

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

No 5520

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Floid C. Hartman, 722 Green Acres Dr., P.O. Box 992, Twin Falls, Idaho 83301 has on 12-21-76 submitted Application No. 47-7360 for a permit to appropriate 22 cubic feet per second of water from Slaughterhouse Draw by means of check dam ditch and pipes to raceways then into ditch back into channel within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, Twp. 10S, Rge. 17E, 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. 17, Twp. 10S, Rge. 17E, 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 January 17, 1977.

R. KEITH HIGGINSON,
Director

PUBLISH: December 30, 1976 and January 6, 1977.

MICROFILMED

RECEIVED

JAN 7 1977

Department of Water Resources
Southern District Office

I, Kay Mauer being first duly sworn upon oath, depose and say that I am Princ. 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 Thursday, commencing with the issue dated December 30, 19 76, and ending with the issue dated January 6, 19 77.

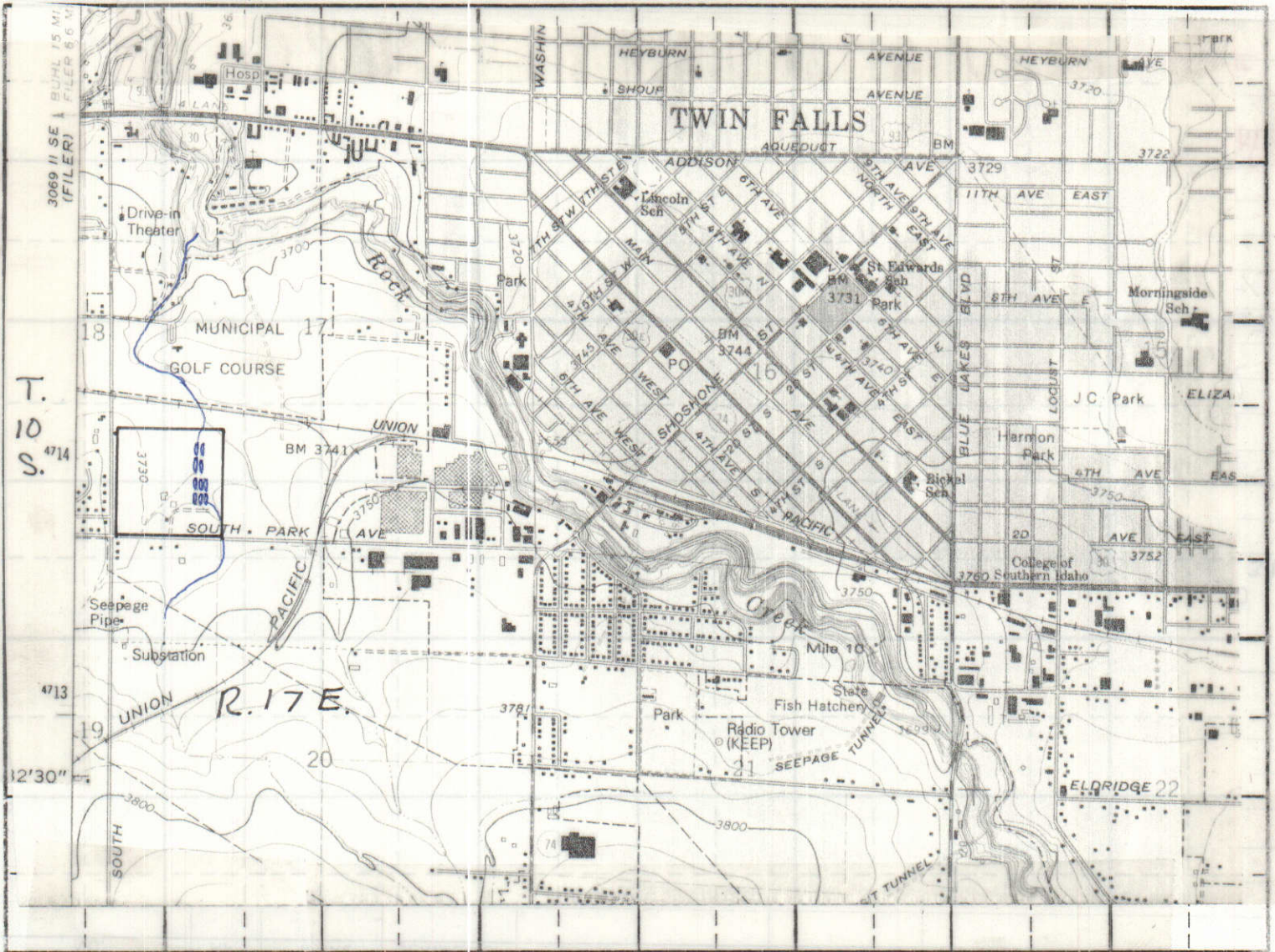
And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under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

