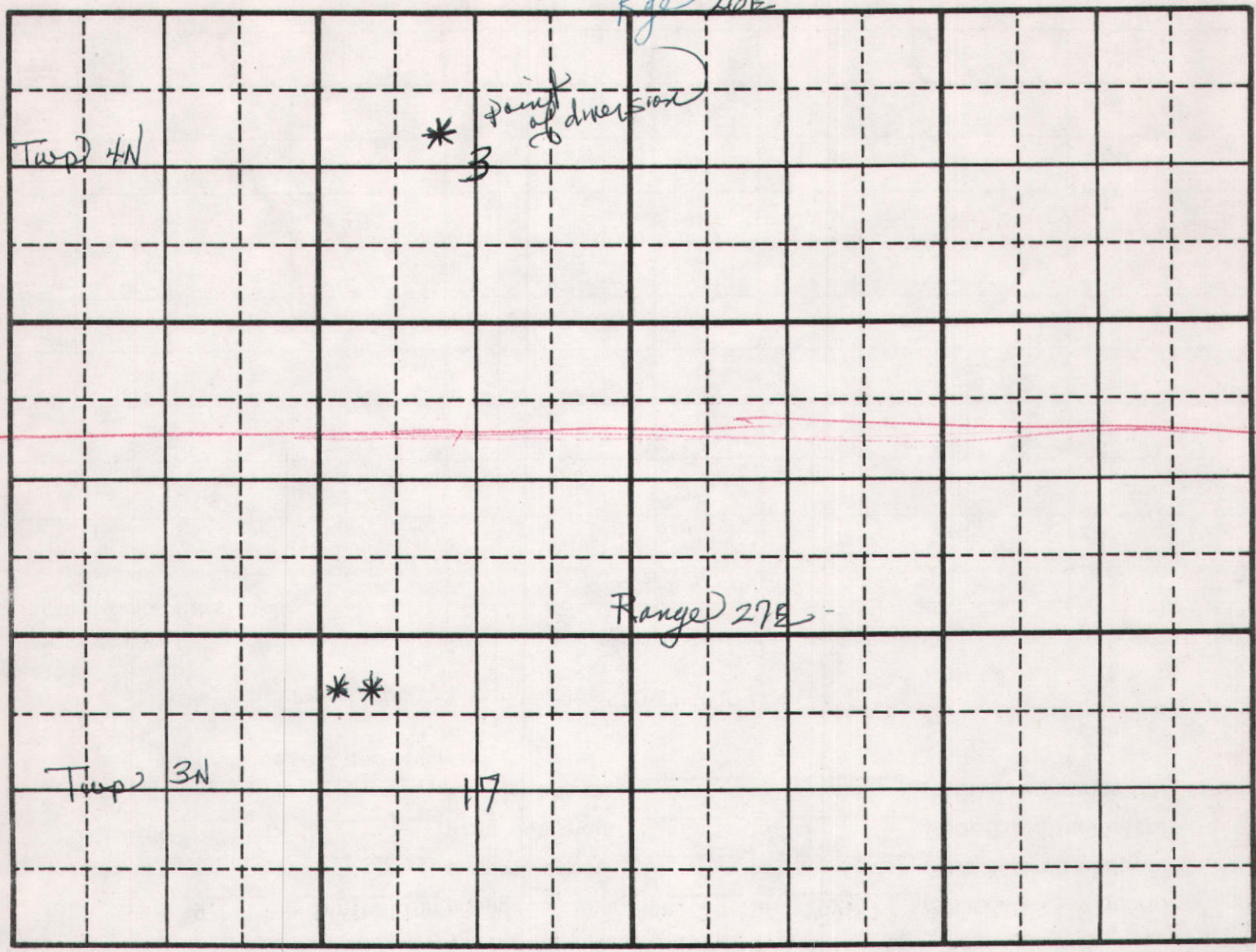


Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

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

Signed at Idaho Falls, this 21 day of April, 19 78.

A. Larry Guint
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

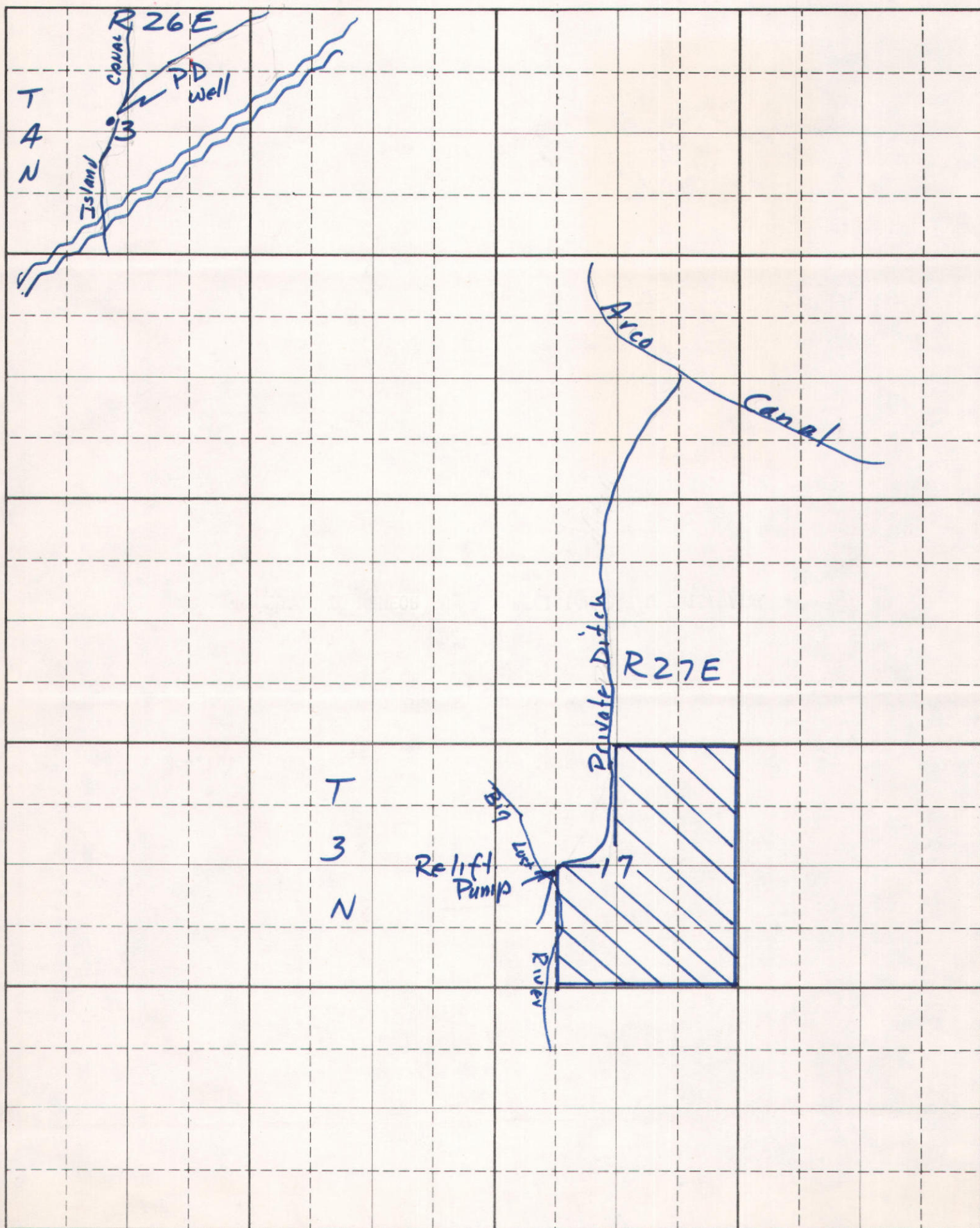
I, L. GLEN SAXTON, Chief, Operations Bureau, ~~Director~~ of the Department of Water Resources

hereby APPROVE the above application for amendment on Permit No. 34-7181.

Witness my hand this 19th day of June, 19 78.

L. Glen Saxton
Director
Chief, Operations Bureau

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.

 Arthur L. Priest
(Applicant)
Arthur L. Priest

RECEIVED
MAY 17 1977

Affidavit of Publication

Department of Water Resources
Eastern District Office

Le Ella Cammack.....
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco,
Idaho, since March, 1909, do solemnly swear that
a copy of this notice, per clipping attached, was
published weekly in the regular and entire issue
of said newspaper, and not in any supplement
thereof,

for *2*..... consecutive weeks, commencing with
the issue dated *April 21, 1977*.....
and ending with the issue dated *4-28-77*.....

Le Ella Cammack.....

Subscribed and sworn to before me this

16 day of *May*, 19 *77*

Charles G. Jones
Notary Public

Residence: Arco, Idaho.

My commission expires *5/14*, 19 *78*

PUBLIC NOTICE

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Ar-
thur W. Quist &-or A. Larry Quist,
Arco, Idaho, have on 4-19-77 sub-
mitted Application No. 34-7181 for a
permit to appropriate 9.0 cubic feet
per second of water from a ground-
water source by means of well and
pump within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3,
T. 4N, R. 26E, B.M., Butte County;
to be used from Apr. 1 to Nov. 1 for
the irrigation of 400 acres within the
E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 17, T. 3N, R.
27E, B.M.

If issued, this permit will be
subject to all prior water rights.
Protests against the granting of the
permit must be filed with the Idaho
Department of Water Resources,
1515 Lincoln Road, Idaho Falls,
Idaho, 83401 on or before May 9,
1977.

C. STEPHEN ALLRED
Director

Published in the Arco Advertiser,
Arco, Idaho on April 21 and April 28,
1977.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

34-7181

A. GENERAL INFORMATION

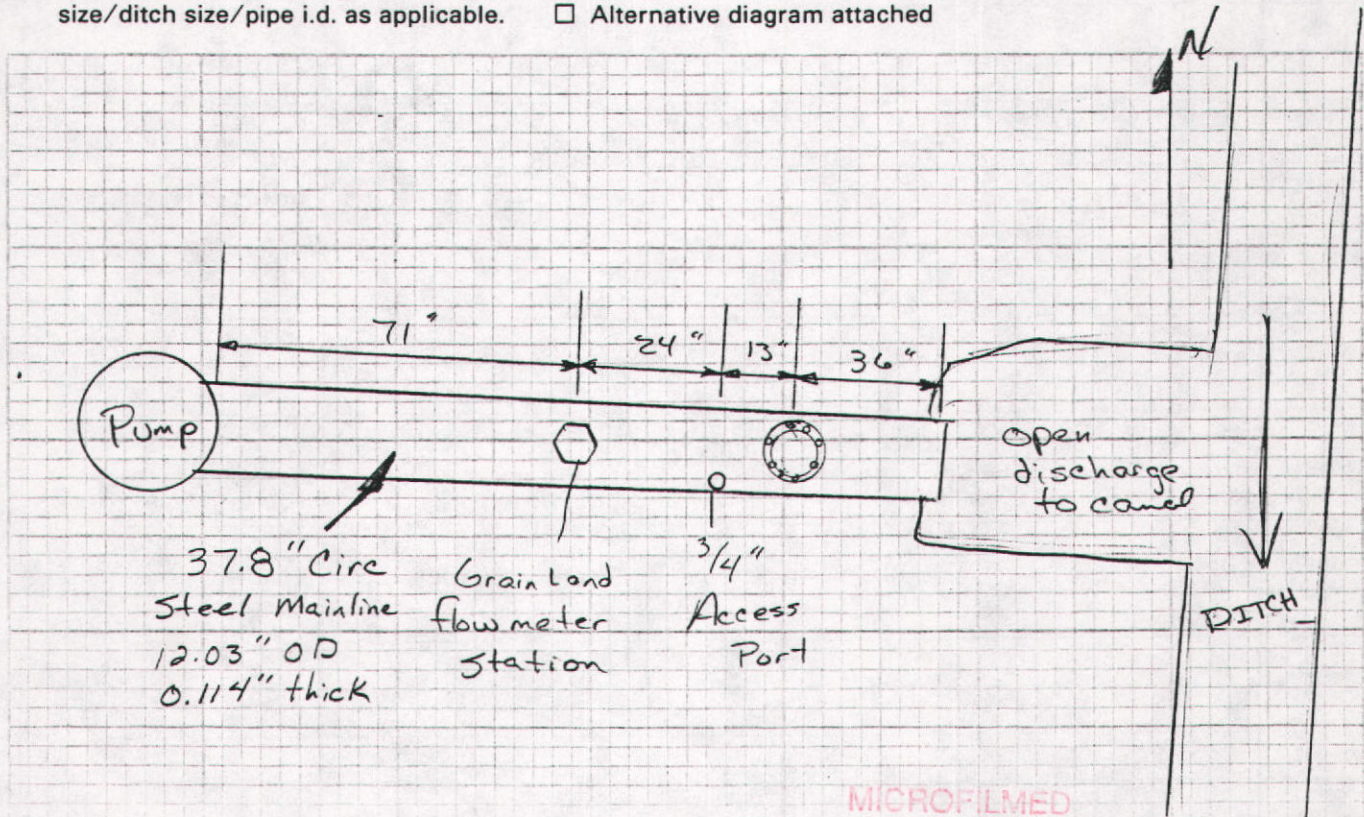
1. Owner: Arthur Quist Permit No. 34-7075, 34-7181
Current Address: Rt. #1 Box 203 AREO, ID 83213 Phone No. 527-3107
2. Accompanied by: Larry Quist EXAM. DATE: 10-15-90
Address: Same Phone No. Same
Relationship to Permit Holder: Son
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 34-0187/0188/01950/01968/0197/0796/0031/
0648/0796 [Big Lost River] 34-4002 wastewater ☐ Copies Attached
2. Other water rights with same point of diversion: 34-7181/34-7075
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

