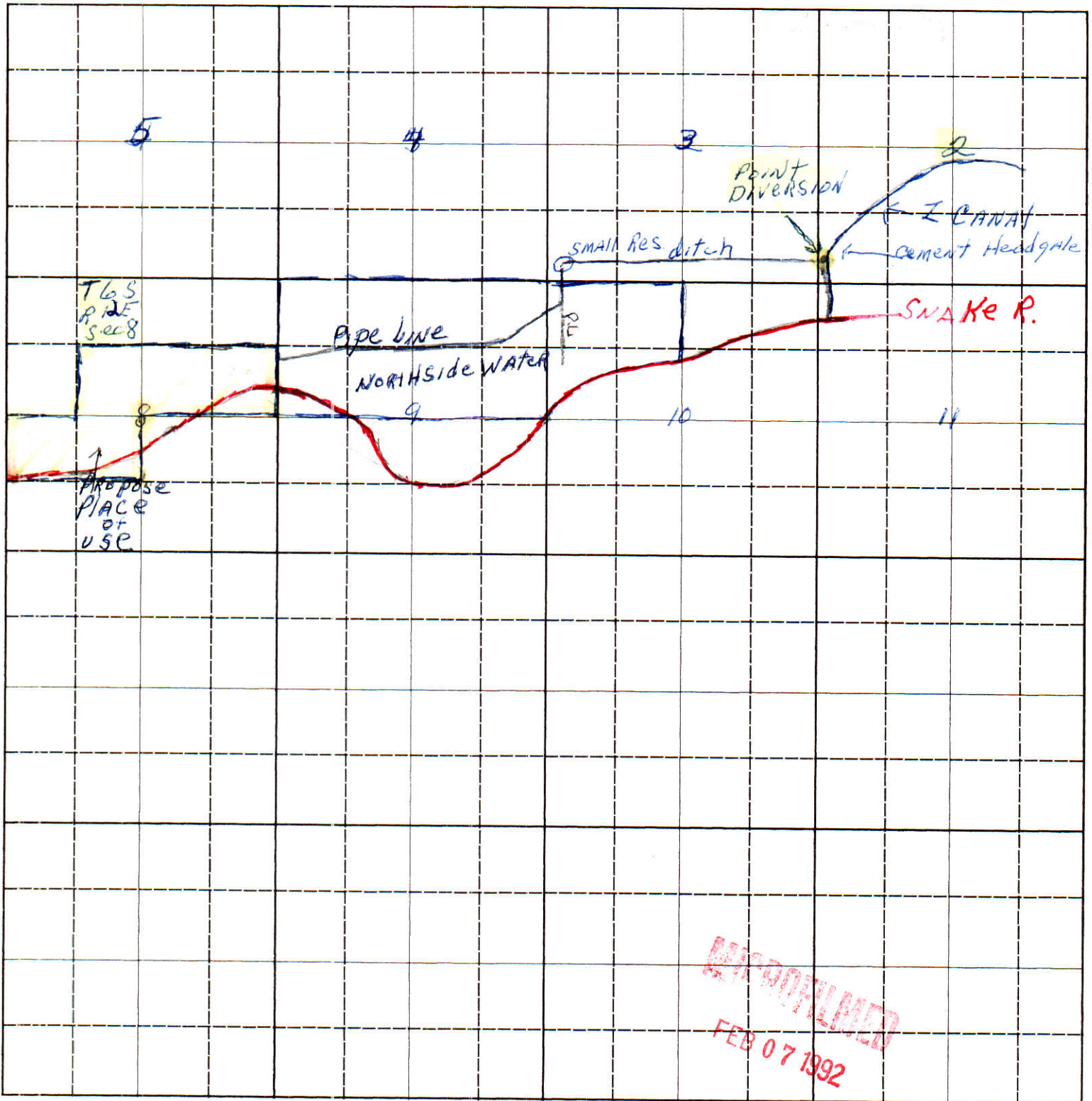


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Hast C H Cattle Co
Charles C Hast Pres
 (Applicant)

AFFIDAVIT of PUBLICATION

RECEIVED

MAY 24 1991

State of Idaho }
County of Gooding } ss.

Department of Water Resources

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 15th day of May, 1991, and the date of the last publication was on the 22nd day of May, 1991.

