

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

RIGHT NUMBER: 63-9818B

NAME AND ADDRESS: HENGGELE BROS INC
5144 ELMORE RD
FRUITLAND ID 83619

~~BOX 6633 WHITLEY DR~~
~~FRUITLAND ID 83619~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.340 CFS
196.700 AFY

The rights listed below are limited to a total combined diversion rate of 1.42 cfs and to a total combined annual diversion volume of 319.5 AF, and 71 acres for the irrigation portion of these rights. Combined Right Nos.: 63-7955B and 63-9818B.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

The rights listed below are limited to a total combined diversion rate of 1.42 cfs and to a total combined annual diversion volume of 16.2 AF for the commercial portion of these rights. Combined Right Nos.: 63-7955B and 63-9818B.

The rights listed below are limited to a total combined diversion rate of 5.93 cfs and to a total combined annual diversion volume of 1334.2 AF, and 296.5 acres for the irrigation portion of these rights. Combined Right Nos.: 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A, and 63-10364B.

PRIORITY DATE: 10/02/1981

POINT OF DIVERSION:

T06N R04W S7 NWSNW Lot 2 Within PAYETTE County

T06N R04W S7 NENSW Lot 3 Within PAYETTE County

Rights 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A, and 63-10364B are also diverted through the point(s) of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	03/01 03/15	0.340 CFS 16.20 AFY
IRRIGATION	03/15 11/15	0.340 CFS 180.50 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 1 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Commercial use is for orchard frost control.

PLACE OF USE: IRRIGATION in PAYETTE County

T06N R04W S07	NESW	33.00	T06N R04W S07	SESW	38.00
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COMMERCIAL in PAYETTE County

T06N R04W S07	NESW		T06N R04W S07	SESW	
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71 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: BASIS OF CLAIM - License

This right is a split from former right 63-9818.

In Re SRBA	)	Water Rights: See Attached List
	)	
Case No. 39576	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
	)	PROCEEDING

PAGE 1

CERTIFICATE OF MAILING

I certify that on February 7, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐	overnight mail
Snake River Basin Adjudication	☒	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☒	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

Robert M. Henggeler	☐	overnight mail
Henggeler Bros Inc	☒	regular mail
5144 Elmore Rd	☐	hand-delivered
Fruitland ID 83619	☐	facsimile

☐	overnight mail
☐	regular mail
☐	hand-delivered
☐	facsimile



Signature of person mailing this document

Henggeler Address Change:

63-7955A

63-7955B

63-8311

63-9818A

63-9818B

63-10364A

63-10364B

63-21846



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 7, 2008

ROBERT M HENGGELE
HENGGELE BROS INC
5144 ELMORE RD
FRUITLAND ID 83619

Re: Water Right Nos. 63-7955A, 63-7955B, 63-8311, 63-9818A, 63-9818B, 63-10364A,
63-10364B, 63-21846

Dear Mr. Henggeler:

Enclosed are copies of the above referenced water rights which reflect your change of address. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures

SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM

Water Right Number(s): ROBERT M. HENGGLER

Previous Mailing Address: P.O. BOX 10633
FRUITLAND, ID 83619

New Mailing Address: ROBERT M. HENGGLER
5144 ELMORE RD.
FRUITLAND, ID

Telephone Number: 208) 452-3201 - HOME

Signature of all Claimant(s): Robert Henggeler
Please print your name below your signature.
ROBERT M. HENGGLER

Please mail or FAX this completed form to the office nearest you:

Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177

Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701

05/30/2006

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

RIGHT NUMBER: 63-9818B

NAME AND ADDRESS: HENGGELE BROS INC
BOX 6633 WHITLEY DR
FRUITLAND ID 83619

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.340 CFS
196.700 AFY

The rights listed below are limited to a total combined diversion rate of 1.42 cfs and to a total combined annual diversion volume of 319.5 AF, and 71 acres for the irrigation portion of these rights. Combined Right Nos.: 63-7955B and 63-9818B.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

The rights listed below are limited to a total combined diversion rate of 1.42 cfs and to a total combined annual diversion volume of 16.2 AF for the commercial portion of these rights. Combined Right Nos.: 63-7955B and 63-9818B.

The rights listed below are limited to a total combined diversion rate of 5.93 cfs and to a total combined annual diversion volume of 1334.2 AF, and 296.5 acres for the irrigation portion of these rights. Combined Right Nos.: 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A, and 63-10364B.

PRIORITY DATE: 10/02/1981

POINT OF DIVERSION:

T06N R04W S7 NWSWNW Lot 2 Within PAYETTE County

T06N R04W S7 NENWSW Lot 3 Within PAYETTE County

Rights 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A, and 63-10364B are also diverted through the point(s) of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	03/01 03/15	0.340 CFS 16.20 AFY
IRRIGATION	03/15 11/15	0.340 CFS 180.50 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 1 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Commercial use is for orchard frost control.

05/30/2006

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

PLACE OF USE:	<u>IRRIGATION Within PAYETTE County</u>					
	T06N R04W S07	NESW	33.00	T06N R04W S07	SESW	38.00
	<u>COMMERCIAL Within PAYETTE County</u>					
	T06N R04W S07	NESW		T06N R04W S07	SESW	

71 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.

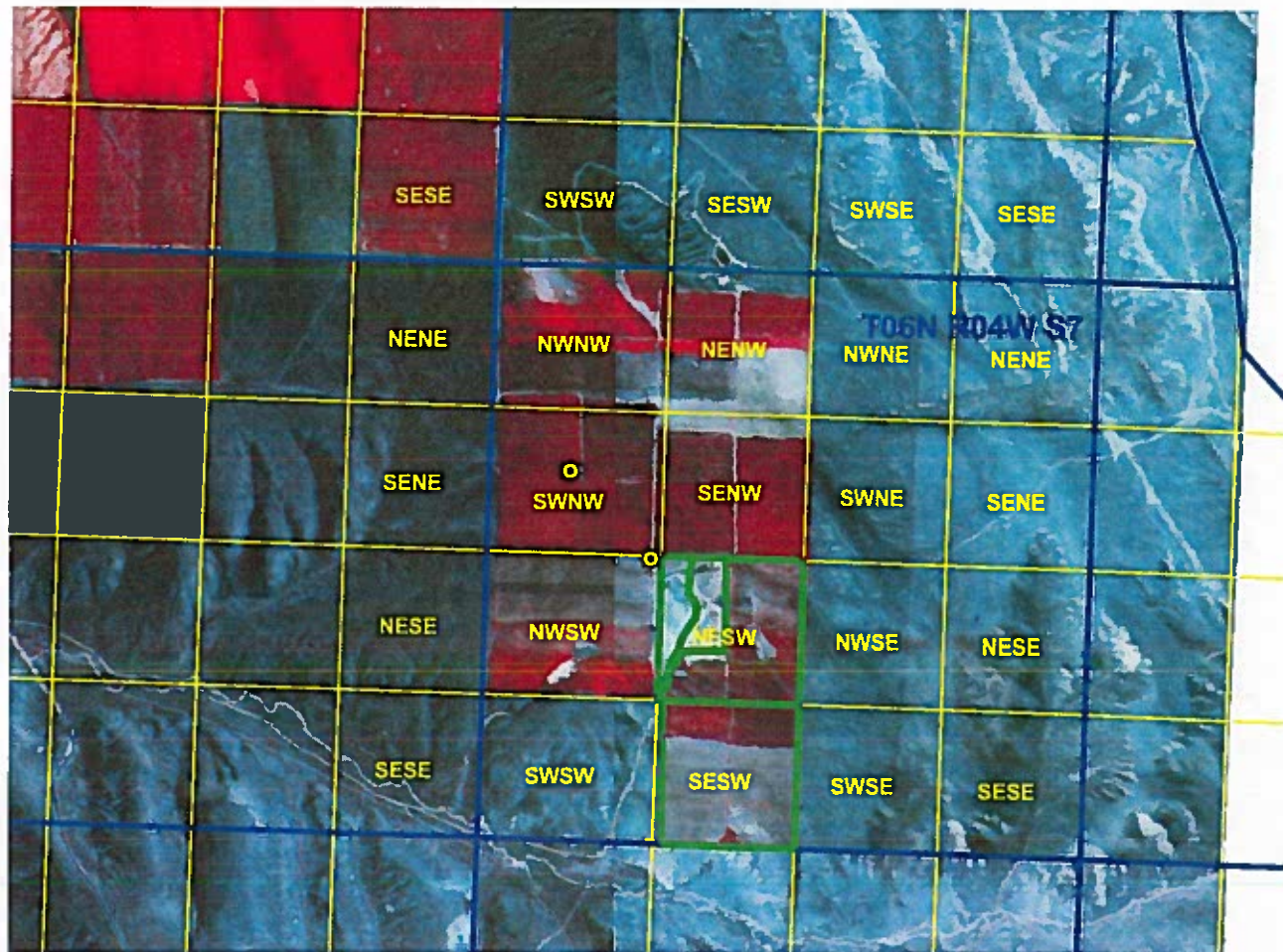
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 63-9818.



