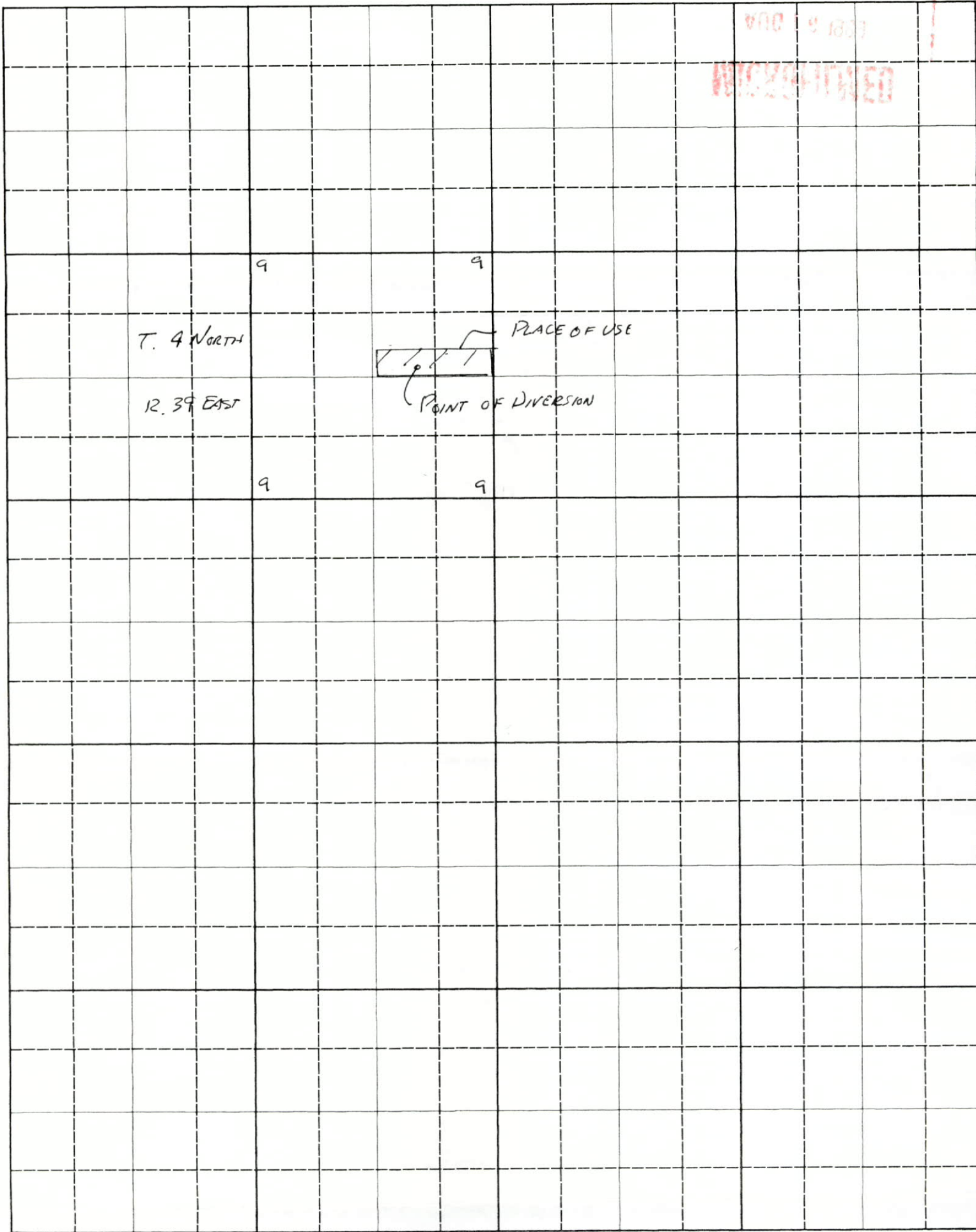


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

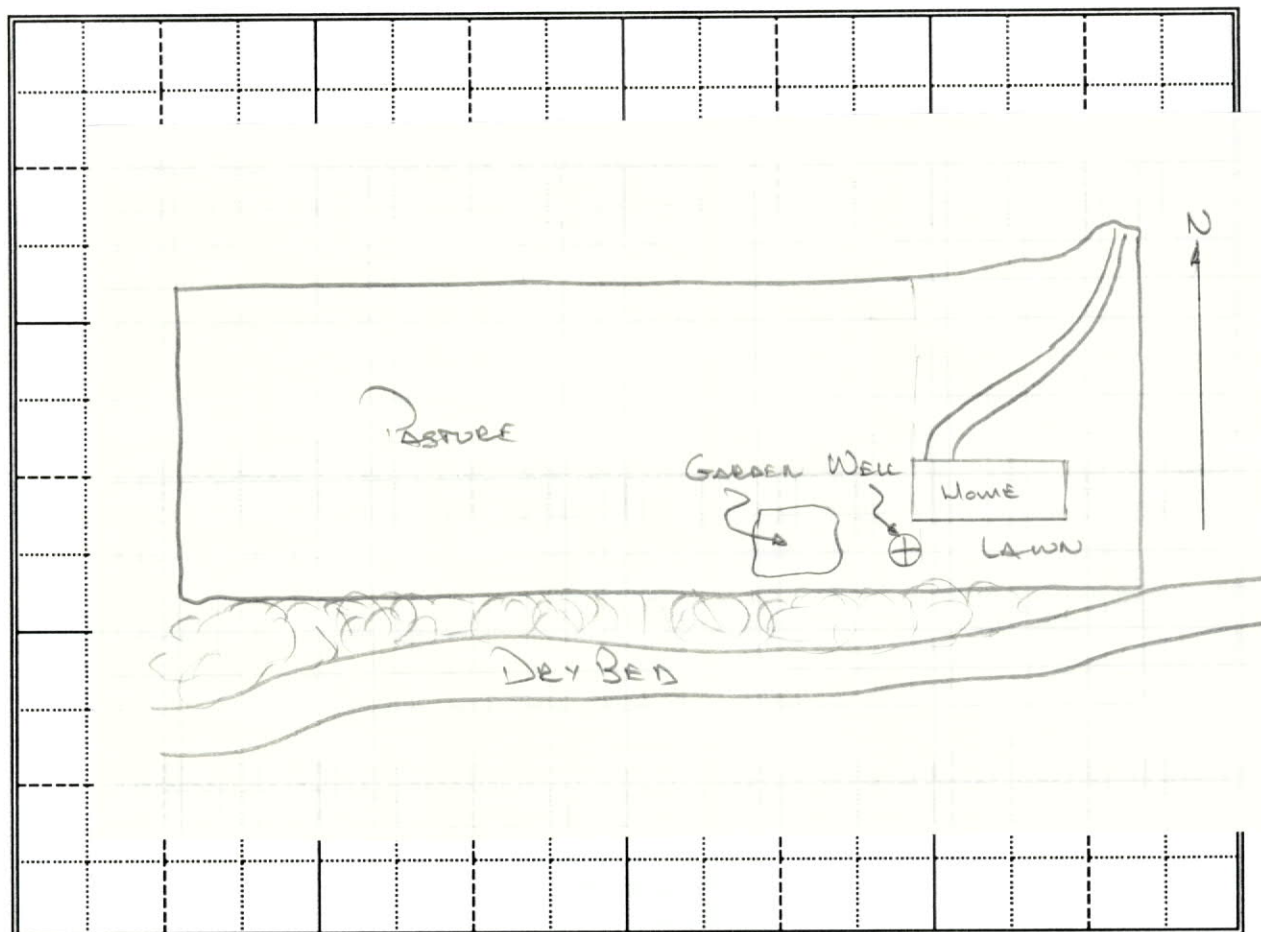
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

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AUG 16 1989

Jay Bergquist
(Applicant)

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	FRANKLIN	3HP	2823028110		

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

D. FLOW MEASUREMENTS

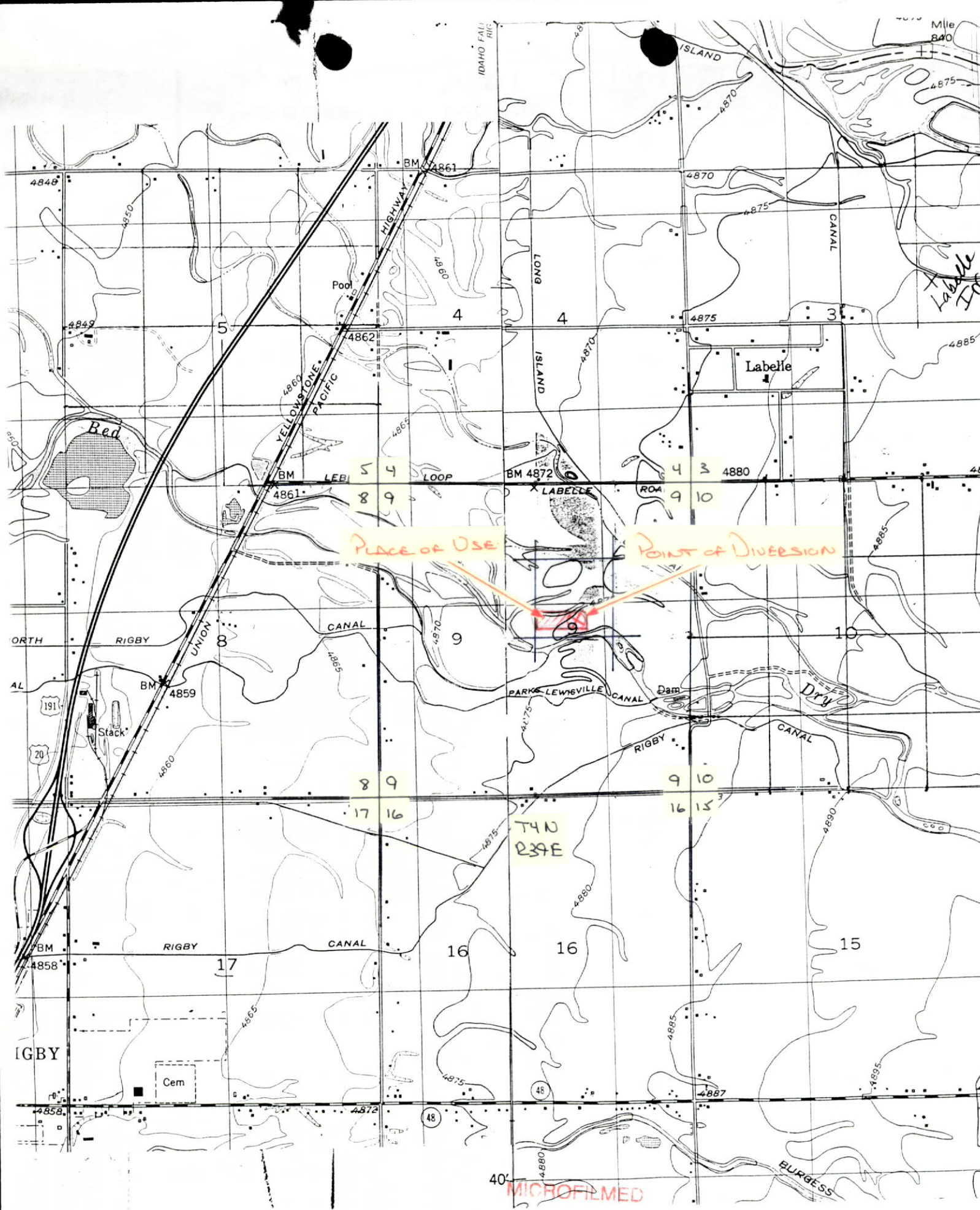
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
HOOT GAGE	ANALOG	ASHCROFT			0-60 PSI	