January 6, 19 77.
Carol Jean Jennings
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. 17. T10S R17E

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	
10S	17E	17											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 Sam J. Jundberg
 Checked by [Signature]
 Approved by [Signature]

Date OCT 15, 1981
 Date 10-19-81
 Date 3-8-83

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 47-7360 Priority December 21, 1976 Amount 22.0 cfs

THIS IS TO CERTIFY, that Floid C. Hartman
of Twin Falls, Idaho, has complied with the terms and conditions of Permit
No. 47-7360 issued pursuant to Application for Permit dated December 21, 1976,
and has submitted proof to the Department of Water Resources on March 6, 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 25.67 cfs of water from Slaughterhouse Draw,
tributary to Rock 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	from <u>January 1</u> to <u>December 31</u> at <u>22.0</u> cfs and <u>n/a</u>		
Propagation	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 22.0 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 SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Twp.
10S, Rge. 17E 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 $\frac{1}{4}$				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 $\frac{1}{4}$	
10S	17E	17													

Total number of acres irrigated _____

Facility volume = 4.4 acre feet.
Return water shall be treated to insure that the effluent meets Idaho Water
Quality Standards.

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2nd day of
May, 19 83.

Acting for the Director

[Signature]

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 47-7360)

ORDER

WHEREAS, it has been determined by the Department of Water Resources that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from said permit.

Dated this 28 th day of August, 1978.

L. Glen Saxton
L. GLEN SAXTON

Chief, Operations Bureau

MICROFILMED

Identification No. _____

Application No. 47-7360

**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 Floid C. Hartman Phone: 733-1939
post office address 722 Green Acres Dr., P. O. Box 992, Twin Falls, Idaho 83301
2. Source of water supply Slaughterhouse Draw which is a tributary of _____
3. a. Location of point of diversion is SW ¼ of SW ¼ of Section 17 Township 10S
Range 17E, B.M. Twin Falls County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in SW ¼
of SW ¼ of Section 17 Township 10S Range 17E, B.M. _____
4. Water will be used for the following purposes:
Amount 22 cfs for Fish Propagation 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. 22 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Check dam ditch and pipes to raceways
then into ditch back into channel

- 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 _____ nches; 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 \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SW ¼ of SW ¼ of Section 17 Township 10S
Range 17E, 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 Propagation

