
Juniper Station Farm LLC's Petitions to Cancel Permits - Official Notice Documents

From Cefalo, James <James.Cefalo@idwr.idaho.gov>

Date Tue 7/21/2026 12:15 PM

To Chris Bromley <cbromley@mchughbromley.com>; C McHugh <cmchugh@mchughbromley.com>; bryce@sawtoothlaw.com <bryce@sawtoothlaw.com>; Michael P. Lawrence <mpl@givenspursley.com>; Norman M. Semanko <nsemanko@parsonsbehle.com>

 6 attachments (1 MB)

Permit 13-2314.pdf; Permit 02-2336.pdf; Permit 33-2131.pdf; Permit 73-7000.pdf; Proposed Order Modifying and Reaffirming Permit 36-7834.pdf; Final Order Modifying and Reaffirming Permit 36-7834.pdf;

Dear Parties:

As I have started to review the briefs and arguments in these consolidated cases, I have decided to take official notice of several documents in the Department's records. Rule 602 of the Department's Rules of Procedure (IDAPA 37.01.01) states, in pertinent part:

The presiding officer may take official notice of . . . records of the agency. . . . The presiding officer shall notify the parties of specific facts or material noticed and the source of the material noticed, including any agency staff memoranda and data. This notice should be provided either before or during the hearing, and must be provided before the issuance of any order that is based in whole or in part on facts or material officially noticed. Parties must be given an opportunity to contest and rebut the facts or material officially noticed.

I am taking official notice of the approvals for Permits 13-2314 (originally Permit No. R-1162), 02-2336 (originally Permit No. 32129), 33-2131 (originally Permit No. G-33364), and 73-7000. Copies of the permit approvals are attached. Permits 13-2314 and 02-2336 (a split portion of Permit 02-2336) are still active according to the records of the Department. Permits 33-2131 and 73-7000 are considered closed because the water rights have been licensed.

The elements of the four permits (source, point of diversion, place of use, diversion rate, purpose of use) do not have any particular significance. I selected Permits 13-2314 and 02-2336 because they are active permits that were issued prior to the 1967 amendment to Section 42-204, Idaho Code. I also selected a random permit (33-2131) approved shortly before the 1967 amendment and a random permit (73-7000) approved shortly after the 1967 amendment.

I am also taking official notice of two documents from the Department's records for water right 36-7834: the *Proposed Order Modifying and Reaffirming Permit*, issued on March 20, 1986, and the *Final Order Modifying and Reaffirming Permit*, issued on April 1, 1986. Copies of the orders are attached.

Consistent with Rule 602, I must provide the parties an opportunity to contest or rebut the official notice documents prior to issuing an order based on the documents. **Therefore, I will accept supplemental briefs for the narrow purpose of contesting or rebutting the official notice documents or explaining**

how the official notice documents affect the arguments set forth in your opening and response briefs. Supplemental briefs, if any are filed, must be filed on or before August 7, 2026.

James



James Cefalo | Regional Manager
900 N Skyline Drive, Idaho Falls, ID 83402
(208) 525-7161 | www.idwr.idaho.gov

APPLICATION FOR PERMIT

To Construct a Reservoir and Appropriate and Store
The Public Waters of the State of Idaho

ASSIGNED TO: Idaho Water Resource Board
UTAH POWER & LIGHT COMPANY
P.O. Box 899
Salt Lake City, Utah 84110

Application No. R 39186
Permit No. R 1162

Wallace M. Trenstrom
Attorney at Law
Soda Springs, Idaho

1

1. Name of Applicant: Caribou Water Development Co., Inc.,

Post office address: Soda Springs County Caribou State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of Capital Stock: \$

(c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the corporation are:

(a) Cash on hand: \$

(b) Treasury Stock: \$

(c) Bonds to be issued: \$

(d) Other resources:

2. Quantity of water to be stored: 40,000 acre feet per annum.

3. Source of water supply is Bear ~~Crocker (River) Spring~~, a tributary of ~~Crocker (River)~~ River.

4. The outlet of the proposed reservoir is located N. 67° 15' W, 1120 feet, distant from the SE corner of Section 13, Township 9 S, Range 41 E, B.M. and is in the SE 1/4 of SE 1/4 of Section 13, Township 9 S, Range 41 E, B.M. County of Caribou

5. Fill out either (a) or (b).

(a) The reservoir is located in the channel of Bear ~~Crocker (River)~~.