Patty Nance
Subscribed and sworn to before me this 23rd day of May, 1991.
(SEAL)

Vince Gaudin
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2X

_____ Lines tabular at _____ 6¢/Pica
337.5 Lines straight at 16.88 5¢/Pica
_____ Subsequent lines at 13.50 4¢/Pica
TOTAL COST 30.38

COPY OF NOTICE

(Paste Here)

Not. Appl. Tr. Wat. Rt.
TITLE OF NOTICE
C.K. Kast Cattle Co.
37-08588
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. Dept. Wat. Res.
BILL TO

Legal Notices

NOTICE OF APPLICATION FOR
TRUST WATER RIGHT
37-08588

KAST C K CATTLE CO.
RT. 1
KING HILL, ID 83633
Source: WASTE WATER
Tributary: SNAKE RIVER
Diversion Pt: SWSW Sec 2 T 06S R 12E
Use: IRRIGATION (2,000 CFS)
STOCKWATER (.200 CFS)
Total Diversion: (2,000 CFS)
Date Filed: 1/2/1990
In: T06S R12E S08 SWNE SENE SENW
NESW
NWSW
100.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before JUNE 3, 1991.

-s- R. Keith Higginson, Director
G5841

Pub: 5-15, 22

insertions.....4¢/Pica

RECEIVED
FEB 07 1992

No 5833

5841

INTER-DEPARTMENT MEMO — 1

FROM Pam Skaggs

DATE 01-15-91

TO File 37-08588

SUBJECT Future Actions to WR

In the event any action is taken to amend this ^{permit}~~right~~, a copy of amendment should be sent to B.L.M.

USDI
BUREAU OF LAND MANAGEMENT
PO BOX 2B
SHOSHONE ID 83352

RECEIVED

FEB 07 1992

Pam Skaggs
SIGNATURE

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08588

Proposed Priority: January 2, 1990 Maximum Diversion Rate: 2.00 CFS
This is to certify, that **KAST C K CATTLE CO**

RT 1

KING HILL ID 83633

has applied for a permit to appropriate water from:

WASTE WATER

tributary of **SNAKE RIVER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	2.00 CFS
STOCKWATER	01/01 to 12/31	0.20 CFS
	Totals	2.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 2, Township 06S, Range 12E
GOODING 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>
06S	12E	8	SWNE 30	SENE 20	SENE 20	100
			NESW 20	NWSW 10		

Total number of acres irrigated: 100

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1993**.
2. Subject to all prior water rights.
3. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
4. 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.
5. The Director retains jurisdiction of this right and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
6. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

MICROFILMED

FEB 07 1992

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08588

7. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
8. Stockwater use is for 900 range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this

17th day of January, 1992.

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

FEB 07 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Hast. C. K. Caste Co a family Cor Phone 366-2034
Post office address Rt 1 King Hill, Ida 83633
2. Source of water supply Northside Canal Co ^{Waste water.} which is a tributary of Snake River
3. Location of point of diversion is At SW 1/4 of NW SW 1/4 of Govt. Lot
Sec. #2 ¹⁻⁸⁻⁹⁰ Township T6S Range R12E B.M. Gooding County; additional
points of diversion if any: water will go in my present irrigation system
4. Water will be used for the following purposes:
Amount varying amount of waste water, 1 to 5 cfs for irrigation purposes from Nov 15 to April 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 2.0 for irrigation purposes from April 1 to Nov 15 (both dates inclusive) ^{11-01 per standard season 01-15-92}
(cfs or acre-feet per annum)
Amount .2 for stockwater purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 2.0 cfs for irrigation purposes from Nov 15 to April 1 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) ALL WASTE WATER and/or (b) 2.0 cfs
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Present ditch runs thru BLM about a mile thru sec 10 and then goes in my pipeline. Diversion Cement headgate are already in main ditch
 - b. Height of storage dam feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet; period of year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is feet.
 - d. Is ground water with a temperature of greater than 90°F being sought?
7. Time required for the completion of the works and application of the water for proposed beneficial use is all finished years (minimum 1 year).
(1 year)

FILED
FEB 07 1992

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 400 Cows 500 yearling
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

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	
T6S	~~R1E~~ <u>12E</u>	8			30	20				20	20	10							100
				20	30	20													
				10	20														