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

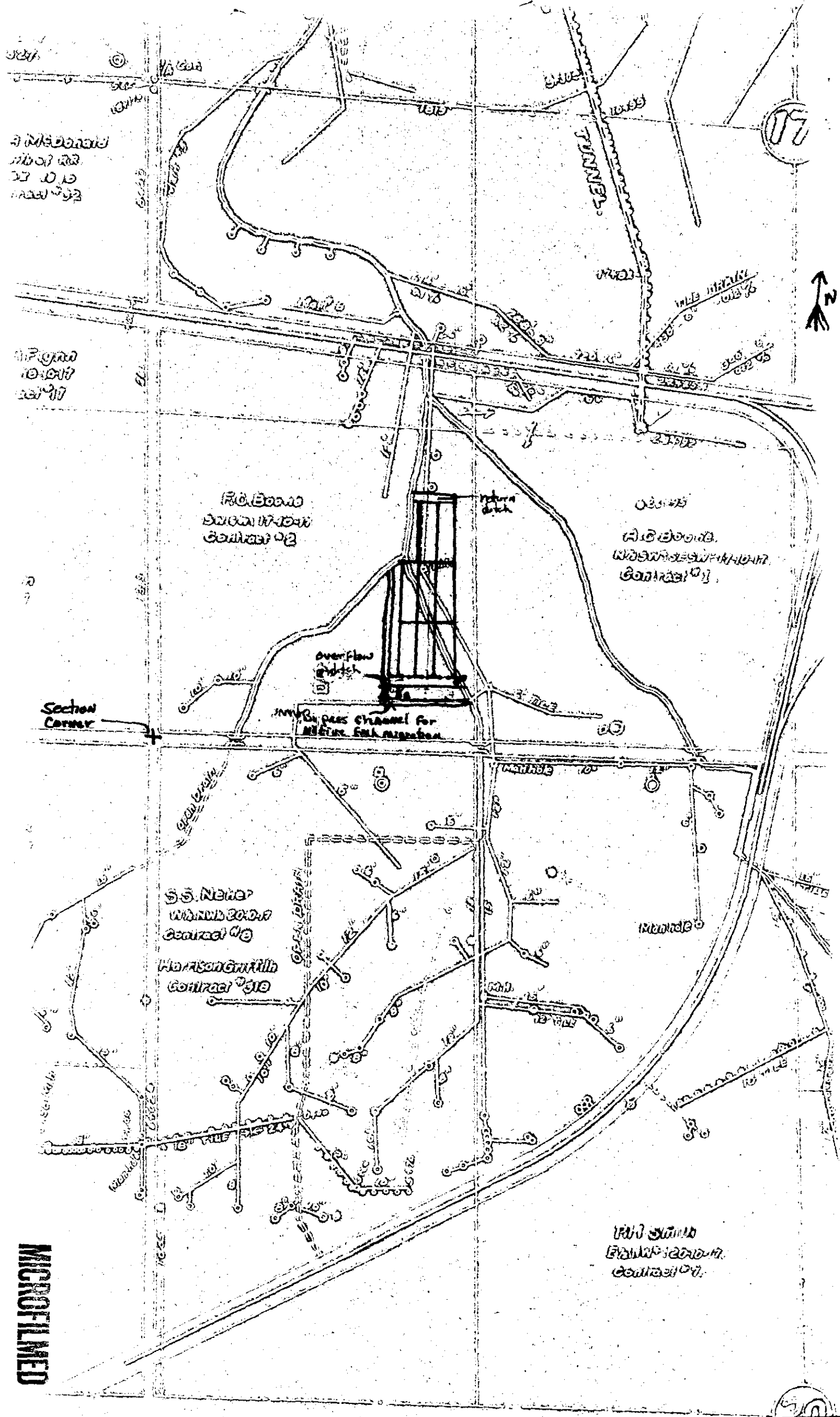
[illegible]

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 _____



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[illegible]

Theresa Hartman
(Applicant)

Proposed Priority 12/21/76

Received by TGB Date 12-21-76 Time 5:00

Preliminary check by _____ Fee \$ 225.00

Receipted by TGB Date 12-21-76 Rpt # 2275

Publication prepared by LM Date 12-23-76

Published in Times-News

Publication dates 12-30-76 & 1-6-77

Publication approved AB Date _____

Priority reduced to _____ Reason _____

Protests filed by: Devon F. & Norma L. Rukter, Sr.
1/14/77

Swin Falls Canal Co. : 1/17/77

Copies of protests forwarded by SB - 1/14/77 - 1/18/77

Hearing held by _____ Date _____

Recommended for approval denial by mls jg

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. 47-7360, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 82.

c. A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 3/ day of May, 19 77.

[Signature]
Deputy Director

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

ss.

No 5520

I, Kay M. Miller 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 Three
consecutive Thursday, commencing with the issue dated
December 30, 1976, and ending with the issue dated
January 1, 1977.

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 con-
tinuously 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.

Kay M. Miller
Subscribed and sworn to before me on this 1st day of

January, 1977.

