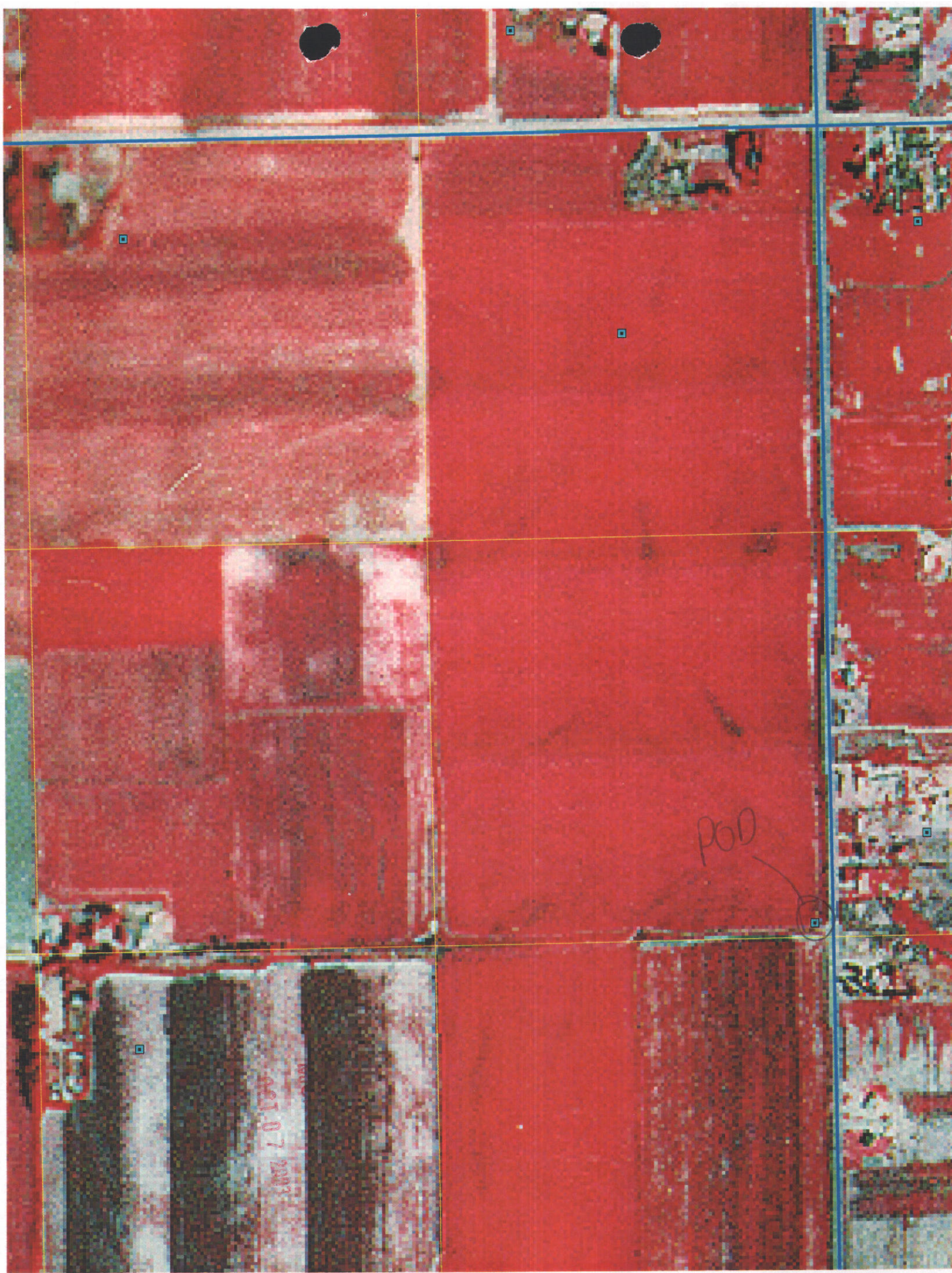




07-11958



MICROFILMED

POW/POB

111 1 5 2006

FOR OFFICE USE ONLY
Amt. of Fee \$: 100
Receipt No. 6029299
Receipt By: DC
Date Received: 10/22/2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
OCT 27 2003

Department of Water Resources

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

1. Permit No. 27-11958 Telephone No. 357-3928

2. Name of Permit Holder(s): Ronald Espin + Sons

3. Mailing Address: 747 East 1000 North

City Shelley State ID Zip 83224

4. Source of Water: GW If **GROUNDWATER** (well), Date Drilled: mo. BEFORE yr. 1987

Well Driller: _____ Drilling Permit Number: _____

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

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

Irrigation (No. of acres): 116 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.66 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 X

Has the measuring device been installed?

