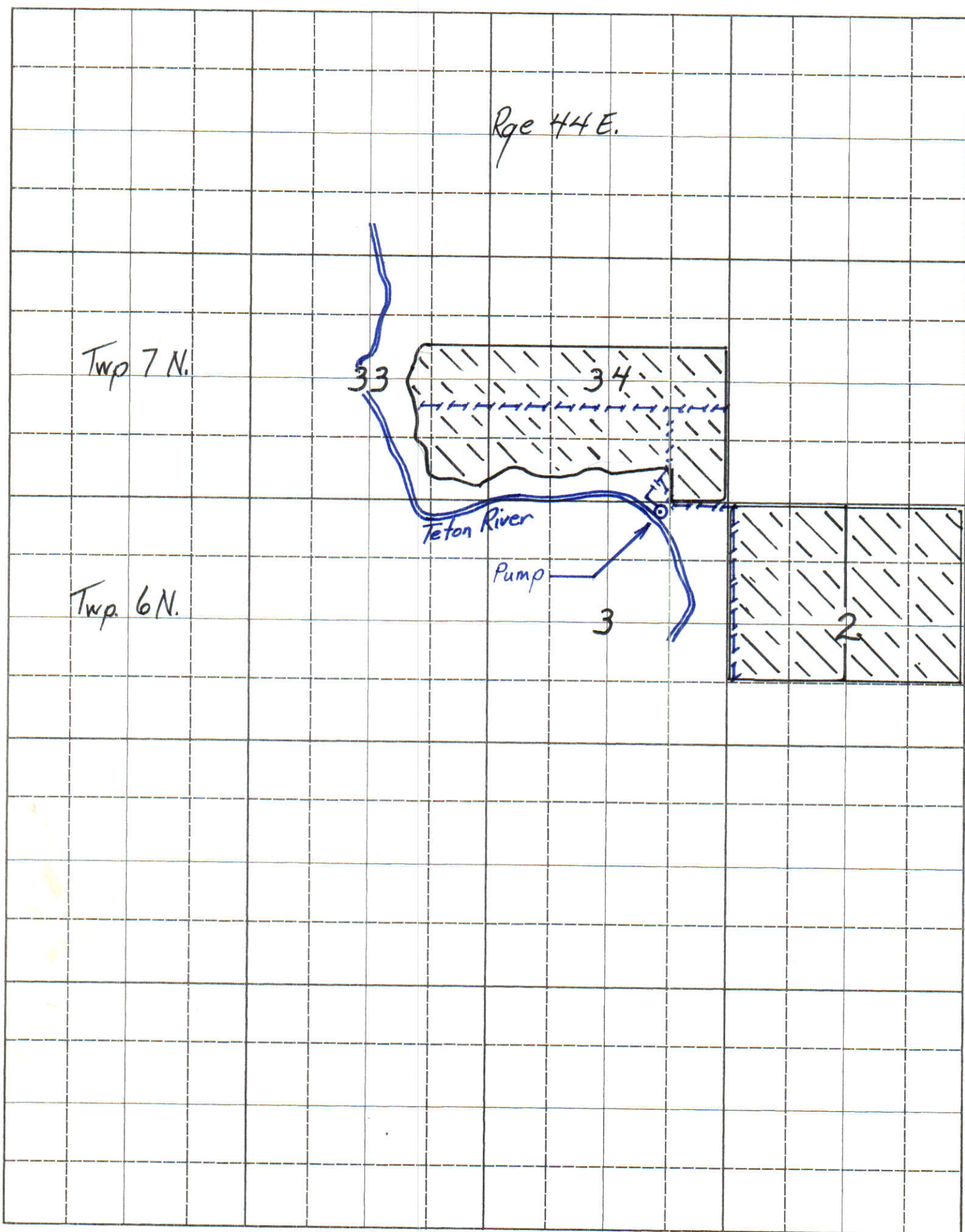


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Elvin M. Beallou
(Applicant)

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho)
County of Teton) ss

I, Sharyn Hastings
being first duly sworn depose and say that I am the Secretary of the Teton Valley News, a newspaper as defined by Idaho Codes Annotated, Section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at Driggs, in Teton County, Idaho, having a general circulation in said county, and that said newspaper has been printed in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of

22-7349 McCulloch
22-7350 Ard

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 26 day of March, 1981, and last publication on the 2 day of April, 1981.

And affiant further says that at the times herein mentioned said newspaper was made up of at least eight pages of at least five columns each, printed from type matter, of at least sixteen inches deep.

Sharyn Hastings
Subscribed in my presence and sworn to before me this 13th day of April, 1981.
(SEAL) Notary Public for the state of Idaho, residence and postoffice address, Driggs, Idaho.

Mitchell C. Neilson
My Commission expires July 7, 1982

NOTICE OF APPLICATION FOR WATER RIGHT

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

22-7349

McCulloch, Elvin and/or Lois.

P.O. Box 95, Tetonia, Idaho 83452.

Source: TETON RIVER tributary to SNAKE RIVER.

Date Filed: 03/12/1981.

Amount: 18.00 CFS.

Diversion Point: NWNE Sec 03 T 06N R 44E, Teton, County.