Carol Jean Jensen

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

RECEIVED

JAN 7 1977

Department of Water Resources
Southern District Office

sk
LB
1/10/77

May 3, 1983

RE: Permit No. 47-7360

Floid C. Hartman
722 Green Acres Dr.
P.O. Box 922
Twin Falls, ID 83301

Dear Mr. Hartman:

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

Sincerely,



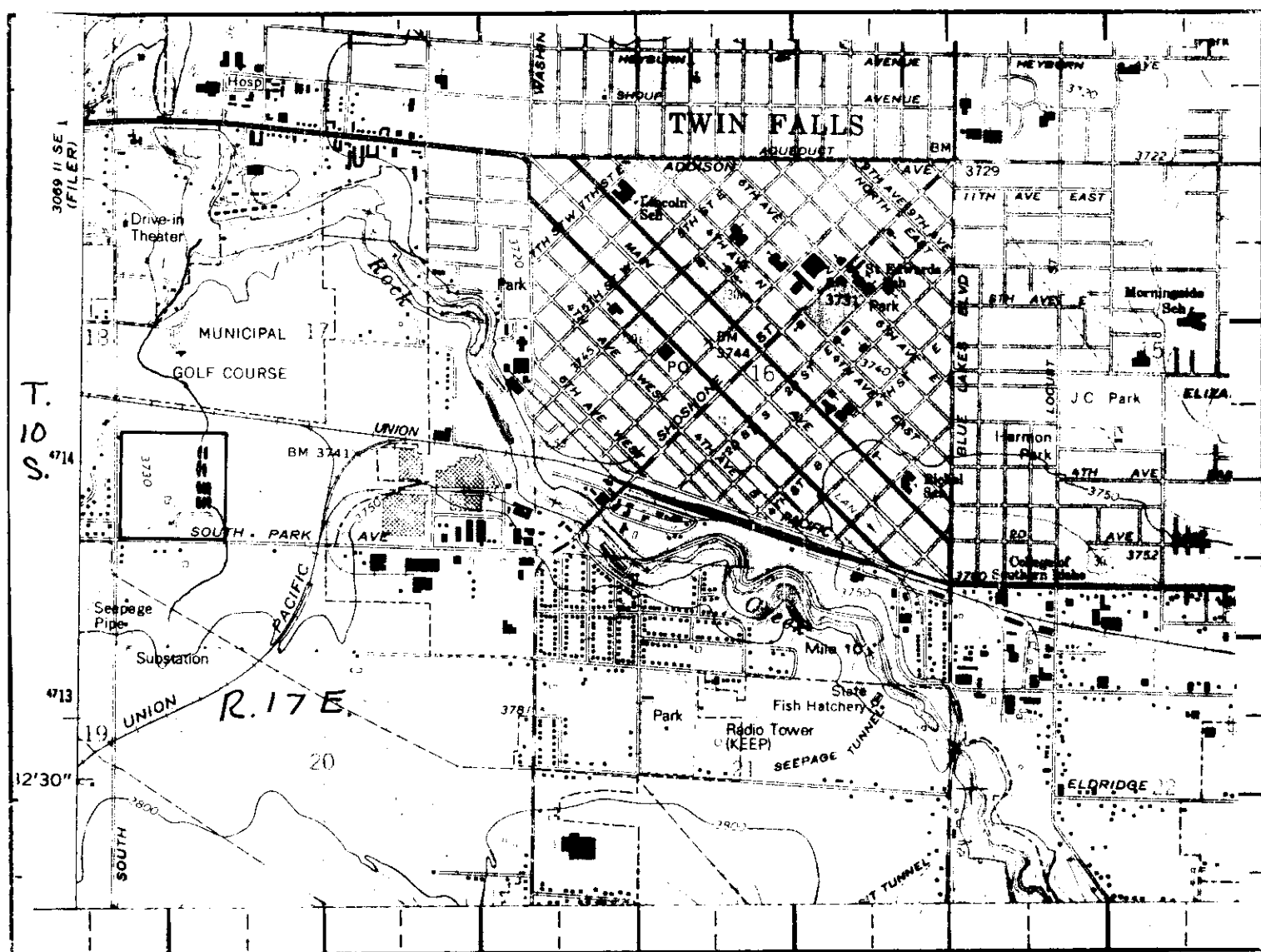
JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

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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. 17. T10S R17E

Place(s) of Use

[illegible]

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 Sam. Furber

Checked by [Signature]

