

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: A36-13579
Date Received: 10/12/1989
Receipt No: S010078
Received By: B. V. W.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BPOE #2106 (RUPERT ELKS) 208-436-6852
Address: 100 S., 200 W., P.O. BOX 453
RUPERT, ID 83350
2. Date of Priority: JAN 01, 1955
3. Source: GROUNDWATER. Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|----------|
| 09S | 23E | 25 | SE | SE | SE | | MINIDOKA |
5. Description of diverting works:
3 WELLS & 3 PUMPS (SEE REMARKS)
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| COMMERCIAL | 01/01 | 12/31 | 0.250 | | |
| HEATING | 01/01 | 12/31 | 0.060 | | |
| COOLING | 01/01 | 12/31 | 0.060 | | |
7. Total Quantity Appropriated is:
0.370 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
C/1 ELKS LODGE, G/1 ELKS LODGE, L/1 ELKS LODGE.
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	23E	25	SE	SE		COMMER	

A36-13579

Page 1

Date: 11/15/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	23E	25	SE	SE		HEAT	
			SE	SE		COOL	

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:

~~NONE.~~ A36-13580

14. Remarks:

WELLS ARE USED TO SUPPLY WATER FOR HEATING & COOLING SYSTEM FOR ELKS LODGE. WATER IS DISCHARGED INTO DRAINFIELD NEAR POINT OF DIVERSION AFTER USE IN SAID SYSTEM. WELLS ARE ALSO USED FOR WATER SUPPLY OF RESTAURANT & BAR LOCATED AT THE LODGE.

|

DIVERSION WORKS--45' WELL & 5 HP PUMP; 30' SANDPOINT WELL & 3/4 HP PUMP; AND 30' SANDPOINT WELL WITH 3/4 HP PUMP.

15. Basis of Claim: BENEFICIAL USE

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16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For 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: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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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 A36-13579Date Received 10-12-89Receipt Number SD0078 AD

RECEIVED

OCT 13 1989

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of Claimant (s) BPOE #2106 (Rupert Elks) Phone (208) 436-6852
Mailing Address 100 South 200 West, P.O. Box 453, Rupert, Idaho Zip 83350
- Date of Priority (Only one (1) per claim) January 1, 1955
- Source of water supply (a) groundwater
which is tributary to (b) _____
- a. Location of existing point of diversion is: Township 9 South Range 23 EBM Section 25,
SE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Minidoka
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
- Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 45 foot cased well with 5 h.p. pump
and motor; 30 foot well, sand point with 3/4 h.p. pump and motor; and
30 foot well, sandpoint, with 3/4 h.p. pump and motor. Pipes to heating
and cooling exchanger, kitchen, bar and restaurant.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For commercial heating/cooling purposes from Jan. 1 to Dec 31 amount .25 or _____
For commercial heating/cooling purposes from Jan. 1 to Dec. 31 amount .06 or _____
For commercial heating/cooling purposes from Jan. 1 to Dec. 31 amount .06 or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .37 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is de minimus acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Commercial/Heating/Cooling - See remarks

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9S	23 EBM	25																CGL	

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? _____

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (X)

14. Remarks:
Wells used to supply water for heating and cooling system for Elks Lodge -
water discharged into drainfield near point of diversion after usage of
said system. Wells also used to supply water for restaurant and bar
located at the Lodge.

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Last Name Elks Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

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Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Trustee

Title

of BPOE #2106 (Rupert Elks Lodge) , that I have signed the foregoing

Organization

document in the space below as Trustee of BPOE #2106

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Robert M. Nielsen

Title and Organization Trustee BPOE #2106 Date 10/12/89

State of Idaho/or _____)

County of Minidoka) SS.