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located (bearing) feet distant from the corner of Section, Township, Range, B.M., and is in the 1/4 of Section, Township, Range, B.M.; width at bottom feet, width at top feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second

6. (a) The area of the high water line of the reservoir is 1650 acres.

(b) The reservoir capacity is 40,000 acre feet.

7. Height of reservoir dam 75 feet, length at top 700 feet, length at bottom 130 feet, size of outlet supplied later feet by feet. The dam is to be constructed of materials as follows: earth - details will be supplied at a later date

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or aqueduct, thence to land to be irrigated without commingling with natural flow of Bear

~~Crocker (River)?~~ No

(b) Water stored in reservoir will be carried in the channel of Bear (Creek) (River) a distance of 9 miles to point of diversion located (N) "70° 35' E, 4060" feet, distant from the NE corner of Section 36, Township 9 S, Range 40 E, B.M., and in the SW 1/4 of SE 1/4 of Section 30, Township 9 S, Range 40 E, B.M.

9. (a) Area of watershed above dam site 840 square miles.

(b) Estimated maximum flow of stream 2,500 cubic feet per second.

10. Water is to be used for Irrigation and Municipal and Industrial purposes.

11. If for mining, milling, power or manufacturing purposes give:

(a) Point of use of water (bearing) feet, distant from Corner of Section, Township, Range, B.M., and is in the 1/4 of 1/4 of Section, Township, Range, B.M.

(b) Amount of power generated: H.P., under foot head

(c) Water is to be returned to (Creek) (River) (Spring) at a point distant from the corner of Section, Township, Range, B.M. in the 1/4 of 1/4 of Section, Township, Range, B.M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No. See remarks which is hereby referred to and made a part hereof.

13. Kind of diversion works: See No. 21 and remarks (Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: feet, length at top feet, length at bottom feet. The dam is to be constructed of materials as follows:

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

(Give Irrigable acreage in each 40-acre subdivision.)

Total this sheet 5,312 Acres

LOS	HOE	7	NE	NW	SW	SE	40	40
		8	37 28 29 30		36 40 38 30	28 19 11 3	329	
		9	25	36			61	
		10		36 38	4		78	
		11		13	11 36 11		71	
		13			12 24		36	
		14	39 40 40 40			19 38 37 40 40	333	
		15		4		12 26	42	
		17	4 24	32 37 28 13	32 15		185	
		18	38	19		24 23	104	
		19	7				7	
		22	3			20	23	
		23	25 36 34 40				135	
		24	37 37 39 39		5 2 6 20	39 36	260	
		25	15	21 14			50	
		27	6 6				6	
LOS	41E	7	2		2	12 29 3	48	
		17		12	16		28	
		18		10 29	35 39 38 34	35 20 20 37	297	
		19	22 35 34 25	38			154	
		20		39 38 11	19 6		113	
		28	13	2 11	2 10 20		58	
		30		36 35 3 33	11 15 33 23 17 25		231	
		31	33 11 32 32 28	23	8 3 13 36 19 35 36		309	
		32		13 19	30 22 16 27 2 38 35		202	
		33		8 9			17	
11S	40E	2		19	17 12 32 29 24 36		169	
		3	14 2				16	
		12	16 26 1 9				52	
11S	41E	5		17 3 35 39 39 7	29		169	
		6	24 31 39 38 37 14	37 38 19 15 32 38 38 32 37			469	
		7	25 35 28 8 35 22 4 26 30		38 35 27 27		340	
		8	29 11 32 36 27 35 35 35 9 7				256	

Total this sheet

4,688 Acres

53 1/2

Grand Total

10,000

29,000 acres of land under Last Chance Canal and all of the various other canals heading from said canal.
1,000 acres under Farmers Land and Irrigation Co. canal by exchange of water. Municipal use in Soda Springs and
Grace. The various canals will be extended as necessary to irrigate new lands.