Yes _____ or No X

8. Fee Enclosed: \$ 100 (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: Ronald Espin Telephone Number: 357-3328

Address: 747 E 1000 N, Shelley ID. 83224

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

Signature of permit holder: Ronald Espin Date: 10-22-03
(include your title, if on behalf of company of organization)

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FEB 10 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 27-11958

Priority: July 22, 2003

Maximum Diversion Rate: 0.66 CFS

This is to certify, that RONALD ESPLIN AND SONS
747 E 1000 N
SHELLEY ID 83274

has applied for a permit to appropriate water from:

Source: GROUND WATER

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	04/01 to 10/31	0.66 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20, Twp 01S, Rge 37E, B.M., BINGHAM 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	
01S 37E 17																4.0	4.0
01S 37E 20	36.0		37.0	39.0													112.0

Total Acres: 116

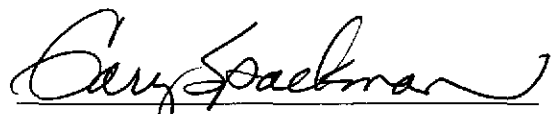
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2004**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. This right does not authorize the irrigation of land not previously irrigated.
5. 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.
6. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 29th day of September, 2003.

MICROFILMED

001 07 2003


KARL J DREHER, Director

RECEIVED

SEP - 2 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Ronald Esplin and Sons Phone 357-3328
Mailing address 747E 1000N Shelley, Id 83274
2. Source of water supply GW which is a tributary of _____
3. Location of point of diversion is Township 1S Range 37E Sec. 20 in the _____ 1/4,
SE 1/4, NE 1/4, Govt. Lot _____, B.M., Bingham County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.66 for IRR purposes from 4/01 to 10/31 (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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.66 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source WELL/PUMP TO
SPRINKLERS (IN PLACE)
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is 20 inches; proposed depth of well is 120 feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? 1976/1984; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in kW.
b. Stockwatering; list number and kind of livestock.
c. Municipal; show name of municipality.
d. Domestic; show number of households.
e. Other; describe fully. _____

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OCT 07 2003

9. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15	37E	20	36		37	39													112
		17															4		4

Total number of acres to be irrigated 116

10. Describe any other water rights used for the same purposes as described above. 27-7066

measured at 1.52 CFS

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

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

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

12. Remarks: This right is pre 1987 development

NAPP photo shows irrigation. No surface rights.

Field Exam measured this pump at 1.52 CFS on 27-7066.

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

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

MICHAEL
8/7/2003

Ronald E. Egan

Signature of Applicant (and title, if applicable)

Received by DC Date 7/22/2003 Time pm Preliminary check by DC

Fee \$ 250 Receipted by DC # E029624 Date 7/22/2003

Publication prepared by SC Date 8/7 & 8/14/03 Published in Morning News

Publication approved SC Date 8/18/03

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 27-7066

WATER RIGHT NUMBER: 27-7066

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ARTHUR HOLM
	, ZZ
Current Owner	RONALD ESPLIN 747 E 1000 N SHELLEY, ID 83274 (208)357-3328
Original Owner	GARTH HOLM
	, ZZ

Priority Date: 09/24/1976

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.860 CFS	150.50 AF
	<u>Total Diversion:</u>	0.860 CFS	150.50 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 20, Twp 01S, Rge 37E, B.M.
BINGHAM County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
01S	37E	17	NE	NW	SW	SE	4.0
01S	37E	20	36.0	3.0			39.0

Total Acres: 43

Conditions of Approval:

1. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

Remarks:

1. General P/U IN SEC. 17 IS OWNED BY ARTHUR &/OR GARTH HOLM, RT. 2, BOX 90, SHELLEY, ID.

MICHAEL HARRIS
JUL 27 2003



July 23, 2003

To Whom It May Concern:

This letter is concerning errors in the license of water right number 27-7066.

