

TWP.

RANGE

COUNTY

SCALE: 1" = 1 MILE

36 31 32 33 34 35 36 31

1 6 5 4 3 2 1 6

12 7 8 9 10 11 12 7

13 18 17 16 15 14 13 18

24 19 20 21 22 23 24 19

25 30 29 28 27 26 25 30

36 31 32 33 34 35 36 31

1 6 5 4 3 2 1 6

Place of use

Boys Springs

# Affidavit of Publication

State of Idaho,  
County of Gooding }

ss.

Department of Water Administration

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 23 day of March, 19 72 and the date of the last publication was on the 30 day of March, 19 72

Subscribed and sworn to before me this 30 day of March, 19 72  
(SEAL)

Audrey C. Belsher  
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

Notice of  
Title of Notice  
Application for  
Plaintiff Attorney  
Water Permit

Defendant

Earl R Padgett  
Plaintiff  
36-7228

Bill to

Idaho  
Dept. Water Adm.

### NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Earl R. Padgett, Box 297, Hagerman, Idaho has on March 6, 1972 submitted Application No. 36-7228 for a permit to appropriate 6.0 cubic feet per second of water from Tucker and Unnamed Springs, tributary of Riley Creek by means of ditch within the NW 1/4 SE 1/4 Sec. 36, T. 7S, R. 13 E, B.M., Gooding County to be used from Oct. 16 to March 31 for fish propagation, power generation, and mining purposes within the S 1/2 SE 1/4, Sec. 16, 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, Statehouse, Boise, Idaho, 83707, on or before April 10, 1972.

