

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: A63-08311
Date Received: 3/26/1990
Receipt No: C016180
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT M. HENGGELE
Address: BOX 6633 WHITLEY DRIVE 208-452-3201
FRUITLAND, ID 83619
OR
Name: GERALD J. HENGGELE
Address: RT1, WHITLEY DRIVE 208-452-3374
FRUITLAND, ID 83619
2. Date of Priority: MAY 20, 1976
3. Source: SPRINGS Trib. to: SNAKE RIVER
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
07N 05W 20 SE NE NE PAYETTE
5. Description of diverting works:
PUMP & PIPELINES.
6. Water is used for the following purposes:
Purpose From To C.F.S. (or) A.F.A.
IRRIGATION 03/15 11/15 0.200
7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) 49.50 A.F.A.
8. Total consumptive use is 38.5 Acre Feet Per Annum.
9. Non-irrigation uses:

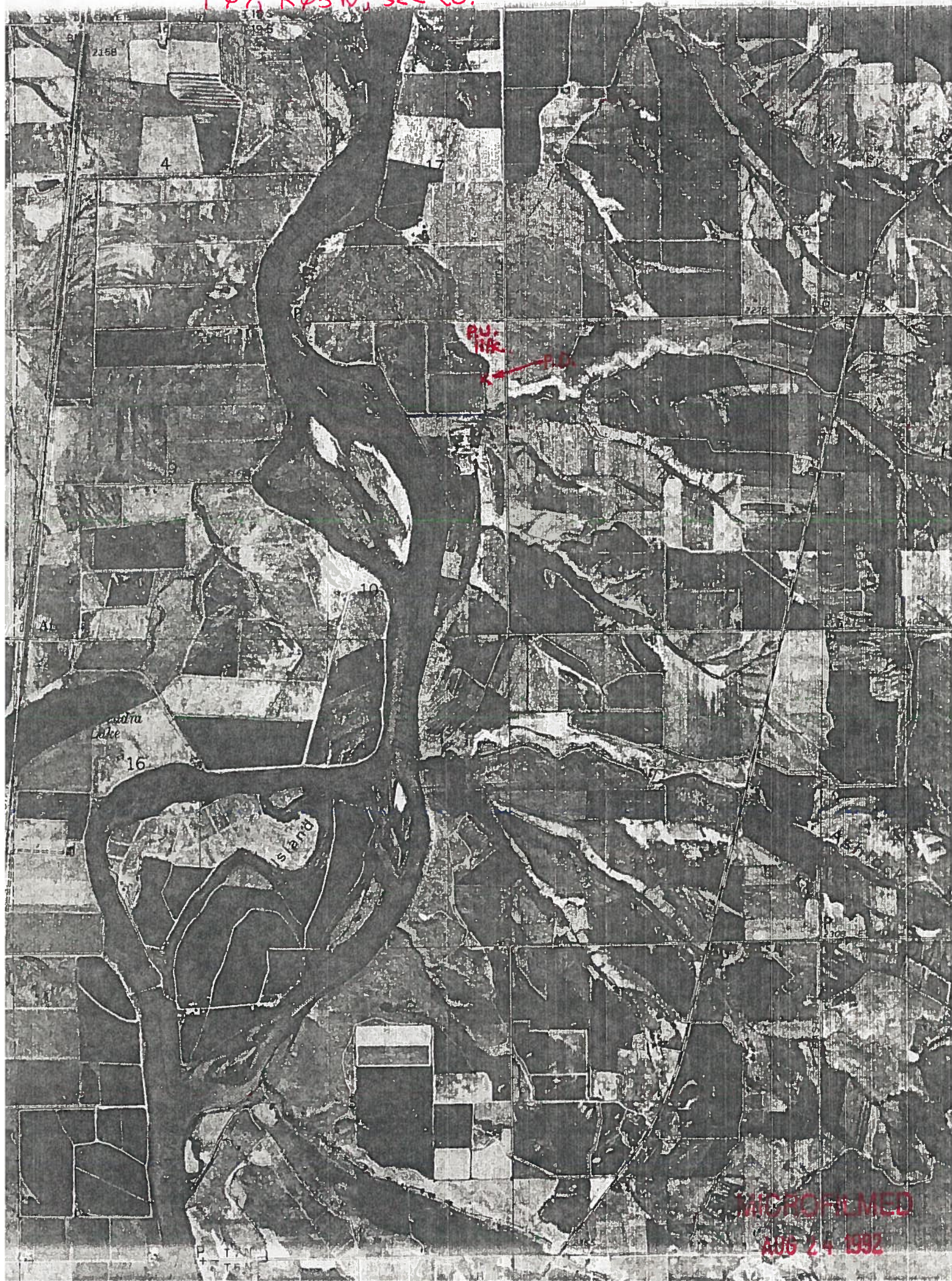
A63-08311

Page 1

Date: 03/26/90

MICROFILMED
AUG 24 1992

T 07, R 05 W, SEC 20.