Subscribed and sworn (or affirmed) before me this 12th day of October 19 89

SEAL

Notary Public

Residing at Declo, Idaho

My Commission Expires 8/18/94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Robert M. Nielsen will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

Address 615 H. Street, P.O. Box 396, Rupert, Idaho 83350

Date October 12, 1989

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Last Name Elks Ident. Number _____

Copies White-State, Yellow-Claimant

ROGER D. LING
ROBERT M. NIELSEN
BRENT T. ROBINSON
DAVID W. HALEY
MARK A. INGRAM
RICK BOLLAR

LING, NIELSEN & ROBINSON

ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

October 12, 1989

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OCT 13 1989

Department of Water Resources
Southern Region Office

Department of Water Resources
Southern Region
2148 4th Avenue East
Twin Falls, Idaho 83301

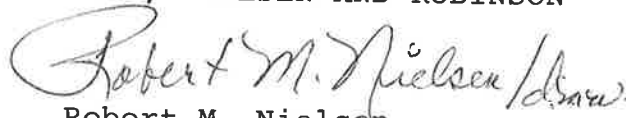
RE: BPOE #2106 (Rupert Elks Lodge)

Dear Sirs:

Please find the enclosed claims for BPOE #2106
(Rupert Elks Lodge). Also, please find my firm check in the
sum of \$137.00 for the filing fees.

Very truly yours,

LING, NIELSEN AND ROBINSON


Robert M. Nielsen

RMN:dmw
Enclosures

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FEB 08 1993

LING, NIELSEN & ROBINSON
ATTORNEYS AT LAW
P. O. BOX 396
RUPERT, IDAHO 83350



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FEB 08 1993

Department of Water Resources
Southern Region
2148 4th Avenue East
Twin Falls, Idaho 83301



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Nov. 17, 1989

Re: A36-13579
A36-13580

.BPOE #2106 (RUPERT ELKS)
.100 S 200 W
.P O BOX 453
RUPERT ID 83350

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

A handwritten signature in black ink, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

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FEB 08 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 3, 1990

A36-13579
BPOE #2106 (RUPERT ELKS)
100 S. 200 W.
P.O. BOX 452
RUPERT ID 83350

Dear Claimant(s):

In the past you submitted the claim(s) identified with the number(s) shown above your name and address at the top of this letter. You indicated on the claim(s) that the basis for establishing the water right(s) was Beneficial Use, meaning the water right was not previously confirmed by a decree, water right license or permit before you filed the claim(s).

The purpose of this letter is to request evidence supporting the priority date(s) you have claimed. The enclosed pamphlet describes what this means. While I encourage you to read all of the pamphlet, I direct your attention to the right-hand half of the pamphlet after you open it. There you will find two sections: What Kind of Evidence is Required, and Some Examples of Documents which May Be Evidence of the Priority Date. These sections tell you what must be submitted. The other sections tell you why the evidence is necessary and what the consequences of not submitting the evidence could be.

Please submit the requested evidence by November 1, 1990. When returning to the Department please reference all documents with the claim(s) identification number(s) listed above.

If you have questions not addressed by the pamphlet or need other technical assistance, please feel free to contact this office. For advice on your water right(s), please contact your attorney.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosure

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FEB 08 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

April 8, 1991

BPOE #2106 (RUPERT ELKS)
100 S 200 W
P O BOX 453
RUPERT ID 83350

RE: Evidence of Priority - Snake River Basin Adjudication
Claim #A36-13579 & A36-13580

Dear Claimant(s):

Our records indicate that your claim(s) listed above, is based upon either a "Statutory Claim" or "Beneficial Use" of the water. For water rights of this type, the claimed "Priority Date" must be substantiated with supporting evidence. We previously requested this supporting evidence be submitted by November 1, 1990, and to date we have not received the requested documentation.

Before the Department can make a recommendation to the Court to decree the claim(s), some evidence of the priority date must be submitted. Again we are enclosing a brochure outlining the types of evidence you may submit, and a printout of your claim(s) for reference. We request that you submit your evidence of priority as soon as possible. If we do not receive the requested documentation, your claim(s) will be recommended for disallowal due to lack of evidence supporting any priority date.

Please submit the required evidence supporting the priority date(s) by April 23, 1991. Please reference the claim number on your correspondence. If you have questions or need other assistance please contact this office.

Sincerely,

for Anna Baumgardner
Allen Merritt, P.E.
Adjudication Section Supv.

Enclosure

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FEB 08 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) [REDACTED]
736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

10-Jul-1991 15:48

Robert M. Nielsen
P.O. Box 396
Rupert, ID 83350

RE: Proof of Priority A36-13579 and A36-13580
BPOE #2106 (Rupert Elks)

Dear Counselor:

Our office is presently reviewing the adjudication claims filed in water Basin 36 in preparation of the Director's Report to the court.

