

Indication of no sale by US Dept Interior Fish and Wildlife Service

To Mr Joseph January 13, 1970

From Travis S. Roberts Acting Regional Director

87
✓
.3607143



Affidavit of Publication

State of Idaho,
County of Gooding

SS.

Thomas D. Miller

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

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the

first publication of said advertisement was on the 10 day

of Dec, 1970, and the date of the last publication

was on the 17 day of Dec, 1970

Thomas D. Miller

Subscribed and sworn to before me this 21

day of December, 1970

(SEAL)

Audrey E. Belsher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

.....Lines at 14c

.....Lines at 10c

TOTAL COST

COPY OF NOTICE

Title of Notice

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that C. Earle Joseph, Route No. 1, Hagerman, Idaho has on November 18, 1970 submitted Application No. 36-7143 to appropriate the public waters of five unnamed springs tributary to Riley Creek. The proposed uses are irrigation (0.3 cfs) of 3 acres from March 1 to November 1; fish ponds (3.0 cfs), domestic (0.06 cfs), hydroelec (0.5 cfs), stock-water (0.02 cfs), asepthetics (2.0 cfs) from January 1 to December 31.

The application proposes a maximum diversion and appropriation of 5.0 cubic feet per second of water to be diverted by sprinkler system, ponds, pipes, pump, and storage tank within the NE $\frac{1}{4}$ -NW $\frac{1}{4}$ (Lot 3), Sec. 6, T. 8S, R. 14E, B.M., Gooding County and is to be used within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 3), Sec. 6, T. 8S, R. 14 E, B.M.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration Statehouse, Boise, Idaho on or before December 28, 1970.

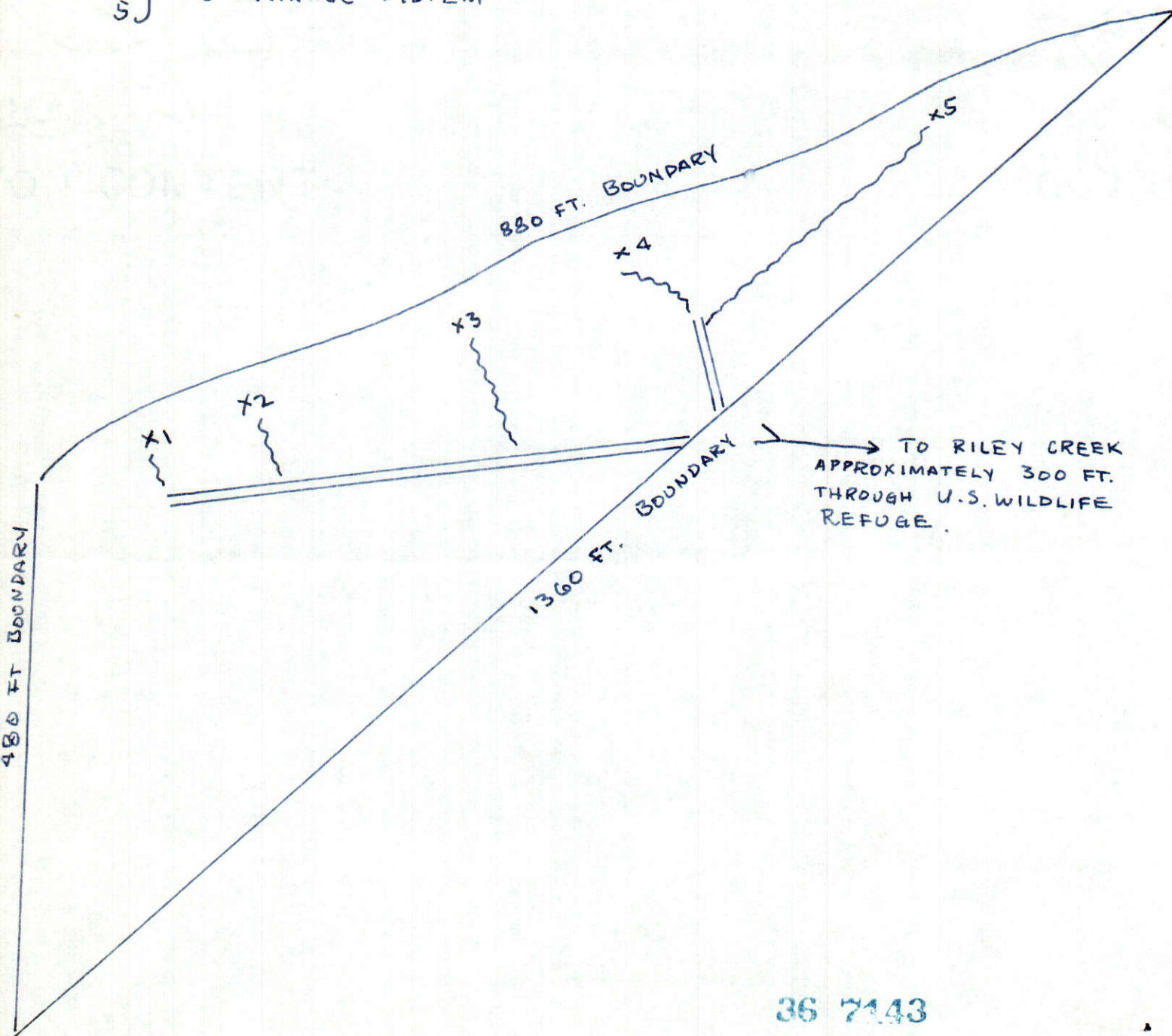
R. Keith Higginson
Director

12-10-2tc

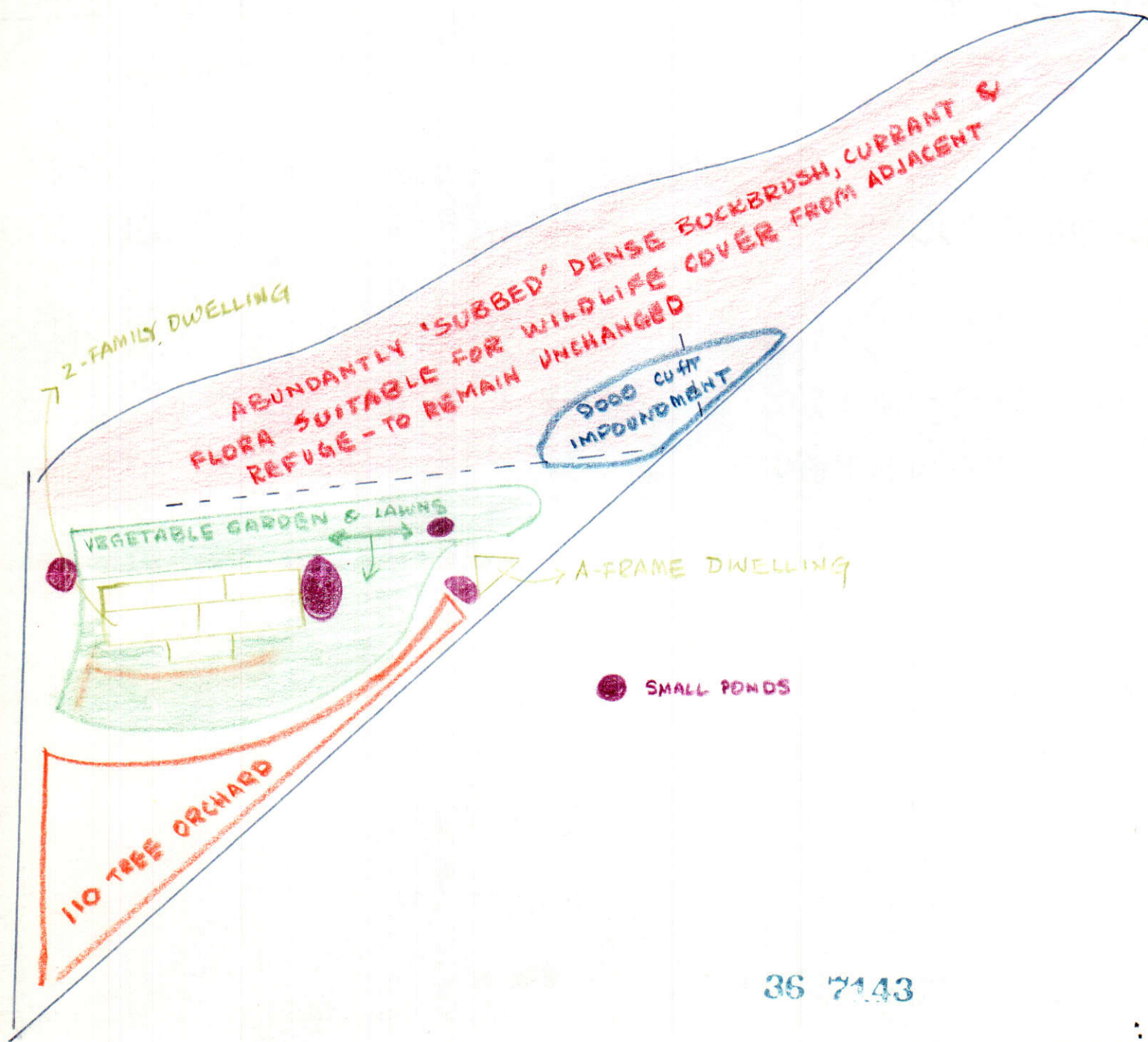
7 pt. per line, straight	14c
7 pt. per line, tabular	20c
7 pt. per line, successive	
insertions.....	10c
6 pt. per line, straight	15c
6 pt. per line, tabular	20c
6 pt. per line, successive	
insertion.....	10c

