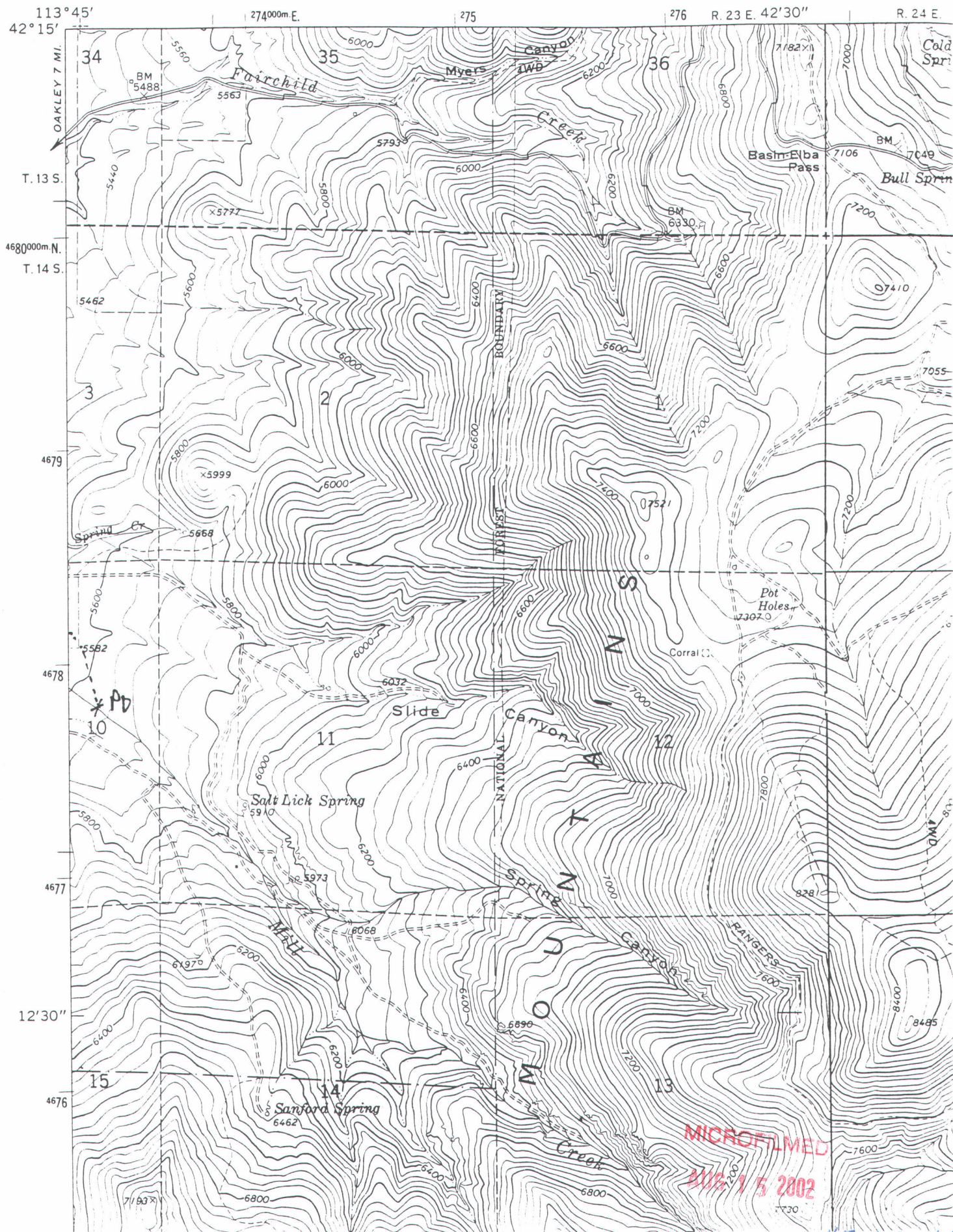


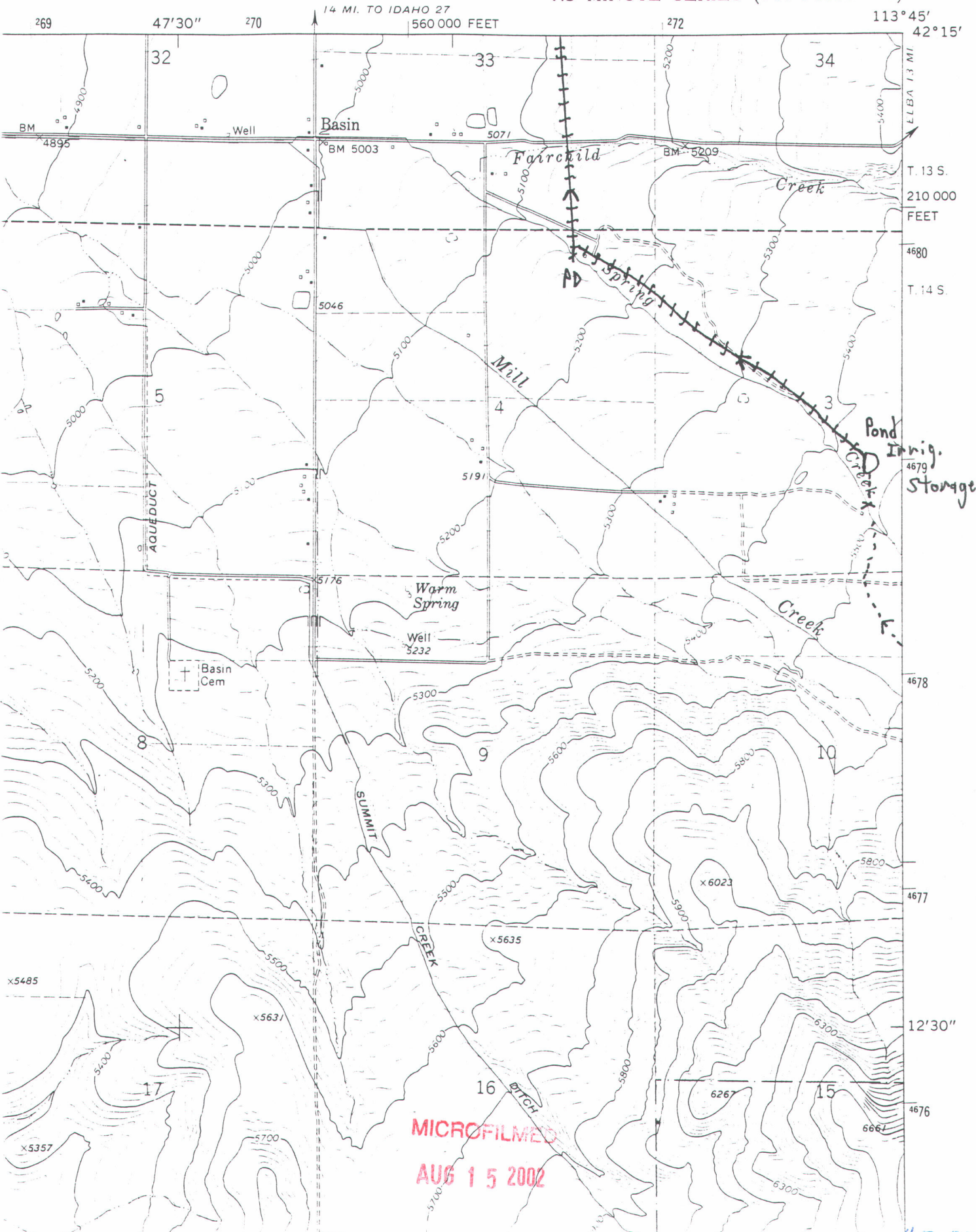
3288 IV SE
(MARION SE)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



