

**NOTICE OF  
EXISTING  
WATER PERMIT**

Notice is hereby given that Wesley D. Fields, Corral, Idaho has received an approved permit no. 32766/37-2726 issued by the Idaho State Reclamation Department authorizing the diversion of 1.0 cubic feet per second of water from a number of small springs, tributary of Hot Creek. The priority to be established under this permit is March 9, 1966 and the permit was approved March 10, 1966. Water is to be diverted by dam, ditch, culverts, headgate, and pump from a point within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, T. 1 N, R. 13 E, B.M., Camas County to be used for irrigation, stockwatering, and domestic purposes in all of Secs. 29 and 32, T. 1 N, R. 13 E.B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before March 10, 1971. Any protests against the issuance of the license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. Keith Higginson  
Statae Reclamation  
Engineer

3-11-2tc

R. 13 E.

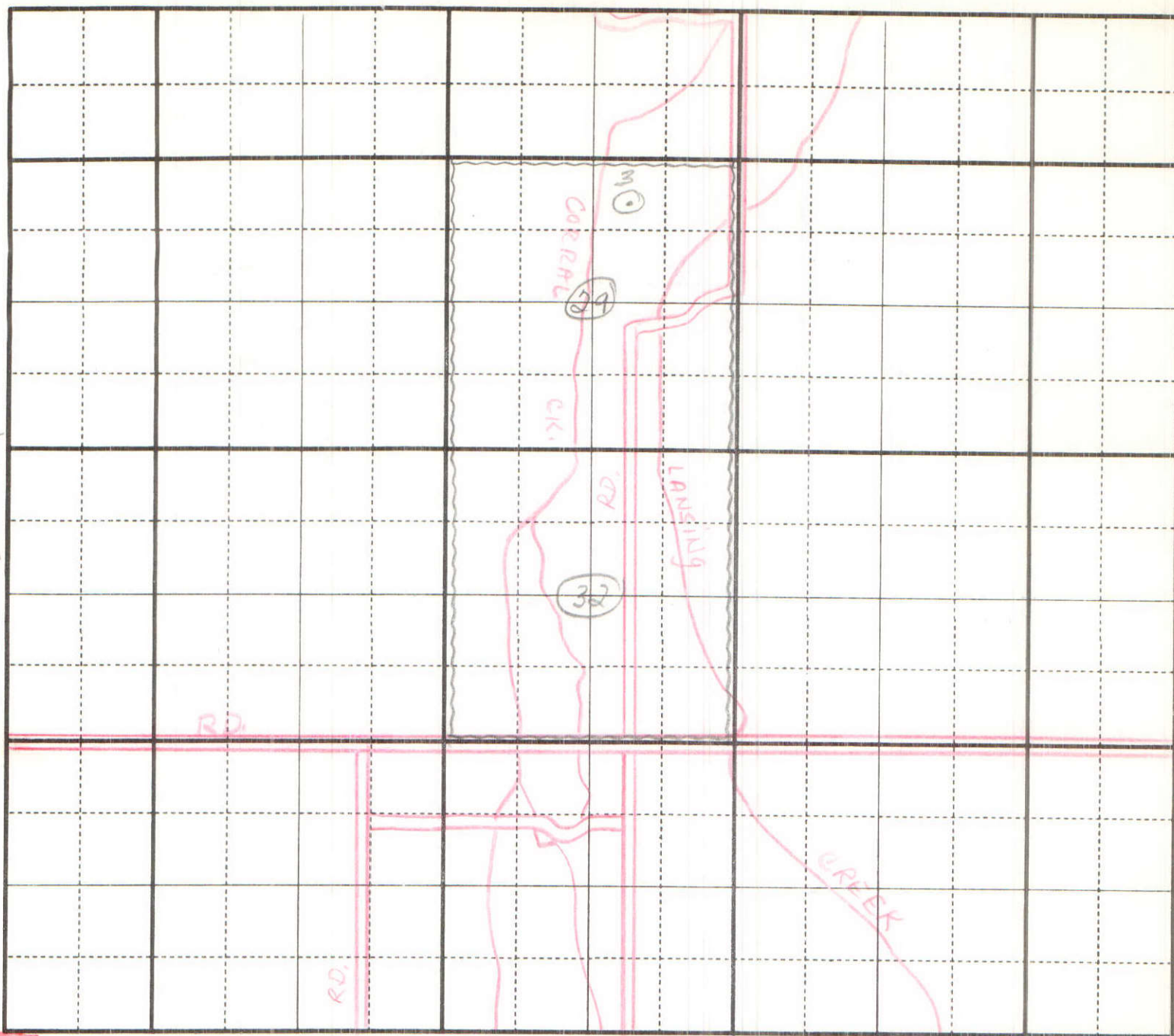
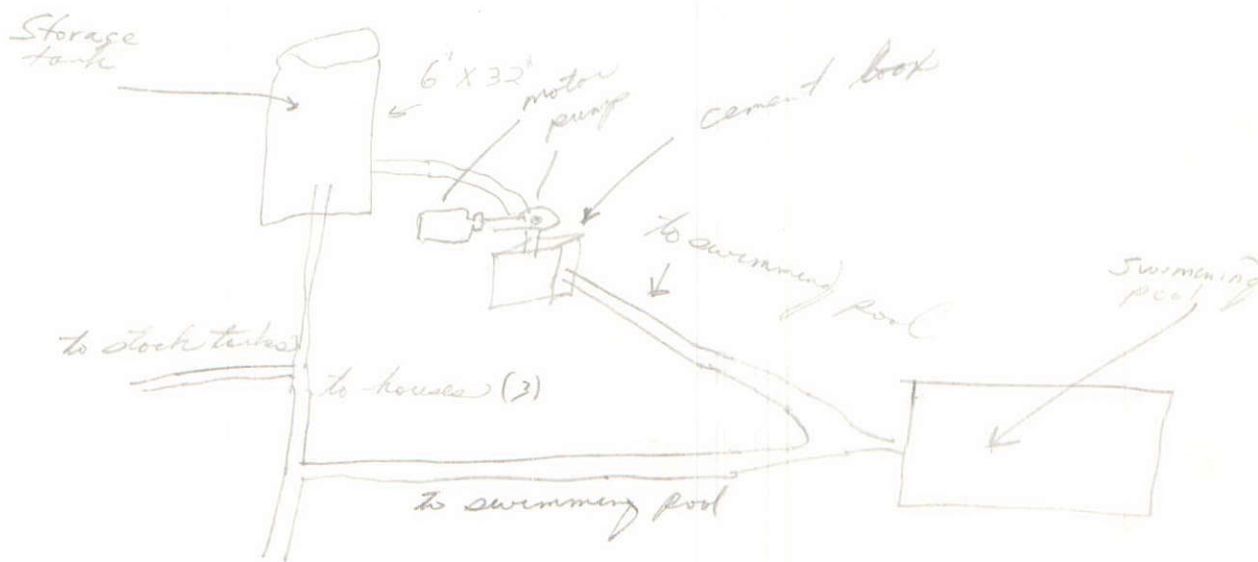


Diagram of System

Note  
G-E  
2 H.P

Pump  
Berkeley Pump  
model 81XR3  
Ser: BM-17841

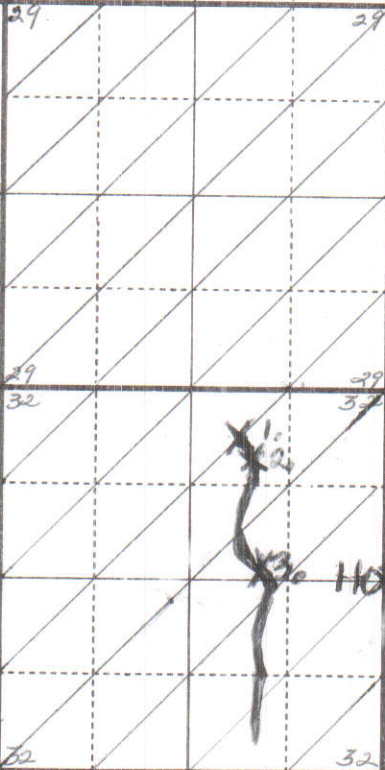


MICROFILMED

NAME OF APPLICANT Wesley D. Fields

Form No. 0

T 1 N R 13 E



Applicant intends to divert water from Hot Creek at various points and places all through the above Sections.

X = Point of diversion

Permit Map No. 32766

As Approved  
CARL E. TAPPAN  
State Reclamation Engineer  
MAR 10 1966

State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-2726 Priority April 8, 1966 Amount 0.2 cfs

THIS IS TO CERTIFY, that WESLEY D. FIELDS

Corral, Idaho, has complied with the terms and conditions of Permit

37-2726 issued pursuant to Application for Permit dated March 9, 1966,

has submitted proof to the Department of Water Resources on April 9, 1971,

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 0.2 cfs of water from springs,

tributary to an unnamed stream, 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  |
|--------------------|------------------------------------------------------|-------------------|----------------|
| Irrigation         | from April 15 to October 15                          | at 0.06 cfs and   | 9.0 acre feet  |
| Stockwater         | from January 1 to December 31                        | at 0.06 cfs and   | 20.1 acre feet |
| Domestic (3 units) | from January 1 to December 31 (both dates inclusive) | at 0.03 cfs and   | 3.6 acre feet  |

Subject, however, to the condition that no more than 0.2 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 for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed

32.7 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, Twp. 1N, Rge. 13E, B.M. in the County of Camas

Description and location of place of use:

| Twp. | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | 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 $\frac{1}{4}$ |        |
| 1N   | 13E   | 32   |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 3      |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 3

Use of water under this license is subject to control by the watermaster of State Water District No. 37-A, Corral Creek.

