

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Hagerman, Idaho, this 9th day of October, 19 78.

Margaret J. Sullivan
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by AH Fee = \$20.00 02-179 Receipted by af # 12350 Date 10-11-78

Publication prepared by _____ Date _____ Published in N/A

Publication dates N/A

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, Director of the Department of Water Resources hereby
approve the above application for amendment for Permit No. 36-7298.

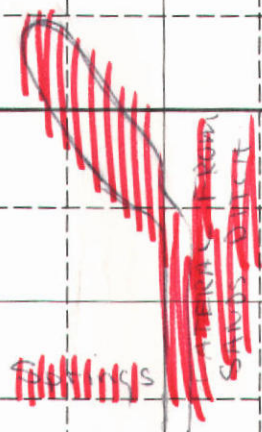
Witness my hand this 31 day of October, 1980

C. Stephen Allred
Director J

DR

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

13 E



Fish pond.



SPRINGS

SECT-14

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.

Raymond W. Auelin
(Applicant)

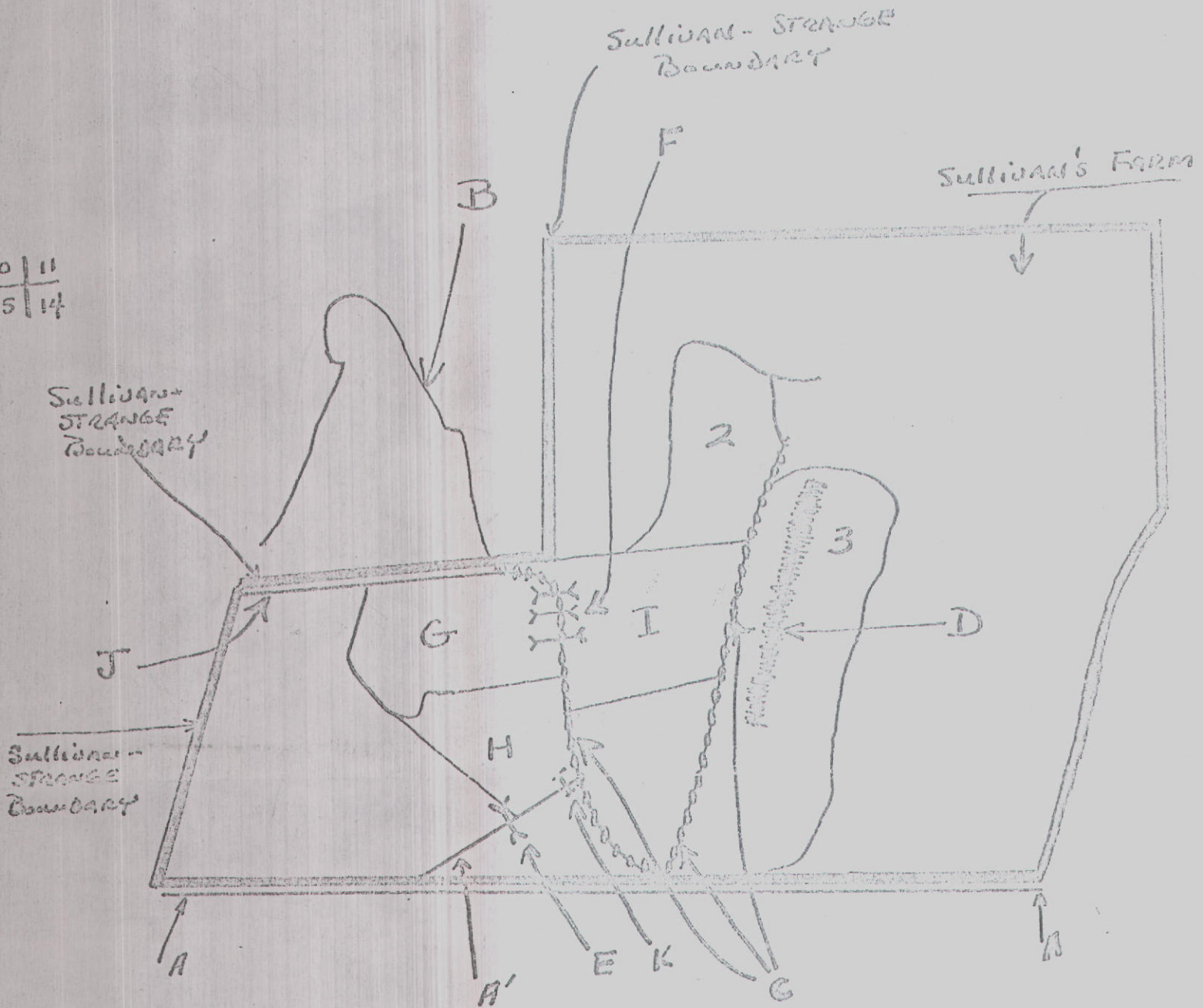
36 7298

T. 7 S., R. 13 E. B. M.
Gooding County, Idaho

EXHIBIT # 1



10 | 11
15 | 14



- 2 = Sullivan's Field
- 3 = Sullivan's Field
- A = Community Drain
- A' = Stub Drain
- B = SPRANGE'S Irrigation Ditch
- C = DRAINAGE & WASTE Ditch

HEAVY LINE = Sullivan's Boundary

- D = ORIGIN OF WATERS
- E = CHECK - STUB DRAIN
- F = IRRIGATION CHECKS
- G = 2.6 ACRE FIELD
- H = PASTURE
- I = PASTURE
- J = DRAINAGE DITCH
- K = HEADGATE

February 6, 1973

Re: Application No. 36-7298 - Ralph W. Sullivan

Robert Bell
Idaho Fish and Game Department
P.O. Box 138
Jerome, ID 83338

Dear Bob:

We are enclosing a copy of the above referenced application for permit, which may be of interest to your agency.

Please review the application and if you have any comments, please submit them to our Department as soon as possible.

We normally complete the processing of an application within a six (6) week period and we are required to take final action shortly thereafter.

If we may be of any assistance to you in the meantime, please do not hesitate to contact this Department.

Sincerely,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.

36 7298

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7298 Priority February 2, 1973 Amount 2.0 cfs

THIS IS TO CERTIFY, that MARJORIE J. SULLIVAN
of Hagerman, Idaho, has complied with the terms and conditions of Permit
No. 36-7298 issued pursuant to Application for Permit dated February 2, 1973,
and has submitted proof to the Department of Water Resources on August 23, 1977,
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 2.39 cfs of water from Donkey Springs,
tributary to Billingsley Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Fish</u> <u>Propagation</u>	from <u>January 1</u> to <u>December 31</u> at <u>2.0</u> cfs and <u>N/A</u>		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		
	(both dates inclusive)		

Subject, however, to the condition that no more than 2.0 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
N/A acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14, Twp. 7S,
Rge. 13E, B.M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7S	13E	14					X												

Total number of acres irrigated _____

CONDITIONS: Use of water under this license is subject to control by the
watermaster of State Water District No. 36-A, Billingsley Creek.
A lockable device, subject to the approval of the Department shall
be maintained on the diverting works in a manner that will provide
the watermaster suitable control of the diversion.

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 31 day of
October, 19 80.