We have previously requested information from your client without any response. (Please find attached copies of the letters for your reference) As an oversight we failed to notify you as legal representative for the BPOE #2106 (Rupert Elks) that we need proof of the priority to complete our review. Without the proof of priority the claims will be recommended in the Director's Report for disallowal.

Please find enclosed a pamphlet describing types of evidence which will be acceptable to support the priority dates claimed. **Please submit the requested evidence by July 26, 1991.**

If you have questions please feel free to contact our office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Allen Merritt', written over the word 'Sincerely,'.

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures:

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FEB 08 1993

ROGER D. LING
ROBERT M. NIELSEN
BRENT T. ROBINSON
DAVID W. HALEY

LING, NIELSEN & ROBINSON

ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

July 26, 1991

RECEIVED

AUG 06 1991

**Department of Water Resources
Southern Region Office**

Allen Merritt, P.E.
Water Rights Supervisor
State of Idaho
Department of Water Resources
Southern Region
222 Shoshone St. East
Twin Falls, ID 83301

Re: Proof of priority A36-13579 and A36-13580
B.P.O.E. No. 2106 (Rupert Elks)

Dear Allen:

Thank you for your recent letter concerning the above captioned claims. I apologize for the fact that the claimant had not contacted me concerning information you had previously requested. I do not know which claim number you assigned to which claim and accordingly, I prepared an Affidavit covering both claims, the original and one executed copy of which is enclosed for your records. Since I am also a member of the Rupert Elks Lodge and the Rupert Country Club, I have personal knowledge of the beneficial use of water on the 80-acre parcel in question but my knowledge does not precede 1970.

To summarize the enclosed Affidavit, the 80-acre parcel upon which the Rupert Elks Lodge is situated was farmed for many years and has been and is a part of the Minidoka Irrigation District. Prior to 1960, the 80 acres were used solely for the purposes of farming. The Rupert Elks were organized in 1959 and purchased the farm from the Woolford Estate. They constructed their lodge in 1960 but did not have the membership nor the funds to develop a golf course on the remainder of the 80 acres. The Rupert Country Club was formed in 1960 and agreed to lease approximately 70 acres from the lodge and develop and maintain a golf course thereon. The golf course and the lodge have been in existence since about 1960. There are many individuals who are members of both entities and the Rupert Country Club continues to lease from the Elks the grounds upon which the

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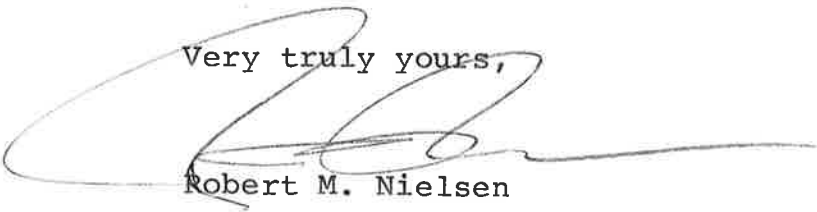
Allen Merritt, P.E.
Page 2
July 26, 1991

golf course is situated and the Country Club continues to maintain the golf course.

I notice that the date of priority on the Notice of Claim filed by the Elks for their lodge was January 1, 1955. It appears that this date of priority should be changed to August 1, 1960, when the 30-foot wells with sandpoints were drilled. The 45-foot cased well was added to the Elks' water system in July of 1984 as shown by the enclosed affidavit. The two 25-foot wells, one cased with a 25-horsepower pump and motor, and one with a sandpoint with a 3/4-horsepower pump and motor were also put into use in August of 1960 by the Rupert Country Club on the leased property. Of course, the farm itself used water by virtue of its inclusion within the boundaries of the Minidoka Irrigation District many years prior to construction of the lodge and development of the golf course.

I trust if you have any questions concerning the enclosed affidavit or need any further information concerning these claims you will advise. Thank you for your consideration.

Very truly yours,



Robert M. Nielsen

RMN:dw
Enc.

