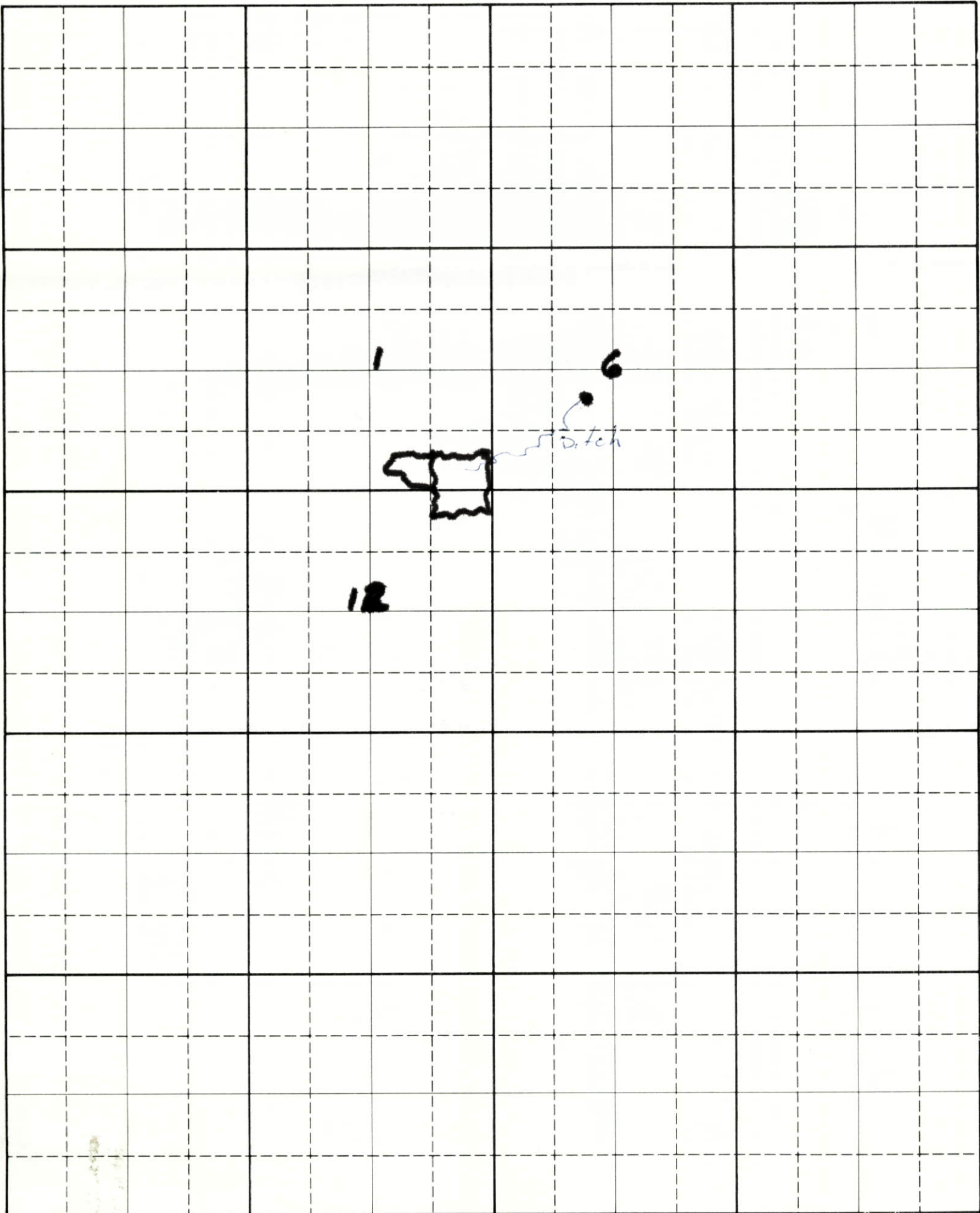


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Bryan Kelso
(Applicant)

37 7084

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 37-7084 Name Bryan Kelso

Source waste water, trib. to Snake River

Point of Diversion NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 6S, R. 13E, B.M., Gooding County

Quantity 1.5 Use irrigation Period Apr. 1 - Nov. 1

Quantity .02 Use stockwater Period Jan. 1 - Dec. 31

Quantity Use Period

Well Size Diameter ? Proposed Depth ? Feet

Use 75 beef cattle, 75 acres

Date Forwarded 2-2-71 Date Returned 2-12-71 Received by

COMMENTS: No comments. pnc

RECOMMENDED:

Applied: Qty. 1.5 Use IRR. Period 4/1-11/1²¹⁴ AF/A 4.0 AF 262

Qty. .02 Use STOCK Period 1/1-12/31 AF/A AF

Qty. Use Period AF/A AF

Maximum: Qty. 1.5 Use IRR. Period 3/15-11/15²⁴⁵ AF/A 4.0 AF 300

Qty. .02 Use STOCK Period 1/1-12/31 AF/A AF 1

Qty. Use Period AF/A AF

ACTION: Approved ✓ Denied

Conditions of approval or reason for denial:

INVESTIGATION

By

Paul M. Castelin

Title W.R.I. - I

Date Feb. 12, 1971

37 7084

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Bryan Kelso, Bliss, Idaho has on January 26, 1971 submitted Application No. 37-7084 for a permit to appropriate 1.5 cubic feet per second of wastewater trib. to the Snake River by means of ditches within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 6S, R. 13E, B.M., Gooding County to be used from January 1 to December 31 for stockwatering purposes (0.02 cfs) and from April 1 to November 1 for the irrigation (1.5 cfs) of 75 acres within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 1; NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 12, T. 6S, R. 12E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before March 1, 1971.

R. Keith Higginson
Director

2-11-2tc



**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Bryan Kelso, Bliss, Idaho has on January 26, 1971 submitted Application No. 37-7084 for a permit to appropriate 1.5 cubic feet per second of wastewater trib. to the Snake River by means of ditches within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 6S, R. 13E, B.M., Gooding County to be used from January 1 to December 31 for stockwatering purposes (0.02 cfs) and from April 1 to November 1 for the irrigation (1.5 cfs) of 75 acres within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 1; NE $\frac{1}{4}$ - NE $\frac{1}{4}$, Sec. 12, T. 6S, R. 12E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before March 1, 1971.