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Marjorie J. Sullivanof (address) Route #1, Box 421, Hagerman, ID 83332, and represents to the
Director of the Idaho Department of Water Resources:That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 36-7298, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW 1/4 NW 1/4, Section 14, Township 7S, Range 13E, B.M.,
County of Gooding. Other points of diversion: _____

- rdh 9/16/80 2.00 fish
2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)
Amount ~~1.33~~ for propagation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	13E	14		fish propagation			X												

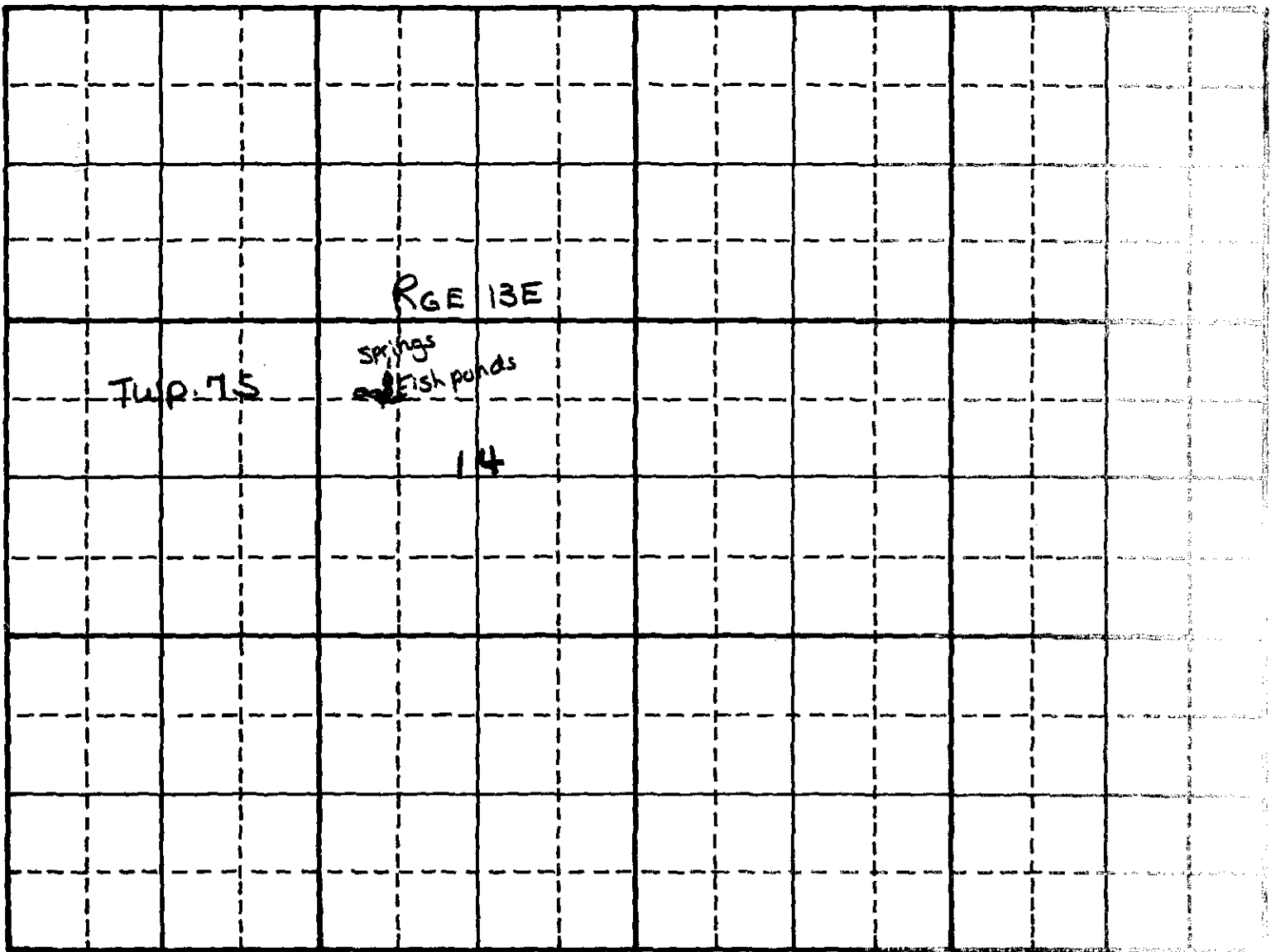
Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or the place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: _____

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Hagerman, Idaho, this 9th day of October, 19 78.

Margaret L. Sullivan
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by AN Fee = \$20.00 02-177 Receipted by #12350 Date 10-11-78
Publication prepared by _____ Date _____ Published in N/A
Publication dates N/A

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

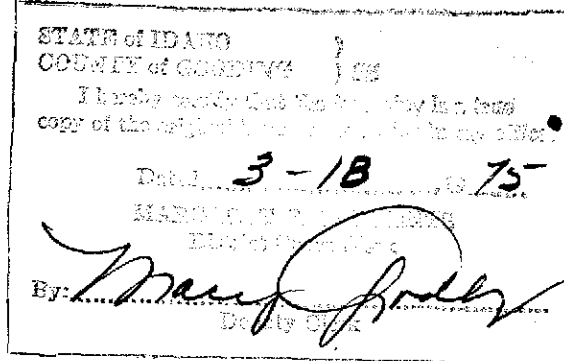
I, C. STEPHEN ALLRED, Director of the Department of Water Resources hereby
approve the above application for amendment for Permit No. 36-7298.

Witness my hand this 31 day of October, 1980

Stephen Allred
Director

DCT

1 PARRY, ROBERTSON, DALY & LARSON
2 P. O. Box 525
3 Twin Falls, Idaho 83301
4 Telephone: 733-3722



9 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
10 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING
11 MAGISTRATE DIVISION

12 * * * * *

13 Estate of) Case No. 16188
14)
14 RALPH W. SULLIVAN,) DECREE PROVING WILL AND ESTABLISHING
15) TITLE TO PROPERTY IN SURVIVING WIDOW
15 Deceased.)

16 * * * * *

17 MARJORIE J. SULLIVAN, the surviving widow of Ralph
18 W. Sullivan, having filed in this Court on the 5th day of
19 March, 1975, her Petition for Decree Proving Will and
20 Establishing Title to Property in Surviving Widow pursuant
21 to the provisions of Section 15-3-1205, Idaho Code as amended,
22 providing for the summary administration of decedent's estate,
23 coming on this day regularly for hearing, the Court finds:

24 1. Due and legal notice of the Petition for Decree
25 Proving Will and Establishing Title to Property in Surviving
26 Widow has been regularly given for the period and in the manner
27 prescribed by law and that no persons have appeared to except
28 or to contest such proceedings or to petition to change these
29 proceedings to a formal probate.

30 2. All allegations of the Petition for Decree Proving
31 Will and Establishing Title to Property in Surviving Widow are
32 true.

1 3. The said Marjorie J. Sullivan has elected to
2 proceed under the provisions of Section 15-3-1205, Idaho Code,
3 as amended, and has agreed to assume and be liable for any and
4 all indebtedness that might be a claim against the estate of
5 said decedent.

6 4. Ralph W. Sullivan died testate on the 6th day
7 of February, 1975, in Gooding County, Idaho, being at the time
8 of his death a resident of Gooding County, Idaho.

9 5. All the assets of the estate are the community
10 property of the decedent, Ralph W. Sullivan, and his surviving
11 widow, Marjorie J. Sullivan.

12 6. The document filed with this Court on the 5th
13 day of March, 1975, is proven to be the Last Will and
14 Testament of Ralph W. Sullivan which Will was dated October 7,
15 1970, and the sole legatee and devisee named in the Will of
16 the decedent is Marjorie J. Sullivan, legal age, surviving
17 widow, Route #1, Hagerman, Idaho 83332.