Use: IRRIGATION (18.00 CFS) from 04/01 to 11/01.

Place of Use: NENE
NWNE SWNE SENE
NENW NWNW SWNW
SENW NESW NWSW
NESE NWSE Sec 02 T 06N
R 44E SWNE SENE NESE
NWSE SWSE SESE Sec 33
T 07N R 44E SWNE SENE
SWNW SENW NESW
NWSW SWSW SESW
NESE NWSE SWSE SESE
Sec 34 T 07N R 44E for 919 acres.

Diversion Means: Pumps & Pipeline.

22-7350

Ard, Rex and/or Larry.
274 W. 1st South, Rexburg, Idaho 83440.

Source: GROUND-WATER.

Date Filed: 03/13/1981.

Amount: 0.10 CFS.

Diversion Point: SWSE
Sec 06 T 06N R 43E, Teton Co.

Use: COMMERCIAL (0.04 CFS) from 10/01 to 05/01. DOMESTIC (0.06 CFS) from 01/01 to 12/31.

Place of Use: SWSE Sec 06 T 06N R 43E.

Diversion Means: Well, Pump & Pipeline.

If issued, the permits will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Avenue, Idaho Falls, Idaho 83401, on or before April 13, 1981.

C. Stephen Allred
Director

Published in the Teton Valley News March 26 and April 2, 1981.

RECEIVED

APR 15 1981

Department of Water Resources
Eastern District Office

UNFILED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

ASSIGNED TO: Hibbert Farms, Inc.

1. Name of applicant Elvin McCulloch or Lois McCulloch Phone 456-2346

Post office address Box 95, Teton, ID 83452

2. Source of water supply Teton River which is a tributary of Snake River

3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3 Township 6N

Range 44E B.M. Teton County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

5.00 cfs*
Amount 18.0 for irrigation purposes from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

5.00*Per agreement rec'd 10/13/81
a. 18.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 2 pumps with a 100 HP and 200 HP - 3
phase electric motors, mainline and handlines.

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

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

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

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

8. Description of proposed uses:

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

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

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

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

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

If water is to be used for other purposes describe: _____

RECEIVED

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	44E	2	40	40	40	40	40	40	40	40	40	40			40	40			480
7N	44E	33			5	20									40	10	2	30	107
		34			20	20			20	20	40	40	20	22	40	35	15	40	332

Total number of acres to be irrigated 919

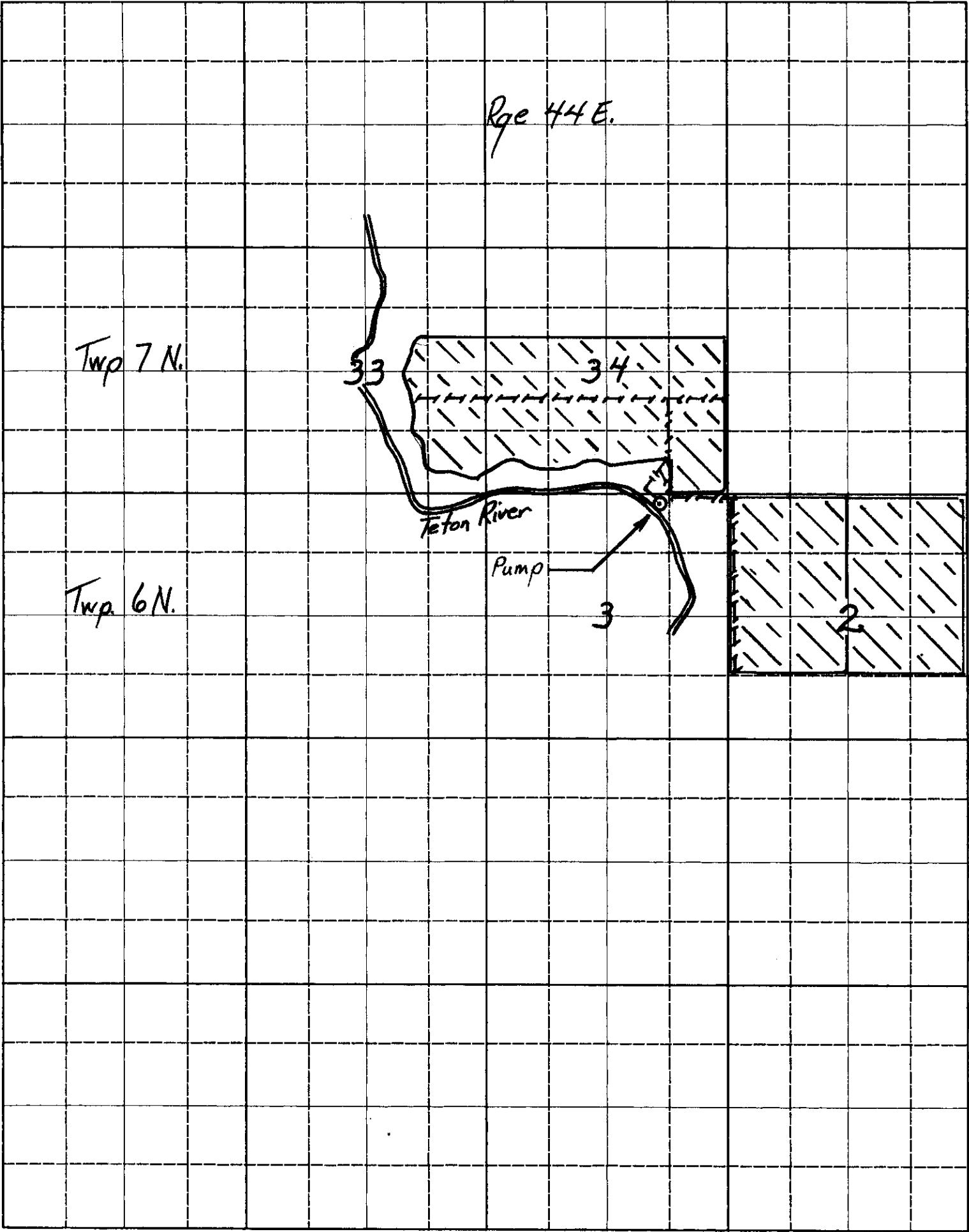
c. Describe any other water rights used for the same purposes as described above. 1750 AF from Palisades Reservoir and 120 AF from Fremont Madison Irrigation District Permit 22-7028 for groundwater use in Sec. 34, T. 7N, R. 44E: SENW (40 acres) and SE¼ (160 acres).

