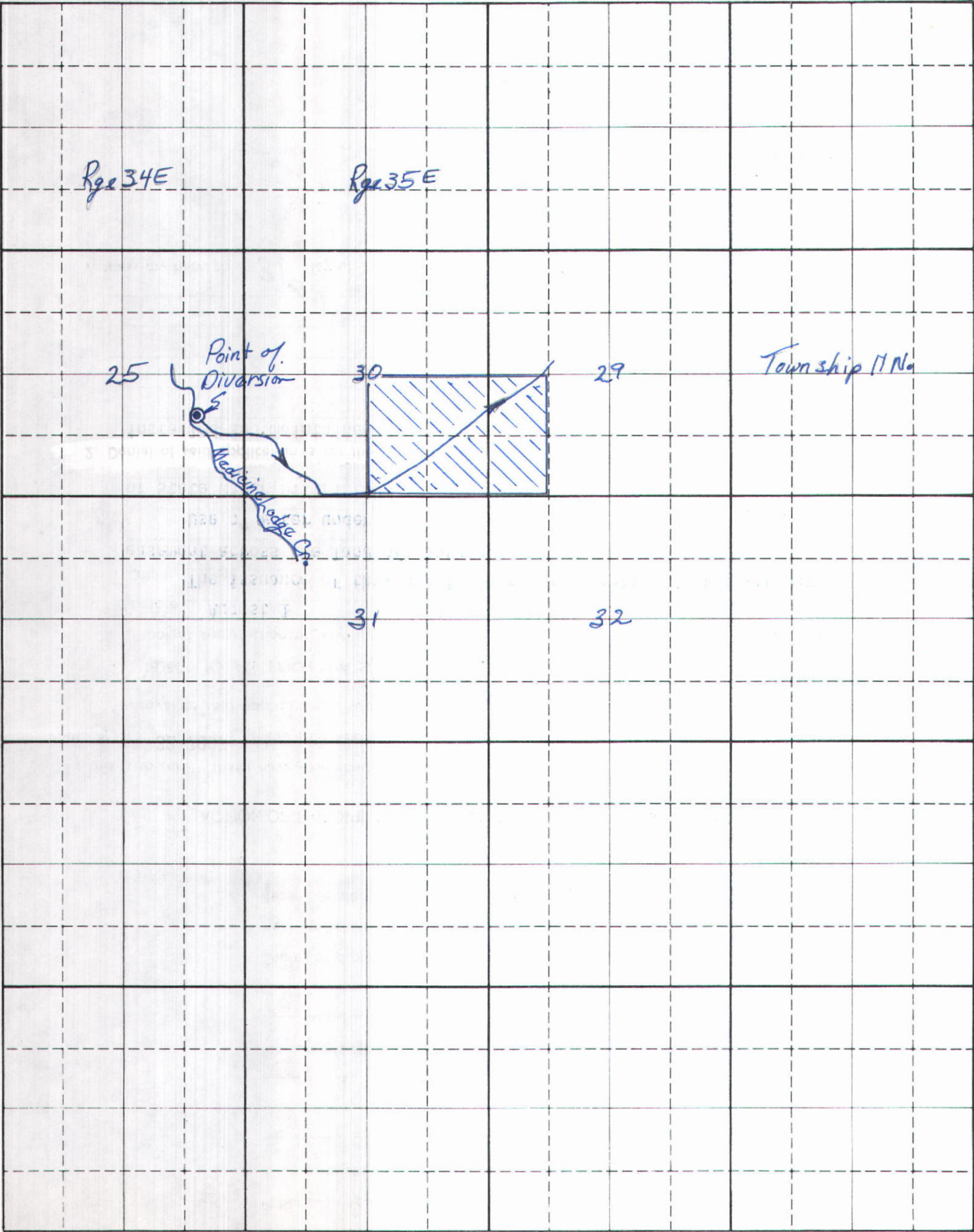


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

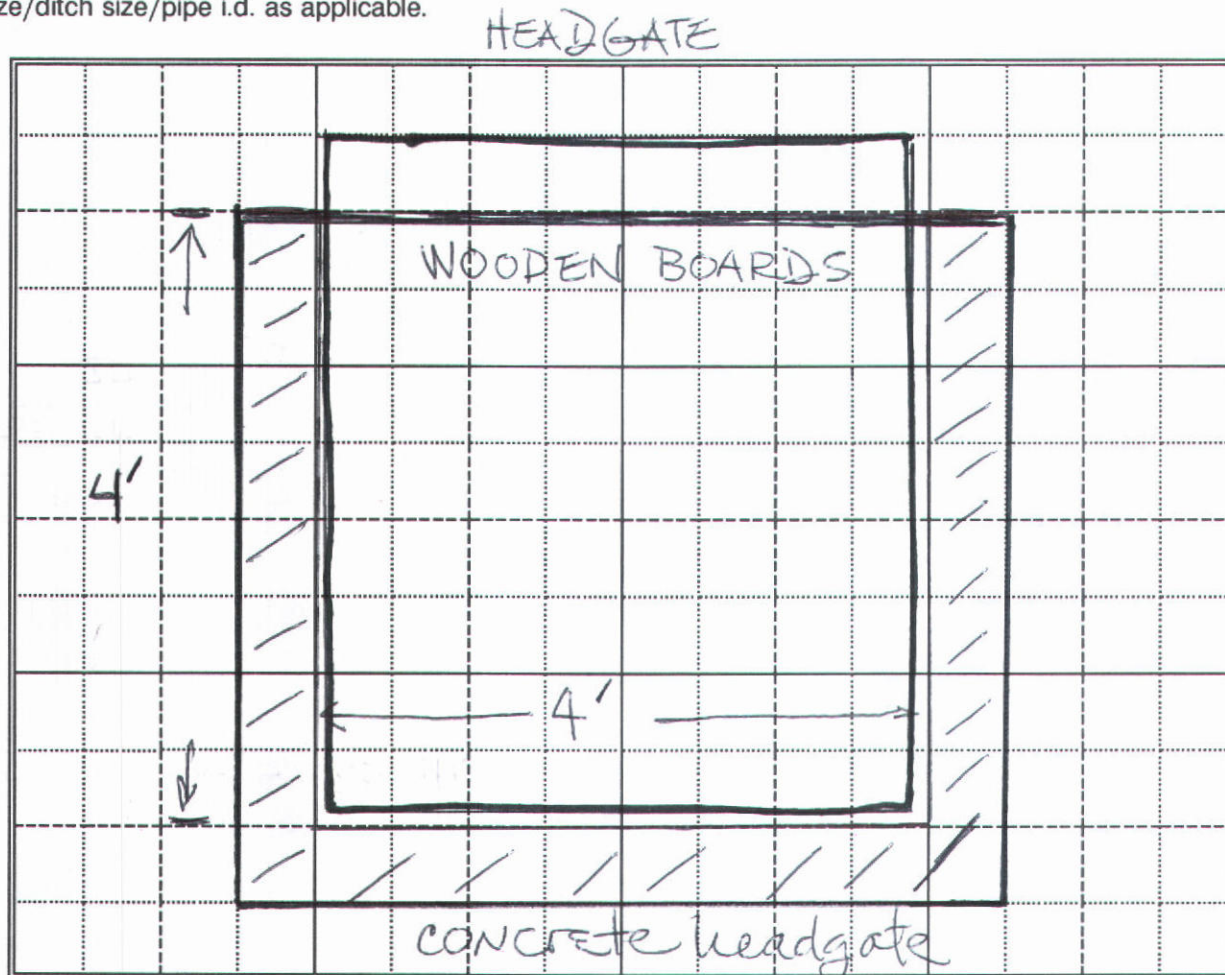


Scale: 2 inches equal 1 mile

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.

Alan Sherton
(Applicant) Sec.

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS 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)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

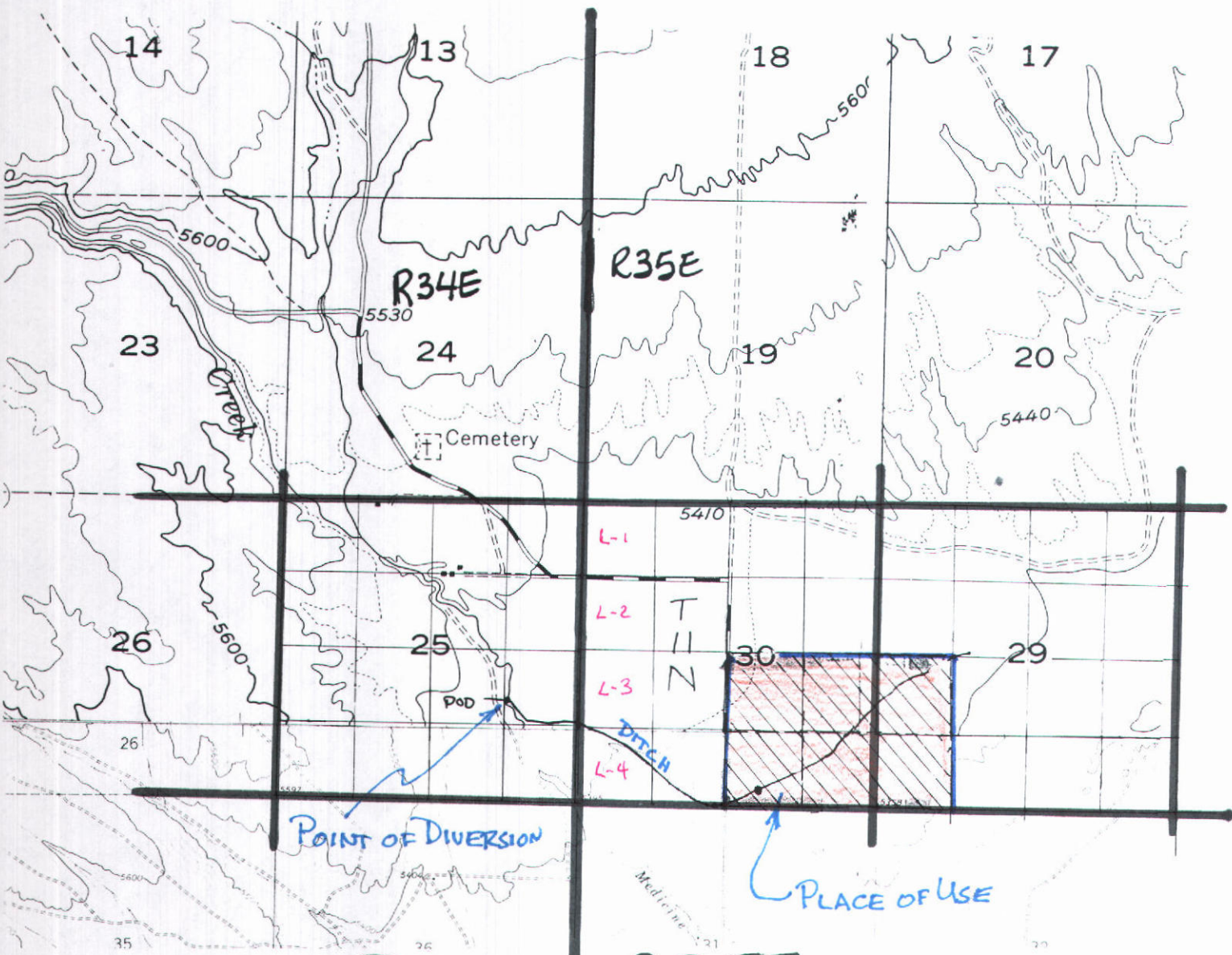
D. FLOW MEASUREMENTS

1.

JUN 27 1995

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

2. **Measurements:** NONE - THERE IS A LARGE HEADGATE THAT IS REGULATED BY THE WATERMASTER IN 32C. THIS RIGHT WAS DELIVERED IN 1993. HEADGATE IS A 4'x4'. Capacity of this headgate would exceed the present water rights delivered through this system.