MICROFILMED

FEB 11 1998

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Partial
(Partial) 34-7181

A. GENERAL INFORMATION

Permit No. 34-7075

1. Owner: Arthur W. Quist Phone No. 527-3107
Current Address: Rt #1 Box 203 Arco, Id 83213

2. Accompanied by: Arthur W. Quist EXAM. DATE: 7/16/87
Address: Rt #1 Box 203 Phone No. 527-3107

Relationship to Permit Holder: applicant

3. Source: groundwater tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with same place of use: see comments

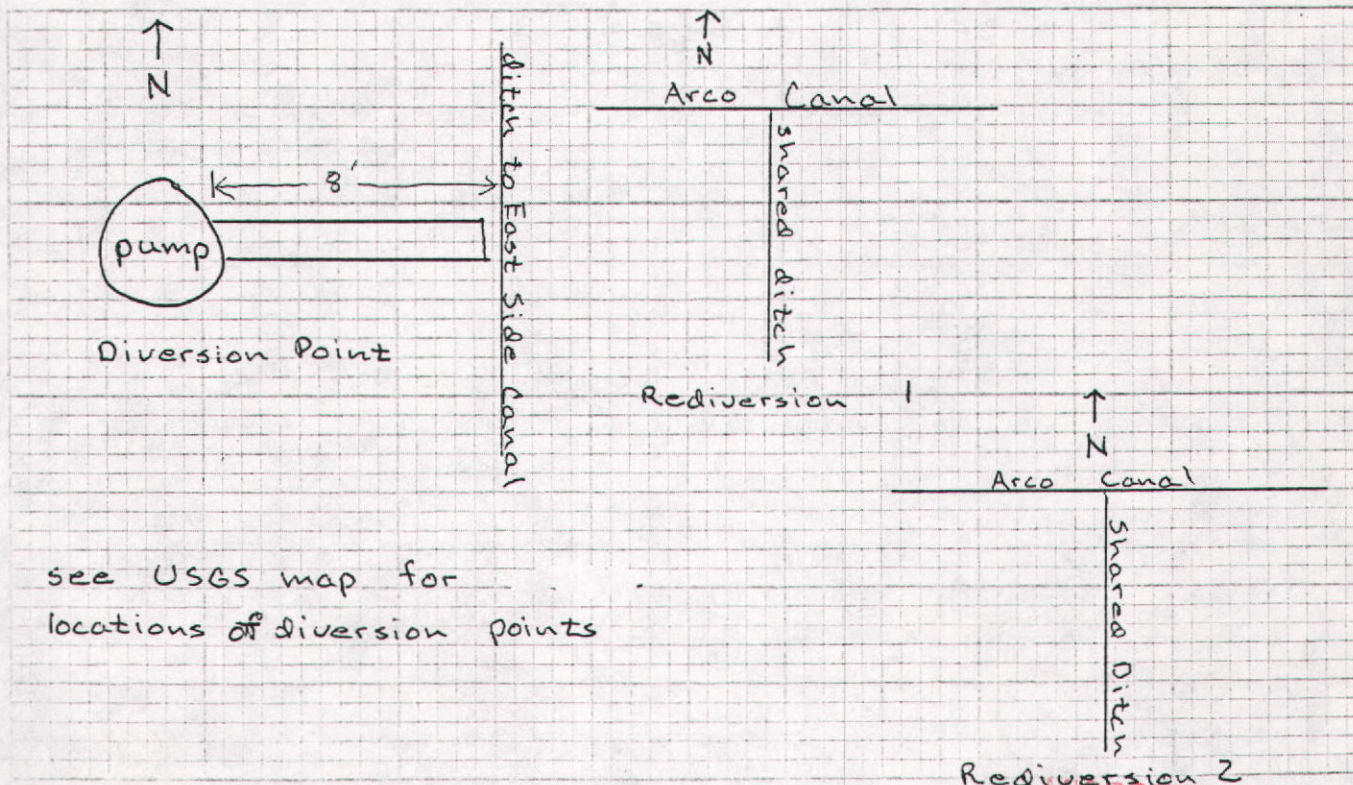
☐ Copies Attached

2. Other water rights with same point of diversion: no

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



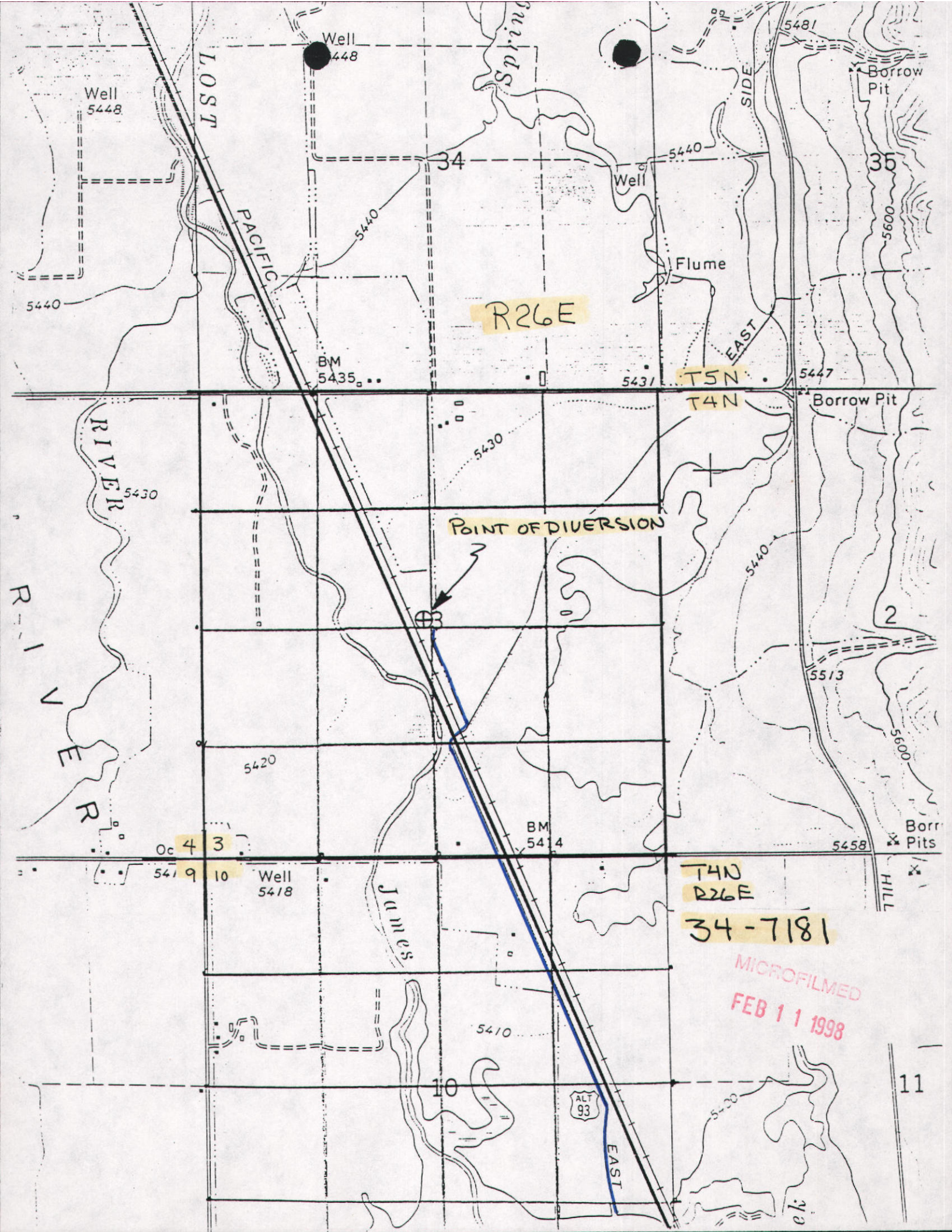
Scale: 1" = _____

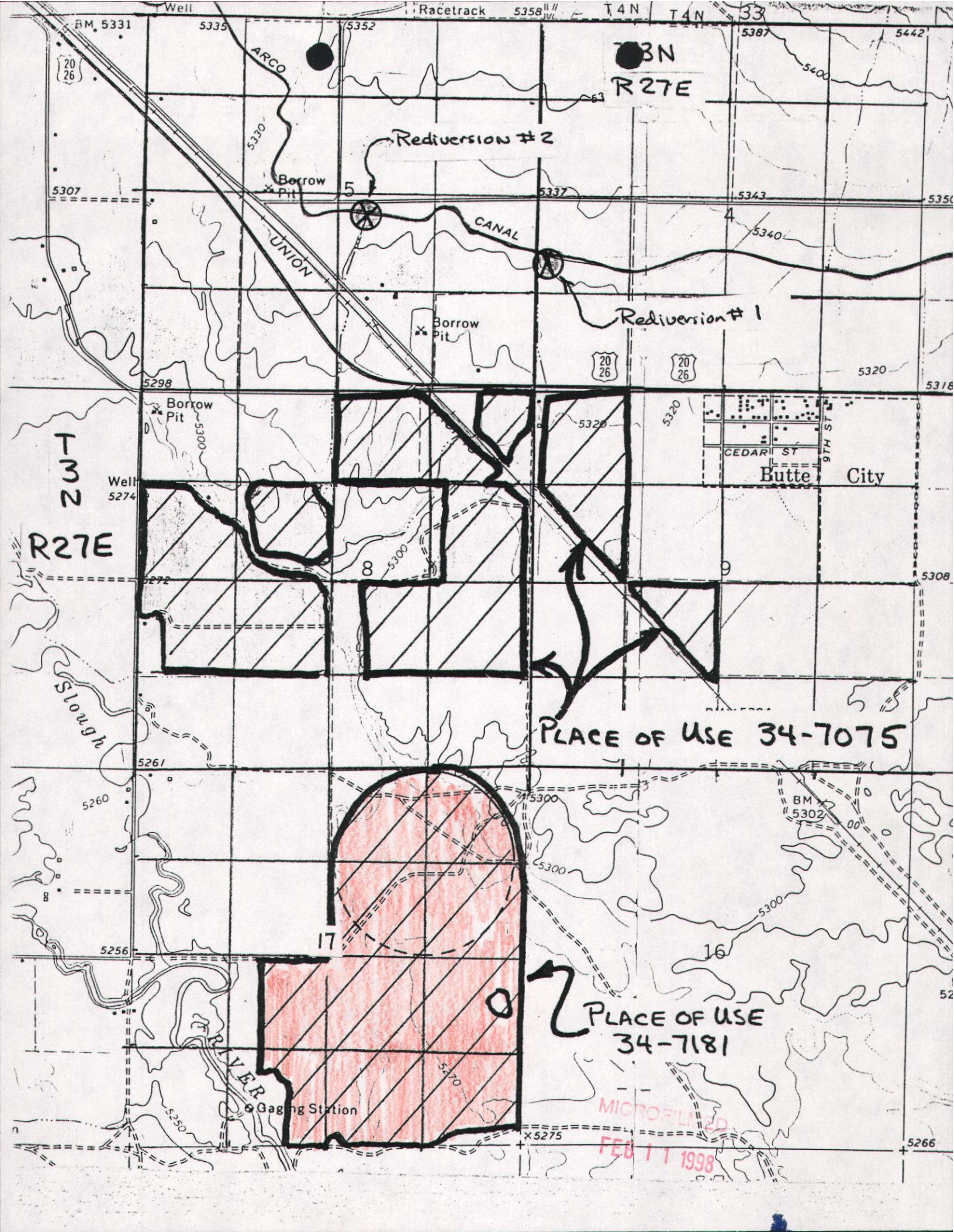
2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

FEB 11 1998





Racetrack

T3N
R27E

Rediversion #2

Borrow Pit

CANAL

Rediversion #1

Borrow Pit

Borrow Pit

Well

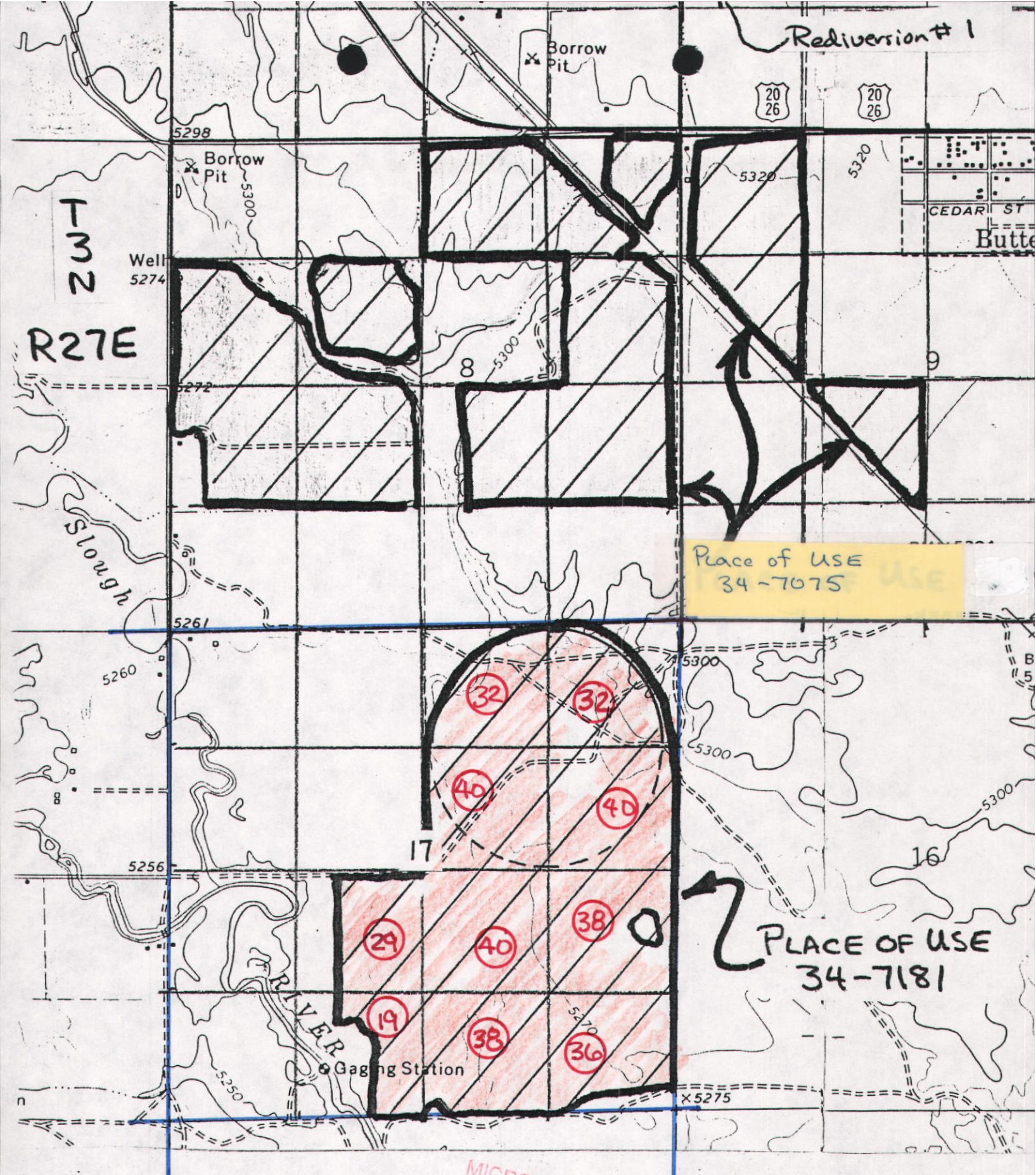
CEDAR ST

Butte City

PLACE OF USE 34-7075

PLACE OF USE 34-7181

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FEB 11 1998



Rediversion #1

T3N

R27E

Borrow Pit

Well 5274

Slough

Borrow Pit

CEDAR ST
Butte

Place of USE
34-7075

PLACE OF USE
34-7181

Gaging Station

MICROFILMED
FEB 11 1998

34-7181

MICROFILMED
FEB 11 1998

#155
T 269
L. Quist

NHEL
NW

R27E

T2N

⑦ NHEL
NW
73.6

8-390
K. Quist
#89
T 152

T
3
N

R27E

NHEL

A0
57.5

② NHEL
NW
100.7

A-479

C. Higgins
#53
T 104

PLACE OF USE

29

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NHEL
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⑤ NHEL
NW
5.8

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⑥ NHEL
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57.0

⑦ NHEL
NW
29.6

⑧ NHEL
NW
57.0

⑨ NHEL
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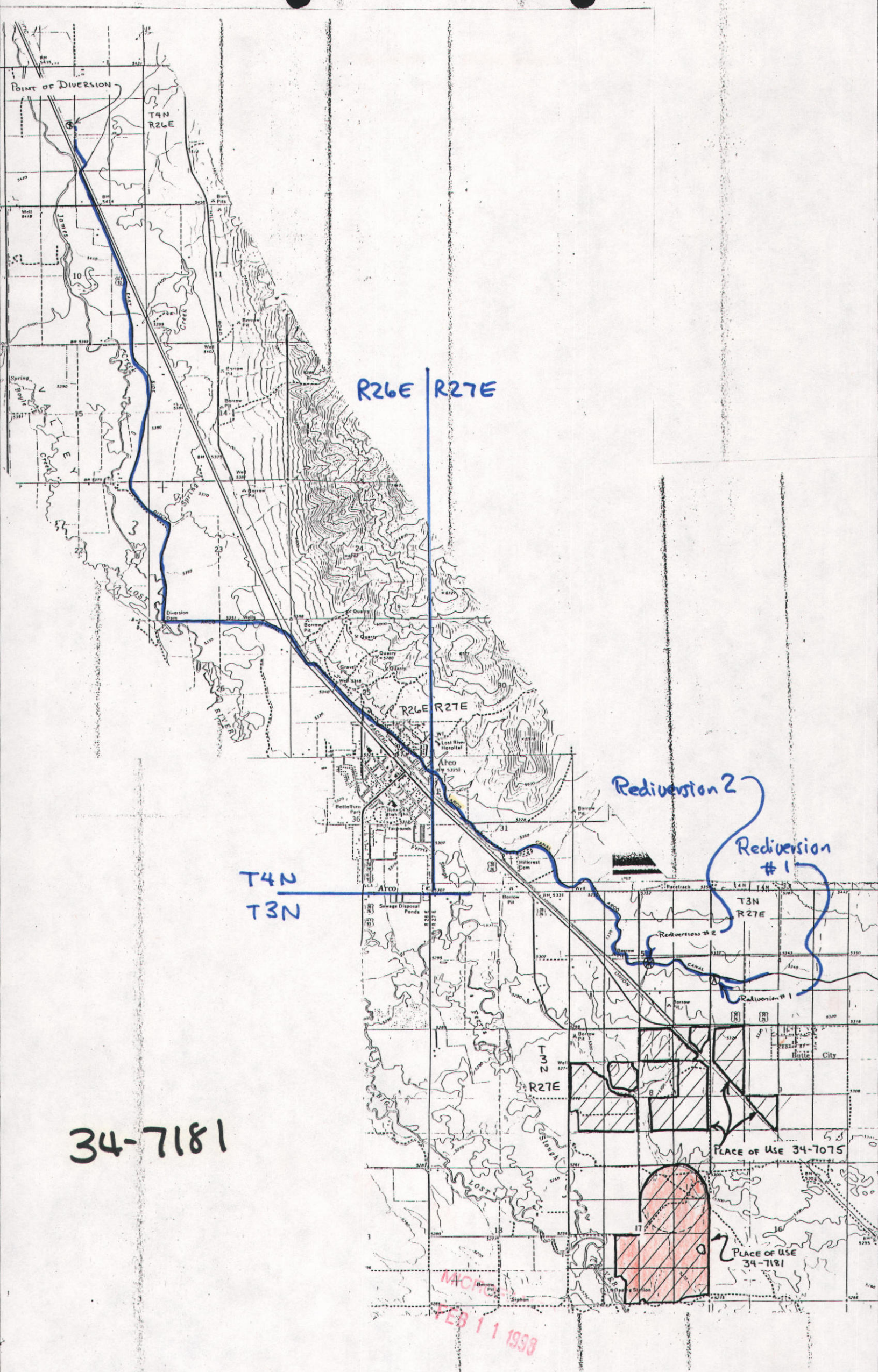
17 16

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34-7181



Point of Diversion

T4N
R26E

R26E R27E

R26E R27E

T4N
T3N

Rediversion 2

Rediversion
#1

T3N
R27E

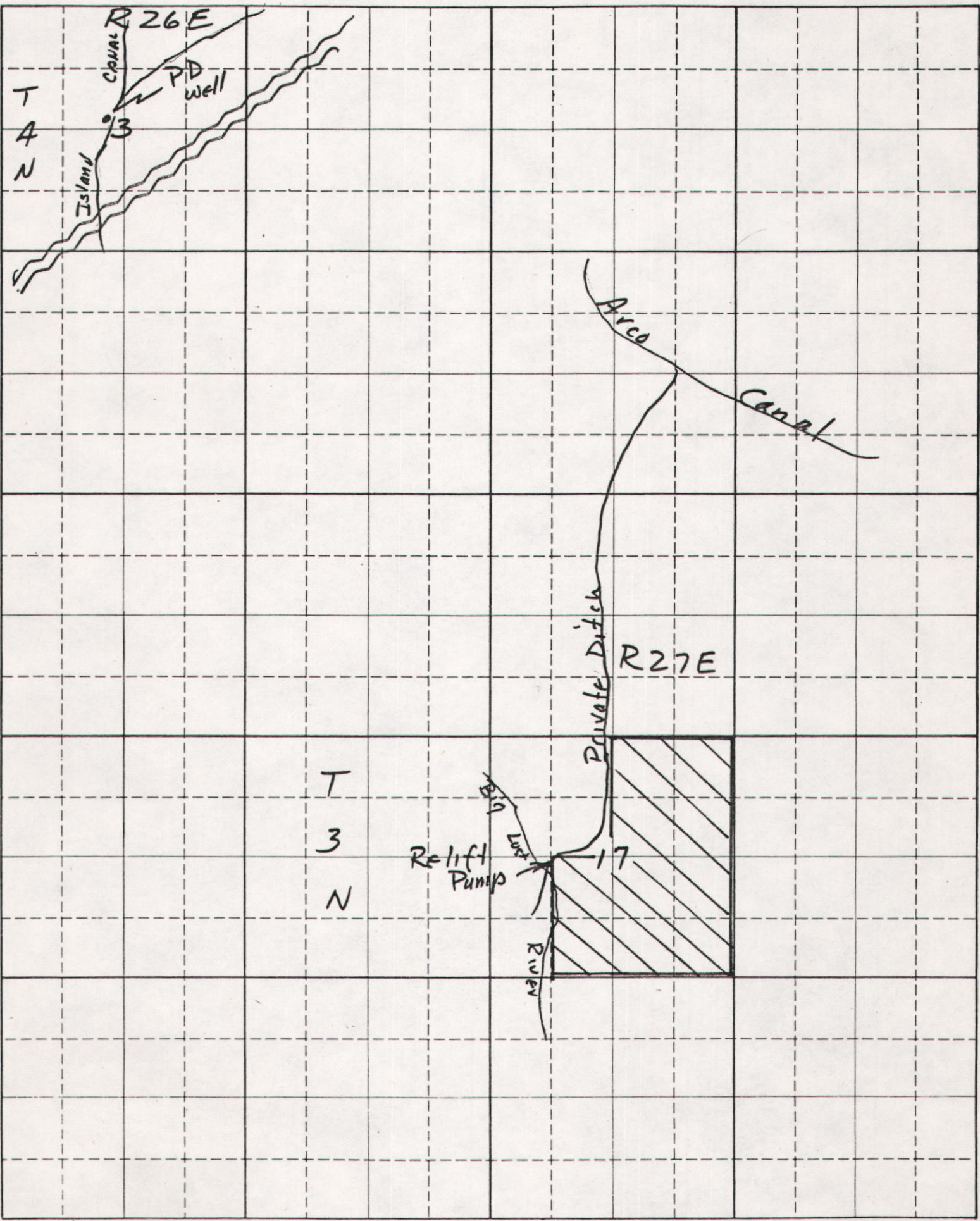
34-7181

PLACE OF USE 34-7075

PLACE OF USE
34-7181

FEB 11 1958

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.

(Applicant)

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 34-07181

Priority: April 19, 1977

Maximum Diversion Rate:

7.07 CFS

This is to certify, that ARTHUR W QUIST
A LARRY QUIST

RT 1 BOX 203
ARCO ID 83213

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 19, 1977; and has submitted Proof of Beneficial Use on May 29, 1987. An examination indicates that the works have a diversion capacity of 7.070 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	7.07 CFS	

LOCATION OF POINT(S) OF DIVERSION:

Injection	SENE , Sec. 3, Township 04N, Range 26E
Rediversion	NWNW , Sec. 26, Township 04N, Range 26E
	NWNW , Sec. 26, Township 04N, Range 26E
	BUTTE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	27E	17	NENE 32	NWNE 32	SWNE 40	
			SENE 40	NENW 39	NWNW 35	
			SWNW 25	SENE 40	NESW 38	
			SESW 22	NESE 38	NWSE 40	
			SWSE 38	SESE 36		495

Total number of acres irrigated: 495

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

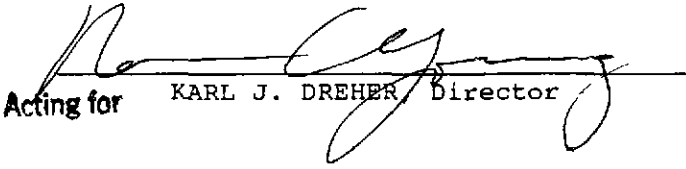
WATER RIGHT NO. 34-07181

CONDITIONS OF APPROVAL AND REMARKS

6. This right when combined with all other rights shall provide no more than 4.0 afa per acre for irrigation of the lands above.
7. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
8. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
9. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual field headgate volume of 1732.5 af for the lands above.
10. This right is limited to the irrigation of 400 acres within the place of use described above in a single irrigation season.
11. Water diverted under this right flows into the East Side Ditch and is injected into the Big Lost River. The water is re-diverted from the Big Lost River into the Arco Canal.
12. Rights 34-07075 and 34-07181 when combined shall not exceed a total diversion rate of 7.07 cfs.
13. Measuring devices of a type approved by the Department of Water Resources shall be maintained at the well, point of injection and redirection from the Arco Canal.
14. Right 34-07075 is also diverted through the point(s) of diversion described above.
15. When necessary to prevent injury to appropriators of water downstream from the point of diversion, the amount of water re-diverted from the Big Lost River shall be reduced in accordance with the rate of loss occurring in the East Side Ditch between the point of diversion and the point of injection and in the Big Lost River between the point of injection and the point of re-diversion. In addition, a loss may be assessed in accordance with the rate of loss in the Arco Canal between the point of redirection and the place of use.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 9TH
day of JANUARY, 1998.