MICROFILMED

AUG 24 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	05W	20	NE NE		IRR	11.0
Section Acres						11.0
Total Acres						11.0

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:

14. Remarks:

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 Individuals:

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

Signature of Claimant(s): Robert Hengge Date: 4/9/90

Date: _____

State of Idaho)
County of AOA) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of Apr 1990

Forrest E. Luthy
Notary Public

Seal

Residing at Forrest E. Luthy, Notary Public
Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-8311 Priority May 20, 1976 Amount 0.20 cfs

THIS IS TO CERTIFY, that Henggeler Bros.
of Fruitland, Idaho, has complied with the terms and conditions of Permit
No. 63-8311 issued pursuant to Application for Permit dated May 20, 1976,
and has submitted proof to the Department of Water Resources on April 14, 1980,
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 0.20 cfs of water from springs,
tributary to Snake 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
Irrigation	from <u>March 15</u> to <u>November 15</u>	at <u>0.20</u> cfs and	<u>49.5</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 0.20 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 for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
49.5 acre feet per year, said waters to be diverted within the NE 1/4, Section 20
Twp 7N, Rge 5W in the County of Payette

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	5W	20	11																11

Total number of acres irrigated 11

NOTE: 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.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27TH day of
APRIL, 19 84.

Acting for the Director

Norman C. Young

Dler

AUG 24 1992

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

RIGHT NUMBER: 63-8311

NAME AND ADDRESS: GERALD J HENGGELER
RT 1 WHITLEY DR
FRUITLAND ID 83619

ROBERT M HENGGELER
5144 ELMORE RD
FRUITLAND ID 83619

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

SOURCE: SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.200 CFS
49.500 AFY

PRIORITY DATE: 05/20/1976

POINT OF DIVERSION:

T07N R05W S20 SENENE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.200 CFS
49.50 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 15 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.

PLACE OF USE: IRRIGATION in PAYETTE County

T07N R05W S20 NENE 11.00

11 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

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

In Re SRBA

Case No. 39576

)
)
)
)
)

Water Rights: See Attached List

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

XX Address change

☐ Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

☐ Split of water right

☐ Change in ownership

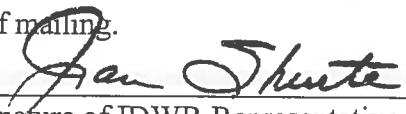
☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: February 7, 2008


Signature of IDWR Representative

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
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

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

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

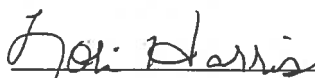
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Robert M. Henggeler
Henggeler Bros Inc
5144 Elmore Rd
Fruitland ID 83619

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ 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 HENGgeler
HENGgeler 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,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:1
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 Hengglér

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

05/23/2006

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

RIGHT NUMBER: 63-8311

NAME AND ADDRESS: GERALD J HENGGELE
RT 1 WHITLEY DR
FRUITLAND ID 83619

ROBERT M HENGGELE
BOX 6633 WHITLEY DR
FRUITLAND ID 83619

SOURCE: SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.200 CFS
49.500 AFY

PRIORITY DATE: 05/20/1976

POINT OF DIVERSION:

T07N R05W S20 SENENE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
0.200 CFS
49.50 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 15 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.

PLACE OF USE: IRRIGATION Within PAYETTE County

T07N R05W S20 NENE 11.00

11 ACRES TOTAL

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

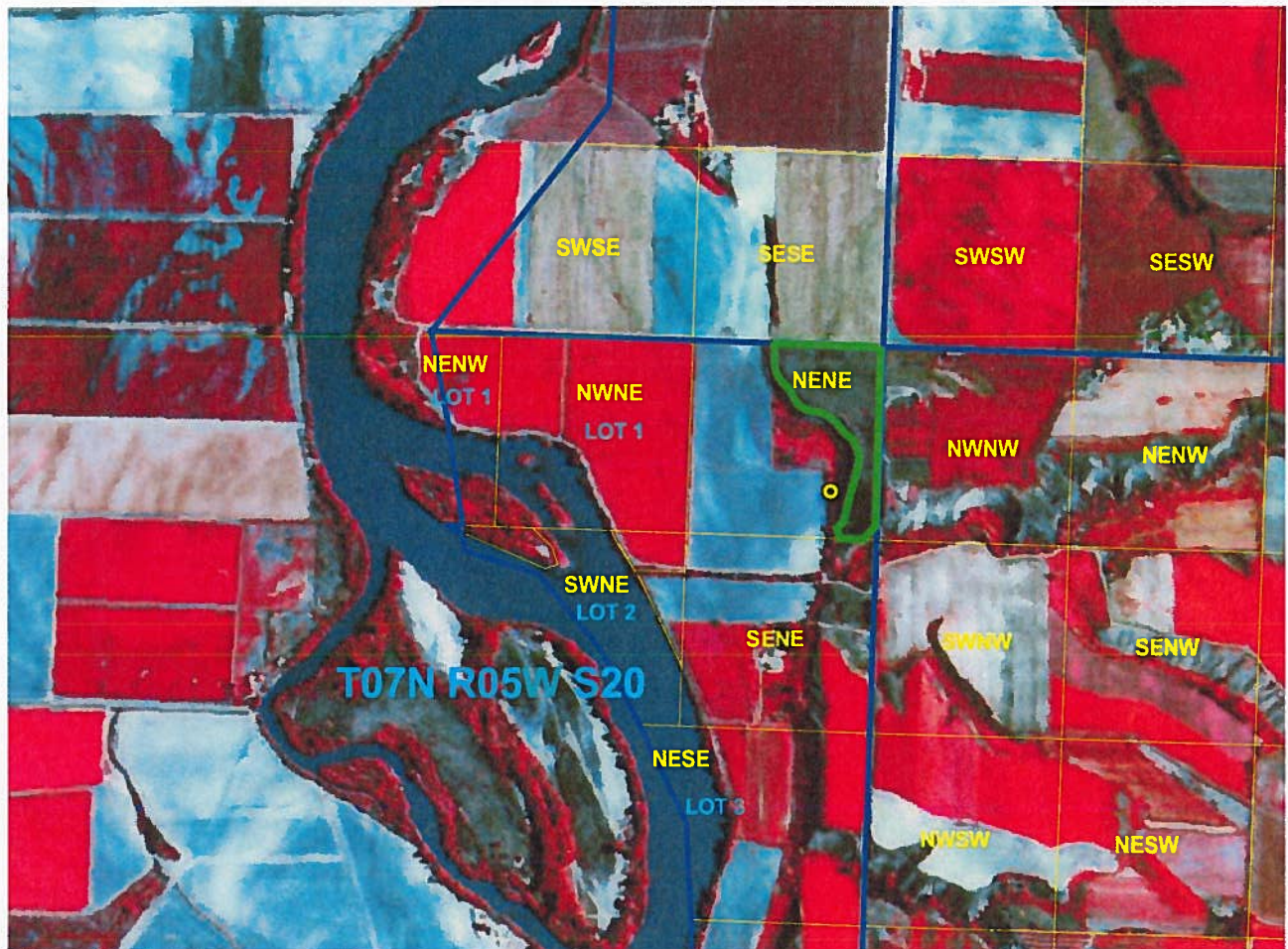
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