2. **Measurements:** 18 SPRINKLER HEADS - RAINBIRD 30M 5/32" NOZZLES

20 26 20 26 26 25 26 25 25 26 26 24 26 26 26 25 25 25 $\bar{x} = 25$ PSI

18 HEADS @ 4.83 GPM/HD = 86.9 GPM = 0.19 CFS



40' MICROFILMED

MAY 26 1999

25-07392B



HEL
⑥
22.3

Robison

⑥
8.1

⑤
4.8

4

3

Housing

⑨220

HEL
①
14.1

Housing

2019
①196

②
5.3

9

10

①
24.6

PLACE OF USE

Housing

Housing

#2561
⑨592

POINT OF DIVERSION

①
15.0

②
13.9

#2562
⑨593

#1918
①151

①
77.1
2.2

③
2.6

HEL
②
32.9

④
7.3

HEL
③
2.9

④
9.4

T4N
R37E

HEL
⑤
1.4

9

10

HEL

#721
①214

⑨472

⑨471

①
6.5 HEL
#1062
①212

16

15

MICROFILMED 25-07392 B
MAY 26 1999



Plate 1 - Point of diversion.



Plate 2 - Place of use from irrigated pasture looking toward point of diversion.

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25-07392B

A hand-drawn map on graph paper showing a property layout. The map includes a north arrow pointing up. The property is divided into several areas: 'PASTURE' on the left, 'MAY FIELD' on the top right, 'GARDEN' on the right, 'HOME' (a rectangle) on the bottom right, and 'LAWN' below the home. A 'WELL' is marked with a circle containing a cross and a question mark. A 'CORRALS & BARN' is marked with a rectangle. A 'DRY BED' is shown at the bottom with wavy lines. A note 'NOT TO SCALE' is written on the right. The map is drawn on a grid of solid and dashed lines.

Photo of Diversion and System Attached

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	HITACHI	7.5	G19458135		

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
RTOT GAGE	ANALOG	ASUCRAFT			0-60psi	

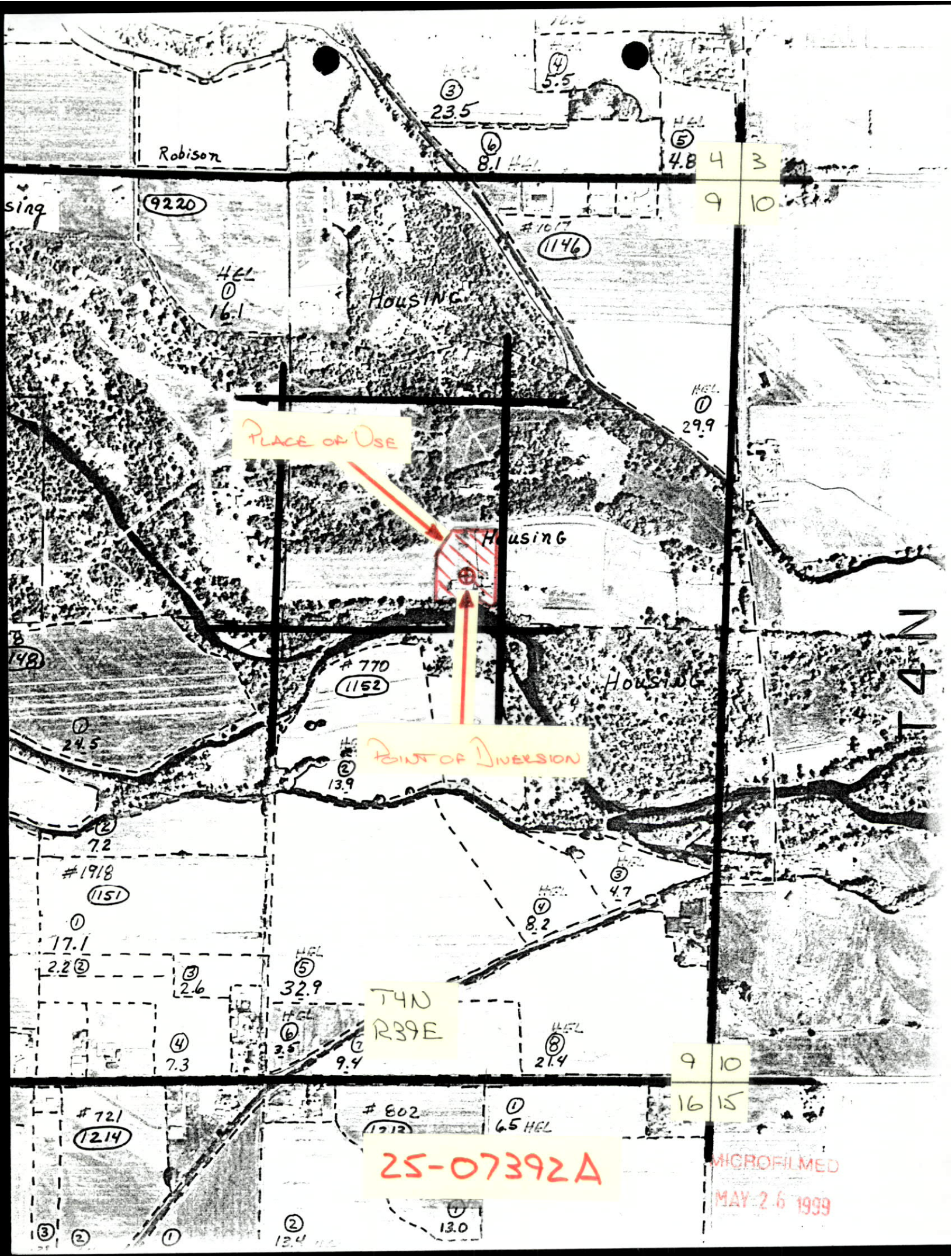
$$\bar{\gamma} = 34.4 \approx 5.65 \text{ gpm/ft} = 14 \times 5.65 = 79.1 \text{ and } 6 \times 2.56 \text{ gpm} = 94.1 \text{ gpm } 0.21 \text{ cfs}$$

14 PAINTED 304 5/32" NOZZLES

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Robison

(9220)

HGL
0
16.1

Housing

(1146)

HGL
0
29.9

PLACE OF USE

Housing

770
(1152)

Housing

POINT OF DIVERSION

T 4 N
R 39 E

25-07392 A

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MAY 26 1999

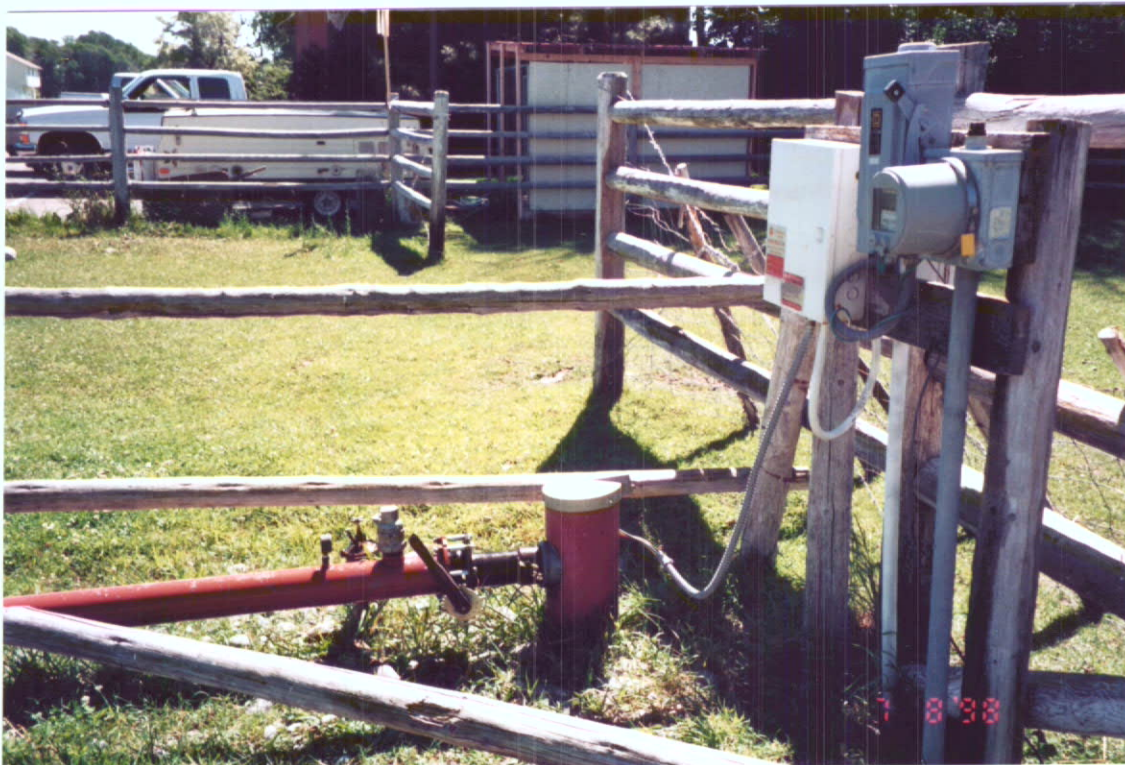


Plate 1 – Point of diversion.

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25-07392A



Plate 2 – Place of use from road looking toward point of diversion.



Plate 3 - Place of use again from road looking toward home.

