

Affidavit of Publication

RECEIVED

State of Idaho, }
County of Gooding } ss.

DEC 4 1972

Department of Water Administration
Southern 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 18 day of November, 1972, and the date of the last publication was on the 23 day of November, 1972

Subscribed and sworn to before me this 30

day of November, 1972
(SEAL)

May Ann 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

Plaintiff Attorney

Edward C. Shokal
Defendant

36-7271

Plaintiff

Bill to

Water Admin

1041 Blue Lakes

Blvd N.

Twin Falls

83301

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Edward C. Shokal, Route 1, Hagerman, ID has on Nov. 3, 1972 submitted Application No. 36-7271 for a permit to appropriate 5.0 cubic feet per second of water from Billingsly Creek by means of ditches within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 7S, R. 13E, B.M., Gooding County to be used from Jan. 1 to Dec. 31 for fish propagation, fire protection and commercial purposes within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, 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 Dec. 4, 1972.

R. KEITH HIGGINSON,
Director

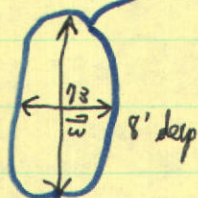
11-16-2tc



UNRECORDED

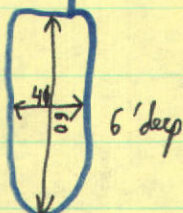
Pond A

42632 ft³



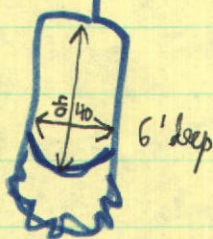
Pond B

14760 ft³



Pond C

9600 ft³



.59'

2' weir

#1

Backeye Ditch

Uses: Fish propagation, log soaking (commercial),
fire protection.

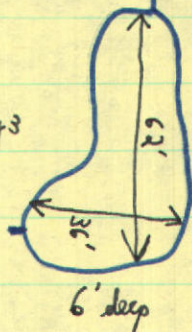
~~42632~~
~~14760~~
~~9600~~
~~66992 = 43560 = 1.5 AA = Facility Volume~~

↑
N

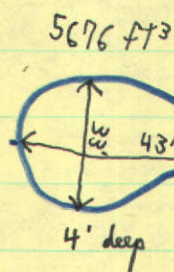
MICROFILMED

Pond D
Uses: Fish propagation

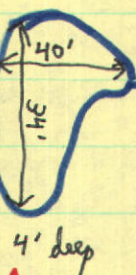
13392 ft³



Pond E



5440 ft³



Pond F

14" Weir

Uses: Fish propagation, log soaking (commercial)

#2

Sands Ditch

#3

April 20, 1973

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

Dear Mr. Sullivan:

In order to withdraw your protest of Edward Shokal's application No. 36-7271, it will be necessary to submit to this office a statement to that effect.

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

Very truly yours,

Michael Steele
Resource Examiner
Southern District

MS:alw

36 7271

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

(Late Proof)

License of Water Right No. 36-7271 Priority November 17, 1972 Amount 5.0 cfs

THIS IS TO CERTIFY, that Edward C. Shokal
of Hagerman, ID, has complied with the terms and conditions of Permit
No. 36-7271 issued pursuant to Application for Permit dated November 3, 1972,
and has submitted proof to the Department of Water Resources on June 15, 1981,
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 5.55 cfs of water from Billingsley Creek,
tributary to Snake River, 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
Fish Propagation	from <u>January 1</u> to <u>December 31</u> at <u>5.0</u> cfs and	<u>N/A</u>	
Commercial	from <u>January 1</u> to <u>December 31</u> at <u>2.88</u> cfs and	<u>N/A</u>	
Fire Protection	from <u>January 1</u> to <u>December 31</u> at <u>2.88</u> cfs and	<u>N/A</u>	

(both dates inclusive)

Subject, however, to the condition that no more than 5.0 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 SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11,
Twp. 7 S., Rge. 13 E. 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	11												X				X	

Total number of acres irrigated _____

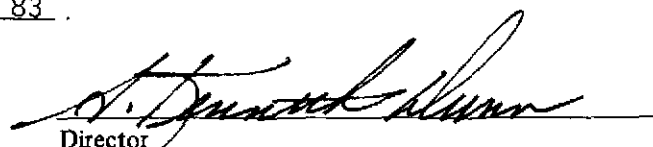
See attached.

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, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25th day of

July, 19 83.


Director

LICENSING CONDITIONS OF APPROVAL

Points of Rediversion: 1 pt. (Buckeye ditch) SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, Twp. 7S., Rge. 13E.
2 pts. (Sands ditch) SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, Twp. 7S., Rge. 13E.

Fish Propagation Facility Volume = 2.1 acre feet

Commercial use is log soaking

Commercial Facility Volume = 1.8 acre feet

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

Use of water under this license is subject to control by the watermaster of State Water District No. 36A, Billingsley Creek.

This right when combined with Right Nos. 36-0080, 36-0081, and 36-0082 shall not exceed 5.0 cfs.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 36-7271
in the name of EDWARD C. SHOKAL

ORDER OF REINSTATEMENT

WHEREAS, on November 3, 1972, Edward C. Shokal filed with the Department of Water Resources an application for permit to appropriate 5 cubic feet per second of water from Billingsley Creek, tributary to Snake River, to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, Twp. 7S, Rge. 13E, and within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, Twp. 7S, Rge. 13E, Gooding County, to be used for fish propagation, fire protection and commercial purposes; and,

WHEREAS, on June 18, 1973, the Department approved said application and issued Permit No. 36-7271 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before June 1, 1978; and,

WHEREAS, on April 11, 1978, the Department extended the time within which to submit the required proof of beneficial use to June 1, 1981; and,

WHEREAS, on March 31, 1981, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on June 1, 1981, Permit No. 36-7271 automatically lapsed; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on June 15, 1981;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 36-7271 be REINSTATED and the priority advanced to November 17, 1972.

Dated this 10 day of July, 1981.

for David R. Tethley (ACTING)
L. GLEN SAXTON
Chief, Operations Bureau

LGS:jg

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 11 1978

APPLICATION FOR EXTENSION OF TIME

Department of Water Resources
Southern District Office

State of Idaho

County of Cooding

Permit No. 36-7271

Edward G. Shokal of Rte 1 HAGERMAN, IDA
(name) (address)

State of Ida, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to
Appropriate the Public Waters of the State of Idaho No. 36-7271.

That under the terms and conditions of said permit, work thereunder was required
to be completed on or before June 1, 19 78.

That he has heretofore performed the following work described under said permit:

5 ponds have been developed.

Costing \$ 1000.00

That he is unable to complete the remainder of the work within the required time for
the following reasons, to-wit: The AREA Has been obstructed
by (15) Trees Dying and falling in the AREA.

Wherefore, he asks that the Department of Water Resources extend the time for the
completion of obligations under said permit to June 1, 19 81.

Edward G. Shokal
(signature) *

Subscribed and sworn before me this 11th day of April, 19 78.

seal

Sheryl G. Merritt
Notary Public residing at
Swan Falls, Idaho

My commission expires life term

ACTION OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED
and the time within which to submit proof of beneficial use of water is extended
to June 1, 1981.

Witness my hand this 11th day of April, 19 78

D. Glen Saylor
Chief, Operations Bureau

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available
through the Department of Water Resources, Statehouse, Boise, Idaho 83720.

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF Application for Permit)
No. 36-7271 in the name of EDWARD C.)
SHOKAL)

MEMORANDUM DECISION
and ORDER

On November 3, 1972, Edward C. Shokal filed Application for Permit No. 36-7271 to appropriate 5.0 cubic feet per second of water from Billingsley Creek which is a tributary of Snake River, for Fish Propagation, Commercial and Fire Protection purposes from January 1 to December 31. The points of diversion are within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, Twp. 7S, Rge. 13E, B.M. in Gooding County. The place where the water will be used is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, Twp. 7S, Rge. 13E, B.M.

The Department caused notice of the application to be published in the Gooding County Leader at Gooding, Idaho on November 18 and 23, 1972. On November 30, 1972, a protest was received from Ralph W. Sullivan and on December 4, 1972, a protest was received from Robert Gardner. The protest by Robert Gardner was withdrawn on May 30, 1973.

A hearing concerning the matter was held at Gooding, Idaho on May 31, 1973. The issues raised by the protestant were:

1. Is sufficient water available for the purpose intended?
2. Will the appropriation of 5.0 cubic feet per second of water cause injury to existing water rights?
3. Has the decreed water right of the applicant been lost by non-use?

Therefore, based upon the information in the file, the statements made at the hearing, and the Department's understanding of the law, the Director of the Department of Water Administration makes the following Finding of Fact, reaches the following Conclusions of Law, and issues the following Order:

Finding of Fact

1. The applicant is the holder of a water right to 5.00 cfs of Billingsley Creek with priorities as follows: 2.00 cfs with a priority of April 1, 1885, and 1.00 cfs with a priority of April 1, 1910 to be diverted through the Sands ditch. Also, 2.00 cfs with a priority of January 2, 1891 to be diverted through the Buckeye ditch.

2. The present ditches have the capacity to deliver the decreed water to the respective places of use.

3. The applicant is not requesting additional water above the 5.0 cfs that presently is decreed to him but is requesting that the season be extended to include the entire year and the additional uses of the water.

4. The protestant is the holder of a decreed water right to irrigate his land from Billingsley Creek through the Buckeye and the Sands ditches.

5. The protestant's place of use is further downstream on the ditch than the applicant's.

6. The watermaster's records indicate the water has been delivered in recent years to the point of diversion used by the applicant.

Conclusions of Law

1. Since the applicant has not requested the use of additional water over the amount he is presently decreed, but is only requesting that additional uses be allowed, it is concluded that water is available for this application during the time water is available for the existing decreed water right and further that water is available during the non-irrigation season because there are only minor consumptive uses of water from Billingsley Creek during that period.

For the same reason, no injury will be caused to the protestant's existing water right as long as the water is delivered according to the existing decree.