This notice of claim reflects the use which has historically occurred from this well. Both the location of the well and the irrigated acreage on the license are in error. The well has always been located in the SE corner of the SE 1/4 NE 1/4 and the 80 acres claimed has always been irrigated with the well.

My father and I put this well in 1976. In 1984 the farm and well was sold to Ronald Esplin.

In addition: Being a neighbor, that lives across the road, and also a brother in-law of Ronald Esplin and having an interest in the well I witnessed in the summer of 1987 that Ronald Esplin started to operate the Philip Hatley farm just west of the south forty, being 37 acres. He used water from that same well to run two more lines. Ronald Esplin has operated it ever since then.

Garth E. Holm

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JUL 27 2003

July 23, 2003

To Whom It May Concern:

In the summer of 1987 we leased our farm, the legal description being: SW 1/4 NE 1/4 of Section 20, Township 1 South Range 37 E.B.M. Bingham County, Idaho, being 37 acres to Ronald Esplin that is located just west of his farm. He has operated ever since that time. It has now been sold to him.


Dora Lee Hatley

MICHAEL

AUG 17 2003

Permit No: 27-11958

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JUN 30 2004

Page 1
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 27-11958

Exam Date: 6/14/2004

1. Current Owner: RONALD ESPLIN AND SONS
747 E 1000 N
SHELLEY ID 83274
(208)357-3328

2. Accompanied by: NONE

Phone No:

Address:

Relationship to Permit Holder:

3. SOURCE

TRIBUTARY

GROUND WATER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 27-7066
2. Other water rights with the same point of diversion: 27-7066

C. DIVERSION AND DELIVERY SYSTEM

1. LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER

SE1/4NE1/4

Sec. 20, Twp 01S, Rge 37E, B.M.

BINGHAM County

Method of Determination: FE/GPS

2.

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	
01S 37E 17																3.0	3.0
01S 37E 20	37.0		37.0	39.0													113.0

Total Acres: 116

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JUN 15 2004

Method of Determination:

3. ☐ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- ☐ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- ☒ Aerial Photo Attached (required for irrigation of 10+ acres).
- ☒ Photo of Diversion and System Attached *sec 27-7066*

4.

<u>Well or Diversion</u> <u>ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge</u> <u>Size</u>
	<i>GE</i>	<i>50hp</i>		<i>Johnston</i>	

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

D. FLOW MEASUREMENTS

1.

<u>Measurement</u> <u>Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>

2. Measurements:

*use measurement from 27-7066**total 1.52 cfs - .86 = 0.66 cfs*

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

Measured Method:

6/14/2004
6 lines x 33 bird x 4 gal/m = 1.77 cfs

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JUL 15 2004

F. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation:**

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 116 \times 4 = 464$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.66 \times 1.9835 \times 214 = 280$$

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

2. Volume Calculations for Other Uses:

280 AF/A

G. NARRATIVE/REMARKS/COMMENTS

50 hp Ge motor/johnston pump to mainline and handlines. same well as 27-7066.
field exam for 27-07066 put the well in the wrong place and reduced the acres from
what was being irrigated.

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.660 CFS	280.00 AF
<u>Totals:</u>		0.660 CFS	280.00 AF