No 962
36 7143

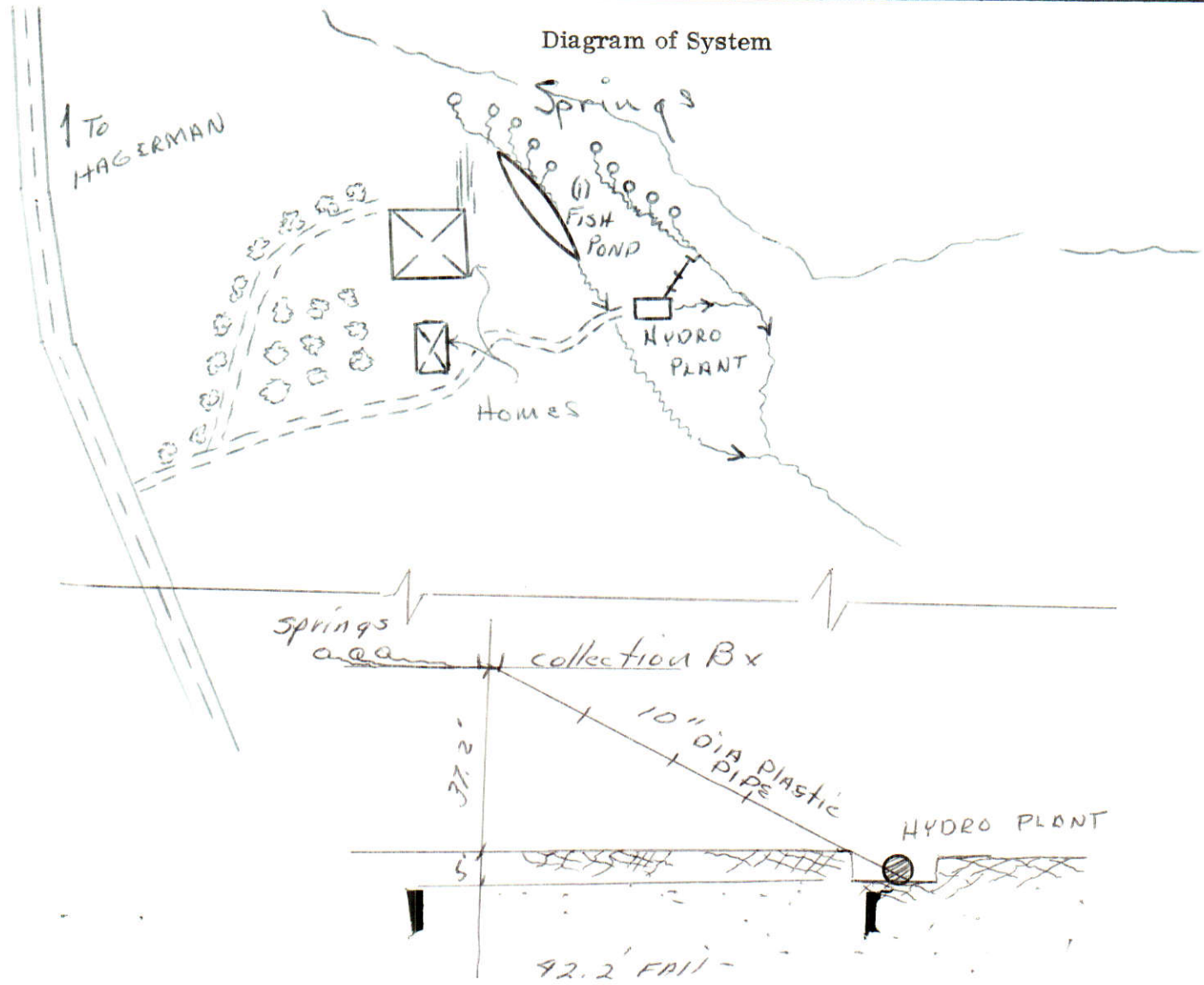
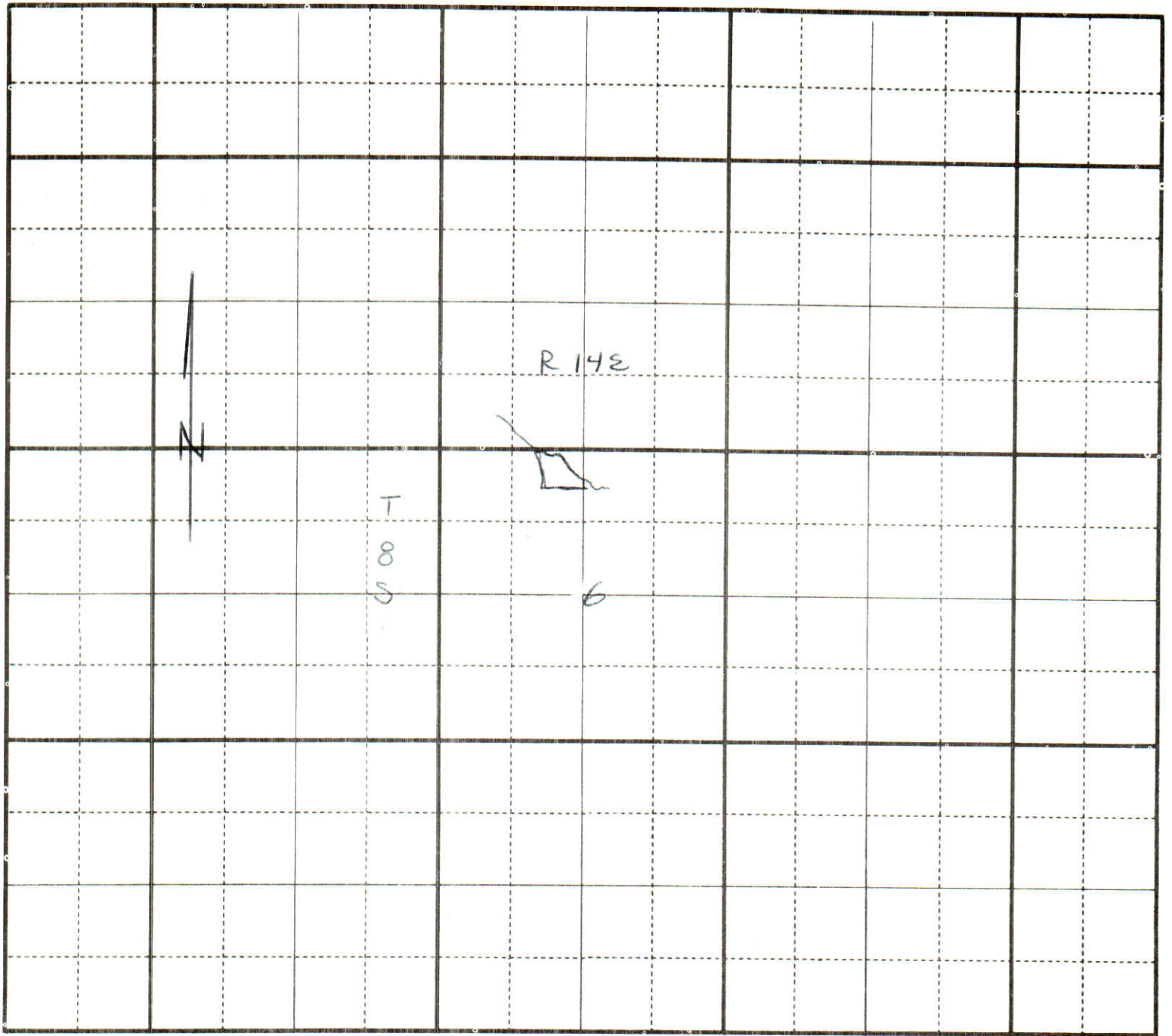
x1
2
3 } SPRINGS
4
5 } & DRAINAGE SYSTEM



36 7143



36 7143



December 24, 1970

Re: Application for Permit No. 36-7143

Mr. C. J. Mahannah
2498 Beverly Road
St. Paul, Minnesota 55104

Dear Mr. Mahannah:

We have received your letter of December 17, 1970. It would appear from the information in the Application for Permit No. 36-7143, that Mr. C. Earle Joseph owns 4.6 acres of ground in Lot 3 Sec. 6, Twp. 8 S., Rge. 14 E., B.M. From the information in your Permit No. 36-2604, it would appear that you also have 5½ acres in Lot 3. The information in the application and the permit is not sufficient to identify which particular spring either of you are diverting from; therefore, we are enclosing a copy of Mr. Joseph's application.

