

05/16/2003

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

RIGHT NUMBER: 29-7948

NAME AND ADDRESS: MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212

SOURCE: CLIFTON CREEK

TRIBUTARY: RATTLESNAKE CREEK

QUANTITY: 0.740 CFS
148.000 AFY

PRIORITY DATE: 05/16/1990

POINT OF DIVERSION:

T09S R34E S16 NENWNW Within POWER County Source: CLIFTON CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.740 CFS 148.00 AFY

PLACE OF USE: IRRIGATION Within POWER County

T09S R34E S08	NESE	35.0	T09S R34E S08	NWSE	11.0
T09S R34E S08	SWSE	10.0	T09S R34E S08	SESE	37.0
T09S R34E S09	SWSW	37.0	T09S R34E S09	SESW	20.0

150 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 166 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-2144, 29-7948 AND 29-10893

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 37 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: License

05/16/2003

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

This right does not grant any right-of-way or easement across the land of another.

The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 29-2144, 29-10893 AND 29-7948

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

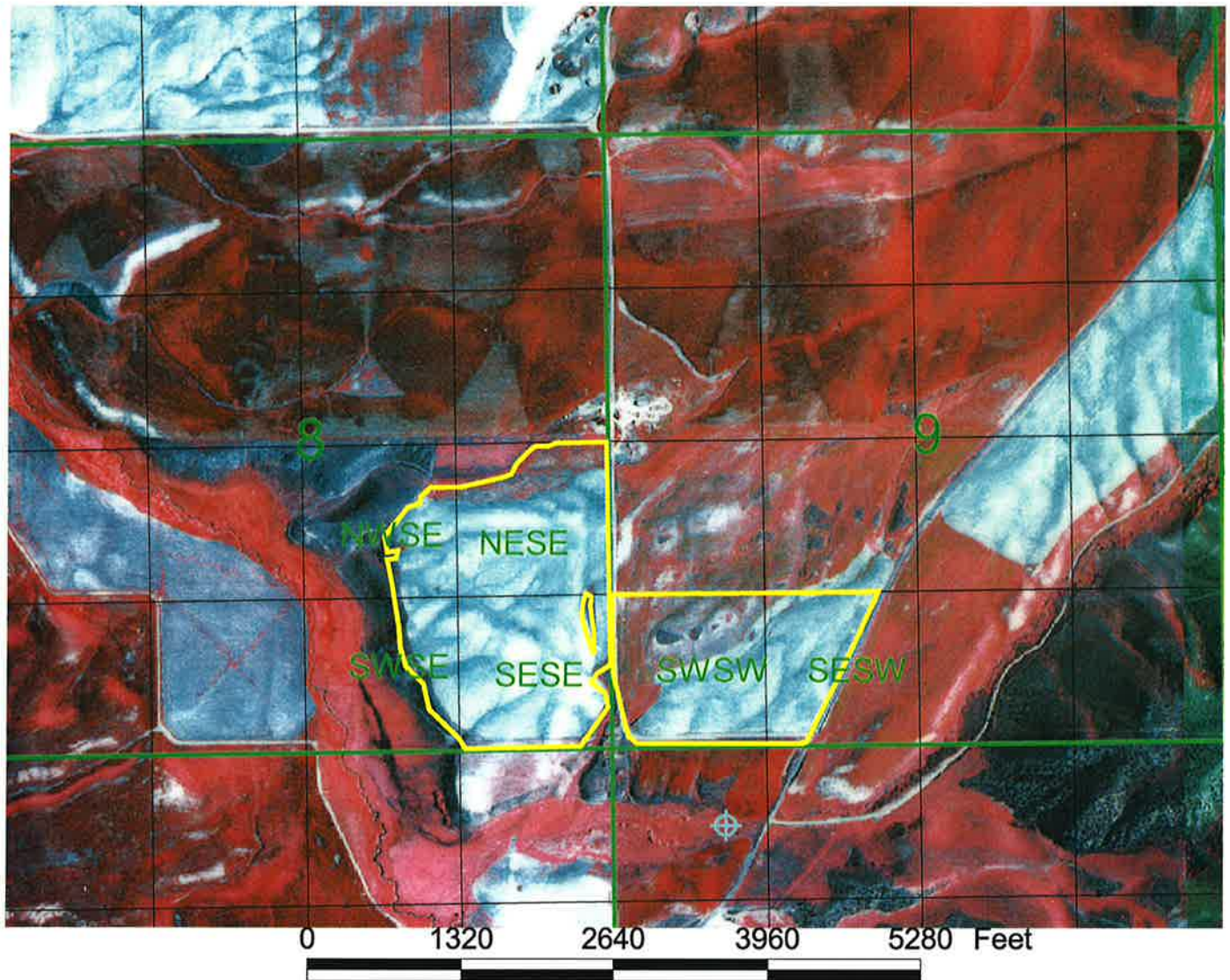
This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.



