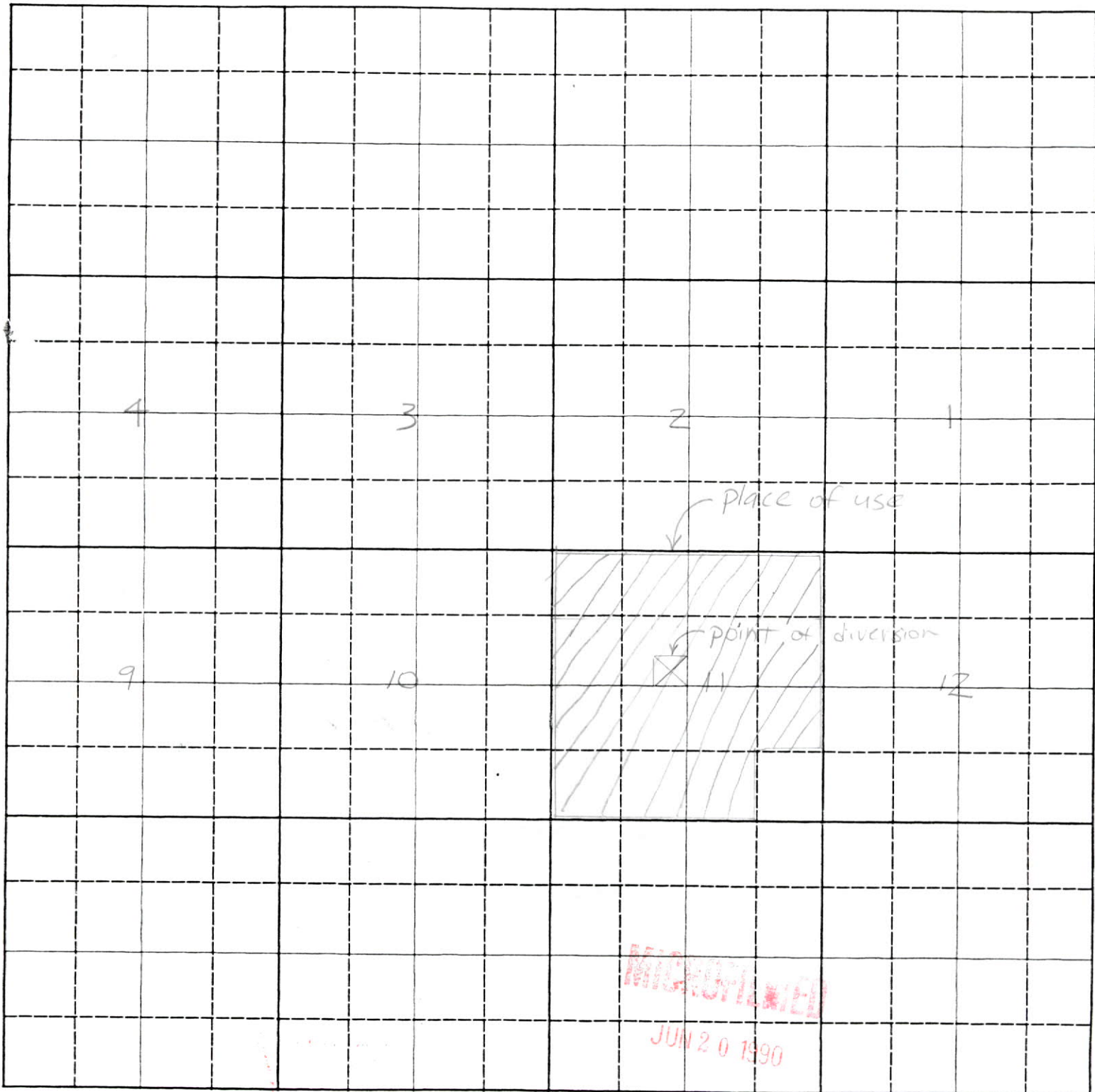


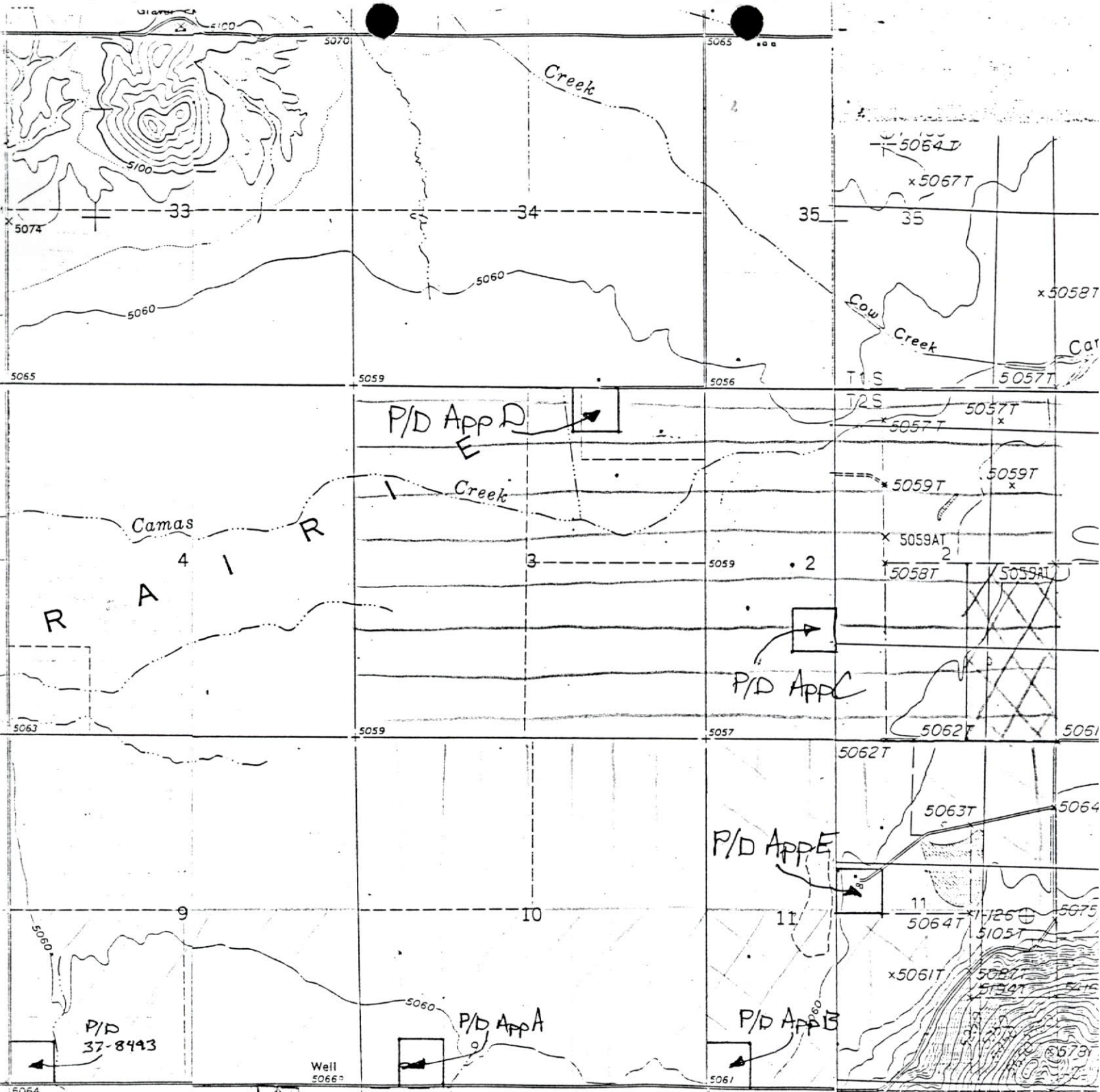
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Robert J. [Signature]
(Applicant)



- = P/U 37-7057 (RUBY)
- = P/U 37-8493
- = P/U App A, App B
- = P/U App C, App D
- = P/U App E

300000 FEET

FOR DEPT USE

IDF & G Application Summary

37-08514

EK ~~~~~

T2S

EXISTING
DITCH

WELL

37-08513, -08514

GPS A0007835

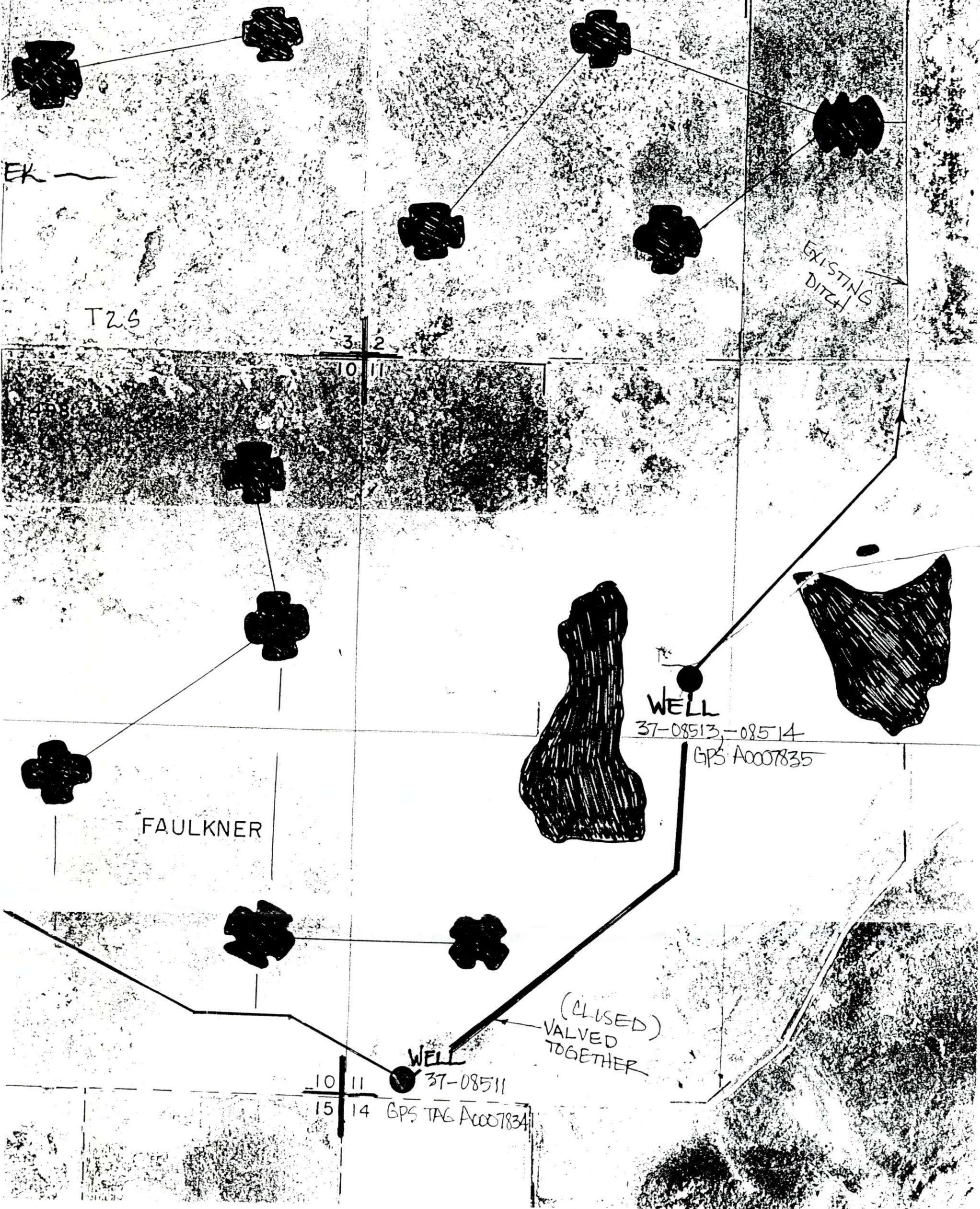
FAULKNER

(CLOSED)
VALVED
TOGETHER

WELL

37-08511

GPS TAG A0007834





MEASUREMENTS
FOR "HOMESTEAD" WELL
SE SE NW $\frac{1}{4}$ SEC 11
(37-08513, -08514)

←
LOOKING DUE EAST



37-08513, -08514
FISH & GAME 29 Oct 98
1000 hrs.



PHOTO LOOKING N'LY

(37-08513, -08514)

measurements taken at discharge pipe
located 500 feet± from the "Homestead"
well SEENW¼ Section 11



37-08513, -08514

Fish&Game 29Oct98 1030 hrs

1/3

Trees from the
old Homestead

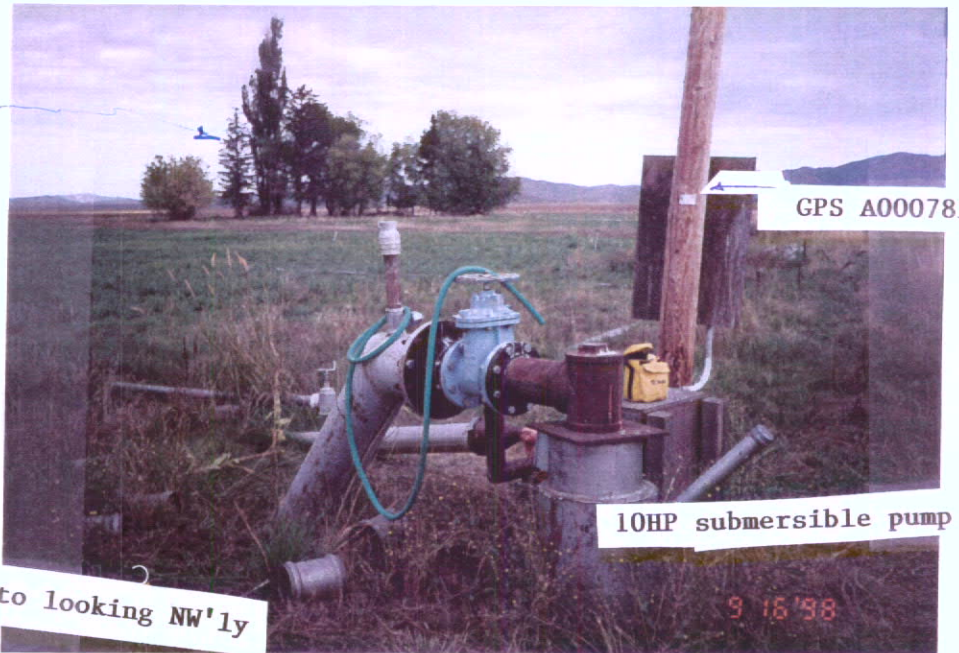
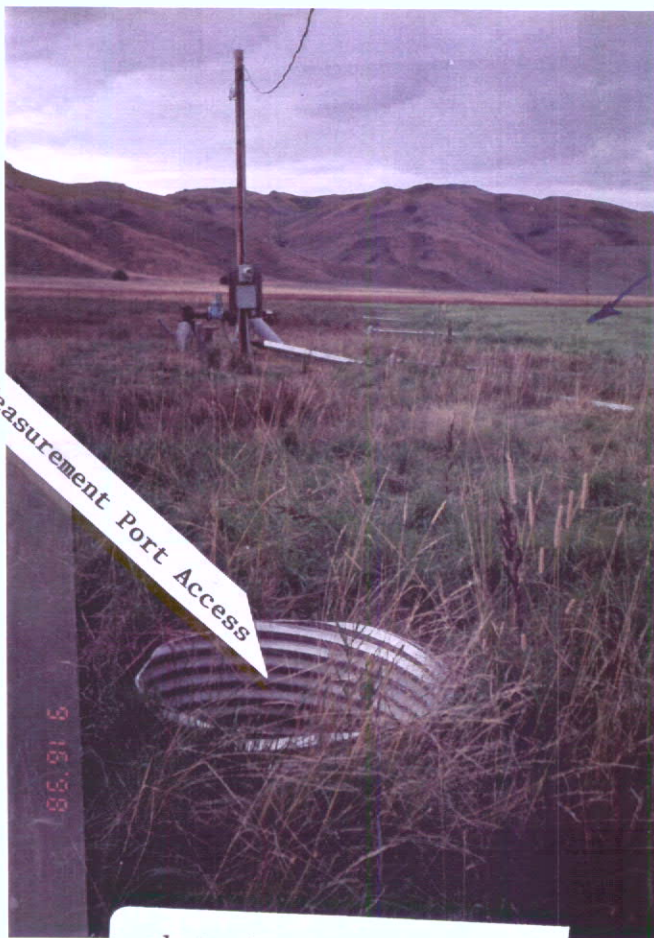