Approved by

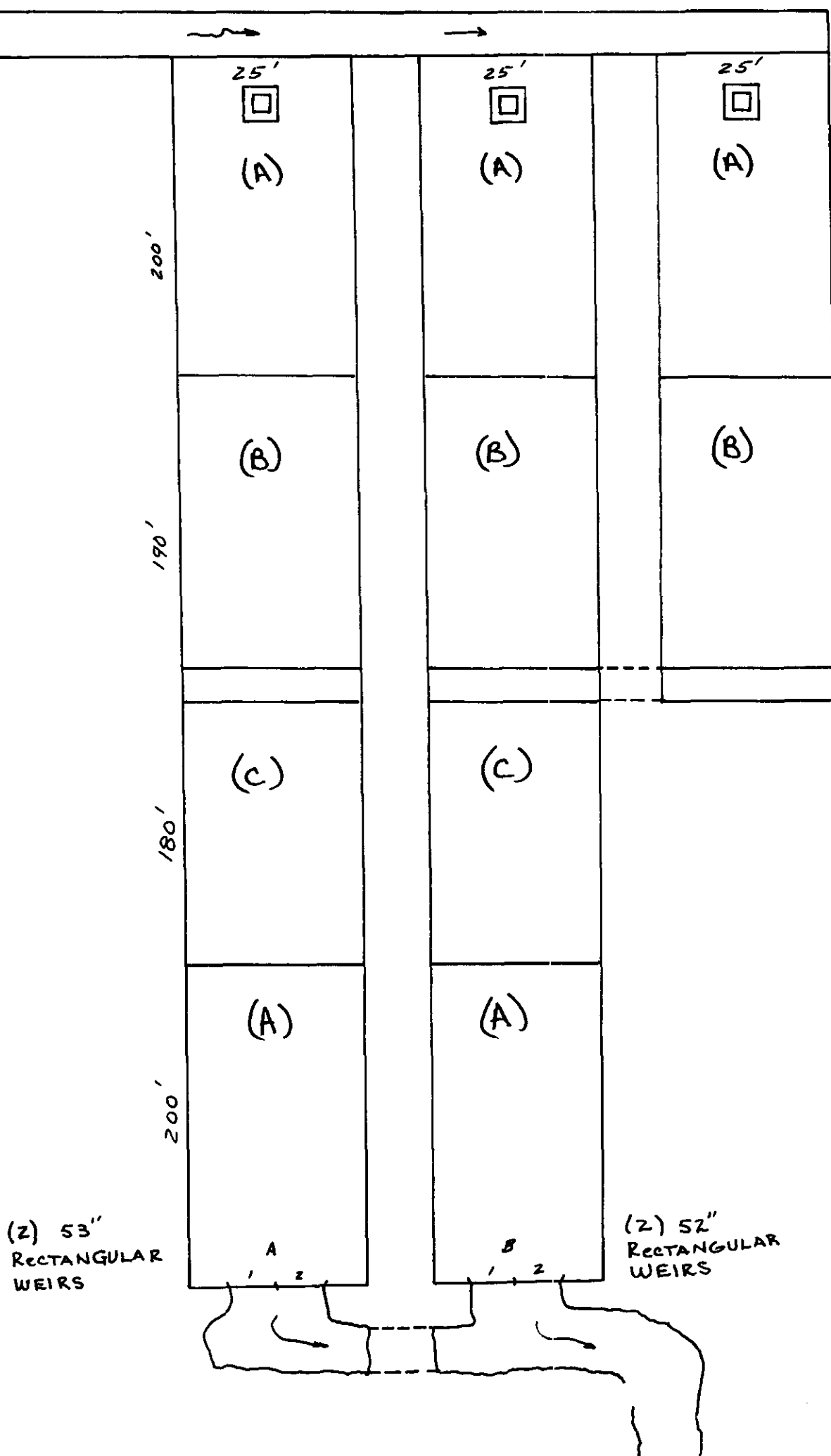
Date OCT 15, 1981

Date 10-19-81

Date 3-8-83

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(LMH)





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 21, 1981

Dear Wateruser:

The enclosed Order removes the measuring device requirement as a condition of approval from your permit.

If you have installed the measuring device, the field examination can be more quickly conducted by the Department's field examiner. You will also derive benefit from water management information which may be obtained from the installed meter.

If you have questions regarding this matter, please contact this office or our regional offices.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosure

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INTER-DEPARTMENT MEMO — 1

DATE April 3, 1981

FROM Gary Funderburg

TO File = 47-7360 - Floyd C. Hartman

SUBJECT Waiver of an Inlet Measuring Device

This memo is in reference to the letter of request for a waiver of an inlet measuring device for fish propagation permit (47-7360). I have visited with Mr. Hartman at his place. He has a problem backing up the water - flooding out his neighbor. There are no other users on this stream before it dumps into the Rock Creek drainage. I would recommend the waiver.