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25-07392A

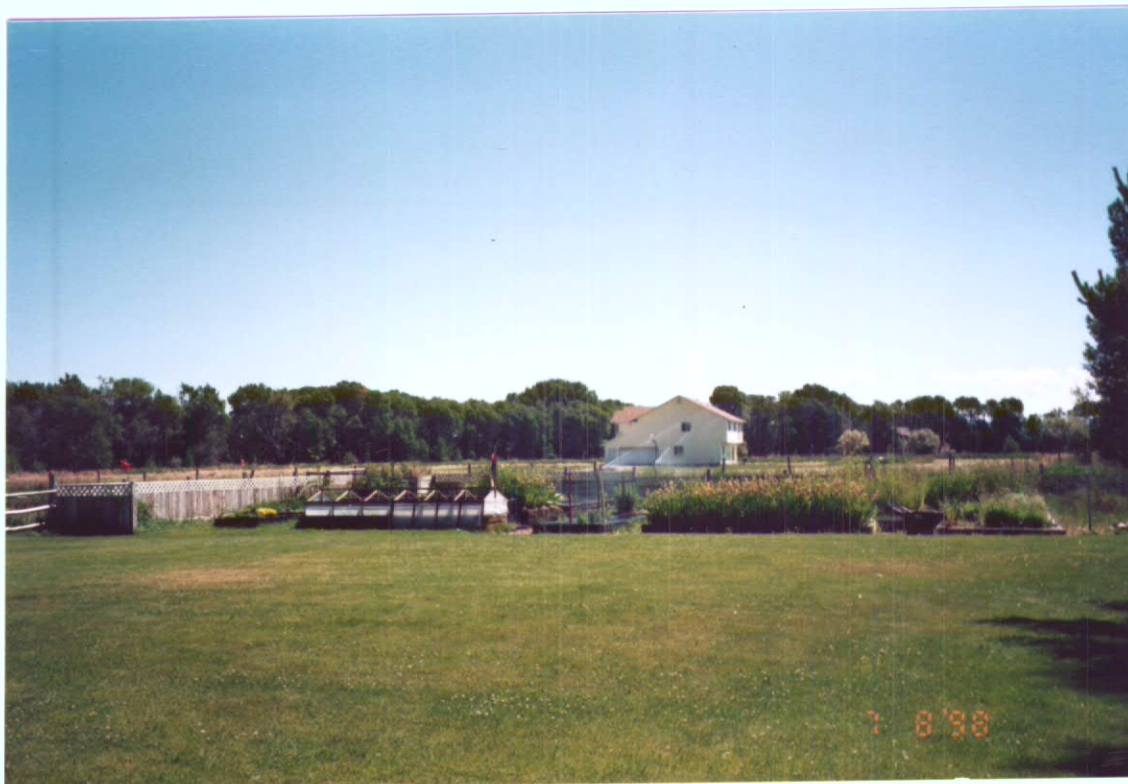


Plate 4 - Place of use from home showing lawn and garden area.



Plate 5 - Place of use from home looking north at hayfield/pasture.

FILED
MAY 26 1999

25-07392A

RECEIVED

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

APR 01 1999

Department of Water Resources

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 25-07392B
Adjudication Claim No(s).: _____

2. The following REQUIRED information must be submitted with this form:

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Jay BERGGVIST
171 Cottonwood Dr.

4. New Owner/Claimant(s) Clarence J and/or Cathy A SELENSKY
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 4162 E. 460 N.

City, State and ZIP Code Rigby ID 83442

New Telephone Number (208) 745-7157

5. Date you acquired the property June 22, 1990

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate 12 1/2 Number and type of stock _____

Diversion rate in CFS _____ Number of homes 1 Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner Clarence J. Selensky Date 3-26-99
or Claimant(s) _____ Date _____

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

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MAY 26 1999

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

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MAY 26 1999

WARRANTY DEED

For Value Received JAY BERGQUIST and LINDA BERGQUIST, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

CLARENCE J. SELENSKY and CATHY A. SELENSKY, husband and wife
whose current address is

the grantees, the following described premises, in Jefferson County Idaho, to wit:

Part of the NE1/4 of Section 9, Township 4 North, Range 39 East of the Bosie Meridian
Jefferson County, Idaho described as:

Commencing at the NE Corner of Section 9, Township 4 North, Range 39 East of the
Boise Meridian, and running thence S1°49'31"W 2630.0 feet to the East 1/4 Corner
of said Section 9 and S89°55'59"W 2229.46 feet to the true point of beginning,
and running thence S89°55'59"W 398.40 feet; thence N2°38'09"E 640.08 feet;
thence S89°47'57"E 885.24 feet to a point of curve on the South line of a
County road; thence to the left along said curve 78.35 feet; (Curve Data D=
89°47'15" R= 50.00) Chord bears S44°26'11"E 70.58 feet; thence S40°03'00"W
142.23 feet; thence S0°32'09"W 462.24 feet; thence N88°13'35"W 193.16 feet;
thence S85°48'02"W 277.53 feet to the point of beginning.

Subject to patent reservations, easements and rights of way for highways,
roads, ditches, canals, pole, power and transmission lines as they exist; and
to all existing zoning ordinances and applicable building codes, laws and
regulations.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee s, that t h e y are the owners in fee simple of said premises; that they are free
from all incumbrances

and that t h e y will warrant and defend the same from all lawful claims whatsoever.

Dated: June 22nd, 1990

Jay Bergquist
Jay Bergquist

Linda Bergquist
Linda Bergquist

STATE OF IDAHO, COUNTY OF _____
On this _____ day of _____, 19____,
before me, a notary public in and for said State, personally
appeared _____

known to me to be the person whose name
subscribed to the within instrument, and acknowledged to
me that _____ executed the same.

Residing at _____, Idaho
Comm. Expires _____
Notary Public



MAY 26 1999

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 25-07392A

Priority: December 16, 1983

Maximum Diversion Rate:

0.14 CFS

Maximum Diversion Volume:

28.0 AF

This is to certify, that LEE BERGQUIST
JAY BERGQUIST

171 COTTONWOOD DR
RIGBY ID 83442

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 16, 1983; and has submitted Proof of Beneficial Use on April 16, 1990. An examination indicates that the works have a diversion capacity of 0.200 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.14 CFS	28.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 9, Township 04N, Range 39E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 39E 9	SWNE 7			7

Total number of acres irrigated: 7

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.

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 administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 28th day of

April, 1999.

Acting for

KARLA J. DREHER, Director

MICROFILMED

MAY 26 1999

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 25-07392B

Priority: December 16, 1983

Maximum Diversion Rate:

0.19 CFS

Maximum Diversion Volume:

40.0 AF

This is to certify, that JAY BERGQUIST
LEE BERGQUIST

171 COTTONWOOD DR
RIGBY ID 83442

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 16, 1983; and has submitted Proof of Beneficial Use on April 16, 1990. An examination indicates that the works have a diversion capacity of 0.190 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.19 CFS	40.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 9, Township 04N, Range 39E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	39E	9	SWNE	10		10

Total number of acres irrigated: 10

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.

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 administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 28th day of

April, 1999.

Acting for

KARL J. DREHER, Director

MICROFILMED

MAY 26 1999

State of Idaho
Department of Water Resources

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APR 26 1999

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 25-07392B

Date of Priority: December 16, 1983

Maximum Diversion Rate:

0.19 CFS

Maximum Diversion Volume:

40.0 AF

Comes now

JAY BERGQUIST

LEE BERGQUIST

171 COTTONWOOD DR

RIGBY ID 83442

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 25-07392B, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.19 CFS	40.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 9, Township 04N, Range 39E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	39E	9	SWNE	10		10

Total number of acres irrigated: 10

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at _____, this 20 day of April, 1999.

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MAY 26 1999

Clarence Selinsky
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 25-07392B

FOR DEPARTMENT USE ONLY

Preliminary check by UW Fee = 50.- Receipted by UW # C045264 Date 4/26/99

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 25-07392B with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.

Witness my hand this 28TH day of April, 1999.

Acting for

Karl J. Dreher
KARL J. DREHER, Director

MICROFILMED
MAY 26 1999

RECEIVED
APR 16 1990

For Office Use Only
Amt. of Fee \$100⁰⁰
Date 4-16-90
Receipt No. C0160548
Received by Juler

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 25-07392 Telephone No. 529-5600

Name(s) of Permit Holder(s): JAY BERGQUIST LEE BERGQUIST

Post Office Address: E 3400 BENDEROSA BLVD Post Falls ID 83854

Source of Water: GROUND WATER

If ground water, well driller's name: UNKNOWN Date drilled: APPROX 1980

Extent of Use:

Domestic _____ (No. of households)

Irrigation 12 (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

Total rate and/or volume for which proof is submitted .40 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 1980

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes ☒ No Installed? Yes ☐ No

OR

Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☐ No

Fee Enclosed: \$ 100⁰⁰ (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Jo Powers REMAX Realtors 1301 E 17th IF ID 83404 208-529-5600
Name Telephone No.

Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

DEC 17 1990

Date

4/13/90

Jay Bergquist
Signature (and title if on behalf of a company or organization)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

25 7392
Ident. No.

To appropriate the public waters of the State of Idaho

1. Name of applicant Jay Bergquist or Lee Bergquist ^{Bergquist} Phone 208-745-9059
Post office address 171 Cottonwood Drive. Rigby Id 83442
2. Source of water supply Groundwater. which is a tributary of —
3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9 Township 4N
Range 39E B.M. Jefferson. County, additional points of diversion if any: 1

4. Water will be used for the following purposes:

Amount 0.40 for Irrigation. purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.40 cubic feet per second and/or b. — acre-feet per annum.
~~0.40~~

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. WELL PUMP TO SPRINKLER SYSTEM.

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

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

c. Proposed well diameter is 10 inches; proposed depth of well is 60' feet.

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

use is 5 1 ³⁰ years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

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

Range — B.M. —

(2) Amount of power to be generated: — horsepower 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: —

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AUG 16 1989

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	39E	9			8	12													20

Total number of acres to be irrigated 20

c. Describe any other water rights used for the same purposes as described above. Shores in
D.H. Irrigation Co.

9. a. Who owns the property at the point of diversion Applicant

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

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 _____

RECEIVED

AUG 16 1989

315

Proposed Priority 12/16/83

Received by CW SM Date 12-16-83 Time 3:40 P.

Preliminary check by Br Fee \$ 45.00

Receipted by SM Date 12-16-83 # 29772

Publication prepared by QB Date 2-24-89

Published in Jefferson Star

Publication dates 3-1 & 3-8-89

Publication approved CW Date 3-14-89

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by HWT

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. 25-7392, 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 June 1, 19 90.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Witness my hand this 23rd day of May, 1989.

Z. Glen Saylor

MICROFILMED

AUG 16 1989

THE JEFFERSON STAR
RIGBY, IDAHO

AFFIDAVIT OF
PUBLICATION

STATE OF IDAHO)
County of Jefferson) ss

I, Crystal Foster
of the Jefferson Star, published
weekly at Rigby, Jefferson County,
Idaho, do solemnly swear that the

Notice of Application
a copy of which notice appears at-
tached hereto, was published in the
regular and entire issue of said
newspaper, and not in any supple-

ment issue thereof for Two (2)
consecutive issues, the first publica-

having been made on 3-1-89
and the last publication having been
made on 3-8-89

Further, that said newspaper is one
of general circulation in said coun-
ty; that it is a legal newspaper, con-
forming to legal specifications
under the Idaho Statutes; that it has
as least two hundred bona fide
subscribers living within the county
of publication; and that it has been
continuously and uninterruptedly
published in said county during a
period of seventy-eight consecutive
weeks prior to the first publication
of the said notice.

Crystal Foster

On this 10th day of March

in the year of 1989, before
me, a Notary Public, personally ap-

peared Crystal Foster,
known or identified to me to be the
person whose name subscribed to
the within instrument, and being by
me first duly sworn, declared that
the statements therein are true, and
acknowledged to me that he ex-
ecuted the same.

