

IN THE MATTER OF PERMIT NO. 45-07656)
)
) **ORDER OF**
IN THE NAME OF ENNIS MATTHEWS) **REINSTATEMENT**
)

JAN 30 1996

FOR OFFICE USE ONLY
 Amt. of Fee \$: 50.00
 Receipt No. 5018744
 Receipt By: J. E. Stanton
 Date Received: 12-37-95

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

**Department of Water Resources
Southern Region**

DEC 29 1995

PROOF OF BENEFICIAL USE

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

1. Permit No. 45-07656 Telephone No. 862-3239

2. Name(s) of Permit Holder(s): Ennis Matthews

3. Mailing Address: Rt 1 Box D, Oakley, ID 83346

4. Source of Water: Spring If **GROUNDWATER** (well), Date Drilled: mo. / yr.

a. Well Driller: _____ Drilling Permit Number: - - -

b. **OPTIONAL:**
 Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): Stockwater (No. and type of stock): 200 range cattle

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: **0.02** cfs OR acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No ✓
Has the measuring device been installed? Yes _____ or No ✓

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No ☒
Has the measurement port been installed? Yes _____ or No ☒

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Robert Manning Telephone Number: 862-3884

Address: RT. 1, Oakley, ID

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Ernie B. Matthews Date: 12/27/95
(include your title, if on behalf of company or organization)

Date: 12/27/95

JAN 30 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 45-07656

Proposed Priority: June 26, 1989

Maximum Diversion Rate:

0.07 CFS

This is to certify, that **ENNIS MATTHEWS**
RT 1 BOX D
OAKLEY ID 83346

has applied for a permit to appropriate water from:

SPRING

tributary of **SINKS**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

STOCKWATER

01/01 to 12/31

0.07 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENWNE , Sec. 29, Township 14S, Range 23E
CASSIA County

PLACE OF USE: STOCKWATER

TWN RGE SEC

14S 23E 30

NENE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **December 1, 1995.**
2. Subject to all prior water rights.
3. The issuance of this right in no way grants any right-of-way or easement across the land of another.
4. Stockwater use is for 200 range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

2nd day of December, 1994.

R. Keith Higginson
for R. Keith Higginson, Director

RECEIVED

DEC 19 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Ennis Matthews Phone 862-3209
Post office address Route 1 Box D, Oakley, ID 83346
2. Source of water supply SPRING which is a tributary of SINKS
3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 29 Township 14S. Range 23E. B.M. CASSIA County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .07 for Stockwater purposes from Jan 1 to Dec 31 (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 is (a) 0.07 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. _____
Collector Box with pipeline to troughs
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
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).

DEC 19 1994

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 200 Range
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14S.	23E.	30	S																

Total number of acres to be irrigated 0

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

NONE

11. a. Who owns the property at the point of diversion? BLM

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. _____

BLM is trying to develop this for stockwater.

12. Remarks: _____

DEC 19 1994

23E.

145

SEC
36

SEC.
29

PC

PP

JEEP TRAIL

A full-page sheet of white graph paper with a black grid. The grid consists of small squares. In the bottom right corner, there is a faint, dark stamp that appears to say "DEC 1979".

DEC 19 1994

Ernie B. Hawthorn
(Applicant)

Received by SCC Date 6/26/89 Time 3:45 pm Preliminary check by DRJ
Fee \$ 30.00 Received by SCC # 5008353 Date 6/26/89
Publication prepared by M. Baldwin Date 7/11/89 Published in S. ID. Press
Publication ^{checked} approved M. Baldwin Date 8/23/89

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. _____, and said application is hereby _____.

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 _____, 19 ____.
- 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. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

DEC 19 1994

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.

Cheryl Blauer being first
duly sworn, deposes and says that he is the

clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for two (2) consecutive weeks, commencing with the issue

dated July 18, 1989, and ending

with the issue dated July 25, 1989.

Cheryl Blauer

STATE OF IDAHO

COUNTY OF

On this 7th day of August, 1989, before me, a Notary Public, personally appeared Cheryl Blauer, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Margaret [unclear]
Notary Public for Idaho.
Residing at Burley, Idaho.
My commission expires: 11/1/91

ad run wrong date

Cost of Publication 24.96
Notary Fee 5.00
Total Cost 29.96

OK
MB
8/23/89

RECEIVED

AUG - 9 1989

Department of Water Resources
Southern Region Office

DEC 19 1994

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
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consecutive weeks, commencing with the issue
dated July 18, 1989, and ending
with the issue dated July 25, 1989.

