

11/28/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-7317

NAME AND ADDRESS: SOUTH ELMORE IRRIGATION CO
PO BOX 396
MOUNTAIN HOME ID 83647

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 9.300 CFS
2,325.000 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 131.14 CFS. COMBINED RIGHT NOS.: 2-2210, 2-2269,
2-2345, 2-2367, 2-7255, 2-7263, & 2-7317.

PRIORITY DATE: 02/12/1981

POINT OF DIVERSION:

T05S R07E S28 NESW Lot 2 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	9.300 CFS 2,325.00 AFY

PLACE OF USE: IRRIGATION Within ELMORE County

T05S R07E S02	NESW	6.0	T05S R07E S02	NWSW	37.0
T05S R07E S02	SWSW	38.0	T05S R07E S02	SESW	25.0
T05S R07E S03	NESW	39.0	T05S R07E S03	NWSW	40.0
T05S R07E S03	SWSW	39.0	T05S R07E S03	SESW	37.0
T05S R07E S03	NESE	37.0	T05S R07E S03	NWSE	39.0
T05S R07E S03	SWSE	37.0	T05S R07E S03	SESE	35.0
T05S R07E S10	NENW	18.0	T05S R07E S10	SENW	38.0

465 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

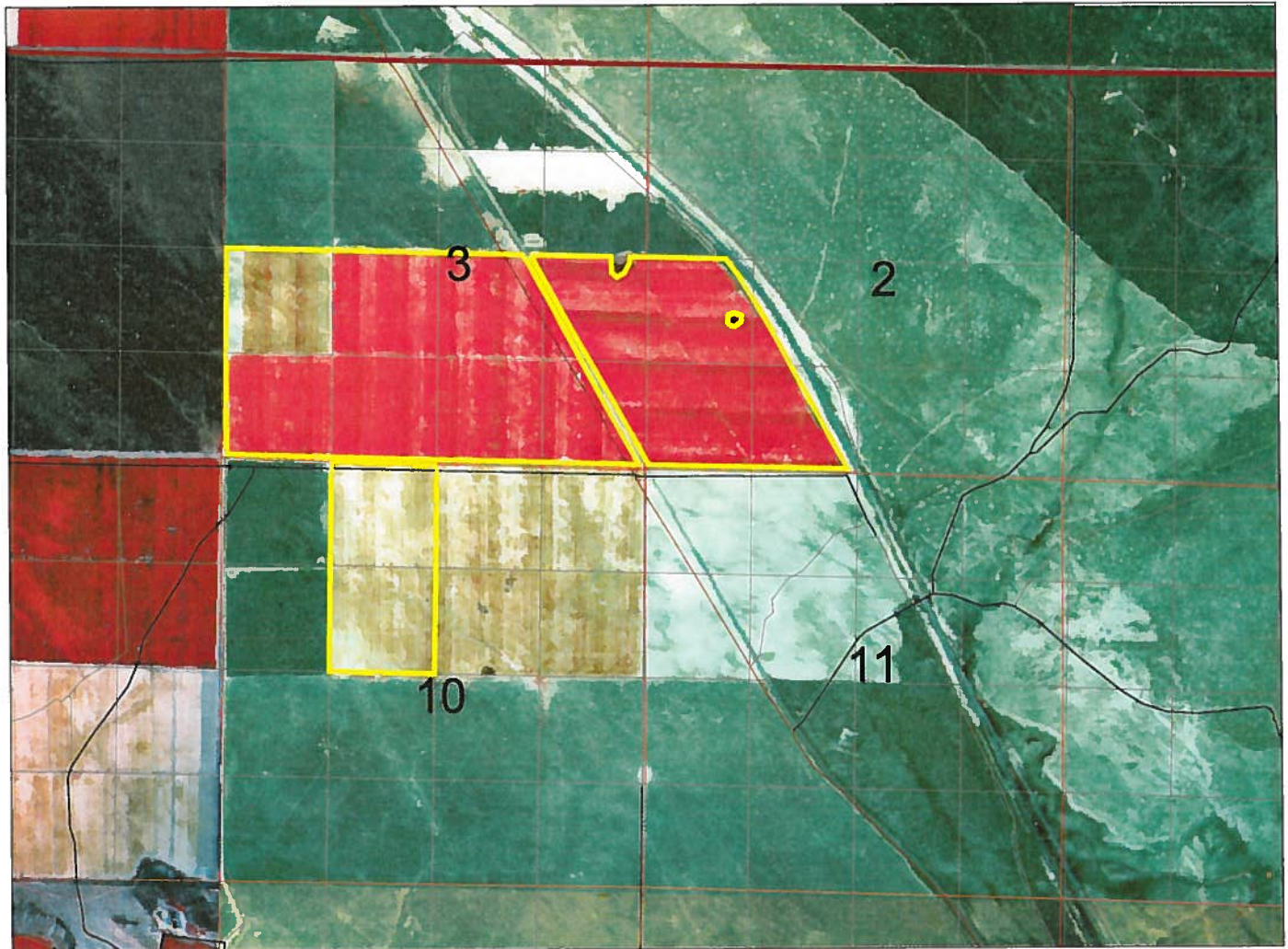
This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: License

