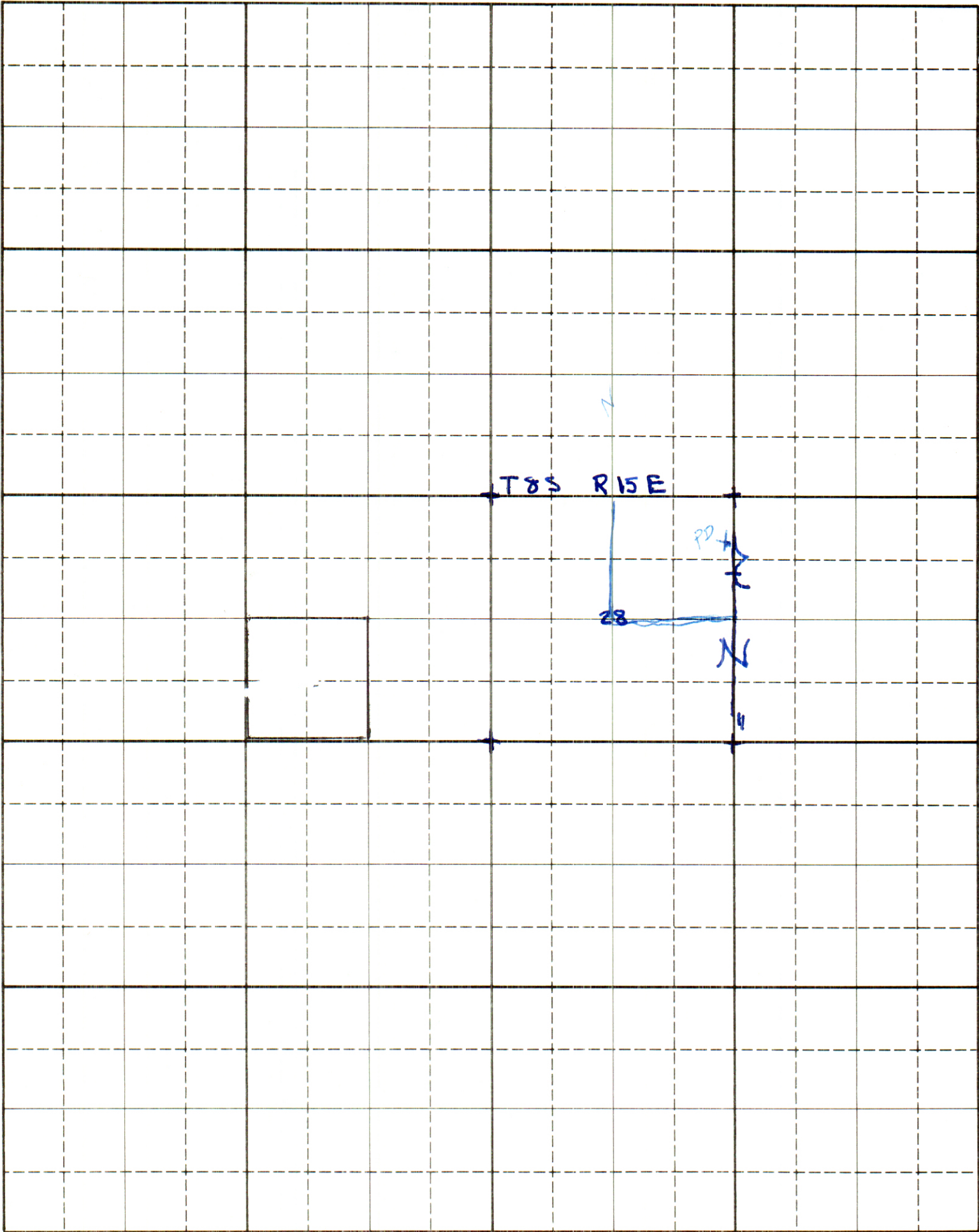


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Wert Bros.
Wayne K. Wert
(Applicant)

Affidavit of Publication

RECEIVED
MAR 16 1973

State of Idaho,
County of Gooding

ss.

Department of Water Administration
(in District Office)

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

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 8 day of March, 1973, and the date of the last publication was on the 15 day of March, 1973

Subscribed and sworn to before me this 15

day of March, 1973
(SEAL)

Maylene Hagen
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

-----Lines at 14¢

-----Lines at 10¢

TOTAL COST.....