R. KEITH HIGGINSON  
Director

3-23-2tc

6 pt. per line, 10c  
insertions.....10c

No 1451

36-7228

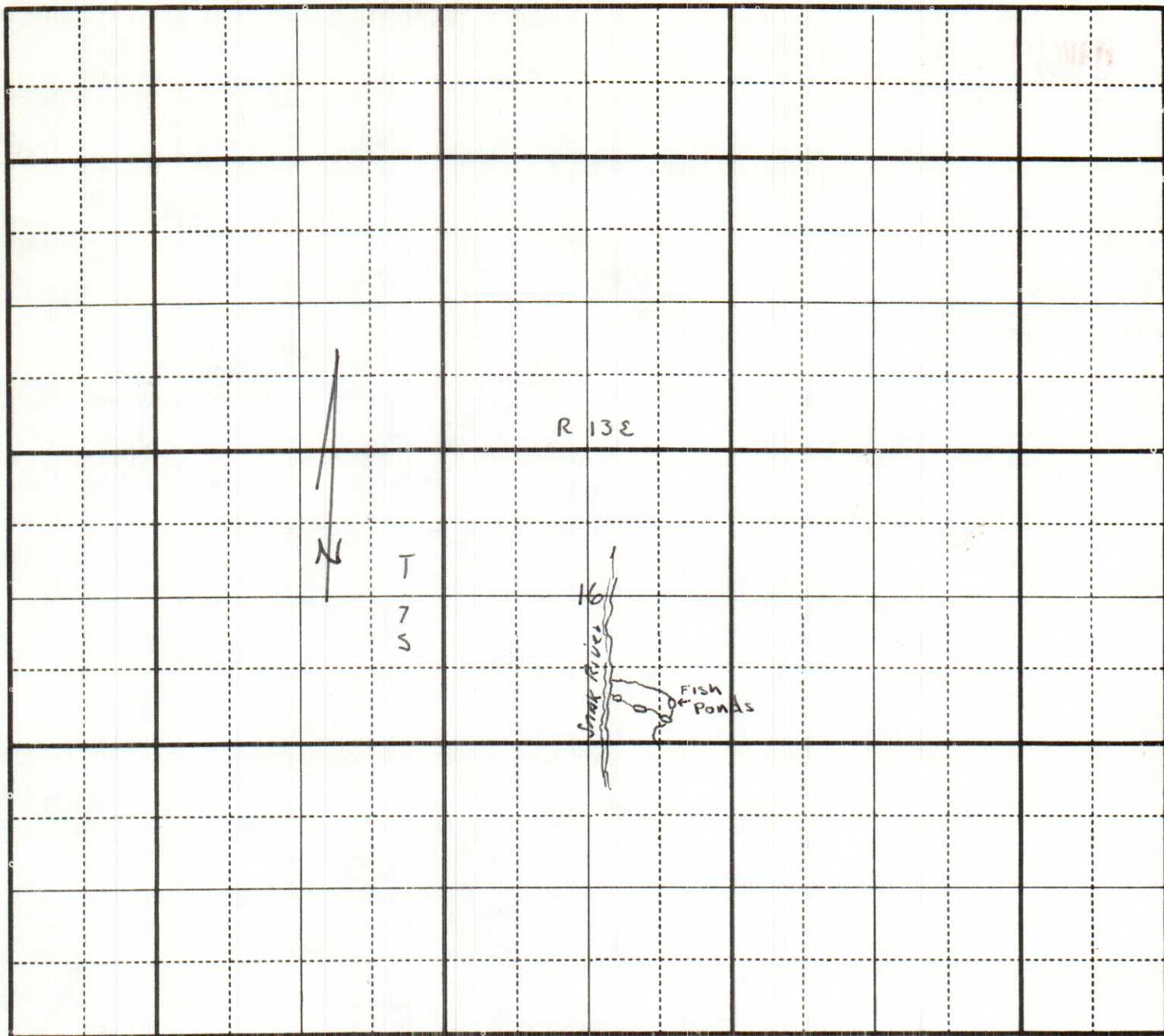
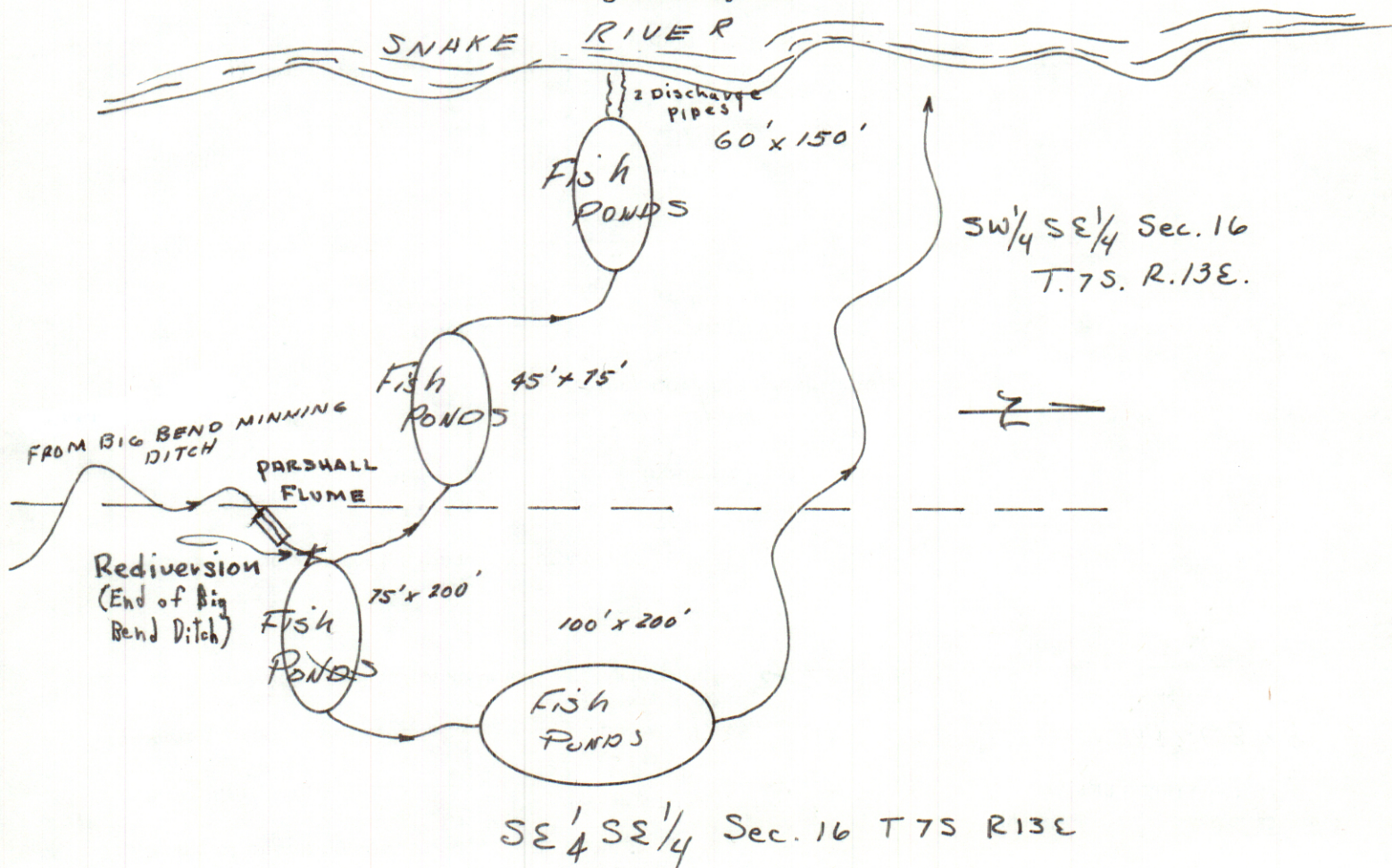