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

10. Remarks

UNRECORDED

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.

MICROFILMED

Elmer M. Beeson
(Applicant)

~~Drafted~~
Received by EMC Date 3/12/1981 Time 11:15 a.m.
Preliminary check by JK Fee \$ 385.00
Received by KW Date 3/12/1981 # 17091
Publication prepared by KW Date 3/19/81
Published in Yeton Valley News
Publication dates 3/26 & 4/02/81
Publication approved KW Date 4/20/81
Protests filed by: ~~Fremont~~ ~~Madison~~ ~~Kay~~
~~Mary Smith~~ WITHDRAWN

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by EMC JK

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 22-7349, 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 November 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Upper Snake River.

Witness my hand this 17th day of November, 1981.

J. Glen Sayton
Chief, Operations Bureau

MICROFILMED

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED

OCT 13 1981

Department of Water Resources
Eastern District Office

OK to process
RC 11/9/81

I, Elvin or Lois McCulloch, hereby assign to Hibbert Farms, Inc.

of Driggs, Idaho, 83422

Address

CHECK ONE



All my right, title, and interest in and to Permit No. 22-7349
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 22 day of September, 1981.

Elvin McCulloch
Permit Holder

Lois McCulloch
Spouse of Permit Holder

State of Idaho)
County of Madison) ss.

On this 22 day of September, 1981, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

Charles R. Rasmussen
Notary Public residing at
Redburg Idaho

seal

My commission expires:

Life

MICROFILMED

SMITH, HANCOCK & MOSS

Attorneys at Law

MARY SMITH
J. D. HANCOCK
BRENT J. MOSS
W. LLOYD ADAMS (1885-1969)

30 SOUTH 2nd WEST
REXBURG, IDAHO 83440
PHONE 238-356-5493

April 9, 1981

Mr. Ron Carlson
Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

I am enclosing herewith Protest of the
Fremont-Madison Irrigation District on the following
applications:

No. 21-2012, Forrest Howell
No. 21-2034, Forrest Howell
No. 22-7349, Elvin &/or Lois McCulloch.

Kindest regards,

Mary Smith
Mary Smith

rs

Enclosures

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APR 13 1981

Department of Water Resources
Eastern District Office

MICROFILMED

BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF
WATER ADMINISTRATION

IN THE MATTER OF THE APPLICATION :
OF ELVIN AND/OR LOIS McCULLOCH, : PROTEST OF THE FREMONT-
NUMBER 22-7349 FOR A PERMIT TO : MADISON IRRIGATION
APPROPRIATE THE PUBLIC WATERS : DISTRICT.
OF THE STATE OF IDAHO. :

Comes now the Fremont-Madison Irrigation District, a quasi-municipal corporation of the State of Idaho, with its office and post office address at St. Anthony, Idaho, and in response to notice given that Elvin and/or Lois McCulloch, Box=95, Teton, Idaho 83452 made application No. 22-7349 for a permit to appropriate 18.00 CFS from the Teton River tributary to Snake River, to be used from April 1st to November 1st for irrigation by means of Pumps and Pipeline with the diversion point: NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, Township 6 North, Range 44 E., Teton County, Idaho, within the NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW NESE NWSE Section 2, Township 6 North, Range 44 E SWNE SENE NESE NWSE SWSE SESE Section 33, Township 7 North, Range 44 E SWNE SENE SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE Section 34, Township 7 North, Range 44 E for 919 acres, and makes the following Protest against the approval of such application:

1. That the proposed diversion will reduce the quantity of water under existing water rights.
2. That the supply of water in Teton River tributary to Snake River is not sufficient to warrant appropriation from April 1st to November 1st for the proposed diversion.
3. That the application for said permit is made for speculative purposes.
4. That such diversion will conflict with local public interest.
5. That the property described in the Notice of Application is not within the boundaries of the Fremont Madison Irrigation District.