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FEB 08 1993

LING, NIELSEN & ROBINSON
ATTORNEYS AT LAW
RUPERT, IDAHO 83350

ROBERT M. NIELSEN
LING, NIELSEN & ROBINSON
Attorneys at Law
P. O. Box 396
Rupert, Idaho 83350
Telephone No. (208) 436-4717

Attorneys for B.P.O.E. No.2106

RECEIVED

AUG 06 1991

Department of Water Resources
Southern Region Office

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

- - - - -

In re:) Civil Case No. 39576
)
)
General Adjudication) A F F I D A V I T
Rights to Use Water from the)
Snake River Basin Water System)

- - - - -

STATE OF IDAHO)
) ss.
County of Minidoka)

JOHN TREVINO, being first duly sworn on oath, deposes
and states:

1. That your affiant is an adult resident of Minidoka
County, Idaho, residing at 914 Ninth Street, Rupert, Idaho 83350.
That your affiant makes this affidavit on his own personal
knowledge, is competent to testify to the matters stated herein,
and this affidavit sets forth facts as would be admissible in
evidence.

Affidavit - 1

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1
2 2. That your affiant was one of the founders of
3 B.P.O.E. Lodge No. 2106 (Rupert Elks) of 100 South 200 West, Post
4 Office Box 453, Rupert, Idaho, and has served as a Trustee of
5 said lodge, Past Exalted Ruler of said lodge, and has served in
6 many other positions as an official representative of the lodge
7 since it was founded in 1959. That your affiant was also a
8 charter member of the Rupert Country Club and has been a member
9 of that club since it was founded in 1960. That in said
10 capacities, your affiant has used the facilities of the Rupert
11 Elks Lodge and Rupert Country Club since they were founded and
12 has personally observed the use of water by said entities. That
13 your affiant makes this affidavit pursuant to the request of the
14 State of Idaho, Department of Water Resources to establish the
15 priority date for the beneficial use of water by said entities
16 under Claims No. A36-13579 and A36-13580.

17 3. That the Rupert Elks was organized as a separate
18 lodge in 1959. Shortly after its organization, the Rupert Elks
19 purchased an 80-acre parcel of real property from the Woolford
20 Estate located at 200 West 100 South, Rupert, Minidoka County,
21 Idaho, more particularly described as the South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of
22 Section 25, Township 9 South, Range 23 East, Boise Meridian,
23 Minidoka County, Idaho. Said 80 acre parcel was a farm located
24 within the boundaries of the Minidoka Irrigation District and, in
25 fact, is less than $1\frac{1}{2}$ miles from the District Office. That the
26 farm had been receiving project water from the Minidoka
27

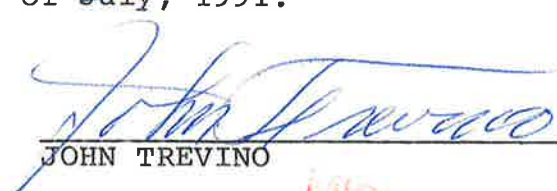
1
2 Irrigation District for many years and began receiving water from
3 the District shortly after its organization in 1907.

4 4. That in 1960, the Rupert Elks began building their
5 lodge on said 80-acre parcel, the lodge being built in the SE¼ of
6 the SE¼ of the SE¼ of Section 25, Township 9 South, Range 23
7 East, Boise Meridian, Minidoka County, Idaho. That during the
8 course of construction of said lodge, two 30-foot wells with
9 sandpoints and with 3/4 horsepower pumps and motors were
10 installed to obtain water for the kitchen, bar and restaurant
11 servicing the Elks Lodge. That water has been appropriated for
12 beneficial use by said wells since approximately August 1, 1960.
13 That by 1984, it became necessary for the Rupert Elks to drill a
14 well with a greater capacity to service a heating and cooling
15 exchanger, and to supplement the service to the kitchen, bar and
16 restaurant as well as restrooms. That on or about July 1, 1984,
17 a 45-foot cased well with a 5 horsepower pump and motor was
18 installed just north of the lodge building. That the air
19 tempering system (heating and cooling exchanger) was completed
20 the following year on or about June 1, 1985. That said 45-foot
21 cased well with 5 horsepower pump and motor has been drawing
22 water for beneficial use by the Rupert Elks in their heating and
23 cooling exchanger, kitchen, bar, restaurant and restroom
24 facilities since June 1, 1985.

