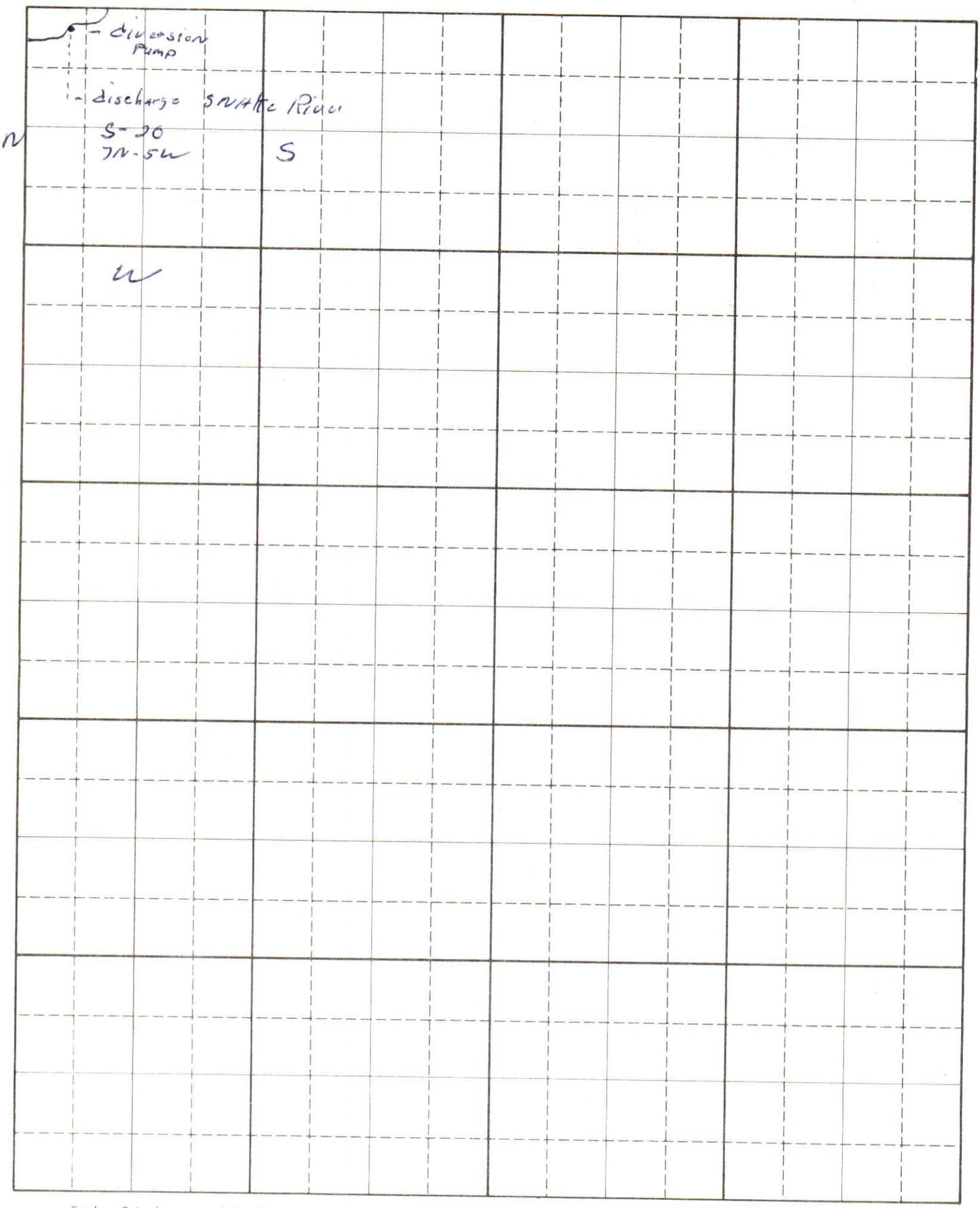
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Robert Hargrave
(Applicant)

No. 5368

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Payette }

I, Ann P. Curtis, being duly sworn, deposes and says:

That she is the principle clerk of THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at Payette, in the County of Payette and State of Idaho that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two (2) consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with June 10, 1976, and ending with the issue of June 17, 1976

Ann P. Curtis

Fee $ 11.52

Subscribed and sworn to before me this 18 day of June, 1976

Mary Jane Lee

Notary Public, Residing at Payette, Idaho.

My Commission Expires April 28, 1980

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that HENGGELER BROTHERS Fruitland, ID has on May 20, 1976 submitted Application No. 63-8311 for a permit to appropriate 0.34 cubic feet per second of water from springs trib to Snake River by means of a pump within the NE¼NE¼ Sec 20 T7N-R5W B.M., Payette County to be used from April 1 to October 1 for the irrigation of 17 acres within the E½NE¼ Sec 20 T7N-R5W B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before June 28, 1976.

