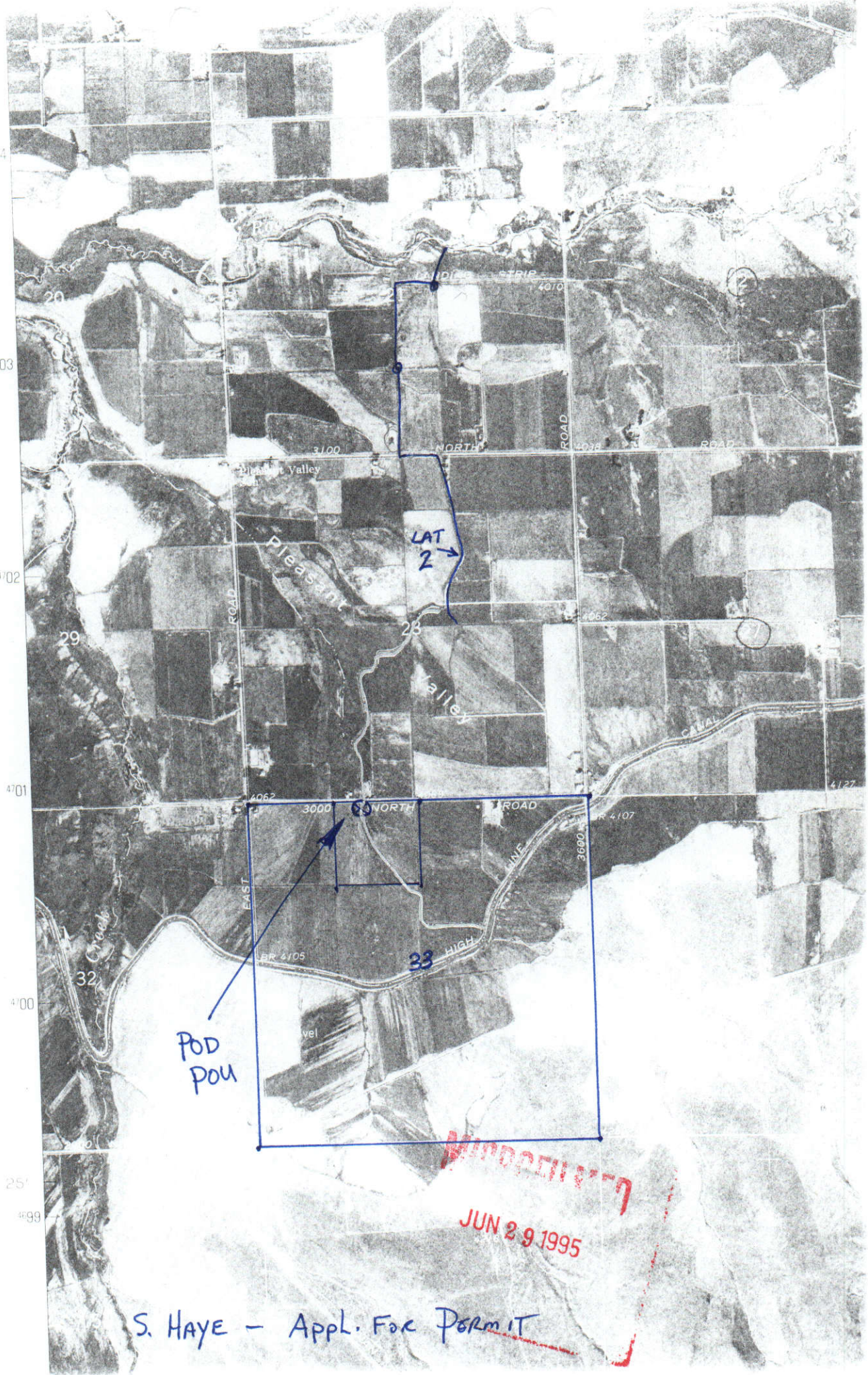


R
18
E

T11S

T12S



S. HAYE - Appl. For Permit

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 47-8368 Name: Haye Date: 6/6/95 Ad OK? ☒
Correct Fee? ☒ Receipt #: 5016988 Priority: 6/9/94 ☒ Gvmt Lts: ☒

AREA OF CONCERN? - No/Yes ESRP Mor GWMA Trust/Non-trust
PROTESTED: protest withdrawn - 020 (Protest Agr) or W19 (See Final/Prelim Order)
SYSTEM COMPLETED: unconditionally

Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - 01M
- 0.2 cfs - No MD
+ 5 a. (POU cmp) - 01M, 803 (if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink):

Water District (~~dem~~) - 005 (req) WD # _____ <SEE MAP & LISTING>
+ 0.2 cfs - 01J-P08 or 01M
- 0.2 cfs - 01H-P01 or No MD
+ 5 a. irr. - 01M (POU cmp)
~~In WD~~ + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
+ 5 a. irr. - 01M (POU cmp)

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03) - 007-P07 (w/remark WB9), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064 (consump. use), 047-P04 (Payette Lake), NA

USE:

Domestic (surface) - 021 (Boise R ↑ L Peak); 27A (Payette R); NA
Fish Propagation - 07A-042 (rq) - 010/06A/09E (WQ) - P10; 044 (N 1000 Spr)
Irr - 5 acres - 057 (0.03 cfs/A)
+ 5 acres - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F (P19) - 09E (P10);
+25 cfs-P18; 17G (FERC) or 17M (FERE); 18B-P09
Storage (✓ 3 compo.) - 18A (multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - 4 <SEE CONDITION CODE CHART>
Trust exempt use - ~~051-052-053-P74~~ (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

03 017
1. W17 (per letter dated 11/8/93)
2. Pond or raceway limited to 22' x 112'
6-1-1996

NOTICE OF APPLICATION
FOR WATER PERMIT

The following
applications have
been filed to
appropriate the
public waters of the
State of Idaho:

47-08368

STAN HAYE, III
2980 N 3800 E
HANSEN ID 83334

Source: Coulee "A"
tributary to Rock
Creek

Diversion Pt:
NWNENW, S33, T11S,
R18E; Twin Falls
County.

Use: Fish propagation
(4.00 cfs) 4/1-11/15

Date Filed: 06/09/1994

In: NENW, S33, T11S,
R18E; Twin Falls
County

47-08369

RANDLE A. DURHAM
077 HWY 74
TWIN FALLS ID 83301

Source: groundwater

Diversion Pt:
NWSWSW, S05, T11S,
R16E; Twin Falls
County.

Use: Domestic
(0.04 cfs) 1/1-12/31

Date Filed: 06/24/94

In: W1/2SW, S05,
T11S, R16E; Twin
Falls County

The permit will be
subject to all prior
water rights. Any
protest must be filed
with the Director,
Dept. of Water
Resources, Southern
Region, 222 Shoshone
Street East, Twin
Falls, ID 83301
together with a
protest fee of \$25.00
on or before August
22, 1994. The
protestant must also
send a copy of the
protest to the
applicant.

R. Keith Higginson,
Director

davit of P ublication

TE OF IDAHO

NTY OF TWIN FALLS

SS.

Linda Capps McDevine being first duly sworn upon oath, depose
ay that I am Prime Clerk of the TIMES-NEWS, published daily, at
Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
ing attached, was published in the regular and entire issue of said newspaper, and not in
upplement thereof, for Two consecutive Weeks,
nencing with the issue dated August 4, 19 94,
ending with the issue dated August 11, 19 94.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
ng Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily ex-
Monday, both of which newspapers prior to consolidation had been published under said names in said city and
y continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
S, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at
a time said newspaper began daily publication under said name in said city and county continuously and
erruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
e day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho,
published weekly, will be published; and that at the head of the editorial column of said combined newspapers,
n each issue thereof, Thursday is announced as the day on which said legal notices will be published.