* changed from 11E to 12E per telecon. w/ MR EAST on 4-30-91

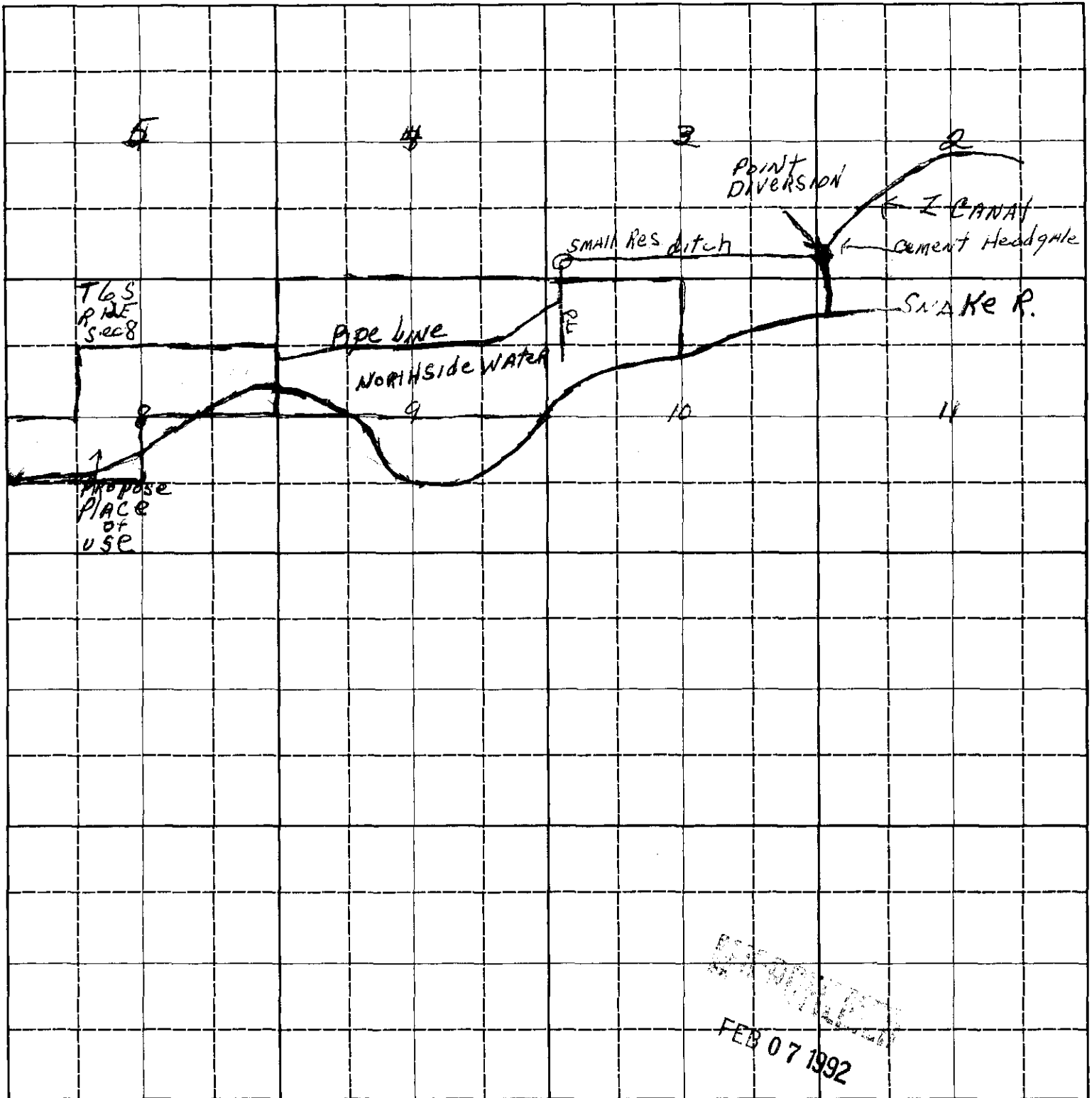
Total number of acres to be irrigated 100

10. Describe any other water rights used for the same purposes as described above. I have northside water all ready being use on land to the east
11. a. Who owns the property at the point of diversion? BLM. an old division right date to 1920
- b. Who owns the land to be irrigated or place of use? Hart & Cattle Co
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

FEB 07 1992

12. Remarks: I buy water now from northside Canal Co and irrigate about 200 acres in same area. Being on the end of main Canal sometime there is a lot of waste water I could irrigate additional ground and will put irrigated pasture as you can't figure on it as a permanent flow

13. 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.

