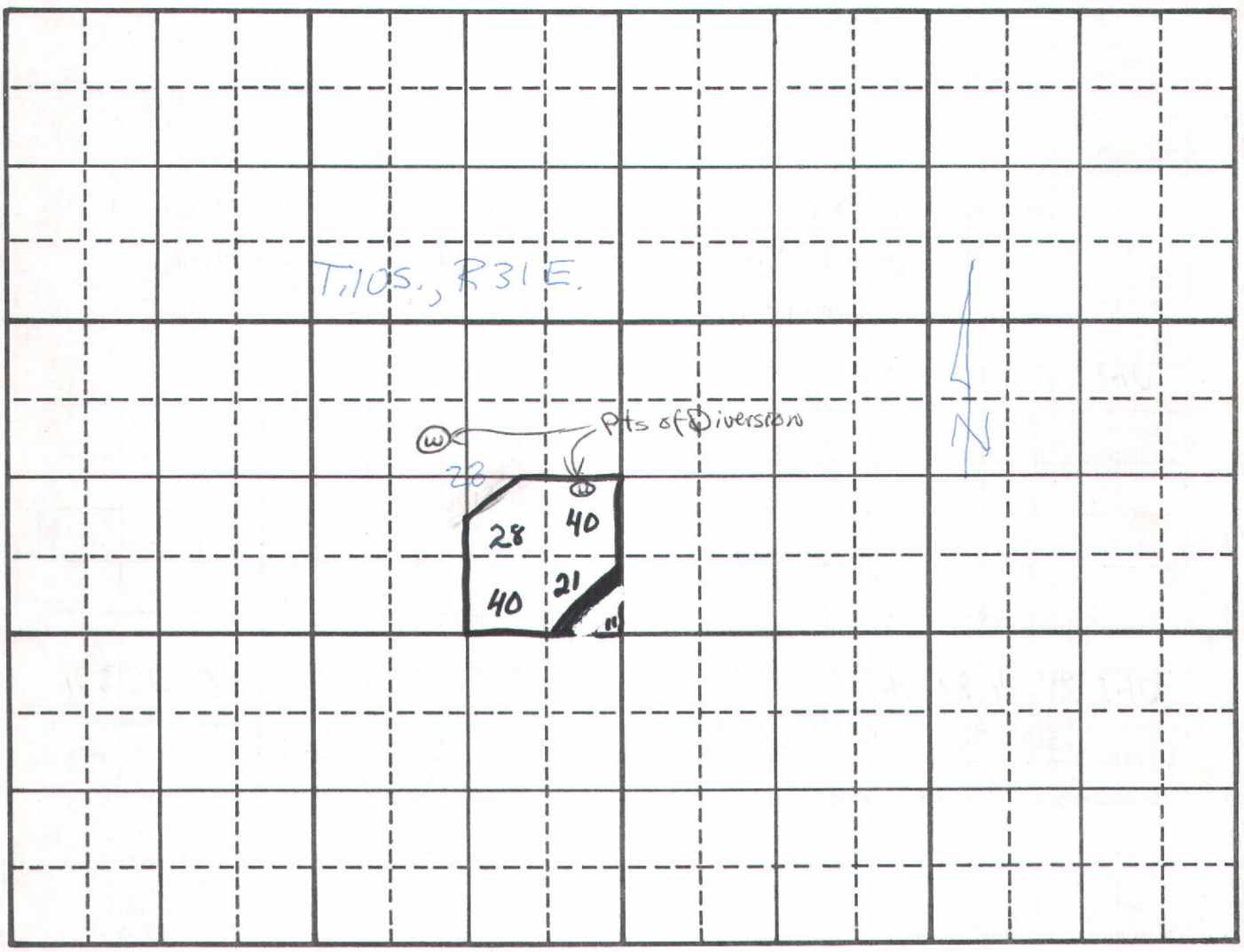
Complete the following map by showing land and point of diversion as proposed by this amendment.

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



Scale: 2 inches equal 1 mile.

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

Signed at Twin Falls, this 1 day of Feb., 1980.

Kenton McMichael
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by ADM Fee = $20.00 #17094 Receipted by TGB Date 2-1-80

Publication prepared by ADM Date 2/8/80 Published in Power County Press

Publication dates 2/27 & 3/5/80

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Chief Operations Bureau of the Department of Water Resources hereby APPROVE the above referenced Amendment for Permit No. 41-7030, subject to the conditions as listed on the Permit.

OK JG

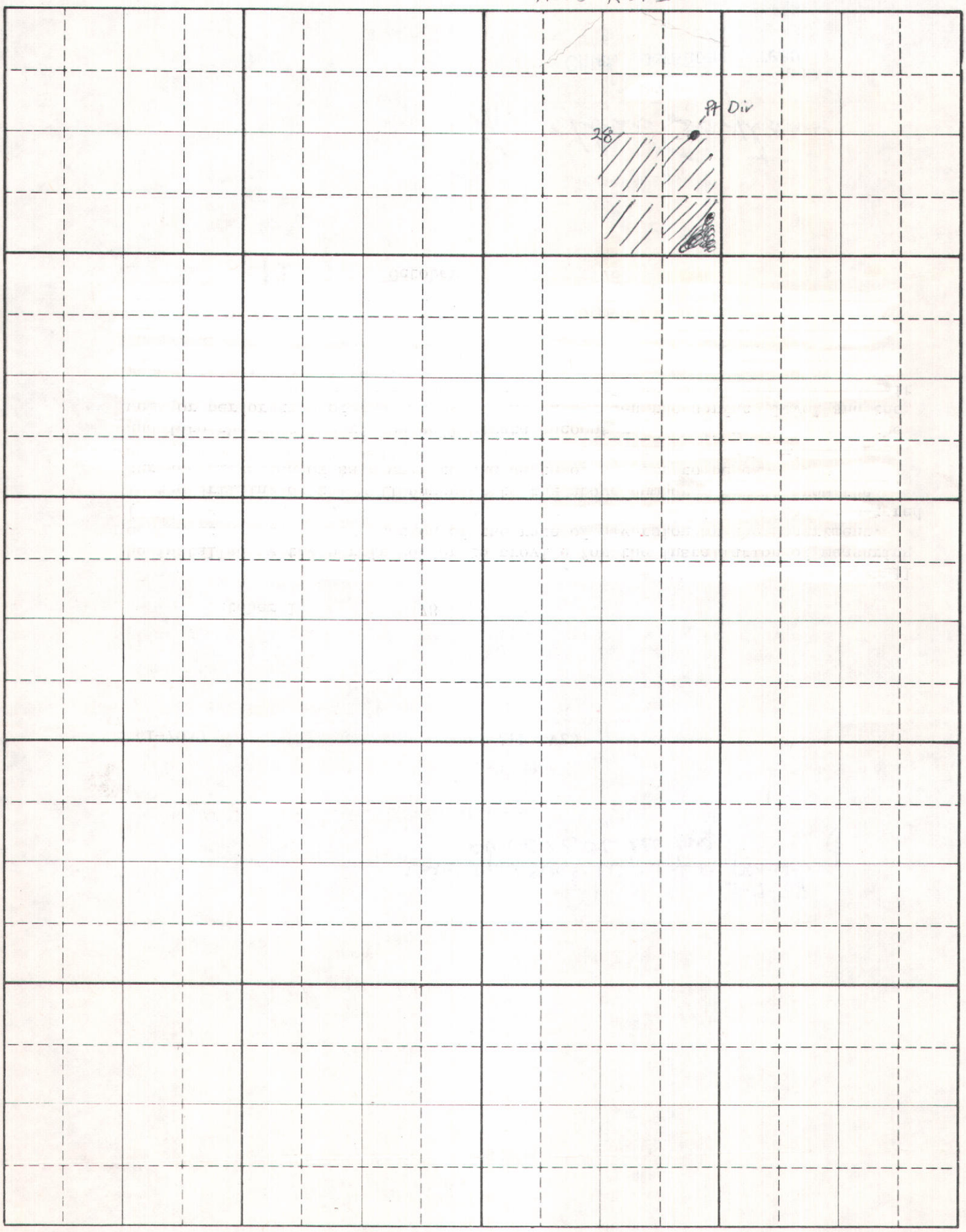
Witness my hand this 9th day of May, 19 80.

L. Glen Saxton
Chief, Operations Bureau

MICROFILMED

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

T.10S R31E



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.

Kent O. McMichael
(Applicant)

Affidavit of Publication

RECEIVED
MAR 10 1980
Department of Water Resources
Southern District Office

STATE OF IDAHO } s.s.
COUNTY OF POWER }

ROBERT CROMPTON ..... being first duly sworn on oath, states:

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

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for ..TWO..... successive weekly issues thereof, the date of the first publication being the .....27..... day of ..FEB....., 1980.

the date of last publication being the .....5..... day of MARCH ....., 1980.

(Signed) Robert Crompton

Subscribed and sworn to before me this .....5..... day of March, 1980.

Judi Ballinson
Notary Public, residing at American Falls, Idaho.

My Commission expires the .....20..... day of April, 1982

(SEAL)

Legal Notice

Published in The Power County Press February 27 and March 5, 1980.

NOTICE OF AMENDMENT TO A WATER PERMIT NO. 41-7030

Notice is hereby given that Kent O. McMichael is the holder of approved permit No. 41-7030 authorizing the diversion of 2.80 cubic feet per second of water from Groundwater in the NE¼SE¼ of Sec. 28, Twp. 10S., Rge. 31E, B.M. County of Power, to be used for Irrigation from March 15 to November 15 (on 140 acres) within SE¼ ofSec. 28, Twp. 10S., Rge 31E., B.M.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit, to change the permit, as follows: Point(s) of Diversion: NE¼SE¼, and SE¼NW¼ of Sec. 28, Twp. 10S., Rge. 31E., B.M. (Applicant must conform to original conditions of approval in drilling additional well) Place of Use: 140 Acres within SE¼ of Sec. 28, Twp. 10S, Rge. 31E., B.M.

Any protest against approval of the amending of Permit No. 41-7030 as set forth above must be filed with the Idaho Department of Water Resources 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before March 17, 1980.

C. STEPHEN ALLRED
Director

MICROFILMED
DEC 23 1991

RECEIVED
MAR 7 1980
Department of Water Resources
Eastern District Office

Legal Notice

Published in The Power County Press on February 27 and March 5, 1980.

NOTICE OF AMENDMENT TO A WATER PERMIT NO. 41-7034

Notice is hereby given that Kent O. McMichael is the holder of approved permit No. 41-7034 authorizing the diversion of 4.00 cubic feet per second of water from Groundwater in the NE¼SE¼ of Sec. 28, Twp. 10S., Rge. 31E., B.M. County of Power, to be used for Irrigation from March 15 to November 15 (on 222 acres) within NE¼, E½NW¼, SE¼SE¼ of Sec. 28, Twp. 10S., Rge. 31E., B.M.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit, to add a point of diversion and change the place of use as follows: Point(s) of Diversion: NE¼SE¼, SE¼NW¼ of Sec. 28, Twp. 10S., Rge. 31E., B.M. (Applicant must conform to original conditions of approval in drilling additional well). Place of Use: 222 acres within the NE¼, E½NW¼, NW¼SE¼ of Sec. 28, Twp. 10S., Rge. 31E., B.M.

Any protest against approval of the amending of Permit No. 41-7034 as set forth above must be filed with the Idaho Department of Water Resources 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before March 17, 1980.

C. STEPHEN ALLRED
Director

Affidavit of Publication

STATE OF IDAHO
} s.s.
COUNTY OF POWER

Phyllis Ringe ..... being first duly sworn

on oath, states:

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

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for ....2..... successive weekly issues thereof, the date of the first publication being the 20th day of October, 19..77

the date of last publication being the

.....27th.... day of .....October....., 19....77.

(Signed) Phyllis Ringe

Subscribed and sworn to before me this

28th day of October, 19..77

Rose Ann Funk

Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL) ..... day of ....., 19 .....

NOTARY PUBLIC

DI OK 11/1/77

Legal Notice

Published in the Power County Press October 20 and 27, 1977

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Kent O. McMichael Rockland, Idaho 83271 has on 10/11/77 submitted Application No. 41-7030 for a permit to appropriate 2.8 cubic feet per second of water from ground water by means of well, pipeline, sprinkler system within the NE¼SE¼, Sec. 28, Twp. 10S, Rge. 31E, B.M. Power County to be used from Mar. 15 to Nov. 15 for irrigation purposes of 140 acres within the SE¼, Sec. 28, Twp. 10S, Rge. 31E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before November 7, 1977.

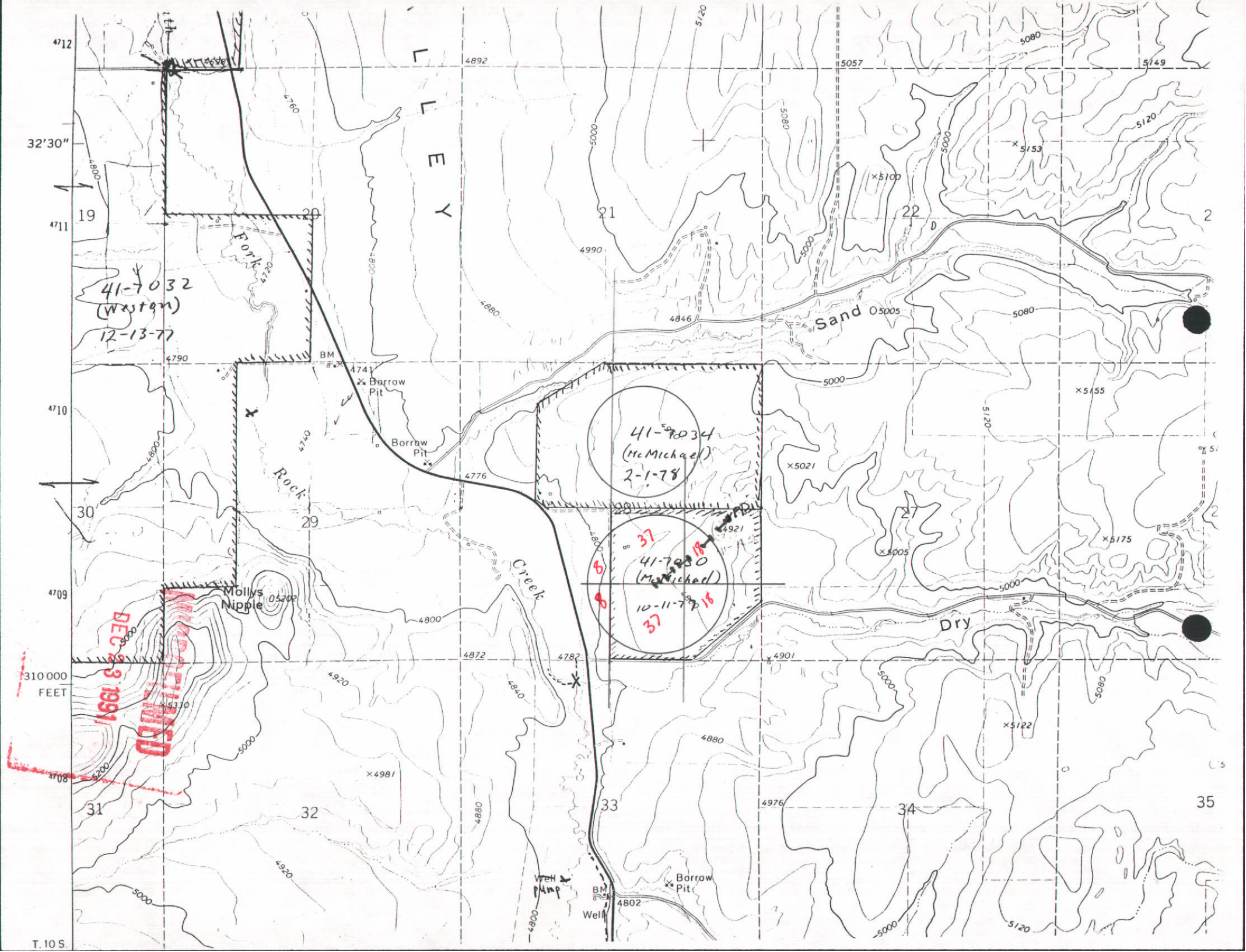
C. Stephen Allred
Director

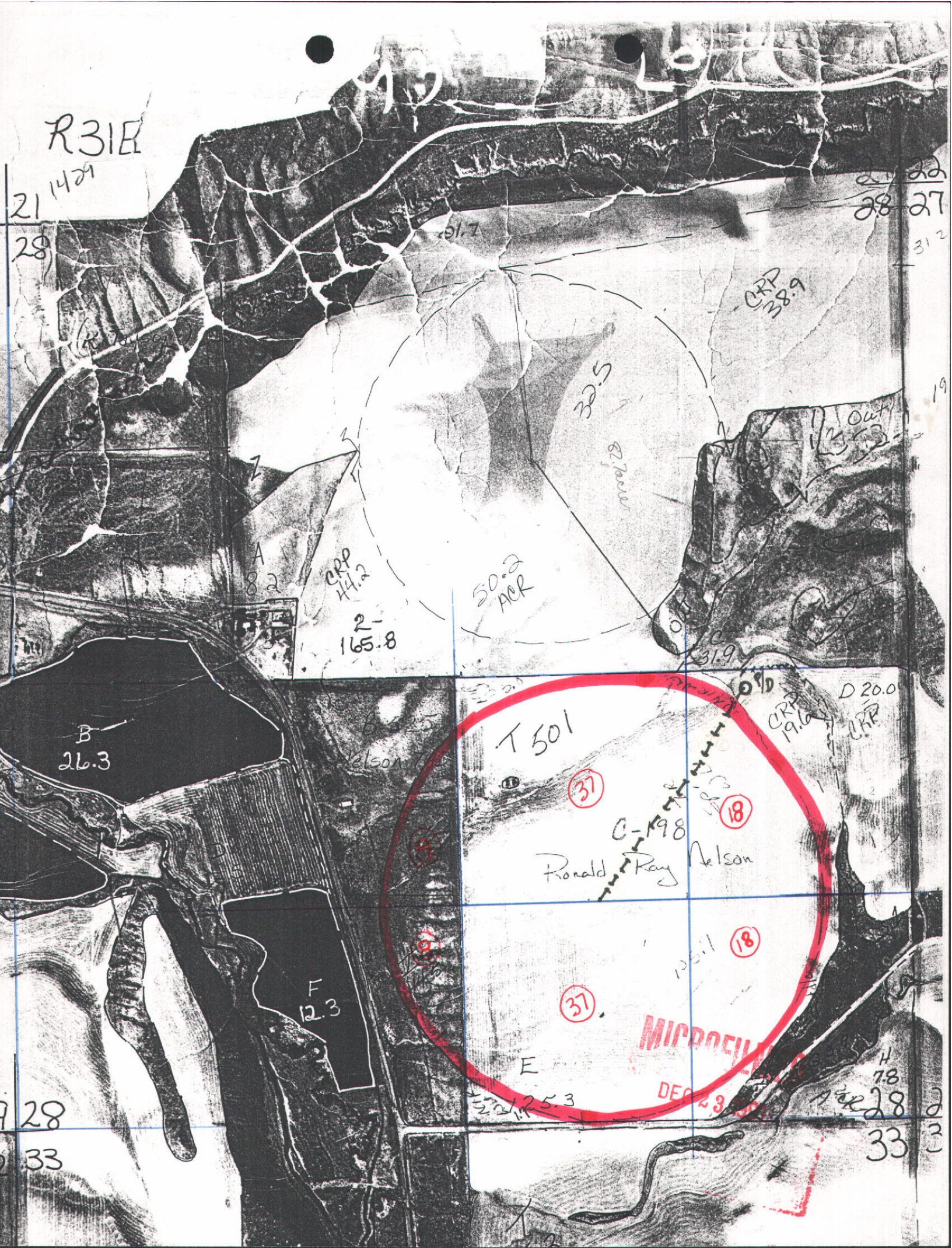
RECEIVED
OCT 31 1977
Department of Water Resources
Southern District Office

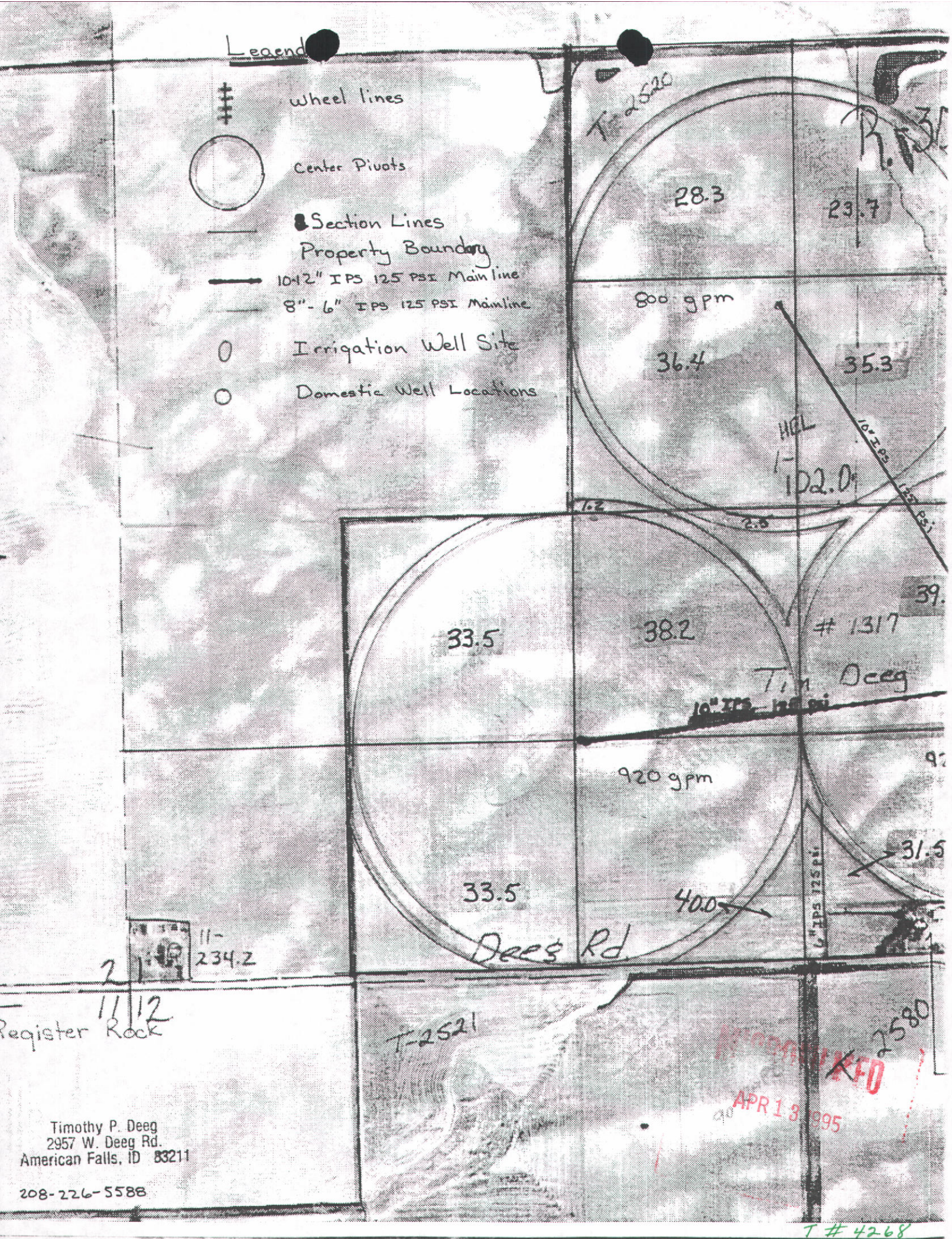


Point of Diversion and place of use

MICROFILMED
DEC 23 1991


41-7032
(Wasson)
12-13-77
41-7034
(McMichael)
2-1-78
41-7030
(McMichael)
10-11-78
Sand
Dry
Rock
Creek
Fork
Mollys
Nipple
Borrow
Pit
Well
Pump
BM
4741
4802
RECEIVED
DEC 3 1991
32'30"
310 000
FEET
T. 10 S.
19
20
21
22
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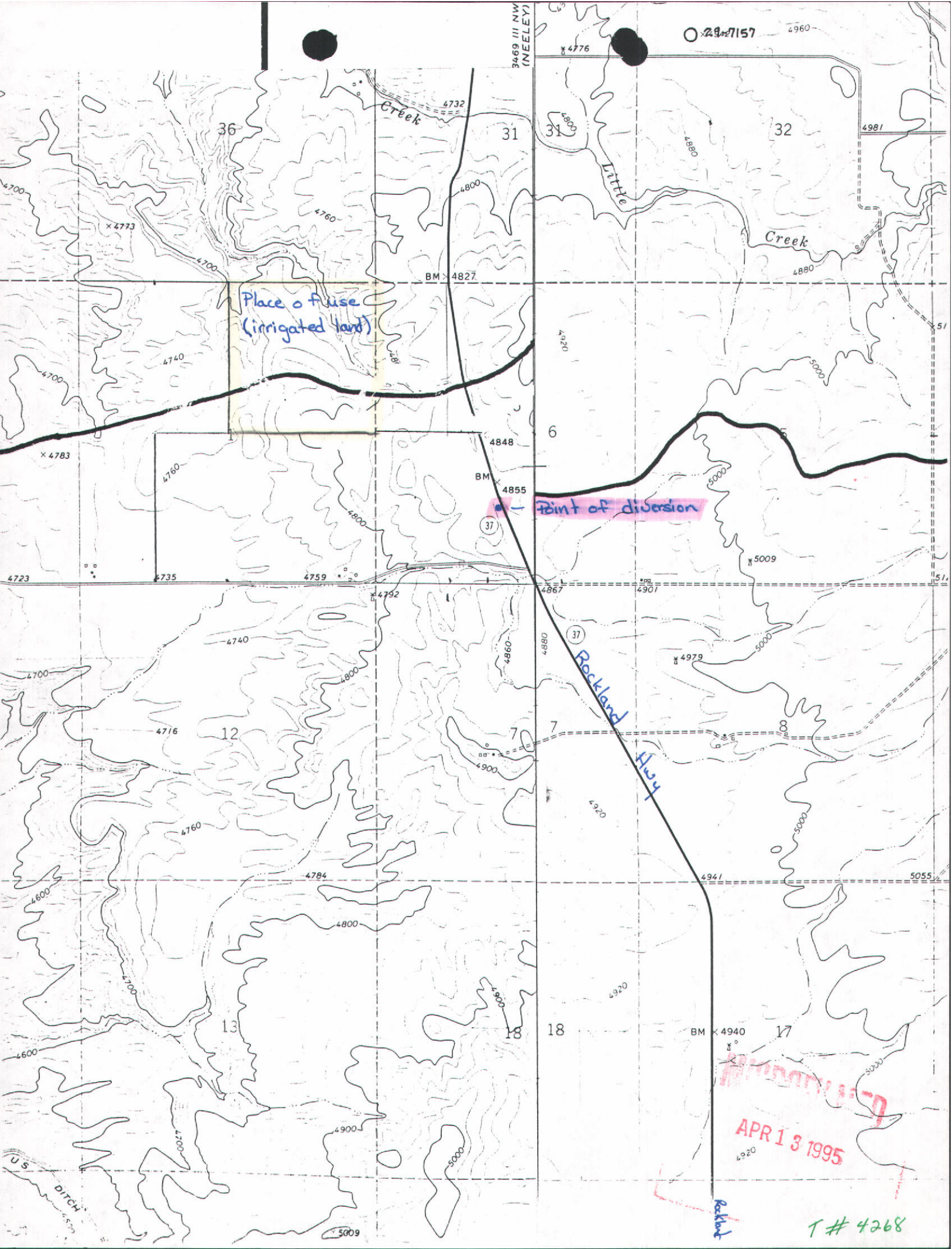

R31E
1429
21
28
22
27
28
31.2
91.7
CRP
38.9
33.5
B. Pace
Out
19
A
8.2
CRP
44.2
2-
165.8
50.2
ACR
C
31.9
D 20.0
CRP
19.6
CRP
B
26.3
T 501
37
18
C-198
Ronald Ray Nelson
18
37
F
12.3
E
25.3
H
7.8
28
33
28
33



Timothy P. Deeg
2957 W. Deeg Rd.
American Falls, ID 83211

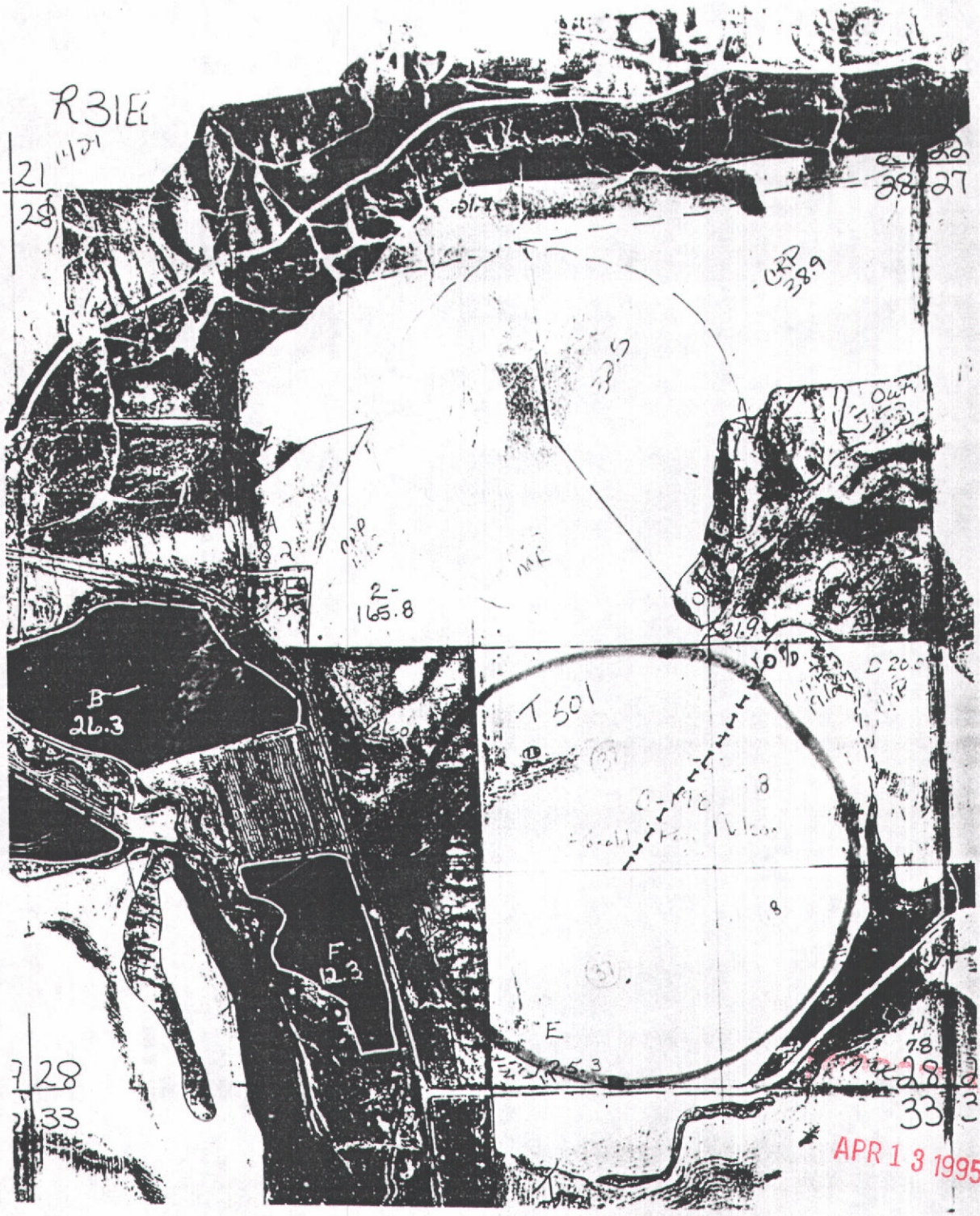
208-226-5588

T # 4268

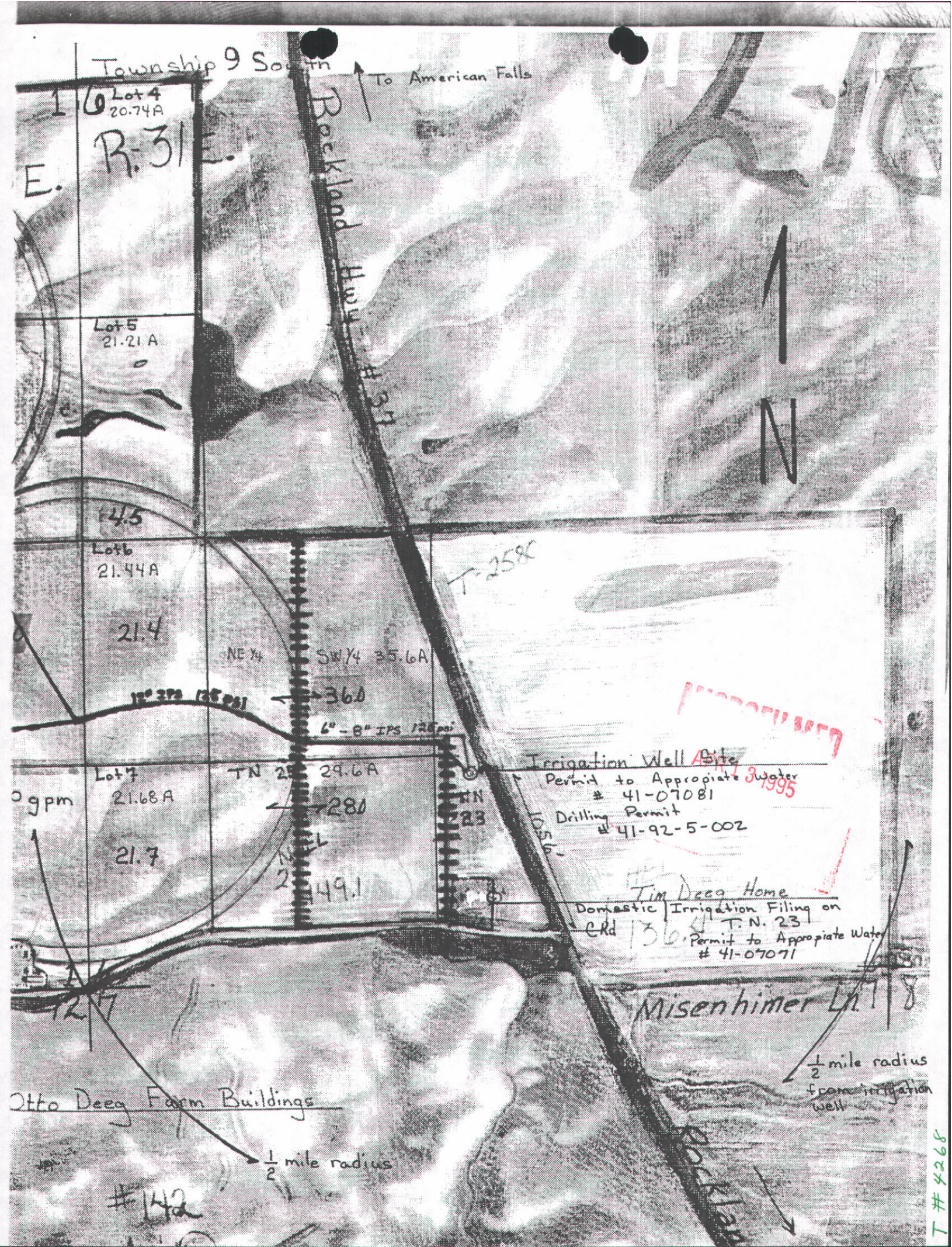


APPROVED
APR 13 1995

T # 4268



T #4268


Township 9 South
R. 31 E.
To American Falls
Lot 4
20.74A
Lot 5
21.21 A
Lot 6
21.44A
Lot 7
21.68 A
NE ¼
SW ¼ 35.6A
6" - 8" IPS 125 psi
Irrigation Well Site
Permit to Appropiate Water
41-07081
Drilling Permit
41-92-5-002
Tim Deeg Home
Domestic
Irrigation Filing on
T. N. 23
Permit to Appropiate Water
41-07071
Misenhimer Ln
Otto Deeg Farm Buildings
½ mile radius
½ mile radius from irrigation well
T-25S
T # 4268

Transfer No. 4268

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described



MICROFILMED
APR 13 1995

Form 238-7
4/88

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

RECEIVED
AUG 10 1992
Department of Water Resources
Southern Region Office

USE TYPEWRITER OR BALLPOINT PEN

1. WELL OWNER

Name TIMOTHY P. DEEG

Address 2957 DEEG ROAD AMERICAN FALLS ID 83211

Drilling Permit No. 41-92-S-002

Water Right Permit No. 41-07061 OK

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9.)

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Monitor
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Auger ☐ Reverse rotary
☒ Cable ☐ Mud ☐ Other _____ (backhoe, hydraulic, etc.)

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter		From	To
250 inches	20 inches	+	1 feet	51 feet
250 inches	18 inches	ϕ	1 feet	719 feet
_____ inches	_____ inches		_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☒ Yes ☐ No
How perforated? ☒ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation? 3/4 inches by 3/8 inches

Number		From	To
18 rows	perforations	210 feet	330 feet
_____	perforations	450 feet	490 feet
_____	perforations	516 feet	716 feet

Well screen installed? ☐ Yes ☒ No
Manufacturer _____ Type _____
Top Packer or Headpipe _____
Bottom of Tailpipe _____

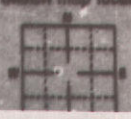
Diameter ____ Slot size ____ Set from ____ feet to ____ feet
Diameter ____ Slot size ____ Set from ____ feet to ____ feet
Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet

Surface seal depth 25 Material used in seal: ☐ Cement grout
☒ Bentonite ☐ Puddling clay ☐ & cement
Sealing procedure used: ☐ Slurry pit
☒ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded
☐ Solvent Weld ☐ Cemented between strata

Describe access port 4" pipe

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____
Lot No. _____ Block No. _____

7. WATER LEVEL

Static water level 320 feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below.

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
2600	480	3

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
24	0	9	topsoil & sandy clay		
	9	16	sandy clay & some gravel		
	16	35	sandy clay & gravel		
	35	42	clay & gravel		
	42	51	clay & some gravel		
20	51	69	brown lava solid		
	69	83	gray lava loose		
	83	92	brown lava hard		
	92	108	brown, red, & gray cinders		
	108	140	brown clay & sandstone		
	140	187	brown sandstone soft		
	187	195	hard red sandstone		
	195	278	light gray sandstone	x	
	278	315	gray sandstone & gravel	x	
	315	350	white sandstone & gravel	x	
	350	417	gray sandstone		
	417	440	black sandstone & gravel	x	
	440	453	gray sandstone		
	453	475	sandstone & gravel	x	
	475	670	sandstone some caving		
	670	685	black decomposed lava	x	
	685	733	black lava firm		
	733	742	black hard lava		
	742	801	black lava firm		
	801	820	black decomposed lava	x	
	820	829	black lava solid		
	829	837	black lava soft	x	
	837	857	black lava solid		
	857	910	red rock solid		
	910	939	gray lava & conglomerate		

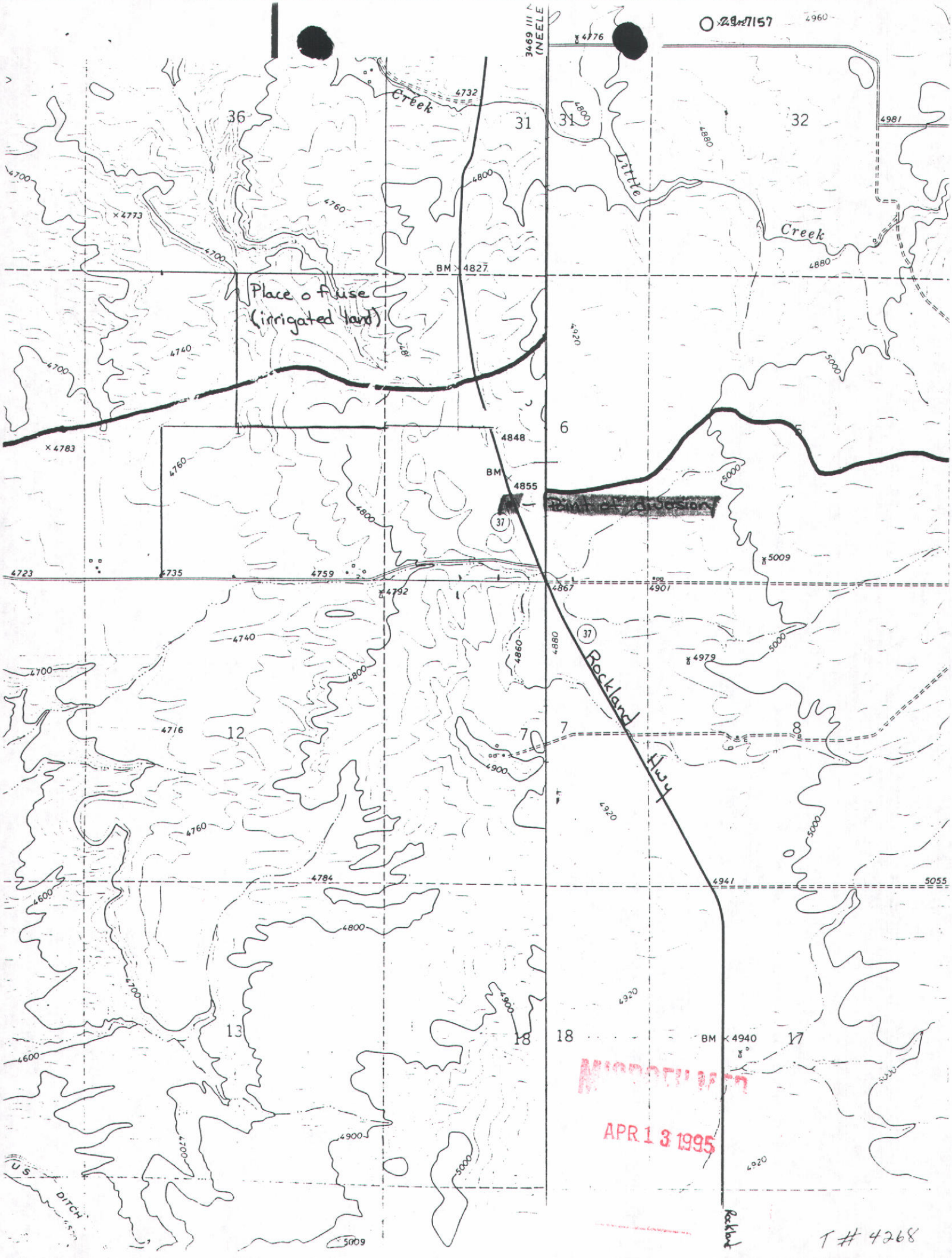
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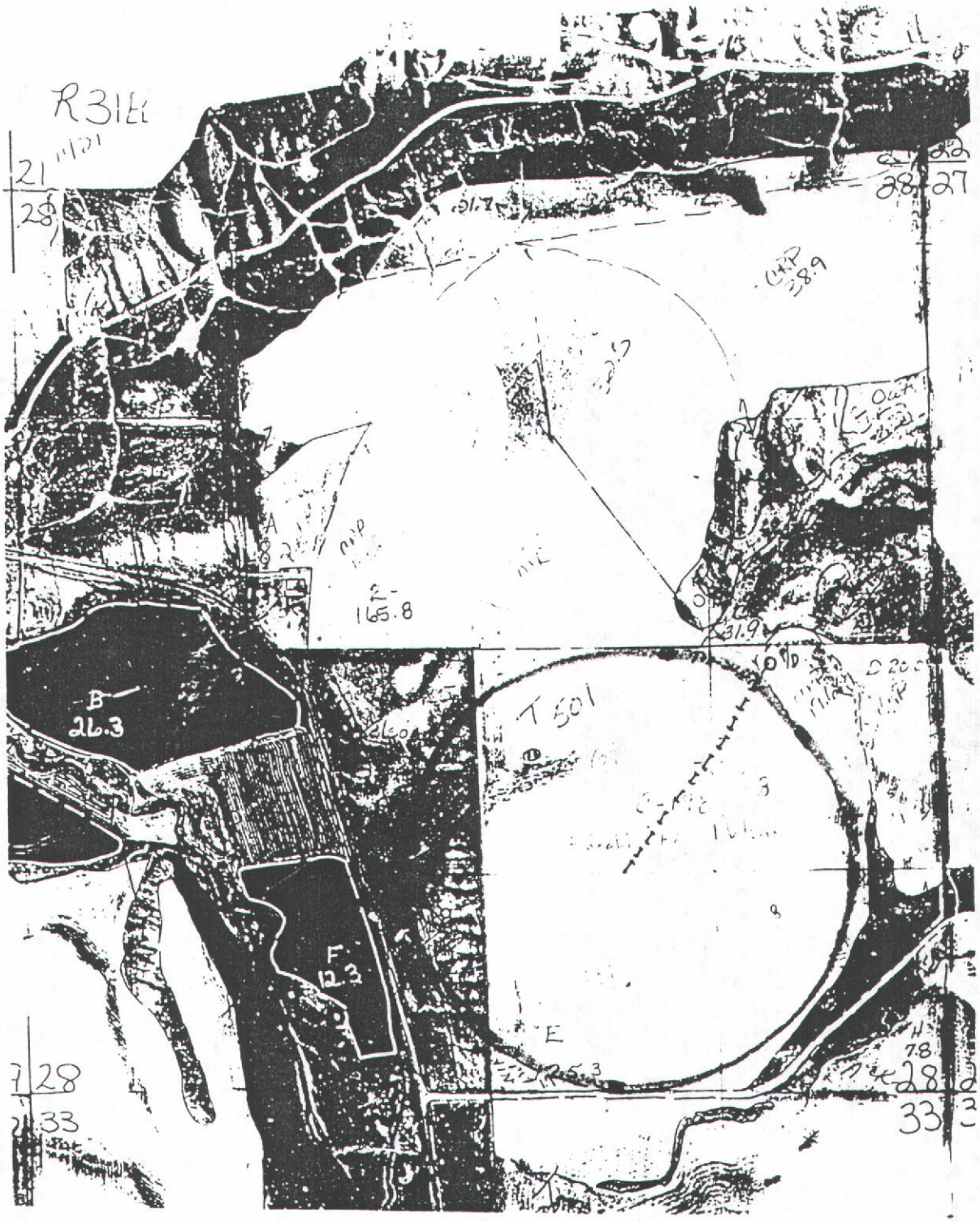
Work started 4-21-92 finished 7-30-92

11. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

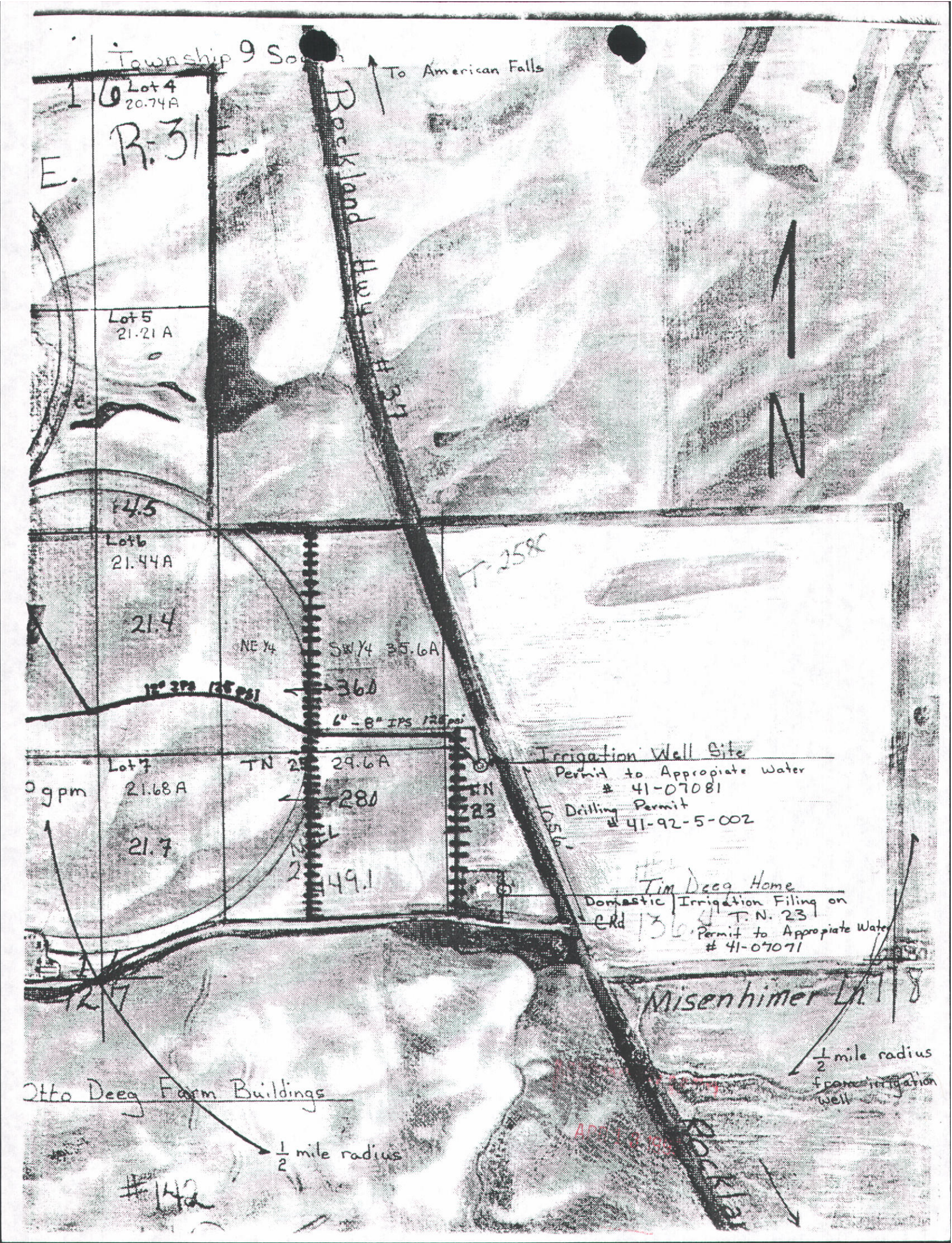
Firm Name AMERICAN COUCH WELL DRILLING Firm No. 161
Address 340 Walnut Vista Dr. Date 7-30-92

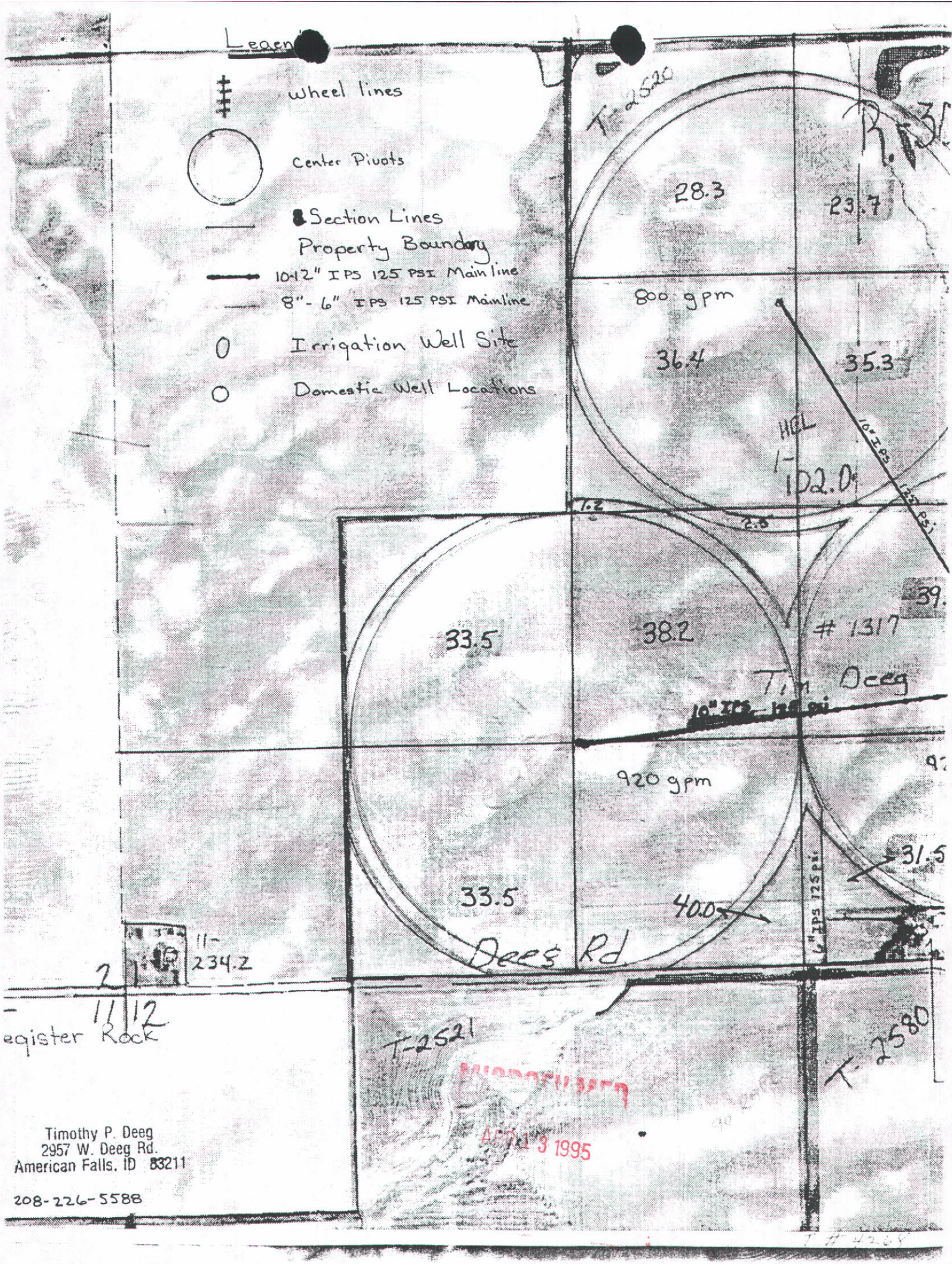

Creek
Little Creek
Place of use
(irrigated land)
Rockland Hwy
BM 4827
BM 4855
BM 4940
4848
4867
4901
4941
5055
5009
4979
4732
4776
4981
4960
4880
4800
4760
4700
4740
4720
5000
4860
4900
4784
4716
4723
4735
4759
4792
4783
4773
4600
4820
36
31
32
6
1
12
7
8
13
18
17
37
U S DITCH
APR 13 1995
T # 4268



APR 13 1995

T #426


Township 9 So
To American Falls
Lot 4
20.74A
R. 31 E.
Lot 5
21.21 A
Lot 6
21.44A
21.4
NE ¼
SW ¼ 35.6A
360
6" - 8" IPS 125 psi
Lot 7
21.68A
TN 2
29.6A
280
TN 23
21.7
49.1
Irrigation Well Site
Permit to Appropiate Water
41-07081
Drilling Permit
41-92-5-002
Tim Deeg Home
Domestic | Irrigation Filing on
T. N. 23
Permit to Appropiate Water
41-07071
Misenhimer Ln
½ mile radius
from irrigation well
Otto Deeg Farm Buildings
½ mile radius
#142



Timothy P. Deeg
2957 W. Deeg Rd.
American Falls, ID 83211

208-226-5588

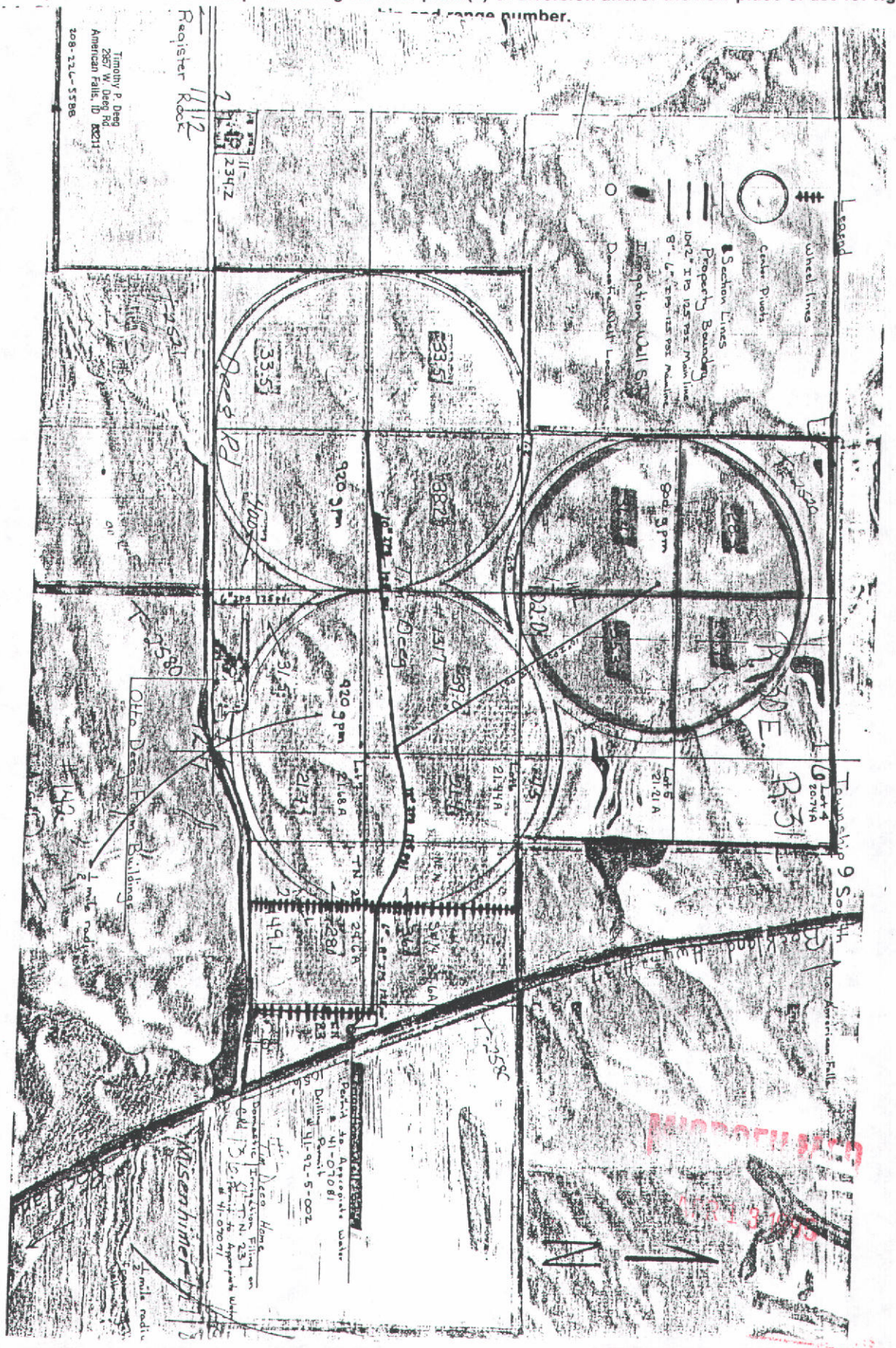
Transfer No. 4268

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described [illegible] and range number.



Pumpco

Department of Water Resources
APPLICANT'S MTS
Exhibit #10
Date Admitted 5-24-94

WELL TEST

CUSTOMER	WELL DATA 58° 61° Degrees	TEST DATA
ME Jim Doty	DEPTH 542'	COLUMN SIZE & LENGTH 12" x 20'
	S.W.L. 452'	DISCHARGE PIPE SIZE 12"
TE 9-19-92	CASING ID 18"	ORFICE SIZE 14"
CATION Rockland	Well Depth 440' CASING DEPTH 600' 700'	MAX. BOWL CAPACITY gal. @ RPM
	DRILLER	ENGINE

TIME	WATER LEVEL FROM TOP	RPM	GPM	ORFICE	WATER CONDITION
9:10	495'	1950	3150	5/8"	Sand
9:15	498'	1950	3110	3 7/8"	Clean
9:20	498'	1950	2988	3 6"	Clean
9:20	498' 500'	1950	2946	3 5"	Clean
9:25	Cas. Leak 498' 500'	1950	2925	3 4.5	Clean
9:30	498'	1950	2925	3 4.5	Clean
9:35	498'	1950	2703	3 4"	Clean
9:40	498'	1950	2882	3 3.5	Clean
10:00		1600	1575	2 2"	Clean
10:00	493'	1960	2882	3 3.5	Clean
10:05	493'	1960	2795	3 3.5	Clean
10:10	494'	1980	2817	3 3.5	Clean
10:15	495'	1960	2882	3 3.5	Clean

APR 1 2 1995

Elevation ≈ 4910'

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

USGS well 85-31E-32CAB1

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

1. WELL OWNER
Name Roland MAYER
Address Rural Route
Owner's Permit No. Am. Falls, Id.

2. NATURE OF WORK
☑ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

3. PROPOSED USE
☐ Domestic ☑ Irrigation ☐ Test ☐ Other (specify type)
☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED
☑ Cable ☐ Rotory ☐ Dug ☐ Other

5. WELL CONSTRUCTION
Diameter of hole 18 inches Total depth 423 feet
Casing schedule: ☑ Steel ☐ Concrete

Thickness	Diameter	From	To
.250 inches	18 inches	+ 1 feet	224 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was a packer or seal used? ☐ Yes ☑ No
Perforated? ☑ Yes ☐ No
How perforated? ☐ Factory ☑ Knife ☐ Torch
Size of perforation 1/2 inches by 2½ inches

Number	From	To
240 perforations	160 feet	180 feet
perforations	feet	feet
perforations	feet	feet

Well screen installed? ☐ Yes ☑ No
Manufacturer's name
Type Model No.
Diameter Slot size Set from feet to feet
Diameter Slot size Set from feet to feet

Gravel packed? ☐ Yes ☑ No Size of gravel
Placed from feet to feet

Surface seal depth 20 Material used in seal ☑ Cement grout ☑ Puddling clay ☐ Well cuttings
Sealing procedure used ☐ Slurry pit ☐ Temporary surface casing ☑ Overbore to seal depth

6. LOCATION OF WELL
Sketch map location must agree with written location.

N / W / E / S

Subdivision Name
Lot No. Block No.
County Power
SW¼ NW¼ Sec. 32 T. 8 S. R. 31 E

7. WATER LEVEL (+4788) Eastern District Office
Static water level 92 feet below land surface
Flowing? ☐ Yes ☒ No G.P.M. flow
Temperature 48 F. Quality
Artesian closed-in pressure P.S.I.
Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA
☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
None		

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
18	0	20	Soil		
	20	95	Sandstone (Ign)	✓	
	95	160	Basalt Cinder (Water between Sandstone & Cinders)		
(4750)	160	255	Sandstone (Red)		
	255	423	" & small streaks of clay (Gravel)	✓	
	(4667)				

10. Work started Mar. 5-77 finished Mar. 30-77

11. DRILLERS CERTIFICATION
Firm Name George Vollmer Firm No. 27
Address Am. Falls, Id. Date 4-22-77
Signed by (Firm Official) George Vollmer
and
(Operator) George Vollmer

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE COPY TO THE DEPARTMENT

USGS 85-31E-32BAC1

Elev=4955

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Roland Mayer
Address Am. Falls, Idaho
Owner's Permit No. 29-7157

2. NATURE OF WORK

☑ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☐ Domestic ☑ Irrigation ☐ Test
☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☑ Cable ☐ Rotory ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 18 inches Total depth 190 feet
Casing schedule: ☑ Steel ☐ Concrete

Thickness	Diameter	From	To
.250 inches	18 inches	+1 feet	168' 6" feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was a packer or seal used? ☐ Yes ☑ No
Perforated? ☐ Yes ☑ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

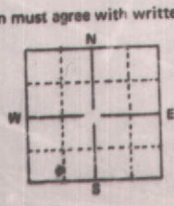
Well screen installed? ☐ Yes ☑ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter ___ Slot size ___ Set from _____ feet to _____ feet
Diameter ___ Slot size ___ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☑ No Size of gravel _____
Placed from _____ feet to _____ feet

Surface seal? ☑ Yes ☐ No To what depth 20' feet
Material used in seal ☑ Cement grout ☑ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.



County Power
NW ¼ NW ¼ Sec. 32 T. 3 S/S, R. 32 E/W

USE ADDITIONAL SHEETS IF NECESSARY

7. WATER LEVEL (+4950)

Static water level 130 feet below land surface
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Temperature 53° F. Quality _____
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
None		

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
	0	6	Soil		
	6	35	Cinders (Red)		
	35	167	Cinders (Black)	✓	
	167	180	Basalt	✓	
	180	180 (+4900)	" (Broken)		

RECEIVED
JAN 23 1974
Department of Water Administration
Eastern District Office

RECEIVED
APR 29 1974

10. Work started Sept. 5-73 finished Oct. 8-73

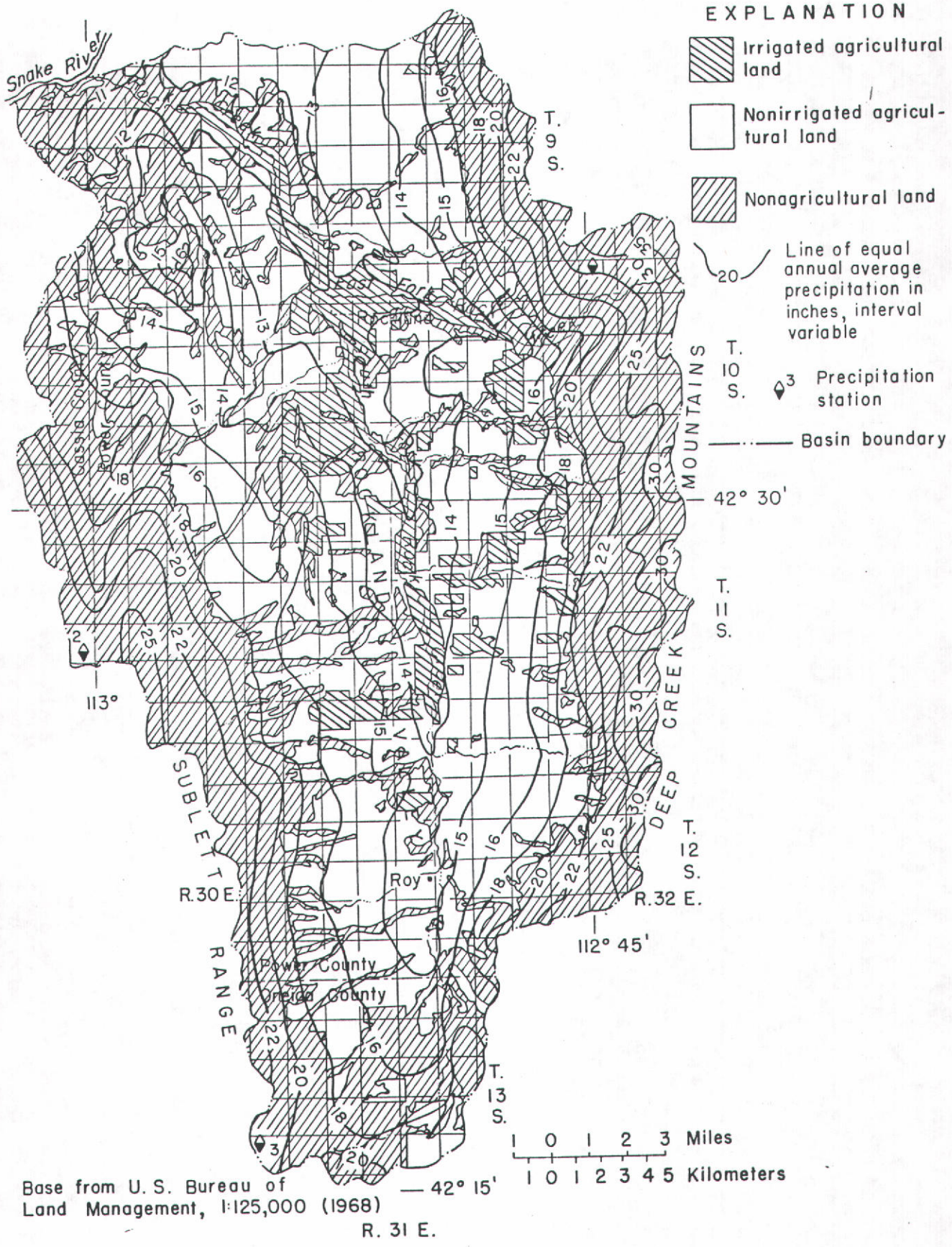
11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is true to the best of my knowledge.

George Vallowe 97
Driller's or Firm's Name Number

Am. Falls, Id.
Address

George Vallowe 11-5-73
Signed By Date



Base from U. S. Bureau of Land Management, 1:125,000 (1968)

Figure 3.-- Distribution of

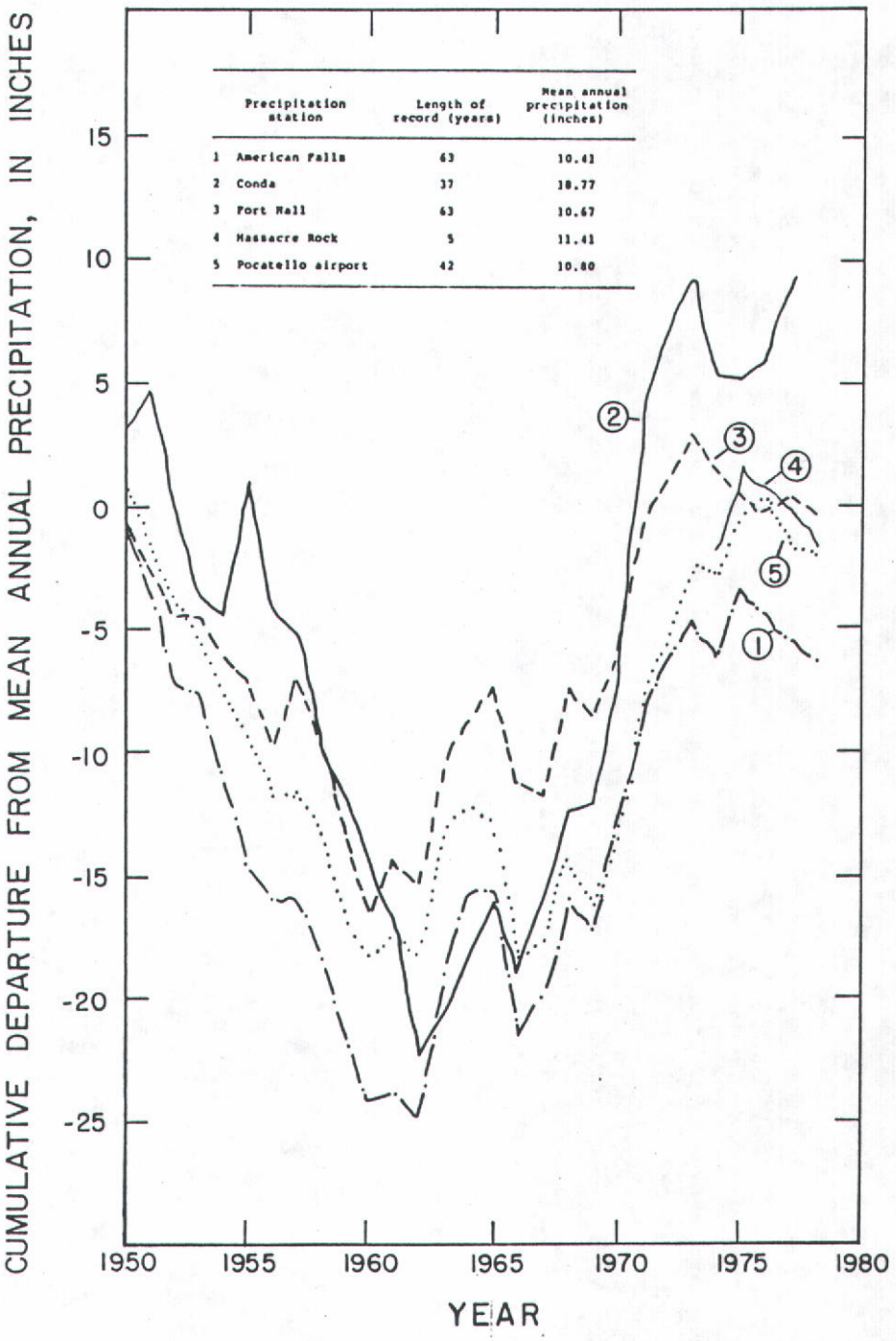


Figure 5. -- Cumulative departure of yearly precipitation for the period 1950-79 from the long-term mean. (Data from National Weather Service)

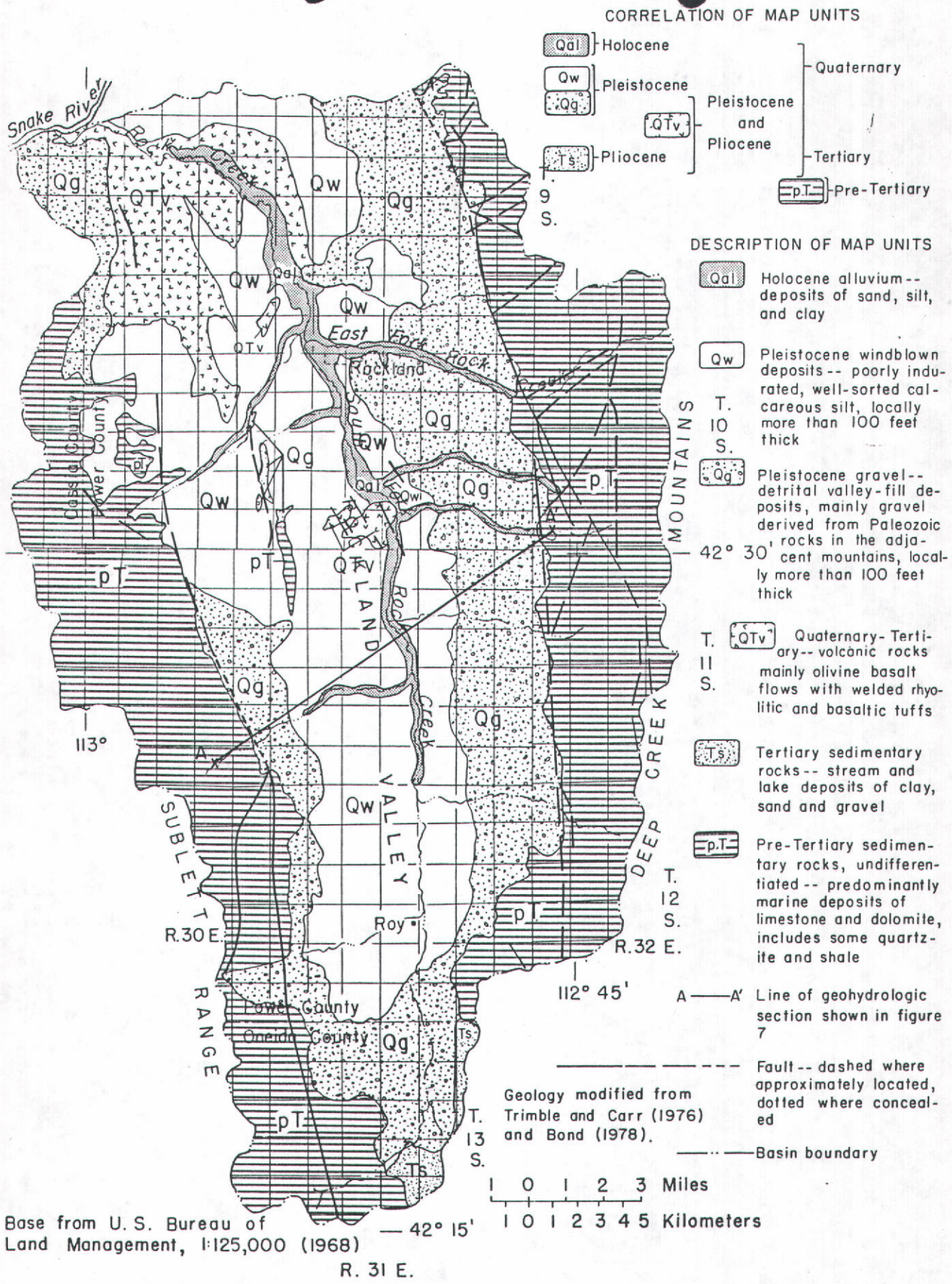


Figure 6. -- Generalized geology.

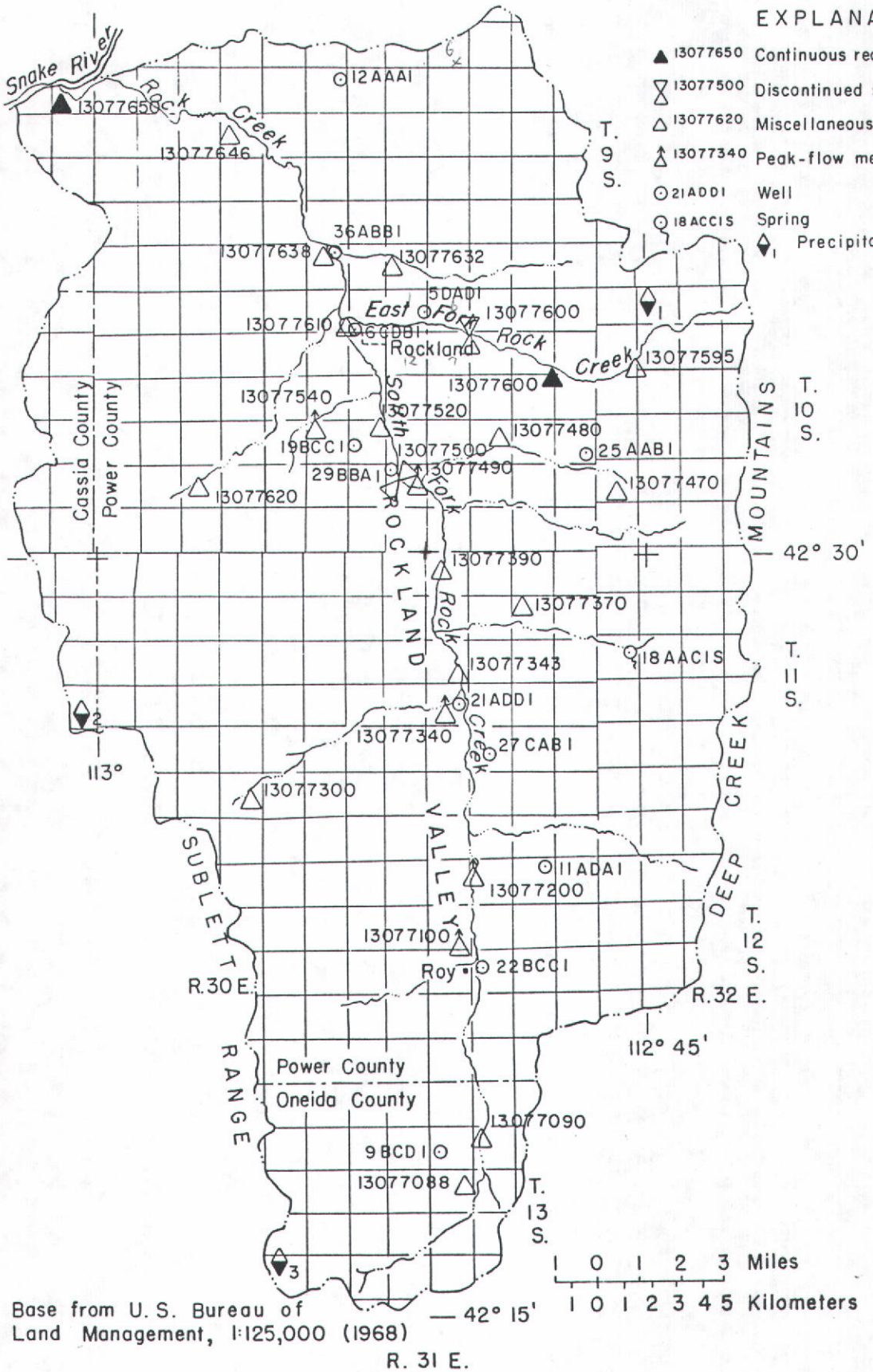
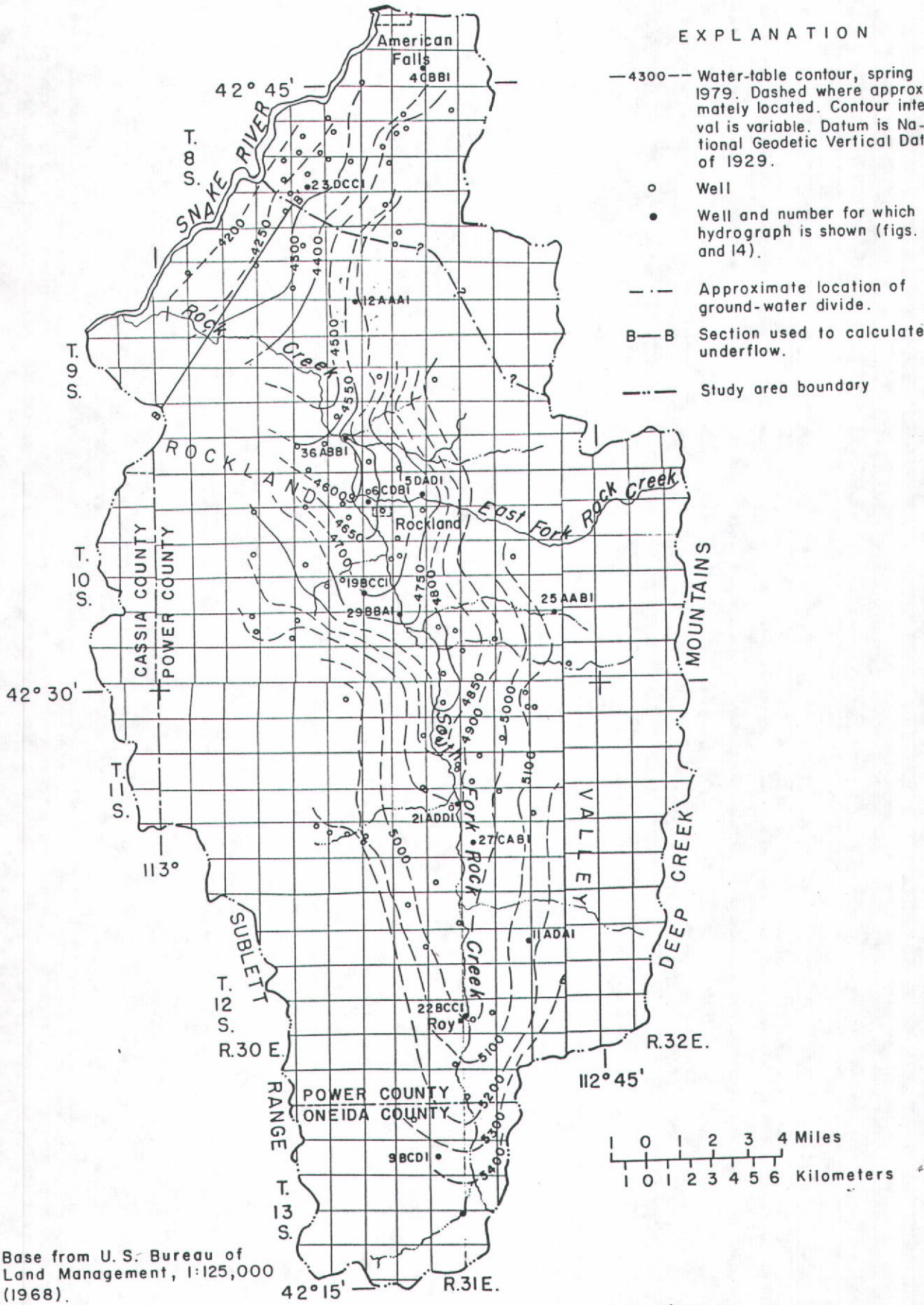


Figure 9. -- Locations of measuring sites.



