

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

37-7944

DALTON, RICHARD H.
STAR ROUTE, BLISS, ID
83314

Source: MALAD RIVER
tributary to SNAKE RIVER
Date Filed: 10/01/1981

Amount: 0.74 CFS

Diversion Point: SESW Sec
30 T 06S R 14E (REDIVERSION)
SESW Sec 25 T 06S R 13E, GOODING Co.

Use: IRRIGATION (0.74
CFS) from 03/15 to 11/15

Place of Use: SWNW SENW
Sec 25 T 06S R 13E FOR 37
ACRES

Diversion Means: EXISTING
HEADGATE & THORPE DITCH, PUMP,
SPRINKLER.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before OCTOBER 26, 1981.

/s/ A. KENNETH DUNN
Director
PUB: 10-7, 14

NE SE	20.0	AA70
NW SE	9.0	AA70
SW SE	32.0	AA70
SE SE	35.0	AA70

MEM

RESOURCES
IGATED ACRES

DATE: 06/10/88
PAGE: 193

MP0201MP
(00-15) IDAHO DEPARTMENT OF WATER RESOURCES
REMOTE SENSING REPORT OF IRRIGATED ACRES
CNTY: 07 TWP: 06S RNG: 13E SECT: 23

DATE: 06/10/88
PAGE: 208

HP0201NP IDIHO DEPT
(00-15) REMOTE SENS
CNTY: 47 TWP: 06S RNG: 14E SECT: 31

NAPP PHOTO	NAPP DATES & STATUTES
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AA18D 00/87-
AA18D 00/87-

[illegible]

AA1B0	00.87
AA1B2	00.87
AA1B5	00.87
AA1B9	00.87
AA1B0	00.87
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AA1B7	00.87
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AA1B0	00.87
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AA1B9	00.87
AA1B0	00.87
AA1B5	00.87
AA1B7	00.87
AA1B9	00.87

[illegible]

TRACT	LOT	IRR		QUAD MAP INDICES		PHOTO	STATUS	PHOTO	STATUTES
		ACRES							
SH	NU	29.0	AA19			AA19C	DB-BA	A119D	DB-87
SE	NU	38.0	AA19			DB-BA	DB-BA	DB-87	DB-87
NE	SH	34.0	AA19			DB-BA	DB-BA	DB-87	DB-87
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SH	SH	9.0	AA19			AA19C	DB-BA	AA19D	DB-87
SE	SH	9.0	AA19			AA19C	DB-BA	AA19D	DB-87
NE	SE	43.0	AA20			AA20C	DB-BA	AA20D	DB-87
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NU	SE	15.0	AA19	AA20		AA19C	DB-BA	AA19D	DB-87
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TIME	065	ENG: 13E	SECT: 24						
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SH	NE	35.0	AR20	AR20C	09.04	AR20C	00.87		
NH	NE	36.0	AR20	AR20C	09.04	AR20C	00.87		
SE	NE	37.0	AR20	AR20C	09.04	AR20C	00.87		
ME	NH	41.0	AR20	AR20C	09.04	AR20C	00.87		
NH	NH	41.0	AR20	AR20C	09.04	AR20C	00.87		
SH	NH	34.0	AR20	AR20C	09.04	AR20C	00.87		
SE	NH	37.0	AR20	AR20C	09.04	AR20C	00.87		
ME	SH	36.0	AR20	AR20C	09.04	AR20C	00.87		
NH	SH	37.0	AR20	AR20C	09.04	AR20C	00.87		
CJ	SH	37.0	AR20	AR20C	09.04	AR20C	00.87		
SE	SH	39.0	AR20	AR20C	09.04	AR20C	00.87		
ME	SE	47.0	AR20	AR20C	09.04	AR20C	00.87		
NH	SE	39.0	AR20	AR20C	09.04	AR20C	00.87		
SH	SE	38.0	AR20	AR20C	09.04	AR20C	00.87		
SE	SE	38.0	AR20	AR20C	09.04	AR20C	00.87		

[illegible]

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NU	NE	38.0	AA20	AA20		AA20	08	09	AA20	00	07
SW	NE	41.0	AA20	AA20	AA20	AA20	08	09	AA20	00	07
SE	NE	41.0	AA20	AA20		AA20	08	09	AA20	00	07

TRACT		LOT	ACRES	DUMP MAP INDICES	
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		2	24.0	AA70	
		3	37.0	AA70	
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NH	NE		39.0	AA70	
SH	NE		36.0	AA70	
SE	NE		41.0	AA70	
NE	NH		38.0	AA70	
SE	NH		37.0	AA70	
NE	SH		37.0	AA70	
SE	SH		37.0	AA70	
NE	SE		38.0	AA70	
NH	SE		32.0	AA70	
SH	SE		27.0	AA70	
SE	SE		18.0	AA70	

THP:	DGS	RNG:	INE	SECT:	32
NE	NE		3.0	AA70	A
NH	NE		5.0	AA70	A
SH	NE		1.0	AA70	A
SE	NE		3.0	AA70	A
NE	NH		2.0	AA70	A
NH	NH		76.0	AA70	A
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SE	SH		43.0	AA70	A
NE	SE		33.0	AA70	A
NH	SE		27.0	AA70	A
SH	SE		27.0	AA70	A
SE	SE		41.0	AA70	A

TIME	DGS	RNG	IN	SECT	33
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SH	NE	40.0	AA70		
SH	NE	39.0	AA70		
SE	NE	43.0	AA70		
NE	NE	42.0	AA70		
NE	NE	42.0	AA70		
SH	NE	39.0	AA70		
SE	NE	32.0	AA70		
NE	SH	39.0	AA70		
SH	SH	40.0	AA70		
SE	SH	39.0	AA70		
NE	SE	39.0	AA70		
SH	SE	39.0	AA70		
NE	SE	39.0	AA70		
SH	SE	39.0	AA70		

12.0	AA70
17.0	AA70
20.0	AA70
40.0	AA70
50.0	AA70
100.0	AA70
150.0	AA70
200.0	AA70

2. RESOURCES
IRIGATED ACRES

DATE: 06/10/88
PAGE: 194

MP02:NP
(00-15)

IDAHO DEPARTMENT OF WATER RESOURCES
REMOTE SENSING REPORT OF IRRIGATED ACRES

CNTY: 47 TWP: 06S RNG: 13E SECT:26

DATE: 06/10/88
PAGE: 209

MP0201NP
10D-15)

CNTY: 47 IMP: 065 RNG: 1WE SECT: 33

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REMOTE SEN

NAPP PHOTO	NAPP DATES & STATUTES
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AAIBC	00/87
AAIBC	00/67
AAIBC	00/87
AAIBC	00/87
AAIBC	00/87

[illegible]

AA18D	00.87
AA18D	00.87
AA18D	00.87
AA18D	00.87

TRACT	LOT	ACRES	QUAD MAP INDICES	PHOTO NUMBER	IMAGE DATE & STATUS	MAP PHOTO	MAP DATE & STATUS
NE NW	2.0	AA18		AA18C	08/04	AA18D	08/07
NW NW	3.0	AA18		AA18C	08/04	AA18D	08/07
SE NW	2.0	AA29	AA18	AA29A	08/04	AA29B	08/07
SW NW	4.0	AA29	AA18	AA29A	08/04	AA29B	08/07
NE SW	2.0	AA29		AA29A	08/04	AA29B	08/07
NW SW	2.0	AA29		AA29A	08/04	AA29B	08/07
SE SW	19.0	AA29		AA29A	08/04	AA29B	08/07
SW SW	32.0	AA29		AA29A	08/04	AA29B	08/07
W SE	4.0	AA70		AA70H	08/04	AA70B	08/07
NW SE	10.0	AA70	AA70	AA70H	08/04	AA70B	08/07
SW SE	36.0	AA70	AA70	AA70H	08/04	AA70B	08/07

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	2	45.0	AAQ9			AAQ9	08.00		AAQ9
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NI NE		17.0	AA19			AA19	08.00		AA19
SH NE		1.0	AA19	AA19		AA19	08.00		AA19
SE NE		37.0	AAQ9	AA19		AA19	08.00		AA19
NE NI		3.0	AA19			AA19	08.00		AA19
NI NI		9.0	AA19			AA19	08.00		AA19
SH NI		34.0	AAQ9	AA19		AA19	08.00		AA19
SE NI		2.0	AAQ9	AA19		AA19	08.00		AA19
NE SE		27.0	AAQ9			AAQ9	08.00		AAQ9
NI SE		38.0	AAQ9			AAQ9	08.00		AAQ9
SE SE		11.0	AAQ9			AAQ9	08.00		AAQ9
SH SE		6.0	AAQ9			AAQ9	08.00		AAQ9

TRACT	LOT	ACRES	QDAD MAP	INDICES
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TMP: 06S RIG: 14E SECT: 34				
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SH NE		40.0	AA70	
SE NE		34.0	AA70	
NE NH		34.0	AA70	
SH NH		34.0	AA70	
SE NH		38.0	AA70	
NE SH		40.0	AA70	
NH SH		41.0	AA70	
SH SE		38.0	AA70	
SE SH		38.0	AA70	
SE SE		40.0	AA70	
NH SE		38.0	AA70	
SH SE		40.0	AA70	
SE SE		40.0	AA70	

TIME	DOES	RNG	IN	SECT	JK
NE	NE	0	78	0	0000
NU	NE	0	39	0	0000
SH	NE	0	40	0	0000
SE	NE	0	40	0	0000
NE	NU	0	39	0	0000
NU	NU	0	43	0	0000
SH	NU	0	47	0	0000
SE	NU	0	40	0	0000
NE	SH	0	40	0	0000
NU	SH	0	47	0	0000

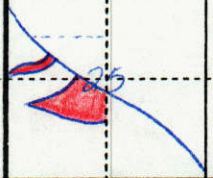
NAME OF APPLICANT NHAP Review #37-7944

Form No. 0

FROM PERMIT: 65-13E (2"=1MI)

4 33
25

FROM NHAP: 253-28 (9/12/84) 2"=1MI



NHAP SHOWS NO EVIDENCE
OF IRRIGATION OF
PERMITTED LANDS
(SEE PLAT WITH
FIELD EXAM); PHOTO
DOES SHOW GREY AREA
WITH BOUNDARY