R. KEITH HIGGINSON
Director

Published in the Independent Enterprise, Payette, ID on June 10, 1976 and June 17, 1976.

No. 5368 6-10-2tc

OK
6-21-76
RB

MICROFILMED

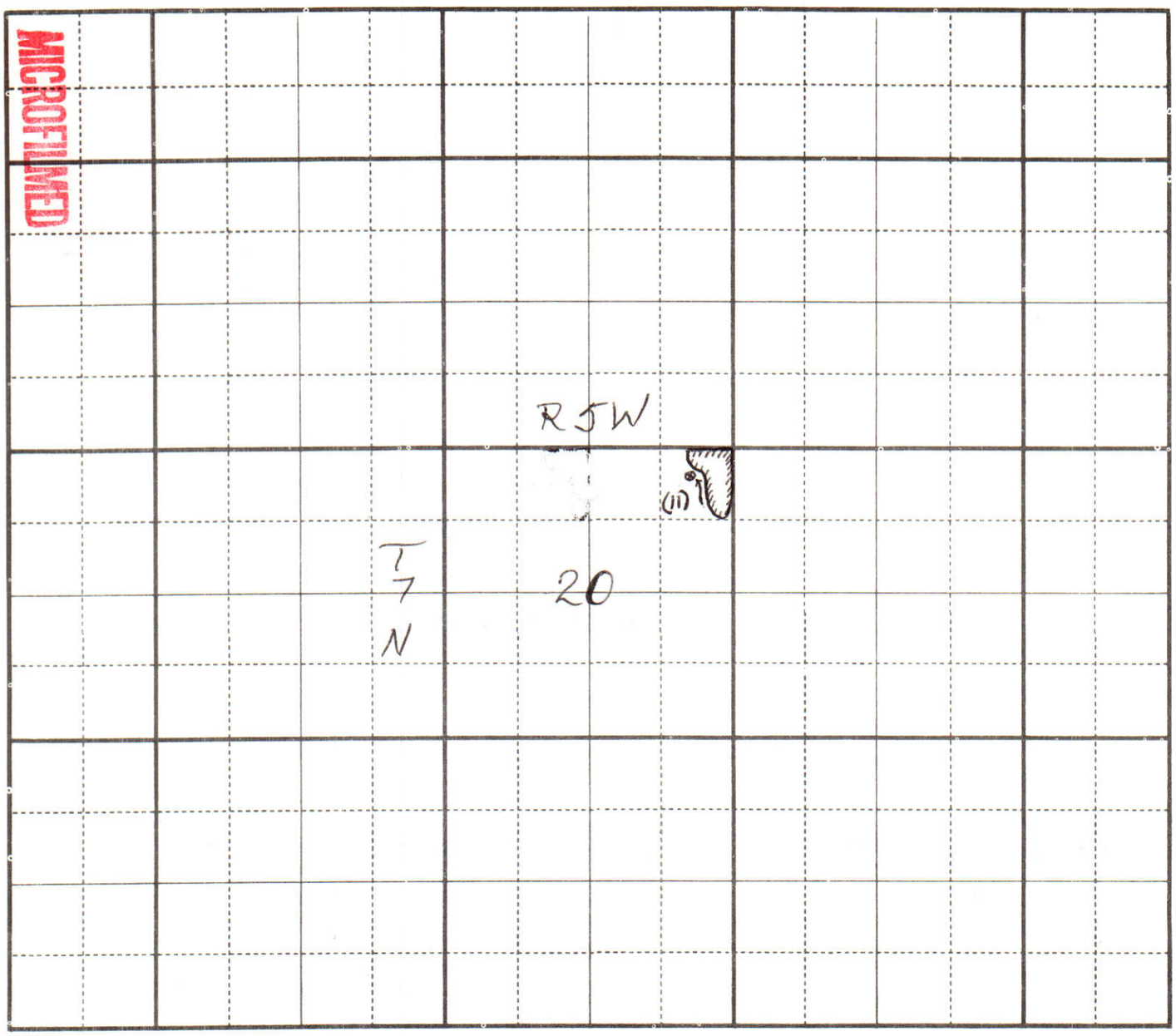


Diagram of System

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-8311 Priority May 20, 1976 Amount 0.20 cfs

THIS IS TO CERTIFY, that Henggeler Bros.

of Fruitland, Idaho, has complied with the terms and conditions of Permit No. 63-8311 issued pursuant to Application for Permit dated May 20, 1976, and has submitted proof to the Department of Water Resources on April 14, 1980, 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 0.20 cfs of water from springs, tributary to Snake River, 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 March 15 to November 15	at 0.20 cfs and	49.5 acre feet
	from	at cfs and	
	from	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.20 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 49.5 acre feet per year, said waters to be diverted within the NE¼NE¼, Section 20, Twp 7N, Rge 5W in the County of Payette.

