

Affidavit of Publication

No. 14581

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

I, Carolyn Jennings, being first duly sworn upon

oath, depose and say that I am principal 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
Jan. 15, 1970, and ending with the issue dated
Jan. 22, 1970.

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.

Carolyn Jennings
Subscribed and sworn to before me this 22nd day of

January
1970
47 7087

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

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Robert Juker, Route 4, Buhl, Idaho, has on December 19, 1969, applied for permit under application No. 47-7087 to divert 7.0 cubic feet per second of water from Green Big Spring and Ruyts Tunnel tributary of the Snake River. Water will be diverted by pipelines within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ (2 points) of Sec. 19, T. 9S, R. 15E, B.M., Twin Falls County and is to be used from January 1 to December 31 for fish propagation in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 9S, R. 14E, B.M. Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Times-News, Twin Falls, Idaho, on January 15 and January 22, 1970.

Bill submitted

1-26-70 dr

T.
9
S

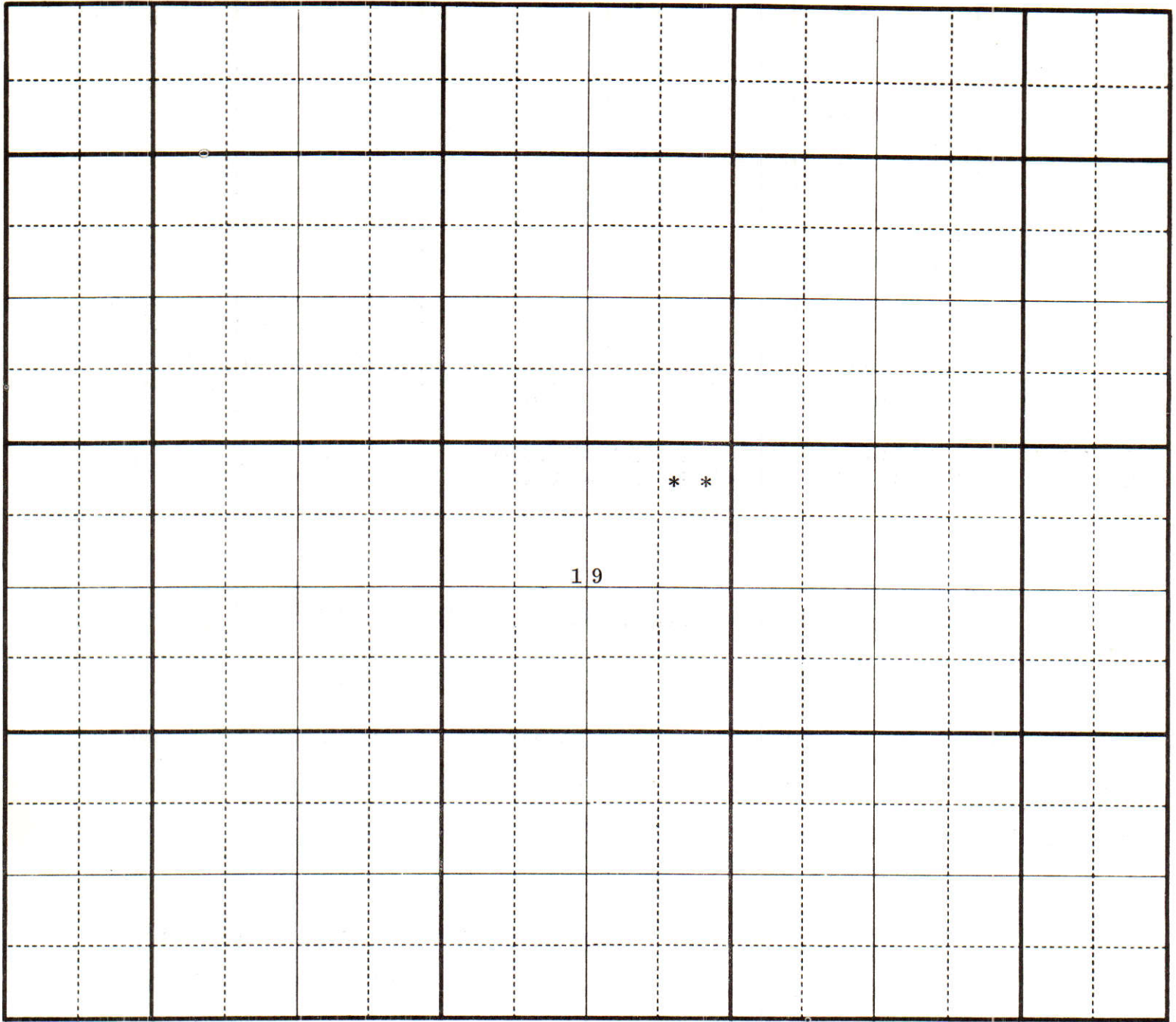
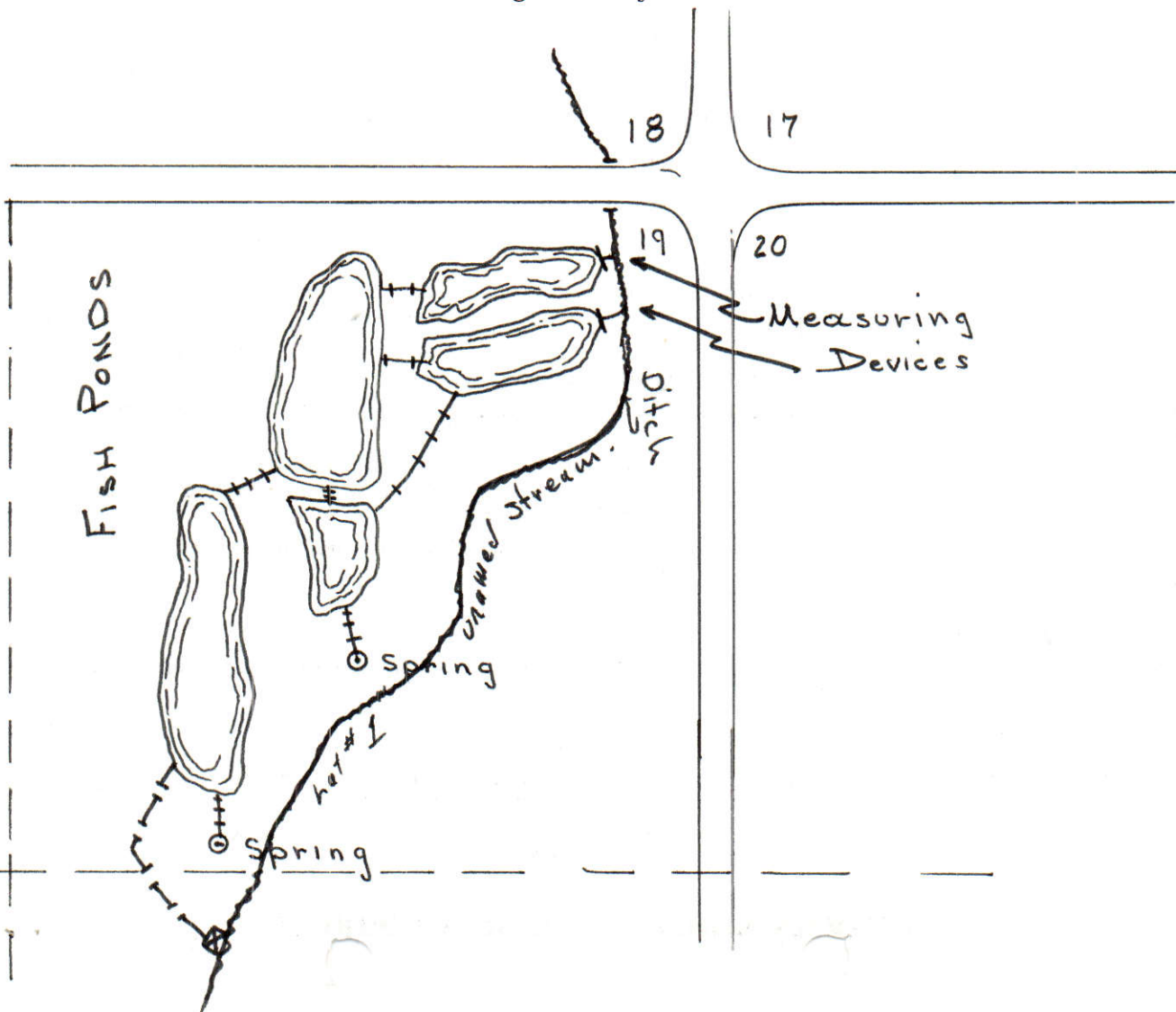


Diagram of System



NAME AND
ADDRESS
OF SENDER

Dept. of Water Administration

Indicate type of mail

☐ INSURED

☐ C. O. D.

☒ CERTIFIED

Affix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSE- MENT ¹	R. R. FEE	S. D. FEE	S. H. FEE ²	RESTRICTED DELIVERY FEE REMARKS
✓ 1 22196	Eugene W. Walker, 624 Pierce Street, Lewin Falls, Idaho	06	30			15			47-7059 ✓
✓ 3 22197	Robert Jukes, Rte 14, Buhl Idaho	06	30			15			47-7087 ✓
✓ 4 22198	Larry Baggett, Rte 11, Buhl Idaho	06	30			15			47-7087 ✓
✓ 5 22199	Hughes, Walker, Mungster + Elton Attn: William P. Mungster, 1030 main, Buhl Idaho	06	30			15			47-7087 ✓
✓ 8 22200	City of Dayton, P.O. Box 22, Dayton Idaho	06	30			15			13-7012
✓ 9 22201	Gen. Intervenor, Attorney at Law, P.O. Box 570, Bozelle Idaho	06	30			15			13-7012
✓ 11 22202	George J. Jenson, Dayton Idaho	06	30			15			13-7012
✓ 12 22203	Wash. Richbald, Dayton Idaho	06	30			15			13-7012
✓ 13 22204	J. H. Taylor, Dayton Idaho	06	30			15			13-7012
✓ 14 22205	Ray Richbald, Dayton Idaho	06	30			15			13-7012
✓ 15 22206	Eldon W. Heller, Dayton Idaho	06	30			15			13-7012
✓ 16 22207	Olsen Nelson, Dayton Idaho	06	30			15			13-7012
✓ 17 22208	Earl Kirkhede, Dayton Idaho	06	30			15			13-7012
✓ 18 22209	Idaho Power Company, Irrigation Dist. P.O. Box, Idaho	06	30			15			13-7013 ✓
20									

TOTAL NUMBER OF
PIECES LISTED
BY SENDER

14

TOTAL NUMBER OF
PIECES RECEIVED
AT POST OFFICE

POSTMASTER, PER (Name of receiving employee)

¹ Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up."
² Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.

NAME AND ADDRESS OF SENDER

Dept. of Water Administration

Indicate type of mail

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1	22186 George M. Sheldon, 1798 Palston Ave.	06	30			15				36-7127
2	Richmond California									
3	22187 Behm + Anderson Attn E. V. Behm	06	30			15				36-7127
4	P.O. Box 306 Bull, Idaho									
5	22188 Harold J. Wilson R.F.D. 3 Rupert Id.	06	30			15				47-7087
6	22189 A + B Irrigation Dist. 11th + E. Rupert Id.	06	30			15				36-7133V
7	22190 Regh O. Ling Attorney at Law, P.O.	06	30			15				36-7133V
8	Box 623, Rupert, Idaho					15				36-7133V
9	22191 James L. Eakin, Box 296, Bellevue Id.	06	30			15				37-7064 ✓
10	22192 John W. Sweet 459 Newton Street, Seattle, Wash.	06	30			15				37-7064 ✓
11										
12	22193 Elmer L. McFarland, Elmer, Idaho	06	30			15				47-7059 ✓
13	Elmer L. McFarland, Elmer, Idaho									
14	22194 Stephen + Ballenger, Mr. Robert W.	06	30			15				47-7059 ✓
15	Stephen, Twin Falls Bank + Trust Co.									
16	Olds, Twin Falls, Idaho									
17	22195 Percy Robertson, Tally + Pearson	06	30			15				47-7059 ✓
18	Attn John R. Coleman, Box 512									
19	Twin Falls, Idaho									
20										

TOTAL NUMBER OF
PIECES LISTED
BY SENDER

10

TOTAL NUMBER OF
PIECES RECEIVED
AT POST OFFICE

POSTMASTER, PER (Name of receiving employee)

* Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up."
* Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.