The tributary is locally known as Hot Creek.

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 2 day of December, 19 80

Director

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

IN THE MATTER OF PROTESTS AGAINST  
ISSUANCE OF LICENSE FOR PERMIT NO.  
37-2726 IN THE NAME OF WESLEY D. FIELDS

MEMORANDUM DECISION  
AND ORDER

On March 9, 1966, Wesley D. Fields applied to the Department of Water Resources for a permit to appropriate water from springs tributary to Hot Creek. The applicant requested a diversion rate of 0.33 cubic feet per second of water for domestic and stockwatering purposes and 0.67 cubic feet per second of water for irrigation. The water was proposed to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, Twp. 1N, Rge. 13E B.M., and used for stockwatering and domestic purposes in that same area with the irrigation use proposed within the 1,280 acres in sections 29 and 32 of Twp. 1N, Rge. 13E B.M., in Camas County.

On March 10, 1966, this application was approved and the permit was issued to allow the proposed project and requiring that the work be completed and beneficial use of the water be made on or before March 10, 1971.

The notice that the proof of beneficial use was due was caused to be published in the Gooding County Leader of Gooding, Idaho on March 8 and 11, 1971 and protest against the issuance of a water right license was received from W. W. Hobdey and John J. Hobdey on March 18, 1971.

The permit holder filed a late proof of beneficial use on April 9, 1971 for the use of 1.00 cubic foot per second of water for domestic use, heating of three houses, filling a swimming pool and irrigating three acres of land.

On July 12, 1971, the Department conducted a field examination to determine the extent of the beneficial use being made of the water.

A hearing was held to consider the protests against the issuance of License No. 37-2726 was held at Fairfield, Idaho where the primary concern expressed by the protestants was the interference with their existing water rights.

Based upon the information supplied by the parties, the information obtained during the July 12 field examination and the Director's understanding of the law, he makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

- 1) The water is being used for the heating of three houses, filling a

swimming pool, domestic, watering of 1,500 head of livestock, and the irrigation of lawns and gardens around the three houses for a total area of three acres.

2) The water used for heating the houses and the water used in the swimming pool is discharged into Hot Creek above the protestants.

3) The flow of Spring Creek below Mr. Fields's point of diversion during the time Mr. Fields was pumping and diverting the water was measured during September 1965 at 0.43 cubic feet per second.

4) All the rights of the protestants' are those established by the diversion and beneficial use of the water. These rights are difficult to define since the rate of diversion has never been measured and the irrigation is mostly the result of overflow into the meadows. The number of acres irrigated is also difficult to determine for this same reason.

5) The protestants have not noticed any reduction in the amount of land that they can water from Hot Creek.

6) The proof of beneficial use of water was filed by the permit holder thirty days late on April 9, 1971.

#### CONCLUSIONS OF LAW

1) The water appropriated by the permit holder has not caused injury to the rights of the protestants and will not if the water is used in accordance with the priority of this water right.

2) The priority of this right must be reduced to April 8, 1966.

3) The permitted rate of diversion and extent of use should be reduced to the amount of beneficial use made during the permit period.

#### ORDER

IT IS, THEREFORE, HEREBY ORDERED That Permit No. 37-2726 be licensed as follows:

Priority: April 8, 1966

Source: Unnamed spring tributary to Hot Creek

Amount: 0.06 cfs for irrigation from April 15 to October 15

0.08 cfs for domestic from January 1 to December 31

0.06 cfs for stockwater from January 1 to December 31

With the total not to exceed 0.20 cfs and 32.7 acre feet per year.

Point of Diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, Twp. 1N, Rge. 13E B.M.

Place of Use:

Irrigation: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, Twp. 1N, Rge. 13E B.M. (three acres)

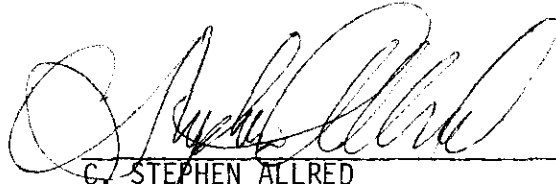
Domestic: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, Twp. 1N, Rge. 13E B.M.

(Heating three houses and a swimming pool)

Stockwatering: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, Twp. 1N, Rge. 13E B.M.

(1,500 head of beef cattle)

Dated this 2 day of December, 1980.

  
C. STEPHEN ALLRED  
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST THE  
ISSUANCE OF LICENSE FOR PERMIT NO.  
37-2726 IN THE NAME OF WESLEY D. FIELDS

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 5th day of December, 1980, true and correct  
copies of the foregoing MEMORANDUM DECISION AND ORDER were mailed, postage prepaid  
to:

Cecil D. Hobdey  
Box 176  
Gooding, ID 83330

Wesley D. Fields  
Corral, ID 83322

W. W. Hobdey  
Fairfield, ID 83327

John J. Hobdey  
Corral, ID 83322

Robert G. Newhouse  
Fairfield, ID 83327

  
RITA I. FLECK  
Sr. Secretary  
Idaho Department of Water Resources

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 32766/37-2726 )

in the name of WESLEY D. FIELDS )

ORDER OF REINSTATEMENT

WHEREAS, on March 9, 1966, Wesley D. Fields applied to the Department of Water Administration (formerly the department of reclamation) for a permit to appropriate 1.0 cubic feet per second of water from a number of small springs, tributary to Hot Creek, from a point within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, T. 1N, R. 13E, B.M., Camas County, to be used for irrigation, livestock and domestic purposes in Sec. 29 and 32, T. 1N, R. 13E, B.M.; and,

WHEREAS, on March 10, 1966, the Department approved the application and issued Permit No. 32766 with the condition that one-fifth of the work be completed on or before September 10, 1968; and that proof of construction of works and application of water to beneficial use be submitted to the Department on or before March 10, 1971; and,

WHEREAS, on December 31, 1970, the permit holder was notified by certified mail that he was required to submit proof of beneficial use and was instructed as to the steps to be taken to make said proof; and,

WHEREAS, on April 5, 1971, the permit holder was notified that Permit No. 32766/37-2726 had lapsed for failure to submit the required proof of beneficial use; and,

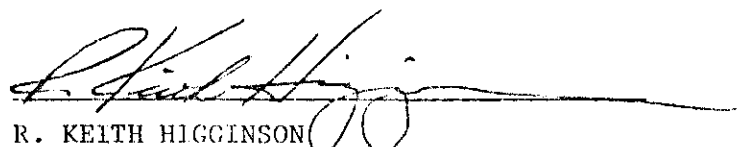
WHEREAS, on April 9, 1971, the department received the required proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why the above-numbered permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 32766/37-2726 be REINSTATED and the priority advanced to April 8, 1966.

Dated this 13<sup>TH</sup> day of April, 1971.

  
R. KEITH HIGGINSON  
Director

BDF:DR

# Affidavit of Publication

State of Idaho, }  
County of Gooding } ss.

Al Hagen, 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 March, 1971, and the date of the last publication was on the 18 day of March, 1971.

Al Hagen  
Subscribed and sworn to before me this 22 day of March, 1971  
(SEAL)

Andrew C. 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.....

## COPY OF NOTICE

Title of Notice

Water Permit  
Title of Notice

Wesley Fields  
Plaintiff Attorney

32766/37-2726  
Defendant

Plaintiff

Bill to

Wesley Fields  
Fairfield,  
Idaho

### 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 1058

Notwithstanding the fact that the water right for Carral, Idaho, has been approved permit No. 10166/37-2112 issued by the Idaho State Reclamation Department authorizing the diversion of 2 cubic feet per second of water from a number of small springs, tributary of Hot Creek. The priority to be established under this permit is March 9, 1966 and the permit was approved March 10, 1966. Water is to be diverted by dam, ditch, culverts, headgate, and pump from a point within the NW 1/4 NE 1/4, Sec. 32, T. 1 N, R. 13 E, E.M., Camas County to be used for irrigation, stockwatering, and domestic purposes in all of Secs. 29 and 32, T. 1 N, R. 13 E.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before March 10, 1971. Any protests against the issuance of the license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. Keith Higginson  
State Engineer

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION  
OF THE STATE OF IDAHO

\*\*\*\*\*

|                                    |   |                         |
|------------------------------------|---|-------------------------|
| IN THE MATTER OF THE APPLICATION   | ) | PROTEST OF W. W. HOBDEY |
| OF WESLEY D. FIELDS TO APPROPRIATE | ) | AND JOHN J. HOBDEY      |
| WATER, Permit No. 32766/37-2726.   | ) |                         |
|                                    | ) |                         |

\*\*\*\*\*

Come now W. W. Hobdey and John J. Hobdey, Corral,  
~~Idaho~~, and protest and object to the application of Wesley  
D. Fields to appropriate and divert 1.0 cubic feet of the  
water from a number of small springs, tributary of Hot Creek,  
Camas County, Idaho.

Such protest is made on the grounds and for the reason  
that your protestants are, and their predecessors in interest  
have been, the owners of the W $\frac{1}{2}$  SE $\frac{1}{4}$ , Section 32, Twp. 1 N.,  
Range 13 E.B.M., Camas County, Idaho, for more than 85 years  
immediately preceding the date hereof.

That the said small springs comprise and constitute the  
entire flow of Hot Creek and that the entire flow of the said  
Hot Creek does not exceed 50 inches. That your protestants,  
and their predecessors in interest, have used all of the waters  
of said Hot Creek for irrigation and stock watering and domestic  
purposes, continuously and adversely, openly and notoriously  
for a period in excess of 85 years and are the owners and  
appropriators of all of the waters of said Hot Creek.

