

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } ss.

RECEIVED
MAR 25 1991

Department of Water Resources

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

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

publication of said advertisement was on the 20 day of Feb 1991, and

the date of the last publication was on the 27 day of Feb 1991.

Subscribed and sworn to before me this 28th day of Feb, 1991.
(SEAL)

Roberta McKee

NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions _____
Lines tabular at _____ 6¢ / Pica
36 Lines straight at 19.80 5¢ / Pica
36 Subsequent lines at 15.84 4¢ / Pica
TOTAL COST 40.64 5.00

COPY OF NOTICE
(Paste Here)

not Appl.
TITLE OF NOTICE

Richmond
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Boi water
BILL TO

Richmond files on trust water right

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

37-08423

RICHMOND, TOM
RICHMOND, LINDA
P.O. BOX 1105
HAILEY, ID 83333

Source: GROUNDWATER
Diversion Pt: LOT 4 (NWNWNW)
Sec 4 T 02N R 18E

Use: DOMESTIC (.040 CFS)
COMMERCIAL (.040 CFS)
IRRIGATION (.160 CFS)
STOCKWATER (.200 CFS)
Total Diversion: (.200 CFS)

Date Filed: 10/18/1988
In: T02N R18E S04 Lot 4
(NWNW); S05 Lot 1 (NENE)
8.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720, on or before MARCH 11, 1991.

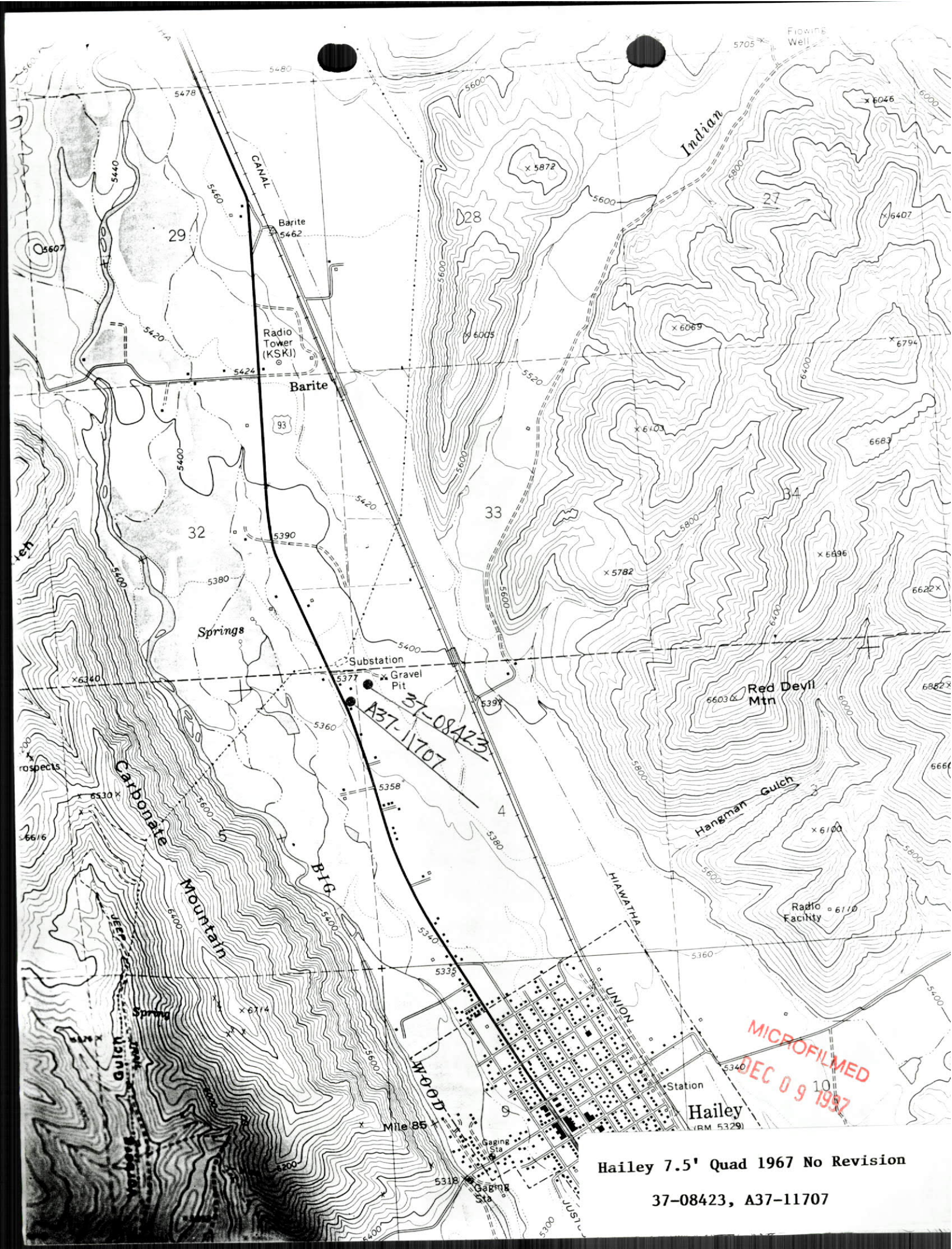
R. Keith Higginson, Director

Publish: Wood River Journal-
February 20 & 27, 1991.

Publication Rates As of Jan., 1990

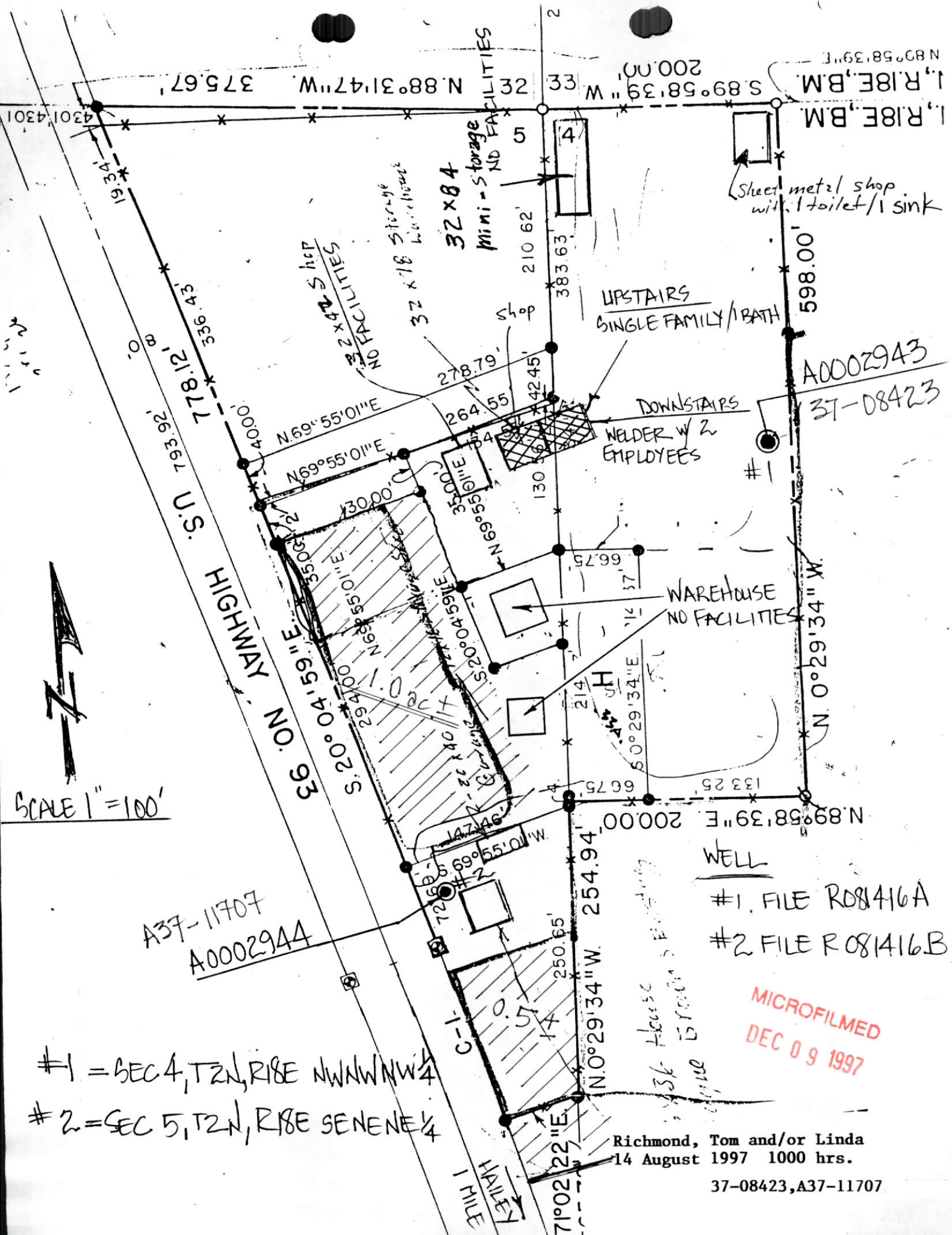
(Idaho Code,
Reb. Statutes 1984)
7-8 pt./line straight: .5 pica
7-8 pt./line tabular: .6 pica
7-8 pt./line successive
insertion: .4 pica