State of Idaho
Idaho Department of Water Resources
Western Region

T6N R4W SECTION(S) 7
WATER RIGHT(S) : 63-9818B



0.5 0 0.5 1 Miles

- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

Total Irrigated Acres = 71 acre(s)

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: May 2006



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-9818B V1

WATER RIGHT NUMBER: 63-9818B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HENGGELEER BROS INC BOX 6633 WHITLEY DR FRUITLAND, ID 83619 (208)452-3201

Priority Date: 10/02/1981

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	03/01 to 03/15	0.340 CFS	16.20 AF
IRRIGATION	03/15 to 11/15	0.340 CFS	180.50 AF
	<u>Total Diversion:</u>	0.340 CFS	196.70 AF

Location of Point(s) of Diversion

GROUND WATER	L2 (NW1/4SW1/4NW1/4)	Sec. 7,	Twp 06N,	Rge 04W, B.M.
PAYETTE County				
GROUND WATER	L3 (NE1/4NW1/4SW1/4)	Sec. 7,	Twp 06N,	Rge 04W, B.M.
PAYETTE County				

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	04W	7									X				X				

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	04W	7									33.0				38.0				71.0

Total Acres: 71

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9818B V1

1. P21 This right is a split from former right 63-9818.
2. X36 Rights 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A, and 63-10364B are also diverted through the point(s) of diversion described above.
3. The rights listed below are limited to a total combined diversion rate of 1.42 cfs and to a total combined annual diversion volume of 319.5 AF, and 71 acres for the irrigation portion of these rights. Combined Right Nos.: 63-7955B and 63-9818B.
4. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. The rights listed below are limited to a total combined diversion rate of 1.42 cfs and to a total combined annual diversion volume of 16.2 AF for the commercial portion of these rights. Combined Right Nos.: 63-7955B and 63-9818B.
6. S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 1 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
7. X01 Commercial use is for orchard frost control.
8. C18 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.
9. E61 The rights listed below are limited to a total combined diversion rate of 5.93 cfs and to a total combined annual diversion volume of 1334.2 AF, and 296.5 acres for the irrigation portion of these rights. Combined Right Nos.: 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A, and 63-10364B.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-9818B V1

Comments:

1. dnelson 5/30/2006 Claim Review

Comment: The above-mentioned claims are the result of three licenses that were filed on the same ground. The licenses were then split in the Snake River Basin Adjudication (SRBA) when one of the brothers wanted his portion of the water rights in his name and not the name of the corporation. All six of these claims are still operated as a single system, so it is best to address them as a group instead of each claim individually. Department records still show the licenses under single ownership, and only the adjudication claims have been split.

63-7955 was the first right licensed. It was licensed from a single well. 63-9818 was then filed on pretty much the same land using the original well with the development of a second well. 63-9818 was applied for in 1981 and the field exam was done in 1986. Water right 63-10364 was then filed to include additional acres, and license the full capacity of the two wells.

A63-7955A and A63-7955B adjudication claims claim both wells, even though they were only licensed with a single point of diversion. Whereas the second well was in place and verified in a field exam for 63-9818 by the department in 1986, it should be allowable to have both wells on the earlier right with an accomplished transfer, since the second well was introduced to the system prior to 1987.

Both 63-7955 and 63-9818 were licensed with two irrigation components. The first irrigation component was for standard irrigation between 3/15 to 11/15. The second component was for orchard frost control between 3/1 to 3/15. In reviewing these uses, they did not fit the true definition of irrigation. Therefore, I changed these uses to a more accurate descriptor of commercial use. The commercial use is a better fit to this scenario, and would allow the additional volume granted on the licenses. I would be hesitant to recommend more than the standard volume even for multiple type irrigation uses. This will make the files cleaner, and fit better in the overall description of the four adjudication claims with this component. Like in wastewater land application for commercial dairy uses, the commercial use will share the place of use as the irrigation component.

Page 2

Henggeler memo

63-7955 and 63-9818 were licensed with some combined limitations for diversion rate and volume. 63-9818 was filed to add a couple of additional acres to the system, and increase the diversion rate to a minor inch or 0.02 cfs per acre for the lands covered by 63-7955. 63-9818 was not even assigned a volume during licensing, but it is not possible to divert water without consuming any volume. Therefore, I assigned a volume based on the rate of diversion for A63-9818A and A63-9818B, and added remarks that would limit the total use to the standard use per acre of 0.02 cfs and 4.5 afa per acre irrigated for all six adjudication claims.

Water right 63-10364 was in essence filed to have the full diversion capacity of the well licensed, and to add 11.5 additional acres to fill in around the edges of the other two licenses. I added a condition to all six rights that limits the system capacity at the time of licensing.

It was difficult to determine which acres were licensed under each right due to previous mapping capabilities, but I believe that the shape files were the best possible depictions of the way they were originally licensed.

2. dnelson 5/30/2006 Text

Comment: Use of water for irrigation purposes from 3/1 to 3/15 is for orchard frost protection.

The maximum combined annual volume of water under this right & Right 63-7955 shall not exceed 1282.5 acre feet per annum.

THIS RT. IS SPLIT FROM THE PARENT RT. FOR THE LANDS OWNED BY THE COPORATION. THE REMAINING 214 ACRES LICENSED IS CLAIMED UNDER A63-09818A BY ROBERT

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-9818B V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			04/10/2006	scurtis	Active
Contacts	5/30/2006 7:52:17 AM	dnelson			Active
Priority Date	5/30/2006 7:54:24 AM	dnelson			Active
POD	5/30/2006 7:57:04 AM	dnelson			Active
Source	5/30/2006 7:57:24 AM	dnelson			Active
POU	5/30/2006 7:58:26 AM	dnelson			Active
Use	5/30/2006 7:58:54 AM	dnelson			Active
Season	5/30/2006 8:03:07 AM	dnelson			Active
Quantity	5/30/2006 8:04:35 AM	dnelson			Active
Summary			05/30/2006	dnelson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	4/10/2006 1:26:48 PM	scurtis	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?
Contacts	5/30/2006 7:52:17 AM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: Licensing exam sufficient to license water right.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9818B V1

General	5/30/2006 7:54:25 AM	dnelson	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	5/30/2006 7:56:42 AM	dnelson	Updated shape
POD	5/30/2006 7:57:04 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	5/30/2006 7:57:25 AM	dnelson	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	5/30/2006 7:58:14 AM	dnelson	Updated shape for Active POU
POU	5/30/2006 7:58:26 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	5/30/2006 7:58:55 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (Yes) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9818B V1

Season	5/30/2006 8:03:08 AM	dnelson	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	5/30/2006 8:04:35 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 10 - 0.35 cfs X 260 days X 1.9836 = 180.5 afa for irrigation. Commercial use recommended as licensed amount under 63-7955A
POD	5/30/2006 7:55:55 AM	dnelson	Updated shape
POU	5/30/2006 8:01:02 AM	dnelson	Updated shape for Active POU
Summary	5/30/2006 8:06:38 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

MEMORANDUM

TO: ADJUDICATION CLAIM FILES 63-7955A, 63-7955B, 63-9818A,
63-9818B, 63-10364A, 63-10364B

FROM: DANIEL A. NELSON

DATE: 5/26/06

SUBJECT: CLAIM REVIEW

The above-mentioned claims are the result of three licenses that were filed on the same ground. The licenses were then split in the Snake River Basin Adjudication (SRBA) when one of the brothers wanted his portion of the water rights in his name and not the name of the corporation. All six of these claims are still operated as a single system, so it is best to address them as a group instead of each claim individually. Department records still show the licenses under single ownership, and only the adjudication claims have been split.