TE OF IDAHO
NTY OF TWIN FALLS

is 23 day of August in the year of 1994, before me,
ary Public, personally appeared Linda Capps McDevine,
n or identified to me to be the person whose name subscribed to the within instrument, and being by me first
sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at

My commission expires:

Twin Falls

01-22-98

JUN 29 1995

OK
MB
9/5/94

RECEIVED

MAY 30 1996

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY
Amt. of Fee \$: 175
Receipt No. 5019/83
Receipt By: mls
Date Received: 5/30/96

RECEIVED

MAY 31 1996

PROOF OF BENEFICIAL USE

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

1. Permit No. _____ Telephone No. _____

2. Name(s) of Permit Holder(s): _____

3. Mailing Address: _____

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

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

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

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

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

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

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

7. Measuring Device Requirement: **(refer to the approval conditions on your permit and respond accordingly)**

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No _____

Has the measuring device been installed? Yes _____ or No _____

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No _____

Has the measurement port been installed? Yes _____ or No _____

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

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

Name: _____ Telephone Number: _____

Address: _____

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

Signature of permit holder: _____ Date: _____

(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 47-08368

Proposed Priority: June 9, 1994

Maximum Diversion Rate:

4.00 CFS

This is to certify, that **STAN HAYE III**
2980 N 3800 E
HANSEN ID 83334

has applied for a permit to appropriate water from:
UNNAMED COULEE tributary of **ROCK CREEK**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
FISH PROPAGATION	04/01 to 11/15	4.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNENW , Sec. 33, Township 11S, Range 18E
TWIN FALLS County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

11S 18E 33

NENW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **June 1, 1996**.
2. Subject to all prior water rights.
3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. Assignment or sale of this right is subject to a determination by the Department that the right holder has proceeded to develop the right with due diligence and without speculation.
5. The right holder shall be required to provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
6. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
7. Should the use of the water on this right reduce the quality of water available to prior water rights and make it unusable to satisfy the prior appropriations, then the diversion under this right must cease.
8. This project shall be operated in a manner that will not conflict or interfere with the future diversion of water for irrigation or other beneficial consumption.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 47-08368

CONDITIONS/REMARKS:

9. Source is locally known as "A" Coulee.
10. Fish propagation under this permit shall be for non-commercial, recreational purposes.
11. The fish propagation pond or raceway authorized under this right shall not exceed 22'x 112' in surface area.

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

20th day of June, 1995.



Karl J. Dreher, Director

for

ms

Form 202
10/92

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

RECEIVED

RECEIVED
JUN 02 1995
47-08368

JUN 09 1994

To appropriate the public waters of the State of Idaho

Department of Water Resources

Southern Region Office

1. Name of applicant STAN HAYE III Phone 423-6291

Post office address 2980 N 3800 E, Hansen, ID 83334

2. Source of water supply SEEP / Was A Contain which is a tributary of Rock Creek / Snake River

3. Location of point of diversion is NE 1/4 of NE 1/4 of NW 1/4, Govt. Lot

Sec. 33 Township 11S Range 18E B.M. TF County; additional

points of diversion if any:

4. Water will be used for the following purposes:

Amount 344 for Fish purposes from 4-1 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) 4 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. MAIN Channel
with pond and Ash screen. 3' High
10 wide 100 long

b. Height of storage dam 3 feet; active reservoir capacity .07 acre-feet; total
reservoir capacity .07 acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is N/A inches; proposed depth of well is N feet.

d. Is ground water with a temperature of greater than 85°F being sought?

e. If well is already drilled, when? _____; Drilling firm _____

Well was drilled for (well owner) _____

7. Time required for the completion of the works and application of the water to be proposed beneficial use is

6 months / year
_____ years (minimum 1 year).

RECEIVED

JUN 29 1995

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. Fish pond

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11S	18E	33					H												

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? STAN HOYE & L

b. Who owns the land to be irrigated or place of use? SAME

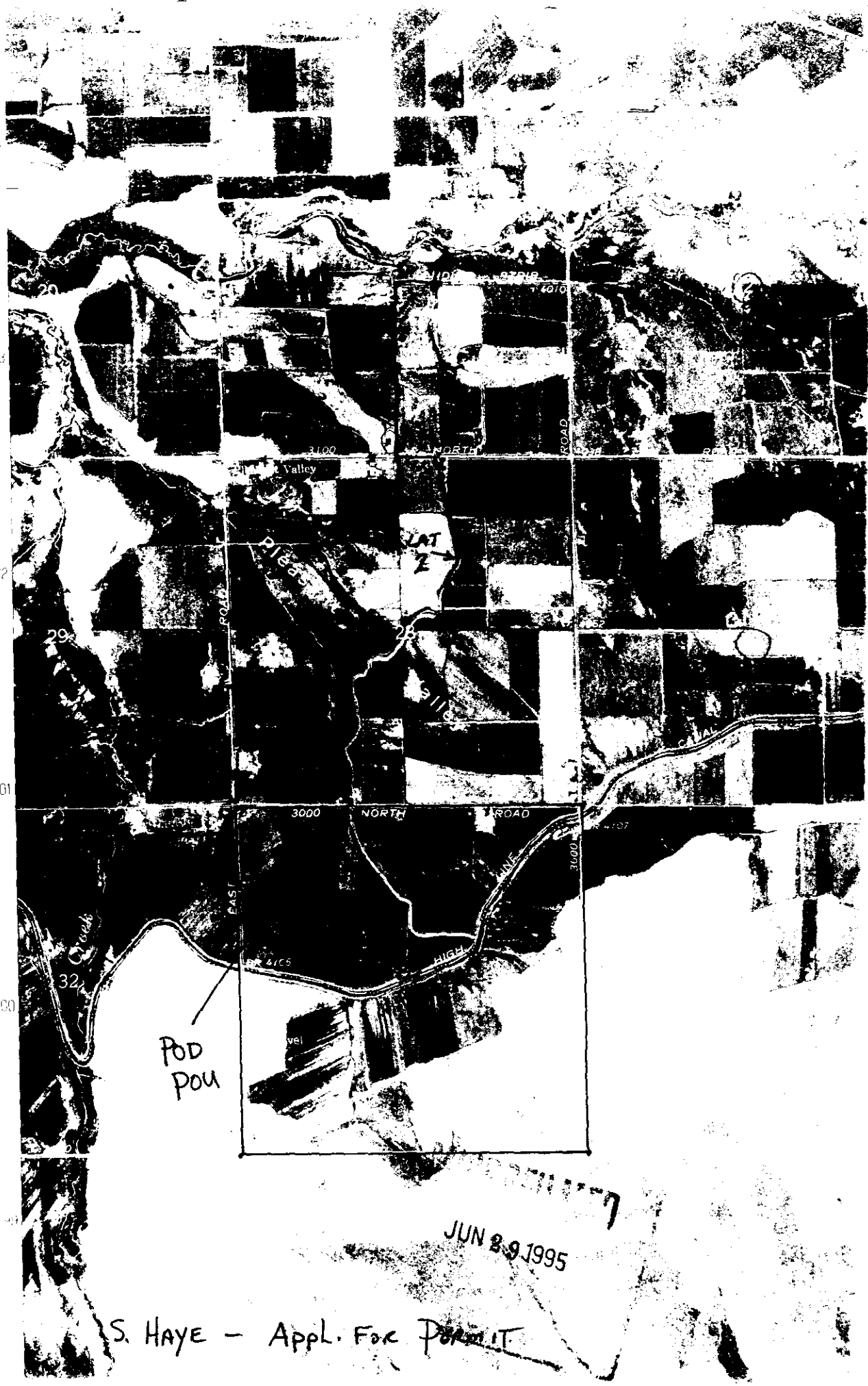
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

JUN 29 1995

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TIIS
TI2S



SEE
ATTACHED

MICROFILMED
JUN 29 1995

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.

