

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 35-08802B

Priority: June 20, 1989

Maximum Diversion Rate:

0.10 CFS

Maximum Diversion Volume:

20.0 AF

This is to certify, that WILLIAM R MARSHALL
CHERYL A WHITAKER

4101 N OLD HWY 91 #36

POCATELLO ID 83204

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 20, 1989; and has submitted Proof of Beneficial Use on June 3, 1992. An examination indicates that the works have a diversion capacity of 0.620 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	0.10 CFS	20.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 7(NENE), Sec. 20, Township 03S, Range 34E
BINGHAM 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>
03S	34E	20	Lot 7(NENE)	5		5

Total number of acres irrigated: 5

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

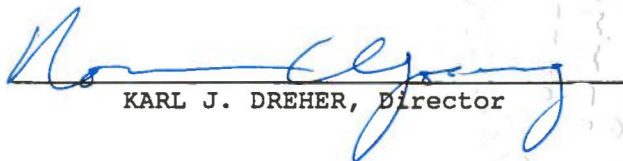
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State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 35-08802B

CONDITIONS OF APPROVAL AND REMARKS

7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. 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. Witness the seal and signature of the Director, affixed at Boise, this 8TH day of SEPTEMBER, 1978.


KARL J. DREHER, Director

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SEP 21 1998

RECEIVED
SEP 02 1993

Ident. No. 35-8802B

STATE OF IDAHO

APPROVED

Department of Water Resources

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

X Comes now Cheryl A. Whitaker and William R. MARSHALL Phone 232-7034
of (address) 4101 N. Old Hwy 91 #36 Pocatello, 83204, 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. 35-08802B, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE 1/4 NE 1/4, Section 20, Township 3S, Range 34E, B.M.,
County of Bingham. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 0.10 cfs for Irrig. 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)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3S	34E	20	5																5

Total number of acres to be irrigated = 5

4. a. Who owns the property at the point of diversion? Applicant Cheryl A. Whitaker & William R. MARSHALL
b. Who owns the land to be irrigated or the place of use? Applicant Cheryl A. Whitaker & William R. MARSHALL
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

RECORDED

JAN 11 1994

• Complete the following map by showing land and point of diversion as proposed by this amendment.

• Show 40-acre subdivisions, townships, ranges and ditches.



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 _____ day of _____, 1993.

Cheryl A. Whitaker &
William R. Marshall (Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$20.00 ok

Received by RB Date 6-18-93 # EO18731

Publication prepared by RB Date _____

Published in Morning News

Publication dates 8-6-93-93

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby
Approve the above referenced application for amendment. See the
attached sheet for the conditions of approval.

Witness my hand this 30th day of November, 1993

L. Glen Saxton

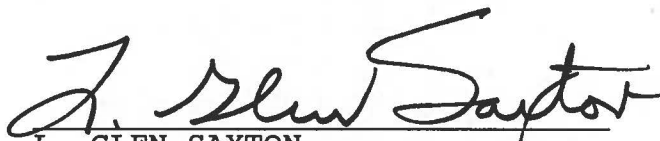
JAN 11 1994

CONDITIONS OF APPROVAL

Amendment of Permit No. 35-08802B

1. The previous conditions as set forth in Permit No. 35-08802 must be met.
2. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.
4. Construction of the well must comply with Idaho well construction standards.

Dated this 30th day of November, 1993.


L. GLEN SAXTON
Chief, Water Allocation Bureau

RECORDED
JAN 11 1994

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED
JUN 18 1993
Department of Water Resources

W

I, Larry E. Van Orden, hereby assign to William R. Marshall & Cheryl A. Whitaker
of 401 N. Old Hwy. 91 #36
Pocatello Idaho 83204 Address

CHECK ONE

☐ All my right, title, and interest in and to Permit No. _____
to appropriate the public waters of the State of Idaho.

☒ The following described portion of my right, title, and interest in and to Permit
No. 35-08802 to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

5 AC in Lot 8 (NWNE) S20 T03S R34E for
0.10 cfs.

Made this 3 day of June, 19 93.

Larry E. Van Orden
Permit Holder

Ramona Van Orden
Spouse of Permit Holder

State of Idaho)
County of Bingham) ss.

On this 7th day of June, 19 93, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

James D. Jones
Notary Public residing at
Bingham Co., Idaho

My commission expires:
10/31/97

RECORDED
JUL 02 1993

Database updated 6/25/93 cz

NO. 35-08802B

Proposed Priority: June 20, 1989 Maximum Diversion Rate: 0.10 CFS
This is to certify, that WILLIAM R MARSHALL

CHERYL A WHITAKER
4101 N OLD HWY 91 #36
POCATELLO ID 83204

has applied for a permit to appropriate water from: GROUNDWATER
and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	0.10 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 2(NWNENW), Sec. 20, Township 03S, Range 34E
BINGHAM 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>
03S	34E	20	Lot 8(NWNE)	5		5

Total number of acres irrigated: 5

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1992.
2. Subject to all prior water rights.
3. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
7. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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AUG 30 1993

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
~~Original Application~~	~~35-08802~~	~~Daniel D Thomas~~ ~~LaJune T Thomas~~	~~0.60~~
~~Full Assignment~~	~~35-08802~~	~~Larry E Van Orden~~ ~~Paunie T Van Orden~~	~~0.60~~

SPLIT INTO PARTS A, B & C BY ASSIGNMENT

Partial Assignment	35-08802A	Larry E Van Orden Paunie T Van Orden	0.32
Partial Assignment	35-08802B	William R Marshall Cheryl A Whitaker	0.10
Partial Assignment	35-08802C	Daniel T Polatis	0.18

SCANNED

AUG 19 2005

MAILED

JUL 02 1993

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED
JUN 18 1993
Department of Water Resources

I, Larry E. Van Orden, hereby assign to William R. Marshall & Cheryl A. Whitaker
of 4601 N. Old Hwy. 91 #36
Pocatello Idaho 83204 Address

CHECK ONE

☐ All my right, title, and interest in and to Permit No. _____
to appropriate the public waters of the State of Idaho.

☒ The following described portion of my right, title, and interest in and to Permit
No. 35-08802 to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

5 AC in Lot 8 (NWNE) S20 T03S R34E for
0.10 cfs.

Made this 3 day of JUNE, 19 93.

Larry E. Van Orden
Permit Holder

Ramie H. Van Orden
Spouse of Permit Holder

State of Idaho)
County of Bingham) ss.

On this 7th day of June, 19 93, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

James D. Jones
Notary Public residing at
Bingham Co., Idaho

My commission expires:
10/31/97

RECORDED
JUL 02 1993

Database updated 6/25/93 cz

11/91

RECEIVED
JUN 8 1992

RECEIVED
JUN 12 1992

OFFICE USE ONLY
Amt. of Fee \$ 100
Date 6-3-92
Receipt No. EO/7431
Receipt by RB

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form 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, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 35-08802 Telephone No. 684-3965
2. Name(s) of Permit Holder(s): Larry E. & Purnie T. VanOrden
3. Mailing Address: 1054 W. 125 S. Blackfoot, Idaho 83221
4. Source of Water: Groundwater

If **GROUNDWATER**, Well Driller's Name: _____ Date Drilled: Late 1960's
(Prior to July 1, 1987) Or Early 1970's

OPTIONAL:
Pump horsepower: 50 Pressure (psi): 75 lbs Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)
Irrigation 30 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted .60 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes X No Installed? _____ Yes _____ No

OR
Flow Measurement Port: Required? _____ Yes X No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 100⁰⁰ (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Larry E. Van Orden 684-3965
Name Telephone No.
1054 W. 125 S. Blackfoot, Idaho 83221
Address

10. 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.

6-3-92 Larry E. Van Orden
Date Signature (and title, if on behalf of a company or organization)

RECORDED
JUN 24 1992



6.7.99 Caled Bingham County
Assessors office and of the
following address.
1021 W 300 S
Penguin. Id. 83262-1162

IDAHO DEPARTMENT OF WATER RESOURCES

1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900

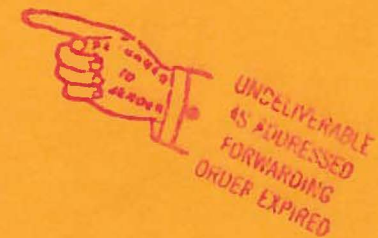
TO

L35-088026
WILLIAM R MARSHALL
4101 N OLD HWY 91 #36
POCATELLO ID 83204

RECEIVED

JUN 07 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

September 8, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM R MARSHALL
CHERYL A WHITAKER
4101 N OLD HWY 91 #36
POCATELLO ID 83204

RE: WATER RIGHT NO. 35-08802B

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 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 this 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 this 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, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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.

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ORAL ARGUMENT

If the Department grants a petition to review the 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.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the 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.

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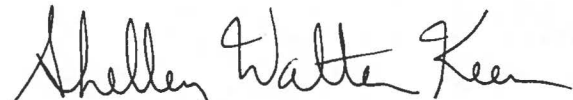
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SEP 21 1998

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.

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

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SEP 21 1998

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of **September, 1998**, 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. 35-08802B

WILLIAM R MARSHALL
CHERYL A WHITAKER
4101 N OLD HWY 91 #36
POCATELLO ID 83204


Kari Lynn Townsend
Secretary

MICROFILMED

SEP 21 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-08802B DATE 5/26/98 REVIEWER: SHARLA

NAME Change/OK
 Address OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV OK Change (P39 /P47) Add (P45/P42) Feds - P40
 W32 (multiple in 1/4)
 W36 (overlap)
 W59 (subd. desc)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PLACE OF USE OK Change (P41/P47) Add (P41/P42) Feds - P43
 W60 (subd. desc)
 W27 (ppu acre limit)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate 0.10 cfs
 Fee limit 1.00 cfs \$10000
 Measured 1.69 cfs
 Theoretical 1.40 cfs .62
 Recommended Total Div Rate .10 cfs

WATER USES	<u>OK</u>	Change (P46)	
<u>Irr.</u>	<u>.10</u> cfs	<u>5X4.0</u> af	Irrig - overlap (R58-R61, R62-R65, R66-R69)
_____	_____ cfs	_____ af	supp. gw (WB7/065/079)
_____	_____ cfs	_____ af	overlap spec. combined rts (W35)
_____	_____ cfs	_____ af	<1acre (W31)
_____	_____ cfs	_____ af	Domestic (W01/WB5/070/071/075)
TOTALS	<u>.10</u> cfs	<u>20.0</u> af	Power (W42 or W43/025/027/R22 or R23)
			Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate .10 cfs X 214 days X 1.98 = 42.4 af

REMARKS _____

ADD'L CONDITIONS _____ Watermaster Control WD# _____
 _____ GW Measurement/Measuring Device
 _____ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority yes ☒ no SRBA Claim N/A Adjust Memo _____
 Amend letters _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 03 1998
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-08802 B

1. Owner: WILLIAM R. MARSHALL
CHERYL A. WHITAKER

Phone No. (208) 232-7034

Current Address: 4101 N. OLD HWY 91, #36, POCA TELLO, ID 83204

2. Accompanied by: _____ EXAM DATE: 6/24/96

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: GROUND WATER tributary to N/A

B. OVERLAP REVIEW

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

2. Other water rights with the same point of diversion: (35-08224 NOT SAME POD) DONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	<u>L-7</u>	<u>NW</u>	<u>NE</u>	<u>NE</u>	<u>20</u>	<u>03S</u>	<u>34E</u>	<u>BIDGHAM</u>	<u>U.S.G.S. TOPO MAP/NAPP PHOTO</u>

2. Place(s) of Use:

Indicate Method of Determination ON SITE INSP.

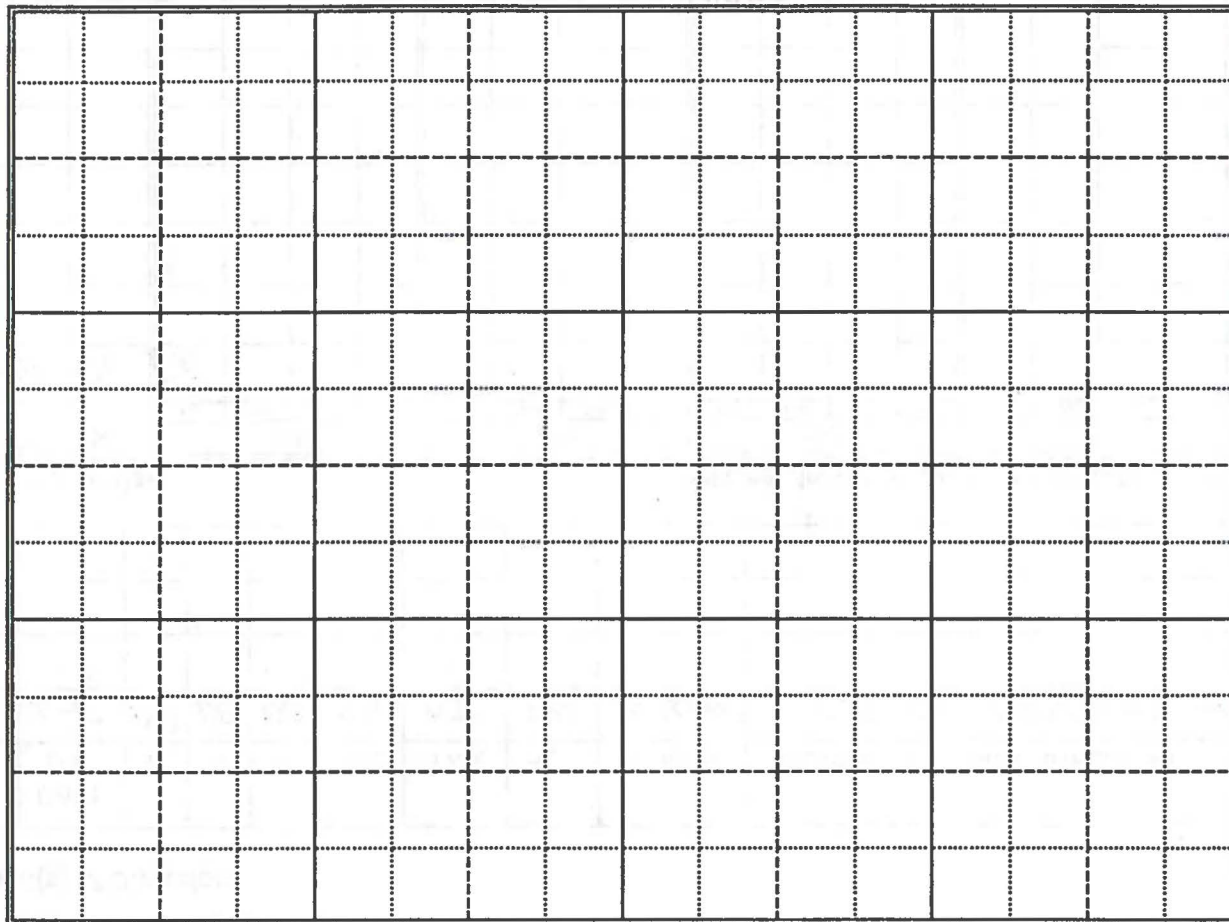
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>03S</u>	<u>34E</u>	<u>20</u>	<u>4.7</u>																<u>5</u>

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TOTAL 5 ACRES

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



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
LIFT PUMP	FRANKLIN	7 1/2	SUBMERISBLE		3"
		ASSIGNED BY SIZE OF SYSTEM			

*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
NONE						

2. Measurements: SYSTEM OFF

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SEP 21 1998

FEB 03 1998

RECEIVED

E. NARRATIVE/REMARKS/COMMENTS

NO CONTACT HAS BEEN ABLE TO BE MADE WITH OWNERS.
WATER IS PUMPED BY A SUBMERSIBLE PUMP (BELIEVE
SNP) VIA A 3" DISCHARGE PIPE THROUGH A MANIFOLD
SYSTEM TO A BURIED 6" MAIN LINE. RISER POINTS OR
HYDRANTS REDISTRIBUTE WATER TO MAIN LINES.

$$\text{THEORETICAL: } \frac{7\frac{1}{2} \text{HP} \times 8.814 \times .7\% \text{ EFF}}{5' \text{ LIFT } (\underset{\substack{\uparrow \\ \text{ASSUMED}}}{30.75 \text{ ft}} \times 2.308)} = \frac{46.27}{74.24} = 0.623 \text{ CFS}$$

PERMIT REQUESTS 0.10 CFS.

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

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F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$\frac{7.5 \text{ HP} \times 8.814 \times 1.7 \% \text{ EFF.}}{5' \text{ LIFT } (30 \text{ PSI} \times 2.308)} = \frac{46.27}{74.24} = 0.623 \text{ CFS}$$

PERMIT LIMITS TO 0.10 CFS

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 5 \text{ ac} \times 4 = 20 \text{ AFA}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.10 \text{ cfs} \times 214 \times 1.9835 = 4245 \text{ AFA}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 20 \text{ AFA}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS PERMIT LIMITS TO 0.10 CFS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/1	10/31	0.10	20 AFA
Totals:			0.10 CFS	20.0 AFA

2. Recommended Amendments

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

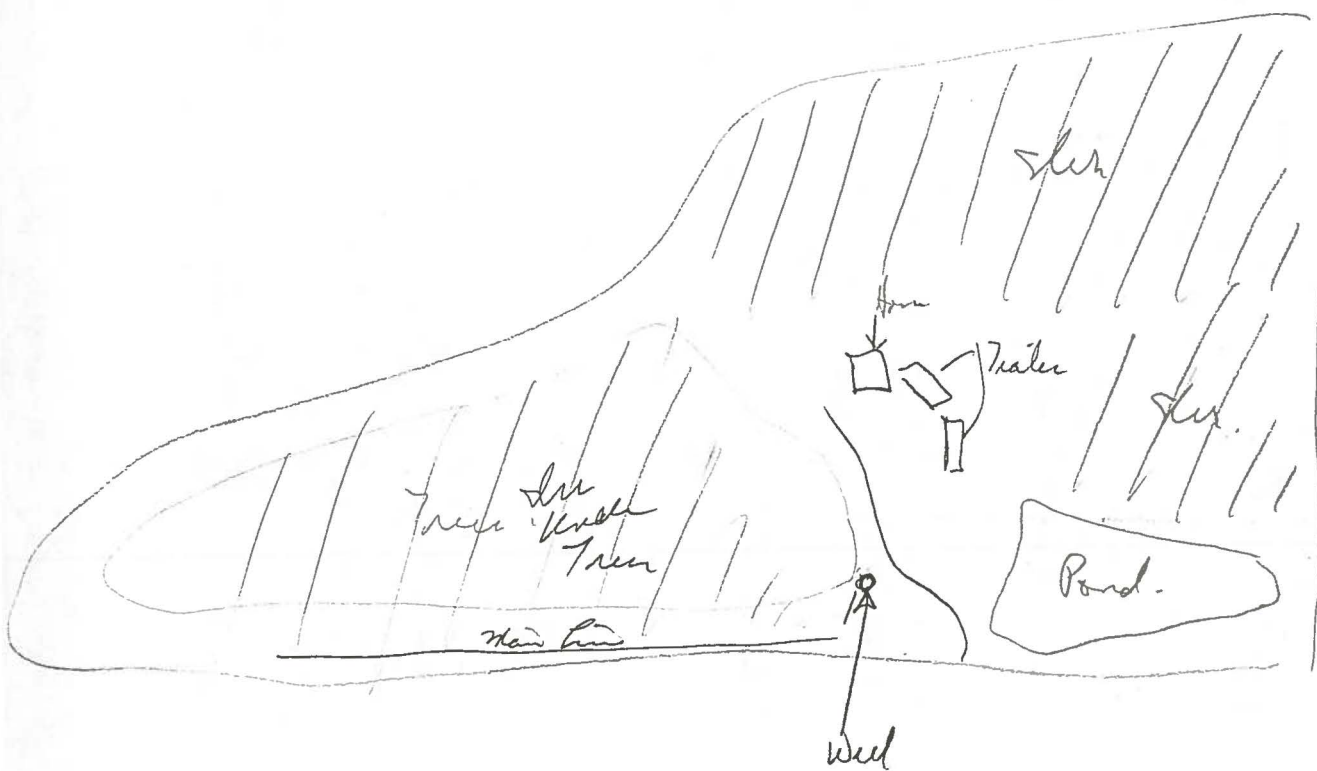
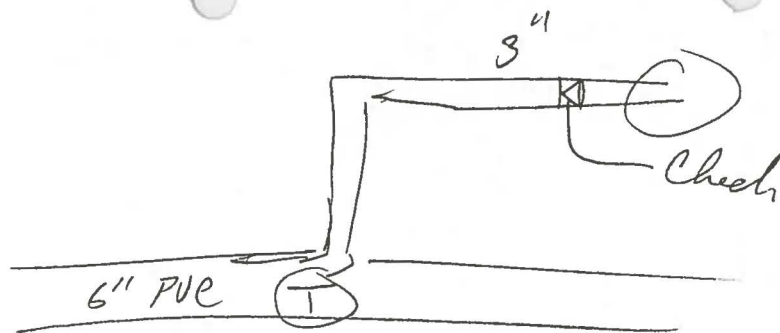
I. AUTHENTICATION

Field Examiner's Name SIMPKINS Date 1/28/98

Reviewer _____ Date _____

SEAL

MICROFILMED
SEP 21 1998



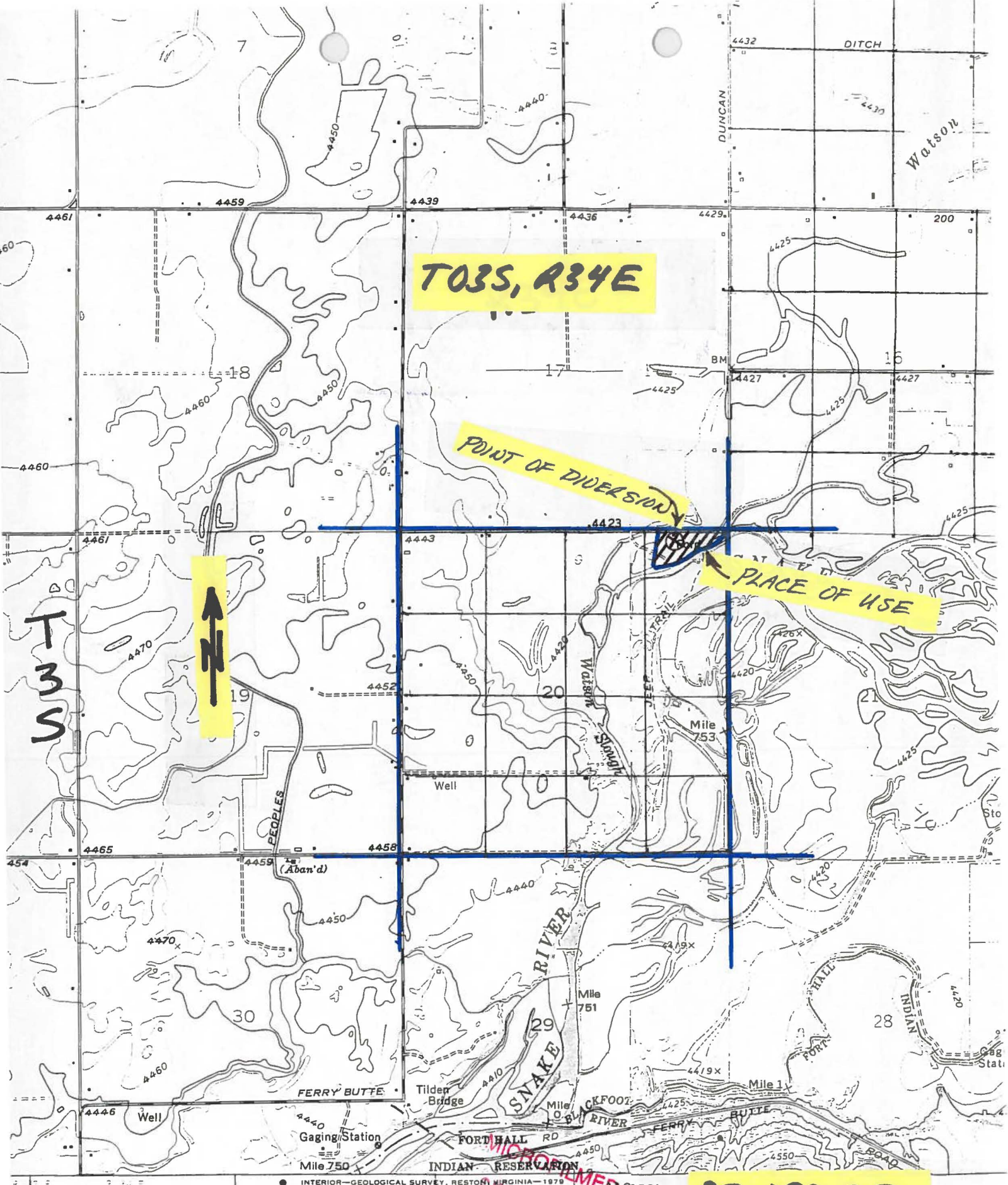
3" Main Line out of Well - Irrigation in ① Multiple Hose Bib off Main
 Submersible Pump. 7 1/2' Franklin ② Rain Barrel
 Simon Pressure Range 0-100 PSI

MICROFILMED
 SEP 21 1993

35-08802B

32-088058

RECEIVED
JUN 10 1964



T03S, R34E

POINT OF DIVERSION

PLACE OF USE

N

35-08802 B

RECEIVED
SEP 21 1998

ROAD CLASSIFICATION

Heavy-duty

Light-duty

Mappe

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial

geological S



RECEIVED
JAN 14 1978
MICROFILMED

217

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POND

POINT OF DIVERSION:

PLACE OF USE

T035, R34E

4. NH₂

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35-08802B

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T035, R34E

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MICROFILMED
SEP 21 1998

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35-08802B

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WILLIAM MARSHALL
IRRIGATION

15/3



VIEW OF
POINT OF
DIVERSION
AND
DISTRIBUTION
SYSTEM



PLACE OF
USE
GRASS +
TREES

MICROFILMED
SEP 21 1998

PERMIT
NUMBER

35-08802B

WILLIAM MARSHALL

IRRIGATION

25/3

VIEW
SOUTHEAST
PLACE OF
USE



VIEW SOUTH
PASTURE
AND
TREE ROW



MICROFILMED
SEP 21 1998

PERMIT
NUMBER

35-08802B

WILLIAM MARSHALL

IRRIGATION

353

VIEW OF
SOUTHEAST
PLACE OF
USE
PASTURE



MICROFILMED
SEP 21 1998

PERMIT
NUMBER

35-08802B



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

December 1, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

WILLIAM R MARSHAL
CHERYL A WHITAKER
4101 N OLD HWY 91 #36
POCATELLO ID 83204

RE: Permit No. 35-08802B

Dear Water Right Holder:

Enclosed is a copy of your approved Application for Amendment submitted in connection with the above referenced permit.

If you have any questions concerning this document, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jim Johnson', written over the typed name.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

RECEIVED

JAN 11 1994

AMENDMENT OF PERMIT REVIEW

Reviewer: Cindy Zimmerman

Date 11/16/93

APPLICATION / PERMIT NO. 35-8802B

TYPE OF CHANGE: P/D P/U +P/D NATURE OF USE SOURCE _____

AREA OF CONCERN: E.S.R.P. Mor + non-trust area

B/U PROOF DUE DATE: _____ (-) 6 months? _____ Submitted? 6/92

GROUNDWATER:

GT. 0.2 cfs - 01G
 LT. 0.2 cfs - NMR <flow chart>
 Drilling Permit No. -
 Not included - 046-46A (IRR)-46B, N/A (New Well)

SURFACE WATER: not in w/d - 01C (=GT.2 w/pump), NMR <flow chart>

LOCATION:

Water Districts - WD No. 01, N/A
 Surface water - 005, R04-01H (LT.2 w/pump)
 R04-01J (GT.2)
 Swan Falls Flag - (1, Blank or Other)
 Trust - 051-052-053 (Consumptive Uses)
 Non Trust <1> - 048-049

RIVER BASINS (Surface Water)

Boise (63) - 05A & 11E
 Payette (65) - 047, 059
 Snake (01, 02 & 03) - 11A (01), 061 (02/03 No W.D.Cond.)

USE:

Fish Propagation - 06A, 09E, or 010 (WQ/Choose One),
 042 (req.), 002 (MD), 07A (Spec.),
 044 (Policy 5G)
 Power - (Use Power Review)
 Mining - 06A, 010, or 09E & 054 (req.)
 Storage (3 comp?) - 18A-for multiple m/devices(In WD),
 18B (Size)
 Rec/Wildlf/Aes(store) - 027 (Non-Consumptive)
 Domestic - 021 (restricted areas & Boise R.
 upstream from Lucky Peak)
 27A (Payette R. & main tribs)

NON LAND OWNER - 004
 PROTEST AGREEMENT - 020

Recommended conditions same as on the permit or subsequent amendment(s) to the permit? Yes ✓ No _____ +cond ✓

Conditions of Approval: Standard, 046, 46A, 46B

Comments _____

MEMORANDUM

DATE: November 16, 1993
TO: File No. 35-08802B
FROM: Cindy Zimmerman^{C3}.
SUBJECT: Review of field exam for Amendment

=====

On June 3, 1992, proof of beneficial use was submitted stating 0.60 cfs for 30 acres of irrigation had been developed.

On September 30, 1993, Skip Jones of our Eastern Region office conducted a field exam on the original place of use of this permit. Skip found 23 acres had been developed for irrigation (23 A @ 0.02 cfs/A = 0.46 cfs). Of the 23 acres, 18 acres are located in Lot 8 (NWNE), 4 acres are located in Lot 9 (SWNE), and 1 acre is located in Lot 3 (SENW), S20, T03S, R34E.

Of the 23 irrigated acres developed, 0.18 cfs for 9 acres of irrigation located in Lot 8 (NWNE), S20, T03S, R34E was assigned to Daniel Polatis in June 1993 (Part C), leaving the original permit with a balance in Lot 8 of 0.18 cfs for 9 acres of irrigation. On August 23, 1993, an amendment to change the point of diversion for this portion was approved.

In June 1993, 0.10 cfs for 5 acres of irrigation located in Lot 8 (NWNE), S20, T03S, R34E was assigned to William R Marshall & Cheryl A Whitaker (Part B), leaving the original permit with a balance in Lot 8 of 0.08 cfs for 4 acres of irrigation.

The balance of the original permit (Part A) minus parts B and C would be 0.08 cfs for 4 acres of irrigation located within Lot 8 (NWNE), 0.08 cfs for 4 acres of irrigation located within Lot 9 (SWNE), and 0.02 cfs for 1 acres of irrigation located within Lot 3 (SENW), S20, T03S, R34E; totalling 0.18 cfs for 9 acres of irrigation.

Microfilm

JAN 11 1994

RECEIVED

OCT 13 1993

Department of Water Resources

FROM: H.W. JONES
TO: JIM JOHNSON
RE: PERMIT 35-08802 ON-SITE EXAM

ON SEPT. 30, 1993 I WENT ON SITE TO THE ORIGINAL PLACE OF USE FOR PERMIT 35-08802. THE ATTACHED MAP SHOWS THE LAND I FEEL WAS DEVELOPED UNDER THIS PERMIT. THE NORTH PIECE WAS THE AREA IN QUESTION FOR THE WILLIAM MARSHALL AMENDMENT. THE AREA HAS BEEN UNDER AGRICULTURE AND HAS A BURIED MAINLINE WITH 5 RISERS ON SITE. THIS WAS CONNECTED TO A PORTABLE MAINLINE FROM THE WELL.

THE NEW ACRES DEVELOPED WILL NOT TOTAL 30 ACRES. IN MY ESTIMATION THERE ARE 23 NEW ACRES IN THE THREE AREAS OUTLINED. THE 14 ACRE PIECE IS WHERE THE LOT DEVELOPEMENT IS, WITH 3 MOBILE HOMES ALREADY IN PLACE.

Hwj

RECEIVED

JAN 11 1994

34E

R35-07010
Verified in office 4-14-93
Drive-by 4-8-93
NAPP: CG.

NOT IN ORIGINAL
PERMIT or ANY
AMENDMENT

± 4A out of
original 12A
dec.
looks like it was
10A looks like it was
was never used up.

Under
Pilot
5 acres

NOT IN ORIGINAL
PERMIT BUT PROPOSED
WITH AMENDMENT OF
PART B.

± 9A out of original
10A developed.
see Part C

JAN 11 1994

MEMORANDUM

RECEIVED

SEP 24 1993

Department of Water Resources
Department of Water Resources
Eastern District Office
Eastern District Office

Date: September 21, 1993
From: Jim Johnson
To: Skip
Subject: Field Exam on Permit No. 35-08802

=====

This is the amendment of permit I talked to you about today. I will hold the amendment application here until the field exam is received. I don't know when you will be able to do it, but you will probably hear from Mr. Marshall soon. See my letter.

For your info. This permit has been split into three different ownerships and Mr. Marshall wants to change the location of his 5 acres as well as adding his own point of diversion.

The original permit holder identified a well that was also used under right no. 35-07010. There appears to be a channel separating the land covered by rt. 35-07010 and the land covered by rt. 35-08802 so I am not sure if the land was ever irrigated under rt. 35-08802. If not then we cannot approve the application for amendment.

Thanks for all your help Skip it is appreciated.

RECEIVED

JAN 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

September 21, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

William Marshall
4101 N Old Hwy 91 #36
Pocatello, Id
83204

RE: Application for amendment on permit no. 35-8802B

Dear Mr. Marshall;

I am in receipt of your application for amendment of the above referenced water right for review and approval. During my review I found that the permit you are proposing to amend has not yet had an field examination conducted to determine the extent that the permit has been developed. Without the field exam I cannot be absolutely sure that you have a water right to amend.

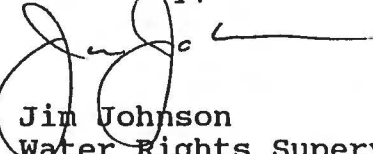
Therefore, I will not take any further action to process this application until I receive the results of the field examination.

Until the amendment is approved I must remind you that you are not authorized to begin irrigation on the lands identified on the amendment application.

I am requesting our Idaho Falls Office to put high priority scheduling the examination and I suggest that you contact them on their progress.

If you have any other questions please let me know.

Sincerely,



Jim Johnson
Water Rights Supervisor

c Harold Jones

232-7034
Discontinued
No plan at new trailer
at location of Amendment

RECEIVED

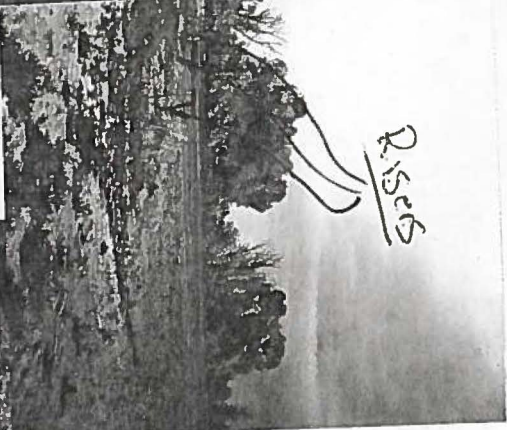
JAN 11 1994



35-08802 on-site exam

JAN 11 1994

9-30-93 HCJ



35-08802 on-site exam

9-30-93. HWJ

JAN 11 1994

MEMORANDUM

Date: September 21, 1993
From: Jim Johnson
To: Skip
Subject: Field Exam on Permit No. 35-08802E

=====

This is the amendment of permit I talked to you about today. I will hold the amendment application here until the field exam is received. I don't know when you will be able to do it, but you will probably hear from Mr. Marshall soon. See my letter.

For your info. This permit has been split into three different ownerships and Mr. Marshall wants to change the location of his 5 acres as well as adding his own point of diversion.

The original permit holder identified a well that was also used under right no. 35-07010. There appears to be a channel separating the land covered by rt. 35-07010 and the land covered by rt. 35-08802 so I am not sure if the land was ever irrigated under rt. 35-08802. If not then we cannot approve the application for amendment.

Thanks for all your help Skip it is appreciated.

RECORDED

JAN 11 1994

FROM

Glen

DATE

9-14-93

TO

Tim

SUBJECT

- I need further explain on this amendment.

- proof was filed for all of permit in June 92. Pl Use being NWNE (lot 8) & SWNE (lot 9) Sec 20, T3S, R34E.

- In June 1993, a portion of permit is assigned to Marshall & Whittaker

- In Sept 93, Marshall & Whittaker want to amend p.d. & pl. n. of the

SIGNATURE

TO

portion assigned to them.

SUBJECT

- What has happened to the Ben Use on the original place of use for which proof was filed? Plz document file. Status of field exam?

SIGNATURE



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

September 21, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

William Marshall
4101 N Old Hwy 91 #36
Pocatello, Id
83204

RE: Application for amendment on permit no. 35-8802B

Dear Mr. Marshall;

I am in receipt of your application for amendment of the above referenced water right for review and approval. During my review I found that the permit you are proposing to amend has not yet had an field examination conducted to determine the extent that the permit has been developed. Without the field exam I cannot be absolutely sure that you have a water right to amend.

Therefore, I will not take any further action to process this application until I receive the results of the field examination.

Until the amendment is approved I must remind you that you are not authorized to begin irrigation on the lands identified on the amendment application.

I am requesting our Idaho Falls Office to put high priority scheduling the examination and I suggest that you contact them on their progress.

If you have any other questions please let me know.

Sincerely,

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

Jim Johnson
Water Rights Supervisor

c Harold Jones

RECEIVED

JAN 11 1994

7-12-93 -HWT

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: HWT

Right Number 35-08802 Applicant Whitaker; Marshall

Purpose of Amendment: ☒ Change point of diversion. ☐ Add diversion point(s).
☐ Increase amount. ☒ Change place of use. ☐ Other _____

CHECK:

- ☒ Description of amended point(s) of diversion.
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Description of amended places of use. If expanded, delay date of priority.
- ☒ Ownership of point of diversion and place of use.
- ☒ Map.
- ☒ Signature (must be permit holder).
- ☒ Fee.
- ☐ Existing water rights from the same source, amended place of use.
- ☒ Right number(s) NA
- ☒ Yes ☐ No Should amendment be advertised?
- ☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Amendment published correctly.
- ☐ Protests processed.
- ☒ Approve.
- ☐ Deny.

Conditions _____

By HWT Date 8-30-93

RECEIVED
SEP 02 1993

Department of Water Resources

STATE OFFICE PROCESSING: Amendment on hold until field exam complete 9/21/93 cz.
☒ Amendment correct and complete. By CZ Date 9/9/93 11/16/93
☐ Approved copy sent to applicant and to Region. By CZ Date 12/2/93

8-23-93

DEPT. OF WATER RESOURCES
900 N. Skyline Dr.
Idaho Falls, Idaho 83402-1718
(208) 525-7161
Fax: (208) 525-7177

NOTICE OF PROPOSED
AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 35-08802 in the name of Larry & Paunie VanOrden and Daniel & LaJune Thomas, Blackfoot, Idaho, was issued for the diversion of .32 cfs of water from a ground-water source with the point of diversion within the NWNENW, Lot 2, Sec. 20, T03S, R34E, BINGHAM County; to be used for irrigation of 16 acres of land within the NWNE, (Lot 8), SWNE (Lot 9) Sec. 20, T03S, R34E, B.M.

The permit holder now proposes to amend the permit, changing the name to Cheryl A. Whitaker and William R. Marshall, Pocatello, Idaho, and point of diversion and place of use. The water will be diverted from within the NENE, Sec. 20, T03S, R34E, Bingham County and used to irrigate 5 acres of land from the

NENE, Sec. 20, T03S, R34E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 900 N. Skyline, Idaho Falls, Idaho, 83401, on or before August 23, 1993.

R. KEITH HIGGINSON
Director

(1857)
Pub.: 8/6, 13

Legals

AFFIDAVIT OF
PUBLICATION

County of Bingham)
State of Idaho) ss
I, KAYE MOSES do
solemnly

swear that I am the Publisher of
The Morning News, which is a daily news-
paper of general circulation, published
each day except Sunday at Blackfoot,
Bingham County, Idaho, said newspaper
having been so published at Blackfoot,
aforesaid for more than one year past;
that said newspaper heretofore complied
with all the provisions of Chapter 154 of
the Sessions Laws of Idaho of 1911, ap-
proved March 11, 1911, and duly desig-
nated, pursuant to law, a particular day
of the week as the day on which legal no-
tices required by law or by the order of
any Court of competent jurisdiction within
the State of Idaho shall be published to-
wit: of each week; that the notice at-
tached hereto and which is a part of this
affidavit and part of the proof of publi-
cation was published in said issue of said
newspaper 2 consecutive weeks
the first publication having been made on
the 6th day of August,
1993 and the last publication having
been made on the 13th day of
August, 1993; that said notice
was published in the regular and entire
issue of every number of the paper as
aforesaid during the period and time of
publication, and that notice was pub-
lished in the newspaper and not in a sup-
plement.

Kaye Moses
On this 29th day of August,
in the year 1993, before me a Notary
Public of said State, personally appeared
Kaye Moses

known or identified to me to be the per-
son whose name is subscribed to the with-
in instrument, and being by me first duly
sworn, declared that the statements
therein are true, and acknowledged to
me that She executed the same.

Patricia H. Johnson

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:
October 10, 1994

Affidavit Processing Fee. \$5.00

JAN 11 1994

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 35-08802 in the name of Larry & Paunie VanOrden and Daniel & LaJune Thomas, Blackfoot, ID, was issued for the diversion of .32 cfs of water from a groundwater source with the point of diversion within the NWNENW LOT 2 SEC 20 T03S R34E, BINGHAM COUNTY; to be used for irrigation of 16 acres of land within the NWNE (LOT 8) SWNE (LOT 9) SEC 20 T03S R34E, B.M.

The permit holder now proposes to amend the permit, changing the name to Cheryl A. Whitaker and William R. Marshall, Pocatello, ID, and point of diversion & place of use. The water will be diverted from within the NENE SEC 20 T03S R34E, Bingham County and used to irrigate 5 acres of land from the NENE SEC 20 T03S R34E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 900 N. Skyline, Idaho Falls, ID 83401, on or before August 23, 1993.

R. Keith Higginson

Director

Published in the Moring News on August 6 & 13, 1993.

JAN 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

JUNE 30, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

WILLIAM R MARSHALL
CHERYL A WHITAKER
4101 N OLD HIGHWAY 91, #36
POCATELLO ID 83204

Re: Permit No. 35-08802B

Dear Permit Holder(s):

We acknowledge receipt of the correspondence assigning this portion of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the printed name.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

RECEIVED
JUL 02 1993