2. Recommended Amendments

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

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

I. AUTHENTICATION

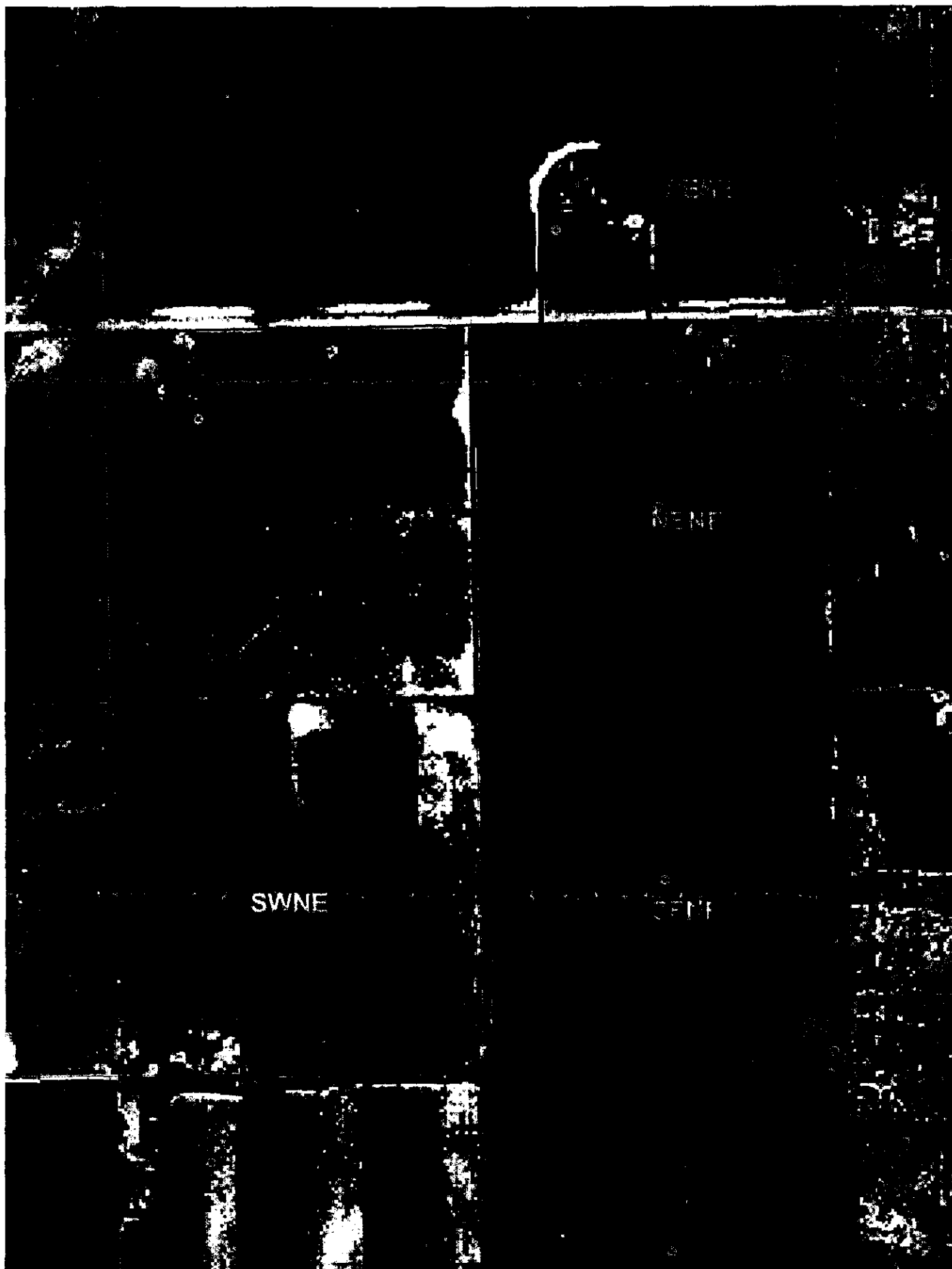
Field Examiner's Name DAVE CARLSON Date 6/14/2004

Reviewer _____ Date _____

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JUN 15 2004

07-11958



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POW/POB

100-4-2 9897



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

January 15, 2004

RONALD ESPLIN & SONS
747 E 1000 N
SHELLEY ID 83274

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 27-11958

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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

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

If you have questions, please contact the **Eastern** Regional Office of the department in Idaho Falls (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED

FEB 10 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 27-11958

Reviewed By: dgibson

Date: January 14, 2004

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	E029024, E029299		Well driller's report filed?		X
Additional Amount Due:			Measuring device required?	X	
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	10/22/2003
Date proof due	- 01/01/2004
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 07/22/2003
New priority date	= 07/22/2003

Deficiencies of Actions Items

Acknowledge proof.

