

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-07446

Date Received: 12/13/1996

Receipt No: E022824

Received By: HT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PHIL YOST
Address: 1760 RICH RD
GRACE ID

208-425-3875

83241

2. Date of Priority: APR 3, 1978

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	39E	22		SE	SW		CARIBOU

5. Description of diverting works:
WELL AND PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.890		477.00

7. Total Quantity Appropriated is:
1.890 C.F.S. (and/or) 477.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	39E	27	NE	NW		IRR	33.0
			SW	NW		IRR	33.0
			SE	NW		IRR	33.0
			NE	SW		IRR	39.0
			NW	SW		IRR	21.0

A2907446



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	159.0
					Total Acres	159.0

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

The maximum combined rate of diversion under this right & Right 29-7253 shall not exceed 1.89 cfs from the well licensed herein.

THE OWNER OF THE PROPERTY IS MRS. SWEENEY. MR. YOST IS RENTING THE PROPERTY, BUT WISHES TO FILE ON THIS RIGHT IN ORDER TO PROTECT THE LICENSE. MRS. SWEENEY TRAVELS THROUGH OUT THE YEAR AND IS UNABLE TO CONTACT.

15. Basis of Claim: LICENSE

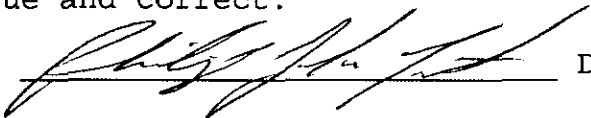
16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):  Date: 12/17/96

Date: _____

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of December 19 96

Gregory J. Taylor
Notary Public

Seal



Residing at Idaho Falls Id

My Commission Expires 3/3/98

Log for claim A29-07446

Spatial Dynamics LTD

6/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s39e	27	SWNW	33	34	
08s39e	27	NENW	33	34	
08s39e	27	SEnw	33	31	
08s39e	27	NESW	39	36	
08s39e	27	NWSW	21	25	
Totals:			159	160	

AJ5809NP
No. A29-07446

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 111

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PHIL YOST 1760 RICH RD GRACE ID 83241 (208) 425-3875	04/03/1978	IRRIGATION	04-01 11-01	1.890 CFS	477.00 AFA
TOTAL DIVERSION:					1.890 CFS	477.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T08S R39E S22 SESW

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM						
-----																				-----					
08S 39E 27 :								33				33				39				21				:	159.0
																			TOTAL ACRES		:	159.0			

POU County: CARIBOU

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-07253 A29-07253

Conditions of Approval:

- R29 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.0 afa per acre for
- irrigation of the lands above.
016 - See remarks for additional conditions of approval.

Remarks: GEN The maximum combined rate of diversion under this right &
Right 29-7253 shall not exceed 1.89 cfs from the well
licensed herein.
THE OWNER OF THE PROPERTY IS MRS. SWEENEY. MR. YOST IS RENTING
THE PROPERTY, BUT WISHES TO FILE ON THIS RIGHT IN ORDER TO
PROTECT THE LICENSE. MRS. SWEENEY TRAVELS THROUGH OUT THE YEAR
AND IS UNABLE TO CONTACT.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 12/19/96 GTAYLOR

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. **21111**

Priority: April 3, 1978 Amount: 1.89 CFS 477.0 AFA

This is to certify, that DIAMOND G FARMS INC.

BANCROFT, ID 83217 has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated April 3, 1978, and has submitted proof to the Department of Water Resources on March 3, 1983, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 1.89 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	04/01 to 11/01	1.89 cfs	477.0 afa

LOCATION OF POINT OF DIVERSION(S): SESW , Sec. 22, Township 8S, Range 39E
Caribou County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
8S	39E	27	NENW 33	SWNW 33	SENW 33	NESW 39	159
			NWSW 21				

Total number of acres irrigated: 159

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
5. The maximum combined rate of diversion under this right & Right 29-7253 shall not exceed 1.89 cfs from the well licensed herein.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 1st day of April, 1988.

MICROFILMED

JUN 16 1988

Director

Identification No. _____
Application No. 29 7446

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

To appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Diamond G. Farms, Inc. Phone: 648-7615
post office address P.O. Box 186, Bancroft, ID 83217
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 22 Township 8S
Range 39E B.M. Caribou County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 3.54 for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 3.54 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. existing well and sprinkler system

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 20 inches; proposed depth of well is 400 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 \$ 88,000.00
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: _____

[illegible]

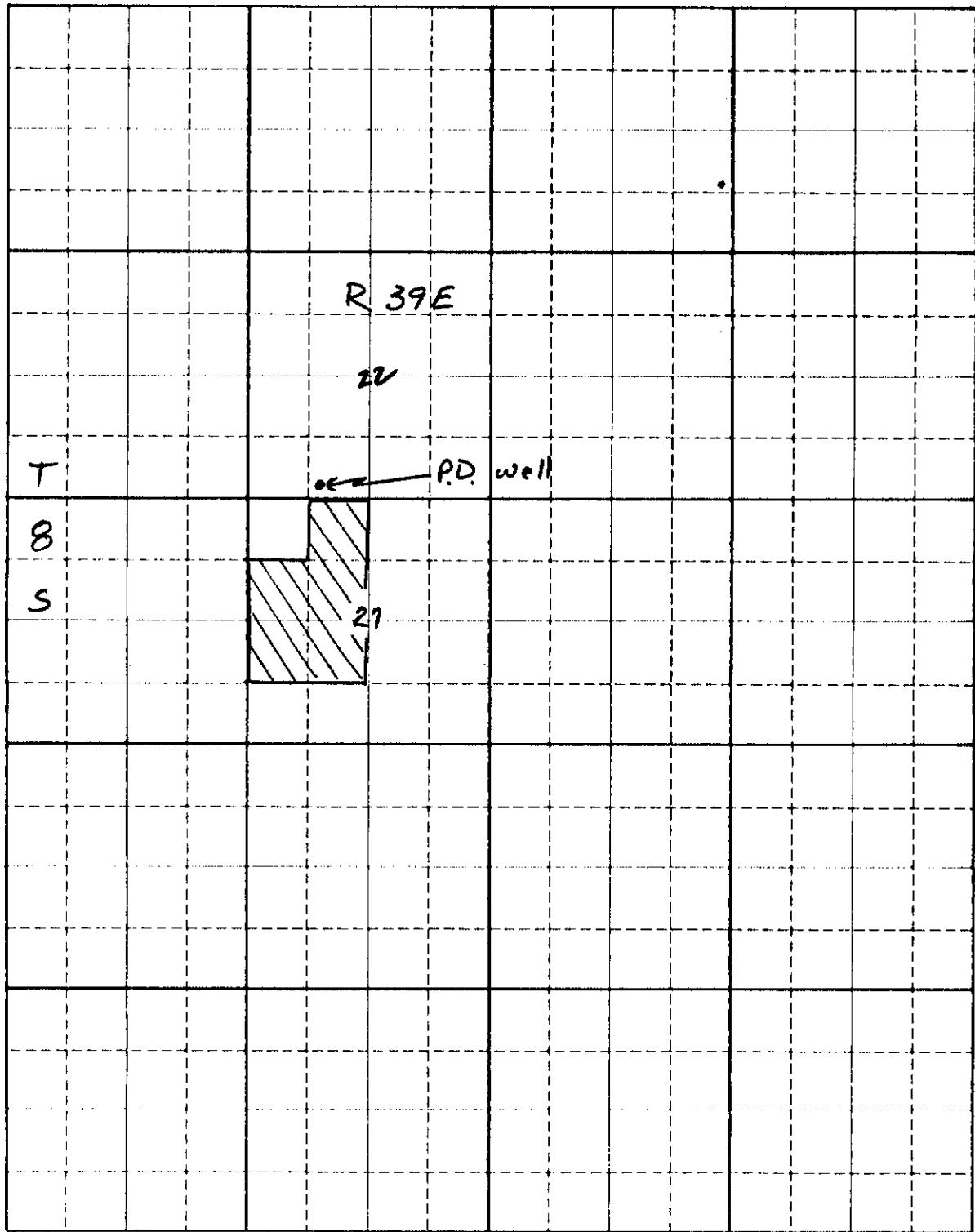
177

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 Keith H. Sweeney
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing applicant has a 10 year lease option to purchase lands to be irrigated.

10. Remarks

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



Scale: 2 inches equal 1 mile

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

Diamond G. Farm's Inc
[Signature]
(Applicant) (Sec)

Proposed Priority 4/03/78

Received by CAW Date 4-03-78 Time 4:55

Preliminary check by SMG Fee \$ 55.00

Received by CAW Date 4-03-78 # 9216

Publication prepared by CAW Date 4-05-78

Published in Caribou County Journal

Publication dates April 13 & 20, 1978

Publication approved CAW Date 5-05-78

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC

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. 29-7446, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 83.
- c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 22ND day of May, 19 78.

Norman C Young
Administrator

SEP 10 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern District Office

Application for Extension of Time to Avoid Forfeiture
of a Water Right

SEP 23 1987

Department of Water Resources
Eastern District Office

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$30.00 if the application involves 0.2 cfs or 20 acre feet or \$50.00 if in excess of these amounts.

1. Name of water right holder Diamond G. Farms
Post office address Bancroft, Idaho 83217
2. The right was obtained or is evidenced by:
 - a. Decree to NA in Case of NA
(Name)
 - vs. _____, Dated _____ in _____
(Name of Court)
 - Court, County of _____ Fully describe decree _____
- b. License No. 29-7446 issued by the Department of Water Resources.
- c. Claim No. _____ on file with the Department of Water Resources.
3. Source of water groundwater tributary to _____
(Name of stream or source)
4. Date of priority of right April 3, 1978
5. Amount of water
 - a. 1.89 c.f.s. and/or
 - b. 477 acre feet/annum
6. Water is used for irrigation from April 1 to November 1

(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is SE 1/4 SW 1/4 of Section 22
Township 8 South, Range 39 East, B.M., in Caribou County;
Additional points of diversion, if any _____
8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	39E	27					33		33	33	39	21							159

Total number of acres irrigated 159

9. Give last date when water was applied to beneficial use July 1986
Length of extension of time requested ten (10) years, or till (Date)
10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use Land is in the CRP Program
- _____

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

FEDERAL LAND Bank of Spokane

Brad Buttrick

Authorized Agent

Subscribed and sworn to before me this 27th day of July, 1987.

[Signature]
(Signature of Applicant)

[Signature]
(Notary Public)

My commission expires Sept. 25, 1991

Residing at Grace, Idaho 83241

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby Approve said application subject to the following conditions or reasons.

Beneficial use of water under this right shall resume on or before November 1, 1997.

Witness my hand this 27th day of November, 1987.

[Signature]
Chief of Bureau

JUN 16 1988

For Department Use Only

Received by AW Date 9-16-87 Time 2:00 PM Preliminary check by KW
Fee \$ 50.00 Receipted by dg Date 10-2-87 Publication prepared by dg
Published in Caribou County News 11-2-87 Dates 10-15 + 10-22-87
Publication approved by AW Date 11-9-87 Protests filed by: _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____

Recommended for // Approval // Denial by EMC Jim

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

29-7446
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 8-03-83 Accompanied by Kurt Larsen Total Q measured 1.89 cfs ✓
 Source Groundwater Tributary to _____ Supp. annubar measurement sheet used? _____
 If source is surface water, estimate total flow of source _____
 Methods of measurement McCreight Meter #77-10-2160 Meets permit requirements? _____

Measurement calculations: ~~$1.59 \times 80\% = 1.27$~~

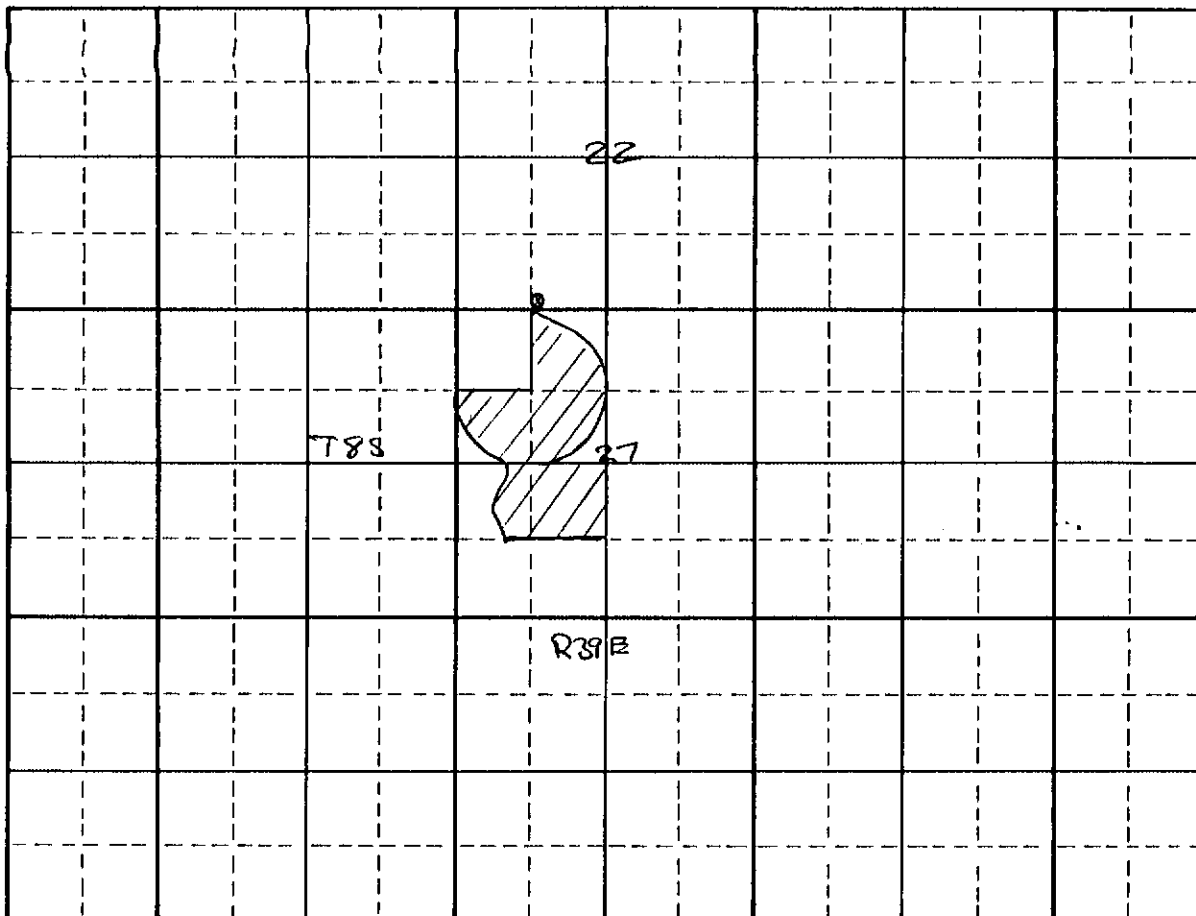
850 gpm by meter or 1.89 cfs ✓
 $0.001 \text{ cfs} / 215 \text{ sec} = 2.07 \text{ cfs}$

$V = 1.59 \text{ cfs} \times 3.0 \text{ cfs} = 4.77 \text{ cfs}$
 $V = 1.89 \text{ cfs} \times 1.9835 \times 214 = 802.2$

WELL/DIV. NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
	150	GE	CNJ330130	Aurora	V77-72087	Meter		

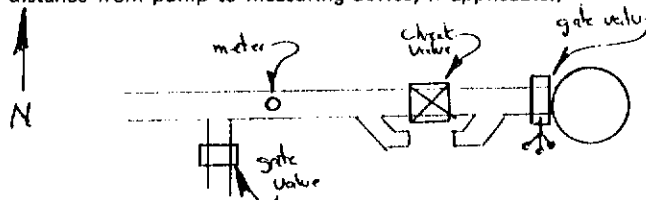
System Description well/pump thru mainline to pond (Pringle) south of pump and wheel lines.

*Code with map on reverse side. Disregard code if only one.



SCHEMATIC DIAGRAM OF SYSTEM

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



Point(s) of diversion: SE 1/4 SW 1/4 Sect. 22 T8S R39E

Place(s) of Use ☒

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	39E	27					33		33	33	39	21							159

Recommended Amendments:

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

☒ None
☐ Other

MICROFILMED

JUN 16 1988

Examiner's Signature

H.W. Jones

Checked by

K. Walker

Approved by

Date 3-7-84

Date

Date 7-7-86

NOT TO SCALE