

MICROFILMED

JUN 13 1989

~~X~~ Jack McCall
(Applicant)

(Applicant)

NOTICE OF
APPLICATION FOR
WATER PERMIT

The following applica-
tion (s) has been filed to
appropriate the public
waters of the State of
Idaho:

47-8087

JACK MCCALL
P.O. Box 1585
Twin Falls, ID 83301.
Date Filed: 4/15/1988
Source: Unnamed
stream tributary to
Deadman Gulch
Diversion Pt:
NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19,
T10S, R17E, Twin
Falls County; 1 mile
South & 2 miles West of
Twin Falls.
Use: Fish Propagation
(7.0 cfs) from 1/1 to 12/
31
In: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19,
T10S, R17E

The permit (s) will be
subject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water
Resources, Southern
Region, 2148 Fourth
Avenue East, Twin
Falls, Idaho 83301 on or
before June 6, 1988
R. Keith Higginson,
Director
PUBLISH: Thursday,
May 19, and 26, 1988.

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF TWIN FALLS }

ss.

RECEIVED

No 18629

JUN 2 1988

I, Linda Capps McShure being first duly sworn upon
oath, depose and say that I am Print Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for two
consecutive weeks, commencing with the issue dated

May 19, 1988, and ending with the issue dated
May 26, 1988.

And I do further certify that said newspaper is a consolidation, effective February 16,
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin
Falls News, published theretofore daily except Monday, 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.

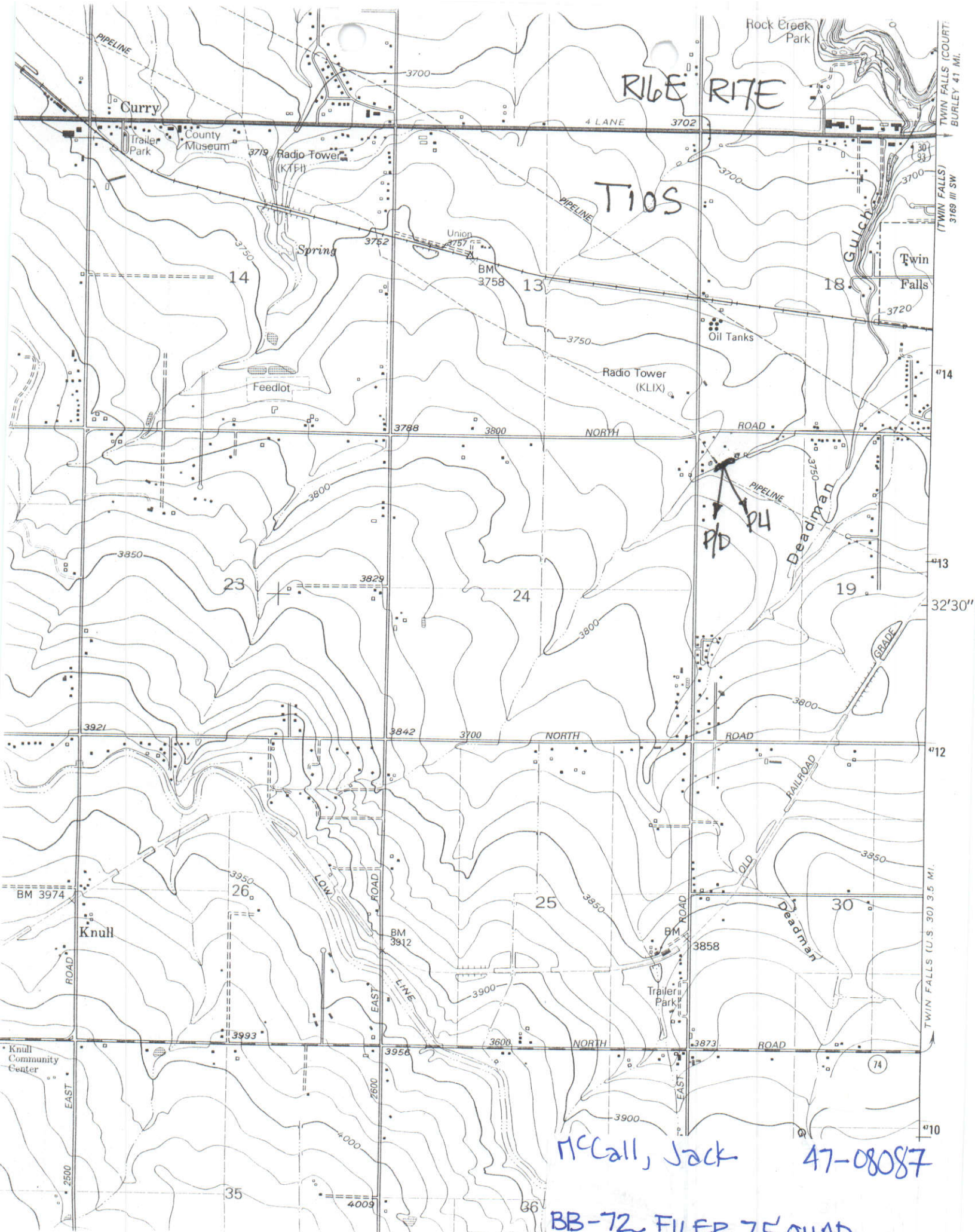
And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
has been designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that at the head of the editorial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

MICROFILMED

JUN 13 1989

Linda Capps McShure
Subscribed and sworn to before me on this 26 day of
May, 1988.
Brenda Parker

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho



RILE RITE

Tios

PD
P4

McCall, Jack

47-08087

BB-72 FILER 7.5 QUAD

1/2



Looking upstream, E'ly



Begin fish ponds

Looking downstream, W'ly

Examiner: G. Satterlee
31 July 98 1000 hrs.

McCall, Jack
47-08087

The irrigation claim in McCall's name
 Sec 19 TFCC
 93+ Shares NENW $\frac{1}{4}$
 SE NW $\frac{1}{4}$

Examiner: G. Satterlee
 31 July 98 1000 hrs.



McCall, Jack
 47-08087

242

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 47-08087

IN THE NAME OF JACK MCCALL

)
) **ORDER OF**
) **REINSTATEMENT**
)

This matter having come before the Idaho Department of Water Resources (Department), the Department makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER:

FINDINGS OF FACT

1. On May 3, 1989, the Department issued Permit No. 47-08087 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before May 1, 1994.

2. On February 28, 1994, the Department sent a proof due notice to the permit holder by certified mail stating that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use.

3. On May 6, 1994, the Department sent a lapse notice to the permit holder since an acceptable proof of beneficial use or extension of time had not been received by the Department.

4. Section 42-218a.2., Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

5. On August 22, 1994, the permit holder submitted an unacceptable proof. on August 26, 1994, the Department sent a letter advising the permit holder of the information required to reinstate the permit.

6. On September 12, 1994, the permit holder submitted two (2) affidavits confirming that water had been put to beneficial use during the authorized development period. The permit holder further explained that the proof was inadvertently sent in late by an office secretary.

SEP 21 1994

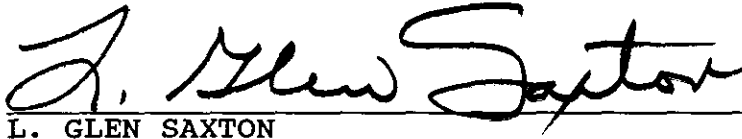
CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.
2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.
3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 47-08087 is **REINSTATED** and the priority is advanced to August 22, 1994.

Dated this 13th day of September, 1994.



L. GLEN SAXTON
Chief, Water Allocation Bureau

SEP 21 1994

U S G E I V S L

STATE OF IDAHO

AUG 22 1994

Department of Water Resources
Tern Region Office

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

AUG 23 1994

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 47-08087 Telephone No. (208) 734-6622 or (208) 734-8824
2. Name(s) of Permit Holder(s): Jack McCall
3. Post Office Address: P.O. Box 1598, Twin Falls, Id. 83303-1598
4. Source of Water: Unnamed stream which is a tributary of Deadman Gulch
 - a. If ground water, well driller's name: _____ Date drilled: _____
 - b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____
5. Extent of Use:

Domestic _____ (No. of households)	Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock)	Other <u>Fish Propagation</u>
6. Total rate and/or volume for which proof is submitted 7.0 cfs _____ acre/feet
7. Refer to the approval conditions on your permit and respond accordingly:

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

OR

Flow Measurement Port: Required? Yes ☒ No ☐ Installed? Yes ☐ No ☐
8. Fee Enclosed: \$ 250.00 (See License Examination Fee Schedule)
9. Person to contact to accompany the Department representative during the field examination:

<u>Jack McCall</u>	<u>(208) 734-6622 or 734-8824</u>
Name	Telephone No.
<u>P.O. Box 1598, Twin Falls, ID 83303-1598</u>	
Address	
10. The above information 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.

Date

Signature (and title if on behalf of a company or organization)

Jack McCall

SEP 22 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Jack McCall Phone 734-6622
Post office address P.O. Box 1585 Twin Falls, Ida 83303
2. Source of water supply unnamed stream which is a tributary of Deadman Gulch
3. Location of point of diversion is NW $\frac{1}{4}$ of N2 $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. sec 19 Township 10 S Range 17 E B.M. Twin Falls County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 2.0 for Fish prop. purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 2.0 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Concrete Headworks
w/ ditch to place of use,
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

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

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

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
103	172	19					X												

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? Applicant

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

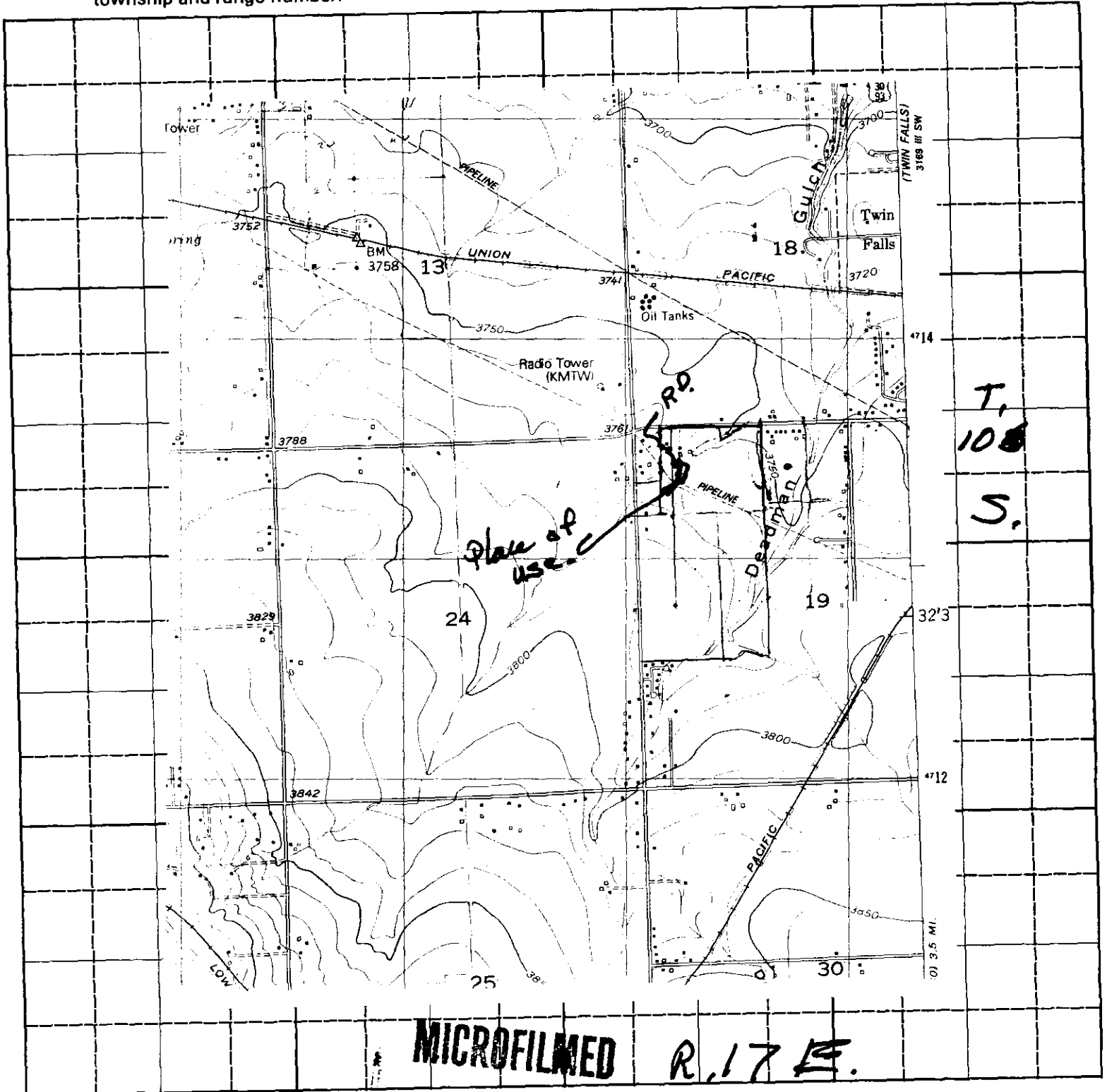
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

RECORDED

JUN 13 1989

13. 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.