You should bear in mind that any permit which is approved is subject to all prior water rights. This means that the appropriation of Idaho's public water is subject to "first in time first in right" doctrine. When your permit was approved, you were subject to this doctrine as would Mr. Joseph be subject to all prior rights if his permit were approved. This means that only when water is available for a particular priority can that water right be exercised.

With this understanding, we would assume that there would not be an infringement of any water right you may perfect under your permit. If you still feel that there would be an infringement, please submit a formal protest describing in detail the nature of your protest.

If we can assist you further, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:kh

Enclosure

36 7143

Indication of no sale by US Dept. Interior Fish and Wildlife

To Mr. Joseph January 13, 1970

From Travis S. Roberts Acting Regional Director

3607143



RECEIVED

MAY 3 1979

State of Idaho
Department of Water Resources

Department of Water Resources
Southern District Office

WATER RIGHT LICENSE

License of Water Right No. 36-7143 Priority November 18, 1970 Amount 4.18 cfs

THIS IS TO CERTIFY, that C. EARLE JOSEPH
of Hagerman, Idaho, has complied with the terms and conditions of Permit
No. 36-7143 issued pursuant to Application for Permit dated November 18, 1970
and has submitted proof to the Department of Water Resources on June 26, 1978
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 4.18 cfs of water from unnamed springs (5)
tributary to Riley Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion		Annual Volume
Fish					
Propagation	from	January 1 to December 31	at	1.0 cfs and	N/A
Stockwater	from	January 1 to December 31	at	0.02 cfs and	0.3 acre feet
Domestic	from	January 1 to December 31	at	0.06 cfs and	1.8 acre feet
Irrigation	from	March 1 to November 1	at	0.1 cfs and	20 acre feet
Hydroelectric	from	January 1 to December 31	at	1.0 cfs and	N/A
Aesthetics	from	January 1 to December 31	at	2.0 cfs and	N/A

Subject, however, to the condition that no more than 4.18 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
22.1 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, (Government Lot 3),
Sec. 6, Twp. 8S, Rge. 14E, B. M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8S	14E	6					X												5

Total number of acres irrigated 5

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26 day of
April, 19 79.

Deputy Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE
STATE OF IDAHO

RECEIVED

JUL 14 1976

IN THE MATTER OF REMOVAL OF THE MEASURING DEVICE
REQUIREMENT FOR PERMIT NO. 36-7143 IN THE NAME OF
C. E. JOSEPH

Department of Water Resources
Southern District Office
ORDER

WHEREAS, on November 18, 1970, C. E. Joseph applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 5.00 cubic feet per second of water from five unnamed springs to be diverted within the Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 6, Twp. 8S, Rge. 14E, B.M., Gooding County, to be used for domestic, irrigation and hydroelectric purposes; and,

WHEREAS, on July 6, 1971, the Department approved said application and issued Permit No. 36-7143 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before July 1, 1976, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on June 14, 1976, the time within which to submit proof of beneficial use of water was extended to July 1, 1978; and,

WHEREAS, on July 2, 1976, the Department received a request that the measuring device requirement be removed from said permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 36-7143.

Dated this 12 day of July, 1976.


A. KENNETH DUNN
Administrator, Operations Division

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



APPLICATION FOR EXTENSION OF TIME

Department of Water Resources
Boise District Office

State of Idaho)
County of Leading)

Permit No. 36-7143

C. E. Joseph of Nagerman
(name) (address)

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

That he is the holder, or the duly authorized agent of the holder *, of Permit to
Appropriate the Public Waters of the State of Idaho No. 36-7143.

That under the terms and conditions of said permit, work thereunder was required
to be completed on or before July 1,, 19 76.

That he has heretofore performed the following work described under said permit:
Domestic, irrigation, fishpond, aesthetic are
Completed - Hydroelectric material on hand &
grading about half complete.

Costing \$ 2100⁰⁰

That he is unable to complete the remainder of the work within the required time for
the following reasons, to-wit: Difficulty getting timely coop-
eration of heavy equipment operator and trench-
ing for pipe completed.

Wherefore, he asks that the Department of Water Resources extend the time for the
completion of obligations under said permit to July 1,, 19 78.

C. E. Joseph
(signature) *

Subscribed and sworn before me this 14th day of June, 19 76.

seal

Marcia L. Brown
Notary Public residing at
Boise, Id

My commission expires 8-10-79

ACTION OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED
and the time within which to submit proof of beneficial use be extended to July 1, 1978.

Witness my hand this 14 day of June, 19 76.

Norm C. Young
for A. KENNETH DUNN, Administrator
Operations Division

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

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 36-7143

IN THE NAME OF C. E. JOSEPH

ORDER OF REINSTATEMENT

WHEREAS, on November 18, 1970, C. E. Joseph applied to the Department of Water Resources for a permit to appropriate 5.00 cubic feet per second of water from five unnamed springs to be diverted within Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 6, Twp. 8S, Rge. 14E, B.M., Gooding County, to be used for domestic, irrigation and hydroelectric purposes; and,

WHEREAS, on July 6, 1971, the Department approved said application and issued Permit No. 36-7143 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before July 1, 1976; and,

WHEREAS, on June 14, 1976, the Department extended the time within which to submit proof of beneficial use of water to July 1, 1978; and,

WHEREAS, on April 28, 1978, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to make said proof; and,

WHEREAS, on June 26, 1978, the permit holder submitted the required proof of beneficial use form; and,

WHEREAS, on July 11, 1978, the Department inadvertently lapsed Permit No. 36-7143; and;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 36-7143 be REINSTATED without a loss of priority.

Dated this 14th day of July, 1978.


L. GLEN SAXTON
Chief, Operations Bureau

LGS:JG

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING DEVICE
REQUIREMENT FOR PERMIT NO. 36-7143 IN THE NAME OF
C. E. JOSEPH

ORDER

WHEREAS, on November 18, 1970, C. E. Joseph applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 5.00 cubic feet per second of water from five unnamed springs to be diverted within the Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 6, Twp. 8S, Rge. 14E, B.M., Gooding County, to be used for domestic, irrigation and hydroelectric purposes; and,

WHEREAS, on July 6, 1971, the Department approved said application and issued Permit No. 36-7143 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before July 1, 1976, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

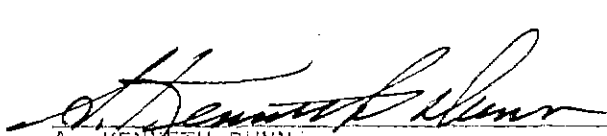
WHEREAS, on June 14, 1976, the time within which to submit proof of beneficial use of water was extended to July 1, 1978; and,

WHEREAS, on July 2, 1976, the Department received a request that the measuring device requirement be removed from said permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 36-7143.

Dated this 12 day of July, 1976.


A. KENNETH DUNN
Administrator, Operations Division

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 22 1976

APPLICATION FOR EXTENSION OF TIME

Department of Water Resources

State of Idaho)
County of Gooding)

Permit No. 36-7143

C. E. Joseph of Nagerman
(name) (address)

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

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 36-7143.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before July 1,, 19 76.

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

Domestic, irrigation, fishpond, aesthetic are
completed - hydroelectric materials on hand &
grading about half complete

Costing \$ 2100⁰⁰

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Difficulty getting timely cooperation of heavy equipment operator and trenching for pipe completed.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to July 1,, 19 78.

C. E. Joseph
(signature) *

Subscribed and sworn before me this 14th day of June, 19 76.

seal

Marcia L. Brown
Notary Public residing at
Boise, Id

My commission expires 8-10-79

ACTION OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit proof of beneficial use be extended to July 1, 1978.

Witness my hand this 14 day of June, 19 76.