Hast C & Cattle Co

Charles C Hast Pres

(Applicant)

Received by M. Baldwin Date 1/2/90 Time 1:17 pm Preliminary check by J. F. Stanton
Fee \$ 65.00 Received by M. Baldwin # 5010803 Date 1/2/90
Publication prepared by BLM Date 5/15 5/22 Published in Lewiston Co. Journal
Publication approved TJJ Date 5-24-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

DISCONTINUED

FEB 07 1992

MEMO

FROM
CHARLES KAST

366-2034
King Hill

Kast C K Cattle Cor is a Family Cor

Charles C Kast - Pres
Rt 1 Box 143 King Hill, Idaho 83633

Virginia R Kast V pres.
Rt 1 Box 143 King Hill, Idaho 83633

James E Kast Sec
Rt 1 King Hill, Idaho 83633

Christine Blewens
20005 1st ave S #1
Seattle, Wash 98148

Mary Muffley
Box 801
Wendell, Idaho 83355

Sharon Presley
Rt 1 Box 12
King Hill, Idaho 83633

FEB 07 1992

AFFIDAVIT of PUBLICATION

RECEIVED

MAY 24 1991

State of Idaho }
County of Gooding } ss.

Department of Water Resources

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

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 15th day of May, 1991, and the date of the last publication was on the 22nd day of May, 1991.

Patty Nance

Subscribed and sworn to before me this 23rd day of May, 1991.
(SEAL)

[Signature]
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2X

Lines tabular at _____ 6¢/Pica
337.5 Lines straight at 16.88 5¢/Pica
Subsequent lines at 13.50 4¢/Pica
TOTAL COST 30.38

COPY OF NOTICE

(Paste Here)

Not. Appl. Tr. Wat. Rt.
FILE OF NOTICE
C.K. Kart Cattle Co.
37-08588
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. Dept. Wat. Res.
BILL TO

Legal Notices

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

87-60000
KART CK CATTLE CO.
RT. 1
KING HILL, ID 83003
Source: WASTE WATER
Tributary: SNAKE RIVER
Diversion Pt: SWSW Sec 2 T 06S R 12E
User: IRRIGATION (2,000 CFS)
STOCKWATER (.200 CFS)
Total Diversion: (2,000 CFS)
Date Filed: 1/27/1990
In: T06S R12E S08 SWNE SENE SENW
NESW
NWSEW
100.0 ACRES TOTAL
The permit will be subject to all prior water rights. Proponent may be submitted based on the terms of Sec. 45-203A, Idaho Code under the new public interest criteria of Sec. 45-203C, Idaho Code. Proponent must file with the Director, Dept. of Water Resources, Statehouse, Boise, Idaho 83720 on or before JUNE 2, 1991.
- R. Keith Higginson, Director
Pub: 5-15, 22 G5841

insertions.....4¢/Pica

No 5833

5841

Memo

Dr -

CHARLES KAST

To

6-10-92

Idaho Department of Water Resources
Boise
Idaho.

Dear Sir

This is reference to water
right no 37-88588.

There has been no extra waste
water coming down the northside canal
co ditch for the last thirty days. I
havnt been receiving my own share
of water down the ditch and am the
last user in a remote area.

You can get in touch with
northside canal co at Jerome, Idaho
manager Ted Diehl for confirmation

Yours truly

RECEIVED

JUN 15 1992

Hast C & Cattle Co

Charles C Kast Pres

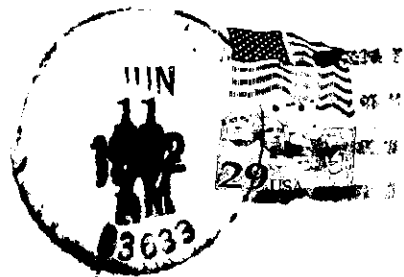
Department of Water Resources

Rt 1 Box 143

King Hill

Idaho 83635

Hast & H Castle
Rt 1 Box 143
King Hill
Idaho 83633



Idaho Department of Water Resources
1301 North Orchard St
Boise

Attn
Glenn Sartor
Lang Spachman

Idaho 83720-9000

June 12, 1992

KAST C K CATTLE CO.
RT. 1 BOX 143
KING HILL ID 83633

RE: Water Right No. 37-08588

Dear Water Right Holder(s):

On June 8, 1992, the department sent you a letter which directed you to immediately cease diverting water under the above referenced water right, since the minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second (cfs) measured near Weiser was not being satisfied.