MICROFILMED


SIGNATURE

March 6, 1981

Department of Water Resources
Statehouse
Boise, Idaho 83720

RECEIVED

MAR 31 1981

Department of Water Resources
Southern District Office

Subject: Permit 47-7360

This letter is in request for a waiver of an inlet measuring device. I have spoken with Mr. Funderburg with your Twin Falls office and he said for me to request this waiver. There are no other users of this water before it discharges into the Rock Creek. I will install a measuring device at the outlet of my fish facilities.

Sincerely yours,

Floyd C. Hartman

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

RECEIVED

MAR 21 1980

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

March 19, 1980

Department of Water Resources

Floid C. Hartman
722 Green Acres Dr.
P.O. Box 522
Twin Falls, ID 83301

Re: 47-7360

Dear Mr. Hartman:

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 Funderburg
Senior Water Resource Agent

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

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. 47-7360

Name(s) of Permit Holder: Floid C. Hartman

Post Office Address: 723 Green Acres Dr P.O. Box 922
Twin Falls, ID 83301

Source of Water: Slaughterhouse Draw

Extent of Use: ☐ Domestic _____ (number of households)
☐ Stockwater _____ (number and type of stock) 1980
☐ Irrigation _____ (acres)
☒ Other Fish Propagation

Department of Water Resources

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

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

March 6 1980
Date

Floid C. Hartman
Signature of Permit Holder

RECEIVED

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RECEIVED

MAR 7 1980

Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

PLACE
TEN CENT
STAMP
HERE

RECEIVED

Flويد L Hartman

772 Green Acres Dr,
Twin Falls Id. 83301
app. no. 47-7360

State of Idaho
Dept of Water Resources

Sirs;

My fish ponds are complete
and operational.

I would like to complete what
ever is necessary ~~to~~ for final
approval.

At this time I would like
to have the rating of the
flow set for may or june as
that would give a more realistic
measurement of the flow.

Thanks

Flويد L. Hartman

RECEIVED

MAR 7 1980

Department of Water Resources

MICROFILMED

June 6, 1977

Re: Permit No. 47-7360

Floid C. Hartman
722 Green Acres Dr.
P. O. Box 992
Twin Falls, ID 83301

Dear Mr. Hartman:

Enclosed is a copy of your approved Application for Permit No. 47-7360 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to 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. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit

RECEIVED
JUN 10 1977

Twin Falls, Ida.

April 26, 1977

Dept of Water Resources
1041 Blue Lakes Blvd. N.

RECEIVED

APR 29 1977

Department of Water Resources
Southern District Office

Dear Sirs,

In reference of permit 47-7360
(Hartman's) we relinquish our protests,
as long as no private rights are
interfered with, and your Dept is
in jurisdiction.

Yours truly,
Devon Rukter
Norma Rukter

UNRECORDED

PARRY, ROBERTSON, DALY & LARSON
LAWYERS

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE
J. EVAN ROBERTSON

THE IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 525
TWIN FALLS, IDAHO 83301

TELEPHONE
(208) 733-3722

OUR FILE NUMBER

April 21, 1977

APR 22 1977

Department of Water Resources
Southern District Office

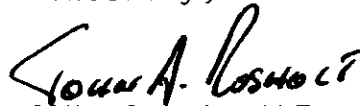
Mr. Mike Steele
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Re: Application No. 47-7360 - Floid Hartman

Dear Mike:

Please consider this letter as formal withdrawal of protest to the above-numbered application of Floid Hartman by the Twin Falls Canal Company. The Company has worked out their differences with Mr. Hartman.

Sincerely,


JOHN A. ROSHOLT

JAR:bg

cc: Cliff Montgomery
Floid Hartman

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INTER-DEPARTMENT MEMO — 1

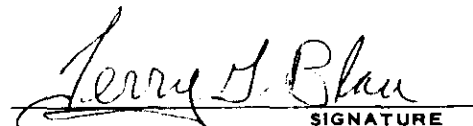
FROM Terry G. Blau

DATE 12-30-76

TO File

SUBJECT Application No. 47-7360 - Floid C. Hartman

On 12-30-76, I made a pre-permit exam on 47-7360. At this time of the year, the water for this filing originates entirely from tile drains installed by the canal company. The majority of the water surfaces within a half mile of the point of diversion. There are no apparent uses of this water at this time. This water is subject to seasonal fluctuation.


SIGNATURE

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PARRY, ROBERTSON, DALY & LARSON
LAWYERS

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE
J. EVAN ROBERTSON

THE IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 525
TWIN FALLS, IDAHO 83301

TELEPHONE
(208) 733-3722

OUR FILE NUMBER

January 14, 1977

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JAN 17 1977

Department of Water Resources
Southern District Office

Department of Water Resources
Statehouse
Boise, Idaho 83720

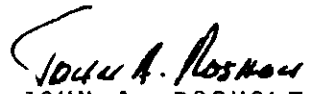
Re: Protest of Application No. 47-7360

Dear Sir:

Find enclosed the protest of the Twin Falls Canal Company concerning the application of Floyd C. Hartman under application No. 47-7360.

Please address a copy of all correspondence in regard to said permit to the Twin Falls Canal Company at P. O. Box 326, Twin Falls, Idaho 83301, as well as this office.

Sincerely,


JOHN A. ROSHOLT

JAR:bg

Enclosure

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

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JAN 17 1977

Department of Water Resources
Southern District Office

1 PARRY, ROBERTSON, DALY & LARSON
2 P. O. Box 525
3 Twin Falls, Idaho 83301
4 Telephone: 733-3722
5
6
7
8

9 BEFORE THE DEPARTMENT OF WATER RESOURCES
10 OF THE
11 STATE OF IDAHO
12

13 IN THE MATTER OF APPLICATION) PROTEST OF TWIN FALLS
14 FOR PERMIT NO. 47-7360,) CANAL COMPANY TO APPLICATION
15 FLOID C. HARTMAN) FOR PERMIT
16

17 Comes now the Twin Falls Canal Company, by and
18 through their attorneys, Parry, Robertson, Daly & Larson,
19 and respectfully allege:

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

25 2. That application No. 47-7360 proposes to
26 divert 22 cubic feet per second of seepage water near Slaughterhouse
27 Draw in the Twin Falls Canal Company system, which water is
28 subject to the right of reuse by the Twin Falls Canal Company.

29 3. That although varying amounts of water would
30 be available at this point for nonconsumptive use, protestant
31 is concerned about the quality of the returning water because
32 the proposed use is for fish culture.

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1 4. That the protestant is presently in litigation
2 concerning a National Pollutant Discharge Elimination permit
3 with the Environmental Protection Agency, and any additional
4 pollution added to the Twin Falls Canal Company system may
5 well become a financial burden for said company.

6 5. That although the proposed use will not
7 reduce the physical quantity of water available, it will
8 reduce the quality and consequently the quantity of unpolluted
9 water.

10 6. That the water sought to be appropriated
11 arise from drainage tiles installed by the Twin Falls Canal
12 Company are in fact developed and private waters and not
13 subject to appropriation.

14 7. That Slaughterhouse Draw constitutes an
15 integral part of the system and protestants have operated
16 said system as to make their deliveries for approximately 75
17 years.

18 NOW, THEREFORE, the Twin Falls Canal Company
19 hereby protests application No. 47-7360 for the following
20 reasons, to-wit:

21 (1) That the use proposed in application No. 47-
22 7360 reduces the quantity of water available to protestant
23 by reason of the degradation of quality and the protestant
24 is entitled to unpolluted water from said seep stream by
25 reason of protestant's development of said water and usage
26 under valid and existing water rights.

27 (2) The intended supply of water is private water
28 and not subject to appropriation.

29 (3) That the applicant's proposed use could well
30 cause delivery problems for the protestant by reason of
31 applicant's variations in operation.

32 WHEREFORE, the Twin Falls Canal Company by and

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1 through their attorneys, Parry, Robertson, Daly & Larson,
2 respectfully request that application No. 47-7360 be denied
3 by the Department of Water Resources and that no permit be
4 issued pursuant thereto.