JUN 13 1989

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.

X Jack McCall
(Applicant)

Proposed Priority 4/15/88
Received by AF Date 4/15/88 Time 1:00 PM Preliminary check by Adm
Fee \$ 165.00 Received by AF # 5000088 Date 4/15/88
Publication prepared by M. Baldwin Date 5/4/88 Published in Times News
Publication approved TD Date 6/21/88

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. 47-8087, 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 May 1, 19 94.

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: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

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.

Assignment or sale of this permit is subject to a determination by the Department that the permit holder has proceeded to develop the permit with due diligence and without speculation.

Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.

Use of water under this permit shall be non-consumptive.

The permit 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.

Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.

See attached sheet for additional conditions of approval:

Witness my hand this 3rd day of May, 1989.

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JUN 14 1989

[Signature]
J. M. Saylor

ATTACHMENT TO CONDITIONS OF APPROVAL

FOR PERMIT NO. 47-8087

Water shall not be diverted under this permit until a written agreement with the irrigation district or canal company serving the area containing the point of diversion is filed with the Department of Water Resources providing for the coordination of the permit use with the irrigation district or canal company operation.

This permit is subject to the agreement dated August 30, 1988 between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

Witness my hand this 3rd day of May, 1989.

A. Glen Saxton

RECORDED

JUN 13 1989

RECEIVED

AUG 5 1988

Department of Water Resources
Southern Region Office

August 3, 1988

State of Idaho
Department of Water Resources
2178 4th Ave East
Twin Falls, ID 83301

RE: Application for Permit 47-8087 and 47-8088

Dear Mr. Holmes:

According to your letter dated May 5, 1988 I have enclosed the additional information you have requested, 1) a scale drawing of the proposed facility showing the layout of ponds on the property, 2) proof of possessory interest in the form of a Warranty Deed with the legal attached, 3) an estimated construction cost, 4) and my financial statement as of July 20, 1988.

If I can be of any help please let me know.

Thanks,

Jack C McCall
Jack C. McCall

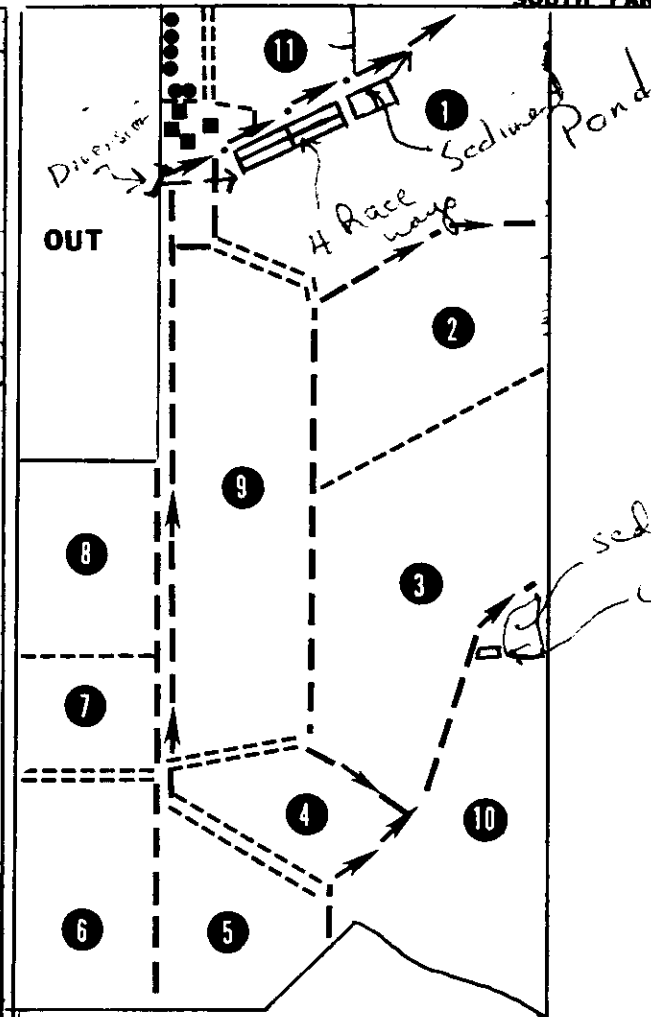
JCM:tlc
enclosure

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JUN 13 1989

SOUTH PARK AVE WEST

18.17
19.20



OUT

OUT OUT

5

1

8

7

6

5

9

3

4

10

2

3

4

2

GRANDVIEW DRIVE SOUTH

CLEAR CREEK FARM

HIGH
COUNTRY
FARM



Scale: 1" = 660'

ORCHARD DRIVE WEST

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JUN 13 1989

HIGH COUNTRY ASSOCIATES

WARRANTY DEED

For Value Received

GRACE E. PENNELL, GEORGE W. BOHR, LINDA M. GREENER, and KENNETH D. BOHR,
dealing with their sole and separate property

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

JACK C. McCALL, a single man
whose address is: P.O. Box 1585, Twin Falls, Id 83303

Hereinafter called the grantee, the following described premises, in Twin Falls County, Idaho,
to-wit:

Legal description per the attached
EXHIBIT "A"

RECEIVED

AUG 5 1988

Department of Water Resources
Southern Region Office

STATE OF IDAHO, COUNTY OF Twin Falls
On this 8th day of February, 1988,
before me, a notary public in and for said State, personally appeared

GEORGE W. BOHR,
dealing with his sole
and separate property

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same.

Lillian Jacobsen
Residing at Buhl
Comm. Expires 3-2-90
Notary Public
Idaho

LILLIAN JACOBSEN
NOTARY PUBLIC - STATE OF IDAHO
Residing at Buhl, Idaho
My Commission Expires 3-2-94

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
and to the Grantee's heirs and assigns forever. And the said Grantor does hereby
covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises;
that they are free from all incumbrances except as described above and that Grantor will warrant
and defend the same from all lawful claims whatsoever.

Dated: February 23, 1988

Grace E. Pennell
Grace E. Pennell

George W. Bohr
George W. Bohr

Linda M. Greener
Linda M. Greener

Kenneth D. Bohr
Kenneth D. Bohr

STATE OF IDAHO, COUNTY OF Twin Falls
On this 9th day of February, 1988,
before me, a notary public in and for said State, personally appeared
GRACE E. PENNELL,
LINDA M. GREENER and KENNETH D.
BOHR, dealing with their sole and
separate property,

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Lillian Jacobsen
Residing at Buhl
Comm. Expires 3-2-94
Notary Public
Idaho

LILLIAN JACOBSEN
NOTARY PUBLIC - STATE OF IDAHO
Residing at Buhl, Idaho
My Commission Expires 3-2-94

STATE OF IDAHO, COUNTY OF Twin Falls

I hereby certify that this instrument was filed for record at
the request of TitleFact, Inc.

at 15 minutes past 9 o'clock PM,
this MAR 14 1988 day of
19, in my office, and duly recorded in Book
of Deeds at page

RICHARD A. PENCE

Ex-Officio Recorder

By Jane McDonald
Fees \$ 9.00
Mail to: TitleFact, Inc.

INSTRUMENT NO.

536213

EXHIBIT "A"

Township 10 South, Range 17 E., B.M., Twin Falls County, Idaho
Section 19: E1/2NW1/4; E1/2SW1/4; Lots 2 and 3

EXCEPT

Beginning at the quarter corner between Section 19 and 30,
Township 10 South, Range 17 E., B.M.;
THENCE West along the Section line to the Southwest corner of
the SE1/4SW1/4 of Section 19, a distance of 1321.2 feet;
THENCE North on the West line of the E1/2SW1/4 of Section 19,
1890.7 feet;
THENCE North 81 degrees 32' East 400 feet;
THENCE North 39 degrees 43' East 429 feet;
THENCE South 61 degrees 47' East 740 feet;
THENCE South 1896.1 feet to the PLACE OF BEGINNING.

AND EXCEPT

That portion of Lot 2 described as follows:
BEGINNING at a point that is South 1340.6 feet along the west
section line from the section corner common to Section 18 and
19, Township 10 South, Range 17 E., B.M. and Section 13,
Township 10 South, Range 16 E., B.M.;
THENCE South 272.5 feet;
THENCE North 89 degrees 39' East 180.5 feet;
THENCE North 0 degrees 10'30" East 272.5 feet;
THENCE South 89 degrees 26' West 180.5 feet to the PLACE OF
BEGINNING.

COPY

AND EXCEPT

That portion of Lot 2 described as follows:
BEGINNING at a point that is South 1613.1 feet along the West
section line from the Section corner common to Sections 18 and
19, Township 10 South, Range 17 E., B.M., and Section 13,
Township 10 South, Range 16 E., B.M.;
THENCE North 89 degrees 39' East 180.5 feet to the POINT OF
BEGINNING;
THENCE North 89 degrees 39' East 366.5 feet more or less to the
intersection with the west side of a farm road;
THENCE northerly along the said west boundary a distance of
272.5 feet;
THENCE South 89 degrees 39' West 366.5 feet more or less;
THENCE South 0 degrees 10'30" West 272.5 feet to the POINT OF
BEGINNING.

AND EXCEPT

A tract of land located in the NE1/4NW1/4 more particularly
described as follows:
COMMENCING at the North 1/4 corner of Section 19;
THENCE North 89 degrees 15' West along the Northerly boundary of
Section 19 for 191.40 feet to the REAL POINT OF BEGINNING;
THENCE North 89 degrees 15' West 304.0 feet;
THENCE South 1 degree 12' West 203.28 feet to the center of a
natural drainage coulee;
THENCE North 57 degrees 12' East 368.45 feet along the
centerline of said drainage coulee to the REAL POINT OF
BEGINNING.

AND EXCEPT

A parcel of land located in the NW1/4 of Section 19, Township 10
South, Range 17 E., B.M.
COMMENCING at the North quarter corner of Section 19;
THENCE North 89 degrees 15' West along the Northerly boundary of
Section 19 for 495.40 feet to the TRUE POINT OF BEGINNING;
THENCE South 1 degree 27' West 203.28 feet to the center of a
natural drainage coulee;
THENCE South 57 degrees 11'50" West 60.49 feet along centerline
of said coulee;
THENCE North 1 degree 27' East 236.72 feet;
THENCE South 89 degrees 15' East 50 feet to the North line of
Section 19 to the TRUE POINT OF BEGINNING.

AND ALSO EXCEPT

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A tract of land located in Lot 3 of Section 19, Township 10 South, Range 17 E., B.M., more particularly described as follows:
COMMENCING at the Southwest corner of Section 19;
THENCE northerly along the westerly boundary of Section 19 for 1979.6 feet to the intersection with the centerline of a ditch running East and West, said intersection being the REAL POINT OF BEGINNING;
THENCE Easterly along said ditch centerline to the intersection with the Easterly boundary of Lot 3;
THENCE Southerly along said Easterly boundary to the Southeast corner of Lot 3;
THENCE Westerly along the Southerly boundary of Lot 3 to the Southwest corner of Lot 3;
THENCE Northerly along the Westerly boundary of said Lot 3 to the REAL POINT OF BEGINNING.

EXCEPT the North 5 feet thereof.

COPY

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ESTIMATED CONSTRUCTION COST OF FISH PONDS

COST LAYOUT #1:

Diversion Structure.....	\$ 1,000.00
Underground Tile.....	\$ 800.00
Concrete Headrace.....	\$ 2,000.00
Ponds.....	\$ 2,900.00
Sediment Pond.....	\$ 1,000.00

	\$ 7,700.00

COST LAYOUT #2:

Concrete Pond.....	\$ 1,500.00
Sediment Pond.....	\$ 1,500.00

	\$ 3,000.00

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JUN 13 1989

FINANCIAL STATEMENT
JACK C. McCALL

July 20, 1988

ASSETS:		LIABILITIES:	
CURRENT:		CURRENT:	
Cash on hand:	\$2,000.00	Miscellaneous:	\$2,000.00
Notes & Contracts Receivable:	15,000.00		
Cash Value of Life Insurance:	10,000.00		
TOTAL CURRENT ASSETS:		TOTAL CURRENT LIABILITIES:	
\$27,000.00		\$2,000.00	
Real Estate:		MORTGAGES & CONTRACTS:	
Home-Twin Falls:	\$70,000.00	Home (Twin Falls):	\$42,000.00
Land-Lots in Twin Falls:	30,000.00	Farm (West of Twin Falls):	120,000.00
Land - Elmore County:	42,000.00		
Farm -West of Twin Falls:	200,000.00	NOTES PAYABLE:	0.00
Dunford & McCall Partnership:			
(See attached financial stat.)			
1/2 of \$1,581,956.61	790,978.30		
Automobiles & Trucks:	5,000.00	DUNFORD & McCALL PARTNERSHIP:	
Machinery & equipment:	10,000.00	(See Attached Financial Stat)	
Personal Property:	10,000.00	1/2 of \$780,543.95	390,226.98
TOTAL ASSETS:		TOTAL LIABILITIES:	
\$1,184,978.30		\$554,226.98	
		NET WORTH:	
		\$630,751.32	
		TOTAL LIABILITIES & NET WORTH:	
		\$1,184,978.30	

I hereby certify that the figures, information and statements contained in this report are true and give a correct showing of my financial condition on the date above stated.