R34E | R35E

T=2

32-07097

JUN 27 1995



PLACE OF USE

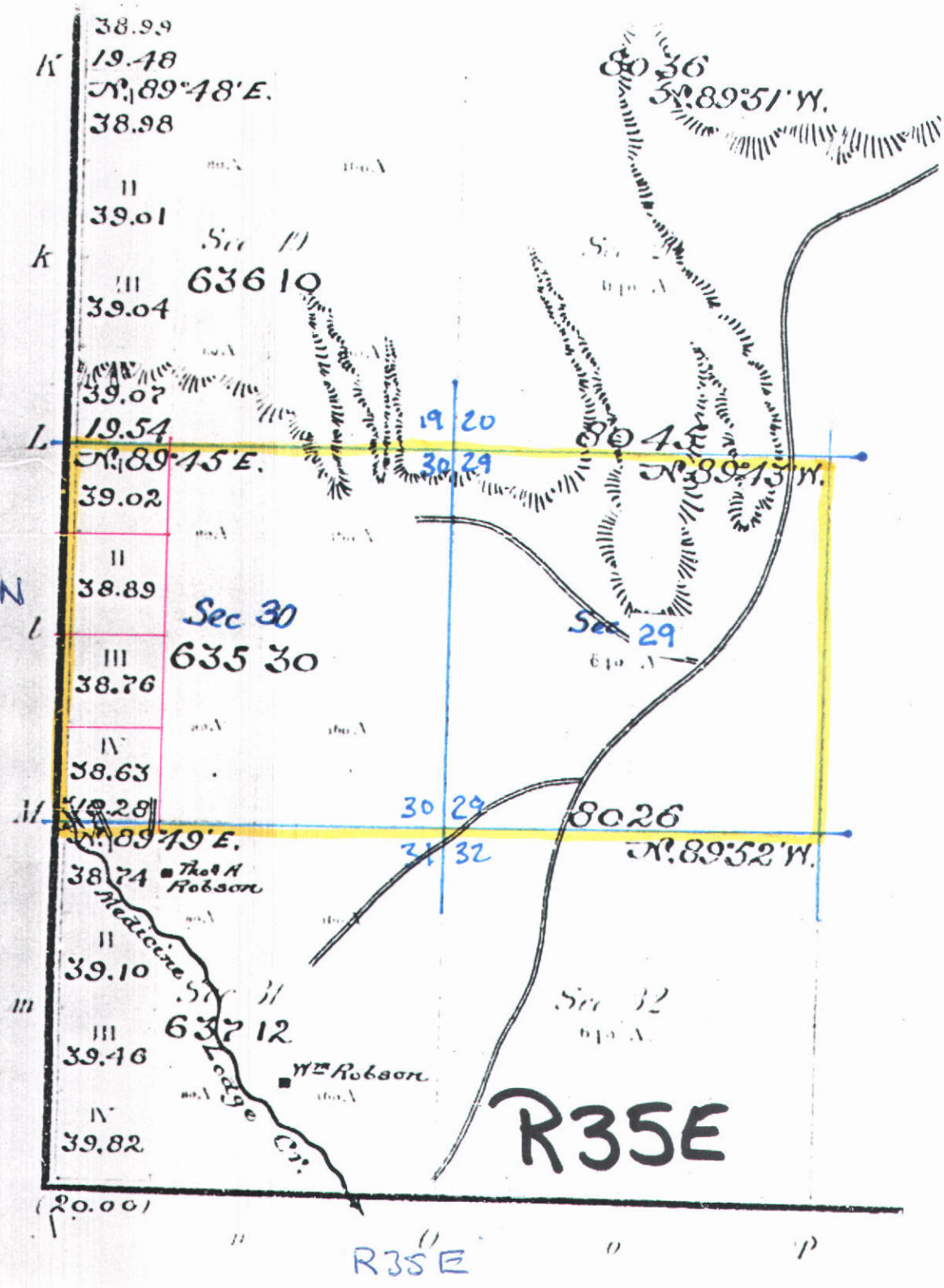
Point of Diversion

32-07097

11N 34E 35E

JUN 27 1995

T11N
T=2



32-7097
JUN 27 1995

32-07097



Headgate
Medicine
Hodge
Creek



TOP:

POU LOOKING
WEST
NWSW sec
29.

Bottom:

POU LOOKING
EAST
SW SE sec.
30.

32-07097

JUN 27 1995

Proof of Publication
The Post-Register

RECORDED

Dep. of Water Resources
Eastern District Office

State of Idaho, }
County of Bonneville } ss

I, .. Ted Delezene, first being duly sworn, depose and say: That I am the
..... Foreman of The Post Company, a corporation of Idaho Falls, Bonneville
County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except
Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in
the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903,
such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been
published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and
said Post-Register having been published continuously and uninterruptedly from the date of such consolidation,
up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in
said Post-Register for two consecutive weeks, first publication having been made
on the 3rd day of August, 19.. 89., last publication
having been made on the 10th day of August, 19.. 89., and that the
said notice was published in the regular and entire issue of said paper on the respective dates of publication, and
that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this ... 21st ... day of ... August, 19.. 89.

Ted Delezene
Deont Napier
Notary Public

My commission expires ... September 30, ..., 19.. 94 .

**NOTICE OF EXISTING
WATER RIGHT PERMIT
PERMIT NO. 32-7097**

Presently Recorded as Follows:

Name: MEDICINE LODGE GRAZING
ASSN.

Address: DUBOIS, ID 83423

Source: MEDICINE LODGE CREEK
TRIBUTARY TO SINKS

Diversion Pt.: NESE SEC. 25 T1N R34E,
CLARK CO.

Use: IRRIGATION (4.80 CFS)

Priority: DECEMBER 17, 1978

Place of Use: W1/2SW1/4 SEC. 29, SE1/4
SEC. 30 T11N R35E

Total Acres: 240

This permit was not developed by July 1,
1985, and is being reprocessed in compli-
ance with Section 42-203D, Idaho Code.
Protests against the continuance of the per-
mit must be filed with the Director, Dept. of
Water Resources, Statehouse Mail, Boise,
ID 83720 on or before August 21, 1989.

R. Keith Higginson, Director

Published: August 3, 10, 1989

MICROFILMED

SEP 25 1990

Month of JUNE 19 83

License & Permits

Water
Right
Ident.

Amount
and Feet
(cfs)

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

DAYS OF MONTH

Name of Present Owner	26	27	28	29	30	31	Total in 24-hour Sec. Feet	REMARKS	Acres Cultivated	Sec.	Twp.	Rge.
Alyn May	3 20	3 20	3 20	3 20	3 20		180	-				
Webster	2 80	2 80	2 80	2 80	2 80		168	-				
Woodfield	1 70	1 70	1 70	1 70	1 70		102	-				
Webster							112	-				
Smell	2 -	2 -	2 -	2 -	2 -		12	-				
Stelzer	2 80	2 80	2 80	2 80	2 80		168	-				
Med. Lod. Cattle								-				
1 1 1 1								-				
Targley	1 40	1 40	1 40	1 40	1 40		112	-				
MAY	1 90	1 90	1 90	1 90	1 90		108	-				
Woodfield	10 -	10 -	10 -	10 -	10 -		120	-				
Webster	5 20	5 20	5 20	5 20	5 20		160	-				
Woodfield	10 -	10 -	10 -	10 -	10 -		120	-				
SHENTON H.	6 40	6 40	6 40	6 40	6 40		144	-				
SHENTON H.	6 40	6 40	6 40	6 40	6 40		144	-				
May (Wren)	2 -	2 -	2 -	2 -	2 -		60	-				
May (Edre)	3 60	3 60	3 60	3 60	3 60		144	-				
Med. Lod. Gen. Assn	4 80	4 80	4 80	4 80	4 80		144	-				
McGraw Pat	4 80	4 80	4 80	4 80	4 80		144	-				

RECORDED

SEP 25 1989

Month of JUNE 1984

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

LICENCES AND Permits.

Name of Present Owner	Water Right Ident.					mount and Feet (cfs)	DAYS OF MONTH		Total in 24-hour Sec. Feet	ck. 010 DS REMARKS	Acres Cultivated	Sec.	Twp.	Rge.
	26	27	28	29	30	31								
Allyn MAY	3 20	3 20	3 20	3 20	3 20				160					
Webster J.														
Woodfield	1 70	1 70	1 70	1 70	1 70				560					
Webster														
Small h	2 -	2 -	2 -	2 -	2 -				600					
Stelzer	2 80	2 80	2 80	2 80	2 80				600					
med. Lodge C														
" "														
Tarpley	1 40	1 40	1 40	1 40	1 40				400					
MAY	1 92	1 92	1 92	1 92	1 92				526					
Woodfield	10 -	10 -	10 -	10 -	10 -				3000					
Webster														
Woodfield														
Stanton Ho	1 50	1 50	1 50	1 50	1 50				108.80					
" "	4 77	4 77	4 77	4 77	4 77				143.1					
MAY	2 -	2 -	2 -	2 -	2 -				600					
" "	3 62	3 62	3 62	3 62	3 62				108.60					
medicinal	4 80	4 80	4 80	4 80	4 80				144.0					
Mc GARRY	4 80	4 80	4 80	4 80	4 80				144.0					
									1399.14					

MICROFILMED

SEP 25 1989

MEDICINE LODGE GRAZING ASSOCIATION

6-16-88

207

92-42/1241

Pay to the order of

Idaho Dept. Water Resources

\$ 290⁰⁰/₁₀₀ XX

Two Hundred Ninety Dollars & 00/100

Idaho first Bank

IDAHO FIRST NATIONAL BANK
IDAHO FALLS OFFICE
P.O. Box 69
Idaho Falls, Idaho 83402

Gerald D. Holmes

For Water Filling

Walter Shenton

⑆124100420⑆ 110023023334⑆ 2070 ⑈0000029000⑈

JUL 13 1989

MEDICINE LODGE GRAZING ASSOCIATION

✓242

4-22 1982

92-42/1241

PAY TO THE ORDER OF

Clark Co. Treasurer

\$ 57⁶⁴/₁₀₀

Fifty seven & 64/100

DOLLARS

Idaho first Bank

IDAHO FIRST NATIONAL BANK
IDAHO FALLS OFFICE
Idaho Falls, Idaho 83401

Bill Thomas

FOR Water Assessment-1982

Walter Shenton

⑆124100420⑆ 23 02333 4⑆ 2420 ⑈0000005764⑈

Department of Water Resources

MEDICINE LODGE GRAZING ASSOCIATION

102

5-10 83

92-42/1241

Pay to the order of

Clark County Treasurer

\$ 131⁸⁶/₁₀₀

One Hundred Thirty-one & 86/100

Idaho first Bank

IDAHO FIRST NATIONAL BANK
IDAHO FALLS OFFICE
P.O. Box 69
Idaho Falls, Idaho 83402

Gerald D. Holmes

For Water Assessment 1983

Bill Thomas

⑆124100420⑆ 110023023334⑆ 1020 ⑈0000013186⑈

MEDICINE LODGE GRAZING ASSOCIATION

124

4-24 84

92-42/1241

Pay to the order of

John S. Lawrence, Collector

\$ 118⁴⁰/₁₀₀

One Hundred Eighteen & 40/100

Idaho first Bank

IDAHO FIRST NATIONAL BANK
IDAHO FALLS OFFICE
P.O. Box 69
Idaho Falls, Idaho 83402

Gerald D. Holmes

For Water Assessment

Bill Thomas

⑆124100420⑆ 110023023334⑆ 1240 ⑈0000011840⑈

MICROFILMED

SEP 25 1989

MEDICINE LODGE GRAZING ASSOCIATION

6-20-85

92-42/1241

Pay to the
order of

CLARK COUNTY TAX COLLECTOR

\$ 91⁶⁵/₁₀₀

Ninety-one ⁶⁵/₁₀₀

Dollars



IDAHO FIRST NATIONAL BANK
IDAHO FALLS OFFICE
P.O. Box 69
Idaho Falls, Idaho 83402

For Water Assessment

Gerald D. Holmes
Bill Thomas

⑆124100420⑆ 110023023334⑈ 1570 ⑈0000009165⑈

MEDICINE LODGE GRAZING ASSOCIATION

171

5-5-86

92-42/1241

Pay to the
order of

Clark County Treasurer

\$ 72²⁷/₁₀₀

Seventy-two ²⁷/₁₀₀

Dollars



IDAHO FIRST NATIONAL BANK
IDAHO FALLS OFFICE
P.O. Box 69
Idaho Falls, Idaho 83402

For Water Assessment

Bill Thomas
Dean Shenton

⑆124100420⑆ 110023023334⑈ 1710 ⑈0000007227⑈

MEDICINE LODGE GRAZING ASSOCIATION

111

7-1-83

92-42/1241

Pay to the
order of

State of Idaho, Dept. of Water Resources

\$ 15⁰⁰/₁₀₀

Dollars

Fifteen ⁰⁰/₁₀₀



IDAHO FIRST NATIONAL BANK
IDAHO FALLS OFFICE
P.O. Box 69
Idaho Falls, Idaho 83402

Payment in full
Water application Extension

Bill Thomas
Dean Shenton

⑆124100420⑆ 110023023334⑈ 1110 ⑈0000001500⑈

MEDICINE LODGE GRAZING ASSOCIATION

206

6-16-88

92-42/1241

Pay to the
order of

Idaho Water Resources

\$ 25⁰⁰/₁₀₀

Twenty-five ⁰⁰/₁₀₀



IDAHO FIRST NATIONAL BANK
IDAHO FALLS OFFICE
P.O. Box 69
Idaho Falls, Idaho 83402

Gerald D. Holmes
Bill Thomas

For Filing Fee

⑆124100420⑆ 110023023334⑈ 2060 ⑈0000002500⑈

MICROFILMED

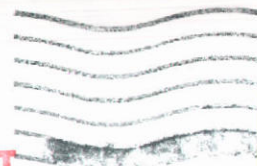
SEP 25 1989

Wendy Sheraton
Boise, Idaho
83423

CERTIFIED

P 920 588 182

MAIL



\$2
USA

RETURN RECEIPT
REQUESTED

Attention
Rita J. Fleck

FEB 08 1989

RECEIVED

State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho
83706-2237

Claim Check
No.

666828

☐ Hold

Date

12/30

1ST Notice

2ND Notice

Ref

Detached from
PS Form 3849-A,
Oct. 1985



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

RECEIVED
NOV 15 1988

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 27, 1988

DEAN SHENTON, SEC.
MEDICINE LODGE GRAZING ASSOC.
DUBOIS, ID 83423

Department of Water Resources

Dear Permit HOLDER:

Re: Permit No. 32-7097

LAPSE NOTICE

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, the above referenced permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper forms in our proof due notice to you dated May 31, 1988.