COPY OF NOTICE

Title of Notice

Water Permit

Title of Notice

No. 36-7310

Plaintiff Attorney

Defendant

Plaintiff

Bill to

Water Administration
1041 Blue Lakes Blvd N
Twin Falls ID

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Wert Brothers, Route 1, Wendeli, ID has on Feb. 15, 1973 submitted Application No. 36-7310 for a permit to appropriate 3.2 cubic feet per second of water from a groundwater source by means of well, pump, and sprinkler system within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 8S, R. 15E, B.M., Gooding County to be used from April 1 to Nov. 1 for the irrigation of 160 acres within the NE $\frac{1}{4}$, Sec. 28, T. 8S, R. 15E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301 on or before March 26, 1973.

R. KEITH HIGGINSON,
Director

3-8-2tc

No 1768

36 7310

~~34~~ ~~36~~
 34 40
~~28~~

T
 8
 S

R-15-E

34 36 P.D.
 34 40
 28

Diagram of System

To pivot
 ← Pump
 meter
 ↓ To Hand lines

March 14, 1973

RE: Application Nos. 36-7303 - John Townsend or Winford Parks
36-7310 - Vert Brothers
36-7307 - Frank L. Orth
36-7304 - F. F. Gunning
37-7205 - Ben and/or Fae Slatter

Mr. Oscar Anderson, Sec.
1000 Springs Water Users
Hagerman, ID 83332

Dear Mr. Anderson:

This is to acknowledge receipt of your protest to issuance of permits pursuant to the above referenced applications. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

36 7310

Bob Haynes
District Engineer
Southern District

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 36-7310 Priority March 2, 1973 Amount 2.56 cfs

THIS IS TO CERTIFY, that WERT BROTHERS

of Wendell, Idaho, has complied with the terms and conditions of Permit No. 36-7310 issued pursuant to Application for Permit dated March 2, 1973, and has submitted proof to the Department of Water Administration on September 5, 1973, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 2.56 cfs of water from a ground water source, tributary to _____, and that the permit holder has applied to a beneficial use & established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Nov. 1</u>	at <u>2.56</u> cfs and	<u>576 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>4.0 af per acre</u>
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 2.56 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 576 acre feet per year, said waters to be diverted within the NE¹/₄NE¹/₄ of Sec. 28,
Twp. 8 S, Rge. 15 E, B.M., in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
8 S	15 E	28	36	34	34	40													144

Total number of acres irrigated 144

A measuring device of a type approved by this Department shall be permanently maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 17th day of December, 19 73.

Deputy Director

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NOS. 37-7205, 36-7303, 36-7304,)
36-7307, and 36-7310, IN THE NAME OF)
Ben and/or Fac Slatter, John Townsend or)
Winford Parks, F. F. Gunning, Frank L.)
Orth, and Wert Brothers)

MEMORANDUM DECISION

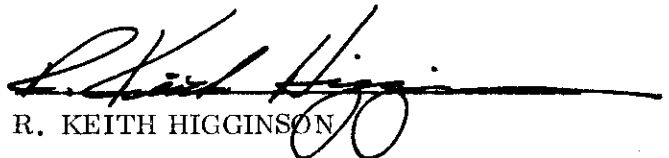
Each of the above numbered applications was filed for a permit to appropriate water from wells to be constructed in Gooding County, Idaho, for irrigation purposes. Such wells are to be located in an area above the outlets of the Thousand Springs, which are in the Snake River canyon south and west of Wendell, Idaho. Each of the applications was protested by the Thousand Springs Water Users Association.

A conference and hearing concerning the protests was scheduled and held at Gooding, Idaho, on April 25, 1973. As a result of the conference, it became apparent that the protestants had no specific information as to the claimed effect of the development of the proposed wells upon the flow of the springs from which they obtain water for their water rights. They were concerned with the continuing development of wells utilizing the Snake River aquifer system and it was their contention that the flow of the springs had decreased in recent years partially because of such development. They stipulated that their protests be considered withdrawn and that the department could act on the applications based upon information available to them.

