

IDAHO DEPARTMENT OF WATER RESOURCE  
WATER RIGHTS NUMBER INDEXDATE: 06/24/98  
PAGE: 1WATER RIGHT  
NUMBER

NAME

CFS

29-07931

Right split into parts A and B by assignment of permit.

29-07931A WARD &amp; SONS CO INC

7.85

~~29-07931B FITCH, LARRY~~~~FITCH, TODD D~~~~1.15~~

LAPSED

MICROFILMED  
JUN 25 1998

1 PART B

1 PART A

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

|                             |   |                      |
|-----------------------------|---|----------------------|
| IN THE MATTER OF PERMIT NO. | ) | <b>ORDER OF</b>      |
| 29-07931A IN THE NAME OF    | ) | <b>REINSTATEMENT</b> |
| WARD & SONS CO., INC.       | ) |                      |
| _____                       | ) |                      |

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use ("proof of beneficial use") be submitted to the Department on or before February 1, 2000; and,

WHEREAS, the Department notified the permit holder on November 30, 1999, by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

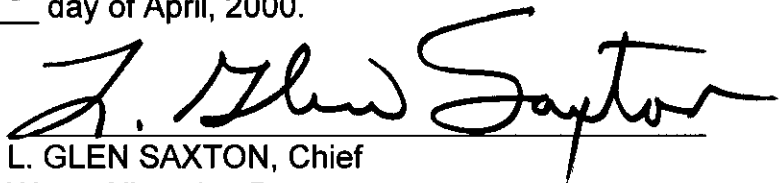
WHEREAS, since the permit holder had not submitted an acceptable proof of beneficial use or request for extension of time to the Department on or before the February 1, 2000 deadline, the permit lapsed; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting an acceptable proof of beneficial use on February 16, 2000;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 29-07931A is **REINSTATED** with an advance in priority to March 30, 1990.

DATED this 7<sup>th</sup> day of April, 2000.

  
L. GLEN SAXTON, Chief  
Water Allocation Bureau

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APR 17 2000

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FEB 16 2000

Department of Water Resources

STATE OF IDAHO  
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 be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 29-07931A Telephone No. 208-335-2263

2. Name of Permit Holder(s): WARD & SONS CO. INC.

3. Mailing Address: 5336 ARBON HWY.

City ARBON State ID Zip 83212

4. Source of Water: Well If **GROUNDWATER** (well), Date Drilled: mo. 11/12 1 yr. 80

a. Well Driller: Cushman Drilling Drilling Permit Number: Applied For Drilled before permit was required

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): \_\_\_\_\_ Stockwater (No. and type of stock): 320 cattle 60 horses

Irrigation (No. of acres): 420 Other: \_\_\_\_\_

6. Total rate of diversion and/or volume for which proof is submitted: 2.85 cfs OR \_\_\_\_\_ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes \_\_\_\_\_ or No \_\_\_\_\_

Has the measuring device been installed?

Yes X or No \_\_\_\_\_

8. Fee Enclosed: \$ 275.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: VANCE E. WARD Telephone Number: 208-335-2263

Address: 5336 ARBON HWY ARBON, IDAHO 83212

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Vance E. Ward Pres. Date: Feb. 7, 2000  
(include your title, if on behalf of company of organization)

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APR 17 2000

/ ORIGINAL

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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JAN 15 1998

REQUEST FOR EXTENSION OF TIME  
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF  
BENEFICIAL USE FOR A WATER RIGHT PERMIT

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 29-07931

Name(s) of Permit Holder: WARD & SONS CO., INC.

Mailing Address: 5336 ARBON Hwy. ARBON, ID 83212

Date Proof is Due: February 1, 1998 Telephone No. 208-335-2263

Describe what work has been completed toward the development of this water right:  
(This must be filled out! If no work has been completed, show "none".)

Please see ATTACHED letter.

Costing \$ 150,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Please see ATTACHED letter

Permit holder(s) request an extension to Feb. 1, 2001.

FEE: \$50.00

James E. Ward  
(Signature)\*

\*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to February 1, 2000.

MICROFILMED

FEB 10 1998

Signed this 9<sup>th</sup> day of February, 19 98

J. Glen Saylor  
Chief, Water Allocation Bureau

Ward & Sons Co., Inc.  
5336 Arbon Hwy  
Arbon ID 83212  
1-208-335-2263  
January 9 1998

State of Idaho  
Department of Water Resources  
1301 North Orchard Street  
P.O. Box 83720  
Boise ID 83720-0098

Dear Sirs:

I am writhing in regard to water permit #29-07931. We would like to request an extension of time. *~ 1994*

A well has been dug 350 ft. with 20 in. casing and upon testing produced 3000 gal. per minute with a 195 ft. draw down. The pump and 4,865.00 ft. of 12 in. has been installed. Also in the last three years we have purchased and installed 1385 ft. of 8 in. under ground main line with risers every 50 ft., 1100 ft. of 10 in., 1750 ft. of 6 in. aluminum main line with risers, and three 1/4 mile hand lines. So far we have a cost of \$150,000.00 into this project. We have currently been using the three hand lines to irrigate 75 acres of ground under this permit. The rest of the water is being pumped to an existing system where we have had well problems.

The well we have had problems with had broke in a welding seam and ~~and~~ and and pea gravel to fill the casing. We then had the well cleaned and but 120 ft. of 16 in. casing inside the existing 20 in. casing, then flared it out on the bottom in order to have a good seal. Then they continued to clean the well with a rotary rig, which apparently caught on the casing tearing it at 195 ft.. Because when the bowls were install they could not get them passed this point so they were pulled back out and a camera was run down the well that showed it had been torn. So another well driller came who thought he could torpedo the casing back into place. After he was finished we run a camera down the well to see if it had corrected the problem, but instead it broke the casing and collapsed the well at the 195 ft. level. The well was orginally 710 ft. and the draw down level was 265 ft.. The only choice we felt we had after several thousand dollars were spent on this effort was to drill a new well.

The new well was drilled with a rotary rig, a 30 in. hole was drilled then cased with stainless steel sand screen and packed with pea gravel around the outside of the casing to avoid the problems with sand that we were having with the other well. We then proceeded to have the well tested which end up not producing any water.

MICROFILMED

FEB 10 1998

It was decided we would have to move to the well under this permit and install over 4,800 ft. of main line and pump the water to that system in an effort to save the crops. By the time this was all completed the crop had failed. Ending up with a dry well and a crop fail set us back several more thousand dollars.

We are trying , with diligence to correct the existing problems. At times this seems very difficult, do to changing weather patterns, which include years with frost, drought. Which cause a substantial lose in revenue. Also the now very low price in the grain market has a tremendous effect on how fast it is possible to move ahead. Are plans or to install a pivot and five wheel lines in addition to the three hand lines now in use on this permit.

I feel we can accomplish this if given a reasonable amount of time to obtain the resources. There for we would ask for an extension of three years to totally complete this project. Your considcration on the matter would be very much appreciate.

Sincerely

*Vance E. Ward*

Vance E. Ward

RECORDED

FEB 10 1958

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF APPLICATION)  
FOR AMENDMENT OF PERMIT NO. )  
29-07931 IN THE NAME OF WARD)  
AND SONS, INC. )  
\_\_\_\_\_ )

**ORDER DENYING  
PETITION FOR RECONSIDERATION  
AND ISSUING FINAL ORDER**

On March 6, 1995, the Department of Water Resources (department) issued a Preliminary Order denying an application for amendment of Permit No. 29-07931 submitted in the name of Ward and Sons, Inc. (applicant). On March 17, 1995, the applicant submitted a Petition for Reconsideration (petition) to the department.

The department has reviewed the petition and responds to it as follows:

1. On January 22, 1991, the department issued Permit No. 29-07931 to the applicant authorizing the diversion and use of ground water within Section 36, T11S, R33E, B.M., in Power County.
2. On April 30, 1993, the department issued an Amended Moratorium Order related to surface water and ground water within the Eastern Snake River Plain (ESRP) area due to past years of drought and declining ground water levels within the area. In 1994, the Idaho Legislature enacted Section 42-1806, Idaho Code, providing that the director's moratorium is "... approved and confirmed and shall remain in effect until December 31, 1997".
3. The boundaries of the ESRP area is defined in the report, Hydrology and Digital Simulation of the Regional Aquifer, Eastern Snake River Plain, Idaho, USGS Professional Paper 1408-F, 1992. The Rules for Conjunctive Management of Surface and Ground Water Resources IDAPA 37.03.11 promulgated by the department finds that the Eastern Snake River Plain Aquifer is an area having a common ground water supply.
4. On December 15, 1994, the applicant filed an application for amendment proposing to change the point of diversion of part of Permit No. 29-07931 from outside the boundaries of the ESRP area to within it. The proposed new point of diversion was located in Section 22, T8S, R30E, B.M. approximately thirty (30) miles north of the original point of diversion. Such a proposal is no different than seeking a new use within the ESRP area.

*Mirrored*

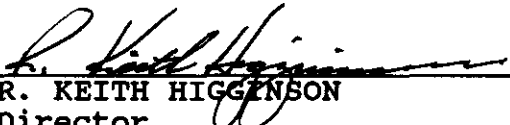
MAY 16 1995

5. The expenditure of funds by the applicant on the original project is not a basis for approving an amendment that allows a different project to be initiated thirty (30) miles distant.

6. The department has denied proposed transfers of licenses with point of diversion outside the ESRP area which propose to move a point of diversion into the ESRP area.

IT IS, THEREFORE, ORDERED that the applicant's Petition for Reconsideration of Preliminary Order is hereby **DENIED**.

Dated this 4<sup>TH</sup> day of APRIL, 1995.

  
R. KEITH HIGGINSON  
Director

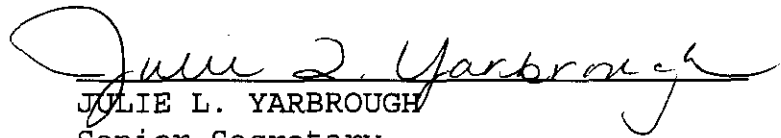
**MICROFILMED**  
MAY 16 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 5<sup>th</sup> day of April, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing **FINAL ORDER** to the following:

Ward and Sons Co., Inc.  
5336 Arbon Hwy  
Arbon, ID 83212

Kent Foster  
HOLDEN KIDWELL HAHN  
& CRAPO  
330 Shoup Ave. 3rd Floor  
P.O. Box 50130  
Idaho Falls, ID 83405

  
JULIE L. YARBROUGH  
Senior Secretary

MICROFILMED  
MAY 16 1995

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

|                                |                           |
|--------------------------------|---------------------------|
| IN THE MATTER OF APPLICATION ) |                           |
| FOR AMENDMENT OF PERMIT NO. )  |                           |
| 29-07931 IN THE NAME OF WARD ) | PRELIMINARY ORDER DENYING |
| AND SONS CO., INC. )           | APPLICATION FOR AMENDMENT |
|                                | OF PERMIT                 |

This matter having come before the Department of Water Resources (Department) as a result of an Application for Amendment of a Permit, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On March 15, 1990, Ward and Sons Co., Inc., (permit holder) applied to the Department for a permit to appropriate 9.0 cubic feet per second of groundwater for irrigation and stockwater purposes in Power County.

2. On January 22, 1991, the Department approved the application, which was numbered 29-07931. One of the conditions of approval required that proof of construction of works and application of water to beneficial use be submitted on or before February 1, 1995.

3. On November 3, 1994, the permit holder applied to the Department for an extension of time to submit proof of beneficial use for Permit No. 29-07931.

**RECORDED**  
**MAY 16 1995**

4. On December 6, 1994, the Department approved the request for extension of time to submit proof of beneficial use, extending the time until February 1, 1998.

5. On December 15, 1994, the permit holder applied to the Department to amend Permit No. 29-07931 to add a point of diversion at NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 22, Township 8 South, Range 30 East, to divert groundwater for irrigation purposes. The application also proposes to move 75 acres of the place of use to lands within Section 22, Township 8 South, Range 30 East. The proposed new location is approximately 30 miles northwest of the original place of use.

6. The new point of diversion and place of use proposed by the permit holder is within the boundaries of the Eastern Snake River Plain Aquifer.

7. On November 9, 1994, the Director of the Department of Water Resources (Director) issued an Order for Temporary Stay of Development and Notice of Formal Proceedings (Temporary Stay Order) in the Matter of Approved Permits for the Appropriation of Ground Water from the Eastern Snake River Plain Aquifer for which Proof of Beneficial Use Has Not Been Submitted and Is Not Past Due. In this order the Director concluded that:

Protection of prior rights to the diversion and use of surface and ground water of the Eastern Snake River Plain Aquifer and the Snake River may require that the further development of water under existing undeveloped permits be suspended indefinitely to assure that the

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MAY 16 1995

effects and conditions caused by drought, changes in irrigation practices and resulting aquifer recharge, and diversion and use of ground water from the aquifer under prior established water rights are properly evaluated.

8. Development under existing permits within the boundaries of the Eastern Snake River Plain Aquifer is being curtailed until impacts of further development on existing water rights can be evaluated.

9. On May 15, 1992, the Director established a moratorium on issuance of permits for consumptive uses of water within the Snake River Basin upstream from Weiser, Idaho.

10. Pursuant to the Amended Moratorium Order in the Matter of Applications for Permits for the Diversion and Use of Surface and Ground Water within the Eastern Snake River Plain Area and the Boise River Drainage Area, applications for new consumptive uses of water within the Eastern Snake River Plain Aquifer are being held indefinitely without approval.

#### CONCLUSIONS OF LAW

1. Under the provisions of Section 42-211, Idaho Code, the Department may deny an application for amendment of a permit if approving the amendment will adversely affect the rights of others.

2. In his Temporary Stay Order, the Director found that further development of the ground water resource in the Eastern

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MAY 16 1995

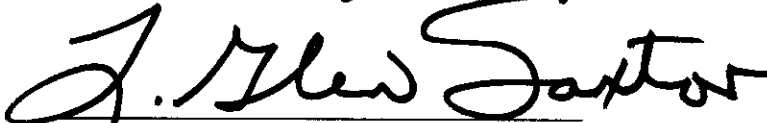
Snake River Plain Aquifer may adversely impact existing water rights.

3. The Department should deny the application to amend Permit No. 29-07931 submitted by the permit holder.

ORDER

IT IS HEREBY ORDERED that the application to amend Permit No. 29-07931 submitted by Ward and Sons Co., Inc., is **DENIED** pursuant to Section 42-211, Idaho Code.

Dated this 6<sup>th</sup> day of March, 1995.



L. GLEN SAXTON, Chief  
Water Allocation Bureau

**MICROFILMED**  
**MAY 16 1995**

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NOV 03 1994  
Department of Water Resources  
Eastern District Office

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**REQUEST FOR EXTENSION OF TIME**  
**TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF**  
**BENEFICIAL USE FOR A WATER RIGHT PERMIT**

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 29-07931

Name(s) of Permit Holder: WARD & SONS CO. INC.

Mailing Address: 5336 ARBON Hwy. ARBON, IDAHO 83212

Date Proof is Due: Feb. 1, 1995 Telephone No. 208-335-2263

Describe what work has been completed toward the development of this water right:  
(This must be filled out! If no work has been completed, show "none".)

a well has been dug 350' with 20' casing installed

Costing \$ 26,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

We have had losses on 3000" of softwood in 1993 due to frost (Total Loss)  
and 1600" of spring wheat in 1994 due to drought. plus the expense  
of drill a well to replace one that was in service and was collapsed while  
they were cleaning it out. More attached

Permit holder(s) request an extension to Feb. 1, 2000

FEE: \$50.00

Vance E. Ward Pres. (Oct. 31, 1994)  
(Signature)\*

\*If other than permit holder, Power of Attorney must be supplied.

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use extended to February 1, 1998.

Signed this 6<sup>th</sup> day of December, 19 94  
DEC 29 1994

J. Glen Saylor  
Chief, Water Allocation Bureau

State of Idaho  
Department of Water Resources  
**Permit To Appropriate Water**

NO. 29-07931

Proposed Priority: March 15, 1990      Maximum Diversion Rate: 9.00 CFS  
This is to certify, that **WARD & SONS CO., INC.**  
5336 ARBON HWY.  
ARBON, ID 83212

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            | 03/15 to 11/15       | 9.00 CFS                 |
| STOCKWATER            | 01/01 to 12/31       | 0.07 CFS                 |
| Totals                |                      | 9.00 CFS                 |

LOCATION OF POINT(S) OF DIVERSION:      NWNWSW      Sec. 36, Township 11S, Range 33E  
POWER County

| <u>PLACE OF USE:</u>             | <u>IRRIGATION</u> |            |              |              |              |              |
|----------------------------------|-------------------|------------|--------------|--------------|--------------|--------------|
| <u>TWN</u>                       | <u>RGE</u>        | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
| 11S                              | 33E               | 35         | NENE 39      | NWNE 40      | SWNE 40      |              |
|                                  |                   |            | SENE 37      | ✓ NESE 39    | ✓ NWSE 40    |              |
|                                  |                   |            | SWSE 39      | ✓ SESE 39    |              | 313          |
|                                  | 36                |            | NESW 40      | NWSW 39      | SWSW 39      |              |
|                                  |                   |            | SESW 39      | NESE 39      | NWSE 40      |              |
|                                  |                   |            | SWSE 39      | SESE 39      |              | 314          |
| Total number of acres irrigated: |                   |            |              |              |              | 627          |

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1995.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. A flow measurement port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

**RECORDED**

JAN 26 1991

State of Idaho  
Department of Water Resources**Permit To Appropriate Water**

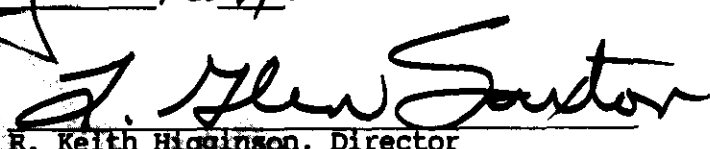
NO. 29-07931

CONDITIONS/REMARKS:

6. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
9. Stockwater use is for 300 range cattle.

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

22<sup>nd</sup> day of January, 1991.

*for*   
R. Keith Higginson, Director

**MICROFILMED**

JAN 28 1991

12, 1990

29~7931

Form 202  
6/85

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

Ident. No. \_\_\_\_\_

To appropriate the public waters of the State of Idaho

1. Name of applicant Ward & Sons Co. Inc. Phone 208 385 2262  
Post office address 5336 Arbon Hwy Arbon Idaho 83212

2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_

3. Location of point of diversion is NW 1/4 of NW 1/4 of SW 1/4, Govt. Lot \_\_\_\_\_  
Sec. 36 Township 11s Range 33E B.M. Power County; additional  
points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 9.0 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)  
(cfs ~~\_\_\_\_\_~~)

Amount .07 for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs ~~\_\_\_\_\_~~)

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 is (a) 9.0 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well with sprinkler system  
and stock troughs.

b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet; period of year when water will be diverted to storage:  
\_\_\_\_\_ to \_\_\_\_\_ inclusive.

c. Proposed well diameter is 20 inches; proposed depth of well is 350 feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water for beneficial use is  
5 years (minimum 1 year).

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JAN 28 1991

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- b. Stockwatering; list number and kind of livestock. 300 head beef Cattle
- c. Municipal; show name of municipality. \_\_\_\_\_
- d. Domestic; show number of households. \_\_\_\_\_
- e. Other; describe fully. \_\_\_\_\_

9. Description of place of use:

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

| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 11s | 33E   | 36   |     |     |     |     |     |     |     |     | 40  | 39  | 39  | 39  | 39  | 40  | 39  | 39  | 314    |
|     |       | 35   | 39  | 40  | 40  | 37  |     |     |     |     |     |     |     |     | 39  | 40  | 39  | 39  | 313    |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 627

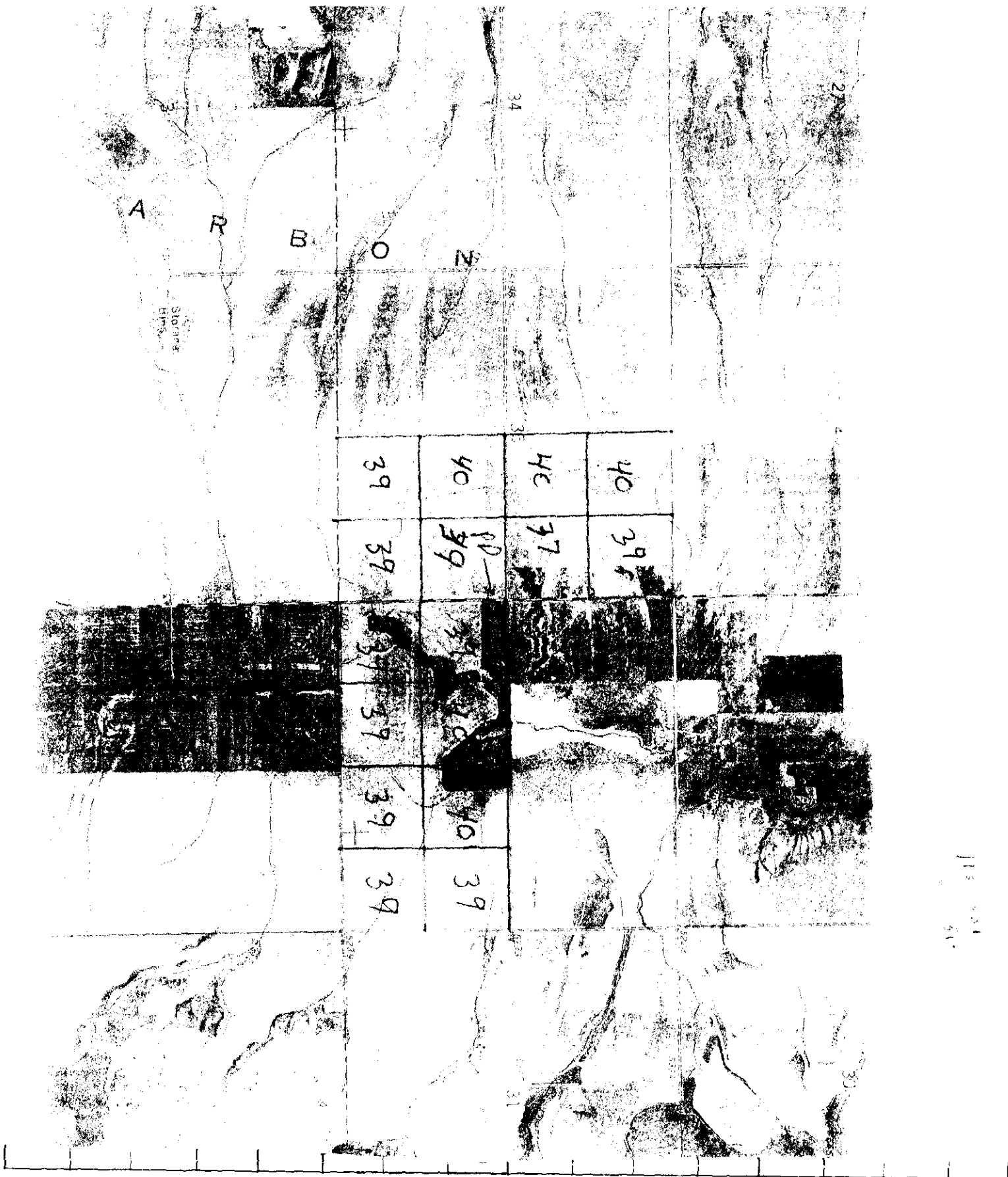
10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? App.
- b. Who owns the land to be irrigated or place of use? 11
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. \_\_\_\_\_

12. Remarks: Vance E. Ward Pres.  
Darrel Ward U.P.  
To Ann Ward Sec.  
Elmer Ward & Tron.

**RECORDED**

JAN 20 1971



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.

*James E. Wolf*  
(Applicant)

Received by AW Date 3-15-90 Time 11:00A Preliminary check by KW  
Fee \$ 205.00 Receipted by HWT # E012386 Date 3-16-90  
Publication prepared by RB Date 5-12-24-90 Published in Powder County Press  
Publication approved RB Date 6-5-90

### 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. \_\_\_\_\_, and said application is hereby \_\_\_\_\_.

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 \_\_\_\_\_, 19 \_\_\_\_.
- 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. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

**MICROFILMED**

JAN 28 1991

# Public Notices

## Application for water right

Published in The Power County Press,  
May, 16, 23, 1990.

### NOTICE OF APPLICATION FOR WATER RIGHT

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

29-07929

CURRY, RICHARD  
CURRY, BILL  
CURRY, DEANNA  
CURRY, REX  
P.O BOX 21  
ARBON, ID 83212

Source: SPRING  
Tributary: SINKS

Diversion Pt: SESWSW Sec 32 T 10S  
R 33E

Use: STOCKWATER (.030 CFS)  
Total Diversion: (.030 CFS)

Date Filed: 3/8/1990

In: T10S R33E S02 SWSW

29-07931

WARD & SONS CO., INC.  
5336 ARBON HWY.  
ARBON, ID 83212

Source: GROUNDWATER

Diversion Pt: NWNWSW Sec 36 T  
11S R 33E

Use: IRRIGATION (9.000 CFS)  
STOCKWATER (.070 CFS)  
Total Diversion: (9.000 CFS)

Date Filed: 3/15/1990

In: T11S R33E S35 NENE NWNE  
SWNE SENE  
NESE NWSE SWSE SESE  
S36 NESW NWSW SWSW SESW  
NESE NWSE SWSE SESE  
627.0 ACRES TOTAL

29-07932

MILLS, DONALD V.  
MILLS, DIANA  
1743 FALCON CIRCLE NORTH  
POCATELLO, ID 83204

Source: GROUNDWATER

Diversion Pt: NWNWSE Sec 6 T 06S  
R 33E

Use: IRRIGATION (.060 CFS)  
STOCKWATER (.020 CFS)  
DOMESTIC (.020 CFS)  
Total Diversion: (.100 CFS)

Date Filed: 3/15/1990

In: T06S R33E S06 NWSE  
3.0 ACRES TOTAL

29-07934

PEEK, JAMES E.  
PEEK, CONNIE  
1324 SYPHON RD.  
POCATELLO, ID 83202

Source: GROUNDWATER

Diversion Pt: NWNENE Sec 2 T 06S  
R 33E

Use: IRRIGATION (.060 CFS)  
STOCKWATER (.050 CFS)  
COMMERCIAL (.020 CFS)  
DOMESTIC (.040 CFS)  
Total Diversion: (.170 CFS)

Date Filed: 3/14/1990

In: T06S R33E S02 NENE  
2.0 ACRES TOTAL

29-07937

SLIM PICKENS FARM  
2677 KOPP RD.  
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: SWSWSW Sec 14 T 07S  
R 31E

Use: IRRIGATION (.130 CFS)  
Total Diversion: (.130 CFS)

Date Filed: 3/15/1990

In: T06S R33E S02 NENE  
6.4 ACRES TOTAL

Use: COMMERCIAL (.020 CFS)  
DOMESTIC (.020 CFS)  
Total Diversion: (.040 CFS)

Date Filed: 3/16/1990

In: T10S R33E S11 SENE

35-08885

BURGEMEISTER FARMS LTD.  
3660 S. PLEASANT VALLEY RD.  
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: SWNESW Sec 24 T 07S  
R 29E

Use: IRRIGATION (.680 CFS)  
Total Diversion: (.680 CFS)

Date Filed: 3/7/1990

In: T07S R29E S24 SWSW  
34.0 ACRES TOTAL

35-08886

SIEBEL, WALTER  
3104 LAMB WESTON RD.  
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: NENWNW Sec 36 T 07S  
R 30E

Use: IRRIGATION (4.800 CFS) (4.80  
AF)  
Total Diversion: (4.800 CFS)

Date Filed: 1/30/1990

In: T07S R30E S35 NENE SENE  
S36 NENW NWNW SWNW SENW  
240.0 ACRES TOTAL

35-08889

ALLEN, JOE F.  
2801 VOLLMER LOOP  
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: NESENW Sec 5 T 07S R  
30E

Use: IRRIGATION (1.020 CFS)  
Total Diversion: (1.020 CFS)

Date Filed: 3/16/1990

In: T07S R30E S05 Lot 2 (NWNE)  
SWNE Lot 3 (NENW) Lot 4  
(NWNW)  
SWNW SENW NESW NWSW  
293.0 ACRES TOTAL

35-08890

ALLEN, JOE F.  
2801 VOLLMER LOOP  
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: NESWSE Sec 7 T 07S R  
30E

Use: IRRIGATION (.360 CFS)  
Total Diversion: (.360 CFS)

Date Filed: 3/16/1990

In: T07S R30E S07 NESE NWSE  
SWSE SESE  
157.0 ACRES TOTAL

35-08891

HUNT, KAY  
HUNT, BETTE  
P.O. BOX 187  
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: SESESW Sec 21 T 08S R  
29E

Use: COMMERCIAL (.040 CFS)  
Total Diversion: (.040 CFS)

Date Filed: 3/14/1990

In: T08S R29E S21 SESW

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 JUNE 4, 1990.

**MICROFILMED**

JAN 28 1991

LAPSED

Part B

PART A

## A. GENERAL INFORMATION

Permit No. 29-07931A

1. Owner: Ward & Sons Co Inc Phone No. 335-2263

Current Address: 5336 ARBON Hwy Arbon Ia 83212

2. Accompanied by: Vance Ward EXAM DATE: 10/4/2000

Address: <Same> Phone No. <Same>

Relationship to Permit Holder: Owner

3. Source: GROUNDWATER tributary to \_\_\_\_\_

## B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

### C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion: NO GOV LOTS

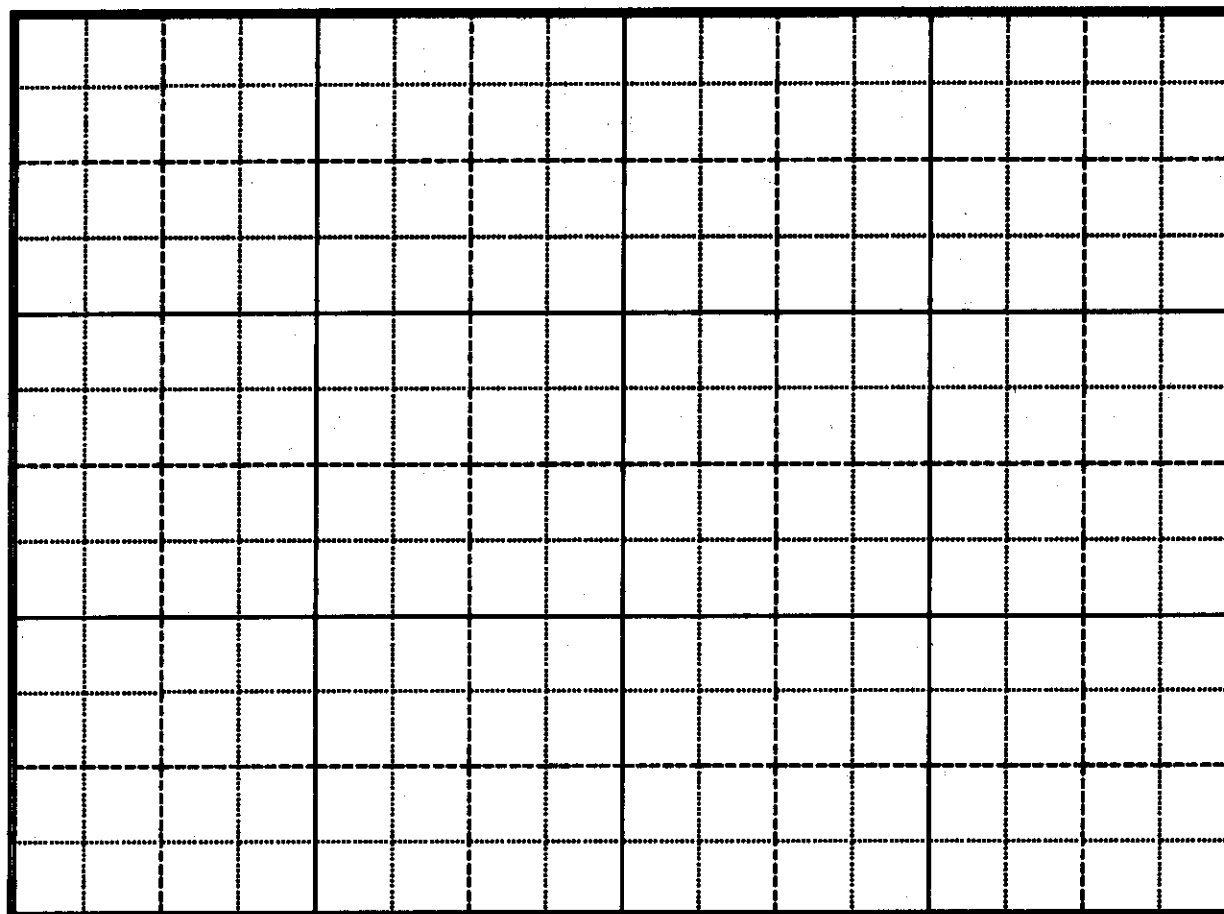
[illegible]

2. Place(s) of Use: No Gov Lots

Indicate Method of Determination FSA Area / on site

[illegible]

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 |
|---------------------------------------|------------|-----|------------------|----------------------------|-----------------------------------|
|                                       | Catapiller | 365 | 6741744          | Johnston                   | 12"                               |
|                                       |            |     |                  | Amerillo Right angle drive |                                   |
|                                       |            |     |                  |                            |                                   |

\*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       |
|-----------------------|-------|------|-----------|------------|------|-------------------|
| Flow Meter            | Sonic | Fuji | FLC-S1011 | 7K0089TB   |      | State ID # 240333 |
|                       |       |      |           |            |      |                   |

2. Measurements: Site #1 3.815 cfs Site #2 1.396 cfs Site #3 1.071 cfs

Q<sub>TOTAL</sub> = 6.28 cfs

LOG NAME: **29-07931A Site #1**

START: 10-04-2000 10:55

END: 10-04-2000 11:00

INTERVAL: 00:01:00

10-04-2000 10:55:00

+7.122E+0 ft/s

+1.712E+3 gal/m

+3.816E+0 ft3/s

+TOTAL 0000000 gal

-TOTAL 0000000 gal

NORMAL

10-04-2000 10:56:00

+7.029E+0 ft/s

+1.690E+3 gal/m

+3.766E+0 ft3/s

+TOTAL 0001643 gal

-TOTAL 0000000 gal

NORMAL

10-04-2000 10:57:00

+7.063E+0 ft/s

+1.698E+3 gal/m

+3.785E+0 ft3/s

+TOTAL 0003340 gal

-TOTAL 0000000 gal

NORMAL

10-04-2000 10:58:00

+7.120E+0 ft/s

+1.712E+3 gal/m

+3.815E+0 ft3/s

+TOTAL 0005038 gal

-TOTAL 0000000 gal

NORMAL

10-04-2000 10:59:00

+7.098E+0 ft/s

+1.707E+3 gal/m

+3.803E+0 ft3/s

+TOTAL 0006737 gal

-TOTAL 0000000 gal

NORMAL

10-04-2000 11:00:00

+7.049E+0 ft/s

+1.695E+3 gal/m

+3.777E+0 ft3/s

+TOTAL 0008413 gal

-TOTAL 0000000 gal

NORMAL

Average Flow =

1682.6 gpm

SITE #1

MAXIMUM FLOW =

1712 gpm

3.82 cfs

Site #1

**29-07931A**

LOG NAME: **29-07931A Site #2**

START: 10-04-2000 11:12

END: 10-04-2000 11:17

INTERVAL: 00:01:00

10-04-2000 11:12:00

+4.133E+0 ft/s

+6.266E+2 gal/m

+1.396E+0 ft<sup>3</sup>/s

+TOTAL 0000000 gal

-TOTAL 0000000 gal

NORMAL

10-04-2000 11:13:00

+4.129E+0 ft/s

+6.260E+2 gal/m

+1.394E+0 ft<sup>3</sup>/s

+TOTAL 0000561 gal

-TOTAL 0000000 gal

NORMAL

10-04-2000 11:14:00

+4.135E+0 ft/s

+6.269E+2 gal/m

+1.396E+0 ft<sup>3</sup>/s

+TOTAL 0001185 gal

-TOTAL 0000000 gal

NORMAL

10-04-2000 11:15:00

+4.126E+0 ft/s

+6.257E+2 gal/m

+1.394E+0 ft<sup>3</sup>/s

+TOTAL 0001809 gal

-TOTAL 0000000 gal

NORMAL

10-04-2000 11:16:00

+4.132E+0 ft/s

+6.266E+2 gal/m

+1.396E+0 ft<sup>3</sup>/s

+TOTAL 0002434 gal

-TOTAL 0000000 gal

NORMAL

10-04-2000 11:17:00

+4.078E+0 ft/s

+6.184E+2 gal/m

+1.377E+0 ft<sup>3</sup>/s

+TOTAL 0003058 gal

-TOTAL 0000000 gal

NORMAL

Average Flow =

611.6 gpm

SITE #2

MAX FLOW =

626.9 gpm

1.396 cfs

Site #2

**29-07931A**

**29-07931A THREE**

START: 10-04-2000  
11:36  
END: 10-04-2000  
11:41  
INTERVAL:00:01:00

10-04-2000  
11:36:00  
+1.130E+0 ft/s  
+1.618E+2 gal/m  
+3.606E-1 ft3/s  
+TOTAL 0000000 gal  
-TOTAL 0000000 gal  
NORMAL

10-04-2000  
11:37:00  
+1.118E+0 ft/s  
+1.602E+2 gal/m  
+3.571E-1 ft3/s  
+TOTAL 0000157 gal  
-TOTAL 0000000 gal  
NORMAL

10-04-2000  
11:38:00  
+1.096E+0 ft/s  
+1.570E+2 gal/m  
+3.500E-1 ft3/s  
+TOTAL 0000316 gal  
-TOTAL 0000000 gal  
NORMAL

10-04-2000  
11:39:00  
+1.134E+0 ft/s  
+1.625E+2 gal/m  
+3.620E-1 ft3/s  
+TOTAL 0000476 gal  
-TOTAL 0000000 gal  
NORMAL

10-04-2000  
11:40:00  
+1.119E+0 ft/s  
+1.603E+2 gal/m  
+3.571E-1 ft3/s  
+TOTAL 0000637 gal  
-TOTAL 0000000 gal  
NORMAL

10-04-2000  
11:41:00  
+1.101E+0 ft/s  
+1.578E+2 gal/m  
+3.516E-1 ft3/s  
+TOTAL 0000797 gal  
-TOTAL 0000000 gal  
NORMAL

**# FOUR Added line**

START: 10-04-2000  
11:47  
END: 10-04-2000  
11:49  
INTERVAL:00:00:30

10-04-2000  
11:47:00  
+2.165E+0 ft/s  
+3.101E+2 gal/m  
+6.910E-1 ft3/s  
+TOTAL 0000000 gal  
-TOTAL 0000000 gal  
ABNORMAL

10-04-2000  
11:47:30  
+2.142E+0 ft/s  
+3.068E+2 gal/m  
+6.837E-1 ft3/s  
+TOTAL 0000117 gal  
-TOTAL 0000000 gal  
NORMAL

10-04-2000  
11:48:00  
+2.138E+0 ft/s  
+3.063E+2 gal/m  
+6.825E-1 ft3/s  
+TOTAL 0000271 gal  
-TOTAL 0000000 gal  
NORMAL

10-04-2000  
11:48:30  
+2.133E+0 ft/s  
+3.058E+2 gal/m  
+6.809E-1 ft3/s  
+TOTAL 0000425 gal  
-TOTAL 0000000 gal  
NORMAL

10-04-2000  
11:49:00  
+2.154E+0 ft/s  
+3.086E+2 gal/m  
+6.878E-1 ft3/s  
+TOTAL 0000578 gal  
-TOTAL 0000000 gal  
NORMAL

**# FIVE Added line**

START: 10-04-2000  
12:10  
END: 10-04-2000  
12:15  
INTERVAL:00:01:00

10-04-2000

12:10:00  
+2.967E+0 ft/s  
+4.250E+2 gal/m  
+9.470E-1 ft3/s  
+TOTAL 0000000 gal  
-TOTAL 0000000 gal  
NORMAL

10-04-2000  
12:11:00  
+2.976E+0 ft/s  
+4.264E+2 gal/m  
+9.500E-1 ft3/s  
+TOTAL 0000420 gal  
-TOTAL 0000000 gal  
NORMAL

10-04-2000  
12:12:00  
+2.986E+0 ft/s  
+4.278E+2 gal/m  
+9.531E-1 ft3/s  
+TOTAL 0000847 gal  
-TOTAL 0000000 gal  
NORMAL

10-04-2000  
12:13:00  
+2.933E+0 ft/s  
+4.202E+2 gal/m  
+9.362E-1 ft3/s  
+TOTAL 0001272 gal  
-TOTAL 0000000 gal  
NORMAL

10-04-2000  
12:14:00  
+2.988E+0 ft/s  
+4.280E+2 gal/m  
+9.537E-1 ft3/s  
+TOTAL 0001695 gal  
-TOTAL 0000000 gal  
NORMAL

10-04-2000  
12:15:00  
+2.995E+0 ft/s  
+4.291E+2 gal/m  
+9.561E-1 ft3/s  
+TOTAL 0002121 gal  
-TOTAL 0000000 gal  
NORMAL

**# SIX Added line**

START: 10-04-2000  
12:43  
END: 10-04-2000  
12:45  
INTERVAL:00:00:30

10-04-2000  
12:43:00  
+3.320E+0 ft/s  
+4.756E+2 gal/m  
+1.059E+0 ft3/s  
+TOTAL 0000000 gal  
-TOTAL 0000000 gal  
NORMAL

10-04-2000  
12:43:30  
+3.355E+0 ft/s  
+4.807E+2 gal/m  
+1.071E+0 ft3/s  
+TOTAL 0000232 gal  
-TOTAL 0000000 gal  
NORMAL

10-04-2000  
12:44:00  
+3.265E+0 ft/s  
+4.678E+2 gal/m  
+1.042E+0 ft3/s  
+TOTAL 0000473 gal  
-TOTAL 0000000 gal  
NORMAL

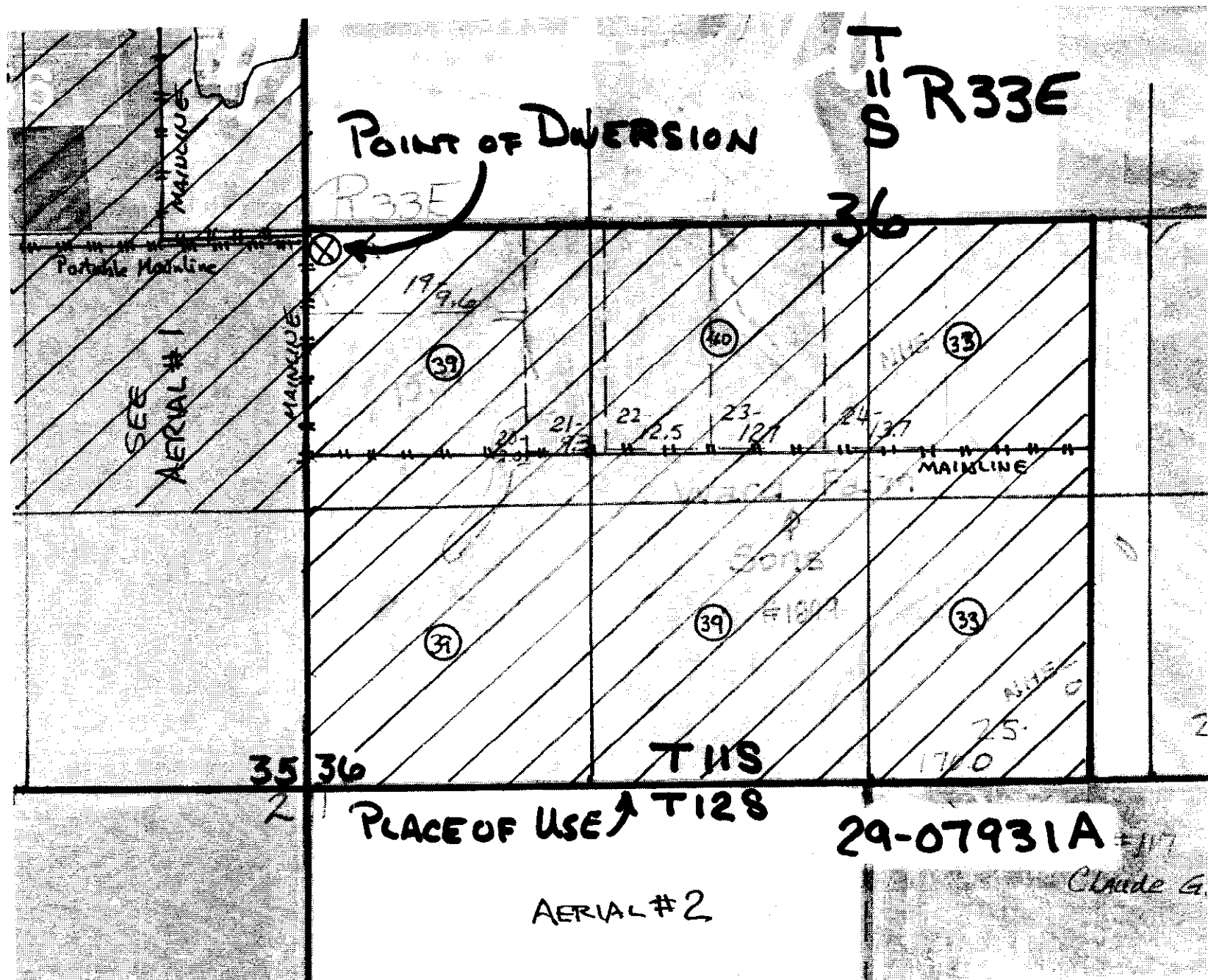
10-04-2000  
12:44:30  
+3.309E+0 ft/s  
+4.740E+2 gal/m  
+1.056E+0 ft3/s  
+TOTAL 0000712 gal  
-TOTAL 0000000 gal  
NORMAL

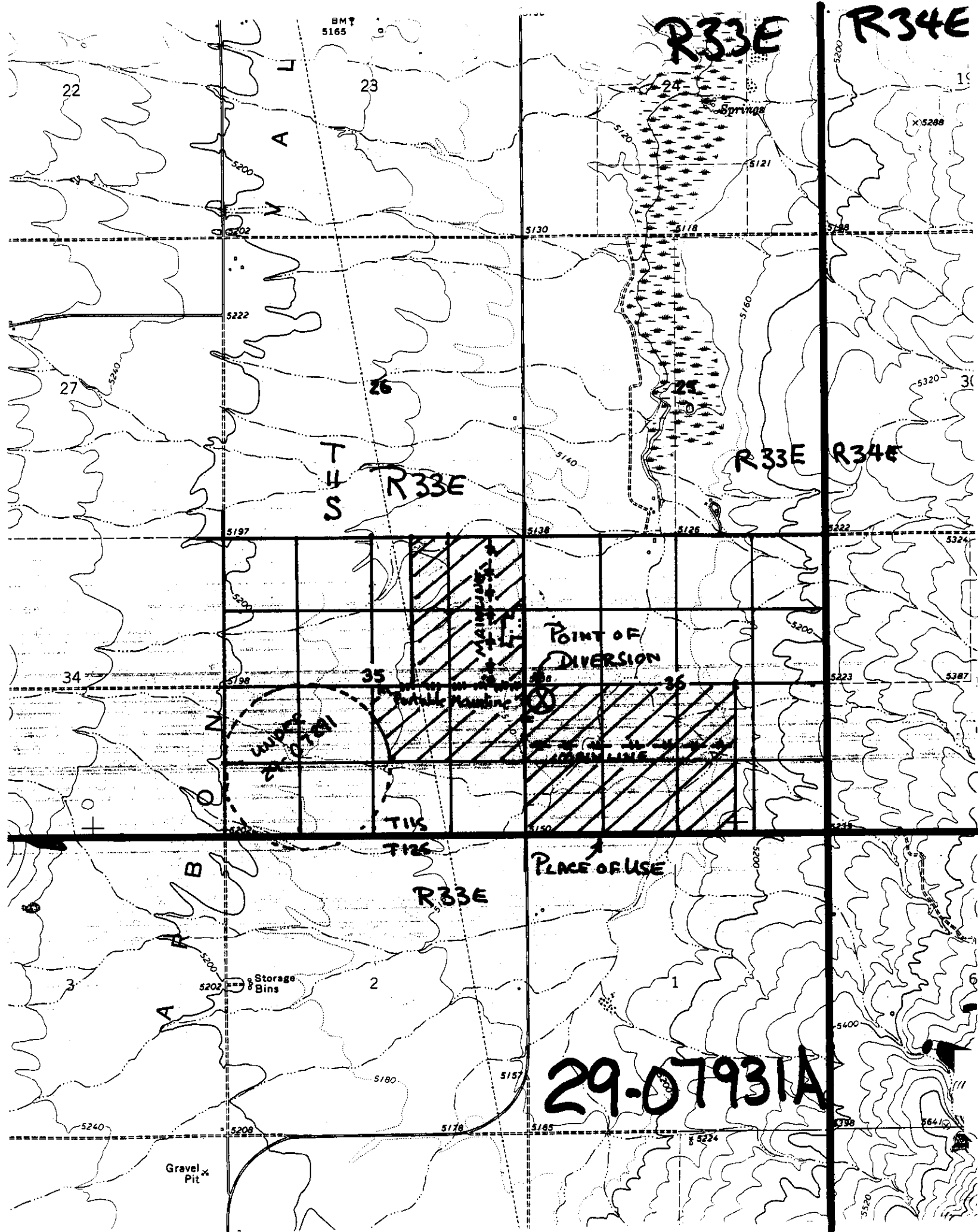
10-04-2000  
12:45:00  
+3.331E+0 ft/s  
+4.773E+2 gal/m  
+1.063E+0 ft3/s  
+TOTAL 0000953 gal  
-TOTAL 0000000 gal  
NORMAL

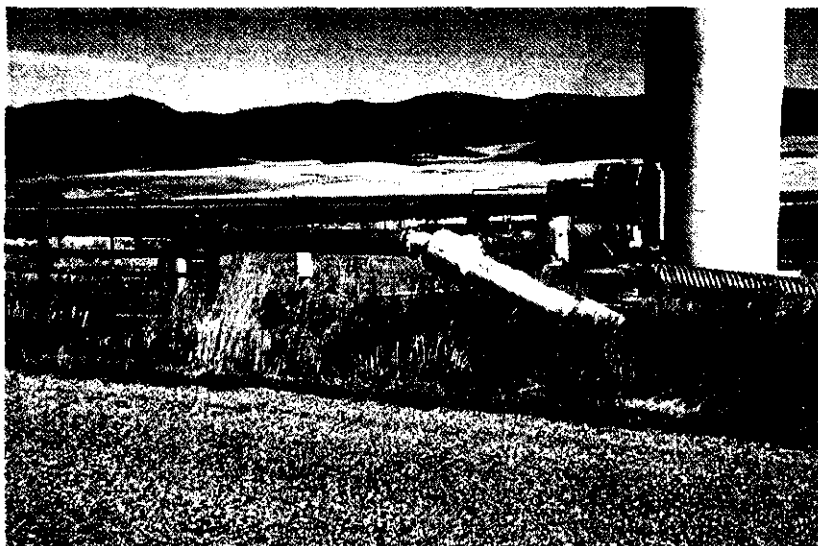
**SITE #3**  
**MAX FLOW =**  
**480.7 GPM =**  
**1.07 cfs**

**Site #3**  
**29-07931A**









Point of Diversion (View NE) [Photo date 10-04-2000]



Point of Diversion (View SW)[Photo date 10-04-2000]

29-07931A

**E. NARRATIVE/REMARKS/COMMENTS**

Using Same motor; Pump from License 22-7291 (while that well is being repaired)

Well pump with diesel motor mainlines to laterals with sprinklers

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

**F. FLOW CALCULATIONS**

Additional Computation Sheets Attached

Measured Method:  $Q_{TOTAL} = 2918.6 \text{ gpm} = 6.28 \text{ cfs}$ 

$$Q_{0.02 \text{ cfs/ac}} = 411 \text{ ac} \times 0.02 \text{ cfs/ac} = 8.22 \text{ cfs}$$

$$Q_{LIMITED BY CAPACITY} = 6.28 \text{ cfs}$$

**G. VOLUME CALCULATIONS****1. Volume Calculations for Irrigation:**

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (411 \text{ ac})(4.0) = 1644 \text{ cfa}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (6.28 \text{ cfs})(214)(1.9835) = 2665.7$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{D.R.} = 1644 \text{ cfa}$$

**2. Volume Calculations for Other Uses:**

$$V_{STOCK} = 300(0.0134) = 4.02 \text{ cfs} = 4.0 \text{ cfa}$$

**H. RECOMMENDATIONS****1. Recommended Amounts**

| Beneficial Use | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------|---------------|-------|------------------------------|--------------------------|
|                | From          | To    |                              |                          |
| IRRIGATION     | 4/1           | 10/31 | 6.28 cfs                     | 1644.0                   |
| STOCKWATER     | 1/1           | 12/31 | 0.07 cfs                     | 4.0                      |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
| Totals:        |               |       | 6.28 cfs                     | 1648.0 cfa               |

**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 Keith C. Wilson Date 10/4/2000

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

SEAL

## MEMORANDUM

TO: **Eastern Region**

FROM: Deborah Drew-Ellis *dde*  
Water Allocation Bureau, S.O.

DATE: April 7, 2000

RE: Ward & Sons Co., Inc.  
Permit No. 29-07931A

Attached is your copy of the Proof Acknowledgement Letter and an Order of Reinstatement. I am requesting that you put this permit at the top of your list for field examinations. A prompt field exam will show if the permit holder is actually applying water to a beneficial use as stated in the Proof.

If you have any questions, please call me or Glen Saxton. **Thanks** for your help.

MICROFILMED  
APR 17 2000



**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 7, 2000

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

WARD & SONS CO INC  
5336 ARBON HWY  
ARBON ID 83212

**PROOF ACKNOWLEDGEMENT LETTER**

**RE: PERMIT NO. 29-07931A**

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating the permit since proof and the license examination fee were submitted more than 60 days after the lapse notice was issued. Please note that the priority date has been advanced to **March 30, 1990**, the date the proof and license examination fee were submitted to the department, as provided in Section 42-218a(2), Idaho Code.

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 the field examination, please contact the **Eastern** Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

DEBORAH DREW-ELLIS  
Administrative Assistant  
Water Allocation Bureau

Enclosure  
c: IDWR - Region

MICROFILMED

APR 17 2000

**RECEIPT**  
For Monies Paid  
to the  
Idaho Department of Water Resources

Receipt No:  
C048123

Date:  
Time: 2/16/2000  
15:47:40

Received  
From: WARD & SONS

|                | Type of Payment |       | Program A cct | Amount |
|----------------|-----------------|-------|---------------|--------|
| BENEFICIAL USE | #29-07931A      | 56104 | 229 21 1155   | 275.00 |
| CHECK          | 1076            |       |               |        |
|                |                 |       | Total \$      | 275.00 |

Region: STATE

Signature: Jean Massi

MICROFILMED

APR 17 2000

February 2, 2000

WARD & SONS CO INC  
5336 ARBON HWY  
ARBON ID 83212

LAPSE NOTICE

RE: PERMIT NO. 29-07931A

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated November 30, 1999. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON  
Chief, Water Allocation Bureau

Enclosures

CLERK OF DISTRICT OF IDAHO  
MICROFILMED  
APR 17 2000  
2/2/00  
A copy of this notice was  
mailed to the  
individuals listed on the  
notice.  
dls

November 30, 1999

WARD & SONS CO INC  
5336 ARBON HWY  
ARBON ID 83212

PROOF DUE NOTICE

RE: PERMIT NO. 29-07931A

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 February 1, 2000. (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.

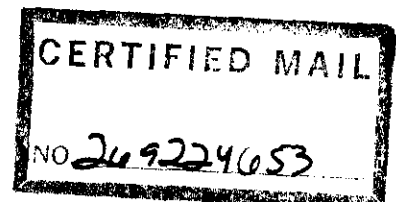
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures

MICROFILMED  
APR 17 2000



ORIGINAL



**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**

**PHILIP E. BATT  
GOVERNOR**

**KARL J. DREHER  
DIRECTOR**

February 9, 1998

Ward and Sons Co Inc  
5336 Arbon Hwy  
Arbon ID 83212

RE: Permit No. 29-07931

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use of water to **February 1, 2000**. Please note that the department granted this extension due to circumstances beyond your control which kept you from developing the permit. It is important that you work diligently toward the completion of this project during the construction period allowed since the department **will not** be able to grant additional extension requests.

Please be advised that Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

If you have any questions regarding this matter, please contact me at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Enclosure

C: IDWR - Regional Office

MICROFILMED

FEB 10 1998

November 30, 1997

WARD & SONS CO INC  
5336 ARBON HWY  
ARBON ID 83212

PROOF DUE NOTICE

RE: PERMIT NO. 29-07931

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 February 1, 1998.

(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.

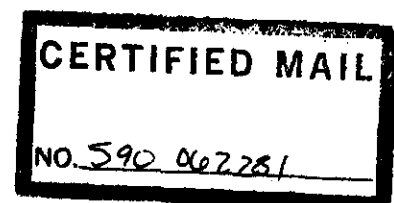
SINCERELY,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures

ENCLOSURE

FEB 10 1998



**MEMORANDUM**

**To:** Ward and Sons Amendment file  
**From:** L. Glen Saxton *LS*  
**RE:** PHONE CALL FROM KLARIN KOOPIN  
**Date:** April 7, 1995

On this date Klarin Koopin of American Falls (phone 226-2773) called in connection with the boundaries of the Eastern Snake River Plain aquifer as related to the A & B call for delivery to their rights. Upon further discussion I asked if he was essentially calling in connection with the pending application for transfer in Basin 29 which was filed in the name of Ward and Sons. He said yes.

The proposed new development by Koopin has nothing to do with the original permitted project of Ward and Sons. It appears more clear than ever that to approve the amendment would conflict with the intent of the department to limit continued ground water development within the boundaries of the Eastern Snake River Plain aquifer.

**MICROFILMED**  
**MAY 16 1995**



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

PHILIP E. BATT  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

April 5, 1995

RE: In the Matter of Application for Amendment of Permit No. 29-07931 in the name of Ward and Sons Co., Inc.

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) 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

**RECEIVED**

MAY 16 1995

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.

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

#### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a final order 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 67-5246(4) Idaho Code.

#### **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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

MAY 16 1995

- 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 a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON  
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

**MICROFILMED**

**MAY 16 1995**

Law Offices  
**HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.**

FRED J. HAHN  
KENT W. FOSTER  
ROBERT E. FARNAM  
WILLIAM D. FALER  
STEPHEN E. MARTIN  
CHARLES A. HOMER  
GARY L. MEIKLE  
GAYLE A. SORENSON, P.A.  
DONALD L. HARRIS, P.A.  
DALE W. STORER  
MARIE T. TYLER  
JOHN G. SIMMONS  
ROBERT M. FOLLETT  
FREDERICK J. HAHN, III

WEST ONE BANK BLDG.  
330 SHOUP AVENUE, THIRD FLOOR  
P.O. BOX 50130  
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620  
TELEFAX (208) 523-9518

Arthur W. Holden  
(1877-1967)  
Robert B. Holden  
(1911-1971)  
Terry L. Crapo  
(1939-1982)  
William S. Holden  
(1907-1988)

March 27, 1995

RECEIVED

MAR 30 1995

Department of Water Resources

Glen L. Saxton  
IDAHO DEPARTMENT OF  
WATER RESOURCES  
1301 North Orchard Street  
Statehouse Mail  
Boise, Idaho 83720

Re: Petition for Reconsideration of Application for Amendment of Permit No. 29-07931

Dear Mr. Saxton:

Pursuant to our promise contained in our recent Petition for Reconsideration we have obtained and are enclosing with this letter copies of documents and information showing significant expenditures of money by Ward & Sons, Co., Inc. in excess of \$15,000.00. If we may provide any further information, please feel free to call upon at your convenience. Thank you again for your kind attention to this matter.

Very truly yours,



Kent W. Foster

pc. Greg Cannell  
G:\WPDATA\KWF\1398\IDWR0327.LTR:sjw

MINIDOKU

MAY 16 1995

COPY

For Office Use Only  
\$50 Fee Received by HWT  
Date 11-3-94  
Receipt No. EG20463

RECEIVED  
NOV 03 1994  
Department of Water Resources  
Eastern District Office

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES RECEIVED MAR 22 1995

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF  
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 29-07931

Name(s) of Permit Holder: WARD & SONS CO. INC.

Mailing Address: 5336 ARBON HWY. ARBON, IDAHO 83212

Date Proof is Due: Feb. 1, 1995 Telephone No. 208-335-2263

Describe what work has been completed toward the development of this water right:  
(This must be filled out! If no work has been completed, show "none".)

a well has been dug 350' with 20' casing installed

Costing \$ 26,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

We have had losses on 3000' of softwood in 1993 due to frost (Total loss)  
and 1600' of spring wheat in 1994 due to drought, plus the expense  
of drill a well to replace one that was in service and was clogged with  
oil. We were cleaning it, more attached

Permit holder(s) request an extension to Feb. 1, 2000

FEE: \$50.00

Vance E. Ward Pres. (Oct. 31, 1994)  
(Signature)\*

\*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to February 1, 1995.

Signed this 6<sup>th</sup> day of December, 19 94

J. S. Saylor  
MAY 16 1995  
Chief, Water Allocation Bureau

IDAHO → 525-7161  
Falls -  
Dept. of Water

\$50 Fee Received by \_\_\_\_\_  
Date \_\_\_\_\_  
Receipt No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

# REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF  
BENEFICIAL USE FOR A WATER RIGHT PERMIT

OCT. 31, 1994

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 29-07931

Name(s) of Permit Holder: WARD & SONS CO. INC.

Mailing Address: 5336 ARBON HWY. ARBON, IDAHO 83212

Date Proof is Due: \_\_\_\_\_ Telephone No. 208-335-1263

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

a well has been dug 350' with 20' casing installed

Costing \$ 26,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

We have had losses on 3000' of softener in 1993 due to frost (Total loss)  
and 1600' of spring water in 1994 due to drought. plus the expense  
of drill a well to replace one that was in service and was collapsed while

Permit holder(s) request an extension to Feb. 1 2000

FEE: \$50.00

James E. Ward Pres. (Oct. 31, 1994)  
(Signature)\*

\*If other than permit holder, Power of Attorney must be supplied.

## ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

MICROFILMED

MAY 16 1995

Oct. 31, 1994

Department of Water Resources

We are unable to complete this project because of the following reasons. In Jan 1993 we were having existing well which is located one mile to the West of this location cleaned out. In the process they collapsed the casing and we needed to drill another well at this location. They drilled the well in May '93 and upon testing it there was no water. So the only sure solution we had was to run a main line from the well on this permit (No 29-7931). This was at a cost of \$120,000.00 for well drilling and main line.

also in 1993 we had 3000<sup>+</sup> of safflower plant and lost this crop 100% due to frost. Then this year 1994 we had 1600<sup>+</sup> of spring wheat that was a total loss due to drought. The combination of these things have made proceeding with this project very difficult. For this reason we are asking for a Five year extension. with plans to have the project completed by Feb. 1, 2000

Thank you  
Vance Ward

MAY 16 1995

MAY 16 1995

State of Idaho  
Department of Water Resources

## Permit To Appropriate Water

NO. 29-07931

CONDITIONS/REMARKS:

6. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
9. Stockwater use is for 300 range cattle.

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

22<sup>nd</sup> day of January, 1991.

*for*   
R. Keith Higginson, Director

MICROFILMED

MAY 16 1995

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR EXTENSION OF TIME REQUEST  
TO SUBMIT PROOF OF BENEFICIAL USE**

**If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:**

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.

**EXCEPTIONS TO ONLY ONE EXTENSION**

The proof due date for a permit that has not been developed for one of the following reasons may receive one or more extensions of time even though no work has been accomplished:

1. When there is a lack of a required consent or final approval from a federal government agency (evidence of delay must be submitted with the request), i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
2. When litigation related to title of the water has prevented development of the permit (evidence must be submitted with the request).
3. When the water project is of a large scale -- storage of more than 200,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
4. When the water right permit is held by the United States of America (reason for request must be submitted).

A non-refundable filing fee of \$50.00 must accompany the Request for Extension of Time form.

**NOTE** that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force or effect. A new application will then need to be submitted to the department if water right development is still planned.

MAY 16 1995

CCPY

Receipt No. 5020575  
Recorded By EMC  
Date 15 DEC 94STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR AMENDMENT OF A PERMIT**Applicant Ward & Sons Co., Inc. Phone (208) 335-2263Address 5336 Arbon Hwy, Arbon, ID 83212I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 29-07931, and request that the permit and permit map be amended and/or changed as follows:Purpose of Amendment: Change point of diversion ☒ Add point of diversion  
☒ Change place of use Change nature of use Change period of use Other1. Point of diversion: NW 1/4 NW 1/4 SW 1/4, Section 36, Township 11S, Range 33E, B.M.,  
County of Power. Other points of diversion (b) NWSE, Sec 22, T08S, R30E, B.M.

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

- (a) Amount 7.92 for irrigation purposes from 4/15 to 10/15 (both dates inclusive)  
(cfs or acre feet per annum) (water use) (Begin month) (End month)
- Amount 0.07 for stockwater purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre feet per annum) (water use) (Begin month) (End month)
- (b) Amount 1.08 for irrigation purposes from 4/1 to 10/31 (both dates inclusive)  
(cfs or acre feet per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated:

| T<br>w<br>p | R<br>g<br>e | S<br>e<br>c | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |     | TOTALS |
|-------------|-------------|-------------|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|-----|--------|
|             |             |             | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE  |        |
| a           | 11S         | 33E         | 35     | 39 | 40 | 40 | 37     |    |    |    |        |    |    |    | 39     | 40 | 39 | 39  | 313    |
|             |             |             | 36     |    |    |    |        |    |    |    | 40     | 39 | 39 | 39 | 1.5    | 40 | 39 | 1.5 | 239    |
| b           | 8S          | 30E         | 22     | 3  |    |    | 30     |    |    |    |        |    |    |    | 7      | 30 | 5  |     | 75     |
|             |             |             |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |     |        |
|             |             |             |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |     |        |
|             |             |             |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |     |        |
|             |             |             |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |     |        |

Total number of acres to be irrigated = 314

4. a. Who owns the property at the point of diversion? (A) Ward & Sons, (B) Greg Cannell
- b. Who owns the land to be irrigated at the place of use? (A) Ward & Sons, (B) Greg Cannell
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: A portion of permit is being purchased by Greg Cannell.  
Intent of amendment is to move that portion to his land.

MAY 16 1995

Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)

[illegible]

Scale: 2 inches equals 1 mile

Signed this 15 day of Dec., 19 94.

Ward & Sons Co. Inc. By Vance E. Ward  
Permit Holder Rec.

## ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by \_\_\_\_\_ Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_

|                     |                          |
|---------------------|--------------------------|
| <b>Published in</b> | <b>Publication dates</b> |
|---------------------|--------------------------|

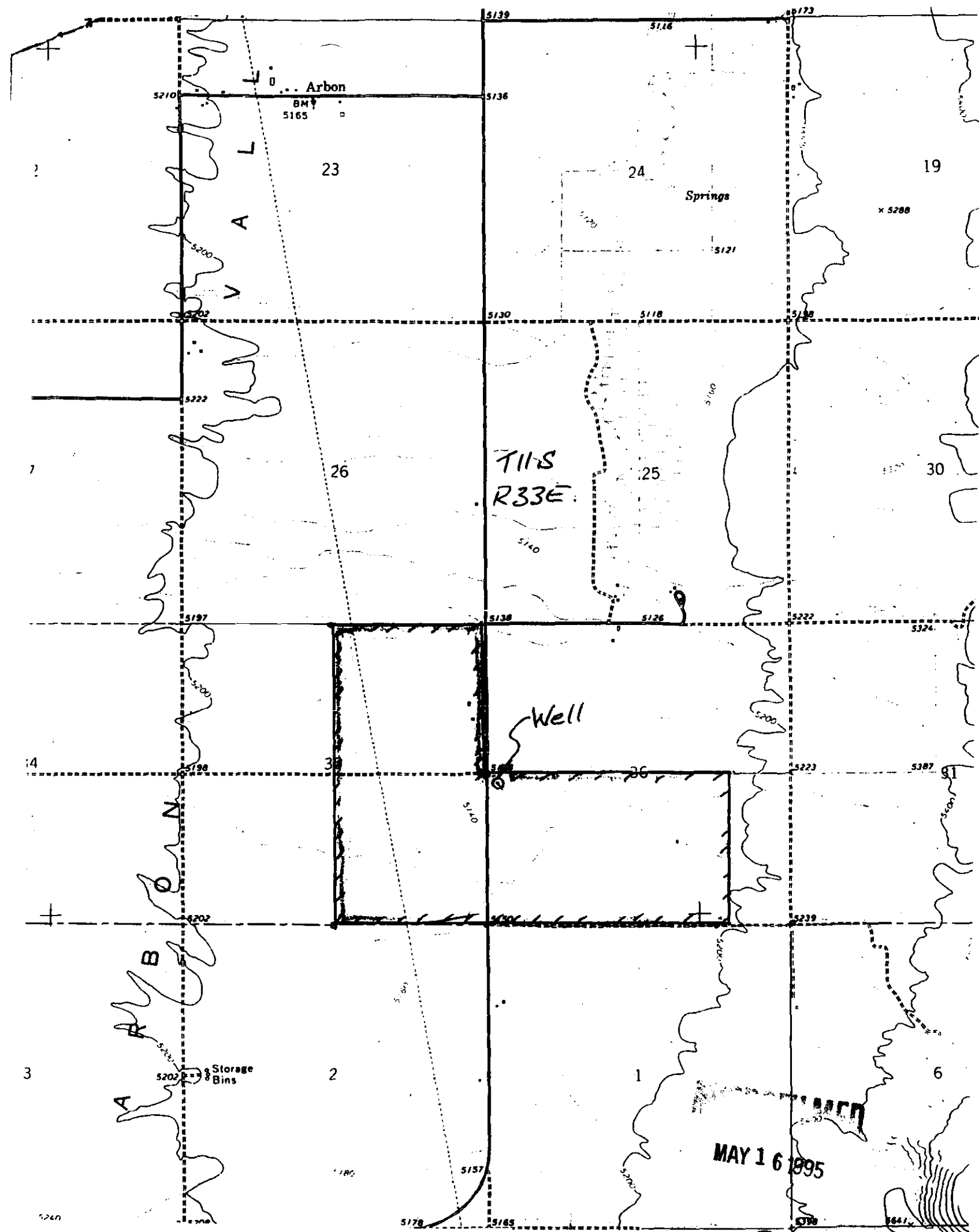
I, \_\_\_\_\_, of the Department of Water Resources hereby

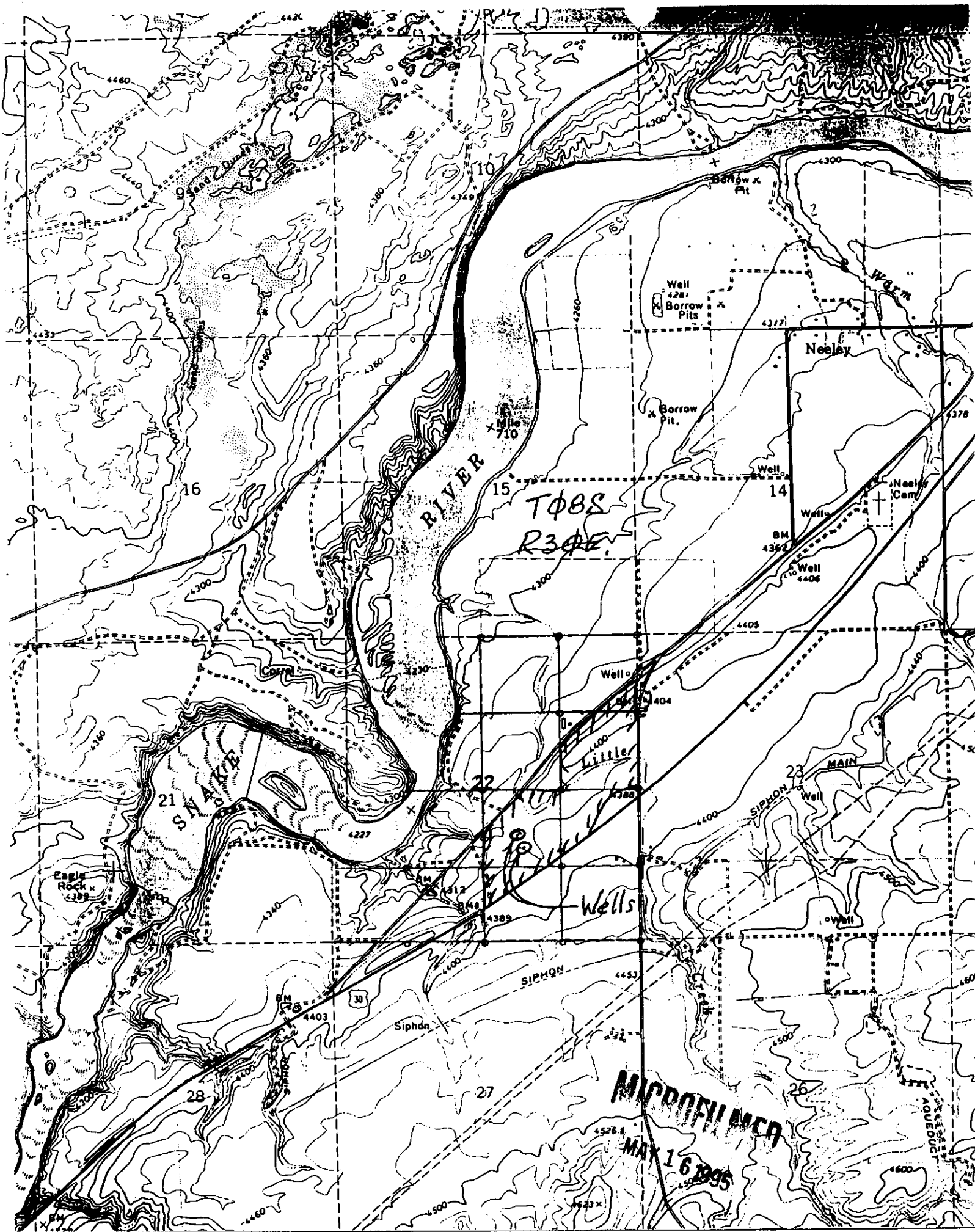
**DISPOSABLE**

**MAY 16 1995**

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

**SIGNATURE**





COPY

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

Ident. No. \_\_\_\_\_

To appropriate the public waters of the State of Idaho

226-2812 WK.

1. Name of applicant GREG G. CANNELL Phone 226-7765 Ho.Post office address 3374 CANNELL LN. AM. FALLS ID. 832112. Source of water supply GROUND WATER which is a tributary of \_\_\_\_\_3. Location of point of diversion is SW 1/4 of SW 1/4 of SE 1/4, Govt. Lot \_\_\_\_\_Sec. 22 Township 85 Range 30 E B.M. Power County; additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 1.2 CFS for Irrigation purposes from April 1 to Nov. 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 is (a) 1.22 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 2 8" Existing  
Wells To be pumped Through Main Line  
To 2 Pivot Points

b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet; period of year when water will be diverted to storage: \_\_\_\_\_ to \_\_\_\_\_ inclusive.

c. Proposed well diameter is 8" inches; proposed depth of well is 250' feet.d. Is ground water with a temperature of greater than 85°F being sought? NOe. If well is already drilled, when? 1981; Drilling firm Dan NEUWell was drilled for (well owner) NO MAY 16 1995

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

2 years (minimum 1 year).

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

I, Ward & Son's Co. Inc., hereby assign to G & L Farms  
of P.O. Box 240 AMERICAN Falls, ID 83211  
(Full Address) (208) 226-2872

All my right, title, and interest in and to Application for Permit  
No. \_\_\_\_\_ to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to  
Application for Application for Permit No. 29-07931 to appropriate the public  
waters of the State of Idaho.

Describe portion of the application assigned listing the number of acres in each 40 acre  
subdivision, point of diversion location, and the amount of water in cubic feet per second.

1.08 cfs diverted in NWSE 522 T08S R30E  
for irrigation of 75 acres in E1/2NE1/4, N1/2SE1/4,  
SWSE 522 T08S R30E. B.M.

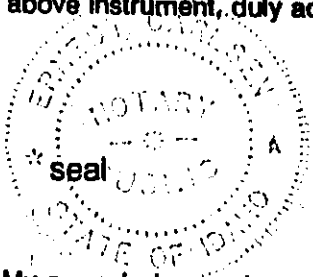
Made this 15 day of Dec., 1994

Ward & Son's Co. Inc.  
Applicant  
Pres. Vance E. Ward

State of Idaho

County of Bonneville ss

On this 15 day of Dec, 1994, personally appeared before me the signer of the  
above instrument, duly acknowledged to me that he (she) (they) executed the same.



Ernest Carlson  
Notary Public

My commission expires: 6-14-2000

NICP

MAY 16 1995



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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

December 12, 1994

Ward & Sons Co. Inc.  
5336 Arbon HWY  
Arbon, ID 83212

RE: Permit No. 29-07931

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to February 1, 1998. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary

Enclosure

C: IDWR - Regional Office

MICROFILMED  
MAY 16 1995

**RECEIPT**  
**For Monies Paid**  
**to the**  
**Idaho Department of Water Resource**

Receipt No: 0020483

Date: 11/ 3/1994  
Time: 13:48:17

Received  
From:

CORPUS CHRISTI WATER

Type of Payment

Program A cct

Amount

DEFERRED OF APRIL 15, 1994

1103

229 21 1155

50.00

Total

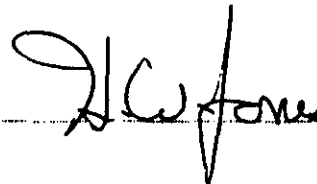
\$50.00

CHECK

4272

Region: Eastern

Signature:



**MICROFILMED**  
**MAY 16 1995**

# COPY

PRIMES - POCATELLO (208) 232-2138 1-800-234-3184

335 2264

Page #1



## FUNK

**IRRIGATION & IMPLEMENT**

P. O. BOX 359 • AMERICAN FALLS, IDAHO 83211  
PHONE: (208) 226-5049

SOLD TO  
Vance Ward

SHIP TO

| INVOICE DATE<br>9/16/93 |      | CUSTOMER ORDER NO. |                            | CUSTOMER I.D. NO. |  | CASH SALE       | CHARGE SALE<br>✓ | C.O.D.   | ADSE. RET'D. |
|-------------------------|------|--------------------|----------------------------|-------------------|--|-----------------|------------------|----------|--------------|
| SHIP VIA<br>Our Truck   |      | TERMS<br>Net       |                            | SALESMAN<br>Dan   |  | PAID OUT        |                  | ON ACCT. |              |
| ORDER                   | SHIP | PART NO.           | DESCRIPTION                |                   |  | UNIT PRICE      | AMOUNT           |          |              |
|                         | 4400 |                    | 12" 125 # IPS              |                   |  | 514             | 22616.00         |          |              |
|                         | 400  |                    | 12" 160 # IPS              |                   |  | 621             | 2484.00          |          |              |
|                         | 60'  |                    | 8" 160 # IPS               |                   |  | 291             | 174.60           |          |              |
|                         | 100' |                    | 14" C-905 165 # DIP        |                   |  | 1033            | 1033.00          |          |              |
|                         | 1    |                    | 12" Indrive w/ 15" Starter |                   |  |                 | 296.17           |          |              |
|                         | 1    |                    | 12" Indrive w/ 12" Starter |                   |  |                 | 191.67           |          |              |
|                         | 1    |                    | 15 x 12 Reducer GRC        |                   |  |                 | 220.00           |          |              |
|                         | 1    |                    | 12 x 12 x 8 Tee            |                   |  |                 | 150.00           |          |              |
|                         | 1    |                    | 8" Genset w/ 12" IPS       |                   |  |                 | 185.00           |          |              |
|                         |      |                    | 3 Plangs                   |                   |  |                 |                  |          |              |
|                         |      |                    |                            |                   |  | SALES TAX       |                  |          |              |
| IR 2621                 |      |                    |                            |                   |  | TOTAL THIS PAGE |                  |          |              |
| RECEIVED BY             |      |                    |                            |                   |  | TOTAL           | 27,350.44        |          |              |

*Thank You*

TERMS: NET 30 DAYS. ACCOUNTS OVER 30 DAYS CONSIDERED PAST DUE AND SUBJECT TO A FINANCE CHARGE OF 1 1/2% PER MONTH WHICH IS AN ANNUAL PERCENTAGE RATE OF 18%.

**MICROFILMED**

MAY 16 1995

Page #2



**FUNK**

**IRRIGATION & IMPLEMENT**

P. O. BOX 358 • AMERICAN FALLS, IDAHO 83211  
PHONE: (208) 228-5049

SOLD TO Vance Ward

SHIP TO \_\_\_\_\_

| INVOICE DATE<br><u>9/16/93</u>                                                                             |          | CUSTOMER ORDER NO.  |                                    | CUSTOMER I.D. NO.      |  | CASH SALE       | CHARGE SALE<br><input checked="" type="checkbox"/> | C.O.D.   | MOSE. RET'D. |
|------------------------------------------------------------------------------------------------------------|----------|---------------------|------------------------------------|------------------------|--|-----------------|----------------------------------------------------|----------|--------------|
| SHIP VIA<br><u>Our Truck</u>                                                                               |          | TERMS<br><u>Net</u> |                                    | SALESMAN<br><u>DAN</u> |  | PAID OUT        |                                                    | ON ACCT. |              |
| ORDER                                                                                                      | SHIP     | PART NO.            | DESCRIPTION                        |                        |  | UNIT PRICE      | AMOUNT                                             |          |              |
|                                                                                                            | <u>2</u> |                     | <u>8" Genr Operated B.F.</u>       |                        |  | <u>219.24</u>   | <u>438.48</u>                                      |          |              |
|                                                                                                            | <u>4</u> |                     | <u>8" X 1/2" FLANGES</u>           |                        |  | <u>23.76</u>    | <u>95.04</u>                                       |          |              |
|                                                                                                            | <u>1</u> |                     | <u>Road Crossing w/ 20" Casing</u> |                        |  |                 | <u>5200.00</u>                                     |          |              |
|                                                                                                            | <u>1</u> |                     | <u>15 X 15 X 8 Tee</u>             |                        |  |                 | <u>166.00</u>                                      |          |              |
|                                                                                                            | <u>1</u> |                     | <u>Pump Tie In w/ Check</u>        |                        |  |                 | <u>2487.87</u>                                     |          |              |
|                                                                                                            | <u>1</u> |                     | <u>3 Surge Valve</u>               |                        |  |                 |                                                    |          |              |
|                                                                                                            | <u>1</u> |                     | <u>Tie In existing ML</u>          |                        |  |                 | <u>1649.24</u>                                     |          |              |
|                                                                                                            | <u>1</u> |                     | <u>3 Chemigation Valve</u>         |                        |  |                 |                                                    |          |              |
|                                                                                                            | <u>1</u> |                     | <u>Trenching, 4' x 8' blocks</u>   |                        |  |                 | <u>4920.00</u>                                     |          |              |
|                                                                                                            |          |                     | <u>Installation 3 Back</u>         |                        |  |                 |                                                    |          |              |
|                                                                                                            |          |                     | <u>S.H.</u>                        |                        |  |                 |                                                    |          |              |
| <div style="border: 1px solid black; padding: 5px; display: inline-block;">IR 2633</div> RECEIVED BY _____ |          |                     |                                    |                        |  | SALES TAX       |                                                    |          |              |
|                                                                                                            |          |                     |                                    |                        |  | TOTAL THIS PAGE |                                                    |          |              |
|                                                                                                            |          |                     |                                    |                        |  | TOTAL           | <u>14956.63</u>                                    |          |              |

*Thank You*

TERMS: NET 30 DAYS. ACCOUNTS OVER 30 DAYS CONSIDERED PAST DUE AND SUBJECT TO A FINANCE CHARGE OF 1 1/2% PER MONTH WHICH IS AN ANNUAL PERCENTAGE RATE OF 18%.

Job Total 42,307.07

**MIDWESTERN**

MAY 16 1995

Law Offices  
**HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.**

FRED J. HAHN  
KENT W. FOSTER  
ROBERT E. FARNAM  
WILLIAM D. FALER  
STEPHEN E. MARTIN  
CHARLES A. HOMER  
GARY L. MEIKLE  
GAYLE A. SORENSON, P.A.  
DONALD L. HARRIS, P.A.  
DALE W. STORER  
MARIE T. TYLER  
JOHN G. SIMMONS  
ROBERT M. FOLLETT  
FREDERICK J. HAHN, III

WEST ONE BANK BLDG.  
330 SHOUP AVENUE, THIRD FLOOR  
P.O. BOX 50130  
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620  
TELEFAX (208) 523-9518

Arthur W. Holden  
(1877-1967)  
Robert B. Holden  
(1911-1971)  
Terry L. Crapo  
(1939-1982)  
William S. Holden  
(1907-1988)

**RECEIVED**

**MAR 20 1995**

Department of Water Resources

March 17, 1995

Glen L. Saxton  
IDAHO DEPARTMENT OF  
WATER RESOURCES  
1301 North Orchard Street  
Statehouse Mail  
Boise, Idaho 83720

Re: Amendment Of Permit No. 29-07931 In The Name Of Ward And Sons Co.,  
Inc.

Dear Mr. Saxton:

Pursuant to our telephone conversation we have prepared and are enclosing a Petition for Reconsideration in the above referenced matter. As we have indicated in the Petition, we have requested the relevant bills and documents evidencing expenditures by the applicant in development of this permit and will forward those as soon as they arrive.

If we can provide any other information or be of any assistance, please feel free to call upon us at your convenience. Thank you for your kind consideration.

Very truly yours,



Kent W. Foster

Enclosure

GA\WPDATA\KWF\1398\IDWR0317.LTR:sjw

**MICROFILMED**

**MAY 16 1995**

Kent W. Foster, Esq.  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.  
P. O. Box 50130  
330 Shoup Avenue, Third Floor  
Idaho Falls, Idaho 83405  
Telephone: (208) 523-0620  
Telefax: (208) 523-9518

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

|                              |   |                              |
|------------------------------|---|------------------------------|
| IN THE MATTER APPLICATION    | ) |                              |
| FOR AMENDMENT OF PERMIT NO.  | ) |                              |
| 29-07931 IN THE NAME OF WARD | ) | PETITION FOR RECONSIDERATION |
| AND SONS CO., INC.           | ) | OF PRELIMINARY ORDER         |
| _____                        | ) |                              |

The permit holder and applicant for amendment of the above numbered permit hereby petitions the hearing officer for reconsideration of the "Preliminary Order Denying Application for Amendment of Permit" herein dated March 6, 1995. The grounds and reasons for this petition are set forth below.

As we understand it, the preliminary order denied the proposed amendment to add an additional point of diversion and change 75 acres of the place of use because the new point of diversion and place of use are within the boundaries of the Eastern Snake River Plain Aquifer. This issue came as a surprise to applicant, and after further review, there appear to be some additional facts and circumstances that may be worthy of further consideration.

It appears that while the proposed new point of diversion and place of use are some thirty miles distant from the original point of diversion and place of use under this permit, it is nevertheless down gradient in the same groundwater basin. Apparently some of the

MAY 16 1995

basin is within the Eastern Snake River Plain Aquifer, and some is not, at least for the purposes of the temporary stay order issued by the Director on November 9, 1994. That fact may have resulted in something of an anomaly and some potential unfairness in this particular case.

The current point of diversion and place of use for permit number 29-07931 seems to be outside the boundary and so a copy of the "Order for Temporary Stay of Development and Notice of Formal Proceedings", dated November 9, 1994, and the accompanying Notice was never sent to applicant and applicant was unaware of its existence. The proposed additional point of diversion and new 75 acres are located immediately north of Interstate Highway 84, which we understand to be the southern boundary of the Eastern Snake River Plain Aquifer for purposes of the November 9, temporary stay order. If applicant had been required to submit the document and supporting information as provided in the temporary stay order, applicant would have shown expenditures thus far in development of the permit in excess of \$65,000. Proof of beneficial use is not yet due, but we have requested applicant to supply us with copies of bills and records of expenditures to date in development of this permit, and will forward that information as soon as it arrives.

It appears to us that there are two possible issues, one factual, and the other legal or philosophical. From a factual standpoint, we suppose it is possible that there may be geologic conditions which would be relevant to this proposed amendment, such as the Mud Lake barrier that was so significant to the Blaine Larsen Applications for Transfer in 1994. We know of none, and apparently no protests were filed and no evidence was presented in

MAY 16 1995

this proceeding to show any possibly relevant physical or geologic or hydrologic facts that would make this proposal similar to the 1994 Larsen circumstances. Perhaps the freeway, as the southern boundary of the aquifer sought to be protected, is sufficiently arbitrary in this case that there are no significant factual issues.

With respect to the legal or philosophical issue, unless we misunderstand, if this proceeding were a proposed transfer of a licensed groundwater right, there would appear to be no similar legal impediment to its approval. Isn't the policy, underlying the temporary stay, that for purposes of the moratorium on further development, where substantial expenditures have been made in development under a permit, it would be unfair, perhaps even unconstitutional, to deprive the holder of his good faith investment and opportunity to complete what he has started? For purposes of a transfer then (amendment of the permit in this case), shouldn't a permit that would qualify under the "substantial investment" exception of the temporary stay order be treated essentially the same as an established water right?

Although proof of the substantial investment may not technically have been required in this matter, applicant is willing to provide such to show that this proposal was made in good faith, and not in any attempt to circumvent the policy of the temporary stay order.

Respectfully submitted this 17th day of March, 1995.

  
\_\_\_\_\_  
Kent W. Foster  
Holden, Kidwell, Hahn & Crapo, P.L.L.C.

G:\WPDATA\KWF\1398\WARD0317.PET:sjw

MAY 18 1995

MEMORANDUM

To: File 29-07931  
From: L. Glen Saxton   
RE: TELEPHONE CONVERSATION  
Date: March 17, 1995

On this date, I talked with Kent Foster concerning the Preliminary Order Denying an Application for Amendment. Foster felt that the proposed amendment was not different than a transfer proposing the same thing. He questioned whether the diversion proposed in the amendment would actually be from a different aquifer than from the permitted points of diversion.

Foster likely will file a Petition for Reconsideration.

**MICROFILMED**

MAY 16 1995



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

PHILIP E. BATT  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

March 7, 1995

Ward & Sons Company, Inc.  
5336 Arbon Hwy  
Arbon, ID 83212

RE: Permit No. 29-07931

Dear Permit Holder:

The accompanying order 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 within fourteen (14) days after issuance as further described below:

**PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer 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 agency.

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 Director. The Director retains the right to review the preliminary order on his own motion.

**MAILED**  
MAY 16 1995

### ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director 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 Director 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 Director 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

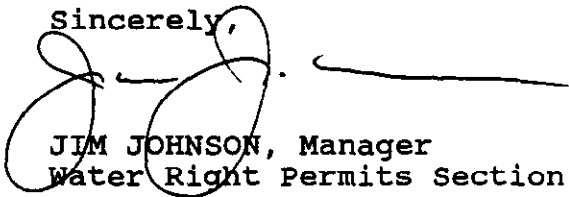
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

MICROFILMED  
MAY 16 1995

- 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.

Sincerely,



JIM JOHNSON, Manager  
Water Right Permits Section

JJ:rl

Enclosure

MAY 16 1995

## MEMORANDUM

DATE: March 1, 1995  
TO: Shelley Keen, Jim Johnson  
FROM: Cindy Zimmerman *CJ*  
SUBJECT: Application for Amendment of Permit No. 29-07931

=====

The original permitted point of diversion is identified as NWNWSW, S36, T11S, R33E. The original permitted place of use for irrigation is E $\frac{1}{2}$ , S35 (313 A) & S $\frac{1}{2}$ , S36 (314 A), T11S, R33E (totalling 627 A).

This amendment proposes to split the permit into two separate systems as follows:

Part A proposes leaving the original point of diversion to irrigate E $\frac{1}{2}$ , S35 (313 A), and S $\frac{1}{2}$ , S36, T11S, R33E (239 A) (totalling 552 A); and

Part B proposes adding a point of diversion in NWSE, S22, T08S, R30E to irrigate E $\frac{1}{2}$ NE (33 A), N $\frac{1}{2}$ SE (37 A), & SWSE (5 A), S22, T08S, R30E (totalling 75 A);

Part A (552 A) + part B (75 A) = 627 Acres (no increase in irrigated acres).

Proposed part B's point of diversion and place of use is located within the boundary of the Eastern Snake River Plain Aquifer (see attached map and printout of a portion of data file ESRPA-TRS.DAT), for which a temporary stay of development order was issued November 9, 1994.

As I understand the order, new development such as this amendment proposes is not approvable.

Therefore, I recommend denying this application for amendment due to the stay order.

**MICROFILMED**

MAY 16 1995



ESRPA-TRS-DAT

08S30E08  
08S30E09  
08S30E10  
08S30E11  
08S30E12  
08S30E13  
08S30E14  
08S30E15  
08S30E16  
08S30E17  
08S30E18  
08S30E19  
08S30E20  
08S30E21  
08S30E22  
08S30E23  
08S30E27  
08S30E28  
08S30E29  
08S30E30  
08S30E31  
08S30E32

**MICROFILMED**  
**MAY 16 1995**

**RECEIVED**  
FEB 28 1995

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR AMENDMENT OF A PERMIT**

Department of Water Resources

Applicant Ward & Sons Co., Inc. Phone (208) 335-2263

Address 5336 Arbon Hwy, Arbon, ID 83212

I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 29-07931, and request that the permit and permit map be amended and/or changed as follows:

Purpose of Amendment: X Change point of diversion X Add point of diversion  
X Change place of use          Change nature of use          Change period of use          Other         

1. Point of diversion: NW 1/4 NW 1/4 SW 1/4, Section 36, Township 11S, Range 33E, B.M.,  
County of Power. Other points of diversion (b) NWSE, Sec 22, T08S, R30E, B.M.

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

- (a) Amount 7.92 for irrigation purposes from 4/15 to 10/15 (both dates inclusive)  
(cfs or acre feet per annum) (water use) (Begin month) (End month)
- Amount 0.07 for stockwater purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre feet per annum) (water use) (Begin month) (End month)
- (b) Amount 1.08 for irrigation purposes from 4/1 to 10/31 (both dates inclusive)  
(cfs or acre feet per annum) (water use) (Begin month) (End month)

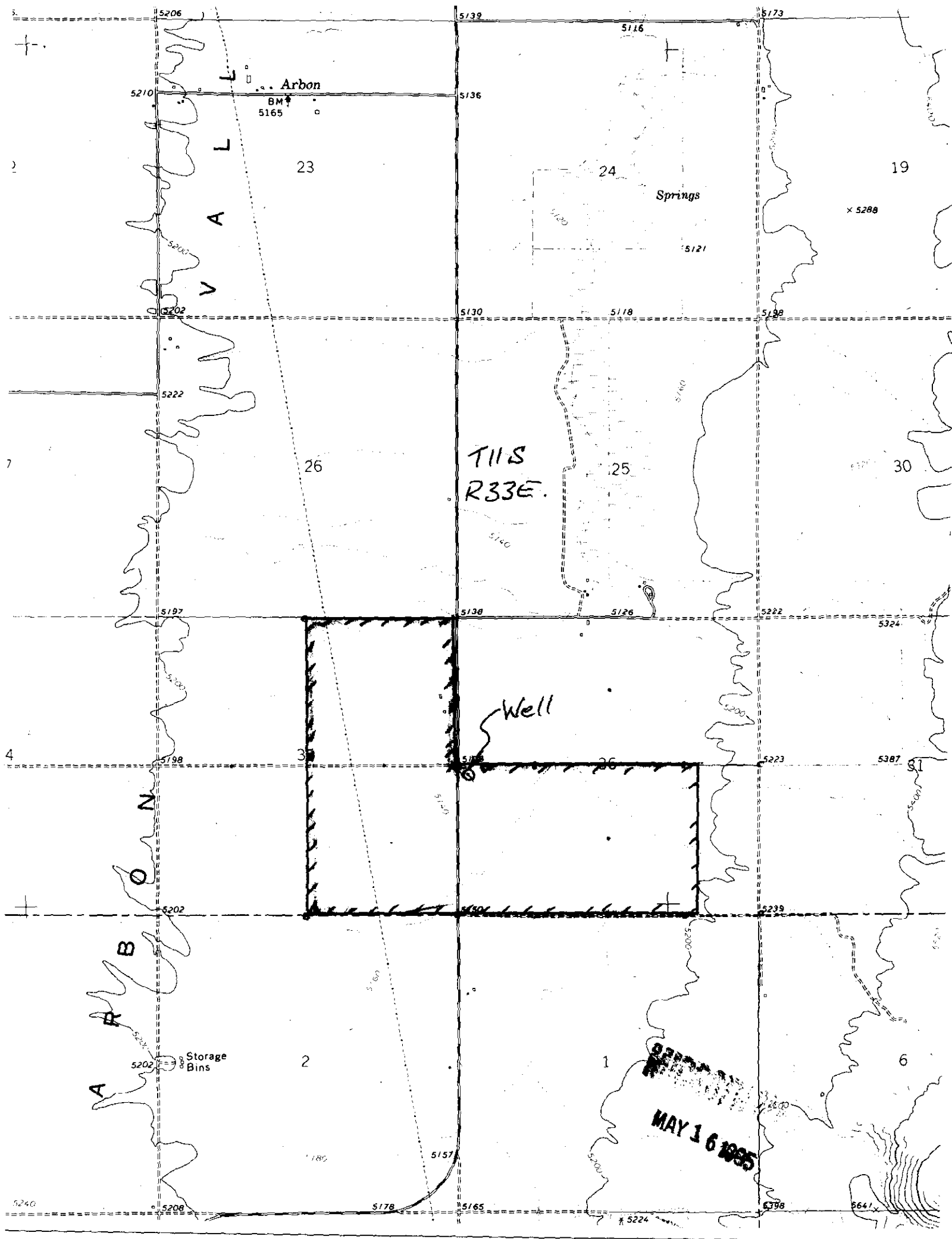
3. Place of use or land to be irrigated:

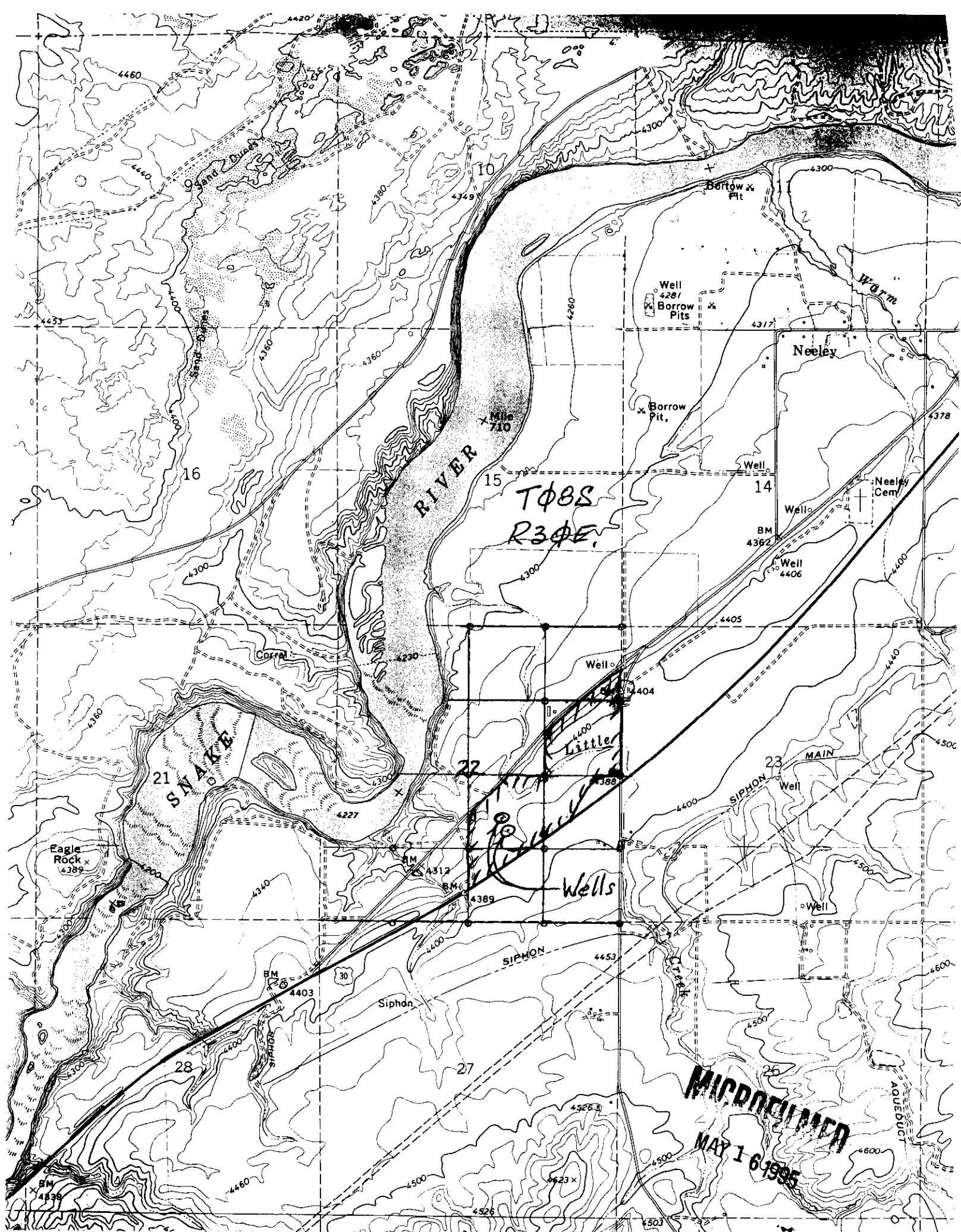
| T<br>w<br>p | R<br>g<br>e | S<br>e<br>c | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |     | TOTALS |
|-------------|-------------|-------------|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|-----|--------|
|             |             |             | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE  |        |
| a           |             | 11S 33E     | 35     | 39 | 40 | 40 | 37     |    |    |    |        |    |    |    | 39     | 40 | 39 | 39  | 313    |
|             |             |             | 36     |    |    |    |        |    |    |    | 40     | 39 | 39 | 39 | 1.5    | 40 | 39 | 1.5 | 239    |
| b           |             | 8S 30E      | 22     | 3  |    |    | 30     |    |    |    |        |    |    |    | 7      | 30 | 5  |     | 75     |
|             |             |             |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |     |        |
|             |             |             |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |     |        |
|             |             |             |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |     |        |
|             |             |             |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |     |        |

Total number of acres to be irrigated = 314 627

4. a. Who owns the property at the point of diversion? (A) Ward & Sons, (B) Greg Cannell
- b. Who owns the land to be irrigated at the place of use? (A) Ward & Sons, (B) Greg Cannell
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: A portion of permit is being purchased by Greg Cannell.  
Intent of amendment is to move that portion to his land.

MAY 16 1995





## COMMUNICATION DOCUMENTATION

Permit  
 Claim No. 29-07931

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Eric Carlson Date 15 Jan 94

Contact Person(s) Wince Ward, Greg Cannell

Nature of Contact Office visit to file amendment to permit 29-07931

Substance of Communication These gentlemen made an appointment to obtain assistance with amending permit 29-07931. The amendment involves moving a portion of the permitted lands to 575 acres in T08S R30E S22. I explained to them this ~~shape~~ land was inside the boundary of the Snake River Basin Aquifer and consequently may not be processed. I also indicated IDWR would likely notify Mr. Ward if the amendment application could not be processed.

The land in S22 has already been irrigated with water wasted from the Falls Irrigation Canal. There is already a well on the property.

An extension of time was recently granted in 1998 for filing proof of beneficial use.

**RECEIVED**  
 MAY 16 1995

12-16-94  
12-16-94-HWT

State of Idaho  
Department of Water Resources  
AMENDMENT ANALYSIS SHEET

RECEIVED  
FEB 28 1995

INITIAL REVIEW BY: \_\_\_\_\_

Department of Water Resources

Right Number 29-07731 Applicant Ward & Sons Co., Inc.

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) Falls Irrig Share
- ☒ 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 2-8-95

STATE OFFICE PROCESSING:

- ☐ Amendment <sup>is recommended, denied.</sup> correct and complete. By CZ Date 3/1/95
- ☐ Approved copy sent to applicant and to Region. By \_\_\_\_\_ Date \_\_\_\_\_

DOP 1-23-95  
Ad to S.O. 12-20-94

## Affidavit of Publication

State of Idaho

County of Power

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 4 day of January 1995 and the date of the last publication being the 11 day of January 1995.

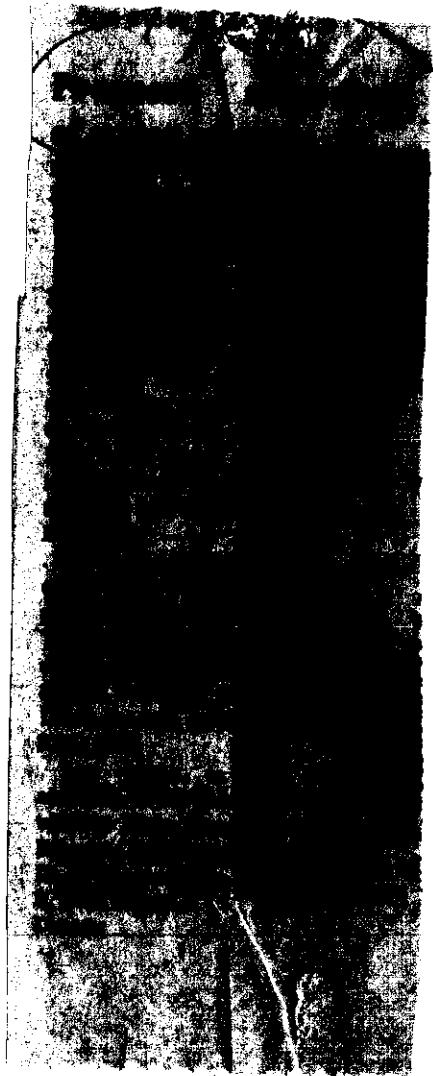
  
Signed

State of Idaho

County of Power

On this 26 day of January in the year of 1995, before me, a Notary Public, personally appeared Erma Crompton, 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 she executed the same.

  
Notary Public for Idaho  
Residing at American Falls, Idaho  
My commission expires: June 8, 1999

  
**RECEIVED**  
JAN 30 1995  
Department of Water Resources  
Eastern District Office

MAY 16 1995

## Affidavit of Publication

State of Idaho

County of Power

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That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for \_\_\_\_\_ successive weekly issues thereof, the date of the first publication being the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and the date of the last publication being the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Signed

State of Idaho

County of Power

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year of \_\_\_\_\_, before me, a Notary Public, personally appeared Erma Crompton, 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 she executed the same.

Brett Crompton

Notary Public for Idaho  
Residing at American Falls, Idaho  
My commission expires: June 8, 1999

## Proposed amending of water permit

Published in The Power County Press,  
Jan. 4, 11, 1995.

### NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 29-07931 in the name of Ward and Sons Co., 5336 Arbon Hwy, Arbon, ID 83212, was issued for the diversion of 9.00 cfs of water from a groundwater source with the point of diversion within the NWNWSW, Sec 36, T11S, R 33E, B.M., Power County; to be used for the irrigation of 627 acres of ground within the E 1/2, SEC 35, S 1/2 Sec 36 T11S, R33E, B.M.

The permit holder now proposes to amend Permit No. 29-07931, adding a point of diversion in the NWSE, SEC 22, T08S, R 30E, Power County, and changing the place of use to the E 1/2 SEC 35, S 1/2, SEC 36, T11S, R33E, E 1/2NE, N 1/2SE, SWSE, SEC 22, T08S, R30E, 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, 83402, or or before Jan. 23, 1995.  
R. Keith Higginson  
Director

MAY 16 1995

RECEIVED  
JAN 30 1995  
Department of Water Resources  
Eastern District Office

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 29-07931 in the name of Ward & Sons Co., Inc., 5336 Arbon Hwy, Arbon, ID 83212, was issued for the diversion of 9.00 cfs of water from a groundwater source with the point of diversion within the NWNWSW, SEC 36, T11S, R33E, B.M. Power County; to be used for the irrigation of 627 acres within the E1/2, SEC 35, S1/2, SEC 36, T11S, R33E, B.M.

The permit holder now proposes to amend Permit No. 29-07931, adding a point of diversion in the NWSE, SEC 22, T08S, R30E, Power County, and changing the place of use to the E1/2, SEC 35, S1/2, SEC 36, T11S, R33E, E1/2NE, N1/2SE, SWSE, SEC 22, T08S, R30E, 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 83402, on or before January 23, 1995.

R. Keith Higginson

Director

Published in the Power County Press on January 5 & 12, 1995.

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MAY 16 1995

December 27, 1994

POWER COUNTY PRESS  
PO BOX 547  
AMERICAN FALLS ID 83211

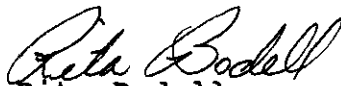
Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the date indicated, in your newspaper. If you cannot publish the notice on the proposed date, 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 January 23, 1995.

Yours truly,

  
Rita Bodell  
Secretary

Enc.

RECEIVED  
FILMED

MAY 16 1995

December 21, 1994

WARD & SONS CO INC  
5336 ARBON HWY  
ARBON ID 83212

RE: Application for Amendment of Permit No. 29-07931

Dear Mr. Ward:

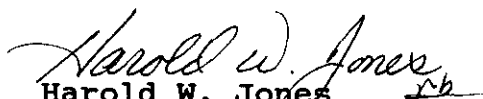
The Department of Water Resources acknowledges receipt of your water right amendment of permit. This office is currently in the process of advertising the application in the Power County Press on January 1 & 12, 1995. The advertisement will be published for two consecutive weeks, and a period of ten 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 Right Supervisor

HWJ/rb

MAY 16 1995

**ANALYSIS SHEET  
FOR  
EXTENSION OF TIME**

Permit No. 29-07931 Reviewed by [Signature] Date 12-5-74

**BASIC INFORMATION**

11-3-94 Date stamp received  
yes Extension received timely  
yes Fee received and receipted  
yes Name and signature same as permit  
no Address Change

**BASIS FOR EXTENSION REQUEST**

yes Has adequate work been completed to demonstrate due diligence?  
\_\_\_\_\_ Has the permit been involved in litigation?  
\_\_\_\_\_ Is supporting documentation needed to complete the file? \_\_\_\_\_ Requested? \_\_\_\_\_  
\_\_\_\_\_ Is delay by a government agency?  
\_\_\_\_\_ Is supporting documentation needed to complete the file? \_\_\_\_\_ Requested? \_\_\_\_\_  
\_\_\_\_\_ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

**ACTION TAKEN** Should extend to Feb. 1, 1998, for due diligence

**PRIORITY CALCULATION**

Date extension received  
Proof due date  
Number of days late  
Priority date  
New Priority Date

|       |   |       |
|-------|---|-------|
| _____ | = | _____ |
| _____ | = | _____ |
| _____ | = | _____ |
| _____ | = | _____ |
| _____ | = | _____ |

**DATA ENTRY**

New Address X  
Change Proof Due Date 2-1-98  
Change Priority Date X



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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

December 12, 1994

Ward & Sons Co. Inc.  
5336 Arbon HWY  
Arbon, ID 83212

RE: Permit No. 29-07931

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to February 1, 1998. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary

Enclosure

C: IDWR - Regional Office

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DEC 29 1994

RECEIVED

NOV 03 1994

Department of Water Resources  
Eastern District Office

Oct. 31, 1994

Department of Water Resources

We are unable to complete this project because of the following reasons. In Jan 1993 we were having existing well which is located one mile to the west of this location cleaned out. In the process they collapsed the casing and we needed to drill another well at this location. They drilled the well in May<sup>1993</sup> and upon testing it there was no water. So the only sure solution we had was to run a main line from the well on this permit (No 29-7931). This was at a cost of \$20,000.00 for well drilling and main line.

also in 1993 we had 3000<sup>+</sup> of soybean plant and lost this crop 100% due to frost. Then this year 1994 we had 1600<sup>+</sup> of spring wheat that was a total loss due to drought. The combination of these things have made proceeding with this project very difficult. For this reason we are asking for a Five year extension. with plans to have the project completed by Feb. 1, 2000

Thank you  
Ward  
DEC 29 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 23, 1991

WARD & SONS CO., INC.  
5336 ARBON HWY.  
ARBON, ID 83212

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-07931

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

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.

RECEIVED

JAN 28 1991

Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:blm

Enclosures

MAIL ROOM

JAN 28 1961

# APPLICATION FOR PERMIT REVIEW

Application #: 29-7931  
Date: 1-17-91

Reviewer: Pam Skaggs *38*

- ✓ Existing:
  - ✓ No - 26A-P17
  - Complete in 1 year - P16
  - Yes
    - Proof not submitted - P16
    - Proof submitted - N/A
- ✓ Groundwater:
  - ✓ GT. 0.7 cfs - ~~01G-P03~~, 01C-P03 (existing well)
  - LT. 0.7 cfs - N/A
- ✓ Drilling Permit:
  - Approved w/permit - P99
  - ✓ Not included - 046-P23 (All GW, even existing wells)
- ✓ Location:
  - Water Districts - WD No. 01
  - Surface water - 005, 005-01H-P01 (LT.7 w/pump)  
005-01J-P08 (GT.7)
  - ✓ Groundwater *existing* - P05
  - Irrigation Districts - 023
  - Canal Co. Areas - 023
  - Drainage Districts - 024
  - Boise Front (63) - 058 (Groundwater)
  - ✓ Swan Falls Flag - 1 (1 or Blank)
  - Trust - ~~051-052-053-P74~~ (Cons.), 041 (DCMI, w/Irr or Irr & Dom)
  - ✓ Non Trust - 048-049
- River Basins:
  - (Surface Water) Water District Control Condition &....
  - Boise (63) - 11D-P72
  - Payette (65) - 047-P04, 059-P71
  - SNAKE (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)
- Use:
  - Fish Propagation - 002-P06, 06A, 007, 09E-P10, 010, 042, 044
  - Power - (less than 25cfs P18), 01F-P19, 08A(Req.),  
17K, 17G-17M(Choose One), 025
  - Mining - 06A, 006, 09E-P10, 010, 54
  - Storage - 18A-P09(In W.D.), 18B-P09(Size)
  - Domestic - 021(restricted areas)
- Ownership:
  - Non land owner - 004
- Protested:
  - Agreement - 020
- Minimum Stream Flow:
  - Overlapping uses - 029-P20
- ✓ Beneficial Use Due Date: - 02-01-1995
- Other Conditions Recommended \_\_\_\_\_

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JAN 26 1991

Dist. for staffing 3-16-90

Subj. for advertising 3-26-90

rm No. 202a  
87

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY KCWilson DATE 3/21/90 APPLICATION NUMBER 29~7931  
Ward & Sons Co. Inc  
REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)  
☒ Address  
☒ Source (See USGS Quad for names of water sources)  
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)  
☒ County  
☒ Quantity (flow and/or volume)  
☒ Period of Use  
☒ Nature of proposed use (Include description of use.)  
☒ Description of diverting works  
☒ Time required for beneficial use of water  
☒ Place of use or acres irrigated  
☒ Map  
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)  
☒ Fee  
☒ Yes ☐ No\* In form to receipt

ADDITIONAL INFORMATION

- 29-7291 overlap this permit < 0.02 cfs/sec  
☒ Overlapping place of use (Describe source & relationship to present application on the back.)  
☒ Overlapping point of diversion  
☐ Yes ☒ No Field check required  
Field check by \_\_\_\_\_  
☐ Yes ☒ No Field report attached  
☐ Yes ☒ No Critical groundwater area  
☐ Yes ☒ No Groundwater management area  
☐ Yes ☒ No Send dam safety information  
☐ Yes ☒ No Send power requirement letter  
☐ Yes ☒ No Send fish farm requirement letter  
☐ Yes ☒ No Power residency affidavit  
☐ Yes ☒ No Power efficiency form  
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)  
☒ Yes ☐ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)  
☐ See reverse side for additional information

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Need Rule 4,5,3 Data

Received 7-17-90  
Date Requested

**RECEIVED**

INFORMATION SUBMITTED SATISFIES RULE 4.5)

JUL 20 1990

REQUIREMENT, OK TO APPROVE PERMIT.

Department of Water Resources

Jim 11-16-20

PROCESSING ☒ Yes ☐ No In form for advertising  
☐ Yes ☒ No Statewide advertising  
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

END COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM  
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service  
☐ Idaho Dept. of Lands ☐ Water District  
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received  
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application  
☐ Yes ☒ No Protests received  
Final date for protest 6-4-90  
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application  
☐ Yes ☒ Recommendations attached  
☐ Yes ☒ Measuring device required  
☒ Yes ☐ No Access port required  
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. \_\_\_\_\_  
☒ Yes ☐ No Special conditions of approval or cover letter below. \_\_\_\_\_

See below for additional information  
Date of priority recommended \_\_\_\_\_  
By HWT Date 3-15-90  
7-17-90

STATE OFFICE REVIEW P23, P03, P17 013 4849 4626  
By KW See below for additional information  
Date 8-16-90

ADDITIONAL INFORMATION

Condition; <016>  
App. in NON-TRUST area-  
OK to allow 5 yrs. to develop-

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JUL 17 1990

Department of Water Resources  
Eastern District Office

JUNE 21, 1990

*Information on Back*

WARD AND SONS COMP.  
5336 ARBON HIGHWAY  
ARBON, ID 83212

DEAR SIR:

WE ARE CURRENTLY PROCESSING YOUR APPLICATION 29-07931  
FOR A WATER RIGHT. FOR ANY APPLICATION OR PERMIT WHICH EXCEEDS  
200 ACRES OR 5.00 CFS THE INFORMATION ON THE ATTACHED SHEETS  
ARE REQUIRED BEFORE ANY FURTHER PROCESSING CAN TAKE PLACE.  
PLEASE TRY TO ANSWER THE HIGHLIGHTED QUESTIONS TO THE BEST OF  
YOUR ABILITY. IF YOU NEED ADDITIONAL CLARIFICATION PLEASE GIVE  
ME A CALL AT 525-7161.

SINCERELY,

*Harold W. Jones*

HAROLD W. JONES  
WATER RESOURCE SUPERVISOR

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JAN 28 1991

1 pivot will use about 900 gal

$$900 \text{ gal} = 2 \text{ CSF}$$

$$2 \text{ CSF} \times \begin{array}{c} \text{day you} \\ \text{will pump} \\ 80 \text{ T.86} \\ ? \end{array} \times 1.9835 =$$

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JAN 28 1991

which to submit the information upon request by the applicant and upon a showing of good cause.

Failure to submit the required information within the time period allowed will be cause for the director to void an application or to advance the priority of a permit being reprocessed by the number of days that the information submittal is late. The director will provide opportunity for hearing as provided in Section 42-1701A, Idaho Code.

- 4,5,2. For protested applications or protested permits being reprocessed, the information required by Rule 4,5,3. may be requested by the director to be submitted within 30 days after notification by the director, may be made a part of the record of the hearing held to consider the protest, or may be made available in accordance with any pre-hearing discovery procedures.

Failure to submit the required information within the time period allowed will be cause for the director to void an application or to advance the priority of a permit being reprocessed by the number of days that the information submittal is late.

- 4,5,3. Information to be submitted

The following information shall be submitted for applications to appropriate unappropriated water or trust water and for permits being reprocessed for trust water. The additional information submittal requirements of this rule are waived for filings which seek to appropriate five (5) cfs or less or storage of five hundred acre-feet (500 A-F) or less and for filings seeking reallocation of trust water which the director determines will reduce the flow of the Snake River measured at Murphy Gauge by not more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than 200 acres will be irrigated. However, the director may specifically request submittal of any of the following information for any filing, as he determines necessary.

- 4,5,3,1. Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:

- 4,5,3,1,1. For applications appropriating springs or surface streams with 5 or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted.

- ✓ 4,5,3,1,2. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all

existing wells and springs and permitted wells within a one-half mile radius of the proposed well.

- 4,5,3,1,3. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights. *For permit.*
- 4,5,3,2. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:
- 4,5,3,2,1. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, ~~the required diversion rate during the peak use period and the average use period~~, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.
- 4,5,3,2,2. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for ground-water sources, and information on other sources of supply that may be used to supplement the applied for water source.
- 4,5,3,3. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:
- 4,5,3,3,1. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.
- 4,5,3,3,2. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.
- 4,5,3,4. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:
- 4,5,3,4,1. The applicant shall submit a current financial statement certified to show the accuracy of the information contained

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JAN 28 1991

therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.

- 4,5,3,4,2. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.
- 4,5,3,5. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:
  - 4,5,3,5,1. The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.
  - 4,5,3,6. The following information Relative to the Public Interest Criteria of Section 42-203C(2), Idaho Code, shall be submitted by an applicant seeking reallocation of trust water for a project which the director determines will reduce the flow of the Snake River by more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than 200 acres will be irrigated. The director may request any or all of the following information for any filing seeking the reallocation of trust water.
    - 4,5,3,6,1. A project design and estimate of cost of development shall be submitted. For applications appropriating more than 25 cfs, or 10,000 AF of storage, or generating more than 5 megawatts, the information shall be prepared and submitted by a qualified engineer licensed under the provisions of Chapter 12, Title 54, Idaho Code, unless waived by the director. The design shall be definite enough to reflect the project's impacts and implications as required in subsequent rules.
    - 4,5,3,6,2. If the project proposes development for irrigation purposes, information shall be submitted on crop rotation, including acreages, for lands when newly developed.
    - 4,5,3,6,3. Information shall be submitted concerning the number and kinds of jobs that will be created or eliminated as a direct result of project development, including both the

**NOT RECORDED**  
JAN 28 1991

12, 1990

29~7931

Form 202  
6/85

Ident. No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Ward & Sons Co. Inc. Phone 208 385 2262  
Post office address 5336 arbon Hwy Arbon Idaho 83212
2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_
3. Location of point of diversion is NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_  
Sec. 36 Township 11s Range 33E B.M. Power County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 9.0 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 0.7 for Stock water purposes from 1/1 to 12/31 (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 is (a) 9.0 cubic feet per second and/or (b) \_\_\_\_\_ acre feet per annum
6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. Well with sprinkler system  
and stock troughs.  
\_\_\_\_\_  
\_\_\_\_\_  
b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet; period of year when water will be diverted to storage:  
\_\_\_\_\_ to \_\_\_\_\_ inclusive.  
c. Proposed well diameter is 20 inches; proposed depth of well is 350 feet.  
d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is  
5 years (minimum 1 year).

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JAN 28 1991

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- Stockwatering; list number and kind of livestock. 300 head Beef Cattle
- Municipal; show name of municipality. \_\_\_\_\_
- Domestic; show number of households. \_\_\_\_\_
- Other; describe fully. \_\_\_\_\_

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 11s | 33E   | 36   |     |     |     |     |     |     |     |     | 40  | 39  | 39  | 39  | 39  | 40  | 39  | 39  | 314    |
|     |       | 35   | 39  | 40  | 40  | 37  |     |     |     |     |     |     |     |     | 39  | 40  | 39  | 39  | 313    |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 627

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? App.

b. Who owns the land to be irrigated or place of use? 11

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

12. Remarks: Vance E. Ward Pres.

Darrel Ward U.P.

To Ann Ward Sec.

Elmer Ward & Tron.

**MICROFILMED**

July 1981



4,5,3,1,2 ON MAP

4,5,3,1,3 We plan To install Pivots With Low pressure nozzles

4,5,3,2,1 The peak water use would be June, July, August. About 86 days, The crops would be wheat, barley & alfalfa. The use would be about 9.0 cfs  $(9 \text{ cfs} \times 86 \text{ days} \times 1.9835 = 1535.23)$  This would be mostly pivot irrigation with low pressure nozzles. with some wheel lines.

4,5,3,2,2 The water taken would be ground water. It would be taken from a 20" well casing. The well depth is 350 ft. The well was drilled by Cushman well drilling several years ago. But I do not have a copy of the log. It may be on file at the state office under - WARD & SONS Co. Inc. The well tested 3000 gpm min + Plus.

|                  |                                      |                   |
|------------------|--------------------------------------|-------------------|
| <u>4,5,3,4,2</u> | 1 1/2 mile of main line x 4.75 puffs | 37620.00          |
|                  | 2 Pivots                             | 86,000.00         |
|                  | 8 wheel lines                        | 72,000.00         |
|                  | Gen Head & Diesel Motor              | 60,000.00         |
|                  |                                      | <u>255,620.00</u> |

**MICROFILMED**

JAN 28 1991

**RECEIPT**  
**For Monies Paid**  
**to the**  
**IDAHO DEPARTMENT OF WATER RESOURCES**

**Receipt No:** E012386

**Date:** 03/16/90  
**Time:** 08:01:30

**Received**  
**From:** WARD FARMS

| <b>Type of Payment</b> | <b>Program Acct Class</b> | <b>Amount</b>   |
|------------------------|---------------------------|-----------------|
| APPLIC. FOR PERMIT     | 0630199 1238 6390         | \$205.00        |
|                        | <b>Total</b>              | <b>\$205.00</b> |

CHECK 4022

Idaho Department of Water Resources

Region: EASTERN

Signature: *W. C. Jones*

**RECEIVED**

**JAN 28 1991**

10-May-1990

Ward & Sons Co., INC.

Arbon, ID 83212

RE: Application for Permit No. 29-7931

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Power County Press on MAY 17 & 24, 1990. 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

**MICROFILMED**

JAN 28 1991

29-07931

WARD & SONS CO., INC.  
5336 ARBON HWY.  
ARBON, ID 83212

Source: GROUNDWATER

Diversion Pt: NWNWSW Sec 36 T 11S R 33E

Use: IRRIGATION ( 9.000 CFS)  
STOCKWATER ( .070 CFS)  
Total Diversion: ( 9.000 CFS)

Date Filed: 3/15/ 1990

|                   |      |      |      |      |
|-------------------|------|------|------|------|
| In: T11S R33E S35 | NENE | NWNE | SWNE | SENE |
|                   | NESE | NWSE | SWSE | SESE |
| S36               | NESW | NWSW | SWSW | SESW |
|                   | NESE | NWSE | SWSE | SESE |

627.0 ACRES TOTAL

**MICROFILMED**

JAN 28 1991

Mar. 12, 1990

Dear Sirs:

The well which we are applying for a permit, was drilled in 1980 under permit no. 29-07291, when we were ready to improve on it, the problem with the Idaho Power Moratorium threw the Swan Falls litigation came up. And we could not get a power supply at that time. Since then we felt it would be better if we waited to see the outcome of the litigation.

But at this time we would like to <sup>submit</sup> ~~apply~~ an application for permit, so this well could be completed.

Thanks  
Vance E. Ward

Vance E. Ward  
5336 ARBON Hwy.  
ARBON, Idaho 83212

Phone - 208-335-2263  
208-335-2264

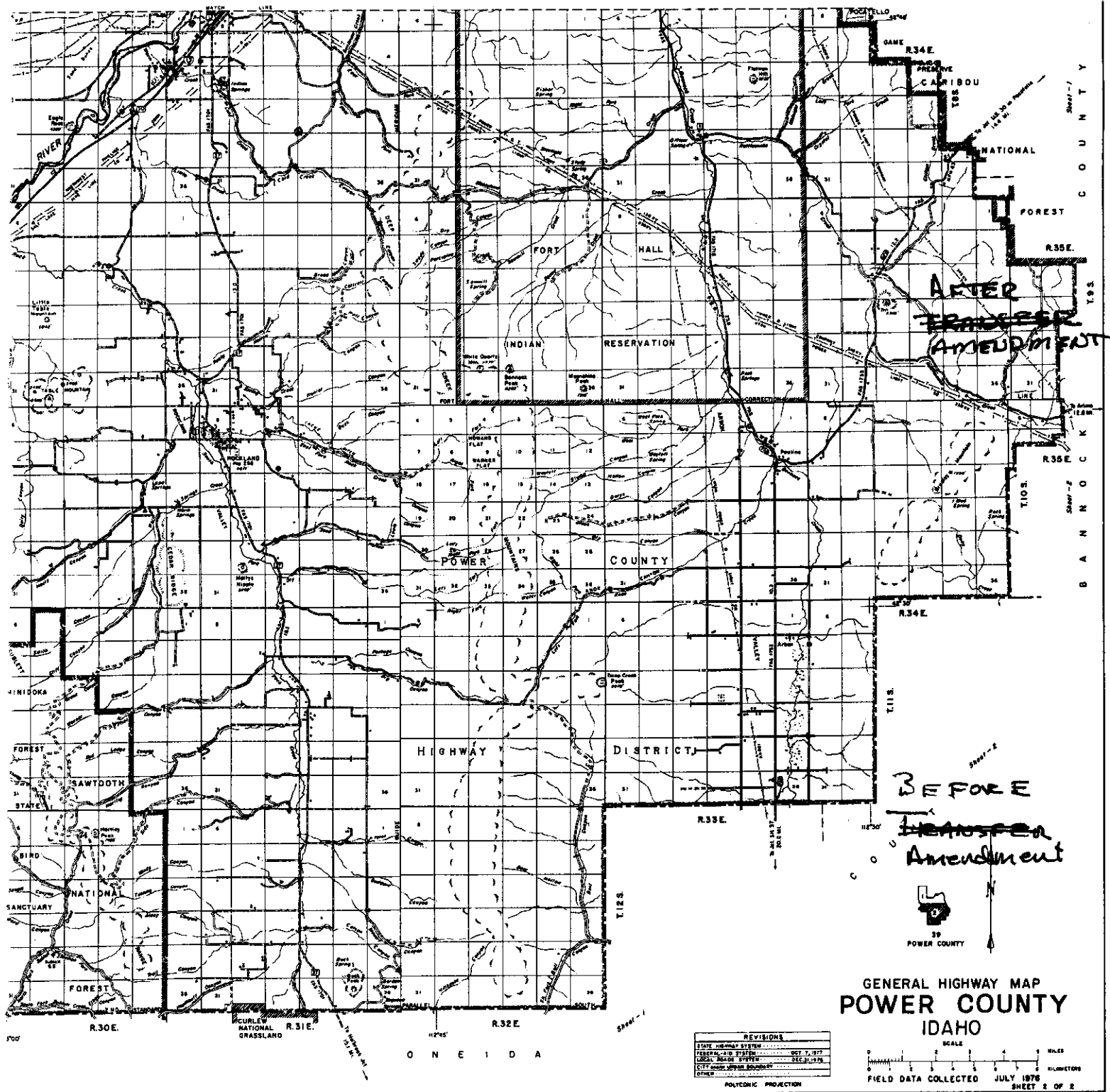
MICROFILMED

JAN 28 1991

RECEIVED

MAR 15 1990

Department of Water Resources  
Eastern District Office



| REVISIONS            |              |
|----------------------|--------------|
| STATE HIGHWAY SYSTEM | NOV. 1, 1977 |
| FEDERAL-AID SYSTEM   | DEC. 1, 1977 |
| COUNTY ROAD SYSTEM   | DEC. 1, 1977 |
| CITY ROAD SYSTEM     | DEC. 1, 1977 |
| OTHER                |              |
| POLYCONIC PROJECTION |              |

GENERAL HIGHWAY MAP  
POWER COUNTY  
IDAHO

SCALE  
0 1 2 3 4 5 MILES  
0 1 2 3 4 5 KILOMETERS

FIELD DATA COLLECTED JULY 1976  
SHEET 2 OF 2