No 7534



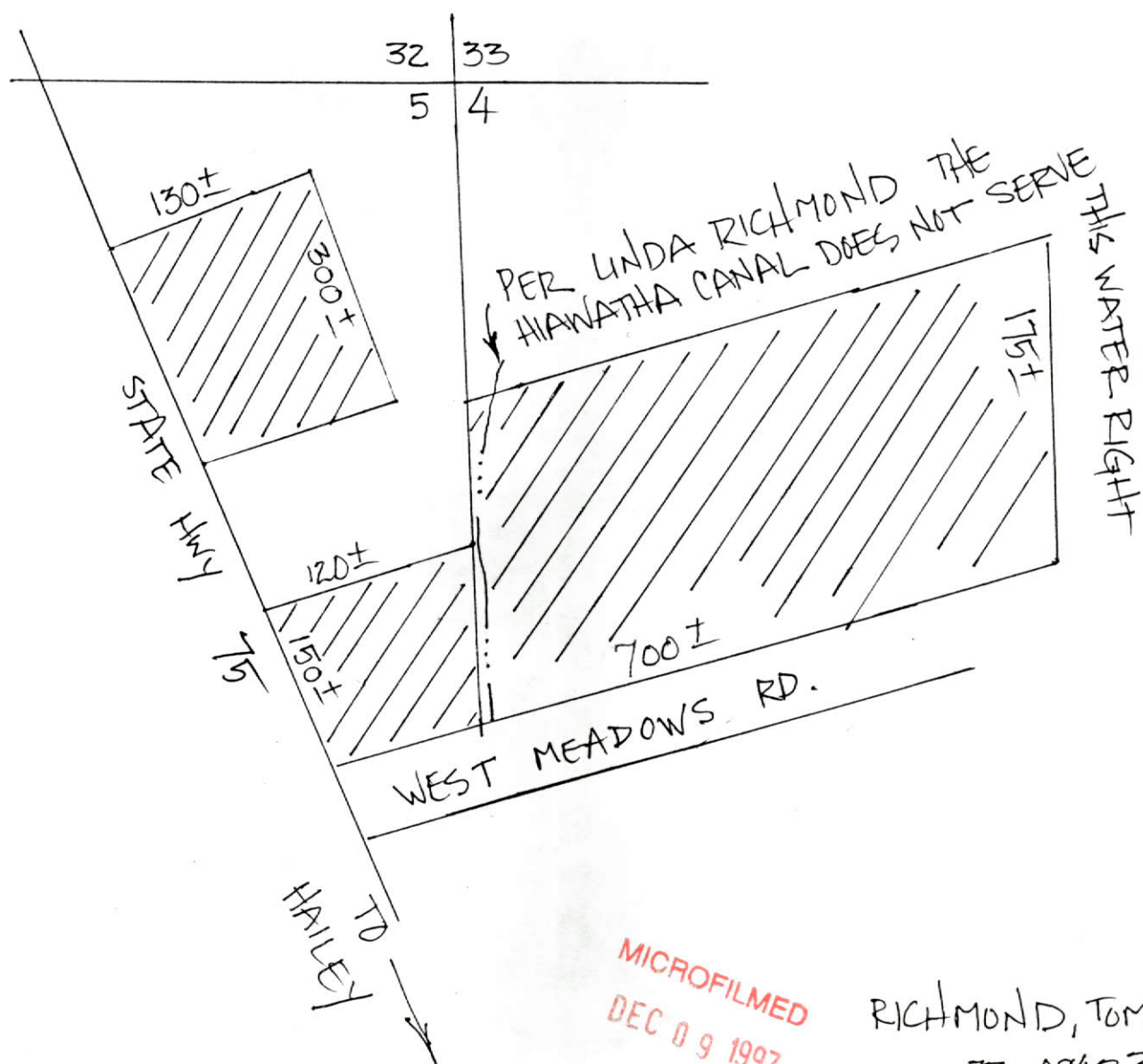
Hailey 7.5' Quad 1967 No Revision

37-08423, A37-11707



IRRIGATED ACRES

N
NTS



MICROFILMED
DEC 09 1997

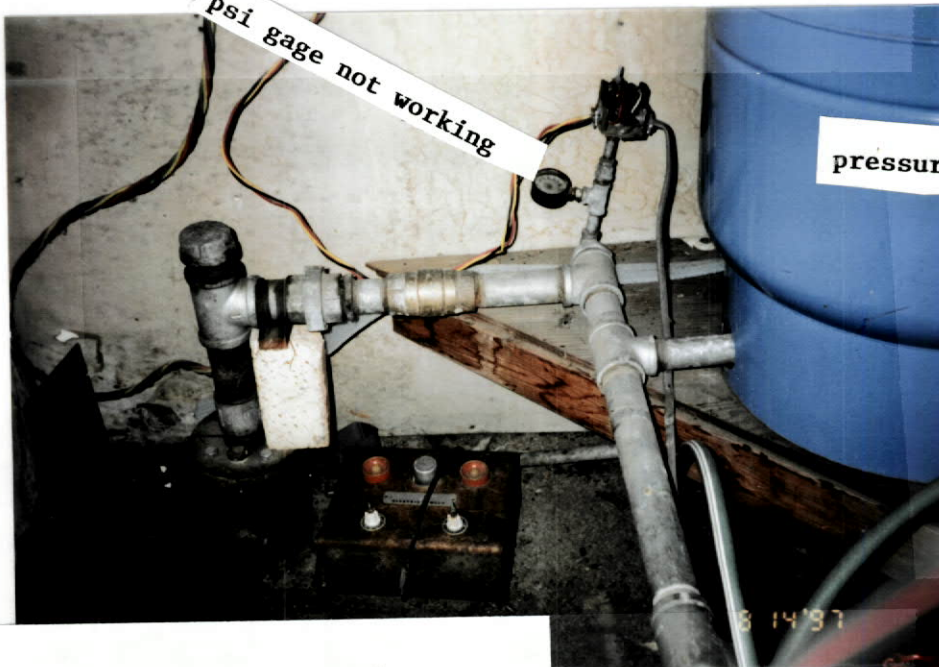
RICHMOND, TOM/LINDA
37-08423

GPS A0002943 in threshold



WELL INSIDE PUMPHOUSE TO THE LEFT

psi gage not working



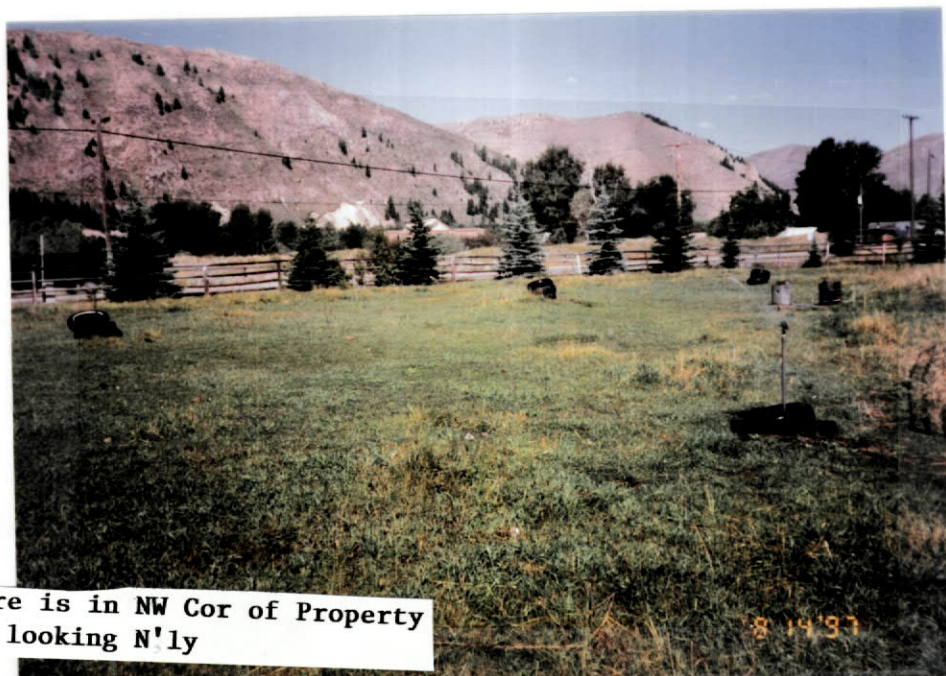
pressurized tank

PD=Sec 4, T02N, R18E NW NW NW 1/4

MICROFILMED
DEC 09 1997

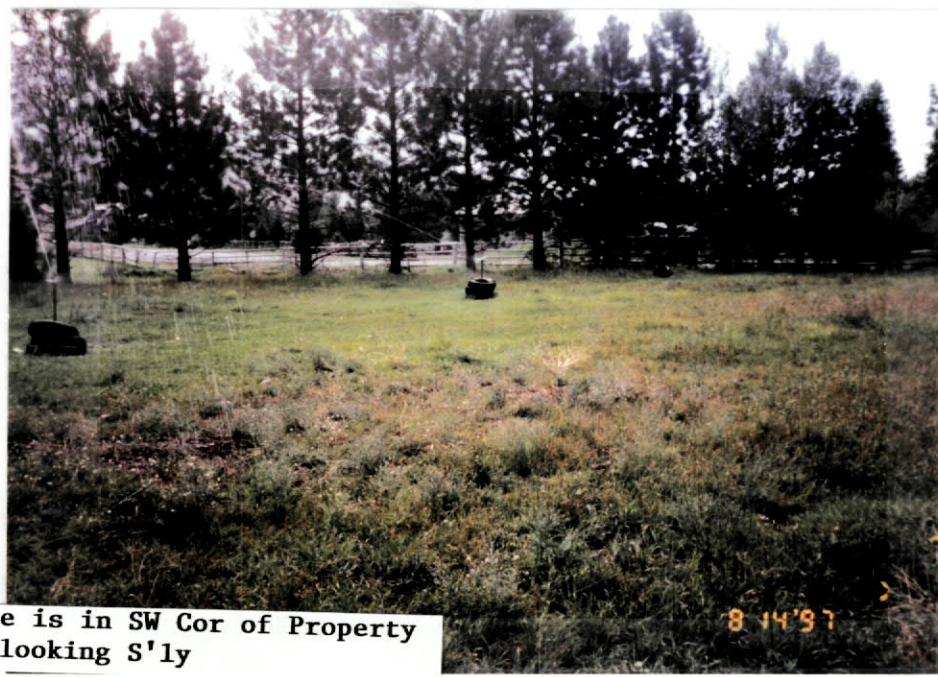
Richmond, Tom and Linda
1000 hrs. 14 Aug 1997
Examiner: Satterlee

37-08423



Pasture is in NW Cor of Property
Photo looking N'ly

Irrigation Sec 5, T02N, R18E NE NE $\frac{1}{4}$



Pasture is in SW Cor of Property
Photo looking S'ly

MICROFILMED
DEC 09 1997

Richmond, Tom and Linda
1000 hrs. 14 Aug 1997
Examiner: Satterlee

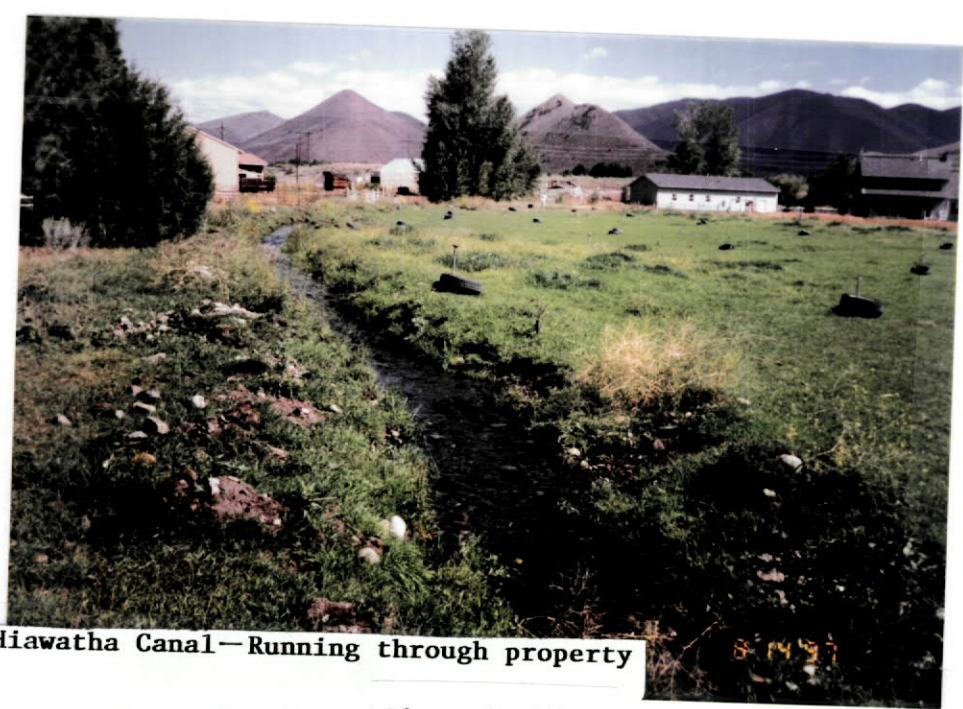
Hiawatha Canal
upstream North

Stock/Horses



Irrigation Sec 4, T02N, R18E NW $\frac{1}{4}$ NW $\frac{1}{4}$
Photo looking W'ly from the most E'ly
portion of land.

8/14/97



Hiawatha Canal—Running through property

Photo looking
N'ly

8/14/97

MICROFILMED
DEC 09 1997

Richmond, Tom and Linda
1000 hrs. 14 Aug 1997
Examiner: Satterlee

37-08423

8. POSSIBLE CONTAMINATION SOURCES:

Is there evidence of Chemigation? ☐ Yes ☒ No

If yes, is there a check-valve present? ☐ Yes ☐ No

Is there a possible source of contamination nearby? ☐ Yes ☐ No

If yes, what Type? _____

How far away from the well is this source? _____

9. REMARKS:

A37-11707-SAME CLAIMANT (DIFFERENT WELL)

JS Sutterlee WR Agent
Signature of Dept. Representative & Title

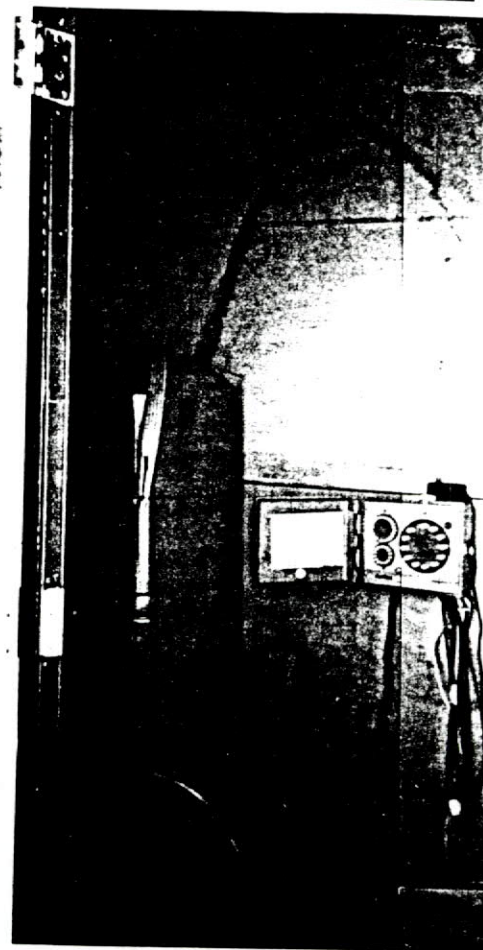
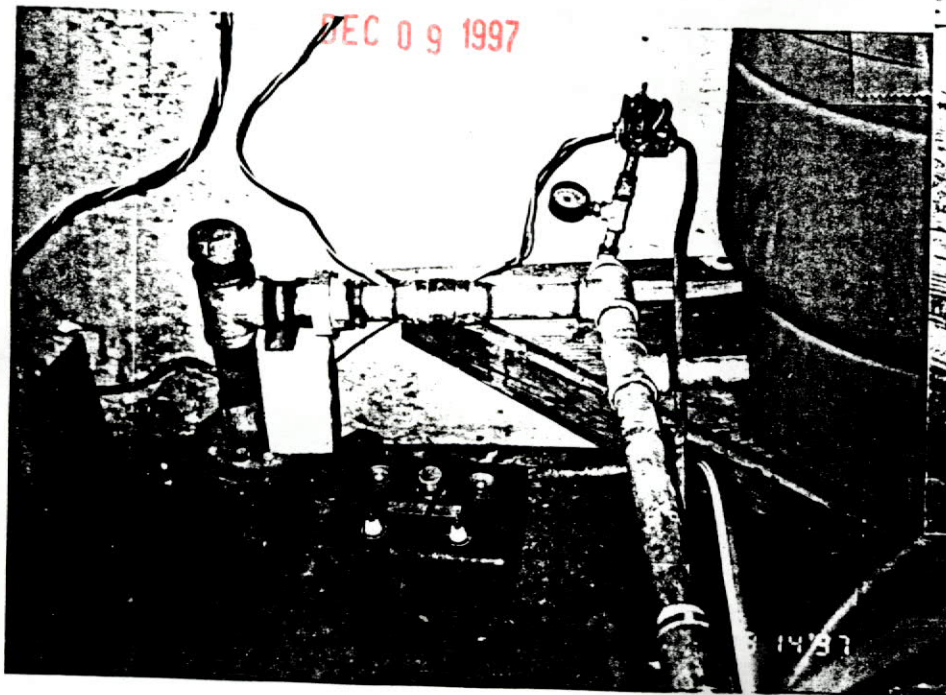
14Aug97
Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