(Applicant)

Received by Su Date 6-9-94 Time 11 am Preliminary check by MTS
Fee \$ 105⁰⁰ Receipted by Su # SD16988 Date 6-9-94
Publication prepared by MB Date 7/22/94 Published in Times News
Publication approved MBaldwin Date 9/5/94

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

e. Other:

RECORDED
JUN 29 1995

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 47-08368 Reviewed by Jy Date 6-14-96

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
no Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
☐ Drilling permit required?
☐ Copy in the file? Drilling Permit No. _____
☐ Amount paid for permit _____ Correct?
☐ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
175- Amount Submitted
yes Correct?
no Required?
Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	- = +	_____
Date proof due	_____		_____
No. of days late	_____		_____
Priority Date	_____		_____
New Priority Date	_____		_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address 3539 E 3000N Proof Made 5-30-96
Hanson JD 83334



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR
June 21, 1996

STAN HAYE III
3539 E 3000 N
HANSEN ID 83334

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 47-08368

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning the field examination, contact the SOUTHERN Regional Office in Idaho Falls, at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

JUN 28 1996

March 31, 1996

STAN HAYE III
2980 N 3800 E
HANSEN ID 83334

PROOF DUE NOTICE

RE: PERMIT NO. 47-08368

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1996.

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

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

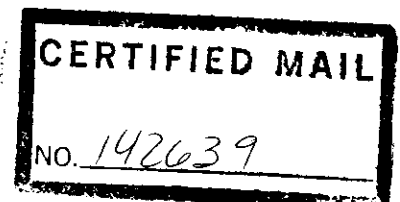
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

JUN 28 1996





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 20, 1995

STAN HAYE III
2980 N 3800 E
HANSEN ID 83334

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 47-08368

Dear Permit Holder:

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

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

Please be advised that water quality is subject to regulations of the Idaho Department of Health and Welfare. We suggest that you check with them before starting construction.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

MICROFILMED

JUN 29 1995

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman**

No.: 47-3368 Name: Haye Date: 6/6/95 Ad OK? ✓
Correct Fee? ✓ Receipt #: 506088 Priority: 6/9/94 ✓ Gvmt Lts: ✓

AREA OF CONCERN? - No/Yes ESRP Mor GWMA Trust/Non-trust
 PROTESTED: protest with drawing - 020(Protest Agr) or W19(See Final/Prelim Order)
 SYSTEM COMPLETED: under condition

Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

GROUNDWATER: $\langle \checkmark$ FLO-CH $\rangle$

```
+ 0.2 cfs          - 01M
- 0.2 cfs          - No MD
+ 5 a. (POU cmp)   - 01M, 803(if GW use SW 1st)
```

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that *doesn't sink*):

Water District(~~dem~~) - 005 (req) WD #_____ <SEE MAP & LISTING>
+ 0.2 cfs - 01J-P08 or 01M
- 0.2 cfs - 01H-P01 or No MD
+ 5 a. irr. - 01M (POU cmp)
~~In-WD~~ + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
+ 5 a. irr. - 01M (POU cmp)

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
 (02/03) - 007-P07 (w/remark WB9), NA
 Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
 Payette R (65) - 064(consump. use), 047-P04(Payette Lake), NA

USE:

Domestic (surface) - 021(Boise R + L Peak); 27A(Payette R); NA
Fish Propagation - ~~07A-042(rq)~~-010/06A/~~09E(WQ)~~-P10; 044(N 1000 Spr)
Irr - 5 acres - 057 (0.03 cfs/A)
+ 5 acres - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - A <SEE CONDITION CODE CHART>
Trust ~~for use~~ - ~~051-052-053-074~~ (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 02 1995
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY MTS DATE 6-13- 1994
APPLICATION NO. 47-08368

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
☒ County
☒ Quantity (flow &/or volume)
☒ Period of use
☒ Nature of proposed use (include description of use)
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt
- Process
++++PROPOSED PRIORITY DATE
6-9 1994

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back.
☒ Overlapping point of diversion.
☒ Yes ☐ No Field check required
Field check by Mal Schulte 6-16-94
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical Ground water area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send Dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit.
☐ Yes ☒ No Power efficiency form
☒ Yes ☐ No Within trustwater boundary(If yes, attach trustwater supplementary analysis sheet.
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.
☒ See reverse side for additional information.
* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Date Requested _____, 19____

PROCESSING ☒ Yes ☐ No In form for Advertising
☐ Yes ☒ No No Statewide Advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on app.

SEND COPIES TO: ☐ Idaho Dept of Health & Welfare ☐ USDI BLM
☐ Idaho Dept of Fish & Game ☐ USFS
☐ Idaho Dept of Lands ☐ Water Dist.
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received.
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates and paper, recorded on App.
☒ Yes ☐ No Protests received
☒ Yes ☐ No Final date for Protest
☒ Yes ☐ No Protests, dates, resolution of protest, recorded on app.
☐ Yes ☒ No Recommendations attached
☒ Yes ☐ No Measuring device required
☐ Yes ☒ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist.
☒ Yes ☐ No Special conditions of approval or cover letter below.

002, 0090, 013, 017, 027, 053, 901
See below for additional information
Date of priority recommended 6/9, 1994
By AD Date 5/31, 1995

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____, 19 ____

ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST

Comments recieved from:

_____ City	_____ Idaho Fish & Game	_____ Irrigation Dist.
_____ County	_____ Idaho Health & welfare	_____ Canal Company
_____ Reservations	_____ Div. of Enviromental Quality	_____ Other _____

PROJECT IMPACTS/IMPLICATIONS REPORT

COMMENTS:

DATE _____, 19____

No overlaps

Field check on 6-16-94 confirmed that excess water is tributary to Rock Creek but there is seldom excess water.

Lawyers Title Insurance Corporation

RECEIVED

MAY 31 1995

**OWNER'S POLICY
SCHEDULE A**

Department of Water Resources
Southern Region

CASE NUMBER	DATE OF POLICY	AMOUNT OF INSURANCE	POLICY NUMBER
33425fc	July 16, 1993	\$ 32,000.00	113-00-923735

1. Name of Insured:

STAN V. HAYE, III, and DIANA LINCOLN HAYE, husband and wife

2. The estate or interest in the land which is covered by this policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

STAN V. HAYE, III, and DIANA LINCOLN HAYE, husband and wife

4. The land referred to in this policy is described as follows:

Township 11 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho
Section 33: NE $\frac{1}{4}$ NW $\frac{1}{4}$

EXCEPT the East 1 rod deeded for roadway purposes.

AND EXCEPT that parcel of land described as follows:

COMMENCING at a point 1,809 feet East and 25 feet South of the Northwest corner of
Section 33;

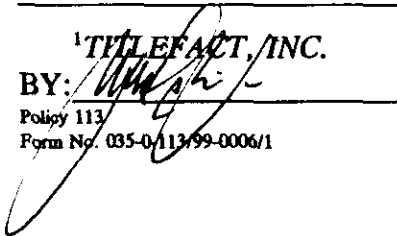
THENCE South parallel with the West boundary line of Section 33 a distance of 108 feet;

THENCE West parallel with the North boundary line of Section 33 a distance of 80 feet;

THENCE North parallel with the West boundary line of Section 33 a distance of 108 feet;

THENCE East parallel with the North boundary line of said Section a distance of 80 feet to the
POINT OF BEGINNING.