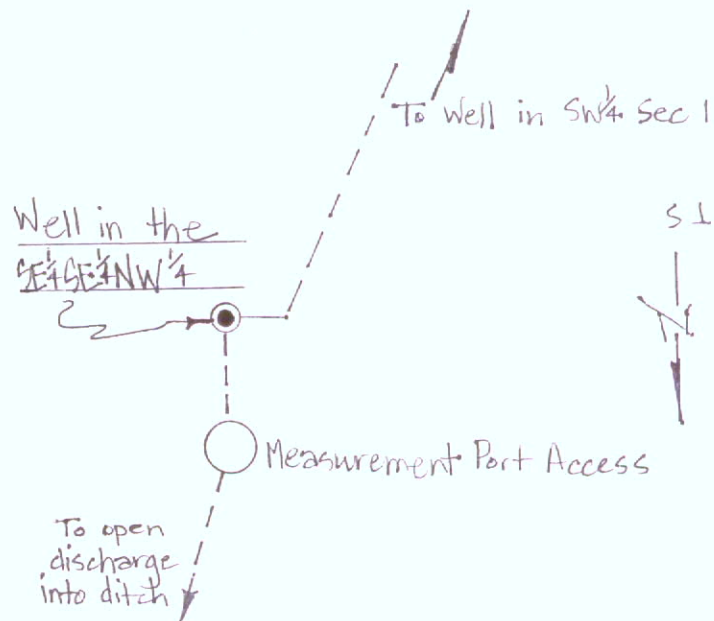
photo looking NW'ly



Measurement Port Access

photo looking S'ly

These handlines are irrigating "pasture"
for geese; wildlife ground cover;
the area is 2 acres $\pm$



Fish & Game 16Sept98 1030 hrs
Examiner: Satterlee

37-08513,-08514

photos looking N'ly



pond in background is in the SESW $\frac{1}{4}$ Sec 3

stand pipes which divert water from well;
into ditch, then into pond(s)

DISCHARGE FROM SWSWSW $\frac{1}{4}$ WELL
SEC. 11



standpipe is approximately on the Section 2 & 11 line

ditch eventually dumps into pond (see
photo 3/3, bottom photo, on right side

DISCHARGE FROM "HOMESTEAD" WELL
SESE NW $\frac{1}{4}$ SEC. 11

3/3

ditch diverts from standpipe
photo 2/3, bottom photo

pond located in the SESE $\frac{1}{4}$ Section 10

Pond located in the NWSE $\frac{1}{4}$ Section 2

photo looking due west

RECEIVED

MAY 12 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES RECEIVED

MAY 15 1995

Department of Water Resources
Southern Region

PROOF OF BENEFICIAL USE

Department of Water Resources

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 be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 37-8514 Telephone No. 208/334-3730

2. Name(s) of Permit Holder(s): Idaho State Dept. of Fish and Game

3. Mailing Address: 600 S. Walnut, P.O. Box 25, Boise, ID 83707

4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. 8 / yr. 91

a. Well Driller: Hiddleston Drilling Drilling Permit Number: 37 - 91 - 7 - 008

b. **OPTIONAL:**

Pump Horsepower: 10 hp Pressure (psi): Dynamic pumping level (ft): 60

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): Stockwater (No. and type of stock):

Irrigation (No. of acres): Other: Wildlife Habitat

6. Total rate of diversion and/or volume for which proof is submitted: 1.0 cfs OR acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes or No
Has the measuring device been installed? Yes or No

Flow Measurement Port: Is a flow measurement port required? Yes X or No
Has the measurement port been installed? Yes X or No

8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Terry Gregory Telephone Number: 208/764-2489

Address: P.O. Box 128, Hill City, ID 83337

10. The information given on this form 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.

Signature of permit holder: [Signature] P.E. Chief-Engineering Date: 5/12/95
(include your title, if on behalf of company or organization)

MAY 31 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS TO)
APPROPRIATE WATER NOS. 37-08511,)
37-08513, 37-08514 AND 37-08526)
IN THE NAME OF THE IDAHO)
DEPARTMENT OF FISH AND GAME)

ORDER ADOPTING
PROPOSED MEMORANDUM
DECISION AND ORDER

A Proposed Memorandum Decision and Order in the
above-captioned matter has been issued and a copy served on the
parties;

WHEREAS, more than fifteen days have passed since the
service of the Proposed Memorandum Decision and Order; and,

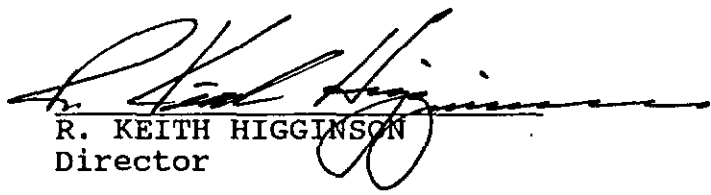
WHEREAS, no exception to that Proposed Memorandum Decision
and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed
Memorandum Decision and Order be adopted and issued as the Final
Decision and Order and proof of construction of works and
application of water to beneficial use shall be submitted on or
before June 1, 1995.

Dated this 6TH day of JUNE, 1990.

MICROFILMED

JUN 20 1990


R. KEITH HIGGINSON
Director

CERTIFICATE OF MAILING

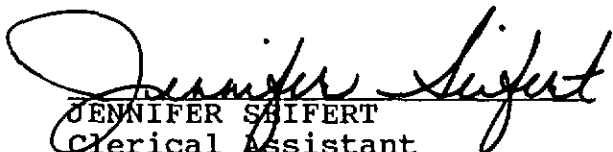
I hereby certify that on the 11th day of June, 1990,
I mailed a true and correct copy, postage prepaid, of the Order
Adopting Proposed Memorandum Decision and Order to the following
individuals:

Steve Goddard
Box 25
Boise, ID 83707

Gwinn Rice
Box 131
Hill City, ID 83337

John Arkoosh
P.O. Box 32
Gooding, ID 83330

Cecil D. Hobdey
125 Fifth Avenue West
P.O. Box 176
Gooding, ID 83330


JENNIFER SIFERT
Clerical Assistant

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JUN 20 1990

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

IN THE MATTER OF APPLICATIONS TO APPROPRIATE
WATER NOS. 37-08511, 37-08513, 37-08514 AND
37-08526 IN THE NAME OF THE IDAHO DEPARTMENT
OF FISH AND GAME

ORDER ISSUING
PROPOSED MEMORANDUM
DECISION

R. Keith Higginson, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Gary Spackman, who conducted the hearing or who has read the record in the this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,
2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and
3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

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III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATE OF SERVICE

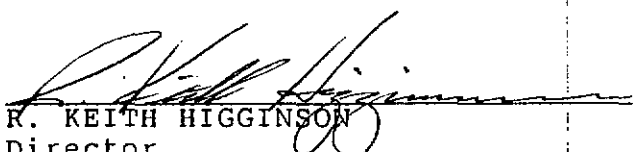
All exceptions, briefs, requests oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 17th day of May, 1990.


R. KEITH HIGGINSON
Director

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JUN 20 1990

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

IN THE MATTER OF APPLICATIONS TO	)	
	)	
APPROPRIATE WATER NOS. 37-08511,	)	
	)	
37-08513, 37-08514 AND 37-08526	)	PROPOSED MEMORANDUM
	)	DECISION AND ORDER
IN THE NAME OF THE IDAHO	)	
	)	
DEPARTMENT OF FISH AND GAME	)	
	)	

Protests having been filed against applications to appropriate water nos. 37-08511, 37-08513, 37-08414 and 37-08526, and a hearing having been conducted, the hearing officer, as a representative of the Director of the Department of Water Resources, finds, concludes and orders as follows:

FINDINGS OF FACT

1. On May 3, 1989, the Idaho Department of Fish and Game (Fish & Game) filed five applications to appropriate ground water with the Department of Water Resources (Department). Each of the applications proposed drilling of a well, and the diversion of 1.0 cubic foot per second (cfs) into a series of small ponds for wildlife habitat purposes. The applications were numbered 37-08510 through 37-08514.

2. On May 16, 1989, Fish & Game filed another application to appropriate water with the Department. This application proposed storage of 220 acre-feet of water in the same waterfowl potholes proposed by the earlier applications. The source of water, however, was listed as both ground water and an unnamed

JUN 20 1990

stream (surface run-off) which was tributary to Camas Creek. The application was numbered 37-8526.

3. Applications for permit no. 37-08510 through 37-08514 were advertised in The Snowshoe, Fairfield, Idaho, on June 7 and 14, 1989. Protests against the first applications were timely filed by Gwinn Rice, and C. Lee Barron, represented by John Arkoosh, attorney at law.

4. Application for permit no. 37-08526 was advertised in The Snowshoe, Fairfield, Idaho, on July 19 and 26, 1989. Protests against application for permit no. 37-08526 were timely filed by the Big Wood Canal Company, and by C. Lee Barron, again represented by John Arkoosh, attorney at law.

5. On July 20, 1989, Fish & Game filed an amended application form pertaining to application no. 37-08526. The only discernible difference between the earlier application and the amended application was that the surface water source had been removed from the application, and Fish & Game had added a phrase in remarks which stated that it believed "a surface water right to fill the excavated ponds is not required because diffuse surface waters will be collected." This amended application was advertised in The Snowshoe, Fairfield, Idaho, on September 6 and 13, 1989.

6. A hearing was conducted to resolve the protests on February 13, 1989. The applicant was represented by Steven Goddard, Deputy Attorney General. Gwinn Rice appeared representing himself. C. Lee Barron appeared through his attorney, John Arkoosh. Big Wood Canal Company did not appear.

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The records of the Department show that the Big Wood Canal Company was properly notified of the hearing.

7. At the hearing, Fish & Game presented a letter from Cecil Hobdey, attorney for Big Wood Canal Company, which conditionally withdrew the protest of Big Wood Canal Company if Fish & Game would consent to certain conditions. These conditions were modified by Fish & Game, and Mr. Goddard represented that Mr. Hobdey had stipulated to the amendments.

The purported agreement read as follows:

- a. That no pond will be developed in an area where there is a discernible and defined channel of Camas Creek or a tributary thereof.
- b. No new banks or dikes will be created which would impound run-off water above the existing ground levels. This would not apply to ponds filled from ground water sources.

8. The Department requested and received a consent from Mr. Hobdey after the hearing which stipulated to the modifications by Fish & Game.

9. A question arose during the hearing regarding the intent of amended application no. 37-08526. Fish & Game clarified that the amended application sought the appropriation of surface water, or water defined as diffuse water by Mr. Goddard, and did not seek appropriation of groundwater.

10. Normally an application which changes the source of water from surface water to ground water, and which is advertised as a ground water appropriation, would have to be re-advertised. In this case, however, the original application was advertised as both a ground water and surface water application. The

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protestants responded to the application which included both sources. Therefore, the surface water application was properly advertised, and the public was granted an opportunity to protest the surface water proposal. Furthermore, both protestants to application no. 37-08526 responded to the combined surface-ground water application, not the subsequent ground water notice pursuant to the amended application.

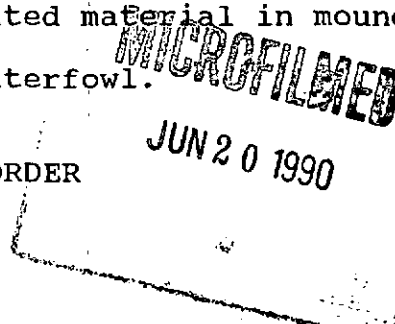
11. Prior to the hearing, Fish & Game withdrew applications for permit nos. 37-08510 and 37-08512.

12. Big Wood Canal Company relies on flood water flows from Camas Creek and other tributaries to the Big Wood River to fill Magic Reservoir.

13. Mr. Barron owns an interest in water right no. 37-2801, which authorizes diversion of 6.0 cfs from Camas Creek. The point of diversion is downstream from the proposed Fish & Game project. Mr. Barron expressed an interest in selling his surface water right to Fish & Game, assuming that Fish & Game would transfer it upstream for use on its property.

14. Fish & Game proposes to construct approximately 40 depressions or shallow ponds of between two and ten acres in size located randomly throughout Sections 2, 3, 10 and 11, Township 2 South, Range 12 East, Boise Meridian. These ponds will be from two to five feet deep, and will cumulatively hold a volume of 220 acre-feet.

15. The ponds will be built by scooping depressions out of the ground, and placing the excavated material in mounds that will create islands for nesting waterfowl.



16. The excavated material is not intended to create dikes that will hold water above its normal elevation, or above the existing elevation of the land.

17. Once constructed, the ponds will collect spring snowmelt waters which now impound on Fish & Game property. These snowmelt waters pond on the Fish & Game property until early summer, when the waters recede, and the area dries up. The excavated ponds proposed by Fish & Game will retain water as the surface water dries up.

18. Shortly after snowmelt, the standing water on the Fish & Game property exits from the property through some culverts located east of the property underneath Wolf Road. Water only flows through these culverts for a short period of time, however, after which the upstream water ponds on the Fish & Game property until it either evaporates or percolates into the ground in early summer.

19. If the banks of the ponds do not form dikes, and islands are constructed with the excavated material, parcels of land which were once flooded will now be exposed, resulting in a smaller surface area, and evaporation will be reduced. Water will also gather more quickly in the depressions, exposing more land. In other words, the construction that is proposed will cause greater undulation of the land, concentrating the water.

20. It is true that concentration of water in the depressions will result in exposure of water to the atmosphere for a longer period of time. The additional ^{evaporation} resulting from the longer surface exposure will be offset by

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reduced evaporation because of a reduction in the total water surface area as the flood waters begin to recede.

21. Test holes dug by Fish & Game show that, in the middle and late summer months, the water table underneath its property drops to levels of seven feet or more, and the depressions formed would not hold water through the entire summer. Fish & Game desires to supplement the surface water held in the depressions with ground water diverted from the three wells proposed by applications nos. 37-08511, 37-08513 and 37-08514.

22. Fish & Game proposes to divert water from an artesian aquifer which underlies its property. Phillip Jeppson, an engineer employed by Fish & Game, testified that withdrawal of water from the artesian aquifer, and subsequent seepage from the shallow ponds to the water table would improve the water supply for the shallow aquifer. The withdrawal would, however, reduce artesian pressures.