The flow of the Snake River at Weiser is now above 4,750 cfs. You are, therefore, authorized to again divert water under your water right. If the minimum stream flow is not met later this year, however, the department will again notify you to temporarily cease diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

June 8, 1992

KAST C K CATTLE CO.
RT. 1 BOX 143
KING HILL ID 83633

RE: Water Right No. 37-08588

Dear Water Right Holder(s):

On May 19, 1992, the department sent you a letter advising that you might be required to temporarily cease diverting water from the Snake River or its tributaries if the established minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second measured near Weiser is not satisfied or likely will not be satisfied.

The flow of the Snake River at Weiser is now less than 4,750 cfs. You are, therefore, directed to immediately cease diverting water under the above referenced water right and to not resume use until authorized by the department.

Past flow records show that the duration of seasonal low flow periods typically last several days to a week. Since your use of water is extremely important to you and since mail notification includes a delay associated with mail delivery time, feel free to call the toll-free telephone number 1-800-451-4129 to determine when you are again authorized to divert and use water under your water right. Please use this phone number only in connection with resumption of use.

You need to be aware that Section 42-351, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

May 19, 1992

KAST C K CATTLE CO.
RT. 1 BOX 143
KING HILL ID 83633

RE: Water Right No. 37-08588

Dear Water Right Holder(s):

Department water right records show that you divert water from the Snake River or its tributaries under a water right that has a priority date later than December 29, 1976. This is the priority of the established minimum stream flow of the Snake River at the Weiser Gage (Weiser) in the amount of 4,750 cubic feet per second.

Because of the continuing drought conditions in the Snake River Basin, department hydrologists project that during 1992, there could be periods when the required minimum flow will not be satisfied due to low flows of the Snake River. The department urges you to not divert at a higher rate than authorized by your water right and to not use your right in any manner different than authorized. In addition, when the minimum flow will not be satisfied or is not being satisfied, you are required to cease diverting water under your water right, because your right is of later priority than the minimum stream flow at Weiser.

If the department determines the minimum flow will not be satisfied, the department will advise you and will provide as much lead time as possible in requiring that you temporarily cease your diversion of water. The greatest likelihood for this to occur is during a period from mid-June to late June.

While the department expects good cooperation from junior water right holders, water users should be aware that Section 42-352, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversions of water.

The department has contacted both the Idaho Power Company and the U.S. Bureau of Reclamation with respect to the timing of storage releases from upstream reservoirs for flow enhancement purposes. This type of coordination could minimize the impact on

existing water users and reduce the need to curtail diversions.

The department has scheduled public information meetings relative to this potential regulation as follows:

Mountain Home - June 4, 1992 - 10:00 a.m. - gymnasium at
North Elementary School, 290 E. 12th N.

Caldwell - June 4, 1992 - 7:00 p.m. - Ballroom in the
Student Union Building, Albertson College of Idaho,
2112 Cleveland

If you have questions concerning this letter or wish to provide the name of a different contact person or address to receive department correspondence, please contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

February 21, 1992

KAST C K CATTLE CO.
RT. 1 BOX 143
KING HILL ID 83633

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08588

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED
MAR 05 1992

Form 217
11/91

RECEIVED
FEB 18 1992

OFFICE USE ONLY
Amt. of Fee \$ 125.00
Date 2-14-92
Receipt No. 5014156
Receipt by J. E. Linton

Department of Water Resources
Southern Region Office

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have 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, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 27-08588 Telephone No. 208-366-2034

2. Name(s) of Permit Holder(s): HAST CK CATTLE CO

3. Mailing Address: RT1 Box 143 King Hill, IDA 83633

4. Source of Water: NORTH Side CANAL Co - Waste Water

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater 900 range (No. and type of stock)

Irrigation 100 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 2.0 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes ✓ No Installed? _____ Yes ✓ No

OR

Flow Measurement Port: Required? _____ Yes _____ No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 125.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

CHARLES C HAST - 366-2034
Name Telephone No.

RT1 Box 143 King Hill, IDA 83633
Address

10. 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.

2-14-92 Charles C. Hast - Pres
Date Signature (and title, if on behalf of a company or organization)

MAR 05 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 37-08588

Reviewed by Klg

Date 2/19/92

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

vineyard - 100

no Address same as permit?

stock - 900

yes Proof timely received?

Correct Uses? yes

If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source

 Ground water source

NA Drilling permit required?

 Copy in the file? Drilling Permit No.

 Amount paid for permit Correct?

 Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

25 Amount Submitted

yes Correct?

MEASURING DEVICE

NA Required?

 Installed?

 Waiver requested?

