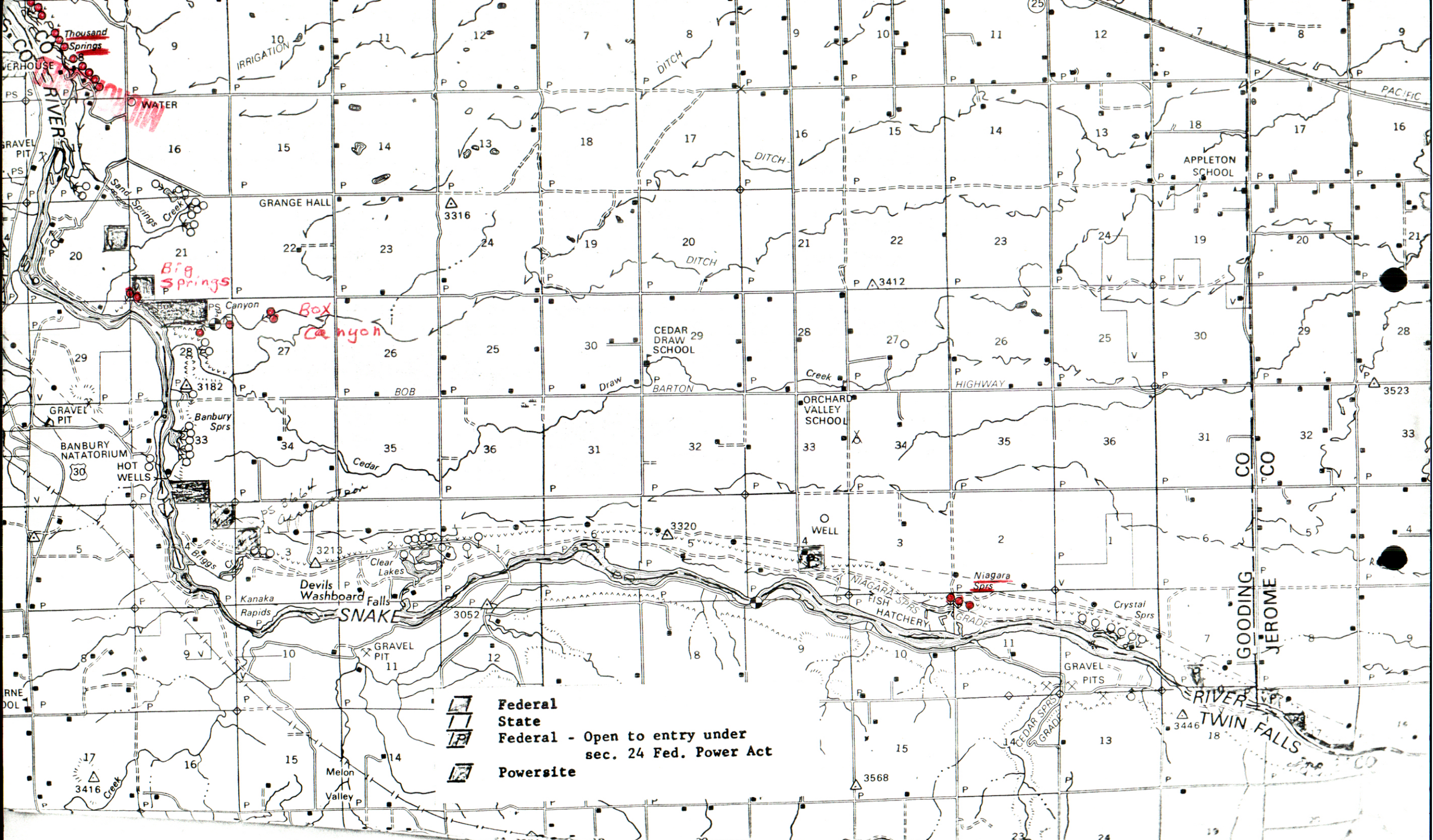

Thousand Springs
WATER
GRAVEL PIT
Sand Springs Creek
GRANGE HALL
3316
IRRIGATION
DITCH
PACIFIC
APPLETON SCHOOL
3412
Big Springs
PS Canyon
Box Canyon
CEDAR DRAW SCHOOL
BOB
BARTON
Draw
Creek
HIGHWAY
3182
3523
GRAVEL PIT
Banbury Sprs
BANBURY NATATORIUM
HOT WELLS
Cedar
ORCHARD VALLEY SCHOOL
3320
WELL
Briggs Cr
3213
Clear Lakes
Devils Washboard
Kanaka Rapids
Falls
SNAKE
3052
NIAGARA SPRS FISH HATCHERY
Niagara Sprs
GRADE
Crystal Sprs
GRAVEL PITS
GOODING CO
JEROME CO
RIVER
TWIN FALLS
3446
CEDAR SPRS GRADE
3568
Melon Valley
3416
Federal
State
Federal - Open to entry under sec. 24 Fed. Power Act
Powersite

# Affidavit of Publication

State of Idaho, County of Gooding } ss.

Mrs. Alfred E Dagen, 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 newspapr proper and not in a supplement; that the date of the

first publication of said advertisement was on the 2 day

of Sept., 1971, and the date of the last publication

was on the 9 day of Sept., 1971

Mrs Alfred E Wagen

Subscribed and sworn to before me this 9

day of September, 1971

(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 | | |

PUBLISHED

## COPY OF NOTICE

Title of Notice

Water Permit

Title of Notice

**NOTICE OF APPLICATION FOR WATER PERMIT**

Notice is hereby given that the Idaho Department of Parks, Statehouse, Boise, Idaho has on July 12, 1971 submitted Application No. 36-7199 for a permit to appropriate 100 cubic feet per second of water from Big Springs, Heart or Blue Heart Springs, tributary of Snake River, within the SW¼SW¼, Sec. 21; and Lot 1, Sec. 28, T. 8S, R. 14E, B.M., Gooding County, to be used from January 1 to December 31 for scenic beauty and recreational purposes. The water will not be diverted, but will be preserved in its natural state in trust for the people of the State of Idaho, pursuant to Chapter 207, 1971 Session Laws.

Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho 83707, on or before September 20, 1971.

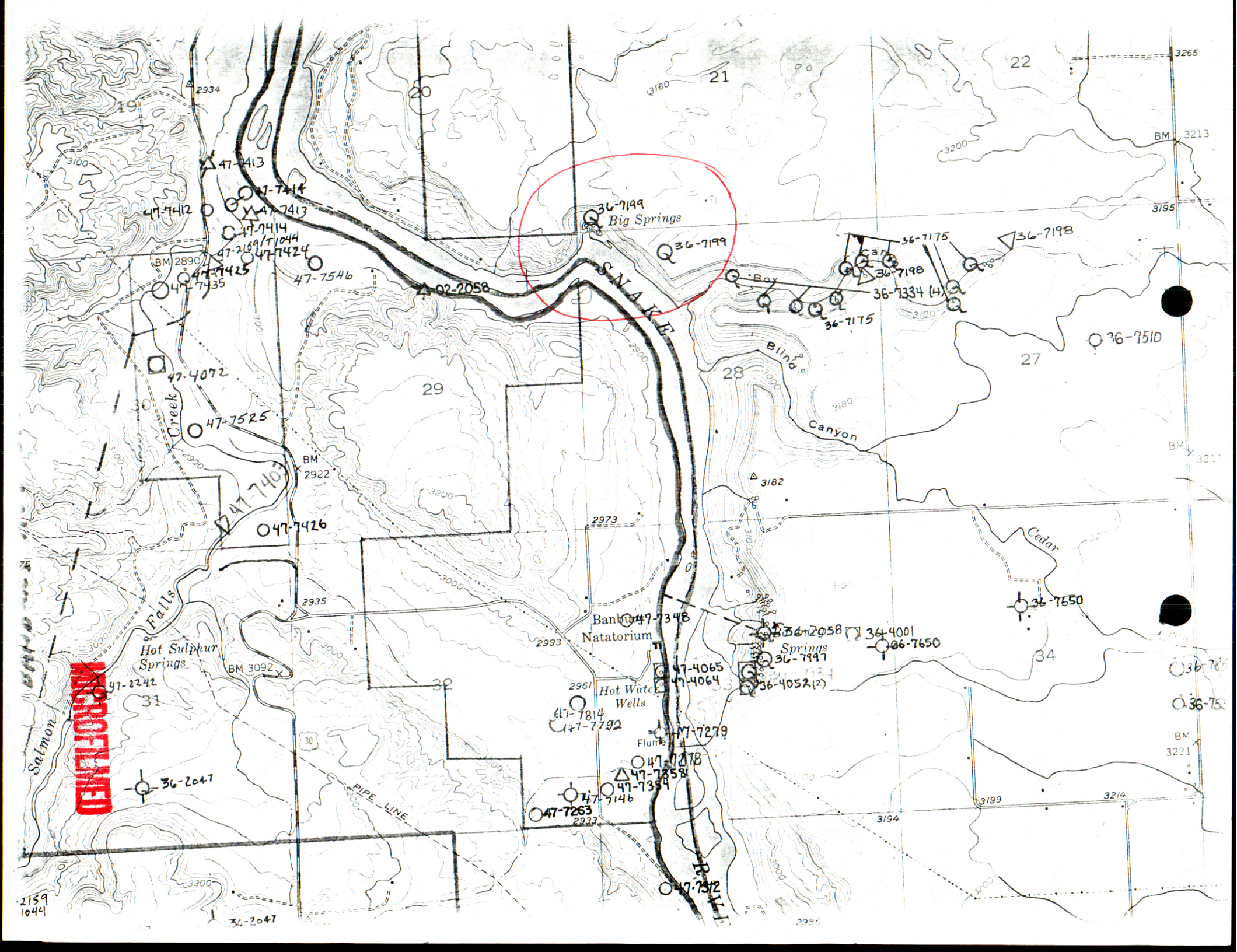
R. Keith Higginson
Director

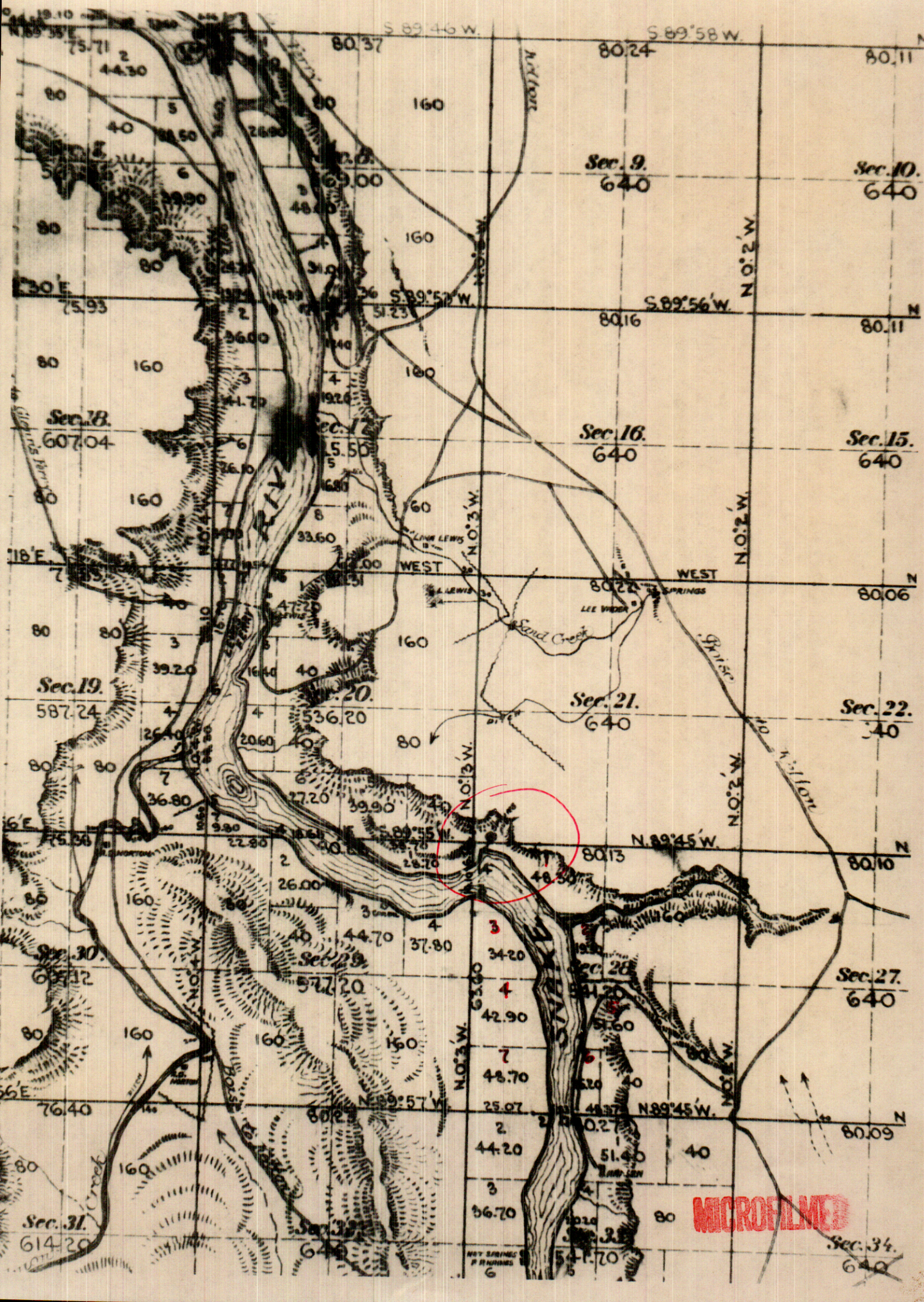
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**PUBLICATION RATES:**
(Idaho Code, (Rev. Statutes) 1956

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| 7 pt. per line, straight | 14c |
| 7 pt. per line, tabular | 20c |
| 7 pt. per line, successive insertions | 10c |
| 6 pt. per line, straight | 15c |
| 6 pt. per line, tabular | 20c |
| 6 pt. per line, successive insertions | 10c |

No 1264


SNAKE
Big Springs
36-7199
Q 36-7199
02-2058
47-7412
47-7413
47-7414
47-7424
47-7425
47-7435
47-7546
47-4072
47-7525
47-7403
47-7426
Creek
Falls
Hot Sulphur Springs
47-2242
36-2047
Salmon
PIPE LINE
Natatorium
47-7348
Hot Water Wells
47-4065
47-4064
47-7814
47-7792
47-7279
47-7358
47-7359
47-7146
47-7263
47-7512
36-7175
36-7198
36-7334 (4)
Blind
Canyon
36-7510
Cedar
36-7650
36-4001
36-4052(2)
Springs
36-7997
BM 2890
BM 2922
BM 3092
BM 3213
BM 3221
21
22
27
28
29
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31
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3265
3195
3182
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Sec. 9.
640
Sec. 10.
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Sec. 16.
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Sec. 15.
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Sec. 21.
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Sec. 22.
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Sec. 28.
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640
Sec. 18.
607.04
Sec. 19.
587.24
Sec. 20.
536.20
Sec. 30.
Sec. 29.
577.20
Sec. 31.
614.20
S. 89° 46' W.
S. 89° 58' W.
S. 89° 57' W.
S. 89° 56' W.
N. 89° 45' W.
N. 0° 2' W.
N. 0° 3' W.
WEST
Sand Creek
Boise
MICROFILMED



Big Springs (Blue Heart Springs)
10-9-84: Looking Up River (A
dilapidated waterways dock was
anchored in spring pool by boater)



Big Springs (Blue Heart Springs)
10-9-84: Looking Down River

GIVENS AND GIVENS
ATTORNEYS AT LAW
COLUMBIA BUILDING, 500 WASHINGTON STREET
P. O. BOX 964
BOISE, IDAHO 83701

RAYMOND L. GIVENS (1884-1972)
RAYMOND D. GIVENS

RECEIVED
FEB 19 19
Department of Water Resources

DIRECTOR
PLANNING
WATER DIST.
TECH. STUDIES
OPERATIONS
ENGINEERING
WATER RIGHTS
INTERSTATE
LEGAL
LEGAL
BOARD
FILES

Mr. Bobby D. Fleenor
Chief, Water Rights
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83702

Dear Mr. Fleenor:

We write on behalf of Boise Project Board of Control in answer to your letter of January 14th and addressed to Gayle Johnson, Chairman.

The protest of the Boise ProjectBoard of Control, filed in applications # 36-7198, 36-7199 and 36-7200 were filed for the purpose of resolving the legal questions raised and not because of any specific interest of the Project in the waters involved. The Supreme Court having resolved those questions, Boise Project Board of Control no longer wishes to pursue its protest.

Yours very truly,

GIVENS & GIVENS

Raymond D. Givens

RDG:ph

MICROFILMED

September 24, 1971

Re: Applications No. 36-7198, 36-7199, 36-7200, 37-7108
Idaho Dept. of Parks

Boise Project Board of Control
Gayle Johnson, Chairman
214 Broadway
Boise, Idaho 83702

Gentlemen:

We are in receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the 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 right-of-ways over private or governmental lands. Right-of-ways or easements 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 a conference and/or hearing to discuss the matters of protest. If we may be of any assistance, please contact us.

Very truly yours,

Bobby D. Fleenor
Assistant Director

BDF:DR

MICROFILMED

**State of Idaho**

**Department of Water Resources**

# WATER RIGHT LICENSE

License of Water Right No. 36-7199 Priority July 12, 1971 Amount 66.57 cfs

THIS IS TO CERTIFY, that State of Idaho, Dept. of Parks & Recreation

of Boise, Idaho, has complied with the terms and conditions of Permit No. 36-7199 issued pursuant to Application for Permit dated July 12, 1971, and has submitted proof to the Department of Water Resources on _____, 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 N/A of water from Big Springs, 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 |
|---|---|---|---|---|
| Aesthetics | from January 1 | to December 31 | at 66.57 cfs and | N/A |
| Recreation | from January 1 | to December 31 | at 66.57 cfs and | N/A |
| _____ | from _____ | to _____ | at _____ cfs and | _____ |

*(both dates inclusive)*

Subject, however, to the condition that no more than 66.57 cfs of water be ~~diverted~~ maintained at any one time, and that the amount of water so ~~diverted~~ maintained 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; said waters to be maintained within the springs, SW¼SW¼, Section 21; Government Lot 1 (NW¼NW¼), Section 28; Twp 8S, Rge 14E, B. M., Gooding County.

Description and location of place of use: As shown above.

| Twp. | Range | Sec. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
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Big Springs known locally as Blue Heart Springs. Total number of acres irrigated _____

MICROFILMED

MICROFILMED

**CONDITIONS OF APPROVAL**

a. 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.

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

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

This instream flow water right is subject to all prior water rights.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 15th day of October, 19 85.

Director

Identification No. 36-7199

AMENDED 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 Idaho Department of Parks, in trust for the people of the State of Idaho
   post office address Statehouse - Boise, Idaho
2. Source of water supply Big Springs, Heart or Blue Heart Springs which is a tributary of Snake River
3. a. Location of ~~point of diversion~~ area upon which springs arise SW¼ ¼¼ of SW¼ ¼¼ of Section 21 Township 8S
   Range 14E B.M. Gooding County; additional points of diversion if any: _____
   Lot #1, Section 28, T. 8S, R. 14E, B.M.

   b. If water is not consumed, it will be discharged into _____ at a point in _____ ¼
   of _____ ¼ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
   Amount 100 (cfs or acre-feet per annum) for scenic beauty and recreation purpose from 1-1 to 12-31 (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated:
   a. 100 cubic feet per second and/or
   b. _____ acre feet per annum.
6. Proposed diverting works:
   a. Description of ditches, flumes, pumps, headgates, etc. Water is to be preserved in its natural state without diversion as provided in Chapter 207, 1971 Session Laws.