23. The hearing officer took notice of a report prepared by the United States Geological Survey titled Water Resources of Camas Prairie South-Central Idaho, U.S. Geological Survey Open File Report No. 78-82 (1978) (Hereinafter referred to as "The Report"). The Report states that ground water generally flows east in the direction that Camas Creek flows. It also states that there are two ground water aquifers, a shallow surface aquifer and a deep artesian aquifer. The Report also states that at least a portion of the artesian aquifer is contained in an underground basalt strata. Camas Creek intercepts the water

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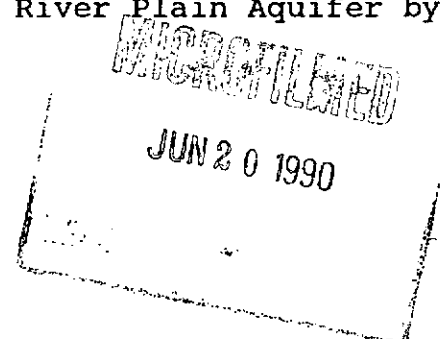
bearing basalt strata near Blaine, Idaho, and the basalt aquifer contributes to flows of Camas Creek.

24. Mr. Jeppson testified that existing wells in the immediate area of the proposed wells intercept a basalt strata, and that the proposed wells would also intercept a basalt strata.

25. The Report contains a map on Page 9, which depicts the underground buried margin of the basalt formation. The location of the Fish & Game wells does not fall within boundaries of the defined basalt formation. The map identifies the underground composition as valley filled deposits of clay, silt, and gravel.

26. The conflict between testimony and information contained in The Report cannot be readily reconciled. The Report establishes, however, that the basalt does not continuously underlie the valley floor. Water in the strata sought to be tapped by Fish & Game travels underground in an easterly direction, but its relationship to Camas Creek is not clear.

27. The location where Camas Creek intercepts the water bearing basalt strata is approximately 25-30 miles east of the proposed well locations. A patchwork of basalts, volcanic rocks, and deposits of clay, silt, sand and gravel extend throughout the reach. Although ground water may flow generally in an easterly direction, the only ground water The Report finds directly tributary to Camas Creek is the basalt strata intercepted by Camas Creek. Other ground water may never surface but contribute water to the larger Snake River Plain Aquifer by underflow.



28. Historical data contained in Fish & Game Exhibit No. 1 shows that increased pumping in the Camas Prairie Valley has not significantly reduced flow rates in Camas Creek. The reduction in the flows of Camas Creek may be insignificant when compared to the actual amounts of water withdrawn.

29. Water right 37-2801, in which Barron has an ownership interest, authorizes diversion of 6.0 cfs from points of diversion located in Sections 30 and 31, T1S, R14E, approximately 8 to 10 miles downstream from the proposed points of diversion.

30. The point of diversion is located within a reach of Camas Creek which loses water to the shallow aquifer, and is approximately 8 to 10 miles upstream from the point where Camas Creek intercepts the basalt aquifer.

31. The wells proposed by Fish & Game will divert water from a confined artesian aquifer primarily for a non-consumptive use, minus evaporation and some evapotranspiration by pond-side plants sustained by continued water availability.

32. Much of the water diverted will seep into the shallow aquifer, probably maintaining the shallow aquifer at a higher level.

33. The addition of water to the shallow aquifer should reduce losses in Camas Creek and increase the water supply for water right no. 37-2801.

34. Water right 37-2801 will not be injured by the development proposed by these applications.

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35. The location of the proposed ground water diversion to the gaining reach of Camas Creek is too remote to lead to a conclusion that the proposed wells will deplete surface water downstream.

36. Rice is concerned about the possible effect of these proposals on his ground water rights. All of Rice's wells are located at least two and one half to three miles away from the proposed Fish & Game wells. Phil Jeppson reviewed Rice's well logs, and well logs of wells located near the Fish & Game property, and concluded that Fish & Game would be tapping a different aquifer than the aquifer intercepted by Rice's wells, and that the proposed wells would not interfere with Rice's wells.

37. The proposed wells will not be located in the same strata as Rice's wells. There is probably some hydrologic connection between the water Rice diverts and the water Fish & Game proposes to divert, but there is sufficient water to satisfy Rice's water rights and the diversion sought by Fish & Game. The Fish & Game wells should not locally interfere with the Rice wells, both because of the distance between the wells and the interception of a different water bearing strata.

38. The proposed ground water diversions fall within an area defined by the Water Appropriation Rules and Regulations as a trust water area. A trust water area is a ground water area from which ground water ultimately discharges to the Snake River between Milner Dam and Swan Falls Dam.

Snake River
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39. The statutes, Department rules and regulations, and agreements which have been ratified by the legislature of the state, state that the Department can approve applications that will not cause a significant reduction in flows of the Snake River near Murphy, Idaho. A significant reduction is defined as a reduction of the flow at Murphy gauge by more than two acre-feet per day.

40. The parties concur that the proposed ground water diversions will not result in depletion of flows at Murphy gauge of more than two acre-feet per day.

41. Fish & Game presented sufficient information to show that there were financial resources to complete the project.

42. Fish & Game submitted sufficient information to show that the applications are not filed for speculation or delay.

43. Fish & Game presented information to show that the local public was generally in favor of the project, and that the project was of high priority to Fish & Game because of loss of wetland nesting habitat. Gwinn Rice testified that some residents of the local area were concerned about the impacts of the project, and that others did not care.

CONCLUSIONS OF LAW

1. The applications to appropriate water filed by Fish & Game must be reviewed by the Department against five criteria contained in Idaho Code § 42-203A(5) which states in part as follows:

The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications, whether

JUN 20 1990

protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the department that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. Rule 4,4,2,1. states that the "applicant shall bear the initial burden of coming forward with evidence for the evaluation of criteria (a) through (d) of Section 42-203A(5) Idaho Code"

3. Rule 4,4,2,2. of the Water Appropriation Rules and Regulations states that both the applicant and protestant have the burden of coming forward with evidence regarding public interest of which they are each most cognizant.

4. Rule 4,4,3. states that the applicant bears the ultimate burden of persuasion for all criteria considered under Idaho Code § 42-203A.

5. The local public interest criterion of Idaho Code, Sec. 42-203A(5) is defined by Rule 5,1,5. of the Water Appropriation Rules and Regulations to include:

The effect the project will have on the economy of the local area affected by the proposed use as determined by the employment opportunities, both long and short term, revenue changes to various sectors of the economy, short and long term, and the stability of revenue and employment gains;

The effect the project will have on recreation, fish and wildlife resources in the local public area affected by the proposed use;

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Compliance with applicable air, water, hazardous substance standards, and compliance with planning and zoning ordinances of local or state government jurisdiction.

6. Rule 4,5,3,2,1. of the Water Appropriation Rules and Regulations requires submittal of detailed information about required peak and average diversion rates, use periods, annual water volume, and consumptive use. Rule 4,5,3. only requires submittal of information for applications proposing diversion in excess of 5.0 cfs or storage of 500 acre-feet.

7. Shokal v. Dunn, 109 Idaho 330, 707 P.2d, 441 (1985) requires submittal of sufficiently detailed plans to reflect a project's impacts and implications and to apprise the public of the efficacy of the proposed use. Shokal also states that "the design plan for a proposed facility depends on the nature of the facility, the complexity of the proposal and the extent of the proposed appropriation's impact on the local area."

8. The schematic drawing on the applications for permit, and approximate location of the ponds and wells was sufficient to satisfy the test of Shokal. In this case, variation in the exact location of each pond and networking the ponds with pipes and ditches will not substantially change the net effect of the project. Although the interties between the ponds may be complex once pumping starts, the use by wildlife is a natural use as opposed to an intensive, industrialized use of water. The use will not cause an obvious risk to the environment or pose a direct and immediate harm to local residents.

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9. Fish & Game has alleged that the water proposed to be collected in the excavated ponds is diffuse water, and is private, not public water. Fish & Game further argues that use of the water is not subject to the appropriation process, and earlier priority rights. While the Department recognizes that this doctrine has long been an appendage to the laws of appropriation, modern day analysis of the hydrologic relationship between surface and ground water and the ultimate effect on downstream water users may result in the rejection or very narrow application of the diffuse water concept. In this case, however, the Department need not address the diffuse water issue.

10. The testimony of the applicant established that these applications to appropriate water were not filed for purposes of delay or speculation, and that Fish & Game has sufficient financial resources to construct the project.

11. Fish & Game established that there is a local public interest and a general public interest in the development of the project proposed by these applications. Statements by Mr. Rice about local public interest showed, at best, ambivalence toward the project. The local public interest criterion was satisfied.

12. The primary controversy in this matter arose over injury to other water users and adequacy of the water supply.

13. Sufficient testimony and evidence distinguishing the strata intercepted by Rice's well and the strata that will be intercepted by Fish & Game to show that Rice will not be injured by withdrawal of water from the proposed Fish & Game wells. The



distance between Rice's wells and the proposed Fish & Game wells will prevent local interference.

14. Retention of spring flood water in excavated ponds will not result in injury to other appropriators.

15. Diversion of ground water as proposed will not injure downstream surface water users.

16. The Department must review the applications under the mandates of Idaho Code § 42-203C which reads in pertinent part:

If an applicant intends to appropriate water which is held in trust by the state of Idaho . . . the Director shall consider, prior to approval of the application, the criteria established in Section 42-203A, Idaho Code, and whether the proposed use, individually or cumulatively with other existing uses, or uses reasonably likely to exist twelve (12) months of the proposed use would significantly reduce the amount of trust water available to the holder of a water right use for power production . . .

17. "Significant reduction" has been defined as a diversion of water which will reduce the flow of the Snake River at Murphy gauge by more than two acre-feet per day.

18. Development proposed by these applications will not cause a significant reduction in the flow of the Snake River at Murphy gauge.

ORDER

IT IS HEREBY ORDERED that applications for permit to appropriate water nos. 37-08526, 37-08511, 37-08513 and 37-08514 are APPROVED, subject to the following conditions:

1. No ponds shall be developed in an area where there is a discernible and defined channel of Camas Creek or a tributary thereof.

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2. No new banks or dikes will be created which will impound run-off water above the existing ground level. This condition does apply to ponds filled from ground water sources. Ponds cannot retain water above the elevation of the natural land surface.

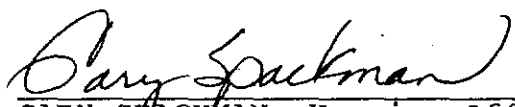
3. Diversion of water under this permit may, in the future, be subject to the control of the watermaster of District #37, Big Wood River, if the Department determines that water diverted must be regulated to protect prior rights.

IT IS FURTHER ORDERED that applications nos. 37-08511, 37-08513 and 37-08514 shall also be conditioned as follows:

1. Any license issued by IDWR pursuant to the permit 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 the availability of water for the use and to re-evaluate the public interest at the end of the term.

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

Dated this 17th day of May, 1990.


GARY SPACKMAN, Hearing Officer
Department of Water Resources

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CERTIFICATE OF MAILING

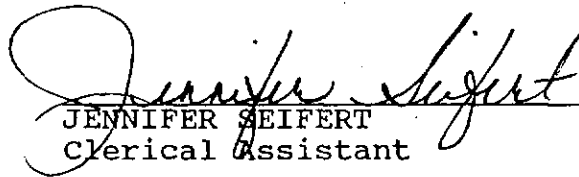
I hereby certify that on the 18th day of May, 1990, I mailed a true and correct copy of this letter from Cecil D. Hobdey, postage prepaid, to the following individuals:

Steve Goddard, Attorney at Law
Box 25
Boise, ID 83707

John Arkoosh
Attorney at Law
P.O. Box 32
Gooding, ID 83330

Gwinn Rice
Box 131
Hill City, ID 83337

Cecil D. Hobdey
125 Fifth Avenue West
P.O. Box 176
Gooding, ID 83330


JENNIFER SEIFERT
Clerical Assistant

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JUN 20 1990

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

IN THE MATTER OF APPLICATIONS TO)
APPROPRIATE WATER NOS. 37-08511,)
37-08513, 37-08514 AND 37-08526)
IN THE NAME OF THE IDAHO STATE)
FISH AND GAME DEPARTMENT)

SUMMARY ORDER FOR
BRIEFING AND SUBMITTAL
INFORMATION

A hearing having been held, and the hearing officer having determined that additional time for briefing and submittal of information is required,

IT IS HEREBY ORDERED that the parties may submit any factual information relating to a report distributed by the hearing officer at the hearing entitled Water Resources of Camas Prairie, South-Central Idaho, U.S. Geological Survey Open File Report No. 78-82 (1978) on or before March 15, 1990. Any rebuttal to submittal by the parties shall be submitted prior to March 30, 1990.

IT IS FURTHER ORDERED any briefs regarding legal issues raised at the hearing shall be submitted to the Department prior to March 15, 1990, and any rebuttal briefs to original briefs must be submitted to the Department on or prior to March 30, 1990.

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Dated this 26th day of February, 1990.

Gary Spackman
GARY SPACKMAN, Hearing Officer
Department of Water Resources

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of February, 1990, I mailed a true and correct copy of the Summary Order For Briefing and Submittal Information, postage prepaid, to the following individuals:

Cecil Hobdey
Attorney at Law
125 Fifth Avenue West
P.O. Box 176
Gooding, ID 83330

John Arkoosh
P.O. Box 32
Gooding, ID 83330

Gwinn Rice
Box 131
Hill City, ID 83337

Steve Goddard
Box 251
Boise, ID 83707

Jennifer Seifert
JENNIFER SEIFERT
Clerical Assistant

MICROFILMED

JUN 20 1990

AppE

Form 202
6/85

Ident. No. 37-08514

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Department of Fish and Game Phone 334-3730
Post office address 600 South Walnut Street, P. O. Box 25, Boise, ID 83707

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 11 Township 2 S. Range 12 E. B.M. Camas County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1 cfs for Wildlife Habitat purposes from May 1 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1 cfs and/or (b) 390
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. An approx. 25 hp vertical turbine pump would be used with a combination of open ditches and piping to convey the water to ponds.

b. Height of storage dam NA 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 approx. 14 inches; proposed depth of well is approx. 300 feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year).