18 7. All of the assets of the estate being the community
19 property of the decedent, Ralph W. Sullivan, and his surviving
20 widow, Marjorie J. Sullivan, the said Marjorie J. Sullivan is
21 the sole heir at law of the decedent.

22 NOW, THEREFORE, the Court being fully advised in the
23 premises hereby orders, adjudges and decrees that the instru-
24 ment dated October 7, 1970, and filed in this Court on the 5th
25 day of March, 1975, is the Last Will and Testament of
26 Ralph W. Sullivan; that Marjorie J. Sullivan is the sole
27 legatee, devisee and heir of the said Ralph W. Sullivan and
28 the entire estate of Ralph W. Sullivan as set forth on
29 Exhibit "A" attached hereto and made a part hereof together
30 with all other property of the estate not now known or dis-
31 covered which may belong to the estate or to which the de-
32 cent or the estate may have any interest is hereby distrib-

1 .uted to Marjorie J. Sullivan as her sole and separate property,
2 and the administration of this estate is hereby closed.

3 DONE IN OPEN COURT, This 18th day of March, 1975.

4
5 S. Chas C. Shaw
6 , Magistrate

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(SEAL)

EXHIBIT "A"

REAL PROPERTY

Township 7 South, Range 13 East of the Boise Meridian

Section 11: That part of the SE 1/4 of the SW 1/4 described as follows:

Beginning at the Southwest corner of said SE 1/4 SW 1/4;
thence North on the West boundary line of said SE 1/4 SW 1/4 28 feet;
thence in an Easterly direction in a straight line to the Southeast corner of said SE 1/4 SW 1/4;
thence West along the South boundary of said SE 1/4 SW 1/4 to the place of beginning.

Section 14: That part of the NW 1/4 of the NW 1/4 described as follows:

Beginning at the Southeast corner of the NW 1/4 NW 1/4;
thence North along the East line thereof 626 feet;
thence South 85°45' West 717 feet;
thence South 13°45' West 585 feet to the point of intersection with the South line of said NW 1/4 NW 1/4;
thence East along the South line of said NW 1/4 NW 1/4 840 feet, more or less, to the point of beginning.

And also,
NE 1/4 of the NW 1/4,
Except the following described tract:

Beginning at the Southeast corner of said NE 1/4 NW 1/4;
thence West along the South boundary thereof 286 feet;
thence in a Northeasterly direction along the Dilatush water ditch 671 feet;
thence East 115 feet to the East boundary line of said NE 1/4 NW 1/4;
thence South along the East boundary line thereof to the Southeast corner of the NE 1/4 NW 1/4

in the County of Gooding, State of Idaho.

PERSONAL PROPERTY

Farmers National Bank, checking account #75-07689-4

1965 Ford 3000 tractor
1964 Ford F-100 pick-up

Livestock:

1 Angus bull
36 Angus cows
29 Angus calves
5 dairy cows
4 dairy calves
23 miniature Mediterranean donkeys

Miscellaneous dairy and farming equipment

Identification No. _____

Application No. 36-7298

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Ralph W. Sullivan
post office address Hagerman, ID 83332
2. Source of water supply Donkey Springs which is a tributary of Billingsley Creek
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 14 Township 7S
Range 13E B.M. Gooding County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into natural drain at a point in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 14 Township 7S Range 13E B.M. _____
4. Water will be used for the following purposes:
Amount 2.0 for Fish Prop. purpose from Jan. 1 to Dec. 31 (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. 2.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. concrete diversion

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 _____ inches; proposed depth of well is _____ 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 \$ 1,000.00
8. Description of proposed uses:
a. If water is **not** for irrigation: NE
(1) Give the place of use of water: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14 Township 7S
Range 13E 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	

Total number of acres to be irrigated _____

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 Applicant

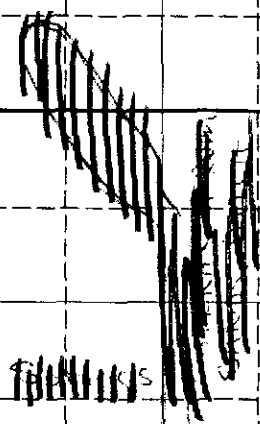
b. Who owns the land to be irrigated or place of use Applicant

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

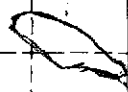
10. Remarks _____

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

13 E



Fish pond.



SECT-14

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.

Ralph W. Anderson
(Applicant)

Received by MS Date 2-2-73 Time 3:00Preliminary check by AM Fee \$ 35.00Received by alw Date 2-2-73 # 9552alw Publication prepared by alw Date 2-2-73Published in Gooding County Leader, Gooding, IDPublication dates 2-8 & 2-15-73

Publication approved _____ Date _____

Priority reduced to _____ Reason _____

Protests filed by: William StrangeCopies 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. 36-7298, 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 September 1, 19 78.
- c. Other: Pursuant to Memorandum Decision of this date.

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

Witness my hand this 15 day of OCTOBER 19 73.

R. Kirk Higgins
Director

Committee

[illegible]

- 36 7262

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Application for Permit)
No. 36-7298, RALPH W. SULLIVAN)
_____)

MEMORANDUM DECISION

On February 2, 1973, Ralph W. Sullivan filed Application for Permit No. 36-7298 to appropriate 2.0 cubic feet per second of water from Donkey Springs, tributary to Billingsley Creek, in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, Twp. 7S, Rge. 13E, B.M., Gooding County, to be used for fish propagation. Notice of this proposed appropriation was published in the Gooding County Leader, Gooding, Idaho, on February 8 and February 15, 1973.

On February 21, 1973, the Department received a letter from Mr. William Strange protesting the granting of the permit. A conference concerning this matter was held at Gooding, Idaho, on March 21, 1973. Both the applicant and the protestant represented themselves.

The main issue was whether development of a fish propagation facility as proposed by the applicant, even though non-consumptive in nature, would adversely affect the protestant's ability to use the water of Donkey Springs. The applicant's project would change the point at which the water enters the protestant's property. The protestant indicated that water from the Donkey Springs was used in lieu of the decreed water from the Sands Ditch because of convenience and the fact that bringing live water through the Sands Ditch caused some flooding problems.

Following the conference, the Department of Water Administration conducted a field investigation of the site.

Based upon the information in the file, the statements made at the hearing, the memorandum of the protestants, and the Department's understanding of the law, the Director makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

- (1) The proposed place of use and point of diversion are owned by the applicant.
- (2) The protestant claims a right to the use of Donkey Springs based upon the diversion and beneficial use of the water.
- (3) The protestant has a decreed right from Billingsley Creek for 229 miner's inches of water delivered through the Sands Ditch. This right is in excess of 1 miner's inch per acre of irrigated ground.

(4) The protestant has failed to adequately show that the amount in excess of the decreed right is needed for his irrigation.

(5) Water available in the source is sufficient for the purposes for which it is sought to be appropriated.

(6) Diversion of water as proposed would not reduce the quantity of water available to, nor interfere with existing water rights.

CONCLUSIONS OF LAW

(1) Water available in the source is sufficient for the purposes for which it is sought to be appropriated.