Department of Water Resources

Claim No: 29-7948

Twp 09S Rge 34E



Irrigated Acres = 150

- 29-7948.shp
- Diversion.shp
- Sections
- QQ

PROFILED
MAY 11 2003



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: May 2003

PROTECTED



Bryce A. Contor
Notary Public
Residing at Mud Lake ID
Commission expires 10/14/05

Signed before me 7/26/01, Identification
ID No 01 X1206631G.

James Hayden

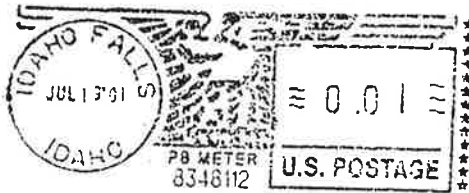
We hereby apply for all claims of
James Hayden, M.D. (myself), Twin Hayden
on Clifton Creek & Rattlesnake, be applied as
"Permissible Place of Use" above all
water rights can be used on any land in said
ownership.

To concerned:

7/26/01

Original in 29-2144 AS AL
MAY 1 1995

100 N Skyline Ste A
Idaho Falls ID 83450



Hans Hayden
3747 Mid Crystal Rd
Arbon ID 83212

© USPS 1997 recycled

Mr Hayden -

Next Wednesday July 25th I plan to be in the Clifton creek area, investigating place of use of irrigation claims. This is mostly a "drive-by" visit, with some walking and picture taking. It appears that you operate the Russell Hayden and Ben Hayden lands as well as your own.

If you wish to be around, please call me Monday or Tuesday at 525-7161 or 282-7846. Thank
Dyce A. Contor

PROFILED

SCANNED
MAY 11 2006

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07948

Priority: May 16, 1990

Maximum Diversion Rate: 0.74 CFS
Maximum Diversion Volume: 148.0 AF

It is hereby certified that MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 16, 1990; and has
submitted Proof of Beneficial Use on December 30, 1991. An examination indicates that the works have
a diversion capacity of 2.16 cfs of water from:

SOURCE

CLIFTON CREEK

Tributary: RATTLESNAKE CREEK

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/01 to 10/31

DIVERSION RATE
0.74 CFS

**ANNUAL
DIVERSION VOLUME**
148.0 AF

LOCATION OF POINT OF DIVERSION:

CLIFTON CREEK NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16, Twp 09S, Rge 34E, B.M., POWER 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	
09S 34E 8													36.0	11.0	10.0	37.0	93.0
09S 34E 9									37.0	20.0							57.0

Total Acres: 150

CONDITIONS OF APPROVAL

- ✓27 1. This right is limited to the irrigation of 37 acres within the place of use described above in a single irrigation season.
- ✓36 2. Right 29-02144 is also diverted through the point of diversion described above.
- ✓35 3. Rights 29-02144, 29-02509, 29-07272, 29-07949 and 29-07948 when combined shall not exceed a total annual maximum diversion volume of 1110.0 af at the field headgate, and the irrigation of 278.4 acres.
- R64 4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