Water shall not be diverted under this right unless the flow of the Snake
River exceeds established downstream minimum stream flows.

Idaho Department of Water Resources

Place of Use Layout 02-7317

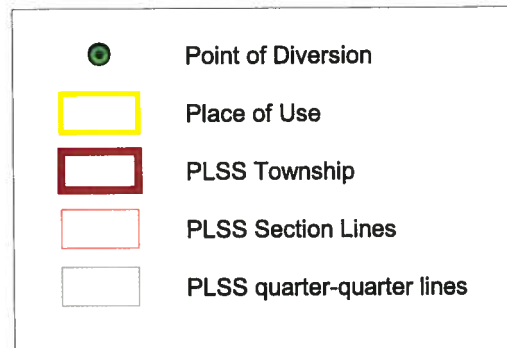


0 0.25 0.5 0.75 1 Miles

Township 5S Range 7E Sections 2, 3 & 10



GIS Place of Use Presentation
1987 NAPP photography.
Map prepared by: Scott King
Date prepared: November 28, 2003





State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 6, 1989

John A Wissel
President
South Elmore Irrigation Company
P.O. Box 396
Mountain Home, Idaho 83647

Re: Notice of claim to water right numbers:
A02-02210, A02-07255, A02-02269, A02-02367, A02-02345, A02-07263,
A02-07317---Elmore County.

Dear Mr. Wissel:

During the review of the Adjudication claims (listed above) by Sherl Chapman for the South Elmore County Irrigation Company, an error was noted in the initial payment of fees.

Initial payment of fees should be at least 20% of total payment due with four additional payments due each of the next four consecutive years with a 10% interest charged on the principle and interest balance due. The total acreage indicated in your seven licenses is 9,077, which indicates a balance of \$9,077 in acreage fees and \$350 in claims fees due in the SRBA totaling \$9,427. However, the South Elmore Irrigation Company paid \$70 in the Snake River 2 Adjudication, which is credited towards the SRBA fees for a balance due of \$9,357. Therefore, your initial payment in the SRBA should have been $\$9,357 \times (.20) = \$1,871.40$. As you have submitted \$1,813.80, you must submit at least an additional \$57.60.

Please submit these additional fees by January 6, 1990. If you have any questions or concerns please do not hesitate to contact me.