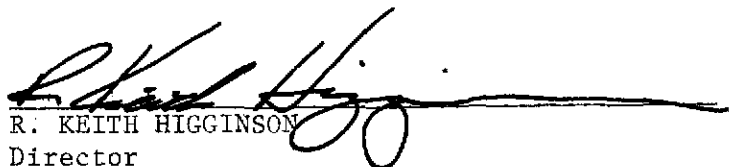
(2) Since the protestant has an adequate existing water right from the Sands Ditch, the diversion of water proposed would not reduce the quantity of water available to the protestant.

ORDER

It is, therefore, Ordered and Application for Permit No. 3607298 is hereby APPROVED subject to the following conditions:

- (1) That the permit be and is subject to all prior existing water rights.
- (2) That proof of construction of works and application of water to beneficial use shall be submitted to the Department on or before September 1, 1978.
- (3) That a measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Dated this 15 of October, 1973.


R. KEITH HIGGINSON
Director

BDF/jc

3

BEFORE THE IDAHO DEPARTMENT OF WATER

ADMINISTRATION

STATE OF IDAHO

* * * * *

IN RE: THE APPLICATION OF)
RALPH W. SULLIVAN,)
APPLICATION NO. 36-7298)

P R O T E S T

TO: THE HONORABLE R. KEITH HIGGINSON
DIRECTOR, IDAHO DEPARTMENT OF
WATER ADMINISTRATION AND RALPH
W. SULLIVAN.
APPLICANT NO. 36-4025

YOU AND EACH OF YOU, WILL take notice that the undersigned does object to the above entitled application to appropriate and divert 2.0 cubic feet per second of water to be diverted by means of a concrete diversion within the Southwest Quarter of the Northeast Quarter, Section Fourteen (14), Township Seven (7) South, Range Thirteen (13) East, Boise Meridian, Gooding County on the grounds and for the following reasons:

I.

That your Protestant herein, William Strange et ux, is the owner of the following described property located in Gooding County, Idaho, to-wit:

Lot Five of Section Ten: The Southwest Quarter of the Southwest Quarter of Section Eleven except the following tract of land: Beginning at the Northeast corner of the Southwest Quarter of the Southwest Quarter of said Section Eleven, running thence South 345 feet, thence West 377 feet, thence North 345 feet, thence East 377 feet to the point of beginning, the said exception being set aside for cemetery purposes; the Northwest Quarter of the Northwest Quarter of Section Fourteen except the following tract of land: Beginning at the Southeast corner of the Northwest Quarter of the Northwest Quarter of Section Fourteen aforesaid, thence North 626 feet, thence South 85°45' West 717 feet, thence South 13°45' West 585 feet to the South line of said Northwest Quarter of the Northwest Quarter of said Section Fourteen, thence East along said South line 840 feet, more or less, to the place of beginning; and Lot One of Section Fifteen; all of the said land being in Township Seven South, Range Thirteen East of the Boise Meridian.

36 7298

II.

That historically and for more than nineteen (19) years your Protestor herein has appropriated and applied the waste water from said Donkey Springs, tributary of Billingsley Creek, the subject of this application, causing the same to be diverted and applied in a portion of the aforescribed land.

III.

That your Protestor has for the time indicated herein appropriated the waters from said tributary and in fact applied them to a beneficial use on the aforescribed ground.

IV.

That said beneficial use had included but not limited to the annual appropriation and application of said waters for the watering of livestock and the irrigation of crops on the aforescribed land; that the Protestant has annually worked said ground causing the same to be planted, irrigated from said water and harvested since he acquired said land in 1954, in excess of 18 years.

V.

That for approximately the last 6 years the Protestor and the Applicant have jointly shared the use of said waters (as shown for clarification by Exhibit "I" and made a part hereof as if set out in length herein) by mutual agreement but that the Applicant has in several instances performed acts detrimental to said Protestor including but not limited to depriving the Protestor of the beneficial use of said waters in certain instances and the flooding of portions of the Protestors lands thus depriving the Protestor of the beneficial use thereof, and other similar acts, including this application by said Applicant Ralph W. Sullivan which would further deprive the Protestor of his rights to said water and the beneficial use thereof.

THEREFORE, your Protestant herein respectfully requests that said application, the subject of this protest, be denied the Applicant and for further relief as the Department may grant under its Rules as deem just and proper.

DATED this 21 day of Feb, 1973.

William Strange
William Strange, Protestor.

R Lazy S Ranch

HAGERMAN, IDAHO 83332

TELEPHONE: 837-4508

(SULLIVAN'S MINIATURE MEDITERRANEAN DONKEYS)

905 20 1980

Department of Water Resources

October 22, 1980

State of Idaho
Department of Water Resources
373 W. Franklin
Boise, Idaho 83720

Re: Permit No. 36-7298

Attention: Jan Grover
Water Rights Supervisor

Gary Funderburg remeasured Donkey Springs on August 15, 1980, but you have not sent the license for my above permit.

Please forward same by return mail.

Thank you,

Margie Mohr Sullivan
Mrs. Ralph W. Sullivan

PLATTING OK. GP

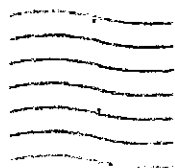
copy sent
12/12/80 ul

Sullivan's Miniature Mediterranean Donkeys

R LAZY S RANCH

HAGERMAN, IDAHO 83332

Route 1 Box 421



State of Idaho
Department of Water Resources
373 W. Franklin
Boise, Idaho 83720

Attention: Jan Grover
Water Rights Supervisor

November 4, 1980

Marjorie J. Sullivan
Route 1, Box 421
Hagerman, Idaho 83332

Dear Ms. Sullivan,

RE: License No. 36-7298

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit, along with a copy of the approved Application for Amendment.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:mm

Enclosure

INTER-DEPARTMENT MEMO — 1

DATE 9/16/80

FROM Robyn Hampe

TO File 36-7298

SUBJECT Change in amount of cfs on Amendment

First field exam was held on 9/21/77 with a recommended measurement of 1.33 cfs. At which time Mrs. Sullivan submitted ~~an~~ Amendment and requested another field exam measurement.

Second field exam was held on 8/21/80 with the measurement of 2.39 cfs. Water Permit Application only allows 2.0 cfs, therefore the attached Amendment has been changed to 2.0 cfs to reflect the amount per second field exam and Permit Application.


MICROFILMED
SIGNATURE

Jan
RECEIVED

DEC 18 1979

**SULLIVAN'S HEE HAW LAND
R LAZY S RANCH
ROUTE 1 BOX 421
HAGERMAN, IDAHO 83332**

Department of Water Resources

December 14, 1979

State of Idaho
Department of Water Resources
373 W. Franklin
Boise, Idaho 83720

Re: Permit No. 36-7298

Attention: Jan Grover
Water Rights Supervisor

Reference is made to your letter of December 5 and Gary Funderburg's letter of December 13 (copy of which he forwarded to you).

As the Twin Falls office has lost the copy of Michael Steele's June 11, 1973 letter regarding the 3.07 cubic feet per second measurement of Monkey Springs, I have had the original letter photostatted. Enclosed is a copy for your files, and I have also sent a copy to the Twin Falls office.

I will have the 1/8" thick metal plate installed per Gary's request and contact him to remeasure the springs, as I am extremely dissatisfied with the last two measurements.

My December 8 letter to Gary also contained the following paragraph to which he did not reply:

"One more question: When is the deadline to file on water--1979 or 1980. As you know I have 3 ditches on my place and fully intend to protect my water rights.

Would you advise, because if it must be done before 1980 I must do so immediately.