   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 _____ (Mo. Day) to _____ (Mo. Day) inclusive.
   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 1 years. LH 11/17/82
   b. Estimated construction cost is $_____.
8. Description of proposed uses:
   a. If water is **not** for irrigation: SW¼SW¼, Sec. 21; Lot 1, Sec. 28, T. 8S, R. 14E, B.M.
      (1) Give the place of use of water: _____ ¼ of _____ ¼ of Section _____ Township _____
      Range _____ B.M.
      (2) Amount of power to be generated: _____ hp under _____ feet of head.
      (3) List number of each kind of livestock to be watered _____
      _____
      (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
   If water is to be used for other purposes describe: Scenic beauty and recreation purposes
   _____
   _____

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

| TWP. | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
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Total number of acres to be irrigated_____

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

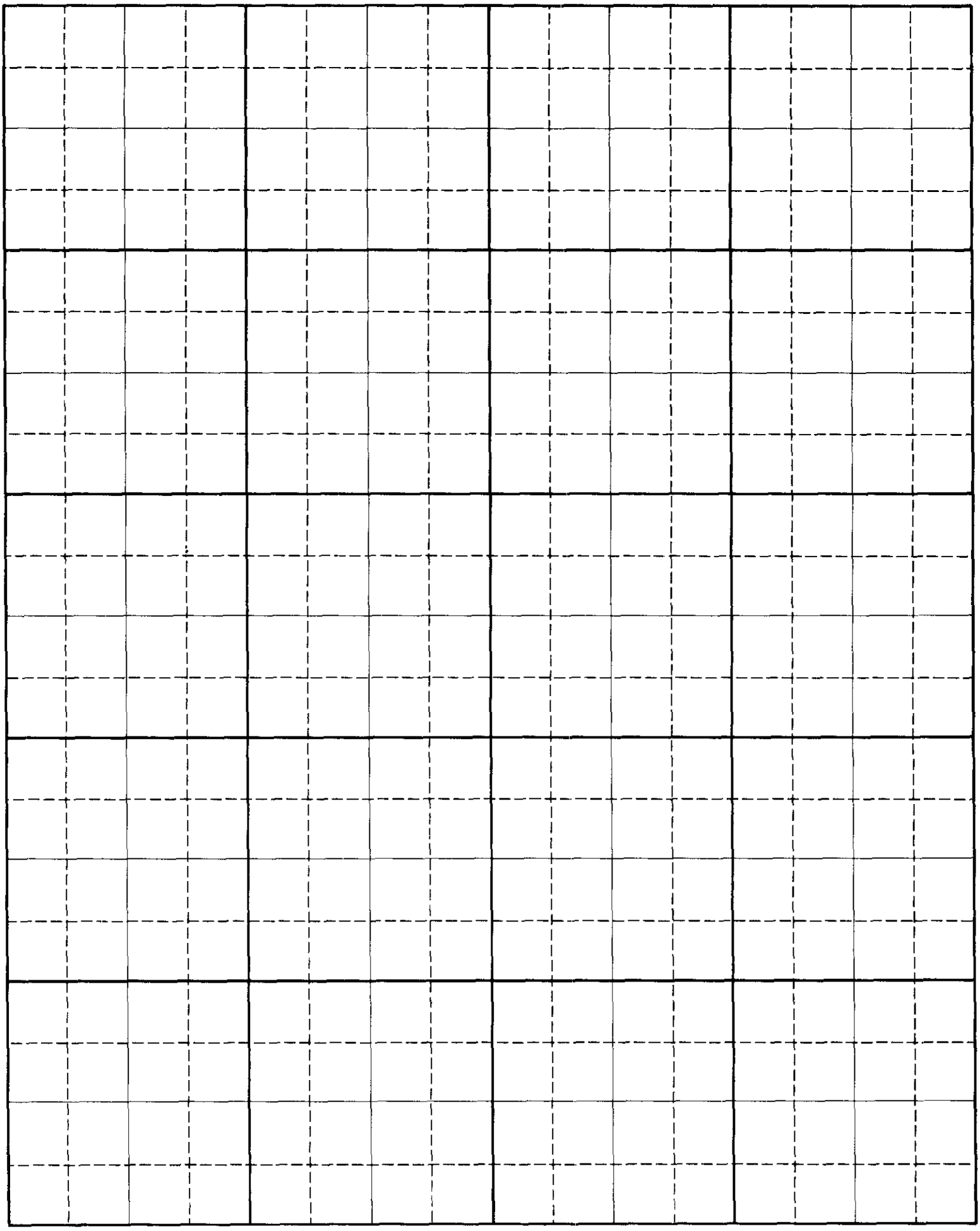
9. a. Who owns the property at the point of diversion Water is not to be diverted.

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Filing is directed by House Bill 69 (Chapter 207, 1971 Session Laws)

10. Remarks This application is filed for the purpose of carrying out legislative intent as expressed in House Bill 69 (Chapter 207, 1971 Session Laws). The quantity of water filed on in paragraph 4 is the quantity believed to have been the flow of the Big Springs (Heart or Blue Heart Springs) prior to augumentation through return flows from irrigation in the area above the springs. The actual quantity, whether more or less than this amount, is to be based "... upon the determination by the Director of Water Administration of the historical water flow and he shall issue a permit for only that amount." This application is intended to prevent any diversion of waters from within the spring area which would "... detract from or interfere with the geological interpretive value, historical significance, or the scenic attraction for public use under the administration of the State Park Board of the stream from the natural high water mark on one bank to the natural high water mark on the opposite bank, or of the springs specifically described as they arise upon the lands listed ..."

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.

X _____
(Applicant)

Proposed Priority: 7/12/1971

Proposed priority - 7-12-71 8:00 am

Amended application Received by ej Date 8-10-71 Time 10:30 am

Preliminary check by DWM Fee $No fee required

Receipted by _____ Date _____

Publication prepared by cr Date 8-25-71

Published in Gooding County Leader

Publication dates 9-2 & 9-9-71

Publication approved _____ Date 9-15-71

Priority reduced to _____ Reason _____

Protests filed by: See list in file

Boise S. Bd. of Control & Gem Irr. Dist w/drawn 1/14/75

IWUA, TFCL, NSCC W/drawn 6/1/81

Copies of protests forwarded by dr 9-24-71

Hearing held by _____ Date _____

Recommended for (approval) denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7199, 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 December 1, 1983.

   c. Other: _____

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

Witness my hand this 22nd day of November 1982.

L. Glen Saxton

Chief, Operations Bureau

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES DIVISION
Room 365, Federal Building
550 West Fort Street
Boise, Idaho 83702

July 20, 1971

Mr. R. Keith Higginson, Director
Idaho Department of Water Administration
Statehouse
Boise, Idaho 83707

Dear Mr. Higginson:

The following tabulation is provided in response to your request for data on flow of some Snake River canyon springs prior to development on the Snake River Plain.

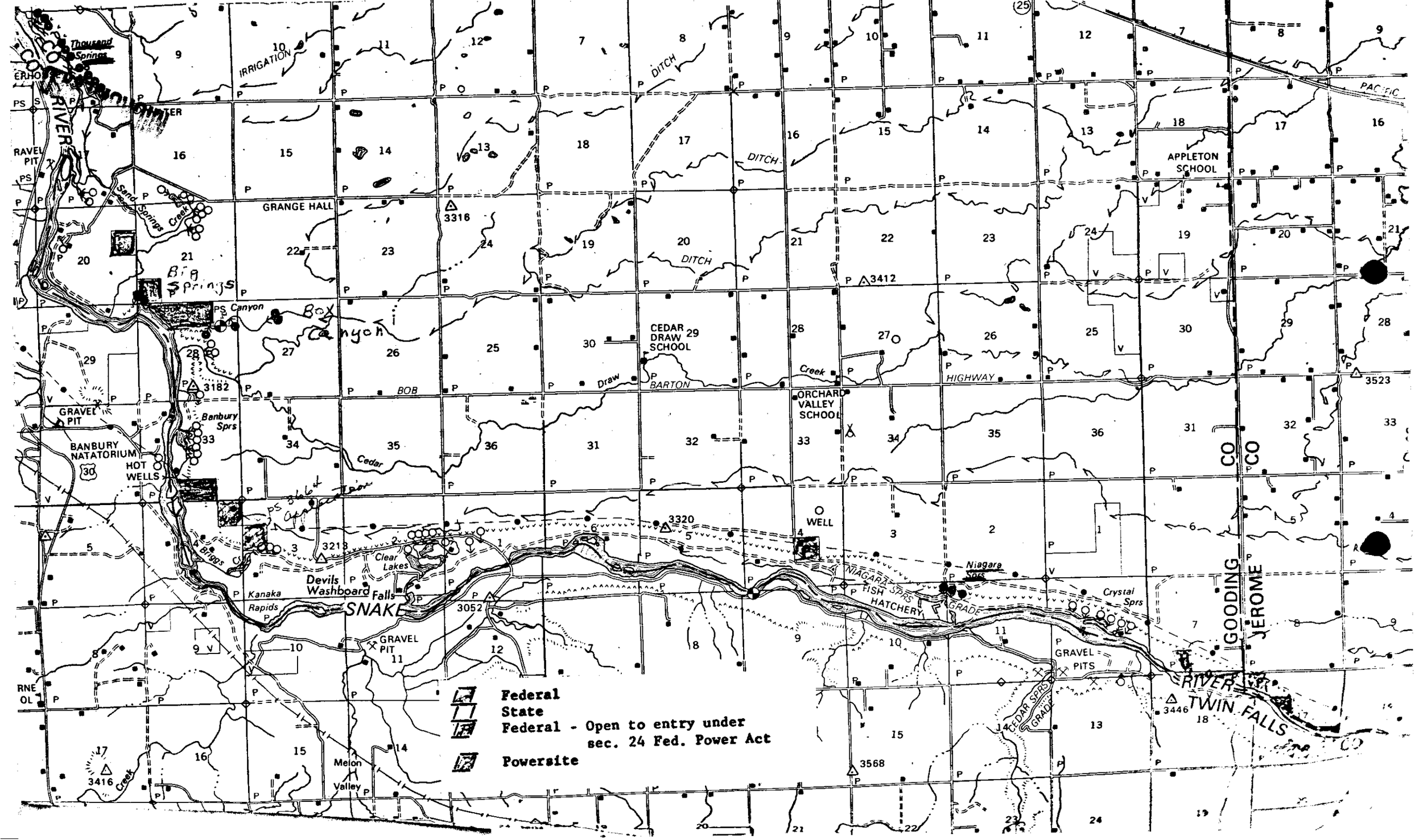
| Spring | Year 1902 (cfs) | 1969 (cfs) |
|---|---|---|
| Niagara spring at gage | 107 | 264 |
| Box Canyon Springs at mouth | 300 | 850 |
| Big, Blue Heart, or Blue Spring (½-mile below mouth of Box Canyon Spring) | 48 | 100 |
| Thousand Springs group - total (includes diversion from Sand Springs) | 840 | 1,120 |
| Malad Springs | 940 | 1,260 |
| Total | 2,235 | 3,594 |

We hope the above information fulfills your need. If we can provide additional spring flow data, do not hesitate to call on us.

Sincerely yours,

Fred

Alfred H. Harder
Acting District Chief


Thousand Springs
RIVER
IRRIGATION
DITCH
PACIFIC
APPLETON SCHOOL
GRANGE HALL
3316
Sand Springs Creek
Big Springs
PS
Canyon
Box Canyon
3412
CEDAR DRAW SCHOOL
BOB
Draw
BARTON
Creek
HIGHWAY
3523
ORCHARD VALLEY SCHOOL
GRAVEL PIT
Banbury Sprs
BANBURY NATATORIUM
HOT WELLS
30
Cedar
3182
3320
WELL
3213
Briggs Cr
Clear Lakes
Devils Washboard
Falls
Kanaka Rapids
SNAKE
3052
NIAGARA SPRS FISH HATCHERY
GRADE
Niagara Sprs
Crystal Sprs
GRAVEL PITS
CEDAR SPRS GRADE
TWIN FALLS
3446
GOODING CO
JEROME CO
3568
Melon Valley
3416
Federal
State
Federal - Open to entry under sec. 24 Fed. Power Act
Powersite

declaration shall not affect the validity of remaining portions of this act.

SECTION 19. This act shall be in full force and effect on and after May 31, 1971. An operator shall not be required to perform the reclamation activities referred to in this act as to any surface mining operations performed prior to May 31, 1972, and further, shall not be required to perform such reclamation activities as to any pit or overburden pile as it exists prior to May 31, 1972.

Approved March 24, 1971.

## CHAPTER 207

(H. B. No. 69)

### AN ACT

AMENDING CHAPTER 43, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION TO BE KNOWN AS SECTION 67-4307, IDAHO CODE, AUTHORIZING THE STATE PARK BOARD TO APPROPRIATE AND HOLD IN TRUST FOR THE PEOPLE OF THE STATE ALL THE UNAPPROPRIATED WATER IN THE MALAD CANYON AREA DESCRIBED, AND DECLARING THE PRESERVATION OF THE WATER IN SAID AREA TO BE OF BENEFICIAL USE, DECLARING THE LAND BETWEEN THE HIGH WATER MARK ON ONE BANK TO THE HIGH WATER MARK ON THE OPPOSITE BANK TO BE DEVOTED TO THE PUBLIC USE; AMENDING CHAPTER 43, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION TO BE KNOWN AS SECTION 67-4308, IDAHO CODE, AUTHORIZING THE STATE PARK BOARD TO APPROPRIATE AND HOLD IN TRUST FOR THE PEOPLE OF THE STATE ALL THE UNAPPROPRIATED WATER IN THE NIAGRA SPRINGS AREA DESCRIBED, AND DECLARING THE PRESERVATION OF THE WATER IN SAID AREA TO BE OF BENEFICIAL USE; AMENDING CHAPTER 43, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION TO BE KNOWN AS SECTION 67-4309, IDAHO CODE, AUTHORIZING THE STATE PARK BOARD TO APPROPRIATE AND HOLD IN TRUST FOR THE PEOPLE OF THE STATE ALL THE UNAPPROPRIATED WATER IN THE BIG SPRINGS AREA DESCRIBED, AND DECLARING THE



PRESERVATION OF THE WATER IN SAID AREA TO BE OF BENEFICIAL USE; AMENDING CHAPTER 43, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION TO BE KNOWN AS SECTION 67-4310, IDAHO CODE, AUTHORIZING THE STATE PARK BOARD TO APPROPRIATE AND HOLD IN TRUST FOR THE PEOPLE OF THE STATE ALL THE UNAPPROPRIATED WATER IN THE BOX CANYON AREA DESCRIBED, AND DECLARING THE PRESERVATION OF THE WATER IN SAID AREA TO BE OF BENEFICIAL USE, DECLARING THE LAND BETWEEN THE HIGH WATER MARK ON ONE BANK TO THE HIGH WATER MARK ON THE OPPOSITE BANK TO BE DEVOTED TO THE PUBLIC USE; AMENDING CHAPTER 43, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION TO BE KNOWN AS SECTION 67-4311, IDAHO CODE, BY AUTHORIZING THE STATE PARK BOARD, UPON CESSATION OF THE USE OF WATER FOR ELECTRICAL GENERATION, TO APPROPRIATE AND HOLD IN TRUST FOR THE PEOPLE OF THE STATE ALL THE UNAPPROPRIATED WATER IN THE THOUSAND SPRINGS AREA DESCRIBED, AND DECLARING THE PRESERVATION OF THE WATER IN SAID AREA TO BE OF BENEFICIAL USE; PROVIDING SEVERABILITY; AND PROVIDING FOR THE DIRECTOR OF WATER ADMINISTRATION TO DETERMINE THE AMOUNT OF WATER FOR PERMIT TO BE ISSUED AND LIMITING SUBSEQUENT DIVERSION AND DIRECTING THE STATE PARK BOARD TO FIRST SEEK A PERMIT FOR THOSE WATERS ARISING ON LANDS ADMINISTERED, CONTROLLED OR OWNED BY THEM.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 43, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 67-4307, Idaho Code, and to read as follows:

67-4307. MALAD CANYON – APPROPRIATION OF WATERS IN TRUST FOR PEOPLE – LANDS DEVOTED TO RECREATIONAL USE. – The state park board is hereby authorized and directed to appropriate in trust for the people of the state of Idaho the unappropriated natural spring flow arising upon the area described as follows, to-wit:

The south half of the southwest quarter, and the south half of the southeast quarter, of section twenty-five, township six south, range thirteen east of the Boise Meridian; and

The north half of the northwest quarter, and the northwest quarter of the northeast quarter, of section thirty-six, township six south, range thirteen east of the Boise Meridian.

The preservation of water in the area described for its scenic beauty and recreational purposes necessary and desirable for all citizens of the state of Idaho is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the state park board or the permit issued in connection therewith, but license shall issue at any time upon proof of beneficial use to which said waters are now dedicated.

The park board, or its successor, shall be deemed to be the holder of such permit, in trust for the people of the state, and the public use of the unappropriated water in the specific area herein described is declared to be of greater priority than any other use except that of domestic consumption.

The unappropriated lands belonging to the state of Idaho between the high water mark on one bank to the high water mark on the opposite bank, of the area described, are hereby declared to be devoted to a public use in connection with the preservation of the area in its present condition as a place of recreation for the citizens of the state of Idaho.

SECTION 2. That Chapter 43, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 67-4308, Idaho Code, and to read as follows:

67-4308. NIAGRA SPRINGS – APPROPRIATION OF WATERS IN TRUST FOR PEOPLE. – The state park board is hereby authorized and directed to appropriate in trust for the people of the state of Idaho the unappropriated natural spring flow arising upon the area described as follows, to-wit:

That portion of lot one, of section ten, and lot three, of section eleven, township nine south, range fifteen east of the Boise Meridian, which is locally known as the Niagra Springs and limited to that portion of Niagra Springs upstream from the present existing diversions to the headwaters of the springs.

The preservation of water in the area described for its scenic beauty and recreational purposes necessary and desirable for all citizens of the state of Idaho is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the state park board or the permit issued in connection therewith, but license shall issue at any time upon proof of beneficial use to which said waters are now dedicated.



The park board, or its successor, shall be deemed to be the holder of such permit, in trust for the people of the state, and the public use of the waters in the specific area herein described is declared to be of greater priority than any other use except that of domestic consumption.

SECTION 3. That Chapter 43, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 67-4309, Idaho Code, and to read as follows:

67-4309. BIG SPRINGS – APPROPRIATION OF WATERS IN TRUST FOR PEOPLE. – The state park board is hereby authorized and directed to appropriate in trust for the people of the state of Idaho the unappropriated natural spring flow arising upon the area described as follows, to-wit:

That portion of the southwest quarter of the southwest quarter of section twenty-one and lot one of section twenty-eight, township eight south, range fourteen east of the Boise Meridian, which constitutes the Big Springs, but, excluding the stream known as the Snake River.

The preservation of water in the area described, known locally as Big Springs, Heart, or Blue Heart Springs, for its scenic beauty and recreational purposes necessary and desirable for all citizens of the state of Idaho is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the state park board or the permit issued in connection therewith, but license shall issue at any time upon proof of beneficial use to which said waters are now dedicated.

The park board, or its successor, shall be deemed to be the holder of such permit, in trust for the people of the state, and the public use of the waters in the specific area herein described is declared to be of greater priority than any other use except that of domestic consumption.