Each of the applications propose development of wells which would obtain water from the Snake Plain aquifer which contains considerable water in storage and in transit from the recharge to the discharge area. This office has no information which would lead it to conclude that the development of the wells, as proposed, would cause interference with other established water rights.

IT IS, THEREFORE, ORDERED and applications for Permit No. 's 37-7205, 36-7303, 36-7304, 36-7307, and 36-7310 are each hereby APPROVED, subject to all prior rights, particularly those rights of the protestants. In the event that it can later be shown that any of the wells developed under these permits directly interferes with the flow of water from any spring and deprives any prior water user of water to which he is entitled, the applicant may be required to cease operation to protect prior right holders.

DATED this 18 day of May, 1973.


R. KEITH HIGGINSON

RKH:jc

36 7310

Identification No. _____

Application No. 36-7310

LICENSE ISSUED FOR 256 SEC. F
LICENSE PAGE

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Wert Brothers
post office address c/o Wayne K. Wert Rt. 1 Wendell, Idaho 536-2269
2. Source of water supply underground which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28 Township 8'S
Range 15 E B.M. Gooding County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 3.2 for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 3.2 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump and sprinkler system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 16 inches; proposed depth of well is 120 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 15,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	15E	28	40	40	40	40													160

Total number of acres to be irrigated. 160

c. Describe any other water rights used for the same purposes as described above. none

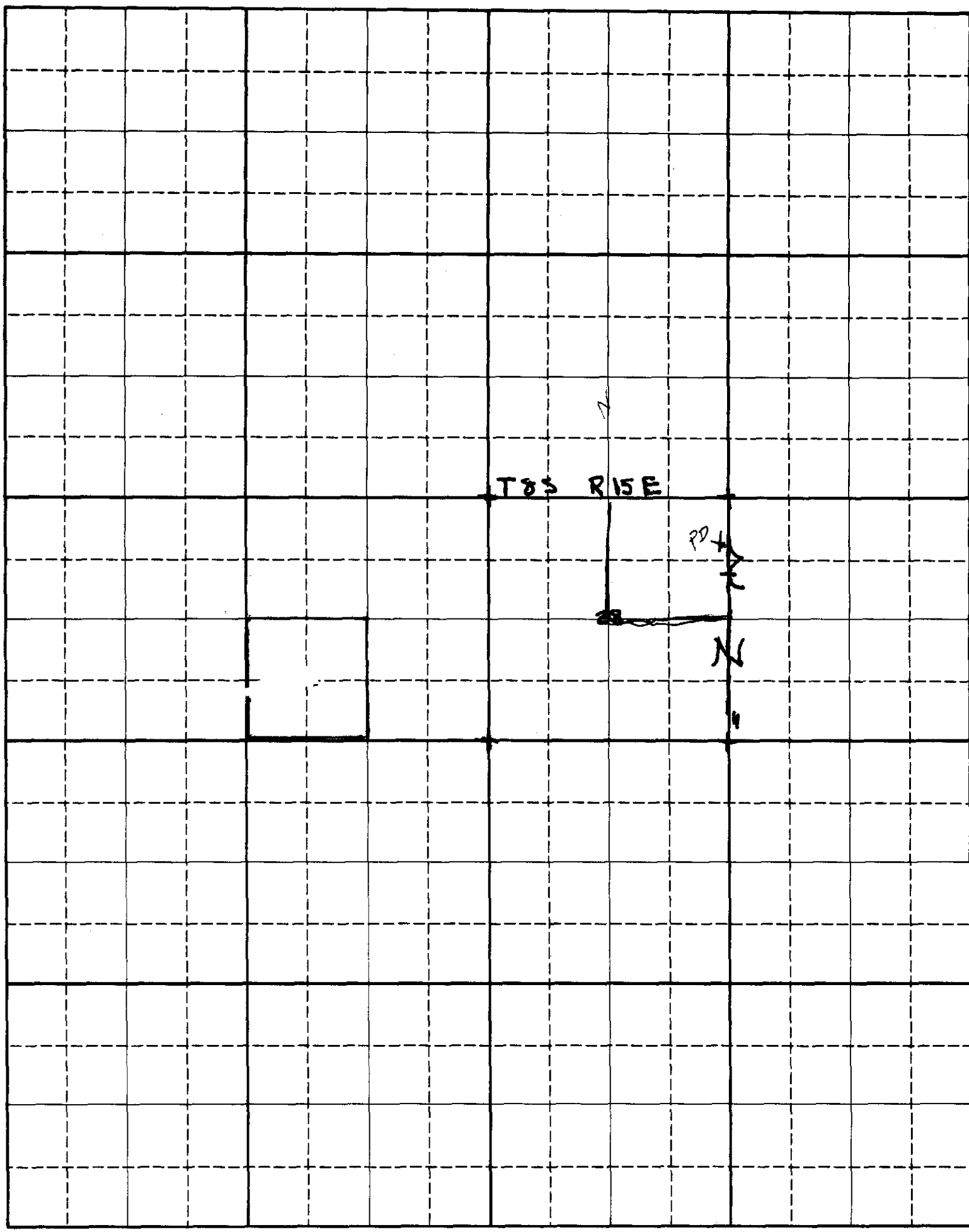
9. a. Who owns the property at the point of diversion. Wert Bros.