47 705

NAME AND ADDRESS OF SENDER

Department of Commerce

Indicate type of mail

☐ INSURED

☐ C. O. D.

☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SET- IF C. O. D.	ENDORSE- MENT	R. R. FEE	S. D. FEE	S. H. FEE	RESTRICTED DELIVERY FEE
1	1904 Robert Adams		20						
2	1905 J. H. Bennett		20						
3	1906 Department of Commerce		20						
4	1907 J. H. Bennett		20						
5	1908 J. H. Bennett		20						
6	1909 J. H. Bennett		20						
7	1910 J. H. Bennett		20						
8	1911 J. H. Bennett		20						
9	1912 J. H. Bennett		20						
10	1913 J. H. Bennett		20						
11	1914 J. H. Bennett		20						
12	1915 J. H. Bennett		20						
13	1916 J. H. Bennett		20						
14	1917 J. H. Bennett		20						
15	1918 J. H. Bennett		20						
16	1919 J. H. Bennett		20						
17	1920 J. H. Bennett		20						
18	1921 J. H. Bennett		20						
19	1922 J. H. Bennett		20						
20	1923 J. H. Bennett		20						

TOTAL NUMBER OF
PIECES LISTED
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Special-handling charges apply only to fourth-class parcels. Special delivery service also includes special-handling service.

R Keith Higginson
State Reclamation Engineer

RECEIVED

JAN 22 1970

Department of Reclamation

Dear Sir:

I would like to protest the application for water of Robert Juker Rt 4 Buhl Dec 19, 1969 Permit No. 47-7087, In diverting water from the Green Big Springs of approx. 2.0 cubic feet per second.

This is located in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec 19, T. 9S, R 15E. B.M. Twin Falls County for the propagation of fish.

This water had already been put to beneficial use. Oct 20 thru Dec 22 when water was closed off by above named.

Larry Baggett
Rt 4
Buhl, Idaho 83314

47 7087

NOTICE OF APPLICATION
FOR WATER
.. Notice is hereby given that Robert Juker, Route 4, Buhl, Idaho, has on December 19, 1969, applied for permit under application No. 47-7087 to divert 7.0 cubic feet per second of water from Green Big Spring and Ruyts Tunnel tributary of the Snake River. Water will be diverted by pipelines within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ (2 points) of Sec. 19, T. 9S, R. 15E, B.M., Twin Falls County and is to be used from January 1 to December 31 for fish propagation in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 9S, R. 14E, B.M. Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.
R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Times-News, Twin Falls, Idaho, on January 15 and January 22, 1970.

Sec-19-T9-R-15
E 1/2 NE
SENE

Road

This map show app.
6 Acres of NE corner
of Farm.

RuyTs Tunnel
500 feet
15 inch tile

Bar Juker

350 feet

15" Pipe Line

Pipe A

could
I-1

Pond

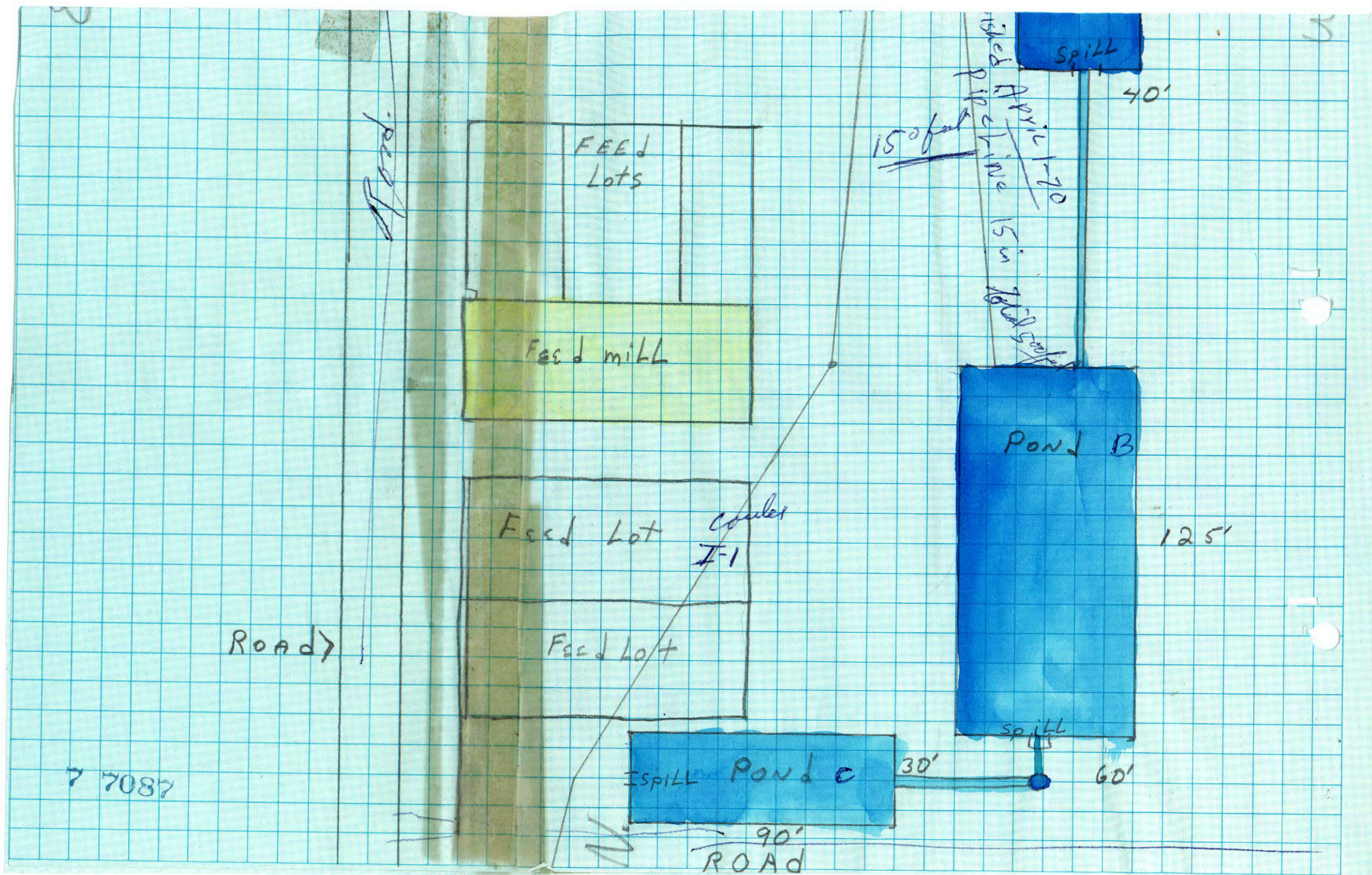
A

110'

Lateral
I-1

Pipe B - completed

Green Springs
180 feet
12 inch tile



FINANCIAL STATEMENT

NOTE: ALL ASSETS AND ALL DEBTS MUST BE LISTED TO NEAREST DOLLAR; INSERT "NONE" IN SPACE WHERE NO AMOUNT IS TO APPEAR; INDIVIDUAL FINANCIAL STATEMENTS OF THE MEMBERS OF A PARTNERSHIP MAY BE REQUIRED, AND INDIVIDUAL STATEMENTS OF THE PRINCIPAL STOCKHOLDERS OF A CORPORATE APPLICANT MUST BE FURNISHED.

FOR
BANK
USE
ONLY

[illegible]

GENERAL INFORMATION

1. LIABILITY AS ENDORSER OR GUARANTOR FOR OTHERS \$ \$0.00 To Union Pacific & Borden Co. As bondsman \$ ✓
EXPLANATION: _____

2. JUDGMENTS OUTSTANDING OR SUITS OR LITIGATION PENDING EITHER FOR OR AGAINST APPLICANT: ✓

3. INSURANCE: LIFE \$ \$0.00 HEALTH \$ \$0.00 FIRE \$ \$0.00 AUTO LIAB. \$ \$0.00 EMPLOYERS LIAB. \$ \$0.00

4. HAVE YOU EVER TAKEN BANKRUPTCY? ✓ EXPLAIN _____

5. HAVE REQUIRED INCOME TAX RETURNS BEEN FILED? ✓ ARE ANY RETURNS UNDER DISPUTE? ✓ ARE THERE ANY UNPAID DEFICIENCIES? ✓

6. EXPLAIN _____

7. THE UNDERSIGNED CERTIFIES THAT ALL OF THE FOREGOING REPRESENTATIONS, SCHEDULES AND FINANCIAL STATEMENT, INCLUDING THOSE UPON THE REVERSE SIDE HEREOF, ALL OF WHICH ARE SUBMITTED FOR THE PURPOSE OF OBTAINING CREDIT FROM THE ASSOCIATION FROM TIME TO TIME, ARE TRUE AND CORRECT; THAT THE STATEMENT OF FINANCIAL CONDITION INCLUDES ONLY HIS ASSETS AND LIABILITIES; THAT THERE ARE NO JUDGMENTS OUTSTANDING OR SETTLEMENTS PENDING AGAINST HIM IN ANY COURT OF THIS STATE OR OF THE UNITED STATES; NOR ARE THERE ANY UNRECORDED DEEDS, MORTGAGES, CONTRACTS, ATTACHMENTS OR CLAIMS AT LAW INVOLVING HIM OR THE ASSOCIATION EXCEPT AS SET FORTH HEREIN.

NAME: Bob Juker
(TYPEWRITTEN)
(SEAL) DATE 7-20-69

By:  (TITLE) _____
Attest: _____ (TITLE) _____

DATE CERTIFIED TO FICB: * Capital Stock AUTHORIZED SIGNATURE: [Signature]

47 7087

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 47-7087 Priority Dec. 19, 1969 Amount 6.46 cfs

THIS IS TO CERTIFY, that ROBERT JUKER
of Buhl, Idaho, has complied with the terms and conditions of Permit
No. 47-7087 issued pursuant to Application for Permit dated December 19, 1969,
and has submitted proof to the Department of Water Resources on December 20, 1972,
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 6.46 cfs of water from Green Big Spring & Ruyts Tunnel,
tributary to the Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Fish Propagation	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>6.46</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 * 6.46 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 NE $\frac{1}{4}$ NE $\frac{1}{4}$ (2 points) of
Sec. 19, Twp. 9 S, Rge. 15 E, 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 $\frac{1}{4}$	
9 S	15 E	19	X																

Total number of acres irrigated _____

* Subject to the condition that the maximum rate of diversion shall not exceed 6.46 cfs
when combined with License No. 47-7089.

Measuring devices of a type approved by the Department and capable of measuring
the amount of water diverted shall be permanently maintained.

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 5 day of
November, 19 74.

Director

INTRODUCED

STATE OF IDAHO

ORDER

17 7087

Identification No. 47-7087
Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

LICENSE ISSUED FOR 10 SEC. FT.
LICENSE P1. _____ **To Appropriate the Public Waters of the State of Idaho**
(TYPE OR PRINT IN INK)

1. Name of applicant Robert Juker
post office address Route #4, Buhl, Idaho 83316
2. Source of water supply Green Big Spring & Ruyts Tunnel which is a tributary of SNAKE RIVER
3. a. Location of point of diversion is NE ¼ of NE ¼ of Section 19 Township 9 South Range 15 E.B.M. Twin Falls County; additional points of diversion if any: all points of diversion are in this quarter section (two points ~~shown~~ - one at Green Big Spring and one at Ruyts Tunnel
- b. If water is not consumed, it will be discharged into I-1 Coulee at a point in NE ¼ of NE ¼ of Section 19 Township 9 South Range 15 E.B.M. Twin Falls County
4. Water will be used for the following purposes:
Amount 7.0 for fish propagation purpose from January 1 to December 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: all waters from both Green Big Spring and Ruyts Tunnel
a. 7.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. pipelines from both springs to fish ponds and fish 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 _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is two years.
b. Estimated construction cost is \$ 5,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NE ¼ of NE ¼ of Section 19 Township 9 South Range 14 E.B.M. 15E
(see map)
(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: Raising fish in fish ponds.