State of Idaho
Idaho Department of Water Resources
Western Region

T7N R5W SECTION(S) 20
WATER RIGHT(S) : 63-8311



0.5 0 0.5 1 Miles

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

Total Irrigated Acres = 11 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 63-8311 V1

WATER RIGHT NUMBER: 63-8311 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GERALD J HENGGELE RT 1 WHITLEY DR FRUITLAND, ID 83619 (208)452-3374
Current Owner	ROBERT M HENGGELE BOX 6633 WHITLEY DR FRUITLAND, ID 83619 (208)452-3201

Priority Date: 05/20/1976

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.200 CFS	49.50 AF
	<u>Total Diversion:</u>	0.200 CFS	49.50 AF

Location of Point(s) of Diversion

SPRINGS	SE1/4NE1/4NE1/4	Sec. 20, Twp 07N, Rge 05W, 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	
07N	05W	20	11.0																11.0

Total Acres: 11

Conditions of Approval:

1. 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.
2. 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 15 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-8311 V1

Comments:

1. dnelson 5/23/2006 Claim Review

Comment: This claim is based on an existing license. It will be recommended as licensed. The old license did have the older season of use so it will be conditioned to allow a season of use from 3-1 to 11-15 per department standards.

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: OR
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	5/23/2006 3:30:28 PM	dnelson			Active
Priority Date	5/23/2006 3:31:09 PM	dnelson			Active
POD	5/23/2006 3:32:04 PM	dnelson			Active
Source	5/23/2006 3:32:25 PM	dnelson			Active
POU	5/23/2006 3:33:04 PM	dnelson			Active
Use	5/23/2006 3:33:31 PM	dnelson			Active
Season	5/23/2006 3:34:09 PM	dnelson			Active
Quantity	5/23/2006 3:34:51 PM	dnelson			Active
Summary			05/23/2006	dnelson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	4/10/2006 1:29:14 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8311 V1

Contacts	5/23/2006 3:30:28 PM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: This claim is based on a licensed right.
POD	5/23/2006 3:32:04 PM	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?
POD	5/23/2006 3:31:47 PM	dnelson	Updated shape
General	5/23/2006 3:31:10 PM	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?
Source	5/23/2006 3:32:25 PM	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	5/23/2006 3:32:56 PM	dnelson	Updated shape for Active POU
POU	5/23/2006 3:33:05 PM	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	5/23/2006 3:33:31 PM	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? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8311 V1

Season	5/23/2006 3:34:09 PM	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? (No) 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? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	5/23/2006 3:34:52 PM	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 - Recommended as licensed.
Summary	5/23/2006 3:36:09 PM	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? (No) 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? (No) 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:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-8311

WATER RIGHT NUMBER: 63-8311

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HENGGELEER BROTHERS RT 1 FRUITLAND, ID 83619

Priority Date: 05/20/1976

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.200 CFS	49.50 AF
	<u>Total Diversion:</u>	0.200 CFS	49.50 AF

Location of Point(s) of Diversion

SPRINGS	NE1/4NE1/4	Sec. 20, Twp 07N, Rge 05W, 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	
07N	05W	20	11.0																11.0

Total Acres: 11

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-8311

Licensed Date: 6/5/1984
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:



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 3, 1984

RE: Permit No. 63-8311

Henggeler Bros.
Route 1
Fruitland, ID 83619

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 63-8311, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 0.20 cfs Source: springs trib to Snake River

- 8 The maximum quantity diverted shall not exceed 49.5 acre feet per year.