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

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

10. Remarks

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



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.

Wert Bros.
Wayne K. Wert
(Applicant)

Proposed priority: 3/2/1973

Received by ef Date 2-15-73 Time 9:30A

Preliminary check by RMA Fee \$ 55.00

Receipted by alw Date 3-2-73 # 9583

RMA Publication prepared by alw Date 3-2-73

Published in Gooding County Journal, Hailey, ID

Publication dates 3-8 & 3-15-73

Publication approved alw Date 3-16-73

Priority reduced to _____ Reason _____

Protests filed by: 1000 Springs Water Users

Copies of protests forwarded by alw

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7310, and said application is hereby APPROVED.

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 May 1, 19 78.

c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

Pursuant to Memorandum Decision of this date.

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

Witness my hand this 18 day of May 19 73.

R. Keith Higgins
Director

Affidavit of Publication

RECEIVED

State of Idaho,
County of Gooding

ss. MAR 16 1973

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

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 8 day of March, 1973, and the date of the last publication was on the 15 day of March, 1973

Subscribed and sworn to before me this 15 day of March, 1973
(SEAL)

Maydew Hagen
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice _____
Number of Insertions _____
_____ Lines at 14¢ _____
_____ Lines at 10¢ _____
TOTAL COST..... _____

COPY OF NOTICE

Title of Notice

Water Permit

Title of Notice

No. 36-7310

Plaintiff Attorney

Defendant

Plaintiff

Bill to

Water Administration
104 Blue Lakes Blvd N
Truen Falls ID

[REDACTED]

No 1768

36 7310

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

December 18, 1973

Re: Permit No. 36-7310

Wert Brothers
c/o Wayne K. Wert
Route 1
Wendell, Idaho 83355

Gentlemen:

Enclosed herewith is a copy of the Water License issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jfr

Enclosure

36 7310

December 6, 1973

Re: Permit No. 36-7310

Wert Brothers
c/o Wayne K. Wert
Route 1
Wendell, ID 83355

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 36-7310 and has found the following:

Quantity of water diverted: 2.56 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 2.56 cfs

The maximum quantity diverted shall not exceed 576 acre feet per year.

Beneficial use: For irrigation of 144 acres within the NE 1/4 Sec. 28

Twp. 8 S, Rge. 15 E

Point of diversion: NE 1/4, Sec. 28, Twp. 8 S, Rge. 15 E, B.M.