Cheryl Blauer

89-367

NOTICE OF APPLICATION FOR WA-
TER RIGHTS

The following application(s) have been
filed to appropriate the public waters of
the State of Idaho:

45-07656

MATTHEWS, ENNIS

RT. 1 BOX D

OAKLEY, ID 83346

Source: SPRING

Tributary: SINKS

Diversion Pt: NENWNE Sec 29 T 14S R
23E

Use: STOCKWATER (.070 CFS)

Date Filed: 6/26/1989

In: T14S R23E S30 NENE

The permit(s) will be subject to all prior
water rights. Protests must be filed with
the Director, Dept. of Water Resources,
Southern Region, 2148 4th Avenue East,
Twin Falls, Idaho 83301 on or before AU-
GUST 7, 1989.

/s/R. KEITH HIGGINSON, Director
Published in the South Idaho Press on
July 18 and 25, 1989.

STATE OF IDAHO

COUNTY OF

On this 7th day of August, in the year of 1989, before me,
a Notary Public, personally appeared Cheryl Blauer,
known or identified to me to be the person whose name subscribed to the within instrument,
and being by me first duly sworn, declared that the statements therein are true, and
acknowledged to me that he executed the same.

Notary Public for Idaho.

Residing at

My commission expires:

Cost of Publication 24.96

Notary Fee 50

Total Cost 25.46

OK
MB
8/23/89

ad run wrong date

RECEIVED

AUG - 9 1989

Department of Water Resources
Southern Region Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 4, 1996

ENNIS MATTHEWS
RT 1 BOX D
OAKLEY ID 83346

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 45-07656

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating your permit since proof of beneficial use was received after the proof due date. Please note that the priority date has been advanced to July 22, 1989.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning the field examination, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208) 736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

RECEIVED

JAN 30 1996

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

December 8, 1995

ENNIS MATTHEWS
RT 1 BOX D
OAKLEY ID 83346

LAPSE NOTICE

RE: PERMIT NO. 45-07656

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated September 30, 1995. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

JAN 30 1996

CERTIFICATION OF MAILING

I hereby certify that on 12-8-95
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

September 30, 1995

ENNIS MATTHEWS
RT 1 BOX D
OAKLEY ID 83346

PROOF DUE NOTICE

RE: PERMIT NO. 45-07656

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1995.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

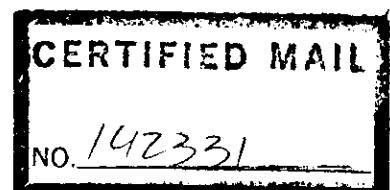
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED

JAN 30 1996





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 5, 1994

ENNIS MATTHEWS
RT 1 BOX D
OAKLEY ID 83346

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 45-07656

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over a horizontal line.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

DEC 19 1994



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Burley District Office

Route 3, Box 1

Burley, Idaho 83318

TAKE
PRIDE IN
AMERICA

IN REPLY REFER TO:

4340 (020)

October 26, 1994

State of Idaho
Department of Water Resources
Attention: L. Glen Saxton
1301 North Orchard Street, Statehouse Mail
Boise, ID 83720-9000

RECEIVED
OCT 27 1994
Department of Water Resources

Dear Mr. Saxton:

You recently wrote to Mr. Ennis Matthews of Oakley, ID regarding his application for a water permit No. 45-07656 filed on July 26, 1989. In that letter, you refer to correspondence received by your office from Ted Milesnick, then Snake River Area Manager, dated November 8, 1989. Mr. Milesnick indicated in the letter that Mr. Matthews had agreed to all the conditions the BLM would impose on the proposed development and that BLM considered the protest resolved pending Mr. Matthews obtaining a legal right-of-way for the pipeline. The letter also stated that Mr. Matthews had requested that the BLM inform your office of the terms of the resolution. Unfortunately, no one ever followed up on this by informing your office that he had signed a cooperative agreement authorizing construction of the pipeline on public land and that the proposal had been rerouted so that a right-of-way across private land was not necessary. Needless to say, when Mr. Matthews received your letter, he was very confused having considered the matter resolved since 1989.

The diversion and pipeline were constructed on public land by BLM personnel in 1991. I hope this information is sufficient for you to act on the application. If you have further questions, please contact Steve Davis of my staff at 678-5514.

Sincerely,

Tom Dyer
Snake River Area Manager

DEC 19 1994

MEMORANDUM

To: File 45-07656
From: L. Glen Saxton 
RE: **RESPONSE TO DEPT LETTER DATED SEPTEMBER 27, 1994**
Date: October 26, 1994

Steve Davis of the Burley office of the BLM called me today and advised that the BLM is sending a letter withdrawing BLM's protest and advising that the matter is resolved from the BLM's standpoint.