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RECEIVED

AUG 29 1988

RECEIVED

JUN 17 1987

Form 219
6/86

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 37-7944

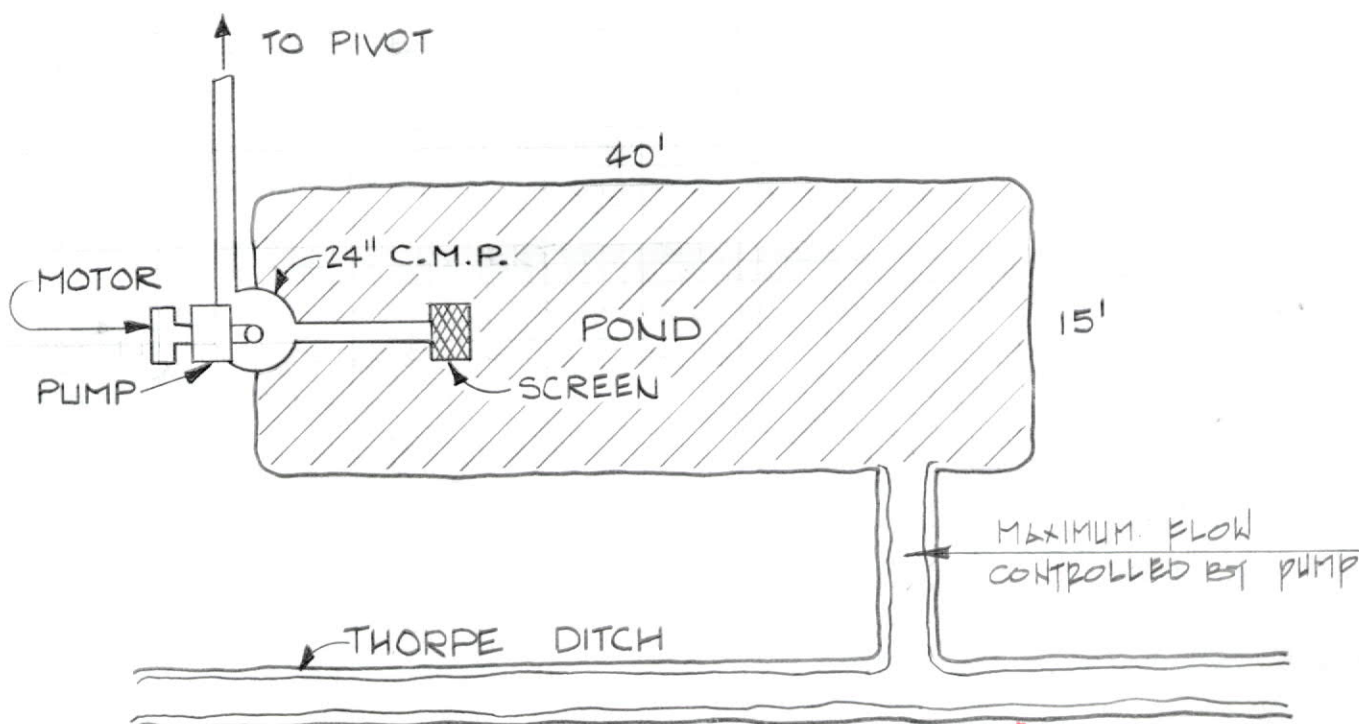
1. Owner: Richard H. Dalton Phone No. _____
Current Address: Star Route, Bliss, Idaho
2. Accompanied by: Gerald Martens EXAM. DATE: 4-22-87
Address: 1139 Falls Ave E., Twin Falls, Idaho Phone No. 734-4888
Relationship to Permit Holder: None
3. Source: Malad River tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached
2. Other water rights with same point of diversion: 37-0447 & 37-4093
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = 10' ±

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

Microfilm

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DIVERSION FROM
THORPE DITCH
THORPE DITCH

Thorpe Ditch



Pump Inlet

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Irrigation Pump



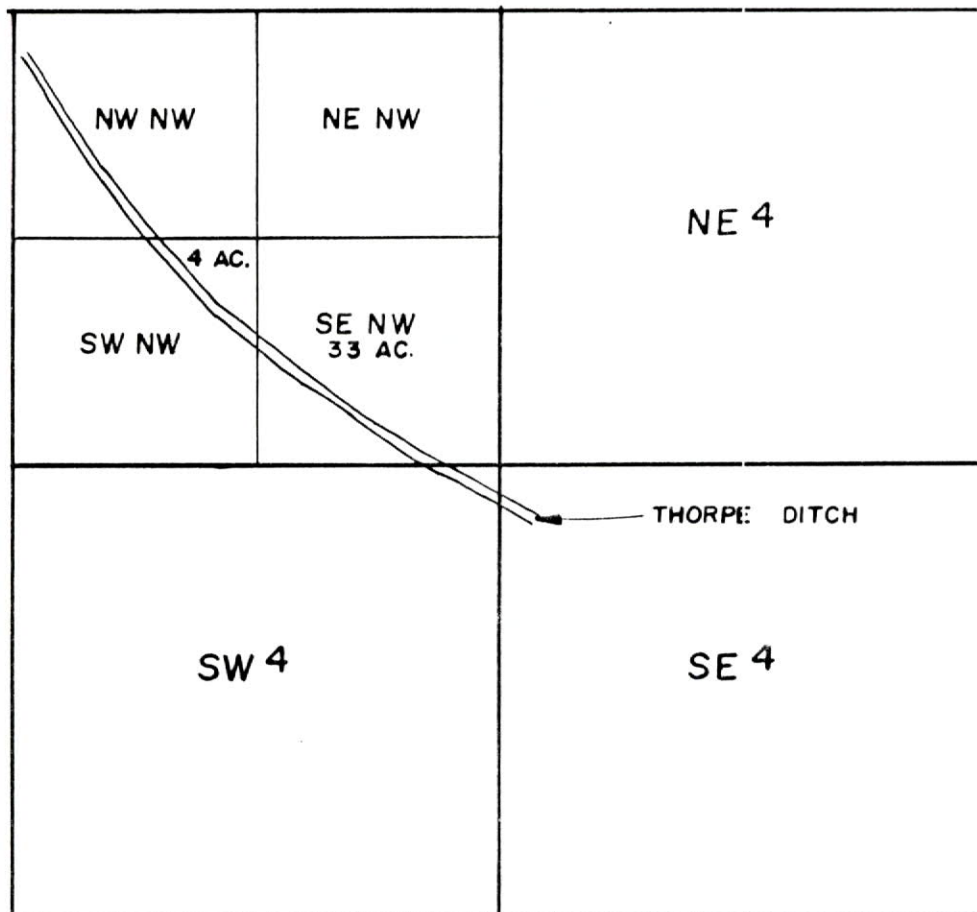
Pump Pond

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NOV 02 1989

ACRES IRRIGATED

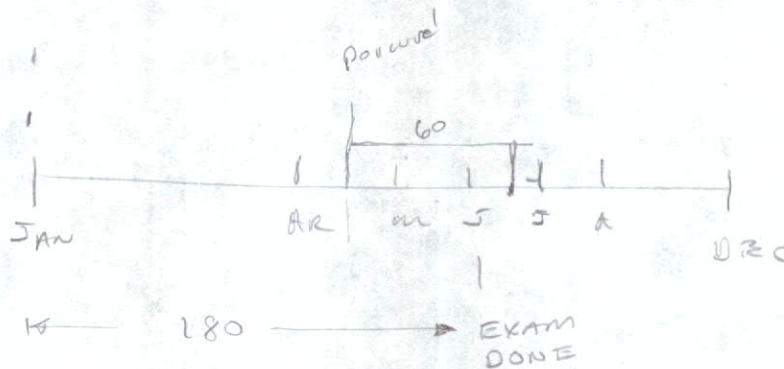
Section 25
T. 6S R. 13E



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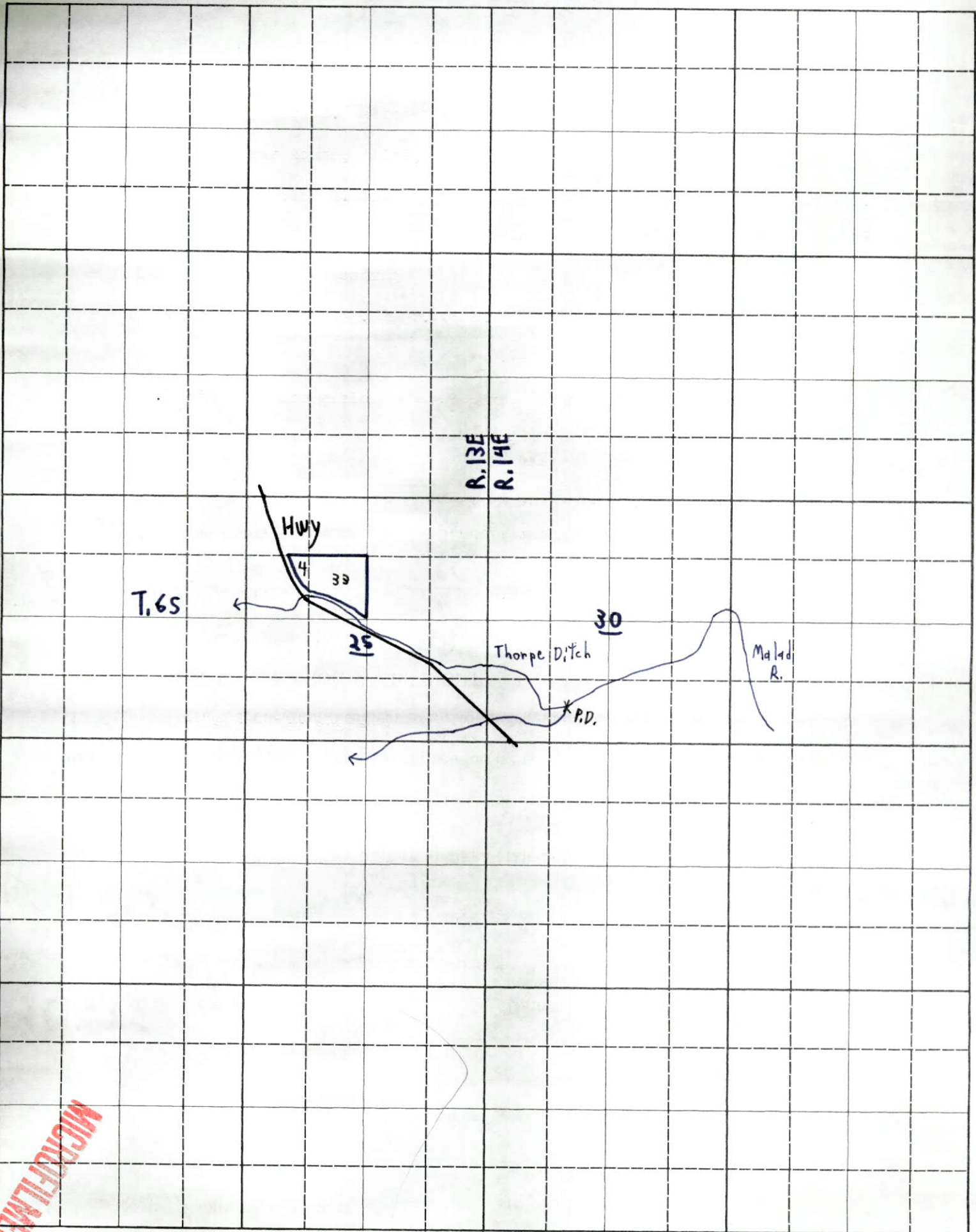
NOV 02 1989

field exam, the exam is due with the proof, and the examiner is unable to conduct the exam because proof is due prior to the start of the next period of use, we have two choices: (1) grant an extension of time upon application from the permit holder, or (2) defer sending the lapse notice until after the period of use has started, and advance priority. I believe an extension of time may be granted on the basis that the permit holder cannot submit proof when it is due. The application for extension would require the payment of the filing fee.