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JUN 13 1989

Jack C. McCall
JACK C. McCALL

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

ss.

No. 18629

JUN 2 1988

OK
I, *Linda Capps McShure* being first duly sworn upon
oath, depose and say that I am *Print Clerk* of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for *Two*
consecutive *Weeks*, commencing with the issue dated

May 19, 1988, and ending with the issue dated
May 26, 1988.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, 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 as the day on which legal notice by law or by order of any court of jurisdiction within the state of Idaho, to be published weekly, will be published; and the head of the editorial column of said combined newspapers, and in each issue there- day is announced as the day on which said legal notices will be published.

MICROFILMED

JUN 13 1989 Subscribed and sworn to before me on this

Linda Capps McShure
May, 1988.

Brenda Parker

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

November 12, 1994

Jack McCall
Box 1598
Twin Falls, ID 83303

RE: Permit No. 47-08088

Dear Mr. McCall:

We are in the process of reviewing the above referenced permit for licensing. One of the conditions of the permit required a written agreement with the irrigation district or canal company serving the area containing the point of diversion. We have a copy of your agreement with Twin Falls Canal Co. for another permit filed at the same time (47-08087), but not for 47-08088. Could you please send a copy to us at your earliest convenience so that we can continue with the licensing process for both permits. You can send it by fax if you like.

If you have any questions, just give me a call. Thank you for your help with this matter.

Sincerely,

Sharla Curtis
Water Resource Agent

MEMORANDUM

TO: File 47-08087

FROM: Sharla

DATE: October 30, 1998

RE: Annual Volume for Fish Propagation Use

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

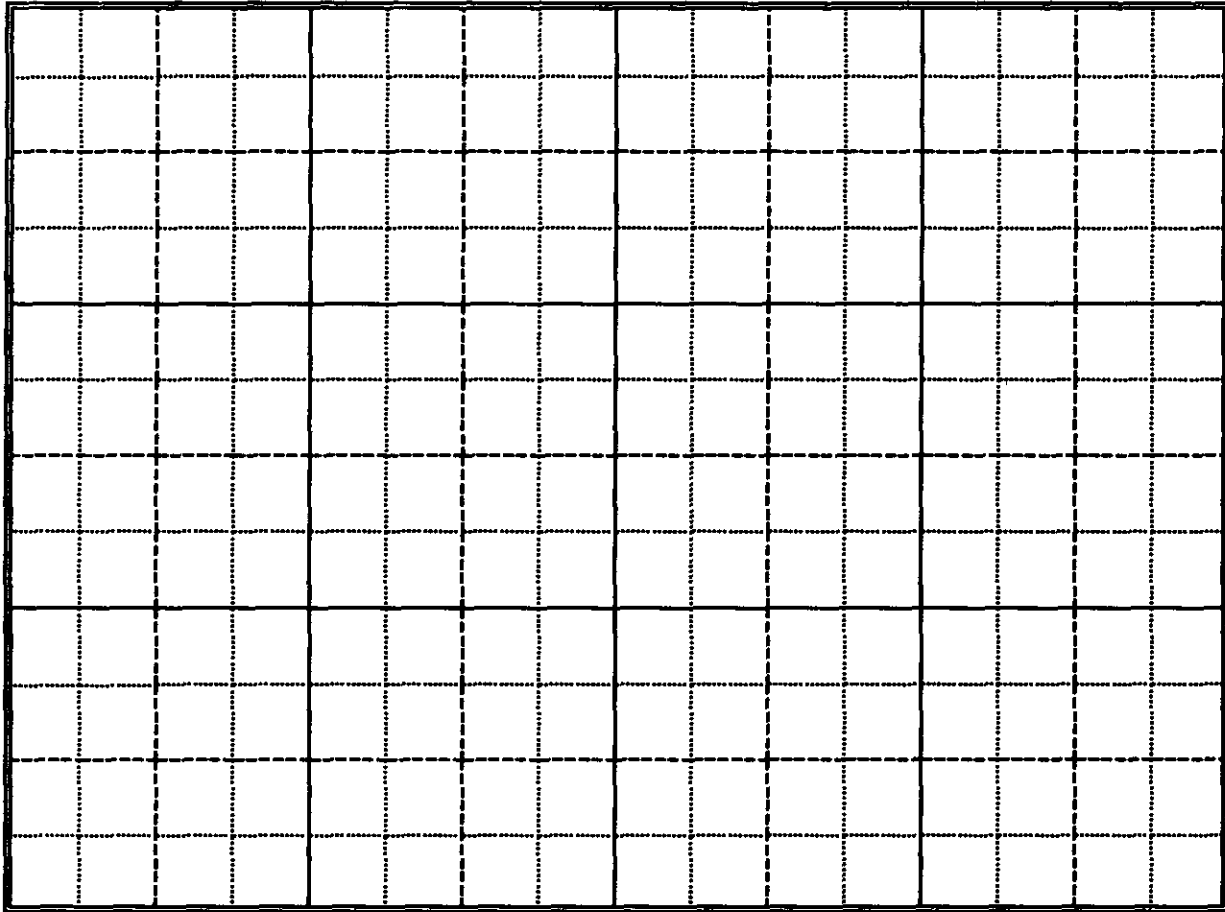
1. Calculate changes per hour:
total flow into facility x 3600/facility volume(cf) = changes
2. Calculate annual volume:
facility volume(AF) x changes x 8760 = AFA
3. Calculate volume given by permitted flow:
flow rate(cfs) x 1.98 x 365 days = AFA
4. Recommend lower figure

-
1. 4.00 cfs x 3600/ 37,239 cf = 0.38669
 2. 0.9 AF x 0.38669 x 8760 = 3048.7 AFA
 3. 4.00 cfs x 1.98 x 365 days = 2890.8 AFA

RECOMMENDATION: 2890.8 AFA

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____



Copy of USGS 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)



Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

Staff Gage / Measuring Tape

[illegible]

—

—

— — —

—

F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

Staff Gage/Tape Measure See Sheet "A."

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{N/A}{\downarrow}$$

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

$$V = \text{Smaller of } V_{LR} \text{ and } V_{DR} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Use:

Permit Rate 7.00 cfs
Exam Fee Limit 7.00 "
Measured Rate 4.00 " ±

H. RECOMMENDATIONS

1. Recommended Amounts

Pond Volume
Cubic Feet

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
FISH PROPAGATION	1/1	12/31	4.00 cfs	37,239 ft ³
Totals:			4.00 cfs	37,239 ft ³

2. Recommended Amendments

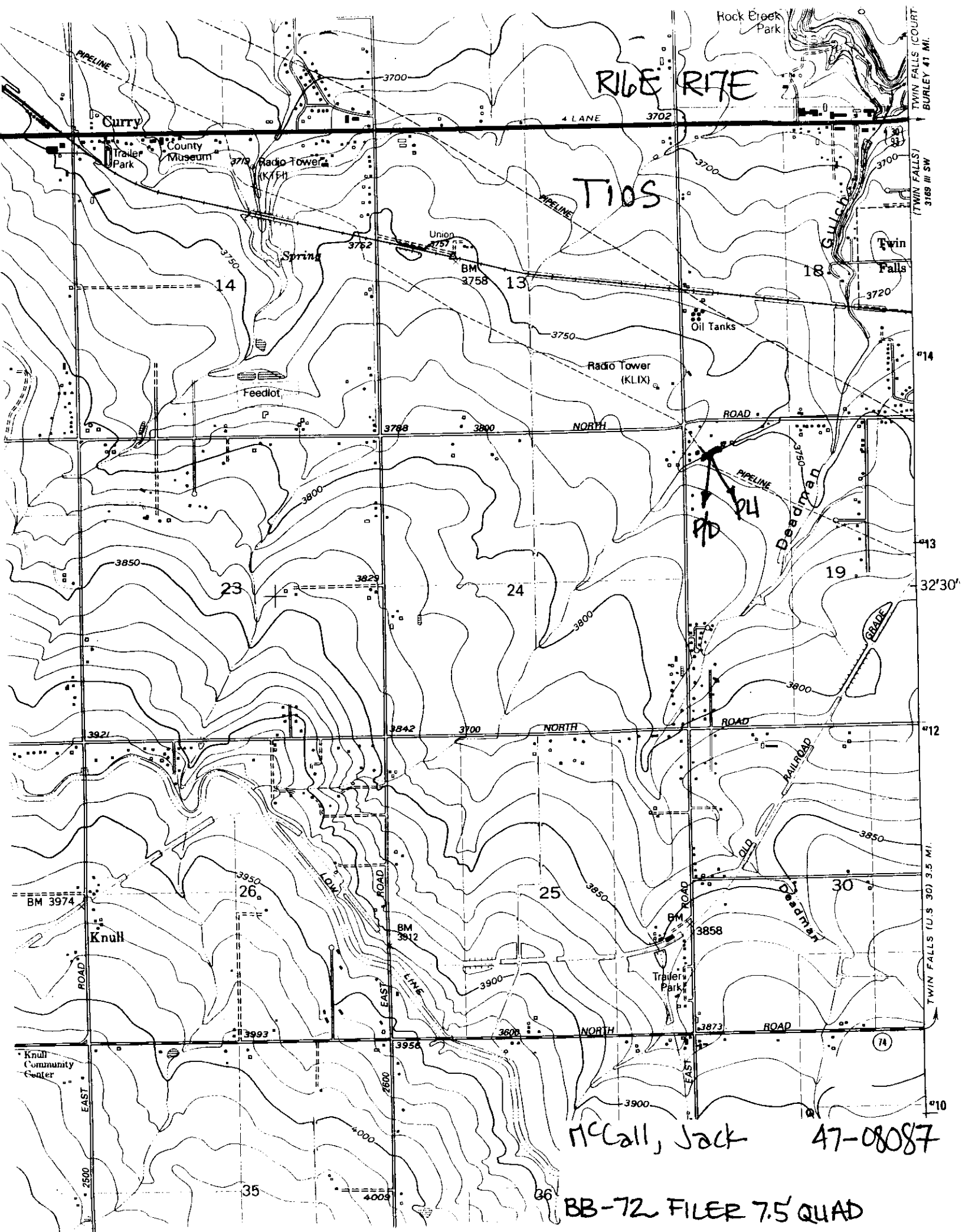
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

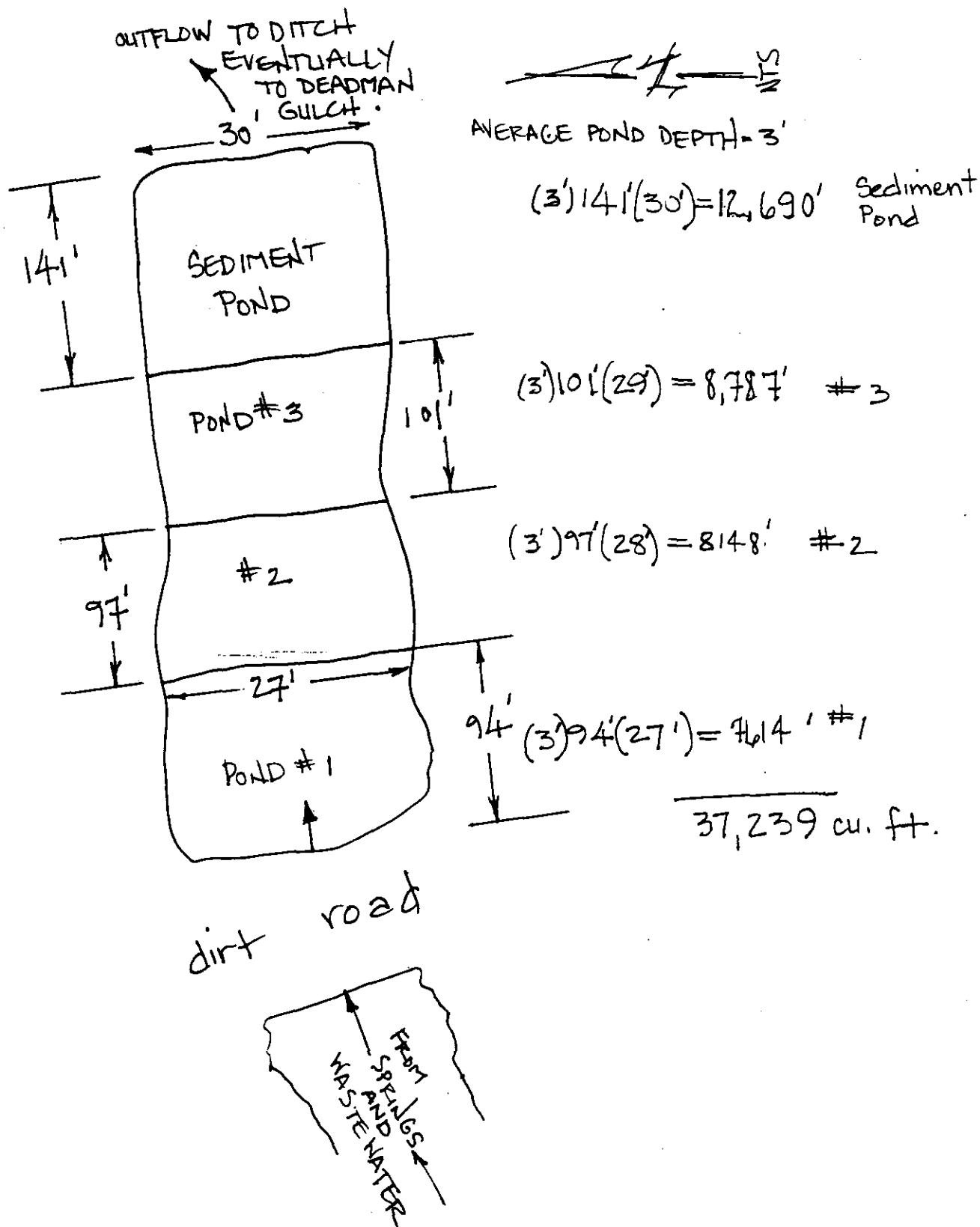
I. AUTHENTICATION

Field Examiner's Name Georgia Satterlee Date 12 August 98

Reviewer _____ Date _____

SEAL





EXAMINER: G. SATTERLEE

31 July 1998 1100 hrs.
McCall, Jack
47-08087

Sheet "A."