WHEREFORE, your protestants pray that the said license  
be denied and that the applicant have and recover nothing thereby.

Dated this 17<sup>th</sup> day of March, 1971.

JAMES & HOBDEY  
Box 176, Gooding, Idaho  
83330  
Attorneys for Petitioner.

John Hobdey  
W. W. Hobdey

Petitioners.

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 32766/37-2726 )

in the name of Wesley D. Fields )

ORDER MODIFYING REQUIREMENTS  
FOR COMPLETION OF PERMIT TO  
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law;  
and,

WHEREAS, these changes raised questions as to the procedures to be followed by  
holders of permits issued prior to the effective date of the amendments, May 31, 1967;  
and,

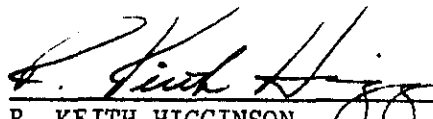
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice  
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 32766 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are  
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,  
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
  - a. Notice of the issuance of the permit will be published at the permit  
holders expense for two weekly issues in the official newspaper of  
the county in which the point of diversion lies.
  - b. The permittee will not be required to submit proof of completion of  
works as originally specified, but will be required to submit proof  
to the Department of Reclamation of the application of the water to  
beneficial use on or before March 10, 1971. The permit holder  
should be aware that failure to complete one-fifth (1/5) of the works  
within one-half (1/2) of the time originally set for completion of  
works may be grounds for cancellation at the instance of the department.

Dated this 26<sup>TH</sup> day of JUNE, 1970.

  
R. KEITH HIGGINSON  
State Reclamation Engineer

RKH/DG

37-2726  
32766

# Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 40935  
PERMIT No. 32766  
DISTRICT No.

1. Name of Applicant: Wesley D. Fields

Postoffice address: Corral

County: Camas

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(b) Treasury stock:

(c) Bond to be issued:

(d) Other resources:

foot

2. Quantity of water claimed: one

cubic foot per second.

(1/3 cubic foot for domestic and stock watering use; 2/3 cubic foot for irrigation)

3. Source of water supply: Number of small springs

which is a tributary of Hot Creek

4. Location of point of diversion: 3/16 of a mile

feet distant from the Southeast Corner of the NW 1/4 NE 1/4

corner of Section 32, T. 1 N., R. 13 E., B.M., and is in the NW 1/4 NE 1/4

of section 32, T. 1 N., R. 13 E., B. M., County of Camas (1 and 2 on map designation. Possibly also 3 designated maps also.)

5. Water is to be used for irrigation and livestock watering, and domestic purposes.

6. If for mining, milling, power or manufacturing purposes, give: Domestic use - same as point of diversion above, Irrigation and stock watering will be used throughout Section 32, and Section 29, T 1 N., R 13 E., B.M.

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section of , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water ~~is to be~~ returned to Hot Creek will be returned ~~at a point~~ at a point approx the point of diversion ~~feet~~  
as shown above.

distant from the corner of Section , T. , R. , B.M., in the  
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 2000.00

8. Kind of works: small dam, one-fourth mile of ditch, two culverts, one head gate, and pump.

9. Height of dam three feet; length of dam at top 15 feet; length of dam at bottom 10

feet; material used in dam: earth and concrete

10. Size of headgate: Width four feet; height three feet.

11. Ditch: Width at bottom two feet; width at water line four feet; depth of water one foot ~~XXXX~~

dimensions of flume: none

Diameter of pipe none inches; length of conduit none miles.

Average grade per mile three feet.

12. The time required for the completion of such work is five years.

13. The time required for the complete application of the water to the proposed use is no additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none

16. (a) Is reservoir to be used?                      no                      If so, fill in (b) and (c) below:  
 (b) Name of Reservoir and number of Storage Permit:  
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

/s/ WESLEY D. FIELDS      Applicant.

By /s/ ROBERT G. NEWHOUSE Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. March 9, 1966

Returned to applicant for correction:

Corrected application received:

### Approval of State Reclamation Engineer

The number of this permit is 32766

Recorded in Book 114 Page 32766 Approved March 10, 1966

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ \_\_\_\_\_ to be filed on or before \_\_\_\_\_

Work to begin on or before May 10, 1966 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before Sept. 10, 1968

The whole of said work to be completed on or before March 10, 1971

Beneficial use of water appropriated in accordance herewith, to be made on or before March 10, 1971

WITNESS My hand this 10th day of March 1966

/s/ CARL E. TAPPAN  
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE,.....ROBERT E. SMYLIE....., Governor of the State of Idaho,  
and.....ARNOLD WILLIAMS....., Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this.....10th.....  
day of .....March....., 19..66.

STATE OF IDAHO

STATE OF IDAHO

Countersigned:

(SEAL) By /s/ ARNOLD WILLIAMS  
Secretary of State.

By..... /s/ ROBERT E. SMYLIE  
Governor.

REMARKS: Water from Hot Creek during the summer sinks without reaching any other body of water. During winter this water runs into Corral Creek. Applicant either owns all of the land described in this application or has a license to use the same. Applicant intends to use this water for irrigation purposes on all of Section 29 and Section 32, hereinbefore described

14. as far as the water is sufficient from Hot Creek to so be utilized.

| 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 $\frac{1}{4}$ |        |
| 1 N                                    | 13 E  | 29   | X                | X                | X                | X                | X                | X                | X                | X                | X                | X                | X                | X                | X                | X                | X                | 640              |        |
|                                        |       | 32   | X                | X                | X                | X                | X                | X                | X                | X                | X                | X                | X                | X                | X                | X                | X                | 640              |        |
| Total number of acres to be irrigated: |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 1,280            |        |

WATER RIGHT NUMBER 37-2726

OWNER LAST NAME - FIELDS

FIRST NAME - WESLEY O.

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - CORRAL

STATE - ID ZIP CODE - 83322

SOURCE - SPRINGS

TRIBUTARY OF - CORRAL CREEK

STAGE - LICENSE

STATUS -

PRIORITY - 04-08-1966 COUNTY - CAMAS

TOTAL DIV. RATE -

.2000 -CFS

TOTAL DIV. VOLUME - 32.70 AFA TRFR/AMEND -

WATER DIST. - 37A DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NWNE 32 01N 13E LOT REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - 04-15 TO - 10-15 USE - IRRIGATION

USE DIV. RATE - .0600 CFS USE DIV. VOLUME - 9.00 AFA

FROM - 01-01 TO - 12-31 USE - STOCKWATER

USE DIV. RATE - .0600 CFS USE DIV. VOLUME - 20.10 AFA

FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .0800 CFS USE DIV. VOLUME - 3.60 AFA

USE - IRRIGATION

PLACE OF USE - TWN 01N RNC 13E SEC 32 TRACT NWNE LOT AC 03

DEGREE NAME -

DATE -

TOTAL ACRES

3

REMARKS - TRIBUTARY KNOWN LOCALLY AS HOT CREEK.

SOURCES ARE TWO SPRINGS.

NON IRRIG USE - D/R HOMES, 1 POOL, S/1500 RANGE.

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 32766

PROOF MADE -

FLO EXAM -

COND. OF APPROVAL - R04

DIVERSION MEANS -

WR1550 JDC

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Statehouse  
Boise, Idaho 83720

REASON CHECKED

Unclaimed ☒ Refused ☐  
Addressed wrong ☐  
Insufficient Address ☐  
No such street ☐  
No suc. office in state ☐  
Do not know in this area ☐

Robert G. Newhouse  
Fairfield, ID 83327

MAILED

RECEIVED

DEC 9 1980

Department of Water Resources



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

December 4, 1980

Wesley D. Fields  
Corral, ID 83322

Dear Mr. Fields:

Re: License No. 37-2726

Enclosed is a copy of License No. 37-72726 along with a copy of the Memorandum Decision and Order.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within twenty (20) days or may appeal directly to the district court within sixty (60) days of the date the decision is mailed.

Sincerely,

L. GLEN SAXTON  
Chief, Operations Bureau

LGS:rf

Enclosures

cc: Cecil D. Hobdey  
W. W. Hobdey  
John J. Hobdey  
Robert G. Newhouse

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST  
ISSUANCE OF LICENSE FOR PERMIT NO.  
37-2726 IN THE NAME OF WESLEY D. FIELDS

MEMORANDUM DECISION  
AND ORDER

On March 9, 1966, Wesley D. Fields applied to the Department of Water Resources for a permit to appropriate water from springs tributary to Hot Creek. The applicant requested a diversion rate of 0.33 cubic feet per second of water for domestic and stockwatering purposes and 0.67 cubic feet per second of water for irrigation. The water was proposed to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, Twp. 1N, Rge. 13E B.M., and used for stockwatering and domestic purposes in that same area with the irrigation use proposed within the 1,280 acres in sections 29 and 32 of Twp. 1N, Rge. 13E B.M., in Camas County.

On March 10, 1966, this application was approved and the permit was issued to allow the proposed project and requiring that the work be completed and beneficial use of the water be made on or before March 10, 1971.

The notice that the proof of beneficial use was due was caused to be published in the Gooding County Leader of Gooding, Idaho on March 8 and 11, 1971 and protest against the issuance of a water right license was received from W. W. Hobdey and John J. Hobdey on March 18, 1971.

The permit holder filed a late proof of beneficial use on April 9, 1971 for the use of 1.00 cubic foot per second of water for domestic use, heating of three houses, filling a swimming pool and irrigating three acres of land.