Norman C. Young
for A. KENNETH DUNN, Administrator
Operations Division

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

Identification No. 36-7143

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 C. Earle Joseph
 post office address Route 1, Hagerman, Idaho
(UNNAMED SPRINGS) *
2. Source of water supply Five Springs which is a tributary of Riley Creek
3. a. Location of point of diversion is Lot 3 $\frac{1}{4}$ of (NE NW $\frac{1}{4}$) of Section 6 Township 8S
 Range 14 E B.M. Gooding County; additional points of diversion if any: None
- b. If water is not consumed, it will be discharged into unnamed tributary of Riley Creek at a point in Lot 3 $\frac{1}{4}$ of NE NW $\frac{1}{4}$ of Section 6 Township 8S Range 14E B.M. Gooding County
4. Water will be used for the following purposes:
 Amount 3.00 cfs for FISH PONDS purpose from January 1 to December 31 (both dates inclusive) * 4.
 Amount 0.06 for domestic purpose from January 1 to December 31 (both dates inclusive)
 Amount 0.30 for irrigation purpose from March 1 to Nov. 1 (both dates inclusive)
 Amount 0.5 for hydroelectric purpose from January 1 to Dec. 31 (both dates inclusive)
 * See Remarks for annual amount: .02 stockwater 1-1 12-31
2.00 Aesthetics 1-1 12-31
5. Total quantity to be appropriated 2.00
 a. 5 cubic feet per second and/or
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. Approximately 2100 feet of pressure sprinkler system, supplementing gravity flow surface flooding by plastic conduit--no open ditches. Impoundment to be earthen and clay lined as are the small ponds. Fall for hydroelectric project to be piped. Domestic system 500 gallon storage tank w/ 45# booster pump.
 b. Height of storage dam 1 to 9 feet, active reservoir capacity _____ acre feet; total reservoir capacity 1/5 acre feet, materials used in storage dam: local earth, clay floor.
 Period of year during which storage will occur January 1 to December 31 inclusive.
 (Mo. Day) (Mo. Day)
 c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
 b. Estimated construction cost is \$ 4000.00.
8. Description of proposed uses:
 a. If water is **not** for irrigation:
 (1) Give the place of use of water: Lot 3 $\frac{1}{4}$ of (NE NW $\frac{1}{4}$) of Section 6 Township 8S
 Range 14 E B.M. Gooding Cty.
 (2) Amount of power to be generated: 200 KW hp under 60 feet of head.
 (3) List number of each kind of livestock to be watered 6 sheep

 (4) Name of municipality to be served _____, or number of families to be supplied with domestic water 3.
 (5) If water is to be used for other purposes describe: SEE ENTRY 3-4 AND 5 UNDER SECTION No. 4

* Changes Made 11-18-70 Left

36 7143

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	14E	6					4.6												

Total number of acres to be irrigated 4.6

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 Applicant

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

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

10. Remarks Item 4 (cont'd)

3.0 cfs impoundment for domestic bass & catfish culture, and recreational pool of approximately 9000 cu.ft. Some of this will be secondary use, to be located at base of drainage field for entire 4.6 acres. Likewise, some of the irrigation water will be secondary use, approximately 0.05 cfs terminal drainage from 3 small ornamental ponds (each supporting fish) in the landscaping program, totaling about 400 cu. ft.

~~2.0 cfs floral and aesthetic landscaping Jan. 1 to Dec. 31.~~

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

③ - AD. + use Act

6

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.

Charles Joseph
(Applicant)
Charles Joseph
36 7143

36 7143

Received by Date 11-18-70 Time 11:14
Preliminary check by Fee \$ 40.00 rec'd # 5333
Receipted by Date 11-18-70
Publication prepared by dg Date 12-1-70
Published in Gooding County Leader
Publication dates 12-10 & 12-17, 1970
Publication approved Date 12-23-70
Priority reduced to Reason

Protests filed by:

Copies of protests forwarded by
Hearing held by Date
Recommended for approval denial by 741 BDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7143, 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 July 1, 1976.
- c. Other: The permit holder shall permanently install and maintain as a part of the diverting works a measuring device at the point of diversion of a type approved by this Department.

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

Witness my hand this 6th day of July, 1971.

R. Keith Higin
Director

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 36-7143 Name C. Earle Joseph

Source unnamed springs (5), trib. to Riley Creek

Point of Diversion Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 6, T. 8S, R. 14E, B.M., Gooding County

Quantity	<u>3.00</u>	Use	<u>fish ponds</u>	Period	<u>Jan. 1 - Dec. 31</u>
	<u>0.06</u>		<u>domestic</u>		<u>Jan. 1 - Dec. 31</u>
Quantity	<u>0.30</u>	Use	<u>irrigation</u>	Period	<u>Mar. 1 - Nov. 1</u>
	<u>0.50</u>		<u>hydroelec</u>		<u>Jan. 1 - Dec. 31</u>
Quantity	<u>0.02</u>	Use	<u>stockwater</u>	Period	<u>Jan. 1 - Dec. 31</u>
	<u>2.00</u>		<u>asethetics</u>		<u>Jan. 1 - Dec. 31</u>

Well Size _____ Diameter _____ Proposed Depth _____ Feet

Use 200 KW, 60 feet of head, 6 sheep, 3 families, 3 acres

Date Forwarded 12-1-70 Date Returned _____ Received by _____

COMMENTS: impoundment for domestic bass & catfish culture and recreational pool; floral and aesthetic landscaping

RECOMMENDED:

Applied: Qty.	_____	Use	_____	Period	_____	AF/A	_____	AF	_____
	Qty.	_____	Use	_____	Period	_____	AF/A	_____	AF
	Qty.	_____	Use	_____	Period	_____	AF/A	_____	AF
Maximum: Qty.	_____	Use	_____	Period	_____	AF/A	_____	AF	_____
	Qty.	_____	Use	_____	Period	_____	AF/A	_____	AF
	Qty.	_____	Use	_____	Period	_____	AF/A	_____	AF

ACTION: Approved _____ Denied ☒

Conditions of approval or reason for denial: Application is denied as written, on the basis that water appro cannot be appropriated for a non-beneficial use, such as "aesthetic" purposes.

INVESTIGATION By Paul M. Casteln Title W.R.I - I

Date Dec. 1, 1970

36 7143

36 7140

MEMO

TO: Application for Permit No. 36-7143
FROM: Bobby D. Fleenor
SUBJECT: Pre-permit examination

The project site of this application was visited by me on June 10, 1971. Mr. Joseph conducted me over the project and explained his plans for developing the various springs. Some development has already taken place for his domestic supply and the irrigation of his lawn and orchard. Three small fish ponds have also been constructed as a part of his landscaping.

My primary concern was to determine what his aesthetic use entailed and just how he proposed to divert his springs. Two of the springs have already been developed and brought to the surface by laying plastic to prevent them from infiltrating back under ground.

This area will be quite attractive if his plans are completed. The springs will be lighted during the night, utilizing power from his proposed hydro electric plant. The major portion of his uses are non-consumptive, but the water from the fish ponds is not the same as that used for aesthetic purposes, nor is the water for the hydro electric plant the same as that used for the fish ponds or aesthetic purposes.

Therefore, it appears that this application should be approved for 5.0 cubic feet per second of water or the applied for amount.

Bobby D. Fleenor
Bobby D. Fleenor
Assistant Director

36 7143

RECEIVED

Individual Owner

OCT 12 1970

AFFIDAVIT TO ESTABLISH RESIDENCE

Department of Water Administration

I, 6. Earle Joseph of Hagerman, County of Gooding, State of Idaho, being duly sworn, do hereby certify that I am a bona fide resident of the State of Idaho.

/s/ 6. Earle Joseph

Subscribed and sworn to before me this 10 day of October, 1970

/s/ _____

Notary Public
Residence

Hagerman Ida
David P. McWhorter

My Commission Expires 7-13-71

Corporation or Association

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

I, _____ of _____, County of _____, State of Idaho, being first duly sworn, depose and say:

That I am the designated statutory agent of the _____,

that as such I am in charge of the registered office of the said _____

_____, as provided by Section 30-143, Idaho Code, at _____

_____, Idaho, wherein are kept the records provided by Section 30-144, Idaho

Code, and that _____ is a legal _____

qualified to do business in the State of Idaho under the laws of the State of Idaho.

/s/ _____

Subscribed and sworn to before me this _____ day of _____, 19____

/s/ _____

Notary Public
Residence

My Commission Expires _____

36 7143

RECEIVED

OCT 12 1970

Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

I, G. Earle Joseph of Hagerman Department of Water Administration, County of Gooding, State of Idaho, being duly sworn, do hereby certify that I am a bona fide resident of the State of Idaho.

Subscribed and sworn to before me this 10th day of October, 1970

/s/ G. Earle Joseph

/s/ David P. Nicholson

Notary Public
Residence Hagerman, Ida

My Commission Expires 2-13-71

Corporation or Association

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

I, _____ of _____, County of _____, State of Idaho, being first duly sworn, depose and say:

That I am the designated statutory agent of the _____, that as such I am in charge of the registered office of the said _____, as provided by Section 30-143, Idaho Code, at _____, Idaho, wherein are kept the records provided by Section 30-144, Idaho Code, and that _____ is a legal _____ qualified to do business in the State of Idaho under the laws of the State of Idaho.