2. The water of the applicant has been delivered by the watermaster and does not appear to have been lost by non-use.

Order

IT IS, THEREFORE, ORDERED and Application for Permit No. 36-7271 is hereby APPROVED subject to the following limitations and conditions:

1. That said permit shall be subject to all prior 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 June 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.
4. That the maximum rate of diversion under this and the above mentioned decreed rights, belonging to the applicant, shall not exceed 5.0 cfs of water.

Dated this 18 day of June, 1973.

Identification No. _____

Application No. 36-7271

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 Edward C. Shokal 837-4577
post office address Rt. # 1 Nagerman Idaho 83332
2. Source of water supply Billingsly Creek which is a tributary of Snake River
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11 Township 7S
Range 13E B.M. Gooding County; additional points of diversion if any: SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 11; T 7S; R 13E

- 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 5.0 for Fish Propagation purpose from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 5.0 for Fish Protection purpose from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- * Amount 5.0 for Commercial purpose from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

- a. 5 cubic feet per second and/or
b. _____ acre feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. We are going to use The Buckeye Ditch Co & the sands water users Association Ditches as part of our 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 _____ 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 \$ 2,000.00.

8. Description of proposed uses:

- a. If water is **not** for irrigation: SW SE
(1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 11 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: _____

* The Commercial use will be log ponds for treating hard wood logs for sale

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

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	

Total number of acres to be irrigated _____

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

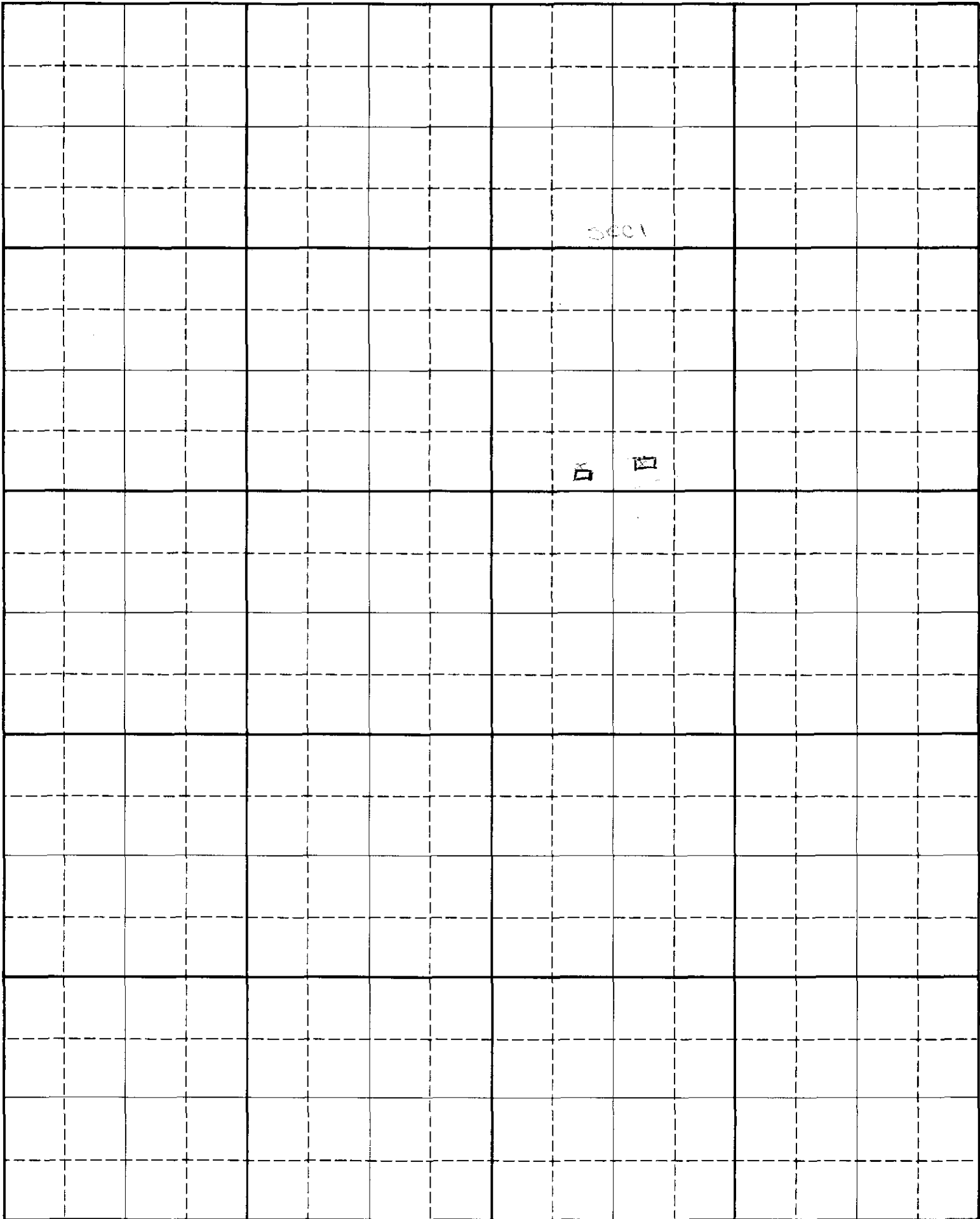
9. a. Who owns the property at the point of diversion Applicant

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.



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.

Edward C. Stokel
(Applicant)

Proposed priority: 11/3/1972

Received by alw Date 11-3-72 Time 11:40 am

Preliminary check by AA Fee \$15.00

Received by alw Date 11-3-72 # 9466

AA Publication prepared by alw Date 11-9-72

Published in Gooding County Leader, Gooding, ID

Publication dates 11-18 & 11-23-72

Publication approved alw Date 12-4-72

Priority reduced to _____ Reason _____

Protests filed by: Ralph W. Sullivan of R Lazy S Ranch;
Robert Gardner (Andrew F. James)

Copies of protests forwarded by alw

Hearing held by _____ Date _____

Recommended for approval denial by de

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. 36-7271, 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 June 1, 19 78.

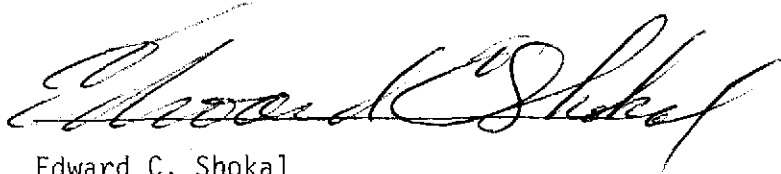
c. Other: Pursuant to Memorandum Decision & Order of this date.

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

Witness my hand this 18th day of June, 19 73.

P. Keith Higgins
Director

I the undersigned, Edward C. Shokal, state that the purpose of Application No. 36-7271 was to obtain a permit for additional uses of water to which I have a decreed right from Billingsley Creek.

A handwritten signature in cursive script, appearing to read "Edward C. Shokal", written in dark ink.

Edward C. Shokal

Affidavit of Publication

RECORDED

State of Idaho, }
County of Gooding } ss.

Department of Agriculture
Soil Conservation Service

Alfred E. Hager, 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 18 day of November, 1972, and the date of the last publication was on the 23 day of November, 1972.

Alfred E. Hager

Subscribed and sworn to before me this 30

day of November, 1972
(SEAL)

Mary Ann Hager
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

Plaintiff Attorney

Edward C. Shokal
Defendant

36-7271

Plaintiff

Bill to

Water Admin

1041 Blue Lakes

Blvd N.

Twin Falls

83301

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Edward C. Shokal, Route 1, Hagerman, ID has on Nov. 3, 1972 submitted Application No. 36-7271 for a permit to appropriate 5.0 cubic feet per second of water from Billingsly Creek by means of ditches within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 7S, R. 13E, B.M., Gooding County to be used from Jan. 1 to Dec. 31 for fish propagation, fire protection and commercial purposes within the SW $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, 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 Dec. 4, 1972.

R. KEITH HIGGINSON,
Director

11-16-2tc

July 26, 1983

RE: Permit No. 36-7271

Edward Shokal
Rt. 1 Box 410
Hagerman, Id 83332

Dear Mr. Shokal

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

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 27, 1983

Edward G. Shokal
Rt. 1, Box 410
Hagerman, ID 83332

Dear Mr. Shokal:

A representative of this Department has made an examination of the works covered by your Permit No. **36-7271**, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: **5.0 cfs** Source: **Billingsley Creek**

The maximum quantity diverted shall not exceed **N/A** acre feet per year.

Point(s) of diversion: **SENE, SWNE Sec. 11, T. 7 S., R. 13 E.**

Beneficial use: **Fish propagation, commercial and fire protection in SESW, SENE, Sec. 11, T. 7 S., R. 13 E.**

Priority date established: **11-17-1972**

Conditions (if any): **See attached**

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

LICENSING CONDITIONS OF APPROVAL

Points of Rediversion: 1 pt. (Buckeye ditch) SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, Twp. 7S., Rge. 13E.
2 pts. (Sands ditch) SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, Twp. 7S., Rge. 13E.

Fish Propagation Facility Volume = 2.1 acre feet

Commercial use is log soaking

Commercial Facility Volume = 1.8 acre feet

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

Use of water under this license is subject to control by the watermaster of State Water District No. 36A, Billingsley Creek.

This right when combined with Right Nos. 36-0080, 36-0081, and 36-0082 shall not exceed 5.0 cfs.