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	5W	20	11																11

Total number of acres irrigated 11

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, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27TH day of April, 19 84.

Acting for the Director

Norman C Young

WATER RIGHT

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING DEVICE REQUIREMENT FOR PERMIT NO. 63-8311	ORDER

WHEREAS, it has been determined by the Department of Water Resources that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from said permit.

Dated this 28th day of August, 1978.

L. Glen Saxton

L. GLEN SAXTON

Chief, Operations Bureau

MICROFILMED

Identification No. _____

Application No. 63-8311

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Henggeler Bros Phone: 452-3201
   post office address Rt #1 Fruitland, Idaho
2. Source of water supply Springs which is a tributary of Snake River
3. a. Location of point of diversion is NE ¼ of NE ¼ of Section 20 Township 7N
   Range 5W B.M. Payette County; additional points of diversion if any: Springs flow into diversion from NE¼ of NE¼ and a portion of SE¼ of NE¼ within the North 18 acres owned by Henggeler Bros. GMH 7/13/76
   b. If water is not consumed, it will be discharged into Snake River at a point in ~~NE~~ NW ¼ of NE ¼ of Section 20 Township 7N Range 5W B.M. GMH 7/13/76
4. Water will be used for the following purposes:
   Amount .34 (cfs or acre-feet per annum) for Irrigation purpose from April to Oct 1 (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated:
   a. .34 cubic feet per second and/or
   b. _____ acre feet per annum.
6. Proposed diverting works:
   a. Description of ditches, flumes, pumps, headgates, etc. Pump diverting from live stream NE¼, NE¼ at S-20 7N, 5W B.M
   b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
   Period of year during which storage will occur _____ (Mo. Day) to _____ (Mo. Day) inclusive.
   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
   b. Estimated construction cost is $ ~~2500.00~~ 0.
8. Description of proposed uses:
   a. If water is **not** for irrigation:
      (1) Give the place of use of water: _____ ¼ of _____ ¼ of Section _____ Township _____ Range _____ B.M.
      (2) Amount of power to be generated: _____ hp under _____ feet of head.
      (3) List number of each kind of livestock to be watered _____
      (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
      (5) If water is to be used for other purposes describe: _____

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	
7N	5W	20	15			2													17