Forumula Used: $Q=3.33(L - 0.2H)H^{\frac{3}{2}}$

SOUTH SIDE
Standard Contracted
Rectangular Weir

NORTH SIDE
Standard Contracted
Rectangular Weir

$$Q=3.33(4.5-0.2\{0.17\})0.17^{\frac{3}{2}}$$
$$Q=1.04 \text{ cfs} \checkmark$$

$$Q=3.33(4.5-0.2\{0.31\})0.31^{\frac{3}{2}}$$
$$=2.55 \text{ cfs} \checkmark$$

Increase 10% in October = 3.95 CFS $\checkmark$

TOTAL 3.59 CFS $\checkmark$

POND SIZES

TOTAL 37,239 cu. ft.

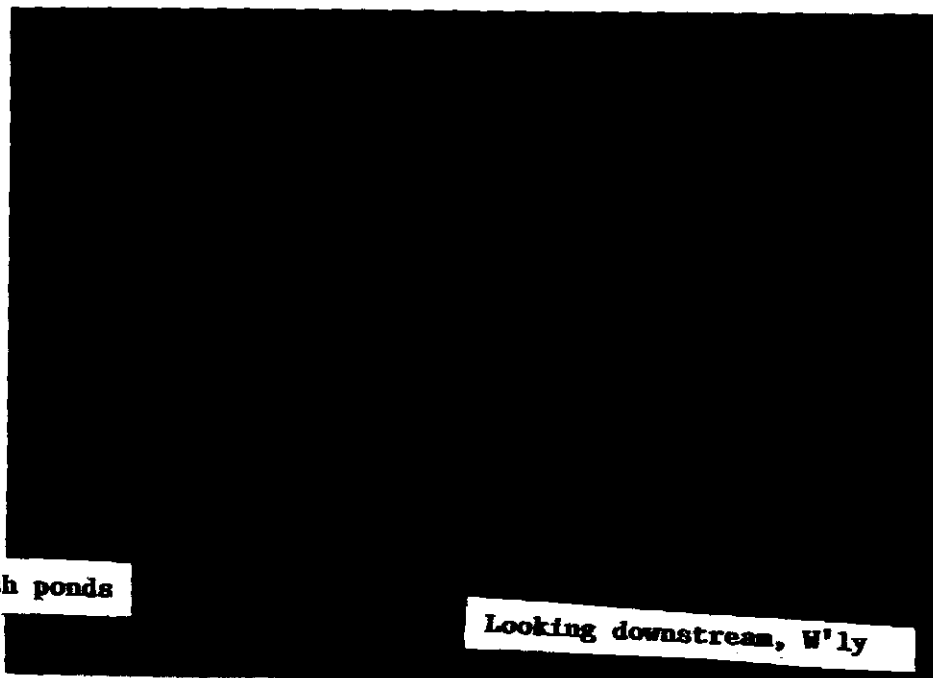
1100 hrs. 31 July 1998
Examiner: G.Satterlee

McCall, Jack 47-08087

1/2



Looking upstream, E'ly



Begin fish ponds

Looking downstream, W'ly

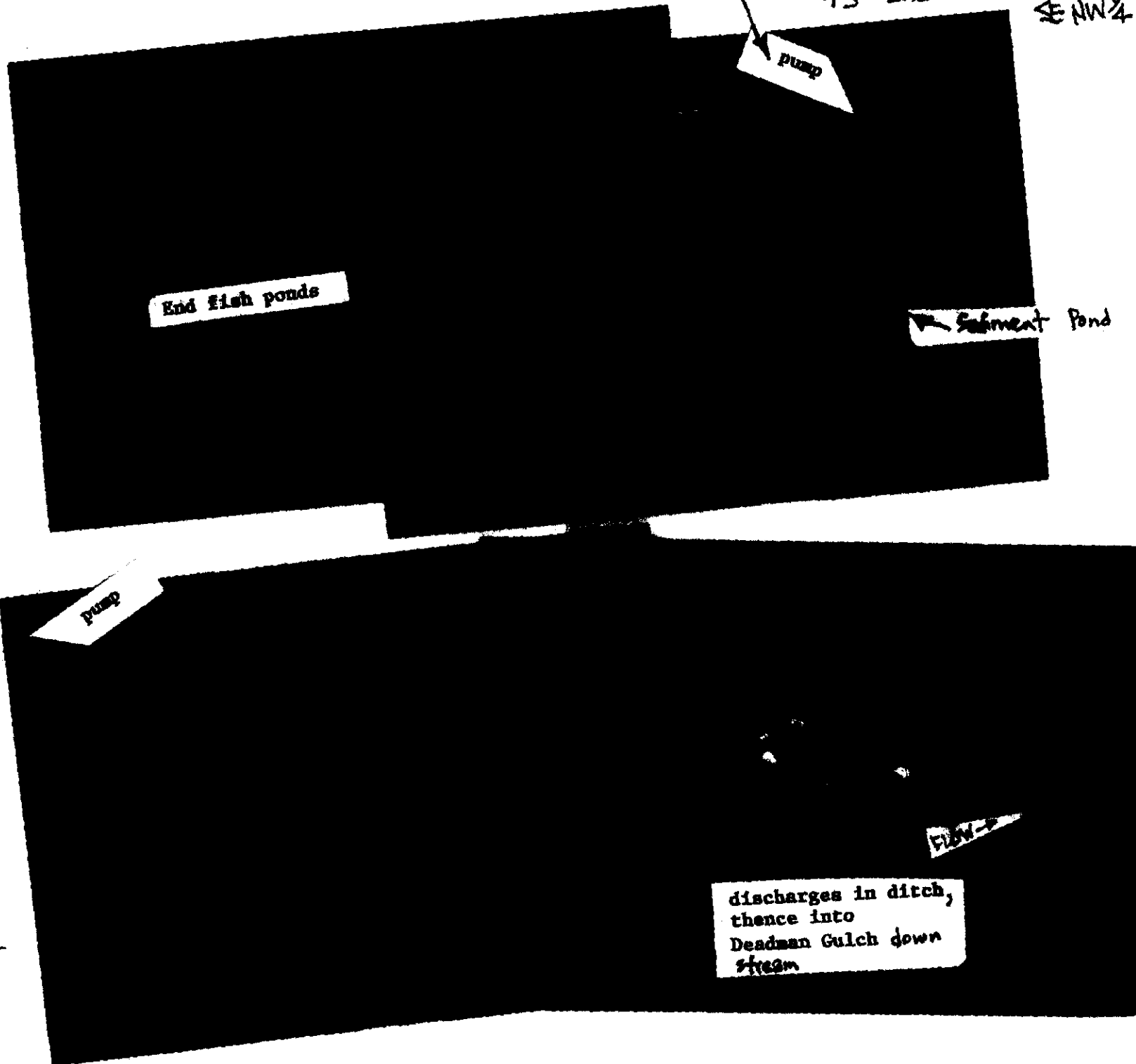
Examiner: G. Satterlee
31 July 98 1000 hrs.

McCall, Jack
47-08087

The irrigation claim in McCall's name
Sec 19 TFCC
93+ Shares NENW 1/4 & SE NW 1/4

Examiner: G. Satterlee
31 July 98 1000 hrs.

McCall, Jack
47-08087



242



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 13, 1994

JACK MCCALL
P O BOX 1598
TWIN FALLS ID 83303-1598

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 47-08087

Dear Permit Holder:

The Department acknowledges receipt of the proof of beneficial use form submitted for the above referenced water right permit.

Enclosed is an order reinstating your permit since the proof was received after the proof due date. Please note that the priority date has been advanced to August 22, 1994.

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 this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls, at (208) 736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

SEP 13 1994

September 6, 1994

Idaho Department of Water Resources
Attn: Julie Yarbrough
1301 North Orchard St.
State House Mail
Boise, ID 83720-9000

RE: Permit #47-08087

Dear Ms. Yarbrough,

The proof of beneficial use was inadvertently sent in late by a secretary in my office.

Thank you,


Jack C. McCall.

SEP 21 1994

September 6, 1994

Idaho Department of Water Resources
Attn: Julie Yarbrough
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720-9000

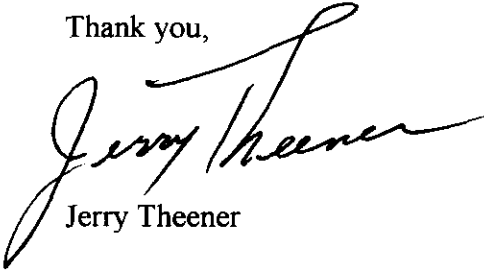
RE: Permit #47-08087

Dear Ms. Yarbrough:

The fish ponds have been installed and the water used for fish propagation since 1988.

I have farmed property adjacent to the fish ponds with my irrigation water diverted to a pump just below the ponds.

Thank you,



Jerry Theener

0-10-10
0-10-10

September 6, 1994

Idaho Department of Water Resources
Attn: Julie Yarbrough
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720-9000

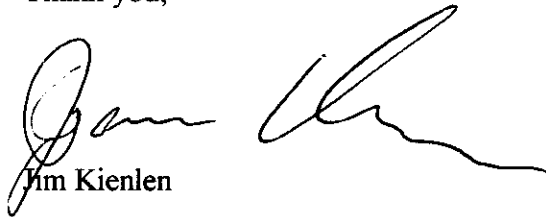
RE: Permit #47-08087

Dear Ms. Yarbrough:

The fish ponds have been installed and the water used for fish propagation since 1988.

I have farmed property adjacent to the fish ponds with my irrigation water diverted to a pump just below the ponds.

Thank you,


Jim Kienlen

SEP 21 1994

August 26, 1994

Jack McCall
P.O. Box 1598
Twin Falls, ID 83303

RE: Permit No. 47-08087

Dear Permit Holder:

The Department received your proof of beneficial use statement for the above referenced permit on August 22, 1994. The permit lapsed on May 1, 1994, so the 60-day late period during which the permit can be readily reinstated has passed.

Because you failed to file the proof of beneficial use in a timely manner, and pursuant to Section 42-218a, Idaho Code, (copy enclosed) the permit can be reinstated only if you submit the following:

- a) Two pieces of evidence to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period from the time the permit was issued until the proof due date, and
- b) Reasonable cause why the proof of beneficial use was filed late.

Your proof of beneficial use statement along with any information which may have been submitted with it, will remain on file in this office for 60 days to allow you an opportunity to assemble and submit the additional required information.

You should also be aware, that since the proof was filed late, your priority date has been penalized. Provided you supply the requested information, your priority date of April 15, 1988 will be advanced to August 22, 1994.

If you have any questions or if I can be of any assistance, please feel free to contact me directly at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

SE 11

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

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

May 6, 1994

JACK MC CALL
P.O. BOX 1585
TWIN FALLS ID 833030000

LAPSE NOTICE

RE: PERMIT NO. 47-08087

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated February 28, 1994. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

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

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 5/6/94
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

SEP 21 1994

February 28, 1994

JACK MC CALL
P.O. BOX 1585
TWIN FALLS ID 833030000

PROOF DUE NOTICE

RE: PERMIT NO. 47-08087

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 May 1, 1994.

(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.

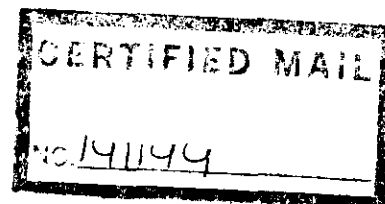
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

SEP 21 1994





TWIN FALLS CANAL COMPANY

POST OFFICE BOX 328
TWIN FALLS, IDAHO, 83303-0328

June 12, 1989



RECEIVED

JUN 13 1989

State of Idaho
Department of Water Resources
2148 4th. Ave. East
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region Office

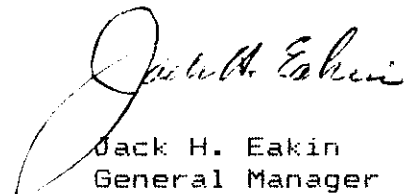
Attn: Loren Holmes

Subject: Permit No. 47-8087
Jack McCall

Dear Loren:

Enclosed is a copy of an executed agreement between the Twin Falls Canal Company and Jack McCall concerning fish propagation under permit No. 47-8087. This agreement satisfies the requirements of the Attachment to Conditions of Approval for permit No. 47-8087 as signed by Glen Saxton on May 3, 1989.