5

[illegible]

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes_____

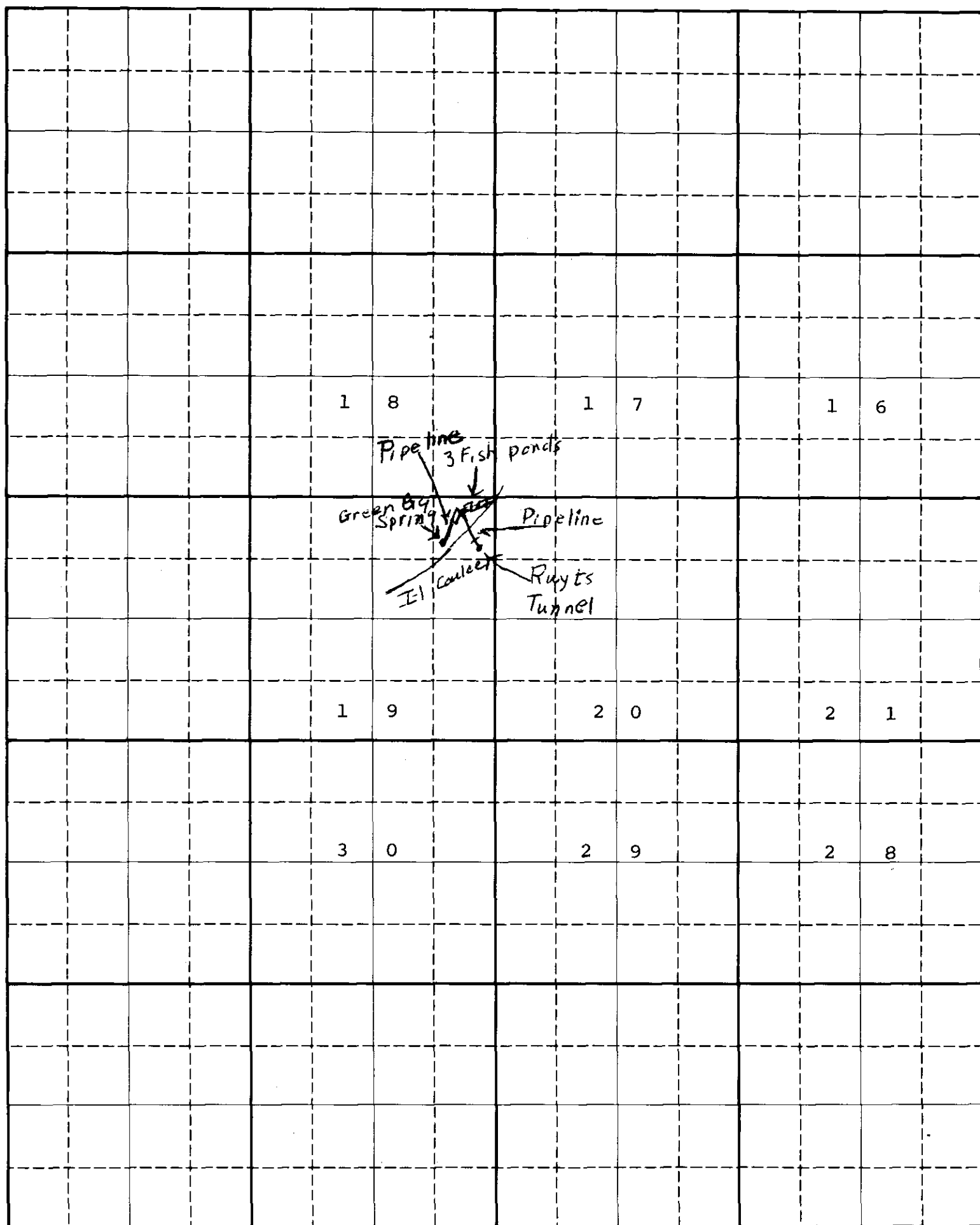
9. a. Who owns the property at the point of diversion Robert Juker

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

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: Township 9 South, Range 15, E.B.M., Twin Falls County



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.

Robert J. J. J.
(Applicant)

47 7082

Received by ej Date 12-19-69 Time 8:00 A.
Preliminary check by dk Fee \$ 50⁰⁰
Receipted by ej Date 12-19-69
Publication prepared by dk Date 1-6-70
Published in Times News
Publication dates 1-15 + 22-70
Publication approved dk Date 1-26-70
Priority reduced to _____ Reason _____

Protests filed by: Larry Baggett

Copies of protests forwarded by dk 2-6-70

Hearing held by _____ Date _____

Recommended for ☒ approval ☐ denial by JAC BDF
CA

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7087, 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 February 1, 19 73.
- c. Other: The permit holder shall permanently install and maintain as part of the diverting works measuring devices of a type approved by the department.

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

Witness my hand this 15th day of January, 19 71.

R. Keith Hight
State Reclamation Engineer

Affidavit of Publication

STATE OF IDAHO.

COUNTY OF TWIN FALLS }

ss.

No 14581

I, Caryne Jennings, being first duly sworn upon

oath, depose and say that I am principal 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 Saturdays, commencing with the issue dated Jan. 15, 1970, and ending with the issue dated Jan. 22, 1970.

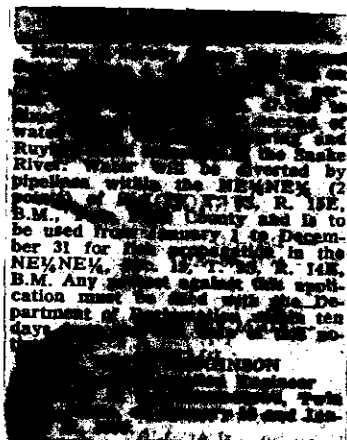
And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under 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 this 22nd day of

January, 1970
47-7087

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



November 6, 1974

Re: Permit Nos. 47-7087 & 47-7089

Mr. Robert Juker
Route 4
Buhl, Idaho 83316

Dear Mr. Juker:

Enclosed are copies of the water licenses issued on the above referenced permits.

Also enclosed is a copy of the approved amendment along with Receipt #157 issued on Permit No. 47-7089.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

11-10-1974

RECEIVED

1991 = 1963

- Permit No. 47-7087
Examination for b/u

- [illegible]

TOTAL ACREAGE

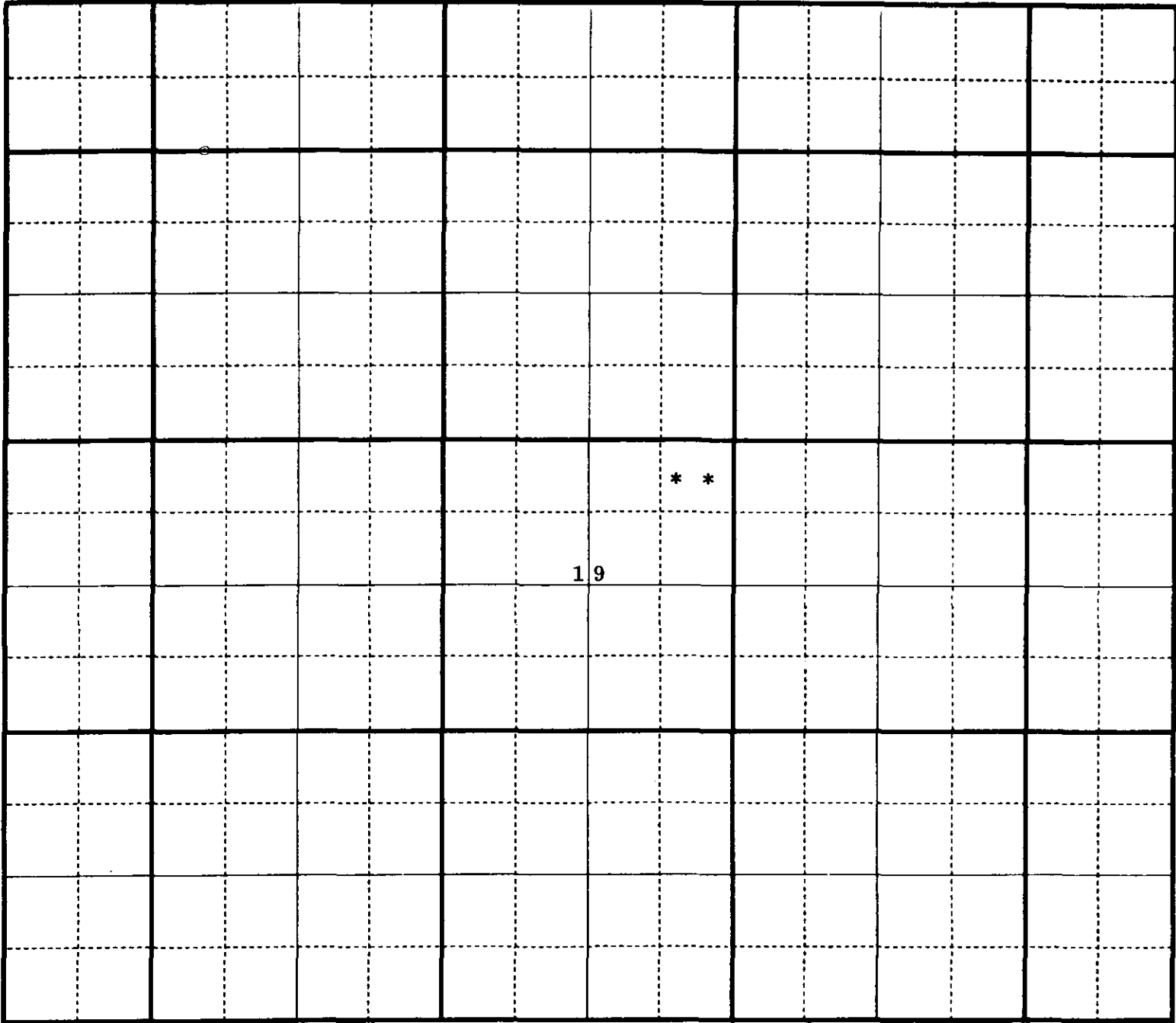
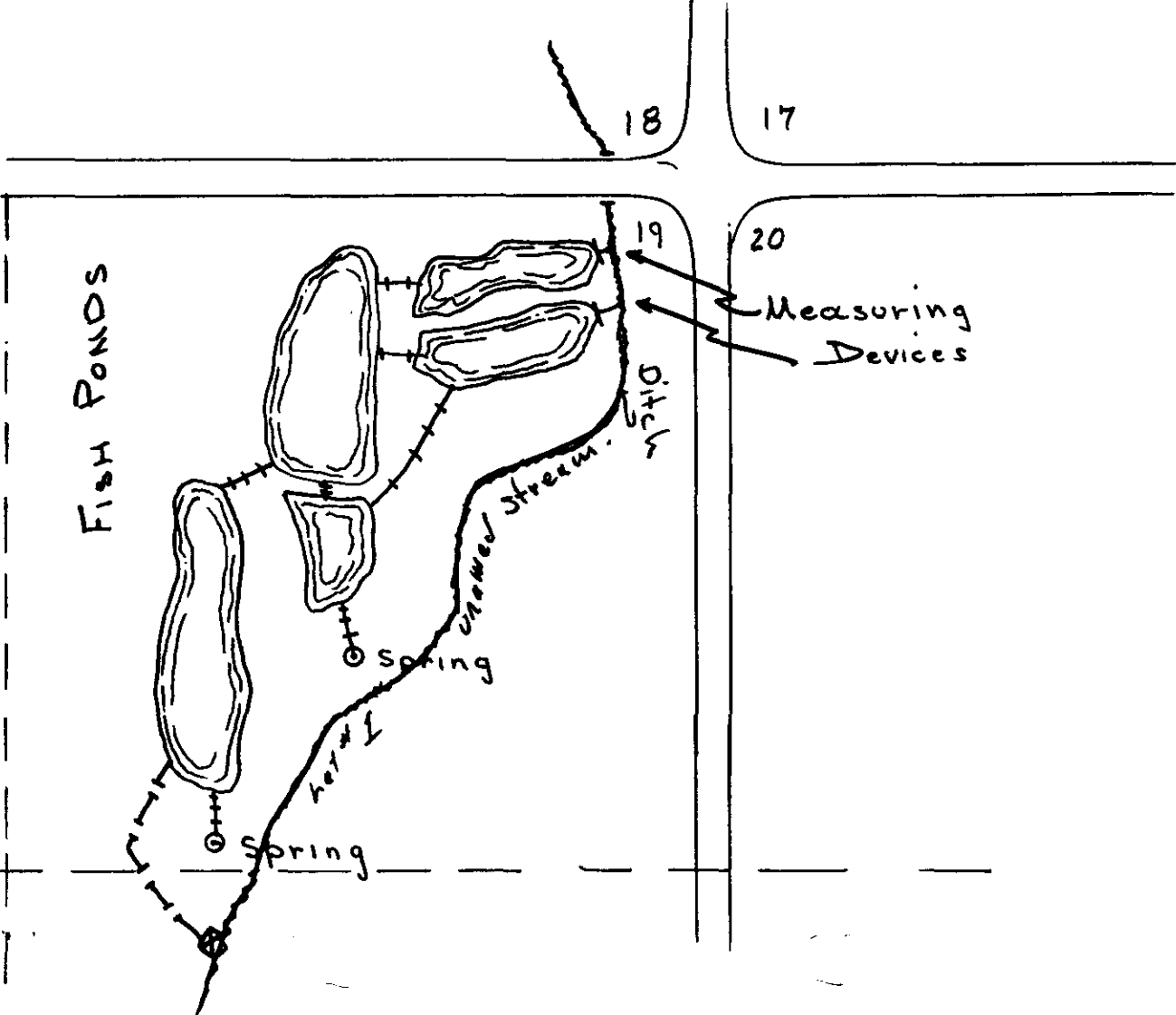