Sincerely,

Marjorie Mohr Sullivan
Mrs. Ralph E. Sullivan

Enclosure

cc: Gary Funderburg

Sent Mrs. Sullivan a pamphlet (claims) filing w/ note if she had questions to contact me. 12/19/79 Jan

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

June 11, 1973

Mr. Ralph Sullivan
R Lazy S Ranch
Hagerman, ID 83332

Dear Mr. Sullivan:

I am writing in regards to the measurement of the Donkey Springs, located in the Hagerman Valley. On June 6, 1973, I measured 3.07 cubic feet per second discharge from these springs with a pigmy meter.

Respectfully,

Michael Steele
Water Resource Technician II
Southern District

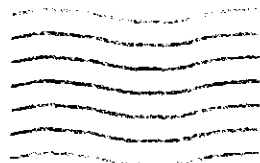
MLS:jmm

Sullivan's Miniature Mediterranean Donkeys

R LAZY S RANCH

HAGERMAN, IDAHO 83332

Route 1 Box 421



WILL ROGERS



Postage Arts USA 15c

MICHAEL

*State of Idaho
Department of Water Resources
373 W. Franklin
Boise, Idaho 83720*

*Attention: Jan Grover
Water Rights Supervisor*



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

December 13, 1979

Sullivans Hee Haw Land
R Lazy S Ranch
Route 1 Box 921
Hagerman, Idaho 83332

Dear Mrs. Sullivan:

After looking through our records we cannot find any measurements recorded that were made by Mike Steele for Donkey Springs.

I have discussed the measurements that I made with our Boise office. To have an accurate measuring device you will need to install a metal plate 1/8" thick at the out-let, if you are going to request a more accurate measurement.

Please find enclosed a copy of a water measurement manual. Page 8 describes the type of weir plate you will need.

After you have installed the weir plate, please contact me and I will re-measure the springs for you.

Sincerely,

Gary L. Funderburg
Senior Water Resource Agent

GLF:marya

Encl:

*Don call-up
for 2/1/80
jc*

MICROFILMED

SULLIVAN'S HEE HAW LAND
R LAZY S RANCH
ROUTE 1 BOX 421
HAGERMAN, IDAHO 83332

RECEIVED

DEC 19 1979

Department of Water Resources
Southern District Office

December 8, 1979

State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Attention: Mr. Gary L. Funderburg
Senior Water Resource Agent

Dear Gary:

Jan Grover, Water Rights Supervisor, Boise, sent me a letter under date of December 5, 1979, which states the July 12, 1979 re-measurement that you took at Donkey Springs was 1.33 cfs. The October 4, 1977 measurement was 1.06 cfs. I keep a daily record and on July 12, 1979, I recorded the following:

"Gary Funderburg and helper came to measure Donkey Springs. He couldn't measure head because of too much water. Measured south end and said lot more water than last time he measured. Last time it was late Fall."

?????

Obviously there is a mistake, because Michael L. Steele measured Donkey Springs on June 6, 1973, and it was 3.07 cfs. Please recheck your records and notify me by letter immediately, as I must reply to Jan Grover by December 15.

One more question: When is the deadline to file on water--1979 or 1980. As you know I have 3 ditches on my place and fully intend to protect my water rights.

Sincerely,

Marjorie Mohr Sullivan
Mrs. Ralph W. Sullivan

RECEIVED

December 5, 1979
December

Re: Permit No. 36-7298

Marjorie J. Sullivan
Sullivan's Hee Haw Ranch
R Lazy S Ranch
Route #1, Box 421
Hagerman, ID 83332

Dear Mrs. Sullivan:

Before we issue a license for this permit we would like to inform you of our field examiner's re-measurement.

He measured 1.33 cfs from Donkey Springs for fish propagation purposes. If you do not concur with this re-measurement, please contact us within 10 days, otherwise a license will be issued for the new amount.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:j

MICROFILMED

SULLIVAN'S HEE HAW LAND
R LAZY S RANCH
ROUTE 1 BOX 421
HAGERMAN, IDAHO 83332

RECEIVED

NOV 6 1979

Department of Water Resources

November 3, 1979

State of Idaho
Department of Water Resources
373 W. Franklin
Boise, Idaho 83720

Attention: Jan Grover
Water Rights Supervisor

Subject: Permit No. X-7298

Gentlemen:

Reference is made to my letter of July 21, 1979 at which time I requested the immediate forwarding of a license for the subject Permit.

Why has this license not been sent to me?

Sincerely,

Margaret McKee Sullivan
Mrs. Ralph W. Sullivan

*Gary
stated 1.33
cfs meas.
.35 for 2' weir
11/13/79*

RECORDED

Sullivan's Miniature Mediterranean Donkeys

R LAZY S RANCH

HAGERMAN, IDAHO 83332

Route 1 Box 421



I have not yet
begun to fight

John Paul Jones
US Bicentennial 15c

*State of Idaho
Department of Water Resources
373 W. Franklin
Boise, Idaho 83720*

*Attention: Jan Grover
Water Rights Supervisor*

Phoned Gary
& he will call
later with the
re-measurement.

8/

SULLIVAN'S HEE HAW LAND
R LAZY S RANCH
ROUTE 1 BOX 421
HAGERMAN, IDAHO 83332

RECEIVED

JUL 24 1979

Department of Water Resources

Route 1, Box 421
July 21, 1979

State of Idaho
Department of Water Resources
373 W. Franklin
Boise, Idaho 83720

Attention: Jan Grover
Water Rights Supervisor

Subject: Permit No.
36-7298

Gentlemen:

Reference is made to your letter of October 13, 1978
on the above subject.

Gary Funderberg of the Twin Falls Office measured the
site again on July 12, 1979.

Please forward my license immediately.

Sincerely,

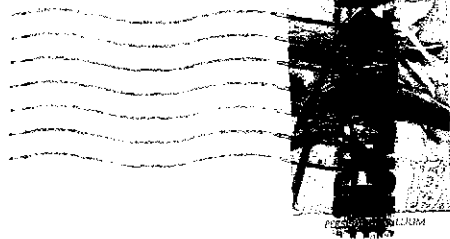
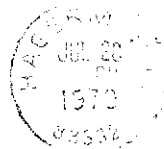
Mrs. Ralph P. Sullivan
Mrs. Ralph P. Sullivan

Sullivan's Miniature Mediterranean Donkeys

R LAZY S RANCH

HAGERMAN, IDAHO 83332

Route 1 Box 421



*State of Idaho
Department of Water Resources
373 W. Franklin
Boise, Idaho 83720*

*Attention: Jan Grover
Water Rights Supervisor*

October 13, 1978

Re: Permit No. 36-7298

Marjorie J. Sullivan
Route #1, Box 421
Hagerman, Idaho 83332

Dear Mrs. Sullivan:

We have received your amendment submitted for Permit No. 36-7298. Enclosed is Receipt No. 12350 for \$20.00 covering the amendment filing fee.