Point(s) of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sect 20, Twp 7N, Rge 5W

Beneficial Use: Irrigation of 11 acres within NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, Twp 7N, Rge 5W

Priority date established: May 20, 1976

Conditions (if any):

If you do not concur with these findings, please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

MICROFILMED

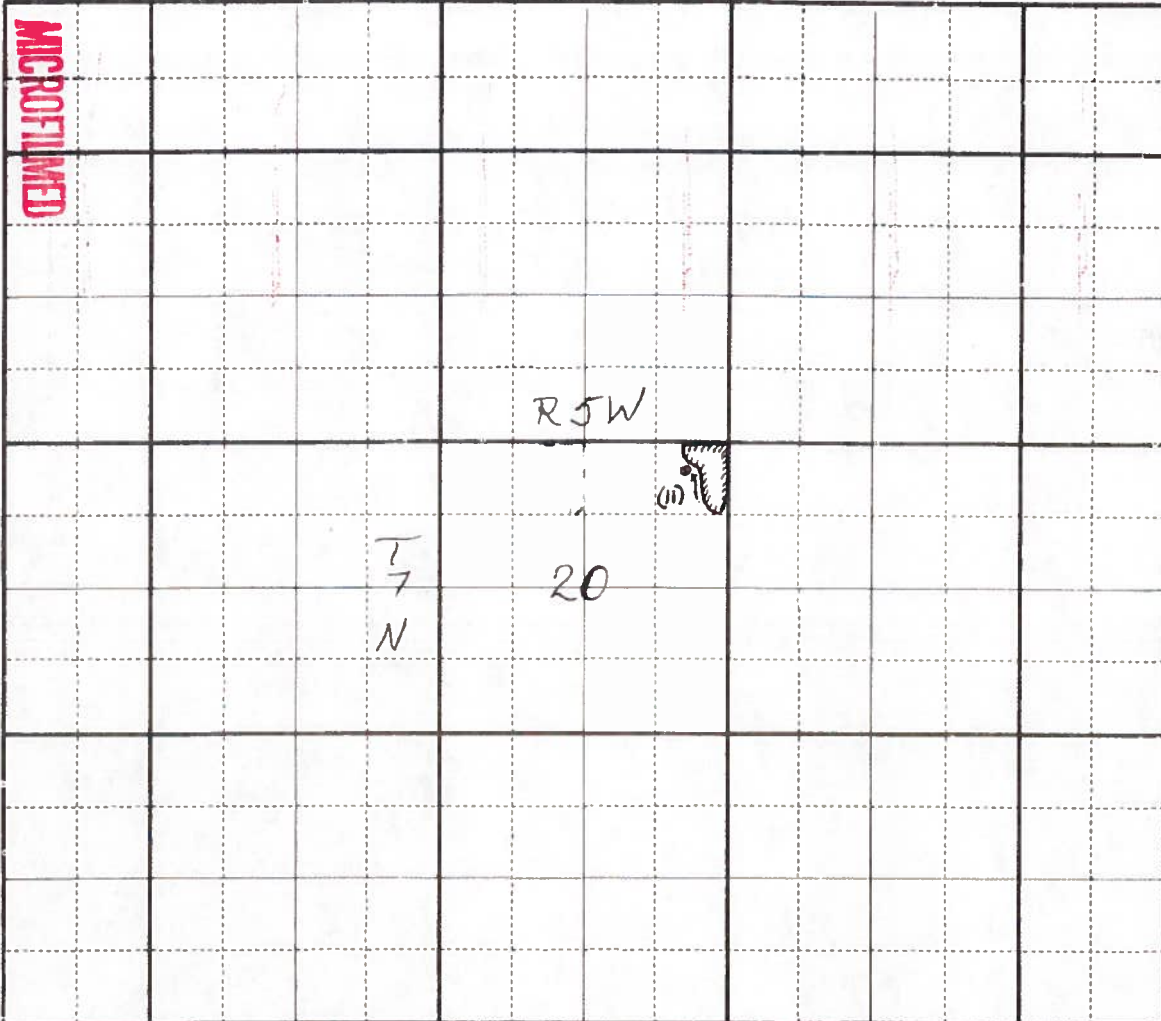


Diagram of System

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-8311 Priority May 20, 1976 Amount 0.20 cfs

THIS IS TO CERTIFY, that Henggeler Bros.
of Fruitland, Idaho, has complied with the terms and conditions of Permit
No. 63-8311 issued pursuant to Application for Permit dated May 20, 1976,
and has submitted proof to the Department of Water Resources on April 14, 1980,
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 0.20 cfs of water from springs,
tributary to Snake 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
Irrigation	from <u>March 15</u> to <u>November 15</u>	at <u>0.20</u> cfs and	<u>49.5</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 0.20 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
49.5 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20
Twp 7N, Rge 5W in the County of Payette

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 $\frac{1}{4}$	
7N	5W	20	11																11

Total number of acres irrigated 11

NOTE: 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.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27TH day of APRIL, 19 84.

Acting for the Director

Norman C Young

Identification No. _____

Application No. 63-8311

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Hengge Bros Phone: 452-3281
post office address Box 1 Fruitland, Idaho
2. Source of water supply Spring which is a tributary of Snake River
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20 Township 7N
Range 5W B.M. Payche County; additional points of diversion if any: Spring
flow into diversion from NE $\frac{1}{4}$ of NE $\frac{1}{4}$ and a
SE $\frac{1}{4}$ of NE $\frac{1}{4}$ within the North 18 acres owned by Hengge
Bros
- b. If water is not consumed, it will be discharged into Snake River at a point in NE $\frac{1}{4}$ of Section 20 Township 7N Range 5W B.M. Payche
4. Water will be used for the following purposes:
Amount .34 for Irrigation purpose from April to Oct 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .34 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pump diverting from
live stream NE $\frac{1}{4}$, NE $\frac{1}{4}$ at S-20 7N, 5W B.M.
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ (Mo. Day) to _____ (Mo. Day) inclusive.
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 2500.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____
(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