25 5. That after the above described 80-acre parcel was
26 purchased by the Rupert Elks, the Rupert Country Club was

1
2 organized and an agreement was entered into between the Rupert
3 Elks and the Rupert Country Club which provided, among other
4 things, that the Rupert Country Club would lease approximately
5 70 acres of the original 80-acre parcel from the Rupert Elks and
6 would construct and maintain a golf course on said 70 acres.
7 That construction of the golf course was commenced in 1960. That
8 the golf course was and is watered primarily with water obtained
9 from the Minidoka Irrigation District. That on or about August
10 1, 1960, a 25-foot cased well with 25 horsepower pump and motor
11 and a 25-foot well with sandpoint and 3/4 horsepower pump and
12 motor were installed in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 25,
13 Township 9 South, Range 23 East, Boise Meridian, Minidoka County,
14 Idaho, near reservoirs which are used to store the water
15 delivered by the Minidoka Irrigation District. These two wells
16 have been in operation since August 1, 1960 and are used
17 primarily in the spring and the fall to draw water and apply it
18 to beneficial use on the 70 acres leased by the Rupert Country
19 Club from the Rupert Elks in irrigating the greens and other
20 portions of the golf course in the spring prior to the time the
21 Minidoka Irrigation District delivers water to the golf course,
22 and in the fall after water is taken out of the canals. The two
23 wells are used to supplement MID water.

24 DATED this 5th day of ^{August} ~~July~~, 1991.

25
26 
27 JOHN TREVINO
28

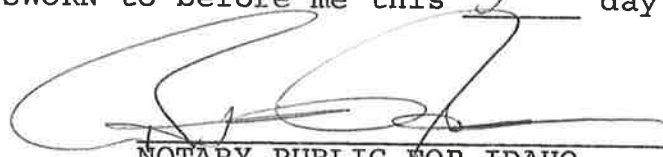
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LING, NIELSEN & ROBINSON

ATTORNEYS AT LAW

RUPERT, IDAHO 83350

August
July, 1991. SUBSCRIBED AND SWORN to before me this *5th* day of



NOTARY PUBLIC FOR IDAHO

Residing at: Rupert, Idaho

My Comm. Expires: *6/1/93*

Affidavit - 5

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FEB 08 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

02-Jan-1992

RUPERT ELKS (BPOE * Z106)
C/O ROBERT M. NIELSEN, ATTORNEY
PO BOX 396
RUPERT ID 83350

RE: A36-13579

Dear Sir:

The affidavits submitted as evidence of priority for your claim A36-13579 indicate that the uses of water for heating and cooling purposes of the Rupert Elks golf course building were initiated in June, 1985.

Idaho law requires that any groundwater use established after March 25, 1963 must be covered by the permit/license procedure and cannot be established under the adjudication process.

I am enclosing an "application for permit" form (together with instructions) and a copy of your claim to assist you in making a legal appropriation of the water needed for the Elks golf course heating and cooling systems.

Please contact us if further assistance is needed.

Respectfully,

A handwritten signature in cursive script that reads "Robert V. Worstell".

Robert V. Worstell
Sr. Water Right Agent (Adj.)

RVW/jr
Enclosures

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FEB 08 1993

Water Right Number - R36-13579

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***

NIELSEN ROBERT M 1 - PO BOX 396
2 -
3 -
City- RUPERT State- ID Zip- 83350
Phone - 208-000-0000

*** C - CURRENT OWNER ***

BPOE #2106 (RUPERT ELKS) 1 - 100 S 200 W
2 - PO BOX 453
3 -
City- RUPERT State- ID Zip- 83350
Phone - 208-436-6852

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
08/01/1960 17 SOUTHERN J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name
09S 23E 25 SE SE SE (67) MINIDOKA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
10 - COMMERCIAL 01/01 12/31 0.080 2.70

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.080 2.70 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
09S 23E 25 SE SE 10 COMMERCIAL (67) MINIDOKA

+ - - Diversion Means - 2 WELLS & 2 PUMPS

+ - - Non-Irrigation Use - COMMERCIAL/ ELKS LODGE, RESTAURANT & BAR

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
POD TWO POINTS OF DIVERSION LOCATED IN SESESE, S25, T09S, R23E

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

*Proofed
12-10-97
KKC*

*Change
updated 9/97
12-9
KKC*

Water right number - R36-13579

Prefix Translation: RESEARCH

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 08/16/96 KCHRISTE

+ - - - - Comments - - - - -

Date: 08/16/1991 User Id: SOUTH1 Subject: COPIED FROM REMARKS
WELLS ARE USED TO SUPPLY WATER FOR HEATING & COOLING SYSTEM FOR ELKS LODGE. WATER IS DISCHARGED INTO DRAINFIELD NEAR POINT OF
DIVERSION AFTER USE IN SAID SYSTEM. WELLS ARE ALSO USED FOR WATER SUPPLY OF RESTAURANT & BAR LOCATED AT THE LODGE.
| DIVERSION WORKS--45' WELL & 5 HP PUMP; 30' SANDPOINT WELL &
3/4 HP PUMP; AND 30' SANDPOINT WELL WITH 3/4 HP PUMP.