Priority date established: March 2, 1973

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jfr

36 7310

REFUSED

10

TOTAL ACREAGE 160

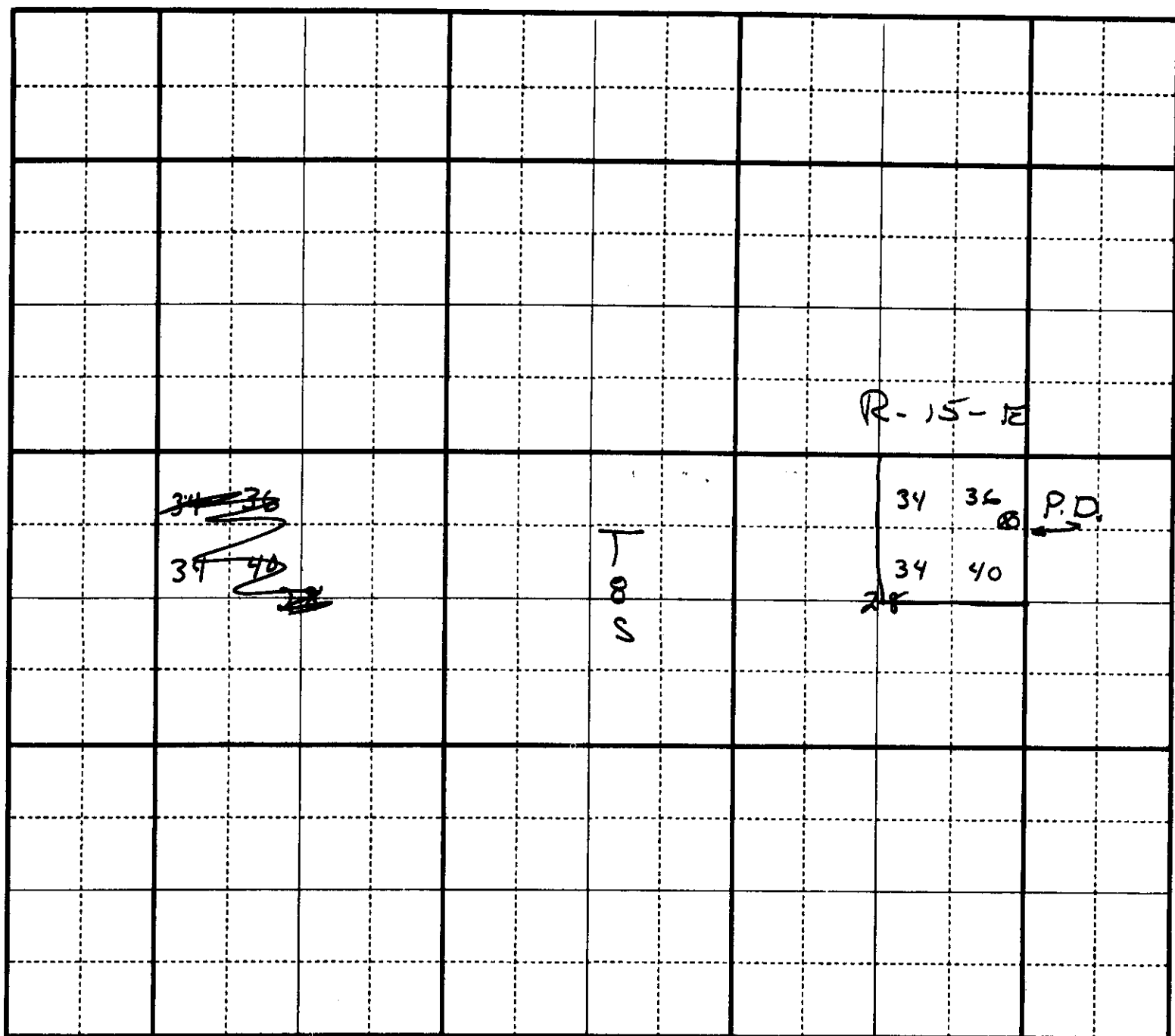


Diagram of System

To pivot
 ← — ⊕ Pump
 meter
 ↓ To Hand lines

DATE OF EXAM 9-6-73

ACREAGE

Found 144
Recommended 144

Irrigation Requirement 4.0 Ac Ft/Ac

USE

Irrigation Q = 2.56 c.f.s. V = 576 AF/Ann. from April - 1 to Nov. - 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 2.56 C.f.s. Method of measurement Badger Meter

Total Q recommended 2.56 C.f.s. Meter No. M0539353 Type 8" Condition New

Total V recommended 576 AF/ANN

Recommended Amendments:

P.D. NO
Place of Use NO
Other NO
None ☒

MEASUREMENT CALCULATION:

$Q = (1150 \text{ gal/MIN}) \div (448.8 \text{ gal} = 1 \text{ c.f.s.}) = 2.56 \text{ C.f.s.}$
 $V = (144 \text{ Acres}) (4.0 \text{ Irr. Req.}) = 576 \text{ AF/ANN.}$

SYSTEM DESCRIPTION:

G.E. MOTOR & PUMP, 125Hp. #AJJ103102
PIVOT SYSTEM (HAND Lines in one Corner)

REMARKS:

Keith Went accompanied Me in doing this
EXAM.

Examiner's Signature Sam Lee Timberlake Date 9-7-73

Checked by Michael L. Steele Date 10-4-73

Approved by _____ Date _____

CR.

AJJ103102

125 Hp

Badger

MO 539353

450 $\overline{) 2,62 \text{ cfs. } 131''}$
 $\underline{900}$
2800
 $\underline{2700}$
1000
 $\underline{900}$
100

450 $\overline{) 1150}$

36 7310

September 14, 1973

Re: Permit No. 36-7310

Wert Brothers
c/o Wayne K. Wert
Route #1
Wendell, Idaho 83355

Dear Mr. Wert:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field exam, please contact our Southern District Office at 1041 Blue Lakes Blvd. North, Twin Falls.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JC

38 7310

Identification No. _____

Permit No. 36-7310

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
SEP 5 1973
Department of Water Administration

1. a) Name of Permit Holder Wert Bros.
b) Post Office Address c/o Wayne K. Wert, Route 1, Wendell, Idaho 83355
2. Permit Number 36-7310
3. Date of Priority that you are prepared to establish 3-2-73
4. a) Source from which water was appropriated Groundwater
b) Location of the point of diversion: NE 1/4 NE 1/4, Section 28
Township 8S, Range 15E, Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
amount 2.8 cfs for Irrigation purposes from Apr. 1 to Nov. 1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated _____ cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Badger flow meter recording gallonage
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 125 HP electric, 1150 G.P.M. pump, 12 inch casing, 133 feet deep, pumping at 93 feet.
b) Describe the type and size of measuring device which you have installed at your point of diversion: 8" badger
c) Give well drillers name and address and date the well was completed C. B. Eaton & Sons, Wendell, Idaho 2-26-73

36 7310

*exam
was typed
by Southern
District Office*

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	15E	28	35	34	34	40													143

Total number of acres irrigated 143

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

(Date)

(Signature)

State of Idaho)
County of Twin Falls ss.

On this fifth day of September, 19 73, personally appeared before me the signer of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Janet M. Messersmith
Notary Public residing at Rt. 3, Box 228
Jerome, Idaho 83338

My commission expires June 15, 1977

May 22, 1973

Jack A. Barnett
Room 201, Idaho Building
Boise, Idaho

Dear Mr. Barnett:

Enclosed is a copy of the Memorandum Decision of the approved Applications for Permit No.s:

37-7205 in the name of Ben and/or Fae Slatter,
36-7303 in the name of John Townsend or Winford Parks,
36-7304 in the name of F. F. Gunning,
36-7307 in the name of Frank L. Orth, and
36-7310 in the name of Wert Brothers.

Sincerely,

Bobby D. Fleenor
Assistant Director

kss

Enclosure

36 7210

May 22, 1973

Thousand Springs Water Users
Hagerman, Idaho 83355

Gentlemen:

Enclosed is a copy of the Memorandum Decision of the approved Applications for Permit No.s:

37-7205 in the name of Ben and/or Fae Slatter,
36-7303 in the name of John Townsend or Winford Parks,
36-7304 in the name of F. F. Cuning,
36-7307 in the name of Frank L. Orth, and
36-7310 in the name of Wert Brothers.

Sincerely,

Bobby D. Fleenor
Assistant Director

kss

Enclosure

36 7310

May 22, 1973

John A. Rosholt
Parry, Robertson, Daly & Larson
Idaho First National Bank Building
B. O. Box 525
Twin Falls, Idaho 83301

Dear Mr. Rosholt:

Enclosed is a copy of the Memorandum Decision of the approved Applications for Permit No.s:

37-7205 in the name of Ben and/or Fae Slatter,
36-7303 in the name of John Townsend or Winford Parks,
36-7304 in the name of F. F. Gunning,
36-7307 in the name of Frank L. Orth, and
36-7310 in the name of Wert Brothers.

Sincerely,

Bobby D. Fleenor
Assistant Director

kss

Enclosure

36 7310

May 22, 1973

Re: Permit No. 36-7310

Wert Brothers
c/o Wayne K. Wert
Route 1
Wendell, Idaho 83355

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 36-7310 along with a copy of the Memorandum Decision. We direct your attention to the conditions of approval.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kes

Enclosures

36 7310

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

RECEIVED

MAY 7 1973

Department of Water Administration

TELEPHONE
(208) 733-3722

May 4, 1973

SDF

Mr. Bobby D. Fleenor
Assistant to the Director
State Department of Water Administration
614 State Street
Boise, Idaho 83707

Re: Applications for Permit
Nos. 36-7303, 36-7310,
36-7307, 36-7304, 36-7205

Dear Bobby:

Have you had an opportunity to issue the
above referenced permits? If not, I would appreciate
your early consideration of their issuance.

Sincerely,



JOHN A. ROSHOLT

JAR:ddm

36 7310

36-7310 - Wert Brothers

Courtroom, Gooding County Courthouse, Gooding, Idaho

April 25, 1973 - 10:00 am

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
-------------	----------------	---------------------

See 37-7205

36 7310

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show to whom, date and address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

42

1

Went Bros

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

Mildred Went

DATE DELIVERED

3/27/73

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

36 7310

27
PM

73

PS Form 3811 Nov. 1970 c55-16-81277-1

PS Form 3811

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

RECEIVED

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



Postmark of Delivering Office

SENDER INSTRUCTIONS

- Print in the space below your name, address, including ZIP Code.
- If special services are desired, check block(s) on other side.
 - Moisten gummed ends and attach to back of article.



**RETURN
TO**

36 7310

Application No. 36-7310

CERTIFIED MAILING

No.	Name	Address
39	1000 Springs Water Users (See App. No. 36-7303)	Hagerman, ID 83332
42	Wert Brothers, c/o Wayne K. Wert	Route 1, Wendell, ID 83355

36 7310

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO.

In the Matter of Protest Against Approval
of Application for Permit No. 36-7310 in
the name of Wert Brothers

NOTICE OF CONFERENCE
AND/OR HEARING

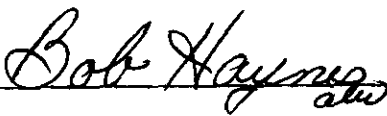
On February 15, 1973, Wert Brothers filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On March 13, 1973, the Department received a protest against approval of said application from 1000 Springs Water Users.

The Department has set the matter of protest for conference and/or hearing for Wednesday, April 25, 1973, at 10:00 a.m., in the Gooding County Courthouse, Gooding, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party desiring the taking of stenographic notes by a qualified court reporter must request such in writing at least five (5) days before the date set for hearing and must submit to the director the name of a qualified reporter who is available on the date set for hearing. The party requesting the reporter shall bear the expense of the reporter's attendance fees. A taped record of the proceedings will be maintained for the appeal period.

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

Dated this twenty-sixth day of March, 1973.



BOB HAYNES
District Engineer

CC 7310

sent copies
3-29-73

RECEIVED

MAR 29 1973

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

Department of Water Administration
Southern District Office

TELEPHONE
(208) 733-3722

March 28, 1973

Mr. Bob Haynes
District Engineer
Department of Water Administration
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

Re: Applications for Permit
Nos. 36-7303, 36-7310,
36-7307, 36-7304, 36-7205

Dear Bob:

Would you kindly send me copies of the
above applications for permit.

Please bill me for the copies.

Because of the unique protest filed in
reference to the above permits, and the impending irriga-
tion season, we would propose to be ready to go to
public hearing, if necessary, on April 25th.

Please include me on your mailing list for
this matter.

Sincerely,


JOHN A. ROSHOLT

JAR:dm

36 7310

March 14, 1973

RE: Application No. 36-7310 - Wert Brothers

Mr. Wayne K. Wert
Route 1
Wendell, ID 83355

Dear Mr. Wert:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 36-7310. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

36 7310

Bob Haynes
Southern District Engineer

BH:alw
Enc.

March 14, 1973

RE: Application Nos. 36-7303 - John Townsend or Winford Parks
36-7310 - Bert Brothers
36-7307 - Frank L. Orth
36-7304 - F. F. Gunning
37-7205 - Ben and/or Fae Slatter

Mr. Oscar Anderson, Sec.
1000 Springs Water Users
Hagerman, ID 83332

Dear Mr. Anderson:

This is to acknowledge receipt of your protest to issuance of permits pursuant to the above referenced applications. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

36 7310

Bob Haynes
District Engineer
Southern District

1000 SPRINGS WATER USERS
HAGERMAN, IDAHO 83332

RECEIVED

Idaho Dept. of Water Adm.
1041 Blue Lakes Blvd. N.
Twin Falls, Idaho.

Hagerman, Idaho
March 9, 1973
MAR 13 1973
Idaho Dept. of Water Administration
Southern District Office

Dear Sirs:

The 1000 Springs Water Users (Dist. 36A)
Do protest the filings of John Townsend or
Winford Parks #36-7303 for 1.6 cfs. Wert Brothers
#36-7310 for 3.2 cfs. Frank Orth #36-7307 for 3.2 cfs.
F.F. Gunning #36-7304 for 7.74 cfs. Ben or Fae
Slatter #37-7205 for 7.0 cfs.

The Thousand Springs Water Users feels,
that the Spring are lowering and our water
supply is threatened.

Sincerely

Edgar Anderson

Sec'y, 1000 Springs Water Users.

Hagerman,

Idaho.

83332.

36 7310

March 2, 1973

RE: Claim No. 36-4026 - Carl H. and/or Thelma P. Ferguson
Application No. 36-7310 - Wert Brothers

Gooding County Leader
Box 56
Gooding, ID 83330

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Bob Haynes
District Engineer
Southern District

Bill submitted 4-6-73 by alw

BH:alw

Enc: Legal Notices (2)

36 7310

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Wert Brothers,
Route 1, Wendell, ID
has on Feb. 15, 1973 submitted Application No. 36-7310
for a permit to appropriate 3.2 cubic feet per second ~~XXXX XXXX XXX XXXXX~~
of water from a groundwater source
by means of well, pump, and sprinkler system
within the NE $\frac{1}{4}$, Sec. 28, T. 8S, R. 15E, B.M., Gooding County

to be used from April 1 to Nov. 1 for the irrigation of 160 acres
for XXX

within the NE $\frac{1}{4}$, Sec. 28, T. 8S, R. 15E, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301
on or before March 26, 1973.

R. KEITH HIGGINSON

Director

Published in the Gooding County Leader, Gooding, ID
on March 8 and March 15, 1973

36 7310

Need Galley Proof
**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Wert Brothers, Route 1, Wendeli, ID has on Feb. 15, 1973 submitted Application No. 36-7310 for a permit to appropriate 3.2 cubic feet per second of water from a groundwater source by means of well, pump, and sprinkler system within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 8S, R. 15E, B.M., Gooding County to be used from April 1 to Nov. 1 for the irrigation of 160 acres within the NE $\frac{1}{4}$, Sec. 28, T. 8S, R. 15E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301 on or before March 26, 1973.

R. KEITH HIGGINSON,
OK Director
alu 3-6-73 5-2tc

36-7310

March 2, 1973

RE: Application No. 36-7310 - Wert Brothers

Wayne K. Wert
Wert Brothers
Route 11
Wendell, ID 83355

Dear Mr. Wert:

Enclosed is your Receipt No. 9583 for \$55.00 for the above referenced Application for Permit which was received in this office under the above date.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.

36 7310

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
SOUTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

February 20, 1973

Mr. Wayne K. Wert
491 West Main
Wendell, ID 83355

Dear Mr. Wert:

I am returning your Application for Permit and check No. 92-130 for \$55.00 because we need to have some information on your application clarified.

The point of diversion is listed as being the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 8S, R. 15E and the place of use is listed as being the NW $\frac{1}{4}$ of the same Township and Range. However, the map in Item 11 shows the point of diversion as being in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and the place of use as the SW $\frac{1}{4}$ of a Section, Range, and Township which are not specified. I assume the information written in the application is correct. However, to avoid problems with the application at some future time, please indicate the place of use and the point of diversion in the area which I have marked on the map. I have placed in pencil the place of use and point of diversion that was described in your application. If this is not correct, please change it and then return the application with your check for \$55.00 to our office in Twin Falls at 1041 Blue Lakes Boulevard North.

If you have any questions, please don't hesitate to contact us.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.

36 7310