

AFFIDAVIT of PUBLICATION

RECEIVED

NOV 19 1990

State of Idaho,)
) SS.
County of Gooding)

Department of Water Resources
Southern Region Office

Patty Nance, being first duly sworn,
deposes and says that he is the printer (publisher) of the Gooding
County Leader, a newspaper published every week in Gooding, County
of Gooding, State of Idaho, that said newspaper has been continuous-
ly and uninterruptedly published for a period of seventy-eight consecu-
tive weeks prior to the first publication of the annexed notice, and is
a newspaper qualified to publish legal notices as provided by act of
the 1919 session of the legislature of the State of Idaho, known as
House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication
of said advertisement was on the 7th day of Nov.
19 90, and the date of the last publication was on the 14th
day of Nov., 19 90.

Patty Nance

Subscribed and sworn to before me this 14th
day of Nov., 19 90.
(SEAL)

Vincent Gandarias
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

MICROFILMED

Number of Lines in Notice _____

Number of Insertions 2X MAR 18 1991

Lines tabular at _____ 6¢/Pica
549.5 Lines straight at 27.48 5¢/Pica
Subsequent lines at 21.98 4¢/Pica
TOTAL COST 49.46

COPY OF NOTICE
(Paste Here)

37-08208
TITLE OF NOTICE

Jonathan H. Marvel

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. Dept. Wat Res.
BILL TO Boise

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08208

MARVEL, JONATHAN H.
316 E. BULLION ST.
P.O. BOX 1602
HAILEY, ID 83333

MARVEL, STEFANIE D.
316 E. BULLION ST.
P.O. BOX 1602
HAILEY, ID 83333

Source: UNNAMED STREAM,
Tributary: MALAD RIVER
Diversion Pt. NSW Sec 26 T 06S R
13E

SWSW Sec 26 T 06S R 13E

Use:
IRRIGATION (13.700 CFS)
Total Diversion: (13.700 CFS)
Date Filed: 4/4/1985
In: T06S R13E S14 NSW SWSW
SESW SWSE
SESE
S15 SWNE SENW NESW NSW -
NESE NWSE SWSE
S22 NESE SESE
S23 SWNW NESW NSW
S27 NENE NWNE SENE
685.0 ACRES TOTAL

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public in-
terest criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with the
Director, Dept. of Water Resources,
Statehouse Mail, Boise, Idaho 83720 on
or before NOVEMBER 26, 1990.

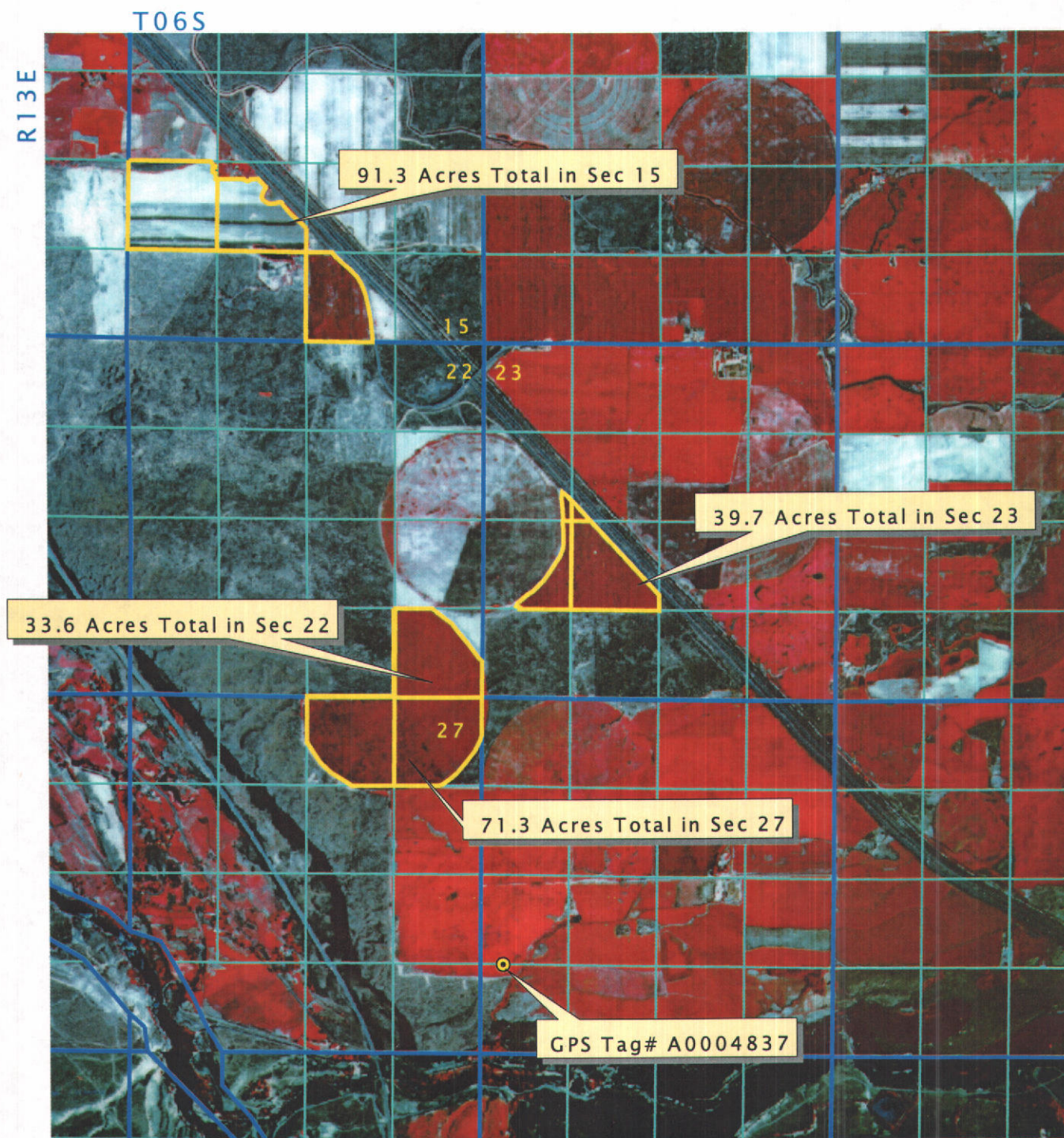
-s- R. Keith Higginson
Director
G3311

Pub: 11-7, 14

3311 OK
11-26-90

Type	WR #	Owner	Source	TRS	NENE	NNWE	SWNE	SENE	NNNW	SWNW	NESW	NNWSW	SESW	NESSW	WNWE	SSWE	Total
Right	37 8208	ROGER L JONES.	UNNAMED STREAM	06S13E27	36	36											72
Permit	37 8208	ROGER L JONES.	UNNAMED STREAM	06S13E27	40	40		40									
Right	37 507	MULLINS CANAL & RESERVOIR CO.	BIG WOOD RIVER	06S13E27	X	X		X									0
Right	1 212	TWIN FALLS NORTH SIDE LAND & WATER, NORTH SIDE CANAL CO.	SNAKE RIVER	06S13E27													0
Right	1 213	NORTH SIDE CANAL CO. TWIN FALLS NORTH SIDE LAND & WATER CO.	SNAKE RIVER	06S13E27													0
Right	1 215	TWIN FALLS NORTH SIDE LAND & WATER CO., NORTH SIDE CANAL CO.	SNAKE RIVER	06S13E27													0
Right	1 220	TWIN FALLS NORTH SIDE LAND & WATER CO., NORTH SIDE CANAL CO.	SNAKE RIVER	06S13E27													0
Claim	37 10068	ZANE G HARRISON, RUTH L HARRISON,	STODDARD CREEK SPRINGS	06S13E27					7								9
Claim	37 10797	ANCIE P BELL, VERL C BELL,	SPRING	06S13E27						3							3
Claim	37 11564	KELLY YORE, JAMIE YORE.	LOWER WADDINGTON SPRING	06S13E27					X	X			4				4
Claim	37 1239	ZANE G HARRISON, RUTH HARRISON,	STODDARD CREEK SPRINGS	06S13E27													
Claim	37 1241	KATHLEEN OWSLEY, MICHAEL A OWSLEY,	SPRING	06S13E27					11								11
Right	37 1241	ROBERT P REID, WAHNITA REID,	STODDARD CREEK SPRINGS	06S13E27					X								0
Right	37 1242	ANITA J STANDAL, NORMAN STANDAL,	STODDARD CREEK SPRINGS	06S13E27					X								0
Claim	37 1244	JUNE MECHAM, JAMES W MECHAM,	STODDARD CREEK SPRINGS	06S13E27								11					11
Right	37 1244	SHIRLEY JUNE MECHAM, JAMES MECHAM,	STODDARD CREEK SPRINGS	06S13E27							X	X	X				0
Claim	37 12771	THOMAS D HUFFMAN, LINDA C HUFFMAN,	SPRING	06S13E27									2				2
Claim	37 12802	KATHLEEN OWSLEY, MICHAEL A OWSLEY,	SPRING	06S13E27						10							10
Rec	37 12802	KATHLEEN OWSLEY, MICHAEL A OWSLEY,	SPRING	06S13E27						10							10
Claim	37 12830	CHERI R CLEMENT,	SPRING	06S13E27										1			1
Claim	37 12837	VIRGINIA LEOTA LAMB, WILLIAM GEORGE LAMB,	SPRING	06S13E27									2				2
Rec	37 12837	VIRGINIA LEOTA LAMB, WILLIAM GEORGE LAMB,	SPRING	06S13E27										2			2
Claim	37 12931	CARL E HAYDEN,		06S13E27													
Claim	37 12974	MARILEE J KURACINA, CRAIG ALLAN SINKINSON,	STODDARD CREEK SPRINGS	06S13E27													
Claim	37 12979	DAVID R WILKINS, JOHN R WILKINS, MARCELLA K WILKINS,	UPPER WADDINGTON SPRING	06S13E27													
Claim	37 12980	N STANLEY M STANDAL, LORETTA M STANDAL,	LOWER WADDINGTON SPRING	06S13E27								20	25	5	25	75	75
Rec	37 12980	L NESTLEY M STANDAL, N STANLEY STANDAL,	LOWER WADDINGTON SPRING	06S13E27								20	25	5	25	75	75
Claim	37 4011	KAREN MC CONVILLE MUELLER FULTON,	SPRING	06S13E27					2								2
Right	37 4011	REX BARLOGI,	SPRING	06S13E27					2								2
Right	37 4105	CHARLOTTE HAMILLTON, THOMAS M HAMILLTON,	STODDARD CREEK SPRINGS	06S13E27						X							D
Claim	37 4246	JOSEPH CLINE, JOSEPH CLINE, DE VERL S JENSEN,	LOWER WADDINGTON SPRING	06S13E27							X		3				5
Right	37 4246	WB CLINE, JOSEPH CLINE, DE VERL S JENSEN,	LOWER WADDINGTON SPRING	06S13E27							2		3				5
Right	37 4389	JUNE MECHAM,	LOWER WADDINGTON SPRING	06S13E27								2		5			7
Claim	37 4389	JUNE MECHAM, JAMES W MECHAM,	SPRING	06S13E27					1	6							11
Rec	37 4408	CARMEN L SIMS, JOHN R SIMS,	SPRING, WASTE WATER	06S13E27												2	2
Claim	37 4408	JOHN R SIMS, CARMEN L SIMS,		06S13E27												2	2
Claim	37 4408	CARL E HAYDEN,		06S13E27													
Claim	37 7479	SHERYL HARMER, NORMAN POTHIER,	SPRING	06S13E27					2								2
Right	37 7479	FERN POTHIER,	SPRING	06S13E27					2								2
Claim	37 7631	SHERYL HARMER, NORMAN POTHIER,	SPRINGS	06S13E27					1								1
Right	37 7631	FERN POTHIER,	SPRINGS	06S13E27					1								1
Right	37 8362	ED WEIDENMAN,	SPRING	06S13E27					1	5							1.5
Permit	37 8374	VERI C BELL, ANCIE P BELL	SPRING	06S13E27						3							3

Idaho Department of Water Resource
Recommendation for Permit 37-08208
Roger Jones



● Point of Diversion

□ Section Lines

□ Quarter-quarter lines

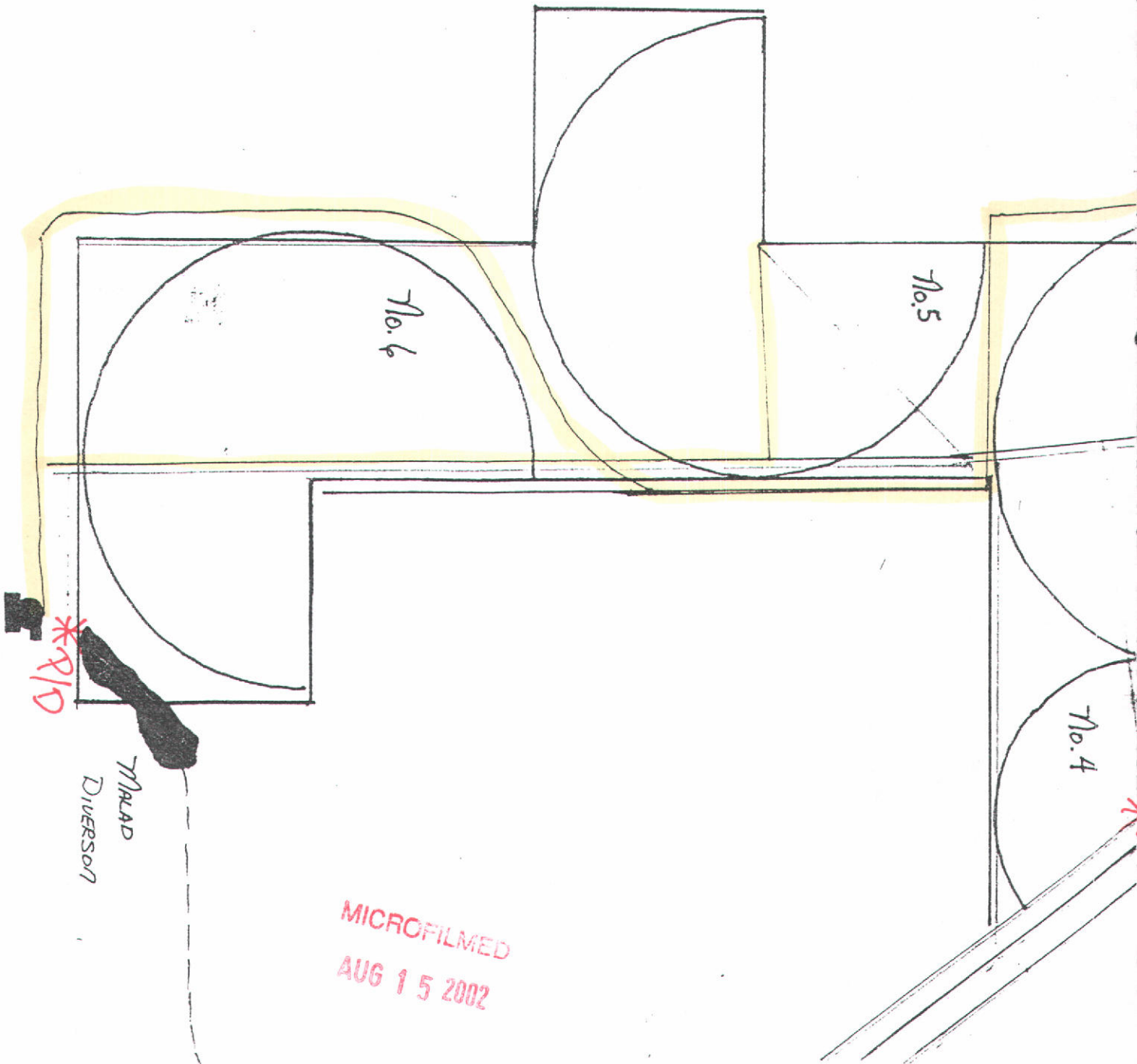
□ Place of Use

MICROFILMED
AUG 15 2002

Point of Diversion and Place of Use
T06S R13E S15, 22, 23, & 27
Data entry on May 22, 2000

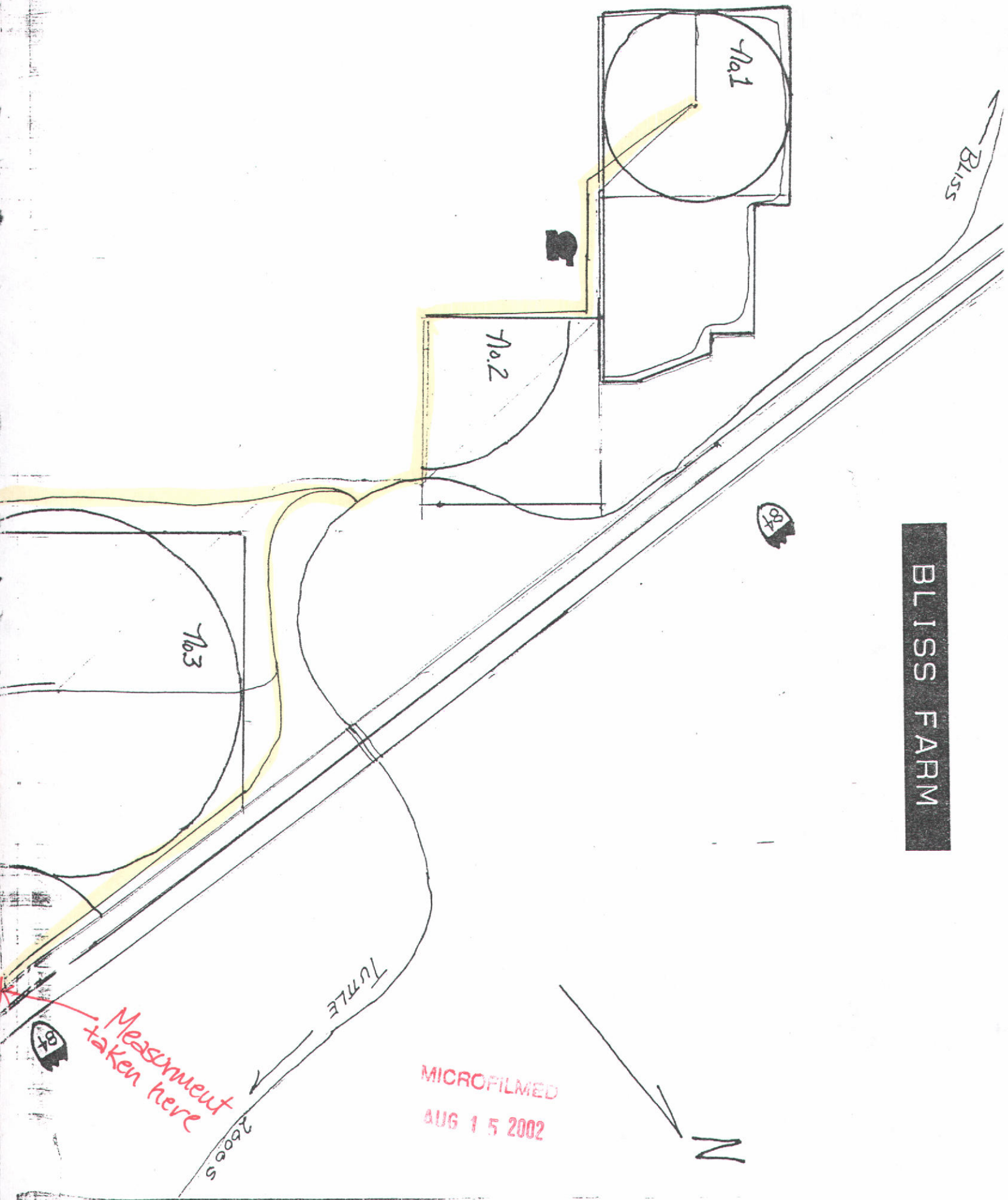
Point of Diversion Presentation
1987/1988 NAPP Photography
Data Entry By: Amanda Folsom

ROAD
PIPELINE
POWER LINE UNDERGROUND
Pump.



