

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 45-07360

Priority: September 9, 1979

Maximum Diversion Rate: 10.40 CFS
Maximum Diversion Volume:¹ 7521.2 AF

This is to certify, that NOLAN VICTOR
1528 ADDISON AVE. E.
TWIN FALLS, ID 83301

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated October 20, 1978; and
has submitted Proof of Beneficial Use on September 11, 1985. An examination indicates
that the works have a diversion capacity of 10.400 cfs of water from:

TRAPPER CREEK

tributary to GOOSE CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	10.40 CFS	7521.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 34, Township 14S, Range 21E
CASSIA County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

14S 21E 34

SWNW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.
6. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.

MICROFILMED

SEP 12 1980

State of Idaho
Department of Water Resources

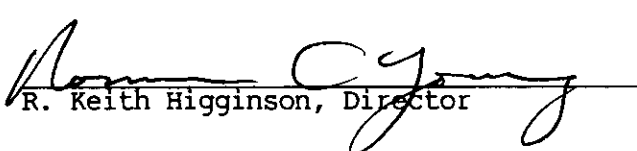
WATER RIGHT LICENSE
WATER RIGHT NO. 45-07360

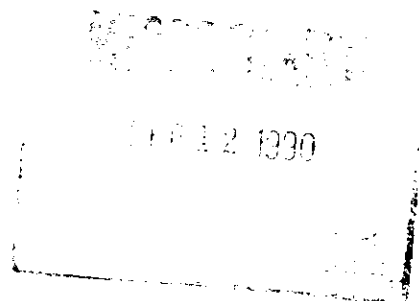
CONDITIONS/REMARKS:

7. Facility volume = 2.53 acre feet.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 31ST
day of AUGUST, 1990.

Acting for


R. Keith Higginson, Director



State of Idaho
Department of Water Resources

RECEIVED

AUG 20 1990

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 45-07360

Department of Water Resources

Date of Priority: September 9, 1979

Maximum Diversion Rate: 10.40 CFS
Maximum Diversion Volume: 7521.2 AF

Comes now NOLAN VICTOR
1528 ADDISON AVE. E.
TWIN FALLS, ID 83301

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 45-07360, and requests that the permit be changed as follows:

Source: TRAPPER CREEK tributary to GOOSE CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	10.40 CFS	7521.2 AF

LOCATION OF POINT(S) OF DIVERSION: SWNW, Sec. 34, Township 14S, Range 21E
CASSIA County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

14S 21E 34 SWNW

MICROFILMED

SEP 12 1990

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Twin Falls, Idaho, this 16 day of August, 1990.

Nolan Victor
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 45-07360

FOR DEPARTMENT USE ONLY

#C018078

Preliminary check by SC Fee ☒ \$20.00 Received by g8 Date 8/20/90

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 45-07360 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

Witness my hand this 31st day of August, 1990.

Acting for

R. Keith Higginson
R. Keith Higginson, Director

RECEIVED

SEP 17 1990



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
NO. 45-7360 IN THE NAME	)	ORDER OF REINSTATEMENT
OF NOLAN VICTOR	)	

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 45-7360 for the issuance of a license, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On June 4, 1979 the Department approved Application for Permit No. 45-7360 to appropriate the public waters of the State of Idaho with a proposed priority of October 20, 1978.

2. On August 12, 1986 the Department sent the permit holder a notice that a license examination fee was required before an examination could be conducted to confirm the extent of use developed under the permit. If the permit holder elected to have a certified examiner conduct the inspection, a completed field examination report was required to be submitted to the Department on or before August 12, 1987. Whether or not the permit holder decided to have the Department conduct the field examination or have a certified examiner conduct the inspection, an examination fee information sheet was required to be submitted to the Department on or before October 11, 1986, stating the choice made.

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SEP 12 1990



3. The examination fee information sheet was received on June 30, 1987, 262 days late.

4. On October 13, 1987 the Department received a completed field report from a certified examiner, 62 days after the date of lapsing of the permit.

CONCLUSIONS OF LAW

1. The permit should be reinstated with an advance in the date of priority pursuant to the provisions of Section 42-218, Idaho Code.

2. The date of priority of Permit No. 45-7360 should be advanced a total of 324 days due to late submittal of the fee information sheet and certified exam.

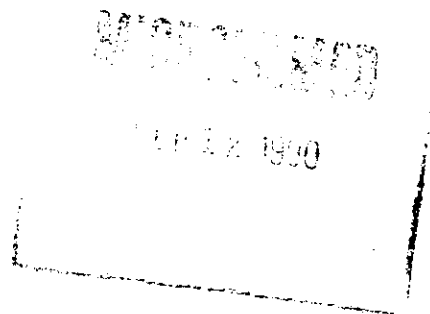
ORDER

IT IS HEREBY ORDERED that Permit No. 45-7360 is REINSTATED.

IT IS FURTHER ORDERED that the date of priority of Permit No. 45-7360 is advanced to September 9, 1979.

Dated this 6th day of December, 1989.


Chief, Water Allocation Bureau



WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	45-7360	Gary Funderburg &/or Denise Funderburg	20.0 cfs
Full Assignment	45-7360	Nolan Victor	20.0 cfs

MICROFILMED

State of Idaho
Department of Water Resources

62 MAY 28 1985

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Hary Funderburg, hereby assign to Nolan Victor
of 1528 Addison Ave E. Twin Falls, Idaho
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 45-7360
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 May, 19 85.

Hary Funderburg
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Twin Falls) ss.

On this 22 day of may, 19 85, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Mary A. Newby
Notary Public residing at
Twin Falls, id 83301

My commission expires:

life

MICROFILMED

For Office Use Only	
Fee Received	15
Date	5-18-84
Receipt #	33084

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 24 1984

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
Department of Water Resources **proof of beneficial use on a water right permit**

Tom Jundenburg. of Bx 3382 Rte 3
(Name) (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 45-7360.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before June 1, 1984, 19__.

That he has heretofore performed the following work described under said permit: (I) Fish facilities have been constructed, 1 pole, grown fish is this of one facility for 3 yrs
(This must be filled out! If no work has been completed, put none.)
Costing \$ 100,000

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
a loan suite as to ownership of the property the facilities are to be built on has slowed the construction down.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to June 1, 19 87
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.

Tom Jundenburg
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to July 1, 1987.

Signed this 23rd day of July, 19 84.

J. Glen Saxton
Chief, Operations Bureau

rec'd - #15.00 - May 18, 1987 - #33084 mrya

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 45-7360
APPROVED
RECEIVED

To appropriate the public waters of the State of Idaho

OCT 20 1977

1. Name of applicant Gary Funderburg &/or Denise Funderburg Phone Department of Water Resources
Southern District Office
Post office address Box 191C - Rt. 3 , Jerome, Idaho 83338

2. Source of water supply Trapper Creek which is a tributary of Goose Creek

3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 34 Township 14S
Range 21E B.M. Cassia County, additional points of diversion if any:
NENE, NWNE, SWNE, Sec. 34; NESW, SWSW, Sec. 26, Twp. 14S, Rge. 21E

4. Water will be used for the following purposes:

Amount 20cfs for fish prop 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:

a. 20 cfs cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Headgate, Ditch & Fish Ponds

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:

NE	NE	34
NW	NE	34
SW	NE	34
SE	NW	34
	SW	26

 Township 14S
Range 21E B.M.

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

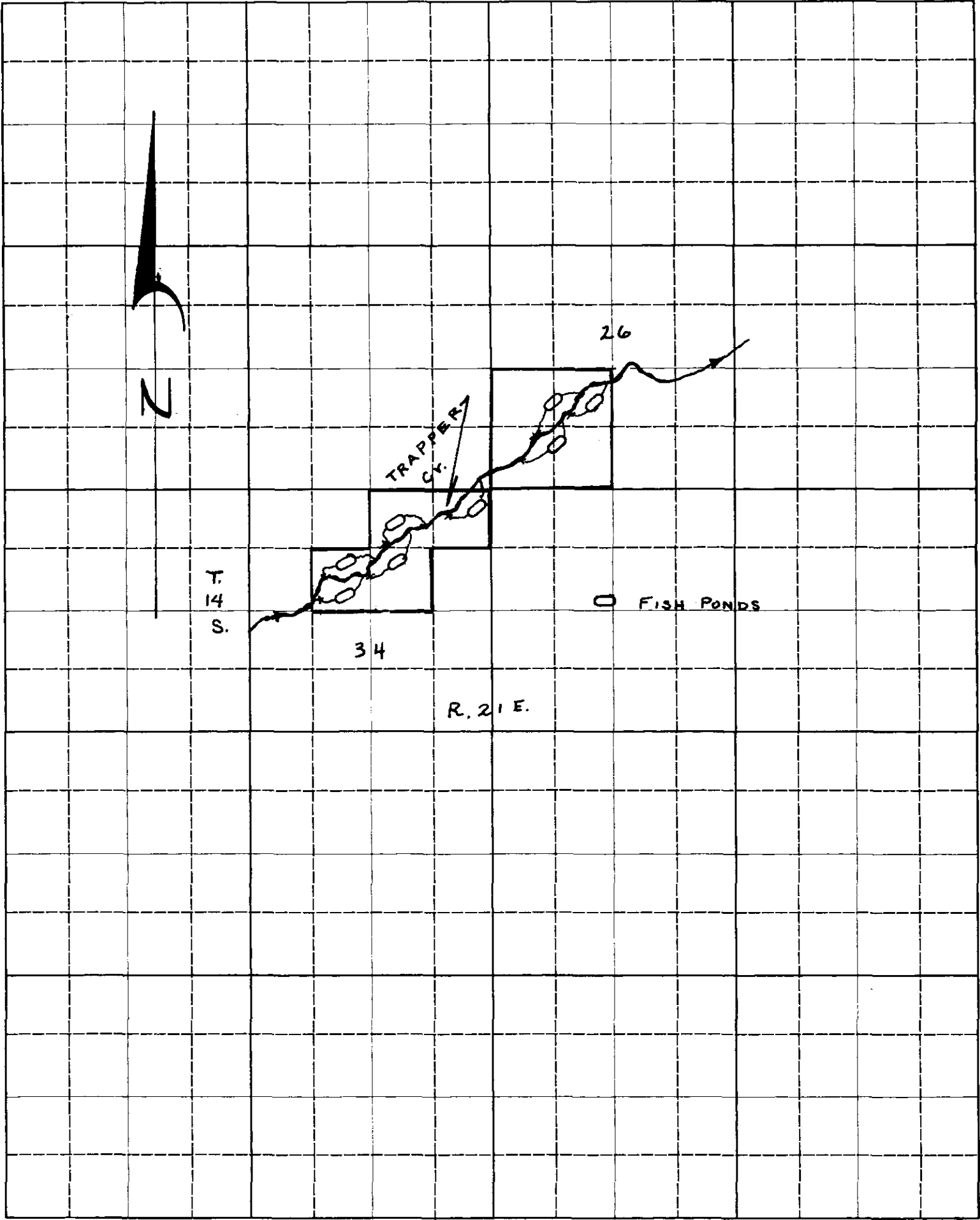
(3) List number of each kind of livestock to be watered

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

(5) If water is to be used for other purposes describe: Fish Propagation

RECEIVED

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.

James E. Anderson
(Applicant)

Proposed Priority 10-20-78

Received by JA Date 10-20-78 Time noon

Preliminary check by ADM Fee \$ 225⁰⁰

Received by marrya Date 10/20/78 # 10600

Publication prepared by marrya Date 10/25/78

Published in South Idaho Press

Publication dates 10/30/78 + "10/78 re-run" 11/21/78 + 11/28/78

Publication approved marrya Date 11/30/78

Protests filed by: Cabley Camel Co. - withdrawn - 4/20/79

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by LH J.S.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

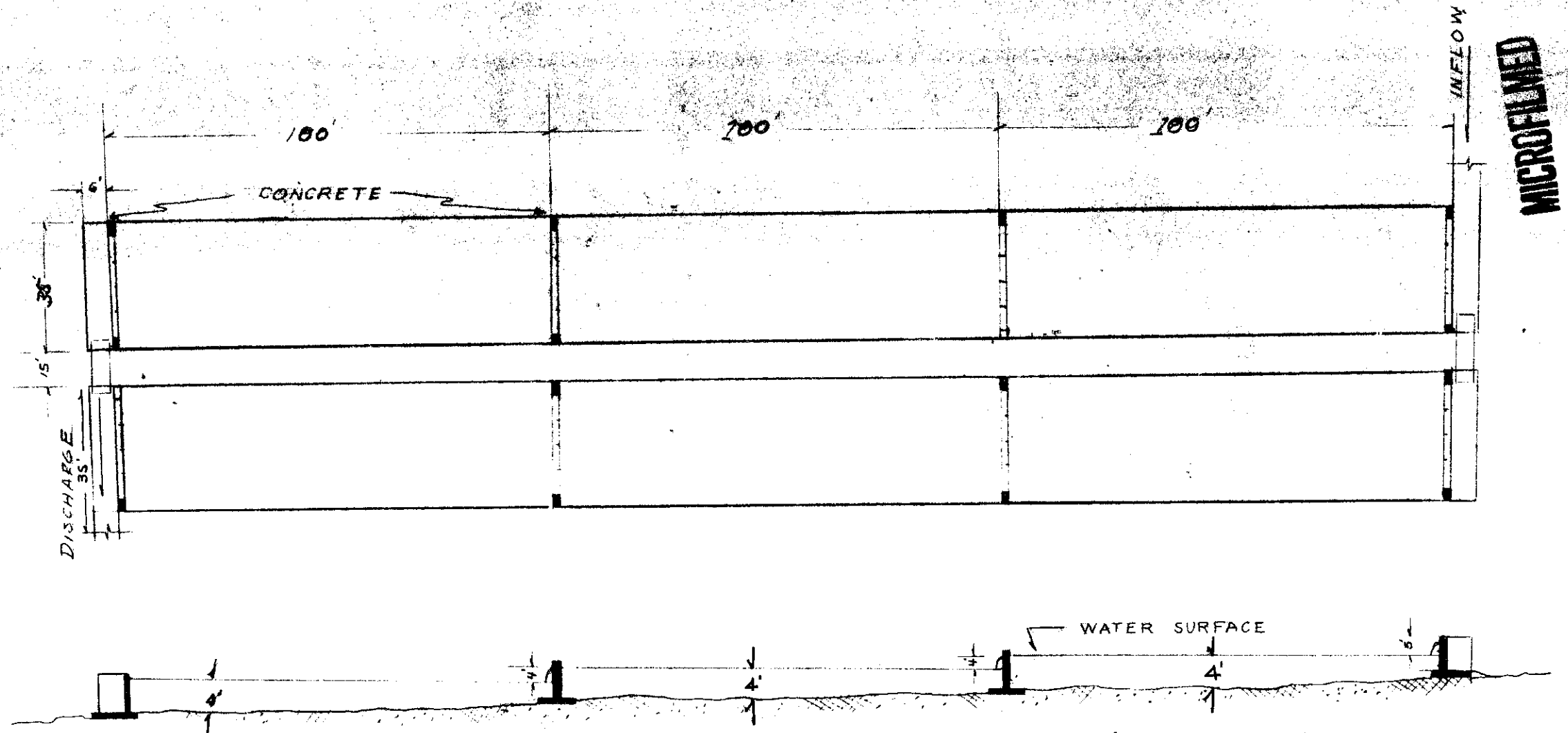
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 45-7360, and said application is hereby APPROVED.