Acting for


KARL J. DREHER Director

State of Idaho
Department of Water Resources

RECEIVED

OCT 08 1997

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 34-07181

Date of Priority: April 19, 1977 **Maximum Diversion Rate:** 7.07 CFS
Comes now **ARTHUR W QUIST**
 A LARRY QUIST

RT 1 BOX 203
ARCO ID 83213

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 34-07181, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
------------------------------	-----------------------------	---------------------------------	-----------------------------

IRRIGATION	04/15 to 10/15	7.07 CFS	
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LOCATION OF POINT(S) OF DIVERSION:

Injection
Rediversion

SENE , Sec. 3, Township 04N, Range 26E
NWNW , Sec. 26, Township 04N, Range 26E
NWNW , Sec. 26, Township 04N, Range 26E
BUTTE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 27E 17	NENE 32	NWNE 32	SWNE 40	
	SENE 40	NENW 39	NWNW 35	
	SWNW 25	SENE 40	NESW 38	
	SESW 22	NESE 38	NWSE 40	
	SWSE 38	SESE 36		495

Total number of acres irrigated: 495

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

Signed at Arco, this 6 day of Oct, 1997.

Ray Quist
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 34-07181

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 20⁰⁰ Received by JY # 6022346 Date 11/18/1991

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 34-07181 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
6. This right when combined with all other rights shall provide no more than 4.0 afa per acre for irrigation of the lands above.
7. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
8. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

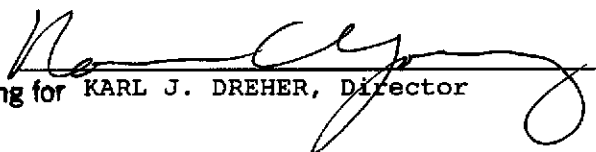
State of Idaho
Department of Water Resources

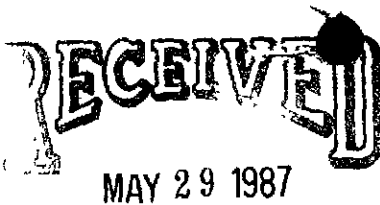
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 34-07181

CONDITIONS OF APPROVAL AND REMARKS

9. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual field headgate volume of 1732.5 af for the lands above.
10. This right is limited to the irrigation of 400 acres within the place of use described above in a single irrigation season.
11. Water diverted under this right flows into the East Side Ditch and is injected into the Big Lost River. The water is re-diverted from the Big Lost River into the Arco Canal.
12. Rights 34-07075 and 34-07181 when combined shall not exceed a total diversion rate of 7.07 cfs.
13. Measuring devices of a type approved by the Department of Water Resources shall be maintained at the well, point of injection and redirection from the Arco Canal.
14. Right 34-07075 is also diverted through the point(s) of diversion described above.
15. When necessary to prevent injury to appropriators of water downstream from the point of diversion, the amount of water re-diverted from the Big Lost River shall be reduced in accordance with the rate of loss occurring in the East Side Ditch between the point of diversion and the point of injection and in the Big Lost River between the point of injection and the point of re-diversion. In addition, a loss may be assessed in accordance with the rate of loss in the Arco Canal between the point of redirection and the place of use.

Witness my hand this 9TH day of JANUARY, 1998.


Acting for KARL J. DREHER, Director



STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received \$300.00
Date 5-29-87
Receipt # 42480
Receipt by UCB
Reviewed by JK
Sent to region 713-87

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 34-7181
Name(s) of Permit Holder: Quist Arthur W & A. Larry
Post Office Address: Rt 1 Box 203 Arco Id 83213
Telephone No. 208-527-3109

Source of Water: ground water

Extent of Use:
Domestic _____ (number of households) Stockwater _____ (number and type of stock)
Irrigation 450 (400) (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 9 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: _____

Measuring Device: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No
Fee enclosed \$ 300.00
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☒ Yes ☐ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

Larry Quist 527-3109
(Name) (Telephone Number)

Rt 1 Box 203 Arco Id
(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

AUG 18 1987

5-29-87 Larry Quist
Date Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only	
Fee Received	15.00
Date	6-8-82
Receipt #	23681

REQUEST FOR EXTENSION OF TIME

MAY 20 1982

To provide additional time in which to submit proof of beneficial use on a water right permit

Larry Quist of Rt 1 Box 203 Arco
(Name) (Address)

State of Idaho, deposes and says

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No 34 -7181

That under the terms and conditions of said permit, work thereunder was required to be completed on or before June 01, 19 82

That he has heretofore performed the following work described under said permit: _____
(This must be filled out! If no work has been completed put none)

A Hole was drilled, it was at solid rock at about 40 ft and had very little water bearing stratus, so the casing was pulled Costing \$ 2000

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: the size of the project, I am purchasing land, sprinklers, & Equipment and have not had capital to develop this part of my operation as yet. I would like to be able to still prove up on this permit and plan to do so if allowed more time. I requested a loan from F.H.A. to drill a well under this permit a few months ago and was turned
Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations over

under said permit to June 01, 19 87
(1 yr minimum, 5 yrs maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME

Larry Quist 5-24-82
(Signature)*
*IF OTHER THAN HOLDER, Power of Attorney must be supplied

ACTION OF THE DIRECTOR, 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 the statement of beneficial use is extended to June 1, 1987.

Signature 10 day of June, 19 82

David R. Tittler
Acting Chief, Operations Bureau

RECEIVED
MAY 20 1982

turned down at that time. I will try to obtain funding in the future to prove up on this permit

MICROFILM

Rt 1 Box 203
Arco Id
83213



Idaho Department of Water Resources
State House
Boise Idaho
83720

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 34-7181

ORDER

WHEREAS, the above numbered permit was approved with the condition 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 July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

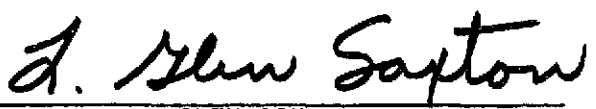
WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows:

"The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.


GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

RECEIVED
21 1978

APR 21 1978

Department of Water Resources
Eastern District Office

Permit No. 34-7181

Comes now Arthur W. Quist &/or Larry Quist of (address) _____

Rt. #1, Box 54, Arco, ID 83213, and represents to the Director of
the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 34-7181, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3 Twp. 4N

Rge. 26E, B.M., County of Butte. Other points of diversion:

(2 pts) WNW, Sec. 17, T. 3N, R. 27E, B.M., County of Butte

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 9.0 for irrigation purposes from Apr. 1 to Nov. 1 (both dates inclusive)

Amount for _____ purposes from _____ to _____ (both dates inclusive)

Amount for purposes from to (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

(cfs or acre feet per annum)

3. Place of use or land to be irrigated: NO CHANGE

[illegible]

Total number of acres to be irrigated

1. NAME
2. DATE
3. TIME
4. PLACE
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286. INITIALS
287. REMARKS

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.

Scale: 2 inches equal 1 mile

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

Signed at Idaho Falls, this 51 day of April, 19 78.

(signature)
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Chief, Operations Bureau

I, L. GLEN SAXTON, ~~Director~~ of the Department of Water Resources

hereby APPROVE the above application for amendment on Permit No. 34-7181.

Witness my hand this 19th day of June, 19 78.

L. Glen Saxton
Director
Chief, Operations Bureau

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO.)
34-7181 IN THE NAME OF ARTHUR W. QUIST AND/OR)
A. LARRY QUIST)

MEMORANDUM DECISION
AND ORDER

On April 19, 1977, Arthur W. Quist &/or A. Larry Quist of Arco, Idaho, applied to the Department of Water Resources for a permit to appropriate 9.00 cubic feet per second from a groundwater source located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, Twp. 4N, Rge. 26E, B.M., Butte County, for the irrigation of 400 acres located some eight miles to the south in Sec. 17, Twp. 3N, Rge. 27E. Notice of the application was published in the Arco Advertiser on April 21 and April 28, 1977, and was subsequently protested by Reece W. Burke, Charles D. Huggins, and M. Scott Walker, all of Arco, Idaho.

A hearing in the matter was held on May 20, 1977, in Arco, Idaho. Arthur W. Quist and A. Larry Quist were present to represent themselves as the applicants in this matter. The three protestants were also present, and represented themselves.

At the conference held prior to the hearing, it was determined that the protest of M. Scott Walker concerned enlargement of the right-of-way of the Arco Canal. The other primary issue concerned the injury to existing prior water rights.

Testimony on behalf of the applicants and the protestants was received by the Department and based upon these testimonies and data contained in the Department's files, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. The applicants propose to pump water from their well into the Island Canal and transport it some eight miles through the Eastside Canal, the Arco Canal and a private ditch to their point of diversion on the Big Lost River.

2. The applicants are requesting to divert 1.13 inches per acre at the point of diversion to compensate for part of the anticipated delivery loss. It is indicated in their application that the canals charge a 30 to 40 per cent transmission loss for water diverted through their system. No accurate estimate of the anticipated delivery loss has been determined at this time.

NOT
RECEIVED

3. The applicants are proposing to construct a sump on the Big Lost River at a point within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, Twp. 3N, Rge. 27E. The sump will be constructed so that when water is available in the Big Lost River under Permit No. 34-7149, it can be diverted into the sump. At such time as water in the Big Lost River is insufficient to fill this right, then water from the well proposed under this permit will be diverted into the sump through a private ditch in the manner previously indicated.

4. Both protestants, Charles D. Huggins and Reece W. Burke, divert water from the Big Lost River at points located downstream from the site specified by the applicants on Application no. 34-7181. Protestant Charles D. Huggins is holder of Permit No. 34-7104 with a point of diversion located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, Twp. 3N, Rge. 27E, and is entitled to divert up to 3.60 cubic feet per second for the irrigation of 180 acres of land. Protestant Reece W. Burke claims to be diverting water under an approved permit from the Department of Water Resources that he has obtained as part of a real estate purchase agreement. The Department has nothing on file at this time to indicate an existing permit has been assigned to this protestant.

CONCLUSIONS OF LAW

1. A consideration of the necessary right-of-way and enlargement of the Arco Canal is outside the jurisdiction of the Department of Water Resources.

2. The protestants have failed to show that injury to their respective water rights will result if Permit No. 34-7181 to divert groundwater is approved.

3. The applicants are entitled to an approved permit from the Department of Water Resources.

4. Before the applicants actually begin diverting water for irrigation under the authority of this permit, the Department must determine a transportation loss to be assessed at their point of diversion on the Big Lost River. If the location of the point of diversion identified on this permit is changed, it will be necessary for the applicants to contact the Department of Water Resources for a new determination of the loss to be charged under this right.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 34-7181 is APPROVED subject to the following conditions:

1. That measuring devices of a type approved by the Department of Water Resources shall be permanently installed and maintained at the well, at the point of diversion from the Big Lost River, and at the point where the water is diverted from the Arco Canal.

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2. No more water shall be diverted from the Big Lost River under this right than shall be specified by the Director of the Department of Water Resources after necessary loss measurements have been made.

3. Proof of construction of works and application of water to beneficial use shall be submitted to the Department on or before June 1, 1982.

4. The sump on the Big Lost River shall be so constructed as to allow regulation and control by the watermaster of Water District No. 34.

Dated this 13 day of June, 1977.


C. STEPHEN ALLRED
Director

MICROFILMED

Identification No. 34 7181
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

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

- 1 Name of applicant Arthur W Quint & A. Larry Quint Phone: 527-3107
post office address Rt 1, Box 54, Arco, Id. 83213
- 2 Source of water supply Ground Water which is a tributary of _____
- 3 a Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3 Township 4N
Range 26E B.M. Butte County; additional points of diversion if any _____
- b If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
- 4 Water will be used for the following purposes.
Amount 9.0 for Irrigation purpose from April 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated.
a 9.0 cubic feet per second and/or
b _____ acre feet per annum
- 6 Proposed diverting works
a Description of ditches, flumes, pumps, headgates, etc. Well pump ditches and sprinkler System
- b Height of storage dam _____ feet, active reservoir capacity _____ acre feet, total reservoir capacity _____ acre feet, materials used in storage dam _____
Period of year during which storage will occur _____ to _____ inclusive
(Mo Day) (Mo Day)
- c Proposed well diameter is 20 inches, proposed depth of well is 165 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 \$ 100,000.00
- 8 Description of proposed uses
a If water is **not** for irrigation
(1) Give the place of use of water _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ 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 _____
(5) If water is to be used for other purposes describe _____

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

TWP	RANGE	SEC	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	
3N	27E	17	40	40	40	40					40			40	40	40	40	40	400

Total number of acres to be irrigated 400

c. Describe any other water rights used for the same purposes as described above 34-7149 - Permit
Big Lost. River

9 a. Who owns the property at the point of diversion James S. Babcock

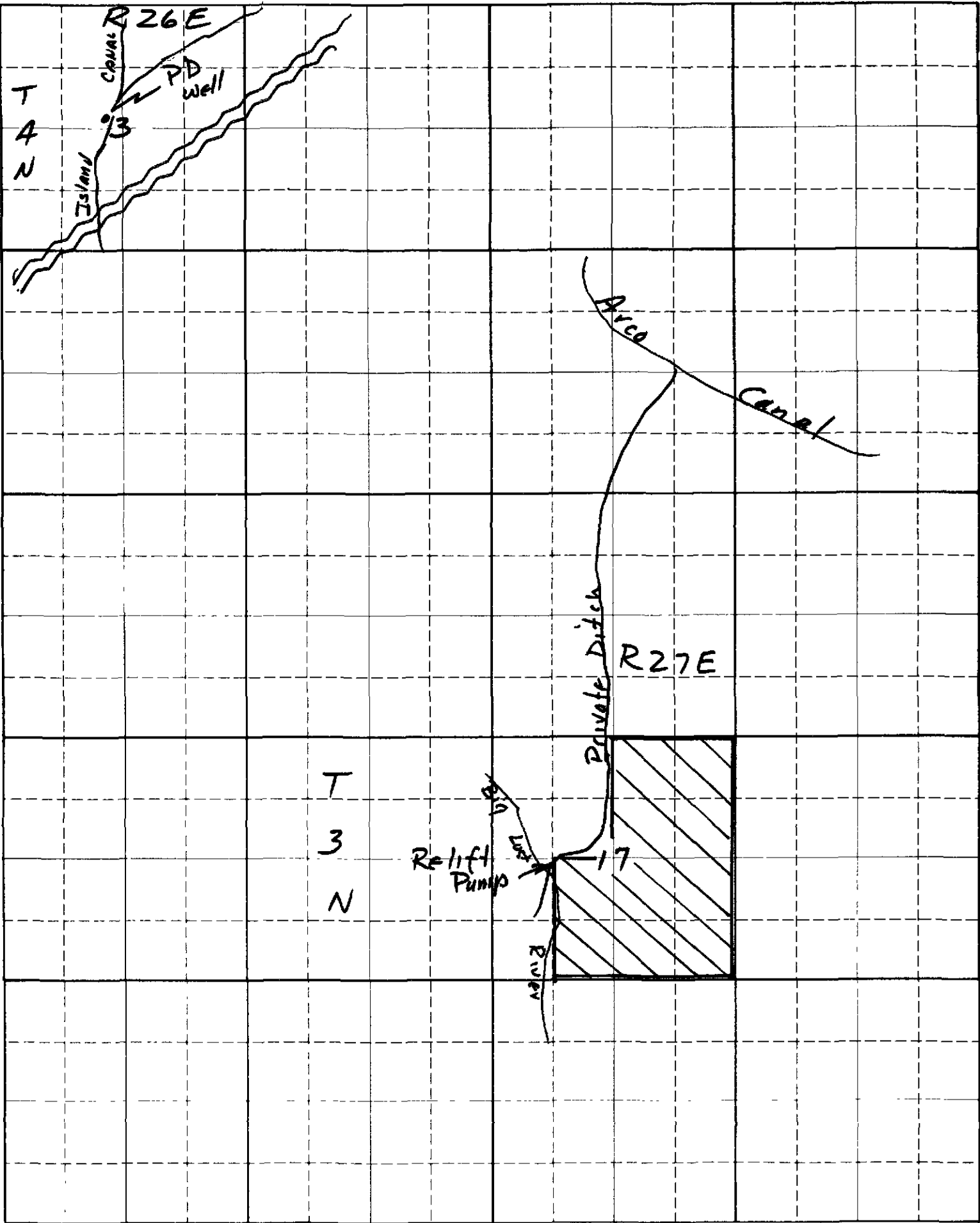
b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Point of diversion acquired by purchase of easement to drill well.

10. Remarks water will be pumped into the Island Canal, thence East Side Canal, thence Arco Canal then into private ditch

The canals charge a 30 to 40% transportation loss in delivering the water through their systems

1) 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

Arthur L. Faust
(Applicant)
Arthur L. Faust

Received by me Date 4-19-77 Time 5:20 p.
 Preliminary check by me Fee \$ 105.00
 Receipted by me Date 4-19-77 # 6553
 Publication prepared by me Date 4-19-77
 Published in The Arco Advertiser
 Publication dates April 21 + 28, 1977
 Publication approved me Date 5-17-77
 Priority reduced to _____ Reason _____

Protests filed by Loren H. Riggs,
Luce W. Burke, m. Scott +
Helen Walker
 Copies of protests forwarded by me
 Hearing held by _____ Date _____
 Recommended for approval denial by EDC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No 34-7181 , and said application is hereby APPROVED .

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1 , 19 82
- c. Other PURSUANT TO MEMORANDUM AND DECISION DATED THIS DATE.

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

Witness my hand this 13th day of June 19 77 .


 Director

RECORDED
MAY 17 1977

Affidavit of Publication Department of Water Resources
Eastern District Office

Lella Cammack
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco,
Idaho, since March, 1909, do solemnly swear that
a copy of this notice, per clipping attached, was
published weekly in the regular and entire issue
of said newspaper, and not in any supplement
thereof,

for 2 ... consecutive weeks, commencing with
the issue dated *April 21, 1977*....
and ending with the issue dated *4-28-77*

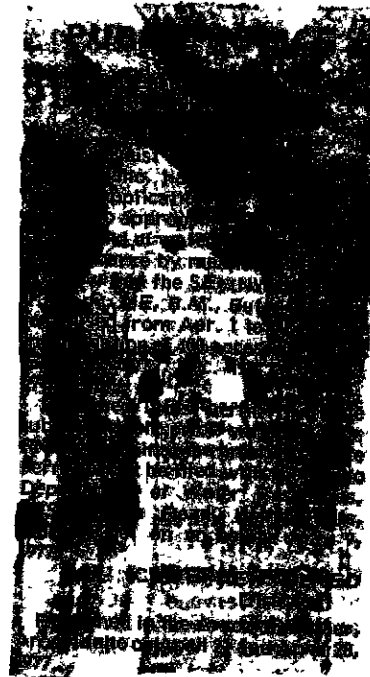
Lella Cammack

Subscribed and sworn to before me this

16 day of *May*, 1977.
Charles G. Jones
Notary Public

Residence: Arco, Idaho.