Diagram of System



State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7228 Priority March 6, 1972 Amount 6.0 cfs

THIS IS TO CERTIFY, that MARION E. PADGETT  
of Hagerman, Idaho, has complied with the terms and conditions of Permit  
No. 36-7228 issued pursuant to Application for Permit dated March 6, 1972,  
and has submitted proof to the Department of Water Resources on August 30, 1977,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 7.72 cfs of water from Tucker & unnamed springs,  
tributary to \_\_\_\_\_, 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>6.0</u> cfs and <u>N/A</u> |                   |               |
|                | from _____ at _____ cfs and _____                                            |                   |               |
|                | from _____ at _____ cfs and _____                                            |                   |               |

(both dates inclusive)

Subject, however, to the condition that no more than 6.0 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 for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
N/A acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 36, Twp. 7S,  
Rge. 13E, B.M. in the County of Gooding

Description and location of place of use:

| Twp. | Range | Sec. | Section          |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | 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 $\frac{1}{4}$ |        |
| 7S   | 13E   | 16   |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | X                | X      |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

CONDITIONS:

Total number of acres irrigated \_\_\_\_\_

Measuring devices of a type approved by this Department shall be  
maintained at the point of diversion and the point of effluent discharge

These springs empty into Bigbend Ditch and are then re-diverted  
within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 16, Twp. 7S, Rge. 13E, B.M.

Facility volume = 4.35 acre feet.

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 23 day of  
February, 19 80.

Director

MICROFILM

Identification No. 36-7228  
Application No. \_\_\_\_\_

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 Earl R. Padgett  
post office address Box 297, Hagerman, Idaho
2. Source of water supply Tucker & Unnamed Springs which is a tributary of Riley Creek
3. a. Location of point of diversion is NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 36 Township 7S  
Range 13E B.M. Gooding County; additional points of diversion if any: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
b. If water is not consumed, it will be discharged into \_\_\_\_\_ 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 6.0 for Fish Prop. purpose from Oct. 16 to March 31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 6.0 for Power Gen. purpose from Oct. 16 to March 31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 6.0 for Mining Purposes purpose from Oct. 16 to March 31 (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:  
a. 6.0 cubic feet per second and/or  
b. \_\_\_\_\_ acre feet per annum.
6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. Existing Bigbend Ditch from point  
of diversion to place of use, approx. 4 miles long.  
\_\_\_\_\_  
\_\_\_\_\_  
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 \$5,000.00.
8. Description of proposed uses:  
a. If water is **not** for irrigation:  
(1) Give the place of use of water: S $\frac{1}{2}$  ~~of~~ SE  $\frac{1}{4}$  of Section 16 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: Fish Propagation, Power generation,  
and mining purposes.  
\_\_\_\_\_  
\_\_\_\_\_

36-7228

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

Total number of acres to be irrigated\_\_\_\_\_

c. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

9. a. Who owns the property at the point of diversion State Fish & Game

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 the diversion and conveyance systems were established  
prior to time Fish & Game owned lands at point of diversion.

10. Remarks \_\_\_\_\_

TWP.

RANGE

COUNTY

SCALE: 1" = 1 MILE

36

31

32

33

34

35

36

31

1

6

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4

3

2

1

6

12

7

8

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36

31

1

6

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2

1

6

Place of use

Boys Springs

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

[illegible]

Scale: 2 inches equal 1 mile

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.

X Eric R. Padgett  
(Applicant)

36-7228

36-7228

Received by RE Date 3-6-1972 Time 12:00 noon  
Preliminary check by RE Fee \$ 75<sup>00</sup>  
Receipted by ef Date 3-6-72 ack't #8130  
Publication prepared by cr Date 3-17-72  
Published in Gooding County Leader  
Publication dates 3-23 & 3-30-72  
Publication approved cr Date 4-5-72  
Priority reduced to 3/6/72 Reason \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Protests filed by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by D BDF

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. 36-7228, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:
- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
  - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1977.
  - c. Other: Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
2. Denial of said application is for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand this 19 day of September 1972.

R. Keith Higgins  
Director

State of Idaho  
Department of Water Resources  
ASSIGNMENT OF PERMIT

RECORDED  
JUL 10 1977  
KJG  
Department of Water Resources  
Southern District Office

I, Margaret Padgett, hereby assign to Marion E. Padgett  
of Hagerman Idaho Rt 1 Box 23B  
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 36-7228  
to appropriate the public waters of the State of Idaho.



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

(Describe that portion of the permit being assigned by listing the acreage within  
each 40 acre subdivision, the point of diversion and the amount of water in cubic  
feet per second for direct diversion, or acre feet for storage)

Made this 29 day of August, 19 77.