James Max Mortensen
James Max Mortensen, Chairman
Board of Directors of the Fremont-Madison Irrigation District.

MICROFILMED

RECEIVED

APR 13 1981

Department of Water Resources
Eastern District Office

STATE OF IDAHO,)
 (SS
County of Madison.)

JAMES MAX MORTENSEN, being first duly sworn, says that he is the Chairman of the Board of Directors of the Fremont-Madison Irrigation District and he makes this verification for and on behalf of said District; that affiant has read the foregoing Protest and knows the contents thereof and as to the matters and things therein alleged, affiant believes the same to be true.

James Max Mortensen

Subscribed and sworn to before me this 9th day of April, 1981.

Mary Smith
Notary Public, residing at
Rexburg, Idaho. My commission
expires: Life.

(Seal)

MICROFILMED

RECEIVED

APR 13 1981

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

State of Idaho)

County of Teton)

being first duly sworn depose and say that I am the *Secretary* of the Teton Valley News, a newspaper as defined by Idaho Codes Annotated, Section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at Driggs, in Teton County, Idaho, having a general circulation in said county, and that said newspaper has been printed in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of

22-7349 McCulloch
22-7350 Ard

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the *26th* day of *March* 1981 and last publication on the *2nd* day of *April* 1981.

And affiant further says that at the times herein mentioned said newspaper was made up of at least eight pages of at least five columns each, printed from type matter, of at least sixteen inches deep.

Subscribed in my presence and sworn to before me this *13th* day of *April*, 1981.
(SEAL) Notary Public for the state of Idaho, residence and postoffice address, Driggs, Idaho.

My Commission expires

July 7, 1982

WATER RIGHT

Notice is hereby given that the following *water rights* have been submitted for permit to appropriate the public waters of the State of Idaho:

22-7349

McCulloch, Elvin
P.O. Box 95, Teton
Idaho 83422

Source: TETON RIVER
tributary to SNAKE R.
ER.

Date Filed: 03/12/1981

Amount: 18.00 CFS

22-7350

Use: IRRIGATION

CFS) from 04/01 to 04/01

Place of Use:

NWNE SWNE

NENW NWNW

SENE NESW

NESE NWSE Sec 04 T 07N R 44E

R 44E SWNE SENE

NWSE SWSE SENE

T 07N R 44E SWNE

SWNW SENW

NWSW SWSW

NESE NWSE SWSE

Sec 04 T 07N R 44E

acres

Diversion Means: Pump

& Pipeline.

22-7350

Ard, Rex and/or Larry
274 W. 1st South
burg, Idaho 83440

Source: GROUND
WATER.

Date Filed: 03/13/1981

22-7350

22-7350

Use: COMMERCIAL
(0.01 CFS) from 10/01 to
05/01 DOMESTIC (0.01
CFS) from 01/01 to 12/31.

Place of Use: SWNE Sec
04 T 07N R 44E.

Diversion Means: Pump
& Pipeline.

Notice, the permits will
be subject to all prior water
rights. Protections against the
granting of any permit must
be filed with the Director of
the Idaho Department of
Water Resources, 150 Shoup
Avenue, Idaho Falls, Idaho
83401, on or before April 12,
1981.

C. Stephen Allred

Director

Published in the Teton
Valley News March 26 and
April 2, 1981.

Idaho State Water Right
No. 22-7349

Idaho State Water Right
No. 22-7350

Idaho State Water Right
No. 22-7350

Idaho State Water Right
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Idaho State Water Right
No. 22-7350

UNFILED

4/86

MAR 24 1987

Department of Water Resources
Eastern District OfficeSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATIONFor Office Use Only
Fee Received 200.00
Date 3-24-87
Receipt # 41123
Receipt by MD
Sent to S.O. 4-3-87

RECEIVED

APR 06 1987

Department of Water Resources

1. Permit No. 22-7349

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:



I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Hibbert Farms Inc.3. Post Office Address: Rt. #1 Box 3220 Driggs, Idaho
83422 Telephone No. (307) 353 25564. Source of Water: Teton River

5. Extent of Use:

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

Irrigation 919 (acres) Other/Remark _____6. Total rate &/or volume for which proof is submitted 5.00 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

June 1982

8. Person to contact to accompany the department representative during the field examination:

Rep Hibbert

(Name)

Rt. #1 Box 3230 Driggs, Idaho 83422 (Address) (307) 353-2704 (Telephone Number)

I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

March 16, 1987
DateRep. A. Hibbert Sec.
Signature of Permit Holder (and title, if appropriate)

Copy retained

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

22-7349
HIBBERT FARMS, INC.
RT. 1 BOX 3220
DRIGGS, ID 83422

January 26, 1987

EXAMINATION FEE NOTICE



Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this Department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the Department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the Department, but you must within sixty (60) days of the date of this letter return to the Department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the Department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the Department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water right examiners will be available from this Department when examiners have been certified.