My commission expires *5/14*, 19 *78*



MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

January 12, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ARTHUR W QUIST
A LARRY QUIST
RT 1 BOX 203
ARCO ID 83213

RE: WATER RIGHT NO. 34-07181

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

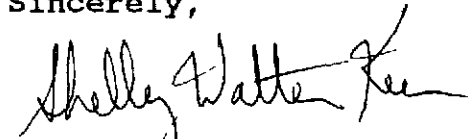
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

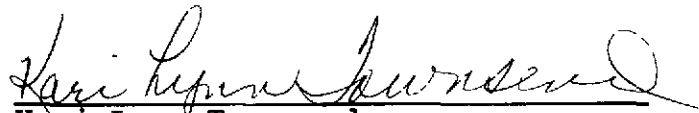
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of January, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 34-07181

ARTHUR W QUIST
A LARRY QUIST
RT 1 BOX 203
ARCO ID 83213


Kari Lynn Townsend
Secretary

RECEIVED

NOV 18 1991

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

Department of Water Resources WATER RIGHT NO. 34-07181

Date of Priority: April 19, 1977

Maximum Diversion Rate: 3.41 CFS
Maximum Diversion Volume:¹ 1032.0 AF

Comes now

ARTHUR W. QUIST
A. LARRY QUIST

RT. 1 BOX 203
ARCO ID 83213

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 34-07181, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	3.41 CFS	1032.0 AF

LOCATION OF POINT(S) OF DIVERSION:

Rediversion
Rediversion

NWNW , Sec. 17, Township 03N, Range 27E
SENW , Sec. 3, Township 04N, Range 26E
NWSW , Sec. 4, Township 03N, Range 27E
NWSE , Sec. 5, Township 03N, Range 27E
BUTTE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	27E	17	NENE 32	NWNE 32	SWNE 40	
			SENE 40	NESW 29	SESW 19	
			NESE 38	NWSE 40	SWSE 38	
			SESE 36			344

Total number of acres irrigated: 344

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

Signed at Butte County, this 14 day of Nov, 1991.

Larry Quist
(signature)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 4, 1997

Arthur W. Quist
Larry A. Quist
Rt. 1, Box 203
Arco, ID 83213

Dear Permit Holders:

Earlier this month I sent you a letter requesting that you sign and return to me an amendment form for Water Right Permit No 34-07181. I have not yet received your response. Unless you complete the amendment form, IDWR will not be able to issue your water right license with the place of use described as it is on the amendment form.

Please review the enclosed amendment form carefully and if you concur, sign the amendment and return it to this office within 14 days. As I indicated in my previous letter to you, no fee is required because the fee paid for a previous amendment application will be applied to the revision.

If you have any questions or concerns, please call me at 327-7946

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Enclosure

WR0749NP
No. L34-07181

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/26/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ARTHUR W QUIST	04/19/1977	IRRIGATION	04/15 10/15	7.070 CFS	
C	A LARRY QUIST					
TOTAL DIVERSION:					7.070 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 7.070 CFS

Point(s) of Diversion:	T04N R26E S03	SENW	BUTTE County
Point(s) of Injection:	T04N R26E S26	NWNW	BUTTE County
Point(s) of Re-diversion:	T04N R26E S26	NWNW	BUTTE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
03N	27E	17	:	32	32	40	40	39	35	25	40	38			22	38	40	38	36	495.0
TOTAL ACRES																			495.0	

Pou County: BUTTE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

34-00001	34-00003B	34-00010	34-00011	34-00012	34-00013	34-00023	34-00037	34-00043	34-00075
34-00089	34-00106	34-00107	34-00108	34-00109	34-00172A	34-00172B	34-00178	34-00179	34-00187
34-00188	34-00195B	34-00196B	34-00201	34-00207	34-00238	34-00239	34-00240B	34-00257	34-00260
34-00261	34-00262A	34-00262B	34-00263	34-00264	34-00265	34-00306	34-00313	34-00330A	34-00330B
34-00394	34-00396B	34-00396D	34-00396E	34-00396F	34-00418B	34-00419	34-00434	34-00437	34-00446A
34-00446B	34-00521	34-00722	34-00796	34-02266A	34-02266B	34-02386	34-02491	34-07037	34-07075
34-07138	34-07145	34-07181	T34-00852	T34-07055					

Other Water Rights Listing Overlapping Place(s) of use:

34-00239 34-00240B 34-07149 34-07181 34-07225

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
- R26 - This right when combined with all other rights shall provide no more than 4.0 afa per acre for irrigation of the lands above.
- 065 - The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
- 079 - This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

Remarks: This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual field headgate volume of 1732.5 af for the lands above. This right is limited to the irrigation of 400 acres within the place of use described above in a single irrigation season. Water diverted under this right flows into the Island Ditch and is injected into the Big Lost River. The water is re-diverted from the Big Lost River into the Arco Canal. Rights 34-07075 and 34-07181 when combined shall not exceed a total diversion rate of 7.07 cfs. Measuring devices of a type approved by the Department of Water Resources shall be maintained at the well, point of injection and redirection from the Arco Canal. Right 34-07075 is also diverted through the point(s) of diversion described above. The amount of water re-diverted from the Big Lost River shall be reduced when necessary to prevent injury to appropriators of water downstream from the point of diversion.

Dates: App. Received: 04/19/1977 Priority Date: 04/19/1977
Proof Due Date: 06/01/1987 Proof Made Date: 05/29/1987
Exam Made Date: 10/15/1990 Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 34 Field Exam Fee: R (Received)

Audit: 07/31/91 JOHNSON 08/04/91 JOHNSON 11/07/91 CURTIS 12/02/91 JOHNSON
12/24/91 CURTIS 12/27/91 CURTIS 05/19/97 SCURTIS 05/20/97 SCURTIS
05/22/97 SCURTIS 05/23/97 SCURTIS 08/21/97 SCURTIS 08/26/97 SCURTIS
09/03/97 SCURTIS 09/26/97 SKEEN



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 4, 1997

Arthur W. &/or A. Larry Quist
Rt. 1, Box 203
Arco, ID 83213

Dear Permit Holders:

In 1991 at the request of the department you submitted an Application for Amendment for licensing purposes for Permit No. 34-07181. After further review of the right for the purpose of issuing a license, some changes have been made to the licensing recommendations for your right. These changes are reflected in a revised amendment document, which I have enclosed. I believe that you will find the revised version to correspond more closely with the way your other rights are being recommended for decree in the SRBA. I am writing to ask you to replace the 1991 Application for Amendment with the new version by signing and returning the new version to me.

Please note that the last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

Please review the amendment carefully and if you concur, sign the amendment and return it to this office within 14 days. No fee is required because the fee paid for the previous amendment application will be applied to the revision.

If you have any questions or concerns, please call me at 327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

Enclosure

WR0749NP
No. L34-07181

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/03/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ARTHUR W QUIST	04/19/1977	IRRIGATION	04/15 10/15	7.070 CFS	
C	A LARRY QUIST					
	RT 1 BOX 203					
	ARCO ID 83213					
TOTAL DIVERSION:					7.070 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 7.070 CFS

Point(s) of Diversion:	T04N R26E S03	SENW	BUTTE County
Point(s) of Injection:	T04N R26E S26	NWNW	BUTTE County
Point(s) of Re-diversion:	T04N R26E S26	NWNW	BUTTE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE	SUM
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:		
03N	27E	17	:	32	32	40	40	:	39	35	25	40	:	38							22	:	38	40	38	36	:	495.0				
																												TOTAL ACRES	495.0			

Pou County: BUTTE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

34-00001	34-00003B	34-00010	34-00011	34-00012	34-00013	34-00023	34-00037	34-00043	34-00075
34-00089	34-00106	34-00107	34-00108	34-00109	34-00172A	34-00172B	34-00178	34-00179	34-00187
34-00188	34-00195B	34-00196B	34-00201	34-00207	34-00238	34-00239	34-00240B	34-00257	34-00260
34-00261	34-00262A	34-00262B	34-00263	34-00264	34-00265	34-00306	34-00313	34-00330A	34-00330B
34-00394	34-00396B	34-00396D	34-00396E	34-00396F	34-00418B	34-00419	34-00434	34-00437	34-00446A
34-00446B	34-00521	34-00722	34-00796	34-02266A	34-02266B	34-02386	34-02491	34-07037	34-07075
34-07138	34-07145	34-07181	T34-00852	T34-07055					

Other Water Rights Listing Overlapping Place(s) of use:

34-00239 34-00240B 34-07149 34-07181 34-07225

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
- R26 - This right when combined with all other rights shall provide no more than 4.0 afa per acre for irrigation of the lands above.
- 065 - The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
- 079 - This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

Remarks: This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 1732.5 af for the lands above.

This right is limited to the irrigation of 400 acres within the place of use described above in a single irrigation season. Water diverted under this right flows into the Island Ditch and is injected into the Big Lost River. The water is re-diverted from the Big Lost River into the Arco Canal.

Rights 34-07075 and 34-07181 when combined shall not exceed a total diversion rate of 7.07 cfs.

Measuring devices of a type approved by the Department of Water Resources shall be maintained at the well, point of injection and redirection from the Arco Canal.

Right 34-07075 is also diverted through the point(s) of diversion described above.

The amount of water re-diverted from the Big Lost River shall be reduced when necessary to prevent injury to appropriators of water downstream from the point of diversion.

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12/24/91 CURTIS 12/27/91 CURTIS 05/19/97 SCURTIS 05/20/97 SCURTIS
05/22/97 SCURTIS 05/23/97 SCURTIS 08/21/97 SCURTIS 08/26/97 SCURTIS
09/03/97 SCURTIS

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A 'Q' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM			
		NE		NW		SW		SE		NE		NW		SW		SE					
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac				
L3407181	T03N R27E S17 GROUNDWATER																				
	:	32	32	40	40	:	39	35	25	40	:	38			22	:	38	40	38	36	495
3400010	BIG LOST R :					:					:										
3400011	BIG LOST R :					:					:										
3400012	BIG LOST R :					:					:										
3400013	ANTELOPE C :					:					:										
3400239	BIG LOST R :					:	40	40	30	40	:									150	
3400240B	BIG LOST R :					:	40	40	30	40	:									150	
3400305	BIG LOST R :					:					:	1	1								
3400810	BIG LOST R :					:					:										
A340081025	B L R :					:	39	35	25	40	:	02	18							159	
3400811	BIG LOST R :					:					:										
3400814	BIG LOST R :					:					:										
3400817B	BIG LOST R :					:					:										
3400818	BIG LOST R :					:					:										
3400819	BIG LOST R :					:					:										
3402445	BIG LOST R :					:					:			15						15	
*3402445	BIG LOST R :					:					:	02	13							15	
A3402445	BIG LOST R :					:					:			15						15	
R3402445	BIG LOST R :					:					:	02	13							15	
3407104	BIG LOST R :					:					:			07						7	
*3407104	BIG LOST R :					:					:			05						5	
A3407104	BIG LOST R :					:					:			07						7	
R3407104	BIG LOST R :					:					:			05						5	
3407149	BIG LOST R :	34	34	40	40	:					:	34		17	:	37	40	37	37	350	
*3407149	BIG LOST R :	32	32	40	40	:					:	38		17	:	38	40	37	36	350	
A3407149	BIG LOST R :	34	34	40	40	:					:	34		17	:	37	40	37	37	350	
3407181	GROUNDWATE :	40	40	40	40	:					:	40		40	:	40	40	40	40	400	
*3407181	GROUNDWATE :	32	32	40	40	:	39	35	25	40	:	38		22	:	38	40	38	36	495	
A3407181	GROUNDWATE :	35	35	40	40	:	40	25	20	40	:	35		17	:	40	40	40	37	484	
3407225	BIG LOST R :					:	38	13	18	40	:									109	
*3407225	BIG LOST R :					:	38	13	18	40	:									109	
A3407225	BIG LOST R :					:	38	13	18	40	:									109	
*3410626	BIG LOST R :					:					:	02	18							20	
A3410626	BIG LOST R :					:					:	04	38							42	
R3410626	BIG LOST R :					:					:	02	18							20	
*3410680	BIG LOST R :	32	32	40	40	:	39	35	25	40	:	38		22	:	38	40	38	36	495	
A3410680	BIG LOST R :	35	35	40	40	:	40	25	20	40	:	35		15	:	40	40	40	35	480	
*341087320	BIG LOST R :					:	1	1	1	1	:	1	1								
*3412421	GROUNDWATE :	32	32	40	40	:	39	35	25	40	:	38		22	:	38	40	38	36	495	
A3412421	GROUNDWATE :					:	39	35	25	40	:									139	
--86 MAP--	C23Q-X 82 :	36	40	42	39	:	38	41	41	40	:	37	29	34	26	:	39	40	39	36	597

MEMORANDUM

TO: File 34-07181

FROM: Sharla

DATE: August 25, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Permit No. 34-07181 are based on the following:

C. DIVERSION AND DELIVERY SYSTEM

1. Place(s) of Use.

T3N, R27E, S17 - NENE (32 acres), NWNE (32 acres), SWNE (40 acres),
SENE (40 acres), NENW (39 acres), NWNW (35 acres),
SWNW (25 acres), SENW (40 acres), NESW (38 acres),
SESW (22 acres), NESE (38 acres), NWSE (40 acres),
SWSE (38 acres), SESE (36 acres)
TOTAL 495 acres

H. RECOMMENDATIONS

Irrigation	4/15 - 10/15	7.07 cfs
------------	--------------	----------

This right is being recommended for licensing using a permissible place of use of 495 acres as has been recommended in the Director's Report for overlapping SRBA claims on groundwater and Big Lost River rights. Attached are copies of the overlap analysis from the SRBA files.

The rate of diversion being recommended is the system capacity of 7.07 cfs with a remark limiting the combined diversion under this right and 34-07075 to 7.07 cfs.

Examiner. Scott King/Keith Wilson

Exam Date: October 15, 1990

OVERLAPPING RIGHTS ANALYSIS SHEET

7/22/91
VERSION 1.2

CLAIMANT: LARRY QUIST

AGENT: SV DATE: 5-12-92

ANALYSIS

ACRES OVERLAPPING: 495 (COMBINED TOTAL)

IRRIGATION METHOD: FLOOD % SPRINKLER 100 %

DELIVERY LOSS FACTOR USED:

BLR (SOURCE) = 30 % BLR₂ (SOURCE) = 0 %

GW₂ (SOURCE) = 30 %

SOURCE	NUMBER	ACRES (TOTAL)	PRIORITY	CLAIMED CFS	CUM. CFS
1 BLR	10680	495	10-2-1885	3.20	3.20
2 BLR ₂	07225	109	1-4-1979	2.18	
3 BLR ₂	07149	350	6-14-1976	7.00 ^{9.11}	12.31
4 GW ₂	07181	(344) 495	4-19-1977	7.07	19.38
5 GW ₂	12421	(151) 495	4-19-1978	~~7.07~~ (2.71)	19.38

RANGE OF RECOMMENDABLE DIVERSION RATES & VOLUMES

SOURCE	COMB. ACRES	MIN	MAX	DIV VOL	C.U. VOL
BLR	495	7.07	14.14	—	1237.5
GW ₁	459	4.59	9.18	—	1147.5
GW ₂	495	7.07	14.14	—	1237.5
CUMULATED	495	—	12.98	2475	1237.5

(w/30% loss)

ANALYSIS FOR CLAIM NO.: 134-12421

STANDARD CONDITIONS: CFS: 1, CFS: 4, 2, 3 NO. 1: #1, NO. 2: #2

STANDARD REMARKS:

- 1 E12: 12.98 cfs, 1237.5 cfs; 2, 3, 4: 5 / 100% / 100%
- 2 E12: DITO / K06: 109 / E07: 3; 9.18 cfs / E04: # 3415; —; 2475 cfs, —
- 3 E12: DITO / K06: 350 / E07: 2; 9.11 cfs / E04: DITO
- 4 E12: DITO / K06: 344; K05: 5 / E07: 5; 7.07 cfs / E04: DITO
- 5 E12: DITO / K06: 151 / K02: 4 / E07: 4; 7.07 cfs / E04: DITO

MAX COMBINED Q -

(495)(0.02) = 9.90 @ FIELD

BL SURPLUS:

(3.20)(.7) = -2.24 cfs

BLR₂ SURPLUS:

(7.07)(.7) = -4.95

LEAVING 2.71

For CUM. TO SURVY -

$Q_{max} = 3.20 + 7.07 + 2.71 = 12.98$

PAGE: 6
PLACE OF USE REVIEW SHEET CONTINUED

CLAIM NUMBER: A34-12421

PRESUMPTION FLAG: B

REMARKS:

2nd Presumed Expansion of 24-07101- Recommend Common Presumed Process
USE OF 495 ACRES to this right is Summary: 495-244-181 acres
SEE A34-07101 for CASE OF USE Summary: 181 ACRES KPS: 24-07101

RECOMMENDATIONS:

TOTAL ACRES: 495 / KPS: 181
REVIEWED BY: PS

DATE: 5-13-92

LICENSE REVIEW CHECKLIST

PERMIT NO. 34-07181

DATE 5/20/97

REVIEWER: SHARLA

NAME Change — OK ✓

Address Change NO

SOURCE — ✓

Is change clarification of originally intended source? —

POINT OF DIV — ✓

If not, prepare Notice of Intent to Void —
Amendment required NO

PLACE OF USE ✓ ppu —

Amendment required YES

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate 9.0 cfs

Fee limit 9.0 cfs \$ 300⁰⁰

Measured 7.07 cfs

Theoretical 10.27 cfs

Recommended Total Div Rate 7.07* cfs

ANNUAL VOLUME/
NATURE OF USES —

Use ✓

Ind.

Volume Calculation

~~***~~ af

— af

— af

— af

SUBTOTAL — af

Flow rate — cfs X — days X 1.9835 = — af

Total volume recommended — af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

*W36 (34-07075 7.07 cfs)

W28 (400 ac)

~~***~~ W57 (1732.5)

CONDITIONS R04 Watermaster Control WD# 34

GW Measurement/Measuring Device

R26 Overlap

— Use-specific conditions

065,079

Advancement of Priority Date Required — yes — no

SRBA Claim Filed ✓

Adjustment Memo ppu
rate

1st Amend Letter P41 P38

2nd Amend Letter P42

October 29, 1991

ARTHUR W. QUIST
A. LARRY QUIST
RT. 1 BOX 203
ARCO ID 83213

RE: WATER RIGHT NO. 34-07181

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee by November 7, 1991.