Date: 12/31/1991 User Id: WORSTELL Subject: CLAIM FOR HEATING & COOLING USE
THE AFFIDAVITS SUBMITTED FOR PRIORITY EVIDENCE STATED THAT THESE USES WERE FIRST MADE IN 1985 SO A PERMIT IS REQUIRED TO ESTABLISH
THESE USES.

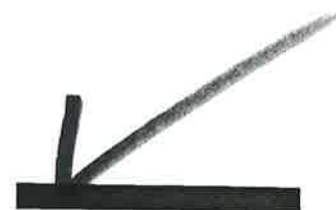
+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 10/13/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- S010078	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	-	Notice of Error Flag	-

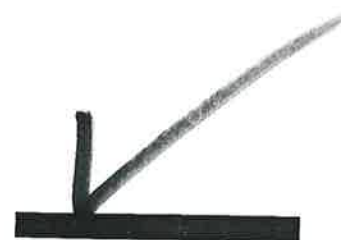
R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILMED
FEB 0 8 1993

Water Right Number - R36-13579

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BPOE #2106 (RUPERT ELKS)1 - 100 S. 200 W.
2 - P.O. BOX 453
3 -
City- RUPERT
Phone - 208-436-6852

State- ID Zip- 83350

*** A - ATTORNEY ***
NIELSEN

ROBERT M.

1 - P.O. BOX 396
2 -
3 -
City- RUPERT
Phone - 208-000-0000

State- ID Zip- 83350

+ - - Priority Date - - +
08/01/1960+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
J - BENEFICIAL USE

+ - - Status - - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

09S 23E 25 SE SE SE (67) MINIDOKA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
10 - COMMERCIAL 01/01 12/31 0.080 2.70+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.080 2.70 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
09S 23E 25 SE SE 10 COMMERCIAL (67) MINIDOKA

Total Acres:

+ - - Diversion Means - 2 WELLS & 2 PUMPS

+ - - Non-Irrigation Use - COMMERCIAL/ ELKS LODGE, RESTAURANT & BAR

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
TWO POINTS OF DIVERSION LOCATED IN SESESE, S25, T09S, R23E.MICROFILMED
FEB 08 1993

Water right number - R36-13579

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +

Date: 08/16/1991 User Id: SOUTH1 Subject: COPIED FROM REMARKS
WELLS ARE USED TO SUPPLY WATER FOR HEATING & COOLING SYSTEM FOR ELKS LODGE. WATER IS DISCHARGED INTO DRAINFIELD NEAR POINT OF
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Date: 12/31/1991 User Id: WORSTELL Subject: CLAIM FOR HEATING & COOLING USE
THE AFFIDAVITS SUBMITTED FOR PRIORITY EVIDENCE STATED THAT THESE USES WERE FIRST MADE IN 1985 SO A PERMIT IS REQUIRED TO ESTABLISH
THESE USES.

+ - - Audit Fields - - +
05/07/92 MERRITT

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 08/13/1991	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 05/07/1992	Old Judicial District	-
Claim Received Date	- 10/13/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S010078	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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CLAIM NO. A36 - 13579