MICROFILMED
AUG 15 2002

BLISS FARM





1860
T-1583

29.0
HEL

85.1
HEL

1695
10 T-1584
60.3
HEL

10/15
2012

BLM

MICROFILMED
AUG 15 2002

34.7

R-13E

2

1695

T-1574

20
92.7
HEL

21
36.8
HEL
*
↑
Measurement
taken
Here

19
2.9

12
4.5
HEL

22 23
27 26 ①
6.4
HEL

1750
T-1609

13
99.9
HEL

14
3.5

BLM
①
64.2
HEL

6
62.9
HEL

15
21.1
HEL

MICROFILMED
AUG 15 2002

R-1

7
63.0

23 24
26 25

332
T-469

6.3
HEL
8.2
HEL

7
27.1
HEL

8
52.0
MICROFILMED
AUG 15 2002

10
22
HEL

6.7
HEL

3

22 23
27 26 ②
6.4
HEL

13
99.9
HEL

14
3.5

15
21.1
HEL

③
8.7
HEL

16
85.7
HEL

17
31.2

BLM

MICROFILMED
AUG 15 2002



83.5
HEL/NW

43.8
HEL/NW

6.8
HEL

7.0
HEL

1.9

7.0
HEL/NW

65.1

10.7

HEL

1857
T-1582

35.4
HEL

BLM T-1572
18.9

HEL

16.0
HEL/E

5.1
HEL

122.9
HEL

395
T-508
8.2

10.9

329

T-473

21.8

HEL/NW

23.0
HEL/NW

71.0
HEL/NW

24.1
HEL/NW

MICROFILMED
AUG 15 2002

150.0
HEL/NW

23
26

1750
T-1609

332
T-469

3LM

①
64.2
HEL

6
62.9
HEL

7
27.1
HEL

8
52.0
HEL

10
2.2
HEL

11
20.8
HEL

9
17.2
HEL

12
5.4
HEL

19
10.5
HEL

18
5.1
HEL

17
4.1
HEL

7
20.3
HEL

3.6
HEL

10
15.5
HEL

8
15.5
HEL

12
8.3
HEL
13
7.9
HEL

18
18.5

15
12.6
HEL

6.0
HEL

14
1.8
HEL

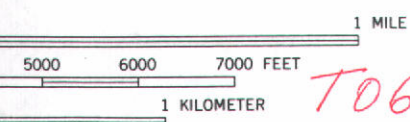
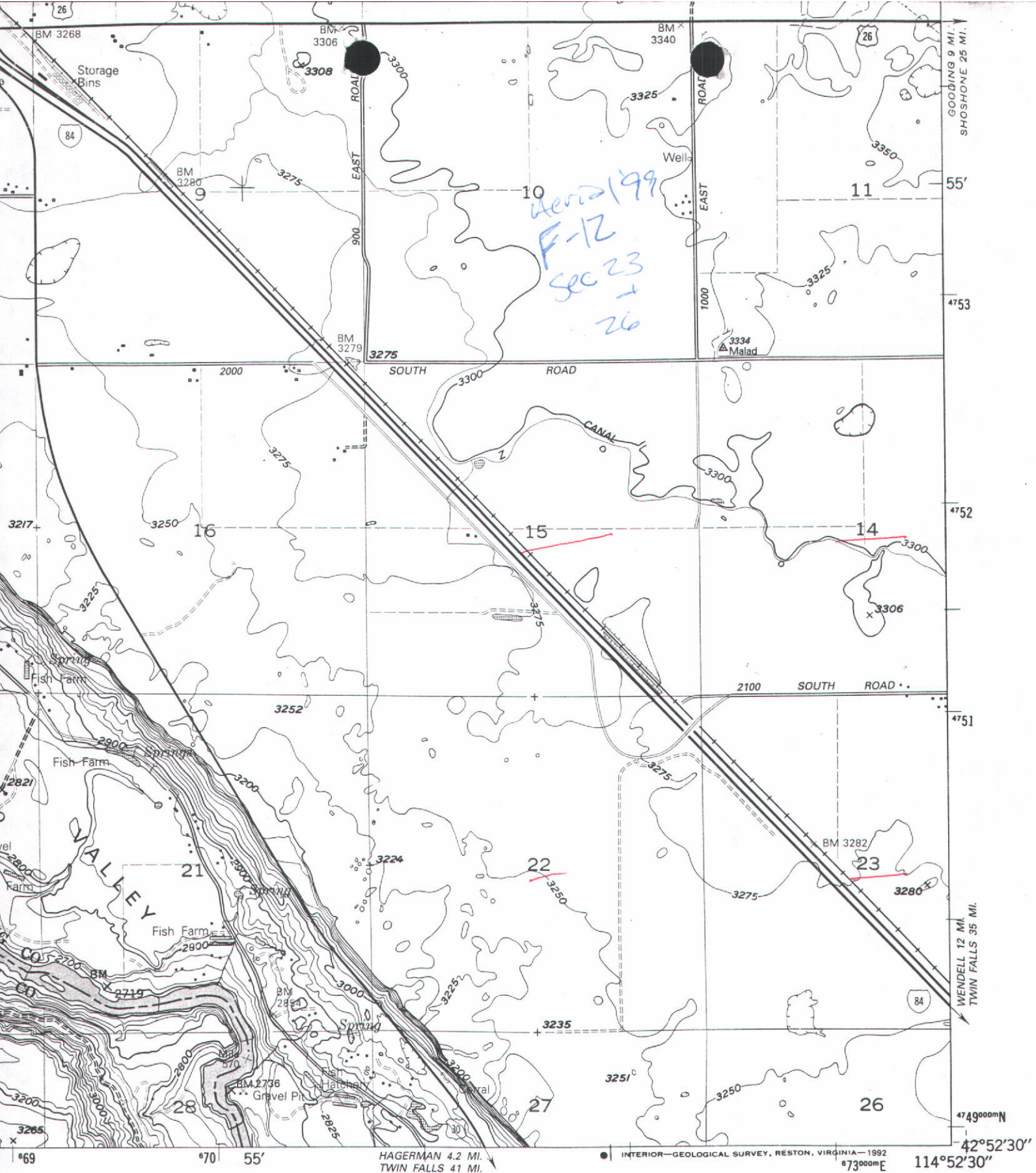
16
34.0
HEL

17
9.3
HEL

MICROFILMED

18
16.5
AUG 13 2002

27 35
35 36



T06SR13ES14
37-08208
MICROFILM
AUG 15 2002



QUADRANGLE LOCATION

ROAD CLASSIFICATION

- | | |
|---------------------------------|---|
| Primary highway, hard surface | Light-duty road, hard or improved surface |
| Secondary highway, hard surface | Unimproved road |
| Interstate Route | U. S. Route |
| | State Route |

BLISS, IDAHO

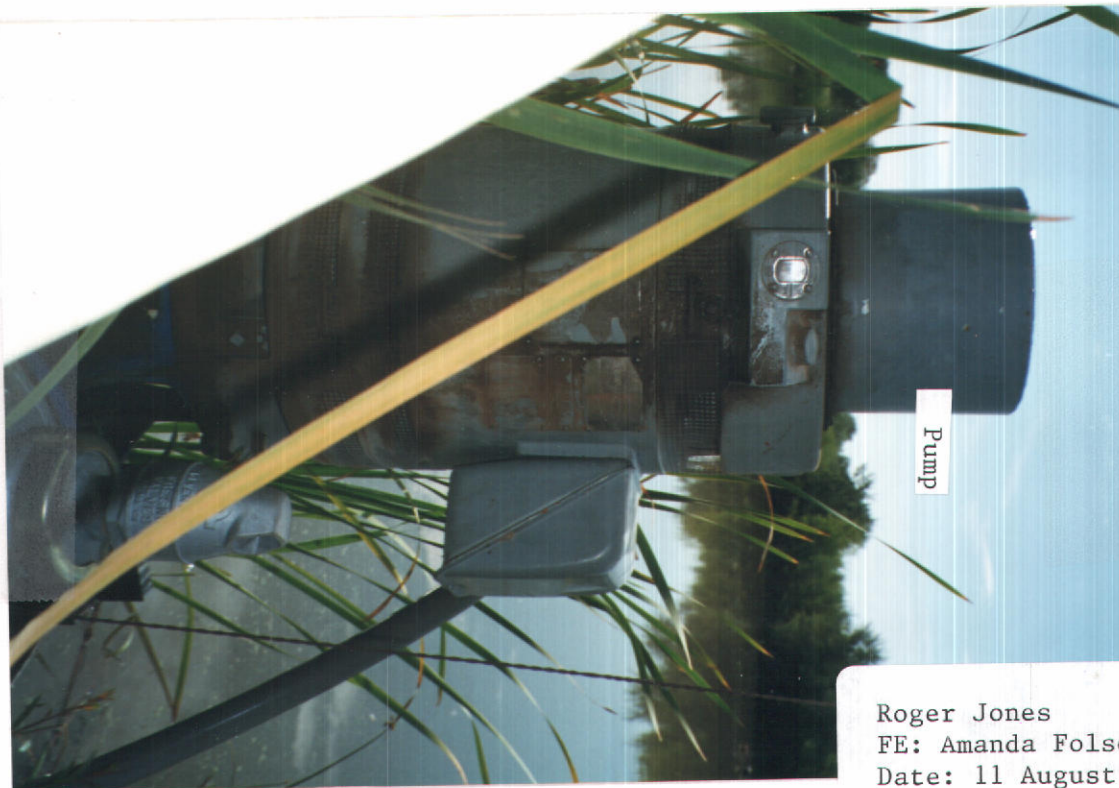
42114-H8-TF-024



Pond Pump

Looking SE'ly

8/11/99



Pump

MICROFILMED

AUG 15 2002

Roger Jones
FE: Amanda Folsom
Date: 11 August 1999

37-08438





Looking NW'ly



Irrigated Acres



MICROFILMED
AUG 15 2002

Roger Jones
FE: Amanda Folsom
Date: 11 August 1999

37-08438





MICROFILMED

MAR 18 1991

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08208

Priority: April 04, 1985

Maximum Diversion Rate: 0.73 CFS
Maximum Diversion Volume: 356.0 AF

It is hereby certified that HOWARD L MORRIS, RHONDA K MORRIS, JEREMY MORRIS And/Or
MAKENZIE MORRIS
1101 E 2900 S
HAGERMAN ID 83332 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 04, 1985; and have
submitted Proof of Beneficial Use on December 27, 1996. An examination indicates that the works have
a diversion capacity of 0.94 cfs of water from:

SOURCE

UNNAMED STREAM

Tributary: MALAD RIVER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
03/15 to 11/15

DIVERSION RATE
0.73 CFS

**ANNUAL
DIVERSION VOLUME**
356.0 AF

LOCATION OF POINT OF DIVERSION:

UNNAMED STREAM NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, Twp 06S, Rge 13E, B.M., GOODING County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 13E 15									26.0	40.0					26.0		92.0
06S 13E 22																34.0	34.0
06S 13E 23							1.0	1.0	27.0	10.0							39.0
06S 13E 27	36.0	36.0															72.0

Total Acres: 237

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 141 acres within the place of use described above in a single irrigation season.
2. Right 37-07019 is also diverted through the point of diversion described above.
3. Rights 37-07019 and 37-08208 when combined shall not exceed a total diversion rate of 0.94 cfs.

MICROFILMED
AUG 15 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08208

4. 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.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

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

Signed and sealed this 26th day of July, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED
AUG 15 2002

RECEIVED
MAY 27 2002
Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08208

RECEIVED
MAY - 9 2002
Department of Water Resources

Date of Priority: April 04, 1985

Maximum Diversion Rate: 0.73 CFS
Maximum Diversion Volume: 356.0 AF

Comes now ROGER L JONES
PO BOX 475
RUPERT ID 83350 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. 37-08208, and requests that the permit be changed as follows:

Source: UNNAMED STREAM Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.73 CFS	356.0 AF

LOCATION OF POINT OF DIVERSION:

UNNAMED STREAM NW¼SW¼ Sec. 26, Twp 06S, Rge 13E, B.M., GOODING County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 13E 15									26.0	40.0					26.0		92.0
06S 13E 22															34.0		34.0
06S 13E 23							1.0	1.0	27.0	10.0							39.0
06S 13E 27	36.0	36.0															72.0

Total Acres: 237

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk. Signed this 7 day of May, 2002


(Signature)

See attached assignment of
permit.

MICROFILMED

AUG 15 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08208

FOR DEPARTMENT USE ONLY

Preliminary check by bw Fee = 50.00 Received by CS # 5024906 Date 5/7/2002

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 37-08208 with the following:

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 141 acres within the place of use described above in a single irrigation season.
2. Right 37-07019 is also diverted through the point of diversion described above.
3. Rights 37-07019 and 37-08208 when combined shall not exceed a total diversion rate of 0.94 cfs.
4. 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.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

Witness my hand this 26TH day of July, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED

AUG 15 2002

11/99

For Office Use Only
\$25 filing fee 15
Receipt # 5029906
Date 5/7/2003

RECEIVED

STATE OF IDAHO

RECEIVED

MAY 07 2002

DEPARTMENT OF WATER RESOURCES

MAY - 9 2002

Department of Water Resources
Southern Region

ASSIGNMENT OF PERMIT
To change the ownership of a permit

Department of Water Resources

I, Roger L. Jones, hereby assign to Howard Morris, Rhonda Morris, Jeremy Morris
of, 1101 East 2900 South, Hagerman, ID 83332 and MaKenzie Morris
(Full Address) (Phone) for both

All my right, title, and interest in and to Permit No. 37-8208 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

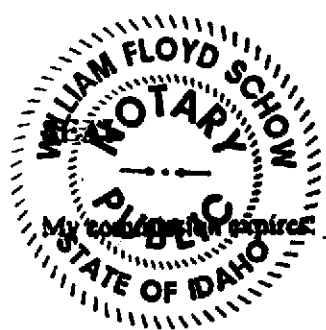
The following described portion of my right, title, and interest in and to for Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 3rd day of April, 20 02

Roger L. Jones
Permit Holder(s) Roger L. Jones

State of Idaho)
County of Minidoka)ss

On this 3 day of April, 20 02, personally appeared before me the signor(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



William Floyd Schow
Notary Public residing at
Heppburn, Idaho

MICROFILMED

AUG 15 2002

For Office Use Only
 \$25 Filing Fee
 Receipt# 6043981
 Date 11-25-98

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
 ASSIGNMENT OF PERMIT

RECEIVED
 NOV 25 1998

I, Jonathan H. Marvel, hereby assign to Roger L. Jones
 of, P.O. Box 475 Rupert, Idaho 83350 208-436-3126
 (Full Address) (Phone)

All my right, title, and interest in and to Permit No. 37-08208 to appropriate the public waters of the State of Idaho.

OR, (for partial assignments)

The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho. (Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision, point of diversion location, and the amount of water in cubic feet per second.)

✕ Made this 12th day of Nov., 1998.

✕ Jonathan H. Marvel
 Permit Holder

State of Idaho

County of Blaine) ss

On this 12th day of November, 1998, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Maureen J. Summers
 Notary Public residing at
Blaine County, Idaho

seal

My commission expires: 2/26/99

MICROFILMED

JAN 04 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 27 1996

PROOF OF BENEFICIAL USE

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

1. Permit No. 37-08208 Telephone No. (208) 788-2290

2. Name(s) of Permit Holder(s): JONATHAN H. & STEFANIE D. MARVEL

3. Mailing Address: P.O. Box 1602 HAILEY, IDAHO 83333

4. Source of Water: UNNAMED stream trib. to MALAD RIVER If **GROUNDWATER** (well), Date Drilled: mo. / yr.

a. Well Driller: Drilling Permit Number: - - -

b. **OPTIONAL:**
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):

5. Use(s) (as authorized by the water right permit):

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

Irrigation (No. of acres): 141 Other:

6. Total rate of diversion and/or volume for which proof is submitted: 2.82 cfs OR acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes or No ✓

Has the measuring device been installed? Yes or No ✓

Flow Measurement Port: Is a flow measurement port required? Yes ✓ or No

Has the measurement port been installed? Yes ✓ or No

8. Fee Enclosed: \$ 150⁰⁰ (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Jonathan H. Marvel Telephone Number (208) 788-2290

Address: Box 1602 Hailey, Idaho 83333

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

Signature of permit holder: Jonathan H. Marvel Date: Dec. 23, 1996
(include your title, if on behalf of company or organization)

RECEIVED

DEC 27 1994

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only

\$50 Fee Received by LT

Date 12-27-94

Receipt No. C031889

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 37-08208

Name(s) of Permit Holder: JONATHAN H. & STEFANIE D. MARVEL

Mailing Address: 316 E. BULLION ST., P.O. Box 1602 Hailey, Id.

Date Proof is Due: JAN. 1, 1995 Telephone No. (208) 788-2290 83333

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

A reservoir and pump site has been completed, the reservoir see enclosed photo
holds about 4 acre feet of water and will serve as the
pump source. Bids have been received for installation of the
measuring weir, and pump stand, and pipe connection to existing steel mainline
Costing \$ 9000.00

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

We were unable to complete installation of the pump stand, weir
device and connection to the steel mainline already in place because
of work back-up and wet weather in the late Fall of 1994.

Permit holder(s) request an extension to Jan 1, 19 95 MICROFILMED

FEE: \$50.00

Jonathan H. Marvel
(Signature)*

JAN 19 1995

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to **January 1, 1997.**

Signed this 3rd day of January, 19 95

J. Allen Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08208

Proposed Priority: April 4, 1985 Maximum Diversion Rate: 13.70 CFS

This is to certify, that **JONATHAN H. MARVEL**
STEFANIE D. MARVEL
316 E. BULLION ST.
P.O. BOX 1602
HAILEY, ID 83333

has applied for a permit to appropriate water from:

UNNAMED STREAM tributary of **MALAD RIVER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	13.70 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWSW	Sec. 26, Township 06S, Range 13E
SWSW	Sec. 26, Township 06S, Range 13E
	GOODING County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S 13E 14	NWSW 40	SWSW 40	SESW 40	
	SWSE 30	SESE 20		170
15	SWNE 40	SENE 25	NESW 30	
	NWSW 40	NESE 40	NWSE 30	
	SWSE 20			225
22	NESE 40	SESE 40		80
23	SWNW 25	NESW 25	NWSW 40	90
27	NENE 40	NWNE 40	SENE 40	120

Total number of acres irrigated: 685

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1995.
2. Subject to all prior water rights.
3. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
4. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
5. 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.