29-480
29-13215
29-13522
29-2144
29-10893
29-7948

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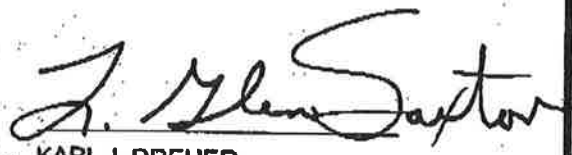
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07948

- ROS 5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
- R43 6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- 004 7. The issuance of this right does not grant any right-of-way or easement across the land of another.
048. 8. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 14th day of May, 2003.


for **KARL J. DREHER**
Director

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

07/18/2001

WATER RIGHT NO. 29-7948

Owner Type Name and Address
Current Owner MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD
ARBON, ID 83212
(208)335-2152

Priority Date: 05/16/1990
Status: Active

Source Tributary to
CLIFTON CREEK RATTLESNAKE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	0.74 CFS		
Total Diversion			0.74 CFS		

Location of Point(s) of Diversion:

CLIFTON CREEK NWNW Sec. 16 Township 09S Range 34E POWER County

IRRIGATION Use:
Acre Limit: 37

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

<u>Townshi</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
09S	34E	9		SWSW	21		SESW	16						

Total Acres: 37

Conditions of Approval:

- 005 Use of water under this right is subject to control by the watermaster of State Water District No. 01 .
- 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
- 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
- 049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
- 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
- 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
VAULT	1/3/199	Proof of Beneficial	Proof of Beneficial Use Rcvd

*Keith Wilson e-mail
to Craig Saxton:
"Exam to write-up."
I assume this means
allocations!
license exam
has been done.
Recommend per
permit w/
remarks allowing
license adjustments.
Bac
7/18/01*

Dates:

Proof Due Date: 02/01/1992
Proof Made Date: 12/30/1991
Approved Date: 01/25/1991
Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date: 05/16/1990
Protest Deadline Date:
Number of Protests:0
Field Exam Date::
Date Sent to State Off:
Date Received at State Off:

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector:
Water District Number: 01
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-07948

Proposed Priority: May 16, 1990 Maximum Diversion Rate: 0.74 CFS
This is to certify, that MID CRYSTAL FARMS

C/O HANS HAYDEN
3747 MID CRYSTAL RD.
ARBON, ID 83212

has applied for a permit to appropriate water from:

CLIFTON CREEK tributary of RATTLESNAKE CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.74 CFS

LOCATION OF POINT(S) OF DIVERSION: NWW Sec. 16, Township 09S, Range 34E
POWER County

<u>PLACE OF USE:</u> IRRIGATION	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
<u>TWN RGE SEC</u>				
09S 34E 9	SWSW 21	SESW 16		37

Total number of acres irrigated: 37

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1992.
2. Subject to all prior water rights.
3. Use of water under this permit is subject to control by the watermaster of State Water District No. 01.
4. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.
5. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-07948

CONDITIONS/REMARKS:

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

25th day of January, 1991.

R. Keith Higginson
for
R. Keith Higginson, Director



MAY 14 2001

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A29-07948

Date Received: 4/19/1991

Receipt No: E015981

Received By: DE

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: MID CRYSTAL FARMS
Address: C/O HANS HAYDEN
3747 MID CRYSTAL RD.
ARBON, ID

208-335-2152

83212

2. Date of Priority: MAY 16, 1990

3. Source: CLIFTON CREEK

Trib. to: RATTLESNAKE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	34E	16	NW	NW	NW		POWER

5. Description of diverting works:

EARTH DAM DITCH TO POND, PUMP MAINLINE TO MAINLINE W/SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.740		

7. Total Quantity Appropriated is:

0.740 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 92.5 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	34E	9	SW	SW		IRR	21.0
			SE	SW		IRR	16.0

MICROFILMED

NOV 13 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	37.0
					Total Acres	37.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
29-07949 (HASNT BEEN DRILLED YET)

14. Remarks:

15. Basis of Claim: PERMIT

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: 1

For Individuals:

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

Signature of Claimant(s):  Date: 4/19/91

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 19 day
of April 19 91 Dance Carl
Notary Public

Seal

Residing at Heise, Id
My Commission Expires 2/26/91

MICROFILMED

NOV 13 1992