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET
FOR SMALL INDUSTRIAL AND COMMERCIAL CLAIMS IN PLACE OF A CVR

1. ☒ No Change NAME:
NEW OWNER: _____
☒ No Change ADDRESS: _____
NEW ADDRESS: _____
☐ DATA ENTRY STANDARDS CHECKED?
2. ☐ No Change - DATE OF PRIORITY:
(EVIDENCE OF PRIORITY REQUIRED) ☐ Proof in File
☐ Claimant Contact if Not
- ☒ CHANGE- Priority date, per claimant, is 8/1/1960.
(if the priority date, based on your exam, seems questionable,
explain in COMMENTS.) *See affidavits*
3. ☒ No Change - SOURCE:
☐ CHANGE - Different Source found: _____
4. ☒ *OK RW* No Change - POINT OF DIVERSION:
☒ Point of diversion is different than the claim
New P/D: Twp. 9S, Rge. 23E, Sec. 25 NE 1/4 SW 1/4 SE 1/4
SE SW SE
- Note: If the 10-acre tract is shown on the claim, then
verification of the 10-acre parcel is needed. Otherwise the
10-acre tract is not required, unless the source is a spring. *From 36-13580 in Error*
5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS:
☐ Complete items missing, IF KNOWN.

HP of pump _____ Static water level _____ Well depth _____
Casing size _____ Pumping water level _____ Gravity flow _____

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

Q = CFS

H.P. = Total Brake Horsepower of pumping plant (including booster)

EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)

TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = depth to water in FEET from land surface to pumping
water level

PSI = pumping pressure measured in psi near pump
(if open discharge assume zero [0])

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$$Q = \frac{(8.8) (\dots\dots\dots) (0.70)}{[(\dots\dots\dots) + (\dots\dots\dots) \times 2.31]}$$

0.075
0.50 cfs
(see below)

LIFT FROM:

measurement ()

owner (X)

area estimate ()

well logs ()

Booster (Y) (N)

PSI FROM:

measurement ()

owner ()

estimate ()

owner gage (X)

NOTES ON PUMP:

Motor Make, Serial or ID

Pump Make, Serial or ID, rating

REMARKS

.....
DESCRIPTION OF USE: (Fully describe type, time & all aspects of Use)

USED FOR HEATING, COOLING + CULINARY.

$$Q_1 = \frac{8.8(5)(0.7)}{45 + (50 \times 2.31)} = \frac{308}{160.5} = 0.192$$

$$Q_2 = \frac{8.8(1.75)(0.7)}{30 + (10 \times 2.31)} = \frac{4.62}{122.14} = 0.0377$$

$$+ Q_3 = 30 + (10 \times 2.31)$$

$$Q_T = Q_1 + Q_2 + Q_3 = 0.2674 \text{ cfs}$$

$$0.0377(2) = 0.075$$

CALCULATE VOLUMES: (time)X(rate)= Vol.

300 people/day - assume this as use 2/3 of the time
" 12 gpd/person

$$300 \times 365(0.67) = 880,380 \text{ gal/yr.}$$

$$880,380 \div 325,800 \text{ g/ac ft} = 2.7 \text{ AF/A}$$

6. ☒ No Change - **WATER USES:**
RECOMMENDED USES:

						div	cons
Use	_____	From	_____	To	_____	Amount	_____ cfs _____ af _____ af
Use	_____	From	_____	To	_____	Amount	_____ cfs _____ af _____ af

☐ DATA ENTRY STANDARDS CHECKED FOR ITEMS 6, 7, 8 AND 9.

10. ☒ No Change - **PLACE OF USE:** (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4, 1/4

_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

13. ☒ No change - **OTHER RIGHTS FOR SAME USE:**
CHANGE: _____

14. ☐ **REMARKS AND CONDITIONS**
(copy existing remarks to comments in "R")
LIST STANDARD REMARKS FOR THE RECOMMENDATION: ☐ NONE

☐ LIST STANDARD CONDITIONS FOR THE RECOMMENDATION: ☐ NONE

15. ☒ **BASIS OF CLAIM VERIFIED AS:** D - L - P - S - J (circle one)
COMMENTS: (pertinent to field examination)

*Heating & cooling developed after mandatory permit
date. Do not include in recommendation
APM.*

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ATTACHMENTS: Attached to Attachments are
 This Form. in Permit File.