Total Number of Acres to Be Irrigated

21. Existing rights and/or valid permits appurtenant to lands described above are Judge Dietrich Bear River Decree in name of Last Chance Canal Co., Ltd., The Bench Canal, Tanner Canal Company, Ltd., and Farmers Land and Irrigation Co.

REMARKS:

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and appropriate and store the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

s/ Caribou Water Development Co., Inc., Applicant.

By Wallace M. Transtrum, Agent.

Date of first receipt at Department of Reclamation: 9:40 A.M. April 19, 1963

Returned to applicant for correction:

Corrected application received:

APPROVAL OF STATE RECLAMATION ENGINEER

The number of this permit is R 1162

Recorded in book R 5, page 1162. Approved September 17, 1963

This is to certify that I have examined the within application for a permit to construct a reservoir and appropriate and store the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$1000.00, to be filed on or before November 17, 1963

Work to begin on or before November 17, 1963 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before September 17, 1964

The whole of said work to be completed on or before September 17, 1965

This is to certify that I have examined the within application for a permit to construct a reservoir and appropriate and store the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$1000.00, to be filed on or before November 17, 1963

Work to begin on or before November 17, 1963 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before September 17, 1964

The whole of said work to be completed on or before September 17, 1965

Beneficial use of water stored in accordance herewith, to be made on or before September 17, 1970

Witness my hand this 17th day of September, 1963.

s/ CARL E. TAPPAN

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and ARTHUR WILLIAMS

Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 17th day of September, 1963.

COUNTERSIGNED

STATE OF IDAHO

By s/ ARTHUR WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLLIE
Governor.

(SEAL)

Application For Permit
To Appropriate the Public Waters of the State of Idaho

Partial assignment

APPLICATION No. 40213
PERMIT No. 32129
DISTRICT No.

1. Name of Applicant: **Sailor Creek Water Co.**
Postoffice address: **729 Commercial Avenue** County: **Twin Falls** State: **Idaho**
Twin Falls
I. If applicant is a corporation, give:
(a) Date and place of incorporation: ASSIGNED TO: (part) ASSIGNED TO: (part) ASSIGNED TO:
(b) Amount of capital stock: **William F. Ringert** **Lynne K. Ringert** **Grindstone Butte Mutual**
(c) Amount paid in: **4170 Lenora Street** **4170 Lenora Street** **Canal Co. & Wm. Ringert**
(d) Names and addresses of directors: **Boise, Idaho 83704** **Boise, Idaho 83704** **P.O. Box 2773**
Sept. 16, 1970 **Sept. 16, 1970** **Boise, Idaho 83701**
02-2336-B **02-2336-C** **Jan. 30, 1973**
~~02-2336-A~~ 02-2336-D
II. The financial resources of the applicant are:
(a) Cash on hand: **\$50,000**
(b) Treasury stock:
(c) Bond to be issued:
(d) Other resources: **Loans from Banks & Insurance**
Companies \$750,000
2. Quantity of water claimed: **70.4** cubic feet per second.
3. Source of water supply: **Snake River** which is a tributary of **Columbia River**
4. Location of point of diversion: North **4°30'E 3839 ft. from a point 1320 South of** ASSIGNED TO: (part)
corner of Section 3, T. 6 S, R. 9 E, B.M., and is in the NW 1/4 SW 1/4 **Melvin D. Hughes**
of section 34, T. 5 S, R. 9 E, B.M., County of Elmore **517 South Oneida St. et**
Glenns Ferry, Idaho 83622
May 14, 1980
02-2336-E
5. Water is to be used for **Irrigation**
6. If for mining, milling, power or manufacturing purposes, give:
(a) Point of use of water: feet distant from corner of Section
T. R. , B.M., in the of Section of T. R. , B.M.
(b) Amount of power generated: H.P., under feet head.
(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.
7. Estimated cost of works: **\$ 780,000**
8. Kind of works: **Pumping plant, canal & pipe**
9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:
10. Size of headgate: Width feet; height feet.
11. Ditch: Width at bottom 12 feet; width at water line 20 feet; depth of water 3 feet;
dimensions of flume:
Diameter of pipe 36 & 48 inches; length of conduit 4 1/2 miles.
Average grade per mile 5 feet.
12. The time required for the completion of such work is 5 years.
13. The time required for the complete application of the water to the proposed use is 6 additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.
15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: **None**

16. (a) Is reservoir to be used? No If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

Sailor Creek Water Co. Applicant.