Your permit cannot be reinstated unless you submit the proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal including the examination fee or a completed field examination report or the extension request form together with the \$15 fee must be received by this department within sixty days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a governmental agency or by litigation which brings title to the water in question.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

FEB 08 1989

Glen Saxton:
Brooks like the cook Reyna
has fouled up. Sure get tired
of keeping other peoples Brooks.
If I can assist you in any
way feel free to call 374-5442.
over

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Bruce Porter,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

**Notice For Water
Right No. 32-7097**

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for two
consecutive issues, the first publication hav-

ing been made on July 27, 1978
and the last publication having been made

on August 3, 1978.

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

[Signature]

Subscribed to and sworn to before me

this August 4, 1978
[Signature]

Notary Public.

(SEAL)

My commission expires life

RECEIVED

AUG 8 1978

Department of
Easter

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Medicine
Lodge Grazing Assoc., Dubois, Idaho, has
on 7-19-78 submitted Application No. 32-
7097 for a permit to appropriate 4.80 cubic
feet per second of water from Medicine
Lodge Creek tributary to sinks by means of
headgate and ditches within the
NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T. 11N, R. 34E, B.M.,
Clark County; to be used from Apr. 1 to
Nov. 1 for the irrigation of 240 acres within
the SE $\frac{1}{4}$, Sec. 30, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 29, T.
11N, R. 35E, 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 August 14, 1978.

C. STEPHEN ALLRED
Director

Publ. July 27, Aug. 3, 1978J

MICROFILMED

27

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 32-07097

NAME AND ADDRESS: MEDICINE LODGE GRAZING ASSN
PO BOX 123
DUBOIS, ID 83423

SOURCE: MEDICINE LODGE CREEK TRIBUTARY: SINKS

QUANTITY: 4.76 CFS
833.00 AFY

PRIORITY DATE: 12/17/1978

POINT OF DIVERSION: T11N R34E S25 SWNESE Within Clark County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	4.76 CFS 833.00 AFY

PLACE OF USE:	Irrigation		Within Clark County
	T11N R35E S29	NWSW 40.0	SWSW 40.0
	S30	NESE 40.0	NWSE 39.0
		SWSE 39.0	SESE 40.0
	238.0 Acres Total		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 32C.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED
DEC 17 2003

THIS

RIGHT HAS BEEN

DECREED IN THE

SRBA

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 32-07097

Priority: December 17, 1978

Maximum Diversion Rate:

4.76 CFS

Maximum Diversion Volume:

833.0 AF

This is to certify, that MEDICINE LODGE GRAZING ASSN

DUBOIS ID 83423

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 19, 1978; and has submitted Proof of Beneficial Use on December 30, 1988. An examination indicates that the works have a diversion capacity of 4.800 cfs of water from:

MEDICINE LODGE CREEK

tributary to SINKS

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	4.76 CFS	833.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE, Sec. 25, Township 11N, Range 34E
CLARK 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>
11N	35E	29	NWSW 40	SWSW 40		80
		30	NESE 40	NWSE 39	SWSE 39	158
			SESE 40			

Total number of acres irrigated: 238

CONDITIONS/REMARKS:

1. The maximum diversion volume is limited to the maximum allowable volume of water that can 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.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

JUN 27 1995

State of Idaho
Department of Water Resources

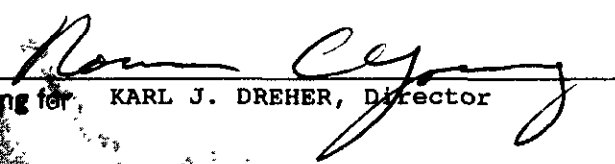
WATER RIGHT LICENSE

WATER RIGHT NO. 32-07097

CONDITIONS/REMARKS:

7. The Director retains jurisdiction of the right issued to change, add or remove any requirement as determined to be appropriate.
8. Use of water under this water right will be regulated by the watermaster of State Water District No. 32C.
9. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
10. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

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 20th day of JUNE, 1995.


Acting for, KARL J. DREHER, Director

JUN 27 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT)

NO. 32-7097 IN THE NAME OF)

MEDICINE LODGE GRAZING ASSN.)

CONTINUATION ORDER

This matter having come before the Idaho Department of Water Resources (IDWR) as a requirement of Section 42-203D, Idaho Code, the Department Finds, Concludes and Orders as follows:

FINDINGS OF FACT

1. Section 42-203D, Idaho Code, directs IDWR to review all permits issued prior to July 1, 1985, located within the Swan Falls Trust Water Area, to determine if water was beneficially used prior to said date.

2. If water was not beneficially used until after July 1, 1985, Section 42-203D further directs IDWR to review the permit under the provisions of Section 42-203C, Idaho Code.

3. Section 42-203C requires IDWR to determine whether diversion of water under a permit issued prior to July 1, 1985, causes a significant reduction of trust water available for power production and, if there is a significant reduction, to determine whether the reduction is in the public interest.

4. Permit No. 32-7097 (permit) was issued to Medicine Lodge Grazing Assn. (permit holder) authorizing the diversion of 4.8 cfs of Medicine Lodge Creek tributary to sinks for irrigation of 240 acres.

5. IDWR records show that 54 acres authorized to be irrigated under Permit No. 32-7097 were irrigated prior to July 1, 1985.

MICROFILMED

SEP 2 1985

6. Water diverted and used on or after July 1, 1985 for the irrigation of land under the terms of this permit is trust water.

7. The development and use of Medicine Lodge Creek authorized under this permit does not cause a significant reduction of trust water.

CONCLUSIONS OF LAW

1. The water authorized for diversion under Permit No. 32-7097 is trust water.

2. The use of water under the permit satisfies the provisions of Sections 42-203C and 42-203D, Idaho Code.

3. An order continuing the permit shall be issued.

ORDER

IT IS HEREBY ORDERED that Permit No. 32-7097 is valid and may CONTINUE as provided in Section 42-203D, Idaho Code, subject to the following additional conditions and limitations:

1. The use of trust water authorized by this right is subject to review 20 years after the date of this order to determine availability of trust water and to reevaluate the public interest.

2. Diversion and use of trust water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

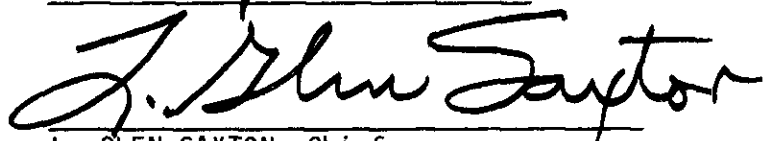
3. The Director retains jurisdiction of this right to change, add or remove any requirement as determined to be appropriate.

4. All conditions of approval contained on the permit are incorporated into and made part of this order.

Dated this 18th day of September, 1989.

RECEIVED
SEP 19 1989

SL



L. GLEN SAXTON, Chief
Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 32-7097 IN THE)
NAME OF MEDICINE LODGE GRAZING ASSOC.) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before August 1, 1988; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

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

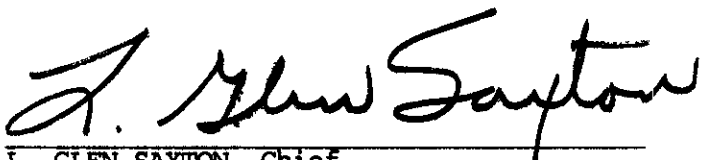
WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on December 30, 1988;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 32-7097 be REINSTATED and the priority advanced to December 17, 1978.

Dated this 6th day of January , 1989.

MICROFILMED

FEB 08 1989


L. GLEN SAXTON, Chief
Water Allocation Bureau

DEC 30 1988

For Office Use Only
Fee Received \$200.00
Date 1/3/89
Receipt # 1004913
Receipt by CP
Reviewed by GH
Sent to region

STATE OF IDAHO Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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. 32-7097

Name(s) of Permit Holder: Medicine Lodge Grazing Assoc.

Post Office Address: Hubois, Idaho 83423

Telephone No. 374-5442

Source of Water: Medicine Lodge Creek and its Tributaries.

Extent of Use:

Domestic _____ (number of households)

Stockwater 400 Cattle (number and type of stock)

Irrigation 240 (acres)

Other/Remark at this time

in C.R.P., which we will irrigate.

Total rate and/or volume for which proof is submitted 4.80 cfs 1.00 acre-feet

Show the date water was first diverted and beneficially used under this permit: 7-19-78

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

Fee enclosed \$ 200.00 XX
(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:

Bill Thomas and Dean Shenton 374-5239
(Name) (Telephone Number)

374-5442. Hubois, Idaho 83423
(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.

NOT RECORDED

12-26-88 Dean Shenton Sec. FEB 08 1989
Date Signature of Permit Holder (and title, if appropriate)

For Office Use Only
Fee Received <u>15.00</u>
Date <u>7-25-83</u>
Receipt # <u>30146</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

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

RECEIVED
JUL 25 1983
Department of Water Resources

Medicine Lodge Grazing Assoc. of Dubois, Idaho 83423
(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 32 7097

That under the terms and conditions of said permit, work thereunder was required to be completed on or before
August 1, 1983

That he has heretofore performed the following work described under said permit Ditches have
(This must be filled out! If no work has been completed put none)
been enlarged to accommodate these waters. Two
larger measuring devices have been installed for
measuring purposes. Water has been applied through
ditches. Land is in wheat at this time Costing \$ 720 comm. work

That he is unable to complete the remainder of the work within the required time for the following reasons, to wit
Approx 60 Acres has not been watered
due to easement problems, caused by
land sale & new owner of these
lands

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations
under said permit to August 1, 1988
(1 yr minimum, 5 yrs maximum)

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

Heon Shenton Sec.
(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 August 1, 1988.

Signed this 1 day of August, 1983

David R. Tutthill
Acting Chief, Operations Bureau

Identification No. _____
Application No. 32 7097

**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 Medicine Lodge Grazing Association Phone: 374-5442
post office address Dubois, Idaho 83423
- 2 Source of water supply Medicine Lodge Creek which is a tributary of sinks
- 3 a. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 25 Township 11N
Range 34E B.M. Clark County; additional points of diversion if any _____
(This is an existing point of diversion.)

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 4.8 cfs for irrigation purpose from Apr. 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 4.80 cubic feet per second and/or
b _____ acre feet per annum.
- 6 Proposed diverting works
a Description of ditches, flumes, pumps, headgates, etc Existing headgate and ditches and
a new weir.

b Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam. _____
Period of year during which storage will occur _____ to _____ inclusive
(Mo. Day) (Mo. Day)
c Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- 7 a Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years
b Estimated construction cost is \$1,000.
- 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 _____

MICROFILMED

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	
11N	35E	30													40	40	40	40	160
11N	35E	29										40	40						80

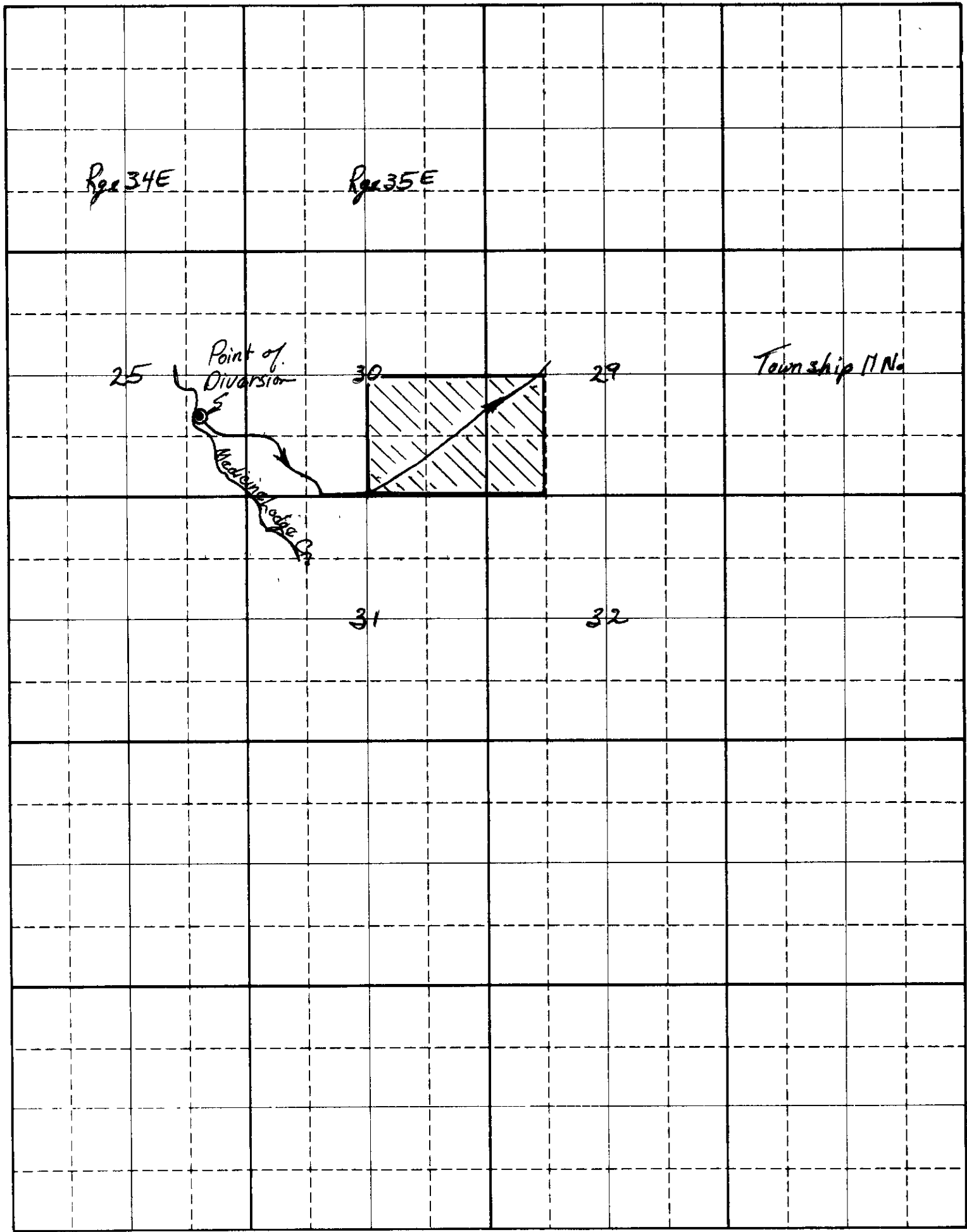
Total number of acres to be irrigated 240

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

- 9 a. Who owns the property at the point of diversion Ralph Taylor
- b. Who owns the land to be irrigated or place of use Medicine Lodge Grazing Association
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks The ditch system is already in existance and is being used to convey water to Jack McGarry and Dean Shenton. The ditch passes through the land being filed on and will convey the additional water required for irrigation should the permit be approved.

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

Walter Shenton
(Applicant) Sec.

Proposed Priority 7/19/78

Received by W Date 7-19-78 Time 3:30P
Preliminary check by W Fee \$ 75.00
Received by W Date 7-19-78 # 11466
Publication prepared by W Date 7-21-78
Published in Hayland Journal
Publication dates July 27 & Aug 3-1978
Publication approved W Date 8-8-78
Priority reduced to _____ Reason _____

Protests filed by _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by W W

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. 32-7097, 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 August 1, 19 83.

c. Other. The issuance of this permit in no way grants any right-of-way or

easement across the land of another.

Use of water under this permit is subject to control by the watermaster

of State Water District No. 32-C, Medicine Lodge Creek.

A measuring device of a type approved by this Department shall be

installed and maintained as part of the diverting works.

Witness my hand this 31~~st~~ day of

August 19 78.

Chief, Operations Bureau

A. Allen Saylor

**THIS
RIGHT HAS BEEN
DECREED IN THE
SRBA**

**MICROFILMED
DEC 17 2003**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 20, 1995

MEDICINE LODGE GRAZING ASSN
DUBOIS ID 83423

RE: WATER RIGHT NO. 32-07097

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

JUN 27 1995

LICENSAL REVIEW CHECKLIST

PERMIT NO. 32-07097 DATE 6/8/95



NAME	Change	OK	Or Address Change?
PRIORITY DATE	☒	☐	Advance? <u>YES</u> Advanced to: <u>12-17-78</u> Order to reinstate needed? <u>Done</u> Incorrect fee for rate recommended? <u>NO</u>
SOURCE	☐	☒	Changes or just clarification of originally intended source? _____ Notice of Intent to Void necessary? _____
POINT OF DIV	☐	☒	Amendment needed? _____ Overlaps? _____
PLACE OF USE	☐	☒	Amendment needed? <u>Correction needs to be made</u> Overlaps? <u>on data entry - NO Amendment is necessary. Permit (approved) was correct.</u>
DIV RATE	☐	☒	Permit/fee limits: <u>4.8 CFS</u> Meas Q = <u>4.8</u> Theo Q = _____ Recommend: <u>4.76</u> <u>4.8 Delivered by Wm</u> <u>$238 \times .02 = 4.76$ CFS</u> Combined rates exceed capacity _____
ANNUAL VOLUME	☐	☒	Volume Limit: <u>(NEW Season) B/3.5 (4-15 to 10-15)</u> Calculations: <u>$238 \times 3.5 = 833$ af</u> Flow limit: _____ cfs x _____ x 1.9835 = _____ Combined volumes exceed capacity/allowable _____
USES	☐	☒	Change in Nature of Use or additional uses? _____ Amendment necessary? _____
ADDITIONAL INFO	Supplemental Groundwater ☒ PPU Scenario ☒ Irr/Dom Combination ☒ Shared G/W System ☒		
NEW REMARKS	<u>NO</u> Multiple p/d(s) in ¼ ¼? _____ <u>NO</u> Other _____		
NEW CONDITIONS	<u>R04</u> Watermaster control - District <u>32C</u> <u>R01</u> Measuring/Locking Devices <u>R30</u> Irrigation Overlap <u>YES</u> Other <u>R55, R56, R57</u> <u>NO</u> Water Quality _____ Heat/Cool/Fish verified _____		

COMMENTS: Sources that sink are not generally listed as being regulated by the watermaster, but this one is an exception.

RECOMMENDATION	CFS	VOLUME	SRBA Claim Filed	YES
<u>Drainage</u>	<u>4.76</u>	<u>833</u>	Adjustment Memo Needed	<u>NO</u>
			LICENSE	<u>✓</u>
			1ST AMEND LETTER	
			2ND AMEND LETTER	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

32-7097
Permit No.
32-07097

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
☒ Copy of Permit
☒ Copies of any Amendments/Orders with conditions of approval
☐ Computer Data Proof Report
☒ Copy of U.S.G.S. Quad
☒ Check for Government Lots. If so, make a copy of Government Plat
Check of P/D index DN 5/11/86 (Initial and date) 32-0007, 8, 9, 10, 11, 12, 13
Overlap? ☒ yes ☐ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____
Check of P/U index _____ (Initial and date) 32-00033
Overlap? ☒ yes ☐ no If yes: ☒ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____
Aerial Photo
Required? ☒ yes ☐ no If yes: ☐ copy attached?
Scheduling Letter sent? _____ (Initial and date)
☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully completed and signed Field Report Form
☐ Photographs of Point of Diversion and Place of Use
☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed 5-16-85 DC (Signature of examiner and date)
Exam Reviewed by Senior Water Resource Agent HGT 5-18-85 (Initial and date)
Exam Reviewed by Manager of Regional Office _____ (Initial and date)
Exam Date Entered in Computer LH 5/19/95 (Initial and date)
Exam sent to State Office LH 5/22/95 (Initial and date)
Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 32-07097

1. Owner: Medicine Lodge Grazing Ass. Phone No. 374-5442

Current Address: Dubois, Idaho 83423

2. Accompanied by: NONE EXAM DATE: 5/16/95

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Medicine Lodge Creek tributary to SINK

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: A32-00043, A32-00020-24, A32-00051

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	NE	SE	25	11N	34E	CLARK	ASCS/orthogonals/NAPP

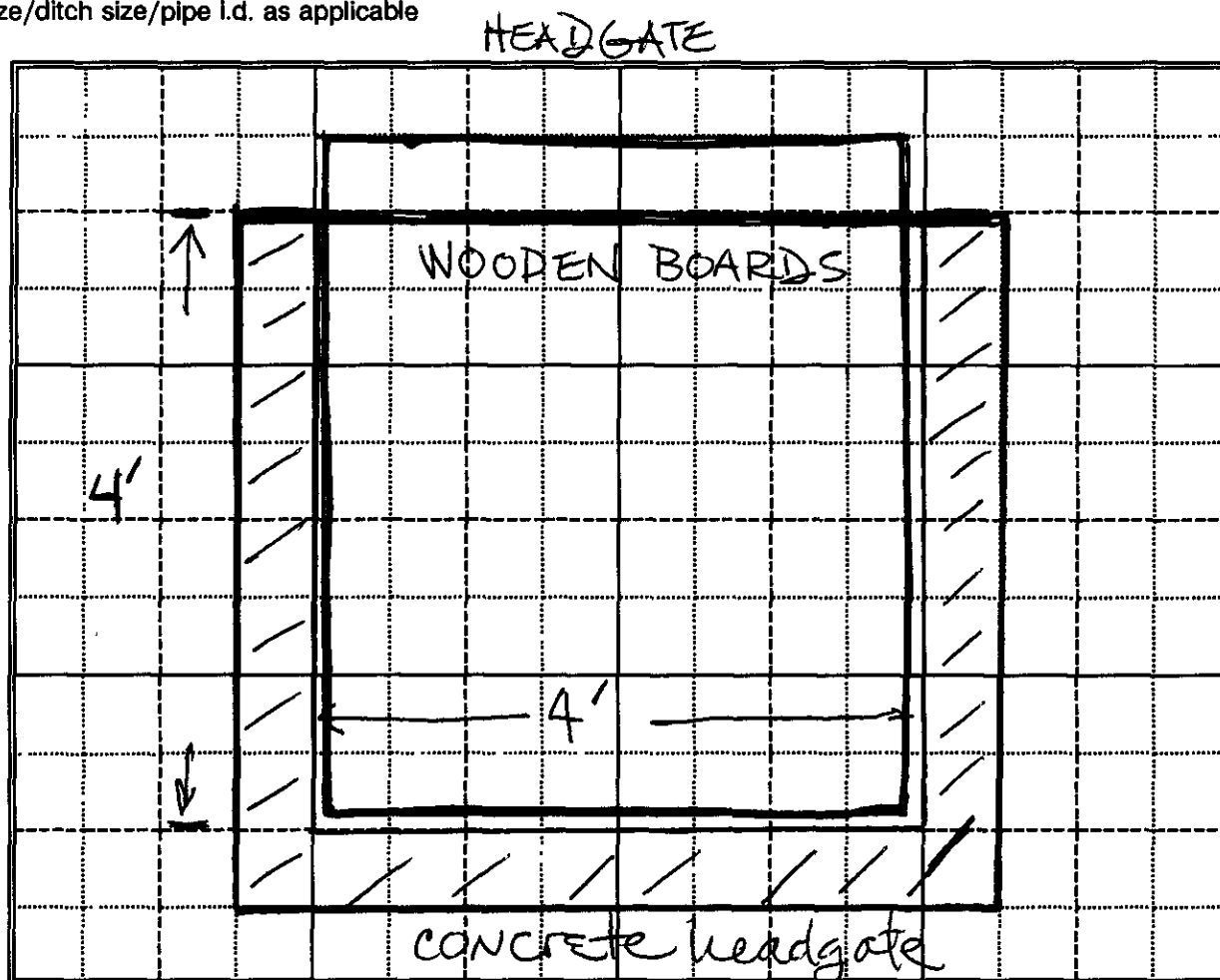
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	35E	30													40	39	39	40	158
		29									40	40							80
																			238

JUN 27 1995

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable



Scale: 1" = _____

____ Copy of USGS 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)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

D. FLOW MEASUREMENTS

1.

JUN 27 1995

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

2. Measurements: NONE - THERE IS A LARGE HEADGATE THAT IS REGULATED BY THE WATERMASTER IN 32C. THIS RIGHT WAS DELIVERED IN 1993. HEADGATE IS 4' x 4'. Capacity of this headgate would exceed the present water rights delivered through this system.

E. NARRATIVE/REMARKS/COMMENTS

Concrete headgate/diversion structure in Medicine Lodge Creek. Regulated by the watermaster in 32c. Water diverted into ditch for $\frac{3}{4}$ mile to the place of use. Ditch continues across pou where check dams are used for flood irrigation. Ditch exits pou and continues to another pou (other decreed rights delivered through this ditch).

Note: POU for this water right was incorrectly data entered in the database should be 11N 35E FOR THE ENTIRE POU.