October 31, 2003

RONALD ESPLIN AND SONS
747 E 1000 N
SHELLEY, ID 83274

PROOF DUE NOTICE

RE: PERMIT NO. 27-11958

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 01, 2004. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

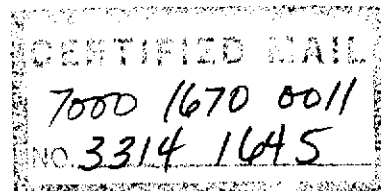
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



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FEB 10 2004



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

September 30, 2003

RONALD ESPLIN AND SONS
747 E 1000 N
SHELLEY ID 83274

RE: Permit No. 27-11958

Permit Approval Notice

Dear Permit Holder:

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

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

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

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Please note that one of the conditions of approval on your permit requires that you measure your diversion and record other important hydrologic and physical features and report them annually to the Department. The Department will shortly send you further information about measuring devices, flow estimation using power records, and annual reporting forms. If you have questions about the measuring and reporting requirements, please call the Department at (208) 327-7900 and ask for someone in the Water Distribution Section.

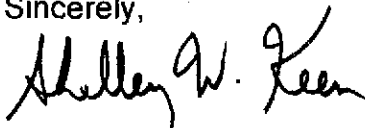
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SEP 30 2003

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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OCT 17 2003

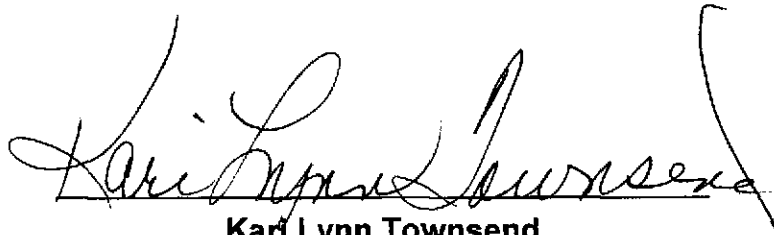
CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

27-11958

RONALD ESPLIN AND SONS
747 E 1000 N
SHELLEY ID 83274



Karl Lynn Townsend
Secretary

MICROFILMED
OCT 9 7 2003

**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.

RECEIVED
OCT 3 7 2003

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SEP 18 2003

Department of Water Resources

September 15, 2003

State of Idaho
Department of Water Resources
1301 North Orchard St.- P. O. Box 83720
Boise, Idaho 83720-0098

Dear Kay Walker:

After my conversation with you today I am sending you the enclosed letter.

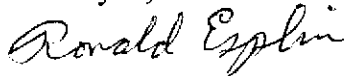
This is in regards to your letter dated September 11, 2003 regarding the application for permit 27-11958.

The Snake River Valley Irrigation District misinformed you when they said we have been using water from their system to irrigate the ground.

We have been watering said property from an irrigation well since 1976. The canal is more than a half mile away and the ditches were long ago pushed in.

If you need any further verification please let us know.

Thank you,



Ronald Esplin & Sons
747 East 1000 North
Shelley, Idaho 83274

RECEIVED

OCT 6 2003

MEMORANDUM

TO: File 27-11958

FROM: KAY WALKER *KW*

RE: Conversation with Ronald Esplin

Date: September 15, 2003

.....

Mr. Esplin called me this afternoon and stated that he has not used Snake River Valley Irrigation District water on this property for quite some time. The canal is over a mile from his property and hard to access so no use has occurred. He will be sending me a letter stating this so we can revise the proposed permit before it is issued.

The young lady at the office for SRVID is correct. Mr. Esplin has kept current on his assessments because there is no way around it. He cannot "get out" of the district so keeps his assessments to them current. Mr. Esplin did say he has about 1000 other acres that are watered from the canal, but not this land; it only receives well water.

MICROFILMED

OCT 6 7 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 11, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RONALD ESPLIN AND SONS
747 E 1000 N
SHELLEY ID 83274

RE: Application for Permit 27-11958

Gentlemen:

We are in the final process of review of the above referenced application for permit. In reviewing this application, we found that this right may be supplemental to Snake River Valley Irrigation District water. We have prepared a draft permit for your review.

Please pay special attention to *proposed* conditions 5, 6 and 7. These conditions are proposed for several reasons. 1. Our place of use comparison report shows that the Snake River Valley Irrigation District has filed claims on all of the lands proposed to be irrigated under this application. 2. Your prior water right (27-07066) states that there are 125" of Snake River Valley Irrigation District water on the property. 3. I contacted the Snake River Valley Irrigation District office to verify if you have water from their system on this property and they stated that you are being assessed for shares and you are using water from their system on these lands as far as they know. They also stated you have been paying your assessments and are current in their records.