MICROFILMED

MAR 18 1991

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 37-08208

CONDITIONS/REMARKS:

6. 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.
7. 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.
8. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
9. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

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

1st day of March, 1991.

for R. Keith Higginson
R. Keith Higginson, Director

MICROFILMED

MAR 18 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

I, Don and Carol McFarland, hereby assign to Jonathan H. & Stefanie D. Marvel
of, 316 E. Bullion Street, P.O. Box 1602, Hailey, Idaho 83333
(Full Address)

All my right, title, and interest in and to Application for Permit
No. 37-8208 to appropriate the public waters of the State of Idaho.

Or (for partial assignments)

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

Describe portion of the application assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.

Made this 24th day of SEPT, 1990.

Don McFarland Carol McFarland
Applicant

State of Idaho)
County of Jerome) ss

On this 24th day of September, 1990, personally appeared before me the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.

Debra M. Fountain
Notary Public

seal

My commission expires: 7/93

MICROFILMED

MAR 18 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Don and/or Carol McFarland Phone 825-5256

Post office address Box 268 - Eden, Idaho 83325

2. Source of water supply Unnamed Stream which is a tributary of Malad River

3. Location of point of diversion is NW SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26 Township 6S

Range 13E B.M. Gooding County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 13.7 for irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 13.7 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Turbine pumps w/sprinkler lines (3)

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

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

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

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

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

(4) Name of municipality to be served _____ of _____ families to be supplied with domestic water _____

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

RECEIVED
MAR 18 1991

DECLASSIFIED

applicant to make this filing

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

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

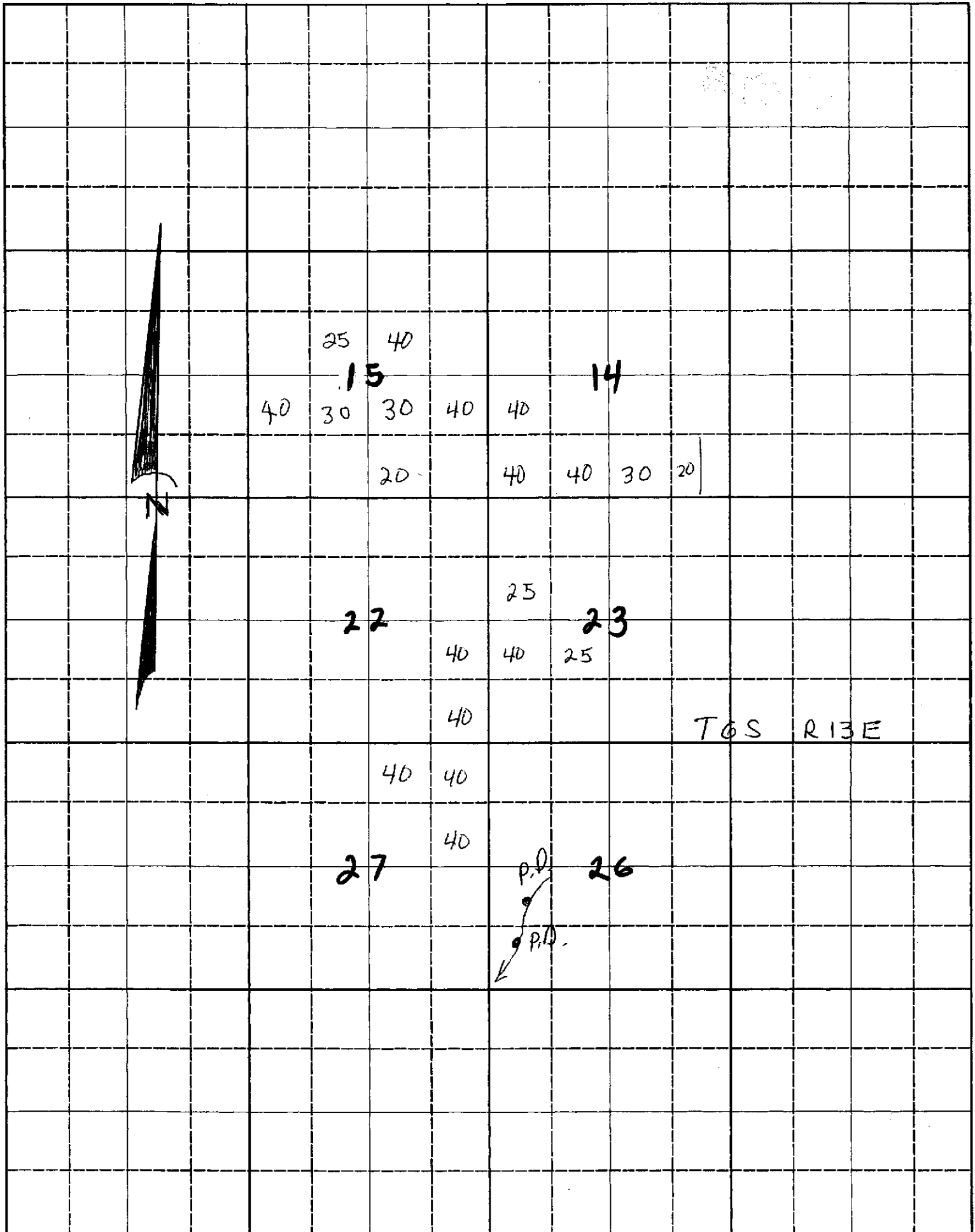
c. Describe any other water rights used for the same purposes as described above.

Total number of acres to be irrigated 685

[illegible]

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

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



Scale: 2 inches equal 1 mile.

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

~~RECEIVED~~

MAR 16 1991

Don McFarland
(Applicant)

RECORDED
MAR 18 1981

d. Other:

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

fore _____, 19 _____.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or be-

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

of Idaho No. _____, and said application is hereby _____.

This is to certify that I have examined Application for Permit to appropriate the public waters of the State

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by G.F. Date 4/4/1985 Time 2:00 p.m.
Preliminary check by ADM Fee \$ 475.00 # 95320
Received by gf Date 4/4/85
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

AFFIDAVIT of PUBLICATION

RECEIVED

NOV 19 1990

State of Idaho,)
) SS.
County of Gooding)

Department of Water Resources
Southern Region Office

Patty Starnes, being first duly sworn,
deposes and says that he is the printer (publisher) of the Gooding
County Leader, a newspaper published every week in Gooding, County
of Gooding, State of Idaho, that said newspaper has been continuous-
ly and uninterruptedly published for a period of seventy-eight consecu-
tive weeks prior to the first publication of the annexed notice, and is
a newspaper qualified to publish legal notices as provided by act of
the 1919 session of the legislature of the State of Idaho, known as
House Bill 145; that the annexed advertisement was published once
each week for 2 consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication
of said advertisement was on the 7th day of Jan
19 90, and the date of the last publication was on the 14th
day of Nov, 19 90.

Subscribed and sworn to before me this 14th
day of Nov, 19 90.
(SEAL)

Wanda J. Anderson
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice _____

Number of Insertions 2X

_____ Lines tabular at _____ 6¢/Pica
549.5 Lines straight at 27.45 5¢/Pica
_____ Subsequent lines at 21.98 4¢/Pica
TOTAL COST 119.46

COPY OF NOTICE
(Paste Here)

37-68208
TITLE OF NOTICE

Jonathan H. Marvel
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Bill To
BILL TO

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08208

MARVEL, JONATHAN H.
316 E. BULLION ST.
P.O. BOX 1602
HAILEY, ID 83333

MARVEL, STEFANIE D.
316 E. BULLION ST.
P.O. BOX 1602
HAILEY, ID 83333

Source: UNNAMED STREAM,
Tributary: MALAD RIVER
Diversion Pt. NWSW Sec 26 T 06S R
13E

SWSW Sec 26 T 06S R 13E

Use:
IRRIGATION (13.700 CFS)
Total Diversion: (13.700 CFS)

Date Filed: 4/4/1985
In: T06S R13E S14 NWSW SWSW
SESW SWSE

SESE
S15 SWNE SENW NESW NWSW
NESE NWSE SWSE
S22 NESE SESE
S23 SWNW NESW NWSW
S27 NENE NWNE SESE
685.0 ACRES TOTAL

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public in-
terest criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with the
Director, Dept. of Water Resources,
Statehouse Mall, Boise, Idaho 83720 on
or before NOVEMBER 26, 1990.

-s- R. Keith Harrison
Director

Pub: 11-7, 14

3311 OK
11-26-90



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 26, 2002

HOWARD L MORRIS
RHONDA K MORRIS
JEREMY MORRIS
MAKENZIE MORRIS
1101 E 2900 S
HAGERMAN ID 83332

RE: License No. 37-8208 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval listed on your license. Condition no. 1 limits the use of water under this water right to a total of 141 acres within the 237-acre place of use. Your water right is described this way because the field examiner found that your irrigation system can distribute the water to 237 acres, but proof of beneficial use was submitted for 141 acres by Jonathan Marvel, a previous owner of this water right. On May 21, 2002, Department staff sent you a letter asking you to clarify this matter, but we received no response.

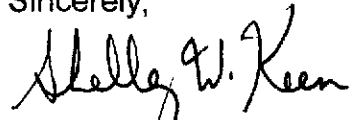
The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet. If you do not agree with the Department's conclusion that this water right should be limited to 141 acres of irrigation, or if you believe the license is incorrect in any other regard, you may petition for reconsideration.

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

MICROFILMED
AUG 15 2002

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

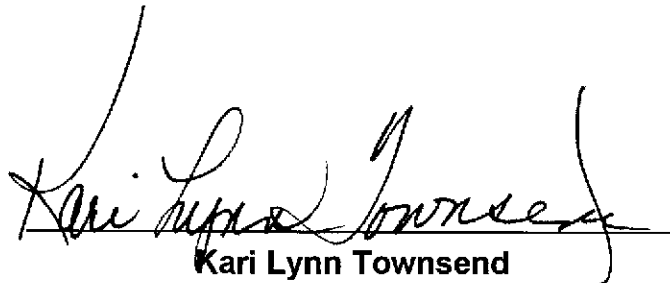
AUG 15 2002

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 37-8208

**HOWARD L MORRIS
RHONDA K MORRIS
JEREMY MORRIS
MAKENZIE MORRIS
1101 E 2900 S
HAGERMAN ID 83332**



**Kari Lynn Townsend
Secretary**

MICROFILMED

AUG 15 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

AUG 15 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 21, 2002

HOWARD, RONDA, JEREMY OR MAKENZIE MORRIS
1101 E 2900 S
HAGERMAN ID 83332

RE: Permit No. 37-08208

Dear Permit Holders:

We are in receipt of the assignment of permit that changed the ownership of this permit from Roger L. Jones to you. I have enclosed a water right proof report of this permit for your files.

In final review of this permit, prior to the license being issued, our administrator requested that we find out more information in regard to the development of the lands under this system. Jonathan H. and Stefanie D. Marvel submitted proof of beneficial use on this permit on December 27, 1996. The proof form stated that there were only 141 acres irrigated under this permit.

When our examiner conducted the field examination on August 11, 1999, accompanied by Richard Johnson, he showed her approximately 237 acres being irrigated under this permit. Our administrator would like some assurance that no new development took place after the proof of beneficial use was submitted. Please submit a statement from Mr. or Mrs. Marvel, Mr. Jones or Mr. Johnson, within 30 days of the date of this letter, that will satisfy us that the entire 237 acres could be irrigated from this unnamed stream in 1996.

If you have any questions in regard to this matter, please do not hesitate to contact our office.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure

MICROFILMED

AUG 15 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 22, 2002

ROGER L JONES
PO BOX 475
RUPERT ID 83350

RE: Water Right Permit 37-08208

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has actually been developed.

As of this date, I have not received the amendment. If I do not receive the amendment within 14 days, a Water Right License will be issued for less than could have been allowed. In case the amendment form I sent you have been misplaced, a new one is enclosed. Please note that the filing fee for the amendment is \$50.00.

If you have any questions regarding this matter, please call me at 208-327-7944

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure

MICROFILMED

AUG 15 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 26, 2002

ROGER L JONES
PO BOX 475
RUPERT ID 83350

RE: Water Right Permit No. 37-08208

Dear Permit Holder:

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

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

✓ Place(s) of Use (Adding land in SENW, S23, T6S, R13E)

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

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

MICROFILMED

AUG 15 2002

Comment Report

37-8208

1. kwalker 3/25/2002 Place of Use

Comment: I created a GIS shape for this place of use and while doing so rounded the number of acres found in each 40-acre tract by examiner. Total acres to be licensed are 237 rather than 235.9.

2. kwalker 3/25/2002 Capacity of System

Comment: While preparing the license for this permit, I found that overlapping right 37-7019 was also diverted from the point of diversion shown herein. That right was licensed for 0.94 cfs which is a greater diversion rate than found during this exam. I have used the larger diversion rate as the system capacity under this right.

3. VAULT 11/8/1994 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

4. JYARBROU 12/22/1994 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

5. VAULT 12/27/1996 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

MICROFILMED

AUG 15 2002

LICENSE REVIEW CHECKLIST

Permit No. 37-8208

Date: 3-21-02

Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44)

Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use add

Change (P41/P49) Add (P41/P44)

Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s):

File reviewed 37-7019 at pld only Profile reports printed no p/u or

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 13.70 cfs

Fee Limit 3.0 cfs

Measured 0.73 cfs

Theoretical cfs

Recommended Total Diversion Rate 0.73

Water Uses OK

Change (P46)

Season of Use per new Standards

3-15 11-15

Irrigation 0.73 cfs 356.0 af

Stockwater cfs af

Domestic cfs af

 cfs af

 cfs af

Total 0.73 cfs 356.0 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104) NO

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

0.73 cfs x 1.9835 x 246 days = 356.2 af (x) 237 acres x 4.0 (FHR) = 948.0 af

3 356.0 3.0 (con)

Remarks: R55, W36, W35, W27 → 141 ac × 4.0 = 564.0

Additional Conditions

Watermaster Control

GW Measurement/Measuring Device

Other

Trust R55 - remove 051

Non-trust (048)

GW Dist?

Water Msmt. Dist?

Crit. GWMA?

GWMA?

Government Lots?

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim?

NO - not req'd.

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

P44

S06

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-7019 V1

WATER RIGHT NUMBER: 37-7019 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DON MC FARLAND PO BOX 268 EDEN, ID 83325 (208)825-5258
Current Owner	JONATHAN H MARVEL BOX 1602 HAILEY, ID 83333 (208)788-2290
Current Owner	STEFANIE D MARVEL BOX 1602 HAILEY, ID 83333 (208)788-2290
Original Owner	CAROL MC FARLAND PO BOX 268 EDEN, ID 833250268 (208)825-5258

*Sent Doug Jones
copy of ownership
change in file
RW
3/25/02*

Priority Date: 04/25/1968

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	MALAD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.940 CFS	188.00 AF
<u>Total Diversion:</u>		0.940 CFS	188.00 AF

Location of Point(s) of Diversion

UNNAMED STREAM	NW1/4SW1/4	Sec. 26, Twp 06S, Rge 13E, B.M.
GOODING County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	14E	27													40.0			7.0	47.0

Total Acres: 47

Conditions of Approval:

- 01C A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-7019 V1

2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:

1. General TRANS. 3128.
SEE ALSO REFERENCE RIGHT A37-07480.

gw-
no OL-8208
w/37-kw

Comments:

1. HITCHCOC 4/2/1993 COPIED FROM REMARKS
Comment: TRANS. 3128. SEE ALSO REFERENCE RIGHT A37-07480. OWNERSHIP CHANGE 04-02-1993 BY FH.

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:
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

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	MENE	NWNE	SWNE	SENE	MENW	NWNW	SWNW	SESW	NESW	NWSW	SESE	Total
Right	37 8208	ROGER L. JONES	UNNAMED STREAM	06S13E16									26	30	26	92
Permit	37 8208	ROGER L. JONES	UNNAMED STREAM	06S13E16				40					26	30	20	226
Claim	37 607	NORTH SIDE CANAL COMPANY LTD.	BIG WOOD RIVER	06S13E16				40			28.8		36	10		153.8
Claim	1 212	NORTH SIDE CANAL COMPANY LTD.	SNAKE RIVER	06S13E16				40			28.8		36	10		153.8
Right	37 507	MULLINS CANAL & RESERVOIR CO.	BIG WOOD RIVER	06S13E16	X			X	X			X	X	X	X	0
Right	1 16	NORTH SIDE CANAL CO.	SNAKE RIVER	06S13E16	X			X					X			0
Right	1 212	TWIN FALLS NORTH SIDE LAND & WATER, NORTH SIDE CANAL CO.	SNAKE RIVER	06S13E16												0
Right	1 213	TWIN FALLS CANAL CO, TWIN FALLS NORTH SIDE LAND & WATER CO.	SNAKE RIVER	06S13E16												0
Right	1 215	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO.	SNAKE RIVER	06S13E16												0
Right	1 220	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO.	SNAKE RIVER	06S13E16												0
Right	1 5	NORTH SIDE CANAL CO.	SNAKE RIVER	06S13E16												0

Overlap w/ North
Side claims
Co. - Mullins & Res.
& Canal

① → P/D OL w/ 37-87019
(no p/u OL)
② → no OL w/ 37-4408

[illegible]

Idaho Dept. of Water Resources
Place of Use Comparison Report



Type	WR #	Owner	Source	TRIS	SENE	NWNE	SWNE	SENE	ENEN	NNNW	SWNW	SENW	NESW	NWSW	SESW	ENESW	NWSE	SWSE	SESE	Total
Right	37 6208	ROGER L. JONES	UNNAMED STREAM	06S13E23								1	1	27	10					39
Permit	37 6208	ROGER L. JONES	UNNAMED STREAM	06S13E23							25	25	25	40						90
Right	37 607	MULLINS CANAL & RESERVOIR CO.	BIG WOOD RIVER	06S13E23	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
Claim	37 607	NORTH SIDE CANAL COMPANY LTD.	BIG WOOD RIVER	06S13E23	38.2	40	38.2	39.2	40	40	40	3.2	3.2	27.2	3.2	27.2	3.2	3.2	272.4	0
Claim	1212	NORTH SIDE CANAL CO.	SNAKE RIVER	06S13E23	38.2	40	38.2	39.2	40	40	40	3.2	3.2	27.2	3.2	27.2	3.2	3.2	272.4	0
Right	116	NORTH SIDE CANAL CO.	SNAKE RIVER	06S13E23																0
Right	1212	TWIN FALLS NORTH SIDE LAND & WATER	SNAKE RIVER	06S13E23																0
Right	1213	NORTH SIDE CANAL CO. TWIN FALLS NORTH SIDE LAND & WATER CO.	SNAKE RIVER	06S13E23																0
Right	1215	TWIN FALLS NORTH SIDE LAND & WATER CO. NORTH SIDE CANAL CO.	SNAKE RIVER	06S13E23																0
Right	1220	TWIN FALLS NORTH SIDE LAND & WATER CO. NORTH SIDE CANAL CO.	SNAKE RIVER	06S13E23																0
Right	15	NORTH SIDE CANAL CO.	SNAKE RIVER	06S13E23																0
Claim	37 7008	RICHARD H DALTON, MOLLIE B DALTON,	UNNAMED STREAM	06S13E23											40					40

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 09 2000
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-08208