Very Truly Yours,


Jack H. Eakin
General Manager

JHE:cs

Encl

cc: Jack McCall, w/executed copy of agreement.

RECEIVED

JUN 15 1989

SEP 1 1989

AGREEMENT

THIS AGREEMENT, entered this 25 day of May, 1989, between the Twin Falls Canal Company, an irrigation organization incorporated and existing under the laws of the State of Idaho, hereinafter referred to as "Company", and Jack McCall, hereinafter "Water User".

WITNESSETH

WHEREAS, the Water User desires to make nonconsumptive use of waters within the Company's system in constructed ponds for fish propagation purposes; and

WHEREAS, the Company has a first and prior right to the use of said waters, but agrees to allow the use thereof if Water User executes this Agreement acknowledging Water User's responsibility;

NOW, THEREFORE, in consideration of the mutual and independent covenants hereinafter stated the parties agree as follows:

1. All construction plans shall be subject to the prior approval of the Company. Facility construction and operation shall:

- (a) Not interfere or affect the Company's delivery of water to water users at any time;
- (b) Not block existing rights of way or traditional accesses of the Company;
- (c) Not cause any erosion to Water User's system;
- (d) Not cause excessive evaporation;
- (e) Not cause water pollution;
- (f) Not block existing drainage or seepage flows or cause drainage and seepage problems on Company or adjacent properties;

SEP 21 1994

- (g) Not impair the easement and right of way of the Company for the full flow of water for irrigation and drainage;
- (h) Not impair operation, maintenance, construction and reconstruction of Company facilities; and
- (i) Not be the basis of claim flood damages against the Company.

2. It is understood and agreed that the Water User has no right to demand any water from the Company even though Water User may have filed on the same with the State Department of Water Resources, and the Company shall have no responsibility for cessation or reduction of flows for any reason. It is understood and agreed that the water in question is in fact water which the Company has a prior right to use and that the Company may change their manner of using it or cease making it available to the Water User at any time.

3. It is understood and agreed that the Water User will cause no interruption or interference in water deliveries or damage to said canals or ditches during construction or in subsequent operations. It is understood and agreed that any contractor or contractors employed by Water User shall be an agent of Water User and not an independent contractor and Water User shall be liable as principal therefor.

4. It is further understood and agreed that any construction, operation or maintenance work, including, but not limited to, additional mowing work or costs related to the water quality of Water User's discharges, which may be required by the Company after the date hereof by reason of Water User's activities, necessitating the expenditure of work or funds by the Company, will be billed to the Water User as such expenses are incurred and Water User agrees to reimburse the Company for said expenses within thirty (30) days thereafter, including any attorneys' fees incurred by the Company in regard thereto. Company may turn off Water User's diversion at any time any said bill is thirty (30) days delinquent.

5. Water User's facilities shall at all times be maintained, repaired, renewed and operated at the sole expense of the Water User.

6. Water User shall be liable for reimbursement of said Company for all damages or expenses incurred in the replacement of said canals, ditches and rights of way if Water User abandons such facilities.

RECEIVED
SEP 21 1994

7. Water User hereby waives any claim or claims against the Company and releases the Company for any losses which may occur to fish by reason of lack of water quantity or quality or the Company's use of herbicides, pesticides, mossing chemicals, or any other chemical or for any other reason whatsoever, whether or not due to the negligence of the Company.

8. It is further agreed that the Water User will indemnify and save harmless the Company for and against all claims, suits, damages, costs, losses, and expenses in any manner resulting from or arising out of the construction, operation, maintenance, renewal, repair, use or existence of the Water User's facilities whether heretofore or hereafter made, including Company's attorneys' fees and including damage to crops of other water user resulting from interference with the delivery of water from the Company.

9. Water User's failure to comply with any provision of this Agreement shall be deemed a default, and Water User's failure to remedy such default within thirty (30) days after mailed notice specifying such default to Water User shall result in termination hereof, at which time Water User agrees that Company may cease all water deliveries to Water User's facilities and Water User shall have no further rights hereunder. Water User also agrees to pay Company's attorneys' fees in any action brought to terminate this Agreement or in subsequent actions to collect amounts owing to Company by Water User prior to said termination.

10. The parties hereby bind themselves, their heirs, proper assigns, and legal representatives.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed this 8th day of June, 1989.

TWIN FALLS CANAL COMPANY

By: Robert J. Schubert
PRESIDENT

ATTEST:

Robert W. Schaer
SECRETARY

SEP 21 1994

WATER USER

Jack McCall

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

On this 8th day of June, 1989, before me, a Notary Public, in and for said County and State, personally appeared Robert Raichert and Robert W. Schan, known or identified to me to be the President and Secretary, respectively, of TWIN FALLS CANAL COMPANY, the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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

Doris Y. Finney
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 4/21/91

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

On this 1st day of June, 1989, before me, a Notary Public, in and for said County and State, personally appeared Jack McCall and _____, known or identified to me to be the individuals whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Christine L. Hinton
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls, Id
My Commission Expires: 1-5-95

SEP 21 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Mary

Permit No. 47-08087
Name(s) of Permit Holder(s): JACK McCall
Post Office Address: P.O. Box 1548
Twin Falls ID 83303 Tel. No. (208) 724-8824

21 1994

☒ I hereby certify that construction of diversion works for the above referenced permit began on 5/20/89 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

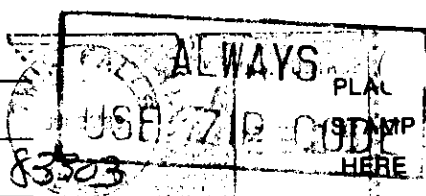
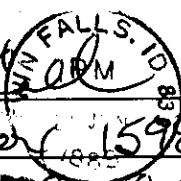
☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*: A financing difficulty is an acceptable reason.

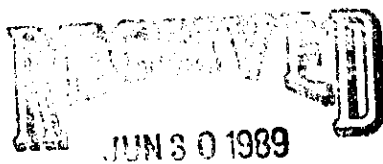
6/2/89
Date

Jack McCall
Signature of Permit Holder

Jack McFall
L.O. Box 1598
Down Falls, Id 83523



SEP 21 1984
DOWN FALLS, ID



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

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) 334-7900
May 12, 1989

JACK MCCALL
P. O. BOX 1585
TWIN FALLS, ID 833030000

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 47-08087

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Please be advised that your plans for fish propagation may be subject to regulations of the Idaho Department of Fish and Game. We suggest that you check with them before starting construction.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECEIVED

JUN 13 1989



IDAHO FISH & GAME

REGION 4
868 East Main Street
Jerome, ID 83338
(208) 321-4350

RECEIVED
MAY 03 1989

Department of Water Resources

May 1, 1989

Mr. Gary Spackman
Department of Water Resources
301 No. Orchard
Statehouse Mail
Boise, ID 83720

Re: Application for Permit, No.s 47-8087, 47-8088,
Unnamed Stream Tributary to Deadman Gulch Creek

Dear Gary:

We have no objection to these permits for 2.0 and 7.0 cfs of water.

Sincerely,

Carl H. Nellis
Supervisor, Region 4

cc: Jack McCall, P.O. Box 1585, Twin Falls
Bureau of Fisheries

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



MICROFILMED

JUN 13 1989

MEMORANDUM

TO: File nos. 47-8087 and 47-8088
FROM: Gary Spackman *Gary*
DATE: April 25, 1989
RE: Sufficiency of information submitted to satisfy Rule 4, 5.
of the Water Appropriation Rules and Regulations

I reviewed application no. 47-8087 to determine whether the information submitted by applicant satisfies Rule 4,5. of the Water Appropriation Rules and Regulations. Application no. 47-8088 is related to application no. 47-8087, although it does not require submittal of all of the information.

In my review, I found several deficiencies. A statement of design construction or operation techniques which will be used to reduce impact on existing rights was not submitted. No information regarding the sufficiency of water supply was submitted. The project design-plans were rough sketches. Finally, Idaho Fish & Game had not commented on the application and the Division of Environmental Quality had submitted a letter stating that they opposed the construction of the project. Although the applications were protested by Twin Falls County, and the protest was resolved, the objection by the Division of Environmental Quality had not been resolved in the files.

Jack McCall, the applicant, called me last week and was anxious for approval of his application. I told him of the deficiencies, and he was noticeably irritated because he had not been told earlier that the additional information was required. I told him that I wanted a statement about the effect or impact on existing rights. I told him that I also wanted letters from the Division of Environmental Quality and from Fish & Game stating their present position on the project. Mr. McCall has provided this information to me.

There are other requirements which I have accepted loose information or summary statements because of our failure to request the information during the early processing of the application. I have agreed to accept the sketchy plans that were submitted by Mr. McCall. I have also accepted a rough flow measurement by Mr. McCall with a make shift weir of approximately 5 cfs. The 5 cfs may need to be used to calculate total volume when the license is issued.

I suggest we approve these two applications as they are presently prepared.

MICROFILMED

JUN 13 1989



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENTAL QUALITY
Twin Falls Field Office
Post Office Box 1626
Twin Falls, Idaho 83303-1626

April 21, 1989

RECEIVED
APR 24 1989

Gary Spackman
Department of Water Resources
1301 North Orchard
Statehouse
Boise, Idaho 83720

Department of Water Resources

Re: Water Appropriation Permits #47-8087 and #47-8088, Jack McCall
for Unnamed Stream Tributary to Deadmans Gulch, Twin Falls County,
Idaho

Dear Mr. Spackman:

Jack McCall recently contacted me relative to the above referenced permits indicating that final approval was contingent upon information received from our agency.

A conference held on August 30, 1988 addressing protests related to water appropriation permit #47-8084, Joe Rand, included consideration of McCall's permits since both proposed fish rearing projects are in the same area and would impact water quality in Deadmans Gulch Creek.

Subsequent to the meeting and based on specific conditions, the Idaho Department of Health and Welfare withdrew its protest for the Rand permit (#47-8084) and included the following conditions which are the same for the McCall permits (#47-8087 and #47-8088).

- 1) The facility shall be operated to comply with federal NPDES permit and Idaho Water Quality Standards and Wastewater Treatment Requirements.
- 2) The Idaho Department of Health and Welfare, Division of Environmental Quality (IDHW-DEQ) shall review and approve the design of the fish rearing facilities prior to construction.
- 3) An operation and maintenance plan shall be submitted to IDHW-DEQ for review and approval.

Should any questions arise, please contact me at 734-9520.

Sincerely,

Michael J. McMasters

Michael J. McMasters
Water Quality Field Supervisor

JUN 13 1989

MJM/ta

cc: Susan Martin
Loren Holmes
Jack McCall

Darrell Heider EQUAL OPPORTUNITY EMPLOYER



DUNFORD, McCALL AND ASSOCIATES

JOSEPH WM. DUNFORD, MA, ARA
JACK C. McCALL, ARA
CRAIG A. MOORE

1132 E. 1ST STREET • P.O. BOX 1598
TWIN FALLS, IDAHO 83303-1598 • 208/734-6622

April 24, 1989

APR 24 1989

Gary Spackman
Department of Water Resources
1301 North Orchard
Statehouse
Boise, ID 83720

Department of Water Resources

RE: WATER APPROPRIATION PERMIT #47-8087, JACK MCCALL FOR UNNAMED
STREAM TRIBUTARY TO DEADMANS GULCH, TWIN FALLS COUNTY, IDAHO

Dear Mr. Spackman:

In reference to the above, there will be no depletion of water amounts. The water will run into fish ponds and then into the drain coulee. The water levels will not fluctuate as ponds are being filled. The sentiment retention pond will have an incidental amount of total storage in relation to the total flow.

The water quality should be improved due to the sentiment retention in the fact that any farm soil sentiments will be settled in the sentiment pond. The fish affluent will be put into a sump and will be pumped out onto adjoining farm ground.

In summary, the water quality should not be adversely affected, there should be no fluctuation of water flows, and there will be no depletion of the flow amounts.

Sincerely,
Dunford, McCall & Associates

Jack C. McCall
Jack C. McCall
MICROFILMED

JCM:clh

JUN 13 1989

NELSON, RSHOLT, ROBERTSON, TOLMAN & TUCKER
ATTORNEYS AT LAW
142 3RD AVENUE N.
P.O. BOX 1906
TWIN FALLS, IDAHO 83301
(208) 734-0700

RECEIVED

JAN 18 1989

Department of Water Resources
Southern Region Office

DATE: January 17, 1989

TO: Mr. Loren Holmes
State of Idaho
Department of Water Resources

RE: Jack McCall, Application for Permit
Nos. 47-8087 and 47-8088

Dear Loren:

Enclosed please find the withdrawal
of protest for the above referenced
application.

Please let me know if you need any
additional documents for this permit.

Thank you for your cooperation.

RECEIVED

JUN 13 1989

NELSON, RSHOLT, ROBERTSON, TOLMAN & TUCKER

BY TERRY T. UHLING

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RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

JAN 18 1989

STATE OF IDAHO

Department of Water Resources
Southern Region Office

IN THE MATTER OF APPLICATION)
FOR PERMIT TO APPROPRIATE)
WATER NO. 47-8087 and 47-8088)

WITHDRAWAL OF PROTEST

Jack McCall,)
Applicant.)