Loane Foster
Notary Public for Idaho

Residing at Shells

My commission expires: 1-27-91

NOTICE OF APPLICATION
FOR WATER RIGHTS

The following applications have been
filed to appropriate the public waters of
the State of Idaho:

21-07310
MICKELSEN, DARWIN
142 W. FIRST N.
REXBURG, ID 83440
Source: GROUNDWATER
Diversión Pt: SESE Sec 33 T 06N R 38E
Use: IRRIGATION (1:150 CFS)
Date Filed: 1/28/1983
In: T06N R38E S33 NWSE SWSE SESE
120.0 ACRES TOTAL
25-07392

BERGQUIST, JAY
BERGQUIST, LEE
171 COTTONWOOD DR.
RIGBY, ID 83442
Source: GROUNDWATER
Diversión Pt: SWNE Sec 9 T 04N R 39E
Use: IRRIGATION (1:400 CFS)
Date Filed: 12/16/1983
In: T04N R39E S09 SWNE SENE
20.0 ACRES TOTAL
25-07487

WESTMARK FEDERAL CREDIT UNION
P.O. BOX 2869
IDAHO FALLS, ID 83403
Source: GROUNDWATER
Diversión Pt: SESE Sec 32 T 05N R 39E
Use: DOMESTIC (1:040 CFS)
Date Filed: 11/28/1988
In: T05N R39E S32 SESE
31-07438

BALL, JR., ALFRED V.
MONTEVIEW, ID 83435
Source: GROUNDWATER
Diversión Pt: NWNW Sec 10
Use: IRRIGATION
Date Filed: 6/27/1988
In: T08N R33E S09 NENE NESE
S10 N

HOGGAN BROTHERS, INC.

HC 69 BOX 2270
HAMER, ID 83425
Source: GROUNDWATER
Diversión Pt: NWNW Sec 2 T 06N R 35E
Use: IRRIGATION (3:200 CFS)
Date Filed: 6/24/1985
In: T06N R35E S02 NENW NWNW
SWNW SENW
160.0 ACRES TOTAL
35-08196

GOKEY, ROBERT F.
RT. 1, BOX 10
ROBERTS, ID 83444
Source: GROUNDWATER
Diversión Pt: SENE Sec 33 T 05N R 37E
Use: IRRIGATION (1:150 CFS)
Date Filed: 6/28/1983
In: T05N R37E S33 SENE
5.0 ACRES TOTAL

The permits will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public interest
criteria of Sec. 42-203C, Idaho Code. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on or
before MARCH 20, 1989.

R. Keith Higginson, Director
Published in the Jefferson Star, Rigby,
Idaho, March 1st and 8th, 1989.

RECEIVED

MAR 13 1989

Department of Water Resources
Eastern District Office

NOTICE

AUG 16 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

April 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CLARENCE J SELENSKY
CATHY A SELENSKY
4162 E 460 N
RIGBY ID 83442

RE: Water Right 25-07392B

Dear Mr. & Mrs. Selensky:

The Department is in receipt of the correspondence changing the ownership of the above referenced water right to you. We have modified our records to reflect this change in ownership and a computer-generated report is enclosed.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee to the water right owner. If you have other water rights that haven't had the ownership updated please contact the department as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7947.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jim Johnson', with a long horizontal line extending to the right.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED
MAY 26 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

April 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JAY BERGQUIST
LEE BERGQUIST
171 COTTONWOOD DR
RIGBY ID 83442

RE: WATER RIGHT NO. 25-07392B

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

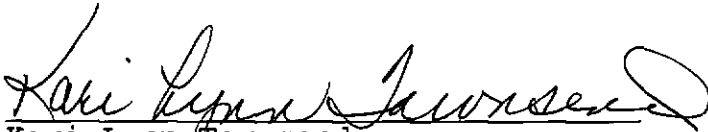
MAY 26 1999

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of April, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 25-07392B

JAY BERGQUIST
LEE BERGQUIST
171 COTTONWOOD DR
RIGBY ID 83442


Kari Lynn Townsend
Secretary

MICROFILMED
MAY 26 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

MAY 26 1999

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED

MAY 26 1999

RECEIVED

APR 26 1999

Department of Water Resources

April 20, 1999

Shelley Walter Keen

Cindy Zimmerman

RE: Water Right 25-07392B

As discussion with Cindy, the reason you could not reach Bergquist on permit the address of 171 Cottonwood Dr. was changed to 4162 E. 460 N. by the county to make finding streets easier back in 1990, and that Bergquist sold property to me and he moved out of state in June 1990. At that time we contacted Ron Carlson at local Water Resources Dept and had him help us fill out assignment of Permit and had Bergquist sign, a copy is inclosed. I understand that the discription was put in wrong now and that was why it was not taken care of because you could not get ahold of Bergquist due to moving out of state and county changing address. I am enclosing a check for \$50⁰⁰ for Application for Amendment Fee. I understand License will be issued in Bergquist's name than can be transferred into my name afterword.

Sincerely,

Clarence Selenky

Clarence Selenky

Cathy Selenky

4162 E. 460 N.

Rigby, Idaho

83442

MICROFILMED

MAY 26 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 7, 1999

CLARENCE J SELENSKY
CATHY A SELENSKY
4162 E 460 N
RIGBY ID 83442

RE: WATER RIGHT 25-07392B

Dear Mr. and Mrs. Selensky:

I am writing to you about Water Right Permit 25-07392B, which was originally issued to Jay & Lee Bergquist. The permit is being reviewed for licensing. Before a water right license can be issued, however, the permit must be amended to depict the water right as it has actually been developed. I have sent an Application for Amendment form to the Bergquists, but the postoffice has returned the mail as undeliverable. Because our field examiner indicated that you may now own the property on which the water development occurred, I am writing to give you the opportunity to complete the process necessary to obtain a water right license.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, sign the form and return it with the \$50.00 filing fee as soon as possible.

Because water appropriation permits are considered personal property, in order for the department to issue the water right license in your name the Bergquists must assign the permit to you. I have enclosed an Assignment of Permit form to help you obtain the required information and signatures. The fee for filing an assignment is \$25.00.

If you do not obtain an assignment from the Bergquists, the department may still issue a license if you submit the Application for Amendment and fee. The license will be issued in the Bergquists name. However, once the license is issued, the water right becomes appurtenant to the land regardless of the name listed on the document.

If you have any questions about this information, please contact me at (208) 327-7946 in Boise.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

Enclosures

MICROFILMED
MAY 26 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
180 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

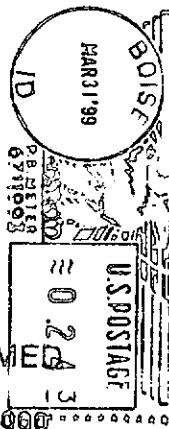
Return Service Requested.



125-07392B
JAY BERGQUIST
171 COTTAGEWOOD DR
RIE

ID 83442

POSTOFFICE
POST OFFICE



RECEIVED
APR 05 1999
Department of Water Resources



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

March 31, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JAY BERGQUIST
LEE BERGQUIST
171 COTTONWOOD DR
RIGBY ID 83442

RE: Water Right No. 25-07392B

Dear Mr. and Mrs. Bergquist:

Permit No. 25-07392, which was issued to you in 1989, is in the process of being licensed. The field examiner who verified your water use in 1998 reported that you developed two separate water diversion and delivery systems. In conformance with the examiner's report, we are proposing to license your water right in two parts, 25-07392A and 25-07392B. Before the licenses can be issued, however, 25-07392B must be amended to authorize the second point of diversion.

I have enclosed an Application for Amendment form that contains information that will be included on 25-07392B when it is issued. The last page of the Application for Amendment form contains a list of conditions and remarks proposed for the license when it is issued. These conditions and remarks may be modified upon further administrative review. Please review the amendment form carefully. If you concur with the information presented, sign the form and return it with the \$50.00 filing fee within fourteen days.

Also, please note that staff in our Idaho Falls office told me that a Notice of Change of Water Right Ownership has been submitted for one of the parts of right 25-07392. The ownership change notice will be processed once the water right licenses are issued.

If you have any questions about this information, please contact me at (208) 327-7946 in Boise.

Sincerely,

A handwritten signature in cursive script that reads "Shelley Walter Keen".

Shelley Walter Keen
Water Rights Supervisor

enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

March 31, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JAY BERGQUIST
LEE BERGQUIST
171 COTTONWOOD DR
RIGBY ID 83442

RE: Water Right No. 25-07392B

Dear Mr. and Mrs. Bergquist:

Permit No. 25-07392, which was issued to you in 1989, is in the process of being licensed. The field examiner who verified your water use in 1998 reported that you developed two separate water diversion and delivery systems. In conformance with the examiner's report, we are proposing to license your water right in two parts, 25-07392A and 25-07392B. Before the licenses can be issued, however, 25-07392B must be amended to authorize the second point of diversion.

I have enclosed an Application for Amendment form that contains information that will be included on 25-07392B when it is issued. The last page of the Application for Amendment form contains a list of conditions and remarks proposed for the license when it is issued. These conditions and remarks may be modified upon further administrative review. Please review the amendment form carefully. If you concur with the information presented, sign the form and return it with the \$50.00 filing fee within fourteen days.

Also, please note that staff in our Idaho Falls office told me that a Notice of Change of Water Right Ownership has been submitted for one of the parts of right 25-07392. The ownership change notice will be processed once the water right licenses are issued.

If you have any questions about this information, please contact me at (208) 327-7946 in Boise.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

enclosure

MICROFILMED

MAY 26 1999

B/U FIELD EXAM REVIEW

By CindyPermit # 25-7392B Name: Berquist Date: 3/30/99 ✓ Lots ✓

NAME Chng Same ✓ Or Address Change?

SOURCE ✓ Clarify source ✓
Prelim. Order to Void - Source change.

P/D ✓ Amendment Needed? Addn 1/4? Legal ✓ P39
Same 1/4? W32 2nd well/system P36
Overlap(s) none

P/U ✓ Amendment Needed? SWNE = 10 ac P41
Overlap(s) none
(Gov't use special ¶s) *P/D & P/U Amend? P37

RATE ✓ Permit/proof fee limits 0.40 1.00
✓ Measured Quantity = 0.19 cfs Theoretical Quantity = 0.19 cfs
measured notes: 18(5/8") @ 25 psi = 18 x 4.83 gpm/ea = 0.19 cfs.
(HP) $\frac{8.8 \times 0.70 \times 3}{40 + (2.31 \times 25)} = 0.19$ cfs
✓ Recommended capacity 0.19 cfs
✓ Recommended rate 0.19 cfs

VOLUME ✓ Season: (1 4.0) 4/1-10/31 = 214 days
Calculations: 10.0 ac x 4.0 AF/ac = 40.0 AF
✓ Flow limit: 0.19 cfs x 214 days/yr. x 1.9835 = 42.4 AF
Recommended volume 40.0 AF

USES ✓ Same Nature of Use? ✓ P46
✓ Amendment Needed? ✓

REMARKS + Multiple p/d's in same 1/4? Use W32

CONDITIONS + Measuring Device (R43) or Lockable Controlling Works (R02)
+ Watermaster Control (R04) - WD # ✓
RL4 Irrigation rate/annual volume overlap
050 GW irrigation replaces surface water (050) (replaces Dilts Irr Dist water)
+ GW irrigation supplements surface water (065)
+ Water Quality
+ Other

PRIORITY App Rcd 12/16/83 Due 6/1/90 Rcd 4/16/90
Receipt# 2016315 Fee OK? (Yes/No) \$ 100
Order to Reinstate Needed? Yes/No Done? ✓ Advanced to: ✓
Priority 12/16/83 Examined 7/8/98

COMMENTS: permit split into A & B; acres reduced.