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8. Description of proposed use (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in KW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. _____
 - Other; describe fully. Wildlife Provide nesting, rearing and feeding habitat for migratory waterfowl.
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - 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.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2 S.	12 E.	11	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	

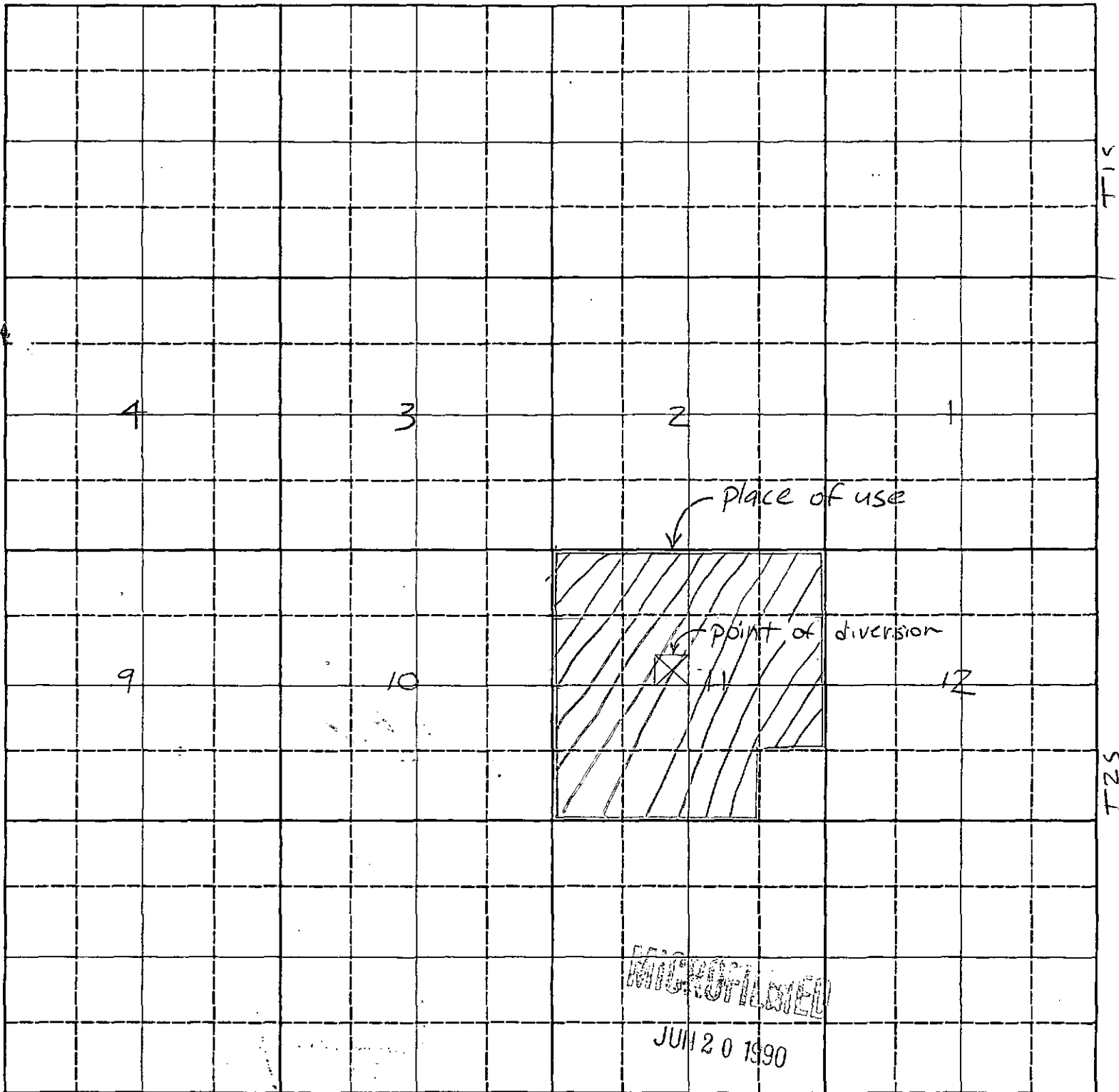
Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. Water right application for Permit #37-08493 and the four concurrent applications submitted with this one.
11. a. Who owns the property at the point of diversion? Idaho Department of Fish and Game
- b. Who owns the land to be irrigated or place of use? Idaho Department of Fish and Game
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____
12. Remarks: This water will be used to fill excavated, shallow ponds after the water table starts to lower.

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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.

R 12E

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.

Robert J. Jones
(Applicant)

Received by IG Date 5/3/89 Time 11:00 AM Preliminary check by check go to ahead
Fee \$ 45.00 Receipted by DR # 5002019 Date 5-3-89
Publication prepared by M. Baldwin Date 5/31/89 Published in The Inland
Publication approved Thyl R. Page Date 6-11-89

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. 37-08514, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 95.
- 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: Pursuant to the Order Adopting Proposed Memorandum Decision and Order.

Witness my hand this 6th day of June, 1990.

R. Keith Higginson
R. KEITH HIGGINSON
Director

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JUN 20 1990

**Legal
Notice**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, Idaho 83301
(208) 734-3578

STATE OF IDAHO
DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID 83707

37-08513

JUN 20 1989

Department of Water Resources
Southern Region Office

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-08510

STATE OF IDAHO
DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID 83707

Source: GROUNDWATER
Diversion Pt: SESWSW Sec 10 T 02S R 12E
Use: WILDLIFE (1.000 CFS)
Date Filed: 5/03/1989
In: T02S R12E S10

	NENE	NWNE	SWNE	SENE
	NENW	NWNW	SWNW	SESW
	NESW	NWSW	SWSW	SESE
	NESE	NWSE	SWSE	SESE
S11	NWNE	SWNE	SENE	NENW
	NWNW	SWNW	SESW	NESW
	NWSW	SWSW	SESE	NESE
	NWSE	SWSE	NENE	

37-08511

STATE OF IDAHO
DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID 83707

Source: GROUNDWATER
Diversion Pt: SWSWSW Sec 11 T 02S R 12E
Use: WILDLIFE (1.000 CFS)
Date filed: 5/03/1989
In: T02S R12E S10

	NENE	NWNE	SWNE	SENE
	NENW	NWNW	SWNW	SESW
	NESW	NWSW	SWSW	SESE
	NESE	NWSE	SWSE	SESE
S11	NENE	NWNE	SWNE	SENE
	NENW	NWNW	SWNW	SESW
	NESW	NWSW	SWSW	SESE
	NESE	NWSE	SWSE	

37-08512

STATE OF IDAHO
DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID 83707

Source: GROUNDWATER
Diversion Pt: SWNESW Sec 2 T 02S R 12E
Use: WILDLIFE (1.000 CFS)
Date Filed: 5/03/1989
In: T02S R12E S02

	NENE	NWNE	SWNE	SENE
	NENW	NWNW	SWNW	SESW
	NESW	NWSW	SWSW	SESE
	NESE	NWSE	SWSE	SESE
S03	NENE	NWNE	SWNE	SENE
	NENW	NWNW	SWNW	SESW
	NESW	NWSW	SWSW	SESE
	NESE	NWSE	SWSE	

Source: GROUNDWATER
Diversion Pt: NENWNE Sec 3 T 02S R 12E
Use: WILDLIFE (1.000 CFS)
Date Filed: 5/03/1989
In: T02S R12E S02

NENE	NWNE	SWNE	SENE
NENW	NWNW	SWNW	SESW
NESW	NWSW	SWSW	SESE
NESE	NWSE	SWSE	SESE
S03	NENE	NWNE	SWNE
	NENW	NWNW	SWNW
	NESW	NWSW	SWSW
	NESE	NWSE	SWSE

37-08514

STATE OF IDAHO
DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID 83707

Source: GROUNDWATER
Diversion Pt: SESESW Sec 11 T 02S R 12E
Use: WILDLIFE (1.000 CFS)
Date Filed: 5/03/1989
In: T02S R12E S11

NENE	NWNE	SWNE	SENE
NENW	NWNW	SWNW	SESW
NESW	NWSW	SWSW	SESE
NESE	NWSE	SWSE	

The permit(s) will be subject to all prior water rights. Protests may be submitted based of 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, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before JUNE 26, 1989.

R. Keith Higginson, Director

Published 6/07/1989 & 6/14/1989

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JUN 20 1989

OK
JRP
6-21-89

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

ss.

County of Camas)

Edward Reagan, being first duly sworn, deposes and says that he/she is the designated agent for publisher of the Snowshoe, a newspaper published every week in Fairfield, County of Camas, 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, a copy of which is hereto attached, 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 7th day of June, 1989, and the date of the last publication was on the 14th day of June, 1989.

Edward Reagan

Subscribed and Sworn to before me this 19th day of June, 1989.

Cindy A. Fernose
Notary Public in and for
The State of Idaho.
Residing at Fairfield.

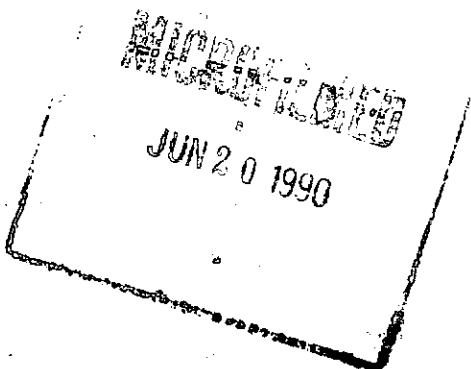
THE SNOWSHOE
Fairfield, Idaho
Cost of Publication

Number of lines in notice 104
Number of insertions 2
Cost for advertisement \$145.60

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JUN 20 1989

Department of Water Resources
Southern Region Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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DEC 02 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-08513, -08514

1. Owner: DEPT of FISH & GAME Phone No. (208) 334-3730

Current Address: PO BOX 25, BOISE, ID. 83707

2. Accompanied by: TERRY GREGORY EXAM DATE: 16 SEPT 98

Address: _____ Phone No. (208) 764-2489

Relationship to Permit Holder: F&G Employee @ Centennial Marsh Camas Prairie

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 37-08511, -08526

2. Other water rights with the same point of diversion: _____

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
		SE	SE	NW	11	02S	12E	CAMAS	GPS A0007835
									Field Exam

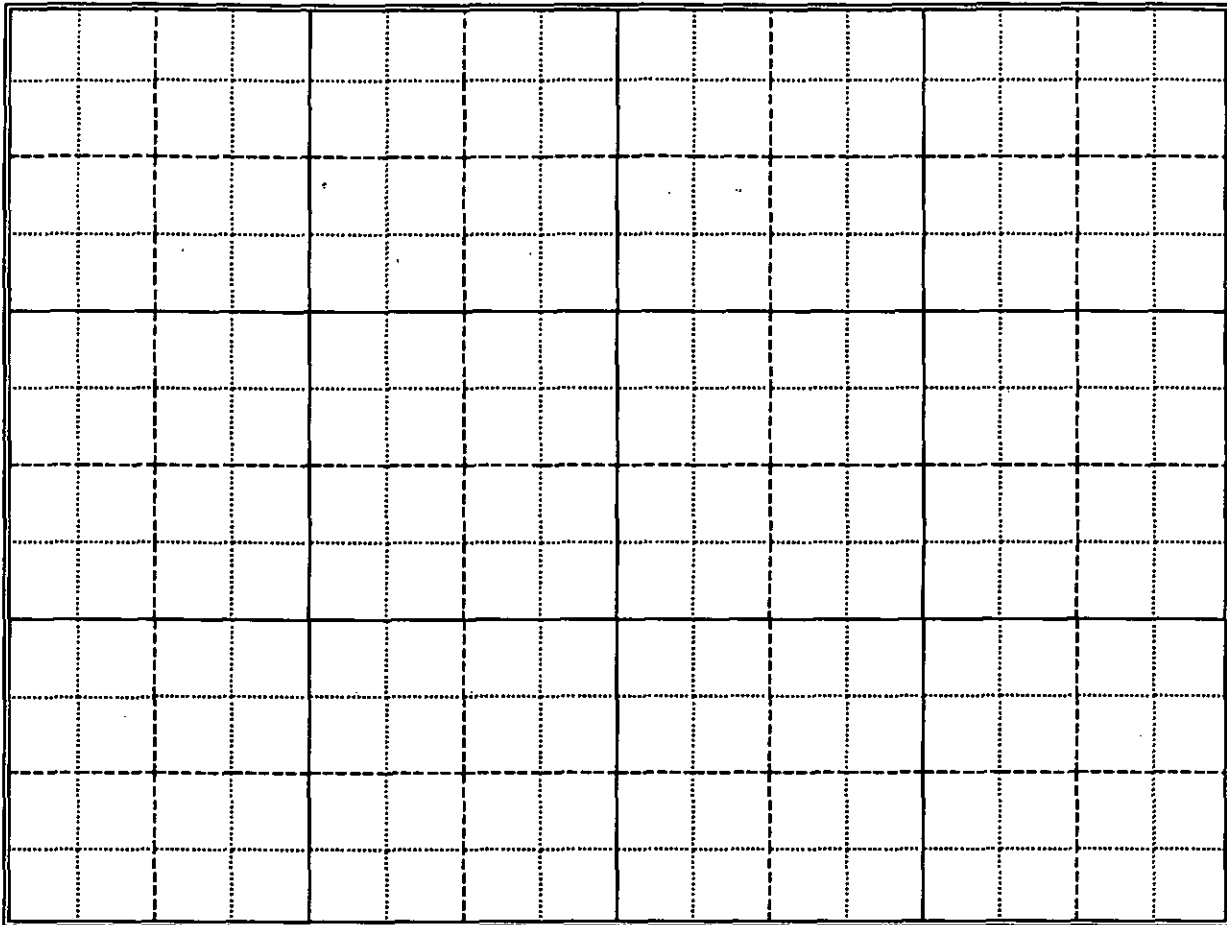
2. Place(s) of Use:

Indicate Method of Determination Same as above

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	12E	02									WS		WS	WS	WS				
"	"	03												WS	WS	WS			
"	"	10	WS			WS		WS		WS		WS				WS		WS	
"	"	11			WS				WS	WS		WS							

WS = Wildlife Storage
W = Wildlife

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
GPS A0007835	FRANKLIN	10			

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
TIME FLYTE		149744	TF-P	N7H5506		4/1998
PORTABLE FLUME						

2. Measurements: Included in file w/ photos

EK

T25

EXISTING
DITCH

WELL

37-08513-08514

GPS A0007835

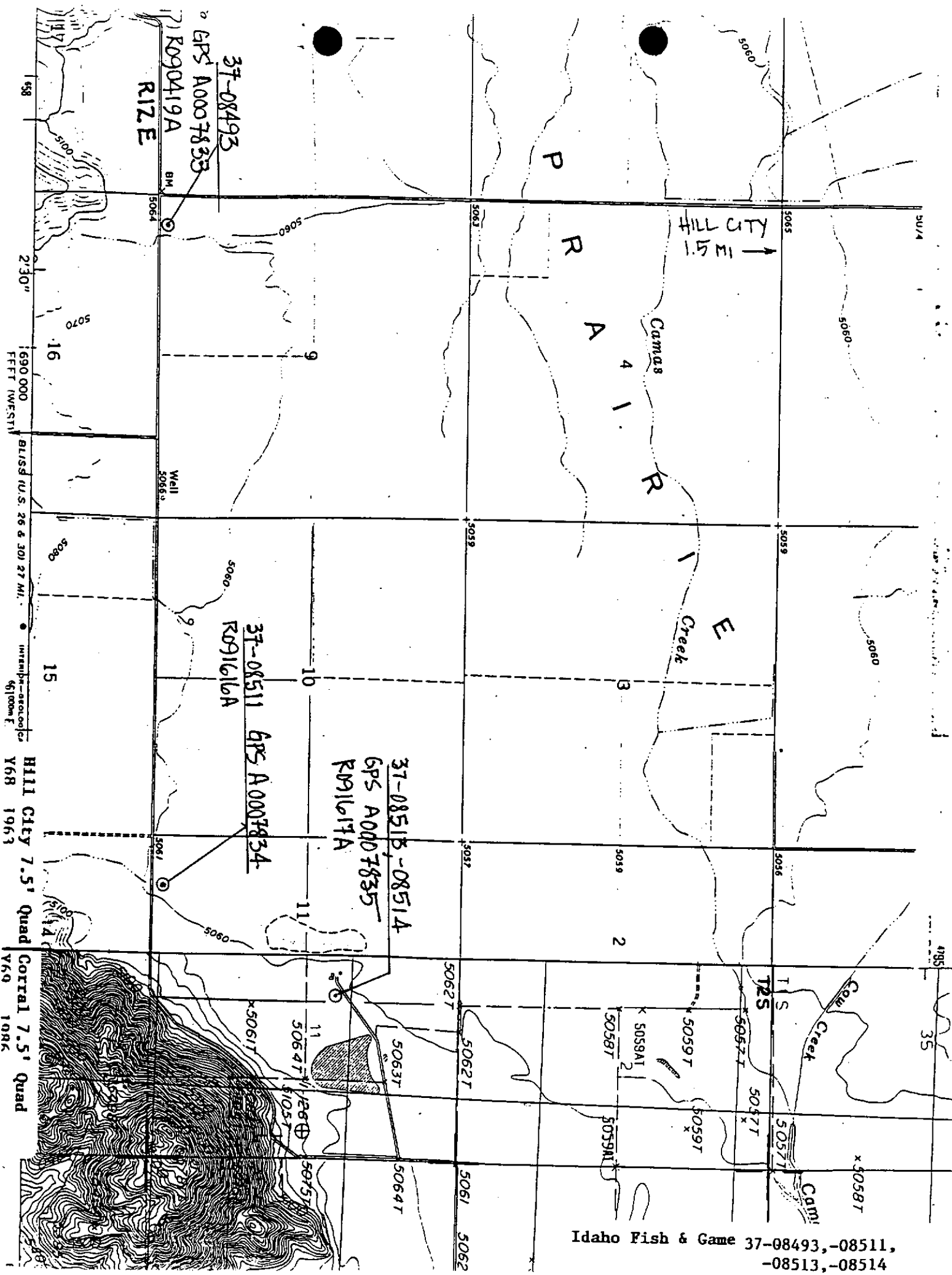
FAULKNER

(CLOSED)
VALVED
TOGETHER

WELL

37-08511

GPS TAG A0007834



Idaho Fish & Game 37-08493,-08511,
-08513,-08514

HOUSTEAD WELL

MODE SELECT
INPUT

OUTER DIAMETER
10.780 IN

PIPE MATERIAL
? CS, SS

WALL THICKNESS
0.1840 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
8.312 IN U

ZERO MODE
CLEAR

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

MODE SELECT
T0 CHECK

~~0397.2 MMSEC
102.22 % T0~~

10-29 12:3400 *R
+002.70 % AI2

0396.2 MMSEC
101.84 % T0 ✓

10-29 12:3600 *R
+629.522E 0GPM

1 10-29 12:3600 *R
+632.956E 0GPM

2 10-29 12:4000 *R
+615.520E 0GPM

10-29 12:4100 *R
+002.70 % AI2

MODE SELECT
T0 CHECK

0396.1 MMSEC
101.81 % T0 ✓

3 10-29 12:4200 *R
+625.031E 0GPM

4 10-29 12:4300 *R
+620.804E 0GPM

5 10-29 12:4400 *R
+630.314E 0GPM

6 10-29 12:4500 *R
+619.747E 0GPM

> 10-29 12:4600 *R
+624.238E 0GPM

8 10-29 12:4700 *R
+628.465E 0GPM

9 10-29 12:4800 *R
+630.314E 0GPM

10 10-29 12:5100 *R
+625.823E 0GPM

$$\frac{\sum V}{10} =$$

625 gpm

TIME FLYTE = 1.39 cfs

@ 1240 hrs.
FLUME READING = 1.82 cfs

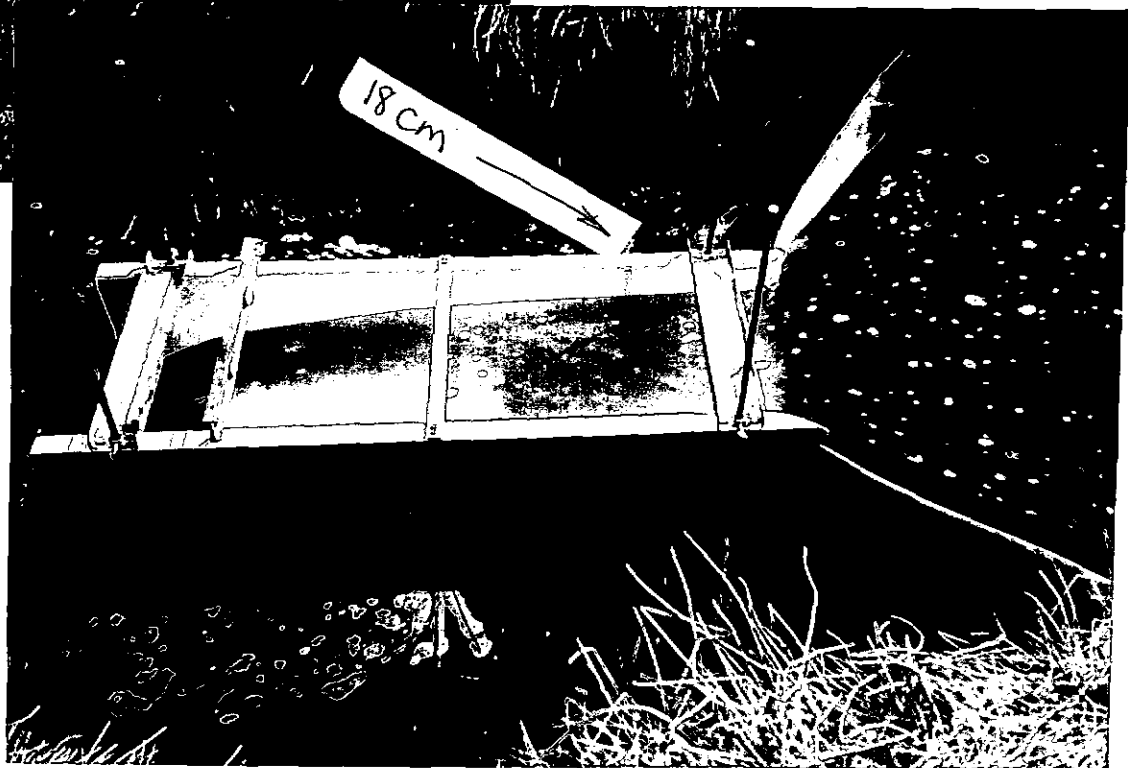
29 Oct 98

2/2



MEASUREMENTS
FOR "HOMESTEAD" WELL
SESE NW 1/4 SEC 11
(37-08513, -08514)

←
LOOKING DUE EAST



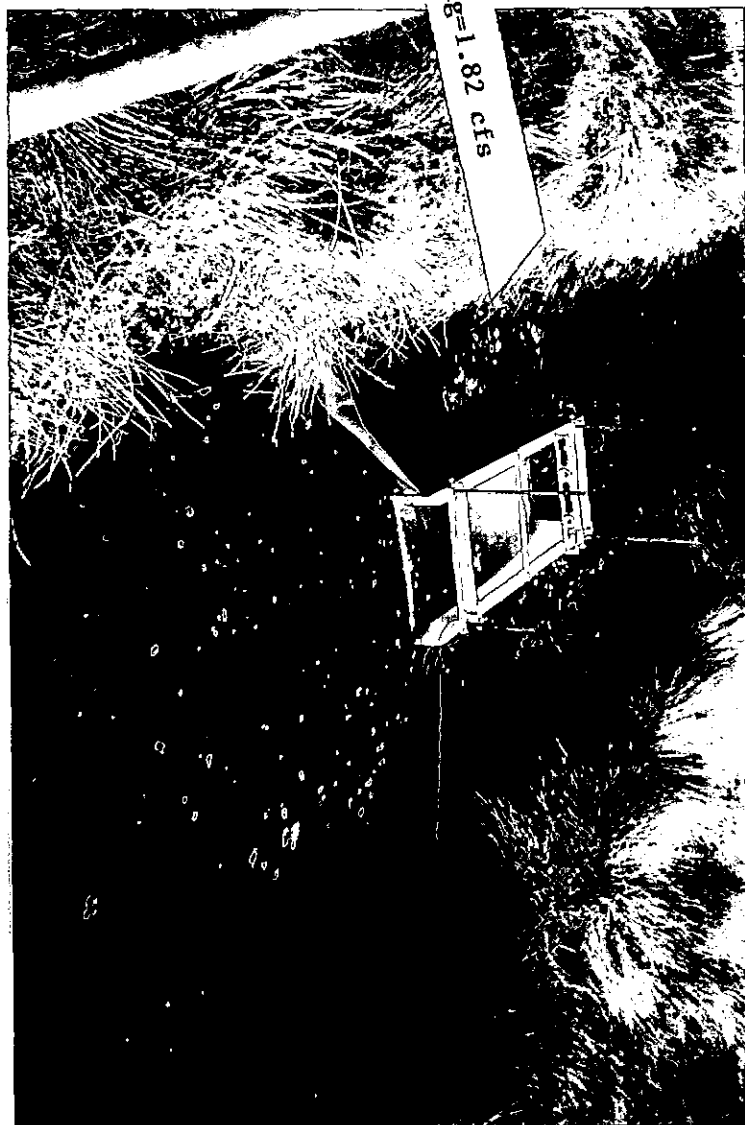
37-08513, -08514
FISH & GAME 29 Oct 98
1000 hrs.



PHOTO LOOKING N'LY

(37-08513, -08514)

measurements taken at discharge pipe
located 500 feet+ from the "Homestead"
well SESENW 1/4 Section 11

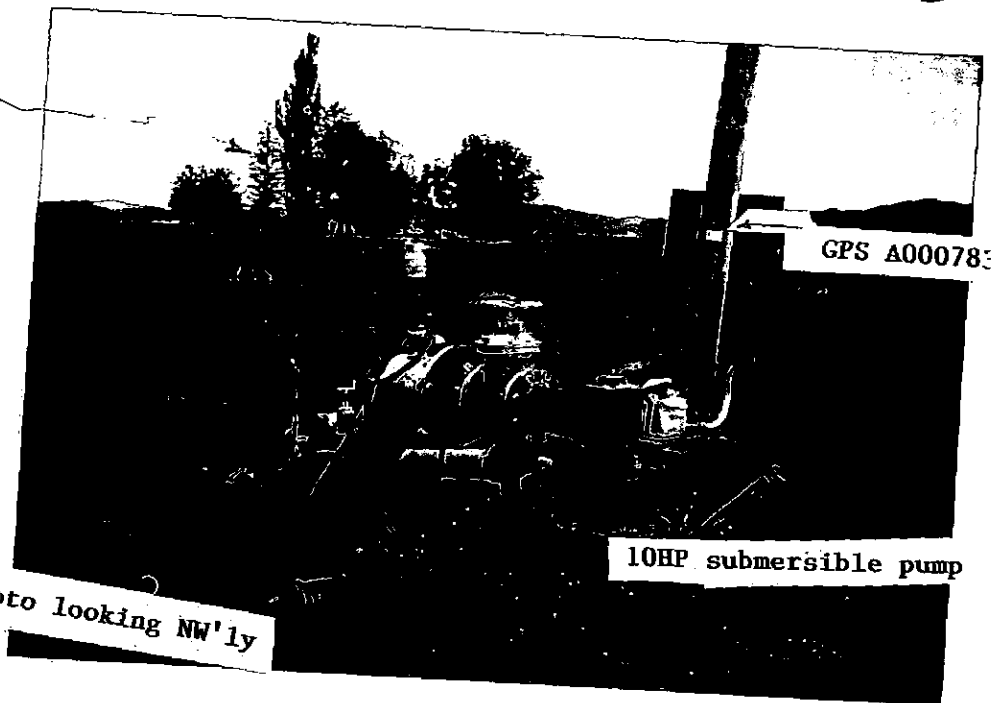


37-08513, -08514

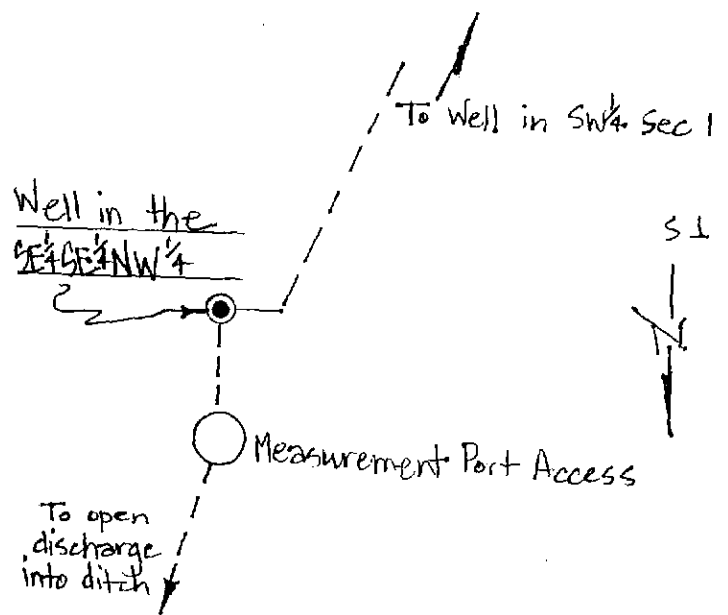
Fish&Game 29Oct98 1030 hrs

1/3

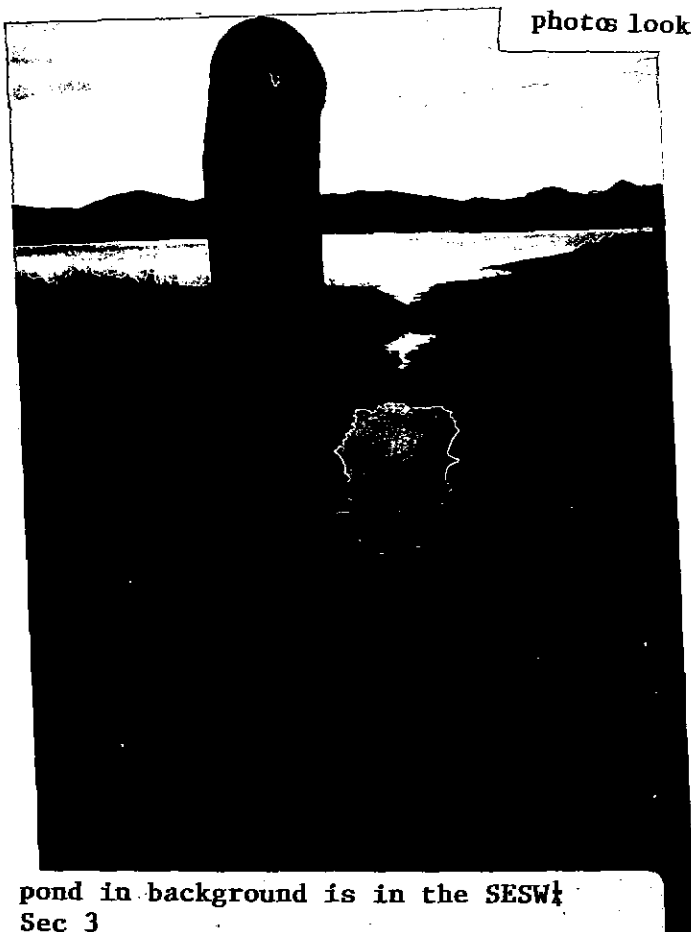
Trees from the
Old Homestead



These handlines are irrigating "pasture"
for geese; wildlife ground cover;
the area is 2 acres ±



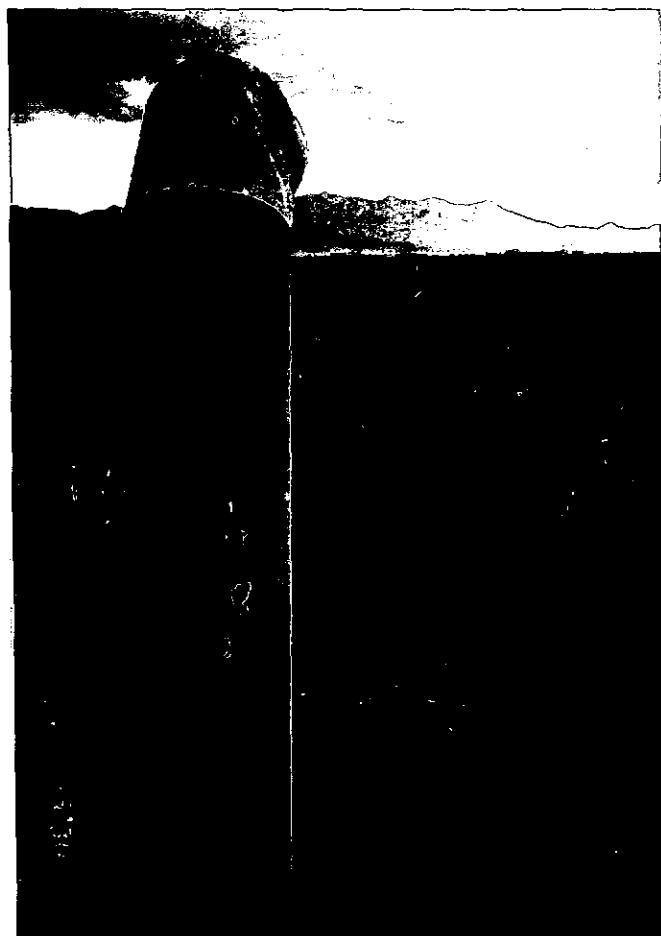
photos looking N'ly



pond in background is in the SESW 1/4 Sec 3

stand pipes which divert water from well;
into ditch, then into pond(s)

DISCHARGE FROM SWSWSW 1/4 WELL
SEC. 11



standpipe is approximately on the Section 2 & 11 line

ditch eventually dumps into pond (see
photo 3/3, bottom photo, on right side

DISCHARGE FROM "HOMESTEAD" WELL
SESE NW 1/4 SEC. 11

3/3

ditch diverts from standpipe
photo 2/3, bottom photo

pond located in the SESE $\frac{1}{4}$ Section 10

Pond located in the NWSE $\frac{1}{4}$ Section 2

photo looking due west

WR5808NP
(CD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

09/09/98 13:20:45
Page 1

Water Right Number - 37-08513

Prefix Translation:

WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
STATE OF IDAHO

1 - DEPT OF FISH & GAME
2 - PO BOX 25
3 -
City- BOISE
Phone - 208-334-3730

State- ID Zip- 837070025

Priority Date - - - +
05/03/1989

Region - - - +
17 SOUTHERN

Stage - - - +
P - PERMIT

Status - - - +

Source - - - +
GROUNDWATER

1

Tributary - - - +

Tw	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
----	-----	-----	-------	-----	------	--------	--------------------	----------------	----------------	---------------

02S	12E	11	SE SE NW			(25) CAMAS				
-----	-----	----	----------	--	--	------------	--	--	--	--

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
------	-------------	-------------	-----------	-----------	----------------	------------------

16 - WILDLIFE

05/01

11/15

1.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KU Usage - +
1.000 0.0

Tw	Rng	Sec	Tract	Lot	Acres	Code	Place of Use	Description	County
02S	12E	2	NE NE	1		16	WILDLIFE		(25) CAMAS
02S	12E	2	NW NE	2		16	WILDLIFE		(25) CAMAS
02S	12E	2	SW NE			16	WILDLIFE		(25) CAMAS
02S	12E	2	SE NE			16	WILDLIFE		(25) CAMAS
02S	12E	2	NE NW	3		16	WILDLIFE		(25) CAMAS
02S	12E	2	NW NW	4		16	WILDLIFE		(25) CAMAS
02S	12E	2	SW NW			16	WILDLIFE		(25) CAMAS
02S	12E	2	SE NW			16	WILDLIFE		(25) CAMAS
02S	12E	2	NE SW			16	WILDLIFE		(25) CAMAS
02S	12E	2	NW SW			16	WILDLIFE		(25) CAMAS
02S	12E	2	SE SW			16	WILDLIFE		(25) CAMAS
02S	12E	2	NE SE			16	WILDLIFE		(25) CAMAS
02S	12E	2	NW SE			16	WILDLIFE		(25) CAMAS
02S	12E	2	SE SE			16	WILDLIFE		(25) CAMAS
02S	12E	2	NE SE			16	WILDLIFE		(25) CAMAS
02S	12E	3	NW NE	1		16	WILDLIFE		(25) CAMAS
02S	12E	3	SW NE	2		16	WILDLIFE		(25) CAMAS
02S	12E	3	SE NE			16	WILDLIFE		(25) CAMAS
02S	12E	3	NE NW	3		16	WILDLIFE		(25) CAMAS

Water right number - 37-08513

Prefix Translation: WATER RIGHT

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
02S	12E	3	NW NW	4		16	WILDLIFE	(25) CAMAS
02S	12E	3	SW NW			16	WILDLIFE	(25) CAMAS
02S	12E	3	SE NW			16	WILDLIFE	(25) CAMAS
02S	12E	3	NE SW			16	WILDLIFE	(25) CAMAS
02S	12E	3	NW SW			16	WILDLIFE	(25) CAMAS
02S	12E	3	SW SW			16	WILDLIFE	(25) CAMAS
02S	12E	3	SE SW			16	WILDLIFE	(25) CAMAS
02S	12E	3	NE SE			16	WILDLIFE	(25) CAMAS
02S	12E	3	NW SE			16	WILDLIFE	(25) CAMAS
02S	12E	3	SW SE			16	WILDLIFE	(25) CAMAS
02S	12E	3	SE SE			16	WILDLIFE	(25) CAMAS

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Remarks

GEN

NO PONDS SHALL BE DEVELOPED IN AN AREA WHERE THERE IS A DISCREMINABLE & DEFINED CHANNEL OF CAMAS CREEK OR A TRIBUTARY THEREOF. NO NEW BANKS OR DIKES WILL BE CREATED WHICH WILL IMPOUND RUN-OFF WATER ABOVE THE EXISTING GROUND LEVEL. THIS CONDITION DOES APPLY TO PONDS FILLED FROM GROUNDWATER SOURCES. PONDS CANNOT RETAIN WATER ABOVE THE ELEVATION OF THE NATURAL LAND SURFACE. DIVERSION OF WATER UNDER THIS PERMIT MAY, IN THE FUTURE, BE SUBJECT TO THE CONTROL OF THE WATERMASTER OF DISTRICT #37, BIG WOOD RIVER, IF THE DEPT. DETERMINES THAT WATER DIVERTED MUST BE REGULATED TO PROTECT PRIOR RIGHTS. ANY LICENSE ISSUED BY IDWR PURSUANT TO THE PERMIT 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 THE AVAILABILITY OF WATER FOR THE USE & TO RE-EVALUATE THE PUBLIC INTEREST AT THE END OF THE TERM. DIVERSION & USE OF WATER UNDER THIS PERMIT IS SUBJECT TO AN ANNUAL USE FEE. IF RULES ARE SUBSEQUENTLY PROMULGATED WHICH PROVIDE FOR THE SUBMITTAL OF THE FEE.

Old Water Right Numbers
No Old Water Right Numbers found.

Conditions of Approval

- 016 - See remarks for additional conditions of approval.
- 017 - After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

Prefix Translation: WATER RIGHT

+ - Decree Date - +

Date: 08/01/1995	User Id: M8ALDWIN	Subject: APP. FOR AMENDMENT	Comments

Proof of Beneficial Use Rcvd

04/17/96 JYARBR00 02/08/98 CLEARFLD

[illegible]

SRBA Decreased Flag -

Name Connector -

Pot Ownership Flag - Y

E. NARRATIVE/REMARKS/COMMENTS

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 01 October 1998
RE: 37-08513,-08514

On 16 September 1998, I met with Terry Gregory, who oversees the Camas Prairie Centennial Marsh for the Department of Fish and Game. The permit allows numerous ponds to be filled from two wells (37-08511 and 37-08513,-08514) for wildlife habitat.

The well associated with 37-08513,-08514 is located SESENW $\frac{1}{4}$ Section 11, T02S, R12E. Terry Gregory says, "Although this well is the smallest of all, it pumps the best..." The power records submitted by Gregory show that the well was used consistently from 1994 through 1997.

The "Homestead Well" was measured two ways. The first method was using the Tyme-Flyte on the vertical discharge pipe (the pipe is located 500' north of the well). The diversion rate was measured at 625 gallons per minute or 1.39 cfs. The second method of measurement was accomplished by placing the portable flume in the ditch, 25 yards north of the vertical discharge pipe. The diversion rate recorded was 1.82 cfs.

Because the placement for the Tyme-Flyte was not in optimum conditions, i.e. less than 3 feet above and below the transducer bar were 2-45 degree elbows, the recommended diversion rate will be from the results using the portable flume.

The field examination verified 17 ponds (15 small ponds consistent in size and 2 other ponds irregular shaped). The well discharges into a mainline, which then divert into laterals, dumping into ditches that lead into the ponds.

Recommendation for the capacity volume are from actual measurements of the ponds. Rate recommendation is from measurement with the portable flume.

"GROUNDWATER" RIGHTS 37-08513,-08514:

Total capacity of system is 1.82 cfs, both permits add up to 2.00 cfs. The measured rate from portable flume will be recommended for the combined use of the two permits.

"SURFACE" RIGHT 37-08526:

The ponds are excavated below the water table. The permit 37-08526 allows the ponds to be filled, when available, from the high groundwater supply. The accumulative volume when combining 37-08511,-08513,-08514 is 144 acre feet. The volume permitted for 37-08526 is 220 acre feet.

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

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

Ponds Total Capacity = 144 ac ft

Annual Volume = $1.82 (1.9835) 199 \text{ days} = 718 \text{ ac ft.}$ **G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

Combine 37-08513, -08514 $\longleftrightarrow$ Permits) Rate 2.00
 Exam. Fee Limit 2.00
 Measured Rate 1.82
 Recommend Rate 1.82

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
WILDLIFE	5/1	11/15	1.82 cfs	
WILDLIFE STORAGE	"	"		718 ac ft.
Totals:			1.82 cfs	718 ac ft.

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

Georgia Satterlee

Date

02 Oct 98

Reviewer _____

Date _____

SEAL

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 37-08514 Reviewed by [Signature] Date 5-23-95

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

wildlife

Correct Uses? yes

SOURCE OF WATER

 Surface water source

✓ Ground water source

yes Drilling permit required?

yes Copy in the file? Drilling Permit No. 37-91-C-0008-000

200.00 Amount paid for permit

yes Correct?

no Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

100.00 Amount Submitted

yes Correct?

MEASURING DEVICE

yes Required?

yes Installed?

 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>
Date proof due	<u> </u>
No. of days late	<u> </u>
Priority Date	<u> </u>
New Priority Date	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X Proof Made 5-12-95

May 23, 1995

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08514

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,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

MAY 31 1995

March 31, 1995

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

PROOF DUE NOTICE

RE: PERMIT NO. 37-08514

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1995.

(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 complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

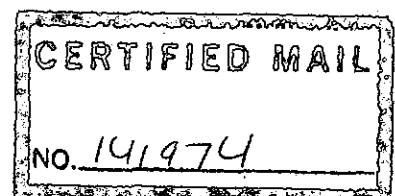
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED

MAY 31 1995



State of Idaho
Department of Water Resources

DRILLING PERMIT

(Authorizing Construction of a Well)*

1. Applicant State of Idaho, Department of Fish and Game
2. Address P. O. Box 25, Boise, ID 83707

☒ Well Owner ☐ Well Operator ☐ Other, specify _____

3. Water right permit no. 37-08514; Injection well permit no. _____

4. Proposed well location SE 1/4 SE 1/4 NW 1/4, or Gov't lot No. _____,
Sec. 11, Twp. 2 S., Rge. 12 E., County Camas,
Lot, block and subdivision _____

5. Proposed use of well: (Check all that apply)

☐ Domestic ☐ Stockwater ☐ Monitoring
☐ Irrigation ☐ Industrial ☐ Municipal
☐ Injection ☐ Other, Specify Wildlife Habitat

6. Well construction information:

☒ New well ☐ Deepen ☐ Replace
Proposed surface diameter 12-inch Proposed depth 240 feet

Anticipated bottom hole temperature:

☒ 85°F or less (Cold water well).
☐ 85°F to 212°F (Low temp. geothermal well)
☐ 212°F or more (Geothermal well)

7. Anticipated construction start date July 8, 1991

8. Well Driller (if known) Hiddleston and Son, Inc.

Address Route 3, Box 610 D, Mountain Home, ID 83647

Date June 28, 1991 Applicant's signature [Signature]

Title Fish and Game Engineer Supervisor

* After other pre-requisite approvals have been obtained.

MAY 31 1995

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is

APPROVED

Date

7-9-91

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum distance of 50 feet and 100 feet respectively from a septic tank.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

Stuik A. Reed

Signature of Authorized Department Representative

MANAGER

GROUNDWATER PROTECTION SECTION

Title

Receipt No.

C021215

Received by

J. K.

Fee

pending
\$200

Date

7-17-91

EXTENSION OF DRILLING PERMIT

Extension approved by

Approval Date

MAY 31 1995

This extension is good for 60 days beyond the above extension approval date.

FROM J.J.

DATE May 31, 1990

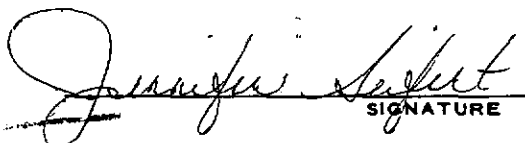
TO File No. 37-8514

SUBJECT

See file no. 37-8511 for all of the Exhibits.

MICROFILMED

JUN 20 1990


SIGNATURE

● - NOTICE- ●

See file 37-8511
for reference to
hearing cassette.

MICROFILMED

JUN 20 1990



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 11, 1990

Steve Goddard
Box 25
Boise, ID 83707

RE: Permits Nos. 37-8511, 37-8513, 37-8514 and 37-8526

Dear Mr. Goddard:

Please find enclosed a copy of the Order Adopting Proposed Memorandum Decision and Order and a copy of Applications for Permit Nos. 37-8511, 37-8513, 37-8514 and 37-8526.

Any party who disagrees with the decision of the Director may request a rehearing before the Director within twenty (20) days or may appeal to the district court within thirty (30) days from the date this decision is mailed.

Sincerely,

A handwritten signature in cursive script that reads 'Gary Spackman'.

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MICROFILMED

JUN 20 1990



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 11, 1990

Gwinn Rice
Box 131
Hill City, ID 83337

RE: Permits Nos. 37-8511, 37-8513, 37-8514 and 37-8526

Dear Mr. Rice:

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Enclosure

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JUN 20 1990



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 11, 1990

Cecil D. Hobdey
125 Fifth Avenue West
P.O. Box 176
Gooding, ID 83330

RE: Permits Nos. 37-8511, 37-8513, 37-8514 and 37-8526

Dear Mr. Hobdey:

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JUN 20 1990



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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 11, 1990

John Arkoosh
P.O. Box 32
Gooding, ID 83330

RE: Permits Nos. 37-8511, 37-8513, 37-8514 and 37-8526

Dear Mr. Arkoosh:

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JUN 20 1990



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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 18, 1990

Steve Goddard
Box 25
Boise, ID 83707

RE: Applications to Appropriate Water Nos. 37-08511, 37-08513,
37-08514 and 37-08526 in the Name of the Idaho Department of
Fish and Game

Dear Mr. Goddard:

Please find enclosed a copy of the Proposed Memorandum
Decision and Order and Order Issuing Proposed Memorandum Decision
for the above referenced applications.

Any party who disagrees with the Proposed Decision may file
exceptions to the decision within fifteen (15) days of service of
the Proposed Decision.

Respectfully,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:JS

Enclosure

MICROFILMED

JUN 20 1990



State of Idaho

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Attorney at Law
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Water Right Permits Section

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Enclosure

MICROFILMED

JUN 20 1990



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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 11, 1990

Cecil Hobdey
125 Fifth Avenue West
P.O. Box 176
Gooding, ID 83330

Dear Mr. Hobdey:

John Arkoosh has represented to me that his client, Mr. Barron, owns an interest in water right no. 37-02801. Enclosed is a summary of the water right as contained in the records of the Department of Water Resources.

Please note that the water right has been split into two pieces by prior transfers. Apparently Rocco Perry, and Perry's predecessor, Ernest Wilson, owned a portion of the water right. The only component of the water right that changed was the point of diversion.

I intend to use the information about the respective points of diversion and the place of use for right no. 37-02801 in reaching a decision regarding Fish & Game applications to appropriate water nos. 37-08511, 37-08513, 37-085114 and 37-08526.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MAILED

JUN 20 1990



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

May 11, 1990

John Arkoosh
Attorney at Law
P.O. Box 32
Gooding, ID 83330

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MICROFILMED

JUN 20 1990



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

May 11, 1990

Gwinn Rice
Box 131
Hill City, ID 83337

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Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MICROFILMED

JUN 20 1990



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

May 11, 1990

Steve Goddard, Attorney at Law
Box 25
Boise, ID 83707

Dear Mr. Goddard:

John Arkoosh has represented to me that his client, Mr. Barron, owns an interest in water right no. 37-02801. Enclosed is a summary of the water right as contained in the records of the Department of Water Resources.

Please note that the water right has been split into two pieces by prior transfers. Apparently Rocco Perry, and Perry's predecessor, Ernest Wilson, owned a portion of the water right. The only component of the water right that changed was the point of diversion.

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Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MICROFILMED

JUN 20 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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DIRECTOR

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MICROFILMED

JUN 20 1990



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

April 5, 1990

John C. Arkoosh
Attorney at Law
116 Fourth Avenue West
P.O. Box 32
Gooding, ID 83330

RE: Applications to Appropriate Water Nos. 37-08511, 37-08513,
37-08514, 37-08526; in the Name of the Idaho State Fish and
Game Department

Dear John:

In the testimony presented at the hearing and in your post hearing brief you referred to a water right in which your client, Mr. Barrons, owns a property interest. The water is not identified.

This letter is a request that you identify the water right by water right number. Upon receipt of the information, I will distribute an abstract of the water right to the parties. I do not view this information as giving rise to a factual dispute requiring additional testimony.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc. Steve Goddard
Gwinn Rice

MICROFILMED

JUN 20 1990



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

March 21, 1990

Cecil Hobdey
Attorney at Law
125 Fifth Avenue West
P.O. Box 176
Gooding, ID 83330

RE: Fish and Game Applications to Appropriate Water Nos.
37-08511, 37-08513, 37-08514, 37-08526

Dear Mr. Hobdey:

In speaking to the parties, there has been some expression that an order for briefing and submittal of information was not sent to all of the parties. Although the mailing certificate shows that a copy was mailed to all interested parties, I am enclosing a copy of the order for your reference. I have also enclosed a copy of a letter received from Cecil Hobdey confirming that the letter, listed as Fish and Game Exhibit #13, as amended by Fish and Game, represents the agreement for withdrawal of Big Wood Canal Company's protest.

I plan to adhere to the same briefing and information submittal schedule contained in the order unless one of the parties complains that its position may be prejudiced by adherence. I note from the order that the last date for submittal of materials is March 30, 1990. I will attempt to issue a decision shortly thereafter.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

cc. Southern Region

RECORDED

JUN 20 1990



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

March 21, 1990

John Arkoosh
P.O. Box 32
Gooding, ID 83330

RE: Fish and Game Applications to Appropriate Water Nos.
37-08511, 37-08513, 37-08514, 37-08526

Dear Mr. Arkoosh:

In speaking to the parties, there has been some expression that an order for briefing and submittal of information was not sent to all of the parties. Although the mailing certificate shows that a copy was mailed to all interested parties, I am enclosing a copy of the order for your reference. I have also enclosed a copy of a letter received from Cecil Hobdey confirming that the letter, listed as Fish and Game Exhibit #13, as amended by Fish and Game, represents the agreement for withdrawal of Big Wood Canal Company's protest.

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

cc. Southern Region

MICROFILMED

JUN 20 1990



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

March 21, 1990

Gwinn Rice
Box 131
Hill City, ID 83337

RE: Fish and Game Applications to Appropriate Water Nos.
37-08511, 37-08513, 37-08514, 37-08526

Dear Mr. Rice:

In speaking to the parties, there has been some expression that an order for briefing and submittal of information was not sent to all of the parties. Although the mailing certificate shows that a copy was mailed to all interested parties, I am enclosing a copy of the order for your reference. I have also enclosed a copy of a letter received from Cecil Hobdey confirming that the letter, listed as Fish and Game Exhibit #13, as amended by Fish and Game, represents the agreement for withdrawal of Big Wood Canal Company's protest.

I plan to adhere to the same briefing and information submittal schedule contained in the order unless one of the parties complains that its position may be prejudiced by adherence. I note from the order that the last date for submittal of materials is March 30, 1990. I will attempt to issue a decision shortly thereafter.

Sincerely,

A handwritten signature in cursive script that reads 'Gary Spackman'.

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

cc. Southern Region

RECEIVED

JUN 20 1990



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

March 21, 1990

Steve Goddard
Box 251
Boise, ID 83707

RE: Fish and Game Applications to Appropriate Water Nos.
37-08511, 37-08513, 37-08514, 37-08526

Dear Mr. Goddard:

In speaking to the parties, there has been some expression that an order for briefing and submittal of information was not sent to all of the parties. Although the mailing certificate shows that a copy was mailed to all interested parties, I am enclosing a copy of the order for your reference. I have also enclosed a copy of a letter received from Cecil Hobdey confirming that the letter, listed as Fish and Game Exhibit #13, as amended by Fish and Game, represents the agreement for withdrawal of Big Wood Canal Company's protest.

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

cc. Southern Region

MICROFILMED
JUN 20 1990

MICROFILMED
JUN 20 1990



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

February 27, 1990

Gwinn Rice
Box 131
Hill City, ID 83337

Dear Mr. Rice:

Enclosed is a Summary Order for Briefing and Submittal of Information for applications nos. 37-08511, 37-08513, 37-08514 and 37-08526.

Please note the deadlines to submit any additional information.

Respectfully,

Jennifer Seifert
JENNIFER SEIFERT
Clerical Assistant

MICROFILMED

JUN 20 1990



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

February 27, 1990

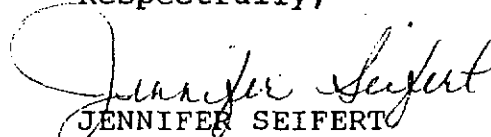
John Arkoosh
P.O. Box 32
Gooding, ID 83330

Dear Mr. Arkoosh:

Enclosed is a Summary Order for Briefing and Submittal of Information for applications nos. 37-08511, 37-08513, 37-08514 and 37-08526.

Please note the deadlines to submit any additional information.

Respectfully,


JENNIFER SEIFERT
Clerical Assistant

MICROFILMED

JUN 20 1990



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

February 27, 1990

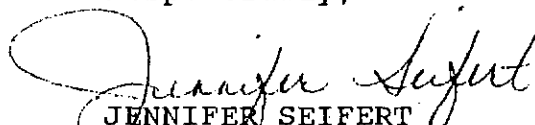
Cecil Hobdey
Attorney at Law
125 Fifth Avenue West
P.O. Box 176
Gooding, ID 83330

Dear Mr. Hobdey:

Enclosed is a Summary Order for Briefing and Submittal of Information for applications nos. 37-08511, 37-08513, 37-08514 and 37-08526.

Please note the deadlines to submit any additional information.

Respectfully,


JENNIFER SEIFERT
Clerical Assistant

MICROFILMED

JUN 20 1990



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

February 27, 1990

Cecil B. Hobdey
Attorney at Law
125 Fifth Avenue West
P.O. Box 176
Gooding, ID 83330

RE: Protest of Big Wood Canal Company to Idaho Department of
Fish & Game Water Right Application in the Hill City Area

Dear Mr. Hobdey:

On February 13, 1990, the Department of Water Resources conducted a hearing regarding application to appropriate water no. 37-08526, filed by the Idaho Department of Fish & Game (Fish & Game). Big Wood Canal Company filed a protest to the application. The application proposed the construction of approximately 40 shallow ponds on Fish & Game property to capture surface run-off early in the year, and retain water in the pond after the water has disappeared from the surface.

Big Wood Canal Company was not represented by anyone at the hearing. Steve Goddard, attorney for Fish & Game presented a FAX letter, signed by you, which set forth some conditions for withdrawal of Big Wood Canal Company's protest to Fish & Game's application. The letter was signed by you, but had been amended by Fish & Game to include additional language. Mr. Goddard represented that he had spoken to you about the letter, and the insertion of the additional language, and that you had consented to the language.

I have enclosed a copy of the letter which was submitted as evidence.

Please review the document I have enclosed, and acknowledge by letter that the Big Wood Canal Company consents to the conditions of the protest withdrawal as set forth therein.

MICROFILMED

JUN 20 1990

Failure to appear at the hearing jeopardizes the right of the Big Wood Canal Company to formally appear as a party. I am, however, enclosing a copy of a report which I agreed to recognize in reaching a decision. I am also enclosing a copy of an order for briefing and submittal of information. If Big Wood Canal Company desires to submit any additional information to the Department regarding this proposal, would you please do so within the time set forth in the order.

Respectfully,



GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc. Steve Goddard
John Arkoosh
Gwinn Rice
Southern Region

MAIL ROOM

JUN 20 1990

NAME AND
ADDRESS
OF SENDER

Re: 37-8510-14

IDWR 2/1/90

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ Certified
☐ Express MailCheck appropriate block for
Registered Mail:
☐ With Postal Insurance
☐ Without Postal InsuranceAffix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (if Regs.)	Insured Value	Due Sender if C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Post. Del. Fee	Remarks
1	931	Dr. Fred & Mary	.25	.85	.95	2.05							
2	932	Lee Brown											
3	933	Sumner Rice											
4	934	John Albrecht, Atty.											
5	935	Big Wood Canal Co.											
6		Non cont. to Reid Newby											
7													
8													
9													
10													
11													
12													
13													
14													
15													
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.							

RECEIVED

JUN 20 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR PERMIT TO APPROPRIATE)
WATER NO. 37-8511, 37-8513,)
AND 37-8514)

Idaho Department of Fish)
and Game)

Applicant)

Lee Barron,)
Gwinn Rice)

Protestants)

NOTICE OF HEARING

SOURCE: Groundwater

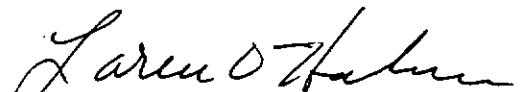
COUNTY: Camas

On May 3, 1989, the Idaho Department of Fish and Game, applicant, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On June 26, 1989, the Department received a protest against the approval of said application from Lee Barron via his attorney, John Arkoosh. A protest was also received from Gwinn Rice and subsequently withdrawn, but reinstated at a pre-hearing conference held on November 9, 1989.

The Department has set the matter for hearing for Tuesday, February 13, 1990 at 10:00 AM, at the Fish and Game Region 4 office, 868 East Main, Jerome.

The hearing will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 1 day of February, 1990.


Loren O. Holmes
Southern Region Manager

MICROFILMED

JUN 20 1990

CONFERENCE AND HEARING PROCEDURE

IN THE MATTER OF A PROTESTED APPLICATION FOR PERMIT

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

- 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?

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

HEARING

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

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 42-1701B, any court review of the department's decision on appeal shall be confined to the record created before the department.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

JUN 20 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Jan-1990

Lee Barron
Fairfield, ID 83327

Re: Idaho Fish & Game Department applications 37-8510 thru 8514
and 37-8526

Dear Mr. Barron:

This office is tentatively scheduling the matter of the Department of Fish & Game Hill City Marsh applications for hearing on February 13, 1990 with time set aside to continue hearing on February 14 if needed.

Please be advised that applications 37-8510 and 37-8512 which proposed diversions within Sections 10 and 2 of Township 2S Range 12E have been withdrawn by the applicant and will not be further considered.

We expect to mail formal hearing notices setting the time and place for hearing on about January 31, 1990.

If you have any questions or if this office can be of assistance in this matter, please let us know.

Very Truly yours,

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

CC: John C. Arkoosh
P.O. Box 32
Gooding, ID 83330

MICROFILMED

JUN 20 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Jan-1990

Richard M. Oneida, Manager
Big Wood Canal Co.
P.O. Box C
Shoshone, ID 83352

Re: Idaho Fish & Game Department applications 37-8510 thru 8514
and 37-8526

Dear Dick:

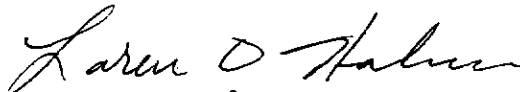
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Very Truly yours,


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

MICROFILMED

JUN 20 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Jan-1990

Gwinn Rice
Box 131
Hill City, ID 83337

Re: Idaho Fish & Game Department applications 37-8510 thru 8514
and 37-8526

Dear Mr. Rice:

This office is tentatively scheduling the matter of the Department of Fish & Game Hill City Marsh applications for hearing on February 13, 1990 with time set aside to continue hearing on February 14 if needed.

Please be advised that applications 37-8510 and 37-8512 which proposed diversions within Sections 10 and 2 of Township 2S Range 12E have been withdrawn by the applicant and will not be further considered.

We expect to mail formal hearing notices setting the time and place for hearing on about January 31, 1990.

If you have any questions or if this office can be of assistance in this matter, please let us know.

Very Truly yours,

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

MICROFILMED

JUN 20 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Jan-1990

Steve Goddard, Deputy Attorney General
Idaho Dept. of Fish & Game
P.O. Box 25
Boise, ID 83707

Re: Hill City Marsh applications 37-8510 thru 14 and 37-8526

Dear Mr. Goddard:

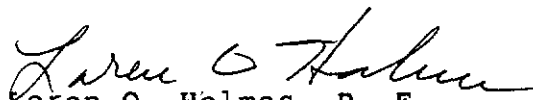
This office is tentatively scheduling the matter of the Hill City Marsh applications for hearing on February 13, 1990 with time set aside to continue hearing on February 14 if needed.