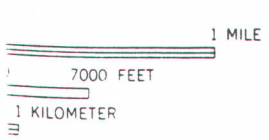
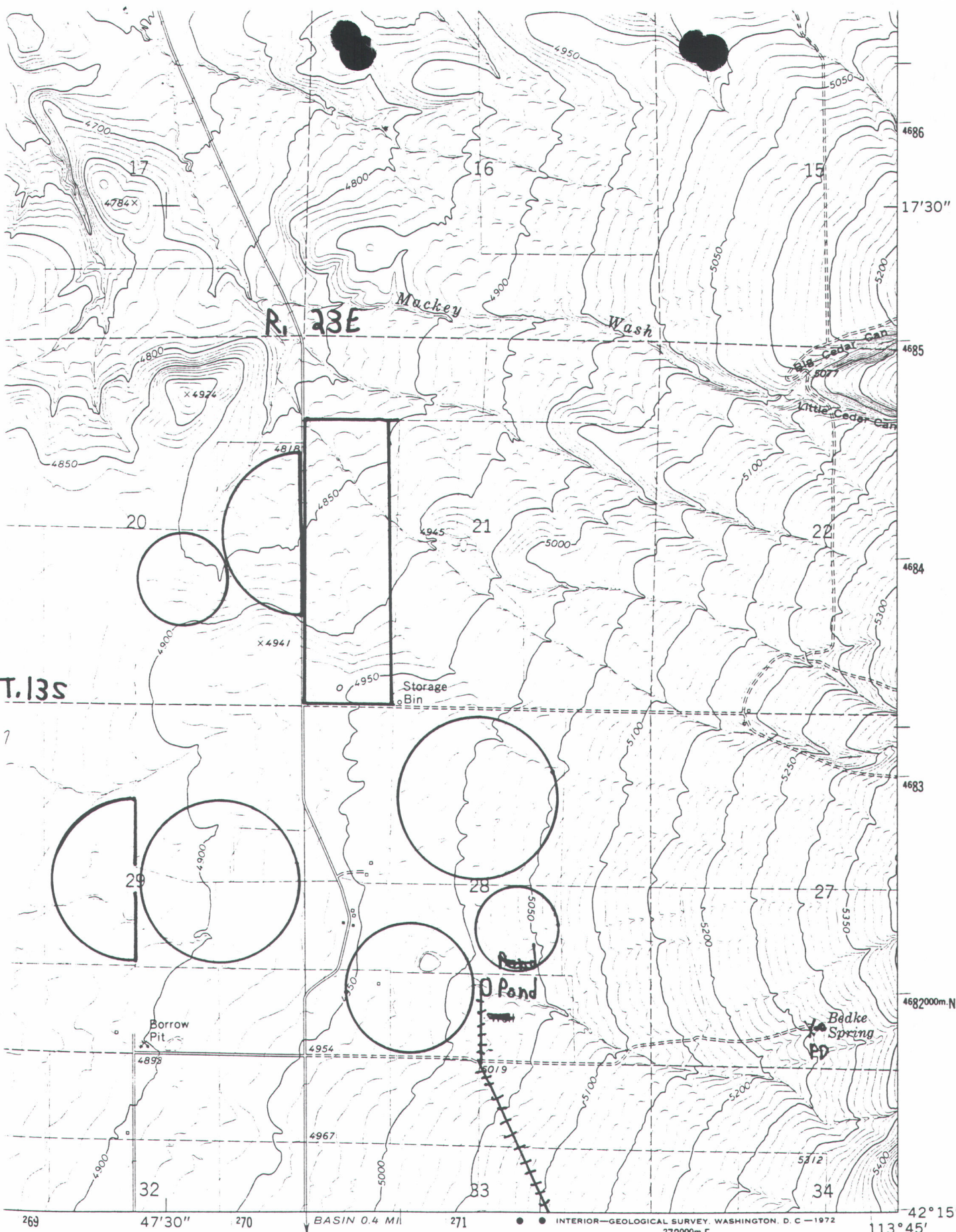
BASIN QUADRANGLE
IDAHO-CASSIA CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

3268 / SW
(MOUNT HARRIS)



MICROFILMED
AUG 15 2002

45-07746



MICROFILMED
AUG 15 2002

ROAD CLASSIFICATION
Secondary highway, all weather, Light-duty road, all weather,
hard surface improved surface
Unimproved road, fair or dry weather
State Route

(CACHE PEAK)
3268 11 NW

45-07746

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
45-7746 IN THE NAME OF)
ANDERSON FARMS)
_____)

REINSTATEMENT ORDER

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before November 1, 2002; and,

WHEREAS, the Department notified the permit holder on August 30, 2002 by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

WHEREAS, the Department sent the permit holder a lapse notice on November 5, 2002, since it had not received an acceptable proof of beneficial use statement or extension of time; and,

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

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting acceptable proof of beneficial use on November 27, 2002;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 45-7746 is **REINSTATED** with an advance in priority to **May 9, 2000**.

DATED this 3rd day of December, 2002.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

JAN 09 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 27 2002

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 45-7746 Telephone No. 208-677-2818
2. Name of Permit Holder(s): Anderson Farms, Inc.
3. Mailing Address: 961 So. 50 W Burley, Id.
City Burley State Id Zip 83318
4. Source of Water: Mill Creek & Spring Creek If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): Cow calf
Irrigation (No. of acres): 925 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 2.9 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes ☒ or No ☒
Has the measuring device been installed? Yes ☒ or No ☐
8. Fee Enclosed: \$ 650.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: B. Trent Anderson Telephone Number: 208 431 4433
Address: 271 W Hwy 30 Burley, Id. 83318
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.
- Signature of permit holder: [Signature] President Date: 11/8/02
(include your title, if on behalf of company or organization)

MICROFILMED

JAN 09 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 45-07746

Priority: 04/13/2000

Maximum Diversion Rate: 2.90 CFS

This is to certify, that ANDERSON FARMS
961 S 50 W
BURLEY ID 83318

has applied for a permit to appropriate water from:

Source: SPRING CREEK
MILL CREEK

Tributary: MILL CREEK
BIRCH CREEK

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>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	04/01 to 10/01	2.90 CFS	
IRRIGATION STORAGE	04/01 to 10/31		9.5 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		9.5 AF

LOCATION OF POINT(S) OF DIVERSION:

MILL CREEK	SE 1/4 NE 1/4	Sec. 10, Twp 14S, Rge 23E, B.M.	CASSIA County
SPRING CREEK	SW 1/4 SE 1/4	Sec. 3, Twp 14S, Rge 23E, B.M.	CASSIA County

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 23E 10													X				

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 23E 20				33.0									33.0	34.0			100.0
13S 23E 21					10.0	39.0			39.0	39.0							127.0
13S 23E 28		33.0	33.0		33.0			33.0	24.0	11.0	23.0	35.0		34.0			259.0
13S 23E 29			33.0	33.0				33.0	33.0				33.0	33.0			198.0

Total Acres: 684

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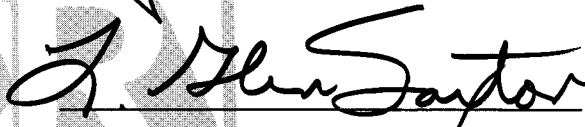
APR 15 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 45-07746

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 1, 2002**.
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. 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.
5. This right does not authorize the irrigation of land not previously irrigated.
6. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
7. This right when combined with all other rights diverting surface water for irrigation of the lands identified herein shall not exceed a total diversion rate of 6.00 cfs.
8. Use of water under this water right will be regulated by the watermaster of State Water District No. 45A.
9. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of July, 2002.


for KARL J DREHER, Director

MICROFILMED

AUG 6 3 2002

RECEIVED
Check
APR 13 2000
Department of Water Resources
Southern Region

Ident. No. 45-07746

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
APR 25 2002

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Anderson Farms Phone 431-4433
Mailing address 961 S 50 W, Burley, ID 83318
2. Source of water supply Mill Creek; Spring Creek which is a tributary of Mill Creek
3. Location of point of diversion is Township 14S Range 23E Sec. 10, in the SE 1/4, NE 1/4, Govt. Lot , B.M., Cassia County
additional points of diversion if any: SW/SE Sec. 3 T. 14S R. 23E
4. Water will be used for the following purposes: 10-1 RJA 7/12/00
Amount 2.9 for Div. To Storage purposes from 4-1 to 10-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 9.5 for Storage For Irrig. purposes from " to " (both dates inclusive)
(cfs or acre-feet per annum)
Amount 9.5 for Irrig. from Storage 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)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 2.9 and/or (b) 9.5
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source Headgate & ditch from Mill Cr. to Spring Cr. Headgate & pipeline from Spring Cr. to reservoir. Pipeline from reservoir to P/U.
b. Height of storage dam 17'12" feet; active reservoir capacity 9.5 acre-feet; total reservoir capacity 9.5 acre-feet
c. Proposed well diameter is inches; proposed depth of well is feet
d. Is ground water with a temperature of greater than 85°F being sought?
e. If well is already drilled, when? ; Drilling firm
Well was drilled for (well owner) ; Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW.
b. Stockwatering; list number and kind of livestock.
c. Municipal; show name of municipality.
d. Domestic; show number of households.
e. Other; describe fully.