SECTION 4. That Chapter 43, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section, to be known and designated as Section 67-4310, Idaho Code, and to read as follows:

67-4310. BOX CANYON – APPROPRIATION OF WATERS IN TRUST FOR PEOPLE – LANDS DEVOTED TO RECREATIONAL USE. – The state park board is hereby authorized and directed to appropriate in trust for the people of the state of Idaho the unappropriated natural spring flow arising upon the area described as follows, to-wit:

Only that portion of the stream which is known as Box Canyon Creek, situated in the northwest quarter of section twenty-seven, township eight south, range fourteen east of the Boise Meridian; and

The east half of the northeast quarter, in section twenty-eight, township eight south, range fourteen east of the Boise Meridian.

The preservation of water in the area described for its scenic beauty and recreational purposes necessary and desirable for all citizens of the state of Idaho is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the state park board or the permit issued in connection therewith, but license shall issue at any time upon proof of beneficial use to which said waters are now dedicated.

The park board, or its successor, shall be deemed to be the holder of such permit, in trust for the people of the state, and the public use of the waters in the specific area herein described is declared to be of greater priority than any other use except that of domestic consumption.

The unappropriated lands belonging to the state of Idaho between high water mark on one bank to the high water mark on the opposite bank, of the area described, are hereby declared to be devoted to a public use in connection with the preservation of the area in its present condition as a place of recreation for the citizens of the state of Idaho.

SECTION 5. That Chapter 43, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a new section to be known and designated as Section 67-4311, Idaho Code, and to read as follows:

67-4311. THOUSAND SPRINGS – APPROPRIATION OF WATERS IN TRUST FOR PEOPLE – LANDS DEVOTED TO RECREATIONAL USE UPON CESSATION OF ELECTRICAL GENERATION. – Upon cessation of the use of the waters arising upon the land described herein, for electrical generation, the state park board is hereby authorized and directed to appropriate in trust for the people of the state of Idaho the unappropriated natural spring flow arising upon the area described as follows, to-wit:

The west half of the southeast quarter, of section eight, township eight south, range fourteen east of the Boise Meridian.

The preservation of water in the area described for its scenic beauty and recreational purposes necessary and desirable for all citizens of the state of Idaho is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the state park board or the permit issued in connection therewith, but license shall issue at any time upon proof of beneficial use to which said waters are now dedicated.

The park board, or its successor, shall be deemed to be the holder of such permit, in trust for the people of the state, and the use of the unappropriated water in the specific area herein described is declared to be of greater priority than any other use except that of domestic consumption.



SECTION 6. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

SECTION 7. The permits for the waters described in this act shall be issued upon the determination by the director of water administration of the historical water flow and he shall issue a permit for only that amount. Any future appropriation of the waters specifically described in this act that are granted above the flow limits set by the director shall not involve any diversion that shall detract from or interfere with the geological interpretive value, historical significance, or the scenic attraction for public use under the administration of the state park board of the stream from the natural high water mark on one bank to the natural high water mark on the opposite bank, or of the springs specifically described as they arise upon the lands listed in this act.

The state board shall apply first for those permits for water arising upon land which, at the time of enactment, the board administers, controls, or owns.

Approved March 24, 1971.

## CHAPTER 208

(H. B. No. 87)

AN ACT

AMENDING CHAPTER 13, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 47-1324, IDAHO CODE, PROVIDING FOR ISSUANCE OF AN INJUNCTION AGAINST OPERATING A DREDGE OR PLACER MINE WITHOUT A PERMIT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 13, Title 47, Idaho Code, be, and the same is hereby amended by the addition of a new section, to be known and designated as Section 47-1324, Idaho Code, and to read as follows:

# Affidavit of Publication

State of Idaho,
County of Gooding } ss.

Mrs. Alfred E. Dagen, 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 newspapr proper and not in a supplement; that the date of the first publication of said advertisement was on the 2 day of Sept., 1971, and the date of the last publication was on the 9 day of Sept., 1971.

Mrs Alfred E Dagen

Subscribed and sworn to before me this 9 day of September, 1971
(SEAL)

Audrey E Belcher
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

[redacted] APPLICATION FOR WATER PERMIT

Notice is hereby given that the Idaho Department of Parks, Statehouse, Boise, Idaho has on July 12, 1971 submitted Application No. 36-7199 for a permit to appropriate 100 cubic feet per second of water from Big Springs, Heart or Blue Heart Springs, tributary of Snake River, within the SW¼SW¼, Sec. 21; and Lot 1, Sec. 28, T. 8S, R. 14E, B.M., Gooding County, to be used from January 1 to December 31 for scenic beauty and recreational purposes. The water will not be diverted, but will be preserved in its natural state in trust for the people of the State of Idaho, pursuant to Chapter 207, 1971 Session Laws.

Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho 83707, on or before September 20, 1971.

[redacted]

| PUBLICATION RATES: (Idaho Code, (Rev. Statutes) 1956 | |
|---|---|
| 7 pt. per line, straight | 14c |
| 7 pt. per line, tabular | 20c |
| 7 pt. per line, successive insertions | 10c |
| 6 pt. per line, straight | 15c |
| 6 pt. per line, tabular | 20c |
| 6 pt. per line, successive insertions | 10c |

No 1264

October 16, 1985

RE: Permit No. 36-7199

State of Idaho
Dept. of Parks & Recreation
Statehouse Mail
Boise, ID 83720

Gentlemen:

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

Sincerely,

Jim Johnson

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED

September 10, 1985

RE: Permit No. 36-7199

State of Idaho
Dept. of Parks & Recreation
Statehouse Mail
Boise, ID 83720

Dear Permit Holder(s):

A representative of this Department made an examination of the works covered by your Permit No. 36-7199 and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 66.57 cfs Source: Big Springs (known locally as Blue Heart Springs) trib to Snake River

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

Point(s) of diversion: *

Beneficial Use: Aesthetics and recreation uses to be maintained within the springs, SWSW, Sec. 21; Gov. Lot 1 (NWNW), Sec. 28; Twp 8S, Rge 14E

Priority date established: July 12, 1971

Conditions (if any): This instream flow water right is subject to all prior water rights. *No more than 66.57 cfs of water shall be maintained at any one time, and the amount of water so maintained and to which such right is entitled and confirmed is for the purposes aforementioned and is limited to the amount which can actually be beneficially used, said waters to be maintained within the springs, SWSW, Sec. 21; Gov. Lot 1(NWNW) Sec. 28; Twp 8S, Rge 14E, B.M., Gooding County.

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,

MICROFILMED

JIM JOHNSON
Water Rights Supervisor

MEMORANDUM

TO: File 36-7199

FROM: Kay Walker

DATE: August 12, 1985

RE: Assessment of Proof of Beneficial Use Data

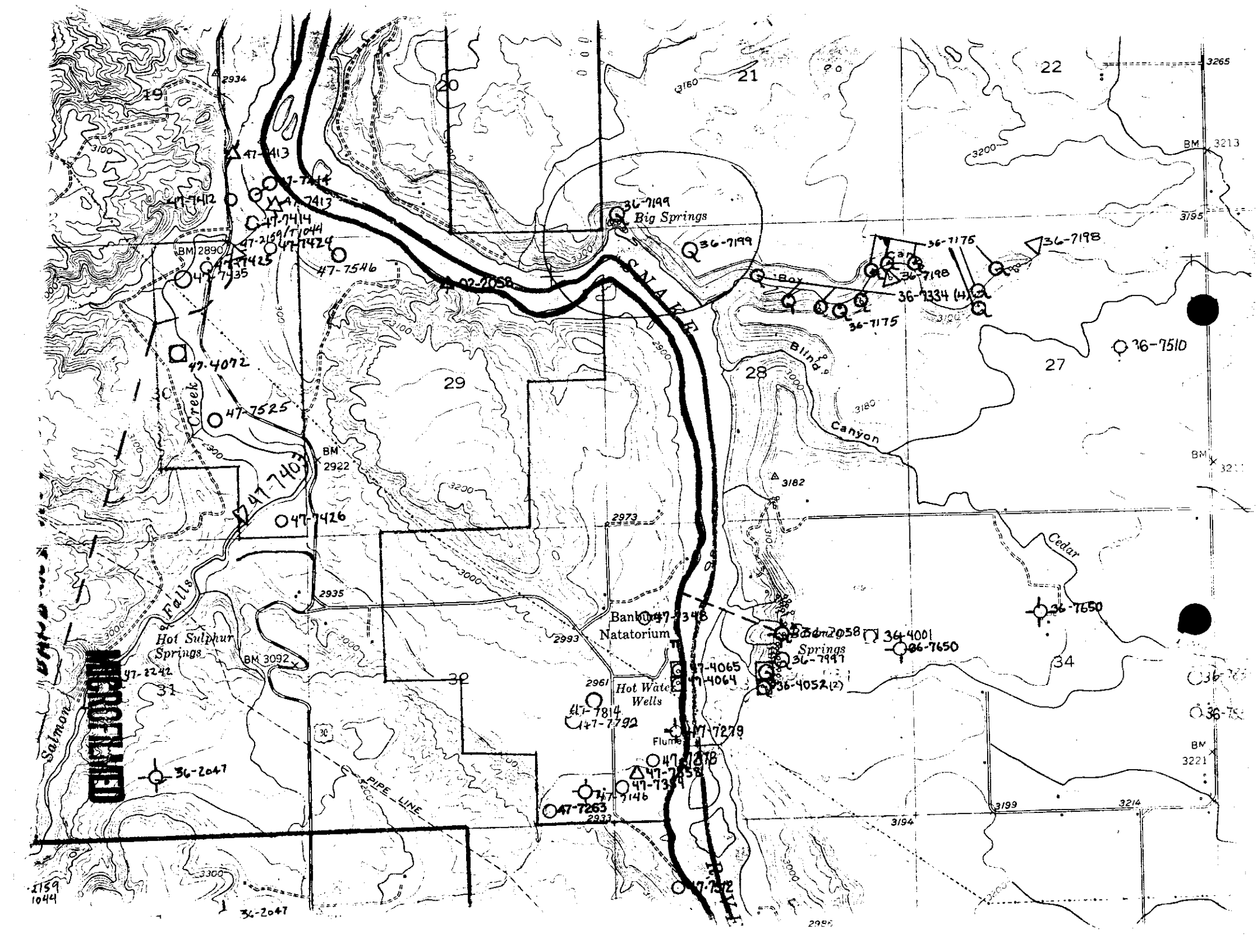
This assessment is designed to summarize the adequacy of Proof of Beneficial Use submitted in connection with the above referenced permit, with respect to two primary considerations, as follows:

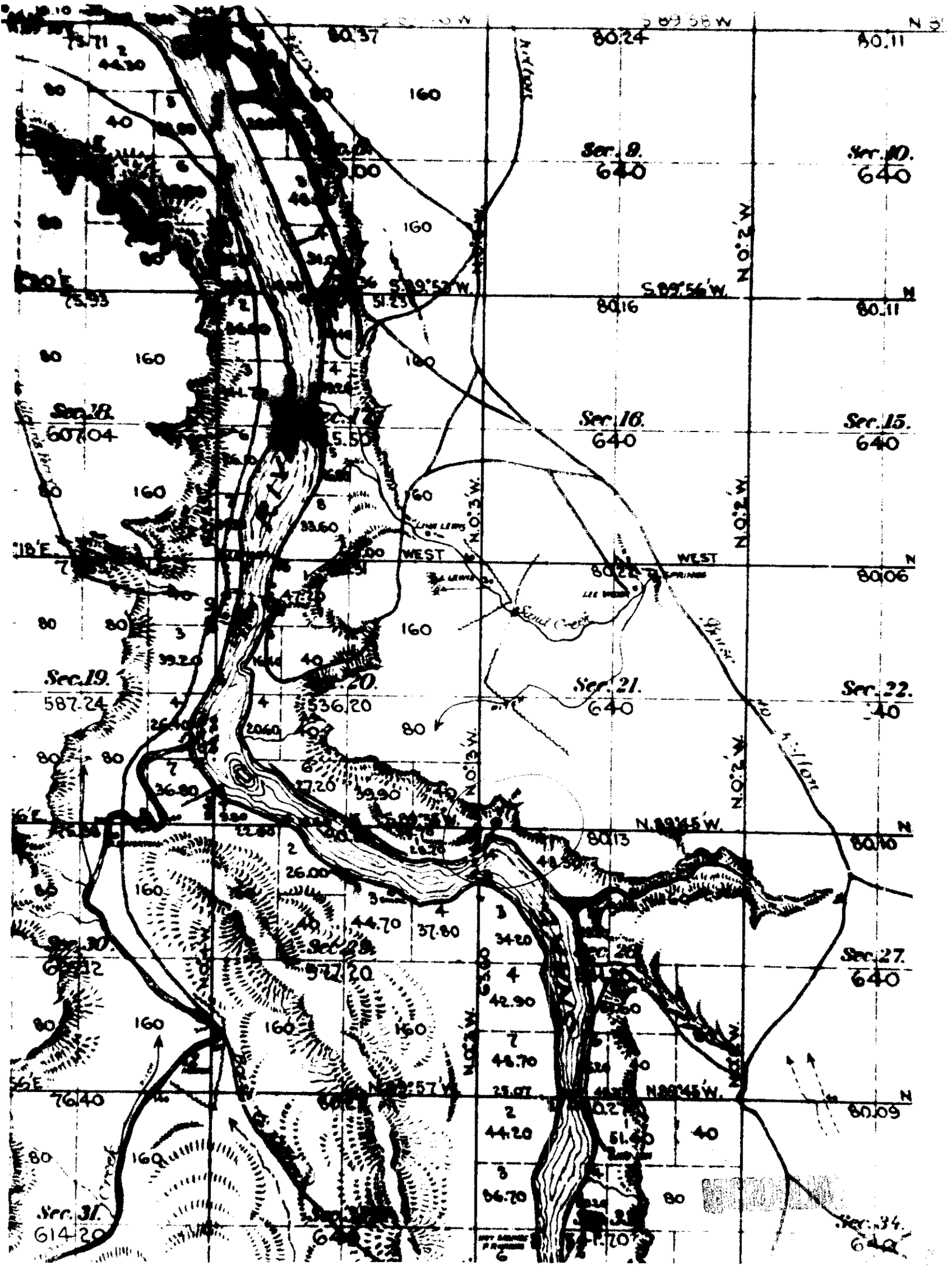
1) Has the water been used for the purposes described in the permit? The intent of the permit was to preserve the springs in their natural state for scenic beauty and recreational purposes. Mr. Meinen's letter of 11/6/84 states that the springs have been left in their natural state and the photos that were submitted on 11/13/84 evidence the statement.

2) How much water was used for the purposes described in the permit? Since the Dept. of Parks & Recreation did not supply any flow data, contact was made with our Hydrology Section to determine the amount of water that could be licensed under this permit. In review of this data and flow data information obtained from the USGS on July 20, 1971 (already included in file), we should allow an amount of 66.57 cfs for this license. This amount was determined by averaging the flow records available. In view of the uses requested on this permit, I believe this amount is as close as we can get to the amount used under this permit.

I have reviewed this information and concur WITH CONCLUSION
Jim

MICROFILMED


Big Springs
Blind Canyon
Cedar
Falls
Hot Sulphur Springs
Bank of Natatorium
Hot Water Wells
Springs
Flume
PIPE LINE
Salmon
BM 2890
BM 2922
BM 3092
BM 3213
BM 3221
47-7413
47-7414
47-7412
47-7424
47-7425
47-7935
47-7546
47-4072
47-7525
47-7407
47-7426
47-2242
47-7348
47-4065
47-4064
47-7814
47-7792
47-7279
47-7858
47-7146
47-7263
47-7372
36-7199
36-7198
36-7175
36-7334 (4)
36-7510
36-7650
36-4001
36-7997
36-4052(2)
36-2047
02-2058
1159
1044


Sec. 9.
640
Sec. 10.
640
Sec. 18.
607.04
Sec. 16.
640
Sec. 15.
640
Sec. 19.
587.24
Sec. 20.
536.20
Sec. 21.
640
Sec. 22.
640
Sec. 30.
Sec. 29.
Sec. 28.
Sec. 27.
640
Sec. 31.
614.20
Sec. 34.
640
S.89°56'W.
N.0°2'W.
N.89°45'W.
WEST

Rec'd from Alan Robertson (Technical)

RECEIVED
JUL 24 1985
Department of Water Resources

FLOW RECORDS FOR
BLUE SPRINGS NEAR HAGERMAN
SW¼ SW¼SW¼, S. 21, & S. 28, T 8S., R 14E.

| | | Q (cfs) |
|---|---|---|
| Apr _, | 1902 | 48.5 |
| Oct 13, | 1917 | 61.5 |
| Sep 19, | 1919 | 61.0 |
| Oct 6, | 1931 | 65.6 |
| Mar 27, | 1968 | 62.8 |
| | 1969 | 100. |
| | | 399.4 |

— per letter of 7/20/71 From Alfred Harder. see under permit in file. tw 8/12/85

$$6 \text{ yrs.} \overline{)399.4} \quad 66.566 \approx 66.57 \text{ cfs} \uparrow \text{ average flow}$$

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Kay Walker

DATE 7/23/85

TO Alan Robertson

SUBJECT Flow measurement data for "Big Springs

Alan - pursuant to Dave's letter of 9-13-84 (copy attached), have you any flow measurement data for these springs? I've attached a copy of pg. 1 of the permit, for your information as to the location of the springs.

Please advise.

COPY

Kay

SIGNATURE

# IDAHO DEPARTMENT of PARKS & RECREATION

2177 Warm Springs Ave., Statehouse Mail, Boise, Idaho 83720 (208) 334-2154

Robert L. Meinen, Acting Director

John V. Evans, Governor



RECEIVED
NOV 13 1984
Department of Water Resources


MEMORANDUM

DATE: 11/9/84

TO: Dave Tuthill, Jr. DWR
Idaho Water Resources

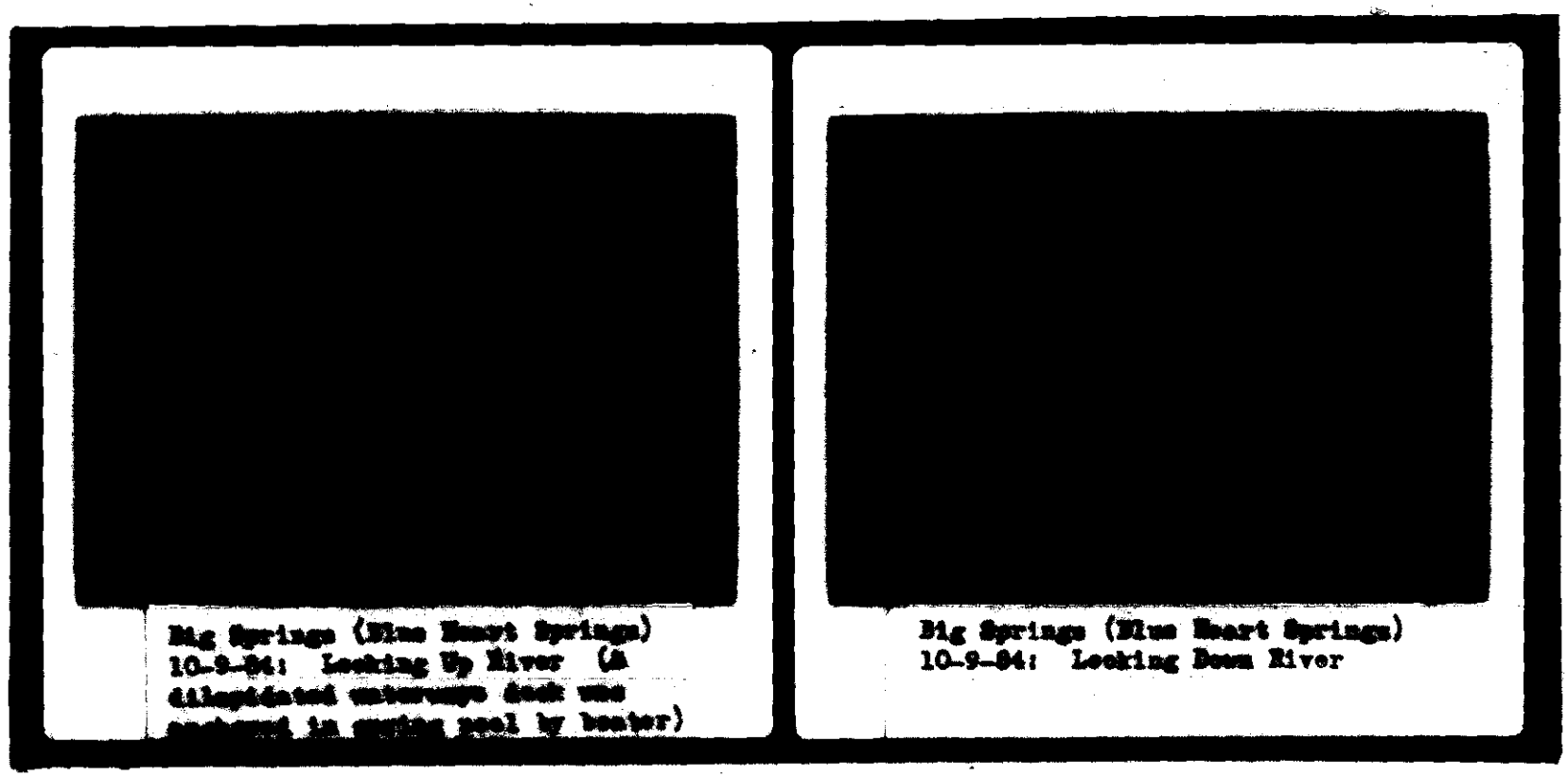
FROM: Ruth V. Kassens

SUBJECT: Permit No. 36-7199 (Photos Blue Heart or Big Springs)

Enclosed are photos that we overlooked transmitting to you with Mr. Meinen's letter of November 6.