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 June 1, 19 84.
- 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: (1) Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge. (2) The issuance of this permit in no way grants any right-of-way or easement across the land of another. (3) Return water shall be treated to insure that the effluent meets intrastate stream water quality standards.

Witness my hand this 4th day of June, 19 79.

A. Glen Saylor
Chief, Operations Bureau



2 Sets of 6 ponds will be at each location Approx. Vol @ each location is $168,000 \text{ ft}^3$

POND ARRANGEMENT FOR ⁸/₁₀ LOCATIONS

1
2
3 LEASE

4 THIS INDENTURE Made this 1st day of October,
5 1978, by and between DONALD L. MABEY and BARBARA J. MABEY,
6 husband and wife, of Oakley, County of Cassia, State of
7 Idaho, hereinafter referred to as Lessor, and GARY FUNDERBURG
8 and DENISE FUNDERBURG, husband and wife, of Twin Falls,
9 County of Twin Falls, State of Idaho, hereinafter referred
10 to as Lessee:

11 W I T N E S S E T H:

12 Lessor, for and in consideration of the agreements
13 hereinafter mentioned, to be kept and performed by Lessee,
14 leases to Lessee, the premises in the County of Cassia,
15 State of Idaho and more particularly described as follows,
16 to-wit:

17 A parcel of land located in Section 26,
18 Township 14 South, Range 21 East of the Boise
19 Meridian more particularly described as a
20 portion of the SW $\frac{1}{4}$ and

21 A parcel of land located in Section 34,
22 Township 14 South, Range 21 East of the Boise
23 Meridian more particularly described as a
24 portion of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and a portion of
25 the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE $\frac{1}{4}$
26 of said Section, together with wells located
27 in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section.

28 to be occupied for fish propagation and for no other purpose
29 whatsoever.

30 TO HAVE AND TO HOLD the same, to Lessee, from the 1st
31 day of May 1979, until the 1st day of May, 2004.

32 1. To pay as rent for premises the sum of ONE HUNDRED
33 DOLLARS (\$100.00) per month commencing with the first month
34 that fish are placed on the facilities and continuing through
the time the Lessee has completed payment of the construction
costs of the fish propagation facilities by payment with
the monies received from the sales of fish off of the said
facilities.

FILED

1
2 2. Thereafter after construction costs have been paid,
3 the Lessee shall pay the sum of four cents (\$.04) per pound of
4 the weighed in and weighed out gain on said fish during the
5 entire term of said lease.

6 3. Payments to be made to the Lessor at his address
7 in Oakley, Idaho.

8 4. It is further agreed that all net profits goes into
9 the payment for costs of construction. Net profits shall be
10 those profits after deducting the cost of fish, medication,
11 feeding, and feed.

12 5. It is further understood and agreed that the
13 wells located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34
14 are to be run through the fish propagation facility and
15 the Lessee has the right to make whatever structure and
16 devices and alter the stream channel in such a manner as
17 to place the water through his fish propagation facilities
18 and the Lessee thereafter will return the waters to the
19 stream so they might be used by the Lessor for irrigation
20 of his remaining lands.

21 6. Lessee has examined and knows condition of the
22 premises and has received the same in good order and repair.

23 7. The Lessor shall not be liable for any damanges
24 or negligence created by the Lessee in his operation of the
25 leased premises.

26 8. The Lessee will not allow the leased premises to
27 be used for any illegal purpose nor will he sublet the same
28 nor any part thereof without the consent of the Lessor. Said
29 consent shall not be unreasonably withheld.

30 9. Lessee will allow Lessor free access to the premises
31 for purposes of examining the same during the term of this lease
32 during reasonable times and places.
33
34

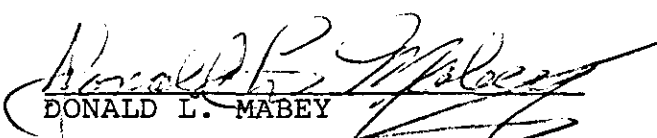
1 10. If Lessee shall abandon or vacate the premises,
2 the same shall be re-let by the Lessor for such rent and upon such
3 terms as the Lessor may see fit; and if a sufficient sum shall not
4 be thus realized after paying the expenses of re-letting it and
5 collecting to satisfy the rent hereby reserved, the Lessee hereby
6 agrees to satisfy and pay all deficiency.

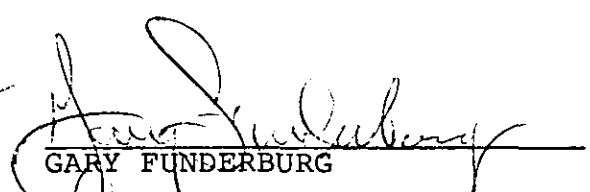
7 11. It is further understood and agreed that the
8 Lessee shall make use of said lands for the building of fish
9 propagation facilities in such manner as to take from the
10 Lessor for the building of the fish propagation facilities no
11 more than is necessary to conduct the fish propagation
12 operation.

13 12. It is further understood and agreed that this
14 lease agreement is assignable or sublettable by the Lessee
15 provided any sublessee or assignee of said lease complies in
16 all respects with the terms and conditions of said lease and
17 maintains the property in a good state of repair.

18 13. The Lessee shall have the first right to
19 negotiate for a release of said premises for a like term as
20 herein entered into under terms and conditions to be agreed
21 upon by the parties at the time the lease is renegotiated.
22 Further, the Lessee shall have the right of first refusal on
23 the purchase of said properties in the event the Lessor should
24 desire to sell the same.

25 14. At the termination of this lease by lapse of time or
26 otherwise, unless the Lessee has entered into a subsequent lease
27 or a purchase agreement, Lessee shall yield up immediate possession
28 to Lessor.

29 
30 DONALD L. MABEY

31 
32 GARY FUNDERBURG

33 
34 BARBARA J. MABEY

DENISE FUNDERBURG

1
2 STATE OF IDAHO)
3 County of Twin Falls) ss.

4 On this 15th day of March 1979, before
5 me, the undersigned, a Notary Public in and for said County
6 and State, personally appeared DONALD L. MABEY and BARBARA J.
7 MABEY, husband and wife, known to me to be the persons
8 who executed the foregoing instrument and acknowledged
9 to me that they executed the same.

10 IN WITNESS WHEREOF, I have hereunto set my hand and
11 affixed my official seal, the day and year in this certificate
12 first above written.

13 Edna L. Hitt
14 Notary Public for Idaho
15 Residing at Barley, Idaho

16 STATE OF IDAHO)
17 County of Twin Falls) ss.

18 On this 2nd day of May 1978, before
19 me, the undersigned, a Notary Public in and for said County
20 and State, personally appeared GARY FUNDERBURG and DENISE
21 FUNDERBURG, husband and wife, known to me to be the persons
22 who executed the foregoing instrument and acknowledged
23 to me that they executed the same.

24 IN WITNESS WHEREOF, I have hereunto set my hand and
25 affixed my official seal, the day and year in this certificate
26 first above written.

27 Paul B. [Signature]
28 Notary Public for Idaho
29 Residing at Barney
30
31
32
33
34

BURLEY, IDAHO

County of Cassia,)
) ss.
STATE OF IDAHO)

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
consecutive weeks, commencing with the issue

dated Nov 21 1978, and ending

with the issue dated Nov 28, 1978.

Jane Parker

Subscribed and sworn to before me

this 28 day of Nov

1978

Norma M. Peterson Notary Public

Cost of Publication 13 30

Notary Fee

Total Cost ~~5.25~~ 13.30

NOTARY PUBLIC RESIDING AT
RURENT, IDAHO. MY COMMISSION
EXPIRES JUNE 21, 1981

78-463

SECRET

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

NAME FURBER, GARY L/4
DENISE

Box 191C, Route 3, Jerome, ID.
83338. Source: Tropper Creek
tributary to Goose Creek. Date
Filed: 10/20/1978. County:
Cada. Applicant: DONALD L. POUL
of Elberton: 509 846 6000
509 834 7145 8211 NEW 509 834
509 834 7145. New York Power
and Light Co. 12/13/83. Price of
the: 509 846 6000 509 834
509 834 7145 8211 NEW 509 834
509 834 7145. NEW. Address:
Jerome, ID. 83338.

Issued: The permit(s) will be subject to superior water rights. Fences against grazing of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Island Blvd., Boise, Twin Falls, Idaho 83401 on or before December 8, 1973.

C. STEPHEN ALLRED

Director

Published in the South Islands Press
on November 21 & November 22,
1972

1. *Chlorophyll a* (Chl *a*)

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF PLANT INDUSTRY

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

being first
duly sworn deposes and says that he is the

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
consecutive weeks, commencing with the issue
dated 19, and ending
with the issue dated 19,

Subscribed and sworn to before me
this day of
19.

Notary Public
Cost of Publication
Notary Fee
Total Cost

78-467

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:

45-7360

Name FUNDERBURG, GARY &/or DENISE

Box 191C, Route 3, Jerome, ID. 83338. Source: Trapper Creek tributary to Goose Creek. Date Filed: 10/20/1978. County: Cassia. Amount: 20.00CFS. Point of Diversion: SENW NENE NWNE SWNE S34 T14S R21E NESW SWSW S26 T14S R21E. Use: Fish Prop. from 01/61 to 12/31. Place of Use: NESW NWSW SWSW SESW S26 T14S R21E NENE NWNE SWNE SENW S34 T14S R21E. Means: Headgate and ditch.

Issued, the permit(s) will be subject to all prior water rights. Protests against granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before December 8, 1978.

C. STEPHEN ALLRED

Director

Published in the South Idaho Press on November 21 & November 28, 1978.

From: DWR60::AMERRITT 19-MAR-1998 09:45:05.37
To: DWR03::MSLIFKA,DWR03::JCARLSON,DWR03::NYOUNG
CC: AMERRITT
Subj: THOMPSON/OAKLEY CANAL CO WELL

YESTERDAY MORNING MR. THOMPSON VISITED OUR OFFICE AND REQUESTED THAT SOMEONE CONDUCT A SITE VISIT OF THE WELL. BEFORE GOING I CALLED MARK AND DISCUSSED WHAT HAD TRANSPIRED DURING THE MEETINGS IN BOISE THE DAY BEFORE. WHILE MR. THOMPSON WAS IN MY OFFICE WE CALLED THE OAKLEY CANAL COMPANY AND TALKED WITH WALT MULLINS, THE MANAGER, AND ARRANGED TO MEET HIM AT THE WELL AT 11:00.

AT 11:00 I MET WITH MR. THOMPSON, WALT MULLINS, ROBERT WHITELY & HIS BROTHER. MR. WHITELY IS ON THE CANAL BOARD AND OWNS THE LAND DOWNSTREAM FROM THOMPSON.

AT THE SITE I OBSERVED THE WELL HEAD AND THE OUTFLOW FROM THE TWO DISCHARGE PIPES. ONLY ABOUT 2' OF 8" CASING AND THE VENT PIPE IS ABOVE GROUND; EVERYTHING ELSE IS BURIED EXCEPT THE VERY END OF THE 8" & 6" PVC DISCHARGE PIPES WHERE THEY DUMP INTO TRAPPER CREEK.

AT THE MEETING WALT DESCRIBED IN DETAIL WHAT HE DID TO THE WELL HEAD AND HOW HE CONSTRUCTED THE DRAIN GALLERY NEXT TO THE WELL HEAD. NOTE THAT THE 8" PVC DISCHARGES WATER FROM THE WELL HEAD. THE 6" PVC DISCHARGES WATER FROM THE DRAIN GALLERY PLACED NEXT TO THE WELL HEAD. I WAS NOT ABLE TO MEASURE THE WATER FROM EITHER PIPES BUT ESTIMATE THAT THE 8" WAS FOLLOWING ABOUT 6 TIMES MORE THAT THE 6".

THERE DOES NOT EXIST ANY VALVES TO CONFINE FLOW AT THE WELL HEAD. WE DISCUSSED THIS MATTER AND ALSO DISCUSSED 42-1601. I ENCOURAGED THE CANAL CO. TO REQUEST A WAIVER OF THE VALVING REQUIREMENT FOR THIS WELL AND THE OTHER SIMILAR WELLS ABOVE THE RESERVOIR (TOTAL OF FIVE). WALT THOUGHT THEY HAD A WAIVER. HE INDICATED HE HAS BEEN GOING THROUGH THE OLD VAULT AT THE OFFICE AND REMEMBERS RUNNING ACROSS DOCUMENTS TO THAT AFFECT. HE INDICATED THAT HE FOUND THAT THIS WELL WAS DRILLED IN 1935 AND AUTHORIZED BY THE STATE DROUGHT COMMITTEE AS AN EMERGENCY WELL. I TOLD HIM THAT IF HE HAD SUCH DOCUMENTS IT WOULD BE NICE TO INCLUDE COPIES IN THE AJ FILES.

THE REMAINDER OF THE MEETING INVOLVED DISCUSSIONS ABOUT WHAT THOMPSON WAS GOING TO DO IN DEVELOPMENT. DISCUSSIONS ABOUT MEASUREMENT OF THE WELL AND DIVERSION FROM TRAPPER CREEK TO THE FISH PONDS & THE MEASUREMENT FROM THE PONDS BACK INTO THE CREEK.

AT ISSUE:

THOMPSON'S CONCERN IS THAT THE WELL HAS BEEN MODIFIED AND THE WATER WAS NEVER MEASURED PRIOR TO RECENT WORK. HE CONTENDS THAT HIS PERMIT 45-07727 REQUIRES HIM TO PUT BACK IN THE CREEK ONLY WHAT WAS GOING THERE BEFORE. NOW WITH THE IMPROVEMENTS THERE MAY BE MORE WATER GOING TO THE CREEK. ANOTHER CONCERN IS THAT HE FEELS THAT BY NOW BEING FORCED TO HOOK ON THE NEW STRUCTURE HE IS GIVING UP SOME SORT OF CLAIM OF OWNERSHIP OF THE WELL AND HE IS BEING RESTRICTED IN THE WAY HE INTENDED TO USE THE WATER. HE ALSO HAS CONCERN ABOUT LACK OF COMMUNICATION AND QUESTIONS ABOUT TRESSPASS.