63-7955 was the first right licensed. It was licensed from a single well. 63-9818 was then filed on pretty much the same land using the original well with the development of a second well. 63-9818 was applied for in 1981 and the field exam was done in 1986. Water right 63-10364 was then filed to include additional acres, and license the full capacity of the two wells.

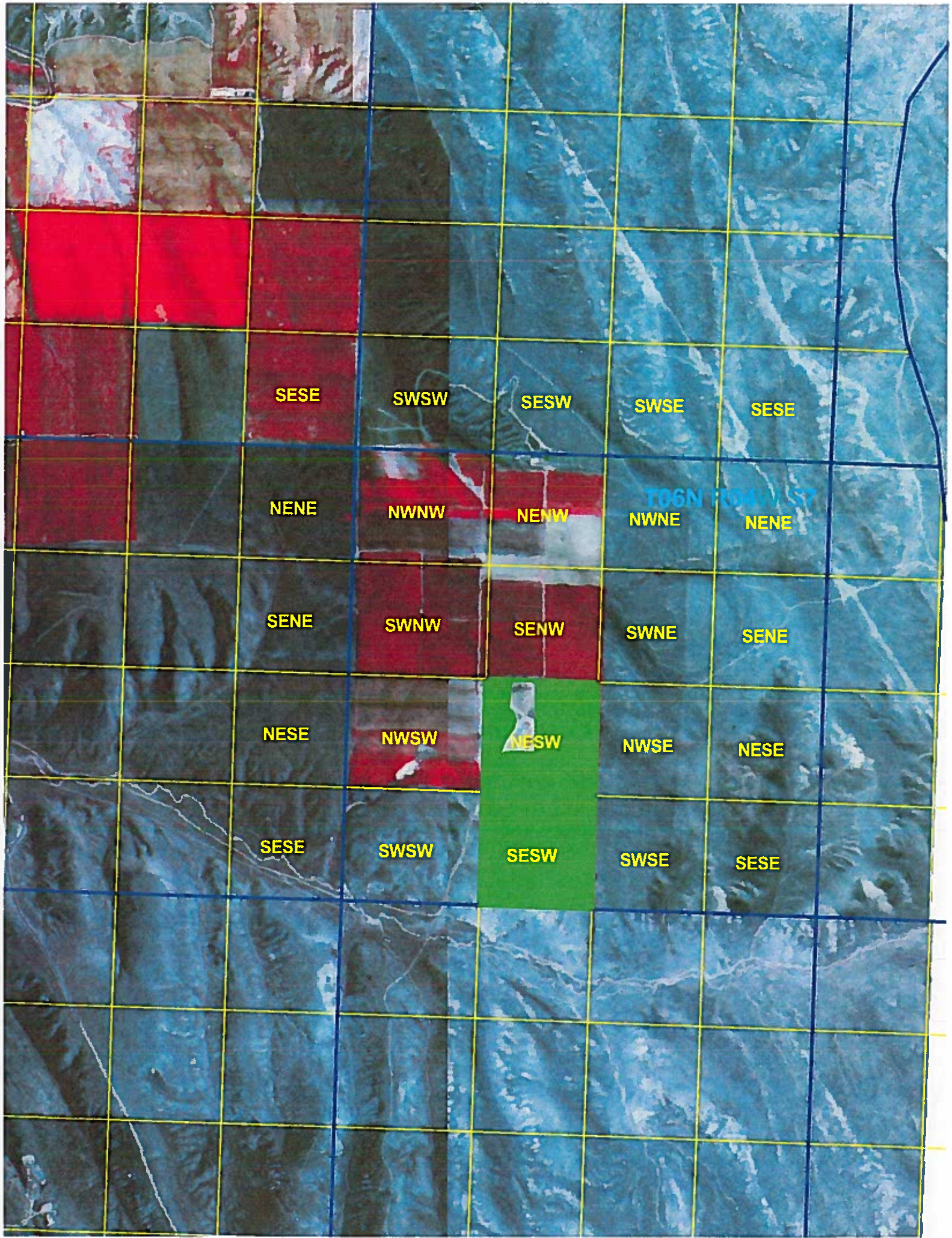
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Both 63-7955 and 63-9818 were licensed with two irrigation components. The first irrigation component was for standard irrigation between 3/15 to 11/15. The second component was for orchard frost control between 3/1 to 3/15. In reviewing these uses, they did not fit the true definition of irrigation. Therefore, I changed these uses to a more accurate descriptor of commercial use. The commercial use is a better fit to this scenario, and would allow the additional volume granted on the licenses. I would be hesitant to recommend more than the standard volume even for multiple type irrigation uses. This will make the files cleaner, and fit better in the overall description of the four adjudication claims with this component. Like in wastewater land application for commercial dairy uses, the commercial use will share the place of use as the irrigation component.

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SESE

SWSW

SESW

SWSE

SESE

NENE

NWNW

NENW

T06N
NWNE

T04W S7
NENE

SENE

SWNW

SENW

SWNE

SENE

NESE

NWSW

NESW

NWSE

NESE

SESE

SWSW

SESW

SWSE

SESE

CONDITIONS SHEET

63-7955A –

C-18

- 1.) CO3- Accomplished transfer for POD
- 2.) P21 – Split from 63-7955
- 3.) X36 – Rights 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A and 63-10364B are diverted through the same point of diversion
- 4.) S39 – Season of use allowed between 3-1 and 11-15 per new standard.
- 5.) X01 – Commercial use is for orchard frost control
- 6.) E61 – When Rights 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A and 63-10364B are combined the total irrigation use shall not exceed 5.93 cfs, 1334.2 afa, and 296.5 acres.
- 7.) E61 – When Rights 63-7955A and 63-9818A are combined the total irrigation use shall not exceed 4.28 cfs, 963 afa, and 214 acres.
- 8.) E61 – When Rights 63-7955A and 63-9818A are combined the total commercial use shall not exceed 4.28 cfs, 47.9 afa.

R-65

63-7955B –

C-18

- 1.) CO3- Accomplished transfer for POD
- 2.) P21 – Split from 63-7955
- 3.) X36 – Rights 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A and 63-10364B are diverted through the same point of diversion
- 4.) S39 – Season of use allowed between 3-1 and 11-15 per new standard.
- 5.) X01 – Commercial use is for orchard frost control
- 6.) E61 – When Rights 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A and 63-10364B are combined the total irrigation use shall not exceed 5.93 cfs, 1334.2 afa, and 296.5 acres.
- 7.) E61 – When Rights 63-7955A and 63-9818A are combined the total irrigation use shall not exceed 1.42 cfs, 319.5 afa, and 71 acres.
- 8.) E61 – When Rights 63-7955A and 63-9818A are combined the total commercial use shall not exceed 1.42 cfs, 16.2 afa.