On July 12, 1971, the Department conducted a field examination to determine the extent of the beneficial use being made of the water.

A hearing was held to consider the protests against the issuance of License No. 37-2726 was held at Fairfield, Idaho where the primary concern expressed by the protestants was the interference with their existing water rights.

Based upon the information supplied by the parties, the information obtained during the July 12 field examination and the Director's understanding of the law, he makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

- 1) The water is being used for the heating of three houses, filling a

swimming pool, domestic, watering of 1,500 head of livestock, and the irrigation of lawns and gardens around the three houses for a total area of three acres.

2) The water used for heating the houses and the water used in the swimming pool is discharged into Hot Creek above the protestants.

3) The flow of Spring Creek below Mr. Fields's point of diversion during the time Mr. Fields was pumping and diverting the water was measured during September 1965 at 0.43 cubic feet per second.

4) All the rights of the protestants' are those established by the diversion and beneficial use of the water. These rights are difficult to define since the rate of diversion has never been measured and the irrigation is mostly the result of overflow into the meadows. The number of acres irrigated is also difficult to determine for this same reason.

5) The protestants have not noticed any reduction in the amount of land that they can water from Hot Creek.

6) The proof of beneficial use of water was filed by the permit holder thirty days late on April 9, 1971.

#### CONCLUSIONS OF LAW

1) The water appropriated by the permit holder has not caused injury to the rights of the protestants and will not if the water is used in accordance with the priority of this water right.

2) The priority of this right must be reduced to April 8, 1966.

3) The permitted rate of diversion and extent of use should be reduced to the amount of beneficial use made during the permit period.

#### ORDER

IT IS, THEREFORE, HEREBY ORDERED That Permit No. 37-2726 be licensed as follows:

Priority: April 8, 1966

Source: Unnamed spring tributary to Hot Creek

Amount: 0.06 cfs for irrigation from April 15 to October 15

0.08 cfs for domestic from January 1 to December 31

0.06 cfs for stockwater from January 1 to December 31

With the total not to exceed 0.20 cfs and 32.7 acre feet per year.

Point of Diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, Twp. 1N, Rge. 13E B.M.

Place of Use:

Irrigation: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, Twp. 1N, Rge. 13E B.M. (three acres)

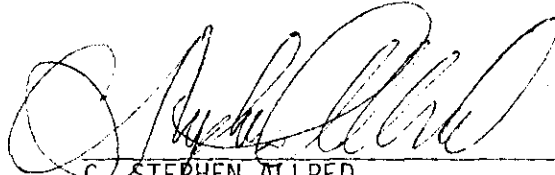
Domestic: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, Twp. 1N, Rge. 13E B.M.

(Heating three houses and a swimming pool)

Stockwatering: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, Twp. 1N, Rge. 13E B.M.

(1,500 head of beef cattle)

Dated this 2 day of December, 1980.



C. STEPHEN ALLRED

Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST THE  
ISSUANCE OF LICENSE FOR PERMIT NO.  
37-2726 IN THE NAME OF WESLEY D. FIELDS

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 5th day of December, 1980, true and correct copies of the foregoing MEMORANDUM DECISION AND ORDER were mailed, postage prepaid to:

Cecil D. Hobdey  
Box 176  
Gooding, ID 83330

Wesley D. Fields  
Corral, ID 83322

W. W. Hobdey  
Fairfield, ID 83327

John J. Hobdey  
Corral, ID 83322

Robert G. Newhouse  
Fairfield, ID 83327



RITA I. FLECK  
Sr. Secretary  
Idaho Department of Water Resources

WATER RIGHT NUMBER 37-2726

OWNER LAST NAME - FIELDS FIRST NAME - WESLEY D. ORIG OWNER -  
ADDRESS LINE 1 - ADDRESS LINE 2 -  
ADDRESS LINE 3 - CITY - CORRAL STATE - ID ZIP CODE - 83322  
SOURCE - SPRINGS TRIBUTARY OF - UNNAMED STREAM  
STAGE - LICENSE STATUS - PRIORITY - 04-08-1966 COUNTY - CAMAS TOTAL DIV. RATE - .2000 -CFS  
TOTAL DIV. VOLUME - 32.70 AFA TRFR/AMEND - WATER DIST. - 3/4 DLE/CAREY ACT - RIGHT BASIS -  
DIVERSION POINT - NWNE 32 01N 13E LOT REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0  
FROM - 04-15 TO - 10-15 USE - IRRIGATION USE DIV. RATE - .0600 CFS USE DIV. VOLUME - 9.00 AFA  
FROM - 01-01 TO - 12-31 USE - STOCKWATER USE DIV. RATE - .0600 CFS USE DIV. VOLUME - 20.10 AFA  
FROM - 01-01 TO - 12-31 USE - DOMESTIC USE DIV. RATE - .0800 CFS USE DIV. VOLUME - 3.60 AFA  
USE - STOCKWATER PLACE OF USE - TWN 01N RNG 13E SEC 32 TRACT NWNE LOT AC  
USE - IRRIGATION PLACE OF USE - TWN 01N RNG 13E SEC 32 TRACT NWNE LOT AC 03  
USE - DOMESTIC PLACE OF USE - TWN 01N RNG 13E SEC 32 TRACT NWNE LOT AC  
DECREE NAME - DATE - TOTAL ACRES 3  
REMARKS - TRIBUTARY KNOWN LOCALLY AS HOT CREEK.  
SOURCES ARE TWO SPRINGS.  
NON IRRIG USE -  
OTHER RIGHTS FOR SAME USE -  
PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - JUD NO. - 32766  
PROOF MADE - FLD EXAM - COND. OF APPROVAL -  
DIVERSION MEANS -

OK

December 4, 1980

Wesley D. Fields  
Corral, ID 83322

Dear Mr. Fields:

Re: License No. 37-2726

Enclosed is a copy of License No. 37-72726 along with a copy of the Memorandum Decision and Order.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within twenty (20) days or may appeal directly to the district court within sixty (60) days of the date the decision is mailed.

Sincerely,

L. GLEN SAXTON  
Chief, Operations Bureau

LGS:rf

Enclosures

cc: Cecil D. Hobday  
W. W. Hobday  
John J. Hobday  
Robert G. Newhouse

# FIELD REPORT

**TOTAL ACREAGE** 1,280

R. 13 E.

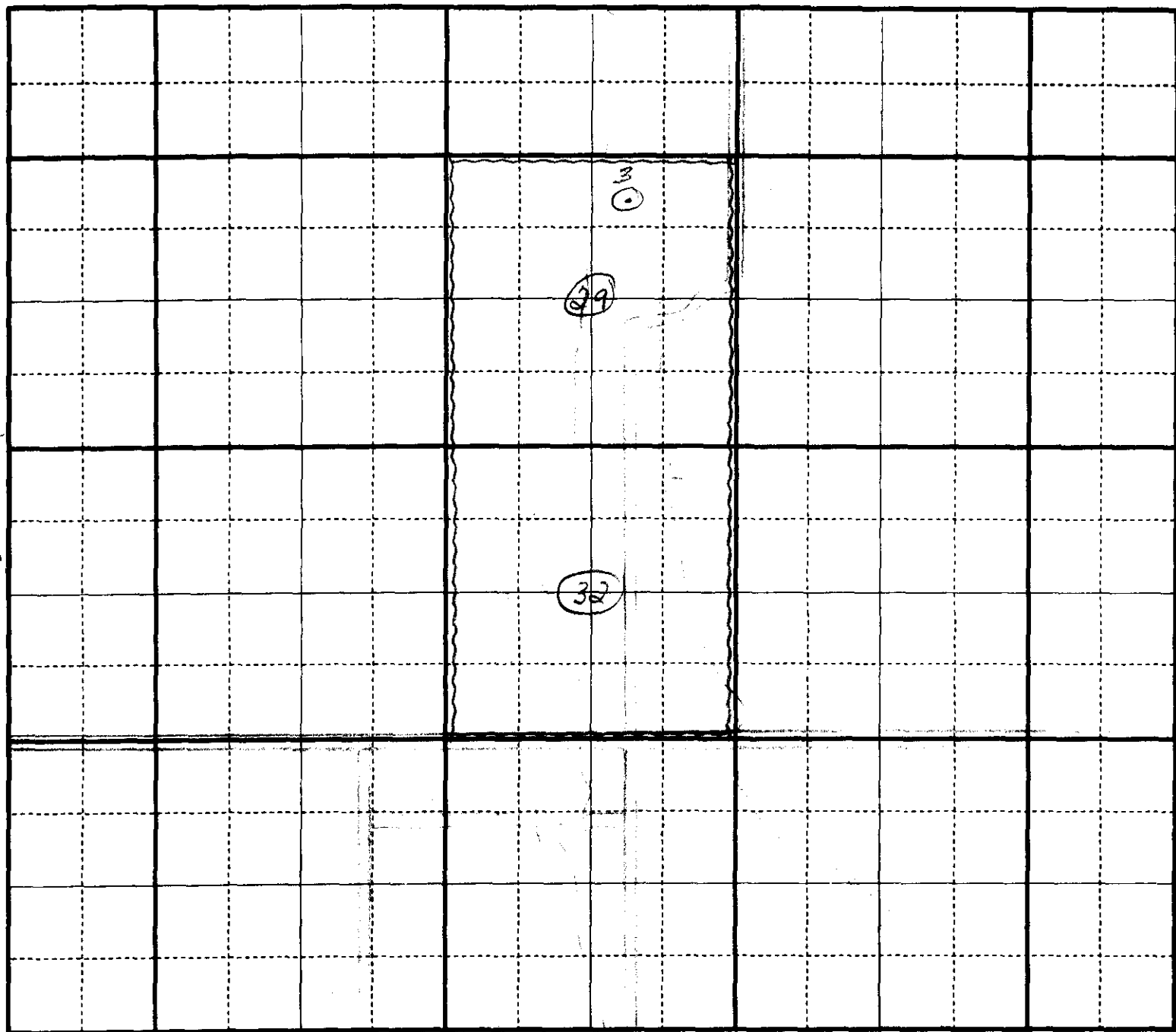
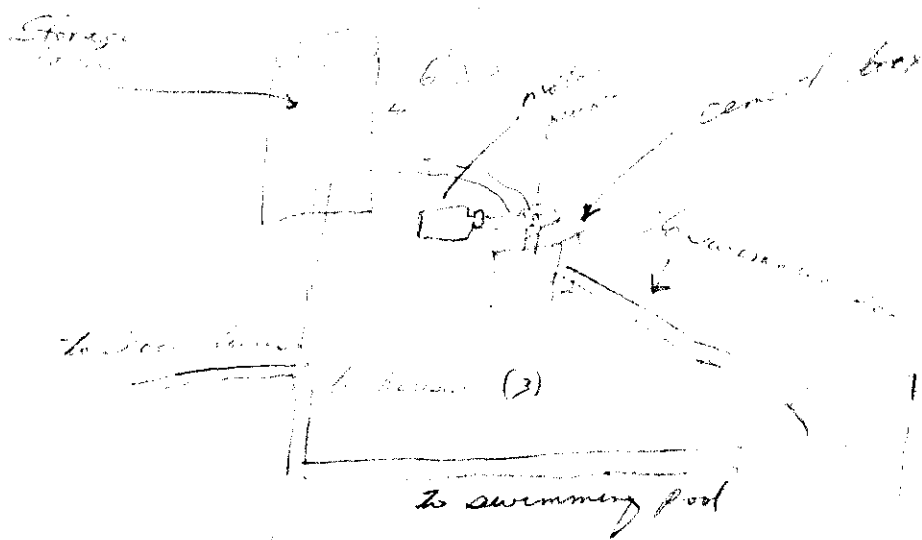