R. Keith Higginson
Director

2-11-2tc

37 7084

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7084 Priority January 26, 1971 Amount 1.10 cfs

THIS IS TO CERTIFY, that Bryan Kelso
of Bliss, Idaho, has complied with the terms and conditions of Permit
No. 37-7084 issued pursuant to Application for Permit dated January 26, 1971,
and has submitted proof to the Department of Water Resources on March 23, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.11 cfs of water from wastewater,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u> at <u>1.10</u> cfs and	<u>165 ac ft or</u>	
<u>Stockwater</u>	from <u>January 1</u> to <u>December 1</u> at <u>0.3</u> cfs and	<u>3.0 ac ft per acre</u>	
	from _____ to _____ at _____ cfs and	<u>1.4 ac ft</u>	
	(both dates inclusive)		

Subject, however, to the condition that no more than 1.10 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
166.4 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 6S
Range 13E, B.M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6S	12E	1															X	X	33
		12															18	15	22

Total number of acres irrigated 55

A measuring device of a type approved by the Department shall be permanently
maintained as a part of the diverting works. This right is subject to stockwatering
rights of users on the downstream portion of Lateral Z, as heretofore established
by actual diversion and use.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this _____ day of

March, 1976.

Director

Identification No. 37-7084
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Bryan Kelso
post office address Bliss, Idaho
2. Source of water supply wastewater which is a tributary of Snake
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 6 Township 6 S
Range ~~13E~~ 13E B.M. Gooding County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 1.50 for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 for stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 1.50 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Ditches for Gravity
irrigation

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ existing structures
8. Description of proposed uses:
a. If water is **not** for irrigation: same as 8 b
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 75 Beef cattle

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

37 7084

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	12E	1															18	15	33
6S	12E	12	22																22

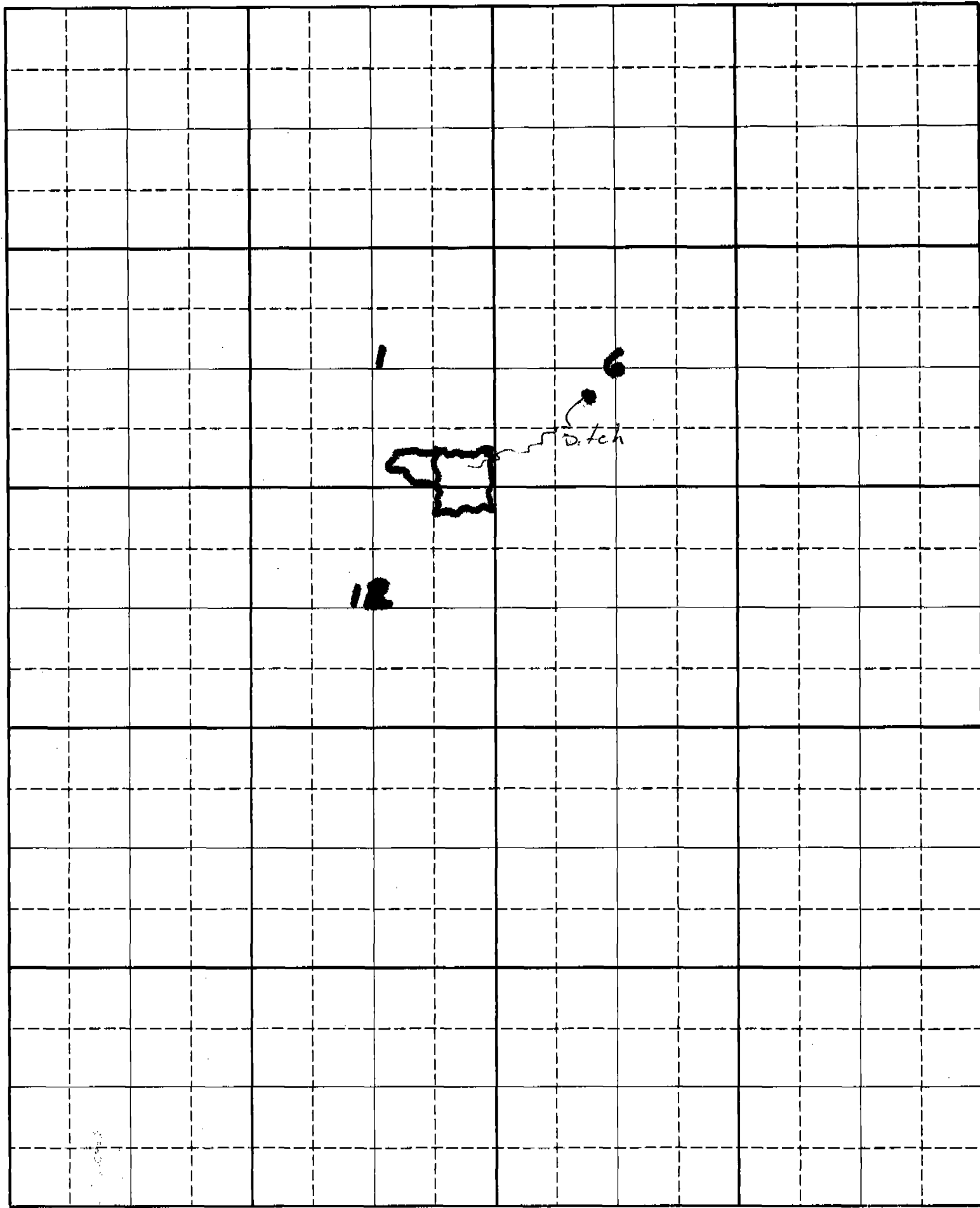
Total number of acres to be irrigated 75

c. Describe any other water rights used for the same purposes as described above. 74 shares in Z Canal & North Side Canal Co.

9. a. Who owns the property at the point of diversion Walstons
 b. Who owns the land to be irrigated or place of use Self
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Agreement

10. Remarks This right is subject to stockwatering rights of users on the downstream portion of lateral Z as here to fore established by actual diversion and use.
ABK

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.

Bryan Kelso
(Applicant)

Received by ef Date 1-26-71 Time 1:45
Preliminary check by Dr Fee \$ 25.00
Receipted by ef Date 1-26-71
Publication prepared by dg Date 2-2-71
Published in Gooding County Leader
Publication dates 2-11 & 2-18, 71
Publication approved de Date 2-24-71
Priority reduced to _____ Reason _____

37-7084

Protests filed by: Charles C. Kast, Faulkner Land and Livestock Co., Inc. and Ralph Faulkner Land, Inc.
Copies of protests forwarded by dr 3-3-71
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7084, 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, 1976.
 - c. Other: The permit holder shall permanently install and maintain as part of the diversion works a measuring device at the point of diversion of a type approved by this Department. This right is subject to stockwatering rights of users on the downstream portion of lateral Z, as heretofore established by actual diversion and use.
2. Denial of said application is for the following reasons: _____

Witness my hand this 26th day of April 1971.

P. Keith Higgs
Director

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 37-7084 Name Bryan Kelso

Source waste water, trib. to Snake River

Point of Diversion NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 6S, R. 13E, B.M., Gooding County

Quantity 1.5 Use irrigation Period Apr. 1 - Nov. 1

Quantity .02 Use stockwater Period Jan. 1 - Dec. 31

Quantity Use Period

Well Size Diameter ? Proposed Depth ? Feet

Use 75 beef cattle, 75 acres

Date Forwarded 2-2-71 Date Returned 2-12-71 Received by

COMMENTS: No comments. PMC

RECOMMENDED:

Applied: Qty.	<u>1.5</u>	Use	<u>IRR.</u>	Period	<u>4/1-11/1</u> ²¹⁴	AF/A	<u>4.0</u>	AF	<u>262</u>
	Qty. <u>.02</u>	Use	<u>STOCK</u>	Period	<u>1/1-12/31</u>	AF/A		AF	
	Qty. <u> </u>	Use	<u> </u>	Period	<u> </u>	AF/A		AF	
Maximum: Qty.	<u>1.5</u>	Use	<u>IRR.</u>	Period	<u>3/15-11/15</u> ²⁴⁵	AF/A	<u>4.0</u>	AF	<u>300</u>
	Qty. <u>.02</u>	Use	<u>STOCK</u>	Period	<u>1/1-12/31</u>	AF/A		AF	<u>1</u>
	Qty. <u> </u>	Use	<u> </u>	Period	<u> </u>	AF/A		AF	

ACTION: Approved ☒ Denied ☐

Conditions of approval or reason for denial:

INVESTIGATION

By

Paul M. Cristelin

Title WRI - I

Date Feb. 12, 1971

37 7084

Affidavit of Publication

RECEIVED
FEB 23 1971
Department of Water Administration

State of Idaho, }
County of Gooding } ss.

Thomas D. Miller 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 11 day of Feb, 1971, and the date of the last publication was on the 18 day of Feb, 1971.

Thomas D. Miller
Subscribed and sworn to before me this 22 day of February, 1971.
(SEAL)
Budrey B. Belcher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions.....

Lines at 14¢.....

Lines at 10¢.....

TOTAL COST.....

1 COPY OF NOTICE

Title of Notice

Water Permit
Title of Notice

Bryan Kelsor
Plaintiff Attorney

37-7084
Defendant

Plaintiff

Bill to

Water Administrator

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956
7 pt. per line, straight 14c
7 pt. per line, tabular 20c
7 pt. per line, successive
insertions 10c
6 pt. per line, straight 15c
6 pt. per line, tabular 20c
6 pt. per line, successive
insertions 10c

No 1022

37 7084

PERMIT TO APPROPRIATE

Bryan Kelsy, Bliss, Idaho has on January 26, 1971 submitted Application No. 37-7084 for a permit to appropriate 1.5 cubic feet per second of wastewater trib. to the Snake River by means of ditches within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 6S, R. 10E, B.M., Gooding County to be used from January 1 to December 31 for stockwatering purposes (0.02 cfs) and from April 1 to November 1 for the irrigation (1.5 cfs) of 75 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1; NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 12, T. 6S, R. 12E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before March 1, 1971.

By Keith Maggison
Director

1-21-71



UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

438 Idaho Street
Gooding, Idaho 83330

May 25, 1977

State of Idaho
Department of Water Resources
1031 Blue Lakes Blvd. N.
Twin Falls, Id 83301

Gentlemen:

This is to advise you that Everett L. Kelso, holder of State License #37 7084, has mortgaged the rights thereunder to the United States and agreed that he will not assign or amend the license without the consent of the Farmers Home Administration.

Sincerely,


K. DARYL BOHMAN
Acting County Supervisor

March 20, 1978

Re: Permit No. 37-7084

Bryan Kelso
Box 112
Bliss, ID 83314

Dear Mr. Kelso:

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

February 8, 1978

Re: Permit No. 37-7084

Bryan Kelso
Box 112
Bliss, Idaho 83314

Dear Mr. Kelso:

A representative of this Department made an examination of the works covered by your Permit No. 37-7084 on July 19, 1976, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 1.10 cfs Source: Waste water

The maximum quantity diverted shall not exceed 166.4 acre feet per
year.

Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, Twp. 6S, Rge. 13E, B.M.

Beneficial use: Irrigation of 55 acres within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 1,
and the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, Twp. 6S, Rge. 12E, B.M., and stockwatering
purposes within the same legal description as above.

Priority date established: January 26, 1971

If you do not concur with these findings please contact us within 10 days, otherwise a
water license will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah

RECEIVED

TOTAL ACREAGE _____ **55**

DATE OF EXAM 7-19-76

ACREAGE
Found 55
Recommended 55

Irrigation Requirement 4.0 Ac Ft/Ac

USE
Irrigation Q = 1.10 c.f.s. V = 220.0 AF/Ann. from 4-1 to 11-1
Domestic Q = c.f.s. V = AF/Ann. from to
Livestock Q = .03 c.f.s. V = 1.4 AF/Ann. from 1-1 to 12-31

Is water co-mingled? yes no ✓

Name source:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Exchange? yes no ✓

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Total Q measured .30 - 1.10 c.f.s. Method of measurement Cipolletti Weir

Total Q recommended 1.10 c.f.s. Meter No. ✓ Type 2' Condition good

Total V recommended 221.4 Ac.Ft./ANN.

Recommended Amendments:

P.D. ✓
Place of Use ✓
Other
None

MEASUREMENT CALCULATION:
 $Q = 1.10 \text{ c.f.s. Meas. } .30^{\text{HD}}$ over 2 ft. Cipolletti Weir.
 $V = 220 \text{ Ac.Ft./ANN.} = (\text{Irr. Req. } 4.0 \text{ Ac.Ft./Ac}) (55 \text{ Acres})$
Livestock
 $Q = .03 \text{ c.f.s. (75 Head Range Cattle)}$
 $V = 1.4$ (See Dept. Memo for the Amounts used)

SYSTEM DESCRIPTION:
Waste water from The Canal Co. runs into this ditch and is used for Irrigation. Headgate and a measuring device.

REMARKS:
Bryan Kelso is deceased. Lee Kelso was present during Exam.