THE OAKLEY CANAL CO'S ISSUE IS THAT THEY FEEL THEY OWN THE WELL AND WATER AND DO NOT PARTICULARLY WANT PEOPLE TO USE IT. ALTHOUGH THEY SIGNED AN AGREEMENT FOR PERMIT 45-07727 THEY QUESTION THAT THOMPSON HAS NOT BEEN DILIGENT IN CONSTRUCTION. THEY ALSO QUESTION THE VIABILITY OF LICENSE 45-07360 FOR DIVERSION OF TRAPPER CREEK SINCE FISH HAVE NOT BEEN RAISED FOR MANY YEARS.

AFTER THE MEETING WALT MULLINS VISITED THE OFFICE AND HE BROUGHT A LARGE COLLECTION OF PAPERS. HE THOUGHT HE COULD DEMONSTRATE THAT WAIVERS OF VALVES HAD ALREADY OCCURRED BUT WE COULD NOT FIND ANYTHING. WE DID FIND PAPERS ABOUT THE DROUGHT COMMITTEE AND WHERE THE CANAL CO. SPENT \$150,000 FOR THE WELLS IN 1935. WE ALSO FOUND A RESOLUTION OF THE BOARD TO SELL THE LAND WHERE THE THOMPSON WELL IS LOCATED TO PRIOR OWNERS RESERVING THE SUBTERRANEAN FLOW. WE DISCUSSED THE LICENSING OF 45-07360. I TOLD HIM THAT THE DEPARTMENT PRESENTLY WOULD PURSUE THE FORFEITURE ISSUE REGARDING THIS LICENSE. I ALSO TOLD HIM THAT AS FOR DILIGENCE FOR DEVELOPING PERMIT 45-07727 I DID NOT KNOW ALL THE FACTS. AT THE END OF THIS MEETING MR. MULLINS WAS GOING TO DRAFT A LETTER TO NORM TO REQUEST A WAIVER OF THE VALVE. HE WAS ALSO GOING TO RESEARCH THE DEED THAT RESULTED FROM THE RESOLUTION FOR SALE OF THE LAND. I DO NOT KNOW IF HE IS GOING TO PURSUE THE ISSUE OF FORFEITURE OF 45-07360 OR RAISE SOME TYPE OF ISSUE REGARDING DILIGENCE IN COMPLETING PERMIT 45-07727.

From: DWR60::AMERRITT 19-MAR-1998 10:17:05.87
To: DWR03::MSLIFKA,DWR03::JCARLSON,DWR03::NYOUNG,DWR03::GSAXTON
CC: AMERRITT
Subj: ERROR IN MAIL MESSAGE REGARDING THOMPSON WELL.

I TOLD MULLINS THE DEPARTMENT WOULD NOT PURSUE THE FORFEITURE ISSUE WITH
REGARDS TO LICENSE 45-07360. IF WE FOUND THE WATER BEING USED AT THE TIME
OF SRBA REVIEW WE WOULD RECOMMEND IT.

ALLEN

From: DWR03::JCARLSON 16-MAR-1998 15:41:49.75
To: DWR60::AMERRITT
CC: JCARLSON
Subj: Thompson Well

Good Morning Mr. Merritt:

Mr. Tony Tompson and his attorney will be in this office tomorrow and will be interested in meeting at the well site.

Can we meet them or visit the well site on Wed. Morning 3/18/98.

This is the flowing well which was to be repaired, which was modified by Oakley Canal Co. apparently on a trespass.

WR. 45-7727

T14S 21E Sec 34 SESWNW or SWSEnw

Thanks

Send me or call a message.

jdc

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FEB 21 1997

PARSONS, SMITH, STONE & FLETCHER, LLP

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
P. O. BOX 910
BURLEY, IDAHO 83318

Department of Water Resources
TELEPHONE
(208) 678-8382
FAX NO.
(208) 678-0146

February 19, 1997

Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Attn: L. Glen Saxton

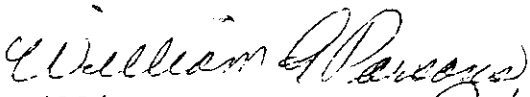
RE: Permit 45-07727 and
License 45-07360

Dear Glen:

I am enclosing the executed Stipulation between Thompson,
Oakley Canal and Shoulder 3.

This should be part of the departmental official records.

Very truly yours,


William A. Parsons 

WAP:rt
Enc.
cc: Norman Semanko

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FEB 21 1997

Department of Water Resources

PARSONS, SMITH, STONE & FLETCHER, LLP
137 West 13th Street
P.O. Box 910
Burley, Idaho 83318
Telephone: (208) 678-8382
Fax: (208) 678-0146
Attorneys for Oakley Canal Company

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

In the Matter of the Application)
for Permit No. 45-07727 -Antone) STIPULATION
R. Thompson, and License No.)
45-07360.)

OAKLEY CANAL COMPANY ("Oakley"), SHOULDER 3 RANCHES,
INC. ("Shoulder") and ANTONE R. THOMPSON, ("Thompson")
stipulate as follows:

1. Use of water under Permit No. 45-07727 or License
No. 45-07360 shall be non consumptive.
2. Ground water used pursuant to Permit No. 45-07727
shall be discharged into Trapper Creek so as to avoid injury to
Oakley Canal Company and Shoulder or their successors in
interest. The parties shall agree in writing on the point of
discharge so as to avoid injury. The water shall be treated so
as to insure that all discharges meet applicable Idaho Water

1 Quality Standards. The applicant shall comply with all
2 applicable health and environmental regulations during the
3 period of development and ultimate use under Permit No. 45-
4 07727 and License No. 45-07360 and shall furnish copies of any
5 compliance report to Oakley and Shoulder or their successors in
6 interest that have been provided to the Division of
7 Environmental Quality during all use periods. If no reports
8 are required by said Department, Thompson shall provide at
9 least quarterly, water quality reports to Oakley and Shoulder.
10 The quarterly report shall commence three (3) months from the
11 effective date of the stipulation unless the reports are being
12 made to the Division of Environmental Quality.

13 3. Measuring devices will be installed at the cost
14 of Thompson on or before one (1) year from the approval of the
15 Department of Water Resources of Permit No. 45-07727, provided
16 that any use under License No. 45-07360 shall have measuring
17 devices installed prior to the beginning of the irrigation
18 season in 1997 or March 1, 1997, whichever first occurs. Such
19 measuring devices shall be gauged by an independent engineer to
20 verify:

21 3.1. The amount of water diverted from the
22 Artesian ground water well pursuant to Permit No. 45-07727 and
23 any license issue thereto, and

24 3.2. The amount of water diverted from Trapper
25 Creek pursuant to License No. 45-07360.

26 3.3. The amount of water discharged to Trapper
Creek after use under Permit No. 45-07727 and License No. 45-

1 07360 and any license issued therefore.

2 The measuring devices will be maintained by Thompson
3 or his successors in interest of the lands described in
4 paragraph 19.

5 The measuring devices shall be of such accuracy that
6 will enable Oakley and Shoulder to verify that there has not
7 been any consumptive use of water beyond that amount that would
8 have been consumed in the normal flow without the use by
9 Thompson.

10 4. Oakley and Shoulder, their successors in
11 interest, shall have access to the well, the measuring devices,
12 diversion works, and other reasonable access to the property
13 where the diversions and devises are installed for observing
14 the compliance with the terms of this stipulation and any
15 permits or licenses issued by the Idaho Department of Water
16 Resources. Oakley and Shoulder shall attempt reasonable notice
17 before entry by giving notice to Thompson or the occupant of
18 the property owned by Thompson or his successor wherein the
19 water is being utilized.

20 5. Thompson shall notify Oakley and Shoulder, or
21 their successors, prior to filing any application for extension
22 of time to submit proof of beneficiary use to the Idaho
23 Department of Water Resources for Permit No. 45-07727. Such
24 application shall be filed only if good faith development is in
25 progress consistent with this stipulation.

26 6. Oakley and Shoulder may apply to the Idaho
Department of Water Resources for cancellation of any permit or

1 license in the event of noncompliance with this stipulation and
2 the terms and conditions of any permit and/or license
3 subsequently issued under Nos. 45-07727 and 45-07360.

4 Revocation may occur under Idaho Code § 42-350 or any
5 subsequent legislation or regulation of similar provisions.
6 The same right to petition for cancellation may be made by
7 Oakley and Shoulder under Idaho Code § 42-311 in the event of
8 noncompliance with conditions of the permit or such other
9 statute or regulation as may be in effect regarding permits.

10 7. Upon the execution of this stipulation by Oakley,
11 Shoulder, and Thompson and the inclusion by the Department of
12 Water Resources that the use of water under the right affected
13 by an agreement among the parties, Oakley and Shoulder shall
14 withdraw their objection to application for Permit No. 45-
15 07727.

16 8. The use of Permit No. 45-07727 and License No.
17 45-07360 is subject to this stipulation.

18 9. The Artesian Ground Water Well subject to
19 Application 45-07727 is located in the SE~~SE~~NW~~W~~, Section 34,
20 Township 14 South, Range 21 East, Boise Meridian. Appropriate
21 amendments may be made by the Idaho Department of Water
22 Resources consistent with this stipulation as to location of
23 said well.

24 10. The provisions of this stipulation regarding
25 consumptive use, measuring devices, water quality shall be
26 applicable to License No. 45-07360 or fish propagation.

11. All fish ponds shall be so constructed and

1 maintained as to eliminate consumptive use beyond the amount
2 that would have been consumed in the normal flow without the
3 use by Thompson and to provide for water quality consistent
4 with Idaho Water Quality Standards.

5 12. Oakley and Shoulder shall not be responsible for
6 any of the costs incident to Thompson complying with the
7 requirements of this stipulation.

8 13. If any party to this stipulation or their
9 successors in interest are required to enforce this stipulation
10 or defend against the enforcement of this stipulation, the
11 prevailing party in such action shall be entitled to reasonable
12 attorney fees for the cost of prosecution or the defense of
13 such action. This provision shall include attorney fees
14 incurred at the administrative level before the Idaho
15 Department of Water Resources or other applicable
16 jurisdictional agency such as, but not limited to the agency
17 determining water quality standards.

18 14. "Consumptive Use" shall mean the amount of water
19 that does not remain in the water system after its use or is
20 not returned to the water system through return flows or
21 seepage. "Water System" means all rivers, streams, lakes,
22 springs, ground waters, or other sources within this state,
23 including a river system or other source upon which Oakley and
24 Shoulder rely for their water rights.

25 15. Thompson shall construct and maintain all
26 necessary diversion apparatus necessary for the use of the
water consistent with this stipulation and the permit and/or

1 license granted by the Idaho Department of Water Resources.
2 This provision shall not prevent Oakley, Shoulder, or Thompson
3 or their successors from entering into any written agreements
4 pertaining to the construction and maintenance of diversion
5 apparatus, provided, however, that such agreements to be
6 effective must be in writing and signed by the respective party
7 or parties and shall not modify this stipulation.

8 16. This stipulation shall be effective upon the
9 signing by Oakley, Shoulder, and Thompson and inclusion by the
10 Idaho Department of Water Resources as a condition to Permit
11 No. 45-07727, providing that the use of water under the right
12 is affected by an agreement among the parties.

13 17. Oakley is the owner of Water Right Nos. A45-
14 12457 and A45-04234 from the well located on the description in
15 paragraph 6. Each party has right to access to the well for
16 maintenance and repairs to the use of water rights. Each party
17 will cooperate and notify the other of repairs and maintenance
18 or changes in the well.

19 18. If the measuring devices demonstrate that
20 Thompson, or his successor in interest, is consuming water,
21 beyond the amount that would have been consumed in the normal
22 flow without the use by Thompson or his successor in interest
23 shall immediately cease and desist from diverting the water so
24 that the water can flow into the Trapper Creek or provide
25 replacement water. The determination of whether Thompson is
26 consuming water beyond the amount that would have been consumed
in the normal flow without the use by Thompson shall be

1 verified by an independent engineer. The permit or license
2 shall not be cancelled until the provisions of paragraph 6 have
3 been followed and completed.

4 19. Time is of the essence of this stipulation as to
5 completion of the measuring devices, diversion and diversion
6 apparatus as well as the compliance with the other terms and
7 conditions of this stipulation in the use of the water under
8 Permits and/or Licenses 45-07727 and 45-07360.

9 20. This stipulation when executed and approved
10 shall be binding on Thompson and his successors and assigns of
11 the land generally described as SW~~1~~/~~4~~NW~~1~~/~~4~~ and SE~~1~~/~~4~~NW~~1~~/~~4~~, Section 34,
12 Township 14 South, Range 21 E.B.M.

13 21. This stipulation shall be binding upon Oakley
14 and Shoulder and their successors and assigns.

15 IN WITNESS WHEREOF, this stipulation has been
16 executed this 29 day of January, 1997.

17 APPLICANT

18 Antone R. Thompson
19 Antone R. Thompson

20 PROTESTANT

21 OAKLEY CANAL COMPANY

22 BY Robert F. Pitchford
23 Its President

24 INTERVENOR

25 SHOULDER 3 RANCHES, INC.

26 BY Robert F. Pitchford
Its President

September 4, 1990

NOLAN VICTOR
1528 ADDISON AVE. E.
TWIN FALLS, ID 83301

RE: PERMIT NO. 45-07360

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

SEP 12 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

August 10, 1990
R. KEITH HIGGINSON
DIRECTOR

NOLAN VICTOR
1528 ADDISON AVE. E.
TWIN FALLS, ID 83301

RE: PERMIT NO. 45-07360

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

P.S. Also enclosed is an Order reinstating this permit due to late submittal of the fee information sheet and certified exam.

MICROFILMED

SEP 12 1990

MEMORANDUM

TO: FILE

FROM: ROXANNE MCCARTHY

RE: ANNUAL VOLUME FOR FISH PROPAGATION

DATE: 7-SEP-1989

Per a memo dated 1-15-88, volume is calculated in this way:

1. calculate changes per hour:
total flow into facility x 3600/facility volume(cf)=changes
 2. calculate annual volume:
facility volume(AF) x changes x 8760=AFA
 3. calculate volume given by permitted flow:
flow rate(cfs) x 1.9835 x 365 days=AFA
 4. recommend lower figure
-

1. 10.4 cfs x 3600 / 110,000 cf = 0.34
2. 2.53 AF x 0.34 x 8760 = 7521.2 AFA
3. 10.4 cfs x 1.9835 x 365 days = 7529.4 AFA

RECOMMENDATION: 7521.2 AFA

MicroFILMED

SEP 12 1990

BENEFICIAL USE FIELD REPORT REVIEW

TO: FILE 45-7360

FROM: ROXANNE MC CARTHY

RE: PRIORITY ADVANCE REVIEW

DATE: 11-OCT-1989

=====

This review memo is prepared to show the process for determining what elements were involved in advancement of the priority.