Diagram of System

Room  
Kitchen Room  
Model 8/8R  
B.M. 1787



DATE OF EXAM 7/12/71

ACREAGE  
Found 3  
Recommended 3

Irrigation Requirement 3.0 Ac Ft/Ac

USE  
Irrigation Q = .06 c.f.s. V = 9 AF AF/Ann. from Apr 15 to Oct 15  
Domestic Q = .02 c.f.s. V = 2.28 AF AF/Ann. from Jan 1 to Dec 31  
Livestock Q = .06 c.f.s. V = 17 AF AF/Ann. from Oct 1 to Apr 1  
allow 3.6 AF/A  
allow 20.1 AF/A

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 unable to measure Method of measurement \_\_\_\_\_

Total Q recommended .2 Meter No. \_\_\_\_\_ Type \_\_\_\_\_ Condition \_\_\_\_\_

Total V recommended 28.28 AF

Recommended Amendments: 32.7

P.D. \_\_\_\_\_  
Place of Use \_\_\_\_\_  
Other \_\_\_\_\_  
None ☒

MEASUREMENT CALCULATION:

Unable to measure due to enclosed system. Part of the  
water runs directly into the pool and part is pumped.  
allow .2 c.f.s. for all uses.

SYSTEM DESCRIPTION:

Water is pumped to individual storage tanks for 3  
houses. The 3 houses are also heated during the  
winter by use of this spring.

REMARKS:

Spring furnishes water for 3 houses and 1 swimming pool.  
also used to irrigate approx 3 acres of lawns and gardens  
located by the 3 houses.  
also used to water 1500 head of beef cattle.  
also 1 horse

Examiner's Signature Fred E. Smith Jr. Date 7/12/71

Checked by \_\_\_\_\_ Date 7/17/71

Approved by \_\_\_\_\_ Date \_\_\_\_\_

37-2726 - Wesley D. Fields

Camas County Courthouse, Court Room, Fairfield, Idaho

March 15, 1972 - 9:00 a.m.

ROSTER OF ATTENDANCE

| Name               | Address      | Representing        |
|--------------------|--------------|---------------------|
| W. W. Hodges       | 176, Gresham | W. W. + John Hodges |
| W. W. Hodges       | Haarfield    |                     |
| John J. Hodges     | Conrad       |                     |
| Robert G. Newhouse | Fairfield    | Wesley D. Fields    |
| Wesley D. Fields   |              |                     |

FILED

37-2726

## ~~Type of~~ Appearances

Mr. Fields. — Dredam, Newhouse

Numerous Small springs near  
hot springs ranch (25 years by  
Present owner)

Water originally used to irrigate  
lawns, fill swimming pool, water stock  
& Domestic.

Since moving in has built house  
and uses water for about 14 years for  
heating 3 houses. discharge goes back  
into hot creek.

(has pump size been increased since  
you obtained property) (has number of cattle increased)  
[2 hp installed approx 23 years ago, again replaced 3 yrs ago]

Swimming pool 30x30x4) discharged into  
hot creek. Used year around.

Stockwater year around (up to 1700 head).

Irrigation — hoses & sprinklers in summer  
to irrigate lawns surrounding.

Permit holder has measured water in  
hot creek at  $2\frac{1}{2}$  inches water by  
weir. (type of weir) (where was measurement  
made). Hot creek drains about 300 ac  
made when ranch hot ceased

[Sept. 65]  
collected water  
50 ft. below weir  
200 yds. below  
source

When was measurement made (Fall) <sup>37-2726</sup>

Hedley Cross exam fields -  
Lowns irrig. only around houses.

Allred exam fields

Does not agree with Stockwater  
during summer - may use  
water all summer for Stockwater  
ranging from 500 to 1700 here

Hedley exam fields - Describes piping  
system approx 5000 ft. with  
12 tanks at terminos. (Tanks installed  
ranging from 25 years ago to ~~10~~ years ago.)  
(1 tank on East side of Road about 10  
years ago. Tanks are both free flow & with  
float valves. All tanks have shutoff valves)  
(What size pipe 1 1/2 to 1/2" galv. pipe).

Hedley - 2 exhibits

P-1

May 17 1901 Water Location  
notice Bk 1 <sup>water location</sup> p 114 Chas Co.

P-2

Water Location

Book 3 p 220 Allurus Co.

Bk 1 p 39 Water Location Cones Co.

37-2726

Webb Sept Direct

W.W.

~~Webb~~ Holiday. - owns land (10 acres)  
3/4 miles south of Hot Springs ranch  
obtained ranch 30 years ago

What water was used at Hot Springs  
Ranch when you obtained your property

- Grew up adjacent to ranch -
- has not measured creek - his opinion is  
that flow during non runoff period is  
about 20 inches.

- Hot Springs ranch used water for  
"plunge" when Mr. ~~Holiday~~ purchased property -
- does not know of any stock tanks  
being used at that time.

Newhouse - water is allowed to run into meadows  
all year around -

(Have ~~you~~ you ever complained to  
any fields that water was not available  
water used mid May - October.

Also used for stockwater during summer.  
10 acres has been rented to others to  
pasture cattle mid May - October.  
(Gene Jones farmed for last 7 years.

37-2726

(have you known of any injury or  
has area irrigated decreased noticeably  
over last few years?). has not noticed any

John. Hobday age 68  
has been familiar with Hot Creek for 55 yrs.  
owns 70 purchased in 1947  
Pastures land & spreads water about  
meadow lands.

- Water used from hot springs creek for  
perhaps shop bldg in addition to "plunge"  
J. Hobday has no other water source for this  
land.

Newhouse X-exam. John H.

John owns 70

basili owns 10

John sold some land to Mr Fields.

John mows to grazing from November - March - April.

(Did land sold to Mr Fields use Hot  
Springs water) (they were dry)

He thinks that creek has improved  
with use of pump

Water is used for irrig marsh - November -  
feels that use other than irrigation would  
not substantially interfere

37-2926

Newhouse Rebuttal Fields.

$\frac{1}{2}$  of lands within SE  $\frac{1}{4}$  of sec 32  
Water not used is returned to creek.

Pump was running at time of  
fields ~~was~~ measurement. Measuring  
point was also below return flow  
points.

Lands are ~~not~~ watered by both  
hot Creek & Canal Creek.

|      |                   |       |               |
|------|-------------------|-------|---------------|
| CSA  | C. Stephen Allard | WF    | Wesley Fields |
| CH   | Cecil Hobday      | WH    | Wesley Hobday |
| RN   | Robert Newhouse   | JH    | John Hobday   |
| Tape | 37-2726           | 10 AM | 3-15-1972     |

CSA 001

RN 06

CSA 06

CH 06

RN 068

CH 082

CSA 085

WF 088

RN & W.F 090 G+A

CSA 189

CH 190

WF 192

CH - WF G+A

CSA 197

RN 198

CSA 199

W.F. 201

CSA 220

WF 222

CSA & WF 233 G+A

RN 268

CH & WF 269 G+A

CSA & WF 308 G+A

RN CSA

312 - CSA - WH & JH  
Counter on Tape stuck

317 CH

324 CSA

326 CH

343 CSA RN

345 CH WH  
104 Tape Counter Stuck

CSA 413

RN 414

RN - WH G+A 414

472 RN CSA CH

473 CSA - WH - G+A

499 CSA RN

500 CH

501 CSA -

502 CH - JH G+A

509 Counter Stuck then went back to 309

341 CSA

342 RN & J.H. G+A

581 CSA CH

582 CSA J.H. G+A

597 CSA RN

599 CSA

600 RN - WF G+A

610 CH WF G+A

620 CSA WF G+A

642 CSA & RN & CH  
11:02 AM Closed.

NOTICE is hereby given that I, John M. Johns claims all the water that spring and that and through this  $\frac{1}{4}$  of section for the purpose of irrigation and cultivation of the same south east  $\frac{1}{4}$  of Sec. 32 1 North 13 east

Corral Creek Nov 26th, 1884

John H. Johns

Recorded at request of John H. Johns Nov 26th, 1884 at 11:05 o'clock A. M. in Book 3 page 220 Water Records Alturas Co.

C. B. Fox Co Recorder By I. W. Garrett Deputy  
Transcribed from Book 17 Page 141 Water Rights Blaine County  
Records.

FAIRFIELD, IDAHO  
Recorded in Book 1 Water Locations, page 39, Camas County,  
Idaho.

|                                    |             |
|------------------------------------|-------------|
| Department of Water Administration |             |
| PROTESTANT'S                       |             |
| Exhibit                            | P-2         |
| Date Admitted                      | 3/15/72 CSA |

# NOTICE OF WATER RIGHT LOCATION

To Whom It May Concern: Notice is hereby given, That Charles Kromrei of Corral County of Blaine, State of Idaho, this first day of July, 1880, appropriated & divert & have appropriated and hereby claim the use of the waters of Hot Creek and Lansing Creek to the extent of six (6) cubic feet per second, flowing at the point of intended diversion which said point of intended diversion is particularly described as follows, to wit: from Hot Creek about 300 feet above the upper line of my Homestead and from Lenzign Creek about  $\frac{1}{4}$  of a mile above the upper line of my Homestead. That the special purpose or purposes from said said water is claimed is for irrigating and domestic purpose.

That the place of intended use is the SE $\frac{1}{4}$  Sec. 32 Tp. 1 N. R. 13 Ea. That the general course of the proposed canal or conduit is in a southerly direction. The length of said proposed canal or conduit is the length of Lansing Creek Ditch is about  $\frac{3}{4}$  of a mile and of Hot Creek about  $\frac{1}{2}$  mile. That it is intended to complete the works for the diversion and use of said water as aforesaid within the said ditches were completed about 10 years ago and have been in use every since.

A copy of this notice was duly posted at or near the point of intended diversion on the 16 day of May, 1901.

Witness my hand at Hailey, County of Blaine, State of Idaho, this 16 day of May, 1901.

Charles Kromrei  
Appropriator and Claimant.

STATE OF IDAHO, COUNTY OF BLAINE SS:

Chas. Kromrei being first duly sworn deposes and say that he is of lawful age and the appropriator and claimant of the Water Right described in the within and foregoing notice and whose name is subscribed thereto. That the statements in said notice are true and that the original notice, of which the foregoing is a true copy was posted in a conspicuous place at or near the point of intended diversion at 6 o'clock P. M. the 16th day of May, 1901.

Witness:

Chas. Kromrei

T. H. Andregg

Filed May 17th, 1901 at 9:05 and Transcribed from Book 1 of Water Locations, page 137, Blaine County, Idaho, records.

Recorded Book 1 Water Locations, page 114, Camas County Records.

|                                        |
|----------------------------------------|
| Department of Water Administration     |
| PROTESTANT'S                           |
| Exhibit <u>P-1</u>                     |
| Date Admitted <u>3/15/72</u> <u>CH</u> |

MEMORANDUM

To: Files

From: C. Stephen Allred

Re: Application for Permit No. 37-2726, Wesley D. Fields

Date: March 23, 1972

A conference was held on March 15, 1972, at 9:00 a.m., at the Camas County Courthouse, Fairfield, Idaho.

The hearing was convened and a tape transcript made. The applicant presented testimony. The protestants presented two witnesses, signed two exhibits, both being copies of location notices recorded in Camas County. The protestants appeared to be elderly individuals and had used water for some time on the lands involved. The applicant and his predecessors had evidently used some water at the location described in the application, but it was evident that that use had been expanded the last 10 or 15 years. An expansion appeared to be primarily for water used in the house and for stockwatering and sprinkling of lawns. The protestants used water for unimproved irrigation of meadow lands during the entire summer period. The contention appeared to be that interference occurred only during the irrigation period.

It is my considered opinion that the protestants failed to show that there was any injury and could not describe what rights that they might have held themselves. It appears to me that the license should be issued and that the protestants should seek to have their rights set forth by court action.

Notes From Tape

3-6-80

Wesley Field

~~Used to be~~

Existing Use

Lawn Irrigation

Domestic

Stockwater

Swimming Pool - flows into Hot Creek

Finding

Hot Creek measured at 21 minor inches - 200 yds below springs & houses

Purchase Land 25 years ago - Use has not substantially increased since that time -

Watering Tank installed ~~after~~ before permit issued -

Two exhibit

① Charles Kronrite .

John M Johns

40 years ago Hot Spring used for swimming pool only

Protestants use Hot Creek to irrigate their land. < Protestants only use the water during the summer

Permit Holder

< W W Hobday irrigates 10 acres - Area of Land irrigated has remained the same.  
John Hobday irrigates

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

37-2726

23377-23380

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).  
REQUIRED FEE(S) PAID.

☐ Show to whom, date and address  
where delivered

☐ Deliver ONLY  
to addressee

**RECEIPT**

*Received the numbered article described below.*

REGISTERED NO.

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

CERTIFIED NO.

23378

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

FEB 28 1972

SHOW WHERE DELIVERED (*only if requested*)

POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS



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

POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check box(s) on other side. Moisten gummed ends and attach this card to back of article.

RETURN  
TO

DEPARTMENT OF POSTS AND TELECOMMUNICATIONS  
STATEHOUSE - ROOM 72  
BOISE, IDAHO 83707

300 Form 3811 Apr. 1969 c55-16-71348-11

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).  
REQUIRED FEE(S) PAID.



Show to whom, date and address  
where delivered



Deliver ONLY  
to addressee

**RECEIPT**

*Received the numbered article described below.*

REGISTERED NO.

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

CERTIFIED NO.

23377

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

3

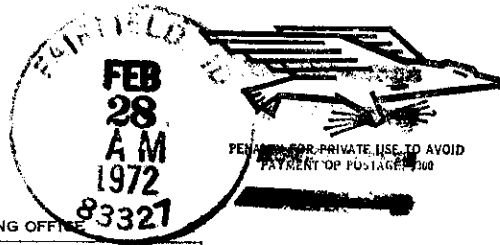
2-28-72

POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS

c55-16-71548-11

PCD Form 3811 Apr. 1969

POSTMARK OF DELIVERING OFFICE



Print your name and address below. If you want to restrict delivery, to have the address of delivery shown on this card, check block(s) on other side. Moisten gummed end and attach this card to back of article.

RETURN  
TO

DEPARTMENT OF JUSTICE  
STATISTICS  
BOISE, IDAHO 83737

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).  
REQUIRED FEE(S) PAID.

☐

Show to whom, date and address  
where delivered

☐

Deliver ONLY  
to addressee

### RECEIPT

*Received the numbered article described below.*

REGISTERED NO.

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

CERTIFIED NO.

23379

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

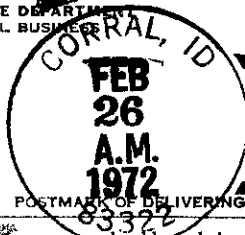
DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

3

Feb 26-72

POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS



POSTMARK OF DELIVERING OFFICE



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

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TO**

POD Form 3811 Apr. 1969 c55-16-71545-11

DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
SIXTH FLOOR  
BOISE, IDAHO 83707

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).  
REQUIRED FEE(S) PAID.

☐

Show to whom, date and address  
where delivered

☐

Deliver ONLY  
to addressee

### RECEIPT

*Received the numbered article described below.*

REGISTERED NO.

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

CERTIFIED NO.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

2-28-72

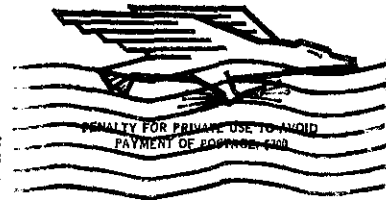
POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS

c55-16-71548-11

POD Form 3811 Apr. 1969



POSTMARK OF DELIVERING OFFICE



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 **RETURN  
TO**

DEPARTMENT OF REVENUE ADMINISTRATION  
5 ALMOORE AVENUE  
BOISE, IDAHO 83707

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION  
OF THE  
STATE OF IDAHO

In the Matter of Protest Against Licensing )  
of Permit No. 32766/37-2726 in the name )  
of WESLEY D. FIELDS )  
\_\_\_\_\_ )

NOTICE OF CONFERENCE  
AND/OR HEARING

On March 10, 1966, the Department of Water Administration (formerly the Department of Reclamation) issued the above-numbered permit to Wesley D. Fields, Corral, Idaho. On March 18, 1971, the Department received a protest against licensing of said permit from Cecil D. Hobdey, Attorney-at-Law, Gooding, Idaho, filed in behalf of W. W. Hobdey and John J. Hobdey.

The Department has set the matter of protest for conference and/or hearing on Wednesday, March 15, 1972, at 9:00 a.m., in the Court Room of the Camas County Courthouse, Fairfield, 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 permit holder or protestants may allow the Department without prejudice to dismiss the protest or the permit. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 25 day of February, 1972.