Base from U. S. Bureau of Land Management, 1:125,000 (1968).

Figure 12. -- Water-table contours and well locations.

Table 4.--Records of wells

Altitude: From U.S. Geological Survey topographic maps and field surveys; datum is National Geodetic Vertical Datum of 1929.

Well Depth: Reported, in feet below land surface.

Casing Depth: Bottom of casing to nearest foot below land surface, or to first perforation where well finish (next column) is shown as P.

Well finish: O - Open end, P - Perforated, T - Sand point, X - Open hole.

Water level: Measured, in feet below land surface.

Use of water: H - Domestic, I - Irrigation, O - Observation, P - Public supply, S - Stock, U - Unused.

Remarks: DL - Driller's log, WQ - Water-quality analysis.

Notation: -- = No data available.

Well No.	Altitude of land surface (ft)	Well depth (ft)	Casing			Water level		Use of water	Remarks
			Diameter (in.)	Depth (ft)	Well finish	Depth (ft)	Date measured		
8S-30E-12CCD1	4,370	--	--	--	--	138.00	4-30-79	I	
13BDB1	4,405	190	--	--	--	164.90	4-12-79	H	
14BDD1	4,345	400	12	--	--	100.40	4- 3-79	I	DL
14CDC1	4,405	475	18	--	--	160.26	4- 3-79	I	DL
14DBB1	4,370	181	10	--	--	--	--	I	
14DDD1	4,420	--	--	--	--	170.85	4-12-79	H	
22AAD1	4,352	248	16	120	X	131.00	4-30-79	I	DL
22DAD1	4,405	251	6	--	--	156.10	4- 4-79	H	
23DBB1	4,435	360	16	50	X	195.85	4- 4-79	I	DL
23DCC1	4,505	274	5	--	--	207.80	4-18-79	U	
24AAC1	4,533	615	18	285	X	193.10	4-12-79	I	DL
24ABA1	4,479	--	--	--	--	162.43	8- 3-78	H	
24BBA1	4,475	--	6	--	--	239.96	8- 3-78	H	
26BBB1	4,445	230	6	174	X	172.55	4-12-79	H	DL
27DAA1	4,500	580	--	--	--	222.45	4-30-79	I	WQ
35BDD1	4,544	365	8	--	--	205.60	4- 3-79	U	
8S-31E- 6CDC1	4,440	297	18	--	--	139.08	4- 6-79	I	
8CCB1	4,547	--	8	--	--	5.60	4-12-79	H	
8CDA1	4,580	810	18	401	X	249.05	4- 6-79	I	DL
9DAD1	4,800	--	4	--	--	223.70	4- 6-79	U	
17ABC1	4,705	387	18	372	X	139.30	4- 6-79	I	DL
17BDB1	4,650	400	--	--	--	115.15	4- 6-79	I	
18DAB1	4,510	--	--	--	--	17.70	8- 2-79	U	
18DDB1	4,540	18	--	--	--	3.35	4-12-79	U	
20BBC1	4,590	--	6	--	--	23.92	4-11-79	H	
30ADD1	4,805	--	--	--	--	243.25	4-12-79	H	
32BAC1	4,955	190	18	168	X	~~156.00~~	4- 9-79	I	DL WQ
32CAB1	4,910	--	--	--	--	~~96.95~~	4- 9-79	I	
9S-30E- 2CBC2	4,665	500	6	--	--	368.15	4- 3-79	H	
3ADB1	4,670	500	--	--	--	--	--	H	WQ
3BBB2	4,563	--	4	--	--	315.06	4- 3-79	U	
5BBC1	4,323	173	6	100	X	129.28	4- 3-79	H	
12AAA1	4,792	162	6	--	--	147.42	4-17-79	U	
14CCA1	4,502	--	--	--	--	--	--	H	WQ
14DCC1	4,572	160	6	--	--	95.30	4- 3-79	U	
15DDD1	4,495	700	16	--	--	12.15	4-16-79	U	
25BDC1	4,580	--	--	--	--	75.30	4- 4-79	U	
35AAD1	4,584	29	6	--	--	25.95	4- 4-79	U	
35BBD1	4,678	144	6	60	X	127.99	4- 4-79	S	
35CDD1	4,689	147	--	--	--	103.75	4- 4-79	U	
36ABB1	4,655	19	1.25	16.8	T	12.33	4-16-79	O	
9S-31E-19ADA1	4,910	--	--	--	--	247.14	4-12-79	H	
21BDC1	4,980	500	8	--	--	38.90	4- 9-79	H	
31CAC1	4,842	408	14	30.5	X	51.60	4-12-79	I	DL WQ
32CCD1	4,842	--	10	--	--	153.45	11-29-78	H	
33CDA1	4,914	--	--	--	--	80.40	4- 9-79	I	
10S-30E- 1CDD1	4,690	--	16	--	--	75.19	4- 4-79	U	
1DAC1	4,665	--	--	--	--	73.64	4-12-79	U	
2CDC1	4,760	107	--	--	--	68.33	4- 4-79	U	
9AAA1	5,091	--	5.5	--	--	291.36	4- 4-79	U	
12ACB1	4,715	1,100	22	21	X	92.89	4- 4-79	I	DL WQ
16ADA1	5,010	--	--	--	--	163.20	4- 4-79	H	
23AAD1	4,850	214	8	12	X	75.95	4-11-79	H	
24BAA1	4,860	--	6	--	--	126.70	4-11-79	H	
24CDD1	4,960	--	16	--	--	--	--	I	

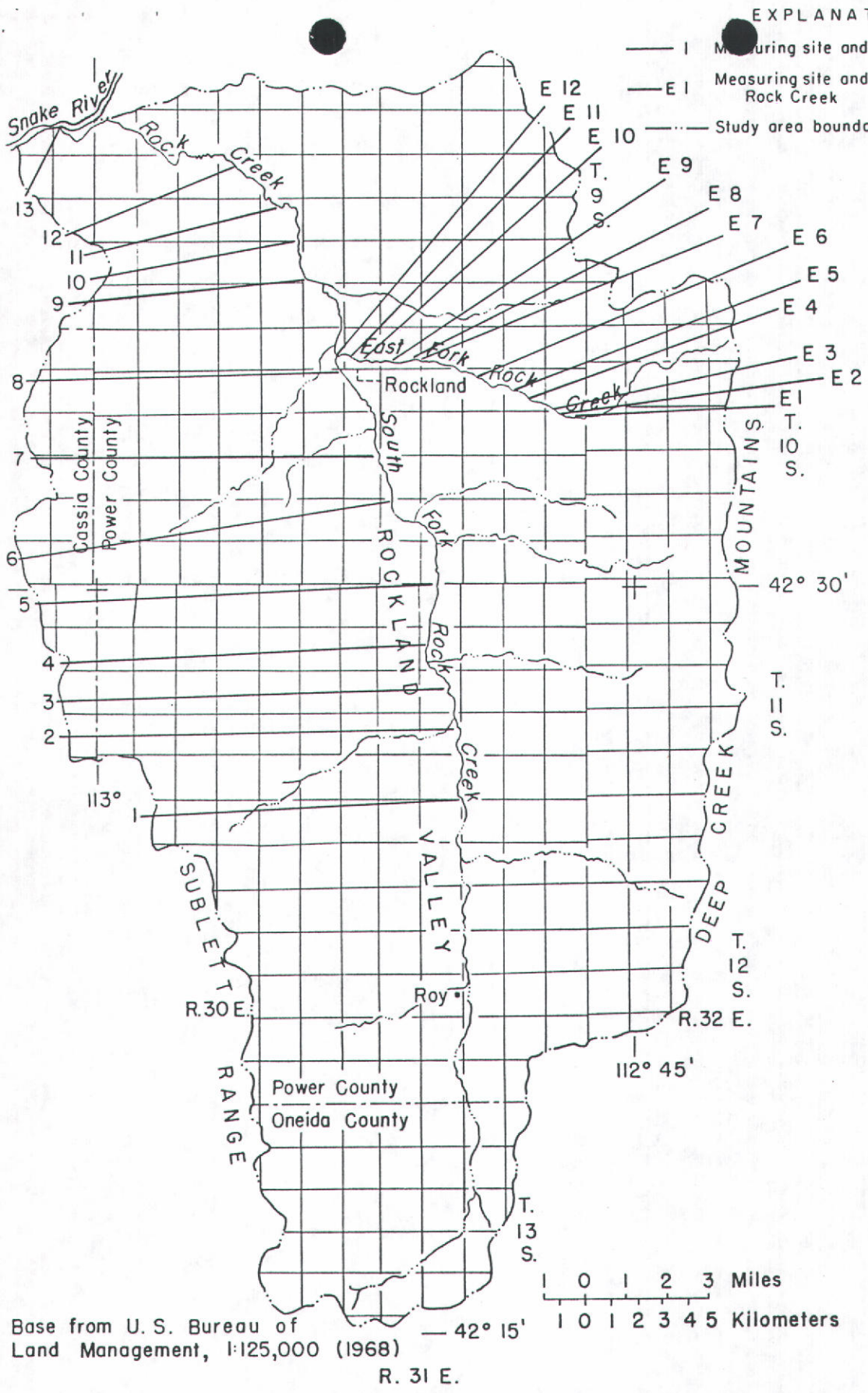


Figure 17.--Discharges and locations

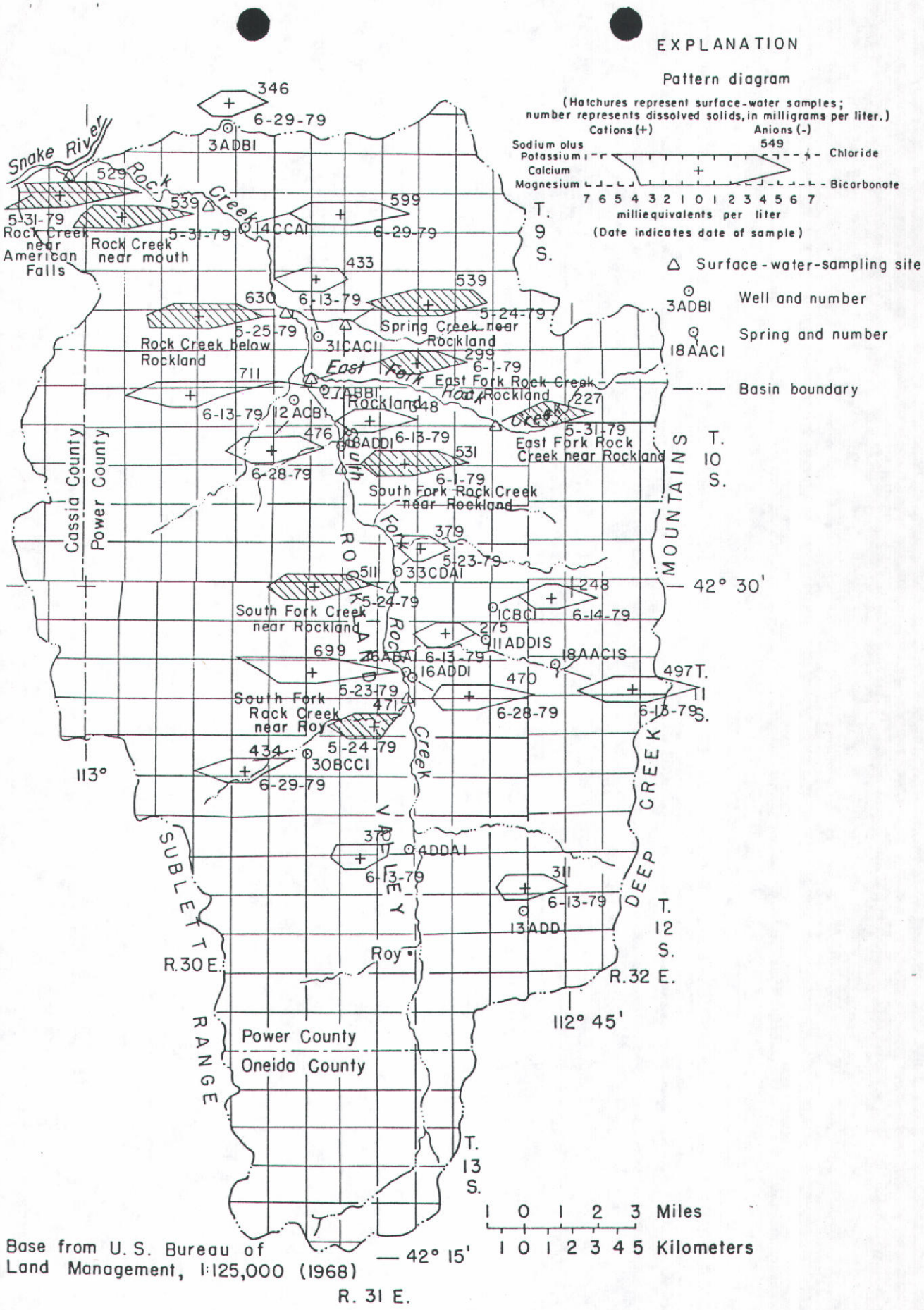
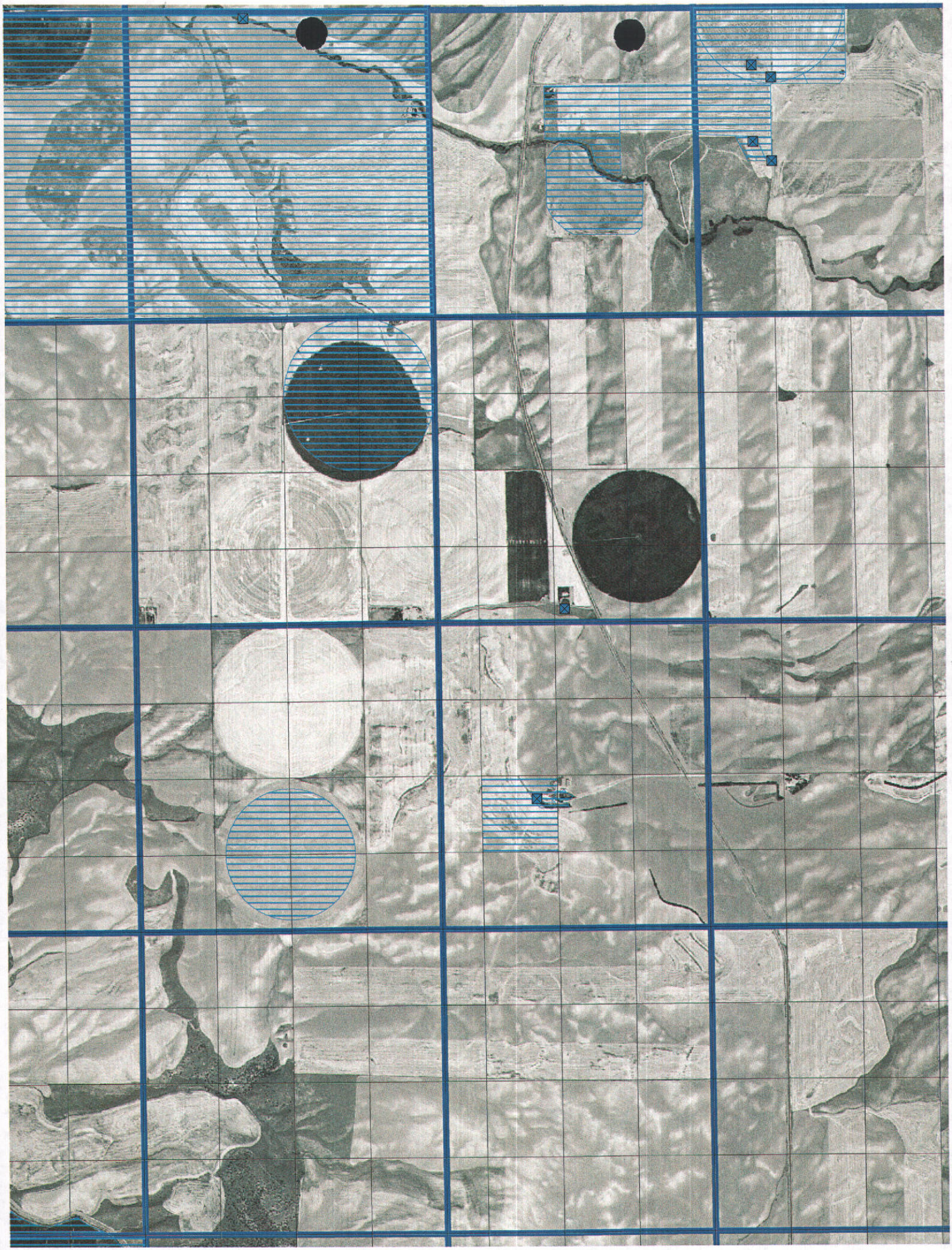
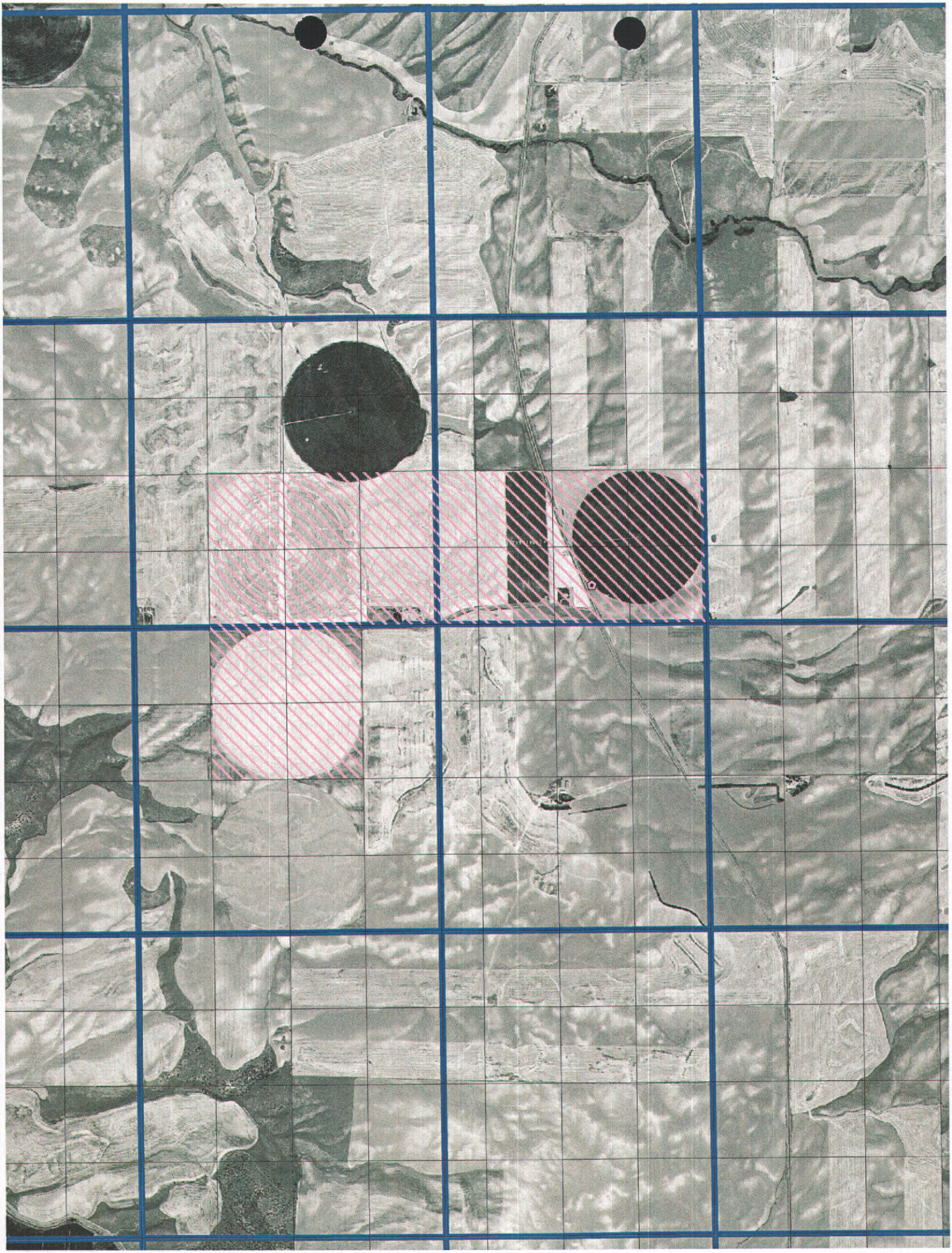


Figure 19. -- Chemical character of water.







State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

We, RICHARD G. NELSON AND ARTHUR GENE NELSON, co-personal representatives of the estate of Farold J. Nelson and Lela M. Nelson, the surviving wife ~~I~~, of Farold J. Nelson, hereby assign to TIMOTHY P. DEEG and DIANE J. DEE

of 2957 Deeg Rd., American Falls, ID 83211
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 41-07030 to appropriate the public waters of the State of Idaho.

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

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

Made this 30th day of November, 19 93.

FAROLD J. NELSON ESTATE

By Richard G. Nelson
~~Permit Holder~~

By Arthur Gene Nelson

Lela Nelson
Spouse of Permit Holder

State of Idaho)
ss.
County of Power)

On this 30th day of November, 19 93, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that ~~he(she)~~ (they) executed the same.

seal

Notary Public residing at
American Falls Idaho

My commission expires:
April 19 1998

RECEIVED
DEC 03 1993
Department of Water Resources
Southern Region Office

APR 13 1995

T #4268

LEASE OF WATER RIGHTS

THIS AGREEMENT, made and entered into this 30th day of November, 1993 by and between RICHARD G. NELSON and ARTHUR GENE NELSON, co-personal representatives of the Estate of Farold J. Nelson, deceased, and LELA M. NELSON, the surviving wife of Farold J. Nelson, hereinafter referred to as "Lessor", hereby leases to TIMOTHY P. DEEG and DIANE J. DEEG, husband and wife, hereinafter referred to as "Lessee", all of Lessor's right, title and interest in and to Water Right No. 41-07030, in consideration of the sum of ONE THOUSAND TWO HUNDRED SIXTY DOLLARS ($1,260) per year, payable as hereinafter provided.

1. Lessor covenants that all lands to which the water rights herewith leased are appurtenant shall be set-aside from production for the term hereof and shall not be irrigated for the term hereof.

AGN R.G.N. Irrigated

2. During the term of this Lease and during any extension, Lessee agrees to place to beneficial use for irrigation purposes all water leased to him hereunder.

3. The term of this Lease shall be for five (5) years to commence on October 1, 1993, and end on September 30, 1998.

4. Lessor covenants and represents that he is the true and lawful owner of the water right and that this right has not lapsed, been abandoned or forfeited either in whole or part. Lessor agrees to cooperate with Lessee in transferring this leased right to Lessee but does not warrant or guarantee that the Idaho Department of Water Resources, hereinafter referred to as "Department", will recognize any transfer or diversion under said water right.

5. Lessee shall be entitled to file all necessary applications with the Department to transfer the place of use an point of diversion of the water right on a temporary

APR 5 1995

T # 4268

basis. Lessor shall cooperate in securing such transfers and processing such applications and shall execute any documents necessary to achieve the transfer.

This Lease is conditioned upon the Department's approval of a transfer of the water right from Lessor's present place of use and point of diversion to place of use and point of diversion located on lands owned or leased by Lessee.

6. Lessee agrees to pay to Lessor the ONE THOUSAND TWO HUNDRED SIXTY DOLLARS ($1,260) rental consideration to be paid hereunder within ten (10) days after Lessee has been notified by the Department that the transfer in point of diversion and place of use has been approved by the Department. If the transfer cannot be completed by February 15, 1994, this Lease shall lapse and be of no further force and effect. Subsequent to 1994, Lessee agrees to pay the rental sum on or before February 15, of each year.

That Lessee understands that if his application for a permit is accepted or approved prior to the natural termination date hereof, that he will still be obligated to pay the $1260 per year rental for the full term hereof.

At such time as Lessee is notified that his new application for permit has been approved by the department, that he agrees that within sixty days thereafter he will sign any and all documents necessary to return the leased water rights back to Lessor.

7. Lessor shall not be liable for any damage to Lessee sustained by reason of any action of the Department effecting the shutdown of some or all irrigations operations by Lessee under the leased water rights to protect the water rights of other appropriators.

8. At the termination of the Lease, Lessee shall be responsible for all actions necessary to transfer the water right back to such place of use as shall be specified by Lessor.

APR 13 1995

9. This Lease shall be binding upon the respective heirs, executors, successors, and assigns of the Lessor and the Lessee.

DATED THIS 30th day of November, 1993.

LESSOR

Richard G. Nelson
RICHARD G. NELSON

Arthur Gene Nelson
ARTHUR GENE NELSON

Lela Nelson
LELA M. NELSON

LESSEE

Timothy P. Deeg
TIMOTHY P. DEEG

Diane J. Deeg
DIANE J. DEEG

STATE OF IDAHO)
) ss.
County of Power)

On this 30th day of November, 1993, before me, a Notary Public in and for said State, personally appeared RICHARD G. NELSON and ARTHUR GENE NELSON, co-personal representatives of the Estate of Farold J. Nelson, and LELA M. NELSON, surviving spouse of FAROLD J. NELSON, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(seal)

NOTARY PUBLIC FOR IDAHO
Residing at Am. Falls, ID
My Comm Exp. 4/19/98

APR 13 1995

STATE OF IDAHO)
) ss.
County of Power)

On this 2nd day of ~~November~~ December, 1993, before me, a Notary Public in and for said State, personally appeared TIMOTHY P. DEEG and DIANE J. DEEG, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Marlene Heney
NOTARY PUBLIC FOR ~~IDAHO~~
Residing at Am. Falls, ID
My Comm Exp. 5-15-99

(seal)

APR 13 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4268 IN THE IN THE NAME OF TIMOTHY P. DEEG	**NOTICE OF CONTINUATION OF HEARING**

On May 17, 1994, the Department of Water Resources (department) held a hearing in connection with the above captioned matter. During the course of the hearing, the hearing officer continued the hearing to be resumed as follows:

Date: May 24, 1994
Time: 9:00 a.m.
Place: Eastern Idaho Production Credit Assoc. office
127 Idaho St.
American Falls, Idaho

Dated this 16TH day of May, 1994.

L. Glen Saxton

L. GLEN SAXTON
Hearing Officer

APR 13 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 18TH day of May, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing **NOTICE OF CONTINUATION OF HEARING** to the following:

IDWR - Southern Region
222 Shoshone St. E
Twin Falls, ID 83301

Roger Ling
LING NELSON & ROBINSON
615 H Street
Rupert, ID 83350

Kent Foster
HOLDEN KIDWELL HAHN
& CRAPO
330 Shuop Ave.
Idaho Falls, ID 83405

Timothy P. Deeg
2957 Deeg Rd.
American Falls, ID 83211

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

APR - 5 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO 4268 OF WATER) **ORDER**
RIGHT NO. 41-07030 IN THE)
NAME OF TIMOTHY P. DEEG)
)

The Department of Water Resources (department) has scheduled a hearing in the above captioned matter to be held as follows:

Date: May 17, 1994
Time: 9:00 a.m.
Place: Eastern Idaho Production Credit Ass'n office, 127 Idaho St, American Falls, Idaho

On May 12, 1994, the protestant through its attorney, Roger D. Ling requested that the department continue the scheduled hearing, since the applicant had not provided to the protestant copies of all documents to be used by the applicant's expert witness as was agreed to at a pre-hearing conference conducted by the department on April 26, 1994.

The applicant through its attorney, Kent Foster, has advised the department that it has provided to the protestant all of the documents that its expert witness intends to offer in the contested matter.

Based on the representation of the applicant, the request of the protestant to cancel the hearing scheduled for May 17, 1994, is **DENIED.**

Dated this 13th day of May, 1994.

L. GLEN SAXTON
Hearing Officer

APR 19 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 13TH day of May, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing **Order** to the following:

IDWR - Southern Region
222 Shoshone St. E
Twin Falls, ID 83301

Roger Ling
LING NELSON & ROBINSON
615 H Street
Rupert, ID 83350

Kent Foster
HOLDEN KIDWELL HAHN
& CRAPO
330 Shuop Ave.
Idaho Falls, ID 83405

Timothy P. Deeg
2957 Deeg Rd.
American Falls, ID 83211

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 41-07030

Priority: January 2, 1978

Maximum Diversion Rate: 1.40 CFS
Maximum Diversion Volume: 441.0 AF

This is to certify, that FAROLD J NELSON
PO BOX 177
ROCKLAND ID 83271 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 11, 1977; and has submitted Proof of Beneficial Use on October 19, 1983. An examination indicates that the works have a diversion capacity of 1.400 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	1.40 CFS	441.0 AF

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 28, Township 10S, Range 31E
POWER County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
10S	31E	28	NESW	8	SESW	8	NESE	18	
			NWSE	37	SWSE	37	SESE	18	126

Total number of acres irrigated: 126

CONDITIONS/REMARKS:

1. The maximum diversion volume listed within this right is defined as the maximum allowable volume of water that may be diverted annually from the source identified under this right, or limited to the amount that can actually be beneficially used on the above described place of use. This right is further limited to a maximum diversion of water onto the above described place of use of 0.02 cfs per acre or 3.0 acre feet per acre per year when combined with all other appurtenant water rights.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

RECORDED
DEC 23 1991

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 41-07030

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 12TH day of DECEMBER, 1991.

Acting for R. Keith Higginson, Director

DEC 23 1991

APPROVED

State of Idaho
Department of Water Resources

RECEIVED
OCT 30 1991
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 41-07030

Date of Priority: January 2, 1978

Maximum Diversion Rate: 1.40 CFS
Maximum Diversion Volume:[1] 441.0 AF

Comes now RONALD R. NELSON
4647 S. HWY. 37
ROCKLAND ID 83271
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. 41-07030, and requests that the permit be changed as follows:

Source: GROUNDWATER

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	1.40 CFS	441.0 AF

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 28, Township 10S, Range 31E
POWER County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
10S	31E	28	NESW	8	SESW	8	NESE	18	
			NWSE	37	SWSE	37	SESE	18	126

Total number of acres irrigated: 126

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

Signed at American Falls, this 28th day of October, 19 91.

Ronald R. Nelson
(Signature)

DEC 23 1991

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 41-07030

****

FOR DEPARTMENT USE ONLY #C022358

Preliminary check by SC Fee = $20.00 Receipted by JJ Date 11/19/91

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 41-07030 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

Witness my hand this 13TH day of DECEMBER, 1991.

Acting for R. Keith Higginson, Director

RECEIVED
DEC 23 1991

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

RECEIVED
NOV 27 1991
Department of Water Resources
Eastern District Office

I, RONALD R. NELSON, hereby assign to FAROLD J. NELSON

of Box 177, Rockalnd, ID 83271
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 41-07030 to appropriate the public waters of the State of Idaho.

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

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

Made this 31 day of October, 1991.

Ronald R. Nelson
Permit Holder

Janet M. Nelson
Spouse of Permit Holder

State of Idaho)
County of Power) ss.

On this 31 day of October, 1991, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Kim H. Dean

seal

Notary Public residing at
Rockland, Idaho

My commission expires:
1/12/96

RECORDED
DEC 23 1991

State of Idaho
Department of Water Resources

RECEIVED
SEP 17 1984
Department of Water Resources

ASSIGNMENT OF PERMIT

I, FARMERS HOME ADMINISTRATION, hereby assign to RONALD R. NELSON

of BOX 15, ROCKLAND, ID 83271
Address

CHECK ONE

[XX] All my right, title, and interest in and to Permit No. 41-7030 & 41-7034 to appropriate the public waters of the State of Idaho.

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

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

Made this 14th day of September, 19 84.

FARMERS HOME ADMINISTRATION
Permit Holder

BY: [signature]
~~Spouse of~~ Permit Holder
TITLE: COUNTY SUPERVISOR
Actg

State of Idaho)
County of BANNOCK) ss.

On this 4th day of September, 19 84, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[signature]
Notary Public residing at
Downey, Idaho

seal

My commission expires:
3/11/85

RECEIVED
MAY 10 1984

State of Idaho
Department of Water Resources

RECEIVED
MAY 7 1984
Department of Water Resources
Southern District Office

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Kent O. McMichael, hereby assign to Farmers Home Administration

of 250 South 4th, Suite 112, Pocatello, Idaho 83201
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 41-7030 and 41-7034 to appropriate the public waters of the State of Idaho.

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

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

Made this 10 day of August, 19 83.

Kent O. McMichael
Permit Holder

Helen Marie McMichael
Spouse of Permit Holder

State of Idaho)
County of Bannock) ss.

On this 10th day of August, 19 83, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Seal

Notary Public residing at
Downey, Idaho

My commission expires:
3/11/85

ok- KW
5/14/84

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 41-7030 IN THE NAME OF KENT O. MCMICHAEL	ORDER OF REINSTATEMENT

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before October 1. 1983; and,

WHEREAS, the Department has notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, the Department has notified the permit holder that the permit has lapsed for failure of the permit holder to submit proof of beneficial use; and,

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

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on October 19, 1983;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 41-7030 be REINSTATED and the priority advanced to October 29, 1977.

Dated this 28th day of November, 1983.

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

UNITED STATES DEPARTMENT OF AGRICULTURE

Farmers Home Administration, USDA
Federal Building, U.S. Courthouse
250 South 4th St., Suite #112
Pocatello, ID 83201

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE
AGR-101

U.S.MAIL

FIRST CLASS MAIL

Department of Water Resources
450 W. State
Boise, ID 83702

State of Idaho

Department of Water Resources

RECEIVED

AUG 13 1982

Department of Water Resources

ASSIGNMENT OF PERMIT

I, FARMERS HOME ADMINISTRATION, hereby assign to KENT O. MCMICHAEL

of ROCKLAND, ID 83271
Address

CHECK ONE

[XX] All my right, title, and interest in and to Permit No. 41-7030 to appropriate the public waters of the State of Idaho.

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

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

Made this 12th day of August, 19 82.

Earl E. Mecham

Permit Holder FARMERS HOME ADMINISTRATION
EARL E. MECHAM
COUNTY SUPERVISOR

XXSpouse of Permit Holder

State of Idaho)
ss.
County of XXXXXBANNOCK)

On this 12th day of August, 19 82, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Colleen C. Baker

seal

Colleen C. Baker
Notary Public residing at
Downey, Idaho 83234

My commission expires:
3/11/85

RECEIVED
MAY 22 1980
Department of Water Resources
Southern District Office

RECEIVED
MAY 21 1980
Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

I, Kent O. McMichael, hereby assign to Farmers Home Administration

of 250 S. 4th, Suite 112, Pocatello, Idaho 83201
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 41-7030 to appropriate the public waters of the State of Idaho.

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

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

Made this 16th day of May, 1980.

Kent O. McMichael
Permit Holder Kent O. McMichael

Helen M. McMichael
Spouse of Permit Holder Helen M. McMichael

State of Idaho)
County of Bannock) ss.

On this 16th day of May, 1980, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Susan J. Timens
Notary Public residing at
Pocatello, Idaho

seal

My commission expires:
5/26/81

RECEIVED
MAY 29 1980
Department of Water Resources

Form 211
5/78

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

RECEIVED
FEB 1 1980
Department of Water Resources
Southern District Office

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

Comes now Kent O. Mc Michael

of (address) Star Route, Rockland, Idaho 83271, 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. 41-7030, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE ¼ SE ¼, Section 28, Township 10S, Range 31E, B.M., County of Power. Other points of diversion: SE¼ NW¼ Sec 28 Twp. 10S. Rge 31E

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

Amount 2-8cfs (cfs or acre feet per annum) for Irrigation purposes from Mar. 15 to Nov 15 (both dates inclusive)

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

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

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

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S	31E	28													40	28	40	32	140

Total number of acres to be irrigated = 140

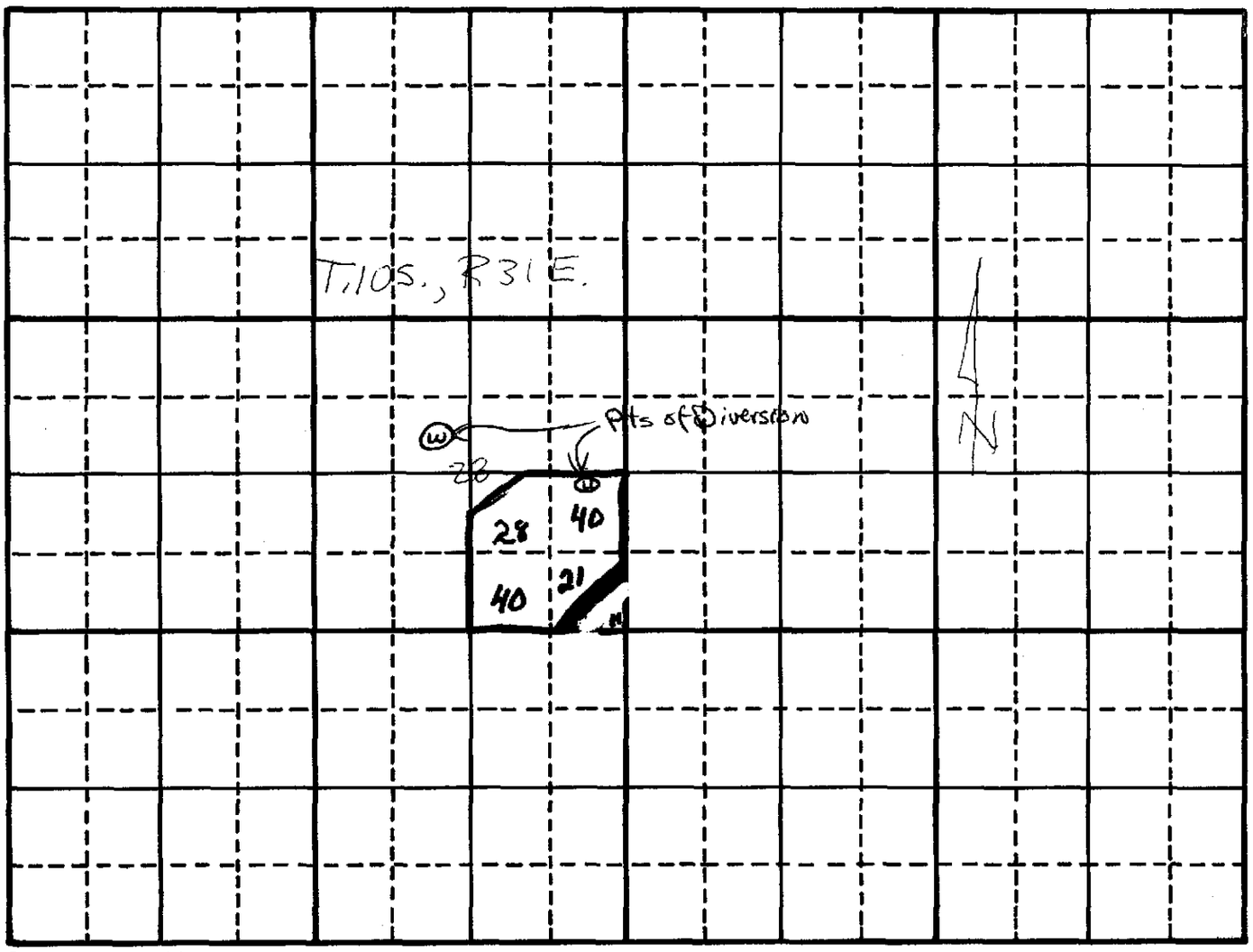
4. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or the 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: _____

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

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



Scale: 2 inches equal 1 mile.

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

Signed at Twin Falls, this 1 day of Feb., 1980.

Kent O'Mc Michael
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by ADM Fee = $20.00 #17094 Receipted by TCB Date 2-1-80

Publication prepared by ADM Date 2/8/80 Published in Power County Press

Publication dates 2/27 & 3/5/80

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Chief Operations Bureau of the Department of Water Resources hereby APPROVE the above referenced Amendment for Permit No. 41-7030, subject to the conditions as listed on the Permit.

OK
JG

Witness my hand this 9th day of May, 19 80.

L. Glen Saxton
Chief, Operations Bureau

ASSIGNED TO :
Farmers Home Administration
250 S. 4th Suite #112
Pocatello, Idaho 83201
May 21, 1980

Identification No. _____

Application No. 41-7030

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant KENT O. McMICHAEL Phone: 548-2689
   post office address STAR ROUTE ROCKLAND IDAHO 83271
2. Source of water supply Ground water which is a tributary of _____
3. a. Location of point of diversion is NE ¼ of SE ¼ of Section 28 Township 10 S
   Range 31 E B.M. Power County; additional points of diversion if any: _____

   b. If water is not consumed, it will be discharged into _____ at a point in _____ ¼
   of _____ ¼ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
   Amount 2.8 cfs for Irrigation purpose from Mar 15 to Nov 15 (both dates inclusive)
   (cfs ~~or acre-feet per annum~~)
   Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
   (cfs or acre-feet per annum)
   Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
   (cfs or acre-feet per annum)
5. Total quantity to be appropriated:
   a. 2.8 cubic feet per second and/or
   b. _____ acre feet per annum.
6. Proposed diverting works:
   a. Description of ditches, flumes, pumps, headgates, etc. from well into pipeline to sprinkler irrigate

   b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
   Period of year during which storage will occur _____ (Mo. Day) to _____ (Mo. Day) inclusive.
   c. Proposed well diameter is 16 inches; proposed depth of well is 300 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
   b. Estimated construction cost is $ 24,000.
8. Description of proposed uses:
   a. If water is **not** for irrigation:
      (1) Give the place of use of water: _____ ¼ of _____ ¼ of Section _____ Township _____
      Range _____ B.M.
      (2) Amount of power to be generated: _____ hp under _____ feet of head.
      (3) List number of each kind of livestock to be watered _____

      (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
      (5) If water is to be used for other purposes describe: _____

MICROFILMED

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10E	31S.	28													40	40	40	20	140

Total number of acres to be irrigated 140

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

9. a. Who owns the property at the point of diversion Alvin Haskell

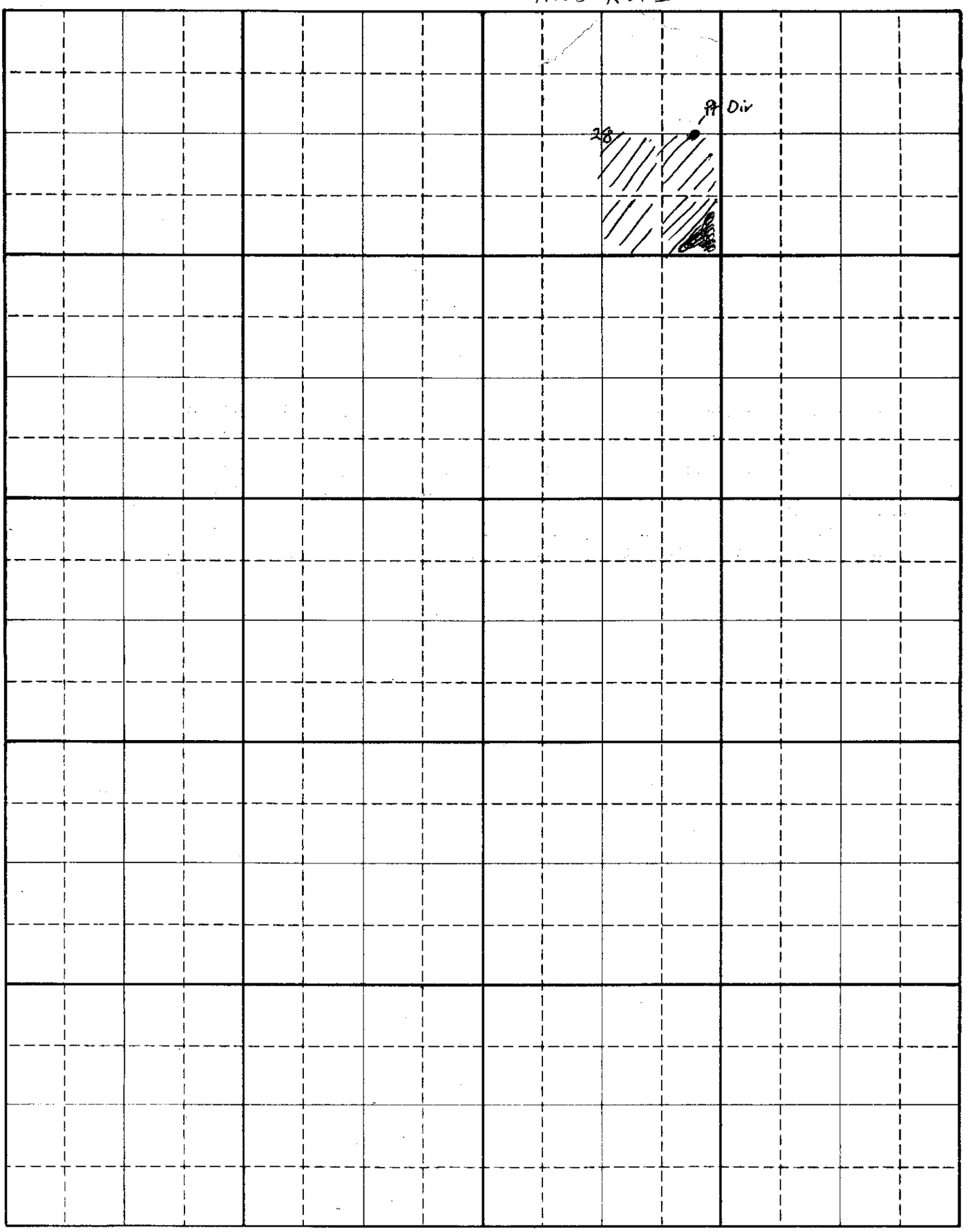
b. Who owns the land to be irrigated or place of use Alvin Haskell

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing BUYING FROM ALVIN HASKELL; deed attached

10. Remarks

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

T.10S R31E



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.

Kent O. McMichael
(Applicant)

Proposed Priority 10-11-77

Received by JR Date 10-11-77 Time 10 am
Preliminary check by DS Fee $ 45.00
Receipted by JR Date 10-11-77 #8794
Publication prepared by DJ Date 10/14/77
Published in Power County Press
Publication dates 10/20/ + 10/27/77
Publication approved by DJ Date 11/1/77
Priority reduced to _____ Reason _____

Protests filed by: ~~the~~ John B. Kuglin in behalf of Stan Groom, ~~Faron Porath~~ withdrawn 1-3-78 + Harold Nelson.

Copies of protests forwarded by bm 11/14/77
Hearing held by _____ Date _____
Recommended for (approval) denial by KNS 3-9-78
NOTE: approval withheld pending outcome of hearing

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. 41-7030, and said application is hereby APPROVED.

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

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1983.

   c. Other: (1) An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department. (2) "That applicant shall cause each and every water bearing strata encountered in the drilling of the well pursuant to the above numbered permit from the surface elevation of said well to the depth of 75 feet to be cased out by emplacement of solid casing material through the entire water bearing strata and into the next impervious soil strata encountered. Failure to so case the well or perforation of the casing so placed between the surface level and the said 75 foot depth or through the next pervious layer, shall cause this permit to become nul and void."

Witness my hand this 12th day of October 1978.

L. Glen Saxton

Chief, Operations Bureau

Affidavit of Publication

STATE OF IDAHO
} s.s.
COUNTY OF POWER

ROBERT CROMPTON ..... being first duly sworn on oath, states:

PUBLISHER

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

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for ...TWO..... successive weekly issues thereof, the date of the first publication being the .....27..... day of ..FEB....., 1980.

the date of last publication being the

MARCH

.....5..... day of ....., 80

(Signed) .....

Subscribed and sworn to before me this

.....5..... day of ..March....., 19..80.

.....
Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL) ..20..... day of ..April....., 19..80.

Legal Notice

Published in The Power County Press February 27 and March 5, 1980.

NOTICE OF AMENDMENT TO A WATER PERMIT NO. 41-7030

Notice is hereby given that Kent O. McMichael is the holder of approved permit No. 41-7030 authorizing the diversion of 2.80 cubic feet per second of water from Groundwater in the NE¼SE¼ of Sec. 28, Twp. 10S., Rge. 31E, B.M. County of Power, to be used for Irrigation from March 15 to November 15 (on 140 acres) within SE¼ ofSec. 28, Twp. 10S., Rge 31E., B.M.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit, to change the permit, as follows: Point(s) of Diversion: NE¼SE¼, and SE¼NW¼ of Sec. 28, Twp. 10S., Rge. 31E., B.M. (Applicant must conform to original conditions of approval in drilling additional well) Place of Use: 140 Acres within SE¼ of Sec. 28, Twp. 10S, Rge. 31E., B.M.

Any protest against approval of the amending of Permit No. 41-7030 as set forth above must be filed with the Idaho Department of Water Resources 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before March 17, 1980.

C. STEPHEN ALLRED
Director

DEC 23 1991

RECEIVED
MAR 7 1980
Department of Water Resources
Eastern District Office

Legal Notice

Published in The Power County Press on February 27 and March 5, 1980.

NOTICE OF AMENDMENT TO A WATER PERMIT NO. 41-7034

Notice is hereby given that Kent O. McMichael is the holder of approved permit No. 41-7034 authorizing the diversion of 4.00 cubic feet per second of water from Groundwater in the NE¼SE¼ of Sec. 28, Twp. 10S., Rge. 31E., B.M. County of Power, to be used for Irrigation from March 15 to November 15 (on 222 acres) within NE¼, E½NW¼, SE¼SE¼ of Sec. 28, Twp. 10S., Rge. 31E., B.M.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit, to add a point of diversion and change the place of use as follows: Point(s) of Diversion: NE¼SE¼, SE¼NW¼ of Sec. 28, Twp. 10S., Rge. 31E., B.M. (Applicant must conform to original conditions of approval in drilling additional well). Place of Use: 222 acres within the NE¼, E½NW¼, NW¼SE¼ of Sec. 28, Twp. 10S., Rge. 31E., B.M.

Any protest against approval of the amending of Permit No. 41-7034 as set forth above must be filed with the Idaho Department of Water Resources 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before March 17, 1980.

C. STEPHEN ALLRED
Director

Affidavit of Publication

STATE OF IDAHO
} s.s.
COUNTY OF POWER

Phyllis Ringe ..... being first duly sworn

on oath, states:

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

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for ....2..... successive weekly issues thereof, the date of the first publication being the 20th day of October, 19.77

the date of last publication being the

....27th.... day of .....October....., 19....77.

(Signed) .....

Subscribed and sworn to before me this

.....27th..... day of .....October....., 19....77.

.....
Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL) ..... day of ....., 19 .....

DI OK 11/1/77

Legal Notice

Published in the Power County Press October 20 and 27, 1977

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Kent O. McMichael Rockland, Idaho 83271 has on 10/11/77 submitted Application No. 41-7030 for a permit to appropriate 2.8 cubic feet per second of water from ground water by means of well, pipeline, sprinkler system within the NE¼SE¼, Sec. 28, Twp. 10S, Rge. 31E, B.M. Power County to be used from Mar. 15 to Nov. 15 for irrigation purposes of 140 acres within the SE¼, Sec. 28, Twp. 10S, Rge. 31E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before November 7, 1977.

C. Stephen Allred
Director

RECEIVED
OCT 31 1977
Department of Water Resources
Southern District Office

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

We, RICHARD G. NELSON AND ARTHUR GENE NELSON, co-personal representatives of the estate of Farold J. Nelson and Lela M. Nelson, the surviving wife of Farold J. Nelson, hereby assign to TIMOTHY P. DEEG and DIANE J. DEEG

of 2957 Deeg Rd., American Falls, ID 83211
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 41-07030 to appropriate the public waters of the State of Idaho.

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

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

Made this 30th day of November, 1993.

FAROLD J. NELSON ESTATE

By Richard G. Nelson
Permit Holder

By Arthur Gene Nelson

Lela Nelson
Spouse of Permit Holder

State of Idaho)
ss.
County of Power)

On this 30th day of November, 1993, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that ~~he/she~~ (they) executed the same.

seal

Notary Public residing at
American Falls Idaho

My commission expires:
April 19 1998

RECEIVED
DEC 06 1993
Department of Water Resources

RECEIVED
DEC 03 1993
JAN 11 1994
Department of Water Resources
Southern Region Office

December 17, 1991

FAROLD J NELSON
PO BOX 177
ROCKLAND ID 83271

RE: WATER RIGHT NO. 41-07030

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

SHARLA CURTIS
Water Resource Agent

SC:blm

Enclosure

RECORDED
DEC 23 1991

BEN CAVANESS
HENRY R. (Hank) BOOMER

Cavaness & Boomer

ATTORNEYS-AT-LAW
P.O. Box 70 — 376 Roosevelt
American Falls, Idaho 83211

Telephone
(208) 226-2562

November 26, 1991

RECEIVED
NOV 27 1991
Department of Water Resources
Eastern District Office

Mr. Harold Jones
Appropriation Examiner
Idaho Department of Water Resources
150 West Shoup Street, Suite 15
Idaho Falls, ID 83402

RE: Ronald R. Nelson

Dear Skip:

Enclosed is a properly signed and notorized Assignment of Permit signed by the present permittee to the Assignee.

Please place this assignment of record in your files.

Sincerely,

Ben

Ben Cavaness

BC/svs
Enclosure
c: Farold Nelson

RECEIVED
DEC 23 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 5, 1991

RE: Permit No. 41-07030

Ronald R. Nelson
4647 S. HWY. 37
Rockland, ID 83271

Dear Permit Holder:

Thank you for returning the licensing Amendment, however you did not include the $20.00 filing fee.

I will hold the amendment form here for twenty (20) days without further action. Please return the $20.00 filing fee for the amendment by November 25, 1991.

If you have any questions, please contact me at 327-7944.

Sincerely,

Sharla Curtis

SHARLA CURTIS
Technical Records Specialist

SC:blm

Ronald R. Nelson sold the farm to Harold Nelson & we will have the transfere papers taken care of soon, as soon as the wells.
Thank you
Harold Nelson

DEC 23 1991

November 5, 1991

RE: Permit No. 41-07030

Ronald R. Nelson
4647 S. HWY. 37
Rockland, ID 83271

Dear Permit Holder:

Thank you for returning the licensing Amendment, however you did not include the $20.00 filing fee.

I will hold the amendment form here for twenty (20) days without further action. Please return the $20.00 filing fee for the amendment by November 25, 1991.

If you have any questions, please contact me at 327-7944.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

RECEIVED
NOV 23 1991

BEN CAVANESS
HENRY R. (Hank) BOOMER

Cavaness & Boomer

ATTORNEYS-AT-LAW
P.O. Box 70 — 376 Roosevelt
American Falls, Idaho 83211

Telephone
(208) 226-2562

October 28, 1991

RECEIVED
OCT 30 1991
Department of Water Resources

Sharla Curtis
Technical Records Specialist
Dept. of Water Resources
Statehouse Mail
Boise, ID 83720--9000

Re: Water Right No. 41-07030 - Ronald R. Nelson

Dear Ms. Curtis:

Enclosed is the executed Application for Amendment regarding the above referenced matter. Please advise if you will require anything further.

Very truly yours,

Ben Cavaness

BC:mh

Encl.

RECEIVED
DEC 23 1991

October 17, 1991

RONALD R. NELSON
4647 S. HWY. 37
ROCKLAND ID 83271

RE: WATER RIGHT NO. 41-07030

Dear Water Right Holder(s):

We previously forwarded to you an Amendment for Water Permit so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received this amendment. If we do not receive the amendment within fifteen (15) days, we will issue a Water Right License which reduces the amount that could have been allowable to you. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

If you have any questions, please contact us.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

Enclosure

cc: Ben Cavaness

MICROFILMED

DEC 23 1991

Cavaness & Boomer

BEN CAVANESS
HENRY R. (Hank) BOOMER

ATTORNEYS-AT-LAW
P.O. Box 70 — 376 Roosevelt
American Falls, Idaho 83211

Telephone
(208) 226-2562

September 19, 1991

RECEIVED
SEP 20 1991
Department of Water Resources

Sharla Curtis
Technical Records Specialist
Dept. of Water Resources
Statehouse Mail
Boise, ID 83720--9000

Re: Water Right No. 41-07030 - Ronald R. Nelson

Dear Ms. Curtis:

Your letter of September 6, 1991 addressed to Ronald R. Nelson of Rockland, Idaho, has been referred to me for response. Since this water right and an accompanying right for ground lying immediately adjacent to it were originally filed by Kent McMichaels and then assigned to Ronald R. Nelson, we do not have all of the original records regarding those applications. I would appreciate it if you would forward to me those original applications and explain how the September 6 enclosure was amended so we can make a better response as to whether or not we have any objection to the same.

Very truly yours,

Ben Cavaness

BC:mh

cc: Richard Nelson

Copies of orig. application & amendment approved on 5/9/80 were sent to Mr. Cavaness on 9/26/91. another copy of the requested licensing amendment was also sent which highlighted the area requiring amendment.

SC

RECEIVED
DEC 23 1991

September 6, 1991

RONALD R. NELSON
4647 S. HWY. 37
ROCKLAND ID 83271

RE: WATER RIGHT NO. 41-07030

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the $20.00 filing fee within 15 days.

Please note that the date of priority of this right has been advanced due to late submittal of the examination fee &/or exam fee information sheet.

If you do not concur with these findings or if you have any questions, please contact us within the 15-day period.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

Enclosure

RECEIVED
DEC 23 1991

BENEFICIAL USE FIELD REPORT REVIEW

TO: FILE 41-7030

FROM: JIM JOHNSON

RE: PRIORITY ADVANCE REVIEW

DATE: 18-MAY-1989

==========

This review memo is prepared to show the process for determining what elements were involved in advancement of the priority.

	DATE	JULIAN	
PERMIT			
Permit priority Date:	OCTOBER 29 1977	302	
EXAM FEE NOTICE			
Exam Fee Notice Date:	AUGUST 12 1986	224	
Exam Fee/Info Sheet Received Date:	DECEMBER 15 1986	349	
Exam Fee or Info Due Date:	OCTOBER 11 1986	284	
Days Late:		65	DAY(S)
NEW PRIORITY DATE			
Original Priority Date:	OCTOBER 29 1977	302	
Total Days Late:		65	DAY(S)
New Priority Date:	**JANUARY 02 1978**	2	

MICROFILMED
DEC 23 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

41-7030
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

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

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

Check of P/D index LG 6/23 (Initial and date)

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

Check of P/U index LG 6/23 (Initial and date)

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

Aerial Photo

Required? [x]yes ☐no If yes: [x]copy attached?

Scheduling Letter sent? _____ (Initial and date)

☐Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- [x] Fully completed and signed Field Report Form
- [x] Photographs of Point of Diversion and Place of Use
- [N/A] Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed DK 8-6-87 (Signature of examiner and date)
Exam Reviewed by Senior Water Resource Agent ADM 9/11/87 (Initial and date)
Exam Reviewed by Manager of Regional Office LH 2/10/89 (Initial and date)
Exam Date Entered in Computer _____ (Initial and date)
Exam sent to State Office _____ (Initial and date)
Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original Refiled in White File _____ (Initial and date)

RECEIVED
FEB 16 1989
Department of Water Resources

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 41-7030

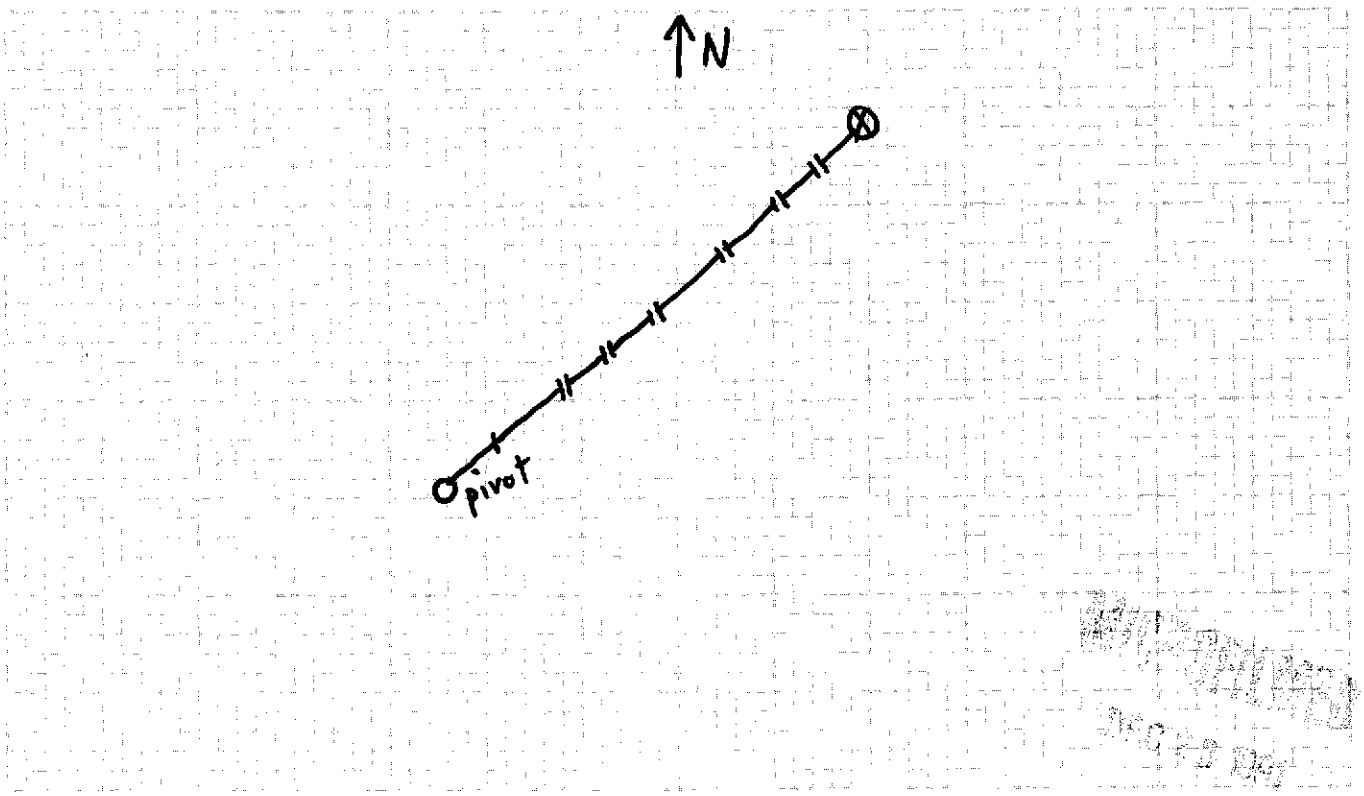
1. Owner: Ron Nelson — Phone No. 548-2348
   Current Address: 4647 So Highway 37 Rockland Idaho 83271
2. Accompanied by: Ron Nelson — EXAM. DATE: 8-6-87
   Address: same — Phone No. 548-2348
   Relationship to Permit Holder: owner
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: no overlap
   _____ ☐ Copies Attached
2. Other water rights with same point of diversion: no overlap
   _____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = _____.

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

System Description (continued)

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

1 pivot in operation, pivot was on the sidehill

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Hollow Shaft	100	H1412684	Aurora Vertic Line	37970920

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

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

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	SE	28	10S	31E	Power	Aerial Photo / Visual

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

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S	31E	28									8			8	18	37	37	18	126

126

Do not use this space

DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE EXAMINATION

CHECKLIST

WATER RIGHT 41-7030

REVIEWER DRJ DATE 1-6-89

[EACH RULE MUST BE CHECKED] SEE FOOTNOTE FOR SYMBOLS

RULE 5 EXAMINATION FOR BENEFICIAL USE;

1,2. ✓	1,3. ✓	1,4. ✓	1,5. N/A
1,6. Not detailed	1,7. ✓	1,8. ✓	1,9. N/A
1,10. N/A	1,11. N/A	1,12. N/A	1,13. ✓
1,14. N/A	1,15. ✓	1,16. ✓	1,17. ✓

RULE 6 MEASUREMENT TERMINOLOGY;

1,1. ✓	1,2. ✓	2. ✓	3. ✓
4. ✓	5. ✓		

RULE 7 DRAWINGS, MAP, AND SCHEMATIC DIAGRAM;

1,1. ✓	1,2. ✓	1,3. ✓	1,4. ✓
1,5. ✓			

RULE 5,2. FIELD REPORT ACCEPTABILITY [STATE OFFICE REVIEW]

2,1. _____	2,2. _____	2,3. _____	2,4. _____

Reviewer _____ Date _____

N/A = NOT APPLICABLE
** = SEE ATTACHMENT NO.____

* = SEE ITEM ____ IN BENEFICIAL USE REP
*** = SEE REMARKS ATTACHED

RECEIVED
DEC 23 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

December 15, 1986

Ronald R. Nelson
R.R. ,Box 15
Rockland, ID 83271

Re: Permit No. 41-7030 & 41-7034

Dear Mr. Nelson:

Please find enclosed receipt No. 40630 in the amount of $325.00 for examination fee received in this office 12/15/86 for the above referenced permits; fee amount of $150.00 for Permit #41-7030 and fee amount of $150.00 for Permit #41-7034.

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

Very truly yours,

Mary A. Baldwin
Sec/Office Coord

Encl:

MICROFILMED
DEC 23 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 16, 1986

Ronald R. Nelson
R.R., Box 15
Rockland, ID 83271

Re: Permit No. 41-7034 & 41-7030

Dear Mr. Nelson:

Please find enclosed the Examination Fee Information forms which you sent to our office but forgot to sign and date for the above-referenced permit Nos.

Also, please find enclosed your check #213 in the amount of $325.00 for examination fees which you will need to return when you send the corrected forms back to our office.

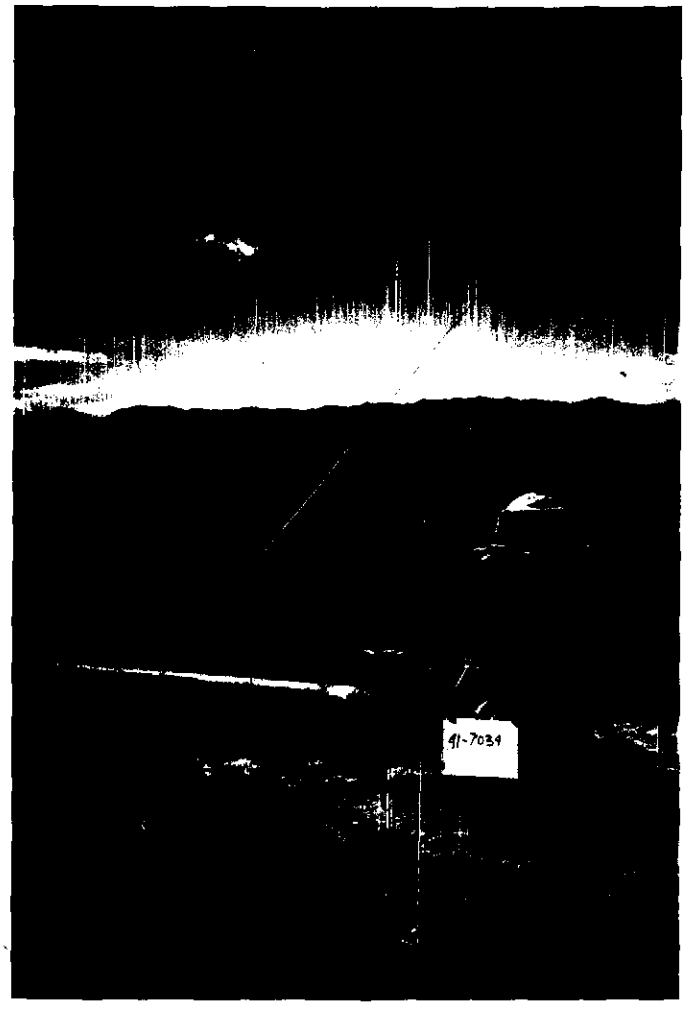
Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Mary A. Baldwin
Sec/Office Coord

Encl:

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DEC 23 1991



Point of Diversion and place of use

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DEC 23 1991

Form 219-Supp.
7/87

State of Idaho

DEPARTMENT OF WATER RESOURCES

SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Daren Knudson Date 8-6-87

Owner: _____ Permit No. _____

Description of well &/or measuring site
- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = 31.56"

T = Pipe Thickness in Inches = 3/32"

ID = 2 [(0.1592 X CIR) - T] = ... 9.86"

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test 10"

State ID No. _____

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	3.94
12"	3.99
14"- 16"	4.01
18"- 24"	4.02
30" or larger	4.03

C selected 3.94

DIFFERENTIAL PRESSURE READING IN INCHES OF H2O (H)

High Reading = 21.4

Low Reading = 18.7

High - Low = H = ... 2.7

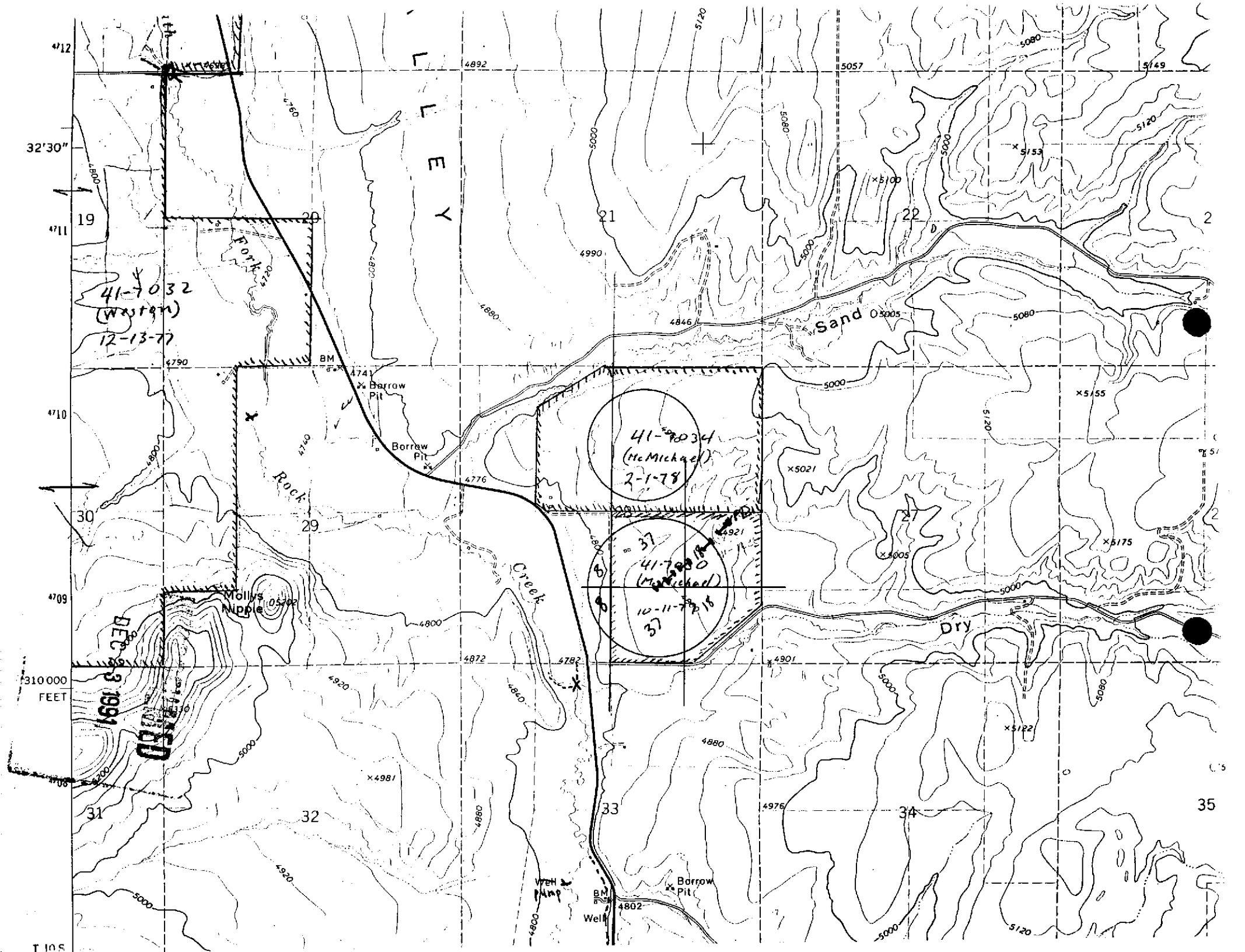
CALCULATION OF DISCHARGE IN CFS (Q)

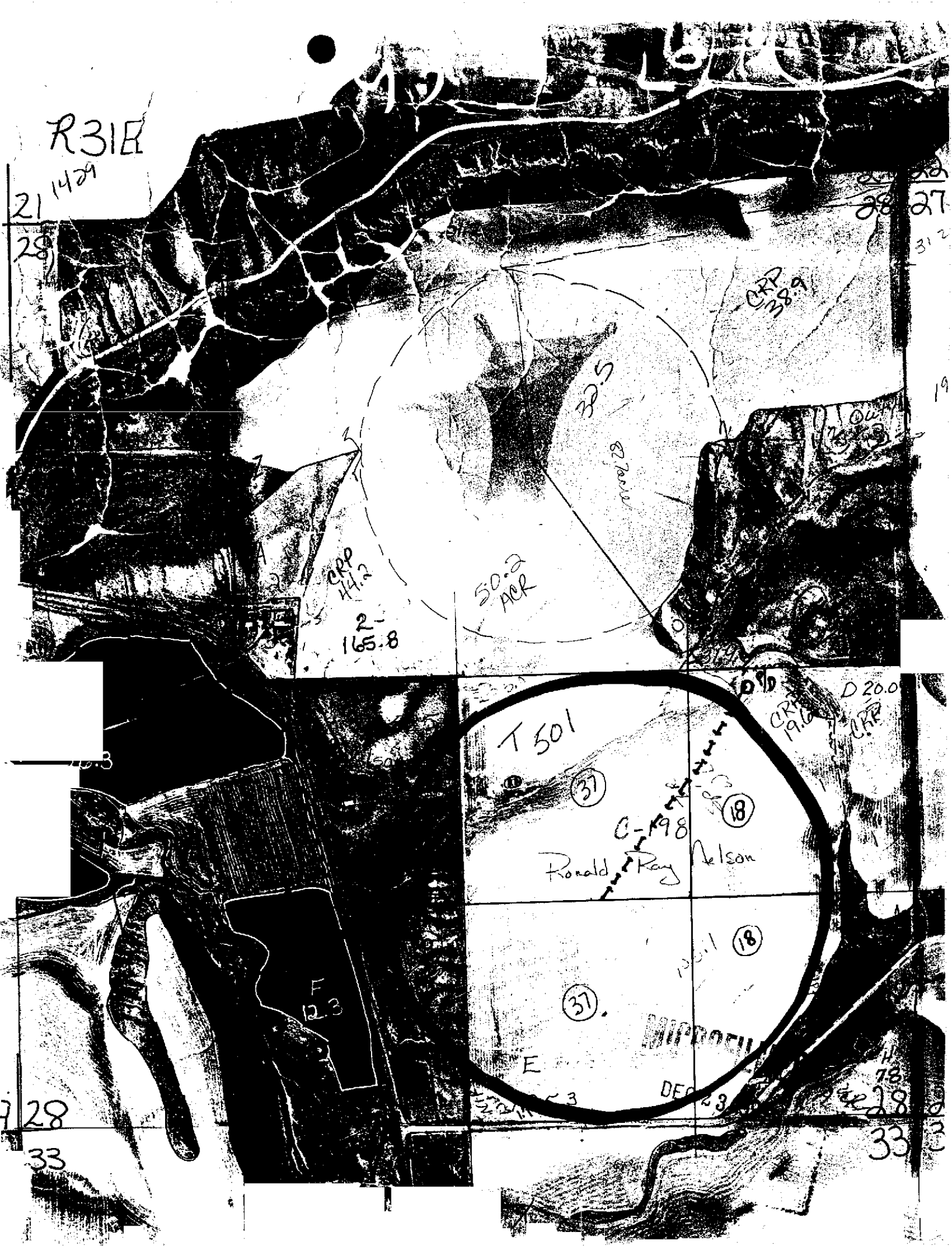
$$Q = \frac{(ID)^2 \cdot (\sqrt{H}) \cdot (C)}{448.8}$$

$$Q = \frac{(9.86)^2 \ (\sqrt{2.7}) \ (3.94)}{448.8} = 1.40 \text{ CFS}$$

SKETCH (If not shown on Field Report)

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DEC 23 1991


41-7032
(Western)
12-13-77
41-5034
(McMichael)
2-1-78
41-7830
(McMichael)
10-11-78
Molly's Nipple
Rock Creek
Dry Sand
Borrow Pit
Borrow Pit
Borrow Pit
Well
Pump
BM 4741
BM 4802
4892
5057
5149
5153
5100
4990
4846
5005
5080
5120
5155
5021
4776
4921
5175
4872
4782
4901
5122
4981
4880
4976
4802
4800
4840
4920
5000
4760
4720
4790
4740
4710
4709
4708
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1429
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28
27
CRP
38.9
38.5
CRP
44.2
2
165.8
50.2
ACR
T 501
37
18
C-498
Ronald Ray Nelson
D 20.0
CRP
19.0
CRP
F
12.3
E
33
28
33

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
annubar with manometer					10"	

2. **Measurements:**

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$Q = 1.40$ cfs

2. Alternate Method for Checking Purposes: $Q = \frac{(.7)(100)(8.8)}{456.7} = 1.35$ cfs

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: 70 psi x 2.31 = 161.7 ft (1); Dynamic pumping level: 295 ft (2)
Total Head: (1) + (2) = 456.7 (3) ; Flow rate: 1.40 cfs (4)

Water HP: (3) x (4) ÷ 8.8 = 639.4 (5)
Meter Input KW: 3.6 x 43.2 KH x _____ CTR or _____ MULT x _____ PTR x 10 N/ 19.5 T = _____ (6)
Meter Input HP: (6) x 1.34 = _____ (7)
Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)
Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

Idaho Power # 55 230 536

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = $(126)(3.5) = 441.0$ Afa

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = $(1.4)(246)(1.9835) = 683$ Afa

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 441 Afa

2. Volume Calculations for Other Uses:

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DEC 23

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Lands in E/2SW/4 have surface water rights recorded, When combined with other rights shall not exceed 3.5 afa.