MAP (Attach Aerial Photo)

SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: SE 1/4 NE 1/4 Sec. 11, re-diverted SW 1/4 SE 1/4 Sec. 11 (Buckeye Ditch), T. 7S R. 13E
SW 1/4 NE 1/4 Sec. 11, re-diverted 2 points SE 1/4 SW 1/4 Sec. 11 (Lands Ditch) T. 7S R. 13E

Place(s) of Use

TWP.	RGE.	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	11												X			X		

Recommended Amendments:

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

Examiner's Signature James E. Stanton

Checked by Doug Lundberg

Approved by [Signature]

Date 8-2-82

Date 12-28-1982

Date 5/6/83

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

86-7271

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☒ Appointment scheduled for: (Date, time, location)	10 am 10-13-81	JP	

EXAMINATION

Date: 10-13-81 Accompanied by Ed Global Total Q measured 5.55 cfs ^{capacity}
If source is surface water, estimate total flow of source ✓
Methods of measurement contracted rect weir Meets Permit requirements? ✓

Measurement calculations: #1
Measure .59' hd (2' weir) = 2.88 cfs from Buckeye Ditch
Allow 5.0 cfs filed on. (FOR Fish Propagation)
#2 70 #3
Measure .32' hd & .51' hd (14" weirs) =
.67 cfs + 2.0 cfs = 2.67 cfs from Lands Ditch
2.88 + 2.67 = 5.55 cfs

See attached calculations

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
1						2' weir	Good	.59' head
2						14" weir	"	.32' head
3						14" weir	"	0.70' head

System Description One headgate on Buckeye Ditch; two headgates on Lands Ditch

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE	Irrigation requirement = <u>N/A</u>		AFA/Acre	
	Q (cfs)	V (afa)	FROM	TO
fish propagation	5.0	N/A	1-1	13-31
commercial (log soaking)	4.88	-	"	"
fire protection	5.0 2.88	N/A	"	"
Total	5.0 cfs			

Remarks Applicant diverts irrigation water from these 9 other headgates along the Buckeye & Lands Ditches.

Fish propagation is primarily for research rather than for commercial purposes.

Although a pond has been constructed for log soaking, no logs were soaking during the exam. Logs were stacked on the site, however. Diversions #1 & #3 only will be used to fill ponds for log soaking.

Fire protection - fire trucks & pump from ponds if needed (upper ponds only)

Pond volume is 91,500 ft.³ for fish prop. Facility volume is 78,108 ft.³ for commercial (log soaking).

Re: Tele/con w/ Jim Jackson - Permit holder requested we license ASAP

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

36-7291

Permit No.

CONTACT WITH PERMIT HOLDER

DATE INITIALS REMARKS

- ☐ Appointment letter mailed: _____
- ☐ Telephone call made: _____
(List Telephone No. used) _____
- ☒ Appointment scheduled for: 10 am 10-13-81 JP
(Date, time, location) _____

EXAMINATION

Date 10-12-81 Accompanied by Ed Shohal Total Q measured 5.55 cfs ^{capacity}

If source is surface water, estimate total flow of source ✓

Methods of measurement contracted rect weir Meets Permit requirements? ✓

Measurement calculations: #1
Measure .59' hd (2' weir) = 2.88 cfs from Buckeye Ditch
Allow 5.0 cfs filed on. (For Fish Propagation)

#2 90 #3
Measure .32' hd & .51' hd (14" weirs) =
.67 cfs + 2.0 cfs = 2.67 cfs from Lands Ditch

$2.88 + 2.67 = 5.55 \text{ cfs}$

See attached calculations

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
1						2' weir	Good	.59' head
2						14" weir	"	.32' head
3						14" weir	"	0.20' head

System Description One headgate on Buckeye Ditch; two headgates on Lands Ditch

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

Irrigation requirement = N/A AFA/Acre

USE	Q (cfs)	V (afa)	FROM	TO
fish propagation	5.0	N/A	1-1	12-31
commercial (log soaking)	4.88	-	"	"
fire protection	~~5.0~~ 2.88	N/A	"	"

Total 5.0 cfs

Remarks Applicant diverts irrigation water from these 2 other headgates along the Buckeye & Lands Ditches.

Fish propagation is primarily for research rather than for commercial purposes.

Although a pond has been constructed for log soaking, no logs were soaking during the exam. Logs were stacked on the site, however. Diversions #1 & #3 only will be used to fill ponds for log soaking.

Fire protection - fire trucks & pump from ponds if needed (upper ponds only)

Pond volume is 91,500 ft.³ for fish prop. Facility volume is 78,108 ft.³ for commercial (log soaking).

Per Tele/con w/ Jim Stanton - Permit holder requested we license ASAP

MAP (Attach Aerial Photo)

[illegible]

SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11, re-diverted SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11 (Buckeye Ditch). T.7S R.13E
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11, re-diverted ~~SW~~ 2 points SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 11 (Lands Ditch) T.7S R.13E

Place(s) of Use

[illegible]

Recommended Amendments:

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

Examiner's Signature

Checked by

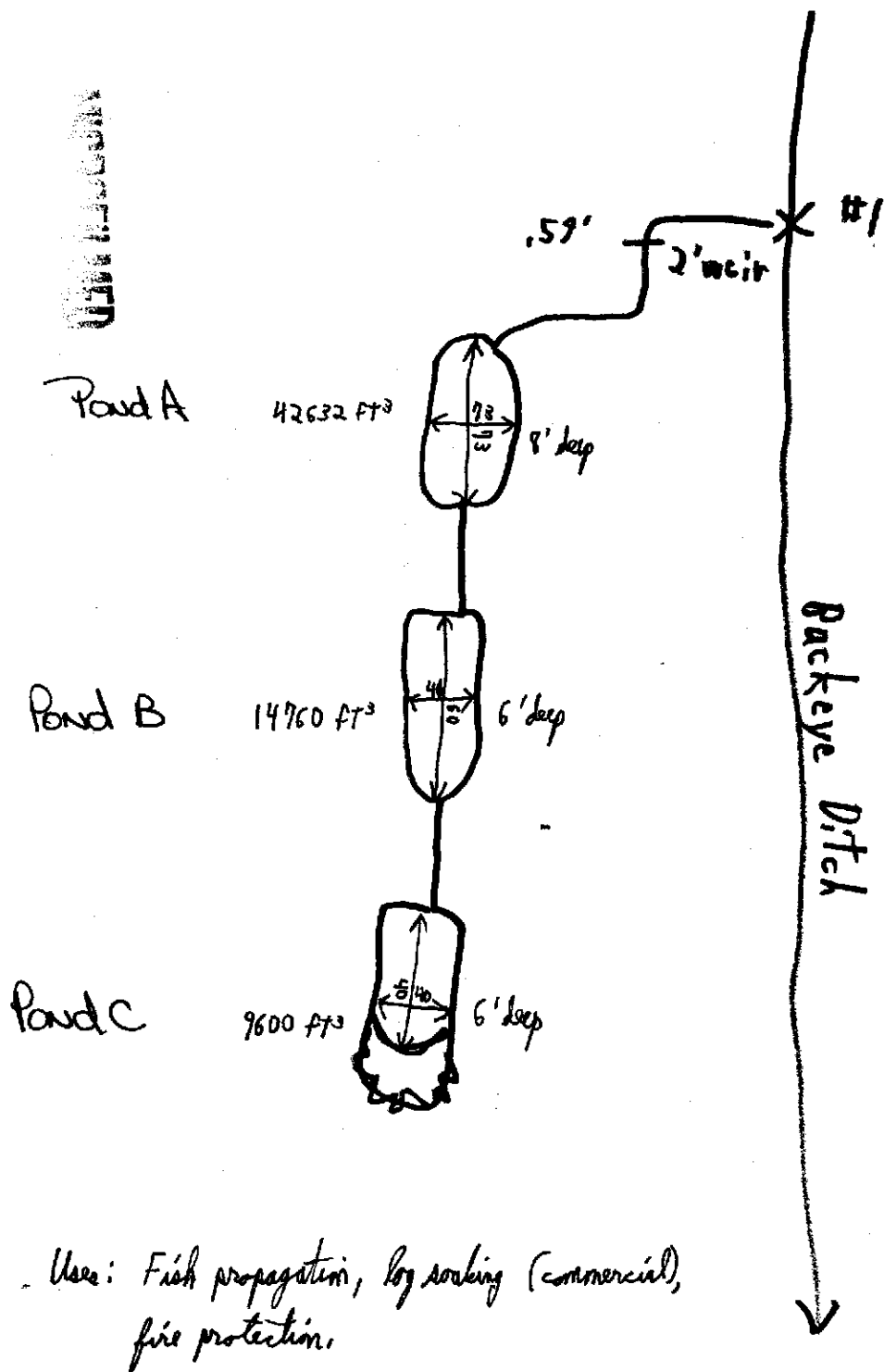
Approved by

Date 8-2-82

Date 12-28-1982

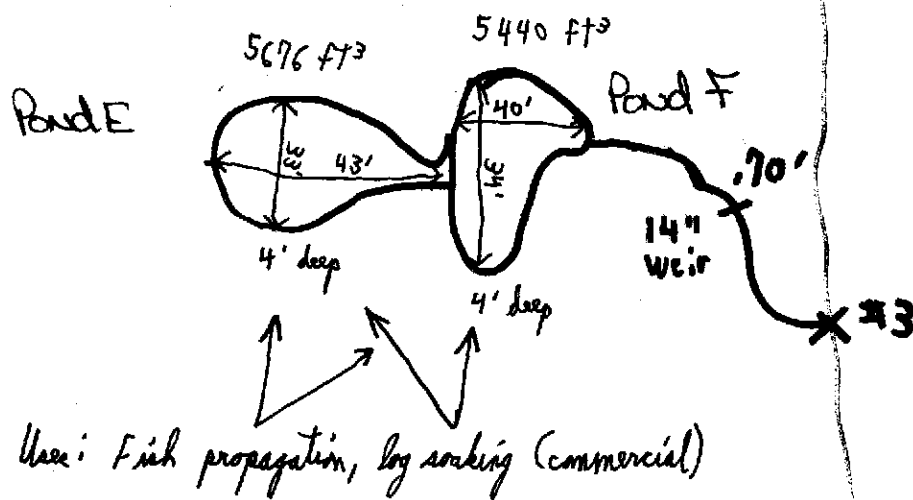
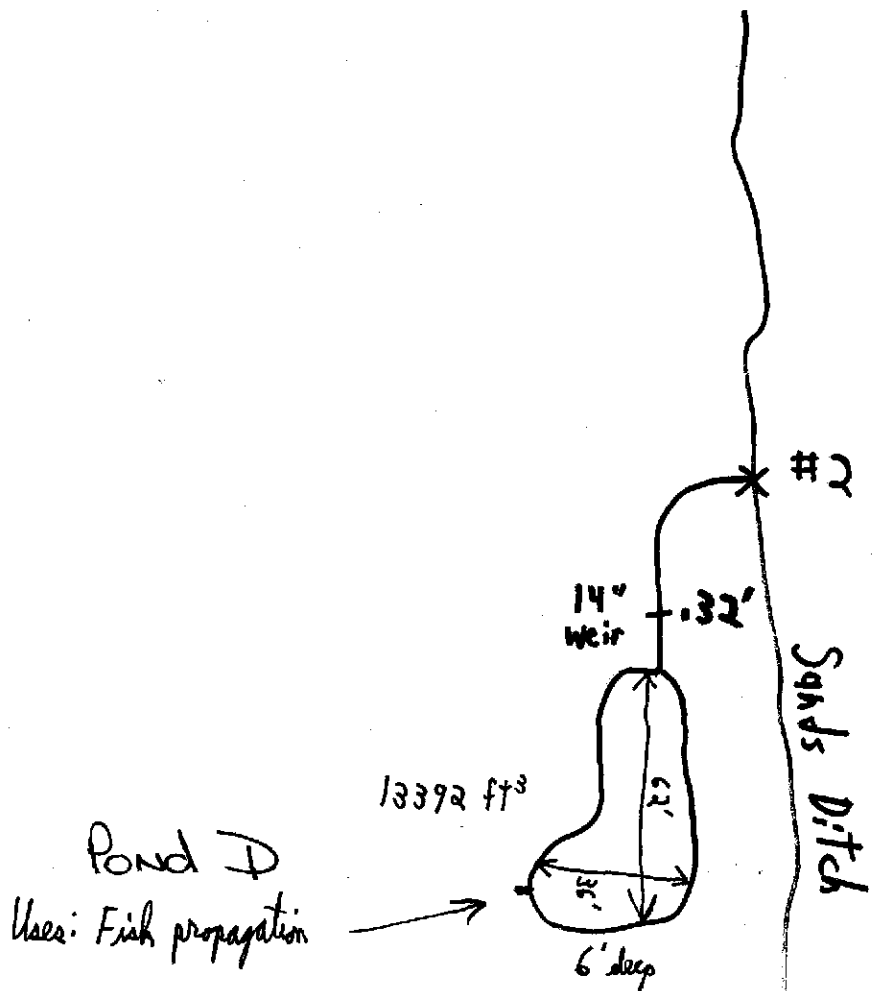
Date 5/6/83





~~42632~~
~~14760~~
~~9600~~
~~66992 = 43560 = 1.5 AM = Facility Volume~~

↑
N



★ Calculation for Fish Propagation (Facility Volume)

Pond A $73 \times 73 \times 8 = 42632$

B $41 \times 60 \times 6 = 14760$

C $40 \times 40 \times 6 = 9600$

D $62 \times 36 \times 6 = 13392$

E $33 \times 43 \times 4 = 5676$

F $40 \times 34 \times 4 = 5440$

$$91,500 \div 43560 = 2.1 \text{ Af}$$

$Q = \text{weir \# 1, 2 \& 3}$

$2.88 \text{ cfs} + .67 \text{ cfs} + 2.0 \text{ cfs} = 5.55 \text{ cfs}$

Permit Limits to 5.0 cfs

$V = N/A$

★ Calculation for Commercial

Pond A $73 \times 73 \times 8 = 42,632$

B $41 \times 60 \times 6 = 14760$

C $40 \times 40 \times 6 = 9600$

E $33 \times 43 \times 4 = 5676$

F $40 \times 34 \times 4 = 5440$

$$78,108 \div 43560 = 1.8 \text{ Af}$$

$Q = \text{weir \# 1 \& 3}$

$2.88 \text{ cfs} + 2.0 \text{ cfs} = \underline{4.88 \text{ cfs}} \checkmark$

$V = N/A$

★ Calculation For Fire Protection

$$Q = \text{weir \#1}$$

$$\underline{\underline{2.88}} \text{ cfs } \checkmark$$

$$V = N/A$$

✓
DNR

Overlap Review for 36-7271

36-0065	.7 cfs	Billingsley Cr. (Buckeye Ditch)	different P/U within same tract
36-0066	1.4 cfs	" (Sands Ditch)	"
36-0067	.5 cfs	" (E.M. Bell Ditch)	"
36-0080 4-1-1885	2.0 cfs	" (Sands Ditch)	Same P/U
36-0081 4-1-1910	1.0 cfs	" (Sands Ditch)	Same P/U
36-0082 1-2-1891	2.0 cfs	" (Granger Ditch)	Same P/U

Recommend 117 (36-0080, 36-0081, 36-0082, 5.0 cfs)
See Memo of Decision to Permit 36-7271

36-0079	1.4 cfs	Billingsley Cr. (Sands Ditch)	different P/U within same tract
36-0110	1.5 cfs	" " (~~Billingsley~~ Sands Ditch)	"
36-0111	.5 cfs	" " (Sands Ditch)	"
36-0113	.6 cfs	" " (Padgett Ditch)	"

RC 5/6/83



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) 734-3678
RECEIVED

JUL 17 1981

Department of Water Resources

July 16, 1981

Edward C. & Ruth C. Shokal
Rt. 1 Box 410
Hagerman, Idaho 83332

Re: Permit No. 36-7271

Dear Mr. & Mrs. Shokal:

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.

Field examinations must be done while the system is in operation. For this reason we concentrate on irrigation permits during the summer months and do examinations on permits for other uses during the non-irrigating months.

If you have any questions regarding the field examination, please contact our office.

Sincerely,

Gary L. Funderburg
Senior Water Resource Agent

GLF:marya

MICROFILMED

June 17, 81

RECEIVED

JUN 15 1981

Department of Water Resources

Rita J. Fleck
Sr. Secretary
Dept of Idaho Water Resources
Boise

Dear Rita Fleck:

Attached is the corrected card for permit

36-7271

I am sorry to have caused you this
inconvenience.

Alfred C. Shokal

Rt #1 Box 410

Hayman, Idaho 83332

COPIES

June 8, 1981

Edward C. and Ruth C. Shokal
Route 1, Box 410
Hagerman, ID 83332

Dear Mr. and Mrs. Shokal:

Re: Permit No. 36-7271

Enclosed is the statement of beneficial use postcard submitted to this office on May 12, 1981.

Please be advised that there is a discrepancy between the permit's described uses and the postcard's extent of use. Permit No. 36-7271 proposes the water to be used for fish propagation, fire protection and commercial use for treating hardwood logs. The postcard, on the other hand, shows the water is used for fish ponds, stockwater and irrigation. Could this postcard be describing another right?

Is the project completed as proposed by the permit? If not, do you need an extension of time for further development? Enclosed is such a form should you need it.

If the project is developed, enclosed is a blank postcard to fill out and return to us by July 1, 1981 to keep your permit in good standing.

If you have questions concerning this matter, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

SHOKAL, EDWARD G.
RT. 1
HAGERMAN, ID 83332

138952

MARCH 31, 1981

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 36-7271 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 01, 1981. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES

April 12, 1978

Re: Permit No. 36-7271

Edward G. Shokal
Route 1
Hagerman, Idaho 83332

Dear Mr. Shokal:

Enclosed is a copy of the approved application for extension of time in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to June 1, 1981.

Sincerely,

Jan Grover
Water Rights Supervisor

RECEIVED
MAY 14 1978



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

March 31, 1978

CERTIFIED MAIL

128619

Re: Permit No. 36-7271

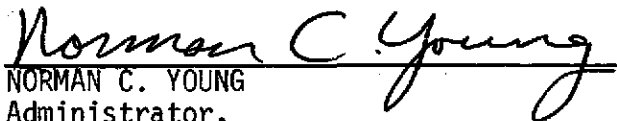
Edward C. Shokal
Route 1
Hagerman, Idaho 83332

Dear Mr. Shokal:

One of the conditions of approval of your water Permit No. 36-7271 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before June 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.


NORMAN C. YOUNG
Administrator,
Resources Administration Division

NCY:jfr

Encl: Proof affidavit

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 36-7271.

Name(s) of Permit Holder: Edward C. & Ruth C. Shokal

Post Office Address: Rt #1 Box 410 Hagerman, Idaho 83532

Tel. No. 837-4577

Source of Water: Bellingham Creek, via Buckeye + Sandy Ditch

Extent of Use: ☒ Domestic (number of households)
☐ Stockwater (number and type of stock)
☐ Irrigation (acres)
☐ Other fish propagation, fur production, commercial

Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

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

June 13 81
Date

Edward C. Shokal
Signature of Permit Holder

MICROFILMED

NAME	AMOUNT OF WATER IN SECOND FEET AND SOURCE	PRIORITY OF APPROPRIATION	DIVERSION POINT
36-0078 MARSH, J. H., AND FLOSSIE MARSH ✓	.5 Spring (Said Unnamed spring is located on the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 19, Twp. 7 S. R. 14 E. B. M.) SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 19, Twp. 7 S. R. 14 E. B. M.	July 1, 1916	Unnamed Spring;
36-0079 MOORE, DANIEL AND DOROTHY MOORE ✓	1.4 Billingsley Creek April 1, 1888 Tax Nos. 9 and 10 in Sec. 11, Twp. 7 S. R. 13 E. B. M. containing approximately 10 acres in each tax number, a total of 20 acres.		Sands Ditch
36-0080 NEAL, LOUIS, 36-0081 HARRY H. 36-0082 AND EFFIE 36-0083 M. NEAL, AND ALVA REED ✓	2 Billingsley Creek April 1, 1885 1 Billingsley Creek April 1, 1910 2 Billingsley Creek Jan. 2, 1891 .8 Spring Jan. 2, 1891		Sands Ditch Sands Ditch Granger Ditch Unnamed Spring;
	(Said Unnamed spring arises in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 11, Twp. 7 S. R. 13 E. B. M. at a point 1065 feet north 2 degrees 2' West from the southeast corner of said forty acre tract of land.) The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 11, Twp. 7 S. R. 13 E. B. M. excepting approximately nine acres described as follows: Beginning at the Southeast Corner of the said Southwest Quarter of the SE $\frac{1}{4}$ of said Sec. 11, Thence north along the center of the Hagerman road 305.25 feet, thence North 80 degrees 55' West 907.5 feet, thence South 44 degrees West 631.15 feet to the Quarter corner of the boundary line between Sections 11 and 14, thence due east to the place of beginning. Also the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 11, Twp. 7 S. R. 13 E. B. M., excepting a strip of ground extending along the entire length of the south side of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, which strip is 28 feet wide on the west and runs to a point at the east end, or the quarter corner of the above mentioned secs. 11 and 14, Twp. 7 S. R. 13 E. B. M.		
36-0084 * NILES, LIBBIE ✓	1.4 Len Lewis Spring All that portion of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 36, Twp. 7 S. R. 13 E. B. M. lying west of the central channel of the "Brailsford Ditch," as now laid out and existing through said subdivision, which said tract of land contains approximately 7.17 acres of land and is more particularly bounded and described as follows, to-wit: "Commencing at the southwest corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$	Sept. 1, 1889	Brailsford-Owens Ditch

June 19, 1973

Re: Permit No. 36-7271

Mr. Edward C. Shokal
Route # 1
Hagerman, Idaho 83332

Dear Mr. Shokal:

Enclosed please find a copy of your approved Application for Permit No. 36-7271 along with a copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the Order.

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

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

Enc: Copy of permit w/
Memorandum Decision & Order
Information letter

cc: Mr. Robert Gardner
Mr. Ralph W. Sullivan
Mr. Andrew F. James
Enc: Copy of Memorandum Decision
and Order

bc: Southern District Office

35 7271

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

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

RECEIVED

JUN 12 1973

Department of

June 7, 1973

Mr. Edward C. Shokal
Route #1
Hagerman, Idaho 83332

from Billingsley
Creek

Dear Mr. Shokal:

At the hearing held recently in Gooding concerning your Application for Permit No. 36-7271, you agreed that the 5.0 cfs of water you are requesting was the same as you are entitled to under an existing decree. Please identify which water right you hold so that we may reach a final decision in this matter. We would appreciate your response as soon as possible.

Sincerely,

Dear Mr. Fleenor:

Bobby D. Fleenor

Bobby D. Fleenor
Assistant Director

BDF:kss

In reference to your above request, the following is copied from the Crisp deed + covers the same. Crisp was the previous owner.

" Together with all water rights - ditches - etc - including (but not limited to) the following: Right to the use of deced waters of Billingsley creek as follows: 100 minor inches with priority of April 1, 1885; 50 minor inches with priority of April 1, 1910 and 100 minor inches with priority of Jan 2 1891. - There are also other water rights but for other sources than Billingsley creek. [150 from Sands Canal + 100 from Buckeye] Then in 1932 the Billingsley Creek waters were adjudicated, (after a lengthy review by the Creditors of the Buckeye Ranch - Idaho Power etc)

Edward C. Shokal

June 7, 1973

Mr. Edward C. Shokal
Route #1
Hagerman, Idaho 83332

Dear Mr. Shokal:

At the hearing held recently in Gooding concerning your Application for Permit No. 36-7271, you agreed that the 5.0 cfs of water you are requesting was the same as you are entitled to under an existing decree. Please identify which water right you hold so that we may reach a final decision in this matter. We would appreciate your response as soon as possible.

Sincerely,

Bobby D. Fleenor
Assistant Director

BDF:kss

Edward Shokal Statement

Will be studying fish, hardwood curing, fire protection -
 Water will be taken from both Buckeye Ditch, and Sands Ditch
 Submitted ~~Financial~~ ~~Statement~~ Capabilities

Manager of ~~3~~ Sands Ditch and he feels it is capable of carrying waste water
 Talked to Mr. Strange on disposal of water thru his property.

Applicants exhibit No. 1

In the summer the water that is decreed will be
 Assessments have been made for delivery of water to Mr. Shokal

Shokal further up on stream -

Problem is with administration of water of Buckeye Ditch

Sullivan

- Protest Statement -

- Any tie to Oil Drilling -

- Any - -

- Treating of Logs would effect water quality

Received 5/31/73

3DF

ROBERT B. GARDNER
BUCKEYE RANCH
HAGERMAN, IDAHO

May 30, 1973

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

Gentlemen:

I hereby withdraw my protest of the application number 36-7271 for permit to appropriate the waters of the State of Idaho. I trust that the Water Administration, with Mr. Shokal's approval, will clarify the wording of the application to state that no additional water is involved.

Yours truly,

Robert Gardner

36 7271

36 7271

Application No. 36-7271

CERTIFIED MAILING LIST

No.	Name and Address
19.	Edward C. Shokal Route 1, Hagerman, ID
20	Robert Gardner Hagerman, ID
21	Andrew F. James, James & Hobdey P. O. Box 176, Gooding, ID
22	Ralph Sullivan (App. 36-7298) also R Lazy S Ranch, Hagerman, ID

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. _____

CERTIFIED NO. 21

INSURED NO. _____

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
Edward C. Shokal

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED _____

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)
36 7271

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. _____

CERTIFIED NO. 19

INSURED NO. _____

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
Mr. E. C. Shokal

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED MAR 2 1970

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)
36 7271

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. _____

CERTIFIED NO. 20

INSURED NO. _____

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

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED MAR 1 1970

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)
36 7271

Application No. 36-7271

CERTIFIED MAILING LIST

No.	Name	Address
54	Edward C. Shokal	Route 1 Hagerman, ID
55	Robert Gardner	Hagerman, ID
56	Andrew F. James James & Hobdey	P. O. Box 176 Gooding, ID
57	Ralph Sullivan	R Lazy S Ranch Hagerman, ID

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.

54

1 *Mr. E. C. Shokal*

INSURED NO.

2 SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

MAY 2 1973

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

36 7271

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.

55

1 *Barbara Gardner*

INSURED NO.

2 SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

MAY 2 1973

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

36 7271

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

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

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

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

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

36 7271

Accepted Mar 31, 1973

January 1969

Private and ConfidentialRESUME OF EDWARD G. SHOKAL'S ACCOMPLISHMENTS AND CAPABILITIES

Research Supervisor, retired after 35 years' employment with Shell Development Company at the age of 54 years.

The following summary of my accomplishments and capabilities may be used with confidence to estimate what can be accomplished by me in the future. As an individual, I am energetic, enthusiastic and unusually creative. Starting new projects and exploratory work, particularly those needing patience and imagination, I do well.

I have worked as a Supervisor over teams of 6 to 25 people usually having a wide variety of training and personalities, can provide stimulation to the team, and quickly recognize the contributor and the plodder. I have always been interested in people and their motivation to work. Since chemistry has been my profession, brief statements describing my activity in this field will be made first, followed by my other fields of interest.

My entire 35-year career was spent with Shell Development Company, Emeryville, California. I started as a laboratory assistant in 1933, was made a full chemist in 1941 and a Supervisor-Research in 1952, and worked in that capacity until my retirement in 1969. During this time I had issued to me as an inventor alone or with co-inventors 96 United States patents (patent list attached) plus several more being processed in the U.S. Patent Office. I worked on a large variety of projects and while it is impossible to exactly measure how my time was distributed, the following list was estimated and arranged in a descending order of total time applied to each subject. Overriding all these topics was the objective to create a new product to be profitable when sold in the open market. This called for a working knowledge of sophisticated testing programs, test methods and market awareness. It was expected that any new potential product would be critically tested and compared to existing (or potential) products in the marketplace. This took about 50% of the total working time.

With certainty my main work was keeping on "top" of the technical literature and working in the field of organic chemistry with emphasis on polymer synthesis and applications.

1. Epoxy Chemistry

I worked in this field over 30 years with a considerable increase in emphasis during the last 10 years. The work included monomer synthesis, polymer synthesis, curing catalyst preparations with modifications and rate studies, high strength composite assemblies, electrical pottings and not least surface coatings for room temperature and baked curing.

2. Surface Coating Resins

Polyols of a wide variety were synthesized and converted into finished clear or pigmented coatings. The objectives in this program were to make a resinous polyol, for example, allyl alcohol - styrene was one product

3. Heterogeneous Catalyst Synthesis and Testing

Worked on creating new highly selective supported platinum group metal catalysts for hydrogenating unsaturated compounds with functional groups, like aromatic glycidyl ethers.

4. Allyl and Vinyl Polymers

Supervised an integrated team for synthesizing over 200 allyl and vinyl monomers and prepared pre-polymers and polymers of the most promising products. Evaluated them in surface coating applications, composite structures and molding applications.

5. Ziegler Olefin Polymerization

Supervised a large team to synthesize Ziegler type catalysts, used them to polymerize a range of olefins, studied the polymer workup, studied blending components for high impact grades, and tested the finished products in molding applications.

6. Electrodeposition of Organic Surface Coatings

Did exploratory work on synthesizing resins and making formulations for application to metal products by electrodeposition. This is one of the recent rapidly growing techniques for applying surface coatings.

7. Selective Extraction and Distillation

Studied azeotropic distillation and solvent extraction as a method to purify butadiene and pentadienes. Also used urea extraction techniques for upgrading drying oils.

8. Miscellaneous

There were a considerable number of relatively short-term projects studied, for example, adhesives, corrosion inhibitors, insecticides, hydraulic fluids, plasticizers for rubber and polyvinyl chloride, gasoline additives and deicing compositions for airplane wings.