TITLEFACT, INC.

BY: 

Policy 113

Form No. 035-0/113/99-0006/1

This Policy is invalid unless the cover
sheet and Schedule B are attached.

Issued at: Twin Falls, Idaho
ALTA Owner's Policy (4-6-90)

JUN 29 1995

RECEIVED



3759597-9001

#70

WEST ONE
BANK

PROMISSORY NOTE

PAID

MAY 11 1995

SEP 15 1994

Department of Water Resources
Southern RegionBorrower: STAN V. HAYE, III
DIANA LINCOLN HAYE
2980 NORTH 3800 EAST
HANSEN, ID 83334Lender: West One Bank, Idaho
Twin Falls
241 Shoshone Street, North
P.O. Box 509
Twin Falls, ID 83303

Principal Amount: \$28,000.00

Date of Note: July 13, 1993

PROMISE TO PAY. STAN V. HAYE, III and DIANA LINCOLN HAYE ("Borrower") promise to pay to West One Bank, Idaho ("Lender"), or order, in lawful money of the United States of America, the principal amount of Twenty Eight Thousand & 00/100 Dollars (\$28,000.00), together with interest at the initial rate of 9.000% per annum on the unpaid principal balance from July 13, 1993, until paid in full.

PAYMENT. Borrower will pay this loan in accordance with the following payment schedule:

1 Interest payment on October 15, 1993, with interest calculated on the unpaid principal balances at an interest rate of 9.000% per annum; 2 consecutive annual principal and interest payments of \$5,564.29 each, beginning October 15, 1994, with interest calculated on the unpaid principal balances at an interest rate of 9.000% per annum; and 1 principal and interest payment of \$5,430.89 on July 1, 2000, with interest calculated on the unpaid principal balances at an interest rate of 9.000% per annum. This estimated final payment is based on the assumption that all payments will be made exactly as scheduled; the actual final payment will be for all principal and accrued interest not yet paid, together with any other unpaid amounts under this Note.

Interest on this Note is computed on a 365/365 simple interest basis; that is, by applying the ratio of the annual interest rate over the number of days in a year, times the outstanding principal balance, times the actual number of days the principal balance is outstanding. Borrower will pay Lender at Lender's address shown above or at such other place as Lender may designate in writing. Unless otherwise agreed or required by applicable law, payments will be applied first to accrued unpaid interest, then to principal, and any remaining amount to any unpaid collection costs and late charges.

PREPAYMENT; MINIMUM INTEREST CHARGE. Borrower agrees that all loan fees and other prepaid finance charges are earned fully as of the date of the loan and will not be subject to refund upon early payment (whether voluntary or as a result of default), except as otherwise required by law. In any event, even upon full prepayment of this Note, Borrower understands that Lender is entitled to a minimum interest charge of \$7.50. Other than Borrower's obligation to pay any minimum interest charge, Borrower may pay without penalty all or a portion of the amount owed earlier than it is due. Early payments will not, unless agreed to by Lender in writing, relieve Borrower of Borrower's obligation to continue to make payments under the payment schedule. Rather, they will reduce the principal balance due and may result in Borrower's making fewer payments.

DEFAULT. Borrower will be in default if any of the following happens: (a) Borrower fails to make any payment when due. (b) Borrower breaks any promise Borrower has made to Lender, or Borrower fails to perform promptly at the time and strictly in the manner provided in this Note or any agreement related to this Note, or in any other agreement or loan Borrower has with Lender. (c) Any representation or statement made or furnished to Lender by Borrower or on Borrower's behalf is false or misleading in any material respect. (d) Borrower dies or becomes insolvent, a receiver is appointed for any part of Borrower's property, Borrower makes an assignment for the benefit of creditors, or any proceeding is commenced either by Borrower or against Borrower under any bankruptcy or insolvency laws. (e) Any creditor tries to take any of Borrower's property on or in which Lender has a lien or security interest. This includes a garnishment of any of Borrower's accounts with Lender. (f) Any of the events described in this default section occurs with respect to any guarantor of this Note. (g) Lender in good faith deems itself insecure.

LENDER'S RIGHTS. Upon default, Lender may declare the entire unpaid principal balance on this Note and all accrued unpaid interest immediately due, without notice, and then Borrower will pay that amount. Lender may hire or pay someone else to help collect this Note if Borrower does not pay. Borrower also will pay Lender that amount. This includes, subject to any limits under applicable law, Lender's reasonable attorneys' fees and Lender's legal expenses whether or not there is a lawsuit, including reasonable attorneys' fees and legal expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), appeals, and any anticipated post-judgment collection services. If not prohibited by applicable law, Borrower also will pay any court costs, in addition to all other sums provided by law. This Note has been delivered to Lender and accepted by Lender in the State of Idaho. If there is a lawsuit, Borrower agrees upon Lender's request to submit to the jurisdiction of the courts of Ada County, the State of Idaho. Lender and Borrower hereby waive the right to any jury trial in any action, proceeding, or counterclaim brought by either Lender or Borrower against the other. This Note shall be governed by and construed in accordance with the laws of the State of Idaho.

RIGHT OF SETOFF. Borrower grants to Lender a contractual possessory security interest in, and hereby assigns, conveys, delivers, pledges, and transfers to Lender all Borrower's right, title and interest in and to, Borrower's accounts with Lender (whether checking, savings, or some other account), including without limitation all accounts held jointly with someone else and all accounts Borrower may open in the future, excluding however all IRA, Keogh, and trust accounts. Borrower authorizes Lender, to the extent permitted by applicable law, to charge or setoff all sums owing on this Note against any and all such accounts.

COLLATERAL. This Note is secured by in addition to any and all other collateral, all Inventory, Chattel Paper, Accounts, Contract Rights, Equipment, General Intangibles, Farm Products, Livestock and a Mortgage dated July 13, 1993, to Lender on real property located in Twin Falls County, State of Idaho, all the terms and conditions of which are hereby incorporated and made a part of this Note.

ADDITIONAL PROVISIONS. This Agreement, together with any Related Documents, constitutes the entire understanding and agreement of the parties as to the matters set forth in this Agreement. There are no unwritten oral agreements between the Parties. No alteration of or amendment to this Agreement shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment. The written Loan Agreement may not be contradicted by evidence of any prior, contemporaneous, or subsequent oral agreements or understandings of the Parties.

NOTICE LIMITING ORAL LENDING CONTRACTS. UNDER IDAHO LAW (IDAHO CODE SECTION 9-505(5)), ANY PROMISE BY THE BANK TO GRANT OR EXTEND EXISTING CREDIT TO YOU MUST BE IN WRITING TO BE LEGALLY BINDING UPON THE BANK IF THE ORIGINAL AMOUNT OF SUCH CREDIT IS \$50,000 OR MORE.

GENERAL PROVISIONS. Lender may delay or forgo enforcing any of its rights or remedies under this Note without losing them. Borrower and any other person who signs, guarantees or endorses this Note, to the extent allowed by law, waive presentment, demand for payment, protest and notice of dishonor. Upon any change in the terms of this Note, and unless otherwise expressly stated in writing, no party who signs this Note, whether as maker, guarantor, accommodation maker or endorser, shall be released from liability. All such parties agree that Lender may renew or extend (repeatedly and for any length of time) this loan, or release any party or guarantor or collateral, or impair, fail to realize upon or perfect Lender's security interest in the collateral, and take any other action deemed necessary by Lender without the consent of or notice to anyone. All such parties also agree that Lender may modify this loan without the consent of or notice to anyone other than the party with whom the modification is made. The obligations under this Note are joint and several.