Gary Funderberg of our Twin Falls Office has informed us that he will make a re-measurement of your diversion rate. We will hold Processing the amendment and license until we receive the new measurement.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

9-2-80
TO Manager
DATE 9-2-80 WHILE YOU WERE OUT TIME 1:00
M Harry Sullivan
OF 3
PHONE: AREA CODE NUMBER EXT. 3
☐ Telephoned ☐ Returned Your Call ☐ Will Call Again
☐ Please Call ☐ Called to See You

I have re-measured the
springs for Mrs. Sullivan
and found she has more
water than before. I will
change the Field Entry to
Represent the new figures
Jay

~~Harry Sullivan~~

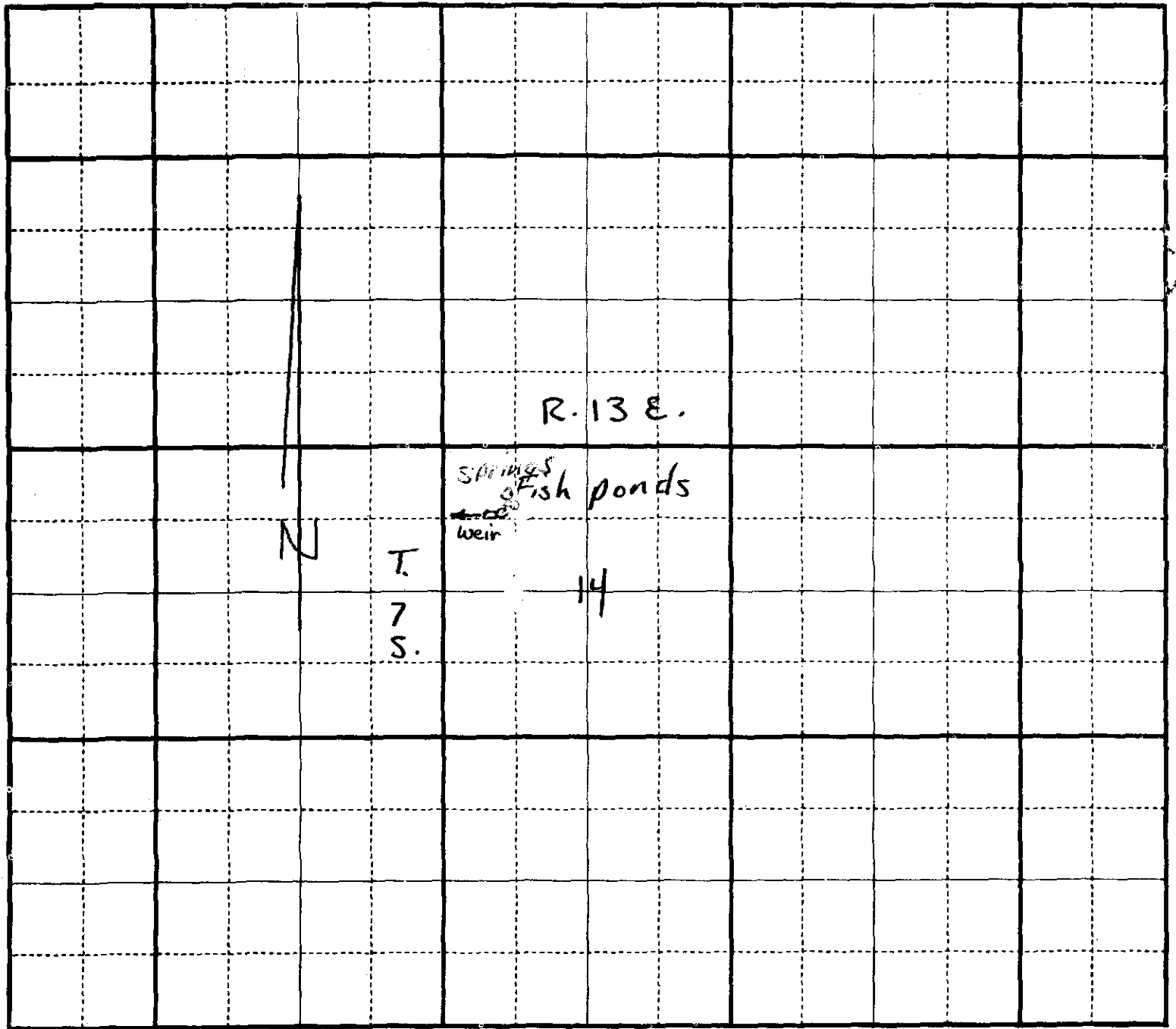
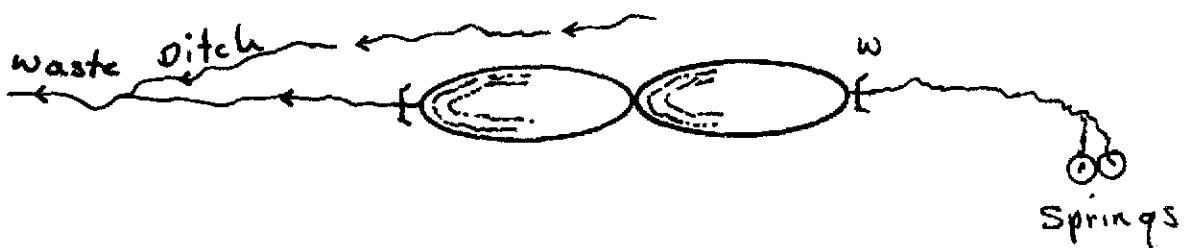


Diagram of System



NW¹/₄ NW¹/₄ SEC. 14

7S - 13E

DATE OF EXAM 8-21-80 ✓

ACREAGE
Found ✓
Recommended ✓

Irrigation Requirement ✓ Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Fish Prop Q= 2.39 c.f.s. from Jan 1 to Dec 31

Subject, however, to the condition that no more than 2.39 c.f.s. 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 N/A acre feet per year, said waters to be diverted within the NW 1/4 NW 1/4 Sec. 14 T. 7S R. 13E 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	
<u>7S</u>	<u>13E</u>	<u>14</u>					<u>X</u>												

Recommended Amendments:

P.D. Examiner's rough draft shows pt. of diversion
Place of Use in the NW 1/4 NW 1/4, Sec. 14 Twp. 7S, Rge. 13E
Other pl. of use in same. Therefore, need amend-
None ment for pt. of diversion (see attached P.D. from examiner)

MEASUREMENT CALCULATION:

1.5' Rectangular Contracted Weir @ .65 = 2.39 c.f.s.
Amount Allowed 1.06 c.f.s. Dirt Ponds - 3' ave. depth per
Gary Fundenburg

Mr. Sullivan was present during the field Exam.

SYSTEM DESCRIPTION:

Weir @ the outlet of the (2) fish ponds
Springs divert into a small ditch which lets the
water run directly into the fish ponds. Springs are
located on Applicant's property. (Size of Diversion ditch 3'x2')

REMARKS:

2 ponds - approximately 12'x30' each. x 3' ave depth
Springs divert into a ditch then to the fish ponds. The water
then runs into waste ditch and used for Irrigation.
Springs are tributary to Snake River.

Examiner's Signature Gary Fundenburg Date 10-4-77
Checked by James K. Stanton Date 11-30-77
Approved by Michael L. Steel Date 4-10-78

SULLIVAN'S HEE HAW LAND
R LAZY S RANCH
ROUTE 1 BOX 421
HAGERMAN, IDAHO 83332

RECEIVED

OCT 11 1978

Department of Water Resources

October 9, 1978

State of Idaho
Department of Water Resources
State Office
373 W. Franklin
Boise, Idaho 83720

Attention: Jan Grover
Water Rights Supervisor

re: Permit No. X-7298

Enclosed is check #330 for \$20.00 and Application for
Amendment of a Permit. Please issue license for same.

I am dissatisfied with the measurement and request that you
measure the water in July 1979.

Sincerely,

Margorie M. Sullivan
Mrs. Ralph W. Sullivan

Enclosures (2)

Mr. Michael L. Steele measured Donkey Springs on June 6,
1973. It was 3.07 cubic feet per second. Mr. Gary
Funderburg measured the water on September 20, 1977.
Who measured the water on October 4, 1977?

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

September 25, 1978

Re: Permit No. 36-7298

Marjorie J. Sullivan

Route #1, Box 421

Hagerman, ID 83332

Dear Ms. Sullivan:

A representative of this Department made an examination of the works covered by your Permit No. 36-7298 on October 4, 1977, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 1.06 cfs Source: Donkey Springs

The maximum quantity diverted shall not exceed n/a acre feet
per year.

Point of diversion: NW¹/₄ NW¹/₄, Sec. 14, Twp. 7S, Rge. 13E, B. M.

Beneficial use: Fish propagation purposes within the NW¹/₄ NW¹/₄, Sec.
14, Twp. 7S, Rge. 13E, B. M.

Priority date established: February 2, 1973

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

GROVER

Water Rights Supervisor

JG/kw

Enclosure

Rita
36-7298

SULLIVAN'S HEE HAW LAND
R LAZY S RANCH
ROUTE 1 BOX 421
HAGERMAN, IDAHO 83332

August 16, 1978

RECEIVED

Department of Water Resources
Statehouse
Boise, Idaho 83720

AUG 17 1978

Department of Water Resources

Attention: Ms. Janice Renk
Water Rights Bureau

The Proof of Application of Water to Beneficial Use form was filled out and forwarded to Mr. Michael L. Steele in Twin Falls on August 20, 1977. Mr. Gary Funderburg from Twin Falls measured the water on September 20, 1977 in accordance with your instructions in your letter of September 9, 1977.

My attorneys, Mr. Severt Swenson, Jr. and Mr. John Ankoosh, from Gooding tell me that a license for the above #36-7298 has not been issued. This causes me great concern for the proof was necessary to be submitted before September 1, 1978 and mine was forwarded August 20, 1977.

Please give the above your most urgent attention and forward the necessary license.

Sincerely yours,

Margaret M. Sullivan
Mrs. Ralph W. Sullivan

cc: Mr. Gary Funderburg

MICROFILMED

September 9, 1977

Ralph W. Sullivan
Route 1, Box 421
Hagerman, Idaho 83332

Dear Mr. Sullivan:

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 during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Twin Falls.

Sincerely,

JANICE RENK
Water Rights Bureau

/jr

MICROFILMED

RECEIVED

AUG 23 1977

OKJ

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Department of Water Resources
Southern District Office

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Identification No. _____

Permit No. _____

1. a) Name of Permit Holder Mrs. Ralph W. Sullivan
b) Post Office Address Route 1 Box 421 Hagerman, Idaho 83332
2. Permit Number 36-7298
3. Date of Priority that you are prepared to establish 2-2-73
4. a) Source from which water was appropriated Donkey Springs
b) Location of the point of diversion: SW 1/4 NE 1/4, Section 14
Township 7S, Range 13E, Boise Meridian, Other points of diversion: Gooding County

5. a) The amount of water and use to which the water has been applied:
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)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 2.0 fish propagation cfs and/or acre feet per annum
January 1 - December 31
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: _____

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) Diversion Donkey Springs by way of ditches

- b) Describe the type and size of measuring device which you have installed at your point of diversion: weir

- c) Give well drillers name and address and date the well was completed _____

MICROFILMED

9/2/77

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use fish propagation
NE NW 1/4 of NW 1/4 of Section 14 Township 7S Range 13E B.M.

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	13E	14			Fish Propagation														

Total number of acres irrigated _____

10. Remarks: _____

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

8-22-77 (Date) Maureen M. Sullivan (Signature)

State of Idaho)
County of Gooding) ss.

On this 22nd day of August, 19 77, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

L. G. Hansen
Notary Public residing at Hagerman

My commission expires 3-1-79

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

October 18, 1973

Re: Permit No. 36-7298

Ralph W. Sullivan
Hagerman,
Idaho 83332

Dear Mr. Sullivan:

Enclosed is a copy of your approved Application for Permit No. 36-7298. We direct your attention to the conditions of approval as listed on the fourth page. Also enclosed is a copy of the Memorandum Decision and Order for this permit.

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.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

Enclosures

36 7298

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

DONKEY SPRINGS River at

No. 1 of 1 Sheets. Comp. by MLS Chk. by _____

36-7298 - Ralph W. Sullivan

Courtroom, Gooding County Courthouse, Gooding, Idaho

March 21, 1973 - 3:00 p.m.

ROSTER OF ATTENDANCE

Address

Representing

Ralph Sullivan

Mrs. Ralph W. Sullivan R. Lacy & Ranch Hagerman
Wm. Strange Hagerman Idaho

36 7298

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.

22

1

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

MAR

1 1979

3

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

35 7298

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

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**

Dept. of Water Adm.
1041 Bluelakes Blvd. 384298
Twin Falls, Ida. 83301

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.

23

①

William Strange

②

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

Fay Strange

DATE DELIVERED

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

③

36 7298

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

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**

State of Idaho Water Admin.
10411 Blue Lake Blvd N.
Twin Falls ID 83301

Application No. 36-7298

CERTIFIED MAILING LIST

No.	Name and Address
23	William Strange Box 387, Hagerman, ID
22	Ralph Sullivan (see App. 36-7271) R Lazy S Ranch, Hagerman, ID

36-7298

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval }
of Application for Permit No. 36-7298 in }
the name of Ralph W. Sullivan }

NOTICE OF CONFERENCE
AND/OR HEARING

On February 2, 1973, Ralph W. Sullivan filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On February 21, 1973, the Department received a protest against approval of said application from William Strange.

The Department has set the matter of protest for conference and/or hearing for Wednesday, March 21, 1973, at 3:00 p.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-appearance may be assessed against such non-appearing parties.

Dated this twenty-eighth day of February, 1973.