I. RECOMMENDATIONS

1. **Recommended Amounts**

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
irrigation	4-1	11-1	1.40	441
Totals:			1.40 cfs	441 Afa

2. **Recommended Amendments**

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

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

J. AUTHENTICATION

Field Examiner's Name: Darren Knuteson

Signature: Darren Knuteson

Certification Date: 5/15/87

Field Report Preparation Date: 8/6/87

CONSULTANT SEAL

PROFESSIONAL ENGINEER * LAND SURVEYOR REGISTERED STATE OF IDAHO LORIN O HOLMES

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

RECEIVED

DEC 2 2 1987

4/86

RECEIVED

DEC 15 1986

Department of Water Resources
Southern Region Office

DEC 17 1986

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received 150.00
Date 12/15/86
Receipt # 40630
Receipt by M. Baldwin
Sent to S.O. 12/15/86

1. Pe

ONE OF

OICE:

☒

at
thi

tion of this permit;
d, complete items 1

2. Pe

3. Pos

due 10/11/96

83271

8-2348

4. Sou

5. Extent of Use:

Domestic _____(No. of households) Stockwater_____(No. and type of stock)

Irrigation 140 (acres) Other/Remark_____

6. Total rate &/or volume for which proof is submitted 2.8 cfs _____acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

?

8. Person to contact to accompany the department representative during the field examination:

Same as Line 2+3
(Name)

(Address) (Telephone Number)

DEC 23 1986

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

⊗ 10-13-86
Date

⊗ Ronald G. Nelson
Signature of Permit Holder (and title, if appropriate)

4/86

RECEIVED
DEC 15 1986
Department of Water Resources
Southern Region Office

DEC 17 1986
Department of Water Resources

For Office Use Only
Fee Received 150.00
Date 12/15/86
Receipt # 40630
Receipt by M. Ballam
Sent to S.O. 12/15/86

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

1. Permit No. 41-7030

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Ronald R. Nelson

3. Post Office Address: R.R. Box 15 Rockland Idaho 83271

Telephone No. 208-548-2348

4. Source of Water: Ground

5. Extent of Use:

Domestic _____(No. of households) Stockwater _____(No. and type of stock)

Irrigation 140 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 2.8 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

?

8. Person to contact to accompany the department representative during the field examination:

Same as Line 2+3
(Name)

(Address) DEC 23 1986 (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

⊗ 10-13-86
Date

⊗ Ronald R. Nelson
Signature of Permit Holder (and title, if appropriate)

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

41-7030
NELSON, RONALD P.
P.O. BOX 15
ROCKLAND, ID 83271

138052

August 12, 1986 CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers or geologists certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water

DEC 23 1991

right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department office.

Southern Region
Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Sincerely,

Loren Holmes

LOREN HOLMES
Southern Regional Manager

Enclosures

RECEIVED
DEC 23 1991

Form 284-p
6/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

COMMENCEMENT OF WORKS

Permit No. 41-7030
Name(s) of Permit Holder(s): Kent O. McMichael
Post Office Address: Star Rt Box 15 Rockland Id 83271
Tel. No. 208-548-2689

☑ I hereby certify that construction of diversion works for the above referenced permit began on Mar 2, 1979 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

_____

_____

*Note: A financing difficulty is not an acceptable reason.

11-2-82 Kent O McMichael
Date Signature of Permit Holder

RECEIVED
DEC 23 1982

Kent O. Jermichael
Box 15 Star Route
Rockland, Idaho 83271

ROCKLAND NOV 3 A.M. 1982 83271



FILMED
DEC 23 1991

RECEIVED
NOV 4 1982
Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

September 20, 1984

RE: Permit Nos. 41-7030 & 41-7034

Ronald R. Nelson
Box 15
Rockland, ID 83271

Dear Mr. Nelson:

This office acknowledges receipt of the Assignment of the above referenced permits to you.

Enclosed for your records are copies of the permits. Be sure to note the special conditions of approval on the fourth pages that identify requirements necessary for developing the permits into licensed water rights.

In reviewing the permits, we find that the requirement for submitting proof of construction of works and application of water to beneficial use has been met. The next step towards licensing of the permits will be for our regional office to examine your water right system.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc
Enclosures

Permit No. 41-7030

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? ✓
2. Notary? ✓
3. (a.) Full Assign?
   b. Partial Assign?
4. "No assignment" condition on permit? NO
5. Commencement of works received? proof in file
6. Affidavit of Residency required? NO

1. Type Permit Summary sheet ✓
2. Coding sheet ✓
3. Acknowledgement letter type #1 ape for 41-7030 & 41-7034
4. Copy to region ✓

Date: 9-18-84

Employee: K. Walker

May 16, 1984

RE: Permit Nos. 41-7030 & 41-7034

Farmers Home Administration
250 South 4th, Suite 112
Pocatello, ID 83201

Gentlemen:

This office acknowledges receipt of the Assignment of the above referenced permits to you.

Enclosed for your records are copies of the permits. Be sure to note the special conditions of approval on the fourth pages that identify requirements necessary for developing the permits into licensed water rights.

In reviewing the permits, we find that the requirement for submitting proof of construction of works and application of water to beneficial use has been met. The next step towards licensing of the permits will be for our regional office to examine your water right system.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc
Enclosures

CERTIFIED

United States
Department of
Agriculture

Farmers
Home
Administration

250 South 4th, Suite 112
Pocatello, ID 83201
Tel. No. (208) 236-6903

May 4, 1984

Department of Water Resourses
Southern Region
1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301

Dear Sirs:

Please find enclosed "Assignment of Permit" from Kent O. McMichael to Farmers Home Administration. The Permit No.'s are 41-7030 and 4107034.

If you have any questions concerning this, please contact our office at the above telephone number.

Sincerely,

EARL E. MECHAM
County Supervisor

Enclosure

FmHA Farmers Home Administration is an Equal Opportunity Lender.
Complaints of discrimination should be sent to:
Secretary of Agriculture, Washington, D.C. 20250

CALCULATION OF NEW PRIORITY DATE

FROM: RITA FLECK

TO: FILE # 41-7030

DATE: Nov. 23, 1983

Date proof received	292	Oct. 19, 1983
Proof due	-274	Oct. 1, 1983
Number of day proof late	18	
Priority date	+284	Oct. 11, 1977
New priority date	302	Oct. 29, 1977

Remarks:

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 41-7030 41-7034.

Name(s) of Permit Holder: Kent O. McMichael & Farmers Home Administ.

Post Office Address: 250 South 4th, Suite 112, Pocatello, ID 83201

Tel. No. 123-6903

Source of Water: well

Extent of Use:
- ☑ Domestic ____ (number of households)
- ☐ Stockwater ____ (number and type of stock)
- ☒ Irrigation ____ (acres)
- ☐ Other ____

Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Access Port: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

10/12/83
Date

Kent O. McMichael
Signature of Permit Holder

Farmers Home Administration, USDA
~~250 S. 4th, Suite 112~~
Pocatello, ID 83201

PLACE
13 CENT
STAMP
HERE

RECEIVED

OCT 19 1983

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

MC MICHAEL, KENT O.
FARMERS HOME ADMIN.
250 S. 4TH ST. #112
POCATELLO, ID 83201

LAPSE NOTICE

OCTOBER 05, 1983

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 41-7030 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED JULY 31, 1983.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF $15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND 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 GOVERNMENTAL AGENCY OR BY LITIGATION.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

10-21-1983

Rita Fleck

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

MC MICHAEL, KENT O.
FARMERS HOME ADMIN.
250 S. 4TH ST. #112
POCATELLO, ID 83201

138815

PROOF DUE NOTICE

JULY 31, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 41-7030 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE OCTOBER 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

August 27, 1982

RE: Permit No. 41-7030

Kent O. McMichael
Star Route
Rockland, ID 83271

Dear Mr. McMichael:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

If you have any questions on this matter, please feel free to contact us.

Sincerely,

ROBYN CARLSON
Chief Clerk

RC:kw
Enclosures

Robyn
41-7030

copies sent 8/10/82 RC

INTER-DEPARTMENT MEMO — 1

FROM D. Tuthill

DATE 7/6/82

TO ~~Roberta~~

SUBJECT Please send to

U.S. Dept of Agri.
FHA
ATTN: Richard Peterson
250 S. 4th St. # 112
Pocatello, Id 83201

U.S. Dept. of AGRi.
Farmers Home Admin.
250 S. 4th St. #112

1

A copy of the permit that caused the "blue card" to be sent along with an assignment form.

Dave
SIGNATURE

41-7030

TRANSMITTAL LETTER

AMERICAN LAND TITLE COMPANY

312 WEST CENTER
P.O. BOX [illegible]
Phone 232-6[illegible]
POCATELLO, IDAHO
ZIP CODE 83201

RECEIVED
MAY 21 1980
Department of Water Resources
Eastern District Office

May 20, 1980

Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

ORDER No. 2-3474
LOAN No.
REFERENCE

RECEIVED
MAY 23 1980
Department of Water Resources
Southern District Office

RECEIVED
MAY 29 1980
Department of Water Resources

In connection with the above transactions, we enclose:

☐ Policy of Title Insurance — Standard ☐ ALTA ☐

☐ Escrow closing statement

☐ Our Check # in the amount of $

☐ Deed from

☐ Deed of Trust executed by

☐ Original Note for $ made by
in favor of

☐ Fire Policy # issued by
Amount $ Expiration date.

☐ Copy of recorded documents which you requested

☐ Receipted tax bill

☐ Covenants, Conditions, Restrictions and Plat

☒ Assignment of Water Permit - McMichael to Farmers Home Administration

☐

☐

Any recorded document to which you are entitled will be forwarded.

Thank you for giving us the opportunity of serving you.

AMERICAN LAND TITLE COMPANY, INC.

By .....
Jane Stevens

May 12, 1980

Kent O. McMichael
Star Route
Rockland, Idaho 83271

Dear Mr. McMichael,

RE: Permit No. 41-7030

Enclosed is a copy of the approved application for amendment submitted in connection with the above referenced permit.

If you have any questions concerning this matter, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:mr

Enclosure

INTER-DEPARTMENT MEMO — 1

FROM TERRY B. Blan

DATE 2-1-80

TO Lorent Mary

SUBJECT File #41-7034 Amend. to App.

When this Amendment is advertised or the protestants are notified. Make certain that a statement is included that shows that the applicant is aware that he must conform to the conditions of approval of the original permit in drilling the additional well

SIGNATURE

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 41-7030

Notice is hereby given that Kent O. McMichael is the holder of approved permit No. 41-7030 authorizing the diversion of 2.80 cubic feet per second of water from Groundwater in the NE¼SE¼ of Sec. 28, Twp. 10S., Rge. 31E., B.M. County of Power, to be used for Irrigation from March 15 to November 15 (on 140 acres) within SE¼ of Sec. 28, Twp. 10S., Rge 31E., B.M.

The permit holder has applied to the Department of Water REsources for an Amendment to the permit, to change the permit ~~to change the point(s) of diversion)(and place of use)~~ as follows:

Point(s) of Diversion: ~~NE¼SE¼, and SE¼NW¼ of Sec. 28, Twp. 10S., Rge. 31E., B.M.~~ (Applicant must conform to original conditions of approval in drilling additional well)

Place of Use: ~~140 Acres within the SE¼ of Sec. 28, Twp. 10S, Rge. 31E., B.M.~~

Any protest against approval of the amending of Permit No. 41-7030 as set forth above must be filed with the Idaho Department of Water Resources 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before March 17, 1980.

C. STEPHEN ALLRED
Director

Published in the Power County Press

on 2/27 AND 3/5/80.

Legal Notice

Published in The Power County Press February 27 and March 5, 1980.

NOTICE OF AMENDMENT TO
A WATER PERMIT
NO. 41-7030

Notice is hereby given that Kent O. McMichael is the holder of approved permit No. 41-7030 authorizing the diversion of 2.80 cubic feet per second of water from Groundwater in the NE¼SE¼ of Sec. 28, Twp. 10S., Rge. 31E, B.M. County of Power, to be used for Irrigation from March 15 to November 15 (on 140 acres) within SE¼ ofSec. 28, Twp. 10S., Rge 31E., B.M.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit, to change the permit, as follows: Point(s) of Diversion: NE¼SE¼, and SE¼NW¼ of Sec. 28, Twp. 10S., Rge. 31E., B.M. (Applicant must conform to original conditions of approval in drilling additional well) Place of Use: 140 Acres within SE¼ of Sec. 28, Twp. 10S, Rge. 31E., B.M.

Any protest against approval of the amending of Permit No. 41-7030 as set forth above must be filed with the Idaho Department of Water Resources 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before March 17, 1980.

C. STEPHEN ALLRED
Director

OK LLC
2/20/80

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1647 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 736-3037

February 8, 1980

Power County Press
174 Idaho Street
American Falls, ID 83211

RE: Application for Amendment of Permits 41-7030 & 41-7034
In the name of Kent O. McMichael

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Loren Holmes
Southern Regional Supervisor

LOH:adm

Form No. 211a
11/78

State of Idaho

Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: ADM

Right Number 41-7030 Applicant McMichael, Kent O.

Purpose of Amendment: ☐ Change point of diversion. ☒ Add diversion point(s).

☐ Increase amount. ☒ Change place of use. ☐ Other _____

CHECK:

- ☑ Description of amended point(s) of diversion.
- ☑ Amount, nature and period of use. If increased. delay date of priority.
- ☑ Description of amended places of use. If expanded, delay date of priority.
- ☑ Ownership of point of diversion and place of use.
- ☑ Map.
- ☑ Signature (must be permit holder).
- ☑ Fee.
- ☑ Existing water rights from the same source, amended place of use.
- ☑ Right number(s) _____
- ☒ Yes ☐ No Should amendment be advertised?
- ☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Amendment published correctly.
- ☐ Protests processed. None
- ☒ Approve.
- ☐ Deny.

Conditions As Per original Permit

By Loren O Palmer Date 3-18-80

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete. By _____ Date _____
- ☐ Approved copy sent to applicant and to Region. By _____ Date _____

3/79

IDENT. NO. 41-1030

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

Initials	Date	Item
		Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
~~bo~~	~~10-24-84~~	Keypunched by State Office
RC	8-23-82	Assignment coded & entered
kw	5-14-84	assignment coded

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 19, 1980

OK

Farmers Home Administration
250 S 4th, Suite 112
Pocatello, Idaho 83201
Permit #41-7030

Dear Wateruser:

This office acknowledges receipt of the assignment conveying the above referenced permit to you.

This assignment has been entered into the Departments records. Enclosed for your records is a copy of the permit.

Sincerely,

Jan Grover

JAN GROVER
Supervisor, Water Rights

JG:jg

Enclosures

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

October 12, 1978

Re: Permit No. 41-7030

Kent O. McMichael
Star Route
Rockland, Idaho 83271

Dear Mr. McMichael:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note the special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. The Department will provide specifications for the installation to you.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

A1-7030

STAFF REVIEW - STATE OFFICE

1. ✓ Name vs. Signature
2. G.W. Source
3. ✓ Point of Diversion
4. ✓ Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 5 Time req. for Proof of B/U
7. N/A Place of Use for other than irrig.
8. ✓ Place of Use for irrigation (add acres) ✓
9. ~~Appr~~ Property Owner at Pt. ✓ of Div. & Pl. of Use
10. ✓ Map
11. 45 Fee & Rec't. ✓ No.

Copies Sent To:

- ___ Idaho Health Department
- No Idaho Fish & Game Dept.
- ___ Bureau of Land Management
- ___ U.S.F.S.
- No Dept. of Lands
- ___ Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area ___ yes ✓ no

Other rights on same land None platted

Withdrawals of all protests received ✓ yes ___ no

Conditions:

ID Power Co. Letter - Snake R. No

ID Power Co. Letter - G.W. & Tribs. No

Snake River Condition No

Payette River Letter No

Priority Date 10-11-77

Water Quality #16 No

Water Quality #10 No
intrastate ___ interstate ___

Meas. Dev. or Sc. Meas. Yes

Totalizing meter No

Supplemental No

Right-of-Way Cond. No

Watermaster Cond. No
Wtr. Dist No. ___

Meas. Dev. Cond. for apps within a Water Dist. No

Use condition as stated in stipulation.

Jim
Reviewer

10/11/78
Date

BEFORE THE STATE OF IDAHO, DEPARTMENT OF WATER RESOURCES

APPLICATION OF KENT O. McMICHAEL,)
) STIPULATION
Application No. 41-7030)

COMES NOW, Kent O. McMichael, applicant in the above numbered permit, Ben Cavaness, his attorney, and John Kugler, attorney for water users, Farold J. Nelson, Stan Groom, and Richard May, as representatives of the water users of the Rockland Valley Water District, who herewith individually and collectively stipulate that the protest filed by the above named protestants amy be withdrawn by the Idaho Department of Water Resourses and a permit issued to the applicant provided that the applicant, and consent to the following condition being placed upon his permit and license by the department, to-wit:

> "That applicant shall cause each and every water bearing strata encountered in the drilling of the well pursuant to the above numbered permit from the surface elevation of said well to the depth of 75 feet to be cased out by emplacement of solid casing material through the entire water bearing strata and into the next impervious soil strata encountered. Failure to so case the well or perforation of the casing so placed between the surface level and the said 75 foot depth or through the next pervious layer, shall cause this permit to become nul and void."

That applicant, by his execution of this stipulation consents to the terms hereof and protestants by their execution hereof through their attorney, agree to withdraw their protest and allow applicant to receive a permit to proceed with the drilling of a well subject to the terms of this stipulation.

Dated this 17th day of ~~April~~ August, 1978.

APPLICANT

Kent O. McMichael

Kent O. McMichael

Ben Cavaness, his attorney

PROTESTANTS

ROCKLAND VALLEY WATER DISTRICT

By Farold J. Nelson
Farold J. Nelson

By Stan Groom
Stan Groom

By
Richard May

John B. Kugler, their attorney

Schou, Cavaness and Beebe

L. R. SCHOU
BEN CAVANESS
MARK BEEBE

ATTORNEYS-AT-LAW
P. O. Box 70
American Falls, Idaho 83211

TELEPHONE (208)
226-2562 or
226-2563

August 17, 1978

Director
Department of Natural Resources
Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Dear Sirs:

Enclosed is the original of the stipulation for withdrawal of protest in the matter of the application numbered 41-7030 This stipulation has been signed by all of the parties involved in the application and protest except for Mr. Richard May who has earlier advised your department that he was withdrawing as a protestant.

Accordingly, I would appreciate it if you would place this stipulation on record with the above referenced application number and issue a permit with the stipulated condition to Mr. McMichael. Since Mr. McMichael is interested in proceeding with the drilling of a well as this location at an early date, your attention to this matter will be appreciated.

Best personal regards.

Very truly yours,

Ben Cavaness

BC:mh

Application No. 41-7030

RECOMMENDED

CONDITIONS OF APPROVAL

☐ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.

☐ Maximum rate of diversion shall not exceed _____ c.f.s.

☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.

☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.

☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.

☐ The proposed well shall not be drilled within _____ feet of another well.

☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.

☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.

☒ Other: Conditions As per Stipulated Agreement

_____

_____

June 27, 1978

Mr. Ben Cavaness
Schou, Cavaness and Beebe
P. O. Box 70
American Falls, ID 83211

Re: Application for Permit No. 41-7030 - Kent O. McMichael

Dear Mr. Cavaness:

I have reviewed the Amended Stipulation which was received by this office June 21, 1978. It appears to be in order and acceptable from our standpoint.

We have not received a withdrawal from the protestants and probably will not until they have signed this Agreement. If we have not received their withdrawal upon the receipt of a signed copy of this Stipulated Agreement, we will contact the protestants on this matter.

If you have further questions, please feel free to contact me.

Sincerely,

Terry G. Blau
Acting Southern Region Supervisor

TGB:sm

MICROFILMED

Schou, Cavaness and Beebe

L. R. SCHOU
BEN CAVANESS
MARK BEEBE

ATTORNEYS-AT-LAW
P. O. Box 70
American Falls, Idaho 83211

TELEPHONE (208)
226-2562 or
226-2563

June 19, 1978

RECEIVED
JUN 20 1978
Department of Water Resources
Southern Idaho Office

Mr. Michael L. Steele
Southern Region Supervisor
Idaho Department of Water Resources
1041 Blue Lakes Blvd., North
Twin Falls, Idaho 83301

Re: Application for Permit No. 41-7030

Dear Mike:

Enclosed is a copy of the amended stipulation that we have tenatively agreed upon in the above referenced application. It is my understanding that Mr. Kugler has withdrawn the protest that was filed by him on behalf of his clients and that Mr. McMichael may now proceed to drill his well. Please advise if I am in error in this understanding.

Very truly yours,

Ben Cavaness

BC:mh

Encl.

RECEIVED
OCT 31 1973
Department of Water Resources
Southern District Office

BEFORE THE STATE OF IDAHO, DEPARTMENT OF WATER RESOURCES

APPLICATION OF KENT O. McMICHAEL,)
) STIPULATION
Application No. 41-7030)

COMES NOW, Kent O. McMichael, applicant to the above numbered permit, Ben Cavaness, his attorney, and John Kugler, attorney for waterusers, Farold J. Nelson, Stan Groom, and Richard May, as representatives of the waterusers of the Rockland Valley Water District, who herewith individually and collectively stipulate that their protest shall be withdrawn and the Idaho Department of Water Resources may issue a permit to the applicant provided that the applicant consent to the following condition being placed upon his permit and license by the department, to-wit:

> "That applicant shall cause each and every water bearing strata encountered in the drilling of the well pursuant to the above numbered permit from the surface elevation of said well to the depth of 75 feet to be cased out by emplacement of solid non-perforated casing through the entire water bearing strata and into the next impervious soil strata encountered. Failure to so case the well or perforation of the casing so placed between the surface level and the said 75 foot depth or through to the next impervious layer, shall be considered to be a violation of the conditions of the permit and the permit shall then be subject to cancellation by the Department."

That applicant, by his execution of this stipulation consents to the terms hereof and protestants by their execution hereof through their attorney, agree to withdraw their protest and allow applicant to receive a permit to proceed with the drilling of a well subject to the terms of this stipulation.

Dated this _____ day of April, 1978.

APPLICANT

_____
Kent O. McMichael

_____
Ben Cavaness, his attorney

PROTESTANTS

ROCKLAND VALLEY WATER DISTRICT

By_____
Farold J. Nelson

By_____
Stan Groom

By_____
Richard May

_____
JOHN B. KUGLER, their attorney

MEMORANDUM

FROM: Terry Blau DATE: January 16, 1978

TO: File

SUBJECT: Review of Protested Application No. 41-7030-Kent O. McMichael

On January 4, 1978, I traveled to Rockland to gather information regarding the protests on the above-numbered application , as per your request. I first stopped in Rockland and visited with Mr. John Robinson, Watermaster on Rock Creek. He indicated that the protestants were concerned about the proposed wells reducing the flow of surface water in Rock Creek and tributaries. From his house I attempted to call all the protestants, but was only able to talk to one, Mr. Farold Nelson. Mr. Nelson stated that he was not interested in causing anyone a hardship, but only wanted to protect his water rights. He also indicated that the other protestants felt the same way and only wanted a guarantee that their existing surface water rights would not be reduced by pumping wells in the basin. Mr. Nelson stated that the protestants' attorney, Mr. John Kugler, had drawn up a stipulated agreement on protested application No. 41-7030 which all the protestants had signed. He said that Mr. McMichael would not sign it, but did not know the reason.

I then inquired as to possible places to hold hearings and/or set up a satellite office in that area. I was informed that (1) The American Legion Hall (Cost $10.00); (2) The school (contact Mr. Paul Wilford), both in Rockland; and (3) The County Courthouse in American Falls, are possible places. An additional location that may be utilized for a satellite office is the old Post Office. However, Mr. Robinson didn't feel there would be justification to set up an office in that area.

Next, I stopped at the McMichael residence. I found that the proposed well was more than 1/2 mile from the nearest live stream. I also found that the reason Mr. McMichael did not sign the stipulated agreement was that it stated that if there was any decrease in the flow of springs feeding Rock Creek, his well would be shut down. He said it did not state that it would have to be shown that it was his well and not other wells in the area that were affecting the spring flow. He also said that the spring Mr. Nelson was referring to had not been seen by Mr. Nelson and that he was not exactly sure where it was located. Mr. McMichael also stated that Mr. Groom and Mr. Porath were in the process of withdrawing their protest of his application, however, Mr. Nelson was not agreeable to the withdrawal of his protest at that time. Mr. McMichael has drawn up another stipulated agreement and presented it to Mr. Kugler, the attorney representing the protestants in hopes that it will be satisfactory to all parties. Mr. McMichael has applied for a loan the approval of which is conditioned upon the approval of his application. The deadline on the loan approval is January 15, therefore, the withdrawals must be made before that time, or the permit will be withdrawn.

On January 6, we received a withdrawal of protest from Mr. Farren Porath.

On January 16, I talked with Mr. John Kugler, attorney for the protestants. He said that Mr. McMichael had signed an agreement that met with the approval of his clients, and that only Mr. Porath had withdrawn his protest.

On January 17, I talked to Mrs. McMichael on the telephone. She informed me that another attempt had been made to resolve the protest but that it had failed. She also said that the loan on their farm had been approved, but they felt that they would need the well to make a go of it. They would like us to go ahead and hold a hearing on this protest.

INTER-DEPARTMENT MEMO — 1

FROM Terry G. Blau

DATE April 26, 1978

TO File

SUBJECT Application for Permit No. 41-7030 - Kent O. McMichael

On April 26, 1978, I talked to Mr. Ben Cavaness and he will make the adjustments to the Stipulation as suggested. He plans to meet with John Kugler Thursday to confirm approval.

MICROFILMED

SIGNATURE

Schou, Cavaness and Beebe

L. R. SCHOU
BEN CAVANESS
MARK BEEBE

ATTORNEYS-AT-LAW
P. O. Box 70
American Falls, Idaho 83211

TELEPHONE (208)
226-2562 or
226-2563

April 19, 1978

RECEIVED
APR 21 1978
Department of Water Resources
Southern District Office

Mr. Michael L. Steele
Southern Region Supervisor
Idaho Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Re: Application for Permit No. 41-7030

Dear Mike:

Enclosed is a copy of the stipulation that Mr. Kugler and I have tenatively agreed upon relative to the above. I would appreciate it if you would review the stipulation and advise me if you have any problems or questions with regard to the matter in which it is drafted. We specifically want to insure that your department will not encounter any problems enforcing the stipulation.

Please advise if you have any problems or questions in this regard.

Very truly yours,

Ben Cavaness

BC:mh

MICROFILMED

RECEIVED
APR 27 1978
Department of Water Resources
Southern District Office

BEFORE THE STATE OF IDAHO, DEPARTMENT OF WATER RESOURCES

APPLICATION OF KENT O. McMICHAEL,)
) STIPULATION
Application No. 41-7030)

COMES NOW, Kent O. McMichael, applicant in the above numbered permit, Ben Cavaness, his attorney, and John Kugler, attorney for water users, Farold J. Nelson, Stan Groom, and Richard May, as representatives of the water users of the Rockland Valley Water District, who herewith individually and collectively stipulate that the protest filed by the above named protestants amy be withdrawn ~~and~~ and the Idaho Department of Water Resourses ~~and a permit~~ issued a permit to the applicant provided that the applicant, ~~and~~ consent to the following condition being placed upon his permit and license by the department, to-wit:

> "That applicant shall cause each and every water bearing strata encountered in the drilling of the well pursuant to the above numbered permit from the surface elevation of said well to the depth of 75 feet to be cased out by emplacement of solid non-perforated casing ~~material~~ through the entire water bearing strata and into the next impervious soil strata encountered. Failure to so case the well or perforation of the casing so placed between the surface level and the said 75 foot depth or through the next pervious layer, ~~shall cause this permit to become nul and void.~~ shall be considered a violation of the conditions of the permit and the permit would be subject to cancellation."

That applicant, by his execution of this stipulation consents to the terms hereof and protestants by their execution hereof through their attorney, agree to withdraw their protest and allow applicant to receive a permit to proceed with the drilling of a well subject to the terms of this stipulation.

Dated this _____ day of April, 1978.

APPLICANT

_____
Kent O. McMichael

_____
Ben Cavaness, his attorney

PROTESTANTS

ROCKLAND VALLEY WATER DISTRICT

By_____
Farold J. Nelson

By_____
Stan Groom

By_____
Richard May

_____
John B. Kugler, their attorney

41-7030 - Kent O. McMichael

Idaho Bank & Trust Co., Tyhee & Idaho, American Falls, Idaho

Thursday, March 9, 1978, at 1:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Kent O. McMichael		
John B Kugler	Box 1478	Rockland Water Users
Lon Carnes	Box 10	Alvin Haskell

MICROFILMED

Re: McMichael 41-7030

PS Form 3811, Nov. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

- [X] Show to whom and date delivered . . . . . 25¢
- [ ] Show to whom, date, & address of delivery . . . 45¢
- [ ] RESTRICTED DELIVERY.
  Show to whom and date delivered . . . . . 85¢
- [ ] RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery . . $1.05

(Fees shown are in addition to postage charges and other fees).

MICROFILMED

2. ARTICLE ADDRESSED TO:

Mr. John B. Kugler
216 Idaho Street
American Falls, ID 83211

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE [ ] Addressee [ ] Authorized agent

4. Carol Schreiber

DATE OF DELIVERY 2-23

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GOP: 1976—O-203-456

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.
- Complete Items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

RETURN TO

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301
(State or Country)

RECEIVED

FEB 24 1978

Department of Water Resources
Southern District Office

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3811, Nov. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- ☐ Show to whom and date delivered ..... 25¢
- ☐ Show to whom, date, & address of delivery ..... 45¢
- ☐ RESTRICTED DELIVERY.
  Show to whom and date delivered ..... 85¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery .. $1.05

(Fees shown are in addition to postage charges and other fees).

2. ARTICLE ADDRESSED TO:

Mr. Kent O. McMichael
Star Route
Rockland, ID 83271

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	669	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. Marie McMichael
DATE OF DELIVERY 2/23 POSTMARK

FEB 23 1978 ROCKLAND ID

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GOP : 1976—O-203-456

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Affix stamp or gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

RETURN TO

RECEIVED

FEB 27 1978

Department of Water Resources
Southern District Office

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

Re: 41-7030 - Kent D. McMichael protest

Name and Address of Sender

IDAHO DEPARTMENT OF WATER RESOURCE
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

Indicate type of mail:
☐ REGISTERED ☐ REGISTERED C.O.D.
☑ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	RESTR. DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1	668	John B. Kugler Amer. Falls	.13	.60					
2	669	Kent D. McMichael Rockland	"	"					
3									
4									
5									
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20									

TOTAL NO. OF PIECES LISTED BY SENDER: 2

TOTAL NO. OF PIECES RECD AT P.O.

POSTMASTER, PER (Name of receiving employee)

For number of "Remarks" class postage paid if other than first or

PS Form 3877, Dec. 1973

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

(Declaration of value is required on international registered mail)

☆ U.S. GOVERNMENT PRINTING OFFICE: 1973-0-529-726

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protest Against Approval Of Application for Permit No. 41-7030 in The Name of Kent O. McMichael.	NOTICE OF CONFERENCE AND/OR HEARING

On October 11, 1977, Kent O. McMichael filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On November 9, 1977, the Department received protests against approval of said application from Stan Groom, Farren Porath, and Farold Nelson. On January 6, 1978, Farren Porath withdrew his protest.

The Department has set the matter of protest for conference and/or hearing for Thursday, March 9, 1978, at 1:00 p.m., in the Idaho Bank & Trust Co. Conference Room, Tyhee & Idaho, American Falls, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party desiring the taking of stenographic notes by a qualified court reporter must request such in writing at least five (5) days before the date set for hearing and must submit to the director the name of a qualified reporter who is available on the date set for hearing. The party requesting the reporter shall bear the expense of the reporter's attendance fees. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this Twenty First day of February, 1978.

Michael L. Steele

Michael L. Steele
Southern Region Supervisor

INTER-DEPARTMENT MEMO — 1

DATE February 21, 1978

FROM Sheryl Merritt, Secretary

TO File

SUBJECT Application for Permit No. 41-7030 - Kent O. McMichael

On February 16, 1978, I contacted John Kugler, attorney for protestants, and informed him of the hearing scheduled for March 2, 1978. He said he had a hearing scheduled for that morning and was not sure he could make the hearing by 1:00 p.m. The hearing was then rescheduled for March 9, 1978.

Notices of the original hearing date had not been sent out.

SIGNATURE

February 21, 1978

Idaho Bank & Trust Company
Tyhee & Idaho
American Falls, ID 83211

Gentlemen:

This is to confirm the use of the Conference room for conference and/or hearing to be held by this office on March 9, 1978, at 1:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

Sheryl Merritt
Secretary

February 21, 1978

Clerk of the District Court
Power County Courthouse
American Falls, ID 83211

Dear Clerk:

We wish to cancel use of the Courtroom for conference and/or hearing to be held by this office on March 2, 1978, at 1:00 p.m. We have had to reschedule this conference and/or hearing.

Thank you for your cooperation in this matter. We hope this has not caused any inconvenience.

Very truly yours,

Sheryl Merritt
Secretary

MICROFILMED

INTER-DEPARTMENT MEMO — 1

DATE February 16, 1978

FROM Sheryl Merritt & Mike Steele

TO File

SUBJECT Application for Permit No. 41-7030 - Kent O. McMichael

When the protest was received in this office, it was incorrectly dated. However, review of the protest with the protestant indicates it was timely.

SIGNATURE

February 8, 1978

Clerk of the District Court
Power County Courthouse
American Falls, ID 83211

Dear Clerk:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on March 2, 1978, at 1:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

Sheryl Merritt
Secretary

MICROFILMED

INTER-DEPARTMENT MEMO — 1

DATE January 20, 1978

FROM Terry Blau

TO File No. 41-7030

SUBJECT Telephone call from Mr. McMichael

On the above date, Mr. McMichael called and asked if we had received the petition from the Rock Creek Waterusers against additional drilling. He asked if we would delay setting a hearing date on his application until we had received the petition.

Terry H. Blau
SIGNATURE

LAW OFFICES

JOHN B. KUGLER

1156 East Center, Box 1392
POCATELLO, IDAHO 83201
208/233-6234

216 Idaho Street
American Falls, Idaho 83211
208/226-5241

January 3, 1978

Mr. Michael L. Steele
Department of Water Resources
1041 Blue Lakes Blvd., North
Twin Falls, Idaho 83301

Re: Application #41-7070
Kent O. McMichael

Dear Mr. Steele:

Mr. Farren Porath would like to withdraw his name from the Protest of the above named application. Thank you for your help in this matter.

Yours sincerely

John B. Kugler

JOHN B. KUGLER

cs

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3570

November 14, 1977

Mr. Kent O. McMichael
Star Route
Rockland, ID 83271

Re: Application for Permit No. 41-7030

Dear Mr. McMichael:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 41-7030. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?

2. Is the proposed water supply insufficient for the purposes intended?

3. Is the application made in good faith or for delay or speculative purposes?

4. Has the applicant sufficient financial resources with which to complete the project?

If this office can be of further assistance, please contact us.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sm
Enc.

November 14, 1977

Mr. John B. Kugler
Attorney at Law
1156 East Center, Box 1478
Pocatello, ID 83201

Re: Application for Permit No. 41-7030 - Kent O. McMichael

Dear Mr. Kugler:

Your protest against the approval of the above-referenced application submitted in behalf of Stan Groom, Farren Porath and Farold Nelson has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?

2. Is the proposed water supply insufficient for the purpose intended?

3. Is the application made in good faith or for delay or speculative purposes?

4. Has the applicant sufficient financial resources with which to complete the project?

If this office can be of further assistance, please contact us.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sm

MICROFILMED

RECEIVED
NOV 0 '77
Department of Water Resources
Southern District Office

LAW OFFICES

JOHN B. KUGLER

1156 East Center, Box 1478
POCATELLO, IDAHO 83201
208/233-6234

216 Idaho Street, Box 386
American Falls, Idaho 83211
208/226-5241

Attorney for Protestants

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

In re Application of KENT O. McMICHAEL, #41-7030

COMES NOW Stan Groom, Farren Porath and Farold Nelson and protest application as follows:

1. Protestants are water users in the Rockland Valley and have prior water rights.

2. The application if granted will adversely affect all of the water rights of protestants and other water users in the Rockland Valley.

WHEREFORE, protestants pray that the application be denied.

JOHN B. KUGLER

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Kent O. McMichael

Rockland, Idaho 83271

has on 10/11/77 submitted Application No. 41-7030

for a permit to appropriate 2.8 cubic feet per second acre feet per annum XXXXXXXXXX

of water from ground water

by means of well, pipeline, sprinkler system

within the NE¼SE¼, Sec. 28, Twp. 10S, Rge. 31E, B. M. Power County

to be used from Mar. 15 to Nov. 15 for irrigation purposes of 140 acres

for XXXX

within the SE¼, Sec. 28, Twp. 10S, Rge. 31E, B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before November 7, 1977.

C. Stephen Allred

Director

Published in the Power County Press

on 10/20 and 10/27/77

October 14, 1977

Power County Press
174 Idaho Street
American Falls, Idaho 83211

Re: Application for Permit No. 41-7030 - Kent O. McMichael

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS/dj

Bill submitted: _____

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION) FOR TRANSFER NO. 4268 OF) WATER RIGHT NO. 41-07030 IN) THE NAME OF TIMOTHY P. DEEG)

ORDER DENYING PETITION FOR RECONSIDERATION

On August 23, 1994, the Idaho Department of Water Resources (department) issued a Final Order in connection with Application for Transfer No. 4268 of water right no. 41-07090 in the name of Timothy P. Deeg (right holder). On September 6, 1994, the right holder submitted a Petition for Reconsideration (petition) to the department in connection with the Final Order.

Upon review of the petition, the Director has determined that the right holder seeks relief from complying with Condition of Approval No. 1. on the Final Order.

Since the present construction of the right holder's well does not comply with adopted well construction standards of the department, the petition for reconsideration is hereby **DENIED.**

Dated this 9TH day of SEPTEMBER, 1994.

R. Keith Higginson
Director

RECEIVED
APR 13 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 12th day of September, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER DENYING PETITION FOR RECONSIDERATION** to the following:

IDWR - Southern Region
222 Shoshone St. E
Twin Falls, ID 83301

Roger Ling
LING NELSON & ROBINSON
615 H Street
Rupert, ID 83350

Kent Foster
HOLDEN KIDWELL HAHN
& CRAPO
330 Shuop Ave.
Idaho Falls, ID 83405

Timothy P. Deeg
2957 Deeg Rd.
American Falls, ID 83211

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

APR 2 3 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4268 OF WATER) **FINAL ORDER**
RIGHT NO. 41-07030 IN THE NAME)
OF TIMOTHY P. DEEG)
)

On June 14, 1994, the Department of Water Resources (department) issued a Recommended Order in connection with Application for Transfer No. 4268 of Water Right No. 41-07030 in the name of Timothy P. Deeg (applicant). On June 23, 1994, the protestant submitted a Petition for Reconsideration of the Recommended Order (petition).

The petition was denied fourteen (14) days following the time it was filed as provided in the June 14, 1994, transmittal letter. Thereafter, pursuant to department Rule of Procedure 720, any party had twenty-one (21) days following the denial of the petition to file exceptions with the Director prior to the entry of a final order. No exceptions to the recommended order have been filed with the Director during this 21-day period.

Although the petition was denied by operation of law, the Director responds to the issues and concerns identified in the petition as follows:

1. IDAPA Rule 37.01.01600 provides that the presiding officer at hearing is not bound by the Idaho Rules of Evidence. The rule also states that no informality in any proceeding or in the manner of taking testimony invalidates any order.

2. Water level measurements taken at a pumping rate of 1170 gallons per minute are material and relevant although they do not completely answer the question of water level at a diversion rate of 8.35 cubic feet per second (cfs). More specifically the applicant can not provide well level and draw down information at a maximum pumping rate of 8.35 cfs unless the pending application of the applicant to pump at that rate is approved by the department.

3. See No. 2. above.

4. The protestant's disagreement with the decision reached is not reason to change the decision.

5. There is no error, since the protestant's own unrefuted

APR 1 8 1995

testimony was that pumping of the Mayer wells did not affect the flow of Cold Creek or Warm Creek.

6. See No. 4. above.

7. See No. 2. above.

8. The department does not agree with the argument of the protestant but nonetheless has changed Conclusion of Law No. 5. to more clearly describe the intent of the conclusion.

9. The department agrees with the argument of the protestant and has changed Condition of Approval No. 6. to insure that the right is not enlarged.

10. See no. 9. above.

11. The opinion of the applicant's expert witness supports the conclusion reached. In addition, general stream flow records, water measurements, depth to water measurements and other records in department files of which official notice was taken also support the conclusion reached.

12. The conclusion is correct and should not be changed. A protestant who diverts water from the Mayer wells testified that an additional 30 acres of potatoes had been planted during the 1994 irrigation season. This protestant did not show that additional water had been obtained thorough a rental agreement or from some other source of water.

13. The argument of the protestant relative to the provisions of a private contract is not within the purview of issues described in Section 42-222, Idaho Code, and thus can not be considered by the department.

14. See no. 9. above.

Based on his understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, Analysis and Final Order:

FINDINGS OF FACT

1. On December 3, 1993, Timothy P. Deeg filed Application for Transfer No. 4268 (application) with the department in connection with water right License No. 41-07030. The applicant proposed to change both the point of diversion and the place of use of the license to a location twelve (12) miles north and three (3) miles west of the original location.

2. The department advertised the application which was protested by Warm Creek Irrigation Co., Steve W. Isaak, Roland Mayer and Sons, the Twin Falls Canal Co. and the North Side Canal

APR 13 1995

Co. The Twin Falls Canal Co. and the North Side Canal Co. subsequently withdrew their protests.

3. On May 17, 1994 and May 24, 1994, the department conducted a hearing in the matter in American Falls, Idaho. The applicant was present and was represented by attorney Kent Foster. The protestants were present and were represented by attorney Roger Ling.

4. Issues identified by the protestants include the following:

a. Approval of the application for transfer will injure existing water rights.

b. Approval of the application will enlarge the right sought to be transferred.

c. Approval of the application is not in the local public interest.

The general concern expressed by the protestants was that diversion of additional water from the applicant's irrigation well will make less water available for the protestant's use of water diverted from the Mayer wells, Little Creek, Cold Creek and Warm Creek.

5. Exhibits offered and accepted as a part of the record include the following:

a. Applicant's Exhibit No. 1 - U.S.G.S. Quadrangle sheet titled Neeley, Idaho and Indian Springs, Idaho.

b. Applicant's Exhibit No. 1-A - U.S. Geological Survey Open-File Report 82-755 titled Water Resources of Rockland Basin, South-Eastern Idaho. The study was conducted in 1982.

c. Applicant's Exhibit No. 2 - Schematic depiction of certain wells. The exhibit is titled "Elevation Contours."

d. Applicant's Exhibit No. 3 - Technical Data: Little Creek.

e. Applicant's Exhibit No. 4 - Technical Data: Cold Creek.

f. Applicant's Exhibit No. 5 - Technical Data: Mayer Wells.

g. Applicant's Exhibit No. 6 - Potential Well Interference data and a graph titled Estimated Drawdown From Deeg Irrigation Well.

h. Applicant's Exhibit No. 7 - Letter dated May 16, 1994 to Timothy Deeg from Rolf E. Larsen of Mountain States Analytical together with analytical results of three (3) water samples.

APR 13 1995

i. Applicant's Exhibit No. 8 - Miscellaneous information and water measurements.

j. Applicant's Exhibit No. 9 - Photograph showing a concrete water diversion structure on Cold Creek.

k. Applicant's Exhibit No. 10 - Well Test data of Pumpco for the Deeg irrigation well.

l. Protestant's Exhibit A - Letters dated April 10, 1992, April 21, 1993 and January 25, 1994 on Falls Irrigation District letterhead from Terrell O. Sorensen.

6. At the hearing, the hearing officer officially noticed the following:

a) Application for Permit file 41-07030.

b) Past decisions of the department as those decisions may apply to the protested application.

c) Water right records including recorded claims and rights of the protestants.

d) Reports, water measurements and stream flow records in department files such as U.S. Geological Survey reports.

e) Well Driller Reports (well logs) in department files.

7. License No. 29-07157 issued to Roland Mayer describes a water right with the following parameters:

Source:	Ground water
Priority:	September 19, 1973
Diversion rate:	5.10 cfs
Volume of water:	1,169 AF per year
Points of div:	NW1/4NW1/4, SW1/4NW1/4 Section 32, T8S, R31E,BM. (Mayer wells).
Use:	Irrigation
Place of use:	334 acres within parts of Sections 29, 31 and 32, T8S, R31E,BM.

8. License No. 41-07030 issued to Farold J. Nelson describes a water right with the following parameters:

Source:	Ground water
Priority:	January 2, 1978
Diversion rate:	1.4 cubic feet per second (cfs)
Volume of water:	441 AF per year
Point of div:	NE1/4SE1/4 Section 28, T10S, R31E,BM.
Use:	Irrigation
Place of use:	126 acres within parts of Section 28, T10S, R31E,BM.

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9. On June 20, 1991, the department issued Permit No. 41-07081 to the applicant with the following parameters:

Source:	Ground water
Priority:	February 28, 1990
Diversion rate:	6.95 cubic feet per second
Point of div:	SW1/4SE1/4 Section 6, T9S, R31E,BM.
Use:	Irrigation
Place of use:	348 acres in parts of Section 1, T9S, R30E,BM. and Section 6, T9S, R31E,BM.
Proof ben. use due:	July 1, 1994

10. The applicant drilled the irrigation well authorized by Permit No. 41-07081 (Deeg well) during the summer of 1992 and diverted and used the water on 348 acres during the 1993 irrigation season. The land is sprinkler irrigated with two (2) pivots, four (4) wheel lines and handpipe. The Deeg well is 939 feet deep and is cased with 18 inch diameter casing which is perforated at depths of 210 feet to 330 feet, 450 feet to 490 feet and from 516 feet to 716 feet. There is some cascading water in the well. The static water level is about 452 feet below land surface.

11. The applicant has a five-year lease option for the use of water under License No. 41-07030 and proposes to change the point of diversion to the Deeg well located in the SW1/4SE1/4 Section 6, T9S, R31E,BM. The water would be diverted for the irrigation of an additional 126 acres within Section 1, T9S, R30E,BM using a center pivot.

12. The applicant has a domestic well which is located about 700′ from his irrigation well. The domestic well is about 400′ deep and the static water level in the well is about 200′ to 210′ below land surface.

13. Water level measurements in the Deeg well when the well was pumping are as follows:

April 22, 1994 - 463.0′ - 1170 gpm
May 13, 1994 - 460.0′ - 800 gpm
May 15, 1994 - 462.5′ - 920 gpm

14. Pumping of the Deeg irrigation well has little effect upon the water level in the Deeg domestic well.

15. Between September of 1992, and May of 1994, the flow of Little Creek as measured at the Little Creek Weir located in Section 36, T8S, R30E,BM. is approximately 1.8 cfs to 2.0 cfs. There are no diversions upstream from the Little Creek weir.

16. After flowing together, the rate of flow of Warm Creek and Cold Creek before the irrigation season when no diversions were being made is approximately 6.3 cfs to 7.5 cfs as measured in

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Section 13, T8S, R30E,BM. The 6.3 cfs measurement was taken on January 24, 1994, and the 7.5 cfs measurement was taken on April 20, 1993.

17. Characteristics of the Roland Mayer irrigation wells include the following:

North well

Location:	NW1/4NW1/4 Section 32, T8S, R31E,BM.
Total depth:	345′
Static water level:	157′ to 162′
Pumping level:	305′ - previously was 221′
Discharge rate:	About 1200 gpm (2.7 cfs)
Remarks:	This well was deepened from the original depth

South well

Location:	SW1/4NW1/4 Section 32, T8S, R31E,BM.
Total depth:	423′
Static water level:	96′ to 97′
Pumping level:	200′ - The pump was lowered from 160′ to 200′ in 1993.
Discharge rate:	850 gpm (1.9 cfs)
Remarks:	Pump has been diesel operated but is now operated by an electric motor.

18. The geology in the Rockland basin generally consists of three different aquifers as follows:

a) Upper alluvium, consisting of silt, sand and gravels.
b) Tertiary, consisting of sedimentary and volcanic rocks.
c) Pre-Tertiary, consisting of the oldest rocks.

19. The source of water for Little Creek, Cold Creek and Warm Creek most likely is fault controlled springs originating between the Tertiary and Pre-Tertiary aquifers.

20. Limestone cuttings were found in the bottom of the Deeg well. Limestone is identified as being within the Pre-Tertiary sedimentary rocks.

21. The temperature of water in the Deeg well is higher than in surrounding wells suggesting that some geothermal water enters the well at depth.

22. The applicant conducted water quality analyses for samples taken from the Deeg well, Little Creek Spring and Cold Creek Spring. Water from the Deeg well showed higher electrical conductivity, more fluoride and more sulfate than the samples taken from the springs.

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23. The applicant does not plan to irrigate more land than authorized by License No. 41-07030.

24. The protestants divide the available water on Warm Creek and Cold Creek and rotate the use of the water which is available. As an example, there are 84 shares of water in the Sorenson Ditch which diverts out of Cold Creek. Each share represents 2 hours and 17 minutes and is rotated every 8 days.

25. Water available in the Mayer wells has historically decreased annually as the irrigation season progresses. In 1993, however, the south well started to surge due to the lack of water for the first time, so the pump was lowered 40 feet in the well.

26. The Mayer wells which are closer to Little Creek and Cold Creek than the Deeg well do not noticeably affect the flow of the creeks.

27. Historic flow records of Cold Creek, Warm Creek and Little Creek are not extensive. Testimony of the protestants, however, was that in 1993, they received less water than in past years.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

> The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

2. The drawdown in the Deeg well is about nine (9) feet when diverting at a rate of 1,170 gpm (2.6 cfs). The static water level in the Deeg well is over 300 feet below the expected regional water table in the alluvial system and is about 410 feet lower than that of the Mayer wells.

3. The Deeg well derives some of its water at depth from a warm water source and some of its water (cascading) from the upper alluvial system. The warm water source is an external source of water to water diverted from the Mayer wells which derive water from the alluvial system.

4. Pumping of the Deeg irrigation well has little effect upon the Deeg domestic well which is 700' distant and can be expected to have an even smaller effect upon the Mayer wells which are 1.5 miles away.

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5. The additional pumping of 1.4 cfs from the Deeg well as proposed in the application will not adversely impact flows in Little Creek Cold Creek or Warm Creek which is four (4) miles north of the Deeg well.

6. The construction of the Deeg well does not meet minimum well construction standards, since water of different quality and from different zones is being mixed. (IDAPA Rule 37.03.09025.03. abbreviated as Well Constructions Standards Rule 25.03).

7. Approval of the application for transfer will not injure existing water rights.

8. Approval of the application will not enlarge the right sought to be transferred.

9. Approval of the application is consistent with the conservation of water resources in Idaho.

10. Approval of the application is not against the local public interest.

11. The department should approve the application for transfer with certain conditions and limitations.

ANALYSIS

There was consistent testimony from the protestants that during 1993, there was less water available for diversion than in prior years. The protestants, however, did not know the cause of the decline and did not show that diversion of water from the Deeg well was the cause of the decrease in water availability.

The residual effects of the 1987 to 1992 drought conditions in Idaho are more likely the cause of any decreased flow in Little Creek, Cold Creek or Warm Creek than the diversion of water from the Deeg well.

Some of the protestants have recently added irrigated acreage and have changed to crops which require more water for consumptive uses than crops previously grown.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Transfer No. 4268 of water right License No. 41-07030 is **APPROVED** subject to the following conditions:

1. The applicant shall submit a plan for repair of the Deeg well to the department for review and approval. The plan shall provide for casing the water cascading from the upper aquifer out of the well and shall otherwise comply with IDAPA Rule 37.03.09025.03. The plan shall be submitted within thirty (30)

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days of the issuance of a Final Order with provision of the work to be completed prior to the beginning of the 1995 irrigation season. No water may be diverted from the well under this transfer until the repairs are completed.

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

3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

4. Prior to the diversion of water under this right, the right holder shall provide a means of measurement acceptable to the department which will allow determination of the depth to water in the well and the rate of diversion from the well.

5. The authorized season of use is from April 1 to October 31 of each year.

6. The right holder is not authorized to divert water under this transfer for the 126 acres at a rate larger than 1.4 cfs or to divert more than 441 AF for the 126 acres. Diversion of water under this approval is contingent upon the applicant to be able to readily show compliance with this condition.

7. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval should not be rescinded.

Signed this 23rd day of August, 1994.

R. Keith Higginson

R. KEITH HIGGINSON
Director

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 23rd day of August, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing **FINAL ORDER** to the following:

IDWR - Southern Region
222 Shoshone St. E
Twin Falls, ID 83301

Roger Ling
LING NELSON & ROBINSON
615 H Street
Rupert, ID 83350

Kent Foster
HOLDEN KIDWELL HAHN
& CRAPO
330 Shuop Ave.
Idaho Falls, ID 83405

Timothy P. Deeg
2957 Deeg Rd.
American Falls, ID 83211

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4268
WATER RIGHT NO. 41-07030

This is to certify that: **TIMOTHY P DEEG**
2957 DEEG ROAD
AMERICAN FALLS ID 83211

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

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	1.40 CFS	504.0 AF

SOURCE

GROUNDWATER

Priority: 01/02/1978

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 6, Township 09S, Range 31E
POWER County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
09S	30E	1	NENE	25	NWNE	29	SWNE	36	
			SENE	36					126
					Total number of acres irrigated:				126

CONDITIONS/REMARKS:

Right No. 41-07030 is subject to the conditions of the Final Order in the matter of Application for Transfer No. 4268.

Dated this 23rd day of August, 1994.

L. Glen Saxton
Chief, Water Alloc. Bureau

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4268 OF WATER) **RECOMMENDED ORDER**
RIGHT NO. 41-07030 IN THE NAME)
OF TIMOTHY P. DEEG)
)

This matter having come before the Idaho Department of Water Resources (department) in the form of a protested application for transfer, the department having held a conference and a hearing in the matter, the Director of the department makes the following Findings of Fact, Conclusions of Law, Analysis and Order:

FINDINGS OF FACT

1. On December 3, 1993, Timothy P. Deeg (applicant) filed Application for Transfer No. 4268 (application) with the department in connection with water right License No. 41-07030. The applicant proposed to change both the point of diversion and the place of use of the license to a location twelve (12) miles north and three (3) miles west of the original location.

2. The department advertised the application which was protested by Warm Creek Irrigation Co., Steve W. Isaak, Roland Mayer and Sons, the Twin Falls Canal Co. and the North Side Canal Co. The Twin Falls Canal Co. and the North Side Canal Co. subsequently withdrew their protests.

3. On May 17, 1994 and May 24, 1994, the department conducted a hearing in the matter in American Falls, Idaho. The applicant was present and was represented by attorney Kent Foster. The protestants were present and were represented by attorney Roger Ling.

4. Issues identified by the protestants include the following:

a. Approval of the application for transfer will injure existing water rights.

b. Approval of the application will enlarge the right sought to be transferred.

c. Approval of the application is not in the local public interest.

The general concern expressed by the protestants was that diversion of additional water from the applicant's irrigation well will make less water available for the protestant's use of water diverted

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from the Mayer wells, Little Creek, Cold Creek and Warm Creek.

5. Exhibits offered and accepted as a part of the record include the following:

a. Applicant's Exhibit No. 1 - U.S.G.S. Quadrangle sheet titled Neeley, Idaho and Indian Springs, Idaho.

b. Applicant's Exhibit No. 1-A - U.S. Geological Survey Open-File Report 82-755 titled Water Resources of Rockland Basin, South-Eastern Idaho. The study was conducted in 1982.

c. Applicant's Exhibit No. 2 - Schematic depiction of certain wells. The exhibit is titled "Elevation Contours."

d. Applicant's Exhibit No. 3 - Technical Data: Little Creek.

e. Applicant's Exhibit No. 4 - Technical Data: Cold Creek.

f. Applicant's Exhibit No. 5 - Technical Data: Mayer Wells.

g. Applicant's Exhibit No. 6 - Potential Well Interference data and a graph titled Estimated Drawdown From Deeg Irrigation Well.

h. Applicant's Exhibit No. 7 - Letter dated May 16, 1994 to Timothy Deeg from Rolf E. Larsen of Mountain States Analytical together with analytical results of three (3) water samples.

i. Applicant's Exhibit No. 8 - Miscellaneous information and water measurements.

j. Applicant's Exhibit No. 9 - Photograph showing a concrete water diversion structure on Cold Creek.

k. Applicant's Exhibit No. 10 - Well Test data of Pumpco for the Deeg irrigation well.

l. Protestant's Exhibit A - Letters dated April 10, 1992, April 21, 1993 and January 25, 1994 on Falls Irrigation District letterhead from Terrell O. Sorensen.

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a) Application for Permit file 41-07030.

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c) Water right records including recorded claims and rights of the protestants.

d) Reports, water measurements and flow records in

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department files such as U.S. Geological Survey reports.

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7. License No. 29-07157 issued to Roland Mayer describes a water right with the following parameters:

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Use:	Irrigation
Place of use:	334 acres within parts of Sections 29, 31 and 32, T8S, R31E,BM.

8. License No. 41-07030 issued to Farold J. Nelson describes a water right with the following parameters:

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Place of use:	126 acres within parts of Section 28, T10S, R31E,BM.

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Use:	Irrigation
Place of use:	348 acres in parts of Section 1, T9S, R30E,BM. and Section 6, T9S, R31E,BM.
Proof ben. use due:	July 1, 1994

10. The applicant drilled the irrigation well authorized by Permit No. 41-07081 (Deeg well) during the summer of 1992 and diverted and used the water on 348 acres during the 1993 irrigation season. The land is sprinkler irrigated with two (2) pivots, four (4) wheel lines and handpipe. The Deeg well is 939 feet deep and is cased with 18 inch diameter casing which is perforated at depths of 210 feet to 330 feet, 450 feet to 490 feet and from 516 feet to 716 feet. There is some cascading water in the well. The static water level is about 452 feet below land surface.

11. The applicant has a five-year lease option for the use of water under License No. 41-07030 and proposes to change the point

of diversion to the Deeg well located in the SW1/4SE1/4 Section 6, T9S, R31E,BM. The water would be diverted for the irrigation of an additional 126 acres within Section 1, T9S, R30E,BM using a center pivot.

12. The applicant has a domestic well which is located about 700′ from his irrigation well. The domestic well is about 400′ deep and the static water level in the well is about 200′ to 210′ below land surface.

13. Water level measurements in the Deeg well when the well was pumping are as follows:

April 22, 1994 - 463.0′ - 1170 gpm
May 13, 1994 - 460.0′ - 800 gpm
May 15, 1994 - 462.5′ - 920 gpm

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15. The flow of Little Creek as measured at the Little Creek Weir located in Section 36, T8S, R30E,BM. is approximately 1.8 cfs to 2.0 cfs. There are no diversions upstream from the Little Creek weir.

16. After flowing together, the rate of flow of Warm Creek and Cold Creek before the irrigation season when no diversions were being made is approximately 6.3 cfs to 7.5 cfs as measured in Section 13, T8S, R30E,BM.

17. Characteristics of the Roland Mayer irrigation wells include the following:

North well

Location:	NW1/4NW1/4 Section 32, T8S, R31E,BM.
Total depth:	345′
Static water level:	157′ to 162′
Pumping level:	305′ - previously was 221′
Discharge rate:	About 1200 gpm (2.7 cfs)
Remarks:	This well was deepened from the original depth

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Location:	SW1/4NW1/4 Section 32, T8S, R31E,BM.
Total depth:	423′
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Pumping level:	200′ - The pump was lowered from 160′ to 200′ in 1993.
Discharge rate:	850 gpm (1.9 cfs)
Remarks:	Pump has been diesel operated but is now operated by an electric motor.

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18. The geology in the Rockland basin generally consists of three different aquifers as follows:

a) Upper alluvium, consisting of silt, sand and gravels.
b) Tertiary, consisting of sedimentary and volcanic rocks.
c) Pre-Tertiary, consisting of the oldest rocks.

19. The source of water for Little Creek, Cold Creek and Warm Creek most likely is fault controlled springs originating between the Tertiary and Pre-Tertiary aquifers.

20. Limestone cuttings were found in the bottom of the Deeg well. Limestone is identified as being within the Pre-Tertiary sedimentary rocks.

21. The temperature of water in the Deeg well is higher than in surrounding wells suggesting that some geothermal water enters the well at depth.

22. The applicant conducted water quality analysis for samples taken from the Deeg well, Little Creek Spring and Cold Creek Spring. Water from the Deeg well showed higher electrical conductivity, more flouride and more sulfate than the samples taken from the springs.

23. The applicant does not plan to irrigate more land than authorized by License No. 41-07030.

24. The protestants divide the available water on Warm Creek and Cold Creek and rotate the use of the water which is available. As an example, there are 84 shares of water in the Sorenson Ditch which diverts out of Cold Creek. Each share represents 2 hours and 17 minutes and is rotated every 8 days.

25. Water available in the Mayer wells has historically decreased annually as the irrigation season progresses. In 1993, however, the south well started to surge due to the lack of water for the first time, so the pump was lowered 40 feet in the well.

26. The Mayer wells which are closer to Little Creek and Cold Creek than the Deeg well do not noticeably affect the flow of the creeks.

27. Historic flow records of Cold Creek, Warm Creek and Little Creek are not extensive. Testimony of the protestants, however, was that in 1993, they received less water than in past years.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

The director of the department of water resources shall

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examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

2. The drawdown in the Deeg well is about nine (9) feet when diverting at a rate of 1,170 gpm (2.6 cfs). The static water level in the Deeg well is over 300 feet below the expected regional water table in the alluvial system and is about 410 feet lower than that of the Mayer wells.

3. The Deeg well derives some of its water at depth from a low temperature geothermal source and some of its water (cascading) from the upper alluvial system. The geothermal water is an external source of water to water diverted from the Mayer wells which derive water from the alluvial system.

4. Pumping of the Deeg irrigation well has little effect upon the Deeg domestic well which is 700' distant and will have an even smaller effect upon the Mayer wells which are 1.5 miles away.

5. The additional pumping of 1.4 cfs from the Deeg well as proposed in the application will not significantly impact flows in Little Creek Cold Creek or Warm Creek which is four (4) miles north of the Deeg well.

6. The construction of the Deeg well does not meet minimum well construction standards, since water of different quality and from different zones is being mixed. (IDAPA Rule 37.03.09025.03. abbreviated as Well Constructions Standards Rule 25.03).

7. Approval of the application for transfer will not injure existing water rights.

8. Approval of the application will not enlarge the right sought to be transferred.

9. Approval of the application is consistent with the conservation of water resources in Idaho.

10. Approval of the application is not against the local public interest.

11. The department should approve the application for transfer with certain conditions and limitations.

ANALYSIS

There was consistent testimony from the protestants that during 1993, there was less water available for diversion than in prior years. The protestants, however, did not know the cause of

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the decline and did not show that diversion of water from the Deeg well was the cause of the decrease in water availability.

The residual effects of the 1987 to 1992 drought conditions in Idaho are more likely the cause of any decreased flow in Little Creek, Cold Creek or Warm Creek than the diversion of water from the Deeg well.

Some of the protestants have recently added irrigated acreage and have changed to crops which are more consumptive than previously grown.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Transfer No. 4268 of water right License No. 41-07030 is **APPROVED** subject to the following conditions:

1. The applicant shall submit a plan of repair to the department for review and approval. The plan shall provide for casing water from the upper aquifer out of the well and shall otherwise comply with IDAPA Rule 37.03.09025.03. The plan shall be submitted within thirty (30) days of the issuance of a Final Order.

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

3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

4. Prior to the diversion of water under this right, the right holder shall provide a means of measurement acceptable to the department which will allow determination of the rate of diversion from the well.

5. The authorized season of use is from April 1 to October 31 of each year.

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 acre feet per acre for the lands above.

7. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval should not be rescinded.

Signed this 14th day of June, 1994.

L. Glen Saxton

L. GLEN SAXTON
Hearing Officer

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14TH day of June, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing **RECOMMENDED ORDER** to the following:

Kent Foster
HOLDEN KIDWELL HAHN
& CRAPO
330 Shoup Ave.
Idaho Falls, ID 83405

Roger Ling
LING NELSON & ROBINSON
615 H Street
Rupert, ID 83350

Timothy P. Deeg
2957 Deeg Rd.
American Falls, ID 83211

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

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Form 222
1-87

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RECEIVED
DEC 08 1993
Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4268

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant TIMOTHY P. DEEG Phone (208) 226-5588

Post Office address 2957 Deeg Road, American Falls, ID 83211

A. PURPOSE OF TRANSFER

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

2. Describe the reason for the proposed changes TIM DEEG would like to develop additional irrigation acreage not planned for under permit #41-07081. F.Nelson would like to lease their water right rather than replace their irrigation system at the present time.

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

1.

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
41-07030	1/2/1978	1.4 cfs	irrigation	3/15	to 11/15
					to
					to
					to

2. Total amount of water being transferred 1.4 cubic feet per second and/or * ~~441~~ 504 * acre-feet per annum.

3. Source of water ground water tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	SE	6	9S	31E	Power	New diversion

5. Lands irrigated or place of use: * Per telecon w/applicant 12-13-93 JD

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	30E	1	25	29	36	36									7	3			126
			*																

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Total acres 126

PART 1

6. General Information:

a. Description of diversion system Both systems are ground water supplied with electricity as the energy source. 5100' 8" IPS 125psi mainline/ 1-1200' Lindsay renter pivot and pump tie in /pivot wire/ 150hpr pump and panel.

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

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

The Nelson land has been dry farmed for the past year because of the cost of a replace irrigation system. Due to topography and soil type, a replacement irrigation system is not practical with hay and grain at the current prices.

d. Remarks:

This lease entered into for this five (5) year period between Mr. Deeg ~~and Mr. Nelson should offer both parties an attractive arrangement for~~ developing additional irrigation acreage and protecting a water right.

App. 41-7089 also covers proposed place of use.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

APR 13 1995

Page _____ of _____ TRANS NO. 4268

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 41-07030

STAGE: LICENSE

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	1.40 CFS	441.0 AF

SOURCE

GROUNDWATER

Priority: 01/02/1978

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 28, Township 10S, Range 31E
POWER County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
10S	31E	28	NESW	8	SESW	8	NESE	18	
			NWSE	37	SWSE	37	SESE	18	126
					Total number of acres irrigated:				126

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

APR 13 1995

Transfer No. 4268

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. _____ Decreed to _____
      in case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. 41-07030 issued by the Idaho Department of Water Resources.
   c. Claim No. A41-07030 on file with the Idaho Department of Water Resources.
   d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water ground water tributary to _____
4. Date or priority 1/2/1978
5. Water is used for the following purpose:
   amount 1.4 cfs (cfs/ac-ft) for irrigation purposes from 3/15 to 11/15
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 1.4 cubic feet per second and/or ~~440~~ 504 acre-feet per annum.
7. Point(s) of Diversion: (old)

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE		28	10S	31E	(77) Power	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	31E	28									8			8	18	37	37	18	126

Total acres 126.0

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

PART 2

Transfer No. 4268

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No, not to my knowledge If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

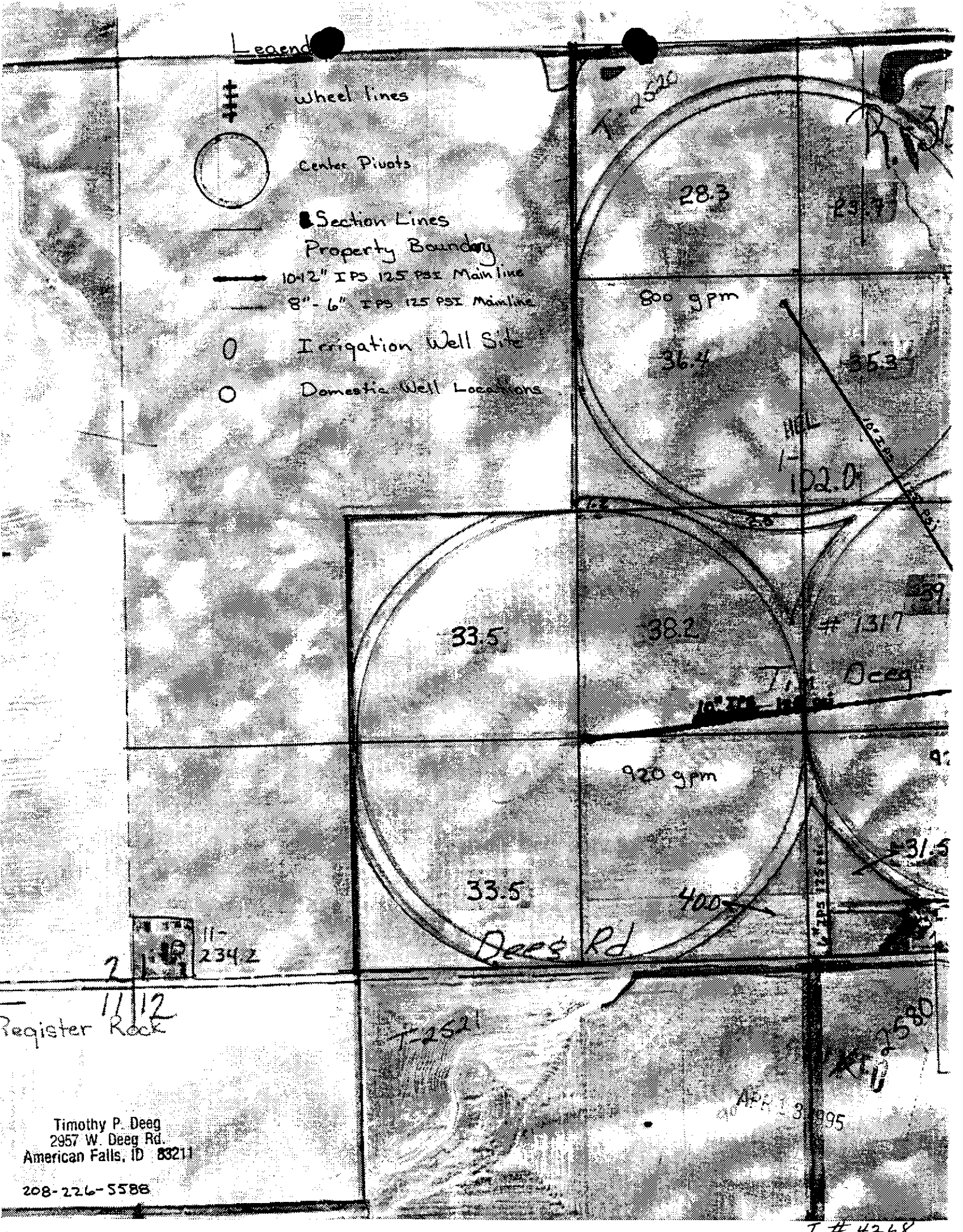
Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

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

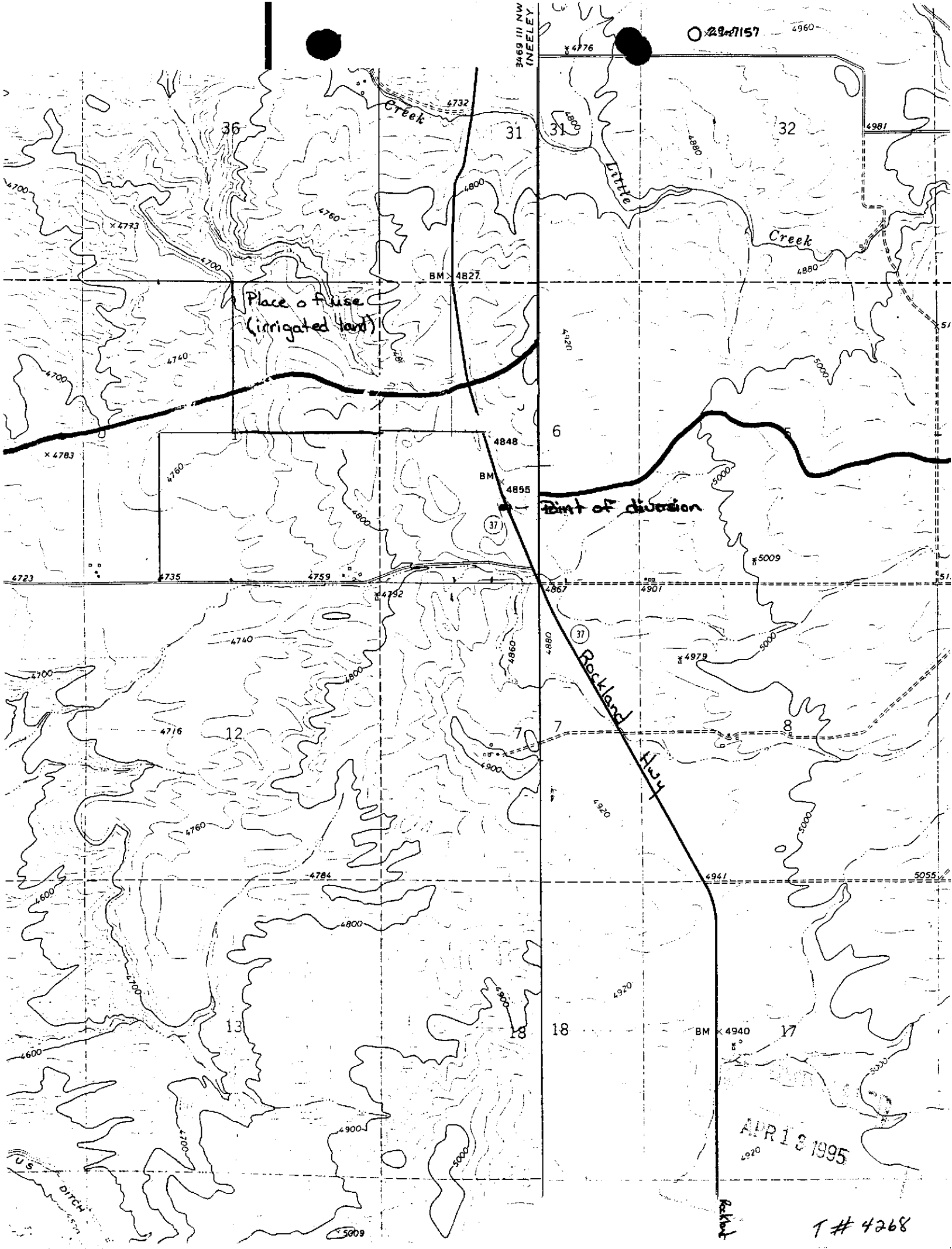
APR 13 1995

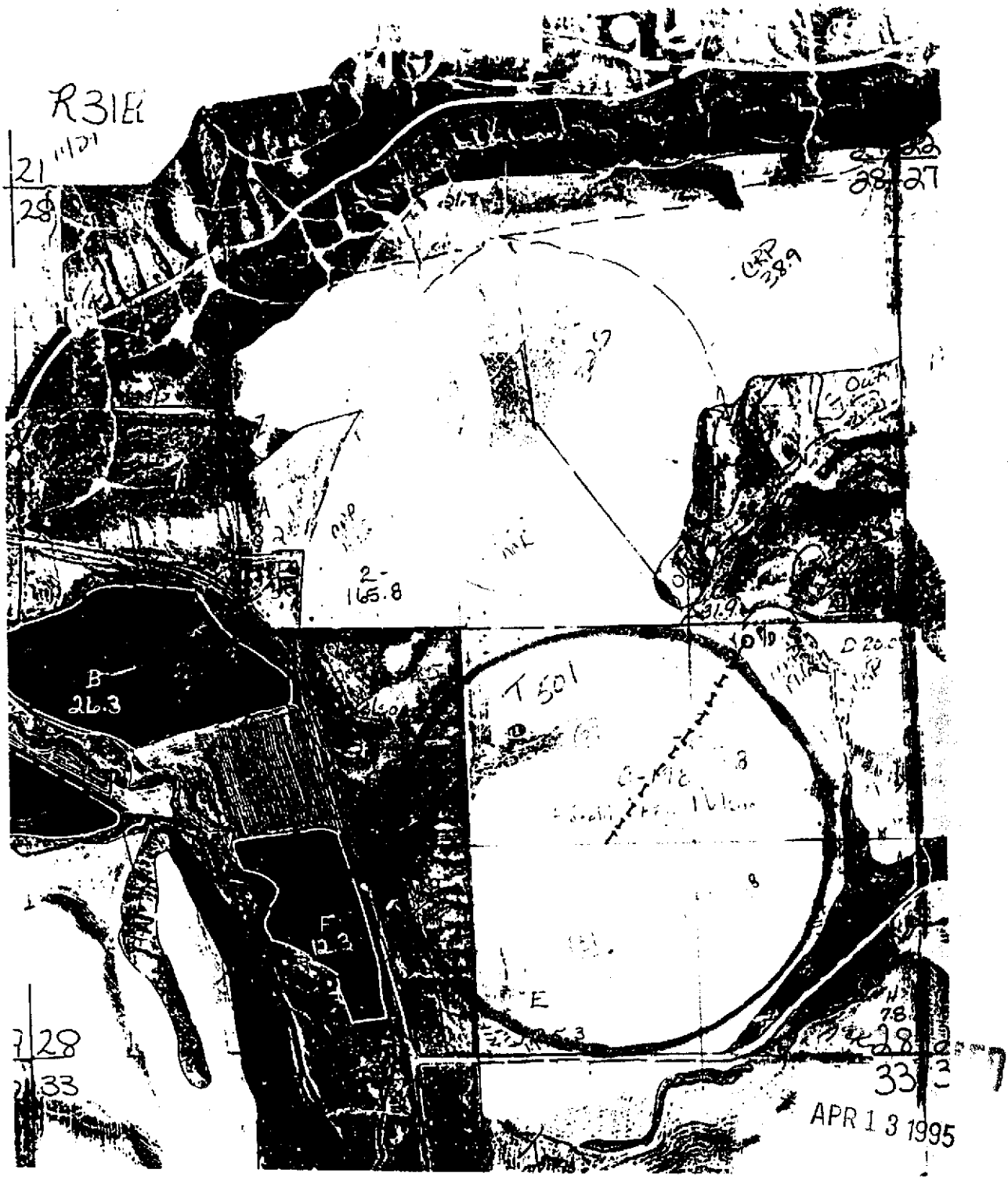
Total acres _____



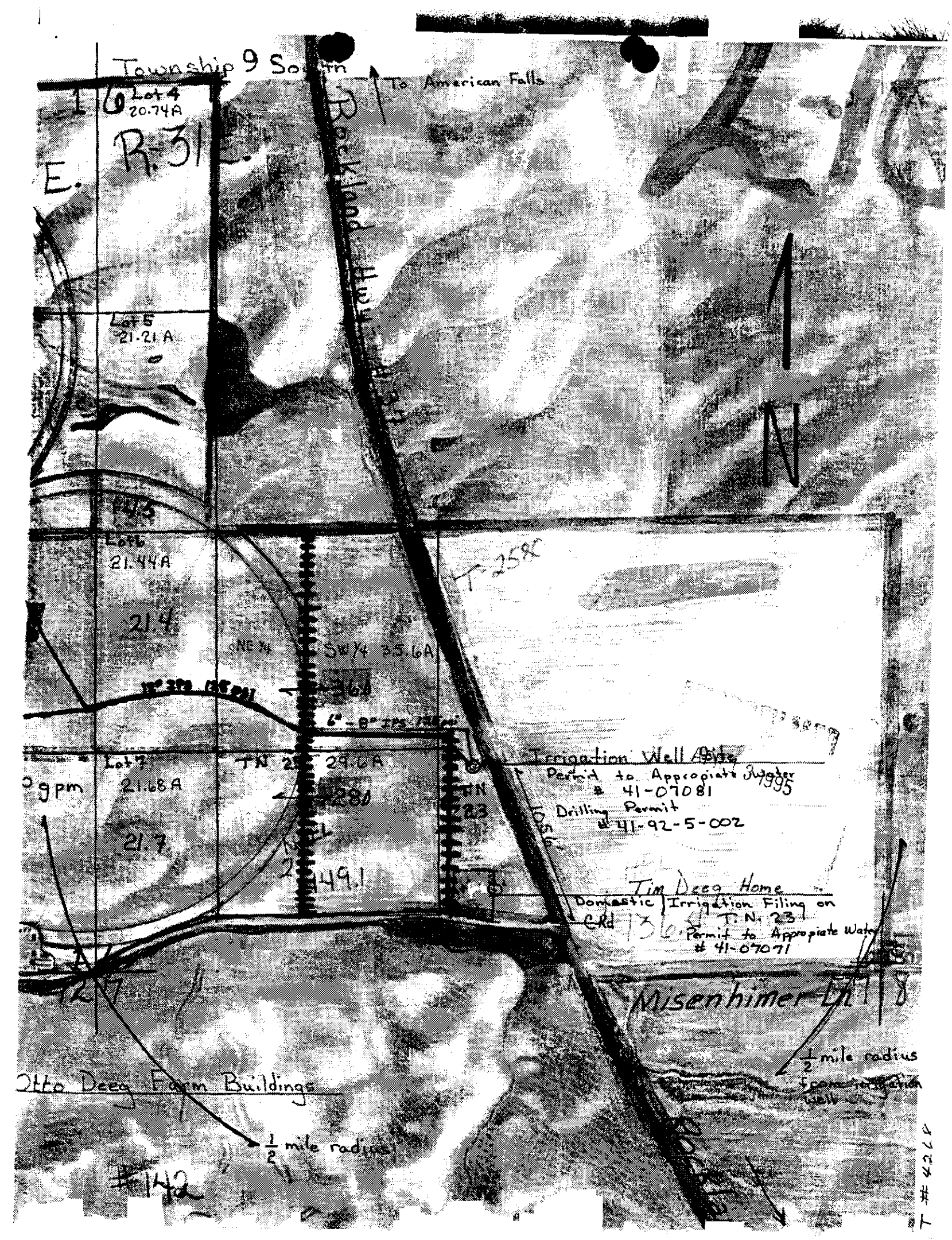
Timothy P. Deeg
2957 W. Deeg Rd.
American Falls, ID 83211

208-226-5588


3469 III NW
INEELEY
29n27157
Creek
Little
Creek
Place of use
(irrigated land)
Point of diversion
Rockland Hwy
BM 4827
BM 4855
BM 4940
APR 13 1995
T # 4268



T #4268


Township 9 South
To American Falls
R. 31 E.
Lot 4
20.74A
Lot 5
21.21A
Lot 6
21.44A
21.4
NE¼
SW¼ 35.6A
Lot 7
21.68A
21.7
TN 23
29.6A
TN 23
149.1
Irrigation Well Site
Permit to Appropriate Water 1995
41-07081
Drilling Permit
#41-92-5-002
Tim Deeg Home
Domestic Irrigation Filing on
T. N. 23
Permit to Appropriate Water
41-07071
Misenheimer Dr
Otto Deeg Farm Buildings
½ mile radius
½ mile radius from irrigation well
#142

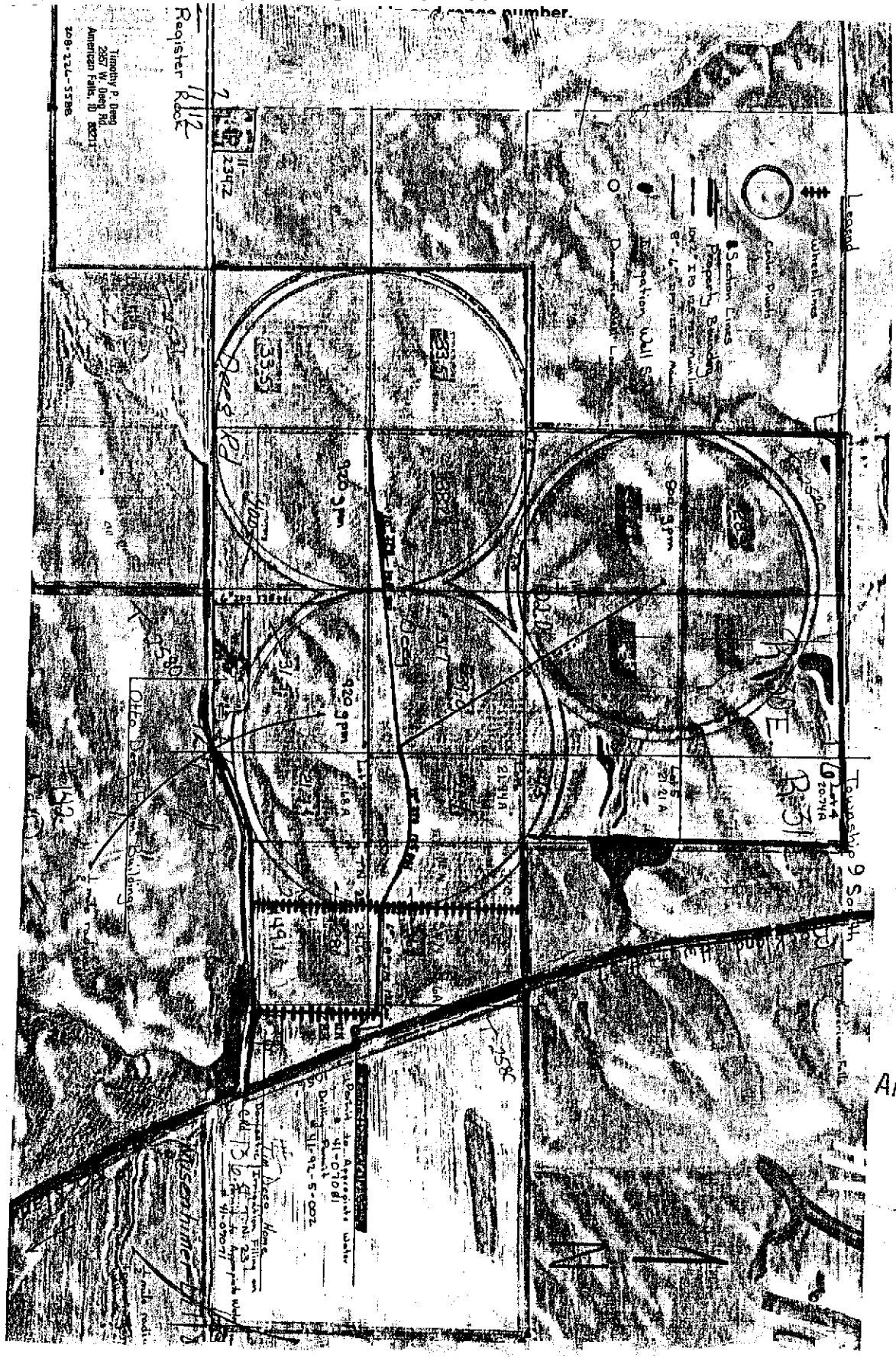
Transfer No. 4268

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described



Transfer No. 4268

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Irrigation	1.4 cfs	3/15 to 11/15	3/15 to 11/15
				to

2. Quantity and quality of return flows and location of discharge:
There are no return flows or discharges either before or after this transfer is made

3. Describe effects on other water uses resulting from the proposed change:
None

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

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

Linda L. Dee
(Signature of Applicant)

Subscribed and sworn to before me this 3rd day of December, 1993.