PRIOR TO SIGNING THIS NOTE, EACH BORROWER READ AND UNDERSTOOD ALL THE PROVISIONS OF THIS NOTE. EACH BORROWER AGREES TO THE TERMS OF THE NOTE AND ACKNOWLEDGES RECEIPT OF A COMPLETED COPY OF THE NOTE.

BORROWER:

x

STAN V. HAYE, III

DIANA LINCOLN HAYE

Fixed Rate. Irregular.

LASER PRO, Reg. U.S. Pat. & T.M. Off., Ver. 3.16 (c) 1993 CFF Service Group, Inc. All rights reserved. [JD-D20 HAYE.LN 014.OVL]

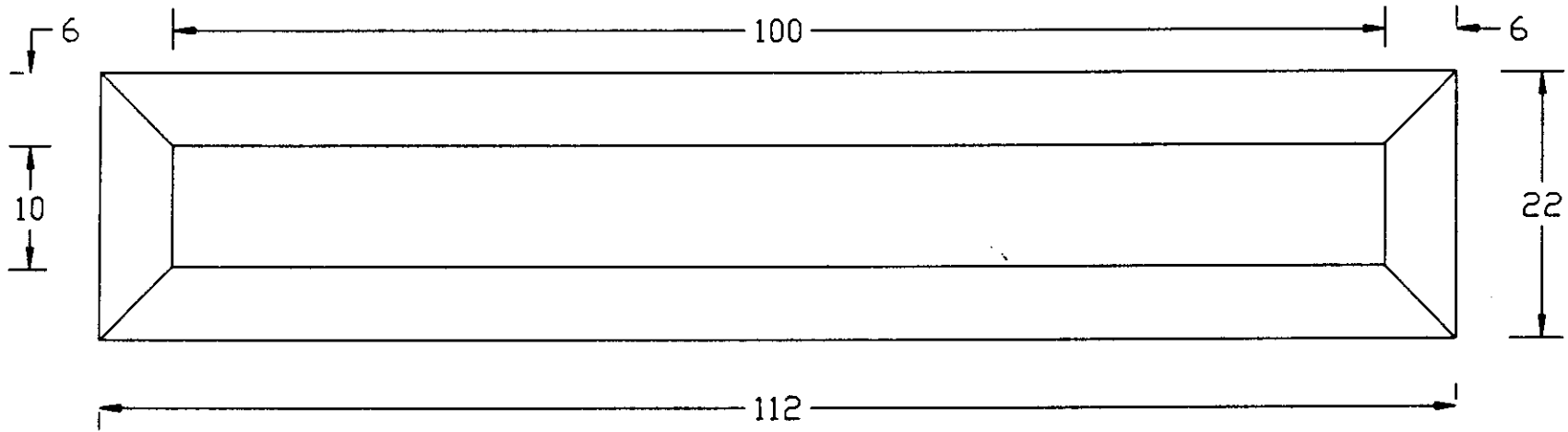
JUN 28 1995

RECEIVED

MAY 11 1995

Department of Water Resources
Southern Region

RECEIVED
JUN 29 1995



FISH POND FOR
STAN HAYE III
8-22-94



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS

Governor PHIL BATT

February 13, 1995

R. KEITH HIGGINSON
Director

STAN HAYE III
2980 N 3800 E
HANSEN ID 83334

RE: Protested Application for Permit No. 47-08368

Dear Mr. Haye:

We have received a withdrawal of the protest filed by Idaho Fish & Game against approval of the above referenced application.

The issue of the protest has been resolved and the Department is now prepared to proceed with the processing of the application pending receipt of the additional information requested in our correspondence of 7/22/94. An additional copy is enclosed for your reference.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Regional Manager

AM:MB
Enclosure

PROCESSED

JUN 29 1995

146-111

135



IDAHO FISH & GAME

Magic Valley Region
868 East Main • P.O. Box 428
Jerome, Idaho 83338
(208) 324-4350
Fax (208) 324-1160

Phil Batt / Governor

Jerry M. Conley / Director

February 9, 1995

RECEIVED

FEB 13 1995

Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Dept. of Water Resources
222 Shoshone St. E.
Twin Falls, Idaho 83301

RE: Water Right Application # 47-08368 (Stan Haye III)

Dear Allen,

After meeting with the applicant and reviewing additional information provided by Mr. Haye we would like to withdraw our protest to this application.

Thank you for your cooperation in this matter.

Sincerely,

Carl H. Nellis
Magic Valley Regional Supervisor

cc: IDFG-Natural Resource Policy Bureau (Robertson)
IDFG-Legal (Goddard)

RECEIVED
FEB 9 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 47-08368

STAN HAYE III,
Applicant

IDAHO DEPT. OF FISH & GAME,
Protestant

NOTICE OF
PRE-HEARING CONFERENCE

SOURCE: "A" COULEE
Tributary to Rock Creek
COUNTY: Twin Falls

On June 9, 1994, Stan Haye III, applicant, filed with the Department of Water Resources an application for permit 47-08368. The Department has received a protest against the approval of said application from the above captioned protestant.

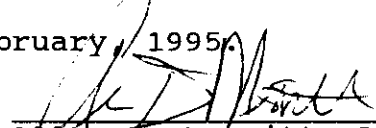
The Department has set the matter of the unresolved protest for a pre-hearing conference on Thursday, February 16, 1995 at 10:00 a.m. in the Conference Room in the office of the Department of Water Resources' Southern Region at 222 Shoshone St. E., Twin Falls, Idaho.

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with Chapter 2, Title 42, of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources.

The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 1st day of February, 1995.


Allen D. Merritt, P.E.
Regional Manager

RECEIVED
FEB 17 1995
TWIN FALLS

I hereby certify that on the 1st day of February, 1995, I mailed a true and correct copy, postage prepaid by certified mail, of the foregoing Notice of Pre-Hearing Conference to the parties listed below:

Mary A. Baldwin
Secretary

STAN HAYE III
2980 N 3800 E
HANSEN ID 83334

CARL H NELLIS SUPERVISOR
IDAHO FISH & GAME
PO BOX 428
JEROME ID 83338

100-20000

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery
3. ☐ Registered Mail
4. ☐ Insured
5. ☐ Certified
6. ☐ COD
7. ☐ Return Receipt for Merchandise

3. Article Addressed to: 47-8348

STAN HAYE III
2980 N 3800 E
HANSEN ID 83334

4a. Article Number

1592

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

1-1-95

5. Signature (Addressee)

8. Addressee's Signature (Only if requested and fee is paid)

6. Signature (Agent)

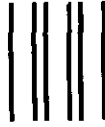
PS Form 3811, December 1991 U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

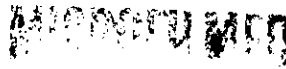
Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



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



JUN 29 1995

Print your name, address and ZIP Code here

• IDAHO DEPT. OF WATER RESOURCES
SOUTHERN REGION
222 Shoshone Street East
Twin Falls, ID 83301

[illegible]



IDAHO DEPARTMENT
OF HEALTH AND WELFARE

DIVISION OF
ENVIRONMENTAL QUALITY

601 Pole Line Road, Suite 2, Twin Falls, ID 83301-3035, (208) 736-2190

Cecil D. Andrus, Governor

January 18, 1995

Stan Haye
2980 North 3800 East
Hansen, ID 83334

RE: Proposed New Recreational Fish Pond

Dear Mr. Haye,

It is my understanding after our discussion on November 18, 1994 that you intend to construct a pond on the upper end of "A" Coulee Lateral 2 approximately 6.5 miles south of Kimberly. The coulee is fed by three seeps, two of which are on your property and one on your neighbor's property to the south. The purpose for constructing this pond is to provide a recreational fishing pond for yourself and your family. It is also my understanding that you want your water right, as issued by the Idaho Department of Water Resources, to allow you the potential to turn the pond into a commercial aquacultural pond should you so desire in the future.