PHOTOS

MAP

SYSTEM DIAGRAM

X

DATE EXAM CONDUCTED: 8/13/91

ACCOMPANIED BY: _____

FIELD EXAMINER: MIKE HARSHBARGERSIGNATURE: Michael Harshbarger

REVIEWED BY/DATE: _____

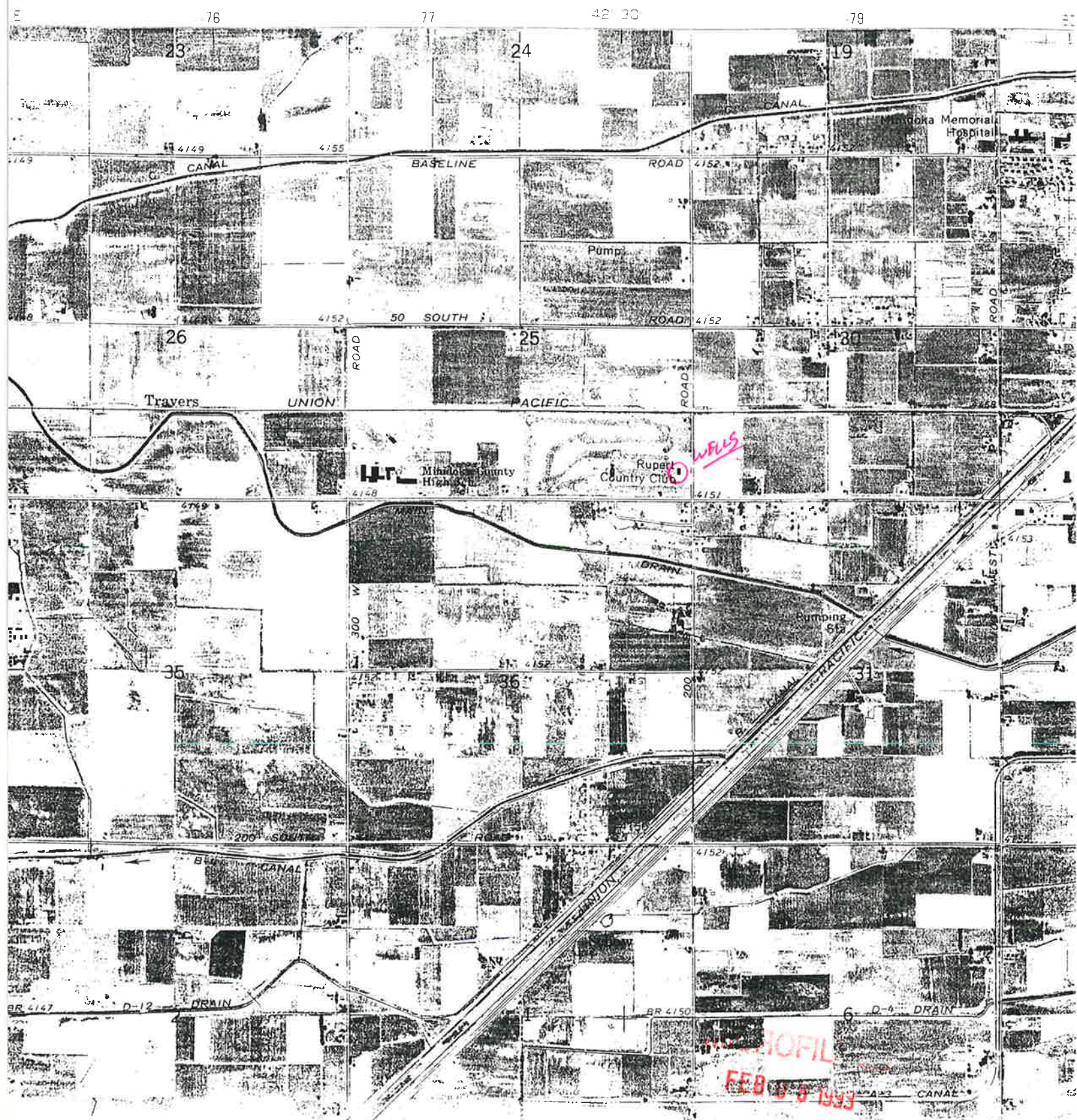
DATA ENTRY BY/DATE: MTM 8/16/91

VERIFICATION BY/DATE: _____

SOURCES

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
LOGICAL SURVEY

R23E R24E



Scale: 2 inches equals 1 mile

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FEB 08 1993

Copies: White-State, Yellow-Claimant

Phone
CONVERSATION MEMORANDUM

NAME OF PARTY Al Whiting
EMPLOYEE: R. V. Worster

DATE 12/31/91
FILE 36-13579

RE: _____

Approx 300 people/day served in Lodge, Bar, + Cafe.

R.V.W.

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FEB 08 1993