Diagram of System



DATE OF EXAM 11-26-73

ACREAGE

Found ✓
Recommended ✓

Irrigation Requirement ✓ Ac Ft/Ac

USE

Irrigation Q= c.f.s. V= AF/Ann. from to
Domestic Q= c.f.s. V= AF/Ann. from to
Livestock Q= c.f.s. V= AF/Ann. from to
Fish propagation Q= 646 cfs V= 4668.6 from Jan 1 to Dec 31

Is water co-mingled? yes no ✓

Name source:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Exchange? yes no ✓

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Total Q measured 6.46 cfs. Method of measurement (2) Cipolletti Weirs

Total Q recommended 6.46 cfs Meter No. ✓ Type ✓ Condition good.

Total V recommended 4668.6 Ac Ft/ANN. '2'

Recommended Amendments:

P.D. SE
Place of Use NE 1/4 Sec. 19 T9S - R15E 15E
Other NE 1/4 Sec. 19 T9S - R15E
None

MEASUREMENT CALCULATION: a= 1.95 c.f.s.
Q = Cipolletti Weir (2) b= 4.51 Total = 6.46 c.f.s.
V = (365 days)(1.98 Ac Ft)(6.46 c.f.s.) = 4668.6 Ac Ft/ANN

SYSTEM DESCRIPTION:
Springs divert into Cement pipes and is then conveyed to ponds holding fish. Measuring devices are installed at the out lets of the two ponds where the water is diverted into the ditch.

REMARKS:
Lat #1 Co-mingles with spring water in the ponds as shown on Diagram of System.

Examiner's Signature Larry Lundberg Date 8-15-74
Checked by Michael Stule Date 8-16-74
Approved by Date

October 18, 1974

Re: Permits No. 47-7087 & 47-7089

Mr. Robert Juker
Route # 4
Buhl, Idaho 83316

Dear Mr. Juker:

A representative of this Department has made an examination of the works covered by the above referenced permits and has found the following:

Permit 47-7087

Quantity of water diverted: 6.46 cfs

Amount of water that can be recognized as beneficially used under Idaho law: * 6.46 cfs

Source: Green Big Spring & Ruyts Tunnel

Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$ (2 points), Sec. 19, Twp. 9 S, Rge. 15 E, B. M.

Beneficial use: Fish propagation purposes within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, Twp. 9 S, Rge. 15 E, B. M.

Priority date established: Dec. 19, 1969

* Subject to the condition that the maximum rate of diversion shall not exceed 6.46 cfs when combined with License No. 47-7089.

Page 2
Mr. Robert Juker
Re: 47-7087 & 7089
October 18, 1974

Permit 47-7089

Quantity of water diverted: 1.0 cfs

Amount of water that can be recognized as beneficially used under
Idaho law: 1.0 cfs

Source: an unnamed stream (I-1 Lateral)

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, Twp. 9 S, Rge. 15 E, B.M.

Beneficial use: Fish propagation purposes within the NE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 19, Twp. 9 S, Rge. 15 E, B.M.

Priority date established: Jan. 30, 1970

Permit 47-7089 lists the place of use as being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 19, whereas, our exam report indicates that the actual place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 19. Therefore, it will be necessary that you amend this permit before a water license can be issued. We have enclosed a partially completed application for amendment for your use in this matter. Please sign the application and return it to this office with a \$10.00 filing fee within 20 days in order that we may issue your licenses as set forth in this letter.

If you do not concur with these findings or have any questions, please contact us within the 20-day period.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR
Enc: App for amend

January 8, 1973

Re: Permits No. 47-7087 & 47-7089

Mr. Robert Juker
Route # 4
Buhl, Idaho 83316

Dear Mr. Juker:

We acknowledge receipt of the affidavits submitted as proof of beneficial use for the above referenced permits.

Before licenses 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 exam so that you might show him the systems.

If you have any questions regarding the field exam, please contact our Southern District Office at 1041 Blue Lakes Blvd. North, Twin Falls, Idaho.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

bc: Southern District Office
Enc: Field exam reports (2)

47-7087

12-18-72
Southern District

Identification No. 47-7087

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
Dec 19 1972
Department of Water Administration

1. a) Name of Permit Holder Robert Juker
b) Post Office Address Buhl, ID
2. Permit Number 47-7087
3. Date of Priority that you are prepared to establish 12-19-69
4. a) Source from which water was appropriated Green Big Springs & Rupts Tunnel
b) Location of the point of diversion: NE 1/4 NE 1/4, Section 19
Township 9S, Range 15E, Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
amount 7.0 c.f.s for Fish Prop. purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 7.0 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: Diverted water comes from Twin Falls Canal Co. seepage drain tunnels known as Green Big Springs & Rupts Tunnel
b) Describe the agreement or understanding by which you take water from the works: Written notarized agreement with Canal Co. Dated March 19, 1970
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Underground 15 inch pipe direct into ponds
b) Describe the type and size of measuring device which you have installed at your point of diversion: Cipolletti weirs at tail of pond where water is returned to I-1 Lateral
c) Give well drillers name and address and date the well was completed _____

Exam typed 1-8-73 by th

17 7087

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Fish Prop nonconsumptive Necessary for fish prop. rups returned to I-1 Lateral
approx. 10 feet from Green Springs 100 yards from div.

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

TWP.	RANGE	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	

Total number of acres irrigated _____

10. Remarks: _____

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

 (Date)

 (Signature) *Robert Juber*

State of Idaho)
 County of Duca Falls) ss.

On this 18TH day of December, 19 72, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

 Notary Public residing at Duca Falls

My commission expires Aug. 2, 1976

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

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29150

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SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

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12-4-72

3

47 7087

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



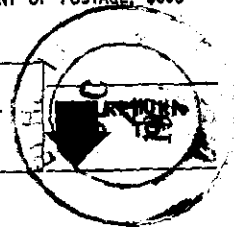
PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

Postmark of Delivering Office

SENDER INSTRUCTIONS

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

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- Moisten gummed ends and attach to back of article.



DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE • ANNEX #2
BOISE, IDAHO 83707

7087

PS Form 3811 Nov. 1970 55-10-81277-1

December 1, 1972 CERTIFIED MAIL

#2 A150

Re: Permit No. 47-7087

Robert Juker
Route # 4
Buhl, Idaho 83316

Dear Mr. Juker:

One of the conditions of approval of your water Permit No. 47-7087 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before February 1, 1973. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit

17 7087

January 22, 1971

Re: Permit No. 47-7087

Mr. Robert Juker
Route 4
Buhl, Idaho 83316

Dear Mr. Juker:

Enclosed is a copy of your approved Application for Permit No. 47-7087. 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 measuring devices at your points of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Before you begin construction of your works, you should be aware of Claim No. 47-4007 which Mr. Larry Baggett has filed with this office. In the event that at some time in the future the court should determine that Mr. Baggett's claim is valid, he would receive a water right with a priority ahead of your Permit No. 47-7087. Your Permit No. 47-7087 would then be subject to whatever right Mr. Baggett was decreed.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Enclosures: Copy of permit
1 informational letter
Receipt No. 3993 for \$50

cc. Wm. L. Nungester, Attorney

47 7087

December 17, 1970

Re: 47-7087

Mr. Larry Baggett
Route #4
Buhl, Idaho 83316

Dear Mr. Baggett:

Please excuse my delay in answering your letter of December 5, 1970. It was this office's understanding, based upon the conversation at the conference on October 7 between your attorney and the applicant's attorney, that we would follow the procedure that we have. I thought that it was agreed that the issues concerned were issues that could not be considered by this department since you did not have a recorded right predating Mr. Juker's, except for the claim that you filed. During the discussion we discussed whether or not there would be any advantage in holding a hearing on the matter. I thought it was decided that this was a matter that the court would have to consider and the proper course of action would be to dismiss your protest without prejudice and approve Mr. Juker's permit, subject to any prior water rights that had been established. It would then be your responsibility to have the court define your right at some future time. In the event that the court determines you have a right with a priority ahead of Mr. Juker's, his permit would then be subject to whatever right you are decreed.

In cases such as this, where the protestant does not have any record of water right, it is very difficult to take action against an application. In the event that your water right had been initiated through the permit process, we then could have considered that as evidence in either granting or denying Mr. Juker's permit.

If you have any further questions, please feel free to contact me.

Very truly yours,

C. STEPHEN ALLRED
Deputy Director

CSA:cc

47 7087

cc: Mr. Theodore Behm

December 5, 1970

Ronald W. McEldowney
Appropriation Supervisor

RECEIVED

DEC 7 1970

Department of Water Administration

Dear Sir:

I am writing in regard to the order dismissing my protest filed in connection application for permit no. 47-7087.

My feelings on this matter are as follows:

1. Even though I protested Mr. Juker's filing, his permit was granted.
2. It was my understanding at the conference held on Oct. 9, 1970, that the application of Juker would be held up until the matters were settled by a court. The next day the Times News comes out with an article saying that Juker's permit was accepted and that any protest by me would have to be settled in court.
3. What good does it do to protest if a permit is granted anyway?

I would sincerely like to talk with you on this problem, but I feel it should be done here on this location so that you might see first hand what has been done.

Please reply.

Sincerely,

Larry Baggett

47 7087

December 8, 1970

Re: Application No. 47-7087 - Robert Juker

BEHM AND ANDERSON
Attorneys-at-Law
1009 Main Street
Buhl, Idaho 83316

ATTENTION: Theodore Behm

Dear Mr. Behm:

We are enclosing an order dismissing Larry Baggett's protest filed in connection with application for permit no. 47-7087.

The order provides that Mr. Baggett's protest is dismissed without prejudice to the questions raised in the original protest. We understand that these questions will be resolved by court action at a later time.

Please contact us if you have any questions on the matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG
Enc: copy of order

47-7087

December 8, 1970

Re: Application No. 47-7087 - Robert Juker

HEPWORTH, WALKER, NUNGESTER, & FELTON
Attorneys-at-Law
1020 Main Street
Buhl, Idaho 83316

ATTENTION: William L. Nungester

Dear Mr. Nungester:

We are enclosing an order dismissing Larry Baggett's protest filed in connection with application for permit no. 47-7087.

The order provides that Mr. Baggett's protest is dismissed without prejudice to the questions raised in the original protest. We understand that these questions will be resolved by court action at a later time.

Please contact us if you have any questions on the matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG
Enc: copy of order

47-7087

47-7087

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22354

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12/2/70

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Larry Baggett

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

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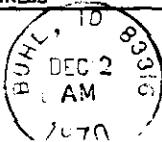
47-7087

POST OFFICE DEPARTMENT
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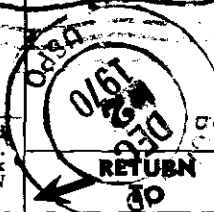
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Dept of Water Administration

STREET AND NO. OR P.O. BOX

STATEHOUSE, ANNEX II

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

November 25, 1970

Re: Application for Permit No. 47-7087 - Robert Juker

Mr. Larry Baggett
Route #4
Buhl, Idaho 83316

Dear Mr. Baggett:

We are enclosing an order dismissing your protest filed in connection with application for permit no. 47-7087.

The order provides that your protest is dismissed without prejudice to the questions raised in your original protest. We understand that these questions will be resolved by court action at a later time.

Please contact us if you have any questions on the matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG
Enc: order

CERTIFIED MAIL NO. 22354

47 7087

November 25, 1970

Re: Application for Permit No. 47-7087

Mr. Robert Juker
Route #4
Buhl, Idaho 83316

Dear Mr. Juker:

We are enclosing a copy of the order dismissing a protest against your application for permit no. 47-7087.

The Department will take final action on your application during the week of November 30 to December 4.

If you have any questions, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG
Enc: copy of order

17 7087

M E M O R A N D U M

Re: Application for Permit No. 47-7087

A conference was held in regard to the above-numbered Application for Permit in Twin Falls, Idaho on October 7, 1970.

The applicants were represented by Mr. William L. Nungester of the firm of Hepworth, Walker, Nungester & Felton, and the protestants were represented by Mr. Theodore Behm, Attorney at Law, Buhl, Idaho.

It appears that Mr. Baggett, protestant, may have some kind of a water right developed by diversion and beneficial use which might pre-date Mr. Juker's application.

However, several other points need to be considered in that the water that Mr. Baggett may be using may be part of the water right of the Twin Falls Canal Company rather than a new water right. Both parties were advised that the Department could not determine who had a relative water right since Mr. Baggett's was not of record except by means of a claim and that any determination of the relative rights would have to be made by the court. After discussions of issues and problems, it was decided that the Department would dismiss the protest without prejudice as to whether or not Mr. Baggett has a right to take water prior to the above-numbered application and to approve the application subject to any prior rights which have been established. The parties involved would then have to have their respective water rights set forth by the court.

An order should be drafted setting aside Mr. Baggett's protest on the grounds that issues are involved which the Department cannot determine. Care should be made to ensure that the order states that the protest is being dismissed without prejudice as to whether or not Mr. Baggett has a prior water right to Mr. Juker.

C. STEPHEN ALLRED
Deputy Director

Dated: October 14, 1970

CSA:cc

47 7087

47-7087 - Robert Juker

Twin Falls City Hall, Council Chambers, Twin Falls, Idaho

October 7, 1970 at 1:30 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Wm L Nungester	1020 Main, Buhl, Idaho	Bob Juker
Bob Juker -	Rte 4 Buhl Idaho	
George Konig	Q 1 Wendell	
Jay B. Alger	Q 3 Buhl	Time News
Bonnie Jovan		
Anthony Jenkins		Ida. State - A P
Virgil Thompson		
Homer Martin		
Charles Brockway	706 Sunrise Blvd N. Twin Falls.	Larry Baggett
Larry Baggett	Rt 4	
Theodore Behm	Buhl, Id.	same Larry Baggett

47 7087

1. Juker has completed construction and has been raising fish since beginning 1970

Puys Tunnel to three ponds.

Big Green Springs Water. to fourth pond

has had ~~60,000~~ pds fish in ponds.

2. ~~Applicants~~ protestants contend that
 1. he has used ~~my~~ green^{Big} Springs for irrigation for many years.
 3. that he applied water to fish propagation purposes. in October of 1970.

Dismiss protest without prejudice as to whether or not Mr Baggett has a prior right to Mr Juker.

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9/10/70

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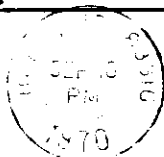
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POST OFFICE, STATE, AND ZIP CODE

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9/10/70

17 7087

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Dept. of Water Administration

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☐ C. O. D.

☒ CERTIFIED

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✓ 1	22196 Eugene W. Walker, 624 Pierce St., Twin Falls, Idaho	06	30			15				47-7059 ✓
✓ 2										
✓ 3	22197 Robert Jukes, Rte 14, Buhl Idaho	06	30			15				47-7087 ✓
✓ 4	22198 Larry Baggett, Rte 14, Buhl Idaho	06	30			15				47-7087 ✓
✓ 5	22199 Newport, Walker, Rungsten + Altan	06	30			15				47-7087 ✓
6	7th William L. Rungsten, 1030 main, Buhl Idaho									
✓ 8	22200 City of Dayton, P.O. Box 11, Dayton, Idaho	06	30			15				13-7012
✓ 9	22201 Ben Peterson, Attorney at Law, P.O. Box 570, Pocatello Idaho	06	30			15				13-7012
10										
✓ 11	22202 George J. Jakes, Dayton, Idaho	06	30			15				13-7012
✓ 12	22203 Jack Richbald, Dayton, Idaho	06	30			15				13-7012
✓ 13	22204 J. H. Layton, Dayton, Idaho	06	30			15				13-7012
✓ 14	22205 Ray Richbald, Dayton, Idaho	06	30			15				13-7012
15	22206 Eldon W. Heller, Dayton, Idaho	06	30			15				13-7012
✓ 16	22207 Owen Nelson, Dayton, Idaho	06	30			15				13-7012
✓ 17	22208 Earl Kirkbide, Dayton, Idaho	06	30			15				13-7012
✓ 18	22209 Elton James, Rungsten, Idaho	06	30			15				13-7012 ✓
19										
20										

TOTAL NUMBER OF PIECES LISTED BY SENDER

111

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POD Form 3877-A—July 1958

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Dept. of Water Administration

Indicate type of mail

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☐ C. O. D.

☒ CERTIFIED

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1	22186 George M. Sheldon, 1798 Palston Ave.	06	30			15				36-7127
2	Richmond California									
3	22187 Behm + Anderson Attn E. V. Behm	06	30			15				36-7127
4	P.O. Box 306 Bull, Idaho									47-7087
5	22188 Harold J. Wilson R.F. 23 Rupert Ida	06	30			15				36-7123 ✓
6	22189 A + 3 Irrigation Dist. 11 th + E Rupert Ida	06	30			15				36-7123 ✓
7	22190 Regis O. King Attorney at Law, P.O.	06	30			15				36-7123 ✓
8	Box 623 Rupert Idaho									
9	22191 James L. Eakin, Box 296, Bellevue Ida	06	30			15				37-7064 ✓
10	22192 John W. Sweet 159 Newton St., Seattle Wash.	06	30			15				37-7064 ✓
11										
12	22193 Skir... the name of... Boise	06	30			15				47-7059
13	Attn Twin Falls Idaho									
14	22194 Stephen + Ballenger, m. Robert W.	06	30			15				47-7059
15	Stephen, Twin Falls Bank + Trust Co.									
16	Blair Twin Falls Idaho									
17	22195 Perry Robertson, Oak + Pines	06	30			15				47-7059
18	Attn John R. Coleman, Box 525									
19	Twin Falls Idaho									
20										

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10

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE

POSTMASTER, PER (Name of receiving employee)

¹ Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up."

² Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

September 9, 1970



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

Twin Falls City Hall
Twin Falls,
Idaho 83301

Dear Sirs:

This letter is to confirm the use of a room at the city hall for meetings to be held by this office.

Our meetings are scheduled for the 5th, 6th, and 7th of October, 1970.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:KH

17 7087

BEFORE THE DIRECTOR
OF THE
IDAHO DEPARTMENT OF WATER ADMINISTRATION

In the Matter of Protest Against)
Approval of Application for)
Permit No. 47-7087 in the name)
of ROBERT JUKER)
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

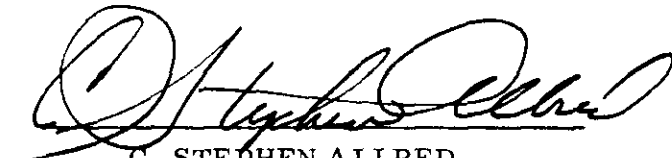
On December 19, 1969, Robert Juker, Route 4, Buhl, Idaho, filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On January 22, 1970, this Department received a protest against approval of this application for permit from Mr. Larry Baggett, Route 4, Buhl, Idaho.

The Department has set the matter of protest for conference and/or hearing on Oct. 7, 1970, at 1:30 p.m., in the Twin Falls City Hall, Council Chambers, 321 2nd Ave. East, Twin Falls, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days prior to any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or the protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 22 day of September, 19 70.


C. STEPHEN ALLRED
Deputy Director

Mailed this 8th day of September, 1970, to Behm & Anderson, Attn: T. V. Behm, P.O. Box 306, Buhl, Idaho, certified No. 22187; Robert Juker, Rte. 4, Buhl, Idaho, certified No. 22197; Larry Baggett, Rte. 4, Buhl, Idaho, certified No. 22198; Hepworth, Walker, Nungester, & Felton, Attn: William L. Nungester, 1020 Main, Buhl, Idaho, certified No. 22199

Larry Henderson

47 7087

RECEIVED

MAY 8 1970

Department of Reclamation

AGREEMENT

This agreement, entered this 19 day of March, 1970
between _____, an Idaho Corporation
Robert Juker, a.k.a.
Bob Juker and Pauline Juker, husband and wife
_____, a partnership, of
_____, Idaho, party of the first part, hereinafter called the "Stock-
holder," and the Twin Falls Canal Company, an irrigation organization
incorporated and existing under the laws of the State of Idaho, party of the
second part, hereinafter referred to as "Company,"

WITNESSETH:

Whereas, the stockholder or any agent of the stockholder (for which
said stockholder herein agrees to assume responsibility) has filed ^{two} ~~one~~ applications
for permits with the Department of Water Administration, State of Idaho, on the
_____ and January 30, 1970
5th day of December, 1969 to appropriate certain water to which the
company has the prior right; and

Whereas, the stockholder desires to make use of said seepage,
drainage, spring, waste, or developed waters for fish propagation purposes and
acknowledges that the company has a first and prior right to the use of said
waters; and

Whereas, stockholder plans to construct "fish rearing ponds" pur-
suant to said application with the State Department of Water Administration for
the propagation of fish; and

Whereas, certain problems may arise in the construction and
operation of said "fish rearing ponds" and associated facilities as to water
pollution, water seepage, drainage, erosion, flooding, rights of way, and
other various matters relating to the operation of said "fish rearing ponds"
insofar as the company is concerned;

NOW, THEREFORE, in consideration of the mutual and independent
covenants hereinafter stated, and in consideration of the company not protesting
said stockholder's application for permit with the State Department of Water
Administration, and in further consideration of the Company's agreement to
permit such non-consumptive use of their waters, it is hereby agreed between
the parties as follows:

47 7087

1 (1) All plans for the construction of "fish rearing ponds" or
2 associated facilities shall be subject to the prior approval of the Company so
3 that such facilities are not constructed in such a manner as to interfere with
4 the normal operation and maintenance of the Company.

5 (2) That in the event that such "fish rearing ponds" are
6 constructed on laterals, drainways, seepage ways, drain or seepage tiles, or
7 any other facility or waterway presently owned by the Company, thus blocking
8 existing right of ways in favor of the company, stockholder agrees to provide
9 access to the company and hereinafter grants easements to the company on the
10 new rights of way, which rights of way shall be no less than presently
11 existing rights of way and shall in no way change the status of existing rights
12 of way.

13 (3) In the event that any erosion occurs causing damage to
14 either the Company or other stockholder-waterusers of the company, stock-
15 holder shall be liable and shall contain and repair said erosion at no cost to the
16 company and hereby agrees to indemnify the company from any claim of any
17 third party or wateruser as a result of any erosion or damage which may
18 occur as a result of the construction and use of said "fish rearing ponds" or
19 associated facilities.

20 (4) It is understood and agreed that if water pollution results
21 from stockholder's use of company's water for fish rearing purposes, and in the
22 event that it is determined that said pollution is harmful to the quality of water
23 delivered by the company to other waterusers after its use by the stockholder;
24 or if the company's return water to the river is determined to be polluted
25 by any state or government agency, stockholder agrees herein to do all things
26 necessary to eliminate such pollution and if such pollution cannot be eliminated
27 satisfactorily in the opinion of the company, said stockholder will cease using
28 said water for any purpose within ten days after written notice is mailed to
29 him by the company or its agent.

30 (5) It is further understood and agreed that the construction
31 of said "fish rearing ponds" and associated facilities may in fact cause
32 drainage and seepage problems on adjacent properties. Stockholder herein

47 7087

1 agrees to indemnify and hold harmless the company on any claim brought by a
2 third party or from any other wateruser alleging damage from such seepage
3 or drainage and herein agrees to repair said damage upon demand.

4 (6) It is understood and agreed that the stockholder has no
5 right to demand any water from the company even though he may have filed
6 on the same with the State Department of Water Administration. It is under-
7 stood and agreed that the water in question is in fact water which the company
8 has a prior right to use and that the company may change their manner of using
9 it or cease making it available to the stockholder at any time. It is further
10 understood that some of said drainage and seepage water does not flow during
11 certain times of the year and stockholder acknowledges that the company shall
12 have no responsibility if said water is not available, and that stockholder's
13 only right in and to said water of the company, or water which may be
14 used in said ponds, is subject to the right of the company to reuse the water
15 to change the manner of use at any time, and or deprive the stockholder of
16 said use if the company should so elect.

17 (7) It is understood and agreed that nothing in this contract
18 shall be construed to impair the easement and right of way of the Company
19 for the full flow of water for irrigation and drainage in its canals or drains
20 within said present rights of way or new rights of way hereinafter granted to
21 company on stockholder's land.

22 (8) It is a condition subsequent to this agreement that stock-
23 holder shall within year after the installation of any fish rearing pond or
24 associated facility furnish to the company an accurate survey and map of
25 the exact location thereof, including a surveyed description and warranty
26 deed (in a condition to record) in favor of the company containing a description
27 of the new rights of way prepared by a professional engineer which deed shall
28 be recorded and such other information shall be attached to and become a part
29 of this agreement.

30 (9) Stockholder, for and in consideration of the mutual
31 promises and covenants herein contained and other valuable consideration, her-
32 by grants, bargains, sells, and conveys to the said company, its successors,
and assigns, perpetual easements as are necessary for maintenance and

1 operation of the company's system for the full flow of irrigation or drainage
2 water on the land hereinafter described:
3
4
5
6
7

8 (10) The abandonment of any fish rearing ponds or associated
9 facilities shall not constitute an abandonment of the right of ways herein
10 granted to the company.

11 (11) The company reserves the right to the full use and enjoy-
12 ment of said right of ways and stockholders herein acknowledge the granting
13 of such additional right of ways as are necessary for the company to adequately
14 maintain said irrigation and drainage systems.

15 (12) It is herein understood and agreed between the parties
16 that the Twin Falls Canal Company shall have a right to flood any and all of
17 the above described premises.

18 (13) It is understood and agreed by and between the parties
19 hereto that the company shall have no liability from any water which might
20 seep onto the premises above described from any source whatsoever.

21 (14) It is understood and agreed that the stockholder will do all
22 construction work in such a manner as to cause no damage to said canals
23 or ditches; that it will do all construction work in a manner that will not
24 interrupt or interfere with the company's delivery of water through said
25 canals or ditches, but in the event of such interference or interruption,
26 stockholder will save and hold harmless the company, or any of its
27 stockholder-waterusers from any damage, loss, or expense occasioned by
28 any claim or claims arising out of any flooding or out of any interruption or
29 interference with the flow of irrigation or drainage water during construction.
30 It is understood and agreed that any contractor or contractors employed by
31 stockholder shall be an agent of stockholder and not an independent contractor
32 and stockholder shall be liable as principal therefor. It is understood and

1 agreed that stockholder's use of seepage, drainage, developed, or any other
2 waters, whether used within the existing right of way of the company or at
3 other locations, shall be a non-consumptive use and in no way shall interfere
4 or interrupt water delivery obligations of the company.

5 (15) It is further understood and agreed that any additional
6 maintenance which may be required by the company, necessitating the
7 expenditure of funds which in the judgment of the company would not other-
8 wise need to have been expended but for the existence of "fish rearing ponds"
9 and associated facilities, will be billed to the stockholder herein as such
10 expenses are incurred and stockholder agrees to reimburse the company for
11 said expenses within 30 days thereafter.

12 (16) It is further understood and agreed that if the stockholder
13 should abandon said "fish rearing ponds" and facilities and cease to use said
14 facility for the purposes herein contemplated, that they will immediately
15 thereafter replace, repair and put said presently existing facilities of the
16 company, including canals, and canal roadways, ditch and ditch rights of
17 way, in as good and safe condition as in their first and former state. Stock-
18 holder shall refill and compact the ground disturbed by the construction and
19 any maintenance they have performed and shall restore the ground to a level
20 comparable to its level before such disturbance; that upon failing to do so, the
21 company may proceed to repair the place and restore said canals, canal
22 rights of way, ditches, or ditch rights of way to their original condition and
23 thereupon the stockholders shall become liable for reimbursement of said
24 company for all damages or expenses incurred in the replacement of said
25 canals, ditches, and rights of way.

26 (17) It is further understood and agreed that no crossing under,
27 along, or across, or through any of said canals, or ditches of the company shall
28 be commenced by the stockholder until and after notice has been given by the
29 stockholder to the engineer of the company, or such other person as may
30 from time to time be designated by the company, of any intended crossing,
31 and such engineer advised and consulted concerning the manner of making
32 said crossing.

1 (18) It is further understood and agreed, by and between the
2 parties hereto, that the company shall designate its engineer or manager or
3 other qualified person as a suitable and proper person to guide and direct
4 stockholder in the performance of such construction work, and such construction
5 work shall be done and performed in conformance with said directions,
6 it being expressly understood and agreed that such person while guiding and
7 directing stockholder in the performance of said construction work shall be
8 solely the agent of the stockholder; and any mistakes or omissions made or
9 suffered by such persons in guiding and directing such construction work shall
10 not be regarded as mistakes or omissions of said company but shall be
11 mistakes or omissions of the stockholder and stockholder shall be liable for
12 any and all damages resulting therefrom and association shall be liable for any
13 and all damages which may at any time hereafter result to the company, or
14 stockholder-waterusers entitled to the delivery of water from the company's
15 distribution system, through or out of stockholder's maintenance and operation
16 of said fish rearing ponds and associated facilities.

17 (19) It is further agreed that stockholder will pay to the company
18 a sum of five (\$5.00) dollars per hour plus mileage of ten (\$.10) cents per
19 mile in all instances where the inspector is used incidental to the construction
20 and consultation hereunder required.

21 (20) Notwithstanding any other provisions or stipulations herein
22 contained, it is further understood and agreed that said "fish rearing ponds"
23 and associated facilities shall be constructed, installed, and maintained and
24 operated by stockholder so that the usual and orderly maintenance, operation,
25 and use of the company's system of canals, laterals, and ditches, shall not
26 be interfered with nor shall the company's delivery of water to its stockholder
27 waterusers be interfered with at any time or lessened by stockholders,
28 maintenance, and operation of said facility.

29 (21) It is agreed that said "fish rearing ponds" and facilities
30 shall be so placed so that they will not interfere with the normal maintenance
31 of the company's canals, ditches, and waterways, and it is understood that
32 said fish rearing ponds and associated facilities shall at all times be maintained,
repaired, renewed, and operated at the sole expense of the stockholder.

1 (22) It is further agreed that the stockholder will indemnify
2 and save harmless the company for and against all claims, suits, damages,
3 costs, losses, and expenses in any manner resulting from or arising out of
4 the construction, maintenance, renewal, repair, use or existence of the "fish
5 rearing ponds" and associated facilities whether heretofore or hereafter laid,
6 including damage to crops resulting from interference with the delivery of
7 water from the company.

8 (23) The parties hereby bind themselves, their heirs, proper
9 assigns, and legal representatives.

10 IN WITNESS WHEREOF, the parties have caused this agreement to
11 be executed this _____ day of _____, 19____.

12 Stockholder:

13 B. J. [Signature]
14 Pauline [Signature]
15
16

17 ATTEST:

18 Secretary

19 TWIN FALLS CANAL COMPANY

20 by [Signature]

21 President

22 ATTEST:

23 [Signature]
24 Secretary

25 * * * * *

26 STATE OF IDAHO)
27) ss.
28 County of _____)

29 On this _____ day of _____, 19____, before me, a
30 Notary Public, in and for said County and State, personally appeared _____
31 _____, known to me to be one of the partners in the partnership of
32 _____, a partnership, and the partner or one of the partners
who subscribed said partnership name to the foregoing instrument, and acknow-
ledged to me that he executed the same in said partnership name.

17 7037

June 4, 1970

Re: Application for Permit No. 47-7087

C
O
P
Y

Hepworth, Walker, Nungester, and Felton
Mr. John Hepworth
1020 Main
Buhl, Idaho 83316

Dear John:

Upon your request we are setting aside the conference, and/or hearing we had scheduled for June 22, 1970, at 3:30 p.m. in Twin Falls, Idaho. It will be your responsibility to notify Mr. Juker, Mr. Larry Baggett, and Mr. T. V. Behm, Attorney at Law, of this cancellation.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:kh

cc. Behm and Anderson
T. V. Behm
P.O. Box 306
Buhl, Idaho 83316

47 7087

NAME AND ADDRESS OF SENDER

United States of America

Indicate type of mail

☐ INSURED

☐ C. O. D.

☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSEMENT	R. R. FEE	S. D. FEE	S. H. FEE	RESTRICTED DELIVERY FEE
1	104		20						7-7047
2			20						7-7047
3	106		20			15			17-7047
4									
5									
6	107		30			15			7-7047
7									7-7047
8	108		20			15			7-7047
9	109		20			15			7-7047
10	110		20			15			7-7047
11									7-7047
12									7-7047
13	114		20			15			7-7047
14									7-7047
15	116		20			15			7-7047
16									7-7047
17									7-7047
18	118		20			15			7-7047
19									7-7047
20									7-7047

TOTAL NUMBER OF PIECES LISTED BY SENDER

10

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE

POSTMASTER, PER (Name of receiving employee)

Mark "E" if "Fragile," "P" if "Perishable," "E" if "Eggs," "BH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up." Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered ☐ Deliver ONLY
to addressee
(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.	1 2 3	SIGNATURE OR NAME OF ADDRESSEE (<i>Must always be filled in</i>)
CERTIFIED NO. 21906		<i>Hepworth, Lungester & Elton</i>
INSURED NO.		SIGNATURE OF ADDRESSEE'S AGENT, IF ANY <i>By Allen Lannon</i>
DATE DELIVERED 6/1/70		SHOW WHERE DELIVERED (<i>only if requested</i>) 1087

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

**RETURN
TO**

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Annex # 2 Statehouse

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

POD Form 3811 Apr. 1967 635-10-71549-10

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered

☐ Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

21905

INSURED NO.

DATE DELIVERED

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

SHOW WHERE DELIVERED *(only if requested)*

17 7087

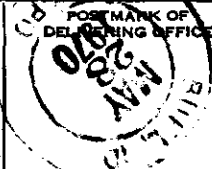
POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE \$300

10-71548-10

POD Form 3811 Apr. 1961

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.



← RETURN
TO

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Annex # 2 Statehouse

Boise, Idaho 83707

POST OFFICE, STATE, AND ZIP CODE

47 7087

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered ☐ Deliver ONLY
to addressee
(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

21904

INSURED NO.

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

3

7 708

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

POD Form 3811 Apr. 1967 685-16-71549-20

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED**.



**RETURN
TO**

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Annex #2 Statehouse

Boise, Idaho 83707

POST OFFICE, STATE, AND ZIP CODE

47 7087

T. V. BEHM
GLEASON D. ANDERSON

BEHM AND ANDERSON
LAWYERS
BUHL, IDAHO 83316

P.O. BOX 306
1009 MAIN
AREA CODE 208
543-4397

May 27, 1970

Department of Reclamation
State of Idaho
Statehouse - Annex 2
Boise, Idaho 83707

ATTENTION: Mr. Donald W. McEldowney,
Appropriation Examiner

Re: Application for Permit no.
47-7087 - Robert Juker

Dear Mr. McEldowney:

Mr. Larry Baggett telephoned your department on this date, May 27, 1970, and was informed that a hearing on his protest with regard to application for permit No. 47-7087 Robert Juker, will be held at the Twin Falls Judicial Building at 3:30 p.m., June 2, 1970. Would you please confirm this immediately.

Thank you.

Very truly yours,

BEHM & ANDERSON

T. V. Behm
T. V. Behm

TVB:1b

47 7087

May 27, 1970

C
O
P
Y

Twin Falls City Hall
Twin Falls,
Idaho 83301

Dear Sirs:

This letter is to confirm the use of a room at the city hall for meetings to be held by this office. Our meetings are scheduled for the 22nd and 23rd of June, 1970.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:kh

17 7087

May 27, 1970

2
C
O
P
Y

Twin Falls City Hall
Twin Falls,
Idaho 83301

Dear Sirs:

This letter is to confirm the use of a room at the city hall for meetings to be held by this office. Our meetings are scheduled for the 22nd and 23rd of June, 1970.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McElowney
Appropriation Supervisor

DWM:kh

47 7087

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 47-7087 in the name of)
ROBERT JUKER)

NOTICE OF CONFERENCE
AND/OR HEARING ON PROTEST

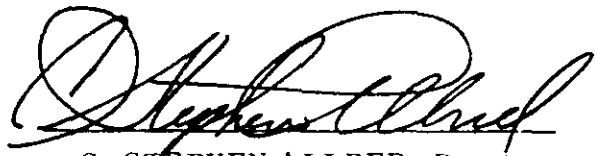
On December 19, 1969, Robert Juker, Buhl, Idaho, filed with the Department of Reclamation an application to appropriate the public waters of the State of Idaho. On January 22, 1970, the Department of Reclamation received a protest against approval of said application for permit from Larry Baggett, Buhl, Idaho.

The Department of Reclamation has set the matter of protest for conference and/or hearing on June 22, 1970, at 3:30 p.m., in the Twin Falls City Hall, Twin Falls, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Reclamation. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department of Reclamation without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 27 day of May, 1970.



C. STEPHEN ALLRED, Deputy
State Reclamation Engineer

Mailed this 27th day of May, 1970, to _____
Robert Juker, Route 4, Buhl, Idaho by certified mail no. 21904; Larry Baggett,
Route 4, Buhl, Idaho, certified No. 21905; Hepworth, Walker, Nungester, and
Felton, Mr. Wm. L. Nungester, 1020 Main, Buhl, Idaho, certified mail No.
21906. Copy of protest forwarded with Mr. Juker's Notice *Kaye Anderson*

47-7087

April 14, 1970

Mr. Larry Baggett
Route 4
Buhl, Idaho 83316

Dear Mr. Baggett:

Enclosed you will find departmental receipt No. 4467 in the amount of \$.75 covering the fee for a copy of Permit No. 47-7089.

Concerning your inquiry about Application for Permit No. 47-7087, the hearing and/or conference on this matter should be held some time during the month of May. You will be notified in advance of this conference and/or hearing.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

Enclosure

17 7087

C
O
P
Y

permit nos. 47-7087
47-7089

May 13, 1970

Mr. Chuck Brockway
University of Idaho
Snake River Research Center
Kimberly, Idaho 83341

Dear Chuck:

Enclosed is a copy of the information previously forwarded concerning permit no. 47-7087, as well as an additional filing 47-7089. Sorry for any inconvenience.

Contact us if we can be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

ENCLOSURES (2)

47-7087

February 6, 1970

Re: Application for Permit No. 47-7087

Mr. Robert Juker
Route # 4
Buhl, Idaho 83316

Dear Mr. Juker:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your application No. 47-7087 by Mr. Larry Baggett. You should be aware that the following are items which, under Section 42-203 of the Idaho Code, we can consider at a hearing in approving or denying an application for permit:

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 waters intended to be appropriated must be public water of the State of Idaho or if private waters, as defined under Section 42-212, Idaho Code, the applicant must have authority from the land owner of the land on which the water lies to divert the water.

47 7087

Page 2
Mr. Robert Juker
Re: 47-7087
February 6, 1970

The Department of Reclamation may reject an application for permit or may partially approve or grant the permit upon conditions.

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

Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf. You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enclosure

47 7087

February 6, 1970

Re: Application for Permit No. 47-7087 - Robert Juker

Mr. Larry Baggett
Route # 4
Buhl, Idaho 83316

Dear Mr. Baggett:

We are in receipt of your protest concerning the above referenced application for permit. The following are items which, under Section 42-203 of the Idaho Code, can be considered at a hearing in either approving or denying an application:

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?

Please bear in mind that the State Reclamation Engineer may reject such application and refuse issuance of a permit, he may partially approve the permit, he may approve the permit for a quantity of water less than applied for, or he may approve the permit subject to special conditions.

47 7087

Page 2
Mr. Larry Baggett
Re: 47-7087
February 6, 1970

A permit issued by this office does not in any way convey or establish a right-of-way over private or governmental lands. Right-of-ways or easements 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 a conference and/or hearing to discuss the matters of protest. If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

47 7087

R. Keith Higginson
State Reclamation Engineer

RECEIVED

JAN 22 1970

Dear Sir:

Department of Reclamation

I would like to protest the application
for water of Robert Duker Rt 4 Buhl
Dec 19, 1969 Permit No. 47-7087,
In diverting water from the Green
Big Springs of approx. 2.0 cubic
feet per second.

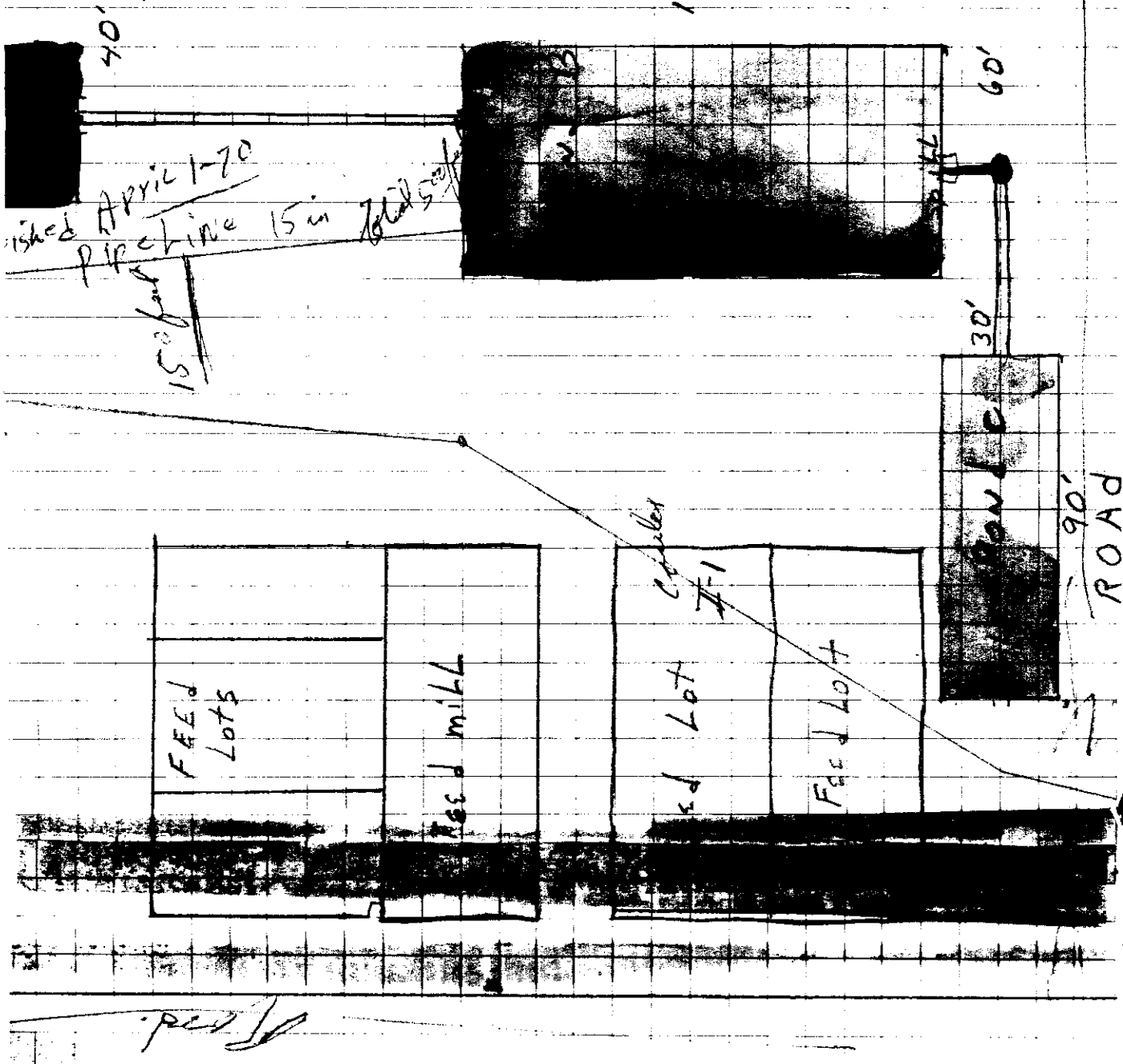
This is located in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of
Sec 19, T. 9S, R. 15E. B.M. Twin Falls
County for the propagation of fish.

This water had already been put
to beneficial use. Oct 20 thru Dec 22
when water was closed off by above
named.

Larry Baggett
Rt 4
Buhl, Idaho 83314

47 7087





ished April 1-70
Pipeline 15 in
150 feet
125'

Road

7082

Sec-19-
E 1/2 NE
SE NE

This map shows App.
6 Acres of NE corner
of Farm.
Rupts Tunnel
500 feet
1.5 inch T.

R. S. Johnson

T9-R
(Road)

Green Springs
180 feet
12 inch T.

Lateral
107 T-1

Pipe B - Completed

15" Pipe line

Pipe A to be T-1
110'

LAW OFFICES
HEPWORTH, WALKER, NUNGESTER, AND FELTON
PROFESSIONAL CENTER
1020 MAIN
AREA CODE 208
PHONE 543-4368
BUHL, IDAHO - 83316

JOHN C. HEPWORTH
LLOYD J. WALKER
WM. L. NUNGESTER
MICHAEL H. FELTON

OTHER OFFICES AT
P. O. BOX 23
TWIN FALLS, IDAHO 83301
(208) 733-3083
SUN VALLEY, IDAHO 83353
(208) 726-5861

January 16, 1970

Dept. of Reclamation
Statehouse-Annex 2
Boise, ID 83707

Atten: Don McEldowney Re: Robert Juker
Permit No. 47-7078

Dear Mr. McEldowney:

Enclosed please find a financial statement of Robert Juker and a letter from The Farmers National Bank, Buhl, Idaho, regarding the financial resources available to Mr. Juker to complete his project.

Also included is a map of Mr. Juker's project. The feed lots shown are his cattle operation. The blue ponds are the fish feeding operation. Mr. Juker does not plan, at this time, to operate a fish hatchery. He is merely raising trout for Clear Springs Trout Co., a commercial trout hatchery located in the Buhl area. You can see by the map, Pond A is 40 x 110 feet. Pond B is 60 x 125 feet and Pond C is 30 by 90 feet. All of these ponds are earth ponds with concrete intakes and spills. Presently Pipeline B is completed. Pipeline A is running as an open ditch and the pipeline will not be installed until some time later this spring when the weather clears. All three ponds are in operation now and have fish in them.

It is estimated Mr. Juker will be able to raise approximately 60,000 pounds of trout annually in the three ponds and with the water he is now using. Construction on the three ponds now completed was begun on November 30, 1969.

Since filing the original application Mr. Juker has been able to use 50 inches of water from I-1 Coulee, which has been diverted through his irrigation headgate on I-1 Coulee at a

47-7078

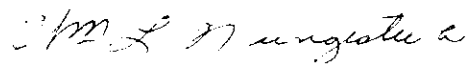
Dept. of Reclamation
January 16, 1970
-2-

point approximately one-quarter mile above Big Green Springs. This water is being used and has been used since the ponds were constructed. Mr. Juker would like to amend his permit to show three points of diversion; the third point of diversion being at his headgate on I-1 Coulee, for an additional 50 inches of water. The water would flow back into I-1 Coulee after going through the ponds. Mr. Juker informs me he has already cleared this with the Twin Falls Canal Company.

Would you please send the necessary forms to amend this permit.

Very truly yours,

HEPWORTH, WALKER, NUNGESTER & FELTON



Wm. L. Nungester

WLN:bh

CLEAR SPRINGS TROUT CO.

Ted Eastman, President and General Manager

Buhl, Idaho 83316

January 15, 1970

Mr. Bob Juker,
Route 4
Buhl, Idaho 83316

Dear Bob,

I estimate with the three ponds you have already constructed and the available water, you can raise approximately 60,000 pounds of trout annually.

Sincerely,

Ted Eastman

The Farmers National Bank

OF

BUHL, IDAHO

January 9, 1970

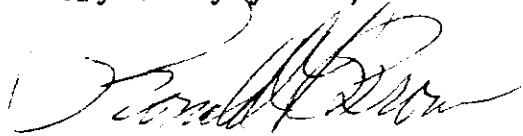
State Dept. of Reclamation
State of Idaho
Boise, Idaho

Re: Bob Juker Application

Gentlemen:

This letter is to inform you that the Farmers National Bank of Buhl, Idaho, is financing Bob Juker for the construction of three fish ponds.

Very truly yours,



Ronald L. Brown
Vice President

RLB/jw

FINANCIAL STATEMENT

NOTE: ALL ASSETS AND ALL DEBTS MUST BE LISTED TO NEAREST DOLLAR; INSERT "NONE" IN SPACE WHERE NO AMOUNT IS TO APPEAR; INDIVIDUAL FINANCIAL STATEMENTS OF THE MEMBERS OF A PARTNERSHIP MAY BE REQUIRED, AND INDIVIDUAL STATEMENTS OF THE PRINCIPAL STOCKHOLDERS OF A CORPORATE APPLICANT MUST BE FURNISHED.

FOR
BANK
USE
ONLY

[illegible]

GENERAL INFORMATION

1. LIABILITY AS ENDORSER OR GUARANTOR FOR OTHERS \$ 0 BONDSMAN \$ 0
EXPLANATION: _____
2. JUDGMENTS OUTSTANDING OR SUITS OR LITIGATION PENDING EITHER FOR OR AGAINST APPLICANT: _____
3. INSURANCE: LIFE \$ 5000 HEALTH \$ 700 FIRE \$ 600 AUTO LIAB. \$ 700 EMPLOYERS LIAB. \$ 0
4. HAVE YOU EVER TAKEN BANKRUPTCY? _____ EXPLAIN _____
5. HAVE REQUIRED INCOME TAX RETURNS BEEN FILED? Yes ARE ANY RETURNS UNDER DISPUTE? No ARE THERE ANY UNPAID DEFICIENCIES? No
6. EXPLAIN _____
7. THE UNDERSIGNED CERTIFIES THAT ALL OF THE FOREGOING REPRESENTATIONS, SCHEDULES, AND FINANCIAL STATEMENT, INCLUDING THOSE UPON THE REVERSE SIDE HEREOF, ALL OF WHICH WERE SUBMITTED FOR THE PURPOSE OF OBTAINING CREDIT FROM THE ASSOCIATION FROM TIME TO TIME, ARE TRUE AND CORRECT; THAT THE STATEMENT OF FINANCIAL CONDITION INCLUDES ONLY HIS ASSETS AND LIABILITIES; THAT THERE ARE NO JUDGMENTS OUTSTANDING OR SETTLEMENTS PENDING AGAINST HIM IN OR SUBJECT TO THIS STATE OR OF THE UNITED STATES NOR ARE THERE ANY UNRECORDED DEEDS, MORTGAGES, CONTRACTS, ATTACHMENTS OR CLAIMS INVOLVING HIM OR THE ABOVE PROPERTY OR INTEREST HEREIN.

NAME: Bob Juker
(TYPEWRITTEN)

(SEAL) DATE 1964-1-1

By: [Signature] (TITLE) _____

ATTEST: _____ (TITLE) _____

_____ hereby certify that the foregoing is a true and correct copy of the financial statement on file with this institution.

DATE CERTIFIED TO FICB

AUTHORIZED SIGNATURE

47 7087

January 7, 1970

Mr. Robert Juker
Route 4
Buhl, Idaho 83316

Re: Application for Permit No. 47-7087

Dear Mr. Juker:

In order to further consider your application for permit, we will require additional information not included with your application.

1. A financial statement indicating the resources available to complete the project as described in the application.
(see Section 42-203, Idaho Code)
2. A preliminary design of the hatchery facilities, indicating the size of raceways, general layout, the size of pipelines or other diversion works and such other information as will fully describe the method and means of diversion and verify the need for the quantity of water you have requested.
3. A justification based upon the preliminary design and the estimated production of the hatchery, for the amount of water requested.
4. An estimated schedule of construction giving dates for the start of construction, the finish of construction, and the date that full operation of the hatchery is anticipated.

You should be aware that all applications, if approved, will require the installation and maintenance of adequate measuring devices, both at the point of diversion and the point of return of the water to the creek. These devices must be of a type approved by the Department of Reclamation; they can be of any generally recognized standard measuring device type. You should include the installation of these devices in your preliminary plans for construction.

I would appreciate receiving this information by February 7, 1970.
Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

47 7087

January 6, 1970

Re: Application for Permit No. 47-7087 - Robert Juker

Times News
Box 548
Twin Falls, Idaho 83301

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 date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

(Signature of the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enc: Legal notice

**NOTICE OF APPLICATION
FOR WATER**

.. Notice is hereby given that Robert Juker, Route 4, Buhl, Idaho, has on December 19, 1969, applied for permit under application No. 47-7087 to divert 7.0 cubic feet per second of water from Green Big Spring and Ruyts Tunnel tributary of the Snake River. Water will be diverted by pipelines within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ (2 points) of Sec. 19, T. 9S, R. 15E, B.M., Twin Falls County and is to be used from January 1 to December 31 for fish propagation in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 9S, R. 14E, B.M. Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Times-News, Twin Falls, Idaho, on January 15 and January 22, 1970.

47 7087

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Robert Juker, Route 4, Buhl, Idaho,
_____ has on December 19, 1969,
applied for permit under application No. 47-7087
to divert ~~//////~~ 7.0 cubic feet per second ~~/////~~
of water from Green Big Spring & Ruyts Tunnel tributary of the Snake River.
Water will be diverted by pipelines

within the NE¹/₄NE¹/₄ (2 points) of Sec. 19, T. 9S, R. 15E, B.M., Twin Falls
County

and is to be used from January 1 to December 31 for fish propagation

in the NE~~1~~NE~~4~~, Sec. 19, T. 9S, R. 14E, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Times News, Twin Falls, Idaho
on January 15 and January 22, 1970

K.A.

47 7087

LAW OFFICES
HEPWORTH, WALKER, NUNGESTER, AND FELTON
PROFESSIONAL CENTER
1020 MAIN
AREA CODE 208
PHONE 543-4368
BUHL, IDAHO - 83316

JOHN C. HEPWORTH
LLOYD J. WALKER
WM. L. NUNGESTER
MICHAEL H. FELTON

December 16, 1969

OTHER OFFICES AT
P. O. BOX 23
TWIN FALLS, IDAHO 83301
(208) 733-3083
SUN VALLEY, IDAHO 83353
(208) 726-5861

State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Attention: Donald W. McEldowney
Appropriation Examiner

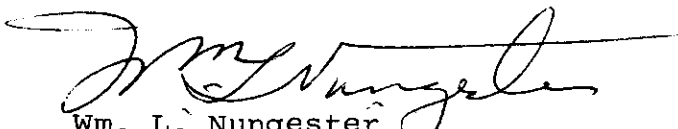
Re: Robert Juker

Dear Mr. McEldowney:

Enclosed please find our check for \$50 for Mr. Robert Juker's application. You are right in your assumption that this application for the entire year is for fish propagation.

Very truly yours,

HEPWORTH, WALKER, NUNGESTER & FELTON


Wm. L. Nungester

WLN/pw

Enclosure

47 7087

December 10, 1969

Re: Application For Permit - Robert Juker

William L. Nungester
Hepworth, Walker, Nungester, and Felton
Professional Center
1020 Main Street
Buhl, Idaho 83316

Dear Mr. Nungester:

We are in receipt of Mr. Robert Juker's application to appropriate the public waters of the State of Idaho.

Please be advised the filing fee for 7.0 cubic feet per second is \$50. We will also request that when you submit the filing fee that you clarify Item 4 of the application, wherein 7.0 cubic feet per second is requested to be diverted; the application fails to list specific beneficial use from January 1 to December 31 of each year. We would assume that it would be fish propagation. Please advise us as to what you wish to enter at this point.

If we can be of further assistance please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:sc

47 7087

LAW OFFICES
HEPWORTH, WALKER, NUNGESTER, AND FELTON

PROFESSIONAL CENTER
1020 MAIN

AREA CODE 208
PHONE 343-4368

BUHL, IDAHO -- 83316

JOHN C. HEPWORTH
LLOYD J. WALKER
WM. L. NUNGESTER
MICHAEL H. FELTON

December 4, 1969

OTHER OFFICES AT

P. O. BOX 23
TWIN FALLS, IDAHO 83301
(208) 732-3083
SUN VALLEY, IDAHO 83253
(208) 726-6661

Department of Reclamation
Statehouse Mailroom
Boise, Idaho 83707

Re: Application for Permit -
Robert Juker

Gentlemen:

Enclosed please find Application for Permit as signed
by Robert Juker. Please let us know the cost for the same and
we will remit by return mail.

Very truly yours,

HEPWORTH, WALKER, NUNGESTER & FELTON


Wm. L. Nungester

WLN/pw

Enclosure

47 7087