R-65

63-9818A –

C-18

- 1.) P21 – Split from 63-9818
- 2.) X36 – Rights 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A and 63-10364B are diverted through the same point of diversion
- 3.) S39 – Season of use allowed between 3-1 and 11-15 per new standard.
- 4.) X01 – Commercial use is for orchard frost control
- 5.) E61 – When Rights 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A and 63-10364B are combined the total irrigation use shall not exceed 5.93 cfs, 1334.2 afa, and 296.5 acres.
- 6.) E61 – When Rights 63-7955A and 63-9818A are combined the total irrigation use shall not exceed 4.28 cfs, 963 afa, and 214 acres.
- 7.) E61 – When Rights 63-7955A and 63-9818A are combined the total commercial use shall not exceed 4.28 cfs, 47.9 afa.

R-65

63-9818B –

- C-18*
- 1.) P21 – Split from 63-9818
 - 2.) X36 – Rights 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A and 63-10364B are diverted through the same point of diversion
 - 3.) S39 – Season of use allowed between 3-1 and 11-15 per new standard.
 - 4.) X01 – Commercial use is for *orchard frost control*
 - 5.) E61 – When Rights 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A and 63-10364B are combined the total irrigation use shall not exceed 5.93 cfs, 1334.2 afa, and 296.5 acres.
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 - 7.) E61 – When Rights 63-7955A and 63-9818A are combined the total commercial use shall not exceed 1.42 cfs, 16.2 afa.

R-65

63-10364A –

- C-18*
- 1.) P21 – Split from 63-10364
 - 2.) X36 – Rights 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A and 63-10364B are diverted through the same point of diversion
 - 3.) S39 – Season of use allowed between 3-1 and 11-15 per new standard.
 - 4.) E61 – When Rights 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A and 63-10364B are combined the total irrigation use shall not exceed 5.93 cfs, 1334.2 afa, and 296.5 acres.

R-65

63-9818B –

10364B C-18

- 1.) P21 – Split from 63-10364
- 2.) X36 – Rights 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A and 63-10364B are diverted through the same point of diversion
- 3.) S39 – Season of use allowed between 3-1 and 11-15 per new standard.
- 4.) E61 – When Rights 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A and 63-10364B are combined the total irrigation use shall not exceed 5.93 cfs, 1334.2 afa, and 296.5 acres.

R-65

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-9818

WATER RIGHT NUMBER: 63-9818

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT HENGGELE RT 1 BOX 1472 FRUITLAND, ID 83619

Priority Date: 10/02/1981

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15	to 11/15	1.390 CFS	
IRRIGATION	3/01	to 3/15	1.390 CFS	
	<u>Total Diversion:</u>		1.390 CFS	

Location of Point(s) of Diversion

GROUND WATER	L2 (SW1/4NW1/4)	Sec. 7, Twp 06N, Rge 04W, B.M.
PAYETTE County		
GROUND WATER	L3 (NW1/4SW1/4)	Sec. 7, Twp 06N, Rge 04W, B.M.
PAYETTE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	04W	7	37.0	47.0	44.0	39.0	33.0	47.0			38.0								285.0
				L 1	L 2			L 3											

Total Acres: 285

Conditions of Approval:

1. R38 The rate of diversion and annual volume under this right shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water when all rights appurtenant to the place of use from the same source are considered cumulatively.
2. 016 See remarks for additional conditions of approval.
3. Use of water for irrigation purposes from 3/1 to 3/15 is for orchard frost protection.
The maximum combined annual volume of water under this right & Right 63-7955 shall not exceed 1282.5 acre feet per annum.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-9818

Comments:

Dates and Other Information:

Licensed Date: 11/18/1987
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

MEMORANDUM

TO: FILE NO.'S 63-7955, 63-9818, & 63-10364

FROM: JAN SHURTE 

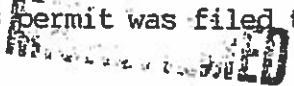
SUBJECT: THE WHOLE STORY BEHIND THE EXAMS FOR 63-7955 & 63-9818 AND
WHY PERMIT NO. 63-10364 WAS FILED
✓

On August 12, 1980, Ric Morris conducted an exam for Robert Henggeler on Permit No. 63-7955. At that time he measured the well in Govt. Lot. 2, SWNW, S. 7, T. 6N, R. 4W (Well #1) and found a rate of flow of 4.31 cfs for 280 acres. Mr. Henggler did not agree with that measurement nor with an additional measurement later (same amount) which was not documented by Ric. Then Dave Shaw requested that Lee Sisco measure the discharge again and on November 17, 1981, he went to Henggeler's farm to conduct the measurement. At that time he measured the same or maybe a little less than Ric Morris had and in lieu of this Mr. Henggler agreed to accept Ric's measurement of 4.31 cfs (this information came per phone conversation with Lee Sisco on 12/11/86). Then Mr. Henggler wanted to try and get a measurement on Permit No. 63-9818 (Well #2) and that's when Lee went out on Dec. 18, 1981 (see attached incomplete exam for 63-9818). He said that either the power was not turned on or something was froze up and he couldn't do the measurement then. So the exam was not completed until this last summer when Rich Gemperle did it.

There is some confusion on the point of diversion legal for both 63-7955 and 63-9818. I believe 63-7955 had been taken care of and the whole thing is explained in the memo of 6/17/86 attached to the amendment already filed. No fee was charged for this amendment. However, Permit No. 63-9818 also needs an amendment and it appears to be an error Mr. Henggler had on his permit from the very beginning. The point of diversion was listed in the NESW, S. 7 on the original application. Then an amendment was filed on 63-9818 to add well #1 (63-7955) since both wells were now used together in the system. However, the quarter-quarter for well #2 still remained the NESW, S. 7. Rich Gemperle found that the actual point for well #2 is in the NWSW (Lot 3), S. 7 so it appears that Mr. Henggler will have to pay for this one.

So, I have written the exam up for Permit No. 63-7955 for 4.31 cfs as Ric Morris measured in 1980 and 280 acres from Well #1 in Lot 2, SWNW, S. 7, T. 6N, R. 4W as it was the only well in operation at that time. Then Permit No. 63-9818 will show both wells, which is the present operation at this time, but using only the measurement from Well #2 for the amount of water, 1.39 cfs. This permit will be for 285 acres of irrigation rather than 280 as shown on 63-7955. Mr. Henggeler stated that Well No. 1 (63-7955) has not increased since Ric Morris measured it and probably has decreased (Mr. Henggler did not say it has decreased). The measurement from Well #2 made this summer is sufficient to satisfy this right and then some.

This brings me to the next permit. This is a new application recently filed and has been approved under Permit No. 63-10364. This permit was filed to utilize


MAR 14 1988

the additional capacity of well #2 as measured under Permit No. 63-9818. Rich Gemperle measured 1.82 cfs and the permit amount is 1.39 cfs which leaves .43 cfs available. The important part for the field examiner to be aware of when he/she conducts the exam is that in order for Mr. Henggeler to receive the .35 cfs he applied for on Permit No. 63-10364 he must develop the 17 additional acres applied for in this permit($302-285=17$). The 285 acres now irrigated have a full inch to the acre after 63-7955 and 63-9818 are licensed. This new permit shows two points of diversion, one in the NWSW(Lt. 3), and one in the NESW, S. 7, T. 6N, R. 4W. Actually, Mr. Henggeler filed on well #2 which was measured under 63-9818, and listed both quarter-quarters because he wasn't sure which one was right. So, he is not filing on a new well and well #2 is in the NWSW(Lt. 3), S. 7, as found by the field examiner, Rich Gemperle. I will place a copy of this memo in Permit No. 63-10364 to, hopefully, avoid any further confusion when the exam is done concerning Mr. Henggeler's water rights and irrigation system.