In addition to my experience as (1) a chemist, I have (2) run a small farm and know how to prune and maintain a complete varied orchard, (3) purchased and subdivided real estate and know of its operation, (4) am capable in the art activities. I have cut, polished and carved gems and jade and won the top blue ribbon and best in class for Masters open lapidary award in the 1964 California Federation of Mineralogical Societies for my entry of 100 jade pieces (all my work) consisting of cabochons, carvings and jewelry. (5) I have had considerable experience in field prospecting for economic gems and minerals; (6) have studied petrology and use a polarizing microscope for identification and analysis. I am an expert in identifying jade and assigning economic value to prospect mines and mine run material (this type of experience is extremely rare); (7) can and do very delicate gold, silver and brazing

work; (8) can teach students in junior and advanced courses; (9) have had a great deal of experience writing about scientific projects; (10) also, I like people and know how to organize them socially or for productive work.

I am a member of the American Chemical Society, elected a member of the Sigma Xi in December 1952, a member of the Mineralogical Society of America, Contra Costa Gem and Mineral Society and was elected in 1968 to Judge of competitive lapidary work for the California Federation of Mineralogical Societies.

[June 1968]

Patents:

- U.S. 2,260,753 (Oct. 28, 1941) - "Process for the Production of Derivatives of Epihalohydrins"
- U.S. 2,314,039 (March 16, 1943) - "Process for the Production of (Novel) Epoxide Ethers (e.g., Allyl Glycidyl Ether)"
- U.S. 2,327,053 (Aug. 17, 1943) - "Production of Hydroxy Ethers"
- U.S. 2,355,319 (Aug. 8, 1944) - "Stabilization of Halobutenes"
- U.S. 2,360,555 (Oct. 17, 1944) - "Preparation of Cyclic Mono-Olefins"
- U.S. 2,360,860 (Oct. 24, 1944) - "Solvent Extraction Process"
- U.S. 2,360,862 (Oct. 24, 1944) - "Solvent Extraction Process"
- U.S. 2,364,587 (Dec. 5, 1944) - "Stabilization of Halobutenes"
- U.S. 2,364,588 (Dec. 5, 1944) - "Stabilization of Halobutenes"
- U.S. 2,364,921 (Dec. 12, 1944) - "Leaded Motor Fuels"
- U.S. 2,372,941 (April 3, 1945) - "Process for Concentrating Diolefins in Mixtures Containing Same"
- U.S. 2,376,075 (May 15, 1945) - "Stabilization of Halobutenes"
- U.S. 2,380,185 (July 10, 1945) - "Production of Hydroxy Ethers"
- U.S. 2,391,330 (Dec. 18, 1945) - "Synthetic Rubber Compositions"
- U.S. 2,393,925 (Jan. 29, 1946) - "Insecticides"
- U.S. 2,394,251 (Feb. 5, 1946) - "Hydraulic Fluids"
- U.S. 2,407,508 (Sept. 10, 1946) - "Unsaturated Bicyclic Carbonylic Compounds and Their Preparation"
- U.S. 2,408,922 (Oct. 8, 1946) - "Separation of Diolefins by Azeotropic Distillation"
- U.S. 2,418,991 (April 15, 1947) - "Polymers of Unsaturated Derivatives of 3-Sulfolanol"
- U.S. 2,419,082 (April 15, 1947) - "Unsaturated Ethers of Cyclic Sulfones"
- U.S. 2,426,821 (Sept. 2, 1947) - "Azeotropic Distillation of Five Carbon Diolefins in the Presence of Methyl Formate"
- U.S. 2,427,640 (Sept. 16, 1947) - "Polymerizable Esters and Polymers Thereof"
- U.S. 2,428,235 (Sept. 30, 1947) - "Production of Aromatic Hydroxy Ethers"
- U.S. 2,428,590 (Oct. 7, 1947) - "Production of Allyl Type Compounds"
- U.S. 2,433,616 (Dec. 30, 1947) - "Stabilized Polymers of Diallyl Esters of Dicarboxylic Acids"
- U.S. 2,435,071 (Jan. 27, 1948) - "Amides of Cyclic Sulfones"
- U.S. 2,445,189 (July 13, 1948) - "Polymerization of Unsaturated Compounds in the Presence of a Peroxide and a Hydrogen Halide"
- U.S. 2,445,799 (July 27, 1948) - "Organic Sulfur-Containing Polymers"
- U.S. 2,446,314 (Aug. 3, 1948) - "Process for the Preparation of Soluble Polymers of Unsaturated Esters of Polycarboxylic Acids"
- U.S. 2,449,173 (Sept. 14, 1948) - "Alkenyl Sulfolanyl and Sulfolenyl Carbonates"
- U.S. 2,449,956 (Sept. 21, 1948) - "Dialkylcyclohexyl Glycols and Certain Derivatives Thereof"
- U.S. 2,450,234 (Sept. 28, 1948) - "Autocondensation Polymers of Unsaturated Glycidyl Ethers and Method of Producing Same"
- U.S. 2,451,299 (Oct. 12, 1948) - "Sulfolanyl Esters"
- U.S. 2,452,949 (Nov. 2, 1948) - "Sulfolanyl Sulfones"
- U.S. 2,460,233 (Jan. 25, 1949) - "Esters of Sulfonene Halohydrins"
- U.S. 2,461,339 (Feb. 8, 1949) - "Unsaturated Thioethers of Cyclic Sulfones"
- U.S. 2,464,753 (March 15, 1949) - "Allyl Glycidyl Mixed Diether of bis-(4-hydroxy-phenyl)-2,2-Propane and Polymers Thereof"
- U.S. 2,469,309 (May 3, 1949) - "Method for Preventing Ice Formation on Surfaces"
- U.S. 2,469,317 (May 3, 1949) - "Insecticidal and Fungicidal Composition"
- U.S. 2,475,296 (July 5, 1949) - "Catalytic Polymerization of Allyl Esters"
- U.S. 2,475-297 (July 5, 1949) - "Catalytic Polymerization of Allyl Esters"

- U.S. 2,476,922 (July 19, 1949) - "Glycidyl Allyl Phthalate and Related Mixed Esters Together with Polymers Thereof"
- U.S. 2,488,883 (Nov. 22, 1949) - "Polymers of the Condensation Product of Formaldehyde with Unsaturated Esters of Ketocarboxylic Acids"
- U.S. 2,553,718 (May 22, 1951) - "Glycidyl Ether Compositions"
- U.S. 2,545,184 (March 13, 1951) - "Diallyl Esters and Polymers Thereof"
- U.S. 2,545,832 (March 20, 1951) - "Method for Manufacturing Laminated Articles"
- U.S. 2,548,447 (April 10, 1951) - "Fluid Compositions Containing Glycidyl Polyethers"
- U.S. 2,561,613 (July 24, 1951) - "Condensation Products of Unsaturated Ether-Aldehydes, Polymers Thereof, and Methods for Producing the Same"
- U.S. 2,567,675 (Sept. 11, 1951) - "Plastic Compositions From Copolymers of Unsaturated Esters of Ethereal Oxygen-Containing Acids"
- U.S. 2,575,558 (Nov. 20, 1951) - "Glycidyl Ether Compositions and Method of Using Same"
- U.S. 2,578,950 (Dec. 18, 1951) - "Unsaturated Esters of t-Butyl Benzoic Acid, Their Polymers, and Compositions"
- U.S. 2,585,506 (Feb. 12, 1952) - "Stabilization of Halogen-Containing Organic Materials"
- U.S. 2,588,890 (March 11, 1952) - "Allyl Alcohol-Styrene Copolymers"
- U.S. 2,596,344 (May 13, 1952) - "Fractionation Process"
- U.S. 2,596,945 (May 13, 1952) - "Copolymers of 1-Alkenyl Nitriles and Allylic Esters of Aromatic Dicarboxylic Acids"
- U.S. 2,599,817 (June 10, 1952) - "Carbo-Polymerization Homopolymers of Unsaturated Alcohol Ethers of Glycidols and Their Homologs"
- U.S. 2,630,430 (March 3, 1953) - "Allyl Alcohol-Styrene Copolymers"
- U.S. 2,633,458 (March 31, 1953) - "Sulfur-Containing Resinous Products From Poly-Epoxides"
- U.S. 2,642,412 (June 16, 1953) - "Curing Glycidyl Polyethers with N,N-Dialkyl-1,3-Propanediamines"
- U.S. 2,643,239 (June 23, 1953) - "Nitrogen-Containing Polyethers and Process for Curing Glycidyl Polyethers to Resinous Products"
- U.S. 2,651,589 (Sept. 8, 1953) - "Process for Forming Cured Glycidyl Ether Resinous Bonds Between Two Solid Surfaces"
- U.S. 2,671,060 (March 2, 1954) - "Unsaturated Esters of Substituted Cyclohexane-Carboxylic Acids, Polymers Thereof, and Compositions Containing the Same"
- U.S. 2,700,036 (Jan. 18, 1955) - "Fractionation of Fatty Acid Glycerides"
- U.S. 2,728,744 (Dec. 27, 1955) - "Compositions Containing a Polyhydric Alcohol and Glycidyl Ethers or Esters"
- U.S. 2,728,781 (Dec. 27, 1955) - "Acyloxy Substituted-Glycidyl Polyethers of Dihydric Phenols"
- U.S. 2,732,367 (Jan. 24, 1956) - "Fusible Soluble Resins Having Improved Flame Resistance are Obtained by Reacting a Polyepoxide (EPON 828) With a Phosphonic Acid (Benzene-Phosphonic Acid)"
- U.S. 2,768,153 (Oct. 23, 1956) - "Process for Curing Polyepoxides and Resulting Products"
- U.S. 2,776,855 (Jan. 22, 1957) - "Production of Hydroxy Ethers"
- U.S. 2,792,381 (May 14, 1957) - "Epoxy Ethers of Acetylenic Alcohols and Their Polymers"
- U.S. 2,795,572 (June 11, 1957) - "Epoxy Esters of Carbonic Acids and Their Polymers, e.g., Allyl 2,3-Epoxy Propyl Carbonate"
- U.S. 2,809,177 (Oct. 8, 1957) - "Polyhydroxy-Substituted Polyethers, Their Preparation and Resinous Products Prepared Therefrom"
- U.S. 2,809,185 (Oct. 8, 1957) - "Polymerization of Unsaturated Aldehydes with Nitrile Catalysts"
- U.S. 2,817,644 (Dec. 24, 1957) - "Process for Curing Polyepoxides and Resulting Products"
- U.S. 2,819,252 (Jan. 7, 1958) - "Polymerization of Acrolein"