If your permitted use, in fact, has already been examined by the Department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the Department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

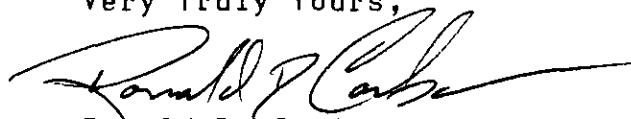
FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following Department office:

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83401
Phone: 525-7161

Very Truly Yours,



Ronald D. Carlson
Eastern Regional Manager

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup, Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 13, 1985

HIBBERT FARMS INC.
RT. 1, BOX 3220
DRIGGS ID 83422

RE: Permit No. 22-7349

Dear Permit Holder:

We acknowledge receipt of your statement 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.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent

OK

FORM A

STATE OF IDAHO

RECEIVED
MAY 16 1985

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. I.D. 22-7349Name(s) of Permit Holder: ~~McCulloch, et al or heirs~~& for Hibbert Farms Inc.Post Office Address: Rt. #1 Box 3220 Driggs, Idaho 83422Telephone No. (307) 353-2556Source of Water: Teton River which is a tributary of Snake River

Extent of Use: Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation 919 (acres)

Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: June 20, 1981

Measuring Device: Required? ☒ Yes ☐ No
Installed? ☒ Yes ☐ No

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

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

Rt. #1 Box 3220
(Address)

(Name)
(307) 353-2556
(Telephone number)

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

2-26-85
Date

[Signature] Sec.
Signature of Permit
(and Title, if appropriate)

MICROFILMED

kw

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

~~MC GULLOCH, ELVIN & LOIS~~
DRIGGS, ID 83422

DECEMBER 22, 1981

RE: PERMIT NO. 22-7349

DEAR PERMIT HOLDER:

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

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL AND MAINTAIN A MEASURING DEVICE AT YOUR POINT OF DIVERSION. WE HAVE ENCLOSED A DESCRIPTION OF THE DIFFERENT TYPES OF MEASURING DEVICES ACCEPTED BY THIS OFFICE.

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

SINCERELY,

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

ENCLOSURE

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

22 7349

INITIAL REVIEW BY: JK

APPLICATION NUMBER: McCulloch

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

Copies sent by: _____ Date: _____

☒ Other 01

PROCESSING:

- ☐ Yes ☒ No
☒ Yes ☐ No

Platted by: _____ Map No. gw

Other rights on same place of use. Permit 22-7028 (SENW (40), SEK (100),
Sec 34, T2N, R44E.

- ☒ Yes ☐ No*

In form for advertising.

- ☒ Yes ☐ No

Final date for protests: April 13

- ☒ Yes ☐ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 4-15-81
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.

- ☒ Yes ☐ No

Measuring device required.

- ☒ Yes ☐ No

Access port required.

- ☒ Yes ☐ No

Will water be delivered by watermaster? If yes, what district? 01

- ☒ Yes ☐ No

Date of priority recommended. 3-12-81

Special conditions of approval or cover letter. _____

RECEIVED

OCT 26 1981

Department of Water Resources

By: Ernest Carlson Date: Oct 22-1981

STATE OFFICE REVIEW:

312/102 01, 05 (01 Upper Snake R.)

- ☐ See attached sheet for more information.

By: Rolyn Date: 11/9/81

please acknowledge Assignment w/ Approval letter

MICROFILMED

October 22, 1981

RE: Application for Permit No. 22-7349 McCULLOCH (assigned to Hibbert Farms)

Elvin or Lois McCulloch
Box 95
Tetonia, Idaho 83452

Dear Mr. & Mrs. McCulloch:

This letter is to advise you that Fremont-Madison Irrigation District has withdrawn their protest against approval of the above referenced application for permit. The Department has now resumed final processing of this application.

If you have any questions, please feel free to contact this office.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

cc: Hibbert Farms

RECEIVED
OCT 23 1981
FREMONT-MADISON
IRRIGATION DISTRICT

IN THE MATTER OF APPLICATION)
)
FOR PERMIT NO. 22-7349 IN THE)
)
NAME OF ELVIN McCULLOCH OR LOIS)
)
McCULLOCH)
_____)

WITHDRAWAL OF PROTEST

We hereby withdraw our protest of the above referenced application provided that the requested amount of 18.00 cubic feet per second be reduced to no more than 5.00 cubic feet per second of water to be diverted from the Teton River.

[Signature]

Chairman, Fremont-Madison Irrigation Directors

[Signature]

MICROFILMED

SMITH, HANCOCK & MOSS

Attorneys at Law

MARY SMITH
J. D. HANCOCK
BRENT J. MOSS
W. LLOYD ADAMS (1885-1969)

30 SOUTH 2nd WEST
REXBURG, IDAHO 83440
PHONE: 208-356-5493

October 9, 1981

RECEIVED

OCT 13 1981

Department of Water Resources
Eastern District Office

Ernest Carlsen
Assistant Regional Supervisor
Department of Water Resources
150 Shoop
Idaho Falls, Idaho 83401

Re: Application for Permit No. 22-7349

Dear Mr. Carlsen:

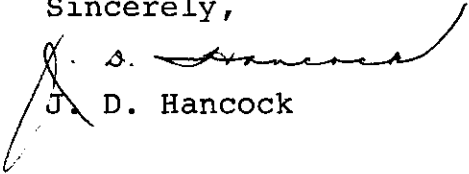
Enclosed please find the following documents:

1. Copy of your letter to Elvin and Lois McCulloch.
2. Original signed permit for Hibbert Farms, Inc.
3. Original signed agreement reducing the quantity of water from 18 cu. ft. per second to 5 ft. per second.
4. Copy of the memorandum agreement between the McCulloch's and Hibbert Farms, Inc.