Total number of acres to be irrigated 17

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

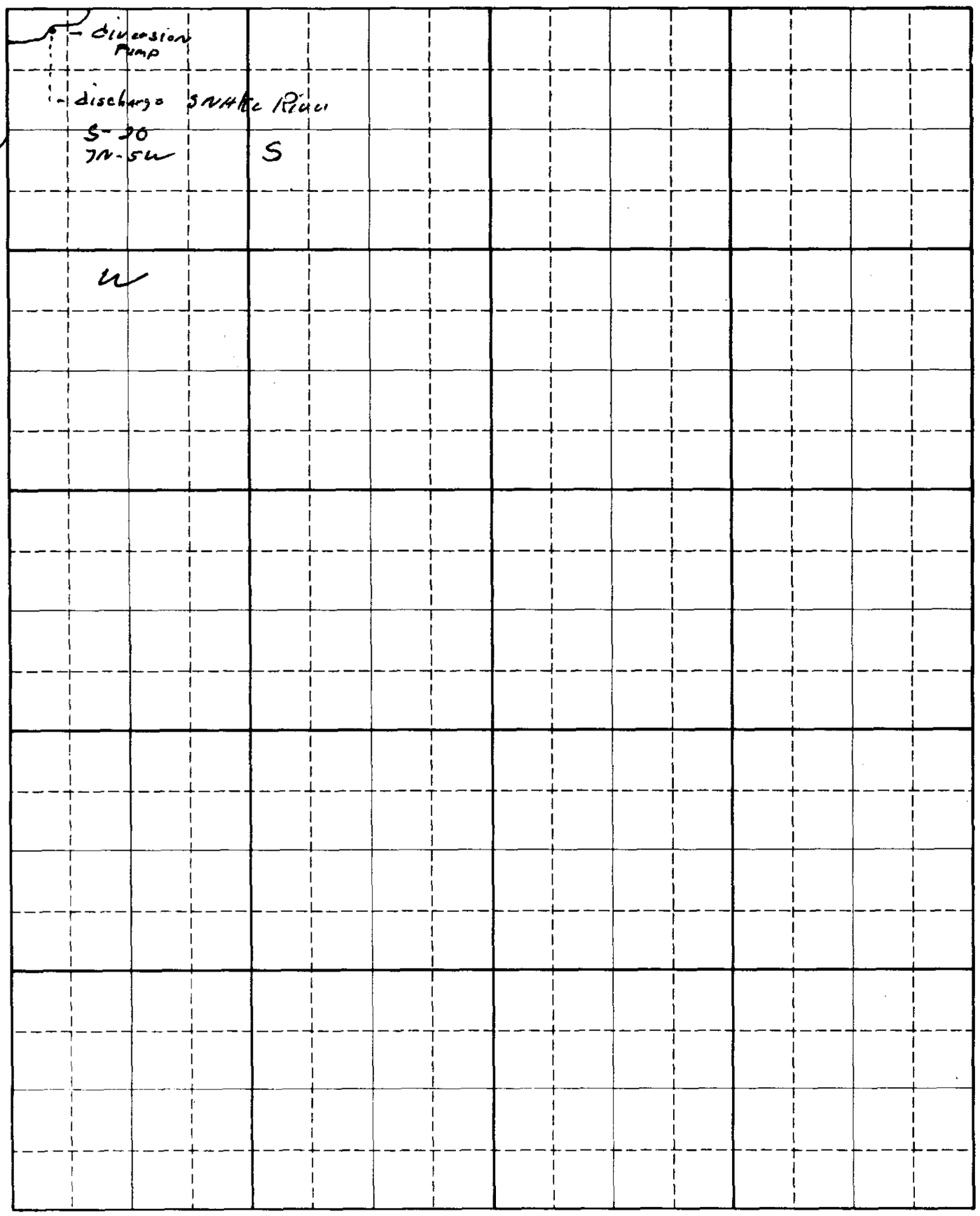
9. a. Who owns the property at the point of diversion Heaggelen Bros

b. Who owns the land to be irrigated or place of use Heaggelen Bros

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

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.

Robert Hemyckes
(Applicant)

Proposed Priority 5-20-76

Received by DLB Date 5-20-76 Time 2:50pm

Preliminary check by PJC Fee $ 25.00 Rec. No. 3790

Receipted by RB Date 5-20-76

Publication prepared by RB Date 6-3-76

Published in Independent Enterprise

Publication dates June 10 + 17

Publication approved RB Date 6-21-76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by RB 6-21-76

Hearing held by LGS + BDF Date 7-13-76

Recommended for (approval) denial by DRT

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. 63-8311, 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 July 1, 1981.

   c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 19 day of July 1976.

Director

No. 5368

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Payette }

I, Ann P. Curtis, being duly sworn, deposes and says:

That I he is the principle clerk of THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at Payette, in the County of Payette and State of Idaho that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for ~~two~~ (2) consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with June 10, 1976, and ending with the issue of June 17, 1976

Ann P. Curtis

Fee $ 11.52

OK 6-21-76 RB

Subscribed and sworn to before me this 18 day of June, 1976

Mary Jane Lee

Notary Public, Residing at Payette, Idaho.

My Commission Expires April 28, 1980

WATER RIGHT NUMBER 63-8311

OWNER LAST NAME - HENGGELER BROTHERS FIRST NAME - ORIG OWNER -
ADDRESS LINE 1 - RT. 1 ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - FRUITLAND STATE - ID ZIP CODE - 83619
SOURCE - SPRINGS TRIBUTARY OF - SNAKE RIVER
STAGE - LICENSE STATUS - PRIORITY - 05-20-1976 COUNTY - PAYETTE TOTAL DIV. RATE - .2000 -CFS
TOTAL DIV. VOLUME - 49.50 AFA TRFR/AMEND - WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - NENE 20 07N 05W LOT REDIV - 272.0 305.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.3
FROM - 03-15 TO - 11-15 USE - IRRIGATION USE DIV. RATE - .2000 CFS USE DIV. VOLUME - 49.50 AFA
USE - IRRIGATION PLACE OF USE - TWN 07N RNG 05W SEC 20 TRACT NENE LOT AC 11
DECREE NAME - DATE - TOTAL ACRES 11
REMARKS -
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - 07-01-1981 PERMIT/DENIED - 07-19-1976 PROTESTED - HEARING - OLD NO. -
PROOF MADE - P FLD EXAM - COND. OF APPROVAL -
DIVERSION MEANS - PUMP & PIPELINES.