1. Owner: Roger Jones Phone No. 436-3126

Current Address: PO Box 475 Rupert ID 83350

2. Accompanied by: Richard Johnson EXAM DATE: Aug 11, 1999

Address: Same Phone No. 436-9606

Relationship to Permit Holder: Processing Procurement Manager

3. Source: Unnamed Stream tributary to Malad River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: 37-04408; 37-07019

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	SW	26	06S	13E	Gooding	GPS TAG #
									A0004837

2. Place(s) of Use:

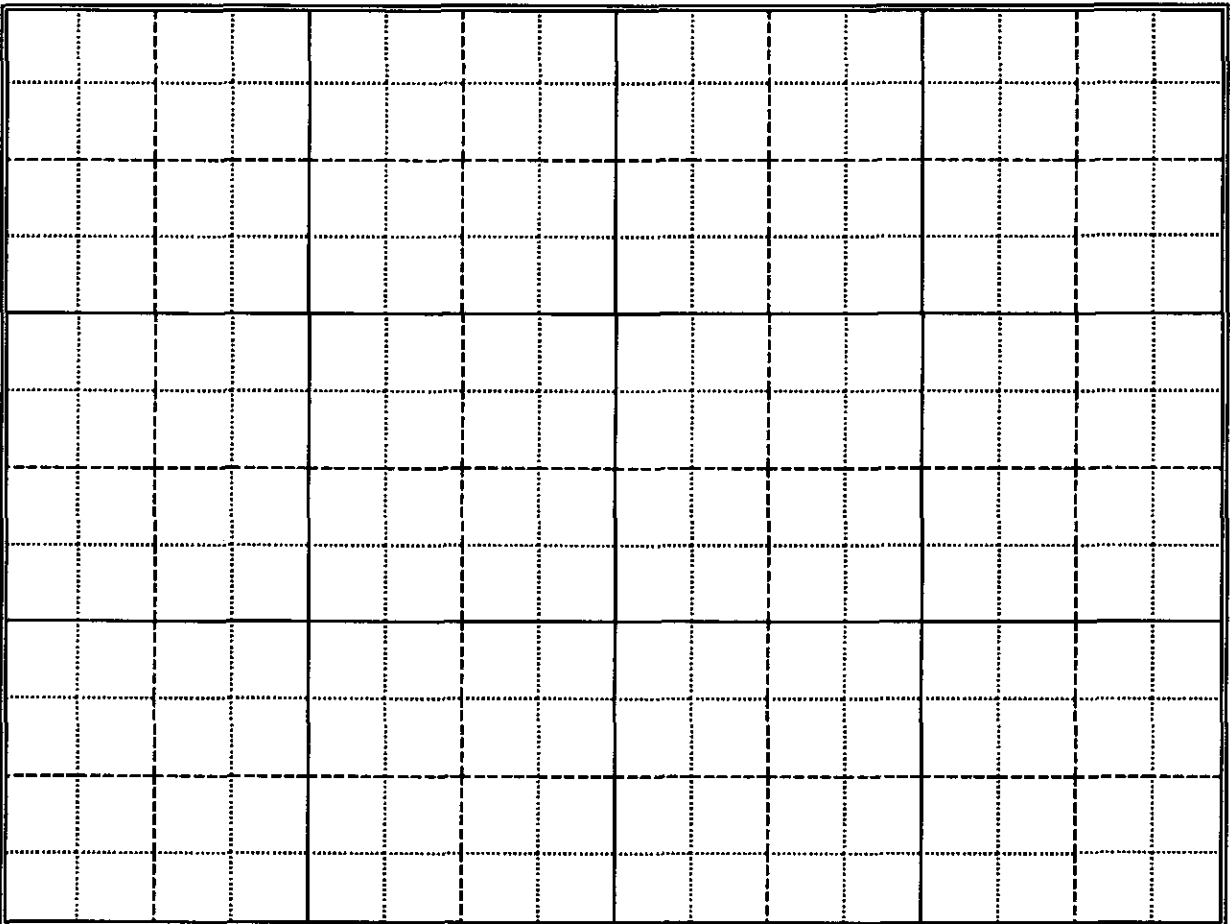
Indicate Method of Determination GIS

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	13E	15									25.9	40.1					25.3		91.3
		22															33.6		33.6
		23							12	10	21.3	10.2							39.7
		27	35.6	35.7															71.3
																			235.9

MICROFILMED

SEP 15 2002

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



Scale: 1" = _____

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

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

☒ Photo of Diversion and System Attached

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	General Elect	75	8K6258XHA		

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

MICROFILMED

D. FLOW MEASUREMENTS

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

2. Measurements: Performed Fiji measurement on far east pivot in Sec 23. Fiji recorded 327 gpm or 0.13 cfs

E. NARRATIVE/REMARKS/COMMENTS

FILE: 37-08208

FROM: Amanda Folsom

DATE: May 22, 2000

I initially preformed the field exam on August 11, 1999. I had to return in September when the dirt roads back to the pump were dry and cleared from harvest. The unnamed stream and pump are located in the NWSW ¼ of Sec 26, Twn 06S, Rng 13E.

The original permit was assigned for 685 acres. Mr. Marvel, the original owner, turned in the Proof of Beneficial Use for 141 acres. Mr. Marvel then sold the right along with the land to Mr. Roger Jones who now currently owns and irrigates the land. Richard Johnson is the Processing Procurement Manager for Mr. Jones. He assisted me on the field exam, and provided me with a detailed lay out of the irrigation system (please see attachments). By using Arc View and the GIS program, along with aerials, I determined that the total acres being irrigated by the stream water are 235.9.

The water used from the stream is used in addition with canal shares. The two systems can work together or separate. All of the main lines run underground and are connected to the six pivots on the property. However, the stream water only goes to the four pivots designated on the GIS map. There are two booster pumps connected to the system. The first one is used to pump from the stream (this permit), the second one is located in the far north in Sec 15 and is used to pump both canal shares and stream water. Under normal conditions when the stream water is used, one of the four pivots will be turned on at a time. When more than one pivot is activated, the stream water and canal shares are both used and distributed to the pivots and hand lines.

I took a measurement from the far east pivot in section 23. This pivot is one of four that can be operated with water from the stream. As I mentioned before, only one pivot operates at a time when only the stream water is used. The Fuji recorded an average of 327gpm or 0.73cfs. I was concerned that this was not the full capacity of the pump because of friction loss and the distance that the water had to travel. However, Mr. Johnson told me that he felt comfortable with this measurement and how they operate the irrigation system.

After taking into consideration the friction losses and the distance the water travels, along with the method of irrigation I am recommending the following:

Irrigation	0.73cfs	310afa
------------	---------	--------

MICROFILMED
AUG 18 2002

E. NARRATIVE/REMARKS/COMMENTS

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

MICROFILMED
1974 JUN 2002

Measured Method:

Additional Computation Sheets Attached

$$\text{Try! Measurement} \rightarrow \frac{32 \text{ ppm}}{448.83} = [0.73 \text{ cfs}]$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{235.9(3.5) = 825.65}{40} = 20.64125 \text{ cfs}$$

$$V_{OR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.73)(246)(1.9835) = 356.076$$

$$V_{OR} = \text{Smaller of } V_{IR} \text{ and } V_{OR} = 356.076$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

notepad

From

3-15

Period of Use

То

9-11

(c) 0

073

Rate of Diversion

V (a) (2)

356

Annual Volume

2. Recommended Amendments

Change P.D. as reflected above

Change P.U. as reflected above

Add P.D. as reflected above

Add P.U. as reflected above

None ☒

Other

Totals:

0.73

255

No.01
LOG NAME:RI1
START :09-23 15:41
END :09-23 15:51
INTERVAL:00:01:00

09-23 15:41:00
+2.118E+0 ft/s
+3.237E+2 gal/m
+TOTAL 0001771 gal
-TOTAL 0000000 gal
NORMAL

09-23 15:42:00
+2.102E+0 ft/s
+3.212E+2 gal/m
+TOTAL 0002096 gal
-TOTAL 0000000 gal
NORMAL

09-23 15:43:00
+2.139E+0 ft/s
+3.268E+2 gal/m
+TOTAL 0002391 gal
-TOTAL 0000000 gal
NORMAL

09-23 15:44:00
+2.160E+0 ft/s
+3.300E+2 gal/m
+TOTAL 0002716 gal
-TOTAL 0000000 gal
NORMAL

09-23 15:45:00
+2.088E+0 ft/s
+3.190E+2 gal/m
+TOTAL 0003042 gal
-TOTAL 0000000 gal
NORMAL

09-23 15:46:00
+2.169E+0 ft/s
+3.313E+2 gal/m
+TOTAL 0003366 gal
-TOTAL 0000000 gal
NORMAL

09-23 15:47:00
+2.091E+0 ft/s
+3.195E+2 gal/m
+TOTAL 0003690 gal
-TOTAL 0000000 gal
NORMAL

09-23 15:48:00
+2.164E+0 ft/s
+3.307E+2 gal/m
+TOTAL 0004018 gal
-TOTAL 0000000 gal
NORMAL

09-23 15:49:00
+2.213E+0 ft/s
+3.382E+2 gal/m
+TOTAL 0004347 gal
-TOTAL 0000000 gal
NORMAL

09-23 15:50:00
+2.077E+0 ft/s
+3.174E+2 gal/m
+TOTAL 0004670 gal
-TOTAL 0000000 gal
ABNORMAL

324

321

327

330

319

331

319

330

338

317

326

$$\frac{3,582}{11} = \frac{325.69 \text{ gpm}}{448.83} = 0.73 \text{ cfs}$$

MICROFILMED
1975 1 5 2002

09-23 15:51:00
+2.134E+0 ft/s
+3.261E+2 gal/m
+TOTAL 0004949 gal
-TOTAL 0000000 gal
NORMAL

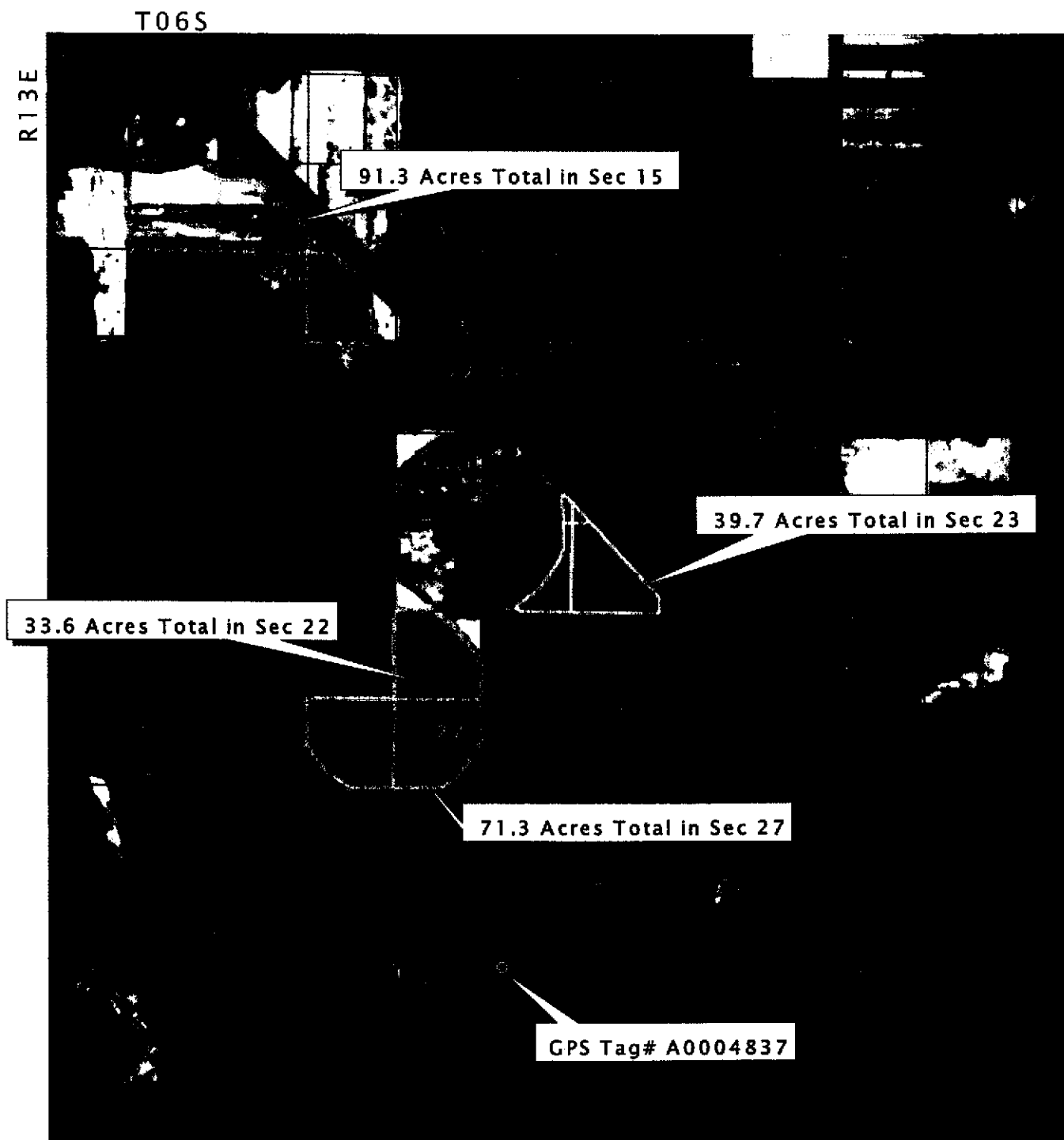
MICROFILMED

AUG 15 2007

Idaho Department of Water Resource

Recommendation for Permit 37-08208

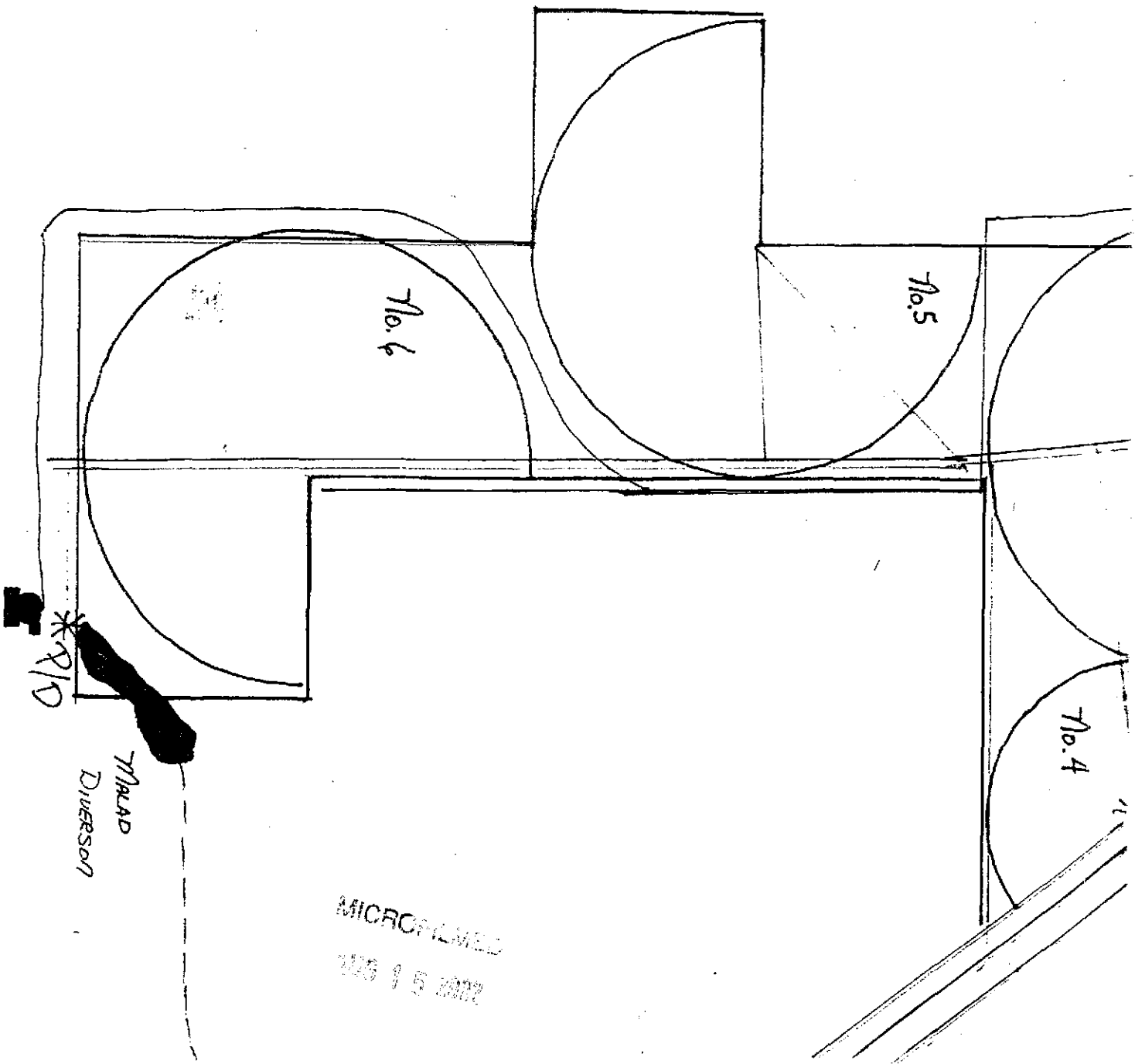
Roger Jones



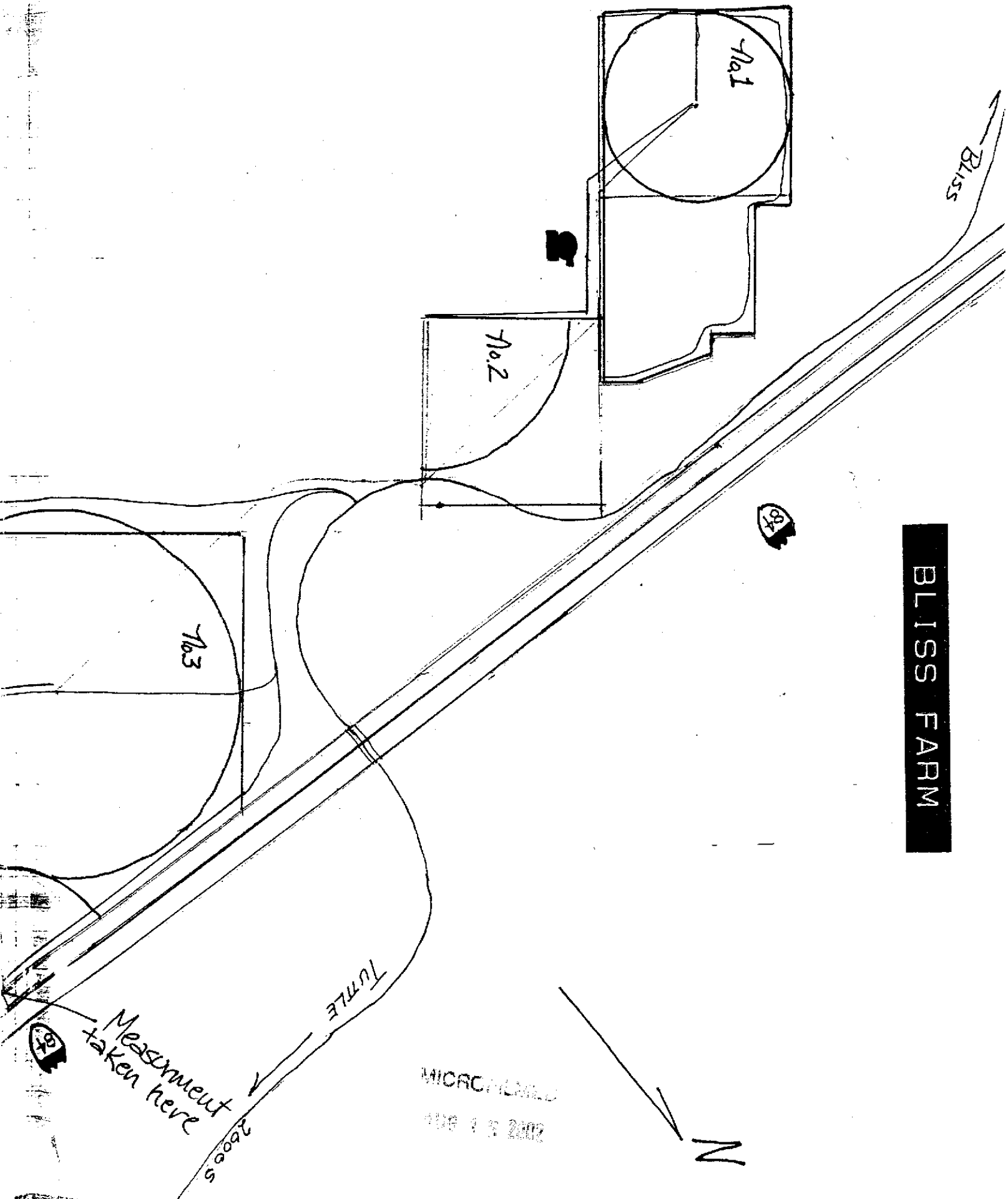
Point of Diversion and Place of Use
T06S R13E S15, 22, 23, & 27
Data entry on May 22, 2000