PRIORITY CALCULATION

Date proof received NA

Date proof due -

No. of days late =

Priority Date +

New Priority Date

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address Rr 1 Box 143 2/19/92

Proof Made 2/14/92

2/18/92 Klg



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 23, 1992

KAST C K CATTLE CO.
RT. 1
KING HILL ID 83633

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08588

Dear Permit Holder:

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

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

Enclosures

RECEIVED

FEB 07 1992

APPLICATION FOR PERMIT REVIEW

Application #: 37-8588
Date: 01-15-92

Reviewer: Pam Skaggs *PS*

Existing:

No - 26A-P17
Complete in 1 year - P16

Yes

✓Proof not submitted - P16
Proof submitted - N/A

Groundwater:

GT. 0.2 cfs - 01G-P03, 01C-P03(existing well)
LT. 0.2 cfs - N/A

Drilling Permit:

Approved w/permit - P99
Not included - 046-P23(All GW, even existing wells)

Location:

Water Districts - WD No. _____
Surface water - 005, 005-01H-P01(LT.2 w/pump)
005-01J-P08(GT.2)

Groundwater - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

✓Swan Falls Flag - 7 (1, Blank or Other)

✓Trust - 051-052-053-P74(Consumptive Uses)

Non Trust - 048-049

River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 05A & 11E

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)

Power - Use Power Review

Mining - 06A, 010, or 09E-P10 & 054(req.)

Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)

Rec. & Aesthetic - 027(Non-Consumptive)

Domestic - 021(restricted areas)

Ownership:

✓Non land owner - 004

Protested:

Agreement - 020

✓Beneficial Use Due Date: - 02-01-1993

Other Conditions Recommended Trust Review Complete

RECEIVED

FEB 07 1992

Form No. 202a
4/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY J. E. Stanton DATE 1-8-90 APPLICATION NUMBER 87-08588REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt ***PROPOSED PRIORITY DATE 1-2-1990

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- ☐ Field check by _____
- ☐ Yes ☐ No Field report attached
- ☐ Yes ☒ No Critical groundwater area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit
- ☐ Yes ☒ No Power efficiency form
- ☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

RECEIVED

DEC 13 1991

Department of Water Resources

SWAN FALLS HOLD? Yes

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

Date Requested _____

SEND COPIES TO _____ Idaho Dept. of Health & Welfare _____ U.S. BLM
 _____ Idaho Dept. of Fish & Game _____ U.S. Forest Service
 _____ Idaho Dept. of Lands _____ Water District
 _____ Adjudication Bureau Unit _____ Other _____

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes	☐ No	Publication dates & paper, recorded on application
☒ Yes	☐ No	Protests received <u>Withdrawing, 12/4/91</u>
		Final date for protest <u>6/3/91</u>
☐ Yes	☒ No	Protests, dates, resolution of protest, recorded on application
☐ Yes	☒ No	Recommendations attached
☐ Yes	☒ No	Measuring device required
☒ Yes	☐ No	Access port required
☐ Yes	☒ No	Will water be delivered by watermaster? If yes, what Dist. _____
☒ Yes	☐ No	Special conditions of approval or cover letter below. _____

See below for additional information

Date of priority recommended 11/2/90

By Loren G. Halbur Date 12/9/91

By _____ See below for additional information
Date _____

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from:

☐ City	☐ Idaho Fish & Game	☐ Irrigation District
☐ County	☐ Idaho Health & Welfare	☐ Canal Company
☐ Reservations	☐ Division of Environment	☐ Other _____

Project impacts/implications report

COMMENTS



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

05-Dec-1991

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

ROBERT D CORDELL AREA MGR
USDI BUREAU OF LAND MANAGEMENT
PO BOX 2B
SHOSHONE ID 83352

RE: Application for Permit No. 37-08588

Dear Mr. Cordell:

This office acknowledges receipt of the withdrawal of your protest against the above referenced application for permit.

Since you were the only protestant, the issue of the protest has been resolved and the Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

State office personnel will conduct a complete review prior to final processing of the application. When a permit is issued, you will be sent a copy.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

cc: Charles C. Kast

RECEIVED

FEB 07 1992



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
SHOSHONE DISTRICT OFFICE
400 WEST "F" STREET
P.O. BOX 2B
SHOSHONE, IDAHO 83352



IN REPLY REFER TO:

7250

December 3, 1991

Idaho Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301

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DEC 04 1991

Department of Water Resources
Southern Region Office

Dear Sir/Madam:

By letter dated January 22, 1990, we protested the new filing for Water Right No. 37-08588. We filed the protest in order to become a party to the proceeding.