Examiner's Signature [Signature] Date 7-19-76
Checked by [Signature] Date 7-20-76
Approved by Michael L. Stule Date 8-26-76

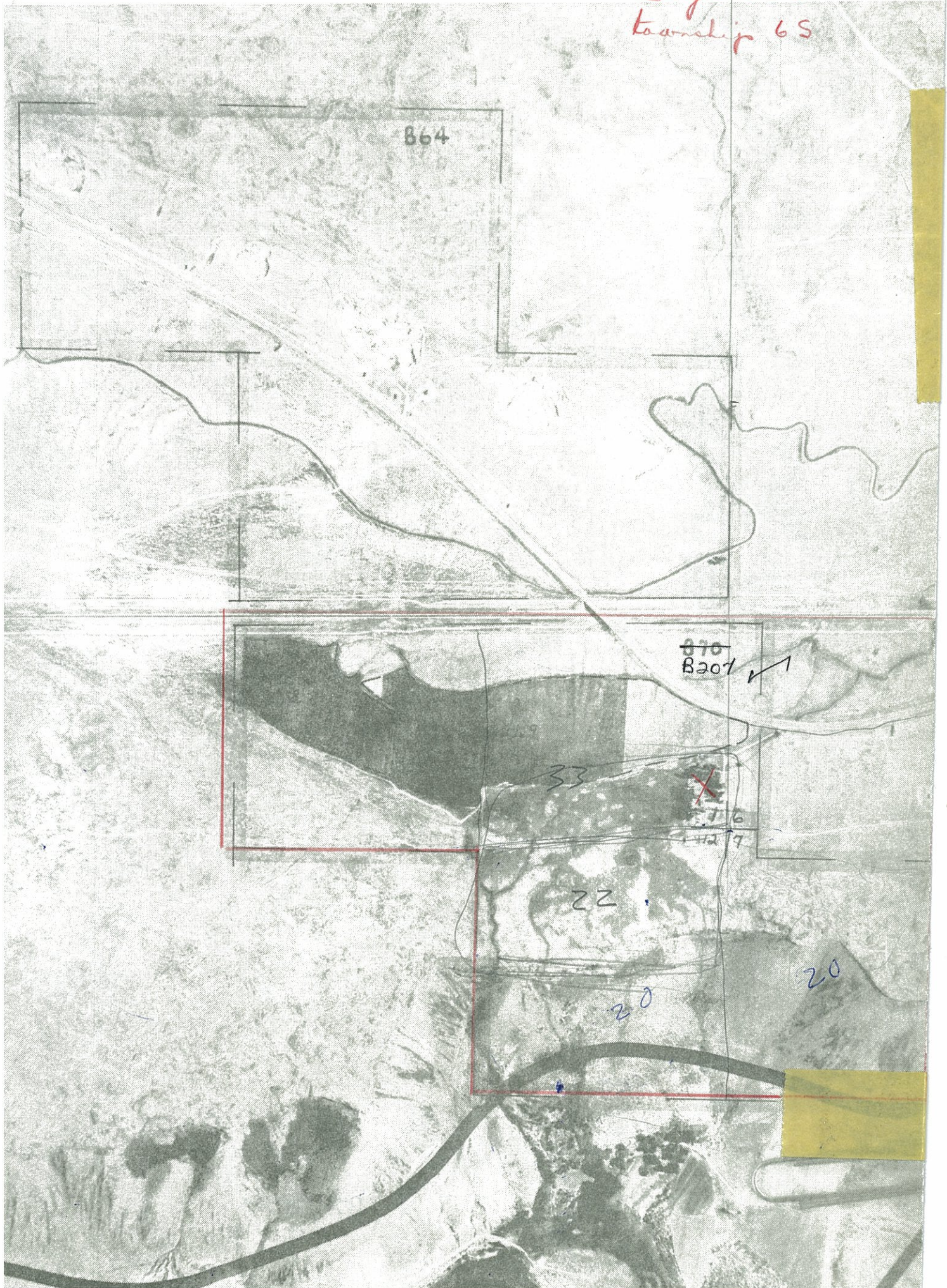


37 7088

36	31
1	6

863

Range 12 E
Township 6 S





STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

19 April, 1977

Mr. Lee Kelso
Box 3
Bliss, Idaho 83314

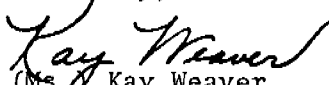
Dear Mr. Kelso,

I am enclosing a copy of permit #37-7084, issued to Bryan Kelso, as requested by the staff at the Twin Falls office.

Proof of beneficial use has been submitted to the department and a field exam was made. The last step is the licensing itself, and hopefully, this will be done in the near future.

Should you have additional questions, please do not hesitate to get in touch.

Sincerely,


(Ms.) Kay Weaver
Records Supervisor

Encl.

March 24, 1976

Re: Permit No. 37-7084

Bryan Kelso
Box 112
Bliss, Idaho 83314

Dear Mr. Kelso:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, however, our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions concerning the field exam, please contact our District Office in Twin Falls.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

RECEIVED

MAR 23 1976

OKj

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Identification No. _____

Permit No. _____

1. a) Name of Permit Holder Bryan Kelso
b) Post Office Address P.O. Box 112 Bliss, Idaho 83314
2. Permit Number 37-7084
3. Date of Priority that you are prepared to establish January 26, 1971
4. a) Source from which water was appropriated Wastewater from Z-20 Northside Canal.
b) Location of the point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6
Township 6S, Range 13E Boise Meridian, Other points of diversion: None
5. a) The amount of water and use to which the water has been applied:
Amount 1.50 A.c.Ft. for Irrigation purposes from Apr. 1 to Nov. 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount 0.02 A.Ft. for Stock Water purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 1.50 acre feet cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Company Ditch Rider through Company Weir.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: Wastewater from Northside Canal Co. Z-20 through private ditch.
b) Describe the agreement or understanding by which you take water from the works: None
Paid water assessment,
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Z-20 Canal - tail End of the Ditch. Water runs into Existing private ditch, through company Wier and on down private ditch.
b) Describe the type and size of measuring device which you have installed at your point of diversion: Existing Company Wier. Two feet wide with straight sides and a Metal Measuring paddle with black numbers on white.
c) Give well driller's name and address and the date the well was completed: N.A.
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Existing private ditch for Stock Water.

3-24-76
pr

MTB

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	12E	1															18	15	33
6S	12E	12	22																22

Total number of acres irrigated 75

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

March 22, 1976
(Date)

Bryan Kelse
(Signature)

State of IDAHO)
County of Bingham) ss.