USE	CFS	VOLUME
Irr	0.19	40.0
TOTAL	0.19	40.0

SRBA Overlap none
Adjustment Memo ✓
LICENSE 45
#1 AMEND: P38/Split system
#2 AMEND: (P38/P39)
647
per meter, not split.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 04 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 25-07392 B

1. Owner: JAY OR LEE BERQUIST Phone No. (208) 745-9059

Current Address: 171 COTTONWOOD DR. RIGBY ID 83442

2. Accompanied by: CLARENCE SELENSKY EXAM DATE: 7-8-98

Address: 4162 E 460N, RIGBY ID 83442 Phone No. (208) 745-7157

Relationship to Permit Holder: _____

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SW	NE	9	4N	39E	JEFFERSON	

2. Place(s) of Use:

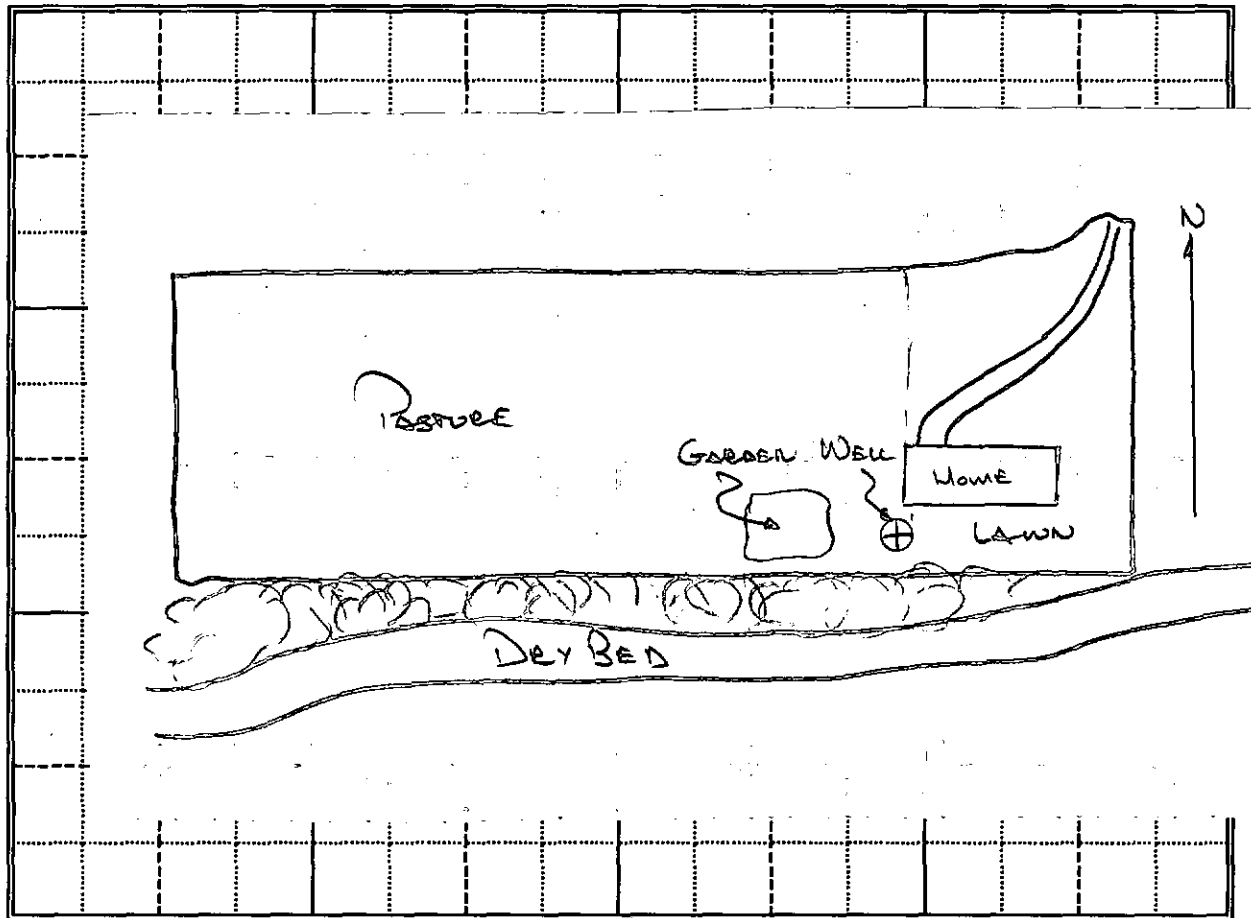
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	39E	9			10														10
															TOTAL =>				10

MICROFILMED

MAY 26 1999

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	FRANKLIN	3HP	2823028110		

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
HYD GAGE	ANALOG	ASHCROFT			0.6 GPM	

2. Measurements: 18 SPRINKLER HEADS - 2 IN. DIA 3/4" 5/8" VOLTAGE

20 26 20 26 26 25 26 25 25 26 26 24 26 26 26 25 25 25 $\bar{x} = 25$ PSI

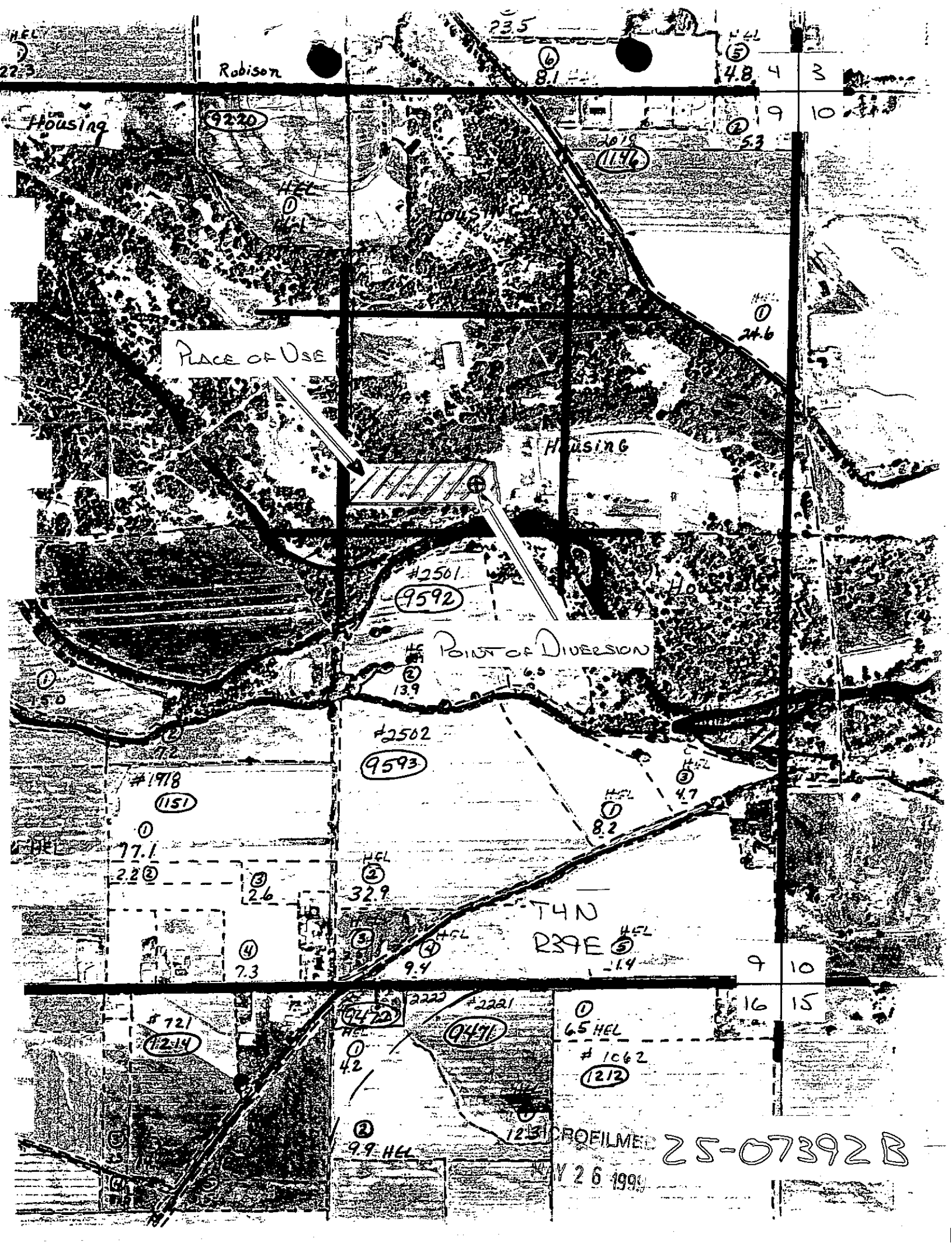
18 HEADS @ 4.83 GPM/HD = 86.9 GPM = 0.19 CFS

MICROFILMED



MAY 26 1999

25-07392B



Robison

Housing

Place of Use

Point of Diversion

T4N
R37E

25-07392 B

MAY 26 1990



Plate 1 - Point of diversion.



Plate 2 - Place of use from irrigated pasture looking
toward point of diversion.

MICROFILMED
MAY 26 1999

25-07392B

MAY 26 1999

E. NARRATIVE/REMARKS/COMMENTS

WELL PUMP & PIPELINES WITH HANDLINES FOR SPRINKLER
IRRIGATION OF LAWN, GARDEN & PASTURE.

NO OVERLAP WITH OTHER RIGHTS

ESTIMATED STATIC H_2O AT 25' FROM LOG THAT EXAMINED
ESTIMATES TO BE FOR THIS WELL. ESTIMATED DRAWDOWN
OF 15' TO 40' DYNAMIC WATER LEVEL.

$$Q_{THEORETICAL} = \frac{3.14 (8.814)^2 \cdot 7 \text{ EFF}}{40 \text{ LIFT} + (25 \text{ PSI} * 2.308)} = 0.1895 \text{ CFS}$$

* NOTE: PERMIT 22-07392 DESCRIBES TWO COMPLETELY
SEPERATE SYSTEMS. RECOMMEND SPLITTING 22-07392
INTO TWO SEPERATE RIGHTS, 22-07392A & 22-07392B

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED

MAY 26 1999

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

SEE REMARKS $Q_{THEORETICAL} = 0.1895 \text{ cfs}$, $Q_{MEAS} = 0.19 \text{ cfs}$

Q LIMITED BY CAPACITY TO 0.19 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 10 \text{ acres} \times 4.0 = 40.0 \text{ AFA}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.19 (1.9835) 214 = 80.6$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{40.0}$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION</u>	<u>4-1</u>	<u>11-1</u>	<u>0.19 cfs</u>	<u>4.0 AFA</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.19 cfs</u>	<u>4.0 AFA</u>

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name [Signature] Date 10-29-98