/s/ _____

Subscribed and sworn to before me this _____ day of _____, 19____

/s/ _____

Notary Public
Residence _____

My Commission Expires _____

36 7143

Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

RECEIVED
NOV 18 1970

I, Charles Joseph of Hagerman, Id. Gooding, State of Idaho, being duly sworn, do hereby certify that I am a bona fide resident of the State of Idaho.

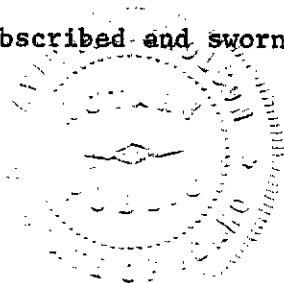
/s/ Charles Joseph

Subscribed and sworn to before me this 20 day of November, 1970

/s/ David S. Nicholson

Notary Public
Residence Hagerman, Id.

My Commission Expires 7-13-71



Corporation or Association

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

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

/s/ _____

Subscribed and sworn to before me this _____ day of _____, 19____

/s/ _____

Notary Public
Residence _____

My Commission Expires _____

36 7143

Affidavit of Publication

State of Idaho, }
County of Gooding } SS.

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

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 10 day of Dec, 1970, and the date of the last publication was on the 17 day of Dec, 1970

Thomas D. Miller

Subscribed and sworn to before me this 21

day of December, 1970
(SEAL)

Andrey C. Belsher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

Lines at 14c

Lines at 10c

TOTAL COST

COPY OF NOTICE

Title of Notice

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that C. Earle Joseph, Route No. 1, Hagerman, Idaho has on November 18, 1970 submitted Application No. 36-7143 to appropriate the public waters of five unnamed springs tributary to Riley Creek. The proposed uses are irrigation (0.3 cfs) of 3 acres from March 1 to November 1; fish ponds (3.0 cfs), domestic (0.06 cfs), hydroelec (0.5 cfs), stock-water (0.02 cfs), aesthetics (2.0 cfs) from January 1 to December 31.

The application proposes a maximum diversion and appropriation of 5.0 cubic feet per second of water to be diverted by sprinkler system, ponds, pipes, pump, and storage tank within the NE 1/4 NW 1/4 (Lot 3), Sec. 6, T. 8S, R. 14E, B.M., Gooding County and is to be used within the NE 1/4 NW 1/4 (Lot 3), Sec. 6, T. 8S, R. 14 E, B.M.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration Statehouse, Boise, Idaho on or before December 28, 1970.

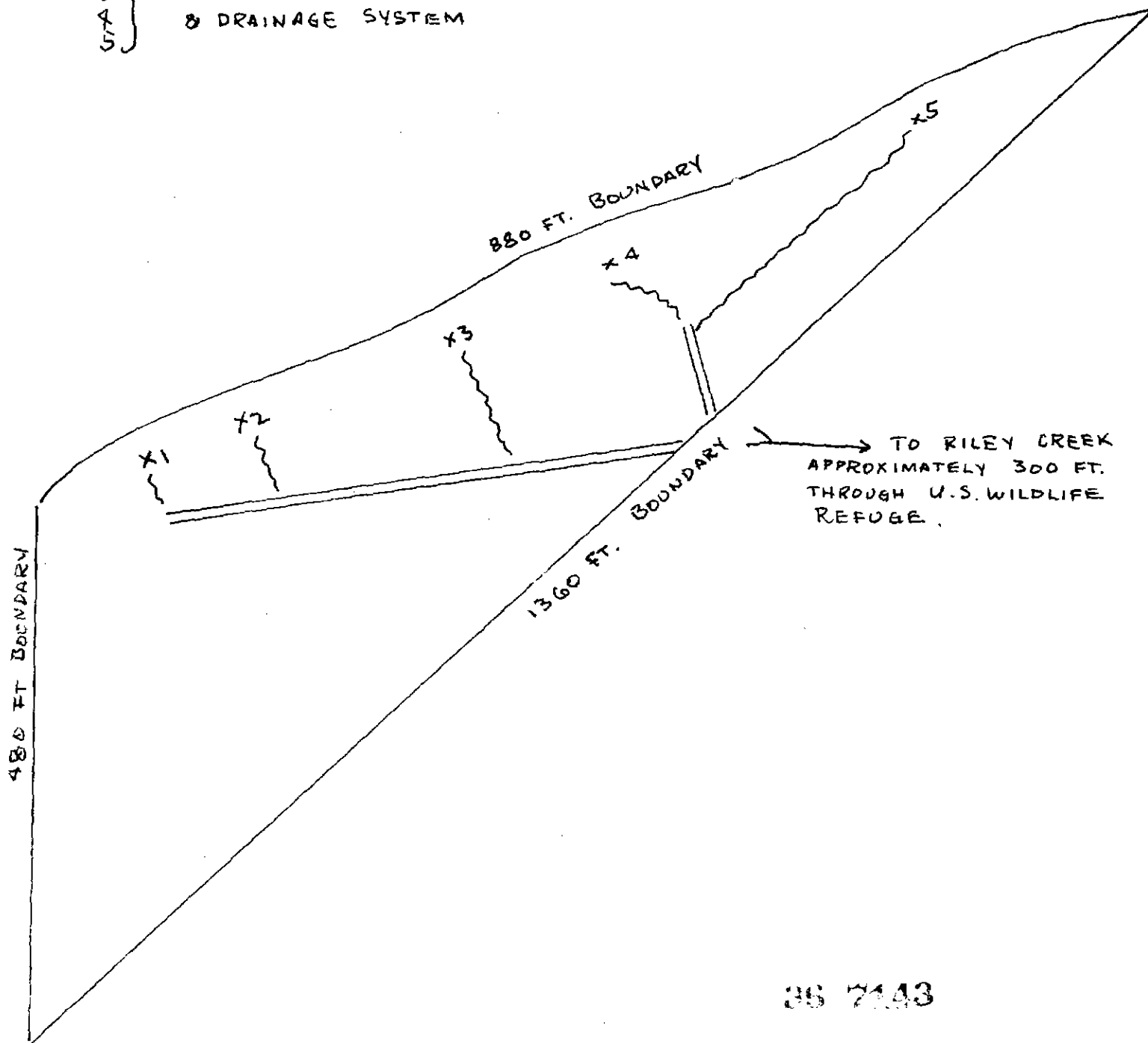
R. Keith Higginson
Director

12-10-2tc

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 insertion	10c

No 962
36 7143

X 1
2
3
4
5 } SPRINGS
 & DRAINAGE SYSTEM



36 7143

ABUNDANTLY 'SUBBED' DENSE BOLLBRUSH, CURRANT &
FLORA SUITABLE FOR WILDLIFE COVER FROM ADJACENT
REFUSE - TO REMAIN UNCHANGED

5000 CUP
IMPROVEMENT

● SMALL PONDS

36 7443



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

May 1, 1979

Re: Water Right No. 36-7143

C. Earle Joseph
Rt. #1, Box 254
Hagerman, Idaho 83332

Dear Mr. Joseph:

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

Sincerely,

J. Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

April 2, 1979

Re: Permit No. 36-7143

C. E. Joseph
Rt. # 1, Box 254
Hagerman, Idaho 83332

Dear Mr. Joseph:

A representative of this Department made an examination of the works covered by your Permit No. 36-7143 on November 9, 1978, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 4.17 cfs Source: unnamed springs (5)

The maximum quantity diverted shall not exceed 20.5 acre feet per year.

Point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, (Gov't. Lot 3), Sec. 6, Twp. 8S, Rge. 14E, B. M.

Beneficial use: Fish propagation, stockwater, domestic, hydroelectric, aesthetics, and irrigation of 4.6 acres within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, Twp. 8S, Rge. 14E, B. M.