This Department does not, at this time, require the submission of plans and specification for the construction of recreational ponds. However, Idaho Code 39-118 does require the submission of plans and specifications to DEQ for the construction of any new aquacultural facility or the expansion, alteration, or modification of an existing facility.

Aquaculture facilities which produce twenty thousand (20,000) pounds of fish per year and/or feed five thousand (5,000) pounds of feed in the calendar month of maximum feeding are required to have a National Pollution Discharge Elimination System (NPDES) permit issued to them by the Environmental Protection Agency (EPA). Commercial operations under this production level are not permitted by the EPA. A Water Quality Certification from the Idaho Department of Health and Welfare - Division of Environmental Quality for the new facility must be obtained pursuant to § 401 of the Federal Clean Water Act. (33 U.S.C. 1341).

For your information, I have listed below an overview of DEQ's current policies for the construction of a new aquaculture facility.

A. Plan and Specification Approval

Plans and specifications for proposed facilities should be submitted to our Department for review and approval.

Stan Haye
January 18, 1995
Page 2

Generally, plan and specification approval is subject to the following conditions:

1. Plans and specifications for the proposed facilities shall be submitted pursuant to Section 39-118 of Idaho Code;
2. A valid water right issued by the Idaho Department of Water Resources.
3. The approval is subject to the understanding that the review and approval of plans and specifications pursuant to Idaho Code 39-118 is a separate process from the § 401 Water Quality Certification process which is required for NPDES permitted facilities. The 39-118 approval does not waive or in any way affect the Department's authority to grant or deny § 401 Water Quality Certification.

B. Water Quality Standards and Waste Water Treatment Requirements

It is the Department's position that Idaho Water Quality Standards and Waste Water Requirements are presently being violated in the Middle Snake River as a result of excessive nutrients being discharged to the river. This problem is being addressed through the development of a Nutrient Management Plan for the Middle Snake River Basin, pursuant to the Idaho Nutrient Management Act, Idaho Code 39-105 (3) (0). This plan should fulfill the requirements for the development of a Total Maximum Daily Load (TMDL) for this reach by the EPA, pursuant to section 303 (d) of the Federal Clean Water Act, 33 U.S.C. 1313 (d). It is generally this Department's position, subject to the review of each individual facility which discharges pollutants to the Middle Snake River or tributaries, that in order to issue water quality certification or other authorization, the operator must demonstrate to the Department that the proposed facility will not violate Idaho Water Quality Standards. In light of existing violations of state water quality standards in the Middle Snake River, one acceptable method to obtain certification is a showing that there will be no net increase in total nutrients discharged from a facility seeking certification or authorization. For new facilities there can be no net increase in nutrients when discharge water is compared to the source water.

If you seek to construct a new fish propagation facility the Department may review the following factors and may require at least the following conditions be met in connection with the § 401 certification:

1. The owner demonstrates no net increase in total nutrients discharged as measured by comparing the production facilities source water and the discharge leaving the facility after the application of best management practices (BMP's) and/or other technology that would control solids and nutrient levels in the final discharge;
 2. Once the construction is complete, the owner must continue to demonstrate that it is meeting the no net increase requirements through monitoring;
 3. Total suspended solids and settleable solids must meet effluent limits of 5 mg/l and 0.1 ml/l respectively for the final discharge;
 4. The facility owner will have to comply with any future effluent limitations established through the Nutrient Management Planning process;
 5. The owner must keep and maintain all water quality testing records for at least five (5) years. The monitoring reports shall be submitted to the Department on a monthly basis;
 6. The owner will be required to allow the Department access for inspections and sampling;
 7. A notification process will be required to be in place in case discharge limits/no net increase limits are exceeded.
- C. Information to be Submitted by the Owner for Review in Connection with Department Authorization or Certification to Discharge

The owner may be required to submit to the Department at least the following information:

1. Identification and description of techniques that will be used to meet the no net increase nutrient effluent limitations, including the operation efficiencies, and effectiveness of these techniques. Monitoring data and/or other information regarding the effectiveness of these techniques and their application elsewhere in the industry should be submitted. Indicate actions that will be taken if this effluent limit is exceeded. With regard to the waste management system, the owner must demonstrate how this system will be managed and operated.

Stan Haye
January 18, 1995
Page 4

The type and frequency of cleaning procedures should be submitted including the procedures for the management of solids and their disposal.

2. A monitoring plan including:

- a) A site plan showing specific locations where solids and nutrient monitoring will occur for the new facility.
- b) The types of samples to be collected (grab composites are recommended).
- c) The frequency of sampling (minimum of twice monthly is recommended).

3. An estimate of fish production throughout the year.

4. A site plan that indicates the direction of flow for all water and wastewater sources.

5. A description of alternative systems and/or BMP's that may be used to achieve the no net increase effluent limit requirements if the techniques outlined in response to number one (1) above prove ineffective.

D. Nutrient Standards

The Department has designated segments of the Snake River as "water quality limited" and is in the process of developing a Nutrient Management Plan for the Middle Snake River. Once this plan is completed, new and existing NPDES permitted and other authorized, discharges may have their permit limitations revised to include new effluent limitation requirements.

If you have any questions please contact me at 736-2190.

Sincerely,



Rob Sharpnack
Water Quality Specialist
Aquaculture Technical Assistance

RS/mc

cc: Bob Lupton, IDHW-DEQ, Twin Falls
Mike McMasters, IDHW-DEQ, Twin Falls
Dave Parrish, IDF&G, Jerome
Darren Brandt, IDHW-DEQ, Twin Falls
Nancy Bowser, IDHW-DEQ, Boise

JAN 18 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

September 9 1994

R. KEITH HIGGINSON
Director

STAN HAYE III
2980 N 3800 E
HANSEN ID 83334

RE: APPLICATION FOR PERMIT NO. 47-08368

Dear Mr. Haye:

Enclosed is a copy of a protest filed against the above referenced application.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Allen D. Merritt'.

Allen D. Merritt, P.E.
Water Rights Supervisor

AM:MB

Enclosure(s)

RECEIVED
JUN 28 1995

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
6. Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the the Director's consideration. Parties can also file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 9 1994

CARL NELLIS SUPERVISOR
IDAHO FISH & GAME
PO BOX 428
JEROME ID 83338

RE: APPLICATION FOR PERMIT NO. 47-08368 (Haye)

Dear Mr. Nellis:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Allen D. Merritt'.

Allen D. Merritt, P.E.
Water Rights Supervisor

AM:MB

Enclosure(s)

RECEIVED
SEP 14 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 9 1994

GARY SLETTE ESQUIRE
PO BOX 1906
TWIN FALLS ID 83301

Re: Application for Permit No. 47-08368 (Haye)

Dear Mr. Slette:

This office acknowledges receipt of your withdrawal of the protest against the above referenced application.

A request for a refund of your \$25.00 has been sent to our fiscal office.

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

Very truly yours,

Allen D. Merritt, P.E.
Water Rights Supervisor

AM:MB

MEMORANDUM

TO: FISCAL

FROM: Mary Baldwin, Southern Region

DATE: September 9 1994

SUBJECT: Refund of \$25.00, S017315

Enclosed are 2 copies of S017315 for a protest fee of \$25.00. The protest was withdrawn on 47-08368 (Haye) and per telephone instructions from Glen Saxton on 9/1/94, a refund can be made to:

ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83301

Thank you for your prompt attention to this request.