Reviewer _____ Date _____

SEAL

MICROFILMED
MAY 26 1999

RECEIVED
MAY 03 1999

Department of Water Resources

RECEIVED

MAY 03 1999

Department of Water Resources

FORWARDING ORDER EXPIRED

IDAHO DEPARTMENT OF WATER RESOURCES

1301 North Orchard St.

P.O. Box 83720

Boise, ID 83720-0098

(208) 327-7900

TO: JAY BERGQUIST
FROM: JAY BERGQUIST
DATE: 5/10/99
ID: B-11111111
FORWARDING ORDER EXPIRED

FORWARDING ORDER EXPIRED

61020-0000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

April 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LEE BERGQUIST
JAY BERGQUIST
171 COTTONWOOD DR
RIGBY ID 83442

RE: WATER RIGHT NO. 25-07392A

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

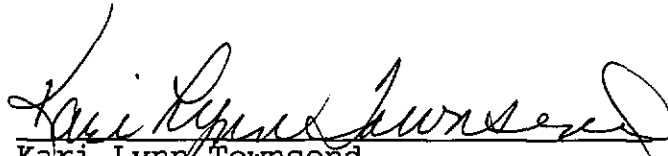
MICROFILMED
MAY 26 1999

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of April, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 25-07392A

LEE BERGQUIST
JAY BERGQUIST
171 COTTONWOOD DR
RIGBY ID 83442


Kari Lynn Townsend
Secretary

MICROFILMED
MAY 26 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

B/U FIELD EXAM REVIEW

By CindyPermit #: 25-7392A Name: Berquist Date: 3/30/99 ✓ Lots ✓

NAME	Chng	Same	Or Address Change?
		<u>✓</u>	
SOURCE		<u>✓</u>	Clarify source _____ Prelim. Order to Void - Source change.
P/D		<u>✓</u>	Amendment Needed? Addn'l 1/4? _____ Legal <u>SESWNE</u> P39 Same 1/4? <u>W32</u> P36 Overlap(s) <u>none</u>
P/U		<u>✓</u>	Amendment Needed? <u>Reduce SWNE to 7 ac.</u> P41 Overlap(s) <u>none</u> (Gov't use special ¶s) _____ *P/D & P/U Amend? P37
RATE		<u>✓</u>	Permit/proof fee limits <u>0.40</u> / <u>0.40</u> Measured Quantity = <u>0.17</u> cfs Theoretical Quantity = <u>0.20</u> cfs <u>7 ac x 0.02 cfs/ac = 0.14 cfs</u> (HP) <u>8.8 x 0.50 x 7.5</u> <u>62 + (2.31 x 4.5) = 0.20</u> cfs <u>✓</u> Recommended capacity <u>0.20</u> cfs *see back <u>✓</u> Recommended rate <u>0.14</u> cfs
VOLUME	<u>✓</u>		Season: <u>(C / 4.0)</u> <u>4/1-10/31</u> = <u>214</u> days Calculations: <u>7.0 ac x 4.0 AF/ac = 28.0 AF.</u> <u>✓</u> Flow limit: <u>0.14</u> cfs x <u>214</u> days/yr. x 1.9835 = <u>59.4</u> AF Recommended volume <u>28.0</u> AF
USES		<u>✓</u>	Same Nature of Use? _____ P46 Amendment Needed? _____
REMARKS		<u>+</u>	Multiple p/d's in same 1/4? Use W32 _____
CONDITIONS		<u>+</u>	Measuring Device (R43) or Lockable Controlling Works (R02) Watermaster Control (R04) - WD # _____ <u>R44</u> Irrigation rate/annual volume overlap <u>0.50</u> GW irrigation replaces surface water (050) (replaces Dilts Irr Dist water) GW irrigation supplements surface water (065) Water Quality _____ Other _____
PRIORITY	App Rcd	<u>12/16/83</u>	Due <u>6/1/90</u> Rcd <u>4/16/90</u> Receipt# <u>201635</u> Fee OK? <u>Yes</u> No \$ <u>100</u> Order to Reinstate Needed? <u>Yes</u> No <u>Done?</u> Advanced to: _____ Priority <u>12/16/83</u> Examined <u>1/8/98</u>

COMMENTS: permit split into AdB acres reduced.

USE	CFS	VOLUME
<u>1rr / 7ac</u>	<u>0.14</u>	<u>28.0</u>
<u>/</u>	<u>/</u>	<u>/</u>
<u>TOTAL</u>	<u>0.14</u>	<u>28.0</u>

SRBA Overlap none
Adjustment Memo ---
LICENSE
#1 AMEND: _____/P38
#2 AMEND: (R)P42/(C)P47

14 - $\frac{5}{32}$ " nozzles + 6 nozzles @ 2.5 gpm ea.
PSI GPM* Per exhibit 9 Field Examiner Handbook

34	4.25
35	4.31
32	4.13
34	4.25
35	4.31
37	4.43
~~39~~	4.55
39	4.55
38	4.49
24	3.56
44	4.85
44	4.85
37	4.43
44	4.85

61.81 gpm

$$6 \times 2.5 \text{ gpm} = \frac{15.00 \text{ gpm}}{76.81} = 0.17 \text{ cfs.}$$

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 25-07392A

1. Owner: JAN DE LEE BERQUIST Phone No. (208) 745-9059

Current Address: 171 COTTONWOOD DR., RIGBY ID 83442

2. Accompanied by: CARLEY JORGENSEN EXAM DATE: 7-8-1998

Address: 4168 E 416N, RIGBY, ID 83442 Phone No. (208) 745-8309

Relationship to Permit Holder: _____

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SW	NE	9	4N	39E	JEFFERSON	

2. Place(s) of Use:

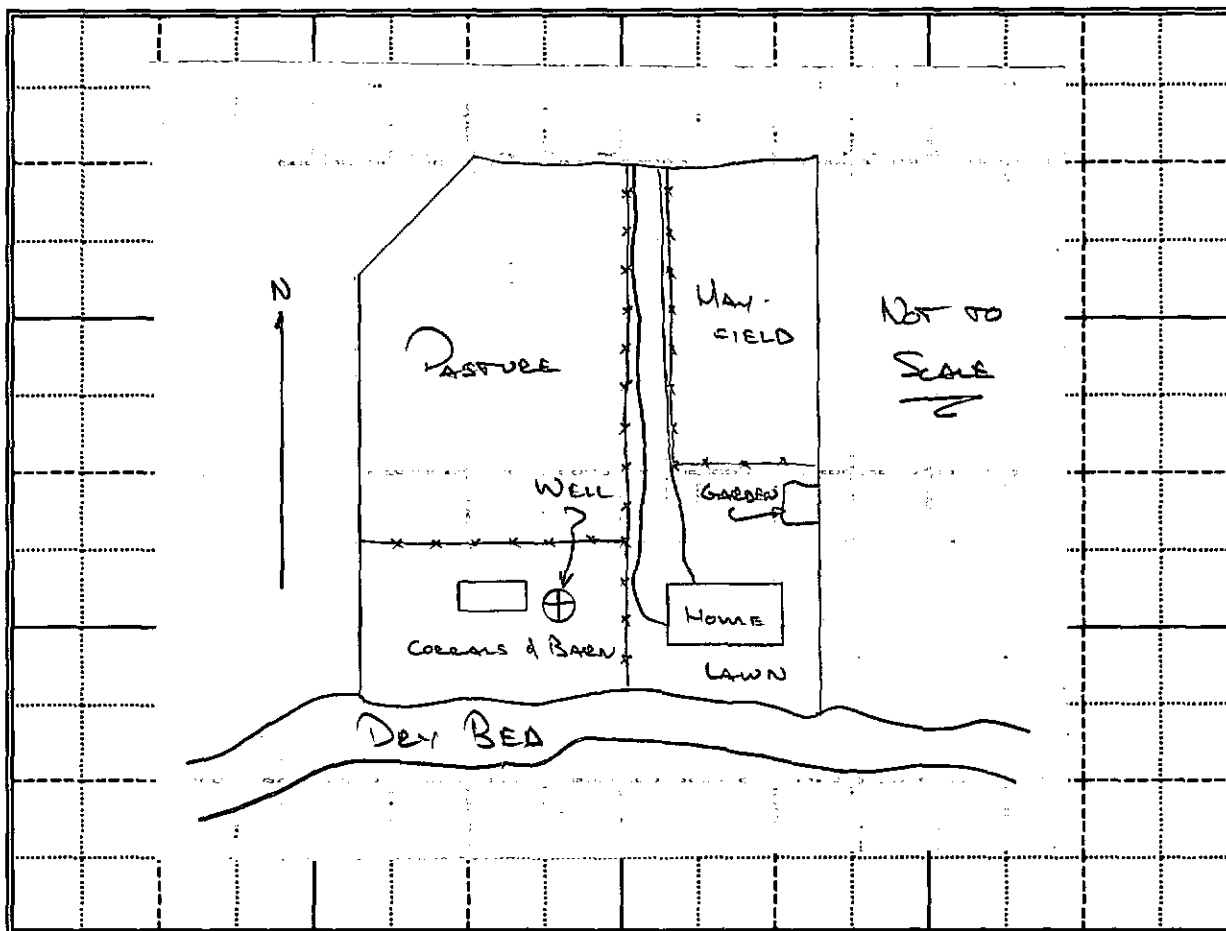
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	39E	9			7														7
																			7

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3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Mitsubishi	7.5	619458135		

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

D. FLOW MEASUREMENTS

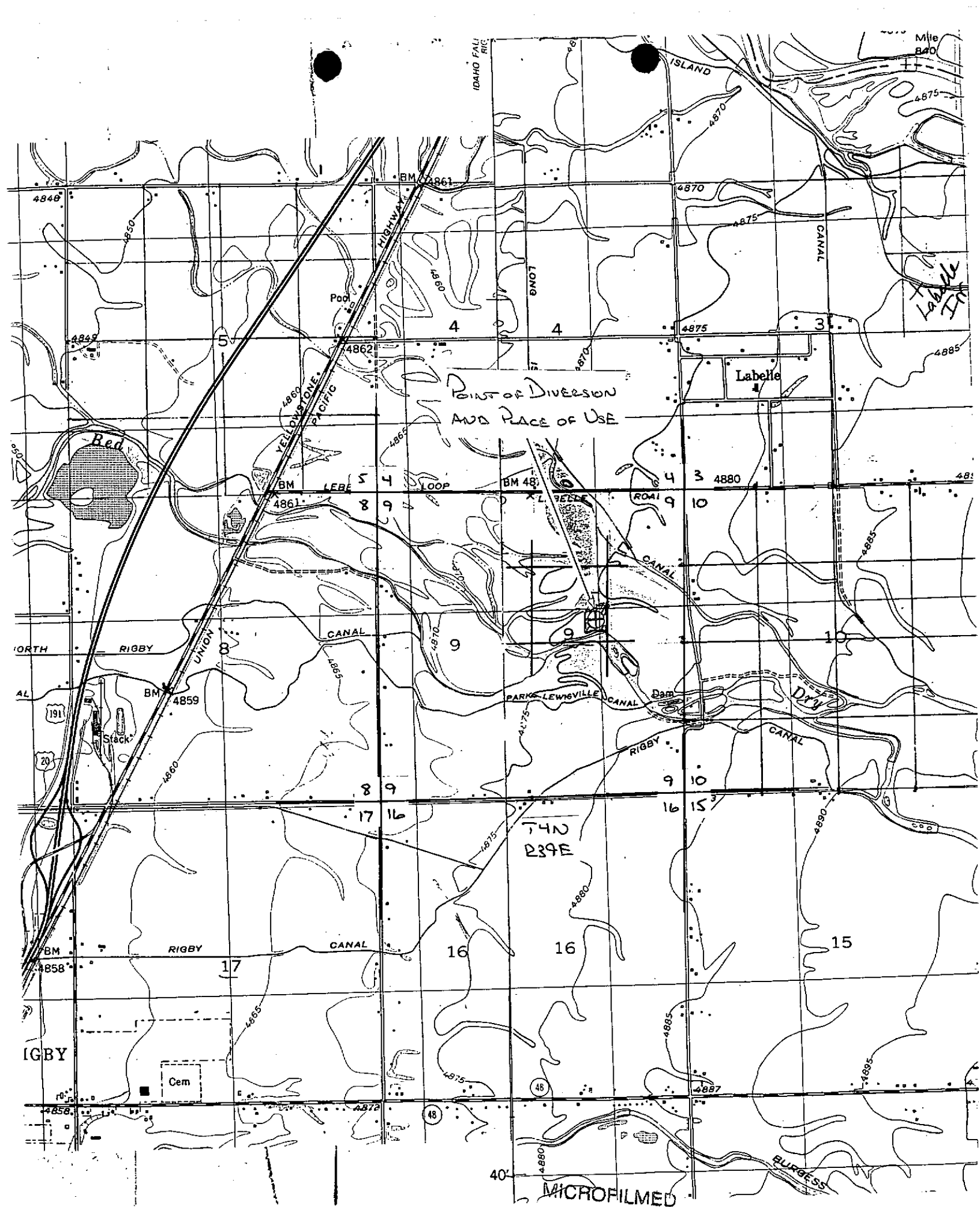
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PORT GAGE	ANALOG	ASHCROFT			0-60 PSI	