RECEIVED
MAR 14 1983

T681

TR 600

10.8

1-5.4

H7

5-14.8

3-30.9

4-50.8

P/d

6-11.5

10-12.1

9-10.8

8-11.2

7-5.7

P/d

LINE DRY

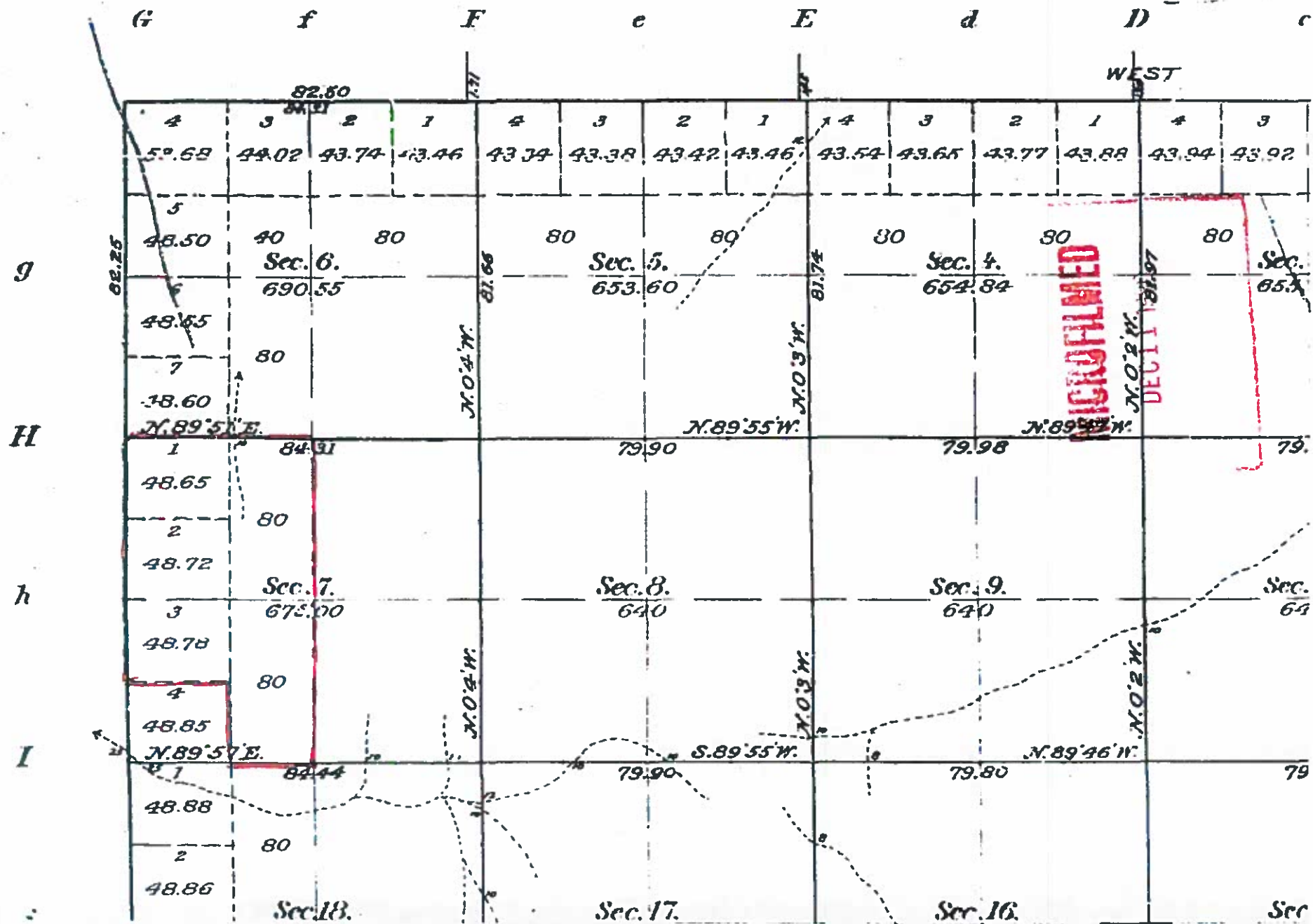
11-20.9

12-22.3

375

NOT FILMED

06/11/80



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-9818

Priority: October 2, 1981 Amount: 1.39 CFS

This is to certify, that ROBERT HENGGELER

RT. 1 BOX 1472

FRUITLAND, ID 83619

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated October 2, 1981, and has submitted proof to the Department of Water Resources on December 29, 1981, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 6.13 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	03/15 to 11/15	1.39 cfs	
Irrigation	03/01 to 03/15	1.39 cfs	
	Totals	1.39 CFS	

LOCATION OF POINT OF DIVERSION(S): LOT 2(SWNW), Sec. 7, Township 6N, Range 4W
LOT 3(NWSW), Sec. 7

Payette County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
6N	4W	7	NENW 37	LOT 1(NWNW)47	LOT 2(SWNW)44	SENEW 39	
			NESW 33	LOT 3(NWSW)47	SESW 38		285
							Total number of acres irrigated: 285

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The rate of diversion and annual volume under this right shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water when all rights appurtenant to the place of use from the same source are considered cumulatively.
5. Use of water for irrigation purposes from 3/1 to 3/15 is for orchard frost protection.
6. The maximum combined annual volume of water under this right & Right 63-7955 shall not exceed 1282.5 acre feet per annum.

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State of Idaho
Department of Water Resources

PAGE 2

WATER RIGHT LICENSE

WATER RIGHT NO. 63-9818

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 18th day
of November, 19 87.


Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 05 1987

Department of Water Resources

A. GENERAL INFORMATION

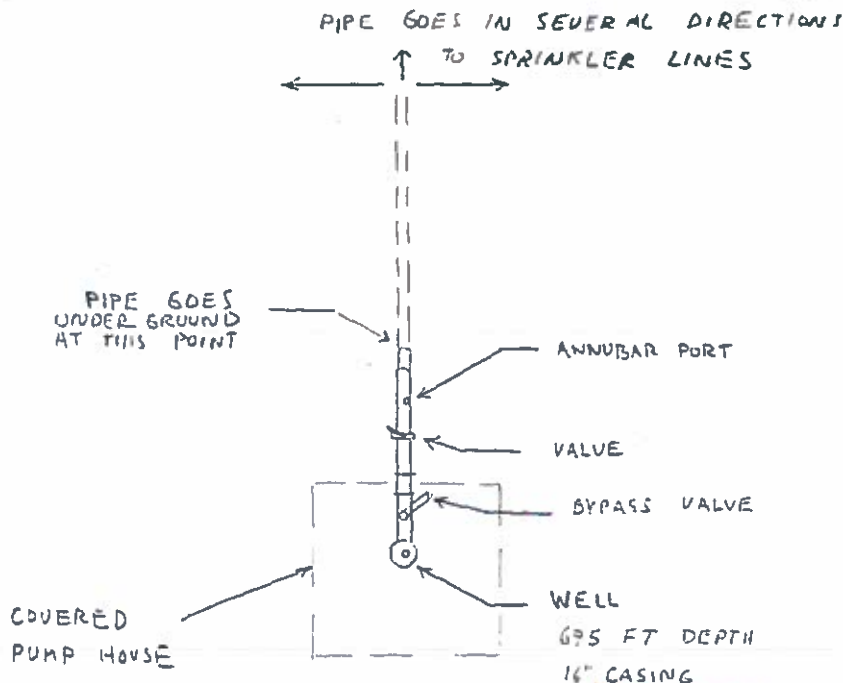
1. Owner: Robert Henggeler Permit No. 63-9818
Current Address: Rt #1 Fruitland, Idaho 83619 Phone No. 452-3201
2. Accompanied by: Robert Henggeler EXAM. DATE: 8-13-86
Address: - Phone No. -
Relationship to Permit Holder: -
3. Source: Groundwater tributary to -