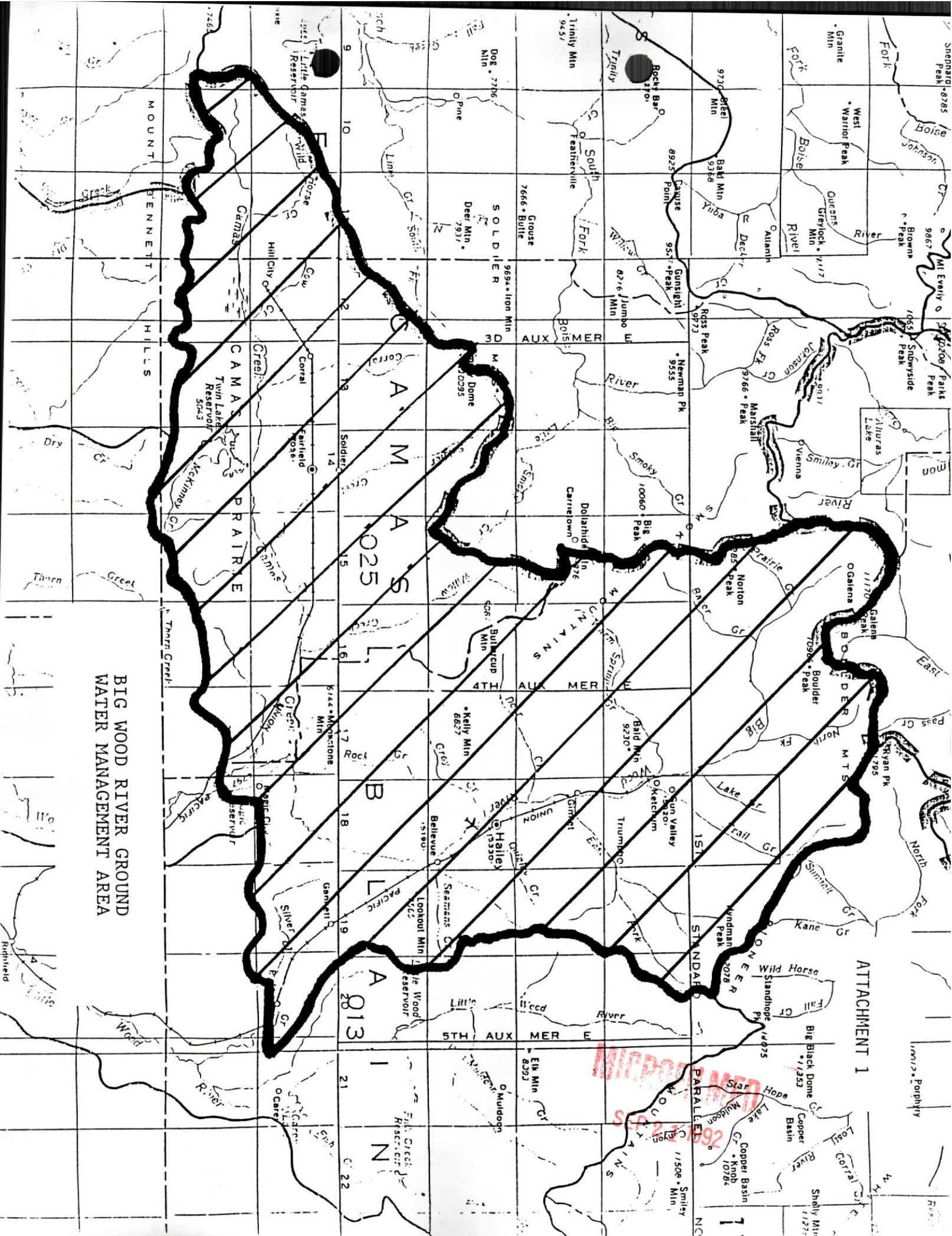
A0002943

MICROFILMED

DEC 09 1997



WELL INSIDE
PUMPHOUSE TO THE LEFT



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 37-08423

Priority: October 18, 1988

Maximum Diversion Rate:

0.10 CFS

Maximum Diversion Volume:

16.6 AF

This is to certify, that LINDA RICHMOND
TOM RICHMOND

PO BOX 1105

HAILEY ID 83333

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 18, 1988; and has submitted Proof of Beneficial Use on August 13, 1993. An examination indicates that the works have a diversion capacity of 0.120 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.06 CFS	15.8 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.1 AF
COMMERCIAL	01/01 to 12/31	0.01 CFS	0.1 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
Totals		0.10 CFS	16.6 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 4(NWNW), Sec. 4, Township 02N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	18E	4	Lot 4(NWNW)	3		3
		5	Lot 1(NENE)	1.5		1.5

Total number of acres irrigated: 4.5

PLACE OF USE:

STOCKWATER, same as IRRIGATION use

PLACE OF USE:

COMMERCIAL, same as IRRIGATION use

PLACE OF USE: DOMESTIC

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	
02N	18E	4	Lot 4(NWNW)

MICROFILMED
DEC 09 1997

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08423

CONDITIONS OF APPROVAL AND REMARKS

2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. Commercial use is for restroom facilities at 2 shops.
9. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 21st day of NOVEMBER, 1997.

Acting for

KARL J. DREHER, Director

MICROFILMED

DEC 09 1997

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AUG 13 1993

Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$ 50.00

Date 8-13-93

Receipt No. 60,18361

Receipt by SW

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 37-08423 Telephone No. (208)788-4305
2. Name(s) of Permit Holder(s): Tom and/or Linda Richmond
3. Mailing Address: P. O. Box 1105, Hailey, Idaho 83333
4. Source of Water: Groundwater

If **GROUNDWATER**, Well Driller's Name: Ken Smith Well Drilling Date Drilled: 11/30/1980

OPTIONAL:

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

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

Domestic .04CFS (1) (No. of households) Stockwater .02CFS 20 cows (No. and type of stock)

Irrigation .16CFS (8) (No. of acres) Other .04CFS Commercial 2 shops

6. Total rate and/or volume for which proof is submitted .20 cfs OR _____ acre/feet

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

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

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

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)
9. Person to contact to accompany the Department representative during field examination of the water system.

Tom or Linda Richmond 788-4305

Name Telephone No.

P. O. Box 1105, Hailey, Idaho 83333

Address

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

8/12/93
Date

Linda D. Richmond
Signature (and title, if on behalf of a company or organization)

AUG 26 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08423

Proposed Priority: October 18, 1988 Maximum Diversion Rate: 0.20 CFS

This is to certify, that **TOM RICHMOND**
LINDA RICHMOND
PO BOX 1105
HAILEY ID 83333

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/15 to 10/15	0.16 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
COMMERCIAL	01/01 to 12/31	0.04 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
Totals		0.20 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 4(NWNWNW), Sec. 4, Township 02N, Range 18E
BLAINE County

<u>PLACE OF USE:</u>	<u>IRRIGATION</u>				
<u>TWN RGE SEC</u>		<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N 18E 4	Lot 4(NWNW)	6.5			6.5
5	Lot 1(NENE)	1.5			1.5

Total number of acres irrigated: 8

PLACE OF USE: COMMERCIAL, same as IRRIGATION use

PLACE OF USE: STOCKWATER
TWN RGE SEC

02N 18E 5 Lot 1(NENE)

PLACE OF USE: DOMESTIC
TWN RGE SEC

02N 18E 4 Lot 4(NWNW)

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1993.
2. Subject to all prior water rights.
3. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

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SEP 21 1992

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

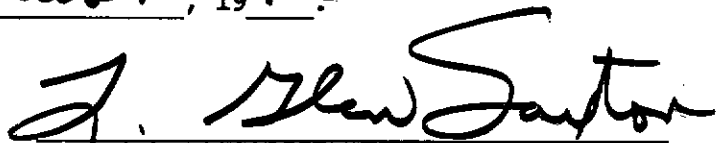
NO. 37-08423

CONDITIONS/REMARKS:

4. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
5. The Director retains jurisdiction of this right and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
6. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
7. Commercial use is for restroom facilities at 2 shops.
8. Stockwater use is for 20 range cattle.
9. Domestic use is for 1 home.

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

11 day of September, 1992.

for 
R. Keith Higginson, Director

MICROFILMED

SEP 21 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Tom Richmond & Linda Richmond Phone 788-4305
Post office address P.O. Box 1105 Hailey, Ida 83333

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

3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot 4
Sec. 4 Township 2N Range 18E B.M. BLAIR County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.04 for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.16 for Irrigation purposes from 4/1-4-15 to 11/1-10-15 (both dates inclusive)
(cfs or acre-feet per annum)

* 0.02 Amount 0.20 for Stock purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.20 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well with pump delivering
to pressure system

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Existing Proposed well diameter is 6" inches; proposed depth of well is 53' 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
1 years (minimum 1 year).

SEP 21 1992

Reduced to chart allowances for 20 head of range cattle. (BLM)

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 20 Range
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. D/1 apartment
- e. Other; describe fully. Commercial / water for toilet facilities at two shops

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	18E	4						4.4	6.5										6.5
2N	18E	5	1.5																1.5
2N	18E	4						4.4	C/D										
2N	18E	5	1.5																

C = Commercial
D = Domestic
S = Stockwater

Total number of acres to be irrigated 8.0

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Applicant

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

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

12. Remarks: well was developed in 1980 and used since then for these uses.

SEP 21 1992

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

See Attachments

MICROFILMED

SEP 21 1992

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.

Linda Richmond
(Applicant)

Received by ADN Date 10/18/88 Time 11:59 Preliminary check by LA
Fee \$ 30⁰⁰ Received by ADN # M001624 Date 10/18/88
Publication prepared by Brenda Miller Date 2-12-91 Published in WOOD RIVER JOURNAL
2-20 + 2-27-91
Publication approved _____ Date _____

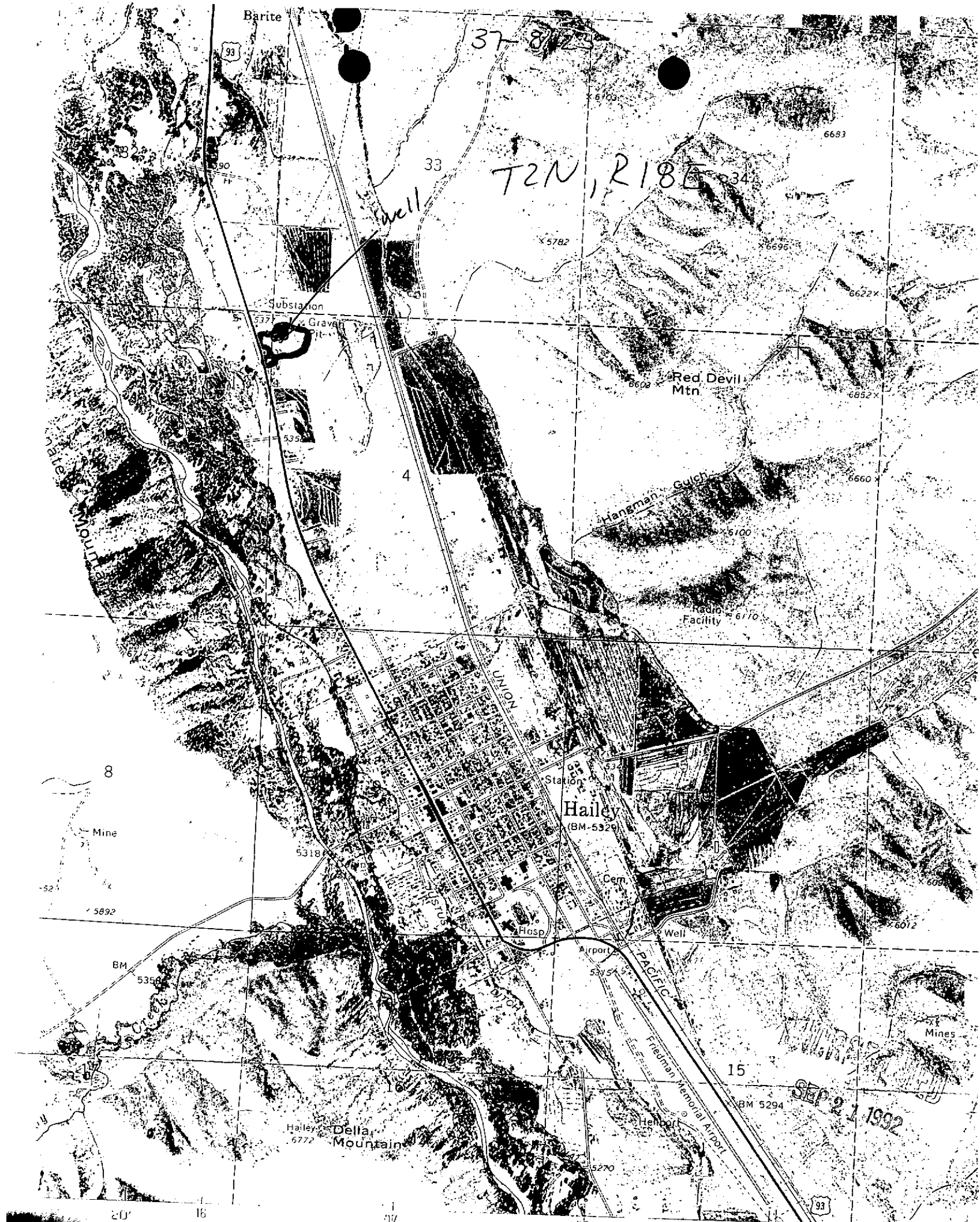
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

RECEIVED
SEP 21 1992



37-8

T2N, R18E

33

well

Substation

Gravel Pit

Red Devil Mtn

Hangman Gulch

Radio Facility

Hailey

(BM-5329)