Regards,

Bruce A. Schuld
Senior Water Rights Agent
Western Region Office

cc: BAS: file
nh

MICROFILMED
AUG 10 1992

P. O. Box 396
Mountain Home, Idaho 83647
December 5, 1989

RECEIVED

DEC 5 1989

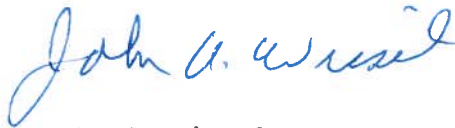
Department of Water Resources

Mr. Bruce Schuld
Senior Water Rights Agent
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

Dear Mr. Schuld:

Please accept these claims and initial payment of 20 percent of our filing fee. It is our intent to take advantage of the payment schedule allowed by Idaho statute. Please notify us if any additional paperwork or forms are necessary.

Sincerely,



John A. Wissel
President
South Elmore Irrigation Company

JAW:kje
enclosures

MICROFILMED

AUG 10 1992

IN THE DISTRICT COURT OF THE Fourth JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Ada

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
Snake River from base of Milner
Dam to Oregon ~~XXXXXXXXXX~~
Border.

NOTICE OF CLAIM TO A WATER RIGHT

Amended
02-7317 No Pr
I.D. No. Ma
\$ 10.00 18866
Fee Paid Recei

Notice is hereby given that SOUTH ELMORE IRRIGATION COMPANY

P. O. Box U, Mtn, Home, ID 83647

(Name of Claimant)

(Mailing Address)

(Zip Code)

Telephone No. 587-4412

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:
(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit)
February 12, 1981

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Snake River

tributary to Columbia River

Describe the purpose for which the water has been used and the time during the year when you have used the right
Quantity 9.3 12.0 cfs Use Irrigation Period of Use From 03/01 To 3/15

Quantity (CFS, GPD, AF) Use (Domestic, irrigation, stock, etc.) Period of Use From (Mo., Day) To (Both dates incl)

Quantity (CFS, GPD, AF) Use (Domestic, irrigation, stock, etc.) Period of Use From (Mo., Day) To (Both dates incl)

Quantity (CFS, GPD, AF) Use (Domestic, irrigation, stock, etc.) Period of Use From (Mo., Day) To (Both dates incl)

(4) 9.3 12.0 cfs TOTAL QUANTITY CLAIMED.

(5) A) Point of Diversion: Give location of point where water is diverted from its source
Sec. 28 Twp. 5S Rge. 7E B.M. Elmore

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, et
vertical turbine pump, penstock, canals, steel truck - and mainlines and
sprinklers

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is
irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
5S	7E	2																	120
		3																	106
		10																	320
																			303
																			160
																			50

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Total no. of acres 600

NOTE: Include here the type and number of stock watered:

If you are claiming water as a member of an organization, list name of organization:

(8) Remarks: This right shall be decreed as the license appears. (WATER SHALL NOT BE DIVERTED UNDER THIS PERMIT UNLESS THE FLOW OF THE SNAKE RIVER AT THE U.S.G.S. STREAM GAGING STATION AT MORPHY EXCEEDS 3,300 CFS AND AT WEISER EXCEEDS 4,750 CFS. THIS PERMIT RIGHT IS NOT DECREED BY THE PER ADJUDICATION PROCEDURE AND IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.)

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use. ☐ B) Right decreed by court, cite title of case. ☐ C) Right based on application, permit, license, or previous statutory claim filed with the Department of Water Resources, Give No. 02-7317

Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum stream flows.

(Date)

State of IDAHO

County of ELMORE

Organization

Seal

Organization SOUTH ELMORE IRRIGATION COMPANY

On this 4th day of June

a notary public, personally appeared JOHN A. WISSEL

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or) executed the same.

My commission expires

For Life

in the year 1982

before me

IN THE DISTRICT COURT OF THE Fourth JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Ada

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF
Snake River from base of Milner
Dam to Oregon ~~ORANGE RIVER~~
Border.

NOTICE OF CLAIM
TO A
WATER RIGHT

Amended 02-7317 No Proof
I.D. No. Map No.
\$ 10.00 18866
Fee Paid Receipt No.

