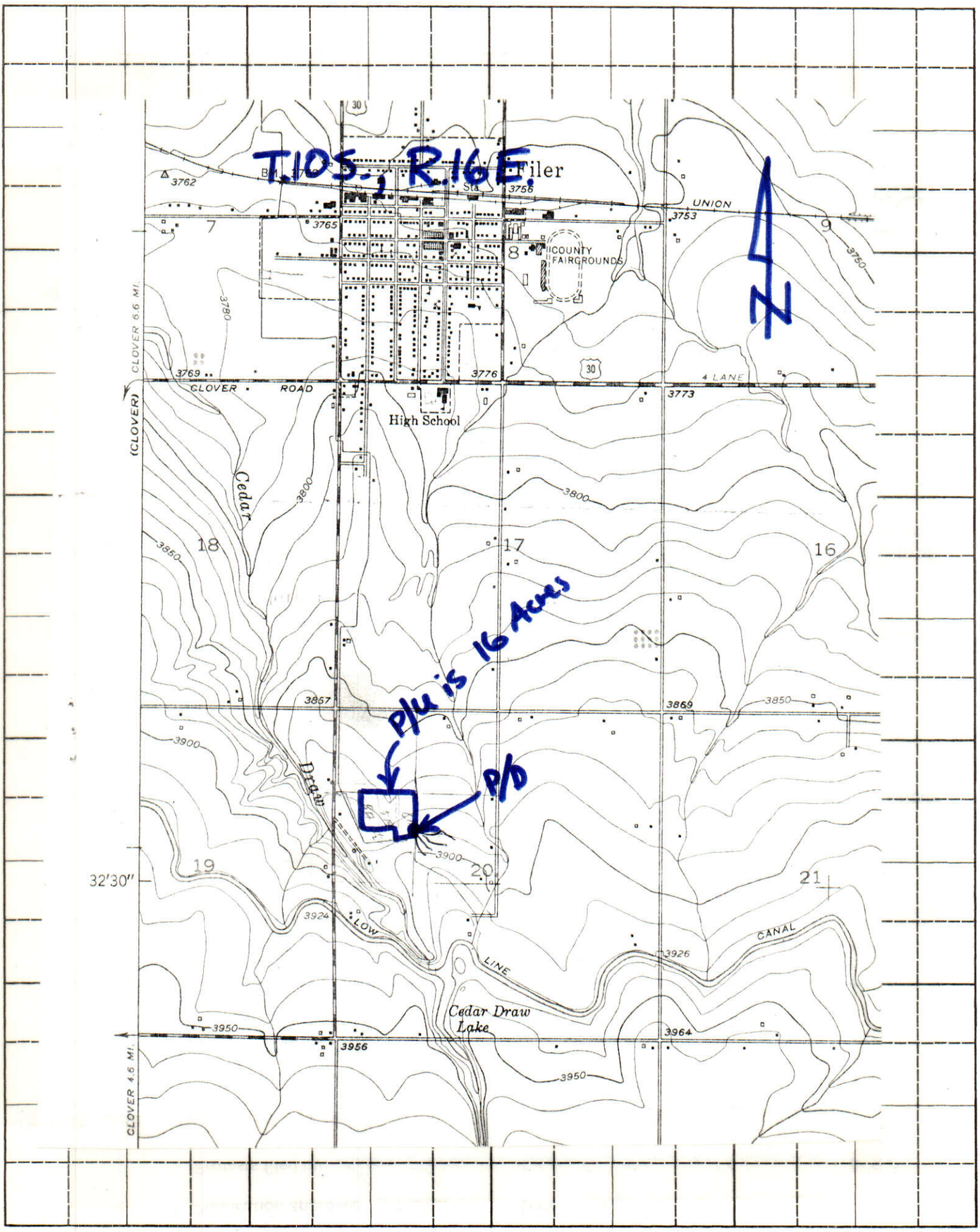
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

George W. Ward
(Applicant)

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

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

47-7644
WARD, GEORGE W.
SHANK, EDDIE
HEITZ, FRANK
P.O. BOX 95, FILER, ID 83328
Source: WASTEWATER tributary to "T" COULEE
Date Filed: 04/24/1980
Amount: 0.20 CFS
Diversion Point: SWNW Sec 20 T 10S R 16E, TWIN FALLS Co.
Use: IRRIGATION (0.20 CFS) from 03/15 to 11/15
Place of Use: SWNW Sec 20 T 10S R 16E FOR 16 ACRES
Diversion Means: EARTHEN DITCH

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before MAY 19, 1980.