Upon receipt of the letter, the department should review the file for permit issuance.

Upon permit issuance, the protest date needs to be removed from the department's data base.

1994 19 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

September 27, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Ennis Matthews
Rt 1, Box D
Oakley, ID 83346

RE: PROTESTED APPLICATION FOR PERMIT NO. 45-07656

Dear Mr. Matthews:

The department of Water Resources (IDWR) is currently reviewing protested applications for permit which are pending before the department. Our files show that you filed the above referenced application on June 26, 1989 proposing the diversion of 0.07 cubic feet per second of water from a spring to be used year-round for stockwater purposes. The application was subsequently protested by the BLM. The file also indicates that the BLM would withdraw their protest as soon as you obtained a right-of-way for the proposed pipeline.

Since substantial time has passed subsequent to the filing of the application, it appears that one of two potential actions needs to occur in connection with the application as follows:

1. If you are no longer actively pursuing the development proposed in the application, please complete and return the enclosed relinquishment form. IDWR will then remove the application from IDWR records.
2. If you are actively pursuing the proposed development, you need to specifically advise IDWR in writing of your continued interest within thirty (30) days of the date of this letter. In addition, you must provide information to IDWR within sixty (60) days of the date of this letter to demonstrate that you have been actively seeking the right-of-way with the BLM.

If you do not timely respond to this letter or do not make a sufficient showing that you have been pursuing the proposed project, the department will reject the application pursuant to provisions of Section 42-203A(5), Idaho Code, as being filed for speculative purposes. If you do timely respond and provide the required information, the department will schedule a hearing, if appropriate. Feel free to contact this office if you have questions.

Sincerely,


L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

DEC 19 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

13-Nov-1989

R. KEITH HIGGINSON
Director

Ennis Matthews
Rt. 1 Box D
Oakley, ID 83346

Re: Application for permit 45-07656

Dear Mr. Matthews:

This office has been informed by Ted Milesnick of the BLM Burley District that you have met and resolved the issues surrounding the protest against your application.

Therefore, we will not schedule the matter for conference as planned, but will hold the application until you finish the process of gaining a right-of-way for the proposed pipeline.

BLM indicates that the protest will be withdrawn once a right-of-way is obtained.

Very Truly yours,

Loren O. Holmes
Loren O. Holmes, P. E.
Southern Region Manager

DEC 18 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

13-Nov-1989

Ted Milesnick
Bureau of Land Management
Burley District
Rt. 3 Box 1
Burley, ID 83318

Re: Application for permit No. 45-07656, Ennis Matthews

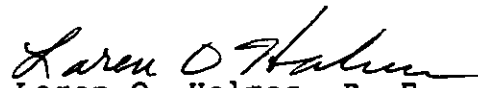
Dear Mr. Milesnick:

We have received your letter dated November 8, 1989 regarding your meeting with Mr. Matthews.

We will not set the matter for conference as originally planned but will hold the application pending issuance of a right-of-way for the proposed pipeline on public land.

Please let us know when the right-of-way is complete so we can proceed with the water right application.

Very Truly yours,


Loren O. Holmes, P. E.
Southern Region Manager

DEC 18 1989



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Burley District
Route 3, Box 1
Burley, Idaho 83318

IN REPLY
REFERTO: 7250

November 8, 1989

RECEIVED

NOV 9 1989

Department of Water Resources
Southern Region Office

Mr. Loren Holmes
Director, Department of Water Resources
Southern Region
2148 4th Avenue East
Twin Falls, Idaho 83301

Dear Mr. Holmes:

This letter is intended to inform your Department of negotiations between Ennis Mathews and the Burley District Bureau of Land Management, regarding the Bureau's protest of Mr. Mathews application for Water right #45-07656. Mr. Mathews came into our office on the afternoon of 11/3 to discuss the matter. We informed him of the preparations both of us must make before we can allow the water diversion off of public land. Initially, the Bureau must first assess the environmental impacts of the proposal. Then Mr. Mathews must secure legal access across the private lands between the source and point of use, or assure that a route across public land is feasible. These things must be done before the Bureau can drop the protest and allow the diversion off public land.

We went on to discuss the minimal stipulations the Bureau would require on the development. This would include a valved diversion device at the source, and a float valve at the trough to conserve water, keeping any excess at the source for wetland maintenance and development. It was agreed that Mr. Mathews' proposal would benefit both the private and public lands by improving livestock distribution. It was also agreed the diverted waters would be used only within the allotment, and only during his traditional grazing periods.