B. OVERLAP REVIEW

1. Other water rights with same place of use: 63-7255 ☒ Copies Attached
2. Other water rights with same point of diversion: NEW APP. FILED IN 10/86.
☐ 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



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)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

The well is used in conjunction with another well (63-7955) to irrigate 300 acres of fruit trees. This well is cased to 695 feet with 16" casing. Dynamic water level is at 308 feet. The two wells supply water to a pressurized sprinkler irrigation system. Gravity supplies pressure since the well is at the top of a hill. An 8" mainline supplies the sprinkler system.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
New Well (#2)	General Elec	100	DJJ 404129	Johnston	5987 / 8"
Old Well (#1) (THIS INFO. FROM ADAM FOR 63-7955)	G. E.	200	ENJ 51105	VERTILINE	# 37772703

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
Well #2	#3		NW	SW	7	6N	4W	PAYETTE	Aerial photo Topographic map (amended)
Well #1	#2		SW	NW	7	6N	4W	PAYETTE	" "

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	4W	7					37	47	44	39	33	47		38					285
																			285

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Well #2 Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Annu-bar	-			#091415	8"	
Manometer	-	-	-	-	56"	

2. Measurements:

Manometer	26.5	High
	14.0	Low
	12.5	Differential inches

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

K = 1
C = 3.85
A = 7.75 inches²
B = 12.5 inches

$$\frac{K(A^2)\sqrt{B} C}{448.8} = \frac{1(7.75)^2\sqrt{12.5} 3.85}{448.8} = 1.82 \text{ cfs}$$

Well #2

1.82 cfs

2. Alternate Method for Checking Purposes: HORSE POWER EQ

$$\frac{(100 \text{ HP}) (8.8) (.5)}{308 \text{ ft} + (2 \times 23)} = 1.4 \text{ cfs}$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: 2 psi x 2.31 = 4.6 ft (1); Dynamic pumping level: 308 ft (2)

Total Head: (1) + (2) = 312.6 (3); Flow rate: 1.80 cfs (4)

Water HP: (3) x (4) ÷ 8.8 = 63.2 (5)

Meter Input KW: 3.6 x 42.2 KH x - CTR or - MULT x - PTR x 10 N/ 16 T = 97.2 (6)

Meter Input HP: (6) x 1.34 = 130.2 (7)

Panel Input KW: - Ave PF x - Ave Volts x - Ave Amps x .001732 = - (8)

Panel Input HP: (6) x 1.34 = - (7) Efficiency: (5)/(7) x 100 = 50 %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 285 \times 4.5 = 1282.5$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (1.39) \times 245 \times 1.98 = 674.3$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 674.3 \text{ AFA}$$

2. Volume Calculations for Other Uses:

HEATING

$$1.39 \times 31 \times 1.98 = 86.4$$

674.3

759.7

$$\text{TOTAL } V = 674.3 + 86.4 = 760.7 \text{ AFA}$$

H. REMARKS AND OVERLAP REVIEW ANALYSIS

63-7955 Both these water rights together work to supply one inch per acre of irrigation for the same lands

$$285 \text{ acres} \times .02 = 5.7 \text{ cfs}$$

63-7955 = 9.3 cfs

THIS PERMIT $\approx 63 - 9818 = 1.39$ cfs

$$5.69 \text{ cfs} \approx 5.70 \text{ cfs}$$

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4/1	10/20	1.39	~~6468~~ 674.3
Heating	3/1	4/1	1.39	85.4
Totals:			1.39	~~6468~~ 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 Richard J Gengerle

Signature Richard A. Gerperle

Certification Date _____

Field Report Preparation Date 8-14-86

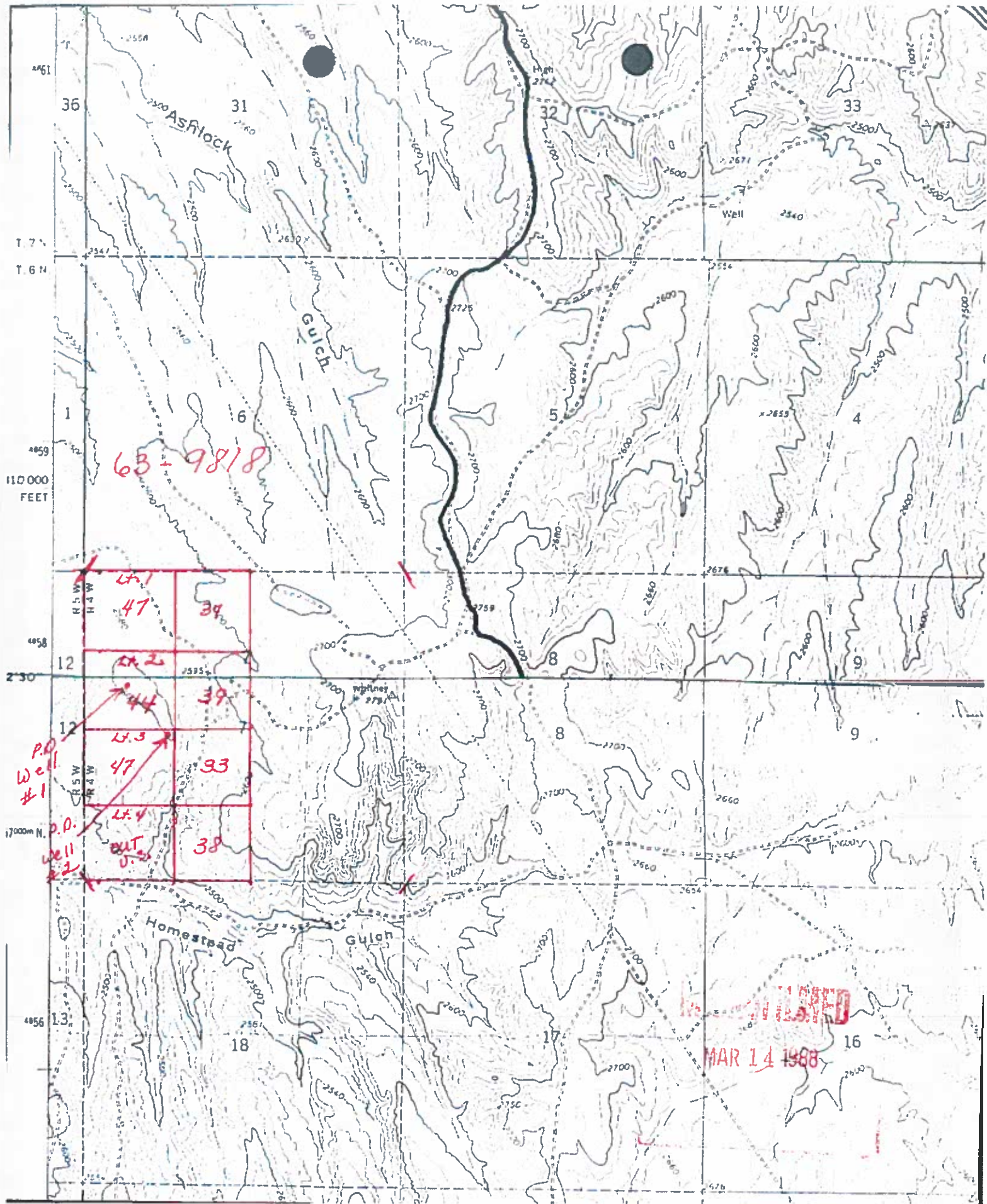
CONSULTANT SEAL

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

COND. # R32 - (BECAUSE ACRE FOOT AMOUNT WHEN COMB. ^{WITH 63-7955} $(1260 + 674.3 = 1934.3)$ WOULD BE MORE THAN 4.5 AF/AC FOR 285 ACRES).