C. STEPHEN ALLRED
Director

PUBLISH: Thursday, May 1, and 8, 1980.

D

8d
mcaya
5/15/80

Affidavit of Publication

STATE OF IDAHO,)
COUNTY OF TWIN FALLS) ss.

№ 9278

I, Linda Capps McGuire being first duly sworn upo oath, depose and say that I am Pubic 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 1, 1980, and ending with the issue dated May 8, 1980.

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 competent 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 thereof, Thursday is announced as the day on which said legal notices will be published.

Linda Capps McGuire

Subscribed and sworn to before me on this 12 day of May 1980.

Melba Rowlett-Smith

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

MAP (Attach Aerial Photo)

T.10S., R16E, B.M.

P/U

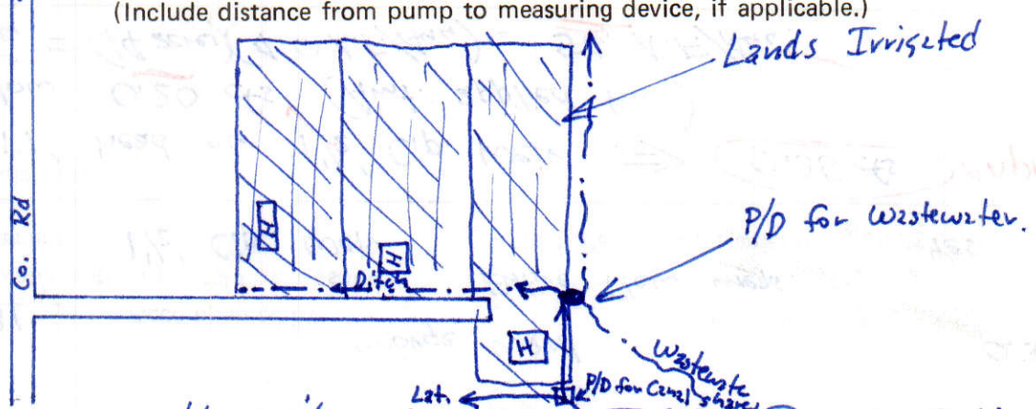
P/D

20

Filer P/Bm.

SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: SW¼ NW¼ Sec 20, T.10S., R16E, B.M.

Place(s) of Use

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S.	16E.	20							14										14

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

MIDDLE MAD

Examiner's Signature Allen D Merritt Date 6/18/81

Checked by J. Clanton Date 9-22-81

Approved by [signature] Date 11/5/81

47-7644

Twp. 10S., Rge. 16E., B.M.

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 47-7644 Priority April 24, 1980 Amount 0.20 cfs

THIS IS TO CERTIFY, that George W. Ward &/or Eddie Shank &/or Frank Heitz of Filer, Idaho, has complied with the terms and conditions of Permit No. 47-7644 issued pursuant to Application for Permit dated April 24, 1980, and has submitted proof to the Department of Water Resources on August 5, 1980, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.35 cfs of water from wastewater, tributary to T Coulee, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from March 15 to November 15	at 0.20 cfs	and 56.0 acre feet
	from to	at cfs	and
	from to (both dates inclusive)	at cfs	and

Subject, however, to the condition that no more than 0.20 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 56.0 acre feet per year, said waters to be diverted within the SW¼NW¼, Section 20, Twp. 10S, Rge. 16E in the County of Twin Falls

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S	16E	20							14										14

Total number of acres irrigated 14

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre for the lands above.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30 day of November, 19 81.

Acting for the Director

Norman C Young

C J.

Form 202
3/78

Ident. No. 47-7644

RECEIVED

APPROVED

Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant George W Ward &/or Eddie Shank &/or Frank Heitz % George Ward Phone 326-5097

   Post office address P.O. Box 95, Filer, Idaho, 83328

2. Source of water supply Wastewater which is a tributary of "T" Coulee

3. Location of point of diversion is SW ¼ of NW ¼ of Section 20 Township 10 S.

   Range 16E B.M. Twin Falls County, additional points of diversion if any: ____

4. Water will be used for the following purposes:

   Amount 0.20 (cfs or acre-feet per annum) for Irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)

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

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

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

5. Total quantity to be appropriated:

   a. 0.20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Earthen ditch

   b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

      Period of year when water will be diverted to storage _____ (Month/Day) to _____ (Month/Day) inclusive.

   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years *(minimum 1 year – maximum 5 years).* (water is presently being used)

8. Description of proposed uses:
   a. If water is not for irrigation:
      (1) Give the place of use of water: _____ ¼ of _____ ¼ of Section _____ Township _____

      Range _____ B.M.