MICROFILMED

AUG 15 2002

9. Description of place of use:

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

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

AS= Irrig. Storage

PPU not to exceed 544.4 ac/yr

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	23E	20				33									33	34			100
		21						10	39				39	39					127
		28			33	33		33			33		24	11	23	35		34	259
		29				33	33				33		33				33	33	198

14S 23E 10

AS
Total number of acres to be irrigated 684

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

Numerous decreed rights from same source & springs; groundwater rights

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

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:

12. Remarks: Water is historically diverted under direct-flow rights. This application covers storage that was added about 1985 when sprinklers were installed on the property. ~~land in Sec 24 has mostly~~ The upper (south) farm north of Spring Creek has mostly been in CRP since 1989. It will be sold without water rights later this year, but I will retain the reservoir site.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

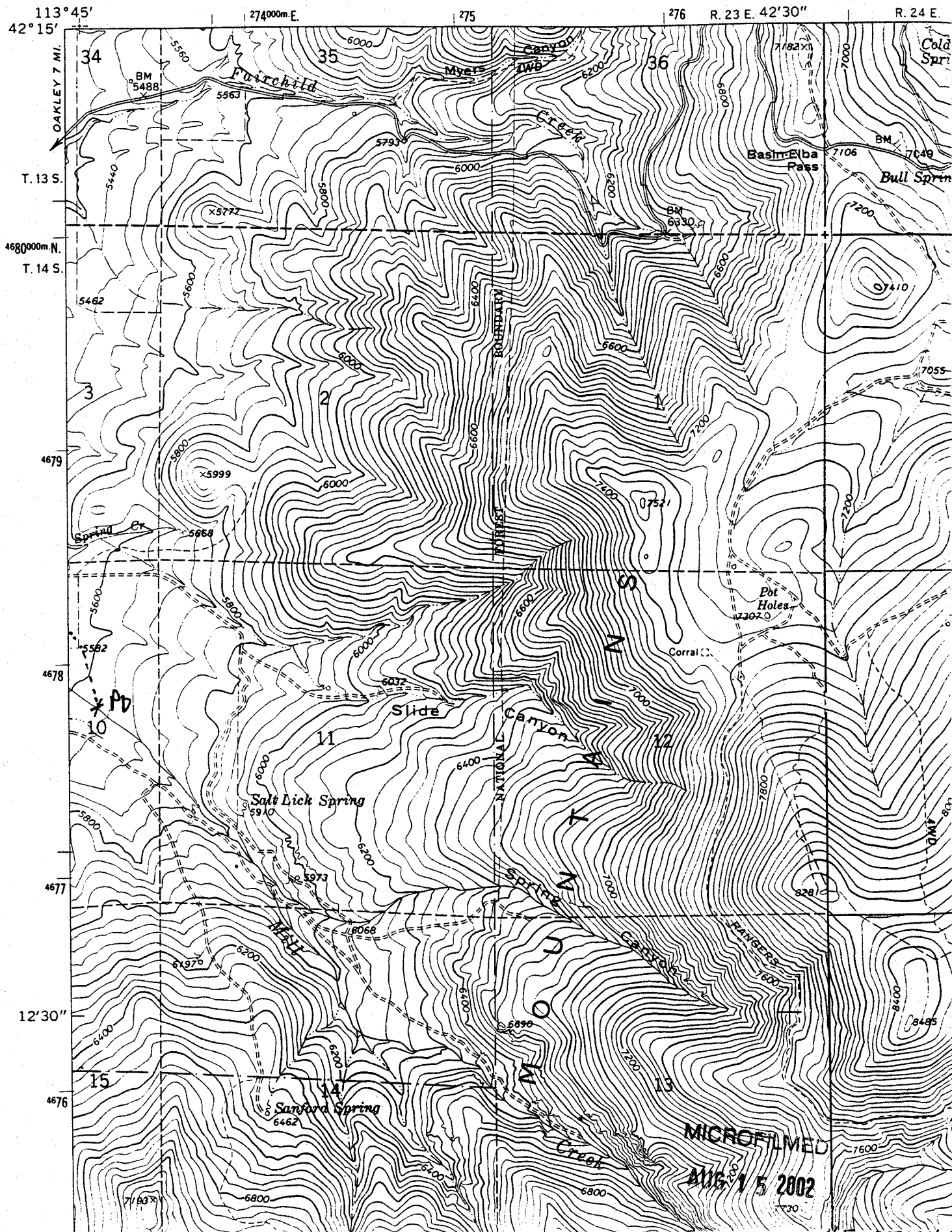
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R. L. A. 22 AUG 13 2002
Signature of Applicant (and title, if applicable) OWNER

Received by JF Stanton Date 4-13-00 Time noon Preliminary check by [initials]
Fee \$ 140.00 Receipted by [initials] # 5022997 Date 4-13-00
Publication prepared by mb Date 5/19/00 Published in Idaho State Press
Publication approved mb Date 6/14/00

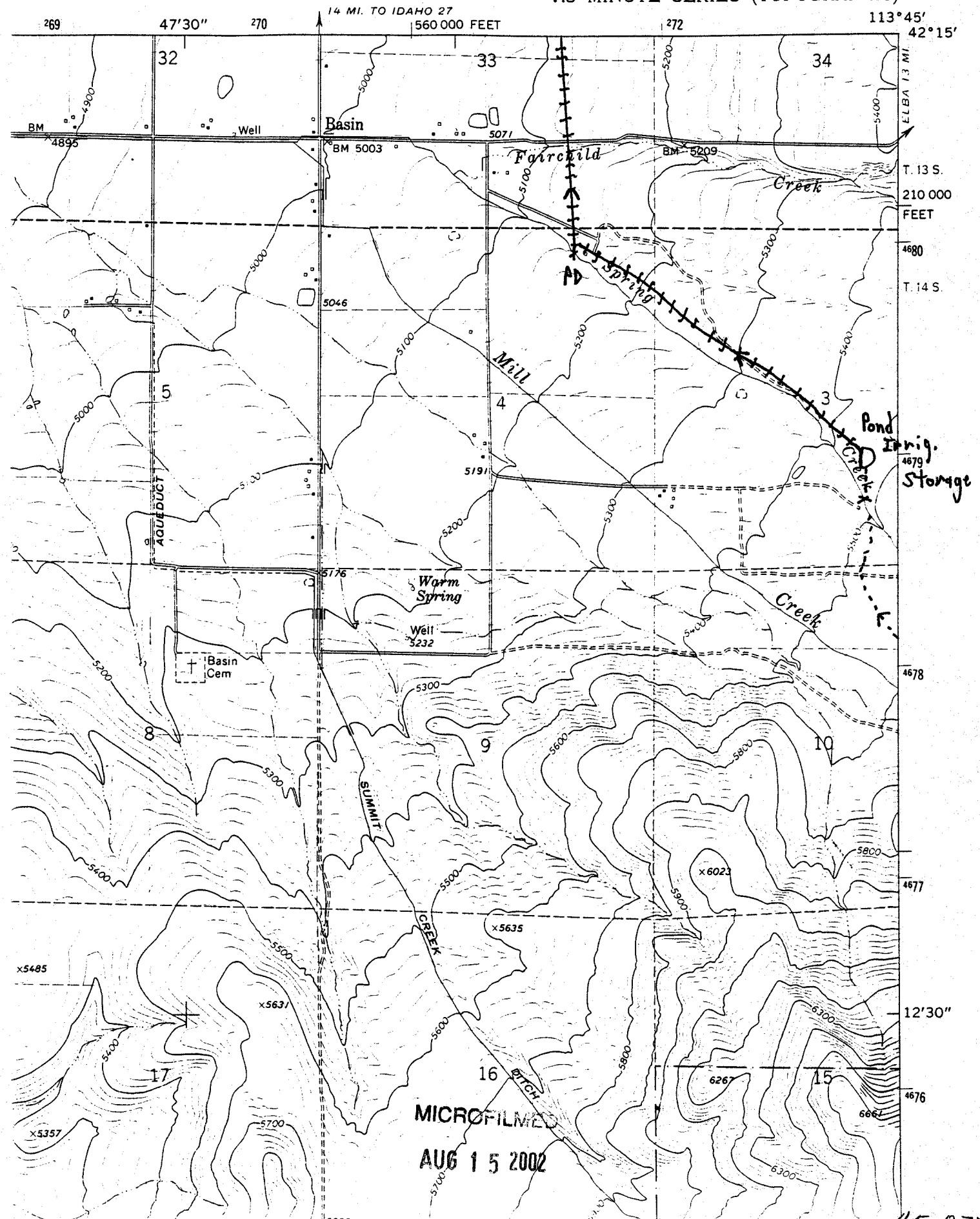
3268 IV SE
(MARION SE)