RM 7/13/76
port 10 n
05

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

WP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	5W	20	15			2													17

Total number of acres to be irrigated 17

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 Henggele Bros

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

A hand-drawn map on a grid. The map shows a diversion pump and a discharge point. The diversion pump is located at the top left, with a line leading to a discharge point labeled "S-20" and "7N-5W". The discharge point is located at the top center. The map is labeled "diversion pump" and "discharge S-20 7N-5W". The map is drawn on a grid with a dashed line indicating a boundary or path.

diversion pump

discharge S-20 7N-5W

S

W

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

G. H. Hingel
(Applicant)

Proposed Priority 5-20-76

Received by DLB Date 5-20-76 Time 2:50pm

Preliminary check by PJC Fee \$ 2500 (No. \$790)

Received by GB Date 5-20-76

Publication prepared by RB Date 4-3-76

Published in Independent Enterprise

Publication dates June 10 + 17

Publication approved RB Date 6-21-76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by RB 6-21-76

Hearing held by LGST BDF Date 7-13-76

Recommended for approval denial by PHH DRT

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. 63-8311, 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 July 1, 19 81.
- c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 19 day of July, 19 76.


Director

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

1. Name of permit holder HENGGELE BROS.
Post office address RT. 1, FRUITLAND, ID 83619 Phone 452-4627
Person to contact BOB HENGGELE Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ SPRINGS
(name spring, stream, etc.)
Tributary to SNAKE RIVER

3. Water will be used for the following purposes:

Amount .34 c.f.s. for IRRIGATION
AF/Annum (nature of use)

Period of Use: from 4/1 to 10/1
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion .34 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 2N N/S, Range 5W E/W, B.M., Section 20, Subdivision NE $\frac{1}{4}$ NE $\frac{1}{4}$, PAYETTE County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Other Points of Diversions: _____

Description of diverting works: PUMP & PIPELINE

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE 17

Permit No. 63-8311

MICROFILMED

RJW

on it

$\frac{1}{7}$
N

20

Diagram of System

DATE OF EXAM 4/29/80

ACREAGE

Found 11 ☒ 11 ☒

Recommended 11 ☒

Irrigation Requirement 4.5 ☒ Ac Ft/Ac

USE

Irrigation Q = 20 c.f.s. V = 49.5 ☒ AF/Ann. from 3/15 ☒ to 11/15 ☒ 24 days
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no X

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 20 cfs Method of measurement Staff gauge

Total Q recommended 20 Meter No. _____ Type _____ Condition _____

Total V recommended 49.5 ☒
 $V = 11 \text{ acres} \times 4.5 = 49.5 \text{ AF}$ ☒
 $V = .2 \times 1.9835 \times 245 = 97.2 \text{ AF}$

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

Cipolletti Weir measurements with staff gauge .14
Head @ 0.15 ft. = 1 ft. = 0.195 ≈ 0.20 cfs .15
per water measurement bulletin .16
 $X = .15 = .20 \text{ cfs}$ ☒

SYSTEM DESCRIPTION:

Interception ditch, diversion dam, pump & pipelines

REMARKS:

Examiner's Signature [Signature] Date 4/29/80

Checked by DBS Date 5/12/80

Approved by Kay Walker Date 2-21-84

no per micro-fische 2/21
no p/d overlap
p/u → 63-3628 (Hurd Gulch) 26 acres - no overlap

[illegible]

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
--------	-------	------	-----------------

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 Third JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Payette

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

NOTICE OF CLAIM
TO A
WATER RIGHT

63-8311

I.D. No. 10 - Permit Map No. 16257

(\$ 55.00 Total) Fee Paid Receipt No.

Hurd Gulch DRAINAGE BASIN.

Notice is hereby given that ~~Henggeler Farms~~ ROBERT M. HENGGELER AND GERALD J. HENGGELER ⁴⁻¹⁸⁻⁸⁰
(Name of Claimant)
Route 1, Whitley Drive, Fruitland, ID 83619 Telephone No. 452-4627
(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) 5/20/1976
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Springs tributary to Snake 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>.34 cfs</u>
(CFS, GPD, AF) | Use <u>Irrigation</u>
(Domestic, irrigation, stock, etc.) | Period of Use From <u>3/15</u> To <u>11/15</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) .34 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source NE $\frac{1}{4}$ NE $\frac{1}{4}$
Sec. 20, Twp. 7N, Rge. 5W, B.M., Payette 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. pump and pipeline
- (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 $\frac{1}{4}$	
7N	5W	20	15			2													17

Total no. of acres 17

- 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 _____
- (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. Permit 63-8311
- 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.

April 11, 1980
(Date)

State of Idaho Organization _____
County of Payette ss. Seal _____

On this 11 day of April, in the year 1980 before me
a notary public, personally appeared ROBERT M. HENGGELER
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 10-1-82 Notary Public residing at Fruitland, Idaho

Individual Robert M. Henggeler
(Signature of Claimant)
Winnie Henggeler
(Signature of Spouse)
Organization Gerald J. Henggeler & Henggeler Farms, Inc.
Robert M. Henggeler
(Signature of Authorized Agent)

RECEIVED
APR 14 1980

IN THE DISTRICT COURT OF THE Third JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Payette

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

**NOTICE OF CLAIM
TO A
WATER RIGHT**

63-8311	I.D. No. <u>10</u> <u>Permit</u>	Map No.
\$ <u>55.00</u> Total	<u>16257</u>	
Fee Paid	Receipt No.	