Bobby D. Fleenor  
BOBBY D. FLEENOR  
Assistant Director

Mailed this 25th day of February, 1972, to the following:

Cert. Mail #

Wesley D. Fields, Fairfield

23377

Cecil D. Hobdey, James & Hobdey, P.O. Box 176, Gooding

23378

W. W. Hobdey, Corral

23379

John J. Hobdey, Corral

23380

By *Darlene Smith*

RECEIVED

February 25, 1972

Camas County Courthouse  
Fairfield,  
Idaho 83327

Gentlemen:

This is to confirm the use of the Court Room of the Courthouse for conference &/or hearing to be held by this office at 9:00 a.m. on Wednesday, March 15, 1972.

Thank you for your cooperation in this matter.

Very truly yours,

Darlene Reich, Sec. to  
BOBBY D. FLEENOR  
Assistant Director

BDF:DR

ANDREW F. JAMES  
CECIL D. HOBDEY

LAW OFFICES  
**JAMES & HOBDEY**  
125 FIFTH AVENUE WEST  
P. O. BOX 176  
GOODING, IDAHO 83330

TELEPHONE 934-4429  
AREA CODE 208

February 8, 1972

BDF

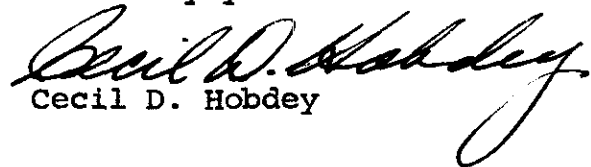
Department of Water  
Administration  
State of Idaho  
State House Annex 2  
Boise, Idaho 83707

Re: Permit No. 32766/37-2726-  
Wesley D. Fields

Gentlemen:

On behalf of W. W. Hobdey and John J. Hobdey please let this serve as notice that neither of them desire to withdraw their protest against the licensing of the permit and request that a hearing be set in due course to resolve the issues.

Sincerely yours

  
Cecil D. Hobdey

CDH:fm

January 31, 1972

Re: Permit No. 32766/37-2726 - Wesley D. Fields

W.W. Hobdey & John J. Hobdey  
Corral,  
Idaho 83322

Gentlemen:

Our field examiner has completed an examination of the works covered under the above referenced permit, which you have protested, and has found the following:

Source: Unnamed spring

Point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, Twp. 1 N, Rge. 13 E, B.M.

Quantity of water license can be issued for: 0.2 c.f.s.

Beneficial use: Domestic, stockwater, and irrigation of 3 acres  
within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, Twp. 1 N, Rge.  
13 E, B.M.

Priority date established: April 8, 1966

If you do not wish to continue with your protest against the licensing of this permit, please let us know as soon as possible; otherwise, a hearing will be necessary to resolve this matter.

If you have any questions, please contact us.

Sincerely,

BOBBY D. ELEANOR  
Assistant Director

BDF:DR  
cc: Wesley D. Fields

April 14, 1971

Re: Permit 32766/37-2726

Mr. Wesley D. Fields  
Fairfield,  
Idaho 83327

Dear Mr. Fields:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed please find an Order of Reinstatement for this permit; you will note that the priority has been advanced to April 8, 1966.

Before a license can be issued, a field examination must be made by a representative from this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

As this permit has been protested, the Department will schedule a conference and/or hearing after the field examination has been completed.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM:DR  
Enclosure

Identification No. \_\_\_\_\_

Permit No. \_\_\_\_\_

**STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION**

**PROOF OF APPLICATION OF WATER TO BENEFICIAL USE**

RECEIVED  
APR 8 1971 *late*

Department of Water Administration

1. a) Name of Permit Holder Wesley D. Fields  
 b) Post Office Address Fairfield, Idaho
2. Permit Number 32766 - 37-2726
3. Date of Priority that you are prepared to establish Mar 9, 1966
4. a) Source from which water was appropriated Hot Creek  
 b) Location of the point of diversion: NW 1/4 NE 1/4, Section 32  
 Township 1N, Range 13E Boise Meridian, Other points of diversion: \_\_\_\_\_
5. a) The amount of water and use to which the water has been applied:  
 amount 2.67 cfs for irrigation purposes from Apr. 15 to Nov. 1 incl.  
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)  
 amount .33 cfs for domestic stock watering 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 1.0 cfs/sec 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: estimated
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: \_\_\_\_\_  
 b) Describe the agreement or understanding by which you take water from the works: \_\_\_\_\_
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) Water is pumped from a spring of Hot Creek by a 2 HP electric motor and a centrifugal pump. The water is gravity flow into the swimming pool  
 b) Describe the type and size of measuring device which you have installed at your point of diversion: none required  
 c) Give well drillers name and address and date the well was completed none

*Exam typed 4-16-71. ©*

MICROFILMED

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use. Stock water, domestic water, heating dwellings, swimming pool

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: \_\_\_\_\_

[illegible]

Total number of acres irrigated 3

10. Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

4-9-21  
(Date)

Wesley D. Smith  
(Signature)

State of Idaho )  
County of Ada ) ss.

On this 9 day of April, 1971, personally appeared before me the  
signer(s) of the above instrument, who duly acknowledged to me that he (~~she~~) (~~they~~) executed the same.

Notary Public residing at Basil S. S. S.

My commission expires 2-18-1974

April 5, 1971

Re: Permit No. 32766/37-2726

Wesley D. Fields  
Fairfield,  
Idaho 83327

Dear Mr. Fields:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Proof of beneficial use was due on this permit on or before March 10, 1971. Enclosed you will find a notice of lapsing. Please be advised that proof of beneficial use must be submitted within sixty days from the date of the notice of lapsing in order for the Department to reinstate this permit.

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

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM:DR  
Enc: Notice of lapsing



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

**STATE OF IDAHO**  
**DEPARTMENT OF WATER ADMINISTRATION**

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

April 5, 1971

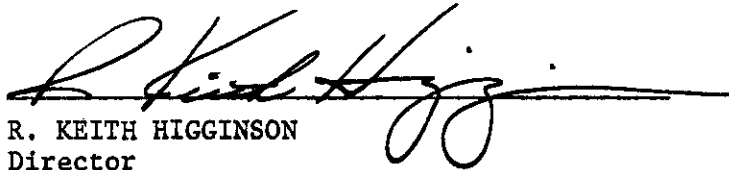
Re: Permit No. 32766/37-2726

Wesley D. Fields  
Fairfield,  
Idaho 83327

Dear Mr. Fields:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit 32766/37-2726 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within sixty days from the date of this notice of lapsing.

  
R. KEITH HIGGINSON  
Director

RKH:DR

March 26, 1971

Re: Permit Nos. 37-2726 & 37-2736

Mr. Wesley D. Fields  
Fairfield,  
Idaho 83327

Dear Mr. Fields:

Protests have been received against the above referenced permits. These protests were filed by W. W. Hobday and John J. Hobday; copies of the protests are enclosed with this letter.

These protests will be placed on file and considered when you submit your statement of beneficial use which is due on or before March 10, 1971, (37-2726) and June 13, 1971, (37-2736). If an agreement between you and the protestants cannot be reached before the above dates, a conference and/or hearing will be necessary to resolve the protests. The points that may be considered at that time are:

1. Has the permittee diverted and beneficially used unappropriated public water?
2. Has the operation of the proposed water right under the permit caused injury to a prior existing water right?
3. Has the water been placed to beneficial use in accordance with the terms and conditions of the permit?

If a conference and/or hearing is necessary, you will be notified of the time and place. If we may be of any assistance, please contact us.

Very truly yours,

BOBBY D. FLEENOR  
Assistant Director

BDF:DR  
Enc: Copies of protests (2)

March 26, 1971

Re: Permit Nos. 37-2726 & 37-2736 - Wesley D. Fields

W. W. Hobday & John J. Hobday  
Corral,  
Idaho 83322

Gentlemen:

We have received your protests against licensing of the above referenced permits and copies have been sent to Mr. Fields. These protests will be placed on file and considered when the permittee submits his statements of beneficial use. These statements are due on or before March 10, 1971, (37-2726) and June 13, 1971, (37-2736). If no agreement between you and the permit holder can be reached before the above dates, a conference and/or hearing will be necessary to resolve the protests. The points that may be considered at that time are:

1. Has the permittee diverted and beneficially used unappropriated public water?
2. Has the operation of the proposed water right under the permit caused injury to a prior existing water right?
3. Has the water been placed to beneficial use in accordance with the terms and conditions of the permit?

If a conference and/or hearing is necessary, you will be notified of the time and place. If we may be of any assistance, please contact us.

Very truly yours,

BOBBY D. FLEENOR  
Assistant Director

BDF:DR

cc: Cecil D. Hobday  
P.O. Box 176  
Gooding, Idaho 83330

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

LAW OFFICES  
**JAMES, HOBDEY & SHAW**  
125 FIFTH AVENUE WEST  
GOODING, IDAHO 83330

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

March 16, 1971

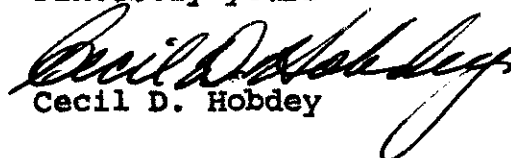
Mr. R. Keith Higginson  
Director, Idaho Department  
of Water Administration  
State of Idaho  
Boise, Idaho

Re: Permit No. 32766/37-2726  
No. 32919/37-2736

Dear Mr. Higginson:

On behalf of W. W. Hobdey and John W. Hobdey we  
inclose protests in each of the above referenced  
matters.

Sincerely yours

  
Cecil D. Hobdey

CDH:fm  
Encls.