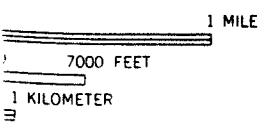
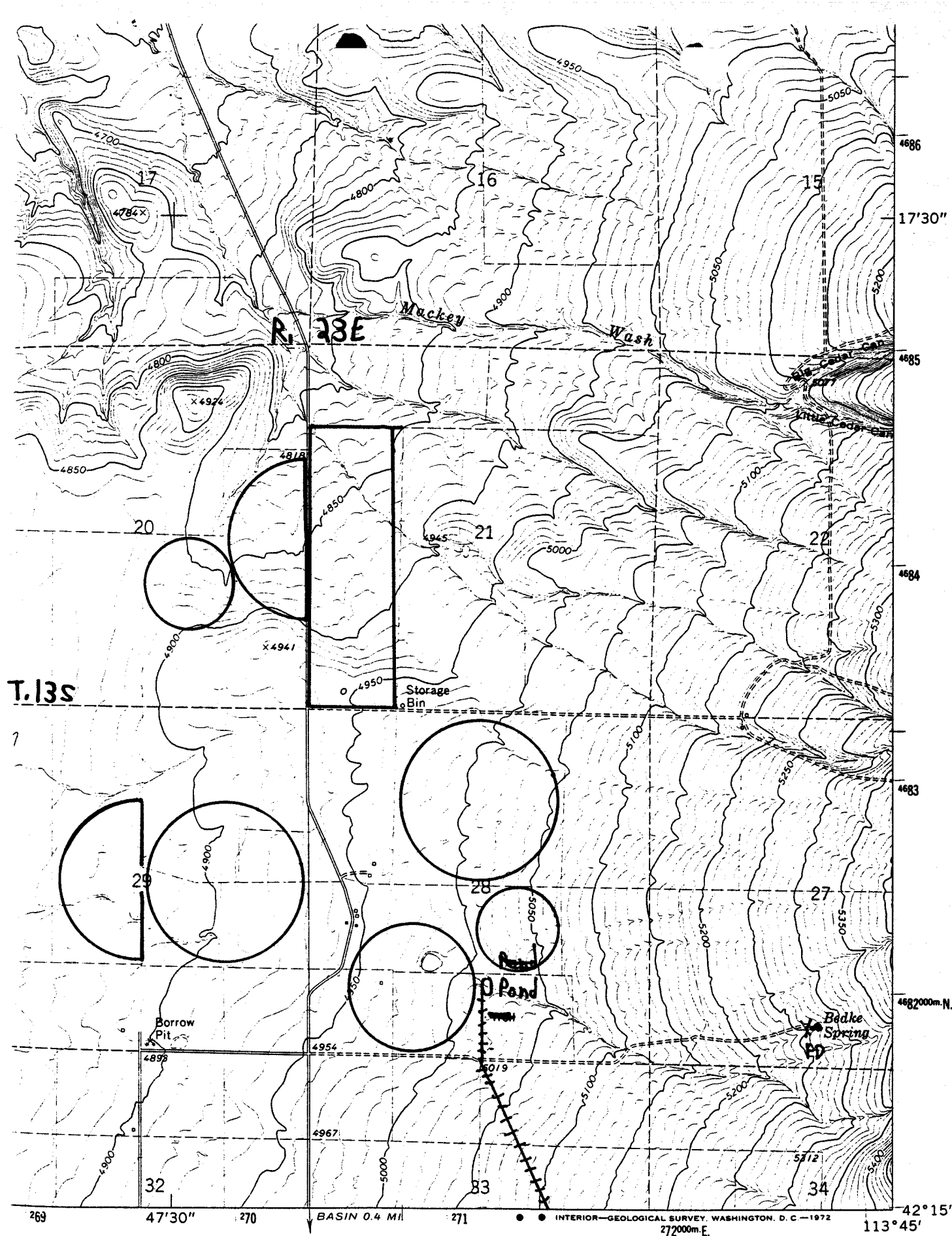
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



BASIN QUADRANGLE
IDAHO-CASSIA CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

3268 / SW
(MOUNT HARRIS)





ROAD CLASSIFICATION

Secondary highway, all weather, hard surface ————

Light-duty road, all weather, improved surface ————

Unimproved road, fair or dry weather ————

State Route ○

AUG 15 2002

(CACHE PEAK)
3288' NW

45-07746



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 4, 2002

R TRENT ANDERSON
ANDERSON FARMS INC
961 S 50 W
BURLEY ID 83318

Re: Permit No. 45-7746

Dear Mr. Anderson:

On November 27, 2002 the department received both a Proof of Beneficial Use and a Request for Extension of Time from you regarding the above-referenced permit. I am returning your original Request for Extension of Time since it is not appropriate in this instance, and increasing the storage capacity for this pond is not covered by this permit. At the time this permit was issued it was based solely on the pre-1987 condition of this storage pond.

Also, enclosed is a copy of the Proof of Beneficial Use ("proof") you filed. This permit was issued for the irrigation of 684 acres, on the proof you stated that you are irrigating 925 acres. Note that condition of approval no. 5 on your permit does not authorize irrigation of land not previously irrigated. Hence, the department will treat the proof as being filed for the 684 acres authorized for irrigation by this permit. Secondly, enclosed is an order reinstating the permit advancing the priority since proof was submitted after the proof due date.

The good news is that the filing fee for the Proof of Beneficial Use at the rate of 2.90 cfs is \$150.00. Since you paid \$650.00, I will ask that the remaining balance of \$500.00 be refunded to you. You should receive a check in approximately ten (10) business days for the overpayment.

The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

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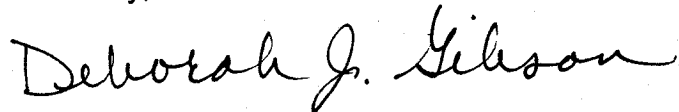
IAN 09 2003

R Trent Anderson
Anderson Farms, Inc.
December 4, 2002
Page 2

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Southern** Regional Office of the department in Twin Falls (208) 736-3033.

Sincerely,



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

Cc: Southern Region
Jim Stanton & Corey Skinner
Fiscal

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JAN 09 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 45-7746

Reviewed By: dgibson

Date: December 3, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?		X	Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?		X	Drilling permit upgrade needed?		
Receipt No.:		S022997, C066049	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?	X	
Name and address same as permit?	X		Measuring device installed?	X	
Are the water uses correct?		X	Measure device waiver requested?		

Priority Calculation

Date proof received		11/27/2002
Date proof due	-	11/01/2002
Lapse notice sent	-	
No. of days late	=	26
Holiday allowance	+	
Priority date	+	04/13/2000
New priority date	=	05/09/2000

Deficiencies of Actions Items

Acknowledge proof, refund overpayment of fees, reinstate permit and advance priority to 5/9/2000. Also return request for extension, since there are no provisions in the permit for additional development. Forward copies of response letter to Jim Stanton and Corey Skinner in Dam Safety, Southern Region.

November 5, 2002

ANDERSON FARMS INC
961 S 50 W
BURLEY, ID 83318

LAPSE NOTICE

RE: PERMIT NO. 45-7746

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated August 30, 2002. No further construction or additional development is authorized under this permit unless it is reinstated.