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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Richard H. Dalton
(Applicant)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-7944

Priority: December 30, 1981 Amount: .74 CFS 111.0 AFA

This is to certify, that RICHARD H. DALTON
STAR RT.

BLISS, ID 83314 has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated October 1, 1981, and
has submitted proof to the Department of Water Resources on June 30, 1987, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .76 cfs of water from;

MALAD RIVER tributary to SNAKE RIVER

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	04/01 to 11/01	.74 cfs	111.0 afa

LOCATION OF POINT OF DIVERSION(S): SESW , Sec. 30, Township 6S, Range 14E
Gooding County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
6S	13E	25	SWNW 4	SENE 33			37

Total number of acres irrigated: 37

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this license is subject to control by the watermaster of State Water District No. 37 .
5. The maximum combined rate of diversion under this right & Right 37-0447 shall not exceed 10.4 cfs.

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 24th day
of OCTOBER, 1989.

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Acting for

Director



NOV 02 1989

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
NO. 37-7944 IN THE NAME	)	ORDER OF REINSTATEMENT
OF RICHARD H. DALTON	)	

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 37-7944 for the issuance of a license, the Department makes the following Findings of Fact, Conclusions of Law, and Order pursuant to the provisions of Idaho Code.

FINDINGS OF FACT

1. On April 29, 1982 the Department approved Application for Permit No. 37-7944 to appropriate the public waters of the State of Idaho with a priority of October 1, 1981.
2. On January 31, 1987 the Department sent to the permit holder a notice stating that proof of beneficial use of water under this permit was due on April 1, 1987.
3. On March 17, 1987 the Department received correspondence from a certified examiner stating that he had been retained to conduct a field examination of the system under this right.
4. Proof of beneficial use must be accompanied by the field examination when a certified water right examiner is retained.

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5. The field examination report and the proof of beneficial use statement were submitted on June 30, 1987, 90 days after the date of lapsing of the permit.

CONCLUSIONS OF LAW

1. The permit should be reinstated with an advance in the date of priority pursuant to the provisions of Section 42-218, Idaho Code.

2. The date of priority of Permit No. 37-7944 should be advanced 90 days.

ORDER

IT IS HEREBY ORDERED that Permit No. 37-7944 is REINSTATED.

IT IS FURTHER ORDERED that the date of priority of Permit No. 37-7944 is advanced to December 30, 1981.

Dated this 23rd day of November, 1987.


Chief, Operations Bureau

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NOV 02 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Richard H. Dalton Phone 837-4825

Post office address Star Route, Bliss, Idaho 83314

2. Source of water supply Malad R. via Thorpe Ditch which is a tributary of Snake R.

3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30 Township 6S

Range 14E B.M. Gooding County, additional points of diversion if any:

Re-diversion SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25 T. 6S R. 13E

4. Water will be used for the following purposes:

Amount 0.74 cfs for irrigation purposes from Mar 15 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:

a. 0.74 cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing headgate & Thorpe Ditch; pump
to sprinkler system

b. Height of storage dam feet, active reservoir capacity acre-feet; total reservoir
capacity acre-feet, materials used in storage dam:

Period of year when water will be diverted to storage to inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is inches; proposed depth of well is feet.

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 — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: $\frac{1}{4}$ of $\frac{1}{4}$ of Section Township
Range B.M.

(2) Amount of power to be generated: horsepower under feet of head.

(3) List number of each kind of livestock to be watered

(4) Name of municipality to be served , or number of families to be
supplied with domestic water .

If water is to be used for other purposes describe:

RECEIVED
MARCH 1978

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

[illegible]

Total number of acres to be irrigated 37

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

9. a. Who owns the property at the point of diversion State of Idaho

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

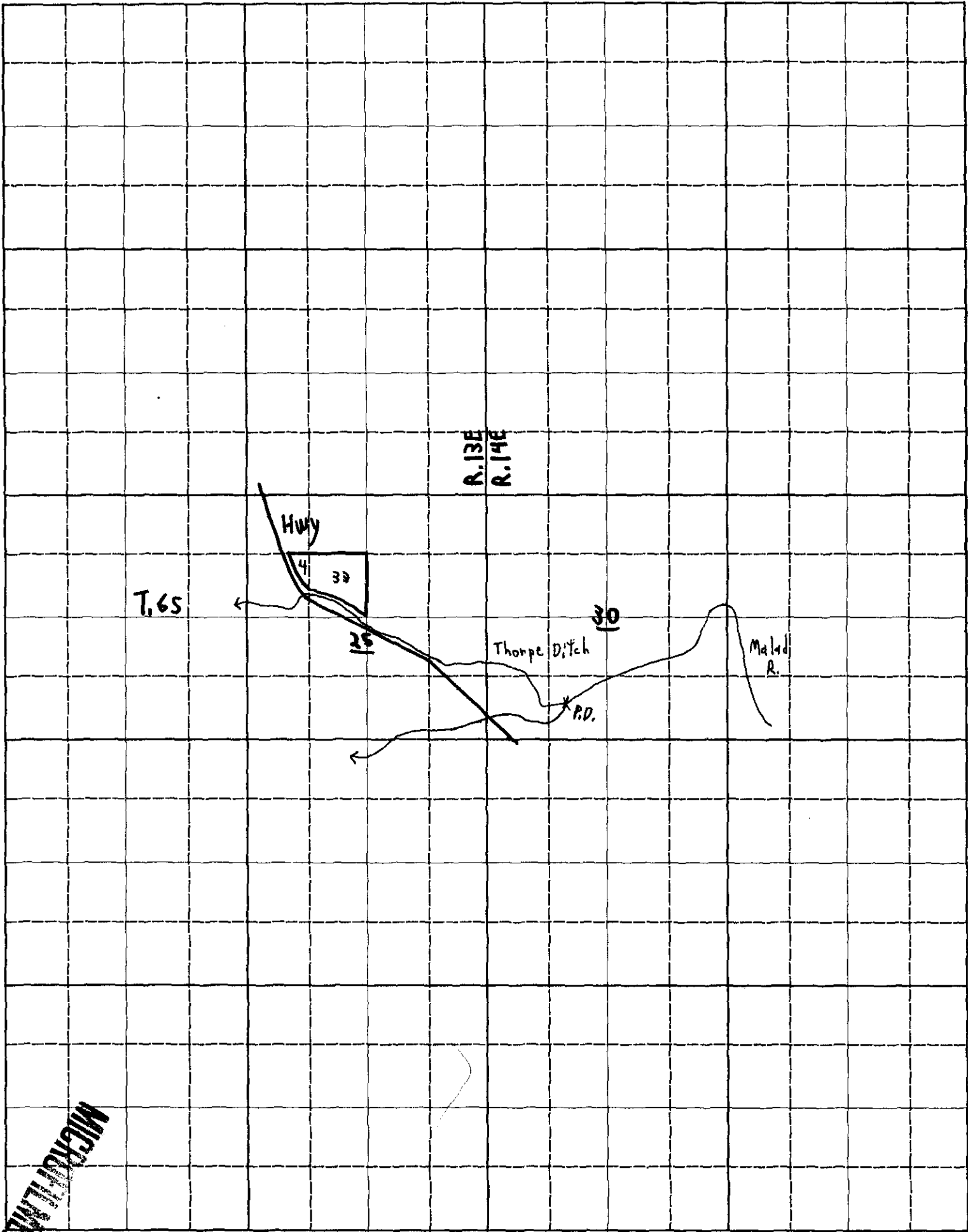
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks This water is already diverted to applicant's other lands by right no.

37-0447 part & 37-4093 part. This filing will allow this water to be

used on land that is not presently irrigated.

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



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.

Richard H. Dalton
(Applicant)

Proposed Priority 10/1/1981

Received by JA Date 10-1-81 Time 9:30 am

Preliminary check by TGB Fee \$ 45.00 # 18 783

Receipted by marja Date 10/1/81

Publication prepared by marja Date 10/1/81

Published in Grading Bounty Leader

Publication dates 10/7 + 10/14/81

Publication approved marja Date 10/1/81

Protests filed by: Tom Anderson - Justice Ditch waterusers

Protests withdrawn 4/1/82 @ Conference

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ADM RC

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. 37-7944, 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 April 1, 19 87.

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. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

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

Use of water under this permit is subject to control by the watermaster of State Water District No. 37, Big Wood River.

An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Use of water under this permit may be affected by an agreement between the protestant and the applicant.

Witness my hand this 29th day of April, 1982.

A. Glen Saxton
Chief, Operations Bureau

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AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 7 day of Oct

19 81, and the date of the last publication was on the 14

day of Oct, 19 81.

Subscribed and sworn to before me this 15 day of Oct, 19 81.
(SEAL)

Cindy Pains
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 48

Number of Insertions 2

Lines tabular at 42

Lines straight at 48, 32 15.36

Subsequent lines at 48, 21 10.08

TOTAL COST 25.44

COPY OF NOTICE

(Paste Here)

Application for Water Right
TITLE OF NOTICE

PLAINTIFF ATTORNEY

37-7944

DEFENDANT

PLAINTIFF

Dep. J. Waters
BILL TO

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

RECEIVED

OCT 20 1981

Depart

Nº

2408

39187

MICROFILMED

THE FOLLOWING INFORMATION
WAS OBTAINED FROM THE
RECORDS OF THE
BUREAU OF LAND MANAGEMENT

DATE OF RECORD: 1964
STATE: ARIZONA, COCHISE CO.
SECTION: 36, T1N, R1E
RANGE: 1E, T1N, R1E
ACRES: 160

SECTION: 36, T1N, R1E
RANGE: 1E, T1N, R1E
ACRES: 160
SECTION: 36, T1N, R1E
RANGE: 1E, T1N, R1E
ACRES: 160

SECTION: 36, T1N, R1E
RANGE: 1E, T1N, R1E
ACRES: 160

IF ANY OF THE PERMIT(S)
WAS OR WERE TO BE
ISSUED, THE FOLLOWING
WAS THE REASON FOR
THE DENIAL OF THE
PERMIT(S):
THE LAND IS
BEING USED FOR
AGRICULTURE
AND THE PERMIT
WAS DENIED
BECAUSE IT
WAS NOT
NECESSARY
FOR THE
AGRICULTURE
AND THE PERMIT
WAS DENIED
BECAUSE IT
WAS NOT
NECESSARY
FOR THE
AGRICULTURE

June 8, 1992

RICHARD H. DALTON
STAR RT.
BLISS ID 83314

RE: Water Right No. 37-07944

Dear Water Right Holder(s):

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

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

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

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

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

Sincerely,

R. KEITH HIGGINSON
Director

June 12, 1992

RICHARD H. DALTON
STAR RT.
BLISS ID 83314

RE: Water Right No. 37-07944

Dear Water Right Holder(s):

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

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

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

Sincerely,

R. KEITH HIGGINSON
Director

May 19, 1992

RICHARD H. DALTON
STAR RT.
BLISS ID 83314

RE: Water Right No. 37-07944

Dear Water Right Holder(s):

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

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

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

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

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

existing water users and reduce the need to curtail diversions.