Notice is hereby given that SOUTH ELMORE IRRIGATION COMPANY

(Name of Claimant)

P. O. Box U, Mtn, Home, ID 83647

(Mailing Address)

Telephone No. 587-4412

(Zip Code)

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(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right)

February 12, 1981

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Snake River tributary to Columbia River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity 9.3 12.0 cfs Use Irrigation Period of Use From 03/01 To 11/01
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity Use Period of Use From To
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity Use Period of Use From To
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity Use Period of Use From To
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

(4) 9.3 12.0 cfs TOTAL QUANTITY CLAIMED.

(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source NE 1/4 SW 1/4

Sec. 28 Twp. 5S Rge. 7E B.M., Elmore County

Additional Points: SC1: 2720(1) 518.1

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.

vertical turbine pump, penstock, canals, steel truck - and mainlines and sprinklers

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
5S	7E	2									40	40	40						120
		3									40	40	40	40	40	40	40	40	320
		10									39	40	39	37	37	39	37	35	303
																			160
																			56

Total no. of acres -600.465

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks: This right shall be decreed as the license appears. (WATER SHALL NOT BE DIVERTED UNDER THIS PERMIT UNLESS THE FLOW OF THE SNAKE RIVER AT THE U.S.G.S. STREAM GAGING STATION AT MORPHY EXCEEDS 3,300 CFS AND AT WEISER EXCEEDS 4,750 CFS. THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.)

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use. ☒ B) Right decreed by court, cite title of case. ☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 02-7317

Department of Water Resources Western Regional Office

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

(Signature of Claimant)

(Signature of Spouse)

Organization SOUTH ELMORE IRRIGATION COMPANY

County of ELMORE Seal

On this 4th day of June, in the year 1982, before me

a notary public, personally appeared JOHN A. WISSEL,

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or

My commission expires For Life Notary Public residing at Mountain Home, Idaho

9/22/82 9/22/82

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-7317 Priority February 12, 1981 Amount 9.3 cfs

THIS IS TO CERTIFY, that South Elmore Irrigation Company
of Mountain Home, Idaho, has complied with the terms and conditions of Permit
No. 02-7317 issued pursuant to Application for Permit dated February 12, 1981,
and has submitted proof to the Department of Water Resources on December 3, 1984,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 131.14 cfs of water from Snake River,
tributary to Columbia River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u> from <u>March 15</u> to <u>November 15</u> at <u>9.3</u> cfs and <u>2325.0</u> acre feet			
_____ from _____ to _____ at _____ cfs and _____			
_____ from _____ to _____ at _____ cfs and _____			

(both dates inclusive)

Subject, however, to the condition that no more than 9.3 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
2325.0 acre feet per year, said waters to be diverted within the Gov. Lot 2 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 28, Twp 5S, Rge 7E in the County of Elmore

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5S	7E	2									6	37	38	25					106
		3									39	40	39	37	37	39	37	35	303
		10				18			38										56

Total number of acres irrigated 465

MICROFILMED

AUG 16 1994

MICROFILMED

MICROFILMED

CONDITIONS OF APPROVAL

- a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license 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 license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

This right when combined with Right Nos. 02-2210, 02-2269, 02-2345, 02-2367, 02-7255 & 02-7263 shall not exceed 131.14 cfs.

Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum stream flows.

MICROFILMED

AUG 16 1994

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 1ST day of NOVEMBER, 19 85.

Acting for the Director

Norman C. Young

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Revised JKH

10/9/84

Right No. 02-7317

Claimant South Elmore Irr. Co

Recommendation differs from claim: ☒ Yes ☐ No ☐ Disallow
(Document any differences)

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

☒ License R. Draft

☐ Previous Statutory Claim.

☐ Permits, valid or lapsed. Number(s) if different than above _____

☐ Decree. Name & date _____

☐ Conveyance Loss Calculations. See printout included.

☐ Title abstract. ☐ In file. Or, Name & location _____

☐ County records. ☐ In file. Or, Name & location _____

☐ Affidavits. ☐ In file.