Have conditions of permit approval been met? ☒ yes ☐ no

JUN 27 1995

F. FLOW CALCULATIONS

Measured Method

Theoretical

____ Additional Computation Sheets Attached

$$238 \text{ ACRES} \times 0.2 = 4.76 \text{ CFS}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 238(3.5) = 833$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 4.76(184)1.9835 = 1737$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 833$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRR</u>	<u>4/15</u>	<u>10/15</u>	<u>4.76</u>	<u>833</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>4.76</u>	<u>833</u>

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

I. AUTHENTICATION

Field Examiner's Name

DAVE CARLSON

Date

5/17/95

Reviewer

[Signature]

Date

5-18-95

SEAL

JUN 27 1995

RECEIVED

Department of Water Resources
Eastern District Office

Department of Water Resources
Eastern District Office

P. O. Address Box 33 Dubois, Idaho

Subscription expires 6-30-95
MINNEAPOLIS
 JUN 27 1995

By Donald Mark

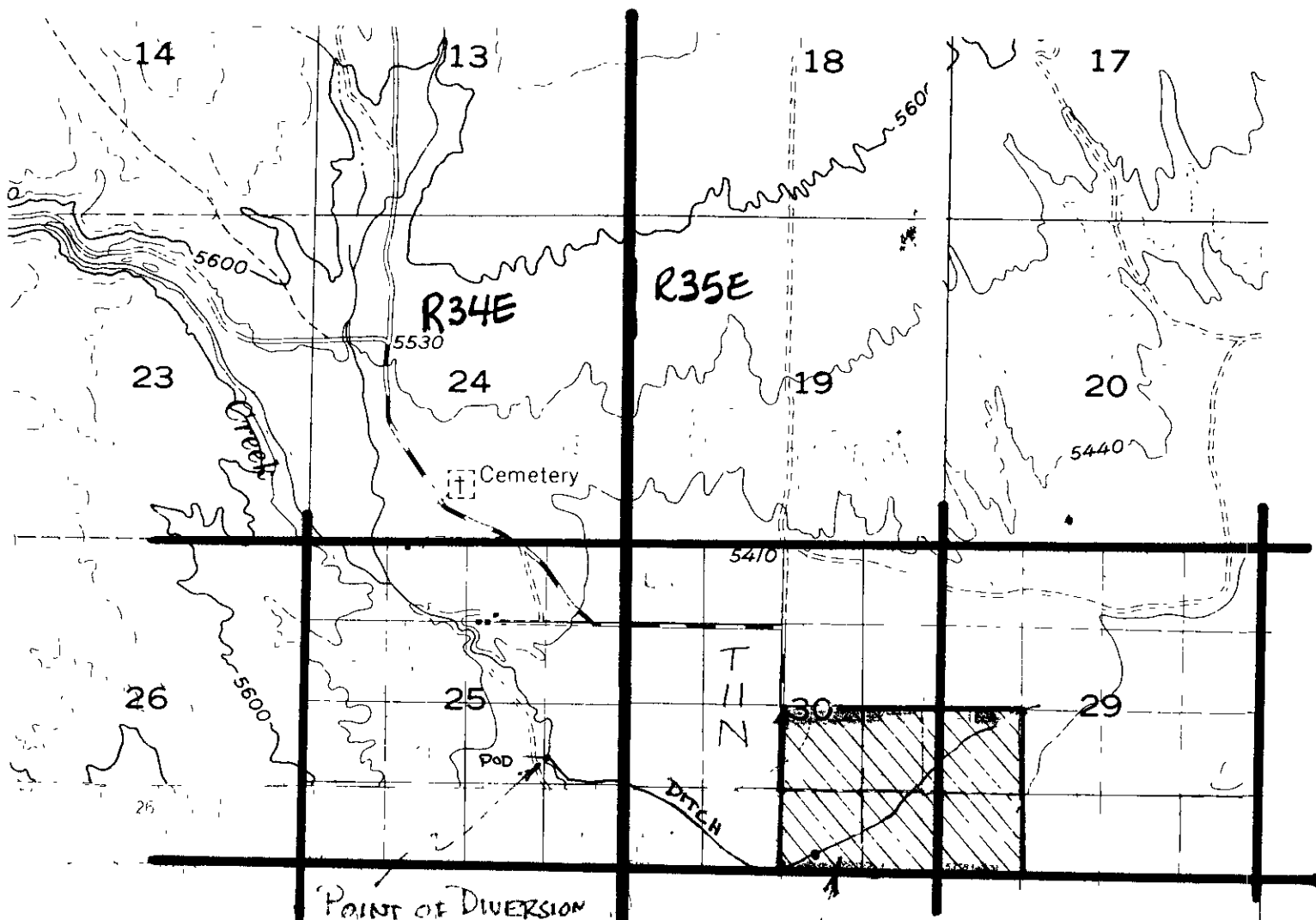
Month of MAY 19 93

NOTE — Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Name of Present Owner	1993	WATER RIGHT IDENTIFICATION NO.	Amount Second Feet (cfs)	1	2	3	4	5
Christensen Tom		32-2000	.80	80	80	80	80	80
Gill Cattle		32-2010	3.20					
Webster		32-2022	2.80	280	280	280	280	280
Wood Field		32-2019	1.70	170	170	170	170	170
Webster		32-2048	2.90	290	290	290	290	290
Gill Cattle		32-2008	2.80	280	280	280	280	280
Stelzer		32-2008	2.80	280	280	280	280	280
Wood Lodge Cattle		32-2053	2.20					
" "		32-2055	2.40					
Tom Christensen		32-2054	1.60	160	160	160	160	160
Gill Cattle		32-2061	1.40	140	140	140	140	140
Gill Cattle		32-2073	1.92	192	192	192	192	192
Wood Field		32-2070	10.00	1000	1000	1000	1000	1000
Webster		32-2079	5.24	524	524	524	524	524
Wood Field		32-2082	10.00	1000	1000	1000	1000	1000
Tom Edun		32-7009	6.40	640	640	640	640	640
Tom Edun		32-7010	6.40	640	640	640	640	640
Gill Cattle		32-7037	2.00					
" "		32-7038	3.36					
Medicine Lodge Grazing		32-7079	4.80	480	480	480	480	480
McGarry Pat			4.80	480	480	480	480	480
Mc Small		32-2051	2.00					

OWNER OR DITCH	WATER RIGHT IDENT NO	DESCRIPTION OF LAND		
		Subdivision	Sec	Twp Rge
H. Leland Small				
Thomas Christensen				
Grand Ashcraft				
Thomas Eden				
Dean Shenton				
Gerald Holmes				
Jack McGarry				
Webster Ranch				
Kenneth Rowland				
Hoggan Bros.				
Elman Woodfield				
c/o Stephen Worthen				
Thomas Eden				
Dusty & Susie Shifflett				
George Whittaker				
Ned Gnetting				
G & L Cattle Co.				
Hoggan Bros.				
Dean Shenton				
G & L Cattle Co.				
Tom Stelzer				
Medicine Lodge Cattle Assn.				
c/o Lynn Hoggan				
Medicine Lodge Grazing Assn.				
c/o Bill Thomas				
Patrick McGarry				

Total in 24-Hour Sec Feet	Total Cost		Adopted Budget		Credits		Debits		Cost Per 24-Hr Sec Ft S .620831959	
	\$	cts	\$	cts	\$	cts	\$	cts		
604	374	98	812	22	437	24			Total No Days of Watermaster	1 Year
778	483	01	1624	92	1141	91			days at \$ per day	\$1800 00
799	496	05	552	80	56	75			Total No Days of Asst Watermaster	
462	286	82	372	81	85	99			days at \$ per day	\$5400 00
1155	717	06	1185	18	468	12			Other expenses charged pro rata	\$6732 09
1106	686	65	880	17	193	52			TOTAL COST	\$13,932.09
895	555	64	1052	07	496	43			Total No 24-Hour Sec Feet Delivered	22,441
2858	1774	34	2961	67	1187	33			Cost per 24-Hour Sec Feet Delivered	\$.620831959
696	432	10	639	27	207	17				
437	271	30	445	36	174	06				
4200	2607	49	2141	92			465	57		
1639	1017	54	814	76			202	78		
1330	825	71	-0-				825	71		
328	203	63	133	18			70	45		
402	249	57	212	85			36	72		
998	619	59	230	79			388	80		
1024	635	73	518	41			117	32		
361	224	12	57	26			166	86		
860	533	92	118	79			415	13		
412	255	78	22	91			232	87		
477	296	14	-0-				296	14		
310	192	46	22	66			169	80		
310	192	46	-0-				192	46		
22,441	13,932	09	14,800	00	4,448	52	3,580	61		



R34E | R35E

T=2

32-07097

23.5

32-07097



9

25	30 Thomas Christensen	1	JOHN KIDD
	55.6		
	T 736		

5 1950

30

T 656
~~T 738~~
T 738

PLACE OF USE

ORVILLE WILLIAMS
Small Ranches

25

POINT OF DIVERSION

32-07097

11N 34E 35E

PAT.

MCGARRY

622

780

59

9.5

144.4

32

30

29

789

40

40

40

40

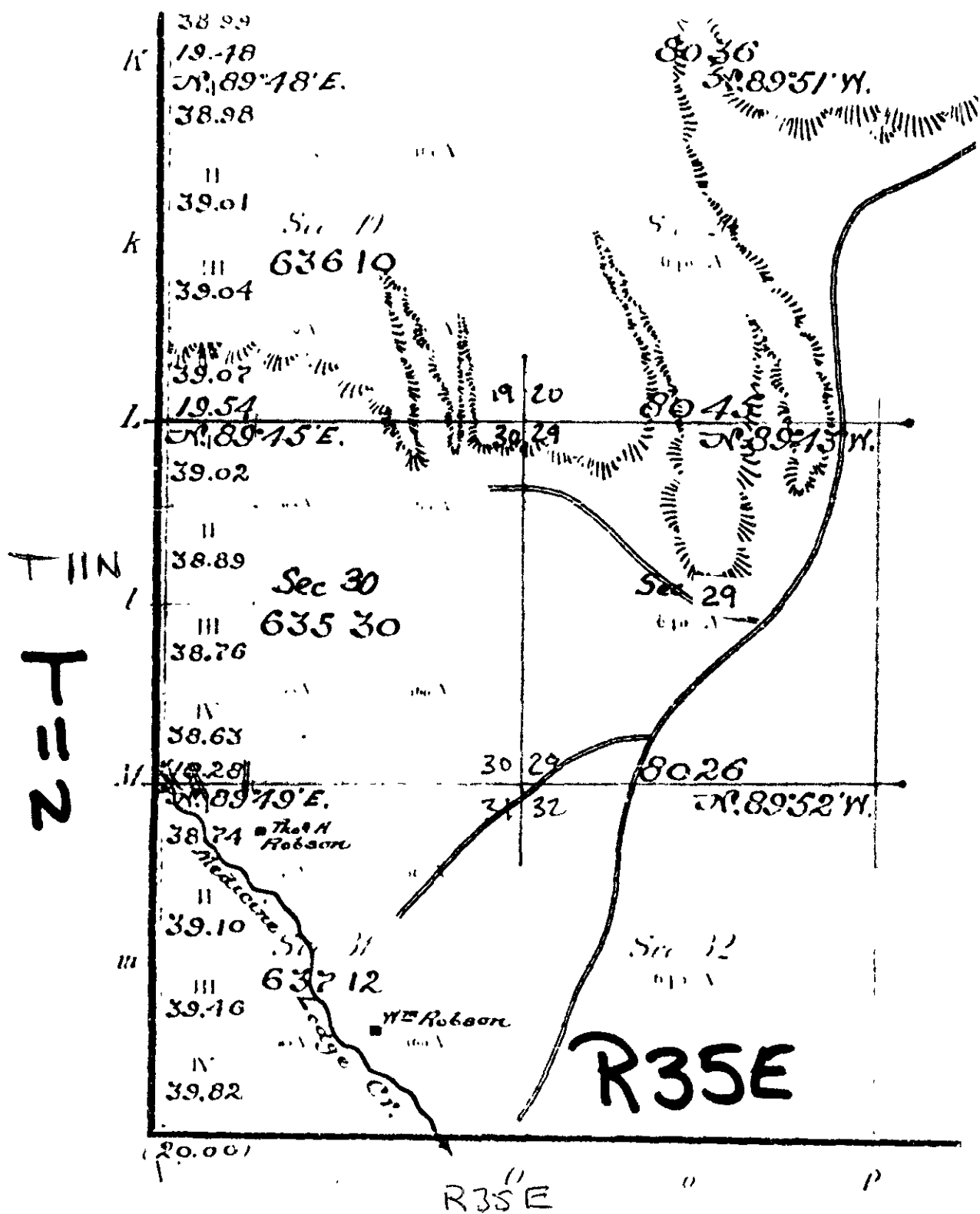
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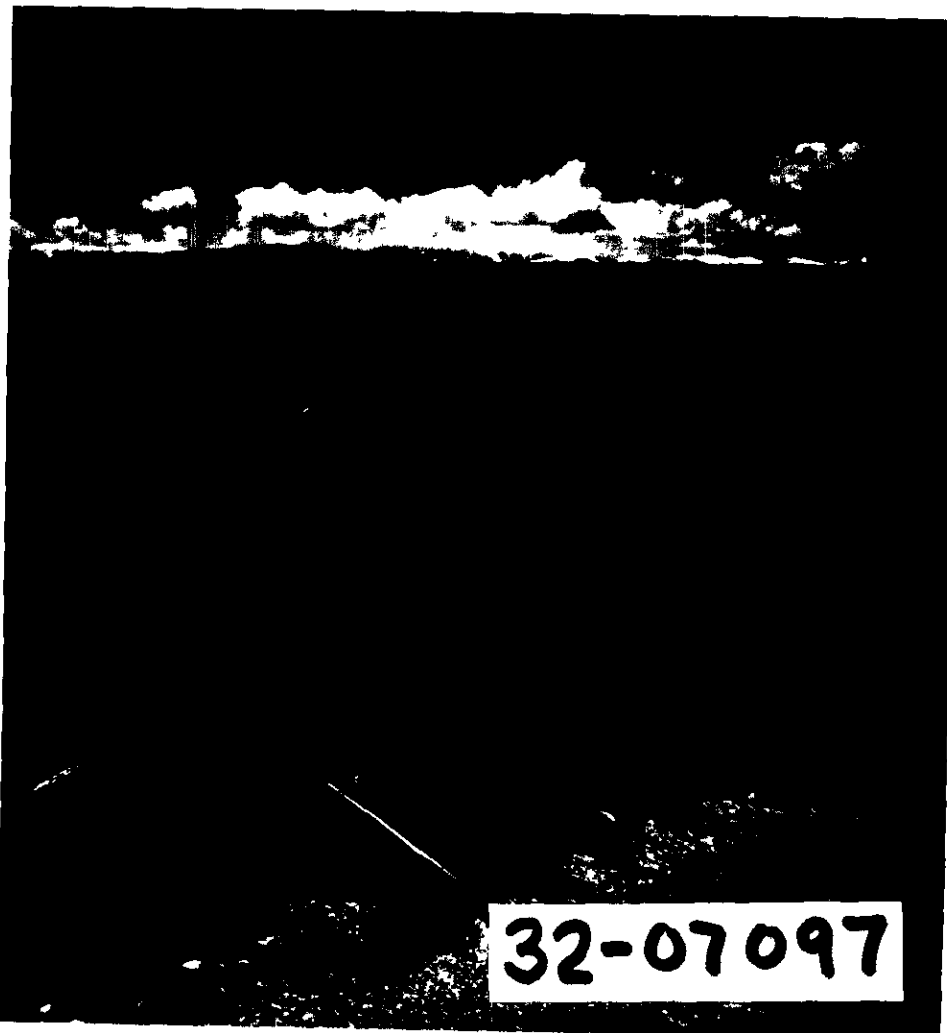
259



32-07097



Headgate
Medicine
hodge
Creek



TOP:

POU LOOKING
WEST
NWSW sec
29.