SOURCE: Unnamed Stream
Tributary to
Deadman Gulch

Twin Falls County Commissioners,)
Protestant.)

COUNTY: Twin Falls

Pursuant to the hearing held before the Department of Water Resources on August 30, 1988, in Twin Falls, Idaho 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 following parties being present: Jack McCall and Twin Falls County Commissioners by and through Darrell A. Heider.

The Twin Falls County Commissioners hereby withdraw their protest against the granting of application for permit to appropriate water No. 47-8087 and 47-8088, subject to the following conditions:

1. The facility shall be operated in such a way as to meet Federal and State water quantity standards administered by the Idaho Department of Health and Welfare, Division of Environmental Quality (DEQ).

MICROFILMED

JUN 13 1989

1 2. Prior to operation, the operator shall submit
2 designs and operating plans for approval by DEQ.

3 DATED this 30th day of August, 1988.
4

5
6 
7 Darrell A. Heider, Director
8 Twin Falls County
9 Parks & Recreation Dept.
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RECEIVED
JUN 13 1989

Re: Application for permit ~~47-8084~~, Joe Rand, Applicant

Place: Twin Falls city Hall

Date: Tuesday, August 30, 1988; 1:30 PM

Hearing Officer: Bob Fleenor

Assisted by: Loren Holmes

Note: Applicant and
Protestant were present
but did not sign the
Rogers Ppf.

ROSTER OF ATTENDANCE

[illegible]

UNCLASSIFIED

~~JUN 13 1989~~



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

August 16, 1988

Jim Poulsen, Recreation Resources Bureau Chief
Idaho Department of Parks & Recreation
2177 Warm Springs Ave.
Statehouse Mail
Boise, ID 83720

Re: Applications for permit No. 47-8087 & 47-8088, Jack McCall
Application for permit No. 47-8084, Joe Rand

Dear Mr. Poulsen:

Enclosed are notices of hearing in the matter of the above referenced applications.

Your letter of protest was received July 15, 1988, after the June 6, 1988 deadline originally set in the legal notices of the applications for accepting protests. However, the Rand application, 47-8084 had to be readvertised due to a publication error and the protest date was set to July 25, 1988, therefore, your protest against the Rand Application is timely.

Your protest against the McCall applications is not timely and if you wish to act as a party in that matter you must request leave to intervene five or more days prior to the hearing. The other parties will be given opportunity to respond to your motion to intervene.

A copy of your letter is being sent to the applicants. At a conference or hearing the following are the principal items the depart can consider in approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for speculative purposes?

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JUN 13 1989

Page 2

Jim Poulsen

August 16, 1988

Re: Applications for permit No. 47-8087 & 47-8088, Jack McCall
Application for permit No. 47-8084, Joe Rand

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

5) Will the proposed use conflict with the local public interest?

If you have any questions about procedure in this matter, please let me know.

Very Truly yours,

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

MICROFILMED

JUN 13 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

August 16, 1988

Jack McCall
P.O. Box 1585
Twin Falls, ID 83301

Re: Applications for permit 47-8087, 47-8088

Dear Mr. McCall:

Enclosed is a copy of a letter received after the final date for filing protests in the matter of your applications. The Department of Parks and Recreation has been advised that leave to intervene must be requested five or more days in advance of the hearing in order to appear as a party.

You will be advised and offered the opportunity to respond to any motions to intervene.

Very Truly yours,

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

MICROFILMED

JUN 13 1989

PS Form 3877 April 1980
ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

NAME AND ADDRESS OF SENDER **IDWR 8/16/88**

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

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

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

LINE	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DEL. FEE	REMARKS
1	454 ✓	ID. Dept of Parks & Rec. 47-8084, 8087, 8088	.45	.85	.45	1.75						
2												
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JUN 18 1988
MICROFILM

TOTAL NUMBER OF PIECES LISTED BY SENDER
1

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE

POSTMASTER, PER (Name of receiving employee)

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

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3

Put address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. ☐ Restricted Delivery
↑(Extra charge)↑ ↑(Extra charge)↑

3. Article Addressed to:

Idaho Dept. of Parks & Rec
2177 Warm Springs Ave.
Statehouse Mail
Boise, ID 83720

4. Article Number

Type of Service:

- ☒ Registered
☒ Insured
☐ COD
☐ Signature Mail

☐ Insured
☐ COD

Article contains signature of addressee
or agent and **DATE DELIVERED.**

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

8. Addressee's Address (ONLY if
registered and fee paid)

47-9084, 47-8084, 47-8084

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number 1.

RETURN

TO

Print Sender's name, address, and ZIP Code in the space below.

Department of Water Resources
Southern Region Office
NO 1000

DEPARTMENT OF WATER RESOURCES

2148 4th AVENUE EAST

TWIN FALLS, IDAHO 83301

RECEIVED

MICROFILMED
JUN 13 1988



PENALTY FOR PRIVATE USE, \$300



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

15-Aug-1988

Jewell Chandler
Twin Falls City Hall
321 2nd Ave. East
Twin Falls, ID 83301

Re: 47-8087, 47-8088, 47-8084, 37-7850, 37-8337

Dear Ms. Chandler:

This is to confirm the use of the Council Chambers for conference and/or hearing to be held by this office all day on 8/30/88 and 8/31/88.

Thank you very much for your cooperation.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

MICROFILMED

JUN 13 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

August 12, 1988

William H. Clark, Sr. Water Quality Analyst
Idaho Department of Health & Welfare
Division of Environmental Quality
450 West State St.
Boise, ID 83720-9990

Re: Applications for permit No. 47-8087 & 8088, Jack McCall
Application for permit No. 47-7084, Joe Rand

Dear Mr. Clark:

Enclosed are hearing notices in the above referenced applications.

Your letter of protest was received June 15, 1988, after the June 6, 1988 date originally set in the legal notices of the applications for accepting protests. However, the Rand application, 47-7084 had to be readvertised due to a publication error and the protest date was set to July 25, 1988, therefore, your protest against the Rand Application is timely.

Your protest against the McCall applications is not timely and if you wish to act as a party in that matter you must request leave to intervene five or more days prior to the hearing. The other parties will be given opportunity to respond to your motion to intervene.

If you have any questions about procedure in this matter, please let me know.

Very Truly yours,

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

MICROFILMED

JUN 13 1989

NAME AND ADDRESS OF SENDER

IDWR 8/11/88

Indicate type of mail

- ☐ Registered
☐ Insured
☐ COD
☒ Certified

\$1.55 EN

I certify that we have

- ☐ Commercial Insurance
☐ A deductible clause of \$

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

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

PS Form 3877 April 1980

1 No	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. REM.
1	443	Joe Rand - 47-8084	.25	.85	.45						
2	444	Jack McCall - 47-8084, 47-8087, 47-8088									
3	445	T.F. Co. Commissioners 47-8084, 47-8087, 47-8088									
4	446	Id. Dept. of H&W 47-8084, 47-8087, 47-8088									
5	447	Joe Sorenson 37-7850									
6	448	BLM, Shoshone Dist 37-8337									
7	449	Don Church 37-8337									
8	450	Deloss Stoker 45-7161 etc Transfer									
9	451	Mary Johnson " " "									
10	452	William A. Parsons " " "									
11	453	Cent Church " " "									
12			2.50	8.50	4.50						
13											
14											
15											

JUN 13 1989
 MICROFILMED

TOTAL NUMBER OF PIECES LISTED BY SENDER 10	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE	POSTMASTER, PER (Name of receiving employee)	The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for insured mail. Special handling charges apply only to third-class and fourth-class parcels. Special delivery service also includes special handling service.
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FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. GOVERNMENT PRINTING OFFICE: 1980 O

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete and 4. : 3

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. ☐ Restricted Delivery
 ↑ (Extra charge) ↑

↑ (Extra charge) ↑

↑ (Extra charge) ↑

3. Article Addressed to:

William H. Clark
Idaho Dept. of H. & W.
Div. of Env. Quality
450 West State St.
Boise, ID 83720-9990

4. Article Number

446

Type of Service:

☒ Registered ☐ Insured
☐ Certified ☐ COD

Always obtain signature of addressee
or agent and **DATE DELIVERED.**

5. Signature – Addressee

X

6. Signature – Agent

X

7. Date of Delivery

81288

8. Address (ONLY requested and fee paid)

AUG 1968

PS Form 3811, Mar. 1987

★ U.S.G.P.O. 1987-178-268

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



MICROFILMS



PENALTY FOR PRIVATE
USE, \$300

JUN 13 1989

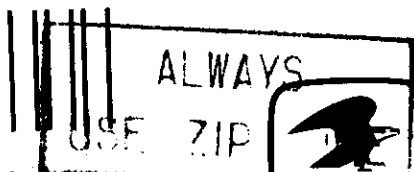
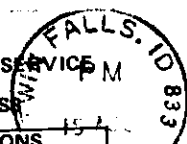
RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
2148 4th AVENUE EAST
TWIN FALLS, IDAHO 83301

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE
USE, \$300

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

MICROFILMED

JUN 13 1989

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
2148 4th AVENUE EAST
TWIN FALLS, IDAHO 83301

IN THE MATTER OF APPLICATIONS
FOR PERMIT TO APPROPRIATE
WATER NO. 47-8087 AND 47-8088

COUNTY: Twin Falls

JUN 13 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 18, 1988

William H. Clark, Sr. Water Quality Analyst
Idaho Department of Health & Welfare
Division of Environmental Quality
450 West State Street
Boise, ID 83720-9990

Re: Applications for permit No. 47-8087 & 47-8088, Jack McCall
Application for permit No. 47-8084, Joe Rand

Dear Mr. Clark:

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

Please be advised that the protest on the McCall applications was received after the June 6, 1988 deadline set for accepting protests. If you wish to be a party in the matter of those applications, you must be granted leave to intervene in accordance with this department's Rules of Practice and Procedure. Requests to intervene must be filed five (5) or more days prior to hearing.

This office is tentatively scheduling the matter of protests for conference and/or hearing for Tuesday, August 30, 1988 in Twin Falls. Formal notices giving the time and place for the hearing will be mailed about August 12.

At such a conference and/or hearing, the following are the principal items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith for agricultural or speculative purposes?

MICROFILMED

JUN 13 1989

Page 2

Re: Applications for permit 47-8087 & 47-8088
Application for permit 47-8084

July 18, 1988

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

5) Will the proposed use conflict with the local public interest?

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

Very Truly yours,



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

LH

JUN 13 1989



IDAHO DEPARTMENT of PARKS & RECREATION

Cecil D. Andrus, Governor

Yvonne S. Ferrell, Director

RECEIVED

July 13, 1988

JUL 16 1988

Department of Water Resources
Southern Region Office

Dept. of Water Resources
2148 4th Ave. East
Twin Falls, ID 83301
Attn: Loren Holmes

Re: Joe Rand Application #478087
& #478088
Jack McCall Application #478084
LWC 16-00450

Dear Mr. Holmes:

Our Agency administers a federal grant called the "Land and Water Conservation Fund". We use these funds for Outdoor Recreation projects in cooperation with any political subdivision of the state. By federal law it is our responsibility to monitor all projects as to their maintenance and condition for public enjoyment in perpetuity.

We have developed a fine working relationship with Twin Falls county on several projects, but none with the potential of Rock Creek Park.

This project started as an auto junkyard cleanup, and involved acquisition of several pieces of property to result in the special facility the county now has. Through this matching program we and the county have invested more than \$240,000.00 in to this project. The Department of Agriculture has invested \$3,000,000.00 into cleaning up this stream which has made it possible for Rock Creek Park users to use the stream for recreational activities such as fishing and tubing. After the investment which has been made to make this stream and park an example of restoration, it would be a shame to foul it for the economic benefit of a few.

Rock Creek flows through the middle of this park, and now provides a wonderful amenity to this facility. The county has built a bridge which will give access to a new amphitheatre across the creek. If the referenced applications would impact the water quality so as to negatively effect the recreational experience and the esthetics of this park, we would have to oppose their approval.

MICROFILMED

JUN 13 1989

Please carefully evaluate the effect of these applications on the Outdoor Recreation experience and at least recommend modifications to reduce that impact so that this park can continue to improve its benefit to the community and visitors.

Your help is appreciated.

Sincerely,

Jim Poulsen

Jim Poulsen
Recreation Resources Bureau Chief

cc: Twin Falls County

ar/4061E

MICROFILMED

JUN 16 1989

*Twin Falls County
Parks and Recreation Advisory Commission*

634 ADDISON AVENUE WEST

PHONE 734-3300-EXT. 32

TWIN FALLS, IDAHO 83301

July 7, 1988

RECEIVED

JUL 15 1988

Idaho State Parks
Statehouse Mail
2177 Warm Springs Avenue
Boise, Idaho 83720

Department of Water Resources
Salt Lake City, Utah

Re: Fish Farming

Mr. Poulson,

The Twin Falls Board of County Commissioners through the auspices of the Twin Falls County Parks & Recreation Director appreciates your concern with the possible further pollution of the waters flowing through the Rock Creek Park. Any written comment concerning this situation could be addressed to the local Idaho State Dept. of Water Resources to the attention of Mr. Loren Holmes at 2148 4th Avenue East, Twin Falls, Idaho 83301.