Hosp

Airport

Well

Hailey

Della Mountain

Mines

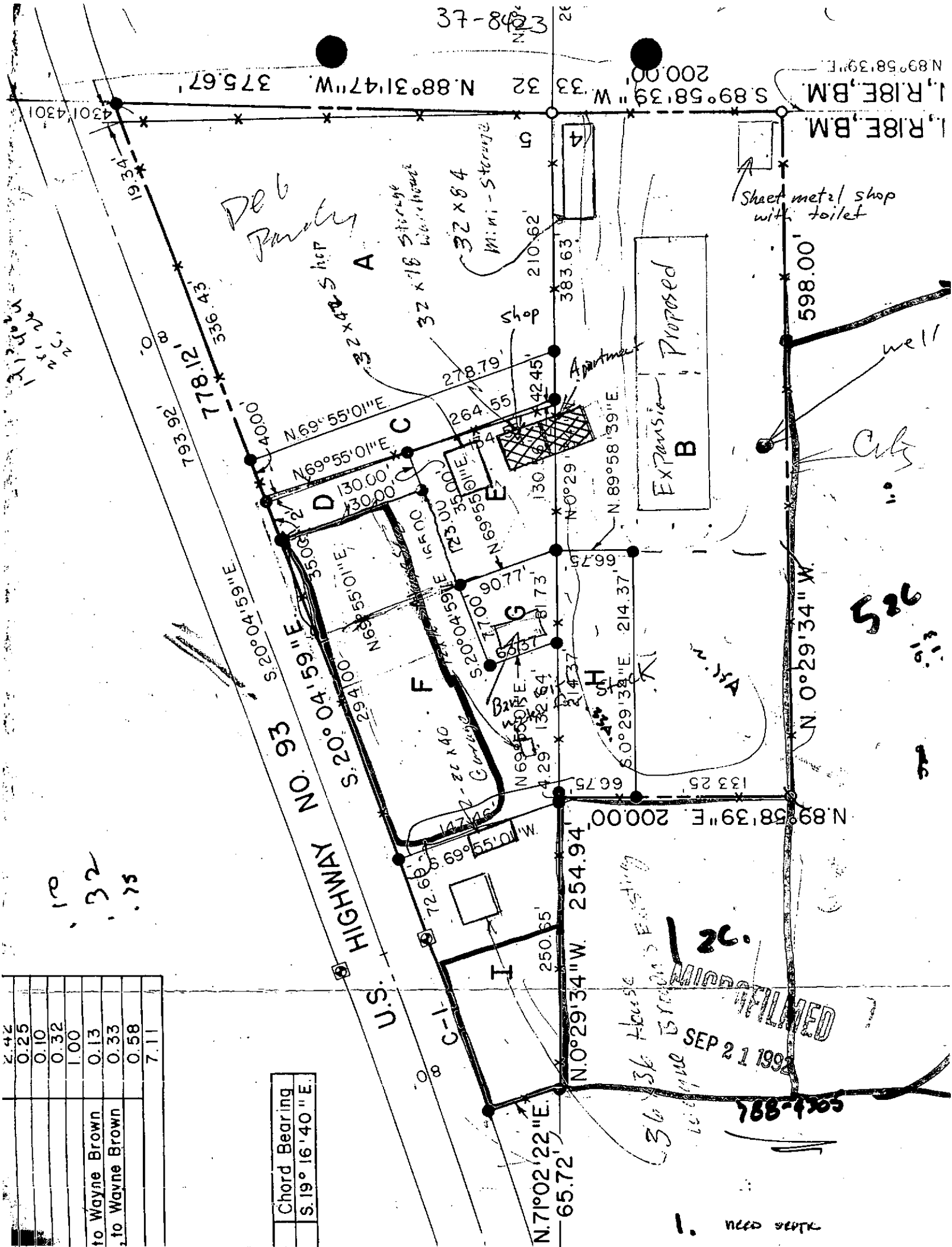
SEP 21 1992

SCALE 1:24,000

BELLEVUE IDAHO 231 28
TWIN FALLS 63 MI.

2.42	
0.25	
0.10	
0.32	
1.00	
0.13	to Wayne Brown
0.33	to Wayne Brown
0.58	
7.11	

Chord Bearing
S. 19° 16' 40" E.



36 x 36 House Existing
 Wayne Brown
 FILMED
 SEP 21 1992
 788-4205

AFFIDAVIT of PUBLICATION

COPY OF NOTICE
(Paste Here)

RECEIVED
MAR 25 1991

State of Idaho, }
County of Blaine } SS.

Department of Water Resources

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

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

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

publication of said advertisement was on the 20 day of Feb 1991, and

the date of the last publication was on the 27 day of Feb 1991.

Subscribed and sworn to before me this 28 day of Feb, 1991.
(SEAL)

NOTARY PUBLIC

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Hailey, Idaho

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Number of Lines in Notice

Number of Insertions

36	Lines tabular at	6c / Pica
36	Lines straight at	5c / Pica
36	Subsequent lines at	4c / Pica
TOTAL COST		50.64

Richmond files on trust water right

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

37-08423

RICHMOND, TOM
RICHMOND, LINDA
P.O. BOX 1105
HAILEY, ID 83333

Source: GROUNDWATER
Diversification Pt: LOT 4 (NWNWNW)
Sec 4 T 02N R 18E

Use: DOMESTIC (.040 CFS)
COMMERCIAL (.040 CFS)
IRRIGATION (.160 CFS)
STOCKWATER (.200 CFS)
Total Diversification: (.200 CFS)

Date Filed: 10/18/1988

In: T02N R18E S04 Lot 4
(NWNW); S05 Lot 1 (NENE)
8.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720, on or before MARCH 11, 1991.

R. Keith Higginson, Director

Publish: Wood River Journal-
February 20 & 27, 1991.

Publication Rates

As of Jan., 1990

(Idaho Code,
Rev. Statutes (1984))

7-8 pt./line straight: 5/pica

7-8 pt./line tabular: 6/pica

7-8 pt./line successive
insertion: 4/pica

No 7534



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

November 24, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LINDA RICHMOND
TOM RICHMOND
PO BOX 1105
HAILEY ID 83333

RE: WATER RIGHT NO. 37-08423

Dear Water Right Holder(s):

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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DEC 09 1997

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

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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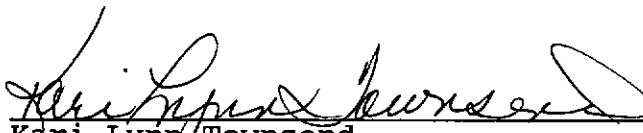
DEC 09 1997

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of November, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 37-08423

LINDA RICHMOND
TOM RICHMOND
PO BOX 1105
HAILEY ID 83333


Kari Lynn Townsend
Secretary

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DEC 09 1997

MEMORANDUM

TO: File 37-08423

FROM: Sharla

DATE: November 21, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Permit No. 37-08423 are based on the following:

H. RECOMMENDATIONS

Irrigation	4/15 - 10/15	0.06 cfs	15.8 afa
Stockwater	1/1 - 12/31	0.01 cfs	0.1 afa
Commercial	1/1 - 12/31	0.01 cfs	0.1 afa
Domestic	1/1 - 12/31	0.02 cfs	0.6 afa
TOTALS		0.10 cfs	16.6 afa

The irrigation volume is based on 4.5 acres, not 6.5 acres. The total volume is also adjusted accordingly.

The domestic use is for in-house use only; the rate has been adjusted accordingly.

Examiner: Georgia Satterlee
Exam Date: August 14, 1997

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LICENSE REVIEW CHECKLIST

PERMIT NO. 37-08423

DATE 11/14/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>NO</u>
SOURCE	Change <u>—</u>	OK <u>✓</u>	Is change clarification of originally intended source? <u>—</u>
POINT OF DIV	Change <u>—</u>	OK <u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	Change <u>—</u>	OK <u>✓</u>	Amendment required <u>NO</u>

Does map agree with written description? — yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>.20</u> cfs
Fee limit	<u>.20</u> cfs <u>\$50⁰⁰</u>
Measured	<u>.06</u> cfs <u>irr. .12</u>
Theoretical	<u>1</u> cfs

Recommended Total Div Rate .10 cfs

ANNUAL VOLUME/ NATURE OF USES

<u>4.1 ac.</u> $(130 \times 300) + (120 \times 150) + (175 \times 700)$ <u>43,560</u>	Use <u>✓</u>	cfs	Volume Calc
	<u>Res</u>	<u>.06</u>	<u>4.5 x 3.5 = 15.8</u> af
	<u>Stock</u>	<u>.01</u>	<u>.1</u> af
	<u>Comm</u>	<u>.01</u>	<u>.1</u> af
	<u>Dom.</u>	<u>.02</u>	<u>1.6</u> af
	SUBTOTAL	<u>.10</u>	<u>16.6</u> af

Flow rate .06 cfs X 184 days X 1.98 = 21.9 af

Total volume recommended — af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

D/home heating contractors
C/Shop welders shop & welder facilities.
WBS(1)

CONDITIONS — Watermaster Control WD# —

— GW Measurement/Measuring Device

167 Overlap

R55, 052

— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed NA

1st Amend Letter NA

Adjustment Memo for volume / total
dom in house vol.

2nd Amend Letter NA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 08 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-08423

1. Owner: TOM AND LINDA RICHMOND Phone No. (208) 788-4305

Current Address: PO BOX 1105, HAILEY, ID. 83333

2. Accompanied by: LINDA RICHMOND EXAM DATE: 14 AUG 97

Address: _____ Phone No. _____

Relationship to Permit Holder: SAME

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: A37-11707

2. Other water rights with the same point of diversion: NONE

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
#1		NW	NW	NW	4	02N	18E	BLAINE	FIELD EXAM GPS

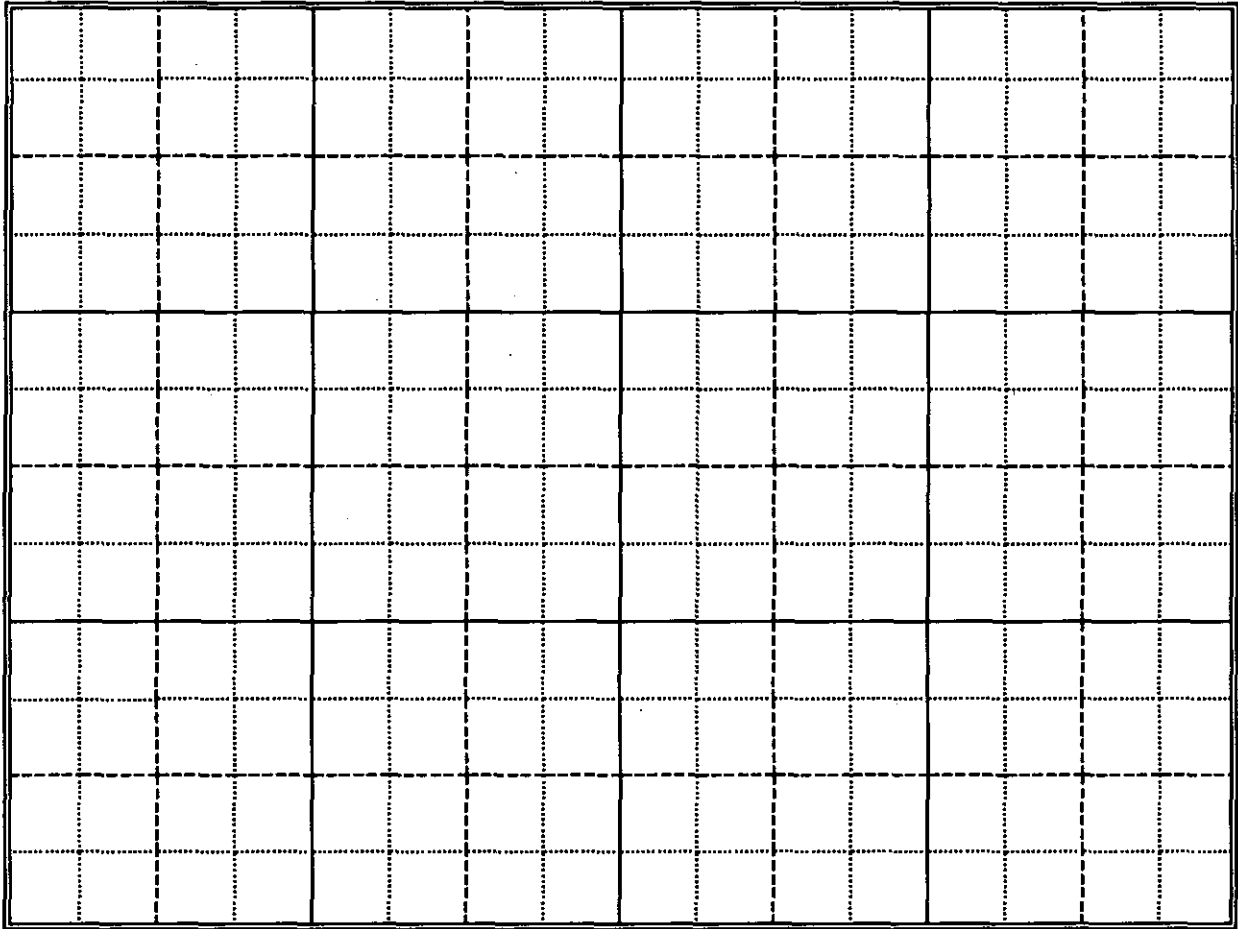
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18	4						D											
								3											3.0
								C											
								S											
		5	1.5																1.5
			C																
			S																

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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
#1 GPSA0002943			NONE FD.		

*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

2. Measurements: PITOT TUBE w/ PSI GAGE

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DEC 09 1997

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 02 September 1997
RE: 37-08423

On 14 August 1997 at 1000 hrs. I met with Linda Richmond. The permit 37-08423 states domestic, commercial, irrigation, and stockwater all from groundwater.

When the well was drilled the proposed use was domestic only. Prior to licensing 37-08423, The Richmond's need to pay the extra fee related to the other uses in addition to the domestic.

The well is located in a pumphouse in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, T02N, R18E.

The domestic use is associated with the caretaker's residence. It is a single family home with one bathroom.

The commercial use is related with the shop (Heating Contractor) and the downstairs portion of the caretaker's house, (Welder). Both buildings have 1 toilet and 1 sink each. The other structures related to the commercial use is the warehouses and the storage facilities. All the buildings are rented out to the public. The storage buildings do not have any sinks or toilet facilities.

The irrigated acres are located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (3 acres) of Section 4 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ (1.5 acres) of Section 5, all in T02N, R18E. See schematic with acres delineated.

The stockwater use is for six horses. The maximum number of horses is six. The horses can be pastured in either NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5.

FACILITIES:

Domestic-Caretaker's House	1 toilet/1 sink/1 shower
Commercial-Welder	1 toilet/1 sink
-Heating Contractor	1 toilet/1 sink

PARTICIPANTS:

Commercial	
Welder = 3 employees	1/1-12/31
Heating Contractor = 4 employees	1/1-12/31

WATER USES:

Employees	15 gal/day
-----------	------------

PLEASE SEE BACK OF BENEFICIAL USE FIELD REPORT FOR RATES AND VOLUMES.