☐ Posted Notices, Water Locations Notices. ☐ In file.

☐ Deed Records. ☐ In file. Or, Name & location _____

☐ Patent Records. ☐ In file. Or, Name & location _____

☐ Metzker Maps. Identify _____

☒ A.S.C.S. Records. Year & Photograph No. 1977

☐ Irrigation Company/District Records. ☐ In file. Or Name & location _____

☐ Historical Books. Name(s) & location _____

☐ Interview(s). Attach conversation memorandum.

☐ Other _____

☐ _____

Field Exam Made: ☒ Yes ☐ No Date 9/19/84

☐ Adj. Report in file ☐ Beneficial Use Report in License (S.C.) File

Measurement 131.14 cfs. Amount recommended 9.3 cfs.

Type of measuring device: AF low meter AF Meter No. _____

Condition _____ Date 9/19/84 Time _____

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-7317 Priority February 12, 1981 Amount 9.3 cfs

THIS IS TO CERTIFY, that South Elmore Irrigation Company
of Mountain Home, Idaho, has complied with the terms and conditions of Permit
No. 02-7317 issued pursuant to Application for Permit dated February 12, 1981,
and has submitted proof to the Department of Water Resources on December 3, 1984,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 131.14 cfs of water from Snake River,
tributary to Columbia River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>9.3</u> cfs and	<u>2325.0</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 9.3 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
2325.0 acre feet per year, said waters to be diverted within the Gov. Lot 2 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 28, Twp 5S, Rge 7E in the County of Elmore

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5S	7E	2									6	37	38	25					106
		3									39	40	39	37	37	39	37	35	303
		10				18			38										56

Total number of acres irrigated 465

MICROFILMED

AUG 16 1994

POOR ORIGINAL

CONDITIONS OF APPROVAL

- a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license 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 license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

This right when combined with Right Nos. 02-2210, 02-2269, 02-2345, 02-2367, 02-7255 & 02-7263 shall not exceed 131.14 cfs.

Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum stream flows.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this _____, 19 85.

NOVEMBER

Acting for the Director

Norman C. You

MICROFILMED

AUG 16 1994

MICROFILMED
1984

chain	#	activity	date	CS	u/lane	freq. CS	
102-2210		4/13/63		162	1"	169	
102-2269		2/19/64		8711	1.8	112.56(-)	2545)
102-2345		1/21/65		3.2	1"	3.2	
102-2367		3/22/65		6.52	1"	6.52	10711)
102-2355		8/15/77		19.2	1"	19.2	xx
102-2363		6/11/78		12.0	1.9	13.82	xx(-.24)
102-2317		2/12/81		9.3	1"	9.3	xx
102-2317				154.83			
102-2317				2309	chyl.		

Total cover 9077

(xx identified 13/855)

S. Elmore Jr. co.

02-7317

Township	Range	Sec	NE 1/4			NW 1/4			SE 1/4			SW 1/4			NE 1/4			NW 1/4			SE 1/4			SW 1/4			TOTALS
			NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	
55	7E	2										6	37	38	25												106
		3										39	40	39	37	37	39										303
		10																									~~45256~~
																											465
																											~~465~~
																											Total
																											02
																											~~465~~
																											9.3

MICROFILMED
AUG 16 1994

J.K.N

Pumps at South Elmore gov. co - 8/14/84
pump stationNumber of pump reading from up-stream -
down stream

	HP	Serial #	Pump make	Serial #
#1 U.S. Motors	2000	C601524- 608	Johnson	no plate
2- U.S. Motors	2000	C601524 -656	"	"
3 U.S. Motors	2000	C601524 85-03980	"	JN 1183
4 U.S. Motors	2000	C601524- 603	"	no plate
5- Westinghouse	1500	1581	Jayne	962 07
6 Westinghouse	800	15-79	Jayne	894 21
3 penstocks				