	<u>DATE</u>	<u>JULIAN</u>
PERMIT		
Permit priority Date:	OCTOBER 20 1978	293
EXAM FEE NOTICE		
Exam Fee Notice Date:	AUGUST 12 1986	224
Exam Fee/Info Sheet Received Date:	JUNE 30 1987	546
Exam Fee or Info Due Date:	OCTOBER 11 1986	284
Days Late:		262 DAY(S)
CERTIFIED EXAM		
Exam Received Date:	OCTOBER 13 1987	286
Exam by Examiner Due Date:	AUGUST 12 1987	224
Days Late:		62 DAY(S)
NEW PRIORITY DATE		
Original Priority Date:	OCTOBER 20 1978	293
Total Days Late:		324 DAY(S)
New Priority Date:	SEPTEMBER 09 1979	252

MICROFILMED

SEP 12 1990

CMR Consulting

Clarence Wm. Robison, P.E.

Route 2, 230 Maxine

Kimberly, Idaho 83341

(208) 423-4972

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OCT 15 1987

Department of Water Resources
Southern Region Office

October 13, 1987

Mr. Loren Holmes, Regional Supervisor
Idaho Department of Water Resources, Southern Region
2148 4th Ave East
Twin Falls, Idaho 83301

RE: Field Examination Report for Permit #45-7360

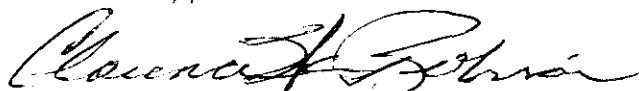
Mr. Holmes:

Please find enclosed the field examination report for Nolan Victor water permit #45-7360 for fish propagation. The diversion channel has a broad crested weir installed 250 feet downstream of the diversion structure. The effluent pond check structure can be treated as a weir with proper installation of boards; however, my measurements indicate that there is no loss of water due to this permit. If there should be seepage from the ponds, the seepage will either feed the creek or reservoir.

I had requested Mr. Victor to request an extension in filing the field report in June this summer due to drought conditions. Mr Victor apparently did not request the extension in time to be granted; therefore, as instructed by the department through Mr. Victor, I request that this field examination not be reviewed for licensing pending further flow measurements during non drought conditions. The flow I measured was 10.4 cfs and the permit was for 20.0 cfs. Trapper Creek was not flowing 20 cfs in June or October. Providing that there is a normal winter, I feel that any additional flow measurements should be completed by August 1, 1988.

Please feel free to contact me if you have any questions.

Sincerely,



Clarence Wm. Robison, P.E.

enc.

cc: Mr. Nolan Victor
1528 Addison Ave. West
Twin Falls, Idaho

Mr. Richard Webster
Twin Falls, Idaho

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SEP 12 1990

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OCT 16 1987

Department of Water Resources

RECEIVED

OCT 16 1987

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT Department of Water Resources

A. GENERAL INFORMATION

Permit No. 45-1360

1. Owner: Nolan Victor Phone No. 733-5217

Current Address: 1528 Addison Ave West, Twin Falls, Idaho 83301

2. Accompanied by: Richard Webster EXAM. DATE: 10-10-87

Address: Twin Falls, Idaho Phone No. 733-2744

Relationship to Permit Holder: Property owner

3. Source: Trapper Creek tributary to Goose Creek

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____

☐ Copies Attached

2. Other water rights with same point of diversion: _____

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached

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Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Water was being diverted at PD#1 diversion on Trapper Creek at a rate of 10.4 cfs. There was 1 to 2 cfs left in the creek. The diverted water flows through an earth channel varying between 3 to 8 in width some 950' in length to 3 race ways. Some 250' downstream of the diversion a 36" wide, 72" long Broad crested weir is installed. The sill of the broad crested is 5.5" high and has a length of 36". In the last 150' of the diversion channel 6 12" PVC pipes, 2 per ~~pond~~ race way. The three race ways are earthen in construction and have

☒ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
PD#1	NONE	—	—	NONE	—

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
PD#1		SE	SW	NW	34	14S	21E	CASSIA	Existing BM in the field & Topo. Map

6. Place(s) of Use:

Indicate Method of Determination SAME 5 - BM & Topo

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14S	21E	34							X										9 PONDS

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
3'W 5.5" Sill BCW	Broad crested weir	—	—	—	3'	—
Ott Current Meter	Prop	Ott	—	47966	125mm	1/77

2. Measurements: Ott $V(fps)$ for $n < .68 rps = .7872n + .062$ for $n > .68 .8495n + .020$

Broad crested weir depth to water 18.5"
Two current meter measurement ~~①~~ at the BCW and ② in the effluent discharge channel prior to re-entering Trapper Creek

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

BCW 18.5" yields 10.4 cfs

2. Alternate Method for Checking Purposes:

Discharge ① = 10.2 cfs Discharge in effluent channel 10.6 cfs

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

2. Volume Calculations for Other Uses: Attached system drawing for individual pond volumes.

Total pond vol = 110000 ft³
Changes of water = $10.4 \frac{\text{ft}^3}{\text{sec}} \times \frac{1}{110000 \text{ ft}^3} \times \frac{3600 \text{ sec}}{\text{hour}} = .340 \frac{\text{change}}{\text{hr}}$

H. REMARKS AND OVERLAP REVIEW ANALYSIS

~~and~~ an average length of 291' and width of 28'. Each raceway has three ponds with an average depth of 4.5'. During the measurement water was flowing through each raceway; however, only the ponds in the outside raceways were full. The effluent leaves the raceways via a 46" CMP conduit which delivers the water to an effluent settling pond which has a single concrete check structure for controlling the water elevation with broods. During the exam there were no broods installed. The effluent passes through some 80' of earthen channel, top width ~5', where upon it enters Trapper Creek, approximately 100' upstream of the Trapper Creek stream gaging station.

I. RECOMMENDATIONS

1. Recommended Amounts

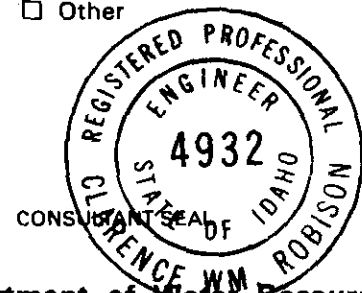
Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
Fish Propagation	1/1	12/31	10.4	313 af or .34 changes hour.
Totals:			10.4	

2. Recommended Amendments

- ☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

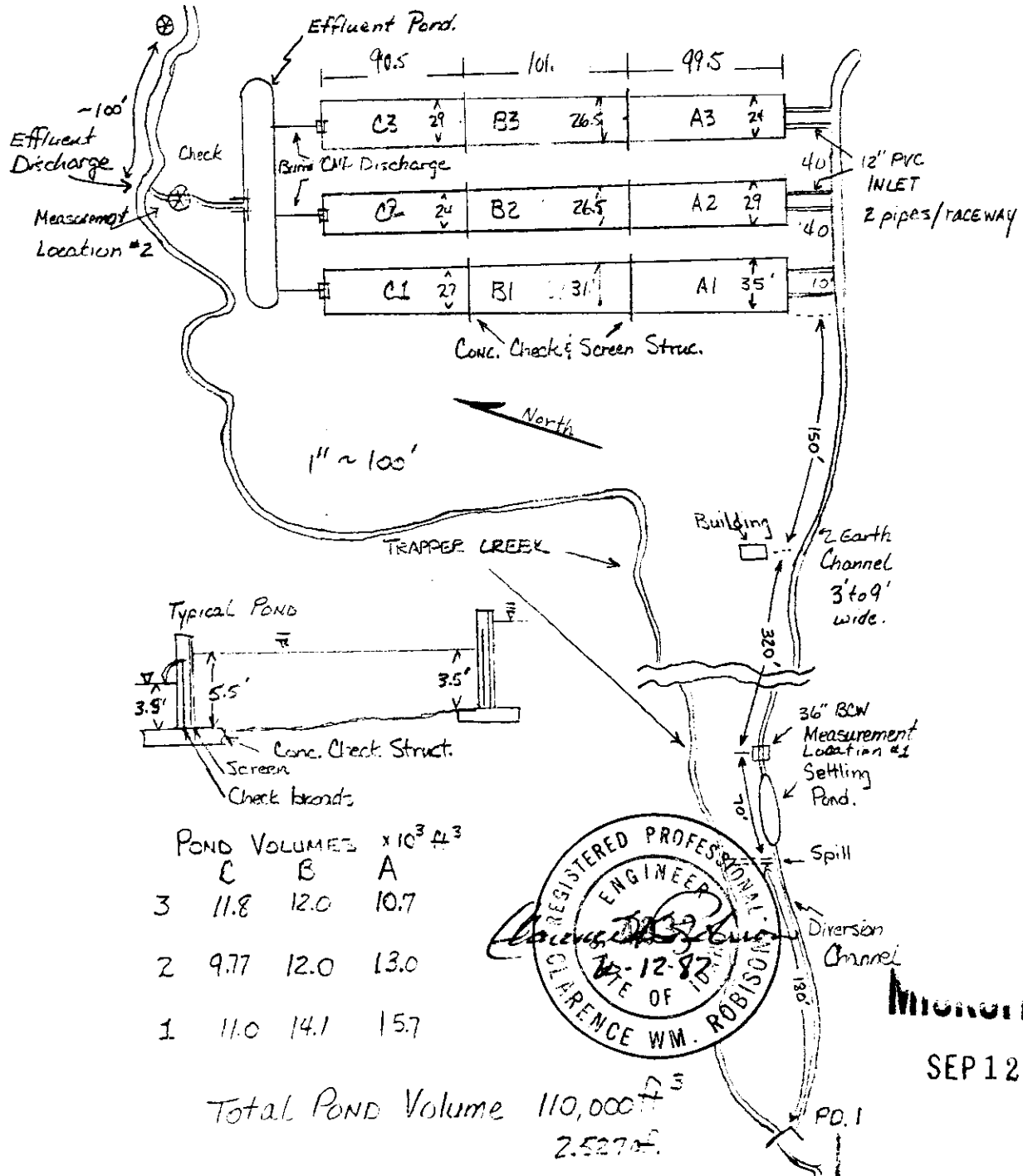
Field Examiner's Name Clarence Wm Robison
 Signature Clarence Wm Robison
 Certification Date 4-7-87
 Field Report Preparation Date 10-12-87



- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

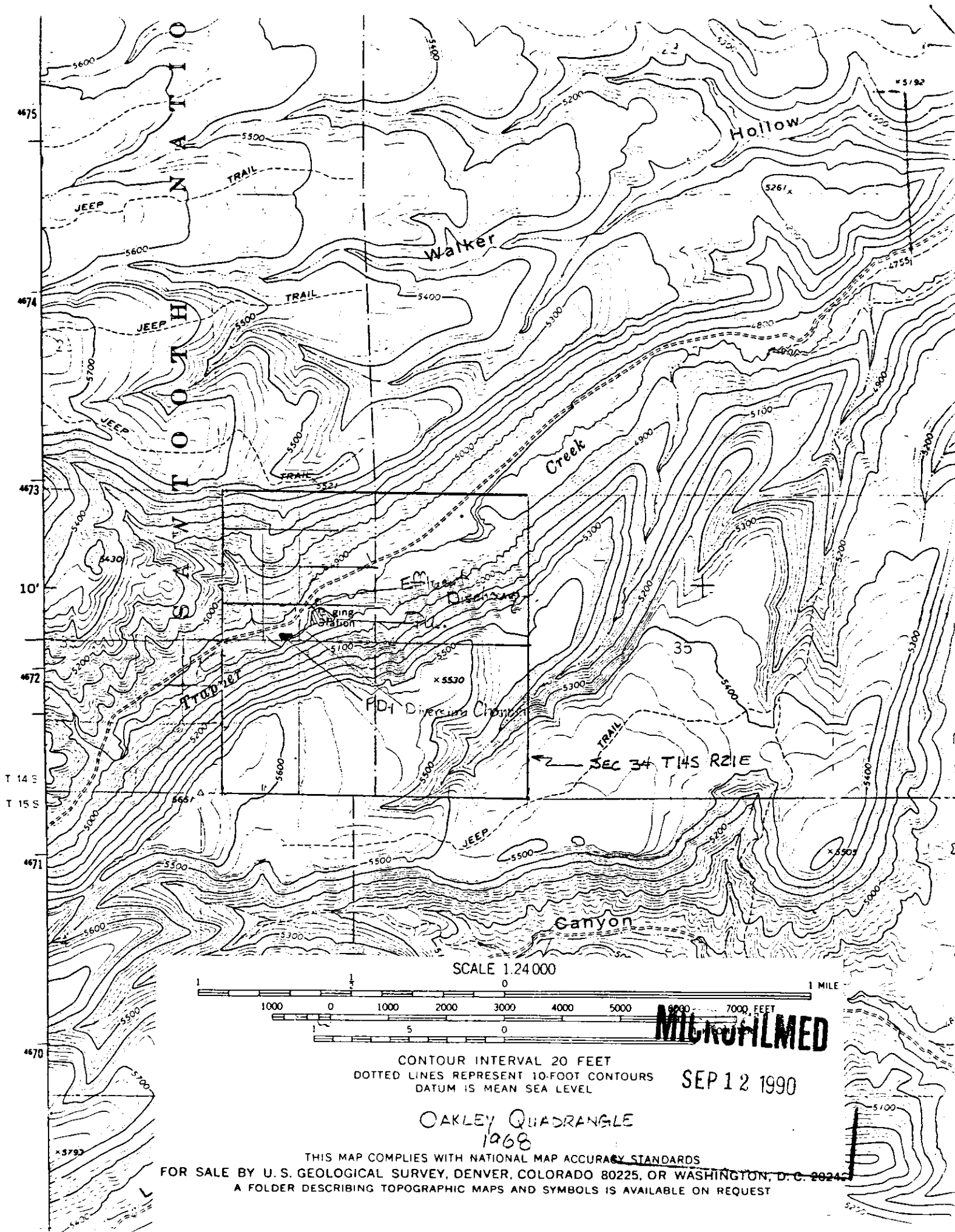
PERMIT #45-7360

USGS GAGE HOUSE



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SEP 12 1990



N. Victor

45-7360



Diversion Structure on Trapper Creek



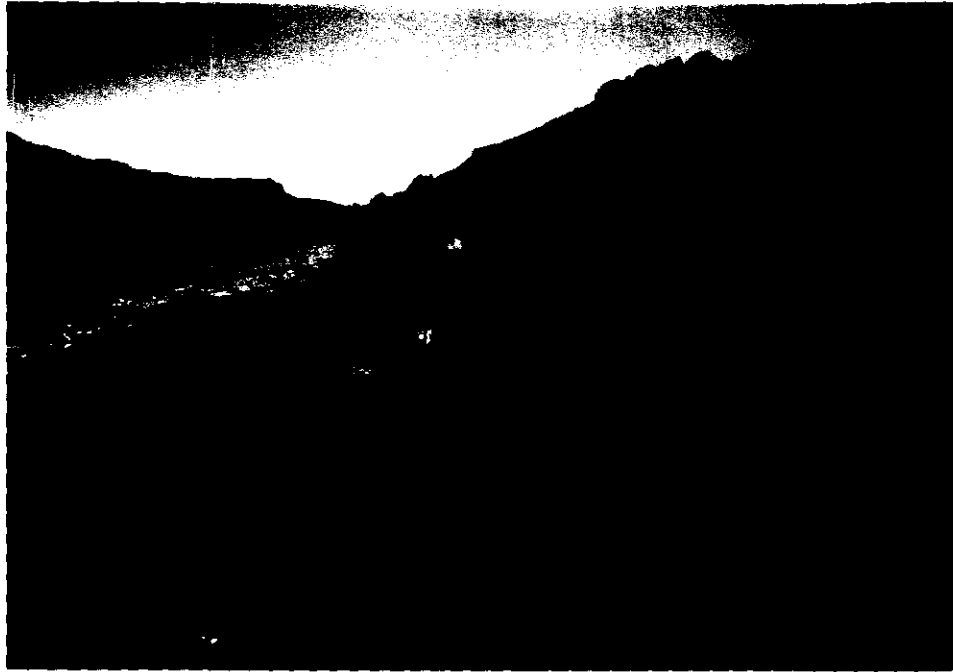
Diversion Channel w/ measurement BCW

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SEP 12 1993



N. Victor

45-7360



Diversion Channel at upstream edge of raceways.