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

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

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosures

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JAN 09 2003

CERTIFICATION OF MAILING

I hereby certify that on 11/6/02
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



August 30, 2002

ANDERSON FARMS INC
961 S 50 W
BURLEY, ID 83318

PROOF DUE NOTICE

RE: PERMIT NO. 45-7746

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 November 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

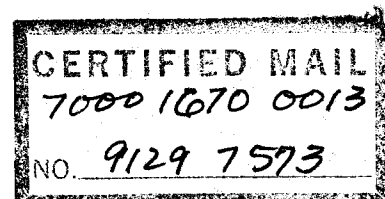
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

Deborah J. Gibson, Admin. Asst.
Water Allocation Bureau

Enclosures



MICROFILMED
JAN 09 2003



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

July 8, 2002

ANDERSON FARMS
961 S 50 W
BURLEY ID 83318

RE: Permit No. 45-7746

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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.

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 into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

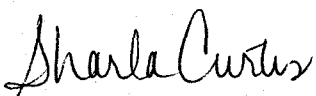
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED

AUG 15 2002

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

Sincerely,

for 
Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

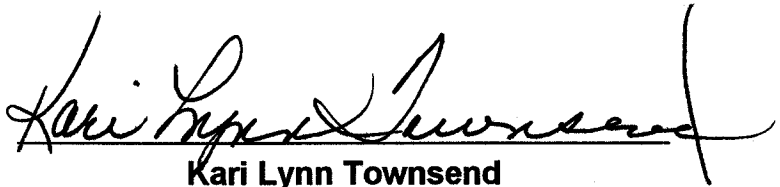
MICROFILMED
AUG 15 2002

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 45-7746

**ANDERSON FARMS
961 S 50 W
BURLEY ID 83318**


**Kari Lynn Townsend
Secretary**

MICROFILMED

AUG 15 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).

MICROFILMED
AUG 15 2002

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.

MEMORANDUM

To: File 45-7746

From: Sharla

Date: July 3, 2002

Re: Diversion Rate Limitation

In line with Allen Merritt's recommendations, this permit will be issued with a remark limiting the rate of diversion under this right and all other decreed rights diverted from surface water to a total of 6.00 cfs. The 6.00 cfs is the total of the other decreed rights identified in the file on a sheet of yellow paper dated 6/16/00 from Allen Merritt.

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AUG 15 2002

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 5/28/02

No. 45-7746 Name: Anderson Corp. Officers Ad ok Govt Lots

AREA OF CONCERN: No/Yes ESPA Moratorium Cakley/Kenney GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

- All wells - 046
- Basin 34 - 084 (if necessary)
- WMD - North/East/West
- ≤ 0.24 cfs/5 acres - No MD
- > 0.24 cfs/5 acres - 067
- WMD
- Supp irr (irr = only use) - 065-104
- Supp irr (+ other uses) - 100-105
- ≤ 0.24 cfs/5 acres - No MD
- > 0.24 cfs/5 acres - 01M

LOCATION:

- Boise Front LoGeo - 058 (<85 GW)
- Mitigation - 121
- Trust - 051 (consumptive uses)
- Non-Trust - 048 (consumptive uses or non-cons. > 1.0 cfs)

USES:

- STORAGE - 18C-011-01P-18B-NA
- IRR ≤ 5 ac - 18C-011-01P-18B-NA
- 5 ac - 18C-011-01P-18B-NA
- STOCKWATER - R37 (BLM/FS)-111 (instream stock)
- MINING - 054-106
- HEAT/COOL - R07 (injection well)
- FIRE PROT - 077
- COMMERCIAL/
- INDUSTRIAL - 106-R07
- DAIRY - 082-WD8
- POWER - 17H or 17K (+uses)-17G (under FERC)
- or 17M (not FERC regulated)
- 025-027-R22-08A

BENEFICIAL USE DUE: 10/01/2002

MISC CONDITIONS/REMARKS:

- Protested - 020-W19
- Development Period
- > 1 yr - 26A
- Ownership - 004
- Non-consumptive - 027
- Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

- F&G contacted - Yes/No Response
- In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

- WD - R04 (WD# 45A)
- ≤ 0.20 cfs/others - 01H, 01P or No MD
- > 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WB

- ≤ 0.24 cfs/5 acres - No MD
- > 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

- Snake R (01) - W23, N/A
- (02,03) - 007 (w/ remark WB9 if above Weiser)
- Payette R (65) - W23, 047 (Payette Lake)
- Salmon R (70's) - 029 (fish screens)
- Weiser R (67) - 086-087

USES:

MUNICIPAL

- Restricted area - 022,075
- Irr., GW supp to SW - 102
- Future needs - 007,109
- FISH PROP - 029 (70's only)-007-122-106
- DOMESTIC
- Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
- >1 in restricted area - 070-071-075(no parks/common areas)
- Irr separate or none allowed - WB5
- GW w/irrigation from SW evident - 065-104
- Moratorium approvable - W03 (2500 gpd - meets domestic def
- i.e. D/convenience store)

- Multiple pd's per 1/4 - W32
- Subd lot desc (pd) - W59
- Subd lot desc (pu) - W60
- Use definitions - W02 example - S/50 range
- Pre-1987 development - 068-074 (allow 120 days for proof due)
- Single p/d intended - 076

IRRIGATION SEASON - (Per updated map)

IRR VOLUME/ACRE

OTHER CONDITIONS/REMARKS

Old w/ decreed rts 40 6.00 cfs

COMMENTS

6.00

No. C 66197 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	Due no later than Mar 31, 2002 Annual Report Form 1. Mailing Address - Correct in this box, if applicable ANDERSON FARMS, INC. R TRENT ANDERSON 2040 OVERLAND AVE BURLEY, ID 83318	2. Registered Agent and Office NO PO BOX R TRENT ANDERSON 961 SO. 50 W. BURLEY, ID 83318 3. <u>New</u> Registered Agent Signature
---	---	---

4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.

Office held	Name	Street or P.O. Address	City	State	Zip
President	R. Trent Anderson	961 S 50 W	Burley	ID	83318
Secretary	Dee Anderson	961 S 50 W	Burley	ID	83318
Directors	R. Trent Anderson	961 S. 50 W	Burley	ID	83318
	Dee Anderson	961 S 50 W	Burley	ID	83318

5. Organized Under the Laws of: IDAHO C 66197	6. Signature <u><i>R. Trent Anderson</i></u> Date <u>3/11/02</u> Name (Typed or Printed) <u>R. Trent Anderson</u> Title <u>Pres</u>
---	--

Issued 01/02/2002 Do Not Tape or Staple 1301

MICROFILMED
 AUG 15 2002

Curtis, Sharla

From: Stanton, Jim
Sent: Monday, May 06, 2002 2:03 PM
To: Curtis, Sharla
Cc: Stanton, Jim
Subject: RE: App 45-7746

Sharla - As far as I know, the applicant has not filed proof of use on this development. The field exam has not been done, nor is it in the works. I could try to do the exam, but have 0 free time for any new projects that aren't absolutely necessary. Maybe I can find some time later on. And it will be a while before the SRBA work is done in that area, so it is probably better to wait until their input is available (as Allen recommended).

-----Original Message-----

From: Curtis, Sharla
Sent: Thursday, May 02, 2002 7:40 AM
To: Stanton, Jim
Subject: App 45-7746

Hi Jim. I'm looking at the above referenced application file in which you have a memo concerning a conversation you had with Shelley. It's for pre-1987 development and Shelley's suggestion was to have the applicant file proof of beneficial use to be sent with the application along with the field exam report so that permit approval and licensing could happen simultaneously.

Neither the proof of beneficial use statement or a field exam came in with the app file, so I'm just checking to see if these are being prepared now or not. If they aren't, I will just issue the permit like we do all other pre-1987 development filings and it will require the proof of b/u filing within 120 days.

So let me know if I should just prepare it for signature or wait while the two items are prepared. Thanks for your help on this. Have a great day!