MICROFILMED

AUG 16 1994

854439

5448

39

OUT 31

POOR ORIGINAL

37

61

32

37

35

38

25

H 145.8

2

3

38

38

10

41

38

18

02-7317

20-02-7355

2

39

39

38

33

6

132.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

Dean Nelson

1. Name of applicant Arnold Bingham Phone 587-8111 #615

Post office address Route 54E4, Hammett, ID 83627

2. Source of water supply Snake which is a tributary of Columbia

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 5S

Range 7E B.M. Elmore County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 12.0 cfs for irrigation purposes from Mar. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 12.0 D.S.V. cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. water will be lifted from river w/ gas-fired motor and pump, penstock, canals, ponds, and pipe to places of use.

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

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

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

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M. _____

(2) Amount of water to be used _____

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

[illegible]

Total number of acres to be irrigated 600

c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion ~~applicant's~~ South E/more Irr. Co.

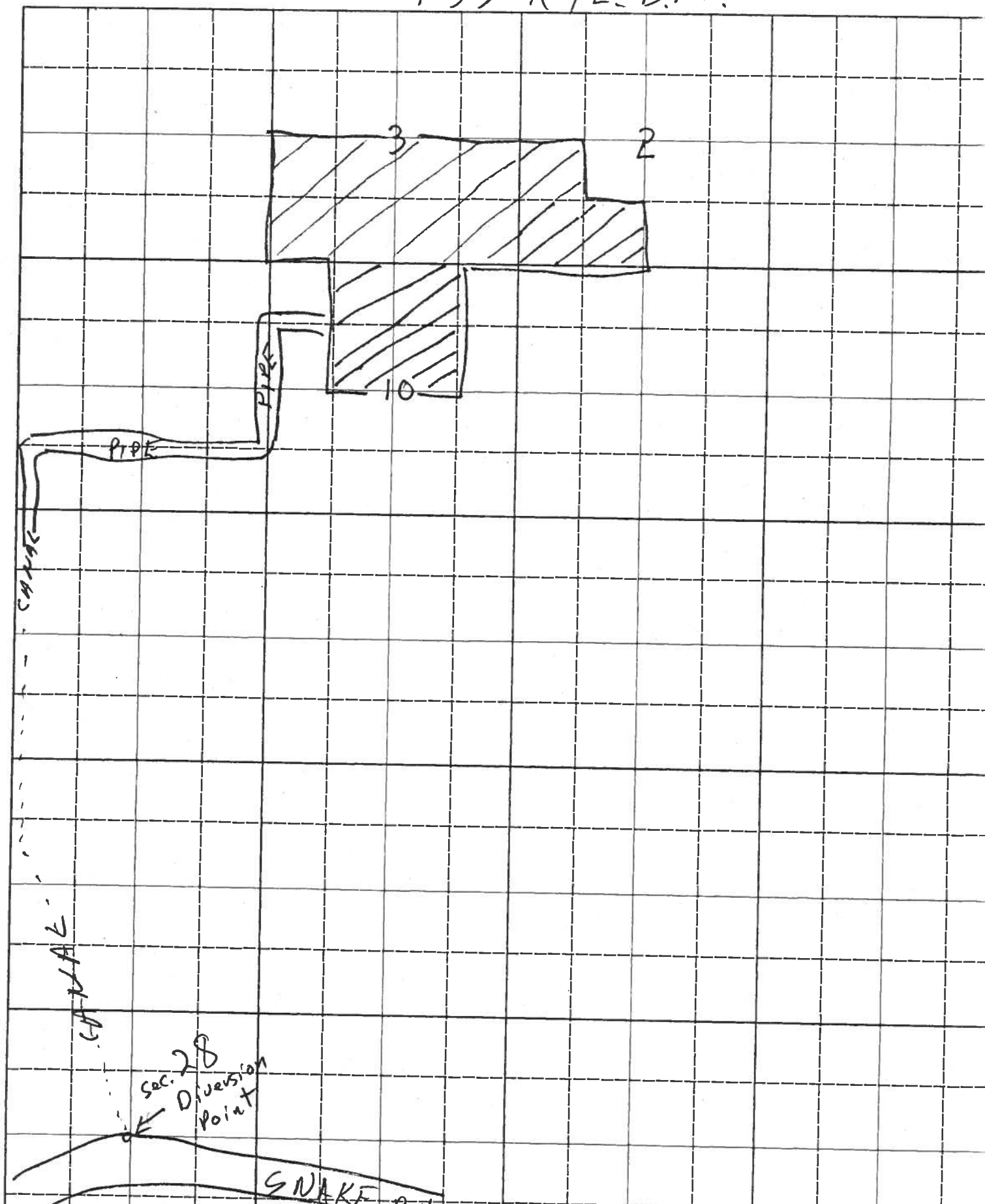
b. Who owns the land to be irrigated or place of use applicants

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing applicants are members of South Elmore Canal Co.

10. Remarks _____

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

T5S R7E B.M.



Proposed Priority

2/12/81

Received by DBS Date 2/12/81 Time 4:15

Preliminary check by DBS Fee \$ 265.00

Received by hcr Date 2/12/81 #17295

Publication prepared by hcr Date 2/19/81

Published in Mountain Home News

Publication dates 2/25 & 3/6/81

Publication approved h/h Date 3/13/81

Protests filed by: none

Copies of protests forwarded by

Hearing held by Date

Recommended for approval denial by DBS RA

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. 02=7317, 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 March 1, 1986.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other:

An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

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

Water shall not be diverted under this permit unless the flow of the Snake River at the U.S. Geological Survey stream gaging station at Murphy exceeds 3,300 c.f.s. and at Weiser exceeds 4,750 c.f.s.

thw

State of Idaho
Department of Water Resources

02-7255

ASSIGNMENT OF PERMIT

I, Dean Nelson and Arnold Bingham, hereby assign to South Elmore Irrigation Company
of P.O. Box U, Mountain Home, Idaho 83647
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 02-7317
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 30 day of January, 19 82.

Arnold T. Bingham
Permit Holder

Dean Nelson
Permit Holder

Dean P. Nelson
Spouse of Permit Holder.

Blanche K. Bingham
Spouse of Permit Holder

State of ^{UTAH} ~~Idaho~~)
County of DAVIS) ss.

On this 30th day of January, 19 82, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that ~~he~~ (she) (they) executed the same.

seal

William R. Hollenberry
Notary Public residing at
Clinton Utah

My commission expires:
2/4/84

MICROFILMED
AUG 16 1994

IN THE DISTRICT COURT OF THE Fourth JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Ada

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF

Snake River from base of Milner Dam to Oregon
DRAINAGE BASIN
Border.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

Amended <u>02-7317</u> I.D. No.	No Proof <u>Map No.</u>
\$ <u>10.00</u> Fee Paid	<u>1986</u> Receipt No.

Notice is hereby given that SOUTH ELMORE IRRIGATION COMPANY
(Name of Claimant)
P. O. Box U. Mtn. Home. ID 83647 Telephone No. 587-4412
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) February 12, 1981
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Snake River tributary to Columbia River
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | |
|--|--|--|
| Quantity <u>12.0 cfs</u>
(CFS, GPD, AF) | Use <u>Irrigation</u>
(Domestic, irrigation, stock, etc.) | Period of Use From <u>03/01</u> To <u>11/01</u>
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
- (4) 12.0 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source NE $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 28, Twp. 5S, Rge. 7E, B.M., Elmore County
Additional Points: _____
B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
vertical turbine pump, penstock, canals, steel truck - and mainlines and sprinklers
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>5S</u>	<u>7E</u>	<u>2</u>									<u>40</u>	<u>40</u>	<u>40</u>						<u>120</u>
		<u>3</u>									<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>320</u>
		<u>10</u>			<u>40</u>	<u>40</u>		<u>40</u>		<u>40</u>									<u>160</u>