Sorry about the oversight.


MICROFILMED



Big Springs (Blue Heart Springs)
10-9-04: Looking Up River (A
dilapidated waterwagon dock was
[illegible] pool by heater)

Big Springs (Blue Heart Springs)
10-9-04: Looking Down River

Idaho State Parks & Recreation Dept.
STATEHOUSE MAIL
2177 WARM SPRINGS
BOISE, IDAHO 83720

DAVE TUTHILL JR
IDAHO WATER RESOURCES
STATEHOUSE MAIL
BOISE ID 83720

# IDAHO DEPARTMENT of PARKS & RECREATION

2177 Warm Springs Ave., Statehouse Mail, Boise, Idaho 83720 (208) 334-2154

Robert L. Meinen, Acting Director

John V. Evans, Governor



RECEIVED
NOV 8 1984
Department of Water Resources


November 6, 1984

Idaho Dept. of Water Resources
ATTN: Mr. David Tuthill, Jr.
State Office, 450 W. State St.
Boise, ID 83702

RE: Permit No. 36-7199

No photos rec'd –

Dear David:

In reference to your letter dated September 13, 1984, I would like to submit the following in answer to your questions concerning the status of Big Springs or Blue Heart Springs.

The current use for the spring is its scenic beauty and recreational purposes as outlined in House Bill 69 (Chapter 207, 1971 Session Laws). Proof of this type of use can be seen from the two enclosed photos. The area has been left in its natural state with evidence of recreational use by the presence of an old boat dock. Since our department does not have the equipment or expertise to determine the spring's flow, I can not submit any flow measurement data at this time.

I hope I have answered all of your concerns, it not, please give me a call.

Sincerely,

Robert L. Meinen
Director

RLM/eh
cc: Bill Dokken
Larry Stevens
Don Higginson


MICROFILMED

WATER RIGHT NUMBER 36-7199

OWNER LAST NAME - STATE OF IDAHO FIRST NAME - ORIG OWNER -
ADDRESS LINE 1 - DEPT. OF PARKS ADDRESS LINE 2 - STATEHOUSE
ADDRESS LINE 3 - CITY - BOISE STATE - ID ZIP CODE - 83720
SOURCE - BIG SPRINGS TRIBUTARY OF - SNAKE RIVER
SOURCE - HEART SPRINGS TRIBUTARY OF - SNAKE RIVER
STAGE - PERMIT STATUS - PRIORITY - 07-12-1971 COUNTY - GOODING TOTAL DIV. RATE - 100.0000 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - SWSW 21 08S 14E LOT REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
NENW 28 08S 14E LOT 01 REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
FROM - 01-01 TO - 12-31 USE - RECREATION USE DIV. RATE - 100.0000 CFS USE DIV. VOLUME - .00 AFA
FROM - 01-01 TO - 12-31 USE - AESTHETICS USE DIV. RATE - 100.0000 CFS USE DIV. VOLUME - .00 AFA
USE - RECREATION PLACE OF USE - TWN 08S RNG 14E SEC 21 TRACT SWSW LOT AC
USE - RECREATION PLACE OF USE - TWN 08S RNG 14E SEC 28 TRACT NENW LOT 01 AC
DECREE NAME - DATE - TOTAL ACRES 0
REMARKS - WTS. NOT DIVERTED. FILED IN CONNECTION W/H069.
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - 12-01-1983 PERMIT/LICENSED - 11-22-1982 PROTESTED - 09-29-1971 HEARING - OLD NO. -
PROOF MADE - P FLD EXAM - COMP. OF APPROVAL -
DIVERSION MEANS -

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

September 13, 1984

Idaho Dept. of Parks & Recreation
Attn: Mr. Robert Meinen
Statehouse Mail
Boise, ID 83720

RE: Permit No. 36-7199

Dear Bob:

In conjunction with the Minimum Stream Flow law, we have recently developed a technique for licensing water right permits for instream, non-consumptive uses. The purpose of this letter is to describe this technique as related to the above-referenced permit for a rate of flow of 100 cubic feet per second from Big Springs tributary to the Snake River.

We have found that for our field examiner to conduct an investigation of an instream beneficial use, little can be gained by a simple on-site inspection. Instead, we have found that much more useful information can be obtained from the original requesting agency, via an informational memorandum. For example, the Idaho Department of Fish and Game provided a memorandum describing beneficial uses on Vinyard Creek, and accompanied the memorandum with recent photographs of the creek.

To properly document the file prior to issuing a license, we are soliciting from your agency two items of information. First, we request that you provide a memorandum describing the current uses on Big Springs with respect to the purposes described on the permit, scenic beauty and recreation. Any recent photographs of Big Springs would be helpful addendums to the memorandum. Second, we request that you provide any flow measurement data with respect to the springs that you may have. By a carbon copy of this letter, we will coordinate with the stream flow hydrology personnel within this office to request the same information, so this request relates to stream flow information that is not currently available in this office.

MICROFILMED

Based on the information that you provide, this office will analyze the permit and take action toward issuance of a license. Please give me a call if you would like to discuss this procedure.

Sincerely,

Dave

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:ls

cc: Hydrology Section - IDWR
Southern Regional Office

MICROFILMED

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
*Governor*

C. Stephen Allred
*Director*

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

February 2, 1983

Idaho Dept. of Parks & Recreation
Statehouse Mail
Boise, Idaho 83720

Re: Permit 36-7199

Gentlemen:

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
Sr. Water Resource Agent

LOH:GLF:marya

MICROFILMED

DEPARTMENT OF WATER RESOURCES West M.

The Idaho Department of Water Resources will consider this ca[illegible] a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 36 - 7199.

Name(s) of Permit Holder: IDAHO DEPT OF PARKS & RECREATION

Post Office Address: STATE HOUSE MAIL

BOISE ID 83720 Tel. No. 334-3840

Source of Water: BIG SPRINGS

Extent of Use:
- ☐ Domestic _____ (number of households)
- ☐ Stockwater _____ (number and type of stock)
- ☐ Irrigation _____ (acres)
- ☐ Other SCENIC BEAUTY & RECREATION AS PROVIDED IN CHAPTER 207, 1971 SESSION LAWS

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.

12 [illegible] 82
Date

IDAHO DEPT OF PARKS & REC.
Signature of Permit Holder

IDAHO DEPT PARKS & REC
STATEHOUSE MAIL
BOISE ID 83720

STAMP HERE

RECEIVED
DEC 8 1982
Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

CERTIFIED MAIL

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

MEMORANDUM

DATE: March 24, 1982

TO: Dave Tuthill

FROM: Glen Saxton

RE: Abstracts

House Bill 69 passed in 1971 enabled the Deaprtment of Parks and Recreation to submit 5 applications for permit on several sources in the Thousand Springs area to hold certain waters in trust for the people. Due to the recent legislative activity in the Box Canyon area, the Director has asked that we get on with issuance of permits on the several sources. This may involve holding some hearings, but now that the test case, Malad Canyon, is out of the way, the Department can proceed with the other applications.

In order to assist in this permit issuance, we need to prepare an abstract of water rights in each of the source areas.

The following information with attachments should provide guidance in the abstract preparation:

a. Code Section 67-4308 (Niagara Springs) Application 36-7200
b. Code Section 67-4309 (Big Springs) Application 36-7199
c. Code Section 67-4310 (Box Canyon) Application 36-7198
(See recent Legislation attached)
d. Code Section 67-4311 (Thousand Springs) Application 36-7390
(Parks and Recreation is not authorized to appropriate water until cessation of power generation by others using water from the source) Suggest preparing abstract designating existing power uses for this one. — 36-3705

The Niagara Springs and Big Springs abstracts should be given first priority.

I would like to review the abstracts when completed before they are placed in the water right files in the protest drawer.

MICROFILMED

PERMIT AND LICENSED RIGHTS ON BIG SPRINGS (Arising within SWSW, Sec. 21, T. 8S, R. 14E) CO., IDAHO

April 5 19 82 Revised _____ Water District No. _____

| LICENSE | PERMIT | NAME | AMT. | Date of Filing or Priority | Point of Diversion | | | | PLACE OF USE, REMARKS, ETC. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | Subdiv. | Sec. | Twp. | Rge. | |
| | | | | | | | | | |
| APPLICATION | 36-7199 | State of Idaho, Dept. of Parks | 100.0 | 07-12-1971 | SWSW<br>Lot 1 | 21<br>28 | 08S | 14E | T. 08S, R. 14E, Sec. 21: SW¼SW¼<br>28: Lot 1<br>(Aesthetics and Recreation) |

MICROFILMED

TITLE OF CASE: H. E. Secor et al vs. M. J. Durfee (SEPARATE SOURCE) (FOR INFO PURPOSES ONLY)

SOURCE Big Springs via Durfee-Secor Tunnel (Diversion) PAGE 1

WATER DIST. 36-B-S COUNTY Gooding

JUDICAL DIST. 4th JUDGE Edward A. Walters

DATE OF DECREE June 27, 1908 RECORDED IN BOOK NO. AT PAGE NO. FILE NO.

| P.N. | D.N. | DECREED OWNER / NAME / PRESENT OWNER | AMT. INCHES ☐ SEC. FT. ☐ | PRIORTY | DIVERSION SUBDIV. | SEC. | TWP. | RG. | REMARKS, LAND TO BE IRRIGATED, ETC. | C.T. |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | (Lt2) | | | | All rights for irrigation & domestic purposes | |
| 36- | 0153 | H. E. Secor | 0.80 cfs | 3-21-1901 | SW/NW | 18 | 7S | 14E | N½NW¼, Sec. 24; NE¼NE¼ Sec. 23 T. 7S R. 13E | |
| 36- | 0154 | P. M. Niles | 0.80 | " | " | | | | SW¼NW¼ Sec. 24 T. 7S R. 13E | |
| | 0155 | John Dennis | 0.80 | " | " | | | | SW¼SE¼ Sec. 13 T. 7S R. 13E | |
| | 0156 | W. G. Newcomb | 0.80 | " | " | | | | N½SE¼, SE¼SE¼ Sec. 13 T. 7S R. 13E | |
| | 0157 | Hattie Iorns | 0.40 | " | " | | | | E½NE¼NW¼ Sec. 23 T. 7S R. 13E (8 acres) | |
| | 0158 | L. H. Norton | 0.80 | " | " | | | | NW¼NE¼ Sec. 23 T. 7S R. 13E | |
| | 0159 | E. E. Sherman | 0.30 | " | " | | | | SW¼SW¼ Sec. 13; SE¼SE¼ Sec. 14 T. 7S R. 13E | |
| | 0160 | Thomas Hainsworth | 0.08 | " | " | | | | W½SE¼SE¼ Sec. 14 T. 7S R. 13E (4 acres) | |
| | 0161 | Albert Gridley | 0.02 | " | " | | | | NW corner SE¼SE¼ Sec. 14 T. 7S R. 13E (1 acre) | |
| | 0162 | H. E. Secor | 1.90 | 3-21-1903 | " | | | | N½NW¼ Sec. 24; NE¼NE¼ Sec. 23 T. 7S R. 13E | |
| | 0163 | H. S. Lower | 2.70 | " | " | | | | W½NE¼, SE¼NE¼ Sec. 24 T. 7S R. 13E | |
| | 0164 | Wesley J. Dennis | 0.80 | " | " | | | | NE¼NE¼ Sec. 24 T. 7S R. 13E | |
| | 0165 | M. J. Durfee | 2.70 | " | " | | | | R. 14E<br>E½SW¼ Sec. 13 T. 7S R. 13E; NW¼SW¼ Sec. 18 T. 7S | |
| | | | 12.9 cfs | | | | | | | |
| | | decree | | | | | | | | |
| | | Entire right may be superceeded by | | | | | | | | |
| | | Right No. 36-0022 (New Int'l Mortgage | | | | | | | | |
| | | Bank vs Idaho Power Co., 1932). | | | | | | | | |
| 36- | 0022 | Big Spring Water Users Assn. | 12.9 cfs | 3-21-1901 | NWSW | 18 | 7S | 14E | Diversion Point: Big Spring/Durfee-Secor Tunnel | |
| 36- | 0023 | Big Spring Water Users Assn. | 5.0 cfs | 4-01-1911 | NWSW | 18 | 7S | 14E | | |

MICROFILMED

LEGEND P.N. = PRIORITY NUMBER D.N. = DECREE NUMBER C.T. = CUMULATIVE TOTAL

November 23, 1982

RE: Permit No. 36-7199

Idaho Department of Parks
Statehouse Mail
Boise, ID 83720

Gentlemen:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

cc: Dave McClain
6403 Gary Lane
Boise, ID 83704

INTER-DEPARTMENT MEMO — 1

DATE 11/10

FROM Robyn

TO Loren-Southern

SUBJECT 36-7199

RECEIVED

NOV 12 1982

Department of Wate[illegible]ices
Southern District Office

Returning app- we would feel much better about approving this app if your office would do the detailed analysis which is required on the staff analysis sheet. Thanks

SIGNATURE

Form No. 202a
3/79

**State of Idaho**

**Department of Water Resources**

## APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: LH APPLICATION NUMBER: 36-7199

CHECK:

- ☑ Source.
- ☑ Point of diversion.
- ☑ County.
- ☑ Quantity of water and period of use.
- ☑ Description of diverting works.
- ☑ Time required for beneficial use of water.
- ☑ Place of use or acres irrigated.
- ☑ Map.
- ☑ Signature.
- ☑ Fee.

Field check by: LH
Date: —
Comments: I have inspected the springs by boat. The springs emerge below the water surface in the Snake River.

- ☑ Yes ☐ No Field check required.
- ☐ Yes ☑ No Critical groundwater area.
- ☐ Yes ☑ No Request dam safety information. Sent by: _____ Date: _____
- ☑ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

* Allow 1 Yr for Proof of B/U

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
- ☐ Idaho Fish and Game Department.
- ☐ Idaho Department of Lands.
- ☐ U.S. Bureau of Land Management.
- ☐ U.S. Forest Service.
- ☐ Other

PROCESSING:

- ☐ Yes ☑ No Platted by: LH Map No. BB-20
- ☐ Yes ☑ No Other rights on same place of use. _____
- ☑ Yes ☐ No* In form for advertising.
  Final date for protests: 9/20/1971 ✓
- ☑ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☑ Affidavit of publication received. Date: 9/15/71 ✓
- ☑ Application published correctly. If not, record action taken: _____
- ☑ Fee amount, receipt date & number, recorded on application.
- ☑ Publication dates and paper, recorded on application.
- ☑ Protests, dates, withdrawal, etc., recorded on application.
- ☑ Recommendation & initial, recorded on application.
- ☑ Yes ☐ No Measuring device required.
- ☐ Yes ☑ No Access port required.
- ☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____

✓ 7/12/1971 Date of priority recommended.

Special conditions of approval or cover letter. _____

By: Lauren D Hartwig Date: 11/17/82

STATE OFFICE REVIEW:

SLW/O cond

☐ See attached sheet for more information.

By: _____ Date: 11/18/82

RECEIVED
NOV 0 2 1982
Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

Department of Water Resources
NOV 0 5 1985
RECEIVED

| TRACT | SEC | TWP | RGE | gov't lot | rediv. (R) | REACH |
|---|---|---|---|---|---|---|
| ____ | __ | ___ | ___ | __ | _ | ___._ |

IDAHO STREAM CODE INDEX

___._____.______.______.______.____.___.__.__.__

| TRACT | SEC | TWP | RGE | gov't lot | rediv. (R) | REACH |
|---|---|---|---|---|---|---|
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IDAHO STREAM CODE INDEX

___._____.______.______.______.____.___.__.__.__

| TRACT | SEC | TWP | RGE | gov't lot | rediv. (R) | REACH |
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IDAHO STREAM CODE INDEX

___._____.______.______.______.____.___.__.__.__

| TRACT | SEC | TWP | RGE | gov't lot | rediv. (R) | REACH |
|---|---|---|---|---|---|---|
| ____ | __ | ___ | ___ | __ | _ | ___._ |

IDAHO STREAM CODE INDEX

___._____.______.______.______.____.___.__.__.__

| TRACT | SEC | TWP | RGE | gov't lot | rediv. (R) | REACH |
|---|---|---|---|---|---|---|
| ____ | __ | ___ | ___ | __ | _ | ___._ |

IDAHO STREAM CODE INDEX

___._____.______.______.______.____.___.__.__.__

RECEIVED
OCT 4 1982
Department of Water Resources

6403 Gary Lane
Boise, Idaho 83704
September 29, 1982

AKD

Mr. Loren Holmes
Regional Supervisor
Southern Region
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

Dear Mr. Holmes:

I am writing you as a concerned citizen and a professional environmental scientist regarding a water right filed for Blue Heart Springs (also known as Big Springs) by the Idaho Department of Parks and Recreation. The water right was filed in 1971 based on aesthetic, instream, and recreational beneficial uses. The application was protested and final disposition of the application delayed pending challenges to state laws which allowed for such beneficial use. A 1976 Idaho Supreme Court decision established that aesthetic and recreational use are indeed beneficial uses for which a water right may be established.

There is an urgent need to grant this water right. Blue Heart Springs supports one of the largest populations of cottus greenei (Shoshone Sculpin). This endemic species has been nominated to the U.S. Fish and Wildlife Service for endangered species status. Blue Heart Springs is one of only four major population areas for cottus greenei. Trout farm development is competing with cottus greenei habitats and granting the Idaho Parks and Recreation water right application will help protect this limited habitat.