Mr. Charles Kast, representing Kast C K Cattle Co., has been in touch with us regarding the protest. We understand that no construction is involved and that the subject filing was made to document existing use of water.

Based on that information we wish to withdraw our protest of Water Right 37-08588 with the following provision:

...provided Kast C K Cattle Co. neither amend the application to include construction on public land, nor amend the application to make a change in point of diversion, diversion rate, place of use, water usage, or any other aspect of the water right.

If we can provide additional information or answer any questions please do not hesitate to call Floyd DeWitt or me at 886-2206.

Sincerely,

Robert D. Cordell
Area Manager
Bennett Hills Resource Area

cc: Charles Kast
Kast C K Cattle Co.

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DEC 07 1991



ate of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

16-Oct-1991

R. KEITH HIGGINSON
Director

ATTN CHARLES C KAST PRESIDENT
KAST C K CATTLE CO
RT 1
KING HILL ID 83633

RE: APPLICATION FOR PERMIT NO. 37-08588

Dear Mr. Kast:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your above referenced application.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application for permit. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)

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OCT 17 1991



ate of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

16-Oct-1991

R. KEITH HIGGINSON
Director

ATTN ROBERT D CORDELL AREA MGR
USDI BUREAU OF LAND MANAGEMENT
PO BOX 2B
SHOSHONE ID 83352

RE: APPLICATION FOR PERMIT NO. 37-08588 (Kast C K Cattle Co)

Dear Mr. Cordell:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application for permit. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)

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FEB 07 1992

Attachment to letter dated 16-Oct-1991

To all parties in the matter of
Application for permit No. 37-08588
In the name of Kast C K Cattle Company

PROTESTED APPLICATION FOR PERMIT:
ISSUES CONSIDERED, CONFERENCE PROCEDURE

In processing all applications for permit, the department must consider the following issues, which are specified in Section 42-203A of the IDAHO CODE:

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the proposed project?
- 5) Will the proposed use conflict with the local public interest?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

When an application is protested, the statute requires the department to conduct a hearing to create a record of the evidence considered in approving or denying the application.

Normally, an informal pre-hearing conference is held prior to the actual hearing. The objectives of the informal conference are as follows:

- 1) To familiarize all parties with the application and the issues being raised.
- 2) To provide a forum for discussion and possible resolution of the matter among the parties.
- 3) To provide information to the parties about the department's hearing procedure in deciding protested applications.
- 4) To discuss scheduling of the matter for hearing.

Notices setting the time and place for the conference will be sent by certified mail to all parties at least 10 days prior to the conference. This is the same procedure specified by law for serving notice of hearings.

Conferences are conducted under Rules for Practice and Procedure adopted under the Idaho Administrative Procedures Act.

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FEB 27 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

MAY 3, 1991

Gooding County Leader
442 Main Box 56
Gooding, ID 83330

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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 publication billing to this office before JUNE 3, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

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FEB 07 1992

37-08588

KAST C K CATTLE CO.
RT. 1
KING HILL, ID 83633

Source: WASTE WATER

Tributary: SNAKE RIVER

Diversion Pt: SWSW Sec 2 T 06S R 12E

Use: IRRIGATION (2.000 CFS)
STOCKWATER (.200 CFS)
Total Diversion: (2.000 CFS)

Date Filed: 1/ 2/ 1990

In: T06S R12E S08

SWNE
NWSW

SENE

SENW

NESW

100.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before JUNE 3, 1991.

R. Keith Higginson, Director

Published 5/15/1991 & 5/22/1991

FEB 07 1992

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 37-8588/Trust Water Processing

DATE: 4-30-91

The above application has come up for sequential trust water processing. The applicant returned the trust water questionnaire with some confusing statements about prior development. The applicant has stated on the questionnaire that he has 200 shares of Northside Canal Co. water and that he has irrigated about 300 acres prior to 1984, plus an additional 40 acres which he is now trying to develop (our land use maps do not show the place of use as being within the Northside service area). On the application, he states that he irrigates about 200 acres east of the described place of use. Per our phone conversation today, he stated that he irrigates about 250 acres with the Northside Canal water, and that he is trying to develop an additional 40 acre tract with the waste water listed on the application. In my conversation with the applicant, it was never clear to me as to why 100 acres were listed on the application. It also was not clear as to where his other irrigated lands were located. I was only able to ascertain that there generally is waste water available and that he does intend to use this source for developing an additional 40 acres.

