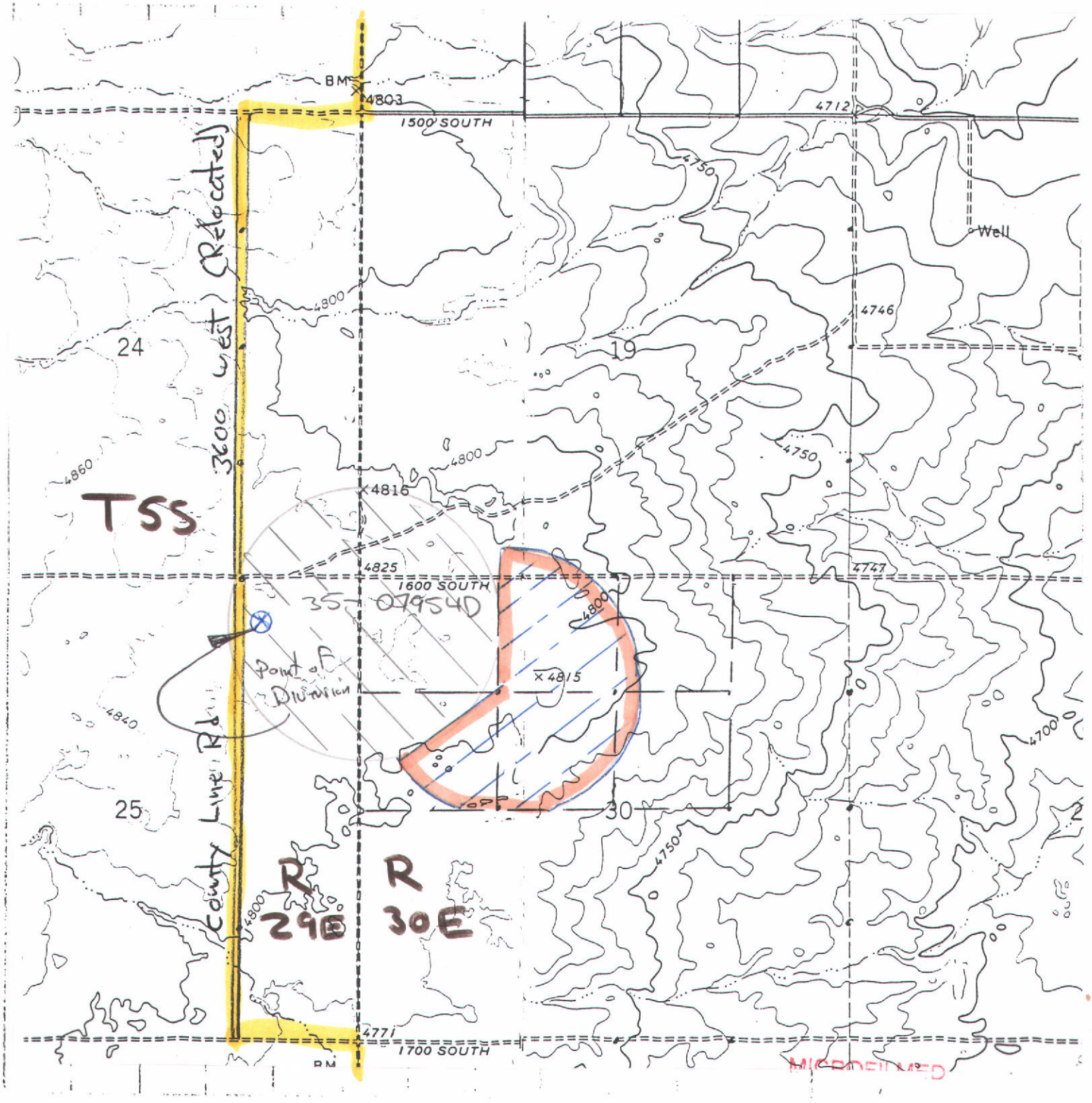
Transfer No. 5242

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

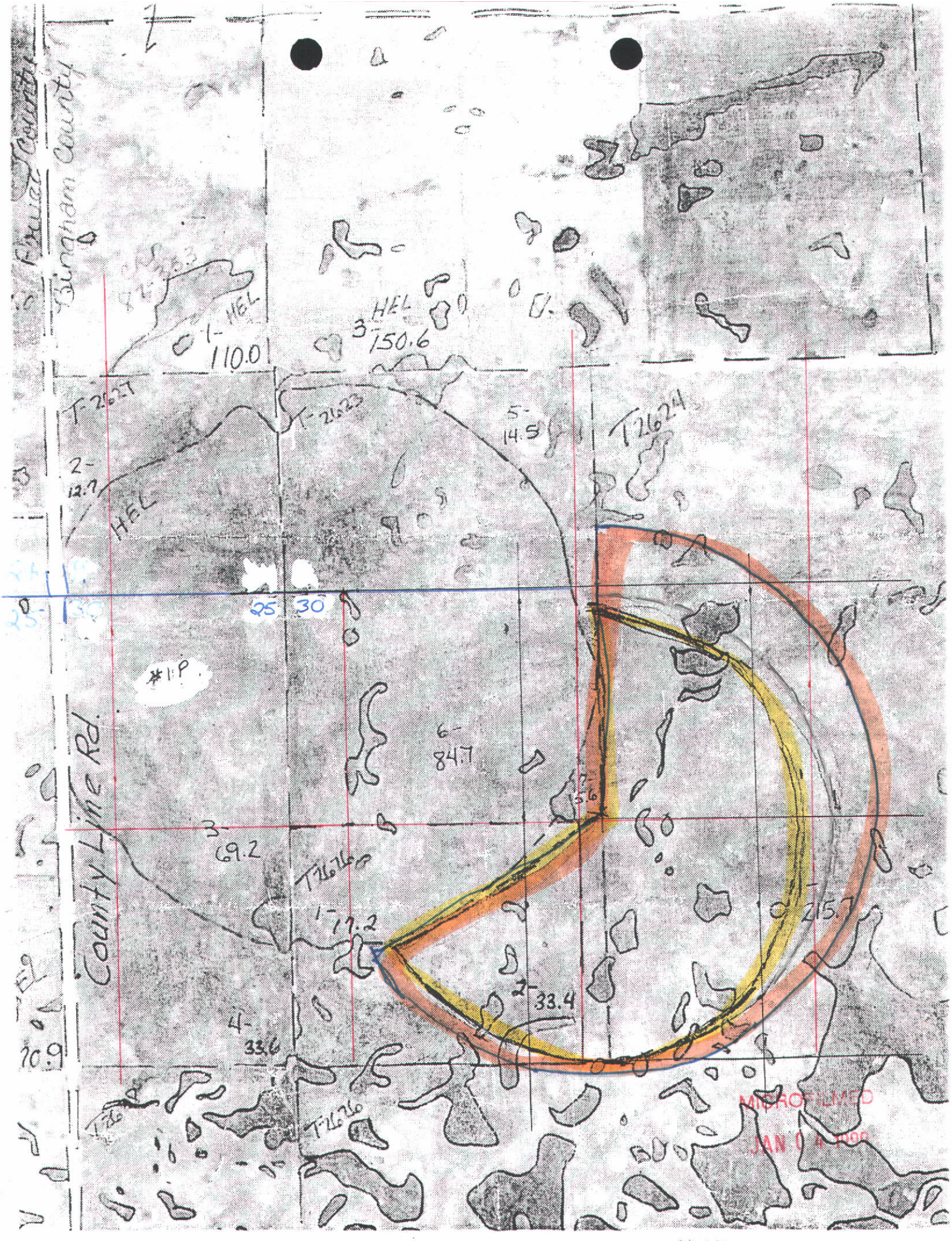
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

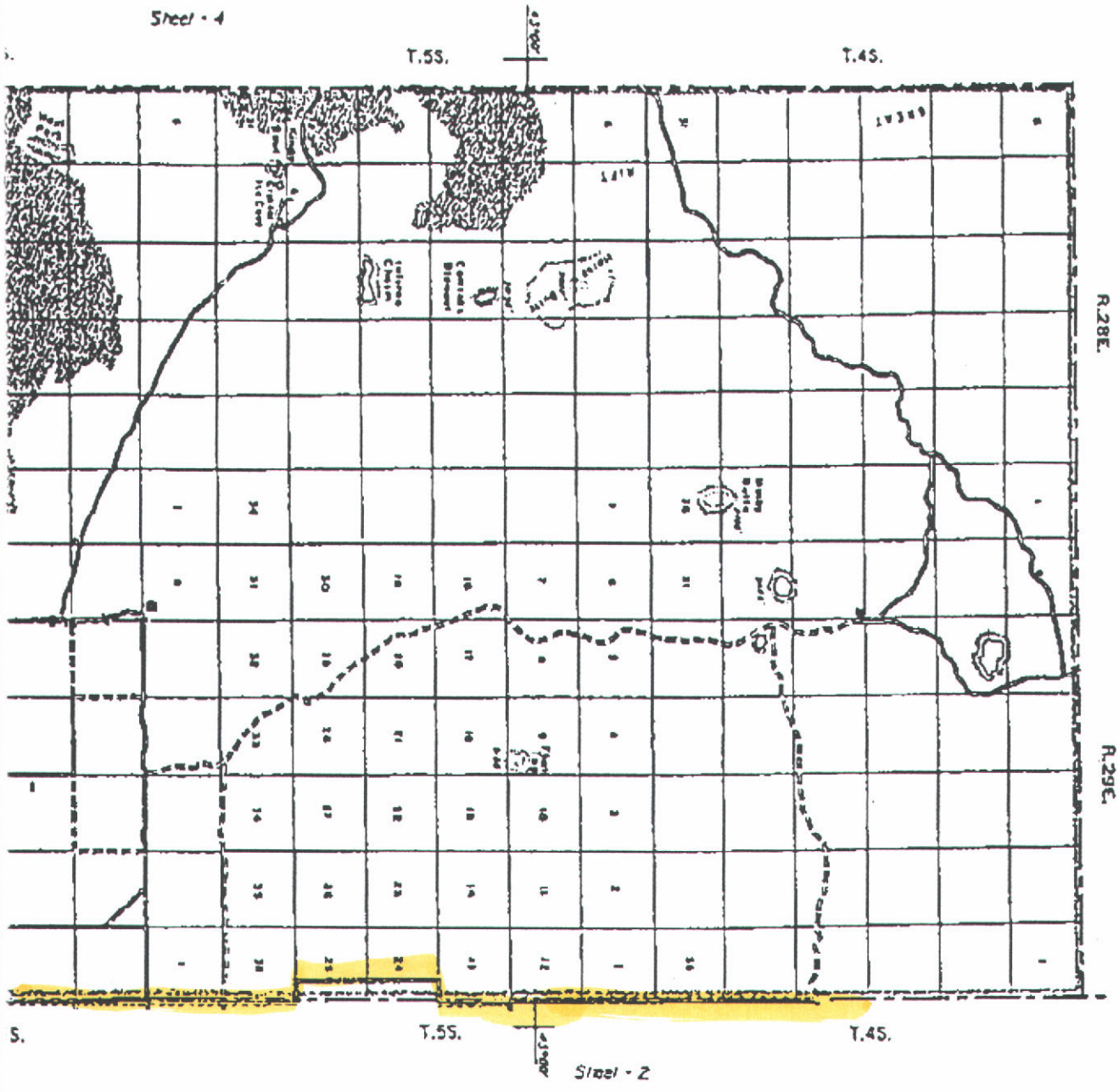


MICROFILMED
JAN 04 1999

SCALE: 2 inches equal 1 mile. Draw plan in ink.


Gwinnett County
1- HEL
110.0
3- HEL
150.6
T-26-7
T-26-23
T-26-24
5-
14.5
2-
12.7
HEL
25
30
#1 P.
County Line Rd.
6-
84.7
3-
69.2
T-26-26
1-
11.2
215.7
2-
33.4
4-
33.6
T-26-26
T-26-26
20.9
MICROFILMED
JAN 04 1999

E C O U N T Y



B L A I N E C O U N T Y

B I N G H A M C O U N T Y

MICROFILMED
JAN 0 4 1999



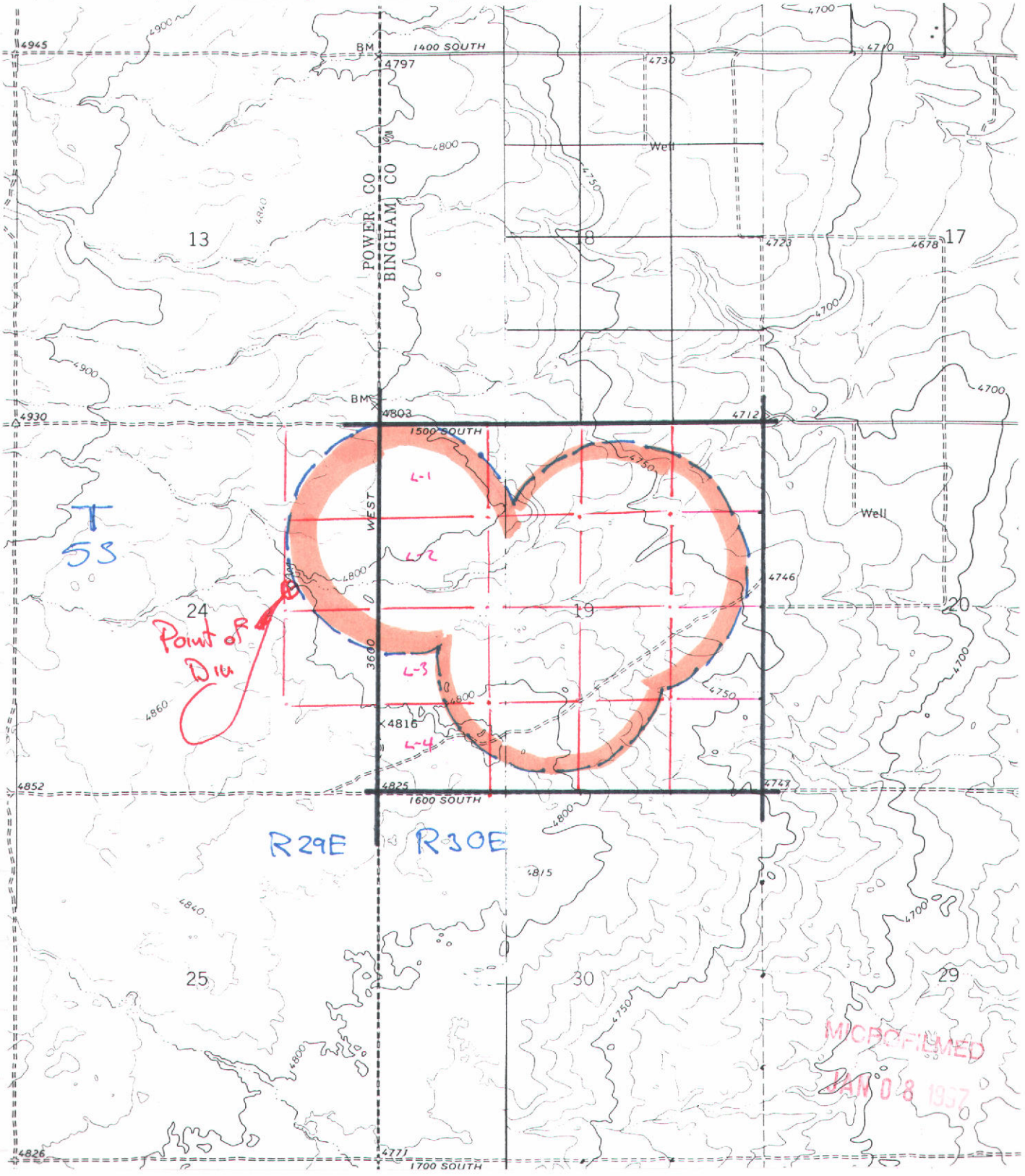
Page _____ of _____ Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

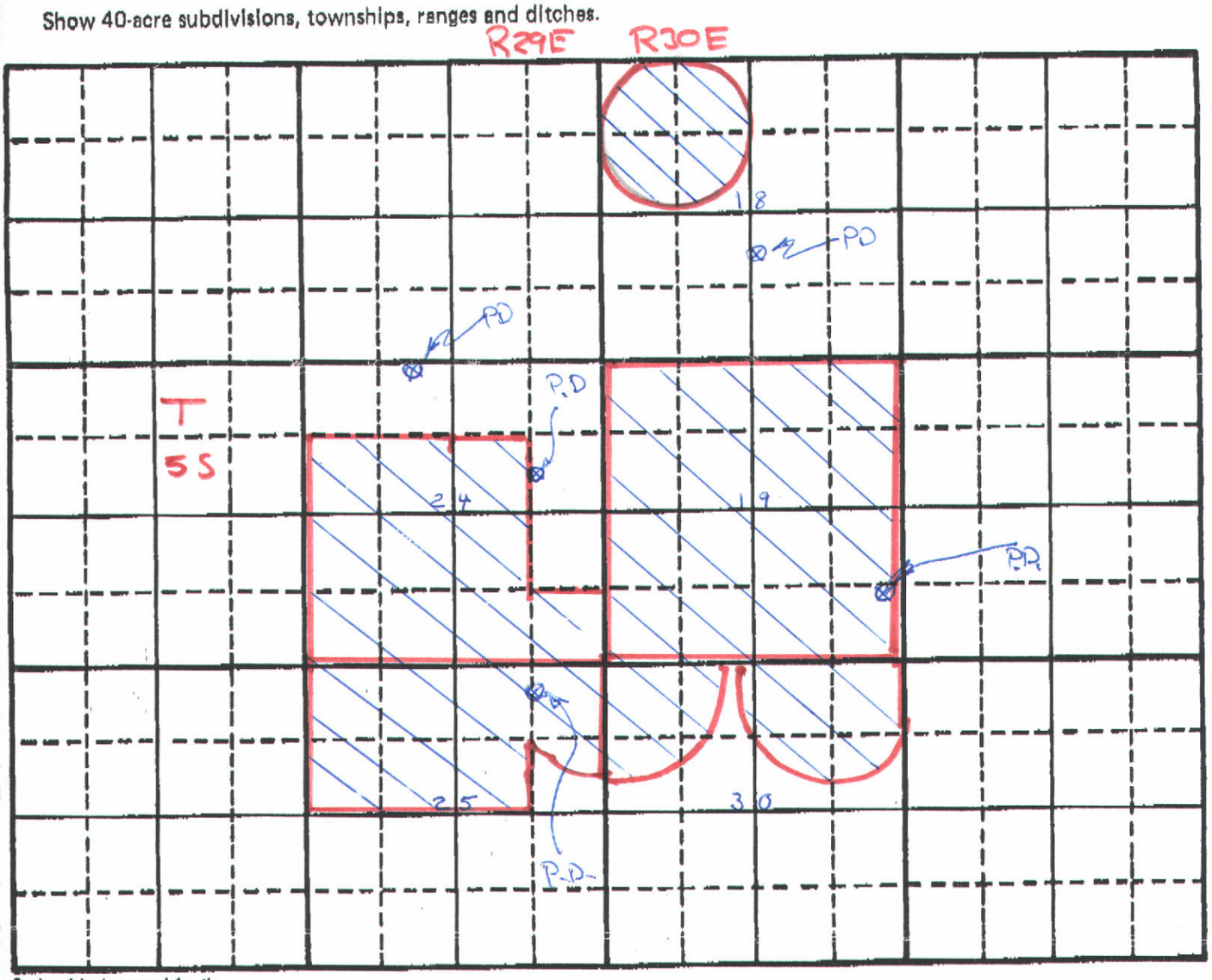
A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

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

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



Scale: 2 inches equal 1 mile.

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

Signed at Aberdeen, this 3 day of Dec, 19 1990

Paul M Bekart
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by KCW Fee = $20.00 # E015514 Receipted by Hunt Date 12-6-90

Publication prepared by _____ Date _____ Published in _____

Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby approved the above referenced application for amendment provided: (1) the conditions as set forth in permit No. 35-07954 are met and (2) the permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

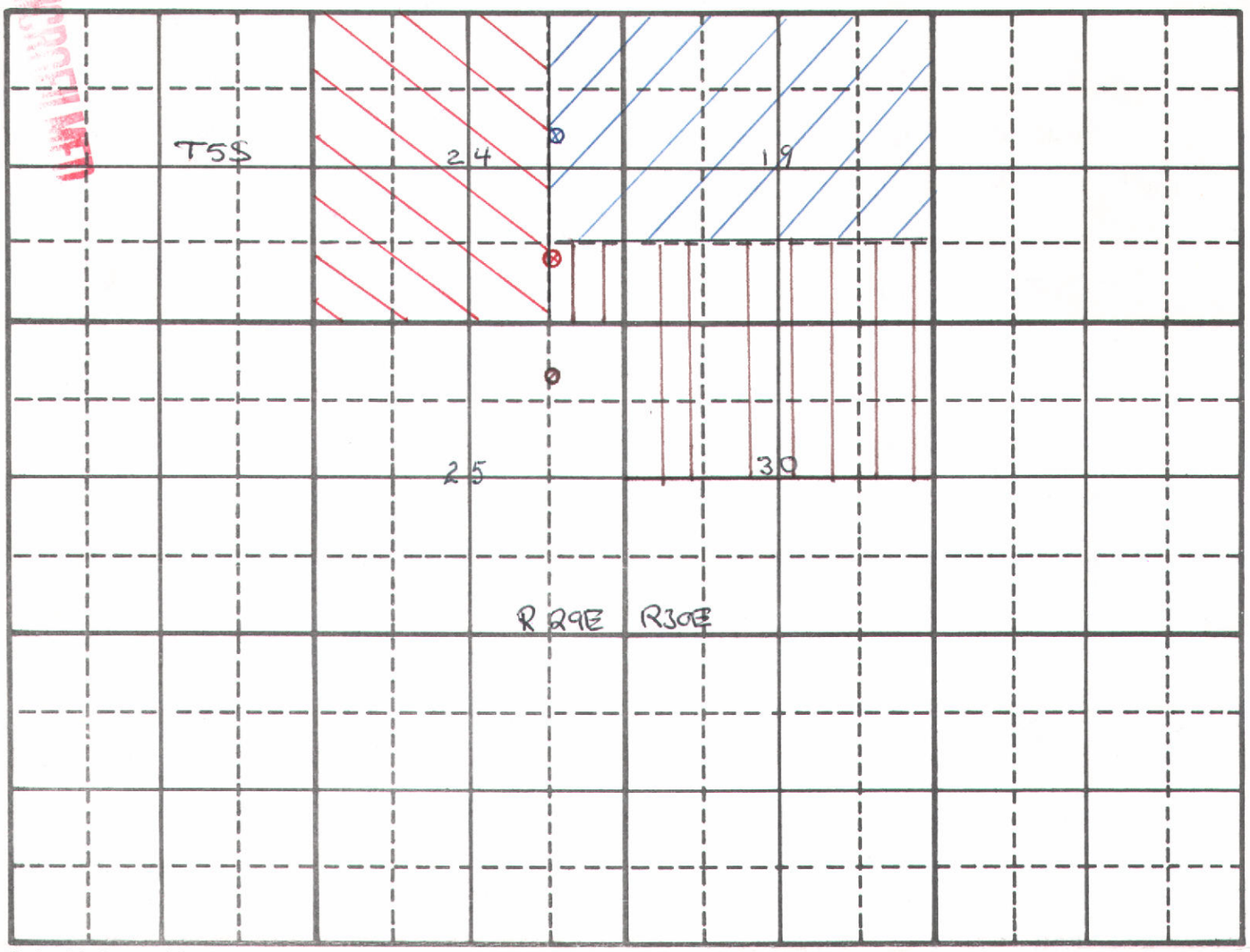
Witness my hand this 29th day of January, 19 91.

L. Glen Saxton
Chief, Water Alloc. Bureau

MICROFILMED
FEB 06 1991

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

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



Scale: 2 inches equal 1 mile.

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

Signed at Burley Idaho, this 26 day of April, 1984.

Harry L Mai
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by HWJ Fee = $20.00 Receipted by JK Date 4-27-84 # 33528

Publication prepared by CW Date 5-10-84 Published in Power County Press Blackfoot News

Publication dates 5/17 & 5/24/84

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby

Approve the above referenced Amendment provided the conditions as set forth

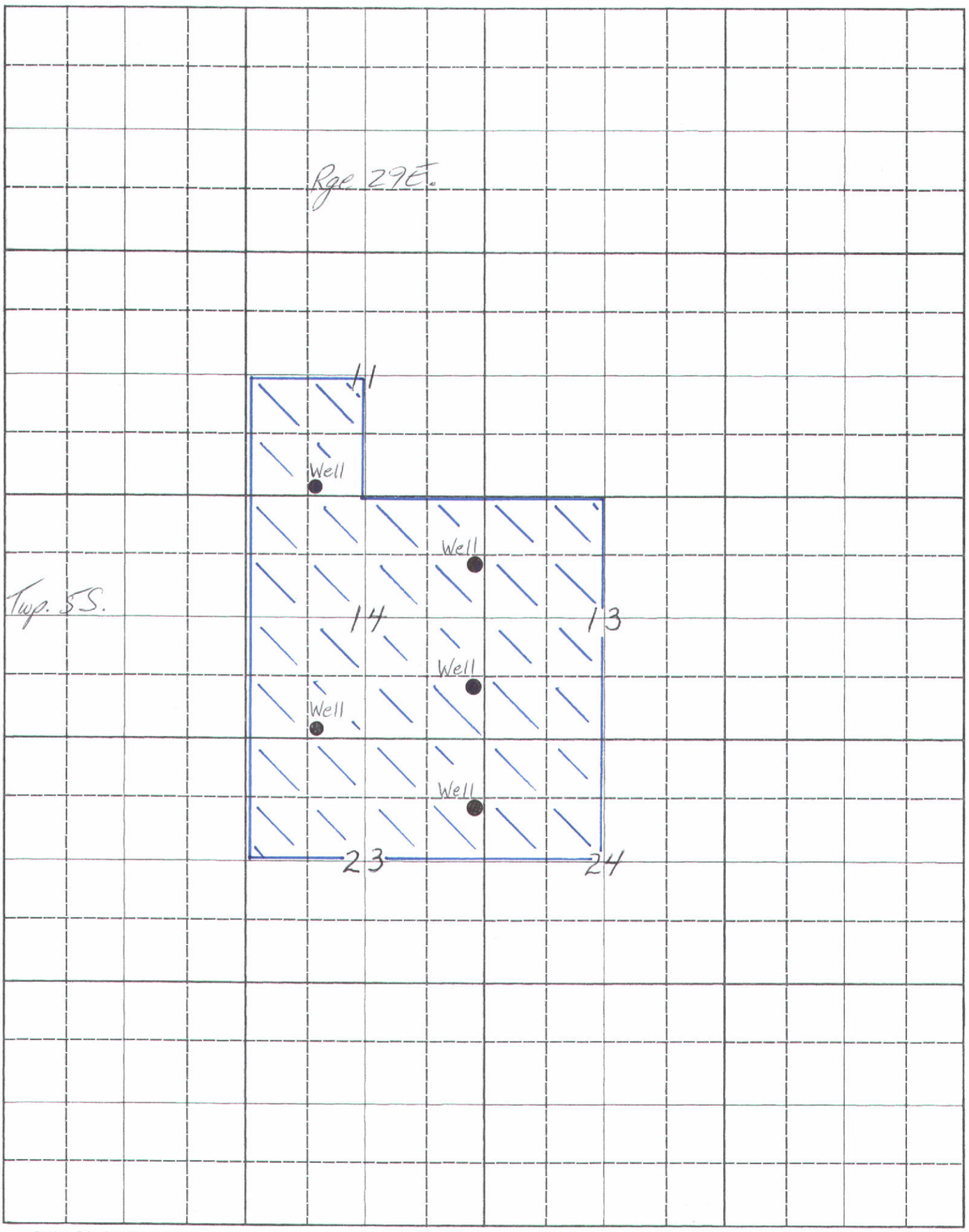
on page 4 of Permit No. 35-7954 are met.

VOIDED

Witness my hand this 7th day of August, 19 84.

L. Glen Saxton
Chief, Operations Bureau

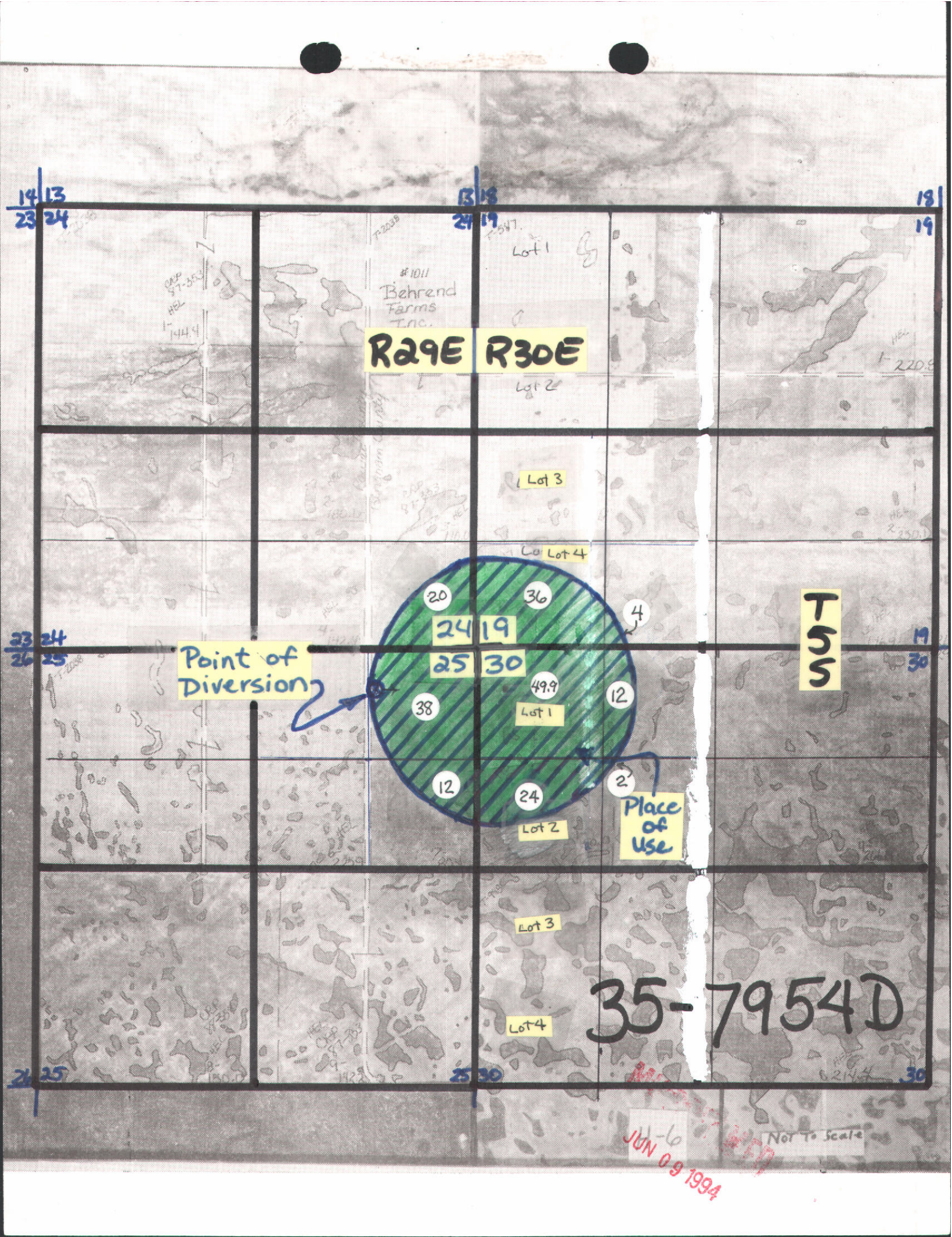
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

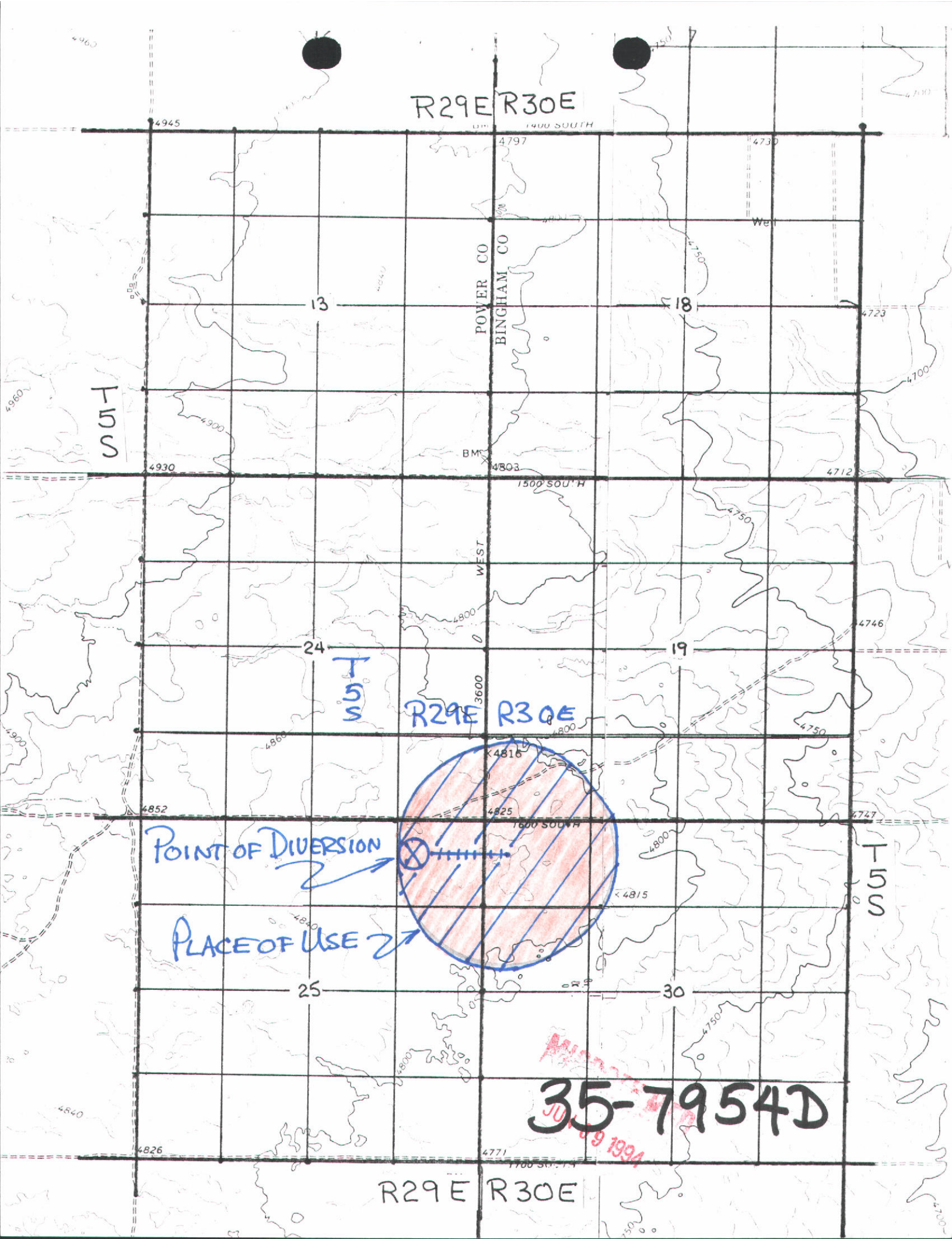


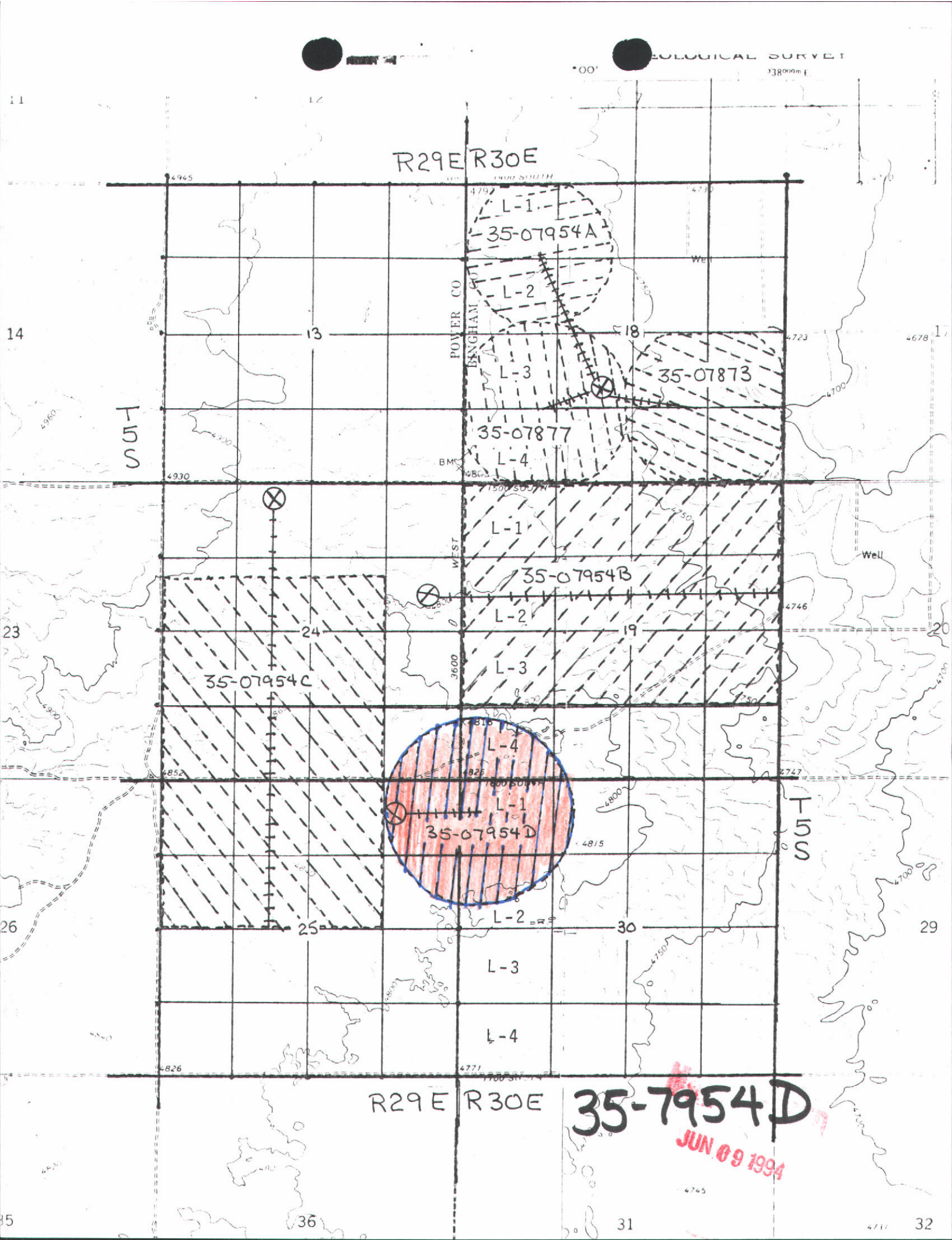
Scale: 2 inches equal 1 mile.

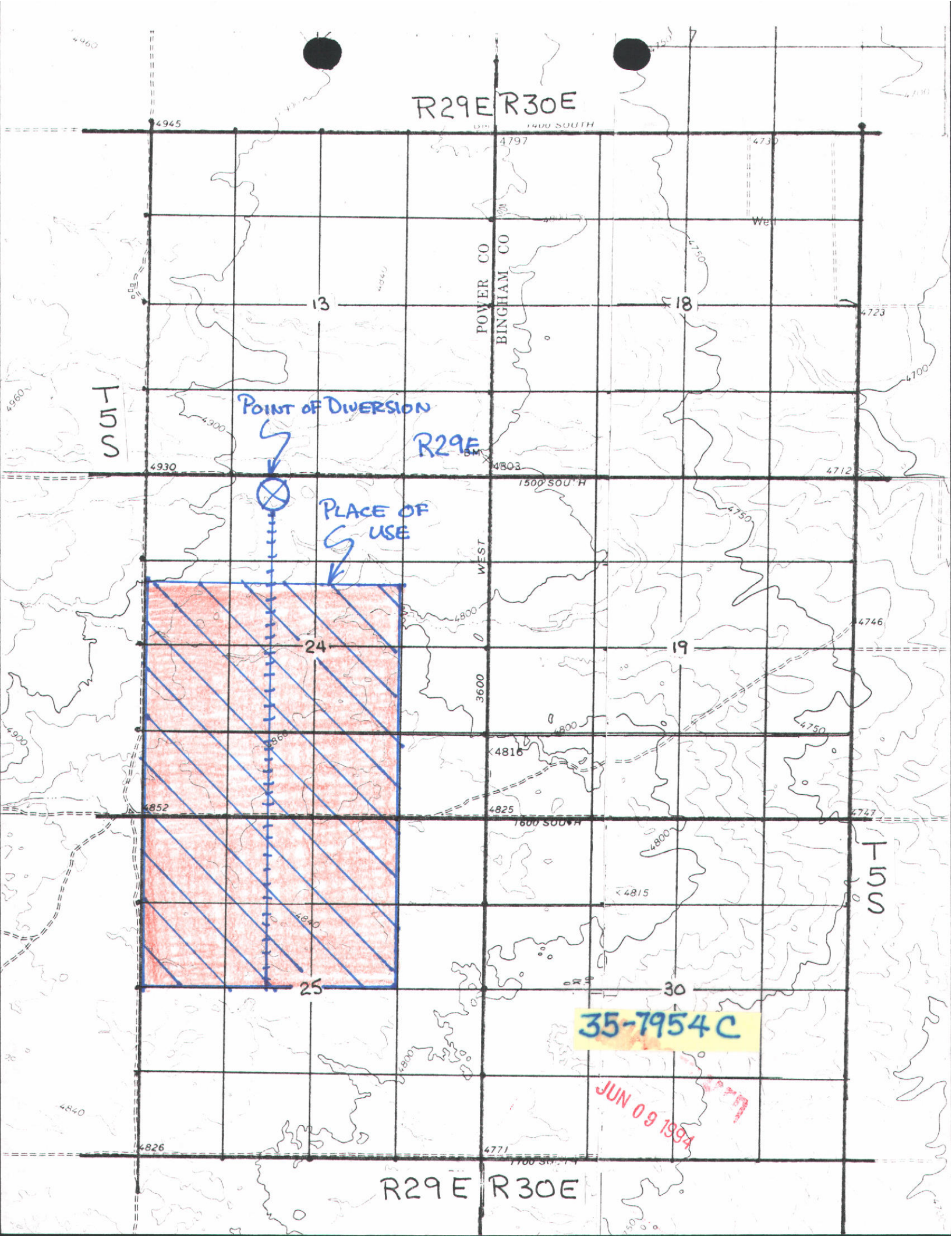
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

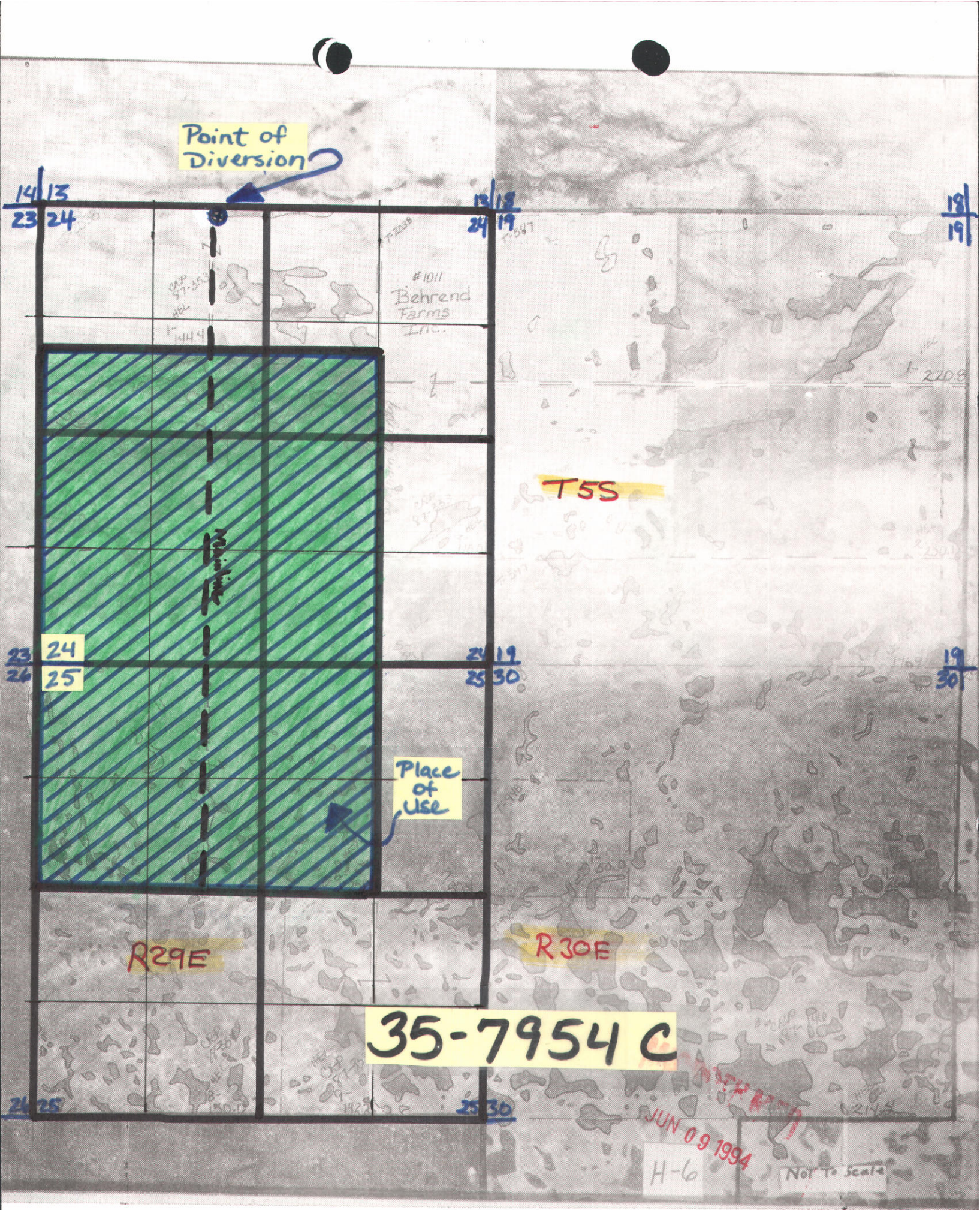
× Larry L Mai
(Applicant)

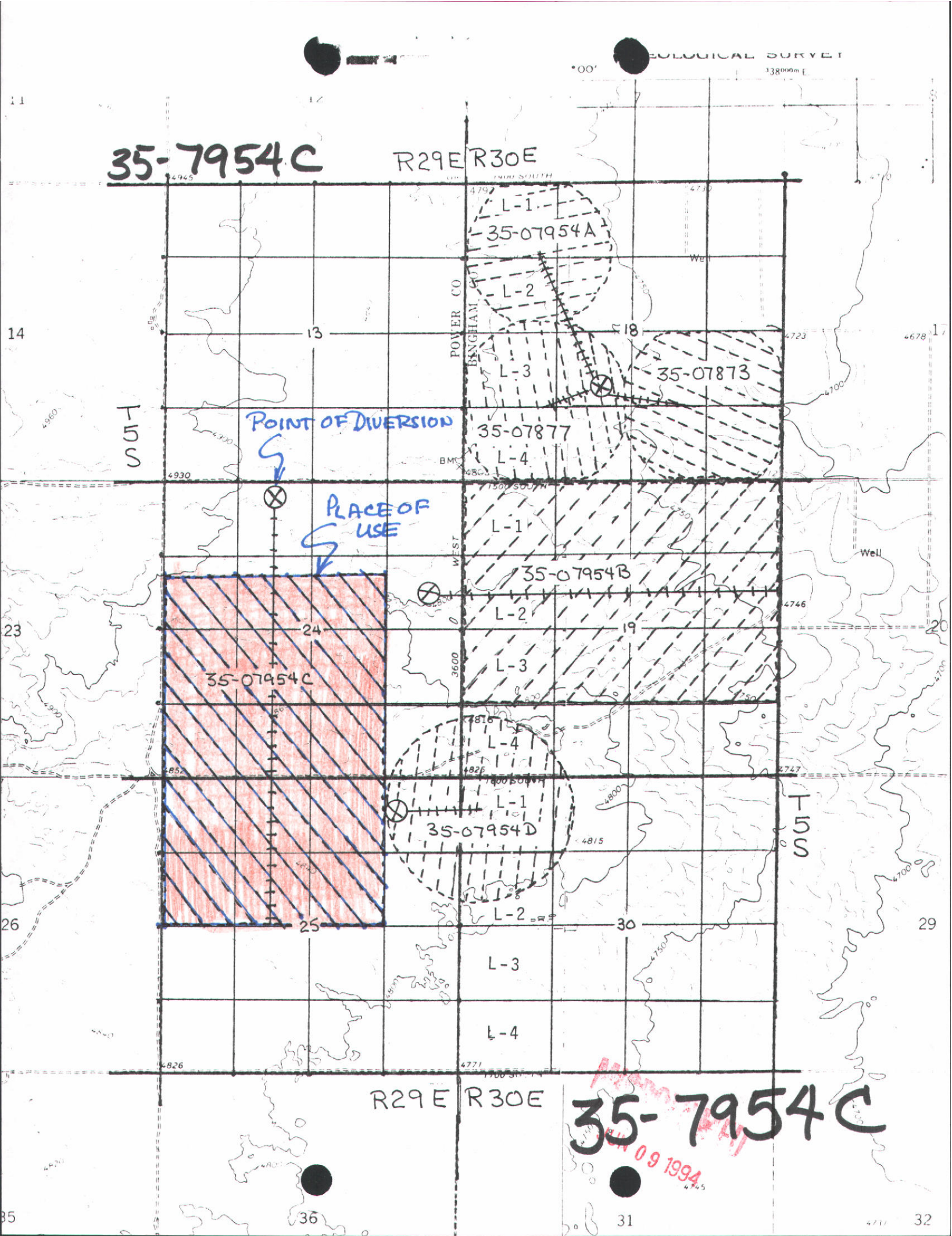

R29E
R30E
T5S
Point of Diversion
Place of Use
Behrend Farms Inc.
#1011
Lot 1
Lot 2
Lot 3
Lot 4
20
36
4
24
19
25
30
49.9
38
12
12
24
2
35-7954D
Not To Scale
JUN 09 1994

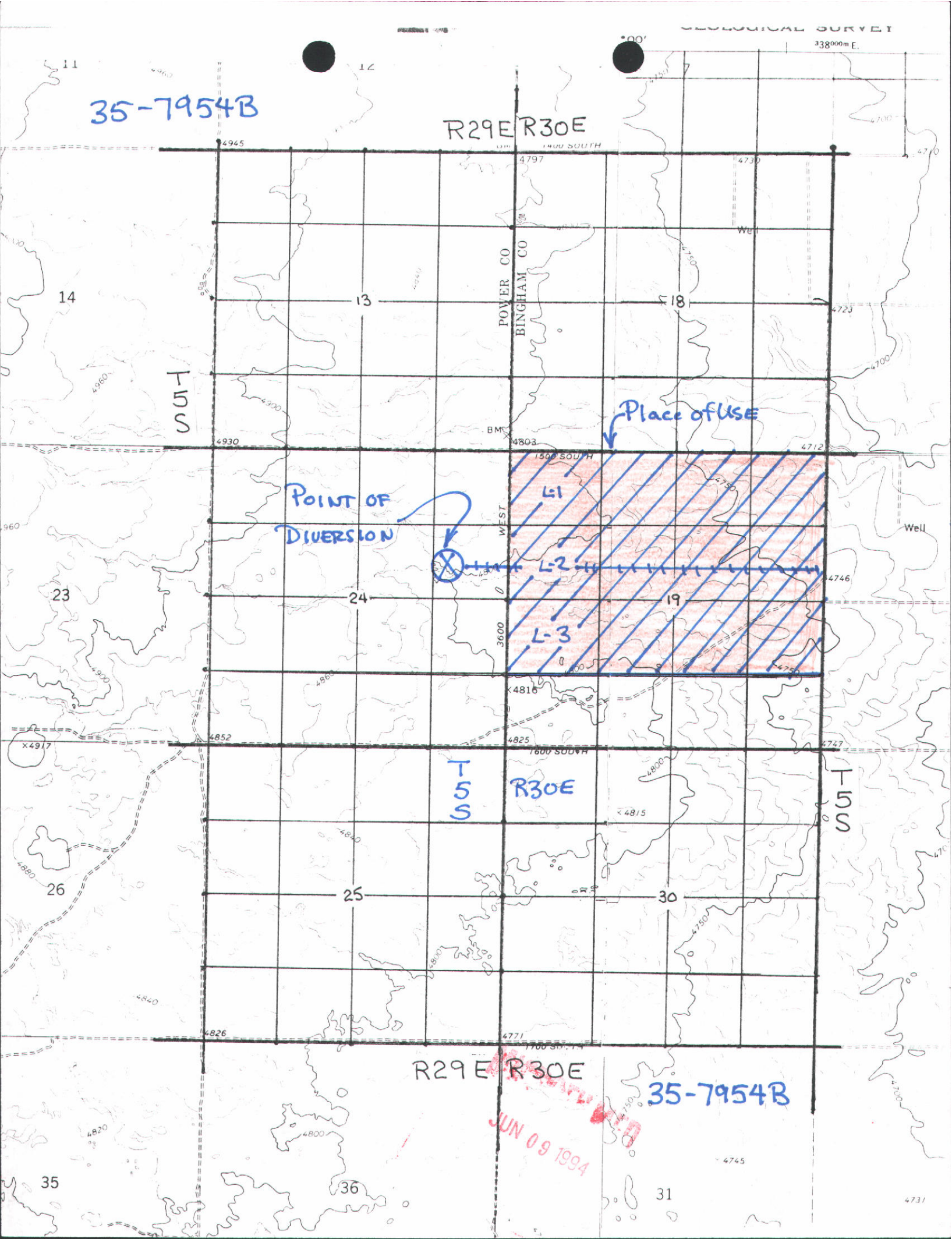

R29E R30E
1400 SOUTH
4797
4730
4945
13
18
POWER CO
BINGHAM CO
T 5 S
4930
BM
4803
4712
1500 SOUTH
WEST
4723
4700
4746
24
19
T 5 S
R29E R30E
3600
4816
4852
4825
1600 SOUTH
4747
POINT OF DIVERSION
PLACE OF USE
4815
T 5 S
25
30
35-7954D
JUL 29 1994
4826
4771
R29E R30E

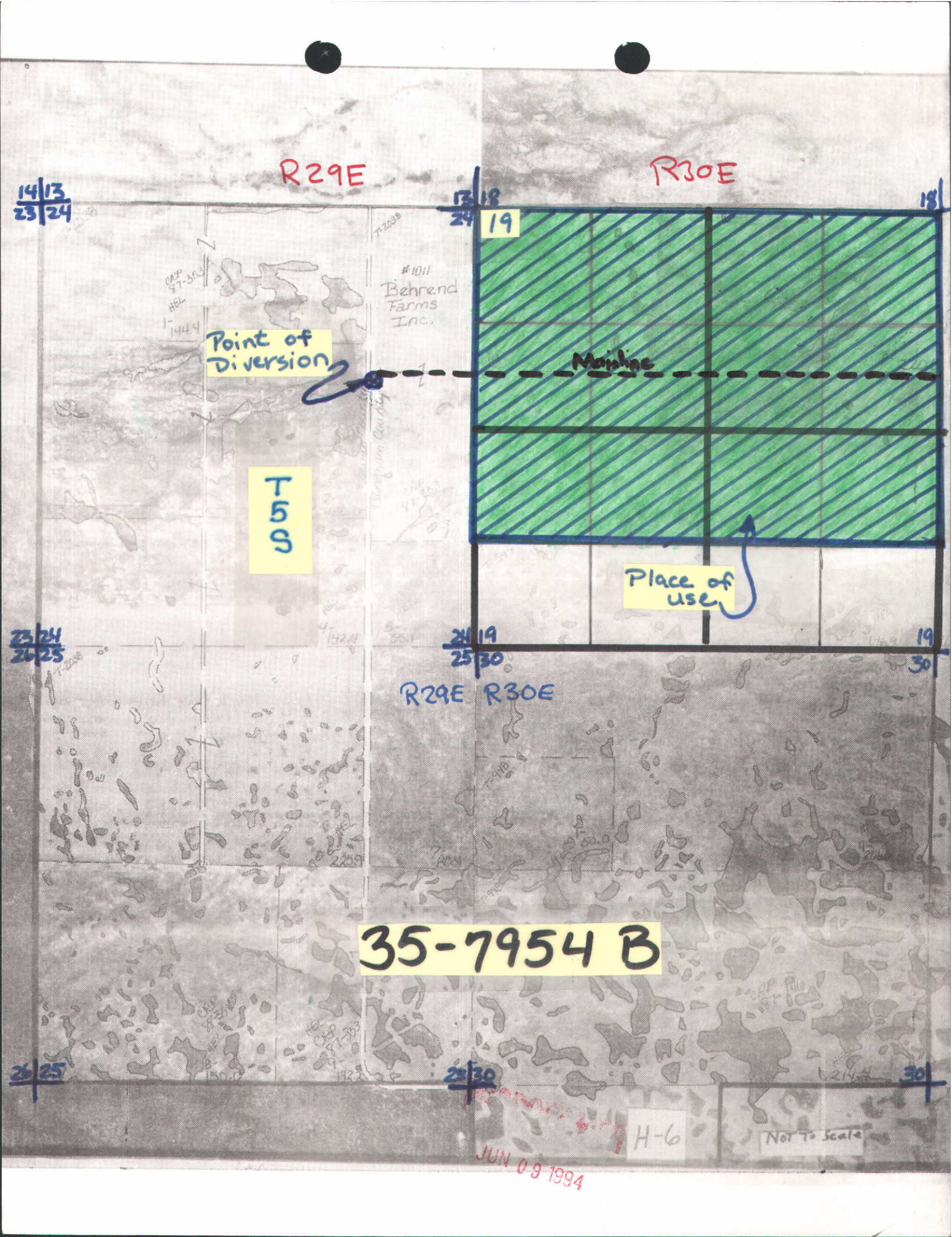

R29E R30E
L-1
35-07954A
L-2
POWER CO
BINGHAM
13
18
L-3
35-07873
35-07877
L-4
T 5 S
L-1
35-07954B
L-2
24
19
L-3
35-07954C
L-4
L-1
35-07954D
L-2
25
30
L-3
L-4
R29E R30E
35-7954D
JUN 09 1994

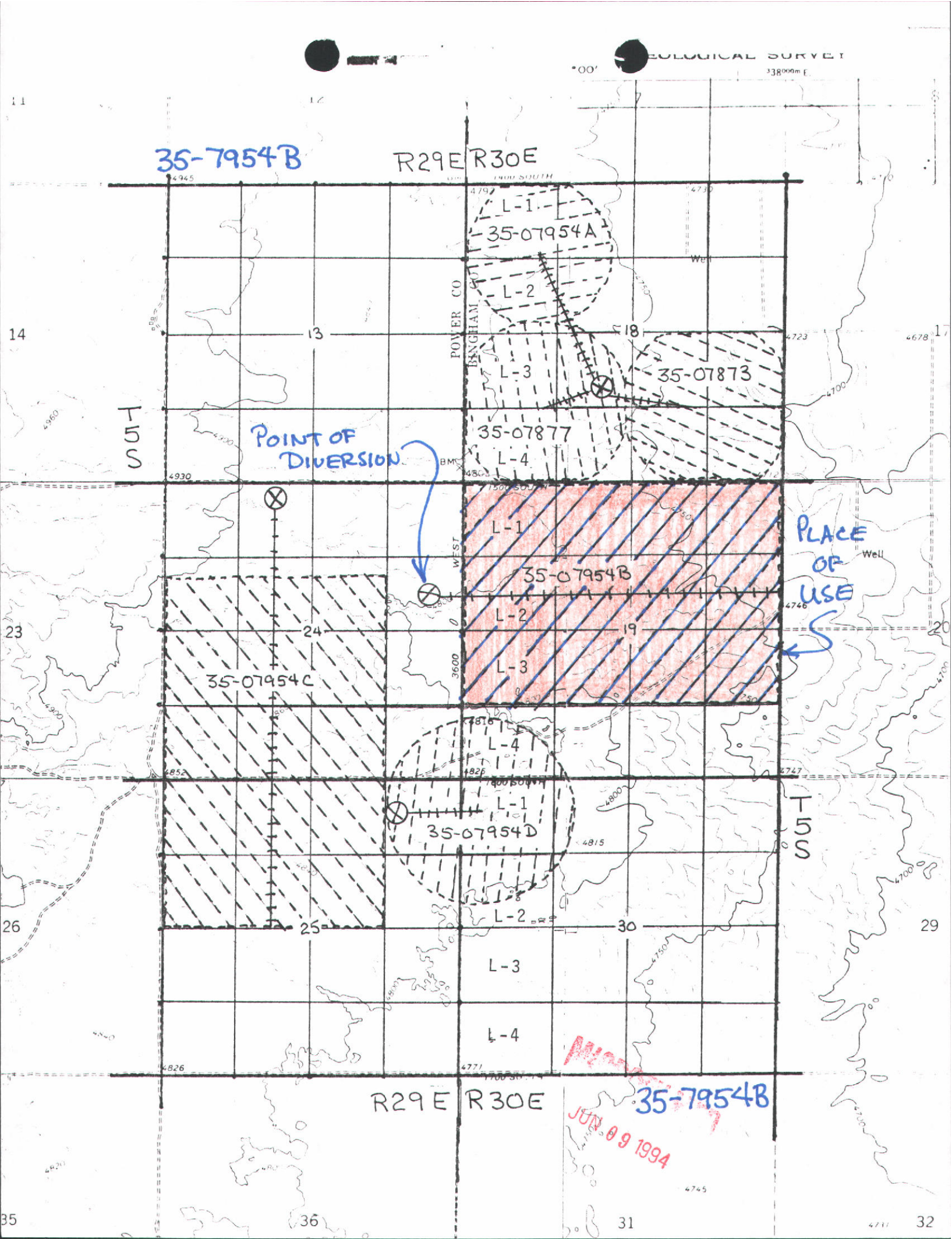

R29E R30E
T5S
POINT OF DIVERSION
R29E
PLACE OF USE
13
18
24
19
25
30
POWER CO
BINGHAM CO
WEST
1500 SOUTH
1600 SOUTH
35-7954 C
JUN 09 1994
R29E R30E
T5S

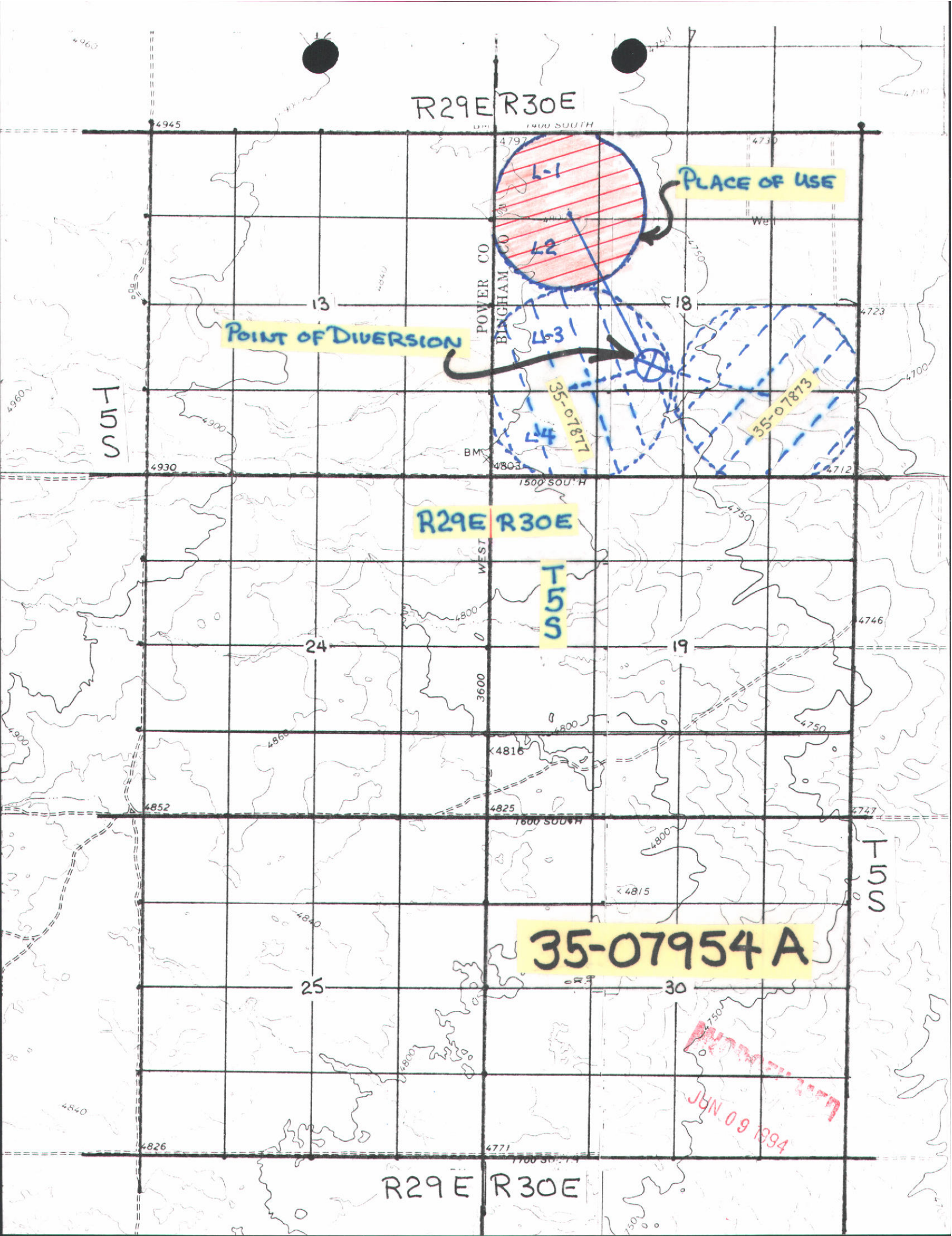

Point of Diversion
#1011
Behrend Farms Inc.
T5S
R29E
R30E
Place of Use
35-7954 C
JUN 09 1994
H-6
Not To Scale

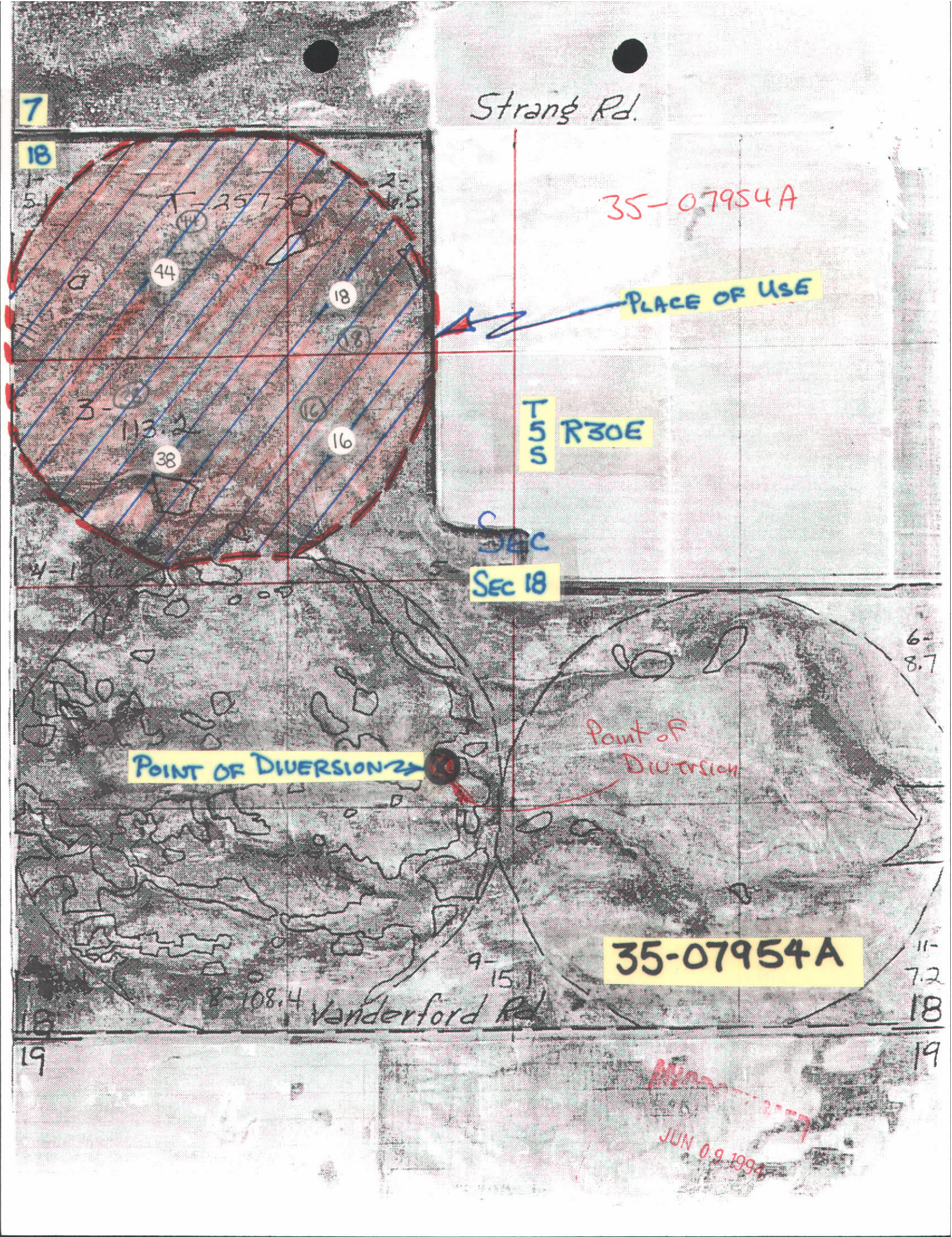

35-7954C
R29E R30E
L-1
35-07954A
L-2
POWER CO
BINGHAM
L-3
35-07873
35-07877
L-4
T 5 S
POINT OF DIVERSION
PLACE OF USE
L-1
35-07954B
L-2
L-3
35-07954C
L-4
L-1
35-07954D
L-2
L-3
L-4
T 5 S
R29E R30E
35-7954C
Well
Well
13
18
19
24
25
30
14
23
26
29
35
36
31
32

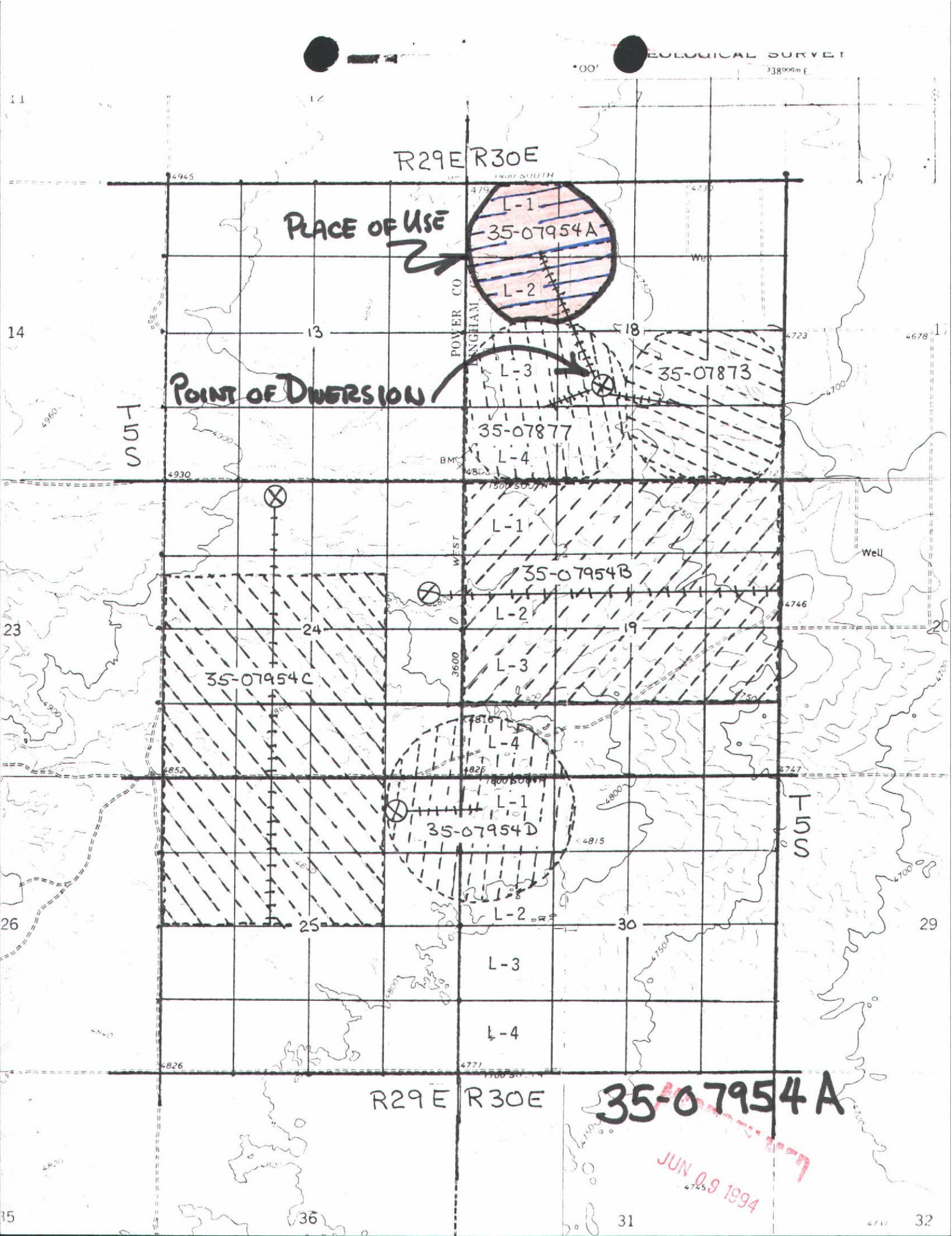

35-7954B
R29E R30E
T 5 S
POWER CO
BINGHAM CO
Place of Use
POINT OF DIVERSION
L-1
L-2
L-3
WEST
3600
1500 SOUTH
1600 SOUTH
T 5 S
R30E
R29E R30E
35-7954B
JUN 09 1994
13
18
24
19
25
30
14
23
26
35
36
31


R29E
R30E
14 13
23 24
13 18
24 19
18
19
#1011
Behrend
Farms
Inc.
Point of
Diversion
Mainline
T
5
S
Place of
use
23 24
26 25
24 19
25 30
19
30
R29E R30E
35-7954 B
26 25
25 30
30
H-6
Not To Scale
JUN 09 1994


35-7954B
R29E R30E
L-1
35-07954A
L-2
13
18
POWER CO
BINGHAM
L-3
35-07873
T 5 S
POINT OF DIVERSION
35-07877
L-4
L-1
35-07954B
PLACE OF USE
Well
L-2
24
19
35-07954C
L-3
L-4
L-1
35-07954D
L-2
25
30
T 5 S
L-3
L-4
R29E R30E
35-7954B
JUN 09 1994
23
26
29
35
36
31
32

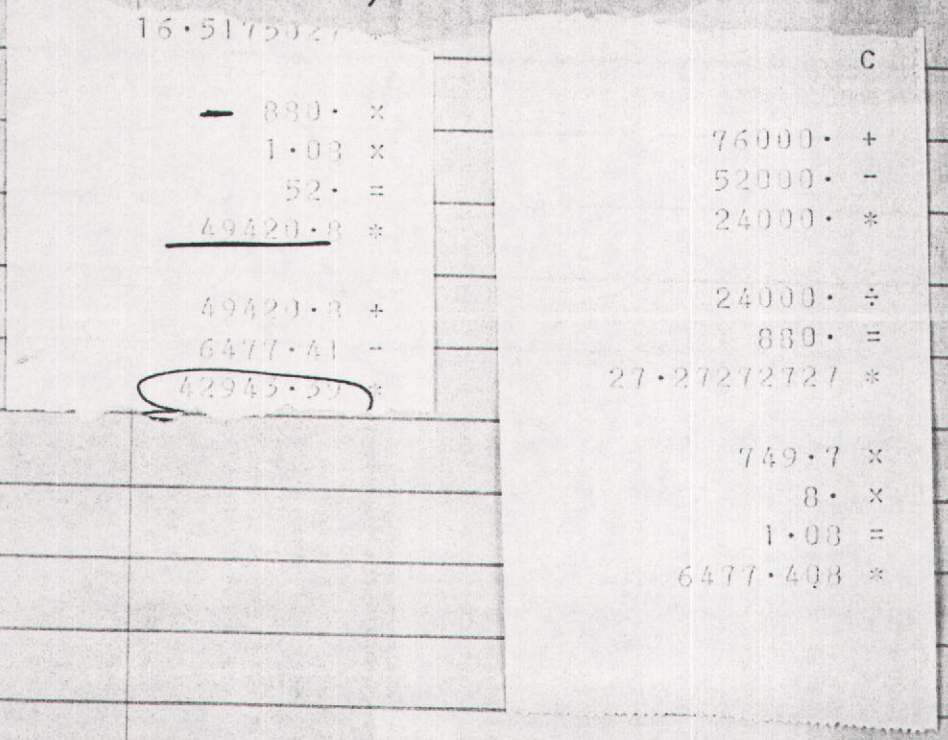

R29E R30E
L-1
L2
L3
L4
PLACE OF USE
POINT OF DIVERSION
35-07877
35-07873
POWER CO
BIGHAM CO
WEST
13
18
24
19
25
30
T 5 S
1400 SOUTH
1500 SOUTH
1600 SOUTH
BM
4803
4797
4816
4825
4815
4852
4826
4771
4945
4930
4723
4712
4746
4747
35-07954 A
JUN 09 1994


7
18
Strang Rd.
35-07954A
PLACE OF USE
T 5 S R30E
SEC
SEC 18
POINT OF DIVERSION
Point of Diversion
35-07954A
Vanderford Rd
18
19
JUN 09 1994


R29E R30E
PLACE OF USE
POINT OF DIVERSION
L-1
35-07954A
L-2
L-3
35-07873
35-07877
L-4
L-1
35-07954B
L-2
L-3
35-07954C
L-4
L-1
35-07954D
L-2
L-3
L-4
T 5 S
T 5 S
R29E R30E
35-07954A
JUN 09 1994

Behrend Farms -
Paul will come in tomorrow
to sign COC approved by phone

Dryl - on Circle
Sprg 82



Change 880 A to Dryland yield wheat - 22 bu./A.
Chang Irrigated yield to 82 bu/A on original farm.

MICROFILMED
MAR 21 1990

approved
12/5/85
Lee Kress

RECEIVED
JUN 4 1984
Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

NOTICE IS HEREBY given that Permit No. 35-7954 in the name of Larry L. Mai, Burley, Idaho, was issued for the diversion of 32.0 cfs of water from a ground-water source with point of diversion within the SE¼SW¼, Sec. 11, SE¼NE¼, SE¼SW¼, SE¼SE¼, Sec. 14, SE¼NE¼, Sec. 23, T. 5S, R. 29E, B.M., Power County; to be used for the irrigation of 1600 acres from April 1 to November 1 within the SW¼, Sec. 11, W½, Sec. 13, Sec. 14, N½, Sec. 23, NW¼, Sec. 24, T. 5S, R. 29E, B.M.

The permit holder now proposes to amend Permit No. 35-7954, changing the point of diversion to the NE¼NE¼, Sec. 25 (Power County), SE¼SE¼, SE¼NE¼, Sec. 24 (Bingham County), T. 5S, R. 29E; and the place of use to Sec. 24, T. 5S, R. 29E, Sec. 19, N½, Sec. 30, T. 5S, R. 30E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402, on or before June 4, 1984.

A. KENNETH DUNN
Director

(8193)
Pub.: 5-17, 24

AFFIDAVIT of PUBLICATION

County of Bingham)
)ss
State of Idaho)

I, David Mark Brown do solemnly swear that I am the Publisher of The Morning News which is a daily newspaper of general circulaton published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Thursday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said Issue or said newspaper 2 consecutive weeks;

the first publication having been made on the 17th day of May, 19 84,

and the last publication having been made on the 24th day of May, 19 84;

that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

David Mark Brown

Subscribed and sworn to before me this 31st

day of May, 19 84.

Patricia A. Johnson

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1984

MICROFILMED

SD-0613-2 Source System: WR Prefix: Basin: 35

Starting Water Right: 07954 Ending Water Right: 07954

SEL	Water Right No.	Name Last, First	CFS
_	35-07954		
	Right 35-07954 has been split into Parts A through D.		
_	35-07954A	BEHREND, PAUL W	1.350
_	35-07954B	BEHREND, PAUL	5.100
_	35-07954C		
	RIGHT SPLIT INTO PARTS E & F THRU APPROVED TRANSFER 5242.		
_	35-07954D	BEHREND, PAUL W	2.600
_	35-07954E	BEHREND, DANNY	4.980
_	35-07954F	BEHREND, DANNY	1.030

END OF DATA...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE (Menu _____)

MICROFILMED
JAN 04 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5242
WATER RIGHT NO. 35-07954F

This is to certify that: **DANNY BEHREND**
1780 S 2800 W
ABERDEEN ID 83210

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	1.03 CFS	392.4 AF

SOURCE

GROUNDWATER

Priority: 02/24/1981

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 25, Township 05S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
05S	30E	19.0	SESW	5.0					5.0
		30.0	NWNE	6.0	SWNE	4.1	NENW	35.0	
			Lot 2(SWNW)	15.0	SENW	33.0			93.1
					Total number of acres irrigated:				98.1

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

MICROFILMED
JAN 0 4 1999

TRANSFER NO. 5242
WATER RIGHT NO. 35-07954F

CONDITIONS OF APPROVAL AND REMARKS

4. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. Approval of Transfer 5242 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 27th day of November, 1998.

R. Glen Saxton
Chief, Water Allocation Bureau

MICROFILMED
JAN 04 1999

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-07954D

Priority: February 24, 1981 — Maximum Diversion Rate: 2.60 CFS; Maximum Diversion Volume: 791.6 AF

This is to certify, that PAUL W BEHREND
2706 W 1800 S
ABERDEEN ID 83210 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 24, 1981; and has submitted Proof of Beneficial Use on March 22, 1991. An examination indicates that the works have a diversion capacity of 2.600 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	2.60 CFS	791.6 AF

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 25, Township 05S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
05S	29E	24		SESE 20					20
		25		NENE 38		SENE 12			50
	30E	19	Lot	4(SWSW) 36		SESW 4			40
		30		NENW 12	Lot	1(NWNW) 49.9	Lot	2(SWNW) 24	
				SENW 2					87.9

Total number of acres irrigated: 197.9

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
6. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

JUN 09 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-07954D

CONDITIONS/REMARKS:

7. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. The Director retains jurisdiction of the right issued to change, add or remove any requirement as determined to be appropriate.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 7TH day of MAY, 1994.

Acting for R. Keith Higginson, Director

RECEIVED

JUN 09 1994

Form 2-2
1-87

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5242

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant DANNY BEHREND Phone (208) 397-4914

Post Office address 1780 S. 2800 W. Aberdeen ID 83210

A. PURPOSE OF TRANSFER

1. ☒ **Change point of diversion** ☐ Add diversion point(s) ☒ **Change place of use**
   ☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes I am reducing the length of my linear move and putting these 98 acres on a wiper pivot just ½ mile away.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.

Right Number	Priority	Amount (cfs/a~~-ft~~)	Nature of Use	Period of Use
35-07954F	Feb 24, 1981	1.03 cfs	Irrigation	4/01 to 10/31
				to
				to
				to

2. Total amount of water being transferred 1.03 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	25	5S	29E	Power	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5S	30E	19												5					5
		30		6	4.1		35		15	33									93.1
									L-2										

MICROFILMED
JAN 04 1999

Total acres 98.1

Transfer No. 5242

PART 1

6. General Information:

a. Description of diversion system A well & pump to a wiper pivot. This is the same p.d. as 35-07954B.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

This land will be dry farmed.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

_____

MICROFILMED

JAN 0 4 1999

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. **35-07954C**

STAGE: **LICENSE**

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	6.01 CFS	2280.0 AF

SOURCE

GROUNDWATER

Priority: 02/24/1981

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 24, Township 05S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
05S	29E	24	SWNE	30	SWNW	30	SENW	30	
			NESW	40	NWSW	40	SWSW	40	
			SESW	40	NWSE	40	SWSE	40	330
		25	NWNE	40	SWNE	40	NENW	40	
			NWNW	40	SWNW	40	SENW	40	240
					Total number of acres irrigated:				570

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
2. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
3. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
4. The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.

MICROFILMED
JAN 0 4 1999

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe

35-07954 F

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.03 cfs for Irrigation purposes from 4/01 to 10/31
(cfs/~~ac-ft~~)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	24	5S	29E	Power	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5S	29E	24			18.2				18.2	18.2									54.6
		25			14.5				14.5	14.5									43.5

Total acres 98.1

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

35-07954 E

1. amount 4.98 cfs for Irrigation purposes from 4/01 to 10/31
(cfs/~~ac-ft~~)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	24	5S	29E	Power	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5S	29E	24			11.8				11.8	11.8	40	40	40	40		40	40		275.4
		25		40	25.5		40	40	25.5	25.5									196.5

MICROFILMED JAN 04 1999

Total acres 471.9

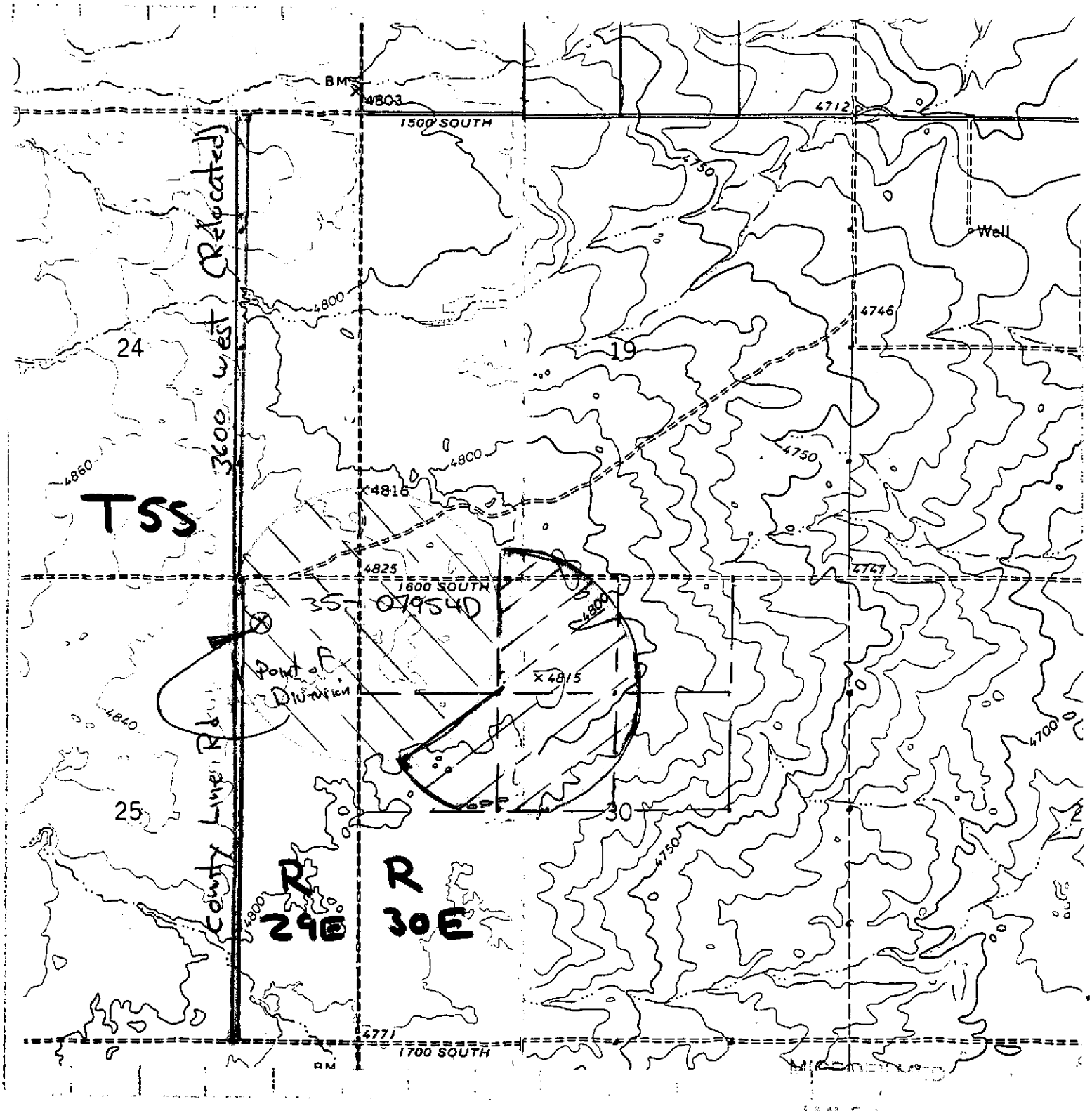
Transfer No. 5242

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



JAN 04 1999

SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

1 New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
			to
			to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

David C. Buhler
(Signature of Applicant)

Subscribed and sworn to before me this 31st day of March, 1998.

PAM A. MURDOCK NOTARY PUBLIC STATE OF IDAHO

Pam A Murdock
(Notary Public)

My commission expires 2/12/02

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee $100 #E024018 _____

Receipted by _____ Date _____ _____

Published in Power County Press Copies of protest forwarded by _____

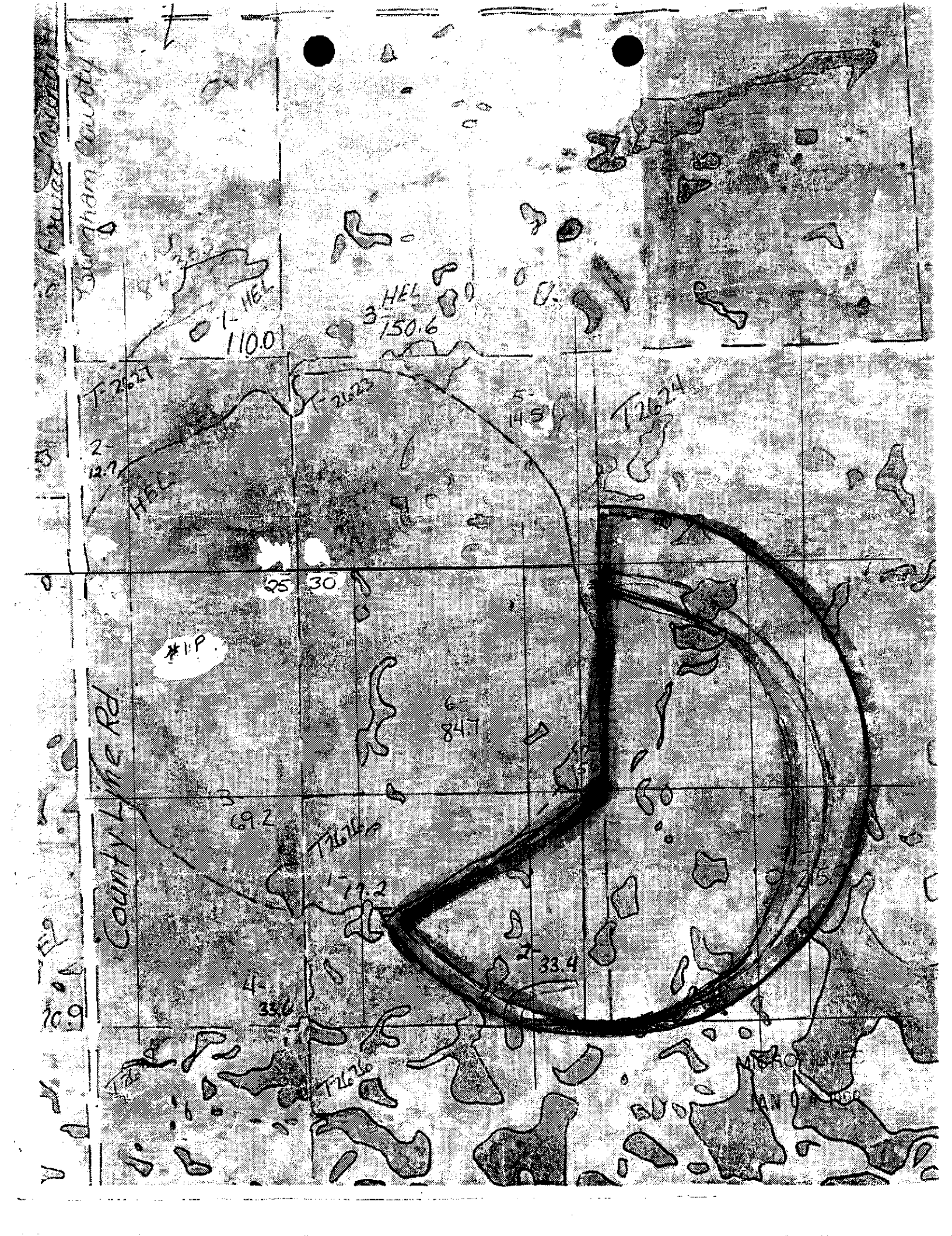
Pub. dates ~~April 16 and 23, 1998~~ June 3RD & 10, 1998 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☑ approval ☐ denial

_____ rec'd. _____ by BRC

Copy of transfer sent to lien holder _____

MICROFILMED
JAN 0 4 1999


Burnham Cutoff
1- HEL
110.0
3 HEL
150.6
T-26-27
T-26-23
5-
14.8
T-26-24
2-
12.7
HEL
25
30
#1P
6
84.7
C9.2
T-26-26
1-
12.2
2-
33.4
4-
33.6
T-26-30
MIRROR
Country Line Rd
10.9

EASEMENT & JOINT USE AGREEMENT

I, Paul W. Behrend, grant access and free use of my pump, well and mainline facilities to Danny Behrend and/or his lessee. I also give him free right-of-way across my land that he can access his land. The pump is located in Section 25, Township 5S, Range 29 East of the Boise Meridian, Power County, Idaho.

Date: March 19, 1998

Paul W. Behrend

STATE OF Idaho)
)ss.
County of Power)

On this 19th day of March, 1998 before me personally appeared Paul W. Behrend, to me known to be the person described in and who executed the within instrument, and acknowledged that they executed the same as their free act and deed.

Notary Public for the State of Idaho
Residing at American Falls
My commission expires 2-11-2000

MICROFILMED
JAN 04 1999

Attention:	Harold Jones	Date:	3/27/98
Company:	Water Resources	Number of Pages:	4
Fax Number:	12085257177		
Voice Number:			

From:	Nicholas P. Behrend
Company:	Behrend, Behrend & Knittel
Fax Number:	397-7068
Voice Number:	397-4489

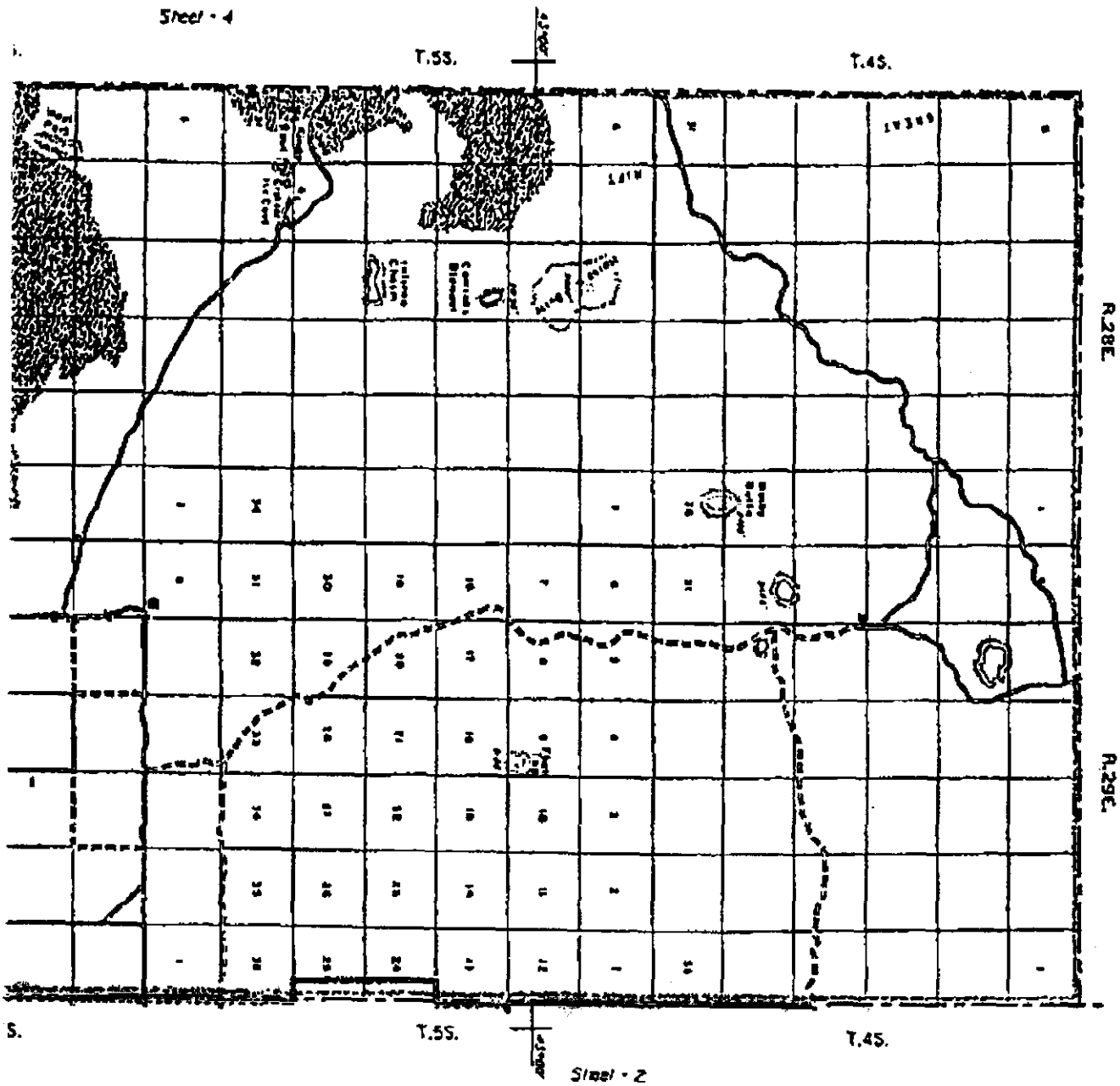
Subject: county maps

Comments:

Harold,
Sorry for all of the trouble. Here is an accurate Power County highway map that shows the road jogging over in sec. 24 and 25. I am also sending two areial maps that overlap to show that whole area, road and all. Thanks again for being patient.

MICROFILMED
JAN 04 1999

E C O U N T Y



B L A I N E C O U N T Y

B I N G H A M C O U N T Y

MICROFILMED
JAN 04 1999



\KE CHECK PAYABLE TO:
)WER COUNTY TAX COLLECTOR
)URTHOUSE 543 BANNOCK
1ERICAN FALLS
)AHO 83211

1997 TAX BILL/RECEIPT

BILL# 3375 CODE AREA 13-00

PARCEL NUMBER
RPD0038-01 A
L 102,520

1ST HALF DUE		2ND HALF DUE		FULL DUE			
X	676.92	TAX	676.92	TAX	1,353.84	TOT MV	102,520
TE		LATE		LATE			
T		INT		INT			
ST		COST		COST			
T		TOT		TOT		WAC	18.000
						TOT ACS	542.000

BEHREND DANIEL C ET-UX
1730 S 2900 W
ABERDEEN ID 83210

S25 T5S R29E
NW;W2NE;S2

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
POWER COUNTY	.003253126	333.50
SCHOOL #381	.006316694	647.58
COUNTY HWY	.002165047	221.96
AF LIBRARY	.000310555	31.84
HOSPITAL DIST	.000761267	78.04
AMBULANCE DIST	.000399145	40.92
AMOUNT DUE	.013205834	1,353.84

MICROFILMED
OCT 1 0 1997

MAKE CHECK PAYABLE TO:
POWER COUNTY TAX COLLECTOR
COURTHOUSE 543 BANNOCK
AMERICAN FALLS
IDAHO 83211

1997 TAX BILL/RECEIPT

PARCEL NUMB
RPD0037-01

BILL# 3373 CODE AREA 13-00 L 117

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	117
TAX	776.22	TAX	776.22	TAX	1,552.44		
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST		WAC	28
TOT		TOT		TOT		TOT ACS	452

BEHREND DANIEL C ET-UX
1730 S 2900 W
ABERDEEN ID 83210

S24 T5S R29E
W2;W2E2

TAXING DISTRICT	RATE	AM
STATE	.000000000	
POWER COUNTY	.003253126	38
SCHOOL #381	.006316694	74
COUNTY HWY	.002165047	25
AF LIBRARY	.000310555	
HOSPITAL DIST	.000761267	8
AMBULANCE DIST	.000399145	4
AMOUNT DUE	.013205834	1,55

MICROFILMED
DEC 0 4 1998

1997 TAX BILL/RECEIPT

PARCEL NUM
RP0009804
]

MAKE CHECK PAYABLE TO:
AUDREY PORTER, TAX COLLECTOR
P.O. BOX 190
BLACKFOOT, ID 83221
208-785-8040

BILL# 4369 CODE AREA 19-00 L

1ST HALF DUE

TAX	81.71
LATE	
INT	
COST	
TOT	

2ND HALF DUE

TAX	81.71
LATE	
INT	
COST	
TOT	

FULL DUE

TAX	163.42
LATE	
INT	
COST	
TOT	

TOT MV

WAC
TOT ACS 1

BEHREND DANIEL C/KAY M
1730 S 2900 W
ABERDEEN ID 83210

TAXING DISTRICT	RATE
STATE	.000000000
COUNTY	.005226573
SCHOOL 58	.005976098
ABERDEEN CEM	.000142100
ABER/SPR FIRE	.000304447
AMBULANCE DIST	.000313404
AMOUNT DUE	.011962622

T5S R30E SEC 30
E2 NW; W2NE

MICROFILMED
APR 04 1997

MAKE CHECK PAYABLE TO:
AUDREY PORTER, TAX COLLECTOR
P.O. BOX 190
BLACKFOOT, ID 83221
208-785-8040

1997 TAX BILL/RECEIPT

PARCE
RP0006

BILL# 4330 CODE AREA 19-00 L

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV
TAX	52.45	TAX	52.45	TAX	104.90	
LATE		LATE		LATE		
INT		INT		INT		
COST		COST		COST		
TOT		TOT		TOT		TOT ACS

BEHREND DANIEL C/KAY M
1730 S 2900 W
ABERDEEN ID 83210

TAXING DISTRICT	RATE
STATE	.000000000
COUNTY	.005226573
SCHOOL 58	.005976098
ABERDEEN CEM	.000142100
ABER/SPR FIRE	.000304447
AMBULANCE DIST	.000313404
AMOUNT DUE	.011962622

T5S R30E SEC 19
SESW; SWSE

MICROFILMED
JAN 0 4 1999

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-07954C

Priority: February 24, 1981 Maximum Diversion Rate: 6.01 CFS
Maximum Diversion Volume: 2280.0 AF

This is to certify, that DANNY BEHREND
2706 W 1800 S
ABERDEEN ID 83210 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 24, 1981; and has submitted Proof of Beneficial Use on March 22, 1991. An examination indicates that the works have a diversion capacity of 6.010 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	6.01 CFS	2280.0 AF

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 24, Township 05S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
05S	29E	24	SWNE	30	SWNW	30	SENW	30	
			NESW	40	NWSW	40	SWSW	40	
			SESW	40	NWSE	40	SWSE	40	330
		25	NWNE	40	SWNE	40	NENW	40	
			NWNW	40	SWNW	40	SENW	40	240

Total number of acres irrigated: 570

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
6. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

JUN 09 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-07954C

CONDITIONS/REMARKS:

7. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. The Director retains jurisdiction of the right issued to change, add or remove any requirement as determined to be appropriate.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 12th day of MAY, 1994.

Acting for R. Keith Higginson, Director

JUN 09 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4923
WATER RIGHT NO. 35-07954B

This is to certify that: **PAUL BEHREND**
2706 W 1800 S
ABERDEEN ID 83210

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	5.10 CFS	2032.0 AF

SOURCE

GROUNDWATER

Priority: 02/24/1981

LOCATION OF POINT(S) OF DIVERSION: SENE , Sec. 24, Township 05S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
05S	29E	24	NENE	30	SENE	35	NESE	4	69
	30E	19	NENE	10	NWNE	29	SWNE	40	
			SENE	35	NENW	11	Lot 1(NWNW)	42	
			Lot 2(SWNW)	49	SENW	37	NESW	40	
			Lot 3(NWSW)	27	Lot 4(SWSW)	8	SESW	32	
			NESE	22	NWSE	40	SWSE	17	439
					Total number of acres irrigated:				508

CONDITIONS OF APPROVAL AND REMARKS

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
3. The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.

MICROFILMED
JAN 0 8 2007

TRANSFER NO. 4923
WATER RIGHT NO. 35-07954B

CONDITIONS OF APPROVAL AND REMARKS

4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
5. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
7. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
8. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 19th day of December, 1996.

L. Glen Saxton
Chief, Water Alloc. Bureau

MICROFILMED

orm 1-222
12-92

$100 Fee

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4923

RECEIVED
SEP 17 1996
Department of Water Resources
Eastern Region

RECEIVED
NOV 22 1996
Department of Water Resources

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant PAUL BEHREND Phone (208) 397-4047

Post Office address 2706 W. 1800 S. Aberdeen, ID 83210

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes We are changing from linear irrigation lines to 3 pivots.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/~~ac-ft~~)	Nature of Use	Period of Use
35-07954B	2/24/1981	5.10 cfs	Irrig	4-01 to 10-31
				to
				to
				to

2. Total amount of water being transferred 5.10 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	24	5S	29E	Power	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5S	29E	24	30			35									4				69
5S	30E	19	10	29	40	35	11	42	49	37	40	27	8	32	22	40	17		439
								L-1	L-2			L-3	L-4						
																MICRO-LAND			
																JAN 28			

Total acres 508

Page _____ of _____ Transfer No. _____

PART 1

6. General Information:

a. Description of diversion system well + pump to 3 pivots.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ✓ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Dry farm

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 ____.

_____

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. **35-07954B**

STAGE: **LICENSE**

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	5.10 CFS	2034.1 AF

SOURCE

GROUNDWATER

Priority: 02/24/1981

LOCATION OF POINT(S) OF DIVERSION: SENE , Sec. 24, Township 05S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
05S	30E	19	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	Lot 1(NWNW)	49.4	
			Lot 2(SWNW)	49.5	SENW	40	NESW	40	
			Lot 3(NWSW)	49.7	NESE	40	NWSE	40	508.6
					Total number of acres irrigated:				508.6

CONDITIONS/REMARKS:

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
3. The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

RECEIVED
MAY 26 2022

Page _____ of _____

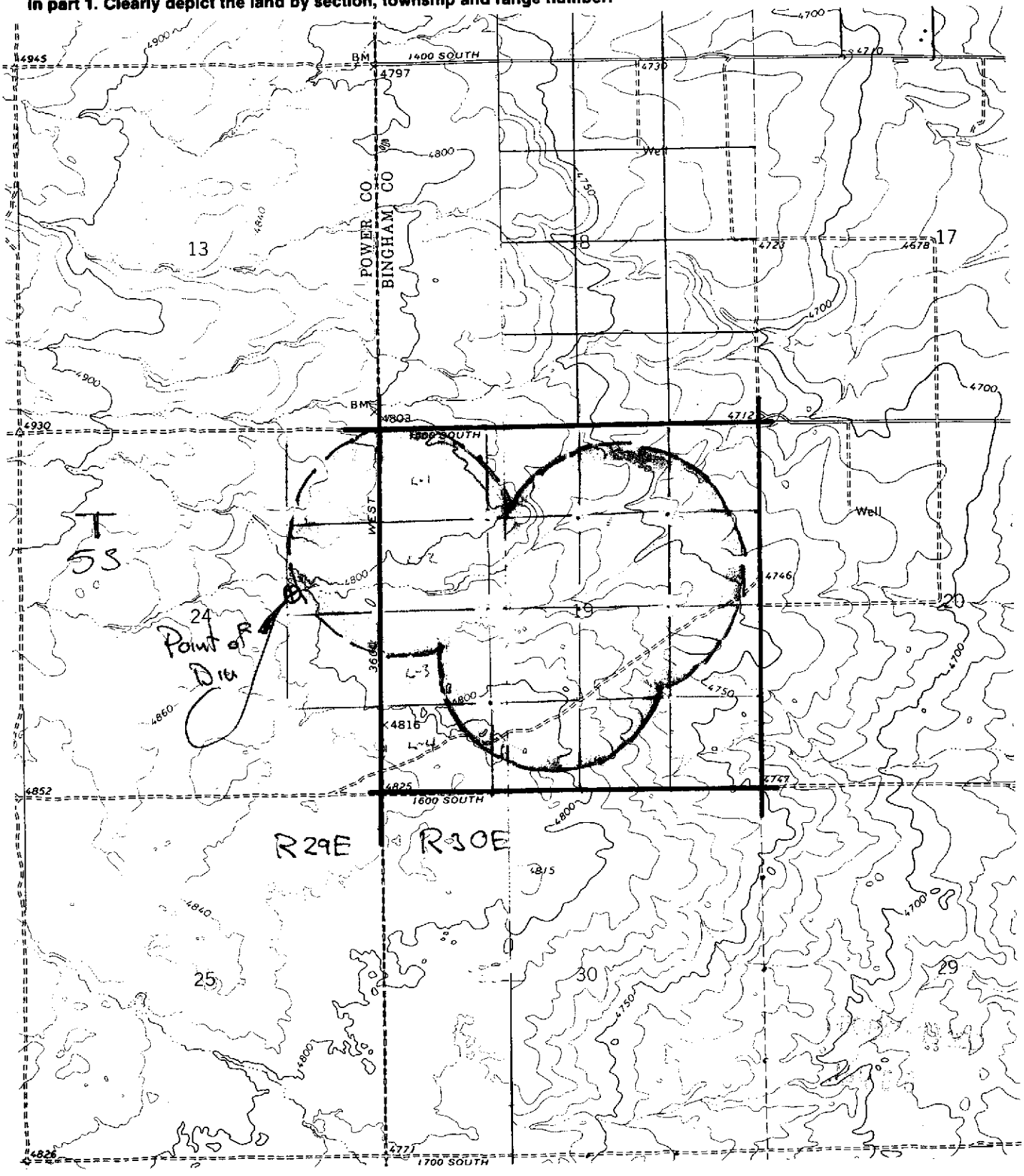
Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

Page _____ of _____ Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Paul M Behrend
(Signature of Applicant)

Subscribed and sworn to before me this 1st day of August, 19 96

Debra A Williamson
(Notary Public)

My commission expires 3-27-2002

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWS Date 9-17-96 Protest filed by _____

Prelim. check by KAW Fee # 100.00 _____

Receipted by HWS # E072583 Date 9-17-96 _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☑ approval ☐ denial

_____ rec'd. _____ by ~~RPC~~ _____

Copy of transfer sent to lien holder _____

NORTH
L.
K.
49.93
49.69
49.55
49.41
49.30
N.89°57'E.
S.89°57'E.
80
80
80
80
80
N.0°4 W.
N.0°4 W.
79
80

RONALD SIMMONS
BINGHAM COUNTY ASSESSOR
P.O.BOX 310
BLACKFOOT, ID 83221
FORWARD & ADDRESS CORRECTION

IMPORTANT NOTICE-PLEASE READ

PARCEL NO. RP 0009801
PAGE 1 OF 1
TAX CODE 19-00

A

PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE PAID
BLACKFOOT, ID 83221
PERMIT NO. 196

CATEGORY DESCRIPTION	LOTS/ACRES		MARKET VALUE
1 IRRGTD AG	31.000	AC	2,824
3 DRY AGR	367.060	AC	32,036
5 DRY GRAZING	122.213	AC	611
	520.273		35,471*

1996
TAXPAYER'S
VALUATION
ASSESSMENT NOTICE

TAXES ARE BASED ON THE VALUATION LISTED ON THIS STATEMENT

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 24, 1996

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PREVIOUS NUMBER

T5S R30E SEC 30
ALL SECTION LESS E2NW, W2NE

Mail To:

BEHREND PAUL W/DEBBIE J

2706 W 1800 S

ABERDEEN ID 83210

RONALD SIMMONS
BINGHAM COUNTY ASSESSOR
P.O.BOX 310
BLACKFOOT, ID 83221
FORWARD & ADDRESS CORRECTION

IMPORTANT NOTICE-PLEASE READ

PARCEL NO. RP 0006702
PAGE 1 OF 1
TAX CODE 19-00

A

PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE PAID
BLACKFOOT, ID 83221
PERMIT NO. 196

CATEGORY DESCRIPTION	LOTS/ACRES		MARKET VALUE
1 IRRGTD AG	474.000	AC	46,504
3 DRY AGR	55.500	AC	5,596
5 DRY GRAZING	61.500	AC	308
19 WASTE	7.480	AC	
	598.480		52,408*

1996
TAXPAYER'S
VALUATION
ASSESSMENT NOTICE

TAXES ARE BASED ON THE VALUATION LISTED ON THIS STATEMENT

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 24, 1996

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PREVIOUS NUMBER RP0006700 T

T5S R30E SEC 19
N2;N2S2;SWSW;SESE

Mail To:

BEHREND PAUL W/DEBBIE J

2706 W 1800 S

ABERDEEN ID 83210

MICROFILMED

DOUGLAS GLASCOCK
POWER COUNTY ASSESSOR
COURTHOUSE
543 BANNOCK
AMERICAN FALLS, ID 83211
FORWARD & ADDRESS CORRECTION

IMPORTANT NOTICE - PLEASE READ

PARCEL NO. RP 00038-00 A
PAGE 1 OF 1
TAX CODE 13-00

CATEGORY DESCRIPTION	LOTS / ACRES	MARKET VALUE
5 DRY GRAZING	80.000 AC	3,600
	80.000	3,600*

1996
TAXPAYERS
VALUATION
ASSESSMENT NOTICE

Taxes are based on the valuation listed on this statement

IF THERE ARE ANY QUESTIONS REGARDING THIS STATEMENT NOTIFY THE ASSESSOR'S OFFICE BEFORE
JULY 8, 1996

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PREVIOUS NUMBER
S25 T5S R29E
E2NE

Mail To:
DEHREND PAUL W. ET-UX
2706 W 1800 S
ABERDEEN ID 83210

DOUGLAS GLASCOCK
POWER COUNTY ASSESSOR
COURTHOUSE
543 BANNOCK
AMERICAN FALLS, ID 83211
FORWARD & ADDRESS CORRECTION

IMPORTANT NOTICE - PLEASE READ

PARCEL NO. RP 00037-00 A
PAGE 1 OF 1
TAX CODE 13-00

CATEGORY DESCRIPTION	LOTS / ACRES	MARKET VALUE
3 DRY AGR	125.000 AC	7,500
5 DRY GRAZING	35.000 AC	1,575
	160.000	9,075*

1996
TAXPAYERS
VALUATION
ASSESSMENT NOTICE

Taxes are based on the valuation listed on this statement

IF THERE ARE ANY QUESTIONS REGARDING THIS STATEMENT NOTIFY THE ASSESSOR'S OFFICE BEFORE
JULY 8, 1996

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PREVIOUS NUMBER
S24 T5S R29E
E2E2

Mail To:
DEHREND PAUL W. ET-UX
2706 W 1800 S
ABERDEEN ID 83210

RECEIVED
JAN 0 6 '97

Farm Credit Services

P.O. Box 130
2842A Pocatello Street, #103
American Falls, Idaho 83211
208/226-7336 FAX 208/226-5052

July 29, 1996

Paul Behrend
2706 West 1800 South
Aberdeen, ID 83210

Dear Paul:

We have received notification that you have applied to the State of Idaho Department of Water Resources to change the place of use on water right number 35-07954B.

Our understanding is you are changing from linear to center pivot irrigation in a portion of Section 24, Township 5S, Range 29E, Boise Meridian and in portions of Section 19, Township 5S, Range 30E, Boise Meridian, which change in irrigation will change where the water is applied, but will not materially affect the number of acres being irrigated.

As the proposed transfer will merely relocate irrigated acres from one portion of our security to another and should also increase overall irrigation efficiency, the proposed change appears to be beneficial and Farm Credit Services will not contest the change.

If you have any questions regarding this letter or with any other aspect of your loan with us, please contact me at our American Falls office.

Sincerely,

Russ Taylor
Sr. Credit Officer

State of Idaho)
) ss.
County of Power)

On July 29, 1996, before me personally appeared Russ Taylor, known to me to be an authorized agent of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and on oath stated that he was authorized to execute said instrument.

Sylvia D. Vollweiler
Notary Public for the State of Idaho
Residing at American Falls
My commission expires 3/27/2002

MICROFILMED
JAN 0 6 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-07954B

Priority: February 24, 1981 Maximum Diversion Rate: 5.10 CFS
Maximum Diversion Volume: 2034.4 AF

This is to certify, that PAUL W BEHREND
2706 W 1800 S
ABERDEEN ID 83210 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 24, 1981; and has submitted Proof of Beneficial Use on March 22, 1991. An examination indicates that the works have a diversion capacity of 5.100 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	5.10 CFS	2034.1 AF

LOCATION OF POINT(S) OF DIVERSION: SENE , Sec. 24, Township 05S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
05S	30E	19	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	Lot 1(NWNW)	49.4	
			Lot 2(SWNW)	49.5	SENW	40	NESW	40	
			Lot 3(NWSW)	49.7	NESE	40	NWSE	40	508.6

Total number of acres irrigated: 508.6

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of the right issued to change, add or remove any requirement as determined to be appropriate.

JUN 09 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-07954B

CONDITIONS/REMARKS:

8. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 12TH day of MAY, 1994

Acting for R. Keith Higginson, Director

JUN 09 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-07954A

Priority: February 24, 1981 Maximum Diversion Rate: 1.35 CFS
Maximum Diversion Volume: 464.0 AF

This is to certify, that PAUL W BEHREND
2706 W 1800 S
ABERDEEN ID 83210 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 24, 1981; and has submitted Proof of Beneficial Use on March 22, 1991. An examination indicates that the works have a diversion capacity of 4.500 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	1.35 CFS	464.0 AF

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 18, Township 05S, Range 30E
POWER County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
05S	30E	18	NENW	18	Lot 1(NWNW)	44	Lot 2(SWNW)	38	
			SENW	16					116

Total number of acres irrigated: 116

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of the right issued to change, add or remove any requirement as determined to be appropriate.

[illegible]

JUN 09 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-07954A

CONDITIONS/REMARKS:

8. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
9. The following rights are also diverted through the point of diversion described above: 35-07873 and 35-07877.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 12TH day of MAY, 1994.

Acting for R. Keith Higginson, Director

JUN 03 1994

APPROVED

State of Idaho
Department of Water Resources

RECEIVED
MAY 0 9 1994
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-07954A

Date of Priority: February 24, 1981

Maximum Diversion Rate: 1.35 CFS
Maximum Diversion Volume: 464.0 AF

Comes now PAUL BEHREND
DANNY BEHREND

2706 W 1800 S
ABERDEEN ID 83210

and represents to the Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 35-07954A, and requests that the permit be changed as follows:

Source: **GROUNDWATER**

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	1.35 CFS	464.0 AF

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 18, Township 05S, Range 30E
POWER County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
05S	30E	18	NENW	18	Lot 1(NWNW)	44	Lot 2(SWNW)	38	
			SENW	16					116

Total number of acres irrigated: 116

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

Signed at Aberdeen 5 PM, this 30 day of April, 1994.

Please Issue Liscens to Paul M Behrend

Paul M Behrend
(Signature)

JUN 0 9 1994

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-07954A

****

FOR DEPARTMENT USE ONLY

Preliminary check by RC Fee = 20.00 Receipted by dw # C030239 Date 5/9/94 ✓

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 35-07954A with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of the right issued to change, add or remove any requirement as determined to be appropriate.
8. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
9. The following rights are also diverted through the point of diversion described above: 35-07873 and 35-07877.

Witness my hand this 12TH day of MAY, 1994.

Acting for R. Keith Higginson, Director

JUN 09 1994

Form 217
07/90

RECEIVED
MAR 22 1991
Department of Water Resources

For Office Use Only
Amt. of Fee $ 600.00
Date 3/27-91
Receipt No. C020013
Received by

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 35-07954 Telephone No. 397-4047

2. Name(s) of Permit Holder(s): Paul & Danny Behrend

3. Post Office Address: 2706 W 1800 S Aberdeen Id 83210

4. Source of Water: groundwater

a. If ground water, well driller's name: Ken Vollmer Date drilled: 1984- 1990 - 1991

b. Pump horsepower: 1900 HP Pressure (psi): 80 Dynamic pumping level (ft.): 400
4- wells - 1-350 HP 2-500 HP 1-400 HP 1-150 HP booster

5. Extent of Use:

Domestic _____ (No. of households) Irrigation 135 (No. of acres)

Stockwater _____ (No. and type of stock) Other _____

We wish to have Individual Licenses for each of 4 points of div.

6. Total rate and/or volume for which proof is submitted 28.5 cfs _____ acre/feet

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

Measuring device: Required? X Yes ___No Installed? ___Yes ___No

OR

Flow Measurement Port: Required? ___Yes ___No Installed? ___Yes ___No

8. Fee Enclosed: $ 600. (See License Examination Fee Schedule)

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

Paul Behrend 397-4047
Name Telephone No.

P 2706 W 1800 S Aberdeen Id 83210
Address

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

DEC 10 1991

3-15-91 Paul M Behrend
Date Signature (and title if on behalf of a company or organization)

Form 204
4/16

RECEIVED
FEB 20 1991
Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
$15 FEE Receipted by [illegible]
Date 2/21/91
Receipt # C01949201

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 in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 35-07954

Name(s) of Permit Holder: Paul & Danny Behrend

Post Office Address: 2706 W 1800 S Aberdeen Id 83210

Telephone No. 397-4047

Date Proof is Due: 4-1-91

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".)

1985 - 2 wells drilled with 2 Linear Irr. Systems installed
1990 1 well drilled with pivot installed
1991 1 " " with 1 pivot installed

Costing $ 1,400,000

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

Permit holder(s) request an extension to April 1, 1994. (1 yr. minimum)

Paul W Behrend (Signature)*

*IF OTHER THAN PERMIT HOLDER, POWER OF ATTORNEY MUST BE SUPPLIED.

FEE: $15.00

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be DENIED. The Department does not have the authority to grant a second request for extension of time under the provisions of Sec. 42-204, Idaho Code.

DENIED

DEC 10 1991

Signed this 4TH day of March, 19 91.

R. Keith Higginson
Director

Form 211
2/80

RECEIVED Fee

DEC - 6 1990

Department of Water Resources
Eastern District Office

Ident. No. 35-07954

STATE OF IDAHO

APPROVED

APPLICATION FOR AMENDMENT OF A PERMIT

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

Comes now Paul or Danny Behrend Phone 397-4047

of (address) 2706 W. 1800 S., Aberdeen, ID 83210, and represents to the Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 35-7954, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE ¼ NE ¼, Section 25, Township 5S, Range 29E, B.M., County of Power. Other points of diversion: T5S R30E Sec. 18 NWSE; and SENE, NENW Sec. 24 T5S R29E and SESE Sec. 19 T5S R30E

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

Amount 32.00 (cfs or ~~acre feet per annum~~) for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	29E	24			30				30	30	40	40	40	40		40	40	40	370
	30E	19	40	40	40	40	40	40	40	40	40	40	40	20	40	40	40	31	611
	30E	18					33	33	33	33									132
5S	29E	25	40	40	40	10	40	40	40	40									290
5S	30E	30	40	40	17	8	34	40	13	5									197

Total number of acres to be irrigated = 1600

4. a. Who owns the property at the point of diversion? Applicants

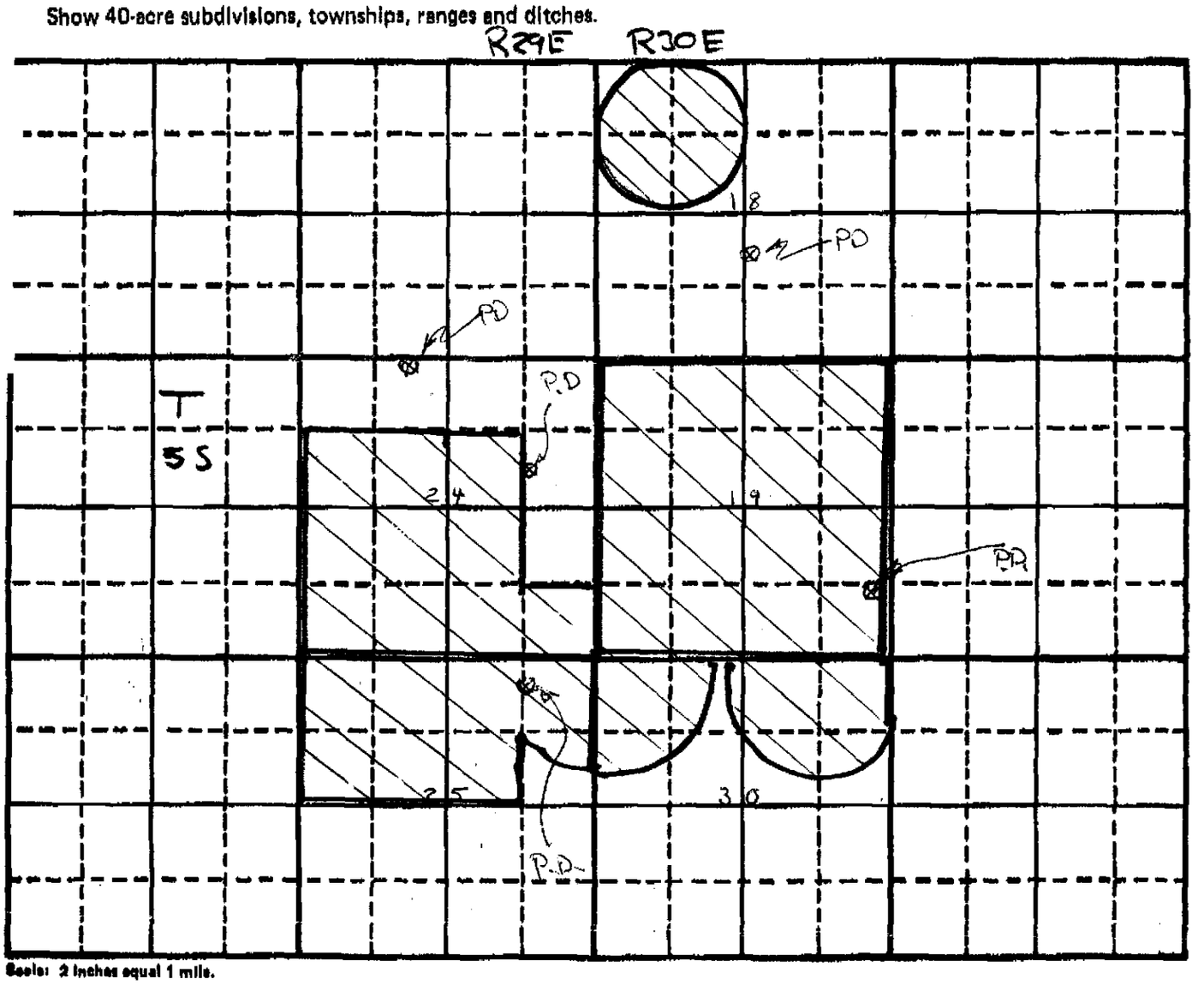
b. Who owns the land to be irrigated or the place of use? Applicants

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

MICROFILMED
FEB 06 1991

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

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



Scale: 2 inches equal 1 mile.

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

Signed at Aberdeen, this 3 day of Dec, 19 1990

Paul M Bchert
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by KCW Fee = $20.00 # E015514 Receipted by HCJ Date 12-6-90

Publication prepared by _____ Date _____ Published in _____

Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby approved the above referenced application for amendment provided: (1) the conditions as set forth in permit No. 35-07954 are met and (2) the permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

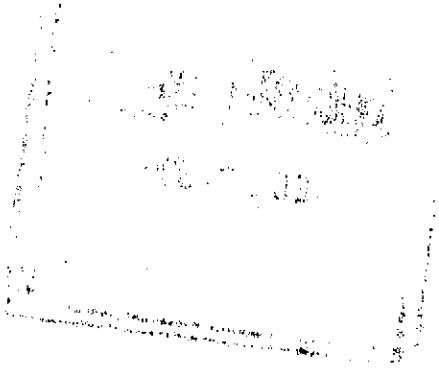
Witness my hand this 29th day of January, 19 91

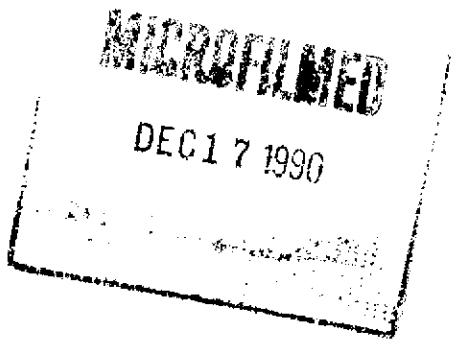
L. Glen Saxton
Chief, Water Alloc. Bureau

RECEIVED
FEB 01 1991

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	35-07954	Mai, Larry L.	32.0
~~Full Assignment~~	~~35-07954~~	~~Behrend Farms~~	~~32.0~~
Full Assignment	35-07954	Behrend, Paul Behrend, Danny	32.0





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
NOV 29 1990
Department of Water Resources

ASSIGNMENT OF APPLICATION FOR PERMIT

I, Behrend Farms Inc, hereby assign to Paul & Danny Behrend

of, 2706 W 1800 S Aberdeen Id 83210
(Full Address)

All my right, title, and interest in and to Application for Permit No. 35-7954 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. ~~35-7954~~ 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.

~~Sec 24 640 Acres~~

~~" 19 640 Acres~~

~~" 30 320 Acres~~

Made this 26 day of Nov, 1990.

Behrend Farms Inc. by Paul M Behrend
Applicant

State of Idaho)
ss
County of Bonneville)

On this 27th day of Nov, 1990, personally appeared before me the signer of the above instrument, duly acknowledged to me that he (she) (they) executed the same.

Betty J Thompson
Notary Public

seal

MICROFILMED
DEC 07 1990

BETTY J. THOMPSON NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94

My commission expires: _____

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF EVALUATING WHETHER DEVELOPMENT OF 20,000 ACRES OF IRRIGATED LAND WOULD CAUSE A SIGNIFICANT REDUCTION IN TRUST WATER AVAILABLE FOR POWER PRODUCTION	)	MEMORANDUM DECISION & ORDER

This matter having come before the Director of the Idaho Department of Water Resources (IDWR) as a result of the Swan Falls water right settlement, the Director finds, concludes and orders as follows:

FINDINGS OF FACT

1. "Trust water" is that portion of an unsubordinated water right used for hydropower generation purposes which is in excess of a minimum stream flow established by state action.

2. Section 42-203C(1), Idaho Code, provides as follows:

> If an applicant intends to appropriate water which is held in trust by the state of Idaho pursuant to subsection (5) of Section 42-203B, Idaho Code, the director shall consider, prior to approving the application, the criteria established in Section 42-203A, Idaho Code, and whether the proposed use, individually or cumulatively with other existing uses, or uses reasonably likely to exist within twelve (12) months of the proposed use, would significantly reduce the amount of trust water available to the holder of the water right used for power production that is defined by agreement pursuant to subsection (5) of Section 42-203B, Idaho Code, and, if so, whether the proposed reduction is in the public interest. (emphasis added).

3. The IDWR conducted a study to estimate the reduction in hydropower generation which would result from the development of the first 20,000 acres of newly irrigated land (new development) authorized under the Swan Falls settlement. The study included several steps as follows:

a) Identify the location of the potential new development and the related water sources;

b) Estimate the net depletion resulting from new irrigation development of these lands;

MICROFILMED

MAR 21 1990

c) Route the reduced flows through the aquifer and surface flow systems to the affected power plants;

d) Compute the loss in potential generation at each plant resulting from the reduced flows.

4. Step a) in Finding of Fact No. 3. was accomplished by plotting land location as shown by the water right applications and permits being considered. The 20,000 acres are generally located as follows:

Acreage	General Location	Water Source
9,885	Snake River Plain	Snake Plain Aquifer
5,315	Valleys adjacent to the Plain	GW trib. to Snake Plain Modeled area
4,800	Scattered areas	GW and surface water from areas not trib. to Snake Plain Modeled area
20,000 acres		

5. Step b) in Finding of Fact No. 3. was accomplished using simulation models which have previously established the "base" flows conditions.

6. Step c) in Finding of Fact No. 3. involved a groundwater component and a surface water component. Withdrawals from the Snake Plain aquifer and from the tributary valleys affect the water in storage in the aquifer. Storage changes alter the gradients which eventually reduce aquifer discharges. If a new withdrawal is continued long enough, the aquifer outflows will be reduced by an amount approaching the magnitude of the withdrawal and resulting depletion.

7. The IDWR digital model of the Snake Plain aquifer (groundwater model) was used to simulate this process and predict the outflow reductions after 15, 30, 45 and 60 years of annual withdrawals by new irrigation development at the assumed locations. The results of the groundwater model run indicate that aquifer outflows would be reduced by the following percentages of the annual depletion:

Year	Outflow Reduction (Acre Feet)	Percent of Annual depletion (%)
15	4,600	23
30	9,000	45
45	14,700	73
60	15,200	76

8. Significant reduction should be determined by evaluating the depletion when its effect on the river is fully felt. Incremental change in the percent of annual depletion is very small sixty (60) years after the first

MICROFILMED

 MAR 21 1990

depletion. The percent of annual depletion in the 60th year adequately represents the long-term effect of aquifer depletions on Snake River flows.

9. The groundwater model predicts that approximately eighty percent (80%) of the reduction in river flow would occur in the Milner to King Hill reach with the remainder (20%) occurring between Blackfoot and Minidoka Dam.

10. The IDWR routed the reduced flows through the aquifer and river system using a digital model of the Snake River system (river model). This model and its computed base conditions are described in "Stream Flows in the Snake River Basin, 1985 Conditions of Use and Management" Open-File Report, September 1986. The groundwater depletion was input to the river model assuming uniform depletions each month.

11. The river model computes flows at numerous points in the Snake Plain Basin including sites at, or near to, the power plants. These computed flows were used to compute power generation and were compared to similarly computed generation for base flow conditions.

12. The annual reduction in hydropower generation 60 years after the development of 20,000 new acres is estimated to be approximately 2.8 million KWH in power facilities upstream from the Murphy gage on the Snake River.

13. In cooperation with staff of the Idaho Public Utilities Commission (IPUC), IDWR determined the rate impact of lost hydropower generation caused by the new development in the trust water area of the Snake River basin assuming that new thermal generation capacity is obtained to replace the lost hydropower generation.

14. The cost impact to the rate base of replacing the lost hydropower generation with thermal generation capacity must be considered in the evaluation of any significant reduction in hydropower generation, but the statutes and Water Appropriation rules do not require consideration of impacts to the rate base resulting from other aspects of the new development such as new pumping loads.

15. Step d) of Finding of Fact No. 3. was determined using an IPUC power supply model (power model) associated with the rate making process. Data from the 1966-1985 period was used to establish a base flow. The depletions were then input to the power model and the difference in ability to meet firm load requirements and to make economic spot market sales and purchases was determined. A comparison of the output of the power model run to base conditions produced increased total IPCO power supply costs due to Snake River depletions.

16. The power model shows that the impact of reduced hydropower generation at IPCO's facilities on the Snake River above the Hell's Canyon complex as a result of the development of 20,000 new acres will result in an average increase in IPCO's power costs of $159,553 per year which is approximately five one hundredths of one percent (0.05%).

17. During certain periods of each year there generally is unappropriated water in the Snake River. During these periods a new

MICROFILMED

MAR 21 1990

appropriation of water has no effect upon IPCO's water rights or ability to generate hydropower.

CONCLUSIONS OF LAW

1. The development of 20,000 new acres which results in an average increase in power rates of five one hundredths of one percent (0.05%) will not cumulatively cause a significant reduction in IPCO's hydropower generation capability at hydropower generation facilities upstream from the Hells Canyon complex on the Snake River.

2. The hydropower generating facilities of IPCO which are affected by reductions in river flow represent approximately 25% of IPCO's hydropower generating capacity as compared to the Hells Canyon complex facilities which represent approximately 75% of IPCO's hydropower generating capacity. The Hell's Canyon facilities are subordinated to later in time consumptive uses and are not properly included as a part of the evaluation of significant reduction. (Water Appropriation Rule 5,3,1,4.).

3. The reduction in IPCO's hydropower generation capability caused by new development is such that the timing of the reduction, either on an annual basis or a long term basis, need not be considered by IDWR. The computer model studies show that it would take approximately 15 years for aquifer outflow to the Snake River to be reduced 23% of net new withdrawal. By the 60th year outflow would be reduced by 76% of the new depletion. Other factors present in a dynamic system as large as the Snake Plain aquifer will have more effect on the discharge of the Snake River than decreases caused by this amount of new development.

4. Staff of the IPUC advises that the effect of reduced hydropower production on "unit cost" is not a proper factor to consider when analyzing the effect of reduced flows to hydropower generating facilities. IPUC generally considers hydropower facilities to have zero unit or production costs. Thermal facilities on the other hand do have associated unit costs such as the cost of fuel.

5. The IDWR is unaware of any contract or regulatory permits including FERC licenses which require IPCO to produce or to maintain capability to produce hydropower at specific levels.

6. Approval of applications for permit or permits which propose the development of the first 20,000 acres of newly irrigated land with water from the Snake Plain aquifer will not either individually or cumulatively cause a significant reduction in the water supply available to the holder of a water right used for power production purposes.

7. The development proposed by Permit No. 35-7954 will not either individually or cumulatively cause a significant reduction in the water supply available to the holder of a water right used for power production purposes.

8. Permit No. 35-7954 should be continued without special conditions related to Section 42-203C(2), Idaho Code.

MICROFILMED
MAR 21 1990

ORDER

It is, therefore, hereby ORDERED that Permit No. 35-7954 is hereby continued subject to the following conditions:

1. Proof of construction of works and application of water to beneficial use shall be submitted to IDWR on or before April 1, 1991.
2. The use of trust water authorized by this right is subject to review 20 years after the date of this order to determine availability of trust water and to reevaluate the public interest.
3. Diversion and use of trust water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
4. The Director retains jurisdiction of this right to change, add or remove any requirement as determined to be appropriate.
5. All conditions of approval contained in Permit No. 35-7954 are incorporated into and made part of this order.

Dated this 8TH day of MARCH, 1990.

R. KEITH HIGGINSON
Director

MICROFILMED
MAR 21 1990

Form 204
3/81

For Office Use Only
Fee Received 15.00 mg
Date 11-18-85
Receipt # 37314

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof of beneficial use on a water right permit

RECEIVED
NOV 15 1985
Department of Water Resources

Behrend Farms Inc. (Name) of 2706 W. 1800 S., Aberdeen, ID 83210 (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 35-7954.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before April 1, 19 86.

That he has heretofore performed the following work described under said permit:
(This must be filled out! If no work has been completed put none.)
Out of 1,600 proposed for irrigation, 1180 acres are presently being irrigated.

Commenced Works

Money Received from Miner Bond Costing $ 1,000,000. 1 Million

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
The size of the project and ecomonic conditions have not been adequate to complete the entire project

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to April 1, 19 91.
(1 yr. minimum, 5 yrs. maximum)

Behrend Farms, Inc.

NOTE
AS OF JULY 1, 1980, THERE IS A $15.00 CHARGE FOR REQUESTS FOR EXTENSION OF TIME

by Paul W Behrend Director
(Signature)*
**IF OTHER THAN HOLDER, Power of Attorney must be supplied.*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to April 1, 1991.

Signed this 26th day of November, 19 85.

A. Glen Saxton
Chief, Operations Bureau

MICROFILMED

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

I, Larry L. Mai, hereby assign to Behrend Farms

of Rt. 1 Box 151 Aberdeen, ID. 83201
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 35-7954 to appropriate the public waters of the State of Idaho.

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

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

_____

_____

_____

_____

Made this _____ day of _____ 19____.

Larry L Mai
Permit Holder

Elda M Mai
Spouse of Permit Holder

State of Idaho)
ss.
County of Minidoka)

On this 26th day of April, 1984, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Allan R Nelson
Notary Public residing at
Burley Idaho

seal

My commission expires:
7/87

Form 211
2/80

Ident. No. 35 7954

STATE OF IDAHO

APPLICATION FOR AMENDMENT OF A PERMIT

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

Comes now Larry L. Mai Phone 678-5913

of (address) Rt. #2 Burley, ID 83318 , and represents to the Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 35-7954 , and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE ¼ NE ¼, Section 25 , Township 5S , Range 29E , B.M., County of Power . Other points of diversion: SESE & SENE Sec. 24, T. 5S, R. 29E Bingham Co.

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

Amount 32.0 (cfs or acre feet per annum) for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	29E	24	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
	30E	19	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
	"	30	40	40	40	40	40	40	40	40									320

Total number of acres to be irrigated = 1600

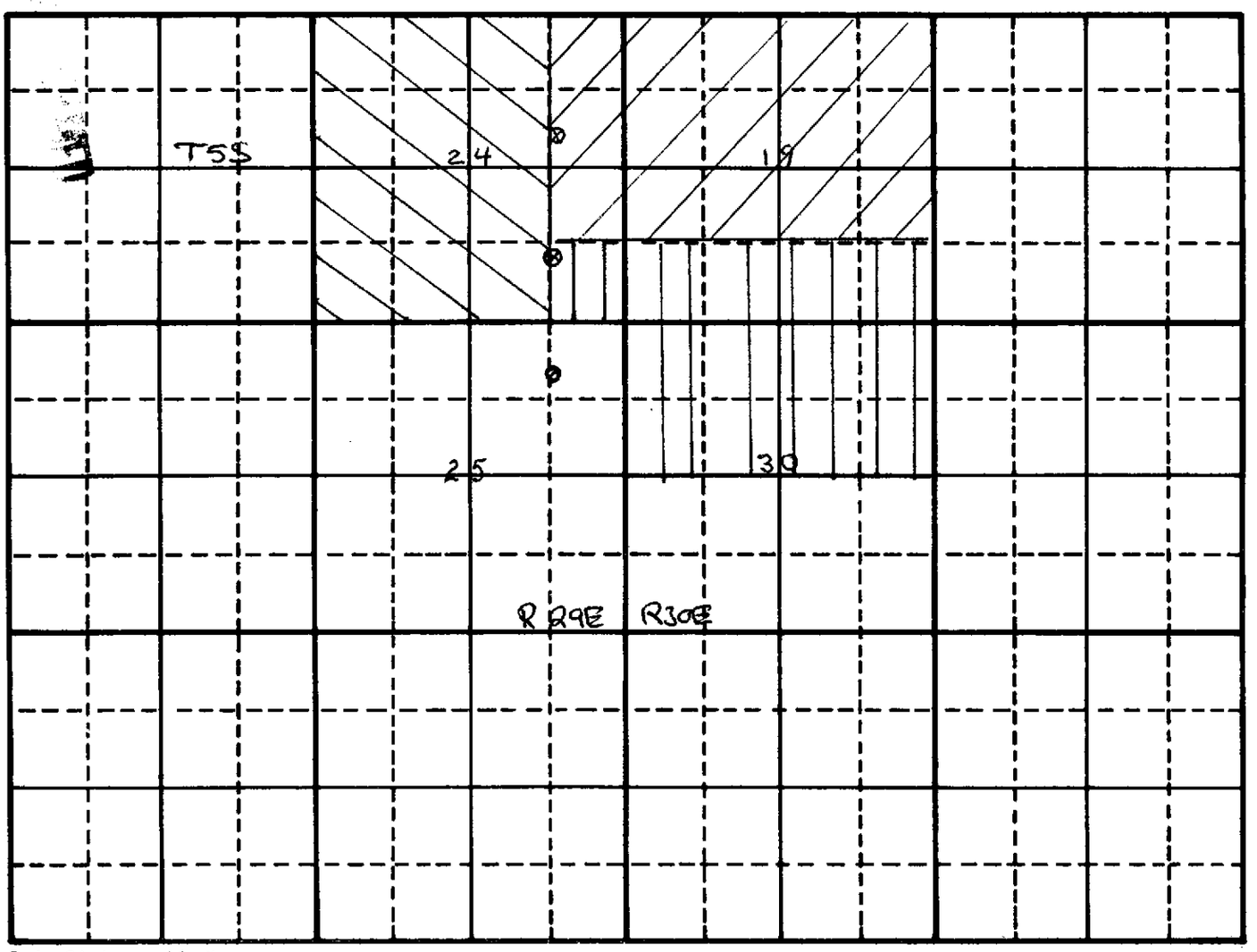
4. a. Who owns the property at the point of diversion? Behrend Farms

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Applicant has made arrangement to assign permit to Behrend Farms

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

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



Scale: 2 inches equal 1 mile.

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

Signed at Burley Idaho, this 26 day of April, 1984.

Larry L Mai
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by HWJ Fee = $20.00 Receipted by JK Date 4-27-84 # 33528

Publication prepared by CW Date 5-10-84 Published in Power County Press Blackfoot News

Publication dates 5/17 & 5/24/84

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby

Approve the above referenced Amendment provided the conditions as set forth

on page 4 of Permit No. 35-7954 are met.

Witness my hand this 7th day of August, 19 84.

L. Glen Saxton
Chief, Operations Bureau

Form 202
3/78

35 7954

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Larry L. Mai Phone 678-5913

   Post office address Route #2, Burley, ID 83318

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is SE ¼ of SW ¼ of Section 11 Township 5S

   Range 29E B.M. Power County, additional points of diversion if any: _____

   SE¼NE¼, SE¼SW¼, SE¼SE¼, Sec. 14; SE¼NE¼, Sec. 23, T. 5S, R. 29E

4. Water will be used for the following purposes:

   Amount 32.0 (cfs or acre-feet per annum) for irrigation purposes from April 1 to Nov. 1 (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

   a. 32.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. 5 wells with pumps and sprinkler systems.

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

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

   c. Proposed well diameter is 20 inches; proposed depth of well is 450 feet.

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 – maximum 5 years).*

8. Description of proposed uses:
   a. If water is **not** for irrigation:
      (1) Give the place of use of water: _____ ¼ of _____ ¼ of Section _____ Township _____

      Range _____ B.M.

      (2) Amount of power to be generated: _____ horsepower under _____ feet of head.

      (3) List number of each kind of livestock to be watered _____

      (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

      (5) If water is to be used for other purposes describe: _____

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	29E	11									40	40	40	40					160
		13					40	40	40	40	40	40	40	40					320
		14	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		23	40	40	40	40	40	40	40	40									320
		24					40	40	40	40									160

Total number of acres to be irrigated 1600

c. Describe any other water rights used for the same purposes as described above. none

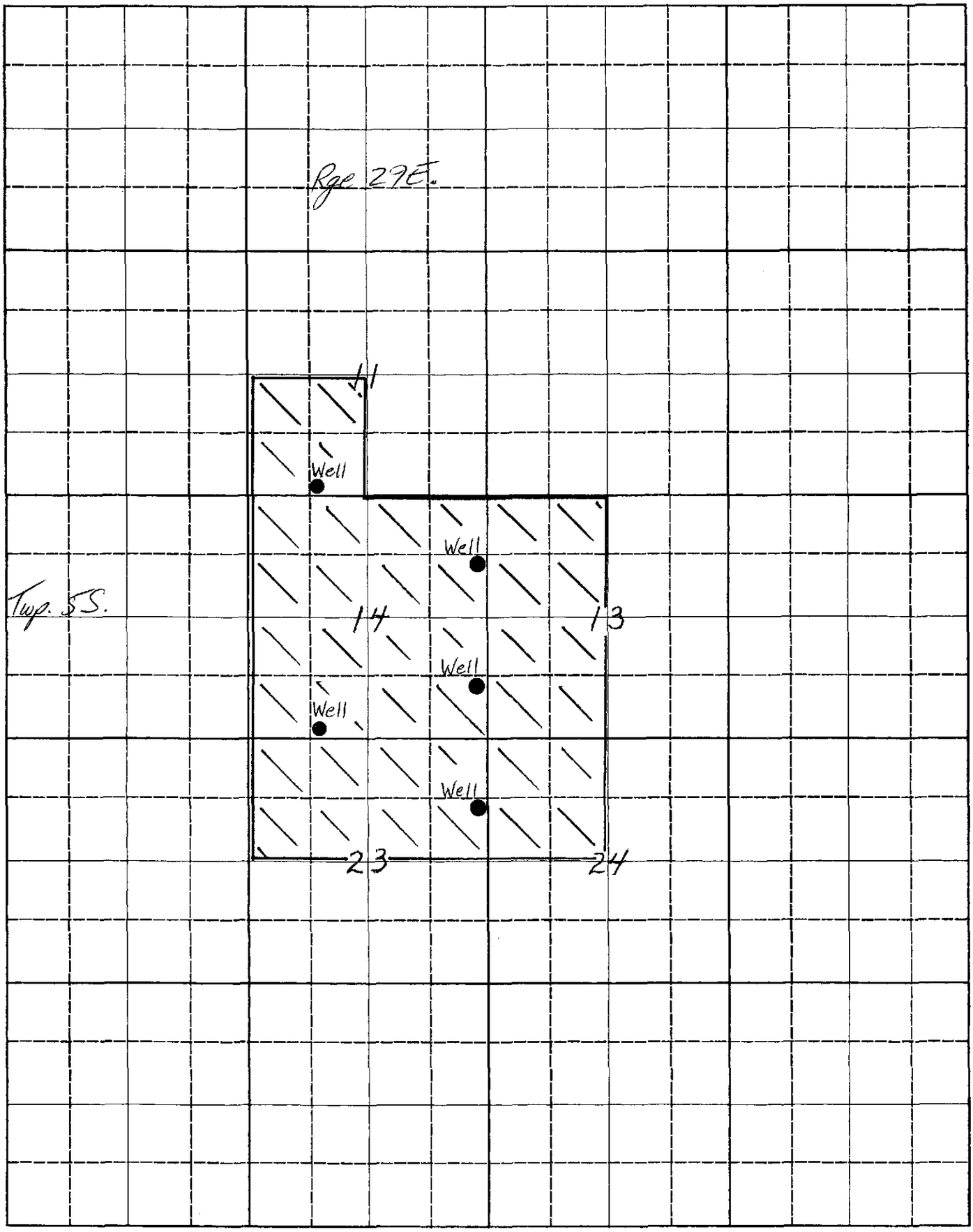
9. a. Who owns the property at the point of diversion Applicant

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

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

10. Remarks

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



Scale: 2 inches equal 1 mile.

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

× Larry L Mai
(Applicant)

Proposed Priority 2/24/81 Drafted kw 3/2/81 10:45

Received by EMC Date 2-24-81 Time 4:00 P.M.

Preliminary check by JK Fee $ $545.00

Receipted by kw Date 2/24/81 #17059

Publication prepared by kw Date 3/5/81

Published in Power County Press

Publication dates 3/12 & 3/19/81

Publication approved kw Date 3/24/81

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by RA

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. 35-7954, and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 86.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. Other:

   An access 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.

Witness my hand this 9th day of April, 1981.

L. Glen Saxton

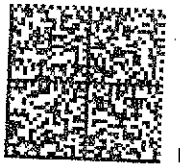
Chief, Operations Bureau

PART F

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
se, Idaho 83720-0098

Return Service Requested

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
PITNEY BOWES
02 1A $ 00.27[8]
0004389390 APR 22 2005
MAILED FROM ZIPCODE 83702

RECEIVED
APR 28 2005
Department of Water Resources

Resent w/ addr chg form 5/2/05 CLD

SCANNED
MAY 0 7 2005

BEHR780 832102003 1804 05 04/27/05
RETURN TO SENDER
BEHREND
863 MOUNTAIN PARK RD
CHUBBUCK ID 83202-1706

RETURN TO SENDER

35-7954E
35-7954F

SCANNED

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

KARL J. DREHER
DIRECTOR

December 2, 1998

DANNY BEHREND
1780 S 2800 W
ABERDEEN ID 83210

RE: Water Right 35/07954F (Transfer 5242)

Dear Mr. Behrend:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5242). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

> If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.
>
> If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change

Failure to report these changes in a timely manner could result in a $100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

MICROFILMED
JAN 0 4 1999

CERTIFICATE OF MAILING

I hereby certify that on the **2nd** day of **December, 1998,** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 35-07954F (Transfer 5242)

DANNY BEHREND
1780 S 2800 W
ABERDEEN ID 83210

Kari Lynn Townsend
Secretary

MICROFILMED
JAN 04 1999

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

MICROFILMED
JAN 0 4 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
JAN 0 4 1999

PART E

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
se, Idaho 83720-0098

Return Service Requested

Resent w/ addr chg form 5/2/05 CD

[redacted]

SCANNED

BEHR780 832102003 1804 05 04/27/05
RETURN TO SENDER
BEHREND
863 MOUNTAIN PARK RD
CHUBBUCK ID 83202-1706

RETURN TO SENDER

35-7954E

35-7954 F

PART D

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

May 13, 1994

PAUL W BEHREND
2706 W 1800 S
ABERDEEN ID 83210

RE: WATER RIGHT NOS. 35-07954A, 35-07954B and 35-07954D

Dear Water Right Holder(s):

Enclosed herewith are copies of the Water Right Licenses issued on the above referenced permits along with a copy of your approved Application for Amendment on 35-07954A.

If you have any questions about these documents please contact me within 10 days of receipt of them.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

JUN 09 1994

WR0749NP
No. L35-07954D

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/18/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	PAUL BEHREND 2706 W 1800 S ABERDEEN ID 83210 (208) 397-4047	02/24/1981	IRRIGATION	04-01	10-31	2.60 CFS	791.60 AFA
				TOTAL DIVERSION:		2.60 CFS	791.60 AFA
C	DANNY BEHREND 2706 W 1800 S ABERDEEN ID 83210						

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 2.60 CFS

Point(s) of Diversion: T05S R29E S25 NENE POWER County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
05S	29E	24																20	20.0
05S	29E	25	38			12													50.0
05S	30E	19											04-36	04					40.0
05S	30E	30					12 01-49	02-24		02									87.9
																	TOTAL ACRES		197.9

Pou County: POWER

Other Water Rights with Same Point(s) of Diversion and Source:
35-07954

Other Water Rights Listing Overlapping Place(s) of use:
35-07954

Conditions of Approval:

R31 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.0 afa per acre for the
- lands above.

R55 - This right is for the use of trust water and is subject to review
- 20 years after the issuance of the permit to determine
- availability of water and to re-evaluate the public interest.

R56 - Diversion and use of water under this right is subject to an
- annual use fee if rules are subsequently promulgated which
- provide for the submittal of the fee.

R57 - The Director retains jurisdiction of the right issued to
- change, add or remove any requirement as determined to be
- appropriate.

Dates: App. Received: 02/24/1981 Priority Date: 02/24/1981
Proof Due Date: 04/01/1991 Proof Made Date: 03/22/1991 ✓
Exam Made Date: 06/10/1992 Exam Sent to S.O.: 04/08/1994
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 09/30/1991 User-ID: SKAGGS Subject: LAPSE DELAY
PROOF RECEIVED

Date: 12/06/1991 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Date: 04/18/1994 User-ID: CHAPMAN Subject: SPLIT RIGHT
Right 35-07954 was split into Parts A - D at the time of licensing, one for each separate point of diversion.

Audit: 04/18/94 CHAPMAN

WR0750NP
(OD-138)

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 04/18/94
PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE Lt	NE Ac	NW Lt	NW Ac	SW Lt	SW Ac	SE Lt	SE Ac	NE Lt	NE Ac	NW Lt	NW Ac	SW Lt	SW Ac	SE Lt	SE Ac	
L3507954D	T05S R29E S24 GROUNDWATER															20		20
	NO MATCHES FOR THIS POU IN AJ-POU																	
~~3507954~~	~~GROUNDWATE~~					~~30~~				~~30~~	~~30~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~370~~
L3507954C	GROUNDWATE					30				30	30	40	40	40	40	40	40	330
L3507954D	T05S R29E S25 GROUNDWATER																	
		38					12											50
	NO MATCHES FOR THIS POU IN AJ-POU																	
~~3507954~~	~~GROUNDWATE~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~10~~	~~40~~	~~40~~	~~40~~	~~40~~							~~290~~
L3507954C	GROUNDWATE			40	40			40	40	40	40							240
L3507954D	T05S R30E S19 GROUNDWATER																	
														04-36	04			40
	NO MATCHES FOR THIS POU IN AJ-POU																	
~~3507954~~	~~GROUNDWATE~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~20~~	~~40~~	~~40~~	~~40~~	~~31~~	~~611~~
L3507954B	GROUNDWATE	40	40	40	40	40	01-49	02-49	40	40	03-49					40	40	507
L3507954D	T05S R30E S30 GROUNDWATER																	
						12	01-49	02-24	02									87
	NO MATCHES FOR THIS POU IN AJ-POU																	
~~3507954~~	~~GROUNDWATE~~	~~40~~	~~40~~	~~17~~	~~08~~	~~34~~	~~40~~	~~13~~	~~05~~									~~197~~

POU COMPARISON

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-7954 D DATE 4-18-94

Brenda

	Yes	No	
NAME	___	✓	Or Address Change?
PRIORITY DATE	___	✓	Advance? ___ Advanced to: _____ Order to reinstate needed? _____ Incorrect fee for rate recommended? _____
SOURCE	___	✓	Changes or just clarification of originally intended source? _____ Notice of Intent to Void necessary? _____
POINT OF DIV	___	✓	Amendment needed? _____
	___	✓	Overlaps? _____
PLACE OF USE	___	✓	Amendment needed? No new P/U - NOT NECESSARY
	___	✓	Overlaps? JUST CORRECTION ACCORDING TO GOVT LOT SIZE
DIV RATE	___	✓	Measurement done? YES Theoretical only? ___ Q = 2.6 197.9 X .02 = 3.95 **Capacity:** 2.6 Combined rates exceed capacity NA Allowable amount: 2.6 CFS
ANNUAL VOLUME	___	✓	Season of use: 4/4 4-1 to 10-31 Calculations: _____ 197.9 X 4 = 791.6 Flow limit: 2.6 cfs x 214 x 1.9835 = 1103 Combined volumes exceed capacity/allowable NA
USES	___	✓	Change(s) in Nature of Use? _____ Amendment necessary? _____
REMARKS	___	✓	Multiple p/d(s) in ¼ ¼? _____
	___	✓	Other _____
CONDITIONS	___	✓	Measuring/Locking Devices
	___	✓	Watermaster control - District _____
	R31	___	Irrigation Overlap
	___	✓	Water Quality
	✓	___	Other TRUST CONDITIONS R55, 56, 57

COMMENTS: Split into parts for each separate p/d.

RECOMMENDED	CFS	VOLUME
Irrigation	2.6	791.6

LICENSE ✓

1ST AMENDMENT LETTER _____

FINAL AMENDMENT LETTER _____

Form 219-S.A.
6/85

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

35-7954D
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☐ Blank Field Report Form
- ☐ Copy of Permit
- ☐ Copies of any Amendments/Orders with conditions of approval
- ☐ Computer Data Proof Report
- ☐ Copy of U.S.G.S. Quad
- ☐ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index KW 4-7-94 (Initial and date)

Overlap? ☐ yes ☑ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____

Check of P/U index KW 4-7-94 (Initial and date)

Overlap? ☐ yes ☑ no If yes: ☐ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____

Aerial Photo

Required? ☐ yes ☐ no If yes: ☐ copy attached?

Scheduling Letter sent? _____ (Initial and date)

☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully completed and signed Field Report Form
- ☐ Photographs of Point of Diversion and Place of Use
- ☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed H Wilson 6-2-92 (Signature of examiner and date)
Exam Reviewed by Senior Water Resource Agent KW 4-7-94 (Initial and date)
Exam Reviewed by Manager of Regional Office _____ (Initial and date)
Exam Data Entered in Computer _____ (Initial and date)
Exam sent to State Office _____ (Initial and date)
Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original Refiled in White File _____ (Initial and date)

Form 219
6/86

RECEIVED
APR 11 1994
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

(Part B)

A. GENERAL INFORMATION

Permit No. 35-07954

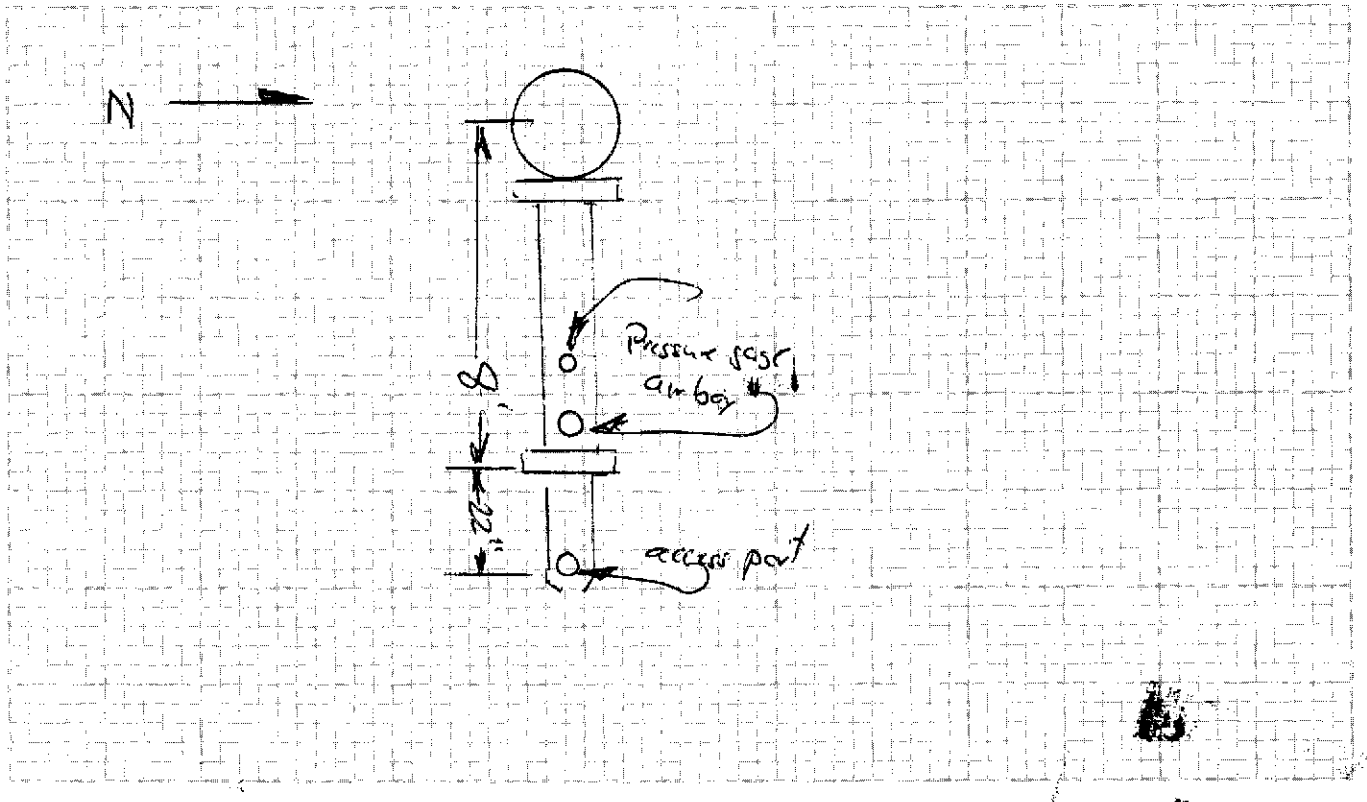
1. Owner: Paul Rothrock Phone No. 397-4047
   Current Address: 2706 W. 1800 S. Aberdeen, ID
2. Accompanied by: Applicant EXAM. DATE: 6-10-92
   Address: _____ Phone No. _____
   Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: None
   _____ ☐ Copies Attached
2. Other water rights with same point of diversion: None
   _____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



JUN 09 1994

Scale: 1" = _____.

2. ☐ Copy of U.S.G.S. Quadrangle Attached
   Showing location(s) of point(s) of diversion and place(s) of use (required).
   ☐ Aerial Photo Attached
   (required for irrigation of 10 acres or more).
   ☐ Photo of Diversion and System Attached
   (required for all but single household domestic groundwater, and stockwater.

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Well & pump to Pivot (9 tower & 1550' long). Static water level at 385'

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	U.S. Motors	250	C601328-612	Worthington	NA

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	NE	25	5S	29E	Power	ASCS Air photo

6. **Place(s) of Use:** Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	29E	24																20	20
		25	38			12													50
~~5S~~	~~30E~~	~~19~~											L-4 35	4					~~39~~
~~5S~~	~~30E~~	~~30~~					~~16~~	~~30~~	~~24~~	~~2~~			~~36~~						~~79~~
5S	30E	30					12	19.9	24	2									87.9
								L1	L2										
5S	30E	19											L4 36	4					40
																			~~186~~
																			197.9

Do not use this space

2008397

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Sonic Meter						

2. **Measurements:**

1154 gpm by meter (8.4" ID)

1154 gpm / 448.8 gpm/cfs = 2.6 cfs capacity

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)
Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
Meter Input HP: (6) x 1.34 = _____ (7)
Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)
Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = ~~186~~ 197.9 acres x 4 afa = ~~744~~ 791.6 afs

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = 2.60 cfs x 214 days x 1.9835 = 1103.6

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = ~~744 afa~~ 791.6 afa

2. Volume Calculations for Other Uses:

JUN 09

H. REMARKS AND OVERLAP REVIEW ANALYSIS

The 4 parts of permit 35-07954 have separate points of diversion.

I. RECOMMENDATIONS

1. **Recommended Amounts**

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	4-1	10-31	2.60 cfs	~~744~~ afa 791.6
Totals:			2.60 cfs	~~744 afa~~ 791.6 afa

2. **Recommended Amendments**

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☐ Change P.U. as reflected above ☑ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name: Harold Jones

Signature: Harold Jones

Certification Date:

Field Report Preparation Date:

CONSULTANT SEAL

JUN 09 1994

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

```
MODE SELECT
?       INPUT

MODE SELECT
?       DATA SET

DATA SET MODE
?       PRINTER

PRINTER USE
?       YES

MM-DD HH:MM
06-10 11:11

MODE SELECT
        INPUT

OUTER DIAMETER
10.9020  IN

PIPE MATERIAL
?       CS,SS

WALL THICKNESS
0.1650   IN

INNER LINING
?       NO LING.

KIND OF FLUID
?       WATER

SENSOR MOUNTING
?       V

TYPE OF SENSOR
?       SMALL

DATA CHANGE
?       NO

SPACING
0.387    IN V

06-10 11:1200 *R
+  1.154E 3GPM

06-10 11:1200 *R
+  1.154E 3GPM

DAMPING SET
10       SEC

06-10 11:1200 *R
+  1.195E 3GPM

06-10 11:1300 *R
+  1.195E 3GPM
```

D
(Part)
35-07954
Plant

35-7954D

JUN 09 1994

FLOW MEASUREMENT TAPE

35-7954D

```
MODE SELECT
         INPUT

MODE SELECT
?        DATA SET

DATA SET MODE
?        PRINTER

PRINTER USE
?        YES

MM-DD HH:MM
06-10 11:11

MODE SELECT
         INPUT

OUTER DIAMETER
10.9020   IN

PIPE MATERIAL
?        CS,SS

WALL THICKNESS
0.1650    IN

INNER LINING
?        NO LING.

KIND OF FLUID
?        WATER

SENSOR MOUNTING
?        U

TYPE OF SENSOR
?        SMALL

DATA CHANGE
?        NO

SPACING
8.387     IN U

06-10 11:1200 *R
+   1.154E 3GPM

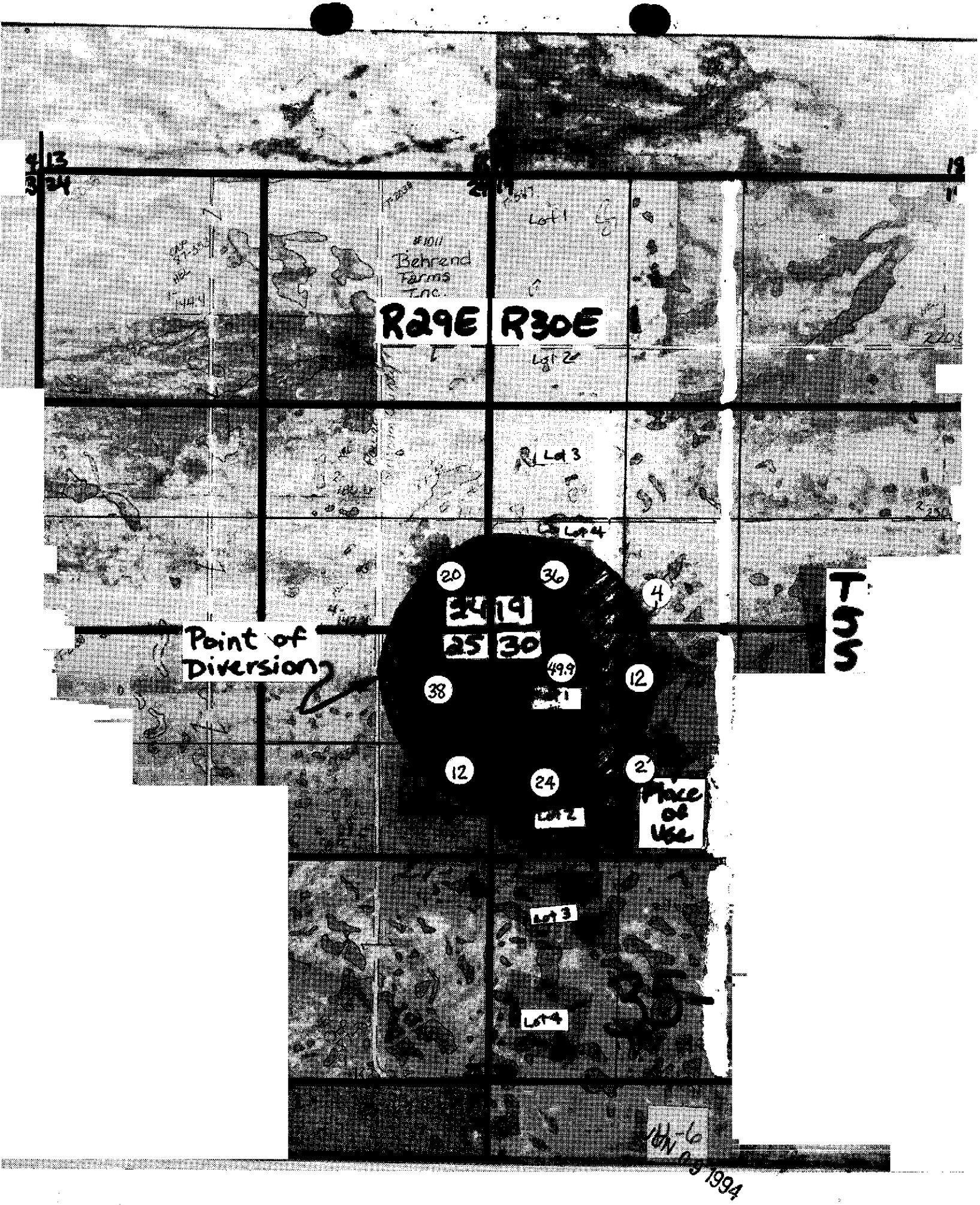
06-10 11:1200 *R
+   1.154E 3GPM

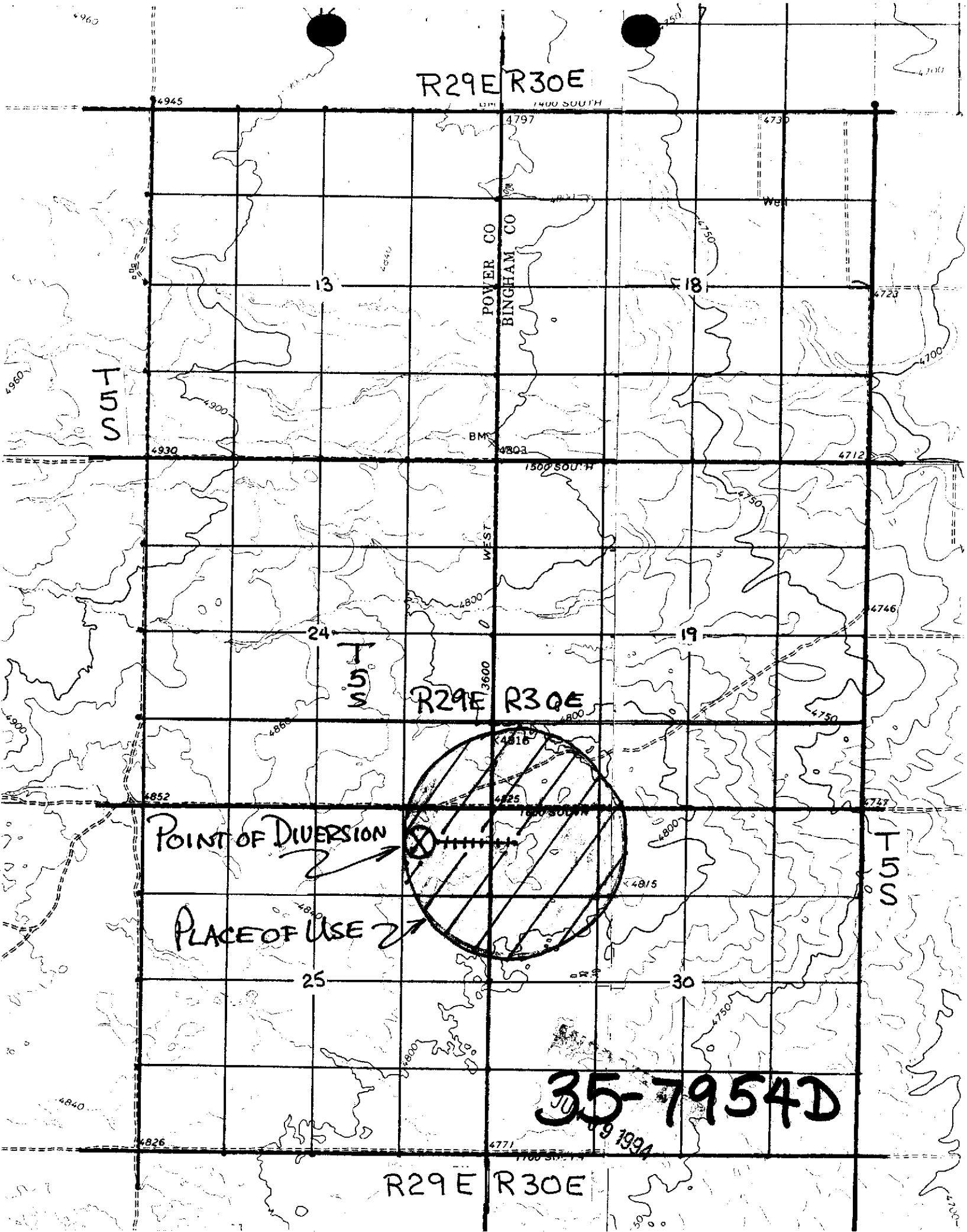
DAMPING SET
10        SEC

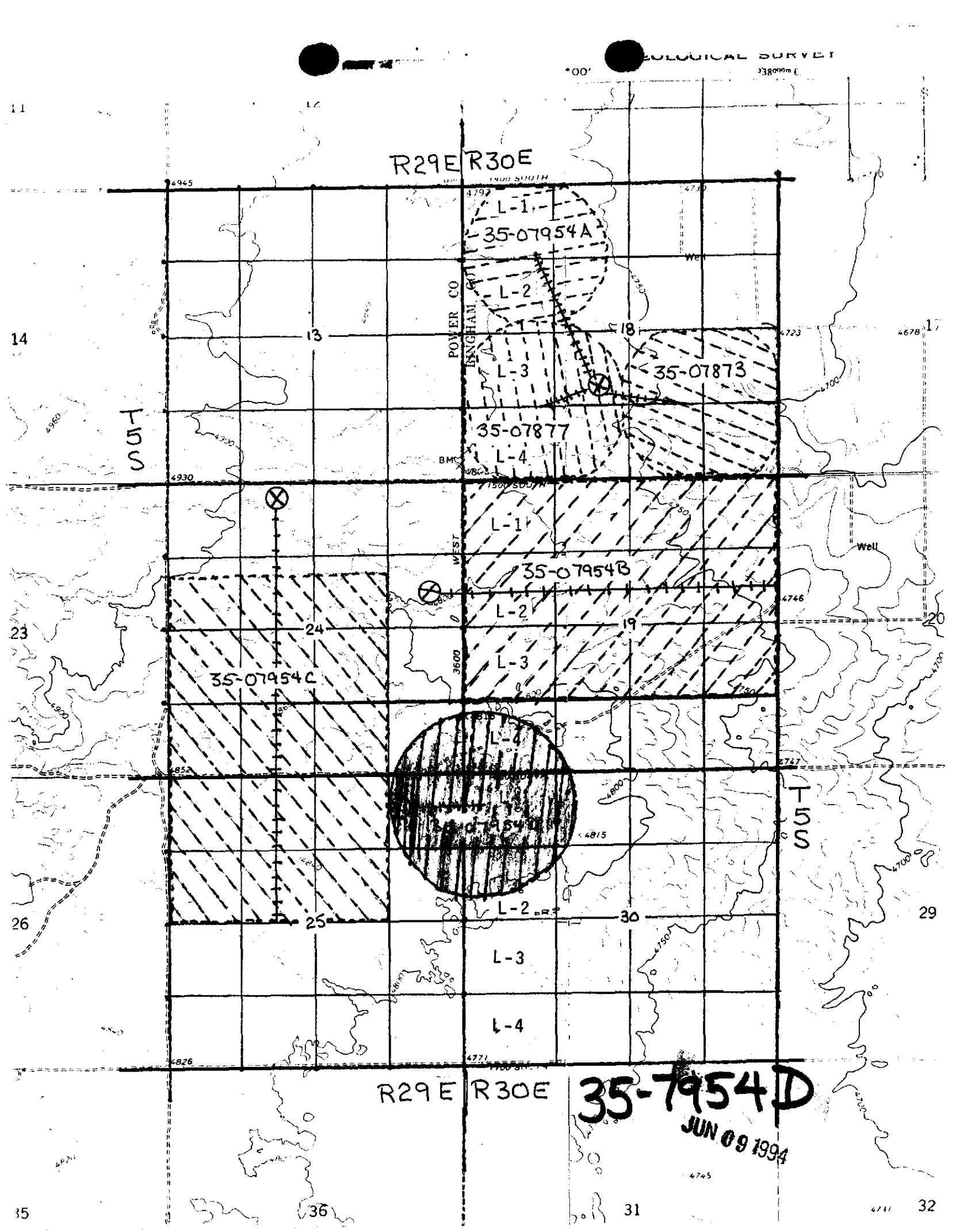
06-10 11:1200 *R
+   1.195E 3GPM

06-10 11:1300 *R
+   1.195E 3GPM
```

D
(Park)
35-07954
Pivot


#1011
Behrend
Farms
Inc.
R29E
R30E
Lot 1
Lot 2
Lot 3
Lot 4
20
36
4
24
19
25
30
49.9
38
12
12
24
2
Point of
Diversion
Place
of
Use
T55
Lot 3
Lot 4
NOV 09 1994


R29E R30E
1400 SOUTH
4797
4730
West
POWER CO
BINGHAM CO
13
18
T 5 S
4723
4700
4960
4900
BM
4803
4930
4712
1500 SOUTH
4750
WEST
4800
4746
24
19
T 5 S
R29E R30E
3600
4816
4852
4825
1500 SOUTH
4747
POINT OF DIVERSION
4800
4815
PLACE OF USE
T 5 S
25
30
4750
4840
4826
4771
1700 SOUTH
R29E R30E
35-7954D
09 1994


R29E R30E
L-1
35-07954A
L-2
POWER CO
BINGHAM
13
18
L-3
35-07873
T
5
S
35-07877
L-4
BM
WEST
L-1
35-07954B
L-2
24
19
35-07954C
L-3
L-4
T
5
S
L-2
25
30
L-3
L-4
R29E R30E
35-7954D
JUN 09 1994

PART C

MEMORANDUM

TO: File 35-07954C

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5242

DATE: November 25, 1998

Transfer 5242 changes the point of diversion and place of use under a portion of Right 35-07954C, splitting the right into Parts E and F. The applicant is reconfiguring his irrigation system and moving 98.1 acres to a wiper pivot in a separate location.

Recommended conditions include measuring & annual reporting, irrigation overlap, trust water conditions, right-of-way and standard transfer conditions.

MICROFILMED

JAN 0 4 1999

PART C

TRANSFER 5242

TRANSFER REVIEW SHEET

(07-98)

Transfer # 5242 Date Reviewed 11-25-98 CB

Right(s) 35-07954C

✓ WRQ/Split Summary ✓ SRBA Status (No Activity) ✓ Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use G:Other H:Change P/D & Add P/D
(I) Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership 97 tax notice cover P/U of transferred acres
Lienholder's approval- letter Farm Credit Services 3-19-98.
Approval from Paul Behrend to allow access to well & across his land.

Transfer ____ All of Right ✓ Portion of Right
Resulting Split(s) E & F

E)	4.98 cfs	471.9 Acres	1887.6 afa
F)	1.03 cfs	98.1 Acres	392.4 afa
	6.01 "	570.0 "	2280.0 "

Check Transfer Against Recorded Right Season/Vol. C/4.0

(1) ✓ Priority (2) ✓ Use (3) ✓ Season (4) ✓ Rate (5) ✓ Volume

(6) ✓ Source (7) ___ P/D (8) ___ P/U (9) ✓ Proof/Owner (10) ✓ Map

(11) NA Water District (12) Yes Pertinent Conditions (Aberdeen American Falls GW Dist./East ESPA WM Dist. trust/Irr overlap) (13) NO Expansion

(7) & (8) Change P/D & P/U

Existing P/D - same well as 35-07954B.

Transfer Remarks WSS - Right of Way
Conditions 067, R64, T07, T08, T09 R55 4052 Trust Cond.

Database/Processing Notes Standard ✓ Non-Standard ____
T files E&F - Clear C when approved. ✓

"T" Files Update Complete ✓ Approval Form ✓ Transfer Memo ✓
Database Updated Following Approval ✓ Memo/Form Files Deleted ✓

CB 11-30-98

E024018

4/ 1/1998

BEHREND AND BEHREND

APPLIC FOR TRANSF- 35-07954F	63105	229 21 1155	100.00

$ 100.00

CHECK 2658

Region: EASTERN Signature: _____

IDAHO DEPARTMENT OF WATER RESOURCES
T-R-S PLACE OF USE 1/4 1/4 COMPARISON REPORT

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE NE Lt	NE NE Ac	NE NW Lt	NE NW Ac	NE SW Lt	NE SW Ac	NE SE Lt	NE SE Ac	NW NE Lt	NW NE Ac	NW NW Lt	NW NW Ac	NW SW Lt	NW SW Ac	NW SE Lt	NW SE Ac	SW NE Lt	SW NE Ac	SW NW Lt	SW NW Ac	SW SW Lt	SW SW Ac	SW SE Lt	SW SE Ac	SE NE Lt	SE NE Ac	SE NW Lt	SE NW Ac	SE SW Lt	SE SW Ac	SE SE Lt	SE SE Ac	SUM
T05S R29E S 24					18.2												18.2																	54.6
3507954B	GROUNDWATE		30				35																				4							69
3507954C	GROUNDWATE				30												30	30	40	40	40	40			40	40								330
A3507954C	GROUNDWATE				30												30	30	40	40	40	40			40	40								330
R3507954C	GROUNDWATE				30												30	30	40	40	40	40			40	40								330
3507954D	GROUNDWATE																															20		20
T3507954E	GROUNDWATE				11				Remaining								11	11	40	40	40	40			40	40								273
--86 MAP--	C11Q-AA 34		37		31		39										32	30	42	40	42	40			39	40	40	8						460
--86 MAP--	C77Q-AA 34		38	6	34		40										33	30	41	42	43	40			39	40	36	7						469
T05S R29E S 25					14.5												14.5	14.5																43.5
3507954C	GROUNDWATE			40	40					40	40						40	40																240
A3507954C	GROUNDWATE			40	40					40	40						40	40																240
R3507954C	GROUNDWATE			40	40					40	40						40	40																240
3507954D	GROUNDWATE		38				12																											50
T3507954E	GROUNDWATE			40	25					40	40						25	25	—Remaining															195
--86 MAP--	C11Q-AA 34		5	41	40		5			41	38						37	40			1													248
--86 MAP--	C77Q-AA 34			39	39					41	40						40	40			1													240
T05S R30E S 19									Proposed P/U																5									5
	NO MATCHES FOR THIS POU IN AJ-POU																																	
3507954B	GROUNDWATE		10		29		40		35		11	01-42	02-49		37				40	03-27	04-8		32			22		40		17				439
3507954D	GROUNDWATE																				04-36		4											40
--86 MAP--	C11Q-AA 34		37		39		41		37		39				40				40				7			37		39		8		8		372
NO QTRS	MAPPING		Lot01-50		Lot02-52		Lot03-49		Lot04-05																									
T05S R30E S 30									Proposed → 6		4.1				35								15		33									
	NO MATCHES FOR THIS POU IN AJ-POU																																	
3507954D	GROUNDWATE										12	01-49	02-24		2																			87
	NO MAPPING INFO AVAILABLE																																	

No Overlaps

T5242

SPLIT RIGHT SUMMARY
11/25/98
TRANSFER 5242

D-0611-2 Basin: 35 Starting Water Right: 07954

SEL	Water Right No.	Name Last, First	OWN	Priority Date	STG/STS	Source	Use Desc	SYS
_	35-07954			00/00/0000	/Z			WR
_	35-07954A	BEHREND, PAUL W	C	02/24/1981	L/	GROUNDWATER	IRR	WR
_	35-07954B	BEHREND, PAUL	C	02/24/1981	L/	GROUNDWATER	IRR	WR
_	**35-07954C**	**BEHREND, DANNY**	**C**	**02/24/1981**	**L/**	**GROUNDWATER**	**IRR**	**WR**
_	35-07954D	BEHREND, PAUL W	C	02/24/1981	L/	GROUNDWATER	IRR	WR
_	T35-07954E	BEHREND, DANNY	C	02/24/1981	L/	GROUNDWATER	IRR	WR
_	T35-07954F	BEHREND, DANNY	C	02/24/1981	L/	GROUNDWATER	IRR	WR
_	A35-07954C	BEHREND, DANIEL	C	02/24/1981	L/	GROUNDWATER	IRR	AJ
_	R35-07954C	BEHREND, DANIEL	C	02/24/1981	L/	GROUNDWATER	IRR	AJ

Form 222a
6/78

4-1-1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: ~~[illegible]~~ PRM

1. Right number 35-07954 C Applicant Danny Behrend C/o Paul Behrend

2. Type of right: ☐ Decree ☑ License ☐ Claim

3. Purpose of transfer: ☑ Change point of diversion ☐ Add diversion point(s) ☑ Change place of use
   ☐ Other _____

4. Check:
   a. ☑ Source ☑ Priority ☑ Amount ☑ Purpose ☑ Period of use
   b. ☑ Description of original point of diversion.
   c. ☑ Description of original place of use.

5. Amount of land &/or water transferred:
   a. ☐ All of right.
   b. ☑ Part of right *(NOTE! Part B should be filled in only if part of the right is owned by the applicant).*
   c. ☑ Check description of point(s) of diversion.
   d. ☑ Check description of place of use.
   e. ☑ Check map (shows p.d. and p.u. after transfer).
   f. ☑ Check for correct signature, notarization, and fee.
   g. ☑ Check proof of ownership of right &/or land from which water is transferred.
   h. ☑ Check for expansion in use of right. Comments —
   i. ☑ Check for existing water rights from same source, on land water is being transferred to.
      Right number(s) ~~35-07954B, 35-07954D~~
   j. ☑ Is use within a Watermaster District? ☐ Yes ☐ No
      If yes, what district? Aberdeen-American Falls GWD

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____ ADOP May 4, 98
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☑ Approve
2. ☐ Deny
3. Conditions* _____
4. By _____ Date 7/29/98

* *All uses within Watermaster Districts require special conditions.*

Faxed ad to Boise 4/16/98
Sent copy of transfer 4/16/98

Affidavit of Publication

State of Idaho

County of Power

Brett Crompton being first duly sworn on oath, states:

That he is the editor and co-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 3 day of June 1998 and the date of the last publication being the 10 day of June 1998.

Signed Brett Crompton

State of Idaho

County of Power

On this 11 day of June in the year of 1998, before me, a Notary Public, personally appeared Brett 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 he executed the same.

Holly Morris
Notary Public for Idaho
Residing at American Falls, Idaho
My commission expires: January 21, 2003

Behrend requests water right change

Published in The Power County Press June 3, 10, 1998.

NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
NO. T5242

Notice is hereby given that Danny Behrend, 1780 S 2800 W, Aberdeen, ID 83210, has applied to the Department of Water Resources to change the point of diversion of a waters of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 35-07954C
Source: Groundwater
Amount: 6.01 cfs
Priority: 02/24/1981
Point(s) of Diversion: NENW SEC 24 T05S R29E, POWER COUNTY

The water is used for irrigation of 570 acres from 4/01 to 10/31 within the SEC 24 and 25 T05S R29E, B.M.

TO BE CHANGES AS FOLLOWS:

The applicant intends to shorten his linear irrigation system and dry up 98.1 acres. He will transfer these acres 1/2 mile east to 98 acres in Sec 19 and 30 T05S R30E, using an existing well in NENE SEC 25 T05S R29E.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of $25 on or before June 22, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

MICROFILMED
JAN 04 1999

RECEIVED
JUN 11 1998
Department of Water Resources
Eastern Region

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 28, 1998

POWER COUNTY PRESS
PO BOX 547
AMERICAN FALLS ID 83211

Dear Publisher: Holly

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before JUNE 22, 1998.

Yours truly,

Sharla Cox

Sharla Cox
Secretary

Enc.

MICROFILMED
JAN 04 1999

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5242

Notice is hereby given that Danny Behrend, 1780 S 2800 W, Aberdeen, ID 83210, has applied to the Department of Water Resources to change the point of diversion of a waters of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 35-07954C Source: Groundwater
Amount: 6.01 cfs Priority: 02/24/1981
Point(s) of Diversion: NENW SEC 24 T05S R29E, POWER COUNTY
The water is used for irrigation of 570 acres from 4/01 to 10/31 within the SEC 24 and 25 T05S R29E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to shorten his linear irrigation system and dry up 98.1 acres. He will transfer these acres ½ mile east to 98 acres in Sec 19 and 30 T05S R30E, using an existing well in NENE SEC 25 T05S R29E.

Any protests against approval of the proposed changed must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of $25 on or before June 22, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Power County Press on June 3 and 10, 1998.

MICROFILMED
JAN 04 1999

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5242

Notice is hereby given that Danny Behrend, 1780 S. 2800 W., Aberdeen, ID 83210, has applied to the Department of Water Resources to change point of diversion and place of use of the waters of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 35-07954c Source: groundwater
Amount: 6.01 cfs Priority: 02/24/1981
Point(s) of Diversion: NENW SEC 24 T5S R29E, POWER COUNTY
The water is used for irrigation of 570 acres from 4/01 to 10/31 within SEC 24, & 25 T05S R29E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to shorten his linear irrigation system and dry up 98.1 acres. He will transfer these acres ½ mile east to 98 acres in Sec 19, and 30 T05S R30E, using an existing well in the NENE SEC 25 T05S R29E.

Any protests against approval of the proposed changed must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of $25 on or before May 4, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Power County Press on April 16 and 23, 1998.

Faxed 4-9-98
226-5295
Holly

MICROFILMED
JAN 04 1999

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 16, 1998

ABERDEEN-AMERICAN FALLS
GROUND WATER DISTRICT
C/O HENRY BOOMER
PO BOX 70
AMERICAN FALLS ID 83211

RE: Application for Transfer No. T5242

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and notice that the applicant is splitting his water right with Paul Behrend.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ/sc
enc.

MICROFILMED
JAN 0 4 1999

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 16, 1998

DANNY BEHREND
1780 S 2800 W
ABERDEEN ID 83210

RE: Application for Transfer #5242

Dear Applicant:

This office is currently in the process of advertising the application in the Power County Press on April 16 and 23, 1998. The advertisement will be published once a week 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.

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

Sincerely,

Harold W. Jones

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED
JAN 04 1999

Farm Credit Services

P.O. Box 130
2842A Pocatello Street, #103
American Falls, Idaho 83211
208/226-7336 FAX 208/226-5052

March 19, 1998

Daniel Behrend
c/o Paul Behrend
West 1800 South
Aberdeen, ID 83211

Dear Daniel:

We have received notification that you have applied to the State of Idaho Department of Water Resources to transfer two water rights.

Our understanding is you propose a total transfer of 1.82 cfs, of which 0.84 cfs is under license number 35-07954C is currently being pumped from a well located in the NE¼NE¼ of Section 24, Township 5 South, Range 29 East of the Boise Meridian, and located on our security, to a new point of diversion, i.e. an existing well owned by Paul Behrend and located in the NE¼NE¼ of Section 25, Township 5 South, Range 29 East of the Boise Meridian.

As the proposed transfer will merely relocate approximately 100 irrigated acres from one portion of our security to another and should also increase irrigation efficiency, the proposed transfer appears to be beneficial and Farm Credit Services will not contest the change.

However, since the point of diversion will no longer be located on the security for your loan, before we can agree to a transfer, we require the assignment of an agreement between you and Paul Behrend setting forth your joint use of an irrigation system, i.e. pump and mainline, including any cost sharing, and an easement from Paul Behrend to Daniel Behrend and assigns allowing access across his real estate to the pumps and mainlines for maintenance purposes.

With the above stipulations set forth above, Farm Credit Services conditionally agrees to the proposed transfer.

If you have any questions regarding this letter or with any other aspect of your loan with us, please contact me at our American Falls office.

Sincerely,

Russ Taylor
Sr. Credit Officer

MICROFILMED

JAN 04 1999

State of Idaho)
)ss.
County of Power)

On March 19, 1998, before me personally appeared Russ Taylor, known to me to be an authorized agent of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and on oath stated that he was authorized to execute said instrument.

Sylvia D. Vollweiler
Notary Public for the State of Idaho
Residing at American Falls
My commission expires 3/27/02

MICROFILMED
JAN 0 4 1999

Date - 3-27-98

Sold to Paul Behrend 241-4047

2706 W. 1800 S.

Aberdeen ID 83210

397-4047

1575'

2.38" Drywsup 98.2

Pivot 82.8

Form 22
1-87

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Danny Bohrend Phone (208) 397-4914

Post Office address 1980 S. 2800 W. Aberdeen, ID 83210

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes I am reducing the length of my linear move & putting these acres on a wiper pivot just 1/2 mile away.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/~~ac-ft~~)	Nature of Use	Period of Use
35-07954( )	~~2~~ Feb 24, 1981	1.03 cfs	Irrigation	4/01 to 10/31
				to
				to
				to

2. Total amount of water being transferred 1.03 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		~~NE~~	~~NE~~	~~25~~	~~5S~~	~~29E~~	~~Power~~	
~~2~~		~~NW~~	~~NW~~	~~36~~	~~5S~~	~~30E~~	~~Power~~	
		NE	NE	25	5S	29E	Power	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
		~~30~~																	
		~~19~~																	
5S	30	30		6	4.1		35		L-2 15	33									93.1
		19												5					5

MICROFILMED

Total acres 98.1

PART 1

6. General Information:

a. Description of diversion system A well+pump to wipe pivot

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ✓ Yes ____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

This land will be dry farmed

d. Remarks:

Same point of diversion as 35-07954 ( )

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. ____

And said application is hereby ____, subject to the following limitations and conditions:

Witness my hand this ____ day of ____, 19____.

____

MICROFILMED
JAN 0 4 1999

Transfer No. ____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree No. ____ Decreed to ____

   In case of ____ vs. ____

   dated ____ in ____ county of ____

   b. License No. ____ issued by the Idaho Department of Water Resources.

   c. Claim No. ____ on file with the Idaho Department of Water Resources.

   d. Transfer No. ____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

   ☐ Tax Notice ☐ Warranty Deed ☐ Other ____

3. Source of water ____ tributary to ____

4. Date or priority ____

5. Water is used for the following purpose:

   amount ____ for ____ purposes from ____ to ____
   (cfs/ac-ft)
   amount ____ for ____ purposes from ____ to ____
   (cfs/ac-ft)
   amount ____ for ____ purposes from ____ to ____
   (cfs/ac-ft)

6. Total amount of water under right ____ cubic feet per second and/or ____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

MICROFILMED
JAN 04 1999

Total acres ____

9. Describe any other water rights used for the same purpose as described above ____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

____ If yes, describe ____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____
   amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____
   amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres ____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____
   amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____
   amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

MICROFILMED

Total acres ____

Page _____ of _____

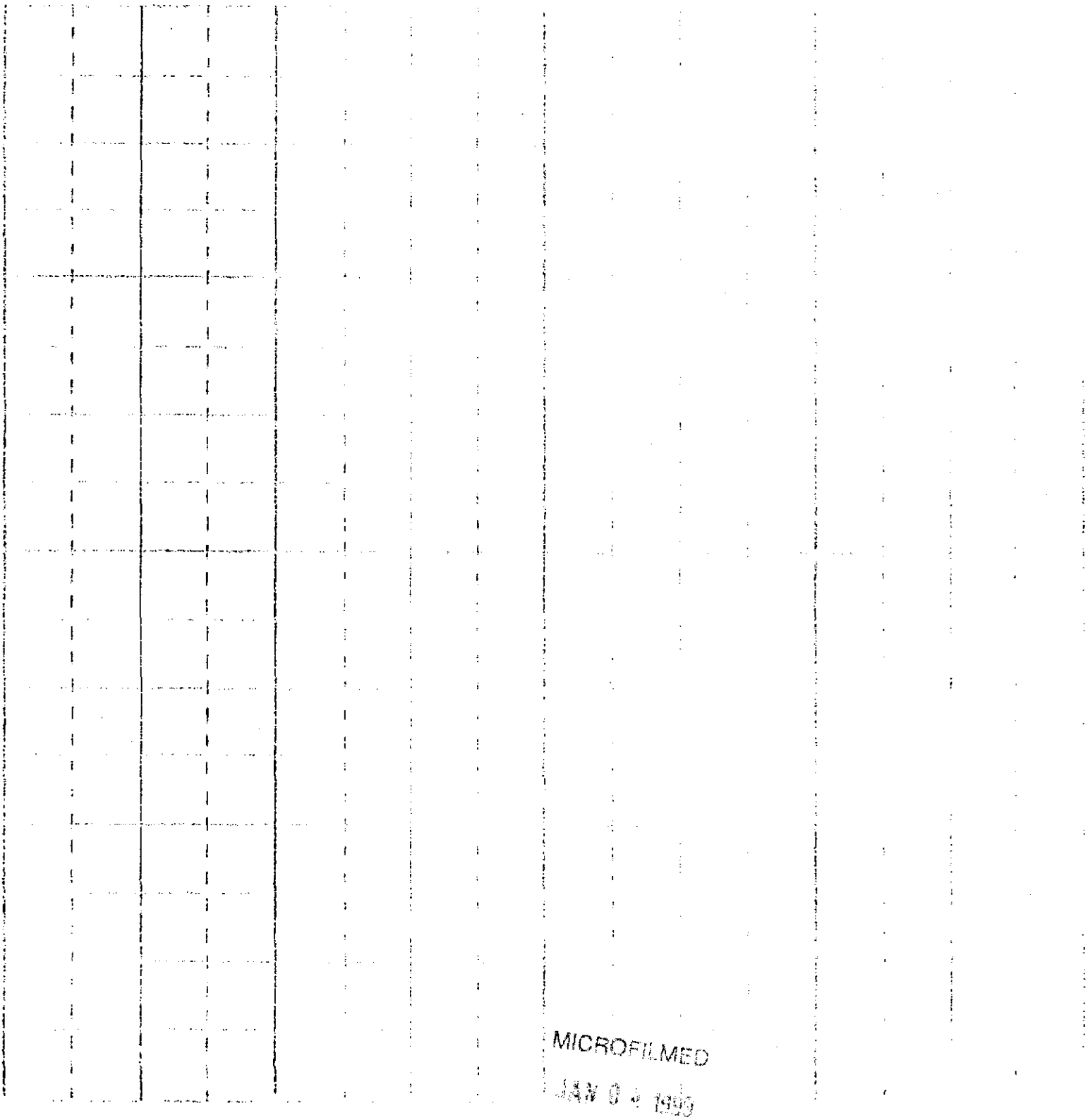
Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



MICROFILMED
JAN 0 4 1999

SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

_____

_____

3. Describe effects on other water uses resulting from the proposed change:

_____

_____

_____

_____

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

_____
(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____ , 19 _____ .

_____
(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____ _____

Receipted by _____ Date _____ _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

MICROFILMED
JAN 0 4 1999

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

May 12, 1994

DANNY BEHREND
2706 W 1800 S
ABERDEEN ID 83210

RE: WATER RIGHT NO. 35-07954C

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

JUN 09 1994

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	PAUL BEHREND 2706 W 1800 S ABERDEEN ID 83210 (208) 397-4047	02/24/1981	IRRIGATION	04-01	10-31	6.01 CFS	2280.00 AFA
				TOTAL DIVERSION:		6.01 CFS	2280.00 AFA
C	DANNY BEHREND 1780 S 2800 W ABERDEEN ID 83210 (208) 397-4914						

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 6.01 CFS

Point(s) of Diversion: T05S R29E S24 NENW POWER County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
05S	29E	24			30				30	30	40	40	40	40		40	40		330.0
05S	29E	25		40	40		40	40	40	40									240.0
																	TOTAL ACRES		570.0

Pou County: POWER

Other Water Rights with Same Point(s) of Diversion and Source:
35-07954

Other Water Rights Listing Overlapping Place(s) of use:
35-07954

Conditions of Approval:

R31 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.0 afa per acre for the
- lands above.

R55 - This right is for the use of trust water and is subject to review
- 20 years after the issuance of the permit to determine
- availability of water and to re-evaluate the public interest.

R56 - Diversion and use of water under this right is subject to an
- annual use fee if rules are subsequently promulgated which
- provide for the submittal of the fee.

R57 - The Director retains jurisdiction of the right issued to
- change, add or remove any requirement as determined to be
- appropriate.

Dates:

App. Received:	02/24/1981	Priority Date:	02/24/1981
Proof Due Date:	04/01/1991	Proof Made Date:	03/22/1991
Exam Made Date:	06/10/1992	Exam Sent to S.O.:	04/08/1994
Licensed Date:			

Misc: Water District Number: Field Exam Fee:

Comments: Date: 09/30/1991 User-ID: SKAGGS Subject: LAPSE DELAY
PROOF RECEIVED

Date: 12/06/1991 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Date: 04/18/1994 User-ID: CHAPMAN Subject: SPLIT RIGHT
Right 35-07954 was split into Parts A - D at the time of licensing, one for each separate point of diversion.

Audit: 04/18/94 CHAPMAN

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE NE Lt	NE NE Ac	NE NW Lt	NE NW Ac	NE SW Lt	NE SW Ac	NE SE Lt	NE SE Ac	NW NE Lt	NW NE Ac	NW NW Lt	NW NW Ac	NW SW Lt	NW SW Ac	NW SE Lt	NW SE Ac	SW NE Lt	SW NE Ac	SW NW Lt	SW NW Ac	SW SW Lt	SW SW Ac	SW SE Lt	SW SE Ac	SE NE Lt	SE NE Ac	SE NW Lt	SE NW Ac	SE SW Lt	SE SW Ac	SE SE Lt	SE SE Ac	SUM
L3507954C	T05S R29E S24 GROUNDWATER						30								30	30		40	40	40	40						40	40						330
	NO MATCHES FOR THIS POU IN AJ-POU																																	
~~3507954~~	~~GROUNDWATE~~						~~30~~								~~30~~	~~30~~		~~40~~	~~40~~	~~40~~	~~40~~						~~40~~	~~40~~		~~40~~					~~370~~
L3507954D	GROUNDWATE																														20			20
L3507954C	T05S R29E S25 GROUNDWATER				40	40				40	40	40	40																					240
	NO MATCHES FOR THIS POU IN AJ-POU																																	
~~3507954~~	~~GROUNDWATE~~		~~40~~	~~40~~	~~40~~	~~10~~				~~40~~	~~40~~	~~40~~	~~40~~																					~~290~~
L3507954D	GROUNDWATE		38			12																												50

POU COMPARISON

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-7954C DATE 4-18-94

Brenda

	Yes	No	
NAME	___	✓	Or Address Change?
PRIORITY DATE	___	✓	Advance? ___ Advanced to: _____ Order to reinstate needed? _____ Incorrect fee for rate recommended? _____
SOURCE	___	✓	Changes or just clarification of originally intended source? _____ Notice of Intent to Void necessary? _____
POINT OF DIV	___	✓	Amendment needed? _____
	___	✓	Overlaps? _____
PLACE OF USE	___	✓	Amendment needed? _____
	___	✓	Overlaps? _____
DIV RATE	___	✓	Measurement done? YES Theoretical only? ____ Q = 6.01 CFS 570 x .02 = 11.4 **Capacity:** 6.01 Combined rates exceed capacity NA Allowable amount: 6.01 CFS
ANNUAL VOLUME	___	✓	Season of use: 0/4 (4-1 to 10-31) Calculations: 570 x 4 = 2280 Flow limit: 6.01 cfs x 214 x 1.9835 = 2551 Combined volumes exceed capacity/allowable NA
USES	___	✓	Change(s) in Nature of Use? _____ Amendment necessary? _____
REMARKS	___	✓	Multiple p/d(s) in ¼ ¼? _____
	___	✓	Other _____
CONDITIONS	___	✓	Measuring/Locking Devices
		✓	Watermaster control - District _____
	R31	___	Irrigation Overlap
	___	✓	Water Quality
	✓	___	Other TRUST CONDITIONS R55, 56, 57

COMMENTS: Split into parts for each separate p/d

RECOMMENDED	CFS	VOLUME
Irrigation	6.01	2280

LICENSE ✓

1ST AMENDMENT LETTER _____

FINAL AMENDMENT LETTER _____

Form 219-S.A.
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

35-7954C
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☐ Blank Field Report Form
- ☐ Copy of Permit
- ☐ Copies of any Amendments/Orders with conditions of approval
- ☐ Computer Data Proof Report
- ☐ Copy of U.S.G.S. Quad
- ☐ Check for Government Lots. If so, make a copy of Government Plat
- Check of P/D index KW 4-7-94 (Initial and date)
  - Overlap? ☐ yes ☑ no If yes: ☐ copy of exam(s) attached?
  - Type of Overlap? ☐ Add acres or uses to existing system
    - ☐ Increase rate of flow or volume
    - ☐ Other: _____
- Check of P/U index KW 4-7-94 (Initial and date)
  - Overlap? ☐ yes ☑ no If yes: ☐ copy of water right(s) attached?
  - Type of Overlap? ☐ Increase rate of flow or volume
    - ☐ Add P/D's
    - ☐ Increase number of acres within tracts
    - ☐ Other: _____
- Aerial Photo
  - Required? ☐ yes ☐ no If yes: ☐ copy attached?
- Scheduling Letter sent? _____ (Initial and date)
- ☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully completed and signed Field Report Form
- ☐ Photographs of Point of Diversion and Place of Use
- ☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

- Exam Completed HWJones 6-2-92 (Signature of examiner and date)
- Exam Reviewed by Senior Water Resource Agent KW 4-7-94 (Initial and date)
- Exam Reviewed by Manager of Regional Office _____ (Initial and date)
- Exam Data Entered in Computer _____ (Initial and date)
- Exam sent to State Office _____ (Initial and date)
- Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original Refiled in White File _____ (Initial and date)

Form 219
6/86

RECEIVED
APR 1 1 1994
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

(Part) C

A. GENERAL INFORMATION

Permit No. 35-07954

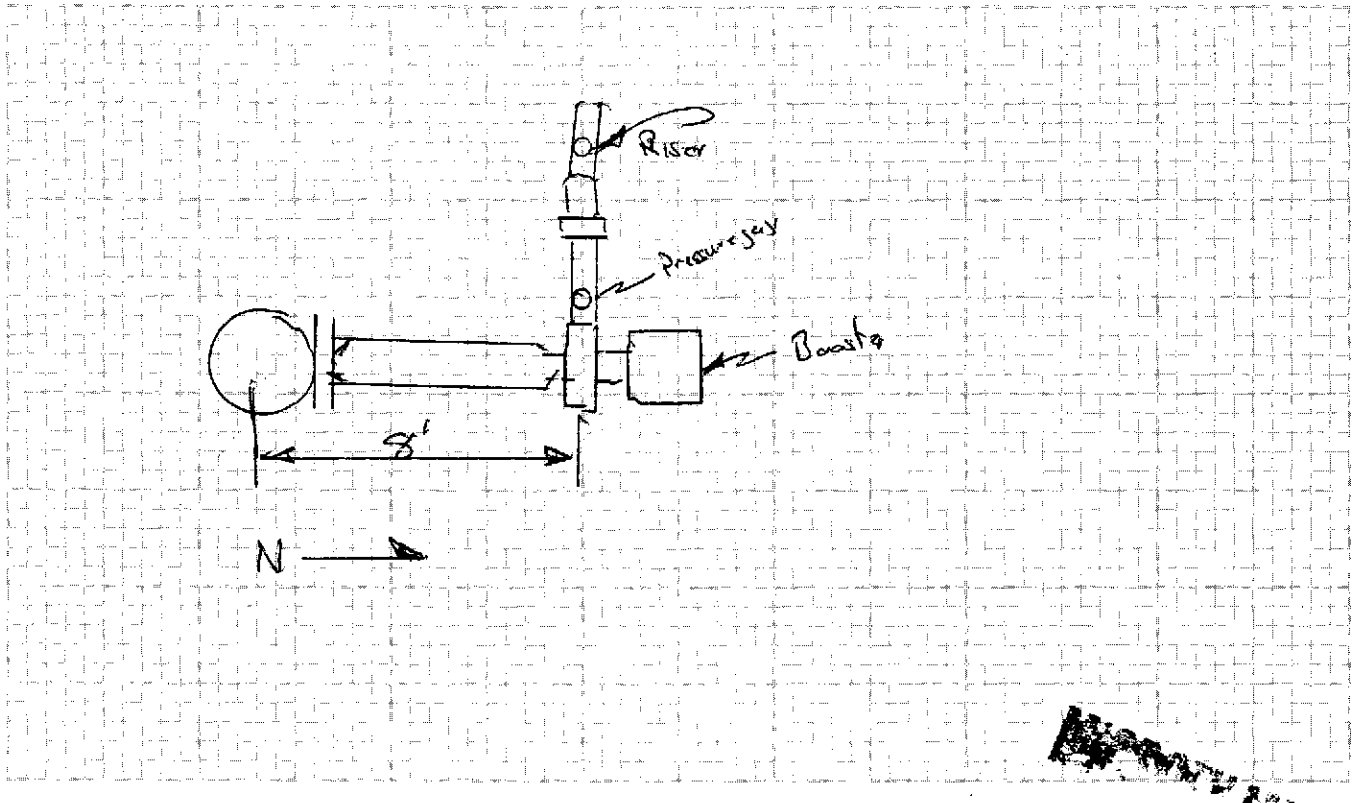
1. Owner: Dan Bohrnd Phone No. 397-4914
   Current Address: ~~% Paul Bohrnd~~ 1780 S. 2800 W. Aberdeen, ID
2. Accompanied by: Paul Bohrnd EXAM. DATE: 6-10-93
   Address: _____ Phone No. _____
   Relationship to Permit Holder: Brother
3. Source: _____ tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: N.A.
   _____ ☐ Copies Attached
2. Other water rights with same point of diversion: N.A.
   _____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



JUN 09 1994

Scale: 1" = _____.

2. ☑ Copy of U.S.G.S. Quadrangle Attached
   Showing location(s) of point(s) of diversion and place(s) of use (required).
   ☑ Aerial Photo Attached
   (required for irrigation of 10 acres or more).
   ☐ Photo of Diversion and System Attached
   (required for all but single household domestic groundwater, and stockwater.

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Well at pump to 3/4 mile length linear (well has booster system)
Static level is 475'. 80 psi at mainline

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GE	500	MTJ1216021	Worthington	9-14-84
Booster	GE	150	FX233016	Berkley	

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	NW	24	5S	29E	Power	

6. **Place(s) of Use:** Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	29E	24			30				30	30	40	40	40	40		40	40		310
		25		40	40		40	40	40	40									240

570

Do not use this space

JUN 09 1994

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Sonic Meter						

2. **Measurements:**

Measurement taken at linear hookup - 2687 gpm by meter

2699 6.01

~~2687 gpm~~ = ~~5.9~~ cfs

448.8 gpm/cfs Capacity

E. FLOW CALCULATIONS

☑ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = (570 acres)(4 afa) = 2280 afa

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = $\frac{(5.9)(214)(1.9835)}{6.01} = \frac{2504}{2551}$

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 2280 afa

2. Volume Calculations for Other Uses:

[redacted]

JUN 09 1994

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Reassignment to Dave Bond

I. RECOMMENDATIONS

1. **Recommended Amounts**

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	4/1	10/31	~~5.90~~ 6.01	2280
			~~6.01~~ 5.90	
		Totals:		2280

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

J. AUTHENTICATION

Field Examiner's Name: Harold Jones

Signature: H. W. Jones

Certification Date:

Field Report Preparation Date:

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

JUN 09 1994

MM-DD HH:MM 35-7954C
06-10 10:43

MODE SELECT
INPUT

OUTER DIAMETER
8.937@ IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.148@ IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? V

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
5.894 IN V

MODE SELECT
T@ CHECK

0295.3 MMSEC
102.11 % T@

ZERO MODE
AUT ZERO

06-10 10:4800 *R
+ 2.737E 3GPM

06-10 10:5100 *R
+ 2.697E 3GPM

06-10 10:5100 *R
+ 2.699E 3GPM

06-10 10:5100 *R
+ 2.696E 3GPM

06-10 10:5100 *R
+ 2.695E 3GPM

06-10 10:5200 *R
+ 2.697E 3GPM

06-10 10:5200 *R
+ 2.694E 3GPM

06-10 10:5200 *R
+ 2.690E 3GPM

06-10 10:5300 *R
+ 2.697E 3GPM

average 2699gpm = 6.01cfs

35-7954C

JUN 06

MEASUREMENT TAPE

35-7954 C

35-7954C

MM-DD HH:MM
06-10 10:43

MODE SELECT
INPUT

OUTER DIAMETER
8.0370 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1480 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
5.894 IN U

MODE SELECT
T0 CHECK

0295.3 NMSEC
102.11 % T0

ZERO MODE
AUT ZERO

06-10 10:4800 *R
+ 2.737E 3GPM

06-10 10:5100 *R
+ 2.697E 3GPM

06-10 10:5100 *R
+ 2.699E 3GPM

06-10 10:5100 *R
+ 2.696E 3GPM

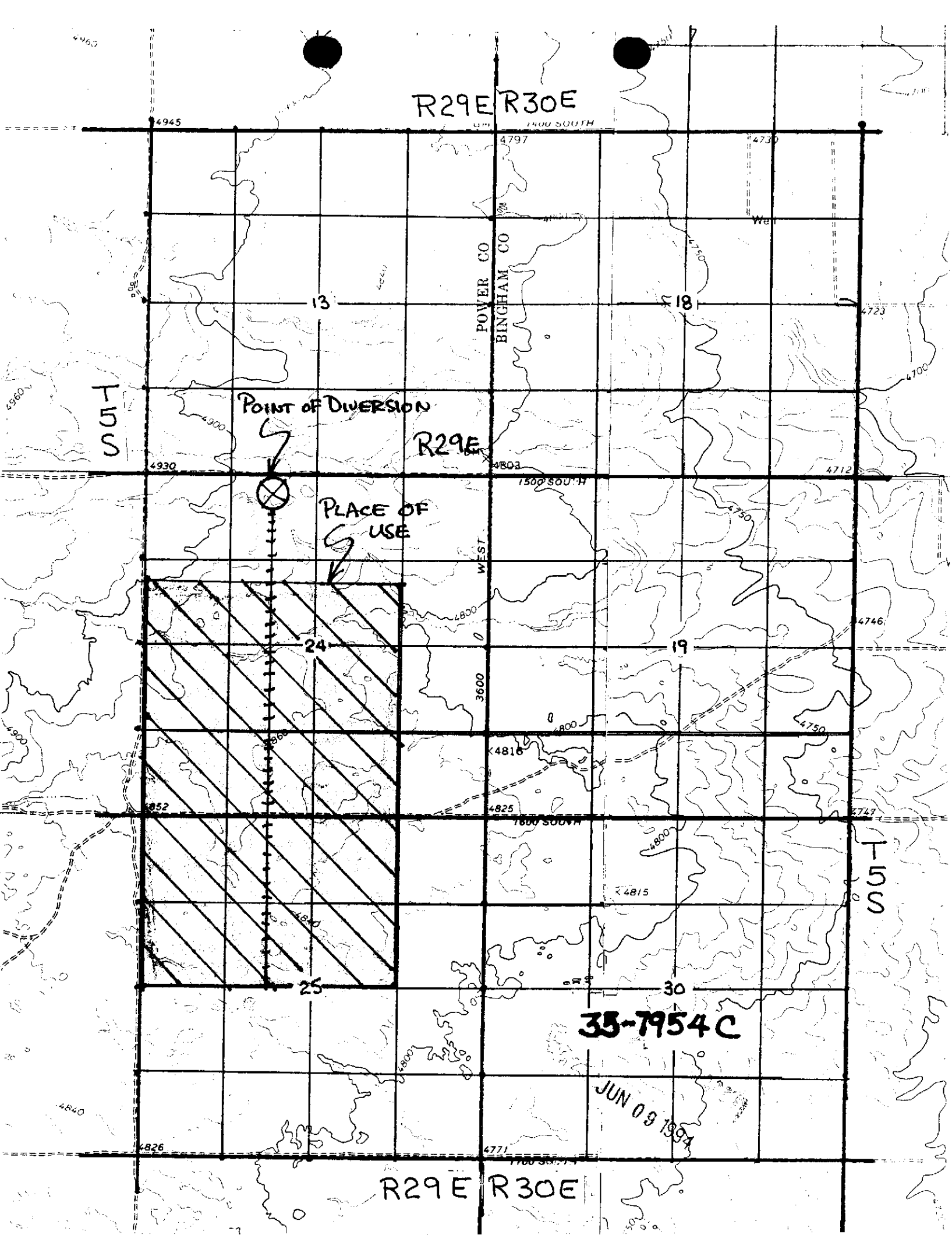
06-10 10:5100 *R
+ 2.695E 3GPM

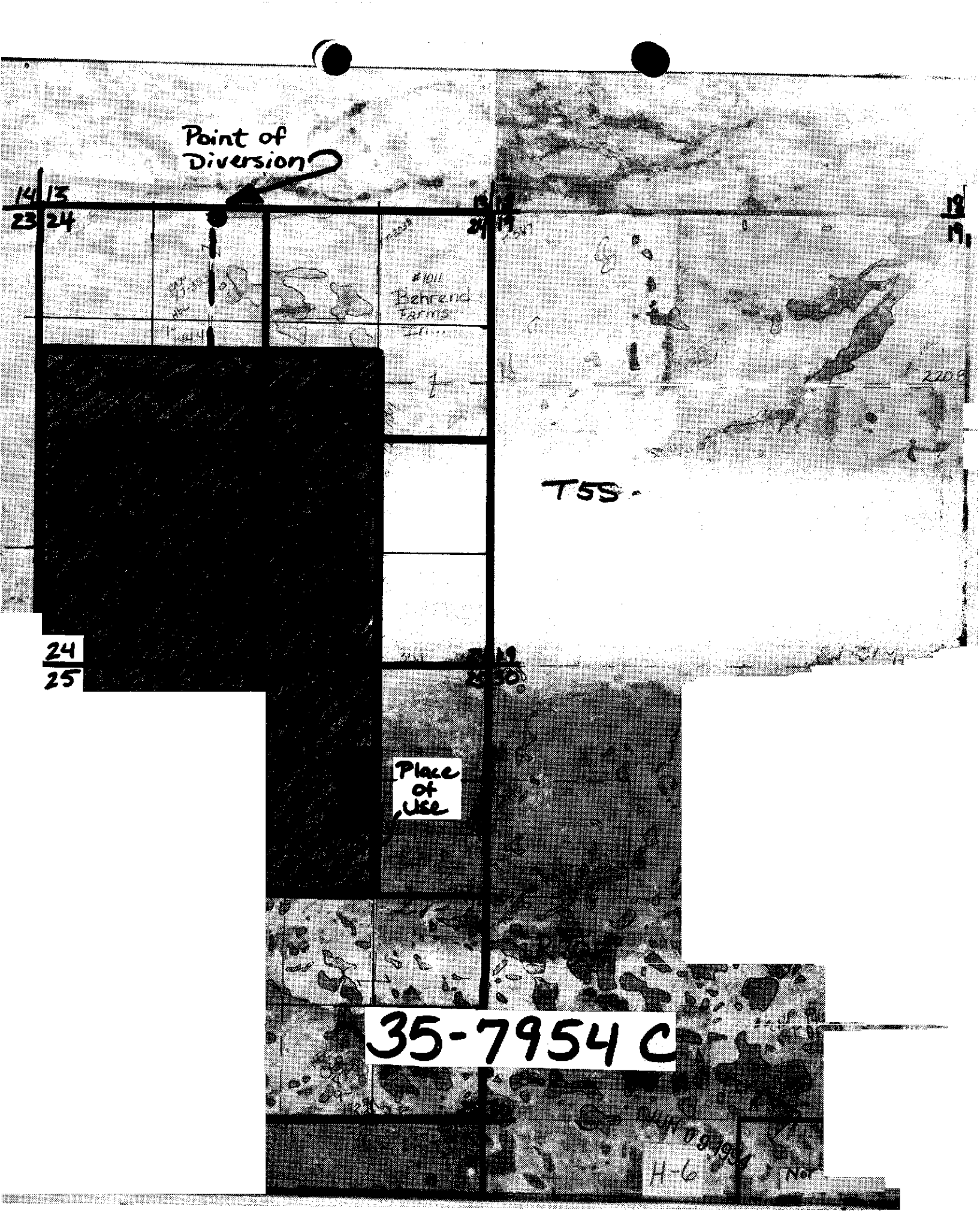
06-10 10:5200 *R
+ 2.697E 3GPM

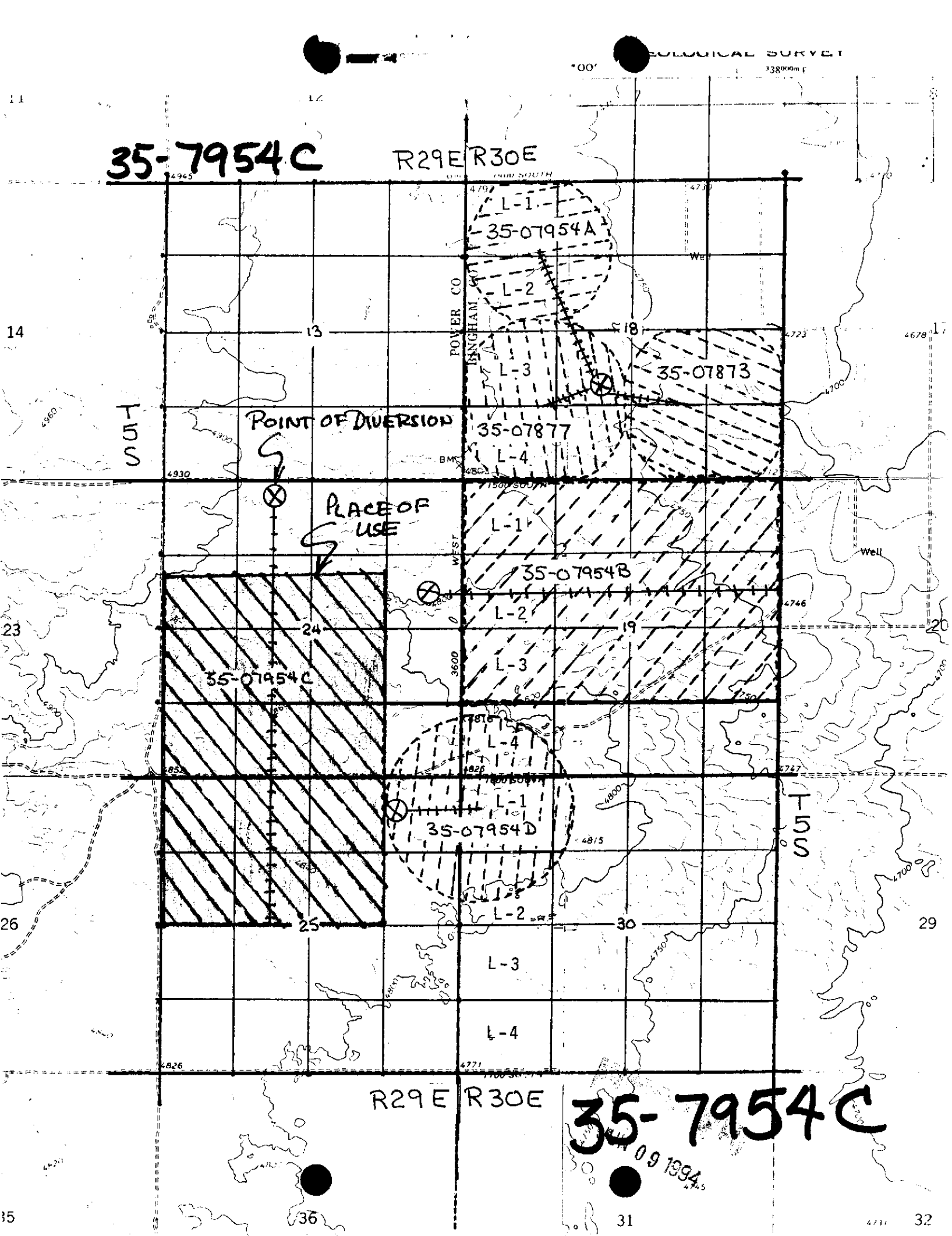
06-10 10:5200 *R
+ 2.694E 3GPM

06-10 10:5200 *R
+ 2.690E 3GPM

06-10 10:5300 *R
+ 2.687E 3GPM


R29E R30E
T5S
POINT OF DIVERSION
PLACE OF USE
POWER CO
BINGHAM CO
13
18
24
19
25
30
35-7954C
JUN 09 1994
R29E R30E
T5S


Point of Diversion
14 13
23 24
#1011
Behrend
Farms
T5S-
24
25
Place of Use
35-7954 C
H-6


35-7954C
R29E R30E
L-1
35-07954A
L-2
POWER CO
BINGHAM
13
18
L-3
35-07873
T 5 S
POINT OF DIVERSION
35-07877
L-4
PLACE OF USE
L-1
WEST
35-07954B
L-2
24
19
L-3
35-07954C
L-4
L-1
35-07954D
T 5 S
L-2
25
30
L-3
L-4
R29E R30E
35-7954C
09 1994

PART B

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

December 19, 1996

PAUL BEHREND
2706 W 1800 S
ABERDEEN ID 83210

RE: Transfer of Water Right No. 35-07954B
(Transfer No. 4923)

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4923). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR to July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must nofify the department within 120 days of the change.

Failure to report these changes could result in a $100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:ph

Enclosure

MICROFILMED

DEC 23 1997

MEMORANDUM

TO: FILE NO. 35-07954B

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4923

DATE: December 18, 1996

==========

Transfer No. 4923 was filed to change the place of use under Right No. 35-07954 to reflect a change in irrigation system from linear to 3 pivots. The acres are rearranged from S19, T05S, R30E to include a portion of S24, T05S, R29E covering the 3 partially overlapping circles. The point of diversion remains the same.

The transfer application describes 508 acres instead of 508.6, reducing the maximum volume to 2032.0 afa. Trust water conditions continue to apply following the transfer approval.

Other recommended conditions include future measuring device and annual reporting, irrigation overlap and standard transfer condition.

MICROFILMED
JAN 0 8 1997

TRANSFER REVIEW SHEET
(04-96)

Transfer # 4923 **Date Reviewed** 12-18-96 GS

Right(s) 35-07954B

WRR11 **Print Split Summary** ✓ **Run POU Comparison Report**

B:Change P/D **C:**Add P/D **(D):**Change P/U **E:**Change Nature of Use
F:Change Period of Use **G:**Other **H:**Change P/D & Add P/D
I:Change P/D & P/U **J:**Add P/D & Change P/U

Proof of Ownership '96 Bingham County Tax notice covers P/U.
Letter from Farm Credit Services approving transfer rec'd. 9-17-96

Transfer ✓ **All of Right** ____ **Portion of Right**
Resulting Split(s) NONE

Check Transfer Against Recorded Right **Season/Vol.** C/4.0

(1) ✓ **Priority** **(2)** ✓ **Use** **(3)** ✓ **Season** **(4)** ✓ **Rate** **(5)** ___ **Volume**

(6) ✓ **Source** **(7)** ✓ **P/D** **(8)** ___ **P/U** **(9)** ✓ **Proof/Owner** **(10)** ✓ **Map**

(11) NO **Water District** **(12)** Yes **Pertinent Conditions** (Trust Water Conditions) **(13)** NO **Expansion**

(5) Transfer identifies 508 Acres instead of 508.6. 4 x 508 = 2032. afa < WDR
(8) Rearrange Acres to cover pivots Sec 19 & 24.

Transfer Remarks
Conditions 01M, R31 Curry Trust Conditions T07, T08, T09

Database/Processing Notes **Standard** ✓ **Non-Standard** ____
T file 35-07954B.

WR_Reports File ~~Partial~~ **Transfer Memo Complete** ✓
File Deleted 12-19-96 GS **Database Updated** 12-19-96 GS

Approval Cover Letter **Standard** ✓ **Preliminary Order** ____

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	PAUL BEHREND 2706 W 1800 S ABERDEEN ID 83210 (208) 397-4047	02/24/1981	IRRIGATION	04/01	10/31	5.100 CFS	2032.00 AFA
			TOTAL DIVERSION:			5.100 CFS	2032.00 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 5.100 CFS

Point(s) of Diversion: T05S R29E S24 SENE POWER County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
05S	29E	24	30			35									04				69.0
05S	30E	19	10	29	40	35	11 01-42	02-49		37	40 03-27	04-08		32	22	40	17		439.0
																TOTAL ACRES			508.0

Pou County: POWER

Other Water Rights with Same Point(s) of Diversion and Source:
35-07954B

Other Water Rights Listing Overlapping Place(s) of use:
35-07954B 35-07954D

Conditions of Approval:

R55 - This right is for the use of trust water and is subject to review
- 20 years after the issuance of the permit to determine
- availability of water and to re-evaluate the public interest.

R56 - Diversion and use of water under this right is subject to an
- annual use fee if rules are subsequently promulgated which
- provide for the submittal of the fee.

R57 - The Director retains jurisdiction of the right and may change,
- add, or remove any requirement as determined to be appropriate.

R31 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.0 afa per acre for the
- lands above.

01M - After specific notification by the department, the right holder
- shall install a suitable measuring device or shall enter into an
- agreement with the department to determine the amount of water
- diverted from power records and shall annually report the
- information to the department.

T07 - The change authorized by this transfer shall be accomplished
- within one (1) year of the date of this approval.

T08 - Failure to comply with the conditions of this transfer is cause

Conditions of Approval:
- for the director to issue an order to show cause why the approval
- of the transfer should not be rescinded.

T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.

Dates:

App. Received:	02/24/1981	Priority Date:	02/24/1981
Proof Due Date:	04/01/1991	Proof Made Date:	03/22/1991
Exam Made Date:	06/10/1992	Exam Sent to S.O.:	04/08/1994
Licensed Date:	05/12/1994		

Misc: Water District Number: Field Exam Fee:

Comments: Date: 09/30/1991 User-ID: SKAGGS Subject: LAPSE DELAY
PROOF RECEIVED

Date: 12/06/1991 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Date: 04/18/1994 User-ID: CHAPMAN Subject: SPLIT RIGHT
Right 35-07954 was split into Parts A - D at the time of licensing, one for each separate point of diversion.

Date: 10/02/1996 User-ID: RBODELL Subject: TRANSFER NO. 4923
Transfer No. 4923 was filed to change the place of use under Right No. 35-07954 to reflect a change in irrigation systems from linear to 3 pivots.

Audit: 10/02/96 RBODELL 10/10/96 RBODELL 10/31/96 HJONES 12/18/96 PSKAGGS

WR0750NP
(OD-12)

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 12/18/96
PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

		NE				NW				SW				SE				
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
WR-NUMBER	SOURCE	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
3507954B	T05S R30E S19	GROUNDWATER																
		40	40	40	40	40	01-49	02-49	40	40	03-49			40	40			507
Proposed P/U →		NO MATCHES FOR THIS POU IN AJ-POU																
T35079548	GROUNDWATE	10	29	40	35	11	01-42	02-49	37	40	03-27	08	32	22	40	17		439
35079540	GROUNDWATE											04-36	04					40
--86 MAP--	C11Q-AA 34	37	39	41	37	39			40	40			07	37	39	08	08	372
NO QTRS	MAPPING	Lot01-50	Lot02-52	Lot03-49	Lot04-05													

No Overlaps

T#4923

SD-0611-2 Basin: 35 Starting Water Right: 07954

S E L	Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Desc	S Y S
_	35-07954			00/00/0000	/Z			WR
_	35-07954A	BEHREND, PAUL W	C	02/24/1981	L/	GROUNDWATER	IRR	WR
_	35-07954B	BEHREND, PAUL W	C	02/24/1981	L/	GROUNDWATER	IRR	WR
_	35-07954C	BEHREND, DANNY	C	02/24/1981	L/	GROUNDWATER	IRR	WR
_	35-07954D	BEHREND, PAUL W	C	02/24/1981	L/	GROUNDWATER	IRR	WR
_	T35-07954B	BEHREND, PAUL	C	02/24/1981	L/	GROUNDWATER	IRR	WR
_	A35-07954C	BEHREND, DANIEL	C	02/24/1981	L/	GROUNDWATER	IRR	AJ
_	R35-07954C	BEHREND, DANIEL	C	02/24/1981	L/	GROUNDWATER	IRR	AJ
_								
_								
_								
_								
_								
_								
_								

END OF DATA...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE
(Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel) (Menu _____)
Natural 2.1/7V OVR LIB=PRODLIBS Last key was ENTR

Form 222a
6/78

9-17-96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: RC Wilson

1. Right number 35-07954B Applicant DEHREND #4923
2. Type of right: ☐ Decree ☑ License ☐ Claim
3. Purpose of transfer: ☑ Change point of diversion ☐ Add diversion point(s) ☑ Change place of use
   ☐ Other _____
4. Check:
   a. ☑ Source ☑ Priority ☑ Amount ☑ Purpose ☑ Period of use
   b. ☑ Description of original point of diversion.
   c. ☑ Description of original place of use.
5. Amount of land &/or water transferred:
   a. ☑ All of right.
   b. ☐ Part of right *(NOTE! Part B should be filled in only if part of the right is owned by the applicant).*
   c. ☑ Check description of point(s) of diversion.
   d. ☑ Check description of place of use.
   e. ☑ Check map (shows p.d. and p.u. after transfer).
   f. ☑ Check for correct signature, notarization, and fee.
   g. ☑ Check proof of ownership of right &/or land from which water is transferred.
   h. ☑ Check for expansion in use of right. Comments NONE
   i. ☑ Check for existing water rights from same source, on land water is being transferred to.
      Right number(s) NONE
   j. ☑ Is use within a Watermaster District? ☐ Yes ☑ No
      If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECEIVED
NOV 22 1996
Department of Water Resources

RECOMMENDED ACTION

1. ☑ Approve
2. ☐ Deny
3. Conditions* Measuring device or arrangements to provide accurate diversion data)
4. By RDC Date 11/14/96

** All uses within Watermaster Districts require special conditions.*

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 2, 1996

THE 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 OCTOBER 28, 1996.

Yours truly,

Rita Bodell
Secretary

Enc.

MICROFILMED
JAN 0 8 1997

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 9 day of October 1996 and the date of the last publication being the 16 day of October 1996.

Erma Crompton

Signed

State of Idaho

County of Power

On this 17 day of October in the year of 1996, 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

MICROFILMED JAN 08 1997

Proposed change in water right

Published in The Power County Press Oct. 9, 16, 1996.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that Paul Behrend, 2706 W 1800 S, Aberdeen, ID 83210, has applied to the Department of Water Resources to change the place of use for a groundwater source. The right sought to be changed is evidence by a license and recorded as follows:

License No: 35-07954B
Source: Groundwater
Amount: 5.10 cfs
Priority: 2/24/1981
Point of Diversion: SENE, Sec 24, T5S, R29EBM
Place of Use: NE1/4, NW1/4, N1/2SE1/4, N1/2SE1/4 Sec 19, T5S, R30E for 508 acres.
TO BE CHANGES AS FOLLOWS: (TR 4923)

The place of use will be modified to fit 3 pivots with 439 acres in Sec 19, T5S, R30E and 69 acres in the E1/2NE1/4, Sec 24, T5S, R29E.

Anyone wishing to protest the above change must submit a written protest to the applicant at the above address and to the Department of Water Resources with a fee of $25 on, or before October 28, 1996.

KARL J. DREHER
Director

RECEIVED
NOV 0 1 1996
Department of Water Resources
Eastern Region

RECEIVED
NOV 2 2 1996
Department of Water Resources

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT

Notice is hereby given that Paul Behrend, 2706 W 1800 S, Aberdeen, ID 83210, has applied to the Department of Water Resources to change the place of use for a groundwater source. The right sought to be changed is evidence by a license and recorded as follows:

License No: 35-07954B
Source: Groundwater
Amount: 5.10 cfs
Priority: 2/24/1981
Point of Diversion: SENE, Sec 24, T5S, R29EBM
Place of Use: NE1/4, NW1/4, N1/2SW1/4, N1/2SE1/4
Sec 19, T5S, R30E for 508 acres.

TO BE CHANGED AS FOLLOWS:
(TR 4923)

The place of use will be modified to fit 3 pivots with 439 acres in Sec 19, T5S, R30E and 69 acres in the E1/2NE1/4, Sec 24, T5S, R29E.

Anyone wishing to protest the above change must submit a written protest to the applicant at the above address and to the Department of Water Resources with a fee of $25 on, or before October 28, 1996.

KARL J. DREHER
Director

Published in the Power County Press October 09 and 16, 1996

MICROFILMED

JAN 0 8 1997

Farm Credit Services

P.O. Box 130
2842A Pocatello Street, #103
American Falls, Idaho 83211
208/226-7336 FAX 208/226-5052

July 29, 1996

RECEIVED
SEP 17 1996
Department of Water Resources
Eastern Region

Paul Behrend
2706 West 1800 South
Aberdeen, ID 83210

Dear Paul:

We have received notification that you have applied to the State of Idaho Department of Water Resources to change the place of use on water right number 35-07954B.

Our understanding is you are changing from linear to center pivot irrigation in a portion of Section 24, Township 5S, Range 29E, Boise Meridian and in portions of Section 19, Township 5S, Range 30E, Boise Meridian, which change in irrigation will change where the water is applied, but will not materially affect the number of acres being irrigated.

As the proposed transfer will merely relocate irrigated acres from one portion of our security to another and should also increase overall irrigation efficiency, the proposed change appears to be beneficial and Farm Credit Services will not contest the change.

If you have any questions regarding this letter or with any other aspect of your loan with us, please contact me at our American Falls office.

Sincerely,

Russ Taylor
Sr. Credit Officer

MICROFILMED
JAN 0 6 1997

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: E022583

Date: 9/17/1996
Time: 12:53:20

Received From: BEHRENS, PAUL

Type of Payment		Program Acct	Amount
APPLIC FOR TRANSF- 35-07954B	63105	229 21 1155	100.00

CHECK - 8552

Total $ 100.00

Region: EASTERN

Signature:

MICROFILMED

JAN 0 8 1997

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

May 13, 1994

PAUL W BEHREND
2706 W 1800 S
ABERDEEN ID 83210

RE: WATER RIGHT NOS. 35-07954A, 35-07954B and 35-07954D

Dear Water Right Holder(s):

Enclosed herewith are copies of the Water Right Licenses issued on the above referenced permits along with a copy of your approved Application for Amendment on 35-07954A.

If you have any questions about these documents please contact me within 10 days of receipt of them.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

JUN 09 1994

WR0749NP
No. L35-079548

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/18/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	PAUL BEHREND	02/24/1981	IRRIGATION	04-01	10-31	5.10 CFS	2034.10 AFA
C	DANNY BEHREND 2706 W 1800 S ABERDEEN ID 83210 (208) 397-4047				TOTAL DIVERSION:	5.10 CFS	2034.40 AFA

typo

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 5.10 CFS

Point(s) of Diversion: T05S R29E S24 SENE POWER County

Place of use Legal Description for: IRRIGATION

			NE				NW					SW					SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW		NESW	NWSW	SWSW	SESW		NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac		Lt Ac	Lt Ac	Lt Ac	Lt Ac		Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
05S	30E	19	40	40	40	40	40	01-49	02-49	40		40	03-49				40	40			508.6
																		TOTAL ACRES			508.6

Pou County: POWER

Other Water Rights with Same Point(s) of Diversion and Source:
35-07954

Other Water Rights Listing Overlapping Place(s) of use:
35-07954

Conditions of Approval:

R55 - This right is for the use of trust water and is subject to review
- 20 years after the issuance of the permit to determine
- availability of water and to re-evaluate the public interest.

R56 - Diversion and use of water under this right is subject to an
- annual use fee if rules are subsequently promulgated which
- provide for the submittal of the fee.

R57 - The Director retains jurisdiction of the right issued to
- change, add or remove any requirement as determined to be
- appropriate.

R31 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.0 afa per acre for the
- lands above.

Dates:
App. Received: 02/24/1981 Priority Date: 02/24/1981
Proof Due Date: 04/01/1991 Proof Made Date: 03/22/1991
Exam Made Date: 06/10/1992 Exam Sent to S.O.: 04/08/1994
Licensed Date:

Misc:
Water District Number: Field Exam Fee:

Comments: Date: 09/30/1991 User-ID: SKAGGS Subject: LAPSE DELAY
PROOF RECEIVED

Date: 12/06/1991 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Date: 04/18/1994 User-ID: CHAPMAN Subject: SPLIT RIGHT
Right 35-07954 was split into Parts A - D at the time of licensing, one for each separate point of diversion.

Audit: 04/18/94 CHAPMAN

WR0750NP
(OD-138)

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 04/18/94
PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE NE Lt	NE NE Ac	NE NW Lt	NE NW Ac	NE SW Lt	NE SW Ac	NE SE Lt	NE SE Ac	NW NE Lt	NW NE Ac	NW NW Lt	NW NW Ac	NW SW Lt	NW SW Ac	NW SE Lt	NW SE Ac	SW NE Lt	SW NE Ac	SW NW Lt	SW NW Ac	SW SW Lt	SW SW Ac	SW SE Lt	SW SE Ac	SE NE Lt	SE NE Ac	SE NW Lt	SE NW Ac	SE SW Lt	SE SW Ac	SE SE Lt	SE SE Ac	SUM
L35079548	T05S R30E S19	GROUNDWATER																																
			40		40		40		40		40	01-49		02-49			40		40	03-49							40		40						507
		NO MATCHES FOR THIS POU IN AJ-POU																																
~~3507954~~	~~GROUNDWATE~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~20~~	~~04~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~31~~	~~611~~
L35079540	GROUNDWATE																					04-36	04											40

POU COMPARISON

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-7954 B DATE 4-18-94

Brenda

	Yes	No	
NAME	___	✓	Or Address Change?
PRIORITY DATE	___	✓	Advance? ___ Advanced to: _____ Order to reinstate needed? _____ Incorrect fee for rate recommended? NO
SOURCE	___	✓	Changes or just clarification of originally intended source? _____ Notice of Intent to Void necessary? _____
POINT OF DIV	___	✓	Amendment needed? _____
	___	✓	Overlaps? _____
PLACE OF USE	___	✓	Amendment needed? _____
	___	✓	Overlaps? _____
DIV RATE	___	✓	Measurement done? YES Theoretical only? ____ Q = 5.10 CFS 508.6 ACRES X .02 = 10.17 **Capacity:** 5.10 Combined rates exceed capacity NA Allowable amount: 5.10 CFS
ANNUAL VOLUME	___	✓	Season of use: C/4 4-1 to 10-31 Calculations: 508.6 X 4 = 2034.4 Flow limit: 5.10 cfs x 214 x 1.9835 = 2164 Combined volumes exceed capacity/allowable NA
USES	___	✓	Change(s) in Nature of Use? _____ Amendment necessary? _____
REMARKS	___	✓	Multiple p/d(s) in ¼ ¼? _____
	___	✓	Other _____
CONDITIONS	___	✓	Measuring/Locking Devices
	___	✓	Watermaster control - District _____
	R31	___	Irrigation Overlap
	___	✓	Water Quality
	✓	___	Other TRUST CONDITIONS R55, R56, R57

COMMENTS: Split into parts for each well. Reduce rate & acres.

RECOMMENDED	CFS	VOLUME
Irrigation	5.10	2034.4

LICENSE ✓

1ST AMENDMENT LETTER _____

FINAL AMENDMENT LETTER _____

Form 219-S.A.
6/85

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

35-7954B
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☐ Blank Field Report Form
- ☐ Copy of Permit
- ☐ Copies of any Amendments/Orders with conditions of approval
- ☐ Computer Data Proof Report
- ☐ Copy of U.S.G.S. Quad
- ☐ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index KAW 4-7-94 (Initial and data)

Overlap? ☐ yes ☐ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____

Check of P/U index KAW 4-7-94 (Initial and data)

Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____

Aerial Photo

Required? ☐ yes ☐ no If yes: ☐ copy attached?

Scheduling Letter sent? _____ (Initial and data)

☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully completed and signed Field Report Form
- ☐ Photographs of Point of Diversion and Place of Use
- ☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed H Wilson 6-2-92 (Signature of examiner and data)
Exam Reviewed by Senior Water Resource Agent KAW 4-7-94 (Initial and date)
Exam Reviewed by Manager of Regional Office _____ (Initial and date)
Exam Data Entered in Computer _____ (Initial and data)
Exam sent to State Office _____ (Initial and date)
Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original Refiled in White File _____ (Initial and date)

Form 219
6/86

RECEIVED
APR 11 1994
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

(Part) B

A. GENERAL INFORMATION

Permit No. 35-07954

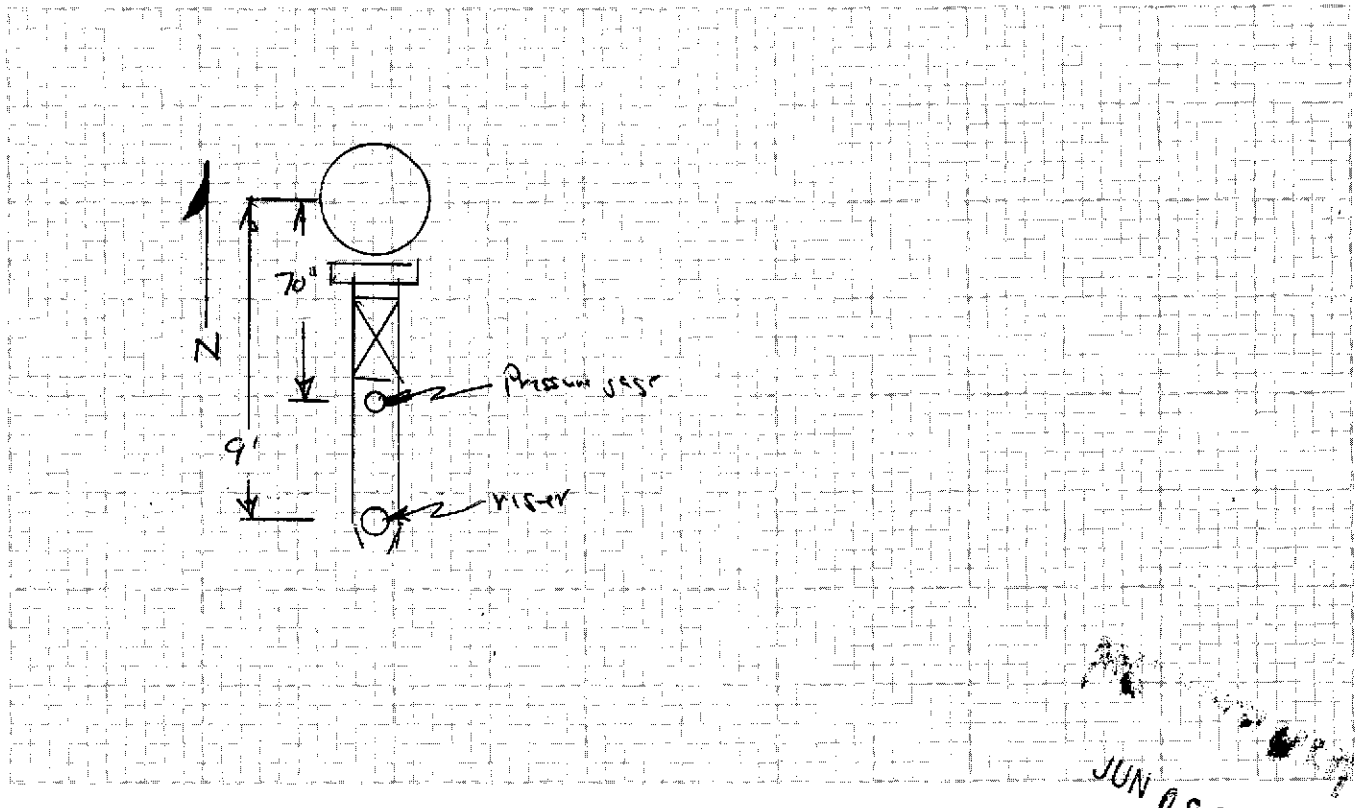
1. Owner: Paul Bdvrnd Phone No. 397-4047
   Current Address: 2706 W. 1800 S. Aberdeen ID
2. Accompanied by: Applicant EXAM. DATE: 6-10-92
   Address: _____ Phone No. _____
   Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: NA
   _____ ☐ Copies Attached
2. Other water rights with same point of diversion: NA
   _____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



JUN 08 1994

Scale: 1" = _____.

2. ☐ Copy of U.S.G.S. Quadrangle Attached
   Showing location(s) of point(s) of diversion and place(s) of use (required).
   ☑ Aerial Photo Attached
   (required for irrigation of 10 acres or more).
   ☐ Photo of Diversion and System Attached
   (required for all but single household domestic groundwater, and stockwater.

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Well, pump & mainline to Linear Sprinkler. Well with 420' static level. Total length of linear is 648 mile wide. Pressure at mainline 70-76 psi.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GE	500	MTJ 12 16020	Worthington	9-26-84

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	NE	24	5S	29E	Power	

6. **Place(s) of Use:** Indicate Method of Determination _____

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	30E	19	40	40	40	40	40	49.4	49.5	40	40	49.7			40	40			508.6
								L1	L2			L3							
										BC									

508.6

Do not use this space

[redacted] 09 1994

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Sonic Meter						

2. **Measurements:**

Measurement taken at Irrig. hookup - 2287 gpm by meter
2287 gpm = 5.1 cfs
448.8 gpm/cfs = Capacity

E. FLOW CALCULATIONS

☑ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)
Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
Meter Input HP: (6) x 1.34 = _____ (7)
Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)
Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = (508.6 acres)(4 af) = 2034.4 af

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = (5.1 cfs x 214 x 1.9835) = 2164.8

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 2034.4 af

2. Volume Calculations for Other Uses:

JUN 09 1994

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. **Recommended Amounts**

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	4/1	11/1	5.10	2034.4
Totals:			5.10	2034.4

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

J. AUTHENTICATION

Field Examiner's Name: Harold Jones

Signature: H W Jones

Certification Date: _____

Field Report Preparation Date: _____

CONSULTANT SEAL

JUN 09 1994

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

PRINTER USE
? YES

00-00 00:0500 *R
+ 2.293E 3GPM

MODE SELECT
INPUT

OUTER DIAMETER
8.0370 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1480 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
5.894 IN U

MODE SELECT
TØ CHECK

0795.2 MMSEC
102.07 % TØ

35-7954

ZERO MODE
AUT ZERO (B)

00-00 00:0600 *R
+ 2.292E 3GPM

MM-DD HH:MM
06-10 09:55

06-10 09:5500
+ 2.286E 3GPM

06-10 09:5500
+ 2.286E 3GPM

06-10 09:5500 *R
+ 2.276E 3GPM

06-10 09:5500 *R
+ 2.290E 3GPM

DAMPING SET
10 SEC

06-10 09:5600 *R
+ 2.286E 3GPM

06-10 09:5600 *R
+ 2.287E 3GPM

06-10 09:5600 *R
+ 2.287E 3GPM

06-10 09:5600 *R

$Q = \frac{2287}{448.8} = 5.095 \text{ cfs} = 5.10 \text{ cfs}$

35-7954 B

JUN 09 [illegible]

FLOW
MEASUREMENT
TAPE

35-7954B

JUN 09 1994

PRINTER USE
? YES

00-00 00:0500 *R
+ 2.293E 3GPM

MODE SELECT
INPUT

OUTER DIAMETER
8.0370 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1480 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? V

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
5.894 IN V

MODE SELECT
TO CHECK

0295.2 MMSEC
102.07 % TO

35-7954

ZERO MODE
AUT ZERO (B)

00-00 00:0600 *R
+ 2.292E 3GPM

MM-DD HH:MM
06-10 09:55

06-10 09:5500
+ 2.286E 3GPM

06-10 09:5500
+ 2.286E 3GPM

06-10 09:5500 *R
+ 2.276E 3GPM

06-10 09:5500 *R
+ 2.290E 3GPM

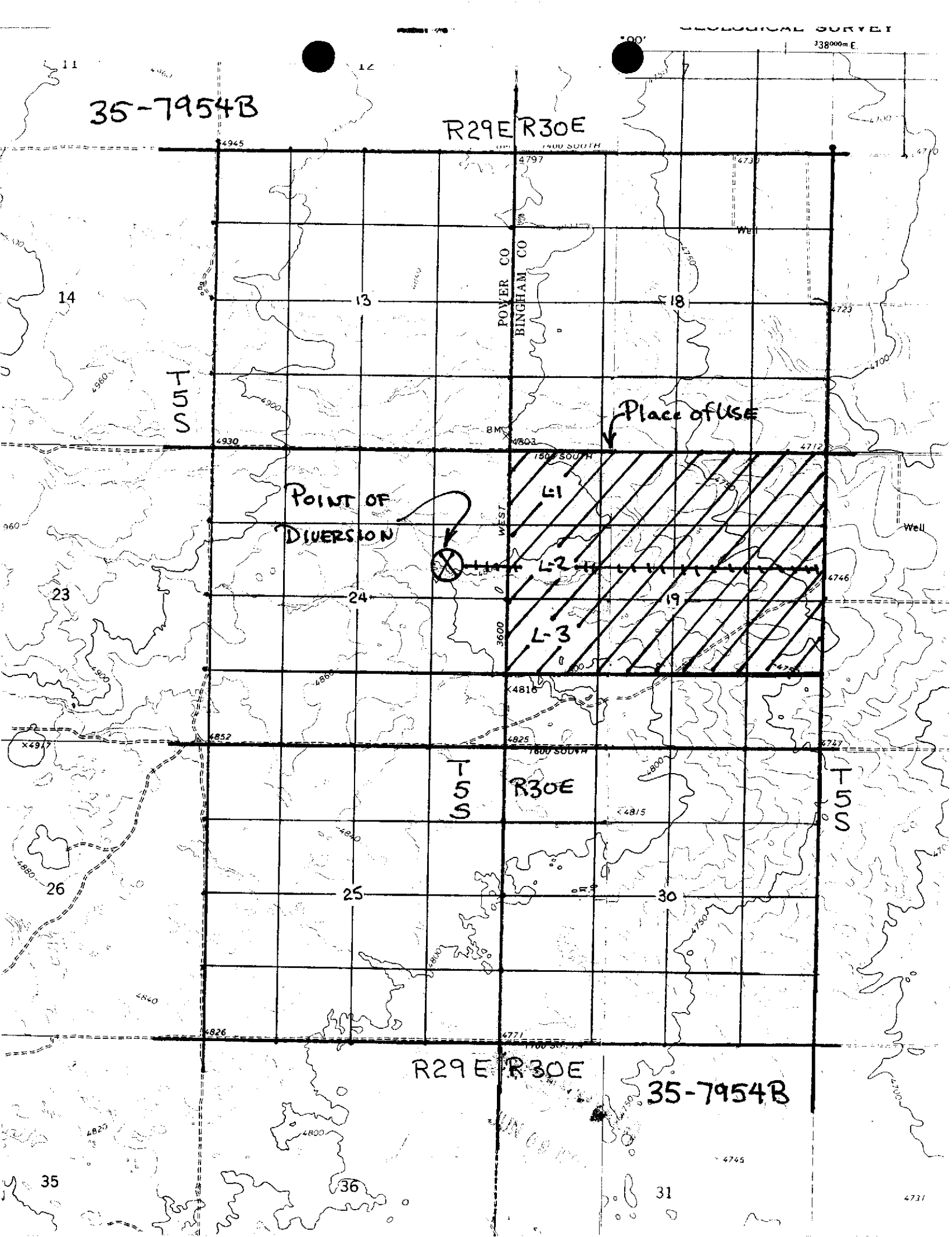
DAMPING SET
10 SEC

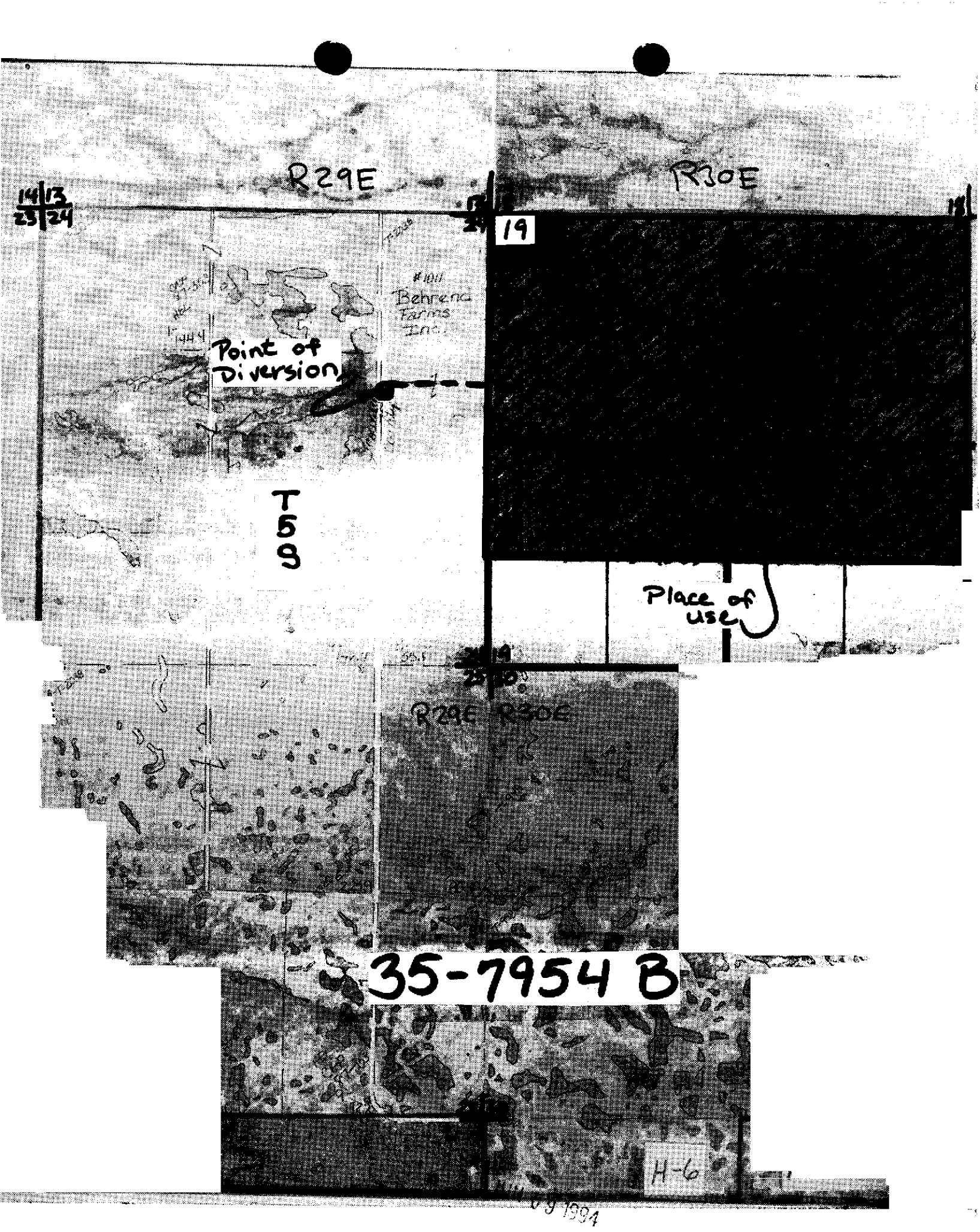
06-10 09:5600 *R
+ 2.289E 3GPM

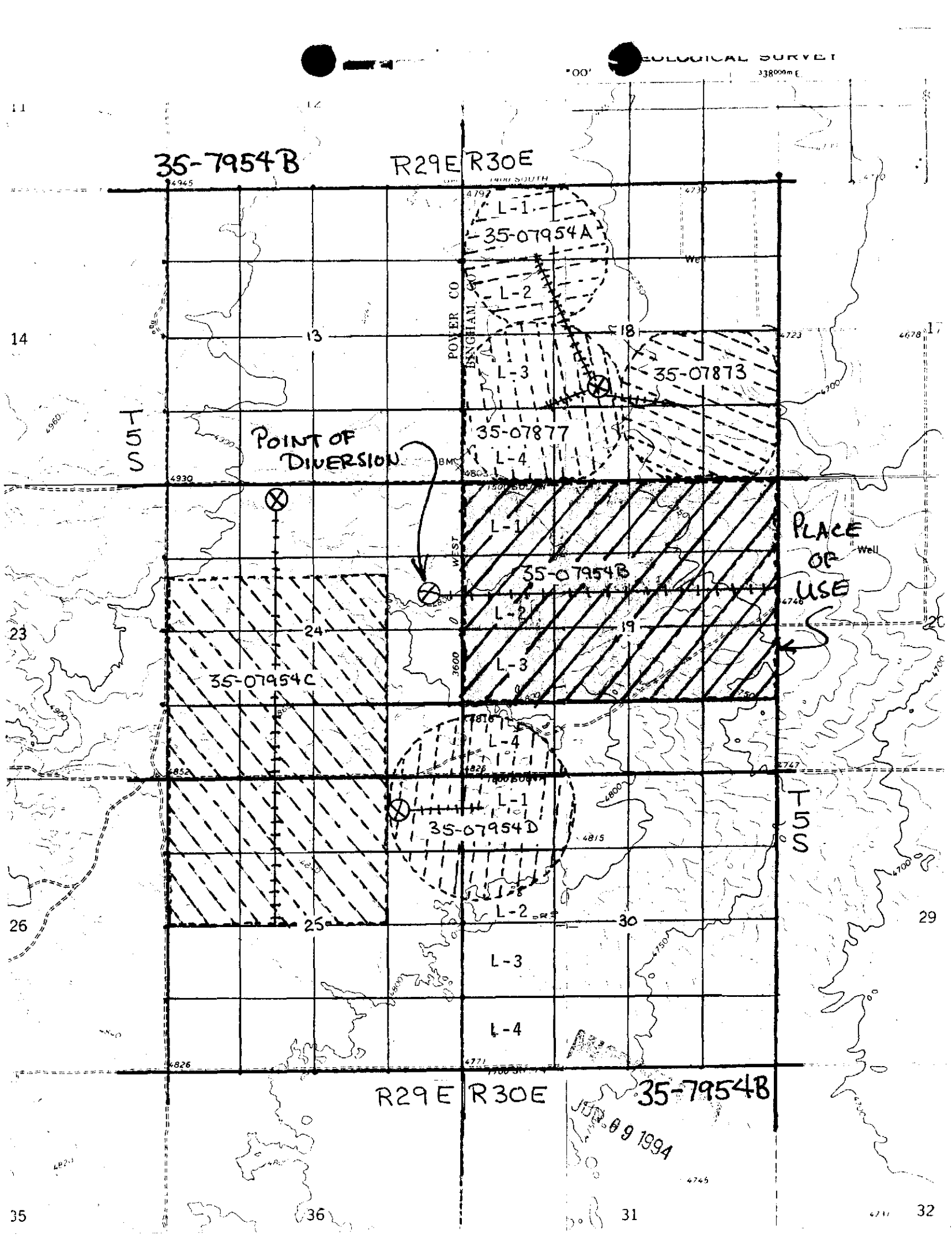
06-10 09:5600 *R
+ 2.287E 3GPM

06-10 09:5600 *R
+ 2.287E 3GPM

06-10 09:5600 *R
+ 2.287E 3GPM


35-7954B
R29E R30E
1400 SOUTH
338000m E
POWER CO
BINGHAM CO
13
18
14
T 5 S
Place of Use
Point of Diversion
WEST
L-1
L-2
L-3
24
19
23
1500 SOUTH
1800 SOUTH
T 5 S
R30E
T 5 S
25
30
26
R29E R30E
35-7954B
35
36
31
Well
Well
BM
4797
4803
4930
4945
4852
4826
4825
4816
4771
4746
4747
4712
4723
4730
4710
4700
4745
4731


R29E
R30E
14 13
23 24
19
#1011
Behrens
Farms
Inc.
Point of
Diversion
T
5
9
Place of
use
R29E R30E
35-7954 B
H-6


35-7954B
R29E R30E
L-1
35-07954A
L-2
POWER CO
BINGHAM
L-3
35-07873
35-07877
L-4
POINT OF DIVERSION
T 5 S
L-1
35-07954B
L-2
L-3
PLACE OF USE
35-07954C
L-4
L-1
35-07954D
L-2
L-3
L-4
T 5 S
R29E R30E
35-7954B
JUL 09 1994

PART A

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

May 13, 1994

PAUL W BEHREND
2706 W 1800 S
ABERDEEN ID 83210

RE: WATER RIGHT NOS. 35-07954A, 35-07954B and 35-07954D

Dear Water Right Holder(s):

Enclosed herewith are copies of the Water Right Licenses issued on the above referenced permits along with a copy of your approved Application for Amendment on 35-07954A.

If you have any questions about these documents please contact me within 10 days of receipt of them.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

JUN 09 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

April 20, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

PAUL BEHREND
DANNY BEHREND
2706 W 1800 S
ABERDEEN ID 83210

RE: WATER RIGHT NO. 35-07954A

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion. Please review carefully and if you concur, sign the amendment and return with the $20.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

If you do not concur with this information, please contact me as soon as possible.

Also enclosed are draft copies of parts B, C and D of this water right. If you have any questions about these documents, please feel free to contact this office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

JUN 09 1994

WR0749NP
No. L35-07954A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/18/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	PAUL BEHREND	02/24/1981	IRRIGATION	04-01	10-31	1.35 CFS	464.00 AFA
C	DANNY BEHREND						
	2706 W 1800 S			TOTAL DIVERSION:		1.35 CFS	464.00 AFA
	ABERDEEN ID 83210						
	(208) 397-4047						

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 4.50 CFS

Point(s) of Diversion: T05S R30E S18 NESW POWER County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
05S	30E	18					18	01-44	02-38	16									116.0
																		TOTAL ACRES	116.0

Pou County: POWER

Other Water Rights with Same Point(s) of Diversion and Source:
L35-07873 L35-07877

Other Water Rights Listing Overlapping Place(s) of use:
35-07954 L35-07877

Conditions of Approval:

R55 - This right is for the use of trust water and is subject to review
- 20 years after the issuance of the permit to determine
- availability of water and to re-evaluate the public interest.

R56 - Diversion and use of water under this right is subject to an
- annual use fee if rules are subsequently promulgated which
- provide for the submittal of the fee.

R57 - The Director retains jurisdiction of the right issued to
- change, add or remove any requirement as determined to be
- appropriate.

R31 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.0 afa per acre for the
- lands above.

Remarks: The following rights are also diverted through the point of diversion described above: 35-07873 and 35-07877.

Dates:
App. Received: 02/24/1981 Priority Date: 02/24/1981
Proof Due Date: 04/01/1991 Proof Made Date: 03/22/1991
Exam Made Date: 06/10/1992 Exam Sent to S.O.: 04/08/1994
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 09/30/1991 User-ID: SKAGGS Subject: LAPSE DELAY
PROOF RECEIVED

Date: 12/06/1991 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Date: 04/18/1994 User-ID: CHAPMAN Subject: SPLIT RIGHT
Right 35-07954 was split into Parts A - D at the time of licensing, one for each separate point of diversion.

Audit: 04/15/94 CHAPMAN

WR0750NP
(OD-138)

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 04/18/94
PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE Lt	NE Ac	NW Lt	NW Ac	SW Lt	SW Ac	SE Lt	SE Ac	NE Lt	NE Ac	NW Lt	NW Ac	SW Lt	SW Ac	SE Lt	SE Ac	
L3507954A	T05S R30E S18	GROUNDWATER																
										18	01-44	02-38	16					116
3507695	GROUNDWATE	25	40	40	25													130
A3507695	GROUNDWATE	25	40	40	25													130
R3507695	GROUNDWATE	28	40	38	30					10			09					155
3507873	GROUNDWATE															40	40	160
L3507873	GROUNDWATE															40	30	124
3507877	GROUNDWATE															40	32	160
L3507877	GROUNDWATE																	160
3507954	GROUNDWATE											02-02	01					147
3508059	GROUNDWATE	09			10					33	33	33	33	31	03-45	04-40	28	132
A3508059	GROUNDWATE	10			10													19
R3508059	GROUNDWATE	10			10													20
A3512927	GROUNDWATE	02			02					10			09					20
R3512927	GROUNDWATE	28	40	38	30					10			09					23
																		155

POU COMPARISON

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-7954A DATE 4-15-94

Blenda

	Yes	No	
NAME	___	✓	Or Address Change?
PRIORITY DATE	___	✓	Advance? ___ Advanced to: ___ Order to reinstate needed? ___ Incorrect fee for rate recommended? NO
SOURCE	___	✓	Changes or just clarification of originally intended source? ___ Notice of Intent to Void necessary? ___
POINT OF DIV	✓	___	Amendment needed? Change to NESW SEC 18
	✓	___	Overlaps? 35-7873 and 35-7877
PLACE OF USE	___	✓	Amendment needed? ___
	___	✓	Overlaps? ___
DIV RATE	___	✓	Measurement done? Annuban Theoretical only? ___ Q=4.5 116 x new rate = 1.35 Combined rates = 4.5 CFS **Capacity:** 4.5 Combined rates exceed capacity NO Allowable amount: 1.35 CFS
ANNUAL VOLUME	___	✓	Season of use: c/4 4-1 to 10-31 Calculations: 116 x 4 = 464 Flow limit: 1.35 cfs x 214 x 1.9835 = 573 Combined volumes exceed capacity/allowable NO
USES	___	✓	Change(s) in Nature of Use? ___ Amendment necessary? ___
REMARKS	___	✓	Multiple p/d(s) in ¼ ¼? ___
	W29	___	Other 35-7873 and 35-7877
CONDITIONS	___	✓	Measuring/Locking Devices
		✓	Watermaster control - District ___
	R31	___	Irrigation Overlap
	___	✓	Water Quality
	YES	✓	Other R55, 56, 57 (Trust)

COMMENTS: Reduce acres

RECOMMENDED	CFS	VOLUME
Irrigation	1.35	464

Amend P/D

LICENSE ___

1ST AMENDMENT LETTER P39 + P38

FINAL AMENDMENT LETTER P47

Form 219-S.A.
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

35-7954 A
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☐ Blank Field Report Form
- ☐ Copy of Permit
- ☐ Copies of any Amendments/Orders with conditions of approval
- ☐ Computer Data Proof Report
- ☐ Copy of U.S.G.S. Quad
- ☐ Check for Government Lots. If so, make a copy of Government Plat
- Check of P/D index KW 4-7-94 (Initial and date)
  - Overlap? ☑ yes ☐ no If yes: ☐ copy of exam(s) attached?
  - Type of Overlap? ☑ Add acres or uses to existing system
    - ☐ Increase rate of flow or volume
    - ☐ Other: _____
- Check of P/U index KW 4-7-94 (Initial and date)
  - Overlap? ☐ yes ☑ no If yes: ☐ copy of water right(s) attached?
  - Type of Overlap? ☐ Increase rate of flow or volume
    - ☐ Add P/D's
    - ☐ Increase number of acres within tracts
    - ☐ Other: _____
- Aerial Photo
  - Required? ☐ yes ☐ no If yes: ☐ copy attached?
- Scheduling Letter sent? _____ (Initial and date)
- ☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully completed and signed Field Report Form
- ☐ Photographs of Point of Diversion and Place of Use
- ☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

- Exam Completed JWJones 6-2-92 (Signature of examiner and date)
- Exam Reviewed by Senior Water Resource Agent KW 4-7-94 (Initial and date)
- Exam Reviewed by Manager of Regional Office _____ (Initial and date)
- Exam Data Entered in Computer _____ (Initial and date)
- Exam sent to State Office _____ (Initial and date)
- Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original Refiled in White File _____ (Initial and date)

Look for Pedert – need sonic meter

Form 219
6/86

RECEIVED
APR 11 1994
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A

A. GENERAL INFORMATION

Permit No. 35-7954 (Portion)

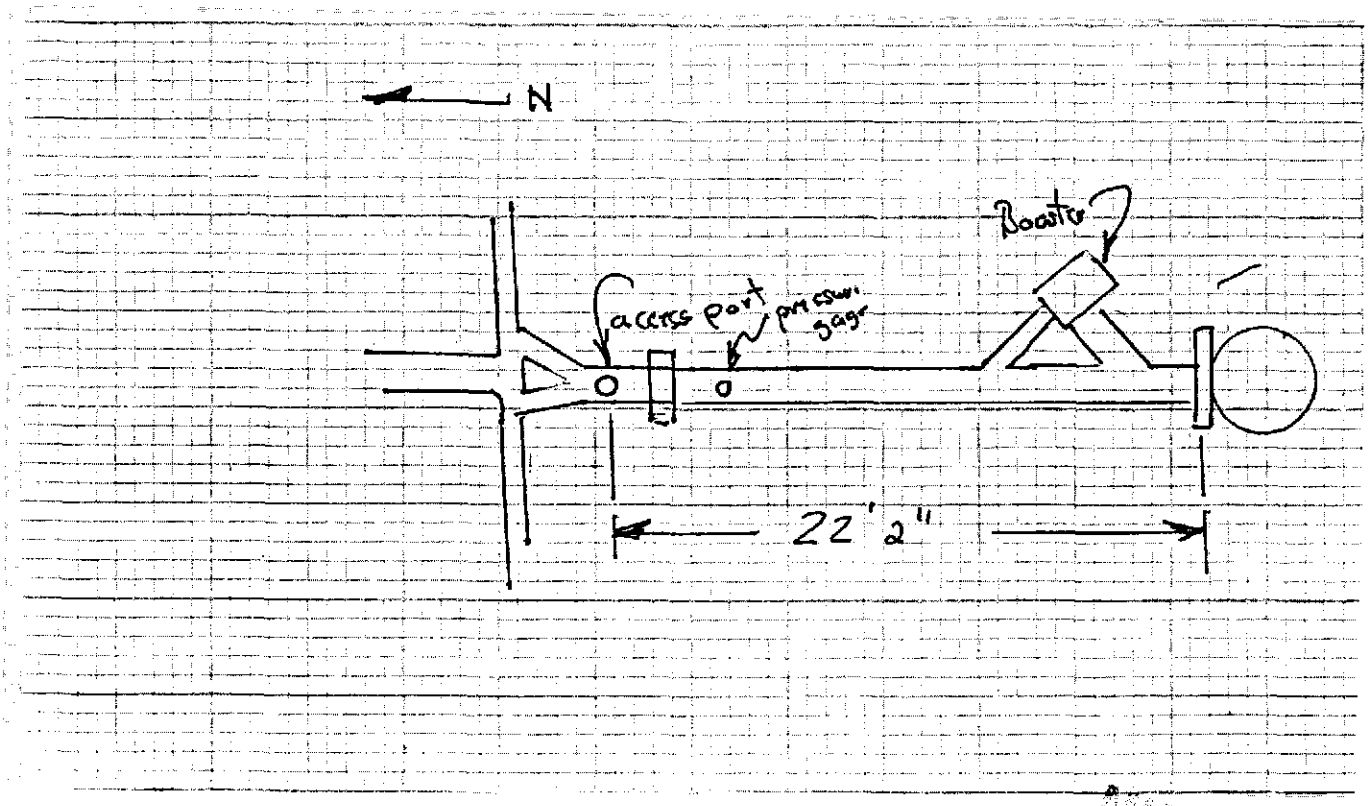
1. Owner: Paul Behrend — Phone No. 397-4047
   Current Address: 2706 W. 1800 S. Aberdeen, ID 83210
2. Accompanied by: Applicant — EXAM. DATE: 6-2-92
   Address: _____ — Phone No. _____
   Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: N.A. - (Permit 35-7876 is listed on the pow. however) ☐ Copies Attached
2. Other water rights with same point of diversion: 35-7877 & 35-7873
   _____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____.

2. ☐ Copy of U.S.G.S. Quadrangle Attached
   Showing location(s) of point(s) of diversion and place(s) of use (required).
   ☐ Aerial Photo Attached
   (required for irrigation of 10 acres or more).
   ☐ Photo of Diversion and System Attached
   (required for all but single household domestic groundwater, and stockwater.

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

well + pump + booster to 9 tower pivot + 1 end gun (also 2 other pivots under other permits) approx 160 acre irrigated by pivot. Pivot irrigates slightly beyond ½ mile mark. Booster set at 500'. 80psi at manifold.

Only two pivots run at any one time!

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	N.A.	400	500100	N.A.	40½" Aurora Fairbanks
Booster	Marathon	30	NA.	Cornell	65649

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NESW		18	5S	30E	Bingham	ASCS Map

6. **Place(s) of Use:** Indicate Method of Determination _____

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	30E	18					18	44	38	16									116
								Lot 1	Lot 2										

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Annubar				191157	12"	
Pressure gage		Funk			160 psi	

2. **Measurements:**

4.5 cfs capacity

E. FLOW CALCULATIONS

☑ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes: Theoretical

$$\frac{(400hp + 30hp)(8.814)(.8)}{500' \text{ Lift} + (2.3 \times 80psi)} = \frac{3032}{684} = 4.43 cfs$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
Total Head: (1) + (2) = _____ (3) : Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)
Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
Meter Input HP: (6) x 1.34 = _____ (7)
Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)
Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = 116 acres x 4 af = 464 afa

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = 1.35 cfs x 214d x 1.9835 = 573.6 afa

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 464 afa

2. Volume Calculations for Other Uses:

JUN 09 1994

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Total diversion of 4.50 cfs serves all 3 pivots in Section 18. A total of 387.5 acres is irrigated but only 2 pivots run at any one time. The use rate utilized is 0.0116 cfs/acre using total acres + total cfs.

The above acreage + cfs apply to Permits 35-07873, 35-07877 + 35-07954A

I. RECOMMENDATIONS

1. **Recommended Amounts**

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	4-1	10-31	1.35 cfs	464
Totals:			1.35 cfs	464

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

J. AUTHENTICATION

Field Examiner's Name: HAROLD W. JONES

Signature: H. W. Jones

Certification Date:

Field Report Preparation Date:

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

JUN 05 1992

Form 219-Supp.
7/87

State of Idaho

DEPARTMENT OF WATER RESOURCES

SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: H.W. Jones Date 6-2-92

Owner: Paul Behrend Permit No. 35-7877, -7878 + -7954 (part)

Description of well &/or measuring site
- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = 40½"

T = Pipe Thickness in Inches = _____

ID = 2 [(0.1592 X CIR) - T] = ... 12"

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test 12"

State ID No. _____

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	3.94
12"	(3.99)
14"- 16"	4.01
18"- 24"	4.02
30" or larger	4.03

C selected 3.99

DIFFERENTIAL PRESSURE READING IN INCHES OF H2O (H)

High Reading = 42.4

Low Reading = 30.0

High - Low = H = ... 12.4

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(ID)^2 \cdot (\sqrt{H}) \cdot (C)}{448.8}$$

$$Q = \frac{(12.)^2 \cdot (\sqrt{12.4}) \cdot (3.99)}{448.8} = 4.5 \text{ CFS}$$

SKETCH (If not shown on Field Report)

RECEIVED
JUN 09 1994

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
35-07954A																			
5S	30E	18					18	44	38	16									116.0
								L-1	L-2										
35-07873																			
5S	30E	18									0.5			1	31	30	30	32	124.5
35-07877																			
5S	30E	18							2	1	31	45	40	28					147.0
									L-2			L-3	L-4						
															Total				387.5ac

Rate per acre: Q = 4.50 cfs
Ac = 387.5ac

Rate per acre = 4.50 cfs / 387.5ac = 0.011613

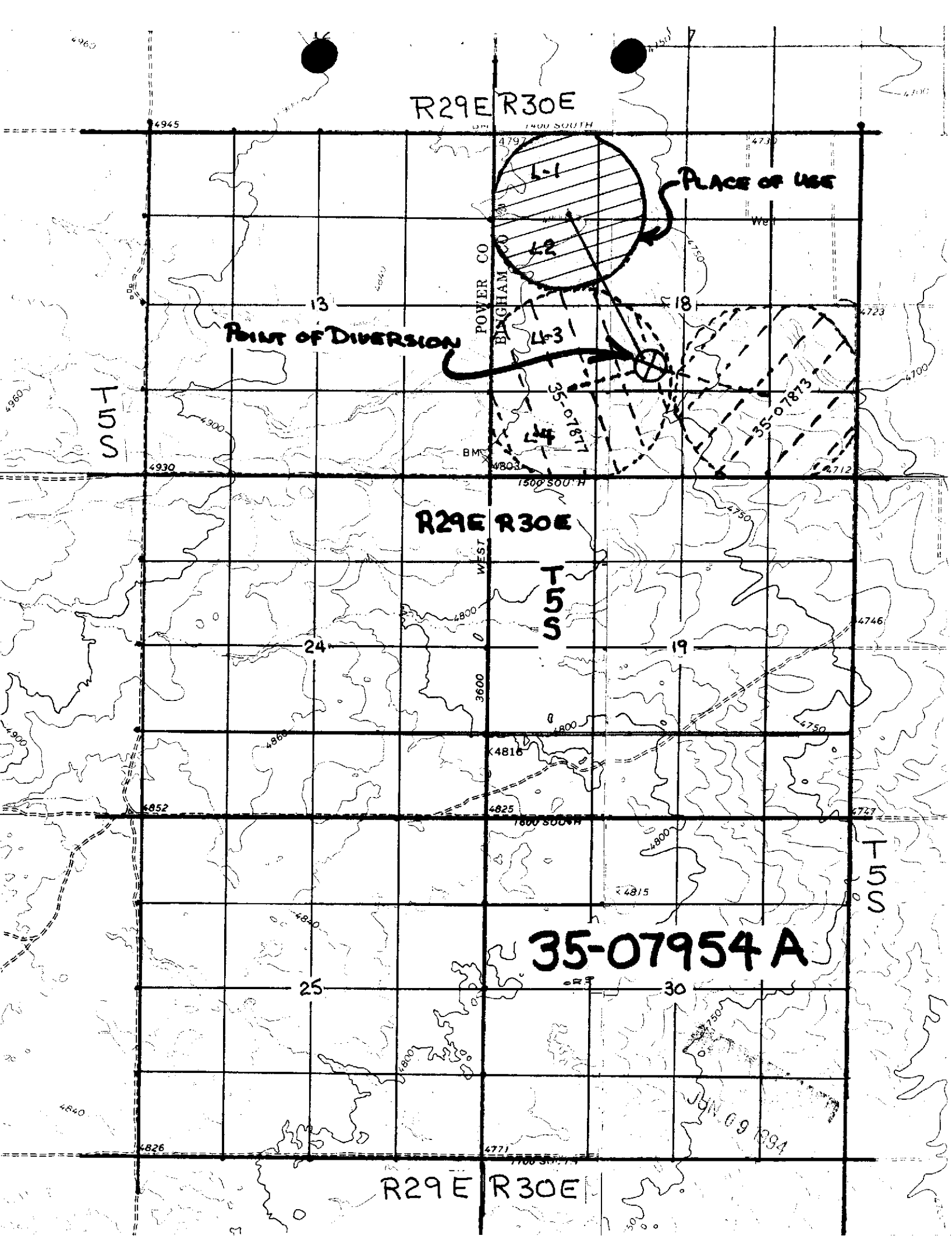
35-07954A for 116ac = 116ac × 0.011613 = 1.35 cfs

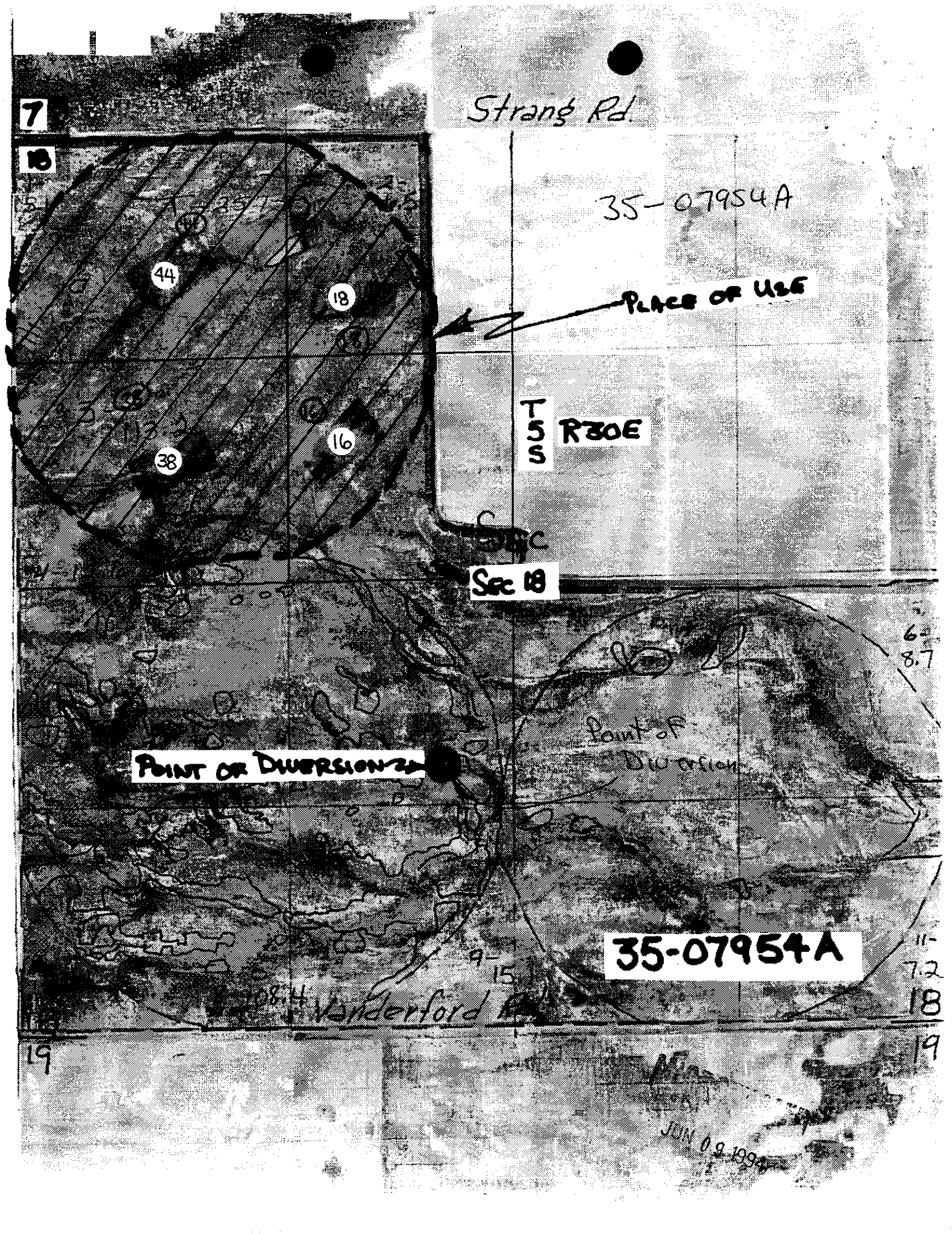
35-07873 for 124.5ac = 124.5ac × 0.011613 = 1.44 cfs

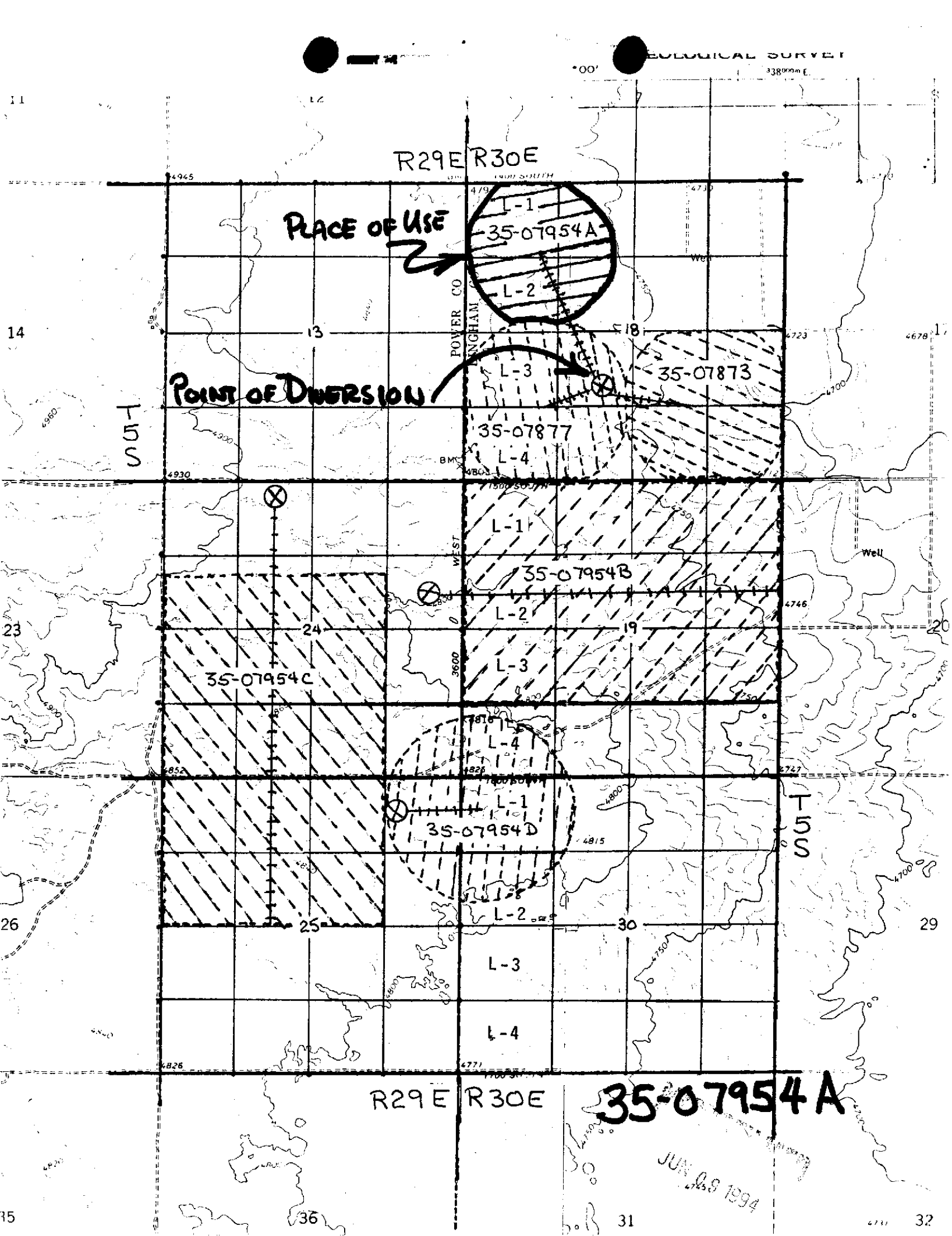
35-07877 for 147ac = 147ac × 0.011613 = 1.709
= 1.71 cfs

35-7954A

JUN 09 1994


R29E R30E
1400 SOUTH
L-1
L-2
L-3
L-4
PLACE OF USE
POINT OF DIVERSION
POWER CO
BINGHAM
13
18
24
19
25
30
T5S
R29E R30E
WEST
1500 SOUTH
1600 SOUTH
35-07877
35-07873
35-07954 A
JUN 09 1994
R29E R30E


Strang Rd.
35-07954A
PLACE OF USE
T 5 S R 30 E
SEC
SEC 18
POINT OF DIVERSION
Point of Diversion
35-07954A
Vanderford
7
18
44
18
16
38
6.2
8.7
11-
7.2
18
19
19
JUN 0 9 1994


R29E R30E
PLACE OF USE
POINT OF DIVERSION
L-1
35-07954A
L-2
POWER CO
INGHAM
13
18
L-3
35-07873
35-07877
L-4
T 5 S
L-1
35-07954B
L-2
24
19
L-3
35-07954C
L-4
L-1
35-07954D
L-2
25
30
L-3
L-4
T 5 S
R29E R30E
35-07954A
JUN 08 1994
14
23
26
35
36
31
29
32

ORIGINAL

Water Right Number - 35-07954 Prefix Translation: WATER RIGHT Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
BEHREND	PAUL	1 - 2706 W. 1800 S. 2 - 3 - City- ABERDEEN State- ID Zip- 83210 Phone - 208-000-0000
BEHREND	DANNY	1 - 2706 W. 1800 S. 2 - 3 - City- ABERDEEN State- ID Zip- 83210 Phone - 208-000-0000
*** O - ORIGINAL OWNER ***		
MAI	LARRY L.	1 - 2 - 3 - City- State- ID Zip- Phone - 208-000-0000

Priority Date	Region	Stage	Status
02/24/1981	15 EASTERN	P - PERMIT	

Source: GROUNDWATER

Tributary:

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
05S	29E	24	SE NE			(77) POWER			
			NE NW			(77) POWER			
		25	NE NE			(77) POWER			
	30E	18	NW SE			(77) POWER			
		19	SE SE			(77) POWER			

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	11/01	32.000	

Total Div. Rate	Total Div. Volume	Total Div. Capacity
32.000		

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
05S	29E	24	SW NE		30.0	01	IRRIGATION	(77) POWER
05S	29E	24	SW NW		30.0	01	IRRIGATION	(77) POWER
05S	29E	24	SE NW		30.0	01	IRRIGATION	(77) POWER
05S	29E	24	NE SW		40.0	01	IRRIGATION	(77) POWER
05S	29E	24	NW SW		40.0	01	IRRIGATION	(77) POWER
05S	29E	24	SW SW		40.0	01	IRRIGATION	(77) POWER
05S	29E	24	SE SW		40.0	01	IRRIGATION	(77) POWER

Water right number - 35-07954 Prefix Translation: WATER RIGHT

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
05S	29E	24	NW SE		40.0	01	IRRIGATION	(77) POWER
05S	29E	24	SW SE		40.0	01	IRRIGATION	(77) POWER
05S	29E	24	SE SE		40.0	01	IRRIGATION	(77) POWER
05S	29E	25	NE NE		40.0	01	IRRIGATION	(77) POWER
05S	29E	25	NW NE		40.0	01	IRRIGATION	(77) POWER
05S	29E	25	SW NE		40.0	01	IRRIGATION	(77) POWER
05S	29E	25	SE NE		10.0	01	IRRIGATION	(77) POWER
05S	29E	25	NE NW		40.0	01	IRRIGATION	(77) POWER
05S	29E	25	NW NW		40.0	01	IRRIGATION	(77) POWER
05S	29E	25	SW NW		40.0	01	IRRIGATION	(77) POWER
05S	29E	25	SE NW		40.0	01	IRRIGATION	(77) POWER
05S	30E	18	NE NW		33.0	01	IRRIGATION	(77) POWER
05S	30E	18	NW NW		33.0	01	IRRIGATION	(77) POWER
05S	30E	18	SW NW		33.0	01	IRRIGATION	(77) POWER
05S	30E	18	SE NW		33.0	01	IRRIGATION	(77) POWER
05S	30E	19	NE NE		40.0	01	IRRIGATION	(77) POWER
05S	30E	19	NW NE		40.0	01	IRRIGATION	(77) POWER
05S	30E	19	SW NE		40.0	01	IRRIGATION	(77) POWER
05S	30E	19	SE NE		40.0	01	IRRIGATION	(77) POWER
05S	30E	19	NE NW		40.0	01	IRRIGATION	(77) POWER
05S	30E	19	NW NW		40.0	01	IRRIGATION	(77) POWER
05S	30E	19	SW NW		40.0	01	IRRIGATION	(77) POWER
05S	30E	19	SE NW		40.0	01	IRRIGATION	(77) POWER
05S	30E	19	NE SW		40.0	01	IRRIGATION	(77) POWER
05S	30E	19	NW SW		40.0	01	IRRIGATION	(77) POWER
05S	30E	19	SW SW		40.0	01	IRRIGATION	(77) POWER
05S	30E	19	SE SW		20.0	01	IRRIGATION	(77) POWER
05S	30E	19	NE SE		40.0	01	IRRIGATION	(77) POWER
05S	30E	19	NW SE		40.0	01	IRRIGATION	(77) POWER
05S	30E	19	SW SE		40.0	01	IRRIGATION	(77) POWER
05S	30E	19	SE SE		31.0	01	IRRIGATION	(77) POWER
05S	30E	30	NE NE		40.0	01	IRRIGATION	(77) POWER
05S	30E	30	NW NE		40.0	01	IRRIGATION	(77) POWER
05S	30E	30	SW NE		17.0	01	IRRIGATION	(77) POWER
05S	30E	30	SE NE		8.0	01	IRRIGATION	(77) POWER
05S	30E	30	NE NW		34.0	01	IRRIGATION	(77) POWER
05S	30E	30	NW NW		40.0	01	IRRIGATION	(77) POWER
05S	30E	30	SW NW		13.0	01	IRRIGATION	(77) POWER
05S	30E	30	SE NW		5.0	01	IRRIGATION	(77) POWER

Total Acres: 1600.0

+ - - Diversion Means - WELLS, PUMPS, SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Water right number - 35-07954 Prefix Translation: WATER RIGHT

Remarks

No Remarks found.

Old Water Right Numbers

No Old Water Right Numbers found.

Conditions of Approval

01G - Prior to the diversion of water under this right a flow
- measurement port or other device as specified by the Department
- shall be installed to provide for the installation of measuring
- equipment and the determination of the rate of diversion by the
- Department.

051 - Any license issued by IDWR pursuant to the right or portion
- thereof for the use of trust water is subject to a term review
- of 20 years after the date of this approval to determine
- availability of water for the use and to re-evaluate the public
- interest at the end of the term.

052 - Diversion and use of water under this right is subject to an
- annual use fee if rules are subsequently promulgated which
- provide for the submittal of the fee.

053 - The Director retains jurisdiction of this right and/or
- subsequent license issued to change, add or remove any
- requirement as determined to be appropriate.

046 - Right holder shall comply with the drilling permit
- requirements of Section 42-235, Idaho Code.

03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.

Decree Plaintiff

Decree Defendant

Decree Date
00/00/0000

Comments

Date: 09/30/1991 User Id: SKAGGS Subject: LAPSE DELAY
PROOF RECEIVED
Date: 12/06/1991 User Id: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Audit Fields - 09/22/87 05/21/88 CONVERT 12/26/89 CURTIS 01/17/90 CURTIS 12/10/90 MILLER
01/22/91 SKAGGS 01/28/91 SKAGGS 01/30/91 CURTIS 09/30/91 SKAGGS 12/06/91 COMMENTS
12/06/91 GUSTAFSO 06/22/92 WILSON 04/08/94 WILSON

Water Rights Dates and Flags Area

Proof Due Date	- 04/01/1991	Field Exam Made	- 06/10/1992	Field Exam Fee	-
Approved/Denied	- 04/09/1981	Protested Date	- 00/00/0000	Swan Falls	- 7
Proof Made Date	- 03/22/1991	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 04/08/1994	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 02/24/1981	Transfer/Amended	- A
Decree Date	- 00/00/0000	Presumption Flag	-		

copy

RECEIVED
MAR 0 3 1994
Department of Water Resources

Feb-24-1994

Idaho Dept. WATER Resources.

I am writing concerning the status of my beneficial use permits on permit no's 35-7954, 35-7877, & 35-7873. A field EXAM was done & beneficial use forms filed in the Summer of 1992 & I am wondering why A Liscense has not been given to me on these permit no's. IF I need to provide further Information please Let me Know so I can obtain my Liscenses. I have a Real Estate transaction that is being held up until these permits become Liscenses.

Sincerely
Paul Behrend

3-4-94
Original letter sent to the region. Exams not here yet. BC

RECEIVED
JUN 09 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 22, 1993

PAUL BEHREND
2706 W 1800 S
ABERDEEN ID 83210

RE: Permit Nos. 35-07954, 35-07873, 35-07877

Dear Mr. Behrend:

The field exams on the above referenced permits are still at the Eastern Regional Office in Idaho Falls pending final review by the regional staff. As soon as they are forwarded to this office, I will complete the final review for licensing the permits.

Feel free to contact the Idaho Falls office at 525-7161 to explain the urgency of the situation. I am sure they will work to expedite their review and forward them to me for the final processing as quickly as possible.

If you have any further concerns, feel free to contact me.

Sincerely,

Brenda L. Chapman

BRENDA L. CHAPMAN
Water Resource Agent

c: Eastern Regional Office

RECEIVED
JUN 09 1994

RECEIVED
NOV 19 1993
Department of Water Resources

NOV - 17 - 1993

Idaho Dept. WATER Resources
Licensing Dept.

In the Summer of 1992 we submitted proof of Beneficial use For permit #'s 35-7954 35-7877, 35-7873 & A field Survey was taken to Determine water Flow & points of Diversion. We have not heard back From the Dept. As to the Status of our permit being transferred to A License. We are currently doing some Refinance work on this Real Estate & need to Know the Stats of our request. We would greatly Appreciate An Answer to this transfer to speed up our refinance needs.

Sincerly
Paul w Behrend

If you need Any Additional Information Please Call Paul Behrend - 397-4047 or write 2706 w 1800S
Abendeen Id 83210

JUN 09 1994

MEMORANDUM

TO: File

FROM: Karen Gustafson

DATE: January 8, 1992

Re: WELL LOGS FOR PERMIT NO.'S 35-7954, 35-7973, 35-7977

After a lengthy discussion with Mr. Behrand on the phone, I am of the opinion that the well log filed under permit no. 35-7954 is actually the well for the other two above mentioned permits.

I have located a drilling permit for all three wells and am convinced that Mr. Behrand and Mr. Vollmer have filed all the necessary paperwork. There has been a paperwork error made at some point in time.

Per Glen Saxton's suggestion, at the time the field exam is done, please determine where the points of diversion and places of use actually are for these three permits.

Your prompt consideration is appreciated.

Thanks

RECEIVED
JUN 09 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 20, 1991

Paul Behrand
2706 West 1800 South
Aberdeen, ID 83210

Re: Permits 35-07873, 35-07877 and 35-07954

Dear Mr. Behrand:

Returned is the proof of beneficial use you submitted in connection with two of the above mentioned permits. During my review of these permits, several errors have been detected that need to be corrected.

First of all, it is necessary for you to complete a separate proof of beneficial use on each permit. I have partially completed both of these proofs. It will be necessary for you to complete and sign them. Also, please note that each permit has been issued for 3.2 cfs. The license exam fee for each proof is $175. You cannot combine the two permits and submit one fee. The total fee for both permits is $350. Since you have already submitted $250, there is a balance due of $100.

Secondly, the legal descriptions shown on the well logs do not agree with the location of the points of diversion authorized on the permits. When the Department conducts the field examination of your system, we will determine the location of the points of diversion. If there are differences, you will need to file amendments to the permits before the Department will issue a license of water right.

Lastly, in your letter accompanying the proof submittal for permits 35-07873 and 35-07877, you refer to permit 35-07954 and state you intend to drill another well under this permit. You also state that 1240 acres of the 1600 acres authorized under permit 35-07954 are being irrigated.

JUN 09 1994

Since you filed proof of beneficial use for permit no. 35-07954 with the Department on March 22, 1991, additional development under terms of the permit, including the irrigation of additional land or the drilling of an additional well, is not authorized under terms of the permit.

If you have any questions or if we can be of further assistance, please contact our regional office in Idaho Falls.

Sincerely,

Karen L. Gustafson

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Regional Office

JUN 09 1994

Form 238-7
1/78

#1
permit #35-07954

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER
BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name L & B Farms

Address 2706 West & 1800 South Aberdeen, Idaho 83210

Owner's Permit No. 35-7831/7832/7833/7839

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	18" inches	+ 1 feet	18 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter ____ Slot size ____ Set from _____ feet to _____ feet
Diameter ____ Slot size ____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 18' Material used in seal: ☐ Cement grout ☒ Puddling clay ☒ Well cuttings
Sealing procedure used: ☒ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata
Describe access port 2" pipe

6. LOCATION OF WELL

Sketch map location must agree with written location.

N / W / E / S

Subdivision Name _____

Lot No. _____ Block No. _____

JUN 09 1994

County Power

NE ¼ NW ¼ Sec. 21, T. 5 N/S, R. 33 E/W.

7. WATER LEVEL

Static water level 475' feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
30"	0	12'	Top Soil & clay		
"	12'	18'	Gray Lava		
18"	18'	56'	Dark Gray Lava		
"	56'	78'	Broken Lava		
"	78'	92'	Gray Lava		
"	92'	138'	Hard Gray Lava		
"	138'	177'	Broken Lava		
"	177'	284'	Solid Gray Lava		
"	284'	295'	Red Lava		
"	295'	369'	Gray Lava		
"	369'	435'	Broken Lava		
"	435'	525'	Solid Gray Lava		
"	525'	536'	Black Cinders Loose	x	

10.

Work started 08/07/84 finished 24/07/84

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Vollmer Well Drilling Firm No. 383

Address P Box 7 Aberdeen, Id. Date 11/06/85

Signed by (Firm Official) _____

and

(Operator) _____

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

1/78 (permit # 35-07954) BALLPOINT PEN

DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name B & B Farms

Address 2706 West 1800 South Aberdeen, Id 832 10

Owner's Permit No. 35-7831/7832/7833/7839

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	18" inches	+ 1' feet	18' feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter ____ Slot size ____ Set from _____ feet to _____ feet
Diameter ____ Slot size ____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 18' Material used in seal: ☐ Cement grout ☒ Puddling clay ☒ Well cuttings
Sealing procedure used: ☒ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata
Describe access port 2" Pipe

6. LOCATION OF WELL

Sketch map location must agree with written location.

N / W / E / S

Subdivision Name _____

Lot No. _____ Block No. _____

County Power

5E ¼ NE ¼ Sec. 24, T. 5 ☐N/S, R. 27 ☐E/W

JUN 09 1994

7. WATER LEVEL

Static water level 420 feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
20"	0'	11'	Top Soil & Clay		x
"	11'	18'	Gray Lava		x
18"	18'	49'	Gray Lava		x
18"	49'	64'	Broken Lava & Cinders		x
"	64'	135'	Solid Gray lava		x
"	135'	179'	Broken Lava (Cemented)		x
"	179'	247'	Solid Lava		x
"	247'	293'	Red Lava		x
"	293'	344'	Gravish Brown Lava		x
"	344'	457'	Gray Lava (Solid)		x
"	457'	472'	Black Cinders Loose	x	

10.

Work started 26/07/84 finished 18/08/84

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Vollmer Well Drilling Firm No. 383

Address P.O. Box 2 Aberdeen, ID. Date 11/06/85

Signed by (Firm Official) Kenneth Vollmer

and

(Operator) Kenneth Vollmer

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

1/18 (Permit # 43 35-07954)

USE TYPEWRITER OR BALLPOINT PEN

DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name PAUL BELIVEAU
ABERDEEN, Id 83210
Address 2706 W 1800 S
Owner's Permit No. 35-7831/7832/7833/7837

2. NATURE OF WORK

Drill # 35-9a-E-013

☑ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

3. PROPOSED USE

☐ Domestic ☑ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☑ Rotary ☑ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
2.5	16 inches	1 feet	18 feet
	inches	feet	feet
	inches	feet	feet
	inches	feet	feet

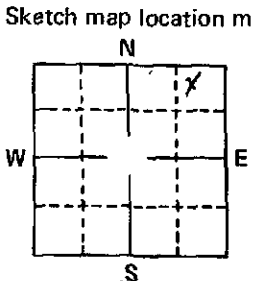
Was casing drive shoe used? ☐ Yes ☑ No
Was a packer or seal used? ☐ Yes ☑ No
Perforated? ☐ Yes ☑ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation N/A inches by _____ inches

Number		From	To
N/A	perforations	feet	feet
	perforations	feet	feet
	perforations	feet	feet

Well screen installed? ☐ Yes ☑ No
Manufacturer's name N/A
Type N/A Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter N/A Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☑ No ☐ Size of gravel N/A
Placed from N/A feet to _____ feet
Surface seal depth 181 Material used in seal: ☐ Cement grout ☑ Puddling clay ☐ Well cuttings
Sealing procedure used: ☑ Slurry pit ☐ Temp. surface casing ☑ Overbore to seal depth
Method of joining casing: ☐ Threaded ☑ Welded ☐ Solvent Weld ☐ Cemented between strata
Describe access port 2" ACCESS port

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____
Lot No. _____ Block No. _____
County Power
NE ¼ NE ¼ Sec. 25, T. 5 N/S, R. 29 E/W

7. WATER LEVEL

Static water level 474' feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____

8. WELL TEST DATA

☐ Pump ☐ Bailer ☑ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
18"	0	3'	Top Soil		
	3'	27'	Clay Lava		
	27'	85'	Red Lava		
	85	121	Broken Lava & Cinders		
	121	190	Clay Lava		
	190	223	Broken Lava		
	223	365	Clay Lava		
	365	371	Broken Lava Clay		
	371	435	Black Lava		
	435	475	Solid Lava		
	475	500	Broken Lava	✓	
	500	535	Solid Lava	✓	
	535	566	Broken	✓	

10.

Work started 3/20/90 finished 4/10/90

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Vollmer Well Drilling Firm No. 383
Address _____ Date _____
Signed by (Firm Official) [signature]
and
(Operator) [signature]

JUN 19 1990

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

Form 238-7
1/78

#4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER OR
BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Behrend Farms Inc.

Address 2706 W 1800 S.
Aberdeen, Idaho, 83210

Owner's Permit No. 35-90-E-013
35-7754

2. NATURE OF WORK

☑ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

3. PROPOSED USE

☐ Domestic ☑ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☑ Rotary ☑ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	18" inches	+ 1 feet	19' feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

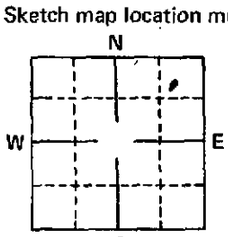
Was casing drive shoe used? ☐ Yes ☑ No
Was a packer or seal used? ☐ Yes ☑ No
Perforated? ☐ Yes ☑ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation ____ inches by ____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☑ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter ____ Slot size ____ Set from ____ feet to ____ feet
Diameter ____ Slot size ____ Set from ____ feet to ____ feet
Gravel packed? ☐ Yes ☑ No ☐ Size of gravel _____
Placed from ____ feet to ____ feet
Surface seal depth 19' Material used in seal: ☑ Cement grout ☐ Puddling clay ☐ Well cuttings
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☑ Overbore to seal depth
Method of joining casing: ONE PIECE ☐ Threaded ☐ Welded ☐ Solvent Weld ☐ Cemented between strata
Describe access port 2"

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

JUN 09 1994

County Power

NE ¼ NE ¼ Sec. 25, T. 5 N/S, R. 27 E/W

7. WATER LEVEL

Static water level 375' feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature ____ °F. Quality _____

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
20"	0	16'	Soil		
20"	16	19'	Solid Gray Lava		
18"	19	47'	" Cemented		
	47	70	Broken Caving Gray Lava		
	70	115	Solid Gray Lava		
	115	125	Solid Red Lava		
	125	210	Solid Gray Lava		
	210	230	Solid Red Lava		
	230	275	Gray Lava		
	275	310	Red Lava		
	310	372	Gray Solid Lava		
	372	397	Red Lava		
	397	418	Broken Lava	✓	
	418	510	Solid Lava Rock		
18"	510	516	Broken Cinders	✓	

10.

Work started 04/15/91 finished 04/26/91

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Van Leuven Well Drilling Firm No. 383
Address 407 E Custer Abbiadeen, Id 83210 Date 05/10/91
Signed by (Firm Official) Kenneth Van Leuven
and
(Operator) Kenneth Van Leuven

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

December 5, 1991

PAUL BEHREND
DANNY BEHREND
2706 W. 1800 S.
ABERDEEN ID 83210

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-07954

Dear Permit Holder:

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

I note that the permit issued to you by the department requires the installation of a measuring device to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the measuring device must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED
DEC 10 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 35-7954 Date 3-29-91

GENERAL CONSIDERATIONS

- ✓ Name same as permit?
- ✓ Address same as permit? If no, prepare data entry form.
- ✓ Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

- Surface water source
- ✓ Ground water source
  - yes Drill permit req'd?
  - yes Copy in file? Drill permit no. 35-90-E-013
  - yes Well log in file?
  - 100 Amt paid for drilling permit? yes Correct?

LICENSE EXAMINATION FEE

- ✓ Required?
- 600.00 Amount submitted?
- ✓ Correct amount?

MEASURING DEVICE

- yes Measuring device or access port required?
- no Installed?
- Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

needs measuring device driller 383

needs driller's log + well log

proof acceptable

PRIORITY CALCULATION

Date proof received	NA		
Date proof due		-	
No. of days late		=	
Priority date		+	
NEW PRIORITY DATE		=	

12/6/91 KRG

Form 235-1
9/89

Drilling Permit No. 35-90-E-013
Water Right Permit No 35-7954
Injection Permit No. _____

State of Idaho
Department of Water Resources

D R I L L I N G P E R M I T

1. Applicant Behrend Farms, Inc.
2. Mailing Address 2706 W. 1800 S.
   Aberdeen, ID 83210 Telephone 397-4047
   (X) Well Owner ( ) Well Operator ( ) Other, specify _____
3. Proposed well location NE 1/4 NE 1/4, or Gov't lot No. _____,
   Sec. 25, Twp. 5S, Rge. 29E, County Power,
   Street Address of Well Site _____,
   Lot, block and subdivision _____
4. Proposed use of well:
   ( ) Single family or stockwater use (less than 13,000 gallons per day)
   (X) Irrigation (more than 1/2 acre) 1,600 acres
   ( ) Monitoring - A well bore schematic and map is required for each well.
   No. of proposed wells: _____
   ( ) Other (describe fully) _____
5. Well construction information:
   A. (X) New well ( ) Deepen ( ) Replace - See Condition 9.
   B. Proposed surface diameter 16" Maximum depth 500'
   C. Anticipated bottom hole temperature:
   (X) 85°F or less (Cold water well)
   ( ) 85°F to 212°F (Low temp. geothermal well)
   ( ) 212°F or more (Geothermal well)

RECEIVED
DEC 10 1991

6. Construction Start Date 3-16-90
7. Anticipated Well Driller Vollmer
   NOTE: The actual well driller must be identified prior to drilling.
8. Applicant's signature Behrend Farms Inc Date 3-16-90
   Title Owner Behrend Farms
   (Owner, Firm Representative, Other)

**Fee is $10 for single family domestic. Other uses may be up to $100

ACTION OF DEPARTMENT OF WATER RESOURCES

This Permit is Approved. Date 16 March 1990.

If approved, this permit authorizes the construction of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.

2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.

3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.

4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.

5. Approval of this drilling permit does not authorize trespass on the land of another party.

6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.

8. If a bottom hole temperature of 85°F or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

Dennis W Dunn — Signature of Authorized Department Representative

Sr Water Resource Agent — Title

Receipt No. E012388 Receipted by RB Fee #100.00 Date 3-16-90

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date DEC 10 1991

RECEIVED
JUL 26 1991
Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

USE TYPEWRITER OR BALLPOINT PEN

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Behrend Farms Inc,

Address 2706 W 1800 S,
Aberdeen, Idaho, 83210

Owner's Permit No. 35-90-E-013
35-7954

2. NATURE OF WORK

☑ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

3. PROPOSED USE

☐ Domestic ☑ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☑ Rotary ☑ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	18" inches +	1 feet	19' feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☑ No
Was a packer or seal used? ☐ Yes ☑ No
Perforated? ☐ Yes ☑ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation ____ inches by ____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☑ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter ___ Slot size ___ Set from ___ feet to ___ feet
Diameter ___ Slot size ___ Set from ___ feet to ___ feet
Gravel packed? ☐ Yes ☑ No ☐ Size of gravel ____
Placed from ____ feet to ____ feet
Surface seal depth 191 Material used in seal: ☑ Cement grout ☐ Puddling clay ☐ Well cuttings
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☑ Overbore to seal depth
Method of joining casing: DNR Recs ☐ Threaded ☐ Welded ☐ Solvent Weld ☐ Cemented between strata
Describe access port 2"

6. LOCATION OF WELL

Sketch map location must agree with written location.

N / W / E / S

Subdivision Name _____
Lot No. _____ Block No. _____

County Power

NE ¼ NE ¼ Sec. 25, T. 5 N/S, R. 29 E/W

7. WATER LEVEL

Static water level 375' feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature ____ °F. Quality _____

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
20"	0	16'	Soil		✓
20"	16	191	Solid Gray Lava		✓
18"	19	47'	" Cemented		✓
	47	70	Broken Caving Gray Lava		✓
	70	115	Solid Gray Lava		✓
	115	125	Solid Red Lava		✓
	125	210	Solid Gray Lava		✓
	210	230	Solid Red Lava		✓
	230	275	Gray Lava		✓
	275	310	Red Lava		✓
	310	372	Gray Solid Lava		✓
	372	397	Red Lava		✓
	397	418	Broken Lava	✓	
	418	510	Solid Lava Black		✓
18"	510	516	Broken Cinders	✓	

10.

Work started 04/15/91 finished 04/26/91

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Vollmer Well Drilling Firm No. 383
Address Aberdeen, Id 83210
407 E Cust Ter Date 05/10/91
Signed by (Firm Official) Kenneth A Vollmer
and
(Operator) Kenneth A Vollmer

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

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

November 12, 1991

Paul and Danny Behren
2706 West 1800 South
Aberdeen, ID 83210

Re: Permit No. 35-07954

Dear Permit Holder:

In the department's review of the proof of beneficial use submitted in connection with the above referenced permit, the department was not able to locate a drilling permit which should have been applied for before construction of your well began. We have also been unable to locate a well log which should have been submitted by your well driller 30 days after completion of the construction of your well.

If you have a drilling permit or a copy of the well log, please provide this office with a copy of each. If you do not have a copy of the well log, please contact your driller and ask that he submit a copy. In your return letter, please be sure to show the above referenced permit number on any documents. Also, please address any correspondence directly to me. Your response, with both forms attached, should be received within 20 days of the date of this mailing.

This information is needed before the department can proceed further with the examination of your system and the eventual issuance of a license of water right.

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

Sincerely,

Karen L. Gustafson

Karen L. Gustafson
Secretary/Records Manager

RECEIVED
DEC 10 1991

March 8, 1991

PAUL AND DANNY BEHREND
2706 W 1800 S
ABERDEEN ID 83210

Dear Mr. and Mrs. Behrend:

Re: Permit No. 35-7954

Enclosed is a copy of the denied request for extension of time which you submitted to the department in connection with the above referenced permit. Sec. 42-204, Idaho Code, provides that the department can only grant one extension of time. Please note that the department has previously granted an extension of time in connection with this permit.

I suggest that you file the enclosed proof of beneficial use form for that portion of the development completed. Then, you can file a new application within one year of the time you actually intend to develop the remainder of the water right. Since Idaho is now under a mandatory permit procedure to develop a water right, the new application will provide an additional period of time for development, although the priority date will be later in time.

Please feel free to contact any of our regional offices if you wish assistance in completion of the new application.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enc: Proof of Beneficial Use form/instruction
Extension of Time

UNCORRECTED
DEC 10 1991

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 35-7954 Reviewed by [signature] Date 3-1-91

BASIC INFORMATION

Y Date stamp received
Y Extension received timely (not too early not too late)
Y Fee received and receipted
Y Name and signature same as permit
N Address change

BASIS FOR EXTENSION REQUEST

_____ Has adequate work been completed to demonstrate due diligence?
_____ Has the cost incurred been adequate to demonstrate an intent to complete the project?
_____ Has the permit been involved in litigation?
a. Swan Falls _____ Dismissed from Swan Falls _____
Other _____ Identify _____
b. Is supporting documentation needed to complete the file? _____
Requested _____
c. Calculate the period of delay

Date litigation completed _____

Date litigation began - _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____
Requested? _____

ACTION TAKEN Recommend denial - no authority to grant a second extension

_____ Reinstate

Date extention received _____ = _____
Proof due date _____ = - _____
No. of days late = _____
Priority date _____ = + _____
ADJUSTED PRIORITY DATE _____ = _____

DATE ENTRY

_____ Change proof due date
_____ Priority date change
_____ Address change

38067

January 31, 1991

PAUL BEHREND
DANNY BEHREND
2706 W. 1800 S.
ABERDEEN, ID 83210

PROOF DUE NOTICE

RE: PERMIT NO. 35-07954

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 April 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

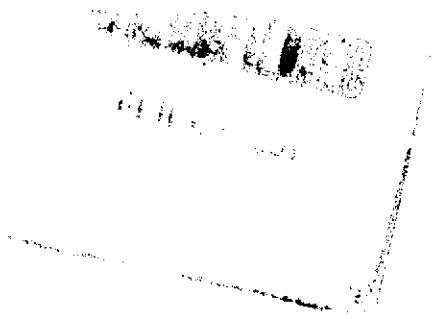
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures



January 29, 1991

RE: Permit No. 35-07954

Paul Behrend
Danny Behrend
2706 W. 1800 S.
Aberdeen, ID 83210

Dear Water Right Holder(s):

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

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

FILMED
FEB - 5 1991

Form No. 211a
11/78

12-28-90

State of Idaho

Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: KCW

Right Number 35-7954 Applicant Paul or Donny Behrend

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. 35-7954 Permit

☑ Right number(s) 35-7954 Permit 35-7876 permit

☐ 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 on original permit <0167 #0416 (New P/D)

By HWS Date 1-22-91

STATE OFFICE PROCESSING:

☑ Amendment correct and complete. By Sam Skaggs Date 1-29-91

☒ Approved copy sent to applicant and to Region. By BLM Date 1-29-91

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX

December 11, 1990

RE: Permit No. 35-07954

Paul Behrend
Danny Behrend
2706 W. 1800 S.
Aberdeen, ID 83210

Dear Water Right Holders:

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

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

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

MICROFILMED
DEC 17 1990

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

March 9, 1990

RE: Permit No. 35-7954

Behrend Farms
Larry L. Mai
2706 W. 1800 S.
Aberdeen, ID 83201

Dear Permit Holder(s):

Enclosed is an order that authorizes you to continue development under Permit to Appropriate Water No. 35-7954. Please note in condition #1., page five of the order that you must develop your system and beneficially use the water prior to April 1, 1991. Failure to beneficially use the water before April 1, 1991 could result in a loss of your water right permit.

Please note the conditions of approval contained in your permit and the continuation order. You must comply with the conditions to fully complete beneficial use.

Sincerely,

Timothy J. Luke

TIM LUKE
Sr. Water Resource Agent

TL:sc

MICROFILMED
MAR 21 1990

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Power County Office
P.O. Box 180 505 N. Oregon Trail
American Falls, ID 83211

January 9, 1990

RECEIVED
JAN 11 1990
Department of Water Resources

Mr. Tim Luke
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

RE: Water Right Permit No. 35-7831 & 35-7954

Dear Mr. Luke:

The following is information you requested concerning lands owned by Behrend Farms.

In 1985 an irrigation system was installed on the property in question. In Section 24, T5S, RG29E: 317.0 acres were certified as irrigated wheat and 150.4 acres of irrigated potatoes. In Section 19, T5S RG30E: 517.0 acres were certified as irrigated wheat. Because of defective equipment, the wheat acreage was not irrigated well enough to be certified as such for our records. Since we were using proven yields at that time we changed their designation to non-irrigated wheat in December of 1985, however the potatoes remained certified as irrigated. Behrends were involved in a law suit with Funk Irrigation over this situation.

If you have any questions concerning this matter, please contact me at 226-5139.

Sincerely,

H. Norman Wright,
County Executive Director

NW/mj
cc: Behrend Farms

MICROFILMED
MAR 21 1990

Form Approved - OMB No. 0560-0004

ASCS-578 (02-02-84) USDA-ASCS

REPORT OF ACREAGE

NOTE: Section 374 of the Agricultural Adjustment Act of 1938, as amended, authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

PAGE OF

KEY OPERATOR 1 — FARM NO. 19 — NAME AND ADDRESS: BEHREND FARMS INC / c/o CHARLES BEHREND / ABERDEEN ID 83210 / 82 0225688 2 519 16 0358 7 — FARM LAND 5099 — CROP LAND 4474

KEY OWNER 2 — 19 — PAUL BEHREND FMS INC 5099 4474 — A — RR 1 BOX 13-B — 00 — ABERDEEN ID 83211 — 518 60 2145 6 Maps:

OTHER FACTS — OPERATOR: None — OWNER: None — PROGRAM YEAR: 1985

OTHER INTERESTED PRODUCERS

KEY	NAME AND ADDRESS (A)	OTHER FARMS (B)	ASSIGNMENT CROP (C)	ASSIGNMENT JOB (D)
3	Danny Behrend	None		ACR-465,
4	Ernest Medallin	None	X	DIV 235.3
5	See MS #60			700.9
6			Dur	227.2 DIV
7				

SECTION I - FARM FIELD REPORT (Note: Grey Shaded Area For County Office Use Only) (Section I Continued on Reverse)

TRACT	FIELD NO.	CROP OR LAND USE	CROP OR LAND USE SUMMARY: WHT	Spds	Peas	SB	NIR Bky	IR DIV	ACR	USE	KEY 5	SHARE 6	DISPOSITION 7	GROSS ACRES 8	DEDUCTIONS IDENT./MEAS. 9	DEDUCTIONS ACRES 10	NET ACRES 11	INIT. & DATE 12
	1	Rod Weed.						36.8										
	A	IR DIVERSION																
✓	1A A1	WRS CC Wht Grain IR	12.1															
✓	1B A2	Peas Seed IR			59.8													
✓	1C A3	IR DIV						21.2										
✓	2 B	" IR						52.0										
	3 C	" IR						33.4										
✓	2A C1	WRS - CC Wht - Grain IR	58.2															
✓	3B C2	IR DIV						7.4										
✓	3C C3	" IR						7.7										
		TOTAL OPERATOR REPORT	1629.7	-0-	881.7	221.1	452.6	249.9	227.2	81	57							
		14. TOTAL DETERMINED ACREAGE	IR = 142.6 Wht = 887.1					570.0										

A. OPERATOR'S SIGNATURE: X Carl Behrend — DATE: 7-24-85

B. OPERATOR'S SIGNATURE — DATE

SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable.

C. OPERATOR'S SIGNATURE — DATE

IN = 27 FCIA 17 USED Wheat

SECTION I - FARM FIELD REPORT *(Continued) (Grey Area for County Office Use Only)*

TRACT NO. (1)	FIELD NO. (2)	CROP OR LAND USE (3)	CROP OR LAND USE SUMMARY (4)	KEY (5)	SHARE (6)	DISPOSITION (7)	GROSS ACRES (8)	DEDUCTIONS (9)	DEDUCTIONS ACRES (10)	NET ACRES (11)	INIT. & DATE (12)
956 J-5	✓ 1 B	HRS IR-CC Wht-Grain	IR Wht 1555								
	✓ 1A B.	Russet Non Seed Spuds IR	Spuds DM Pot To 144.6								
	✓ 2 A	Sugar Beets IR	SB 144.6								
	✓ 2A A,	IR - HRS - CC Wht - Grain	IR Wht 141.5								
1126 J-6	✓ A	IR DIV	IR Div 14.3								
	✓ 1A A,	Sugar Beets IR	SB 64.1								
	✓ 2 C	" IR	SB 64.3								
	✓ 2A C,	" IR	SB 31.1								
	✓ 2E C2	IR DIV	IR Div 54.4								

SKETCHES OR REMARKS

LAND DESIGNATED FOR ACR MEETS TWO YEAR CROPPING REQUIREMENTS AND OTHER ELIGIBILITY REQUIREMENTS, AS APPLICABLE.

PB

MAR 2 1990

Form Approved - OMB No. 0560-0004

ASCS-578 (02-02-84) — **REPORT OF ACREAGE** — USDA-ASCS

NOTE: *Section 374 of the Agricultural Adjustment Act of 1938, as amended, authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.*

PAGE ___ OF ___

FARM NO. | NAME AND ADDRESS | FARM-LAND | CROP-LAND

KEY 1 OPERATOR

KEY 2 OWNER

OFFICE USE ONLY

	KEY	OTHER INTERESTED PRODUCERS NAME AND ADDRESS (A)	OTHER FARMS (B)	ASSIGNMENT CROP (C)	ASSIGNMENT JOB (D)
OPERATOR	3				
OWNER	4				
	5				
PROGRAM YEAR	6				
OTHER	7				

SECTION I - FARM FIELD REPORT *(Note: Grey Shaded Area For County Office Use Only) (Section I Continued on Reverse)*

CROP OR LAND USE SUMMARY

FIELD NO. 2	CROP OR LAND USE 3	IR Wht	Spuds	Peas 4	SB	IR DW	ACR	KEY 5	SHARE 6	DISPOSITION 7	GROSS ACRES 8	DEDUCTIONS IDENT. MEAS. 9	DEDUCTIONS ACRES 10	NET ACRES 11	INIT. & DATE 12
1 B	Peas IR			76.7											
2 B	" " IR			3.6											
2A B.	Sugar Beets IR				74.0										
3 A	" " IR				74.5										
3A A.	Peas IR			81.0											
1 A	HRS (IR) -CC Wt - Grain	14.4													
2 B	Spuds IR		66.1												
3 C	" " IR		155.6												
1 A	HRS - CC (IR) Wt - Grain	33.1													
13. TOTAL OPERATOR REPORT															
14. TOTAL DETERMINED ACREAGE															

A. OPERATOR'S SIGNATURE | DATE | B. OPERATOR'S SIGNATURE | DATE

SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable.

C. OPERATOR'S SIGNATURE | DATE

SECTION I - FARM FIELD REPORT *(Continued) (Grey Area for County Office Use Only)*

TRACT NO. 1	FIELD NO. 2	CROP OR LAND USE 3	CROP OR LAND USE SUMMARY 4	KEY 5	SHARE 6	DISPOSITION 7	GROSS ACRES 8	DEDUCTIONS IDENT./MEAS. 9	DEDUCTIONS ACRES 10	NET ACRES 11	INIT. & DATE 12
T1002 M-5	1 B	IR-CC-HRS WW-Grain	IR WW 72.4								
	2 C	" " IR	69.8								
T71 M-4	4 A	Grass IR	5.7								
	5 B	Spuds IR	Spuds 115.0								
	6 C	HRS IR CC WW-Grain	45.6								
	7 D	" " IR	98.0								
T993 M-3	1 A	" " IR	25.8								
T198	1 B	" " IR	16.6								
948 J-4	1 A	NIR-SF Spring Bly-Grain	NIR Bly 55.6								

SKETCHES OR REMARKS

☆ U.S. Government Printing Office: 1984—705-878/A1006 2-1

Form Approved - OMB No. 0560-0004

ASCS-578 (02-02-84) — USDA-ASCS

REPORT OF ACREAGE

NOTE: *Section 374 of the Agricultural Adjustment Act of 1938, as amended, authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.*

PAGE ___ OF ___

FARM NO. | NAME AND ADDRESS | FARM-LAND | CROP-LAND

KEY 1 OPERATOR

KEY 2 OWNER

OPERATOR AND OWNERS

OPERATOR

OWNER

PROGRAM YEAR

OTHER

OTHER INTERESTED PRODUCERS			ASSIGNMENT	
KEY	NAME AND ADDRESS A	OTHER FARMS B	CROP C	JOB D
3				
4				
5				
6				
7				

SECTION I - FARM FIELD REPORT *(Note: Grey Shaded Area For County Office Use Only) (Section I Continued on Reverse)*

TRACT NO. 2	FIELD NO. 3	CROP OR LAND USE	CROP OR LAND USE SUMMARY: IR Wht		Spuds	Peas 4	SB	NIR Barley	IRR Dry	ACR	KEY 5	SHARE 6	DISPOSITION 7	GROSS ACRES 8	DEDUCTIONS IDENT./MEAS. 9	DEDUCTIONS ACRES 10	NET ACRES 11	INIT. & DATE 12
47 [redacted] -4	1 A	Stubble ACR-D: ✓ NIR								292.2								
17=T=346.4 48.6 0.0	B	" " NIR								397.0								
1948	E	NIR-Spring GR Barley						214.4										
T947	F	Russet-~~Bur~~ NS Potatoes IR			250.0													
547 -3	A	~~DRY~~-HRS-CC NIR Wheat	570.7															
54[redacted]	B	Stubble ACR-D: ✓ NIR								187.8								
947	C	Russet-CC-NS Potatoes IR			150.4													
947	D	~~DRY~~-CC-SP. NIR Wheat	317.0															

13. TOTAL OPERATOR REPORT

14. TOTAL DETERMINED ACREAGE

A. OPERATOR'S SIGNATURE — DATE — B. OPERATOR'S SIGNATURE — DATE

SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable.

C. OPERATOR'S SIGNATURE — DATE

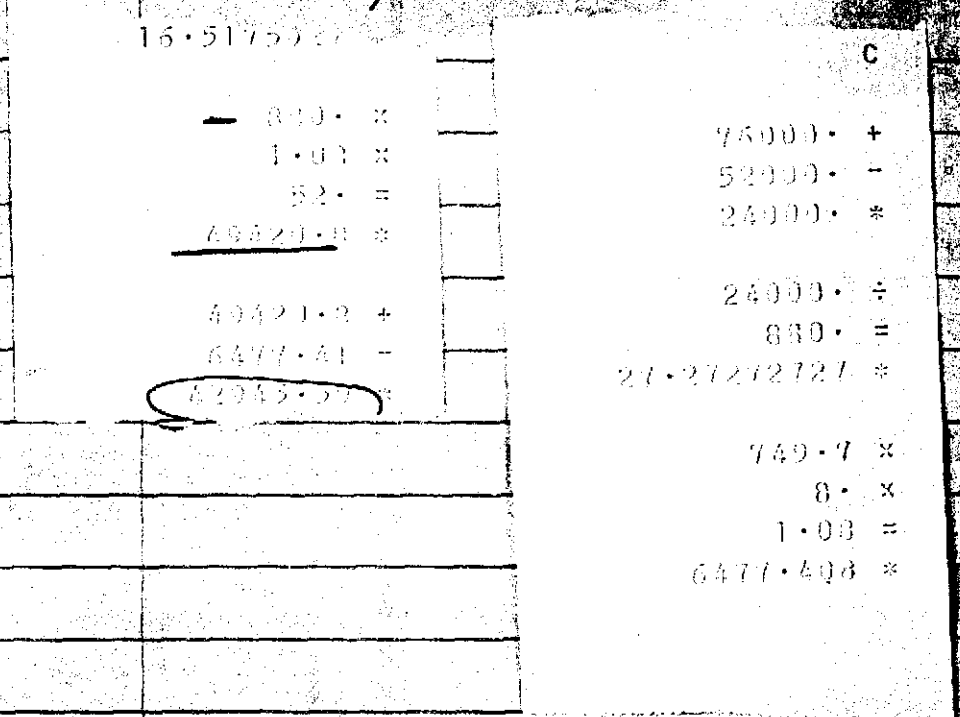
SECTION I - FARM FIELD REPORT *(Continued) (Grey Area for County Office Use Only)*

TRACT NO. 1	FIELD NO. 2	CROP OR LAND USE 3	CROP OR LAND USE SUMMARY 4	KEY 5	SHARE 6	DISPOSITION 7	GROSS ACRES 8	DEDUCTIONS IDENT./MEAS. 9	DEDUCTIONS ACRES 10	NET ACRES 11	INIT. & DATE 12

SKETCHES OR REMARKS

Behrend Farms -
Paul will come in tomorrow
Dewig COC approved by phone

Dryl - on Circle
Slug 82



Change 880 A to Dryland Hybrid wheat - 22 bu/A.
Chang Irrigated yield to 82 bu/A on original farm.

Approved
12/5/85
Lee Bress

MAR 21 1990

PLACE OF USE 1/4 1/4 OVERLAP REPORT

12/22/89

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	SUM
3507954											
~~3507833~~	~~KNUDSEN POOR FARMS INC~~	~~P~~	~~GROUNDWATER~~	~~05S~~	~~29E~~	~~24~~			~~40 40 40 40~~	~~40 40 40 40~~	~~320~~
3507954	BEHREND FARMS	P	GROUNDWATER	05S	29E	24	40 40 40 40	40 40 40 40	40 40 40 40	40 40 40 40	600
3508340	BEHREND	A	GROUNDWATER	05S	29E	24	40 40	40 40 40 40	40 40 40 40	40 40	480
3508341	BEHREND	A	GROUNDWATER	05S	29E	24				40	40
3508342	BEHREND	A	GROUNDWATER	05S	29E	24	40 40		40	40 40	120
	1986 MAPPING DATA ---	-	COUNTY 11 QUAD AA 34	05S	29E	24	37 31 39	32 30	42 40 42 40	39 40 40 8	460
3507954											
3507954	BEHREND FARMS	P	GROUNDWATER	05S	30E	19	40 40 40 40	40 40 40 40	40 40 40 40	40 40 40 40	640
3508341	BEHREND	A	GROUNDWATER	05S	30E	19			40 40	40 40	160
3508342	BEHREND	A	GROUNDWATER	05S	30E	19	40 40 40 40	40 40 40 40	40 40	40 40	480
	1986 MAPPING DATA ---	-	COUNTY 11 QUAD AA 34	05S	30E	19	37 39 41 37	39 40	40 7	37 39 8 8	372
3507954											
3507954	BEHREND FARMS	P	GROUNDWATER	05S	30E	30	40 40 40 40	40 40 40 40			320
3508341	BEHREND	A	GROUNDWATER	05S	30E	30	40 40 40 40	40 40 40 40			320
	1986 MAPPING DATA ---	-	COUNTY 11 QUAD AA 34	05S	30E	30					

Amended to diff. pw.

As per ASCS letter of 1/9/90; 517 acres in sec 19 certified as irrig → 640 − 517 = 123 ~~83~~

467.4 acres in sec 24 " " → 640 − 467 = 173 ~~133~~

No reference to sec. 30, should assume non irrig. → 320

Total # Trust Acres ~~536~~ 616

RECEIVED
MAR 21 1990
WATER RIGHTS

Database Error.

Approved irrigation lists 640 acres each in sec 24 & 19

total # Trust Acres = 616

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

December 29, 1989

Re: Water Right Permit Nos. 35-7831 & 35-7954

N. Norman Wright
Power County ASCS Office
P.O. Box 180
American Falls, ID 83211

Dear Mr. Wright:

Earlier this year you provided me with some information concerning irrigation of lands formerly owned by J.W. Vanderford and operated by G&M Farms. You informed me that you had 1985 cropping reports for those lands. I believe you also had aerial slides from that year. In any event, you gave me verbal confirmation over the phone as to what lands were irrigated in 1985.

I now wish to ask if you would be able to provide me with 1985 information for separate lands owned by Behrend Farms. The legal descriptions are provided below. A member of our staff has reviewed some 1984 photography at the state SCS office and reported that these lands were not irrigated in that year. Mr. Behrend has reported that portions of the lands were irrigated in 1985. I have reviewed 1986 remote sensing data from our office and find that portions of the lands were irrigated. Our 1986 data, however, does not entirely match the figures provided by Mr. Behrend. It is important that we determine recent historical irrigation use on these lands since we are currently reviewing Behrend's filings under the Swan Falls water rights settlement.

If you have data going back to 1985, I would appreciate your time in reviewing that data and providing me with whatever information you can concerning irrigation or development of the lands below:

Township 5 South, Range 29 East, Section 24 - entire section
Township 5 South, Range 30 East, Section 19 - entire section
Township 5 South, Range 30 East, Section 30 - N1/2

I appreciate your past assistance and look forward to your future cooperation with the Department on this matter.

MICROFILMED
MAR 21 1990

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:sc

Affidavit of Publication

JAN 1 1990

Department of Water Resources
Eastern District Office

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 3 day of January 1990 and the date of last publication being the 10 day of January 1990.

(Signed) Erma Crompton

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, 1993

Notice of existing water permit

Published in The Power County Press, Jan. 3, 10, 1990.

NOTICE OF EXISTING WATER RIGHT PERMIT
Presently recorded as follows:

35-07831
BEHREND, CHARLES M.
2706 W. 1800 S.
ABERDEEN, ID 83210

Source: GROUNDWATER

Diversion Pt: SWNE Sec 25 T 05S R 29E

Use: IRRIGATION (6.400 CFS)
Total Diversion: (6.400 CFS)

Priority: 5/21/1979

In: T05S R29E S25 NENE NWNE SWNE SENE
NENW NWNW SWNW SENW

320.0 ACRES TOTAL

35-07834
O HAIRE, MARGARET
8756 CLOVIS DR.
BOISE, ID 83709

Source: GROUNDWATER

Diversion Pt: SWSE Sec 12 T 05S R 29E

Use: IRRIGATION (6.400 CFS)
Total Diversion: (6.400 CFS)

Priority: 1/22/1979

In: T05S R29E S12 NESE NWSE SWSE SESE
S13 NENE NWNE SWNE SENE
320.0 ACRES TOTAL

35-07836
O HAIRE, MARGARET
8756 CLOVIS DR.
BOISE, ID 83709

Source: GROUNDWATER

Diversion Pt: NESE Sec 14 T 05S R 29E

Use: IRRIGATION (6.400 CFS)
Total Diversion: (6.400 CFS)

Priority: 3/10/1979

In: T05S R 29E S14 NENE NWNE SWNE SENE
NESE NWSE SWSE SESE
320.0 ACRES TOTAL

35-07838
O HAIRE, MARGARET
8756 CLOVIS DR.
BOISE, ID 83709

Source: GROUNDWATER

Diversion Pt: NESE Sec 15 T 05S R 29E

Use: IRRIGATION (6.400 CFS)
Total Diversion: (6.400 CFS)

Priority: 1/22/1979

In: T 05S R29E S15 NENE NWNE SWNE SENE
NESE NWSE SWSE SESE
320.0 ACRES TOTAL

35-07954
BEHREND FARMS
2706 W. 1800 S.
ABERDEEN, ID. 83201

Source: GROUNDWATER

Diversion Pt: SENE Sec 24 T 05S R 29E
SESE Sec 24 T 05S R 29E
NENE Sec 25 T 05S R 29E

Use: IRRIGATION (32.000 CFS)
Total Diversion: (32.000 CFS)

Priority: 2/24/1981

In: T05S R29E S24 NENE NWNE SWNE SENE
NENW NWNW SWNW SENW
NESW NWSW SWSW SESW
NESE NWSE SWSE SESE

R30E S19 NENE NWNE SWNE SENE
NENW NWNW SWNW SENW
NESW NWSW SWSW SESW
NESE NWSE SWSE SESE

S30 NENE NWNE SWNE SENE
NENW NWNW SWNW SENW
1600.0 ACRES TOTAL

Permits not developed by July 1, 1985, are being reprocessed in compliance with Section 42-203D, Idaho Code. Protests against the continuance of permits must be filed with the Director, Dept. of Water Resources, Stateshouse Mail, Boise, Idaho 83720 on or before JANUARY 22, 1990. Protests must be based on the public interest criteria of Section 42-203 C, Idaho Code, only.

R. KEITH HIGGINSON, Director

20 9

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

DECEMBER 26, 1989

Power County Press
Box 547
American Falls, ID 83211

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before JANUARY 22, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

MICROFILMED
MAR 21 1990

NOTICE OF EXISTING WATER RIGHT PERMIT

Presently recorded as follows:

35-07954

BEHREND FARMS
MAI, LARRY L.
2706 W. 1800 S.
ABERDEEN, ID 83201

Source: GROUNDWATER

Diversion Pt: SENE Sec 24 T 05S R 29E
SESE Sec 24 T 05S R 29E
NENE Sec 25 T 05S R 29E

Use: IRRIGATION (32.000 CFS)
Total Diversion: (32.000 CFS)

Priority: 2/24/1981

In: T05S R29E S24	NENE	NWNE	SWNE	SENE
	NENW	NWNW	SWNW	SENW
	NESW	NWSW	SWSW	SESW
	NESE	NWSE	SWSE	SESE
R30E S19	NENE	NWNE	SWNE	SENE
	NENW	NWNW	SWNW	SENW
	NESW	NWSW	SWSW	SESW
	NESE	NWSE	SWSE	SESE
S30	NENE	NWNE	SWNE	SENE
	NENW	NWNW	SWNW	SENW

1600.0 ACRES TOTAL

Permits not developed by July 1, 1985, are being reprocessed in compliance with Section 42-203D, Idaho Code. Protests against the continuance of permits must be filled with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before JANUARY 22, 1990. Protests must be based on the public interest criteria of Section 42-203C, Idaho Code, only.

MICROFILMED

R. KEITH HIGGINSON, Director

MAR 21 1990

Published 1/03/1990 & 1/10/1990

RECEIVED
JUN 22 1989
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

PERMIT NO. 35-7954

IF YOU ARE NOT INTERESTED IN HAVING YOUR PERMIT PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED RELINQUISHMENT FORM.

INSTRUCTIONS: Please answer the following questions as thoroughly as possible and submit the $20.00 readvertisement fee if applicable.

1. Did irrigation occur on the lands identified under your permit prior to July 1, 1985? Yes ✓ No _____

If yes, you are requested to submit clear evidence that shows the number and location of acres irrigated.

Aerial photographs taken prior to July 1, 1985, located in area ASCS offices, are best forms of evidence. Photos submitted to the the Department must be accompanied by a signed statement from an ASCS representative which verifies the photo date and that the lands were irrigated prior to July 1, 1985. If ASCS does not have photos for the land and/or time in question, you must have the ASCS provide the Department with a statement that photos are not available and then proceed to submit other forms of suitable evidence.

2. Please state the number of acres you have irrigated under this permit since July 1, 1985. 1180.

3. If you have not irrigated lands under this permit, please state the number of acres you plan to complete. 500.

NOTE: You must submit the $20.00 readvertisement fee if any or all of the lands were not irrigated before July 1, 1985.

4. If the permit is a supplemental filing please identify other water rights which are used on the same land.

_____

_____

Use the reverse side of this form if you wish to add any comments.

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Permit Holder Beherd Farms Inc. Date 6-15-89
Paul M Beherd

MICROFILMED
MAR 21 1990

Fee PAID
Rec. No. C007739

IDAHO DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

5. REMARKS/COMMENTS:

MICROFILMED
MAR 21 1990

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

June 30, 1989

RE: Permit No. 35-7831 and 35-7954

Paul Behrend
Behrend Farms Inc.
2706 W. 1800 S.
Aberdeen, ID 83210

NOTICE OF INFORMATION REQUIRED BY WATER APPROPRIATION RULE 4,5.

Dear Permit Holder:

The Department acknowledges receipt of the Trust Water Information Questionnaire and appropriate re-advertising fee for the above referenced permits. On behalf of the Department, I wish to thank you for your cooperation in providing the requested fee and information.

In the letter that accompanied the questionnaire, I informed you that you would need to submit additional information required by Water Appropriation Rule 4,5. if the undeveloped portion of the permits exceed 200 acres.

The returned questionnaire indicates that you wish to pursue completion of the irrigation project as proposed under your permits. The project includes more than 200 acres and is therefore subject to the additional information requirements of Rule 4,5.

I wish to call your attention to the specific requirements under Rule 4,5. (copy enclosed). In particular, you must submit the information outlined in Rules 4,5,3,6,1. through 4,5,3,6,7. Note that Rule 4,5,3,6,4. is not applicable to your permit.

The information must be submitted within 30 days of the date of this notice. Failure to submit the required information within the time period allowed will be cause for the Department to advance the priority of the permits by the number of days that the information submittal is late. The

MICROFILMED
MAR 21 1990

Department may grant an extension of time in which to submit the information upon request and a showing of good cause. Requests for extension of time must be in writing.

Please contact me at this office or call me directly at 327-7864 if you have any questions concerning the contents of this notice and/or the information requested under Rule 4,5.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

Enclosure

MICROFILMED

MAR 21 1990

NAME OF APPLICANT #35-7954 35-7954

Form No. 0

N

40 40

40 40

40 40 40 40 40 40

40 40 40 40 40 40

14 13

40 40 40 40 40 40

40 40 40 40 40 40

40 40 40 40 40 40

40 40 40 40 40 40

23 24

#255-71
SHOWS NO 1984
IRRIGATION

MICROFILMED
MAR 21 1990

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

MEMORANDUM

TO: GLEN

FROM: TIM LUKE

RE: PERMIT NO. 35-7832 & 35-7839, 35-7831, 35-7954

DATE: 6-2-89

==========

The above two permits have come up for review under Section 42-203D, i.e.; Swan Falls Processing.

The permit holder recently called me about these two permits in addition to two other permits which are also undergoing Swan Falls review. As per verbal statements of the permit holder, permits 35-7832 and 35-7839 have not yet been developed. All of the lands described under both permits have been placed in the CRP set aside program. The lands have been in the program for some two years already and will remain in the program for another eight years.

Review of the most recent extension requests shows that the permit holder has stated that work under these permits, along with other permits under one large project, is presently two-thirds complete. Attached to this permit are the files for the other permits for your review. The permit holder stated that development of the entire 320 acres under permit 35-7831 has been completed. The permit holder also verbally stated that two-thirds of the lands described under permit 35-7954 (1100 of 1600 acres) has been completed. Again, the lands under permits 35-7832 & 7839 have not yet been irrigated.

As per a recent discussion between you, Jim Johnson and myself, you suggested that I forward the permits to you for your review. You further suggested that it may be wiser in this case to process the extension requests before we continue with any Swan Falls processing.

Please return the files to me upon completion of your review and recommendations.

MICROFILMED

MAR 21 1990

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

May 24, 1989

RE: PERMIT NO. 35-7954

Dear PERMIT HOLDER:

Due to the Swan Falls litigation, development proposed by the enclosed permit may have been delayed. The Department is presently reviewing the permit and may authorize completion of development proposed under the permit.

The purpose of this letter is to determine: (1) the extent of development under the permit, and (2) your continued interest in developing or completing development under the permit.

Enclosed are two forms which will help the Department expedite the reprocessing of the permit.

Please complete and return the enclosed questionnaire if you wish to continue with your plans of development or have completed all or a portion of your development before July 1, 1985.

Please complete the enclosed relinquishment form and return it to the Department if you have abandoned or have no interest in continuing with your plans for development of the project.

If the entire project was not completed prior to July 1, 1985, and you still wish to proceed with your plans of development, then you must submit a $20.00 re-advertisement fee to the Department as required by Water Appropriation Rule 4,2,3. and Section 42-221F, Idaho Code.

Failure to return the questionnaire and pay any required re-advertisement fee within thirty (30) days of the date of this letter is cause for the Department to cancel the permit.

If the incomplete portion of your project is for irrigation of more than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4.5. (copy enclosed).

MICROFILMED

MAR 21 1990

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke - Water Allocation/Trust Water

Please note that a copy of your permit is enclosed. The permit number is shown on the enclosed questionnaire.

Sincerely,

Timothy J. Luke

TIM LUKE
Sr. Water Resource Agent

Enclosures

MICROFILMED
MAR 21 1990

Form 204-p
6/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

COMMENCEMENT OF WORKS

Permit No. 35-7954

Name(s) of Permit Holder(s): Behrend Farms

Post Office Address: Rt 1 Box 130

Aberdeen Id 83210 Tel. No. [illegible]-4042

☑ I hereby certify that construction of diversion works on the above referenced permit began on 1 MAY 1984 (Date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

_____

_____

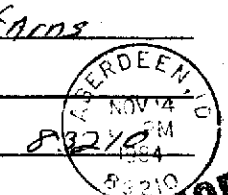
*Note: A financing difficulty is not an acceptable reason.

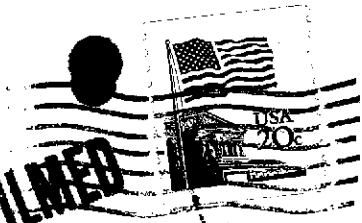
11-13-1984
Date

Signature of Permit Holder

MICROFILMED
MAR 21 1990

Paul Be[redacted]nd Farms
Rt 1 Box 133
Aberdeen Id 83210





MICROFILMED
MAR 21 1990

RECEIVED
NOV 15 1984
Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

[redacted]

December 4, 1985

]

Paul Behrend
Behrend Farms Inc.
2706 W. 1800 S.
Aberdeen, ID 83210

Dear Mr. Behrend:

Re: Permit No. 35-7954

Returned is the Proof of Beneficial Use form. I understand that the project has not been completed and, therefore, you wish to withdraw the proof and submit instead a request for extension of time.

Enclosed is the approved request for extension of time. The time within which to submit proof of beneficial use is extended to April 1, 1991.

If you have any questions concerning your water right, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

MICROFILMED

STAFF REVIEW OF REQUESTS FOR EXTENSION OF TIME

Permit No. 35-7954

BASIC INFORMATION ABOUT EXTENSION REQUEST — Check for the following:

Y Date received stamp
Y Extension received within six months of due date (if greater than, return extension)
Y Fee received and receipted
Y Name and signature same as on permit
N Address change? If so, complete coding sheet
Y Source of water the same?
N Extension previously approved?
N Do conditions of approval restrict the extension?
Indicate basis: _____

REASON FOR GRANTING EXTENSION

Y Due diligence
Y Work completed - Adequate to show due diligence?
Y Cost incurred - Adequate to show due diligence?

_____ Litigation YES Swan Falls NO Dismissed from Swan Falls
_____ Have supporting documents been submitted?

Date litigation completed _____

Date litigation began - _____

Total period of delay = _____

Proof due date _____

NEW PRIORITY DATE ==========

_____ Delayed by a govnermental agency
_____ Permit holder provided supporting documents?

REASON FOR DENIAL _____

RECOMMENDATION FOR ACTION Recommend approval based on due diligence

Additional conditions:

N Reinstate: Date extension received _____ = _____

Proof due date _____ = _____

No. of days late _____

Priority date _____ = _____

ADJUSTED PRIORITY DATE ========== _____

Y Is there commencement of works?
_____ Prepared coding sheet? - address
_____ Change rolodex card

MICROFILMED

Reviewed by _____ Date 11-26-1985

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

EXTENSION OF TIME

November 19, 1985

Behrend Farms Inc.
2706 W. 1800 South
Aberdeen, ID 83210

PERMIT NO. **35-7954**

We are in receipt of the **$15** extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosure No. **37314.**

Roberta Garrett
Records Supervisor

Enclosure

MICROFILMED

RECEIVED
NOV 15 1985
Department of Water Resources

Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720

Re: Permit No. 35-7954

Enclosed is a Request for Extension of Time form and the $15.00 filing fee.

I wish to withdraw the proof of beneficial use form submitted on this file in September and to have the department consider the extension request instead. It is my understanding that the department will make note of the amount of work completed under this project at this time, and consider that which remains under the rules and regulations for water appropriation when they are adopted.

Sincerely,

Paul Behrend

Paul Behrend
Behrend Farms Inc.

MICROFILMED

"The BEHRENDS"
DEBBIE & PAUL
2706 West 1800 South
Aberdeen, Idaho 83210



Idaho Dept of Water Resources
Statehouse Mail
Boise,
Id 83720

MISDIRECTED

Attn. Rita Fleck

October 28, 1985

Mr. Paul Behrend
2706 W. 1800 S.
Aberdeen, ID 83210

Dear Mr. Behrend:

Re: Permit Nos. 35-7831 and 35-7954

As a follow up to our telephone conversations of last week, I suggest the best way to document the file concerning the amount of work completed on a water right project is to send the department a detailed letter describing the amount of work completed. I suggest you advise the department that you wish to withdraw the proof form on your water right.

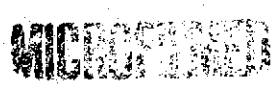
The purpose of writing a letter is to show to what extent the project has been completed so that only that portion not completed will be considered for review under the rules and regulations for water right appropriation. This will allow you to use the remainder amount of time for project construction under Permit No. 35-7831 or to request additional time for project construction under Permit No. 35-7954 without filing a new water right application. If the proof form is submitted at this time on these permits, then any work you wish to do to enlargen the projects must be done under a new water right application which would also be reviewed under the new rules and regulations.

One last item needs to be clarified. I'm returning the Proof of Beneficial Use form submitted for Permit No. 35-7831 - Charles Behrend. Since a water right permit is personal property, only the permit holder or authorized agent may take action on a permit. If you should be an authorized agent for Charles Behrend, please send in a copy of your power of attorney. In any case, this permit should also have documentation as to the extent of development.

If you have any questions concerning these water right permits, please feel free to contact me at 334-4290.

Sincerely,

RITA I. FLECK
Secretary/Records Manager



Enclosure

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

> 42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT.
> (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. Glen Saxton

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

Permit No. 35-7954

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? ✓
2. Notary? ✓
3. (a.) Full Assign?
   b. Partial Assign?
4. "No assignment" condition on permit? NO
5. Commencement of works received? NO — requested - allow call up 60 days - see memo in file
6. Affidavit of Residency required? NO

rec'd C.O.W. card 11/15/84 kw

1. Type Permit Summary sheet ✓
2. Coding sheet ✓
3. Acknowledgement letter type see letter
4. Copy to region ✓

Date: 10-17-84

Employee: K. Walker

RECEIVED MAR

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 25, 1984

RE: Permit No. 35-7954

Behrend Farms
Rt. 1, Box 151
Aberdeen, ID 83201

Gentlemen:

We have received an Assignment of the above referenced permit from Larry L. Mai to you. Enclosed is a copy of the permit for your records. Be sure to note the conditions of approval as listed on the fourth page of the permit.

This permit is affected by a change made in Section 42-204, Idaho Code, by the 1982 Idaho Legislature. Because of this change, you must complete, and submit to our office, the enclosed "Commencement of Works" postcard, within the next 60 days. Note that on the card you need to indicate that either 1) you have commenced construction of the diverting works or 2) you have been prevented from initiating development due to a factor beyond your control. Please note that new ownership of the permit is not reason enough for lack of due diligence towards permit development.

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

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc

Enclosures

ABERDEEN FILED

INTER-DEPARTMENT MEMO — 1

FROM Kay Walker

DATE 10-17-84

TO File

SUBJECT Commencement of Works

The right holder was never sent a commencement of works notification on 6-24-82 as others were. I could not locate his name on our mailing list this date. The O.O.W. condition is not a condition of approval either. Therefore I've allowed the new permit holder 60 days to comply.

SIGNATURE

MICROFILMED

August 8, 1984

RE: Permit No. 35-7954

Larry L. Mai
Route 2
Burley, ID 83318

Dear Mr. Mai:

Enclosed is a copy of the approved application for amendment submitted in connection with the above referended permit.

If you have any questions concerning this matter, please contact us.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

Form No. 211a
11/78

State of Idaho

Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

Right Number 35-7954 Applicant Larry Mai

Purpose of Amendment: ☑ Change point of diversion. ☐ Add diversion point(s).

☐ Increase amount. ☑ Change place of use. ☐ Other _____

CHECK:

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

FINAL REGIONAL PROCESSING REVIEW:

- ☑ OK Affidavit of publication received. June 4, 1984
- ☑ Amendment published correctly.
- ☐ Protests processed.
- ☑ OK Approve.
- ☐ Deny.

Conditions _____

By Ernest Carlson Date July 11, 1984

STATE OFFICE PROCESSING:

- ☑ Amendment correct and complete. By _____ Date 8/6/84
- ☐ Approved copy sent to applicant and to Region. By _____ Date

RECEIVED
JUL 17 1984
Department of Water Resources

HAWLEY TROXELL ENNIS & HAWLEY
ATTORNEYS AND COUNSELORS
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ROBERT I. TROXELL
JESS B. HAWLEY, JR.
JACK HAWLEY, P.A.
THOMAS A. MILLER
M. NEAL NEWHOUSE
CRAIG L. MEADOWS
JOSEPH D. McCOLLUM, JR.
WAYNE B. SLAUGHTER, JR.
GARY D. BABBITT, P.A.
P. CRAIG STORTI
MERLYN W. CLARK
RICHARD F. GOODSON, P.A.
CARL W. HARDER
PHILLIP M. BARBER
DONALD E. KNICKREHM
EDWIN V. APEL, JR.
EUGENE A. RITTI
KAREN L. LANSING
RICHARD G. SMITH
JOHN F. KURTZ, JR.
LINDA L. HOLDEMAN
BRENT F. LLOYD
JOHN McGOWN, JR.
ALBERT P. BARKER
JOHN T. HAWLEY, JR.
DON A. OLOWINSKI
J. CHARLES HEPWORTH
NICHOLAS G. MILLER
RONALD E. BUSH

PAUL B. ENNIS
(1916-1982)

ONE CAPITAL CENTER
POST OFFICE BOX 1617
BOISE, IDAHO 83701

TELEPHONE
(208) 344-6000

July 9, 1984

RECEIVED
JUL 11 1984
Department of Water Resources
Eastern District Office

Mr. Ernest Carlson
Department of Water Resources
150 Shoup
Suite 15
Idaho Falls, Idaho 83402

Re: Water Permit No. 35-7954

Dear Ernie:

This letter will confirm our telephone conversation earlier this morning and will provide you with a copy of the Real Estate Sale Agreement dated January 9, 1981 between J. W. Vanderford, Inc. (the "Seller"), and Mr. and Mrs. Larry Mai (the "Buyer"). As I mentioned this morning, the Seller believed that the Agreement would lead to the sale of the property that is set out in Paragraph 1a, but the Buyer was unable to obtain the financing necessary by the time of the closing. As you will see in Paragraph 2b the parties contemplated that the closing would occur some time in March of that year. Accordingly, although the transaction was never closed, the Seller certainly considered the Agreement a binding one that it hoped would lead to the sale of the property to the Buyer.

Please know that I shall be available at your convenience if I may be of any further assistance in resolving the question of the Buyer's interest in the land to which Permit No. 35-7954 pertains.

Very truly yours,

Carl W. Harder

CWH:gla
Enclosure

RECEIVED
JUL 11 1984
Department of Water Resources
Eastern District Office

REAL ESTATE SALE AGREEMENT

THIS AGREEMENT, Made and entered into effective as of the 9th day of January, 1981, by and between J. W. VANDERFORD, INC., an Idaho corporation ("Seller") and LARRY MAI and ELDA MAI, husband and wife, residents of Cassia County, Idaho ("Buyer").

WITNESSETH:

In consideration of the mutual covenants and agreements hereinafter made, to be kept and performed by the parties hereto, the Seller hereby agrees to sell to the Buyer and the Buyer hereby agrees to purchase from the Seller the following described real property ("subject property") located in Power County, Idaho:

1. SUBJECT PROPERTY; WATER; DISCLAIMERS; ENTIRE AGREEMENT:

a. The subject property is described and referred to as follows:

Township 5 South, Range 29 East, B.M., Power County, Idaho:

Section 11:	S½
Section 12:	S½
Section 13:	All
Section 14:	All
Section 15:	E½
Section 21:	NE¼ and E½NW¼ and SE¼
Section 22:	S½
Section 23:	N½, NW¼ of SW¼, S½ of the SW¼ and SE¼
Section 24:	All
Section 25:	All
Section 26:	NW¼, N½ of the SW¼ and SW¼ of SW¼
Section 27:	N½, E½SW¼ and SE¼
Section 28:	NE¼, E½ of the NW¼
Section 35:	NE¼, NE¼ of the SE¼

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including but not limited to any water rights or water permits pertaining thereto; EXCEPT mineral rights and minerals of every kind and nature, including but not limited to geothermal rights and resources, coal, oil, gas and other hydrocarbons, which are hereby reserved unto the Seller, its successors and assigns.

SUBJECT TO current taxes and assessments, to the title or rights of the public in any roads or highways, to easements and rights of way of record or appearing on the subject property and to reservations in favor of the United States or the State of Idaho.

b. Seller shall assign unto Buyer any and all water permits pertaining to the subject property. However, Seller expressly disclaims (1) that there are any water rights appurtenant thereto, (2) that any water will be obtained upon drilling therefor, or that any water that may be found will be subject to appropriation, and (3) that electric power from any source is or will be available to deliver water to the surface for any purpose, including irrigation of any part of the subject property.

c. Buyer acknowledges that the subject property is sold "as is"; that the same has been used by Seller solely for spring grazing of sheep. Buyer enters into this agreement solely on the basis of Buyer's independent judgment and investigation as to all matters, including but not limited to questions of acreage, boundaries, encroachments, or otherwise, and are not relying on any warranty or representation, verbal or written, of Seller or any agent of Seller. This agreement constitutes the entire agreement of the parties and may not be modified except in writing signed by the parties.

2. PURCHASE PRICE; CLOSING DEADLINE; RELEASES; FINANCING; LIQUIDATED DAMAGES:

a. The purchase price of the subject property is (1) the principal sum of FIVE HUNDRED FORTY-TWO THOUSAND EIGHT HUNDRED DOLLARS ($542,800.00) plus (2) the additional sum of TWO HUNDRED DOLLARS ($200.00) per day for each day that the closing of this purchase is delayed beyond ~~February 23~~ MARCH 2 mod, 1981, (hereinafter collectively called the "purchase price"). The Buyer shall pay the purchase price to the Escrow Agent hereinafter

designated to the credit of the Seller on or prior to the "closing deadline" hereinafter mentioned.

b. The closing of this purchase shall occur on or before ~~February 23~~ MARCH 23 mon, 1981, provided, however, that such closing may be extended to and including March ~~9~~ 20 EM mon, 1981 (the "closing deadline") at Buyer's option by payment of the $200.00 per diem charge mentioned above. Any further extension of the closing deadline shall be at Seller's sole option and discretion and shall be in writing and signed by Seller.

c. Buyer agrees to use his best efforts to secure the release of record of the various instruments referred to in typewritten exceptions numbered 3 through 9, inclusive, of American Land Title Company preliminary title report No. 2-3602-G dated September 8, 1980 (effective August 4, 1980) prior to the closing deadline. In the event of closing, Buyer shall be entitled to credit on the purchase price for Buyer's actual, verified out of pocket costs for securing the release of record of such instruments (title exceptions 3 through 9) not to exceed an aggregate amount of $110,000.00. Any cost above $110,000.00 shall be borne by Buyer. Buyer may arrange for any such release to be closed in escrow through the Escrow Agent.

d. Buyer agrees to use his best efforts to secure financing of the purchase price through Idaho Bank & Trust Co., Burley, Idaho.

e. This agreement is contingent (1) upon Buyer being able to obtain adequate financing for the purchase price and (2) upon the Buyer being able to secure the release of record of the various instruments referred to in typewritten exceptions numbered 3 through 9, inclusive, of American Land Title Company preliminary title report No. 2-3602-G dated September 8, 1980 (effective August 4, 1980) prior to the closing deadline. If

either of these conditions precedent fails to occur through no fault of Buyer then this agreement shall be considered null and void. Provided, however, that if this sale does not close because of Buyer's failure to use his best efforts to secure the financing and/or release of the aforementioned encumbrances, then, in such event, Buyer shall be required to pay to Seller the sum of $20,000 as agreed liquidated damages for Seller's detriment in withholding the property from the market pending the closing of the sale.

3. ESCROW AGENT; ESCROWED DOCUMENTS:

a. American Land Title Company of Pocatello, Idaho, agent for Lawyers' Title Insurance Corporation, Richmond, Virginia, is hereby designated as Escrow Agent hereunder, to act as closing agent for the parties in connection with this transaction, and to issue the requisite standard owner's title insurance policy to Buyer on closing.

b. Seller agrees promptly to execute and deliver to the Escrow Agent the following instruments:

(1) Corporation Deed from Seller to Buyer substantially in the form of EXHIBIT A.

(2) Corporation resolution authorizing the sale and conveyance of the subject property to buyer substantially in the form of EXHIBIT B.

(3) Assignments of Seller's eight (8) water permits Nos. 35-7831 through 35-7838, inclusive, on the Department of Water Resources assignment forms.

(4) Escrow instructions or escrow agreement in form consistent with the terms and provisions of this agreement.

(5) Such other instruments as shall be necessary or appropriate to carry out the intents and purposes of this agreement.

c. Buyer agrees promptly to secure or execute, as the case may be, and deliver to the Escrow Agent the following instruments:

(1) Documents necessary to implement the financing of the purchase price by Idaho Bank & Trust Co., Burley.

(2) Documents (such as releases, quitclaim deeds, and the like) as may be necessary to permit the Escrow Agent to delete as title exceptions the instruments referred to as exceptions No. 3 through 9 of the above-mentioned title report.

(3) Escrow instructions or escrow agreement in form consistent with the terms and provisions of this agreement.

(4) Such other instruments as shall be necessary or appropriate to carry out the intents and purposes of this agreement.

4. CLOSING, DISBURSEMENTS, TITLE INSURANCE:

a. Provided the Escrow Agent has received the requisite documents from the respective parties, and the purchase price and Buyer's closing costs from the Buyer or Buyer's lender, and is prepared to close the sale on or before the closing deadline and thereafter to issue the requisite title insurance, the Escrow Agent will be authorized to close the sale and disburse the escrowed funds.

b. Taxes and assessments are to be prorated as of the date of closing. Seller shall be liable for those accrued and accruing prior to the closing and Buyer shall be liable for those accruing on and after the date of closing. Seller's share thereof shall be deducted from the purchase price.

c. The parties each shall pay one-half of the Escrow Agent's fees attributable to this closing. Seller's share shall

be deducted from the purchase price. Buyer shall pay any and all escrow fees or other charges or expenses attributable to the financing of the purchase price.

d. There shall be deducted from the purchase price the Buyer's actual, verified costs (not to exceed $110,000.00) of securing the release of the instruments referred to in title report exceptions 3 through 9.

e. There shall be deducted from the purchase price and paid to Hackney Agency, Inc., Burley, Idaho, the realtor's commission in the amount of $29,568.00 referred to in Paragraph 5.b.

f. There shall be deducted from the purchase price the Escrow Agent's premium for a standard owner's policy in the amount of $542,800.00 to be furnished to buyer at or promptly following the closing.

5. BUYER A REALTOR; REALTOR'S COMMISSION:

a. The parties recognize that the Buyer, Larry Mai, is a real estate salesman employed by the real estate brokerage firm of Hackney Agency, Inc., Burley, idaho; that Buyers are purchasing the subject property for speculative purposes and may resell the same at a price of as much as double the purchase price hereinbefore provided. Seller acknowledges the foregoing and waives any objection thereto.

b. It is expressly understood and agreed that, except as specifically provided herein, Seller shall not be liable for any realtor's commissions, finder's fees or similar charges in connection with this sale. In the event of the closing of this sale, the Escrow Agent is authorized to deduct from the purchase price and pay to Hackney Agency, Inc. a real estate commission in the sum of $29,568.00.

6. POSSESSION:

Seller shall deliver possession of the subject property to Buyer effective as of the closing of this sale.

7. PARTIES' ATTORNEYS; ATTORNEY'S FEES:

a. Each of the parties hereto has been represented by independent counsel of their own choosing in connection with the preparation and/or approval of the form of this agreement.

b. Each party shall bear its own attorneys fees in connection with this transaction; provided, however, that in the event of litigation between the parties involving this transaction the prevailing party as determined by the court shall be entitled to recover its reasonable attorneys fees in addition to costs and other relief, if any, granted.

8. TIME OF THE ESSENCE; TERMINATION:

a. Time is agreed to be of the essence of this agreement and of every term and provision thereof.

b. In the event the sale transaction contemplated by this agreement shall not have been closed on or before the closing deadline, then, in such event, Buyer's right to purchase the subject property shall thereupon absolutely terminate and Buyer shall execute and deliver to Seller an appropriate quitclaim deed in recordable form to effectuate such termination of record.

9. SUCCESSORS AND ASSIGNS:

This agreement shall bind and the advantages hereof

shall inure to the respective successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have duly executed this agreement in triplicate effective as of the date first set forth herein.

J. W. VANDERFORD, INC.

By Margaret O'Haire
Margaret O'Haire, Secretary
(a duly authorized officer)

SELLER

Larry L Mai
LARRY MAI

Elda J Mai
ELDA MAI

BUYER

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this ~~23rd~~ 22nd day of ~~December, 1980~~ January 1981, before me, the undersigned, a Notary Public for Idaho, personnaly appeared LARRY MAI and ELDA MAI, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Carol J. Lee
Notary Public for Idaho
Residence: Burley

STATE OF IDAHO)
) ss.
County of Ada)

On this 23rd day of ~~December~~ January, 1981, before me, the undersigned, a Notary Public for Idaho, personally appeared Margaret O'Haire, known to me to be the Secretary of the corporation that executed this instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for Idaho
Residence: Boise

IN THE MATTER OF:)
)
)
)
)
)
)

AFFIDAVIT

RECEIVED
JUL 9 1984
Department of Water Resources
Eastern District Office

State of Idaho)
County of Bingham)

I, John W. Vanderford, being first duly sworn, deposes and says: that in February, 1981 I contracted and agreed to sell to Larry Mai, dba Gemstone Ltd. 1,600 acres of land located and described as follows:

SW¼, Sec. 11

W½, Sec. 13

N½, Sec. 23,

NW¼, Sec. 24, all in T. 5S, R. 29E, B.M.

By the terms of the contract, Larry Mai was given a specified amount of time to secure financing. When financing was not secured, the agreement dissolved. A check was originally written by Larry Mai and given me under the conditions that it only be cashed if the necessary remaining financing was obtained. This check was returned to Larry Mai. There was never earnest money associated with these transactions.

John W. Vanderford
(Signature)

Subscribed and sworn to before me this 5th day of July, 1984.

Dorothy M. Lodge
(Notary Public)

Residing at Aberdeen Idaho.
My Commission Expires 10-22-84.

MEMO

TO: File #35-7954

FROM: Ernest Carlson

RE: Vanderford Property

DATE: June 18, 1984

During the first part of May 1984, I assisted Dean Funk, a real estate agent from Pocatello, who was negotiating the sale of some land owned by J. W. Vanderford, Corp. While researching the permits held by Vanderfords, the question was asked about whether Larry Mai could amend permit #35-7954 when he did not own the place of use and never did own it.

Subsequent discussions with John Vanderford, John Nichols of Hackney Realty in Burley and Thomas Miller, attorney in Boise, confirmed that a purchase agreement had been prepared with options that had to be exercised by Mr. Mai. The agreement was signed by Mr. Mai and the Vanderford Corp. Subsequent to the signing Mr. Mai applied for and was issued permit 35-7954 for irrigation of the land described in the purchase agreement. But Mr. Mai failed to exercise the option and the purchase agreement became null and void.

Both Mr. Nichols and Mr. Miller are of the opinion that Larry Mai was intent on purchasing the property and placing it under irrigation.

MEMO

TO: File

FROM: Harold W. Jones

RE: Behrend Farms

Date: June 18, 1984

I helped Behrend Farms fill out three applications for permit in February of 1984. This was for ground they had purchased from J. W. Vanderford. Portions of this ground was covered by approved permit #35-7954 in the name of Larry Mai. Also portions of this ground were covered by applications in the name of J. W. Vanderford.

Since the applications filed by Behrend Farms (35-8340, -8341, -8342) were destined for the Swan Falls hold file I suggested that Mr. Behrend might pursue an assignment of permit from either Mr. Mai or J. W. Vanderford. The Vanderford permits however were due to be proved up in February or March of 1984 and I felt there might be problems if an extension of time were not granted.

I called Mr. Mai about amending and assigning his permit to Behrend Farms. He indicated that if he could get his permit fee out of it he would be willing to do so. I relayed this information to Behrend Farms and I also made up the amendment and assignment forms for Mr. Mai to sign.

During this process Idaho Power informed Mr. Behrend that as long as he had an approved permit they would provide power to the pump site. I believe Behrend Farms was financially liable to pay the cost of running the 3 phase lines to their property.

It initially appeared to me and Behrend Farms to be a process without any projected problems for all the principles involved were in agreement. I hope this continues to be the case.

Harold W. Jones
Senior Resource Agent

CONVERSATION MEMORANDUM

DATE June 5, 1984

FILE 35-7954

NAME OF PARTY John Vanderford

EMPLOYEE Ernest Carlsen EMC

RE: Mr. Vanderfords recollection of Mr. Mai's involvement with purchase of the property under permit 35-7954 indicate Mr. Mai hever had possessory interest.

Apparently Mr. Mai is a real estate agent in Burley who did contact the Vanderfords about selling the land under the permit. Af the time Vanderfords agreed to let Mr. Mai list the property. Though Mr. Mai was interested in participating as one of the purchaser's he could not raise the additional capital finalizing the sale. Eventually the proposal was abandoned and Vanderfords looked elsewhere for prospective buyers.

Mr. Mai never had possessory in the land.

MICROFILMED

RECEIVED

JUN 4 1984

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

NOTICE IS HEREBY given that Permit No. 35-7954 in the name of Larry L. Mai, Burley, Idaho, was issued for the diversion of 32.0 cfs of water from a ground-water source with point of diversion within the SE¼SW¼, Sec. 11, SE¼NE¼, SE¼SW¼, SE¼SE¼, Sec. 14, SE¼NE¼, Sec. 23, T. 5S, R. 29E. B.M., Power County; to be used for the irrigation of 1600 acres from April 1 to November 1 within the SW¼, Sec. 11, W½, Sec. 13, Sec. 14, N½, Sec. 23, NW¼, Sec. 24, T. 5S, R. 29E, B.M.

The permit holder now proposes to amend Permit No. 35-7954, changing the point of diversion to the NE¼NE¼, Sec. 25 (Power County), SE¼SE¼, SE¼NE¼, Sec. 24 (Bingham County), T. 5S, R. 29E; and the place of use to Sec. 24, T. 5S, R. 29E, Sec. 19, N½, Sec. 30, T. 5S, R. 30E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402, on or before June 4, 1984.

A. KENNETH DUNN
Director

(8193)
Pub.: 5-17, 24

31

AFFIDAVIT of PUBLICATION

County of Bingham)
)ss
State of Idaho)

I, David Mark Brown do solemnly swear that I am the Publisher of The Morning News which is a daily newspaper of general circulaton published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Thursday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue or said newspaper 2 consecutive weeks,

the first publication having been made on the 17th day of May, 19 84,

and the last publication having been made on the 24th day of May, 19 84;

that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

David Mark Brown

Subscribed and sworn to before me this 31st

day of May, 19 84.

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1984

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MAY 9, 1984

The Blackfoot News
P. O. Box 70
Blackfoot, Idaho 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before JUNE 4, 1984.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MAY 9, 1984

Power County Press
174 Idaho Street
American Falls, Idaho 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before JUNE 4, 1984.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

COUNTY OF POWER

.Brett.Crompton..... being first duly sworn on oath, states:

That ..he... is the .editor..... 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

....16.... day of .....May.....19.84.. and the date of last publication being the

..23..... day of .....May.....1984...

(Signed) Brett Crompton

Subscribed and sworn to before me this

.24..... day of .....May.....1984....

Notary Public, residing at American Falls, Idaho

(SEAL)

My commission expires the

....10...day of March...1986..

RECEIVED

MAY 25 1984

Department of Water Resources
Eastern District Office

Notice of water permit

Published in The Power County Press May 16 & 23, 1984.

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 35-7954 in the name of Larry L. Mai, Burley, Idaho was issued for the diversion of 32.0 cfs of water from a ground-water source with point of diversion within the SE¼SW¼, Sec. 11, SE¼NE¼, SE¼SW¼, SE¼SE¼, Sec. 14, SE¼NE¼, Sec. 23, T. 5S, R. 29E, B.M., Power County; to be used for the irrigation of 1600 acres from Apr. 1 to Nov. 1 within the SW¼, Sec. 11, W½, Sec. 13, Sec. 14, N½, Sec. 23, NW¼, Sec. 24, T. 5S, R. 29E, B.M.

The permit holder now proposes to amend Permit No. 35-7954, changing the point of diversion to the NE¼NE¼, Sec. 25 (Power County), SE¼SE¼, SE¼NE¼, Sec. 24 (Bingham County), T. 5S, R. 29E; and the place of use to Sec. 24, T. 5S, R. 29E, Sec. 19, N½, Sec. 30, T. 5S, R. 30E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402, on or before June 4, 1984.

A. KENNETH DUNN
Director

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 35-7954 in the name of Larry L. Mai, Burley, Idaho was issued for the diversion of 32.0 cfs of water from a ground-water source with point of diversion within the SE¼SW¼, Sec. 11, SE¼NE¼, SE¼SW¼, SE¼SE¼, Sec. 14, SE¼NE¼, Sec. 23, T. 5S, R. 29E, B.M., Power County; to be used for the irrigation of 1600 acres from Apr. 1 to Nov. 1 within the SW¼, Sec. 11, W½, Sec. 13, Sec. 14, N½, Sec. 23, NW¼, Sec. 24, T. 5S, R. 29E, B.M.

The permit holder now proposes to amend Permit No. 35-7954, changing the point of diversion to the NE¼NE¼, Sec. 25 (Power County), SE¼SE¼, SE¼NE¼, Sec. 24 (Bingham County), T. 5S, R. 29E; and the place of use to Sec. 24, T. 5S, R. 29E, Sec. 19, N½, Sec. 30, T. 5S, R. 30E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402, on or before June 4, 1984.

A. KENNETH DUNN

Director

Published in the Blackfoot News, Blackfoot, Idaho; Power County Press, American Falls, Idaho on May 17 and 24, 1984.

March 30, 1984

Larry Mau
Rt. #2
Burley, ID 83318

Dear Mr. Mau:

Enclosed is an amendment form that Behrend Farms asked me to make up for your use. This form basically asks that the points of diversion and places of use for permit #35-7954 be changed to those listed on the application.

The application needs to be signed by you and sent to this office with a fee of $20. Approval is not automatic so you will have to wait for our processing to be completed. If you receive approval then you and your wife should sign, have it notarized and submit the enclosed assignment form to this office.

If you have any questions please call me.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:jk

Enclosures

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

MAI, LARRY L.
RT. 2
BURLEY, ID 83318

APRIL 22, 1981

RE: PERMIT NO. 35-7954

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE, OR AN ACCESS PORT TO PROVIDE FOR THE INSTALLATION OF MEASURING EQUIPMENT BY THE DEPARTMENT. ENCLOSED PLEASE FIND A LIST OF MEASURING DEVICE OPTIONS, AND SPECIFICATIONS FOR THE INSTALLATION OF THE ACCESS PORT.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

Affidavit of Publication

STATE OF IDAHO
} s.s.
COUNTY OF POWER

.....Brett Crampton..... being first duly sworn on oath, states:

That .....he..... is the ....Editor-Manager..... 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 .....11..... day of .....March....., 1981 the date of last publication being the

.....18..... day of .....March....., 19.81...

(Signed) Brett Crampton

Subscribed and sworn to before me this

.....18..... day of .....March....., 19.81...

Lois Foster
.....
Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL) .....1st..... day of ...April..., 19 81

RECEIVED
MAR 19 1981
Department of Water Resources
strict Office

Legal Notice

Published in the Power County Press March 11, 1981 and March 18, 1981

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho.

35-7954
MAI, LARRY L.
RT. 2, BURLEY, IDAHO 83318
Source: GROUNDWATER
Date Filed: 02/24/1981
Amount: 32.00 CFS
Diversion Point: SESW Sec. 11 T 05S R 29E SENE SESW SESE Sec. 14 T 05S R 29E SENE Sec23 T 05S R 29E, POWER COUNTY.
Use: IRRIGATION (32.00 CFS) from 04/01 to 11/01
Place of Use: NESW NWSW SWSW SESW Sec 11 T 05S R 29E NENW NWNW SWNW SENW NESW NWSW SWSW SESW Sec. 13 T 05S R 29E NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec. 14 T 05S R 29E NENE NWNE SWNE SENE NENW NWNW SWNW SENW Sec 23 T 05S R 29E.NENW NWNW SWNW SENW Sec. 24 T 05S R 29E FOR 1600 ACRES
Diversion Means: WELLS, PUMPS & SPRINKLERS.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83401 on or before MARCH 30, 1981.

C. STEPHEN ALLRED
Director

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

---

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

MARCH 5, 1981

Power County Press
174 Idaho Street
American Falls, Idaho 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before MARCH 30, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MAILED

35-7954

MAI, LARRY L.

RT. 2, BURLEY, ID 83318

Source: GROUNDWATER

Date Filed: 02/24/1981

Amount: 32.00 CFS

Diversion Point: SESW Sec 11 T 05S R 29E SENE SESW SESE Sec 14 T 05S R 29E SENE Sec 23 T 05S R 29E, POWER Co.

Use: IRRIGATION (32.00 CFS) from 04/01 to 11/01

Place of Use: NESW NWSW SWSW SESW Sec 11 T 05S R 29E NENW NWNW SWNW SENW NESW NWSW SWSW SESW Sec 13 T 05S R 29E NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 14 T 05S R 29E NENE NWNE SWNE SENE NENW NWNW SWNW SENW Sec 23 T 05S R 29E NENW NWNW SWNW SENW Sec 24 T 05S R 29E FOR 1600 ACRES

Diversion Means: WELLS, PUMPS & SPRINKLERS.

RECEIVED

MAR 11 1981

Department of Water Resources
Eastern District Office

3/11/81

ok kw

Published in the Power County Press March 11, 1981 and March 18, 1981

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho.

35-7954

MAI, LARRY L.
RT. 2, BURLEY, IDAHO 83318
Source: GROUNDWATER
Date Filed: 02/24/1981
Amount: 32.00 CFS
Diversion Point: SESW Sec. 11 T 05S R 29E SENE SESW SESE Sec. 14 T 05S R 29E SENE Sec23 T 05S R 29E, POWER COUNTY.
Use: IRRIGATION (32.00 CFS) from 04/01 to 11/01
Place of Use: NESW NWSW SWSW SESW Sec 11 T 05S R 29E NENW NWNW SWNW SENW NESW NWSW SWSW SESW Sec. 13 T 05S R 29E NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec. 14 T 05S R 29E NENE NWNE SWNE SENE NENW NWNW SWNW SENW Sec 23 T 05S R 29E NENW NWNW SWNW SENW Sec. 24 T 05S R 29E FOR 1600 ACRES
Diversion Means: WELLS, PUMPS & SPRINKLERS

check ok.

MICROFILMED

150 Shoup Ave.
525-7161

February 27, 1981

Larry L. Mai
Route #2
Burley, ID 83318

Dear Mr. Mai:

I am returning your recently submitted application for permit for your signature. Please sign the form on the bottom of page three and return it to this office as soon as possible.

Thanks for your assistance,

Sincerely,

JOHN KAPPELMAN, JR.
Water Resource Agent

JK:kw
Enclosures - Application for Permit
Self addressed, pre-stamped envelope

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

150 Shoup Ave. ~~1515 Lincoln Road~~
Idaho Falls, Idaho 83401
(208) ~~523-7186~~
525-7161

February 24, 1981

Larry L. Mai
Route #2
Burley, ID 83318

Dear Mr. Mai:

Pursuant to your request please be advised that should the application you recently filed be approved you will have 5 years in which to drill the proposed wells, install the irrigation system and beneficially use the water for irrigation of the designated place of use. Once the water has been beneficially used, you need to file completion development with the Department. This essentially serves as notice that the system is ready to be examined by Department personnel. Based on the finding of this exam the Department will issue a water right license, which can serve as prima facia evidence of a water right in a court of law.

Respectfully submitted,

Ernest Carlsen,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw

RECEIVED