The unique ecosystem that exists at Blue Heart Springs is one of the finest and most aesthetic examples of the Thousand Springs area and deserves protection and reservation as an aesthetic recreational resource.

This application should be granted and further delays require explanation. Please notify me of the hearing date for this application and any other developments regarding Blue Heart Springs. Thank you for your consideration and cooperation.

Sincerely,

Dave McClain

Dave McClain

cc: Governor John Evans
Kenneth Dunn, Director Idaho Department of Water Resources
Jerry Conley, Director, Fish and Game
Dale Christiansen, Director, Idaho Department of Parks and Recreation

September 14, 1982

Mr. Loren Holmes,
Regional Supervisor
Southern Region
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

RECEIVED
OCT 26 1982
Department of Water Resources
Southern District Office

Dear Mr. Holmes:

Please grant the water right filed for Blue Heart Springs (also known as Big Springs) by the Idaho Department of Parks and Recreation in 1971. The WR Number of this application is 36-7199, and it requests a water right of 100 cfs for aesthetics, recreation, and fisheries.

Blue Heart Springs is one of the finest of the Thousand Springs remaining, and deserves protection. It supports one of the largest populations of Shoshone sculpin, a fish species found only in the Hagerman Valley which may be in danger of extinction.

Although the water right application was protested, all the issues raised in the protest were settled in a 1976 Idaho Supreme Court case. There is no reason not to grant the application now.

Thank you for your prompt consideration of this request. Please notify me of the hearing date for this application, and any other developments concerning Blue Heart Springs and this water right application.

Sincerely,

[signature]

1622 Vermont
Boise ID

cc: Governor Evans

September 14, 1982

Mr. Loren Holmes,
Regional Supervisor
Southern Region
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

RECEIVED
OCT 26 1982
Department of Water Resources
Southern District Office

Dear Mr. Holmes:

Please grant the water right filed for Blue Heart Springs (also known as Big Springs) by the Idaho Department of Parks and Recreation in 1971. The WR Number of this application is 36-7199, and it requests a water right of 100 cfs for aesthetics, recreation, and fisheries.

Blue Heart Springs is one of the finest of the Thousand Springs remaining, and deserves protection. It supports one of the largest populations of Shoshone sculpin, a fish species found only in the Hagerman Valley which may be in danger of extinction.

Although the water right application was protested, all the issues raised in the protest were settled in a 1976 Idaho Supreme Court case. There is no reason not to grant the application now.

Thank you for your prompt consideration of this request. Please notify me of the hearing date for this application, and any other developments concerning Blue Heart Springs and this water right application.

Sincerely,

Michael Blair
Angeline C. Blair

1416½ N. 12th
Boise ID

cc: Governor Evans

8951 Wichita Drive
Boise, Idaho 83709
September 14, 1982

Mr. Loren Holmes,
Regional Supervisor
Southern Region
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

RECEIVED
OCT 20 1982
Department of Water Resources
Southern District Office

Dear Mr. Holmes:

Please grant the water right filed for Blue Heart Springs (also known as Big Springs) by the Idaho Department of Parks and Recreation in 1971. The WR Number of this application is 36-7199, and it requests a water right of 100 cfs for aesthetics, recreation, and fisheries.

Blue Heart Springs is one of the finest of the Thousand Springs remaining, and deserves protection. It supports one of the largest populations of Shoshone sculpin, a fish species found only in the Hagerman Valley which may be in danger of extinction.

Although the water right application was protested, all the issues raised in the protest were settled in a 1976 Idaho Supreme Court case. There is no reason not to grant the application now.

Thank you for your prompt consideration of this request. Please notify me of the hearing date for this application, and any other developments concerning Blue Heart Springs and this water right application.

Sincerely,

Tim Evans

Tim Evans

cc: Governor Evans

5174 Choctaw Ct.
Boise, Idaho 83706
September 14, 1982

Mr. Loren Holmes,
Regional Supervisor
Southern Region
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

RECEIVED
OCT 26 1982
Department of Water Resources
Southern District Office

Dear Mr. Holmes:

Please grant the water right filed for Blue Heart Springs (also known as Big Springs) by the Idaho Department of Parks and Recreation in 1971. The WR Number of this application is 36-7199, and it requests a water right of 100 cfs for aesthetics, recreation, and fisheries.

Blue Heart Springs is one of the finest of the Thousand Springs remaining, and deserves protection. It supports one of the largest populations of Shoshone sculpin, a fish species found only in the Hagerman Valley which may be in danger of extinction.

Although the water right application was protested, all the issues raised in the protest were settled in a 1976 Idaho Supreme Court case. There is no reason not to grant the application now.

Thank you for your prompt consideration of this request. Please notify me of the hearing date for this application, and any other developments concerning Blue Heart Springs and this water right application.

Sincerely,

Dennis Reese

Dennis Reese

cc: Governor Evans

865 South Linder
Meridian, Idaho
September 14, 1982

Mr. Loren Holmes,
Regional Supervisor
Southern Region
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

RECEIVED
OCT 26 1982
Department of Water Resources
Southern District Office

Dear Mr. Holmes:

Please grant the water right filed for Blue Heart Springs (also known as Big Springs) by the Idaho Department of Parks and Recreation in 1971. The WR Number of this application is 36-7199, and it requests a water right of 100 cfs for aesthetics, recreation, and fisheries.

Blue Heart Springs is one of the finest of the Thousand Springs remaining, and deserves protection. It supports one of the largest populations of Shoshone sculpin, a fish species found only in the Hagerman Valley which may be in danger of extinction.

Although the water right application was protested, all the issues raised in the protest were settled in a 1976 Idaho Supreme Court case. There is no reason not to grant the application now.

Thank you for your prompt consideration of this request. Please notify me of the hearing date for this application, and any other developments concerning Blue Heart Springs and this water right application.

Sincerely,

Christie Calvert

cc: Governor Evans

8951 Wichita Drive
Boise, Idaho 83709
September 12, 1982

Mr. Loren Holmes,
Regional Supervisor
Southern Region
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

RECEIVED
OCT 20 1982
Dept. of Water Resources
Southern District Office

Dear Mr. Holmes:

Please grant the water right filed for Blue Heart Springs (also known as Big Springs) by the Idaho Department of Parks and Recreation in 1971. The WR Number of this application is 36-7199, and it requests a water right of 100 cfs for aesthetics, recreation, and fisheries.

Blue Heart Springs is one of the finest of the Thousand Springs remaining, and deserves protection. It supports one of the largest populations of Shoshone sculpin, a fish species found only in the Hagerman Valley which may be in danger of extinction.

Although the water right application was protested, all the issues raised in the protest were settled in a 1976 Idaho Supreme Court case. There is no reason not to grant the application now.

Thank you for your prompt consideration of this request. Please notify me of the hearing date for this application, and any other developments concerning Blue Heart Springs and this water right application.

Sincerely,
Charlotte Evans
Charlotte Evans

cc: Governor Evans

BDF
ok to file

221½ West Washington St.
Boise, Idaho 83702
May 12, 1982

Mr. Loren Holmes,
Regional Supervisor
Southern Region
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

RECEIVED
MAY 13 1982
Department of Water Resources
Southern District Office

Dear Mr. Holmes:

I have recently learned that no action has been taken on the water right filed for Blue Heart Springs (also known as Big Springs) by the Idaho Department of Parks and Recreation back in 1971. The WR Number of this application is 36-7199. Although the application was protested, the issues raised in the protest were all settled in a 1976 Idaho Supreme Court case. There is no reason not to grant the application now.

Blue Heart Springs is one of the finest remaining Thousand Springs, and deserves protection. It supports one of the largest populations of Shoshone sculpin, which may be in danger of extinction (especially if Box Canyon and the Wiley dam are developed). I urge you to grant the 100 cfs application applied for by Parks and Recreation.

Thank you for your attention to this issue. I would appreciate being notified of the hearing date and any other developments concerning Blue Heart Springs and this water right application.

Sincerely,

Steve Kraemer

Steve Kraemer

cc: Idaho Dept. of Parks and Recreation
Committee for Idaho's High Desert



COMMITTEE FOR IDAHO'S
HIGH DESERT
P.O. BOX 463 BOISE, IDAHO 83701

11 May 1982

RECEIVED
MAY 13 1982
Department of Water Resources
Southern District Office

Mr. Loren Holmes, Director
Southern Region
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

Dear Mr. Holmes:

The Committee for Idaho's High Desert is a statewide, grassroots organization dedicated to preserving a high quality environment in Idaho's desert country. Among our objectives is the protection and enhancement of Idaho's oustanding desert waters, including those of the Thousand Springs formation.

It has recently come to our attention that there has never been a hearing or subsequent determination of water right for Blue Heart Springs (also known as Big Springs) in Gooding County, T 8 S, R 14 E, Sections 21 (SW 1/4 SW 1/4) and 28 (Lot 1). This application, WR Number 36-7199, was filed by the State of Idaho Department of Parks and Recreation almost eleven years ago, on July 12, 1971. Although the original application was protested, these protests were based on legal challenge to the right of the State to appropriate water for non-consumptive uses, a right which was upheld in court more that five years ago. None of the protestants contested the use of Blue Heart Springs water specifically, nor listed competing potential uses or applications.

Blue Heart Springs is one of the finest remaining Thousand Springs, supporting one of the healthiest populations remaining of the highly restricted Shoshone sculpin. It contains a healthy, highly limited aquatic ecosystem, and provides an outstanding example of what many of the springs in the area were one like. For these reasons, the Committee for Idaho's High Desert supports granting the 100 cfs application filed by the State for Recreational and Aesthetic uses. We urge you to schedule hearings on this application at the earliest possible date.

Please ensure that the Committee for Idaho's High Desert is informed of the hearing date set for this application, and on any other matters which relate to this application and Blue Heart Springs. Thank you for your prompt consideration of this matter.

Sincerely,
COMMITTEE FOR IDAHO'S
HIGH DESERT

by _____
Bruce R. Boccard,
Chairman

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 786

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO WATERS APPROPRIATED IN TRUST FOR THE PEOPLE; AMENDING SECTION 67-4310, IDAHO CODE, TO PROVIDE FOR RESERVATION OF THE WATER OF BOX CANYON SPRINGS FOR NATURAL SCIENTIFIC STUDY AND LIMITED RECREATIONAL PURPOSES, TO DECLARE THE NATURAL CHANNEL OF BOX CANYON CREEK TO BE APPROPRIATE AND DESIRABLE FOR NATURAL SCIENTIFIC STUDIES AND LIMITED RECREATION, AUTHORIZING THE STATE BOARD OF LAND COMMISSIONERS TO ADJUST THE BOUNDARIES PREVIOUSLY ESTABLISHED BY SECTION 67-4310, IDAHO CODE, BY NEGOTIATION WITH THE OWNER OF THE LANDS, PROVIDING LEGISLATIVE FINDINGS REGARDING THE WATERS OF BOX CANYON SPRINGS AND THE CHANNEL OF BOX CANYON CREEK; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-4310, Idaho Code, be, and the same is hereby amended to read as follows:

67-4310. BOX CANYON -- APPROPRIATION OF WATERS IN TRUST FOR PEOPLE -- LANDS DEVOTED TO NATURAL SCIENTIFIC STUDY AND LIMITED RECREATIONAL USE -- LEGISLATIVE FINDING OF FACT CONCERNING DESIRABILITY OF PUBLIC USE OF WATER AND PRIVATE LAND WITHIN UPPER BOX CANYON -- LEGISLATIVE DIRECTION FOR CO-OPERATION BY STATE AGENCIES TO FACILITATE NEGOTIATIONS. The park and recreation board is hereby authorized and directed to appropriate in trust for the people of the state of Idaho the unappropriated natural spring flow arising upon the area described as follows, to-wit:

Only that portion of the stream which is known as Box Canyon Creek, situated in the northwest quarter (NW 1/4) of section ~~twenty-seven-(27)~~, township ~~eight-(8)~~ south, range ~~fourteen-(14)~~ east of the Boise Meridian; and

The east half (E 1/2) of the northeast quarter (NE 1/4), in section ~~twenty-eight-(28)~~, township ~~eight-(8)~~ south, range ~~fourteen--(14)~~ east of the Boise Meridian.

The preservation of water in the area described for its scenic beauty, natural scientific study value, and limited recreational purposes necessary and desirable for all citizens of the state of Idaho is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the park and recreation board or the permit issued in connection therewith, but license shall issue at any time upon proof of beneficial use to which said waters are now dedicated.

The park and recreation board, or its successor, shall be deemed to be the holder of such permit, in trust for the people of the state, and the public use of the waters in the specific area herein described is declared to be of greater priority than any other use except that of domestic consumption.

~~The--unappropriated--lands-belonging-to-the-state-of-Idaho-between-high water-mark-on-one-(1)-bank-to-the-high-water-mark-on-the-opposite-bank;--of~~

The park and recreation board, or its successor, shall be deemed to be the holder of such permit, in trust for the people of the state, and the public use of the waters in the specific area herein described is declared to be of greater priority than any other use except that of domestic consumption.

The unappropriated lands belonging to the state of Idaho between high water mark on one (1) bank to the high water mark on the opposite bank, of the area described, are hereby declared to be devoted to a public use in connection with the preservation of the area in its present condition as a place of recreation for the citizens of the state of Idaho. [I.C., § 67-4310, as added by 1971, ch. 207, § 4, p. 912; am. 1974, ch. 8, § 15, p. 35.]

**67-4311. [Thousand Springs] — Appropriation of waters in trust for people — Lands devoted to recreational use upon cessation of electrical generation.** — Upon cessation of the use of the waters arising upon the land described herein, for electrical generation, the park and recreation board is hereby authorized and directed to appropriate in trust for the people of the state of Idaho the unappropriated natural spring flow arising upon the area described as follows, to-wit:

The west half (1/2) of the southeast quarter (1/4), of section eight, (8), township eight (8) south, range fourteen (14) east of the Boise Meridian.

The preservation of water in the area described for its scenic beauty and recreational purposes necessary and desirable for all citizens of the state of Idaho is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the park and recreation board or the permit issued in connection therewith, but license shall issue at any time upon proof of beneficial use to which said waters are now dedicated.

The park and recreation board, or its successor, shall be deemed to be the holder of such permit, in trust for the people of the state, and the use of the unappropriated water in the specific area herein described is declared to be of greater priority than any other use except that of domestic consumption. [I.C., § 67-4311, as added by 1971, ch. 207, § 5, p. 912; am. 1974, ch. 8, § 16, p. 35.]

**Compiler's notes.** Section 6 of S.L. 1971, ch. 207, read "The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act."

**67-4312. Permits for appropriation under sections 67-4307 — 67-4311.** — The permits for the waters described in this act shall be issued upon the determination by the director of the department of water resources of the historical water flow and he shall issue a permit for only that amount. Any future appropriation of the waters specifically described in this act that are granted above the flow limits set by the director shall not involve any diversion that shall detract from or interfere with the geological interpretive value, historical significance, or the scenic attraction for public use under the administration of the park and recreation board of the stream from the

The park and recreation board, or its successor, shall be deemed to be the holder of such permit, in trust for the people of the state, and the public use of the waters in the specific area herein described is declared to be of greater priority than any other use except that of domestic consumption. [I.C., § 67-4308, as added by 1971, ch. 207, § 2, p. 912; am. 1974, ch. 8, § 13, p. 35.]

67-4309. [Big Springs] — Appropriation of waters in trust for people. — The park and recreation board is hereby authorized and directed to appropriate in trust for the people of the state of Idaho the unappropriated natural spring flow arising upon the area described as follows, to-wit:

That portion of the southwest quarter (¼) of the southwest quarter (¼) of section twenty-one (21) and lot one (1) of section twenty-eight (28), township eight (8) south, range fourteen (14) east of the Boise Meridian, which constitutes the Big Springs, but, excluding the streams known as the Snake River.

The preservation of water in the area described, known locally as Big Springs, Heart, or Blue Heart Springs, for its scenic beauty and recreational purposes necessary and desirable for all citizens of the state of Idaho is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the park and recreation board or the permit issued in connection therewith, but license shall issue at any time upon proof of beneficial use to which said waters are now dedicated.

The park and recreation board, or its successor, shall be deemed to be the holder of such permit, in trust for the people of the state, and the public use of the waters in the specific area herein described is declared to be of greater priority than any other use except that of domestic consumption. [I.C., § 67-4309, as added by 1971, ch. 207, § 3, p. 912; am. 1974, ch. 8, § 14, p. 35.]

67-4310. [Box Canyon] — Appropriation of waters in trust for people — Lands devoted to recreational use. — The park and recreation board is hereby authorized and directed to appropriate in trust for the people of the state of Idaho the unappropriated natural spring flow arising upon the area described as follows, to-wit:

Only that portion of the stream which is known as Box Canyon Creek, situated in the northwest quarter (¼) of section twenty-seven (27), township eight (8) south, range fourteen (14) east of the Boise Meridian; and

The east half (½) of the northeast quarter (¼), in section twenty-eight (28), township eight (8) south, range fourteen (14) east of the Boise Meridian.

The preservation of water in the area described for its scenic beauty and recreational purposes necessary and desirable for all citizens of the state of Idaho is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the park and recreation board or the permit issued in connection therewith, but license shall issue at any time upon proof of beneficial use to which said waters are now dedicated.

The south half (S 2) of the southwest quarter (SW 4), and the south half (S 2) of the southeast quarter (SE 4), of section twenty-five (25), township six (6) south, range thirteen (13) east of the Boise Meridian; and

The north half (N 2) of the northwest quarter (NW 4), and the northwest quarter (NW 4) of the northeast quarter (NE 4), of section thirty-six (36), township six (6) south, range thirteen (13) east of the Boise Meridian.

The preservation of water in the area described for its scenic beauty and recreational purposes necessary and desirable for all citizens of the state of Idaho is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the park and recreation board or the permit issued in connection therewith, but license shall issue at any time upon proof of beneficial use to which said waters are now dedicated.

The park and recreation board, or its successor, shall be deemed to be the holder of such permit, in trust for the people of the state, and the public use of the unappropriated water in the specific area herein described is declared to be of greater priority than any other use except that of domestic consumption.

The unappropriated lands belonging to the state of Idaho between the high water mark on one (1) bank to the high water mark on the opposite bank, of the area described, are hereby declared to be devoted to a public use in connection with the preservation of the area in its present condition as a place of recreation for the citizens of the state of Idaho. [I.C., § 67-4307, as added by 1971, ch. 207, § 1, p. 912; am. 1974, ch. 8, § 12, p. 35.]

**Compiler's notes.** Section 11 of S.L. 1974, ch. 8 is compiled herein as § 67-4231.

**Construction.**

Although I.C. § 42-202 requires a proposal for physical diversion in order to get a permit to appropriate water, such a requirement does not apply to this section since where a general and specific statute deal with same subject and are in conflict, the provisions of the more specific (this section) control. In re Permit Application No. 37-7105, 96 Idaho 440, 530 P.2d 924 (1974).

**67-4308. [Niagra Springs] — Appropriation of waters in trust for people.** — The park and recreation board is hereby authorized and directed to appropriate in trust for the people of the state of Idaho the unappropriated natural spring flow arising upon the area described as follows, to-wit:

That portion of lot one (1), of section ten (10), and lot three (3), of section eleven (11), township nine (9) south, range fifteen (15) east of the Boise Meridian, which is locally known as the Niagra Springs and limited to that portion of Niagra Springs upstream from the present existing diversions to the headwaters of the springs.

The preservation of water in the area described for its scenic beauty and recreational purposes necessary and desirable for all citizens of the state of Idaho is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the park and recreation board or the permit issued in connection therewith, but license shall issue at any time upon proof of beneficial use to which said waters are now dedicated.

**67-4304. Priest, Pend d'Oreille, and Coeur d'Alene Lakes — Appropriation of waters in trust for people.** — The governor is hereby authorized and directed to appropriate in trust for the people of the state of Idaho all the unappropriated water of Priest, Pend d'Oreille and Coeur d'Alene Lakes or so much thereof as may be necessary to preserve said lakes in their present condition. The preservation of said water in said lakes for scenic beauty, health, recreation, transportation and commercial purposes necessary and desirable for all the inhabitants of the state is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the governor or the permit issued in connection therewith, and no proof of completion of any works of diversion shall be required, but license shall issue at any time upon proof of beneficial use to which said waters are now devoted.

Each succeeding governor in office shall be deemed to be a holder of such permit, in trust for the people of the state. [1927, ch. 2, § 1, p. 6; I.C.A., § 65-4004.]

**Cross ref.** Outlet control structure located in Priest River, § 70-501 et seq.

**Cited in:** West v. Smith (1973), 95 Idaho 550, 511 P.2d 1326

**67-4305. Priest, Pend d'Oreille, and Coeur d'Alene Lakes — Lands devoted to health and recreational use.** — The lands belonging to the state of Idaho between high and low water mark at said lakes as well as all other lands of the state adjacent to said lake, until the same are disposed of by the state board of land commissioners, are hereby declared to be devoted to a public use in connection with the preservation of said lakes in their present condition as a health resort and recreation place for the inhabitants of the state and said public use is hereby declared to be a more necessary use than the use of said lands as a storage reservoir for irrigation or power purposes. [1927, ch. 2, § 2, p. 6; I.C.A., § 65-4005.]

**Cited in:** West v. Smith (1973), 95 Idaho 550, 511 P.2d 1326

**67-4306. Priest, Pend d'Oreille, and Coeur d'Alene Lakes — Separability of act.** — If any part of this act shall be adjudged to be invalid, such judgment shall not affect, impair or invalidate any part of the remainder. [1927, ch. 2, § 3, p. 6; I.C.A., § 65-4006.]

**Compiler's notes.** The words "this act" refer to S.L. 1927, ch. 2, which is compiled herein as §§ 67-4304 — 67-4306.

Section 4 of S.L. 1927, ch. 2 declared an emergency. Approved January 24, 1927.

**67-4307. Malad Canyon — Appropriation of waters in trust for people — Lands devoted to recreational use.** — The park and recreation board is hereby authorized and directed to appropriate in trust for the people of the state of Idaho the unappropriated natural spring flow arising upon the area described as follows, to-wit:

~~the--area--described,-are-hereby-declared-to-be-devoted-to-a~~ It is a legislative finding of fact that the waters arising upon the above described tract within the natural channel of Box Canyon Creek and the private lands within the confines of the canyon walls are desirable for public use in connection with the preservation of the area in its present condition as a place ~~of~~ for natural scientific studies and limited recreation for the citizens of the state of Idaho.

The state board of land commissioners is hereby authorized to adjust the boundary established by the provisions of this section by excluding from the operation of this section those lands and waters lying downstream from a point one hundred (100) feet downstream from the crest of the falls in the west half (W 1/2) of the northwest quarter (NW 1/4) of section 27, township 8 south, range 14 east, Boise Meridian, provided they are successful in negotiating with the present landowner, or his successors, those restrictive covenants deemed necessary by the board to promote the public interest for the canyon lands as well as for the waters arising within that canyon, all as declared by this section, and the state board of land commissioners is authorized to expedite the negotiations with the landowner so far as is consistent with the public interest. In order to facilitate these negotiations, all concerned state agencies, namely the department of water resources, the department of fish and game, and the department of parks and recreation are hereby instructed to cooperate with the state board of land commissioners and with the property owner as necessary to assist the orderly, factual, and amicable process of negotiation between the state board of land commissioners and the property owner.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
ATTORNEYS AT LAW
P. O. BOX 1906
TWIN FALLS, IDAHO 83301
TELEPHONE (208) 734-0700

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

SUN VALLEY-KETCHUM OFFICE
P.O. BOX 2399
SUN VALLEY, IDAHO 83353
TELEPHONE (208) 726-4491

RECEIVED
JUN 12 1981
Department of Water Resources

May 28, 1981

RECEIVED
JUN 1 1981
Department of Water Resources
Southern District Office

SDF
K to file

Mr. Loren O. Holmes
Southern Region Supervisor
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Re: Applications for Permit No. 36-7198, 36-7199, 36-7200 - Box Canyon Creek, Big Springs and Niargra Springs

Dear Loren:

I have been authorized by the Idaho Water Users Association, and the Boards of Directors of the Twin Falls Canal Company and the North Side Canal Company to withdraw all protests to the above three applications which were filed pursuant to the adoption of Idaho Code § 67-4307. The case of State Department of Parks vs. Idaho Department of Water Administration decided by the Idaho Supreme Court on December 31, 1974, (96 Idaho 440, 530 P.2d 924) decided all of the issues on our protest adverse to our protest.

We thought the matter had been disposed of since the Supreme Court decision, and hereby officially withdraw the protest.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:bg

cc: Sherl Chapman
Warren Travis
Ted Diehl

RECEIVED
JUN 1 1981
Department of Water Resources
Southern District Office

PROTESTANTS:

1. RIM VIEW TROUT COMPANY, INC.
2903 West Idaho Street
Boise, Idaho 83702
Attorney:
Jay F. Bates
Bakes, Ward & Bates
612 Hays Street
Boise, Idaho 83702

2. BOISE PROJECT BOARD OF CONTROL
Gayle Johnson, Chairman
214 Broadway
Boise, Idaho 83702

3. GEM IRRIGATION DISTRICT -and-
SOUTH BOARD OF CONTROL, OWYHEE PROJECT
Tom Cotton, Sec.-Mgr.
Box 67
Homedale, Idaho 83628

4. IDAHO STATE RECLAMATION ASSN.
Jack A. Barnett
520 Idaho Bldg.
Boise, Idaho 83702

5. AL DAISS
P.O. Box 643
Buhl, Idaho 83316

6. LESTER BORNT
Holtville, California
Attorney:
John A. Rosholt
Parry, Robertson, Daly & Larson
P.O. Box 525
Twin Falls, Idaho 83301

7. JOE GORMAN
Route # 2
Buhl, Idaho 83316

8. MOUNTAIN VIEW IRRIGATION CO., INC.
Twin Falls, Idaho 83301
Attorney:
T. V. Behm
P.O. Box 306
Buhl, Idaho 83316

9. EDNA WERTH
Route # 2
Buhl, Idaho 83316

10. EARL M. HARDY & RICHARD KASTER
1220 Vista Ave., Boise & Hagerman, Idaho
Attorney:
John A. Rosholt
Parry, Robertson, Daly & Larson
P.O. Box 525
Twin Falls, Idaho 83301

11. NORTH SIDE CANAL CO., LTD.
921 North Lincoln
Jerome, Idaho 83338

12. DEL KOHTZ
439 Van Buren
Twin Falls, Idaho 83301

13. TWIN FALLS CANAL COMPANY
Tom Olmstead, Pres.
Twin Falls, Idaho 83301
163 - 2nd Ave. West

36-7198 - Box Canyon Creek

2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13

36-7199 - Big Springs

2, 3, 4, 11, 13

36-7200 - Niagra Springs

1, 2, 3, 4, 6, 11, 13

37-7108 - Springs in Malad Canyon

2, 3, 4, 11, 13

Gem Irrigation District

Ridgeview Irrigation District

# South Board of Control, Owyhee Project

Homedale, Idaho 83628

Phone 337-3760

Beverly Fisher
Treasurer

Tom Cotton
Secy.-Mgr.

September 17, 1971

Mr. Keith Higginson, Director
Idaho Dept. of Water Administration
Statehouse Annex
Boise, Idaho 83707

Dear Mr. Higginson,

The Gem Irrigation District and the South Board of Control, Owyhee Project; wish to protest the following Notice of Application for Water Permitt, application No. 37-7108, Springs in Malad Canyon, 1260 cu. ft./sec.; No. 36-7198, Box Canyon Creek, 850 c.f.s.; No. 36-7200, Niagra Springs, 264 c.f.s.; No. 36-7199, Big Springs, 100 c.f.s.

The applications are made in the name of Idaho Dept. of Parks, in trust for the people of the State of Idaho whose address is Statehouse; Boise, Idaho.

Our objections to these applications are as follows: (1) There is no point of diversion (Idaho Code,42-202 point 4); (2) Scenic beauty and recreation is not a recognized beneficial use listed in the Idaho Constitution; (3) The application is vague and indefinite in that it does not state what use the water would perform, how the area would be maintained and administered, provisions for access to the mentioned sites or actual quanity of water to be filed on; (4) Constitutional question as to whether the State has right to appropriate water; (5) The Dept. of Parks does not mention financial ability to develop these areas and probably cannot at this time since there has been no appropriation made for such and no assurance that there will be.

Yours very truly,

Tom Cotton

Tom Cotton, Secty.-Mgr.
Gem Irrigation District and
South Board of Control
Box 67
Homedale, Idaho 83628

GAYLE JOHNSON
CHAIRMAN OF THE BOARD
ISAAC BLICKENSTAFF
VICE CHAIRMAN OF THE BOARD
ROYSE VAN CUREN
PROJECT MANAGER
W. J. FARRELL
SECRETARY-TREASURER

REFERENCE--FIRST SECURITY BANK OF IDAHO--BOISE
THE IDAHO FIRST NATIONAL BANK--BOISE
BUREAU OF RECLAMATION--BOISE, IDAHO; WASHINGTON, D. C.

OPERATING AGENCY FOR 167,000
ACRES FOR THE FOLLOWING
IRRIGATION DISTRICTS:
NAMPA & MERIDIAN DISTRICT
BOISE-KUNA DISTRICT
WILDER DISTRICT
NEW YORK DISTRICT
BIG BEND DISTRICT

# BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U. S RECLAMATION PROJECT)
214 BROADWAY
BOISE, IDAHO 83702

RECEIVED
1971
Department of Water Administration

September 20, 1971

Mr. R. Keith Higginson, Director
State of Idaho, Department of Water Administration
Statehouse
Boise, Idaho

re: Applications 36-7198
36-7199
36-7200
37-7108

Dear Mr. Higginson:

In order to bring the issue to a focus, the Boise Project Board of Control does hereby protest the Idaho State Parks Department's filing of applications to appropriate water for scenic and recreational uses from springs in the Thousand Springs area. Recognizing that the recently passed House Bill 69 instructed the Parks Department to file applications, there still appears to be too much departure from constitutional right, many earlier statutes, and tradition of long standing.

Hopefully the end result of this protest, and there should be many more if the irrigation people have kept in touch, would be a public hearing relating to the applications. Possibly to completely erase any doubt, the instruction in House Bill 69 should be tested in court.

Please accept our thanks in advance for whatever consideration you can give this matter.

Sincerely,

Gayle Johnson

Gayle Johnson
Chairman

RVC:jb

CC: Raymond D. Givens
Big Bend Irrigation District
Boise-Kuna Irrigation District
New York Irrigation District
Nampa and Meridian Irrigation District
Wilder Irrigation District

BDF

RECEIVED
SEP 21 1971
Department of Water Administration

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

In the Matter of the Applications for Permit No. 36-7198, 36-7199, 36-7200 & 37-7108 of the Idaho Department of Parks.

PROTEST

COMES NOW, the North Side Canal Company Limited, a non-profit irrigation organization, deposes and says:

1. That the North Side Canal Company Limited is a Carey Act irrigation operating company which supplies irrigation water for more than 160,000 acres of land in Jerome, Gooding and Elmore Counites.

2. That the canal company has acquired water rights under existing state law and by the delivery of the water represented thereby, have fostered the irrigation and agricultural development of the lands above referred to.

3. The canal company's Board of Directors have authorized the officers to file official protests to those applications for permit filed pursuant to House Bill 69, as passed by the First Regular Session of the Forty-First Idaho Legislature.

NOW, THEREFORE, the North Side Canal Company Limited protests Applications Numbers 36-7198, 36-7199, 36-7200 and 37-7108, and prays that they be denied as follows:

1. That Application for Permit Number 36-7198, 36-7199, 36-7200 and 37-7108 be denied as violative of the Idaho Constitution, Article 15, Section 3, as interpreted by the Idaho Supreme Court in the case of State Water Conservation Board of the State of Idaho v. Enking, 56 Idaho 722, 58 Pac. 2d 779 (1936).

2. That House Bill 69, and a permit issued pursuant to Applications No. 36-7198, 36-7199, 36-7200, and 37-7108 would allow the appropriation of water in Idaho without the necessity of a diversion of the water, contrary to Idaho State law.

3. That House Bill 69 and Application No. 36-7198, 36-7199, 36-7200, and 37-7108 filed pursuant thereto would establish both "scenic beauty" and "recreational purposes" as beneficial uses of water under the provisions of said application, neither of which alleged beneficiary uses are recognized by the Constitution and Statutes of the State of Idaho, and the issuance of a permit for those purposes would be contrary to Idaho law.

4. That the enactment of House Bill 69 by the First Regular Session of the Forty-First Idaho Legislature and the issuance of a permit as per Application No. 36-7198, 36-7199, 36-7200, and 37-7108 would establish precedent from which one could logically conclude that a State agency or a member of the general public could appropriate all existing waters in the State of Idaho, in their natural state, over and above existing water rights, for aesthetic purposes, ultimately blocking the future development of consumptive water uses in Idaho.

5. That House Bill 69 as passed by the First Regular Session of the Forty-First Idaho Legislature and the issuance of a permit pursuant to Application No. 36-7198, 36-7199, 36-7200 and 37-7108 might possibly be interpreted as eroding valid and existing water rights by the precedent that public uses are highest as among uses to the exclusion of other uses, and give rise to the argument that waters in Idaho were being used for aesthetic purposes prior to any consumptive use, possibly depriving existing water right holders of their just entitlements.

DATED: September 20, 1971.

NORTH SIDE CANAL COMPANY LIMITED

By: _____
President

ATTEST:

_____
Secretary

STATE OF IDAHO )
Jerome ) ss.
County of ~~Twin Falls~~ )

O J. Marshall, being duly sworn on behalf of North Side Canal Company Limited, a corporation, says:

That he is the President of said corporation; that he has read the foregoing Protest, knows the contents thereof, and believes the same to be true.

O J Marshall

SUBSCRIBED AND SWORN TO BEFORE ME, this 20 day of September, 1971.

William T. Smith
NOTARY PUBLIC IN AND FOR IDAHO
Residing at: Jerome

(SEAL)

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Department of Water Administration

BDF

In the Matter of the Applications for Permit No. 36-7198, 36-7199, 36-7200 & 37-7108 of the Idaho Department of Parks.

PROTEST

COMES NOW, the Twin Falls Canal Company, an irrigation organization, deposes and says:

1. That the Twin Falls Canal Company, is a Carey Act irrigation operating company which has existing water rights under Idaho State law, and delivers the water represented thereby to some 202,000 acres in Twin Falls County.

2. That the Twin Falls Canal Company represents an integrated farming operation and has been able to acquire and supply adequate water for continued agricultural use.

3. The canal company's Board of Directors have authorized the officers to file official protests to those applications for permit filed pursuant to House Bill 69, as passed by the First Regular Session of the Forty-First Idaho Legislature.

NOW, THEREFORE, the Twin Falls Canal Company protests Applications Numbers 36-7198, 36-7199, 36-7200 and 37-7108, and prays that they be denied as follows:

1. That Applications for Permits Number 36-7198, 36-7199, 36-7200 and 37-7108, be denied as violative of the Idaho Constitution, Article 15, Section 3, as interpreted by the Idaho Supreme Court in the case of State Water Conservation Board of the State of Idaho v. Enking, 56 Idaho 722, 58 Pac. 2d 779 (1936).

2. That House Bill 69, and a permit issued pursuant to Application No. 36-7198, 36-7199, 36-7200 and 37-7108 would allow the appropriation of water in Idaho without the necessity of a diversion of the water, contrary to Idaho State law.

3. That House Bill 69 and Application No. 36-7198, 36-7199, 36-7200, and 37-7108 filed pursuant thereto would establish both "scenic beauty" and "recreational purposes" as beneficial uses of water under the provisions of said application, neither of which alleged beneficiary uses are recognized by the Constitution and Statutes of the State of Idaho, and the issuance of a permit for those purposes would be contrary to Idaho law.

4. That the enactment of House Bill 69 by the First Regular Session of the Forty-First Idaho Legislature and the issuance of a permit as per Applications No. 36-7198, 36-7199, 36-7200, and 37-7108 would establish precedent from which one could logically conclude that a State agency or a member of the general public could appropriate all existing waters in the State of Idaho, in their natural state, over and above existing water rights, for aesthetic purposes, ultimately blocking the future development of consumptive water uses in Idaho.

5. That House Bill 69 as passed by the First Regular Session of the Forty-First Idaho Legislature and the issuance of a permit pursuant to Applications No. 36-7198, 36-7199, 36-7200, and 37-7108 might possibly be interpreted as eroding valid and existing water rights by the precedent that public uses are highest as among uses to the exclusion of other uses, and give rise to the argument that waters in Idaho were being used for aesthetic purposes prior to any consumptive use, possibly depriving existing water right holders of their just entitlements.

DATED: September 20, 1971.

TWIN FALLS CANAL COMPANY

By: Tom Olmstead
President

ATTEST:

Robert L. Clay
Asst. Secretary

STATE OF IDAHO )
) ss.
County of Twin Falls )

Tom Olmstead, being duly sworn on behalf of Twin Falls Canal Company, a corporation, says:

That he is the President of said corporation; that he has read the foregoing Protest, knows the contents thereof, and believes the same to be true.

Tom Olmstead

SUBSCRIBED AND SWORN TO BEFORE ME, this 21st day of September, 1971.

Susan A. Roshoct
NOTARY PUBLIC IN AND FOR IDAHO
Residing at: Twin Falls

(SEAL)

STATE OF IDAHO )
) ss.
County of Ada )

JACK A. BARNETT, being duly sworn on behalf of Idaho State Reclamation Association, a corporation, says:

That he is an officer of said corporation; that he has read the foregoing Protest, knows the contents thereof, and believes the same to be true.

Jack A. Barnett

SUBSCRIBED AND SWORN TO BEFORE ME, this 20 day of September, 1971.

Donald W. McEdge
NOTARY PUBLIC IN AND FOR IDAHO
Residing at: Boise, Idaho

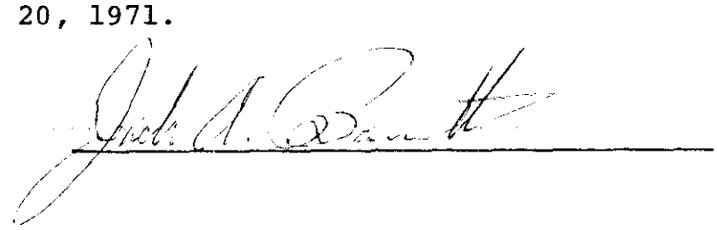
(SEAL)

3. That House Bill 69 and Application No. 36-7199 filed pursuant thereto would establish both "scenic beauty" and "recreational purposes" as beneficial uses of water under the provisions of said application, neither of which alleged beneficiary uses are recognized by the Constitution and Statutes of the State of Idaho, and the issuance of a permit for those purposes would be contrary to Idaho law.

4. That the enactment of House Bill 69 by the First Regular Session of the Forty-First Idaho Legislature and the issuance of a permit as per Application No. 36-7199 would establish precedent from which one could logically conclude that a State agency or a member of the general public could appropriate all existing waters in the State of Idaho, in their natural state, over and above existing water rights, for aesthetic purposes, ultimately blocking the future development of consumptive water uses in Idaho.

5. That House Bill 69 as passed by the First Regular Session of the Forty-First Idaho Legislature and the issuance of a permit pursuant to Application No. 36-7199 might possibly be interpreted as eroding valid and existing water rights by the precedent that public uses are highest as among uses to the exclusion of other uses, and give rise to the argument that waters in Idaho were being used for aesthetic purposes prior to any consumptive use, possibly depriving existing water right holders of their just entitlements.

DATED: September 20, 1971.



BDF

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

| | | |
|---|---|---|
| In the Matter of the Application for Permit No. 36-7199 of the Idaho Department of Parks. | ) ) ) ) ) | PROTEST |

COMES NOW, the Idaho State Reclamation Association, a non-profit corporation, deposes and says:

1. That the Association represents irrigation organizations and individuals who irrigate more than two million acres of land in Idaho.

2. That the Association is dedicated to the protection of existing water rights duly established under Idaho State law, and favors the acquisition of adequate water supplies for lands already under cultivation, as well as the orderly and optimum development of the water resources within Idaho.

3. The Association's Board of Directors have authorized the officers to file official protests to those applications for permit filed pursuant to House Bill 69, as passed by the First Regular Session of the Forty-First Idaho Legislature.

NOW, THEREFORE, the Idaho State Reclamation Association protests Application Number 36-7199 and prays that it be denied as follows:

1. That Application for Permit Number 36-7199 be denied as violative of the Idaho Constitution, Article 15, Section 3, as interpreted by the Idaho Supreme Court in the case of State Water Conservation Board of the State of Idaho v. Enking, 56 Idaho 722, 58 Pac. 2d 779 (1936).

2. That House Bill 69, and a permit issued pursuant to Application No. 36-7199 would allow the appropriation of water in Idaho without the necessity of a "diversion of the water, contrary to Idaho State law.

1525 Hyland
Boise ID 83705
18 October 1982

Mr. Loren Holmes
Regional Supervisor
Southern Region, IDWR
1041 Blue Lakes Blvd North
Twin Falls ID 83301

RECEIVED
OCT 21 1982
Department of Water Resources
Southern District Office

Dear Mr. Holmes

I have recently been advised that Blue Heart Springs, one of the few remaining natural springs in the Thousand Springs area, could be developed. Apparently, the Id. Dept. of Parks and Recreation filed a water right application for the spring (#36-7199). Although the application was protested, an Idaho Supreme Court decision stating that aesthetics & recreation are beneficial uses, settled the issue.

There is an urgent need to grant this water right. In my short twenty seven years, I have watched commercial fish farming "take over" most springs in the area. Blue Heart is not only unique in its survival (so far), it supports one of the largest populations of Shoshone sculpin. This fish is found only in Hagerman Valley and

extensive fish farming in the area may be driving it to extinction. It has been nominated for endangered status to the U.S. Fish & Wildlife.

Blue Heart spring is also a popular recreation area. The springs bubble up from the sandy bottom giving the illusion that the sand is boiling. Set in a heart-shaped, basaltic cove, the crystal clear water attracts skin divers, swimmers, photographers, boaters, & picnickers. The springs value for aesthetics, recreation, & shoshone sculpin habitat is extremely valuable.

Please grant the water right to the Idaho Dept. of Parks & Recreation for aesthetic & recreation beneficial use. Also, please notify me of any developments on the issue. Thank You for your prompt consideration.

Sincerely,
Susanne Vader

cc: Governor John Evans, Kenneth Dunn, Jerry Conley, Dale Christianson,

INTER-DEPARTMENT MEMO — 1

FROM Loren Holmes

DATE 10/25/82

TO State Office

SUBJECT 36-7199

I didn't realize till now that the last remaining Protests against this application were withdrawn by John Roskelt's letter Received 6/1/81

Approval is recommended.

Loren

SIGNATURE

RECEIVED

September 14, 1982

Mr. Loren Holmes,
Regional Supervisor
Southern Region
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

Dear Mr. Holmes:

Please grant the water right filed for Blue Heart Springs (also known as Big Springs) by the Idaho Department of Parks and Recreation in 1971. The WR Number of this application is 36-7199, and it requests a water right of 100 cfs for aesthetics, recreation, and fisheries.

Blue Heart Springs is one of the finest of the Thousand Springs remaining, and deserves protection. It supports one of the largest populations of Shoshone sculpin, a fish species found only in the Hagerman Valley which may be in danger of extinction.

Although the water right application was protested, all the issues raised in the protest were settled in a 1976 Idaho Supreme Court case. There is no reason not to grant the application now.

Thank you for your prompt consideration of this request. Please notify me of the hearing date for this application, and any other developments concerning Blue Heart Springs and this water right application.

Sincerely,

T.B. Vandenberg

cc: Governor Evans

September 14, 1982

Mr. Loren Holmes,
Regional Supervisor
Southern Region
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

RECEIVED
OCT 14
Department of Water Resources
Southern District

Dear Mr. Holmes:

Please grant the water right filed for Blue Heart Springs (also known as Big Springs) by the Idaho Department of Parks and Recreation in 1971. The WR Number of this application is 36-7199, and it requests a water right of 100 cfs for aesthetics, recreation, and fisheries.

Blue Heart Springs is one of the finest of the Thousand Springs remaining, and deserves protection. It supports one of the largest populations of Shoshone sculpin, a fish species found only in the Hagerman Valley which may be in danger of extinction.

Although the water right application was protested, all the issues raised in the protest were settled in a 1976 Idaho Supreme Court case. There is no reason not to grant the application now.

Thank you for your prompt consideration of this request. Please notify me of the hearing date for this application, and any other developments concerning Blue Heart Springs and this water right application.

Sincerely,

Jan Moore

cc: Governor Evans

2106 Harrison .
Boise, Idaho 83702
September 14, 1982

Mr. Loren Holmes,
Regional Supervisor
Southern Region
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

RECEIVED
OCT 14 1982
Department of Water Resources
Southern District Office

Dear Mr. Holmes:

Please grant the water right filed for Blue Heart Springs (also known as Big Springs) by the Idaho Department of Parks and Recreation in 1971. The WR Number of this application is 36-7199, and it requests a water right of 100 cfs for aesthetics, recreation, and fisheries.

Blue Heart Springs is one of the finest of the Thousand Springs remaining, and deserves protection. It supports one of the largest populations of Shoshone sculpin, a fish species found only in the Hagerman Valley which may be in danger of extinction.

Although the water right application was protested, all the issues raised in the protest were settled in a 1976 Idaho Supreme Court case. There is no reason not to grant the application now.

Thank you for your prompt consideration of this request. Please notify me of the hearing date for this application, and any other developments concerning Blue Heart Springs and this water right application.

Sincerely,

Rick Johnson

cc: Governor Evans

1704 Robert Street
Boise, Idaho 83705
September 14, 1982

Mr. Loren Holmes,
Regional Supervisor
Southern Region
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

RECEIVED
OCT 7 1982
Department of Water Resources
Southern District Office

Dear Mr. Holmes:

Please grant the water right filed for Blue Heart Springs (also known as Big Springs) by the Idaho Department of Parks and Recreation in 1971. The WR Number of this application is 36-7199, and it requests a water right of 100 cfs for aesthetics, recreation, and fisheries.

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Although the water right application was protested, all the issues raised in the protest were settled in a 1976 Idaho Supreme Court case. There is no reason not to grant the application now.

Thank you for your prompt consideration of this request. Please notify me of the hearing date for this application, and any other developments concerning Blue Heart Springs and this water right application.

Sincerely,

Phil Miller

cc: Governor Evans

September 14, 1982

Mr. Loren Holmes,
Regional Supervisor
Southern Region
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

RECEIVED
OCT ~ 1982
Department of Water Resources
Southern Region Office

Dear Mr. Holmes:

Please grant the water right filed for Blue Heart Springs (also known as Big Springs) by the Idaho Department of Parks and Recreation in 1971. The WR Number of this application is 36-7199, and it requests a water right of 100 cfs for aesthetics, recreation, and fisheries.

Blue Heart Springs is one of the finest of the Thousand Springs remaining, and deserves protection. It supports one of the largest populations of Shoshone sculpin, a fish species found only in the Hagerman Valley which may be in danger of extinction.

Although the water right application was protested, all the issues raised in the protest were settled in a 1976 Idaho Supreme Court case. There is no reason not to grant the application now.

Thank you for your prompt consideration of this request. Please notify me of the hearing date for this application, and any other developments concerning Blue Heart Springs and this water right application.

Sincerely,

Keith Hutchinson
Keith Hutchinson

Melanie Hutchinson
Melanie Hutchinson

cc: Governor Evans

557 6th ave N
Twin Falls, Idaho 83301

RECEIVED
OCT 4 1982
Department of Water Resources
Southern District Office

6403 Gary Lane
Boise, Idaho 83704
September 29, 1982

Mr. Loren Holmes
Regional Supervisor
Southern Region
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

Dear Mr. Holmes:

I am writing you as a concerned citizen and a professional environmental scientist regarding a water right filed for Blue Heart Springs (also known as Big Springs) by the Idaho Department of Parks and Recreation. The water right was filed in 1971 based on aesthetic, instream, and recreational beneficial uses. The application was protested and final disposition of the application delayed pending challenges to state laws which allowed for such beneficial use. A 1976 Idaho Supreme Court decision established that aesthetic and recreational use are indeed beneficial uses for which a water right may be established.

There is an urgent need to grant this water right. Blue Heart Springs supports one of the largest populations of cottus greenei (Shoshone Sculpin). This endemic species has been nominated to the U.S. Fish and Wildlife Service for endangered species status. Blue Heart Springs is one of only four major population areas for cottus greenei. Trout farm development is competing with cottus greenei habitats and granting the Idaho Parks and Recreation water right application will help protect this limited habitat.

The unique ecosystem that exists at Blue Heart Springs is one of the finest and most aesthetic examples of the Thousand Springs area and deserves protection and reservation as an aesthetic recreational resource.

This application should be granted and further delays require explanation. Please notify me of the hearing date for this application and any other developments regarding Blue Heart Springs. Thank you for your consideration and cooperation.

Sincerely,

Dave McClain

Dave McClain

cc: Governor John Evans
Kenneth Dunn, Director Idaho Department of Water Resources
Jerry Conley, Director, Fish and Game
Dale Christiansen, Director, Idaho Department of Parks and Recreation

522 South 14th St.
Boise, Idaho 83702
September 14, 1982

Mr. Loren Holmes,
Regional Supervisor
Southern Region
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

Dear Mr. Holmes:

Please grant the water right filed for Blue Heart Springs (also known as Big Springs) by the Idaho Department of Parks and Recreation in 1971. The WR Number of this application is 36-7199, and it requests a water right of 100 cfs for aesthetics, recreation, and fisheries.

Blue Heart Springs is one of the finest of the Thousand Springs remaining, and deserves protection. It supports one of the largest populations of Shoshone sculpin, a fish species found only in the Hagerman Valley which may be in danger of extinction.

Although the water right application was protested, all the issues raised in the protest were settled in a 1976 Idaho Supreme Court case. There is no reason not to grant the application now.

Thank you for your prompt consideration of this request. Please notify me of the hearing date for this application, and any other developments concerning Blue Heart Springs and this water right application.

Sincerely,

Sue Bertram

cc: Governor Evans

RECEIVED
OCT 4 1982
Department of Water Resources
Southern District Office

522 South 14th St.
Boise, Idaho 83702
September 14, 1982

Mr. Loren Holmes,
Regional Supervisor
Southern Region
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

Dear Mr. Holmes:

Please grant the water right filed for Blue Heart Springs (also known as Big Springs) by the Idaho Department of Parks and Recreation in 1971. The WR Number of this application is 36-7199, and it requests a water right of 100 cfs for aesthetics, recreation, and fisheries.

Blue Heart Springs is one of the finest of the Thousand Springs remaining, and deserves protection. It supports one of the largest populations of Shoshone sculpin, a fish species found only in the Hagerman Valley which may be in danger of extinction.

Although the water right application was protested, all the issues raised in the protest were settled in a 1976 Idaho Supreme Court case. There is no reason not to grant the application now.

Thank you for your prompt consideration of this request. Please notify me of the hearing date for this application, and any other developments concerning Blue Heart Springs and this water right application.

Sincerely,

John Bertram

cc: Governor Evans

RECEIVED
OCT 4 1982
Department of Water Resources
Southern District Office

221½ West Washington St.
Boise, Idaho 83702
May 12, 1982

Mr. Loren Holmes,
Regional Supervisor
Southern Region
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

RECEIVED
MAY 13 1982
Department of Water Resources
Southern District Office

Dear Mr. Holmes:

I have recently learned that no action has been taken on the water right filed for Blue Heart Springs (also known as Big Springs) by the Idaho Department of Parks and Recreation back in 1971. The WR Number of this application is 36-7199. Although the application was protested, the issues raised in the protest were all settled in a 1976 Idaho Supreme Court case. There is no reason not to grant the application now.

Blue Heart Springs is one of the finest remaining Thousand Springs, and deserves protection. It supports one of the largest populations of Shoshone sculpin, which may be in danger of extinction (especially if Box Canyon and the Wiley dam are developed). I urge you to grant the 100 cfs application applied for by Parks and Recreation.

Thank you for your attention to this issue. I would appreciate being notified of the hearing date and any other developments concerning Blue Heart Springs and this water right application.

Sincerely,

Steve Kraemer

Steve Kraemer

cc: Idaho Dept. of Parks and Recreation
Committee for Idaho's High Desert



COMMITTEE FOR IDAHO'S
HIGH DESERT
P.O. BOX 463 BOISE, IDAHO 83701

11 May 1982

RECEIVED
MAY 13 1982
Department of Water Resources
Southern District Office

Mr. Loren Holmes, Director
Southern Region
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

Dear Mr. Holmes:

The Committee for Idaho's High Desert is a statewide, grassroots organization dedicated to preserving a high quality environment in Idaho's desert country. Among our objectives is the protection and enhancement of Idaho's oustanding desert waters, including those of the Thousand Springs formation.

It has recently come to our attention that there has never been a hearing or subsequent determination of water right for Blue Heart Springs (also known as Big Springs) in Gooding County, T 8 S, R 14 E, Sections 21 (SW 1/4 SW 1/4) and 28 (Lot 1). This application, WR Number 36-7199, was filed by the State of Idaho Department of Parks and Recreation almost eleven years ago, on July 12, 1971. Although the original application was protested, these protests were based on legal challenge to the right of the State to appropriate water for non-consumptive uses, a right which was upheld in court more that five years ago. None of the protestants contested the use of Blue Heart Springs water specifically, nor listed competing potential uses or applications.

Blue Heart Springs is one of the finest remaining Thousand Springs, supporting one of the healthiest populations remaining of the highly restricted Shoshone sculpin. It contains a healthy, highly limited aquatic ecosystem, and provides an outstanding example of what many of the springs in the area were one like. For these reasons, the Committee for Idaho's High Desert supports granting the 100 cfs application filed by the State for Recreational and Aesthetic uses. We urge you to schedule hearings on this application at the earliest possible date.

Please ensure that the Committee for Idaho's High Desert is informed of the hearing date set for this application, and on any other matters which relate to this application and Blue Heart Springs. Thank you for your prompt consideration of this matter.

Sincerely,
COMMITTEE FOR IDAHO'S
HIGH DESERT

by Bruce R. Boccard
Bruce R. Boccard,
Chairman

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
ATTORNEYS AT LAW
P. O. BOX 1906
TWIN FALLS, IDAHO 83301
TELEPHONE (208) 734-0700

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

SUN VALLEY-KETCHUM OFFICE
P.O. BOX 2399
SUN VALLEY, IDAHO 83353
TELEPHONE (208) 726-4491

May 28, 1981

RECEIVED
JUN 1 1981
Department of Water Resources
Southern District Office

Mr. Loren O. Holmes
Southern Region Supervisor
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Re: Applications for Permit No. 36-7198, 36-7199, 36-7200 - Box Canyon Creek, Big Springs and Niargra Springs

Dear Loren:

I have been authorized by the Idaho Water Users Association, and the Boards of Directors of the Twin Falls Canal Company and the North Side Canal Company to withdraw all protests to the above three applications which were filed pursuant to the adoption of Idaho Code § 67-4307. The case of State Department of Parks vs. Idaho Department of Water Administration decided by the Idaho Supreme Court on December 31, 1974, (96 Idaho 440, 530 P.2d 924) decided all of the issues on our protest adverse to our protest.

We thought the matter had been disposed of since the Supreme Court decision, and hereby officially withdraw the protest.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:bg

cc: Sherl Chapman
Warren Travis
Ted Diehl

RECEIVED
JUN 1 1981
Department of Water Resources
Southern District Office

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
*Governor*

C. Stephen Allred
*Director*

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


April 24, 1981

Idaho Waterusers Association Inc.
Sherl L. Chapman
921 S. Orchard, Suite N
Boise, Idaho 83705

Re: Application for Permit No. 36-7198, 36-7199, 36-7200

Dear Mr. Chapman:

Our files show that you are a protestant against the above numbered Applications for Permits which were filed by the Idaho Department of Parks for the appropriation of water from Box Canyon Creek, Big Springs and Niagra Springs, respectively in 1971.

In 1974, the Idaho Supreme Court issued a decision on a similar application filed by the Parks Department for appropriation of water from Malad Canyon Springs.

The three issues decided by the court are:

1) That an agency of the State of Idaho may without express constitutional authority appropriate water and obtain a priority water right.

2) That the appropriation of water for the purposes of recreation and preservation of senic views constitute "beneficial use".

3) That in the instance where the legislature intended to dispense with any requirement for physical diversion, no physical diversion is required to establish a valid water right.

In 1978, the legislature enacted Title 42, Chapter 15, IDAHO CODE, which declares minimum stream flows to be a beneficial use and empowers the Idaho Water Resource Board to appropriate unappropriated waters for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and naviqation values, and water quality.

In view of the court's decision and subsequent legislation, we are ready to proceed with a hearing on Application for Permit No. 36-7198, 36-7199, and 36-7200.

Please advise me if you are no longer interested in continuing your protests.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
*SOUTHERN REGION*

John V. Evans
*Governor*

C. Stephen Allred
*Director*

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


April 24, 1981

Ted Diehl - Manager
North Side Canal Company, Ltd.
921 North Lincoln
Jerome, Idaho 83338

Re: Application for Permit No. 36-7198, 36-7199, 36-7200

Dear Mr. Diehl:

Our files show that you are a protestant against the above numbered Applications for Permits which were filed by the Idaho Department of Parks for the appropriation of water from Box Canyon Creek, Big Springs and Niagra Springs, respectively in 1971.

In 1974, the Idaho Supreme Court issued a decision on a similar application filed by the Parks Department for appropriation of water from Malad Canyon Springs.

The three issues decided by the court are:

1) That an agency of the State of Idaho may without express constitutional authority appropriate water and obtain a priority water right.

2) That the appropriation of water for the purposes of recreation and preservation of senic views constitute "beneficial use".

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In view of the court's decision and subsequent legislation, we are ready to proceed with hearings on Application for Permit NO. 36-7198, 36-7199, and 36-7200.

Please advise me if you are no longer interested in continuing your protests.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
*SOUTHERN REGION*

John V. Evans
*Governor*

C. Stephen Allred
*Director*

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

April 24, 1981

Warren Travis - Manager
Twin Falls Canal Co.
Box 326
Twin Falls, Idaho 83301

Re: Application for Permit No. 36-7198, 36-7199, 36-7200

Dear Mr. Travis:

Our files show that you are a protestant against the above numbered Applications for Permits which were filed by the Idaho Department of Parks for the appropriation of water from Box Canyon Creek, Big Springs and Niagra Springs, respectively in 1971.

In 1974, the Idaho Supreme Court issued a decision on a similar application filed by the Parks Department for appropriation of water from Malad Canyon Springs.

The three issues decided by the court are:

1) That an agency of the State of Idaho may without express constitutional authority appropriate water and obtain a priority water right.

2) That the appropriation of water for the purposes of recreation and oreservation of senic views constitute "beneficial use".

3) That in the instance where the legislature intended to dispense with any requirement for physical diversion, no physical diversion is required to establish a valid water right.

In 1978, the legislature enacted Title 42, Chapter 15, IDAHO CODE, which declares minimum stream flows to be a beneficial use and empowers the Idaho Water Resource Board to appropriate unappropriated waters for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality.

In view of the court's decision and subsequent legislation, we are ready to proceed with hearings on Application for Permit No. 36-7198, 36-7199, and 36-7200.

Please advise me if you are no longer interested in continuing your protests.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Mr. Bobby D. Sleeper
Chief, Water Rights
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83702

Dear Mr. Sleeper:

In behalf of the Boise Project Board of Control in connection with [illegible] Boise Project Board of Control, Civil No. 36-7198, 36-7199 and 36-7200 were filed for the purpose of resolving the legal questions raised by the objections of the United States of the Boise Project. Thereafter on June 21, 1982 the Supreme Court handed down its decision in Nevada v. United States. The Boise Project Board of Control is ready, able and willing to proceed with the decree.

Very truly,

[illegible] & STEVENS

[illegible] D. Stevens

RDS:ps

MICROFILMED

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
*Governor*

R. Keith Higginson
*Director*

Statehouse
Boise, Idaho 83720
(208) 384-2215

January 14, 1975

Gem Irrigation District -and-
South Board of Control, Owyhee Project
Attn: Tom Cotton, Sec.-Mgr.
Box 67
Homedale, Idaho 83628

Dear Mr. Cotton:

You are a protestant against the approval of Applications for Permit No.'s 36-7198, 36-7199, and 36-7200 which were filed by the Idaho Department of Parks for the appropriation of water from Box Canyon Creek(36-7198), Big Springs(36-7199), and Niagra Springs(36-7200).

The Idaho Supreme Court recently issued a decision on the Idaho Department of Parks application for the appropriation of water from Malad Canyon springs. This decision is pertinent to some of the issues that have been raised by the protests.

The three issues decided by the court are:

(1) That an agency of the State of Idaho may, without express constitutional authority, appropriate waters and obtain a priority water right.
(2) That the appropriation of water for the purposes of recreation and the preservation of scenic views constitute "beneficial use".
(3) That in the instance where the Idaho Legislature intended to dispense with any requirement for physical diversion, no physical diversion is required to establish a valid appropriative water right.

In light of this decision, we are now ready to proceed with a hearing on Applications for Permit No.'s 36-7198, 36-7199, and 36-7200.

Please let us know if you are no longer interested in continuing your protest.

Sincerely,

Bobby D. Fleenor

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jg

Dear Bobby,
We are no longer interested in continuing our protest against the above mentioned applications.
Tom Cotton, Mgr.
South Board of Control and Gem I.D.

WATER RESOURCE BOARD: John F. Streiff, *Chairman*; George L. Yost, *Vice-Chairman*; Donald R. Kramer, *Secretary*; Edwin C. Schlender, *Member*; Franklin Jones, *Member*; M. Reed Hansen, *Member*; Scott W. Reed, *Member*; Joseph H. Nettleton, *Member*

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
*Governor*

R. Keith Higginson
*Director*

Statehouse
Boise, Idaho 83720
(208) 384-2215

January 17, 1975

State of Idaho, Dept. of Parks
Statehouse
Boise, Idaho 83720

Gentlemen:

Action on your Applications for Permit No.'s 36-7198 from Box Canyon Creek, 36-7199 from Big Springs, and 36-7200 from Niagra Springs has been withheld pending the decision of the Idaho Supreme Court with regard to your Malad Canyon Application No. 37-7108.

That decision has been rendered by the Court and your application was remanded to us for approval. A copy of the Order approving your application is enclosed.

We are now prepared to proceed with hearings on the other three applications that have been protested.

You will be notified of the date of the hearing when it is set.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jg
Enclosure

WATER RESOURCE BOARD:
John F. Streiff, *Chairman*
George L. Yost, *Vice-Chairman*
Donald R. Kramer, *Secretary*
Edwin C. Schlender, *Member*
Franklin Jones, *Member*
M. Reed Hansen, *Member*
Scott W. Reed, *Member*
Joseph H. Nettleton, *Member*

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
*Governor*

R. Keith Higginson
*Director*

Statehouse
Boise, Idaho 83720
(208) 384-2215

January 14, 1975

Boise Project Board of Control
Attn: Gayle Johnson, Chairman
214 Broadway
Boise, Idaho 83702

Dear Mr. Johnson:

You are a protestant against the approval of Application for Permit No.'s 36-7198, 36-7199, and 36-7200 which are filed by the Idaho Department of Parks for the appropriation of water from Box Canyon Creek(36-7198), Big Springs(36-7199), and Niagra Springs(36-7200).

The Idaho Supreme Court recently issued a decision on the Idaho Dept. of Parks application for the appropriation of water from Malad Canyon springs. This decision is pertinent to some of the issues that have been raised by the protests.

The three issues decided by the court are:

(1) That an agency of the State of Idaho may, without express constitutional authority, appropriate waters and obtain a priority water right.
(2) That the appropriation of water for the purposes of recreation and the preservation of scenic views constitute "beneficial use".
(3) That in the instance where the Idaho Legislature intended to dispense with any requirement for physical diversion, no physical diversion is required to establish a valid appropriative water right.

In light of this decision, we are now ready to proceed with a hearing on Application for Permit No.'s 36-7198, 36-7199, and 36-7200.

Please let us know if you are no longer interested in continuing your protest.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jg

WATER RESOURCE BOARD: John F. Streiff, *Chairman*; George L. Yost, *Vice-Chairman*; Donald R. Kramer, *Secretary*; Edwin C. Schlender, *Member*; Franklin Jones, *Member*; M. Reed Hansen, *Member*; Scott W. Reed, *Member*; Joseph H. Nettleton, *Member*

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
*Governor*

R. Keith Higginson
*Director*

Statehouse
Boise, Idaho 83720
(208) 384-2215

January 14, 1975

Twin Falls Canal Company
Attn: Tom Olmstead, Pres.
163 - 2nd Ave. West
Twin Falls, ID 83301

Dear Mr. Olmstead:

You are a protestant against the approval of Applications for Permit No.'s 36-7198, 36-7199, and 36-7200 which were filed by the Idaho Department of Parks for the appropriation of water from Box Canyon Creek(36-7198), Big Springs(36-7199), and Niagra Springs(36-7200).

The Idaho Supreme Court recently issued a decision on the Idaho Department of Parks application for the appropriation of water from Malad Canyon springs. This decision is pertinent to some of the issues that have been raised by the protests.

The three issues decided by the court are:

(1) That an agency of the State of Idaho may, without express constitutional authority, appropriate waters and obtain a priority water right.
(2) That the appropriation of water for the purposes of recreation and the preservation of scenic views constitute "beneficial use".
(3) That in the instance where the Idaho Legislature intended to dispense with any requirement for physical diversion, no physical diversion is required to establish a valid appropriative water right.

In light of this decision, we are now ready to proceed with a hearing on Applications for Permit No.'s 36-7198, 36-7199, and 36-7200.

Please let us know if you are no longer interested in continuing your protest.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jg

WATER RESOURCE BOARD: John F. Streiff, *Chairman*; George L. Yost, *Vice-Chairman*; Donald R. Kramer, *Secretary*; Edwin C. Schlender, *Member*; Franklin Jones, *Member*; M. Reed Hansen, *Member*; Scott W. Reed, *Member*; Joseph H. Nettleton, *Member*

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

January 14, 1975

North Side Canal Co., Ltd.
921 North Lincoln
Jerome, ID 83338

Gentlemen:

You are a protestant against the approval of Applications for Permit No.'s 36-7198, 36-7199, and 36-7200, which were filed by the Idaho Department of Parks for the appropriation of water from Box Canyon Creek(36-7198), Big Springs(36-7199), and Niagra Springs(36-7200).

The Idaho Supreme Court recently issued a decision on the Idaho Department of Parks application for the appropriation of water from Malad Canyon springs. This decision is pertinent to some of the issues that have been raised by the protests.

The three issues decided by the court are:

(1) That an agency of the State of Idaho may, without express constitutional authority, appropriate waters and obtain a priority water right.
(2) That the appropriation of water for the purposes of recreation and the preservation of scenic views constitute "beneficial use".
(3) That in the instance where the Idaho Legislature intended to dispense with any requirement for physical diversion, no physical diversion is required to establish a valid appropriative water right.

In light of this decision, we are now ready to proceed with a hearing on Applications for Permit No.'s 36-7198, 36-7199, and 36-7200.

Please let us know if you are no longer interested in continuing your protest.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jg

WATER RESOURCE BOARD: John F. Streiff, Chairman; George L. Yost, Vice-Chairman; Donald R. Kramer, Secretary; Edwin C. Schlender, Member; Franklin Jones, Member; M. Reed Hansen, Member; Scott W. Reed, Member; Joseph H. Nettleton, Member

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
*Governor*

R. Keith Higginson
*Director*

Statehouse
Boise, Idaho 83720
(208) 384-2215

January 14, 1975

Idaho State Reclamation Assn.
Attn: Sherl Chapman
520 Idaho Building
Boise, Idaho 83702

Dear Mr. Chapman:

You are a protestant against the approval of Applications for Permit No.'s 36-7198, 36-7199, and 36-7200 which were filed by the Idaho Department of Parks for the appropriation of water from Box Canyon Creek(36-7198), Big Springs(36-7199), and Niagra Springs(36-7200).

The Idaho Supreme Court recently issued a decision on the Idaho Department of Parks application for the appropriation of water from Malad Canyon springs. This decision is pertinent to some of the issues that have been raised by the protests.

The three issues decided by the court are:

(1) That an agency of the State of Idaho may, without express constitutional authority, appropriate waters and obtain a priority water right.
(2) That the appropriation of water for the purposes of recreation and the preservation of scenic views constitute "beneficial use".
(3) That in the instance where the Idaho Legislature intended to dispense with any requirement for physical diversion, no physical diversion is required to establish a valid appropriative water right.

In light of this decision, we are now ready to proceed with a hearing on Applications for Permit No.'s 36-7198, 36-7199, and 36-7200.

Please let us know if you are no longer interested in continuing your protest.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jg

WATER RESOURCE BOARD:
John F. Streiff, *Chairman*
George L. Yost, *Vice-Chairman*
Donald R. Kramer, *Secretary*
Edwin C. Schlender, *Member*
Franklin Jones, *Member*
M. Reed Hansen, *Member*
Scott W. Reed, *Member*
Joseph H. Nettleton, *Member*

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
*Governor*

R. Keith Higginson
*Director*

Statehouse
Boise, Idaho 83720
(208) 384-2215

January 14, 1975

Gem Irrigation District -and-
South Board of Control, Owyhee Project
Attn: Tom Cotton, Sec.-Mgr.
Box 67
Homedale, Idaho 83628

Dear Mr. Cotton:

You are a protestant against the approval of Applications for Permit No.'s 36-7198, 36-7199, and 36-7200 which were filed by the Idaho Department of Parks for the appropriation of water from Box Canyon Creek(36-7198), Big Springs(36-7199), and Niagra Springs(36-7200).

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(1) That an agency of the State of Idaho may, without express constitutional authority, appropriate waters and obtain a priority water right.
(2) That the appropriation of water for the purposes of recreation and the preservation of scenic views constitute "beneficial use".
(3) That in the instance where the Idaho Legislature intended to dispense with any requirement for physical diversion, no physical diversion is required to establish a valid appropriative water right.

In light of this decision, we are now ready to proceed with a hearing on Applications for Permit No.'s 36-7198, 36-7199, and 36-7200.

Please let us know if you are no longer interested in continuing your protest.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jg

WATER RESOURCE BOARD:
John F. Streiff, *Chairman*
George L. Yost, *Vice-Chairman*
Donald R. Kramer, *Secretary*
Edwin C. Schlender, *Member*
Franklin Jones, *Member*
M. Reed Hansen, *Member*
Scott W. Reed, *Member*
Joseph H. Nettleton, *Member*

*STATE OF IDAHO*
*DEPARTMENT OF WATER ADMINISTRATION*
Statehouse – Annex 2
Boise, Idaho 83707
(208) 384-2215

R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

September 24, 1971

Re: Applications for Permit No. 36-7198, 36-7199, 36-7200 & 37-7108

State of Idaho, Dept. of Parks
Attn: Earl Gunnell
Statehouse Mail

Gentlemen:

We have enclosed copies of the protests filed against the issuance of permits pursuant to your applications as referenced above. You should be aware that the following are the 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 waters intended to be appropriated must be public water of the State of Idaho. If private waters, as defined under Section 42-212, Idaho Code, the applicant must have authority to divert the water from the owner of the land on which the water lies.

A permit issued by this office is subject to all prior water rights and does not in any way establish or convey right-of-ways over private or governmental lands. Right-of-ways or easements 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. If we may be of any assistance, please contact us.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosures

September 24, 1971

Re: Applications No. 36-7198, 36-7199, 36-7200 & 37-7108
Idaho Dept. of Parks

Twin Falls Canal Company
Tom Olmstead, Pres.
103 - 2nd Ave. West
Twin Falls, Idaho 83301

Gentlemen:

We are in receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the 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 right-of-ways over private or governmental lands. Right-of-ways or easements 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 a conference and/or hearing to discuss the matters of protest. If we may be of any assistance, please contact us.

Very truly yours,

Bobby D. Fleenor
Assistant Director

BDF:DR

September 24, 1971

Re: Applications for Permit No. 36-7198, 36-7199, 36-7200 &
37-7108 - Idaho Dept. of Parks

North Side Canal Co., Ltd.
921 North Lincoln
Jerome, Idaho 83338

Gentlemen:

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

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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?

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A permit issued by this office is subject to all prior water rights and does not in any way convey or establish rights of

You

please

Very

Bobby G. Fleener
Assistant Director

RDF:DR

September 24, 1971

Re: Applications No. 36-7198, 36-7199, 36-7200 & 37-7108
Idaho Dept. of Parks

Gem Irrigation Dist. & South Board of Control, Owyhee Project
Tom Cotton, Sec.-Mgr.
Box 67
Homedale, Idaho 83628

Gentlemen:

We are in receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the 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?

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A permit issued by this office is subject to all prior water rights and does not in any way convey or establish right-of-ways over private or governmental lands. Right-of-ways or easements must be obtained by the individuals concerned through action [illegible].

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

Very truly yours,

Bobby D. Fleenor
Assistant Director

BDF:DR

September 24, 1971

Re: Applications No. 36-7198, 36-7199, 36-7200, 37-7108
Idaho Dept. of Parks

Boise Project Board of Control
Gayle Johnson, Chairman
214 Broadway
Boise, Idaho 83702

Gentlemen:

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

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

Very truly yours,

Bobby D. Fleenor
Assistant Director

BDF:DR

MICROFILMED

*STATE OF IDAHO*
*DEPARTMENT OF WATER ADMINISTRATION*
Statehouse – Annex 2
Boise, Idaho 83707
(208) 384-2215

R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

August 25, 1971

Re: Application No. 36-7197 - Lester Bornt
36-7198 - Idaho Dept. of Parks
36-7199 - " " " "
36-7200 - " " " "
37-7108 - " " " "

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 date. 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,

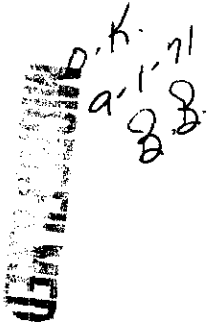
Donald W. McEldowney
Appropriation Supervisor

DWM:GR

Enc: Legal Notices

## NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that the Idaho Department of Parks, Statehouse, Boise, Idaho has on July 12, 1971 submitted Application No. 36-7199 for a permit to appropriate 100 cubic feet per second of water from Big Springs, Heart or Blue Heart Springs, tributary of Snake River, within the SW¼SW¼, Sec. 21; and Lot 1, Sec. 28, T. 8S, R. 14E, B.M., Gooding County, to be used from January 1 to December 31 for scenic beauty and recreational purposes. The water will not be diverted, but will be preserved in its natural state in trust for the people of the State of Idaho, pursuant to Chapter 207, 1971 Session Laws.




Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho 83707, on or before September 20, 1971.

R. Keith Higginson
Director

9-2-2tc

NOTICE OF APPLICATION FOR WATER PERMIT

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Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho 83707, on or before September 20, 1971.

R. KEITH HIGGINSON

Director

Published in the Gooding County Leader, Gooding, Idaho on Sept. 2 and Sept. 9, 1971.

Identification No. _____

Application No. _____

# STATE OF IDAHO
## DEPARTMENT OF WATER ADMINISTRATION
## APPLICATION FOR PERMIT

REPLACED BY AMENDED APPLICATION DATED 8-10-71.

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

1. Name of applicant Idaho Department of Parks
   post office address Statehouse, Boise, Idaho
2. Source of water supply As H.B. 69 described which is a tributary of ------
3. a. Location of point of diversion is _____ ¼ of _____ ¼ of Section _____ Township _____
   Range _____ B.M. _____ County; additional points of diversion if any: _____
   As described by H.B. 69 - 41st legislature

   b. If water is not consumed, it will be discharged into NA at a point in _____ ¼
   of _____ ¼ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
   All unappropriated
   Amount water (cfs or acre-feet per annum) for recreation purpose from Jan. 1 to Dec. 31 (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated:
   a. All unappropriated water cubic feet per second and/or
   b. _____ acre feet per annum.
6. Proposed diverting works:
   a. Description of ditches, flumes, pumps, headgates, etc. NA

   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 ----- (Mo. Day) to ------- (Mo. Day) inclusive.
   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 NA years.
   b. Estimated construction cost is $ -------.
8. Description of proposed uses:
   a. If water is **not** for irrigation:
      (1) Give the place of use of water: ----- ¼ of ------ ¼ of Section ---- Township ----
      Range ----- B.M.
      (2) Amount of power to be generated: ---- hp under ----- feet of head.
      (3) List number of each kind of livestock to be watered NA

      (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: For the beneficial uses of recreation as prescribed by H.B. 69 enacted by the 41st legislature.

MICROFILMED

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

| TWP. | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | NOT APPLICABLE | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes as described above See 8(5)

9. a. Who owns the property at the point of diversion See Page 916, Idaho Session Laws, 1971, Sec. 67-4311, Third paragraph (H.B. 69)

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

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

10. Remarks

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

"SEE ATTACHED MAPS"

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.

W. M. Beckert
(Applicant)
Wilhelm M. Beckert, Director
Idaho Dept. of Parks

Harold T. Brown
(Applicant)
Harold T. Brown, Chairman
Idaho Park Board

Received by [illegible] Date 7/12/71 Time 8:00 A

Preliminary check by _____ Fee $_____

Receipted by _____ Date _____

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved _____ Date _____

Priority reduced to _____ Reason _____

_____

_____

_____

Protests filed by: _____

_____

_____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

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

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

   c. Other: _____

   _____

   _____

   _____

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

   _____

   _____

   _____

   _____

   _____

Witness my hand this _____ day of _____ 19____.

_____

Director

[illegible]