DECLASSIFIED

MAR 14 1988



RECORDED
MAR 14 1988

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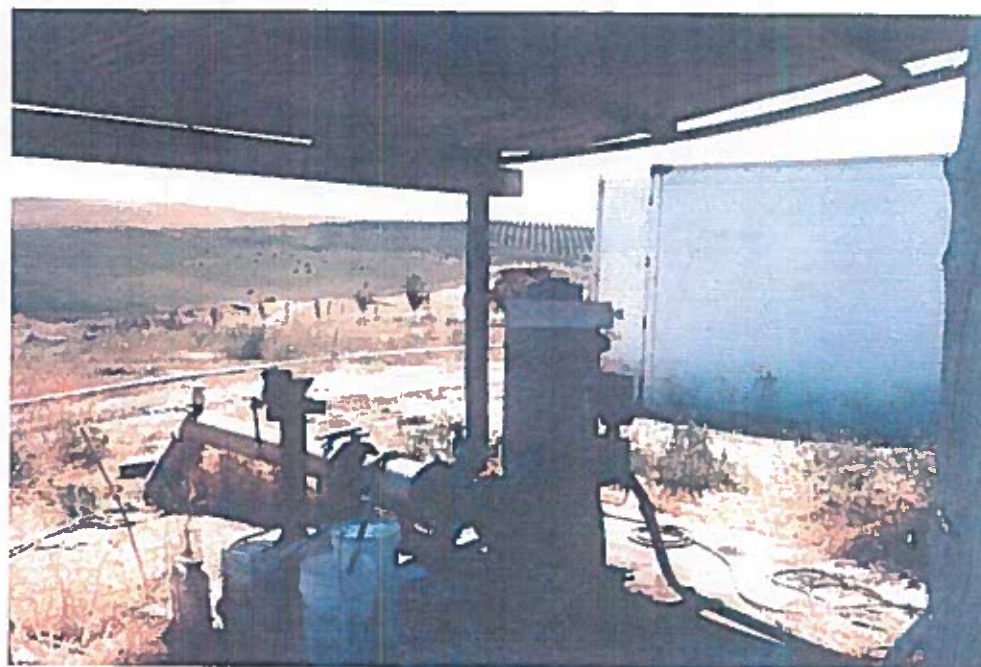


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MAR 05 1987

MEMORANDUM

Department of Water Resources

TO: FILE NO.'S 63-7955, 63-9818, & 63-10364

FROM: JAN SHURTE

JP 12/11/86 *WR 2/23/87*

SUBJECT: THE WHOLE STORY BEHIND THE EXAMS FOR 63-7955 & 63-9818 AND
WHY PERMIT NO. 63-10364 WAS FILED

On August 12, 1980, Ric Morris conducted an exam for Robert Henggeler on Permit No. 63-7955. At that time he measured the well in Govt. Lot. 2, SWNW, S. 7, T. 6N, R. 4W (Well #1) and found a rate of flow of 4.31 cfs for 280 acres. Mr. Henggler did not agree with that measurement nor with an additional measurement later (same amount) which was not documented by Ric. Then Dave Shaw requested that Lee Sisco measure the discharge again and on November 17, 1981, he went to Henggler's farm to conduct the measurement. At that time he measured the same or maybe a little less than Ric Morris had and in lieu of this Mr. Henggler agreed to accept Ric's measurement of 4.31 cfs (this information came per phone conversation with Lee Sisco on 12/11/86). Then Mr. Henggler wanted to try and get a measurement on Permit No. 63-9818 (Well #2) and that's when Lee went out on Dec. 18, 1981 (see attached incomplete exam for 63-9818). He said that either the power was not turned on or something was froze up and he couldn't do the measurement then. So the exam was not completed until this last summer when Rich Gemperle did it.

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So, I have written the exam up for Permit No. 63-7955 for 4.31 cfs as Ric Morris measured in 1980 and 280 acres from Well #1 in Lot 2, SWNW, S. 7, T. 6N, R. 4W as it was the only well in operation at that time. Then Permit No. 63-9818 will show both wells, which is the present operation at this time, but using only the measurement from Well #2 for the amount of water, 1.39 cfs. This permit will be for 285 acres of irrigation rather than 280 as shown on 63-7955. Mr. Henggler stated that Well No. 1 (63-7955) has not increased since Ric Morris measured it and probably has decreased (Mr. Henggler did not say it has decreased). The measurement from Well #2 made this summer is sufficient to satisfy this right and then some.

This brings me to the next permit. This is a new application recently filed and has been approved under Permit No. 63-10364. This permit was filed to utilize

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the additional capacity of well #2 as measured under Permit No. 63-9818. Rich Gemperle measured 1.82 cfs and the permit amount is 1.39 cfs which leaves .43 cfs available. The important part for the field examiner to be aware of when he/she conducts the exam is that in order for Mr. Henggeler to receive the .35 cfs he applied for on Permit No. 63-10364 he must develop the 17 additional acres applied for in this permit(302-285=17). The 285 acres now irrigated have a full inch to the acre after 63-7955 and 63-9818 are licensed. This new permit shows two points of diversion, one in the NWSW(Lt. 3), and one in the NESW, S. 7, T. 6N, R. 4W. Actually, Mr. Henggeler filed on well #2 which was measured under 63-9818, and listed both quarter-quarters because he wasn't sure which one was right. So, he is not filing on a new well and well #2 is in the NWSW(Lt. 3), S. 7, as found by the field examiner, Rich Gemperle. I will place a copy of this memo in Permit No. 63-10364 to, hopefully, avoid any further confusion when the exam is done concerning Mr. Henggeler's water rights and irrigation system.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No. _____

1. Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

same land
irrig. from pld #1 $\rightarrow$ $285 \text{ ac.} \times 0.02 \text{ cfs} = 5.70 \text{ cfs}$
 $\rightarrow \text{Rt. 63-7955} = \frac{4.31 \text{ cfs}}{1.39 \text{ cfs needed for 1" per acre}}$

Capacity of both wells = #1 - 4.31 cfs
 #2 - 1.82 cfs
 6.13 cfs

b) Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 4.5 = 1282.5 \text{ AFA}$
 $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 675.5 \text{ AFA}$
 $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$

c) Volume Calculations for Other Uses: $\text{irrig/frost control} = 1.39 \times 1.9835 \times 15 = 41.4 \text{ AFA}$
 $41.4 \div 2 (12 \text{ hrs}) = 20.7 \text{ AFA}$
 1282.5
 $- 1260.0 \leftarrow \text{Rt. 63-7955}$

use * ~~RITA~~ 22.5 allowable for this lic.
 The maximum combined annual volume of water under this Rt. & Rt. 63-7955 shall not exceed 1282.5 Acre feet per annum.

2. Overlap Review

a) Other water rights with same place of use: 63-7955, 63-8205, 63-10364b) Other water rights with same point of diversion: 63-7955

c) Analysis: Rt. 63-7955 - using P/D #1 this right is for same land - also being licensed at this time.
Rt. 63-8205 - application filed in conjunction with a DLE, no overlap due to stage
Rt. 63-10364 - new permit, same right holder no proof, no overlap due to stage.