May 1, 1984

RE: Permit No. 63-8311

Henggeler Bros.
Route 1
Fruitland, ID 83619

Gentlemen:

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

April 3, 1984

RE: Permit No. 63-8311

Henggeler Bros.
Route 1
Fruitland, ID 83619

Gentlemen:
A representative of this Department has made an examination of the works covered by your Permit No. 63-8311 , and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 0.20 cfs Source: springs trib to Snake River

s

The maximum quantity diverted shall not exceed 49.5 acre feet per year.

Point(s) of diversion: NE¼NE¼, Sect 20, Twp 7N, Rge 6W

Beneficial Use: Irrigation of 11 acres within NE¼NE¼, Sec. 20, Twp 7N, Rge 5W

Priority date established: May 20, 1976

Conditions (if any):

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

MICROFILMED

DEPARTMENT OF WATER RESOURCE

FIELD REPORT

Permit No. 63-8311

Examination for

1. Name of permit holder HENGGELER BROS.

Post office address RT. 1, FRUITLAND, ID 83619 Phone 452-4627

Person to contact BOB HENGGELER Phone

2. Source of water supply: Groundwater ☐ Surface water ☒ SPRINGS (name spring, stream, etc.)

Tributary to SNAKE RIVER

3. Water will be used for the following purposes:

Amount .34 c.f.s. for IRRIGATION
AF/Annum (nature of use)

Period of Use: from 4/1 to 10/1
(mo.-day) inclusive (mo.-day)

Amount c.f.s. for
AF/Annum (nature of use)

Period of Use: from to
(mo.-day) inclusive (mo.-day)

Amount c.f.s. for
AF/Annum (nature of use)

Period of Use: from to
(mo.-day) inclusive (mo.-day)

Other uses:

4. Total amount to be appropriated:

Max Rate of Diversion .34 cubic feet per second and annual volume AF/Annum.

5. Location of Point(s) of Diversion:

Township 7N N/S, Range 5W E/W, B.M., Section 20, Subdivision NE ¼ NE ¼, PAYETTE County

Township N/S, Range E/W, B.M., Section, Subdivision ¼ ¼, County

Township N/S, Range E/W, B.M., Section, Subdivision ¼ ¼, County

Other Points of Diversions:

Description of diverting works: PUMP & PIPELINE

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	5W	20	15			2													17

TOTAL ACREAGE 17

MICROFILMED

MICROFILMED

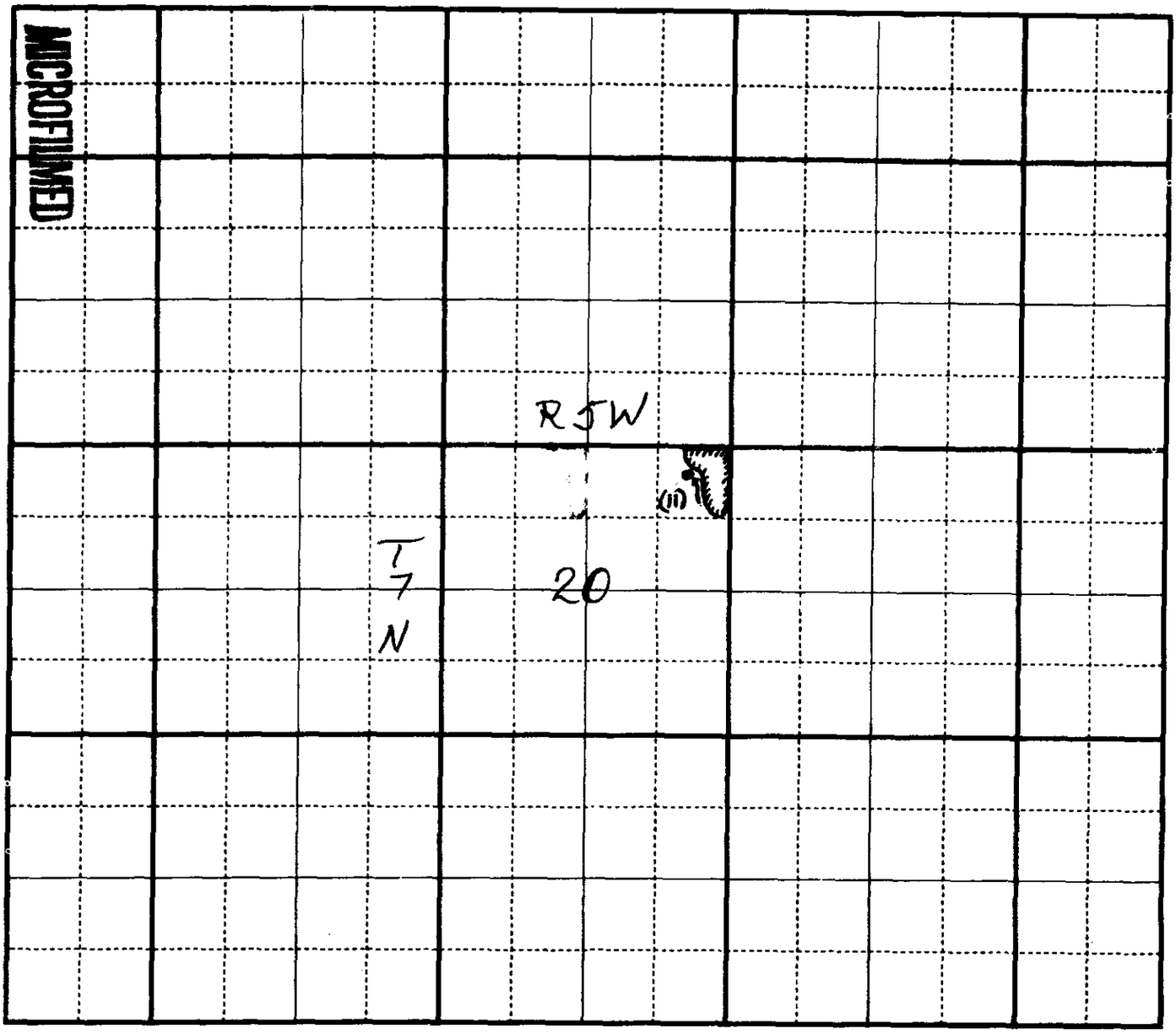


Diagram of System

DATE OF EXAM 4/29/80

ACREAGE
Found 11 ✓
Recommended 11 ✓

Irrigation Requirement 4.5 ✓ Ac Ft/Ac

USE
✓Irrigation Q= .20 ✓ c.f.s. V= 49.5 ✓ AF/Ann. from 3/15 ✓ to 11/15 ✓ 245 days
Domestic Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____
Livestock Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____

Is water co-mingled? yes____ no X

Name source: _____
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼_____¼_____
County

Exchange? yes____ no X

Name source exchanged with: _____
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼_____¼_____
County

Point of injection:
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼_____¼_____
County

Point of exchange:
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼_____¼_____
County

Total Q measured ✓.20 cfs Method of measurement Staff gauge

Total Q recommended ✓.20 Meter No._____ Type_____ Condition _____

Total V recommended 49.5 ✓

V= 11 acres x 4.5 = 49.5 AF ✓
V= .2 x 1.9835 x 245 = 97.2 AF

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
(None) X

MEASUREMENT CALCULATION:
Cipolletti Weir measurements with staff gauge .14
.15
Head @ 0.15 ft. = 1 ft. = 0.195 ≈ 0.20cfs .16
per water measurement bulletin
$\bar{x}$ = .15 = .20 cfs ✓

SYSTEM DESCRIPTION:
Interception ditch, diversion dam, pump & pipelines

REMARKS:

MICROFILMED

Examiner's Signature _____ Date 4/29/80

Checked by DBS Date 5/12/80

Approved by Kay Walker Date 2-21-84

as per microfiche 2/21
no p/d overlap
p/u → 63-3628 (Nurd Gulch) 26 acres - no overlap

3/79

IDENT. NO. 63-8311

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

Initials	Date	Item
		Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
[illegible]	9-10-84	Keypunched by State Office
D.W.	6/1/84	License update

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

Sept. 2, 1980

Dear Wateruser:

The enclosed Order removes the measuring device requirement as a condition of approval from your permit.

If you have installed the measuring device, the field examination can be more expediently conducted by the Department's field examiner. In addition you will derive benefit from water management information which may be obtained from the installed meter.

If you have questions regarding this matter, please contact this office or one of our Regional Offices.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

LGS:jg

Enclosure

Northern Region Office
Rt. #5 Box 203, Government Way
Coeur d'Alene, Idaho 83814

Eastern Region Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Southern Region Office
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301

Western Region Office
92 South Cole Road
Boise, Idaho 83705

MICROFILMED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 63-8314

Name(s) of Permit Holder: Robert M & Dorothy J Heaggclen Family Trust

Post Office Address: Whitley Drive

Source of Water: _____

Extent of Use:
- ☐ Domestic _____ (number of households)
- ☐ Stockwater _____ (number and type of animals)
- ☒ Irrigation _____ (acres)
- ☒ Other Wildlife Nov 30 Jan 31

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

Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

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

4/2/80
Date

Robert Heaggclen
Signature of Permit Holder

Robert Hanggeler
Whitley Drive
Fruitland, Idaho 83619

BOISE, ID
APR
1980

RECEIVED
APR 14 1980
Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

(Office at the corner of
Franklin and Cole Roads)

(208) 384-2190

April 29, 1980

Robert M. &/or Gerald J. Menggaler
Rt. 1
Fruitland, ID 83619

RE: Permit 63-8311

Dear Gentlemen:

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 examination of your system has been scheduled for

_____.

If this time and date is not convenient for you, please contact this office as soon as possible.

☒ 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.

Sincerely,

Kay Walker

Kay Walker
Secretary

MICROFILMED

July 20, 1976

Re: Permit No. 63-8311

Henggeler Brothers
Rt. #1
Fruitland, ID 83619

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 63-8311. We direct your attention to the conditions of approval as listed on the fourth page.

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

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit

We, the undersigned hereby withdraw our protests against the approval of application 63-8311 in the name of Henggeler Brothers based on the facts and information presented at the conference held July 13, 1976 in the Payette County Courthouse.

Signed at Payette, Idaho on the 13th day of July 1976.

x W. Buell Clement

x

June 23-76.

RECEIVED

I Richard E. Camlia and Clara Camlia, protest the application no 63-8311 on the basis that the applic if approved would reduce the quantity of water under existing water rights.

Richard Camlia
and
Clara Camlia

Rt 1 Box 172
Fruitland, Idaho

JUN [illegible] 1976

Department of Water Resources

Protest

H. Buel Clement
Route #2
New Plymouth, Idaho 83655

June 22, 1976

R. Keith Higginson
Idaho Dept. of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources:

I, H. Buel Clement hereby protest Application No. 63-8311 on the basis that the application, if approved, would reduce the quantity of water under existing water rights.

Yours sincerely,

H. Buel Clement

378-3089

[redacted] 19[illegible]

NEW PLYMOUTH, IDAHO

JUNE 16, 1976

Department of Water Resources:

I H. Bruce Clement hereby protest Application No. 63-8311 on the basis that the application if approved would reduce the quantity of water under existing water rights.

Yours Sincerely

H. Bruce Clement

valid protest

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item	Initial	Date	
			Application No. 63-8311
			✓ Source
			✓ Point of Diversion
			✓ County
			✓ Quantity of Water and Period of Use
			✓ Description of Diverting Works
			✓ Time required for B/U of water
			✓ Place of Use or Acres Irrigated
			✓ Map
			✓ Signature
			✓ Fee
(1)	PJC	5-21-76	In form to receipt
(2)			Send Copies to:
			_____ Idaho State Health Department
			_____ Idaho Fish and Game Department
			_____ Bureau of Land Management
(3)	P		_____ Request Special Use Permit from U.S.F.S.
			_____ Request Easement from B.L.M.
			_____ Request Information from Applicant
(4)	PJC	5-21-76	In form for advertising
(5)			Platted on Map No._____
(6)			Located within Water District No._____
(7)			Critical groundwater area: yes_____ no_____
(8)			Groundwater levels: N/A
			_____ Declining, _____ Stable, _____ Increasing
			(comment)_____
(9)			Other rights on the same place of use
(10)			Comments:_____
(11)			Affidavit of Publication received(date) 6-21-76
(12)	TH	6-21-76	Final date for protests 6-21-76
			Protests received: yes ✓ no Protest withdrawn
(13)			All requested information received from agencies or applicant: yes_____ no_____
(14)			Action recommended:
			✓ Approve _____ Deny
			_____ Proposed Priority
			_____ Reason for Reduction_____
			✓ Measuring device required
			_____ See attached sheet for other conditions of approval
			_____ No special conditions for approval
(15)	District W		By TH Date 7-14-76

June 22, 1976

County Clerk
Payette County Courthouse
Payette, ID 83661

Dear Clerk:

This is to confirm use of the juryroom for conference and/or hearing to be held by this office on Tuesday, July 13, 1976 at 10:00 a.m.

Thank you for your cooperation.

Sincerely,

RITA BENDELE
Senior Clerk

RB

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL OF THE APPLICATION FOR PERMIT NO. 63-8311 in the name of HENGGELER BROTHERS	NOTICE OF CONFERENCE AND/OR HEARING

On May 20, 1976, Robert Henggeler filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On June 17, 1976, the Department received a protest against approval of said application from H. Buel Clement.

The Department has set the matter of protest for conference and/or hearing for Tuesday, July 13, 1976, at 10:00 a.m., in the juryroom of the Payette County Courthouse, Payette, 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 Resources. 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 period.

