

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

15-7084
Ident. No. 15-7084
No. changed 17-7102

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Hubbard Land and Livestock Phone 766-2692
Post office address c/o Lloyd Hubbard Rt. 1, Box 8, Malad, Idaho 83252

2. Source of water supply S. Fork Bull Canyon which is a tributary of Sinks

3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11 Township 12S

Range 32E B.M. Oneida & Power County, additional points of diversion if any: _____

SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 12S, R. 32E

4. Water will be used for the following purposes:

Amount 15af for Stockwater ^{STORAGE*} purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 5af for Domestic ^{STORAGE*} purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 5af for Stockwater ^{STORAGE*} purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)

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

5. Total quantity to be appropriated:

*RC 9/15/82

a. _____ cubic feet per second and/or b. 20 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Small downstream reservoirs

b. Height of storage dam 15 feet, active reservoir capacity 20 acre-feet; total reservoir capacity 20 acre-feet, materials used in storage dam: Earthfill

Period of year when water will be diverted to storage March 15 to June 15 inclusive.
(Month/Day) (Month/Day)

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

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 135 Township 12S

Range 32E B.M.

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

(3) List number of each kind of livestock to be watered 200 Beef Cattle

(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: Water held in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 12S, R. 32E. would be used for domestic purposes in dry years.

[illegible]

c. Describe any other water rights used for the same purposes as described above. None

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

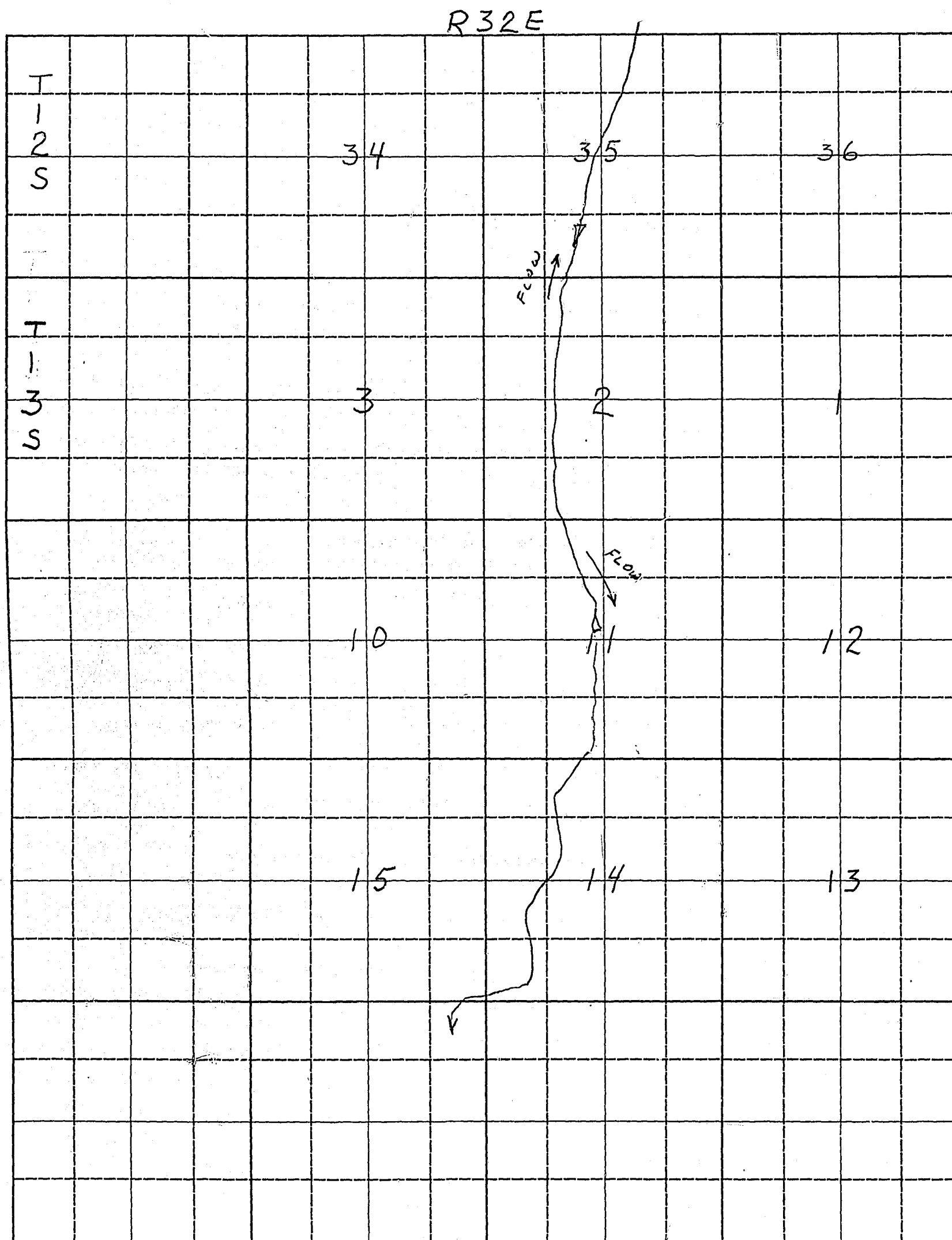
b. Who owns the land to be irrigated or place of use Applicant