We have noted that the application for permit was submitted stating that there was no surface water in use on this ground. If we do not receive strong evidence to show that ground water was established as the primary source of water on this property and no surface water has been utilized since 1987, we will approve the permit as proposed. The Department will hold further processing of your application for **14 days** to allow review of the proposed permit. After that time the Department will issue the permit as proposed on the enclosed draft.

If you have any questions concerning this matter, please do not hesitate to contact me at (208)327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure

Cc: IDWR, Eastern Region

MICROFILMED

OCT 6 7 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 27-11958

Priority: July 22, 2003

Maximum Diversion Rate: 0.66 CFS

This is to certify, that RONALD ESPLIN AND SONS
747 E 1000 N
SHELLEY ID 83274

has applied for a permit to appropriate water from:

Source: GROUND WATER

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	04/01 to 10/31	0.66 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20, Twp 01S, Rge 37E, B.M., BINGHAM 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	
01S 37E 17																4.0	4.0
01S 37E 20	36.0		37.0	39.0													112.0

Total Acres: 116

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2004**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. This right does not authorize the irrigation of land not previously irrigated.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 464.0 af at the field headgate for the lands above.
6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

MICROFILMED
OCT 6 7 2003

KW 9/23/03

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 27-11958

8. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

This permit is issued pursuant to the provisions of _____, Idaho Code. Witness the signature of the Director, affixed at Boise, this _____, 20____.

VOID

KARL J DREHER, Director

MICROFILMED

957 0 7 2003

Idaho Dept. of Water Resources
Place of Use Comparison Report

9/4/2003

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	27 11958	RONALD ESPLIN AND SONS,	GROUND WATER	01S37E20	38			37	39												112
Right	27 7066	RONALD ESPLIN,	GROUND WATER	01S37E20	38			37	39												39
Claim	27 7066	RONALD ESPLIN AND SONS,	GROUND WATER	01S37E20	38			37	39												76
Claim	1 10247	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E20	37	39	39	39	38	36	35	37	36	38	38	35	39	39	39	38	37 601
Claim	1 171	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E20	37	39	39	39	38	36	35	37	36	38	38	35	39	39	39	38	37 601
Claim	1 250	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E20	37	39	39	39	38	36	35	37	36	38	38	35	39	39	39	38	37 601
Claim	1 328	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E20	37	39	39	39	38	36	35	37	36	38	38	35	39	39	39	38	37 601
Claim	1 38	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E20	37	39	39	39	38	36	35	37	36	38	38	35	39	39	39	38	37 601
Right	1 171C	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E20	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
Right	1 172C	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E20	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
Right	1 238	NORTH RIGBY IRRIGATION CO.,	DRY BED	01S37E20																	60
Claim	27 10147	LEON M ESPLIN,	GROUND WATER	01S37E20					3	40	15	2									20
Claim	27 7078	RONALD DREW, NOLLENE JENSEN,	GROUND WATER	01S37E20																	36
Claim	27 7122	DELL R JENSEN, ALLOY O JENSEN,	GROUND WATER	01S37E20																	20
Right	27 7078	FRANKLYN J FREEMAN,	GROUND WATER	01S37E20																	19
Right	27 7122	DELL R JENSEN,	GROUND WATER	01S37E20																	20
Right	27 7368	RONALD ESPLIN,	GROUND WATER	01S37E20																	17 36
Right	1 250C	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E20																	17 37
Right	1 328C	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E20																	0

Call ~~Henry~~
very dist.
to see if
they show
water for
this land —
per claim 01-10247
208-357-3420 ←
11:25 AM 9/9 &
will check back
call me