S017315

8/30/1994

ROSHOLT ROBERTSON TUCKER

PROTEST ON HAYE (47-08368)

64103

229 21 1155

25.00

CHECK

22933

\$25.00

Region: SOUTHERN

Signature: _____

NOTICE OF APPLICATION
FOR WATER PERMIT

The following applications have been filed to appropriate the public waters of the State of Idaho:

47-08368

STAN HAYE, III
2980 N 3800 E
HANSEN ID 83334

Source: Coulee "A"
tributary to Rock
Creek

Diversion Pt:
NWNENW, S33, T11S,
R18E; Twin Falls
County.

Use: Fish propagation
(4.00 cfs) 4/1-11/15

Date Filed: 06/09/1994

In: NENW, S33, T11S,
R18E; Twin Falls
County

47-08369

RANDLE A. DURHAM
077 HWY 74
TWIN FALLS ID 83301

Source: groundwater

Diversion Pt:
NWSWSW, S05, T11S,
R16E; Twin Falls
County.

Use: Domestic
(0.04 cfs) 1/1-12/31

Date Filed: 06/24/94

In: W1/2SW, S05,
T11S, R16E; Twin
Falls County

The permit will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before August 22, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson,
Director

NOTICE OF APPLICATION

STATE OF IDAHO

COUNTY OF TWIN FALLS

SS.

Linda Coppa McDaniel being first duly sworn upon oath, depose
that I am Linda Coppa McDaniel of the TIMES-NEWS, published daily, at
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
ing attached, was published in the regular and entire issue of said newspaper, and not in
supplement thereof, for Two consecutive weeks,
beginning with the issue dated August 4, 1994,
ending with the issue dated August 11, 1994.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily ex-
cept Sunday, both of which newspapers prior to consolidation had been published under said names in said city and
county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at
which time said newspaper began daily publication under said name in said city and county continuously and
uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho,
published weekly, will be published; and that at the head of the editorial column of said combined newspapers,
in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 23 day of August in the year of 1994, before me,
Notary Public, personally appeared Linda Coppa McDaniel
known or identified to me to be the person whose name subscribed to the within instrument, and being by me
duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at

My commission expires:

Twin Falls

JUN 29 1995

01-22-98

OK
ms
9/5/94

CLASSIFIED ADVERTISING INVOICE

TWIN FALLS TIMES NEWS
132 3RD ST W.
P. O. BOX 548
TWIN FALLS ID 83303

Forwarding & address correction requested

INVOICE NO.		CLASS		BILLING DATE	
26219		343		08/23/94	
INDEXING TERM					
47-08368, 47-8369 05/94					
START DATE			TELEPHONE NO.		
8/04/94			736-3033		
LINES / WORDS	TIMES	RATE	NET AMOUNT	GROSS AMOUNT	
80	2		57.60	57.60	
AFFIDAVI			2.00	2.00	
PAY THIS AMOUNT			59.60	59.60	

GROSS AMT DUE AFTER 09/07

Department of Water Resources
Southern Region Office

SEP 1 1994

SEP 1 1994

RETURN THIS PORTION WITH YOUR REMITTANCE

26219

5960

THIS SPACE FOR ADDRESS ONLY

IDAHO WATER RESOURCES

222 SHOSHONE ST E
TWIN FALLS

ID
83301

29 1995

CERTIFICATE OF MAILING

I hereby certify that on this 1 day of September, 1994, I served a copy of the foregoing NOTICE OF WITHDRAWAL OF PROTEST by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Idaho Department of Water Resources
Statehouse Mail
1301 North Orchard
Boise, ID 83720



Gary D. Slette

JUN 29 1995

Kic's 8/30/94
Receipt # 5017315
\$25⁰⁰
M. Baldwin

Gary D. Slette
ROSHOLT, ROBERTSON & TUCKER
P.O. Box 1906
Twin Falls, Idaho 83303-1906
Telephone: (208) 734-0700
08019401.GDS/le

U S G E U S

AUG 01 1994
Department of Water Resources
Southern Region Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	
APPLICATION FOR PERMIT	)	<u>PROTEST OF TWIN FALLS</u>
NO. 47-08368	)	<u>CANAL COMPANY TO</u>
Stan Haye, III	)	<u>APPLICATION FOR PERMIT</u>
	)	

COMES NOW the Twin Falls Canal Company, by and through its attorneys, Rosholt, Robertson & Tucker, and respectfully allege:

1. That protestant Twin Falls Canal Company is a non-profit, public irrigation corporation, which owns and operates a complex system of canals and ditches so as to deliver water to member shareholders who farm 202,000 acres in Twin Falls County, Idaho.

2. That Application No. 47-08368 proposes to divert 4.0 c/f/s of the Twin Falls Canal Company system which is under the sole ownership and control of the Twin Falls Canal Company and no permission has been given for the use of such water.

PROTEST OF TWIN FALLS CANAL COMPANY TO
APPLICATION FOR PERMIT - 1

RECEIVED
JUN 29 1995

1 3. That the water in the canal is not subject to appropriation within the
2 Twin Falls Canal Company system pursuant to the case of Twin Falls Canal Company v.
3 Dammon, 277 Fed. 331 (1920).
4

5 4. That the granting of said permit would also cause the addition of
6 pollution to the Twin Falls Canal.

7 5. That the Twin Falls Canal Company operates and maintains said
8 system by the use of mossing chemicals.

9 NOW, THEREFORE, the Twin Falls Canal Company hereby protests
10 Application No. 47-08368 for the following reasons, to-wit:
11

12 1. That the water is subject to the appropriation of the Twin Falls
13 Canal Company and not available for use by applicant.

14 2. The intended supply of water is private water under the control of
15 applicant and not subject to appropriation.

16 3. That no permission has been granted to applicant to divert said
17 water which is the property of Twin Falls Canal Company.

18 4. That the granting of the application will add pollution to the Twin
19 Falls Canal Company system.
20

21 5. That the Department of Water Resources has no jurisdiction to grant
22 a permit for the use of waters under the appropriation of the Twin Falls Canal Company
23 and located totally within their system.
24

25 WHEREFORE, the Twin Falls Canal Company, by and through its
26 attorneys, Rosholt, Robertson & Tucker, respectfully request that Application
27

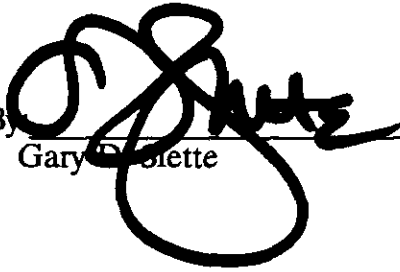
28 PROTEST OF TWIN FALLS CANAL COMPANY TO
APPLICATION FOR PERMIT - 2

RECEIVED
JUN 29 1995

1 No. 47-08368 be denied by the Department of Water Resources and that no permit be
2 issued pursuant thereto.

3 DATED this 1 day of August, 1995.

4 ROSHOLT, ROBERTSON & TUCKER

5
6
7 By 
8 Gary D. Biette
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PROTEST OF TWIN FALLS CANAL COMPANY TO
APPLICATION FOR PERMIT - 3

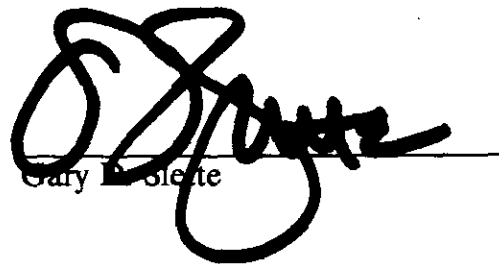
RECEIVED
JUN 29 1995

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CERTIFICATE OF MAILING

I hereby certify that on this 1 day of August, 1994, I served
a copy of the foregoing PROTEST OF TWIN FALLS CANAL COMPANY TO
APPLICATION FOR PERMIT by depositing same in the United States mail, postage
prepaid, in an envelope, addressed to the following:

Idaho Department of Water Resources
Statehouse Mail
1301 North Orchard
Boise, ID 83720



Gary B. Siente

RECORDED
JUN 29 1995



IDAHO FISH & GAME

Magic Valley Region
868 East Main • P.O. Box 428
Jerome, Idaho 83338
(208) 324-4350
Fax (208) 324-1160

Cecil D. Andrus / Governor
Jerry M. Conley / Director

August 9, 1994

JUN 12 1994

AUG 11 1994

Department of Water Resources
Northern Region Office

Mr. Loren Holmes
Idaho Dept. of Water Resources
222 Shoshone St. E.
Twin Falls, Idaho 83301

RE: Water Right Application # 47-08368 (Stan Haye III)

Dear Loren,

We would like to protest the fore mentioned water right application on the grounds that not enough information is provided to fully evaluate impacts to fish and wildlife resources.