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

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

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

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

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

October 24, 1989

RICHARD H. DALTON
STAR RT.
BLISS, ID 83314

RE: PERMIT NO. 37-07944

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

NOV 02 1989

POINT OF DIVERSION OVERLAP REVIEW

WR-NUMBER	TWP	RNG	SC	TRACT 1\4 1\4 1\4	LT	#SOURCE	#NAME
3707944	06S	14E	30	SE	SW	MALAD RIVER	DALTON, RICHARD H.
3700447A						MALAD RIVER	THORPE, MARTIN
3700447B						MALAD RIVER	THORPE, MARTIN
3700447C						MALAD RIVER	THORPE, MARTIN
3701160A						MALAD RIVER	JUSTICE, WILLIAM
3701160B						MALAD RIVER	JUSTICE, WILLIAM
3704091						WASTE WATER	JUSTICE DITCH CO.
3704093						WASTE WATER	THORPE DITCH CO.
3707892						MALAD RIVER	STATE OF IDAHO
3708131						MALAD RIVER	CONSULTING ASSOC.

MICROFILMED

NOV 02 1989

PLACE OF USE 1/4 1/4 T-R-S REPORT

10/10/89

WR-NUMBER	NAME	STG	SOURCE	NE				NW				SW				SE				SUM
				T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
0100005	NORTH SIDE CANAL CO.	D	SNAKE RIVER	06S	13E	25					:				:				:	
0100016	NORTH SIDE CANAL CO.	D	SNAKE RIVER	06S	13E	25					:				:				:	
0100212	NORTH SIDE CANAL CO.	D	SNAKE RIVER	06S	13E	25					:				:				:	
0100213	NORTH SIDE CANAL CO.	D	SNAKE RIVER	06S	13E	25					:				:				:	
0100215	NORTH SIDE CANAL CO.	D	SNAKE RIVER	06S	13E	25					:				:				:	
0100220	NORTH SIDE CANAL CO.	D	SNAKE RIVER	06S	13E	25					:				:				:	
3700447A	THORPE	D	MALAD RIVER	06S	13E	25					:				:	X	X	X	X	
3700507	MULLINS CANAL & RESERV	D	BIG WOOD RIVER	06S	13E	25	X	X	X	X	:	X	X		:				:	X X
3704093	THORPE DITCH CO.	S	WASTE WATER	06S	13E	25					:		26	6	:	35	40		:	8 12 127
3707279	SLATTER	L	GROUNDWATER	06S	13E	25				40	:				:				:	40 80
3707944	DALTON	P	MALAD RIVER	06S	13E	25					:		4	33	:				:	37
L3707944	DALTON	L	MALAD RIVER	06S	13E	25					:		4	33	:				:	37

NOV 02 1989

MICROFILMED

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING
PERMIT NO. 37-7944

DATE: 10-5-89

The permit holder has submitted documentation from Idaho Power Company showing commencement of electrical service for irrigation pumping in 1985. The documentation shows service prior to July 1, 1985. This corresponds with his statement on the proof statement filed in 1987 that beneficial use of water authorized by this permit commenced in May, 1985. I have also looked at 1984 NHAP photography at the state SCS office and 1986 IDWR remote sensing data for Gooding County. The 1984 data does not conclusively show irrigation in that year. The 1986 remote sensing report has the same land classified as irrigated in that year.

Based on the above information, I recommend that this permit be exempt from the review requirements of Section 42-203D and removed from the Swan Falls process list. The department should proceed with licensing of the permit.

MICROFILMED

NOV 02 1989

Richard H. Dalton
H.E. 60 Box 1420
Bliss, Idaho
83314

Oct. 4th 1989

Ref: Permit # 37-7944

Jim Luke

Dr. Water Resource Agent.

RECEIVED
OCT 05 1989

Department of Water Resources

Dear Mr. Luke:

Inclosed is an Idaho Power copy of my Power usage on the pump and pivot irrigator located on the land where the permit #37-7944 applies. Usage started 4/05/85 and ended 10/31 of that year (1985).

I am regretful about not answering your letter of request at an earlier date. Hope this material is substantial enough for your files. It might be stated that we have no other structure or usage at this location, just the pump & pivot. **MICROFILMED**

I will be happy and relieved to have this permit finalized and hope to receive a water usage filing certificate at your earliest convenience.

NOV 02 1989
Sincerely,
Richard H. Dalton
(Applicant)

IDAHO POWER COMPANY

METER NUMBER

IRRIGATION AND/OR DRAINAGE PUMPING CUSTOMER OPERATING DATA

20712660

NAME RICHARD DALTON
AND HC 60 BOX 1420
ADDRESS BLISS, ID 83314

IRRIG. ADVANCE DATA - COMB # 00037

1055-004831-

ACCOUNT NO.

ANNUAL GUARANTY \$
ADVANCE - SEASONAL \$
MONTHLY \$
BANK LTR. \$
(DATE REC.)
CONNECT DATE / /

RECEIVED
OCT 05 1989

address SERVICE 2225 S 1100E 1935
Service ADDRESS 66090N 1010E 1935

AVERAGE RATE
THIS YEAR

MAXIMUM
DEMAND

CONNECTED
H.P.

ACCOUNT NO.

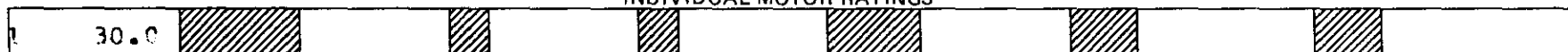
FINANCE CODE=M UNDERGRD=G PHASE=3

26

30.0

Department of Water Resources

INDIVIDUAL MOTOR RATINGS



SOURCE=N SYSTEM TYPE=P ACRES= 40 LIFT= 0 KVA1= 10.0 KVA2= 10.0 KVA3= 10.0

FROM	DATE	TO	DAYS	K.W. MONTHS	DEMAND	OTHER	KILOWATT HOURS	TAX REFUNDABLE	BILLING
04/01	04/01	00							01
04/05	05/09	34			2		4		17.00 00
05/09	05/24	15					1,172		33.09 00
05/24	06/10	17		14.73	26		1,327		64.14 18
06/10	07/10	30		23.00	23		5,281		180.39 18
07/10	08/08	30		24.00	24		4,724		169.33 18
08/08	09/09	30		8.00	8		6		18.46 18
09/09	09/15	06		1.60	9		1		3.71 18
09/15	10/09	24					7		12.00 00
10/09	10/23	14							7.00 00
TOTAL REG. SEASON				71.33			12,522		505.64

1985

MARCH THROUGH OCTOBER BILLING

TAX EXEMPTION CREDITS: S-\$ + X-\$ =

NET SERVICE COST FOR YEAR



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 29, 1989

RE: Permit NO. 37-7944

Mrs. Richard Dalton
Star Rt.
Bliss, ID 83314

Dear Mrs. Dalton:

On July 27, 1989, we sent notice that the department would cancel the above referenced permit unless you provided within 30 days either a \$20.00 re-advertisement fee or evidence that the proposed project was fully completed prior to July of 1985.

On August 7, 1989, you phoned me directly and informed me that you would submit evidence of completion prior to July of 1985. I have not yet received this information and must inform you that further action will not be taken on this permit until the documentation or re-advertisement fee is submitted.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:sc

MICROFILMED

NOV 02 1989

AC
AC
Pa.

1 DAWO DE
REMOTE SENS

TRACT		LOT	ACRES	QUAD TWP INDICES	
TWP: 06S	RNG: 1NE	SECT: 31			
		1	9.0	AA70	
		2	24.0	AA70	
		3	37.0	AA70	
		4	40.0	AA70	
NE	NE		39.0	AA70	
NE	NE		39.0	AA70	
SW	NE		35.0	AA70	
SE	NE		38.0	AA70	
NE	NE		38.0	AA70	
SE	NE		38.0	AA70	
NE	SW		20.0	AA70	
SE	SW		37.0	AA70	
NE	SE		30.0	AA70	
SW	SE		30.0	AA70	
SW	SE		27.0	AA70	
SE	SE		18.0	AA70	
TWP: 06S	RNG: 1NE	SECT: 32			
NE	NE		3.0	AA70	
NE	NE		5.0	AA70	
SW	NE		1.0	AA70	
SE	NE		3.0	AA70	
NE	NE		7.0	AA70	
NE	NE		7.0	AA70	
SW	NE		3.0	AA70	
SE	NE		34.0	AA70	
NE	SW		37.0	AA70	
NE	SW		4.0	AA70	
SW	SW		4.0	AA70	
SE	SW		4.0	AA70	
NE	SE		33.0	AA70	
NE	SE		33.0	AA70	
SW	SE		34.0	AA70	
SE	SE		4.0	AA70	
TWP: 06S	RNG: 1NE	SECT: 33			
NE	NE		4.0	AA70	
NE	NE		4.0	AA70	
SW	NE		39.0	AA70	
SE	NE		3.0	AA70	
NE	NE		4.0	AA70	
NE	NE		39.0	AA70	
SW	NE		38.0	AA70	
SE	NE		32.0	AA70	
NE	SW		39.0	AA70	
SW	SW		39.0	AA70	
SW	SW		40.0	AA70	
SE	SW		39.0	AA70	
NE	SE		39.0	AA70	
NE	SE		4.0	AA70	
SW	SE		4.0	AA70	

10-10-76

[illegible]

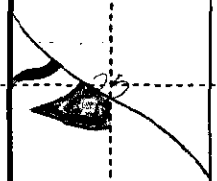
NAME OF APPLICANT NHAP Novien #37-7944

Form No. 0

FROM PERMIT: 65-13E (2"=1MI)

4 33
26

FROM NHAP: 255-28 (9/12/84) 2"-1MI



NHAP SHOWS NO EVIDENCE
OF IRRIGATION OF
PERMITTED LANDS
(SEE PLAT WITH
FIELD EXAM); PHOTO
DOES SHOW GREY AREA
WITH BOUNDARY

MICROFILMED

NOV 02 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 27, 1989

Richard H. Dalton
Star Route
Bliss, ID 83314

Re: Permit No. 37-7944

Dear Mr. Dalton:

NOTICE OF PENDING ORDER CANCELLING PERMIT

On April 29, 1982, the Department of Water Resources (department) issued Permit No. 37-7944 which authorized the diversion of 0.74 cfs of water from Malad River via Thorpe Ditch tributary to Snake River for the irrigation of 37 acres.

The department mailed a letter and questionnaire to you on May 24, 1989 in connection with the permit. The letter provided notice that the department was reviewing the permit in connection with development which was not complete prior to July 1, 1985.

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

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

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

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

Sincerely,

TIM LUKE
Sr. Water Resource Agent

MICROFILMED

NOV 02 1989

Enclosure
c: Region



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 24, 1989

RE: PERMIT NO. 37-7944

Dear PERMIT HOLDER:

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

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

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

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

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

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

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

MICROFILMED

NOV 02 1989

Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 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
Attn: Tim Luke - Water Allocation/Trust Water

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Luke".

TIM LUKE
Sr. Water Resource Agent

Enclosures

NOV 02 1989



Edwards, Howard & Martens, Inc.

ENGINEERS / PLANNERS / SURVEYORS

1139 Falls Ave. E., Suite B
Twin Falls, Idaho 83301
Phone 734-4888

August 26, 1988

RECEIVED

AUG 29 1988

FIELDS OF:

PLANNING
SURVEYING
HIGHWAYS
WATER
SEWAGE
STRUCTURAL
SUBDIVISIONS
AIRPORTS
BRIDGES

Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

Attention: Gary Spackman

Dear Mr. Spackman:

Transmitted herewith is a revised Beneficial Use Field Report for Permit No. 37-7944. The following changes and clarifications are submitted:

1. A map showing the irrigated acreage is attached.
2. A recent discussion with your office indicated that flow measurements to 0.70 cfs could be accomplished by pump rating. This flow, 0.76 cfs, is sufficiently near that value and could best be valued utilizing pump rating, nozzle design, and measured pressure. No measuring device is used and water is drawn from the Thorpe ditch at the maximum rate of 0.76 cfs.
3. No aerial map has been submitted. Inspection of the site verifies the 33 acre irrigation in the 40 acre land parcel and 4 acres in the adjacent 40 acre parcel.

Please call me if there are any questions.

Respectfully yours,

EHM ENGINEERS, Inc.

Gerald L. Martens
Gerald L. Martens, P.E.

GLM/bn
cc: file

encl.

MICROFILMED

NOV 02 1989

AUG 29 1988

JUN 17 1988

STATE OF IDAHO
Department of Water Resources DEPARTMENT OF WATER RESOURCES Department of Water Resources
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 37-7944

1. Owner: Richard H. Dalton Phone No. _____

Current Address: Star Route, Bliss, Idaho

2. Accompanied by: Gerald Martens EXAM. DATE: 4-22-87

Address: 1139 Falls Ave E., Twin Falls, Idaho Phone No. 734-4888

Relationship to Permit Holder: None

3. Source: Malad River tributary to Snake River

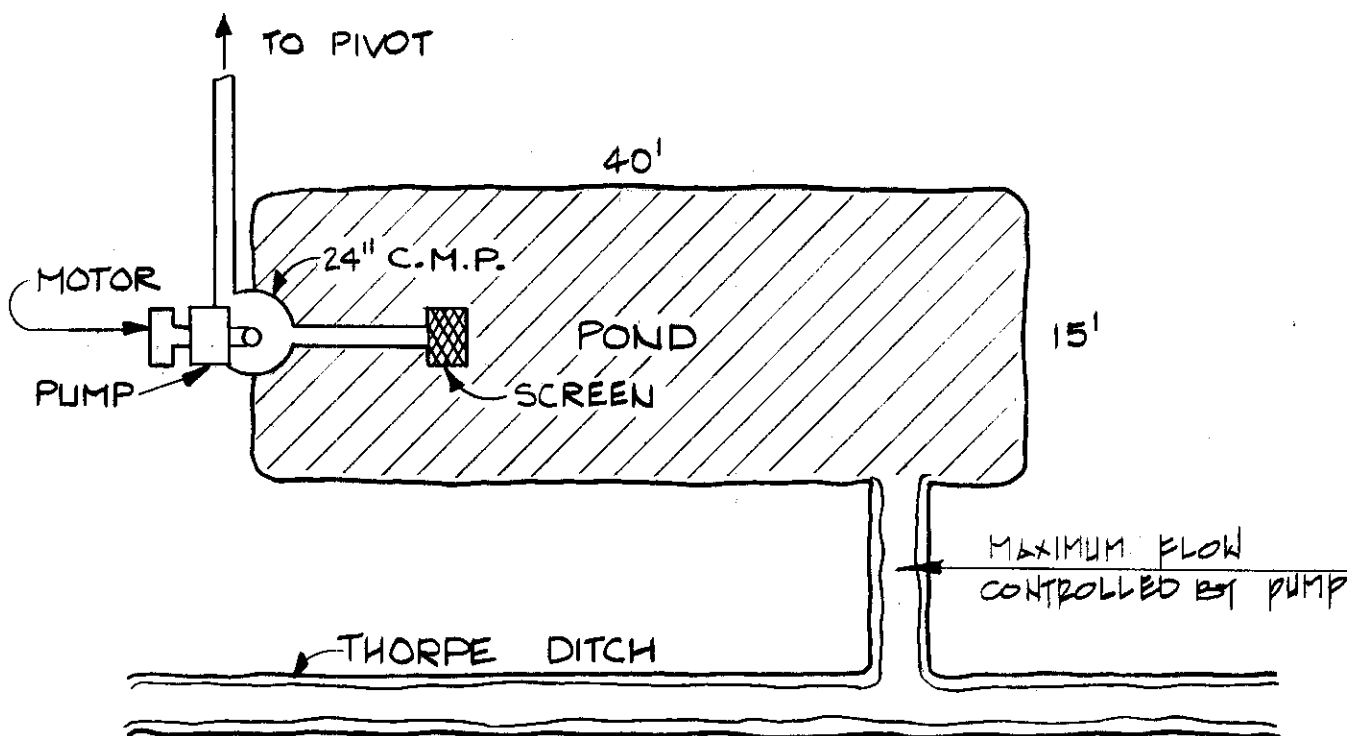
B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached

2. Other water rights with same point of diversion: 37-0447 & 37-4093
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = 10' ±

Microfilm

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

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more)
NOV 09 1989

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

System Description (continued)

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

Pump operating small circular pivot. Rating on pump as follows:

600 gpm @ 170' head Pump pressure = 74 psi

Flow control nozels designed for total flow of 350 gpm by Farmore Irrigation.

350 gpm = 0.78 cfs

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		30		Berkley	7271001
NOTE: Pump impeller trimmed to match flow design.					

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

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

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	SW	30	6S	14E	Gooding	From map on application
Point of									
			SE	NW	25	6S	13E	Gooding	From map on application
Redivers.									

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

Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	13E	25							4	33									37 acres

MICROFILMED

NOV 02 1989

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

Pumping pressure = 171' head

Flow control nozels - 350 gpm @ 175' head

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: $\frac{350}{448.8} \times \frac{171}{175} = 0.76 \text{ cfs}$

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: 74 psi x 2.31 = 170.9 ft (1); Dynamic pumping level: 0 ft (2)

Total Head: (1) + (2) = 171 (3) : Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.76 \times 150 \times 1.9835 = 226.12$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 185$

2. Volume Calculations for Other Uses: No other uses

MICROFILMED

NOV 02 1989

I. RECOMMENDATIONS

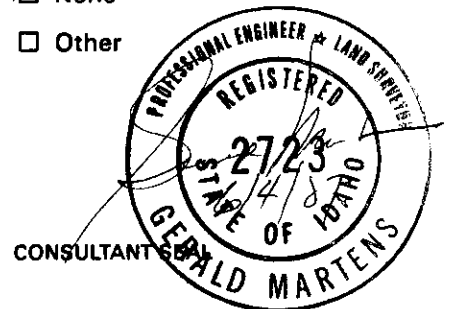
Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
Irrigation	Mar 15	Nov 15	0.76 cfs	

Totals: _____

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above

☒ None☐ Other

Field Examiner's Name Gordon Williams
Signature [Signature]
Certification Date 86-101
Field Report Preparation Date 4-22-87



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

REFERENCES

NOV 02 1989



DIVERSION FROM
THORPE DITCH
THORPE DITCH

Thorpe Ditch



Pump Inlet

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NOV 02 1989



Irrigation Pump



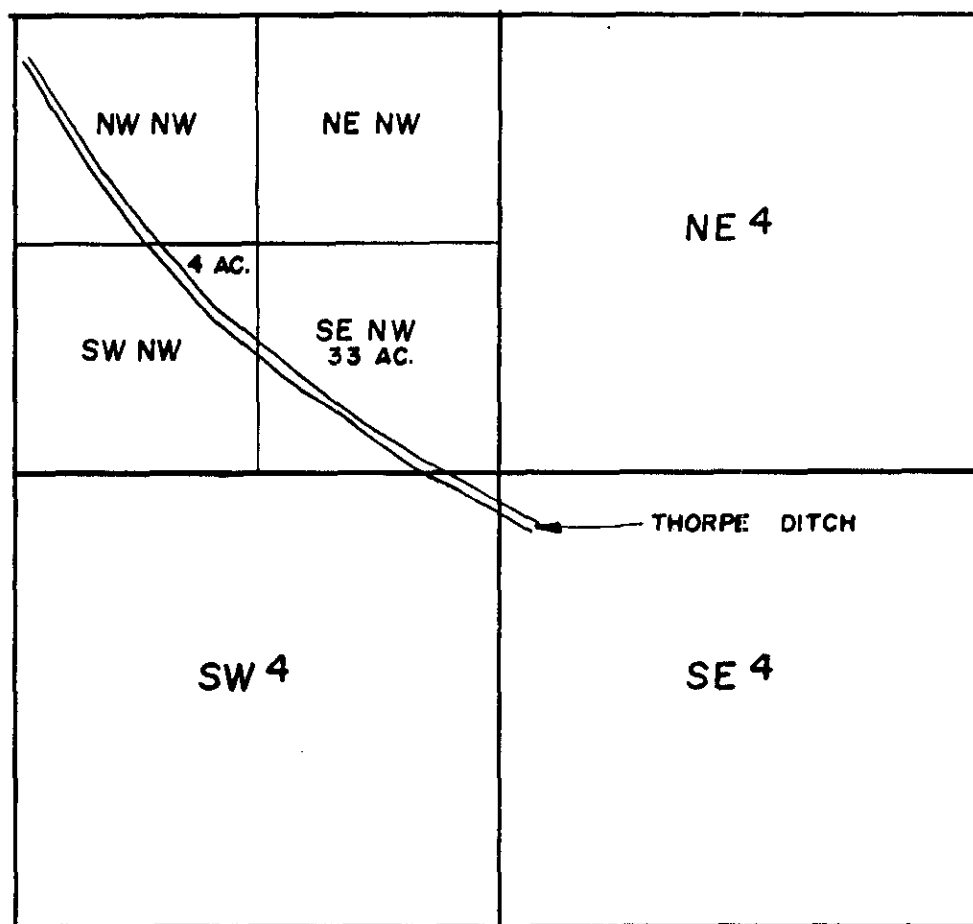
Pump Pond

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NOV 02 1989

ACRES IRRIGATED

Section 25
T. 6S R. 13E



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NOV 02 1989

MEMORANDUM

TO: File No. 37-7892, 37-8131, 37-7869, 37-7870, 37-7878 &
37-7944
FROM: Gary Spackman *Gary*
RE: Delay in processing application for minimum streamflow no.
37-7892
DATE: November 18, 1988

I partially prepared a proposed memorandum decision and order for application to appropriate water for minimum streamflow no. 37-7892, Malad River. After my review, I determined that there are four hydropower filings in the name of Consulting Associates which must be resolved either prior to or simultaneous with the minimum streamflow filing. The applications by Consulting Associates are: 37-7869, 37-7870, 37-7878 & 37-8131. The hydropower applications proposed diversion of water which will cause a bypass around the minimum flow reach. The applications are protested, and must be resolved through the hearing process. Therefore, the minimum streamflow decision was not written because of the apparent earlier-in-time filings for hydropower which must be resolved by hearing.

Another permit, numbered 37-7944 in the name of Richard Dalton, diverts water out of the Malad River. We have received a field examination on the permit. It must be subordinated to the minimum streamflow, if approved.

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CONVERSATION MEMORANDUM

DATE August 5, 1988FILE 37-7944NAME OF PARTY Gerald Martens / Richard Dalton (Permit Holder)EMPLOYEE Gary Spackman

RE: I spoke to Mr. Martens about my
correspondence dated April 5, 1988 which
he has not yet responded too. He represented
that he would send the requested information
shortly.

Gary

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NOV 02 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 5, 1988

Gerald L. Martens, P.E.
EHM, Engineers, Inc.
1139 Falls Avenue E., Suite B
Twin Falls, ID 83301

Re: Permit to Appropriate Water No. 37-7944

Dear Mr. Martens:

I have reviewed the field examination you prepared in connection with the above permit. I am returning the field examination to you so that you may provide more information as required under the Department's Beneficial Use Rules and Regulations.

The following information is needed:

1. Please prepare a map showing the full or partial acreage in each legal subdivision of 40 acres or government lot. This is required under Rule 5,1,7.
2. Flow measurement information that was provided was incomplete. A measurement of the diversion works from the Malad River should be made, and the capacity of the pumping system should also be measured. The permit required that an access port or other device specified by the Department must be installed for the measurement of the rate of flow. I cannot determine from the field report whether any measurements were conducted other than perhaps a pressure reading at the well head. This reading and method of measurement does not satisfy the conditions.
3. In general, Rule 5,1,6 of the beneficial use rules and regulations require a statement of the method of compliance with each condition of approval of a permit.
4. Rule 5,1,17 of the beneficial use rules and regulations requires submittal of an aerial photo for filed reports involving ten (10) irrigated acres or more which depict the irrigated acres.

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I apologize that return correspondence to the exam was not sent earlier. May I suggest, however, that in conducting field exams, the beneficial use rules and regulations, a copy of which is enclosed, be consulted, and the requirements therein complied with.

Respectfully,



GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Southern

Enclosure

NOTED

NOV 02 1989

February 11, 1988

RICHARD H. DALTON
STAR RT.
BLISS, ID 83314

RE: Permit No. 37-7944

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

P.S. Also enclosed is a copy of the Order of Reinstatement advancing the priority of this right.

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NOV 02 1989

RECOMMENDED AMOUNTS

- Johnson
MICROFILMED
NOV 02 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No. _____

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

- b) Volume Calculations for Irrigation:

$$\begin{aligned} V_{I.R.} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 37 \times 3.0 = 111.0 \\ V_{D.R.} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 214 \times 0.74 \times 1.9835 = 314.1 \\ V &= \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 111.0 \end{aligned}$$

- c) Volume Calculations for Other Uses:

2. Overlap Review

- a) Other water rights with same place of use: None

- b) Other water rights with same point of diversion: 37-0447

- c) Analysis:

Per stipulated agreement, the rt. holder agreed not to increase the rate of diversion from the Malad River to fill this rt. Therefore a condition should be placed on the license which limits the rate of diversion of under both rights when combined to the amount of rt. 37-0447. (10.4 cfs)

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NOV 02 1989

MEMORANDUM

TO: File 37-7944

FROM: Jim Johnson *JW*

DATE: September 21, 1987

RE: Information Supplied by Reid Newby Supplementing the Field Report

During the review of the beneficial use field report prepared by Gerald Martens, a certified examiner, I could not determine if a measuring device had been installed at the head of the Thorpe Ditch as required by the permit. I called the watermaster, Reid Newby, and discussed this question with him. In the course of the discussion, I expressed other problems I was having due to lack of information on the report, such as, little documentation showing confirmation of actual lands irrigated under the permit.

Reid said he was going to be in the area the next day and offered to find out the answer to my questions.

In a follow-up telephone call, Reid confirmed the following:

1. The land is irrigated by a circular system and approximately 41 acres are supplied water. Of the 41 acres irrigated, only 37 acres can be included on the license because the permit only identified 37 acres.
2. No additional water was diverted into the Thorpe Ditch for this right (see stipulated agreement), therefore, a condition limiting the diversion of water under this right when combined with Right 37-0447 is required.

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NOV 02 1989

PROTEST

RATE OF DIVERSION
WILL NOT INCREASE
WHEN COMBINED W/
RTS. 37-0447 AND 37-4093.
PER STIPULATION.

PROOF DUE 4-1-87
37-7944 - LOSS DAY
of Priority w/o lapsing
until 6-29-87.

LAPSE NOTICE SENT 4-20-87

Bx rec'd 6-30-87

ADVANCE **MICROFILMED**
6-30-181
4-1-91 NOV 02 1989

90 DAYS

OLD PRIORITY 10-1-274-

NEW PRIORITY 12-30-364 12-30-1981



Edwards, Howard & Martens, Inc.

ENGINEERS / PLANNERS / SURVEYORS

1139 Falls Ave. E., Suite B
Twin Falls, Idaho 83301
Phone 734-4888

IN THE FIELDS OF:

PLANNING
SURVEYING
HIGHWAYS
WATER
SEWAGE
STRUCTURAL
SUBDIVISIONS
AIRPORTS
BRIDGES

June 12, 1987

RECEIVED
JUN 17 1987

Department of Water Resources
2148 Fourth Avenue East
Twin Falls, Idaho 83301

Attention: Loren Holmes

Department of Water Resources

Dear Mr. Holmes:

Transmitted herewith is the Beneficial Use Field
Report for Permit No. 37-7944.

If you have any questions, please call me.

Respectfully yours,
EHM ENGINEERS, Inc.

Gerald L. Martens, P.E.

GLM/bn
cc: file

encl.

MICROFILMED
NOV 04 1989



Edwards, Howard & Martens, Inc.

ENGINEERS / PLANNERS / SURVEYORS

1139 Falls Ave. E., Suite B
Twin Falls, Idaho 83301
Phone 734-4888

IN THE FIELDS OF:

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WATER
SEWAGE
STRUCTURAL
SUBDIVISIONS
AIRPORTS
BRIDGES

June 30, 1987

RECEIVED

JUN 30 1987

Department of Water Resources
2148 Fourth Avenue East
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region Office

Attention: Loren Holmes

RE: Dalton Water Right

Dear Mr. Holmes:

Please find enclosed the Beneficial Use Field Report
for Permit No. 37-7008 and the Proof of Beneficial Use for
Permit No. 37-7944.

Please call me if there are any questions.

Respectfully yours,
EHM ENGINEERS, Inc.

Gerald L. Martens, P.E.

GLM/bn
cc: file

encl.

RECEIVED
JUL 02 1987

Department of Water Resources

MICROFILMED

NOV 02 1989

RECEIVED
JUN 30 1987
Department of Water Resources
Southern Region Office

RECEIVED
JUL 02 1987
no \$ recd. C/B

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Reviewed by _____
Sent to region _____

PROOF OF BENEFICIAL USE

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

Permit No. 37-7944

Name(s) of Permit Holder: Richard H. Dalton

Post Office Address: HC60 Box 1420, Bliss, Idaho

Telephone No. 837-4825

Source of Water: Malad River tributary to Snake River

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation 37 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 0.74 cfs cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: May 1985

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

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

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

Richard Dalton 837-4825
(Name) (Telephone Number)

Box 1420, Bliss, Idaho
(Address)

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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.

NOV 02-1989

6/29/87
Date

Richard H. Dalton
Signature of Permit Holder (and title, if appropriate)

MEMORANDUM

Date: July 22, 1987

TO: Rita, Jim, Glen, Bob

FROM: Gary *Gary*

Re: File No. 37-7944; Examination by Certified Examiner Required to be Submitted During the Non-irrigation Season

Gerald Martens wrote to the department in March, 1987, informing us that he had been retained to conduct field exams for Permit Nos. 37-7008 and 37-7944. Mr. Martens stated that he would be unable to complete the exam until after the proof due date, April 1, 1987.

Permit No. 37-7008 is a permit for which proof was filed prior to the exam fee requirement. The permit holder had until June 30, 1987 to pay the fee or submit the exam by a certified examiner.

Proof for Permit No. 37-7944 was due after the fee exam legislation was enacted, requiring that the permit holder submit the exam on or the fee with the proof.

As I recall the systems under the two permits were nearby in proximity. I wrote a letter to Martens that attempted to allow joint examination of the water rights. The intent was to provide additional time, but also to advance priority for the tardiness.

In reviewing the letter, I'm embarrassed with its inaccuracy. Two problems are evident. First, I told Martens that we would not lapse Permit No. 37-7944, but we would advance the priority. Under Idaho Code, Sec. 42-218a, the permit automatically lapses the day after proof is due. My letter could be interpreted as an extension of time; but, if so, I should not have told the permit holder that we would advance the priority.

The second error is a statement that priority would be advanced until the exam was submitted and the fee paid. The "and" probably should have been an optional "or", since either is an alternative before proof is filed.

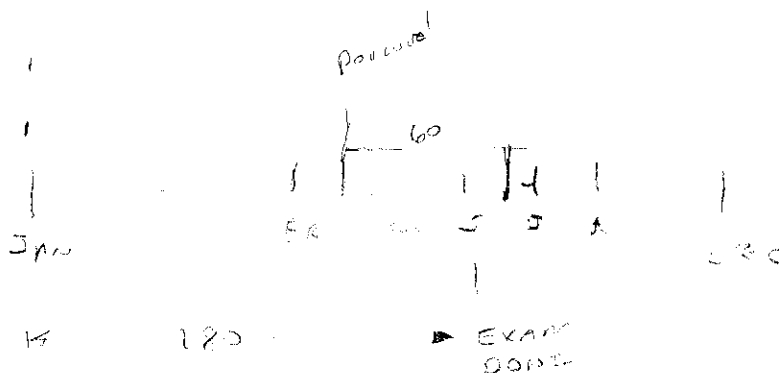
For Permit No. 37-7944, I propose that we (1) void the lapse notice that was sent out, (2) reinstate the permit, and (3) advance priority the number of days from the proof due date to the date the field exam was submitted.

In general, when a permit holder retains a certified examiner to conduct the

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NOV 02 1989

field exam, the exam is due with the proof, and the examiner is unable to conduct the exam because proof is due prior to the start of the next period of use, we have two choices: (1) grant an extension of time upon application from the permit holder, or (2) defer sending the lapse notice until after the period of use has started, and advance priority. I believe an extension of time may be granted on the basis that the permit holder cannot submit proof when it is due. The application for extension would require the payment of the filing fee.