Once the application for permit has been approved and the licence issued, would you please send the final permit or licence issued by the Department of Water Resources directly to our office so that the original may be deposited in escrow and copies given to the respective parties involved in this transaction?

Thank you for your attention regarding this matter.

Sincerely,


J. D. Hancock

JDH/lđ

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

A. Kenneth Dunn
Director

August 5, 1981

RE: Application for Permit No. 22-7349

Elvin or Lois McCulloch
Box 95
Tetonia, ID 83452

Dear Mr. and Mrs. McCulloch:

It is the Department's understanding that Fremont-Madison has agreed to withdraw their protest provided the quantity on your application is reduced to an amount not to exceed 5.00 cubic feet per second. If you have no objections this reduction simply sign the enclosed statement and return it to this office.

Also enclosed you will find an assignment form which will convey your interest in the application to Hibbert Farms, Inc. who we understand have purchased your ranch. For the assignment to become effective you and your wife need to sign it in the presence of a notary and return it to this office.

Feel free to contact me if you have any questions regarding this matter.

Respectfully submitted,

Ernest Carlson

ERNEST CARLSEN
Assistant Regional Supervisor

EC:kw
Enclosures

MICROFILMED

RECEIVED

OCT 13 1981

Department of Water Resources
Eastern District Office

IN THE MATTER OF APPLICATION)
)
FOR PERMIT NO. 22-7349 IN THE) AGREEMENT
)
NAME OF ELVIN OR LOIS McCULLOCH)
_____)

I hereby agree to reduce the quantity on the above referenced application from 18.00 cubic feet per second to 5.00 cubic feet per second. It is my understanding this reduction will resolve the protest submitted by Fremont-Madison Irrigation District.

Dated this 22 day of ^{Sept.}~~August~~, 1981.

Elvin McCulloch
Elvin McCulloch

Lois McCulloch
Lois McCulloch

MICROFILMED

OCT 13 1981

Department of Water Resources
Eastern District Office

MEMORANDUM OF AGREEMENT

THIS AGREEMENT is made between ELVIN and LOIS McCULLOCH, husband and wife, and HIBBERT FARMS, INC.

In consideration of the McCullochs' assignment of all of their right, title and interest to Permit No. 22-7349 to appropriate five cubic feet per second of water from the Teton River and their assignment of said permit to Hibbert Farms, Inc., it is hereby mutually understood, stipulated and agreed that in the event Hibbert Farms, Inc., or McCullochs should terminate that certain Contract of Sale entered into between the respective parties for the real property to which this water shall be applied, that Hibbert Farms, Inc., shall reconvey, assign or do whatever is necessary to vest title to said water permit in Elvin and Lois McCulloch.

A copy of this agreement, together with photocopies of the assignment of the water permit shall be placed in escrow, together with the other instruments which are in escrow, at the Idaho First National Bank in Rexburg, Idaho.

Dated this 22 day of September, 1981.

Elvin McCulloch
Lois McCulloch

MICROFILMED

HIBBERT FARMS, INC.

BY: Ned Q. Hibbert
Its President

ATTEST: Rex A. Hibbert

Its Secretary

STATE OF IDAHO,)
(SS.
County of Madison. (

On this 22 day of September, 1981, before me a notary public in and for said State, personally appeared ELVIN McCULLOCH and LOIS McCULLOCH, his wife, known to be to be the persons whose names are subscribed to the within instrument and acknowledged to me they executed the same.

Charles R. Rasmussen
Notary Public
Residing at Rexburg, Idaho
My commission expires:

(Seal)

STATE OF IDAHO,)
(SS.
County of Teton.)

On this 30 day of September, 1981, before me a notary public in and for said State, personally appeared NED Q. HIBBERT and REX A. HIBBERT, known to me to be the president and secretary of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Charles R. Rasmussen
Notary Public
Residing at:
My commission expires:

(Seal)

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

A. Kenneth Dunn
Director

August 5, 1981

RE: Application for Permit No. 22-7349

Elvin or Lois McCulloch
Box 95
Tetonia, ID 83452

Dear Mr. and Mrs. McCulloch:

It is the Department's understanding that Fremont-Madison has agreed to withdraw their protest provided the quantity on your application is reduced to an amount not to exceed 5.00 cubic feet per second. If you have no objections this reduction simply sign the enclosed statement and return it to this office.

Also enclosed you will find an assignment form which will convey your interest in the application to Hibbert Farms, Inc. who we understand have purchased your ranch. For the assignment to become effective you and your wife need to sign it in the presence of a notary and return it to this office.

Feel free to contact me if you have any questions regarding this matter.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:kw
Enclosures

MICROFILMED

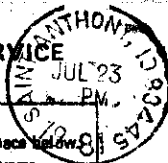
UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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



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



DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AVE.

IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

RETURN



RECEIVED

JUL 24 1981

Department of Water Resources
Eastern District Office

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" section.			
1. The following service is requested (check box.) ☒ Show to whom and date delivered..... ☐ Show to whom, date and address of delivery..... ☐ RESTRICTED DELIVERY Show to whom and date delivered..... ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery \$ (CONSULT POSTMASTER FOR FEES)			
2. ARTICLE ADDRESSED TO: Fremont-Madison Irrigation Dist. P.O. Box 5 St. Anthony, ID 83445			
3. ARTICLE DESCRIPTION: <table border="1"> <tr> <td>REGISTERED NO. 17202</td> <td>INSURED NO.</td> </tr> </table>		REGISTERED NO. 17202	INSURED NO.
REGISTERED NO. 17202	INSURED NO.		
(Always attach signature of addressee or agent) I have received the article described above. SIGNATURE ☒ Addressee ☐ Authorized agent <i>Dale J. Anderson</i>			
4. DATE OF DELIVERY JUL 23 1981 SAINES POSTAL ID	5. ADDRESS (Complete only if requested)		
6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS			

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

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



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

RETURN

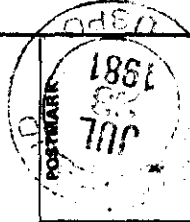


RECEIVED

JUL 24 1981

Department of Water Resources
Eastern District Office

● 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.....\$ ☐ Show to whom, date and address of delivery.....\$ ☐ RESTRICTED DELIVERY Show to whom and date delivered.....\$ ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery.\$ (CONSULT POSTMASTER FOR FEES)							
2. ARTICLE ADDRESSED TO: Mary Smith, Attorney SMITH, HANCOCK & MOSS 30 S. 2nd W., Rexburg, 83440							
3. ARTICLE DESCRIPTION: <table border="1"> <tr> <td>REGISTERED NO.</td> <td>CERTIFIED NO.</td> <td>INSURED NO.</td> </tr> <tr> <td></td> <td>17201</td> <td></td> </tr> </table> (Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent  DATE OF DELIVERY		REGISTERED NO.	CERTIFIED NO.	INSURED NO.		17201	
REGISTERED NO.	CERTIFIED NO.	INSURED NO.					
	17201						
5. ADDRESS (Complete only if requested)							
4. UNABLE TO DELIVER BECAUSE:							
CLERK'S INITIALS 							

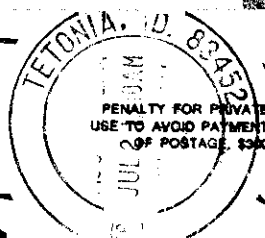


UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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



RECEIVED

JUL 27 1981

RETURN
To
Department of Water Resources
Eastern District Office



NOT RECORDED

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401
(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

● 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. ☐ Show to whom, date and address of delivery. ☐ RESTRICTED DELIVERY Show to whom and date delivered. ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery. \$ ____	
(CONSULT POSTMASTER FOR FEES)	
2. ARTICLE ADDRESSED TO: Elvin or Lois McCulloch Box 95 Tetonia, ID 83452	
3. ARTICLE DESCRIPTION: REGISTERED NO.	CERTIFIED NO. 17200 INSURED NO.
(Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE ☐ Addressee ☒ Authorized agent	
4. DATE OF DELIVERY 7-24-81	POSTMARK
5. ADDRESS (Complete only if requested)	
6. UNABLE TO DELIVER BECAUSE:	CLERK'S INITIALS Da

22-7349 Conference 8/4/81

RECEIVED

all returned

DECLINED

DEPARTMENT OF WATER RESOURCES
NORTH DAKOTA DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ Certified

I certify that we have
☐ Commercial Insurance
☐ A deductible clause of \$

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

LINE NO.	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (if Registered)	DUE SENDER IF C.O.D.	R.R. FEE	S.D. FEE	S.H. FEE	REST. DEL. FEE	REMARKS
1	17200	McClatchy, Box 95, Tetonia	.18	.75	-			.60				22-7349
2	17201	McClatchy, Box 95, Tetonia	.35	.75	-							22-7349
3	17202	McClatchy, Box 95, Tetonia	.35	.75	-							22-7349
4	17203	McClatchy, Box 95, Tetonia	.18	.75	-							22-7349
5	17204	McClatchy, Box 95, Tetonia	.18	.75	-							22-7349
6	17205	McClatchy, Box 95, Tetonia	.18	.75	-							22-7349
7	17206	McClatchy, Box 95, Tetonia	.18	.75	-							22-7349
8	17207	McClatchy, Box 95, Tetonia	.18	.75	-							22-7349
9	17208	McClatchy, Box 95, Tetonia	.18	.75	-							22-7349
10	17209	McClatchy, Box 95, Tetonia	.18	.75	-							22-7349
11	17210	McClatchy, Box 95, Tetonia	.18	.75	-							22-7349
12	17211	McClatchy, Box 95, Tetonia	.18	.75	-							22-7349
13	17212	McClatchy, Box 95, Tetonia	.18	.75	-							22-7349
14	17213	McClatchy, Box 95, Tetonia	.18	.75	-							22-7349
15	17214	McClatchy, Box 95, Tetonia	.18	.75	-							22-7349
TOTAL NUMBER OF PIECES LISTED BY SENDER		15										
TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		15										
POSTMASTER: PER (Name of receiving employee)			CBK									

The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

PS Form 3877, Sept. 1979

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 22-7349 IN THE)
NAME OF ELVIN McCULLOCH)
_____)

STIPULATION

BY THIS STIPULATION, the undersigned parties to the above-captioned case waive compliance with the requirements of Idaho Code, Section 67-5211, including the right to a proposed decision, to file exceptions to a proposed decision and to present briefs and oral arguments to the Director of the Department of Water Resources and agree that the Director may render a final decision in this case without first submitting a proposed decision.

Dated this _____ day _____, 19____.

MICROFILMED

(Notary Subscription)

July 24, 1981

Teton County Courthouse
Driggs,
Idaho 83422

Gentlemen:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Tuesday, August 4, 1981, at 9:00 a.m.

Thank you for your cooperation in this matter.

Sincerely,

KAY WALKER
Secretary

KW:k

MICROFILMED

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

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 22-7349 IN THE NAME)
OF ELVIN McCULLOCH)
_____)

NOTICE OF HEARING
AND/OR CONFERENCE

On March 12, 1981, Elvin or Lois McCulloch filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On April 13, 1981, the Department received a protest against approval of said application from Mary Smith, Attorney at Law, in behalf of the Fremont-Madison Irrigation District.

The Department has set the matter of protest for hearing for 9:00 a.m., Tuesday, August 4, 1981 in the Courtroom of the Teton County Courthouse, Driggs, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

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

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

RECEIVED
AUG 11 1981
WATER RESOURCES
DIVISION

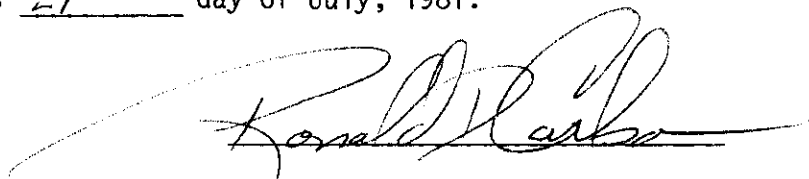
Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A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

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

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

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

Dated this 21st day of July, 1981.


Regional Supervisor

MICROFILMED

3/79

IDENT. NO. 22 7349

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

April 22, 1981

Elvin McCulloch or
Lois McCulloch
Box 95
Tetonia, Idaho 83452

Dear Mr. & Mrs. McCulloch:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 22-7349. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

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

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

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

cc: IDWR - State Office

April 22, 1981

RE: Applications for Permits No. 21-2034, 21-2012, and 22-7349

Fremont Madison Irrigation District
P.O. Box 5
St. Anthony, Idaho 83420

Gentlemen:

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

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

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

The items that can be considered in either approving or denying an application for transfer are:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

RECEIVED
APR 23 1981
FREMONT MADISON IRRIGATION DISTRICT

Fremont Madison Irrigation District
April 22, 1981
Page 2

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

cc: IDMR - State Office
Mary Smith, Attorney

MICROFILMED

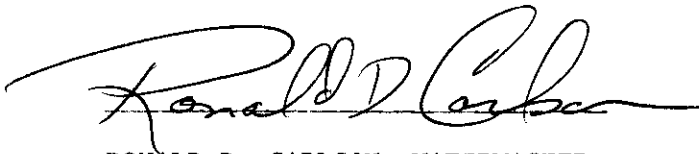
WATERMASTER COMMENTS

I have reviewed Application for Permit No. 22-7349 and have the following comments/objections to the approval of this application for permit:

This application is necessary to extend storage supplies and to provide applicant w/ a natural flow right to supplement. The use of water on the Teton will depend upon the Teton's ability to accomplish the exchange of stored water

3/26/81

Date



RONALD D. CARLSON, WATERMASTER
Water District No. 01

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

MARCH 20, 1981

Teton Valley News
Driggs,
Idaho 83422

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before APRIL 13, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

ENCLOSURE

NOTICE OF APPLICATION FOR WATER RIGHT

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

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83401 on or before APRIL 13, 1981.

C. STEPHEN ALLRED

Director

Published 3/26 & 4/02/81.

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22-2349

MC CULLOCH, ELVIN &/or LOIS

P.O. BOX 95, TETONIA, ID 83452

Source: TETON RIVER tributary to SNAKE RIVER

Date Filed: 03/12/1981

Amount: 18.00 CFS

Diversion Point: NWNE Sec 03 T 06N R 44E, TETON Co.

Use: IRRIGATION (18.00 CFS) from 04/01 to 11/01

Place of Use: NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW NESE NWSE
Sec 02 T 06N R 44E SWNE SENE NESE NWSE SWSE SESE
Sec 33 T 07N R 44E SWNE SENE SWNW SENW NESW NWSW SWSW SESW NESE
NWSE SWSE SESE Sec 34 T 07N R 44E FOR 919 ACRES

Diversion Means: PUMPS & PIPELINE.

RECEIVED