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

Dated this 22nd day of June, 1976.

L. Glen Saxton

L. GLEN SAXTON, P.E.
Western Regional Supervisor

PS Form 3877 - Feb. 1975 ACCEPTANCE OF REGISTERED, INSURED, C.O.D., AND CERTIFIED MAIL

NAME AND ADDRESS OF SENDER: DEPARTMENT OF WATER RESOURCES
Western Region

Indicate type of mail
☐ REGISTERED ☐ COD
☐ INSURED ☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
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1											
2	139153	Robert Henggeler, Rt. 1, Fruitland, ID 83619									63 8311
3	139154	H. Buel Clement, New Plymouth, ID 83655									"
4											
5		Sent by GB 6-22-76				16					
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FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

June 21, 1976

Re: Application for Permit No. 63-8311
Henggeler Brothers

Robert Henggeler
Route 1
Fruitland, ID 83619

Dear Mr. Henggeler:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 63- 8311. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?

2. Is the proposed water supply insufficient for the purposes intended?

3. Is the application made in good faith or for delay or speculative purposes?

4. Has the applicant sufficient financial resources with which to complete the project?

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

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest.

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

Sincerely,

L. GLEN SAXTON
Western Regional Supervisor

LGS:rb

Enc.

cc: State office

June 21, 1976

Re: Application for Permit No. 63-8311
Henggeler Brothers

H. Buel Clement
New Plymouth,
Idaho 83655

Dear Mr. Clement:

This office acknowledges receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proporsed use reduce the quantity of water under existing water rights?

2. Is the proposed water supply insufficient for the purposes intended?

3. Is the application made in good faith or for delay or speculative purposes?

4. Has the applicant sufficient financial resources with which to complete the project?

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

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

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

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rb

bc: State Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

June 3, 1976

Re: Notice of Application for Water Permit No. 63-8311 - Hanggeler Brothers
63-8319 - Allan &/or Erma Jones

Independent Enterprise
Box 348
Payette, ID 83661

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for 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. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear in the bill:

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

_____
(Signature of Claimant)

Bill submitted
6-21-76
RB

Sincerely,

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that HUGGELER BROTHERS

Fruitland, ID

has on May 20, 1976 submitted Application No. 63-8311

for a permit to appropriate 0.34 cubic feet per second ~~acre feet~~

~~per annum~~ of water from springs trib to Snake River

by means of a pump

within the NE¼NE¼ Sec 20 T7N-R5W B.M., Payette County

to be used from April 1 to October 1

for the irrigation of 17 acres

within the E½NE¼ Sec 20 T7N-R5W B.M.

.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before June 28, 1976.

R. KEITH HIGGINSON

Director

Published in the Independent Enterprise, Payette, ID

on June 10, 1976 and June 17, 1976.

June 1, 1976

Re: Application for Permit No. 63-8311 - Henggeler Brothers

Robert Henggeler
Route 1
Fruitland, ID 83619

Dear Mr. Henggeler:

A review of the above referenced application which was filed on May 20, 1976 raises several questions that should be clarified.

The source shown on the application is a spring and the location of the point of diversion is proposed within the NE¼NE¼ Sec 20 T7N-R5W. In Item 6a of the application, however, you state that you intend to pump from a live stream in the NE¼NE¼ Sec 20 T7N-R5W. In view of the other application which you filed with the source as Hurd Gulch, I think it is worthwhile to point out that the above referenced application as filed does not anticipate any pump diversion in Hurd Gulch itself or the pumping of water from Hurd Gulch since Hurd Gulch does not flow thru the NE¼NE¼ Sec 20 T7N-R5W and water from Hurd Gulch has not been applied for.

If in fact, you do not intend to pump Hurd Gulch water or from Hurd Gulch itself, there is no need to respond to this letter; since your intentions and my interpretation of the application will be the same. If in fact, however, you do intend to pump from Hurd Gulch or water from Hurd Gulch it will be necessary to modify the above referenced application from the form in which it has been filed.

If you have any questions concerning this matter, please contact this office.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rb

63-8311 - HENGGELER BROTHERS

Juryroom, Payette County Courthouse, Payette, Idaho

Tuesday, July 13, 1976 - 10:00 A.M.

ROSTER OF ATTENDANCE

Name	Address	Representing
W. Bruce Clement	Rt. 2. Box Plymouth	Protestant
Richard Campbell	Rt 1 Fruitland	Protestant
Calvin Conner	Rt 1 Fruitland	Protestant Witness
Robert Henggeler Henggeler Bros.	Rt 1 Fruitland, Ida	Applicant
Doyle Granden (Granden)	Rt 1 Fruitland	witness