Cindy Evans
(Notary Public)

My commission expires 7/18/95

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 6 attachments

Received by MTS Date 12-3-93 Protest filed by

Prelim. check by JF Stanton Fee $50.00

Receipted by MTS 5016408 Date 12-3-93

Published in Power County Press Copies of protest forwarded by

Pub. dates 01/12 & 01/19/94 Hearing held by Date

Watermaster recommendation requested on N/A Recommended for ☐ approval ☐ denial

rec'd. by

Copy of transfer sent to lien holder

RECEIVED
APR 13 1995

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

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

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

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

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

December 6, 1994

RECEIVED
DEC 0 9 1994
Department of Water Resources

John Homan, Esq.
IDAHO DEPARTMENT OF WATER
RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Re: *Application for Transfer No. 4268 / Water Right No. 41-07030*

Dear Mr. Homan:

We have been able to discuss the Tim Deeg matter with Mr. Deeg and have been asked to follow up on our discussion with you. As you are aware, Mr. Deeg requested that we file the appeal from the Department's order in this matter because we were unaware of any evidence in the record of the proceedings that geothermal water was entering the well or that there was any contaminated water entering the well. While there is water cascading from an upper layer, that is the same apparent layer from which Mr. Deeg's house well takes water less than 700 feet away and there has never been any indication of problems with the quality of that water. We are satisfied from our own investigation, as assisted by Dr. Brockway and Mr. Deeg, that the well construction standards have not been and are not being violated, although we do not believe that specific legal issue was ever properly raised in this proceeding.

Recently, of course, Mr. Deeg was able to have a well rig shift the column to one side without incurring the cost of pulling the entire column and pump. While the column was shifted as far as it would go, Mr. Deeg was able to get a temperature probe to the bottom of the well and to obtain readings at the relevant levels. We understand that data has been supplied to the department and that it confirmed that there is no geothermal water entering the well.

APR 1 3 1995

As we understand it, a tentative agreement was reached between Mr. Deeg and department personnel that the order requiring "repair" of the well would be revoked or amended to provide that the next time the column and pump are pulled for regular maintenance or any purpose, IDWR would be notified in advance so that additional temperature readings can be made. In exchange, Mr. Deeg would withdraw or seek dismissal of the appeal proceeding.

Mr. Deeg is certainly willing to proceed in this manner. Apparently there has been discussion about how long it may be before regular maintenance or repairs may require the pulling of the pump and column. Because of the significant expense associated with that procedure, Mr. Deeg's goal would be to not incur the expense until there is a demonstrable reason to do so. Of course an emergency could occur at any time and Mr. Deeg is willing to advise IDWR if such an emergency occurred this coming season or if maintenance and repairs are not required for several years. We think it would not be practical to place an arbitrary time limit on the matter. Also, while it is not contemplated, Mr. Deeg is willing to bind any potential successors in interest to the same requirement, if you think that is appropriate.

You mentioned a geothermal bond in our telephone conversation. Mr. Deeg did not recall that being mentioned in his discussions, and, frankly, we don't believe there is any practical need for a bond.

Since it appears to us that we are in basic agreement, would you prefer to draft an appropriate amended order, and we can prepare a possible stipulation for dismissal of the appeal? If this seems acceptable, please let us know and we will send a draft stipulation for your review.

Very truly yours,

Kent W. Foster

pc. Tim Deeg
Charles Brockway
G:\WPDATA\KWF\1246\JOHN1206.LTR:sjw

APR 13 1995

COPY

RECEIVED
OCT 7 1994
Department of Water Resource

Judge: Woodland
Filed: 10/7/94
Doc #: CV-94-01023

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

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF POWER

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4268 OF WATER RIGHT NO. 41-07030 IN THE NAME OF TIMOTHY P. DEEG.	)	NOTICE OF APPEAL Fee Category: R-2 Fee: $60.00

Applicant and Appellant, Timothy P. Deeg, hereby files his Notice of Appeal in the above entitled matter, and, pursuant to Rule 83(f), Idaho Rules of Civil Procedure, states:

1. The name of the administrative body from which this appeal is taken is the State of Idaho Department of Water Resources.

2. The title of the court to which this appeal is taken, pursuant to Idaho Code § 67-5272, is the District Court of the Sixth Judicial District of the State of Idaho in and for the County of Power.

3. The date of the decision from which the appeal is taken is August 23, 1994, and the heading of the decision is "FINAL ORDER". Appellant filed a Petition for Reconsideration of said Final Order before the Department of Water Resources on the 6th day of September, 1994, and "Order Denying Petition for Reconsideration" was issued by the director of said department on September 9, 1994.

FILMED
APR 13 1995

4. This appeal is taken upon all matters of law and fact relevant to said decision.

5. The testimony and proceedings on the hearing held before Mr. L. Glen Saxton, hearing officer for the Idaho Department of Water Resources, were recorded by means of an electronic tape recorder. To the knowledge of the undersigned, said tape recording is in the possession of Mr. Saxton or other employees of the Idaho Department of Water Resources at 1301 North Orchard Street, Boise, Idaho 83720-9000.

6. A statement of the issues on appeal which Appellant then intends to assert in the appeal will be filed separately within fourteen (14) days after the filing of this Notice of Appeal.

Respectfully submitted this 5th day of October, 1994.

Kent W. Foster
Attorney for Appellant

APR 19 1995

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, resident of and with my office in Idaho Falls, Idaho; that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering, by mailing or by facsimile, with the correct postage thereon, a true and correct copy thereof on this 4th day of October, 1994.

DOCUMENT SERVED: NOTICE OF APPEAL

ATTORNEYS SERVED:

R. Keith Higginson, Director (MAIL)
IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

IDAHO DEPARTMENT OF WATER RESOURCES, SOUTHERN REGION (MAIL)
222 Shoshone Street, E
Twin Falls, Idaho 83301

Roger Ling, Esq. (MAIL)
LING, NIELSEN & ROBINSON
P.O. Box 396
Rupert, Idaho 83350

Kent W. Foster
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.C.

G:\WPDATA\KWF\1246\00DEEG05.NOT.sjw

ROUTING SHEET FOR PROTESTED APPLICATIONS AND TRANSFERS FOR WHICH A HEARING OR CONFERENCE HAS BEEN HELD AND A DECISION HAS BEEN WRITTEN

Date _____ Activity File No._____

_____ **HEARING HELD**

_____ **FILE RECEIVED AT STATE OFFICE** (Donna)
- Date stamp, label, and add file to bar code system
- Pull all files listed on transfer from transfer drawer
- Combine the temporary file with the permanent file
- Route to Julie for preparation of recommended order

_____ **PREPARE RECOMMENDED ORDER** (Julie)
- Prepare order/clean-up file
- Route to Pam/Cindy for initial review

_____ **GENERAL APPLICATION/TRANSFER REVIEW** (Cindy/Pam)
- Check order for conditions of approval that need to be deleted or added
- Data enter necessary information, print a draft permit/transfer
- Route to Jim for further review

_____ **GENERAL APPLICATION/TRANSFER REVIEW** (Jim)
- Review draft transfer/application and draft order
- Route to Julie for further corrections to order

_____ **MAKE SUGGESTED CORRECTIONS TO RECOMMENDED ORDER** (Julie)
- Make suggested corrections
- Route to Norm/Keith for final review
- After signature, prepare certificate of mailing, cover letter and mail
- Hold file for 21 days for exceptions

_____ **PREPARE FINAL ORDER** (Julie)
- Prepare final order and route to Keith for signature
- After signature, route to Cindy/Pam for final preparation of permit/transfer

_____ **FINAL PERMIT/TRANSFER PROCESSING** (Cindy/Pam)
- Update database and prepare appropriate document
- Route to Julie for final processing

_____ **MAIL ALL FINAL DOCUMENTS** (Julie)
- ✓ Prepare certificate of service and cover letter
- ✓ Mail cover letter, permit/transfer, final order, certificate of mailing to all parties
- ✓ Copy all regions, water allocations, adjudications, legal, and information officer
- ✓ Route back to hearing officer

YES _____ **PREPARE SHORT SYNOPSIS FOR AGENCY ORDER INDEX** (Officer)
- Prepare synopsis for precedential agency order index
- Route back to Julie

_____ **INDEX AGENCY ORDER BY NAME AND SUBJECT** (Julie)
- After synopsis is written, index by name and topic in precedential agency files
- Route to Cindy/Pam for final database update and action

_____ **FINAL DATABASE UPDATE AND ACTION** (Cindy/Pam)
Donna - update summary sheet

APR 13 1995 **ROUTE TO MICROFILM** (Darla)
- Film file
- Place routing sheet on outside of file and route to Carolyn's **BASKET**

_____ **VAULT** (Carolyn)
- Pull the hearing tapes, properly index, and file
- Pull out cards from protest and/or hold drawer

WR0749NP
No. 41-07030

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/06/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	TO	DIVERSION RATE	DIVERSION VOLUME
C	TIMOTHY P DEEG 2957 DEEG RD AMERICAN FALLS ID 83211 (208) 226-5588	01/02/1978	IRRIGATION	04-01	10-31	1.40 CFS	504.00 AFA
			TOTAL DIVERSION:			1.40 CFS	504.00 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T09S R31E S06 SWSE POWER County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
09S	30E	1	25	29	36	36													126.0
																	TOTAL ACRES		126.0

Pou County: POWER

Other Water Rights with Same Point(s) of Diversion and Source:
41-07071 41-07081 41-07090 L41-07071

Other Water Rights Listing Overlapping Place(s) of use:
41-00037 41-07089

Conditions of Approval:
T07 - The change authorized by this transfer shall be accomplished
- within one (1) year of the date of this approval.
T08 - Failure to comply with the conditions of this transfer is cause
- for the director to issue an order to show cause why the approval
- of the transfer should not be rescinded.
T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.

Remarks: Right No. 41-07030 is subject to the conditions of the Final Order in the matter of Application for Transfer No. 4268.
Prior to the diversion of water under this right, the right holder shall provide a means of measurement acceptable to the department which will allow determination of the depth to water in the well and the rate of diversion from the well.
The applicant shall submit a plan for repair of the Deeg well to the department for review and appproval. The plan shall provide for casing the water cascading from the upper aquifer out of the well and shall otherwise comply with IDAPA Rule 37.03.09025.03.
The plan shall be submitted within thirty (30) days of the issuance of a Final Order with provision of the work to be completed prior to the beginning of the 1995 irrigation season.
No water may be diverted from the well under this transfer until the repairs are completed.
The right holder is not authorized to divert water under this

Database Updated 10-6-94 GS

Remarks: transfer for the 126 acres at a rate larger than 1.4 cfs or to divert more than 441 AF for the 126 acres. Diversion of water under this approval is contingent upon the applicant to be able to readily show compliance with this condition.

Dates:				
	App. Received:	10/11/1977	Priority Date:	01/02/1978
	Proof Due Date:		Proof Made Date:	
	Exam Made Date:		Exam Sent to S.O.:	
	Licensed Date:	12/13/1991		

Misc: Water District Number: Field Exam Fee:

Comments: Date: 10/06/1994 User-ID: PSKAGGS Subject: TRANSFER NO. 4268
Transfer No. 4268 filed on 12-03-93 proposes to change the point of diversion and place of use under Right No. 41-07030. This transfer involves a lease agreement and relates to 41-07089. the transfer was protested and approved thru Recommended Final Order dated 08-23-94.

Audit: 10/06/94 PSKAGGS

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

September 12, 1994

RE: Application for Transfer No. 4268 of Water Right No. 41-07030 in the name of Timothy P. Deeg

Dear Interested Parties:

I have enclosed a copy of the **Order Denying Petition for Reconsideration.**

If you have any questions regarding the enclosed Order, please feel free to contact me at (208)327-7953.

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

Enclosure

APR 13 1995

RECEIVED
SEP 9 1994
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 06 1994
Department of Water Resources
Eastern District Office

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4268 OF WATER RIGHT NO. 41-07030 IN THE NAME OF TIMOTHY P. DEEG	)	PETITION FOR RECONSIDERATION

Timothy P. Deeg, applicant in the above entitled matter, hereby petitions the Director for reconsideration of the first condition of approval in the Final Order, dated August 23, 1994, upon the following grounds and for the following reasons:

1. Upon receipt of the recommended order, applicant immediately began to investigate the preparation of a plan for repair of the well to case out the water cascading from the upper aquifer. It has taken some time to obtain proposals from qualified contractors, and applicant has been very surprised to learn that (1) the costs of such "repairs" are unreasonably great, and (2) the risk that in the process of attempting to accomplish such repairs, the well would be rendered unusable is also unreasonably great.

2. There is no evidence that the water coming into the well from the upper aquifer is contaminated or likely to become contaminated, or that there is or should be any concern about the quality of such water. The well has been constructed so as to prevent the possible downward movement of contaminated surface water.

3. There is no evidence that the quantity of water entering the well from the upper aquifer is so significant that it has any measurable depletionary impact upon water supplies for other water users with senior priorities. As applicant understands it, groundwater diverted historically pursuant to this right was diverted by applicant's predecessors from this very "upper aquifer". As applicant's well was being drilled, it was determined that the upper aquifer at the location of the well was not adequate to supply the quantity of water under applicant's rights, and that all contributory sources of water from the available strata of water bearing materials through which the well has been drilled are necessary to supply sufficient water under applicant's rights for which this well is the point of diversion.

APR 13 1995

Applicant requests an opportunity to be heard on these concerns and that the director reconsider the need for an attempt to case out water entering the well from the upper aquifer.

Respectfully submitted this 6th day of September, 1994.

Kent W. Foster
Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, resident of and with my office in Idaho Falls, Idaho; that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering, by mailing or by facsimile, with the correct postage thereon, a true and correct copy thereof on this 6th day of September, 1994.

DOCUMENT SERVED: PETITION FOR RECONSIDERATION

ATTORNEYS SERVED:

IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720 (MAIL)

IDAHO DEPARTMENT OF WATER RESOURCES, SOUTHERN REGION
222 Shoshone Street, E
Twin Falls, Idaho 83301 (MAIL)

Roger Ling, Esq.
LING, NIELSEN & ROBINSON
P.O. Box 396
Rupert, Idaho 83350 (MAIL)

Kent W. Foster
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

G:\WPDATA\KWF\1246\00DEEG01.PET:sjw

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

August 23, 1994

RE: In the Matter of Application for Transfer No. 4268 of Water Right No. 41-07030 in the Name of Timothy P. Deeg

Dear Interested Party:

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

Section 67-5246 provides as follows:

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

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

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

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

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

(a) the petition for reconsideration is disposed of; or

(b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

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

APR 13 1995

the service is deemed to be sufficient.

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

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

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

APR 18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

AUG 19

Submitting this report to Idaho Department of Water Resources within 30 days after the completion or abandonment of this well.

3721

WENDELL P. DEEG

[illegible] DEEG ROAD AMERICAN FALLS, ID.

Water Right Permit No. 41-02-8-002

Well Tag No. 41-07061 OK

1. TYPE OF WORK

- [x] New well
- [ ] Deepened
- [ ] Replacement
- [ ] Well diameter increase
- [ ] Modification
- [ ] Abandoned (describe abandonment or modification procedures [illegible] in lithologic log, section 9)

2. PROPOSED USE

- [ ] Domestic
- [x] Irrigation
- [ ] Monitor
- [ ] Municipal
- [ ] Stock
- [ ] Waste Disposal or Injection
- [ ] Other _____ (specify type)

3. DRILLING METHOD

- [ ] Rotary
- [ ] Air
- [ ] Auger
- [ ] Reverse rotary
- [x] Cable
- [ ] Mud
- [ ] Other _____ (backhoe, hydraulic, etc.)

4. WELL CONSTRUCTION

Casing schedule: [x] Steel [ ] Concrete [ ] Other _____

Casing	Dia. inches	From	To	
20"	20	+ 1	51	feet
18"	18	+ 1	719	feet
_____	_____	_____	_____	feet

Was casing drive shoe used? [ ] Yes [x] No
Was a packer or seal used? [ ] Yes [x] No
Perforated? [x] Yes [ ] No
How perforated? [x] Factory [ ] Knife [ ] Torch [ ] Gun
Size of perforations? 1 inches by 3/8 inches

Casing		From	To	
18"	perforations	210	330	feet
_____	perforations	450	490	feet
_____	perforations	516	716	feet

Was screen installed? [ ] Yes [x] No
Screen _____ Type _____
Manufacturer or Handspike _____
Length of Tailpipe _____

Gravel/Filter: _____ Slot size _____ Set from _____ feet to _____ feet
_____ Size/grade _____ Set from _____ feet to _____ feet
Gravel placed? [ ] Yes [ ] No [ ] Size of gravel _____
_____ feet to _____ feet

Was a surface seal provided? [ ] Yes [ ] No To what depth? 25 Material used to seal: [ ] Cement grout [ ] Bentonite [ ] Drilling clay [ ] Concrete
Did any strata contain unusable water? [ ] Yes [ ] No Type of water? _____ Depth of strata: _____
Method of sealing strata off: [ ] Overflowing [ ] Dump pit [x] Gravel to seal depth [ ] Packer [ ] Grouted [x] Visqueed [ ] Other [ ] Neat cement between strata

PUMP: Manufacturer's name _____ Type: _____ H.P. _____
WATER LEVEL: Depth at which water was first found _____
Static level _____ feet below top of well Date _____
Artesian pressure _____ lbs. per square inch Date _____
Was a flow encountered during construction? [ ] Yes [ ] No If yes, at what depth was flow encountered? _____
WELL TESTS: Drawdown is amount water level is lowered below static level
Was pump test made? [ ] Yes [ ] No If yes, by whom? _____
Yield: _____ gal/min with _____ hours pumping
Bailer test: _____ gal/min with _____ feet drawdown after _____ hours
Artesian flow: _____ gal/min Date _____
Temperature of water: _____ Was a chemical analysis made? [ ] Yes [ ] No
Was laboratory analysis submitted? [ ] Yes [ ] No If yes, to whom? _____
Well log filed with Idaho Department of Water Resources: Date _____ Ground Elevation _____

5. WELL TESTS

[x] Pump [ ] Bailer [ ] Air [ ] Flowing

Discharge G.P.M.	Pumping Level
2600	480

6. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material
24	0	9	topsoil & sandy cl
	9	16	sandy clay & [illegible]
	16	35	sandy clay & gravel
	35	42	clay & gravel
	42	51	clay & some gravel
20	51	69	brown lava solid
	69	83	gray lava loose
	83	92	brown lava hard
	92	106	brown, red & gray
	106	140	brown clay & gravel
	140	187	brown sandstone
	187	195	hard red sandstone
	195	278	light gray sandstone
	278	315	gray sandstone
	315	350	white sandstone
	350	417	gray sandstone
	417	440	black sandstone
	440	453	gray sandstone
	453	475	sandstone & gravel
	475	670	sandstone some
	670	685	black sandstone
	685	733	black lava & [illegible]
	733	742	black hard lava
	742	801	black lava [illegible]
	801	820	black [illegible]
	820	826	black [illegible]
	826	837	black lava
	837	857	black lava
	857	910	red [illegible]
	910	939	gray [illegible]

7. WATER LEVEL

Static water level 320 feet below [illegible]
Flowing? [ ] Yes [ ] No G.P.M. flow
Artesian [illegible] pressure _____ psi
Controlled by: [ ] Valve [ ] Cap [ ] Plug
Temperature _____ °F. Quality _____
(Submit analysis if requested by Department)

8. WELL TEST DATA

[x] Pump [ ] Bailer [ ] Air [ ] [illegible]

9. LITHOLOGIC LOG

10. [illegible]

Well drilling [illegible]

11. REMARKS

We [illegible]
[illegible]

12. [illegible]

[illegible]

LING, NIELSEN & ROBINSON
ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350

ROGER D. LING
ROBERT M. NIELSEN
BRENT T. ROBINSON
BRENT C. TINGEY

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

RECEIVED
JUN 23 1994
Department of Water Resources

June 22, 1994

L. Glen Saxton, Chief
Water Allocation Bureau
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RE: In the matter of Application for Transfer No. 4268 of Water Right No. 41-07030, Timothy P. Deeg

Dear Mr. Saxton:

With reference to the above matter, enclosed for filing is our *Petition for Reconsideration of Recommended Order*.

Very truly yours,

Roger D. Ling

RDL:jkt

enclosure

APR 13 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4268 OF WATER RIGHT NO. 41-07030 IN THE NAME OF TIMOTHY P. DEEG	**PETITION FOR RECONSIDERATION OF RECOMMENDED ORDER**

COME NOW the Protestants in the above-entitled matter, and petition for reconsideration of the *Recommended Order* issued June 14, 1994, on the following grounds and for the following reasons, to-wit:

1. The hearing officer erred in considering Applicant's Exhibit #7 which constitutes hearsay and there is no exception to the hearsay rule which would make such evidence admissible for determining the issues before the hearing officer.

2. The hearing officer erred in considering water level measurements in the Deeg well with a maximum diversion of 1170 gallons per minute, as such water level measurements are immaterial and irrelevant in view of the permit which authorizes a diversion of 6.95 cfs, and the applicant desires to divert an additional 1.4 cfs. Well levels and draw-down are relevant only upon a diversion of 8.35 cfs, which applicant failed to produce.

3. The hearing officer erred in considering the draw-down on the Deeg domestic well, as there is no measurement of the draw-down in the Deeg domestic well when 8.35 cfs was being diverted from the Deeg irrigation well.

4. The hearing officer erred in considering a water quality analysis, as there is no competent evidence to establish an analysis of water quality from the Deeg well, Little Creek or Cold Creek.

5. The hearing officer erred in finding that the Mayer wells do not noticeably affect the flow of the creeks, as there is no competent evidence to make this determination since the lowering of the water table in the Mayer wells in 1993. The evidence only established that there was no

APR 13 1995

noticeable affect of the pumping of the Mayer wells prior to the lowering of the water table in 1993.

6. The hearing officer erred in failing to find from the evidence presented that the flow records of Cold Creek, Warm Creek and Little Creek established that in 1993, for the first time in history, the flows of these creeks were reduced by a minimum of one-third.

7. The hearing officer erred in considering the draw-down in the Deeg well of 9 feet when diverting 2.6 cfs, which is immaterial and irrelevant in considering the potential withdrawal of 8.35 cfs. The hearing officer has also failed to recognize the effects of a reduced static water level in the Deeg well on the hydraulic pressures which affect the flows of the creeks and water level in the Mayer wells.

8. The hearing officer erred in his conclusion of law that additional pumping of 1.4 cfs from the Deeg well will not significantly impact flows in Little Creek, Cold Creek or Warm Creek in support of his decision to grant the *Application for Transfer*, when any impact constitutes injury to the surface water flows and the water rights thereto which existed prior to the adoption of the Ground Water Act in Idaho. Therefore, the conclusion of law that the *Application for Transfer* will not injure existing water rights is not supported by the evidence, and applicant has failed to establish this conclusion of law.

9. The hearing officer erred in concluding that the approval of the *Application* will not enlarge the right sought to be transferred in that the *Recommended Order* allows a diversion of .02 cfs per acre for the 126 acres, whereas the right being transferred is for a maximum diversion of .011 cfs per acre, with a maximum of 3 acre feet per acre per year when combined with all other pertinent water rights. The conditions granted in the *Recommended Order* expand upon these restrictions found in the Water Right License No. 41-07030, which constitutes an enlargement of the water right.

10. The hearing officer erred in finding that approval of the *Application* is consistent with the conservation of water resources in Idaho, as the *Recommended Order* enlarges the right, which is inconsistent with water conservation.

11. There is no evidence presented to the hearing officer to support his conclusion that the residual effects of the 1987 to 1992 drought conditions in Idaho are more likely

APR 1 3 1994

the cause of any decreased flow in Little Creek, Cold Creek or Warm Creek and not the diversion of water from the Deeg well.

12. There is no competent evidence to support the conclusion that some of the protestants have recently added irrigated acreage and have changed to crops which are more consumptive than previously grown. To the extent additional acreages are being irrigated by any of the protestants, the evidence clearly established that water for these increased acreages had been obtained through water rental agreements with Falls Irrigation District.

13. Err was made in referring to the lease of water rights as a "lease option," and the *Application for Transfer* should have been denied under the terms of the lease, which provides that if a transfer is not completed by February 15, 1994, the lease shall lapse and be of no further force and effect. As it appears the lease has lapsed, there is no water right available for transfer under this application.

14. In the event a *Recommended Order* is issued upon reconsideration, there should be specific conditions to insure that no more than 1.4 cfs of water is diverted for the irrigation of 126 acres and appropriate measuring devices should be installed to insure that this condition is complied with by the applicant.

WHEREFORE, protestants pray that upon reconsideration, the *Application* be denied. In the event a *Recommended Order* is issued upon reconsideration, for approval of the application, the findings and conclusions of the hearing officer should be corrected and appropriate conditions included to insure that there is no enlargement of the water right being transferred, if it can be transferred under the lease.

Respectfully submitted this 22nd day of June, 1994.

Roger D. Ling,
Attorney for Protestants

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of June, 1994, I served a copy of the foregoing *Petition for Reconsideration of Recommended Order* upon:

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
Attorneys at Law
P. O. Box 50130
Idaho Falls, Idaho 83405

by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to said attorney at the foregoing address.

Roger D. Ling, Esq.

RECEIVED
APR 13 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 14, 1994

RE: In the matter of Application for Permit No. 41-07030 in the name of Timothy P. Deeg

Dear Interested Party:

The accompanying order is a "**recommended order**" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

APR 13 1995

ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, 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 recommended order shall be served on all other parties to these proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The agency 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.

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

APR 13 1995

TRANSFER REVIEW SHEET

Transfer # 4268 **Date Reviewed** 6-6-94 GS

Right(s) 41-07030

Review with Recommended Order

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

Proof of Ownership Lease Agreement + Confirmation from Assessor's office per Regim Review Sheet

Transfer ✓ **All of Right** ____ **Portion of Right (Part B**____**)**

Resulting Split(s) NONE

Check Transfer Against Right C/4.0

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

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

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

(3) Reduce season to Standard 4-1 to 10-31
(5) Allow standard VOL - Original rate + season can provide 4x126=504 afa
(7) Change P/D
(8) Change P/U

Existing Well - GW system

Transfer Remarks Subject to Final Order - Add Conditions

Conditions ~~R3T~~, I07, I08, I09, I17 (Edited Remarks to Single P/D)

Database/Processing Notes T file w/ conditions + remarks
Prepare XFER to be signed with Order.

~~Deeg.lis~~

June 2, 1994

Roger D. Ling
LING NIELSON & ROBINSON
P.O. Box 396
Rupert, ID 83350

RE: Deeg - Transfer No. 4268

Dear Mr. Ling:

Pursuant to your letter dated May 25, 1994, enclosed are copies of the hearing tapes from the hearing held in American Falls on May 17 and 24 concerning the transfer application of Timothy Deeg.

Please be advised that the tapes were recorded on conference recording equipment and therefore run at a slower speed.

If you have any questions or I can be of any further assistance, please feel free to call me at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enc: three (3) audio tapes

RECEIVED
APR 13 1995

LING, NIELSEN & ROBINSON
ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350

ROGER D. LING
ROBERT M. NIELSEN
BRENT T. ROBINSON
BRENT C. TINGEY

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

RECEIVED
MAY 26 1994
Department of Water Resources

May 25, 1994

L. Glen Saxton, Chief
Water Allocation Bureau
Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, Idaho 83720

RE: In the Matter of the Application for Transfer No. 4268 - Timothy P. Deeg

Dear Glen:

Would you please provide us a copy of the tape of the hearing proceedings held in the above-entitled matter in American Falls, Idaho on May 17 and 24, 1994. With a copy of the tape of the recorded proceedings, we can prepare our own transcript if necessary.

Very truly yours,

Roger D. Ling

RDL:dmw

APR 13 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 18, 1994

Colleen
Eastern Idaho Production
Credit Association
127 Idaho
American Falls, ID 83211

RE: Water Right Hearing

Dear Colleen:

This os a follow-up to the conversation you had with Glen Saxton on May 17, 1994, concerning the use of your conference room for a water right hearing on Tuesday, May 24, 1994, at 9:00 a.m.

If you have any questions or if there is any conflict with the room, please contact me immediately at (208)327-7953.

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Eastern Region

APR 13 1995

DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 13, 1994

RE: Application for Transfer No. 4268 - Water Right No. 41-07030 in the name of Timothy P. Deeg

Dear Interested Parties:

Enclosed is a copy of the Order denying the motion to re-schedule the hearing set for May 17, 1994, in American Falls concerning Timothy P. Deeg.

If you have any questions regarding this matter, please fell free to contact the Department.

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

Enclosure

RECEIVED
MAY 13 1994
Dep... Resources
Southern Region Office

APR 13 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

RECEIVED
MAY 13 1994
Dep ... Resources
Southern Region Office

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO 4268 OF WATER) **ORDER**
RIGHT NO. 41-07030 IN THE)
NAME OF TIMOTHY P. DEEG)
)

The Department of Water Resources (department) has scheduled a hearing in the above captioned matter to be held as follows:

Date: May 17, 1994
Time: 9:00 a.m.
Place: Eastern Idaho Production Credit Ass'n office, 127 Idaho St, American Falls, Idaho

On May 12, 1994, the protestant through its attorney, Roger D. Ling requested that the department continue the scheduled hearing, since the applicant had not provided to the protestant copies of all documents to be used by the applicant's expert witness as was agreed to at a pre-hearing conference conducted by the department on April 26, 1994.

The applicant through its attorney, Kent Foster, has advised the department that it has provided to the protestant all of the documents that its expert witness intends to offer in the contested matter.

Based on the representation of the applicant, the request of the protestant to cancel the hearing scheduled for May 17, 1994, is **DENIED.**

Dated this 13th day of May, 1994.

L. GLEN SAXTON
Hearing Officer

APR 13 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 13TH day of May, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing **Order** to the following:

IDWR - Southern Region
222 Shoshone St. E
Twin Falls, ID 83301

Roger Ling
LING NELSON & ROBINSON
615 H Street
Rupert, ID 83350

Kent Foster
HOLDEN KIDWELL HAHN
& CRAPO
330 Shuop Ave.
Idaho Falls, ID 83405

Timothy P. Deeg
2957 Deeg Rd.
American Falls, ID 83211

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

3925

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 13, 1994

RE: Application for Transfer No. 4268 - Water Right No. 41-07030 in the name of Timothy P. Deeg

Dear Interested Parties:

Enclosed is a copy of the Order denying the motion to re-schedule the hearing set for May 17, 1994, in American Falls concerning Timothy P. Deeg.

If you have any questions regarding this matter, please feel free to contact the Department.

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

Enclosure

APR 13 1994

LING, NIELSEN & ROBINSON
ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350

ROGER D. LING
ROBERT M. NIELSEN
BRENT T. ROBINSON
BRENT C. TINGEY

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

May 12, 1994

RECEIVED
MAY 13 1994
Dept. of Water Resources
Southern Region Office

Mr. Allen D. Merritt
Water Rights Supervisor
Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

RE: Hearing - Application for Transfer No. 4268 (Deege)

Dear Mr. Merritt:

At the prehearing conference held in the above matter on April 26, 1994, it was agreed that the applicant would provide the protestants all documentation that the applicant intended to submit through his expert witness to support his claim that this water transfer, in the point of diversion and place of use, would not affect the water rights of the protestants. To this date, the protestants have received a graph produced by the applicant's expert, but no other documents, although it has been indicated to the protestants that he anticipates preparing other documents for the hearing. The protestants have employed Sherl Chapman as an expert to testify on behalf of the protestants. Unfortunately, it is impossible for Mr. Chapman to respond to any testimony or opinions that may have been reached by Mr. Brockway without receiving all documents that Mr. Brockway intends to rely upon. It is, therefore, impossible for us to adequately prepare for the hearing now set for May 17, 1994 in American Falls, Idaho.

Request is therefore made that this hearing be continued to a time at least one week after all documents have been submitted by the applicant which he intends to rely upon to support the applicant. Without such continuance, it will be impossible for the protestants to adequately respond to any expert testimony that may be produced by the applicant through Dr. Brockway. If the applicant is to receive due process in this hearing, it is essential that all documents that will be relied upon by Dr. Brockway be provided to the protestants' attorney for review by the protestants' expert prior to the hearing.

Very truly yours,

Roger D. Ling

RDL:jkt
pc: Kent W. Foster
Sherl Chapman
Glen Saxton
Steve Isaak, et al

APR 13 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4268, WR# 41-07030 IN THE NAME OF TIMOTHY P. DEEG	)))))	MOTION

Applicant, Timothy P. Deeg, hereby moves the director for issuance of the attached subpoenas in the above entitled matter.

Dated this 9th day of May, 1994.

HOLDEN, KIDWELL, HAHN & CRAPO

Kent W. Foster
Attorney for applicant

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, resident of and with my office in Idaho Falls, Idaho; that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering or by mailing, with the correct postage thereon, a true and correct copy thereof on this 9th day of May, 1994.

Kent W. Foster
HOLDEN, KIDWELL, HAHN & CRAPO

Document Served: MOTION

Attorneys Served:

Roger Ling, Esq.
LING, NIELSEN & ROBINSON
P.O. Box 396
Rupert, Idaho 83350

APR 13 1995

G:\WPDATA\KWF\1246\00DEEG03.MTN:sjw

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

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4268, WR#41-07030 IN THE NAME OF TIMOTHY P. DEEG	Case No. ____ SUBPOENA - CIVIL DUCES TECUM

THE STATE OF IDAHO SENDS GREETINGS TO: STEVE GRAVES

You are hereby commanded to appear before the hearing officer of the Idaho Department of Water Resources at the Eastern Idaho Production Credit Association Office at 127 Idaho, American Falls, Idaho, on the 17th day of May, 1994, at 9:00 a.m., as a witness in the above entitled action.

You are further commanded to bring with you the following items and documents:

Any and all records and documents in your possession regarding the Roland Meyer Wells, including records of any measurements, pump tests and any documents relating thereto.

You are further notified that if you fail to appear at the place and time specified above, that you may be held in contempt of court and that the aggrieved party may recover from you damages which he sustain by your failure to attend as a witness.

DATED this 12TH day of May, 1994.

BY ORDER OF THE DEPARTMENT OF WATER RESOURCES.

Authorized Officer

G:\WPDATA\KWF\1246\00DEEG04.SUB:sjw

APR 13 1995

INTER-DEPARTMENT MEMO

TO: Timothy Deeg Transfer File **SUBJECT:** Status of Original P/U

FROM: Jim Stanton **DATE:** 12-9-93

Today I contacted the Power Co. ASCS office. They told me that the original land in Sec. 28 was last irrigated in 1988, and that the pivot sprinkler had been removed. Based on this data, the right has undergone five consecutive years of non-use and is therefore subject to forfeiture under 42-222 I. C. However, the ASCS told me that this land was in the Conservation Use program in 1989; no planting or irrigating was done, but the land base used to determine federal payments is protected under this program. This appears to protect this land from forfeiture of the water right for one more year. Based on this information, I do not intend to visit the licensed ground again; I did the licensing exam in 1987, so the license data should be correct. I was told that the pivot has been removed from the property. The transfer appears to be approvable.

(X) **For your information**

( ) **Response required**

APR 13 1995

signature

T-# 4268

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

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4268, WR#41-07030 IN THE NAME OF TIMOTHY P. DEEG	)	Case No. ____ SUBPOENA - CIVIL DUCES TECUM

THE STATE OF IDAHO SENDS GREETINGS TO: ERNIE NICHOLS

You are hereby commanded to appear before the hearing officer of the Idaho Department of Water Resources at the Eastern Idaho Production Credit Association Office at 127 Idaho, American Falls, Idaho, on the 17th day of May, 1994, at 9:00 a.m., as a witness in the above entitled action.

You are further commanded to bring with you the following items and documents:

Any and all records and documents in your possession regarding the Roland Meyer Wells, including records of any measurements, pump tests and any documents relating thereto.

You are further notified that if you fail to appear at the place and time specified above, that you may be held in contempt of court and that the aggrieved party may recover from you damages which he sustain by your failure to attend as a witness.

DATED this 12th day of May, 1994.

BY ORDER OF THE DEPARTMENT OF WATER RESOURCES.

Authorized Officer

G:\WPDATA\KWF\1246\00DEEG04.SUB:sjw

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

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4268, WR#41-07030 IN THE NAME OF TIMOTHY P. DEEG	Case No. ___ SUBPOENA - CIVIL DUCES TECUM

THE STATE OF IDAHO SENDS GREETINGS TO: ROLAND MAYER

You are hereby commanded to appear before the hearing officer of the Idaho Department of Water Resources at the Eastern Idaho Production Credit Association Office at 127 Idaho, American Falls, Idaho, on the 17th day of May, 1994, at 9:00 a.m., as a witness in the above entitled action.

You are further commanded to bring with you the following items and documents:

Any and all records and documents in your possession regarding the Roland Meyer Wells, including records of any measurements, pump tests and any documents relating thereto.

You are further notified that if you fail to appear at the place and time specified above, that you may be held in contempt of court and that the aggrieved party may recover from you damages which he sustain by your failure to attend as a witness.

DATED this 12TH day of May, 1994.

BY ORDER OF THE DEPARTMENT OF WATER RESOURCES.

Norman C. Young
Autorized Officer

G:\WPDATA\KWF\1246\00DEEG04.SUB:sjw

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FALLS OFFICE

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

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

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

KEY FINANCIAL CENTER
702 W. IDAHO SUITE 810
BOISE, IDAHO 83702

TELEPHONE (208) 343-0820
TELEFAX (208) 343-8078

BOISE OFFICE

TODD J. WILCOX
FREDERICK J. HAHN III
RONALD D. CHRISTIAN

ARTHUR W. HOLDEN
(1877-1967)
ROBERT B. HOLDEN
(1911-1971)
TERRY L. CRAPO
(1939-1982)
WILLIAM S. HOLDEN
(1907-1988)

RECEIVED
MAY 11 1994
Department of Water Resources

May 9, 1994

IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720
Atten: Glen Saxton, Hearing Officer

RE: Timothy P. Deeg-App. for Transfer No. 4268 of Right No. 41-07030

Gentlemen:

We are enclosing with this letter a Motion for issuance of Subpoenas and the proposed Subpoenas in the above entitled matter. Would you please issue them as rapidly as possible and return them to us so that we can have them served in time for the hearing.

Thank you for your kind attention to this matter.

Yours very truly,

Kent W. Foster

Enclosures
G:\WPDATA\SANDRA\00IDWR01.LTR:sjw

LING, NIELSEN & ROBINSON
ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350

ROGER D. LING
ROBERT M. NIELSEN
BRENT T. ROBINSON
BRENT C. TINGEY

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

RECEIVED
MAY 09 1994
Dept. of Water Resources
Southern Region Office

May 6, 1994

Loren O. Holmes, P.E.
Southern Region Manager
Idaho Dept. of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

RE: Hearing - Application for Transfer No. 4268 (Deeg)

Dear Mr. Holmes:

A change of the hearing to 9:00 a.m. on May 17, 1994 is satisfactory, assuming we have received the report of the applicant's expert in sufficient time prior to the hearing for review by Sherl Chapman, who has been retained by the protestants to appear on their behalf. If we do not receive the report in time, we will ask for another continuance of the hearing.

Very truly yours,

Roger D. Ling

RDL:jkt

cc: Kent Foster
Glen Saxton
Sherl Chapman

Deeg — lease water from Nelson's
— doesn't want to effect existing water rights

Represented by Kent Foster

— Deeg — Testify
— Dr. Brockway
— Claren Coompin ?
— Sherman Couch ?

ISU
IDWR

Dr. John Welhem
Paul Castilin

Exibits

Dr. Brockway — written report
— maps, charts.

work together

Ling needs copy of Brockway Report to have reviewed by consultant (Shaul Chapman)

12
13
16
17
23

Possible dates in May for Ling.

Foster is available these dates.

Needs 10 days atleast to review documents.

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APR 13 1995

Issue — Operation of deep well since 1993

↓

reduction of springs & flow in cold creek, Warm Creek.

List of people to testify not get available.

A41-07030
WR 41-07030

Liq. would like a copy of the license. Copy also to Forbes.

SRBA & WR Proofs

	SRBA	WR
SRBA WR.	A29-04338	
	A29-10450	
	A29-10448	
	A29-10445	
	A29-07157	

APR 13 1995

1:00

Conference

1. Inform them what the hearing under rules.

Want to find out:

- Who plans to testify
- If exhibits bring copies for other parties.
- issues.

Let them know they can have an attorney

- 1. Identify issues
  2. Arrange for exchange of exhibits

Applic – burden going first
- under oath – can be X-examined
- (
- once the matter is heard by hearing officer he prepares recommended order.
  - can then file exception
- final order
  - to court.

APR 13 1995

Allan,

Is your appointment on 4/26 firm or would it be possible for you to do a prehearing conference on this? It is scheduled for 1PM in American Falls.

I have a breakable commitment on that day, but if both could be accomplished so much the better. If you are unavailable I will do it.

I'll be out the rest of the week but may be back by 4-5 PM Friday to cross tracks with you.

See ya!

Doug

APR 18 1995

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

Water Right Number - A45-02548 Prefix Translation: ADJUDICATION CLAIM Old (D) Number - 26860

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
BAKER	WADE	1 - RT. 2, BOX 2400 2 - 3 - City- BURLEY State- ID Zip- 83318 Phone - 208-678-7040
BAKER	AFTON	1 - RT. 2, BOX 2400 2 - 3 - City- BURLEY State- ID Zip- 83318 Phone - 208-678-7040

Priority Date	Region	Stage	Status
04/17/1957	17 SOUTHERN	L - LICENSE	

Source	Tributary
GROUNDWATER	

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name
12S	22E	3	SW SW SE		(31)	CASSIA	
		10	SE SW NE		(31)	CASSIA	

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/15	11/15	2.800	

Total Div. Rate	Total Div. Volume	Total Div. Capacity	Total Consumptive Use	KW Usage
2.800			720.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
12S	22E	3	NW NE		40.0	01	IRRIGATION	(31) CASSIA
12S	22E	3	SE NE		40.0	01	IRRIGATION	(31) CASSIA
12S	22E	3	NE SE		40.0	01	IRRIGATION	(31) CASSIA
12S	22E	3	NW SE		40.0	01	IRRIGATION	(31) CASSIA
12S	22E	3	SW SE		40.0	01	IRRIGATION	(31) CASSIA
12S	22E	3	SE SE		40.0	01	IRRIGATION	(31) CASSIA

Total Acres: 240.0

+ - - Diversion Means - TWO WELLS & PUMPS TO SPRINKLERS

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - NONE; OTHER RIGHTS FROM SAME DELIVERY SYSTEM.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

03-May-1994

KENT FOSTER
PO BOX 50130
IDAHO FALLS ID 83405

RE: Application for Transfer No. 4268 (41-07030/Deeg)

Dear Mr. Foster:

Pursuant to your telephone call on this date as legal counsel for the applicant, the hearing scheduled for May 17, 1994 **will commence at 9:00 a.m.** in the Eastern Idaho Production Credit Assoc. office, 127 Idaho, American Falls.

This change was tentatively approved by Mr. Ling's secretary since Mr. Ling was out of the office until May 5th. Correspondence has been sent to all parties of the change.

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

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

cc: Timothy P. Deeg
Roger Ling
Glen Saxton

RECEIVED
APR 13 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

03-May-1994

ATTN COLLEEN
EASTERN IDAHO PRODUCTION CREDIT ASSOC
127 IDAHO
AMERICAN FALLS ID 83211

Dear Colleen:

This is a follow-up to our telephone conversation on this date concerning the re-scheduling use of the conference room for a hearing to be held by this office on Tuesday, May 17, 1994 **from 9:00 a.m.- 5:00 p.m.**

If you have any questions please feel free to contact me or Glen Saxton of our Boise office at 327-7955.

Thank you very much for your assistance in this matter.

Very truly yours,

Mary Baldwin
Sr. Secretary

APR 13 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

27-Apr-1994

ATTN COLLEEN
EASTERN IDAHO PRODUCTION CREDIT ASSOC
127 IDAHO
AMERICAN FALLS ID 83211

Dear Colleen:

This is a follow-up to our telephone conversation on this date concerning the use of the confererence room for a hearing to be held by this office on Tuesday, May 17, 1994 at 1:00 p.m.

If you have any questions please feel free to contact me or Glen Saxton of our Boise office at 327-7955.

Thank you very much for your assistance in this matter.

Very truly yours,

Mary Baldwin
Sr. Secretary

RECEIVED
APR 13 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4268, WR# 41-07030) AMENDED NOTICE OF HEARING
IN THE NAME OF TIMOTHY P. DEEG)

On December 3, 1993, Timothy P. Deeg (applicant) filed with the Department of Water Resources (department) Application for Transfer No. 41-07030. The application was protested by Twin Falls and North Side Canal companies on January 7, 1994 and Warm Creek Irrigation Company through its attorney, Roger Ling on January 28, 1994. The Twin Falls and North Side Canal Companies protest was withdrawn on February 7, 1994.

The conference held by the department on April 26, 1994 did not resolve the matter of protest.

The Department has re-scheduled the matter for hearing on Tuesday, May 17, 1994 at 1:00 p.m. in the Eastern Idaho Production Credit Assoc. office, 127 Idaho, American Falls.

The hearing will be held in accordance with provisions of chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be Glen Saxton.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans With Disabilities Act.

If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) prior to the hearing.

Dated this 27th day of April, 1994.

Allen D. Merritt
Water Rights Supervisor

APR 13 1995

I hereby certify that on the 27th day of April, 1994, I mailed a true and correct copy, postage prepaid by Certified Mail, of this document to the applicant(s) and protestant(s) listed below:

Mary A. Baldwin
Secretary

Timothy P. Deeg
2957 Deeg Road
American Falls ID 83211

Kent Foster
PO Box 50130
Idaho Falls ID 83405

Roger Ling
PO Box 396
Rupert ID 83350

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

KENT FOSTER
PO BOX 50130
IDAHO FALLS ID 83405

41-07030

RECEIVED
DEC 29 1994
Resources
Office

4a. Article Number
1490

4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
APR 12 1995

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

IDAHO FALLS, ID EAGLE ROCK BRANCH APR 8 1995 POSTMASTER

PS Form 3811, October 1990 ★U.S. GPO:1990-273-861 DOMESTIC RETURN RECEIPT

United States Postal Service

Official Business

POCATELLO ID 832
PM
28 APR
1994

US MAIL

PENALTY FOR PRIVATE USE, $300

RECEIVED

APR 29 1994

Department of Water Resources
Southern Region Office

RECEIVED

APR 19 1995

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE STREET EAST
TWIN FALLS, IDAHO 83301

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

ROGER LING
PO BOX 396
RUPERT ID 83350

83307030

RECEIVED
APR 19 1994
APR 13 1995

4a. Article Number
1491

4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
4-28-94

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

PS Form **3811**, October 1990 ☆U.S. GPO: 1990—273-861 **DOMESTIC RETURN RECEIPT**

United States Postal Service

Official Business





PENALTY FOR PRIVATE USE, $300

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APR 29 1994

Department of Water Resources
Southern Region Office

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE STREET EAST
TWIN FALLS, IDAHO 83301

SENDER:

- Complete item[illegible] and/or 2 for additional services.
- Complete items[illegible] and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I al[illegible] wish to receive the following services (for an[illegible] fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

TIMOTHY P. DEEG
2957 DEEG ROAD
AMERICAN FALLS ID 83211

41-07030

4a. Article Number

1489

4b. Service Type

☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

4-26-94

5. Signature (Addressee)

Timothy P. Deeg

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

DEEG APR 29 1994 APR 29 1994

PS Form **3811**, October 1990 ☆U.S. GPO: 1990—273-861 **DOMESTIC RETURN RECEIPT**

United States Postal Service

Official Business

RECEIVED

APR 29 1994

Department of Water Resources
Southern Region Office

US MAIL

PENALTY FOR PRIVATE USE, $300

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE STREET EAST
TWIN FALLS, IDAHO 83301

NAME AND ADDRESS OF SENDER

Indicate type of mail
- ☐ Registered
- ☐ Insured
- ☐ COD
- ☒ Certified
- ☐ Express Mail

Check appropriate block for Registered Mail:
- ☐ With Postal Insurance
- ☐ Without Postal Insurance

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee / Remarks
1	1489 ✓	Timothy P. Deeg Am/ 4-27-94 T# 4268 41-7030	.29	1.00	1.00	2.29						
2	1490 ✓	Kent Foster										
3	1491 ✓	Roger Ling										
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15												

APR 13 1995

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The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is $50,000 per piece subject to a limit of $500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is $500. The maximum indemnity payable is $25,000 for Registered Mail, $400 for COD and $400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.

PS Form 3877, Feb. 1982

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

☆ U.S. GOVERNMENT PRINTING OFFICE: 1984-445-138

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

27-Apr-1994 09:23

Kent Foster
PO Box 50130
Idaho Falls, ID 83405

RE: Deeg Transfer

Dear Kent:

Please find enclosed the copies of records requested in the conference yesterday. The copies include:

Reference #	Copy of Lic	WR Proof	SRBA Claim Proof
41-07030	X	X	X
41-07081		X	
29-04338		X	X
29-07157		X	X
29-10445			X
29-10448			X
29-10450			X

It is my understanding from Glen Saxton's secretary that he may be available on either the 12th or the 17th of May. Our office is presently arranging for a meeting room and will notify you of the final date. If you need further information feel free to contact our office.

Sincerely,

Allen D. Merritt, P.E.
Water Rights Supervisor

APR 1 3 1995

Encl:

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

27-Apr-1994 09:23

Roger Ling
PO Box 396
Rupert , ID 83350

RE: Deeg Transfer

Dear Roger:

Please find enclosed the copies of records requested in the conference yesterday. The copies include:

Reference #	Copy of Lic	WR Proof	SRBA Claim Proof
41-07030	X	X	X
41-07081		X	
29-04338		X	X
29-07157		X	X
29-10445			X
29-10448			X
29-10450			X

It is my understanding from Glen Saxton's secretary that he may be available on either the 12th or the 17th of May. Our office is presently arranging for a meeting room and will notify you of the final date. If you need further information feel free to contact our office.

Sincerely,

Allen D. Merritt, P.E.
Water Rights Supervisor

Encl:

APR 1 3 1995

From: DWR60::BALDWIN 27-APR-1994 16:15:40.84
To: HOLMES,BALDWIN
CC:
Subj: Hearing for Timothy Deeg

Glen has scheduled the hearing for May 17 at 1:00 p.m. at the Eastern Idaho PCA office in American Falls. Thx!

From: DWR60::MERRITT 26-APR-1994 16:44:17.27
To: DWR01::SAXTON, HOLMES
CC: MERRITT
Subj: TODAYS CONFERENCE FOR DEEG TRANSFER 41-07030

TODAY I HELD THE CONFERENCE FOR THE DEEG TRANSFER.

AT THE CONFERENCE THERE WERE 16 PEOPLE IN ATTENDANCE INCLUDING ATTORNEYS KENT FOSTER REPRESENTING MR. DEEG AND ROGER LING REPRESENTING THE PROTESTANTS.

BOTH ATTORNEYS REQUEST THAT THE SCHEDULED HEARING BE POSTPONED FOR A FEW DAYS BECAUSE OF CONFLICTS AND SO THAT THEY CAN EXCHANGE EXHIBITS AND WITNESS LISTS. THEY PROPOSED THE FOLLOWING DAYS IN MAY: 12, 13, 16, 17 & 23.

MR. DEEG PROPOSES TO HAVE DR. CHUCK BROCKWAY TESTIFY AND UNDERSTANDS THAT CHUCK MAY PRESENT A REPORT &/OR MAPS, GRAPHS, ECT. SINCE THESE WERE NOT AVAILABLE AT THIS TIME HE WAS NOT SURE. FOSTER & LING AGREED TO WORK TOGETHER TO EXCHANGE COPIES OF THESE DOCUMENTS. MR. DEEG MAY ALSO CALL CLAREN COOMPIN AND SHERMAN COUCH TO TESTIFY BUT WAS NOT SURE AT THIS TIME.

MR. LING HAS NOT YET DEVELOPED A WITNESS LIST BUT MAY CALL ON A HYDROLOGIST TO GO OVER THE BROCKWAY EXHIBITS. HE INDICATED THAT HE WOULD NEED MAYBE 10 DAYS LEAD TIME TO LOOK OVER THE EXHIBITS. HE MENTIONED HE HAS ALREADY APPROACHED SHERL (I ASSUME CHAPMAN).

THE MAIN IDENTIFIED ISSUE BY THE PROTESTANTS IS INJURY TO EXISTING WATER RIGHTS FROM THE SPRINGS AND CREEKS TO THE NORTH OF THE PROPOSED P/D FOR THE RIGHT PROPOSED TO BE TRANSFERED. THIS P/D ALREADY EXISTS AND IS USED BY ANOTHER RIGHT. A SIDE ISSUE IS LOCAL PUBLIC INTEREST. MR. LING MENTIONED IT WOULD BE HARD TO PROVE. COMMENTS BY ANOTHER GENTLEMAN (HE IS ON THE ROSTER I HAD THEM SIGN BUT I DIDN'T GET HIS NAME) POINTED OUT THAT ON THE ONE HAND WE ARE PUTTING PUMPERS ON NOTICE THAT THAT MAY HAVE TO SHUT DOWN BECAUSE OF THE MUSSER DECISION BUT YET ON THE OTHER HAND WE CONTINUE TO CONSIDER NEW WELLS AND TRANSFERS. HE INDICATED IT WAS IN THE PUBLIC INTEREST NOT TO DO THIS. ???? I TOLD HIM IT WAS MY UNDERSTANDING IT WAS TWO SEPARATE ISSUES.

BOTH LING & FOSTER REQUESTED A COPY OF LICENSE 41-07030 AND PROOF REPORTS OF BOTH AJ & WR RECORDS FOR RIGHTS 41-07030, 41-07081, 29-04338, 29-10450, 29-10448, 29-10445 & 29-07157. I EXPLAINED THAT THESE NUMBERS MAY NOT ALL HAVE RECORDS ON BOTH AJ & WR BUT I WOULD PROVIDE PROOFS OF WHAT WE HAVE. I WILL TAKE CARE OF SENDING THESE COPIES TO LING & FOSTER.

THAT IS ABOUT IT.

LET ME KNOW IF YOU NEED MARY TO CANCEL THE USE OF THE BUILDING FOR MAY 3RD AND TRY TO RE-SCHEDULE A BUILDING AND ALSO SEND OUT NEW HEARING NOTICES.

ALLEN

Roster

Conference
4/26/94
American Falls
1:00 p.m.

	Name	Representing
1.	DAVID SCHULTZ	March Hubbard (Warm Springs)
2.	Tim Deeg	self
3.	Diane Deeg	
4.	KENT W. FOSTER	APPLICANT
5.	Roger D. Ling	PROTESTANTS
6.	LANE KENDELL	Warm Creek
7.	Myrle McLean	Roland Moyer/Sons
8.	Don Zaring	Kelley - Warm Creek
9.	Edith Zaring	" " "
10.	William D. Schultz	" " "
11	Harold W. Isaak	" little Creek
12	Ralph W. Kendall	Warm Creek
13	Louise Bagley	Kelley Little Creek
14	Carol Hemmert	Warm Creek
15.	Lottie Isaak	Warm Creek
16.	Steve Isaak	Little Creek

APR 13 1995

No wheelchair ramp but is on groundfloor so w/ ramp ground floor accessible

Dlg. TR 4268
41-7030

OK

American Falls (No chg)

Conf. Rm. map (10)

Paul Woods

Eastern Idaho Production Credit Assn.
127 Idaho
American Falls, Id 83211
226-5251

No wheelchair ramp but is on groundfloor and with assistance wheelchair can get in.

Conf. april 26 1 pm
Drg May 3 1 pm

Reservations made with Paul Woods 4/1/94 @ 9:35 am

12/3/93 - Amd File

1/7/94 - Prot 4th Tel/Nece - Withdrawn 2/7/94
1/28/94 - " Warns at Itng co / Roger Long

APR 13 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

12-Apr-1994

TIMOTHY P DEEG
2957 DEEG ROAD
AMERICAN FALLS ID 83211

Re: Protested T# 4268 (41-07030)

Dear Mr. Deeg:

Per your request, I am enclosing copies of Chapters 2 and 17, Idaho Code as well as Rules 40 and 45 of the Water Appropriation Rules.

Unfortunately, our office does not have a copy of Chapter 52, Title 67 of the Idaho Code. That should be accessible at your county law library or public library.

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

Very truly yours,

Mary Baldwin
Sr. Secretary

APR 13 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION) FOR TRANSFER NO 41-07030) IN THE NAME OF TIMOTHY P. DEEG)	NOTICE OF PRE-HEARING CONFERENCE AND NOTICE OF HEARING

On December 3, 1993, Timothy P. Deeg (applicant) filed with the Department of Water Resources (department) application for transfer no. 41-07030. The application was protested by Twin Falls and North Side Canal companies on January 7, 1994 and Warm Creek Irrigation Company through its attorney, Roger Ling on January 28, 1994. The Twin Falls and North Side Canal Companies protest was withdrawn on February 7, 1994.

The Department has scheduled the matter for pre-hearing conference and hearing as follows:

Pre-Hearing conference: Tuesday, April 26, 1994 at 1:00 PM

Hearing: Tuesday, May 3, 1994 at 1:00 PM

Both the conference and hearing will be held in the Eastern Idaho Production Credit Assoc. office, 127 Idaho, American Falls.

The hearing will be held in accordance with provisions of chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be L. Glen Saxton.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans With Disabilities Act.

If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

Dated this 1 day of April, 1994.

Loren O. Holmes
Southern Region Manager

APR 13 1995

CERTIFICATE OF MAILING

I hereby certify that on the 4th of April, 1995, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed below:

Mary A. Baldwin
Secretary

Certified Mail

Timothy P. Deeg
2957 Deeg Road
American Falls, ID 83211

Kent Foster
P.O. Box 50130
Idaho Falls, ID 83405

Roger Ling
P.O. Box 396
Rupert, ID 83350

APR 13 1995

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER ISSUES

Section 42-222, Idaho Code, identifies the following potential issues that the department can consider in connection with an application for transfer:

1. Will the proposed transfer injure other water rights?

2. Will the proposed transfer constitute an enlargement in the use of the original right?

3. Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?

4. Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, and 4 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

APR 13 1995

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: TR 41-07030

TIMOTHY P DEEG
2957 DEEG ROAD
AMERICAN FALLS ID 83211

APR 13 1995

4a. Article Number
1484

4b. Service Type
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
4-5-95

5. Signature (Addressee)
Timothy P. Deeg

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form **3811**, October 1990 ★U.S. GPO: 1990—273-861 **DOMESTIC RETURN RECEIPT**

United States Postal Service

Official Business

RECEIVED

APR 07 1994

Department of Water Resources
Southern Region Office



PENALTY FOR PRIVATE USE, $300

MAR 3 1995

Print your name, address and ZIP Code here

IDAHO DEPT. OF WATER RESOURCES
SOUTHERN REGION
322 Shoshone Street East
Twin Falls, ID 83301

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

TR 41-07030

KENT FOSTER
PO BOX 50130
IDAHO FALLS ID 83405

APR 13 1995

4a. Article Number

1485

4b. Service Type

☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

APR 06 1994

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form **3811**, October 1990 *U.S. GPO: 1990—273-861

DOMESTIC RETURN RECEIPT

United States Postal Service

Official Business

POCATELLO ID 832
PM
06 APR
1994

U.S. MAIL

PENALTY FOR PRIVATE USE, $300

RECEIVED
APR 08 1994
Department of Water Resources
Southern Region Office

APR 13 1995

Print your name, address and ZIP Code here

IDAHO DEPT. OF WATER RESOURCES
SOUTHERN REGION
222 Shoshone Street East
Twin Falls, ID 83301

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

TR 41-07030

ROGER LING
PO BOX 396
RUPERT ID 83350

APR 13 1995

4a. Article Number

1486

4b. Service Type

☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

4-6-94

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form **3811**, October 1990 *U.S. GPO: 1990—273-861

DOMESTIC RETURN RECEIPT

United States Postal Service

Official Business





PENALTY FOR PRIVATE USE, $300

RECEIVED
APR 07 1994
Department of Water Resources
Southern Region Office

RECEIVED
APR 13 1994

Print your name, address and ZIP Code here

IDAHO DEPT. OF WATER RESOURCES
SOUTHERN REGION
322 Shoshone Street East
Twin Falls, ID 83301

NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☐ Certified ☐ Express Mail

Check appropriate block for Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. I Fe
1	1474	Cont', 45-7633 Brad / & thylan Perkins	.29	1.00	1.00	2.29					
2	1475	Marjorie Akelberry									
3	1476	Carl Mellis, Region Super. Dd. Fish & Game									
4	1477 (13)	~~Steve Goddard~~ Dd. Fish & Game									
5	1478	Kodiak Drilling Co. 531-1-5-94-3 Ingmyer Winston GF/2/22/94	.29	1.00	1.00	2.29					
6	1479	37-5-736 BRUCE Lium TA 03-17-94	.29	1.00	1.00	2.29				[redacted]	
7	1480	UIQL # BERTRAM-01-5-94-01 BERTRAM Drilling GF 03-29-94	.29	1.00	1.00	2.29					
8	1481	4/1/94 Strom Ranches Inc. 37-08057/L4	.29	1.00	1.00	2.29					
9	1482	Gary D. Babbitt									
10	1483	Pat Bennett									
11	1484 ✓	4/4/94-LH Timothy P. Deeg T#4268 41-7020	.29	1.00	1.00	2.29					
12	1485 ✓	Kent Foster									
13	1486 ✓	Roger Lung									
14										[redacted]	
15											

PS Form 3877, Feb. 1982

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	POSTMASTER, PER *(Name of receiving employee)*

The full declaration of value is required on all domestic and interna
The maximum indemnity payable for nonnegotiable documents un
ment reconstruction insurance is $50,000 per piece subject to a
occurrence. The maximum indemnity payable on Express Mail mer
$500. The maximum indemnity payable is $25,000 for Registered Ma
$400 for Insured Mail. Special handling charges apply only to Th
parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

☆ U.S. GOVERNMENT PRINTING

LING, NIELSEN & ROBINSON
ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350

ROGER D. LING
ROBERT M. NIELSEN
BRENT T. ROBINSON
BRENT C. TINGEY

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

March 23, 1994

RECEIVED
MAR 2 3 1994
Department of Water Resources
Southern Region Office

Mr. Loren O. Holmes, P.E.
Southern Region Manager
Idaho Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

RE: Protest-Application for Transfer No. 4268
Water Right No. 41-07030

Dear Mr. Holmes:

As you know, this office filed a Protest on behalf of several protestants to the above application. On March 22, 1994, I received from one of my clients a copy of a letter sent to you dated March 18, 1994, from Kent W. Foster, as attorney for the applicant. It appears that Mr. Foster was not made aware that I am the attorney of record for the protestants.

We cannot agree with the views of Mr. Foster on this matter. We desire to have a pre-hearing conference to discuss the issues involved and the witnesses that the parties intend to call. If the applicant has a report from Dr. Brockway or any other expert, we feel that we are entitled to see that prior to a hearing. Hopefully, formal discovery will not be necessary. A pre-hearing conference would aid us in identifying all issues to be decided at a formal hearing. It appears that we would be available the week of April 4, 1994 to attend a pre-hearing conference. We would not be prepared to proceed with a formal hearing during that week.

Very truly yours,

Roger D. Ling

RDL:dmw

cc: Steve Isaak
Kent W. Foster

APR 13 1994

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FALLS OFFICE

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

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

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

KEY FINANCIAL CENTER
702 W. IDAHO SUITE 810
BOISE, IDAHO 83702

TELEPHONE (208) 343-0820
TELEFAX (208) 343-8078

BOISE OFFICE

TODD J. WILCOX
FREDERICK J. HAHN III
RONALD D. CHRISTIAN

ARTHUR W. HOLDEN
(1877-1967)
ROBERT B. HOLDEN
(1911-1971)
TERRY L. CRAPO
(1939-1982)
WILLIAM S. HOLDEN
(1907-1988)

March 18, 1994

RECEIVED

MAR 21 1994

Department of Water Resources
Southern Region Office

Mr. Loren Holmes
Southern Region Supervisor
IDAHO DEPARTMENT OF WATER
RESOURCES
222 Shoshone Street East
Twin Falls, Idaho 83301

RE: Application for Transfer No. 4268/
Water Rights No. 41-07030

Dear Mr. Holmes:

Our office has recently been contacted by Mr. Tim Deeg of 2957 Deeg Rd. American Falls 83211, with respect to the above referenced application for transfer. Mr. Deeg has retained our office to represent him in the hearing. From the information presented to us, it appears that a pre-hearing conference would not be very helpful in this case because Mr. Deeg has already met with the protestants and made an effort to share with them all of the information he has available that he has developed. There has been no movement or even a response from the protestants.

We have therefore been asked to formally request that a hearing on the matter be scheduled at the earliest possible time. It is our understanding that Mr. Deeg has already informed you of this request and that you discussed the possibility of the first week in April. If we are discussing the week of April 4th through April 8th, our schedule would permit us to be available during that week. However, we have not been able to confirm with Dr. Brockway that he will be available and would therefore request that as you try to select a specific day, you either confirm with us or with Dr. Brockway his availability on the specific day.

APR 13 1995

Thank you for your kind attention to this matter.

Yours very truly,

Kent W. Foster

cc: Tim Deeg
Charles E. Brockway
Warm Springs Irrigation Company
Harold Isaak
Steve Isaak
Roland Mayer and Sons

#1246.00/KWF:kep

8 1995

From: DWR60::MERRITT 25-FEB-1994 11:54:06.51
To: HOLMES
CC: MERRITT
Subj: MEETING WITH TIM DEEG RE: PROTESTED TRANSFER 41-07030

THE OTHER DAY TIM DEEG CALLED AND WANTED TO TALK TO YOU AND I TOLD HIM YOU WERE OUT UNTIL NEXT WEEK. HE WANTED TO TALK TO SOMEONE TODAY SO I OFFERED.

HE CAME INTO THE OFFICE WITH A LOT OF MAPS, CHARTS, ECT. AND JUST WANTED TO GO OVER WITH SOMEONE WHAT HE HAD GATHERED. HE INDICATED THAT HE HAD MET WITH THE PROTESTANTS AND WAS SORT OF FEELING ME OUT FOR THE NEXT STEP. I TOLD HIM I COULD NOT GIVE HIM LEGAL ADVISE NOR COULD I PASS JUDGEMENT ON THE INFORMATION HE HAD GATHERED. I TOLD HIM THE NEXT STEP AS YOUR LETTER INDICATED WOULD BE THE CONFERENCE/HEARING. HE INDICATED THAT HE HAS AN APPOINTMENT WITH BROCKWAY TO DISCUSS MATTERS AND I TOLD HIM HE WAS PROBABLY ON THE RIGHT TRACK IF HE NEEDED PROFESSIONAL HELP.

WE TALKED ABOUT INFORMATION WE COULD PROVIDE HIM AND I DIMMLY REMEMBER THAT THERE WAS A USGS STUDY IN THAT AREA. WE CALLED KEN NEELY AND TIM TALKED WITH KEN WHO WAS GOING TO SEARCH FOR STUDY INFORMATION.

TIM AT PRESENT IS MULLING THE IDEA OF POSTPONING THE HEARING UNTIL HE GATHERS MORE DATA (MAYBE FOR A YEAR). WE DISCUSSED THE PROBLEM OF FOREFEITURE OF THE RIGHT AND I GAVE HIM THE EXTENSION APPLICATION TO AVOID FOREFIETURE AND HE INDICATED HE WOULD TALK TO NELSON ABOUT IT.

HE HAD PRINTOUTS OF NUMEROUS AJ RECORDS FOR THE PROTESTANTS AND WE DISCUSSED THE ADJUDICATION AND WR RECORDS AND WHAT THEY ALL MEANT.

ALLEN

41-7030, T 41-7030

I had a Conversation by Phone with Tim Deeg on 2/3/94. He said he wanted to delay Hearing to gather data & explore options with Protestants. He was Concerned about Forfeiture due to delay in transferring the leased water right.

I recommended that either he or the lessor (Nelson) file an App for extension of time.

APR 13 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

11-Feb-1994

GARY D SLETTE ESQUIRE
ROSHOLT & ASSOCIATES
PO BOX 1906
TWIN FALLS ID 83301-1906

RE: Application for Transfer No. 4268 (41-07030, Deeg)

Dear Mr. Slette:

This office acknowledges receipt of the withdrawal of your protest on behalf of the Twin Falls Canal Company and North Side Canal Company against the above referenced application.

Since there were multiple protestants, the concerns of the other protestants will need to be addressed by the Department before final processing of the application can be completed.

The Department will continue review of the application 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,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

cc: Timothy P. Deeg

APR 13 1995

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
THOMAS J. RYAN
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED
FEB 0 8 1994
Department of Water Resources

February 7, 1994

RECEIVED
FEB 1 1 1994
Department of Water Resources
Southern Region Office

Idaho Department of Water Resources
Statehouse Mail
1301 North Orchard
Boise, ID 83720

Re: Permit No. 41-07030 and Transfer No. 4268
Applicant: Timothy P. Deeg

Dear Department Representative:

Enclosed please find a Withdrawal of Protest regarding the above-numbered water right/water transfer. If you have any questions or comments, please contact me.

Yours truly,

GARY D. SLETTE

GDS:kb
02079405.GDS.94

Enclosure

cc: Ben Cavaness

APR 1 3 1995

Gary D. Slette
ROSHOLT, ROBERTSON & TUCKER
P. O. Box 1906
Twin Falls, Idaho 83303-1906
Telephone: (208) 734-0700
02079404.GDS/kb

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 41-07030 and Transfer No. 4268 Applicant: Timothy P. Deeg	**NOTICE OF WITHDRAWAL OF PROTEST**

Twin Falls Canal Company and North Side Canal Company, by and through their attorneys of record, Rosholt, Robertson & Tucker, hereby withdraw their Notice of Protest with regard to Permit No. 41-07030 and Transfer No. 4268 which was filed with the Department on January 6, 1994.

SUBMITTED this 7th day of February, 1994.

ROSHOLT, ROBERTSON & TUCKER

By: _____
Gary D. Slette

APR 13 1995

CERTIFICATE OF MAILING

I hereby certify that on this 7th day of February, 1994, I served a copy of the foregoing NOTICE OF WITHDRAWAL OF PROTEST, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Idaho Dept. of Water Resources
1301 North Orchard
Boise, Idaho 83720

Ben Cavaness
P.O. Box 70
American Falls, ID 83211

Gary D. Slette

APR 1 3 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

01-Feb-1994

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

RECEIVED
FEB 0 2 1994
Department of Water Resources

TIMOTHY P DEEG
2957 DEEG ROAD
AMERICAN FALLS ID 83211

RE: APPLICATION FOR TRANSFER NO. 4268 (41-07030)

Dear Mr. Deeg:

Enclosed are copies of protests 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.

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,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)

APR 13 1995

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER ISSUES

Section 42-222, Idaho Code, identifies the following potential issues that the department can consider in connection with an application for transfer:

1. Will the proposed transfer injure other water rights?

2. Will the proposed transfer constitute an enlargement in the use of the original right?

3. Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?

4. Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, and 4 above and must provide evidence for the department to evaluate these criteria.

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The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

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HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape.

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Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

APR 13 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

01-Feb-1994

ROGER D LING ESQUIRE
LING, NIELSEN & ROBINSIN
PO BOX 396
RUPERT ID 83350

RE: APPLICATION FOR TRANSFER NO. 4268 (41-07030, Deeg)

Dear Mr. Ling:

The protest filed on behalf of your clients, Warm Creek Irrigation Co., Harold Isaak, Steve W. Isaak, and Roland Mayer & Sons, 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.

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,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)

APR 13 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

01-Feb-1994

GARY D SLETTE ESQUIRE
ROSHOLT & ASSOCIATES
PO BOX 1906
TWIN FALLS ID 83301

RE: APPLICATION FOR TRANSFER NO. 4268 (41-07030, Deeg)

Dear Mr. Slette:

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Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)

APR 13 1995

RECEIVED
JAN 28 1994
Department of Water Resources
Southern Region Office

ROGER D. LING
LING, NIELSEN & ROBINSON
Attorneys at Law
P.O. Box 396
Rupert, Idaho 83350
Telephone: (208) 436-4717

Attorneys for Protestants

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO, SOUTHERN REGION

- - - - - - - -

In the Matter of Application to Transfer No. 4268, the Point of Diversion and Place of Use of Water Right No. 41-07030	**PROTEST**

COME NOW, Protestants Warm Creek Irrigation Co., Harold Isaak, Steve W. Isaak and Roland Mayer and Sons and in protest to Proposed Transfer No. 4268, transferring the change in the point of diversion and place of use of Water Right No. 41-07030 filed by Timothy P. Deeg of American Falls, Idaho, state the following:

1. That an existing diversion in the NW¼SW¼ of SE¼ in Section 6, Township 9 South, Range 31 East of the Boise Meridian is substantially injuring the water rights of the protestants numbered A29-04338, A29-10450, A29-10448, A29-10445 and WR 29-07157, representing water rights with a priority in time to the water right of applicant sought to be transferred.

2. That groundwater diversions within Section 6, Township 9 South, Range 31 East of the Boise Meridian are substantially interfering with the water rights of the

APR 13 1995

protestants above-described by reducing the amount of water available under protestants' rights from groundwater, Warm Creek, and Little Creek, all of which are north and down gradient from the proposed point of diversion under Transfer No. 4268.

3. That any transfer of the point of diversion from Section 28 in Township 10 South, Range 31 East of the Boise Meridian to Section 6 in Township 9 South, Range 31 East of the Boise Meridian would substantially injure the water rights of protestants.

4. That the proposed transfer in the place of use and point of diversion of Water Right No. 41-07030 is contrary to the local public interest in the following respects, to-wit:

(a) That said transfer of the point of diversion and the place of use is for speculative purposes and is an attempt to divert water from another water source which is connected to and constitutes a significant source of water being diverted by protestants pursuant to their prior rights.

WHEREFORE, protestants pray that the Director of the Department of Water Resources of the State of Idaho deny the application in all respects.

DATED this 27th day of January, 1993.

LING, NIELSEN AND ROBINSON

By: Roger D. Ling
Roger D. Ling
Attorney for Protestants

APR 1 3 1995

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of January, 1994, I served a copy of the foregoing PROTEST upon:

Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Timothy P. Deeg
2957 Deeg Road
American Falls, Idaho 83211

by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to said persons at the foregoing addresses.

Roger D. Ling
Attorney for Protestants

APR 13 1995

Gary D. Slette
ROSHOLT, ROBERTSON & TUCKER
P. O. Box 1906
Twin Falls, Idaho 83303-1906
Telephone: (208) 734-0700
01069402.GDS/mw

RECEIVED
JAN 07 1994
Department of Water Resources
Southern Region Office

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF	)	
PERMIT NO. 41-07030	)	**NOTICE OF PROTEST**
and Transfer No. 4268	)	
Applicant: Timothy P. Deeg	)	
	)	

* * * * * * * * * * *

Twin Falls Canal Company and North Side Canal Company (hereinafter the "Companies"), by and through their attorneys, Rosholt, Robertson & Tucker, file their Notice of Protest to the continuance or approval of the Application for Permit Number 41-07030 and Transfer No. 4268 filed in the name of Timothy P. Deeg. The basis for the Companies' protest is as follows:

1. The applications filed by the applicants seeks to divert non-trust groundwaters that are tributary to the flow of the Snake River above Milner Dam:

2. The proposed diversion and use of the waters described in the aforesaid application and transfer violate all, or a portion of, the criteria set forth in Idaho Code Sections 42-203(A)(5); and

APR 13 1995

3. For such other and further reasons as may be set forth at the hearing on this matter.

DATED this 6th day of January, 1994.

ROSHOLT, ROBERTSON & TUCKER

By: _____
Gary D. Slette

CERTIFICATE OF MAILING

I hereby certify that on this 7th day of January, 1994, I served a copy of the foregoing NOTICE OF PROTEST, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Idaho Department of Water Resources
Statehouse Mail
1301 North Orchard
Boise, ID 83720

_____
Gary D. Slette

APR 13 1995

Form 222
1-87

Page 1 of 6

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DEC 08 1993
Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4268

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant TIMOTHY P. DEEG Phone (208) 226-5588

Post Office address 2957 Deeg Road, American Falls, ID 83211

A. PURPOSE OF TRANSFER

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

2. Describe the reason for the proposed changes TIM DEEG would like to develop additional irrigation acreage not planned for under permit #41-07081. F.Nelson would like to lease their water right rather than replace their irrigation system at the present time.

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

1.

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
41-07030	1/2/1978	1.4 cfs	irrigation	3/15	to 11/15
					to
					to
					to

2. Total amount of water being transferred 1.4 cubic feet per second and/or * ~~441~~ 504 * acre-feet per annum.

3. Source of water ground water tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	SE	6	9S	31E	Power	New diversion

5. Lands irrigated or place of use: * Per telecon w/applicant 12-13-93 JD

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	30E	1	25	29	36	36									1	3			126
			*																

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APR 13 1995

Total acres 126

PART 1

6. General Information:

a. Description of diversion system Both systems are ground water supplied with electricity as the energy source. 5100' 8" IPS 125psi mainline/ 1-1200' Lindsay renter pivot and pump tie in /pivot wire/ 150hpr pump and panel.

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

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

The Nelson land has been dry farmed for the past year because of the cost of a replace irrigation system. Due to topography and soil type, a replacement irrigation system is not practical with hay and grain at the current prices.

d. Remarks:

This lease entered into for this five (5) year period between Mr. Deeg ~~and Mr. Nelson should offer both parties an attractive arrangement for~~ developing additional irrigation acreage and protecting a water right.

App. 41-7089 also covers proposed place of use, transferred

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

APR 13 1995

Transfer No. 4268

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. _____ Decreed to _____
      in case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. 41-07030 issued by the Idaho Department of Water Resources.
   c. Claim No. A41-07030 on file with the Idaho Department of Water Resources.
   d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water ground water tributary to _____
4. Date or priority 1/2/1978
5. Water is used for the following purpose:
   amount 1.4 cfs (cfs/ac-ft) for irrigation purposes from 3/15 to 11/15
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 1.4 cubic feet per second and/or ~~442~~ 504 acre-feet per annum.
7. Point(s) of Diversion: (old)

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE		28	10S	31E	(77) Power	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	31E	28									8			8	18	37	37	18	126

DEC 13 1995

Total acres 126.0

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

_____

PART 2

Transfer No. 4268

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No, not to my knowledge If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

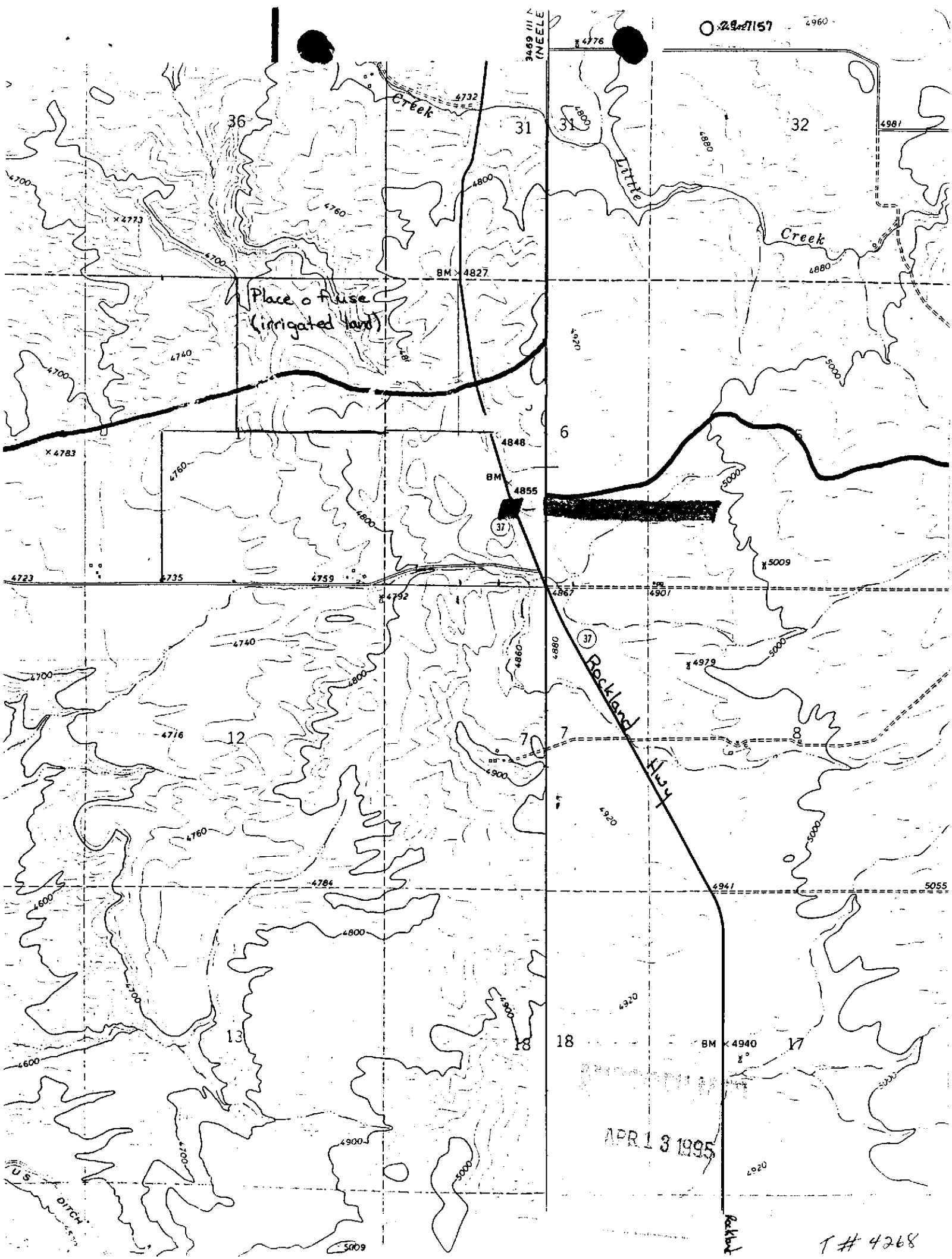
Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

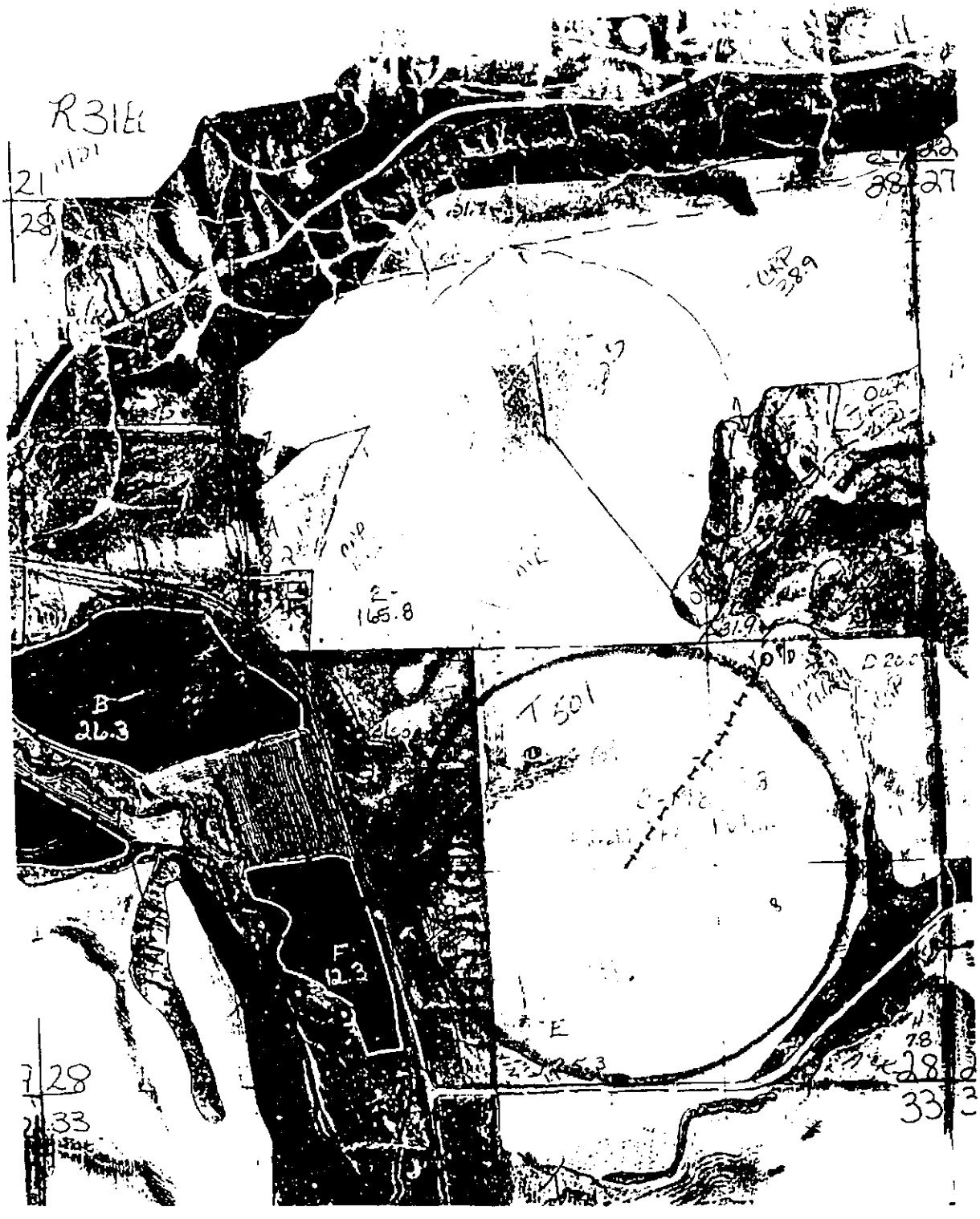
3. Lands irrigated or place of use:

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			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

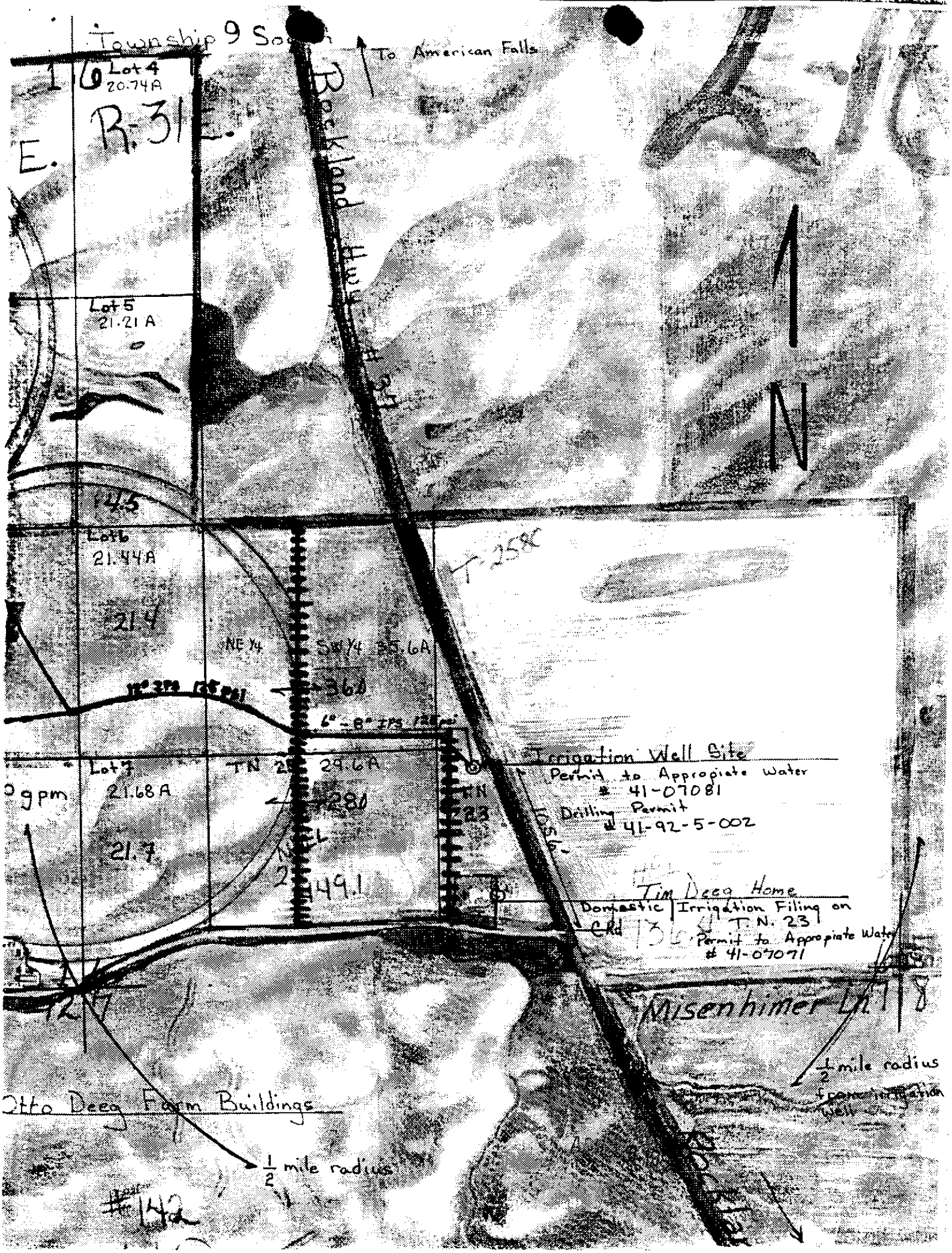
APR 10 1995

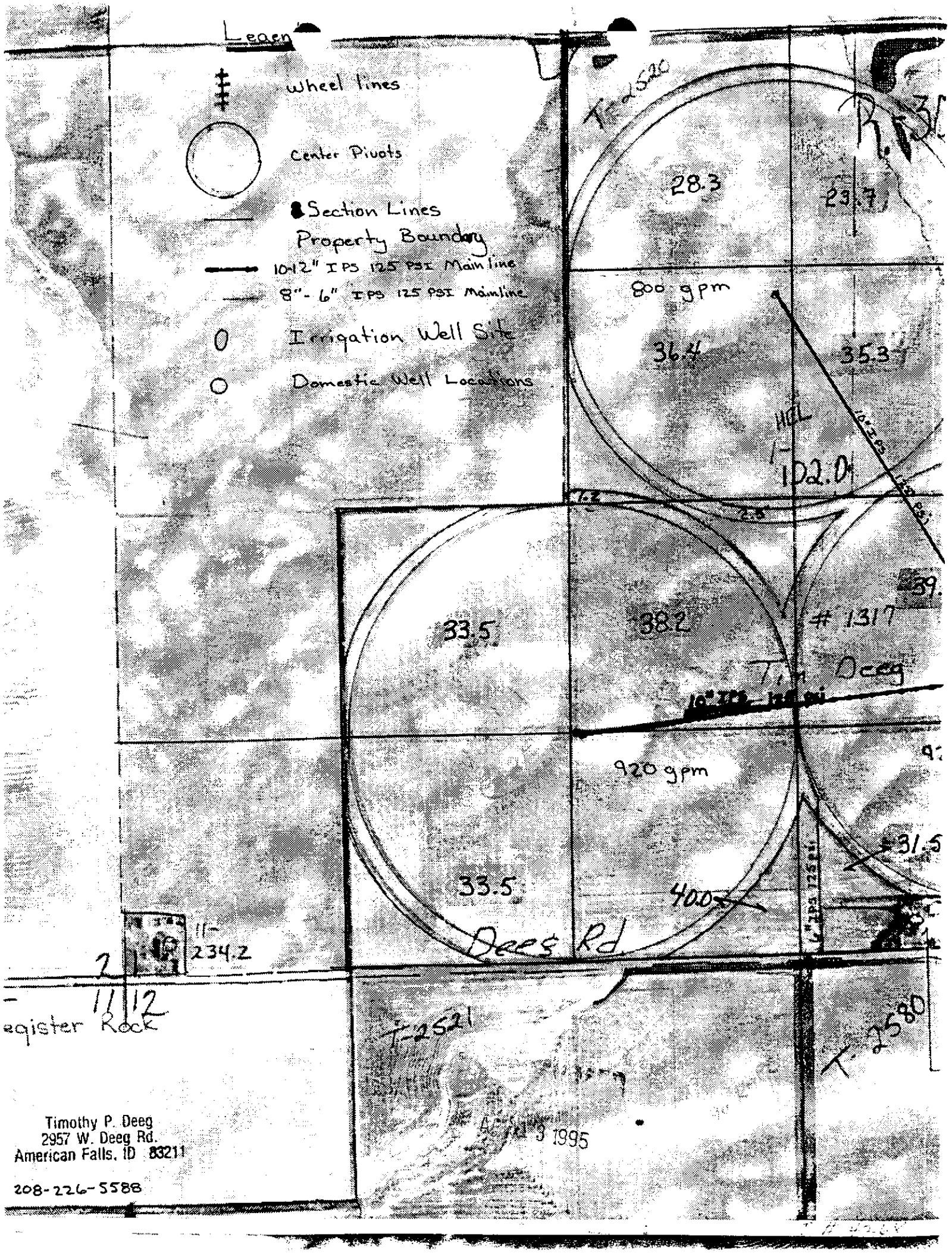
Total acres _____


Creek
Little
Creek
Place of use
(irrigated land)
Rockland Hwy
BM 4827
BM 4855
BM 4940
4848
4867
4941
5055
4901
4979
5009
4792
4723
4735
4759
4776
4732
4773
4783
4786
4716
4981
36
31
32
6
12
7
8
13
18
17
37
US DITCH
APR 13 1995
T # 4268



APR 13 1995


Township 9 So
To American Falls
Lot 4
20.74A
R-31
E.
Lot 5
21.21 A
145
Lot 6
21.44A
21.4
NE¼
SW¼ 35.6A
36
6"-8" IPS
Irrigation Well Site
Permit to Appropriate Water
41-07081
Drilling Permit
41-92-5-002
Lot 7
21.68A
TN 2
29.6A
TN
23
280
21.7
49.1
Tim Deeg Home
Domestic | Irrigation Filing on
T.N. 23
Permit to Appropriate Water
41-07071
Misenhimer Ln
½ mile radius
from irrigation well
Otto Deeg Farm Buildings
½ mile radius
#142



Timothy P. Deeg
2957 W. Deeg Rd.
American Falls, ID 83211

208-226-5588

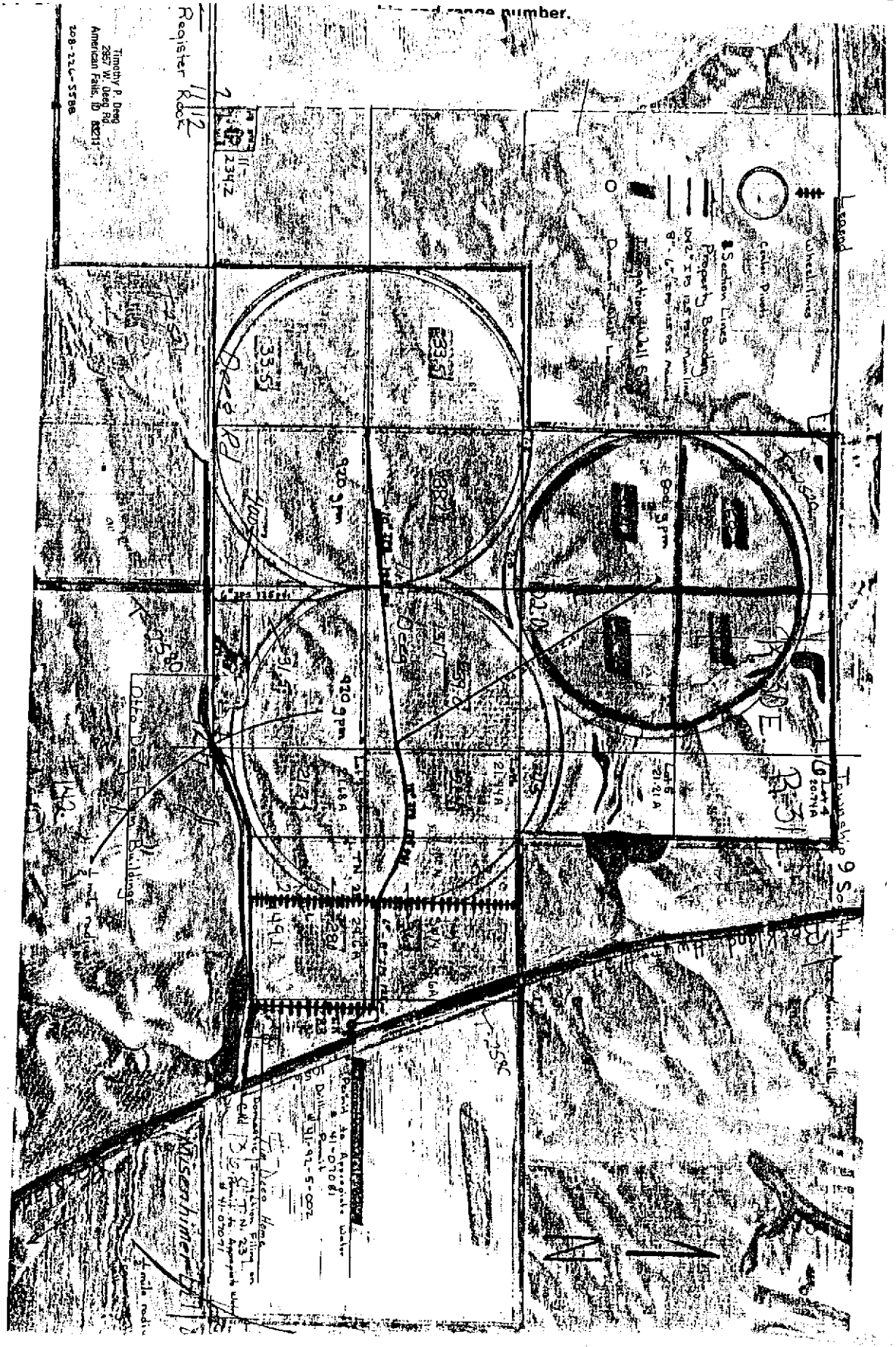
Transfer No. 4268

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described [illegible] and range number.



 Transfer No. 4268

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Irrigation	1.4 cfs	3/15 to 11/15	3/15 to 11/15
				to

2. Quantity and quality of return flows and location of discharge:
There are no return flows or discharges either before or after this transfer is made

3. Describe effects on other water uses resulting from the proposed change:
None

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

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

Linda L. Deeg
(Signature of Applicant)

Subscribed and sworn to before me this 3rd day of December, 1993.

Judy Evans
(Notary Public)

My commission expires 7/18/95

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 6 attachments

Received by MTS Date 12-3-93 Protest filed by

Prelim. check by JFStanton Fee $50.00

Receipted by MTS 5016408 Date 12-3-93

Published in Power County Press Copies of protest forwarded by

Pub. dates 01/12 & 01/19/94 Hearing held by Date

Watermaster recommendation requested on N/A Recommended for ☐ approval ☐ denial

rec'd. by

Copy of transfer sent to lien holder

APR 18 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

01-Feb-1994

TIMOTHY P DEEG
2957 DEEG ROAD
AMERICAN FALLS ID 83211

RE: APPLICATION FOR TRANSFER NO. 4268 (41-07030)

Dear Mr. Deeg:

Enclosed are copies of protests 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.

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,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)

APR 13 1995

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER ISSUES

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APR 13 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

01-Feb-1994

R. KEITH HIGGINSON
Director

ROGER D LING ESQUIRE
LING, NIELSEN & ROBINSIN
PO BOX 396
RUPERT ID 83350

RE: APPLICATION FOR TRANSFER NO. 4268 (41-07030, Deeg)

Dear Mr. Ling:

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Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

01-Feb-1994

GARY D SLETTE ESQUIRE
ROSHOLT & ASSOCIATES
PO BOX 1906
TWIN FALLS ID 83301

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Southern Region Manager

LH:MB
Enclosure(s)

RECEIVED
JAN 28 1994
Department of Water Resources
Southern Region Office

ROGER D. LING
LING, NIELSEN & ROBINSON
Attorneys at Law
P.O. Box 396
Rupert, Idaho 83350
Telephone: (208) 436-4717

Attorneys for Protestants

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO, SOUTHERN REGION

- - - - - - - -

In the Matter of Application to Transfer No. 4268, the Point of Diversion and Place of Use of Water Right No. 41-07030	**PROTEST**

COME NOW, Protestants Warm Creek Irrigation Co., Harold Isaak, Steve W. Isaak and Roland Mayer and Sons and in protest to Proposed Transfer No. 4268, transferring the change in the point of diversion and place of use of Water Right No. 41-07030 filed by Timothy P. Deeg of American Falls, Idaho, state the following:

1. That an existing diversion in the NW¼SW¼ of SE¼ in Section 6, Township 9 South, Range 31 East of the Boise Meridian is substantially injuring the water rights of the protestants numbered 29-040338, 29-10450, 29-10448, 29-10445 and 29-07157, representing water rights with a priority in time to the water right of applicant sought to be transferred.

2. That groundwater diversions within Section 6, Township 9 South, Range 31 East of the Boise Meridian are substantially interfering with the water rights of the

APR 13 1995

protestants above-described by reducing the amount of water available under protestants' rights from groundwater, Warm Creek, and Little Creek, all of which are north and down gradient from the proposed point of diversion under Transfer No. 4268.

3. That any transfer of the point of diversion from Section 28 in Township 10 South, Range 31 East of the Boise Meridian to Section 6 in Township 9 South, Range 31 East of the Boise Meridian would substantially injure the water rights of protestants.

4. That the proposed transfer in the place of use and point of diversion of Water Right No. 41-07030 is contrary to the local public interest in the following respects, to-wit:

(a) That said transfer of the point of diversion and the place of use is for speculative purposes and is an attempt to divert water from another water source which is connected to and constitutes a significant source of water being diverted by protestants pursuant to their prior rights.

WHEREFORE, protestants pray that the Director of the Department of Water Resources of the State of Idaho deny the application in all respects.

DATED this 27th day of January, 1993.

LING, NIELSEN AND ROBINSON

By: Roger D. Ling
Roger D. Ling
Attorney for Protestants

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of January, 1994, I served a copy of the foregoing PROTEST upon:

Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Timothy P. Deeg
2957 Deeg Road
American Falls, Idaho 83211

by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to said persons at the foregoing addresses.

Roger D. Ling
Attorney for Protestants

RECEIVED

JAN 24 1994

Department of Water Resources
Southern Region Office

Affidavit of Publication

State of Idaho

County of Power

Erma Crompton being first duly sworn on oath, states:

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

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 12 day of Jan. 1994 and the date of the last publication being the 19 day of Jan. 1994.

Signed Erma Crompton

State of Idaho

County of Power

On this 21 day of January in the year of 1994, before me, a Notary Public, personally appeared Erma Crompton, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Brett Crompton

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

OK MB 1/24/94

Proposed change of water right

Published in The Power County Press, Jan. 12, 19, 1994.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 41-07030

Notice is hereby given that TIMOTHY P. DEEG of American Falls, ID has applied to the Department of Water Resources to change the Point of Diversion and Place of Use of the following described water right(s) pursuant to Section 42-222 of IDAHO CODE and further described as Transfer No. 4268.

The purpose of this change is to enable Tim Deeg to develop additional irrigation acreage and enable the Estate of Farold Nelson to lease the water right rather than replace their irrigation system.

WATER RIGHT AS RECORDED:
Water Right No. 41-07030
Basis: License
Date of Priority: 01/02/1978
Source: groundwater
Amount: 1.4 cfs
Use: irrigation
from 03/15 to 11/15
Point of Diversion: NESE, S28, T10S, R31E, Power County.

A claim has been filed in the Snake River Basin Adjudication.

WATER RIGHT NO. 41-07030 TO BE CHANGED by the point of diversion located within NWSWSE, S6, T09S, R31E; Power County and the place of use for 126 acres located within NE, S01, T09S, R30E; Power County.

Any protest against approval of the proposed change of water right application must be filed with the Applicant and the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 on or before January 31, 1994.

R. Higginson, Director

S. Region

Gary D. Slette
ROSHOLT, ROBERTSON & TUCKER
P. O. Box 1906
Twin Falls, Idaho 83303-1906
Telephone: (208) 734-0700
01069402.GDS/mw

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JAN 1 1 1994
Department of Water Resources
Southern Region Office

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 41-07030 and Transfer No. 4268 Applicant: Timothy P. Deeg	**NOTICE OF PROTEST**

* * * * * * * * * * *

Twin Falls Canal Company and North Side Canal Company (hereinafter the "Companies"), by and through their attorneys, Rosholt, Robertson & Tucker, file their Notice of Protest to the continuance or approval of the Application for Permit Number 41-07030 and Transfer No. 4268 filed in the name of Timothy P. Deeg. The basis for the Companies' protest is as follows:

1. The applications filed by the applicants seeks to divert non-trust groundwaters that are tributary to the flow of the Snake River above Milner Dam:

2. The proposed diversion and use of the waters described in the aforesaid application and transfer violate all, or a portion of, the criteria set forth in Idaho Code Sections 42-203(A)(5); and

APR 13 1995

3. For such other and further reasons as may be set forth at the hearing on this matter.

DATED this 6th day of January, 1994.

ROSHOLT, ROBERTSON & TUCKER

By: _____
Gary D. Slette

CERTIFICATE OF MAILING

I hereby certify that on this 6th day of January, 1994, I served a copy of the foregoing NOTICE OF PROTEST, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Idaho Department of Water Resources
Statehouse Mail
1301 North Orchard
Boise, ID 83720

_____
Gary D. Slette

APR 3 1995

Gary D. Slette
ROSHOLT, ROBERTSON & TUCKER
P. O. Box 1906
Twin Falls, Idaho 83303-1906
Telephone: (208) 734-0700
01069402.GDS/mw

RECEIVED
JAN 07 1994
Department of Water Resources
Southern Region Office

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 41-07030 and Transfer No. 4268 Applicant: Timothy P. Deeg	**NOTICE OF PROTEST**

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APR 13 1995

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Gary D. Slette

APR 1 8 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

30-Dec-1993

POWER COUNTY PRESS
174 IDAHO STREET
AMERICAN FALLS ID 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

APR 13 1995

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 41-07030

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R. Higginson, Director

Published in Power County Press on 01/12 & 01/19/94.

APR 13 1995

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R. Higginson, Director

Published in Power County Press on 01/12 & 01/19/94.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

30-Dec-1993

TIMOTHY P DEEG
2957 DEEG ROAD
AMERICAN FALLS ID 83211

Re: Application for Transfer No. 4268 (41-07030)

Dear Mr. Deeg:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office has scheduled advertising the application in the Power County Press for 01/12 & 01/19/94. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Before we can forward your application to our state office for approval we must include in the file evidence of ownership of the land to which the water is appurtenant such as copies of deeds, tax records, etc. and/or a notarized statement from any lien holder on the property.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 7, 1993

TIMOTHY P DEEG
DIANE J DEEG
2957 DEEG RD
AMERICAN FALLS ID 83211

RE: Water Right No. 41-07030

Dear Mr. and Mrs. Deeg:

I recently received an 'Assignment of Permit' form on the above referenced licensed water right.

In Idaho, decreed, licensed, and claimed water rights are considered real property; therefore, proof of owning the land is proof of owning the water right unless specifically excluded in the sale. Water right statute does not provide a means for changing owner of record for decreed water rights; although, I have placed your correspondence in the file for future reference.

If you have any questions, please feel free to contact me directly at 327-7944.

Sincerely,

Cindy Zimmerman

CINDY ZIMMERMAN
Water Resource Agent

JAN 1 1 1994

MEMORANDUM

To: L. Glen Saxton

From: R. Keith Higginson

RE: APPOINTMENT AS HEARING OFFICER - PROCEDURE RULE 410

Date: May 13, 1994

I, R. Keith Higginson, Director of the Idaho Department of Water Resources (department) hereby appoint **L. GLEN SAXTON** in compliance with department Procedure Rule 410 to act as Hearing Officer on behalf of the department in the following contested matter:

In the Matter of Application for Transfer No. 4268 of water right License No. 41-07030 in the name of Timothy P. Deeg

The department has scheduled a hearing in the matter as follows:

Date: May 17, 1994

Time: 9:00 a.m.

Place: Eastern Idaho Production Credit Assoc. office, 127 Idaho, American Falls, Idaho.

APR 13 1995

- **ROSTER OF ATTENDANCE** -

RE: Application for Transfer No. 4268 of water right license no. 41-07030 in the name of Timothy P. Deeg

Date: May 24, 1994

Place: Idaho Production Credit Ass'n office - 125 Idaho St, American Falls

---

	Name	Address	Representing
1.	KENT W. FOSTER	BOX 50130 I.F. 83405	APPLICANT
2.	TIM DEEG	2957 DEEG Rd.	APPLICANT
3.	Diane Deeg	2957 Deeg Rd.	APPLICANT
4.	Roger D. Ling	P.O. Box 396, Rupert 83350	PROTESTANTS
5.	Sheryl L. Chapman	410 S Orchard Ste 144 Boise 83705	Protestant
6.	Don Larring	Warm Creek Dr.	"
7.	Bill Meadows	2781 Rocky Hollow Ln.	land owner
8.	Carol Henrich	Warm Creek Dr.	Cold Creek
9.	Myrle McLean	2890 Cold Creek Rd.	Roland Mayo & Son's
10.	STEVE GRAVES	P.O BOX 549 ABERDEEN ID	PUMPCO
11.	Tom Bagnley	3143 W Neeley Lp	Protestant
12.	Lane Kendell	3115 Neeley Lp	Protestant
13.	Steve Isaak	3315 Rock Cr. Rd.	L. Hle Creek

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	Name	Address	Representing
14.	Terrell Sorensen	905 Falls Am. Falls	Falls Irr. Dist.
15.	Esther E. Isaak	3235 So Isaak Lane	Am Falls
16	LaMar R. Isaak	3298 So Isaak Lane	AF
17.	Clay Kendall	3103 W. Neeley	Am. Falls
18.	Karen Sampson	3064 So Frontage Rd	Am. Falls, ID
19.			
20.			
21.			
22.			
23.			
24.			
25.			
26.			
27.			
28.			
29.			
30.			

APR 13 1995

- **ROSTER OF ATTENDANCE** -

RE: Application for Transfer No. 4268 of water right license no. 41-07030 in the name of Timothy P. Deeg

Date: May 17, 1994

Place: Idaho Production Credit Ass'n office - 125 Idaho St, American Falls

---

	Name	Address	Representing
1.	Tim Deeg	2957 Deeg Rd.	
2.	Diane Deeg	2957 Deeg Rd.	
3.	Myrle McLean	3890 Cold Creek Rd	Roland Meyer's Son's
4.	KENT W. FOSTER	BOX 5013O IF. 83405	Applicant
5.	Roger D. Ling	P.O. Box 396, Rupert, ID	PROTESTANTS
6.	Sherl Chapman	4105 Orchard Ste 144 Boise Id	Protestants
7.	Chuck Strom	3089 Wrecker Loop	WARM CREEK
8.	Don Zaring	3114 Neeley Rd	Warm Creek
9.	Edith Zaring		
10.	Lorna Isaak	3298 ISAAK Loop	WARM CREEK
11.	Esther Isaak	3235 So Isaak Lane	Warm Creek
12.	Carol Hensch	3210 Neeley Lane	Little Creek
13.	Dave Hensch	3210 Neeley Lane	Little Creek

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	Name	Address	Representing	Testify? Yes or No
14.	Steve Isaak	3315 Rock Cr. Rd	L. Hle Creek	Yes
15.	LANE KENDELL	3115 Neeley Loop	WARM Creek	yes
16.	Lou-FRANK Baguley	3143 W Neeley Lp	WarmCreek	No
17.	William Meadows	2781 Rocky Hollow Lane	AReg Land Owner	No
18.	STEVE GRAVES	P.O. BOX 729 AM. FALLS ID 83211	PUMPCO	YES
19.	CLAY KENDELL	3103 Neeley Loop Am. Falls	WARM Creek	
20.	Glaren Georgia	3064 So. Frontage Rd.	Deeg	yes.
21.				
22.				
23.				
24.				
25.				
26.				
27.				
28.				
29.				
30.				

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2/13

- Deeg d
- 1
- 34
- P.
- 6.9
- La
- W
- 34
- 126 is odd'l land to be irrig from same well. using another center pivot.
- application as exhibit # 1

NOTES

wrote in 1992
4, 1994.

5 yrs
1992
- pivots

Exh'l ~~#~~ I
I-A } admitted

- Mayer - South well - 32 cabi well
1.45 mi from Deeg.
- Spr 2 to 2¼ mi away

- applicant's Exhib #2
- Dom well 700' from irr well
937' -

INCORPORATED
APR 13 1995

there is no page 1 yet

2/13

- Deeg direct
  - 1900 acres
  - 348 acres - irrig crops in 1992
  - Proof due - July 4, 1994.
  - 6.95 cfs
  - Leased water rt for 5 yrs
  - well drilled Apr 1992
  - 340 - Spr. irrig - 2 pivots
  - 126 is addl land to be irrig from same well. using another center pivot.
- applicant to exhibit # 1

~~A~~

Exhs ~~#~~ I, I-A } admitted

- Mayer - South well - 32C a61 well 1.45 mi from Deeg.
- Spr 2 to 2¼ mi away

- applicant's Exhib #2
  - Dom well 700' from irr well 937'-

APR 13 1995

Mr. Foster

Doeg direct

Mr. Ling 3/

Applicant's Exh # 3 - Photographs of Isaac ponds

- Time

Applicant's Exhibit #4 - Photographs

- Exhibit has been offered
- took break to allow Ling to examine proposed exhibit

Applicant's Exhibit #5 is admitted.

Applicants Exhibit #8

- Weir meas.

Hearing Continued to May 24, 1994, 9:00° Same place. VLJ

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NOTES

May 24, 1994 - Continuation of Deeg hearing

X-exam of Deeg

- 1993 - crops - ~~wheat~~ & potatoes 192 - 137 oc
- 348 oc - ( ) = acres not living
- 1993 - max div rate unknown
- 2 pivots @ 2800 & 2900 gpm - total 4 wheel lines & some hand lines
- 348 acres are all living.
- add'l system is being installed - corner pivot + booster pump.

add'l equip

- Booster pump will divert up to 6.95 cfs.
- No meas device is installed
- ~~Jr~~ well - 452' static - may 6, 1993 using an airline.
- 4-16-94 - 451.5' - static water level } meas by Deeg
- 5-20-94 452.5 " " " }
- 5-03-94 452' meas by Deeg & Brockway
- Pumping level when pumping Deeg irr well
  - Apr 22, 94 - 463' - 1170 gpm.
  - May 13, 94 - 460' - 800 gpm
  - May 15, 94 - 462.5 - 920 gpm
- 1600 gpm - max div this year
- Drawdown of 9'
- No data on Warm Cr - Willey
- Water hit @ 200' level.
- Has cascading water

Deeg believes the water is old water

tape 329.8'

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Cross - exam of Deeg

369.9 - Has mix of cold & warm water in well.

-

- Exhibit # 2
  - elevations of spurs.
  - Temperatures - Deeg took w/digit thermometer in Jan or Feb.
  - mayer well - temps from a well log. (not taken by Deeg),
  - Rate from Mayer Wells taken from Dept of Water Res. field report.
    5-31-79 - 3.07 & 2.03 cfs from field exam
    no meas taken in 93 or 94.
  - Mayer on irrigwell (temp). taken by Deeg.
    2580 gpm.
  - As pumping incr - temp increased
  - Exhibit 1.
    - USGS - G.W. divide in not difinite.
    - Warm Creek

464 Exhibit 3.
- Editorial remarks on Deeg's
- Beaver dams
  control stream vegetation etc.

Ling 482.0 - Concept of "best evidence"
- Little Cr. meas.

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Foster

Ling 6/

Ling X of Deeg

534.3 Exhibit # 5
- ~~Statements~~ are opinion of Deeg.
- "Wide seasonal change" - Deeg opinion.

567. Foster - redirect? No.

571. Terrell Sorensen direct by Ling, Dist.
- ~~Sorensen~~ meas on Little Creek
- Exhibit # 8
- meas Little Creek
- 1.83 cfs taken on 5-23-94 (Flow of Little Cr) 10:00 a.
591. - Cold Cr weir - Sorensen himself has not measured.
- Little Cr. weir measures accurately.

601 Ling - has no cross of Sorensen.
Cold Cr + Warm Cr. join.
Protestant's exhibit # 1
- Apr 5, 1994 - 7.2 cfs meas in Sec 13, T8S, R30E

641.4 Foster re-direct of Sorensen

668.1 Steve Graves direct by Foster
- mgr of Pumpco. in Idaho Falls.
- Well tests - 315 gpm
693.4 end of tape 1. Start of tape 2
- Sept 19, 1992 - pump test
- Applicant's Exh # 10 was admitted.
- 452 water level in Deeg well during Pumpco test.
16.8 - Mayer wells
- north well - 345' T. depth
Static 3-1-90 157'
5-13-93 160'
4 -94 157'
5 -94 157'

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Steve Graves district

Ling 71

- north

5-18-94 - 162' static

- South well
  - T. depth - 423'
  - 7-10-93 - 80' static (incorrect)

5-23-94 - 97' static

96' static

Taken w/ well sounding unit.

- Installed air line in Deeg irrig well.

34.7 - Mayer wells are being updated.
  - Lower pump on N. well.
  - Pumping level on S. well - @ 200'
- In N. well
  pump set @ 305'
  321' previously.
- Lowered due to anticipated drawdown.
- S. Well sucked air last yr.
  dropped 40' of column.
  From 160' to 200'.
- Deeg's domestic well
  - no meas taken by Steve Graves.

Ling X of Steve Graves,
- S. Well 1st installation - 1977

92.0 Graves Redirect by Foster.
mayer's South well has a problem late in season.

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8/

101.2 Dr. Brockway direct

- @ usgs since 1965.
- Review well driller logs & basin review from E. Fk Town.
- Evaluate aquifer.
118.1 - Using U.S.G.S report & well logs.
- Regional impact
  - Nelson → Deep
  - 3 aquifers - Upper - alluvium - sand, gravel & sediments
    - Tertiary - volcanic
    - pretertiary - oldest
132. - fault controlled aquifers.
- Yet depletion from basin probably the same.
138.5 - Deep Well is deeper than others - 939.8' deep
- Limestone cutting found in Deep well
- Temperature - may have low temp geo water anomalous, -
- Water Quality analysis
156.1 Deep pulling some water from deeper source.
- Dom well 700' from irrig.
163.8 - Drawdown of 43' - max 2882 gpm.
169.2 - Specific capacity of Deep well is higher - anomalous.
- Well interference test was not conducted.
- applicant's exhibit #6 is admitted
  - Deep well would have a drawdown of ≈50' (150 days)
  - 1½ mi (100 days) - 0.08' APR 13 1995
  - Deep well is taking water from WRTH System (cascade)

mr Foster

mr Ling
9/

Dr. Brockway direct (con't).
- Little Creek & Warm Cr. effects.
206 - Little creek loses water from the mayer well location downstream.
- Warm Creek is 4 mi north of the Deeg well.
- Deeg statin
241 2 mayer wells are both in shallower alluvial system - 1/4 mi apart
245. - Mayer wells are close to Little Cr. could draw water from Little Cr.
250.6 Ling X of Brockway
- Exhibit 6.
277. - Spr flows do not show fault locations
Spr flows seasonal changes usually do not occur,
- Alluvial system does show seasonal fluctuations equate
373 Spring flow for Little Cr, Warm Creek & Cold Cr in fault system between testing & pre-testing

420.1 Foster redirect of Brockway
436.1 Coral Hennish direct by Ling
- Warm Cr Inv Co - Ser. for Dist
- Source - Springs Warm Cr & Cold Cr.
- Entire flow of streams are used.
- Warm Cr to Dilly Ditch - 80 shares
- Cold Cr - Morgan Ditch - 56 shares
Sorensen 84 shares
Neeley 72 shares
- 2 hrs + 17 min/share
rotated every 8 days

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- Dilly Ditch - a share represents - 2 hrs + 24 min (rotate every 8 days)
Morgan Ditch - 3 hrs - rotated every 7 days
Neeley " - 2 hrs + 20 min/share rotated every 7 days).

Carol Hennish direct 10/

476.0 LaMar Isaak direct
- Farmer
- Land under Dilley Ditch & Leases land under Spencer.
- Pumps out of a pond.
- On Hennish 540 gpm
~~property~~ 5/32 40#
- 1993 - Some drop in pressure periodically down to 378 gpm.
- In Sept water flow returned
529 Foster - X of Isaak
- Unlined pond = 12'x15'x25' size built 5 yrs ago.
- Problem only on the Hennish land.
- Ditch is 1½ mi from Cold Cr to pond.
544.1 - 87→92 Drought in Idaho.

548.5 Merle McLean direct
- Farmer for ≈ 40 yrs
- Uses the mayer wells leased from father in law
- Used wells since 1973.
- North mayer well was deepened.
- 1993 - S. well is diesel operated.
- pump ~~drop~~ lowered 40'.
- System upgrade - put electric motor on S. Well instead of diesel. APR 13 1994
- Aug 20 - was the date the diesel well began to surge.

Maple - McLean direct (cont)

602.5 — Wayer wells do not affect flow of Cold Cr or Ward Creek.

Foster X of McLean — Irrigates 334 ac. (400 ac under lic).

— Potatoes & grain ← (in past).

60 ac ↑ (334 - 60 = 274 ac)

— 900 ac of potatoes this year.

— 850 gpm for S. Well } 5.1 cfs

— 1200 gpm for N. Well. }

658.0 Layne Kindall direct (called by Ling).

— Farmer

— Has shares of Warm Cr. water.

— Irrigates 60 acres Since ~ 1960.

669.9 — 1993 was 1st year of water shortage.

— Lack of some surface water. 5/32 60# press

change to last #3. 6.0 — Cut down to 70 rain birds from 120 on one ditch (Morgan ditch).

14.6 Foster X of Kendall

— Pond is 12' deep x 40' x 60' long - used Since 1972. (Unlined).

— Ditch to pond from div ~ 1/2 mi.

25.4 Steve Isaak direct (called by Ling).

— Farmer

— Falls Irr Dist - Bd of Directors.

— Diverts water from Little Cook (See From NE¼ Sec 36 R30E.

— Rec's some water from Falls Irr. Co

— 3 Ponds — 3rd pond near Fall Irr water

— Diverts all of Little creek.

— Upper pond — pivot ~~Sprinkler~~ 1988 - 920 gpm

130 gpm for end guns. 1st used in 1989.

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— @ end of Aug - could not run pivot.

—

- uses a pivot for irr. 12/13
- Aug & Sept 93 - was lowest flow period. 990gpm to 660 gpm

Steve Isaak direct by Liang (con't)

- Flows are lower this year.
- Removed beaver dams
- 1994 - Removed a number of beaver dams. (all gone as of last Wed).

88.4 Mr. Foster X of Isaak.

- Pond sizes upper 450 x 120 x 8 or 9'
  middle 200' x 200'
  Lower 400 x 40 x 8'
- Unlined ponds.
- Upper reservoir loses the most water.
- Pivot was installed in 1989.
- Little Cr is spring fed.

104.2

- Raises potatoes, grain, barley
- Pivot picked up 85 add'l acres, but obtained water from Fallon Irr.
- Lower pond built in 1975. Other 2 ponds built much earlier.

121.6 David Hennish

- Teacher (Sub) & construction worker
- Farms part time - 40 ac
- Worm Cr. Irr. Co. - thru the Sorenson ditch.
- Land is sprinkled - pump from pond. 3 - wheel line & 2 - hand lines.
- In 1993 - there was less surface water available.
- Lamar Isaac - rents the pasture property.

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141.4 Foster X - examined no questions

143.5 Sheri Chapman direct

- "Inferred ground water divide!"
  Blue line on Exhibit #1
- Lots of variables & assumptions in exhibit #6.

12:30 PM
4:30

217.0 - ? on controlling rate of 1.4 cfs to the 12" or 20" of Darg.

229.5 Foster X of Chapman.
- 28 questions of Chapman.

- Dr. Brockway rebuttal

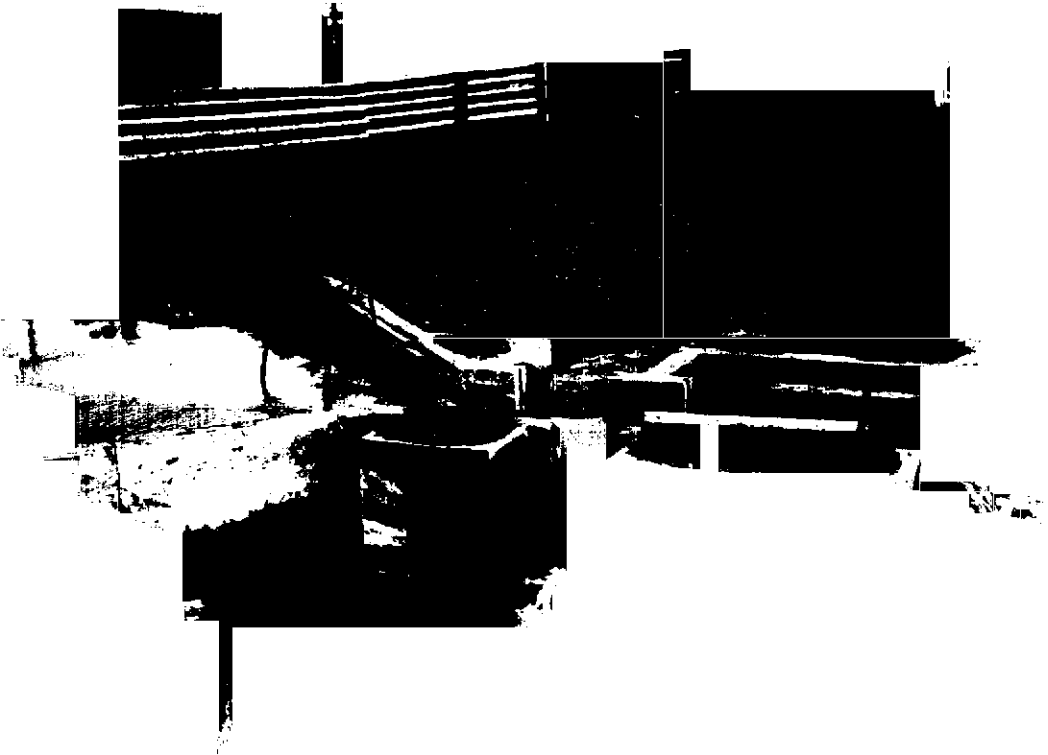
232.

- Growth & residual effects of pumping

239.8 Ling X of Brockway.

249.2 End of tape.

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Department of Water Resources
APPLICANT'S MTS
Exhibit #9.
Date Admitted 5-24-94

Review of Deeg hearing tape after the hearing

3.4 Start of tape
Living motion for Continuance.
35.4 Deeg direct presentation
- Farms 1900 acres
- 348 acres under irrigation
- Well drilled in 1992 & used in 1993
- proof due 7-4-94
67.7 Description of Applicants exhibit #1
USGS map.
Heavy blue line - water divide
Heavy black line - mouth of outflow from the Rockland basin.
96.3 the closest mayer well (Southwell) is ≈ 1½ mi distant from Deeg well.
100.6 Exhibit No. 2.
106.4 the Deeg domestic well is ≈ 700' from the irrig well.

22 (Photograph accurately depict the conditions you observed at the time the photograph was taken).
why asked this?

178.7 Discussion of Exhibit # 5
190.7 Applicant's exhibit # [illegible] Weir measurements
255.0 Continuation of hearing
↓
256.2

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wheat potatoes

268.5 348 - 192 - 137 = 19 ac not sure in 1993

272.7 The two Deeg pivots take a total of 2800 or 2900 gpm.

277.9 all 348 ac are planted for 1994.

278.9 add'l equip. - corner pivot & booster pump.

290.0 Deeg has no meas device on irrig well.

369.9 Deeg will have a mix of cold water & warm water

378.7 ?'s on Exh 2

426.4 (ongoing ?'s about Exhibit #2).

431.6 ~~The~~ 95' & "static water level in mayer well was taken in Spr 94 by Deeg + Merle McLean

* the 155' static water level in other mayer well was taken by McLean, Deeg + Brockway in Spr 1994.

476.0 "Rock Book" - duty book?

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Notes of Ted Schultz

Timothy P. Deeg hearing 5-17-94 & 5-24-94
Transfer Application - 41-07030.

0' to 324' Introduction by Glen Saxton

324' to 2529' Testimony of applicant, Timothy P. Deeg

2529' to 5620 Cross examination of applicant by protestants attorney, Roger Ling

5658' to 5960 Redirect by Mr. Foster and testimony by Terrel Sorenson

5966' to 6502' Cross examination by Mr. Ling and redirect by Mr. Foster

6650' to end Testimony by Steven Graves, Pumper.

Tape #2

15' to 520' Testimony by Steven Graves

525' to 1005' Cross examination by Mr. Ling & Redirect by Mr. Foster

1020'
~~100~~ to 2500' Testimony by Dr. Charles Brockway

2500' to 4190 Cross examination by Mr. Ling

4198' to 4310' Redirect by Mr. Foster

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4356' to 4696' Testimony by Mrs. Carol Dennish, Sec Warm Creek ~~Water Assn.~~ Irrigation Co.

4745' to 5458' Testimony of LaMar Isaak & cross exam

5475' to 6552' Testimony of Merle McLean & cross examination

6570' to end Testimony of Layne Kendell

3rd Tape

0' to 236' " " " " & cross examination

250' To 1200' Testimony of Steve Isaac & cross examination

1210' to 1410' Testimony of David Dennish - no cross Exam.

1420' To 2290' Testimony of Shell Chapman - no cross Exam

2310' to 2425' Rebuttal Testimony by Dr. Brockway &

APR 13 1995

Timothy P. Deeg Hearing - Exhibits

Applicant's

#1 Indian Springs Idaho - 1971 USGS Quad Map ← Admitted

#2. Elevation Contours ← Admitted

#3 Photos - Steve Spack Pond, and sites of measurement locations and Beaver dams on Little Creek. Admitted

#4. Photos - Cold ~~Spring~~ Creek Springs Admitted

#5 - Photos - Mayer wells Admitted

#6 - Graph - computer generated of Deeg Well - Estimated Drawdown Admitted 5-24-94

#7. 11 Page FAX from Mountain States Analytical Report Admitted

#8 Record of Measurements submitted by Mr. Deeg & Mr. Brockway Admitted

#9 - Photo of diversion works Admitted 5-24-94

~~#7~~ 1-A USGS Water Resources of Rockland Basin - SE Idaho - 1982 Open File Report 82-755 Admitted

Protestant's

A

~~#~~ Three Pages of Measurements on ~~Thom~~ Thum Creek - 1992 - 1994 - on Falls Irrigation Dist Letterhead Admitted 5-6-94

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Exhibits

Applicants

#10 Copy of Pumpco chart - Well test data - Twin Deer

Submitted 3-4-94

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POTENTIAL WELL INTERFERENCE — **DEEG WELL ROCKLAND VALLEY**

C.E. BROCKWAY APRIL 25, 1994

AQUIFER PROPERTIES BASED ON USGS OPEN FILE REPORT 82-89 — WELLINT.XLS

AVG. HOLE DIA. 1.5 FEET

OBSERVATION WELLS VARIOUS

USING THEIS FORMULA S=114.6*Q/T*W(U)

S= DRAWDOWN IN FT

Q= PUMPING RATE GPM

T= COEFFICIENT OF TRANSMISSIBILITY GPD/FT

W(U)= WELL FUNCTION OF 'U'

W(U)=-.5772-LOGeU +U-U^2/(2*2!)+U^3/(3*3!)-U^4/(4*4!) .....

U=1.87*r^2*S/(T*t)

r=DISTANCE IN FT. FROM CENTER OF PUMPED WELL TO DRAWDOWN POINT

S=COEFFICIENT OF STORAGE

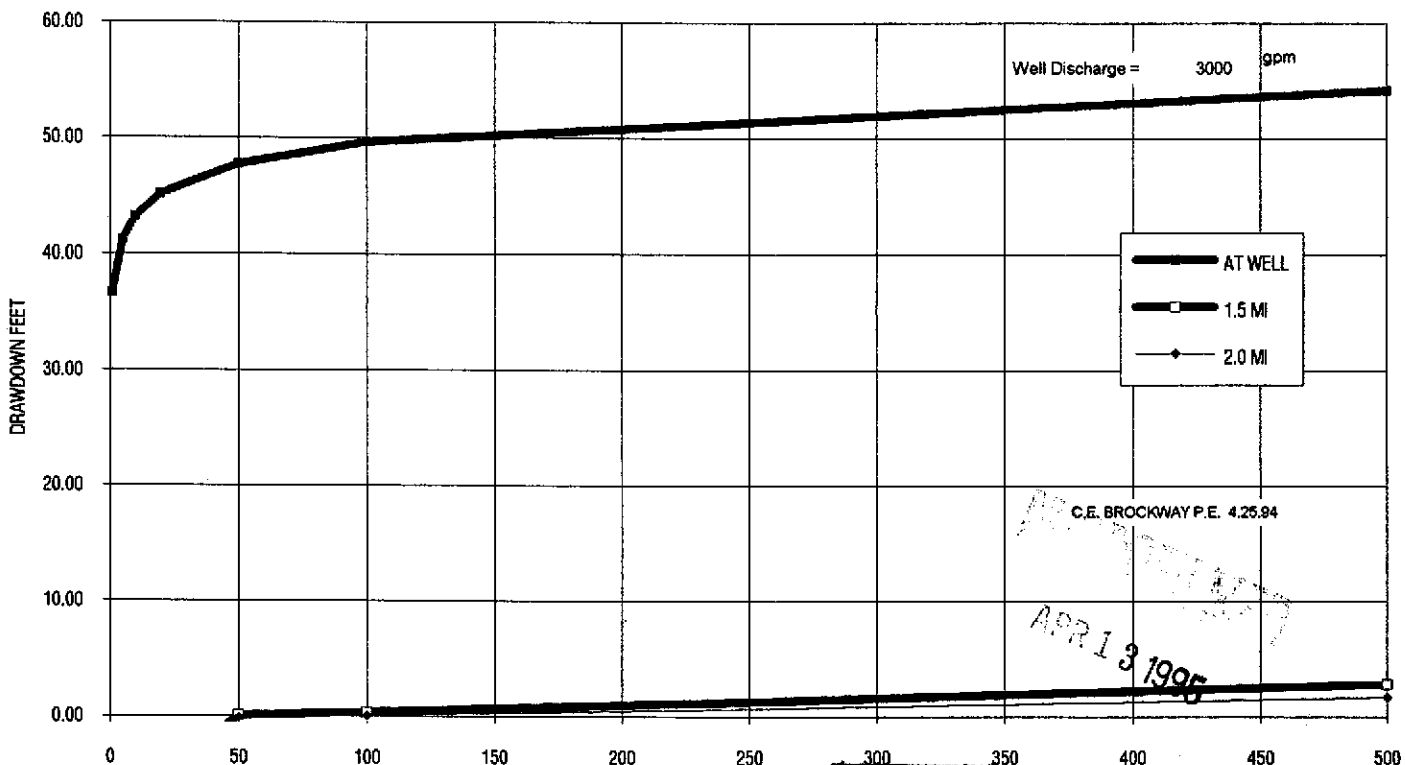
T=COEFFICIENT OF TRANSMISSIBILITY, GPD/FT

t= TIME SINCE PUMPING STARTED, DAYS

INPUT			K=	50	M/DAY	ALLUVIAL AQUIFER	
r1=	0.75	FT	K=	164	FT/DAY		
r2=	7920	FT MAYER	K=	0.00189815	CFS/FT^2		
r3=	10560	FT LITTLE	K=	1.22E+03	GPD/FT^2		
r4=	11880	FT COLD C	SAT. DEPTH EST.=	100	FT		
r5=	5280	FT TEST	TRANSMISSIVITY=	122344	GPD/FT		
S=	0.14		TRANSMISSIVITY=	1.89E-01	FT^2/SEC		
T=	122344	GPD/FT	TRANSMISSIVITY=	16356.1497	FT^2/DAY		
Q/WEL	3000	GPM =	6.684	CFS			

TIME	TIME	U	WELL	DRAW	SPEC.	U	WELL	DRAW	U	WELL	DRAW	U	WELL	DRAW
	t	w/r1	FUNCT.	DOWN @	CAP	W/r2	FUNCT.	OWN	W/r3	UNCTIO	OWN	W/r4	UNCTIO	OWN @
MIN	DAYS	0.75	W(U)1	WELL	GPM/FT	7920	W(U)2	7920	10560	W(U)3	10560	11880	W(U)4	11880
1440	1	1.204E-06	13.0529	36.68	82	1.342E+02	########	######	2.386E+02	#######	######	3.020E+02	#######	######
7200	5	2.407E-07	14.6624	41.20	73	2.685E+01	########	######	4.772E+01	#######	######	6.040E+01	#######	######
14400	10	1.204E-07	15.3555	43.15	70	1.342E+01	########	######	2.386E+01	#######	######	3.020E+01	#######	######
28800	20	6.018E-08	16.0487	45.10	67	6.711E+00	-1.8568	-5.22	1.193E+01	#######	######	1.510E+01	#######	######
72000	50	2.407E-08	16.9650	47.67	63	2.685E+00	0.0195	0.05	4.772E+00	-0.0470	-0.13	6.040E+00	-0.6035	-1.70
144000	100	1.204E-08	17.6581	49.62	60	1.342E+00	0.1269	0.36	2.386E+00	0.0290	0.08	3.020E+00	0.0124	0.03
720000	500	2.407E-09	19.2675	54.14	55	2.685E-01	0.9893	2.78	4.772E-01	0.5884	1.65	6.040E-01	0.4507	1.27

ESTIMATED DRAWDOWN FROM DEEG IRRIGATION WELL



Department of Water Resources
APPLICANT'S MTS
Exhibit #6. 5-24-94
Date Admitted 5-24-94

Facsimile Communication

Mountain States Analytical
The Quality Solution

Department of Water Resources
APPLICANT'S MTS
Exhibit #7
Date Admitted 5-17-94.

To: Dr. Brockway

Company:

Fax No.: (208) ~~427-6555~~ 736-1746 (home)

Date: May 16, 94

From: R Elsner

Number of pages _____ *(Including this cover sheet)*

Comments:

If you do not receive all of the pages or have problems with transmission, please call (801) 973-0050 as soon as possible.

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1645 West 2200 South, Salt Lake City, Utah 84119 (801) 973-0050 FAX (801) 972-6278

Mountain States Analytical

The Quality Solution

May 16, 1994

Mr. Timothy Deeg
Timothy P. Deeg
2957 Deeg Road
American Falls, ID 83211

Reference:
Project: 3 Sites for Water Analysis
MSAI Group: 4551

Dear Mr. Deeg:

Enclosed are the analytical results for your project referenced above. The following samples are included in the report.

#1 Deeg Well	#2 Cold Creek Spring
#3 Little Creek Spring	#1 Deeg Well, Dissolved
#2 Cold Crk Spring, Diss	#3 Little Crk, Dissolved

All holding times were met for the tests performed on these samples.

If the report is acceptable, please approve the enclosed invoice and forward it for payment.

Thank you for selecting Mountain States Analytical, Inc. to serve as your analytical laboratory on this project. If you have any questions concerning these results, please feel free to contact me at any time.

We look forward to working with you on future projects.

With Regards,

Rolf E. Larsen
Project Manager

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Analytical Report

Mountain States Analytical
The Quality Solution

Timothy P. Deeg
2957 Deeg Road
American Falls, ID 83211

Attn: Mr. Timothy Deeg
Project: 3 Sites for Water Analysis

Sample ID: #2 Cold Creek Spring
Matrix: Ground Water

MSAI Sample: 18642
MSAI Group: 4551
Date Reported: 05/16/94
Discard Date: 06/15/94
Date Submitted: 05/06/94
Date Sampled: 05/05/94
Collected by: TD
Purchase Order:
Project No.:

Test	Analysis	Results as Received	Units	Limit of Quantitation
0558	Silica (Soluble) Method: FLAME AA	5.0	mg/l	0.1
7250	Calcium by ICP Method: SW-846 6010A	59.3	mg/l	1.0
7257	Magnesium by ICP Method: SW-846 6010A	13.0	mg/l	1.0
7262	Potassium by ICP Method: SW-846 6010A	1.1	mg/l	1.0
7267	Sodium by ICP Method: SW-846 6010A	10.8	mg/l	1.0
0200	pH Method: EPA 150.1	7.34	Std. Units	0.01
0201	Alkalinity as CaCO3 (pH 4.5) Method: EPA 310.1			
	Bicarbonate	176	mg/l	1
	Carbonate	ND	mg/l	1
	Hydroxide	ND	mg/l	1
0212	Solids, Total Dissolved Method: EPA 160.1	260	mg/l	10
0216	Hardness as CaCO3 - Titrimetric Method: EPA 130.2	216	mg/l	5
0219	Nitrogen, Nitrate/Nitrite Method: EPA 353.3	0.67	mg/l	0.05
0226	Orthophosphate Phosphorus Method: EPA 365.3	ND	mg/l	0.02

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Analytical Report

Mountain States Analytical
The Quality Solution

Timothy P. Deeg

MSAI Sample: 18642
MSAI Group: 4551

Sample ID: #2 Cold Creek Spring

Test	Analysis	Results as Received	Units	Limit of Quantitation
0227	Phosphorus, Total as P Method: EPA 365.3	0.03	mg/l	0.02
0263	Fluoride, Selective Ion Electrode Method: EPA 340.2	0.1	mg/l	0.1
0280	Specific Conductance Method: EPA 120.1	472	umhos/cm	5
0345	Phosphorus, Total as PO4 Method: EPA 365.3	0.08	mg/l	0.06
1124	Chloride, Titrimetric Method: EPA 325.3	27	mg/l	
1125	Sulfate, Turbidimetric Method: EPA 375.4	5	mg/l	2

ND - Not detected at the limit of quantitation

Respectfully Submitted,
Reviewed and Approved by:

APR 13 1994

Rolf E. Larsen
Project Manager

Analytical Report

Mountain States Analytical
The Quality Solution

Timothy P. Deeg
2957 Deeg Road
American Falls, ID 83211

Attn: Mr. Timothy Deeg
Project: 3 Sites for Water Analysis

Sample ID: #3 Little Creek Spring
Matrix: Ground Water

MSAI Sample: 18643
MSAI Group: 4551
Date Reported: 05/16/94
Discard Date: 06/15/94
Date Submitted: 05/06/94
Date Sampled: 05/05/94
Collected by: TD
Purchase Order:
Project No.:

Test	Analysis	Results as Received	Units	Limit of Quantitation
0558	Silica (Soluble) Method: FLAME AA	3.7	mg/l	0.1
7250	Calcium by ICP Method: SW-846 6010A	60.8	mg/l	1.0
7257	Magnesium by ICP Method SW-846 6010A	10.5	mg/l	1.0
7262	Potassium by ICP Method: SW-846 6010A	ND	mg/l	1.0
7267	Sodium by ICP Method: SW-846 6010A	7.5	mg/l	1.0
0200	pH Method: EPA 150.1	7.61	Std. Units	0.01
0201	Alkalinity as CaCO3 (pH 4.5) Method: EPA 310.1			
	Bicarbonate	182	mg/l	1
	Carbonate	ND	mg/l	1
	Hydroxide	ND	mg/l	1
0212	Solids, Total Dissolved Method: EPA 160.1	230	mg/l	10
0216	Hardness as CaCO3 - Titrimetric Method: EPA 130.2	212	mg/l	5
0219	Nitrogen, Nitrate/Nitrite Method: EPA 353.3	0.44	mg/l	0.05
0226	Orthophosphate Phosphorus Method: EPA 365.3	ND	mg/l	0.02

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APR 13 1995

Analytical Report

Mountain States Analytical
The Quality Solution

Timothy P. Deeg

MSAI Sample: 18643
MSAI Group: 4551

Sample ID: #3 Little Creek Spring

Test	Analysis	Results as Received	Units	Limit of Quantitation
0227	Phosphorus, Total as P Method: EPA 365.3	ND	mg/l	0.02
0263	Fluoride, Selective Ion Electrode Method: EPA 340.2	ND	mg/l	0.1
0280	Specific Conductance Method: EPA 120.1	430	umhos/cm	5
0345	Phosphorus, Total as PO4 Method: EPA 365.3	ND	mg/l	0.06
1124	Chloride Titrimetric Method: EPA 325.3	16	mg/l	1
1125	Sulfate, Turbidimetric Method: EPA 375.4	4	mg/l	2

APR 13 1995

ND - Not detected at the limit of quantitation

Respectfully Submitted,
Reviewed and Approved by:

Rolf E. Larsen
Project Manager

Analytical Report

Mountain States Analytical
The Quality Solution

Timothy P. Deeg
2957 Deeg Road
American Falls, ID 83211

Attn: Mr. Timothy Deeg
Project: 3 Sites for Water Analysis

Sample ID: #1 Deeg Well, Dissolved
Matrix: Ground Water

MSAI Sample: 18798
MSAI Group: 4551
Date Reported: 05/16/94
Discard Date: 06/15/94
Date Submitted: 05/06/94
Date Sampled: 05/05/94
Collected by: TD
Purchase Order:
Project No.:

Test	Analysis	Results as Received	Units	Limit of Quantitation
0254F	Iron by ICP, Dissolved Method: SW-846 6010A	ND	mg/l	0.10
0258F	Manganese by ICP, Dissolved Method: SW-846 6010A	ND	mg/l	0.02

ND - Not detected at the limit of quantitation.

APR 13 1995

Respectfully Submitted,
Reviewed and Approved by:

Rolf E. Larsen
Project Manager

Analytical Report

Mountain States Analytical
The Quality Solution

Timothy P. Deeg
2957 Deeg Road
American Falls, ID 83211

Attn: Mr. Timothy Deeg
Project: 3 Sites for Water Analysis

Sample ID: #2 Cold Crk Spring, Diss
Matrix: Ground Water

MSAI Sample: 18799
MSAI Group: 4551
Date Reported: 05/16/94
Discard Date: 06/15/94
Date Submitted: 05/06/94
Date Sampled: 05/05/94
Collected by: TD
Purchase Order:
Project No.:

Test	Analysis	Results as Received	Units	Limit of Quantitation
0254F	Iron by ICP, Dissolved Method: SW-846 6010A	ND	mg/l	0.10
0258F	Manganese by ICP, Dissolved Method: SW-846 6010A	ND	mg/l	0.02

APR 13 1995

ND - Not detected at the limit of quantitation

Respectfully Submitted,
Reviewed and Approved by:

Rolf E. Larsen
Project Manager

Analytical Report

Mountain States Analytical
The Quality Solution

Timothy P. Deeg
2957 Deeg Road
American Falls, ID 83211

Attn: Mr. Timothy Deeg
Project: 3 Sites for Water Analysis

Sample ID: #3 Little Crk, Dissolved
Matrix: Ground Water

MSAI Sample: 18800
MSAI Group: 4551
Date Reported: 05/16/94
Discard Date: 06/15/94
Date Submitted: 05/06/94
Date Sampled: 05/05/94
Collected by: TD
Purchase Order:
Project No.:

Test	Analysis	Results as Received	Units	Limit of Quantitation
0254F	Iron by ICP, Dissolved Method: SW-846 6010A	ND	mg/l	0.10
0258F	Manganese by ICP, Dissolved Method: SW-846 6010A	ND	mg/l	0.02

ND - Not detected at the limit of quantitation

APR 13 1995

Respectfully Submitted,
Reviewed and Approved by:

Rolf E. Larsen
Project Manager

Analytical Report

Mountain States Analytical
The Quality Solution

Timothy P. Deeg
2957 Deeg Road
American Falls, ID 83211

Attn: Mr. Timothy Deeg
Project: 3 Sites for Water Analysis

Sample ID: #1 Deeg Well
Matrix: Ground Water

MSAI Sample: 18641
MSAI Group: 4551
Date Reported: 05/16/94
Discard Date: 06/15/94
Date Submitted: 05/06/94
Date Sampled: 05/05/94
Collected by: TD
Purchase Order:
Project No.:

Test	Analysis	Results as Received	Units	Limit of Quantitation
0558	Silica (Soluble) Method: FLAME AA	21.7	mg/l	0.1
7250	Calcium by ICP Method: SW-846 6010A	61.6	mg/l	1.0
7257	Magnesium by ICP Method: SW-846 6010A	16.8	mg/l	1.0
7262	Potassium by ICP Method: SW-846 6010A	5.7	mg/l	1.0
7267	Sodium by ICP Method: SW-846 6010A	17.2	mg/l	1.0
0200	pH Method: EPA 150.1	7.52	Std. Units	0.01
0201	Alkalinity as CaCO3 (pH 4.5) Method: EPA 310.1			
	Bicarbonate	164	mg/l	1
	Carbonate	ND	mg/l	1
	Hydroxide	ND	mg/l	1
0212	Solids, Total Dissolved Method: EPA 160.1	380	mg/l	10
0216	Hardness as CaCO3 - Titrimetric Method: EPA 130.2	228	mg/l	5
0219	Nitrogen, Nitrate/Nitrite Method: EPA 353.3	0.62	mg/l	0.05
0226	Orthophosphate Phosphorus Method: EPA 365.3	ND	mg/l	0.02

APR 19 1995

Analytical Report

Mountain States Analytical
The Quality Solution

Timothy P. Deeg

MSAI Sample: 18641
MSAI Group: 4551

Sample ID: #1 Deeg Well

Test	Analysis	Results as Received	Units	Limit of Quantitation
0227	Phosphorus, Total as P Method: EPA 365.3	ND	mg/l	0.02
0263	Fluoride, Selective Ion Electrode Method: EPA 340.2	0.3	mg/l	0.1
0280	Specific Conductance Method: EPA 120.1	579	umhos/cm	5
0345	Phosphorus, Total as PO4 Method: EPA 365.3	ND	mg/l	0.06
1124	Chloride, Titrimetric Method: EPA 325.3	63	mg/l	1
1125	Sulfate, Turbidimetric Method: EPA 375.4	16	mg/l	2

ND - Not detected at the limit of quantitation

Respectfully Submitted,
Reviewed and Approved by:

Rolf E. Larsen
Project Manager

APR 13 1995

208 - 736 - 1746

Department of Water Resources
APPLICANT'S MTS
Exhibit # 8
Date Admitted 5-17-94

Dr. Brockway,

Little Creek 2 Foot Weir Measurements:

9/11/92	3:00 pm	.45	2.03 cfs	Who measured?
7/12/93	11:00 am	.42	1.83cfs	" "
1/25/94	2:00 pm	.43	1.90 cfs	" "
4/5/94	1:30pm	.42	1.83 cfs	" " Falls Irr. Co.
4/24/94	9:00am	.41	1.77 cfs	Falls Irrigation Co.
5/13/94	9:45am	.41	1.77 cfs	Falls Irr. Co./Deeg 4 7/8"

DEEG IRRIGATION WELL 1994 OPERATION

4/(18-23)/94	920-1170 GPM	1ST WATER WHEAT
5/(3-7)/94	920-1170 GPM	2ND WATER WHEAT
5/(11-15)/94	920-1170 GPM	3RD WATER WHEAT

MAYER NORTH WELL OPERATION 1994

5/(9-12)/94	APPROX 800 GPM 1ST WATER
5/13/94	SHUT DOWN TO INSTALL VARIABLE FREQUENCY DRIVE

DEEG DOMESTIC WELL VS. IRRIGATION WELL PUMPING/ STATIC WATER

DATE	TIME	DOMESTIC	IRRIGATION
3/9/94		201'	OFF
5/9/94		201' 5"	OFF
5/11/94	8:32	203' 4.5"	OFF
5/11/94	8:57		452' SWL
5/11/94	12:00	MAYER SOUTH WELL	95' 8.25" SWL
5/11/94	12:16		START 3RD WATER
5/12/94	12:41	202' 2"	PUMPING
5/13/94	11:38	201' 11"	/PUMPING
5/13/94	11:05		PWL 460' @ 800GPM
5/14/94	20:24	201' 4.5"	PUMPING
5/15/94	7:54am	201' 1.75"	PUMPING
5/15/94	11:34am	201' .25"	OFF
5/15/94	8:36am		PWL 462.5' @920GPM 65.7'F
5/15/94	18:18	201' 1"	OFF

COLD CREEK WEIR MEASUREMENTS: (AFTER WEIR RAISED 5/7) 6' Weir

5/9/94	4 1/16"	8:00 pm
5/10/94	4 1/16"	8:00 pm
5/15/95	4 1/8"	18:45 .3 staff gauge

WARM CREEK WEIR MEASUREMENTS: (NEW 2 FOOT WEIR INSTALLED)

5/7/94	INSTALLED	
5/10/94	WASHED OUT	READ 5.25"
5/15/94	4"	.45 staff gauge

APR 13 1995

Pumpco

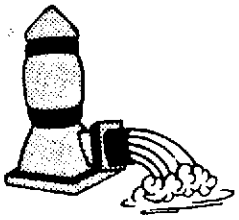
Department of Water Resources
APPLICANT'S MTS
Exhibit #10
Date Admitted 5-24-94

WELL TEST

CUSTOMER	WELL DATA 58° 61° Dupree	TEST DATA
NE Jim Duey	DEPTH 542'	COLUMN SIZE & LENGTH 12" x 20'
	S.W.L. 452	DISCHARGE PIPE SIZE 12"
TE 9-19-94	CASING ID 18"	ORFICE SIZE 12"
CATION Rockland	Well Depth 540' 542' CASING DEPTH 600' 602'	MAX. BOWL CAPACITY gal @ RPM
	DRILLER	ENGINE

TIME	WATER LEVEL FROM TOP	RPM	GPM	ORFICE	WATER CONDITION
9:10	495'	1950	3150	5	Slow Sanded
9:15	498'	1950	3110	37	Clean
9:20	498'	1950	2988	36	Clean
9:20	498' 500'	1950	2946	35	Clean
9:25	Cur. Leak 498' 500'	1950	2925	32.5	Clean
9:30	498'	1950	2925	32.5	Clean
9:35	498'	1950	2903	32.5	Clean
9:40	498'	1950	2882	32.5	Clean
10:00		1960	1575	22.5	Clean
10:00	4.93'	1960	2822	33.5	Clean
10:05	493'	1960	2795	33.5	Clean
10:10	4.94	1960	2817	32.5	Clean
10:15	495'	1960	2882	33.5	Clean

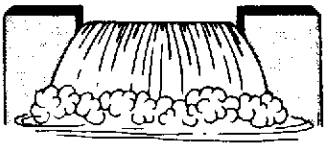
Department of Water Resources
PROTESTANT'S MTS
Exhibit A
Date Admitted 5-24-94



Falls Irrigation District

Political Subdivision of the State of Idaho

310 Valdez St. • American Falls, Idaho 83211
(208) 226-5227



January 25, 1994

TO WHOM IT MAY CONCERN:

On Janaury 24, 1994, Warm Creek was measured at Esther Isaak's Ranch, at the cement diversion boxes. It was before the irrigation season and no diversions were being taken out. It was a total measurement of Warm Creek. The cement boxes were in good condition and provided an excellent measuring device. Terrell Sorensen, Manager of the Falls Irrigation District, did the measuring.

I measured a .62 on a weir stick at the weir. It was a 48" rectangular weir. The total measurement was 6.3 CFS.

FALLS IRRIGATION DISTRICT

Terrell O. Sorensen

Terrell O. Sorensen
Manager

APR 13 1995

Falls Irrigation District

Political Subdivision of the State of Idaho

310 Valdez St. • American Falls, Idaho 83211
(208) 226-5227

April 21, 1993

Carol Henesh, Secretary
Warm Creek Irrigation
3210 Neeley Loop
American Falls, ID 83211

Dear Carol:

On April 20, 1993, Warm Creek was measured at Esther Isaak's Ranch, at the cement diversion boxes. It was before the irrigation season and no diversions were being taken out. It was a total measurement of Warm Creek. The cement boxes were in good condition and provided an excellent measuring device. Terrell Sorensen, Manager of the Falls Irrigation District, did the measuring.

I measured a .70 on a weir stick at the weir. It was a 48" rectangular weir. The total measurement was 7.53 CFS.

FALLS IRRIGATION DISTRICT

Terrell O. Sorensen

Terrell O. Sorensen
Manager

APR 13 1995

Falls Irrigation District

Political Subdivision of the State of Idaho

310 Valdez St. • American Falls, Idaho 83211
(208) 226-5227

April 10, 1992

TO WHOM IT MAY CONCERN:

On March 20, 1992, Warm Creek was measured at Esther Isaak's Ranch, at the cement diversion boxes. It was before the irrigation season and no diversions were being taken out. It was a total measurement of Warm Creek. The cement boxes were in good condition and provided an excellent measuring device. Lloyd Curry, ditchrider, and Terrell Sorensen, Manager, both employees of the Falls Irrigation District, did the measuring.

We measured a .65 on a weir stick at the weir. It was a 48" rectangular weir. We estimated a .40 CFS for one small leak from the ditch above the cement boxes. The total measurement was 7.2 CFS.

FALLS IRRIGATION DISTRICT

Terrell O. Sorensen

Terrell O. Sorensen
Manager

APR 13 1995

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7157 Priority September 19, 1973 Amount 5.10 cfs

THIS IS TO CERTIFY, that Roland Mayer

of American Falls, Idaho, has complied with the terms and conditions of Permit No. 29-7157 issued pursuant to Application for Permit dated September 19, 1973, and has submitted proof to the Department of Water Resources on June 29, 1978, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of ___ ndwater source, tributary to _____ applied to a beneficial use and established a right to use water a noticed information n

Beneficial Use			Annual Volume
Irrigation	from April	and	1169.0 acre feet
_____	from _____	and	_____
_____	from _____	and	_____

(b

Subject, however, to the condition e diverted at any one time, and that the amount of water so d confirmed is for the purpose aforementioned and is limited t ....., used and shall not exceed 1169.0 acre feet per year, said waters to be diverted within the NW¼NW¼, SW¼NW¼, Section 32, Twp. 8S, Rge. 31E in the County of Power

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	31E	29									15	30	40	40					125
		31			35	28									10	30			103
		32					39	39	28										106

Total number of acres irrigated 334

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of August, 19 82.

APR 13 1995

Director

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7157 Priority September 19, 1973 Amount 5.10 cfs

THIS IS TO CERTIFY, that Roland Mayer

of American Falls, Idaho, has complied with the terms and conditions of Permit No. 29-7157 issued pursuant to Application for Permit dated September 19, 1973, and has submitted proof to the Department of Water Resources on June 29, 1978, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 5.10 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from April 15 to November 1	at 5.10 cfs and	1169.0 acre feet
_____	from _____ to _____	at _____ cfs and	_____
_____	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 5.10 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 1169.0 acre feet per year, said waters to be diverted within the NW¼NW¼, SW¼NW¼, Section 32, Twp. 8S, Rge. 31E in the County of Power

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	31E	29									15	30	40	40					125
		31			35	28									10	30			103
		32					39	39	28										106

Total number of acres irrigated 334

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of August 19 82.

APR 13 1995

Director

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 41-07081

Proposed Priority: February 28, 1990 Maximum Diversion Rate: 6.95 CFS
This is to certify, that **TIMOTHY P. DEEG**
2957 DEEG RD.
AMERICAN FALLS, ID 83211
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	04/01 to 11/01	6.95 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSE Sec. 6, Township 09S, Range 31E
POWER County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
09S	30E	1	NESW	40	SESW	40	NESE	40	
			NWSE	40	SWSE	40	SESE	39	239
	31E	6	NESW	36	LOT 6(NWSW)	21	LOT 7(SWSW)	22	
			SESW	30					109
							Total number of acres irrigated:		348

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **July 1, 1994.**
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

MICROFILMED
APR 13 1995
JUL 21 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 41-07081

CONDITIONS/REMARKS:

8. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
9. 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.

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 20th day of June, 1991.

for R. Keith Higginson, Director

MICROFILMED
JUL 21 1991
APR 13 1995

Elev ≈ 4910'

USGS well 85-31E-32CAB1?

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

1. WELL OWNER
Name Roland Mayer
Address Rural Route
Owner's Permit No. Twin Falls, Id.

2. NATURE OF WORK
☑ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

3. USE
☐ Domestic ☑ Irrigation ☐ Test ☐ Other (specify type)
☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED
☑ Rotary ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION
Diameter of hole 18 inches Total depth 423 feet
Casing schedule: ☑ Steel ☐ Concrete

Thickness	Diameter	From	To
.250 inches	18 inches	1 feet	224 feet
inches	inches	feet	(4686) feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was casing welded? ☐ Yes ☐ No
Was casing joints? ☐ Yes ☐ No
Was perforated? ☐ Factory ☑ Knife ☐ Torch
Size of perforations 1/4 inches by 2 1/2 inches

Number		From	To
240	perforations	160 feet	180 feet
	perforations	(4950) feet	(4730) feet
	perforations	feet	feet

Was screen installed? ☐ Yes ☑ No
Manufacturer's name
Type Model No.
Diameter Slot size Set from feet to feet
Diameter Slot size Set from feet to feet

Was gravel packed? ☐ Yes ☑ No Size of gravel
feet to feet
Was a surface seal used to seal? ☑ Cement grout
☑ Puddling clay ☐ Well cuttings
☑ Sacks ☐ Bentonite ☐ Temporary surface casing
☑ Steel ☐ Concrete to seal depth

7. WATER LEVEL (+4788) Land surface datum
Static water level 92 feet below land surface
Flowing? ☐ Yes ☑ No G.P.M. flow
Temperature 48 F. Quality
Artesian closed-in pressure psi
Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA
☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
None		

9. LITHOLOGIC LOG

More Them.	Depth From	Depth To	Material	Water Yes	Water No
18	0	20	Soil		
	20	95	Sandstone (Top)	✓	
	95	160	Basalt Cinder (Water between Sandstone & Cinders)		
(4950)	160	255	Sandstone (Red)		
	255	423	" & Small stringers of clay (Green)	✓	
		(4457)			

10. Work started May 5-32 Completed

11. GEOLOGIC ASSESSMENT
Was a pump test made? ☐ Yes ☐ No If yes, by whom?
What was the yield in gallons per minute?
Did any strata contain unusable water?
Type of water? Depth of strata
Was a chemical analysis made? ☐ Yes ☐ No
Did any strata contain water not suitable for intended use? ☐ Too little ☐ Too salty ☐ Too much iron ☐ Too much sand ☐ Other (explain)
Was clay found? ☐ Yes ☐ No
Did the well yield enough water? ☐ Yes ☐ No If not, what do you recommend be done?

12. WELL LOCATION
Sketch location.

USGS 85-31E-32BAC1

Elev 4955

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

Well driller's report shall be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

Roland Mayer
Twin Falls, Idaho
Driller's license no. 71-2152

1. TYPE OF WORK
New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

2. PROPOSED USE
☐ Domestic ☑ Irrigation ☐ Test
☐ Municipal ☐ Industrial ☐ Stock

3. METHOD DRILLED
☑ Rotary ☐ Rotary ☐ Dug ☐ Other

4. WELL CONSTRUCTION
Diameter of hole 12 inches. Total depth 190 feet
Casing installed: ☑ Steel ☐ Concrete

Thickness	Diameter	From	To
.250 inches	12 inches	+1 feet	168' feet
____ inches	____ inches	____ feet	____ feet
____ inches	____ inches	____ feet	____ feet
____ inches	____ inches	____ feet	____ feet
____ inches	____ inches	____ feet	____ feet

Was a gravel or rock wall? ☐ Yes ☑ No
Perforated? ☐ Yes ☑ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation ____ inches by ____ inches

Number	From	To
____ perforations	____ feet	____ feet
____ perforations	____ feet	____ feet
____ perforations	____ feet	____ feet

Well screen installed? ☐ Yes ☑ No
Manufacturer's name ____
Type ____ Model No. ____
Diameter ____ Slot size ____ Set from ____ feet to ____ feet
Diameter ____ Slot size ____ Set from ____ feet to ____ feet

Gravel packed? ☐ Yes ☑ No Size of gravel ____
Placed from ____ feet to ____ feet

Surface seal? ☑ Yes ☐ No To what depth 20' feet
Material used in seal ☑ Cement grout ☐ Puddling clay

5. ABANDONED WELL
Describe fully how and with what material(s) the well was abandoned. Indicate depth of the material(s) placed, if different zones were sealed with different materials, and the amount of material used.

6. WATER LEVEL (+4750)
Static water level 130 feet below land surface
Flowing? ☐ Yes ☐ No G.P.M. flow ____
Temperature 55° F. Quality ____
Artesian closed-in pressure ____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

7. WELL TEST DATA
☐ Pump ☐ Bailer ☐ Other

Water Level	Time	Remarks
	None	

8. LITHOLOGIC LOG

Note Diam.	Depth From	Depth To	Remarks	Water Yes	Water No
	0	6	Soil		
	6	95	Cinders (Red)		
	95	167	Cinders (Black)	✓	
	167	180	Basalt		
	180	190	" (Broken)	✓	
		(+4760)			

RECEIVED
JUN 23 1971
DEPARTMENT OF WATER ADMINISTRATION
LAHONTAN BASIN AREA

9. Work started Sept. 5 - 71 Completed Oct. 5 - 71

10. DRILLER'S CERTIFICATION
This well was drilled under my supervision and this report is true to the best of my knowledge.

Name Roland Mayer
Address Twin Falls, Idaho
Signature Roland Mayer

2 [illegible] 31/[illegible]

PRINTED IN U.S.A.

Form 238-7
4/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

RECEIVED
AUG 10 1992
Department of Water Resources
Southern Region Office

USE TYPEWRITER OR BALLPOINT PEN

Elev ≈ 4870'

1. WELL OWNER

Name TIMOTHY P. DEEG

Address 2957 DEEG ROAD AMERICAN FALLS ID 83211

Drilling Permit No. 41-92-S-002

Water Right Permit No. 41-07081 OK

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9.)

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Monitor
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Auger ☐ Reverse rotary
☒ Cable ☐ Mud ☐ Other _____ (backhoe, hydraulic, etc.)

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	20 inches	+ 1 feet	51 feet
.250 inches	18 inches	+ 1 feet	719 feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☒ Yes ☐ No
How perforated? ☒ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation? 1/4 inches by 3/8 inches

Number		From	To
18 rows	perforations	210 (4660) feet	330 (4540) feet
_____	perforations	450 (4420) feet	490 (4380) feet
_____	perforations	516 feet	716 feet

Well screen installed? ☐ Yes ☒ No
Manufacturer _____ Type _____
Top Packer or Headpipe _____
Bottom of Tailpipe _____

Diameter ____ Slot size ____ Set from ____ feet to ____ feet
Diameter ____ Slot size ____ Set from ____ feet to ____ feet
Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet

Surface seal depth 25 Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Puddling clay ☐ ~~& cement~~
Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata

Describe access port 4" pipe

6. LOCATION OF WELL

Sketch map location must agree with written location.

N / W / E / S

Subdivision Name _____
Lot No. _____ Block No. _____
County POWER
Address of Well Site 2957 DEEG ROAD AM. FALLS (give at least name of road)
SW ¼ SE ¼ Sec. 6, T. 6 N ☐ or S ☒, R. 31 E ☒ or W ☐

7. WATER LEVEL

+4550 Based on surrounding wells should be ≈ +4500

Static water level 320 ? feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below.

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
2600	490	3

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No	
24	0	9	topsoil & sandy clay			
	9	16	sandy clay & some gravel			
	16	35	sandy clay & gravel			
	35	42	clay & gravel			
	42	51	clay & some gravel			
20	51	69	brown lava solid			
	69	83	gray lava loose			
	83	92	brown lava hard			
	92	108	brown, red, & gray cinders			
	108	140	brown clay & sandstone			
	140	187	brown sandstone soft			
	187	195	hard red sandstone			
18.5	195	278	light gray sandstone	x		
	278	315	gray sandstone & gravel	x		155' 64'
	315	350	white sandstone &gravel	x		
	350	417	gray sandstone			
	417	440	black sandstone &gravel	x	23'	
	440	453	gray sandstone			
	453	475	sandstone & gravel	x	22'	
	475	670	sandstone some caving			
	670	685	black decomposed lava	x	15'	
	685	733	black lava firm			
	733	742	black hard lava			
	742	801	black lava firm			
	801	820	black decomposed lava	x	19'	
	820	829	black lava solid			
	829	837	black lava soft	x	8'	
	837	857	black lava solid			
	857	910	red rock solid			
	910	939	gray lava & conglomerate			
						242'

RECEIVED
APR 13 1995

10.

Work started 4-21-92 finished 7-30-92

11. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name SHERMAN COUCH WELL DRILLING Firm No. 161
Address 340 Wauna Vista Dr BURLEY IDAHO 83318 Date 7-30-92
Signed by Drilling Supervisor Sherman Couch
and
(Operator) Clyde Potter
(If different than the Drilling Supervisor)

Department of Water Resources
APPLICANT'S
Exhibit #= 1-A
Date Admitted 5-17-94

MTS

NVS

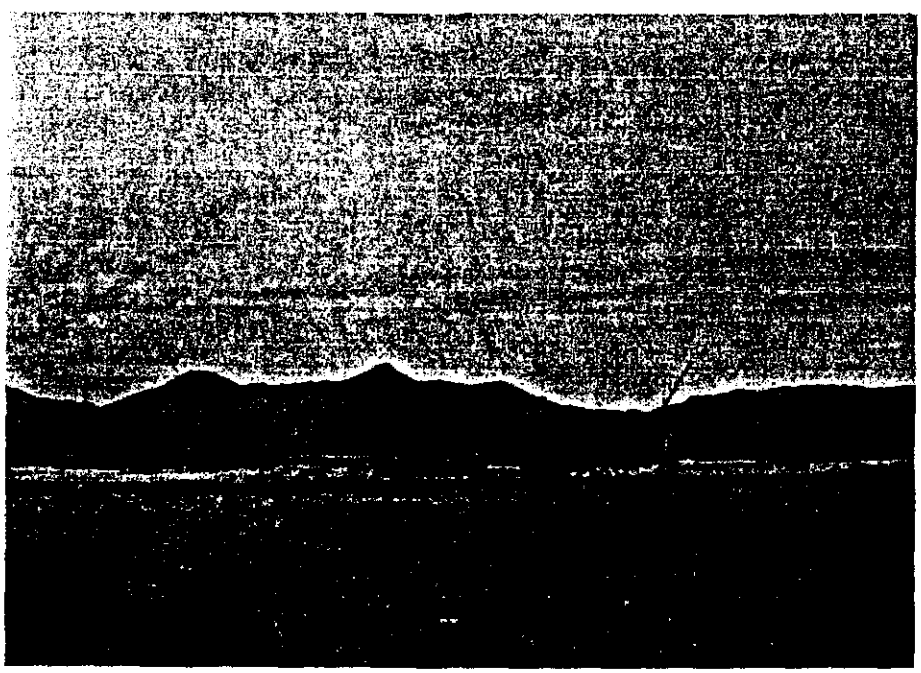
WATER RESOURCES OF ROCKLAND BASIN, SOUTHEASTERN IDAHO

Part of the Exhibits (the smaller ones)

U.S. GEOLOGICAL SURVEY

Open-File Report 82-755

Prepared in cooperation with the
Idaho Department of Water Resources



UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

WATER RESOURCES OF ROCKLAND BASIN, SOUTHEASTERN IDAHO

By R. P. Williams and H. W. Young

U.S. GEOLOGICAL SURVEY

Open-File Report 82-755

Prepared in cooperation with the
Idaho Department of Water Resources

Boise, Idaho
December 1982

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CONVERSION FACTORS

For the convenience of those who prefer SI (International System of Units) rather than the inch-pound system, conversion factors for terms used in this report are listed below. Constituent concentrations are given in mg/L (milligrams per liter) or µg/L (micrograms per liter), which are equal to parts per million or parts per billion, respectively. Specific conductance is expressed as µmho/cm (micromhos per centimeter at 25 degrees Celsius). Dissolved-solids concentrations reported in ton/acre-ft are equal to 0.00136 mg/L.

Multiply inch-pound unit	By	To obtain SI unit
Length		
inch (in.)	25.40	millimeter
foot (ft)	0.3048	meter
mile (mi)	1.609	kilometer
Area		
acre	4047	square meter
square mile (mi^2)	2.590	square kilometer
Volume		
gallon (gal)	3.785	liter
acre-foot (acre-ft)	1234	cubic meter
Flow		
cubic foot per second (ft^3/s)	0.02832	cubic meter per second
gallon per day (gal/d)	4.381×10^{-8}	cubic meter per second
gallon per minute (gal/min)	6.309×10^{-5}	cubic meter per second
Mass Per Unit Time		
ton per day (ton/d)	0.9072	megagram per day
Transmissivity		
foot squared per day (ft^2/d)	0.0929	meter squared per day
Specific Conductance		
micromho (µmho)	1.00	microsiemen

Temperature

Conversion of °C to °F is by the equation °F=(1.8)(°C)+32. Water temperatures are reported to the nearest 0.5 degree.

WATER RESOURCES OF ROCKLAND BASIN, SOUTHEASTERN IDAHO

By

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387-1314

ABSTRACT

Rockland basin comprises about 320 square miles of the Snake River drainage in southeastern Idaho. Mountain ranges bordering the basin are composed predominantly of limestone and are complexly faulted. Major aquifers include Holocene alluvium, Quaternary-Tertiary volcanic rocks, and Tertiary sedimentary rocks. Ground water occurs under water-table conditions except where it is locally confined. Ground water discharges to springs in the Deep Creek Mountains and maintains perennial streamflow. Near the mouth of Rock Creek, ground-water movement is northward toward the Snake River. Underflow is estimated to be 51,000 acre-feet per year.

Total water yield available to Rockland basin is estimated to be 5.0 inches (85,000 acre-feet) of the estimated 17.3 inches of annual precipitation. Evapotranspiration ranges from 9.9 to 17 inches per year, depending, in part, on altitude of the land surface.

An estimated 12,000 acre-feet of surface water and 3,500 acre-feet of ground water are used annually for irrigation. Less than 100 acre-feet of water is used for public supply, domestic, and stock supplies. East Fork Rock Creek supplies the most surface water for irrigation of agricultural lands.

At the present (1980) state of ground-water development in Rockland basin, streams and aquifers are hydraulically connected. Pumping of ground water in increased quantities from wells near streams will affect ground-water movement and may diminish streamflow. There are no long-term regional water-table declines at the present time. Continued water-level monitoring of selected wells may aid in documenting effects of future management practices on the ground-water system.

INTRODUCTION

Rockland basin comprises an area of about 320 mi^2 in southeastern Idaho (fig. 1). The basin is inhabited by fewer than 400 persons. The principal town is Rockland, with a population of 283 (1980). The basic economy in the basin is agriculture, using both dryland and irrigated farming practices.

Prior to about 1950, irrigators in the basin depended almost entirely on diversions of surface water from Rock, South Fork Rock, and East Fork Rock Creeks. Irrigated acreage was limited primarily to lowlands adjacent to these creeks, where surface water could be diverted by gravity flow. The increase in the amount of irrigated acreage was restricted by the amount of flow in the creeks and the amount of ground-water discharge from a number of relatively small perennial springs scattered throughout the central and eastern parts of the basin. Also, a small amount of spring discharge was collected in ponds for watering of stock.

Since the early 1950's, irrigation of agricultural lands from surface water has been supplemented by an increasing amount of ground water. Development of ground water has resulted in expanded acreage of irrigated lands. Landowners consequently are interested in the future availability of water and the effects the increase in ground-water pumping might have on the amount of surface water and spring flow available for development. Historic hydrologic data collected on streamflow and water-level fluctuations in wells and the limited understanding of the interconnection between the surface-water and ground-water systems in the basin are not sufficient to provide answers to these questions.

Purpose

The purpose of this 2-year study was to document and describe the present (1980) water-resource conditions in Rockland basin so that management decisions can be made to optimize use of the water resources in the basin. Objectives of the report are to: (1) Describe the geology and hydrology, (2) estimate a water budget and water yield, (3) evaluate present water-resource development, (4) describe the interrelation between ground water and surface water, and (5) evaluate water-quality conditions.

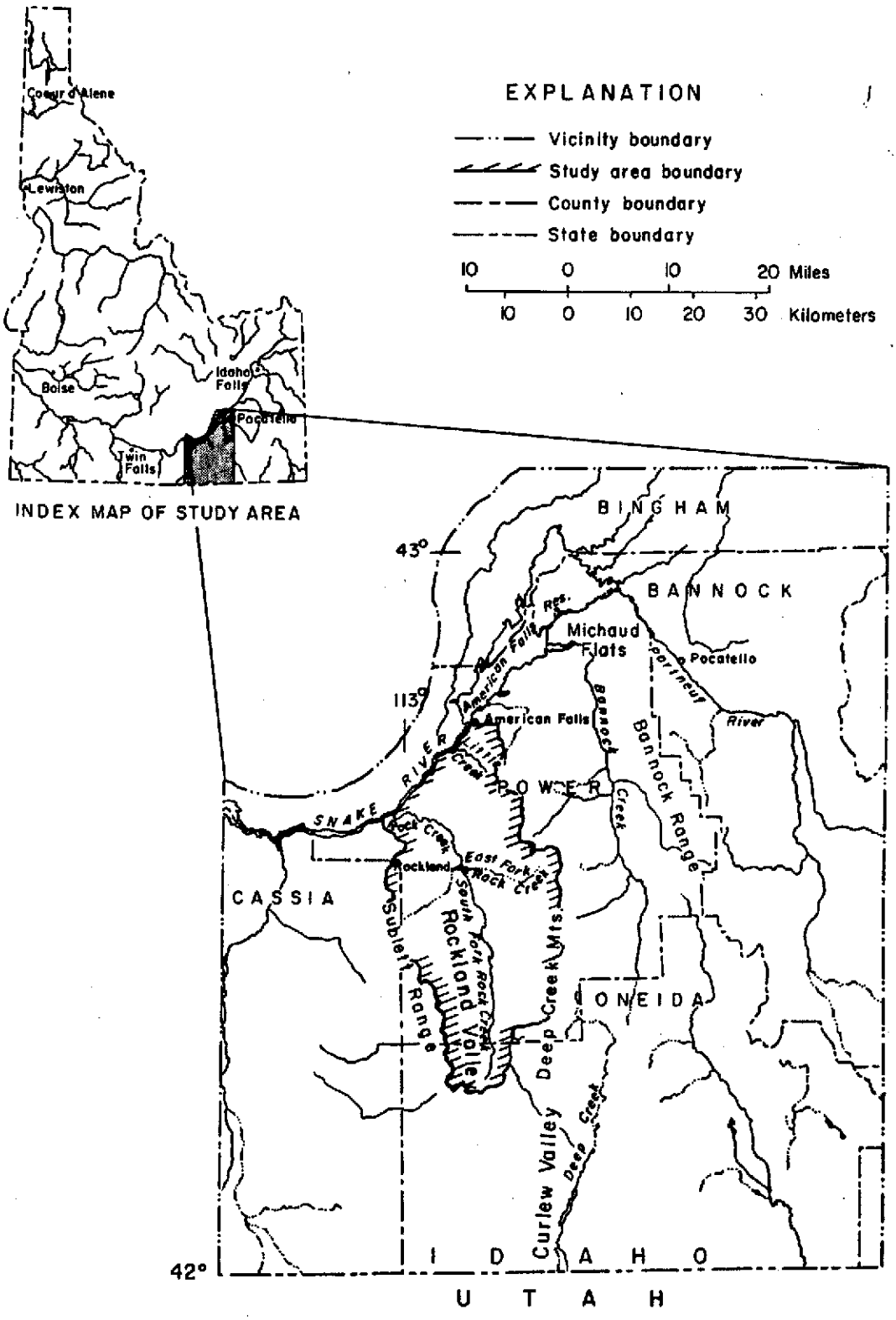


Figure 1. -- Study area and vicinity.

Acknowledgments

Many farmers and landowners in Rockland basin cooperated fully in this study by supplying information on water use and allowing access to their property, supplying construction and hydrologic data pertaining to their wells, and permitting water levels to be measured. Officials and employees of Idaho Power Company supplied power records useful in computing the amount of ground water pumped. To all the above, the authors are grateful.

Well- and Spring-Numbering System

The well- and spring-numbering system (fig. 2) used by the U.S. Geological Survey in Idaho indicates the location of wells or springs within the official rectangular subdivision of the public lands, with reference to the Boise base line and meridian. The first two segments of the number designate the township and range. The third segment gives the section number, followed by three letters and a numeral, which indicate the ¼ section (160-acre tract), the ¼-¼ section (40-acre tract), the ¼-¼-¼ section (10-acre tract), and the serial number of the well within the tract, respectively. Quarter sections are lettered A, B, C, and D in counterclockwise order from the northeast quarter of each section. Within the quarter sections, 40-acre and 10-acre tracts are lettered in the same manner. Well 8S-30E-23DCC1 is in the SW¼SW¼SE¼ sec. 23, T. 8 S., R. 30 E., and was the first well inventoried in that tract. Springs are designated by the letter "S" following the last numeral; for example, 11S-32E-18AAC1S.

Gaging-Station Numbering System

Each gaging station and partial-record station in Idaho has been assigned a number in accordance with the permanent numbering system used by the U.S. Geological Survey. Numbers are assigned in a downstream direction along the main stream, and stations on tributaries between main-stream stations are numbered in the order that the tributaries enter the main stream. A similar order is followed on other ranks of tributaries. The complete 8-digit number, such as 13077650, which is used for the station "Rock Creek near American Falls," includes the part number "13," indicating that Rock Creek is in the Snake River basin, plus a 6-digit station number.

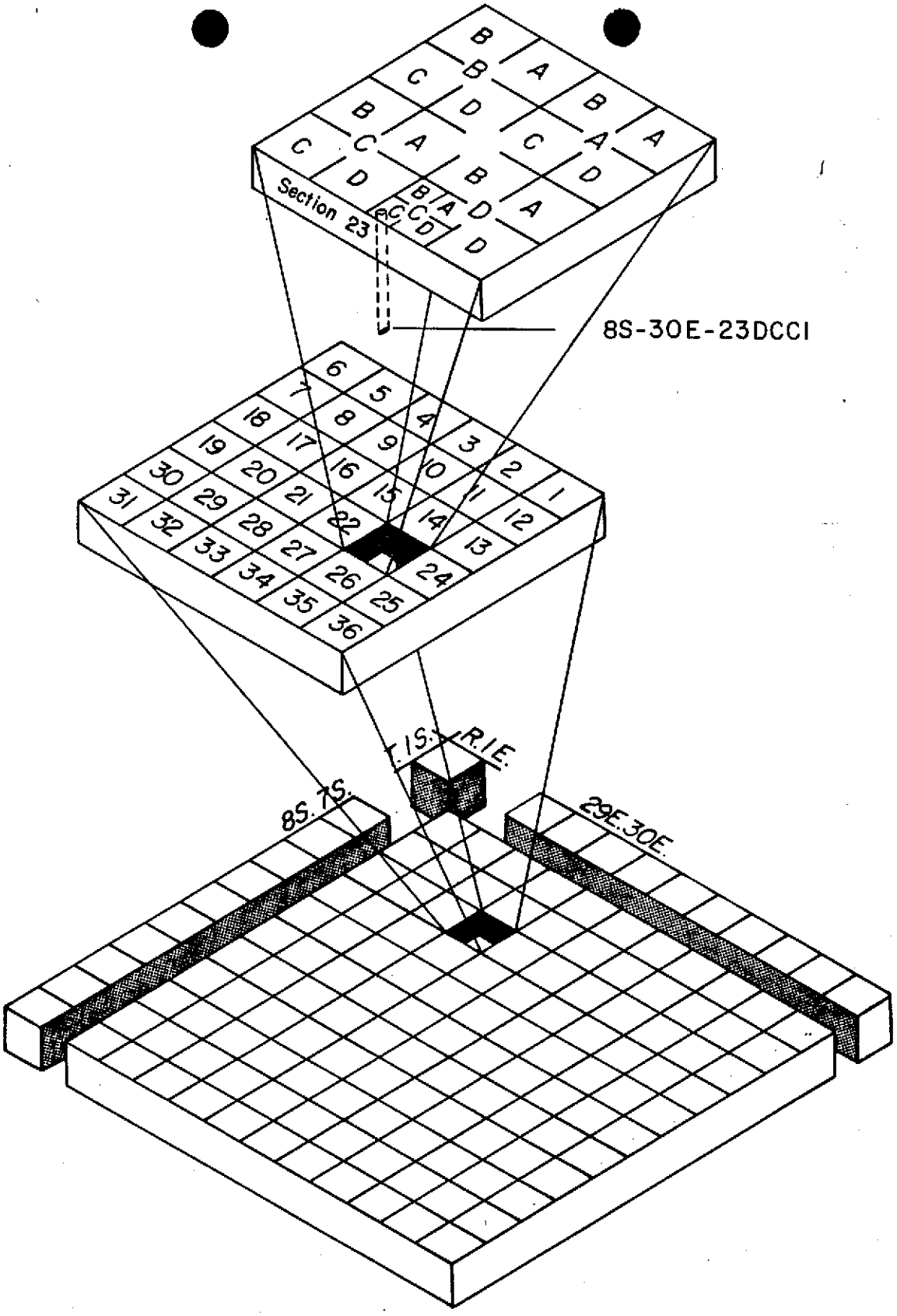


Figure 2.-- Well- and spring-numbering system.

HYDROLOGIC SETTING

Topography and Drainage

Rockland basin is in the northern part of the Basin and Range physiographic province (Fenneman, 1931). The basin is roughly elliptical; the long axis is oriented in an approximate north-south direction. Land-surface altitudes range from 4,200 ft NGVD (National Geodetic Vertical Datum of 1929), where Rock Creek joins the Snake River, to 8,700 ft NGVD at Deep Creek Peak in the Deep Creek Mountains, which form the eastern border of the basin. The western border is formed by the Sublett Range, which rises to an altitude of 7,500 ft at Hartley Peak. The southern border is the divide (altitude 5,690 ft) between Rockland basin and Curlew Valley and is formed by a relatively narrow swale that lies between the Deep Creek Mountains and Sublett Range. The northern border is formed by a subtle divide between the drainages of Rock Creek and Little Creek.

The central part of the basin is a valley about 30 mi long and 10-15 mi wide and has an average altitude of about 5,000 ft. On the eastern and western sides of the valley, broad piedmonts extend from the mountain fronts to the valley floor, which is essentially composed of the flood plains of Rock and South Fork Rock Creeks. The northern part of the valley is characterized by rolling foothills that merge with Michaud Flats, a broad, alluvial plain 3-4 mi wide adjacent to the Snake River.

Drainage in Rockland basin is provided by Rock Creek, which flows generally in a northward direction to the Snake River. Although Rock Creek is intermittent in much of its upper reaches, it is perennial in its lower reaches, where it is sustained by ground-water discharge.

With the exception of East Fork Rock and Spring Creeks, tributary streams to Rock Creek are intermittent and flow only during periods of heavy rainfall. Perennial flow in East Fork Rock and Spring Creeks is sustained by springs.

Climate

Climatic conditions vary in the basin from semiarid on the valley floor to subhumid in the bordering mountains because of the appreciable differences in topographic relief. Summers are generally warm and dry and winters are cold and wet. No weather stations are located in the basin; however, annual average temperatures recorded at the National Weather Service station at American Falls (altitude 4,318 ft), about 8 mi north of the basin, range from 23.9°F

(-4.5°C) in January to 70.7°F (21.5°C) in July. Annual average precipitation at American Falls is 10.4 in. for 63 years of record.

As part of this study, three precipitation-storage cans were installed at high-altitude locations (fig. 3) in the basin. Using data obtained from these stations and nearby National Weather Service stations and altitude-precipitation relations of nearby basins, an estimated precipitation-altitude relation curve (fig. 4) was derived for Rockland basin.

The straight-line slope of the curve is idealistic, because effects of rain shadows and any unique weather patterns common to subareas of the basin are not accounted for in the calculations. However, the curve can be used to draw a map of the generalized distribution of precipitation (fig. 3). Average annual precipitation ranges from 11 in. near the Snake River in the northern part of the basin to more than 35 in. near Bannock Peak in the Deep Creek Mountains (fig. 3). The climatic data indicate that precipitation increases rapidly with altitude and is greatest on west-facing slopes. The eastern slopes of the Sublett Range are in a rain shadow, whereas the western slopes of the Deep Creek Mountains are more directly exposed to moisture-laden air masses. On the basis of a mean altitude of 5,700 ft, mean annual precipitation for Rockland basin is 17.3 in. (fig. 4).

Yearly variation in precipitation was compared for five stations by plotting the cumulative departure of yearly precipitation from the long-term mean for the period 1950-78 (fig. 5). The graph trends can be used to infer a near-"normal" precipitation condition in the late 1970's (the time of this study). The Conda (precipitation station) data were included to compare long-term trends of precipitation differences at a distant location and at a higher altitude. Conda is about 65 mi east of the study area at an altitude of 6,200 ft. Precipitation trends seem to be compatible at all sites used, indicating that the regional precipitation pattern is similar.

Geology

For purposes of this study, geologic formations in Rockland basin are divided into (1) undifferentiated pre-Tertiary sedimentary rocks, (2) Tertiary sedimentary rocks, (3) Quaternary-Tertiary volcanic rocks, (4) Pleistocene gravel, (5) Pleistocene windblown (loess) deposits, and (6) Holocene alluvium. Areal distribution of these units is shown in figure 6.

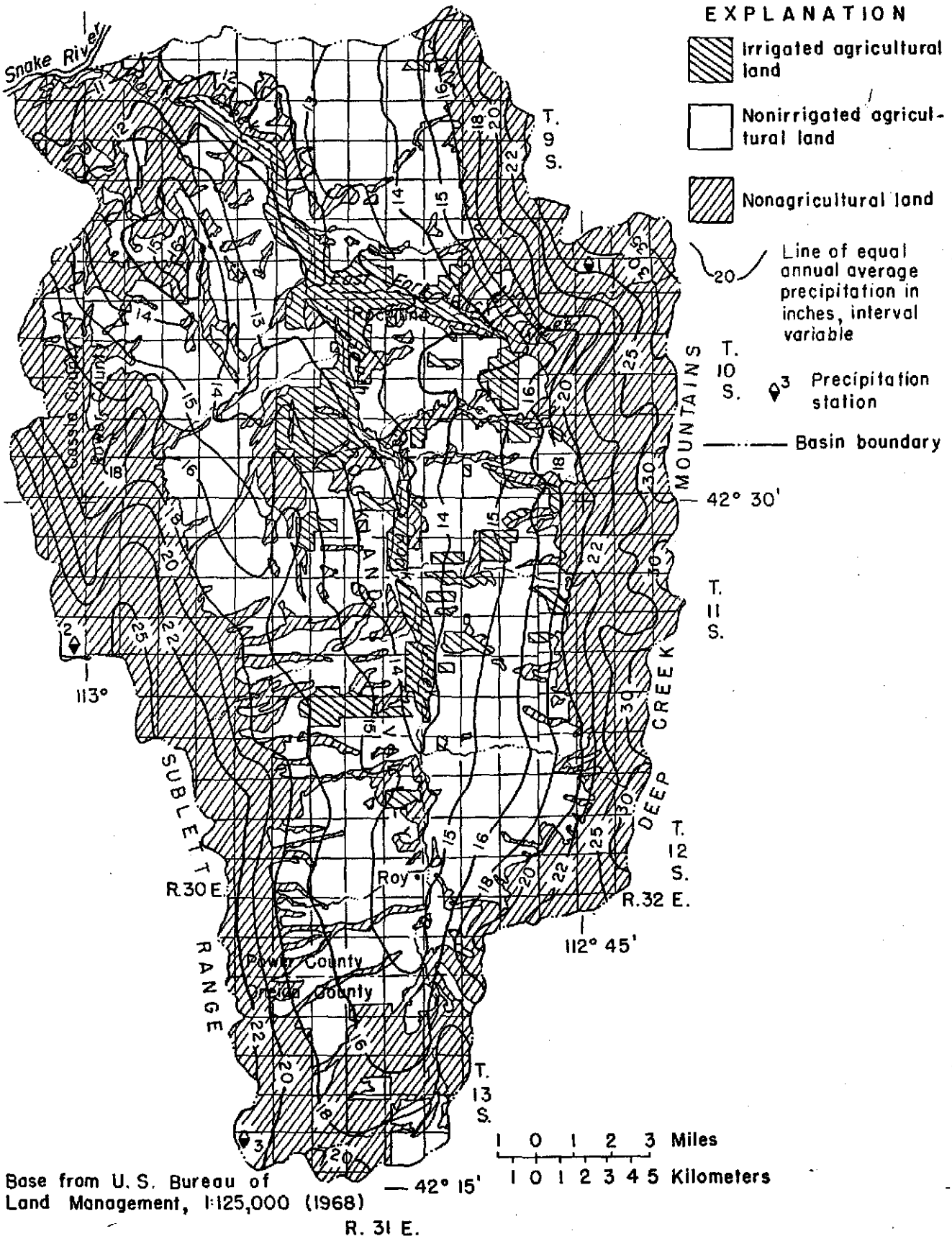


Figure 3.-- Distribution of

Precipitation data for Rockland basin
(From three U.S. Geological Survey precipitation stations)

Period of data collection	Precipitation, in inches		
	East Fork (1)	Houtz Canyon (2)	South Fork (3)
August 24, 1978-January 18, 1979	11.1	8.8	6.4
January 19, 1979-November 15, 1979	19.2	19.0	13.8
November 16, 1979-June 4, 1980	31.4	26.9	16.3

precipitation and agricultural land use.

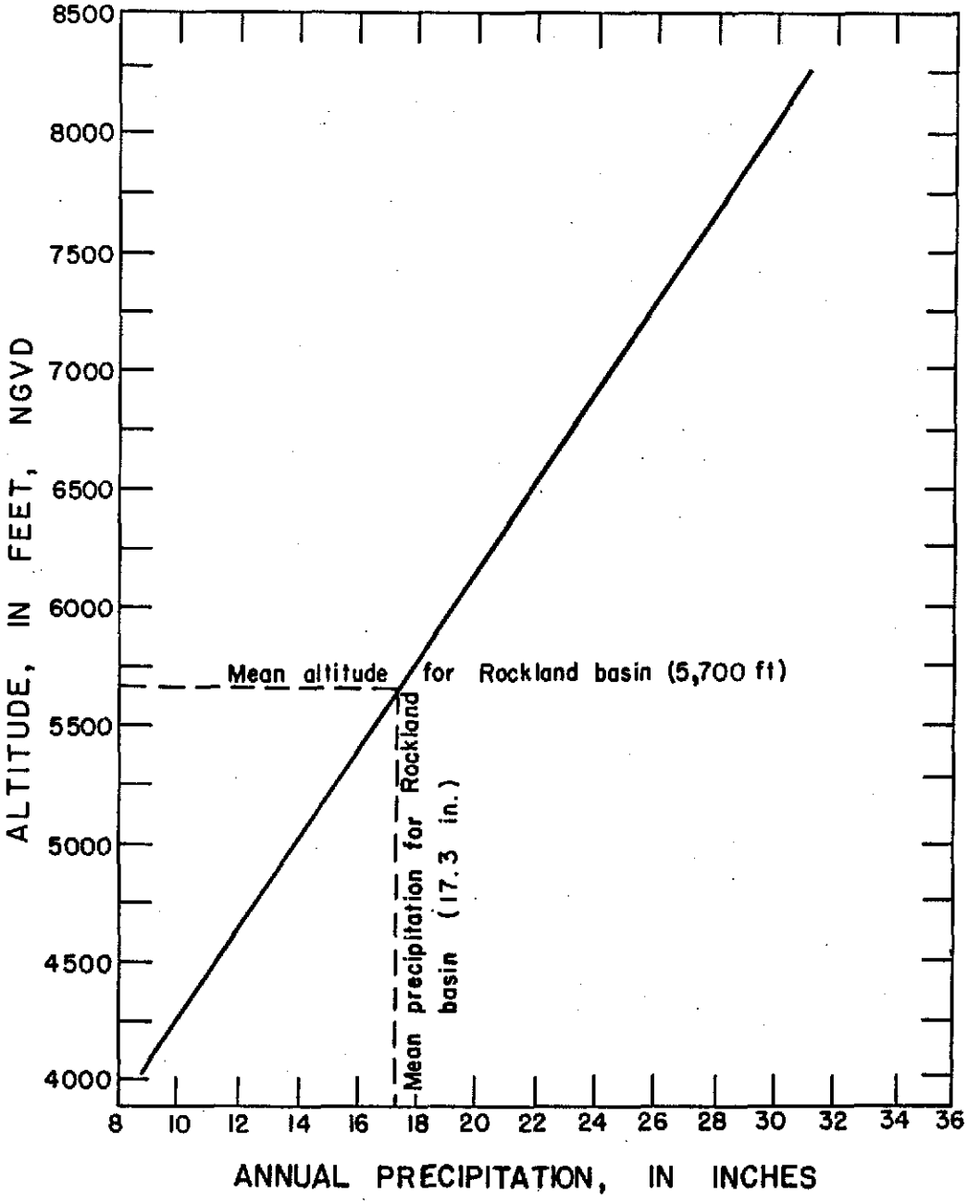


Figure 4. -- Estimated precipitation-altitude relation.

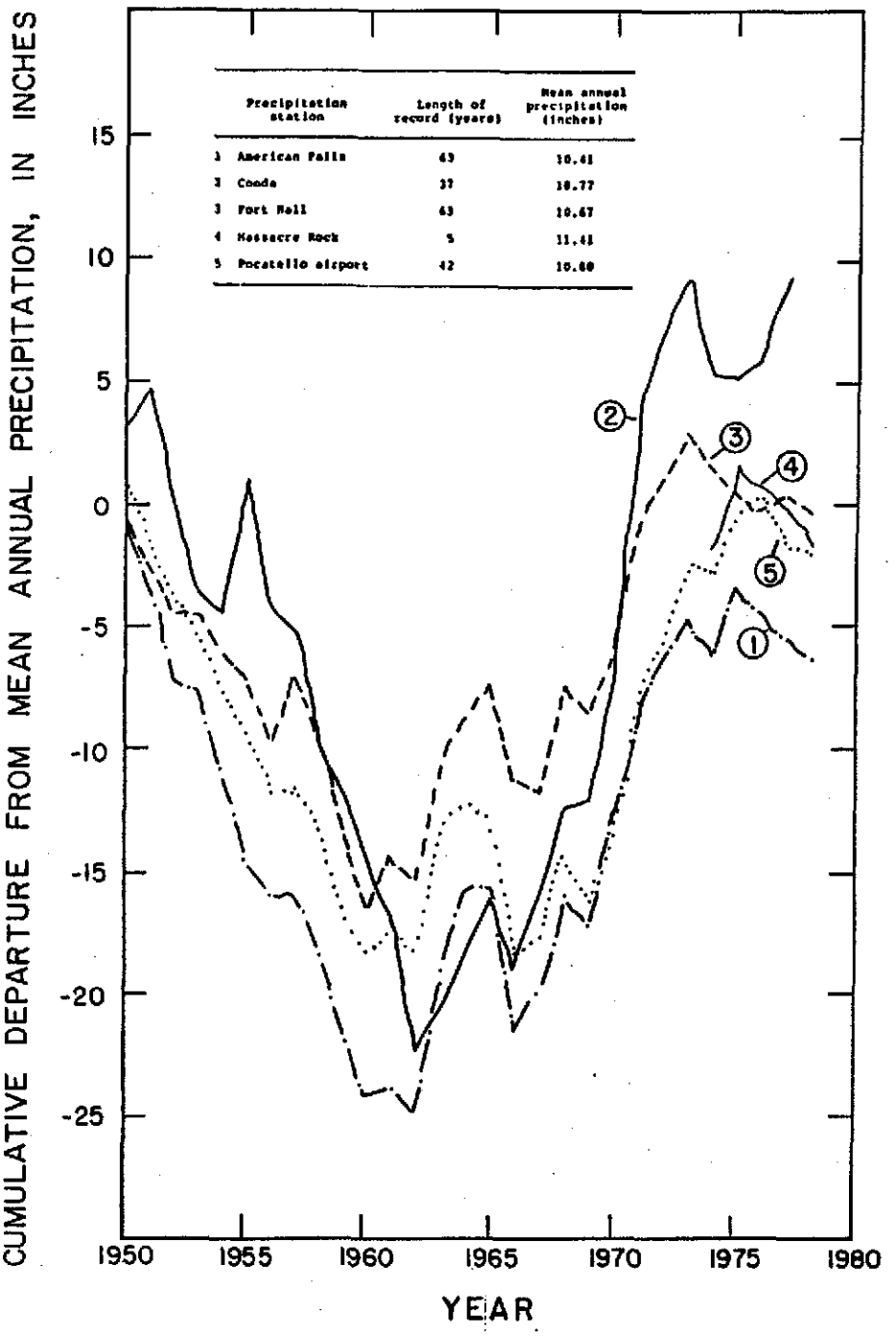


Figure 5.-- Cumulative departure of yearly precipitation for the period 1950-79 from the long-term mean. (Data from National Weather Service)

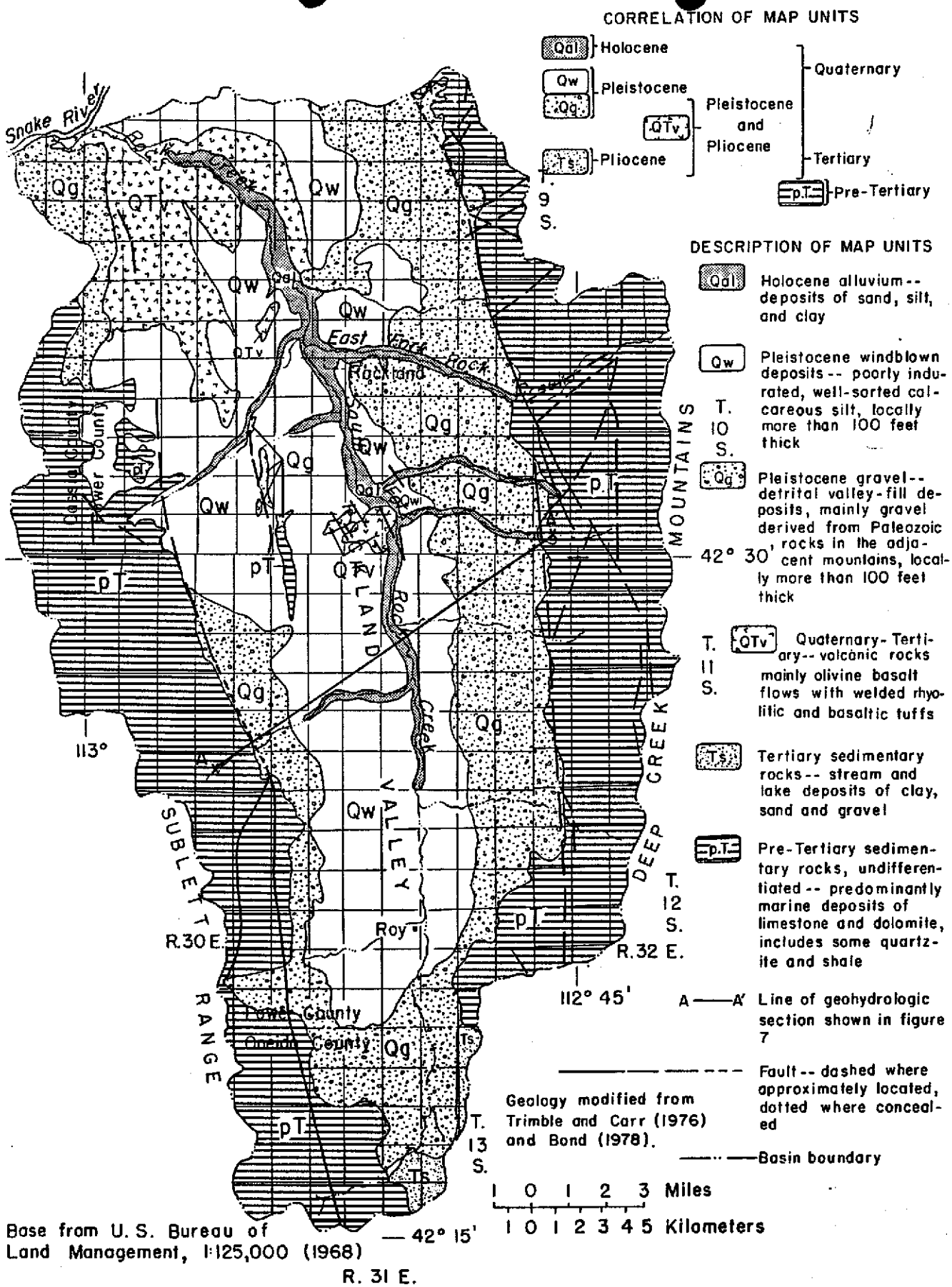


Figure 6. -- Generalized geology.

Pre-Tertiary sedimentary rocks, consisting chiefly of marine deposits of limestone and dolomite, comprise the mountainous parts of the basin and are thought to underlie the valley fill. Rocks in this unit are intensely folded and faulted. Structural details are largely unknown, but the unit is thought to be comprised of individual fault blocks that are separately tilted northeastward (fig. 7). The thickness of the unit may exceed 25,000 ft (Trimble and Carr, 1976).

Tertiary sedimentary rocks, derived mainly from detrital material from the surrounding mountains, constitute the lowermost unit of the valley fill. This unit consists primarily of gravel, sand, and silt, which locally include some rhyolitic material and interbedded volcanic tuff. The Tertiary sedimentary rocks crop out only in the southern part of the basin (fig. 6), but they are the principal rocks underlying the upper parts of the valley fill (fig. 7). The thickness of the unit is unknown.

Quaternary-Tertiary volcanic rocks are composed primarily of olivine basalt flows. These rocks crop out in the northern part of the basin where the flows served as dams that formed a series of ancient lakes, in which deposits of gravel, sand, silt, and clay accumulated. Thicknesses of individual basalt flows are highly variable but are generally less than 100 ft.

Pleistocene gravel, derived mainly from detrital material from the nearby mountains, form broad piedmonts along the mountain fronts on both sides of the valley. The thickness of the gravel is highly variable but locally may exceed 100 ft.

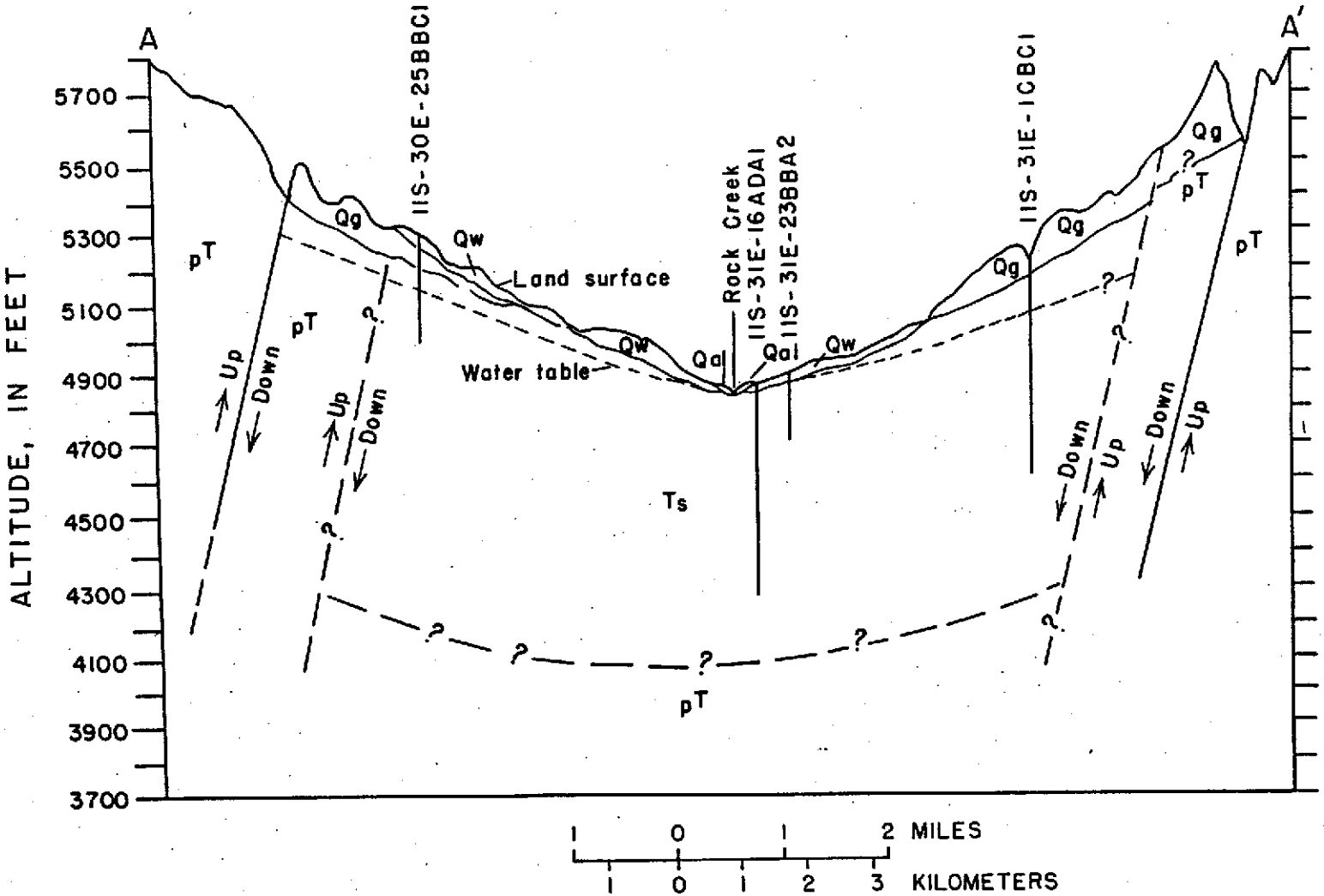
Pleistocene windblown deposits, consisting chiefly of calcareous silt, mantle much of the valley. These deposits are generally less than 100 ft thick.

Holocene alluvium, composed chiefly of sand, silt, and clay, is exposed in the streambeds of the valley. These deposits are of variable thickness and generally are restricted to narrow bands along the stream courses. The maximum thickness of the unit is probably less than 50 ft.

WATER RESOURCES

Water Yield

The water supply of the basin is the total quantity of water available from all sources. The ultimate and total source of the supply comes from precipitation on the basin.



Vertical Exaggeration x 17.6
Datum is National Geodetic Vertical Datum of 1979

Figure 7.--Generalized geohydrologic section.
(Line of section is shown in figure 6.)

Although precipitation ranges from 11 to 35 in./yr on the basin, the basin average was calculated to be about 17.3 in./yr, or a total of 295,000 acre-ft. It is assumed that any difference in interbasin underflow is negligible and that the ground-water divide bordering the basin lies directly beneath the surface-water divide. No water is exported from or imported to the basin. Quantities of the water available are consumed by evaporation, transpiration from natural vegetation and crops, and domestic and other water uses. After these water demands are met, any remaining water leaves the basin as surface flow and as underflow to the Snake River.

The usable part of the basin's water supply, or the water yield, is defined as the volume of precipitation minus the volume of water lost to evaporation and transpiration by natural vegetation. Subtracting the water consumptively used by crops, principally on irrigated fields, and by other man-related uses, from the water yield gives the quantity of water leaving the basin as combined surface flow and underflow.

Four methods were used to estimate water yield. They are: (1) a method proposed by Langbein (Nace and others 1961); (2) a method based on the difference between monthly precipitation and monthly potential ET (evapotranspiration) summed over a seasonal basis, using a modified procedure by Walker, Dutcher, Decker, and Dyer (1970); (3) a method using estimated soil-moisture requirement at the time of snowmelt subtracted from the amount of precipitation accumulated as snow from November to April; and (4) a method suggested by Mundorff, Crosthwaite, and Kilburn (1964), which uses a curve relating water yield to average annual precipitation.

A comparison of water-yield estimates made using the four methods is shown in figure 8. It is significant that an average altitude of 5,700 ft for Rockland basin corresponds with a water yield (on the basis of the average of methods 1-3) of 5.0 in., or 85,000 acre-ft/yr, or similar to the amount obtained by using the relation of Mundorff, Crosthwaite, and Kilburn (1964, method 4). Also of interest is the merging of water yields of 10.4 in. near the 7,000-ft altitude line shown in figure 8. The pre-Tertiary sedimentary rocks, which are exposed at this altitude, are thought to supply the majority of water to the basin.

All yield values are based on an estimated precipitation distribution. Because precipitation in Rockland basin can vary greatly at any one place during any particu-

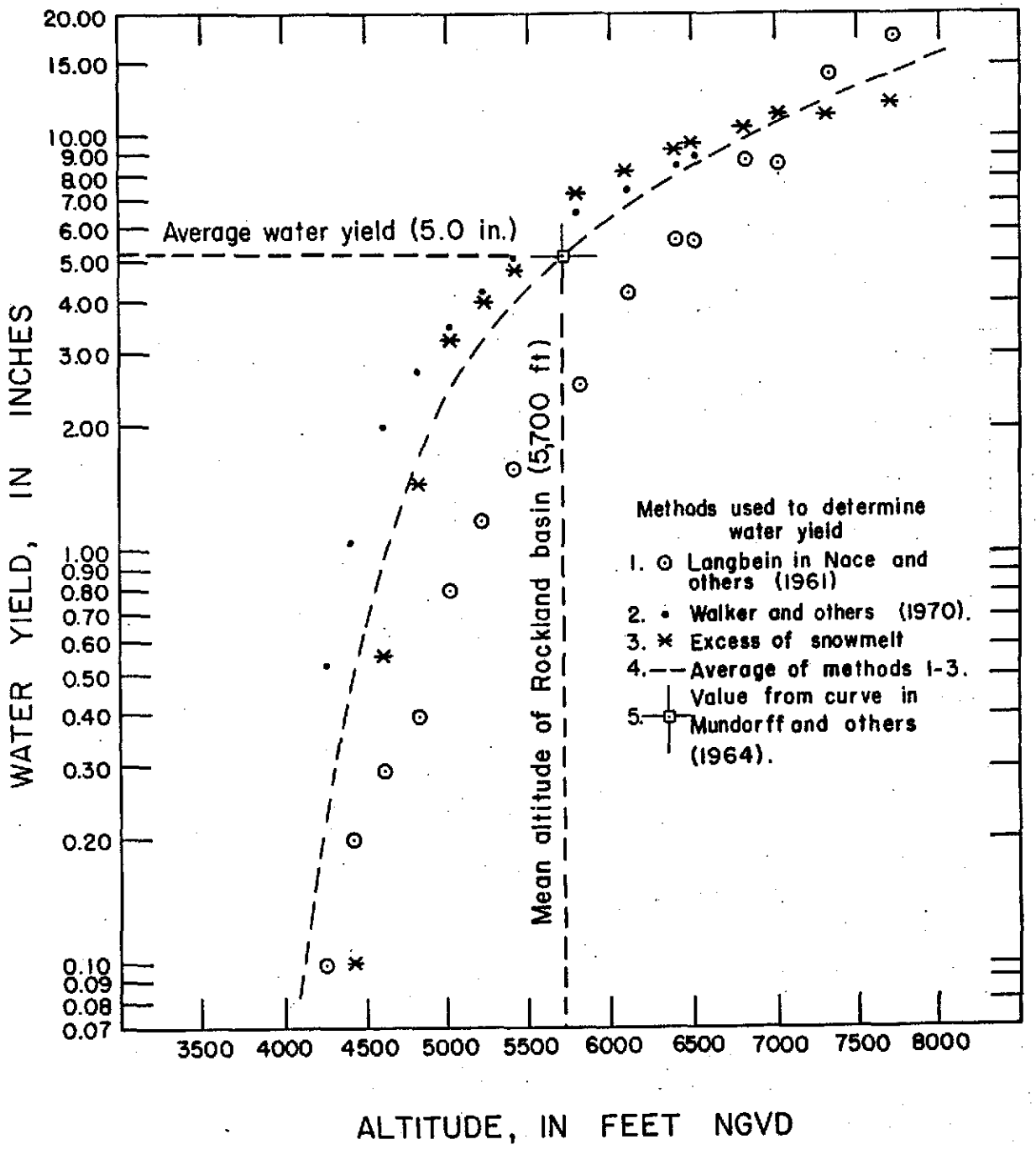


Figure 8.-- Estimated water yield.

lar period, any estimate of precipitation should be considered tentative. Records of rainfall from December 1979 to June 1980 were not included in the precipitation analysis of long-term trends because recurrence frequency of such rainfall intensities is in excess of long-term averages.

The estimation of 5.0 in. of water yield used in the remainder of this report is considered to be a reasonable value for water yield. This estimate agrees with estimated water yields for most adjacent basins (table 1).

Surface Water

Collection of streamflow data in Rockland basin began in 1955 with establishment of the gaging station Rock Creek near Rockland (13077500). Since 1955, various gages were operated intermittently to record daily flows. From 1955 to 1960, a gaging station was operated on the East Fork Rock Creek near Rockland (13077600). From 1960 to 1964, the station was relocated about 2 mi upstream. The station was discontinued in 1964.

During this study, the upper gage on East Fork Rock Creek (13077600) was reactivated to provide continuous flow record, and a continuous-recording gage was installed on Rock Creek near American Falls (13077650). In addition, discharge measurements were made monthly at 12 miscellaneous sites to aid in defining flow distribution within the basin. Peak discharge was estimated at five crest-stage sites during periods of high flow during 1978-80. Additional flow measurements were made during high runoff in January 1980. Locations of the measuring sites are shown in figure 9.

Discharge measurements made prior to 1967 are summarized by Decker and others (1970). Subsequent miscellaneous measurements made in the basin are published in annual reports by the U.S. Geological Survey.

Annual Discharge

Total surface-water discharge from the basin is measured at the gaging station Rock Creek near American Falls (13077650, fig. 9). Annual discharge for the 1979 and 1980 water years, which include the period of this study, was 19,800 and 28,900 acre-ft, respectively. The major contributor of flow to Rock Creek is East Fork Rock Creek (13077600), with a mean annual discharge of 10,500 acre-ft during 1961-64. Mean annual discharge was 12,900 acre-ft for the 1979 water year and 13,700 acre-ft for the 1980 water year.

Table 1.--Estimated water yields in southeastern Idaho basins

River basin	Drainage area (mi^2)	Precipitation (in./yr)	Evapotranspiration (in./yr)	Water yield (in./yr)
Malad[1]	485	18.5	14.5	4.0
Raft River[2]	1,560	15.5	13.3	2.2
Raft River[2] (Valley)	716	13.7	12.3	1.4
Little Lost[3]	900	22.6	17.4	5.2
Portneuf[4]	1,160	19.6	14.1	5.5
Big Lost[5]	1,400	20.2	13.9	6.3
Bannock[6]	413	18.0	12.0	6.0
Rockland[7]	320	17.3	12.3	5.0

[1]Pluhowski (1970).
[2]Mundorff, Crosthwaite, and Kilburn (1964).
[3]Clebsch, Waite, and Decker (1974).
[4]Norvitch and Larson (1970).
[5]Crosthwaite, Thomas, and Dyer (1970).
[6]Balmer and Noble (1979).
[7]This study.

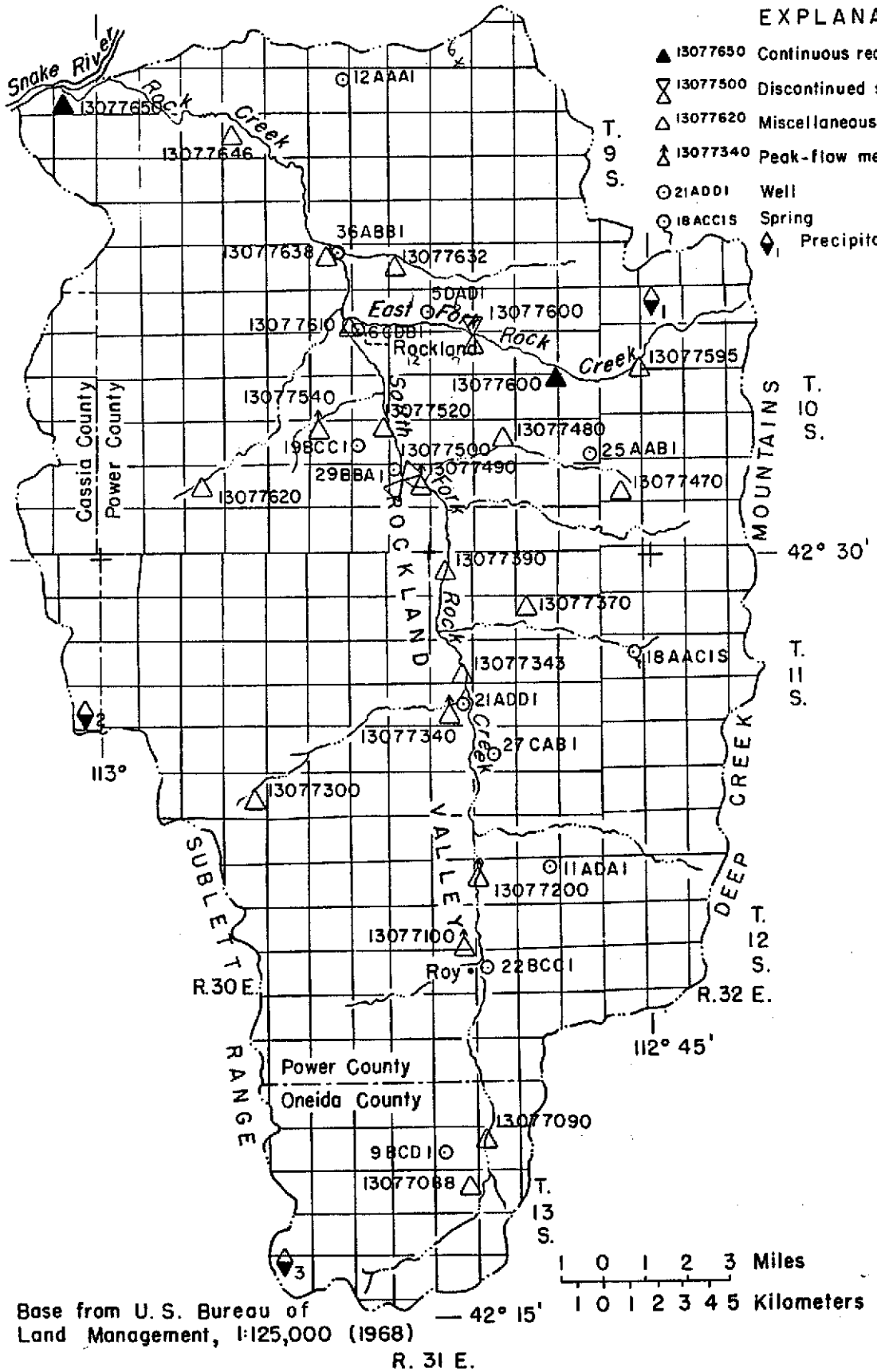


Figure 9. -- Locations of measuring sites.

During 1979, monthly flow measurements were made at tributary sites shown in figure 9, and hydrographs were prepared to determine annual distribution of flow. Perennial discharge at some of the sites is sustained by springs; however, at other sites, flow is seasonal.

Discharge records (1955-58) for Rock Creek near Rockland (13077500) were correlated with those for Bannock Creek near Pocatello (drainage area of 230 mi^2) to estimate periods of no flow, owing to upstream irrigation diversions. The average annual discharge (1956-60), after upstream diversion of about 1,050 acre-ft during the irrigation season, was 3,780 acre-ft at Rock Creek near Rockland (13077500). Unfortunately, the record at Bannock Creek was too short to make an estimate of long-term average annual discharge for Rock Creek. No acceptable correlation could be made with nearby basin streams, nor could correlation of precipitation records with discharges of Rock Creek be done satisfactorily.

On the basis of the annual discharge from tributaries (1979), Rock Creek (1955-60, 1979), and East Fork Rock Creek (1955-64, 1979), the estimated annual average surface-water outflow from Rockland basin is 16,500 acre-ft. In comparison, Mundorff, Crosthwaite, and Kilburn (1964) estimated that the annual surface-water discharge from Rockland basin averaged about 13,000 acre-ft.

Daily Discharge

Daily-discharge records provide detailed information about the flow characteristics of a stream. When daily records are available for many years, duration hydrographs and flow-duration curves can be developed. A flow-duration curve shows the percentage of time that a specific daily discharge has been equaled or exceeded for the period examined. The daily hydrographs of continuous-record stations for water year 1979 on Rock Creek (13077650) and East Fork Rock Creek (13077600) are shown in figure 10. They show a wide variability of flows in Rock Creek and unusually stable flows in East Fork Rock Creek. Duration curves for selected periods of record are shown in figure 11. The flow-duration curve of East Fork Rock Creek shows that, during the period of record, 24 ft^3/s was equaled or exceeded about 1 percent of the time and 11 ft^3/s nearly 100 percent of the time; whereas flow at two sites about 14 mi apart on Rock Creek was greater than 1 ft^3/s about 48 and 92 percent of the time. The flat slope of the East Fork Rock Creek flow-duration curve indicates uniform sustained perennial flow conditions in the East Fork caused by springs

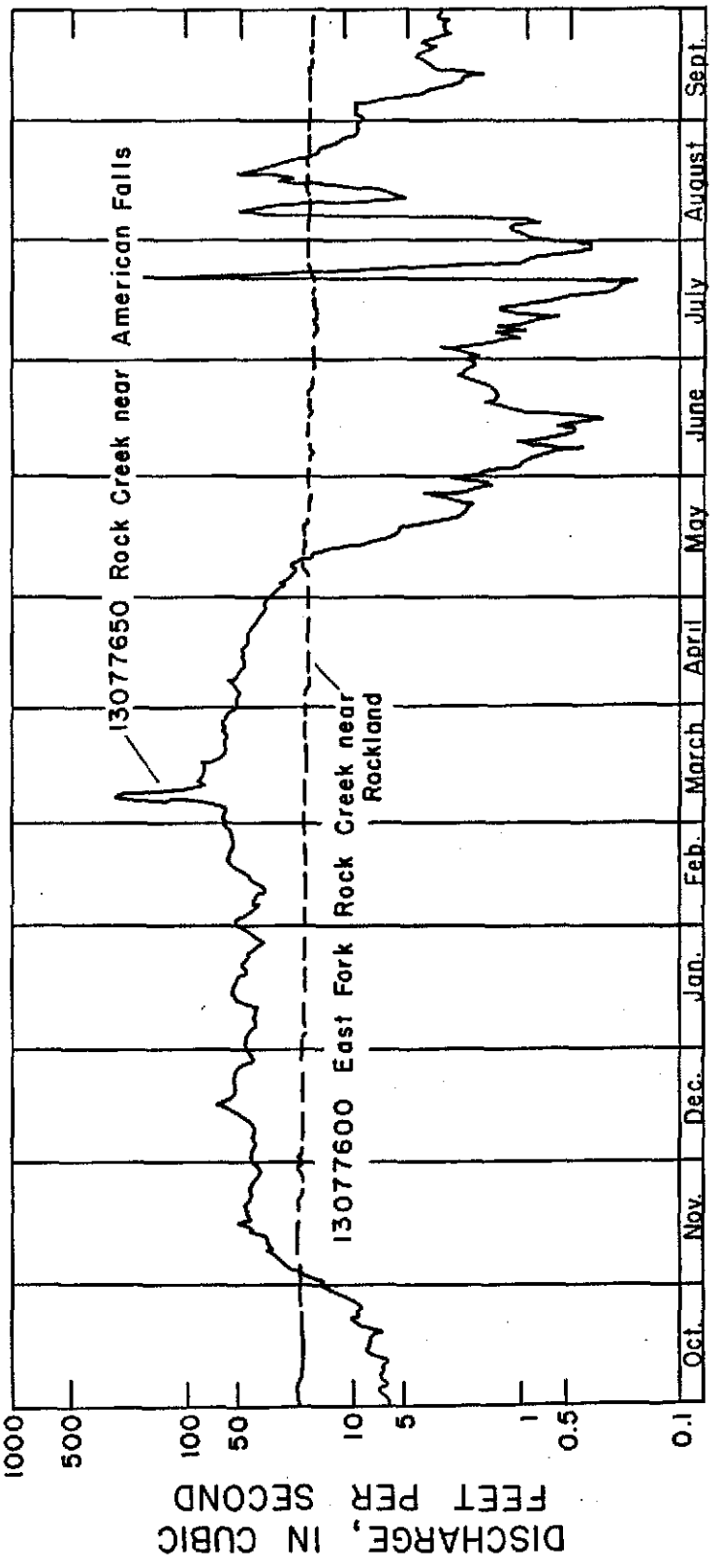


Figure 10. -- Mean daily discharge in Rock Creek near American Falls and East Fork Rock Creek near Rockland, 1979 water year.

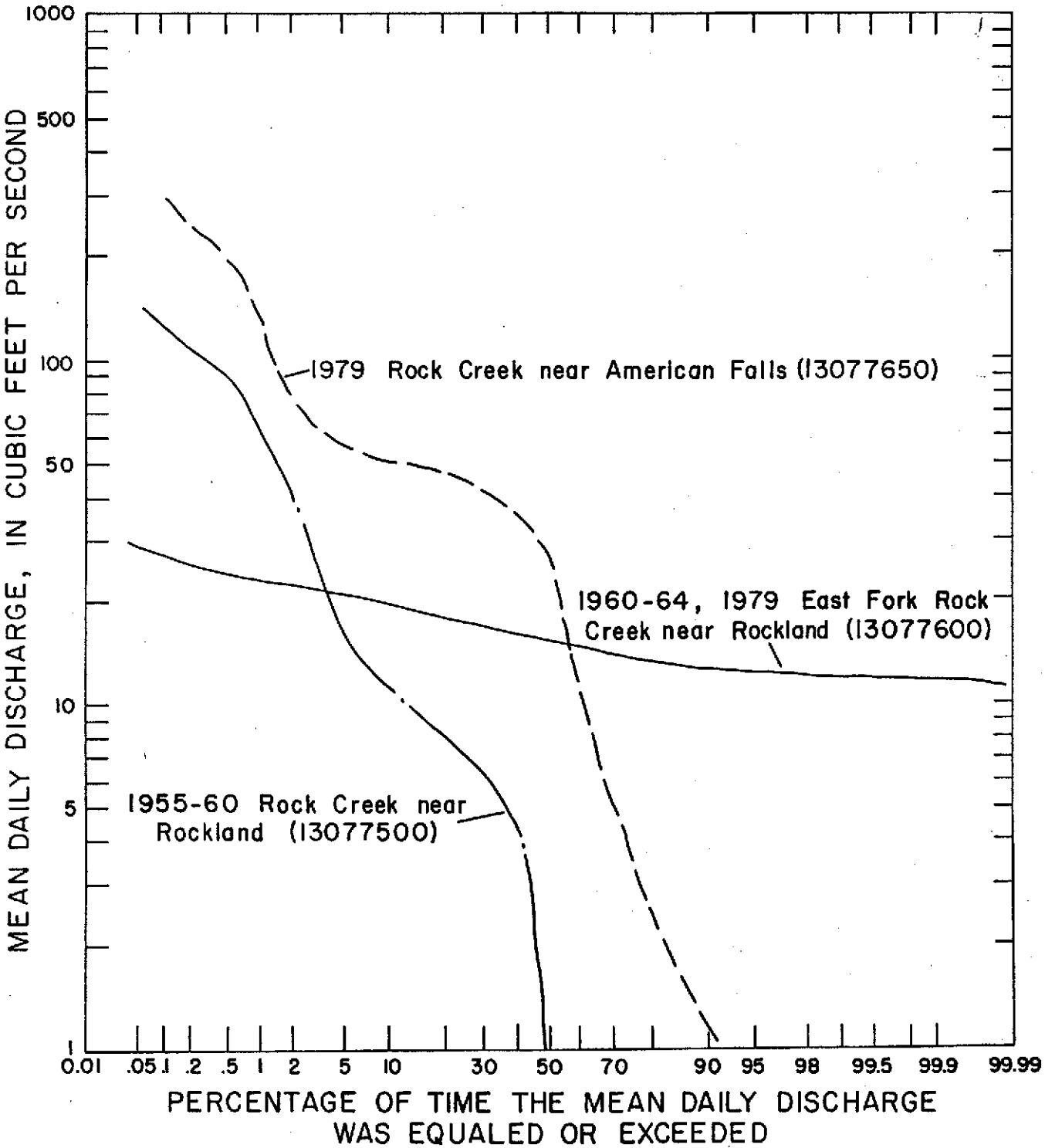


Figure 11.--Flow-duration curves for Rock Creek and East Fork Rock Creek for periods of record.

in the upper reaches of the creek. The steep slopes of the Rock Creek curves show a flashiness in surface flows, which indicates little ground-water contribution above the gaging-station sites.

Peak Runoff

The magnitude and distribution of floods in Rockland basin are affected by climate, basin physiography, and geology. Warm temperatures (causing snowmelt), precipitation on frozen ground, and minimal ET losses during late winter and early spring maximize potential flooding. Occasionally, localized thunderstorms produce high-magnitude floods during the summer in some of the tributary basins.

Peak discharges from streams measured since data collection began in Rockland basin are shown in table 2. Also shown in the table are peak discharges estimated from indirect measurements made in July 1979 and January 1980, shortly after substantial flooding occurred in the basin.

Generally, long-term annual peak discharges are evaluated statistically to determine magnitude and recurrence intervals of floods, but peak-flow records within Rockland basin are too short for an accurate appraisal. Therefore, recurrence interval and discharge magnitude of floods were estimated (table 3) using regression equations recently developed for southern Idaho by Kjelstrom and Moffatt (1981). These equations were determined for the mean and standard deviation of annual maximum discharges that result from the combined effects of snowmelt and rainfall, conditions similar to those in Rockland basin. On the basis of comparison of flood peaks (table 2) at South Fork Rock Creek (13077200), Sand Hollow Creek (13077490), and Rock Creek near American Falls (13077650) with data in table 3, the January 1980 peak flows occurred at a 50-year recurrence interval; that is, these flow magnitudes would be equaled or exceeded on the average of once every 50 years.

Ground Water

Occurrence

Ground water occurs in most of the geologic units mapped in Rockland basin (fig. 6). Major aquifers in the basin occur in Quaternary-Tertiary volcanic rocks and in Tertiary sedimentary rocks. Basalt and sedimentary rocks interbedded in the Quaternary-Tertiary volcanic rocks are the principal aquifers in the northern part of the basin. Ground water is generally under water-table conditions and

Table 2.--Measured peak discharges at selected sites

Site No.	Site name	Drainage area (mi^2)	Date measured	Discharge (ft^3/s)
13077100	Trail Creek	11	9- 9-61	487
			1-13-80	[1]40
13077200	South Fork Rock Creek	96	2-11-62	1,770
			2- 1-63	1,470
			1-13-80	[1]1,190
13077340	Hartley Canyon Creek	11	1-13-80	[1]40
13077400	South Fork Rock Creek	156	2- 1-63	5,100
			12-23-64	3,750
13077490	Sand Hollow Creek	12.3	1-13-80	[1]440
13077540	Warm Springs	22	7-21-79	[1]390
13077550	Rock Creek	216	2-11-62	2,120
13077600	East Fork Rock Creek	13.7	9-18-61	23
			3-27-62	26
			2- 1-63	39
			6-12-64	43
13077630	Spring Creek tributary	6.8	8-18-61	152
13077640	Rocky Hollow tributary	2.3	5-30-63	498
13077650	Rock Creek	320	2-11-62	3,300
			12-23-64	7,950
			7-21-79	1,480
			1-13-80	3,990

[1] Estimated from indirect measurements.

Table 3.--Estimated peak discharges (Q) at selected stream sites[1]
[Discharge in cubic feet per second. Q_5 designates a recurrence interval of 5 years]

Site No. (location shown in fig. 9)	Recurrence interval							
	$Q_{1.01}$	$Q_{1.02}$	Q_2	Q_5	Q_{10}	Q_{25}	Q_{50}	Q_{100}
13077088	3.0	9.2	45	92	136	209	278	361
13077090	12	32	124	229	320	461	588	734
13077100	5.4	15	62	118	168	247	318	402
13077200	11	35	186	393	593	929	1,250	1,640
13077300	.4	1.3	7.8	17	27	43	59	79
13077340	7.8	21	89	170	242	356	459	580
13077370	2.9	8.5	38	75	108	162	212	272
13077390	19	64	362	791	1,210	1,930	2,630	3,500
13077470	.9	2.9	14	28	42	64	84	109
13077480	.2	.8	7.6	21	37	68	101	146
13077490	8.9	23	90	167	233	336	428	539
13077540	22	52	180	312	423	590	736	900
13077595	4.9	12	46	83	115	164	208	256
13077600	11	27	89	153	206	285	354	431
13077620	7.2	19	79	148	209	305	391	492
13077632	2.8	8.7	44	90	134	208	277	360
13077646	41	127	619	1,270	1,870	2,870	3,810	4,940
13077650	43	132	637	1,300	1,910	2,910	3,860	5,000

[1]Based on regression equations developed by Kjelstrom and Moffatt (1981).

occurs mainly in fractures, joints, and breccia zones within individual lava flows and in sand and gravel lenses that are interbedded within the flows. Sand and gravel sequences in the Tertiary sedimentary rocks are the principal aquifers in the central and southern parts of the basin. Ground water in the Tertiary sedimentary rocks generally is also under water-table conditions; however, artesian conditions may exist locally.

Holocene alluvium along the major streambeds on the valley floor is locally an important aquifer. Ground water here is under water-table conditions and occurs mainly in sand lenses.

Pleistocene gravel and windblown deposits are thin and are generally above the water table (fig. 7). Small quantities of water are available where the deposits are below the water table. Of hydrologic significance is the occurrence of springs that issue from the contact between the gravel and the underlying Tertiary sedimentary rocks. The presence of these springs at the geologic contact indicates that precipitation readily percolates through the gravel but is retarded by the underlying rocks.

The hydrologic significance of the pre-Tertiary sedimentary rocks as aquifers in Rockland basin is largely unknown. However, owing to their faulted and highly jointed condition and the absence of well-defined stream channels on their surface, the rocks may readily absorb and transmit water to the ground-water system.

Source and Movement

The source of recharge to aquifers in Rockland basin is precipitation. Part of the precipitation runs off overland, part is consumed by ET, and the remainder percolates downward and recharges the ground-water system. The greatest part of the recharge originates in the mountains that border the basin (fig. 3). Recharge also occurs as percolation losses from stream channels, irrigation canals, irrigated fields, and from precipitation on the valley floor.

Recharge to the aquifers also may occur as interbasin flow from the eastern side of the Deep Creek Mountains (Balmer and Noble, 1979). Recharge also may occur as upward leakage from deep thermal aquifers below the Sublett Range, located about 5 mi west of the study area (Nichols, 1979). Present data are insufficient, however, to quantify the amount of recharge from these two possible sources.

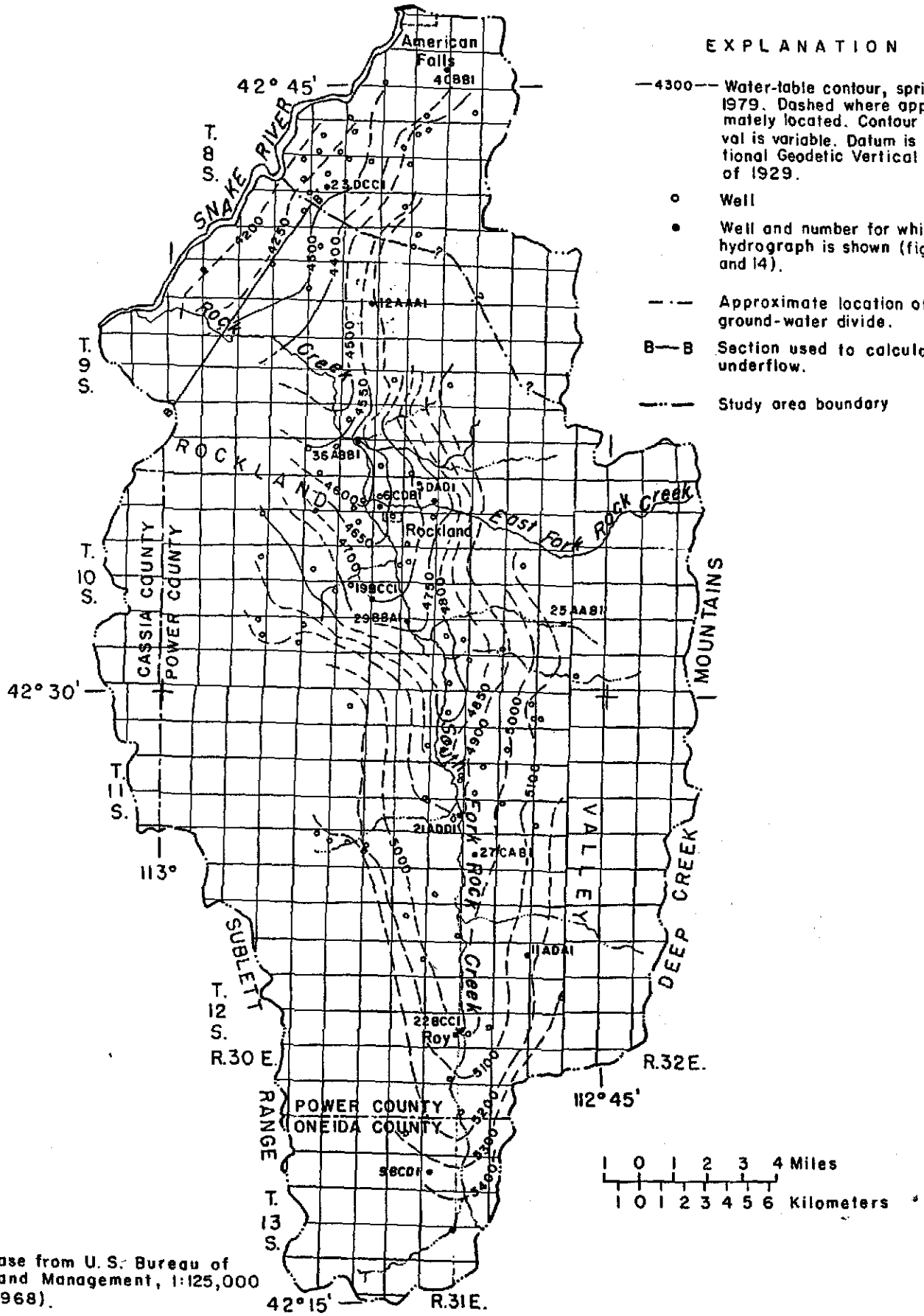
From a preceding section on water yield, it is estimated that an annual average of 10.4 in. of net precipitation recharges the mountain areas at altitudes of 7,000 ft, whereas less than 0.2-0.5 in. recharges the ground-water system through the valley floor at altitudes below 4,500 ft.

The movement of water to the Tertiary sedimentary rocks underlying the valley floor is influenced by the geologic characteristics and hydrologic parameters of the pre-Tertiary sedimentary rocks at the higher altitudes. Fractured and weathered limestone, talus, and rock fragments on steep slopes bordering the basin receive rainfall and snowmelt and discharge it through springs near the base of the mountains and by underflow to the Tertiary sedimentary rocks in the valley. Snowmelt seldom directly reaches the network of stream channels that have formed at low altitudes, as evidenced by poorly developed stream channels at the higher altitudes.

Ground water moves from areas of recharge, down the hydraulic gradient, to areas of discharge. The rate of movement depends on the hydraulic conductivity of the material through which water moves and the slope of the hydraulic gradient.

Water from the pre-Tertiary sedimentary rocks, which border the basin and are thought to underlie the Tertiary sedimentary rocks, discharges naturally through springs and seeps and as leakage, both laterally and vertically upward, into the Tertiary sedimentary rocks. Typical, and most notable of these springs (fig. 12), are those in the NW¼ sec. 18, T. 10 S., R. 32 E., which contribute a large part of the perennial flow to East Fork Rock Creek. Water from the Tertiary sedimentary rocks discharges naturally into the stream system through springs and seeps on the valley floor, as direct evaporation where the water table is at or near land surface, as transpiration, and as underflow northward.

Additional discharge occurs through springs near the base of the Pleistocene gravel where the gravel contacts underlying Tertiary sedimentary rocks. Most of this water is derived from direct precipitation, which percolates through the gravel more rapidly than it can infiltrate the underlying rocks. Some of the springs are intermittent; some are perennial. Where they are perennial, local perched water-table aquifers have sufficient areal extent to maintain perennial spring flow. Some of these springs discharge to small streams that flow a distance of only several feet before they disappear into the ground. Most springs occur



Base from U. S. Bureau of Land Management, 1:125,000 (1968).

Figure 12. --Water-table contours and well locations.

on the eastern side of Rockland basin, from T. 9 S., R. 31 E., through T. 11 S., R. 31 E. In comparison, few springs occur on the western side of the basin and their discharge rates generally are less than 5 gal/min.

In the spring of 1979, prior to the start of the irrigation season, water-level measurements were made in 122 wells (table 4). These measurements were used to draw the water-table contour map in figure 12. In general, ground water moves perpendicular to and downgradient from the contours. Ground water generally follows the surface drainage toward major stream channels, then moves generally northward in the direction of flow in Rock Creek.

The average water-table gradient for the valley is about 25 ft/mi, and slope is toward the mouth of Rock Creek. About 8-10 mi above the mouth of Rock Creek, the gradient flattens. The gradient again steepens downstream toward the mouth of Rock Creek and averages 43 ft/mi (near section B-B', fig. 12).

Water-Level Fluctuations

Ground-water levels in wells respond to changes in recharge to and discharge from the ground-water reservoir. If recharge to an aquifer exceeds discharge, water levels, with time, will rise. Conversely, if discharge exceeds recharge, water levels eventually will decline. Generally, water levels rise in late winter and early spring, when recharge from snowmelt and early spring rains is greatest, and decline in summer, when discharge owing to pumpage and ET is greatest. The periodicity of the fluctuations varies throughout the basin, depending on distance of the aquifer to recharge and discharge areas. For example, in areas where ground water is pumped for irrigation, annual low water levels usually occur in late summer, near the end of the irrigation season. Where surface-water irrigation is predominant, annual high water levels occur in late summer, owing to recharge from irrigation percolation and canal leakage. Where surface-water and ground-water irrigated areas overlap, mixed combinations of fluctuations may occur.

As part of this study, 12 wells were selected to monitor water-level fluctuations. Two wells were equipped with continuous recorders; their hydrographs are shown in figure 13. Ten wells were measured periodically; their hydrographs are shown in figure 14. Locations of the wells are shown in figure 12. Well 10S-31E-6CDB1 (fig. 13) is 14.2 ft deep and is completed in the Holocene alluvial

Table 4.--Records of wells

Altitude: From U.S. Geological Survey topographic maps and field surveys; datum is National Geodetic Vertical Datum of 1929.

Well Depth: Reported, in feet below land surface.

Casing Depth: Bottom of casing to nearest foot below land surface, or to first perforation where well finish (next column) is shown as P.

Well finish: O - Open end, P - Perforated, T - Sand point, X - Open hole.

Water level: Measured, in feet below land surface.

Use of water: H - Domestic, I - Irrigation, O - Observation, P - Public supply, S - Stock, U - Unused.

Remarks: DL - Driller's log, WQ - Water-quality analysis.

Notation: -- = No data available.

Well No.	Altitude of land surface (ft)	Well depth (ft)	Casing		Well finish	Water level		Use of water	Remarks
			Diameter (in.)	Depth (ft)		Depth (ft)	Date measured		
8S-30E-12CCD1	4,370	--	--	--	--	138.00	4-30-79	I	
13BDB1	4,405	190	--	--	--	164.90	4-12-79	H	
14BDD1	4,345	400	12	--	--	100.40	4- 3-79	I	DL
14CDC1	4,405	475	18	--	--	160.26	4- 3-79	I	DL
14DBB1	4,370	181	10	--	--	--	--	I	
14DDD1	4,420	--	--	--	--	170.85	4-12-79	H	
22AAD1	4,352	248	16	120	X	131.00	4-30-79	I	DL
22DAD1	4,405	251	6	--	--	156.10	4- 4-79	H	
23DBB1	4,435	360	16	50	X	195.85	4- 4-79	I	DL
23DCC1	4,505	274	5	--	--	207.80	4-18-79	U	
24AAC1	4,533	615	18	285	X	193.10	4-12-79	I	DL
24ABA1	4,479	--	--	--	--	162.43	8- 3-78	H	
24BBA1	4,475	--	6	--	--	239.96	8- 3-78	H	
26BBB1	4,445	230	6	174	X	172.55	4-12-79	H	DL
27DAA1	4,500	580	--	--	--	222.45	4-30-79	I	WQ
35BDD1	4,544	365	8	--	--	205.60	4- 3-79	U	
8S-31E- 6CDC1	4,440	297	18	--	--	139.08	4- 6-79	I	
8CCB1	4,547	--	8	--	--	5.60	4-12-79	H	
8CDA1	4,580	810	18	401	X	249.05	4- 6-79	I	DL
9DAD1	4,800	--	4	--	--	223.70	4- 6-79	U	
17ABC1	4,705	387	18	372	X	139.30	4- 6-79	I	DL
17BDB1	4,650	400	--	--	--	115.15	4- 6-79	I	
18DAB1	4,510	--	--	--	--	17.70	8- 2-79	U	
18DDB1	4,540	18	--	--	--	3.35	4-12-79	U	
20BBC1	4,590	--	6	--	--	23.92	4-11-79	H	
30ADD1	4,805	--	--	--	--	243.25	4-12-79	H	
32BAC1	4,955	190	18	168	X	~~250.00~~	4- 9-79	I	DL WQ
32CAB1	4,910	--	--	--	--	~~90.95~~	4- 9-79	I	
9S-30E- 2CBC2	4,665	500	6	--	--	368.15	4- 3-79	H	
3ADB1	4,670	500	--	--	--	--	--	H	WQ
3BBB2	4,563	--	4	--	--	315.06	4- 3-79	U	
5BBC1	4,323	173	6	100	X	129.28	4- 3-79	H	
12AAA1	4,792	162	6	--	--	147.42	4-17-79	U	
14CCA1	4,502	--	--	--	--	--	--	H	WQ
14DCC1	4,572	160	6	--	--	95.30	4- 3-79	U	
15DDD1	4,495	700	16	--	--	12.15	4-16-79	U	
25BDC1	4,580	--	--	--	--	75.30	4- 4-79	U	
35AAD1	4,584	29	6	--	--	25.95	4- 4-79	U	
35BBD1	4,678	144	6	60	X	127.99	4- 4-79	S	
35CDD1	4,689	147	--	--	--	103.75	4- 4-79	U	
36ABB1	4,655	19	1.25	16.8	T	12.33	4-16-79	O	
9S-31E-19ADA1	4,910	--	--	--	--	247.14	4-12-79	H	
21BDC1	4,980	500	8	--	--	38.90	4- 9-79	H	
31CAC1	4,842	408	14	30.5	X	51.60	4-12-79	I	DL WQ
32CCD1	4,842	--	10	--	--	153.45	11-29-78	H	
33CDA1	4,914	--	--	--	--	80.40	4- 9-79	I	
10S-30E- 1CDD1	4,690	--	16	--	--	75.19	4- 4-79	U	
1DAC1	4,665	--	--	--	--	73.64	4-12-79	U	
2CDC1	4,760	107	--	--	--	68.33	4- 4-79	U	
9AAA1	5,091	--	5.5	--	--	291.36	4- 4-79	U	
12ACB1	4,715	1,100	22	21	X	92.89	4- 4-79	I	DL WQ
16ADA1	5,010	--	--	--	--	163.20	4- 4-79	H	
23AAD1	4,850	214	8	12	X	75.95	4-11-79	H	
24BAA1	4,860	--	6	--	--	126.70	4-11-79	H	
24CDD1	4,960	--	16	--	--	--	--	I	

Table 4.—Records of wells (Continued)

Well No.	Altitude of land surface (ft)	Well depth (ft)	Casing		Well finish	Water level		Use of water	Remarks
			Diameter (in.)	Depth (ft)		Depth (ft)	Date measured		
10S-30E-25BAA1	4,960	615	20	200	P	235.52	4-11-79	I	DL
25BAA2	4,967	650	16	250	P	251.70	6-13-79	I	DL
26BBC1	5,054	--	--	--	--	173.98	4-11-79	U	
27DAD1	5,130	240	--	--	--	228.16	4-11-79	U	
28AAB1	5,070	--	5	--	--	190.58	4-11-79	S	
28DAA1	5,177	--	--	--	--	286.50	4-11-79	U	
31CCA1	5,480	--	6	--	--	277.68	8-31-78	U	
10S-31E- 4CAD1	4,800	--	6	--	--	31.45	4-12-79	H	
5DAD1	4,750	17	1.25	14.3	T	7.93	4-17-79	O	
6CAB1	4,682	405	16	373	X	59.25	4-12-79	I	DL
6CDB1	4,644	14	1.25	11.7	T	5.30	4-18-79	O	
7ABB1	4,690	401	12	110	P	[1]70.65	10-19-78	P	DL WQ
8AAA1	4,770	127	6	79	X	52.85	4- 9-79	S	DL
8CCB1	4,720	--	--	--	--	62.10	5- 1-79	I	
14ACC1	5,220	--	--	--	--	97.50	4- 9-79	S	
17BCD1	4,710	--	--	--	--	30.88	4-12-79	I	
18ADD1	4,695	--	8	--	--	10.61	4-12-79	H	WQ
19BCC1	4,842	815	16	200	P	146.36	4-17-79	U	DL
25AAB1	5,187	100	--	--	--	18.61	4-17-79	S	
27DDA1	4,965	--	6	--	--	92.76	4-10-79	H	
28BDC1	4,810	--	--	--	--	23.90	4-11-79	H	
28DAB1	4,921	--	--	--	--	114.20	4-11-79	I	
29BBA1	4,730	17	1.25	15.4	T	12.88	4-17-79	O	
33CDA1	4,802	335	16	34	P	21.28	4-11-79	I	DL WQ
34BBB1	4,901	--	4	--	--	75.85	4-10-79	U	
10S-32E-31CBA1	5,290	--	6	--	--	105.43	4-10-79	S	
11S-30E- 1AAC1	5,260	--	4	--	--	89.33	4-11-79	U	
25ACB1	5,370	--	--	--	--	123.90	4-10-79	U	
25BBC1	5,480	317	6	--	--	277.55	4-10-79	U	
26ABA1	5,586	--	4	--	--	347.50	4-10-79	U	
11S-31E- 1CBC1	5,200	600	16	70	P	81.70	5-25-79	I	DL WQ
2ADA1	5,220	--	6	--	--	86.55	4-10-79	S	
2DAD1	5,210	104	4	--	--	86.10	4-10-79	U	
4CAA1	4,816	--	--	--	--	38.16	9- 1-78	H	
8ADD1	4,860	33	8	--	--	21.63	4-12-79	U	
9BDD1	4,865	--	--	--	--	22.50	4-12-79	I	
9CAA1	4,865	--	--	--	--	26.62	9- 1-78	H	
11CBA1	5,030	--	--	--	--	35.20	4- 5-79	H	
15ABB1	5,002	604	16	65	P	61.04	4- 5-79	I	
15CDB1	4,970	36	6	--	--	23.38	4- 5-79	U	
16ADA1	4,880	125	20	20	P	7.52	4- 5-79	I	DL WQ
16ADA2	4,880	--	6	--	--	26.05	9- 2-78	H	
16ADD1	4,880	60	--	--	--	10.23	4- 5-79	H	WQ
17DDD1	4,975	124	--	--	--	86.69	4- 5-79	U	
21ADC1	4,922	530	12	--	P	16.42	4- 5-79	I	
21ADD1	4,900	18	1.25	16	T	9.49	4-18-79	O	
23BBA1	5,083	--	--	--	--	9.73	5- 1-79	I	
23BBA2	5,081	240	16	170	X	9.83	5- 1-79	I	DL
24CBC1	5,235	106	4	89	X	79.20	4- 5-79	U	
27CAB1	4,966	220	12	--	--	30.48	4-18-79	U	
30BCA1	5,290	1,120	16	--	--	243.89	4- 5-79	I	
30BCC1	5,322	273	6	273	O	143.13	4- 5-79	H	DL WQ
12S-31E- 4DDA1	5,065	--	5	--	--	70.65	4- 2-79	H	WQ
5BDA1	5,100	72	--	--	--	65.30	4- 5-79	U	
8ADD1	5,245	281	5	--	--	250.00	4- 2-79	U	
11ADA1	5,247	280	6	--	--	84.25	4- 5-79	U	
13ADD1	5,696	400	6	166	X	--	--	S	DL, WQ
21CCD1	5,205	--	6	--	--	110.43	4- 2-79	H	
22ADC1	5,223	240	6	40	X	207.84	4- 2-79	H	
22BBB1	5,073	--	6	--	--	75.55	4- 2-79	H	
22BCC1	5,104	106	--	--	--	94.67	4-18-79	U	
22CAB1	5,120	125	6	--	--	121.80	4- 2-79	U	
29DCA1	5,300	188	5	--	--	168.10	4- 2-79	U	
34CCB1	5,220	116	48	--	--	97.85	4- 2-79	U	
13S-31E- 5ACB1	5,315	80	5	--	--	37.53	4-10-79	U	
9BCD1	5,435	--	4	--	--	104.43	4-18-79	U	
21AAA1	5,529	--	--	--	--	46.57	4-10-79	U	

[1]Recently pumped

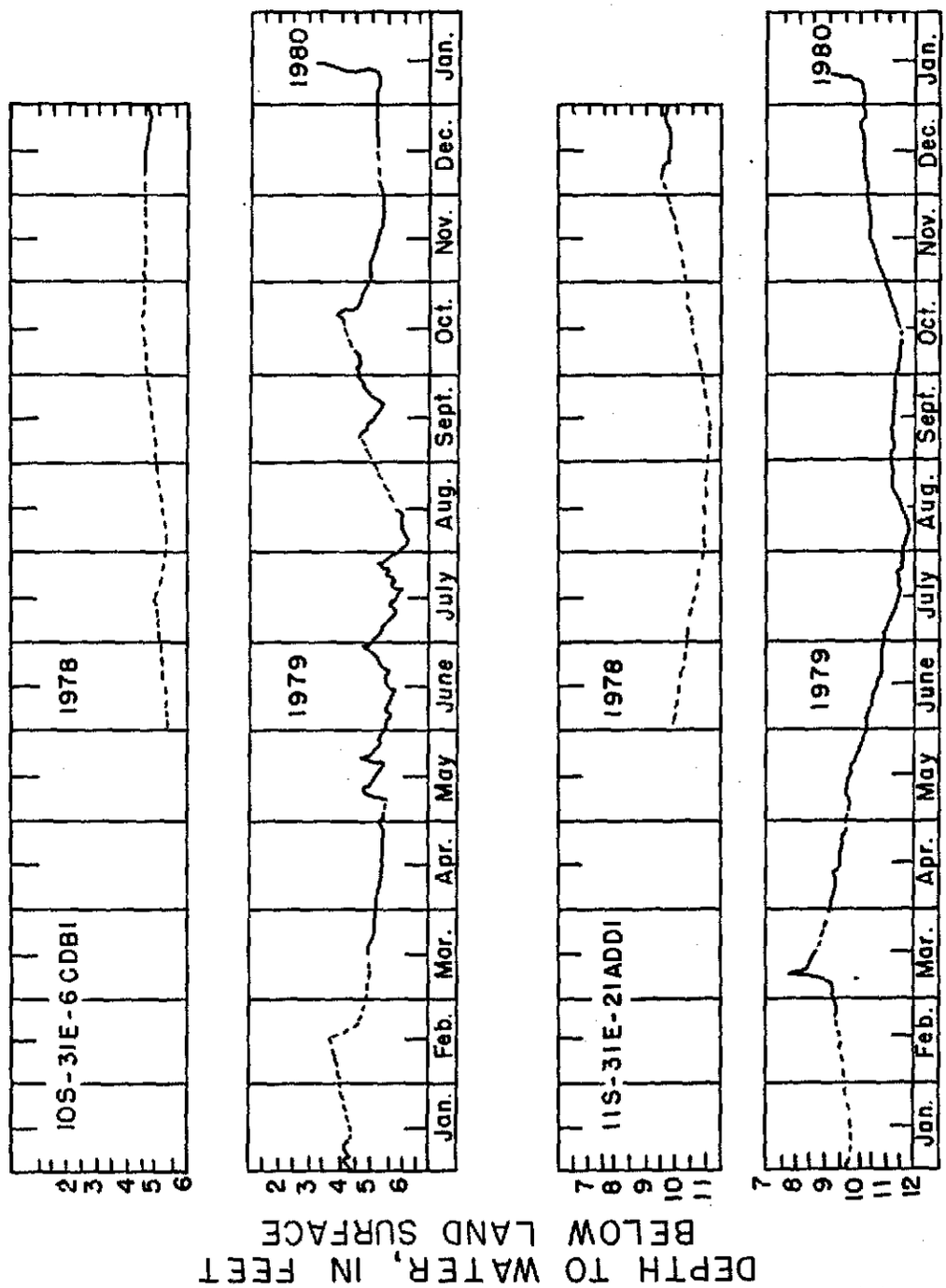


Figure 13.-- Ground-water levels in observation wells.

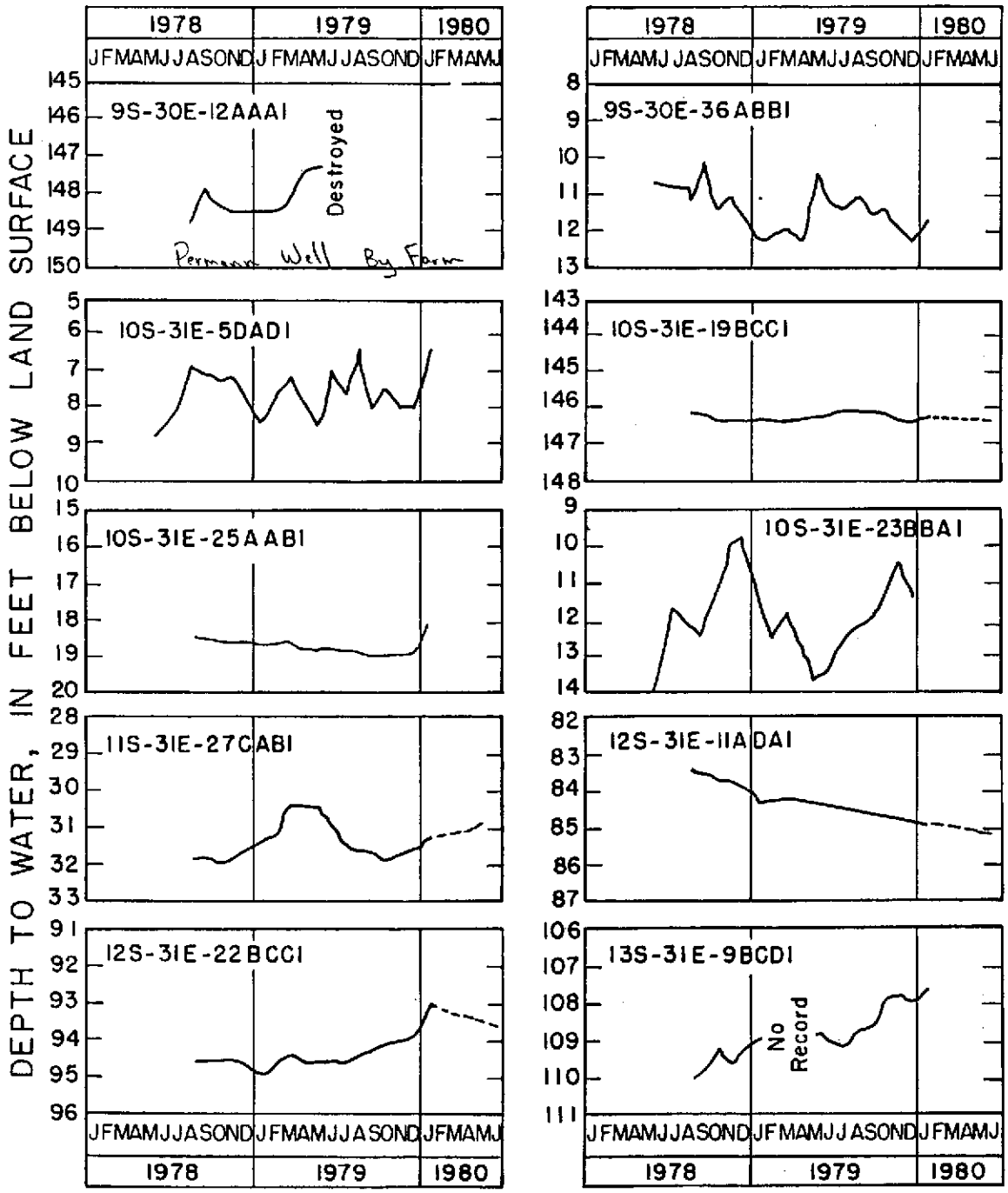


Figure 14. -- Ground-water levels in selected wells.

aquifer adjacent to East Fork Rock Creek in a predominantly surface-water irrigated area. Although the magnitude of fluctuations is not great, the trend shows that water levels rise gradually from August through January and decline gradually from March to July. Well 11S-31E-21ADD1 (fig. 13) is 18.4 ft deep and is completed in the Holocene alluvial aquifer adjacent to Rock Creek. This well is near a well that withdraws water for irrigation, and the water level in the observation well responds to pumping in the irrigation well. Here the water levels decline gradually through the early part of the irrigation season and remain low through the end of the season, when they begin a gradual rise. The declining effects owing to pumpage may be dampened, however, for the water withdrawn from the nearby well is spread for irrigation in the vicinity; hence, part of it may return to the water table as seepage from fields.

The hydrographs of both wells in figure 13 and of several wells in figure 14 show abrupt water-level rises in January 1980. These rises were caused by a mid-winter storm, during which substantial flooding occurred throughout the basin. Stream flood plains were inundated, and part of the water that did not run off in the streams percolated to the water table to recharge the Holocene alluvial and Tertiary sedimentary-rock aquifers.

Hydrographs for the wells measured from 1978 to 1980 during this study are shown in figure 14. The hydrographs demonstrate the wide variation in water-level fluctuations in different parts of the basin and show that the annual range from high to low water levels is generally less than 4 ft. The duration of the records is too short and supporting data are too meager to determine, with any degree of certainty, the causes for the particular fluctuations at any one place; but wells 10S-31E-19BCC1, 10S-31E-25AAB1, and 12S-31E-11ADA1 show little water-level fluctuations. Well 10S-31E-19BCC1 is 815 ft deep and is completed mostly in clay. Clay transmits water slowly and will lag in response to any recharge or discharge stress placed on the ground-water system. This lag is magnified in a large-diameter casing (or open hole) to where any due response would be made almost imperceptible, which is probably the case for this well. Wells 10S-31E-25AAB1 and 12S-31E-11ADA1 lack seasonally responsive fluctuations, but they do show perceptible trends.

The small annual range of water-level fluctuations shown on the hydrographs in figures 13 and 14 suggests that no great stress by pumping is presently being put on the ground-water resources in the basin. The well hydrographs indicate no permanent lowering of water levels for

this short period of record. However, these wells should be measured periodically to monitor long-term hydrologic effects on the basin.

Aquifer Characteristics

Transmissivity (T) is the rate at which water moves through a unit width of an aquifer under a unit hydraulic gradient. The T of an aquifer can be determined by multiplying the thickness of the aquifer by its average hydraulic conductivity and(or) by using a number of other methods, most of which are described in Lohman (1979). Generally, T is determined from aquifer pump-test data; however, only meager pump-test data are available for aquifers in the valley. Drillers' logs frequently include well production tests, which report pumping rate and level of drawdown. The time period of these tests often is too short to allow determination of T values, but the SC (specific capacity) for the well can be determined. The SC of a well is the yield in gallons per minute per foot of drawdown. Using SC values, T's were estimated for many of the wells by using the empirically derived graphs shown in Walton (1962). Values of T's calculated from SC data from irrigation wells completed in Tertiary sedimentary rocks ranged from less than 150 to 10,500 ft^2/d. Values of T calculated using SC data from wells completed in Quaternary-Tertiary volcanic rocks (basalt) to the north, outside Rockland basin, ranged from 3,900 to 48,000 ft^2/d.

Assuming an average SC of 75 gal/min per foot of drawdown, as estimated from averaged pumping rates and drawdowns in the northern area (wells completed in volcanic rocks of Quaternary-Tertiary age), a T value of 20,000 ft^2/d is assumed to be representative of the basalt rocks in the northern part of Rockland basin (T. 8 S., R. 30-31 E.).

The pre-Tertiary sedimentary rocks are not regarded as having good potential for ground-water development, although southwest of Rockland, two wells completed in fractured limestone are reported to yield 2,200 and 2,500 gal/min. However, these wells produce thermal water and are thought to have penetrated a fault zone, so they probably do not represent the development potential of the pre-Tertiary sedimentary rocks.

Another hydraulic characteristic used to describe the ground-water system is S (storage coefficient), which is the volume of water an aquifer releases from or takes into storage per unit surface area of the aquifer per unit change in head. The S of unconfined aquifers is virtually equal

to the specific yield, as most of the water is released from storage by gravity drainage and expansion of the water. The S, or specific yield, of most unconfined aquifers ranges from about 0.1 to 0.3 and averages about 0.2 (Lohman, 1979, p. 8).

Determination of hydraulic characteristics of the Quaternary and Tertiary sedimentary deposits, considered as one hydrologic unit in this report, was limited to analysis of data from two wells (10S-31E-6CDB1 and 11S-31E-21ADD1). Various periodic segments of record were observed for drawdown caused by nearby pumping wells. Using type curves from Boulton (1964, pl. 7, curve A), for an unconfined aquifer having anisotropic conditions, a T of about 6,000 ft^2/d and an S of 0.15 were computed for the alluvial aquifer.

Additional aquifer analysis (method by Rorabaugh, 1964) was applied to observation well 11S-31E-21ADD1 by comparing water-level fluctuations (fig. 15) to stream recharge and discharge. The stream is 170 ft from the well. Aquifer discharge from both sides of the stream was estimated from the change in stage. The T value computed using Rorabaugh's method was 5,630 ft^2/d, and the S was 0.14.

On the basis of the above determinations, a value of about 5,700 ft^2/d probably represents the local average T of the Quaternary-Tertiary sedimentary aquifer.

Analysis of water-level drawdown and recovery using the above methods allows evaluation of the short- and long-term discharge-recharge effects on the basis of aquifer response. Variables such as distance from the pumping well, type of aquifer, geologic composition, aquifer thickness and width, and boundary effects determine the type of curve to be used. In each case, the applied method reflected the effects of the stream as a recharging boundary.

Underflow

Underflow from Rockland basin occurs through basalt and localized clay and sand layers near the mouth of Rock Creek. The amount of underflow, Q, to the Snake River was estimated by using the equation:

$$Q=TIL$$

where

T = transmissivity, in feet squared per day,
I = hydraulic gradient, in feet per mile, and
L = width, in miles, of the cross section through which underflow occurs.

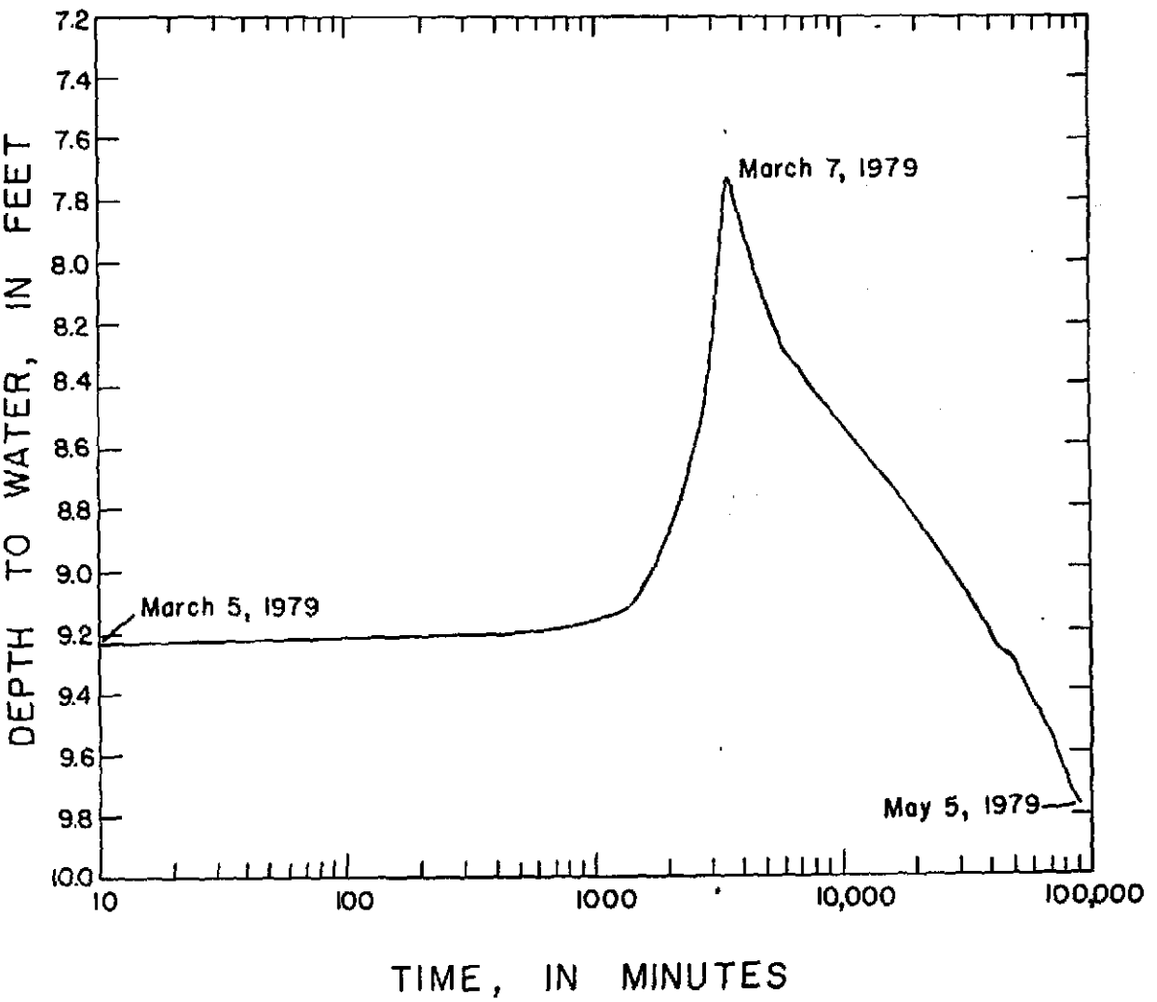


Figure 15. -- Water-level fluctuations in observation well 11S-31E-21ADD1 caused by flood recharge.

Using the previously computed T of 20,000 ft^2/d, a hydraulic gradient of 43 ft/mi (determined from the water-level contour map), and a cross-section width of 7.0 mi (fig. 12), underflow from Rockland basin is computed to be 51,000 acre-ft/yr. This estimate agrees closely with the estimate of 50,000 acre-ft/yr made by Mundorff, Crosthwaite, and Kilburn (1964).

WATER USE

The principal use of water in the basin is for irrigation, followed by municipal, stock, and domestic supplies. Irrigation accounts for about 99 percent of the total water use. Of nearly 107,000 acres of arable land in the basin, about 12,000 acres was irrigated in 1979 (see fig. 3) and about 15,500 acre-ft, or about 1.3 acre-ft/acre, of ground and surface water was used. About one-fourth of the irrigation water was supplied by ground water from wells; the remainder was from surface-water sources and from springs.

The actual quantity of water used for irrigation varies from year to year depending on the availability of supply. For example, in dry years when streamflow is low, either more ground water is pumped to augment the short supply or less land is irrigated. About 3,600 acres was left unseeded after being plowed for the 1979 growing season.

Irrigated land in Power County (which includes about 85 percent of Rockland basin) produces 3-4 times the amount of wheat than dryfarmed land produces (U.S. Department of Agriculture, 1966). Development and growth of agricultural land, specifically irrigated land, are shown in figure 16. Conversion of nonirrigated land to irrigated land in Power County has tripled since the 1950's. Because 91,000 acres of nonirrigated farmland is situated in Rockland basin, an increase in demand for water supplies can be expected.

Consumptive Water Use and Net Irrigation Requirements

Any increase in consumptive water use for ET by crops will reduce the amount of water normally available for streamflow and ground-water discharge.

Various crops have different consumptive water-use requirements, depending on factors that affect ET and plant maturity during the growing season. Average consumptive

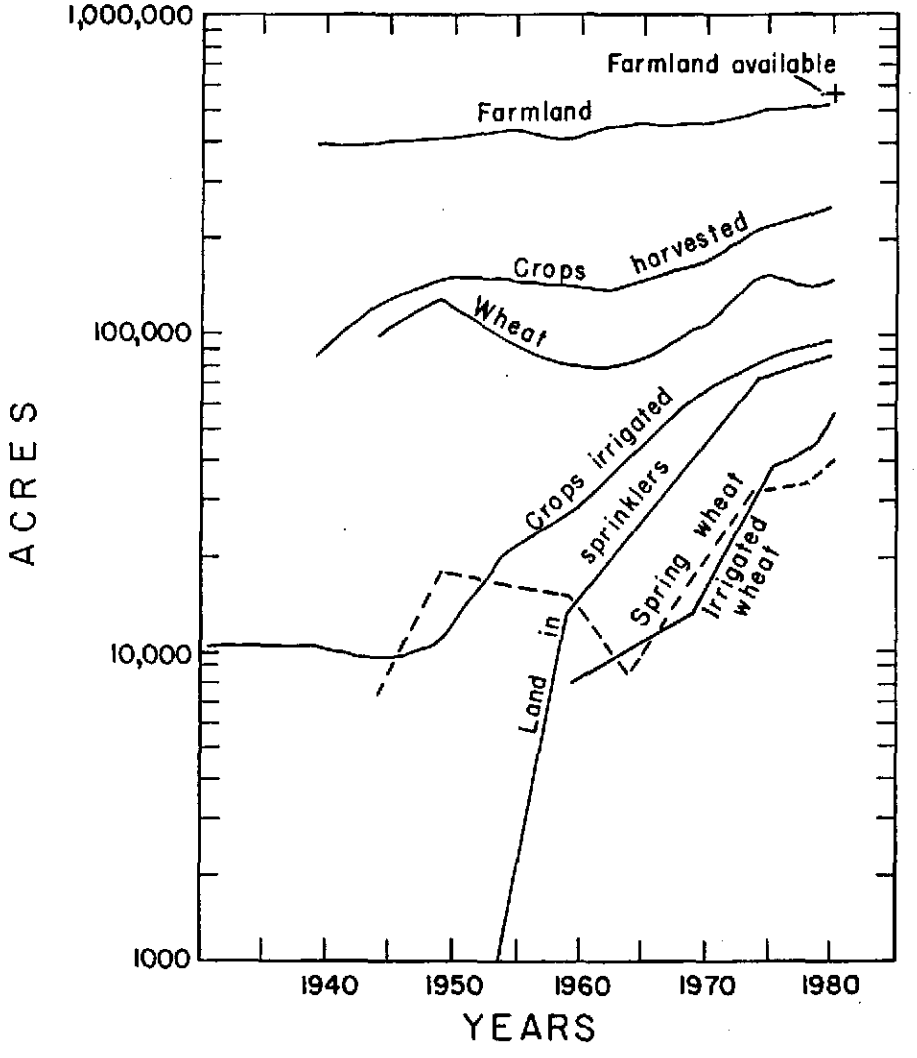


Figure 16. -- Agricultural land use in Power County.
(Data from U. S. Department of Agriculture census reports.)

water-use requirements for winter and spring wheat in the Pocatello area are 20.1 and 17.4 in., respectively (Sutter and Corey, 1970). The Blaney-Criddle formula (U.S. Soil Conservation Service, 1967), which was used to compute the above figures, also was applied to Rockland basin by adjusting temperature, precipitation, and daylight hours in American Falls to conditions in the basin. The growth stage of spring wheat on the basis of plant maturity (U.S. Soil Conservation Service, 1967, p. 76) coincided with pumpage demand (from power-consumption records). Using the Blaney-Criddle formula, as applied to Rockland data, the estimated average annual water consumption for winter and spring wheat is 20 in., with more spring wheat than winter wheat being irrigated in Rockland basin.

Average rainfall in the Pocatello area during the irrigation season is 2.8 and 3.6 in. for winter and spring, respectively. Thus, the net annual irrigation requirements (or consumptive use minus the rainfall for the irrigation period) for winter and spring wheat in the Pocatello area are 17.3 in. (20.1 in. minus 2.8 in.) and 13.8 in. (17.4 in. minus 3.6 in.), respectively. Estimated rainfall for Rockland basin during the irrigation season is 3.5 in., and the net annual irrigation requirement is 16.5 in. (20.0 in. minus 3.5 in.), or 1.3 acre-ft/acre for both wheat crops.

The rate of surface-water application for Power County is estimated to be 2.1 acre-ft/acre (U.S. Department of Agriculture, 1966). This figure is considerably higher than the net annual irrigation requirement of 1.3 acre-ft. However, it is estimated from hydrograph comparison of two sites on the East Fork Rock Creek, during 1955-64, that about one-fourth of the upstream diverted water (adjusted for seepage losses) returns directly to the lower reaches of the East Fork late in the growing season.

Assuming that one-fourth of the applied water is not consumptively used, and that 3.5 in. of normal rainfall during the growing season is available, then the estimated irrigation requirement from ground-water and surface-water sources would remain about 1.3 acre-ft/acre (75 percent of 2.1 acre-ft/acre minus 0.29 acre-ft/acre of rainfall equals 1.3 acre-ft/acre).

Surface-Water Use

Principal sources of surface water available for irrigation of about 9,000 acres are East Fork Rock Creek, Rock Creek, and several small springs. Additional irrigation water not supplied by diversions is pumped directly from the stream and applied to adjacent land tracts.

Monthly streamflow measurements from Rock Creek and East Fork Rock Creek for periods of record 1955-79 were used to estimate the mean streamflow available for irrigation during the growing season. Surface-water discharge for May to October 1979 was estimated to be 13,000 acre-ft, which included additional runoff inflow above site 13077650. Adjusting the 1979 discharge figure by subtracting the excess runoff from summer storms, or nondivertible flows, the amount available in 1979 for irrigation was reduced to 11,700 acre-ft. The 1979 water year had sufficient surface flow to meet irrigation requirements of 9,000 acres x 1.3 acre-ft/acre, or about 12,000 acre-ft. However, during seasons of less runoff, additional irrigation requirements would have to be supplied by ground-water pumping. For example, surface-water discharge available for 1955-60 during May to October when diversion began and ended showed that the flow was about 8,900 acre-ft. The difference between 12,000 acre-ft and the flow of 8,900 acre-ft (3,100 acre-ft) must be supplied from ground-water sources, or the total irrigated acreage must be reduced.

Ground-Water Use

In 1979, about 17 wells were pumped to irrigate croplands in the study area. No records were kept by the irrigators of the amount of water pumped. Therefore, power-consumption records were obtained from the Idaho Power Company, from which total pumpage was calculated. Ten of the pumped wells were powered by electricity and seven by diesel engines.

Measurements of flow discharge were made at the irrigation wells during the pumping season. Knowing the rate of discharge, total kilowatt hours consumed, and demand of each motor (kilowatts), total withdrawals were computed by means of the following formula:

$$Qt = Qr \times \frac{KwH}{D}$$

where

Qt = total withdrawals, in acre-feet,
Qr = discharge rate, in acre-feet per hour,
KwH = total power consumed, in kilowatt hours, and
D = demand of motor, in kilowatts.

For wells powered by diesel engines, pumpage withdrawals were determined by multiplying the average number of pumping hours for the irrigation season of all wells powered

by electric motors by the discharge rate of each well. Computed withdrawals then were composited by areas within Rockland basin.

Rates of ground-water application, mainly by sprinklers, ranged from 0.72 acre-ft/acre in the southern part of the basin to 2.46 acre-ft/acre in the extreme northern part (T. 8 S., R. 30 E., 31 E.). The average rate of application for Rockland basin is 1.32 acre-ft/acre, similar to the net irrigation requirement of 1.3 acre-ft/acre previously estimated for wheat crops. Thus, estimated ground-water withdrawal to irrigate 2,700 acres in Rockland basin is 3,500 acre-ft/yr.

Municipal, Domestic, and Stock Water Use

Municipal and rural domestic use can be estimated by assuming an average rate of withdrawal per household. The town of Rockland uses about 35 acre-ft/yr (98 families at about 320 gal/d per family). Use of water for rural domestic purposes is estimated to be 20 acre-ft/yr, on the basis of a per-capita use rate of 150 gal/d. Use of water by livestock is unknown but is small compared to irrigation volumes. Stock water is obtained mostly from springs or diverted surface water. The small amount consumed can be estimated. For example, the estimated 8,000 head of range cattle in Rockland basin would consume 6.3 gal/d per head, or about 56 acre-ft/yr.

Water Budget

The total quantity of water available for use in the 320-mi^2 basin was defined previously as water yield, or water remaining after evaporation and transpiration of natural vegetation. Numerically, these long-term values are:

Total precipitation	=	17.3 in./yr, or 295,000 acre-ft/yr
Natural ET	=	12.3 in./yr, or 210,000 acre-ft/yr
Yield	=	5.0 in./yr, or 85,000 acre-ft/yr

Part of the available water yield is consumed by irrigation, domestic, and livestock use. Any water not consumptively used leaves the basin as surface flow and underflow.

Individual elements of the water budget for 1979 are:

Ground water used for irrigation	= 3,500	acre-ft/yr
Surface water used for irrigation	= 12,000	acre-ft/yr
Municipal, domestic, and stock uses	= 100	acre-ft/yr
Surface-water outflow	= 19,800	acre-ft/yr
Underflow	= 51,000	acre-ft/yr
Total	= 86,400	acre-ft/yr

In comparing the 1979 water budget to the long-term yield of Rockland basin, water available in 1979 was 2 percent above normal. However, on the basis of the following assumptions, 1979 easily could be 2 percent less than normal: (1) Consumptive use of water for irrigation, municipal, domestic, and stock supplies during 1979 is typical of normal water use (15,600 acre-ft/yr); (2) long-term surface-water outflow averages 16,500 acre-ft/yr; (3) underflow of 51,000 acre-ft/yr is representative of long-term conditions; and (4) no significant change in water levels, hence storage, occurred in 1979.

Despite the relatively small error between budget elements for 1979 and the long-term yield, probable error in excess of 5 percent exists in any of the values. However, because of expected annual fluctuations in any of the elements used to determine yield, the estimate of 5.0 in./yr probably is still indicative of long-term water availability in Rockland basin.

SURFACE-WATER/GROUND-WATER RELATIONS

The surface- and ground-water resources of Rockland basin are intricately related. The movement of water from the land surface to the subsurface and back to the land surface occurs naturally in the basin, and the surface-water/ground-water relations are an important hydrologic factor in the availability and use of water.

Flow in Rock Creek is derived from overland runoff of precipitation and snowmelt, springfed tributaries, and ground-water discharge. Because of the lack of surface runoff from the surrounding mountains, overland flow in Rock Creek is derived mainly from precipitation and snowmelt on the valley floor. East Fork Rock Creek, whose flow is derived mainly from spring discharge, is the largest contributor of flow to Rock Creek. Ground-water discharge to Rock Creek is predominantly from the Holocene alluvial aquifer.

Gaining and Losing Reaches in Rock Creek and East Fork Rock Creek

The contribution of ground water (or base flow) was assessed by streamflow measurement at selected sites

along Rock Creek and East Fork Rock Creek. Measurements were made between October 31 and November 2, 1978, when effects of irrigation were minimal. Locations of measuring sites, discharge, and cumulative apparent gains and losses to ground water in the two streams are illustrated in figure 17. Measuring sites are numbered in downstream order, with measured inflows and outflows noted.

Rock Creek generally gains or receives ground-water discharge between measuring sites 2-12 (fig. 17). Below measuring site 12 to the Rock Creek near American Falls site, no connection exists between surface and ground water. East Fork Rock Creek gains from the ground-water system in its upper reach (sites 1, 2, and 3) and generally loses to ground water in its middle (site 4) and lower (sites 8, 10, and 12) reaches.

Effects of Ground-Water Pumpage on Surface-Water Flows

Pumping of wells adjacent to a stream where there is direct hydraulic connection with an aquifer will result in a decrease in streamflow. The degree to which streamflow is affected depends on proximity of the well to the stream, rate of recharge, quantity of water pumped, and ability of the aquifer and streambed to transmit water. It is the withdrawal of ground water at the expense of appropriated downstream water that is of concern to surface-water users in Rockland basin.

No quantitative measure of streamflow depletion resulting from ground-water withdrawal has been made in Rockland basin. The rate and volume of stream depletion during and after pumping of a nearby well were described by Jenkins (1970) for a system in which the surface-water/ground-water regime was in equilibrium. Figure 18, constructed using Jenkins's method, for the alluvial aquifer in Rockland basin having average T values of 5,700 ft^2/d and an average S of 0.14, shows the percentage of surface water derived from Rock Creek in water pumped from a well placed at selected distances from Rock Creek after specific time periods of pumping. For example, using figure 18, if well 11S-31E-21ADC1, located 520 ft (0.1 mi) from Rock Creek, were pumped for 80 days at 1,100 gal/min, then at the end of that time, 70 percent of the water pumped would be derived from the stream. The values of T and S used to draw the curves in figure 18 are thought to be representative of the Tertiary sedimentary-rock aquifer in Rockland basin. If the well pumped 1,100 gal/min, it would, after 80 days, deplete Rock Creek flow by about 1.7 ft^3/s. As pumping time approached infinity, the volume of stream depletion would approach the volume pumped. After pumping ceased, the

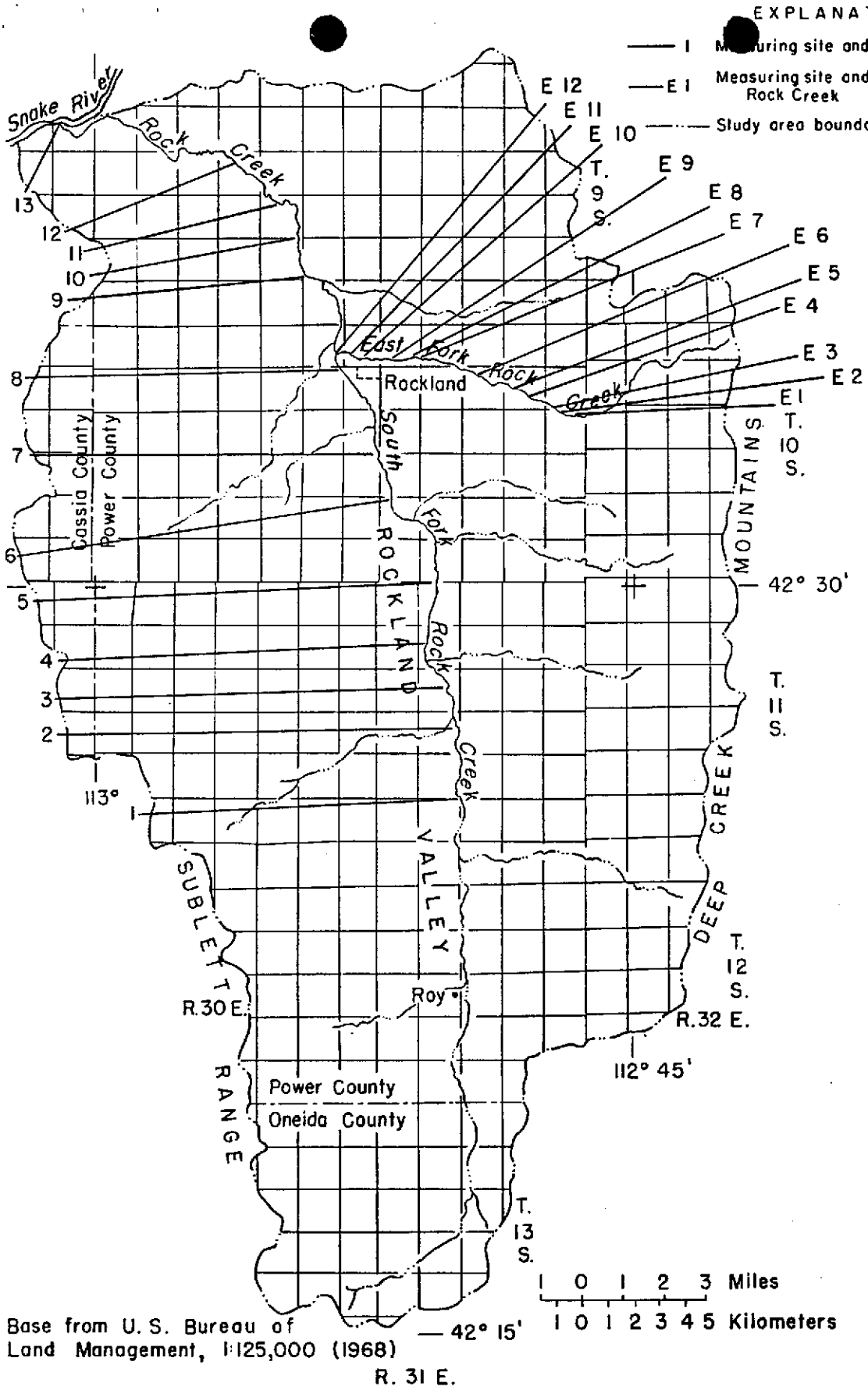
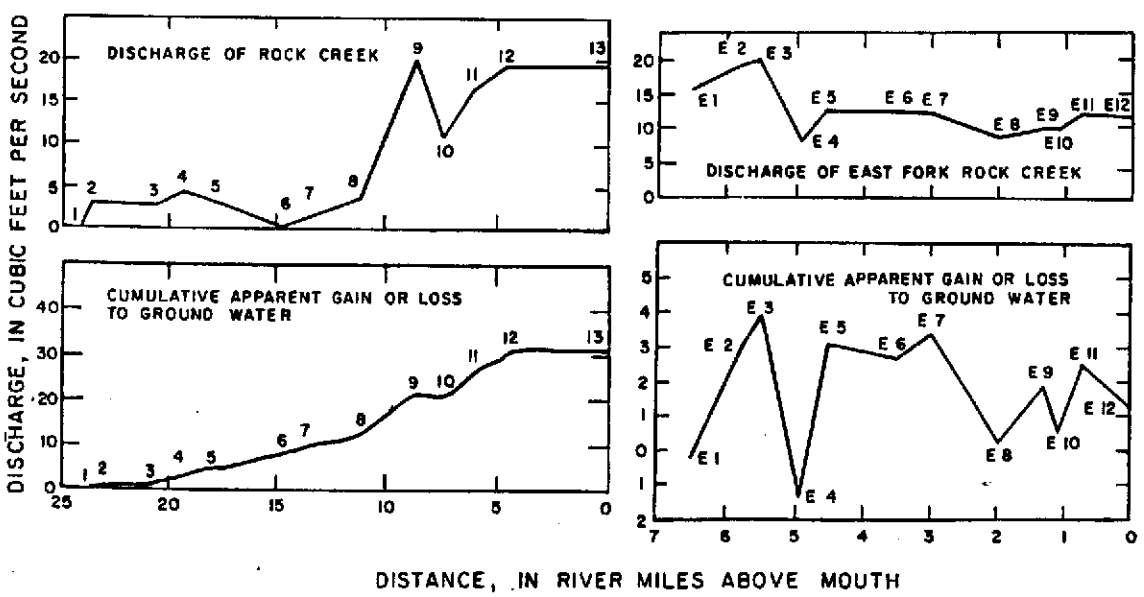


Figure 17.--Discharges and locations

Site No.	Date measured	Discharge (ft^3/s)	Inflow (ft^3/s)	Outflow (ft^3/s)	Specific conductance (μmho)	Apparent gain or loss to ground water (ft^3/s)
			ROCK CREEK			
1	10-30-78	0			--	--
			1.7			
2	10-31-78	2.8			731	+1.1
3	---do---	2.6			796	- .2
4	---do---	4.1			801	+1.5
				3.1		
5	---do---	2.9			955	+2.0
				6.3		
6	---do---	0			848	+3.4
				1.2		
7	11- 1-78	1.0			1,110	+2.2
8	---do---	3.4			1,030	+2.4
			14.0	7.6		
9	---do---	19.3			802	+9.5
				8.3		
10	---do---	10.2			728	- .8
11	11- 2-78	15.6			904	+5.4
				1.9		
12	---do---	18.4			960	+4.7
13	---do---	18.4			956	0
			EAST FORK ROCK CREEK			
E-1	10-30-78	16.4			403	--
E-2	---do---	19.2			367	+2.8
E-3	10-31-78	20.3			364	+1.1
				6.7		
E-4	---do---	8.4			408	-5.1
E-5	---do---	12.8			317	+4.4
E-6	---do---	12.4			460	- .4
				.7		
E-7	11- 1-78	12.4			479	+ .7
E-8	---do---	9.2			504	-3.2
E-9	---do---	10.9			514	+1.7
				1.1		
E-10	---do---	10.7			482	-1.3
E-11	---do---	12.7			531	+2.0
			0.6			
E-12	---do---	12.1			--	-1.2



of inflow and outflow measuring sites.

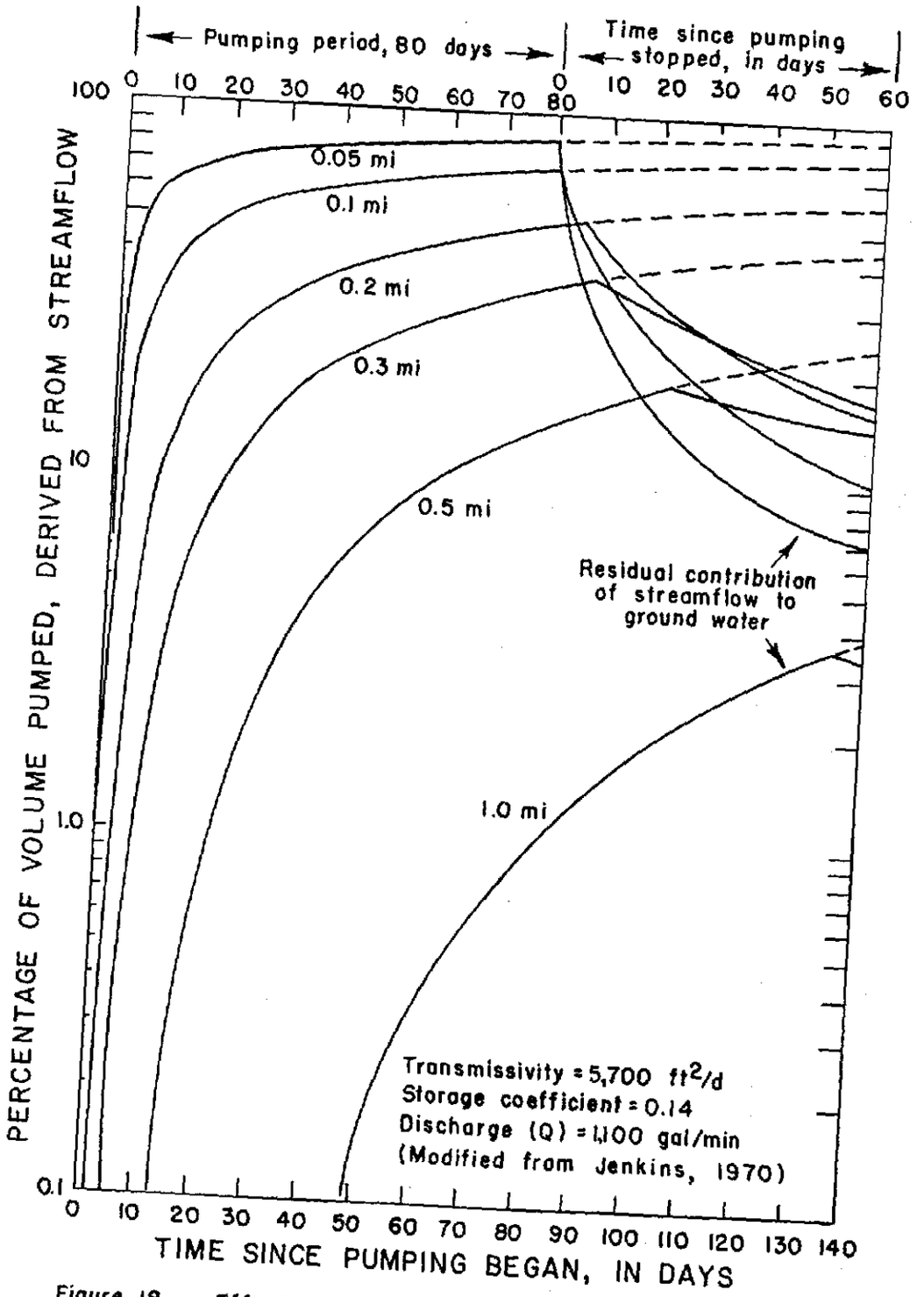


Figure 18.-- Effects of ground-water pumpage on streamflow at selected distances from Rock Creek.

stream would continue to lose water to the ground-water system until equilibrium again was achieved. Residual effects on stream depletion (shown as "time since pumping stopped" in fig. 18) are smaller for a well closer to the stream.

Normally, the volume of depleted ground water would be replenished during periods of recharge unless (1) depletion greatly exceeded available recharge, (2) residual and lag effects were too lengthy for recovery to occur, or (3) storage was drawn through a less permeable boundary than that used in this analysis.

Ground-Water Recharge From Floods

Short periods of recharge to the aquifer can occur from a sudden increase in streamflow during floods. The rate of ground-water recharge can be estimated by using a method developed by Rorabaugh (1964), provided the magnitude of the water-table rise associated with the flood and the T and S of the aquifer are known. Using Rorabaugh's method, the water table is assumed to be horizontal (everywhere at stream level) and to extend the width of the valley. The true configuration of the water table limits applicability of the method but does allow consideration of maximum effects of recharge.

Assuming a typical sudden recharge impulse in observation well 11S-31E-21ADD1 (fig. 15) caused by runoff in Rock Creek, the aquifer would be recharged by a certain unit discharge per foot of channel length. Using the aquifer characteristics computed previously (T and S values of 5,700 ft^2/d and 0.14, respectively), height of recharge impulse (1.5 ft), and time since recharge impulse occurred, recharge to channel banks for the first 2½ days from storm runoff for a 1-mi width strip on each side of Rock Creek would be 55 (gal/d)/ft. This rate is equivalent to a volumetric rate of 9 ft^3/s for 10 mi of channel length. Return discharge to the stream on the recession limb of the observation well hydrograph (fig. 15) for 7.2 days and 38 days would contribute discharges of 2.6 and 0.63 ft^3/s, respectively, to 10 mi of channel length. These discharges would be released from bank storage and would contribute about 7 percent of the existing streamflow at that time. Extending the horizontal water table to include aquifer strips 4.5 mi wide (recharge from the stream to the aquifer is assumed to be horizontal and to terminate at the fault boundaries) bordering the stream gives similar bank-storage release values, which indicates that there is minimal increase in discharge from bank storage at greater distances from the stream.

Combining Rorabaugh's method with a technique for hydrograph separation (Daniel, 1976, and Daniel, J. F., oral commun., 1980), the total volume of ground water contributed to streamflow from flood-recharge pulses can be calculated. An example of the procedure was outlined by Wilder and Simmons (1978). The calculated volume of ground water contributed to streamflow during runoff events, as applied to station 13077500 on Rock Creek for the period 1955-60, is 56 percent of the total flow. Total ground-water contribution to streamflow is estimated to average 79 percent of the annual flow during this same period.

WATER QUALITY

Water samples for chemical analysis were collected during May and June 1979 at 9 surface-water sites, 13 wells, and 2 springs in Rockland basin. Results of the analyses are given in table 5. Several surface-water sites also were sampled for suspended-sediment concentrations during periods of high flow January 14-16, 1980. Sediment data are shown in table 6.

Surface Water

The chemical quality of most surface water in the study area is generally good to fair, and, although hard, is suitable for most uses in the basin. Pattern diagrams devised by Stiff (1951) in figure 19 depict chemical differences and similarities among selected waters sampled during this study.

Surface water, represented by hatchured patterns in figure 19, is generally a calcium bicarbonate type. In the vicinity of Rock Creek below Rockland, the water is higher in dissolved magnesium and probably is derived from ground-water discharge from the aquifer to the stream. Most surface water in the study area is classified (Wilcox, 1955) as either hard (120-180 mg/L calcium carbonate) or very hard (more than 180 mg/L calcium carbonate).

During the study of streamflow gains and losses, 21 sites on Rock Creek and 16 sites on East Fork Rock Creek were sampled for specific conductance (fig. 17). An appraisal of the data shows that as the proportion of ground-water discharge to the stream increases, the specific conductance also increases, indicating that water from the aquifer is higher in dissolved solids. When streams receive a large proportion of direct runoff from snowmelt and precipitation, the specific conductance rapidly decreases.

Table 5.--Chemical analyses of water
(Chemical constituents in milligrams per liter, except where noted)
(<, less than; --, no data available)

Location or designation	Date of collection	Depth of well (ft)	Discharge (ft³/s)	Specific conductance (µmho)	pH	Water temperature (°C)	Hardness as $CaCO_3$	Noncarbonate hardness	Calcium (Ca)	Magnesium (Mg)	Sodium (Na)	Percent sodium	Sodium adsorption ratio (SAR)	Potassium (K)	Bicarbonate (HCO_3)	Carbonate (CO_3)	Alkalinity as $CaCO_3$	Carbon dioxide (CO_2)	Sulfate (SO_4)	Chloride (Cl)	Fluoride (F)	Silica (SiO_2)	Dissolved solids (calculated)	Dissolved solids (ton/acre-ft)	Dissolved solids (ton/d)	Nitrite plus nitrate as N ($NO_2 + NO_3$)	Phosphorus, total as PO_4	Phosphorus, total as P	Phosphorus, ortho, total as PO_4	Iron dissolved as Fe (µg/L)	Manganese dissolved as Mn (µg/L)
Ground Water																															
9S-30E- 3ADB1	6-29-79	500	[1]45	532	7.5	15.5	210	40	57	17	21	17	.6	6.4	210	0	172	11	23	50	.2	66	346	.47	.09	.49	.03	.01	.03	—	—
14CCA1	6-29-79	—	[1]45	981	6.9	14.0	370	75	93	33	50	30	1.1	13	360	0	295	73	59	110	.3	61	599	.82	.16	.61	.09	.03	.09	—	—
9S-31E-31CAC1	6-13-79	408	[1]60	704	7.5	11.5	270	40	72	21	12	9	.3	11	280	0	230	14	37	69	.2	69	433	.52	13.4	.77	.12	.04	.12	—	—
10S-30E-12ACB1	6-13-79	1,100	[1]450	1,260	7.3	20.0	390	210	120	22	60	28	1.3	24	220	0	180	18	26	280	.2	70	711	.95	1.89	.09	.06	.02	.06	—	—
10S-31E- 7ABB1	6-13-79	401	[1]260	558	7.2	15.0	210	2	58	17	20	16	.6	10	260	0	213	26	19	33	.3	60	348	.47	.55	.66	.09	.03	.09	0	<1
18ADD1	6-28-79	—	[1]45	760	7.2	13.0	280	50	75	22	44	24	1.1	14	280	0	230	28	31	90	.4	61	476	.65	.13	.19	.12	.04	.12	—	—
33CDA1	5-23-79	335	[1]400	392	7.6	20.0	130	0	37	8.0	27	29	1.1	13	180	0	148	7.2	15	28	.6	160	379	.50	.89	.35	.01	.01	.03	—	—
11S-31E- 1CBC1	6-14-79	600	[1]900	437	6.9	11.5	210	5	58	17	9.0	8	.3	1.0	250	0	205	50	9.9	18	.1	10	248	.33	1.31	.39	.06	.02	.06	—	—
11ADD1S	6-13-79	—	[1]68	505	7.5	13.0	210	13	55	18	16	14	.5	1.3	240	0	197	12	17	36	.1	11	275	.33	.10	.62	.03	.01	.03	—	—
16ADA1	5-23-79	125	[1]200	1,270	7.8	12.0	360	0	88	33	140	45	3.2	16	480	0	394	12	23	50	.3	55	699	.94	.84	13	.28	.09	.28	—	—
16ADD1	6-28-79	60	[1]45	763	7.1	11.5	280	1	66	28	51	28	1.3	8.0	340	0	279	43	32	62	.3	54	470	.65	.13	.33	.12	.04	—	—	—
30BCC1	6-29-79	273	[1]45	741	6.8	14.5	290	180	85	18	16	11	.4	7.3	140	0	115	36	22	150	.2	59	434	.58	.12	1.8	.12	.04	.12	—	—
11S-32E-18AAC1S	6-13-79	—	[1]2	776	7.5	8.5	360	70	100	26	41	20	.9	2.5	350	0	287	18	52	64	.3	28	497	.68	.04	2.3	.28	.09	.28	—	—
12S-31E- 4DDA1	6-13-79	—	—	578	7.2	11.5	190	59	52	14	41	31	1.3	9.4	160	0	131	16	21	91	.2	55	370	.50	—	1.7	.21	.07	.21	—	—
13ADD1	6-13-79	400	—	558	7.5	—	200	3	48	20	34	27	1.0	1.9	240	0	197	12	16	59	.1	13	311	.42	—	.28	.06	.02	.06	—	—
Surface Water																															
13077343 - South Fork Rock Creek below Hartley Canyon near Roy	5-24-79	—	2.0	799	8.1	14.0	320	57	82	29	38	20	.9	6.5	320	0	262	4.1	28	93	.3	36	471	.64	2.59	.22	.09	.03	.09	—	—
13077390 - South Fork Rock Creek near Rockland	5-24-79	—	3.6	851	7.7	16.0	330	59	82	31	49	24	1.2	7.4	330	0	271	11	33	98	.3	45	511	.69	4.98	.56	.12	.04	.12	—	—
13077520 - South Fork Rock Creek above Warm Springs Creek near Rockland	6- 1-79	—	3.9	867	7.6	13.5	320	33	78	31	55	26	1.3	17	350	0	287	13	34	96	.4	38	531	.70	4.06	.20	.06	.02	.06	—	—
13077600 - East Fork Rock Creek near Rockland	5-31-79	—	18	389	7.8	11.0	220	20	59	17	5.7	5	.2	1.1	240	0	197	6.1	6.1	9.5	.2	8.8	227	.31	11.0	.26	4.3	1.4	—	—	—
13077620 - East Fork Rock Creek at Rockland	6- 1-79	—	5.4	526	8.0	9.0	270	24	67	24	14	10	.4	2.8	300	0	246	4.5	11	29	.2	12	299	.41	4.36	.31	.06	.02	—	—	—
13077632 - Spring Creek near Rockland	5-24-79	—	.81	945	8.0	12.0	420	170	110	35	37	16	.8	5.2	300	0	246	4.8	37	130	.3	29	539	.73	1.18	1.7	.06	.02	—	—	—
13077638 - Rock Creek below Rockland	5-25-79	—	1.2	1,010	7.9	16.0	450	89	94	52	44	17	.9	17	440	0	361	8.7	50	110	.4	44	630	.86	2.11	.52	.12	.04	.12	—	—
13077646 - Rock Creek near mouth	5-25-79	—	6.0	1,010	8.2	18.0	420	55	79	55	52	20	1.1	20	470	0	385	4.7	34	81	.4	35	588	.80	9.53	.10	.12	.04	.12	—	—
	5-31-79	—	.78	952	8.1	18.0	390	66	72	52	50	21	1.1	18	440	0	361	5.1	34	81	.4	34	539	.73	1.14	.01	.03	.01	.03	—	—
13077650 - Rock Creek near American Falls	5-31-79	—	2.0	889	8.1	14.0	360	0	48	58	61	26	1.4	19	440	0	361	5.2	34	84	.2	23	529	.72	2.86	.01	.09	.03	.09	—	—

[1]Discharge in gallons per minute

Table 6.--Suspended-sediment discharge during storm runoff of January 12-17, 1980

[e, estimated; <, less than]

Site No.	Date measured	Time (24-hour)	Water discharge (ft^3/s)	Suspended-sediment concentration (mg/L)	Instantaneous suspended-sediment discharge (ton/d)
13077088	1-16-80	0940	0.14	10	<0.01
13077090	--do---	0950	1.07	124	.36
13077370	--do---	1135	.09	147	.04
13077390	1-15-80	1430	68	2,530	465
13077480	1-16-80	1600	.72	218	4.2
13077632	--do---	1300	1.83	1,180	5.8
13077646	1-14-80	1330	440e	10,700	12,700
---do---	1-15-80	1130	228	3,650	2,250
---do.[1]-	--do---	1250	158	5,470	2,330
13077100	--do---	1650	22	10,600	630
13077200	--do---	1540	161	23,400	10,200
13077490	1-16-80	1530	1.82	1,800	8.8
13077340	1-14-80	1545	40e	23,900	2,580
13077540	1-16-80	1400	.08	348	.08
13077600	--do---	1715	17	16	.73
13077650	1-15-80	0850	320e	12,200	10,500
---do---	1-17-80	1040	79	786	168

[1] 2 mi upstream.

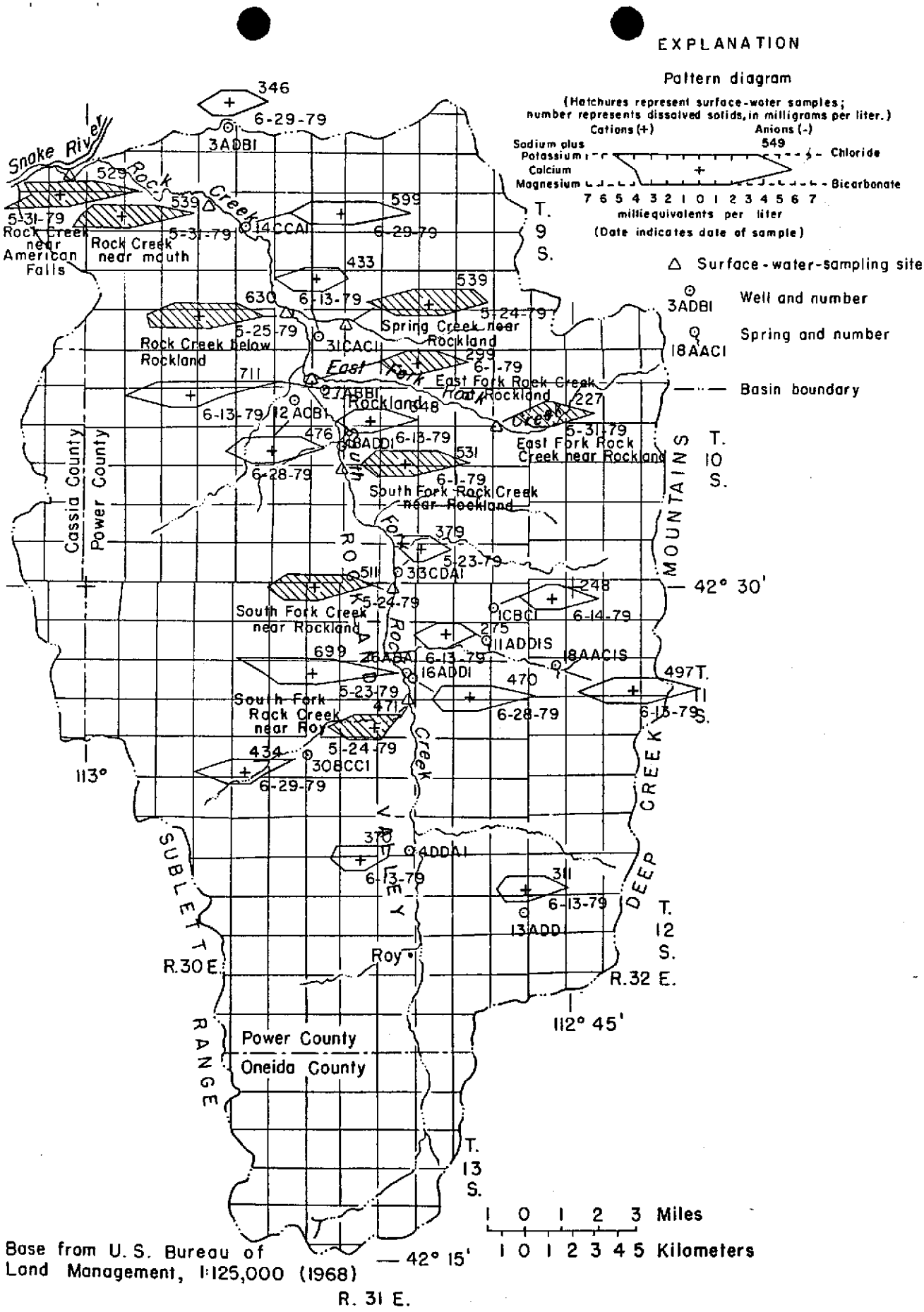


Figure 19. -- Chemical character of water.

On the basis of specific-conductance values and SAR (sodium-adsorption ratio), surface water also was classified to determine its suitability for irrigation. All surface water in the study area is within the low sodium water classification and can be used on most soils with little danger of developing harmful levels of exchangeable sodium. Some sodium-sensitive crops may be affected (Wilcox, 1955, p. 10). Except for East Fork Rock Creek, surface water in Rockland basin is classified as moderately high in salinity hazard. These waters should not be used on soils that have restricted drainage or on plants that have low salt tolerance. Plants that have moderate salt tolerance can be grown in most places without special practices of salinity control. Even with adequate drainage, special management for salinity control may be required.

Water samples were collected during January 14-17, 1980, for determination of suspended-sediment concentrations (table 6). At this time, stream discharges were at a maximum, and numerous tributaries were at bankfull or overflow stage. Most of the stream channels had eroded their banks when the measurement sites were revisited in mid-June 1980.

Concentrations of suspended sediment resulting from soil losses in a dominantly agricultural area are expected to be high when floods occur (table 6). Removal of protective vegetation and various land-surface disturbances by man's activities can cause increased erosion.

Ground Water

The relative abundance of the common ions in ground water from each well sampled during this study is shown in figure 19. Calcium and bicarbonate are the predominant ions. The concentration of dissolved solids for most samples is generally less than 700 mg/L. The diagrams in figure 19 show that ground waters throughout the basin are generally similar and vary little in types and amounts of dissolved constituents.

Several of the apparently anomalous water-quality analyses shown in figure 19 can be explained by their relation to specific sources. For example, the water sample from well 10S-30E-12ACB1 is higher in calcium, potassium, and chloride than other water samples. This well pumps water from aquifers composed chiefly of sedimentary materials high in these constituents.

A ground-water sample also may be influenced by return irrigation flows. Accumulated salts that infiltrate through or are leached from the soil eventually may mix with ground water. An example is the water sample taken from well 11S-31E-16ADA1, a shallow well in an area where the water table is about 7.5 ft below land surface. This sample was higher in sodium, alkalinity, and dissolved solids than other water samples. The potential exists that saline or alkaline salts from evaporation of ground-water derived irrigation waters could result in local, unproductive acreage. On the basis of specific conductance and SAR, ground waters are, with the exception of the two wells previously discussed, classified as medium salinity waters, which can be used if a moderate amount of leaching occurs.

Ground-water samples can be influenced by nonagricultural uses; for example, the high concentration of nitrates and nitrites at well 11S-31E-16ADA1 is attributed to contamination by seepage from nearby livestock corrals.

SUGGESTIONS FOR MONITORING

To provide data for managing water resources in Rockland basin, the following network to monitor ground-water level fluctuations, surface-water discharge, and water-quality changes is suggested:

Continue bimonthly water-level measurements at the following observation wells: 10S-31E-5DAD1; 10S-31E-29BBA1; 12S-31E-22BCC1. Also, make bimonthly water-level measurements in well 10S-30E-25BAA1 or 10S-30E-24CDD1. Retain stream-gaging site at the mouth of Rock Creek to provide surface-water outflow data for Rock Creek. Collect water-quality samples above and below the confluence of East Fork Rock Creek and Rock Creek in the spring and fall. It is further suggested that selected domestic and stock water wells completed in sedimentary deposits near Rockland and Rock Creek be sampled to detect possible localized contaminants, and that East Fork Rock Creek near Rockland be sampled monthly from June to September for bacteria and nutrients to insure the data necessary to analyze quality of surface flow.

SUMMARY

Total water yield available to Rockland basin is about 5.0 in. (85,000 acre-ft/yr) of the 17.3 in. of estimated annual precipitation. Water yields to the Tertiary and

pre-Tertiary sedimentary rocks range from 0.5 to 10.4 in./yr, respectively. ET is estimated to range from 9.8 to 17 in./yr, depending, in part, on altitude.

Major water-bearing rocks in Rockland basin are the Quaternary-Tertiary volcanic rocks, Holocene alluvium, and Tertiary sedimentary rocks. Ground water occurs under water-table conditions, except where locally confined. The principal source of recharge to the basin is precipitation on the fractured and faulted pre-Tertiary sedimentary rocks bordering Rockland basin. Ground water discharges from eastern mountain springs to maintain perennial streamflow. Ground-water movement is generally northward. Near the mouth of Rock Creek, an estimated 51,000 acre-ft/yr of underflow leaves the basin by moving through the basalt to the Snake River.

East Fork Rock Creek is the largest surface-water source for irrigation within the basin. Annual discharge for the 1979 water year was 12,900 acre-ft, and for the 1980 water year was 13,700 acre-ft. Surface-water runoff from all available sources is estimated to average 16,500 acre-ft/yr. Annual surface-water discharge from Rockland basin was 19,800 acre-ft during 1979 and 28,900 acre-ft during 1980. Overland runoff and subsequent channel erosion caused particularly high sediment yields during the storm of January 12-17, 1980.

If the consumptive uses of water for 1979 are considered typical for a normal year, then only 18 percent of the 86,400 acre-ft of total water yield of the basin is currently used. Hypothetically, a portion of the 70,800 acre-ft/yr unused outflow could be captured. In addition to the 51,000 acre-ft/yr of ground-water underflow, 13,000 of the 19,800 acre-ft/yr of surface-water outflow was contributed from ground-water sources. Lowering stream water levels by ground-water pumping could salvage a portion of this water.

However, any additional increase in ground-water withdrawals above current pumpage levels must be strategically placed so as not to interfere with streamflow required to meet existing water rights.

Consumptive use of water for irrigation, municipal, domestic, and stock supplies was estimated to be about 16,000 acre-ft in 1979. Of the total, about 3,500 acre-ft was supplied by ground water.

Excessive pumping from wells near streams may reduce base flow where the stream and Holocene alluvium and Tertiary sedimentary-rock aquifers are hydraulically connected. Pumping from wells drilled along faults, especially in the headwaters area of East Fork Rock Creek, may affect groundwater movement and diminish flow in nearby springs. Any implied dewatering and water-table declines on a regional basis are speculative, due to lack of long-term water-level data. However, the available water-level records and a hydrologic analysis of the basin indicate that significant volumes of water have not been depleted from the groundwater system.

The quality of surface and ground waters in the basin is generally good for irrigation use; salinity levels are medium to moderately high. East Fork Rock Creek has the lowest concentration of most constituents used in irrigation classification. One ground-water sample taken from a well near a stockyard was high in sodium and nitrates.

Although this study was primarily a general evaluation of the relation between the surface- and ground-water systems in Rockland basin, a more concise treatment of the response of the unconfined aquifer due to effect of increased irrigation withdrawals perhaps can best be understood on a regional scale by simulation analysis using a hydrologic model. The advantage of developing such a model is the ability to predict future cause-and-effect relations. Any proposed management practices and limitations can be evaluated effectively by programming any system of recharge, pumping patterns, and ET losses.

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Water [redacted] No. 41-07030

RECEIVED
OCT 28 1999
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 13 1999
Department of Water Resources
Southern Region

Application for Extension of Time to Avoid Forfeiture of a Water Right

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho 83720, with the statutory fee.

1. Name of water right holder Timothy P. Deeg
   Post office address 2957 Deeg Road, Rockland, Idaho 83211

2. The right was obtained or is evidenced by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court) Court,
   County of _____. Fully describe decree _____
   _____
   _____

   b. √ License No. 41-07030 (transfer no. 4268) issued by the Department of Water Resources.

   c. Claim No. 41-07030 on file with the Department of Water Resources.

3. Source of water groundwater (Name of stream or source) tributary to _____

4. Date of priority of right January 2, 1978

5. Amount of water a. 1.4 c.f.s. and/or
   b. 441.0 acre fee/annum

6. Water is used for irrigation purposes (Purpose) from 04/01 (Month-Day) to 10/31 (Month-Day)
   _____ from _____ to _____
   _____ from _____ to _____

7. Location of point of diversion is SW ¼ SE ¼ of Section 6, Township 9 South, Range 30 East, B.M., in Power County;

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JAN 28 2000

20 July 99 GLS

Additional points [redacted] version, if any _____

_____

_____

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
9S ✓	30E ✓	1 ✓	25 ✓	29 ✓	36 ✓	36 ✓												

Total number of acres irrigated ~~136~~ 126 GLS 20 July 99

9. Give last date when water was applied to beneficial use 22 March, 1995
Length of extension of time requested 5 years, or until July 7, 2004

10. Explain fully your reason for requesting an extension of time within which to resume the use of your water right and reasons for non-use: The amended final order for transfer no. 4268 is dated March 21, 1995. Because of economic problems, applicant has been unable to purchase the equipment necessary to increase the capacity of his well by the 1.4 cfs authorized under this right. Applicant is concerned that the recent preliminary recommendation for this water right would result in the entry of a decree which may be interpreted as a forfeiture of the rate of diversion under this right, which is a leased right.

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

Kent W. Foster, attorney for Timothy P. Deeg

Subscribed and sworn to before me this 7th day of July, 1999.

(Notary Public)

My commission expires 1-14-2004

NOTARY PUBLIC
RENAE STERZICK
STATE OF IDAHO
Residing at Idaho Falls, Idaho
My Commission Expires Jan. 14, 2004

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JAN 2 6 2000

41-07030

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVED said application subject to the following conditions or reasons.

1) The right holder shall resume use of this water right on or before July 1, 2004.

2) This approval does not preclude the review of the extent and validity of the water right in the Snake River Basin Adjudication.

Witness my had this 25th day of January, 2000.

for (Director)

For Department Use Only

Received by GLS ✓ Date 13July99 ✓ Time 02:23:73 ✓ Preliminary check by ✓ Fee $100 ✓ Receipted by GLS ✓

Date 9/13/99 Publication prepared by AM Published in Power Co. Press

Dates _____ Publication approved by _____ Date _____

Protests filed by : None

Copies of protests forwarded by _____ Hearing held by _____

Date 10/22/99 Recommended for ☒ approval ☐ denial by _____

G:\WPDATA\KWF\DEEG\EXTENSIO.FRF:kmc

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JAN 28 2000

41-07030

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	41-07030	Kent O. McMichael	2.80
Full Assignment	41-07030	Farmers Home Admin.	2.80
Full Assignment	41-07030	Kent O. McMichael	2.80
Full Assignment	41-07030	Farmers Home Admin.	2.80
Full Assignment	41-07030	Ronald R. Nelson	2.80
Full Assignment	41-07030	Farold J. Nelson	2.80
Full Assignment	41-07030	Timothy P Deeg Diane J. Deeg	2.80

APR 1 3 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4268 OF WATER)
RIGHT NO. 41-07030 IN THE NAME)
OF TIMOTHY P. DEEG)
)

AMENDED FINAL ORDER

On June 14, 1994, the Department of Water Resources (department) issued a Recommended Order in connection with Application for Transfer No. 4268 of Water Right No. 41-07030 in the name of Timothy P. Deeg (applicant). On June 23, 1994, the protestant submitted a Petition for Reconsideration of the Recommended Order (petition).

The petition was denied by operation of law as provided in Section 67-5243(3), Idaho Code, due to no action being taken by the hearing officer within twenty-one (21) days after the filing of the petition. Thereafter, pursuant to department Rule of Procedure 720, any party had twenty-one (21) days following the denial of the petition to file exceptions with the Director prior to the entry of a final order. No exceptions to the recommended order have been filed with the Director during this 21-day period.

Although the petition was denied by operation of law, the Director responds to the issues and concerns identified in the petition as follows:

1. IDAPA Rule 37.01.01600 provides that the presiding officer at hearing is not bound by the Idaho Rules of Evidence. The rule also states that no informality in any proceeding or in the manner of taking testimony invalidates any order.

2. Water level measurements at a pumping rate of 1170 gallons per minute are not immaterial and are not irrelevant and begs the question of water level measurements at a diversion rate of 8.35 cubic feet per second (cfs). More specifically the applicant can not provide well level and draw down information at a maximum pumping rate of 8.35 cfs unless the pending application of the applicant to pump at that rate is approved by the department.

3. See No. 2. above.

4. The protestant's disagreement with the decision reached is not reason to change the decision.

5. There is no error, since the protestant's own unrefuted testimony was that pumping of the Mayer wells did not affect the

APR 13 1995

flow of Cold Creek or Warm Creek.

6. See No. 4. above.

7. See No. 2. above.

8. The department does not agree with the argument of the protestant but nonetheless has changed Conclusion of Law No. 5. to more clearly describe the intent of the conclusion.

9. The department agrees with the argument of the protestant and has changed Condition of Approval No. 6. to insure that the right is not enlarged.

10. See no. 9. above.

11. The opinion of the applicant's expert witness supports the conclusion reached. In addition, general stream flow records, water measurements, depth to water measurements and other records in department files of which official notice was taken also support the conclusion reached.

12. The conclusion is correct and should not be changed. A protestant who diverts water from the Mayer wells testified that an additional 30 acres of potatoes had been planted during the 1994 irrigation season. This protestant did not show that additional water had been obtained thorough a rental agreement or from some other source of water.

13. The argument of the protestant relative to the provisions of a private contract is not within the purview of issues described in Section 42-222, Idaho Code, and thus can not be considered by the department.

14. See no. 9. above.

Based on his understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, Analysis and Final Order:

FINDINGS OF FACT

1. On December 3, 1993, Timothy P. Deeg filed Application for Transfer No. 4268 (application) with the department in connection with water right License No. 41-07030. The applicant proposed to change both the point of diversion and the place of use of the license to a location twelve (12) miles north and three (3) miles west of the original location.

2. The department advertised the application which was protested by Warm Creek Irrigation Co., Steve W. Isaak, Roland Mayer and Sons, the Twin Falls Canal Co. and the North Side Canal

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Co. The Twin Falls Canal Co. and the North Side Canal Co. subsequently withdrew their protests.

3. On May 17, 1994 and May 24, 1994, the department conducted a hearing in the matter in American Falls, Idaho. The applicant was present and was represented by attorney Kent Foster. The protestants were present and were represented by attorney Roger Ling.

4. Issues identified by the protestants include the following:

a. Approval of the application for transfer will injure existing water rights.

b. Approval of the application will enlarge the right sought to be transferred.

c. Approval of the application is not in the local public interest.

The general concern expressed by the protestants was that diversion of additional water from the applicant's irrigation well will make less water available for the protestant's use of water diverted from the Mayer wells, Little Creek, Cold Creek and Warm Creek.

5. Exhibits offered and accepted as a part of the record include the following:

a. Applicant's Exhibit No. 1 - U.S.G.S. Quadrangle sheet titled Neeley, Idaho and Indian Springs, Idaho.

b. Applicant's Exhibit No. 1-A - U.S. Geological Survey Open-File Report 82-755 titled Water Resources of Rockland Basin, South-Eastern Idaho. The study was conducted in 1982.

c. Applicant's Exhibit No. 2 - Schematic depiction of certain wells. The exhibit is titled "Elevation Contours."

d. Applicant's Exhibit No. 3 - Technical Data: Little Creek.

e. Applicant's Exhibit No. 4 - Technical Data: Cold Creek.

f. Applicant's Exhibit No. 5 - Technical Data: Mayer Wells.

g. Applicant's Exhibit No. 6 - Potential Well Interference data and a graph titled Estimated Drawdown From Deeg Irrigation Well.

h. Applicant's Exhibit No. 7 - Letter dated May 16, 1994 to Timothy Deeg from Rolf E. Larsen of Mountain States Analytical together with analytical results of three (3) water samples.

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i. Applicant's Exhibit No. 8 - Miscellaneous information and water measurements.

j. Applicant's Exhibit No. 9 - Photograph showing a concrete water diversion structure on Cold Creek.

k. Applicant's Exhibit No. 10 - Well Test data of Pumpco for the Deeg irrigation well.

l. Protestant's Exhibit A - Letters dated April 10, 1992, April 21, 1993 and January 25, 1994 on Falls Irrigation District letterhead from Terrell O. Sorensen.

6. At the hearing, the hearing officer officially noticed the following:

a) Application for Permit file 41-07030.

b) Past decisions of the department as those decisions may apply to the protested application.

c) Water right records including recorded claims and rights of the protestants.

d) Reports, water measurements and stream flow records in department files such as U.S. Geological Survey reports.

e) Well Driller Reports (well logs) in department files.

7. License No. 29-07157 issued to Roland Mayer describes a water right with the following parameters:

Source:	Ground water
Priority:	September 19, 1973
Diversion rate:	5.10 cfs
Volume of water:	1,169 AF per year
Points of div:	NW1/4NW1/4, SW1/4NW1/4 Section 32, T8S, R31E,BM. (Mayer wells).
Use:	Irrigation
Place of use:	334 acres within parts of Sections 29, 31 and 32, T8S, R31E,BM.

8. License No. 41-07030 issued to Farold J. Nelson describes a water right with the following parameters:

Source:	Ground water
Priority:	January 2, 1978
Diversion rate:	1.4 cubic feet per second (cfs)
Volume of water:	441 AF per year
Point of div:	NE1/4SE1/4 Section 28, T10S, R31E,BM.
Use:	Irrigation
Place of use:	126 acres within parts of Section 28,

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T10S, R31E,BM.

9. On June 20, 1991, the department issued Permit No. 41-07081 to the applicant with the following parameters:

Source:	Ground water
Priority:	February 28, 1990
Diversion rate:	6.95 cubic feet per second
Point of div:	SW1/4SE1/4 Section 6, T9S, R31E,BM.
Use:	Irrigation
Place of use:	348 acres in parts of Section 1, T9S, R30E,BM. and Section 6, T9S, R31E,BM.
Proof ben. use due:	July 1, 1994

10. The applicant drilled the irrigation well authorized by Permit No. 41-07081 (Deeg well) during the summer of 1992 and diverted and used the water on 348 acres during the 1993 irrigation season. The land is sprinkler irrigated with two (2) pivots, four (4) wheel lines and handpipe. The Deeg well is 939 feet deep and is cased with 18 inch diameter casing which is perforated at depths of 210 feet to 330 feet, 450 feet to 490 feet and from 516 feet to 716 feet. There is some cascading water in the well. The static water level is about 452 feet below land surface.

11. The applicant has a five-year lease option for the use of water under License No. 41-07030 and proposes to change the point of diversion to the Deeg well located in the SW1/4SE1/4 Section 6, T9S, R31E,BM. The water would be diverted for the irrigation of an additional 126 acres within Section 1, T9S, R30E,BM using a center pivot.

12. The applicant has a domestic well which is located about 700' from his irrigation well. The domestic well is about 400' deep and the static water level in the well is about 200' to 210' below land surface.

13. Water level measurements in the Deeg well when the well was pumping are as follows:

April 22, 1994 - 463.0' - 1170 gpm
May 13, 1994 - 460.0' - 800 gpm
May 15, 1994 - 462.5' - 920 gpm

14. Pumping of the Deeg irrigation well has little effect upon the water level in the Deeg domestic well.

15. The flow of Little Creek as measured at the Little Creek Weir located in Section 36, T8S, R30E,BM. is approximately 1.8 cfs to 2.0 cfs. There are no diversions upstream from the Little Creek weir.

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16. After flowing together, the rate of flow of Warm Creek and Cold Creek before the irrigation season when no diversions were being made is approximately 6.3 cfs to 7.5 cfs as measured in Section 13, T8S, R30E,BM.

17. Characteristics of the Roland Mayer irrigation wells include the following:

North well

Location:	NW1/4NW1/4 Section 32, T8S, R31E,BM.
Total depth:	345′
Static water level:	157′ to 162′
Pumping level:	305′ - previously was 221′
Discharge rate:	About 1200 gpm (2.7 cfs)
Remarks:	This well was deepened from the original depth

South well

Location:	SW1/4NW1/4 Section 32, T8S, R31E,BM.
Total depth:	423′
Static water level:	96′ to 97′
Pumping level:	200′ - The pump was lowered from 160′ to 200′ in 1993.
Discharge rate:	850 gpm (1.9 cfs)
Remarks:	Pump has been diesel operated but is now operated by an electric motor.

18. The geology in the Rockland basin generally consists of three different aquifers as follows:

a) Upper alluvium, consisting of silt, sand and gravels.
b) Tertiary, consisting of sedimentary and volcanic rocks.
c) Pre-Tertiary, consisting of the oldest rocks.

19. The source of water for Little Creek, Cold Creek and Warm Creek most likely is fault controlled springs originating between the Tertiary and Pre-Tertiary aquifers.

20. Limestone cuttings were found in the bottom of the Deeg well. Limestone is identified as being within the Pre-Tertiary sedimentary rocks.

21. The temperature of water in the Deeg well is higher than in surrounding wells suggesting that some geothermal water enters the well at depth.

22. The applicant conducted water quality analysis for samples taken from the Deeg well, Little Creek Spring and Cold Creek Spring. Water from the Deeg well showed higher electrical conductivity, more flouride and more sulfate than the samples taken

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from the springs.

23. The applicant does not plan to irrigate more land than authorized by License No. 41-07030.

24. The protestants divide the available water on Warm Creek and Cold Creek and rotate the use of the water which is available. As an example, there are 84 shares of water in the Sorenson Ditch which diverts out of Cold Creek. Each share represents 2 hours and 17 minutes and is rotated every 8 days.

25. Water available in the Mayer wells has historically decreased annually as the irrigation season progresses. In 1993, however, the south well started to surge due to the lack of water for the first time, so the pump was lowered 40 feet in the well.

26. The Mayer wells which are closer to Little Creek and Cold Creek than the Deeg well do not noticeably affect the flow of the creeks.

27. Historic flow records of Cold Creek, Warm Creek and Little Creek are not extensive. Testimony of the protestants, however, was that in 1993, they received less water than in past years.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

> The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

2. The drawdown in the Deeg well is about nine (9) feet when diverting at a rate of 1,170 gpm (2.6 cfs). The static water level in the Deeg well is over 300 feet below the expected regional water table in the alluvial system and is about 410 feet lower than that of the Mayer wells.

3. The Deeg well derives some of its water at depth from a warm water source and some of its water (cascading) from the upper alluvial system. The warm water source is an external source of water to water diverted from the Mayer wells which derive water from the alluvial system.

4. Pumping of the Deeg irrigation well has little effect

APR 13 1995

upon the Deeg domestic well which is 700' distant and will have an even smaller effect upon the Mayer wells which are 1.5 miles away.

5. The additional pumping of 1.4 cfs from the Deeg well as proposed in the application will not adversely impact flows in Little Creek Cold Creek or Warm Creek which is four (4) miles north of the Deeg well.

6. The construction of the Deeg well does not meet minimum well construction standards, since water of different quality and from different zones is being mixed. (IDAPA Rule 37.03.09025.03. abbreviated as Well Constructions Standards Rule 25.03).

7. Approval of the application for transfer will not injure existing water rights.

8. Approval of the application will not enlarge the right sought to be transferred.

9. Approval of the application is consistent with the conservation of water resources in Idaho.

10. Approval of the application is not against the local public interest.

11. The department should approve the application for transfer with certain conditions and limitations.

ANALYSIS

There was consistent testimony from the protestants that during 1993, there was less water available for diversion than in prior years. The protestants, however, did not know the cause of the decline and did not show that diversion of water from the Deeg well was the cause of the decrease in water availability.

The residual effects of the 1987 to 1992 drought conditions in Idaho are more likely the cause of any decreased flow in Little Creek, Cold Creek or Warm Creek than the diversion of water from the Deeg well.

Some of the protestants have recently added irrigated acreage and have changed to crops which are more consumptive than previously grown.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Transfer No. 4268 of water right License No. 41-07030 is **APPROVED** subject to the following conditions:

1. The applicant shall notify the department by telephone

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and by facsimile or regular mail when he removes the pump and column from the well in order that the department can conduct appropriate tests to determine whether construction of the well complies with the Idaho Well Construction Standards described in IDAPA 37.03.09, provided that the pump and column shall be removed from the well no later than seven (7) years from the date of this order.

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

3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

4. Prior to the diversion of water under this right, the right holder shall provide a means of measurement acceptable to the department which will allow determination of the rate of diversion from the well.

5. The authorized season of use is from April 1 to October 31 of each year.

6. The right holder is not authorized to divert water under this transfer for the 126 acres at a rate larger than 1.4 cfs or to divert more than 441 AF for the 126 acres. Diversion of water under this approval is contingent upon the applicant to be able to readily show compliance with this condition.

7. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval should not be rescinded.

Signed this 21ST day of MARCH, 1995.

R. KEITH HIGGINSON
Director

APR 13 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 22nd day of March, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing **AMENDED FINAL ORDER** to the following:

IDWR - Southern Region
222 Shoshone St. E
Twin Falls, ID 83301

Roger Ling
LING NELSON & ROBINSON
615 H Street
Rupert, ID 83350

Kent Foster
HOLDEN KIDWELL HAHN
& CRAPO
330 Shuop Ave.
Idaho Falls, ID 83405

Timothy P. Deeg
2957 Deeg Rd.
American Falls, ID 83211

Julie L. Yarbrough
Senior Secretary

APR 13 1995

Transfer Review Sheet

Applicant Timothy P. Deeg **Transfer #** 71132

Rights Involved with Transfer:

WR#	41-7030	41-7034	41-7071			
AJ#						
Right ID Correct?	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N
Split?	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N
Unchanged #						
Changed #						

Area of Concern: Aberdeen / Am. Falls G.W. district (Not in ESPA)

Comment Letters:

	Date Requested	Date Received
Watermaster: District		
Fish & Game		
Canal Company		
Stream Channel		
City		
DEQ		
County		
Department of Ag		
Other		

SDE:

Right Number	POD ID #	Shape Updated	POU ID #	Shape Updated
41-7030	616082	✓	689890	
	616083	✓		
	616084	✓		
41-7034	616075	✓	689889	✓
	616076	✓		
	616077	✓		
41-7071	616078	✓	IPR689885	✓
	616079		Dom 689888	✓
	616080	✓		

Conditions:

GROUNDWATER:

DRILLING PERMIT - 046
DP upgrade req'd __Y __ N (contact GW)

WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

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

SURFACE WATER:

WD - R05
≤ 0.20 cfs/others - R02, 01P or No MD
> 0.20 cfs - R43

~~WD~~, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0.24 cfs/5 acres - No MD
>0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON _____ to _____ (use X61 if extended season)
STANDARD VOLUME _____ af/ac
CONSUMPTIVE USE VOLUME _____ af/ac

SUPPLEMENTAL - 065-104 (where irrigation is the only use)
SUPPLEMENTAL - 100-105 (where there are other uses besides irrigation)
WITHIN ESPA - 113-114-116 (mitigation)
- 115 (meas. Device for non-irrig uses or new irrig systems)
- 131 (existing irrig systems)

USES:

STORAGE - 18C-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
Volume only - R58/R59/R60/R61
STOCKWATER - R37 (all BLM/USFS)
MINING- 054-106
FISH PROP - 029 (70's basins only)-007-122-106
HEAT/COOL - R07 (injection well)
FIRE PROT. - 077
DAIRY - 082 (zoning if a concern)-106-WD8

USES:

POWER - 17H-17K (+uses)-025-106
MUNICIPAL
Restricted area - 022-075 RAFN – 007-109-X64
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
- 27A (Payette River)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T17 - >1 pd, measure all (use w/ WB4)
T18 - Special T17 & R43 combined - multiple pds in WD

Protested - 020-X19
Water Quality - 106-R07

X27 - Number of acres/season in ppu
X35 – Combined totals of multiple rts
083 - replaces C11 (enlargement rights)

X49 - measure p/'d's (source chg'd to orig trib)
X51 - 2+ yrs to develop
X53 - Use ltd to orig. source availability
X54 - forfeited ac/rate (used rarely)
X55 - (transfer shrinks total water to less ac)
004 - no right-of-way
X58 - pending claim (statutory or AJ b/u claim)
X61 - extended irr season
X62 - replaces N11 and N13
X63 - replaces C12
WB4 - + p/ds, cfs & afa (used with T17)
WD8 - land application of waste water
01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01M)

Apply one to chg'd & unchg'd rts that are subject to SRBA:

T09 - on-going SRBA (no Dir Rpt yet)
T19 - replaces C18 (if at Directors Report or Partial Decree stage)

T20 – use only on unchg'd rts not subject to SRBA

OTHER CONDITIONS/REMARKS:

Initial Allocation Review by J. F. **Date** 8/11/09
SRBA Review Completed by _____ **Date** _____
Regional Manager Review by _____ **Date** _____

Comments:

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 25, 2000

TIMOTHY P DEEG
2957 DEEG ROAD
ROCKLAND ID 83211

RE: WATER RIGHT NO. 41-07030

Dear Water Right Holder:

Enclosed is a copy of approved Application for Extension of Time to Avoid Forfeiture of a Water Right for the above referenced water right. Please note that resumption of beneficial use of water shall occur on or before **July 1, 2004.**

Please notify the Department as soon as you resume use of the water. If you have not notified the Department sixty (60) days prior to the resumption date, the Department will send a Resumption of Use Notice to you by certified mail.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Please contact any office of the Department for the proper form to file a change of ownership of the water right and/or a change in the address of the owner or if you have any questions concerning this matter.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Region

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OCT 2 8 1999
Department of Water Resources

MEMO

FROM: Allen Merritt DATE: October 22, 1999

TO: Extension of Time to Avoid Forfeiture of a Water Right
Water Right(s): 41-07030

In the Name of: Timothy Deeg

SUBJECT: Review and Recommendation

This extension request was advertised without protest.

The reason for the request is not perfectly clear but I believe it has something to do with the history of this water right. The right was subject to a transfer when Deeg leased the right from Nelson and transferred it to Deeg's well (T4268). The well was subject to another transfer (T5120) when he moved in right 41-07034 to the well. In this later transfer a limiting condition was placed on the rights when they are combined which limited all the rights to the capacity of the well. I believe that this extension request is an effort to protect the diversion rate of the right so when the lease ends the rate is protected and not viewed to anyway to have been forfeited due to the limiting conditions of the transfers.

I recommend that the extension be approved.

MICROFILMED

NOTICE OF APPLICATIONS FOR PROPOSED CHANGES TO WATER RIGHTS

Notice is hereby given that one application for transfer and one extension of time to avoid forfeiture application have been filed with the Department of Water Resources as described below:

Transfer No. 5516 by the US Bureau of Land Management (15 E 200 S, Burley, ID 83318) propose to change the place of use of right 41-02036 (priority 2/5/1959; 0.02 cfs for stockwater purposes) currently diverted from a well within NWSW Section 31, T10S, R32E for use in NWSW & SESE Section 31; SWSW, NESE & SWSE Section 32, T10S, R32E and NENE & NENW Section 5, T11S, R32E. The transfer proposes the place of use to be within NESE & SESE Section 31; SESW & NESE Section 32 T10S, R32E; NENE, NWNE & SWNW Section 5, T11S, R32E all Power County.

Application for Extension of Time to Avoid Forfeiture by Timothy Deeg (2957 Deeg Rd, Rockland, ID 83211) for right 41-07030 recorded with a priority of 1/2/1978 for 1.40 cfs from groundwater diverted from a well within SWSE Section 6, T09S, R31E and used to irrigate 126 acres within NE1/4 Section 1, T09S, R30E all Power County. Right last used in 1995; a five year extension is requested.

Any protest against the proposed applications must be filed with the Department 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 October 12, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed applications. **(Each application requires a separate protest)**. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Power County Press on 9/22 & 9/29/99.

Affidavit of Publication

State of Idaho

County of Power

Brett Crompton being first duly sworn on oath, states:

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

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for one successive weekly issues thereof, the date of the first publication being the 22nd day of September 1999 and the date of the last publication being the 29th day of September 1999.

Signed Brett Crompton

State of Idaho

County of Power

On this 29th day of September in the year of 1999, before me, a Notary Public, personally appeared Brett Crompton, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

OK MB 10/6/99

Holly J Morris

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

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OCT 04 1999
Department of Water Resources
Southern Region

Water right changes for BLM, Deeg

Published in The Power County Press Sept. 22, 29, 1999.

NOTICE OF APPLICATIONS FOR PROPOSED
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Karl J. Dreher, Director

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OCT 22 2000

STATEMENT

THE POWER COUNTY PRESS
PO BOX 547
174 IDAHO ST
AMERICAN FALLS, ID 83211

(208)226-5294 FX:(208)226-5295

Account No.	Date
TFDEPTWA	09/30/99

RECEIVED
OCT 04 1999
Department of Water Resources
Southern Region

Total Amount Due
113.02

Amount Remitted
$

DEPARTMENT OF WATER
1341 FILLMORE
SUITE 200
TWIN FALLS, ID 83301

Please cut at dotted line and return with your payment

Date	Invoice No.	Description	Charges	Payments	Balance
09/01/99		OPENING BALANCE			0.00
09/22/99		AFFIDAVIT	5.00 OK		5.00
09/22/99		LEGAL T# 5516 Av. For. 41-07030	46.92 OK	#1	51.92
09/29/99		LEGAL 41-07094	56.10 OK	#2	108.02
09/29/99		AFFIDAVIT	5.00 OK		113.02

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OCT 04 1999
Department of Water Resources
Southern Region

OK
MB
10/6/99

		ENDING BALANCE		113.02

Current	31 - 60	61 - 90	90+	Total Amount Due
113.02	0.00	0.00	0.00	113.02

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THE POWER COUNTY PRESS

Thank You

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

September 15, 1999

ATTN LEGALS
POWER COUNTY PRESS
174 IDAHO STREET
AMERICAN FALLS ID 83211

Ladies and Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

MICROFILMED
JAN 2 6 2000

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

July 20, 1999

TIMOTHY P DEEG
2957 DEEG ROAD
ROCKLAND ID 83211

RE: SRBA CLAIM NOS. 41-07030 & 41-07034 PRELIMINARY RECOMMENDATION

Dear Mr. Deeg,

Your Notice of Error reply is received and has been reviewed in consideration of the comments you listed on the reply sheet. You requested we increase the combined flow rates of the licenses to 8.08 cfs from the 6.68 cfs as listed in the SRBA recommendation. Your SRBA recommendation is based upon the Conditions of Approval listed in Transfer No. 5120. This recent administrative review of these licensed rights is reflected in the current SRBA recommendation and will not be contradicted through the SRBA process.

You had the opportunity to correct the elements of the transfer through the Preliminary/Final Order process when it was issued last year. It is my understanding that it is quite difficult to make corrections to administrative actions after that time of correction window has passed.

Your application for an Extension of Time is being addressed through the regular staffing procedures within IDWR.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

COPY

CC: Kent Foster, Esq.
Georgia Satterlee, IDWR

MICROFILMED
JAN 2 8 2005

41-07030

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

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
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Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

RECEIVED
JUL 13 1999
Department of Water Resources
Southern Region

July 7, 1999

IDAHO DEPARTMENT OF
WATER RESOURCES
P.O. Box 83720
Boise, ID 83707-9815

Re: Water Rights Nos. 41-07030 and 41-07034

Gentlemen:

We are enclosing with this letter two notices of error reply and an application for extension of time to avoid forfeiture of a water right together with a check in the amount of $100.00 for the filing fee.

The concern of the applicant is that both of these water rights are leased water rights and he consequently cannot risk any interpretation by the department or a court now or at a later date that the diversion rates or any portion of them have been forfeited. It may be that the department's interpretation of the transfer proceedings is that if these leases are terminated and it becomes necessary to apply to transfer these water rights back to other lands designated by the lessor, that the applicant would be able to continue diverting 6.68 cfs from his existing well and that lessors or someone else would be able to divert the 1.82 cfs and the 1.4 cfs under the two water rights. It seems like this is the right time to address these issues and to determine what might be done to protect these rights.

Thank you for your kind attention to this matter.

Very truly yours,

Kent W. Foster

COPY

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JAN 2 2 2009

c. Tim Deeg
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RECEIVED
JUL 13 1999
Department of Water Resources
Southern Region
COPY

June 11, 1999

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.
YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 9, 1999

Water right number: 41-07030

TIMOTHY P. DEEG
2957 DEEG ROAD
ROCKLAND, ID 83211

Daytime Telephone Number:
Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

   Restriction on diversion rate

2. Describe the changes you wish to make in the proposed recommendation:

   1.4 cfs under right no. 41-07030 should be added to the 6.68 cfs under the other rights for a total of 8.08 cfs

3. Give a brief explanation as to why you disagree with these portions:

   This right is a leased right and under the terms of the lease agreement must be returned to the leasor at the termination of the lease in the same condition it was in when the lease was executed.

___ **I AGREE with this proposed recommendation; no changes need to be made.**

DATE: 7/7/99 **SIGNATURE:** _____
Please print your name: Kent W. Foster, attorney for Timothy P. Deeg

The point of diversion shown on the map which accompanied the preliminary recommendation does not appear to be the correct point of diversion. Applicant believes the actual well sight is approximately 1100 feet North of the point shown on the map, although within the same quarter-quarter section.

MICROFILMED
JAN 28 2000

RECEIVED
JUL 13 1999
Department of Water Resources
Southern Region

June 11, 1999

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.
YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 9, 1999

Water right number: 41-07034

TIMOTHY P. DEEG
2957 DEEG ROAD
ROCKLAND, ID 83211

Daytime Telephone Number:
Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

   Restriction on diversion rate

2. Describe the changes you wish to make in the proposed recommendation:

   1.82 cfs under right no. 41-07030 should be added to the 6.68 cfs under the other rights for a total of 8.08 cfs

3. Give a brief explanation as to why you disagree with these portions:

   This right is a leased right and under the terms of the lease agreement must be returned to the leasor at the termination of the lease in the same condition it was in when the lease was executed.

___ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 7/7/99 **SIGNATURE:** _____
Please print your name: Kent W. Foster, attorney for Timothy P. Deeg

The point of diversion shown on the map which accompanied the preliminary recommendation does not appear to be the correct point of diversion. Applicant believes the actual well sight is approximately 1100 feet North of the point shown on the map, although within the same quarter-quarter section.

IDWR Southern Regional Office, 1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380, (208) 736-3033

MICROFILM
JAN 28 2000

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

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RECEIVED
JUL 13 1999
Department of Water Resources
Southern Region

July 7, 1999

IDAHO DEPARTMENT OF
WATER RESOURCES
P.O. Box 83720
Boise, ID 83707-9815

Re: Water Rights Nos. 41-07030 and 41-07034

Gentlemen:

We are enclosing with this letter two notices of error reply and an application for extension of time to avoid forfeiture of a water right together with a check in the amount of $100.00 for the filing fee.

The concern of the applicant is that both of these water rights are leased water rights and he consequently cannot risk any interpretation by the department or a court now or at a later date that the diversion rates or any portion of them have been forfeited. It may be that the department's interpretation of the transfer proceedings is that if these leases are terminated and it becomes necessary to apply to transfer these water rights back to other lands designated by the lessor, that the applicant would be able to continue diverting 6.68 cfs from his existing well and that lessors or someone else would be able to divert the 1.82 cfs and the 1.4 cfs under the two water rights. It seems like this is the right time to address these issues and to determine what might be done to protect these rights.

Thank you for your kind attention to this matter.

Very truly yours,

Kent W. Foster

c. Tim Deeg
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JAN 28 2000

41-07030

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

September 15, 1999

KENT W FOSTER ESQ
HOLDEN KIDWELL & ASSOCIATES
PO BOX 50130
IDAHO FALLS ID 83405

Re: Application for Extension of Time To Avoid Forfeiture, No. 41-07030-Timothy P. Eeeg

Dear Mr. Foster

The Department of Water Resources acknowledges receipt of the Application for Extension of Time to Avoid Forfeiture as referenced above.

This office has scheduled advertising the application in the Power County Press for 9/22 & 9/29/99.

The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest.

The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. A typical processing time for an unprotested application is about eight weeks.

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

Very truly yours,

Georgia Satterlee
Sr. Water Resource Agent

GS:MB
Cc:
TIMOTHY P DEEG
2957 DEEG RD
ROCKLAND ID 83211

MICROFILMED
JAN 2 8 2000

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 21, 1995

RE: Application for Transfer No. 4268 of Water Right No. 41-07030 in the name of Timothy P. Deeg

Dear Interested Parties:

I have enclosed a copy of the **AMENDED FINAL ORDER** in the matter of Application for Transfer No. 4268 of Water Right No. 41-07030.

The Amended Final Order changes the Condition No. 1 in the Order portion of the Order on pages eight (8) and nine (9) to provide that the Applicant will cooperate and notify the department when the pump and column are removed from the well. This amendment will allow the department to conduct appropriate tests at a later time to determine if the well is constructed according to well construction standards.

If you have any questions regarding the enclosed order, please feel free to contact me at (208)327-7953.

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

Enclosure

APR 13 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MEMORANDUM

TO: R. Keith Higginson

FROM: John Homan

DATE: March 21, 1995

RE: Amended Final Order/ Timothy P. Deeg

Attached to this memo are 3 originals of the document entitled "Stipulation and Order for Dismissal" for your signature. Also included for your signature is the original Amended Final Order to be issued by the Department.

The Stipulation and Order for Dismissal contemplates that a revised condition No. 1 will be substituted in the Order section of the Final Order. The Department will then issue the Amended Final Order and include that Order as 'Exhibit A' to the Stipulation document.

Resolution of this matter, you will recall, involved Mr. Deeg and the Department agreeing to wait to test the Deeg well until such time as the pump and column are removed from the well for repairs or normal maintenance.

APR 19 1995

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

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(1939-1982)
William S. Holden
(1907-1988)

RECEIVED
MAR 2 0 1995
Department of Water Resources

March 16, 1995

John Homan
IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Dear John:

Pursuant to our recent telephone conversations, we have had Mr. Deeg sign the Stipulation and Order for Dismissal and we have added our signature as well. We are enclosing the original and both copies of the Stipulation for yours and Director Higginson's signatures. If you will have the Director sign the Stipulation as well as the Amended Final Order which becomes Exhibit "A" to the petition, you can then either send all three signed copies to the court or back to us and we will be happy to send them to the court.

If the judge finds them to be in appropriate order and signs the copies, I have provided the extras so that the clerk can send you and I each a finally executed or certified copy for our files and so the original can remain there in the court's file.

Please let us know how you would like to have us assist in completing the matter and we will be happy to do so. Thanks for your continued help.

Very truly yours,

Kent W. Foster

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

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF POWER

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4268 OF WATER RIGHT NO. 41-07030 IN THE NAME OF TIMOTHY P. DEEG.	Case No. CV-94-01028 STIPULATION AND ORDER FOR DISMISSAL

The appellant in this matter, Timothy P. Deeg, (hereinafter "Deeg") filed his Application for Transfer of Water Right No. 41-07030 with Idaho Department of Water Resources (hereafter "IDWR") pursuant to the provisions of Idaho Code Section 42-222 on the 30th day of December, 1993. Said application was assigned no. 4268 by IDWR and after publication of notice as required by said statute, protests were filed. IDWR conducted a hearing on said protests on May 17 and May 24, 1994. Following said hearing, the Director of IDWR issued a Final Order on August 23, 1994, granting said transfer, subject to certain conditions, including a condition requiring applicant to submit a plan for repair of applicant's well, under the Idaho Water Resource Board Well Construction Standard Rules, IDAPA Rule, 37.03.09025.031, because IDWR had formed a belief that cascading water from the upper aquifer was mixing with water from the lower aquifer which could result in a water quality problem. Applicant next filed a Petition for Reconsideration of said condition on or

APR 18 1995

about September 6, 1994, and the Director of IDWR issued an Order Denying Petition for Reconsideration on September 9, 1994.

Deeg filed his Notice of Appeal in this matter in the above entitled court on October 7, 1994, and a Statement of Issues on Appeal on October 21, 1994. IDWR filed its Notice of Appearance herein on or about October 19, 1994, and no other parties, including any of the protestants in the administrative proceeding below, have appeared or filed any pleadings or other documents herein.

Deeg and IDWR have continued to seek a satisfactory resolution of the well repair issue, and have now agreed to a settlement arrangement which permits the parties to stipulate to the dismissal by this court of the pending appeal from the administrative decision. The parties hereto, and their respective attorneys, do hereby stipulate and agree that the appeal herein may be dismissed with prejudice, on the following terms and subject to the following conditions:

1. Deeg shall not be required to submit a plan for repair of his well until such time as IDWR is able to confirm that a water quality problem of sufficient magnitude exists. At present the parties concur that there is not sufficient space in the well, because of the presence of the column and pump, to accommodate the performance of the necessary testing and use of necessary equipment. Removal of the column and pump would require a relatively significant expenditure of funds which would not otherwise be required until such time as the same occurs in the performance of regular maintenance and/or emergency repairs. Deeg shall notify IDWR, as far in advance as may be practicable, of the next time said pump

and column are removed from said well for any purpose, so that IDWR may conduct an appropriate test to determine whether such a water quality problem exists. Upon receipt of such notice, IDWR shall, at its own cost, as expeditiously as possible, and without causing any unnecessary delay, cause an appropriate test to be conducted by a person or persons having reasonable expertise and utilizing appropriate equipment or devices capable of adequately providing the necessary confirmation. Deeg shall provide the required notice both by a telephone call to IDWR, and in writing by facsimile transmission or regular mail, at the first such time he determines to cause the pump and column to be removed from said well, but in no event later than seven (7) years from the date hereof. The parties recognize that normal maintenance requirements would most likely require removal of the pump and column from the well within five (5) to ten (10) years after its installation, and that the cost of such removal is relatively great. In the event normal maintenance considerations do not require such removal at the expiration of said seven (7) year period, nothing herein shall prevent Deeg from requesting, or IDWR from granting, a further extension before removal occurs.

2. The condition, No. 1, of the Order portion of the director's Final Order, dated August 23, 1994, shall be stricken and an Amended Final Order, containing a new condition No. 1 in the Order portion thereof, consistent with this stipulation, shall be substituted therefore, a copy of which is attached hereto as Exhibit "A".

3. Each party shall bear its own costs and attorney fees incurred in connection with this appeal.

APR 13 1995

4. The terms and conditions of this stipulation shall be binding upon the heirs, personal representatives or successors in interest of Deeg, as well as any successor agency of IDWR.

This stipulation has been executed by the parties and their respective attorneys of record on the dates set opposite each such signature.

Dated: 3-14-95

Timothy P. Deeg, Applicant

Dated: 3/16/95

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

Dated: 3/21/95

R. Keith Higginson, Director
Idaho Department of Water Resources

Dated: 3/21/95

John W. Homan, Deputy Attorney General for Al Lance, Attorney General of the State of Idaho and Idaho Department of Water Resources

APR 13 1995

ORDER

The court having read and filed foregoing stipulation of the parties and their respective attorneys, and being fully advised herein, hereby orders that said appeal be, and the same is hereby dismissed with prejudice, subject to the terms and conditions set forth in said foregoing stipulation.

Dated this _____ day of January , 1995

(seal)

_____
District Judge

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APR 19 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4268 OF WATER RIGHT NO. 41-07030 IN THE NAME OF TIMOTHY P. DEEG	**AMENDED FINAL ORDER**

On June 14, 1994, the Department of Water Resources (department) issued a Recommended Order in connection with Application for Transfer No. 4268 of Water Right No. 41-07030 in the name of Timothy P. Deeg (applicant). On June 23, 1994, the protestant submitted a Petition for Reconsideration of the Recommended Order (petition).

The petition was denied by operation of law as provided in Section 67-5243(3), Idaho Code, due to no action being taken by the hearing officer within twenty-one (21) days after the filing of the petition. Thereafter, pursuant to department Rule of Procedure 720, any party had twenty-one (21) days following the denial of the petition to file exceptions with the Director prior to the entry of a final order. No exceptions to the recommended order have been filed with the Director during this 21-day period.

Although the petition was denied by operation of law, the Director responds to the issues and concerns identified in the petition as follows:

1. IDAPA Rule 37.01.01600 provides that the presiding officer at hearing is not bound by the Idaho Rules of Evidence. The rule also states that no informality in any proceeding or in the manner of taking testimony invalidates any order.

2. Water level measurements at a pumping rate of 1170 gallons per minute are not immaterial and are not irrelevant and begs the question of water level measurements at a diversion rate of 8.35 cubic feet per second (cfs). More specifically the applicant can not provide well level and draw down information at a maximum pumping rate of 8.35 cfs unless the pending application of the applicant to pump at that rate is approved by the department.

3. See No. 2. above.

4. The protestant's disagreement with the decision reached is not reason to change the decision.

5. There is no error, since the protestant's own unrefuted testimony was that pumping of the Mayer wells did not affect the

EXHIBIT "A"

APR 13 1995

flow of Cold Creek or Warm Creek.

6. See No. 4. above.

7. See No. 2. above.

8. The department does not agree with the argument of the protestant but nonetheless has changed Conclusion of Law No. 5. to more clearly describe the intent of the conclusion.

9. The department agrees with the argument of the protestant and has changed Condition of Approval No. 6. to insure that the right is not enlarged.

10. See no. 9. above.

11. The opinion of the applicant's expert witness supports the conclusion reached. In addition, general stream flow records, water measurements, depth to water measurements and other records in department files of which official notice was taken also support the conclusion reached.

12. The conclusion is correct and should not be changed. A protestant who diverts water from the Mayer wells testified that an additional 30 acres of potatoes had been planted during the 1994 irrigation season. This protestant did not show that additional water had been obtained thorough a rental agreement or from some other source of water.

13. The argument of the protestant relative to the provisions of a private contract is not within the purview of issues described in Section 42-222, Idaho Code, and thus can not be considered by the department.

14. See no. 9. above.

Based on his understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, Analysis and Final Order:

FINDINGS OF FACT

1. On December 3, 1993, Timothy P. Deeg filed Application for Transfer No. 4268 (application) with the department in connection with water right License No. 41-07030. The applicant proposed to change both the point of diversion and the place of use of the license to a location twelve (12) miles north and three (3) miles west of the original location.

2. The department advertised the application which was protested by Warm Creek Irrigation Co., Steve W. Isaak, Roland Mayer and Sons, the Twin Falls Canal Co. and the North Side Canal

APR 13 1995

Co. The Twin Falls Canal Co. and the North Side Canal Co. subsequently withdrew their protests.

3. On May 17, 1994 and May 24, 1994, the department conducted a hearing in the matter in American Falls, Idaho. The applicant was present and was represented by attorney Kent Foster. The protestants were present and were represented by attorney Roger Ling.

4. Issues identified by the protestants include the following:

a. Approval of the application for transfer will injure existing water rights.

b. Approval of the application will enlarge the right sought to be transferred.

c. Approval of the application is not in the local public interest.

The general concern expressed by the protestants was that diversion of additional water from the applicant's irrigation well will make less water available for the protestant's use of water diverted from the Mayer wells, Little Creek, Cold Creek and Warm Creek.

5. Exhibits offered and accepted as a part of the record include the following:

a. Applicant's Exhibit No. 1 - U.S.G.S. Quadrangle sheet titled Neeley, Idaho and Indian Springs, Idaho.

b. Applicant's Exhibit No. 1-A - U.S. Geological Survey Open-File Report 82-755 titled Water Resources of Rockland Basin, South-Eastern Idaho. The study was conducted in 1982.

c. Applicant's Exhibit No. 2 - Schematic depiction of certain wells. The exhibit is titled "Elevation Contours."

d. Applicant's Exhibit No. 3 - Technical Data: Little Creek.

e. Applicant's Exhibit No. 4 - Technical Data: Cold Creek.

f. Applicant's Exhibit No. 5 - Technical Data: Mayer Wells.

g. Applicant's Exhibit No. 6 - Potential Well Interference data and a graph titled Estimated Drawdown From Deeg Irrigation Well.

h. Applicant's Exhibit No. 7 - Letter dated May 16, 1994 to Timothy Deeg from Rolf E. Larsen of Mountain States Analytical together with analytical results of three (3) water samples.

APR 1 3 1995

i. Applicant's Exhibit No. 8 - Miscellaneous information and water measurements.

j. Applicant's Exhibit No. 9 - Photograph showing a concrete water diversion structure on Cold Creek.

k. Applicant's Exhibit No. 10 - Well Test data of Pumpco for the Deeg irrigation well.

l. Protestant's Exhibit A - Letters dated April 10, 1992, April 21, 1993 and January 25, 1994 on Falls Irrigation District letterhead from Terrell O. Sorensen.

6. At the hearing, the hearing officer officially noticed the following:

a) Application for Permit file 41-07030.

b) Past decisions of the department as those decisions may apply to the protested application.

c) Water right records including recorded claims and rights of the protestants.

d) Reports, water measurements and stream flow records in department files such as U.S. Geological Survey reports.

e) Well Driller Reports (well logs) in department files.

7. License No. 29-07157 issued to Roland Mayer describes a water right with the following parameters:

Source:	Ground water
Priority:	September 19, 1973
Diversion rate:	5.10 cfs
Volume of water:	1,169 AF per year
Points of div:	NW1/4NW1/4, SW1/4NW1/4 Section 32, T8S, R31E,BM. (Mayer wells).
Use:	Irrigation
Place of use:	334 acres within parts of Sections 29, 31 and 32, T8S, R31E,BM.

8. License No. 41-07030 issued to Farold J. Nelson describes a water right with the following parameters:

Source:	Ground water
Priority:	January 2, 1978
Diversion rate:	1.4 cubic feet per second (cfs)
Volume of water:	441 AF per year
Point of div:	NE1/4SE1/4 Section 28, T10S, R31E,BM.
Use:	Irrigation
Place of use:	126 acres within parts of Section 28,

APR 13 1995

T10S, R31E,BM.

9. On June 20, 1991, the department issued Permit No. 41-07081 to the applicant with the following parameters:

Source:	Ground water
Priority:	February 28, 1990
Diversion rate:	6.95 cubic feet per second
Point of div:	SW1/4SE1/4 Section 6, T9S, R31E,BM.
Use:	Irrigation
Place of use:	348 acres in parts of Section 1, T9S, R30E,BM. and Section 6, T9S, R31E,BM.
Proof ben. use due:	July 1, 1994

10. The applicant drilled the irrigation well authorized by Permit No. 41-07081 (Deeg well) during the summer of 1992 and diverted and used the water on 348 acres during the 1993 irrigation season. The land is sprinkler irrigated with two (2) pivots, four (4) wheel lines and handpipe. The Deeg well is 939 feet deep and is cased with 18 inch diameter casing which is perforated at depths of 210 feet to 330 feet, 450 feet to 490 feet and from 516 feet to 716 feet. There is some cascading water in the well. The static water level is about 452 feet below land surface.

11. The applicant has a five-year lease option for the use of water under License No. 41-07030 and proposes to change the point of diversion to the Deeg well located in the SW1/4SE1/4 Section 6, T9S, R31E,BM. The water would be diverted for the irrigation of an additional 126 acres within Section 1, T9S, R30E,BM using a center pivot.

12. The applicant has a domestic well which is located about 700' from his irrigation well. The domestic well is about 400' deep and the static water level in the well is about 200' to 210' below land surface.

13. Water level measurements in the Deeg well when the well was pumping are as follows:

April 22, 1994 - 463.0' - 1170 gpm
May 13, 1994 - 460.0' - 800 gpm
May 15, 1994 - 462.5' - 920 gpm

14. Pumping of the Deeg irrigation well has little effect upon the water level in the Deeg domestic well.

15. The flow of Little Creek as measured at the Little Creek Weir located in Section 36, T8S, R30E,BM. is approximately 1.8 cfs to 2.0 cfs. There are no diversions upstream from the Little Creek weir.

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16. After flowing together, the rate of flow of Warm Creek and Cold Creek before the irrigation season when no diversions were being made is approximately 6.3 cfs to 7.5 cfs as measured in Section 13, T8S, R30E,BM.

17. Characteristics of the Roland Mayer irrigation wells include the following:

North well

Location:	NW1/4NW1/4 Section 32, T8S, R31E,BM.
Total depth:	345′
Static water level:	157′ to 162′
Pumping level:	305′ - previously was 221′
Discharge rate:	About 1200 gpm (2.7 cfs)
Remarks:	This well was deepened from the original depth

South well

Location:	SW1/4NW1/4 Section 32, T8S, R31E,BM.
Total depth:	423′
Static water level:	96′ to 97′
Pumping level:	200′ - The pump was lowered from 160′ to 200′ in 1993.
Discharge rate:	850 gpm (1.9 cfs)
Remarks:	Pump has been diesel operated but is now operated by an electric motor.

18. The geology in the Rockland basin generally consists of three different aquifers as follows:

a) Upper alluvium, consisting of silt, sand and gravels.
b) Tertiary, consisting of sedimentary and volcanic rocks.
c) Pre-Tertiary, consisting of the oldest rocks.

19. The source of water for Little Creek, Cold Creek and Warm Creek most likely is fault controlled springs originating between the Tertiary and Pre-Tertiary aquifers.

20. Limestone cuttings were found in the bottom of the Deeg well. Limestone is identified as being within the Pre-Tertiary sedimentary rocks.

21. The temperature of water in the Deeg well is higher than in surrounding wells suggesting that some geothermal water enters the well at depth.

22. The applicant conducted water quality analysis for samples taken from the Deeg well, Little Creek Spring and Cold Creek Spring. Water from the Deeg well showed higher electrical conductivity, more flouride and more sulfate than the samples taken

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from the springs.

23. The applicant does not plan to irrigate more land than authorized by License No. 41-07030.

24. The protestants divide the available water on Warm Creek and Cold Creek and rotate the use of the water which is available. As an example, there are 84 shares of water in the Sorenson Ditch which diverts out of Cold Creek. Each share represents 2 hours and 17 minutes and is rotated every 8 days.

25. Water available in the Mayer wells has historically decreased annually as the irrigation season progresses. In 1993, however, the south well started to surge due to the lack of water for the first time, so the pump was lowered 40 feet in the well.

26. The Mayer wells which are closer to Little Creek and Cold Creek than the Deeg well do not noticeably affect the flow of the creeks.

27. Historic flow records of Cold Creek, Warm Creek and Little Creek are not extensive. Testimony of the protestants, however, was that in 1993, they received less water than in past years.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

> The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

2. The drawdown in the Deeg well is about nine (9) feet when diverting at a rate of 1,170 gpm (2.6 cfs). The static water level in the Deeg well is over 300 feet below the expected regional water table in the alluvial system and is about 410 feet lower than that of the Mayer wells.

3. The Deeg well derives some of its water at depth from a warm water source and some of its water (cascading) from the upper alluvial system. The warm water source is an external source of water to water diverted from the Mayer wells which derive water from the alluvial system.

4. Pumping of the Deeg irrigation well has little effect

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upon the Deeg domestic well which is 700' distant and will have an even smaller effect upon the Mayer wells which are 1.5 miles away.

5. The additional pumping of 1.4 cfs from the Deeg well as proposed in the application will not adversely impact flows in Little Creek Cold Creek or Warm Creek which is four (4) miles north of the Deeg well.

6. The construction of the Deeg well does not meet minimum well construction standards, since water of different quality and from different zones is being mixed. (IDAPA Rule 37.03.09025.03. abbreviated as Well Constructions Standards Rule 25.03).

7. Approval of the application for transfer will not injure existing water rights.

8. Approval of the application will not enlarge the right sought to be transferred.

9. Approval of the application is consistent with the conservation of water resources in Idaho.

10. Approval of the application is not against the local public interest.

11. The department should approve the application for transfer with certain conditions and limitations.

ANALYSIS

There was consistent testimony from the protestants that during 1993, there was less water available for diversion than in prior years. The protestants, however, did not know the cause of the decline and did not show that diversion of water from the Deeg well was the cause of the decrease in water availability.

The residual effects of the 1987 to 1992 drought conditions in Idaho are more likely the cause of any decreased flow in Little Creek, Cold Creek or Warm Creek than the diversion of water from the Deeg well.

Some of the protestants have recently added irrigated acreage and have changed to crops which are more consumptive than previously grown.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Transfer No. 4268 of water right License No. 41-07030 is **APPROVED** subject to the following conditions:

1. The applicant shall notify the department by telephone

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and by facsimile or regular mail when he removes the pump and column from the well in order that the department can conduct appropriate tests to determine whether construction of the well complies with the Idaho Well Construction Standards described in IDAPA 37.03.09, provided that the pump and column shall be removed from the well no later than seven (7) years from the date of this order.

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

3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

4. Prior to the diversion of water under this right, the right holder shall provide a means of measurement acceptable to the department which will allow determination of the rate of diversion from the well.

5. The authorized season of use is from April 1 to October 31 of each year.

6. The right holder is not authorized to divert water under this transfer for the 126 acres at a rate larger than 1.4 cfs or to divert more than 441 AF for the 126 acres. Diversion of water under this approval is contingent upon the applicant to be able to readily show compliance with this condition.

7. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval should not be rescinded.

Signed this 21ST day of MARCH, 1994.

R. KEITH HIGGINSON
Director

APR 13 1995

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

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KENT W. FOSTER
ROBERT E. FARNAM
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P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

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

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

RECEIVED
JAN 2 3 1995
Department of Water Resources

January 20, 1995

John W. Homan, Esq.
IDAHO DEPARTMENT OF WATER
RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Dear John:

We have finally been able to prepare a possible draft of a Stipulation and Order For Dismissal in the above entitled matter. This proposal has been reviewed by both our client and our expert and appears satisfactory to them.

When you have had an opportunity to review this draft and to prepare a draft of a possible amended final order, we will be happy to visit with you to finalize the matter.

Very truly yours,

Kent W. Foster

pc. Tim Deeg
Charles Brockway
Enclosure
G:\WPDATA\KWF\1246\JOHN0120.LTR:sjw

APR 3 1995

DRAFT
Date 1-20-95

Kent W. Foster, Esq.
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Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
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IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF POWER

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 4268 OF WATER RIGHT NO. 41-07030 IN THE NAME OF TIMOTHY P. DEEG.	Case No. CV-94-01028 STIPULATION AND ORDER FOR DISMISSAL

The appellant in this matter, Timothy P. Deeg, (hereinafter "Deeg") filed his Application for Transfer of Water Right No. 41-07030 with Idaho Department of Water Resources (hereafter "IDWR") pursuant to the provisions of Idaho Code Section 42-222 on the 30th day of December, 1993. Said application was assigned no. 4268 by IDWR and after publication of notice as required by said statute, protests were filed. IDWR conducted a hearing on said protests on May 17 and May 24, 1994. Following said hearing, the Director of IDWR issued a Final Order on August 23, 1994, granting said transfer, subject to certain conditions, including a condition requiring applicant to submit a plan for repair of applicant's well, under the Idaho Water Resource Board Well Construction Standard Rules, IDAPA Rule, 37.03.09025.031, because IDWR had formed a belief that cascading water from the upper aquifer was mixing with water from the lower aquifer which could result in a water quality problem. Applicant next filed a Petition for Reconsideration of said condition on or

about September 6, 1994, and the Director of IDWR issued an Order Denying Petition for Reconsideration on September 9, 1994.

Deeg filed his Notice of Appeal in this matter in the above entitled court on October 7, 1994, and a Statement of Issues on Appeal on October 21, 1994. IDWR filed its Notice of Appearance herein on or about October 19, 1994, and no other parties, including any of the protestants in the administrative proceeding below, have appeared or filed any pleadings or other documents herein.

Deeg and IDWR have continued to seek a satisfactory resolution of the well repair issue, and have now agreed to a settlement arrangement which permits the parties to stipulate to the dismissal by this court of the pending appeal from the administrative decision. The parties hereto, and their respective attorneys, do hereby stipulate and agree that the appeal herein may be dismissed with prejudice, on the following terms and subject to the following conditions:

1. Deeg shall not be required to submit a plan for repair of his well until such time as IDWR is able to confirm that a water quality problem of sufficient magnitude exists. At present the parties concur that there is not sufficient space in the well, because of the presence of the column and pump, to accommodate the performance of the necessary testing and use of necessary equipment. Removal of the column and pump would require a relatively significant expenditure of funds which would not otherwise be required until such time as the same occurs in the performance of regular maintenance and/or emergency repairs. Deeg shall notify IDWR, as far in advance as may be practicable, of the next time said pump

and column are removed from said well for any purpose, so that IDWR may conduct an appropriate test to determine whether such a water quality problem exists. Upon receipt of such notice, IDWR shall, at its own cost, as expeditiously as possible, and without causing any unnecessary delay, cause an appropriate test to be conducted by a person or persons having reasonable expertise and utilizing appropriate equipment or devices capable of adequately providing the necessary confirmation. Deeg shall provide the required notice both by a telephone call to IDWR, and in writing by facsimile transmission or regular mail, at the first such time he determines to cause the pump and column to be removed from said well, but in no event later than seven (7) years from the date hereof. The parties recognize that normal maintenance requirements would most likely require removal of the pump and column from the well within five (5) to ten (10) years after its installation, and that the cost of such removal is relatively great. In the event normal maintenance considerations do not require such removal at the expiration of said seven (7) year period, nothing herein shall prevent Deeg from requesting, or IDWR from granting, a further extension before removal occurs.

2. The condition, No. 1, of the Order portion of the director's Final Order, dated August 23, 1994, shall be stricken and an Amended Final Order, containing a new condition No. 1 in the Order portion thereof, consistent with this stipulation, shall be substituted therefore, a copy of which is attached hereto as Exhibit "A".

3. Each party shall bear its own costs and attorney fees incurred in connection with this appeal.

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4. The terms and conditions of this stipulation shall be binding upon the heirs, personal representatives or successors in interest of Deeg, as well as any successor agency of IDWR.

This stipulation has been executed by the parties and their respective attorneys of record on the dates set opposite each such signature.

Dated: _____

_____
Timothy P. Deeg, Applicant

Dated: _____

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

Dated: _____

_____
R. Keith Higginson, Director
Idaho Department of Water Resources

Dated: _____

_____
John W. Homan, Deputy Attorney General for Al Lance, Attorney General of the State of Idaho and Idaho Department of Water Resources

ORDER

The court having read and filed foregoing stipulation of the parties and their respective attorneys, and being fully advised herein, hereby orders that said appeal be, and the same is hereby dismissed with prejudice, subject to the terms and conditions set forth in said foregoing stipulation.

Dated this _____ day of January , 1995

(seal)

District Judge

G:\WPDATA\KWF\1246\DEEG0109.STP:sjw

APR 3 1995

TIMOTHY P DEEG
C/O KENT W FOSTER ESQ
PO BOX 50130
IDAHO FALLS ID 83405

WARM CREEK IRRIGATION CO.
3298 S ISAAK LP
AMERICAN FALLS ID 83211

WILLIAM ISAAK
3082 ISAAK LP
AMERICAN FALLS ID 83211

CE BROCKWAY PE
BROCKWAY ENGINEERING
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

ALLEN MERRITT
IDWR – SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380

DAN NELSON
IDWR – WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705-5082

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IDAHO DEPT OF WATER
RESOURCES
ATTN DEBORAH GIBSON
PO BOX 83720
BOISE ID 83720-0098

RECEIVED
JUL 05 2005
DEPARTMENT OF
WATER RESOURCES

Is your **RETURN ADDRESS** completed on the reverse side?

SENDER:

- Complete item[illegible]nd/or 2 for additional services.
- Complete item[illegible]a, and 4b.
- Print your nam[illegible]d address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the [illegible]owing services (for an [illegible]ra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

7003 0500 0003 1969 4786

WARM CREEK IRRIGATION CO.
3298 S ISAAK LP
AMERICAN FALLS ID 83211

41-7030

4b. Service Type

- ☐ Registered
- ☑ Certified
- ☐ Express Mail
- ☐ Insured
- ☐ Return Receipt for Merchandise
- ☐ COD

7. Date of Delivery

7-1-05

5. Received By: *(Print Name)*

Violet Isaak

6. Signature: *(Addressee or Agent)*

X Violet Isaak

8. Addressee's Address *(Only if requested and fee is paid)*

Thank you for using Retur[illegible]ceipt Service.

PS Form **3811,** December 1994

Domestic Return Receipt

Debbie –
Please file
in Tim Deeg
x-fer file.
Thanks.
Gary

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 41-7076

WATER RIGHT NUMBER: 41-7076 DRAFT

Owner Type	Name and Address
Original Owner	LANNY N PERMANN 2918 COLD CREEK RD AMERICAN FALLS, ID 83211 (208)226-2097
Current Owner	TIMOTHY P DEEG 2597 DEEG RD AMERICAN FALLS, ID 83211 (208)226-5588

Priority Date: 09/11/1985

Basis: License

Status: Active DRAFT

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	04/01	10/31	2.020 CFS	857.00 AF
		Total Diversion:	2.020 CFS	857.00 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SE1/4 Sec. 6, Twp 09S, Rge 31E, B.M.

POWER 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	
09S	30E	12		30.0	33.0		30.0			33.0									126.0
09S	31E	6													35.5	23.0	16.0	27.0	101.5

Total Acres: 227.5

Conditions of Approval:

1. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
2. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
3. R64 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. X35 Rights 41-07030, 41-07034, 41-07081 and 41-07076 when combined shall not exceed a total diversion rate of 6.68 cfs, and a total annual maximum diversion volume of 2840.0 af at the field headgate.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 41-7076

5. X36 Rights 41-07030, 41-07034 and 41-07081 are also diverted through the point of diversion described above.

Remarks:

Comments:

1. kwalker 11/18/2002 Point of Diversion
Comment: The point of diversion for this right is in the NWSWSE pursuant to field examiner. However, other rights from this well have been recommended as being diverted in SWSWSE so I am recommending that the point of diversion for this license be shown as SWSE, S6, T9S, R31E. Other rights from this well are: 41-7030, 41-7034, and 41-7081. Rt. 41-7071 is for a smaller well (8 inch & 410 feet) in same 40 acre tract.

Dates and Other Information:

Licensed Date:
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust: N
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres
6.68	2840	

Combined Water Rights: 41-7030 , 41-7034 , 41-7076 , 41-7081

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 41-7076

WATER RIGHT NUMBER: 41-7076

Owner Type	Name and Address
Current Owner	TIMOTHY P DEEG 2597 DEEG RD AMERICAN FALLS, ID 83211 (208)226-5588
Original Owner	LANNY N PERMANN 2918 COLD CREEK RD AMERICAN FALLS, ID 83211 (208)226-2097

Info. presently as a permit.

Priority Date: 09/11/1985

Basis:

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	5/01	10/31	4.800 CFS	
		Total Diversion:	4.800 CFS	

Location of Point(s) of Diversion

GROUND WATER SW1/4SE1/4 Sec. 6, Twp 09S, Rge 31E, B.M.

POWER 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	
09S	30E	12		33.0	33.0		33.0			33.0									132.0
09S	31E	6													27.0	27.0	27.0	27.0	108.0

Total Acres: 240

Conditions of Approval:

1. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
2. 01G Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
3. 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 41-7076

4. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
5. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. 049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
8. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
9. 46B The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.

Remarks:

Comments:

1. MBALDWIN 10/30/1995 APP. FOR AMENDMENT
Comment: App. for Amendment filed on 10/4/1995 proposes to change point of diversion and place of use.

2. VAULT 12/23/1996 Extension of Time Received
Comment: Extension of Time Received

3. VAULT 1/13/1997 Proof of Beneficial Use Rcvd
Comment: Proof of Beneficial Use Rcvd

Dates and Other Information:

Permit Proof Due Date: 1/1/1997
Permit Proof Made Date: ~~12/23/1996~~ 1/13/97
Permit Approved Date: 1/25/1991
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date: 6/23/1997
Date Sent to State Office:
Date Received at State Office: 8/28/1997
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 41-7081

WATER RIGHT NUMBER: 41-7081

Owner Type	Name and Address
Current Owner	TIMOTHY P DEEG 2597 DEEG RD AMERICAN FALLS, ID 83211 (208)226-5588

Priority Date: 02/28/1990

Basis:

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	4/01 to 11/01	6.950 CFS	
	Total Diversion:	6.950 CFS	

Location of Point(s) of Diversion

GROUND WATER SW1/4SE1/4 Sec. 6, Twp 09S, Rge 31E, B.M.

POWER 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	
09S	30E	1									40.0			40.0	40.0	40.0	40.0	39.0	239.0
09S	31E	6									36.0	21.0 L6	22.0 L7	30.0					109.0

Total Acres: 348

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
3. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. 049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 41-7081

5. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
6. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
7. 01G Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Remarks:

Comments:

Dates and Other Information:

Permit Proof Due Date: 7/1/1994
Permit Proof Made Date: 6/9/1994
Permit Approved Date: 6/20/1991
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date: 6/23/1997
Date Sent to State Office:
Date Received at State Office: 8/28/1997
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status

Verification Log:

Element	Date Time Stamp	Reviewer	Log text

Water Supply Bank:

T 71132

FILE PROGRESS SUMMARY

APPLICANT: Timothy P Deeg **WATER RIGHT NO.** 41-4071 Etc

INIT.	DATE	COMMENT
Lt.	4/29/03	Stapled to John Freitag
MB	4/29/04	File scanned to date
J.F.	11/18/04	To M.B. for a.d.
MB	11/19/04	Adv. Sch - 12/1 + 12/8/04; 12/20/04 PP
		Ltr. to app.
J.F.	11/19/04	Ad ✓
MB	12/15/04	Protest received
MB	12/28/04	LTR. to Prot. ack. protest; Notice & PR
		To applicant + consultant; scanned to date
MB	2/2/05	LTR. to all Parties - w/ Calendar
MB	2/24/05	HRG. set for 3/31/05 @ 9:00 a.m - American Falls
MB	3/1/05	Pub. aff. Rec.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 41-7030 V1

WATER RIGHT NUMBER: 41-7030 V1

Owner Type	Name and Address
Original Owner	FAROLD J NELSON PO BOX 177 ROCKLAND, ID 83271 (208)548-2261
Current Owner	TIMOTHY P DEEG 2597 DEEG RD AMERICAN FALLS, ID 83211 (208)226-5588

Priority Date: 01/02/1978

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	4/01 to 10/31	1.400 CFS	441.00 AF
	Total Diversion:	1.400 CFS	441.00 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4SE1/4 Sec. 6, Twp 09S, Rge 30E, B.M.

POWER 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	
09S	30E	1	25.0	29.0	36.0	36.0													126.0

Total Acres: 126

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.68 CFS. COMBINED RIGHT NOS.: 41-07071, 41-07034, 41-07081 & 41-07076

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 41-7030 V1

Comments:

1. AJU10-DJ 10/29/1999 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector:
Water District Number: 41
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

SubCase:

SubCase Number: 41-7030
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 1/17/2003
Attorney Assigned: NICHOLAS B SPENCER
Adjudication Agent:
Basis of Claim: License
Date Filed: 1/3/2000 Objection Status: Active
Date Filed: 12/21/1999 Objection Status: Active
Date Filed: 1/3/2000 Objection Status: Active

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 41-7030

WATER RIGHT NUMBER: 41-7030

Owner Type	Name and Address
Current Owner	TIMOTHY P DEEG 2597 DEEG RD AMERICAN FALLS, ID 83211 (208)226-5588
Original Owner	KENT O MC MICHAEL , ID

Priority Date: 01/02/1978

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	4/01 to 10/31	1.400 CFS	504.00 AF
	Total Diversion:	1.400 CFS	504.00 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SE1/4 Sec. 6, Twp 09S, Rge 31E, B.M.

POWER 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	
09S	30E	1	25.0	29.0	36.0	36.0													126.0

Total Acres: 126

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 41-7030

1. General — The authorized season of use is from April 1 to October 31 of each year.
Prior to the diversion of water under this right, the right holder shall provide a means of measurement acceptable to the department which will allow determination of the rate of diversion from the well.
The applicant shall notify the department by telephone and by FAX or regular mail when he removes the pump and column from the well in order that the department can conduct appropriate tests to determine whether construction of the well complies with the Idaho Well Construction Standards described in IDAPA 37.03.09, provided that the pump and column shall be removed from the well no later than seven (7) years from the date of this order.
The right holder is not authorized to divert water under this transfer for the 126 acres at a rate larger than 1.4 cfs or to divert more than 441 AF for the 126 acres. Diversion of water under this approval is contingent upon the applicant to be able to readily show compliance with this condition.

Comments:

1. PSKAGGS 10/6/1994 TRANSFER NO. 4268
Comment: Transfer No. 4268 filed on 12-03-93 proposes to change the point of diversion and place of use under Right No. 41-07030. This transfer involves a lease agreement and relates to 41-07089. the transfer was protested and approved thru Recommended Final Order dated 08-23-94.

2. SCURTIS 1/26/2000 EXTENSION OF TIME TO AVOID FORFEITURE
Comment: An application for extension of time to avoid forfeiture was filed in October, 1999 and was approved on January 25, 2000. The right holder is required to resume use of water under this right on or before July 1, 2004.

Dates and Other Information:

Licensed Date: 12/13/1991
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres
6.68	2840	

Combined Water Rights: 41-7030 , 41-7034 , 41-7076 , 41-7081

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 41-7034 V1

WATER RIGHT NUMBER: 41-7034 V1

Owner Type	Name and Address
Original Owner	FAROLD J NELSON PO BOX 177 ROCKLAND, ID 83271 (208)548-2261
Current Owner	TIMOTHY P DEEG 2597 DEEG RD AMERICAN FALLS, ID 83211 (208)226-5588

Priority Date: 04/07/1978

Basis: License

Status: Active

Source: GROUND WATER

Tributary:

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	4/01	10/31	1.820 CFS	364.00 AF
		Total Diversion:	1.820 CFS	364.00 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4SE1/4 Sec. 6, Twp 09S, Rge 31E, B.M.

POWER 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	
09S	30E	12									22.8			22.7		22.8	22.7		91.0

Total Acres: 91

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.68 CFS. COMBINED RIGHT NOS.: 41-07071, 41-07030, 41-07081 & 41-07076

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 41-7034 V1

Comments:

1. SCLELLAN 6/10/1999 RECOMMENDATION
Comment: BASED ON TRANS. 5120.

2. AJU10-DJ 10/29/1999 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector:
Water District Number: 41
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

SubCase:

SubCase Number: 41-7034
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 1/17/2003
Attorney Assigned: NICHOLAS B SPENCER
Adjudication Agent:
Basis of Claim: License
Date Filed: 12/21/1999 Objection Status: Active
Date Filed: 1/3/2000 Objection Status: Active
Date Filed: 1/3/2000 Objection Status: Active

03/30/2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 41-7034

WATER RIGHT NUMBER: 41-7034

Owner Type	Name and Address
Original Owner	KENT O MC MICHAEL , ID
Current Owner	TIMOTHY P DEEG 2597 DEEG RD AMERICAN FALLS, ID 83211 (208)226-5588

Priority Date: 04/07/1978

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	4/01 to 10/31	1.820 CFS	364.00 AF
	Total Diversion:	1.820 CFS	364.00 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SE1/4 Sec. 6, Twp 09S, Rge 31E, B.M.

POWER 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	
09S	30E	12									22.8			22.7		22.8	22.7		91.0

Total Acres: 91

Conditions of Approval:

1. 028 After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 41-7034

1. General — Prior to the diversion of water under this right, the right holder shall provide a means of measurement acceptable to the department which will allow determination of the rate of diversion and annual volume of water pumped from the well.
The authorized season of use is from April 1 to October 31 of each year.
The maximum rate of diversion of water under this right when combined with water right Nos. 41-07030, 41-07071, 41-07076 and 41-07081 shall not exceed a total combined rate of 6.68 cfs nor more than 4.0 acre feet per acre per year at the well.
It is further hereby ordered that the protests of Harold and Steve Isaak are SET ASIDE for failure to appear at the time and place set for hearing and will not be further considered by the department.
The change authorized by this transfer shall be accomplished within one (1) year of the date of the final order in this matter.

Comments:

1. MBALDWIN 8/8/1997 TRANSFER 5120
Comment: Transfer 5120 changes the point of diversion & place of use under Right 41-07034.

Dates and Other Information:

Licensed Date: 6/13/1988
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres
6.68	2840	

Combined Water Rights: 41-7030 , 41-7034 , 41-7076 , 41-7081

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 41-7071

WATER RIGHT NUMBER: 41-7071

Owner Type	Name and Address
Current Owner	TIMOTHY P DEEG 2597 DEEG RD AMERICAN FALLS, ID 83211 (208)226-5588

Priority Date: 07/13/1983

Basis: License

Status: Active

Source: GROUND WATER

Tributary:

Beneficial Use	From To	Diversion Rate	Annual Volume
DOMESTIC	1/01 to 12/31	0.040 CFS	1.20 AF
IRRIGATION	4/01 to 10/31	0.120 CFS	44.00 AF
	Total Diversion:	0.120 CFS	45.20 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SE1/4 Sec. 6, Twp 09S, Rge 31E, B.M.

POWER 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	
09S	31E	6															11.0		11.0

Total Acres: 11

DOMESTIC same as IRRIGATION

Conditions of Approval:

1. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2. 049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
3. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

Remarks:

1. General Domestic use is for 1 home.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 41-7071

Comments:

1. VAULT 1/7/1992 Proof of Beneficial Use Rcvd
Comment: Proof of Beneficial Use Rcvd

Dates and Other Information:

Licensed Date: 10/21/1994
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