Priority date established: November 18, 1970

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw

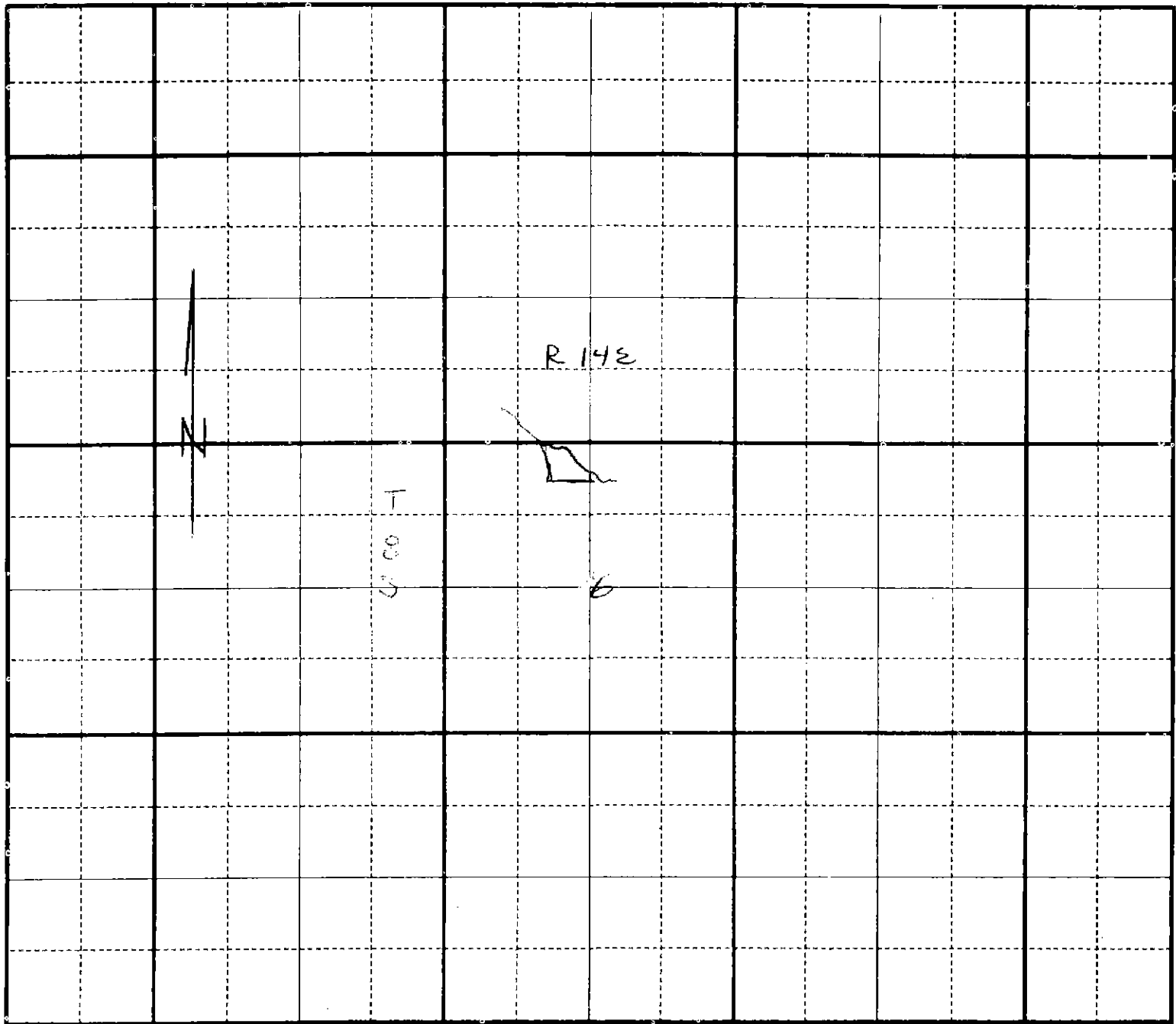
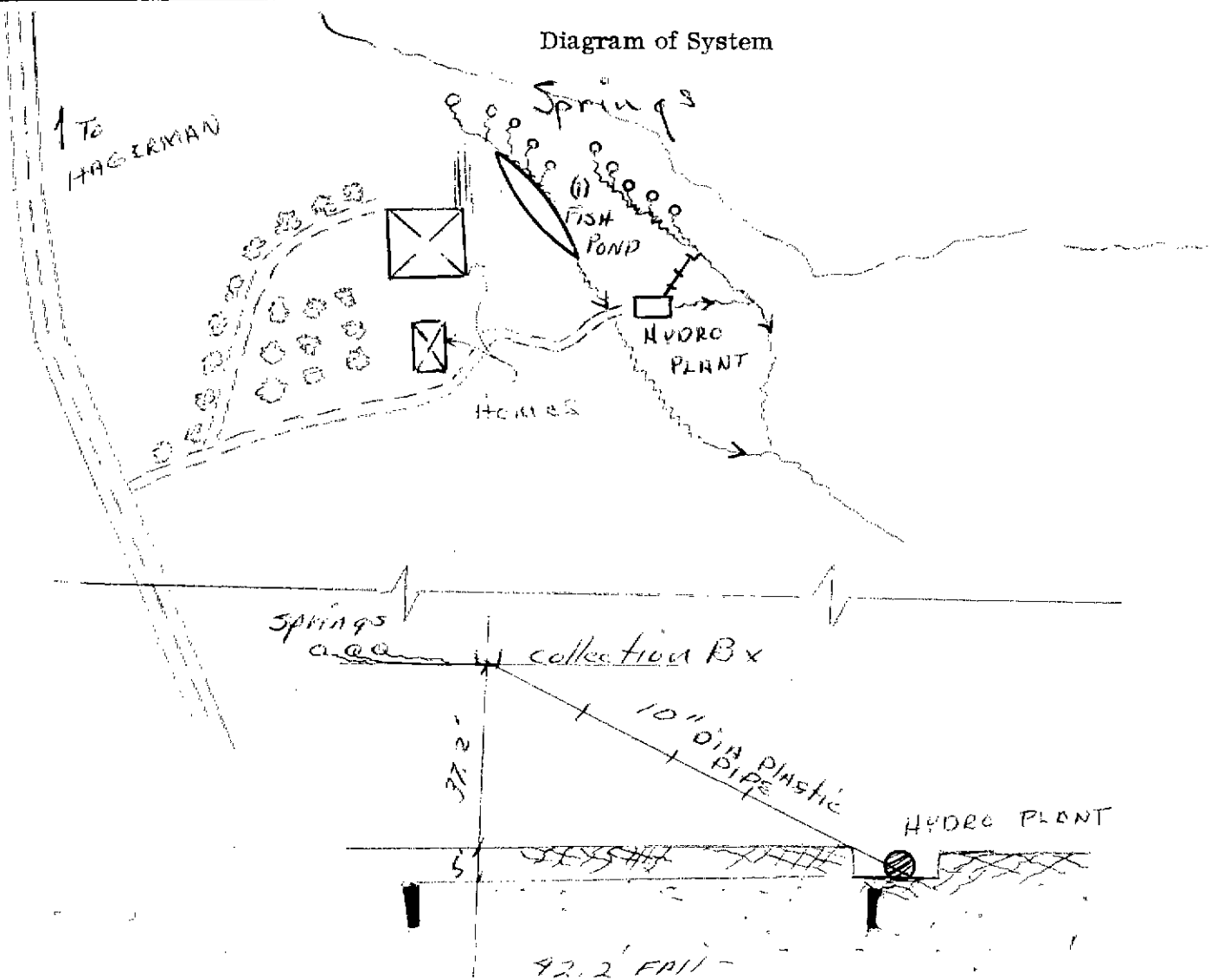


Diagram of System



DATE OF EXAM 11-9-78

ACREAGE
Found 4.6 ⁵
Recommended 4.6 ⁵

Irrigation Requirement 4.0 Ac Ft/Ac

USE
Irrigation Q = .042 ^{.10} c.f.s. V = 18.4 ²⁰ AF/Ann. from MARCH 1 to Nov. 1
Domestic Q = .06 c.f.s. V = 1.8 AF/Ann. from JAN 1 to Dec 31
Livestock Q = .02 c.f.s. V = .3 AF/Ann. from JAN 1 to Dec 31
Fish Prep Q = 1.0 c.f.s. V = N/A JAN 1 to Dec 31
HYDRO Q = 1.0 c.f.s. V = N/A JAN 1 to Dec 31
ASTHETICS Q = 2.0 V = N/A JAN 1 to Dec 31

Is water co-mingled? yes no 22.1 acft

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

Exchange? yes _____ no ✓

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

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

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

Total Q measured SEE REMARKS Method of measurement (2 DIVISERS) CONTRACTOR
RECTANGULAR

Total Q recommended 4.18 CFS Meter No. ✓ Type ✓ Condition ✓

Total V recommended 22.1
20.5 ACFT/ANN.

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

IRRIGATION - ORCHARD & PASTURE GRAVITY FLOW & SOME SPRINKLERS
DOMESTIC - (2) HOMES .06 CFS. 1.8 ACFT/ANN.
FISH PREP - (1) POND 100 FT X 30 X 6'
LIVESTOCK 10 H/ CATTLE & 5 H/ SHEEP. TOTAL VOLUME .3 ACFT/ANN
HYDRO PLANT - 1.0 CFS. WISA 2' X 1' RECTANGULAR CONTRACTED - .09 X .40 = .78 CFS
1.0 CFS

SYSTEM DESCRIPTION:

HYDRO - PELTON WHEEL Patent - 1903 M-C24
Spring ARE LOCATED BELOW CANYON RIM AND WATER IS COLLECTED AT
TWO (2) DIFFERENT LOCATIONS. PART IS COLLECTED AND DIVERTED INTO THE
SPRINKLER AND DITCHES FOR IRRIGATION. ALONG WITH THE FISH POND, THE
OTHER IS COLLECTED IN A DITCH AND DIVERTED THRU A 10" PLASTIC PIPE
WHICH CONVEYS THE WATER TO THE HYDRO PLANT.