On this 22nd day of March, 19 76, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at Aberdeen, Idaho

My commission expires December 8, 1978

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

1. The following service is requested (check one).
☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ RESTRICTED DELIVERY.
Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
138277

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY
2-3-76

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

POSTMARK
FEB 3 1976
USPO

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

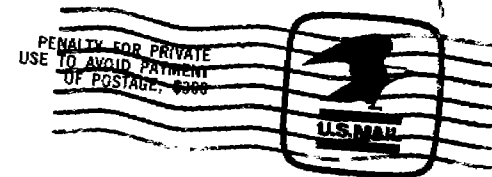
BLISS, ID
FEB 3 1976

SENDER INSTRUCTIONS!!!

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

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**



DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

January 30, 1976

CERTIFIED MAIL

138277

Re: Permit No. 37-7084

Bryan Kelso
Bliss,
Idaho 83314

Dear Mr. Kelso:

One of the conditions of approval of your water Permit No. 37-7084 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before April 1, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. Keith Higginson

R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

June 2, 1971

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

Department of Water Administration
TELEPHONE
(208) 733-3722

Call John

R. Keith Higginson, Director
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Re: Identification No. 37-7084

Dear Keith:

My client, the North Side Canal Company, has two questions about the above-numbered approved permit in the name of Bryan Kelso, Bliss, Idaho.

As you know, the source applied for is a ditch owned and maintained by the Canal Company with some live deliveries for stock water beyond the point where Mr. Kelso plans diversion. In fact, the point of diversion as indicated in the permit is the point where he receives the water represented by the 74 shares of North Side Canal Company water which is presently appurtenant to the same 75 acres for which you awarded him another 1.5 cubic feet per second.

Our problem is that since we do own and maintain the ditch and regulate Mr. Kelso's delivery, he now thinks by reason of this permit that he can operate the headgate at his own discretion and has on occasion interfered with the water rights of the lower stock people.

In other words, I think the problem is caused when the water right is awarded within a Carey Act system above the point where the last live delivery occurs. Mr. Faulkner, Mr. Kast, and the Faulkner Land and Livestock Company have traditionally transferred on a temporary basis some water through this ditch for stockwatering purposes. This is in fact live water that the Canal Company is required to deliver. Interference of Mr. Kelso by reason of his permit for the use of waste water causes us a problem when we can't regulate the flow in our own ditch, not to mention the fact that this permit on occasion gives

37 7084

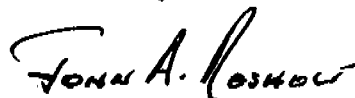
Page 2. Letter to R. Keith Higginson dated June 2, 1971.

Mr. Kelso about 2 inches per acre.

Perhaps the problem is ours in this particular case. I foresee no problem for issuing permits to waste water when the diversion point is beyond the last delivery of live water by the company. Perhaps on waste water filings involving irrigation districts or canal companies, a check could be made with the company to determine whether this is the case so that we don't have this problem arise without some appropriate recitation in the permit indicating that rights-of-way must be secured by the landowner from the canal company or irrigation district and that the operation of the ditch is under the jurisdiction of the appropriate operating company. Apparently, in this particular case the advertisement for the permit was published in a paper in Elmore County and we didn't pick it up in time to protest. Now we are left in a position of having to institute a legal action to enjoin the diversion or allow someone else to adverse a right to regulate his own headgate.

If you would have any suggestion on how these particular situations could be prevented in the future, we would appreciate your counsel.

Sincerely,


JOHN A. ROSHOLT

JAR:php

cc: Ted Diehl

37 7084

April 27, 1971

Re: Permit No. 37-7084

Mr. Bryan Kelso
Bliss,
Idaho 83314

Dear Mr. Kelso:

Enclosed is a copy of your approved Application for Permit No. 37-7084. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

Enc: Copy of permit
Information ltr.

cc: Cecil D. Hobday
P.O. Box 176
Gooding, Idaho
Enc: copy of 4th
page of permit

37 7084

LAW OFFICES

JAMES, HOBDEY & SHAW

125 FIFTH AVENUE WEST
GOODING, IDAHO 83330

P. O. BOX 176
TELEPHONE 934-4429
AREA CODE 208

ANDREW F. JAMES
CECIL D. HOBDEY
CHAS. C. SHAW

RECEIVED
APR 22 1971
Department of Water Administration

April 21, 1971

DDF
4/23/71

Department of Water Administration
State of Idaho
Boise, Idaho

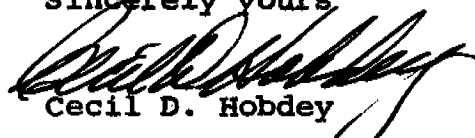
Re: Bryan Kelso
37-7084

Gentlemen:

This will confirm the oral representation to the hearing examiners made on this date in Gooding, Idaho with reference to the above captioned.

In view of the recognition by Mr. Kelso that the protestants, Faulkner Land & Livestock, Inc., Ralph Faulkner Land, Inc. and Charles C. Kast have prior rights for the purpose of stock water based upon an actual use and appropriation thereof, the formal protests of each is hereby withdrawn.

Sincerely yours


Cecil D. Hobdey

CDH:fm

37 7084

MEMORANDUM

Re: Application for Permit No. 37-7048

A conference was held on April 19, 1971, in Gooding, Idaho, to consider the protests filed against Application for Permit No. 37-7048.

The applicant, Bryan Kelso, was not represented by legal council.

Mr. Cecil D. Hobdey, of the law firm of James & Hobdey, from Gooding, Idaho, represented the protestants, Ralph Faulkner and Charles Kast.

Mr. Kelso is the last user on the ditch to whom water is delivered by the Canal Company, and therefore made this application so he would be entitled to use any water in excess of his Canal Company allotment.

Mr. Faulkner and Mr. Kast use the canal water on downstream for stockwater, but it is not delivered by the Canal Company and therefore they are concerned that any right they have developed by beneficial use of the water would be interfered with. An agreement was reached between the parties with the following term added to the permit:

This right is subject to stockwatering rights of users on the downstream portion of lateral Z, as heretofore established by actual diversion and use.

With the inclusion of this term, the protestants agreed to withdraw their protests within fifteen (15) days.

