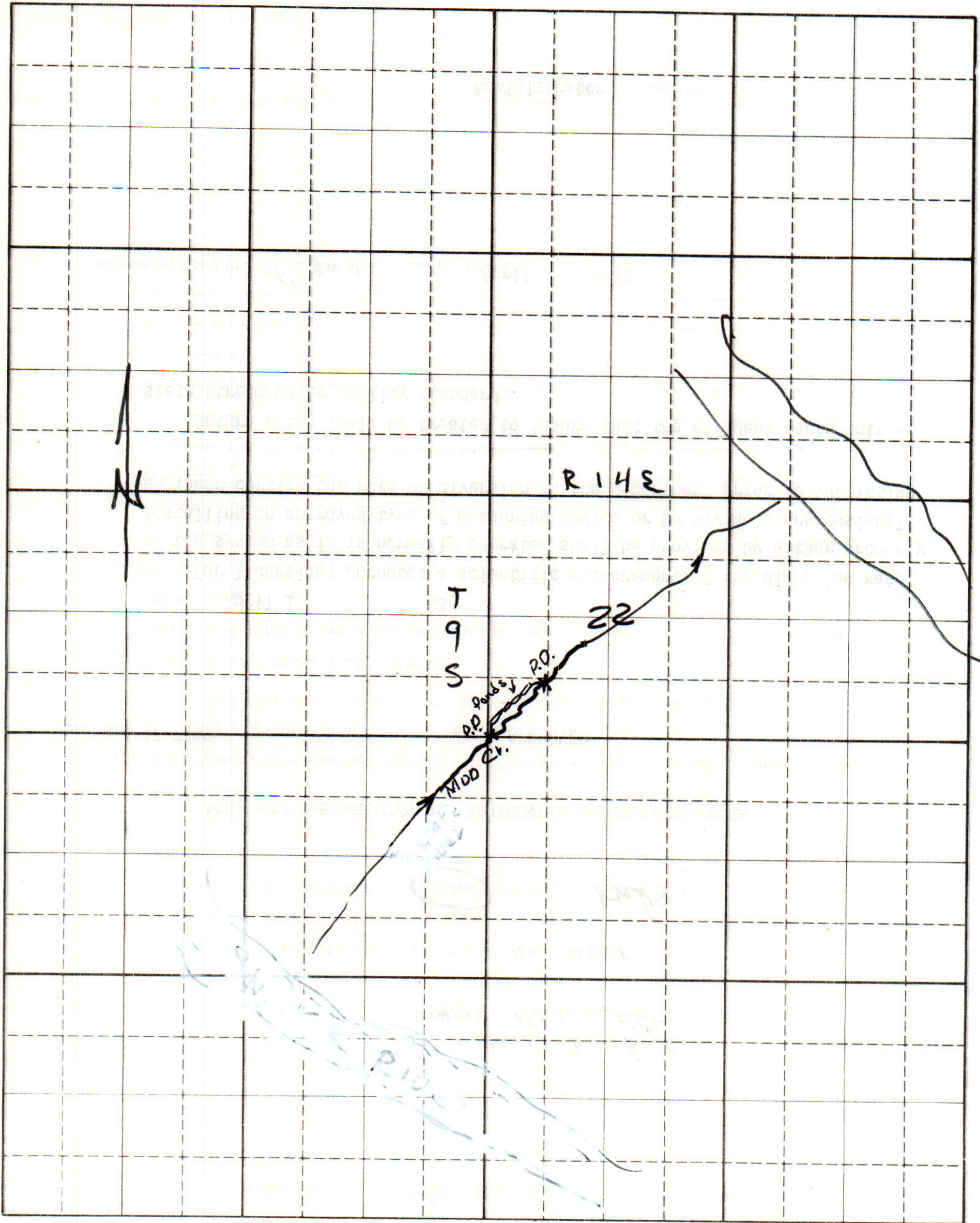


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

x Bern W. Jack
(Applicant)

MICROFILMED

OK
1/31/78

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Glenn W. Zack Buhl, Idaho 83316 has on 1/9/78 submitted Application No. 47-7449 for a permit to appropriate 30.0 cubic feet per second of water from Mud Creek by means of headgate, ditches and ponds within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 9S, Rge. 14E, B.M. Twin Falls County to be used from Jan. 1 to Dec. 31 for fish propagation within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, 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

RECEIVED

JAN 30 1978

Department of Water Resources
Southern District Office

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

Nº 6728

I, Margine 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.

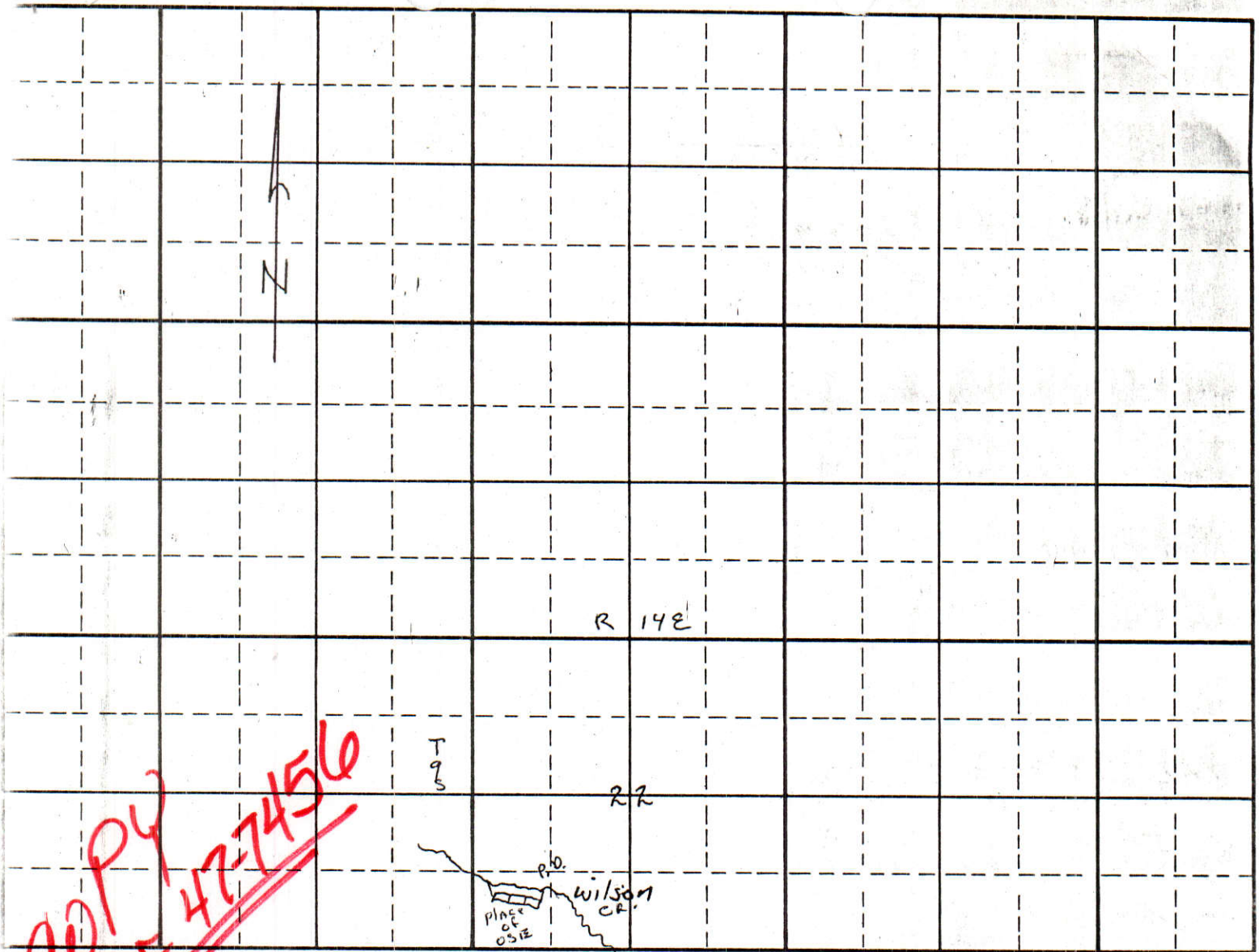
And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial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

Margine Kulhanek
Subscribed and sworn to before me on this 26th day of

January, 19 78.

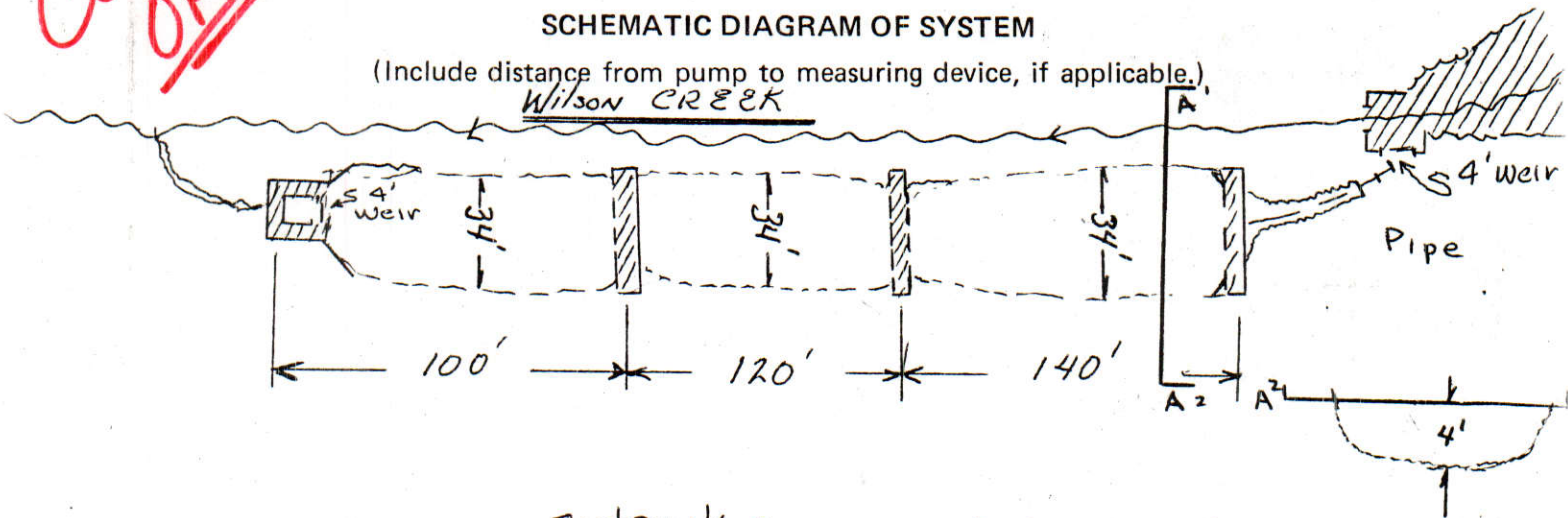
Mable C. Cook
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

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



Point(s) of diversion: SW 1/4 SW 1/4, Sec. 22 T 9S R 14E

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	22											X						

Recommended Amendments:

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

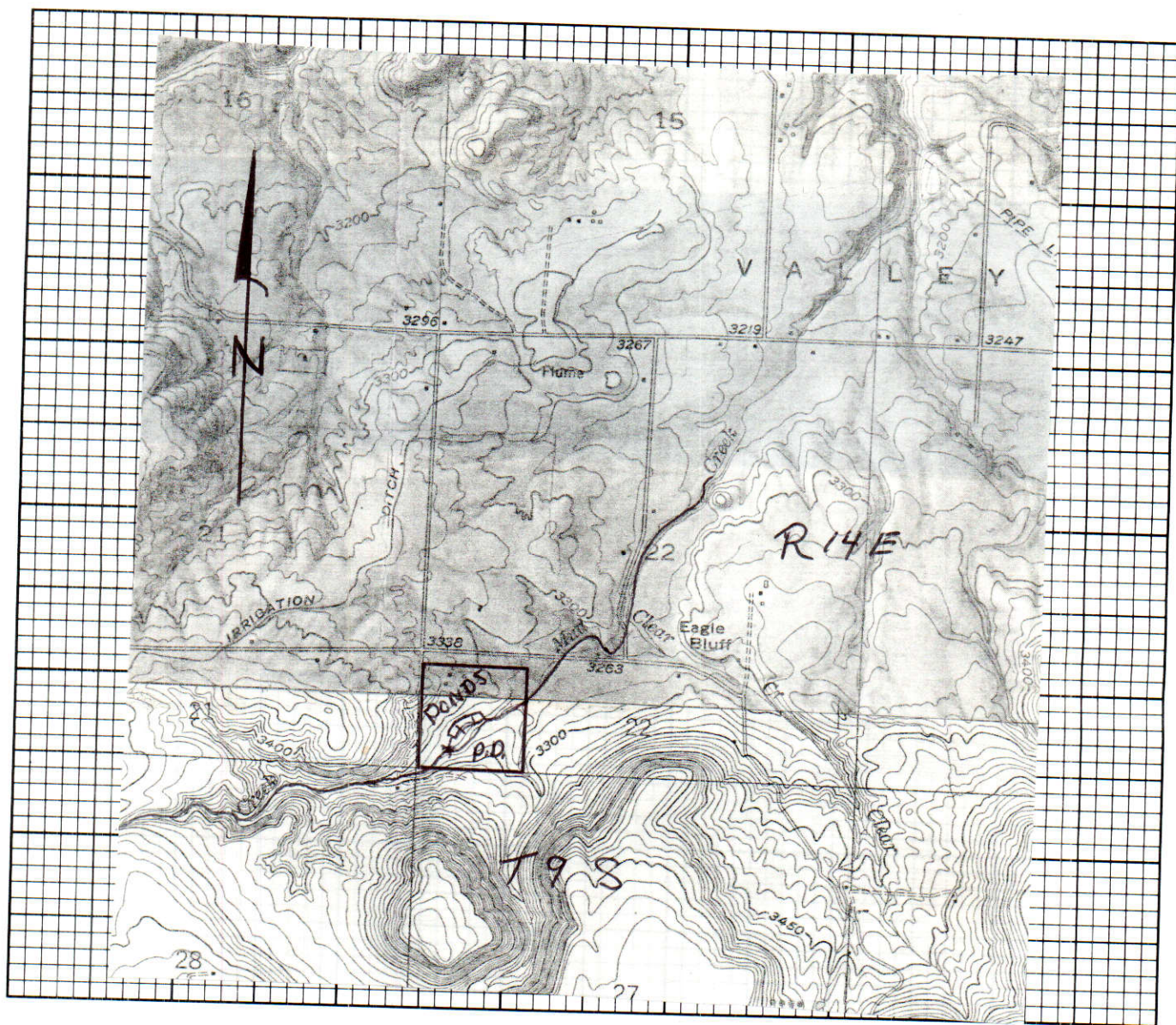
MICROFILMED

☒ None 06/1981
☐ Other

Examiner's Signature [Signature]
 Checked by [Signature]
 Approved by [Signature]

Date 5-8-1980
 Date 5-8-1980
 Date 8/8/80

10. Other water rights on these lands None
11. Other water right diverted from same p.d. NONE
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks _____

15. 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

16. Examiner's/Consultant's Signature Sandy Lundberg Date 10-14-83

Consultant's License Number _____

IDWR Director's Authorization to Conduct Beneficial Use Examination _____

Date _____

MICROFILMED
CONSULTANT SEAL
JUL 06 1987

WATER PERMIT # 47-7449

GLENN ZACKS



Sept 19, 1985

N
↓

OUTLET STRUCTURES



N
↓

INLET STRUCTURES

RECORDED

JUL 06 1987

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 47-7449

Priority: January 9, 1978 Amount: 30.00 CFS

This is to certify, that GLENN W. ZACK

RT. 3 BOX 291

BUHL, ID 83316

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated January 9, 1978, and has submitted proof to the Department of Water Resources on September 9, 1985, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 33.64 cfs of water from;

MUD CREEK

tributary to SNAKE RIVER

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Fish propagation	01/01 to 12/31	30.00 cfs	
<u>LOCATION OF POINT OF DIVERSION(S):</u>		SWSW , Sec. 22, Township 9S, Range 14E Twin Falls County	
<u>PLACE OF USE:</u> Fish propagation			

TWN RGE SEC

9S 14E 22

SWSW

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Return water shall be treated to insure that the effluent meets Idaho water quality standards.
5. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 32F.
6. Facility volume = 46,000 cubic feet.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 2ND day of JUNE, 1987.

MICROFILMED

Director

Norman C. Young

JUL 06 1987

RECEIVED

MAR 2 1983

Department of Water Resources
Southern District OfficeSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**REQUEST FOR EXTENSION OF TIME****To provide additional time in which to submit
proof of beneficial use on a water right permit**_____
Glenn W. Zack of _____
(Name) Route #3 Box 290, Buhl
(Address)

State of _____ Idaho _____, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public
Waters of the State of Idaho No. 47-7449.That under the terms and conditions of said permit, work thereunder was required to be completed on or
before April 1, 1983.

That he has heretofore performed the following work described under said permit: _____

Ponds are dug & diversion works have been started.

_____*Commenced
works*_____
Costing \$ 2000.That he is unable to complete the remainder of the work within the required time for the following
reasons, to-wit: Poor economic conditions in the fish market have made it unfeasible
to invest more money in the project at this time.

_____Wherefore, he asks that the Department of Water Resources extend the time for the completion of
obligations under said permit to April 1, 1988.**MICROFILMED**Glenn W. Zack
(Signature)*

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCESIT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time
within which to submit the statement of beneficial use is extended to April 1, 1988.

_____Signed this 17th day of March, 1983.L. Glen Saxton
Chief, Operations Bureau\$15.00 fee received by sgDate 3-2-83Receipt # 25971

Identification No. _____

Application No. 47-7449

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 Glenn W. ZACK Phone: 543-5912
post office address Rt 3 Bx 207 Buhl, Idaho
2. Source of water supply Mud Cr. which is a tributary of SNAKE River
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 22 Township 9S
Range 14E B.M. Twin Falls County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Mud Cr. at a point in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 22 Township 9S Range 14E B.M. Twin Falls
4. Water will be used for the following purposes:
Amount 30.0 cfs for Fish Culture 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. 30.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Head gate, Ditches
& 10 Ponds.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ (Mo. Day) to _____ (Mo. Day) inclusive.
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 \$ 12,000.00
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 22 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 Culture

MICROFILMED

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. _____

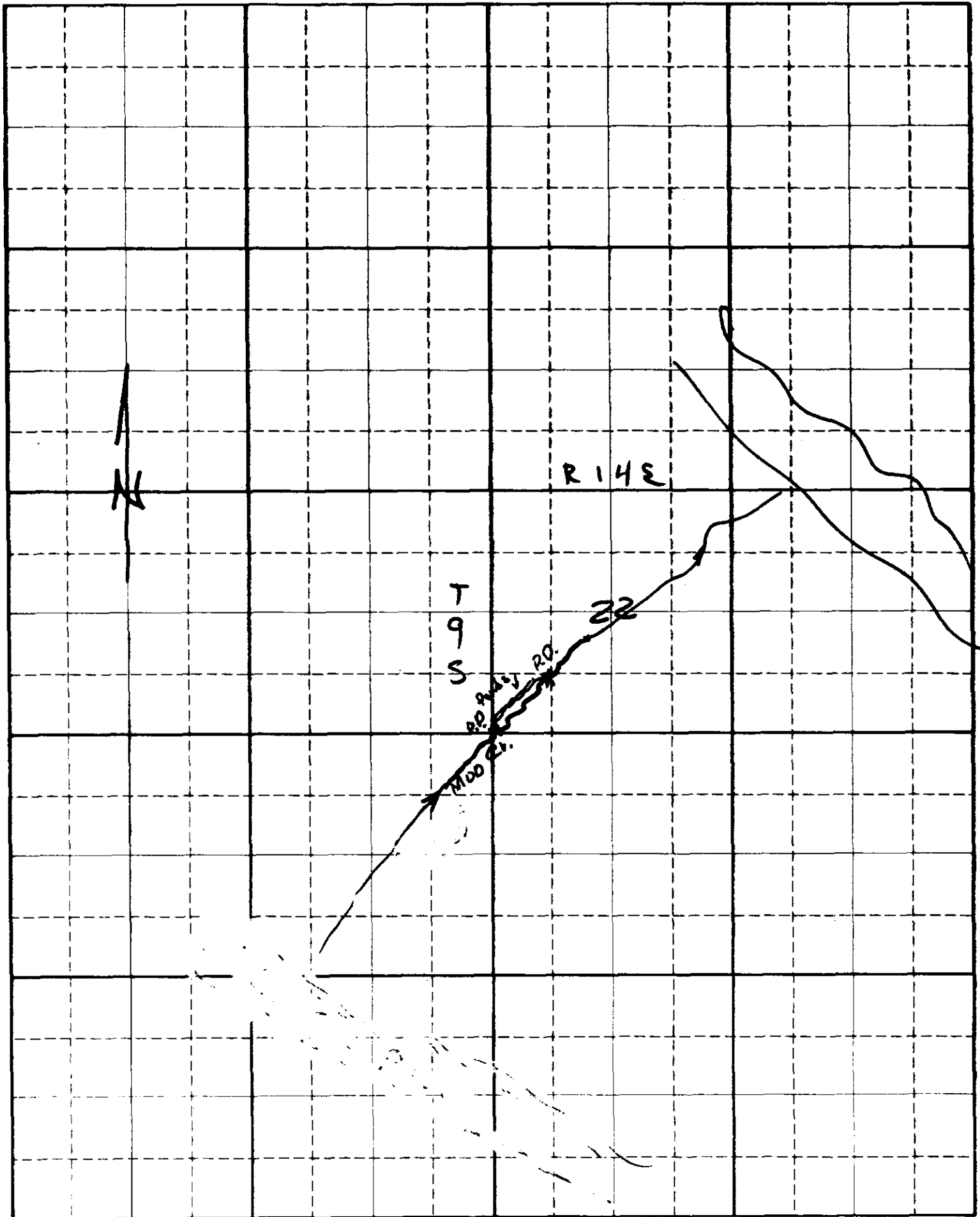
9. a. Who owns the property at the point of diversion Applicant.

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. _____

10. Remarks _____

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.

Bern W. Jack
(Applicant)

4111-10848-00-1000-01

Proposed Priority 1-09-78

Received by SS Date 1/9/78 Time 11:00 AM.

Preliminary check by JA Fee \$ 265.00

Receipted by DJ Date 1-9-78 #7478

Publication prepared by OJ Date 1/12/78

Published in Times News

Publication dates 1/19 + 1/26/78

Publication approved OJ Date 1/31/78

Priority reduced to _____ Reason _____

Protests filed by: Idaho Fish & Game Dept.
4/24/78 withdrawn 2/21/78

Copies of protests forwarded by sm 1/25/78

Hearing held by _____ Date _____

Recommended for approval denial by mbs:jo

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. 47-7449, 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, 19 83.
- 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.

Return water shall be treated to insure that the effluent meets intra-state stream water quality standards.

Witness my hand this 4th day of April 19 78.

Norman C Young
Administrator



BUHL OFFICE

January 17, 1978

Mr. Gary Funderberg
State of Idaho
Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

Dear Mr. Funderberg:

Re: Glenn W. Zach

I have been advised by letter and also in a subsequent telephone conversation with Mr. Zach that he had forwarded you a copy of his financial statement dated January 14, 1978.

Per our telephone conversation of this morning, I wish to verify that the balance shown on deposit at this bank is correct. Also, on the reverse of the statement he shows a contract receivable from Fred Kippes, and I wish to advise you that this contract is held in our escrow department.

I trust that this information will give you the required certification for Mr. Zach's water permit.

Very truly yours,

A handwritten signature in dark ink, appearing to read "E. D. Novacek".

E. D. Novacek
Vice President and Manager

lv

cc: Mr. Glenn Zach

RECEIVED

JAN 12 1978

Department of Water Resources
Southern District Office

1 AGREEMENT OF SALE

2
3 PARTIES:

4 THIS AGREEMENT is made and entered into this 24th day of
5 April, 1975, by and between Clarence L. Young and Nadine E. Young,
6 husband and wife, of Route #3, Box 208, Buhl, County of Twin Falls,
7 State of Idaho, as parties of the first part, and Glenn W. Zack
8 and Ruth E. Zack, husband and wife, of Route #3, Buhl, County of
9 Twin Falls, State of Idaho, as parties of the second part;

10 WITNESSETH:

11 PROPERTY:

12 THAT WHEREAS, the first parties are owners in fee simple
13 of certain real property situate in Twin Falls County, State of
14 Idaho, more particularly described as follows, to wit:

15 The Southwest Quarter of the Southwest Quarter
16 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 22, Township 9 South, Range 14,
17 E., B.M., Twin Falls, County, Idaho, as shown on the
18 records of the County Recorder for Twin Falls,
19 County, Idaho, and
20 TOGETHER WITH all water and water rights appurtenant
21 thereto as set forth in water license No. 47-7007
22 issued by the Idaho Department of Water Administration.

23 AND WHEREAS, the first parties desire to sell and the
24 second parties desire to purchase the same.

25 CONSIDERATION:

26 NOW, THEREFORE, for and in consideration of THIRTY-NINE
27 THOUSAND AND NO/100 DOLLARS (\$39,000.00) to be paid as hereinafter
28 provided by the second parties to the first parties, the first
parties agree to sell and the second parties agree to purchase the
said property. The terms of payment shall be as follows:

(1) TWENTY-THREE THOUSAND AND NO/100 DOLLARS (\$23,000.00) upon the execution and delivery of this contract, receipt of which is hereby acknowledged, and,

(2) SEVEN THOUSAND AND NO/100 DOLLARS (\$7,000.00) on or before May 10, 1975, and,

(3) The balance of the purchase price, to wit, NINE THOUSAND AND NO/100 DOLLARS (\$9,000.00) due and payable in equal annual installments of NINE HUNDRED SIXTEEN AND 74/100 DOLLARS (\$916.74) per annum, including interest, on the 1st day May, 1976, and on the 1st day of May of each and every year thereafter until May 1, 1985, at which time a balloon payment of principal and all accrued interest shall become due and payable. *ALREADY PAID*

(4) In the event the second parties default in the payment of any payment for a period of longer than thirty (30) days, the parties of the first part, at their option, may declare the balance of the purchase price, including interest thereon, due and payable.

INTEREST:

It is agreed that interest at the rate of eight percent (8%) per annum will be computed on the unpaid balance from the 1st day of May, 1975. All payments shall be credited first to interest and the balance to principal. It is agreed that payments on the principal amount may be made at any time and in any amount and interest will be computed on the unpaid balance only.

TAXES:

First parties shall pay all taxes and assessments for the year 1974 and prior years, and the second parties shall pay, before delinquency, all taxes and assessments for the years 1975 and thereafter.

TITLE INSURANCE:

It is understood and agreed that first parties warranty the above-described property to be free and clear of all liens or

1 encumbrances except taxes for the year 1975 and thereafter,
2 and except the Farmers Home Administration mortgages as more fully
3 set out hereinafter, and it is understood and agreed that first
4 parties shall deliver to second parties, once the Farmers Home
5 Administration mortgages are released, a purchasers' policy of
6 title insurance showing the title to be in the second parties and
7 to be good and merchantable and free from encumbrance. It is
8 expressly understood and agreed that first parties shall bear the
9 expense of such title insurance.

10 INSURANCE:

11 It is understood and agreed that second parties must
12 carry fire insurance, insuring the buildings on the property above
13 described against loss by fire; that such insurance must be in an
14 amount not less than its insurable value. Such insurance policy
15 shall have attached thereto a contract of sale clause with direc-
16 tions that, in case of loss, payment will be made to the first
17 parties, and the balance to the second parties, as their respective
18 interests may appear under this contract.

19 PROVIDED, that it shall be optional with the second
20 parties to use any proceeds from the fire insurance in the event
21 of a partial or total loss by fire, to restore damaged buildings
22 to their original condition before the fire, or to pay the proceeds
23 of said insurance to the first parties to apply on the contract
24 balance. This option is to be at the election of the second
25 parties. A copy of said policy shall be deposited with the escrow
26 agent.

1 ESCROW:

2 It is understood and agreed that the original of this
3 agreement, together with a warranty deed conveying the property
4 above described from first parties to second parties, shall be
5 placed with the Farmers National Bank, Buhl, Idaho, as escrow
6 holder, with instructions and directions to said escrow holder to
7 credit the account of the parties of the first part with all pay-
8 ments made by the second parties herein. The escrow holder is
9 further instructed and directed to deduct from first parties'
10 account on the date the last payment is made by second parties, a
11 sum sufficient to defray the expense of recording the warranty
12 deed at such time as full payment has been made, as hereinabove
13 provided.

14 Also deposited with the escrow agent shall be a quit-
15 claim deed on said property from the second parties to the first
16 parties. If second parties make full payment, said quitclaim deed
17 shall be delivered to second parties. If second parties default
18 in this contract as hereinafter set forth, said quitclaim deed
19 shall be delivered by the escrow agent to the first parties.

20 EXISTING MORTGAGES:

21 It is understood and agreed by and between the parties
22 hereto that there are two (2) real estate mortgages against the
23 herein-described real estate and out of the down payment received
24 on or before April 25, 1975, first parties covenant to retire the
25 existing Farmers Home Administration mortgages with current princi-
26 pal balances of slightly less than TWENTY-TWO THOUSAND AND NO/100
27 DOLLARS (\$22,000.00). It further being understood between the

28

1 parties that after retirement of the aforementioned two (2) Farmers
2 Home Administration mortgages, there will be one (1) remaining
3 mortgage against the hereinabove-described real estate with an
4 approximate balance of TWO THOUSAND, SIX HUNDRED AND NO/100 DOLLARS
5 (\$2,600.00). It being further understood and agreed by the parties
6 that should second parties desire to prepay, they may make their
7 check covering full and final payment in favor of first parties
8 herein and the Farmers Home Administration in order to cause retire-
9 ment of the last mentioned mortgage.

10 First parties covenant to, and hereby authorize, the
11 Farmers Home Administration to release any and all financial informa-
12 tion to the second parties herein, at any time that the second
13 parties may request, concerning principal and interest due against
14 the remaining mortgage applicable to the hereinabove-described
15 realty.

16 First parties covenant that they will retire the remain-
17 ing mortgage due to the Farmers Home Administration after payment
18 of the two (2) aforementioned mortgages out of the payment
19 received herein, before or contemporaneously with the full and
20 final payment of the balance due hereon.

21 REPAIRS, LIENS AND ENCUMBRANCES:

22 Second parties agree to keep all improvements on said
23 premises in as good a state of repair as they now are, and to per-
24 mit no liens or encumbrances of any nature whatsoever to attach
25 to said premises.

26 POSSESSION:

27 Second parties are now in possession of the premises and
28

1 shall be entitled to possession so long as they comply with the
2 terms of this agreement.

3 INSPECTION:

4 It is agreed that the second parties have made a careful
5 and complete inspection of the real estate and the improvements
6 herein being sold and have entered into this agreement on the
7 basis of their inspection and not on the basis of any representa-
8 tion made by the first parties. The first parties have made no
9 representation concerning the condition of the real estate or the
10 improvements. That the only representation made by the first
11 parties is that of good title.

12 DEFAULT:

13 It is agreed time is the essence of this contract and in
14 the event the second parties shall fail or refuse to make any of
15 the payments of any kind or nature which they have hereinbefore
16 contracted to make, at the time and in the manner therein provided,
17 or to pay before delinquency, taxes or commit waste or permit
18 waste by others on said property, or fail to comply with any of the
19 covenants in said agreement contained, then first parties shall
20 have the option to declare this contract at an end, and if they
21 shall elect to declare this contract at an end, they shall first
22 give second parties thirty (30) days written notice of the matters
23 in regard to which they are in default, and during said thirty (30)
24 days, they shall have the right to remedy said default. The
25 parties of the second part do hereby agree that they shall pay unto
26 the parties of the first part such costs that the parties of the
27 first part might incur in having the notice of default drafted by

1 a licensed attorney, such costs not to exceed FORTY AND NO/100
2 DOLLARS (\$40.00) for each notice of default and in addition thereto
3 such reasonable costs as might be incurred by having a constable
4 or sheriff serve the notice of default upon the parties of the
5 second part. This cost must be in addition to the other defaults
6 as set out in the notice of default before the defaults on this
7 contract shall be corrected. Said notice shall be in writing, by
8 personal service or by mailing to second parties, or their assigns,
9 addressed at the residence of said premises, and if said second
10 parties fail to remedy said default within said period of thirty
11 (30) days, then they shall forfeit all right they may have to said
12 premises, and first parties shall be released from obligations in
13 law and in equity to convey said property and the first parties
14 shall retain unto themselves all sums theretofore paid, as agreed
15 liquidated damages, and not as a penalty for the failure of the
16 second parties to make said payments as hereinabove provided, and
17 as the reasonable value of the use and occupancy of said property
18 during the time possession of said premises is retained by second
19 parties, and second parties shall surrender the possession of said
20 premises to first parties and from the date of such forfeiture,
21 said second parties shall be deemed to be the tenants of first
22 parties, holding over after the expiration of their lease, and
23 shall be subject to dispossession under the law relating to forcible
24 entry and detainer.

25 ATTORNEY FEES AND COURT COSTS:

26 It is specifically understood and agreed between each of
27 the parties hereto that in the event either party to this agreement

1 should default in any manner, whether by failure to make the pay-
2 ments specified herein or otherwise, that all attorney fees and
3 court costs incurred in any litigation, concerning such matters,
4 shall be collectible by the prevailing party, in addition to such
5 other remedies as the prevailing party may have under the terms of
6 this agreement, or which may be provided for by law.

7 HEIRS, ETC.:

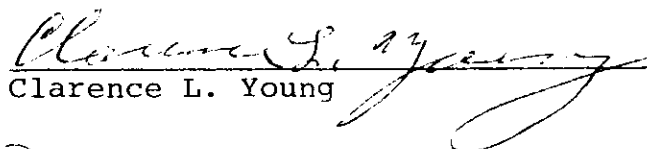
8 The covenants in this contract shall extend to and bind
9 the heirs, personal representatives, assigns and successors of the
10 respective parties hereto.

11 SIGNATURES:

12 IN WITNESS WHEREOF, the parties hereto have hereunto set
13 their hands the day and year in this contract first above written.

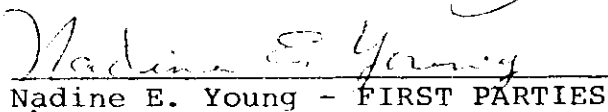
14

15


Clarence L. Young

16

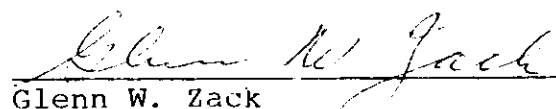
17


Nadine E. Young - FIRST PARTIES

18

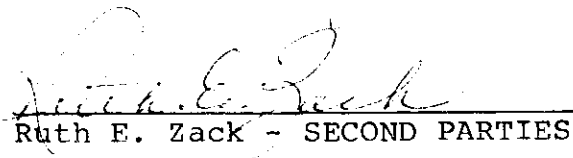
19

20


Glenn W. Zack

21

22


Ruth E. Zack - SECOND PARTIES

23

24

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

26

27

On this 24th day of April, 1975, before me, the under-
signed, a Notary Public in and for the said County and State,

28

1 personally appeared Clarence L. Young and Nadine E. Young, husband
2 and wife, known to me to be the persons whose names are subscribed
3 to the within instrument, and acknowledged to me that they executed
4 the same.

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

8
9 Alta Hannon
Notary Public for Idaho
Residing at Buhl, Idaho
10

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

13 On this 25th day of April, 1975, before me, the under-
14 signed, a Notary Public in and for the said County and State,
15 personally appeared Glenn W. Zack and Ruth E. Zack, husband and
16 wife, known to me to be the persons whose names are subscribed to
17 the within instrument, and acknowledged to me that they executed
18 the same.

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

22
23 Alta Hannon
Notary Public for Idaho
Residing at Buhl, Idaho
24
25
26
27
28

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

ss.

No. 6728

I, Maryne 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.

Maryne Kulhanek
Subscribed and sworn to before me on this 26th day of January, 19 78.

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

RECEIVED

JAN 30 1978

Department of Water Resources
Southern District Office

June 2, 1987

GLENN W. ZACK
RT. 3 BOX 291
BUHL, ID 83316

RE: Permit No. 47-7449

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED

JUL 06 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED

DEC 5 1985

47-7449
Permit No.

1. Measurement Calculations

Department of Water Resources

9/14 a) Field Measurement Calculations (Include theoretical capacities and system capacity)

(1) .8' over 7.4' contracted Rec. Weir = 17.25 cfs.

(2) .8' over 3.6' " " " = 16.39 cfs.

Total 33.64 cfs ✓ OK

no meas. device condition put on
license since use is outside of any
water districts -

b) Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$

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

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$

c) Volume Calculations for Other Uses:

$130' \times 50' \times 4' = 26,000 \checkmark$

$100' \times 50' \times 4' = 20,000 \checkmark$

Facility Volume = 46,000 cubic ft. ✓

2. Overlap Review

a) Other water rights with same place of use: NO 47-7456

per VAX:
b) Other water rights with same point of diversion: NO 47-7456-Lic.

c) Analysis: 47-7456 is a license for use
of Wilson Creek - different source,
no overlap on pld. no plu
overlap per review of files.
see copy of 47-7456 in file.

MICROFILMED

JUL 06 1987

RECOMMENDED AMOUNTS

Expedite

License

- Allowable Maximums:**

- Approved in State Office by K. Walker

JUL 06 1987

Date 10-14-1985

Date 10-17-85

Date 5-26-87

CONVERSATION MEMOR. JM

DATE 5/15/87

FILE 47-7449

NAME OF PARTY Mrs Ruth Zack

EMPLOYEE Loren Holmes

RE: Request to Expedite Issuance of License

Mrs Zack called the office to request
that the licensing be expedited.

They are selling the property & would like
to have the license before the sale is complete.

Our file indicates the field report was
forwarded in Nov. 1985.

Zack's current address is:

Rt 3 Box 291

Buhl ID

LH

RECEIVED

MAY 20 1987

Department of Water Resources

MICROFILMED

JUL 06 1987

COPY

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 47-7456 Priority April 11, 1978 Amount 7.06 cfs

THIS IS TO CERTIFY, that GLENN W. ZACK

of Buhl, Idaho, has complied with the terms and conditions of Permit No. 47-7456 issued pursuant to Application for Permit dated February 3, 1978, and has submitted proof to the Department of Water Resources on May 7, 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 7.06 cfs of water from Wilson Creek, tributary to Mud Creek, 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
Fish			
Propagation	from <u>January 1</u> to <u>December 31</u> at <u>7.06</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 7.06 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 SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 9S, Rge. 14E, B. M. in the County of Twin Falls

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9S	14E	22																	

Total number of acres irrigated _____

CONDITIONS: Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge. (2) Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards. (3) Facility volume = 48,960 cubic feet.

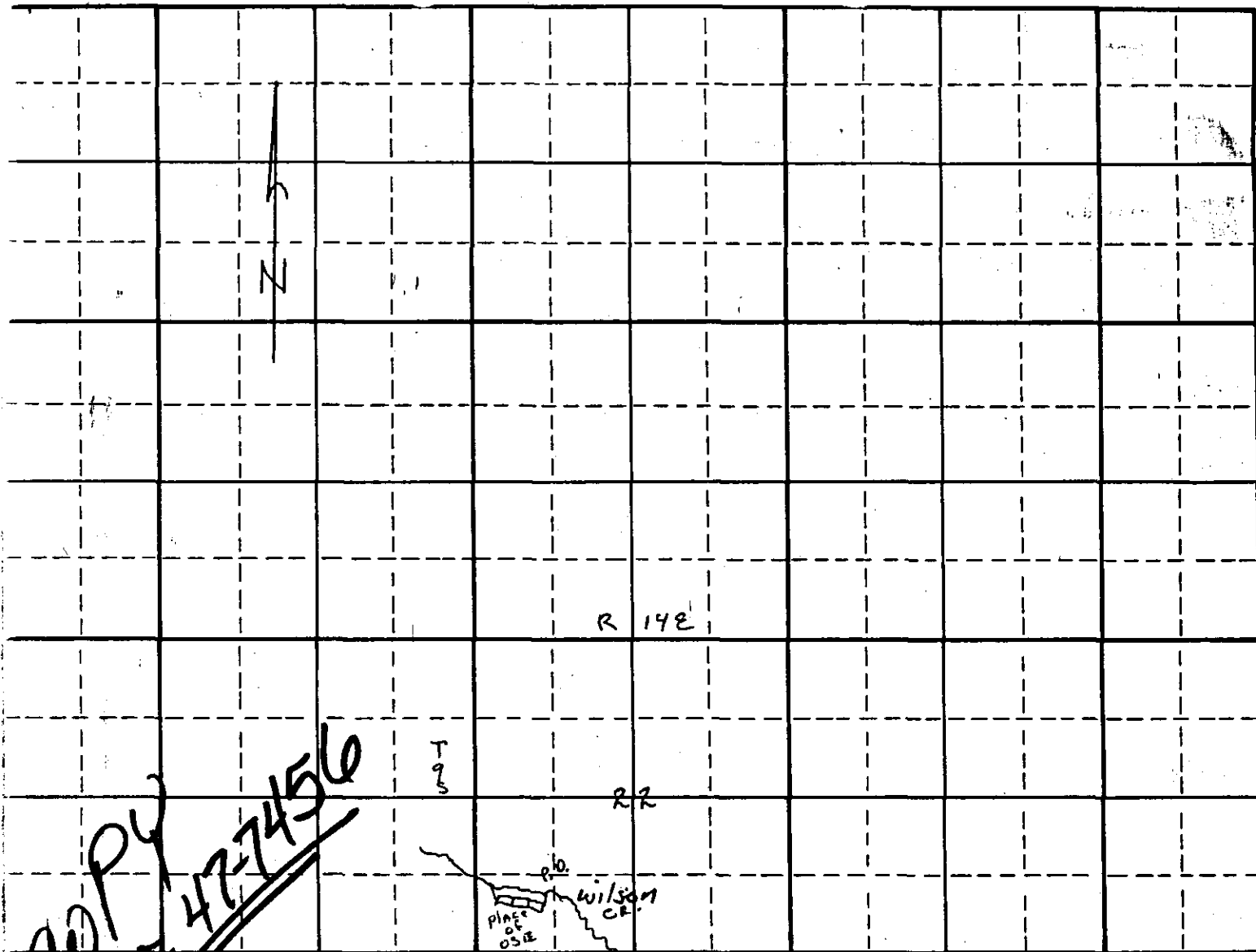
NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the land and 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 23 day of September, 19 80.

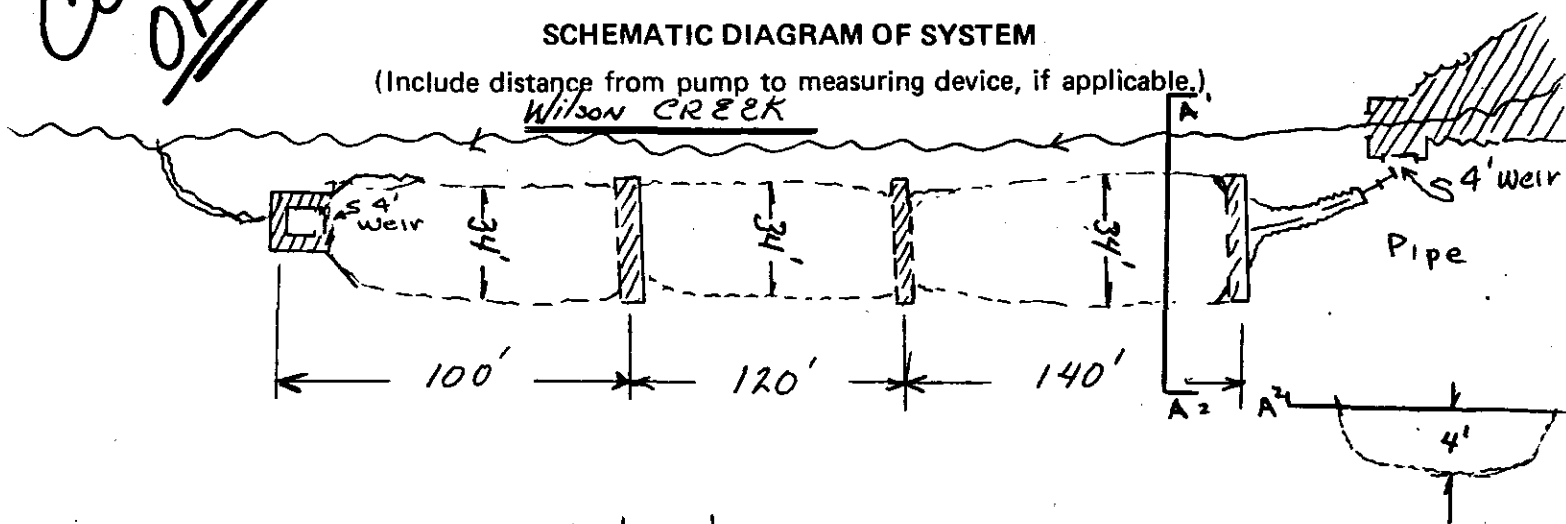
Director

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

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



Point(s) of diversion: SW 1/4 Sec. 22 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	
9 S	14 E	22											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

☒ Note 06 1981
☐ Other

Examiner's Signature

Checked by

Approved by

[Signatures]
 Robyn

Date

Date

Date

5-8-1980

5-8-1980

8/8/80

MICROFILMED

1. Owner: Glenn's Zack Permit No. 41-1444
 Current Address: 24450 Kirby Space #63 Phone No. _____
Hemet, CA 92343

2. Accompanied by: Glenn Zack EXAM. DATE: Sept 19, 1985
 Address: _____ Phone No. _____
 Relationship to Permit Holder: _____

3. Source: Mud Cr. tributary to Snake River

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
Concrete diversion w/ head board diverts this water from the creek into (2) ponds w/ a settling pond at the end of the system.

7. Measurements Contracted Rec. Weirs ☐ Additional data/computation sheets attached

7.4" @ (3.6") $Q = 3.33(L - 0.2H)H^{3/2}$

7.4 @ Length, $H = 0.8$ = 17.25 cfs.

3.6 @ Length, $H = 0.8 \times 2 = 16.392$ cfs.

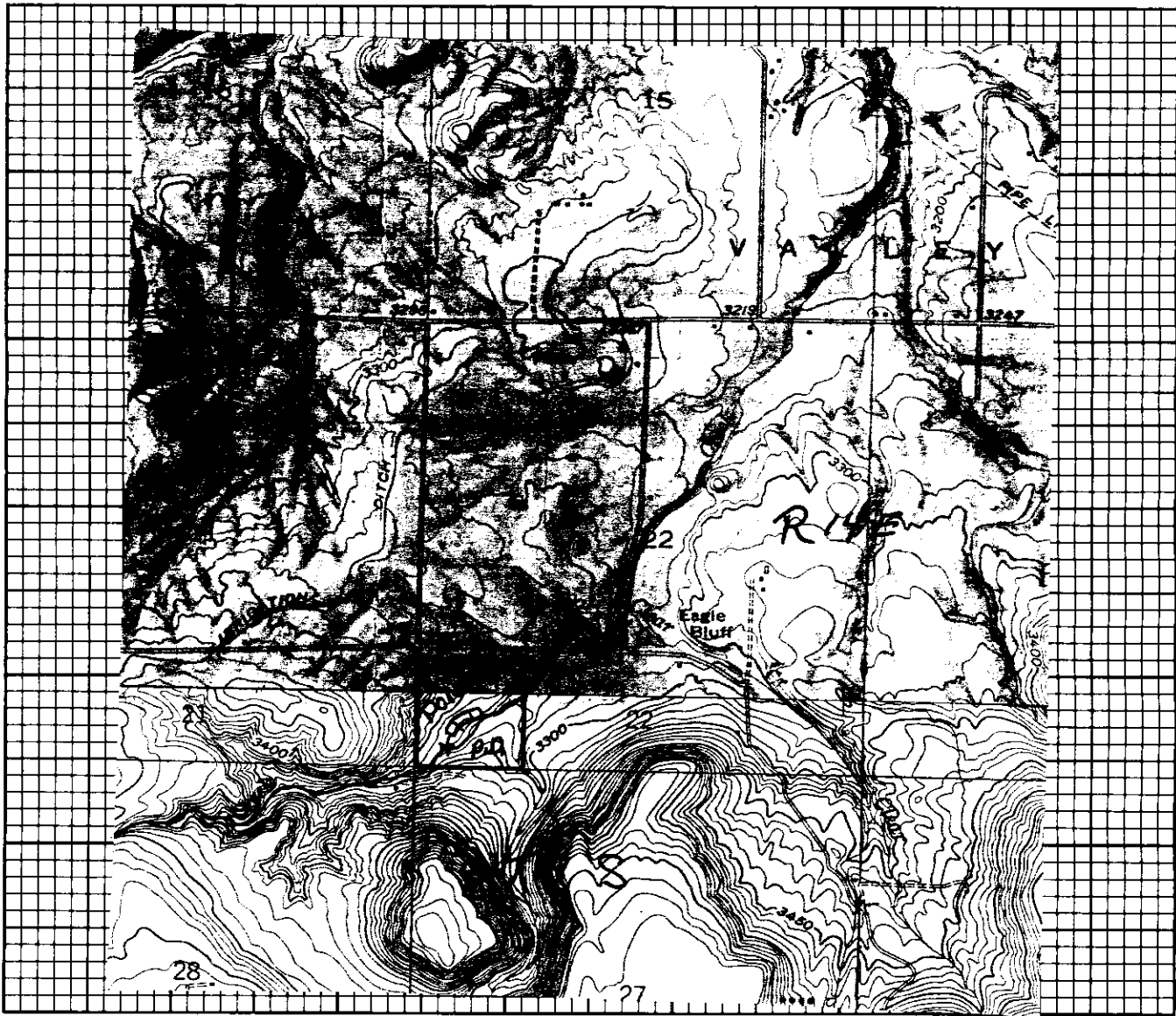
- | 8. Point(s) of Diversion: | Indicate Method of Determination |
|---------------------------|----------------------------------|
|---------------------------|----------------------------------|

[illegible]

- | | | |
|----|------------------|---|
| 9. | Place(s) of Use: | Irrigation - give acres served by system at time of exam. |
| | | Indicate Method of Determination |

[illegible]

10. Other water rights on these lands None
11. Other water right diverted from same p.d. NONE
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached
- ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks

15. 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

16. Examiner's/Consultant's Signature *Darryl J. Lundberg* Date 10-14-85

Consultant's License Number _____

IDWR Director's Authorization to Conduct

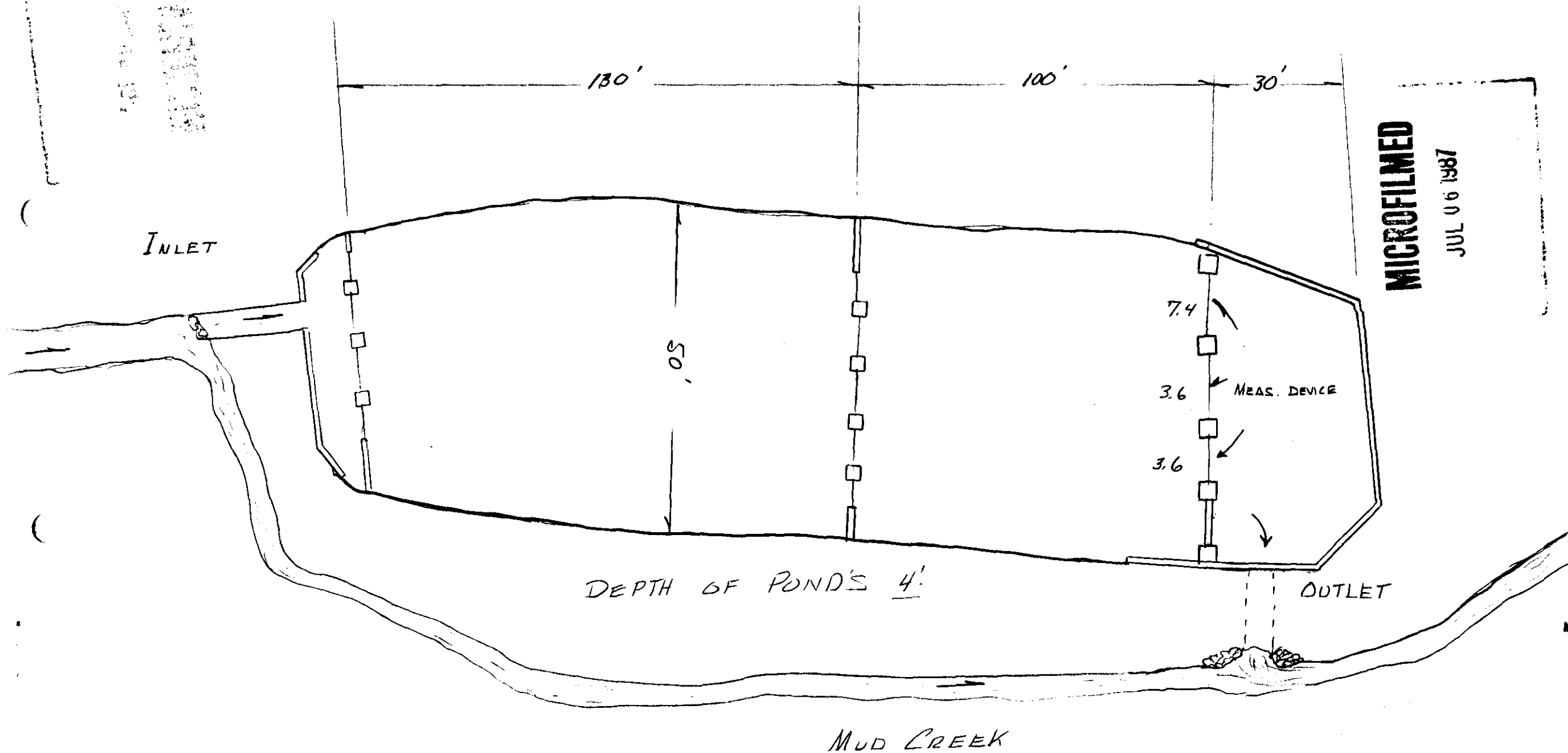
Beneficial Use Examination _____

Date _____

MICROFILMED
CONSULTANT SEAL
JUL 06 1987

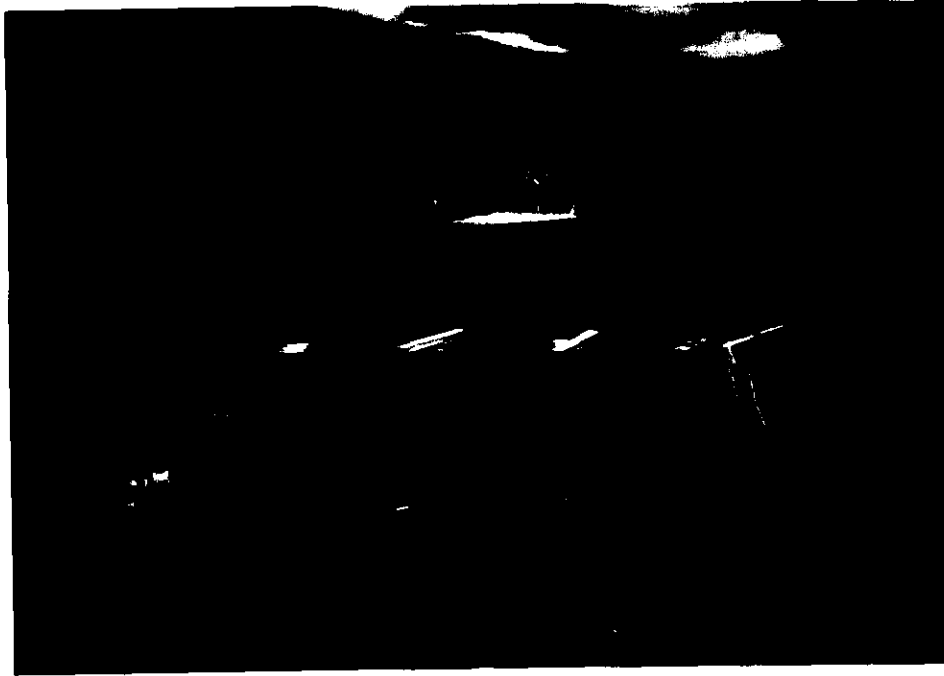
GLENN ZACK

PERMIT # 47-7449



WATER PERMIT # 47-7449

GLENN ZACKS



OUTLET STRUCTURES

Sept 14, 1985

N
↑



INLET STRUCTURES

RECEIVED

JUL 06 1987

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

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

NOVEMBER 19, 1985

GLENN W. ZACK
RT. 3 BOX 291
BUHL

ID 83316

RE: Permit No. 47-7449

Dear Permit Holder:

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

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 734-3578 or in person at our office at 1041 Blue Lakes Blvd. N. Twin Falls, Idaho.

Sincerely,
s/Mary A. Newby
Secretary

MICROFILMED

JUL 06 1987

November 12, 1984

Glenn W. Zack
Rt. 3 Box 291
Buhl, ID 83316

Dear Mr. Zack:

Re: Permit No. 47-7449

This office acknowledges receipt of the proof of beneficial use form.

It is the department's understanding that a field examination has been conducted by one of our regional representatives. Based on his findings, a water right license will be issued.

If you have any questions concerning your permit, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

cc: Southern Region

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 16 1985

PROOF OF BENEFICIAL USE

Department of Water Resources

RECEIVED

SEP 9 1985

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 47-7449

Department of Water Resources
Boothby District Office

Name(s) of Permit Holder: Glenn W. Zack

Post Office Address: Route #3, Box 291, Buhl, ID 83316

Telephone No. 543-5912

Source of Water: Mud Creek

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remarks Fish Propagation

Indicate the date water was first diverted and beneficially used under this permit: April, 1985

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

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

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

Permit Holder

(Name)

(Address)

(Telephone Number)

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

9-9-85
Date

Glenn W. Zack
Signature of Permit Holder (and Title, if appropriate)

MICROFILMED

10-1-80 10:00 AM
10-1-80 10:00 AM

Place
Stamp
Here

Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720

Field Exam Has been
completed
GF



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

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

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

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

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

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

March 21, 1983

Glenn W. Zack
Rt. 3, Box 290
Buhl, ID 83316

Dear Mr. Zack:

Re: Permit No. 47-7449

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use is extended to April 1, 1988.

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

The decision in the case of Idaho Power Company vs the State of Idaho et al stated in part that Idaho Power Company's use of water for power generation purposes at the Swan Falls dam on the Snake River is not subordinated to upstream depletion by later in time uses. The question of whether Idaho Power's 8,400 cfs water right at Swan Falls dam has been diminished by subsequent development, however, was remanded back to district court for determination. The findings of the district court could restrict water availability or require compensation to Idaho Power Company for uses developed later in time than Idaho Power Company's water right at Swan Falls dam.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosures



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

EXTENSION OF TIME

March 9, 1983

Mr. Glenn W. Zack
Route 3, Box 290
Buhl, ID 83316

PERMIT NO. 47-7449

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 25971.

Roberta Garrett
Records Supervisor

Enclosure

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

ZACK, GLENN W.
RT. 3 BOX 207
BUHL, ID 83316

138207

PROOF DUE NOTICE

JANUARY 31, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 47-7449 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

MAIL ROOM



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 10, 1978

Re: Permit No. 47-7449

Glenn W. Zack
Route #3, Box 207
Buhl, ID 83316

Dear Mr. Zack:

Your approved copy of Application for Permit No. 47-7449 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.

NOT RECORDED

-2-

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,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
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 21 1978

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

Department of Water Resources
Southern District 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

76U



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. Glenn W. Zack
Route #3, Box 207
Buhl, ID 83316

Re: Application for Permit No. 47-7449

Dear Mr. Zack:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 47-7449. 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
Michael L. Steele
Southern Region Supervisor

MLS:sm
Enc.

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

January 25, 1978

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

Re: Application for Permit No. 47-7449 - Glenn W. Zack

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 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
Michael L. Steele
Southern Region Supervisor

MLS:sm

RECEIVED
JAN 26 1978



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
Regional Supervisor

WEW:cbb

INTER-DEPARTMENT MEMO — 1

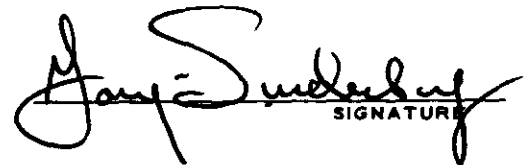
FROM Gary Funderburg

DATE January 20, 1978

TO File

SUBJECT Glen Zack Application for Permit No. 47-7449

On January 20, 1978, I reviewed above Applicant's Financial Statement. Applicant's Statement shows he has appropriate resources for his filing.


SIGNATURE

PRE-PERMIT SURFACE-WATER EXAMINATION DATA SHEET

Date 1-16-78 Examiner Jim Stanton Application No. 47-7449

Applicant(s) Interviewed Not available, but was represented by Don Wolford

Upstream Users Interviewed Herschell Bennett (has use right for fish propagation)

&/or Upstream Diversions Inspected _____

Downstream Users Interviewed None. See Notes

&/or Downstream Diversions Inspected _____

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

Water Flow: Visual Estimate _____ Channel Width 11' Average Depth 1'-2'

Water Velocity _____ Channel Slope _____

Do Additional Inflows Enter Downstream From This Diversion? Yes: Wilson Cr. & various wastewater streams

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

Source Of Waste Water: Legal Description N/A

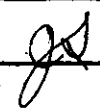
Proportion Of Water Flow Arising On Applicant's Land _____

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 Mud Creek Canyon is steep & narrow below applicant's property, so little consumptive use of water is possible. This non-consumptive use proposed by Mr. Zack should not harm downstream users. Mr. Wolford, a land surveyor, stated that Mud Creek was measured at 36 cfs last week. Mr. Bennett does not object to this application as long as Mr. Zack's point of diversion is on his own property, which Mr. Wolford said it was.

Signed 

REG. IN IDAHO, WYOMING, OHIO

DON WOLFORD
REGISTERED LAND SURVEYOR

RT. 3 BOX 208
BUHL, IDAHO 83316

PHONE
543-4593

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

Bill submitted: _____

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Glenn W. Zack
Buhl, Idaho 83316
has on 1/9/78 submitted Application No. 47-7449
for a permit to appropriate 30.0 cubic feet per second ~~acre feet per annum~~
of water from Mud Creek
by means of headgate, ditches and ponds
within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 9S, Rge. 14E, B.M. Twin Falls County

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

within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, 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 Times News
on 1/19 and 1/26/78

RECORDED
INDEXED
JAN 26 1978

INTER-DEPARTMENT MEMO — 1

FROM Gary Funderburg

DATE January 9, 1978

TO File

SUBJECT

~~Warranty deed~~ and financial statement will be sent in

SIGNATURE