Hurd Gulch DRAINAGE BASIN.

Notice is hereby given that

~~Henggeler Farms~~ HENGGELE, GERALD J.
HENGGELE, ROBERT M.
(Name of Claimant)

Route 1, Whitley Drive, Fruitland, ID 83619

(Mailing Address)

(Zip Code)

Telephone No. 452-4627

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) 5/20/1976
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Springs tributary to Snake 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>34 cfs</u>
<u>.20</u> (CFS, GPD, AF) | Use <u>Irrigation</u>
(Domestic, Irrigation, stock, etc.) | Period of Use From <u>3/15</u> To <u>11/15</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) 34 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source NE $\frac{1}{4}$ NE $\frac{1}{4}$
Sec. 20, Twp. 7N, Rge. 5W, B.M., Payette 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. pump and pipeline

- (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>7N</u>	<u>5W</u>	<u>20</u>	<u>15</u>			<u>2</u>													<u>17</u>
			<u>11</u>																<u>11</u>

Total no. of acres 17 11

- 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 _____

- (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. Permit 63-8311
License

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.

April 11, 1980
(Date)

State of Idaho
County of Payette ss.

Organization

Seal

Individual Robert M. Henggeler
(Signature of Claimant)
William Henggeler
(Signature of Spouse)
Organization Gerald J. Henggeler
Robert M. Henggeler
(Signature of Authorized Agent)

On this 11 day of April, in the year 1980 before me
a notary public, personally appeared ROBERT M. HENGGELE
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 10-1-82

Notary Public residing at Fruitland, Idaho

4-18-80
4/18/80

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

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF _____

NOTICE OF CLAIM
TO A
WATER RIGHT

Hurd Gulch DRAINAGE BASIN.

63-3311	
I.D. No.	Map No.
\$	
Fee Paid	Receipt No.

Notice is hereby given that Henggeler Farms
(Name of Claimant)

Route 1, Whitley Drive, Fruitland, ID 83619

(Mailing Address)

(Zip Code)

Telephone No. 432-4627

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) 5/20/1976

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Springs tributary to Snake 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 .34 cfs Use Irrigation Period of Use From 3/15 To 11/15
(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) .34 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source NE $\frac{1}{4}$ NE $\frac{1}{4}$
Sec. 20, Twp. 7N, Rge. 5W, B.M., Payette 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. pump and pipeline

(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>7N</u>	<u>5W</u>	<u>20</u>	<u>15</u>			<u>2</u>													<u>17</u>

Total no. of acres 17

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 _____

(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. 63-3311

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)

(Date)

(Signature of Spouse)

Organization

State of _____

Organization

County of _____

ss.

Seal

(Signature of Authorized Agent)

On this _____ day of _____, in the year _____ before me
a notary public, personally appeared _____

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 _____

Notary Public residing at _____

8/15/80

IN THE DISTRICT COURT OF THE Third JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PayetteIN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF Hurd Gulch

DRAINAGE BASIN.

NOTICE OF CLAIM
TO A
WATER RIGHT

<u>63-8311</u>	
I.D. No.	Map No.
\$	
Fee Paid	Receipt No.

Notice is hereby given that Henggeles Henggeles Farms

(Name of Claimant)

Rt. 1, Whitley Dr., Fruitland, ID 83619

(Mailing Address)

(Zip Code)

Telephone No. 452-4627

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) 5/20/1976(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Spring tributary to SNAKE 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 .34 Use Irrigation Period of Use From 3/15 To 11/15
(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) .34 TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)(5) A) Point of Diversion: Give location of point where water is diverted from its source NE NE %
Sec. 20, Twp. 7N, Rge. 5W, B.M., Payette 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.
pump & pipeline

(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%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
<u>7N</u>	<u>5W</u>	<u>20</u>	<u>15</u>			<u>2</u>													<u>17</u>

Total no. of acres 17

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 _____

(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. Permit 63-8311

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)

(Date)

(Signature of Spouse)

State of _____
County of _____ ss.

Organization

Seal

(Signature of Authorized Agent)

On this _____ day of _____, in the year _____ before me
a notary public, personally appeared _____

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.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-8311 Priority May 20, 1976 Amount 0.20 cfs

THIS IS TO CERTIFY, that Henggeler Bros.
of Fruitland, Idaho, has complied with the terms and conditions of Permit
No. 63-8311 issued pursuant to Application for Permit dated May 20, 1976,
and has submitted proof to the Department of Water Resources on April 14, 1980,
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 0.20 cfs of water from springs,
tributary to Snake 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
Irrigation	from <u>March 15</u> to <u>November 15</u> at <u>0.20</u> cfs and <u>49.5</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 0.20 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
49.5 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20
Twp 7N, Rge 5W in the County of Payette

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 $\frac{1}{4}$	
7N	5W	20	11																11

Total number of acres irrigated 11

NOTE: 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.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27TH day of
APRIL, 19 84.