Enclosed is a copy of a letter from this office addressing the "Issue" and objecting to allocating water for any further fish propagation. Also, enclosed are "Minutes" of a Special Meeting held in the Commissioner's office. Those in attendance at this meeting were the applicants to Water Resources for allocating water for fish farming & others who were concerned about our water quality.

Thank you for bothering yourselves with our local problem.

Respectfully yours,



Darrell A. Heider,
Director

DH/la

MICROFILMED

JUN 13 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 15, 1988

Jack McCall
P.O. Box 1585
Twin Falls, ID 83301

Re: Applications for permit No. 47-8087 & 47-8088

Dear Mr McCall:

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

This office is tentatively scheduling the matter of protests for conference and/or hearing for Tuesday, August 30, 1988. Formal notices giving the time and place for the hearing will be mailed about August 12.

At such a conference and/or hearing, the following are the principal items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

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

MICROFILMED

JUN 19 1989

Page 2

Re: Applications for permit 47-8087 & 47-8088

July 15, 1988

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

Very Truly yours,

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

LH

RECEIVED

JUL 17 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 15, 1988

Twin Falls County
Board of Commissioners
425 Shoshone St. N.
Twin Falls, ID 83301

Re: Applications for permit No. 47-8087 & 47-8088, Jack McCall

Gentlemen:

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

This office is tentatively scheduling the matter of protests for conference and/or hearing for Tuesday, August 30, 1988. Formal notices giving the time and place for the hearing will be mailed about August 12.

At such a conference and/or hearing, the following are the principal items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

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

MICROFILMED

JUN 13 1989

Page 2

Re: Applications for permit 47-8087 & 47-8088

July 15, 1988

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

Very Truly yours,

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

LH

MICROFILM

JUN 13 1989

Twin Falls County -
Board of County Commissioners
Hearing on proposed fish propagation farms
June 28, 1988 - 11:00 a.m.

RECEIVED

JUN 6 1988

Present: County Commissioners; Mrs. Judy Felton, Chairman, Mr. Marvin Hempleman, and Mr. James Fraley; Mr. Rick Eggleston, representing applicant Mr. Joe Rand; Mr. Richard Yankey, District Conservationist U.S.D.A. Soil Conservation Service; Mr. Jack McCall, applicant for fish farm; Mr. Loren Holmes, Region Supervisor Department of Water Resources; Mr. Mike McMasters, Environmental Protection Agency; Mr. D. A. Heider, Director Twin Falls County Parks & Recreation.

Mr. D. A. Heider was the acting chairman for this meeting. He informed those present that the meeting was called to resolve problems that could be created with three (3) proposed fish propagation farms to be located on a tributary stream of Rock Creek; the possible pollution of Rock Creek, and/or that portion of Rock Creek flowing through the Twin Falls County Rock Creek Park.

Mr. Heider wrote a letter of objection, dated June 6, 1988, to the Department of Water Resources regarding applications for permit filed with their office by Mr. Joe Rand, Numbers 478087 and 478088, and Mr. Jack McCall, Number 478084. This letter was signed by Mr. Heider, and Mr. Marvin Hempleman, County Commissioner. The objections were made for the reasons as follow:

- 1.) To any possible pollution of these waters.
- 2.) To odors that may arise from the discharge of fish waste.
- 3.) Detrimental effects upon investments made on behalf of Twin Falls County Parks Department, U.S.D.A. Soil Conservation Services, and the U.S. Department of Agriculture in an effort to rid Rock Creek of pollutants as experienced in the past. (Copy of letter attached.)

Mr. Mike McMasters addressed the hearing extensively on the water quality factors; the pollutants of the fish food used, and the excretion from the fish that would add solids, nitrates, and phosphorus to these waters. He discussed operational and management standards that would be acceptable methods for meeting environmental standards for discharge.

Mr. Rick Eggleston discussed the fact that he has been in the "fish" business for several years. His plans for building the raceways were in the original application to the Department of Water Resources.

MICROFILMED

JUN 1 1989

Twin Falls County
Board of County Commissioners
Hearing on proposed fish propagation farms
June 28, 1988 - 11:00 a.m.

Mr. Eggleston further explained that when the raceways are maintained properly there would be a minimal amount of waste in the discharge to this tributary. He stated that they would pump out the settling ponds, and allow some drying before hauling the waste off for fertilizer.

Mr. Rich Yankey explained the years of effort, made on behalf of the U.S.D.A. Soil Conservation Service, monitoring the waters, and the money spent on cleaning up the waters of Rock Creek. Rich stated it would be a disappointment to him to see all of this labor of love deteriorate by too many solids being put back into the water through the addition of fish farm operations.

Mr. Jack McCall stated his intention to pump from the settling pond portion of his raceways directly onto his fields to take advantage of the fertilizer value of this waste.

Mr. Loren Holmes revealed the procedures necessary, on behalf of the Department of Water Resources, in allocating water for any purpose, such as fish farming. If objections are made, such as those voiced by Twin Falls County, and not resolved, the department would call for a hearing.

Mr. Heider reiterated his concern of too many fish farms using this creek. The discussion that followed brought to light that there were, already in existence, four fish farms upstream from Rock Creek Park. One of these, the Day Dream Ranch, is under a new lease to Mr. Eggleston. Increased fish production at this facility will, or could, add to the pollution possibilities of Rock Creek. More discussion continued among the parties present.

In conclusion, a suggestion was presented by Mrs. Judy Felton, Chairman of the Board of County Commissioners. Mrs. Felton remarked that in her analysis, the opinions, voiced by the concerned parties, were if these raceways and settling ponds are maintained and operated properly, it would minimize the pollution problems. Therefore, the Commissioners will not withdraw the letter of objection until a written operational plan, by the applicants, is received, and reviewed, by the Board of County Commissioners, Environmental Protection Agency, Soil Conservation Service, and Twin Falls County Parks Director.

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JUN 13 1989

Twin Falls County -
Board of County Commissioners
Hearing on proposed fish propagation farms
June 28, 1988 - 11:00 a.m.

Mr. Heider thanked the parties who gave testimony at this hearing,
and adjourned the meeting at 12:20 p.m.

In as much as our conversations were not recorded at this meeting,
the statements, above, are as I remember them. I apologize to all
present if I am in error, and you are welcome to send in any
corrections.

Thank you,



D. A. Heider, Director
Twin Falls County Parks & Recreation

PS: No plans were made for another meeting before we
adjourned, however to resolve the County's objections, it
would seem expedient for Mr. Rand and Mr. McCall to provide
their proposed plans and plan of operation as soon as
possible. This information should be presented to the Twin
Falls County Parks & Recreation Department, at 634 Addison
Avenue West, Twin Falls, Idaho.

DA/hp

cc: All present
Idaho State Parks Society
Mr. Joe Rand

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JUN 13 1989



STATE OF IDAHO

DEPARTMENT OF HEALTH
AND WELFARE

DIVISION OF ENVIRONMENTAL QUALITY
450 West State Street
Boise, ID 83720-9990

June 13, 1988

RECEIVED

JUN 15 1988

Loren Holmes
Idaho Department of Water Resources
2148 4th Avenue East
Twin Falls, ID 83301

Department of Water Resources
Southern Region Office

Dear Mr. Holmes:

I am writing to oppose the proposed allocation of water from Deadman's Gulch, a tributary of Rock Creek at Rock Creek Park (applications #478084, 478087, and 478088).

I am the water quality coordinator for the Rock Creek Rural Clean Water Program (RCWP). As part of this program we have been monitoring the water quality of Rock Creek and selected agricultural drains since 1981. One of our important monitoring sites is on Deadman's Gulch in Rock Creek Park. Any activities planned for Deadman's Gulch will make some change in the water quality and make data analysis more difficult or impossible. We now have nearly eight years of water quality data on this Gulch and hope to complete the project (end of 1990) without any major changes to the drain.

In addition, this drain acts as an alternate habitat during the summer when Rock Creek carries higher sediment loads. People frequently fish the drain and I think that it adds substantially to the Park. We are starting to make real progress in the fishery of Rock Creek (see enclosed article on page 8 of Idaho Clean Water). Small drains such as this one are important to the fishery. I would hate to see the efforts of the farmers in the Rock Creek watershed who have worked towards improving the water quality and fishery of the stream be wasted.

We have some fish habitat improvements planned for Deadman's Gulch which would be negated by other activities on it or diversion of water from it.

I would appreciate your attention given to the above comments. Feel free to call me (334-5860) if you have any questions or need further information concerning the Rock Creek RCWP.

RECORDED

JUN 13 1988

Loren Holmes
June 13, 1988
Page 2

Thank you for your time and consideration.

Sincerely,

William H. Clark

William H. Clark
Sr. Water Quality Analyst

WHC:lab
Enclosure

cc: (w/o encl.)
Mike McMasters/Rich Morrison
Rich Yankey
Don Martin
Bob Bell
Darrell A. Heider
Twin Falls Board of County Commissioners
Dick Rogers
Bob Braun

JUN 13 1988

JUDY FELTON
CHAIRMAN
COUNTY COMMISSIONER
FIRST DISTRICT
BOX 126

MARVIN HEMPLEMAN
COUNTY COMMISSIONER
SECOND DISTRICT
BOX 126

JAMES F. FRALEY
COUNTY COMMISSIONER
THIRD DISTRICT
BOX 126

TWIN FALLS COUNTY

OFFICE PHONE 734-3300
425 SHOSHONE STREET NORTH
TWIN FALLS, IDAHO 83301

June 6, 1988

BONNIE BRUNING
TREASURER
BOX 88

DORTHY HAMBY
ASSESSOR
BOX 265

RICHARD A. PENCE
CLERK
BOX 126

Department of Water Resources
Southern Region Office

JUN 9 1988

RECEIVED

Dept. of Water Resources
2148 4th Ave. East
Twin Falls, Idaho 83301
Attn: Loren Holmes

Re: Joe Rand Application #478087
Jack McCall Application #478088
#478084

Mr. Holmes,

Your department is considering the above two requests for allocation of water from seepage water forming what is commonly referred to as "Deadman's Gulch".

This stream of water enters the flow of Rock Creek at the top end of the Twin Falls County's "Rock Creek Park". The County over the years has spent a good deal of monies & labor to develop this Park. It has become quite a fishery & is used extensively as a floating area for our young people.

The purpose for this letter is to object to any possible pollution of these waters or odors from the water that flows through this Rock Creek Park. I am aware that fish farms can be made acceptable as far as the environmentalists are concerned, but it makes us apprehensive when we read articles such as was published in the Times News Thursday - June 2, 1988 and the Editorial of Sunday - June 5, 1988 (copies enclosed) regarding the pollution of "Billingsley Creek".

Mr. Burt Holmes, who lives on Billingsley Creek tells me that when the water flow is low, what used to be sandbars appearing, now are composed of "Muck". With these conditions affecting Billingsley Creek, it makes us (the Twin Falls County Advisory Board & Myself, the Director of Parks) want to move cautiously before allowing this condition to become a reality on this Billingsley Creek.

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JUN 13 1989

Might I remind you also, that the U.S. Department of Agriculture is completing a Three Million Dollar (\$3,000,000.00) project to clean up the pollution in Rock Creek. This is a pilot project that has been underway since 1981. Significant improvements have been made to date. The project is also in conjunction with the Environmental Protection Agency and the Idaho Department of Health and Welfare.

These agencies are very concerned that no new activities be undertaken that might reverse the present trend.

Please take this request under advisement, as you make the determination on this matter.

Respectfully,



Judy Felton, Chairperson
Twin Falls Board of County Commissioners



Darrell A. Heider, Director
Twin Falls County Parks & Recreation Dept.

cc:

Mike McMasters, Water Quality Environmentalist
Rich Yankey, District Conservationist
Bob Bell, Regional Fisheries Biologist
George Holmes, Chairman Parks Advisory Commission
Board of County Commissioners

MAILED 10 JUN 1989

JUN 13 1989

The Time News

William E. Howard
Publisher

William C. Blake
Advertising Director

Stephen Hartgen
Managing Editor

Michael Gower
Circulation Manager

The members of the editorial board and writers of editorials
are Stephen Hartgen and William E. Howard

T.N. 6/5/88

Agricultural wastes must be controlled

Slowly, after years of increasing problems and insufficient improvements, the Environmental Protection Agency and state authorities are taking a closer look at the deterioration of water quality in Billingsley Creek and what can be done to stop it.

The Hagerman Valley creek has long been subject to competing pressures. On the one hand, its cool pristine water, right from aquifer springs, provides an excellent habitat for what could be some of the best fishing in the West.

But the creek is also used commercially. Its water supports a number of commercial trout hatcheries, some of which appear to be using the outflow water as an open conduit for fish waste and food.

Various agricultural operations also crowd its banks, including feedlots and crop lands; their runoff goes right into the creek, raising the nitrogen levels and promoting plant growth which further chokes the water.

The combination of these factors is close to the overload point. On many of its stretches, Billingsley Creek today is little more than a weed-choked, stinking stream of fish waste.

The EPA and the state Division of Environmental Quality are right, in our opinion, to move to correct this situation.

While most existing trout farms have made good efforts to control their discharges, the permit requirements are apparently not strong enough to prevent the deterioration from continuing.

The agencies' approach is apparently two-pronged, both of which make sense.