Based on the conflicting and confusing statements given by the applicant, I recommend viewing this application as an appropriation of waste water for developing 100 acres which have not previously been developed with other sources of water. The 100 acres under the application shall be counted as trust acreage.

The application will be returned to the regional office upon completion of trust water advertising since we have already received a protest from the BLM.

RECEIVED
MED

FEB 07 1992

RECEIVED

APR 25 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Application No. 37-8588

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes X No

b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes X No

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain conditions. You may be asked to verify uses established prior to October, 1984.)

300 acres before 1984 40 acres being develop now.
own

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984.

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete.

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

200 shares Northside Water Canal Co

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant Hart C & Coyle Co
Charles C Hart Pres

Date 4-21-91

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FEB 07 1992

own

4-21-91

We are the last water user in 2 canal of the Northside Canal Co. At times we have lots of water or extra water and times we have very little water.

This water goes in my gravity pressure pipe ^{line} which falls over the canyon rim 300 ft straight down which gives me gravity pressure. I have put my land in irrigate pasture so I can use varying amounts of water. Presently I am irrigating about 300 acres. I have 200 shares of Northside Canal water.

I am applying for the extra canal water that comes down the ditch.

We are now developing another 40 acres for grain or pasture which we are almost finished.

This is a very good pasture setup.

Hope I have answer all question

Yours truly

Charles East

Rt 1 Box 143

King Hill

Idaho 83633

P.S. I could meet with you if necessary.

Phone 366-2034

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FEB 07 1992



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 10, 1991

RE: APPLICATION FOR PERMIT NO. _____

Dear APPLICANT:

Due to the Swan Falls litigation and subsequent backlog of pending applications, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, or if the application proposes diversion of more than 5.0 cfs, the department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (copy enclosed). In particular, rules 4,5,3. through 4,5,3,5. apply to your project if it is more than 200 acres. If necessary, the rule 4,5. information notice will be sent to you after you return the questionnaire.

FEB 07 1992

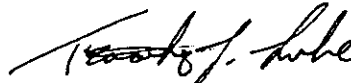
Page 2

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 327-7864. 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 83720-9000
Attn: Tim Luke

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

Sincerely,

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

TIM LUKE
Sr. Water Resource Spec.

Enclosures

MICROFILMED

FEB 07 1992



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
SHOSHONE DISTRICT OFFICE
400 WEST "F" STREET
P.O. BOX 2B
SHOSHONE, IDAHO 83352

TAKE
PRIDE IN
AMERICA

IN REPLY REFER TO:

7250

January 22, 1990

RECEIVED

JAN 23 1990

Department of Water Resources
Southern Region Office

Idaho Department of Water Resources
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301

Gentlemen:

Please consider this letter an official protest of the new filing for Water Right No. 37-08588. According to your list dated January 16, 1990, page 7, Kast C K Cattle Co., of King Hill, Idaho, on January 2, 1990, filed to divert trustwater for the purpose of irrigation and stockwater.

A review of the official land status records shows the point of diversion, T. 6 S., R. 12 E., Section 2: SW $\frac{1}{4}$ SW $\frac{1}{4}$ to be on public land administered by the Bureau of Land Management.

We wish to protest this water right filing in order to become a party to the proceeding. As of this date, Kast C K Cattle Co. has no authorization from our agency to perform any work on this area of public land. An application for right-of-way, an environmental analysis, and a right-of-way permit are required and must be issued before Kast can perform work on public land. We feel the granting of a water right by your agency and a right-of-way by our agency should proceed concurrently.

If we can provide additional information or respond to questions, please do not hesitate to call Joe Aitken, Floyd DeWitt, or me at (208) 886-2206.

Sincerely,

Robert D. Cordell
Area Manager
Bennett Hills Resource Area

RECEIVED

FEB 07 1992

10-Jan-1990

Kast C K Cattle Co.
c/o Charles C. Kast, President
Rt. 1
KING HILL ID 83633

Re: Application for permit No. 37-08588

Dear Mr. Kast:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

Because your application proposes to appropriate water which has been identified as "trust water" in the Swan Falls agreement, it will be processed under rules and regulations for water appropriation that have been adopted as required by law.

Under the rules, applications will be processed at a rate which allows development of 20,000 acres per year. The oldest applications will be processed first, provided that applicants are willing and able to proceed.

For this reason, it is not possible to estimate at this time when action will be taken on your application.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

MAINTAINED
FEB 07 1992