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Date _____

Idaho Dept. of Water Resources Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	63 10364A	ROBERT M HENGGELE,ER,	GROUND WATER	06N04W7					1	1	4.7	1		1.8							9.5
Claim	63 10364B	HENGGELE,ER BROS INC,	GROUND WATER	06N04W7												2					2
Claim	63 7955A	ROBERT M HENGGELE,ER,	GROUND WATER	06N04W7					32	47	44	39		47							209
Claim	63 7955B	HENGGELE,ER BROS INC,	GROUND WATER	06N04W7									33			38					71
Claim	63 9818A	ROBERT M HENGGELE,ER,	GROUND WATER	06N04W7					37	47	44	39		47							214
Claim	63 9818B	HENGGELE,ER BROS INC,	GROUND WATER	06N04W7									33			38					71
Rec	63 10364A	ROBERT M HENGGELE,ER,	GROUND WATER	06N04W7					1	1	4.7	1		1.8							9.5
Rec	63 10364B	HENGGELE,ER BROS INC,	GROUND WATER	06N04W7												2					2
Rec	63 7955A	ROBERT M HENGGELE,ER,	GROUND WATER	06N04W7					32	47	44	39		47							209
Rec	63 7955B	HENGGELE,ER BROS INC,	GROUND WATER	06N04W7									33			38					71
Rec	63 9818A	ROBERT M HENGGELE,ER,	GROUND WATER	06N04W7					37	47	44	39		47							214
Rec	63 9818B	HENGGELE,ER BROS INC,	GROUND WATER	06N04W7									33			38					71
Right	63 10364	ROBERT HENGGELE,ER,	GROUND WATER	06N04W7					1	1	4.7	1		1.8		2					11.5
Right	63 21845	ROBERT M HENGGELE,ER,	GROUND WATER	06N04W7							X										0
Right	63 21845	ROBERT M HENGGELE,ER,	GROUND WATER	06N04W7							X										0
Right	63 7955	ROBERT M HENGGELE,ER,	GROUND WATER	06N04W7					32	47	44	39	33	47		38					280
Right	63 9818	ROBERT HENGGELE,ER,	GROUND WATER	06N04W7					37	47	44	39	33	47		38					285

Receipt Details for ID C016188

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
4/9/1990 5:17:10 PM	4/9/1990	State	\$469.00	Check
Payer		HENGGELE BROS., INC.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
4918			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$469.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	8311		\$61.00	Claim
63	21846		\$137.00	Claim
3	4021		\$50.00	Claim
63	7955	B	\$121.00	Claim
63	10364	B	\$50.00	Claim
63	9818	B	\$50.00	Claim

Print Report

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: A63-09818B
Date Received: 3/26/1990
Receipt No: CD 1618B
Received By: SP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HENGGELE BROS., INC.
Address: BOX 6633 WHITLEY DRIVE
FRUITLAND, ID

208-452-3201

83619

2. Date of Priority: OCT 02, 1981

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	04W	7	NW	SW	NW	2	PAYETTE
			NE	NW	SW	3	PAYETTE

5. Description of diverting works:
WELLS, PUMPS & 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	0.340		
IRRIGATION	03/01	03/15	0.340		

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

A.F.A.

8. Total consumptive use is 164.9 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	04W	7	NE	SW		IRR	33.0

A63-09818B

Page 1

Date: 03/26/90

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	04W	7	SE	SW		IRR	38.0

Section Acres 71.0

Total Acres 71.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:
A63-07955B, A63-10364B

14. Remarks:

Use of water for irrigation purposes from 3/1 to 3/15 is
for orchard frost protection.

The maximum combined annual volume of water under this right
& Right 63-7955 shall not exceed 1282.5 acre feet per annum.

THIS RT. IS SPLIT FROM THE PARENT RT. FOR THE LANDS OWNED BY THE
COPORATION. THE REMAINING 214 ACRES LICENSED IS CLAIMED UNDER
A63-09818A BY ROBERT HENGgeler.

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: one

For Organizations:

I do solemnly swear or affirm that I am Pres. of

Henggeler Bros Inc., that I have signed the foregoing
Organization

document in the space below as Pres. of

Henggeler Bros Inc. and that the statements contained in the
Organization

foregoing document are true and correct.

Robert M Henggeler
Signature of Authorized Agent

Pres. Henggeler Bros Inc.
Title and Organization

4/9/90
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of Apr 19 90

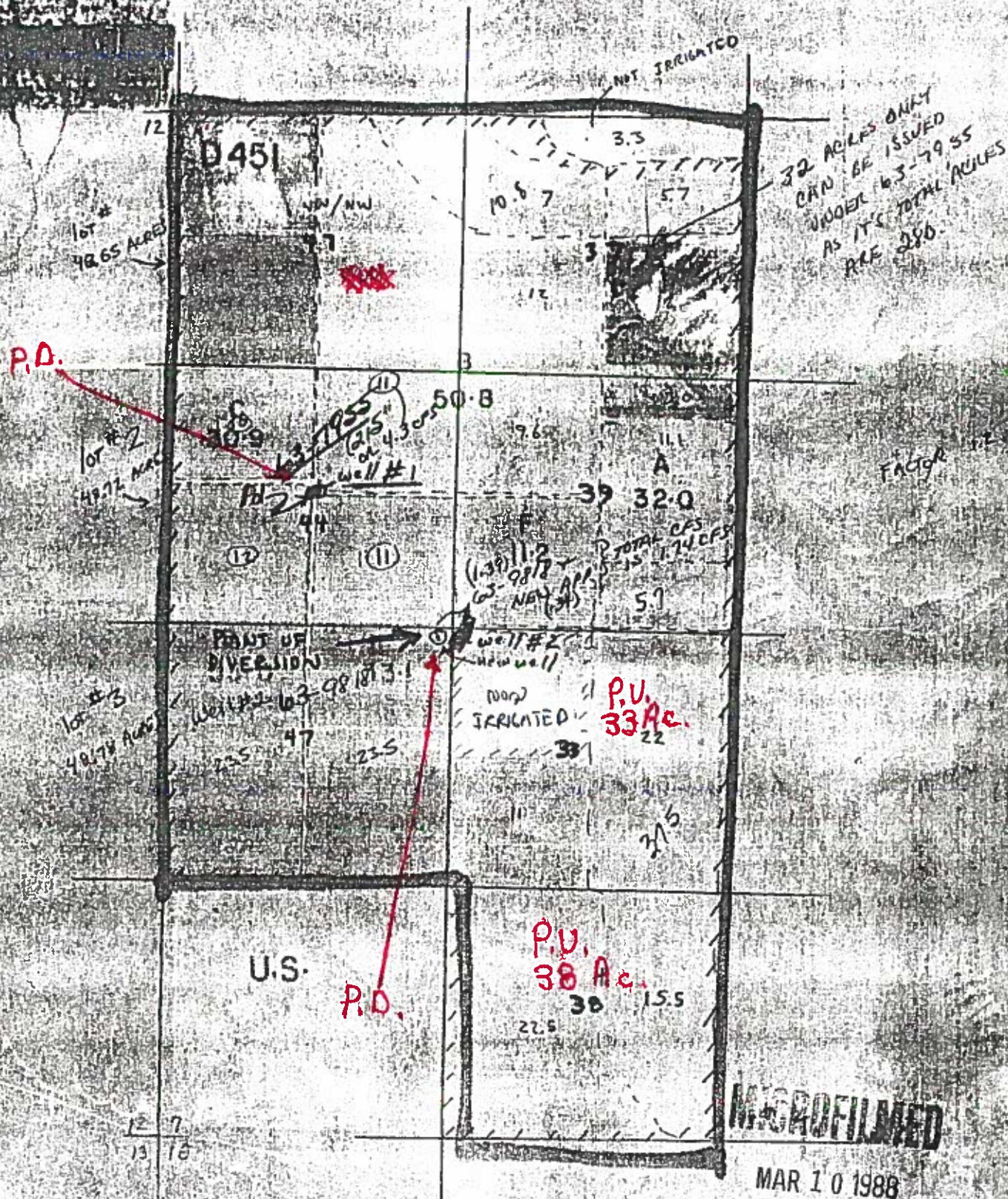
Forrest E. Luthy
Notary Public

Seal

Forrest E. Luthy, Notary Public

Residing at _____ Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994
My Commission Expires _____

T06 S, R04 W, Sec 07



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AUG 24 1992