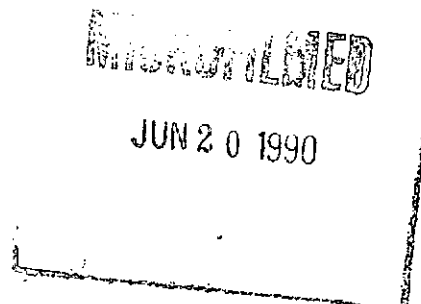
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We expect to mail formal hearing notices setting the time and place for hearing on about January 31, 1990.

If you have any questions or if this office can be of assistance in this matter, please let us know.

Very Truly yours,


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





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Jan-1990

Phillip G. Jeppson, Engineering Supervisor
Idaho Dept. of Fish & Game
P.O. Box 25
Boise, ID 83707

Re: Hill City Marsh applications 37-8510 thru 14 and 37-8526

Dear Mr. Jeppson:

This office is tentatively scheduling the matter of the Hill City Marsh applications for hearing on February 13, 1990 with time set aside to continue hearing on February 14 if needed.

The withdrawal of applications 37-8510 and 37-8512 which proposed diversions within Sections 10 and 2 of Township 2S Range 12E is acknowledged. These applications will not be further considered.

We expect to mail formal hearing notices setting the time and place for hearing on about January 31, 1990.

If you have any questions or if this office can be of assistance in this matter, please let us know.

Very Truly yours,

A handwritten signature in cursive script that reads "Loren O. Holmes".

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

MICROFILMED

JUN 20 1990

MEMORANDUM

DATE: 13-Nov-1989

FROM: Loren Holmes *LH*

TO: Files 37-8510 thru 37-8514

SUBJECT: Outcome of pre-hearing conference on 11/9/89

The conference was held in conjunction with conference on application 37-8526 also filed by Fish & Game.

Lee Barron was not present, having advised the office that, due to a death in his family, he would not be able to attend. He was somewhat represented by Gwinn Rice, who had filed and withdrawn a protest.

Mr. Rice expressed the position that Fish & Game should acquire water from existing rights (by purchase or lease from himself or Mr. Barron) rather than place additional burden on the resource with new rights.

On finding that Fish & Game proposed drilling a series of new deep wells, Mr. Rice requested that his protest be reinstated. There was no objection from Fish & Game.

Mr. Rice expressed the concern that the use of the proposed wells may reduce groundwater levels and thus affect the availability of water to existing groundwater rights.

Fish & Game requested that hearing on these applications and application 37-8526 be set for the same time frame to reduce travel.

Hearing was tentatively scheduled for January 1989.

MICROFILMED

JUN 20 1990

Conference held by: Loren Holmes

ROSTER OF ATTENDANCE

[illegible]

NAME AND
ADDRESS
OF SENDERIndicate type of mail
☐ Registered
☐ Insured
☐ COD
☐ Certified
☐ Express MailCheck appropriate block for
Registered Mail:
☐ With Postal Insurance
☐ Without Postal InsuranceAffix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

R. R. Fee
S. D. Fee
S. H. Fee
Reg. Del. Fee
Remarks

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (if Regs.)	Insured Value	Due Sender if C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Reg. Del. Fee	Remarks
1	883	Millard, David R	25	85	95	205							
2	884	Longleis, Jeff	25	85	215								
3	885	Twin Falls County	25		205								
4	886	Braga, Earl L + Cleada C	25		205								
5	887	Rice, Edwin	25		205								
6	888	Id. Dept of Fish & Game	45		225								
7	889	Barron, Lee	45		225								
8	890	Onaida, Richard M	25		205								
9													
10													
11													
12													
13													
14													
15													
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.							

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR PERMIT TO APPROPRIATE)
WATER NO. 37-8510, 37-8511,)
37-8512, 37-8513, 37-8514)

Idaho Department of Fish)
and Game)

Applicant)

Lee Barron)

Protestant)

NOTICE OF
PRE-HEARING CONFERENCE

SOURCE: Groundwater

COUNTY: Camas

On May 3, 1989, the Idaho Department of Fish and Game, applicant, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On June 26, 1989, the Department received a protest against the approval of said application from Lee Barron via his attorney, John Arkoosh. A protest was also received from Gwinn Rice and subsequently withdrawn.

The Department has set the matter of protest for conference for Thursday, November 9, 1989, at 10:00 AM, at the Health & Welfare Mental Health Center, 823 Harrison St. N, Twin Falls.

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 23 day of October, 1989.

RECEIVED

JUN 20 1990

Loren O. Holmes
Loren O. Holmes
Southern Region Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 11, 1989

Lee Barron
Fairfield, ID 83327

Re: Application for permit No. 37-8510 thru 37-8514 and
Application 37-8526, Fish & Game, Hill City Marsh Project

Dear Mr. Barron:

Due to a scheduling conflict, the date for pre-hearing conference on the Hill City Marsh applications is being rescheduled to November 9, 1989 in Twin Falls. Notices formally setting the conference time and place will be mailed about October 23.

If you will not be available on this date, please advise this office prior to formal setting.

Very Truly yours,

A handwritten signature in cursive script, reading 'Loren O. Holmes'.

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

CC: John C. Arkoosh
P.O. Box 32
Gooding, ID 83330

MICROFILMED

JUN 20 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 11, 1989

Steve Goddard
Idaho Dept. of Fish & Game
P.O. Box 25
Boise, ID 83707

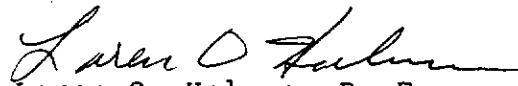
Re: Application for permit No. 37-8510 thru 37-8514 and
Application 37-8526, Fish & Game, Hill City Marsh Project

Dear Mr. Goddard:

Due to a scheduling conflict, the date for pre-hearing conference on the Hill City Marsh applications is being rescheduled to November 9, 1989 in Twin Falls. Notices formally setting the conference time and place will be mailed about October 23.

If you will not be available on this date, please advise this office prior to formal setting.

Very Truly yours,


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

MICROFILMED

JUN 20 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 11, 1989

Richard M. Oneida, Manager
Big Wood Canal Co.
P.O. Box C
Shoshone, ID 83352

Re: Application for permit No. 37-8510 thru 37-8514 and
Application 37-8526, Fish & Game, Hill City Marsh Project

Dear Mr. Oneida:

Due to a scheduling conflict, the date for pre-hearing conference on the Hill City Marsh applications is being rescheduled to November 9, 1989 in Twin Falls. Notices formally setting the conference time and place will be mailed about October 23.

If you will not be available on this date, please advise this office prior to formal setting.

Very Truly yours,

A handwritten signature in cursive script that reads "Loren O. Holmes".

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

MICROFILMED

JUN 20 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 4, 1989

Idaho Dept. of Fish & Game
P.O. Box 25
Boise, ID 83707

Re: Applications for permit No. 37-08510 thru 37-08514,
Idaho Dept. of Fish & Game

Gentlemen:

Please be advised that Mr. Gwinn Rice has withdrawn his protest against the application. We have received no response from Mr. Lee Barron, the other protestant.

This office is tentatively scheduling the matter of protests for a pre-hearing conference for November 2, 1989 in Twin Falls. Notices formally setting the conference time and place will be mailed about October 16.

The purpose of the conference will be to familiarize the department and the parties with the issues and to provide a forum for possible resolution of the matter.

If you will not be available on this date, please advise this office prior to formal setting.

Very Truly yours,

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

MICROFILMED

JUN 20 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 4, 1989

Lee Barron
Fairfield, ID 83327

Re: Applications for permit No. 37-08510 thru 37-08514,
Idaho Dept. of Fish & Game

Dear Mr. Barron:

This office is tentatively scheduling the matter of protests for a pre-hearing conference for November 2, 1989 in Twin Falls. Notices formally setting the conference time and place will be mailed about October 16.

The purpose of the conference will be to familiarize the department and the parties with the issues and to provide a forum for possible resolution of the matter.

If you will not be available on this date, please advise this office prior to formal setting.

Very Truly yours,

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

CC: John C. Arkoosh
P.O. Box 32
Gooding, ID 83330

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JUN 20 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 4, 1989

Gwinn Rice
Box 131
Hill City, ID 83337

Re: Applications for permit No. 37-08510 thru 37-08514,
Idaho Dept. of Fish & Game

Dear Mr. Rice:

The Department acknowledges the withdrawal of your protest against the above referenced applications.

Your withdrawal concludes the matter of your protest. We will now proceed with processing the application with no further contact with you.

Very Truly yours,

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

MICROFILMED

JUN 20 1990

Hill City, Idaho
August 22, 1989

Department of Water Resources
2148 4th Ave. East
Twin Falls, Idaho 83301

RECEIVED

AUG 24 1989

Department of Water Resources
Southern Region Office

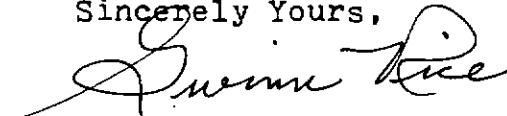
Dear Mr. Holmes:

In regard to application for Permit No. 37-08510, 37-08511, 37-08512, 37-08513, 37-08514

I have talked with Terry Gregory who is in charge of the Camas Centennial Marsh in question. He assured me that their use of water would not in any way reduce my quantity of water.

I appreciate your interest in the matter and trust there will be no further reason to protest.

Sincerely Yours,



Gwinn Rice
Box 131
Hill City, Idaho 83337

GR/LR

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JUN 20 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Phil Jeppson
Idaho Dept. of Fish & Game
P. O. Box 25
Boise, ID
83707

August 16, 1989

RE: Applications for Permit 37-08510 thru 37-08514, Hill City Marsh Project

Dear Phil;

Your attention is directed to Rule 3.1.1 of our Rules and Regulations for Water Appropriation dated October, 1986. Briefly, the rule states that it is illegal to divert water or to construct diverting works until an application for permit has been approved by this Department. This rule applies to all potential appropriators of surface water. Early approval of drilling permits for groundwater appropriators is possible on a case-by-case basis. Construction of the proposed wildlife ponds before the above-referenced permits are approved is clearly in violation of this rule. Since all of these applications have been protested, it will be some time before final action on these filings can be taken.

Thank you for your inquiry into this matter. If you have further questions, please feel free to contact this office.

Sincerely,

James E. Stanton

James E. Stanton
Sr. Water Resource Agent

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JUN 20 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

04-Aug-1989

R. KEITH HIGGINSON
Director

Idaho Dept. of Fish & Game
P.O. Box 25
Boise, ID 83707

Re: Application for Permit No. 37-8510, 37-8511, 37-8512, 37-8513,
37-8514

Gentlemen:

Enclosed are copies of protests filed against the issuance of a permit pursuant to your above referenced application. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

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

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

JUN 20 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

04-Aug-1989

John C. Arkoosh
P.O. Box 32
Gooding, ID 83330

Re: Application for Permit No. 37-08510, 37-08511, 37-08512,
37-08513, 37-08514

Dear Mr. Arkoosh:

The protest on behalf of Lee Barron against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
 - 2) Is the proposed water supply insufficient for the purposes intended?
 - 3) Is the application made in good faith or for delay or speculative purposes?
 - 4) Has the applicant sufficient financial resources with which to complete the project?
 - 5) Will the proposed use conflict with the local public interest?
- If this office can be of further assistance, please contact us.

Very truly yours,

MICROFILMED

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

cc: Lee Barron

JUN 20 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

04-Aug-1989

R. KEITH HIGGINSON
Director

Gwinn Rice
Box 131
Hill City, ID 83337

Re: Application for Permit No. 37-08510, 37-08511, 37-08512,
37-08513, 37-08514

Dear Mr. Rice:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

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

If this office can be of further assistance, please contact us.

Very truly yours,

MICROFILMED
J. C. Holmes, P.E.
Southern Region Manager

JUN 20 1990

JOHN C. ARKOOSH
Attorney at Law
P.O. Box 32
Gooding, Idaho
(208) 934-8401

June 23, 1989

RECEIVED

JUN 26 1989

Department of Water Resources
Southern Region Office

Director
Department of Water Resources
2148 4th Ave E.
Twin Falls, Idaho 83301

RE: Protest of Water Applications: #37-08510, 37-08511,
37-08512, 37-08513, 37-08514

Dear Sir:

Please be informed that I represent Mr. Lee Barron, Fairfield, Idaho. I am writing on Mr. Barron's behalf to protest the above listed applications based on the criteria set out in 42-203A and 42-203C of the Idaho Code.

Please address all further correspondence concerning this matter to Mr. Barron at the above address.

Sincerely Yours

John C. Arkoosh

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JUN 20 1990

RECEIVED

JUN 22 1989

Department of Water Resources
Southern Region Office

Hill City, Idaho
June 21, 1989

R. Keith Higginson
Director, Dept of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

Re: Applications for permit nos.: 37-08510, 37-08511, 37-08512,
37-08513 and 37-08514 in the name of State of Idaho, Dept. of Fish
and Game.

Dear Mr. Higginson:

This letter is a protest against applications for permit nos.
37-08610, 37-08511, 37-08512, 37-08513, and 37-08514 filed by the State
of Idaho, Dept. of Fish and Game. This protest is filed on the basis
that: (1) The proposed diversions would reduce the quantity of water
under existing rights; (2) The water supply is insufficient for the
purpose for which it is sought to be appropriated; and (3) the proposed
use will conflict with the local public interest.

Respectfully,

Gwynn Rice

MICROFILMED

JUN 20 1990

37-08514

STATE OF IDAHO
DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID 83707

Source: GROUNDWATER

Diversion Pt: SESENW Sec 11 T 02S R 12E

Use: WILDLIFE (1.000 CFS)

Date Filed: 5/03/1989

In: T02S R12E S11

NENE
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MICROFILMED

JUN 20 1990

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, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before JUNE 26, 1989.

R. Keith Higginson, Director

Published 6/07/1989 & 6/14/1989

MICROFILMED

JUN 20 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

MAY 31, 1989

THE SNOWSHOE
BOX 360
FAIRFIELD, ID 83327

Gentlemen:

Enclosed you will find a legal notice 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 26, 1989.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

JUN 20 1990

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

MICROFILMED

JUN 20 1990

31-May-1989

Idaho Fish & Game
P.O. Box 25
Boise, ID 83707

Re: Application for Permit No. 37-8510, 37-8511,
37-8512, 37-8513, 37-8514

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right applications for permit. The applications have been assigned the above referenced identification numbers. Please refer to these numbers in all further correspondence.

This office will be advertising the applications in the The Snowshoe on 6/7 & 6/14/89. A period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

MICROFILMED

JUN 20 1990



IDAHO FISH & GAME

600 South Walnut / Box 25
Boise, Idaho 83707

May 2, 1989

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

Gentlemen:

Enclosed are five separate Applications for Permit to Appropriate the Public Waters of the State of Idaho, together with the application fees in the amount of \$225.

Sincerely,

Philip G. Jeppson
Engineering Supervisor
Bureau of Engineering

PGJ:Q

Encs.

Cecil D. Andrus / Governor
Jerry M. Conley / Director



MICROFILMED

JUN 20 1990

RECEIVED

MAY 3 1989

Department of Water Resources
Southern Region Office

37-08514

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY DA DATE 5/10/89 APPLICATION NUMBER 37-08514

REQUIRED 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

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- ☐ Yes ☒ No 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

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

☒ Yes ☐ No Inform for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM, District _____
☐ Idaho Dept. of Fish & Game, Region _____ ☐ U.S. Forest Service, Forest _____
☐ 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
		Final date for protest _____
☐ 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

By

Date _____

☐ See below for additional information

By _____

Date

[illegible]