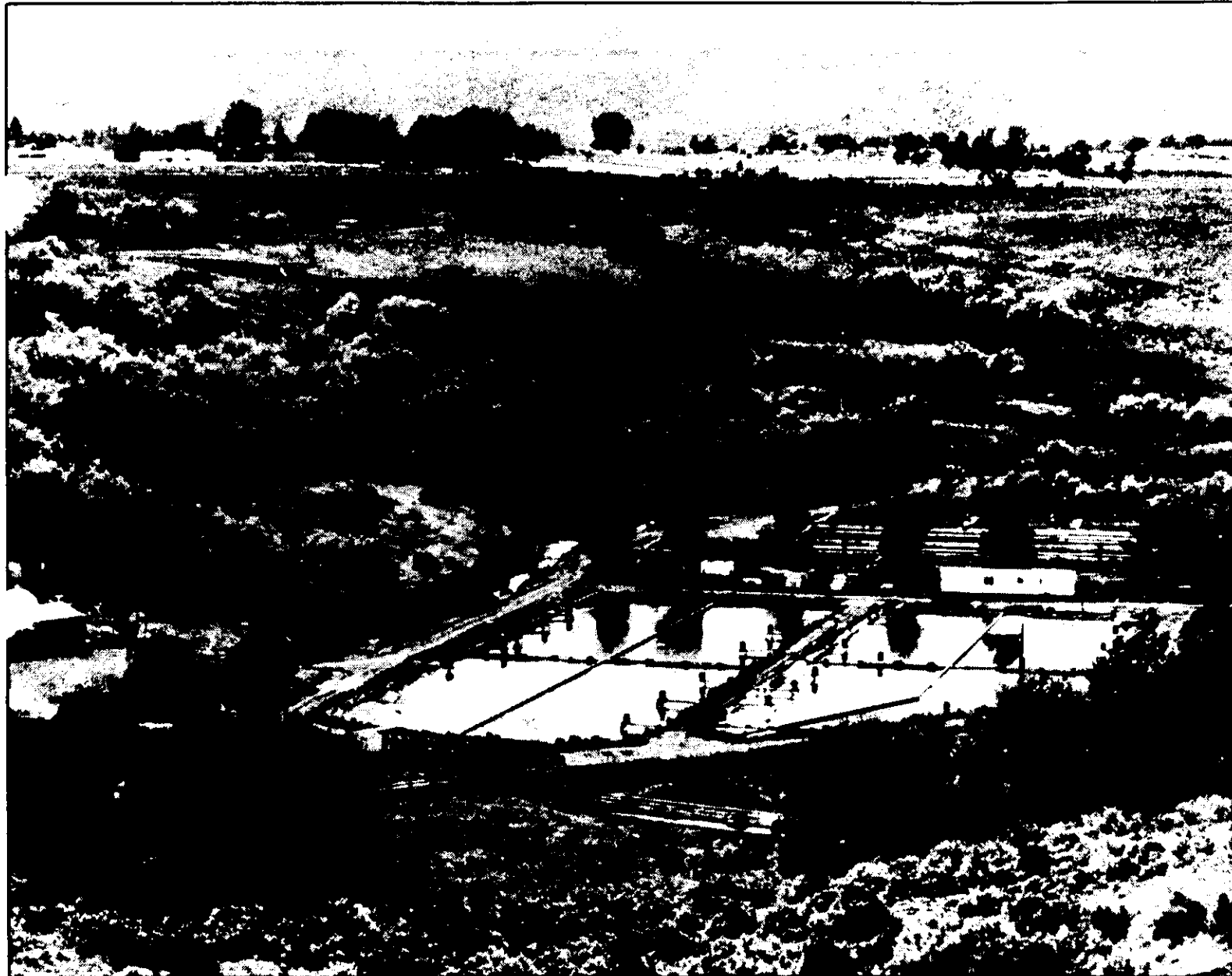
One is to go after apparent violators of existing discharge regulations.

The other is to ask for more voluntary cooperation to improve the creek, but with the implied power to reconsider permits if improvements are not forthcoming.

Billingsley Creek and other state waters are an important resource for all Idahoans.

Citizens have a right to expect that their quality be maintained, both by those who would use the creek for commercial purposes and those who monitor that use.

If that leads to tougher standards, so be it.



Times-News photo/MIKE SALSURY

Pollution concerns continue to plague Billingsley Creek

By MARK PRATTER
Times-News writer

HAGERMAN - Billingsley Creek is "aesthetically quite a pleasing little creek," says a local state environment worker.

It's popular with fly fisherman and the banks make a nice place for a picnic.

With the nearby springs, the creek area is a good location for raising trout. The trout raised in concrete channels near the creek benefit from the clear, cold spring water.

But lately, the anglers who fish the creek aren't happy.

The state is getting complaints about bad-tasting fish below the Aquaculture Industries Idaho Springs Hatchery, says Mike McMasters of the Division of Environmental Quality.

This is the least of Idaho Springs' troubles.

The federal government is proposing fining the company \$23,000 for alleged water pollution violations. The company can appeal this.

Meanwhile, the state wants other hatcheries along the creek to do more cleaning so creek pol-

lution won't increase.

The state issues permits to the trout farms saying how much and what they can discharge into the creek.

But the permit requirements aren't strict enough to prevent the pollution, says McMasters.

If the fish rearing facilities cleaned their pools of fish and food waste more regularly, it would reduce the solids loading the creek, says McMasters.

The bulk of these solids are scooped up from the end of the trout rearing raceways and carted off to other locations. Wastes are then applied to the land for fertilizer.

When the solids aren't removed often enough, they are swept into the creek, he says.

Solids composed of fish waste and fish food deplete the oxygen in the water. It is used for breaking down organic matter instead of benefitting aquatic life.

Kenneth S. Ellis, Aquaculture's registered agent and secretary, could not be reached for comment Wednesday.

"I am not at all sympathetic with a producer that doesn't

• See CREEK on Page B2

JUN 13 1988

Creek

• Continued from Page B1

abide by existing operating guidelines. The guidelines are good and need to be enforced," said Larry Cope, of Clear Springs Trout Co., one of the largest operators in the Hagerman Valley.

Clear Springs doesn't have facilities on Billingsley Creek but operates fish farms at Crystal Springs, Clear Lakes and Box Canyon.

Rangen, which does operate a fish farm on Billingsley Creek, is receptive to the state's ideas but can't say anything definite yet on whether it will do more cleaning,

spokesman Lynn Babington says.

The state discussed its ideas with hatchery operators, including Ellis, at a May 12 meeting set up by Hagerman Valley Citizens Alert, a group concerned about the creek's pollution.

If there is no improvement in the discharges, the state may make the trout farms' discharge permits stricter, says McMasters.

And that could drive some of them out of business, he says.

In addition, the state wants to study effluents and suspended solids in the creek, he says.

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
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TERRY R. McDANIEL
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JERRY JENSEN
GARY D. SLETTE
CAROLYN M. MINDER
VICKI L. YRAZABAL
BRUCE M. SMITH
G. RICHARD BEVAN
MICK HODGES

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700

RECEIVED

MAY 26 1988

Department of Water Resources
Southern Region Office

May 25, 1988

Mr. Loren Holmes
Idaho Department of Water Resources
Twin Falls Office
2148 Fourth Avenue E.
Twin Falls ID 83301

RE: Jack McCall
Application Nos. 47-8087 and 47-8088

Dear Loren:

The Twin Falls Canal Company Board of Directors has concerns about Application Nos. 47-8087 and 47-8088 as filed by Jack McCall.

The applicant should be aware that he establishes no right to the continued delivery of the water by Twin Falls Canal Company. This is strictly seepage water and subject to Twin Falls Canal Company's prior rights. There may be or may not be water at this point of diversion in the future if irrigation patterns change.

While the Company has no objection to the use of the water because the use is nonconsumptive, the purpose of this letter is to advise that the Twin Falls Canal Company canal is mossed with chemical on an ongoing basis for operation and maintenance purposes above this location, and that applicant assumes the risk if he constructs fish facilities.

This water is available at this location because of past work the Company has done to alleviate seepage of farm ground. Applicant should be aware that he will be responsible for any seepage caused by his construction and ponding of the water, or if he impedes the flow of water from the source, causing seepage to the lands of others.

To the extent that the water quality is degraded by applicant's use, I am sure that the applicant is aware of his water quality problem. We would anticipate that the Company

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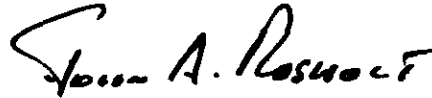
JUN 13 1989

Mr. Loren Holmes
Idaho Department of Water Resources
May 25, 1988
Page - 2

is ever sued for alleged water quality violations concerning this waterway, that they will also look to this user.

Please do not consider this an official protest letter to the permit, but we request that this letter be included in the file.

Respectfully submitted,



JOHN A. ROSHOLT

JAR:dcb
86381

cc: Jack McCall
P.O. Box 1585
Twin Falls ID 83303

RECEIVED

JUN 13 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

May 5, 1988

Carl H. Nellis
Idaho Dept. of Fish & Game
P.O. Box 428
Jerome, ID 83338

Re: 47-8087, 47-8088

Dear Mr. Nellis:

Please find enclosed copies of the above referenced Applications for Permit for your information and files.

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

Very truly yours,

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

LH:MB

Enclosures

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JUN 13 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

May 5, 1988

Jack McCall
P.O. Box 1585
Twin Falls, ID 83301

Re: Application for Permit No. 47-8087

Dear Mr. McCall:

The Department of Water Resources acknowledges receipt of your application for a water right permit. The application has been assigned identification No. 47-8087. Please refer to this number in all further correspondence.

This office will be reviewing and processing your application pursuant to Idaho statutes and the department's Rules and Regulations for Water Appropriation.

A legal notice of the application is being prepared for publication in the Times News and will appear on 5/19 & 5/26/88. The last date for receiving protests against granting of the application will be June 6, 1988.

If the application is protested you will be notified and sent a copy of all protests filed. Protests must be resolved either by hearing before the department or agreement among the parties before the application is approved or denied.

Review of your application indicates the following additional information is required to be made part of the application file pursuant to the Rules and Regulations for Water Appropriation:

- 1) A plan of the proposed facility. This must be a scale drawing showing the proposed layout of the ponds on the property and giving length, width and depth dimensions of all ponds.
- 2) Proof of possessory interest in the land upon which the water is to be used. This may be in the form of a copy of a warranty deed, title report, sale or lease agreement, or tax notice, giving ownership and legal description of the property.
- 3) A detailed estimate of the construction costs. This must include estimated costs of each major component of the construction plan.

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JUN 13 1989

Jack McCall
Page 2
May 5, 1988

4) A statement of the financial resources of the corporation, association, firm, or person making the application and the means by which funds necessary to construct the facility are to be provided.

The required additional information must be submitted within 30 days after the final date for receiving protests (June 6, 1988). The time may be extended upon request and showing of good cause that additional time is required to submit the information.

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

Very truly yours,

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

LH

MICROFILMED

JUN 17 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

May 5, 1988

Times News
P.O. Box 548
Twin Falls, ID 83301

Re: Notice of Application, 47-8087

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publications 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, affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

JUN 13 1989

NOTICE OF APPLICATION FOR WATER PERMIT

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

47-8087

Jack McCall
P.O. Box 1585
Twin Falls, ID 83301

Date Filed: 4/15/1988

Source: Unnamed stream tributary to Deadman Gulch

Diversion Pt: NW1/4NE1/4NW1/4, Sec. 19, T10S, R17E, Twin Falls County; 1 mile South & 2 miles West of Twin Falls,

Use: Fish Propagation (7.0 cfs) from 1/1 to 12/31

In: NE1/4NW1/4, Sec. 19, T10S, R17E

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, ID 83301 on or before June 6, 1988.

R. Keith Higginson

Published 5/19 & 5/26/88

MICROFILMED

JUN 13 1989

181-3574

~4~NOTICE OF
~APPLICATIONS OR~
~WATER PERMIT~

The following applica-
tion (s) has been filed to
appropriate the public
waters of the State of
Idaho:~

~47-8087~

JACK MCCALL~

P.O. Box 1585~

Twin Falls, ID 83301.~

Date Filed: 4/15/1988~

Source: Unnamed
stream tributary to
Deadman Gulch~

Diversion Pt:

NW1/4NE1/4NW1/4, Sec.

19, T10S, R17E, Twin

Falls County; 1 mile

South & 2 miles West of
Twin Falls.~

Use: Fish Propagation

(7.0 cfs) from 1/1 to 12/
31~

In: NE1/4NW1/4, Sec. 19,

T10S, R17E~

The permit (s) will be
subject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water

Resources, Southern

Region, 2148 Fourth

Avenue East., Twin

Falls, Idaho 83301 on or

before June 6, 1988~

R. Keith Higginson,

Director~

PUBLISH: Thursday,

May 19, and 26, 1988.~

*Correction called
5/17/88, 9:30 a.m.*

MICROFILMED

JUN 13 1989

STAFF ANALYSIS SUPPLEMENT

1) Water District _____ Basin # 47

2) Local Description: (of one F/O)

☐

At the above street address

☒1 1/2 miles N/S S and 2 miles E/W W
of Twin Falls (City or landmark).☐

Other (describe) _____