Bobby D. Fleenor
Bobby D. Fleenor
Assistant Director

37 7084

37-7084 - Bryan Kelso

Gooding County Court House, Gooding, Idaho

April 19, 1971 at 1:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Ralph Faulstich	Gooding	Self
Cecil D. Haldy, By 196	Gooding	Ralph Faulstich Charles Kast
Charles C. Kast	King Hill	Self
Bryan Kelso	Bliss Ida	Self

37 7084

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Statehouse - Annex 2
Boise, Idaho 83707

37 7084

37-7084

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered ☐ Deliver ONLY
to addressee
(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.	1 2 3	SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
CERTIFIED NO.		Bryan Kelso
INSURED NO.		
DATE DELIVERED		SHOW WHERE DELIVERED (only if registered)
4-14		37-7084

POD Form 3811 Apr. 1967 e56-16-71648-10

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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

37 7084

POSTMARK OF
DELIVERING OFFICE

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 **RETURN TO**

NAME OF SENDER

STATE OF IDAHO

STREET AND NO. OR P.O. BOX

DEPARTMENT OF WATER ADMINISTRATION

BOISE, IDAHO

POST OFFICE, STATE, AND ZIP CODE

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered ☐ Deliver ONLY
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(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.	SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
CERTIFIED NO.	1 <i>Ralph Tulliver Land Inc.</i>
INSURED NO.	2 <i>Ralph Tulliver Land Inc.</i>
DATE DELIVERED	3 <i>APR 13 1971</i>
	37 7084

POD Form 3811 Apr. 1967 c65-16-71648-11

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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



POSTMARK OF
DELIVERING OFFICE

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← RETURN
TO

NAME OF SENDER	STATE OF IDAHO
STREET AND NO. OR P.O. BOX	DEPARTMENT OF WATER ADMINISTRATION BOISE, IDAHO
POST OFFICE, STATE, AND ZIP CODE	37 7081

INSTRUCTIONS TO DELIVERING EMPLOYEE☐ Show to whom, date, and
address where delivered☐ Deliver ONLY
to addressee*(Additional charges required for these services)***RECEIPT***Received the numbered article described below.*

REGISTERED NO.	SIGNATURE OR NAME OF ADDRESSEE <i>(Must always be filled in)</i>
CERTIFIED NO.	1 <i>Stankner Land & Livestock</i>
INSURED NO.	2 <i>By Susan L. Stankner</i>
DATE DELIVERED	SHOW WHERE DELIVERED <i>(only if requested)</i>
APR 13 1971	37 7084

PSN-70-71648-10

Apr. 1967

3811

Form

POST OFFICE DEPARTMENT

OFFICIAL BUSINESS

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DEPARTMENT OF WATER ADMINISTRATION

BOISE, IDAHO

POST OFFICE, STATE, AND ZIP CODE

37 7081

GOODYEAR, ID 83300

APR 18

PM

79 71

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

POSTMARK OF DELIVERING OFFICE

RETURN TO

INSTRUCTIONS TO DELIVERING EMPLOYEE

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address where delivered ☐ Deliver ONLY
to addressee
(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

22640

INSURED NO.

1

2

Charles C. East

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

4/15/71

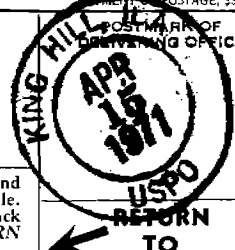
SHOW WHERE DELIVERED (only if requested)

37 7084

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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

POD Form 3811 Apr. 1967 c85-10-71a48

		
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STREET AND NO. OR P.O. BOX		DEPARTMENT OF WATER ADMINISTRATION BOISE, IDAHO
POST OFFICE, STATE, AND ZIP CODE		37 7084

NAME AND
ADDRESS
OF SENDER

Dept Water Administration

Indicate type of mail:

☐ REGISTERED ☐ REGISTERED
C.O.D.
☒ CERTIFIED
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	R. R. FEE	REST. DEL. FEE	ACTUAL VALUE	SURCHARGE	REMARKS*
✓ 1 22637	Frank Schwartz, Council Idaho	06	30	15			app.	67-7031
✓ 2 22638	Clear Lakes Trout Co. Inc. m. Paul	06	30	15				36-7148
3	m. Hardy, President, 1220 Vista Ave.							
4	Boise Idaho							
✓ 5 22639	Thousand Springs Trout Farms Inc	06	30	15				36-7148
6	Box 232, Buhl, Idaho							
7 22640	Charles G. Rast, King Hill, Idaho	06	30	15				37-7084
✓ 8 22641	Ralph Faulkner Land, Inc. Heeding, Ida	06	30	15				37-7084
✓ 9 22642	Faulkner Land & Livestock Co. Inc	06	30	15				37-7084
10	Heeding, Idaho							
✓ 11 22643	Bryan Kelso, Bliss, Idaho	06	30	15				37-7084
12								37-7085
✓ 13 22644	James Hordley & Shaw, P.O. Box 156	06	30	15				37-7084
14	Attn: Cecil D. Hordley, Heeding, Idaho							36-7159
15 22645	Idaho C. Farley Idaho Power Company	06	30	15				36-7085
16	Box 70, Boise, Idaho							
✓ 17 22646	Hepworth, Walker, Mungers & Feltner	06	30	15				36-7159
18	Bank of Idaho Bldg Attn: John C.							
19	Hepworth, Buhl, Idaho							
20								

TOTAL NO. OF PIECES
LISTED BY SENDER

10

TOTAL NO. OF
PIECES REC'D AT P.O.

POSTMASTER, PEE (Name of receiving employee)