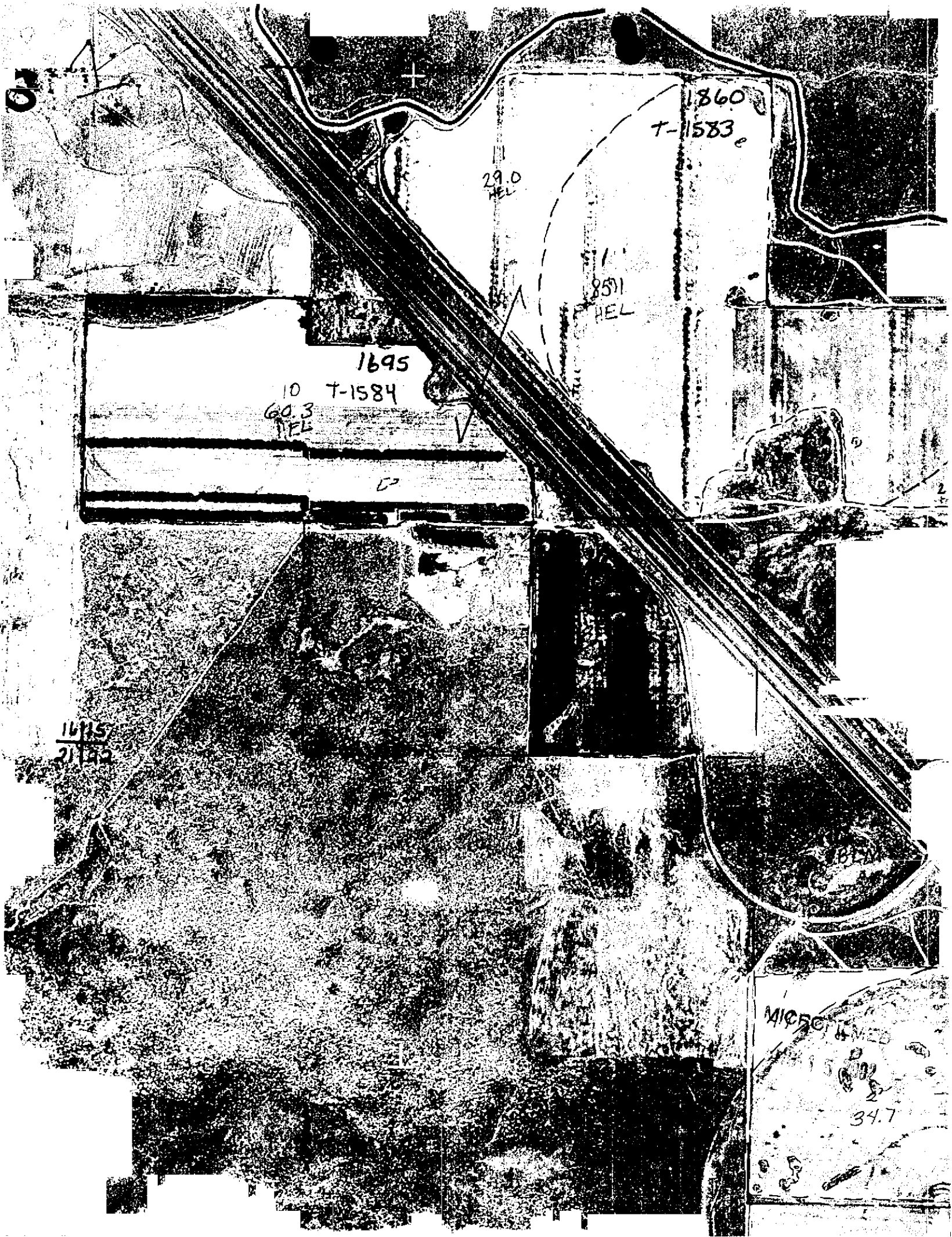
Point of Diversion Presentation
1987/1988 NAPP Photography
Data Entry By: Amanda Folsom

Road
Pipeline
Power Line Underground
Pump.



BLISS FARM





1860
T-1583

29.0
HEL

851
HEL

1695
10 T-1584
60.3
HEL

1615
2142

MICROFILMED
34.7

R-13E

1695

T-1574

19
29

12
4.5

22 23

27

26

1750

T-1609

BLM

64.2

HEL
MICROFILMED

NOV 15 2000

62.9

HEL

HEL

REL

7
63.0

23 24
20 25

6.3
HEL

8.2
HEL

332
T-469

7
27.1
HEL

8
52.0
MICROFILMED

APR 15 2002

10
22
HEL

6.7
HEL



BLM

15
311
HEL

3
8.7
HEL

16
85.7
HEL

17
312

MICROFILM

2004-6-2002

83.5
HEL/NW

1A

2
70
HEL

3
6.8
HEL

2
43.8
HEL/NW

65.1

3
7.0
HEL/NW

5
0.2
HEL/NW

1057
T-1530

AT-1570

BLM

160
HEL/NW

7
5.1
HEL

8
122.9
HEL

395
T-508
8.2

10.9

329

T-473

21.8

HEL/NW

3
23.0
HEL/NW

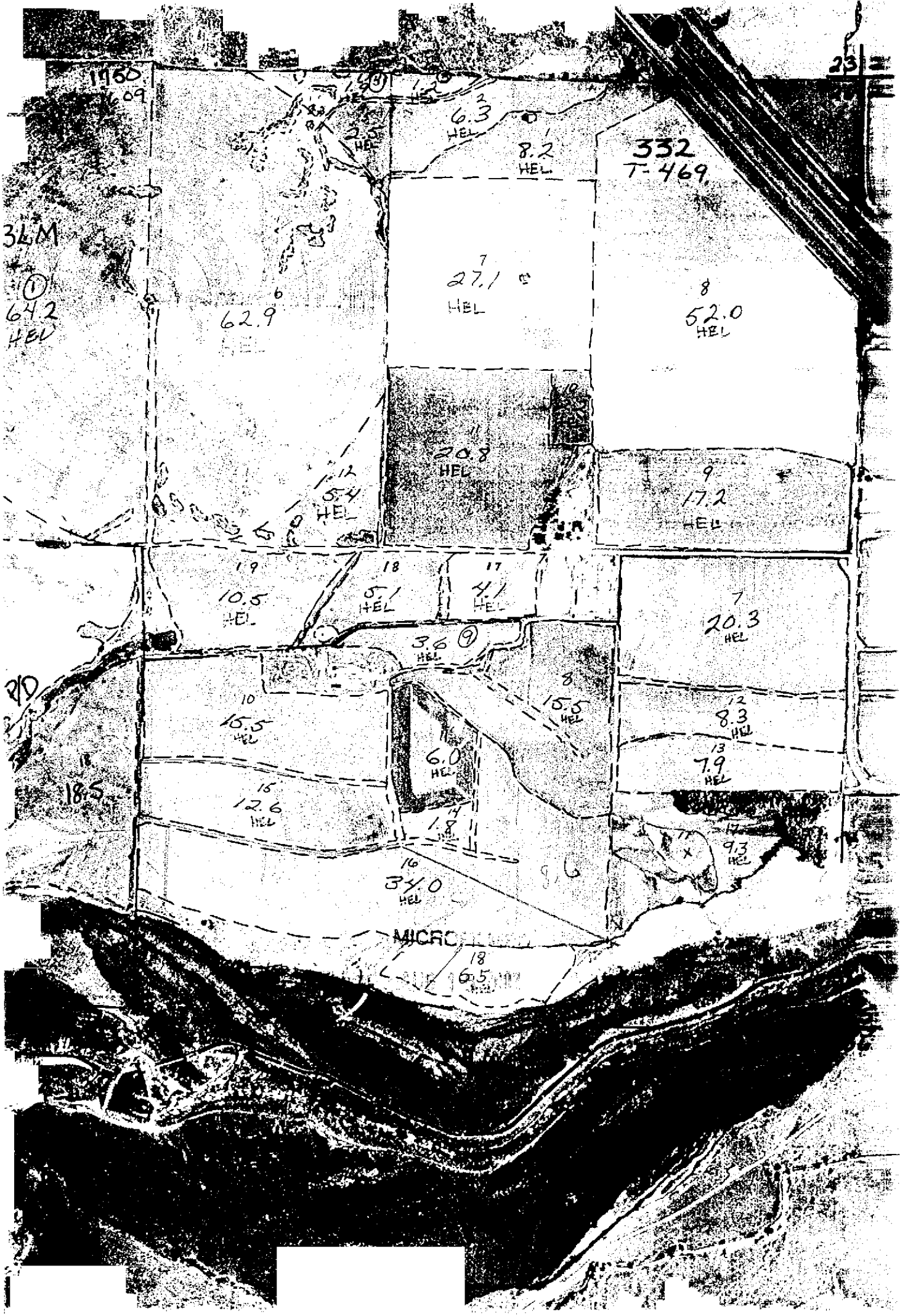
4
71.0
HEL/NW

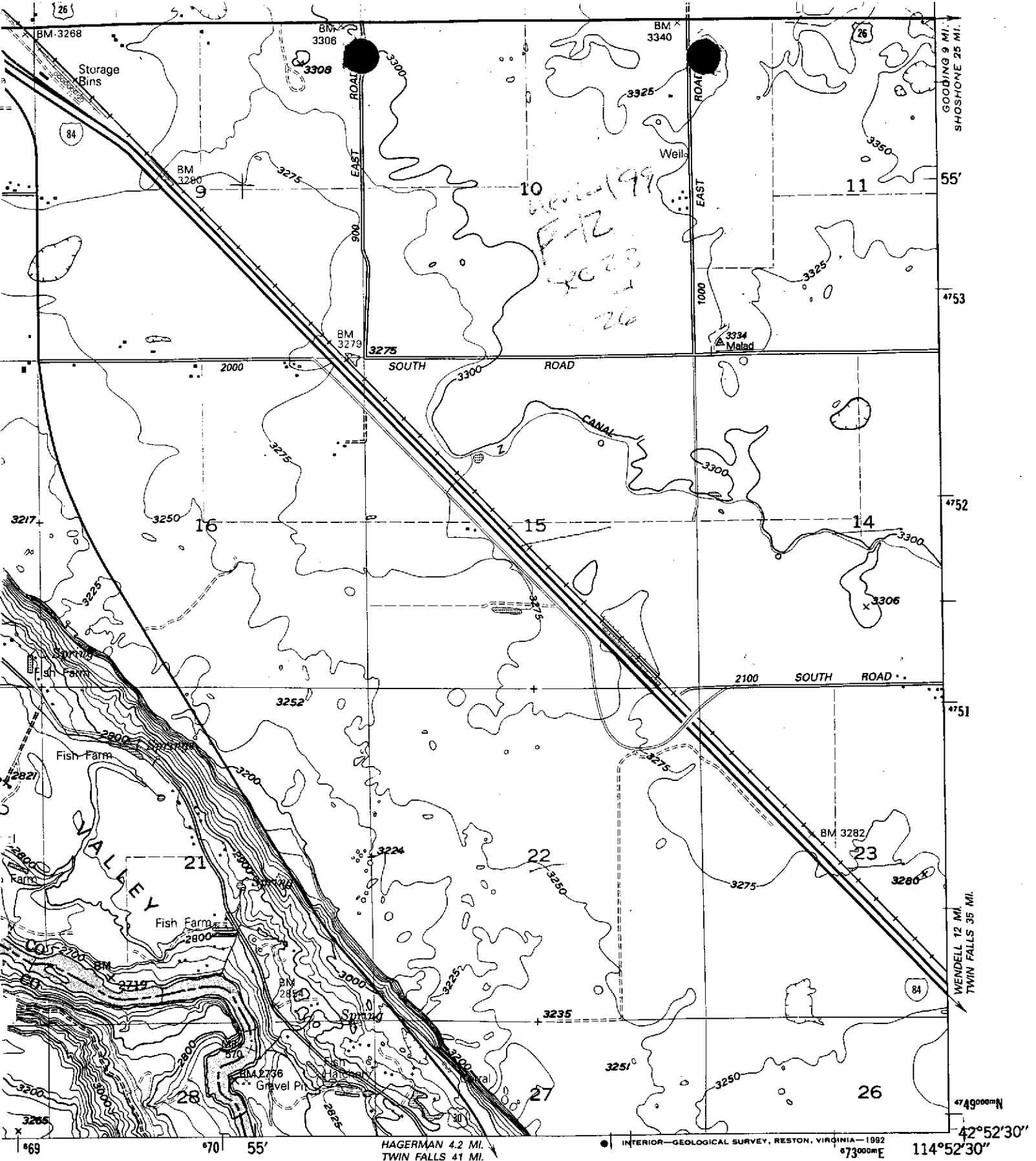
6
24.1
HEL/NW

MICROFILMED

NOV 15 2002

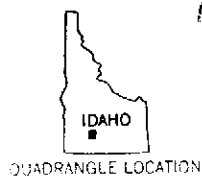
5



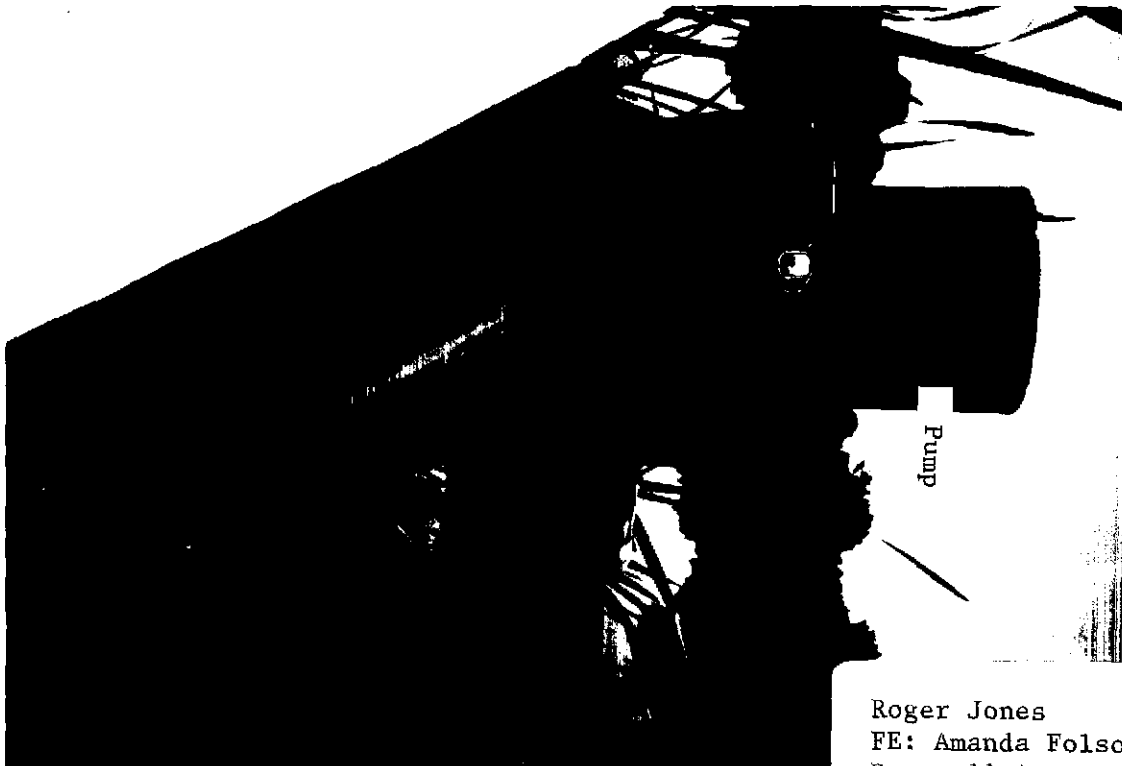


ROAD CLASSIFICATION

- Primary highway, hard surface
- Secondary highway, hard surface
- Light-duty road, hard or improved surface
- Unimproved road
- Interstate Route
- U. S. Route
- State Route



BLISS, IDAHO
42114-H8-TF-024

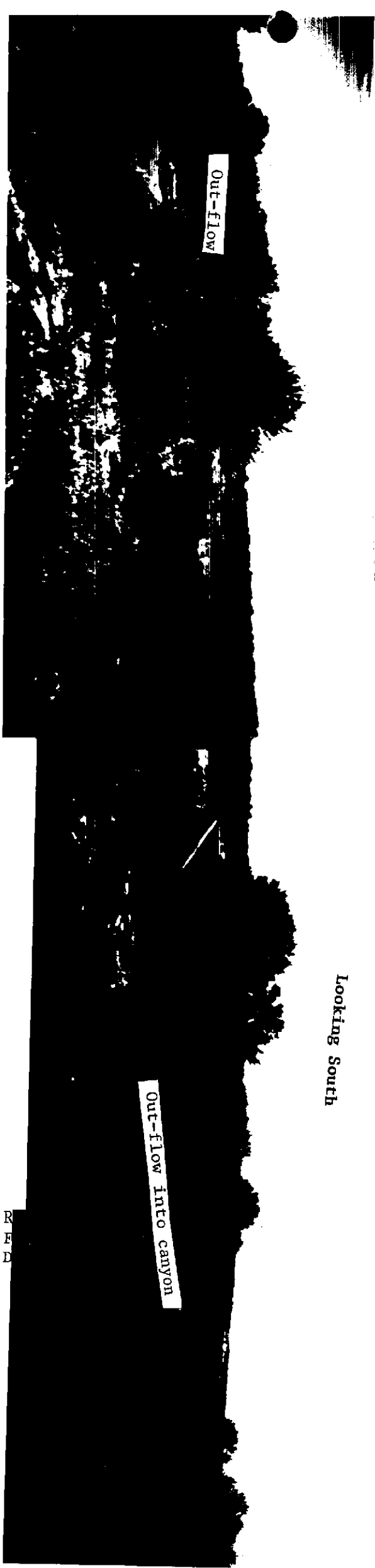


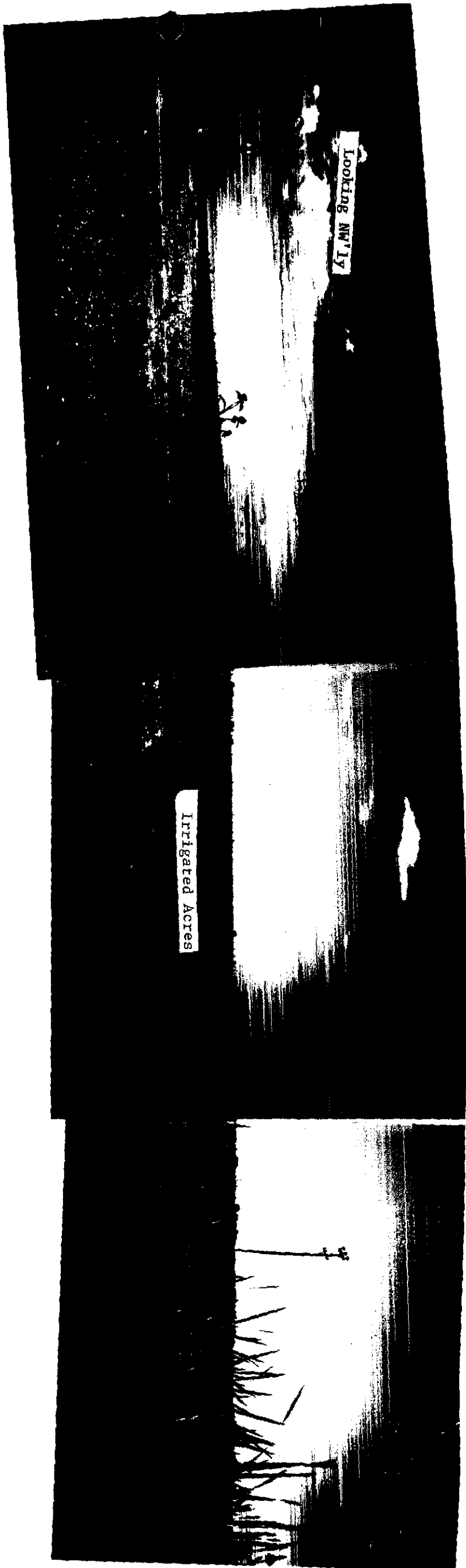
MICROFILMED

2/5 1 5 2002

Roger Jones
FE: Amanda Folsom
Date: 11 August 1999

37-08438





Looking NW'ly

Irrigated Acres

MICROFILMED

SEP 19 1999

Roger Jones
FE: Amanda Folsom
Date: 11 August 1999

37-08438



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

January 28, 2000

Richard Johnson
Magic Valley Foods Inc
PO Box 475
Rupert Idaho 83350

Dear Richard,

I've been reviewing the data from the measurement that I took this September for the acres near Bliss. I am not fully convinced that that measurement was the full capacity of your system. However, if I go along with that measurement, you will be licensed for 0.73cfs. Your permit allows you 13.70cfs, however, proof of beneficial use was submitted for 2.82cfs.

I would like to remeasure to see if we could get the diversion rate closer to the pump capacity. Your employee that helped me get back to the pump and pivot was very helpful in the information he gave me. However, I'm still unsure as to if the water from the pump is used only by one pivot at a time, or if you run two or more pivots or hand lines from the water pumped at the same time. Does this water mix with the canal water?

You can contact me everyday except Thursday, from 1:00-5:00. We can plan ahead and measure when they system becomes active again.

Thank you for all your help.

Sincerely,

Amanda Folsom
Summer Field Aid

MICROFILMED

AUG 15 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 28, 1999

Richard Johnson
Magic Valley Foods Inc
PO Box 475
Rupert Idaho 83350

Dear Richard:

I need you to please check the areas that I've delineated as the acres being irrigated regarding permit 37-08208. The man that showed me around explained that the water from the pump can be mingled with the canal share water to water all of the acres or when used alone will go to only one pivot without canal shares. I'm uncertain of what property is being irrigated by you.

I've already marked P/U where I was told you are irrigating. If this is correct along with the description of the system, would you please contact me or fax back the corrections. Thank you.

Sincerely,

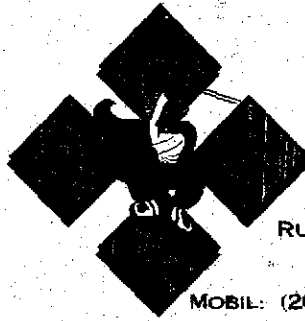
A handwritten signature in cursive script that reads "Amanda Folsom".

Amanda Folsom
Summer Field Aid

MICROFILMED

AUG 15 2002

THE IDAHO POTATO COMPANIES



RICHARD JOHNSON

PROCESSING PROCUREMENT
MANAGER

MAGIC VALLEY FOODS, INC.
P.O. BOX 475
RUPERT, IDAHO 83350 U.S.A.
PHONE: (208) 436-9606
FAX: (208) 436-4685
MOBIL: (208) 678-0248 AFTER TONE 1340

IDAHO DEPARTMENT OF WATER RESOURCES

STAFF ANALYSIS SHEET FOR BENEFICIAL USE FIELD EXAMS:

PERMIT NO.

37-08208

A. Items To Be Placed In Exam File (Items A & B to be Completed by Compiler:

- (☒) Blank Field Report & Notice of Completed Exam
- (☒) Copy of App. for Permit, Approved Permit, Amendments, Orders, Assignments.
Proof of Beneficial Use, SRBA Claim (Claim Filed? _____ Required? _____)
- (☒) Well Inspection Form, Dairy Water-Use Worksheet (if applicable)
- (☒) Well Log(s) & Groundwater Measurement Analysis Form (if applicable)
- (☒) Copy of Orthophotoquad Map
- (☒) 660-Scale Aerial Photo (Examiner Will Obtain If Applicable)
- (☐) Government Lot Plats (If Applicable)

B.1. P/D Overlap - Yes or No? If Yes, Include Copy of Overlapping Rights & Claims

If Yes, Type of Overlap: (☒) Add Acres or Uses to Existing System
(☐) Increase Rate of Flow or Volume

B.2. P/U Overlap - Yes or No? If Yes, Include Copies of Overlapping Rights & Claims

If Yes, Type of Overlap: (☐) Increase Rate of Flow or Volume
(☐) Add Supplemental Water Source
(☐) Increase Acres Within Tracts

RECEIVED

NOV - 9 2000

C. Field Exam Appointment Made:

Date Aug 11, 1999

Time _____

Department of Water Resources

Place _____

Contact Person & Phone

Richard Johnson

D. Post-Exam Review & Processing

Exam Completed Aug 11, 1999Notice of Completion Turned In 2-2-00Field Report Completed 2-7-00Amanda Johnson 2-7-00
Signature of Examiner & Date

Field Report Reviewed by Sr. Agent _____ (Initial & Date: _____)

Field Report Reviewed by Region Mgr. Alc 11/7/00 (Initial & Date: _____)

Field Report Sent to S.O. _____ Region Card File Updated _____



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

December 23, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ROGER L. JONES
PO BOX 475
RUPERT ID 83350

RE: ASSIGNMENT OF PERMIT 37-08208

Dear Mr. Jones:

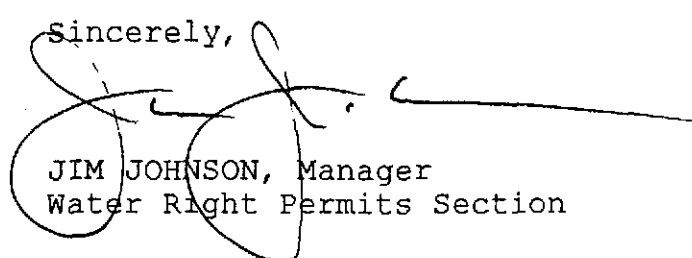
We acknowledge receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership. A computer generated report is enclosed for your information.

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

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

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

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED

JAN 04 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 17, 1998

JERRY GRACE
RJT FARMING
PO BOX 475
RUPERT ID 83350

ph. 436 9606

RE: Assignment of Permit, Right No. 37-08208

Dear Jerry:

I checked the above water right file and found that Roger Jones did indeed send a change in ownership notification for this right and for 37-07019 to the Department in January of this year. The change process has been stalled because an assignment of permit is required for permit 37-08208.

In July, the attached letter was sent to Mr. Jones requesting the assignment, and no reply was received. I have included another assignment form so that you can follow through with its completion.

I also took the opportunity to review the water right files to get more information on the use of the two rights in question. Right no. 37-07019 was actually developed in T06S R14E Sec33 and was moved to its present location in T06S R13E Sec27 in 1985, about the time the larger right 37-08208 was filed. Note that the legal description on the claim A37-07019 is incorrectly shown as T06S R14E Sec 27. You may amend the claim to correct this error.

The two rights appear to have been diverted in part from waste water and/or irrigation returns which join an unnamed tributary to the Malad River in Section 26. Since this is at the lower edge of the property, the water would have to be pumped into the system. When I spoke with Richard Johnson this morning, he was not sure if the lower diversions were in use. Please share the attached water right proofs with him so he can verify the location of the diversions.

The Malad River rights appurtenant to the property are regulated by the Watermaster of District 37. These diversions are not included in the water measurement program. Likewise, water from North Side Canal is accounted for separately and will need to be measured

JAN 04 1999

September 17, 1998

page 2

by you. If water is being diverted from the unnamed stream, those diversions will be made a part of the West Water Measurement District in 1999 and measurement will be required. If this water is pumped, we may be able to use the power consumption method of estimating diversions. I will make an appointment with Mr. Johnson to visit the diversions if necessary, after you have both had an opportunity to review the rights.

Thank you for your continued cooperation. Please call me at 208-327-5406 if you have any general questions, or you may phone Kari Lynn Townsend at 208-327-7941 if you have questions about the permit assignment.

Sincerely,

Cindy Hodges

Cindy Hodges
Sr. Water Resource Agent
Water Distribution Section

enclosures

MICROFILMED

JAN 04 1999



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

July 2, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ROGER L JONES
D.B.A. R J T FARMING INC
PO BOX 475
RUPERT ID 83350

RE: Change of Ownership - Permit 37-08208/License 37-07019

Dear Mr. Jones:

The Notice of Change of Water Right Ownership form that you sent to our region office has been forwarded to me for handling.

The only water right number shown on the form was 37-08208. This water right is presently in permit stage and an Assignment of Permit form is necessary to change ownership of a permit along with a \$25.00 filing fee. I have enclosed an assignment form for your convenience.

Water right 37-07019 has been licensed and the form you sent will be used to process a change of ownership for that right. There is no fee for changing ownership of a license.

I will be happy to process the change of ownership for the permit upon receipt of the completed Assignment of Permit form and the \$25.00 filing fee.

If you have any questions regarding this matter, you may call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

/k

Enclosure

MICROFILMED

JAN 04 1999

January 7, 1997

JONATHAN H MARVEL
STEFANIE D MARVEL
316 E BULLION ST
PO BOX 1602
HAILEY ID 83333

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08208

Dear Permit Holder:

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

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED
JAN 14 1997

October 31, 1996

JONATHAN H MARVEL
STEFANIE D MARVEL
316 E BULLION ST
PO BOX 1602
HAILEY ID 83333

PROOF DUE NOTICE

RE: PERMIT NO. 37-08208

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1997.

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

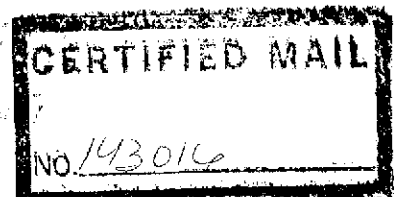
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures



ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 37-08208 Reviewed by [Signature] Date 12-29-94

BASIC INFORMATION

12-27-94 Date stamp received

yes Extension received timely

yes Fee received and receipted

yes Name and signature same as permit

no Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

should extend to January 1, 1997, for due diligence.

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address X _____

Change Proof Due Date 1-1-97

Change Priority Date X _____



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

January 3, 1995

Jonathon and Stefanie Marvel
316 E. Bullion St.
P.O. Box 1602
Hailey ID 83333

RE: Permit No. 37-08208

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to January 1, 1997. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

RECORDED

JAN 19 1995



Impoundment
under
construction
1993

MICHOCH MFD

JAN 19 1995

October 31, 1994

JONATHAN H. MARVEL
STEFANIE D. MARVEL
316 E. BULLION ST.
P.O. BOX 1602
HAILEY ID 83333

PROOF DUE NOTICE

RE: PERMIT NO. 37-08208

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1995. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

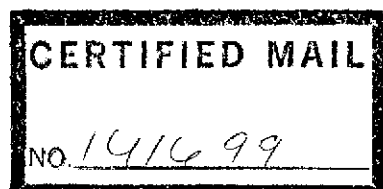
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED

JAN 19 1995





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 4, 1991

JONATHAN H. MARVEL
STEFANIE D. MARVEL
316 E. BULLION ST.
P.O. BOX 1602
HAILEY, ID 83333

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08208

Dear Permit Holder:

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

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

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

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows.

APPROVED
MARCH 10 1991

established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

RECEIVED
JUN 10 1963

MEMORANDUM

TO: GLEN SAXTON

FROM: TIM LUKE

DATE: February 28, 1991

RE: APP. NO. 37-8208/REVIEW W/RESPECT TO MALAD RIVER INSTREAM FLOWS
=====

Pursuant to your suggestion and note of December 6, 1990, I have reviewed this application in regard to the minimum instream flow applications and/or permits on the Malad River.

As described under rule 4,5,3. information submitted by the applicant, the source of water under this application is waste water in an unnamed stream tributary to the Malad River between the lower Idaho Power diversion and the confluence of the Snake River. I spoke with the applicant today when I returned his call in which he had inquired about the status of the filing. The applicant informed me that the diversion would be from a natural stream channel. He also stated that most of the stream flow in the channel in the irrigation season is actually waste water from several farms which are located above his farm. Under the rule 4,5,3. information submitted by the applicant, the applicant estimates that the peak flow of the stream is 25 cfs in July or August, and minimum flows of .75 to 1.25 cfs in the winter. He states that his average water demands from the source would be about 6 to 7 cfs, with possible peak demand up to 13.5 cfs.

There is currently one minimum instream flow permit and two pending instream flow applications on the Malad River. The permit (37-7920) has a 1981 priority and is for a 39 cfs minimum flow on the Malad between the confluence of the Snake upstream to the lower Idaho Power diversion. The period of use for the minimum flow is from January 1 to December 31.

An instream flow application with a 1981 priority covers a stretch of the Malad above Devils Washbowl and therefore would not potentially be impacted by application no 37-8208. A second instream flow application, 37-8333, has a 1988 priority and covers two separate reaches. The upper reach covers that stretch between the upper Idaho Power diversion and the lower Idaho Power diversion and again would not be impacted by application 37-8208. The lower reach covers the same reach under the existing instream flow permit. The requested flow for this lower reach is 200 cfs from March 1 through October 31, and 30.0 cfs from November 1 through February 28. It is not necessary to consider the potential impacts application 37-8208 would have on this latter instream flow application since the priority date of application no 37-8208 is earlier in time.

MAR 18 1991

Application no. 37-8208 may potentially have some impact on the 1981 priority 39 cfs instream flow permit. Attached to this memo is copy of stream flow data on the Malad River from 1984 through June, 1989. The gage is located near the confluence of the Snake and Malad Rivers. The gage has only been in place since 1984. Although the period of record is limited, it does include recent dry years and would reflect current upstream diversions. The lowest mean daily recording for the period of record is 66 cfs. It appears that the summer flows generally do not fall below 100 cfs and rarely go below 75 cfs. The consistent low flows are in the winter months, or non-irrigation season.

Based on the limited flow data, I would conclude that the diversion under application 37-8208 would not impact the 39 cfs minimum instream flow permit. As to whether there is sufficient flow available at the point of diversion under application no. 37-8208, I believe the only data or information we have at this point is the information submitted by the applicant. Perhaps someone at Southern is familiar with the stream and source of water in question an/or could field investigate the source. Whether there consistently is 13.5 cfs available may not be important since beneficial use under the permit will be limited only to the amount of water the applicant can actually divert and use.

RECEIVED

MAR 18 1991

13153500 MALAD RIVER NR BLISS
DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1984 TO SEPTEMBER 1985
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	---	---	---	75	86	97	998	594	337	193	302	186
2	---	---	---	73	86	107	976	452	354	124	283	231
3	---	---	---	72	84	110	1230	357	374	116	264	257
4	---	---	---	72	83	119	1250	274	354	88	207	291
5	---	---	---	73	85	119	1140	690	333	86	180	273
6	---	---	---	74	88	122	1300	1020	306	77	171	307
7	---	---	---	78	87	120	1310	845	315	74	127	372
8	---	---	---	78	88	125	1250	558	304	100	110	445
9	---	---	---	78	86	128	1230	373	316	81	95	1300
10	---	---	---	77	85	131	1110	340	339	75	114	1730
11	---	---	---	168	87	135	1040	421	356	81	151	1490
12	---	---	---	80	91	121	1000	506	363	74	150	765
13	---	---	---	78	94	159	1050	525	358	76	217	714
14	---	---	---	81	94	159	1540	536	347	74	182	642
15	---	---	---	77	92	198	1850	387	341	81	155	604
16	---	---	---	76	95	206	1800	378	338	81	148	594
17	---	---	---	73	96	215	1810	405	341	86	152	600
18	---	---	---	76	94	261	1860	382	312	94	162	607
19	---	---	---	82	89	330	1540	338	256	97	170	538
20	100	---	---	83	88	482	1530	312	215	120	190	541
21	76	---	---	91	90	708	1610	326	160	146	176	553
22	77	---	---	92	92	488	1490	294	173	187	204	553
23	86	---	---	94	94	506	1650	257	136	234	158	514
24	93	---	---	96	92	763	1540	222	180	283	165	518
25	81	---	---	92	94	943	1440	161	172	272	209	502
26	87	---	---	89	92	489	1300	210	208	278	206	445
27	80	---	---	86	90	373	1220	282	264	271	228	459
28	81	---	---	90	91	346	1140	354	248	245	188	481
29	83	---	---	90	---	321	1070	493	235	207	157	462
30	81	---	---	89	---	322	930	414	203	212	153	541
31	84	---	---	86	---	399	---	426	---	252	166	---
TOTAL	1009	---	---	2619	2513	9102	40204	13132	8538	4465	5540	17515
MEAN	84	---	---	84	90	294	1340	424	285	144	179	584
MAX	100	---	---	168	96	943	1860	1020	374	283	302	1730
MIN	76	---	---	72	83	97	930	161	136	74	95	186
AC-FT	2000	---	---	5200	5000	18100	79700	26000	16900	8900	11000	34700
	TOTAL	104637	MEAN	287	AC-FT	207500						

WATER YEAR 1985

28-FEB-91

13153500 MALAD RIVER NR BLISS
DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1985 TO SEPTEMBER 1986
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	544	105	84	69	643	687	2330	888	2780	337	288	302
2	595	134	99	69	352	586	2390	804	2730	352	293	324
3	554	129	88	69	299	494	2320	833	2760	353	269	338
4	561	128	88	68	210	534	2260	757	2690	299	251	336
5	528	138	89	69	150	482	2080	825	2780	407	240	352
6	527	130	95	69	110	429	1950	919	2730	445	228	357
7	532	154	94	67	91	944	1880	1020	2630	416	200	349
8	516	154	99	67	85	1430	1810	1020	2470	365	201	355
9	505	164	96	66	90	1650	1940	1060	2290	328	223	391
10	504	182	97	66	89	1380	1990	1070	1920	322	252	420
11	528	193	89	67	70	1720	2080	1070	1660	352	257	419
12	360	189	84	68	76	2070	2130	1050	1220	372	245	445
13	253	111	84	73	100	2230	2190	984	1060	369	236	466
14	247	92	74	66	101	2230	2260	920	1260	884	236	413
15	162	84	71	68	327	2130	2200	903	1250	1160	267	419
16	130	97	75	68	1880	1960	2100	949	1270	1160	268	459
17	117	113	82	68	2830	1860	2040	939	1250	1150	269	517
18	120	91	185	118	4150	1740	2000	852	1110	983	283	432
19	116	96	76	132	2860	1680	1900	779	1030	263	261	435
20	92	103	78	289	2380	1480	1830	582	1030	255	268	453
21	84	105	77	191	1250	1410	1810	410	910	232	257	475
22	79	84	73	142	845	1450	1660	459	678	211	266	452
23	87	72	72	93	1220	1670	1410	505	545	233	281	457
24	85	70	71	87	1230	1800	1380	659	498	259	302	447
25	82	70	70	77	1090	1820	1360	1030	425	261	303	458
26	80	67	68	75	1000	1870	1080	990	375	290	276	480
27	78	67	68	77	849	1920	975	1140	306	293	274	480
28	82	67	68	74	743	1920	1080	999	303	305	267	522
29	88	78	68	78	---	1940	1060	1130	303	296	264	531
30	87	74	73	266	---	2090	1030	1930	368	288	264	546
31	93	---	68	659	---	2180	---	2630	---	280	270	---
TOTAL	8416	3341	2603	3515	25120	47786	54525	30106	42631	13520	8059	12830
MEAN	271	111	84	113	897	1541	1818	971	1421	436	260	428
MAX	595	193	185	659	4150	2230	2390	2630	2780	1160	303	546
MIN	78	67	68	66	70	429	975	410	303	211	200	302
AC-FT	16700	6600	5200	7000	49800	94800	108200	59700	84600	26800	16000	23400
			TOTAL	252452	MEAN	692	AC-FT	500700				

WATER YEAR 1986

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	533	467	408	91	89	89	78	1010	159	86	93	178
2	524	466	425	104	88	88	79	299	142	80	82	174
3	493	459	448	101	88	88	84	251	134	76	88	125
4	500	458	440	100	88	88	112	230	152	74	89	120
5	505	461	435	108	89	88	123	286	110	75	88	160
6	502	458	407	105	90	89	117	298	102	74	84	180
7	491	456	345	97	91	89	109	212	117	87	84	204
8	521	476	302	99	89	102	93	154	352	72	108	211
9	464	584	312	96	90	104	230	125	335	72	100	162
10	436	623	346	90	88	110	267	106	355	73	95	185
11	469	619	340	85	89	108	203	99	389	81	107	176
12	386	562	357	84	90	101	309	76	365	85	109	226
13	286	514	321	84	89	92	307	75	150	94	116	254
14	258	510	322	84	90	88	216	78	86	86	96	271
15	247	485	219	84	90	92	189	78	101	101	103	261
16	234	443	274	84	110	99	175	80	86	95	108	242
17	302	444	223	84	95	96	142	106	176	87	89	260
18	328	447	142	83	92	98	121	153	103	164	103	293
19	315	458	119	83	93	91	129	182	72	242	121	324
20	312	457	147	83	89	89	160	219	73	260	108	340
21	286	461	140	79	89	90	145	222	69	277	106	340
22	282	465	146	80	90	89	128	195	70	293	111	329
23	271	474	151	80	90	86	126	184	77	300	110	307
24	268	473	150	82	90	85	118	180	77	288	124	268
25	285	469	148	83	89	93	121	182	78	201	142	217
26	340	460	145	84	87	78	106	242	75	115	162	242
27	321	440	138	86	88	84	718	294	75	109	189	225
28	317	429	139	90	89	85	1120	284	77	127	184	258
29	331	432	144	90	---	81	1170	217	78	104	167	265
30	382	420	120	90	---	80	1210	196	85	122	175	265
31	503	---	96	89	---	81	---	170	---	103	192	---
TOTAL	11692	14370	7849	2762	2529	2821	8205	6483	4320	4103	3633	7062
MEAN	377	479	253	89	90	91	274	209	144	132	117	235
MAX	533	623	448	108	110	110	1210	1010	389	300	192	340
MIN	234	420	96	79	87	78	78	75	69	72	82	120
AC-FT	23200	28500	15600	5500	5000	5600	16300	12900	8600	8100	7200	14000
WATER YEAR 1987			TOTAL	75829	MEAN	208	AC-FT	150400				

28-FEB-91

13153500 MALAD RIVER NR BLISS
DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1987 TO SEPTEMBER 1988
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	297	85	87	78	102	85	92	79	184	87	101	146
2	354	84	91	79	89	80	90	100	153	93	101	135
3	410	83	91	77	84	86	91	92	161	86	103	136
4	386	98	88	78	82	84	88	195	153	90	103	163
5	386	80	83	79	83	85	87	173	112	90	112	183
6	242	82	90	80	83	82	107	138	104	88	122	196
7	127	123	83	81	83	82	85	159	97	89	124	196
8	154	108	84	82	83	82	83	162	91	92	106	251
9	175	115	79	83	84	84	157	251	131	98	101	236
10	153	115	88	85	86	84	152	218	106	93	100	193
11	171	112	86	86	117	87	186	189	90	97	96	198
12	164	109	75	90	142	87	254	123	86	92	97	222
13	119	110	73	104	147	82	166	94	87	95	98	281
14	116	108	76	92	141	82	117	85	85	94	100	320
15	110	92	74	75	115	84	140	90	82	94	102	325
16	111	71	75	78	100	106	196	104	84	99	103	263
17	107	77	75	92	98	82	327	81	88	94	107	257
18	107	73	71	84	95	87	303	91	86	95	101	236
19	104	75	76	82	96	84	344	85	83	94	103	191
20	102	84	85	81	94	82	313	83	83	94	97	260
21	100	73	92	82	93	81	265	88	83	95	99	344
22	99	83	93	80	96	80	252	91	84	96	103	358
23	97	74	85	80	94	82	244	95	86	100	103	320
24	94	82	74	79	93	83	199	89	87	97	110	324
25	92	83	72	81	106	84	213	82	91	97	125	276
26	90	86	71	82	102	85	179	80	85	99	109	280
27	89	92	71	82	92	83	171	81	85	100	110	237
28	89	84	70	82	91	803	136	80	87	99	108	203
29	88	86	72	82	89	1190	96	84	88	95	112	201
30	87	76	76	96	---	1200	154	130	85	95	160	202
31	86	---	76	119	---	632	---	188	---	94	138	---
TOTAL	4906	2703	2482	2611	2860	6100	5287	3680	3007	2921	3354	7133
MEAN	158	90	80	84	99	197	176	119	100	94	108	238
MAX	410	123	93	119	147	1200	344	251	184	100	160	358
MIN	86	71	70	75	82	80	83	79	82	86	96	135
AC-FT	9700	5400	4900	5200	5700	12100	10500	7300	6000	5800	6700	14100
			TOTAL	47044	MEAN	129	AC-FT	93300				

28-FEB-91

13153500 MALAD RIVER NR BLISS
DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1988 TO SEPTEMBER 1989
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	209	77	78	75	70	123	190	137	238	---	---	---
2	235	75	77	75	70	373	179	157	212	---	---	---
3	229	76	78	75	70	621	160	129	179	---	---	---
4	223	80	78	75	70	163	141	111	166	---	---	---
5	202	80	76	76	71	72	129	109	274	---	---	---
6	224	79	75	76	71	71	135	116	288	---	---	---
7	177	79	77	75	71	149	137	117	282	---	---	---
8	230	79	78	75	71	553	130	109	258	---	---	---
9	289	78	78	78	72	1270	122	107	218	---	---	---
10	215	78	78	82	72	1040	177	130	164	---	---	---
11	116	78	79	77	73	771	239	196	88	---	---	---
12	101	78	77	75	73	542	221	194	699	---	---	---
13	93	78	77	74	73	355	219	249	1060	---	---	---
14	101	80	78	73	72	230	243	316	1070	---	---	---
15	126	85	79	72	72	174	354	345	1080	---	---	---
16	134	77	90	73	73	159	261	395	760	---	---	---
17	128	81	77	80	73	160	288	384	80	---	---	---
18	128	83	75	71	75	175	270	371	96	---	---	---
19	107	81	74	71	80	144	217	364	98	---	---	---
20	86	81	73	71	78	139	189	360	96	---	---	---
21	80	80	76	71	78	143	233	327	96	---	---	---
22	81	83	76	71	95	132	410	286	92	---	---	---
23	81	108	78	71	136	136	462	215	83	---	---	---
24	78	236	78	69	249	153	472	168	74	---	---	---
25	78	106	75	69	348	166	467	154	76	---	---	---
26	168	106	76	69	397	420	398	175	---	---	---	---
27	102	84	75	69	243	370	334	208	---	---	---	---
28	76	85	75	69	199	260	297	228	---	---	---	---
29	79	83	75	69	---	265	193	234	---	---	---	---
30	79	88	75	69	---	210	165	233	---	---	---	---
31	77	---	75	69	---	175	---	243	---	---	---	---
TOTAL	4332	2642	2386	2264	3195	9714	7432	6867	7827			
MEAN	140	88	77	73	114	313	248	222	313			
MAX	289	236	90	82	397	1270	472	395	1080			
MIN	76	75	73	69	70	71	122	107	74			
AC-FT	8600	5200	4700	4500	6300	19300	14700	13600	15500			
			TOTAL	46659	MEAN	127	AC-FT	92500				

APPLICATION FOR PERMIT REVIEW

Application #: 37-8208
Date: 11-26-90

Reviewer:

PSL
Pam Skaggs

Existing:

No - 26A-P17
Complete in 1 year - P16

Yes

Proof not submitted - P16
Proof submitted - N/A

Groundwater:

GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)
LT. 0.7 cfs - N/A

Drilling Permit:

Approved w/permit - P99
Not included - 046-P23

Location:

Water Districts - WD No. _____
surface water - 005, 005-P01, 005-01H-P01 (LT.07),
005-01J-P08 (GT.07), P04(cons.)
groundwater - P05, 005-01H-P01(lock device)

Irrigation Districts - 023
Canal Co. Areas - 023
Drainage Districts - 024
Boise Front (63) - 58 (Groundwater)
Trust (see list) - (051, 052, 053)-P74
Non Trust (see list) - 048, 049
Swan Falls Flag - 7 (1 or Blank)

River Basins:

(Surface Water)
Boise (63) - 11D-P72
Payette (65) - 047, 059-P71
Snake (01, 02 & 03) - 11A-P04 (01), 061-P07 (02 & 03)

Use:

Fish Propagation - (P06) 002, 06A, 007, 09E-P10, 010,
042, 044
Power - (less than 25cfs P18), 01F-P19, 008,
08A, 09E-P10, 017K, 017G, 017M, 025
Mining - 06A, 006, 09E-P10, 010, 54
Storage - 18A-P09, 18B-P09
Domestic - (restricted areas) 021

Ownership:

Non land owner - 004

Protested:

Agreement - 020

Minimum Stream Flow:

Overlapping uses - 029-P20

Beneficial Use Due Date: - 1/1/1995

Other Conditions Recommended _____

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

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

OCTOBER 30, 1990

Gooding County Leader
442 Main Box 56
Gooding, ID 83330

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before NOVEMBER 26, 1990.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

MICROFILMED

MAR 18 1991

37-08208

MARVEL, JONATHAN H.
316 E. BULLION ST.
P.O. BOX 1602
HAILEY, ID 83333

MARVEL, STEFANIE D.
316 E. BULLION ST.
P.O. BOX 1602
HAILEY, ID 83333

Source: UNNAMED STREAM

Tributary: MALAD RIVER

Diversion Pt: NWSW Sec 26 T 06S R 13E
 SWSW Sec 26 T 06S R 13E

Use: IRRIGATION (13.700 CFS)
 Total Diversion: (13.700 CFS)

Date Filed: 4/ 4/ 1985

In: T06S R13E S14	NWSW	SWSW	SESW	SWSE
	SESE			
S15	SWNE	SENW	NESW	NWSW
	NESE	NWSE	SWSE	
S22	NESE	SESE		
S23	SWNW	NESW	NWSW	
S27	NENE	NWNE	SENE	

685.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before NOVEMBER 26, 1990.

Published 11/ 7/1990 & 11/14/1990 R. Keith Higginson, Director

MAR 10 1991

MEMORANDUM

TO: FILE/APPLICATION NO. 37-8208

FROM: TIM LUKE *TL*

RE: SWAN FALLS PROCESSING & RULE 4,5,3. INFORMATION

DATE: 10-24-90

=====

The applicant was asked to submit information required under rule 4,5,3. since the amount of diversion is greater than 5.0 cfs. This application is a supplemental filing.

The information submitted by the applicant appears sufficient and satisfies the rule requirements. The assignment of application also appears sufficient. With the rule information and assignment, I recommend that we proceed with advertising and final processing of the application.

I have reviewed 1983 infrared aerial photography on file at IDWR along with the 1986 IDWR remote sensing report. Both the 1983 and 1986 data are very closely matched. There appears to be some rock outcropping which probably accounts for some of the slight differences between the application acreage and the acreage reported in the 1986 report. In my review of the 1983 photo, I would give full credit for all of the application acreage except for 5 acres not reported as irrigated in the SWNE of section 15, T6S, R13E. Only five of the 685 acres under this application therefore should be counted as trust acreage. The remaining acreage was developed prior to 1984 with perfected rights. Since the source under this application was not developed prior to 1984, the filing would have been considered a trust application regardless of the number of supplemental acres.

RECEIVED

MAR 18 1991

Jonathan H. Marvel
P.O. Box 1602
Hailey, Idaho 83333

October 19, 1990

Mr. Tim Luke
Senior Water Resource Agent
Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

RECEIVED
OCT 22 1990

Department of Water Resources

Dear Mr. Luke:

This letter serves as my response to Rule 4,5 requesting additional information on Application for Permit No. 37-8208. I have also enclosed a notarized Assignment of Application for Permit which transfers the application to my wife and myself.

Section 4,5,3,1,1.:

1. There are no known existing users of the waste water stream on which this application is being made. The proposed point of diversion is downstream from all other potential users, and at present the water passes through my property and over the Malad River rim to the Malad River below the lower Idaho Power Malad River Project diversion. From there it passes into the Snake River at the Malad-Snake confluence.

Section 4,5,3,1,3.:

1. The proposed irrigation improvement will involve the construction of a small pumping pond with turbine pump station and mainline connection to an existing steel mainline located approximately 30 yards from the proposed diversion. Some resizing of the existing mainline may be necessary to facilitate proper pressure and volume of water. It is estimated that a pump station with as much as 350 horsepower may be necessary if all of the proposed application acreage is supplied from this source. Additional mainline installation may be necessary to connect the irrigation system on the west side of Interstate 84 to our property on the East side. At present we are operating two eight tower center pivots and five hundred acres of handline sprinklers. The present irrigation system is currently being analysed for improvements in pumping efficiency and water conservation. Among the proposals we are considering to insure

2.

Section 4,5,3,1,3. (continued)

maximum water conservation as well as energy savings are additional center pivot installation, installation of ~~handlin~~ wheelines in place of some handlines, and the possibility of conversion to low pressure sprinkler heads and lines. The current system is a relatively high pressure installation.

The installation of this irrigation diversion and related improvements to our current farm irrigation system will not, in my opinion, affect any other user since no other known users exist and furthermore as the final property on this waste water stream any diversion from the stream cannot affect any downstream user.

Additional benefits of this proposal include sediment settlement from the pond installation, and riparian and wildlife habitat creation and maintenance at the diversion pond.

Rule 4,5,3,2.:

Section 1

Peak water demand if all acreage is brought into this irrigation diversion will be about $13\frac{1}{2}$ CFS. The annual maximum volume anticipated would be in the area of 650 acre feet. Average water demands will be much less, perhaps in the 6-7 CFS area.

Section 2.

This diversion is proposed to come from a waste water stream tributary to the Malad River. The water flow is seasonally variable with peak flow in the summer at July and August and lowest flow in mid-winter. The stream is not intermittent. Estimated peak flows are about 25 CFS with minimum flows at .75-1.25 CFS.

Rule 4,5,3,3.:

I am the owner of the proposed diversion location and the place of use.

Rule 4,5,3,4.:

I have submitted within a financial statement. Current estimated costs of the diversion pond construction, pump station, resized mainline, and additional mainline is \$ 48,000. This does not include costs of any proposed sprinkler system improvements such as low pressure pivots

3.

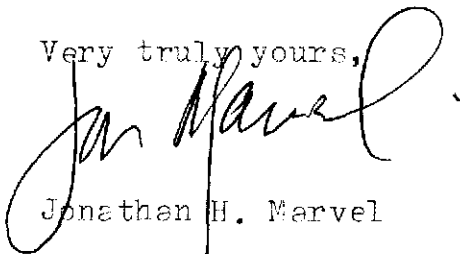
wheel lines etc.

Rule 4,5,3,5.:

I have no reason to believe that this proposal will be of concern to any of the agencies mentioned in the Guidelines. The proposal does not impact any individuals or other water users. There are significant benefits to this proposal such as riparian and wildlife habitat improvement and maintenance as well as sediment control.

Of course if the Department should determine that this proposal is of concern to other agencies, individuals, or companies, I am ready to participate fully in seeking out their opinion. At this time I do not believe the proposal for Permit is of concern to anyone.

Very truly yours,



Jonathan H. Marvel

enclosures

RECEIVED

MAR 18 1991

CONFIDENTIAL

From: Jonathan H. & Stefanie D. Marvel
To: First Security (Branch) _____

Business _____
Address 316 East Bullion Street, Box 1602
Hailey, Idaho 83333
Business or Borrower Mailing Address (if different than above) _____

For the purpose of procuring credit from time to time, I (we) furnish you with the following statement, which fully and truly sets forth my (our) financial condition on the 19 day of October, 19 90, which statement you can consider as continuing to be full and accurate unless notice of change is given to you. In consideration of the granting of such credit, I (we) agree that if at any time I (we) stop payment or become insolvent, or commit an Act of Bankruptcy, or if any of the representations made below prove to be untrue, or if I (we) fail to notify you of any material change in my (our) financial condition, then and in either such case all my (our) obligations held by you shall, at your option, immediately become due and payable without demand or notice.

ASSETS		LIABILITIES	
	AMOUNT		AMOUNT
CURRENT:	200.00	CURRENT (Payable within one year):	
Cash on hand	~~25,000.00~~	Notes payable to this bank (Schedule D)	
Checking, savings in First Security Bank	95,000.00	Notes payable to other banks (Schedule D)	
Checking or savings in other banks		Notes payable to others (Schedule D)	
Stocks and bonds - listed (Schedule A)		Credit card debt	
Inventories (Business)		Real estate mortgages and contracts	
Accounts receivable (Schedule C)		(Schedule B, amount due within one year)	71,000.00
Notes and contracts receivable		Due to relatives (Schedule D)	
(Schedule C amount due within one year)		Instalment purchases (Schedule D)	
Other current assets (Describe)		Other accounts payable (Schedule D)	
<u>Mutual Fund shares</u>	105,000.00	Taxes payable	
Cash surrender value life insurance		Other current liabilities (Describe)	
TOTAL CURRENT ASSETS	200,200.00	TOTAL CURRENT LIABILITIES	71,000.00
Noncurrent:		Noncurrent (Payable after one year):	
Stocks and bonds—unlisted (Schedule A)		Real estate mortgages and contracts	
Real estate and buildings (Schedule B)	1,365,000.00	(Schedule B, amount due after one year) ..	540,000.00
Machinery and equipment (deprec. value)	12,000.00	Notes and contracts	
Furniture, fixtures and personal property		(Schedule D, amount due after one year) ..	
Automobiles and trucks	12,000.00	Other liabilities (Describe)	
Notes and contracts receivable		<u>Home Equity Credit Line</u>	44,000.00
(Schedule C amount due after one year)		Loans against life insurance policies	
Other business interests (Schedule E)		TOTAL LIABILITIES	655,000.00
Other assets - (Describe)		NET WORTH	
Retirement Accounts (Describe)		(Total assets minus total liabilities)	934,200.00
TOTAL ASSETS	1,589,200.00	TOTAL LIABILITIES AND NET WORTH	

ANNUAL INCOME	
Salary	32,500.00
Securities Income	8,500.00
Rental Income	1,000.00
Other Income (Describe)	
1. <u>Family distribution</u>	12,000.00
2. <u>Farm (net)</u>	20,000.00
3.	
(Income from alimony, child support, or separate maintenance does not need to be revealed unless you want the bank to consider it in evaluating this application.)	
TOTAL INCOME	74,000.00
Less: Total annual payment from schedules on reverse side	
Less: Total other expenditures	
(Do not include ordinary living expenses.)	
NET CASH INCOME	

Is any of this income likely to be reduced or interrupted before the requested loan is paid off? Yes ☐ NO ☐

Marital status (Do not check any of these boxes if you are applying for individual unsecured credit and you are not living in or relying upon assets located in a community property state).

☒ Married ☐ Unmarried ☐ Separated
Number of dependents 2 Age(s) _____
Do you have a will? _____
Last filing of IRS Return _____
Liability as endorser or guarantor for others \$ _____
Explain _____

Do you have other contingent/leasing liabilities? Explain _____

Have any judgments or suits been filed for or against you or your business interests? If so, give details. _____

Have you ever filed a petition in bankruptcy or approved a wage earner plan for yourself? _____ Given Deed in lieu of Foreclosure? _____

I have resided at my present location for _____ years.

Schedule A STOCKS AND BONDS						
Number of Shares	Description—Rate—Maturity.	In Name of	Where Traded	Present Market Value	Cost	Are these Pledged? To Whom?

Schedule B REAL ESTATE									
Note: If taxes are delinquent on specific parcel, please show amount and year(s).									
Type and Location of Property	Date Acquired	Original Cost	Title in Name of	Income Per Month	Market Value	Mortgages			Holder of Lien
						Present Balance	Payment Terms	Int. Rate	
21 acres @ Stanley, Id.	1970				355,000	0			
Home, Hailey	1984				225,000	0			
Farm, nr. Bliss	1990				800,000	530,000	71,000 va		Farm Credit S

Schedule C NOTES, CONTRACTS AND ACCOUNTS RECEIVABLE							
Due From (Name)	Date of Obligation	Balance			Payment Terms	Due Date	Description of Collateral If Any
		Original	Present	Int. Rate			

Schedule D NOTES, CONTRACTS AND ACCOUNTS PAYABLE							
Due to (Name)	Date of Obligation	Balance			Payment Terms	Due Date	Description of Collateral If Any
		Original	Present	Int. Rate			

Schedule E OTHER BUSINESS INTERESTS			
Business Name	Percent of Ownership	Equity Position	Personal Guaranty

Insurance Coverage

Building equipment, inventory \$

Key man insurance \$

Liability (auto, etc.) \$

Business interruption insurance \$

References:

I/We hereby certify that the foregoing statement and schedules have been read by the undersigned before signing and that information disclosed is true to the best of my/our knowledge and belief. You are authorized to make all inquires you deem necessary to verify the accuracy of the statements made herein, and to determine my/our credit worthiness. You are authorized to answer questions about your credit experiences with me/us.

Applicant's Signature

Applicant's Signature

Social Security No.

Social Security No.

Telephone No.

MICROFILMED

MAR 18 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 5, 1990

Jonathan Marvel
P.O. Box 1602
Hailey, ID 83333

RE: Application for Permit No. 37-8208

Dear Mr. Marvel:

I have received your letter dated September 4, 1990 in which you requested an extension of time for submitting the additional information required under Water Appropriation Rule 4,5,3.

The Department will grant your request and allow you an additional 45 days in which to submit the information. Failure to submit the information within this time period may be cause for the Department to void the application.

In response to some of your comments in your last correspondence, I wish to remind you that the Department was prohibited from taking action on your application between 1985 and 1990 due to the Swan Falls litigation which involved the Idaho Power Company and the State of Idaho. Had the Department not been prohibited from considering applications in 1985, action would have been taken at that time.

In regard to the length of time required to submit the information, the Department recognizes that 30 days is often an inadequate amount of time for many people to submit the information. That is why we allow extensions upon request. Please note that my first letter of July 6, 1990 provided you notice of the additional information requirements. Up until this point in time, you have actually had 60 days in which to gather the information.

Again, please feel free to contact this office if you have questions concerning this matter. We appreciate and look forward to your continued cooperation.

Sincerely,

Tim Luke

Sr. Water Resource Agent

RECEIVED
SEP 11 1990

MAIL ROOM

JONATHAN H. MARVEL A.I.A. ARCHITECT

CROY STREET EXCHANGE • SUITE L
P.O. BOX 1602 • HAILEY, IDAHO 83333 • (208) 788-2290

RECEIVED

SEP 5 1990

September 4, 1990

Department of Water Resources

Mr. Tim Luke
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Dear Mr. Luke:

Please consider this letter my official request for an extension of time for submitting the required information to the department as mentioned in your letter of August 7, 1990 in reference to Application for Permit No. 37-8208.

The good cause behind this request is that I have not been able to collect the necessary information from all sources including the previous owner, Mr. Don McFarland of Eden, because of harvest work scheduling and demands of this year's potato crop. We are anxious to supply the Department with the required information; however, I might point out that this application has been on file with the IDWR since 1985, and nothing has been done on your end until this summer. It would seem reasonable to me to permit this new ~~owner~~ owner an extension just to track down the necessary facts to support the application. I have owned this property only since May of this year. I am pursuing information on the rate of flow and water availability at the proposed pump station, and at this time we have not had sufficient time to prepare the final design of the pump station. I am also seeking information on any possible conflicts with public interest at this time. The 30 days granted by your letter of August 7 is simply insufficient for the task at hand.

Thank you for your help.

Very truly yours,

Jonathan H. Marvel
Jonathan H. Marvel

MICROFILMED

MAR 18 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 7, 1990

Re: Application for Permit No. 37-8208

Notice of Information Required by Water Appropriation Rule 4,5,3.

Dear Mr. Marvel:

The Department acknowledges receipt of the Trust Water Information Questionnaire for the above referenced application. On behalf of the Department, I wish to thank you for your cooperation in returning the questionnaire.

The Department's records list Don and/or Carol McFarland as the current applicants of record. If you are the present landowner and intend to pursue development under this application, then you must have either Don or Carol McFarland assign the application to you.

In the letter that accompanied the questionnaire, I informed you that you may need to submit additional information required by Water Appropriation Rule 4,5,3. The returned questionnaire indicates that you wish to pursue completion of the irrigation project as proposed under your application. The project proposes to appropriate more than 5.0 cfs of water and is therefore subject to the additional information requirements of Rule 4,5,3. In particular, you must submit the information outlined in Rules 4,5,3,1. through 4,5,3,5 (copy attached). A guideline for assisting you with submittal of the additional information is also enclosed.

The information must be submitted within 30 days of the date of this notice. Failure to submit the required information within the time period allowed may be cause for the Department to void the application. The Department may grant an extension of time in which to submit the information upon request and a showing of good cause. Requests for extension of time must be in writing.

Please contact me at this office or call me directly at 327-7864 if you have any questions concerning the contents of this notice and/or the information requested under Rule 4,5.

Sincerely,

Tim Luke

Sr. Water Resource Agent

RECEIVED

MAR 18 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED
AUG 6 1990

Application No. 37-8208

Department of Water Resources

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

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

1a. Are you the current owner of the land or place of use described under this application? Yes X No
b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

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

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

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. none to my knowledge

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. 685

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

700 shares Northside Canal

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

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant Jonathan Marvel

Date 8/3/90

Jonathan Marvel
P.O. Box 1602
Hailey, Idaho 83333
788-2290

Box 1602
Harley, Id.
83333



25



Id. Dept. of Water Resources
attn. Tim Luke
Starhorse Motel
Boise, Id. 83720

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	SUM
0100212	NORTH SIDE CANAL CO.	D	SNAKE RIVER	06S	13E	27	:	:	:	:	:	:	:	:	:
0100213	NORTH SIDE CANAL CO.	D	SNAKE RIVER	06S	13E	27	:	:	:	:	:	:	:	:	:
0100215	NORTH SIDE CANAL CO.	D	SNAKE RIVER	06S	13E	27	:	:	:	:	:	:	:	:	:
0100220	NORTH SIDE CANAL CO.	D	SNAKE RIVER	06S	13E	27	:	:	:	:	:	:	:	:	:
3700507	MULLINS CANAL & RESERV	D	BIG WOOD RIVER	06S	13E	27	X	X	X	X	:	:	:	:	:
3701239	HARRISON	D	STODDARD CREEK SPRIN	06S	13E	27	:	:	:	:	X	X	:	:	:
3701240	HARRISON	D	STODDARD CREEK SPRIN	06S	13E	27	:	:	:	:	X	X	:	:	:
3701241	REID	D	STODDARD CREEK SPRIN	06S	13E	27	:	:	:	:	X	X	:	:	:
3701242	STANDAL	D	STODDARD CREEK SPRIN	06S	13E	27	:	:	:	:	X	:	:	:	:
3701244	MECHAM	D	STODDARD CREEK SPRIN	06S	13E	27	:	:	:	:	:	:	:	:	:
3704011	BARLOGI	S	SPRING	06S	13E	27	:	:	:	:	2	:	:	:	2
3704105	HAMILTON	D	STODDARD CREEK SPRIN	06S	13E	27	:	:	:	:	X	:	:	:	2
3704246	CLINE	S	LOWER WADDINGTON SPR	06S	13E	27	:	:	:	:	:	2	:	:	2
3704389	MECHAM	S	WADDINGTON SPRING, L	06S	13E	27	:	:	:	:	:	2	5	:	7
3704408	HAYDEN	S	SPRING	06S	13E	27	:	:	:	:	:	:	:	2	2
3707479	POTHIER	L	SPRING	06S	13E	27	:	:	:	:	:	:	:	:	2
3707631	POTHIER	L	SPRINGS	06S	13E	27	:	:	:	:	:	:	:	:	1
3707809	MECHAM	P	UNNAMED SPRING	06S	13E	27	:	:	:	:	:	:	:	:	120
3708208	MC FARLAND	A	UNNAMED STREAM	06S	13E	27	40	40	40	40	:	:	:	:	1
3708362	HUTTON	P	SPRING	06S	13E	27	:	:	:	:	1	:	:	:	3
3708371	BELL	P	SPRING	06S	13E	27	:	:	:	:	3	:	:	:	272
1986 MAPPING DATA	---	-	COUNTY 47 QUAD AA	69	06S	13E	27	39	43	13	37	9	9	34	3
1986 MAPPING DATA	---	-	COUNTY 83 QUAD AA	69	06S	13E	27	38	39	11	37	5	6	36	3
															29

Reviewed 1983 Intersect, negative @ I.D.R.

see memo of 10-24-90 JFL 10-24-90



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 6, 1990

RE: APPLICATION FOR PERMIT NO. 37-8208

Dear APPLICANT:

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

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

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

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

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

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (in particular, Rules 4,5,3. thru 4,5,3,5, apply to your project if it is more than 200 acres).

MICROFILMED

MAR 18 1991

Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke

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

Sincerely,



TIM LUKE
Sr. Water Resource Agent

Enclosures

RECEIVED
MAY 19 1977

MAY 19 1977

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

MC FARLAND, Don &/or Carol

INITIAL REVIEW BY: ADM

APPLICATION NUMBER: 37-8208

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☒ Yes ☐ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. Send copy to Dept. of Parks. _____
☒ Other Send copy to N.S.C.C. _____

PROCESSING: Send copy to W.M. dist 37

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☒ Yes ☐ No Other rights on same place of use. 37-0507 Deuce 6/15/1890
☒ Yes ☐ No* In form for advertising.
Final date for protests: _____
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

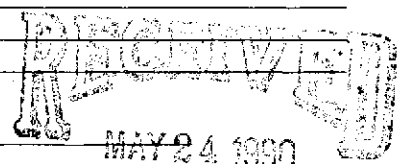
- ☐ Affidavit of publication received. Date: _____
☐ Application published correctly. If not, record action taken: _____
☐ Fee amount, receipt date & number, recorded on application.
☐ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., recorded on application.
☐ Recommendation & initial, recorded on application.
☐ Yes ☐ No Measuring device required.
☐ Yes ☐ No Access port required.
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____
Date of priority recommended. _____
Special conditions of approval or cover letter. _____

By: _____ Date: _____

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: _____ Date: _____



Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

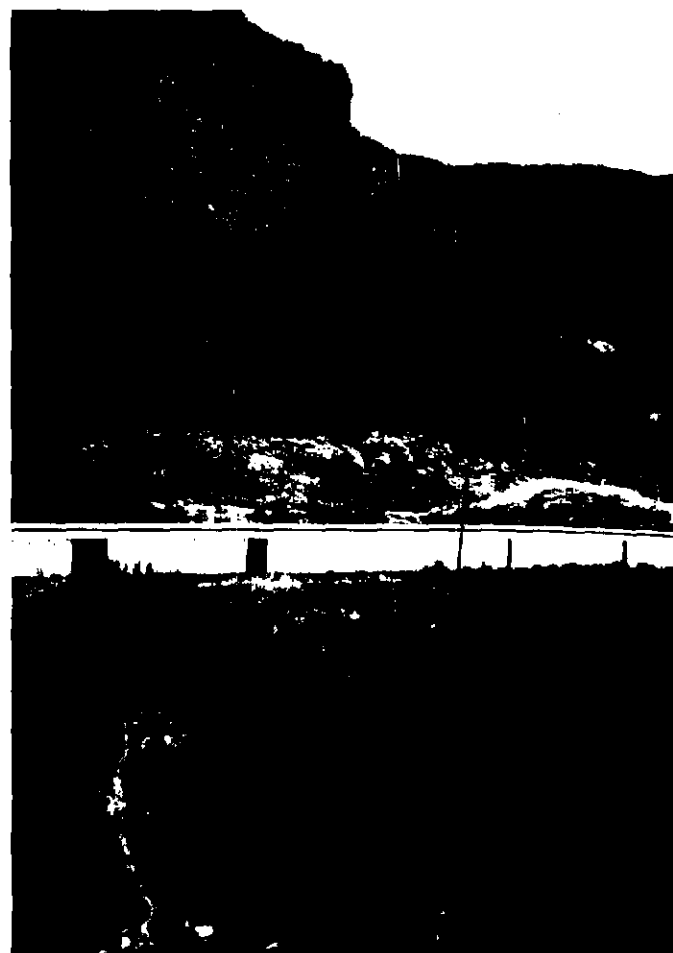
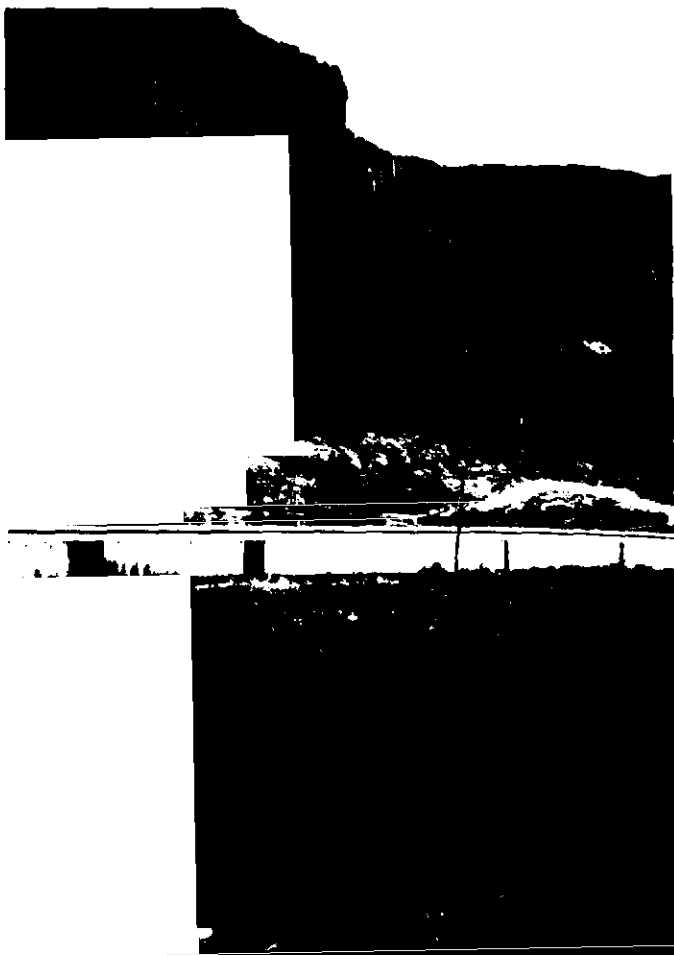
TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------



RECEIVED

MAR 18 1951

PRE-PERMIT EXAM

Applic. No: 37-8268

Date: 5/3/85

Source: Unmanned Steamers

Trib. to: Malad R.

Stream flow data: Source is combination of base stream
flowing from NSCC lands above Contraction
& SPTings below the line.

Other uses in general area: Probable Domestic Use from
Same Source of Spring 11.6.49
to Source

Special considerations: The water is apparently piped under the flume for the Malad Power Plant & is not part of the supply to the plant.

Water District or Canal Company which may have jurisdiction: None

Explain: P/D, are below last control point

Do all items on application appear to be correct? Yes X No

Explain: _____

Recommendation and other comments:

Flow is much less than 13 cfs
but may be greater later in the
irrigating season

MICROFILMED

~~MAR 18 1991~~

Signed: James D. Hartman

Persons present during review of site:

None