Raceway set #3. U.S.G.S. Gauge in background.

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N. Victor

45-7360



Raceway Set # 1.



Effluent Measurement Cross Section.

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SEP 12 1990



N. Victor

#45-7360



Trapper Creek between diversion and
effluent discharge. 10/10/87 1-2 cfs

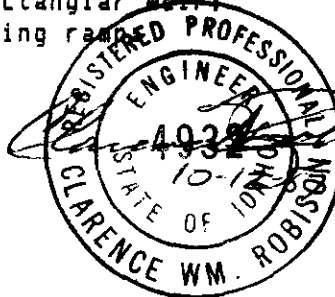
REPRODUCED
SEP 12 1990



TRAPPER CREEK FISH FACILITY BROAD CRESTED WEIR

As built dimensions for stationary rectangular weir:

Length from MP to converging ramp:	2.0 ft
Converging ramp length:	1.0 ft
Throat length:	3.0 ft
Diverging ramp:	0.0 ft
Sill height:	5.5 in
Approach Section width:	3.0 ft
Throat Section width:	3.0 ft
Tailwater Section width:	4.0 ft



RATING TABLE

Sill Reference Head (ft)	MP Depth to Water (inch)	Flow (cfs)
0.17	28.50	0.60
0.19	28.25	0.73
0.21	28.00	0.86
0.23	27.75	0.99
0.25	27.50	1.14
0.27	27.25	1.29
0.29	27.00	1.45
0.31	26.75	1.62
0.33	26.50	1.79
0.35	26.25	1.97
0.38	26.00	2.16
0.40	25.75	2.35
0.42	25.50	2.55
0.44	25.25	2.76
0.46	25.00	2.97
0.48	24.75	3.18
0.50	24.50	3.41
0.52	24.25	3.64
0.54	24.00	3.87
0.56	23.75	4.11
0.58	23.50	4.36
0.60	23.25	4.61
0.63	23.00	4.87
0.65	22.75	5.13
0.67	22.50	5.40
0.69	22.25	5.67
0.71	22.00	5.95
0.73	21.75	6.23
0.75	21.50	6.52
0.77	21.25	6.81
0.79	21.00	7.11
0.81	20.75	7.42
0.83	20.50	7.73
0.85	20.25	8.04
0.88	20.00	8.36
0.90	19.75	8.68
0.92	19.50	9.01
0.94	19.25	9.34

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SEP 12 1990

TRAPPER CREEK FISH FACILITY BROAD CRESTED WEIR

RATING TABLE CONT.

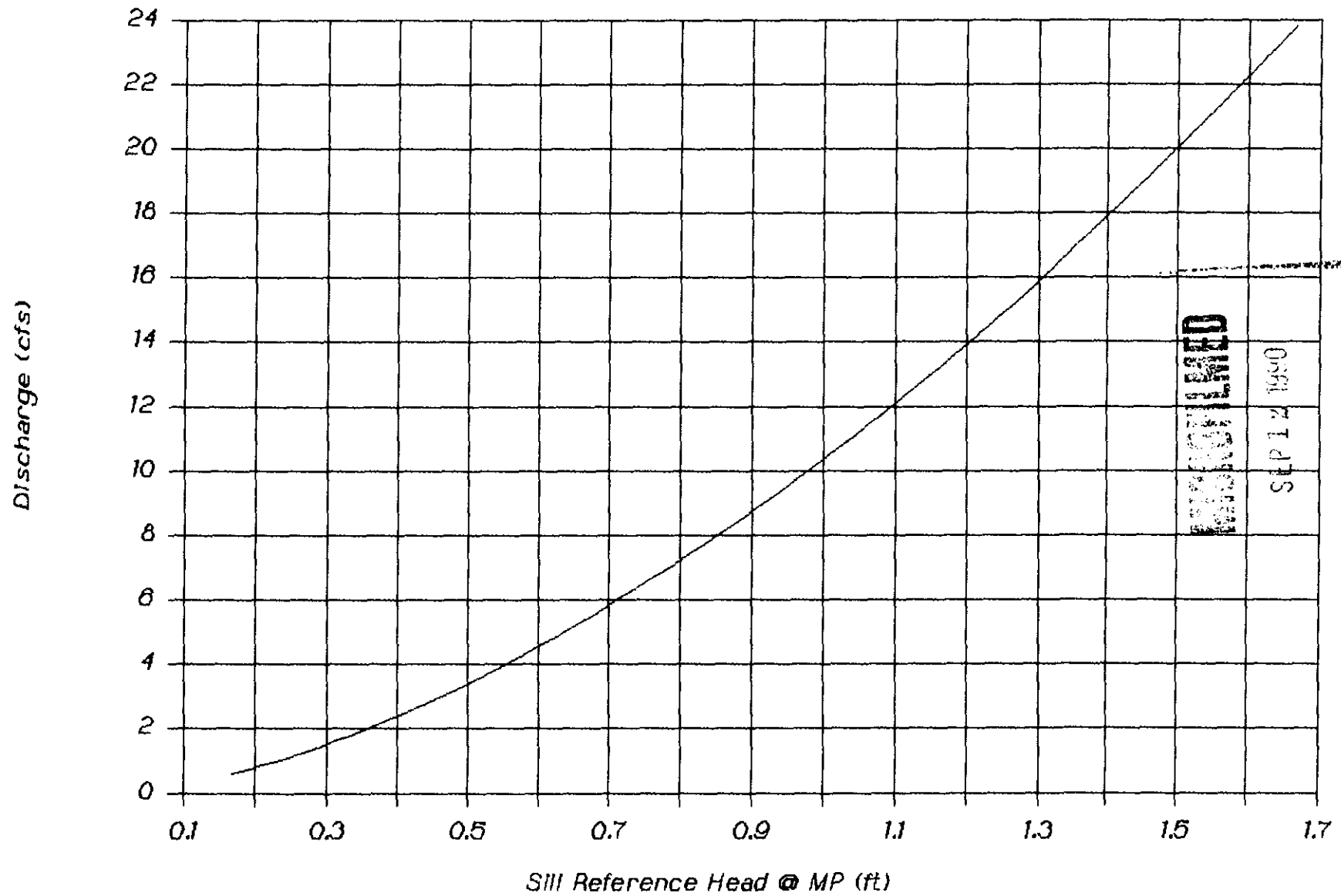
Sill Reference Head	MP Depth to Water	Flow
(ft)	(inch)	(cfs)
0.96	19.00	9.68
0.98	18.75	10.02
1.00	18.50	10.37
1.02	18.25	10.72
1.04	18.00	11.08
1.06	17.75	11.44
1.08	17.50	11.81
1.10	17.25	12.18
1.13	17.00	12.55
1.15	16.75	12.93
1.17	16.50	13.31
1.19	16.25	13.70
1.21	16.00	14.09
1.23	15.75	14.49
1.25	15.50	14.89
1.27	15.25	15.30
1.29	15.00	15.71
1.31	14.75	16.12
1.33	14.50	16.54
1.35	14.25	16.96
1.38	14.00	17.39
1.40	13.75	17.82
1.42	13.50	18.25
1.44	13.25	18.69
1.46	13.00	19.14
1.48	12.75	19.58
1.50	12.50	20.03
1.52	12.25	20.49
1.54	12.00	20.95
1.56	11.75	21.41
1.58	11.50	21.88
1.60	11.25	22.35
1.63	11.00	22.82
1.65	10.75	23.30
1.67	10.50	23.78

REMOVED

SEP 12 1960

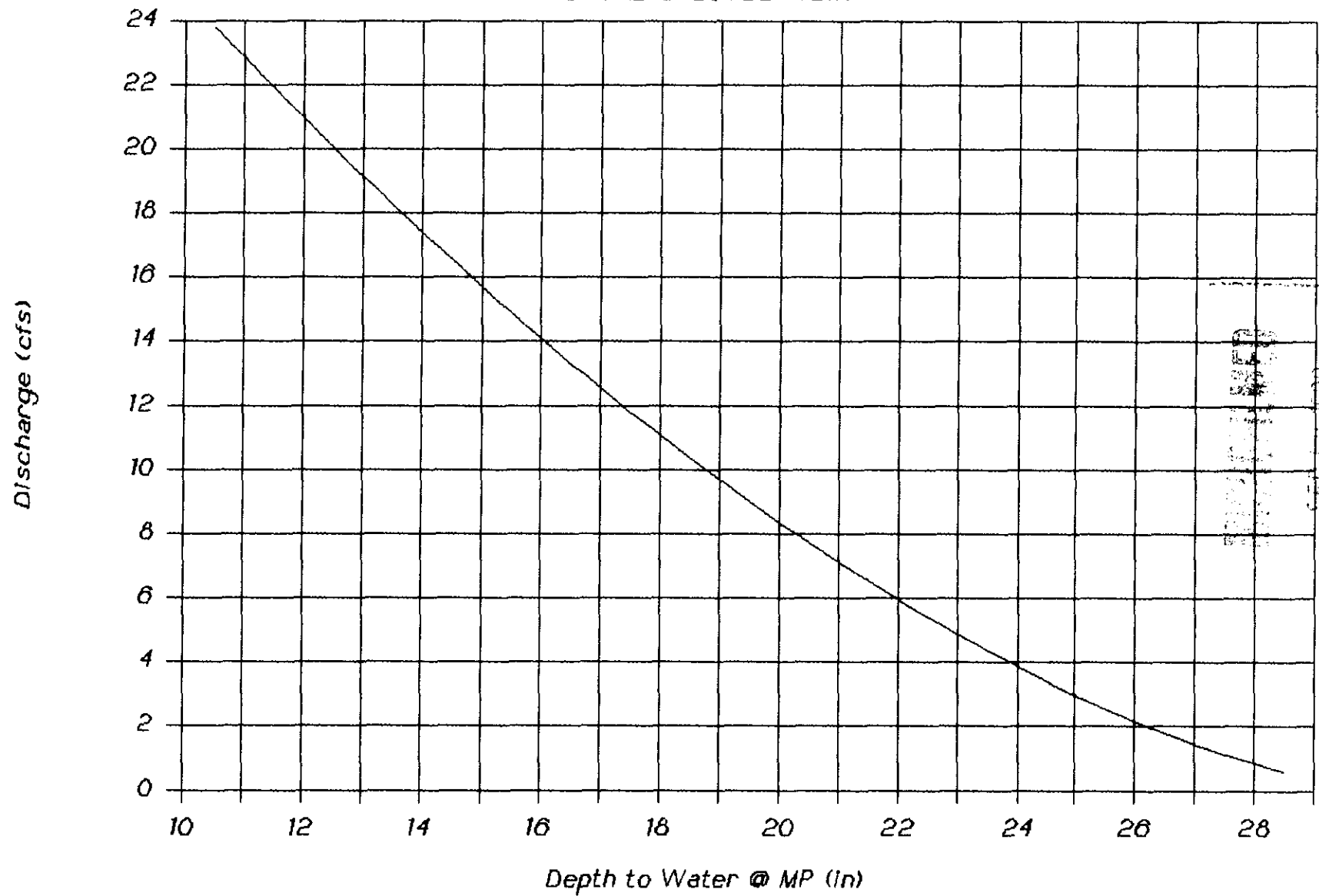
TRAPPER CREEK FISH FACILITY

BROAD CRESTED WEIR



TRAPPER CREEK FISH FACILITY

BROAD CRESTED WEIR



DISCHARGE MEASUREMENT — CURRENT METER

PARTY Robison & Webster METER OTT

LOCATION Trapper Creek Fish Pond Effluent

LOCATION (numeric) 2 METER CODE 9 DATE 10/10/87 NUMBER SECTIONS 8 GAGE —

SEC. #	DISTANCE	DEPTH	REV. 6 or .2	REV. 0.8	TIME (sec.)	ANGLE CORRECTION
01	2.00	.66	-0	-0	50	1.00
02	3.00	1.91	11	20		1.00
03	4.00	2.12	31	68		1.00
04	5.00	2.09	102	114		1.00
05	6.00	1.98	96	107		1.00
06	7.00	1.11	52	0		1.00
07	8.00	.51	41	0		1.00
08	8.40	.38	0	0	50	1.00
09						
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11						
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METER CODES

- | | | |
|-------------------|---------------------------|------|
| 1 = HOFF 551 | 6 = NEYRPIC MIG. BLUE (4) | 11 = |
| 2 = DAVID WHITE | 7 = NEYRPIC MIG. RED (6) | 12 = |
| 3 = HOFF 183-3 | 8 = NEYRPIC CABLE | 13 = |
| 4 = HOFF 183-4 | 9 = OTT - 47966 | 14 = |
| 5 = OTT - 446 (1) | 10 = HOFF 557 | 15 = |

REMARKS 5.10 (out) 5.04 (in) Trapper Creek Gage

STER POSITION FROM CHANNEL BOTTOM FOR .6 AND .24.8 METHODS.

DEPTH	.2	.6	.8	DEPTH	.2	.6	.8	DEPTH	.2	.6	.8	DEPTH	.2	.6	.8
.1	.08	.04	.02	4.1	3.28	1.64	.82	8.1	6.48	3.24	1.62	12.1	9.68	4.84	2.42
.2	.16	.08	.04	4.2	3.36	1.68	.84	8.2	6.56	3.28	1.64	12.2	9.76	4.88	2.44
.3	.24	.12	.06	4.3	3.44	1.72	.86	8.3	6.64	3.32	1.66	12.3	9.84	4.92	2.46
.4	.32	.16	.08	4.4	3.52	1.76	.88	8.4	6.72	3.36	1.68	12.4	9.92	4.96	2.48
.5	.40	.20	.10	4.5	3.60	1.80	.90	8.5	6.80	3.40	1.70	12.5	10.0	5.00	2.50
.6	.48	.24	.12	4.6	3.68	1.84	.92	8.6	6.88	3.44	1.72	12.6	10.1	5.04	2.52
.7	.56	.28	.14	4.7	3.76	1.88	.94	8.7	6.96	3.48	1.74	12.7	10.2	5.08	2.54
.8	.64	.32	.16	4.8	3.84	1.92	.96	8.8	7.04	3.52	1.76	12.8	10.2	5.12	2.56
.9	.72	.36	.18	4.9	3.92	1.96	.98	8.9	7.12	3.56	1.78	12.9	10.3	5.16	2.58
1.0	.80	.40	.20	5.0	4.00	2.00	1.00	9.0	7.20	3.60	1.80	13.0	10.4	5.20	2.60
1.1	.88	.44	.22	5.1	4.08	2.04	1.02	9.1	7.28	3.64	1.82	13.1	10.5	5.24	2.62
1.2	.96	.48	.24	5.2	4.16	2.08	1.04	9.2	7.36	3.68	1.84	13.2	10.6	5.28	2.64
1.3	1.04	.52	.26	5.3	4.24	2.12	1.06	9.3	7.44	3.72	1.86	13.3	10.6	5.32	2.66
1.4	1.12	.56	.28	5.4	4.32	2.16	1.08	9.4	7.52	3.76	1.88	13.4	10.7	5.36	2.68
1.5	1.20	.60	.30	5.5	4.40	2.20	1.10	9.5	7.60	3.80	1.90	13.5	10.8	5.40	2.70
1.6	1.28	.64	.32	5.6	4.48	2.24	1.12	9.6	7.68	3.84	1.92	13.6	10.9	5.44	2.72
1.7	1.36	.68	.34	5.7	4.56	2.28	1.14	9.7	7.76	3.88	1.94	13.7	11.0	5.48	2.74
1.8	1.44	.72	.36	5.8	4.64	2.32	1.16	9.8	7.84	3.92	1.96	13.8	11.0	5.52	2.76
1.9	1.52	.76	.38	5.9	4.72	2.36	1.18	9.9	7.92	3.96	1.98	13.9	11.1	5.56	2.78
2.0	1.60	.80	.40	6.0	4.80	2.40	1.20	10.0	8.00	4.00	2.00	14.0	11.2	5.60	2.80
2.1	1.68	.84	.42	6.1	4.88	2.44	1.22	10.1	8.08	4.04	2.02	14.1	11.3	5.64	2.82
2.2	1.76	.88	.44	6.2	4.96	2.48	1.24	10.2	8.16	4.08	2.04	14.2	11.4	5.68	2.84
2.3	1.84	.92	.46	6.3	5.04	2.52	1.26	10.3	8.24	4.12	2.06	14.3	11.4	5.72	2.86
2.4	1.92	.96	.48	6.4	5.12	2.56	1.28	10.4	8.32	4.16	2.08	14.4	11.5	5.76	2.88
2.5	2.00	1.00	.50	6.5	5.20	2.60	1.30	10.5	8.40	4.20	2.10	14.5	11.6	5.80	2.90
2.6	2.08	1.04	.52	6.6	5.28	2.64	1.32	10.6	8.48	4.24	2.12	14.6	11.7	5.84	2.92
2.7	2.16	1.08	.54	6.7	5.36	2.68	1.34	10.7	8.56	4.28	2.14	14.7	11.8	5.88	2.94
2.8	2.24	1.12	.56	6.8	5.44	2.72	1.36	10.8	8.64	4.32	2.16	14.8	11.8	5.92	2.96
2.9	2.32	1.16	.58	6.9	5.52	2.76	1.38	10.9	8.72	4.36	2.18	14.9	11.9	5.96	2.98
3.0	2.40	1.20	.60	7.0	5.60	2.80	1.40	11.0	8.80	4.40	2.20	15.0	12.0	6.00	3.00
3.1	2.48	1.24	.62	7.1	5.68	2.84	1.42	11.1	8.88	4.44	2.22	15.1	12.1	6.04	3.02
3.2	2.56	1.28	.64	7.2	5.76	2.88	1.44	11.2	8.96	4.48	2.24	15.2	12.2	6.08	3.04
3.3	2.64	1.32	.66	7.3	5.84	2.92	1.46	11.3	9.04	4.52	2.26	15.3	12.2	6.12	3.06
3.4	2.72	1.36	.68	7.4	5.92	2.96	1.48	11.4	9.12	4.56	2.28	15.4	12.3	6.16	3.08
3.5	2.80	1.40	.70	7.5	6.00	3.00	1.50	11.5	9.20	4.60	2.30	15.5	12.4	6.20	3.10
3.6	2.88	1.44	.72	7.6	6.08	3.04	1.52	11.6	9.28	4.64	2.32	15.6	12.5	6.24	3.12
3.7	2.96	1.48	.74	7.7	6.16	3.08	1.54	11.7	9.36	4.68	2.34	15.7	12.6	6.28	3.14
3.8	3.04	1.52	.76	7.8	6.24	3.12	1.56	11.8	9.44	4.72	2.36	15.8	12.6	6.32	3.16
3.9	3.12	1.56	.78	7.9	6.32	3.16	1.58	11.9	9.52	4.76	2.38	15.9	12.7	6.36	3.18
4.0	3.20	1.60	.80	8.0	6.40	3.20	1.60	12.0	9.60	4.80	2.40	16.0	12.8	6.40	3.20

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SEP 12 1990

DISCHARGE MEASUREMENT — CURRENT METER

PARTY Robison Webster

METER 04

LOCATION Fish Diversions at BCW.

LOCATION (numeric) #1 METER CODE 9 DATE 10/10/87 NUMBER SECTIONS 7 GAGE 18.5"

SEC. #	DISTANCE	DEPTH	REV. 6 or .2	REV. 0.8	TIME (sec.)	ANGLE CORRECTION
01	0.00	.70	0	0	50	1.
02	0.30	.70	315	✓	✓	1.
03	1.00	.70	321	✓	✓	1.
04	1.50	.70	322	✓	✓	1.
05	2.00	.70	318	✓	✓	1.
06	2.70	.70	304	✓	✓	1.
07	3.00	.70	0	0	50	1.
08						
09						
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24						
25						

METER CODES

1 = HOFF 551
2 = DAVID WHITE
3 = HOFF 183-3
4 = HOFF 183-4
5 = OTT-446 (1)

6 = NEYRPIC MIG. BLUE (4)
7 = NEYRPIC MIG. RED (6)
8 = NEYRPIC CABLE
9 = OTT-47966
10 = HOFF 557

11 = **RECORDED**
12 = **RECORDED**
13 =
14 = SEP 12 1990
15 =

REMARKS 18.5" from Measuring P. on BCW to water

CHANNEL BOTTOM

MICROFILMED
SEP 12 1990

REFILMED

SEP 12 1990

TRAPPER CREEK FISH POND DIVERSION CHANNEL; 45-7360. ROBISON & WEBSTER

INPUT DATA FROM FIELD

Sta	Depth	Rev (.6or.2)	Rev (.8)	Time	Angle Corr
.00	.70	.00	.00	50.00	1.00
.30	.70	315.00	.00	50.00	1.00
1.00	.70	321.00	.00	50.00	1.00
1.50	.70	322.00	.00	50.00	1.00
2.00	.70	318.00	.00	50.00	1.00
2.70	.70	314.00	.00	50.00	1.00
3.00	.70	.00	.00	50.00	1.00

TRAPPER CREEK FISH POND DIVERSION CHANNEL; 45-7360. ROBISON & WEBSTER

Dist	Depth	N	S	V	W	Area	Sarea	Q	SumQ
.0	.7	.00	.00	.00	.00	.00	.00	.00	.00
.3	.7	6.30	.00	5.37	.00	.21	.21	.56	.56
1.0	.7	6.42	.00	5.47	.00	.49	.70	2.66	3.22
1.5	.7	6.44	.00	5.49	.00	.35	1.05	1.92	5.14
2.0	.7	6.36	.00	5.42	.00	.35	1.40	1.91	7.05
2.7	.7	6.28	.00	5.35	.00	.49	1.89	2.64	9.69
3.0	.7	.00	.00	.00	.00	.21	2.10	.56	10.25

Location	Date	Meter	Vel fps	Area sqft	Discharge cfs	GAUGE
1.	10-10-87	9	4.88	2.10	10.25	18.50

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SEP 12 1990

TRAPPER CREEK FISH POND DISCHARGE CHANNEL; 45-7360. ROBISON & WEBSTER

INPUT DATA FROM FIELD

Sta	Depth	Rev (.6or.2)	Rev (.8)	Time	Angle Corr
2.00	.66	.00	.00	50.00	1.00
3.00	1.91	11.00	20.00	50.00	1.00
4.00	2.12	31.00	68.00	50.00	1.00
5.00	2.09	102.00	114.00	50.00	1.00
6.00	1.98	96.00	107.00	50.00	1.00
7.00	1.10	52.00	.00	50.00	1.00
8.00	.50	41.00	.00	50.00	1.00
8.40	.38	.00	.00	50.00	1.00

TRAPPER CREEK FISH POND DISCHARGE CHANNEL; 45-7360. ROBISON & WEBSTER

Dist	Depth	N	S	V	W	Area	Sarea	Q	SumQ
2.0	.7	.00	.00	.00	.00	.00	.00	.00	.00
3.0	1.9	.22	.40	.24	.38	1.28	1.28	.20	.20
4.0	2.1	.62	1.36	.55	1.13	2.01	3.30	1.16	1.35
5.0	2.1	2.04	2.28	1.75	1.96	2.11	5.40	2.84	4.19
6.0	2.0	1.92	2.14	1.65	1.84	2.03	7.44	3.66	7.85
7.0	1.1	1.04	.00	.90	.00	1.54	8.98	2.04	9.89
8.0	.5	.82	.00	.72	.00	.80	9.78	.65	10.54
8.4	.4	.00	.00	.00	.00	.18	9.96	.06	10.60

Location	Date	Meter	Vel fps	Area sqft	Discharge cfs	GAUGE
1.	10-10-87	9	1.06	9.96	10.60	.00

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SEP 12 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 45-7360
Name(s) of Permit Holder(s): GARY Funderburg
Post Office Address: Bx 191C / Rte 3
Prineville IDA.

- ☒ I hereby certify that construction of diversion works for the above referenced permit began on 8-1- (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.
- ☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

7/7/82
Date

Gary Funderburg
Signature of Permit Holder

PLACE
STAMP
HERE

Department of Water Resources
JUL 8 1982



MICROFILMED

SEP 12 1990

03113900

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED
OCT 16 1987

Department of Water Resources

AFFIDAVIT OF NOLAN VICTOR

STATE OF IDAHO)

County of Twin Falls)

:55

I, Nolan Victor, on behalf of myself and being of lawful age and
duly sworn upon oath, depose and state as follows:

1. I, Nolan Victor, have retained Clarence Wm. Robison, P.E., a
certified water rights examiner (No. 87-111) , to conducted
the field examination of my water permit, No. 45-7360.
2. I, Nolan Victor, also give Clarence Wm. Robison authority to
submit, on my behalf, the necessary documents associated
with the field examination of said permit (45-7360) to the
Idaho Department of Water Resources as outlined in
BENEFICIAL USE EXAMINATION RULES AND REGULATIONS adopted by
the Department.

DATED this 13 day of October 1987.

Nolan Victor
Nolan Victor

SUBSCRIBED and sworn before me this 13 day of
October 1987.

(seal)

Sam Rasmussen
NOTARY PUBLIC OF IDAHO

Residing at: Twin Falls, Idaho
Commission expires: 9/29/92

MICROFILMED

SEP 12 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

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

August 27, 1987

Nolan Victor
1528 Addison Avenue East
Twin Falls, ID 83301

Re: Permit to Appropriate Water No. 45-7360

Dear Mr. Victor:

Our records show that on August 12, 1986, the Department of Water Resources mailed you an examination fee notice which stated that you must either pay the required examination fee or retain a certified field examiner within sixty (60) days of the notice. Failure to pay the fee or inform the Department of the retention of the certified field examiner results in advancement of priority of one day for every day that the fee or notice of retention was not received. After the expiration of one year and sixty days from the initial notice, the permit lapses.

The Department received notice from Clarence Robison on June 29, 1987, that he had been retained as a certified examiner. Mr. Robison referred to a possible request for an extension of time to conduct the exam due to drought conditions. The request, however, was never received by the Department until your August 13, 1987, letter.

The lapse notice which was sent to you was mailed because the certified examiner is required to submit his examination within one year and sixty days of the original notice. As stated in the lapse notice, the exam is due on or before October 12, 1987, or the permit will lapse.

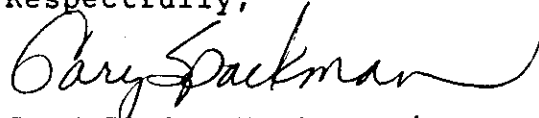
I would suggest that the examiner conduct the field examination and report the extent of beneficial use along with a measured flow of water, and submit his field examination prior to the time deadline. Along with the examination, the examiner could request that the examination not be reviewed for licensing for another year to allow an additional measurement of water in the future. This process will prevent the lapsing of the permit, and will also comply with the requirement that the exam be submitted to the Department.

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If the above alternative is not acceptable, and a field examination is not submitted, the permit will lapse. Following the lapsing of the permit, the water right can only be reinstated through a difficult evidentiary process which, if accomplished, will result in a substantial advancement of priority.

Respectfully,



GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Southern Region

MICROFILMED

SEP 12 1990

1528 Addison Avenue East
Twin Falls, Idaho 83301
August 13, 1987

RECEIVED
AUG 17 1987

Mr. Glen Saxton, Chief
State of Idaho
Department of Water Resources
450 West State Street,
Boise, Idaho 83720

Department of Water Resources

Re:45-7360

Dear Mr. Saxton:

Your letter, of August 12, 1987, shocked me, to say the least. In May, 1987, we visited your Twin Falls office, regarding the new requirements, which have been imposed on water users. They gave me a list of certified water right examiners for the state, and advised me that I could either use one of these or pay the state TAX, or fee, if you prefer, for your department to perform the survey.