Anderson Farms

APPLICATION NO. 45-07746

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

RECEIVED
APR 25 2002
DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY J. F. Stanton DATE 4-14-00

REQUIRED INFORMATION (Ck if OK)

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

++++PROPOSED PRIORITY DATE 4-13 10,2000

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back.
- ☒ Overlapping point of diversion.
- ☒ Yes ☐ No Is Source Surface Water?
If Yes Send Copy to F&G.
If Yes Field check/memo required.
Field check/memo by J. F. Stanton
- ☒ Yes ☐ No Field report attached?
- ☒ Yes ☐ No Critical Ground water area?
- ☐ Yes ☒ No Groundwater management area?
- ☐ Yes ☒ No Measurement District or Groundwater District?
What District? _____
- ☐ Yes ☒ No Send Dam safety information?
- ☐ Yes ☒ No Send power requirement letter?
- ☐ Yes ☒ No Send fish farm requirement letter?
- ☐ Yes ☒ No Power residency affidavit attached?
- ☐ Yes ☒ No Power efficiency form?
- ☒ Yes ☒ No Within trustwater boundary?(If yes, attach trustwater supplementary analysis sheet.
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft? (If yes, attach large diversion supplementary analysis sheet.
- ☒ Yes ☐ No Is Application made to record Pre Nov 1987 Development?
If Yes then request clear evidence of when use started.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____

Date Sent Comments Received

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare	_____	_____
☐ USDI BLM	_____	_____
☒ Idaho Dept of Fish & Game	<u>5/19/00</u>	_____
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☐ Water Dist. No. _____	_____	_____
☐ Adjudication Bureau Unit	_____	_____
☐ <u>SCA</u>	<u>5/19/00</u>	_____

PROCESSING ☒ Yes ☐ No In form for Advertising?
☐ Yes ☒ No Statewide Advertising?
☒ Yes ☐ No Fee amount, receipt date & No. recorded?

☐ Yes ☐ No Has all requested additional information been received?
If not, describe action taken: _____

FINAL REGIONAL PROCESSING REVIEW

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

☒ Yes ☐ No Publication dates and paper recorded?

Final date for protest: _____

☒ Yes ☐ No Protests received?

☒ Yes ☐ No Protested?

Describe Resolution: withdraw

☐ Yes ☒ No Measuring device required?

☐ Yes ☒ No Access port required?

☒ Yes ☐ No Will water be delivered by watermaster? If yes, what dist? _____

☒ Yes ☐ No Special conditions codes: _____

☒ Yes ☐ No Is Evaluation Memo Attached?

If yes; date of Memo 4/17/02

Date of priority recommended: _____

COMMENTS:

RECOMMEND

☒ Approval

☐ Denial

By

Mr

Date

4/24/02

RECEIVED

APR 25 2002

Department of Water Resources

MEMO

FROM: Allen Merritt 

DATE: April 17, 2002

TO: Permit No: 45-7746

In the Name of: **Anderson Farms**

SUBJECT: Review and Recommendation

This application was filed to cover an existing off stream storage reservoir developed prior to 1987. Water has been historically used under existing decreed rights and this facility adds storage as a component to facilitate use of water in a sprinkler irrigation system. Affidavits are included in the file describing when the storage structure was first developed. The application was filed in 2000 which included the element of "Diversion to storage" with a season of 4/1 to 10/31. The application was protested by the Basin Creek Water District 45-A. The reason for protest was that bi-laws of the district had historically provided for shut off of delivery after Oct 1. Ultimately the applicant amended the "Diversion to storage" element to a season of 4/1 to 10/1. As a result the district recently withdrew their protest.

There is some indication in the file that the place of use may have recently changed hands. I contacted Trent Anderson with Anderson Farms and he indicated that the property is being sold on contract but technically Anderson Farms still owns the property so he requested that the permit be processed in the applicant's name.

Corey Skinner has reviewed the off-stream storage structure for dam safety issues and indicates the existing structure may need to be modified to take it out of department dam safety jurisdiction which is the intent of the applicant. The current structure has a hydraulic height of 15.9 feet and approximate storage capacity of 25 acre feet. If the hydraulic height is reduced 5.5 feet to 10.4 feet the storage capacity of the reservoir will be 9.5 acre feet in conformity of the application for permit. Applicant needs to comply with dam safety requirements or issues.

Jim Stanton Memo dated 12/18/1998 raises issues about historically irrigated acres. Approval of this permit should be limited to lands recommended in the SRBA and the diversion to storage rate limited by existing decreed rates for the natural flow rights serving those acres. I recommend that no new acres be allowed to be developed under this approval that do not already have a valid natural flow right since the volume involved for storage is not sufficient to irrigate any large amount of acres. I propose that BU be filed immediately and that the licensing field examination be coordinated with SRBA staff and their recommendations for the natural flow rights.

Recommendation

I recommend that the application be approved subject to the following conditions:

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AUG 15 2002

WATER RIGHT NO. 45 7746

- 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
- 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
- 074 This right does not authorize the irrigation of land not previously irrigated.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 45-A.
- R40 The storage of water under this right is contingent upon the applicant reducing the height of the spillway crest 5.5 feet thus storing no more than 9.5 acre feet and thus avoiding the facility being jurisdictional under the dam safety provisions of the Idaho Code.

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AUG 15 2002

3/8/02

Mr. Basil Fairchild came into the office
and we discussed two files that the
Basil CLK WD had protested.

He decided to with draw protests on
both applications:

T4206 (67922) in the name of Smith
and

45-7746 in the name of Anderson Farms.

He indicated that Anderson Farms had sold to
2 Matthews. The issue was changing the
season of use which Anderson's had done
yet they never sent in a withdrawal.

Adm

4/15/02 Called Trent Anderson and he indicated
they still own property. Matthews is leasing it
with option to buy. He said go ahead and
process 2 pp

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AUG 15 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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 8, 2002

TRENT ANDERSON
ANDERSON FARMS
961 S 50 W
BURLEY ID 83318

RE: Protested Application for Permit No. 45-07746

Dear Mr. Anderson:

We have received a withdrawal of the protest filed by Basin Water District against approval of the above referenced application. Since they were the only protestant, the issue of the protest has now been resolved.

However, the Department is unable to do any further processing without a signed and notarized Assignment of Application from you to the new owner. A form is enclosed for your use and please be advised that a filing fee of \$25.00 must also accompany the form.

Upon the receipt of the requested Assignment Form, Regional review can be completed prior to being forwarded to our State Office for final action with no further contact with you.

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

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure

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2006 1 5 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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 8, 2002

BASIL FAIRCHILD CHAIRMAN
BASIN WATER DISTRICT #45
2025 SOUTH POLELINE RD
OAKLEY ID 83346

Re: Application for Permit No. 45-7746 (Anderson Farms) & Application For Transfer No. 4206/67922 (Glen Craig Smith)

Dear Mr. Fairchild:

This office acknowledges receipt of the withdrawal of the Water District's protests against the above referenced applications.

Since you were the only protestant, the issue of the protests has been resolved. The Department will continue review of the applications without further contact with you unless information is requested.

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

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:mb

MICROFILMED

AUG 15 2002

March 8, 2002

To Whom It May Concern:

We the undersigned members of Basin Water District have re-evaluated Anderson Farms application 45-07746 filed in 2000 and have decided to withdraw our protest since the season of use has been changed to 4/1 to 10/1.

Basil Fairchild

RECEIVED

MAR 08 2002

Department of Water Resources
Southern Region

MICROFILMED

AUG 13 2002

withdrawal of protest

01-99

State of Idaho
Department of Water Resources

RECEIVED
JUL 17 2000
Department of Water Resources
Southern Region

RECOMMENDATION OF WATERMASTER

Application No: 45-07746

Applicant's Name: Anderson Farms

Watermaster's Recommendation:

a) ☒ I do not oppose approval of this application.

b) ☐ I do not oppose approval of this application if it is conditioned as follows: _____

c) ☐ I oppose approval of this application for the following reasons: _____

d) Additional Comment : _____

Dated this 13th day of July 2000

Water District No: 45A

Leah Beams
Watermaster's Signature

Use reverse side of page if you need more space.

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AUG 15 2002

MEMO

TO; FILE

DATE; 7-12-00

SUBJECT; App. for Permit 45-07746, Anderson Farms

Today Trent Anderson came into my office regarding this application. It was protested due to the season of use ending after October 1, so he changed the ending period to this date. He initialed and dated the change, and I gave him a copy of the changed app. to take to the protestant. I told Trent that a written withdrawal of the protest was required.

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AUG 15 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 27, 2000

ANDERSON FARMS
961 S 50 W
BURLEY ID 83318

RE: APPLICATION FOR PERMIT NO. 45-07746

Dear Applicants:

Enclosed is a copy of a protest filed against the above referenced application.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

Please note that your application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you wish to proceed with a Pre-hearing Conference &/or formal Hearing, please notify this office or if you have any questions please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)

MICROFILMED
AUG 15 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 27, 2000

BASIL FAIRCHILD CHAIRMAN
BASIN WATER DISTRICT #45
2025 SOUTH POLELINE RD
OAKLEY ID 83346

RE: APPLICATION FOR PERMIT NO. 45-07746 (Anderson Farms)

Dear Protestants:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

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

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED
AUG 15 2002

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED

JUN 23 2000

Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-203D, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

- 45-07746
1. Matter being protested Application for Permit By Anderson Farms
 2. Name of protestant Basin Water District #45
 3. Protestant's representative for service (If different than protestant)
Basil Fairchild (Chairman) or LINDA Zollinger (Secretary)
 4. Service mailing address Basil Fairchild 2025 South Poleline Rd OAKLEY ID
83346
 5. Service telephone no. (208) 862-3607
 6. Basis of protest (including statement of facts and law upon which the protest is based)
As per Bi-Laws of water district #45 water is to be shut off
October 1st of water year Need to double check amount of
water
- (additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? Change Date to April 1 Through
October 1st. Water is based on total water available.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 21 day of June, 2000

Basin Water District #45

PROTESTANT

Basil Fairchild

PROTESTANT'S REPRESENTATIVE

FILED
JUN 15 2002

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by John Freitag Date 06/23/00 Time 4:00 pm
\$25.00 fee Received by John Freitag 5023177 Date 06/23/00

MICROFILMED
AUG 15 2002

A F F I D A V I T

STATE OF IDAHO)
County of CASSIA) ss.

Warren D. Gorringer, being first duly sworn on oath,
deposes and says:

1. That this affiant was a partner in the partnership known as Carl Gorringer and Sons, which partnership owned the real property described in Exhibit A attached hereto and made a part hereof until 1989.

2. That this affiant, as a partner in the partnership of Carl Gorringer and Sons, was actively engaged in the farming operation being conducted by Carl Gorringer and Sons and is familiar with the lands described in Exhibit A and the irrigation practices of Carl Gorringer and Sons and its predecessor in interest, Carl Gorringer and Mildred S. Gorringer, husband and wife, on said lands.

3. That said Carl Gorringer, now deceased, was the father of this affiant, and this affiant is personally familiar with the farming operations conducted on the land described in Exhibit A for the period of more than 20 years prior to 1989.

4. That prior to 1985, this affiant and other partners in the partnership of Carl Gorringer and Sons developed a pond located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 14 South, Range 23 East of the Boise Meridian, for the purpose of storing water from

Spring Creek and an adjacent well, which water was used to irrigate portions of the property described in Exhibit A.

5. This affiant, and other partners of Carl Gorringe and Sons, irrigated portions of the property described in Exhibit A with a water-drive pivot irrigation system, wheel line, miscellaneous handlines, and a 24-hp Cornell pump, all of which was irrigated prior to 1985.

Further this affiant sayeth naught.

Warren D. Gorringe
Warren D. Gorringe

SUBSCRIBED AND SWORN to before me this 24th day of November, 1998.

(SEAL)

Barbara Bedke
Notary Public for Idaho
Residing at: Burley, Id 83318
My commission expires: 10/3/2000

EXHIBIT A TO AFFIDAVIT

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 33: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 34: SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$

TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 2: SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 3: Lots 2, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$

Section 4: Lot 1

MICROFILMED

AUG 15 2002

A F F I D A V I T

STATE OF IDAHO)
County of Cassia) ss.

Leland E. Gorringe, being first duly sworn on oath,
deposes and says:

1. That this affiant was a partner in the partnership known as Carl Gorringe and Sons, which partnership owned the real property described in Exhibit A attached hereto and made a part hereof until 1989.

2. That this affiant, as a partner in the partnership of Carl Gorringe and Sons, was actively engaged in the farming operation being conducted by Carl Gorringe and Sons and is familiar with the lands described in Exhibit A and the irrigation practices of Carl Gorringe and Sons and its predecessor in interest, Carl Gorringe and Mildred S. Gorringe, husband and wife, on said lands.

3. That said Carl Gorringe, now deceased, was the father of this affiant, and this affiant is personally familiar with the farming operations conducted on the land described in Exhibit A for the period of more than 20 years prior to 1989.

4. That prior to 1985, this affiant and other partners in the partnership of Carl Gorringe and Sons developed a pond located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 14 South, Range 23 East of the Boise Meridian, for the purpose of storing water from

Spring Creek and an adjacent well, which water was used to irrigate portions of the property described in Exhibit A.

5. This affiant, and other partners of Carl Gorringe and Sons, irrigated portions of the property described in Exhibit A with a water-drive pivot irrigation system, wheel line, miscellaneous handlines, and a 24-hp Cornell pump, all of which was irrigated prior to 1985.

Further this affiant sayeth naught.


Leland E. Gorringe

Nov. SUBSCRIBED AND SWORN to before me this 25th day of
, 1998.

(SEAL)


Notary Public for Idaho
Residing at: Barley
My commission expires: 4/11/00

EXHIBIT A TO AFFIDAVIT

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 33: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 34: SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$

TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 2: SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 3: Lots 2, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$

Section 4: Lot 1

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AUG 15 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 16, 2000

Lisa Beams
68 West Basin Rd
Oakley, ID
83346

Water District: 45-A, Basin Creek

Dear Mrs. Beams;

Enclosed is a copy of Application for Permit 45-07746. Please review the application before completing the enclosed recommendation form. The completed form should be returned to this office by July 15, 2000.

We still have not received your notarized oath of office as watermaster of your district. You cannot be appointed as a legal watermaster until we receive your oath. Another form is enclosed for your use.

Regards,

James E. Stanton
Sr. Water Resource Agent

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AUG 15 2002

Anderson Ferry	95-0577A	0.25
	D	0.75
	578A	0.28
	D	1.12
	579A	0.23
	D	0.47
	587	1.20
	588	0.70
	586	1.60
		6.0 cf

6/14/00

Phone call to Benish
 explained applicant has other
 rights that could dry up
 stream. We talked about
 existing rotation on stream.
 I agreed to limit diversion to
 existing decree limit.

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AUG 15 2002



IDAHO FISH & GAME

MAGIC VALLEY REGION
868 East Main Street
P.O. Box 428
Jerome, Idaho 83338-0428

June 13, 2000

Dirk Kempthorne/Governor
Rod Sando/Director

Mr. Allen Merritt
Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED
JUN 15 2000
Department of Water Resources
Southern Region

Re: Application for Permit No. 45-07746 - Anderson Farms 2.9 cfs from Mill Creek

Dear Allen,

We have been on-site and electrofished the general vicinity identified as the "point of diversion" for this appropriation of water from Mill Creek. Please consider the following in your evaluation of the application:

- The riparian plant community and floodplain appear to be in relatively good condition compared to most stream systems in that area. Although, we did not sample any fish near the diversion, historically native cutthroat trout and brook trout have been sampled in Mill Creek. For this reason we recommend a condition of this water right be that no more than half of the flow in the channel can be diverted at anytime. This will allow for the full diversion when flows are greater than 6 cfs, but will not allow for diversion when flow in Mill Creek is less than 3 cfs. Between 3 and 6 cfs flow would be proportionally less than 3 cfs.. This condition allows for enough water to remain in the channel to sustain fish and riparian vegetation downstream of the diversion point.

Thank you for the opportunity to review and comment on this application. If this condition is unacceptable to IDWR, we would appreciate notification so we may take actions to continue our involvement in this process.