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	27 11958	RONALD ESPLIN AND SONS,	GROUND WATER	01S37E17																4	4
Claim	27 7066	RONALD ESPLIN AND SONS,	GROUND WATER	01S37E17																4	4
Right	27 7066	RONALD ESPLIN,	GROUND WATER	01S37E17																4	4
Claim	27 7103	RONALD ESPLIN AND SONS,	GROUND WATER	01S37E17																4	4
Right	27 7103	RONALD ESPLIN AND SONS,	GROUND WATER	01S37E17																4	4
Claim	1 10247	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E17	33.5	38	37	37	18	4.5	16.5	38	37.5	34	33.5	30.5	39	38	38	32	505
Claim	1 171	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E17	33.5	38	37	37	18	4.5	16.5	38	37.5	34	33.5	30.5	39	38	38	32	505
Claim	1 250	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E17	36	39	40	37	36	33	35	40	40	39	39	36	39	37	37	37	600
Claim	1 328	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E17	36	39	40	37	36	33	35	40	40	39	39	36	39	37	37	37	600
Claim	1 38	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E17	36	39	40	37	36	33	35	40	40	39	39	36	39	37	37	37	600
Right	1 171C	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E17	36	39	40	37	36	33	35	40	40	39	39	36	39	37	37	37	600
Right	1 172C	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E17	X	X	X	X	X								X	X	X	X	0
Right	1 250C	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E17	X	X	X	X	X								X	X	X	X	0
Right	1 328C	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E17																	0
Right	1 38C	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E17																	0
Right	1 39C	SNAAKE RIVER VALLEY IRRIGATION DIST,	SNAAKE RIVER	01S37E17																	0
Claim	27 10314	RONALD ESPLIN AND SONS,	GROUND WATER	01S37E17																	5
Permit	27 7489	CEDAR POINT SUBDIVISION WATER CO,	GROUND WATER	01S37E17							3										3

1202
02

Walker, Kay

From: Carlson, Dave
Sent: Thursday, September 04, 2003 3:31 PM
To: Walker, Kay
Subject: RE: Application for Permit 27-11958 - Ronald Esplin

kay

esplin said there no surface water on it. the Irrigation district has a big land list, but everyone doesnt have shares.
thats the best story i can tell you.
dc

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

From: Walker, Kay
Sent: Thursday, September 04, 2003 3:27 PM
To: Carlson, Dave
Cc: Walker, Kay
Subject: Application for Permit 27-11958 - Ronald Esplin

Hey Dave... How is it going? I am reviewing the above application and find it to be a little "shady". In doing a POU Comparison report, I noticed that the Snake River Valley Irrigation District has claims on all of the property under this application. You have written on the form "no surface rights" ... Where did you get that information? Do you know for sure that he doesn't have any surface water? Any insight you can provide me would be appreciated. Thanks! Kay

Dist for Staffing _____
Submitted for advertising _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMIT

INITIAL REVIEW BY DC DATE 7/25/2003 APPLICATION NO. 27-11958

REQUIRED INFORMATION:

☐ Name (if applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☐ Address
☐ Source (See USGS Quad for names of water sources)
☐ Point of Diversion (10 acres for spring, lot & block descriptions for subdivision, local name, flow and/or volume)
☐ County
☐ Quantity (flow and/or volume)
☐ Period of Use
☐ Nature of proposed use (Include description of use.)
☐ Description of diverting works
☐ Time required for beneficial use of water
☐ Place of use or acres irrigated
☐ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee
☐ Yes ☐ No* In form to receipt

RECEIVED

SEP - 2 2003

Department of Water Resources

ADDITIONAL INFORMATION:

☒ Overlapping place of use (Describe source & relationship to present application on the back)
☐ Overlapping point of diversion
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet)
☐ Yes ☒ No Public Water System
☐ Yes ☒ No Planning section review
☐ Yes ☒ No Moratorium Hold file
See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

PROCESSING:

☒ Yes ☐ No In form for advertising
☒ Yes ☐ No Statewide advertising
☐ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO:

Id Dept of Environmental Quality
Id Dept of Fish & Game
Id Dept of Lands
Adjudication Bureau Unit

U.S. BLM
U.S. Forest Service
Water District
Other _____

/ Yes No Affidavit of
 / Yes No Application

☒ Yes	☐ No	Publication dates & paper, recorded on application
☐ Yes	☒ No	Protests received
		Final date for protest _____
☐ Yes	☐ No	Protests, dates, resolution of protest, recorded on application
☐ Yes	☐ No	Recommendations attached
☐ Yes	☐ No	Measuring device required
☐ Yes	☐ No	Access port required
☐ Yes	☐ No	Will water be delivered by watermaster? If yes, what District _____
☐ Yes	☐ No	Special conditions of approval or cover letter below.