We, at that time engaged Clarence Wm. Robison, Rt. #2, 230 Maxine Lane, Kimberly, Idaho, to proceed with the demanded engineering. Together Mr. Robison and I drove to the site and tested the water flow, according to proscribed standards. In doing so it was discovered that due to the drought of 1986-87 winter, there was inadequate water run off to meet the filing requirements. Approximately 30% short. He does, however have all the information needed to comply with your requirements from this examination.

I discussed this with two different employees in your Twin Falls office, and was advised by each of them that if we had our engineer engaged at that time, and your department was notified, of such, that we would be in compliance with the law, and would not be delinquent or late, to submit the needed survey, in the spring of 1988. At that time we would assume there would be a normal run off, and we would have the water originally filed on, rather than be short 30%.

I hereby request I be granted an extension, until July 1, 1988, so that we might obtain a more normal reading and runoff.

Thank you for your kindness and interest.

Sincerely,

Nolan Victor
Nolan Victor

MICROFILMED

SEP 12 1990



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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

45-7360
VICTOR, NOLAN
1528 ADDISON AVE. E.
TWIN FALLS, ID 83301

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

August 12, 1987

Dear Permit Holder:

LAPSE NOTICE
License Examination Fee

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be of no further force nor effect on October 12, 1987, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of § 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on August 12, 1986.

The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before December 11, 1987, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Enclosed is a fee information sheet that must be completed and submitted to the Department to keep the permit in good standing. If you have questions, please contact any office of the Department.

Sincerely,

MICROFILMED

L. Glen Saxton
L. GLEN SAXTON, Chief
Operations Bureau

Enclosure

SEP 12 1990

RECEIVED

JUL 07 1987

Department of Water Resources

CWR Consulting

Clarence Wm. Robison, P.E.

Route 2, 230 Maxine
Kimberly, Idaho 83341

(208) 423-4972

RECEIVED

JUN 30 1987

Department of Water Resources
Southern Region Office

June 29, 1987

Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

To Whom It May Concern:

I, Clarence Wm. Robison a certified water right examiner (87-111), have been contacted and retained to conduct the beneficial field report for water permit number 45-7360 currently held by Mr. Nolan Victor of Twin Falls, Idaho. It is my understanding that he has requested a extension in time, one year, to conduct the examination due to the drought conditions this summer.

Sincerely,



Clarence Wm. Robison, P.E.
Agricultural Engineer

cc: Mr. Nolan Victor
1528 Addison Ave. East
Twin Falls, Idaho 83301

MICROFILMED

SEP 12 1990

4/85

RECEIVED
JUN 30 1987
Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received _____
Date 6/30/87
Receipt # 111A
Receipt by 111A
Sent to S.O. 7/2/87

JUL 07 1987

1. Permit No. 45-9360

Department of Water Resources

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: Nolan Victor3. Post Office Address: 152P Addison Ave EastTelephone No. 20F-733-52174. Source of Water: TRAPPER Creek

5. Extent of Use:

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

Irrigation _____ (acres) Other/Remark FISH FARM6. Total rate &/or volume for which proof is submitted 20 cfs _____ acre-feet

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

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

CLARENCE Wm. Robinson P.E.RT # 2 730 Mapine Kimberly 423-4972

(Name)

(Address)

(Telephone Number)

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

Date 6/30/87

Nolan Victor Owner
Signature of Permit Holder (and title, if appropriate)

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SEP 12 1990

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
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

45-7300
VICTOR, IDAHO
1528 ADDISON AVE. E.
TWIN FALLS, ID 83301

138090

August 12, 1986

CERTIFIED MAIL

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. If you do change to another certified examiner.

Certified water right examiners are licensed engineers or geologists 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

RECORDED

SEP 12 1986

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.

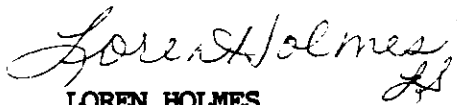
FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

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.

Southern Region
Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Sincerely,


LOREN HOLMES
Southern Regional Manager

Enclosures

RECEIVED
SEP 12 1986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

NOVEMBER 19, 1985

NOLAN VICTOR
1529 ADDISON AVE. EAST
TWIN FALLS ID 83301

RE: Permit No. 45-7360

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 734-3578 or in person at our office at 1041 Blue Lakes Blvd. N. Twin Falls, Idaho.

Sincerely,
s/Mary A. Newby
Secretary

MICROFILMED

SEP 12 1990

09/21/85
RECEIVED
SEP 16 1985

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
SEP 11 1985
Department of Water Resources
Bozeman, Montana Office

Department of Water Resources

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. 45-7360

Name(s) of Permit Holder: Nolan Victor
1528 Addison Ave E.

Post Office Address: Twin Falls, ID 83301

Telephone No. 733-5217

Source of Water: Trapper Creek TR. to Goose Creek

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remarks Fish Propagation

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

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

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

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

Permit Holder
(Name)

(Address)

(Telephone Number)

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

Sept 11, 1985
Date

Nolan Victor
Signature of Permit Holder (and Title, if appropriate)

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT.
(2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

June 7, 1985

RE: Permit No. 45-7360

Nolan Victor
1528 Addison Ave. E
Twin Falls, ID 83301

Dear Permit Holder:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

If you have any questions on this matter, please feel free to contact us.

Sincerely,

KAY WALKER
Chief Clerk

KW:sc
Enclosure

MICROFILMED

July 24, 1984

Gary Funderburg
Rt. 3, Box 3382
Jerome, ID 83338

Dear Gary:

Re: Permit No. 45-7360

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use postcard is extended to July 1, 1987.

In connection with the development of a water right under this permit, the Department wishes to call to your attention an Idaho Supreme Court decision issued in November 1982 which likely could affect your future use of water.

The decision in the case of Idaho Power Company vs the State of Idaho, et al stated in part that Idaho Power Company's use of water for power generation purposes at the Swan Falls dam on the Snake River is not subordinated to upstream depletion by later-in-time uses. The question of whether Idaho Power's 3,400 cfs water right at Swan Falls dam has been diminished by subsequent development, however, was remanded back to district court for determination. The findings of the district court could restrict water availability or require compensation to Idaho Power Company for uses developed later in time than Idaho Power Company's water right at Swan Falls dam.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

CC: Bob Weaver

RECEIVED

WEAVER & DYKAS, P.A.

Attorneys at Law

130 N. BROADWAY

BUHL, IDAHO 83316

PHONE (208) 543-8268

ROBERT C. WEAVER

FRANK J. DYKAS
REGISTERED PATENT
TRADEMARK ATTORNEY

JOHN M. MELANSON

April 10, 1984

Department of Water Resources

Re: Gary Funderberg
Request for Extension of Time

Dear Sir:

Please find enclosed a copy of the Notice of Trial Setting in the case of Gary Funderberg, et ux vs. Donald L. Mabey, et ux, Mabey Land and Livestock, Inc., and Shoulder 3 Ranches, Inc. This case has been set for trial on June 11, 1984. This firm represents Mr. Funderberg.

If further proof is needed or if you wish to discuss this case with me, please feel free to contact me.

Sincerely yours,



ROBERT C. WEAVER

RCW:sh
Enc.

MICROFILMED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR
C A S S I A COUNTY

GARY FUNDERBERG and DENISE
FUNDERBERG, husband and wife,

Plaintiffs,

vs.

DONALD L. MABEY and BARBARA J.
MABEY, husband and wife; MABEY
LAND AND LIVESTOCK, INC.; SHOULDER
3 RANCHES, INC.,
Defendants.

CASE NO. 13152-5-81

NOTICE OF TRIAL SETTING

NOTICE IS HEREBY GIVEN that the above-entitled case is
set for trial on Monday, at 9:00 A. M. on the 11th day
of June, 1984, before (X) a jury () the court.

LOCATION: Cassia County Courthouse, Burley, Idaho.

DAYS RESERVED: Three.

SETTING: Second place. (#1, Garcia v. Simplot)
Plankey - L. Smith

BY ORDER OF THE COURT this 9th day of April, 1984.

Geo. Granata Jr.
GEORGE GRANATA JR.
District Judge

Pc: Robert C. Weaver, Attorney at Law
Richard K. Smith, Attorney at Law
Kenneth L. Pedersen, Attorney at Law

MICROFILMED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR
C A S S I A COUNTY

GARY FUNDERBERG and DENISE
FUNDERBERG, husband and wife,

Plaintiffs,

vs.

DONALD L. MABEY and BARBARA J.
MABEY, husband and wife; et al.

Defendants.

Case No. 13152-5-81

NOTICE: TRIAL VACATED AND RESET

PLEASE TAKE NOTICE that the trial of the above-entitled
case heretofore set for the 11th day of June, 1984,
is VACATED; and,

The above-entitled case is RESET for trial on Tuesday,
at 9:00 a.m., the 16th day of October, 1984,
as a first place setting; three days are reserved for
jury trial.

DATED this 14th day of June, 1984.



GEORGE GRANATA JR.
District Judge

Pc: Frank Dykas, Attorney at Law
Richard K. Smith, Attorney at Law
Kenneth L. Pedersen, Attorney at Law

MICROFILMED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR
C A S S I A COUNTY

GARY FUNDERBERG and DENISE
FUNDERBERG, husband and wife,

Plaintiffs,

vs.

DONALD L. MABEY and BARBARA J.
MABEY, husband and wife, et al.

Defendants.

Case No. 13152-5-81

ORDER IN RE PRE-TRIAL
CONFERENCE

IT IS HEREBY ORDERED that a Pre-trial Conference be
held on Friday, at 11:00 a.m., on the 28th day
of September, 1984.

IT IS HEREBY FURTHER ORDERED that Pre-trial Statements,
in accordance with I.R.C.P. 16, be lodged by all counsel with the
undersigned Judge, at least five (5) days prior to the Pre-trial
Conference.

IT IS HEREBY FURTHER ORDERED that counsel for the
plaintiff(s) submit along with, or as part of, the Pre-trial
Statement an "Element Sheet," setting forth the elements the
plaintiff(s) must prove in order to prevail. This "Element Sheet"
will be similar to a final "issues" instruction given to juries.
(See I.D.J.I. 160-164, 1982 ed.)

MICROFILMED

IT IS HEREBY FURTHER ORDERED that counsel for the defendant(s) submit along with, or as part of, the Pre-trial Statement an "Element Sheet," as specified above, as to affirmative defenses, if any. (If Counterclaims or Cross-claims have been filed, an "Element Sheet" should also be lodged as to those as directed above.)

IT IS HEREBY FURTHER ORDERED that all discovery relative to the above-entitled case, including depositions of expert witnesses, be completed prior to the Pre-trial Conference, except for good cause shown.

IT IS HEREBY FINALLY ORDERED that any pre-trial motions be made, filed and noticed for hearing separately; not to be heard during the pre-trial conference. Such motions may be noticed for hearing during any regular Law & Motion day of this court, including the day of the pre-trial conference.

DATED this 14th day of June, 19 84.



GEORGE GRANATA JR.
District Judge

Pc: Frank Dykas, Attorney at Law
Richard K. Smith, Attorney at Law
Kenneth L. Pedersen, Attorney at Law

MICROFILMED

WEAVER and DYKAS
Attorneys at Law
130 N. Broadway
Buhl, Idaho 83316
Phone (208) 543-8268

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Plaintiff,

SUMMONS

Defendant.

* * * * *

By
 , Deputy Clerk

MICROFILMED

WEAVER and DYKAS
Attorneys at Law
130 North Broadway
Buhl, Idaho 83316
Telephone (208) 543 8268

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR CASSIA COUNTY

GARY FUNDERBERG AND DENISE)
FUNDERBERG, husband and wife,) Case No.

Plaintiffs,)

vs:)

COMPLAINT

DONALD L. MABEY AND BARBARA J.)
MABEY, husband and wife;)
MABEY LAND AND LIVESTOCK, INC.)
WINSLOW B. WHITELY AND VARIOUS)
JANE DOES AND JOHN DOES,)
I thru X)

Defendants.)

COMES NOW, the plaintiffs, and for cause of action
allege and state as follows:

COUNT I.

I.

That on or about October 1, 1978, plaintiffs
entered into a written lease agreement with defendants,
Donald L. Mabey and Barbara J. Mabey for real property more
particularly described as follows:

A parcel of land located in Section 26,
Township 14, South, Range 21 East of the Boise
Meridian more particularly described as a portion
of the SW 1/4 and

A parcel of land located in Section 34,
Township 14 South, Range 21 East of the Boise
Meridian more particularly described as a

Attorneys at Law
130 N. Broadway
Buhl, Idaho 83316
Phone (208) 543-8268

MICROFILMED

1 portion of the SE 1/4 of the NW 1/4 and a
2 portion of the NW 1/4 NE 1/4 and the SW 1/4
3 NE 1/4 and the NE 1/4 NE 1/4 of said Section,
4 together with wells located in the SE 1/4
5 NW 1/4 and the NE 1/4 NE 1/4 of said Section.

6 A copy of the Lease Agreement is attached hereto
7 as Exhibit A and by this reference is made a part hereof.

8 II.

9 The purpose of said lease agreement was to permit
10 plaintiffs to construct and operate fish propagation
11 facilities. Rental payments were to be made to the landlord
12 in accordance with the terms and conditions of the
13 agreement.

14 III.

15 Immediately upon the execution of the lease the
16 plaintiffs filed on various water rights on waters running
17 through the property on a stream commonly known as Trapper
18 Creek and on certain wells situated on the property for the
19 purpose of propagation of fish.

20 IV.

21 Thereafter the plaintiff constructed fish
22 propagation facilities upon said leased premises,
23 expending the sum of \$ 60,000.00 for the development of said
24 facilities; plaintiffs then placed fish therein, and grew
25 fish during the year, 1980, for which the defendants were
26 paid rental payments in accordance with the terms and
27 conditions of the lease agreement.

28 V.

29 The Lease and the Agreement of the parties
30 contemplates the construction of additional fish propagation
31 facilities within the leased premises upon Trapper Creek and
32 the areas immediately adjacent to and downstream from the
wells which were filed upon for fish propagation.

VI.

Thereafter, sometime the latter part of 1980, or in 1981, the defendants, Donald L. Mabey and Barbara J. Mabey, transferred their interest property to Winslow B. Whiteley without first giving notice to the plaintiff or allowing the plaintiffs to exercise their option to purchase said fish propagation facilities in accordance with the terms and conditions of said lease agreement.

VII.

On information and belief, plaintiffs allege that there may be others herein indentified as the various John Does and Jane Does I thru X, whose true names and identities are unknown to plaintiffs, who also hold an interest in said real property which is adverse to plaintiffs.

VIII.

Defendants Donald L. Mabey, Barbara J. Mabey, and Mabey Land and Livestock, Inc., if in existence, refuse to acknowledge the validity or existence of plaintiffs leasehold interests, and further, Winslow B. Whiteley and the various John Does and Jane Does, if any there be, have failed to ratify plaintiffs leasehold interest or to, in any way acknowledge plaintiffs interest in said properties.

IX.