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

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

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

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

MICROFILMED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S	16E	20							16										16

Total number of acres to be irrigated _____

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

Presently has shares of TFCC Water.

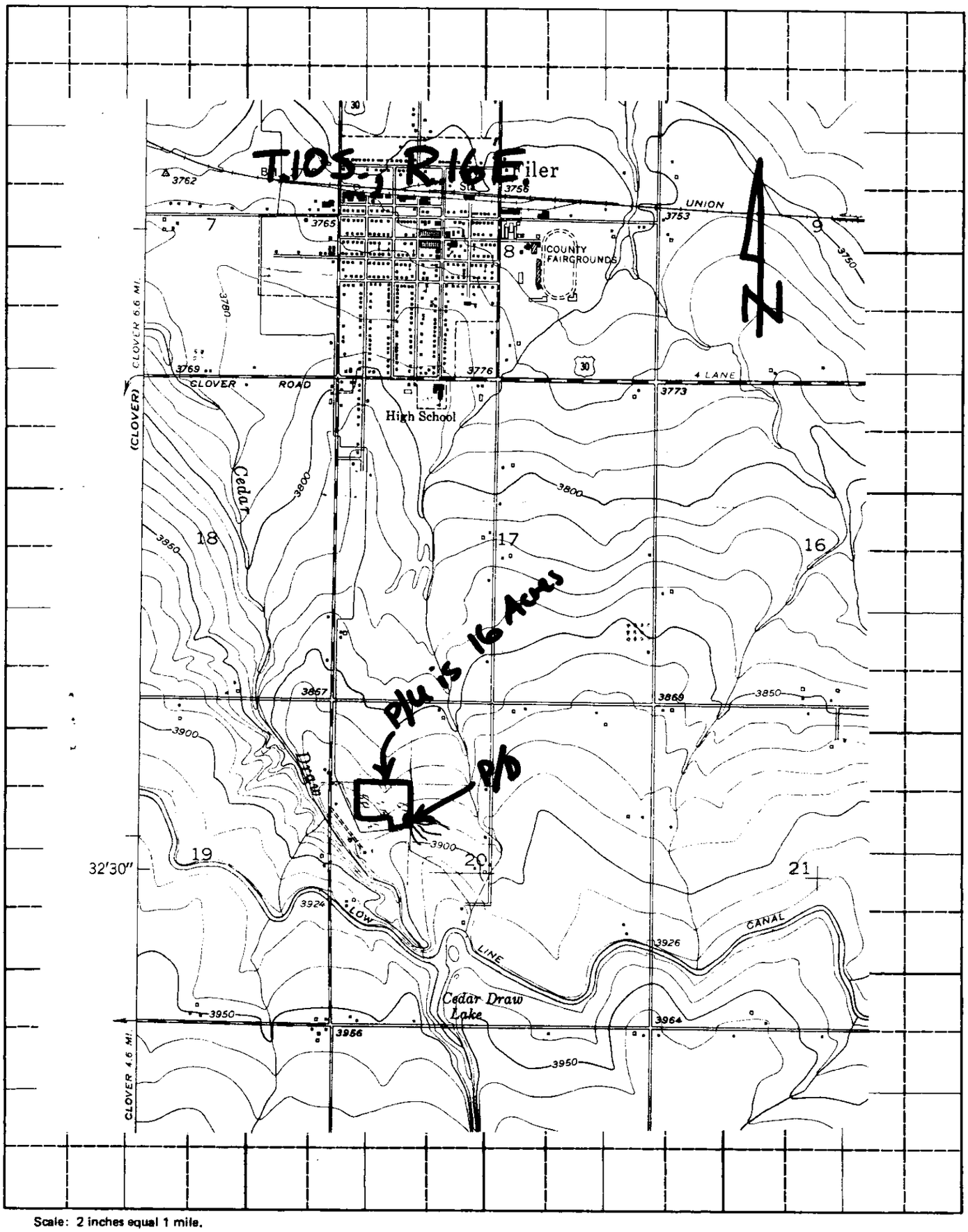
9. a. Who owns the property at the point of diversion Applicants

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

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

10. Remarks Wastewater comes from approx. 10 acres lying above the above described property. The water is delivered from Lateral 42- Gate 2 of the TFCC.