Acting for the Director

Norman C Young



1. Name of permit holder HENGGELE BROS.
Post office address RT. 1, FRUITLAND, ID 83619 Phone 452-4627
Person to contact BOB HENGGELE Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ SPRINGS
(name spring, stream, etc.)
Tributary to SNAKE RIVER

3. Water will be used for the following purposes:

Amount 34 c.f.s. for IRRIGATION
 _____ AF/Annum (nature of use)

Period of Use: from 4/1 to 10/1
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion .34 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 7N N/S, Range 5W E/W, B.M., Section 20, Subdivision NE $\frac{1}{4}$ NE $\frac{1}{4}$, PAYETTE

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____ County _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____
County _____
County _____

Other Points of Diversions: _____

Description of diverting works: PUMP & PIPELINE

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE _____ 17

DATE OF EXAM 4/29/80

ACREAGE
Found 11 ✓
Recommended 11 ✓

Irrigation Requirement 4.5 ✓ Ac Ft/Ac

USE
Irrigation Q = ✓.20 c.f.s. V = 49.5 ✓ AF/Ann. from 3/15 ✓ to 11/15 ✓ 245 days
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Exchange? yes _____ no X

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Total Q measured ✓.20 cfs Method of measurement Staff gauge

Total Q recommended ✓.20 Meter No. _____ Type _____ Condition _____

Total V recommended 49.5 ✓
 $V = 11 \text{ acres} \times 4.5 = 49.5 \text{ AF} \checkmark$
 $V = .2 \times 1.9835 \times 245 = 97.2 \text{ AF}$

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None X

MEASUREMENT CALCULATION:

Cipolletti Weir measurements with staff gauge .14
Head @ 0.15 ft. = 1 ft. = 0.195 ≈ 0.20 cfs .15
per water measurement bulletin .16
 $\bar{X} = .15 = .20 \text{ cfs} \checkmark$

SYSTEM DESCRIPTION:

Interception ditch, diversion dam, pump & pipelines

REMARKS:

Examiner's Signature [Signature] Date 4/29/80

Checked by DBS Date 5/12/80

Approved by Kay Walker Date 2-21-84

no per micro-fische 2/21
no pld overlap

p/u → 63-3628 (Hurd Gulch) 26 acres - no overlap

MICROFILMED

RJW



T
7
N

20

Diagram of System

Identification No. _____

Application No. 63-8311

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Henggele Bros Phone: 452-3261

post office address Box 1 Fruitland, Idaho

2. Source of water supply Springs which is a tributary of SNAKE RIVER

3. a. Location of point of diversion is NE 1/4 of NE 1/4 of Section 20 Township 7N

Range 5W B.M. PACHE County; additional points of diversion if any: Springs

portion of
Flow into diversion from NE 1/4 of NE 1/4 and a SE 1/4 of NE 1/4 within the North 18 acres owned by Henggele Bros.

b. If water is not consumed, it will be discharged into SNAKE RIVER at a point in NE 1/4 of NE 1/4 of Section 20 Township 7N Range 5W B.M. SPR 7/13/74

4. Water will be used for the following purposes:

Amount .34 for Irrigation purpose from April to Oct 1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. .34 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pump diverting from
live stream NE 1/4, NE 1/4 of S-20 7N, 5W B.M.

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

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

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

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use

is 5 years.

b. Estimated construction cost is \$ 2500.00.

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ 1/4 of _____ 1/4 of Section _____ Township _____

Range _____ B.M. _____

(2) Amount of power to be generated _____ hp under _____ feet of head

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	54	20	15			2													17

Total number of acres to be irrigated 17

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

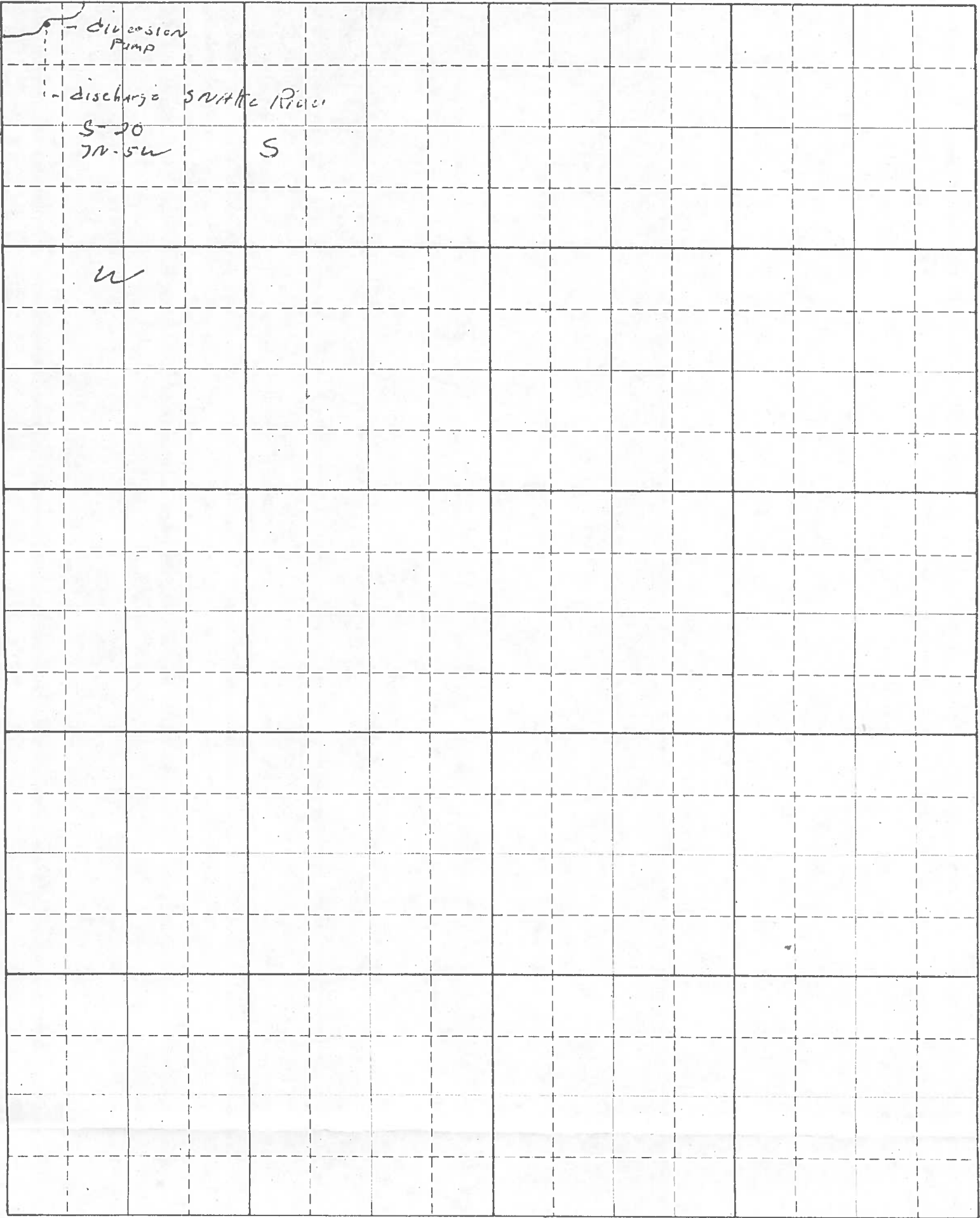
9. a. Who owns the property at the point of diversion Henggele Bros

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

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



Scale: 2 inches equal 1 mile

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

Robert Hingeler
(Applicant)

Proposed Priority 5-20-76

Received by DLB Date 5-20-76 Time 2:50pm

Preliminary check by PJC Fee \$ 25.00 No. 3790

Received by RB Date 5-20-76

Publication prepared by RB Date 4-3-76

Published in Independent Enterprise

Publication dates June 10 + 17

Publication approved RB Date 6-21-76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by RB 6-21-76

Hearing held by LGS + BDF Date 7-13-76

Recommended for approval denial by JH DRT

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. 63-8311, 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 July 1, 1981.

c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 19 day of July, 1976.

R. Karl Higin
Director

Henggeler Bros. Orchard, Inc.

WHITLEY ROAD
FRUITLAND, IDAHO 83619

FROM THE DESK OF

ROBERT HENGGELE

April 18, 1980

Mr. Shaff;

I would appreciate Permit 63-8311 being placed in the names of Gerald and Robert Henggeler, the same as Permit by Beneficial Use Claim.

The card on the prove-up of Permit 63-8311 was mailed April 14, 1980.

Thank you,

Bob
Bob Henggeler

Enclosure

Department of Water Resources
Western Regional Office

APR 21 1980

RECEIVED

*changed on file
and changed
for Report
4-23-80 ajw*

WRR100
A63-8311

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 1
4-Sep-1985 13:27:58

01 Water Right Number - A63-8311 02 Old (D) Number -

LAST NAME
03001 - HENGGELE
03002 - HENGGELE

FIRST NAME
04001 - ROBERT M.
04002 - GERALD J.

ORIG. OWNER
05001 - C
05002 - C

06 Add Line 1 - RT. 1 WHITLEY DR.

07 Add Line 2 -

08 Add Line 3 -

09 City - FRUITLAND

10 State - ID 11 ZIP - 83619

12 Stage - L LICENSE

13 Status -

SOURCE
14001 - SPRINGS

TRIBUTARY OF
15001 - SNAKE RIVER

16 Diversion Means -

17 County - 75 PAYETTE

18 Diversion Capacity - .000

19 Total Diversion Rate - .200

20 Total Diversion Volume - .00

21 Water District -

----- DIVERSION POINTS -----													
Tract	Sec	Twn	Rng	Lot	Rfls	S T R E A M I N D E X F I E L D S							
22001 - NENE	23001 - 20	24001 - 07N	25001 - 05W	26001 -	27001 -								
				28001 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0

29 Non-Irrigation Use -

----- PLACE OF USE -----						
Use Code / Use	Twn	Rng	Sec	Tract	Acres	Lot
30001 - 01 IRRIGATION	31001 - 07N	32001 - 05W	33001 - 20	34001 - NENE	35001 - 11	36001 -
						Total Acres: 11

----- WATER USE -----			
Period From	Period To	Use Code / Use	Diversion Rate
37001 - 0315	38001 - 1115	39001 - 01 IRRIGATION	40001 - 0.200
			41001 - 0.00

42 Decree Plaintiff Name -

43 Decree Defendant Name -

REMARKS
44001 -

Approval Conditions: 45001 -

46 Other Rights for Same Use -

----- D A T E S -----				----- D A T E S -----				----- F L A G S -----			
47 Priority	-	55 License	-	63 Transfer/Amended	-						
48 Proof Due	-	56 Appl Received	-	64 DLE/Carew Act	-						
49 Proof Made	-	57 Field Exam Made	-	65 Flag_1	-						
50 Approve/Denied	-	58 Decree	-	66 Flag_2	-						
51 Protested	-	59 Start Work	-	67 Flag_3	-						
52 Hearing	-	60 Order Show Cause	-								
53 Verified	-	61 Date_1	-								