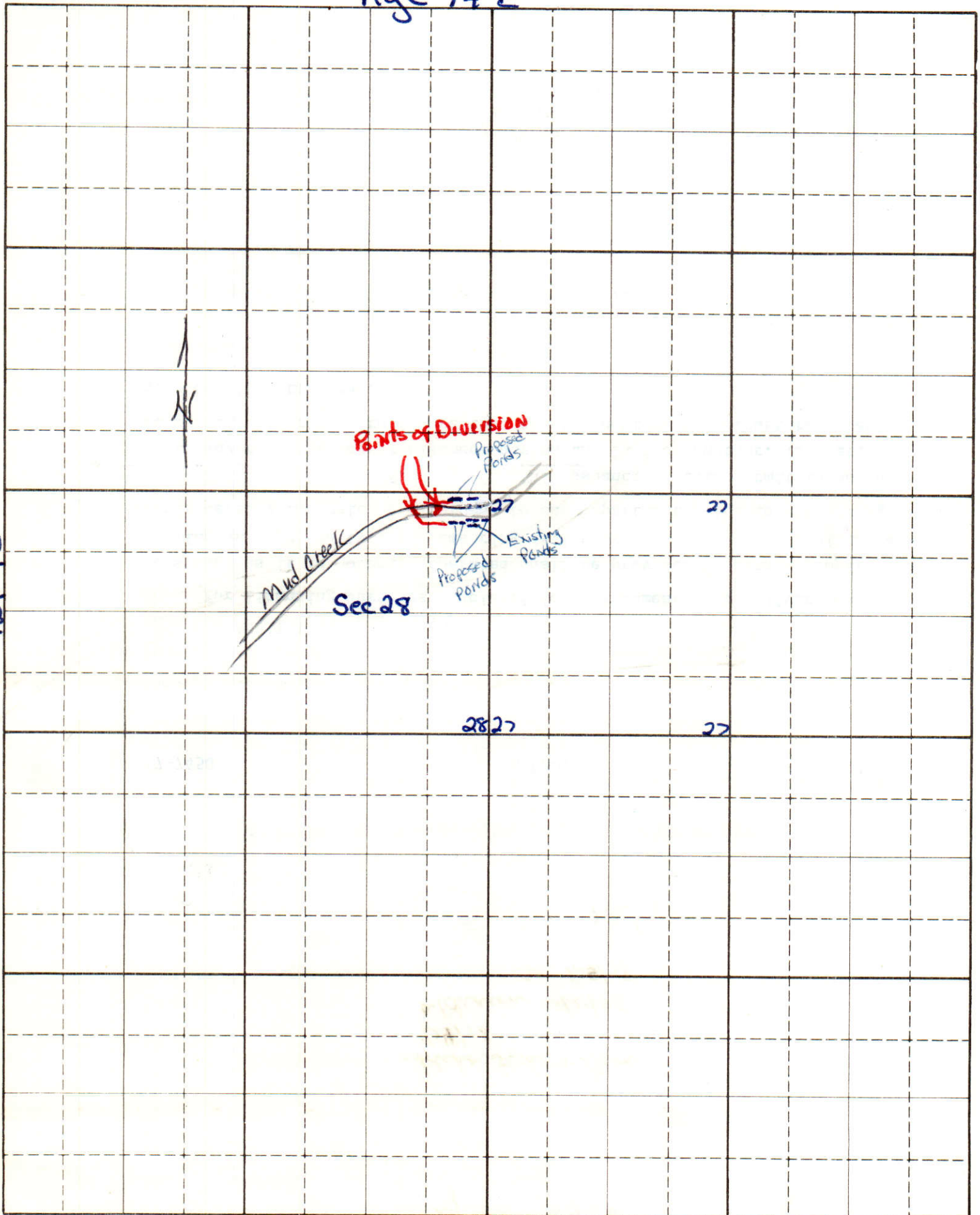


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

Rge 14 E

Twp 9 S



Scale: 2 inches equal 1 mile

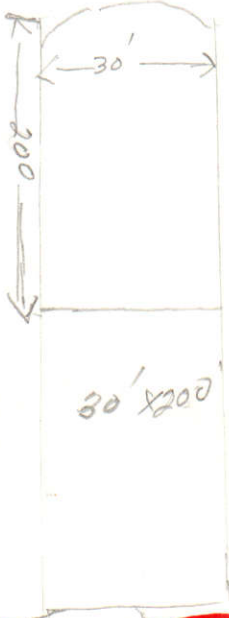
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Herschel Bennett
(Applicant)

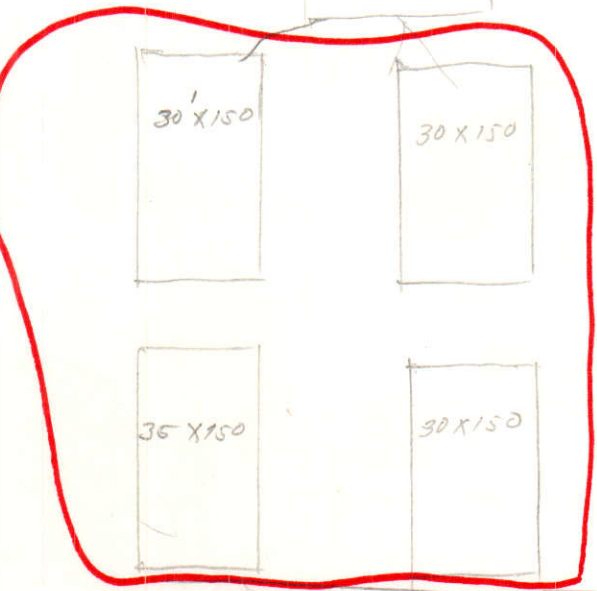


Fence Line

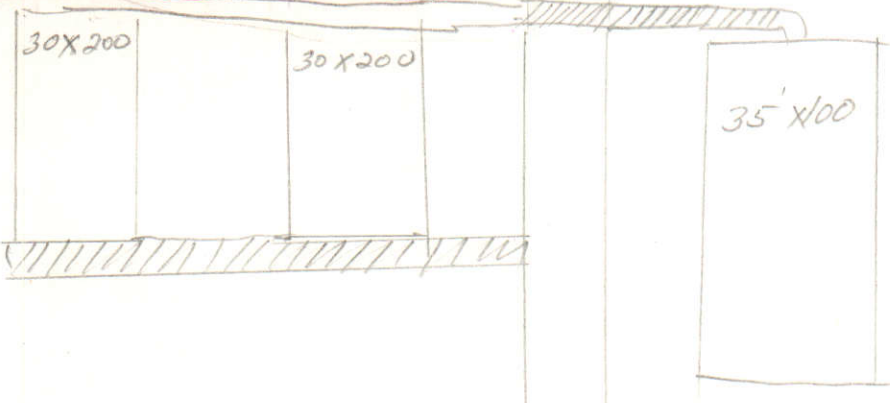
NW Corner NE 1/4 Sec 28



Existing Ponds
Filed under
Claim 47-4060



Mudd Creek



NE 1/4 Sec 28

MICROFILMED

OK of 1/31/78

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Herschel Bennett Buhl, Idaho 83316 has on 1/10/78 submitted Application No. 47-7450 for a permit to appropriate 10 cubic feet per second of water from Mud Creek tributary to Snake River by means of Earth rock dam, wood check to cement pipe to ponds within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, Twp. 9S, Rge. 14E, B. M. Twin Falls County to be used from Jan. 1 to Dec. 31 for fish propagation within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, Twp. 9S, Rge. 14E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho 83301 on or before February 6, 1978.

C. STEPHEN ALLRED

Director

PUBLISH: Jan. 19 & 26, 1978

Department of Water Resources
Southern District Office

JAN 30 1978

RECEIVED

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

ss.

No 6727

I, Margie Kulhanek being first duly sworn upon oath, depose and say that I am Print Clerk of the TIMES-NEWS, published daily, except Saturday, 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 Thursdays, commencing with the issue dated January 19, 1978, and ending with the issue dated January 26, 1978.

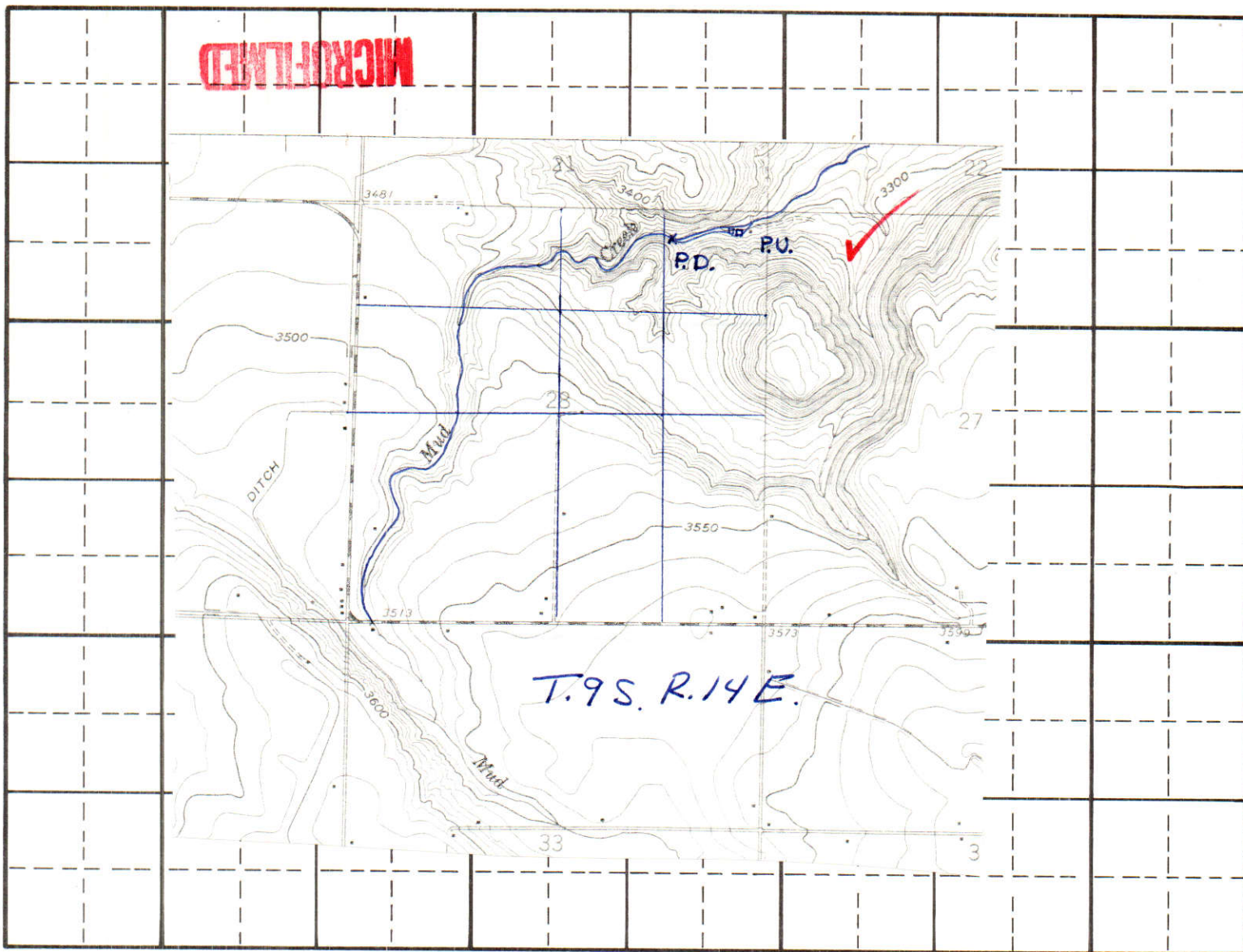
And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under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

Subscribed and sworn to before me on this

Margie Kulhanek
January, 1978
Mable F. Clark

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



SCHEMATIC DIAGRAM OF SYSTEM

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

Point(s) of diversion: ☒ NE 1/4 NE 1/4, Sec. 28 T. 9 S. R. 14 E.

Place(s) of Use ☒

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	14E	28	X																

Recommended Amendments:

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

☒ None
☐ Other

Examiner's Signature

Checked by

Approved by

Gay Funderburg
J.P. Stanton
K. Walker

Date 10-11-1983

Date 10-11-83

Date 3-19-86

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 47-7450 Priority January 10, 1978 Amount 10.0 cfs

THIS IS TO CERTIFY, that Terry White
of Buhl, Idaho, has complied with the terms and conditions of Permit
No. 47-7450 issued pursuant to Application for Permit dated January 10, 1978,
and has submitted proof to the Department of Water Resources on February 23, 1983,
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 15.96 cfs of water from Mud Creek,
tributary to Snake River, 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
<u>Fish Propagation</u>	from <u>January 1</u> to <u>December 31</u>	at <u>10.0</u> cfs and	<u>N/A</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 10.0 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 is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
N/A acre feet per year, said waters to be diverted within the NE1/4 NE1/4 Section 28,
Twp 9S, Rge 14E in the County of Twin Falls

Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9S	14E	28	X																

Total number of acres irrigated _____

MICROFILMED

MICROFILMED

CONDITIONS OF APPROVAL

a. 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.

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

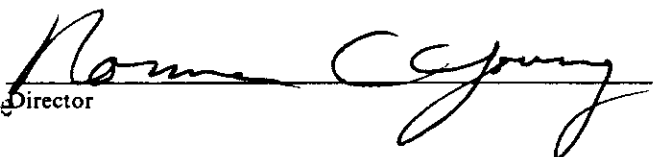
c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against 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 license.

Facility Volume = 69,120 cubic feet

Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 32F.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 1st day of April, 19 86.

Acting for the Director



RECEIVED

NOV 16 1979

State of Idaho
Department of Water Resources

RECEIVED

NOV 13 1979

Department of Water Resources

ASSIGNMENT OF PERMIT

I, Herschel Bennett, hereby assign to Terry White
of Route 3 Buhl Idaho 83316
Address

Department of Water Resources
Southern District Office

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 47-7450
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 13th day of November, 19 79.

Herschel Bennett
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Twin Falls) SS.

On this 13th day of November, 19 79, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Loren O. Holmes
Notary Public residing at
Twin Falls

My commission expires:

Life

MICROFILMED

n

ASSIGNED TO:
Terry White
Route 3
Buhl, ID 83316

Identification No. _____

Application No. 47-7450

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Herschel Bennett Phone: 543-4840
post office address Route #3, Buhl, ID 83316
2. Source of water supply Mud Creek which is a tributary of Snake River
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28 Township 9S
Range 14E., B.M. Twin Falls County; additional points of diversion if any: _____
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 28, Twp. 9S, Rge. 14E., B.M.
- b. If water is not consumed, it will be discharged into Mud Creek at a point in NE $\frac{1}{4}$
of NE $\frac{1}{4}$ of Section 28 Township 9S Range 14E., B.M. _____
4. Water will be used for the following purposes:
Amount 10 cfs for fish production purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 10 cfs cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Earth rock dam & wood check to cement
pipe to ponds, cement pipe to return flow to stream (existing)

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$7,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28 Township 9S
Range 14E., B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: fish production 5 additional ponds

FILED

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

[illegible]

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes as described above. Claim 47-4060 6cfs
for 4 ponds

9. a. Who owns the property at the point of diversion NW 1/4, Sec. 28, Gene Grill

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

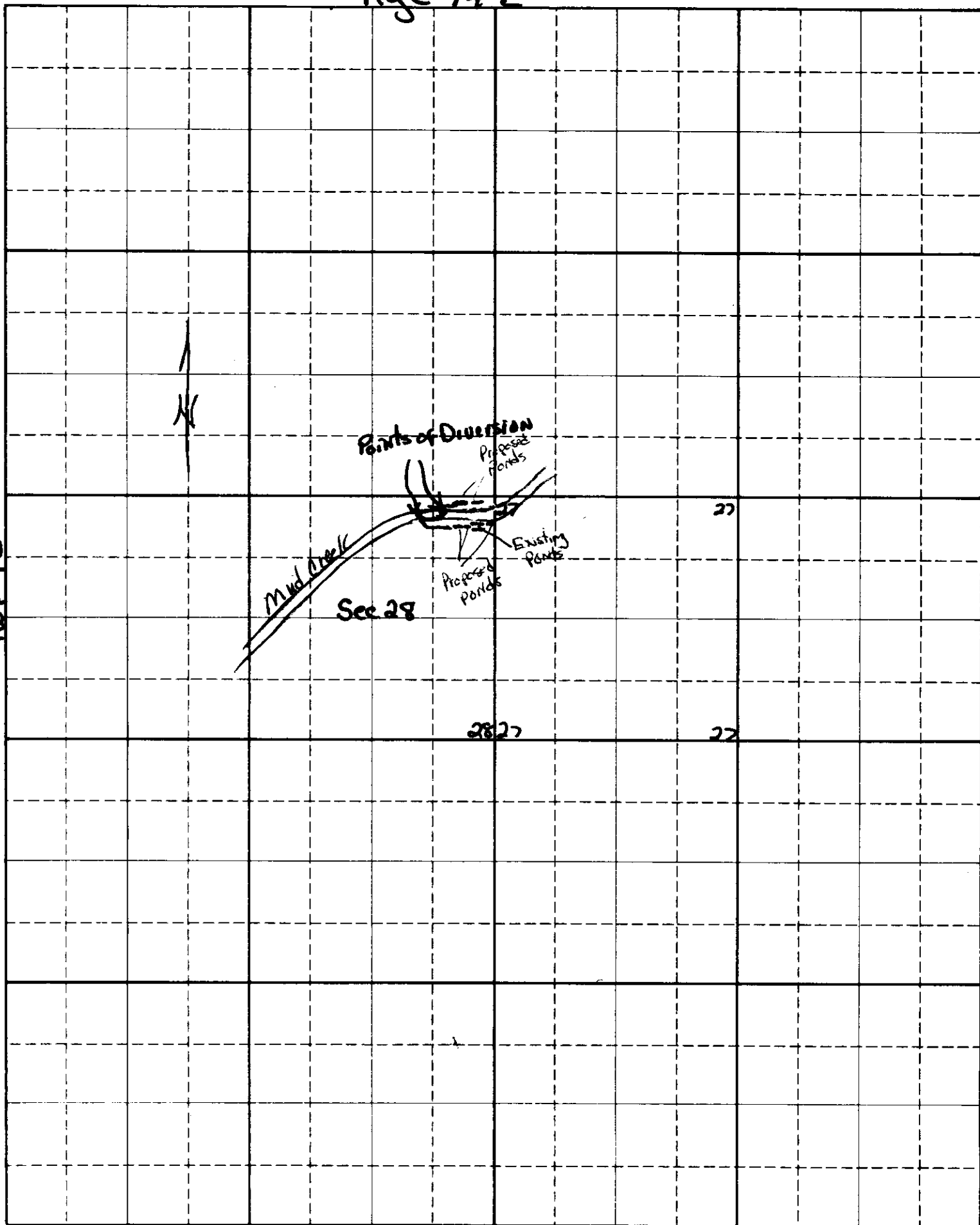
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Diversion has been used since 1968.

10. Remarks _____

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

Rge 14 E

Twp 9 S



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.

Herschel Bennett
(Applicant)

Proposed Priority 01-10-78

Received by YS Date 1/10/78 Time 1:00 P.M.
Preliminary check by JH Fee \$ 115.00
Received by AY Date 1/10/78
Publication prepared by Dj Date 1/12/78
Published in Times News
Publication dates 1/19 + 1/26/78
Publication approved Dj Date 1/31/78
Priority reduced to _____ Reason _____

Protests filed by: Idaho Fish & Game
1/24/78
w/duroon 2/21/78
Copies of protests forwarded by Sm 1/25/78
Hearing held by _____ Date _____
Recommended for (approval) denial by mls jc

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

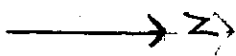
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7450, and said application is hereby APPROVED.

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 April 1, 1983.
- c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water. (2) The issuance of this permit in no way grants any right-of-way or easement across the land of another. (3) Return water shall be treated to insure that the effluent meets intrastate stream water quality standards.

Witness my hand this 29th day of April, 1978.

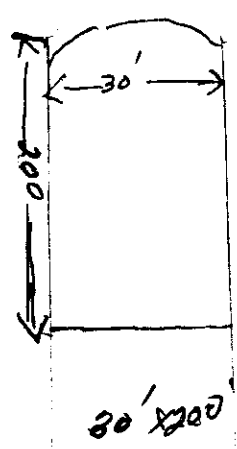
Norman C Young
Administrator



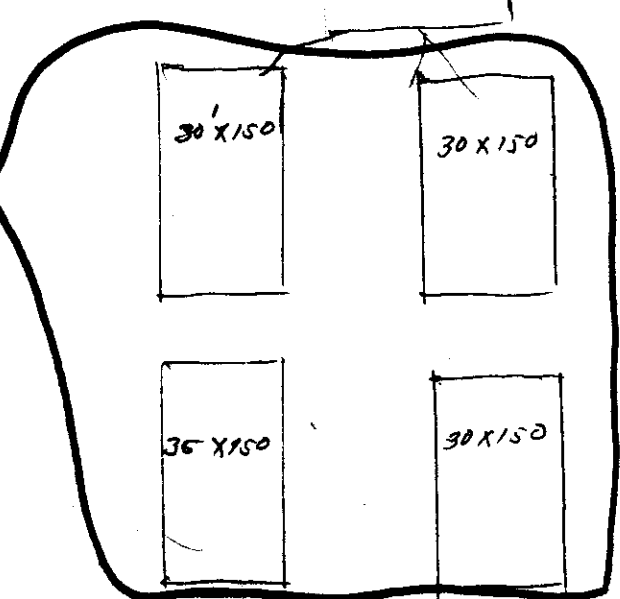
NW CORNER NE 1/4 Sec 28

Fence Line

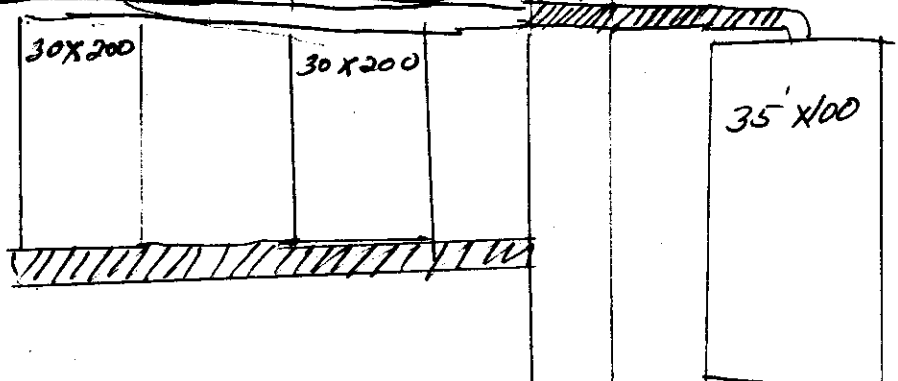
DAM



Existing Ponds
Filed under
Claim 47-4060



Mudd Creek



PIPE

PIPE

MICROFILMED

NE 1/4
Sec 28

INTER-DEPARTMENT MEMO - 1

DATE January 17, 1978

FROM Gary Funderburg

TO File

SUBJECT Herschel Bennett

I have received Mr. Bennetts financial statement, it appears to be sufficient

RECORDED
INDEXED


SIGNATURE

WARRANTY DEED

For Value Received P. R. BOLTON & DOROTHY M. BOLTON, husband & wife

REVENUE STAMPS

the grantor s, do hereby grant, bargain, sell and convey unto

HERSCHEL L. BENNETT AND BONNIE BENNETT, husband & wife

the grantee s, the following described premises, in Twin Falls County, Idaho, to-wit:
The Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) Section
27 and the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
of Section 28, all in Township Nine (9) South, Range fourteen (14)
East of the Boise Medidian.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and with
the said Grantee s, that they are the owner in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

P R Bolton

Dorothy M Bolton

STATE OF IDAHO, COUNTY OF

On this 27th day of Feb., 19 74,
before me, a notary public in and for said State, per-
sonally appeared

P. R. Bolton & Dorothy M. Bolton

known to me to be the person s whose name s are
subscribed to the within instrument, and acknowledged to
me that they executed the same

Buhl, Idaho
Notary Public

Residing at
Comm. Expires 6/19/1975

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of James Neil Cook

at minutes past 9 o'clock m.,
this DEC 18 1974 day of
19, in my office, and duly recorded in Book 225
of Deeds at page 1259

H.A. LANCASTER
Ex-Officio Recorder

By Helen Thorne Deputy.

Fees \$ 1.00
Mail to: Herschel Bennett
Route #3, Buhl, Idaho

INDEXED
DIRECT
REVERSE

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

No. 6727

OK of 1/31/78

I, Maime Kuhlmanek being first duly sworn upon oath, depose and say that I am Print Clerk of the TIMES-NEWS, published daily, except Saturday, 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 Thursdays, commencing with the issue dated January 19, 1978, and ending with the issue dated January 26, 1978.

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, 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.

Maime Kuhlmanek
Subscribed and sworn to before me on this 26th day of January, 1978.

Mable F. Clark
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

Department of Water Resources
Southern District Office

JAN 30 1978

RECEIVED



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

April 3, 1986

RE: Permit No. 47-7450

Terry White
Rt. 3
Buhl, ID 83316

Dear Mr. White:

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

Sincerely,

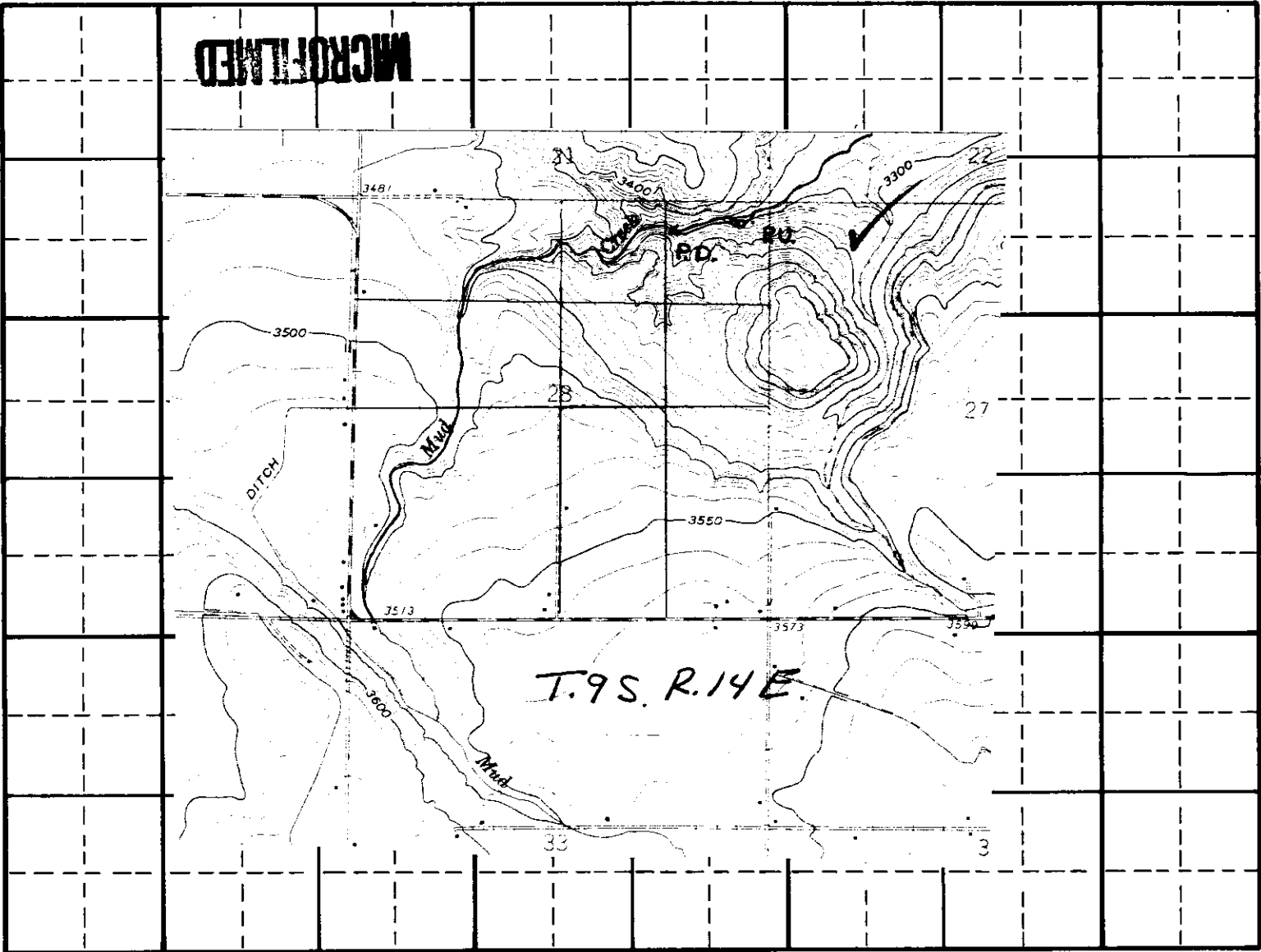
JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

MICROFILMED

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

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

Point(s) of diversion: ☒ NE 1/4 NE 1/4, Sec. 28 T. 9 S. R. 14 E.

Place(s) of Use ☒

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	14E	28	X																

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

Examiner's Signature *Larry Jundberg*

Checked by *J.P. Denton*

Approved by *R. Walker*

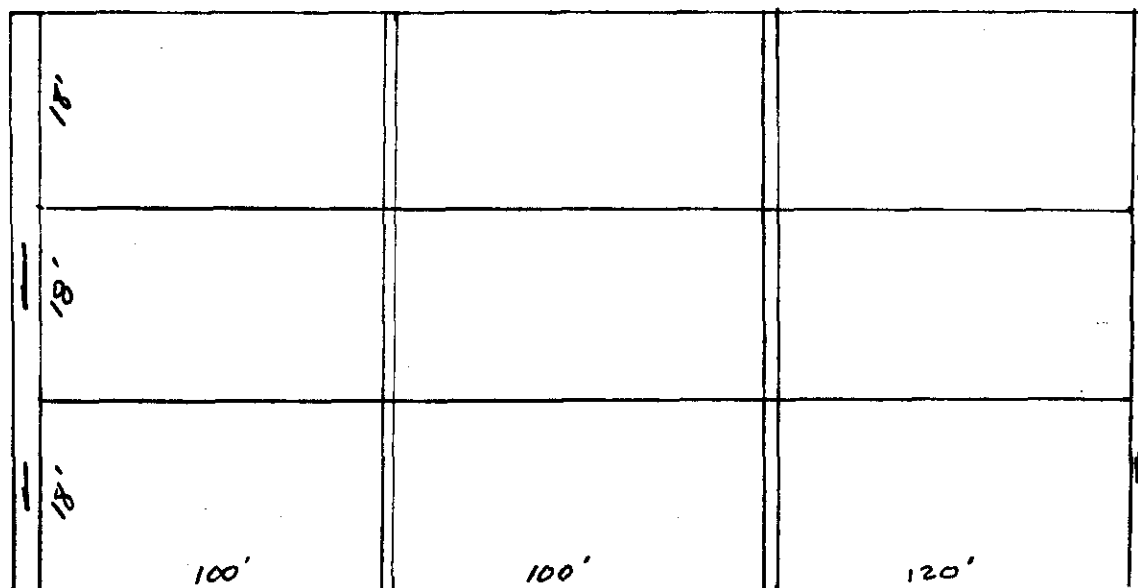
Date *10-11-1983*

Date *10-11-83*

Date *3-19-86*

MICROFILMED

CONCRETE RACEWAYS



4' DEEP

C.R.

MUD



MEASURED
HERE

SLO WIER

WATER RIGHT NUMBER 47-7450

OWNER LAST NAME - BENNETT ✓

FIRST NAME - HERSCHEL ✓

ORIG OWNER - 0 ✓

OWNER LAST NAME - WHITE ✓

FIRST NAME - TERRY ✓

ORIG OWNER -

ADDRESS LINE 1 - RT. 3 ✓

ADDRESS LINE 2 -

STATE - ID ✓ ZIP CODE - 83316 ✓

ADDRESS LINE 3 -

CITY - BUHL ✓

SOURCE - MUD CREEK ✓

TRIBUTARY OF - SNAKE RIVER ✓

STAGE - PERMIT ✓

STATUS -

PRIORITY - 01-10-1978 ✓

COUNTY - TWIN FALLS ✓

TOTAL DIV. RATE -

10.0000 ✓ -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NWNE 28 09S 14E ✓ LCT

REDIV -

272.0 408.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

4.3

NENE 28 09S 14E ✓ LCT

REDIV -

272.0 408.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

4.3

FROM - 01-01 ✓ TO - 12-31 ✓ USE - FISH PROP. ✓

USE DIV. RATE -

10.0000 ✓ CFS

USE DIV. VOLUME -

.00 AFA

USE - FISH PRCP. ✓

PLACE OF USE - TWN 09S RNG 14E SEC 28 ✓

TRACT NENE LOT

AC

DECREE NAME -

DATE -

TOTAL ACRES

0 ✓

REMARKS -

NON IRRIG USE - H/VARIABLE AMT ✓

OTHER RIGHTS FOR SAME USE - CLAIM 47-4060. ✓

PROOF DUE - 04-01-1983 ✓ PERMIT/DENIED - 04-24-1978 ✓ PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - F ✓ FLD EXAM - COND. OF APPROVAL - 01A 04 ✓ 09 ✓

DIVERSION MEANS - DAM, PIPELINE & PONDS.



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

March 16, 1983

Terry White
Route 3
Buhl, Idaho 83316

Re: Permit 47-7450

Dear Mr. White:

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 L. Funderburg
Sr. Water Resource Agent

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

WHITE, TERRY
~~BENNETT, HERSCHEL~~
RT. 3
BUHL, ID 83316

138208

PROOF DUE NOTICE

JANUARY 31, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 47-7450 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE APRIL 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

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. 47-7450.

Name(s) of Permit Holder: WHITE, TERRY

Post Office Address: Rt 3
Buhl, IDA 83316 Tel. No. 543-5478

Source of Water _____

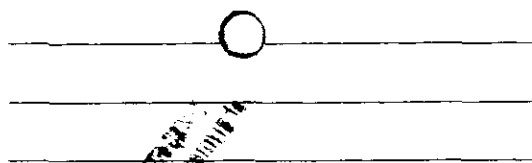
Extent of Use: ☐ Domestic _____ (number of households)
☐ Stockwater _____ (number and type of stock)
☐ Irrigation _____ (acres)
☐ Other FISH PROPAGATION

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

02/23/1983
Date

Mary White
Signature of Permit Holder



PLACE
13 CENT
STAMP
HERE

POSTAGE WILL BE PAID BY ADDRESSEE

07/13/72



PAID

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

3/79

IDENT. NO. 47-7450

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

November 20, 1979

Re: Permit No. 47-7450

Terry White
Route 3
Buhl, ID 83316

Dear Mr. White:

This office acknowledges receipt of the assignment conveying the above referenced permit to you. The assignment has been entered into the Department's records.

Enclosed for your records is a copy of the permit.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:pb

Enclosure



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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

April 28, 1978

Re: Permit NO. 47-7450

Herschel Bennett
Route #3
Buhl, ID 83316

Dear Mr. Bennett:

Your approved copy of Application for Permit No. 47-7450 is enclosed and we direct your attention to the conditions of approval on the fourth page.

Please note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. Enclosed is a letter describing the different types of measuring devices accepted by this Department.

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., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the 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 a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

A. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

Enclosure



STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

REGION 4
868 EAST MAIN - P. O. BOX 428
JEROME, IDAHO 83338

February 17, 1978

RECEIVED

FEB 22 1978

Mr. Michael L. Steele
Southern Region Supervisor
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Department of Fish and Game
Southern Region Office

Dear Mr. Steele:

The Idaho Department of Fish and Game hereby withdraws their protests against applications for Permits No. 47-7450 (Herschel Bennett) and No. 47-7449 (Glenn W. Zack).

Regional personnel met with both applicants on February 8 at the proposed diversion sites on Mud Creek. Both parties agreed to allow a flow past their diversion sites sufficient to sustain fish and other aquatic life. As a result of this meeting, the applicants were informed we would withdraw our protests.

Sincerely,

IDAHO DEPARTMENT OF FISH AND GAME
Joseph C. Greenley, Director

William E. Webb (RJB)

William E. Webb
Region 4 Supervisor

WEW:ar

Microfilm



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

January 25, 1978

Mr. Herschel Bennett
Route #3
Buhl, ID 83316

Re: Application for Permit No. 47-7450

Dear Mr. Bennett:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 47-7450. 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 the 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?

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

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sm
Enc.

Michael L. Steele



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

January 25, 1978

Mr. William E. Webb
Idaho Fish & Game Department
P. O. Box 428
Jerome, ID 83338

Re: Application for Permit No. 47-7450 - Herschel Bennett

Dear Mr. Webb:

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

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?

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

Sincerely,

Michael L. Steele

Michael L. Steele
Southern Region Supervisor

MLS:sm

RECEIVED



STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

REGION 4
868 EAST MAIN - P. O. BOX 428
JEROME, IDAHO 83338

RECEIVED

January 23, 1978

JAN 24 1978

Mr. Mike Steele
Southern Dist. Supervisor
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Department of Water Resources
Southern District Office

Re: Water Application #47-7450 (Bennett) and 47-7449 (Zack)

Dear Mike:

The Department of Fish and Game is opposed to the granting of applications 47-7450 (Herschel Bennett) for 10 c.f.s. of Mud Creek and 47-7449 (Glenn W. Zack) for 30 c.f.s. of Mud Creek unless it is determined granting of these permits would not jeopardize the fisheries and wildlife resources of the stream sections involved. Reliable flow data on Mud Creek appears to be lacking and the Department recommends sufficient flow readings be obtained so a determination can be made as to what flows are necessary to satisfactorily sustain these resources.

Sincerely,

IDAHO DEPARTMENT OF FISH AND GAME
Joseph C. Greenley, Director

William E. Webb

William E. Webb
Regional Supervisor

WEW:cbb

MICROFILMED

PRE-PERMIT SURFACE-WATER EXAMINATION DATA SHEET

Date 1-16-78 Examiner Jim Stanton Application No. 47-7450

Applicant(s) Interviewed Mr. Bennett

Upstream Users Interviewed No

&/or Upstream Diversions Inspected _____

Downstream Users Interviewed Don Wolford representing Glenn Zack

&/or Downstream Diversions Inspected _____

Legal Description Verified By Map (or give proper description) Yes

Water Flow: Visual Estimate more than ^{10 cfs} Channel Width 10' Average Depth 1'-1½'

Water Velocity _____ Channel Slope _____

Do Additional Inflows Enter Downstream From This Diversion? Yes, but not between
applicants P. D. & next downstream user

Does This Water Enter Canal-Company Waterways? No Canal Co. Approval? N/A

Source Of Waste Water: Legal Description N/A

Proportion Of Water Flow Arising On Applicant's Land _____

Does There Appear To Be Sufficient Water To Fulfill This Application Without Harming

Downstream Users? Yes XX No _____

Do Other Aspects Of The Application Appear To Be As Stated? Yes XX No _____

Notes This application is for a non-consumptive use, and should have little effect on
consumptive downstream users. Mr. Zack has an earlier application for fish prop.
a short distance below Mr. Bennett. Mr. Zack is wintering in California, but will
be notified of the Bennett application by Mr. Wolford. Mr. Wolford does not expect
Mr. Zack to protest this application, however.

Signed James E. Stanton

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that

Herschel Bennett

Buhl, Idaho 83316

has on 1/10/78 submitted Application No. 47-7450

for a permit to appropriate 10 cubic feet per second acre feet per annum
X XX X X X X X X X

of water from Mod Creek tributary to Snake River

by means of Earth rock dam, wood check to cement pipe to ponds

within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, Twp. 9S, Rge. 14E, B. M. Twin Falls County

to be used from Jan. 1 to Dec. 31 for fish propagation

for
XXXX

within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, Twp. 9S, Rge. 14E, B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before February 6, 1978.

C. STEPHEN ALLRED

Director

Published in the Time & News
on 1/19 and 1/26/78



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

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

January 12, 1978

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

Re: Application for PermitNo. 47-7450 - Herschel Bennett
47-7451 - Gary N. Nelson
47-7449 - Glenn W. Zack

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

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

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:dj

RECEIVED
JAN 15 1978
TWIN FALLS, IDAHO