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

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DEC 09 1997

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

IRRIGATION15 sprinklers Rainbird Mod. 20A $\frac{1}{8}$ " nozzle @ 18 psi = 1.77 gpm

$$1.77 \text{ gpm} (15) = 26.6 \text{ gpm}$$

$$\frac{26 \text{ gpm}}{X} = \frac{9 \text{ gpm}}{0.02 \text{ cfs}}$$

$$X = 0.06 \text{ gpm/cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 6.5(3.5) = 22.8 \text{ af}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.06(184)1.9835 = 21.9 \text{ af}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 21.9 \text{ af}$$

2. Volume Calculations for Other Uses:

COMMERCIAL

#days(amount)(# people)

* = 325,900 gal/ac.ft.

$$\frac{365(15)7}{*} = \frac{38,325}{*} = 0.12 \text{ af}$$

PERMIT RATE 0.20
 EXAM FEE LIMIT 0.20
 MEASURED RATE 0.12

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>DOMESTIC</u>	<u>1/1</u>	<u>12/31</u>	<u>0.04</u>	<u>0.6</u>
<u>COMMERCIAL</u>	<u>1/1</u>	<u>12/31</u>	<u>0.01</u>	<u>0.1</u>
<u>IRRIGATION</u>	<u>4/15</u>	<u>10/15</u>	<u>0.06</u>	<u>21.9</u>
<u>STOCKWATER</u>	<u>1/1</u>	<u>12/31</u>	<u>0.01</u>	<u>0.1</u>
			Totals:	<u>0.12 cfs</u> <u>22.7 afa</u>

2. Recommended Amendments

☐ Change P.D. as reflected above☐ Add P.D. as reflected above☐ None☐ Change P.U. as reflected above☐ Add P.U. as reflected above☐ Other**I. AUTHENTICATION**