Total no. of acres 600

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____
- (8) Remarks This right shall be decreed as the license appears.
- (9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case. _____
☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 02-7317

RECEIVED
JUN 8 1982

Department of Water Resources
Western Regional Office

IN THE DISTRICT COURT OF THE

JUDICIAL DISTRICT

APR 23 1981

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF

Department of Water Resources
Western Regional OfficeIN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
Snake River from base of MilnerDam to Oregon DRAINAGE BASIN:xx
border.**NOTICE OF CLAIM
TO A
WATER RIGHT**

02-9311	
I.D. No.	Map No.
\$ 105	18866
Fee Paid	Receipt No.

Notice is hereby given that Dean Nelson and Arnold Bingham
(Name of Claimant)Route 54 E4, Hammett, Idaho 83627

(Mailing Address)

(Zip Code)

Telephone No. 587-8111 #6156

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) _____

February 12, 1981(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) _____
Snake River tributary to Columbia River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity 12.0 cfs Use irrigation Period of Use From 03/01 To 11/01
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)(4) 12.0 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)(5) A) Point of Diversion: Give location of point where water is diverted from its source NE $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 28, Twp. 5S, Rge. 7E, B.M., Elmore County

Additional Points: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.

vertical turbine pump, penstock, canals, steel truck - and mainlines and sprinklers

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5S	7E	2										40	40	40					120
5S	7E	3									40	40	40	40	40	40	40	40	320
5S	7E	10		40	40		40			40									160

Total no. of acres 500

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks This right shall be decreed as the license appears(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.☐ B) Right decreed by court, cite title of case. _____☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho

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: A02-07317
Date Received: 12/05/1989
Receipt No: CD13284
Received By: _____

RECEIVED

DEC 5 1989

Department of Water Resources
**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: SOUTH ELMORE IRRIGATION CO. 208-587-9881
Address: P.O. BOX 396
MOUNTAIN HOME, ID 83647

2. Date of Priority: FEB 12, 1981

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	07E	28	NE	SW		2	ELMORE

5. Description of diverting works:
PUMP, PIPELINE & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	9.300		

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

8. Total consumptive use is 1627.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	07E	2	NE	SW		IRR	6.0
			NW	SW		IRR	37.0
			SW	SW		IRR	38.0

A02-07317

Page 1

Date: 12/05/89

MICROFILMED

AUG 10 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	07E	2	SE	SW		IRR	25.0
						Section Acres	106.0
		3	NE	SW		IRR	39.0
			NW	SW		IRR	40.0
			SW	SW		IRR	39.0
			SE	SW		IRR	37.0
			NE	SE		IRR	37.0
			NW	SE		IRR	39.0
			SW	SE		IRR	37.0
			SE	SE		IRR	35.0
						Section Acres	303.0
		10	NE	NW		IRR	18.0
			SE	NW		IRR	38.0
						Section Acres	56.0
						Total Acres	465.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS RT. WHEN COMBINED WITH RTS. 02-2210/2269/2345/2367/7255
& 02-7263 SHALL NOT EXCEED 131.14 CFS. WATER SHALL NOT BE
DIVERTED UNDER THIS RT. UNLESS THE FLOW OF THE SNAKE RIVER
AT WEISER EXCEEDS 4,750 CFS.

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 Organizations:

I do solemnly swear or affirm that I am Pres. of
_____ Title
South Elmore Inn Co., that I have signed the foregoing
Organization

document in the space below as Pres. of
_____ Title
South Elmore Inn Co. and that the statements contained in the
Organization
foregoing document are true and correct.

John H. A. A. A. A.
Signature of Authorized Agent

Pres. South Elmore Inn Co.
Title and Organization

12/5/89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 5 day
of December 19 89

Sherl L. Chapman
Notary Public

Seal



Residing at 2889 Cobbleway Meadows
My Commission Expires 6/14/94



A02-73 17