By: _____ Date: _____

By: _____ Date: _____

LOCAL PUBLIC INTEREST:

_____ City	_____ Id Fish & Game	_____ Irrigation District
_____ County	_____ Id Health & Welfare	_____ Canal Company
_____ Reservations	_____ Div. Of Environment	_____ Other _____

COMMENTS

[illegible]

DEPT. OF WATER RESOURCES

900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161
Fax: (208) 525-7177

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

27-11958

RONALD ESPLIN AND SONS

747 E. 1000 N.

Shelley, Idaho 83274

Point(s) of Diversion: SENE, S20,

T01S, R37E, BINGHAM County

Source: GROUNDWATER

Use: IRRIGATION 04/01 to 10/31

0.66 CFS

Total Diversion: 0.66 CFS

Date Filed: 07/22/2003

Place Of Use: IRRIGATION

T01S, R37E, S17 SESE

T01S R37E S20, NENE, SWNE,

SENE

Number of Acres: 116

Permits will be subject to all prior
water rights. Protests may be sub-
mitted based on the criteria of Sec.
42-203A, Idaho Code.

Any protest against the approval of
this application must be filed with
the Director, Dept. of Water
Resources, Eastern Region, 900
N. Skyline Drive, Suite A, Idaho
Falls, Idaho, 83402, together with
a protest fee of \$25.00 for each
application on or before August 25,
2003. The protestant must also
send a copy of the protest to the
applicant.

KARL J. DREHER
Director

(#640)

Pub.: 8/7, 14

AFFIDAVIT OF PUBLICATION

County of Bingham)

SS

State of Idaho)

I, Jacqueline Graham do solemnly
swear that I am the Legal
Coordinator of The Morning News,
which is a daily newspaper of
general circulation, published each
day except Sunday at Blackfoot,
Bingham County, Idaho, said
newspaper having been so published
at Blackfoot, aforesaid for more than
one year past; that said newspaper
heretofore complied with all the
provisions of Chapter 154 of the
Sessions Laws of Idaho of 1911,
approved March 11, 1911, and duly
designated, pursuant to law, a
particular day of the week as the day
on which legal notices required by
law or by the order of any Court of
competent jurisdiction within the
State of Idaho shall be published to-
wit: of each week; that the notice
attached hereto and which is a part
of this affidavit and part of the proof
of publication was published in said
issue of said
newspaper 2 consecutive Weeks
the first publication having been
made on the 7th day of Aug.
2003, and the last publication having
been made on the 14th day of
Aug. 2003; that said notice was
published in the regular and entire
issue of every number of the paper
as aforesaid during the period and
time of publication, and that notice
was published, in the newspaper and
not in a supplement.

Jacqueline Graham

On this 14th day of Aug., in
the year of 2003, before me a Notary
Public of the State, personally
appeared Jacqueline Graham,
known or identified to me to be the
person whose name is subscribed to
the within instrument, and being by
me the first duly sworn, declared that
the statements therein are true, and
acknowledged to me that he
executed the same.

MICROFILMED

OCT 07 2003

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires
June 19, 2004
Affidavit Processing Fee.....\$5.00

Received
8/18/03
SC



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

July 30, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RONALD ESPLIN AND SONS
747 E 1000 N
SHELLEY ID 83274

RE: Application for Permit No 27-11958

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Morning News on August 7 and 14, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

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

Sincerely,

W Roger Warner
Water Right Supervisor

WRW:sc

MICHAEL
OCT 07 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 30, 2003

Legal Notice Department
MORNING NEWS
PO BOX 70
BLACKFOOT ID 83221

RE: Application for Permit No. 27-11958

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before August 25, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*mailed
7/30/03
sc*

MICROFILMED

AUG 02 2003

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

27-11958

RONALD ESPLIN AND SONS

747 E 1000 N

SHELLEY ID 83274

Point(s) of Diversion: SENE S20 T01S R37E, BINGHAM County

Source GROUND WATER

Use: IRRIGATION

04/01 To 10/31 0.66 CFS

Total Diversion:

0.66 CFS

Date Filed: 07/22/2003

Place Of Use: IRRIGATION

T01S R37E S17 SESE

T01S R37E S20 NENE SWNE SENE

Number of Acres 116

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before August 25, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on August 7 and 14, 2003

MICHAEL

OCT 17 2003