Field Examiner's Name

Georgia Satterlee

Date

02 Sept 97

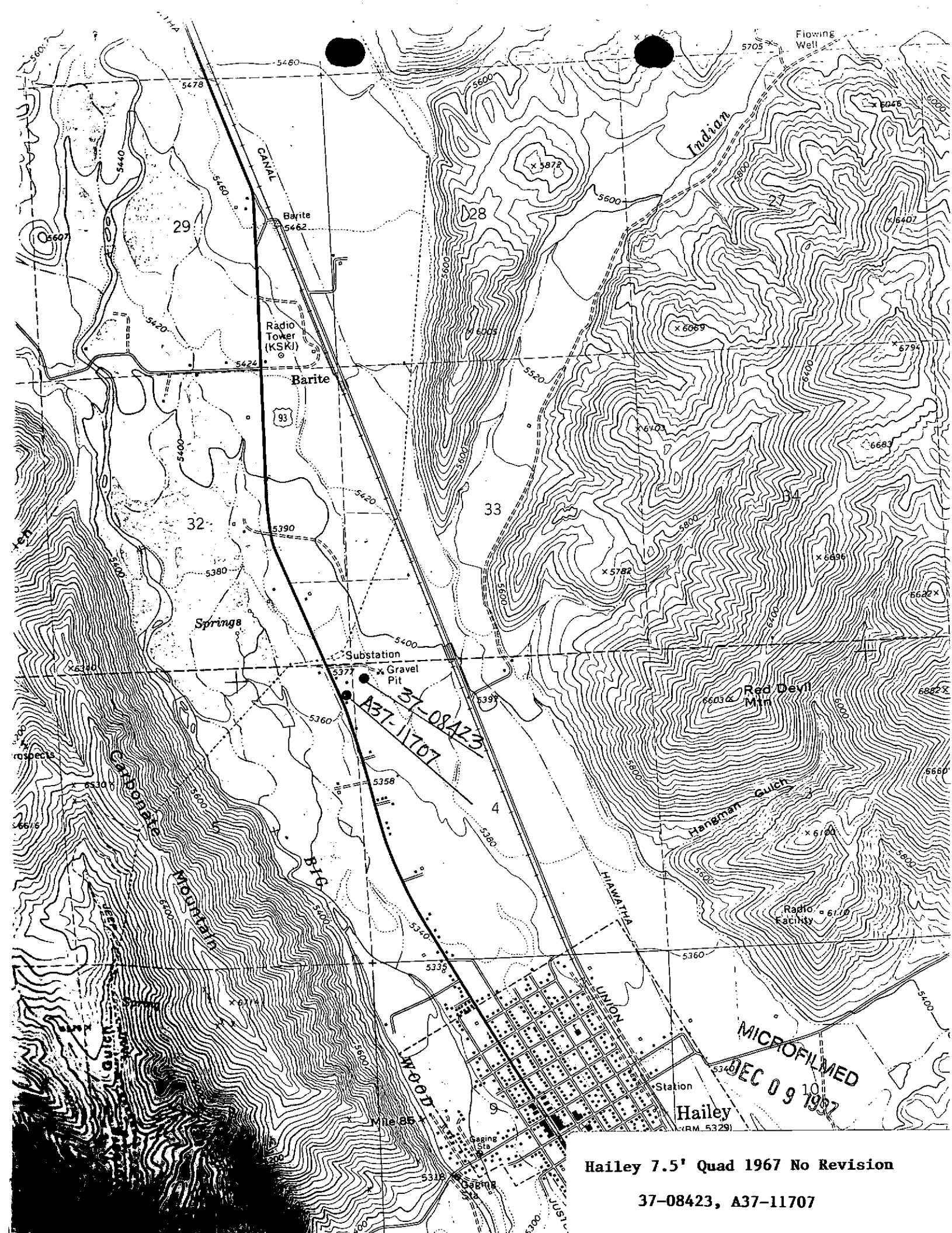
Reviewer

Date

SEAL

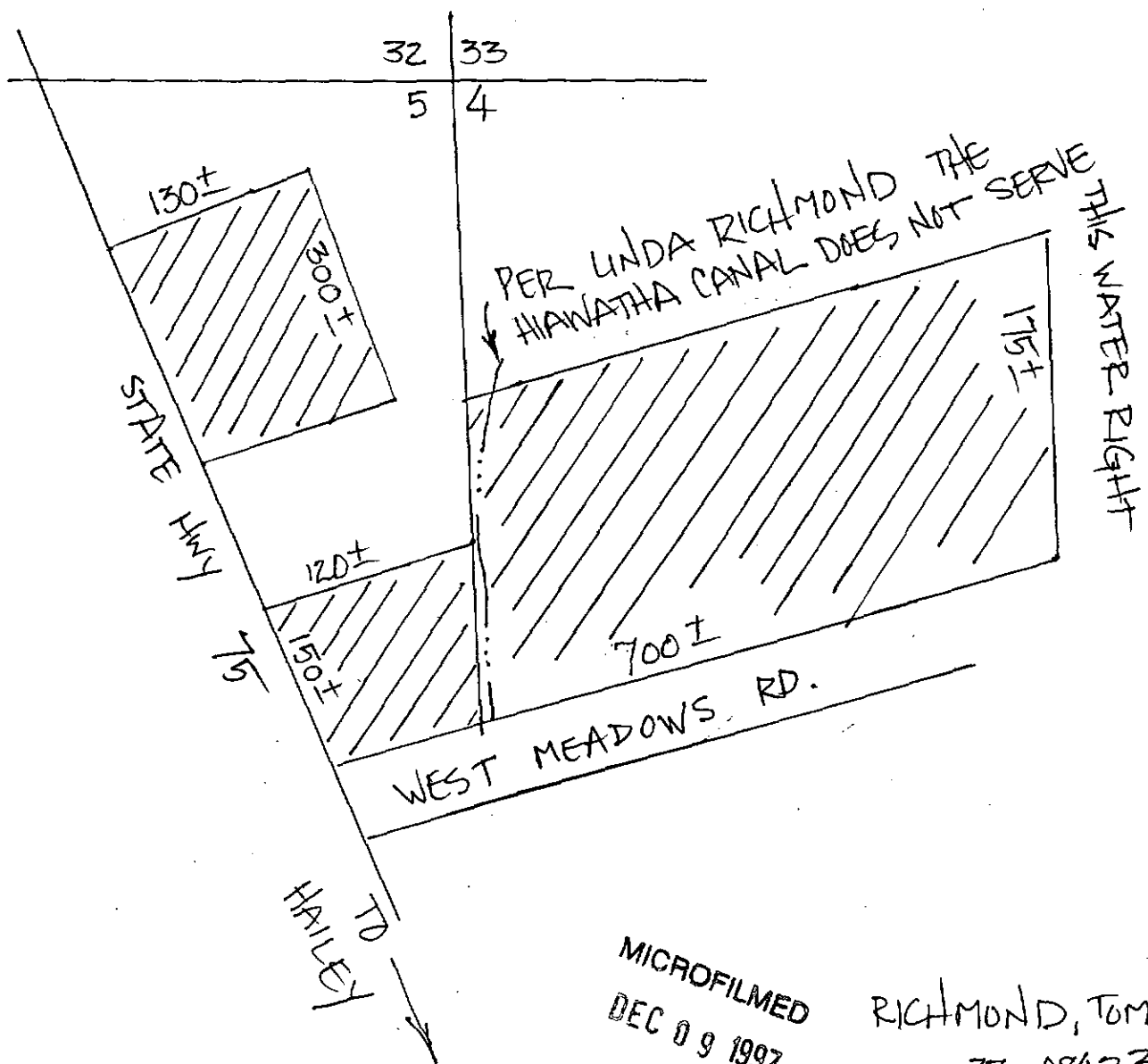
MICROFILMED

DEC 09 1997



IRRIGATED ACRES

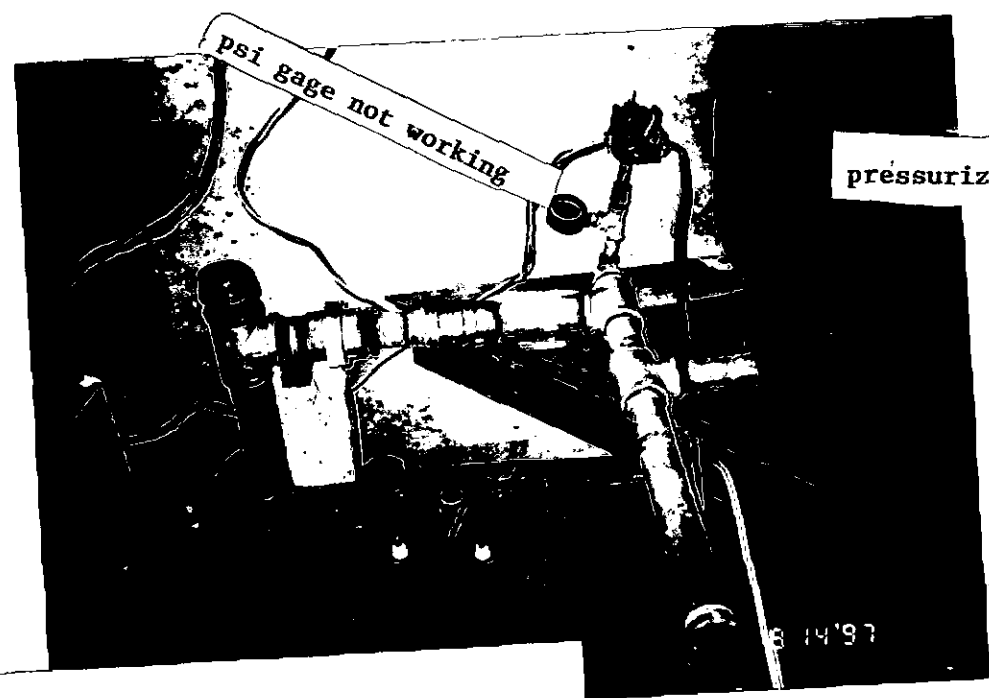
NTS



GPS A0002943 in threshold



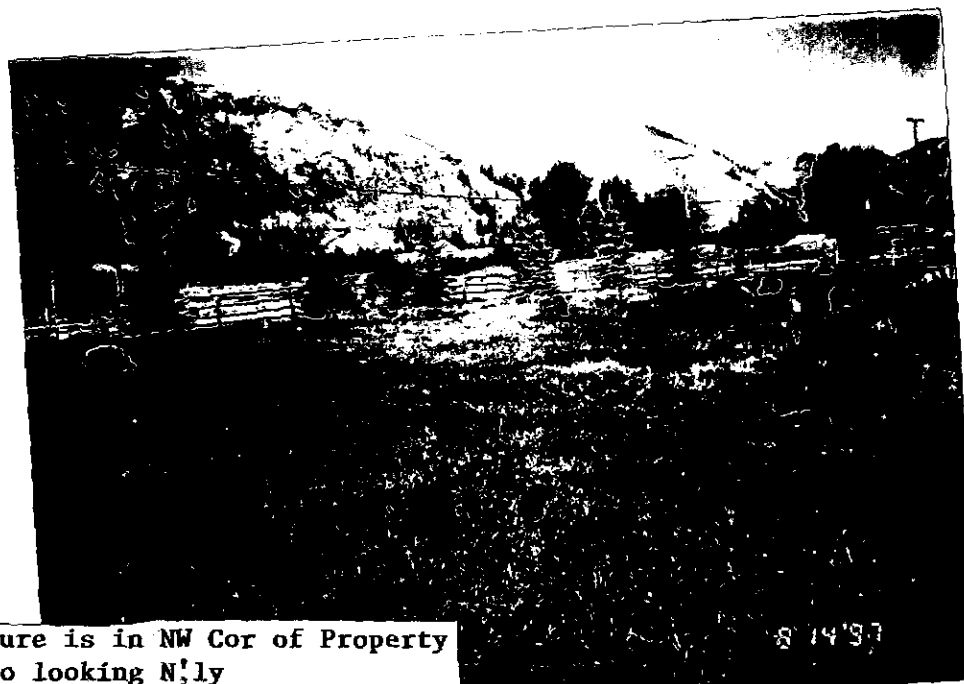
WELL INSIDE PUMPHOUSE TO THE LEFT



PD=Sec 4, T02N, R18E NW NW NW

Richmond, Tom and Linda
1000 hrs. 14 Aug 1997
Examiner: Satterlee 37-08423

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DEC 09 1997



Pasture is in NW Cor of Property
Photo looking N'ly

8 14 '97

Irrigation Sec 5, T02N, R18E NE NE1

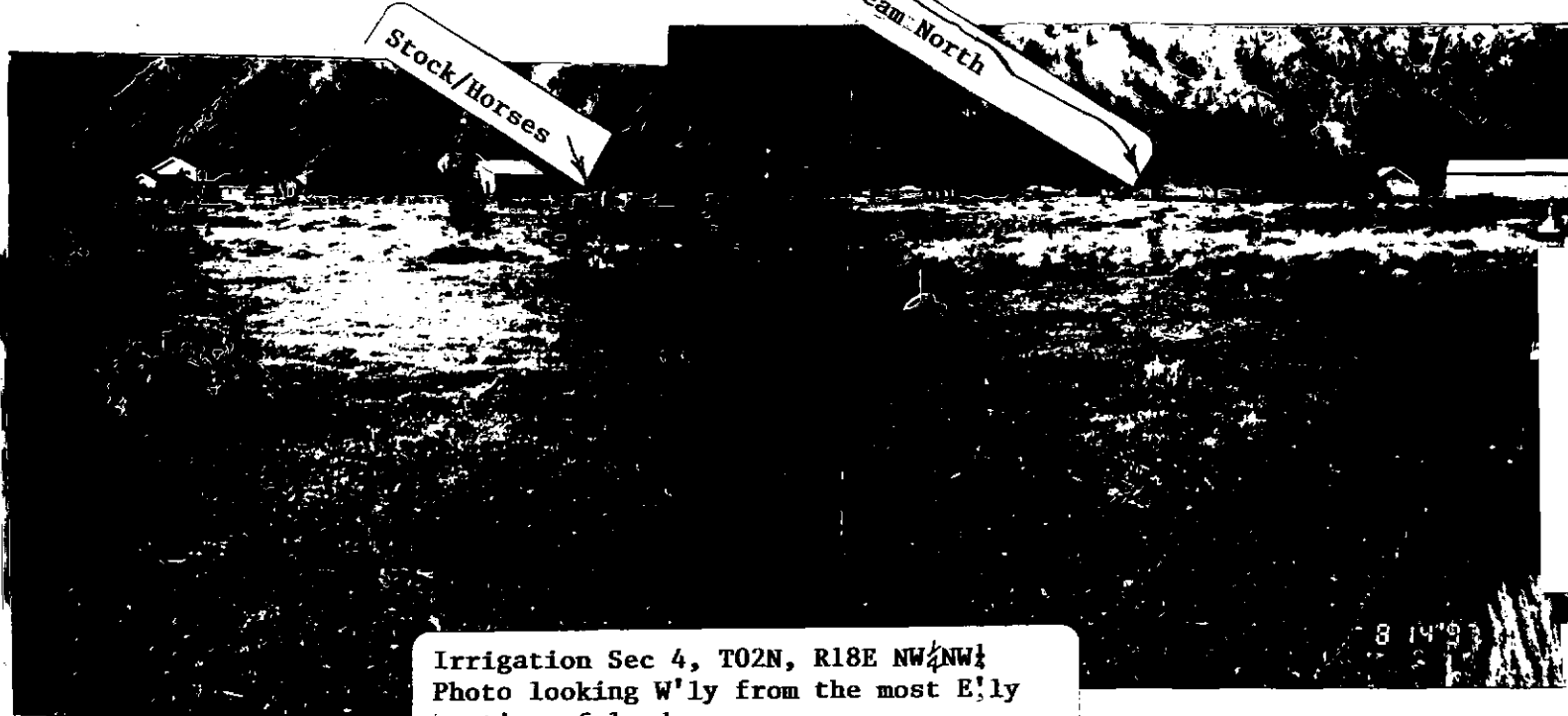


Pasture is in SW Cor of Property
Photo looking S'ly

8 14 '97

MICROFILMED
DEC 09 1997

Richmond, Tom and Linda
1000 hrs. 14 Aug 1997
Examiner: Satterlee



Irrigation Sec 4, T02N, R18E NW $\frac{1}{4}$ NW $\frac{1}{4}$
Photo looking W'ly from the most E'ly
portion of land.



Hiawatha Canal—Running through property

Photo looking
N'ly

MICROFILMED
AUG 09 1997

Richmond, Tom and Linda
1000 hrs. 14 Aug 1997
Examiner: Satterlee

37-08423

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

1. DRILLING PERMIT NO: _____ OTHER APPLICABLE NO: 37-08423
2. OWNER: RICHMOND, TOM AND LINDA Phone: 788-4305
Address: PO BOX 1105, HAILEY, ID 83333
3. WELL LOCATION: Twp 02N, Rge. 18E, Sec. 04, NW 1/4 NW 1/4
County _____ (Provide sketch map and photo on reverse.)
4. DRILLER: KEN SMITH Lic. No. _____
When Drilled? 1980±
5. WELL CONSTRUCTION:
Casing Diameter 6" inches Water tight cap? ☒ Yes ☐ No Access Port: ☒ Yes ☐ No
Casing $\geq$ 12 inches above ground? ☐ Yes ☒ No - Describe 9" o.g.
Depth of Casing _____ ft. Method Drilled _____
Condition of Well Casing: ☐ Good ☐ Fair ☐ Poor Describe _____
Control Valve? ☐ Yes ☐ No Pressure Gauge: ☒ Yes ☐ No
Condition of Piping and Valving _____
Auger to a depth of _____ ft. Evidence of Annular Seal ☐ Yes ☐ No
Are there obvious construction problems that may be a source for contamination or waste of water?
☐ Yes ☐ No (Describe in Remarks and Attach Photo - On Reverse)
6. HYDROLOGIC INFORMATION:
Depth to Static Water _____ ft. Water Temperature _____ °F
Flowing Artesian ☐ Yes ☐ No Pressure: NOT WORKING (psi)
Water Sample Taken? ☐ Yes ☒ No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____
7. WELL USE:
☒ Domestic ☒ Irrigation ☒ Stock
☐ Test ☐ Municipal ☐ Industrial
☐ Abandoned ☐ Waste Disposal/Injection ☐ Not Used
☒ Other: COMMERCIAL

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DEC 09 1997

8. POSSIBLE CONTAMINATION SOURCES:

Is there evidence of Chemigation? ☐ Yes ☒ No

If yes, is there a check-valve present? ☐ Yes ☐ No

Is there a possible source of contamination nearby? ☐ Yes ☐ No

If yes, what Type? _____

How far away from the well is this source? _____

9. REMARKS:

A37-11707-SAME CLAIMANT (DIFFERENT WELL)

GL Satterlee WR Agent
Signature of Dept. Representative & Title

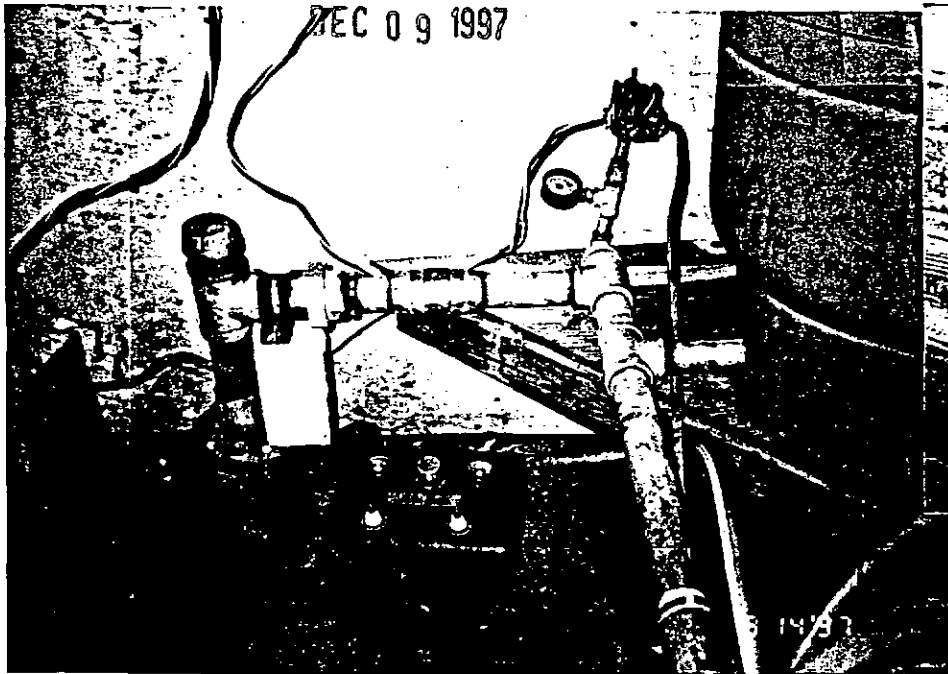
14Aug97
Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

A0002943

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DEC 09 1997



WELL INSIDE
PUMPHOUSE TO THE LEFT

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

RECEIVED

JUN 6 1981

1. WELL OWNER

Name Tom Richmond
Address Hailey, Idaho
Owner's Permit No. _____

7. WATER LEVEL

Static water level 16 feet below ground surface
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

8. WELL TEST DATA

☐ Pump ☒ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
<u>50</u>	<u>26 ft.</u>	<u>1</u>

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____
Thickness 2.50 inches Diameter 6 inches From 1 feet To 5.2 feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet

Was casing drive shoe used? ☒ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____ Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 18' Material used in seal: ☐ Cement grout ☒ Puddling clay ☐ Well cuttings

Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing ☐ Overbore to seal depth

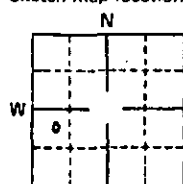
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld

☐ Cemented between strata

Describe access port _____

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County Blaine

1/4 Sec. 4, T. 2 N/S, R. 180 W.

10.

Work started 11-25-80 finished 11-27-80

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Ken Smith Well Drilling
Firm Name _____ Firm No. 265

Box 165 Hailey, Ida.
Address _____ Date 12-15-81

Signed by (Firm Official) Ken Smith

and
(Operator) Wayne Bell

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DEC 8 9 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 7, 1997

Linda and Tom Richmond
PO Box 1105
Hailey, ID. 83333

RE: 37-08423

Dear Mr. and Mrs. Richmond,

Per our phone conversation yesterday, I am writing to request an opportunity to perform a field examination. The exam consists of verifying the elements associated with the water right. One of the elements is the irrigation of approximately eight acres. While doing the exam it is beneficial to have the irrigation running.

Once the exam is completed, the permit will eventually become a licensed water right. Enclosed is a copy of your water right plus my business card. I would like to make an appointment as soon as I can. Thank you for attention in this matter.

Cordially,

Georgia Satterlee
Water Resource Agent

enclosure

MICROFILMED

DEC 09 1997

August 20, 1993

LINDA RICHMOND
TOM RICHMOND
PO BOX 1105
HAILEY ID 83333

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08423

Dear Permit Holder:

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

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECORDED

AUG 26 1993

Proof Made 8/13/93
8/20/93 KLG

July 31, 1993

LINDA RICHMOND
TOM RICHMOND
PO BOX 1105
HAILEY ID 83333

PROOF DUE NOTICE

RE: PERMIT NO. 37-08423

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 October 1, 1993. (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.

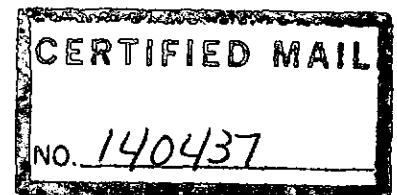
SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

RECEIVED

AUG 26 1993





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 15, 1992

LINDA RICHMOND
TOM RICHMOND
PO BOX 1105
HAILEY ID 83333-1105

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08423

Dear Permit Holder(s):

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

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

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by

UNRECORDED

SEP 21 1992

state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

Sincerely,

BRENDA MILLER
Water Resource Agent

BLM:cz

Enclosure

MICROFILMED

SEP 21 1992

APPLICATION FOR PERMIT REVIEW

Application #: 37-8423 Date: 9-9-92 Reviewer: Brenda Miller

BMM

SYSTEM COMPLETED:

- No - 26A-P17
- Complete in 1 year - P16
- Yes
- Proof not submitted - P16
- Proof submitted - N/A

GROUNDWATER:

- GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
- NMR <fl ch>, A of C BIG WOOD GLWA
- LT. 0.2 cfs - No measurement required <flow chart>

Drilling Permit:

- Approved w/permit - P99
- Not included - 046-46A-46B-P23 (after 7/1/87), N/A *Prior 87*

SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

LOCATION:

- Water Districts - WD No. 37
- Surface water - R04, R04-01H-P01(LT.2 w/pump)
- R04-01J-P08(GT.2), NMR <flow chart>
- Groundwater - P05
- Irrigation Districts - 023
- Canal Co. Areas - 023
- Drainage Districts - 024
- Boise Front (63) - 058 (Groundwater)
- Swan Falls Flag - 7 (1, Blank or Other)
- Trust - 051-052-053-P74 (Consumptive Uses)
- Non Trust <1> - 048-049

RIVER BASINS:

- (Surface Water) Water District Control Condition &....
- Boise (63) - 05A & 11E
- Payette (65) - 047-P04, 059-P71
- Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

- Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One), 042(req.), 002-P06(MD), 07A(Spec.), 044(Policy 5G)
- Power - Use Power Review
- Mining - 06A, 010, or 09E-P10 & 054(req.)
- Storage - 18A-for multiple measuring devices(In WD), 18B-P09(Size)
- Rec/Wildlf/Aes - 027(Non-Consumptive)
- Domestic - 021 (Boise River - upstream from L Peak)
- (restricted areas) 27A (Payette River & main tributaries)

OWNERSHIP:

- Non land owner - 004

PROTESTED:

- Agreement - 020

Beneficial Use Due Date: - 10-01-1993

Other Conditions:

* NOTE: 1980-81 WELL - BEEN IN CONTINUOUS USE
NOTE: TRUST CONDITIONS - BUT NOT TRUST
ACREAGE PER TINS
2-4-91 memo.