- U.S. 2,826,562 (March 11, 1958) - "Hydroxy-Substituted Unsaturated Esters Prepared from Polyepoxides and Derivatives Thereof"
- U.S. 2,826,592 (March 11, 1958) - "Epoxy Esters of Phosphorus-Containing Acids, Their Polymers and Their Use in Treating Textiles"
- U.S. 2,839,507 (June 17, 1958) - "Production of Copolymer of a 2-Aryl-Alkene-1 and an Alpha, Beta-Olefinic Aldehyde, and Derivatives Thereof"
- U.S. 2,839,514 (June 17, 1958) - "Copolymer of Allyl Glycidyl Monoether and Styrene"
- U.S. 2,840,617 (June 24, 1958) - "New Polyols, Their Preparation and Derivatives"
- U.S. 2,856,369 (Oct. 14, 1958) - "Epoxy-Substituted Esters of Phosphorus-Containing Acid and Their Polymers"
- U.S. 2,864,804 (Dec. 16, 1958) - "Hydroxy-Substituted Allylic Ethers and Derivatives"
- U.S. 2,886,493 (May 12, 1959) - "Stabilization of Unsaturated Aldehydes"
- U.S. 2,895,947 (July 21, 1959) - "Polymerization of di-(2,3-Epoxypropyl Phthalate)"
- U.S. 2,915,485 (Dec. 1, 1959) - "Process for Preparing Flexible Resinified Products from Polyepoxides and Resulting Products"
- U.S. 2,925,403 (Feb. 16, 1960) - "New Polyepoxides from Epoxy-Substituted Cycloaliphatic Alcohols, Their Preparation and Polymers"
- U.S. 2,940,946 (June 14, 1960) - "Allyl Alcohol-Vinyl Aromatic Copolymers"
- U.S. 2,950,955 (June 14, 1960) - "Olefin Copolymer"
- U.S. 2,941,003 (June 14, 1960) - "New Sulfur and Phosphorus-Containing Hydroxy Polyamines and Their Preparation"
- U.S. 3,044,996 (July 17, 1962) - "Oil-Soluble Polymers From Acrolein"
- U.S. 3,040,010 (June 19, 1962) - "Allyl Glycidyl Ether and Vinyl Acetate"
- U.S. 3,125,559 (March 17, 1964) - "Process for Polymerization of Monomers With a Catalyst Containing a Metal Salt Plated on a Metal"
- U.S. 3,156,674 (Nov. 10, 1964) - "Additional Polymers of Alkenyl Epoxy Ethers, Ethylenically Unsaturated Alcohols and Monoethylenically Unsaturated Hydrocarbons and Cured Products Prepared From Same"
- U.S. 3,215,670 (1965) - "Polymers of Alkenyl Epoxy Hydrocarbon Ethers and Conjugated Diolefins and Cured Products Obtained Therefrom"
- U.S. 3,238,146 (1966) - "Catalysts and Their Preparation, Olefin Polymerization"
- U.S. 3,284,375 (1966) - "Epoxy Containing Condensation Products and Method of Making Same"
- U.S. 3,336,241 (1967) - "Process for Preparing Epoxy Compounds and Resulting Products. Selective Hydrogenation of Aromatic Glycidyl Compounds to Corresponding Glycidyl Cycloaliphatics"

36 7271

7271

36

36-7271 - Edward C. Shokal

Courtroom, Gooding County Courthouse, Gooding, Idaho

May 31, 1973 - 9:30 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Edward C. Shokal	Route #1 Hagerman.	Self.
Mrs. E. C. Shokal	"	"
Marjorie M. Sullivan	"	"
Raymond Sullivan		

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval
of Application for Permit No. 36-7271 in }
the name of Edward C. Shokal }

NOTICE OF HEARING

On November 3, 1972, Edward C. Shokal filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. The Department received protests against approval of said application from Ralph W. Sullivan on November 30, 1972 and from Robert Gardner on December 4, 1972.

On March 21, 1973, at 1:00 p.m. a conference was held. The Department has reset the matter of protest for a hearing for Thursday, May 31, 1973, at 9:30 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-appearance may be assessed against such non-appearing parties.

Dated this thirtieth day of April, 1973.

Bob Haynes

BOB HAYNES
District Engineer

April 30, 1973

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

Dear Sir:

This is to confirm the use of the Courtroom for hearing to be held by this office on Thursday, May 31, 1973, at 9:30 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

36 7271

April 26, 1973

Mr. Robert Gardner
Hagerman, Idaho
83332

Dear Mr. Gardner:

Enclosed is a statement signed by Edward Shokal in regards to Application No. 36-7271. He simply states that the purpose of the application is for an additional use of water to which he presently has a decreed right from Billingsley Creek. At the conference in Gooding on March 21, 1973, you indicated that with a statement to this effect, you would withdraw your protest of Mr. Shokal's application. If this is still your position, would you please make a written withdrawal of your protest.

If you have any questions, please contact us.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.

36 7271

R Lazy S Ranch

HAGERMAN, IDAHO 83332

TELEPHONE: 837-4508

(SULLIVAN'S MINIATURE MEDITERRANEAN DONKEYS)

Mr. Michael Steele
State of Idaho Department of Water Administration
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

April 23, 1973

Dear Mr. Steele:

Reference is made to your letter of April 20.

We feel we had better go through with the formal protest on Shokal's application No. 36-7271 for a fish pond because of serious water problems on the Buckeye that are still existing. Instead of our 35" of decreed water, we can only get out about 20". This top pasture should have been watered by this time, but instead I have only covered about 1/8 of it. Not much water is put into the Buckeye by Mr. Erwin at the start of each season because of high water at the lower end of the ditch since all the users are not irrigating. As you know, Mr. Erwin removed my permanent check last year and this prohibits me from checking up the water to get it out.

On April 6, 1973 Shokal and Erwin, without my permission nor having given me notice (per 2d paragraph Section 42-910 Idaho Water Laws) came on my property - removed another headgate - and installed an 8" despite Sheriff Earl Brown and deputies Bill Bunn and Bill Boyer telling them not to enter my property. Shokal and Erwin deliberately defied the officers and ourselves. Bill Bunn telephoned the prosecuting attorney of Gooding County for the ruling that we were to have 3-days notice. When the officers left, Shokal refused to leave and had the audacity to tell me never to come on his property. On April 9, 1973 one of his Hereford's was in my pasture, and it was slightly amusing to watch him hurriedly attempt to retrieve it.

Also I might add for your information that Mr. Strange has been coming down to the headgate at Donkey Springs at night after I am in bed and taking some water for his cows. He opened this headgate at least six times, although he is not supposed to operate it at all. I had closed it down to hold drinking water for my 40 Angus cows and 23 Angus calves, and then he would open it up again the next night. Finally my domestic water for the house stopped running and after we warned him of the possible damage to our pump when it would be running without any water to pump, he did move his cattle to another water hole.

I might as well give up the idea of farming here in Hagerman unless I get some help from someone. We are gathering affidavits against Strange's Claim No. 36-4028 but will not forward them to you until all are received.

Yours truly,

Ralph W. Sullivan
Ralph W. Sullivan

RWS:mms

36 7271

36-7271

April 20, 1973

Mr. Ed C. Shokal
Route 1
Hagerman, ID 83332

Dear Mr. Shokal:

Enclosed is a statement for you to sign which Mr. Gardner indicated that would satisfy his objection concerning your Application for Permit.

Please sign it and return it to us. I will send a copy of it to Mr. Gardner and request that he send us a letter withdrawing his protest.

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

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.

36 7271

April 20, 1973

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

Dear Mr. Sullivan:

In order to withdraw your protest of Edward Shokal's application No. 36-7271, it will be necessary to submit to this office a statement to that effect.

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

Very truly yours,

Michael Staele
Resource Examiner
Southern District

MS:alw

36 7271

Memo to the file
from Michael Steel

Rolph Sullivan telephoned me at the office today and stated he would like to withdraw his protest of Edward C. Shokul's application for permit. He stated new development had caused his change of attitude.

MEMORANDUM

TO: File No. 36-7271 - Edward C. Shokal

FROM: Bob Haynes

SUBJECT: Conference at Gooding County - March 21, 1973

1. The applicant has decreed rights from Billingsley Creek through the Sands and Buckeye Ditches totaling 5.0 c.f.s.
2. Robert Gardner stated that he had no objections to Mr. Shokal using the decreed 5.0 c.f.s. for fish propagatio, fire protection, and commercial purposes. The means of conveyance Sands or Buckeye Ditches was discussed. I was pointed out that should Mr. Shokal wish to use these ditches to convey, he will have to negotiate with the ditch companies for right-of-way to do so. Mr. Gardner will withdraw is objections with a stipulation by Mr. Shokal that his application is for an additional usage and extension for winter diversion of his decreed 5.0 c.f.s. Mr. Shokal agreed to do this.
3. Mr. Sullivan expressed concern that more water would be diverted in the ditches (Sands) causing him flooding damage.
4. Mr. Sullivan also expressed concern over what the commercial usage would be. He pointed out Mr. Shokal's connection with oil companies in the past and his California background, alluding to the diversion threat to California and the present oil entend in Idaho. He questioned speculation. Mr. Shokal felt this didn't deserve an answer. I agree, it didn't.
5. Mr. Sullivan would not agree to allow the Department to render a decision. Hence, a formal hearing will be necessary.

