

**SUPPLEMENTAL DIRECTOR'S REPORT REGARDING
SUBCASE NO. 31-7311**

In Re SRBA
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill Jr., Adjudication Bureau Chief

August 20, 2003

I. INTRODUCTION

On July 15, 2003, the Claimant filed a *Motion to Set Aside and Vacate Partial Decree and to Allow the Filing of a Late Objection* with the SRBA Court. On July 22, 2003 Special Master Bilyeu issued the *Order Setting Deadlines and Notice of Hearings*, seeking a written report regarding the basis of IDWR's recommendation for water right number 31-7311. The Director of the Idaho Department of Water Resources ("IDWR" or "the Department") submits this Supplemental Director's Report regarding subcase number 31-7311 in response to that order and accordance with Idaho Code § 42-1412(4) and Administrative Order I.

This report sets forth the basis of the Department's recommendation for water right number 31-7311 and was prepared under the supervision of Karl J. Dreher, Director, and David R. Tuthill, Jr., Adjudication Bureau Chief for IDWR. The following employees from the Department of Water Resources have knowledge of the information contained in this report: David R. Tuthill, Jr., IDWR Adjudication Bureau Chief and Shelley Keen, Water Rights Supervisor, IDWR, State Office in Boise.

II. BACKGROUND

On March 31, 1989, Ben D. Jernberg filed a claim in the SRBA for water right number 31-7311. The claim was based on a permit previously filed with the department. On September 5, 1997, the license for water right number 31-7311 was issued. No objection to the Department's recommendation was filed in the SRBA. On February 22, 2002, the partial decree for water right number 31-7311 was issued.

On April 15, 2003, the Claimant, Ben Jernberg, filed correspondence with the SRBA Court saying there is a problem with the water right. On June 4, 2003, a status conference was held regarding the claimant's correspondence. At that status conference,

it was decided to continue the hearing in order to allow the Claimant time to discuss possible administrative options with the Department and to file a formal motion with supporting information. On July 15, 2003, the Claimant filed his *Motion* and supporting Memorandum with the SRBA Court.

III. DISCUSSION

a. Overview

When licensing a water right, the Department has the statutory duty to carefully examine all evidence in relation to proving whether a water right has been established. Idaho Code § 42-219 states that, “[The license] shall state . . . the quantity of water, which may be used, which in no case shall be an amount in excess of the amount that has been beneficially applied.” Based on the evidence the Department must make conclusions about whether the quantity of water has been beneficially applied. For water right 31-7311, based upon the evidence before it and careful examination, the Department concluded that there was only enough proof to issue a license for 4.62 cfs with 367.5 acre-feet on a total of 461 irrigated acres. Attached hereto as Exhibit A is a true and correct copy of the license for water right 31-7311.

The license also includes two conditions that were added in an attempt to allow the water user to continue with an historical application of an additional 4.99 cfs of water to an additional 663 acres. Those conditions (numbered 6 and 9 respectively) state:

6. Water diverted under this right, and an additional 4.99 cfs of ground water diverted from the points of diversion described above may also be diverted onto 663 acres of uncultivated pasture located in T07N, R34E, Sections 15, 16, 21, and 22, but this additional use is not an appurtenance of the land upon which it occurs.
9. Any application for transfer proposing to change the point of diversion, place of use, nature of use, or period of use of this right or any portion of this right shall include for consideration by the director the entire use of water on the uncultivated pasture land referenced above. Action taken by the director on any

such transfer application may include modification or curtailment of all or any part of the use of water on the uncultivated pasture land.

As the following discussion will show, these conditions were added in an attempt to provide the Claimant the opportunity to continue an historical practice of applying water to uncultivated pasture grass even though the Claimant was not able to prove the extent of beneficial use that applying water to the desert-like pastureland provided.

b. Basis of Recommendation -- License

There was extensive communication between the Claimant and IDWR during the licensing process as is evidenced by the file and the select Exhibits hereto. On June 28, 1979, an application for a permit (31-7311) to use water was filed with the Department by Ben and David Jernberg. The permit lapsed on June 5, 1984 but was reinstated on August 21, 1984. Proof of Beneficial Use was received by IDWR on August 2, 1984. On August 21, 1986, the Department conducted a beneficial use field exam. During this exam, the examiner noted that "two distinctly different irrigation uses were found." (Exhibit B). The examiner noted that the crop land and the pastureland should be licensed separately because the pasture received less acre-feet per year than the grain crop and thus, the volume of water for the pasture grass should be reduced accordingly. Attached hereto as Exhibit C is a copy of the field exam report and map prepared by the examiner. Also attached hereto as Exhibit D are color copies of photographs that show the condition of the pastureland.

Upon review of the examiner's notes, the Department requested information from the Claimant concerning the volume of water used on the uncultivated pastureland to assist with the evaluation of the extent of beneficial use for the property. (Exhibit E). The Claimant submitted information on instantaneous flow rates, which the Department concluded was not enough to

determine the annual volume necessary for the water use. On July 6, 1995, Mr. Jernberg called the Department and asked whether or not the permit had reached licensing. In response, the Department wrote to the Claimant on July 31, 1995, that the water right had not been licensed because there were questions about how to quantify the beneficial use for the irrigation of hundreds of acres of uncultivated pasture. In that letter, (attached hereto as Exhibit F) it stated that although there may be some benefit from applying water to the uncultivated pastureland, it was "not logical" that the volume of water required for that use is the same as that required to grow a cultivated crop. The claimant was again requested to provide the total annual volume of water pumped from the wells and which portion of that volume was historically applied to the 663 acres of uncultivated pasture. The letter specifically told the Claimant what information was necessary and how to supply that information to the Department.

On August 4, 1995, Mr. Jernberg called the Department to discuss his farming practices. That conversation was followed up with a letter from the Claimant to the Department. (Exhibit G). The Department could not confirm the amount of water applied to the very desert like pastureland nor could the Department confirm the number of acres of pastureland that actually received water in any single year. Although there were some ditches that covered the pastureland, the water use was so inefficient and the pattern of application so irregular that aerial photography did not show precisely which land received water and which did not. Thus, the Department did not classify the use as irrigation because the use of water on the land could not be verified as beneficial use. The Department considered many options to try and recognize the Claimant's application of water to the pastureland. The notes in the file indicate that the Department considered splitting the water right into an A and B portion to account for the different volumes needed to irrigate the pastureland and the cultivated cropland. The notes also

indicate that the Department considered adding a condition on the water right for the uncultivated pasture grass that stated if the Claimant wished to transfer this water use to cultivated irrigation, then the water right should be reduced to one-half prior to the transfer to cultivated land. Because the water user did not provide satisfactory evidence to the Department regarding the extent of beneficial use for this property, those acres and quantity were not included as elements of the water right and do not result in a separate water right for those acres. A memo to the file states that the Claimant should be allowed to divert water onto the uncultivated pasture grass, but that a condition that guards against expansion should be included if the use of water from the land is ever converted to irrigation of a cultivated crop. (Exhibit H).

Rather than disallowing the water use on the uncultivated pasture as wasting water, the Department developed a special remark to include on this license to recognize the historical use of water on this marginal land. Ultimately, the Claimant was informed that he had the opportunity in the future to transfer a portion of the use on the pastureland so long as he provided evidence of the extent of beneficial use: the acreage irrigated and the consumptive use from those acres over the past five years. The Department issued the license for irrigation of 461 acres with 4.62 cfs diversion from groundwater with the two conditions that allow an additional 4.99 cfs to be diverted onto an additional 663 acres. These conditions were an attempt to recognize that the water user applies water to the pastureland, even though the Claimant was not able to prove beneficial use at the time of licensing. The conditions also guard against injury and expansion if the Claimant ever attempted to transfer the water off the property to more productive ground.

The license was issued on September 5, 1997. Mr. Jernberg was sent a copy of the license as evidenced by the return receipt. (Exhibit I). Mr. Jernberg had the opportunity to raise

any concerns about this license after it was issued, but no petition for reconsideration was ever filed.

c. Post License

On November 3, 2000, Mr. Jernberg informed the Department that he would like to change the use of water if possible. (Exhibit J). In that letter, the Claimant stated that he is using as much water on the pastureland as the farm ground and that he “would like to put it to more beneficial use.” In response to his request, the Department sent a letter that stated that he needed to pay special attention to the conditions addressing the watering of the 663 acres of the uncultivated pasture under water right 31-7311. (Exhibit K) That letter stated, “if you are contemplating changing the watering of pasture to the irrigation of cropland, you will need to support your transfer application with records showing the timing and amount of water use in cubic feet per second and acre feet, on the pastureland during each of the last five years that it was watered.” The claimant was also informed that the Department would evaluate the records and ensure that the proposal would not result in the consumption of more water than was developed. The claimant was informed in that letter that the transfer would likely result in a reduction in the acreage and that he obtain the services of a private irrigation expert to assist him with his transfer application.

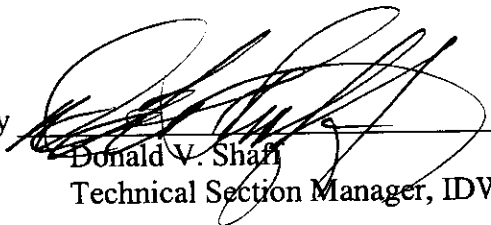
Over two years later, on February 9, 2003, Mr. Jernberg again asked the Department whether or not he could transfer 250 acres of the uncultivated pasture grass to another location. And, the Department once again responded that he needed to substantiate the beneficial use on the pastureland before any approval of the transfer could be finalized. Mr. Jernberg has not filed a transfer with the Department at this time.

IV. CONCLUSION

The Department did not exceed its statutory authority by recommending the water right as licensed. Rather the Department is obliged to recommend a water right in the SRBA as previously licensed. When licensing this water right, the Department could not quantify beneficial use of water on the uncultivated pastureland in question, so the Department developed special conditions during the licensing process in an attempt to memorialize a historical use of water. If the Court concludes that licensing conditions 6 and 9 in the recommendation are improper, then the appropriate solution is to strike these conditions and keep the remaining part of the recommendation as previously licensed.

Submitted this 20th day of August, 2003.

By



Donald V. Shaff
Technical Section Manager, IDWR

CERTIFICATE OF MAILING

I certify that on August 20, 2003 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

Roger Ling
Attorney for Claimant
P. O. Box 396
Rupert, ID 83350

Ben Jernberg
3170 Sycamore Lane
Billings, MT 59102



Signature of person or attorney mailing the form

WATER RIGHT LICENSE

WATER RIGHT NO. 31-07311

Priority: April 23, 1979

Maximum Diversion Rate:
Maximum Diversion Volume:

4.62 CFS
367.5 AF

This is to certify, that DAVID R JERNBERG
BEN D JERNBERG

3170 SYCAMORE LN
BILLINGS MT 59102

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 20, 1979; and has submitted Proof of Beneficial Use on August 2, 1984. An examination indicates that the works have a diversion capacity of 19.280 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	4.62 CFS	367.5 AF

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 10, Township 07N, Range 34E
JEFFERSON County

<u>PLACE OF USE:</u>	<u>IRRIGATION</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
<u>TWN RGE SEC</u>					
07N 34E	9	NESE 33	SWSE 27	SESE 26	86
	10	NWSW 4	SWSW 28		32
	15	NWNW 39	SWNW 5	SWNE 34	44
	16	NENE 39	NWNE 40	SWNW 38	
		NENW 40	NWNW 39	NWSE 15	299
		SENW 34	NWSW 20		

Total number of acres irrigated: 461

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

The foregoing is a true and certified copy of the document on file at the department of Water Resources.

Sig. *[Signature]* of August 20, 1983

MICROFILMED
SEP 10 1997

EXHIBIT

A

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 31-07311

CONDITIONS OF APPROVAL AND REMARKS

6. Water diverted under this right, and an additional 4.99 cfs of ground water diverted from the points of diversion described above, may also be diverted onto 663 acres of uncultivated pasture located in Sections 15, 16, 21, and 22 of Township 7 North, Range 34 East, B.M., but this additional use is not an appurtenance of the land upon which it occurs.
7. Two points of diversion are located in the SESW, S10, T7N, R34E.
8. Rights 31-02357 and 31-02395 are also diverted from the points of diversion described above.
9. Any application for transfer proposing to change the point of diversion, place of use, nature of use, or period of use of this right or any portion of this right shall include for consideration by the director the entire use of water on the uncultivated pasture land referenced above. Action taken by the director on any such transfer application may include modification or curtailment of all or any part of the use of water on the uncultivated pasture land.

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 5TH
day of SEPTEMBER, 1997.


KARL J. DREHER, Director
Acting for

MICROFILMED

SEP 10 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDMENT OF PERMIT
PERMIT NO. 31-07311

This is to certify, that DAVID R JERNBERG
BEN D JERNBERG
3170 SYCAMORE LN
BILLINGS MT 59102

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-211, Idaho Code. The approved amendment of permit is described as follows:

SOURCE

GROUNDWATER

Priority: April 23, 1979

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	4.62 CFS	367.5 AF

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 10, Township 07N, Range 34E
JEFFERSON County

<u>PLACE OF USE:</u>	<u>IRRIGATION</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
<u>TWN RGE SEC</u>					
07N 34E	9	NESE 33	SWSE 27	SESE 26	86
	10	NWSW 4	SWSW 28		32
	15	NWNW 39	SWNW 5		44
	16	NENE 39	NWNE 40	SWNE 34	
		NENW 40	NWNW 39	SWNW 38	
		SENW 34	NWSW 20	NWSE 15	299

Total number of acres irrigated: 461

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
2. Water diverted under this right, and an additional 4.99 cfs of ground water diverted from the points of diversion described above, may also be diverted onto 663 acres of uncultivated pasture located in Sections 15, 16, 21, and 22 of T7N, R34E, B. M., but this additional use is not an appurtenance of the land upon which it occurs.

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SEP 10 1997

PERMIT NO. 31-07311

CONDITIONS OF APPROVAL AND REMARKS

3. Two points of diversion are located in the SESW, S10, T7N, R34E.
4. Rights 31-02357 and 31-02395 are also diverted from the points of diversion described above.

Witness my hand this 5TH day of SEPTEMBER, 1997.


Acting for KARL J. DREHER, Director

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SEP 10 1997

31-7311
8-22-86

*
From John Arambarr.
To File 31-7311

RECEIVED
OCT 9 1986

Subj Place of Use

Department of Water Resources

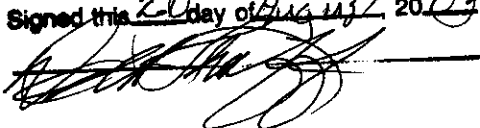
Two distinctly different irrigation uses were found. One use was for the irrigation of a grain crop; the other being irrigation for enhancement of natural vegetation used as cattle pasture (see photos).

I feel that possibly the crop land and pasture land should be licensed separately. It was obvious that the pasture needs and receives less acre feet per annum than the grain crop, and I recommend the licensing volume be reduced accordingly for the pasture land.

The grain crop is outlined in solid yellow on the ~~area~~ aerial photo, white and the pasture is outlined in red dashed lines.

The foregoing is a true and certified copy of the document on file at the department of Water Resources.

Signed this 20 day of August 2007



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SEP 10 1997

EXHIBIT

B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
OCT 9 1986

Department of Water Resources

A. GENERAL INFORMATION

1. Owner: Ben & David Ternberg Permit No. 31-7311
Current Address: P.O. Box 1442 Billings, MT 59103 Phone No. 406-252-6072
2. Accompanied by: Joe Llamas EXAM. DATE: 8-21-86
Address: HC 63, Box 1710 Terretan Phone No. 663-4496
Relationship to Permit Holder: Operator
3. Source: groundwater tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with same place of use: 31-2357, 31-2395 ☒ Copies Attached
2. Other water rights with same point of diversion: 31-2357, 31-2395 Both from
East Well ☒ Copies Attached ☒ Copies of Field Exam's Attached

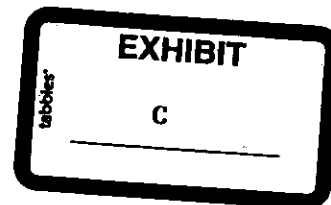
C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached

The foregoing is a true and certified copy of the document on file at the department of Water Resources.

Signed this 20 day of August, 2003





Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Aerial Photo Attached (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

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System Description (continued)

- ☐
- See Remarks on page 4 for continuation

- *Code to correspond with No. on map and aerial photo**

- Indicate Method of Determination**

Abstract

SEP 10 1997

Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pygmy Meter		Scientific		090187	2 1/2'	

2. Measurements:

West well = 13.45 cfs

East Well = 5.83 cfs

Total = 19.28 cfs

R. P. M.: 3000 rpm @ tractor = 1000 rpm @ pump
(331 reducing ratio)

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method: See Discharge Notes

2. Alternate Method for Checking Purposes: None Available

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: 0 psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1124 \times 3.5 = 3934.0$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 16.00 \times 214 \times 1.9835 = 67915.0$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 3934.0$

2. Volume Calculations for Other Uses: None

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

R 17 (31-2357/31-2395) 19.28 cfs

R 05

16.00 cfs recommended by permit

0.02 cfs/ac x 1124 ac = 22.48 cfs > 16.00 cfs

Capacity = 19.28 cfs > 16.00 cfs

* See Memo on place of use (Aug 22, 1986) *

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-1	11-1	16.00	3934.0
Totals:			16.00 cfs	3934.0 afa

2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☒ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

John Arambarri

Signature

John W. Arambarri 9-8-85

Certification Date

8-21-86

Field Report Preparation Date

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

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31-7811

River at

West Well

31-7311

Date Aug 21, 1986 DISCHARGE MEASUREMENT NOTES

River at

Toto

Kilob. Caret Percent	Dist. from initial point	Width	Depth	Observa- tion depth	Revo- lutions	Time in sec- onds	VELOCITY		Adjust- ed for hor. angle or	Area	Discharge
							At point	Mean in ver- tical			
	0.35	0.7	2.38		100	45	2.22			1.67	3.71
	1.2	1.0	2.38		120	43	2.79			2.38	6.64
	2.2	1.0	2.38		150	40	3.75			2.38	8.93
										Total	19.28
									-	Wast	-13.45
									=	East	5.83

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SEP 10 1987

beets. Comp. by _____ Chk. by _____

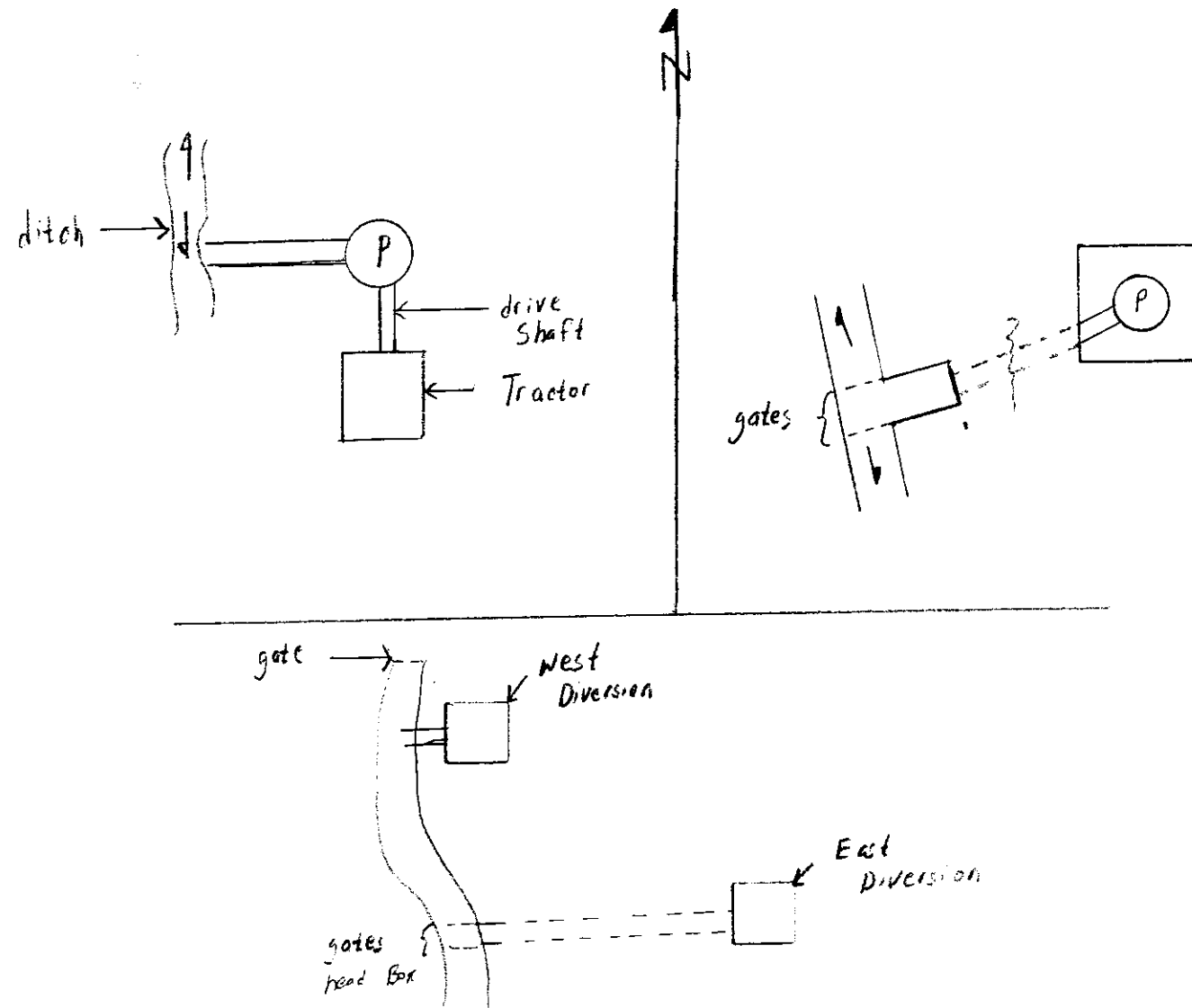
No. _____ of _____ Sheets. Comp. by _____ Chk. by _____

	.40	.50	.60	.70
10				

	.10	.20	.30	.40	.50	.60	.70
--	-----	-----	-----	-----	-----	-----	-----

31-7311

Diversion Diagram



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SEP 10 1997

J.S.

A206

A.27
A.92

7/6.3

16/15
28/22

39

39

39

40

33

40

40

40

27

40

40

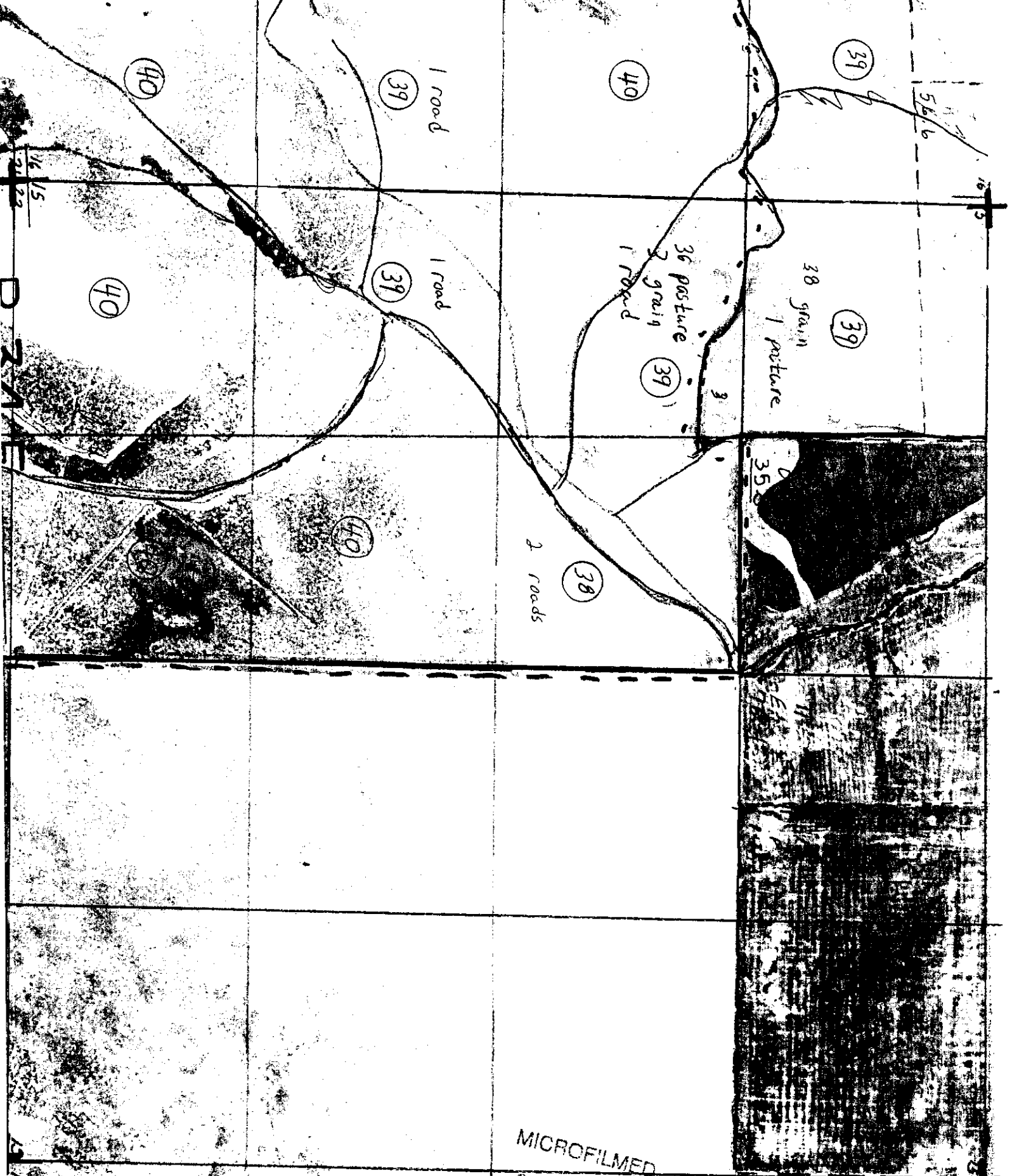
23

40

40

40

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3
10

A
100.5

3
10

107

3
C
81.3

ALLS (7/14/2)

A
83.8

(4)

(28)

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SEP 10 1997

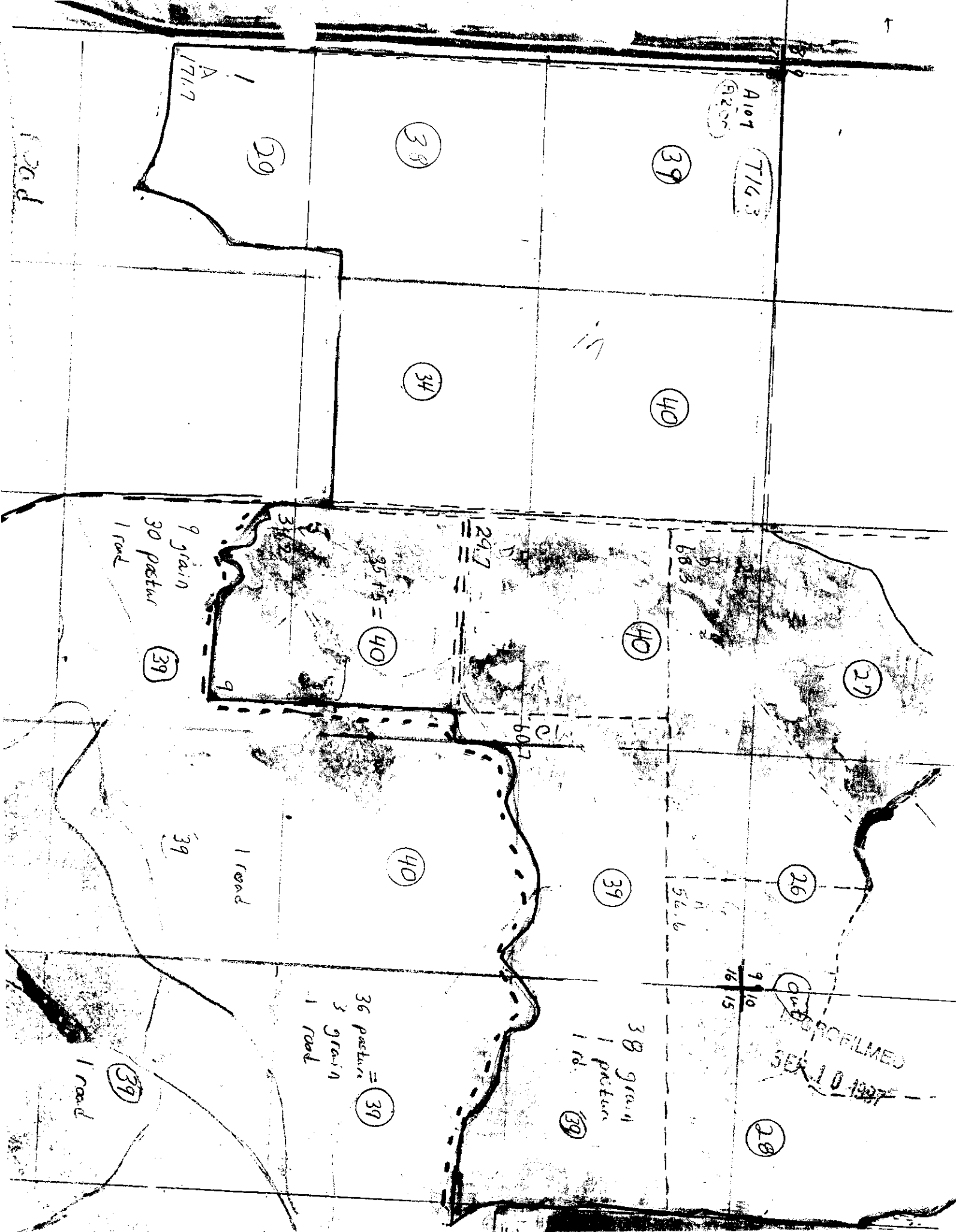
1 road
38 grain
1 pasture

(39)

P/D's

11
14

35.0



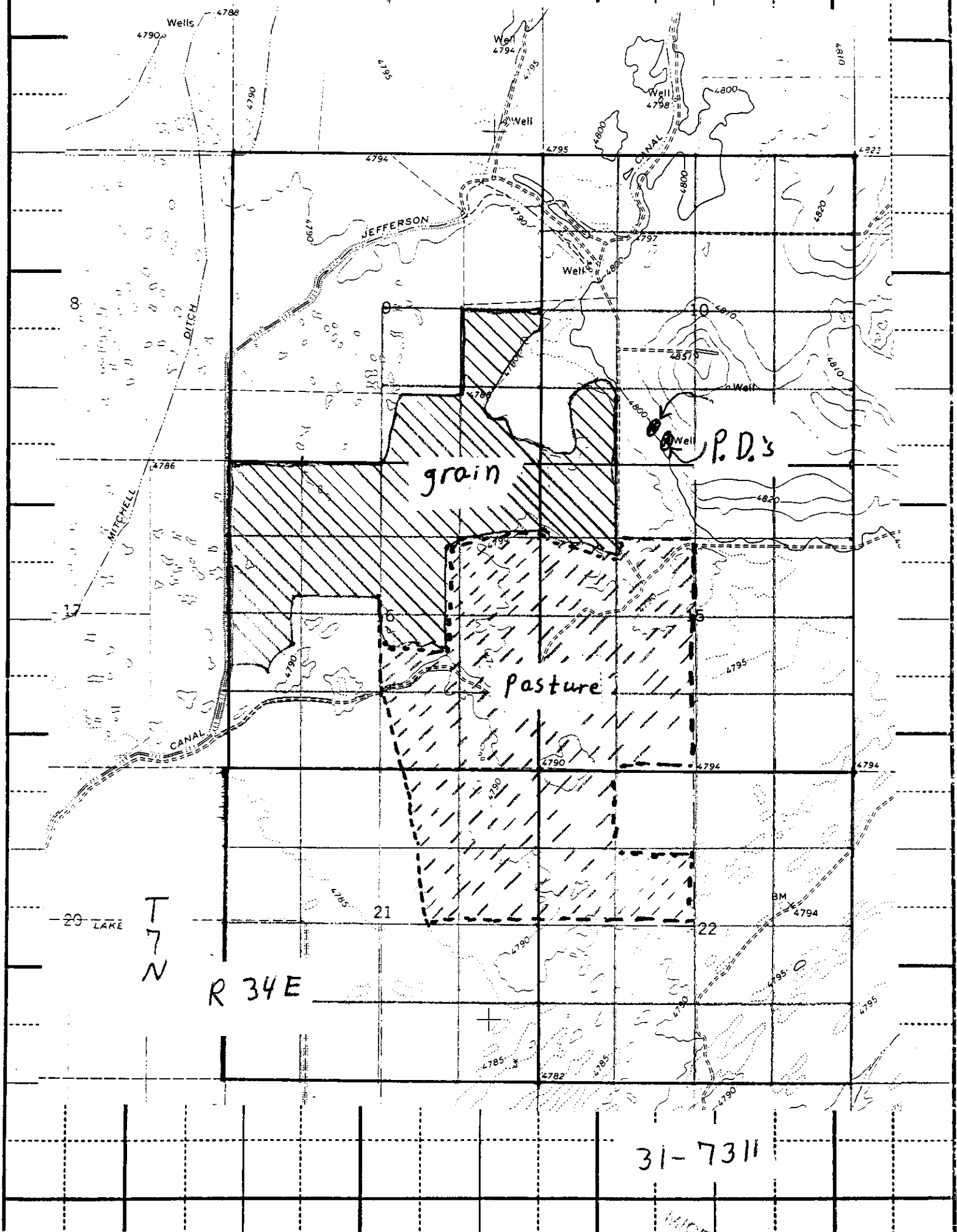
Red Solid Line = Major Ditches

Brown Solid Line = Road

Green/Yellow Line = Grain Boundary

Red Dashed Line = Pasture Boundary





T
7
N

R 34 E

grain

pasture

P.D.3

31-7311

State of Idaho

License and Certificate of Water Right

Water License No. 0-26615

Amount 4.6 c.f.s.

Water District No. _____

Priority November 13, 1956

THIS IS TO CERTIFY that

DAVID R. JERNBERG

of Terreton, Idaho

, made application for a permit to appropriate the

public waters of the State of Idaho, dated November 13, 1956; that Permit No. 0-26615 was issued under said application; that Certificate of Completion of works, with a carrying capacity of

4.6 second feet, was issued thereunder on June 13, 1962, showing that said works were completed on the 27th day of November, 1961; and that on the 27th day of November, 1961,

DAVID R. JERNBERG

of Terreton, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well

, a tributary of subterranean flow, for the purpose of irrigation

, under Use Permit No. G-26615 of the Department of Reclamation

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

12 of Licenses at page 7295, on the 13 day of June, 1962;

The right hereby confirmed dates from November 13, 1956;

The Point of Diversion is located

in the SE 1/4 SW 1/4, Sec. 10, Tp. 7 N., R. 34 E., B. M. County Jefferson

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 4.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 N.	34 E.	9	NE 1/4 SE 1/4	33	25
			SW 1/4 SE 1/4	38	35
			SE 1/4 SE 1/4	35	35
			SE 1/4 SW 1/4	29	23
			SW 1/4 SW 1/4	35	28
		10	NW 1/4 SW 1/4	17	15
			SW 1/4 SW 1/4	37	35
			NW 1/4 NW 1/4	39	40
		15	NE 1/4 NE 1/4	40	40
			NW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	40
Total number of acres to be irrigated:				356	

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

13th day of June, 1962.

MICROFILMED
SEP 10 1987

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

31 2357

LICENSE AND CERTIFICATE OF WATER RIGHT

31-2395

Water License No. G-30241 Priority October 9, 1961 Amount 3.65 c.f.s.

THIS IS TO CERTIFY that DAVID R. JERNBERG

of Terreton, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated October 9, 1961; that Permit No. G-30241 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 3.65 second feet, was issued thereunder on March 14, 1968, showing that said works were completed on the 3 day of October, 1966; and that on the 3 day of October, 1966, DAVID R. JERNBERG

of Terreton, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation & stock watering under Use Permit No. G-30241 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record ~~xx~~ ~~Yakima~~ ~~xx~~ ~~of license~~ ~~xx~~ ~~Boise~~ ~~xx~~ on the 14 day of March, 1968.

The right hereby confirmed dates from October 9, 1961.

The Point of Diversion is located

in the SE 1/4 SW 1/4, Sec. 10, Twp. 7 N, R. 34 E, B.M. Jefferson County. That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.65 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated	
7 N	34 E	15	SW $\frac{1}{4}$ NW $\frac{1}{4}$	6	6	29
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	16	16	38
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	5	5	39
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	15	15	40
		16	SE $\frac{1}{4}$ NE $\frac{1}{4}$	15	15	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	20	20	39
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	25	25	24
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	35	35	33
		21	SE $\frac{1}{4}$ SE $\frac{1}{4}$	15	15	40
			NE $\frac{1}{4}$ NE $\frac{1}{4}$	15	15	40
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40	27
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	32	32	23
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	28	28	40
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	35	35	
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	22	22	
Total number of acres irrigated:					324	

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 14 day of March, 1968.

State Reclamation Engineer.

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30241

	SESE	40	01	31-2376	JERNBERG	C	A	03-23-1959	GROUNDWATER
	SESE	40	01	31-2426	JERNBERG	C	A	10-09-1964	GROUNDWATER
	SESE	40	01	31-7216	COPE & JERNBERG	C	A	11-22-1976	GROUNDWATER
05	SESH	40	01,43	31-2381	HARTWELL	C	A	07-14-1960	GROUNDWATER
	SESH	40	01	31-7384	HARTWELL	C	A	03-15-1983	GROUNDWATER
	NESE	20	01,43	31-2381	HARTWELL	C	A	07-14-1960	GROUNDWATER
	NESE	40	01	31-4089	HARTWELL	C	A	08-01-1957	GROUNDWATER
	NESE	20	01	31-7384	HARTWELL	C	A	03-15-1983	GROUNDWATER
	SHSE	40	01,43	31-2381	HARTWELL	C	A	07-14-1960	GROUNDWATER
	SHSE	40	01	31-7384	HARTWELL	C	A	03-15-1983	GROUNDWATER
	SESE	28	01,43	31-2381	HARTWELL	C	A	07-14-1960	GROUNDWATER
	SESE	40	01	31-7384	HARTWELL	C	A	03-15-1983	GROUNDWATER
06	NENH	40	01,43	31-2336	NEILSON	C	A	12-01-1954	GROUNDWATER
	NANH	35	01,43	31-2336	NEILSON	C	A	12-01-1954	GROUNDWATER
	SENH	40	01,43	31-2336	NEILSON	C	A	12-01-1954	GROUNDWATER
	SESH	40	01	31-2336	NEILSON	C	A	12-01-1954	GROUNDWATER
	NESH	40	01	31-7384	HARTWELL	C	A	03-15-1983	GROUNDWATER
	NHSH	40	01	31-7384	HARTWELL	C	A	03-15-1983	GROUNDWATER
	SHSH	40	01,43	31-2381	HARTWELL	C	A	07-14-1960	GROUNDWATER
	SHSH	40	01	31-7384	HARTWELL	C	A	03-15-1983	GROUNDWATER
	SESH	40	01	31-4082	HARTWELL	C	A	06-09-1927	GROUNDWATER
07	NENH	40	01	31-7384	HARTWELL	C	A	03-15-1983	GROUNDWATER
	NANH	20	01,43	31-2381	HARTWELL	C	A	07-14-1960	GROUNDWATER
	NANH	40	01	31-7384	HARTWELL	C	A	03-15-1983	GROUNDWATER
	SENH	40	01	31-7384	HARTWELL	C	A	03-15-1983	GROUNDWATER
	SESH	40	01	31-7384	HARTWELL	C	A	03-15-1983	GROUNDWATER
	NHSH	40	01	31-7384	HARTWELL	C	A	03-15-1983	GROUNDWATER

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#31-7311

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IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY PLACE OF USE

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TNSHP	RNG	SEC	TRACT	LOT	ACRES	USES	WATER RIGHT NUMBER	LAST NAME	OWNER CODE	STAGE	PRIORITY DATE	SOURCE OF WATER
07N	34E	07	SESH	40	01		31-7384	HARTWELL	C	A	03-15-1983	GROUNDWATER
			SESH	40	01		31-7384	HARTWELL	C	A	03-15-1983	GROUNDWATER
		08	NHNE	40	01,43		31-2381	HARTWELL	C	A	07-14-1960	GROUNDWATER
			NHNE	40	01		31-7384	HARTWELL	C	A	03-15-1983	GROUNDWATER
			SHNE	40	01,43		31-2381	HARTWELL	C	A	07-14-1960	GROUNDWATER
			SHNE	40	01		31-7384	HARTWELL	C	A	03-15-1983	GROUNDWATER
			NENH	40	01,43		31-2381	HARTWELL	C	A	07-14-1960	GROUNDWATER
			NENH	40	01		31-7384	HARTWELL	C	A	03-15-1983	GROUNDWATER
			SENH	40	01,43		31-2381	HARTWELL	C	A	07-14-1960	GROUNDWATER
			SENH	40	01		31-7384	HARTWELL	C	A	03-15-1983	GROUNDWATER
		09	SHSH	28	01		31-2357	JERNBERG	C	A	11-13-1956	GROUNDWATER
			SESH	23	01		31-2357	JERNBERG	C	A	11-13-1956	GROUNDWATER
			NESE	25	01		31-2357	JERNBERG	C	A	11-13-1956	GROUNDWATER
			SHSE	25	01		31-2357	JERNBERG	C	A	11-13-1956	GROUNDWATER
			SESE	25	01		31-2357	JERNBERG	C	A	11-13-1956	GROUNDWATER
		10			01		31-2376	JERNBERG	C	A	03-23-1959	GROUNDWATER
							31-2376	JERNBERG	C	A	03-23-1959	GROUNDWATER
							31-2376	JERNBERG	C	A	03-23-1959	GROUNDWATER
							31-2376	JERNBERG	C	A	03-23-1959	GROUNDWATER
			NENE	40	01		31-2376	JERNBERG	C	A	03-23-1959	GROUNDWATER
			NENE	40	01		31-2426	JERNBERG	C	A	10-09-1964	GROUNDWATER
			NHNE	20	01		31-2376	JERNBERG	C	A	03-23-1959	GROUNDWATER
			NHNE	20	01		31-2426	JERNBERG	C	A	10-09-1964	GROUNDWATER
			NHNE	10	01		31-7216	COPE & JERNBERG	C	A	11-22-1976	GROUNDWATER
			SHNE	40	01		31-2346	COPE	C	A	07-22-1955	GROUNDWATER
			SHNE	40	01		31-7216	COPE & JERNBERG	C	A	11-22-1976	GROUNDWATER
			SENE	39	01		31-2446	COPE & JERNBERG	C	A	03-17-1973	GROUNDWATER
			SENE	40	01		31-2346	COPE	C	A	07-22-1955	GROUNDWATER
			SENE	39	01		31-7216	COPE & JERNBERG	C	A	11-22-1976	GROUNDWATER
			NESH	36	01		31-2446	COPE & JERNBERG	C	A	03-17-1973	GROUNDWATER
			NESH	15	01		31-2357	JERNBERG	C	A	11-13-1956	GROUNDWATER
			SESH	25	01		31-2357	JERNBERG	C	A	11-13-1956	GROUNDWATER
			SESH	40	01		31-2346	COPE	C	A	07-22-1955	GROUNDWATER
			SESH	25	01		31-7216	COPE & JERNBERG	C	A	11-22-1976	GROUNDWATER
			NESE	40	01		31-2346	COPE	C	A	07-22-1955	GROUNDWATER
			NESE	40	01		31-7216	COPE & JERNBERG	C	A	11-22-1976	GROUNDWATER
			NHSE	36	01		31-2346	COPE	C	A	07-22-1955	GROUNDWATER
			NHSE	27	01		31-7216	COPE & JERNBERG	C	A	11-22-1976	GROUNDWATER
			SHSE	40	01		31-2346	COPE	C	A	07-22-1955	GROUNDWATER
			SHSE	40	01		31-7216	COPE & JERNBERG	C	A	11-22-1976	GROUNDWATER
			SESE	40	01		31-2346	COPE	C	A	07-22-1955	GROUNDWATER
			SESE	39	01		31-7216	COPE & JERNBERG	C	A	11-22-1976	GROUNDWATER
		11	NENH	15	01		31-2376	JERNBERG	C	A	03-23-1959	GROUNDWATER
			NENH	40	01		31-2426	JERNBERG	C	A	10-09-1964	GROUNDWATER
			NENH	38	01		31-7216	COPE & JERNBERG	C	A	11-22-1976	GROUNDWATER
			NHNE	18	01		31-2376	JERNBERG	C	A	03-23-1959	GROUNDWATER
			NHNE	30	01		31-2426	JERNBERG	C	A	10-09-1964	GROUNDWATER
		13	SENE	40	01		31-7360	ZHEIFEL	C	A	03-12-1981	GROUNDWATER
			NESE	40	01		31-7360	ZHEIFEL	C	A	03-12-1981	GROUNDWATER

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13	NENE	40	01	31-7216	COPE & JERNBERG	L	11-22-1976	GROUNDWATER
	NNNN	40	01	31-2376	JERNBERG	L	03-23-1959	GROUNDWATER
	NNNN	40	01	31-2426	JERNBERG	L	10-09-1964	GROUNDWATER
	SENE	40	01	31-7360	ZWEIFEL	P	03-12-1981	GROUNDWATER
	NESE	40	01	31-7360	ZWEIFEL	P	03-12-1981	GROUNDWATER

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IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY PLACE OF USE

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TWNSHP	RNG	SEC	TRACT	LOT	ACRES	USES	WATER RIGHT NUMBER	LAST NAME	OWNER CODE	STAGE	PRIORITY DATE	SOURCE OF WATER
07N	34E	15	NENE		40	01	31-2346	COPE	C	L	07-22-1955	GROUNDWATER
			NENE		40	01	31-7216	COPE & JERNBERG	C	L	11-22-1976	GROUNDWATER
			NNNE		40	01	31-2346	COPE	C	L	07-22-1955	GROUNDWATER
			NNNE		40	01	31-7216	COPE & JERNBERG	C	L	11-22-1976	GROUNDWATER
			SWNE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SENE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NENN		40	01	31-2346	COPE	C	L	07-22-1955	GROUNDWATER
			NNNN		39	01	31-7216	COPE & JERNBERG	C	L	11-22-1976	GROUNDWATER
			NNNN		40	01	31-2357	JERNBERG	C	L	11-13-1956	GROUNDWATER
			SWNN		02	01.04	31-2395	JERNBERG	C	L	10-09-1961	GROUNDWATER
			SWNN		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SENN		16	01.04	31-2395	JERNBERG	C	L	10-09-1961	GROUNDWATER
			SENN		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NESW		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NNSW		05	01.04	31-2395	JERNBERG	C	L	10-09-1961	GROUNDWATER
			NNSW		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SWSW		15	01.04	31-2395	JERNBERG	C	L	10-09-1961	GROUNDWATER
			SWSW		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SESW		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NESE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NNSE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SWSE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SESE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
		16	NENE		40	01	31-2357	JERNBERG	C	L	11-13-1956	GROUNDWATER
			NNNE		40	01	31-2357	JERNBERG	C	L	11-13-1956	GROUNDWATER
			SWNE		40	01	31-2357	JERNBERG	C	L	11-13-1956	GROUNDWATER
			SENE		15	01.04	31-2395	JERNBERG	C	L	10-09-1961	GROUNDWATER
			SENE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NENN		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NNNN		40	01	31-7211	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SWNN		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SENN		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NESW		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
								JERNBERG	C			

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WATER RIGHTS BY PLACE OF USE

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TWNSHP	RNG	SEC	TRACT	LOT	ACRES	USES	WATER RIGHT NUMBER	LAST NAME	OWNER CODE	STAGE	PRIORITY DATE	SOURCE OF WATER
07N	34E	16	NWSN		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SWSN		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SESN		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NESE		20	01.04	31-2395	JERNBERG	C	L	10-09-1961	GROUNDWATER
			NESE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			NNSE		25	01.04	31-2395	JERNBERG	C	L	10-09-1961	GROUNDWATER
			NNSE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SWSE		25	01.04	31-2395	JERNBERG	C	L	10-09-1961	GROUNDWATER
			SWSE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER
			SESE		15	01.04	31-2395	JERNBERG	C	L	10-09-1961	GROUNDWATER
			SESE		40	01	31-7311	JERNBERG	C	P	04-23-1979	GROUNDWATER

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SESL	40	01.43	31-2311	JEFFERSON IRRIGATI	C	L	04-02-1952	GROUNDWATER
SESL	40	01.43	31-2311	JEFFERSON IRRIGATI	C	L	02-06-1960	GROUNDWATER
SESL	40	01.43	31-2311	JEFFERSON IRRIGATI	C	L	07-17-1930	GROUNDWATER
SESL	40	01.43	31-2311	JEFFERSON IRRIGATI	C	L	05-24-1952	GROUNDWATER
NESE	40	01.43	31-2312	STEWART	C	L	09-24-1952	GROUNDWATER
NESE	40	01.43	31-2312	JEFFERSON IRRIGATI	C	L	09-24-1952	GROUNDWATER
NESE	40	01.43	31-2312	JEFFERSON IRRIGATI	C	L	09-24-1952	GROUNDWATER
NESE	40	01.43	31-2420	JEFFERSON IRRIGATI	C	L	04-02-1965	WASTE WATER
NESE	40	01.43	31-2451	JEFFERSON IRRIGATI	C	L	05-02-1960	GROUNDWATER

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WATER RIGHTS BY PLACE OF USE

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TWNSHP	RNG	SEC	TRACT	LOT	ACRES	USES	WATER RIGHT NUMBER	LAST NAME	OWNER CODE	STAGE	PRIORITY DATE	SOURCE OF WATER
07N	34E	20	SWSE		40	01.43	31-2062E	NORDSTROM	C	L	12-10-1917	MUD LAKE
			SWSE		40	01.43	31-2243	JEFFERSON IRRIGATI	C	L	07-17-1930	GROUNDWATER
			SWSE		40	01.43	31-2311	NORDSTROM	C	L	09-24-1952	GROUNDWATER
			SWSE		40	01.43	31-2312	JEFFERSON IRRIGATI	C	L	09-24-1952	GROUNDWATER
			SWSE		40	01.43	31-2312	STEWART	C	L	09-24-1952	GROUNDWATER
			SWSE		40	01.43	31-2312	JEFFERSON IRRIGATI	C	L	09-24-1952	GROUNDWATER
			SWSE		40	01.43	31-2420	JEFFERSON IRRIGATI	C	L	04-02-1965	WASTE WATER
			SWSE		40	01.43	31-2451	JEFFERSON IRRIGATI	C	L	05-02-1960	GROUNDWATER
			SWSE		40	01.43	31-7327	JEFFERSON IRRIGATI	C	F	02-06-1960	GROUNDWATER
			SESE		40	01.43	31-2243	JEFFERSON IRRIGATI	C	L	07-17-1930	GROUNDWATER
			SESE		40	01.43	31-2311	NORDSTROM	C	L	09-24-1952	GROUNDWATER
			SESE		40	01.43	31-2312	JEFFERSON IRRIGATI	C	L	09-24-1952	GROUNDWATER
			SESE		40	01.43	31-2312	STEWART	C	L	09-24-1952	GROUNDWATER
			SESE		40	01.43	31-2312	JEFFERSON IRRIGATI	C	L	09-24-1952	GROUNDWATER
			SESE		40	01.43	31-2420	JEFFERSON IRRIGATI	C	L	04-02-1965	WASTE WATER
			SESE		40	01.43	31-2451	JEFFERSON IRRIGATI	C	L	05-02-1960	GROUNDWATER
			SESE		40	01.43	31-7327	JEFFERSON IRRIGATI	C	F	02-06-1960	GROUNDWATER
		21	NENE		15	01.04	31-2395	JERNBERG	C	L	10-03-1949	GROUNDWATER
			NHNE		40	01.04	31-2395	JERNBERG	C	L	10-03-1949	GROUNDWATER
			SWNE		32	01.04	31-2395	JERNBERG	C	L	10-03-1949	GROUNDWATER
			SENE		28	01.04	31-2395	JERNBERG	C	L	10-03-1949	GROUNDWATER
			NENH		25	01.04	31-2395	JERNBERG	C	L	10-03-1949	GROUNDWATER
			SENH		22	01.04	31-2395	JERNBERG	C	L	10-03-1949	GROUNDWATER
		22	NENH		40	01.04	31-7311	JERNBERG	C	F	04-23-1979	GROUNDWATER
			NHNE		40	01.04	31-7311	JERNBERG	C	F	04-23-1979	GROUNDWATER
			SWNH		40	01.04	31-7311	JERNBERG	C	F	04-23-1979	GROUNDWATER
			SENH		40	01.04	31-7311	JERNBERG	C	F	04-23-1979	GROUNDWATER
		25	SWNE		01	01.16	31-2316	STATE OF IDAHO	C	L	02-18-1953	GROUNDWATER
			SENE		10	01.16	31-0021	BECKNER	C	D	04-01-1920	MUD LAKE
			SENE		10	01.16	31-2316	STATE OF IDAHO	C	L	02-18-1953	GROUNDWATER
			NESE		30	01.16	31-2316	STATE OF IDAHO	C	L	02-18-1953	GROUNDWATER
			NESE		01	01.04, 43	31-0021	BECKNER	C	D	04-01-1920	MUD LAKE
			NHSE		05	01.16	31-0021	BECKNER	C	D	04-01-1920	MUD LAKE
			SESE		05	01.16	31-2316	STATE OF IDAHO	C	L	02-18-1953	GROUNDWATER
		27	SWNE		20	01.04	31-2446	JERNBERG	C	L	01-03-1949	GROUNDWATER
			SENE		10	01.04	31-2446	STATE OF IDAHO	C	L	01-03-1949	GROUNDWATER
			NESH		40	01.04	31-2446	JERNBERG	C	L	01-03-1949	GROUNDWATER
			NHSH		20	01.04	31-2446	STATE OF IDAHO	C	L	01-03-1949	GROUNDWATER
			SWSH		20	01.04	31-2446	JERNBERG	C	L	01-03-1949	GROUNDWATER
			SESH		40	01.04	31-2446	STATE OF IDAHO	C	L	01-03-1949	GROUNDWATER

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PAGE 268F
06/24/1966

TWNSHP	RNG	SEC	TRACT	LOT	ACRES	USES	WATER RIGHT NUMBER	LAST NAME	OWNER CODE	STAGE	PRIORITY DATE	SOURCE OF WATER
07N	34E	27	SESH		40	01.04	31-2446	STATE OF IDAHO	C	L	01-03-1949	GROUNDWATER
			NHSE		40	01.04	31-2446	JERNBERG	C	L	01-03-1949	GROUNDWATER
			SWSE		40	01.04	31-2446	STATE OF IDAHO	C	L	01-03-1949	GROUNDWATER
		28	SWNH		40	01.04	31-2061	MANSON	C	L	10-03-1910	MUD LAKE
			NHSH		40	01.04	31-2061	MANSON	C	L	10-03-1910	MUD LAKE
							31-2270	JERNBERG	C	L	10-17-1943	GROUNDWATER
							31-2272	JEFFERSON IRRIGATI	C	L	10-17-1943	GROUNDWATER
								JEFFERSON IRRIGATI	C	L		

					12-16-1964 GROUNDWATER	HUNTER SAUER ENTERPRISES	
06	SENE	01.04.43	31-0182	L	11-21-1916 SPRING LAKE	OLDHOUSE OLDHOUSE	C D
	NENE	01.43	31-2336	L	12-01-1954 GROUNDWATER	NEILSON	C
08	NENE	01.43	31-2235	L	02-12-1925 GROUNDWATER	WAGONER	C
	SENE	01.43	31-2136	L	12-08-1913 SPRINGS	MITCHELL	C
09	NENE	01.43	31-2272	L	10-17-1943 GROUNDWATER	NORDSTROM JEFFERSON IRRIGATION CO.	D C
	NENE	01	31-7384	A	03-15-1983 GROUNDWATER	MARTINELL	C
	SENE	01.04.43	31-0160	D	12-08-1913 SPRING LAKE	MITCHELL	C
	SENE	01.04.43	31-0161	D	09-08-1913 SPRING LAKE	MITCHELL	C
	SENE	01.04.43	31-0183	D	11-13-1914 SPRING LAKE	OLDHOUSE OLDHOUSE	C D
10	NENE	01	31-7216	F	11-22-1976 GROUNDWATER	COPE & JERNBERG	C
	NENE	01	31-2243	L	07-17-1930 GROUNDWATER	JEFFERSON IRRIGATION CO. LTD.	C
	NENE	01	31-2243	L	07-17-1930 GROUNDWATER	JEFFERSON IRRIGATION CO. LTD.	C
	SENE	01	31-2243	L	07-17-1930 GROUNDWATER	JEFFERSON IRRIGATION CO. LTD.	C
	SENE	01	31-2243	L	07-17-1930 GROUNDWATER	JEFFERSON IRRIGATION CO. LTD.	C
	NENE	01	31-7311	F	04-23-1979 GROUNDWATER	JERNBERG JERNBERG	C C
	NENE	01	31-7311	F	04-23-1979 GROUNDWATER	JERNBERG JERNBERG	C C

██████ LIG ██████

SR15F

IDAH0 DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY POINT OF DIVERSION

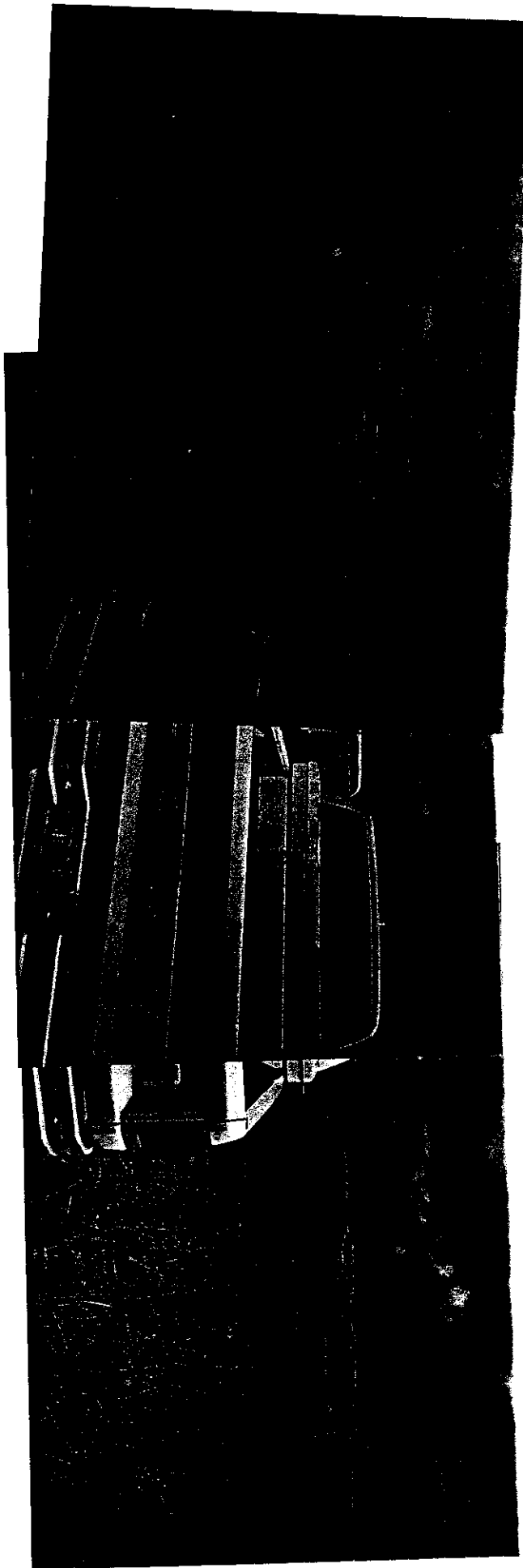
PAGE 954
01/04/1986

TRN	RNG	SEC	TRACT	LOT	USES	WATER RIGHT NUMBER	STAGE PRIORITY	RFLG	SOURCE OF WATER	LAST NAME	OWNER CODE
07N	34E	10	SESA	01		31-2357	L		11-13-1956 GROUNDWATER	JERNBERG	C
			SESA	01.04		31-2395	L		10-09-1961 GROUNDWATER	JERNBERG	C
			NHSE	01		31-2346	L		07-22-1955 GROUNDWATER	COPE	C
			NHSE	01		31-2449	L		03-17-1973 GROUNDWATER	COPE & JERNBERG	C
			SHSE	01		31-2346	L		07-22-1955 GROUNDWATER	COPE	C
			SHSE	01		31-2449	L		03-17-1973 GROUNDWATER	COPE & JERNBERG	C
		11	NHNE	01		31-2376	L		03-23-1959 GROUNDWATER	JERNBERG	C
			NHNE	01		31-2428	L		10-09-1964 GROUNDWATER	JERNBERG	C
		13	SHNE	0		31-2265	L		05-22-1940 GROUNDWATER	OWSELY CANAL CO.	C
			SENE	0		31-7360	L		03-12-1961 GROUNDWATER	ZHEIFEL	C
			NHSE	0		31-2265	L		05-22-1940 GROUNDWATER	OWSELY CANAL CO.	C
			SHSE	0		31-2265	L		05-22-1940 GROUNDWATER	OWSELY CANAL CO.	C
		16	SHSE	0		31-2134	L		02-01-1914 JEFFERSON LAKE	PALMGREN HARDWOOD JEFFERSON IRRIGATION CANAL CO.	C C C
		18	NHSE	01		31-7320	F		12-18-1984 GROUNDWATER	HUNTER SAUER ENTERPRISES	C C
		19	SHNE	01.43		31-2283	L		08-22-1945 GROUNDWATER	HAYES	C
			SENE	01.43		31-2283	L		08-22-1945 GROUNDWATER	HAYES	C
		20	NENE	01		31-7266	L		08-22-1977 GROUNDWATER	MITCHELL	C
		22	SHSE	01.04.43		31-0236	L		01-30-1917 MUD LAKE	PALMGREN SPALDING	C C
			SHSE	01.43		31-2061	L		10-03-1910 MUD LAKE	HANSON	C
			SHSE	01.43		31-2062A	L		10-03-1910 MUD LAKE	NORDSTROM	C
			SHSE	01.04		31-2062B	L		12-10-1917 MUD LAKE	NORDSTROM	C
			NENE	01.04		31-2448	L		01-22-1945 GROUNDWATER	JERNBERG	C

MICROFILMED
SEP 11 1987

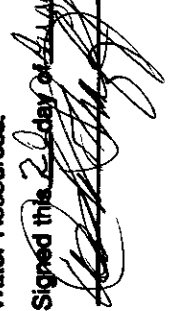
WFO REF LANE
SEP 10 1997

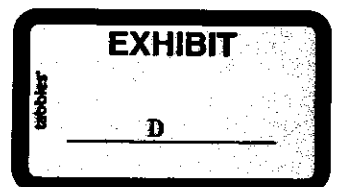
Typical "Pasture" Ground



31-7311

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 20 day of August, 2003


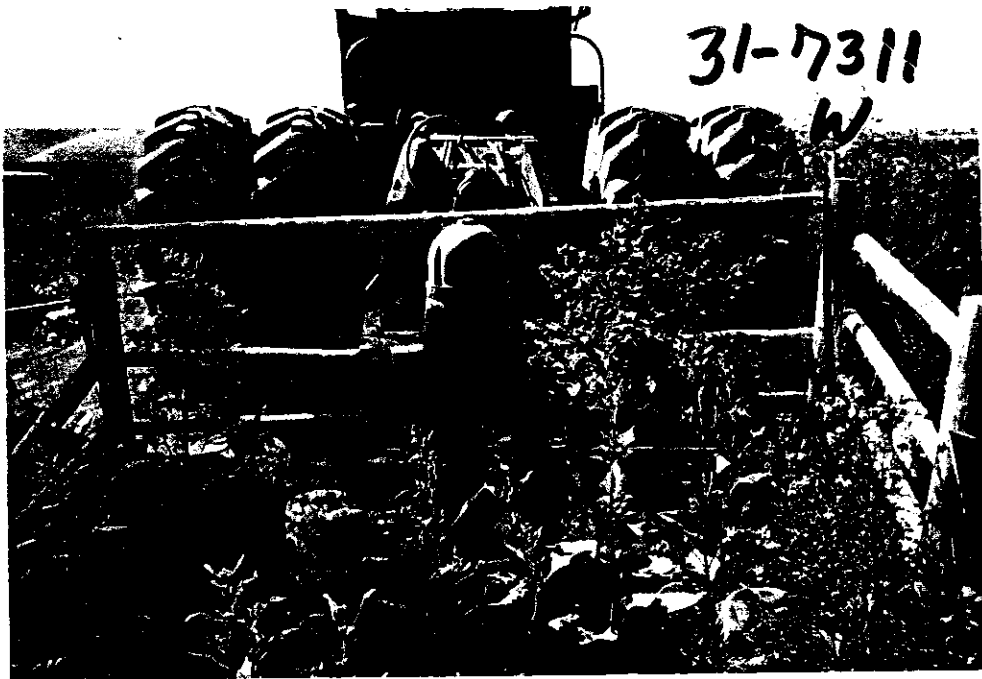


31-7311



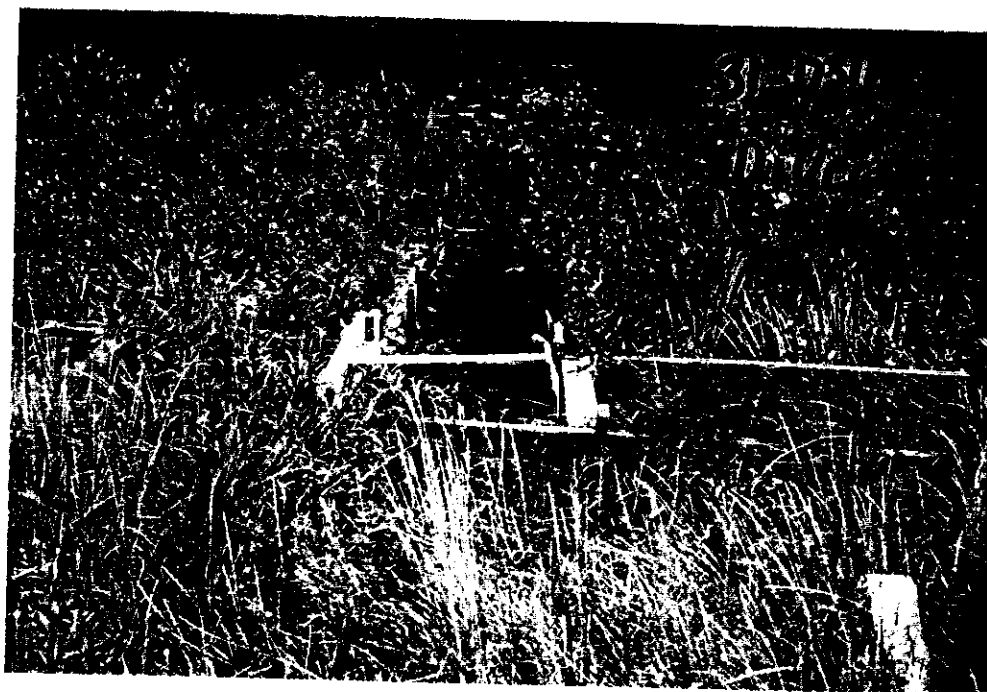
Pasture Ditch System





31-7311
W

MICROFILMED
SEP 10 1987



MICROFILM
SEP 16 1997

State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

March 3, 1989

MAR 9 1989

Department of Water Resources
Eastern District Office

Ben D. Jernberg and
David R. Jernberg
P.O. Box 1442
Billings, MT 59103

RE: Permit to appropriate water no. 31-7311

Gentlemen:

Permit to appropriate water no. 31-7311 was examined by an Idaho Department of Water Resources Examiner in 1986. The examiner found approximately 1124 acres irrigated in Section 9, 10, 15, 16, 21, and 22 of T7N, R34E, B.M., Jefferson County. Of the acreage irrigated approximately two-thirds of the land was, for the most part, uncultivated pasture with mixed sage brush and native growth.

The Department has struggled to determine how much water to license for the native growth. It is not logical that it should receive the same amount of water as cultivated cropland.

This letter is a request for any information which you may have regarding total annual volume of water which you may have pumped from the two wells located in SE1/4SW1/4, Section 10, T7N, R34E. The volumes should probably reflect volume pumped prior to August 2, 1984, but any volume after the measurement would be helpful.

If you fail to submit the above requested information within thirty (30) days the department will reduce the flow rate and annual volume under permit 31-7311 to an amount that is commensurate with a presumed diversion for uncultivated lands.

Sincerely,

Gary Spackman

Gary Spackman, Manager
Water Right Permits Section

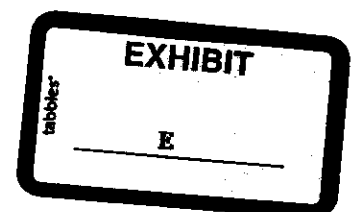
cc: Eastern Region

The foregoing is a true and certified copy of the document on file at the department of Water Resources.

Signed this 22 day of August, 2003

MICROFILMED

SEP 10 1987





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 31, 1995

BEN W JERNBERG
PO BOX 1442
BILLINGS MT 59103

RE: Water Right No. 31-07311

Dear Mr. Jernberg:

I am writing in response to your inquiry about Water Right No. 31-07311. Your right has not been licensed because we are still trying to quantify the beneficial use you receive from irrigating hundreds of acres of uncultivated pasture. The annual diversion volume authorized on most licensed irrigation rights in Idaho is based on the requirements of cultivated crops. While you may get some benefit from applying water to uncultivated pasture land, it is not logical that the volume of water required is the same as that required to grow marketable crops.

In the interest of obtaining your license, you may be able to help us with the information we need. We need to know the total annual volume (in acre-feet or gallons) of water pumped from your two wells and the portion of that volume (in acre-feet or gallons) applied to the 663 acres of uncultivated pasture. If you are unable to determine exact volumes, we could possibly use information on the portion of the total flow rate (cfs, gallons per minute, or inches) diverted to the pasture and how many hours or days the flow is diverted to the pasture land each growing season. We would prefer information showing volumes prior to 1984, but any figures after that year would be helpful as well.

If you have any questions, please contact me at 208-327-7946 in Boise.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

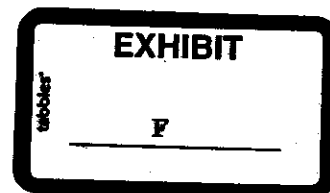
Signed this 20 day of August 2003

SWK

MICROFILMED

SEP 10 1995

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

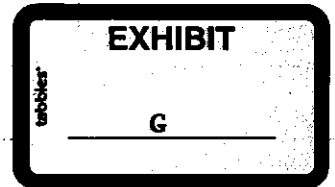


Aug 5, 1995

P.O. Box 1442
Billings, MT. 59103

Shelley Walter Keen
Water Rights Supervisor
R.E. Water Right No. 31-07311

RECEIVED
AUG 08 1995
Department of Water Resources



Dear Mr. Keen

In reference to your letter of July 31, 1995
I will try to give you the history as accurate
as possible before 1984.

We run our full stream of water on the
452 A. of farm ground about 7 days then
move it to the pasture ground for from
10 days to 14 days then back on the farm ground
for about 7 days again or however long it takes.
We usually start the water on the pasture
about 1 month earlier than the farm ground
and water approx 30 days straight. To get
plenty of water on the natural pasture is very
necessary to make more pasture for the
cattle because it is dry country.

At this time I have plenty of water out
of my 2 open flow wells to irrigate all this
land. I would very much like to get
a license on this water to help insure that
I can keep doing this. It's my livelihood.

Thank You
Ben E. Lanning

MICROFILMED
SEP 10 1997

MEMORANDUM

DATE: July 23, 1997

TO: Water Right File 31-07311

FROM: Shelley W. Keen ^{SWK}

RE: Conditions of Approval

When licensing right 31-07311, please include the following conditions of approval, which are intended to:

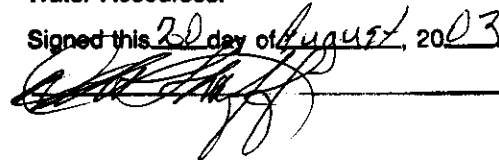
1. Authorize Mr. Jernberg's historical practice of diverting water onto uncultivated pasture in order to foster growth of native forage plants.
2. Guard against water use expansion via the conversion of the pasture use to the irrigation of a more consumptive cultivated crop.

Water diverted under this right, and an additional ^{4.99}~~7.93~~ cfs of ground water diverted from the points of diversion described above, may also be diverted onto 663 acres of uncultivated pasture located in Sections 15, 16, 21, and 22 of Township 7 North, Range 34 East, B. M., but the right to this additional use is not an appurtenance of the land upon which it occurs.

Any transfer of this right changing the place of use or nature of use of the right shall require that a proportional share of the irrigation occurring on the land described as the place of use under this right shall be discontinued. In addition, the entire additional use of water upon uncultivated pasture shall be permanently discontinued.

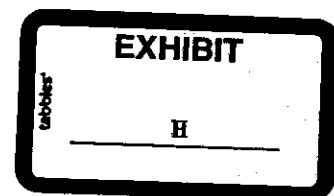
The foregoing is a true and certified copy of the document on file at the department of Water Resources.

Signed this 20 day of August, 2003



MICROFILMED

SEP 10 1997





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

September 5, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID R JERNBERG
BEN D JERNBERG
3170 SYCAMORE LN
BILLINGS MT 59102

RE: Water Right No. 31-07311

Dear Water Right Holders:

I have enclosed the Amendment of Permit and the Water Right License for water right no. 31-07311. The amendment and the license together are a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Please note that as of July 1, 1996, water right owners are required to record changes of water right ownership and changes of mailing address with IDWR. If you acquired a water right or changed your mailing address prior to July 1, 1996, you have until July 30, 1998, to notify IDWR. If you acquire a water right or change your mailing address after July 1, 1996, you must notify IDWR within 120 days of the change. Failure to comply with these requirements could result in a \$100 late filing fee. Contact any IDWR office to obtain the proper reporting form.

If you have any questions, please contact me at 208-327-7946.

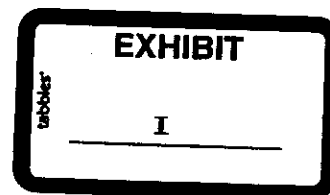
Respectfully,

Shelley Walter Keen
Water Rights Supervisor

The foregoing is a true and correct copy of the document on file at the department of Water Resources.

Signed this 20 day of August, 2003

MICROFILMED
SEP 10 1997



P 326 991 596

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail (See reverse)

Sent to	DAVID R. JERNBERG		
Street & Number	BEN D. JERNBERG		
Post Office, State, & ZIP Code	3170 SYCAMORE LN BILLINGS MT 59102		
Postage	\$		
Certified Fee			
Special Delivery Fee			
Restricted Delivery Fee			
Return Receipt Showing to Whom & Date Delivered			
Return Receipt Showing to Whom, Date, & Addressee's Address	MICROFILMED		
TOTAL Postage & Fees	\$		
Postmark or Date	SEP 17 1997		

PS Form 3800, April 1995

WATER ALLOCATIONS - S.W. KEEN

SHIPPER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

DAVID R JERNBERG
BEN D JERNBERG
3170 SYCAMORE LNMICROFILM
BILLINGS MT 59102

4a. Article Number

4b. Service Type Department of Water Resources
☒ Registered ☐ Insured

☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

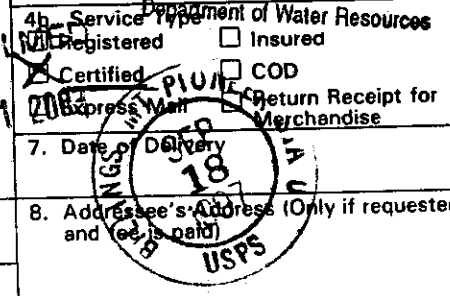
7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

[Signature]



Is your RETURN ADDRESS completed on the reverse side?

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Department of Water Resources

11-3-00

1301 N Orchard St.

Boise, Id. 83720

RECEIVED

NOV -3 2000

Department of Water Resources

Dear Sirs:

I would like to make a change in my water use if possible. Due to the higher cost of operation I would like to move or sell the part of Water license 31-02357, and 31-02395 that I am using to irrigate the 663 acres of pasture land. I am using as much water on the pasture land as the farm ground and I would like to put it to more beneficial use.

Due to the fact that I have 2 points of Diversion and the volume of water that these 2 wells produce I am using Water license numbers 31-07311, 31-02357, and 31-02395 to irrigate the 1124 acres that I have license for. The licenses show that there is 1141 acres of water right.

Could you please advise me what I need to do.

Please Fax me the info.

Fax 406-656-2934 Mont.
Fax 602-214-1862 Ariz.

Thank You

Ben D. Jernberg
3170 Sycamore Ln.
Billings, Mont. 59102

MICROFILMED

The foregoing is a true and certified copy of the document on file at the department of Water Resources.

SEP 11 2003

Signed this 20 day of August, 2003

[Signature]

EXHIBIT

tabler

J



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BEN D JERNBERG
3170 SYCAMORE LN
BILLINGS MT 59102

RE: Application for Transfer

Dear Mr. Jernberg:

I received your request for information about changing water rights 31-02357, 31-02395, and 31-07311. Under Section 42-222, *Idaho Code*, you may apply to change the point of diversion, place of use, period of use, or nature of use of an existing water right. The Department of Water Resources (IDWR) will approve the application, called a transfer, if no other water rights are injured, the change does not result in the enlargement of the original right, the change is consistent with the conservation of water in Idaho, and the change is a beneficial use consistent with the local public interest. As you requested, I am faxing a transfer application form to your Montana number. I will also mail a better copy with the original of this letter.

As you prepare your transfer application, please pay special attention to the conditions addressing the watering of 663 acres of uncultivated pasture under right 31-07311. These conditions were placed on the license to allow irregular use of water to continue on the pasture without acknowledging that the use rises to the same level as irrigation of cultivated cropland. If you are contemplating changing the watering of pasture to the irrigation of cropland, you will need to support your transfer application with records showing the timing and amount of water use, in cubic feet per second and acre-feet, on the pasture land during each of the last five years that it was watered. When reviewing the transfer application, IDWR will evaluate your records and act to ensure that your proposal does not result in the use or consumption of more water than occurred under the original right. One possibility is that IDWR will approve the transfer with a reduction in acreage. Because of the complicated nature of this evaluation, it may be useful for you to obtain the services of a private irrigation expert to assist with your transfer application.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

The foregoing is a true and certified copy of the document on file at the department of Water Resources.

Signed this 20 day of August, 2000

EXHIBIT

K

Enclosure

MICROFILMED

MAR 11 2003

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND ERROR REPORT for
WATER RESOURCES
2083275400
Aug-20-03 3:00PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
740	8/20 2:57PM	3'21"	12087362121	Send	12/20	EC144	Canceled by Operator 941

Total 3'21" Pages Sent: 12 Pages Printed: 0



DEPARTMENT OF WATER RESOURCES
1301 North Oakland Street, P.O. Box 10000, Salem, MA 01960-0000
Phone: (508) 327-7900 FAX: (508) 327-7900

WATER RESOURCES
APPLICATIONS
Salem, MA 01960
Fax: (508) 327-7900

FAX Transmittal Cover Sheet

Number of pages including this one 20 pages of 2

Date: 8/20/03
To: 2000+
Fax No.:
From: J. Kelly M. M. C.
Fax No.:
Phone No.:
Subject:

In Addition: There is now a way to research water rights over the Internet. The system is a graphical or text query system and can be accessed from the DWR home page:

<http://www.dwr.state.ma.us>

From that link, select "Sacohe River Basin Adjudication" toward the lower left hand of the screen. Then select "Map" or "Text" on the next page.

"TEXT" lets you search water rights via Name, Legal, Season, etc.

Enter in the information you know. Information can be entered under more than one tab. After you have completed entering your information, select "Search".

"MAP" allows you to search water rights graphically.

Use the tools on the Left side of the screen to Zoom in and out. To find out what each button does, hold the cursor over the button for a second. To the Right side of the screen are different layers that can be turned on or off. As you zoom in to your place in question, different layers will appear on the right side of the screen.

A HELP function is available within the application or you can call 1-800-451-4129 or (508) 327-7900 for help.

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
WATER RESOURCES
2083275400
Aug-20-03 3:11PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
742	8/20 3:02PM	9'17"	12087362121	Send	25/25	EC144	Completed

Total 9'17" Pages Sent: 25 Pages Printed: 0



DEPARTMENT OF WATER RESOURCES
1501 North Orchard Street, P.O. Box 80000, Boise, Idaho 83720-0000
Phone: (208) 327-7900 FAX: (208) 327-7900

WATER RESOURCES
DEPARTMENT
WATER RESOURCES
DEPARTMENT

FAX Transmittal Cover Sheet

Number of pages including this one: 25 part 2 of 2

Date: 8/20/03
To: Court
Fax No.:
From: Vicki M. M. M.
Fax No.:
Phone No.:
Subject:

In Addition! There is now a way to research water rights over the Internet. The system is a graphical or text query system and can be accessed from the DWR's home page:

<http://www.dwr.state.id.us>

From that link, select "State River Basin Adjudication" toward the lower left hand of the screen. Then select "help" or "Find" on the next page.

"TEXT" lets you search water rights via Name, Legal, Source, etc.

Enter in the information you know. Information can be entered under more than one tab. After you have completed entering your information, select "Search".

"MAP" allows you to search water rights graphically.

Use the tools on the Left side of the screen to Zoom in and out. To find out what each button does, hold the mouse over the button for a second. To the Right side of the screen are different layers that can be turned on or off. As you zoom in to your place in question, different layers will appear on the right side of the screen.

A HELP function is available within the application or you can call 1-800-451-4129 or (208)327-7900 for help.

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
WATER RESOURCES
2083275400
Aug-20-03 3:12PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
743	8/20 3:11PM	0'34"	12087362121	Send	2 / 2	EC144	Completed
Total		0'34"	Pages Sent: 2	Pages Printed: 0			



DEPARTMENT OF WATER RESOURCES
1349 North Central Street, P.O. Box 60000, Boise, Idaho 83720-0000
Phone: (208) 327-7900 Fax: (208) 327-7900

WATER RESOURCES
BOISE, IDAHO

FAX Transmittal Cover Sheet

Number of pages including this one: 2

Date: 8/20/03
To: Carl
Fax No.:
From: Ucky Music
Fax No.:
Phone No.:
Subject: page 20 of document - think on
front cover page when originally
faxed.

In Addition: There is now a way to research water rights over the Internet. The system is a graphical or text query system and can be accessed from the IDWR home page:

<http://www.idwr.idaho.gov>

From that link, select "Snake River Basin Adjudication" toward the lower left hand of the screen. Then select "help" or "test" on the next page.

"TEXT" lets you search water rights via Name, Legal, Source, etc.

Enter in the information you know. Information can be entered under more than one tab. After you have completed entering your information, select "Search".

"MAP" allows you to search water rights graphically.

Use the scale on the Left side of the screen to Zoom in and out. To find out what each button does, hold the cursor over the button for a second. To the Right side of the screen are different layers that can be turned on or off. As you zoom in to your place in question, different layers will appear on the right side of the screen.

A HELP feature is available within the application or you can call 1-800-451-4129 or (208)327-7900 for help.