Mr. Mathews agreed to the stipulations and obligations as discussed. He requested the Bureau inform IDWR of our terms of resolution as stated above. The BLM appreciates the assistance of IDWR in encouraging cooperation in this matter. We feel that the protest has been resolved, but request the granting of the permit to develop, be withheld until Mr. Mathews can secure a legal right-of-way for the proposed pipeline.

If you have any questions or require further details, feel free to contact Kirk Koch or myself at 678-5514.

Sincerely,

Ted S. Milesnick

Ted S. Milesnick,
Snake River Area Manager

cc: Ennis Mathews

18 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 30, 1989

Ted Milesnick
Bureau of Land Management
Burley District
Rt. 3 Box 1
Burley, ID 83318

Re: Application for permit No. 45-07656, Ennis Matthews

Dear Mr. Milesnick:

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

This office is tentatively scheduling the matter of protests for a pre-hearing conference for November 28, 1989. Notices formally setting the conference time and place will be mailed about November 13.

At such a conference, the following are the principal 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 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 proposed project?
- 5) Will the proposed use conflict with the local public interest?

DEC 19 1989

Page 2

Re: Application 45-07656, Ennis Matthews

October 30, 1989

The purpose of the pre-hearing conference is to determine whether the matter can be resolved without a formal hearing and, if a hearing is required, to formulate and simplify issues, obtain admission of fact and documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses and advise parties of the procedure which will be followed at the hearing to be scheduled.

If you have any questions, or if this office can be of assistance in this matter, please contact us.

Very Truly yours,



Loren O. Holmes, P. E.
Southern Region Manager

DEC 19 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 30, 1989

Ennis Matthews
Rt. 1 Box D
Oakley, ID 83346

Re: Application for permit No. 45-07656

Dear Mr. Matthews:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your above referenced application. The Department suggests you contact the protestant directly in an effort to determine nature of the protest and to attempt to resolve the protest.

This office is tentatively scheduling the matter of protests for a pre-hearing conference for November 28, 1989. Notices formally setting the conference time and place will be mailed about November 13.

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DEC 19 1989

Page 2

Re: Application 45-07656, Ennis Matthews

October 30, 1989

The purpose of the pre-hearing conference is to determine whether the matter can be resolved without a formal hearing and, if a hearing is required, to formulate and simplify issues, obtain admission of fact and documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses and advise parties of the procedure which will be followed at the hearing to be scheduled.

If you have any questions, or if this office can be of assistance in this matter, please contact us.

Very Truly yours,



Loren O. Holmes, P. E.
Southern Region Manager

RECEIVED
OCT 31 1989
19 1994



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Burley District
Route 3, Box 1
Burley, Idaho 83318

IN REPLY
REFER TO:

45-07656
45-7620

August 3, 1989

RECEIVED

AUG - 4 1989

Department of Water Resources
Southern Region Office

Mr. Loren Holmes
Director, Department of Water Resources
Southern Region
2148 4th Avenue East
Twin Falls, Idaho 83301

Dear Mr. Holmes:

The Burley District of the Bureau of Land Management wishes to file a protest on the application for permit #45-07656. This application proposes to divert water off the public lands that is under permit #45-7620 to the BLM, and has been developed by the BLM.

We have not been notified of this proposal by Ennis Mathews. Therefore we do not fully understand his intentions, and desire your department to hold the permit until we have the information to better assess this proposal's impacts to public land management.

Sincerely,

Ted Milesnick
Snake River Area Manager

DEC 19 1994

45-07656

MATTHEWS, ENNIS
RT. 1 BOX D
OAKLEY, ID 83346

Source: SPRING

Tributary: SINKS

Diversion Pt:

NENWNE Sec 29 T 14S R 23E

Use: STOCKWATER

(.070 CFS)

Date Filed: 6/26/1989

In: T14S R23E S30

NENE

DEC 19 1994



The permit(s) will be subject to all prior water rights. Protests must be filled with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before AUGUST 7, 1989.

R. KEITH HIGGINSON, Director

Published 7/20/1989 & 7/27/1989

DEC 19 1984

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed - appropriate the public waters of the State of Idaho:

DEC 19 1934

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

JULY 11, 1989

SOUTH IDAHO PRESS
BOX 190
BURLEY, ID 83318

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. 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 AUGUST 7, 1989.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECEIVED
DEC 19 1994

11-Jul-1989

Ennis Matthews
Rt. 1 Box D
Oakley, ID 83346

Re: Application for Permit No. 45-07656

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office will be advertising the application in the South Idaho Press on 7/20 & 7/27/89. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

DEC 19 1989