Carl R. Padgett  
Permit Holder

Margaret Padgett  
Spouse of Permit Holder

State of Idaho )  
County of Gooding ) ss.

On this 29th day of August, 19 77, personally  
appeared before me Margaret Padgett ~~the signor(s) of the above instrument~~, who duly acknowledged to me  
that he (she) ~~(they)~~ executed the same.

seal

W. Henry  
Notary Public residing at Hagerman, Idaho

My commission expires:

3-1-79

Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

I, Earl Padgett of Hagerman, County of Gooding, State of Idaho, being duly sworn, do hereby certify that I am a bona fide resident of the State of Idaho.

/s/ Earl Padgett

Subscribed and sworn to before me this 12th day of March, 1972

/s/ John B. A. Mayne

Notary Public

Residence Hagerman

My Commission Expires 4-1-72

\*\*\*\*\*

Corporation or Association

AFFIDAVIT TO ESTABLISH RESIDENCE  
OR QUALIFICATIONS TO DO BUSINESS UNDER THE LAWS OF  
IDAHO...

I, \_\_\_\_\_ of \_\_\_\_\_, County of \_\_\_\_\_, State of Idaho, being first duly sworn, depose and say:  
That I am the designated statutory agent of the \_\_\_\_\_,  
that as such I am in charge of the registered office of the said \_\_\_\_\_,  
as provided by Section 30-143, Idaho Code, at \_\_\_\_\_,  
Idaho, wherein are kept the records provided by Section 30-144, Idaho Code, and that \_\_\_\_\_ is a legal \_\_\_\_\_  
qualified to do business in the State of Idaho under the laws of the State of Idaho.

/s/ \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

/s/ \_\_\_\_\_

Notary Public

Residence \_\_\_\_\_

My Commission Expires \_\_\_\_\_

36-7228

# Affidavit of Publication

State of Idaho, }  
County of Gooding } ss.

Alfred E Hagerman, 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 23 day of March, 1972 and the date of the last publication was on the 30 day of March, 1972

Alfred E Hagerman  
Subscribed and sworn to before me this 30 day of March, 1972  
(SEAL)

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

Notice of  
Application for  
Water Permit

Defendant

Earl R Padgett  
Plaintiff  
36-7228

Bill to

Idaho  
Dept. Water Adm.

Notice is hereby given that Earl R. Padgett, Box 297, Hagerman, Idaho has on March 6, 1972 submitted Application No. 36-7228 for a permit to appropriate 6.0 cubic feet per second of water from Tucker and Unnamed Springs, tributary of Riley Creek by means of ditch within the NW 1/4 SE 1/4 Sec. 36, T. 78, R. 13 E, B.M., Gooding County to be used from Oct. 16 to March 31 for fish propagation, power generation, and mining purposes within the S 1/2 SE 1/4, Sec. 16, T. 78, R. 13 E, 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, Statehouse, Boise, Idaho, 83707, on or before April 10, 1972.

R. KEITH HUGGINS

u. p. per line, second  
Insertions 10c

No 1451

36-7228



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse  
Boise, Idaho 83720  
(208) 384-2215

March 3, 1980

Marion E. Padgett  
Rt. 1 Box 23 B  
Hagerman, Idaho 83332

Dear Mr. Padgett,

RE: License No. 36-7228

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

Sincerely,

*Jan Grover*  
JAN GROVER  
Water Rights Supervisor

JG:lr

Enclosure

**MICROFILMED**



# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

John V. Evans  
Governor

C. Stephen Allred  
Director

Statehouse  
Boise, Idaho 83720  
(208) 384-2215

September 14, 1979

Re: Permit No. 36-7228

Marion E. Padgett  
Route #1, Box 23B  
Hagerman, ID 83332

Dear Mr. Padgett:

A representative of this Department made an examination of the works covered by your Permit No. 36-7228 on December 15, 1977, and has found the following:

Amount of water that can be recognized as beneficially used under  
Idaho law: 6.0 cfs Source: Tucker & Unnamed springs

The maximum quantity diverted shall not exceed N/A acre feet per year. 1/2

Point of diversion: NW 1/4 SE 1/4, Sec. 36, Twp. 7S, Rge. 13E, B.M.

Beneficial use: Fish propagation purposes within the SE 1/4, Sec. 16,  
Twp. 7S, Rge. 13E, B.M.

Priority date established: March 6, 1972

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,

JAN GROVER  
Water Rights Supervisor

SEE ATTACHED SHEET FOR REMARKS

JG/kw

RECEIVED

Remarks on this License will be:

- (1) Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.
- (2) The springs empty into Bigbend Ditch and the water is then rediverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 16, Twp. 7S, Rge. 13E, B.M.

**MICROFILMED**

RECEIVED

1. Name of permit holder Marion E. Padgett

Post office address Hagerman, Idaho, Rt. 1, Box 23B

Department of Water Resources  
Southern District Office

Person to contact

Phone 837-6329

2. Source of water supply: Groundwater ☐ Surface water ☒ Tucker and Unnamed springs  
Tributary to Riley cr. (name spring, stream, etc.)

- Amount 6.00 c.f.s. for Fish Propagation  
AF/Annum (nature of use)

Period of Use: from Oct. 16 to Mar. 31  
(mo.-day) inclusive (mo.-day)

Amount 6.00 c.f.s. for Power Generation  
AF/Annum (nature of use)

Period of Use: from Oct. 16 to Mar. 31  
(mo.-day) inclusive (mo.-day)

Amount 6.00 c.f.s. for Mining  
           AF/Annum (nature of use)

Period of Use: from Oct. 16 to Mar. 31  
(mo.-day) inclusive (mo.-day)

Other uses: \_\_\_\_\_

- Max Rate of Diversion 6.00 cubic feet per second and annual volume \_\_\_\_\_ AF/Annum.

- Township 7S N/S, Range 13E E/W, B.M., Section 36, Subdivision NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Gooding  
County
- Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$ , \_\_\_\_\_  
County
- Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$ , \_\_\_\_\_  
County

Other Points of Diversions: \_\_\_\_\_

Description of diverting works: 1 pond 55' wide, 170' long, generator, pipe

Measuring device required: yes ☒ no ☐ at p.d. and point of effluent discharge

6. Lands to be irrigated or place of use.

[illegible]

**MICROFILMED**

**TOTAL ACREAGE**

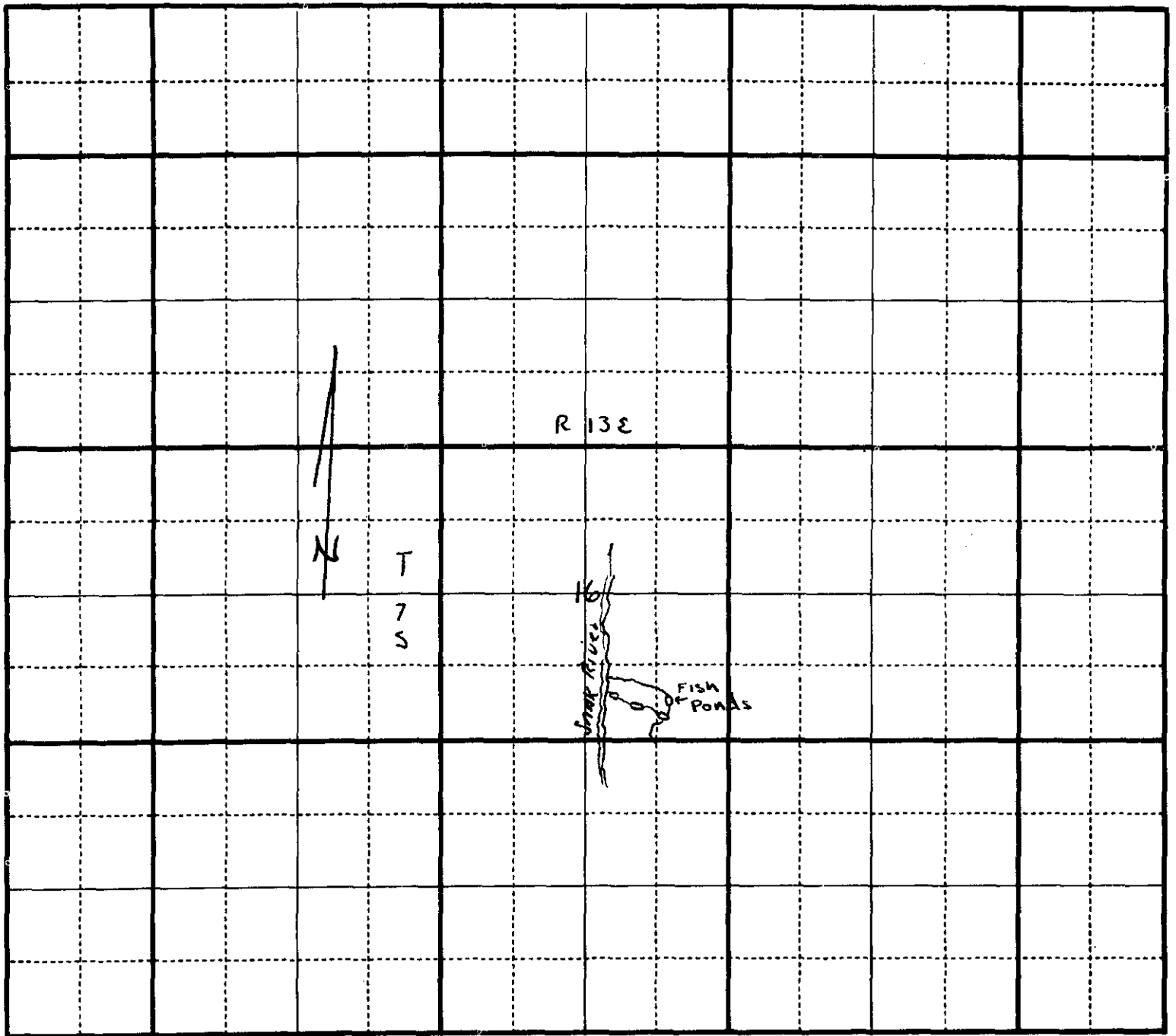
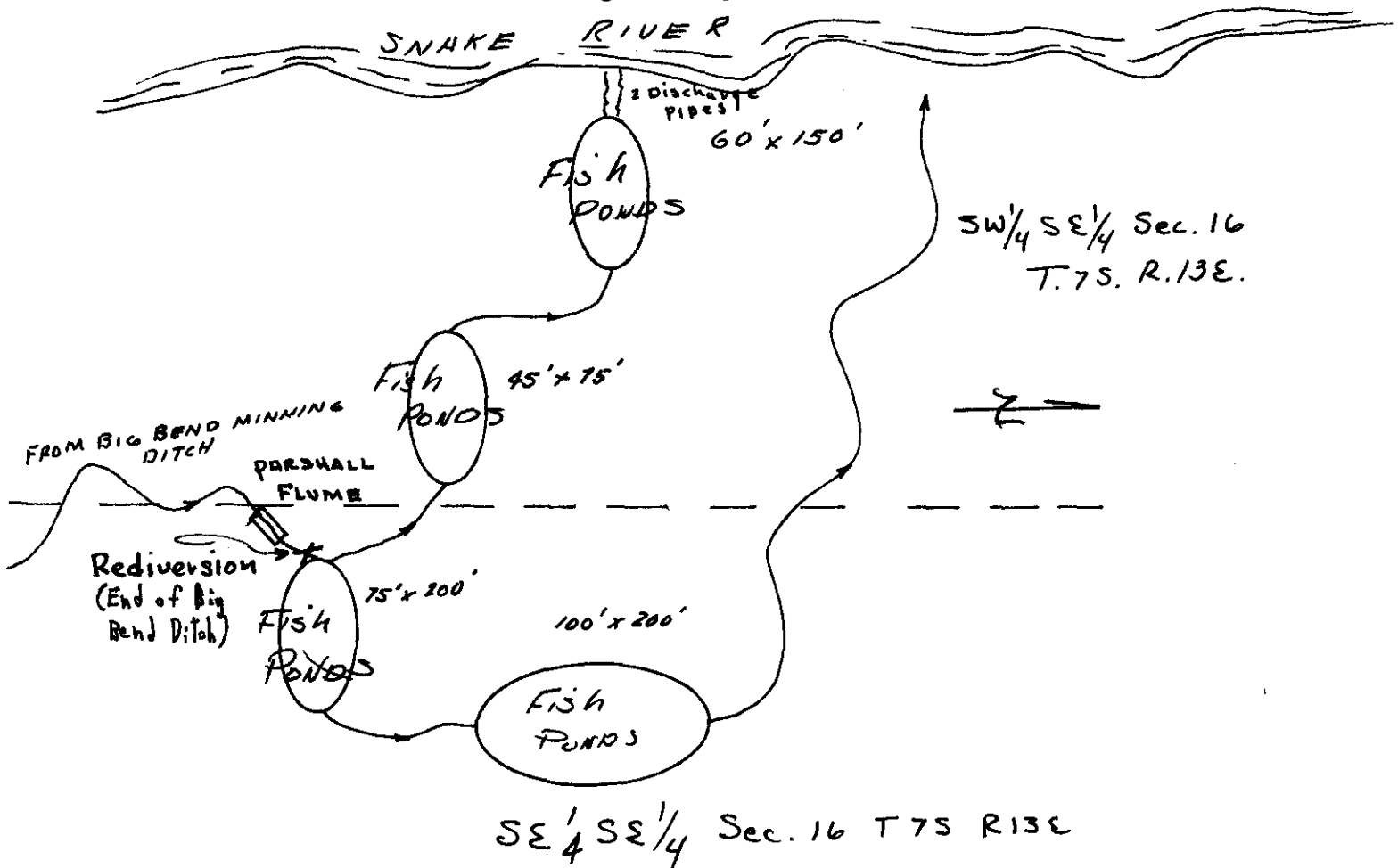


Diagram of System



DATE OF EXAM 12-15-77

ACREAGE

Found ✓  
Recommended ✓

Irrigation Requirement ✓ Ac Ft/Ac

USE

Irrigation Q= c.f.s. V= AF/Ann. from to  
Domestic Q= c.f.s. V= AF/Ann. from to  
Livestock Q= c.f.s. V= AF/Ann. from to  
Fish Propagation Q= 6.00 C.F.S. from OCT. 15 to March 31

Is water co-mingled? yes no ✓

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

Exchange? yes no ✓

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

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

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

Total Q measured 7.72 C.F.S. Method of measurement PARSHALL FLUME

Total Q recommended 6.0 C.F.S. Meter No. ✓ Type 1' Condition NEW

Total V recommended N/A

Recommended Amendments:

P.D. \_\_\_\_\_  
Place of Use \_\_\_\_\_  
Other \_\_\_\_\_

None THIS WATER DIVERTS FROM TUCKER SPRINGS INTO BIG BEND DITCH AND REDIVERTED FROM THE BIG BEND DITCH IN SE 1/4 SE 1/4 SEC. 16 T7S R13E FOR USE IN (4) FISH PONDS

MEASUREMENT CALCULATION:

MEASURED = 1.54 STAFF GAGE READING OVER PARSHALL FLUME 1' = 7.72 C.F.S.  
ALLOWED 6.0 C.F.S. AMOUNT APPLIED FOR

CONCRETE, 1 FT. THROAT, PARSHALL FLUME:

MEASURING DEVICE WAS LOCATED ONLY AT THE POINT OF DIVERSION. APPLICANT INDICATED HE WOULD REQUEST A WAIVER OF OUTLET MEASURING DEVICE.

SYSTEM DESCRIPTION:

THIS WATER IS FROM THE BIG BEND DITCH WHICH RECEIVES WATER FROM UPPER & LOWER SPRINGS OF TUCKER SPRINGS. WATER IS DIVERTED OUT OF THIS DITCH & DIVERTED INTO (4) FOUR FISH PONDS THEN DISCHARGED INTO THE SNAKE RIVER. SYSTEM WAS FLOWING AT CAPACITY.

REMARKS:

MARION E. PADGETT WAS PRESENT DURING THE FIELD EXAM. THERE IS ONLY FISH PROPAGATION USE AT THIS TIME. APPLICANT DOES PLAN TO USE THE WATER FOR OTHER USES IN THE FUTURE.

Examiner's Signature Gary Funderburg Date 12-15-77

Checked by James E. Stant Date 12-30-77

Approved by Michael L. Steele Date 4-10-78

September 13, 1977

Re: Permit No. 36-7228

Marion E. Padgett  
Route 1, Box 23B  
Hagerman, Idaho 83332

Dear Ms. Padgett:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been entered into the Department's records.

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

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

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

Sincerely,

JANICE RENK  
Water Rights Bureau

/jr

642

✓

Identification No. \_\_\_\_\_

Permit No. \_\_\_\_\_

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Earl R. Padgett  
b) Post Office Address Bx 297, Hagerman, Ida  
2. Permit Number 36-7228  
3. Date of Priority that you are prepared to establish 3-6-1972  
4. a) Source from which water was appropriated Tucker & Unnamed Spring  
b) Location of the point of diversion: NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 36  
Township 2S, Range 13E Boise Meridian, Other points of diversion: \_\_\_\_\_

5. a) The amount of water and use to which the water has been applied:  
Amount 6.0 for Fish Prop purposes from Oct 16 to March 31 incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)  
Amount 6.0 for Power. purposes from Oct 16 to March 31 incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)  
Amount 6.0 cfs. for Mining purposes from Oct 16 to March 31 incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)  
b) Total amount appropriated 6.0 cfs. cfs and/or acre-feet per annum  
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: \_\_\_\_\_

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:  
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: \_\_\_\_\_  
b) Describe the agreement or understanding by which you take water from the works: \_\_\_\_\_

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 11 pond 55' wide 170' long  
generator, pipe,

- b) Describe the type and size of measuring device which you have installed at your point of diversion: Trapizoidal Flume (1 Ft)

- c) Give well driller's name and address and the date the well was completed: \_\_\_\_\_

If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Fish, power,

9/27/72



June 30, 1977

CERTIFIED MAIL

13866 #1

Re: Permit No. 36-7228

Earl R. Padgett  
Box 297  
Hagerman, Idaho 83332

Dear Mr. Padgett:

One of the conditions of approval of your water Permit No. 36-7228 (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 September 1, 1977. 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.

  
C. STEPHEN ALLRED  
Director

CSA:jfr

Enc: Proof affidavit

✓

September 25, 1972

Earl R. Padgett  
Box 297  
Hagerman, Idaho

Dear Mr. Padgett:

Enclosed is a copy of your approved Application for Permit No. 36-7228 . We direct your attention to the conditions of approval as listed on the fourth page.

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

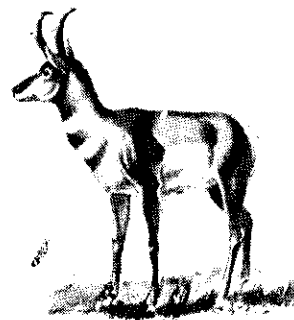
Very truly yours,

BOBBY D. FLEENOR  
Assistant Director

BDF: cd

Enclosures

36-7228



CECIL D. ANDRUS, Governor

COMMISSION

ROBERT G. KALB, Sandpoint

PAUL C. KEETON, Lewiston

JOHN EATON, Cascade

JACK HEMINGWAY, Sun Valley

H. JACK ALVORD, Pocatello

## IDAHO FISH AND GAME DEPARTMENT

April 18, 1972

JOSEPH C. GREENLEY  
Director

POST OFFICE BOX 26  
600 SOUTH WALNUT STREET  
BOISE, IDAHO 83707

Mr. R. Keith Higginson, Director  
Idaho Department of Water Administration  
Statehouse - Annex 2  
Boise, Idaho

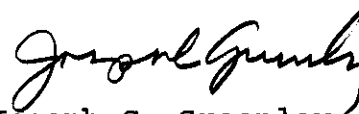
Dear Mr. Higginson:

Reference: Application No. 36-7228-Earl R. Padgett

Fish and Game personnel have reviewed the above referenced application and have no objections to the project.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT

  
Joseph C. Greenley  
Director

cc: Bob Bell

36-7228

March 20, 1972

Re: Application for Permit No. 36-7228 - Earl R. Padgett

Mr. Ted Biladeau  
Dept. of Fish & Game  
Engineering Division  
Boise, Idaho

Dear Mr. Biladeau:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, please submit them to our Department as soon as possible. We normally complete the processing of an application within a 6-week period and we are required to take final action shortly thereafter.

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

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM/BL

Enclosure

36-7228

March 17, 1972

Re: Application No. 36-7228 - Earl R. Padgett

Gooding County Leader  
Box 56  
Gooding, Idaho 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,

Fred Eisenbarth  
Appropriation Examiner

FE:CR

Enc: Legal Notice

36-7228  
Bill submitted 4-5-72 ce

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Earl R. Padgett, Box 297,

Hagerman, Idaho

has on March 6, 1972 submitted Application No. 36-7228

for a permit to appropriate 6.0 cubic feet per second ~~more feet per second~~  
of water from Tucker and Unnamed Springs, tributary of Riley Creek

by means of ditch

within the NW 1/4 Sec. 36, T. 7S, R. 13E, B.M., Gooding County

to be used from Oct. 16 to March 31

for fish propagation, power generation, and mining purposes

within the S 1/4 Sec. 16, 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, Statehouse, Boise, Idaho, 83707, on or before April 10, 1972.

R. KEITH HIGGINSON

Director

Published in the Gooding County Leader, Gooding, Idaho

on March 23 and March 30, 1972.

36-7228

**NOTICE OF APPLICATION  
FOR WATER PERMIT**

Notice is hereby given that Earl R. Padgett, Box 297, Hagerman, Idaho has on March 6, 1972 submitted Application No. 36-7228 for a permit to appropriate 6.0 cubic feet per second of water from Tucker and Unnamed Springs, tributary of Riley Creek by means of ditch within the NW 1/4 SE 1/4 Sec. 36, T. 7S, R. 13 E, B.M., Gooding County to be used from Oct. 16 to March 31 for fish propagation, power generation, and mining purposes within the S 1/2 SE 1/4, Sec. 16, 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, Statehouse, Boise, Idaho, 83707, on or before April 10, 1972.

R. KEITH HIGGINSON  
Director

3-23-2tc

O.K.  
3-23-72  
B.K.

36-7228

March 9, 1972

Re: Application No. 36-7228

Earl R. Padgett  
Box 297  
Hagerman, Idaho

Dear Mr. Padgett:

As one of your proposed natures of use is for power generation, the Department will require proof of your residency in the State of Idaho. We are enclosing a residency affidavit for your consideration in this matter.

If you should have any questions, please feel free to contact us.

Very truly yours,

Dorian Clay  
Appropriation Examiner

DC/bl

Enclosure

36-7228