Bottom:

POU LOOKING
EAST
SW SE sec.
30.

32-07097

1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 21, 1989

RE: Permit No. 32-7097

Medicine Lodge Grazing Assn.
Dubois,
Idaho 83423

Gentlemen:

Enclosed is an order that authorizes you to proceed with the diversion of trust water under permit to appropriate water no. 32-7097.

Please note the conditions of approval contained in your permit and the continuation order. You must comply with the conditions to fully complete beneficial use.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:hm

Enclosure

[Handwritten signature]

Proof of Publication

The Post-Register

Dep. Resources
Eastern District Office

State of Idaho, }
County of Bonneville } ss

I, Ted Delezene, first being duly sworn, depose and say: That I am the Foreman of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho, said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 3rd day of August, 19 89, last publication having been made on the 10th day of August, 19 89, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 21st day of August, 19 89

Ted Delezene
Robert Napier
Notary Public

My commission expires September 30, 19 94

NOTICE OF EXISTING WATER RIGHT PERMIT PERMIT NO. 32-7097

Presently Recorded as Follows:

Name: MEDICINE LODGE GRAZING
ASSN
Address: DUBOIS, ID 83423
Source: MEDICINE LODGE CREEK
TRIBUTARY TO SINKS
Diversion Pt.: NESE SEC 25 T1N R34E,
CLARK CO.
Use: IRRIGATION (4 80 CFS)
Priority: DECEMBER 17, 1978
Place of Use: W1/2SW1/4 SEC. 29, SE1/4
SEC. 30 T11N R35E
Total Acres: 240

This permit was not developed by July 1, 1985, and is being reprocessed in compliance with Section 42-203D, Idaho Code. Protests against the continuance of the permit must be filed with the Director, Dept of Water Resources, Statehouse Mail, Boise, ID 83720 on or before August 21, 1989

R. Keith Higginson, Director

Published: August 3, 10, 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 26, 1989

Post Register Falls
Idaho Falls, ID 83401

Dear Legal Department:

Enclosed you will find a legal notice which we wish to have published on August 3 and August 10 (once a week for two consecutive weekly issues) in your newspaper. If your paper is published weekly, the notice must appear in the issue that is distributed during the weeks of July 31 and August 7. 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. Your cooperation is appreciated.

Please send the affidavit of publication and billing to the office below before August 25, 1989.

Idaho Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

Sincerely,

A handwritten signature in cursive script that reads "Heidi M. Mikel".

HEIDI M. MIKEL
Secretary

A faint, handwritten mark or stamp in the bottom right corner of the page, possibly initials or a signature.

NOTICE OF EXISTING
WATER RIGHT PERMIT

PERMIT NO. 32-7097 ✓
Presently Recorded as Follows:

Name: MEDICINE LODGE GRAZING ASSN. ✓
Address: DUBOIS, ID 83423 ✓
Source: MEDICINE LODGE CREEK TRIBUTARY TO SINKS ✓
Diversion Pt.: NESE SEC. 25 T1N R34E, CLARK CO. ✓
Use: IRRIGATION (4.80 CFS) ✓
Priority: DECEMBER 17, 1978 ✓
Place of Use: W1/2SW1/4 SEC. 29, SE1/4 SEC. 30 T11N R35E ✓
Total Acres: 240 ✓

This permit was not developed by July 1, 1985, and is being reprocessed in compliance with Section 42-203D, Idaho Code. Protests against the continuance of the permit must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, ID 83720 on or before August 21, 1989.

R. Keith Higginson, Director

W. R. 11820

1989

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 0008155

Date: 07.14/87
Time: 12:31:44

Received

From: MEDICINE LODGE GRAZING

Type of Payment	Program Acct Class	Amount
TRUCK WATER RE-AD FEE (40 PERMIT #1 32-7097	0610199 1738 5490	420.00
	Total	<u>420.00</u>

CHECK 111

Idaho Department of Water Resources

Request - FATE

Signature

K Young

07/14/87

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING
PERMIT NO. 32-7097

DATE: 7-21-89

=====

The permit holder returned the trust water questionnaire with some documentation concerning irrigation use prior to July 1, 1985. This documentation includes water master's reports from 1983 and 1984 and receipts written for water assessments under the permit holders name, Medicine Lodge Creek Garazing Assoc.

The water rights computer database shows permit no. 32-7097 as the only water right filing under the permit holders name. There is probably no doubt that deliveries were made from the source, point of diversion and to the place of use described under the permit. The evidence submitted by the permit holders however fails to show the extent of use. In addition, the proof of beneficial use statement submitted earlier this year notes that all or a portion of the lands are presently under the federal CRP set aside program.

Review of the department's 1986 remote sensing report shows that only 54 of the existing 240 acres are classified as irrigated in that year. The department does not have available photography from 1980 through 1985, and the SCS does not have 1984 NHAP coverage for this area. Based on the information from the remote sensing report in conjunction with the limited evidence submitted by the permit holder, I feel that we can conclude that at least 54 of the 240 permitted acres were irrigated prior to July of 1985.

For purposes of Swan Falls processing I recommend that the department count 54 acres under the permit as previously developed and the remaining 186 acres as trust water acres. Since the number of trust water acres is less than 200, the requirements of Rule 4,5,3,6. are not applicable. Upon continuance of this permit, the department may proceed with processing proof of beneficial use and conducting a field exam.

Copy: Eastern Region

NOT RECORDED

LICENSE 515111

PROPERTY OF THE STATE OF IDAHO

Form No. 300-W

WATERMASTER'S

DAILY RECORD

Stream MEDICINE LODGE

Water District #32C

Month of JUNE, 1983

Watermaster DONALD W. SHENTON
Water Dist. # 32
Box 33

P. O. Address DUBOIS, IDAHO 83423

Ten days after the close of the irrigation season the Watermaster must forward this book to

DEPARTMENT OF WATER
RESOURCES
STATE HOUSE
BOISE, IDAHO 83701

If this book is lost, the finder will please return it to the Watermaster of the district, as it contains valuable records.

Month of

JUNE 19 83

License & Permits

Water Right Ident

NOTE - Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

DAYS OF MONTH

Name of Present Owner	26	27	28	29	30	31	Total in 24-hour Sec Feet	REMARKS	Acres Cultivated	Sec	Twp	Rge
Alyx May	3 20	3 20	3 20	3 20	3 20		1					
Webster	2 50	2 50	2 50	2 50	2 50							
Woodfield	1 20	1 20	1 20	1 20	1 20							
Webster												
Small	2 50	2 50	2 50	2 50	2 50							
Stelzer	2 50	2 50	2 50	2 50	2 50							
Med. Lod. Cefluna												
1 1 1												
Tarpay	1 40	1 40	1 40	1 40	1 40							
MAY	1 90	1 90	1 90	1 90	1 90							
Woodfield	10	10	10	10	10							
Webster	5 20	5 20	5 20	5 20	5 20							
Woodfield	10	10	10	10	10							
SHENTON H.	6 10	6 10	6 10	6 10	6 10							
SHENTON H.	6 10	6 10	6 10	6 10	6 10							
May (Wren)	2	2	2	2	2							
May (Edie)	3 60	3 60	3 60	3 60	3 60							
Med. Lod. Geo. Asm	4 80	4 80	4 80	4 80	4 80							
Mr Geary Pat	4 80	4 80	4 80	4 80	4 80							

SEP 25 1983

Diarrhoeas and Idemits

PROPERTY OF THE STATE OF IDAHO

Form

RECEIVED

WATERMASTER 513 1984

DAILY RECORD

Stream

MEDICINE LODGE

Water District

32-d

Month of

JUNE, 19*84*

Watermaster

DONALD W. SHENTON
Water Dist. #31
Box 33

P. O. Address

DUBOIS, IDAHO 83423

Ten days after the close of the irrigation season the Watermaster must forward this book to

DEPARTMENT OF WATER

RESOURCES

STATE HOUSE

BOISE, IDAHO 83701

If this book is lost, the finder will please return it to the Watermaster of the district, as it contains valuable records.

NOTE.—Figures to be given in cubic feet per second for 24 hour periods, or 24-hour second feet Give name of owner

DAYS OF MONTH

Water Right Idaho	Amount and Feet (cfs)
29	
	30

Acres
Culti-
vated

References

[illegible]

REDACTED

SEP 20 1989

240-0031

PROCESSED
PAY ANY BANK, P.E.G.
Security State Bank
TERRETON, IDAHO
92-328

07001986 061708 05

000002960116

PAY TO THE ORDER OF
STATE TREASURER
Dept of Water Resources

PROCESSED
PAY ANY BANK, P.E.G.
-5-
Security State Bank
DUBOIS, ID 83423

PAY TO THE ORDER OF
SECURITY STATE BANK
Dubois, Idaho 83423
FOR DEPOSIT ONLY
JO ANN S. TAVENNER
Tax Collector
Clark County
Dubois, Idaho

PROCESSED
PAY ANY BANK, P.E.G.
-5-
Security State Bank
DUBOIS, ID 83423

PAY TO THE ORDER OF
SECURITY STATE BANK
Dubois, Idaho 83423
FOR DEPOSIT ONLY
JO ANN S. TAVENNER
Tax Collector
Clark County
Dubois, Idaho

MY '83' 16
AT ANY BANK P.E.G.
FIRST SECURITY BANK
OF IDAHO, N.A.
BOISE, IDAHO

SALT LAKE CITY
PAY ANY BANK
1240-0031-9

PROCESSED
PAY ANY BANK, P.E.G.
Security State Bank
TERRETON, IDAHO
92-328

030 00134 2504544

100002990059

PAY TO THE ORDER OF
SECURITY STATE BANK
Dubois, Idaho 83423
FOR DEPOSIT ONLY
JO ANN S. TAVENNER
Tax Collector
Clark County
Dubois, Idaho

Handwritten signature or stamp

6-16-88

92-4.

Idaho Dept. Water Resources
Two Hundred Ninety Dollars & 00/100



IDAHO FIRST NATIONAL BANK
IDAHO FALLS OFFICE
P.O. Box 69
Idaho Falls, Idaho 83402

Gerald D. Holmes
Nolan Shenton

⑆124100420⑆ 10023023334⑆ 2070 ⑈0000029000⑈

MEDICINE LODGE GRAZING ASSOCIATION

✓242

4-22 1982

92-42/1241

PAY TO THE ORDER OF

Clark Co. Treasurer

\$57 ⁶⁴/₁₀₀

Fifty-seven ⁶⁴/₁₀₀

DOLLARS



IDAHO FIRST NATIONAL BANK
IDAHO FALLS OFFICE
Idaho Falls, Idaho 83401

Bill Thomas
Nolan Shenton

FOR Water Assessment - 1982

⑆124100420⑆ 23 02333 4⑆ 2420 ⑈0000005764⑈

MEDICINE LODGE GRAZING ASSOCIATION

102

5-10 83

92-42/1241

Clark County Treasurer 131 ⁸⁶/₁₀₀
One Hundred Thirty-one ⁸⁶/₁₀₀



IDAHO FIRST NATIONAL BANK
IDAHO FALLS OFFICE
P.O. Box 69
Idaho Falls, Idaho 83402

Gerald D. Holmes
Bill Thomas

Reg. No. P22-7097
Water Assessment 1983

⑆124100420⑆ 10023023334⑆ 1020 ⑈0000013186⑈

MEDICINE LODGE GRAZING ASSOCIATION

124

4-24 84

92-42/1241

Clark Co. Treasurer To Collector 118 ⁴⁰/₁₀₀
One Hundred Eighteen ⁴⁰/₁₀₀



IDAHO FIRST NATIONAL BANK
IDAHO FALLS OFFICE
P.O. Box 69
Idaho Falls, Idaho 83402

Gerald D. Holmes
Bill Thomas

Reg. No. P22-7097
Water Assessment

⑆124100420⑆ 10023023334⑆ 1240 ⑈0000011840⑈

MEDICINE LODGE

MEDICINE LODGE GRAZING ASSOC ON

6-20 85

92-42/1241

CLARK COUNTY TAX COLLECTOR

91.65/100

Ninety-one 1.65



IDAHO FIRST NATIONAL BANK
IDAHO FALLS OFFICE
P.O. Box 69
Idaho Falls, Idaho 83402

Water Assessment

Bill Thomas

11241004201 110023023334 1570 0000009165

MEDICINE LODGE GRAZING ASSOCIATION

5-5 86

92-42/1241

Clark County Treasurer

72.27/100

Seventy-two 1.27



IDAHO FIRST NATIONAL BANK
IDAHO FALLS OFFICE
P.O. Box 69
Idaho Falls, Idaho 83402

Water Assessment

Dean Shenton

11241004201 110023023334 1710 0000007227

MEDICINE LODGE GRAZING ASSOCIATION

7-1 83

92-42/1241

State of Idaho, Dept of Water Resources 15.00/100
Fifteen 1.50



IDAHO FIRST NATIONAL BANK
IDAHO FALLS OFFICE
P.O. Box 69
Idaho Falls, Idaho 83402

Payment in full
water application Extension

Bill Thomas
Dean Shenton

11241004201 110023023334 1110 0000001500

MEDICINE LODGE GRAZING ASSOCIATION

6-16 88

92-42/1241

Idaho Water Resources 25.00/100

Twenty-five 2.50



IDAHO FIRST NATIONAL BANK
IDAHO FALLS OFFICE
P.O. Box 69
Idaho Falls, Idaho 83402

Filing Fee

Herald D. Holmes
Bill Thomas

11241004201 110023023334 2060 0000002500

FILED

1989

000000000000

PAY TO THE ORDER OF
STATE TREASURER
Department of Water Resources

*Payment in full for
water application*

RECEIVED

JUL 25 1983

Department of Water Resources

PAY TO THE ORDER OF
STATE TREASURER
Department of Water Resources

TO THE ORDER OF THE
BANKER OR TRUST CO.
DEPOSIT ONLY
ER, STATE OF IDAHO
ORIE RUTH MOON

AUG 1 1983

ITEM MUST BE PAID
PAR OR RETURNED TO
TREASURER OF IDAHO
NO PROTEST

PROCESSED
PAY ANY BANK, P.E.G.
Security State Bank
TERRETON, IDAHO
92-328

240-0031-3

JE 28 20

AG 28 01
SALT LAKE CITY
PAY ANY BANK
1240-0031-3

PAY TO THE ORDER OF
SECURITY STATE BANK

Dubois, Idaho 83423
FOR DEPOSIT ONLY
BONNIE G BURNS
Tax Collector
Clark County
Dubois, Idaho

PROCESSED
PAY ANY BANK, P.E.G.
Security State Bank
TERRETON, IDAHO
92-328

MY 86 08
SALT LAKE CITY
PAY ANY BANK
1240-0031-3

PAY TO THE ORDER OF
SECURITY STATE BANK

Dubois, Idaho 83423
FOR DEPOSIT ONLY
BONNIE G BURNS
Tax Collector
Clark County
Dubois, Idaho

PROCESSED
PAY ANY BANK, P.E.G.
Security State Bank
TERRETON, IDAHO
92-328

WIB SALT LAKE CITY
PAY ANY BANK
1240-0031-3

000000000000

000000000000

Medicine Lodge Grazing
Right # P 32-7097

1981 -	100.34
1982 -	57.64
1983 -	131.86
1984 -	118.40
1985 -	183.30

CLARK COUNTY TREASURER
BONNIE G. BURNS
DUBOIS, IDAHO 83423

Bonnie G. Burns

RECEIVED

(This report must be made in Triplicate and forwarded to the Department of Water Resources
Boise Idaho for Approval)

WATERMASTER'S REPORT

DEC 16 1983
Department of Water Resources
Eastern District Office

From May 1 19 83 To October 19 83

Water District No 32-C

Name of Watermaster Donald W. Shenton

P. O. Address Dubois, Idaho 83423

AFFIDAVIT OF WATERMASTER

STATE OF IDAHO
COUNTY OF Clark

Donald W. Shenton, being first duly sworn, deposes and says
that he is (Deputy) Watermaster on Medicine Lodge Creek in District 32-C, having been
lawfully appointed by the Director Department of Water Resources A. Kenneth Dunn
and that the volumes of water, as stated in this report, prorated by him to the several users, are correct,
that the sum of \$ -0- is justly due as stated.

Donald W. Shenton

(Deputy) Watermaster District No 32-C

Subscribed and sworn to before me, this 15 day of December, 19 83

R. R. HULE LEONARDSON
CLERK OF DISTRICT COURT
CLARK COUNTY, IDAHO

Notary Public

(SEAL)

My Commission expires _____

Boise, Idaho, February 3, 19 84

I HEREBY CERTIFY, That Donald W. Shenton

was lawfully appointed by me (Deputy) Watermaster of District No 32-C, and that his bill
for services rendered prorated to the several users, as herein sworn to, is, to the best of my knowledge
and belief, correct

A. KENNETH DUNN

Director, Department of Water Resources

By

Keith C. Wilson

KEITH C. WILSON
Sr. Resource Agent

RECORDED

[illegible]

[illegible]

(This report must be made in Triplicate and forwarded to the Department of Water Resources,
Boise, Idaho, for Approval.)

RECEIVED

DEC 13 1984

WATERMASTER'S REPORT

Department of Water Resources
Eastern District Office

From May 1 19 84 to October 19 84

Water District No. 32-C

Name of Watermaster Donald W. Shenton

P. O. Address Dubois, Idaho 83423

AFFIDAVIT OF WATERMASTER

STATE OF IDAHO, }
COUNTY OF Clark }

Donald W. Shenton, being first duly sworn, deposes and says
that he is ~~(Deputy)~~ Watermaster on Medicine Lodge Creek in District 32-C, having been
lawfully appointed by the Director, Department of Water Resources A. Kenneth Dunn
and that the volumes of water, as stated in this report, prorated by him to the several users, are correct,
that the sum of \$ -0- is justly due as stated.

Donald W. Shenton

Donald W. Shenton
(Deputy) Watermaster District No. 32-C

Subscribed and sworn to before me, this 11 day of Dec, 19 84

R. RHULE LEONARDSON
CLERK OF DISTRICT COURT
CLERK OF COUNTY, IDAHO

Notary Public

(SEAL)

Rudy King
My Commission expires _____

Boise, Idaho, January 3, 19 85

I HEREBY CERTIFY, That DONALD W. SHENTON
was lawfully appointed by me (Deputy) Watermaster of District No. 32-C, and that his bill
for services rendered prorated to the several users, as herein sworn to, is, to the best of my knowledge
and belief, correct.

A. KENNETH DUNN
Director, Department of Water Resources

By Keith C. Wilson
KEITH C. WILSON
Sr. Resource Agent

RECEIVED

	OWNER OR DITCH	Water Right Ident. No.	DESCRIPTION OF LAND			
			Subdivision	Sec.	Twp.	Rge.
1.	H. Leland Small	P.2051 20-30	SEE STIPULATION AND AGREEMENT			
2.	Norwest Bank	4	"			
3.	Grant Ashcraft	13	"			
4.	Thomas L. Eden	19	"			
5.	Dean Shenton	4-A	"			
6.	Gerald Holmes	4-B	"			
7.	Jack McGarry	9-14	"			
8.	Webster Ranch	P.32-2019,2076,2082, 10-23-24-25	"			
9.	Kenneth Rowland	11	"			
10.	Hoggan Brothers	12	"			
11.	Elman T. Woodfield	P.32-2019,2076,2082, 10-23-24-25	"			
12.	Hollis Shenton	P.32-7009,7010 2	"			
13.	George Whittaker	P.11819 7-8	"			
14.	Ned Gneiting	27	"			
15.	Allyn May	P.32-2010,7037,7038,7073 6-8	"			
16.	Hoggan Brothers	17	"			
17.	Dean Shenton	1-16	"			
18.	Jim Tarpley	P.32-2061 1-6	"			
19.	Tom Stelzer	P.32-2008 21	"			
20.	Medicine Lodge Cattle Assoc.	P.32-2053, 2055	"			
21.	Medicine Lodge Grazing Assoc.	P.32-7097	"			
22.	Patrick McGarry	P.32-7098	"			
23.						
24.						
25.						
26.						
27.						
28.						
29.						
30.						
31.						
32.						
33.						
34.						
35.						

NOT RECORDED

EX-100

Total in 24 hour Sec Feet	Total Cost		Adopted Budget //		Credits		Debits		Cost Per 24 Hour Sec. Feet S. 3187158		
	\$	cts	\$	cts	\$	cts	\$	cts			
860	274.	10	466.	95	192.	85			Total No. Days of Watermaster		
1012	322.	54	794.	62	472.	08			184 days at \$ 9.49 per day	1,747.	00
660	210.	35	215.	51	5.	16			Total No. Days of Asst. Watermaster		
343	109.	32	262.	13	152.	81			5 days at \$ 21.98 per day	\$ 109.	90
1233	392.	98	948.	76	555.	78			Other expenses charged pro rata	4,017.	99
333	106.	13	479.	60	373.	47			TOTAL COST	5,874.	89
583	185.	81	592.	09	406.	28			Total No. 24-Hour Sec. Feet Delivered	18,433	
1904	606.	84	1490.	26	883.	42			Cost per 24-Hour Sec. Feet Delivered	\$	
465	148.	20	451.	07	302.	87					
460	146.	61	273.	05	126.	44					
2678	853.	52	1594.	23	740.	71					
1415	450.	98	614.	06	163.	08					
601	191.	55	263.	86	72.	31					
464	147.	88	335.	07	187.	19					
1721	548.	51	624.	29	75.	78					
1483	472.	66	641.	82	169.	16					
386	123.	02	194.	43	71.	41					
462	147.	25	95.	70			51.	55			
342	109.	00	67.	28			41.	72			
---			30.	79	30.	79					
442	140.	87	91.	12			49.	75			
586	186.	77	114.	31			72.	46			
18,433	5,874.	89	10,641.	00	4,981.	59	215.	48			



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 27, 1989

RE: Permit No. 32-7097

Medicine Lodge Grazing Assoc.
c/o Bill Thomas & Dean Shenton
Dubois, ID 83423

Dear Gentlemen:

Enclosed is a copy of a pending cancellation notice for the above referenced permit which the department mailed to you on March 30, 1989. That notice provided you fifteen days in which to respond to the department's pending action.

A note to our file shows that one of the permit holders (Mr. Shenton, I believe) called on March 31, 1989. The permittee claimed that all of the land described under the permit had been irrigated prior to July of 1985. The permittee said that he would gather the evidence to support this claim. I stated that I would check the department's inventory of aerial photography in order to assist in the claim. The only recent and available photography the department has for this area is from 1986. The department's remote sensing division has compiled a report on irrigated agriculture for Clark County using the 1986 photography. This report has only 54 of the 240 acres classified as irrigated agriculture.

Based on the department's remote sensing report, (which is the only documentation I presently have for these lands) I would have to conclude that at least a portion of the permit was not completed prior to July of 1985. The permit, therefore, is subject to the review requirements of Section 42-203D, Idaho Code. As part of this review, the permittee must submit a \$20.00 fee for re-advertising the permit. Further processing of the permit cannot be done until the fee is submitted. We have allowed the permittee more than 60 days in which to either submit the fee or evidence showing the permit was complete prior to July of 1985.

We will provide an additional 20 days in which to supply a response to the department concerning this matter. Failure to respond to this request will result in cancellation of the permit. I would suggest you not let the permit be cancelled since you have already submitted proof and paid an exam fee. Please understand that the department is required by state law to readvertise your permit and classify your water use as a trust water diversion if it does not have sufficient evidence that the permit is entirely developed prior to July of 1985.

11/1/89

Please feel free to call me if you have questions concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Luke". The signature is fluid and cursive, with the first name "Tim" and last name "Luke" clearly distinguishable.

TIM LUKE
Sr. Water Resource Agent

TL:hm

Enclosure

FROM

DATE

TO

SUBJECT

Permit holder called on 3/31
will gather add'l info. I said I would check
out photography. claims Dev. prior to '85.
Remote sensing overlays show only 56 Acres of mining in 8/86.
He will try to get ASCS slides from from 7/85 & send
them in, I will still try & look @ U2's from
'83.

MICROFILMED

SEP 25 1989

SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -

March 30, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Medicine Lodge Grazing Assoc.
c/o Bill Thomas & Dean Shenton
Dubois, ID 83423

Re: Permit No. 32-7097

Dear Mr. Thomas & Mr. Shenton:

NOTICE OF PENDING ORDER CANCELING PERMIT

On August 31, 1978, the Department of Water Resources (department) issued Permit No. 32-7097 which authorized the diversion of 4.8 cfs of water from Medicine Lodge Creek for the irrigation of 240 acres.

The department mailed a letter and questionnaire to you on January 30, 1989 in connection with the permit. The letter provided notice that the department was reviewing the permit in connection with development which was not complete prior to July 1, 1985.

This letter also requested that you return the department's questionnaire concerning any prior development under the permit and/or your plans for pursuing completion of the proposed project. The correspondence further requested that you submit with the questionnaire either a readvertisement fee in the amount of twenty (\$20) dollars and/or evidence showing that development under the permit was complete prior to July 1, 1985. Finally, the letter notified you that failure to submit the required fee or information within 30 days of the date of the letter was cause for the department to cancel the permit.

The purpose of this letter is to provide a second and final opportunity for you to submit the requested information. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order canceling the permit pursuant to Water Appropriation Rule 4,2,3,4.

If no development has been completed as authorized by the permit, and you are no longer interested in pursuing the development, please complete and return the enclosed relinquishment form.

MICROFILMED

SEP 25 1989

Leah Sensing
Fochs Rights

See 29

NW 1/4 } 21 Acres
SW 1/4 } 20 "

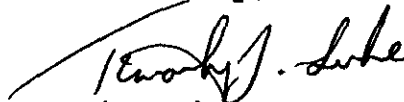
See 30

NE 1/4 0
NW 1/4 0
SW 1/4 6
SE 1/4 7

Total: 54

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tim Luke", with a stylized flourish extending from the end.