5 DATED this 14th day of January, 1977.

6 PARRY, ROBERTSON, DALY & LARSON

7
8 By: *John A. Roswell*
9 P. O. Box 525
10 Twin Falls, Idaho 83301
11 Attorneys for Protestant
12 Twin Falls Canal Company
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

Coell D. Andrus
Governor

R. Keith Higginson
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3570

January 18, 1977

RE: Application No. 47-7360 - Hartman, Floid C.

Twin Falls Canal Company
P.O. Box 326
Twin Falls, Idaho 83301

Dear Sir:

This is to acknowledge receipt of your protest/to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing 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?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

Michael L. Steele

Michael L. Steele
Southern Region Supervisor

MLS:sb

bc: Boise office

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-5576

January 18, 1977

RE: Application for Permit No. 47-7360

Mr. Flويد C. Hartman
722 Green Acres Dr., P.O. Box 992
Twin Falls, Idaho 83301

Dear Mr. Hartman:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 47-7360. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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If we may be of any assistance, please contact us.

Very truly yours,

Michael L. Steele

Michael L. Steele
Southern Region Supervisor

MLS:sb

enc.

cc: Boise office

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RECEIVED

JAN 14 1977

Department of Water Resources
Southern District Office

Twin Falls Ida
Jan 13, 1977

Ida. Department of Water Resources,
1041 Blue Lakes Blvd. North

Twin Falls, Ida

Dear Sirs:

In protest to application for a water permit ~~has~~ attached I give reasons as;

#1 - 22 cu. ft. might be unrealistic, without uneven and uncertain delivery, which is altered and changed by Canal Co. Officials and farmers in the area, using waste water and delivered irrigation waters for their own use. A restriction and limitation needs to be written on the permit so ~~no~~ people or person can be held responsible, because of the amount of water for diversion.

#2 - In as much as the source is from irrigation and farm uses as stock water and canal spills, purity and quality ought always be a restriction and limitation on the permit, not to hold any people or person responsible for moss, weed or bug control chemicals.

#3 - Water diversion area could need

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RECEIVED

JAN 14 1977

Department of Water Resources
Southern District Office

to be backed up ~~to the point~~ and cause
seep problems for the area and neighbors,
a restriction and limitations need
to be expressed on the permit.

The basis for a clear understanding
of this permit and plans is I am a
farmer on which most of the water
arises above the diversion place
and want a remaining workable
situation

The relief I seek is an ever blocked
infiltration from this user on
my business and farm

Joey Truley
Devon H. Rubter Sr.

Norma L. Rubter

R# 3

Twin Falls Idaho

83301

733-9997

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January 14, 1977

RE: Application No. 47-7360 - Floid C. Hartman

Mr. Devon F. & Norma L. Ruhter, Sr.
Rte. #3
Twin Falls, Idaho 83301

Dear Mr. & Mrs. Ruhter:

This is to acknowledge receipt of your protest/to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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Very truly yours,

Michael L. Steele
Southern Region Supervisor

MLS:sb

bc: Boise office

RECORDED
INDEXED

January 14, 1977

RE: Application for Permit No. 47-7360

Mr. Floid C. Hartman
722 Green Acres Dr.
P.O. Box 992
Twin Falls, Idaho 83301

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If we may be of any assistance, please contact us.

Very truly yours,

Michael L. Steele
Southern Region Supervisor

MLS:sb

enclosure

bc: Boise office

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December 23, 1976

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

Re: Application for Permit No. 47-7360 - Floyd C. Hartman

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:Im

Enclosure

Bill submitted: _____

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NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Floid C. Hartman

722 Green Acres Dr., P. O. Box 992, Twin Falls, Idaho
83301

has on 12-21-76 submitted Application No. 47-7360

for a permit to appropriate 22 cubic feet per second ~~XXXXXX feet per second XXXXX~~

of water from Slaughterhouse Draw

by means of check dam ditch and pipes to raceways then into ditch back into channel

within the SW1/4 Sec. 17, Twp. 10S, Rge. 17E, B.M., Twin Falls County

to be used from Jan. 1 to Dec. 31

for Fish Propagation

within the SW1/4 Sec. 17, Twp. 10S, Rge. 17E, 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 January 17, 1977.

R. KEITH HIGGINSON

Director

Published in the Times-News

on December 30, 1976 and January 6, 1977.

RECORDED