Form No. 202a
/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Swan Falls Hold

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY LD DATE 11/15/88 APPLICATION NUMBER 37-08423

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
 Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☐ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Power efficiency form
☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
☐ See reverse side for additional information

RECEIVED
SEP 3 1992

Department of Water Resources

RECEIVED
DEC 13 1990

REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested Department of Water Resources

CESSING

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

ID COPIES TO

None

☐ 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 _____

IAL REGIONAL PROCESSING REVIEW

☒ 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 3/11/91
☐ 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 Jaren O'Halloran Date 10/18/88
8/31/92

STATE OFFICE REVIEW

_____ ☐ See below for additional information
By _____ Date _____

DDITIONAL INFORMATION

*This Am covers Development existing before the
BWRBWA was established. Protests of BWC &
FBWR have been withdrawn.*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

22-Apr-1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

ATTN RICHARD M ONEIDA MGR
BIG WOOD CANAL COMPANY
PO BOX C
SHOSHONE ID 83352

RE: Application for Permit No. 37-08423 (Richmond)

Dear Mr. Oneida:

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

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

The Department will continue review of the application without further contact with you unless information is requested.

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

Very truly yours,

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

LH:MB

MICROFILMED

SEP 21 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

22-Apr-1992

R. KEITH HIGGINSON
Director

TOM &/OR LINDA RICHMOND
PO BOX 1105
HAILEY ID 83333

RE: Protested Application for Permit No. 37-08423

Dear Mr. & Mrs. Richmond:

We have received a withdrawal of the protest filed by the Big Wood Canal Company against approval of the above referenced application.

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

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

Very truly yours,

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

LH:MB

SEP 21 1992

Big Wood Canal Company

112 S. Apple P.O. Box C
Shoshone, Idaho 83352
886-2331

RECEIVED

APR 17 1992

Department of Water Resources
Southern Region Office

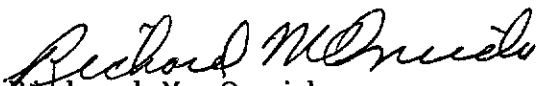
March 31, 1992

Loren Holmes
Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

RE: Application No. 37-08423
Richmond

I would like to withdraw my protest against Application No. 37-08423 because this file is made on an already existing well right.

Sincerely,


Richard M. Oneida
Manager

cc: Richmond Const. Co., Inc.

RMO/mae

MICROFILMED

SEP 21 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

17-Jan-1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

TOM &/OR LINDA RICHMOND
PO BOX 1105
HAILEY ID 83333

RE: APPLICATION FOR PERMIT NO. 37-08423

Dear Applicants:

Enclosed is a copy copies of a protest filed against the above referenced application. Also, please be informed that the protest filed on 3/11/91 by the Friends of the Big Wood River was subsequently withdrawn on 5/2/91.

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

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

Also enclosed is an attachment that addresses additional requirements pertaining to the Big Wood River Groundwater Management Area.

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

Very truly yours,

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

LH:MB
Enclosure(s)

RECEIVED

SEP 21 1992

Attachment to letter dated 17-Jan-1992

To all parties in the matter of
Application for permit No. 37-08423
In the name of Tom &/or Linda Richmond

PROTESTED APPLICATION FOR PERMIT:
ISSUES CONSIDERED, CONFERENCE PROCEDURE

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

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

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

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

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

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

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

RECEIVED

SEP 21 1992

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF DESIGNATING)
THE BIG WOOD RIVER GROUND)
WATER MANAGEMENT AREA)

ORDER

DEPARTMENT OF WATER RESOURCES
SOUTHERN REGIONAL OFFICE

This matter having come before the Director of the Idaho Department of Water Resources as a result of concern over the relationship between ground water pumping and the flow of surface streams in the Big Wood River drainage, the Director Finds, Concludes and Orders as follows:

FINDINGS OF FACT

1. The Director of the Department of Water Resources has the responsibility to administer the use of ground water in the state of Idaho to protect prior rights and yet allow full economic development of the resource.

2. The surface and ground waters of the Big Wood River drainage are interconnected. Diversion of ground water from wells can deplete the surface water flow in streams and rivers. New ground water uses can also deplete available supplies for other users and affect basin underflow which presently accumulates in the Magic Reservoir.

3. There are a number of Applications for Permit to Appropriate Water pending before the department which propose additional consumptive uses of ground water within the Big Wood River drainage.

4. Injury could occur to prior surface and ground water rights including the storage right in Magic Reservoir if the flows of streams, rivers and ground water underflow in the Big Wood River Basin are intercepted by junior priority ground water diversions.

CONCLUSIONS OF LAW

1. Section 42-226, Idaho Code, declares all ground waters to be the property of the state, whose duty it is to supervise the appropriation and allotment of the same. One of the goals is to assure that early appropriations of ground water are protected in the maintenance of reasonable ground water pumping levels.

2. In order to determine whether withdrawals from the existing and proposed wells will have an adverse impact on prior water rights diverted from surface water and/or ground water, the

SEP 21 1992

construction and use of additional wells in the area must be monitored and controlled.

3. Section 42-233b, Idaho Code, authorizes the Director of the Idaho Department of Water Resources to designate "ground water management areas" to allow increased management of the ground water resources.

4. The director of the department of water resources should designate a ground water management area for a portion of the Big Wood River basin upstream from Magic Reservoir and from which ground water pumping can have an effect on flows of streams and rivers in the basin.

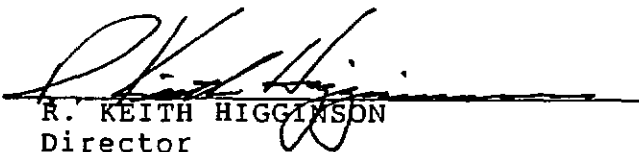
ORDER

NOW, THEREFORE IT IS HEREBY ORDERED that the following described area be included within and designated as the "Big Wood River Ground Water Management Area" pursuant to the provisions of Section 42-233b, Idaho Code:

Beginning at Magic Dam on Big Wood River and continuing eastward approximately one mile to the drainage divide at Rattlesnake Butte, which separates tributaries of the Big Wood River above Magic Dam from those below the dam, thence northward approximately three miles and eastward approximately fourteen miles along the divide to a point where the divide crosses the north-south section line common to sections 28, 29, 32 and 33, T1S, R20E, BM, which is near the NE corner of Section 32, T1S, R20E, BM., thence east approximately five miles to the divide separating Silver Creek tributaries from the upper Little Wood River basin, thence continuing in a counterclockwise direction along the entire topographic boundary of the upper Silver Creek and Big Wood River basins, including Camas Creek returning to the point of beginning at Magic Dam.

Attached to this order is a map identified as Attachment 1. which graphically shows the boundaries of the management area.

DATED this 28TH day of JUNE, 1991.


R. KEITH HIGGINSON
Director

MICROFILMED

SEP 21 1992

**Big Wood River Groundwater Management Area
Management Policy Requirements**

Attachment to acknowledgement letter

Application No. 37-08423

You have filed the above referenced application(s) which proposes a point of diversion within the Big Wood River Groundwater Management Area (GWMA).

The Department intends to process pending applications within the GWMA. Any applicant who proposes a consumptive water use, other than domestic use not exceeding one-half acre of irrigation for each home supplied, must show that his proposed use will not reduce flows in the Big Wood River or Silver Creek, or he must propose a reasonable plan to mitigate the reduction in flow.

Prior to further processing of your application, or conducting a hearing if the application is protested, you must submit the following information:

1. Hydrologic evaluation of the ground water aquifer at the proposed point of diversion and its relationship to surface water, including timing of potential impacts.
2. If the hydrologic evaluation results in a conclusion that a well can be constructed without impact, a prospectus discussing well construction methods and standards must be submitted which will be implemented to prevent depletion of surface flow.
3. If the hydrologic evaluation results in a conclusion that a well cannot be constructed without depleting surface flow, a plan of mitigation and/or compensation must be submitted that will replace depletions of surface water caused by proposed ground water withdrawal.

If you do not wish to submit the above information, you may withdraw your application. If your application includes a domestic component, you may wish to limit the application to domestic use.

Failure to respond to this request within thirty (30) days of this notice with either the required information or a schedule for it's submission is cause for the department to void the application.

If you have any questions or wish to change or withdraw your application, please contact The Southern Region Office, 222 Shoshone St. E., Twin Falls, ID 83301, (208)736-3033.

MICROFILMED

SEP 21 1992

SEP 21 1992

a point approximately two miles upstream of Picabo, where Silver Creek ceases to be a gaining stream.

Diversions of ground water in the Bellevue Triangle, and generally in locations hydrologically upstream from Picabo, will deplete the surface flow of Silver Creek. Prior water right holders who divert from the Little Wood River also depend on surface water flow from Silver Creek. Depletion of Silver Creek flow will injure these earlier-in-time right holders. Many of the Little Wood River right holders also receive storage water from Magic Reservoir.

C. Present and Proposed Uses

Approximately 73 applications for permit to appropriate ground water upstream from Magic Reservoir and in the upper Silver Creek area are pending before the Department of Water Resources. Protests have been filed with the department against some of these applications. Complaints have also been lodged that continued granting of permits to develop new ground water uses in the upper Big Wood River Basin is interfering with prior surface water rights.

D. Recent Declines

The water years 1987 to the present have been below average within the basin. As a result, Magic Reservoir has not filled to its capacity within that time period. It has been suggested that this has been caused, in part, by the diversion of water within the basin under water rights with priority dates later in time than the Magic Reservoir rights.

Many natural flow rights have been cut off because of insufficient surface water flows. Since the water supply of the basin is finite, any withdrawal and consumption of water which would otherwise contribute water to a surface water source, when the source is fully appropriated, will injure another water user.

Various estimates have been made of the quantity of water within the basin. The studies have not all agreed on the total quantity of water but all have generally agreed that the surface and ground waters of the area are interconnected and that withdrawal and use of water from either source will impact the total supply.

E. Past Department Designation

In 1980, the Director of the Department of Water Resources issued a policy memorandum by which he declared that the surface water of the Big Wood River upstream from Magic Reservoir was fully appropriated. Since that date, no new permits for consumptive purposes have been issued for the use of the river or any of its tributaries. The department has continued, however, to issue permits for the use of ground water within the watershed. It now appears

SEP 21 1992

that this policy must be changed with respect to new consumptive uses of ground water.

II. STATUTORY REQUIREMENTS AND AUTHORITIES

- A. Section 42-226, Idaho Code, declares all ground water to be the property of the state, and charges the state with supervising the appropriation and allotment of the same. One of the purposes of this is to assure that early appropriators of ground water are protected in the maintenance of reasonable ground water pumping levels.
- B. Section 42-233b., Idaho Code, authorizes the Director of the Department of Water Resources to designate a "Ground water Management Area" when the water supply in the area may be approaching conditions which could lead to designation as a critical ground water area.
- C. Section 42-237 a.g., Idaho Code, empowers the Director to prohibit or limit the withdrawal of water from any well during the period that he determines that water to fill any water right is not available.
- D. Policy 1F of the State Water Plan adopted by the Idaho Water Resource Board provides that "It is the policy of Idaho that where evidence of hydrologic connection exists between ground and surface water, they be managed as a single resource."

III. MANAGEMENT POLICY

Management policies which could be used in connection with future use of water in the upper Big Wood River Basin include the designation of all or a portion of the drainage as a groundwater management area, a critical ground water area or to issue a moratorium on additional permits for development.

The designation of a ground water management area for the upper Big Wood River Basin is the preferred management policy. Under this policy, additional approvals of ground water for consumptive uses can be granted upon a showing by an applicant and a determination by the department that the water supply is adequate and other water rights will not be injured. After the water rights of the basin are determined in the Snake River Basin Adjudication, and a method for the co-regulation of surface and ground water rights has been determined, the Director may require record keeping and reporting and may also issue orders if needed to reduce or stop ground water diversions.

This management policy allows the processing of all pending filings. Most consumptive use applications will be denied unless the applicants can demonstrate there will be no injury or can provide acceptable mitigation to prior rights.

3
SEP 21 1992

The department will continue to consider the approval of applications for permit which propose non-consumptive uses, municipal uses, stockwater and domestic uses as defined in Section 42-111, Idaho Code. Domestic uses meeting the definition of Section 42-111, Idaho Code, are not subject to the application for permit filing requirements of Section 42-229, Idaho Code.

Section 42-111, Idaho Code, defines "domestic uses" as

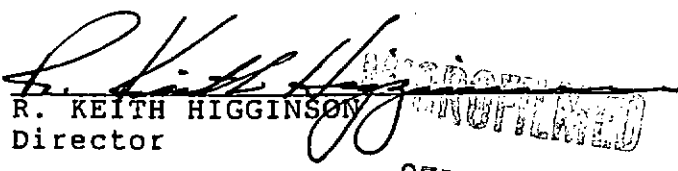
- A. The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or
- B. Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day.

For purposes of this management policy, applications for ground water permits seeking water for multiple ownership subdivisions or mobile home parks will be considered provided each unit satisfies the definition for the exception of need to file an application for permit as described above.

While an incorporated city has wide latitude under state law to beneficially use its water rights for municipal purposes, any new large consumptive use within the municipal limits, such as irrigation of lands not associated with a dwelling, or irrigation of more than one-half acre associated with a dwelling, must be mitigated by the municipality.

The department will continue to accept and process new applications for permit and applications seeking amendment or transfer of existing water rights. Applications for amendment or applications for transfer which propose a change in the point of diversion from outside the ground water management area to within the area which would directly or indirectly result in the irrigation of new land will be treated as a proposed new appropriation of water.

Dated this 28TH day of JUNE, 1991.