36-7271 - Edward C. Shokal

Courtroom, Gooding County Courthouse, Gooding, Idaho

March 21, 1973 - 1:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Ralph W Sullivan	Angermund	R. J. S. Rosh
Mrs. Ralph W. Sullivan	"	"
Edward C Shokal	Angerman	Defendant
Mrs. E. C. Shokal	"	"
Robert Gardner		
Andrew Harnes	att for	Robert Gardner

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval }
of Application for Permit No. 36-7271 in }
the name of Edward C. Shokal }

NOTICE OF CONFERENCE
AND/OR HEARING

On November 3, 1972, Edward C. Shokal filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. The Department received protests against approval of said application from Ralph. W. Sullivan on November 30, 1972 and from Robert Gardner on December 4, 1972.

The Department has set the matter of protest for conference and/or hearing for Wednesday, March 21, 1973, at 1:00 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.

Bob Haynes

BOB HAYNES
District Engineer

February 28, 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:alw

December 5, 1972

Re: Application No. 36-7271 - Edward C. Shokal

Edward C. Shokal
Route 1
Hagerman, ID 83332

Dear Mr. Shokal:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 36-7271. 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 7271

December 5, 1972

Re: Application No. 36-7271 - Edward C. Shokal

Robert Gardner
Hagerman, ID
83332

Dear Mr. Gardner:

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 subject?

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

BH:alw

36 7271

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

STATE OF IDAHO

o0o

RE: APPLICATION NO. 36-7271)
EDWARD C. SHOKAL)
_____)

P R O T E S T

COMES NOW, Robert Gardner of Hagerman, Idaho by and through his Attorney, Andrew F. James, of Gooding, Idaho and protests the granting to Edward C. Shokal of Hagerman, Idaho, a permit to divert 5.0 cubic feet per second of water from Billingsly Creek, tributary of Snake River under the above application for the reasons hereinafter set forth.

It is the belief of the protestant that the applicant possesses a right to divert 5.0 cubic feet per second of water from Billingsly Creek, 100 inches of which is diverted through the Buckeye Ditch and 150 inches of which is diverted through the Sands Ditch. If the applicant is under the belief that the foregoing established right is only for the irrigation season and, consequently, that he does not have a winter right or a full year around right and the above application is simply for an extension of his existing right from irrigation season to a full year right, then this protestant would have no objection to the granting of the application.

If however, the application for the permit to appropriate 5.0 cubic feet per second is over and above the applicants existing right and in addition thereto, then this protestant protests for the following reasons:

It is believed that all of the waters of Billingsly Creek are presently subject to decree and there are no additional waters or surplus waters presently available for appropriation

The capacities of the Buckeye Ditch and the Sands Ditch are not sufficient to carry an additional 5.0 cubic feet from point of diversion to place of use.

Since all of the waters of Billingsly Creek have been previously appropriated, the granting of the above permit would permit the withdrawal of 5.0 cubic feet per second for use at a point where return flow to Billingsly Creek is geographically impossible: hence, the return flow would not be available to satisfy appropriators on lower Billingsly Creek.

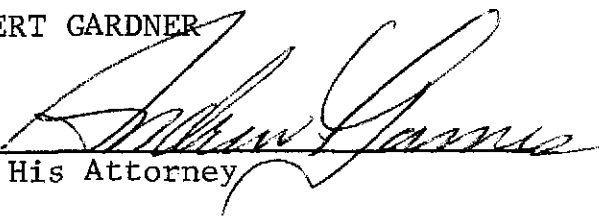
There is no present means by which the waters sought to be appropriated can be returned to Snake River without extensive damage to property owners between the designated place of use and Snake River.

If applicant seeks to appropriate flood waters to satisfy the proposed permit, then the same would not be adequate or sufficient for the purposes of fish propagation, fire protection and commercial purposes for which the diversion is intended on a year around basis.

Dated this 1st day of December, 1972.

ROBERT GARDNER

BY:


His Attorney

November 30, 1972

Re: Application No. 36-7271 - Edward C. Shokal

Edward C. Shokal
Route 1
Hagerman, ID 83332

Dear Mr. Shokal:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 36-7271. 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

36 7271

November 30, 1972

Re: Application No. 36-7271 - Edward C. Shokal

Ralph W. Sullivan
R Dazy S Ranch
Hagerman, ID 83332

Dear Mr. Sullivan:

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 7271

BH:alw

R Lazy S Ranch

HAGERMAN, IDAHO 83332

TELEPHONE: 837-4508

(SULLIVAN'S MINIATURE MEDITERRANEAN DONKEYS)

RECEIVED

NOV 26 1972

Department of Fish and Game
SANDS DITCH

November 29, 1972

State of Idaho
Department of Water Administration
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

Attention: Mr. Bob Haynes

Dear Mr. Steele:

Reference is made to my telephone conversation with you of November 20 regarding water Application No. 36-7271 by Edward C. Shokal, Route 1, Hagerman, a notice of which appeared in the Gooding County Leader newspaper.

I am not opposed to the starting of any new business, area development, on our free enterprise system, but I do not want our custom of growing grass and livestock jeopardized in any way. The livestock industry and the practice of growing grass are as old as the ranches that use the water decreed since the 1880's. Priority for such use must be considered over fish production, a relatively new industry in the valley.

I am protesting Application No. 36-7271 in order:

1. To prevent additional water from running into the Sands Ditch or Bell Ditch either from seepage or by runoff.
2. To prevent water from running over the bank of the Sands Ditch (which is directly above my house) thus causing the bank to break and damaging my house.

The following additional information is included to show why a protest is being made:

Three main irrigation ditches (the Buckeye, Bell and Sands) transverse my ranch from North to South carrying water from Billingsley Creek north of my place. By gravity I irrigate from these ditches running the water down hill from East to West. Since the approval and construction of several fish production ponds on these ditches, more water is carried in the ditches, especially during the winter months. I have always had the problem of seepage from these ditches and especially from the Sands Ditch, which is below the other two. Water seems to come through the sandy soil and builds up waste water on the fields below. One hay field is 1/3 under water now as a result of such seepage and waste water. One neighbor sued me for \$6000 damages to his crops as a result of the Sands Ditch water going from my place to his place, but he withdrew his suit for damages after I countersued him and the Sands Ditch for \$8700 and they were shown what seepage and runoff water from the Sands Ditch had done.

36 7271

November 29, 1972

A permanent concrete check on the Buckeye Ditch, that had been used for 20 years, was removed without my permission by officers of the Ditch in the summer of 1971. The check was originally installed in order that more pressure could be built up around my head gates thus insuring sufficient water at the proper time for irrigation. One of my 12" head gates on this Buckeye Ditch was also removed without my permission and an 8" head gate was improperly installed too high above the water. These two changes reduced the supply of water and pressure I could get from the ditch even though an opening, twice its original size, was installed at the head of the Buckeye Ditch on Billingsley Creek. The original opening had always delivered water for the 2515" of decreed water in the ditch. Although approximately twice as much water was carried down the ditch, it was almost impossible for me to get any water out of the head gates to irrigate my land. This forced me to take $\frac{1}{4}$ acre of pasture land below the ditch to relocate my lead ditch lower below the main bank to get enough water and pressure for irrigation.

On several occasions I have written to the officers of the Buckeye Ditch, of which Mr. Shokal is Treasurer, and asked them to replace the permanent check, etc., but to date nothing has been done. I suspect that the applicant will say that he intends to reuse the water from his proposed fish pond for irrigation and thus would not empty any water into the other ditches. The fact that he has irrigated part of his place for the past 3 years, but that he has largely grown noxious weeds 4' and 5' high in other fields not irrigated must be taken into consideration. My concern now is, will the approval of a fish pond for him cause me additional damages? If additional water causes the Sands Ditch bank to break and my house and property is damaged, undoubtedly law suits will develop. It seems to me that present conditions and improper water practices should be remedied before permission is given to Mr. Shokal for a new venture.

His application states that water will be used for "commercial purposes", and I am wondering just what "commercial purposes" includes?

I will appreciate your giving very careful consideration as to how this new proposed project will affect my property. Also if you can advise me as to when and where the hearing will take place, I shall plan to be present.

Very sincerely,



Ralph W. Sullivan

R/S:ms

November 21, 1972

Mr. Bill Strange
Box 387
Hagerman, Idaho 83332

Dear Mr. Strange:

I have checked with our Boise office concerning questions that you raised about the permit for Ed Shokal, Permit No. 36-7271. They informed me that it is up to Mr. Shokal to provide means for disposing of waters that he does not use. Should water diverted by him cause damages as a result of him not controlling that water, he is liable for those damages. I hope that this answers the questions that you raised.

I am going to place a memo in the file and if and when this application is approved, I will recommend that Mr. Shokal's responsibility in the matter of controlling and disposing of the water be brought to his attention.

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

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

36 7271

November 9, 1972

Re: Application No. 36-7271 - Edward C. Shokal

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 12-6-72 by alw

BH:alw

Enc: Legal Notice

36 7271

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Edward C. Shokal,
Route 1, Hagerman, ID

has on Nov. 3, 1972 submitted Application No. 36-7271
for a permit to appropriate 5.0 cubic feet per second XXXX XXXX XXX XXXXX
of water from Billingsly Creek
by means of ditches
within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 7S, R. 13E, B.M., Gooding County

to be used from Jan. 1 to Dec. 31 for fish propagation, fire protection and
XXX for commercial purposes

within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, 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 Dec. 4, 1972.

R. KEITH HIGGINSON

Director

Published in the Gooding County Leader, Gooding, ID
on Nov. 18 and Nov. 23, 1972

Need Gulley Front
NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Edward C. Shokal, Route 1, Hagerman, ID has on Nov. 3, 1972 submitted Application No. 36-7271 for a permit to appropriate 5.0 cubic feet per second of water from Billingsly Creek by means of ditches within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 7S, R. 13E, B.M., Gooding County to be used from Jan. 1 to Dec. 31 for fish propagation, fire protection and commercial purposes within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, 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 Dec. 4, 1972.

R. KEITH HIGGINSON,

Director

ok
aw 11-16-72

11-20-72

36-7271