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NOV 02 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
APRIL 13, 1987

DALTON, RICHARD H.
STAR ROUTE
BLISS, ID 83314

LAPSE NOTICE

RE: PERMIT NO. 37-7944

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A, IDAHO CODE, THE ABOVE REFERENCED WATER PERMIT HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE PROOF OF BENEFICIAL USE SUBMITTAL OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED JANUARY 31, 1987.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT PROOF OF BENEFICIAL USE OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED PROOF OF BENEFICIAL USE SUBMITTAL (INCLUDING THE EXAMINATION FEE OR A COMPLETED FIELD EXAMINATION REPORT) OR THE EXTENSION REQUEST FORM TOGETHER WITH THE \$15 FEE MUST BE RECEIVED BY THIS DEPARTMENT WITHIN SIXTY DAYS OF THE DATE OF MAILING OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A PROOF OF BENEFICIAL USE FORM AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

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NOV 02 1989

CERTIFICATION OF MAILING

I hereby certify that on 4-20-1987
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

March 27, 1987

Gerald L. Martens, P.E.
EHM Engineers, Inc.
1139 Falls Avenue East, Suite B
Twin Falls, ID 83301

Re: Field Examination for Water Right Nos. 37-7008 & 37-7944

Dear Mr. Martens:

Your letter informing the Department of Water Resources of your intent to complete field examinations for Water Right Nos. 37-7008 and 37-7944 was received by the State office of the Department of Water Resources on March 17, 1987. Permits Nos. 37-7008 and 37-7944 must be treated separately because of a change in the statutes affecting the submittal of proof of beneficial use that applies differently to each of the permits.

Proof of beneficial use for Permit No. 37-7008 was filed with the Department of Water Resources on February 7, 1983. Permits for which proof had been filed but which no field examination had been performed before April 4, 1986, were subject to a fee requirement or examination by a certified field examiner prior to licensing. In the case of Permit No. 37-7008, the permit holder was given one year and sixty days from April 30, 1986, within which the examination was to be completed by the certified field examiner. This date falls on approximately June 29, 1987. If a field examination by a certified field examiner is not submitted by June 29, 1987, Permit No. 37-7008 will lapse.

Proof of beneficial use on Permit No. 37-7944 was not due until April 1, 1987. For those permits requiring proof to be filed after April 4, 1986, the one year and sixty day grace period is no longer granted. The permit holder must either submit a field exam completed by a certified field examiner with the proof of beneficial use or submit a field examination fee. Failure to either submit the fee or the field examination results in a loss of one day of priority for every day that the fee or the examination is late. The permit also lapses for failure to submit proof of beneficial use.

NOV 02 1989

and notice
Your letter will initiate a temporary stay of any administration proceedings to lapse Permit No. 37-7944. A loss of one day of priority for every day the examination and fee is late cannot be avoided, however.

send notice of
The Department will not act to lapse ^{for} either Permit No. 37-7008 or Permit No. 37-7944 until June 29, 1987. Should the examinations and necessary documentation, including proof of beneficial use for both Permit No. 37-7944 and Permit No. 37-7008 not be submitted on or before June 29, 1987, action will be taken to remove the permits from the Department's files.

Sincerely,



GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Southern Region

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NOV 02 1989



Edwards, Howard & Martens, Inc.

ENGINEERS / PLANNERS / SURVEYORS

1139 Falls Ave. E., Suite B
Twin Falls, Idaho 83301
Phone 734-4888

IN THE FIELDS OF:

PLANNING
SURVEYING
HIGHWAYS
WATER
SEWAGE
STRUCTURAL
SUBDIVISIONS
AIRPORTS
BRIDGES

March 11, 1987

RECEIVED

MAR 12 1987

Department of Water Resources
2148 Fourth Avenue East
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region Office

Attention: Loren Holmes

RE: Water Right Nos. 37-7008
and 37-7944

Dear Mr. Holmes:

I have been retained to complete the field examination for the above two permits. A notice dated January 31, 1987, requires proof of beneficial use prior to April 1, 1987. Both permits consist of pump applied irrigation water and pumps will not be started until near May 1, 1987. It will, therefore, be impossible to accomplish the field inspection until early May.

I therefore plan to complete the inspection and reports in early May. If this is not satisfactory, please inform me so that alternate plans may be made.

Respectfully yours,

EHM ENGINEERS, Inc.

Gerald L. Martens, P.E.

GLM/bn
cc: file

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NOV 02 1989

RECEIVED

MAR 17 1987

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138688

DALTON, RICHARD H.
STAR ROUTE
BLISS, ID 83314

PROOF DUE NOTICE

RE: PERMIT NO. 37-7944

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 APRIL 1, 1987. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH WHEN ACCOMPANIED BY THE LICENSE EXAMINATION FEE OR A COMPLETED FIELD EXAMINATION REPORT PREPARED BY A CERTIFIED WATER RIGHT EXAMINER MAY BE USED TO SUBMIT THE REQUIRED PROOF.

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

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

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

NOV 02 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

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

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

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

(2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

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

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

NOV 02 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

DALTON, RICHARD H.
STAR ROUTE
BLISS, ID 83314

MAY 26, 1982

RE: PERMIT NO. 37-7944

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE, OR AN ACCESS PORT TO PROVIDE FOR THE INSTALLATION OF MEASURING EQUIPMENT BY THE DEPARTMENT. ENCLOSED PLEASE FIND A LIST OF MEASURING DEVICE OPTIONS, AND SPECIFICATIONS FOR THE INSTALLATION OF THE ACCESS PORT.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

DALTON, Richard H.

INITIAL REVIEW BY: T.G. Blau

APPLICATION NUMBER: 37-7944

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No? Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.

Copies sent by: _____ Date: _____

☒ Other Red Newby

mayer 10/1/81

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. AA-70
☒ Yes ☐ No Other rights on same place of use. 37-4093

- ☒ Yes ☐ No* In form for advertising.
☒ Yes ☐ No Final date for protests: 10/26/81 ✓
☒ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 10/20/81
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district?
10/1/81 Date of priority recommended.
✓ Special conditions of approval or cover letter. 04 OIC @ diversion
05, Subject to Stipulation signed 4/1/82 OIC @ head of ditch.

By: ADM

Date: 4/5/82

STATE OFFICE REVIEW:

SLW/L03, L12 04, 05 (37 Big Wood R.) OIC, OIE, 20, 26

- ☐ See attached sheet for more information.

By: Rely

Date: 4-1-82

RECEIVED

APR 9 1982

STIPULATION --

I, Richard Dalton, do hereby stipulate that for diversion purposes my recent Application for Permit No. 37-7944, if approved, shall not increase my present diversion rate above that which is represented by my portions of rights 37-0447 and 37-4093. These waters shall be diverted at the Thorpe Ditch headgate which diverts water from the Malad River (Big Wood River) within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T6S, R14E, B.M.

Richard D. Dalton
RICHARD DALTON

Date: 4/1/82

We, the undersigned, do hereby withdraw our protests of Application for Permit No. 37-7944 upon the execution of the above stipulation by Richard Dalton.

Tom Anderson
TOM ANDERSON

Date: 4/1/82

Don Higginson
DON HIGGINSON

Date: 4/1/82

R. K. Bendorf
R. K. BENDORF

Date: 4/1/82

Floyd H. Marsh
FLOYD H. MARSH

Date: 4/1/82

Lyons H. Woody
LYONS H. WOODY

Date: 4/1/82

MICROFILMED

37-7944 -- Richard H. Dalton

Multi-purpose Room - Gooding City Hall - Gooding, Idaho

Thursday - April 1, 1982 - 10:00 a.m.

ROSTER OF ATTENDANCE

Hearing Officer Bob Fleenor

Assisted By Loren Holmes

Name

Address

Representing

Richard H. Dalton
Tom Anderson
Don Higginson
R. K. Bendall
Paul Zeller
Lyons H. Woods
Floyd Marzke

MICROFILMED

37-7944 - Dalton

Conf:

Dalton - has irrigated 240 Acres with
280" defect right - wants to apply 40" to
New land.

All Parties Signel Previously Proposed
Stipulation.

MICROFILMED

Richard Dalton

4-1-82

37-7944

400 inches of decree right -

~~400~~
~~400~~
~~400~~
~~400~~
~~400~~

~~240~~ acres

240 acres below the road →

Feels he has 280 inches →

MICROFILMED

37-7944 Dalton

Filed: 10/1/81

Advertised: Gooding Co Letter 10/7 & 10/14/81

Protestants:

Tom Anderson	} 10/20/81 insufficient water
Don Higginson	
R.K. Bendoff	
Floyd H. Marsh	
Lyons H. Woody	

Tom Anderson: Add'l Protest - Does not understand

Applicant Response 12/12/81: Has 240 irrigated

Acres & 280" water right. The water
right can't be expanded, so he must
file to irrigate 37 New Acres.

1/20/82: Stipulated Agreement Proposed:

Applicant Agrees to not increase diversion
rate over existing Rights - No future

MICROFILMED

CASE

W. L. FROST

VS.

WATER DIST. 37

COUNTY

ALTHUS WATER COMPANY

JUDICIAL DIST.

JUDGE

DATE OF DECREE

RECORDED

IN BOOK NO.

AT PAGE NO.

FILE NO.

P.N.	D.N.	DECREED OWNER	NAME	PRESENT OWNER	AMT. INCHES SEC. FT.	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
							SUBDIV.	SEC.	TWP.	R&G.		
37	0159	Cramer, Hugh	E. Fk. Big Wood		16.0	7-30-88					SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 20 SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 17 T3N-R18E	
37	0575	Rhodes, James M. Trustee			0.8	8-1-88					Milling Purposes	
37	0191	Drake, W. T.			2.86	4-30-89					W $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 10 T2N-R18E	
37	0586	Roessler, George & Jacob			2.64	4-30-89					SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 17; SE $\frac{1}{4}$ SE $\frac{1}{4}$: Sec 18; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 20; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 19 T5S-R18E	
37	0648	Sutherland, Margret & Weber, Peter			17.14	4-30-89					Blk. 124 Hailey, ID: W $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 14; W $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Fr NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 15; Part S $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 23 T2N-R18E	
37	0522	Osborn, Israel T.			7.0	5-4-89					NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 32 S $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 29; W $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 33 T3N-R18E	
37	0331	Idaho Electric Supply Co.			280.0	6-1-89					Power Purposes	
37	0100	Brown, James N.			2.4	7-1-89					E $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 9; W $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 10; T2N-R21E; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 10; E $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 9 T3N-R18E	
37	0447	Martin, Thorp			9.9 (10.4)	7-1-89					N $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 25; NE $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 26, T6S-R13E	
		Trans 801 Dingman, Robert E.			0.5	7-1-89	SWNE	30	6S	14E	E $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 26 T6S-R13E	

LEGEND

P.N. = PRIORITY NUMBER

D.N. = DECREE NUMBER

C.T. = CUMULATIVE TOTAL

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)	
OF APPLICATION FOR PERMIT NO. 37-7944)	NOTICE OF HEARING
IN THE NAME OF RICHARD H. DALTON)	AND/OR CONFERENCE
_____)	

On October 1, 1981, Richard H. Dalton, of Bliss, Idaho filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On October 20, 1981, the Department received protests against approval of said application from Tom Anderson, Don Higginson, R.K. Bendorf, Floyd H. Marsh and Lyons H. Woody, Justice Ditch waterusers.

The Department has set the matter of protests for hearing for Thursday, April 1, 1982, at 10:00 a.m., in the Multi-purpose Room of the Gooding City Hall, 308 5th Avenue West, Gooding, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, of the IDAHO CODE and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

DATED This 9th day of March, 1982.


LOREN O. HOLMES
Southern Region Supervisor

MICROFILMED

CONFERENCE AND HEARING INFORMATION
IN THE MATTER OF APPROVAL OF AN 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 water rights?
- 2) Is the proposed water supply insufficient for the purpose 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?

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 submitted to the parties and the parties may be afforded an 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 Procedure or affect a party's right to appeal the final decision to the district court.

Under the provision of IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the Department's decision on appeal shall be confined to the record created before the Department.

Failure to appear at the time and place set for 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.

MICROFILMED
1978

37-7944. dalton

PS Form 3811, Dec. 1980

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

☐ Show to whom and date delivered —¢☐ Show to whom, date, and address of delivery.. —¢2. ☐ **RESTRICTED DELIVERY** —¢*(The restricted delivery fee is charged in addition to the return receipt fee.)***TOTAL** \$ _____3. **ARTICLE ADDRESSED TO:**

Richard H. Dalton
Star Route
Bliss, Idaho 83314

4. **TYPE OF SERVICE:**

☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER

210

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☒ Addressee ☐ Authorized agent

R. H. Dalton

5. **DATE OF DELIVERY**

3-11-82

POSTMARK

BLISS, ID
MAR
11
1982

6. **ADDRESSEE'S ADDRESS** (Only if requested)7. **UNABLE TO DELIVER BECAUSE:**7b. **EMPLOYEE'S INITIALS**

HCPD

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

BLISS, ID
PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300

11
1982

14
83314



**RETURN
TO
RECEIVED**

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

MAR 12 1982

(Street or P.O. Box)

Department of Water Resources
Southern District Office

(City, State, and ZIP Code)

37-7944 Dalton

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one). ☐ Show to whom and date delivered —¢ ☐ Show to whom, date, and address of delivery.. —¢	
2. ☐ RESTRICTED DELIVERY —¢ (The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$ _____	
3. ARTICLE ADDRESSED TO: Tom Anderson Rt. 1 Box 63 Hagerman, Idaho 83332	
4. TYPE OF SERVICE: ☐ REGISTERED ☐ INSURED ☐ CERTIFIED ☐ COD ☐ EXPRESS MAIL	ARTICLE NUMBER 211
(Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent Tom Anderson	
5. DATE OF DELIVERY 3-11-82	POSTMARK MAR 11 1982
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	7a. EMPLOYEE'S INITIALS MTJ

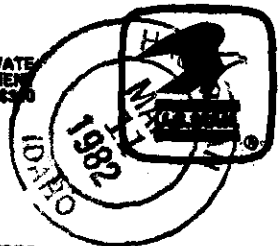
UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO
RECEIVED**

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301
(Name of Sender)

MAR 12 1982

Department of Water Resources
Southern District Office

(Street or P.O. Box)

(City, State, and ZIP Code)

NAME AND ADDRESS OF SENDER <i>Richard H. Dalton 37-7944</i>		Indicate type of mail ☐ REGISTERED ☐ COD ☐ INSURED ☐ CERTIFIED		I certify that we have ☐ Commercial Insurance ☐ A deductible clause of \$		Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT					
NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (if Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S. D. FEE	S. H. FEE	REST. DEL. FEE	REMARKS
1	<i>210 Richard Dalton -</i>	<i>20</i>	<i>60</i>	<i>75</i>							
2	<i>211 Tom Anderson</i>	<i>20</i>	<i>60</i>	<i>75</i>							
3	<i>copies sent to all</i>										
4											
5											
6											
7	<i>protestants in Tom Anderson's</i>										
8											
9	<i>hearing notice</i>										
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. Commercial Insurance—Payment of the full registry is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$10,000 for registered mail, \$300 for COD and \$200 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

USGPO: 1977 - 227-168



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

March 10, 1982

Mrs. Isabell Cahoon
Gooding City Hall
308 5th Avenue West
Gooding, Idaho 83330

Dear Mrs. Cahoon:

This is to confirm the use of the multi-purpose room for conference and/or hearing to be held by this office Thursday, April 1, 1982 at 10:00 a.m., and 1:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

Mary A. Hill
Sr. Secretary

for

Loren O. Holmes
Southern Region Supervisor

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

January 20, 1982

Richard H. Dalton
Star Route
Bliss, Idaho 83314

Re: Application for Permit 37-7944

Dear Mr. Dalton:

On January 12, 1982, Mr. Anderson visited our office in response to your letter to him dated December 12, 1981. In your letter to Mr. Anderson you indicated that the filing of your recent application is not intended to allow a greater diversion rate than that which you now have a right. As your letter indicates your intent is to increase the amount of land under cultivation while keeping your diversion rate the same as it is presently recorded. In discussing your recent letter with Mr. Anderson it appears that if your intent is as stated in the letter it will be possible for the protestants to withdraw their protests.

To resolve the protests it is now proposed that the enclosed stipulation or one similar to it be entered into between you and the protestants. Please review the enclosed stipulation and if it meets your approval, sign it and then have each protestant sign it and return it to our office. If you fail to resolve the protests in this manner, a hearing into the matter will be scheduled.

If you have any questions, please feel free to contact me or Loren Holmes at our office.

Sincerely,

Allen D. Merritt
Senior Water Resource Analyst

cc: Tom Anderson

Encl:

MICROFILMED

STIPULATION --

I, Richard Dalton, do hereby stipulate that for diversion purposes my recent Application for Permit No. 37-7944, if approved, shall not increase my present diversion rate above that which is represented by my portions of rights 37-0447 and 37-4093. These waters shall be diverted at the Thorpe Ditch headgate which diverts water from the Malad River (Big Wood River) within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T6S, R14E, B.M.

RICHARD DALTON

Date: _____

We, the undersigned, do hereby withdraw our protests of Application for Permit No. 37-7944 upon the execution of the above stipulation by Richard Dalton.

TOM ANDERSON

Date: _____

DON HIGGINSON

Date: _____

R. K. BENDORF

Date: _____

FLOYD H. MARSH

Date: _____

LYONS H. WOODY

Date: _____

MICROFILMED

837-6275

INTER-DEPARTMENT MEMO — 1

DATE

1/12/81

FROM

TO

SUBJECT

I proposed that IDWR draft a stipulated agreement in which the application when added to rights 37-0447 part 4 37-4083 shall not exceed what is already diverted under the present rights. We would then send the agreement to Dalton for his signature. If he signed it then we could send a copy to Mr. Anderson and then they will withdraw their protests.

Floyd Anquet
837-4455

SIGNATURE

MICROFILMED

Dec. 12, 1981

Dear Mr. Anderson

We received a copy of the protest which you sent to the Water Resources Board. It stated you were protesting permit #37-7944 because you didn't comprehend its full meaning.

The way it was written in the paper was just standard form. They informed me they would explain it to you if you called them.

Let me explain our intent in filing this permit. We now have 240 irrigated acres which we own. But our water right is for 280 inches. Under the new law you must have your water allotted an inch per acre with the Dept. of Water Resources. We have 37 acres which we would like to develop with this other 0.74 cfs of our existing water right. The filing of this permit does not give us any more water right. We will still receive the same amount of water we just want our entire water right recorded as an inch per acre.

If you have any more questions please contact me. Thank you

P.S.

If the question is resolved we need to have you remove your protests.

Math Dalton
#37-16302

MICROFILMED

10-19-81

To Whom It May Concern:

I should like to protest water
permit # 37-7944 as I can not
comprehend its true meaning.

RECEIVED

OCT 20 1981

Department of Water Resources
Southern District Office

Tom Anderson
Rt 1 Box 63
Hagerman, Idaho
83332

MICROFILMED

To Whom It May Concern:

The Justice Ditch waterusers
should like to protest water permit
37-7944 submitted by Richard
H. Salton.

Quite frequently, the supply of
of irrigating water is deficient
during mid-irrigation season.

Tom Anderson - Rt 1 Box 63
Hagerman, id
83332

Don Hixson

R. K. Bendorf of Hagerman
Floyd H. Markhe Hagerman

Lyons H. Woody

RECEIVED
OCT 20 1981
Department of Water Resources
Southern District Office

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 29, 1981

Mr. Tom Anderson
Justice Ditch Waterusers
Rt. 1 Box 63
Hagerman, Idaho 83332

Re: Application for Permit No. 37-7944

Dear Mr. Anderson:

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 water rights?
2. Is the proposed water supply insufficient for the purpose 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,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 29, 1981

Richard H. Dalton
Star Route
Bliss, Idaho 83314

Re: Application for Permit No. 37-7944

Dear Mr. Dalton:

Enclosed are copies of protests filed against the issuance of a permit pursuant to your Application No. 37-7944. The Department suggests you contact the protestant 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 water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
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,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

32-2944-

DALTON, RICHARD H.

STAR ROUTE, BLISS, ID 83314

Source: MALAD RIVER tributary to SNAKE RIVER

Date Filed: 10/01/1981

Amount: 0.74 CFS

Diversion Point: SESW Sec 30 T 06S R 14E (REDIVERSION) SENW Sec 25 T 06S R 13E,
GOODING Co.

Use: IRRIGATION (0.74 CFS) from 03/15 to 11/15

Place of Use: SWNW SENW Sec 25 T 06S R 13E FOR 37 ACRES

Diversion Means: EXISTING HEADGATE & THORPE DITCH, PUMP, SPRINKLER

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before OCTOBER 26, 1981.

A. KENNETH DUNN

Director

Published 10/7 & 10/14/81.

MICROFILMED

LEGAL (GALLEY) jb

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

37-7944

DALTON, RICHARD H.
STAR ROUTE, BLISS, ID
83314

Source: MALAD RIVER
tributary to SNAKE RIVER

Date Filed: 10/01/1981

Amount: 0.74 CFS

Diversion Point: SESW Sec
30 T 06S R 14E (REDIVER-
SION) SENW Sec 25 T 06S R
13E, GOODING Co.

Use: IRRIGATION (0.74
CFS) from 03/15 to 11/15

Place of Use: SWNW SENW
Sec 25 T 06S R 13E FOR 37
ACRES

Diversion Means: EXIST-
ING HEADGATE &
THORPE DITCH, PUMP,
SPRINKLER

If issued, the permit(s)
will be subject to all prior
water rights. Protests
against the granting of any
permit must be filed with the
Director of the Idaho Depart-
ment of Water Resources,
1041 Blue Lakes Blvd. North,
Twin Falls, Idaho 83301 and
received on or before OCTO-
BER 26, 1981.

A. KENNETH DUNN

Director

PUB.: 10-7, 14.

*maye
10/7/81*

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

OCTOBER 1, 1981

Gooding County Leader
P.O. Box 56
Gooding, Idaho 83330

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 OCTOBER 26, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 1, 1981

Reid Newby
Watermaster District 37
Box T
Shoshone, Idaho 83352

Re: Application for Permit No. 37-7944

Dear Mr. Newby:

Enclosed is a copy of the above referenced application for permit for your information and files.

Sincerely,

Mary A. Hill
Sr. Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

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