2. Measurements: 14 HEADS MEASURED - ADD 6 SMALL NON-MEASURABLE @ 2.5 GPM EA.
 34 35 32 34 35 37 39 39 38 24 44 44 37 44
 $\bar{r} = 34.4 \pm 5.65 \text{ GPM/HD} = 14 \times 5.65 = 79.1 \text{ ADD } 6 \times 2.5 \text{ GPM} = 94.1 \text{ GPM } 0.21 \text{ CFS}$
 14 RAINBOW 304 5/32" NOZZLES

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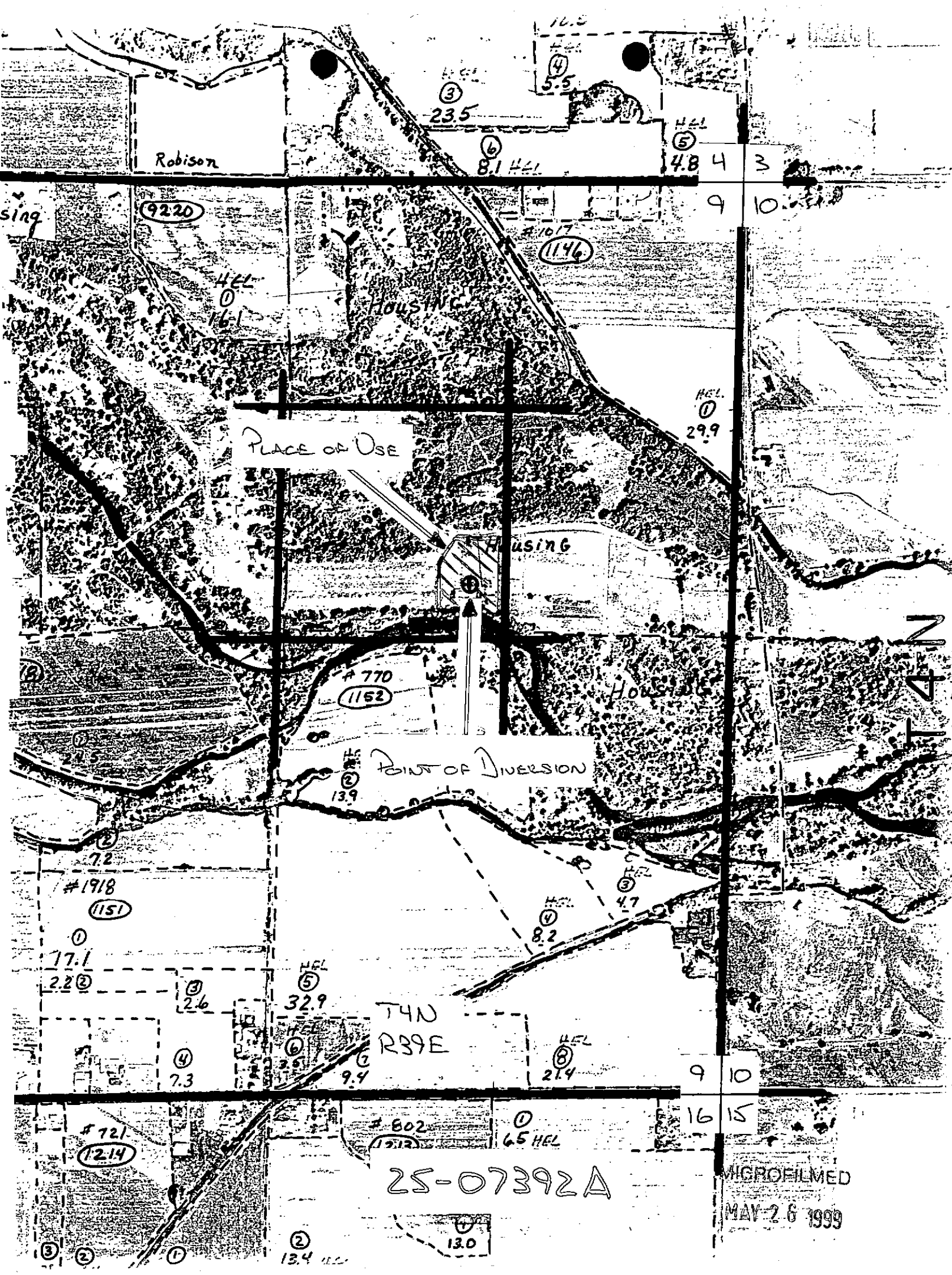
POINT OF DIVERSION
AND PLACE OF USE

T4N
R39E

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MAY 26 1999

25-07392A



Robison

(9220)

HEL
0
16.1

Housing

(1146)

HEL
0
29.9

PLACE OF USE

Housing

770

(1152)

Housing

POINT OF DIVERSION

HEL
2
13.9

1918

(1151)

0
17.1
2.2

3
2.6

HEL
5
32.9

T4N
R39E

4
7.3

HEL
6
2.5

7
9.4

HEL
8
21.4

9 10

721

(1214)

802

(1212)

0
6.5 HEL

16 15

25-07392A

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MAY 26 1999

2
13.4 HEL

13.0

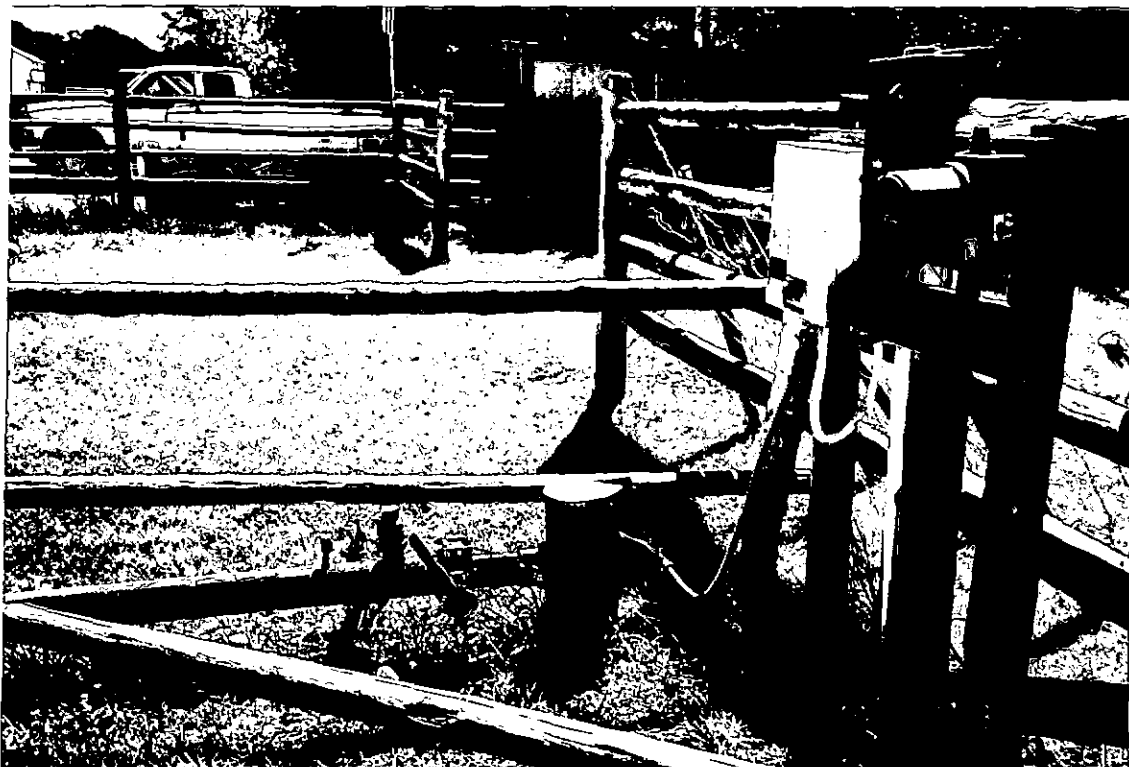


Plate 1 – Point of diversion.

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25-07392A



Plate 2 - Place of use from road looking toward point of diversion.



Plate 3 - Place of use again from road looking toward home.

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25-07392A



Plate 4 - Place of use from home showing lawn
and garden area.



Plate 5 - Place of use from home looking north at
hayfield/pasture.

FILED
MAY 26 1999

25-07392A

E. NARRATIVE/REMARKS/COMMENTS

WELL, PUMP & PIPELINES WITH HAND LINES FOR SPRINKLER
IRRIGATION OF LAWN, GARDEN, PASTURE. ALSO INCLUDES
IRRIGATION OF SMALL VEGETABLE GARDEN WITH 6 UNMEASURABLE
SPRINKLERS ESTIMATED AT 2.5 GPM / HEAD

NO OVERLAP WITH OTHER RIGHTS

ESTIMATED STATIC H_2O AT 47' FROM SURROUNDING LOGS
ESTIMATE 15' DRAWDOWN = STATIC AT 62'

PUMP IS OLD: ESTIMATE - 50% EFFICIENCY

$$Q_{\text{THEORETICAL}} = \frac{7.5 \text{ HP} (8.814) 0.50}{(44 \text{ PSI} \times 2.308) + 62} = \underline{\underline{0.2021 \text{ CFS}}}$$

*NOTE: AS 22-07392 IS MADE UP OF TWO SEPARATE
SYSTEMS, RECOMMEND SPLITTING THIS PERMIT INTO
"A" & "B" PORTIONS SHOWN.

Have conditions of permit approval been met? ☒ yes ☐ no

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MAY 26 1999

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

See Remarks! $Q_{THEOR} = 0.2021 \text{ cfs}$ $Q_{MEAS} = 0.21 \text{ cfs}$
 Q LIMITED BY 0.02 cfs/acre TO 0.14 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 7.0 \times 4.0 = 28.0 \text{ afa}$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.14 (214) 1.9835 = 59.43 \text{ afa}$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 28.0 \text{ afa}$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION</u>	<u>4-1</u>	<u>11-11</u>	<u>0.14 cfs</u>	<u>28.0</u>
Totals:			<u>0.14 cfs</u>	<u>28.0</u>

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name [Signature] Date 10-29-98

Reviewer _____ Date _____

SEAL
 MICROFILMED
 MAY 26 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MEMORANDUM

To: File 25-07392
From: Paul Meyer
Date: October 30, 1998

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NOV 04 1998

RE: Splitting of 25-07392

Department of Water Resources

On July 8, 1998, I conducted a field examination of permit 25-07392. At the time, I found two completely separate irrigation systems from two separate wells.

As a result, I recommend that 25-07392 be licensed as two portions; 25-07392A and 25-07392B. The completed examinations reflect my recommendations.

A handwritten signature, likely of Paul Meyer, consisting of a stylized 'P' and 'M'.

MICROFILMED
MAY 26 1999

August 24, 1990

RE: Permit No. 25-7392

Jay Bergquist
E. 3400 Ponderosa Blvd.
Post Falls, ID 83854

Dear Mr. Bergquist:

Enclosed is the assignment form you recently submitted to show the ownership change on the above referenced permit. You state on the assignment that you wish to transfer ownership of 12.57 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9 to Mr. and Mrs. Selensky. The permit shows a land description of 12 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, and only 8 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$.

Enclosed is another assignment form for your use. Please specify for us the acreage being assigned according to permitted amounts and adjust the amount of water being assigned accordingly. Feel free to give us a call if you have any questions.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

Enclosures

RECEIVED

DEC 17 1990

August 1, 1990

JAY BERGQUIST
LEE BERGQUIST
E. 3400 Ponderosa Blvd.
Post Falls, ID 83854

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 25-07392

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

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DEC 17 1990

138407
March 31, 1990

JAY BERGQUIST
LEE BERGQUIST
171 COTTONWOOD DR.
RIGBY, ID 83442

PROOF DUE NOTICE

RE: PERMIT NO. 25-07392

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1990.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

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DEC 17 1990

MEMORANDUM

TO: FILE/APPLICATION NO.

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING

DATE: 11-27-89

=====

This application was among those applications reviewed in the regional offices last year and recommended for out of sequence processing. This application includes a statement and sufficient supporting evidence concerning development of the project prior to October 1, 1984.

The department's Policy and Implementation Plan for Processing Water Rights in the Swan Falls Area provides for applications to be processed out of sequence if the development was completed prior to October 1, 1984 and the application filed prior to July 1, 1985. These filings are not required to be processed in sequence with other trust water filings because the effect of these filings have already occurred and because, due to subordination, the filings are not taking water held in trust. These filings are not subject to the staged development policy and public interest criteria of Section 42-203C, Idaho Code.

RECORDED

DEC 17 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
May 23, 1989

JAY BERGQUIST
LEE BERGQUIST
171 COTTONWOOD DR.
RIGBY, ID 83442

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 25-07392

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

RECEIVED

AUG 16 1989

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECEIVED

AUG 16 1989

February 27, 1989

Lee or Joy Berquist
171 Cottonwood Drive
Rigby, ID 83442

Application for Permit No. 25-07392

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 25-07392. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Jefferson Star. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MULTICOPY

AUG 16 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

FEBRUARY 24, 1989

THE JEFFERSON STAR
P.O. BOX 37
RIGBY, ID 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week-for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MARCH 20, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

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AUG 16 1989

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

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AUG 16 1989

25-07392

BERGQUIST, JAY
BERGQUIST, LEE
171 COTTONWOOD DR.
RIGBY, ID 83442

Source: GROUNDWATER

Diversion Pt: SWNE Sec 9 T 04N R 39E

Use: IRRIGATION (.400 CFS)

Date Filed: 12/16/1983

In: T04N R39E S09 SWNE SENE

20.0 ACRES TOTAL

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AUG 16 1989

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before MARCH 20, 1989.

R. Keith Higginson, Director

Published 3/01/1989 & 3/08/1989

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AUG 16 1989

January 23, 1989

JOY BERGQUIST or
LEE BERGQUIST
171 COTTONWOOD DRIVE
RIGBY, ID 83442

RE: APPLICATION FOR PERMIT NO. 25-7392

Dear Applicant:

The department is now beginning the processing of applications which have been held as a result of the Swan Falls controversy. In connection with this processing, the department requests the information described below.

From the department's review of the above referenced water right application, it appears the application is only subject to the usual water right processing described in Section 42-203A, Idaho Code, and is not subject to the public interest criteria processing required of some applications in the Swan Falls settlement.

The department asks that you advise us within 15 days of this letter if you no longer have a continued interest in developing a water right as proposed by the application. If you do not respond in this time period, the department will proceed with the usual processing of the application including advertisement.

Please feel free to contact the department if you have any questions.

Sincerely,

Ronald D. Carlson
EASTERN REGIONAL MANAGER

RDC/rb

MICROFILMED

AUG 16 1989

08/85

DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE SURVEY

RECEIVED

AUG 21 1985

Department of Water Resources
Eastern District Office

25-2392-

BERGQUIST, JAY &/or LEE

171 COTTONWOOD DR., RIGBY, ID 83442

Source: ~~GROUNDWATER~~

Date Filed: 12/16/1983

Diversion Pt: SWNE Sec 09 T 04N R 39E

Use: IRRIGATION (0.40 CFS)

In: SWNE SENE Sec 09 T 04N R 39E FOR 20 ACRES

Check the box to the left of the paragraph which accurately describes the status of the project described by the application and then sign on the line at the bottom of the page.

A. ☐ Prior to October 1, 1984, the source of water listed on application for permit No. _____ was not being diverted and put to beneficial use as represented by the application.

B. ☒ Prior to October 1, 1984, the source of water listed on application for permit No. _____ was being diverted and put to beneficial use as represented by the application.

If paragraph "B" was selected return the form with documentation confirming beneficial use occurred prior to October 1, 1984. This documentation should include a sworn statement from you as applicant, plus other evidence that will substantiate beneficial use.

Additional information is not required for paragraph "A".

Jay Bergquist
(Signature)

RECEIVED
AUG 16 1985

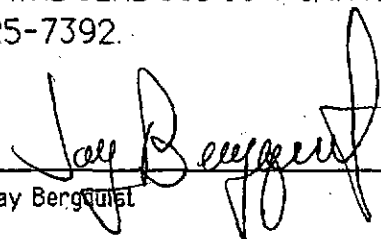
RECEIVED

STATEMENT
August 20, 1985

AUG 21 1985

Department of Water Resources
Eastern District Office

I swear, that before October 1, 1984, groundwater was being used to irrigate 20 acres of alfalfa and grass at SWNE SEC 09 T 04N R.39E. In SWNE SENE Sec 09 T 04N R.39E, as described in Application for Permit No. 25-7392.


Jay Bergquist

RECEIVED

AUG 16 1985

FALLS PUMP REPAIR & MACHINE SHOP

RT. 8 BOX 167

IDAHO FALLS, IDAHO 83401

523-9881

**INVOICE
NO.**

№ 00394

SOLD TO

Jay Beagquist

171 Cotton wood

Rigby Idaho 83442

**INVOICE
DATE**

7-30-84

SHIPPED
TO

[illegible]

Here's an invoice for a 8" well cap for the well.

RECEIVED

AUG 21 1985

Department of Water Resources
Eastern District Office

MICROFILMED

AUG 16 1989

FALL RIVER RURAL ELECTRIC COOPERATIVE, INC.
P.O. BOX AE TIGHTON, IDAHO 83420 PHONE 652-7431
PLEASE REGISTER ANY INQUIRY OR COMPLAINT AT ABOVE ADDRESS.
WATTS IN STATE 800-632-5726
OUT OF STATE 800-635-5755

RETAIN FOR YOUR RECORDS

DESCRIPTION	READING	KWH	AMOUNT
BAL FWD	2016		62.86-
IRRIGATN	4682	2666	177.41
BPA-EX	\$.00		
WPPSS	\$28.14		

ACCOUNT NO.
45-052300-02

AMOUNT DUE
114.55

BILLING DATE
7/25/83

PAYMENT
RECEIVED AFTER
07/31/83
NOT INCLUDED
IN BILLING

DUE DATE
08/15/83

Here's A power BILL FROM 1983 showing
IRRIGATION USE at that time.

RECEIVED

AUG 21 1985

Department of Water Resources
Eastern District Office

MICROFILMED

AUG 16 1989



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

August 12, 1985

RE: Application for Permit No. 25-7392

Jay or Lee Bergquist
171 Cottonwood Drive
Rigby, Idaho 83442

Gentlemen:

In October of 1984, Idaho Power Company and the State of Idaho signed an agreement stating the Company's water rights would be subordinated to those persons who beneficially used water prior to October 1, 1984, and who filed an application or claim for said use by June 30, 1985.

To insure proper consideration of your application pursuant to the above agreement, follow the directions on the enclosed form and return it to this office when completed. For your benefit in identifying the point of diversion and place of use, included on the form is a description of the major items contained on the application.

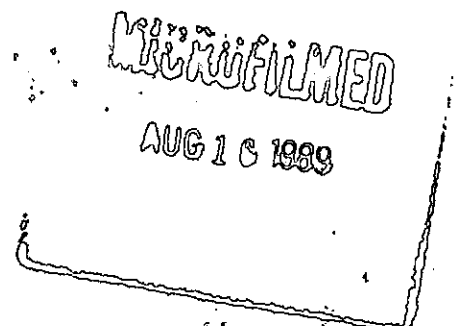
Your cooperation in returning the completed form and supplemental documentation will expedite future administrative action on your application when processing of applications above Swan Falls resumes.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure



INTER-DEPARTMENT MEMO — 1

FROM Steve McCormick

DATE 12-28-83.

TO File.

SUBJECT Jeff Bergquist Application

Mr. Bergquist has not been able to obtain an assignment of Permit from Dennis Dahl for application # 25-7138. He therefore is submitting his own application. Mr. Dahl does not own the land.

NOT REFILED

AUG 16 1989

11-01-77 Priority listed on 25-7138

SIGNATURE

December 22, 1983

Jay C. Bergquist
171 Cottonwood Dr.
Rigby, Idaho 83442

Dear Mr. Bergquist:

Enclosed please find the application for permit that you submitted to our Department on December 16, 1983.

Before processing can begin we need your signature at the bottom of the third page. Upon signing the application please send it back to this office as soon as possible so processing can begin.

Thank you for your cooperation in this matter.

Sincerely,

BARBARA L. POWERS
Secretary

Enclosure

RECORDED

AUG 16 1989