Sincerely,

for Carl H. Nellis
Magic Valley Regional Supervisor

Cc: IDFG-NRB (Robertson)
Anderson Farms

MICROFILMED

Leaving Idaho's Wildlife Legacy Better Than We Found It

F&G Comments

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia)
) ss
 STATE OF IDAHO)

00-191

NOTICE OF APPLICATION FOR WATER RIGHT

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

45-07746
 ANDERSON FARMS
 961 S 50 W
 BURLEY, ID 83318
 Source: MILL CREEK
 Source: SPRING CREEK
 Diversion Pt:

Tributary:
 Tributary: Mill Creek
 Sec 3 T 14S R 23E in Cassia County.
 Sec 10 T 14S R 23E in Cassia County.
 (2.900 CFS)
 (9.50 AF)
 (9.50 AF)
 (2.900 CFS)

Use: DIVERSION TO STORAGE
 IRRIGATION STORAGE
 IRRIGATION FROM STORAGE
 Total Diversion:

Date Filed: 4/13/2000
 In: CASSIA County
 T13S R23E S20
 S21
 S28
 S29
 T14S R23E S10

SENE	NESE	NWSE	
NWNW	SWNW	NWSW	SWSW
NWNE	SWNE	NENW	SENW
NWSE	SWNE	SENE	SENW
NESE	NWSE		NESW

684.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before JUNE 26, 2000. The protestant must also send a copy of the protest to the applicant.

Published in the South Idaho Press on June 5 and 12, 2000.

Karl J. Dreher, Director

Ruth Holmes, being first duly sworn is a legal clerk of the South Idaho Press published at Burley, Idaho, in that paper is of general circulation and that the printed notice attached according to law in the regular issue of the South Idaho Press for June 5, 2000 consecutive issue dated June 5, 2000, June 12, 2000.

STATE OF IDAHO)
 COUNTY OF)
 MINIDOKA)

On this 12th day of June, 2000, me, a Notary Public, personally appeared Ruth Holmes, known to me, identified to me to be the person whose name is 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.

Kay Moore
 Notary Public for Idaho

Residing at: Paul, Idaho

My commission expires: 09-20-2001

Cost of Publication 90.00
 Affidavit Fee 5.00
 Total Cost 95.00

mp
6/14/00

RECEIVED

JUN 14 2000

Department of Water Resources
 Southern Region

**SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION**

County of Cassia)
) ss
STATE OF IDAHO)

Ruth Holmes, being first duly sworn, deposes and says that she is a legal 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 2 consecutive week(s), commencing with the issue dated June 5, 2000, and ending with the issue dated June 12, 2000.

Ruth Anne Holmes

STATE OF IDAHO)
COUNTY OF)
MINIDOKA)

On this 12th day of June in the year of 2000 before me, a Notary Public, personally appeared Ruth Holmes, known or identified to me to be the person whose name is 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.

Kay Moore
Notary Public for Idaho

Residing at: Paul, Idaho

My commission expires: 09-20-2001

Cost of Publication 90.00
Affidavit Fee 5.00
Total Cost 95.00

mb
6/14/00

RECEIVED

JUN 14 2000

Department of Water Resources
Southern Region

MICROFILMED
AUG 15 2002

NOTICE OF APPLICATION FOR WATER RIGHT

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

45-07746

ANDERSON FARMS
961 S 50 W
BURLEY, ID 83318

Source: MILL CREEK
Source: SPRING CREEK

Tributary:
Tributary: MILL CREEK

Diversion Pt: SWSE Sec 3 T 14S R 23E in CASSIA County.
SENE Sec 10 T 14S R 23E in CASSIA County.

Use: DIVERSION TO STORAGE (2.900 CFS)
IRRIGATION STORAGE (9.50 AF)
IRRIGATION FROM STORAGE (9.50 AF)
Total Diversion: (2.900 CFS)

Date Filed: 4/13/2000

In: CASSIA County				
T13S R23E S20	SENE	NESE	NWSE	
S21	NWNW	SWNW	NWSW	SWSW
S28	NWNE	SWNE	NENW	SENE
	NESW	NWSW	SWSW	SESE
	NWSE			
S29	SWNE	SENE	SENE	NESW
	NESE	NWSE		
T14S R23E S10	NWSE			

684.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before JUNE 26, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

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AUG 15 2002

Published: 6/ 5/2000 & 6/12/2000

MAY 19, 2000

Legal Notices Department
SOUTH IDAHO PRESS
230 EAST MAIN STREET
BURLEY, ID 83318

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. 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 26, 2000.

Yours truly,

Mary Baldwin
Administrative Assistant

Enclosure

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AUG 15 2002

ACTION REQUIRED

FROM: MB
TO: Terry Blau

5/19/00
45-07746
Anderson
Tarms

SCA comment please

MICROFILMED
AUG 15 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 19, 2000

ATTN DAVE PARRISH
ID DEPT FISH & GAME
PO BOX 428
JEROME ID 83338

Re: Application for Permit No. 45-07746 (Anderson Farms)

Dear Mr. Parrish

The Department is seeking a written Comment &/or Recommendation from your agency regarding the above referenced application for surface water; a copy of the application is enclosed for your information and reference.

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about an application, please contact this office or the applicant.

Very truly yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

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AUG 15 2002

MEMO

TO: File

DATE: 4/14/2000

FROM: J E STANTON

SUBJECT: App. for Permit, Anderson Farms (Pond)

I started hunting in this area sometime in the 1980's, and the pond covered by this application has always been there. I have observed the diversion from Spring Creek to the pond. Although I don't recall exactly when I first saw this pond, I feel confident in saying that this application qualifies for pre-1987 processing.

I prepared this application based on work I was doing a couple of years ago to prepare an application for transfer for Trent Anderson. It was during that process that we found out that this pond had no water right. The transfer has not yet been completed or filed, and the app. for permit was just filed. Corey is also familiar with this pond.

Unless contrary evidence is brought out in a protest hearing, it appears that this application should be approved.

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AUG 15 2002

45-07746



ALPHA REALTY & EXCHANGE

218 W. 13th, Burley, Idaho 83318
Phone (208) 677-3030 • Fax (208) 678-5694

April 12, 2000

Mr. Jim Stanton
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED
APR 13 2000
Department of Water Resources
Southern Region

RE: Anderson Farms, Inc.

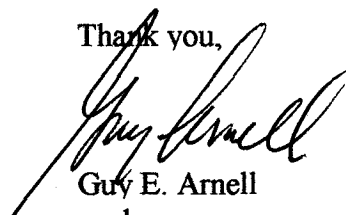
Dear Jim,

As per our meeting last month, when you gave me an application for water storage that you had filled out and was waiting for the signature of the applicant, enclosed please find the same which has been signed.

Also enclosed is a transfer fee in the amount of \$140.00.

Also, as we discussed, Trent Anderson will be in touch with you in the near future to complete the transfers that are in process.

Thank you,


Guy E. Arnell
encl:

cc: Anderson Farms, Inc. 2040 Overland Ave., Burley, ID 83318

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AUG 15 2002

45-07746

TO: File

DATE: December 18, 1998

FROM: Jim Stanton

SUBJECT: App. for Permit, Anderson Farms

The purpose of this application is to legalize a small storage pond that was built about 1985 to hold water from Mill Creek & Spring Creek. Water from this pond has been used on two farms connected by a long buried mainline feeding sprinklers. Although there are 335 licensed/decreed acres on the two farms, GIS data from the 1987 NAPP photos shows 544.4 irrigated acres. The place of use has increased on the north farm since 1987, with up to 694 acres now irrigated. The south farm (where the pond is) has been in CRP from 1989 through this year. The south farm was recently sold, with the water rights and the pond retained by Anderson Farms. I was told recently that the north farm is also up for sale. Transfers have been filed to move all the water rights to the north farm.

I wasn't sure how to show the place of use on this application. Approval of the app. will be based on pre-1987 development, but the place of use has changed since then. And it doesn't make sense to approve a permit on land not owned by the applicant. So I discussed this with Shelley Keen, who suggested that I show the 1998 place of use on the application. Proof of beneficial use (with the exam fee paid) and the licensing exam should accompany the permit, allowing permit approval and licensing at the same time. I don't think we have ever done this before, but Shelley's idea seems reasonable. By limiting the permit to the pre-1987 acreage numbers within the larger PPU, we should be complying with the moratorium while still recognizing 1998 reality. And with such a small storage capacity compared to annual water usage in this system, it shouldn't be that big a deal.

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AUG 15 2002