February 24, 1971

Re: Permit No. 32766/37-2726

Mr. Wesley D. Fields  
Corral,  
Idaho 83322

Dear Mr. Fields:

The legal notice for the above-referenced permit is being published in the

Camas County Courier, Fairfield, Idaho on March 11

and March 18, 1971.

You will be required to submit an affidavit of publication to this department. The affidavit may be obtained from the above-mentioned newspaper upon payment of the bill of publication.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM/BB

February 24, 1971

Re: Permit No. 32766/37-2726 - Wesley D. Fields

CAMAS COUNTY COURIER

Gooding County Leader  
Box 216  
Fairfield, Idaho 83327

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to 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 the Department of Water Administration immediately.

The expense of the publication is to be paid by Wesley D. Fields, Fairfield,  
Idaho, to whom you should furnish  
an affidavit of publication.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM/BB

Enc: legal notice



# 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 (Must always be filled in)

CERTIFIED NO.

22427

INSURED NO.

DATE DELIVERED

1-5-71

1

Wesley D. R. R. R.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

3

SHOW WHERE DELIVERED (only if requested)

37-2726

**POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS**

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

56-16-71E48-10

Apr. 1967

POD Form 3911



POSTMARK OF  
DELIVERING OFFICE

**INSTRUCTIONS:** Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED**.

**RETURN  
TO**

**NAME OF SENDER**

**DEPARTMENT OF WATER ADMINISTRATION**

**STREET AND NO. OR P.O. BOX**

**STATEHOUSE - ANNEX 2  
BOISE, IDAHO 83707**

**POST OFFICE, STATE, AND ZIP CODE**

December 31, 1970

CERTIFIED MAIL

# 22427

Re: Permit No. 32766/37-2726

Wesley D. Fields  
Corral,  
Idaho 83322

Dear Mr. Fields:

One of the conditions of the approval of your Permit No. 32766/37-2726 was that proof of application of the water to beneficial use be submitted to this office on or before March 10, 1971.

Enclosed is an affidavit form which must be used to submit proof of beneficial use. You may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended.

Either the proof affidavit or a request for 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.



Director

Enc: Proof affidavit  
dr

cc: Robert G. Newhouse  
Attorney  
Fairfield, Idaho

June 30, 1970

Re: Permit No. 32766 (new no. 37-2726)

Mr. Wesley D. Fields  
Corral,  
Idaho

Dear Mr. Fields:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply them upon request at any time.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM/DG

Enc: order  
advertising package  
cc: Albert G. Newhouse,  
Attorney at Law

37-2726  
32766

March 22, 1966

32766

Re: Permit No. ~~Wesley D. Fields~~

Mr. Robert G. Newhouse,  
Attorney at Law,  
Fairfield, Idaho.

Dear Mr. Newhouse:

We enclose Permit No. 32766 in which we direct  
your attention to the limitations and conditions as given on the  
fourth page under approval of the State Reclamation Engineer

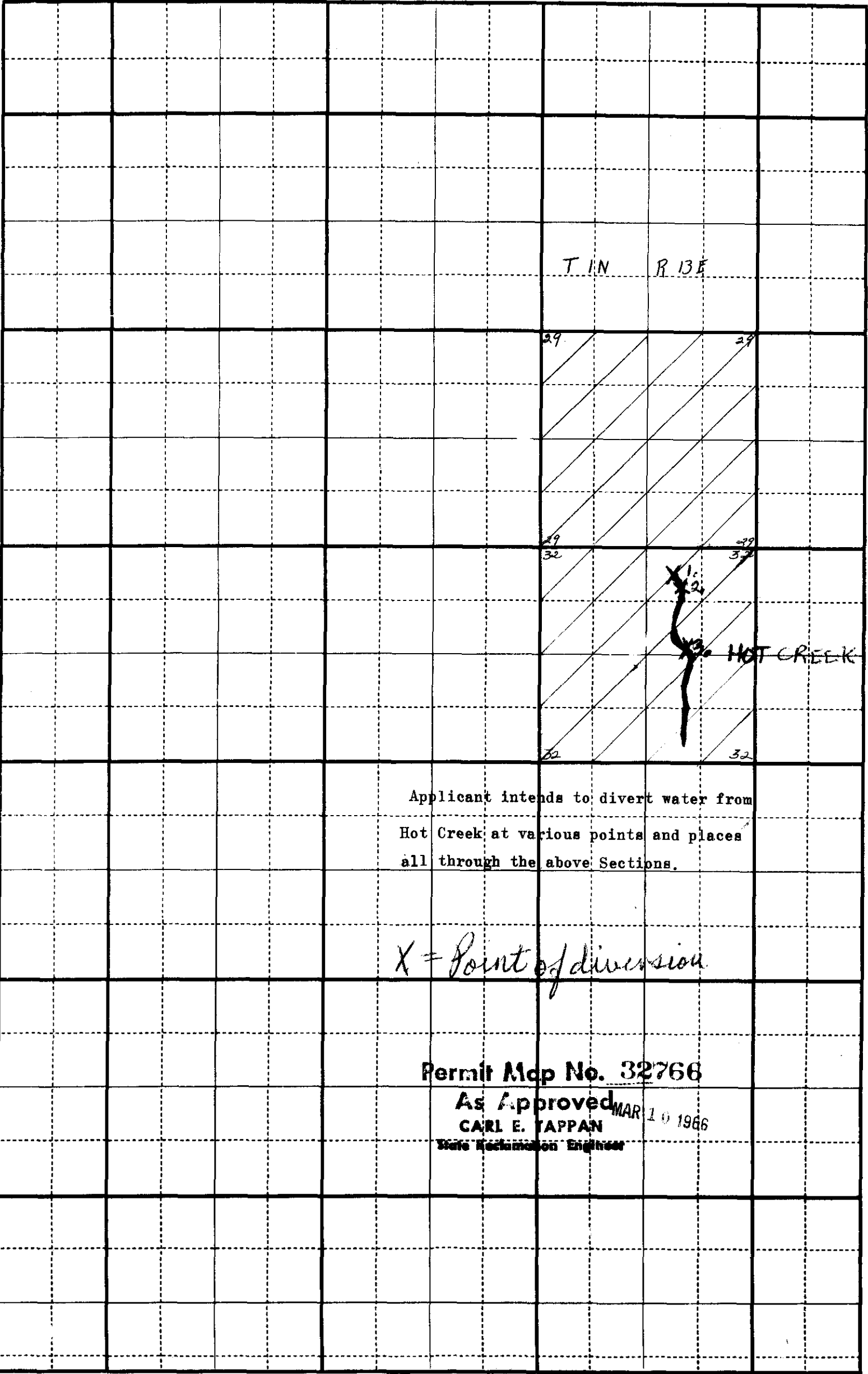
We also enclose Departmental Receipt No. 33129  
which was issued covering payment in the amount of \$ 5.00  
for the filing fee of the above mentioned permit.

Very truly yours,

Enc:  
EPR:jak

cc: Wesley D. Fields  
Corral, Idaho

32766

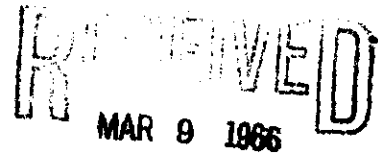


**ROBERT G. NEWHOUSE**

ATTORNEY-AT-LAW

FAIRFIELD, IDAHO 83327

March 7, 1966



Department of Reclamation

Mr. Donald J. Watts  
Office Engineer  
Department of Reclamation  
107 State House  
Boise, Idaho 83701

Re: Application for permit

Dear Mr. Watts:

Enclosed with this letter is the returned application for permit with the data requested by your letter of March 3, 1966. The map now shows the channel of Hot Creek and the various points of diversion. The point of diversion marked No. 3 is not written in under question four but question four does refer to its location on the map. The reason for this is that the main points of diversion which are described under question No. 4 and shown on the map No. 1 and No. 2 are the primary points of diversion.

Should you have any questions, please do not hesitate to let this office know.

Sincerely yours

*Robert G. Newhouse*  
Robert G. Newhouse  
Attorney-At-Law

RGN/gp

encl.

3 2764

March 3, 1966

Robert G. Newhouse  
Attorney at Law  
Fairfield, Idaho 83327

Dear Mr. Newhouse:

Your application for permit is herewith returned for correction in the following particulars:

Under 4 locate the points of diversion in the 40-acre subdivisions applicable.

On the maps show the channel of Hot Creek and the various points of diversion.

Statutes provide for sixty (60) days from the date of first return for filing a completed application. If it is received after that date the priority will be advanced to the actual date of receipt of corrected application.

Very truly yours,

CARL E. TAPPAN  
State Reclamation Engineer  
By

Donald J. Watts  
Office Engineer

DJW:mr

Enc. application, check  
list of fees

32-764

**ROBERT G. NEWHOUSE**

ATTORNEY-AT-LAW

FAIRFIELD, IDAHO 83327

March 2, 1966

RECEIVED  
MAR 3 1966

Department of Reclamation

State of Idaho  
Department of Reclamation  
Boise, Idaho

Re: Application for Permit

Dear Sirs:

Enclosed with this letter is an Application for Permit to Appropriate the Public Waters of the State of Idaho more particularly all of the waters of Hot Creek, Idaho, situated in the County of Camas, State of Idaho. The application should be self-explanatory. Also enclosed is a \$5.00 filing fee which I gather is the proper amount.

Should you have any questions in regard to this application, please contact this office directly and I will be glad to work it out with you.

Thanking you for your courtesy in advance in this matter.

Sincerely yours

*Robert G. Newhouse*  
Robert G. Newhouse  
Attorney-At-Law

RGN/gp

encl.

32700