Plaintiffs are desirous of building additional fish propagation facilities upon said real property, and to continue operating the existing fish propagation facilities, but they are precluded from doing so by the actions of the defendants herein.

X.

As the result of defendants actions herein, plaintiffs have reasonably and necessarily retained the services of an attorney to represent them, and have incurred

1 attorney fees as a result. Plaintiffs allege and request an
2 award of attorneys fees in an amount of not less than
3 \$ 2500.00 if judgment be entered by default, or in any
4 amount deemed reasonable and proper if this matter be
5 contested.

6 COUNT II.

7 I.

8 Plaintiffs reallege and incorporate herein, as if
9 fully set forth Paragraphs I thru X of Count I.

10 II.

11 The lease, Exhibit A, provides in part, that, in
12 the event Donald L. and Barbara J. Mabey, should desire to
13 sell the real property, then they shall first offer it, on a
14 "right of first refusal basis" to plaintiffs.

15 III.

16 When plaintiffs discovered that Donald L. and
17 Barbara J. Mabey were contemplating a sale of said real
18 property to Winslow B. Whiteley, plaintiffs demanded their
19 right to be allowed to exercise their option to purchase.

20 IV.

21 Defendants Mabey refused to inform plaintiff of
22 the terms of the sale and further refused to allow
23 plaintiffs to exercise said option, and subsequently
24 conveyed the property to Winslow B. Whitely in contravention
25 of plaintiffs rights to purchase said property.

26 V.

27 Plaintiffs are desirous of having an opportunity
28 to exercise said option to purchase the real property in
29 accordance with the terms of their option.

30 WHEREFORE, the plaintiff prays judgment as
31 follows:

32 1. That the Court declare the lease agreement
previously entered into between the plaintiffs and

1 defendants, Donald L. and Barbara J. Mabey, to be a valid
2 lease and binding upon all who have and interest in said
3 real property; and

4 2. To require the defendants, and each of them,
5 to abide by the terms and conditions of said lease
6 agreement, including the offer of said premises to the
7 plaintiff in accordance with the terms of the lease and, to
8 allow the plaintiff to construct and operate his fish
9 propagation facilities at the various places upon Trapper
10 Creek and wells contemplated by the parties.

11 3. For damages created by the defendants for an
12 amount not now known by the plaintiff, for leave to amend
13 this suit, that damages are determined.

14 4. For attorney fees to be fixed by the Court of
15 not less than \$ 2500.00 if judgment be entered by default,
16 or in an amount deemed reasonable and proper if this matter
17 be contested.

18 5. For Costs of Suit.

19 6. For such other and further relief as to the
20 Court deems just and proper in the circumstances.

21 DATED this 28th day of April, 1981.

22 WEAVER and DYKAS

23
24 BY

25 Robert C. Weaver

26 Attorney for Plaintiff
27
28
29
30
31
32

WEAVER & DYKAS, P.A.

Attorneys at Law

130 N. BROADWAY

BUHL, IDAHO 83316

45-7360

ROBERT C. WEAVER

FRANK J. DYKAS
REGISTERED PATENT
TRADEMARK ATTORNEY

JOHN M. MELANSON

PHONE (208) 543-8268

June 15, 1984

RECEIVED
JUN 18 1984

Department of Water Resources

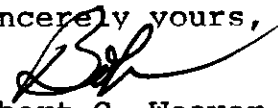
Rita Fleck
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

RE: Funderberg Water Application

Dear Rita:

For your reference and file, please find enclosed a copy of the original Summons and Complaint and the Notice which vacated and reset the trial date in the Funderberg vs. Mabey case.

Sincerely yours,


Robert C. Weaver

RCW/tah

Enclosures

MICROFILMED

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
CERTIFIED MAIL

138573

Funderburg, Gary and/or Denise
Rt. 3, Box 3382
Jerome, ID 83338

P R O O F D U E N O T I C E

MARCH 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 45-7360 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A 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,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

June 5, 1979

Re: Permit No. 45-7360

Gary &/or Denise Funderburg
Box 191 C, Rt. 3
Jerome, Idaho 83338

Dear Mr. or Mrs. Funderburg:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed 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 prior to submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosure

MICROFILMED

RECOMMENDED

CONDITIONS OF APPROVAL

☐ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

☒ Measuring devices of a type approved by this Department shall be permanently installed and maintained at ~~the~~ ^{EACH} point of diversion and the point of effluent discharge.

☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.

☐ Maximum rate of diversion shall not exceed _____ c.f.s.

☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.

☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.

☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.

☐ The proposed well shall not be drilled within _____ feet of another well.

☒ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.

☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.

☐ Other: _____



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

May 15, 1979

Mr. Alex Schaefer
Department of Health & Welfare
Division of Environment
P. O. Box 1626
Twin Falls, Idaho 83301

Re: Application for Permit No. 45-7360 - Gary Funderburg &/or Denise

Dear Mr. Schaefer:

Enclosed is a copy of the above referenced Application for Permit for your information and files.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

DUPLICATE FILMED

INTER-DEPARTMENT MEMO — 1

FROM Loten Holmes

DATE 5-15-79

TO File 45-7360

SUBJECT Financial Statement of Applicant.

I have reviewed the Applicant's finances. He has obtained financing from the P.C.H. for the Project which appears to be adequate.

MICROFILMED

LH

SIGNATURE

NIELSON & BEDKE
ATTORNEYS AT LAW
P. O. BOX 249
BURLEY, IDAHO 83318
TELEPHONE: (208) 678-5574

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

In the Matter of the Application
for Permit #45-7360 for Gary
Funderburg &/or Denise Funderburg.

STIPULATION

Gary Funderburg and Denise Funderburg, having filed to appropriate waters of Trapper Creek under Permit #45-7360, and the Oakley Canal Company, having filed a protest to said application, do hereby agree and stipulate as follows:

1. That the application for permit to appropriate waters may be granted so far as the Oakley Canal Company is concerned upon the following conditions, which the applicants agree to comply with:

A. That there is no consumptive use of the said water.

B. That measuring devices will be installed where the waters are diverted from Trapper Creek and also the points where the water is returned to Trapper Creek in such a manner as it can be readily ascertained whether or not there is any loss of flow as a result of such diversion.

C. That the applicant will construct all diversions and measuring devices and maintain the same so long as the water is used for fish raising.

D. That the applicant will provide water quality control systems in order that the quality of the water returned to the creek shall be of the same as originally flowing in the creek.

E. That the applicant would be responsible to make periodic and systematic checks of the water diverted and to see that no water is used by reason of such diversion except for fish raising under this permit.

F. That the fish ponds will be constructed at the expense of the applicant so the waters owned by the Oakley Canal Company in Trapper Creek shall not be diminished.

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DATED this 19 day of March, 1979.

OAKLEY CANAL COMPANY

By *H. W. Lutz*
President

By *E. J. Erickson*
Secretary

Gary Funderburg
Gary Funderburg

Denise Funderburg
Denise Funderburg

NIELSON & BEDKE
ATTORNEYS AT LAW
P. O. Box 249
BURLEY, IDAHO 83318
TELEPHONE: (208) 678-5574

1 PROTEST OF NOTICE OF APPLICATION OF
2 WATER PERMIT NO. 45-7360

3 To: The Department of Water Resources
4 1041 Blue Lakes Blvd. North
5 Twin Falls, ID 83301

6 and

7 Gar and R. Denise Funderberg
8 Box 191C, Route #3
9 Jerome, ID 83338

RECEIVED

DEC 5 1978

Department of Water Resources
South District Office

10 COMES NOW, the Oakley Canal Company, and protests the
11 granting of Application Permit No. 45-7360 to Gar and R. Denise
12 Funderberg on the grounds and for the reasons:

13 1. That all the waters from Trapper Creek, including
14 all high water and spring run off, have already been appropriated
15 and that there are no waters left in Trapper Creek subject to
16 appropriation.

17 2. That the Protestant, Oakley Canal Company, is the
18 owner of all the waters of Trapper Creek except the waters hereto-
19 fore appropriated and owned by the Maybe Ranch and Trapper Creek
20 drainage.

21 3. That if the application is granted, it will inter-
22 fere with already appropriated water belonging to the prior
23 appropriators and will be irreparable damage to the existing
24 water rights of the appropriators.

25 DATED this 4th day of December, 1978.

26 NIELSON & BEDKE

27 By

Herman E. Bedke

28 Attorney for Oakley Canal Company
29
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32

NIELSON & BEDKE
ATTORNEYS AT LAW
P. O. Box 249
BURLEY, IDAHO 83318
TELEPHONE: (208) 678-5574



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

November 16, 1978

Gary &/or Denise Funderburg
Box 191C- Rt. 3
Jerome, Idaho 83338

Re: Application for Permit #45-7360 - Gary &/or Denise Funderburg

Dear Mr. Funderburg:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 45-7360. 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 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?
5. Will the proposed use conflict with the local public interest?

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

Sincerely,

LOREN O. HOLMES
Southern Region Supervisor



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

November 16, 1978

Herman E. Bedke
Nielson & Bedke
Attorneys at Law
P. O. Box 249
Burley, Idaho 83318

Re: Application for Permit #45-7360 - Gary &/or Denise Funderburg

Dear Mr. Bedke:

Your protest against the approval of the above-referenced application submitted in behalf of Oakley Canal Company 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.

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 conflict with the local public interest?

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

Sincerely,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

1 PROTEST OF NOTICE OF APPLICATION OF
2 WATER PERMIT NO. 45-7360
3

4 To: The Department of Water Resources
5 1041 Blue Lakes Blvd. North
6 Twin Falls, ID 83301

and

7 Gar and R. Denise Thunderberg
8 Box 191C, Route #3
Jerome, ID 83338

9 COMES NOW, the Oakley Canal Company, and protests the
10 granting of Application Permit No. 45-7360 to Gar and R. Denise
11 Thunderberg on the grounds and for the reasons:

12 1. That all the waters from Trapper Creek, including
13 all high water and spring run off, have already been appropriated
14 and that there are no waters left in Trapper Creek subject to
15 appropriation.

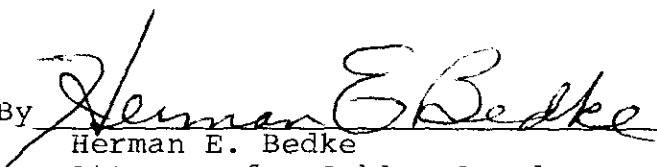
16 2. That the Protestant, Oakley Canal Company, is the
17 owner of all the waters of Trapper Creek except the waters hereto-
18 fore appropriated and owned by the Maybe Ranch and Trapper Creek
19 drainage.

20 3. That if the application is granted, it will inter-
21 fere with already appropriated water belonging to the prior
22 appropriators and will be a irreparable damage to the existing
23 water rights of the appropriators.

24 DATED this 7th day of November, 1978.

25 NIELSON & BEDKE

26
27 By


Herman E. Bedke

Attorney for Oakley Canal Company
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NIELSON & BEDKE
ATTORNEYS AT LAW
P. O. Box 249
BURLEY, IDAHO 83318
TELEPHONE: (208) 678-5574

MEMORANDUM

TO: File - 45-7360

FROM: Allen Merritt

SUBJECT: Surface Water Pre-permit Exam

On November 3, 1978, I discussed the proposed project on Trapper Creek with Gary Funderburg, the applicant. Reviewing published water resource data from 2 gauging station near the site indicates that there is adequate water available to fulfill the application during approximately 3 months of the year and the remainder of the year there is enough water to fulfill approximately 75% of the application.

On November 3, 1978, I also met with Glen Jensen of the ASCS of Burley. By reviewing aerial photos it appears that the legal descriptions of the site are correct. Mr. Jensen stated that Mr. Maybe is the only person diverting irrigation water from Trapper Creek above Goose Creek Reservoir, which is approximately 2 miles below the proposed site.

MICROFILMED

45-2360

Name: FUNDERBURG, GARY &/or DENISE

Address: BOX 1910, ROUTE 3, JEROME, ID 83338

Source: TRAPPER CREEK tributary to GOOSE CREEK

Date Filed: 10/20/1978

County: CASSIA

Amount: 20.00 CFS

Point of Diversion: SENW NENE NWNE SWNE S34 T14S R21E
NESW SWSW S26 T14S R21E

Use: FISH PROP. from 01/01 to 12/31

Place of Use: NESW NWSW SWSW SESW S26 T14S R21E NENE NWNE SWNE SENW
S34 T14S R21E

Means: HEADGATE AND DITCH

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, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before

C. STEPHEN ALLRED NOVEMBER 17, 1978.

Director

Published in the South Idaho Press
on October 31, 1978 and November 7, 1978.

RECEIVED
NOV 17 1978

78-467 Southern District Office

**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:

45-7360

Name FUNDERBURG, GARY &/or DENISE

Box 191C, Route 3, Jerome, ID.

83338. Source: Trapper Creek tributary to Goose Creek. Date

Filed: 10/20/1978. County:

Cassia. Amount: 20.00CFS. Point

of Diversion: SENW NENE NWNE

SWNE S34 T14S R21E NESW SWSW

S26 T14S R21E. Use: Fish Prop.

from 01/01 to 12/31. Place of

Use: NESW NWSW SWSW SESW

S26 T14S R21E NENE NWNE SWNE

SENW S34 T14S R21E. Means:

Headgate and ditch.

Issued, the permit(s) will be subject to all prior water rights. Protests against granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before December 8, 1978.

C. STEPHEN ALLRED

Director

Published in the South Idaho Press
on November 21 & November 28,
1978.

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

OCTOBER 25, 1978

South Idaho Press
P.O. Box 190
Burley, Idaho 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. **IN ORDER TO RECEIVE PAYMENT, THE FOLLOWING CERTIFICATION MUST APPEAR ON THE BILL:**

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

(Signature of Claimant)

Please send the affidavit of publication and publication billing to this office before **NOVEMBER 17, 1978**.

Yours truly,

Mary A. Hill
Secretary



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

C. Stephen Allred
Director

October 26, 1978

Mr. Jay Gorrington
Watermaster
Oakley, Idaho 83346

Re: Application for Permit No. 45-7360 - Gary & Denise Funderburg

Dear Mr. Gorrington:

Enclosed is a copy of the above referenced Application for Permit for your information and files.

We would appreciate your reviewing the application and submitting any comments within 20 days.

Sincerely

Loren O. Holmes
Southern Region Supervisor

LOH:marya
Encl:

1041 Blue Lakes Blvd. North



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 26, 1978

Mr. Bob Bell, Regional Fisheries Biologist
Idaho Fish & Game Department
Region #4
P. O. Box 428
Jerome, Idaho 83338

Re: Application for Permit No. 45-7360 - Gary &/or Denise Funderburg

Dear Mr. Bell:

Enclosed is a copy of the above referenced Application for Permit for your information and files.

Sincerely,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED