

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 45-07672

Priority: December 29, 1989

Maximum Diversion Rate: 0.50 CFS
Maximum Diversion Volume: 100.0 AF

It is hereby certified that MARVIN L BLACKER
400 W 450 S

BURLEY ID 83318 has complied with the terms and

conditions of the permit, issued pursuant to Application for Permit dated December 29, 1989; and has submitted Proof of Beneficial Use on March 30, 1992. An examination indicates that the works have a diversion capacity of 2.25 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/15 to 11/15	0.50 CFS	100.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15, Twp 11S, Rge 22E, B.M. CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 22E 15			40.0	25.0			37.0	40.0			33.0	38.0					213.0

Total Acres: 213

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. This right is limited to the irrigation of 25 acres within the place of use described above in a single irrigation season.
3. Rights 45-7141 and 45-7339B are also diverted through the point of diversion described above.
4. Rights 45-7141, 45-7339B, and 45-7672 when combined shall not exceed a total diversion rate of 2.25 cfs and the irrigation of 213 acres.
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.

RECORDED

FEB 25 2002

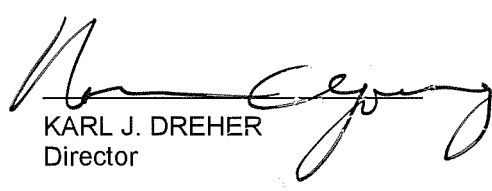
State of Idaho
Department of Water Resources
Water Right License

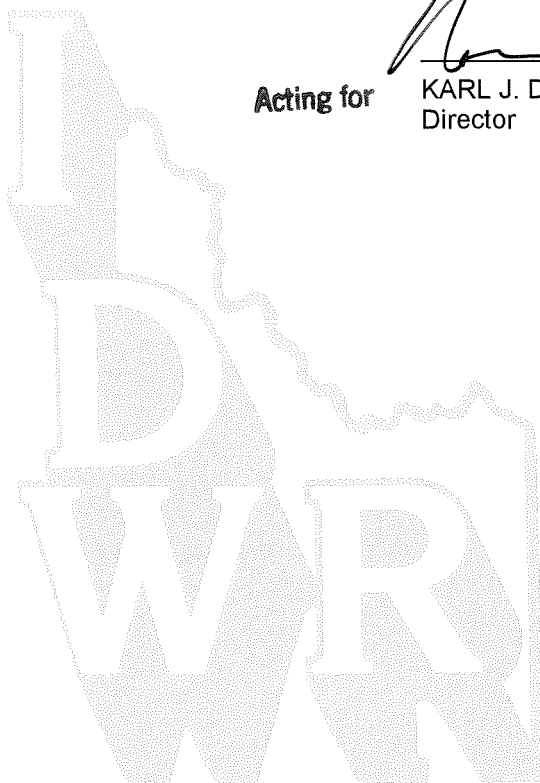
WATER RIGHT NO. 45-07672

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 30TH day of NOVEMBER, 2001.

Acting for


KARL J. DREHER
Director



MICROFILMED

FEB 25 2002

RECEIVED

NOV 29 2001

State of Idaho
 Department of Water Resources
APPLICATION FOR AMENDMENT

Department of Water Resources

(For Licensing Purposes)
WATER RIGHT NO. 45-07672

Date of Priority: December 29, 1989**Maximum Diversion Rate:** 0.50 CFS**Maximum Diversion Volume:** 100.0 AF

Comes now **MARVIN L BLACKER**
 400 W 450 S

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. 45-07672, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.50 CFS	100.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4SW1/4NW1/4 Sec. 15, Twp 11S, Rge 22E, B.M.
 CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	22E	15			40.0	25.0			37.0	40.0			33.0	38.0					213.0

Total Acres: 213

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 this 26 day of November, 2001.

Marvin Blacker
 (Signature)

MICROFILMED
 FEB 25 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 45-07672

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$50.00 Received by Maui # C058128 Date 11/29/01

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 45-07672 with the following:

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. This right is limited to the irrigation of 25 acres within the place of use described above in a single irrigation season.
3. Rights 45-7141 and 45-7339B are also diverted through the point of diversion described above.
4. Rights 45-7141, 45-7339B, and 45-7672 when combined shall not exceed a total diversion rate of 2.25 cfs and the irrigation of 213 acres.
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.

Witness my hand this 30TH day of NOVEMBER, 2001.


Acting for **KARL J. DREHER**
Director

MICROFILMED
FEB 25 2002

RECEIVED

MAR 30 1992

Department of Water Resources
Southern Region Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Amt. of Fee \$ 100.00
Date 3-30-92
Receipt No. 5614321
Received by J. P. Stanton

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. 45-07672 Telephone No. (208) 678-2852
2. Name(s) of Permit Holder(s): Marvin L. Blacker
3. Post Office Address: Rte. 2, Box 2176 Burley, Idaho - 83318
4. Source of Water: ground water
 - a. If ground water, well driller's name: Sherman Couch Date drilled: 1973
 - b. Pump horsepower: 200 Pressure (psi): 60 Dynamic pumping level (ft.): 380
5. Extent of Use:

Domestic _____ (No. of households)	Irrigation <u>25</u> (No. of acres)
Stockwater _____ (No. and type of stock)	Other _____
6. Total rate and/or volume for which proof is submitted .5 cfs _____ acre/feet
7. Refer to the approval conditions on your permit and respond accordingly:

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

OR

Flow Measurement Port: Required? Yes ☐ No ☐ Installed? ☒ Yes ☐ No ☐
8. Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)
9. Person to contact to accompany the Department representative during the field examination:

Marvin Blacker (208) 678-2852
Name Telephone No.

Rte 2 Box 2176 Burley, Idaho 83318
Address

400 W - 450 S Burley.
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.

Date

3/30/92

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

Marvin Blackerowner

APR 08 1992

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State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 45-07672

Proposed Priority: December 29, 1989 Maximum Diversion Rate: 0.50 CFS
This is to certify, that **MARVIN L. BLACKER**

RT. 2 BOX 2176
BURLEY, ID 83318

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
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IRRIGATION	03/15 to 11/15	0.50 CFS
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LOCATION OF POINT(S) OF DIVERSION: SWSWNW Sec. 15, Township 11S, Range 22E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S 22E 15	SENE 25			25

Total number of acres irrigated: 25

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1992**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Any license issued by IDWR pursuant to the permit 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.
5. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

SCANNED

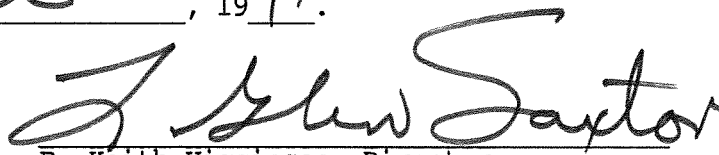
SEP 26 2001

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

29th day of April, 1991.

2000FILMED

08 1991


for R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 45-07672

To appropriate the public waters of the State of Idaho

1. Name of applicant Marvin L. Blacker Phone 678-2852
Post office address Rt. 2 Box 2176, Burley, ID 83318
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 15 Township 11S Range 22E B.M. Cassia County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.50 cfs for Irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.50 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Existing well & pump. Sprinklers to
be installed
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. ~~Proposed~~ well diameter is 16 inches; ~~proposed~~ depth of well is 565 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
one years (minimum 1 year).

MAY 08 1991

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

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

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11S	22E	15				25													25

Total number of acres to be irrigated 25

10. Describe any other water rights used for the same purposes as described above. _____

None

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

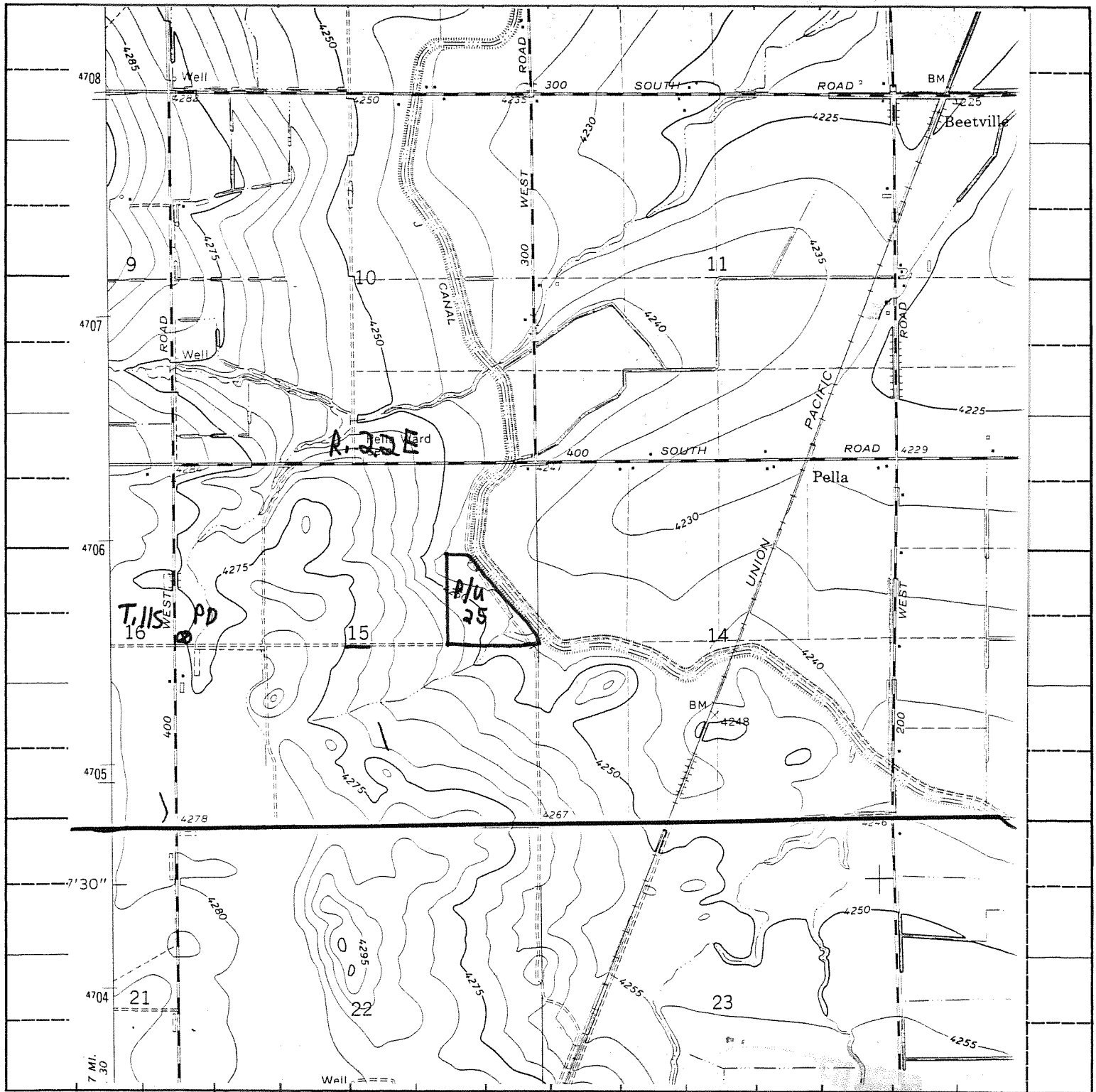
b. Who owns the land to be irrigated or place of use? "

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

12. Remarks: Well was developed under Rt. 45-7141. Existing system will be extended to cover additional land.

MAY 08 1991

13. 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.

Maurice Blacker
(Applicant)

Received by J. E. Stanton Date 12-29-89 Time 1:58 pm Preliminary check by M. S.
Fee \$ 45.00 Receipted by JA # 5010792 Date 12-29-89
Publication prepared by BLM Date 3-12-91 Published in South Idaho Press
Publication approved TJL Date 4-5-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

RECEIVED

MAY 08 1991

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

RECEIVED
APR 05 1991
Department of Water Resources

91-114
NOTICE OF APPLICATION
FOR TRUST WATER RIGHT

45-07672

BLACKER, MARVIN L.
RT. 2 BOX 2176
BURLEY, ID 83318
Source: GROUNDWATER
Diverson Pt: SWSWNW Sec 15 T 11S R
22E

Use: IRRIGATION (.500 CFS)

Total Diverson: (.500 CFS)

Date Filed: 12/29/1989

In: T11S R22E S15 SENE

25.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 8, 1991.

R. Keith Higginson, Director

Published in the South Idaho Press on March 22 and 29, 1991.

County of Cassia, }
STATE OF IDAHO } ss.

MONIQUE JONES being first
duly sworn, deposes and says that SHE
is the CLERK of the South
Idaho Press, a daily newspaper published
at Burley, Idaho, in the county aforesaid
and that the paper is of general circulation
therein. Deponent further states that the
printed notice attached hereto was duly
published according to law in the regular
editions of The South Idaho Press for two
consecutive weeks, commencing with the
issue dated MARCH 22 19 91, and
ending with the issue dated MARCH 29,
19 91. Monique Jones

OK
JL
4-5-9

STATE OF IDAHO

COUNTY OF CASSIA }

On this 4 day of April in the year of 1991, before me,
a Notary Public, personally appeared Monique Jones,
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.

Drene Sanchez
Notary Public for Idaho
Residing at Burley ID
My commission expires: 10/23/96

Cost of Publication: 24.84
Notary Fee: .50
Total Cost: 25.34

MAY 08 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 3, 2001

MARVIN L BLACKER
400 W 450 S
BURLEY ID 83318

RE: License No. 45-7672 - Issuance of License

Dear Water Right Holder(s):

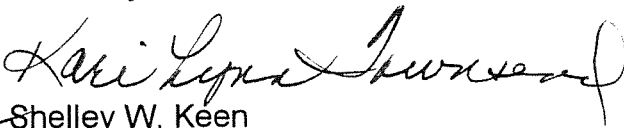
The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to 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 or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,


for Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s) (INCLUDE COPY OF APPROVED APPLICATION FOR AMENDMENT).

MICROFILMED
FEB 25 2002

CERTIFICATE OF MAILING

I hereby certify that on December 3, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 45-7672

**MARVIN L BLACKER
400 W 450 S
BURLEY ID 83318**


**Kari Lynn Townsend
Secretary**

MICROFILMED
FEB 25 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

- 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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

11/15/2001

MARVIN L BLACKER
400 W 450 S
BURLEY ID 83318

RE: Water Right Permit No. 45-07672

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

 Point(s) of Diversion

✓ Place(s) of Use

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Enclosure(s)

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FEB 25 2002

Comment Report

45-7672

1. skeen 11/15/2001 Licensing Review

Comment: Licensing review and data entry by S. Keen on 11/15/2001. Shares a point of diversion with rights 45-7141 and 45-7339B. I will recommend a permissible place of use with those two rights. Right 45-2535 also overlaps, but it is from a surface water source, and it has not been claimed in the SRBA.

2. VAULT 3/31/1992 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

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FEB 25 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 21 1999
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 45-07672

1. Owner: Marvin Blacker Phone No. 678-2852

Current Address: 400W 450S Burley, ID 83318

2. Accompanied by: Marvin Blacker EXAM DATE: 18 June 1999

Address: same Phone No. same

Relationship to Permit Holder: owner

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

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

2. Other water rights with the same point of diversion: 45-07141, 45-07339B

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	SW	NW	15	11S	22E	Cassia	Aerial, GIS
									GPS TAG# A0005287

2. Place(s) of Use:

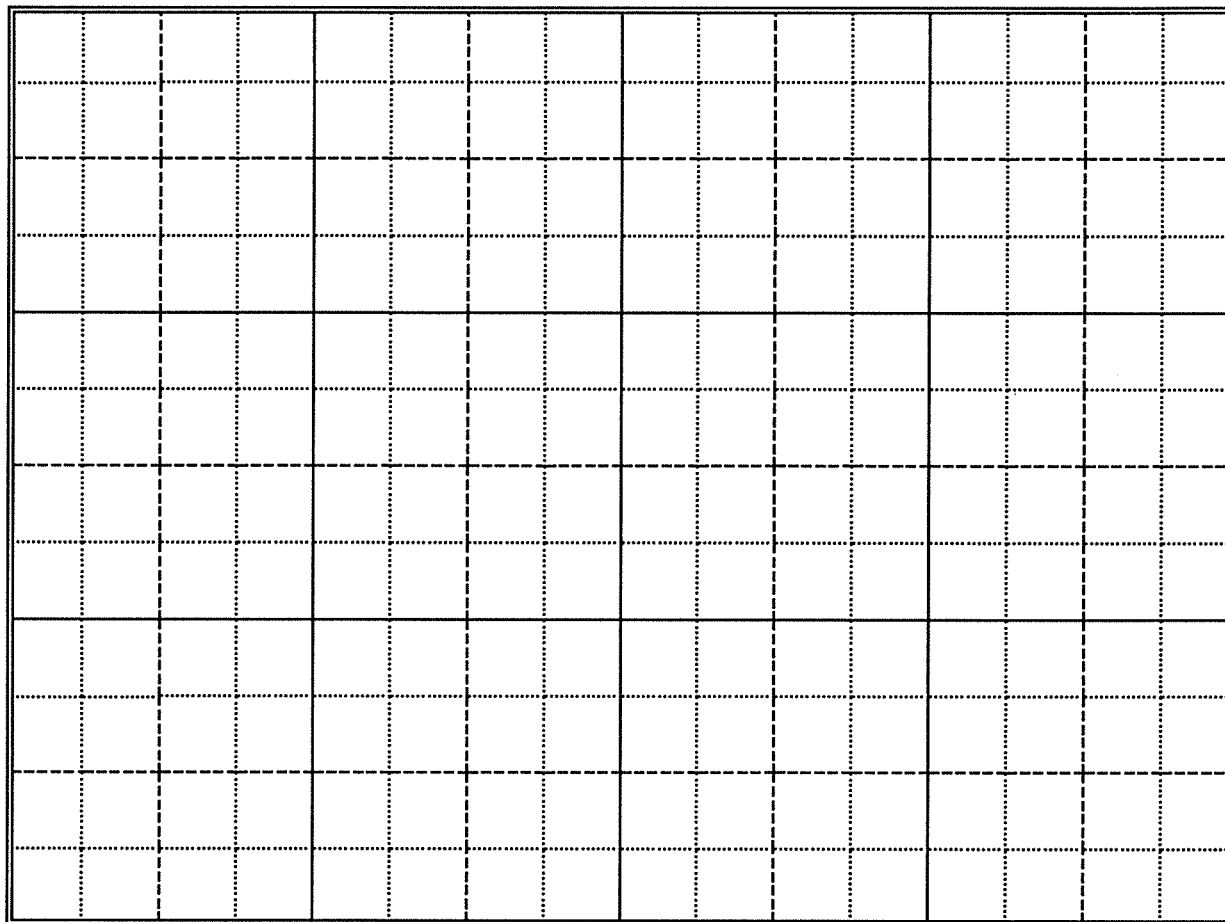
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	22E	15				25													25.0

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FEB 25 2002

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



Scale: 1" = _____.

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

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

_____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	General Elect.	200	EPJ510117		

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

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D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Fuji						

2. Measurements: Measured with Fuji. Also measured spk heads with PSI Gauge. Fuji showed a 12% difference

No.01
LOG NAME:BLA1
START :06-18 11:19
END :06-18 11:24
INTERVAL:00:01:00

06-18 11:19:00
+1.839E+0 ft/s
+2.725E+2 gal/m
+TOTAL 0000055 gal
-TOTAL 0000000 gal
ABNORMAL

06-18 11:20:00
+1.839E+0 ft/s
+2.725E+2 gal/m
+TOTAL 0000055 gal
-TOTAL 0000000 gal
ABNORMAL

06-18 11:21:00
+1.839E+0 ft/s
+2.725E+2 gal/m
+TOTAL 0000055 gal
-TOTAL 0000000 gal
ABNORMAL

06-18 11:22:00
+1.839E+0 ft/s
+2.725E+2 gal/m
+TOTAL 0000055 gal
-TOTAL 0000000 gal
ABNORMAL

06-18 11:23:00
+1.839E+0 ft/s
+2.725E+2 gal/m
+TOTAL 0000055 gal
-TOTAL 0000000 gal
ABNORMAL

06-18 11:24:00
+1.839E+0 ft/s
+2.725E+2 gal/m
+TOTAL 0000055 gal
-TOTAL 0000000 gal
ABNORMAL

No.02
LOG NAME:BLA2
START :06-18 11:53
END :06-18 11:58
INTERVAL:00:01:00

06-18 11:53:00
+5.197E+0 ft/s
+1.214E+3 gal/m
+TOTAL 0011888 gal
-TOTAL 0000000 gal
ABNORMAL

06-18 11:54:00
+5.170E+0 ft/s
+1.208E+3 gal/m
+TOTAL 0013095 gal
-TOTAL 0000000 gal
ABNORMAL

06-18 11:55:00
+5.136E+0 ft/s
+1.200E+3 gal/m
+TOTAL 0014299 gal
-TOTAL 0000000 gal
ABNORMAL

There is a 12% difference
between the Fuji readings
and the manual measurement.
2.37 cfs was calculated for the
well, and 0.53cfs for the
2 wheel lines on the 25 acres.

$$1208 \text{ gpm} (12\%) = 144.96 \quad \begin{array}{r} 1208 \\ -144.96 \\ \hline 1063.04 \end{array}$$

$$\frac{1063.04 \text{ gpm}}{448.83} = \boxed{2.37 \text{ cfs}} \quad \text{Total 2}$$

$$272 \text{ gpm} (12\%) = 32.64 \quad \begin{array}{r} 272 \\ -32.64 \\ \hline 239.36 \end{array}$$

$$\frac{239.36 \text{ gpm}}{448.83} = \boxed{0.53 \text{ cfs}}$$

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06-18 11:56:00
+5.169E+0 ft/s
+1.207E+3 gal/m
+TOTAL 0015501 gal
-TOTAL 0000000 gal
ABNORMAL

06-18 11:57:00
+5.107E+0 ft/s
+1.193E+3 gal/m
+TOTAL 0016707 gal
-TOTAL 0000000 gal
ABNORMAL

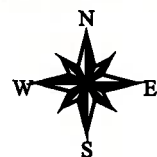
06-18 11:58:00
+5.169E+0 ft/s
+1.208E+3 gal/m
+TOTAL 0017911 gal
-TOTAL 0000000 gal
ABNORMAL

MICROFILMED
FEB 25 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Field Exam for Marvin Blacker
Permit 45-07672

TOWNSHIP 11 SOUTH, RANGE 22 EAST
SECTION 15



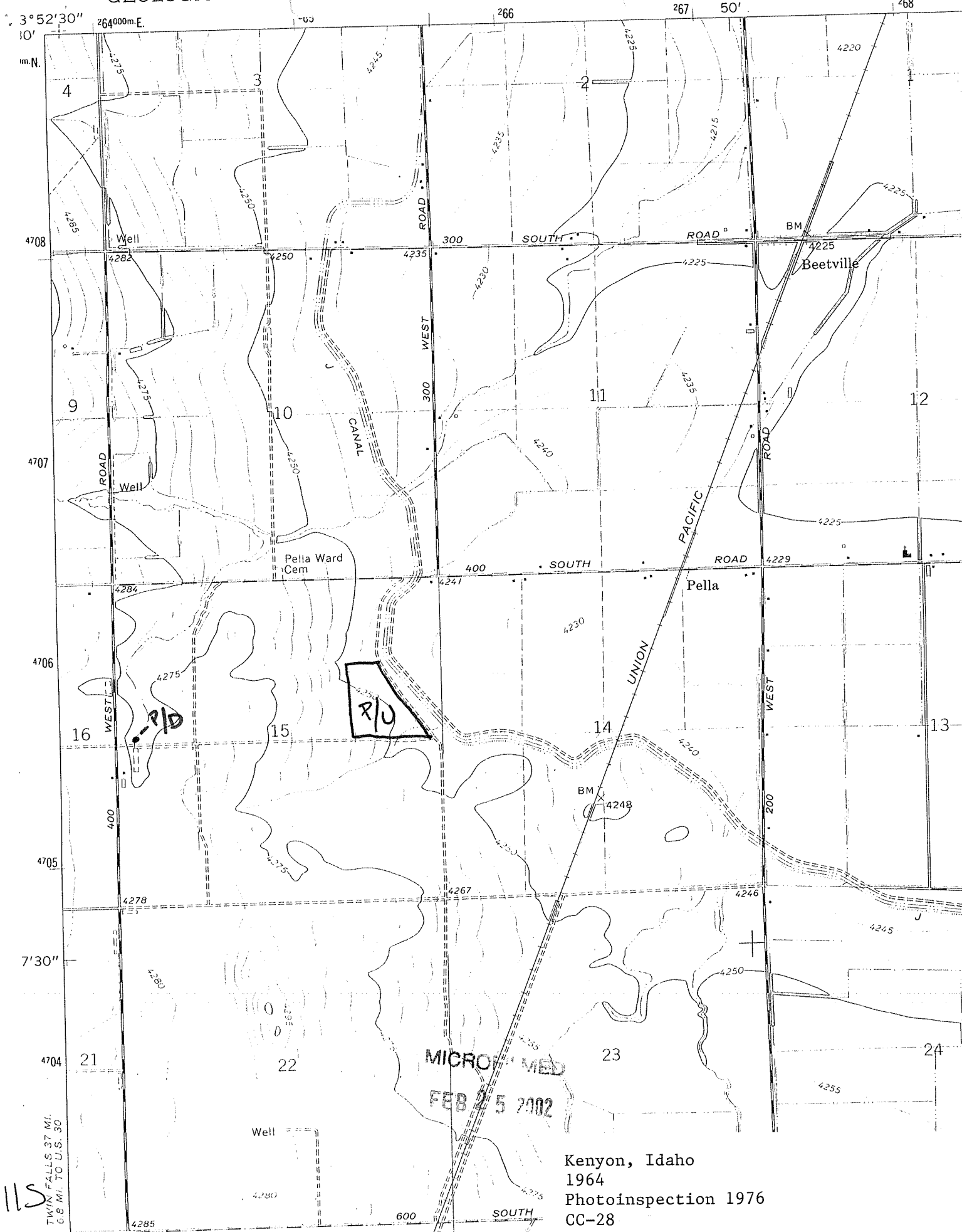
-  Point of Diversions
-  Place of Use
-  Section Line
-  Quarter-Quarter Line

MICROFILMED
FEB 25 2002

POINT OF DIVERSION PRESENTATION
1987/1988 NAPP PHOTOGRAPHY
DATA ENTRY BY AMANDA FOLSOM

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

R22E



Kenyon, Idaho
1964
Photoinspection 1976
CC-28

FILE

TWIN FALLS 37 MI.
6.8 MI. TO U.S. 30

400 W

25 acres

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FEB 25 2002

GPS TAG
A0005287

Well

Relief
Pump

Shop

Animal
Pins

Pond

House

main line runs 1 mile East
10" - 8" - 6" Aluminum

-32
Rainbird

-22
Rainbird

NTS

T 11 2-58 531

1114

6
130.1

5.9

7
10

8
15.5

9
10

5
3.7

6
126.1

9
15

10
31.8

11
25.9

12
14

16

6.4

12
5.4

15

14
4.5

15
8.4

NC

T426

72

16
5.5

17
135.5

18
8.3

20
4.9

21
4.1

16.7

T221

3
6.2

4
5.7

MICROFILMED
FEB 25 2002

4
144.6

5 (NC)
2.3

6
9.0

21

22

7
11.7

2
6.7

15
14

20



MICROFILMED

Marvin Blacker

18 June 99

10:00 am

Amanda Folsom

45-07672

FEB 25 2002



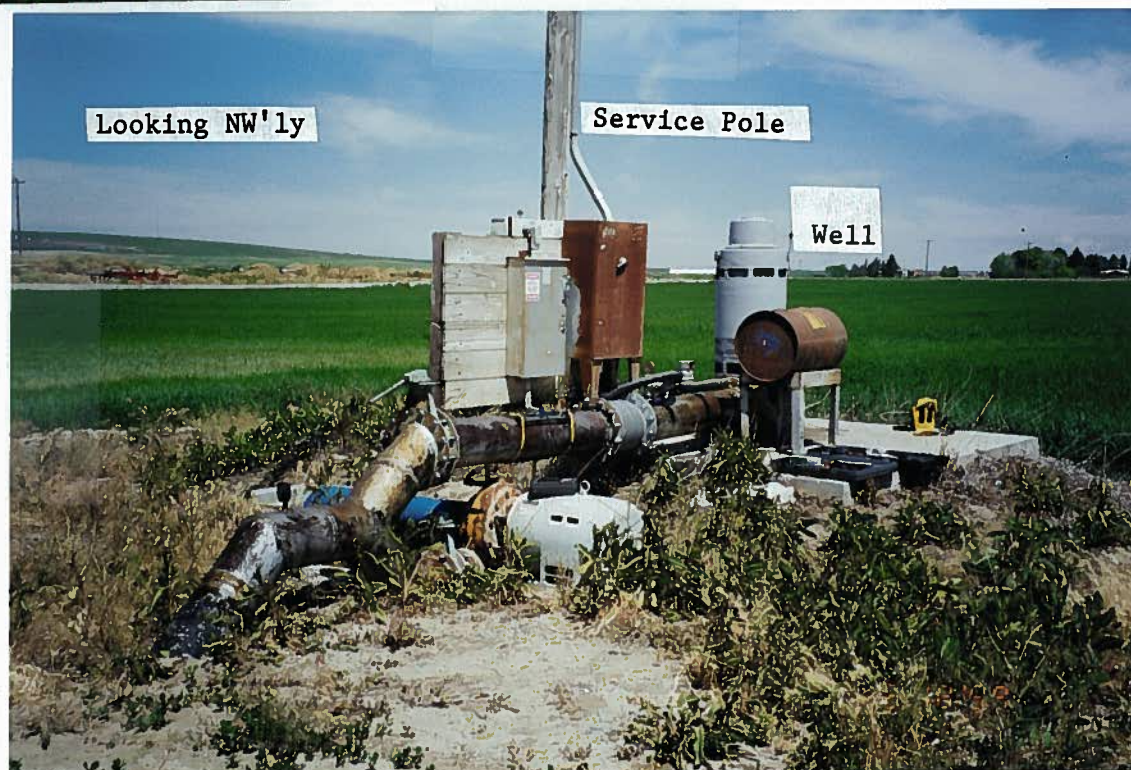


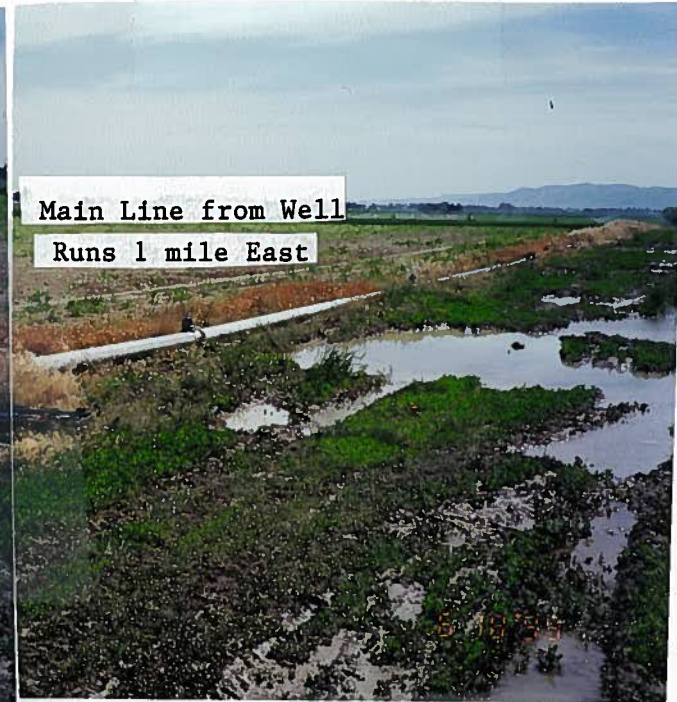
MICROFILMED

FEB 25 2002

Marvin Blacker
18 June 99
10:00 am
Amanda Folsom

45-07672





MICROFILMED

FEB 25 2002 45-07672

Marvin Balcker
18 June 99
10:00 am
Amanda Folsom



E. NARRATIVE/REMARKS/COMMENTS

FILE: 45-07672
FROM: AMANDA FOLSOM
DATE: JULY 9, 1999

I performed a field exam for Marvin Blacker on June 18, 1999. The 25 acres that Mr. Blacker is irrigating is located in the SENE 1/4 of Sec 15, Twn 11S, Rng 22E. The well has remained unchanged since the field exam done by Allen Merritt and Jim Stanton in 1982.

The main line still branches off from the well to a pond on the south side of the well. From there the water can be redirected to the relift pump and directed to another set of wheel lines. The main branch of the main line travels approximately one mile east from the well. The main line is pieced together with 10", 8", and 6" aluminum with the 10" and 8" underground. The 6" aluminum connects to 2 wheel lines that water the 25 acres. There are 32 Rainbirds on the first wheel line and 22 on the second. Mr. Blacker waters every 5 days.

I measured the 6" aluminum with the Fuji. I also attained the information from Mr. Blacker on the sprinkler heads, wheel lines, and nozzle size. I took a measurement with the PSI gauge along with the Fuji measurement. The Fuji measurement had a 12% difference from the manual measurement. I also measured with the Fuji at the point of diversion. By making the 12% correction on the calculations, the Fuji stayed some what consistent with Allen and Jim's conclusion of 2.25cfs (the Fuji showed 2.31cfs) maximum capacity for the well.

This water right will most likely tie into the other two licenses that have already been issued to Mr. Blacker concerning this well. The water right licenses are 45-07141 and 45-07339B. Both License stipulate that when they are used in conjunction together they cannot exceed pump capacity of 2.25cfs nor will they exceed 4.0afa/ac. I am recommending that Mr. Blacker be restricted under the same stipulations as licenses 45-07141 and 45-0733B.

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

MICROFILMED

JUL 12 1999

F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

$$(32 + 22 \text{ spk})(4.5 \text{ gpm}) = \frac{243 \text{ gpm}}{448.83} = 0.54 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (25)(4) = 100$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.5 \text{ cfs})(246)(1.9835) = 243.97$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 100 \text{ afa}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3-15	11-15	0.50	100 or 4 afa/ac
Totals:			0.50	100 or 4 afa/ac

* Please see
Licenses 45-7141-
45-7339B under
Remarks

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name Amanda Tolson Date July 9, 1999

Reviewer _____ Date _____

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FEB 25 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

May 27, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Marvin L. Blacker
RT. 2 Box 2176
Burley, ID 83318

FIELD EXAM NOTICE

RE: Permit Number 45-07672

Dear Permit Holder:

We are planning to conduct water right examinations in the vicinity of the above-referenced permit beginning June 28, 1999. An examination is needed to verify your water use in order to issue a water right license.

Please be advised that you will need to operate your system under normal conditions during the examination.

In order to conduct your exam as efficiently as possible, we ask that you call this office to schedule a day and time convenient for you.

If there is a problem with scheduling or conducting the examination at this time, please call and other arrangements can be made.

Sincerely,

A handwritten signature in cursive script that reads "Amanda Folsom".

Amanda Folsom
Summer Field Aid

enclosure

MICROFILMED

FEB 25 2002



MICROFILMED
FEB 25 2002

6 2550
1.6 T433

7
167

22 23 8
27.5

350

April 3, 1992

MARVIN L. BLACKER
RT. 2 BOX 2176
BURLEY ID 83318

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 45-07672

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

APR 08 1992

MARVIN L. BLACKER
RT. 2 BOX 2176
BURLEY ID 83318

February 28, 1992

RE: PERMIT NO. 45-07672 PROOF DUE NOTICE

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 May 1, 1992. (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.

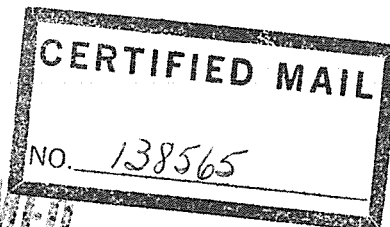
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



MICROFILMED

APR 08 1992



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 3, 1991

MARVIN L. BLACKER
RT. 2 BOX 2176
BURLEY, ID 83318

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 45-07672

Dear Permit Holder:

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

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

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

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of

MICROFILMED

MAY 08 1991

Idaho for the use and benefit of the people within the state.
Conditions pertaining to a term review, annual use fee and
jurisdiction of the permit are trust water conditions.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

RECEIVED

MAY 08 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

MARCH 11, 1991

South Idaho Press
Box 190
Burley, ID 83318

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 APRIL 8, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

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MAY 08 1991

45-07672

BLACKER, MARVIN L.
RT. 2 BOX 2176
BURLEY, ID 83318

Source: GROUNDWATER

Diversion Pt: SWSWNW Sec 15 T 11S R 22E

Use: IRRIGATION (.500 CFS)
Total Diversion: (.500 CFS)

Date Filed: 12/29/ 1989

In: T11S R22E S15 SENE

25.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 8, 1991.

Published 3/22/1991 & 3/29/1991

R. Keith Higginson, Director

MICROFILMED

MAY 08 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED
MAR 01 1991
Department of Water Resources

Application No. 45-7672

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes X No

b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes X No

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain conditions. You may be asked to verify uses established prior to October, 1984.)

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984.

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete.

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

45-7141

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

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.

Applicant Maurin Blacker

Date 2/27/91

* This well has been used for many years to irrigate under Rt. 45-7141 -
(1973)
this application was to irrigate and additional 25 acres joining parcel
to the original 150 acres this well has been irrigating

Land is cleared -

TRUST ACRES = 25 Acres



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

February 26, 1991

RE: APPLICATION FOR PERMIT NO. _____

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, or if the application proposes diversion of more than 5.0 cfs, the department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (copy enclosed). In particular, rules 4,5,3. through 4,5,3,5. apply to your project if it is more than 200 acres. If necessary, the rule 4,5. information notice will be sent to you after you return the questionnaire.

MICROFILMED

MAY 08 1991

Page 2

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 83720-9000
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Spec.

Enclosures

RECEIVED

MAY 08 1991

19-Apr-1990

MARVIN L. BLACKER
RT. 2 BOX 2176
BURLEY ID 83318

Re: Application for permit No. 45-07672

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

Because your application proposes to appropriate water which has been identified as "trust water" in the Swan Falls agreement, it will be processed under rules and regulations for water appropriation that have been adopted as required by law.

Under the rules, applications will be processed at a rate which allows development of 20,000 acres per year. The oldest applications will be processed first, provided that applicants are willing and able to proceed.

For this reason, it is not possible to estimate at this time when action will be taken on your application.

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

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

UNRECORDED

MAY 08 1991