R. KEITH HIGGINSON
Director

SEP 21 1992

MANAGEMENT POLICY

FOR

THE BIG WOOD RIVER GROUND WATER MANAGEMENT AREA

I. GENERAL

A. Introduction

The Big Wood River drainage basin is located in southcentral Idaho within Blaine, Camas, Lincoln and Gooding Counties. In the approximate center of this basin is Magic Reservoir with a water storage capacity of 191,000 acre feet. This reservoir generally divides the basin into two distinct areas. The area upstream from the reservoir is herein referred to as the upper Big Wood River Basin.

The headwaters of Silver Creek are located east of the Big Wood River in the Bellevue Triangle. Silver Creek provides water to users who divert from the creek and from the Little Wood River to which it is tributary.

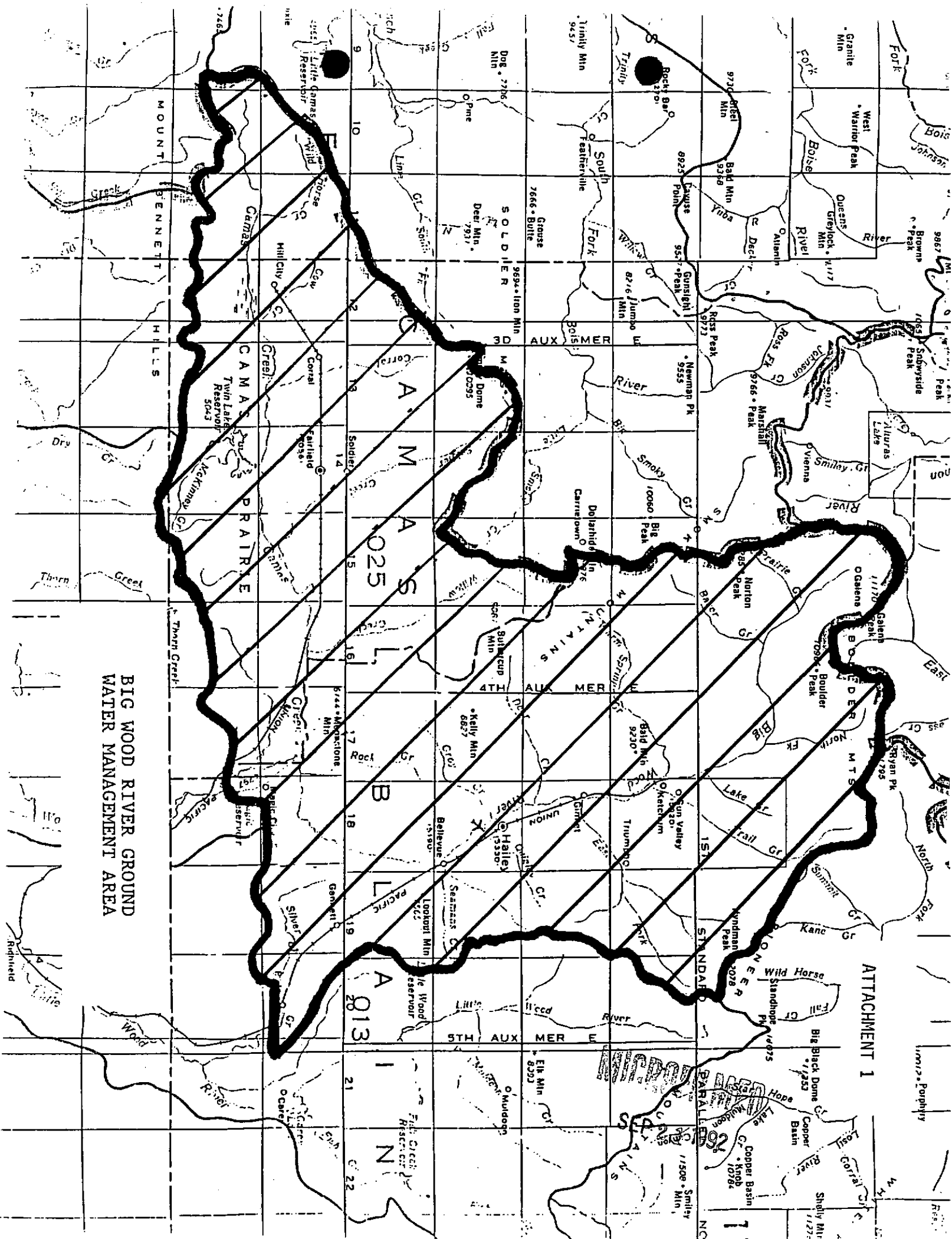
The upper Big Wood River Basin (including Silver Creek), particularly in Blaine County, is an area of continued economic growth and development. Water resource development to support some of this growth has occurred through transfers of existing water rights and new water appropriations.

B. Geohydrologic Characteristics of the Big Wood River Basin

The surface and ground water system in the upper Big Wood River Basin is interconnected. Diversion and use of water from a tributary stream or well will impact the total water supply available in the system. Downstream from Magic Reservoir, the river and ground water system are not as directly connected and there are other sources of water supply including canals bringing water from the Snake River and the Snake Plain ground water system. Magic Reservoir collects much of the water which moves through the upper Big Wood River Basin and which is not diverted and used upstream from that point. Except during periods of high runoff when Magic Reservoir fills and spills, the available water supply, both surface and ground water, upstream from Magic Reservoir is fully appropriated. Camas Creek and the Big Wood River are the major surface water tributaries upstream from Magic Reservoir.

Silver Creek is fed by numerous springs whose flows depend partly on percolating seepage resulting from Big Wood River irrigation diversion and use upstream in the Bellevue area. Ground water inflow contributes to the surface flow of Silver Creek and its tributaries from the headwaters to

SEP 21 1992



BIG WOOD RIVER GROUND
WATER MANAGEMENT AREA

ATTACHMENT 1



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83304 (208) 736-3033

17-Jan-1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

ATTN RICHARD M ONEIDA MGR
BIG WOOD CANAL CO
PO BOX C
SHOSHONE ID 83352

RE: APPLICATION FOR PERMIT NO. 37-08423 (Richmond)

Dear Mr. Oneida:

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

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

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

Very truly yours,

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

LH:MB
Enclosure(s)

MICROFILMED

SEP 21 1992

Richmond Construction Company, Inc.

P. O. Box 1105
HAILEY, IDAHO 83333

DATE September 24, 1991

TO

Phone 788-4305

Mr. Loren O. Holmes, P. E.
Department of Water Resources
222 Shoshone Street East

RECEIVED

SUBJECT

Water Application 37-8423

SEP 27 1991

Twin Falls, Idaho 83301

Department of Water Resources
Southern Region Office

Dear Mr. Holmes:

> The well for the above water application has been in existence since 1981. We were unaware at that time a permit was required. Chances are if we had filed then there would be no problem. We don't feel our well has impacted the surface flow. This well is only 53' deep and even during the drought years the water level hasn't appeared to drop. We sprinkle approximately 8 acres for approximately 5 months. This well replaced three sand-points that had been in existence since the 1940's.

The protest filed by the Friends of the Big Wood River was withdrawn. We know of no other protests. The only reason we sprinkle this land is to keep the knapweed from taking over the whole place as it is doing all over the valley.

I hope this answers some of your concerns and we can get a permit without having to hire a hydrologist. Thank you for your assistance in this matter.

Sincerely,

MICROFILMED

SEP 21 1992

Linda Richmond

SIGNED

☐ PLEASE REPLY ☐ NO REPLY NECESSARY



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

28-Aug-1991

Tom Richmond
Linda Richmond
P.O. Box 1105
Hailey, ID 83333

Re: Application number 37-8423

Dear Applicant:

The Department of Water Resources recently designated a ground water management area (GWMA) which encompasses the upper Big Wood River Valley, the Bellevue Triangle, a portion of the Silver Creek drainage, and the Camas Prairie. You have filed the above referenced application(s) which proposes a point of diversion within the ground water management area.

The Department intends to process pending applications within the GWMA. Any applicant who proposes a consumptive water use, other than domestic use not exceeding one-half acre of irrigation, must show that his proposed use will not reduce flows in the Big Wood River or Silver Creek, or he must propose a reasonable plan to mitigate the reduction in flow.

Your application proposes a consumptive use of water. Prior to further processing of your application, or conducting a hearing in the application is protested, you must submit the following information:

1. Hydrologic evaluation of the ground water aquifer at the proposed point of diversion and its relationship to surface water, including timing of potential impacts.
2. If the hydrologic evaluation results in a conclusion that a well can be constructed without impact, a prospectus discussing well construction methods and standards must be submitted which will be implemented to prevent depletion of surface flow.
3. If the hydrologic evaluation results in a conclusion that a well cannot be constructed without depleting surface flow, a plan of mitigation and/or compensation must be submitted that will replace depletions of surface water caused by proposed ground water withdrawal.

37-8423

NOT RECORDED

SEP 21 1992

Page 2

28-Aug-1991

If you do not wish to submit the above information, you may withdraw your application by completing the enclosed withdrawal form. if your application includes a domestic component, and you wish to limit the application to domestic use, please inform this office.

Failure to respond to this inquiry within thirty (30) days, with either the withdrawal or a schedule for submittal of the above information, is cause for the Department to void the application for failure to submit the requested information.

Sincerely,



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

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SEP 21 1992

4-28-91

MR. GARY SPACKMAN
DEPARTMENT OF WATER RESOURCES
1301 N. ORCHARD ST.
BOISE, IDAHO 83702



RE: RIGHT NUMBER APPLICATION 37-08423
Tom Richmond & Linda Richmond
P.O. BOX 1105
Hailey, Idaho 83333

Please withdraw our protest of Mr. Tom Richmond's application
37-08423.

Thank You

Domy
Board of Directors
Friends of The Big Wood River

cc. Richmond
County Commissioners
Planning and Zoning
Dept. of Fish & Game
Wood River Canal Co.

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MAY 2 1991

Department of Water Resources

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MAY 07 1991

Department of Water Resources
Southern Region Office

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SEP 21 1992

Big Wood Canal Company

112 S. Apple P.O. Box C
Shoshone, Idaho 83352
886-2331

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MAR 11 1991

Department of Water Resources

March 7, 1991

Director
Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

RE: Application 37-08423
RICHMOND, TOM & LINDA

Dear Sir:

I would like to protest the application filed by RICHMOND, TOM & LINDA on grounds that use of this water could be detrimental to the irrigation flows of Big Wood Canal Co.

Sincerely,

Richard M. Oneida

Richard M. Oneida
Manager

RMO/lma

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SEP 21 1992

3-5-91

MR. GARY SPACKMAN
DEPARTMENT OF WATER RESOURCES
3101 N. ORCHARD ST.
BOISE, IDAHO 83702

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MAR 11 1991

Department of Water Resources



RE: RIGHT NUMBER APPLICATION 37-08423
Tom Richmond & Linda Richmond
P.O. BOX 1105
Halley, Idaho 83333

Please accept this as our formal protest against above mentioned water right application.

It is common knowledge that the Big Wood River has been over appropriated since the early 1970's. Thus the surface water available in almost all cases no longer exists. The only other option is ground water.

It is not the position of the Friends of The Big Wood River to protest domestic water applications (.04 CFS up to 1/2 acre) or reasonable Municipal water applications.

Until a definitive answer to the surface water and ground water can be established as how they directly relate to each other, the continued drilling of wells larger than .04 CFS may seriously effect the following;

- 1) They may reduce the quantity of water under existing rights.
- 2) The question of a sufficient water supply for the purposes intended is in question.
- 3) The proposed use may conflict with the local public interest.
- 4) The proposed use may be contrary to conservation of water

POST OFFICE BOX 4411 • KETCHUM, IDAHO 83340

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4) resources within the state of Idaho.

Thank You



Board of Directors

Friends of The Big Wood River



P.S. It is not our intention to be antagonistic but to help protect this precious resource, which we feel is ultimately linked to the over all water table, quality and water system. If you have any questions or want to discuss this with us, please feel free to contact us.

cc. Richmond
County Commissioners
Planning and Zoning
Dept. of Fish & Game
Wood River Canal Co.

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

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

FEBRUARY 12, 1991

Wood River Journal
Box 988
Hailey, ID 83333

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MARCH 11, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

SEP 21 1992

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

37-08423

RICHMOND, TOM
RICHMOND, LINDA
P.O. BOX 1105
HAILEY, ID 83333

Source: GROUNDWATER

Diversion Pt: LOT 4 (NWNWNW) Sec 4 T 02N R 18E

Use: DOMESTIC	(.040 CFS)
COMMERCIAL	(.040 CFS)
IRRIGATION	(.160 CFS)
STOCKWATER	(.200 CFS)
Total Diversion:	(.200 CFS)

Date Filed: 10/18/ 1988

In: T02N R18E S04 Lot 4 (NWNW)
S05 Lot 1 (NENE)

8.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before MARCH 11, 1991.

R. Keith Higginson, Director

Published 2/20/1991 & 2/27/1991

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FEB 2 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Application No. 37-8423

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

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

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

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

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

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

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

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

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

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

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

Applicant Linda D. Richman

Date 1/14/91

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Note: This is A trust app. Due to late priority Date (Post 10/1/1984)
Will accept statements of development on questionnaire & application
Will not count acreage as trust acreage. TFL 2-4-91



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

January 7, 1991

RE: APPLICATION FOR PERMIT NO. 37-8423

Dear APPLICANT:

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

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

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

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

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

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

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Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000
Attn: Tim Luke

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

Sincerely,



TIM LUKE
Sr. Water Resource Spec.

Enclosures

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SEP 21 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

February 8, 1989

R. KEITH HIGGINSON
Director

Tom &/or Linda Richmond
P.O. Box 1105
Hailey, ID 83333

Re: Application for permit No. 37-08423

Dear Applicant (s):

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

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

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

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

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

Very truly yours,

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

LH:MB

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SEP 21 1992

STAFF ANALYSIS SUPPLEMENT

1) Water District None Basin # 37-08423

2) Local description (of one P/D)

☐

At the above street address

☐

 miles N/S and miles E/W

of

(City center or numbered highway intersection)

☒

1 $\frac{3}{4}$ miles North of Hallet on Hwy 75

(Travel directions from city center or highway intersection)