*Show under "Remarks" class postage paid if other than first or
if international

POD Form 3877, Nov. 1965

APPLICATION FOR REGISTRATION OR CERTIFICATION

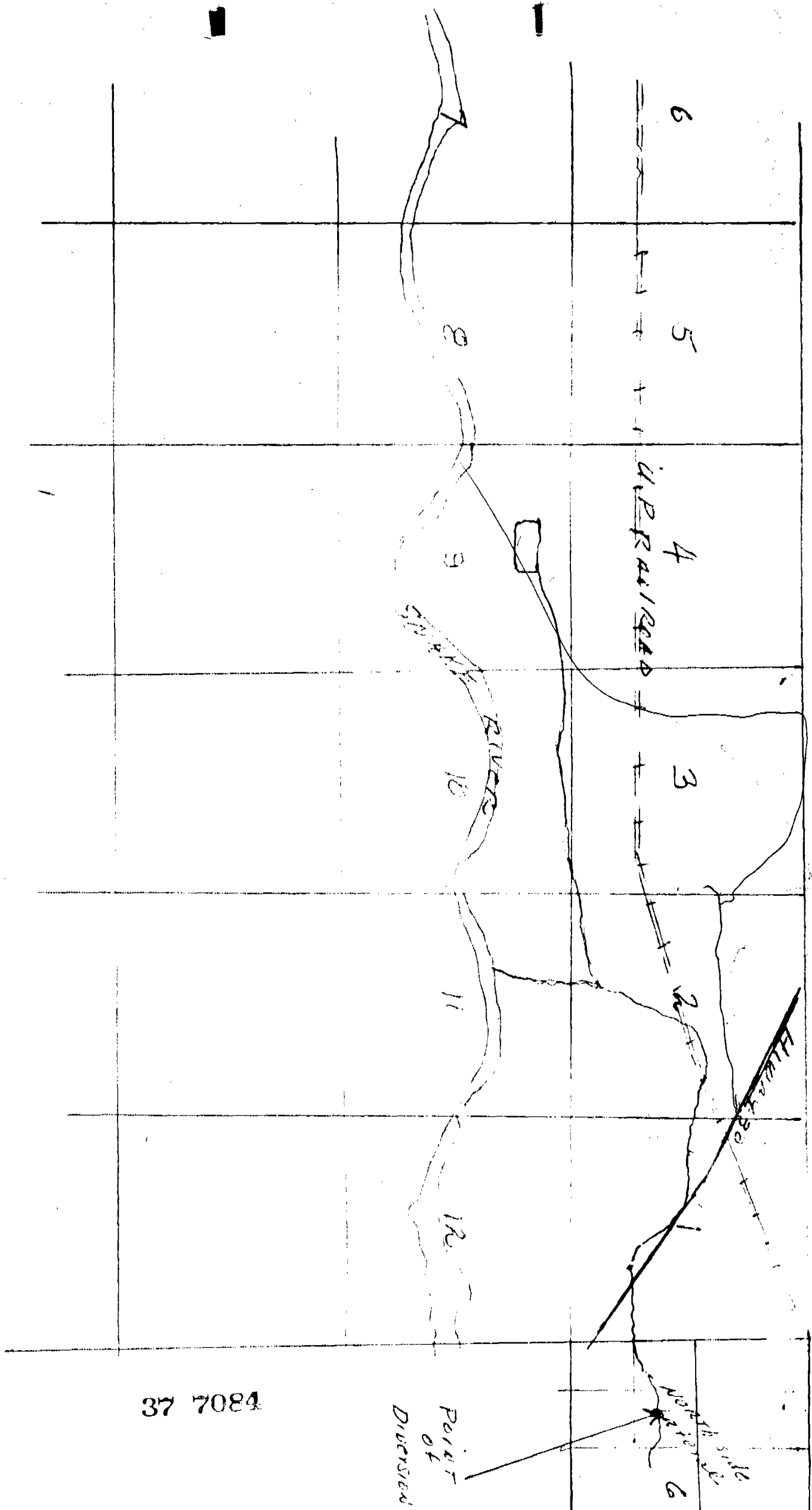
(Surcharges are not required on international registered mail)

U.S. GOVERNMENT PRINTING OFFICE

37 7084

TWP 6 S. R. 12 E BM

13



37 7084

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

April 12, 1971

Re: Applications for Permit Nos. 36-7148, 36-7159,
36-7160, 37-7084,
and 37-7085

County Recorder
Gooding County Court House
Gooding, Idaho 83330

Dear Sirs:

This letter is to confirm the use of a room at the court house for conferences and/or hearings to be held by this office during the entire day of April 19th and during the morning of April 20th.

Thank you for your cooperation in this matter.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

37 7084

BEFORE THE DIRECTOR
OF THE
IDAHO DEPARTMENT OF WATER ADMINISTRATION

In the Matter of Protests Against
Approval of Application for
Permit No. 37-7084 in the name
of BRYAN KELSO

NOTICE OF CONFERENCE
AND/OR HEARING

On January 26, 1971, Mr. Bryan Kelso, Bliss, Idaho, filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On March 1, 1971, protests against approval of this application were filed with this Department by Cecil D. Hobday, Attorney at Law, Gooding, Idaho. These protests were filed by Mr. Hobday in behalf of Faulkner Land & Livestock Co., Inc., Ralph Faulkner Land, Inc., both of Gooding, Idaho, and Mr. Charles C. Kast, King Hill, Idaho.

The Department has set the matter of protests for conference and/or hearing on April 19, 1971, at 1:00 p.m., in the Gooding County Court House, Gooding, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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. 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.

Failure to appear at the time and place set for hearing by the applicant or the protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such nonappearance may be assessed against such nonappearing parties.

Dated this 6th day of April, 19 71.

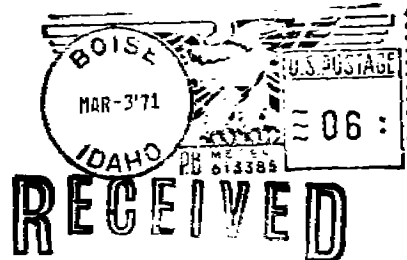
Bobby D. Fleenor
BOBBY D. FLEENOR
Assistant Director

Mailed this 9th day of April, 1971, to Charles C. Kast, King Hill Idaho certified No. 22640;
Ralph Faulkner Land, Inc., Gooding, Idaho, certified No. 22641; Faulkner Land & Livestock Co.,
Inc., Gooding Idaho, certified No. 22642; Bryan Kelso, Bliss Idaho, certified No. 22643; James,
Hobday & Shaw, Attention: Mr. Cecil D. Hobday, P.O. Box 176, Gooding, Idaho, certified
No. 22644. Copy of protests enclosed with 22643

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Statehouse - Annex 2
Boise, Idaho 83707



- ☐ Moved, left no address
- ☒ No such number
- ☐ Moved, not forwardable
- ☐ Addressee unknown



MAR 8 1971

Department of Water Administration

Mr. Charles G. Kast

Gooding,

Idaho 83330

(King Hill)

Insufficient address



37 7054

March 3, 1971

Re: Application for Permit No. 37-7084

C
Mr. Bryan Kelso
Bliss,
Idaho 83314

Dear Mr. Kelso:

Enclosed is copies of the protests filed against the issuance of a permit pursuant to your Application for Permit No. 37-7084. The protests were filed by Mr. Cecil D. Hobdey in behalf of Charles C. Kast, Faulkner Land and Livestock Co., Inc. and Ralph Faulkner Land, Inc.

P
The following are the only items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203 of the Idaho Code):

- Y
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?

The waters intended to be appropriated must be public water of the State of Idaho. If private waters, as defined under Section 42-212 of the Idaho Code, the applicant must have authority from the owner of the land on which the water lies to divert the water.

Page 2
Mr. Bryan Kelso
Re: 37-7084
March 3, 1971

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish right-of-ways over private or governmental lands. Right-of-ways or easements must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosures (2)

37 7084

March 3, 1971

Re: Application for Permit No. 37-7084 - Bryan Kelso

Mr. Cecil D. Hobday
JAMES, HOBDEY & SHAW
P.O. Box 176
Gooding, Idaho 83330

Dear Mr. Hobday:

We acknowledge receipt of the protests filed in behalf of Charles C. Kast, Faulkner Land and Livestock Co., Inc. and Ralph Faulkner Land, Inc. in connection with the above referenced application for permit.