By s/ Harley M. McDowell Agent.

Date of first receipt at Department of Reclamation: 3:30 P.M. September 25, 1964

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 32129

Recorded in Book 112

Page 32129

Approved November 13, 1964

Recorded in Book 111 Page 32129 Approved November 13, 1904
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ 1000.00 to be filed on or before January 13, 1965

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before **May 13, 1967**

The whole of said work to be completed on or before November 13, 1969

Beneficial use of water appropriated in accordance herewith, to be made on or before November 13, 1975

WITNESS My hand this 13th day of November, 1964

s/ RALPH W. THOMAS, Deputy
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE..... ROBERT E. SMYLLIE....., Governor of the State of Idaho,

and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this.....13th.....

day of November, 1964.

STATE OF IDAHO

Countersigned:

(SEAL)

By s/ ARNOLD WILLIAMS
Secretary of State.

Ry Robert E. Smylie Governor.

REMARKS:

14.

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	
6 S	9 E	17	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		19																	40
		20	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	600
		21	40	40	40	40					40	40	40	40	40	40	40	40	640
		22	40			40					40	40	40	40					400
		27					40	40	40	40									160
		28	40	40	40	40	40	40	40	40	40	40			40	40			480
		29	40	40	40	40					40	40			40	40			320
		30			40	40									40	40	40	40	240
		Total Number of Acres to be Irrigated																	3520

Form No. 3
5 M-1-65

Address all communications to:

Juel H. Andreason

P.O. c/o Fred H. Boyer, P.O. Box B Arco, Idaho

DEC 5 1966
8:00 AM
Department of Reclamation

APPLICATION FOR PERMIT

TO APPROPRIATE THE SUBTERRANEAN WATERS OF THE STATE OF IDAHO

Application No. G 41588

Permit No. G 33364

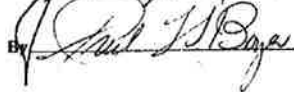
Water District No. _____

1. Name of applicant: Juel H. Andreason
Post office address P. O. Box 3 County Butte State Idaho
2. Quantity of water claimed: 1,6 c.f.s.
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6 8
Twp. 6 N, Rge. 29 E, B.M., County of Butte
5. Water is to be used for: Irrigation
6. If for domestic, municipal, industrial or recreational purposes give:
 - (a) Point of use of water is in the _____ $\frac{1}{4}$ of the _____ $\frac{1}{4}$ of Section _____
Twp. _____, Rge. _____, B.M.
 - (b) Waste water or sewage effluent is to be returned to _____
at a point in the _____ $\frac{1}{4}$ of the _____ $\frac{1}{4}$ of Section _____, Twp. _____, Rge. _____, B.M.
7. Kind of Works: Deep well with private ditch
8. Estimated cost of works: \$ 5,000
9. (a) Is reservoir to be used? no
(b) Capacity of reservoir: _____
10. The time required for the completion of such work and complete application of the water to the proposed use is
5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation: _____
 - (b) Amount of capital stock \$ _____ (c) Amount paid in: \$ _____
 - (d) Names and addresses of directors: _____

33364

Remarks: Permit by same applicant already in existence on same well for SW $\frac{1}{4}$ Sec 8
Twp. 6 N. R. 29 EBM. This land will be irrigated from same pump and proof of
both permits will be made together.

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.


Applicant
By  Agent

33364

Approval of State Reclamation Engineer

The number of this permit is G 33364

Recorded in Book 116 Page 33364 Approved DEC 13 1966

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed before _____

One-fifth of the work above specified to be completed on or before June 13, 1969

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made

on or before December 13, 1971

Witness my hand this 13th day of December, 19 66

E. Keith Higgins
State Reclamation Engineer

IN TESTIMONY WHEREOF, We ROBERT E. SMYLIE, Governor of the State of Idaho,

and LOUIS E. CLAPP, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be

hereunto affixed, this 13th day of December, 19 66

Countersigned

STATE OF IDAHO

By

Louis E. Clapp
Secretary of State

By

Robert E. Smylie
Governor

No. G 33364

PERMIT

Date of first receipt at office of State
Reclamation Engineer

December 5, 1966 8:00 A.M.

Returned to applicant for correction

Corrected application received

Fees, \$ 5.25

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof .25

33364

NAME OF APPLICANT Julia Anderson Twp 6N R29 E.B.M Form No. 0

7 well 8 9

APPROVED
DEC 1-3 1966
33364
STATE RECLAMATION ENGINEER

SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

33364

✓ *G* 33364
K.O.
33-2131

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 41588
Permit No. G- 33364
District No.

Juel H. Andreason
% Fred H. Boyer
P.O. Box 3, Arco, Idaho

1. Name of Applicant: Juel H. Andreason
Postoffice address: P.O. Box 3, Arco County: Butte State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 1.6 or Idaho
Miners' inches or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the NW 1/4 of the SW 1/4 of Section 8
Twp. 6 N , Rge. 29 E , B.M., County of Butte
5. Water is to be used for: irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: deep well with private ditch
8. Estimated cost of works: \$ 5,000.00
9. (a) Is reservoir to be used? no
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is
years. 5
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) 1.6 c.f.s. (cubic feet per second, inches or gallons per minute) is for new lands.

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

Applicant.

Agent.

Corrected application received:

12.

Twp.	Range	Sec.	NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Totals
6 N	29 E	8				40 40	80
PERMIT NO. G-33364 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that JUEL H. ANDREASON of Arco, County of Butte, and State of Idaho, the holder of Permit No. G-33364, issued upon Application No. G-41588 bearing date of priority of December 5, 1966, authorizing the diversion of 1.6 second feet of waters of a well County of Butte, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho, relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.10 second feet of the waters of a well from subterranean flow that the point of diversion of said waters is in the NW$\frac{1}{4}$SW$\frac{1}{4}$ Section 8, Township 6 North, Range 29 East, Boise Meridian; and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: S$\frac{1}{2}$SE$\frac{1}{4}$ Section 8, Township 6 North, Range 29 East, Boise Meridian. Proof of completion of works made: January 30, 1967 Witness my hand this 27 day of June, A. D. 1968 /s/ R. KEITH HIGGINSON State Reclamation Engineer LICENSE ISSUED FOR <u>610</u> SEC. FT. LICENSE PAGE NO. <u>33364</u>							

Identification No. 73-7000
Application No. 42105

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant Bolen Uresti and Beverly Uresti
post office address Challis, Idaho 83226
2. Source of water supply well which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 24 Township 14 N
Range 21 E B.M. Blaine Creek County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Sulphur Creek at a point in NE $\frac{1}{4}$
of NW $\frac{1}{4}$ of Section 24 Township 14 N Range 21 E B.M.
4. Quantity to be appropriated:
a. 3 cubic feet per second and/or
b. _____ acre feet per annum will be stored.
5. Water will be used for the following purposes:
irrigation purpose from March 1 to October 31 (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pump, motor, sprinkler system

b. Height of storage dam _____ feet; active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet; materials used in storage dam: _____

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

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

73-7000

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

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	
14N	X E 2X	34	X		X	X									X	X	3X	X	20X
14N	22 E	19		40	40		40	X	36	40		36							2X 232
		X												X			X		X

Total number of acres to be irrigated ~~20~~ 232
 See 10-26-67 letter

c. Describe any other water rights used for the same purposes ~~G-33158~~

None

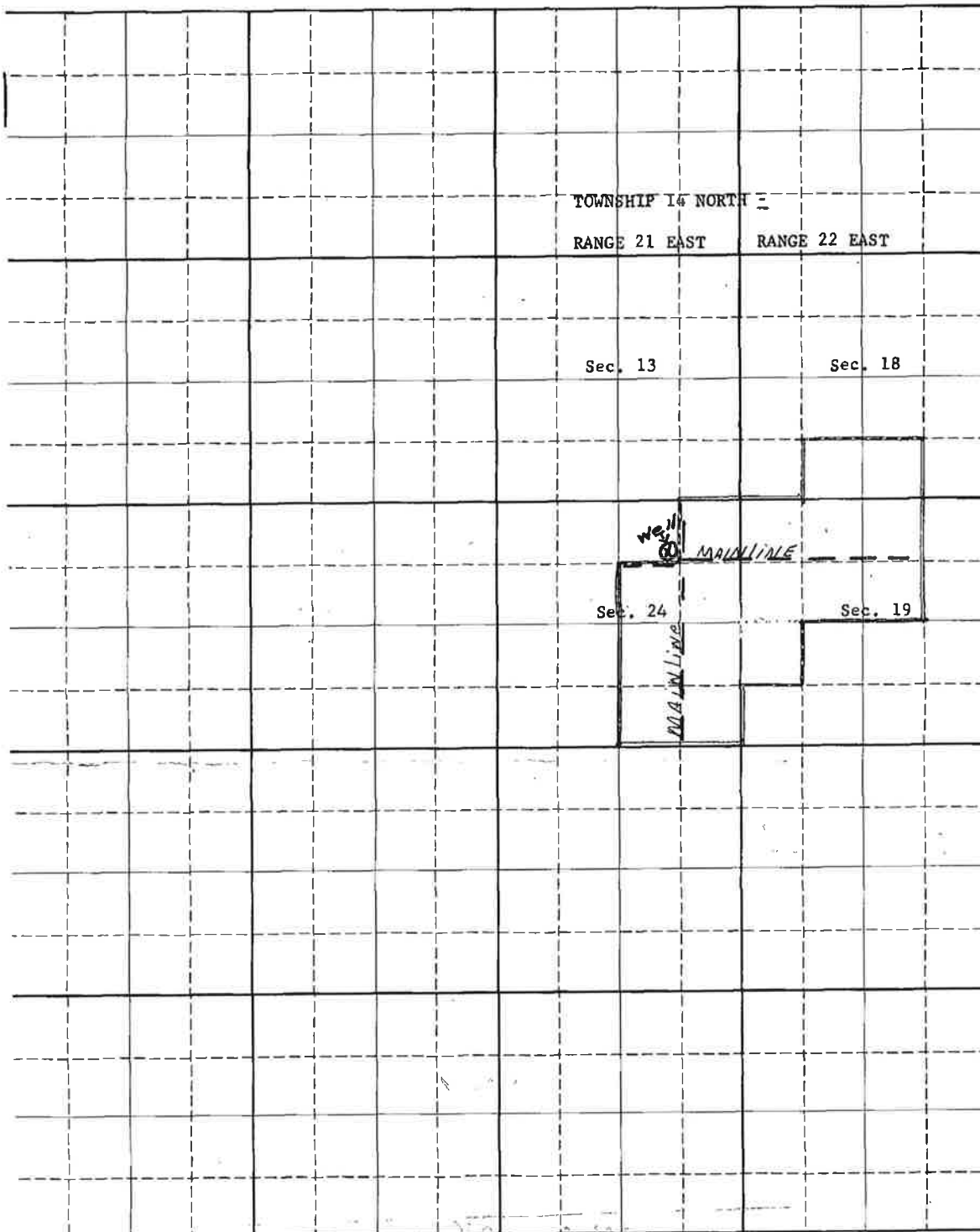
9. a. Who owns the property at the point of diversion Bolen and Beverly Uresti

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Attached letters from BLM stating desert land applications I-301 and I-302 will be allowed upon the filing of a water permit.

10. Remarks

11. Map of proposed project:



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.

BOLEN URESTI and BEVERLY URESTI

BY: Harley W. C. Daniel
(Applicant)

Received by ef Date 10-26-67 Time 8:00 a.m.
Preliminary check by Deke Fee \$ 30.00 + 1.00 for B&H copy
Receipted by ef Date 10-26-67
Publication prepared by KS Date 10-31-67
Published in Challis Messenger
Publication dates 11-23-67
Publication approved KS Date 11-21-67
Priority reduced to _____ Reason _____

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for ☒ approval ☐ denial by ef DM Jas RR

ACTION OF STATE RECLAMATION ENGINEER

APPROVED

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 73-7000, and said application is hereby APPROVED.

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

- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 19 72.
- Other: This permit is supplemental to all prior rights. The applicant shall permanently install a measuring device of a type approved by the department as part of the diverting works.

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

Witness my hand this 26th day of December, 19 67.

R. Keith Higgins
State Reclamation Engineer

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL	)	PROPOSED
OF APPLICATION FOR PERMIT NO. 36-7834	)	ORDER MODIFYING AND
IN THE NAME OF TROUT CO.	)	REAFFIRMING PERMIT

On December 21, 1978, Trout Co filed Application No. 36-7834 to divert 100 cubic feet per second (cfs) of water from Billingsley Creek in Gooding County for fish propagation and hydropower purposes.

Several protests were received against the approval of the application and a hearing was held which resulted in a decision being issued on November 14, 1979. That decision was appealed to the Fourth Judicial District Court which remanded the matter back to the Department for rehearing. A rehearing was held and the application was again approved. The decision was appealed to the district court and then to the Idaho State Supreme Court by Edward C. Shokal, Cole M. and Billie Reed, and the State of Idaho, Department of Fish and Game. The Supreme Court filed its decision on September 24, 1985 and sent it back to the district court which in turn remanded it back to the Department of Water Resources for further hearing.

The parties then began negotiations to determine if an agreement was possible which would avoid further hearing and on March 4, 1986, the Department received a Stipulation and Agreement for Settlement and Voluntary Dismissal With Prejudice signed by all the parties to the appeal other than the Director of the Department of Water Resources.

The applicant, in the agreement, deleted from the permit the use of water for fish propagation and also agreed to maintain certain by-pass flows in

MICROFILMED

Billingsley Creek. The protestants agreed to withdraw their objections to Application for Permit No. 36-7834 for hydropower purposes. No change from the original plan is proposed for the hydropower portion of the permit and, therefore, this is not considered an amendment of the permit.

Therefore, Application for Permit No. 36-7834 is APPROVED with the following conditions:

- 1) Subject to all prior water rights.
- 2) Measuring devices of the types approved by this Department shall be permanently installed and maintained at the point of diversion and on Billingsley Creek to measure the by-pass flow.
- 3) Use of water under this permit is subject to control by the Water-master of State Water District 36A, Billingsley Creek.
- 4) This permit is subject to the provisions of Sec. 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.
- 5) The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- 6) The permit holder shall allow a minimum flow in Billingsley Creek according to the schedule below, past the diversion structure as required in the Stipulation and Agreement of February 28, 1986:

35 cfs from January 1 through September 30

70 cfs from October 1 through November 15

35 cfs from November 16 through December 31.

7) This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

8) The Director retains jurisdiction of this permit in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.

9) The use of water under this permit is subject to the terms of the Stipulation and Agreement for Settlement and Voluntary Dismissal with Prejudice dated February 28, 1986.

10) Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1991.

Dated this 20th day of March, 1986.


A. KENNETH DUNN
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL
OF APPLICATION FOR PERMIT NO. 36-7834 IN
THE NAME OF TROUT CO.

CERTIFICATE

I HEREBY CERTIFY That this the 20th day of March, 1986, a true and correct copy of the foregoing PROPOSED ORDER MODIFYING AND REAFFIRMING PERMIT was distributed to the following parties:

Leon E. Smith, Jr.
SMITH, BEEKS & GOSS
P. O. Box 508
Twin Falls, ID 83303-0508

(mailed postage prepaid)

Bill Dillon, Deputy Attorney General
Department of Fish and Game
P. O. Box 25, Boise, ID 83720

(picked a copy of this office)

William L. Mauk
SKINNER, FAWCETT & MAUK
P. O. Box 700
Boise, ID 83701

(picked up a copy from this office)

Edward and Ruth Shokal
Rt. 1, Box 410
Hagerman, ID 83332

(mailed postage prepaid)

Cole and Billie Reed
P. O. Box 416
Hagerman, ID 83332

(mailed postage prepaid)

Nyal Hoffman, President
Trout Co
Rt. 1
Filer, ID 83328

(mailed postage prepaid)



RITA J. FLECK
Secretary/Records Manager
Department of Water Resources

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL	}	FINAL
OF APPLICATION FOR PERMIT NO. 36-7834		ORDER MODIFYING AND
IN THE NAME OF TROUT CO.		REAFFIRMING PERMIT

A Proposed Order Modifying and Reaffirming Permit No. 36-7834 was issued on March 20, 1986. Requests were received from the protestant's attorneys that condition no. 9 be amended so that the February 28 Stipulation and Agreement is included as part of the permit. Including the suggested language clarifies but does not change the intention of the Proposed Order and therefore language to that effect has been added to condition no. 9 and this Final Order is issued.

Several protests were received against the approval of the application and a hearing was held which resulted in a decision being issued on November 14, 1979. That decision was appealed to the Fourth Judicial District Court which remanded the matter back to the Department for rehearing. A rehearing was held and the application was again approved. The decision was appealed to the district court and then to the Idaho State Supreme Court by Edward C. Shokal, Cole M. and Billie Reed, and the State of Idaho, Department of Fish and Game. The Supreme Court filed its decision on September 24, 1985 and sent it back to the district court which in turn remanded it back to the Department of Water Resources for further hearing.

The parties then began negotiations to determine if an agreement was possible which would avoid further hearing and on March 4,

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1986, the Department received a Stipulation and Agreement for Settlement and Voluntary Dismissal With Prejudice signed by all the parties to the appeal other than the Director of the Department of Water Resources.

The applicant, in the agreement, deleted from the permit the use of water for fish propagation and also agreed to maintain certain by-pass flows in Billingsley Creek. The protestants agreed to withdraw their objections to Application for Permit No. 36-7834 for hydropower purposes. No change from the original plan is proposed for the hydropower portion of the permit and, therefore, this is not considered an amendment of the permit.

Therefore, Application for Permit No. 36-7834 is APPROVED with the following conditions:

- 1) Subject to all prior water rights.
- 2) Measuring devices of the types approved by this Department shall be permanently installed and maintained at the point of diversion and on Billingsley Creek to measure the by-pass flow.
- 3) Use of water under this permit is subject to control by the Watermaster of State Water District 36A, Billingsley Creek.
- 4) This permit is subject to the provisions of Sec. 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.
- 5) The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not

give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

6) The permit holder shall allow a minimum flow in Billingsley Creek according to the schedule below, past the diversion structure as required in the Stipulation and Agreement of February 28, 1986:

35 cfs from January 1 through September 30

70 cfs from October 1 through November 15

35 cfs from November 16 through December 31.

7) This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

8) The Director retains jurisdiction of this permit in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.

9) The use of water under this permit is subject to the terms of the Stipulation and Agreement for Settlement and voluntary Dismissal with Prejudice dated February 28, 1986; a copy of which is attached hereto and by this reference incorporated as if set forth in full.

10) Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1991.

Dated this 31st day of March, 1986.



A. KENNETH DUNN

Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 36-7834

IN THE NAME OF TROUT CO

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 1st day of April, 1986, a true and correct copy of the foregoing FINAL ORDER MODIFYING AND REAFFIRMING PERMIT was mailed, postage prepaid to:

Leon E. Smith, Jr.
SMITH, BEEKS & GOSS
P. O. Box 508
Twin Falls, ID 83303-0508

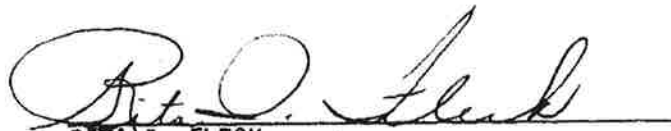
Bill Dillon, Deputy Attorney General
Department of Fish and Game
P. O. Box 25
Boise, ID 83720

William L. Mauk
SKINNER, FAWCETT & MAUK
P. O. Box 700
Boise, ID 83701

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Rt. 1, Box 410
Hagerman, ID 83332

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Nyal Hoffman, President
Trout Co
Rt. 1
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RITA I. FLECK
Secretary/Records Manager
Department of Water Resources

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