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

[illegible]

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

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



Scale: 2 inches equal 1 mile.

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

Hubbard Land and Livestock Inc.
By Lloyd W. Hubbard Vice President
(Applicant)

Proposed priority 7/12/1982

Received by RDC Date 7-12-82 Time 2:00

Preliminary check by sm Fee \$ 30.00

Receipted by BP Date 7-12-1982 # 22383

Publication prepared by BP Date 7-15-82

Published in Power County Press, Idaho Enterprise

Publication dates 7-22- & 7-29-82

Publication approved CW Date 8-02-82

Protests filed by: Myron Sorensen withdrawn 8-24-82

Copies of protests forwarded by CW

Hearing held by _____ Date _____

Recommended for approval denial by EMC RC

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. 17-7102, 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 September 1, 19 87.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
The storage of water is contingent upon certification by the Department of Water Resources, of the applicant's dam under the dam safety provisions of the Idaho Code, authorizing storage.

Witness my hand this 16th day of September, 1982.

J. Glen Saxton
Chief, Operations Bureau

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF POWER } s.s.

Brett Crompton being first duly sworn

AUG 17 1982

on oath, states:

That he is the editor of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said County; that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 21 day of July, 1982

the date of last publication being the

28 day of July, 1982

(Signed)

Brett Crompton

Subscribed and sworn to before me this

11 day of Aug, 1982

Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL)

day of , 19

Department of Water Resources
Eastern District Office

Legal Notice

Published in the Power County Press July 21, 1982 and July 28, 1982.

NOTICE OF APPLICATION FOR WATER RIGHT

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

15-7084
HUBBARD LAND AND LIVESTOCK
RT. 1, BOX 8, MALAD, ID 83252
Source: BULL CANYON, SOUTH FORK tributary to SINKS
Date Filed: 07/12/1982
Amount: 20.0 AC-FT
Diversion Point: SENW Sec 11 T 13S R 32E SESW Sec 35 T 12S R 32E, ONEIDA & POWER CO.
Use: STOCKWATER STORAGE (15.0 AC-FT) from 04/01 to 11/01
STOCKWATER STORAGE (5.0 AC-FT) from 04/01 to 11/01
DOMESTIC STORAGE (5.0 AC-FT) from 04/01 to 11/01
Place of Use: SENW Sec 35 T 12S R 32E
Diversion Means: RESERVOIRS

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402 on or before AUGUST 9, 1982.

A. KENNETH DUNN
Director

Department of Water Resources
Southern District Office

AUG 13 1982

RECEIVED

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Oneida }

being duly sworn,
deposes and says: That she is the owner of THE
IDAHO ENTERPRISE, a weekly newspaper published at Malad,
in the County of Oneida and State of Idaho; that said paper has
been and is in general circulation in the county aforesaid, and in
the vicinity of Malad; that the advertisement, a copy of which is
attached hereto, was published in said newspaper once a week for
_____ consecutive weeks in the regular and entire issue of said
paper during the period of time of publication, and was
published in the newspaper proper and not a supplement; that
said paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of first
publication of said advertisement.

Such notice was published in the issue beginning with
_____ 19____, and ending
with the issue of _____ 19____

Subscribed and sworn to before me this 29th day
of July, 1982

Karl Hawkins
Notary Public, Residing at Malad, Idaho

My Commission Expires May 5, 1985

JUL 30 1982

Department of Water
Eastern District Office

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given
that the following appli-
cation(s) have been sub-
mitted for permit to app-
ropriate the public waters
of the State of Idaho:

15-7083

HUBBARD, LLOYD W.
RT. 1, BOX 8, MALAD, ID
83252

Source: GROUND-
WATER

Date Filed: 07-2-1982

Amount: 0.40 CFS

Diversion Point: SENW
Sec 28 T 14S R 36E,
ONEIDA Co.

Use: IRRIGATION (0.40
CFS) from 04-01 to 11-01
DOMESTIC (0.02 CFS)
from 01-01 to 12-31

Place of Use: SENW Sec
28 T 14S R 36E FOR 20
ACRES

Diversion Means: WELL
& PUMP

15-7084

HUBBARD LAND AND
LIVESTOCK
RT. 1, BOX 8, MALAD, ID
83252

Source: BULL CANYON,
SOUTH FORK tributary
to SINKS

Date Filed: 07-12-1982

Amount: 20.0 AC-FT

Diversion Point: SENW
Sec 11 T 13S R 32E SESW
Sec 35 T 12S R 32E,
ONEIDA & POWER Co.

Use: STOCKWATER
STORAGE (15.0 AC-FT)
from 04-01 to 11-01

STOCKWATER STOR-
AGE (5.0 AC-FT) from
04-01 to 11-01

DOMESTIC STORAGE
(5.0 AC-FT) from 04-01 to
11-01

Place of Use: SENW Sec
35 T 12S R 32E

Diversion Means: RE-
SERVOIRS

If issued, the permit(s)
will be subject to all prior
water rights. Protests
against the granting of
any permit must be filed
with the Director of the
Idaho Department of
Water Resources, 150
Shoup Ave., Idaho Falls,
Idaho 83402 on or before
AUGUST 9, 1982

WILLIAM S. HOLDEN
R. VERN KIDWELL, P. A.
FRED J. HAHN
TERRY L. CRAPO
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER, P. A.
STEPHEN E. MARTIN
CHARLES A. HOMER

GARY L. MEIKLE
CURT R. THOMSEN
RANDALL K. BARTON
MICHAEL D. CRAPO
JAMES D. HOLMAN
GAYLE A. SORENSON

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 129
IDAHO FALLS, IDAHO 83402

TELEPHONE 523-0620
AREA CODE 208

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)

August 4, 1982

HAND DELIVERED

IDAHO DEPT. OF WATER RESOURCES
Eastern District Office
150 Shoup Avenue
Idaho Falls, Idaho 83402

Re: Application for Water Right No. 15-7084

Gentlemen:

We are writing this letter on behalf of Mr. Myron Sorensen of Route 1, Box 6, Malad, Idaho 83252, to protest the Application of Hubbard Land and Livestock, No. 15-7084, to appropriate water from Bull Canyon, South Fork tributary to sinks, which was filed on July 12, 1982.

This protest is made on the grounds and for the reasons that the proposed use is such that it will reduce the quantity of water under existing water rights or that the water supply itself is insufficient for the purpose for which it is sought to be appropriated.

We will appreciate it if you would send copies of all correspondence regarding this matter to our office.

Thank you for your kind attention to this matter.

Yours very truly,


Kent W. Foster

KWF:lc

cc: Mr. Myron Sorensen

RECEIVED

AUG 4 1982

Department of Water Resources
Eastern District Office

15-7084

HUBBARD LAND AND LIVESTOCK

RT. 1. BOX 8. MALAD. ID 83252

Source: BULL CANYON, SOUTH FORK tributary to SINKS

Date Filed: 07/12/1982

Amount: 20.0 AC-FT

Diversion Point: SENW Sec 11 T 13S R 32E SESW Sec 35 T 12S R 32E,
ONEIDA Power Co.

Use: STOCKWATER STORAGE	(15.0 AC-FT)	from 04/01 to 11/01
STOCKWATER STORAGE	(5.0 AC-FT)	from 04/01 to 11/01
DOMESTIC STORAGE	(5.0 AC-FT)	from 04/01 to 11/01

Place of Use: SENW Sec 35 T 12S R 32E

Diversion Means: RESERVOIRS

P. K. K. K.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83402
(208) 525-7161

JULY 15, 1982

Power County Press
174 Idaho Street
American Falls, Idaho 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review 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 along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 9, 1982.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

August 10, 1982

RE: Application for Permit No. 15-7084 HUBBARD LAND & LIVESTOCK

Power County Press
174 Idaho
American Falls, ID 83211

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on July 22 and 29, 1982.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

August 12, 1982

RE: Application for Permit No. 15-7084 HUBBARD LAND AND LIVESTOCK

Myron Sorensen
Rt. #1, Box 6
Malad, Idaho 83252

Dear Mr. Sorensen:

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

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

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office
Kent Foster, Attorney at Law

August 12, 1982

Hubbard Land & Livestock
c/o Lloyd Hubbard
Rt. #1, Box 8
Malad, Idaho 83252

Dear Mr. Hubbard:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 15-7084. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

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

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

August 24, 1982

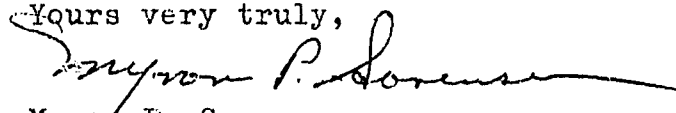
Idaho Department of Water Resources
Eastern District Office
150 Shoup Avenue
Idaho Falls, Idaho 83402

Re: Application for Permit No. 15-7084 Hubbard Land
and Livestock.

Gentlemen:

The protest which I registered concerning the above mentioned application has been resolved with the parties concerned. I therefore withdraw the protest which I had placed with your office.

Yours very truly,


Myron P. Sorensen
Rt. 1 Box 6
Malad, Idaho 83252

RECEIVED

AUG 25 1982

Department of Water Resources
Eastern District Office

September 2, 1982

RE: Application for Permit No. 15-8084 HUBBARD LAND & LIVESTOCK

Myron P. Sorensen
Rt. #1, Box 6
Malad, Idaho 83252

Dear Mr. Sorensen:

This is to acknowledge receipt of your withdrawal of protest against approval of the above referenced application. The Department will take no further action in setting a hearing in this matter.

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

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

cc: Kent Foster, Attorney

September 2, 1982

RE: Application for Permit No. 15-7084 (No. changed 17-7102)

Hubbard Land & Livestock
c/o Lloyd Hubbard
Rt. #1, Box 8
Malad, Idaho 83252

Dear Mr. Hubbard:

This is to advise you that Myron P. Sorensen has withdrawn his protest against approval of the above referenced application. The Department will take no further action in setting a hearing in this matter and has resumed the processing of your application.

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

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Steve McElmole APPLICATION NUMBER: 15 7084

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.

Field check by: _____
Date: _____
Comments: _____

- ☒ Yes ☒ No Field check required.
☒ Yes ☒ No Critical groundwater area.
☒ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☒ No In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No In form for advertising.
Final date for protests: Aug 9, 1982
☒ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: July 30, 1982 - Orinda
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc. recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
7-12-82 Date of priority recommended.
☒ Special conditions of approval or cover letter. _____

STATE OFFICE REVIEW:

By: Ernest Carlson Date: Aug 25, 1982
SL 112, 109 26 18

- ☐ See attached sheet for more information.
By: R. J. [unclear]

Date: 9/15/82

RECEIVED
SEP 14 1982

Department of Water Resources

Kay - please get dam safety
info from Linda to include
in this ~~one~~ one.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

HUBBARD LAND & LIVESTOCK
RT. 1, BOX 8
MALAD, ID 83252

SEPTEMBER 28, 1982

RE: PERMIT NO. 17-7102

DEAR PERMIT HOLDER:

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

THE 1982 IDAHO LEGISLATURE ADDED A REQUIREMENT THAT THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS MUST BE STARTED WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED. THE PROJECT MUST THEN BE DILIGENTLY CONSTRUCTED UNTIL COMPLETED. TO MAINTAIN THE PERMIT IN A VALID STATUS YOU MUST COMPLETE AND RETURN THE ENCLOSED POSTCARD WHEN CONSTRUCTION IS COMMENCED, NO LATER THAN ONE YEAR FROM THE DATE OF APPROVAL OF THE PERMIT.

IF THE DIVERSION DAM IS 10 FEET OR MORE IN HEIGHT, OR HAS AN IMPOUNDING CAPACITY OF 50 ACRE-FEET OR MORE, CERTAIN DAM SAFETY REQUIREMENTS MUST BE MET. PLEASE CONTACT THE REGIONAL OFFICE NEAREST YOU FOR DETAILS.

SINCERELY,

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

ENCLOSURE