If you do not concur with these findings or if you have any questions, please contact us immediately.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

34-7181

A. GENERAL INFORMATION

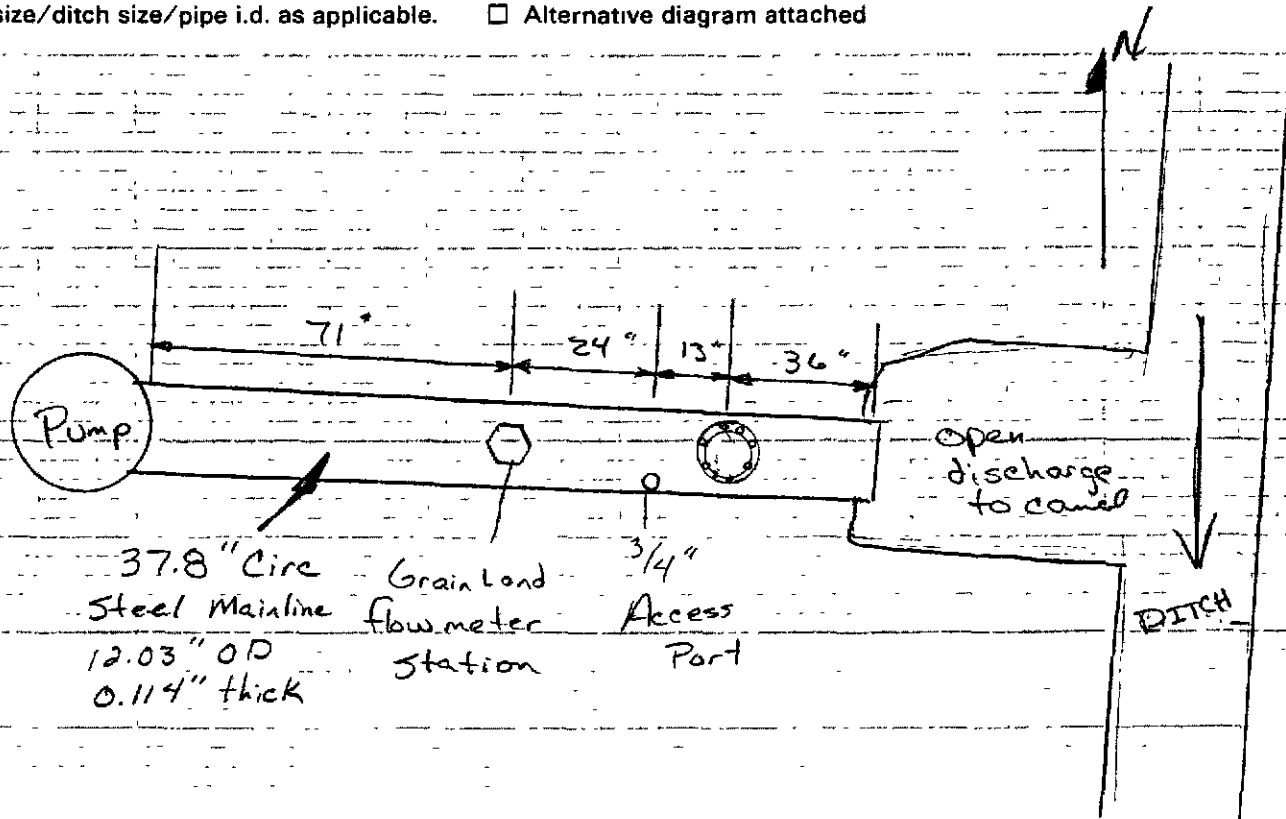
1. Owner: Arthur Quist Permit No. 34-7075, 34-7181
Current Address: Rt #1 Box 203 Arco, ID 83213 Phone No. 527-3107
2. Accompanied by: Larry Quist EXAM. DATE: 10-15-90
Address: Same Phone No. Same
Relationship to Permit Holder: Son
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 34-0187/0188/01958/01968/0197/0796/0031/
0648/0796 [Big Lost River] 34-4002 wastewater ☐ Copies Attached
2. Other water rights with same point of diversion: 34-7181 / 34-7075
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached ☐ Aerial Photo Attached
Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more)
place(s) of use (required).
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.)

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Well, pump, mainline open discharge to Canal (Island ditch) to East Side canal to Big Lost River to Arco Canal with rediversions from Arco Canal into ditches.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
357/638	Newman	100	513016001	Aurora	37771-58

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

357/638

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
PD			SE	NW	3	4N	26E	Butte	On site inspection - USGS Quad
Rediversions									
#1			NW	SW	4	3N	27E	Butte	USGS
#2			NW	SE	5	3N	27E	Butte	USGS

6. **Place(s) of Use:**

Indicate Method of Determination

34-7075

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	27E	8	21	38		35			35	30	39	32			39	27			296
		9						33	19		21								73
34-7075																			
3N	27E	17	32	32	40	40					29			19	38	40	38	36	344

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Water Level Indicator	Electric	Fisher	M Scope		500'	
Flow Meter Station	Cox-pits	Halls		120386	12"	
Manometer		IDWR			56"	
Owners - Flow meter station		Grainland		12278	11.75" ID	

2. Measurements:

Pumping Water Level $\Rightarrow$ 60'
 Manometer $\Rightarrow$ (47.1, 34.3), (46.7, 35.6), (46.8, 35.3)
 ID $\Rightarrow$ 11.88" measured
 Owners Flow meter $\Rightarrow$ 1600 gpm = 3.565 cfs

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

Cox/HALLS $\Rightarrow$ 4.22 cfs, In line flowmeter $\Rightarrow$ 3.57 cfs

2. Alternate Method for Checking Purposes:

$$\text{Theoretical } Q = \frac{8.8(70)(100)}{60 + 231(0)} = 10.27 \text{ cfs}$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) $\div$ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$(369)(3 \text{ afa}) = 1107 \text{ afa } (34-7075)$$

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (344)(3 \text{ afa}) = 1032 \text{ afa } (34-7181)$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \frac{3.66 \text{ cfs}(214)1.9835}{3.41 \text{ cfs}(214)1.9835} = \frac{1553.6 \text{ afa } 34-7075}{1447.4 \text{ cfa } 34-7181}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 1107 \text{ afa } (34-7075) \quad 1032 \text{ afa } (34-7181)$$

2. Volume Calculations for Other Uses:

H. REMARKS AND OVERLAP REVIEW ANALYSIS

- SEE ATTACHED ANALYSIS -

License 34-7075 & 34-7181 so as to spread the water over all of the ground equally i.e. $7.07 \text{ cfs} / 713 \text{ ac} = 0.0099189 \text{ cfs/ac}$

Use capacity measured by James H. Milligan 10-20-1979
 $Q = 3174 \text{ gpm} \approx 7.07 \text{ cfs}$

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
34-7075				
Irrigation	4/1	11/1	3.66 cfs	1107 afa
34-7181				
Irrigation	4/1	11/1	3.41 cfs	1032 afa
Totals:				

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None (34-7181)
☒ Change P.U. as reflected above (34-7075) ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name

Scott King

Signature

Keith C. Wilson
Keith C. Wilson

7-3-1991

Certification Date

Field Report Preparation Date

CONSULTANT SEAL

- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Cox/Hall Meter Flow Calculations

10/15/90

to: Arthur Quist & Larry Quist

PERMIT # 347875 + 34-7181

MANOMETER READING INCHES OF WATER TO COX/HALLS METER - Vh

METER # 120386

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

Circumference in Inches = 39.8 CIR

Thickness in Inches = .114 T

ID = (0.3183 X CIR) - (2 T) = 11.80 ID

DIFFERENTIAL PRESSURE READING IN INCHES OF H2O

(47.1) - (34.3) = 12.8 H

High reading - Low Reading

DETERMINE Vh FROM CHART USING (H): 17.3 Vh

(Example H = 12.3, Vh = 16.9)

CALCULATION OF FLOW IN CFS:

Q cfs = [(PI/4) X (id)² X Vh] / 448.8

(id) (Vh)

Q cfs = [0.78539 (11.80)² (17.3)] / 448.8

Q cfs = 4.22 cfs

Scott King
MEASURED BY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

PERMIT NO. 34-7075
PERMIT NO. 34-7181

ITEM H.

REMARKS AND OVERLAP REVIEW ANALYSIS:

Measurement 10-20-1979 by James H. Milligan

$$Q = 3200 \text{ gpm} = 7.13 \text{ cfs}$$

$Q = 3174 \text{ gpm} = 7.07 \text{ cfs}$ (from statement from A.T. Wallace P.E. regarding measurement of James H. Milligan. It is my belief that the 3200 gpm reading is in fact only 3174 gpm rounded to the next even 100 gallons. Therefore, capacity of the system is only 7.07 cfs (3174 gpm)).

Measurement 10-15-1990 by Scott King

Pumping depth = 60 feet

$$Q = 4.22 \text{ cfs}$$

Theoretical Capacity:

$$Q = \frac{\text{hp (8.814) (eff)}}{\text{lift} + (2.308 \times \text{psi})} = \text{cfs}$$

hp = 100, lift = 60 ft, PSI = 0 for open discharge

$$Q = 10.28 \text{ cfs}$$

From the 1979 measurement $Q = 7.07 \text{ cfs}$ the efficiency can range from 48.13% to 70% at 60 ft., or the pumping depth can range from 60 ft. to 87.26 ft. at 70% efficiency, and the theoretical capacity will remain BETWEEN $Q = 7.07 \text{ cfs}$, and 10.28 cfs.

Therefore, I recommend that the capacity of 7.07 cfs be used as the system capacity and the 7.07 cfs is used equally over all the land under both 34-07075 (369 ac) & 34-07181 (344 ac).
(7.07 cfs/713 acres = 0.0099189 cfs/ac)

$$34-07075 @ 369 \text{ ac} \times 0.0099189 \text{ cfs/ac} = 3.66 \text{ cfs}$$

$$34-07181 @ 344 \text{ ac} \times 0.0099189 \text{ cfs/ac} = 3.41 \text{ cfs}$$

+

TOTAL SYSTEM CAPACITY = 7.07 cfs


KEITH C. WILSON

Department of Water Resources

WELL INSPECTION FORM

If well is associated with water right, provide WR# 34-7075, 34-7181

Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

1. Legal Description: TWP 4N, Rge 26E, Sec. 3, SE 1/4 NW 1/4 or Lot _____.

2. Owner: Arthur Quist & Larry Quist
Address Rt 1 Box 203, city Arco, st ID

3. Casing $\geq$ 12 inches above ground: Yes _____ No X

4. Access Port: Yes X No _____ Static Water Level: 49'
Pressure Gauge: Yes _____ No X Casing Diameter: _____
Flowing: Yes _____ No X Temperature: _____

5. Are there any obvious construction problems that may be a source for contamination or waste of water: Yes _____ No X

If answer to Item 5 is Yes, describe in remarks and attach photo.

Remarks: _____

RECEIVED
DEC 5 1979
Department of Water Resources

Moscow, Idaho
30 November 1979

Department of Water Resources
Water Rights Division
Statehouse Mail
Boise, ID 83720

34-7181

Attn: Rita
Re: Permit No. 34-7075

To Whom It May Concern

This letter is to certify that the discharge of the well owned by Art Quist of Arco, Idaho, Permit No. 34-7075, was measured by James H. Milligan on October 20, 1979, and was found to be 3174 gallons per minute. The discharge rate would be greater with higher groundwater elevations as a function of the pump curve.

Respectfully

A. T. Wallace, P.E.

b

RECEIVED

DEC 26 1979

Department of Water Resources
Eastern District Office

A. T. Wallace
1 Dec 1979



JAMES H. MILLIGAN P.E., Ph
PROFESSOR AND CHAIRMAN
DEPARTMENT OF CIVIL ENGINEERING
PHONE (208) 885-6782

HOME PHONE (208) 882-3063
SPECIALIST IN HYDRAULICS
HYDROLOGY

34-7075

EXAM DATE
Oct. 20, 1979

James H. Milligan, P.E.
Lic No. 4844

Flow rate measured at
3200 gpm by current meter

Application

I.D. No. 34-7075 34-7181

ARTS BIG WELL:

WELL PUMP

AURORA VERTILINE
No. 3777158
TYPE 14 FHM
STAGE = 2
GPM = 3600
HEAD = 77'
RPM = 1770

WELL MOTOR

NEWMAN, 3 ph. Induction
FRAME 404TP/DD3722PB
No. 51301601 ✓
HP = 100 RPM = 1775
460 Volts 118 amp
3 phase 60 Hz
Ins Class B
Code F Design B
Cont. Rating

Neuman Elect. Motors, Houston
Texas

WELL LOCATION:

SE 1/4 NW 1/4 Sec 3 T4N R26E Butte Co.

Applic. for 8 cfs

WELL DIA. 20" in. to 150 ft.

2 exment purch. from James S. Babcock
Diverts to Big Lost R. Irrig. Dist. East Side Canal,
then to Arco Canal, diverted from Arco canal to farm ditches

Placing Use:

T3N R27E Sec 8

NE 1/4
NE 1/4 NW 1/4 SW 1/4 SE 1/4
40 40 40 40

NW 1/4
SE 1/4
40

SE 1/4
NE 1/4 NW 1/4 SW 1/4 SE 1/4
40 40 40 40

360 Ac. in
Sec 8

T3N R27E Sec 9

NW 1/4
SW 1/4 NE 1/4
40 20 25

85 Ac. in
Sec 9
445 Ac total

Present use by flood irrig. - Re-use via reservoir & pump
may include sprinklers in future

RECEIVED

AUG 12 1985

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Partial
34-7181

A. GENERAL INFORMATION

Permit No. 34-7075

1. Owner: Arthur W. Quist

Phone No. 527-3107

Current Address: Rt #1 Box 203 Arco, Id 83213

2. Accompanied by: Arthur W. Quist

EXAM. DATE. 7/16/87

Address: Rt #1 Box 203

Phone No. 527-3107

Relationship to Permit Holder: applicant

3. Source: groundwater tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with same place of use: see comments

☐ Copies Attached

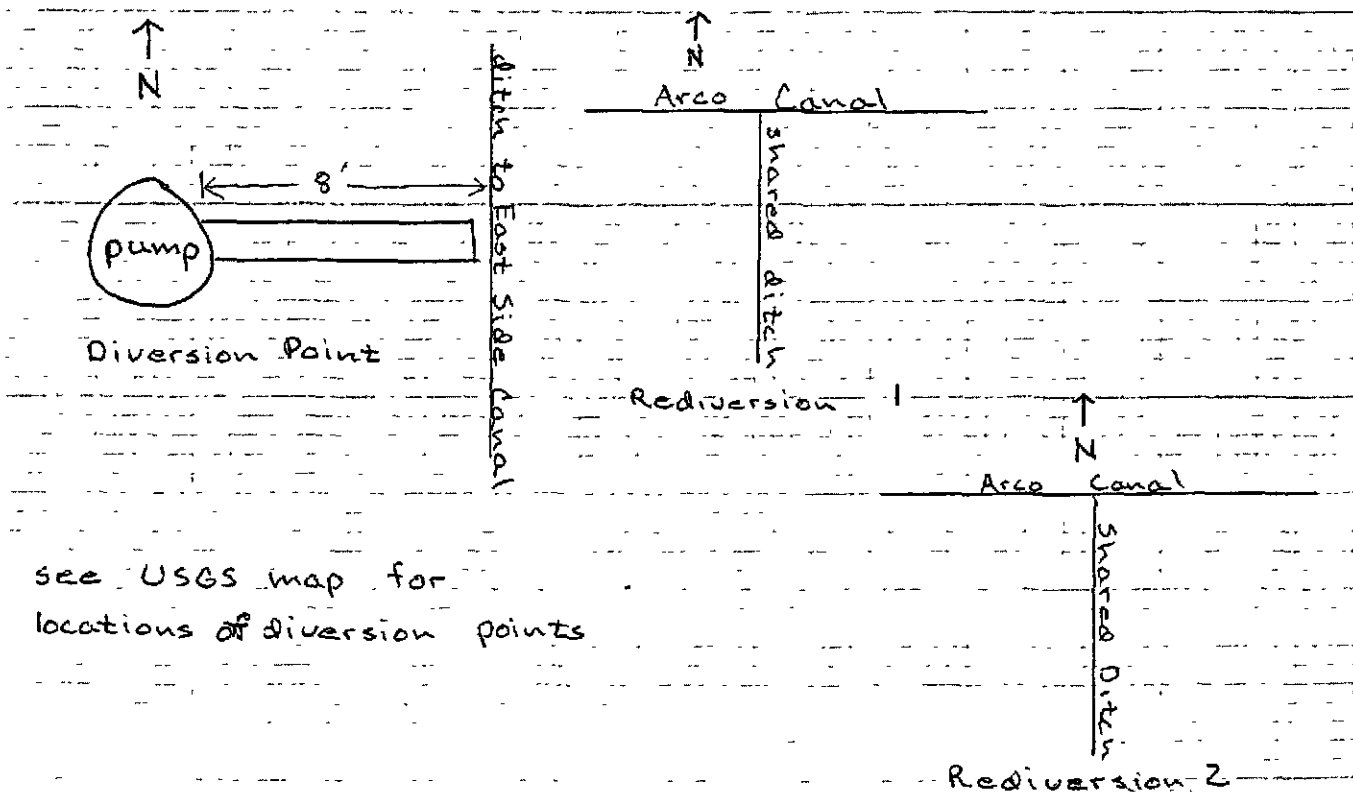
2. Other water rights with same point of diversion: no

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater)

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

System Description (continued)

Partial

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

well/pump with open discharge into East Side Canal, then diverted into Big Lost River, then into Arco Canal, then to shared ditches, and finally to Quist Property (There are 2 reversions from Arco Canal)

System was not operating at time of this exam. Weirs are located on the shared ditches, but never measure only Mr. Quist's water. ☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Newman	100	51301601	Aurora	3777158

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
PD			SE	NW	3	4N	26E	Butte	USGS
RD1			NW	SW	4	3N	27E	Butte	USGS
RD2			NW	SE	5	3N	27E	Butte	USGS

6. Place(s) of Use:

Indicate Method of Determination aerial photo

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	27E	9						31	20		23								74
3N	27E	8	24	37		33				28					39	27			188
																			262

Do not use this space

Do not use this space

Partial

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

see report of Jim Milligan, P.E.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

3174 gpm $Q = 7.07 \text{ cfs}$

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) $\div$ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

SEE EXAM DATED 10-15-1990

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{(262)(3)}{1} = 786 \text{ a/a}$

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \frac{(7.1)(214)(1.9835)}{1} = 3013$

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 786 \text{ a/a}$

2. Volume Calculations for Other Uses:

Partial

H. REMARKS AND OVERLAP REVIEW ANALYSIS

These are several licenses with the same legal description for place of use, but a review of their field exams shows no overlap. Application 34-7441 does overlap and should be conditioned if approved

I. RECOMMENDATIONS SEE EXAM DATED 10-15-1990

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4/1	11/1	5.3	786
Totals:			5.3 cfs	786 afa

2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name Carol Slaughterbeck

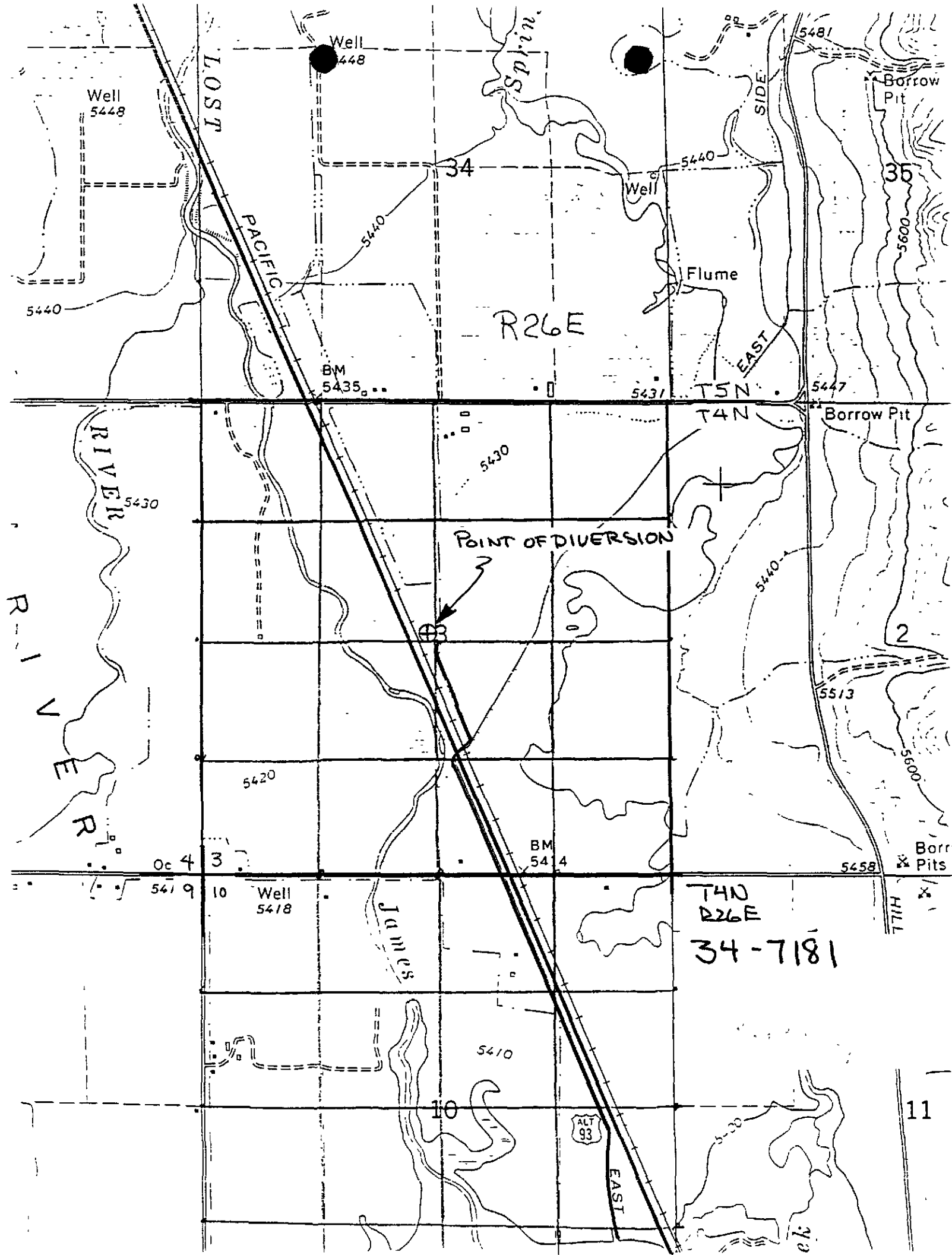
Signature Carol Slaughterbeck

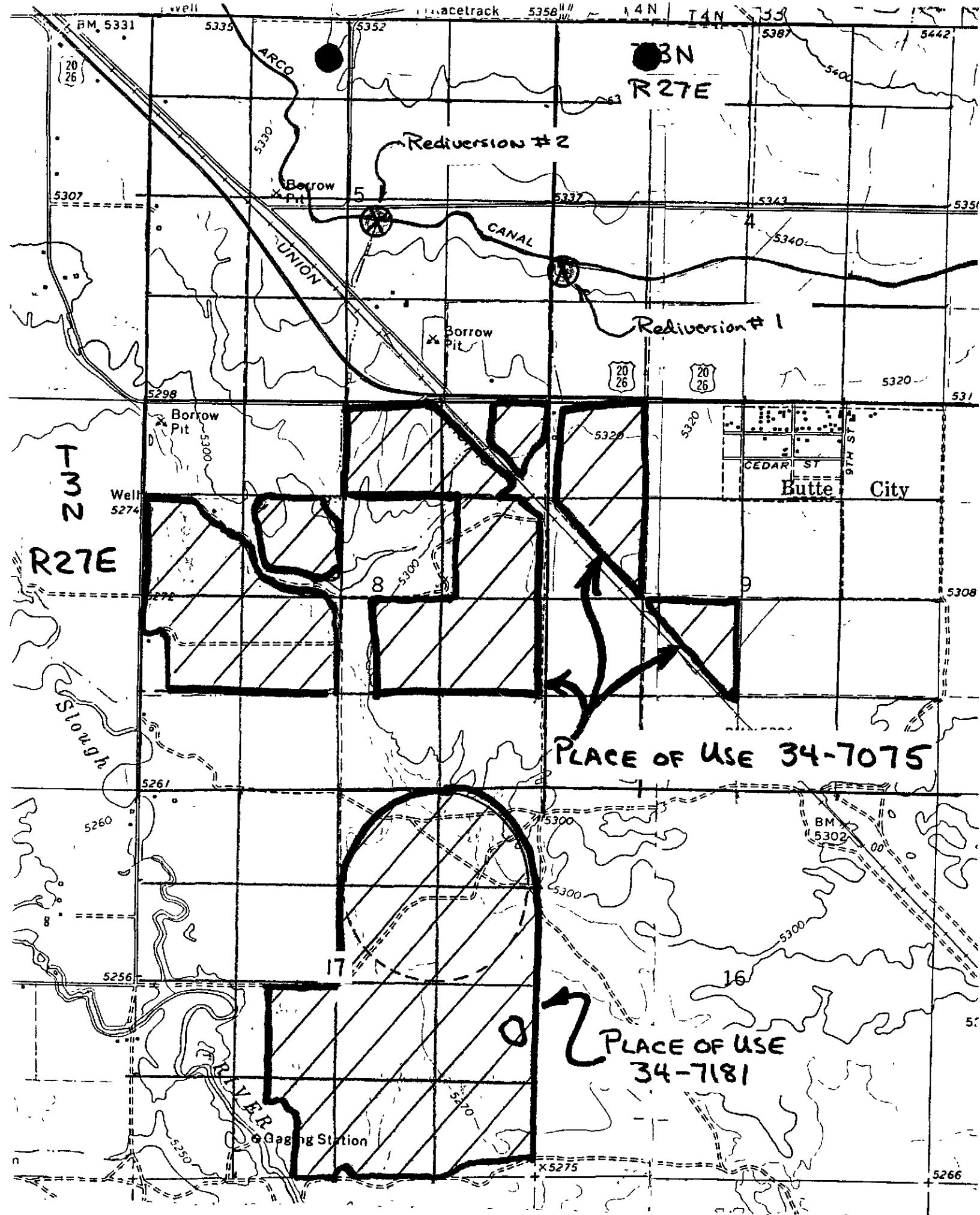
Certification Date _____

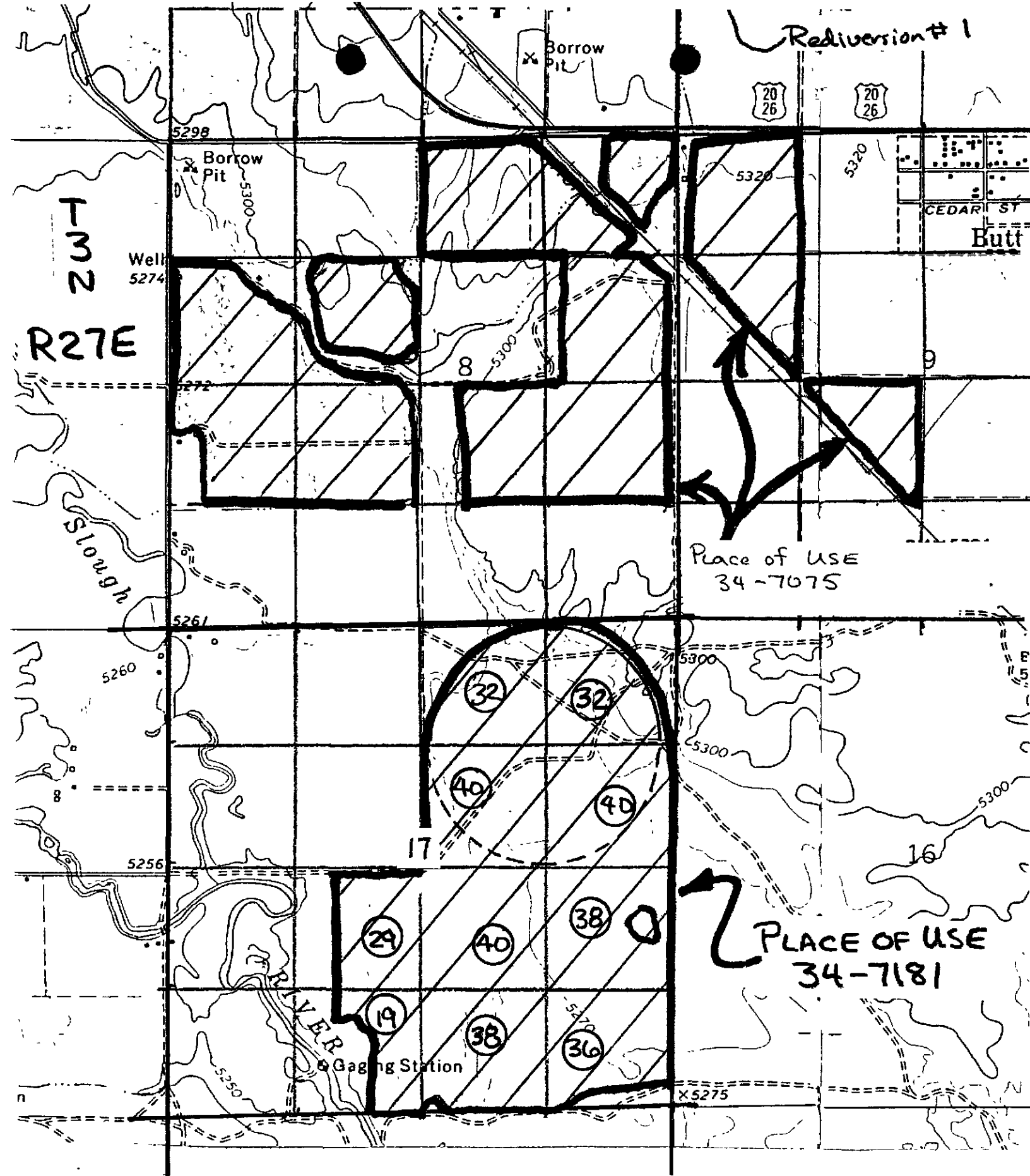
Field Report Preparation Date 7/22/87

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.







34-7181

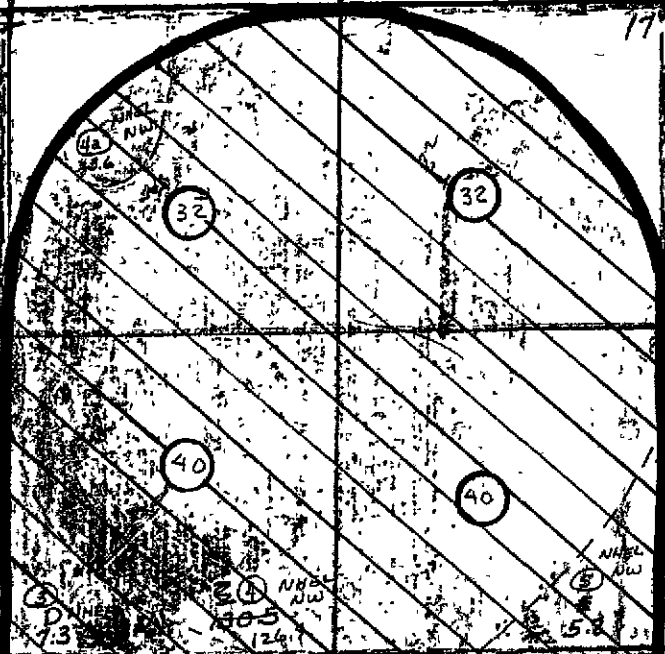
NHCL
NW

R27E T3N

8 19 17 16

#89
T152

T3N
R27E



T3N



17 16
20 21

#155
T269
L. Quist

PLACE OF USE

34-7181

NHEL
NW

R27E T32

8

16

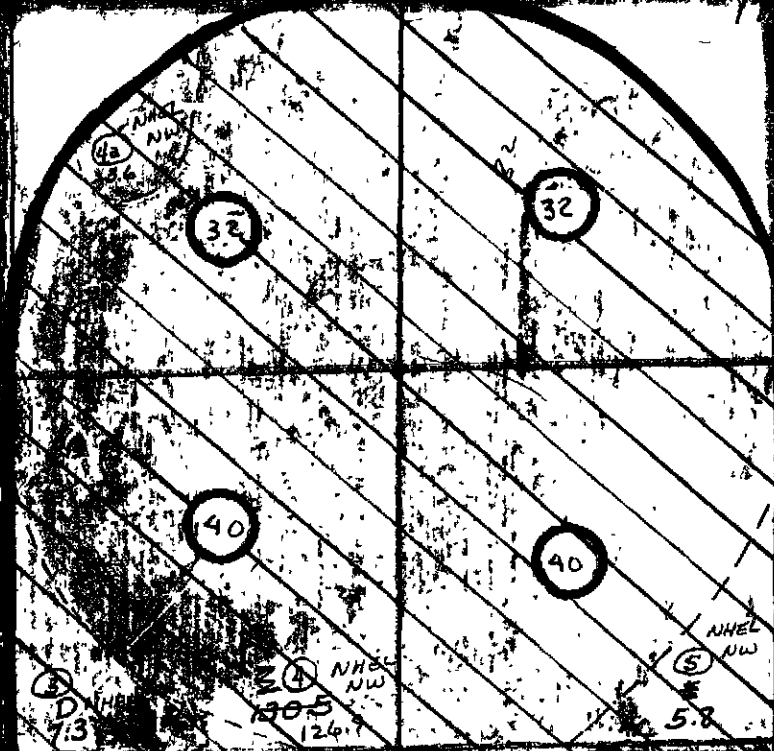
8 17



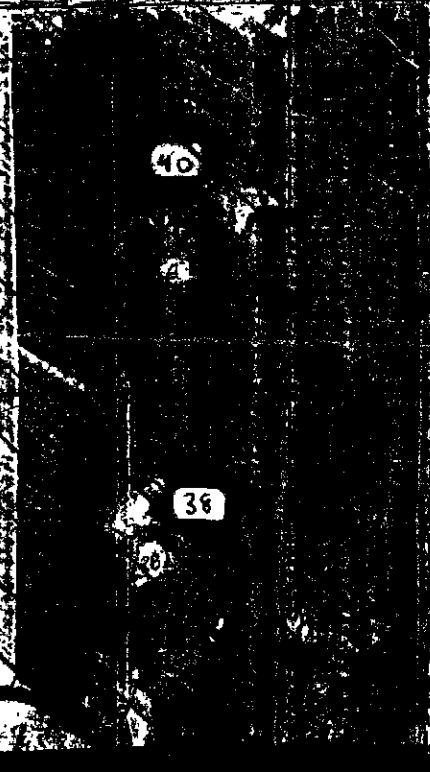
H-1049
#89
T152

T32

R27E



PLACE OF USE



18 17

19 20

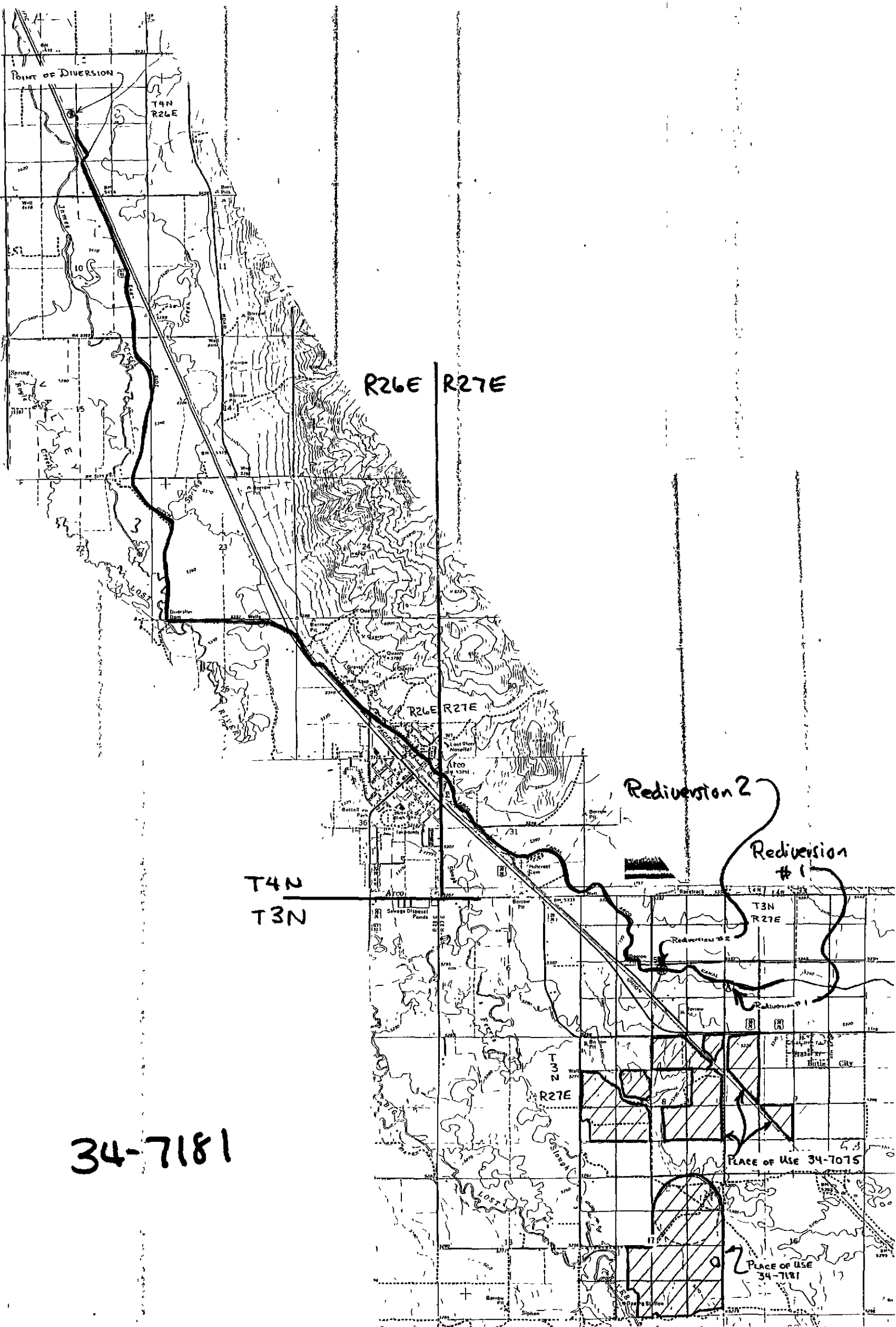
#155
T205
L. G. Galt

NHEL
NW
#2
3.6

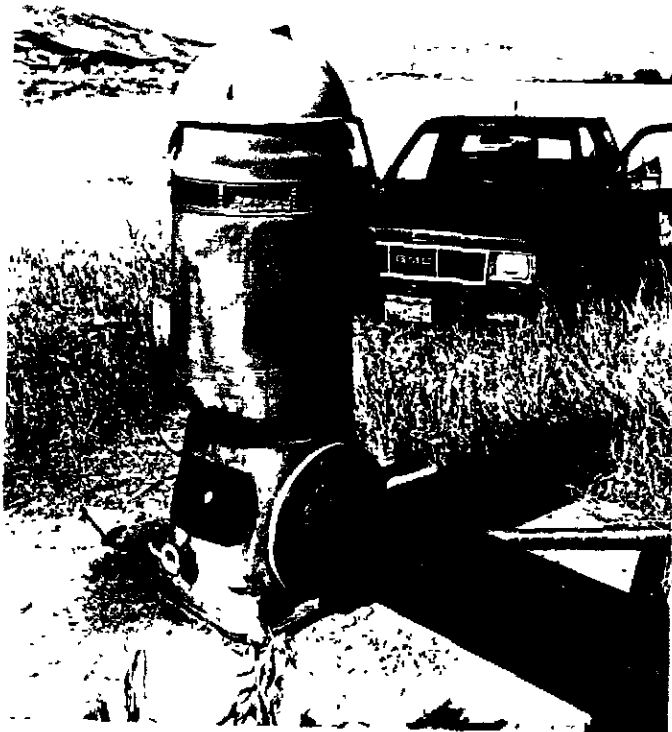
34-7181

17 16

20 2



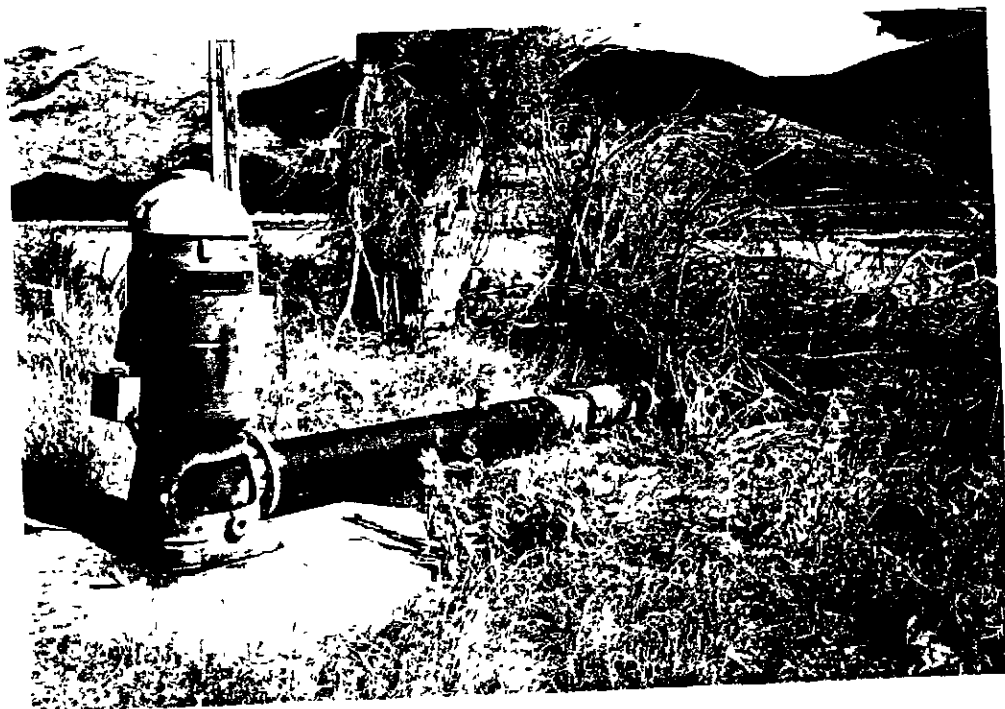
34-7181



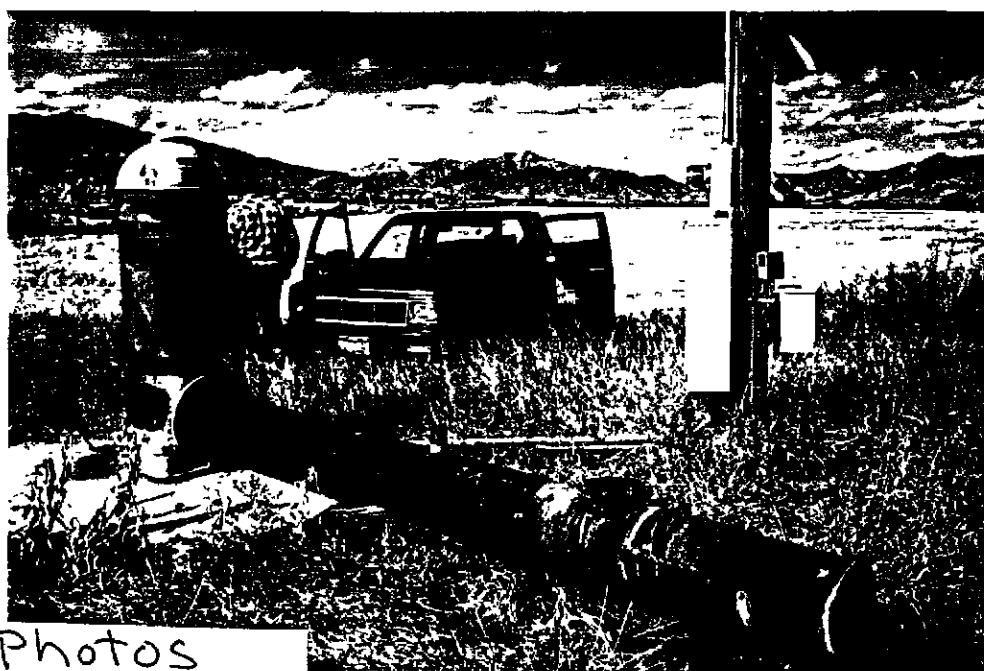
well/pump

Original Photos
are in File 34-7075

~~34-7075~~
34-7181

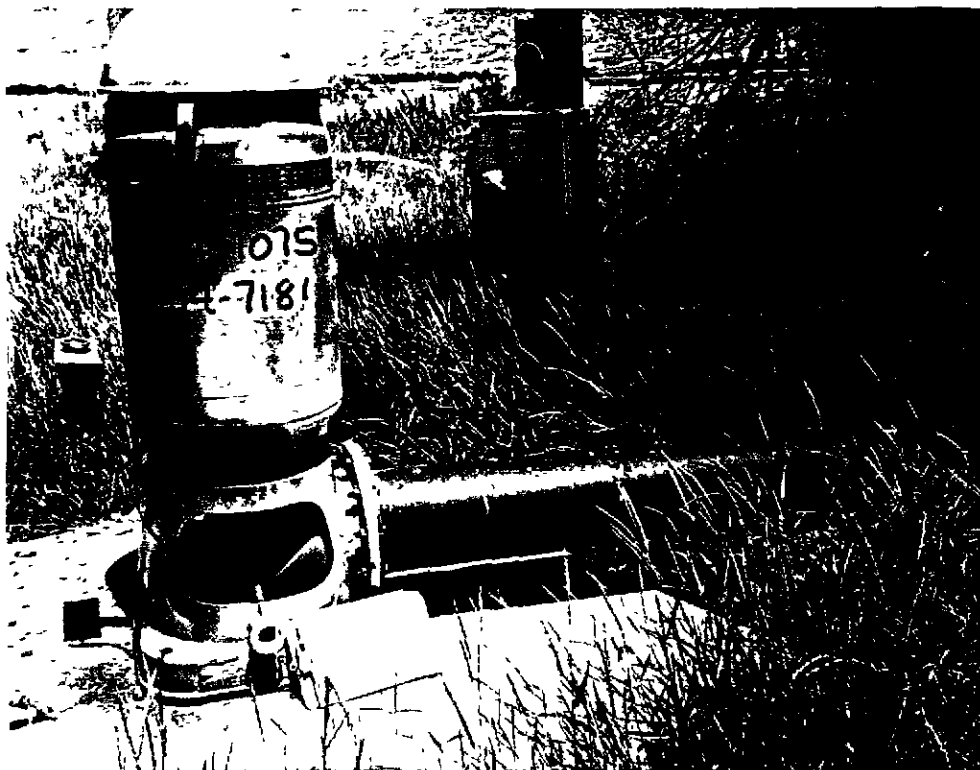


Well & Pump ←



Original Photos
are in File 34-7075

34-7075
34-7181



→ OPEN
DISCHARGE

Well & Pump



OPEN DISCHARGE

→ well & Pump

Original Photos
are in File 34-7075

~~34-7075~~
34-7181



REDIVERSION #1
from
Arco Canal



REDIVERSION #1
Parshall flume

Original Photos
are in File 34-7075

~~34-7075~~
34-7181



REDIVERSION
#2
From Arco Canal

Submerged
rectangular
weir at
Rediversion #2

~~34-7075~~
34-7181

Original Photos
are in File 34-7075

DEPARTMENT OF LAND AND WATER RESOURCES
PERMITTING SECTION

150 Shoup, Suite 15
Idaho Falls, Idaho 83402
(209) 525-7161

AUGUST 10, 1987

ARTHUR W. QUIST
RT. 1, BOX 202
ARCO ID 83213

PE Permit No. 34-7181

Dear Permit Holder:

We acknowledge receipt of your statement 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.

A condition of approval of your original permit required the installation of an access port which, according to the proof card submitted by you, has not been installed. An access port must be installed prior to the time a field examination is made.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
S. HAROLD W. JONES
Sr. Resource Agent

PLACE
STAMP
HERE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

MICROFILMED

FEB 1 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 34-T181

FEB 17 1983

Name(s) of Permit Holder(s): Larry Quist

Post Office Address: Rte 1 Box 54, Arco Department of Water Resources

Tel. No. Eastern District Office

☐ I hereby certify that construction of diversion works for the above referenced permit began on June 78 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

2-17-83
Date

a. Larry Quist
Signature of Permit Holder

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
MARCH 31, 1987

138849

QUIST, ARTHUR W. & A. LARRY
RT. 1 BOX 203
ARCO, ID 83213

PROOF DUE NOTICE

RE: PERMIT NO. 34-7181

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 1, 1987. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH WHEN ACCOMPANIED BY THE LICENSE EXAMINATION FEE OR A COMPLETED FIELD EXAMINATION REPORT PREPARED BY A CERTIFIED WATER RIGHT EXAMINER MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER AN ACCEPTABLE PROOF OF BENEFICIAL USE SUBMITTAL OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

MICROFILMED

AUG 18 1987

ENCLOSURES



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 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT.
(2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

AUG 18 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

June 10, 1982

Larry Quist
Route 1 Box 203
Arco, ID 83213

Dear Mr. Quist:

Re: Permit No. 34-7181

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use is extended to June 1, 1987.

Also enclosed is Receipt No. 23681 in the amount of \$15.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosures

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138529

QUIST, ARTHUR W. & LARRY
RT. 1 BOX 54
ARCO, ID 83213

MARCH 31, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 34-7181 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

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

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

MICROFILMED



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

March 4, 1982

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

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

DRT:jg

Enclosures

NORTHERN REGION OFFICE
Route #5, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190

MICROFILMED

July 5, 1978

Re: Permit No. 34-7181
(Arthur W. &/or A. Larry Quist)

Charles D. Huggins
Route 1, Box 59
Arco, ID 83213

Dear Mr. Huggins:

This office acknowledges receipt of your letter dated June 12, 1978 relating to the advertising of an application for amendment on Permit No. 34-7811. The original application which was approved provided for a well (point of diversion) to be constructed in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, Twp. 4N, Rge. 26E, Butte County. The application for amendment submitted proposed three wells (points of diversion); one in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, Twp. 4N, Rge. 26E and two in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, Twp. 3N, Rge. 27E. The advertisement in the Arco Advertiser correctly depicts this information as shown on the application for amendment.

As I interpret your letter, however, you are saying that in reality, one of the wells (points of diversion) is in a different 40-acre tract than described on the application for amendment. If this is so, it will be necessary for the permit holder to correct the legal description of the point of diversion by submitting another amendment. The amendment, if received, should be advertised to give notice and an opportunity for others to protest it.

I hope I have answered your letter satisfactorily. If not, please contact this office or our Eastern Regional Office in Idaho Falls.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

bc: Eastern Region

June 21, 1978

Re: Permit No. 34-7181

Arthur W. Quist &/or
Larry Quist
Route 1, Box 54
Arco, ID 83213

Dear Mr. Quist:

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:rf

Enc.

June 12, 1978

Charles D. Huggins

Rt. 1, Box 59

Arco, Idaho 83213

JUN 13 1978

Department of Water Resources

Department of Water Resources
Eastern District Office

Director, Mr. C. Stephen Allred

1515 Lincoln Road

Idaho Falls, Idaho 83401

Re: Protest: Permit #347181

Arthur W. Quist and/or

A. Larry Quist

Dear Mr. Allred:

On May 18 and on May 25, 1978, the Arco Advertiser published the request of Mr. Arthur W. Quist and/or A. Larry Quist for a 'proposed amending of water permit'. The proposal was to change the point of diversion and to amend permit #347181 to two different diversion points. I did not protest the proposal at that time because the points of diversion were listed to areas which were not of my concern.

I now find that the proposed real most southern point of diversion is not as published in the Arco Advertiser on the above dates. Instead, his diversion point is at a point of legally disputed land where his water can be mixed with river water and this point extends some distance into the SW $\frac{1}{4}$ of Sec 17 T3N R 27 E, B M, Butte County. As it was not correctly listed in 'Public Notice', I can see no legal means by which the proposed

amendment can be granted other than in the legally described boundaries as listed per the 'public notice'. If the real point of diversion is as I previously described it, I feel the legal process must limit it to the change as advertised.

Sincerely,

Charles D. Huggins

Affidavit of Publication

I, Le Ella Cammack
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco,
Idaho, since March, 1909, do solemnly swear that
a copy of this notice, per clipping attached, was
published weekly in the regular and entire issue
of said newspaper, and not in any supplement
thereof,

for 2 consecutive weeks, commencing with

the issue dated May 18, 1978

and ending with the issue dated May 25, 1978

Le Ella Cammack

Subscribed and sworn to before me this

3rd day of July, 19 78

R. C. Sel...

Notary Public

Residence: Arco, Idaho.

My commission expires

Life, 19 ...

PUBLIC NOTICE

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 34-7181 in the names of Arthur W. Quist & or A. Larry Quist, Arco, Idaho, was issued for the diversion of 9.00 c.f.s. of water from a ground water source with point of diversion within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 4N, R. 26E, B.M., Butte County; to be used for the irrigation of 400 acres from Apr. 1 to Nov. 1 within the E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 17, T. 3N, R. 27E, B.M.

The permit holders now proposed to amend Permit No. 34-7181, changing the point of diversion to the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 4N, R. 26E, B.M., and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (2 points), Sec. 17, T. 3N, R. 27E, B.M., Butte County.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before June 5, 1978.

C. STEPHEN ALLRED
Director

Published in the Arco Advertiser,
Arco, Idaho, on May 18 and 25, 1978.

May 12, 1978

RE: Application for Amendment No. 34-7181 QUIST

Arco Advertiser
Box "C"
Arco, Idaho 83213

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 time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 6-07-78 by CW

RDC: CW

Enc: Legal Notice (1)

MICROFILMED

PUBLIC NOTICE

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No 34-7181 in the names of Arthur W Quist &-or A Larry Quist, Arco, Idaho, was issued for the diversion of 9.00 c.f.s. of water from a ground water source with point of diversion within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 4N, R. 26E, B.M., Butte County; to be used for the irrigation of 400 acres from Apr 1 to Nov. 1 within the E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 17, T. 3N, R. 27E, B.M.

The permit holders now proposed to amend Permit No. 34-7181, changing the point of diversion to the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 4N, R. 26E, B.M., and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (2 points), Sec. 17, T. 3N, R. 27E, B.M., Butte County

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before June 5, 1978.

C. STEPHEN ALLRED
Director

Published in the Arco Advertiser,
Arco, Idaho, on May 18 and 25, 1978

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 34-7181 in the names of Arthur W. Quist &/or A. Larry Quist, Arco, Idaho, was issued for the diversion of 9.00 c.f.s. of water from a ground water source with point of diversion within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 4N, R. 26E, B.M., Butte County; to be used for the irrigation of 400 acres from Apr. 1 to Nov. 1 within the E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 17, T. 3N, R. 27E, B.M.

The permit holders now propose to amend Permit No. 34-7181, changing the point of diversion to the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 4N, R. 26E, B.M., and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (2 points), Sec. 17, T. 3N, R. 27E, B.M., Butte County.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before June 5, 1978.

C. STEPHEN ALLRED

Director

Published in the Arco Advertiser, Arco, Idaho, on May 18 and 25, 1978.

June 20, 1977

Re: Permit No. 34-7181

Arthur W. &/or Larry Quist
Route #1, Box 54
Arco, ID 83213

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 34-7181 . 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.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit

cc: Nick Purdy
Silver Creek Supply
Picabo, ID 83348

M E M O R A N D U M

TO: Bob Fleenor
FROM: Ron Carlson
RE: Application for Permit No. 34-7181
DATE: May 24, 1977

At the time this application was made, the Quists hand-carried the advertising to Arco to expedite the processing of the application. They are in the process of borrowing \$100,000.00 to install a center pivot sprinkler system and the funds are being held up pending approval of this permit. I told them at the hearing that the Department would make every effort to expedite the action on this application.

34-7181 - Arthur W. &/or Larry Quist

Memorial Building, Arco, Idaho

May 20, 1977 - 2:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
A. Larry Quist	Arco	Self
Art Quist	"	"
Arthur W. Quist	Arco	Self
Ron & Bernice	Arco	Self
Charles D. Huggins	"	Self
Lemara H. Quist	Arco	
Kath A. Kelly	Arco	self

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval
of Application for Permit No. 34-7181
in the names of ARTHUR W. &/or A. LARRY QUIST

NOTICE OF CONFERENCE
AND/OR HEARING

On April 19, 1977, Arthur and Larry Quist filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On May 5, 1977, the Department received a protest against approval of said application from Peece W. Burke. An additional protest was received from Charles D. Huggins on May 10, 1977, and M. Scott and Helen Walker on May 3, 1977.

The Department has set the matter for conference and/or hearing for Friday, May 20, 1977, at 2:00 p.m., in the Memorial Building, Arco, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 10th day of May, 1977.


RONALD D. CARLSON
Supervisor,
Eastern Region



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(203) 523-7186

May 17, 1977

Clerk of the District Court
Butte County Courthouse
Arco, ID 83213

Dear Sir:

This is to confirm the use of the Conference Room in the Memorial Building for Friday, May 20, 1977, at 1:00 p.m.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

Name and
Address
of Sender



Indicate type of mail:

☐ REGISTERED ☐ REGISTERED
☐ C.O.D. ☐ CERTIFIED

After stamp here, if issued as certificate of mailing or for additional
copies of the bill
POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FT	R & FT	REG DEC 100	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1	412 Scott & Helen Winkler, Greco	13	60					34-7181
2	413 Arthur & Lissy Givels, Rt #1, Box 54, Greco	13	60					"
3	414 Roger Ling, Box 346, Rupert 83350	13	60					"
4	415 Reece Burke, Greco, Idaho 83213	13	40				11	"
5								
6								
7								
8								
9								
10								
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19								
20								

TOTAL NO. OF PIECES
LISTED BY SENDER

TOTAL NO. OF
PIECES REC'D AT P.O.

RECEIVED PER (Name of receiving employee)

*Show under "Remarks" class postage paid (if other than first or
if international)

PS Form 3677, Dec. 1973

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

(Declaration of value is required on international registered mail)

* U. S. GOVERNMENT PRINTING OFFICE: 1974-0-329-724

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C Stephen Allred
Director

May 10, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

RE: Application for Permit No. 34-7181

Arthur and/or Larry Quist
Rt. #1, Box 54
Arco, ID 83213

Dear Mr. Quist:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 34-7181. You should be aware that the following are the principal 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 cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required (Section 41-202, Idaho Code).

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:

cc: IDWR - State Office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

May 10, 1977

RE: Application for Permit No. 34-7181 OUIST

Mr. Roger D. Ling, Attorney
P.O. Box 396
Rupert, ID 83350

Dear Mr. Ling:

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

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

cc: IDWR - State Office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

May 10, 1977

RE: Application for Permit No. 34-7181 QUIST

Mr. Reece Burke
Arco
Idaho 83213

Dear Mr. Burke:

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

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

cc: IDWR - State Office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

May 10, 1977

RE: Application for Permit No. 34-7181 QUIST

M. Scott and Helen Walker
Arco, ID 83213

Dear Mr. and Mrs. Walker:

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

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

cc: IDWR - State Office

ROGER D. LING
ROBERT M. NIELSEN
BRENT T. ROBINSON
ASSOCIATE

LING & NIELSEN
ATTORNEYS AT LAW
TOEBALING BUILDING
P. O. BOX 336
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE 436-4717

April 29, 1977

RECEIVED
APR 30 1977
IDAHO DEPARTMENT OF WATER RESOURCES
RUPERT DISTRICT OFFICE

Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

RE: Application for Water Permit No. 34-7181

Dear Gentlemen:

Enclosed please find a Protest submitted on behalf of Charles D. Huggins, P. O. Box 59, Arco, Idaho. If you have a form of protest upon which you desire protest to be submitted, would you please forward the same to this office so a Protest on that form may be submitted to supplement the enclosed Protest.

Very truly yours,

Roger D. Ling

RDL:dh
cc: Charles D. Huggins



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

May 3, 1977

RE: Application for Permit No. 34-7181

Mr. Roger D. Ling
Attorney at Law
P.O. Box 396
Rupert, ID 83350

Dear Mr. Ling:

Section 42-203 of the Idaho Code specifies the following four things the Department can consider before approving a permit:

- (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?

In reviewing the protest you submitted on behalf of Charles Huggins, it does not appear that any of the reasons your client has for objecting can legitimately be considered by the Department.

As you are probably aware, Section 42-105 of the Idaho Code specifically allows the commingling of water in any natural channel subject to due allowance for evaporation and seepage. The fact that in reclaiming this water the applicants must trespass upon the property of your client is an easement problem that is between the parties involved and is not necessarily an integral part of the application for permit. We

Page 2

are, therefore, returning the protest you submitted, but are including your letter of April 29, 1977, in our file as an intent to protest. We will allow you an additional ten days to submit an objection based upon one of the above four items if your client has reason to protest and wishes a hearing before the Department of Water Resources.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

Enclosure

RECEIVED

APR 30 1977

Department of Water Resources
Eastern District Office

P R O T E S T

COMES NOW CHARLES D. HUGGINS, and in protest to the granting of a Water Permit to ARTHUR W. QUIST and/or A. LARRY QUIST, pursuant to their Application for Water Permit No. 34-7181, does hereby assert as follows:

That said Application for Water Permit should be denied on the grounds and for the reasons that:

1. Applicants are attempting to appropriate 9.0 cubic feet per second of water for the irrigation of 400 acres, which exceeds the maximum appropriation allowed under Section 42-202, Idaho Code for the purposes of irrigation.
2. The Application for Water Permit by applicants seeks to use water at a point approximately 8 miles from the place of diversion and unless said water is conveyed through a pipe or waterproof conduit, an unreasonable loss will occur in conducting said water from the point of diversion to the place of use, contrary to the policies of the State of Idaho.
3. The Applicants propose to convey the water sought to be appropriated from the point of diversion to the place of use by use of a natural channel, thereby comingling said water with other water previously appropriated, which will result in an increased burden on the stream in the natural channel, all to the detriment of the Protestor who has prior rights to the water appropriated from said stream.
4. The Applicants seek to reclaim the waters they seek to appropriate from a natural channel, after comingling said water with waters in said natural channel, at a point on the natural channel which will require applicants to trespass upon the real property owned by Protestor, and for such reason said Application for a Water Permit is speculative in nature.

For the above reasons, Protestor does hereby respectfully urge that the Application for Water Permit of the Applicants be denied in all respects.

DATED this 29th day of April, 1977.

LING AND NIELSEN

By: Roger D. Ling
Roger D. Ling
Attorney for Charles D. Huggins,
Protestor

Address: Toebaling Building
P. O. Box 396
Rupert, Idaho 83350

TO: Idaho Department of Water Resources
1515 Lincoln Drive
Idaho Falls, Idaho 83401

Re: Appl. 34-7181 - Quist - Protest

The Undersigned, owner of land near the land proposed to be irrigated under the above Permit, protests the granting of the Application on the following grounds:

1. The Application, as understood by protestant, indicates that the Applicants intend to take water from an underground source in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, Township 4 N., Range 26, E.B.M., and to convey it by means of the Island Canal to the East Side Canal to the Arco Canal, and thereby to the land to be irrigated, by private ditch.
2. Protestant understands and believes that, in fact, the Applicants intend to convey the water to the Big Lost River, and, by such natural stream, to the land to be irrigated.
3. If the water is, in fact, conveyed into the Big Lost River, the Applicants will be re-diverting water from a diversion point above that of Protestant, and will thereby interfere with Protestant's priority Permit for diversion of water from Big Lost River.
4. If Applicants are allowed to convey the water through the Big Lost River, there is no means of determining whether or not the water conveyed into the stream will, in fact, reach the point at which Applicants intend to take the water from the stream-bed. Allowance of such a Permit will give rise to irreconcilable disputes over the source of water at the points of Applicants' and Protestant's diversion.
5. Protestant believes that the fact is that water attempted to be conveyed through the Big Lost River channel from Applicants' proposed place of diversion, to the place of use, will not reach the place of use, and that any water at the place of Applicants' proposed place of re-diversion out of the Big Lost River Channel will be water already being applied to beneficial use by Protestant, and his neighbors who have previously been granted Permits for diversion

Page 2

Letter to Dept. of Water Resources

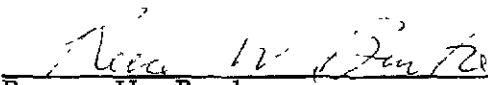
Re: Protest to Quist Permit - Reece Burke

May , 1977

of the water.

Protestant asks that the Department of Water Administration deny Applicants' Permit, if any portion of the water is to be conveyed through any portion of the natural channel of the Big Lost River.

DATED This 3 day of May, 1977.



Reece W. Burke

P R O T E S T

COMES NOW CHARLES D. HUGGINS, and in protest to the granting of a Water Permit to ARTHUR W. QUIST and/or A. LARRY QUIST, pursuant to their Application for Water Permit No. 34-7181, does hereby assert as follows:

That said Application for Water Permit should be denied on the grounds and for the reasons that:

1. Applicants are attempting to appropriate 9.0 cubic feet per second of water for the irrigation of 400 acres, which exceeds the maximum appropriation allowed under Section 42-202, Idaho Code for the purposes of irrigation.
2. The Application for Water Permit by applicants seeks to use water at a point approximately 3 miles from the place of diversion and unless said water is conveyed through a pipe or waterproof conduit, an unreasonable loss will occur in conducting said water from the point of diversion to the place of use, contrary to the policies of the State of Idaho.
3. The Applicants propose to convey the water sought to be appropriated from the point of diversion to the place of use by use of a natural channel, thereby comingling said water with other water previously appropriated, which will result in an increased burden on the stream in the natural channel, all to the detriment of the Protestor who has prior rights to the water appropriated from said stream.
4. The Applicants seek to reclaim the waters they seek to appropriate from a natural channel, after comingling said water with waters in said natural channel, at a point on the natural channel which will require applicants to trespass upon the real property owned by Protestor, and for such reason said Application for a Water Permit is speculative in nature.

For the above reasons, Protestor does hereby respectfully urge that the Application for Water Permit of the Applicants be denied in all respects.

DATED this 29th day of April, 1977.

LING AND NIELSEN

By: _____
Roger D. Ling
Attorney for Charles D. Huggins,
Protestor

Address: Toebling Building
P. O. Box 396
Rupert, Idaho 83350

ROGER D LING
ROBERT M NIELSEN
BRENT T ROBINSON
ASSOCIATE

LING & NIELSEN
ATTORNEYS AT LAW
TOEBALING BUILDING
P O BOX 396
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE 436-4717

May 9, 1977

Ronald D. Carlson
Supervisor
Department of Water Resources
Eastern Region
1515 Lincoln Road
Idaho Falls, Idaho 83401

RE: Protest of Charles D. Huggins

Dear Mr. Carlson:

Thank you for your brief recitation of the law in your letter of May 3, 1977. However, I should advise you that I have access to the Idaho Code and believe that I fully understand the contents relating to protests. I am again enclosing the Protest previously submitted to you. I expect that the Protest will be brought on for hearing as you undoubtedly know the law provides.

So that you may better understand the Protest, I will attempt to point out the essence of each objection. Paragraph 1 is an allegation that clearly shows the application has not been made in good faith, as an application for water in excess of the amount allowed by law does not show good faith on the part of the applicant. Paragraph 2 also shows a lack of good faith on the part of the applicant as it is unlawful to divert waters of the State of Idaho where an unreasonable loss will occur in conducting the water from the point of diversion to the place of use. Paragraph 3 is an allegation that the proposed use will reduce the quantity of water under existing water rights. Paragraph 4 is a further allegation that the application was not made in good faith and is speculative in nature as it is clear the applicant cannot reclaim the water as requested in the application. If you feel that it is necessary, you may consider this letter as a part of the Protest, setting forth the conclusions upon which our Protest is based.

I would suggest that you ask the Attorney General's office of the State of Idaho to review this Protest if you have further doubts as to its adequacy.

Very truly yours,

Roger D. Ling

RDL:dh
Enc. 1

RECEIVED

MAY 3 1977

Department of Water Resources
Eastern District Office

Arco, Idaho
May 2, 1977

Idaho Department of Water Resources
Stephen Allred, Director
1515 Lincoln Road
Idaho Falls, Idaho 83401

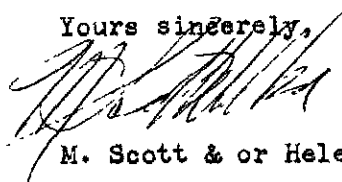
RE: Application No. 34-7181 Dated 4-19-77

Dear Sir:

We protest the transfer of water in the above named Application No. 34-7181 by Arthur W. Quist & or A. Larry Quist, Arco, Idaho.

The easement right-of-way for the Arco Canal is 25 ft but at present 50 ft have been confiscated. The above named people have not attempted to purchase more water right-of-way through our property, they are plainly attempting to confiscate it. This action is in violation of our 5th Amendment to the Constitution of the United States of America, and we protest.

Yours sincerely,



M. Scott & or Helen A. Walker

Arco, Idaho
Box 274
Arco - Idaho

April 25, 1977

RE: Application for Permit No. 34-7181 QUIST

Big Lost River Irrigation District
Box 205
Mackay, Idaho 83251

Dear Ms. Lundy:

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is May 9, 1977, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

April 20, 1977

RE: Application for Permit No. 34-7181

Arthur W. Quist &/or A. Larry Quist
Rt. #1, Box 54
Arco, Idaho 83213

Gentlemen:

Enclosed please find the above referenced application. During our review of your application it was noted the signature does not appear on the application. Please sign and return to this office as soon as possible. Final action will not be taken until receipt of the application.

Very truly yours,

ERNEST M. CARLSEN
Water Resource Agent

EMC:cw

Enclosure

April 19, 1977

RE: Application for Permit No. 34-7181 QUIST

The Arco Advertiser
Box "C"
Arco, ID 83218

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 time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted _____ by _____

Bill Returned 5-17-77

RDC:ME

Enc: 1

PUBLIC NOTICE
NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Arthur W. Quist & or A. Larry Quist, Arco, Idaho, have on 4-19-77 submitted Application No. 34-7181 for a permit to appropriate 9.0 cubic feet per second of water from a groundwater source by means of well and pump within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 4N, R. 26E, B.M., Butte County, to be used from Apr. 1 to Nov. 1 for the irrigation of 400 acres within the E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 17, T. 3N, R. 27E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 9, 1977.

C. STEPHEN ALLRED
Director

Published in the Arco Advertiser,
Arco, Idaho on April 21 and April 28,
1977.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Arthur W. Quist &/or A. Larry Quist,
Arco, ID
have ~~xxxx~~ on 4-19-77 submitted Application No. 34-7181
for a permit to appropriate 9.0 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from a ground-water source
by means of well and pump
within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 4N, R. 26E, B.M., Butte County;

to be used from Apr. 1 to Nov. 1
for the irrigation of 400 acres
within the E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 17, T. 3N, R. 27E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 9, 1977.

C. STEPHEN ALLRED
~~XXXXXXXXXXXXXXXXXXXX~~

Director

Published in the Arco Advertiser
on April 21 and April 28, 1977

UNRECORDED

the - J.
the - H.
the - G.

34 7181

Identification No. _____

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

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

- 1 Name of applicant Arthur W. Quint and A. Larry Quint Phone 527-3107
 post office address Rt 1, Box 54, Arco, Id. 83213
- 2 Source of water supply Ground water which is a tributary of _____
- 3 a Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3 Township 4N
 Range 26E B.M. Butte County; additional points of diversion if any: _____
- b If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
 of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
- 4 Water will be used for the following purposes:
 Amount 9.0 for Irrigation purpose from April 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- 5 Total quantity to be appropriated:
 a 9.0 cubic feet per second and/or
 b _____ acre feet per annum.
- 6 Proposed diverting works
 a Description of ditches, flumes, pumps, headgates, etc. well pump ditches and
sprinkler system
- b Height of storage dam _____ feet, active reservoir capacity _____ acre feet, total reservoir
 capacity _____ acre feet, materials used in storage dam _____
 Period of year during which storage will occur _____ to _____ (Mo Day) inclusive.
(Mo Day)
- c Proposed well diameter is 20 inches; proposed depth of well is 165 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 \$ 100,000.00
- 8 Description of proposed uses
 a If water is **not** for irrigation
 (1) Give the place of use of water _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ 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 _____
 (5) If water is to be used for other purposes describe _____

RECORDED

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	
3N	27E	17	40	40	40	40					40			40	40	40	40	40	400

Total number of acres to be irrigated 400

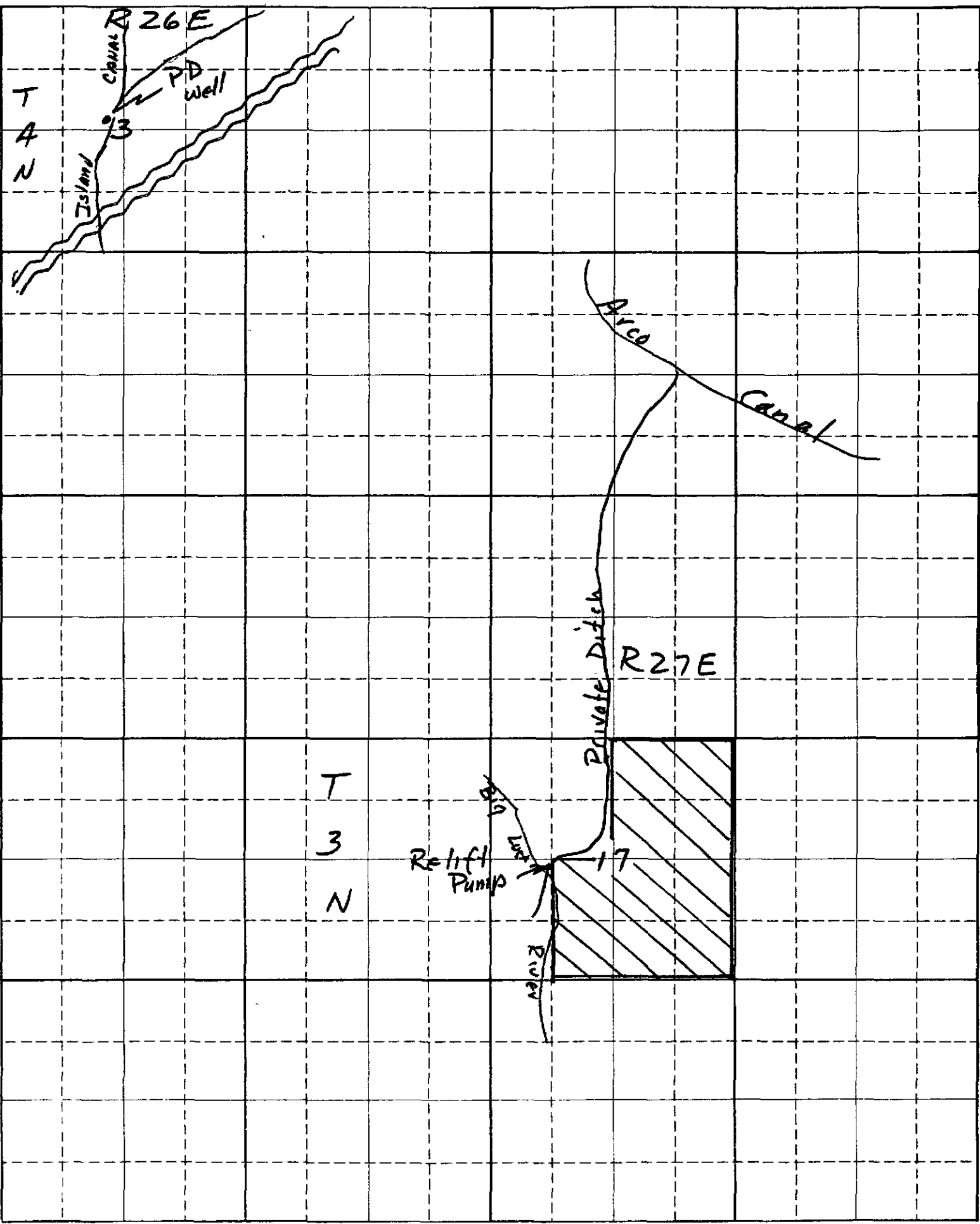
c. Describe any other water rights used for the same purposes as described above 34-7149 - Permit
Big Lost River

9. a. Who owns the property at the point of diversion James S. Babcock
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 Point of diversion acquired by purchase of easement to drill well.

10. Remarks Water will be pumped into the Island Canal, thence East Side Canal, thence Arco Canal then into private ditch

The canals charge a 30 to 40% transportation loss in delivering the water through their systems

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

(Applicant)

RECEIVED

Received by me Date 4-19-77 Time 5:20 p.
Preliminary check by me Fee \$ 105.00
Receipted by me Date 4-19-77 # 6553
Publication prepared by me Date 4-19-77
Published in The Loco Rationer
Publication dates April 21 & 28, 1977
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 RESOURCES

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

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. QUIS T.

☒ Source GROUND WATER.
☒ Point of Diversion
☒ County
9.0 Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
400 Place of Use or Acres Irrigated
☒ Map
NONE Signature
105-100 Fee

In form to receipt YES.

Send Copies to:

☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☒ Bureau of Land Management
☒ Big Lost River
☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant

In form for advertising YES.

Platted on Map No. 4N 26 E; 3N 27 E Basin 34

Located within Water District No. 34

Critical groundwater area: yes ☐ no ☒

Groundwater levels:

☐ Declining, ☒ Stable, ☐ Increasing

(comment) OB WELL 21 abd. 4N 26 E.

Other rights on the same place of use Permit

34-7149 - BIG LOST RIVER.

Comments: NEED SATISFACTION FOR EXCESSIVE
R. OF 10-15, (should be 8-10 ft.)
NONE

Affidavit of Publication received (date) 5-12-77

Final date for protests May 9-1977

Protests received: yes ☒ no ☐

All requested information received from agencies or applicant: yes ☐ no ☐

Action recommended:

☒ Approve ☐ Deny

4/19/77 Proposed Priority

☐ Reason for Reduction

☒ Measuring device required

☒ See attached sheet for other conditions of approval

☐ No special conditions for approval

(15) District E By RDC Date 5/23/77

Return for signature.

(1) EMC 4-20-77

(2) " "

(3) " "

(4) " "

(5) " "

(6) " "

(7) " "

(8) " "

(9) " "

(10) " "

(11) aw "

(12) aw 5-03-77

(13) RDC 5/23/77

(14) 11 11

RECEIVED