REMARKS:

ONLY MEASUREMENTS MADE WAS AT THE HYDRO PLANT, NEAR
THE INLET & AT THE OUTLET. THE REST WAS ALL ESTIMATED.
ALLEN MERRETT & Z. JOSEPH WAS PRESENT DURING THE EXAM.
IRRIGATION (35 RAIN BIRDS 3/16 NOZZLES 1 1/2" GRAVITY PIPE LINE
DOMESTIC PUMP Pqd JACKET 1 HP. SERIAL# C48K2EB11A3

Examiner's Signature Agg Junderburg Date 11-13-78

Checked by Allen D Merrett Date 11-13-78

Approved by _____ Date _____

July 17, 1978

Re: Permit No. 36-7143

C. E. Joseph
Route #1, Box 254
Hagerman, ID 83332

Dear Mr. Joseph:

Enclosed is an Order of Reinstatement; please note that the priority date has not been advanced. We acknowledge receipt of the affidavit submitted as proof of beneficial use for this permit.

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

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:j
Enclosure

Identification No. _____

Permit No. 36-7143

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 26 1978

Department of Water Resources

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder C. E. JOSEPH (MR & MRS)
b) Post Office Address RT. 1 - Box 254, HAGERMAN, IDAHO 83332
2. Permit Number 36-7143
3. Date of Priority that you are prepared to establish JUNE 14, 1976
4. a) Source from which water was appropriated NUMEROUS SPRINGS ORIGINATING ON PROPERTY.
b) Location of the point of diversion: LOT 3 $\frac{1}{4}$ NE-NW $\frac{1}{4}$, Section 6
Township 8S, Range 14E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount _____ for DOMESTIC purposes from JAN. 1 to DEC. 31 incl.
(cfs and/or acre-feet per annum) PONDING 1-1 TO 12-31 (Month-Day) (Month-Day)
Amount _____ for AGRICULTURAL purposes from MAR. 1 to NOV. 1 incl.
(cfs and/or acre-feet per annum) AESTHETIC 1-1 TO 12-31 (Month-Day) (Month-Day)
Amount _____ for HYDROELECTRIC purposes from JAN. 1 to DEC. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated _____ cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: SEE YOUR LETTER OF JULY 12, 1976 PROVIDING EXEMPTION FROM MEASURING DEVICE REQUIREMENT.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
N/A
b) Describe the agreement or understanding by which you take water from the works:
N/A
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) ALL SYSTEMS, WHERE APPROPRIATE, IN PLASTIC, STEEL OR COMPOSITION PIPE, FROM 3/4" TO 12". ONLY OPEN DITCHES FOR ESCAPE RETURN TO STREAM FEEDING RILEY CREEK - RECIPIENT OF ENTIRE WATERSHED REGARDLESS OF APPLICATION.
b) Describe the type and size of measuring device which you have installed at your point of diversion:
SEE 5-C
c) Give well driller's name and address and the date the well was completed:
N/A
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
SEE 5-A

Exam typed 2/17/78 by fg

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

SMALL ORCHARD

" GARDEN

LANDSCAPING CONTIGUOUS TO DWELLING

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
85	14E	6					3/4												

Total number of acres irrigated 3/4

10. Remarks: Expert and experienced people in water work, Phil Gamon, Aldrich Bowler, Cleve Lloyd, Geo. Simmons, all have viewed and passed judgement on my projects. I believe we're working w/ from 5 to 6 sec. ft.

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

6/24/78

(Date)

G. E. Joseph

(Signature)

State of Idaho)

) ss.

County of Twin Falls)

On this 14th day of June, 1978, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at Buhl, Idaho

My commission expires November 20, 1980



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

July 11, 1978

Re: Permit No. 36-7143

C. E. Joseph
Route #1, Box 254
Hagerman, ID 83332

Dear Mr. Joseph:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 36-7143 has lapsed since you have not notified us that you have completed the project by the date required on your permit. You were provided forms for that purpose in our notice to you dated April 28, 1978.

Your permit cannot be reinstated unless you submit the proof of beneficial use affidavit, enclosed, or show other reasonable cause why the permit should be reinstated within 60 days from the date of this lapse notice.

C. STEPHEN ALLRED
Director

CSA:jfr

Encl.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

April 22, 1978

CERTIFIED MAIL 138746

Re: Permit No. 36-7143

C. E. Joseph
P.O. Box 1, Box 254
Bateman, Idaho 83332

Dear Mr. Joseph:

One of the conditions of approval of your water Permit No. 36-7143 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before July 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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

Norman C. Young
NORMAN C. YOUNG
Administrator,
Resources Administration Division

NCY:jfr

Encl: Proof affidavit

RECEIVED

FEB 8 1978

Department of Water Resources
Southern District Office

2-2-78

RECEIVED

FEB 6 1978

Department of Water Resources

Dept. of Water Resources
State of Idaho, Statehouse
Boise, Idaho 83720

Gentlemen:

Re: Application #36-7143

With reference to above identified Application
for Permit.....

please make final inspection any time that is
convenient for you between now and July 1, 1978, the
expiration date of my extension.

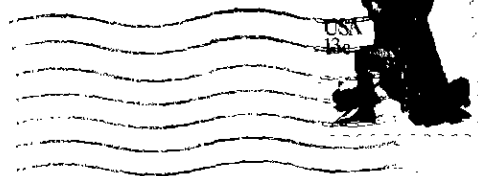
If my presence is mandatory to the inspection
it would be to my convenience if it was scheduled
on any day other than a Wednesday or Saturday.

Yours truly,

C. E. Joseph

C. E. Joseph
Rt. 1, Box 254
Hagerman, Id. 83332

C. E. Joseph
Rt. 1, Box 254
Hegerman, Id. 83332



Department of Water Resources

Statehouse, State of Idaho

Boise, Idaho

83720

July 12, 1976

Re: Permit No. 36-7143

C. E. Joseph
Hagerman,
Idaho 83332

Dear Mr. Joseph:

Enclosed is an Order which removes the measuring device requirement for the above referenced permit.

Sincerely,

JANICE ROHM
Secretary, Water Rights

BER

Encl.

JUL 2 1976

Department of Water Resources

June 30, 1976

Director
Dept. Water Resources

Dear Sir:

Re: Permit No. 36-7143

As work on this application progresses, it becomes increasingly obvious that the mandatory requirement for some orthodox form of measuring device is impossible to fulfill. I am supported in this deduction by some of the 'old-timers' in water experience in this area, with whom I have counselled.

The reasons are the diverse number of springs involved in each of the projects input, the short and precipitous descent on input in each instance, and the proximity of the Federal Wildlife Management property line to the discharge.

I believe it will be possible to draw a reasonably accurate determination of second-feet involved on the hydro-electric project, from the KW output and the known 'fall' by mathematical equation. However, on the pond reservoir, I fear any valid determination will have to derive from the ingenuity and experience of your people.

On the basis of the preceeding, I request that the mandatory measuring requirement be deleted from my application, in order that I may bring it to a stage of completion acceptable for inspection and approval.

Yours respectfully,

C. E. Joseph
C. E. Joseph
Hagerman, Idaho 83332

June 18, 1976

Re: Permit No. 36-7143

C. E. Joseph
Route 1
Hagerman, Idaho 83332

Dear Mr. Joseph:

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

The time within which to submit proof of beneficial use of water has been extended to July 1, 1978.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

PS Form 3811, Jan. 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.								
1. The following service is requested (check one). ☐ Show to whom and date delivered..... 15¢ ☐ Show to whom, date, & address of delivery.. 35¢ ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢ ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢								
2. ARTICLE ADDRESSED TO: <i>138541</i>								
3. ARTICLE DESCRIPTION: <table border="1"> <tr> <td>REGISTERED NO.</td> <td>CERTIFIED NO.</td> <td>INSURED NO.</td> </tr> <tr> <td><i>70</i></td> <td><i>138541</i></td> <td></td> </tr> </table> (Always obtain signature of addressee or agent)			REGISTERED NO.	CERTIFIED NO.	INSURED NO.	<i>70</i>	<i>138541</i>	
REGISTERED NO.	CERTIFIED NO.	INSURED NO.						
<i>70</i>	<i>138541</i>							
I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent <i>Mrs. C. E. Joseph</i>								
4. DATE OF DELIVERY <i>5-1-76</i>		POSTMARK <i>5 1976</i>						
5. ADDRESS (Complete only if requested)								
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS <i>M. L.</i>						

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

RETURN
TO

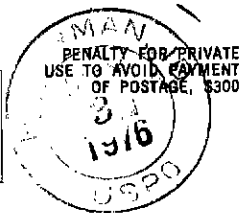


DEPARTMENT OF WATER RESOURCES

STATEHOUSE

COVINGTON, LA 70420

Louis, La 70420



April 30, 1976

CERTIFIED MAIL #1385A1

Re: Permit No. 36-7143

C. Earle Joseph
Route # 1
Hagerman, Idaho 83332

Dear Mr. Joseph:

One of the conditions of approval of your water Permit No. 36-7143 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before JULY 1, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

July 7, 1971

Re: Permit No. 36-7143 - C. Earle Joseph

C. Earle Joseph
Route #1
Hagerman, Idaho 83332

Dear Mr. Joseph:

Enclosed is a copy of your approved Application for Permit No. 36-7143. We direct your attention to the conditions of approval as listed on the fourth page.

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

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Enclosures

36 7143

January 12, 1971

Re: Application for Permit No. 36-7143 - C. Earle Joseph

C
C. J. & Vera Mahannah
2498 Beverly Road
St. Paul, Minnesota 55104

O
Dear Mr. & Mrs. Mahannah:

Thank you for your letter of January 2, 1971.

When your permit was issued, it was given number 32039. In 1969 the Department re-numbered its files and your permit was re-numbered 36-2604. Please use the new number when corresponding with this office.

P
If we may be of assistance at any time, please do not hesitate to contact us.

Very truly yours,

Y
Donald W. McEldowney
Appropriation Supervisor

DWM:DR

36 7143

RECEIVED
JAN 7 1971
Department of Water Administration BDE

2498 Beverly Road
St. Paul
Minnesota 55104
January 2, 1971

Mr. D..W. McEldowney
Dep't. of Water Administration
Statehouse--Annex 2
Boise, Idaho 83707

Dear Mr. McEldowney:

We have received your letter of December 24, 1970, in reference to application of Permit No. 36-7143 as filed by Mr. C. Earle Joseph. It does not appear to be an infringement of our water interests as listed in Permit No. 36-2604.

Our Permit is numbered 32039, you use 36-2604, are these one and the same?

You have been most prompt and courteous in sending us this information of Mr. Joseph's application and we do not feel there is reason for us to file a formal protest.

We thank you for your assistance in this matter.

C. J. and Vera Mahannah
C..J. and Vera Mahannah
2498 Beverly Road
St. Paul, Minnesota 55104

36 7143

December 24, 1970

Re: Application for Permit No. 36-7143

Mr. C. J. Mahannah
2438 Beverly Road
St. Paul, Minnesota 55104

Dear Mr. Mahannah:

We have received your letter of December 17, 1970. It would appear from the information in the Application for Permit No. 36-7143, that Mr. C. Farle Joseph owns 4.6 acres of ground in Lot 3 Sec. 6, Twp. 3 S., Rge. 14 E., B.M. From the information in your Permit No. 36-2604, it would appear that you also have $5\frac{1}{2}$ acres in Lot 3. The information in the application and the permit is not sufficient to identify which particular spring either of you are diverting from; therefore, we are enclosing a copy of Mr. Joseph's application.

You should bear in mind that any permit which is approved is subject to all prior water rights. This means that the appropriation of Idaho's public water is subject to first in time first in right doctrine. When your permit was approved, you were subject to this doctrine as would Mr. Joseph be subject to all prior rights if his permit were approved. This means that only when water is available for a particular priority can that water right be exercised.

With this understanding, we would assume that there would not be an infringement of any water right you may perfect under your permit. If you still feel that there would be an infringement, please submit a formal protest describing in detail the nature of your protest.

If we can assist you further, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:kh

Enclosure

36 7143

Mahannah
2498 Beverly Road
St. Paul
Minnesota 55104



CERTIFIED
No 187545
MAIL

Mr. P. Keith Higginson
Water Administration Statehouse
Boise, Idaho 83707

RETURN RECEIPT REQUESTED

AIR MAIL

86 7143

2498 Beverly Road
St. Paul, Minnesota
55104
December 17, 1970

RECEIVED

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

DEC 21 1970

Dear Sir:

It has come to our attention that Mr. C. Earle Joseph, Route No. 1, Hagerman, Idaho, on Nov. 18, 1970, submitted Application No. 36-7143 for appropriation of Public Waters of five unnamed springs that empty into Riley Creek. The legal description appears to tally with that contained in Permit No. 32039 first granted to us in August 1964. An application for extension of time to August 28, 1974, was granted us May 1, 1969.

We do plan on returning to Idaho the latter part of next summer establish our residence and begin construction of our home.

Mr. Joseph's request appears to conflict with our interests there. If this is true we do wish to protest any infringement of water rights of springs located on our property.

Sincerely,

C.J. Mahannah
Vera Mahannah
C.J. Mahannah Vera Mahannah

36 7143

**NOTICE OF APPLICATION
FOR PERMIT TO
APPROPRIATE THE
PUBLIC WATERS OF THE
STATE OF IDAHO**

Notice is hereby given that C. Earle Joseph, Route No. 1, Hagerman, Idaho has on November 18, 1970 submitted Application No. 36-7143 to appropriate the public waters of five unnamed springs tributary to Riley Creek. The proposed uses are irrigation (0.3 cfs) of 3 acres from March 1 to November 1; fish ponds (3.0 cfs), domestic (0.06 cfs), hydroelec (0.5 cfs), stock-water (0.02 cfs), aesthetics (2.0 cfs) from January 1 to December 31.

The application proposes a maximum diversion and appropriation of 5.0 cubic feet per second of water to be diverted by sprinkler system, ponds, pipes, pump, and storage tank within the NE $\frac{1}{4}$ -NW $\frac{1}{4}$ (Lot 3), Sec. 6, T. 8S, R. 14E, B.M., Gooding County and is to be used within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 3), Sec. 6, T. 8S, R. 14 E, B.M.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration Statehouse, Boise, Idaho on or before December 28, 1970.

R. Keith Higginson
Director

12-10-2tc

December 1, 1970

Re: Application No. 36-7143 - C. Earle Joseph

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/DG
Enc: legal notice

Bill submitted

Credit

By

de

36 7143

NOTICE OF APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that C. Earle Joseph, Route #1, Hagerman, Idaho
has on November 18, 1970
submitted Application No. 36-7143 to appropriate the public waters of
five unnamed springs trib. to Riley Creek.
The proposed uses are irrigation (0.3 cfs) of 3 acres from March 1 to November 1;
fish ponds (3.0 cfs), domestic (0.06 cfs), hydroelec (0.5 cfs), stockwater (0.02 cfs),
asethetics (2.0 cfs) from January 1 to December 31.

The application proposes a maximum diversion and appropriation of 5.0
cubic feet per second acre/feet/ of water to be diverted by sprinkler system,
ponds, pipes, pump, and storage tank within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 3), Sec.
6, T. 8S, R. 14E, B.M., Gooding County

and is to be used within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 3), Sec. 6, T. 8S, R. 14 E, B.M., ~~Gooding~~

Any permit issued pursuant to this application will be subject to ALL PRIOR
WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest
against this application must be filed with the Idaho Department of Water Adminis-
tration ²⁸ on or before December 27, 1970.
Statehouse, Boise, Idaho

R. KEITH HIGGINSON
Director

Published in the Gooding County Leader, Gooding, Idaho
on December 10 and December 17, 1970.

November 18, 1970

C. Earle Joseph
Route #1
Hagerman, Idaho 83332

Dear Mr. Joseph:

Returned herewith is Departmental Receipt No. 5333 in the amount of
\$40.00 for Application for Permit

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

November 18, 1970

Re: Application for Permit No. 36-7143 - C. Earle Joseph

Mr. C. Earle Joseph
Route #1
Hagerman, Idaho 83332

Dear Mr. Joseph:

As part of the procedures under your application for permit no. 36-7143, you will be required to fill out and return to this office an affidavit to establish residence, a form for which is enclosed.

Your assistance in this matter is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: affidavit to establish residence

36 7143

October 22, 1970

Mr. C. Earle Joseph
Route # 1
Hagerman, Idaho 83332

Dear Mr. Joseph:

We are herewith returning your application for permit and personal check in the amount of \$5.00, as we will need some additional information before we can process this application.

Please note that under item four, you have listed 0.6cfs for domestic use. The maximum quantity that we can consider for appropriation for domestic use is 0.02 cfs per domestic unit, you have also listed 0.8cfs for irrigational purposes. The maximum quantity that we consider for irrigation is 1 inch, or 0.02cfs per irrigated acre.

The filing fee for this application is based on the quantity of water that you are intending to appropriate. This fee can be determined from page three of the enclosed instructions.

Also, please note that your signature on page three must appear exactly the way it does under item one, page one, of the application.

As soon as you have clarified these issues, and re-submitted the application with the proper filing fee, we shall begin its processing.

If we may be of any further assistance in this matter, please feel free to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: application for permit, with instructions
personal check in the amount of \$5.00

36 7143