36 7298

Bob Haynes

BOB HAYNES
District Engineer

MEMORANDUM

TO: File No. 36-7298 - Ralph W. Sullivan

FROM: Bob Haynes

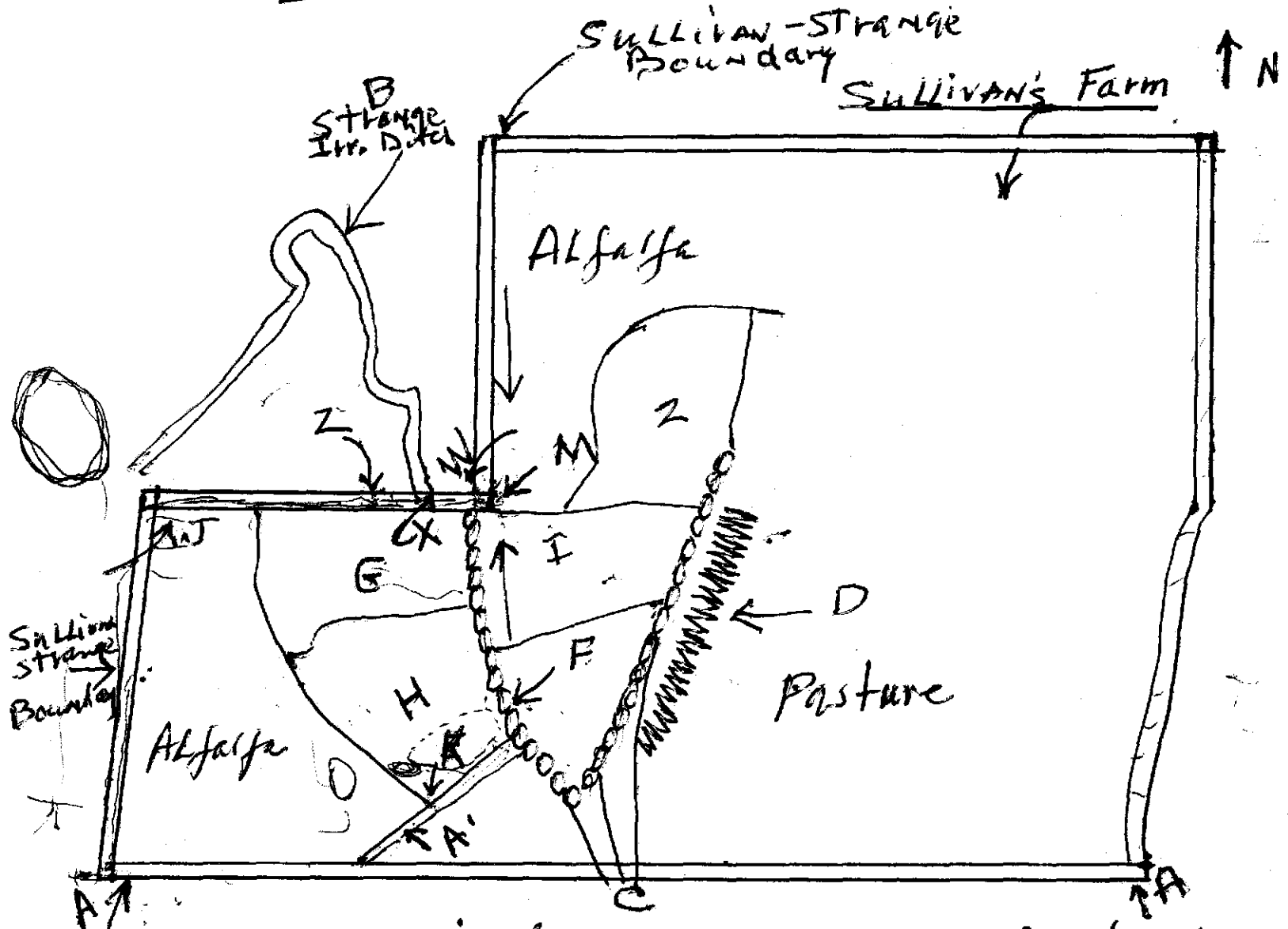
SUBJECT: Conference in Gooding County - March 21, 1973

1. Even though this use is nonconsumptive, it affects the protestant, William Strange because he uses water below Sullivan and the water will not be returned to the same channel.
2. There was disagreement on whether he could physically use the water after it went through the ponds.
3. Strange uses water from Sands Ditch, Barlogi Ditch and Donkey Springs. Water from Barlogi Ditch cannot be used on the ground receiving water from Donkey Springs.
4. Strange has a decreed right for 229 inches through Sands Ditch. At present he is using about 70 inches. He uses water from Donkey Springs because there is no waste way and flooding problem is created by bringing more water through the Sands Ditch.
5. Both agreed to allow the Department to render a decision based on a field exam of the area.

36 7298

Exhibit #1

T7S R13E B1M
Gooding Co Idaho



2 = Sullivan Field
3 = Sullivan Field
A = Community Drain

36 7298

A1 = Stub Drain

B = Strange Irrigation Ditch

C = Drainage + Waste Ditch

Heavy Line = Sullivan Property

X = Waste water Leaving
sullivan Farm entering
Strange property

Z = Waste from Strange
Pasture

D = Origin of waters

E = Check-stab Drain

F = Irrigation checks

G = 2.6 Acre field

H = Pasture

J = Drainage Ditch

K = Heat gate

M = Muskrat Drain

I = Donkey Pasture

W = Waste water
merging at
muskrat corner
or drain

I the undersigned hereby agree to allow
the Department of Water Administration to render
a decision in the matter the protest of the
Application for Permit of Ralph Sullivan
No 36-7298

Wm. Strange
Ralph Sullivan

36 7298

June 11, 1973

Mr. Ralph Sullivan
R Lazy S Ranch
Hagerman, ID 83332

Dear Mr. Sullivan:

I am writing in regards to the measurement of the Donkey Springs, located in the Hagerman Valley. On June 6, 1973, I measured 3.07 cubic feet per second discharge from these springs with a pigmy meter.

Respectfully,

Michael Steele
Water Resource Technician II
Southern District

MLS:jrm

February 26, 1973

Gooding County Courthouse
Clerk of the District Court
Gooding, ID 83330

Dear Sir:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Wednesday, March 21, 1973, at 9:00 a.m., 1:00 & 3:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours.

Bob Haynes
District Engineer
Southern District

BH:dlw

February 21, 1973

RE: Application No. 36-7298 - Ralph W. Sullivan

Mr. Ralph W. Sullivan
Hagerman, Idaho
83332

Dear Mr. Sullivan:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 36-7298. 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?

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,

Bob Haynes
District Engineer
Southern District

BH:alw
Enc.

36 7298

February 21, 1973

RE: Application No. 36-7298 - Ralph W. Sullivan

Mr. William Strange
Box 387
Hagerman, ID 83332

Dear Mr. Strange:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. 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,

Bob Haynes
District Engineer
Southern District

36 7298

BH:alw

February 6, 1973

Re: Application No. 36-7298 - Ralph W. Sullivan

Robert Bell
Idaho Fish and Game Department
P.O. Box 138
Jerome, ID 83336

Dear Bob:

We are enclosing a copy of the above referenced application for permit, which may be of interest to your agency.

Please review the application and if you have any comments, please submit them to our Department as soon as possible.

We normally complete the processing of an application within a six (6) week period and we are required to take final action shortly thereafter.

If we may be of any assistance to you in the meantime, please do not hesitate to contact this Department.

Sincerely,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.

36 7298

February 2, 1973

Re: Application No. 36-7298 - Ralph W. Sullivan
36-4025 - Ralph Sullivan

Gooding County Leader
Box 88
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

BH:alw

Enc: Legal Notices (2)

Bill submitted 3-2-73 by alw

36 7298

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Ralph W. Sullivan,
Hagerman, ID
has on Feb. 2, 1973 submitted Application No. 36-7298
for a permit to appropriate 2.0 cubic feet per second ~~XXXXX XXXX XXX XXXXX~~
of water from Donkey Springs, tributary of Billingsley Creek
by means of concrete diversion
within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, T. 7S, R. 13E, B.M., Gooding County

to be used from Jan. 1 to Dec. 31 for fish propagation

~~for~~

within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, T $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 14, T. 7S, R. 13E, 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 Feb. 26, 1973.

R. KEITH HIGGINSON

Director

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

36 7298

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

Notice is hereby given that Ralph W. Sullivan, Hagerman, ID has on Feb. 2, 1973 submitted Application No. 36-7298 for a permit to appropriate 2.0 cubic feet per second of water from Donkey Springs, tributary of Billingsley Creek by means of concrete diversion within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, T. 7S, R. 13E, B.M., Gooding County to be used from Jan. 1 to Dec. 31 for fish propagation within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14, T. 7S, R. 13E, 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 Feb. 26, 1973.

OK R. KEITH HIGGINSON,
alw Director

2-7-73

2-8-2tc

36 98