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

George W. Ward
(Applicant)

Proposed Priority 4/24/80

Received by ADM Date 4/24/80 Time 11:45

Preliminary check by JS Fee $ 20.00 # 1643

Receipted by marya Date 4/24/80

Publication prepared by marya Date 4/25/80

Published in Times News

Publication dates 5/1 + 5/8/80

Publication approved marya Date 5/15/80

Protests filed by: ~~Twin Falls Canal Co~~ withdrawn 6-16-80

Copies of protests forwarded by

Hearing held by Date

Recommended for (approval) denial by JJ

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. 47-7644, and said application is hereby approved.

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

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 81.

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

   d. Other: (1) The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 30th day of June, 19 80.

L. Glen Saxton

Chief, Operations Bureau

NOTICE OF APPLICATION FOR WATER RIGHT

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

47-7644
WARD, GEORGE W.
SHANK, EDDIE
HEITZ, FRANK
P.O. BOX 95, FILER, ID 83328
Source: WASTEWATER tributary to "T" COULEE
Date Filed: 04/24/1980
Amount: 0.20 CFS
Diversion Point: SWNW Sec 20 T 10S R 16E, TWIN FALLS Co.
Use: IRRIGATION (0.20 CFS) from 03/15 to 11/15
Place of Use: SWNW Sec 20 T 10S R 16E FOR 16 ACRES
Diversion Means: EARTHEN DITCH

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before MAY 19, 1980.

C. STEPHEN ALLRED
Director

PUBLISH: Thursday, May 1, and 8, 1980.

Affidavit of Publication

№ 9278

STATE OF IDAHO,)
COUNTY OF TWIN FALLS) ss.

I, Linda Capps McGuire being first duly sworn upo oath, depose and say that I am Pubic 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 1, 1980, and ending with the issue dated May 8, 1980.

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 competent 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.

Linda Capps McGuire

Subscribed and sworn to before me on this 12 day of May 1980.

Dreda Rowlett-Smith

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

ok mcp 5/15/80

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

December 2, 1981

RE: Permit No. 47-7644

George W. Ward &/or Eddie Shank &/or Frank Heitz
P.O. Box 95
Filer, ID 83328

Gentlemen:

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

Enclosure

MICROFILMED

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

November 9, 1981

RE: Permit No. 47-7644

George W. Ward &/or Eddie Shank &/or Frank Heitz
P.O. Box 95
Filer, ID 83328

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 47-7644, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 0.20 cfs Source: wastewater trib. to T. Coulee

The maximum quantity diverted shall not exceed 56.0 acre feet per year.

Point(s) of diversion: SW¼NW¼, Sec. 20, Twp. 10S, Rge. 16E, Twin Falls County

Beneficial use: Irrigation of 14 acres within the SW¼NW¼, Sec. 20, Twp. 10S, Rge. 16E

Priority date established: April 24, 1980

Conditions (if any): This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre for the lands above.

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

Form 219
12/79

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

47-7644
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)	6/18/81 Morning	ADM	Mr. Ward called in requesting exam since wastewater was flowing.

EXAMINATION

Date 6/18/81 Accompanied by George Ward Total Q measured 0.35 cfs

If source is surface water, estimate total flow of source Entire flow meas.

Methods of measurement 1½' Cip. Weir Meets Permit requirements? Yes

Measurement calculations:
0.17' head on 1½' Cip. weir ⇒ (0.35 cfs) capacity
Allow 0.20 cfs ✓ (Amt. applied for)
Vallow = (14 acres)(4.0 A.F./Acre) = 56 A.F./Acre ✓

V = .20 × 1.9835 × 245 = 97.2

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS

System Description Sod dam diverts water from waste ditch into owners ditch system.

Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

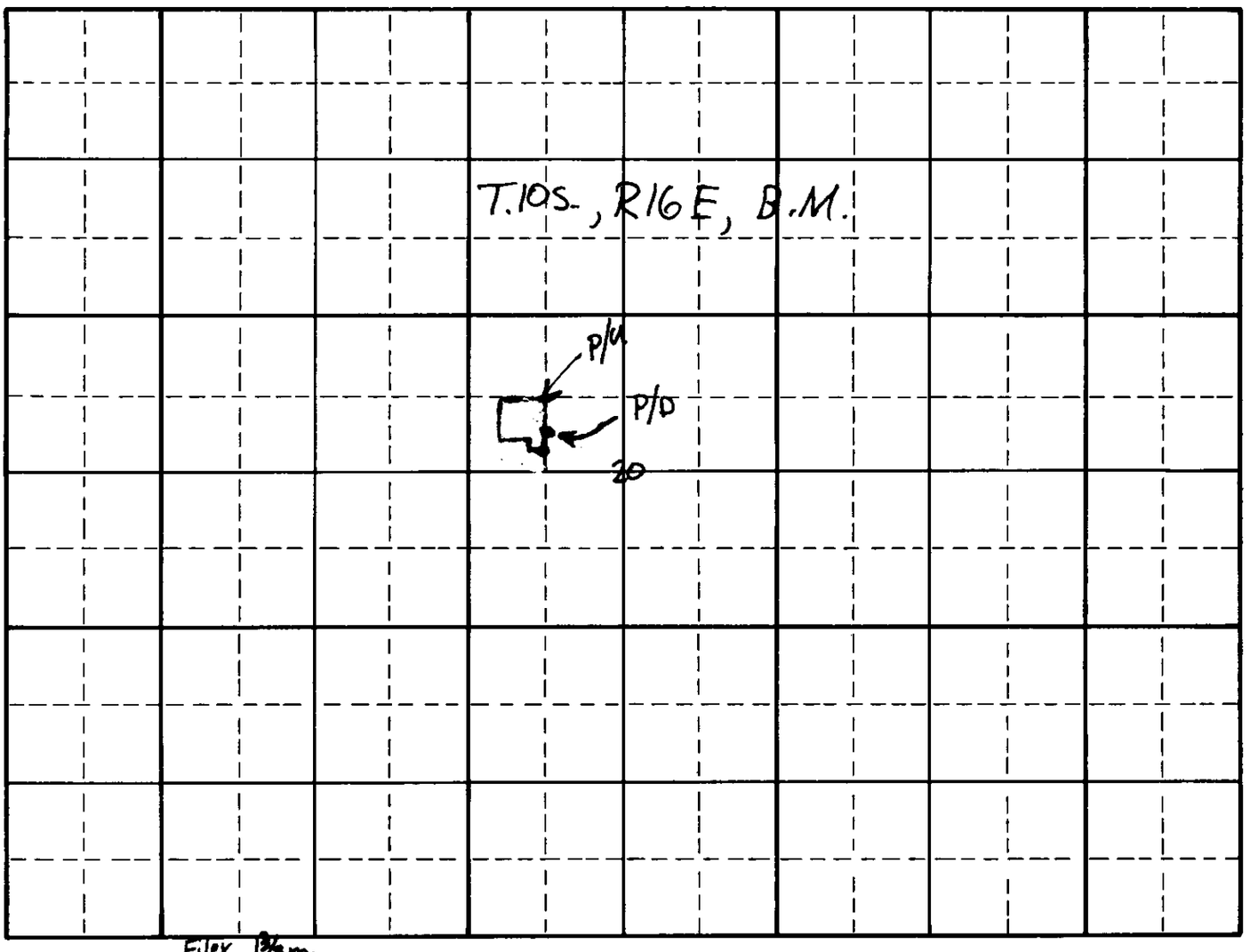
Irrigation requirement = 4.0 AFA/Acre

USE	Q (cfs)	V (afa)	FROM	TO
Irrigation	0.20 cfs ✓	56.0 ✓	Mar. 15	Nov. 15
Total	0.20 cfs ✓	56.0 ✓		

Remarks Place of use is owned by three different parties. Each party owns a parcel of ground. The three parcels total 16 acres with approx. 14 acres of the 16 being irrigated by the wastewater. The wastewater is co-mingled with canal flows on the property.

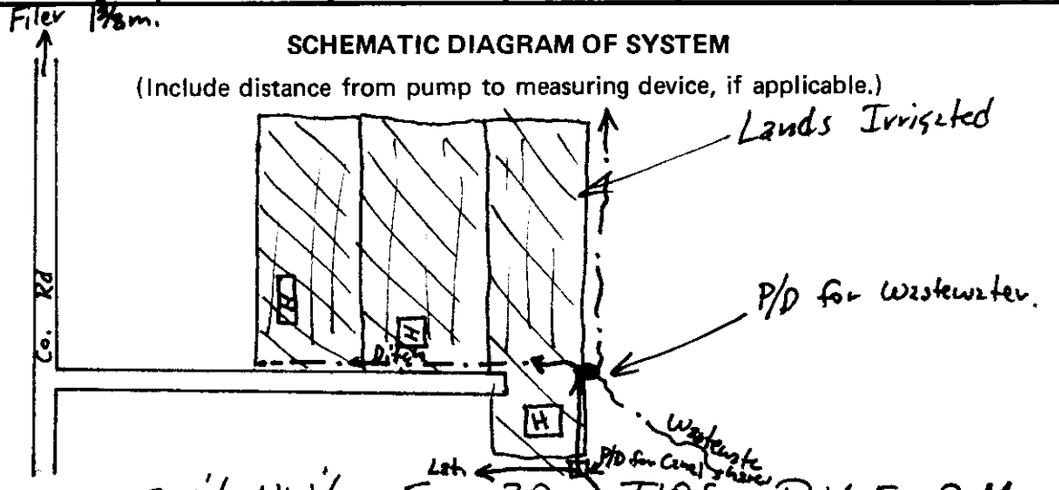
License 47-7209 gw - No Overlap. different source

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: SW¼ NW¼ Sec 20, T.10S., R16E, B.M.

Place(s) of Use

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S.	16E.	20							14										14

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

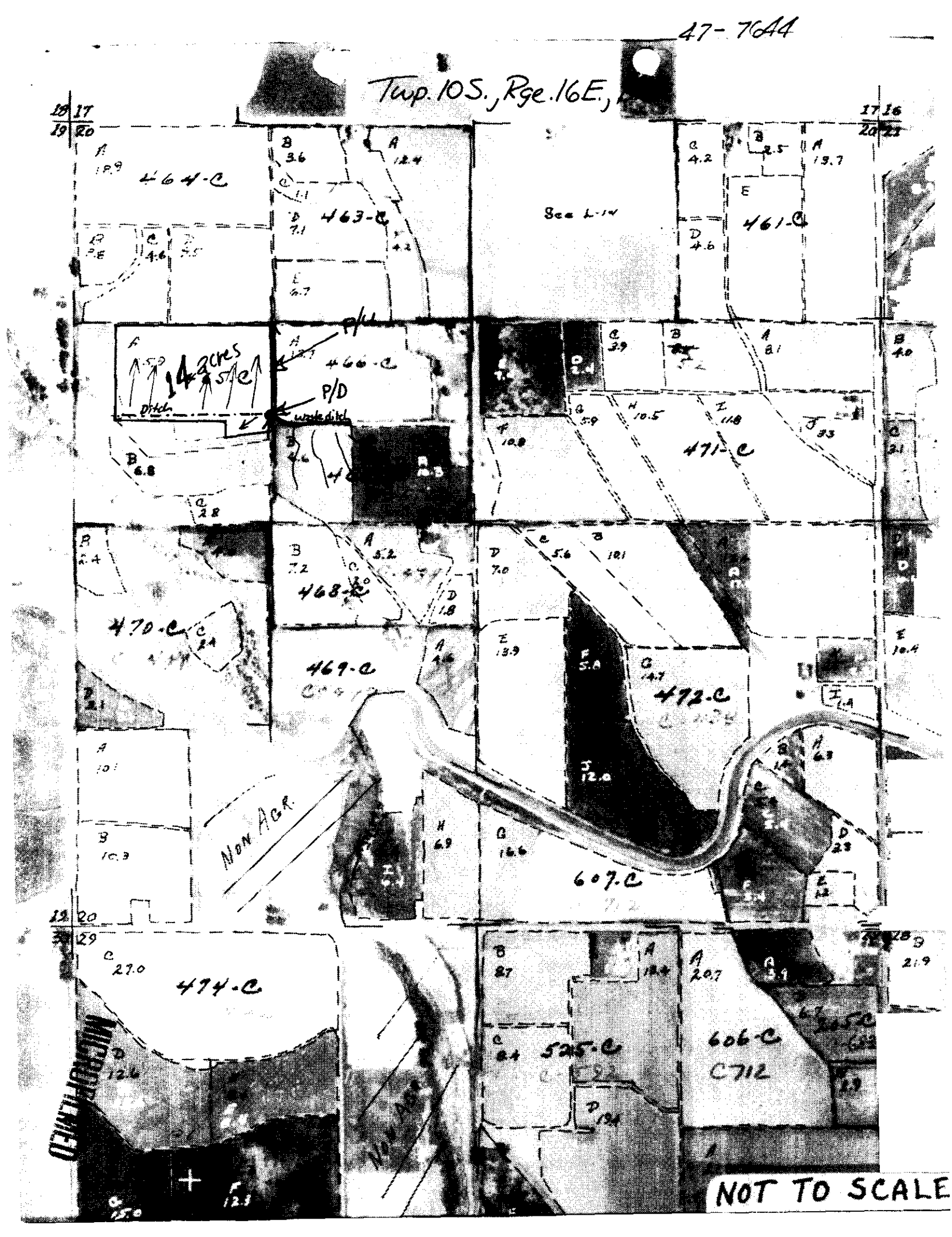
MODIFIED

Examiner's Signature Allen P. Merritt Date 6/18/81

Checked by J. Clanton Date 9-22-81

Approved by Date 11/5/81

47-7644


Twp. 10S., Rge. 16E.,
464-C
463-C
See L-14
461-C
14 acres
P/D
466-C
471-C
468-C
470-C
469-C
472-C
NON AGR.
607-C
474-C
525-C
606-C
C712
NOT TO SCALE

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 47-7644.

Name(s) of Permit Holder: George Ward &/or Eddie Shank &/or Frank Fritz

Post Office Address: c/o George Ward

P. O. Box 95, Filer, Idaho Tel. No. 326-5097

RECEIVED
AUG 5 1980
Department of Water Resources
Southern District Office

MICROFILMED

Source of Water: Wastewater

Extent of Use:
- ☐ Domestic ____ (number of households)
- ☐ Stockwater ____ (number and type of stock)
- ☒ Irrigation 16 (acres)
- ☐ Other ____

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

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

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

8/5/80
Date

George W. Ward
Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE

RECEIVED
AUG 7 1980
Department of Water R

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

August 14, 1980

George Ward
Eddie Shank
Frank Heitz
P.O. Box 95
Filer Idaho 83328

Re: Permit No. 47-7644

Dear Mr. Ward:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

Field examinations must be done while the system is in operation. For this reason we concentrate on irrigation permits during the summer months and do examinations on permits for other uses during the non-irrigating months.

If you have any questions regarding the field examination, please contact our office.

Sincerely,

Gary Fundersburg,
Senior Water Resource Agent

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

WARD, GEORGE W.
P. O. BOX 95
FILER, ID 83328

JULY 10, 1980

RE: PERMIT NO. 47-7644

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

THE EXERCISE OF THIS PERMIT MAY ALSO BE AFFECTED BY THE COURT'S DETERMINATION OF WATER RIGHTS IN THE CASE OF IDAHO POWER COMPANY V. STATE OF IDAHO, ET AL., CIVIC NO. 62237, CURRENTLY PENDING BEFORE THE DISTRICT COURT OF ADA COUNTY. SINCE THE USE OF WATER UNDER YOUR PERMIT MAY AFFECT THE FLOWS IN THE SNAKE RIVER BETWEEN MILNER DAM AND HELLS CANYON, THE FINAL DECISION IN THIS CASE MAY DETERMINE TO WHAT EXTENT THE EXERCISE OF YOUR PERMIT IS SUBJECT TO WATER RIGHTS OF IDAHO POWER. WHILE THE ADA COUNTY COURT IS EXAMINING THIS QUESTION, IDAHO POWER COMPANY HAS NOT FILED A SPECIFIC PROTEST TO YOUR PERMIT. HOWEVER, THE DEPARTMENT OF WATER RESOURCES HAS BEEN ADVISED THAT THE POWER COMPANY IS NOT WAIVING ANY OF ITS RIGHTS TO CONTEST OR LIMIT THE EXERCISE OF YOUR PERMIT OR SUBSEQUENT LICENSE.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

MICROFILMED

NELSON, ROSHOLT, ROBERTSON, WALKER, TOLMAN & TUCKER
ATTORNEYS AT LAW
THE IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 1906
TWIN FALLS, IDAHO 83301
TELEPHONE (208) 734-0700

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
THOMAS G. WALKER, JR.
STEVEN K. TOLMAN
JAMES C. TUCKER

SUN VALLEY-KETCHUM OFFICE
P. O. BOX 2389
SUN VALLEY, IDAHO 83353
TELEPHONE (208) 726-4491

June 12, 1980

RECEIVED
JUN 13 1980
Department of Water Resources
Southern District Office

Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Re: Application for Permit No. 47-7644
Ward/Shank/Heitz

Gentlemen:

The Twin Falls Canal Company Board of Directors has asked me to communicate to you that they officially withdraw their protest to Application for Permit No. 47-7644.

Please place a copy of this letter in your file for the above-referenced permit.

Sincerely,

John A. Rosholt

JOHN A. ROSHOLT
Attorney for Twin Falls
Canal Company

JAR:bg

cc: George W. Ward

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

May 21, 1980

George W. Ward &/or
Eddie Shank &/or
Frank Heitz
P. O. Box 95
Filer, Idaho 83328

Re: Application for Permit No. 47-7644

Gentlemen:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 47-7644. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

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

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

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

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

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

Sincerely,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

May 21, 1980

John A. Rosholt
Attorney at Law
P. O. Box 47-7644
Twin Falls, Idaho 83301

Re: Application for Permit No. 47-7644

Dear Mr. Rosholt:

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

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

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

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

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

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

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

Sincerely,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

MICROFILMED

NELSON, ROSHOLT, ROBERTSON, WALKER, TOLMAN & TUCKER
ATTORNEYS AT LAW
P. O. BOX 1906
TWIN FALLS, IDAHO 83301
TELEPHONE (208) 734-0700

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
THOMAS G. WALKER, JR.
STEVEN K. TOLMAN
JAMES C. TUCKER

SUN VALLEY-KETCHUM OFFICE
P. O. BOX 2899
SUN VALLEY, IDAHO 83353
TELEPHONE (208) 726-4491

May 15, 1980

RECEIVED
MAY 16 1980
Department of Water Resources
Southern District Office

Mr. Loren Holmes
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Re: Protest of Application No. 47-7644

Dear Loren:

Please find enclosed a Protest of the above referenced application in the name of Ward, Shank and Heitz. Please file the same.

Sincerely,

JOHN A. ROSHOLT

JAR:bg

Enclosure

MICROFILMED

John A. Rosholt
NELSON, ROSHOLT, ROBERTSON,
WALKER, TOLMAN & TUCKER
P. O. Box 1906
Twin Falls, Idaho 83301
Telephone: 734-0700

RECEIVED
MAY 16 1980
Department of Water Resources
Southern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

* * * * * * * * * * *

IN THE MATTER OF APPLICATION FOR PERMIT NO. 47-7644 GEORGE W. WARD &/or EDDIE SHANK &/or FRANK HEITZ.	)))))	PROTEST OF TWIN FALLS CANAL COMPANY TO APPLICATION FOR WATER PERMIT

* * * * * * * * * * *

COMES NOW The Twin Falls Canal Company, by and through their attorneys, Nelson, Rosholt, Robertson, Walker, Tolman & Tucker, and respectfully allege:

1. That protestant Twin Falls Canal Company is a nonprofit, public irrigation corporation, which owns and operates a complex system of canals and ditches so as to deliver water to member shareholders who farm 202,000 acres in Twin Falls County, Idaho, and to whom the Canal Company has the legal duty of delivering the irrigation water represented by such shares.

2. Application No. 47-7644, if granted, would propose to authorize the applicant to divert waste water, which is otherwise recovered by the Canal Company in its system and used to help supplement Company water supplies for delivery to stockholders who reside below the intended place of use.

The proposal would also suggest that the water is going to be collected and then delivered through the Canal Company system and measured to the applicants who have no permission to use such system for such purpose.

NOW, THEREFORE, The Twin Falls Canal Company hereby protests the above-numbered application for the following reasons, to-wit:

(1) The water is subject to the prior appropriation of the Twin Falls Canal Company.

(2) The applicants have no permission to utilize the system of the protestant.

(3) There is insufficient water available for the purpose.

(4) The granting of said application would be contrary to the local public interest.

WHEREFORE, the Twin Falls Canal Company by and through their attorneys, Nelson, Rosholt, Robertson, Walker, Tolman & Tucker, respectfully request that the above-numbered application be denied by the Department of Water Resources and that no permit be issued thereto.

DATED this 15 day of May, 1980.

NELSON, ROSHOLT, ROBERTSON,
WALKER, TOLMAN & TUCKER

By: John A. Rosholt
John A. Rosholt
Attorneys for Protestant
Twin Falls Canal Company

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

April 25, 1980

Mr. Al Peters
Twin Falls Canal Co.
Box 326
Twin Falls, Idaho 83301

Re: Application for Permit No. 47-7644

Dear Mr. Peters:

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

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

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

42-2644

WARD, GEORGE W.
SHANK, EDDIE
HEITZ, FRANK

P. O. BOX 95, FILER, ID 83328

Source: WASTEWATER tributary to "T" COULEE

Date Filed: 04/24/1980

Amount: 0.20 CFS

Diversion Point: SWNW Sec 20 T 10S R 16E, TWIN FALLS Co.

Use: IRRIGATION (0.20 CFS) from 03/15 to 11/15

Place of Use: SWNW Sec 20 T 10S R 16E FOR 16 ACRES

Diversion Means: EARTHEN DITCH

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before MAY 19, 1980.

C. STEPHEN ALLRED

Director

Published 5/1 & 5/8/8

MED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

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

MAY 25, 1980

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper.
If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 19, 1980.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILMED