



State of Idaho

## DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

08/14/2008

ARKOOSH PRODUCE INC  
PO BOX 3014  
POCATELLO ID 83206-3014

RE: Water Right Permit No. 36-8739 and 36-08740

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permits referenced above prior to issuing water right licenses. 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 permits have been developed differently than described on your permits. 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 licenses can be issued, your permits 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 permits:

☒ Point(s) of Diversion

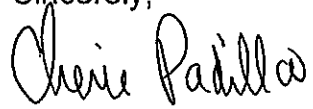
☒ Place(s) of Use

The enclosed Application for Amendment forms depict the elements of the water rights as they will appear on the licenses when they are issued. Please review the amendment forms carefully. If you concur with the information presented, please sign the forms and return them with the \$50.00 filing fee (\$100 total) within 14 days.

Please note that these permits are in the name of Arkoosh Produce Inc and are considered personal property until they are licensed. To accomplish the change in ownership, the enclosed Assignment of Permit form can be signed and submitted along with the \$25 filing fee to the department. If the Assignment of Permit form is not received, the licenses will be issued in the name of Arkoosh Produce Inc and a Notice of Change in Water Right Ownership can be filed along with the proper documentation and fee at that time.

If you have any questions, please call me at 208-287-4944.

Sincerely,

A handwritten signature in cursive script that reads "Cherie Padilla".

Cherie Padilla  
Water Agent, Water Allocation Bureau

Enclosure(s)

cc: LUIS M BETTENCOURT

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State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**

(For Licensing Purposes)  
**WATER RIGHT NO. 36-08740**

Date of Priority: May 10, 1995

Maximum Diversion Rate: 0.53 CFS

Maximum Diversion Volume:

Comes now ARKOOSH PRODUCE INC

PO BOX 3014

POCATELLO ID 83206-3014 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. 36-08740, and requests that the permit be changed as follows:

**Source:** GROUND WATER**BENEFICIAL USE**

IRRIGATION

**PERIOD OF USE**

04/01 to 10/31

**RATE OF DIVERSION**

0.53 CFS

**LOCATION OF POINT(S) OF DIVERSION:**GROUND WATER SW $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 30, Twp 07S, Rge 16E, B.M. GOODING 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 |        |
| 07S 16E 30  |    |    |    |    |    |    |    | .6 | 38.2 | 19.1 | 17.0 | 37.0 | 7.8 | 6.8 |    |    | 126.5  |

Total Acres: 126.5

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 \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
(Signature)

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 36-08740**

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FOR DEPARTMENT USE ONLY

Preliminary check by \_\_\_\_\_ Fee = \_\_\_\_\_ Received by \_\_\_\_\_ # \_\_\_\_\_ Date \_\_\_\_\_

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, DAVID R. TUTHILL, JR., of the Department of Water Resources hereby approve the  
above Application for Amendment for Permit No. 36-08740 with the following:

**CONDITIONS OF APPROVAL**

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. 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.
4. Rights 36-8740 and 36-10821B when combined shall not exceed a total annual maximum diversion volume of 2506 af at the field headgate, and the irrigation of 626.5 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.
6. Right 36-8739 and 36-10821B are also diverted through the point of diversion described above.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
DAVID R. TUTHILL, JR.  
Director