At the convenience of the applicant, we would like a chance to meet on-site to discuss the proposed use. Once we have a better understanding of their application of the water we can evaluate impacts to fish and wildlife resources. To arrange an on-site meeting please contact Dave Parrish, Environmental Staff Biologist at this office (208) 324-4359.

Sincerely,

Carl H. Nellis
Magic Valley Regional Supervisor

cc: IDFG-Natural Resource Policy Bureau (Robertson)
IDFG-Legal (Goddard)

RECEIVED
JUN 29 1995

Idaho Department of Fish and Game
Request for Services and Supplies

74431

Project Cost Account(s) (PCA)

8/9/94

Date

Quantity	Complete Specifications for Purchase	Est. Cost
	IDWR WATER RIGHT PROTEST FEE APPLICATION # 47-08368 (STAN HAYE III) Rock Cr.	\$25.00

JUL 12 15 15 11 11 15 10
AUG 11 1994
Department of Water Resources
Northern Region Office

Substitution

Justification

TO PROTEST WATER RIGHT APPLICATION

Suggested Sources

Deliver To IDWR 222 SHOSHONE ST. E. TWIN FALLS
83301

David Parish
Signature

Concurrence, including Funds Availability

PCA Leader	Date
<i>Carol A. Neil</i>	8-10-94
Regional Supervisor	
Bureau Chief	
Chief, Administration	
Director	

Comments:

Rec'd 8/12/94
✓ # 50 152999
mub

Disposition (Purchasing/Engineer Use Only)

- ☐ Approved for your purchase. Have vendor put Req. # _____ on invoice.
 - ☐ Item has been ordered. Copy of PO # _____ attached.
 - ☐ Bids have been requested. Req. # _____ has been assigned.
 - ☐ Sent to State Purchasing for bid. Req. # _____ has been assigned.
 - ☐ EPA has been requested/approved. EPA # _____
 - ☐ To be filled by Mailroom/Warehouse
 - ☐ Other: _____
 - ☐ Funds have been preencumbered.
 - ☐ Funds have been preencumbered. Funds will be encumbered when purchase order is issued.
 - ☐ Funds have been encumbered.
- JUN 8 1995

NOTICE OF APPLICATION
FOR WATER PERMIT

R. Keith Higginson,
Director

The following
applications have
been filed to
appropriate the
public waters of the
State of Idaho:

Published in Times
News on 8/4 &
8/11/94.

47-08368

STAN HAYE, III
2980 N 3800 E
HANSEN ID 83334

Source: Coulee "A"
tributary to Rock
Creek

Diversion Pt:
NWNENW, S33, T11S,
R18E; Twin Falls
County.

Use: Fish propagation
(4.00 cfs) 4/1-11/15

Date Filed:
06/09/1994

In: NENW, S33, T11S,
R18E; Twin Falls
County

47-08369

RANDLE A. DURHAM
077 HWY 74
TWIN FALLS ID 83301

Source: groundwater

Diversion Pt:
NWSWSW, S05, T11S,
R16E; Twin Falls
County.

Use: Domestic
(0.04 cfs) 1/1-12/31

Date Filed: 06/24/94

In: W1/2SW, S05,
T11S, R16E; Twin
Falls County

The permit will be
subject to all prior
water rights. Any
protest must be filed
with the Director,
Dept. of Water
Resources, Southern
Region, 222 Shoshone
Street East, Twin
Falls, ID 83301
together with a
protest fee of \$25.00
on or before August
22, 1994. The
protestant must also
send a copy of the
protest to the
applicant.

7-8-94
AUG 29 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

25-Jul-1994

R. KEITH HIGGINSON
Director

TIMES NEWS
PO BOX 548
TWIN FALLS ID 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

NOTICE OF APPLICATION FOR WATER PERMIT

The following applications have been filed to appropriate the public waters of the State of Idaho:

47-08368

STAN HAYE, III
2980 N 3800 E
HANSEN ID 83334

Source: Coulee "A" tributary to Rock Creek

Diversion Pt: NWNENW, S33, T11S, R18E; Twin Falls County.

Use: Fish propagation (4.00 cfs) from 04/01 to 11/15

Date Filed: 06/09/1994

In: NENW, S33, T11S, R18E; Twin Falls County

47-08369

RANDLE A. DURHAM
077 HWY 74
TWIN FALLS ID 83301

Source: groundwater

Diversion Pt: NWSWSW, S05, T11S, R16E; Twin Falls County.

Use: Domestic (0.04 cfs) from 01/01 to 12/31

Date Filed: 06/24/94

In: W1/2SW, S05, T11S, R16E; Twin Falls County

The permit will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before August 22, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson, Director

Published in Times News on 8/4 & 8/11/94.

RECORDED
JUN 29 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

22-JUL-1994

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

STAN HAYE III
2980 N 3800 E
HANSEN ID 83334

Re: Application for Permit No. 47-08368

Dear Mr. Haye:

The Department of Water Resources acknowledges receipt of your application for a water right permit. The application has been assigned identification No. 47-08368. Please refer to this number in all further correspondence.

A legal notice of the application has been scheduled for publication in the Times News on 8/4 & 8/11/94. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be notified and sent a copy of all protests filed.

Review of your application indicates that additional information is required to be made part of the application file pursuant to Idaho Code provisions and the department's Rules and Regulations for Water Appropriation. The attached sheet(s) give details regarding the information which is required.

The required additional information must be submitted within 30 days after the final date for receiving protests August 22, 1994. The time may be extended upon request and showing of good cause that additional time is required to submit the information.

Very truly yours,

Mel Schulte
Water Right Agent

MS:MB

Enclosure

RECORDED
JUN 29 1994

S. Region
5/89

Application No. 47-08368

ADDITIONAL INFORMATION REQUIREMENTS
FOR FISH PROPAGATION APPLICATIONS
FIVE (5) CFS AND LESS

The following additional information is required to be made part of the application file pursuant to IDAHO CODE section 42-203A and the Rules and Regulations for Water Appropriation:

- 1) Copies of deeds, leases, easements, or other information documenting that you have a possessory interest in the place of use. (Rule 4,5,3,3,1)
- 2) Copies of plans and specifications for the project works. The plans must be definite enough to allow for determination of project impacts and implications. For fish propagation facilities the plans must show the number of ponds proposed and give the length, width and depth dimensions of all ponds. (Rule 4,5,3,4,2)
- 3) You must seek comment on the effects of the construction and operation of the proposed project from the city and/or county within which the project is to be located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the project is to be located. (Rule 4,5,3,5,1) A copy of your application is enclosed for your use in seeking comments.

JUN 29 1989