Tim Luke
Sr. Water Resource Agent

Enclosure:1

c: Region

MICROFILMED

SEP 25 1989

February 6, 1989

RE: Permit No. 32-07097

Medicine Lodge Grazing Assoc.
c/o Bill Thomas & Dean Shenton
Dubois, ID 83423

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit. Please note the enclosed order pertaining to your permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

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,

KEITH C. WILSON
Sr. Resource Agent

KCW:CW

MICROFILMED

SEP 25 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 30, 1989

RE: PERMIT NO. _____

Dear PERMIT HOLDER:

Due to the Swan Falls litigation, development proposed by the enclosed permit may have been delayed. The Department is presently reviewing the permit and may authorize completion of development proposed under the permit.

The purpose of this letter is to determine: (1) the extent of development under the permit, and (2) your continued interest in developing or completing development under the permit.

Enclosed are two forms which will help the Department expedite the reprocessing of the permit.

Please complete and return the enclosed questionnaire if you wish to continue with your plans of development or have completed all or a portion of your development before July 1, 1985.

Please complete the enclosed relinquishment form and return it to the Department if you have abandoned or have no interest in continuing with your plans for development of the project.

If the entire project was not completed prior to July 1, 1985, and you still wish to proceed with your plans of development, then you must submit a \$20.00 re-advertisement fee to the Department as required by Water Appropriation Rule 4,2,3. and Section 42-221F, Idaho Code.

Failure to return the questionnaire and pay any required re-advertisement fee within thirty (30) days of the date of this letter is cause for the Department to cancel the permit.

If the incomplete portion of your project is for irrigation of more than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4.5. (copy enclosed).

MICROFILMED

FEB 08 1989

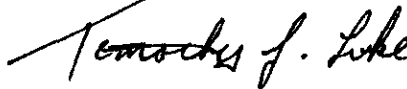
Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 334-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke - Water Allocation/Trust Water

Please note that a copy of your permit is enclosed. The permit number is shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Agent

Enclosures

MICROFILMED

FEB 08 1989

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. _____

Date: _____

General Considerations:

____ Name same as permit
____ Signature the same as permit holder
____ Address change _____ If yes, prepare a data entry
____ Proof received timely
____ Reinstated

Source of Water:

____ Surface water
____ Groundwater
____ 1. well log in file
____ 2. drilling permit
____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

____ Rate of diversion appropriate for uses
____ Is rate or volume and fee appropriate?
____ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

____ Is a measuring device or access port required?
____ Has one been installed?
____ Waiver or modification of measuring device requested

Remarks:

____ Priority Calculation:
Date proof received _____
Date proof due _____ -
No. of days late _____ =
Priority date _____ +
NEW PRIORITY DATE _____ =

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

Wendy Sheraton
Boise, Idaho
83423



RETURN RECEIPT
REQUESTED

State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho
83706-2237

~~Handwritten signature~~
FEB 08 1989





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

RECEIVED

NOV 15 1988

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 27, 1988

DEAN SHENTON, SEC.
MEDICINE LODGE GRAZING ASSOC.
DUBOIS, ID 83423

Department of Water Resources

Dear Permit HOLDER:

Re: Permit No. 32-7097

LAPSE NOTICE

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, the above referenced permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper forms in our proof due notice to you dated May 31, 1988.

Your permit cannot be reinstated unless you submit the proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal including the examination fee or a completed field examination report or the extension request form together with the \$15 fee must be received by this department within sixty days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a governmental agency or by litigation which brings title to the water in question.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

FEB 08 1989

L. Glen Saxton:
Books like the book Reper
has included up. Sure get tired
of keeping other peoples Books
Sh. can assist you in any
way feel free to call 374-5442.

over

Sincerely,

Wear Shenton
Dubois, Idaho

83423

(208) 374-5442

ESP 806

ESP 806

MICROFILMED

FEB 08 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

REQUEST FOR EXTENSION OF TIME

NOV 15 1988

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

JUL 20 1988

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No.

32-7097

Name(s) of Permit Holder:

Medicine Lodge Crossing Assoc.

Post Office Address:

Ellettsville, Idaho 83423

Telephone No.

374-5442

Date Proof is Due:

Aug. 1, 1988

Describe what work has been completed toward the development of this water right:

Liverson Structure

(This must be filled out! If no work has been completed, show "none".)

Complete - measuring device in place -
Ditch work complete. - Water has been
delivered and applied to land appropriated
for most every year through 1986 Costing \$ 2000⁰⁰ XX

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

See letter enclosed

Permit holder(s) request an extension to

Aug. 1, 1993.
(1 yr. minimum)

(Signature)*

Heaven Shenton

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

MICROFILMED

FEB 08 1989

Signed this _____ day of _____, 19____.

RECEIVED

NOV 15 1988

Department of Water Resources
WILKINS LODGE GRAZING ASSOCIATION

209

92-42/1241

7-14 1988

Pay to the
order of

State of Idaho, Dept of Water
Fifteen ~~400~~

\$ 15⁰⁰/₁₀₀

Dollars



IDAHO FIRST NATIONAL BANK
IDAHO FALLS OFFICE
P.O. Box 69
Idaho Falls, Idaho 83402

Herald D. Holmes
Bill Thorne

For

⑆124100420⑆ 110023023334⑈ 2090

MICROFILMED

FEB 08 1989

Deary Shenton
Dubois, Idaho

83423

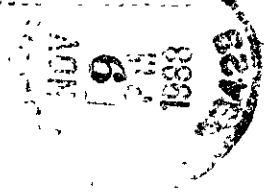
RETURN RECEIPT
REQUESTED

FEB 08 1989

Attch 2
Box 202
C/O



State of Idaho
Dept. of Water Resources
1301 North Orchard St.
Statehouse Mail.
Boise Idaho
83720



October 27, 1988

DEAN SHENTON, SEC.
MEDICINE LODGE GRAZING ASSOC.
DUBOIS, ID 83423

Dear Permit HOLDER:

Re: Permit No. 32-7097

LAPSE NOTICE

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, the above referenced permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper forms in our proof due notice to you dated May 31, 1988.

Your permit cannot be reinstated unless you submit the proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal including the examination fee or a completed field examination report or the extension request form together with the \$15 fee must be received by this department within sixty days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a governmental agency or by litigation which brings title to the water in question.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

CERTIFICATION OF MAILING

I hereby certify that on 11-1-88
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

MICROFILMED

FEB 08 1989

Jodi L. Schultz

September 21, 1988

Dean Shenton, Sec.
Medicine Lodge Grazing Assoc.
Dubois, ID 83423

Dear Mr. Shenton:

Re: Permit No. 32-7097

Returned is your check No. 209 (92-42/1241) in the amount of \$15.00 along with the request for extension of time submitted to this office on July 20, 1988.

After some internal discussion concerning your request, I have been advised to inform you to submit the proof of beneficial use form instead of a request for extension of time. Enclosed is the proof form and instruction sheet/fee schedule.

I understand that this property has been placed in the CRP Set Aside Program. Nonetheless, the department will want to try to determine to what extent the water was beneficially used and issue a license.

If you have any questions concerning this matter, please feel free to contact Gary Spackman at this office or a field inspector in our Eastern Regional office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

cc: Acct. Sec.

MICROFILMED

FEB 08 1989

Dubois, Idaho
July 14, 1988

Department of Water Resources
1301 N. Orchard
State House Mail
Boise, Idaho 83706

ATTN.: Jim JOHNSON:

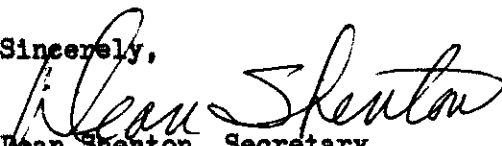
In reference to Department letter dated May 31, 1988,
the permit in question (32-7097) is essentially complete.

The watermaster records will indicate the years water was
delivered and the amount which was put to beneficial use.

The primary reason we haven't submitted proof of Beneficial
use is Government Litigation with Idaho Power or the Swan Falls
controversy. Secondly, lack of cooperation from Mother Nature
and no snow pack. The water has not been available since 1986.

The acres the water was applied to were put under C.R.P.
in 1987. In the process of putting in permanent vegetation,
most secondary ditches were plowed out.

Sincerely,


Dean Shenton, Secretary
Medicine Lodge Grazing Ass'n.

Check enclosed

MICROFILMED

FEB 08 1989

138647
CERTIFIED MAIL
May 31, 1988

MEDICINE LODGE GRAZING ASSOC.
DUBOIS, ID 83423

PROOF DUE NOTICE

RE: Permit No. 32-7097

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 August 1, 1988. (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, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

MICROFILMED

FEB 08 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 32 7097
Name(s) of Permit Holder(s): Medicine Lodge Grazing Association
Post Office Address: Dubois Idaho 83423
Tel: 5237/5442

☒ I hereby certify that construction of diversion works for the above referenced permit began on 5-7-79 (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.

July 1, 83
Date

Alan Shento
Signature of Permit Holder
Sec.

Kedron Lodge Grazing Assoc.
Dubois, Idaho
83423



MICROFILMED

FEB 08 1989

Department of Water Resources
JUL 26 1983



RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



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

FEB 08 1989

August 4, 1983

Medicine Lodge Grazing Assoc.
Dubois, ID 83423

Gentlemen:

Re: Permit No. 32-7097

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 August 1, 1988.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures: Ext. of Time



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

EXTENSION OF TIME

July 25, 1983

Medicine Lodge Grazing Association
Dubois, ID 83423

PERMIT NO. 32-7097

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 30146.

Roberta Garrett
Records Supervisor

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

MEDICINE LODGE GRAZING ASSOC.
DUBOIS, ID 83423

138615

PROOF DUE NOTICE

MAY 31, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 32-7097 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE AUGUST 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A 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

ENCLOSURES



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

September 6, 1978

Re: Permit No. 32-7097

Medicine Lodge Grazing Association
Dubois,
Idaho 83423

Gentlemen:

Your approved copy of Application for Permit is enclosed and we direct your attention to the conditions of approval on the fourth page.

Please 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. Enclosed is a letter describing the different types of measuring devices accepted by this Department.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power. While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right. If you have any questions, please let us know.

Sincerely,


GLEN SAXTON
Chief, Operations Bureau

S:kw
Enclosure

RECOMMENDED
CONDITIONS OF APPROVAL

1. For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

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

(TO BE USED WITH THE WATERMASTER CONDITION ONLY)

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

4. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

5. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

6. Use of water under this permit is subject to control by the watermaster of State Water District No. 32-C, Medicine Lodge Cr. ~~River~~

7. The maximum rate of diversion shall not exceed ____ cubic feet per second.

8. The permit shall not be assigned or sold without first securing the written approval of the Department of Water Resources.

9. This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.

10. Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.

11. Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial users.

12. Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.

13. The proposed well shall not be drilled within ____ feet of another well.

14. The permit holder must obtain adequate supplemental water for the irrigation season that natural flow is not available.

15. Water shall not be diverted under this permit unless the flow of the Snake River at the U. S. Geological Survey stream gaging station at Murphy exceeds 3,300 c.f.s. and at Weiser exceed 4,750 c.f.s.

16. That should the use of the water on this permit reduce the quality of water available to prior water rights and make it unusable to satisfy the prior appropriations, then the diversion under this permit must cease.

17. There is not sufficient water available in the _____ River and tributaries that is not appropriated by prior water rights.

18. OTHER _____

MICROFILMED



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

July 25, 1978

RE: Application for Permit No. 32-7097

Mr. Don Shenton, Watermaster
Dubois,
Idaho 83423

Dear Don:

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 August 14, 1978, and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

MICROFILMED

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

RECEIVED

AUG 8

Department of
Easter

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss

I, **Bruce Porter**,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho, and I do solemnly swear
that the

**Notice For Water
Right No. 32-7097**

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for **two**
consecutive issues, the first publication hav-

ing been made on **July 27, 1978**
and the last publication having been made

on **August 3, 1978**.

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

[Signature]

Subscribed to and sworn to before me

this **August 4, 1978**

(SEAL)

[Signature]
Notary Public.

My commission expires **life**



RECEIVED
AUG 11 1978
MIDWESTERN

27

July 21, 1978

RE: Application for Permit No. 32-7097 - MEDICINE LODGE GRAZING ASSN.

Standard Journal
Porter Publishing Co.
23 South First East
Box 10
Rexburg, Idaho 83440
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

RDC:bp

Enclosure: Legal Notice (1)

Bill not Cert.
Bill submitted 8-08-78 by Cal

Michael

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Medicine Lodge Grazing Assoc., Dubois, Idaho, has on 7-19-78 submitted Application No. 32-7097 for a permit to appropriate 4.80 cubic feet per second of water from Medicine Lodge Creek tributary to sinks by means of headgate and ditches within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T. 11N, R. 34E, B.M., Clark County, to be used from Apr. 1 to Nov. 1 for the irrigation of 240 acres within the SE $\frac{1}{4}$, Sec. 30, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 29, T. 11N, R. 35E, 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 August 14, 1978.

C STEPHEN ALLRED
Director

Publ. July 27, Aug. 3, 1978J

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C. STEPHEN ALLRED

Director

Published in the Standard Journal, Rexburg, Idaho

on July 27 and August 3, 1978

RECORDED