The following are the only items which, under Section 42-203 of the Idaho Code, can be considered at a conference and/or hearing in either approving or denying an application for permit:

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?

Please bear in mind that the Department may reject such application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

37 7084

Page 2
Mr. Cecil D. Hobdey
Re: 37-7084
March 3, 1971

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish right-of-ways over private or governmental lands. Right-of-ways or easements must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

cc: Charles C. Kast, Gooding
Ralph Faulkner, Gooding

King Hill

37 7084

LAW OFFICES

JAMES, HOBDEY & SHAW

ANDREW F. JAMES
CECIL D. HOBDEY
CHAS. C. SHAW

125 FIFTH AVENUE WEST
GOODING, IDAHO 83330

P. O. BOX 176

TELEPHONE 934-4429

RECEIVED

MAR 1 1971

Department of Water Administration

February 26, 1971

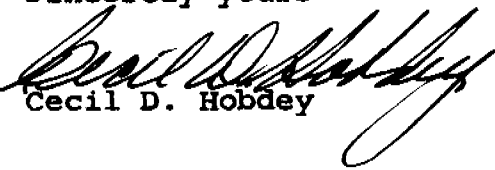
Mr. R. Keith Higginson
Department of Water Administration
State of Idaho
Boise, Idaho

Re: Kelso, application
number 37-7084.

Dear Mr. Higginson:

On behalf of Charles c. Kast, Faulkner Land and
Livestock Co., Inc. and Ralph Faulkner Land, Inc.
we inclose herewith protest together with copies
in the above matter.

Sincerely yours


Cecil D. Hobdey

CDH:m
Encls.

37 7084

MAR 1 1972

Department of Water Administration

IN THE MATTER OF THE APPLICATION OF)
BRYAN KELSO TO APPROPRIATE WASTE) PROTEST OF CHARLES
WATER, APPLICATION NUMBER 37-7084) C. KAST
*****)

practically worthless and that it would constitute an undue
burdensome hardship to attempt to haul water for livestock
grazing in the area.

WHEREFORE, your protestant prays that the said application
be denied.

Dated this 26 day of February, 1971.

James & Hobdey
By 76
Hobdey, Idaho
JAMES & HOBDEY,
Attorneys FOR PETITIONER.

Charles E. Kast

37 7084

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION	)	PROTEST OF FAULKNER
OF BRYAN KELSO TO APPROPRIATE WASTE	)	LAND & LIVESTOCK, INC.
WATER, APPLICATION NUMBER 37-7084.	)	and OF RALPH
	)	FAULKNER LAND, INC.

Comes now Faulkner Land & Livestock Co., Inc. and Ralph Faulkner Land, Inc., each, being corporations organized under the laws of the State of Idaho with their principal place of business at Gooding, Idaho, and in good standing under the laws of the State of Idaho and protest the application of Bryan Kelso for a permit to appropriate 1.5 feet of waste water tributary to the Snake River, all as is more particularly set forth in a Notice of application for water permit and in application number 37-7084.

Such protest is made on the grounds and for the reason that your protestants are, and their predecessors in interest have been, the owners and holders of a private allotment from the Bureau of Land Management, United States Department of Interior for the grazing of cattle in Sections 1, 2, 3 and 4 of Twp. 6 S., R. 12 E.B.M.

That the ditch conveying the waste water filed upon by Kelso courses through the described area and is the only source of water available for consumption by such livestock.

If such permit is allowed the ~~water~~ ^{not} will be diverted at a point outside of the area where such cattle graze and the water will ^{not} be available for such livestock. That your protestants claims a right in such waste water, based upon an actual appropriation of the same for a period commencing in 1921 and continuously to date for the purpose of providing water for consumption

by livestock grazing in the area.

That if such application be granted to the said Kelso, the grazing privileges enjoyed by protestants would become practically worthless and that it would constitute an undue burdensome hardship to attempt to haul water for livestock grazing in the area.

WHEREFORE, your protestants pray that the said application be denied.

Dated this 26th day of February, 1971.

James H. Kelley
Bp 176
Handing. L. L. L.
Lawyer

FAULKNER LAND & LIVESTOCK CO., INC.

By: *Ralph Faulkner*
President

RALPH FAULKNER LAND, INC.

By: *Ralph Faulkner*
President

37-7084

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Bryan Kelso, Bliss, Idaho has on January 26, 1971 submitted Application No. 37-7084 for a permit to appropriate 1.5 cubic feet per second of wastewater trib. to the Snake River by means of ditches within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 6S, R. 18E, B.M., Gooding County to be used from January 1 to December 31 for stockwatering purposes (0.02 cfs) and from April 1 to November 1 for the irrigation (1.5 cfs) of 75 acres within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 1; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 6S, R. 18E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before March 1, 1971.

R. Keith Higginson
Director

2-11-71c

37 7084

February 2, 1971

Re: Application Nos. 37-7084 - Bryan Kelso
37-7085
47-7112 - A. N. Ambrose

Gooding County Leader
Box 56
Gooding, Idaho 83330

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Dorian Clay,
Appropriation Examiner

DC/DG

Enc: three legal notices

*Bill submitted
3-10-71
ds*

37 7084

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Bryan Kelso, Bliss, Idaho

has on January 26, 1971 submitted Application No. 37-7084
for a permit to appropriate 1.5 cubic feet per second /addd/dddd/pdt/ddddd
trib. to of ~~xxxxx~~ wastewater / the Snake River
by means of ditches
within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 6S, R. 13E, B.M., Gooding County

to be used from January 1 to December 31 for stockwatering purposes (0.02 cfs) and
~~***~~ from April 1 to November 1 for the irrigation (1.5 cfs) of 75 acres

within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 1; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 6S, R. 12E, B.M.

issued

If xxxx, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of Water
Administration, Statehouse, Boise, Idaho, 83707, on or before March 1, 1971.

R. KEITH HIGGINSON
Director

Published in the Gooding County Leader, Gooding, Idaho
on February 11 and February 18, 1971.

37 7084

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse — Annex 2

Boise, Idaho 83707

(208) 384-2215

January 26, 1971



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

Bryan Kelso
Bliss,
Idaho 83314

Dear Mr. Kelso:

Returned herewith is Departmental Receipt No. 5552 in the amount of

\$50.00 for two Applications for Permit,

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

37 7084