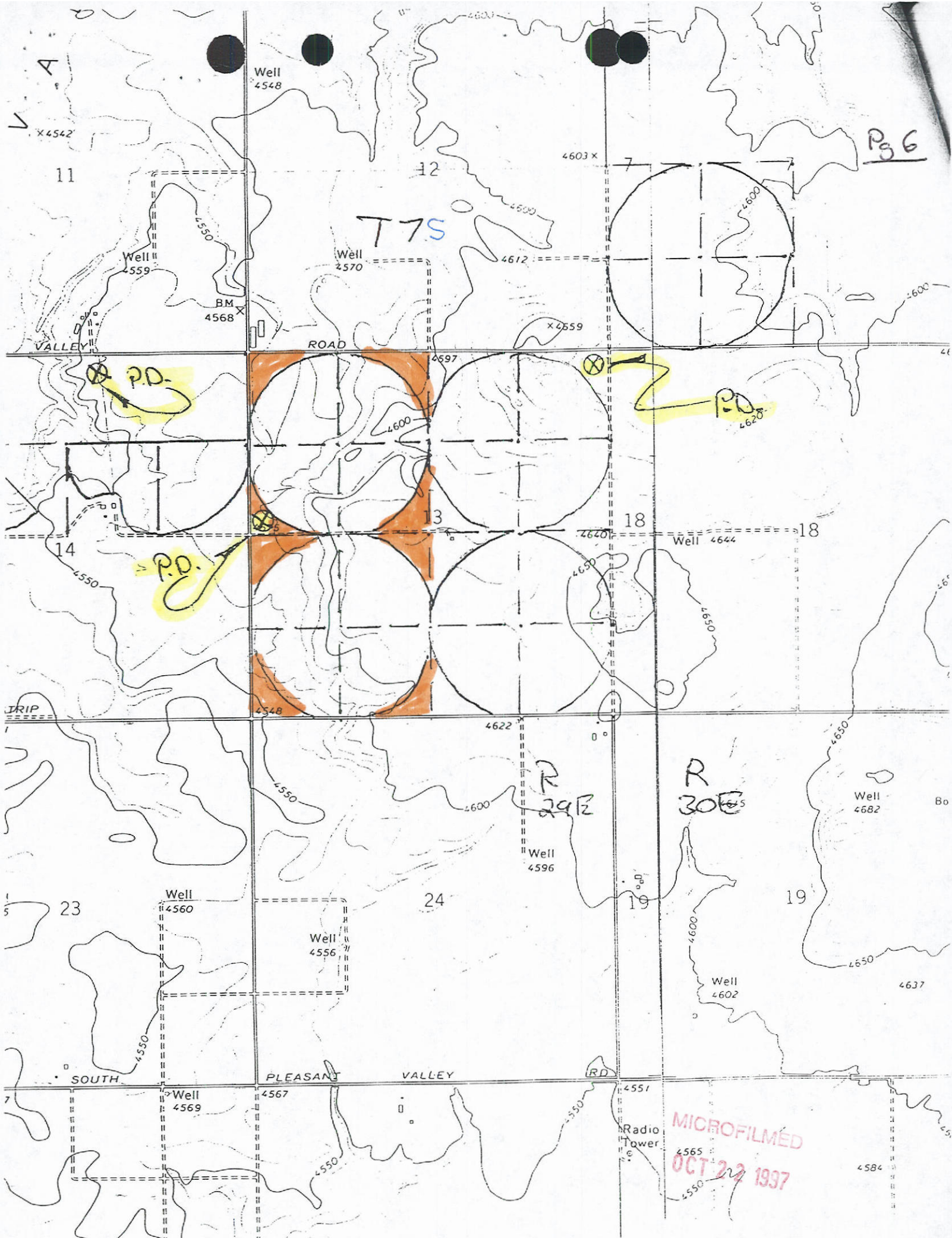




Well
4548

x4542

11

12

4603 x

Pg 6

T7S

Well
4559

Well
4570

BM
4568

ROAD

VALLEY

P.D.

4597

x4559

P.D.

4620

14

P.D.

13

18

Well 4644

18

TRIP

4622

R
29E

Well
4596

R
30E

Well
4682

Bo

23

Well
4560

24

Well
4556

19

19

Well
4602

4637

SOUTH

PLEASANT

VALLEY

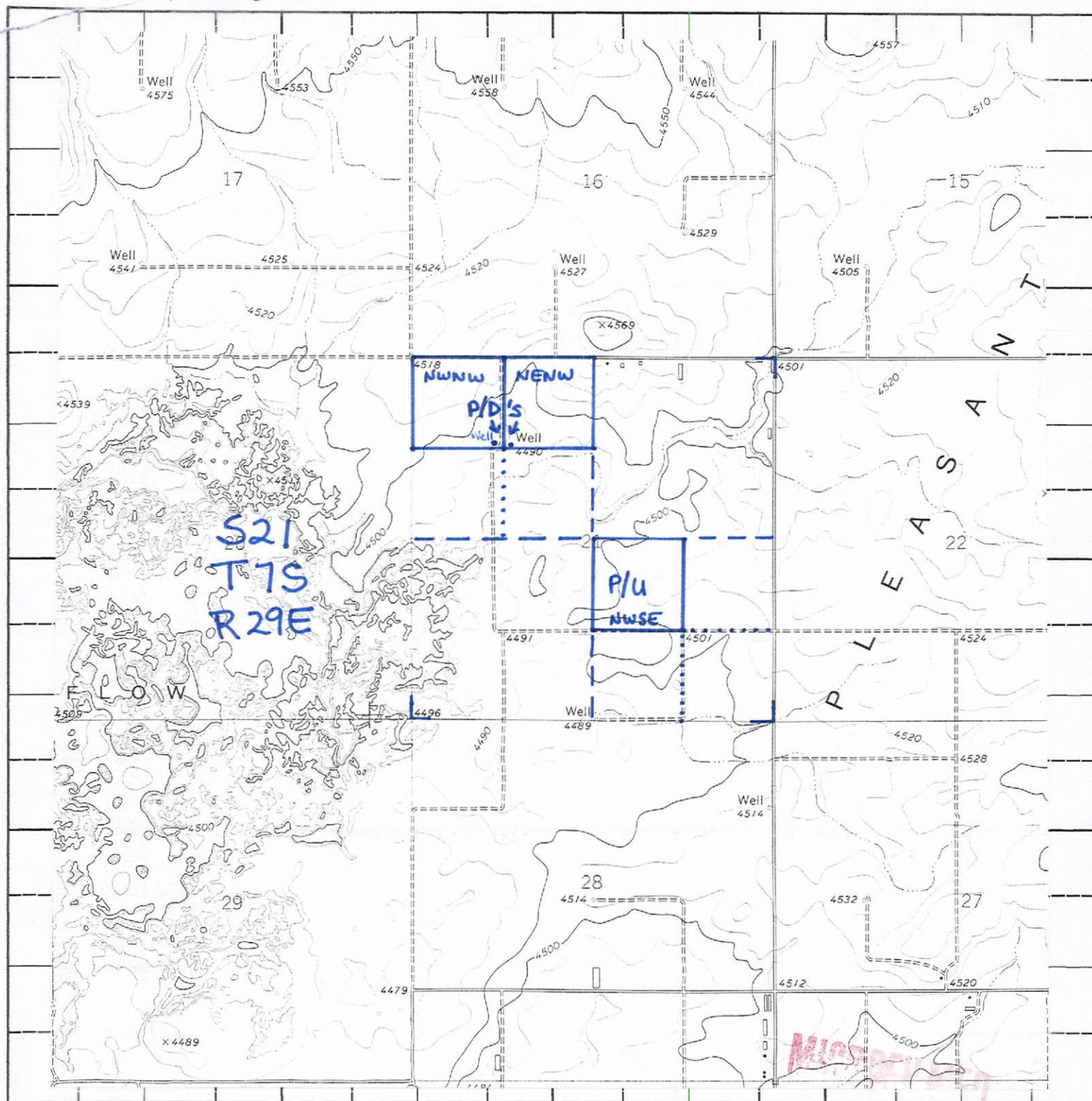
RD

Radio
Tower

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OCT 22 1997

4584

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

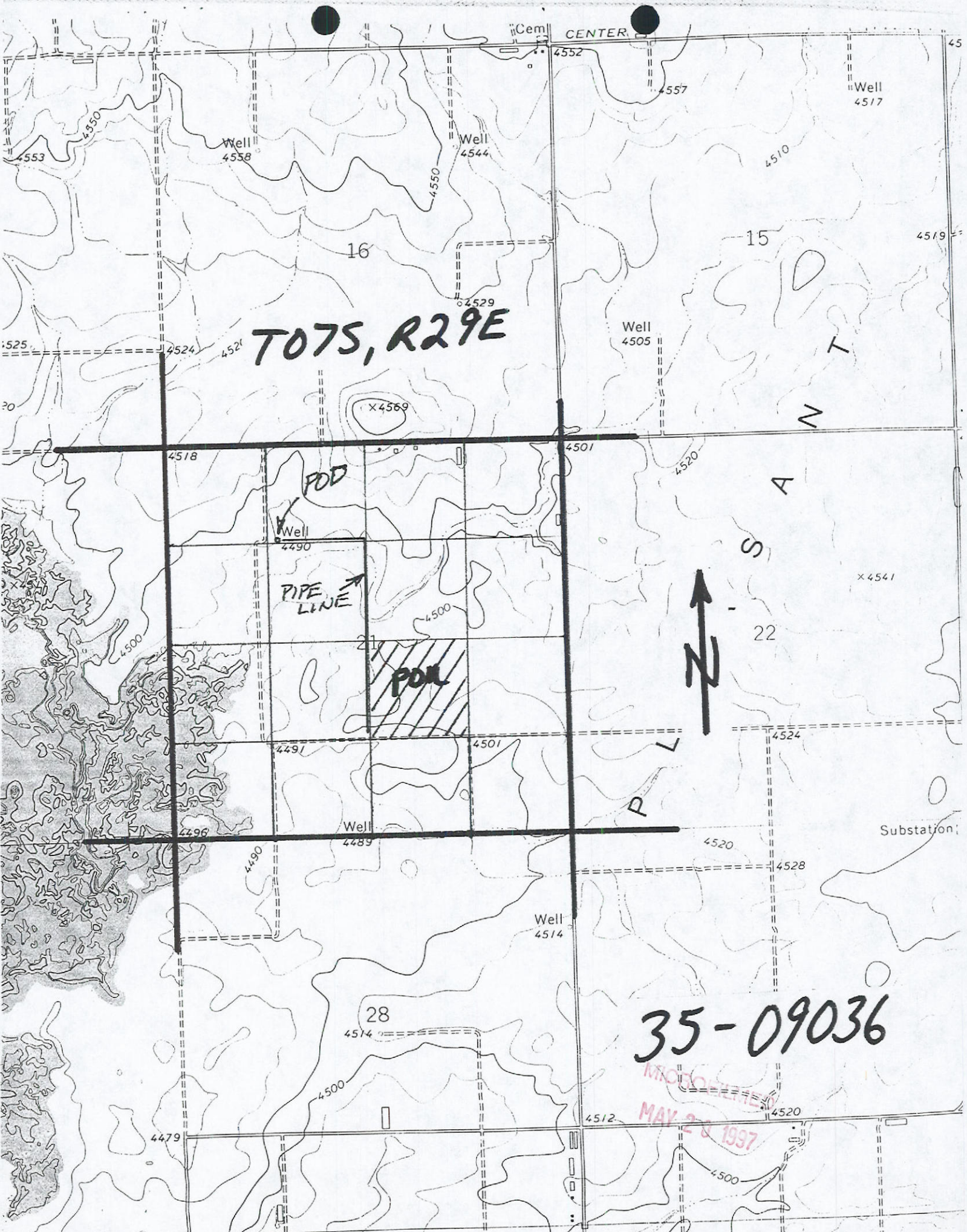


Scale: 2 inches equal 1 mile.

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.

Arthur M. Adair
(Applicant)

AUG 09 1994



T07S, R29E

35-09036

RECORDED
MAY 28 1997

1000140 X Farms
Partnership

TOTS, K29E

1-HEL

123.3

NHEL

3

80.5

7
Bros.

Blue Grassley
Middle
PUMP

2-HEL
78.6

3-HEL
37.1

4-HEL
100.0

West
PUMP

See 165 acres.
Winding Brook
F-12 Corp.

POINT
OF
DIVERSION

Jim Fiedle

SECTION
CENTER

CRP
BB-300
1-NHEL
6.5
95.0

T2213

10" HAW

LATEXAL

WINDING BROOK
CORP.
DRISCOLL
BROS.

PLACE
OF
USE

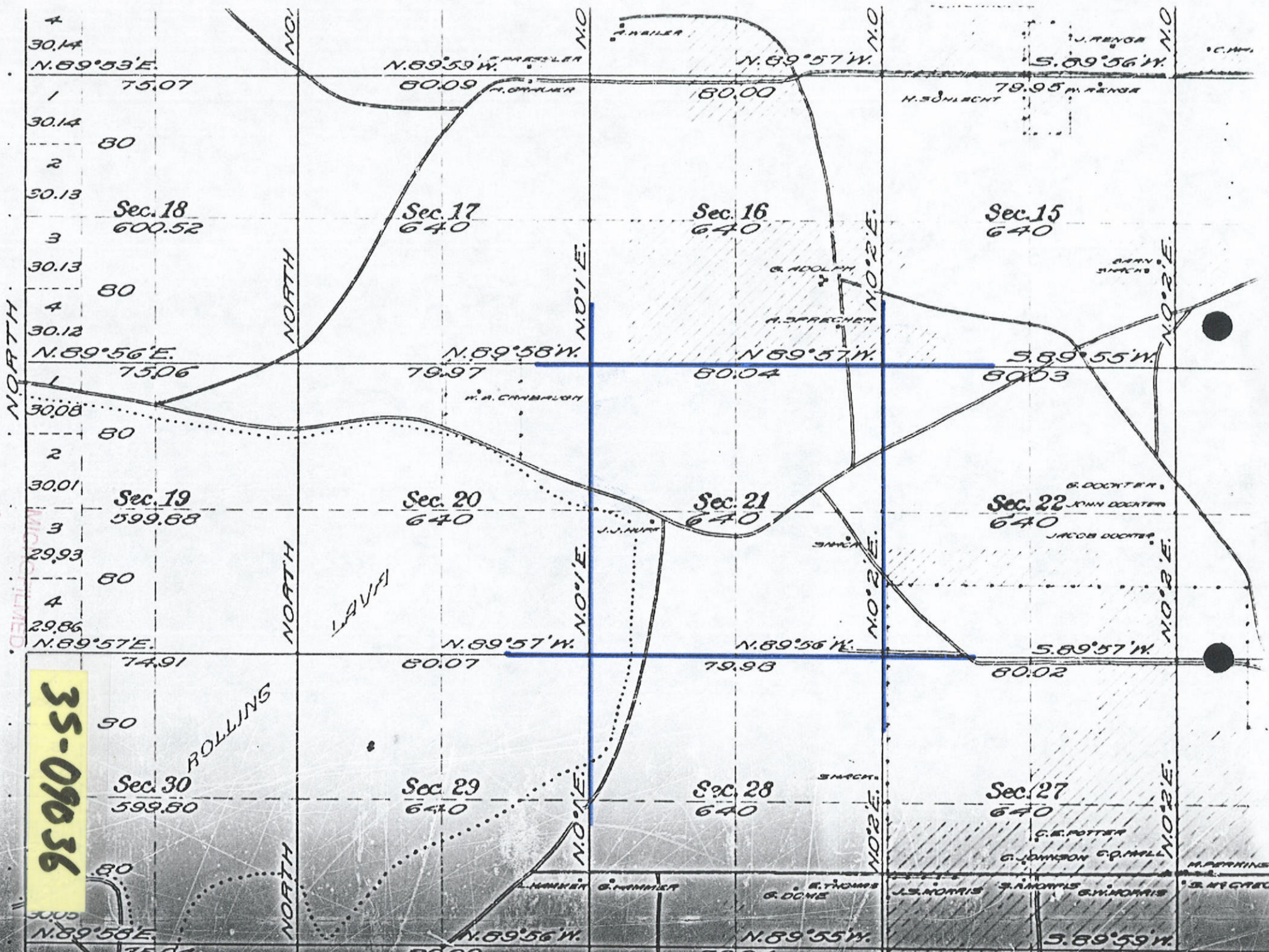
NHEL
2-0
70.0



35-09036

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MAY 20 1997

35-09036



LARRY BETHKE

IRRIGATION

15/1

POINT OF
DIVERSION

← BOOSTER
PUMP
100HP

← MAIN
PUMP
200HP



PLACE OF
USE



MAY 20 1997

PERMIT
NUMBER

35-09036

AUG 09 1994

P.S. "Pot"
is potatoes

DATE _____

CYN-1JJ-221

2112117

5-6

R29E

A-17
Ernst
Bauer

E
95.8

D
36.2

C
98.9

B
276
Bergmeier
Arco

9 10
15

6
78.7

1980
Art Adolf

Farm #240

A
191.8

158.0

A-297
Cl. Field

C
15.6

2021

C
101.2
15.2

D
65.1

T
7
S

A-240
Art Adolf

A
36.0
Pet

A
122.0

A
88.0

RECORDED
AUG 09 1994

F
19.7

2021
29.2

Ben F. Kopp

22
27

1987 Aerial Flight
Power ASCS Officer (LH)

See
F-11

R. 29 E.

805
Cecil
Weisenburger
+ Sons 5-^{new} 1038

T-212
B
(ADOLF)
WEL
38

845 Kopp
(B. A. Kopp)

Cecil
Weisenburger

7-22-47
Larva
ATLANTA
N.Y. N.Y.

#523
Larry Bolhke

#805
Cecil
Weisenburger
&
Sons

Schatz
1 Bros.

Not To Scale

#976
Kendall Forms

F-12
Top

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5077
WATER RIGHT NO. 35-09036

This is to certify that: **LARRY BETHKE**
2745 S BREDDING RD
AMERICAN FALLS ID 83211

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	*0.80 CFS	*160.0 AF

SOURCE

GROUNDWATER

Priority: 08/13/1993

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 13, Township 07S, Range 29E
SWNW , Sec. 13, Township 07S, Range 29E
NWNE , Sec. 14, Township 07S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	29E	13	NENW 5	NWNW 5	SWNW 5	
			SENW 5	NESW 5	NWSW 5	
			SWSW 5	SESW 5		40
						40

Total number of acres irrigated: 40

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

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OCT 22 1987

TRANSFER NO. 5077
WATER RIGHT NO. 35-09036

CONDITIONS OF APPROVAL AND REMARKS

5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- *6. The total instantaneous diversion of water from all points of diversion under Transfer No. 5077 shall not exceed 0.80 cfs, nor total combined annual volume of 160.0 af for irrigation use under Right No. 35-09036.

Dated this 30th day of September, 19 97.

J. Glen Saylor
Chief, Water Allocation Bureau

MICROFILMED

OCT 22 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Transfer No. 5077Name of Applicant Larry Bethkemobile 220-2201
Phone (208) 226-2201Postal address 2745 S Breeding RdCity American Falls St ID Zip 83211**A. PURPOSE OF THE TRANSFER**

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe reason for the proposed changes: I am selling the original place of use and I want to
transfer this right to other ground I own.

B. DESCRIPTION OF RIGHT(S), OR PORTIONS THEREOF, AFTER THE REQUESTED CHANGE (or ☐ see Attachment _____)

1.	Right No.	Priority	Amount (cfs, ac-ft)	Nature of use	Period of Use
	<u>35-09036</u>	<u>8/13/1993</u>	<u>0.80 cfs</u>	<u>Irrigation</u>	<u>4/01 to 10/31</u>
	_____	_____	_____	_____	_____ to _____
	_____	_____	_____	_____	_____ to _____
	_____	_____	_____	_____	_____ to _____

2. Total diversion rate/volume being transferred: 0.80 cfs and/or _____ ac-ft per annum

3. Source of water: Groundwater, tributary to: _____ (or ☐ see Attachment _____)

4. Points of diversion (or ☐ see Attachment _____):

Twp.	Rge.	Sec.	1/4	1/4	1/4	Lot	County	Local diversion name / Local landmark
7S	29E	13		SW	NW		Power	
		13		NE	NE		Power	
		14		NW	NE		Power	

5. Lands irrigated or place of use (or ☐ see Attachment _____):

Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	29E	13					5	5	5	5	5	5	5	5					40

RECEIVED
JUN 06 1997
Department of Water Resources

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OCT 22 1997

Total acres 40

☐ Permissible place of use, actual acreage irrigated not to exceed _____ acres per year.

PART 1, CONTINUED

6. General information:

a. Description of new diversion system (or ☐ see Attachment): Three well system that serves
Transfer #4885

b. Remarks (or ☐ see Attachment): This transfer fills in 8 corners on circles in the
W1/2 of Sect 13, T7S R29E.

PLEASE READ THIS SECTION CAREFULLY

Is there a current lien, mortgage or deed of trust on the property? Yes ☒ No
If yes, please complete Part 2, item 6.

Has any portion of this right(s) undergone a period of 5 or more consecutive years of non-use? Yes ☒ No
If yes, please attach an explanation of circumstances and label it as noted in Part 2, item 9(g).

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the right(s), and that the information contained in this application is true to the best of my knowledge. I understand that I am responsible for the accuracy and completeness of the application even though I may have been assisted in the preparation of the application.

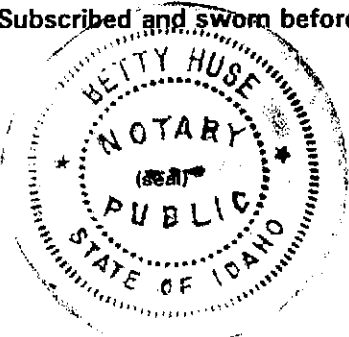
I understand that any willful misrepresentation made in this application may result in voiding the transfer approval.

Larry Belk
(Signature and Title of Applicant)

Subscribed and sworn before me on this 24th day of March, 1997.

Betty Huse
(Signature of Notary Public)

My commission expires: 1-14-98



FOR DEPARTMENT USE ONLY

Transfer contains pages and attachments

Received by *HWT* Date 4-8-97 Fee 100⁰⁰

Receipted by *HWT* Date 4-8-97 # E023089

MICROFILMED

OCT 22 1997

**APPLICATION FOR TRANSFER OF WATER RIGHT
ADDITIONAL DOCUMENTATION
PART 2**

ATTACHED (Required)

- _____ 1. Copy of each right as presently recorded with IDWR (printout of water right or other acceptable record must include Conditions/Remarks).

Complete the following items: prior consultation with IDWR staff is encouraged to simplify preparation (see "IDWR Information Sheet - Filing An Application For Transfer") as necessary for your transfer application. Label each supporting document as an attachment (A, B, etc.). Place a check mark by each item completed.

ATTACHED (enter "✓" or "N/A" for each item as advised by IDWR staff)

- _____ 2. Describe any other water rights used for the same purposes described in Part 2, item 1.
- _____ 3. Written description of present system and changes required to accommodate the proposed transfer.
- _____ 4. Map(s) identifying township, range, section and 1/4-1/4 locations of pertinent items as follows:
- _____ a) *proposed* water system showing the point of diversion, place of use, and any water conveyances such as ditches or pipelines; show irrigated acres per 1/4-1/4 if proposed; and
- _____ b) *unchanged portion* of water system showing point of diversion, place of use and any water conveyances such as ditches or pipelines.
- _____ c) include a system diagram of the items in 3a and 3b if this is not clear on the map(s).
- _____ 5. Evidence of water right ownership for entire right or portion of right being transferred. If transferring a portion of right, provide the name and address of the owner (if not the applicant) of the unchanged portion of the right.
- _____ 6. Notarized statement from holder of lien, mortgage, contract, deed of trust or any other encumbrance on the property agreeing to the transfer.
- _____ 7. Comments from county planning and zoning organization for county in which proposed water use will occur.
- _____ 8. Comparison between water right as recorded, Snake River Basin Adjudication (SRBA) claim as recorded or current water use practices if any differences exist between any of these three categories. Explain any differences and submit supporting evidence and/or affidavits to substantiate your explanation.

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- continued on reverse side -
OCT 22 1997

PART 2, CONTINUED

9. Verification of diversion and beneficial use of water within the previous five year period. Some or all of the following items might apply:

- _____ a) most recent agricultural program crop map or aerial photo showing irrigated land before the proposed change
- _____ b) pump power records
- _____ c) water master records and/or comments if use is within a water district
- _____ d) irrigation crop reports
- _____ e) reports from other government agencies and/or qualified consultants
- _____ f) affidavits from knowledgeable third parties familiar with the history of water use for the water right being transferred
- _____ g) describe any defenses to forfeiture - CRP, extension of time, etc
- _____ h) other....list other verification documentation for the water right below:

_____ **10. For a change in nature of use of part or all of the water right, complete and attach Part 3 of the transfer application.**

_____ **11. Identify any other documentation that clarifies the transfer application:**

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**APPLICATION FOR TRANSFER OF WATER RIGHT
CHANGE IN NATURE OF USE DESCRIPTION
PART 3**

A. CHANGE IN NATURE OF USE

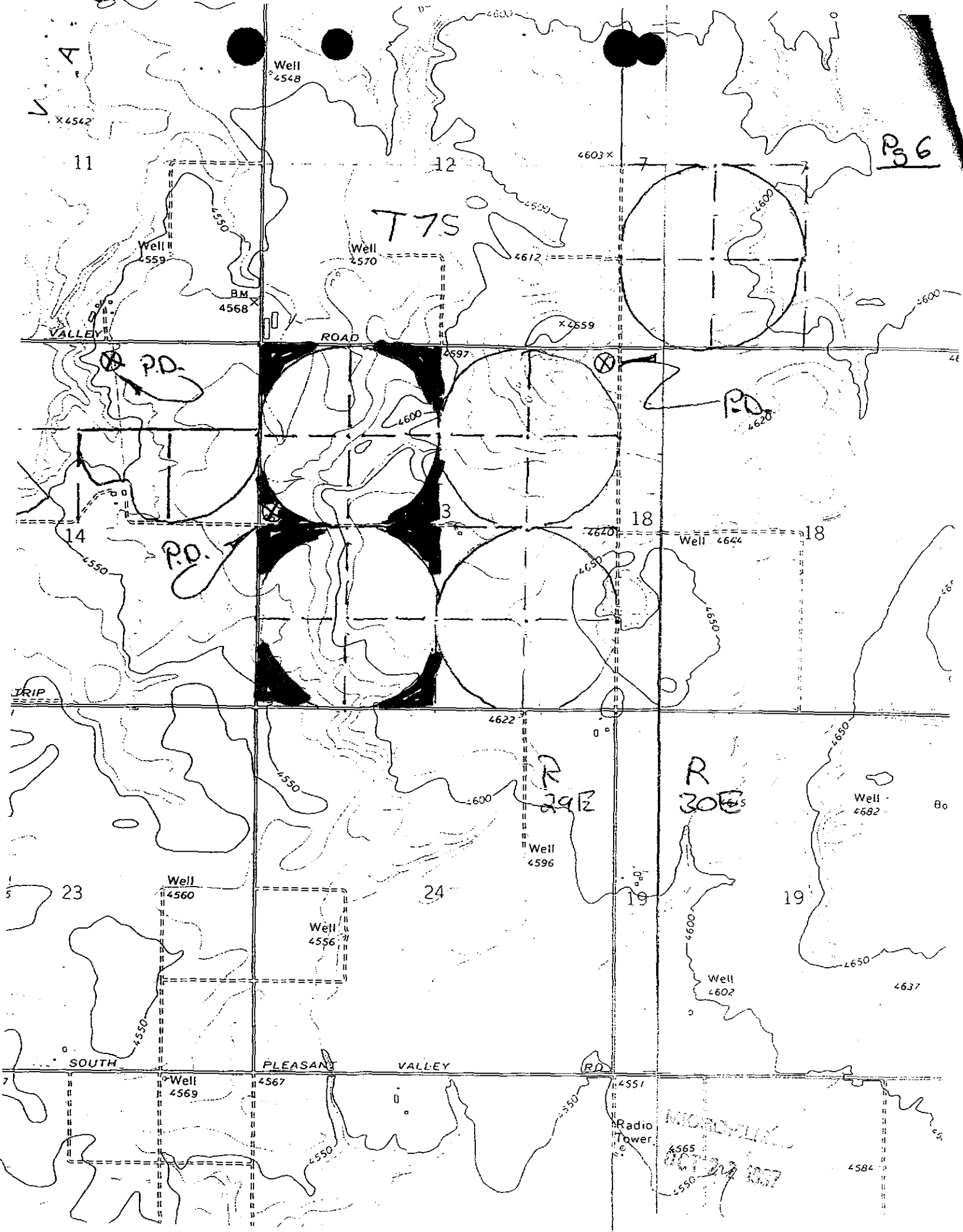
1.	New Nature of Use	Period of Use	Diversion Rate (cfs)	Annual Diversion Volume (acre-feet)	Annual Consumptive Use Volume (acre-feet)
		to			
		to			
		to			

2. ☐ If present water use is other than irrigation, attach an estimate of the annual volume of water that has been consumptively used. Also, provide justification for the estimate.
3. ☐ Attach copy of design report or system design supporting required water flow rates and volumes for the new use. Describe attachment(s):

4. If water or waste will be discharged from project, describe quantity, quality and location of the discharge:

5. Describe measures that will be taken to prevent impacts to other water uses and water users:

MICROFILMED
OCT 22 1987



P36

MICRO-FLUX
OCT 29 1957

PART 2

WR5808NP
(OD-26)IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT06/04/97 10:09:01
Page 1

Water Right Number - 35-09036

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

BETHKE

LARRY

1 - 2745 S BREIDING RD

2 -

3 -

City- AMERICAN FALLS

State- ID Zip- 83211

Phone - 208-226-2201

*** O - ORIGINAL OWNER ***

ADOLF

ARTHUR M

1 - 720 STEVENS

2 -

3 -

City- AMERICAN FALLS

State- ID Zip- 83211

Phone - 208-226-2043

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
08/13/1993 15 EASTERN L - LICENSE+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
07S 29E 21 NE NW (77) POWER+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.800 160.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.800 160.00 4.510+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 29E 21 NW SE 40.0 01 IRRIGATION (77) POWER
Total Acres: 40.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
Rights 35-02584 and 35-08345 are also diverted through the
point(s) of diversion described above.MICROFILMED
OCT 22 1997

Water right number - 35-09036

Prefix Translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

R31 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.0 afa per acre for the
- lands above.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - - - Comments - - - - - +

Date: 03/01/1994 User Id: ZIMMERMA Subject: MORATORIUM EXEMPTION

This permit is located within the Eastern Snake River Plain Moratorium; however, its pre-1987 existence is within the acceptable parameters of the moratorium guidelines.

Date: 03/02/1994 User Id: ZIMMERMA Subject: TRUSTWATER REVIEW

This permit diverts 0.08 cfs of trustwater from groundwater to irrigate 40 acres located within NWSE, S21, T07S, R29E. This land has been irrigated since 1975. This application satisfies 42-203A & C requirements.

Date: 03/02/1994 User Id: ZIMMERMA Subject: DIVERSION DESCRIPTION

2 existing wells with pumps to mainline to sprinklers.

Date: 07/11/1994 User Id: VAULT Subject: Proof of Beneficial Use Rcvd

Proof of Beneficial Use Rcvd

+ - - Audit Fields - 08/24/93 BODELL 03/01/94 ZIMMERMA 03/02/94 ZIMMERMA 06/13/94 CZIMMERM 07/11/94 COMMENTS
08/01/94 JYARBROU 07/29/96 KWILSON 11/04/96 KWILSON 04/08/97 KWILSON 04/23/97 SCURTIS
04/23/97 SCURTIS 04/28/97 SCURTIS 05/02/97 SCURTIS

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 06/01/1995	Field Exam Made - 07/24/1996	Field Exam Fee - R
Approved/Denied - 06/20/1994	Protested Date - 00/00/0000	Swan Falls - 7
Proof Made Date - 07/08/1994	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date- 04/08/1997	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number - C030775	Water District - 01
Licensed Date - 05/06/1997	Appl Received - 08/13/1993	Transfer/Amended -
Decree Date - 00/00/0000	Name Connector -	POU Ownership Flag- Y
Presumption Flag -		

RECORDED
OCT 22 1997

(10/96)

Drilling Permit No. 35-96-E-0119
Water Right Permit No. 35-07161 / 35-07162
Injection Permit No. T 4885

WELL DRILLER: PLEASE COMPLETE FOR VERBALS

IDWR Employee Issuing Verbal: _____

Verbal Issued Date: _____ Time: _____

State of Idaho
Department of Water Resources

LARRY'S PERMIT

**APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)**

1. Applicant (please print): Larry Bethke

2. Mailing Address: 2745 S. Breeding Rd

City & State American Falls Zip Code 83211 Telephone 226-2201

☐ Well Owner ☐ Well Operator ☐ Contractor or Other, specify _____

3. Proposed Well Location: Twp 7S, Rge 29E, Sec 13, SW 1/4 NW 1/4

Gov't Lot No. _____ County Power Lat _____:_____:____ Long _____:_____:____

Street Address of Well Site _____ City _____

Lot, block and subdivision _____

4. Proposed Use of Well:

☐ DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: ☒ Irrigation ☐ Municipal ☐ Industrial
☐ Stock ☐ Test ☐ Other _____
(Describe)

☐ INJECTION

☐ MONITORING: A well bore schematic and map is required for each blanket permit.

No. of proposed wells: _____

5. Well Construction Information:

A. ☒ New Well ☐ Modify ☐ Replace

B. Proposed Casing Diameter 20' Proposed Maximum Depth 400

C. Anticipated bottom hole temperature:

☒ 85 F or less ☐ 85 F to 212 F ☐ 212 F or more
(Cold Water Well) (Low Temp. Geo. Well) (Geothermal Well)

6. Construction Start Date: OCT 29 1996

7. Anticipated Well Driller: Sherman Couch Driller's Lic. No. 0161

NOTE: The actual well driller must be identified prior to drilling

8. Applicant's Signature: Larry Bethke Date: _____

Title: _____

REAL ESTATE PURCHASE AND SALE AGREEMENT
WITH EARNEST MONEY PROVISION

American Falls, Idaho
March 10, 1997

KIM WAHLEN and CONNIE WAHLEN, Husband and Wife, hereinafter called "Buyer" agrees to purchase, and JAMES TIEDE and DEBRA E. TIEDE, Husband and Wife, and LARRY BETHKE and MONICA BETHKE, Husband and Wife, hereinafter called "Seller", agrees to sell the following described real estate hereinafter referred to as "premises" located in Bingham County Idaho, legally described as:

TOWNSHIP 7 SOUTH, RANGE 29, EAST OF THE BOISE MERIDIAN,
SECTION 21 THE S1/2NE1/4; N1/2SE1/4.

It is hereby agreed that the total purchase price is the sum of ONE HUNDRED AND SIXTY THOUSAND DOLLARS AND NO/100 (\$160,000.00), payable as follows:

1. Buyer hereby deposits and receipt is hereby acknowledged by the seller of ONE THOUSAND DOLLARS AND NO/100 (\$1,000.00) paid or delivered as earnest money in part payment of the purchase price for the premises.

2. Balance of the purchase price to be paid in cash by buyer at closing.

Closing fees, recording fees, and document preparation fees shall be divided equally between the parties.

The real property is to be conveyed by Warranty Deed free and clear of all encumbrances, save and except for building and use restrictions, rights-of-way and easements and reservations in federal patents and State deeds.

OCT 22 1997

Seller shall pay all of the taxes and assessments to date of closing. Purchaser shall pay all taxes and assessments thereafter.

Closing of this agreement is subject to and contingent upon the following:

1. Sellers obtaining written consent from the current Mortgagees for a release of said mortgage on the property to be conveyed;

2. Buyers obtaining a permit to transfer sufficient irrigation water from the Department of Water Resources for the State of Idaho.

If the written consent or the water permit are not obtainable, this agreement shall become null and void and the Sellers shall return to the Buyer any earnest money held in conjunction with this agreement less one-half of the preparation costs of this agreement.

The parties enter into this Agreement in full reliance upon their independent investigation and judgment, accept the property as it is and agree that there are no verbal or other agreements which modify or affect this Agreement.

Time is of the essence in this agreement. Closing shall occur on or before May 31, 1997. Closing agent shall be HENRY R. BOOMER, Attorney at Law. Purchaser's rights herein are not assignable without the written consent of the Seller.

Purchaser is aware that this document was prepared by the attorney for Seller, and that Seller's attorney may only represent and advise the Seller in this transaction. Further, Purchaser has been advised to seek independent legal advice concerning any questions he may have regarding this transaction.

OCT 22 1997

WE HEREBY AGREE to purchase the above-described property and pay the sum of \$160,000.00 for the same as set forth above, this 10th day of March, 1997.

PURCHASER:

Kim Wahlen
KIM WAHLEN, BuyerP.O. Box W Aberdeen, ID
Address 83200Connie Wahlen
CONNIE WAHLEN, BuyerP.O. Box W Aberdeen, ID
Address 83200

STATE OF IDAHO)

) ss.

County of Power)

On this 10th day of March, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared KIM WAHLEN and CONNIE WAHLEN, known to me to be the persons whose

names are subscribed to the within instrument and acknowledged to me that they executed the same.



Jennifer Russ
NOTARY PUBLIC FOR STATE OF IDAHO
Residing at: An. Falls,
Commission Expires: 1-2-2003

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OCT 22 1997

FOR VALUABLE CONSIDERATION, the undersigned Seller agrees to sell and convey to the Purchaser the above-described property on the terms and conditions hereinabove stated.

DATED: This 12th day of March, 1997.

SELLERS:

James Tiede
JAMES TIEDE, SELLER

Mar. 12 1997
Address

Debra E. Tiede
DEBRA E. TIEDE, SELLER

2702 Russett Rd. Am. Falls
Address ID 83211

Larry Bethke
LARRY BETHKE, SELLER

Mar 18, 1997
Address

Monica Bethke
MONICA BETHKE, SELLER

2745 Breeding RD.
Address Am. Falls ID. 8324

STATE OF IDAHO)
County of Power) ss.

On this 12th day of March, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared JAMES TIEDE and DEBRA E. TIEDE, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Betty Huse
NOTARY PUBLIC FOR STATE OF IDAHO
Residing at: American Falls
Commission Expires: 1-14-98

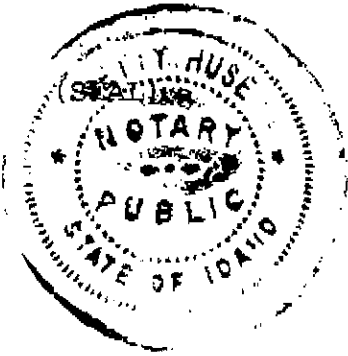
RECORDED
OCT 22 1997

STATE OF IDAHO

ss.

County of Power

On this 18th day of March, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared LARRY BETHKE and MONICA BETHKE, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



[Signature]
NOTARY PUBLIC FOR STATE OF IDAHO

Residing at: *American Falls*
Commission Expires: *1-14-98*

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OCT 22 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-09036

Priority: August 13, 1993

Maximum Diversion Rate:

0.80 CFS

Maximum Diversion Volume:

160.0 AF

This is to certify, that LARRY BETHKE

2745 S BREDDING RD

AMERICAN FALLS ID 83211

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 13, 1993; and has submitted Proof of Beneficial Use on July 8, 1994. An examination indicates that the works have a diversion capacity of 4.510 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.80 CFS	160.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 21, Township 07S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	29E	21	NWSE	40		40

Total number of acres irrigated: 40

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
6. Rights 35-02584 and 35-08345 are also diverted through the point(s) of diversion described above.

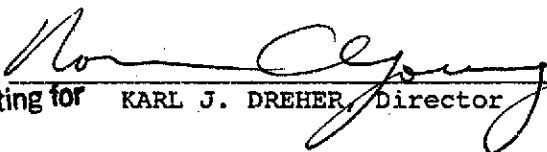
RECEIVED
MAY 20 1997

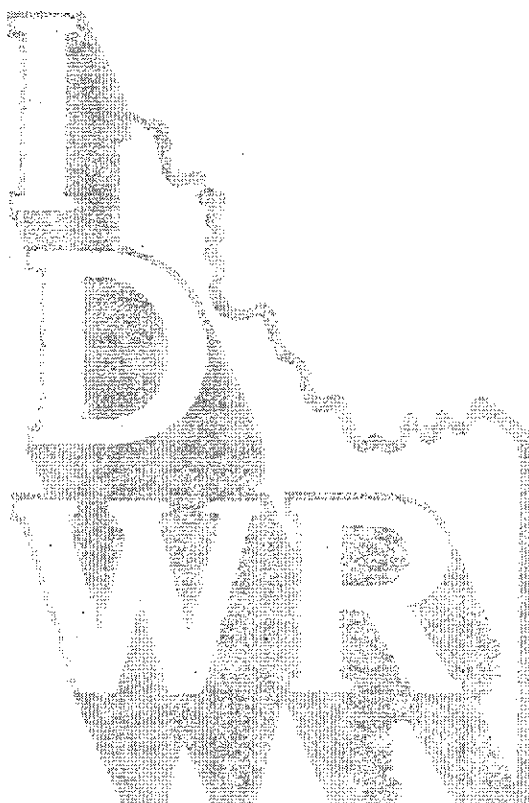
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-09036

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 6TH
day of MAY, 19 97.


Acting for KARL J. DREHER, Director



RECEIVED
MAY 20 1997

State of Idaho
 DEPARTMENT OF WATER RESOURCES

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APR 15 1997

ASSIGNMENT OF PERMIT
 To change the ownership of a permit

Department of Water Resources

I, ARTHUR ADOLF, hereby assign to LARRY BETHKE
(Permit Holder)
 of 2745 S. Breeding Rd American Falls ID 226-2201
(Full Address and Phone Number)

All my right, title, and interest in and to Permit No. 35-09036
 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.

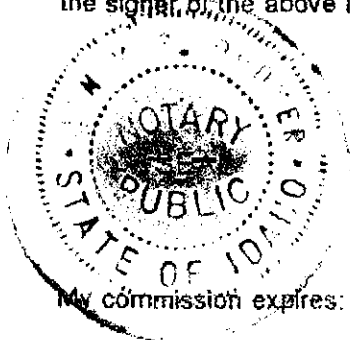
Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

Made this 25 day of March, 1997.

Arthur M. Adolf
 Permit Holder(s)

State of Idaho)
 County of Power ss

On this 25 day of March, 1997, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.



Henry R. Boone
 Notary Public

Signature

My commission expires: 9/23/99

RECORDED
 MAY 20 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 35-09036 Telephone No. (208)-226-2043
2. Name(s) of Permit Holder(s): ARTHUR M. ADOLF
3. Mailing Address: 720 STEVENS, AMERICAN FALLS, ID 83211
4. Source of Water: Groundwater

If GROUNDWATER, Well Driller's Name: Paul Vollmer & Son Date Drilled: 1974

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

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

Irrigation 40 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted .80 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

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

OR

Flow Measurement Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

8. Fee Enclosed: \$ 45 previously paid (See License Fee Schedule on back of Instruction Sheet)
\$100.00 enclosed

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

Arthur M. Adolf (208) 226-2043

Name _____ Telephone No. _____
720 Stevens, American Falls, ID 83211

Address _____

10. The above information 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.

AUG 09 1994

7-6-94
Date

Arthur M. Adolf
Signature (and title, if on behalf of a company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 35-09036

Proposed Priority: August 13, 1993 Maximum Diversion Rate: 0.80 CFS

This is to certify, that **ARTHUR M ADOLF**
720 STEVENS

AMERICAN FALLS ID 83211

has applied for a permit to appropriate water from: **GROUNDWATER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	0.80 CFS

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 21, Township 07S, Range 29E
NWNW , Sec. 21, Township 07S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	29E	21	NWSE	40		40

Total number of acres irrigated: 40

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1995.
2. Subject to all prior water rights.

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

20th day of June, 1994

R. Keith Higginson
R. Keith Higginson, Director

for

RECEIVED
AUG 09 1994

RECEIVED

AUG 13 1993

Department of Water Resources

RECEIVED
FEB 17 1994STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 35-9036

RECEIVED

Department of Water Resources To appropriate the public waters of the State of Idaho AUG 18 1993

Department of Water Resources

Eastern District Office

226-2043

1. Name of applicant ARTHUR M ADOLF Phone

Post office address 720 STEVENS, AMERICAN FALLS ID 83211

2. Source of water supply GROUNDWATER which is a tributary of

3. Location of point of diversion is 1/4 of NW 1/4 of NW 1/4, Govt. Lot

Sec. 21 Township 7S Range 29E B.M. POWER County; additional

points of diversion if any: NENW, S21, T07S, R29E, B.M., POWER COUNTY.

4. Water will be used for the following purposes:

Amount 0.80 for IRRIGATION purposes from 4/1 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)5. Total quantity to be appropriated is (a) 0.80 and/or (b)
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 2 EXISTING WELLS WITH PUMPS TO
MAINLINE TO SPRINKLERSb. Height of storage dam feet; active reservoir capacity acre-feet; total
reservoir capacity acre-feet; period of year when water will be diverted to storage:
to inclusive.

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

d. Is ground water with a temperature of greater than 85°F being sought? NO

e. If well is already drilled, when? UNKNOWN Drilling firm

Well was drilled for (well owner)

AUG 09 1994

7. Time required for the completion of the works and application of the water to be proposed beneficial use is

1 years (minimum 1 year).

* per irrigation standard season. c28. 21/94

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	29E	21														40			40

Total number of acres to be irrigated 40

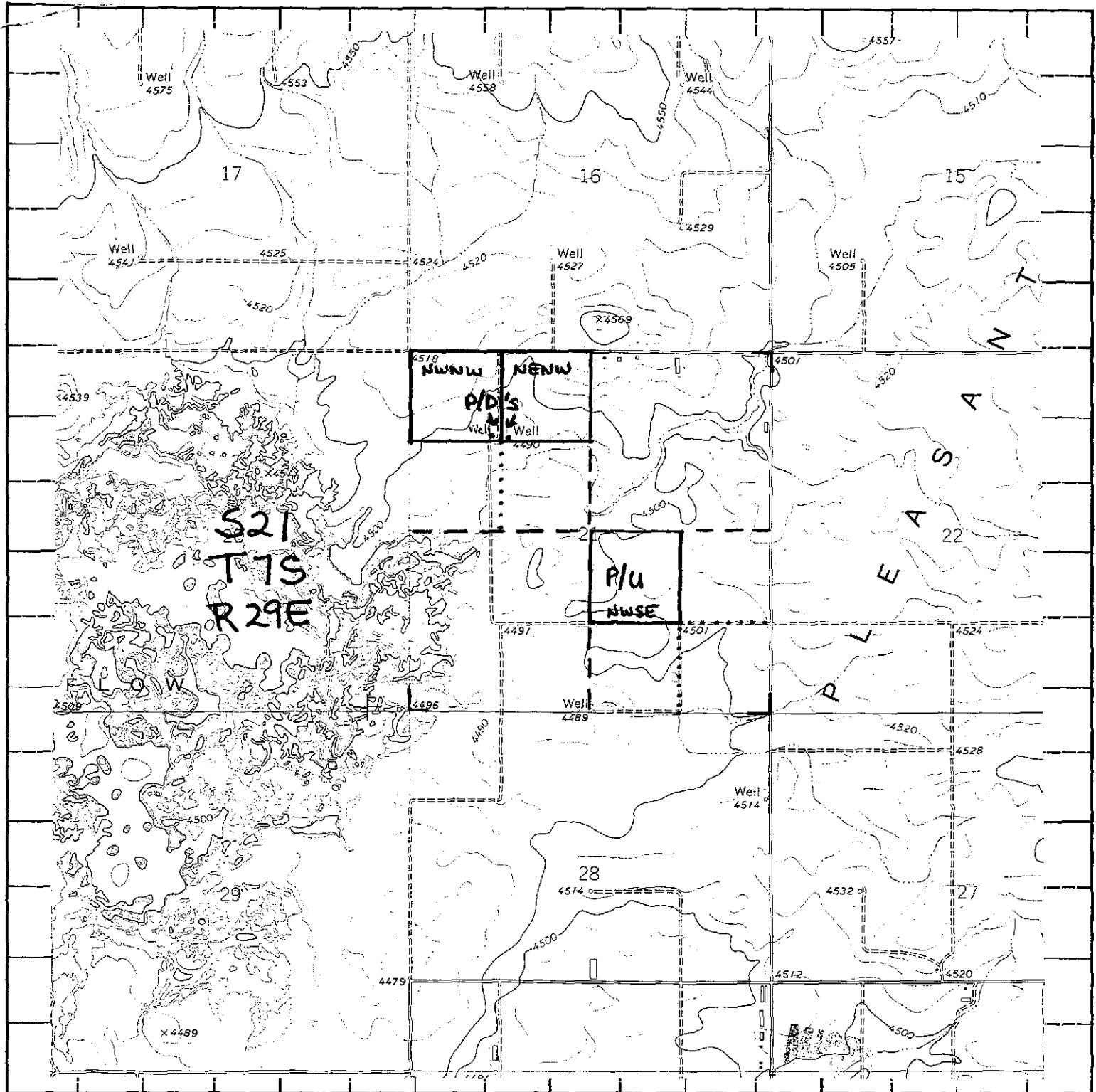
10. Describe any other water rights used for the same purposes as described above. _____

- Who owns the property at the point of diversion? CECIL WEISENBURGER
- Who owns the land to be irrigated or place of use? APPLICANT
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. CECIL WEISENBURGER LEASES PLACE OF USE FROM APPLICANT.

12. Remarks: THIS DIVERSION HAS EXISTED SINCE 1975.

AUG 09 1994

13. 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.

AUG 09 1994

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.

Arthur M. Adair
(Applicant)

Received by JW Date 8-13-93 Time _____ Preliminary check by _____
Fee \$ 45.00 Receipted by JW # C028362 Date 8-13-93
Publication prepared by RB Date 11-18-93 Published in Lower County Press
Publication approved LB Date 1-25-93

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
- 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.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

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AUG 09 1994



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

September 30, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LARRY BETHKE
2745 S BREIDING RD
AMERICAN FALLS ID 83211

RE: Water Right Nos. 35-09036 (Transfer No. 5077)

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 5077). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

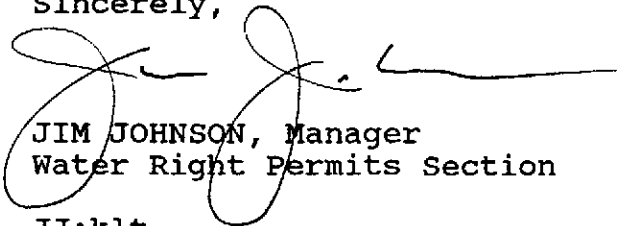
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosures

MICROFILMED

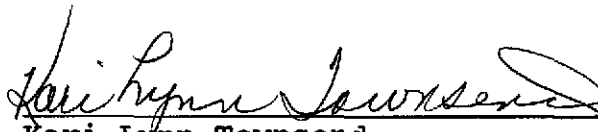
OCT 22 1997

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of September, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT NO. 35-09036 (Transfer No. 5077)

LARRY BETHKE
2745 S BREDDING RD
AMERICAN FALLS ID 83211


Kari Lynn Townsend
Secretary

MICROFILMED

OCT 22 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET
OMNIFAX

TO: PAM Skaggs FROM: H.W. Jones
DOCUMENT DESCRIPTION: Document for Bethke transfer

TOTAL NUMBER OF PAGES (Including this page): 2

*
* BILLING ADDRESS: _____*
* _____*
* _____*
* NO. OF PAGES _____ COST/PAGE _____ TOTAL CHARGE _____*

MICROFILMED

OCT 22 1997

LARRY BETHKE

MOR-20-1997 4:20 PM KIM WAHLEN FARMS

PROFESSIONAL OFFICES

NO.697

P.1/1 02

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SEP 29 1997

DEPARTMENT OF WATER RESOURCES

COPY

APPENDIX

The following paragraph is hereby incorporated in that certain "REAL ESTATE PURCHASE AND SALE AGREEMENT WITH EARNEST MONEY PROVISION", dated March 10, 1997, regarding real estate described as TOWNSHIP 7 SOUTH, RANGE 29, EAST OF THE BOISE MERIDIAN, SECTION 21 THE S1/2NE1/4; N1/2SE1/4, by and between KIM WAHLEN and CONNIE WAHLEN, Husband and Wife, referenced as "Buyer", and JAMES TIEDE and DEBRA E. TIEDE, Husband and Wife, and LARRY BETHKE and MONICA BETHKE, Husband and Wife, referenced as "Seller":

"Buyer understands and agrees that no water rights are included in the purchase of said property."

DATED: This 20th day of March, 1997.

BUYERS:

Kim Wahlen
KIM WAHLEN, Buyer

Connie Wahlen
CONNIE WAHLEN, Buyer

SELLERS:

James Tiede
JAMES TIEDE, SELLER

Debra E. Tiede
DEBRA E. TIEDE, SELLER

Larry Bethke
LARRY BETHKE, SELLER

Monica Bethke
MONICA BETHKE, SELLER

MICROFILMED

OCT 22 1997

MEMORANDUM

TO: FILE NO. 35-09036

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 5077

DATE: September 3, 1997

=====

Transfer No. 5077 changes and adds points of diversion, and changes the place of use under Right No. 35-09036.

The applicant is selling the original place of use and moving this right to cover corners around two existing pivots on other land. The new system has 3 existing wells that already serve 761 acres under Right Nos. 35-07161 and 35-07162 as described under previous Transfer No. 4885.

Recommended conditions include measuring devices for multiple points of diversion, irrigation overlap and standard transfer conditions.

MICROFILMED

OCT 22 1997

TRANSFER REVIEW SHEET

(06-97)

Transfer # 5077

Date Reviewed 09-02-97

Right(s) 35-09036

WRQ Print Split Summary ☒ Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use G:Other H:Change P/D & Add P/D
I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership Real Estate & Sale Agreement includes original P/U & reference to buyers needing to obtain transfer for water. - Approved After SD 35 overlapping rts. 35-078570/079200. No release this rt. Addendum crid. 9-29-97.

Transfer ☒ All of Right ☐ Portion of Right
Resulting Split(s) _____

Check Transfer Against Recorded Right

Season/Vol. C/4.0

(1) ☒ Priority (2) ☒ Use (3) ☒ Season (4) ☒ Rate (5) ☒ Volume
(6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ ^{& Need} Proof/Owner (10) ☒ Map
East ESPA
(11) NA Water District (12) Yes Pertinent Conditions (13) No Expansion
IRR Overlap

(7) Change/Add P/Ds - 3 existing wells
(8) Change P/U - adds corners to pivots

Existing Wells - T#4885 Aberdeen-American Falls (G.W.) District - East ESPA

Transfer Remarks _____

WB4

Conditions R31 T07, T08, T09

T17

@FHG

Database/Processing Notes

Standard ☒ Non-Standard ☐

T file

Pccommon File T5077.txt 08
File Deleted 9-30-97

Transfer Memo Complete ☒
Database Updated 9-30-97 08

WR0749NP
No. T35-09036

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/03/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LARRY BETHKE 2745 S BREDING RD AMERICAN FALLS ID 83211 (208) 226-2201	08/13/1993	IRRIGATION	04/01 10/31	0.800 CFS	160.00 AFA
TOTAL DIVERSION:					0.800 CFS	160.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:	T07S R29E S13	NENE	SWNW	POWER County
	S14	NWNE		POWER County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
07S	29E	13	:					:	05	05	05	05	:	05	05	05	05	:						40.0
TOTAL ACRES																							40.0	

Pou County: POWER

Conditions of Approval:

- R31 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- T17 - Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks: The total instantaneous diversion of water from all points of diversion under Transfer No. 5077 shall not exceed 0.80 cfs, nor total combined annual volume of 160.0 af for irrigation use under Right No. 35-09036.

Dates:	App. Received:	08/13/1993	Priority Date:	08/13/1993
	Proof Due Date:	06/01/1995	Proof Made Date:	07/08/1994
	Exam Made Date:	07/24/1996	Exam Sent to S.O.:	04/08/1997
	Licensed Date:	05/06/1997		

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 03/01/1994 User-ID: ZIMMERMA Subject: MORATORIUM EXEMPTION

This permit is located within the Eastern Snake River Plain
Moratorium; however, its pre-1987 existence is within the
acceptable parameters of the moratorium guidelines.

Date: 03/02/1994 User-ID: ZIMMERMA Subject: TRUSTWATER REVIEW

This permit diverts 0.80 cfs of trustwater from groundwater to ir-
rigate 40 acres located within NWSE, S21, T07S, R29E. This land
has been irrigated since 1975. This application satisfies
42-203A & C requirements.

Date: 03/02/1994 User-ID: ZIMMERMA Subject: DIVERSION DESCRIPTION

2 existing wells with pumps to mainline to sprinklers.

Date: 07/11/1994 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Date: 09/03/1997 User-ID: PSKAGGS Subject: TRANSFER NO. 5077

Transfer No. 5077 changes & adds points of diversion, and changes
the place of use under Right No. 35-09036 to irrigate corners
around 2 existing pivots.

Audit: 05/02/97 RBODELL 09/03/97 PSKAGGS 09/03/97 PSKAGGS

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
T07S R29E S 13		proposed P/U → 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5																Corners on existing pivot system.
Eastern ID Production (T#4885/Private Credit Assoc)		NO MATCHES FOR THIS POU IN AJ-POU																
License 3507161	GROUNDWATER	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	528
Permit 3507162	GROUNDWATER	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	528
Permit 3508051	GROUNDWATER										40	40	40	40	40	40	40	320
Van 3509036	GROUNDWATER					5	5	5	5	5	5	5	5	5	5	5	5	40
Ordsey -86 MAP--	C77Q-AA 84	6		9	11			8	9	38	38	38	37	26	39	39	25	323
T07S R29E S 21		Original P/U																40
3502584	GROUNDWATER	18	27			35	37	40	40	40	3							240
A3502584	GROUNDWATER	18	27			35	37	40	40	40	3							240
R3502584	GROUNDWATER	26	33			37	39	38	39	39	9							260
3502723	GROUNDWATER																40	40
A3502723	GROUNDWATER																40	40
R3502723	GROUNDWATER																37	37
3502845	GROUNDWATER												39			39		78
A3502845	GROUNDWATER												39			39		78
R3502845	GROUNDWATER												39			39		78
License 3507857D	GROUNDWATER	Stewart	35	35										40	40			150
n 3507920D	GROUNDWATER	11	35	35										40	40			150
3508345	GROUNDWATER	26	33			37	39	38	39	39	9							260
3508574	GROUNDWATER											20						20
A3508574	GROUNDWATER											20						20
R3508574	GROUNDWATER											20						20
3508979	GROUNDWATER	Adolf	40	40										40	40			160
3509036	GROUNDWATER														40			40
A3512704	GROUNDWATER	26	33			37	39	38	39	39	9							260
R3512704	GROUNDWATER	26	33			37	39	38	39	39	9							260
--86 MAP--	C77Q-AA 84	37	34			38	38	39	31	38	15	16	39		38	39	40	442

SD-0611-2 Basin: 35 Starting Water Right: 09036

S	O	S
E	W	Y
L	N	S
Water	Priority	Use
Right No.	Date	Desc
Name	STS	Source
Last, First		
35-09036	BETHKE, LARRY	C 08/13/1993 L/ GROUNDWATER IRR WR
T35-09036	BETHKE, LARRY	C 08/13/1993 P/ GROUNDWATER IRR WR

END OF DATA...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE

(Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel) (Menu _____)
Natural 2.1/7V OVR LIB=PRODLIBS Last key was ENTR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWT

T# 5077

1. Right number 35-09036 Applicant Bethke
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) NA
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No NOP 6-2-97
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

RECEIVED

JUN 06 1997

Department of Water Resources

4. By RDC Date 6/3/97
AD TO SO 5-7-97

Affidavit of Publication

State of Idaho

County of Power

Brett Crompton being first duly sworn on oath, states:

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

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 14 day of May 1997 and the date of the last publication being the 21 day of May 1997.

Signed Brett Crompton

State of Idaho

County of Power

On this 22 day of May in the year of 1997, before me, a Notary Public, personally appeared Brett Crompton, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Holly Morris
Notary Public for Idaho
Residing at American Falls, Idaho
My commission expires: January 21, 2003

Larry Bethke seeks water right change

Published in The Power County Press
May 14, 21, 1996.

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5077

Notice is hereby given that Larry Bethke, 2745 S. Breeding Rd., American Falls, ID 83211 has applied to the Department of Water Resources to change point of diversion and place of use of the right listed below. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 35-09036

Source: groundwater

Amount: 0.80

Priority: 08/13/1993

Point(s) of Diversion: NENW NWNW
SEC 21 T07S R29E, POWER COUNTY

The water is used for irrigation of 40 acres from 04/01 to 10/31 within the NWSE SEC 21 T07S R29E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to dry up the 40 acres in the NWSE SEC 21 T07S R29E and distribute the acres on pivot corners in the W1/2 SEC 13 T07S R29E. The points of diversion are the 3 wells that now serve the pivots in the SWNW NENE SEC 13 NWNE SEC 14 T07S R29E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before June 2, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

MICROFILMED

OCT 22 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

May 7, 1997

CLASSIFIED ADS
POWER COUNTY PRESS
PO BOX 547
AMERICAN FALLS 83211

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Dear Publisher:

Enclosed you will find a legal notice which we wish to have on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before JUNE 2, 1997.

Yours truly,

Rita Bodell
Secretary

Enc.

MICROFILMED

OCT 22 1997

1

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MICROFILMED

OCT 22 1997

the protest to the applicant.

KARL J. DREHER

Director

Published in the Power County Press on May 15 & 22, 1997

MICROFILMED

OCT 22 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 7, 1997

LARRY BETHKE
2745 S BREDDING RD
AMERICAN FALLS ID 83211

RE: Notice of Application for Transfer No. 5077

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application for water rights. This office is currently in the process of advertising the application in the Power County Press on May 15 & 22, 1997. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a transfer is issued, you will be sent a copy. A typical processing time for an unprotested application is about twelve weeks.

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

Sincerely,

Harold W. Jones
Harold W. Jones *rb*
Water Right Supervisor

HWJ/rb

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OCT 22 1997



Henry R. Boomer
ATTORNEY-AT-LAW

514 Tyhee Street
P.O. Box 70
American Falls, ID 83211-0070

Telephone
(208) 226-2562
Fax (208) 226-5419

RECEIVED

APR 07 1997

Department of Water Resources
Eastern Region

March 28, 1997

Idaho Department of Water Resources
Attn: Mr. Jones
900 N. Skyline
Idaho Falls, ID 83402

RE: Larry Bethke

Dear Mr. Jones:

Enclosed you will find the completed application and a check in the sum of \$100.00 for the transfer fee.

Should you require further information, please feel free to call.

Sincerely,


HENRY R. BOOMER

:bh

enc.

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OCT 22 1997



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

May 6, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LARRY BETHKE
2745 S BREDDING RD
AMERICAN FALLS ID 83211

RE: WATER RIGHT NO. 35-09036

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. 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 of the Department unless a party petitions for reconsideration or files an exception and/or brief 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

RECEIVED
MAY 20 1997

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:ph

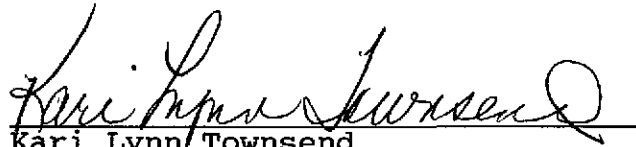
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of May, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 35-09036

LARRY BETHKE
2745 S BREDDING RD
AMERICAN FALLS ID 83211


Kari Lynn Townsend
Secretary

FILED
MAY 20 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-09036

DATE 4/23/97

REVIEWER: SHARLA

NAME Change OK

Address Change assignment made

SOURCE Change OK

Is change clarification of originally intended source? Yes

POINT OF DIV Change OK

If not, prepare Notice of Intent to Void Amendment required NO

PLACE OF USE Change OK

Amendment required NO

Does map agree with written description? Yes no

OVERLAPS P/D

P/U

RATE OF DIV

Permitted Rate .80 cfs

Fee limit 1.0 cfs \$100.00

Measured 4.51 cfs

Theoretical 3.9 cfs

1.24 66 Rainbirds X 8.9 gpm (93 psi) 56 psi
(5.53 @ 56 psi and 205' lift) 205' TDH
w/ 100 hp booster
Recommended Total Div Rate .80 cfs

looked at files
NENW/NNNW, 521 wells
35-02584 - xfer 3001 4/84
35-08345 - Cox/Hall meter 4.87
60 hp booster, main pump to same
56 psi
205' TDH
6/91

ANNUAL VOLUME/
NATURE OF USES Use

Use

Irr.

Volume Calculation

40 X 4.0 = af

160.0 af

af

af

SUBTOTAL 160.0 af

Flow rate .80 cfs X 214 days X 1.9828 = 339.0 af

Total volume recommended 160.0 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

WBS (35-02584/8345, 4.87 cfs)
W36 " "

CONDITIONS Watermaster Control WD#

GW Measurement/Measuring Device

R31 Overlap

Use-specific conditions

Advancement of Priority Date Required yes no

SRBA Claim Filed NA

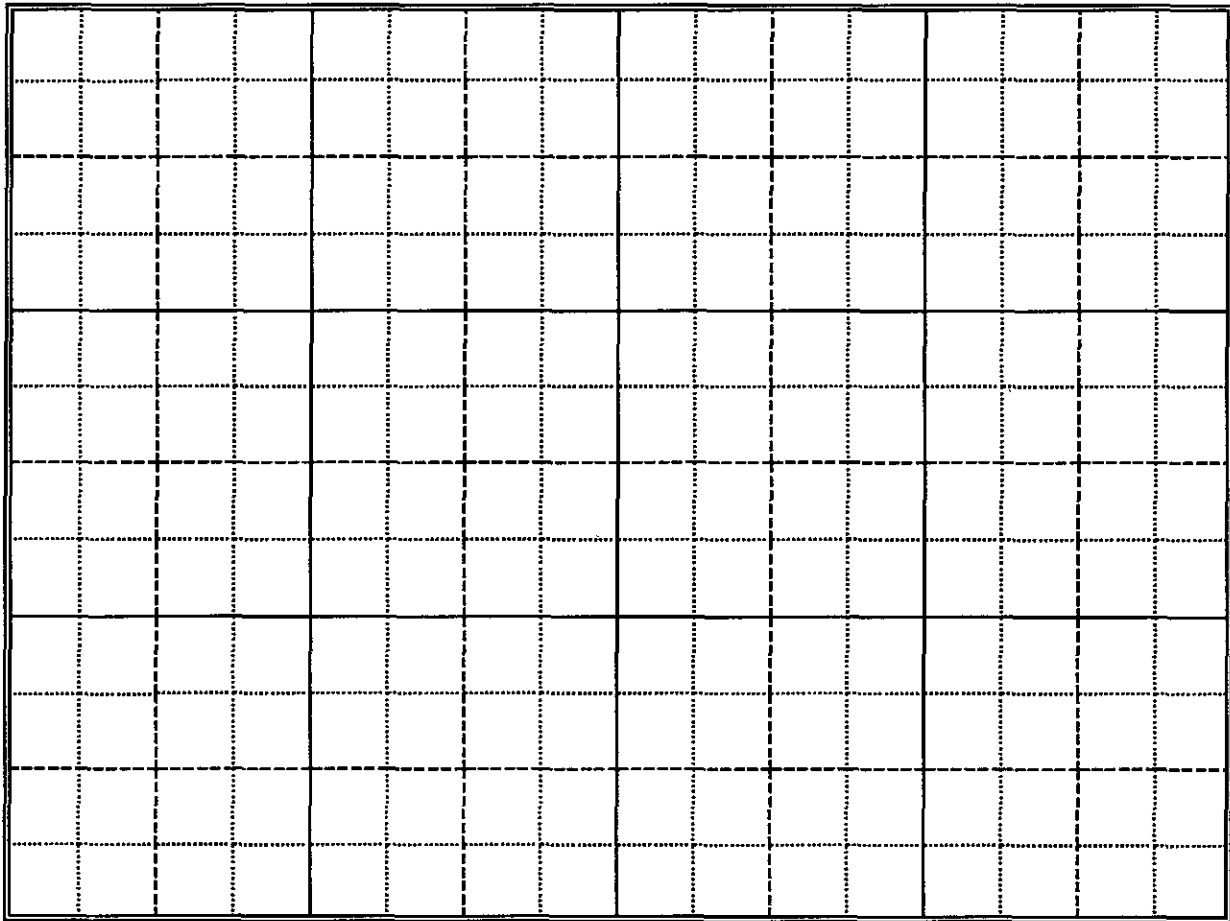
1st Amend Letter NA

Adjustment Memo NA

2nd Amend Letter NA

TOTAL

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



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

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
<i>W MIDDLE PLHP</i>	<i>U.S. MOTOR</i>	<i>200</i>	<i>1213024</i>		<i>10"</i>

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
<i>POLY SONIC TIME-FLYER</i>			<i>TF-P</i>	<i>7MD263</i>		

2. Measurements: *SEE SONIC TAPE*

FILED

MAY 20 1957

E. NARRATIVE/REMARKS/COMMENTS

WATER IS PUMPED FROM WELL VIA A 10" PIPELINE
TO PLACE OF USE. 2 WHEEL LINES DISTRIBUTED WATER
OVER PLACE OF USE VIA 66 RAIN BIRDS USING 11/64 ORFICES.

* LAND IS UNDER NEW OWNERSHIP AS LISTED ON THIS FORM.

ADDITIONAL PUMP CAN AND IS TIED TO THIS SYSTEM BUT OVERALL
SYSTEMS (2) ARE OPERATED SEPARATELY, NOT COMBINED.
SECOND POD LEFT OFF FOR THIS REASON.

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

MICROFILMED
MAY 20 1957

F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

SONIC METER 4.51 CFS

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 40 \times 4.0 = 160 \text{ AFA}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .8 \times 214 \times 1.9835 = 339.57 \text{ AFA}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 160 \text{ AFA}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS *PERMIT LIMITS TO 0.80 CFS*

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>IRRIGATION</i>	<i>4/1</i>	<i>10/31</i>	<i>0.80</i>	<i>160</i>
Totals:			<i>0.80 CFS</i>	<i>160 AFA</i>

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 *SIMPSON* Date *2/14/97*

Reviewer _____ Date _____

SEAL

RECORDED

FEB 20 1997

FIELD EXAM NOTES

EXAM # 35-9036

DATE OF EXAM 7/24/96

PERMITEE NAME Larry Bethke

OTHER WATER RIGHTS SAME POD _____

OTHER WATER RIGHTS SAME POU _____

PUMP #1 HP 200 MAKE US Motor SERIAL # 1213024
COLOR AND DESCRIPTION Gray/Drum "Oil" - Oil 334. In - Right
OUTPUT DIAMETER 10" SYSTEM PRESSURE 93 PSI WELL DEPTH _____
STATIC H2O 250' WELL DEPTH _____ DYNAMIC PUMP _____
PSI GAGE TYPE Deere 0-160 CHECK VALVE ☒ [N] GATE VALVE [Y] ☒ [N]

PUMP #2 HP _____ MAKE _____ SERIAL # _____
COLOR AND DESCRIPTION _____
OUTPUT DIAMETER _____ SYSTEM PRESSURE _____ PSI WELL DEPTH _____
STATIC H2O _____ WELL DEPTH _____ DYNAMIC PUMP _____
PSI GAGE TYPE _____ CHECK VALVE [Y] [N] GATE VALVE [Y] [N]

BOOSTER PUMP #1 HP 100 MAKE U.S. Elec. Mfg. SERIAL # 9983A/4044043R
COLOR AND DESCRIPTION Gray/Drum Right 063R-10
Worthington Pump - Vertical 10" output
BOOSTER PUMP #2 HP _____ MAKE _____ SERIAL # _____
COLOR AND DESCRIPTION _____

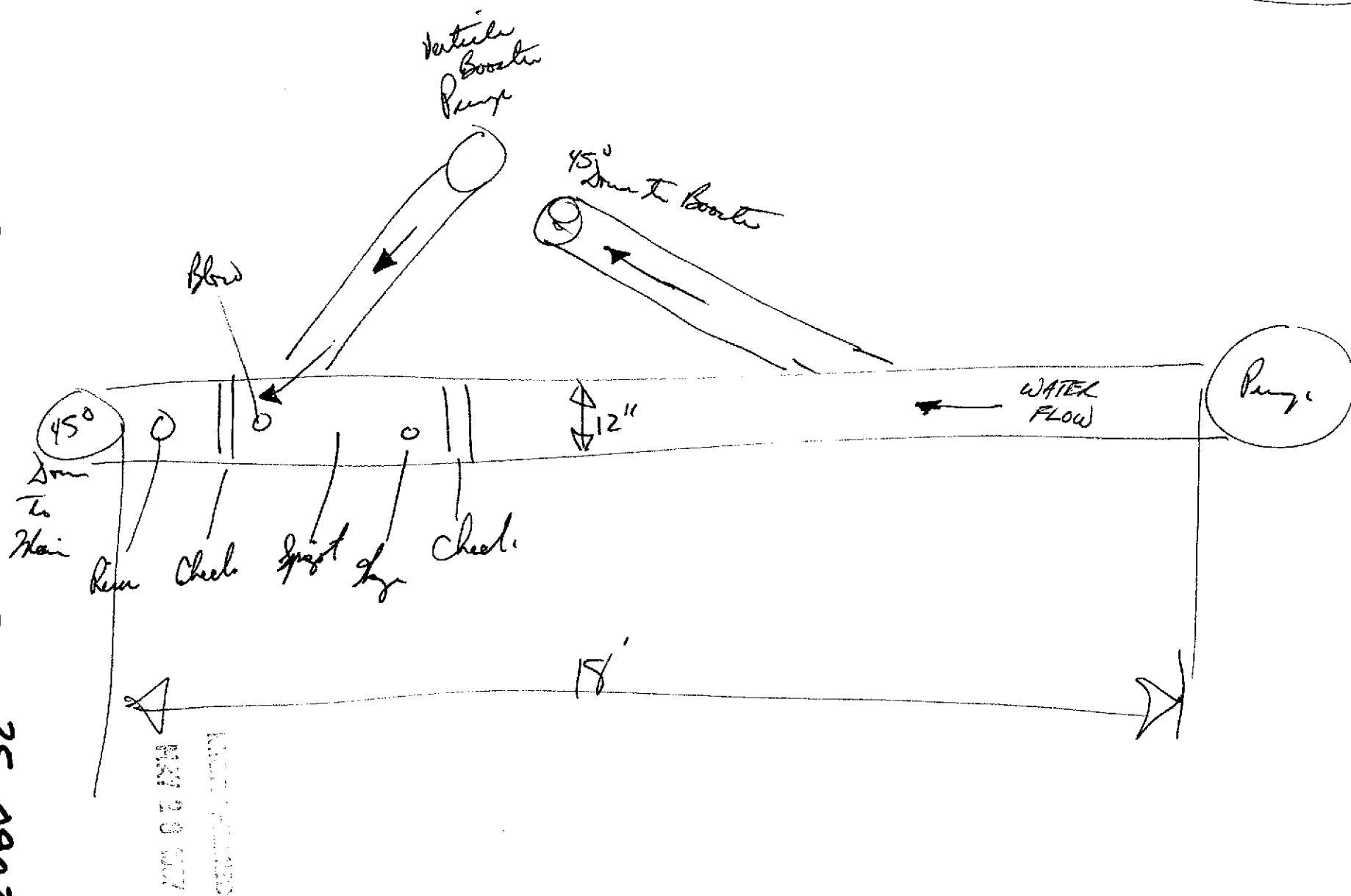
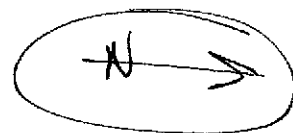
CIRCLE PIVOT [Y] [N] NUMBER OF TOWERS _____ PIVOT LENGTH _____
PRESSURE [H] [L]

WHEEL LINE

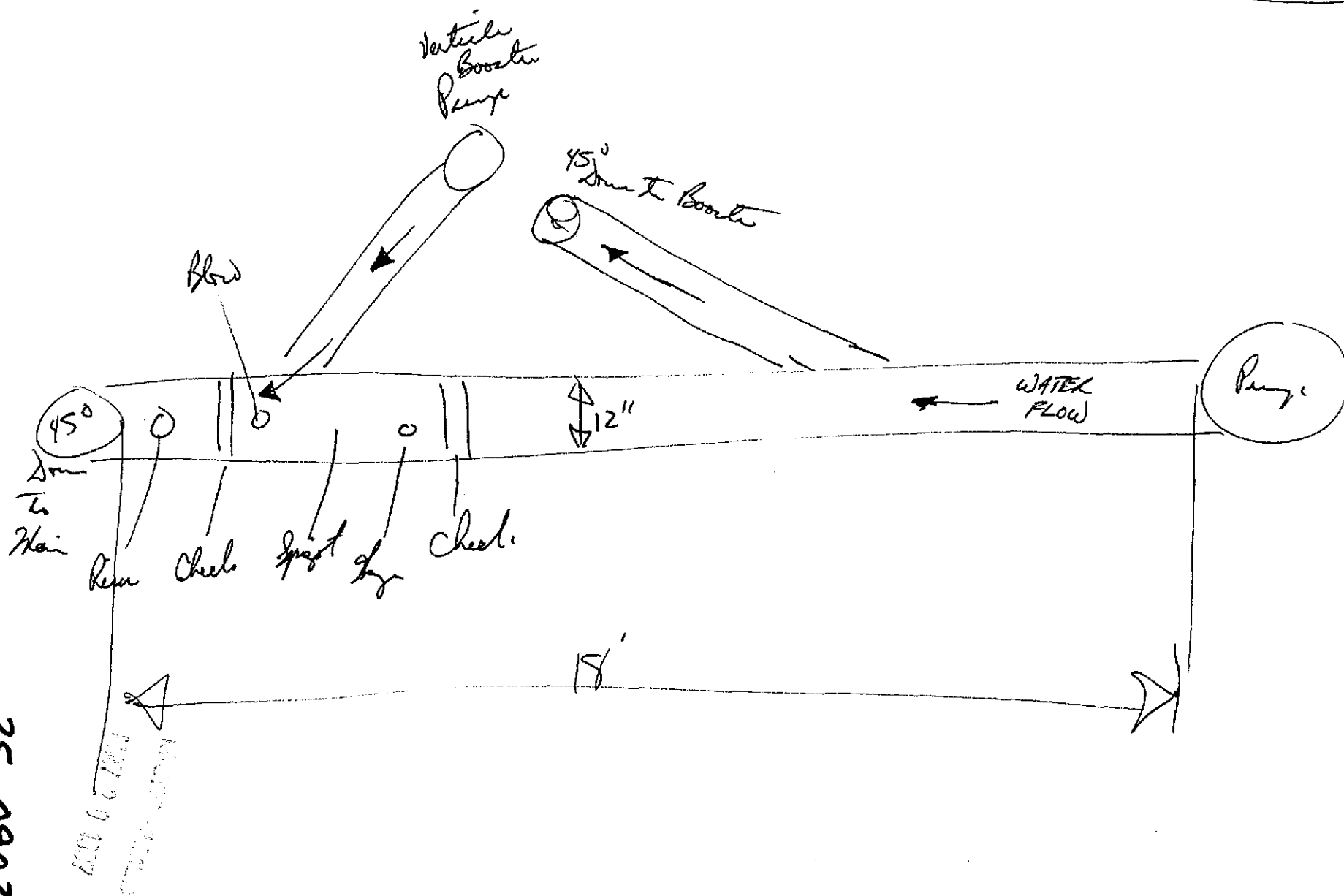
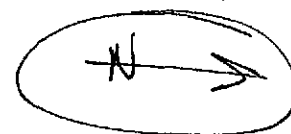
HAND LINES ☒ [N] NUMBER OF LINES 2 LENGTH OF LINES 1320 x 2
RAIN BIRDS PER LINE 66 TOTAL NOZZEL DIAMETER 11/64

SURFACE WATER TYPE OF MEASUREING DEVICE _____

AA METER PIGMY METER WEIR OR FLUME BUCKET/WATCH _____



35-09036



35-09036

1-HEL
123.3
7
Bros.

Blue Gravelly
Siltstone
2-78.6

HEL
2-78.6

Wet. P
← PUMP
16 Secs.
See Widely
F-12 Crs.

POINT
OF
DIVERGENCE

SECTION
CENTER

LATERAL

FACE
OF
USE

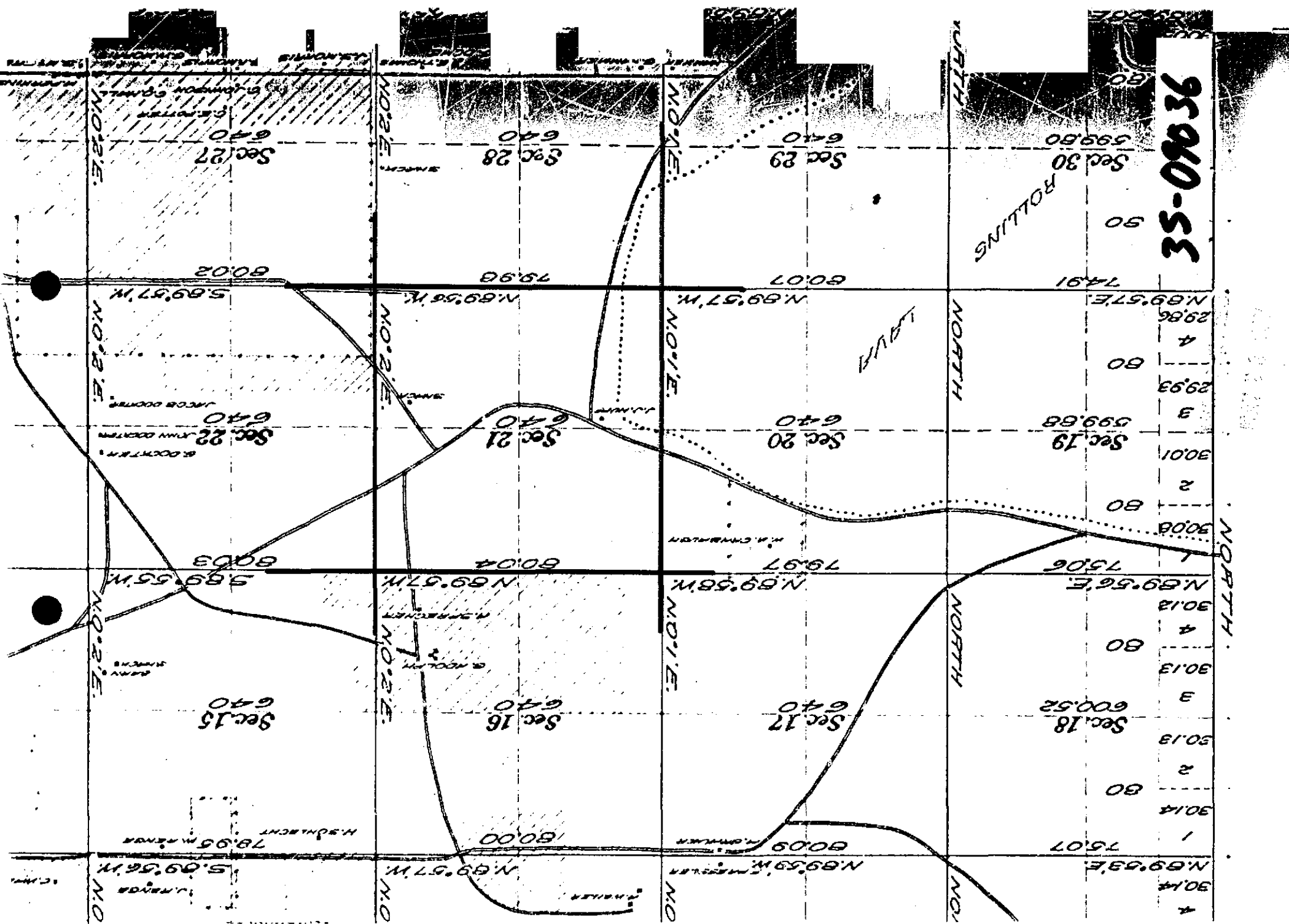
WINDMILL DRAIN
COOP. / DRAINAGE
BEDS



35-09036

MAY 20 1957

BY DE
22



MODE SELECT
INPUT

OUTER DIAMETER
12.7800 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1870 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1470 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
9.954 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

07-24 12:4700
+002.50 % A12

MODE SELECT
T0 CHECK

0465.9 MMSEC
099.95 % T0

07-24 12:4900 *R
+ 1.827E 3GPM

07-24 12:4900 *R
+ 1.872E 3GPM

4.17 cfs

35-09036
LAKY BETAKE

MM-DD HH:MM
08-22 02:20

MODE SELECT
INPUT

OUTER DIAMETER
12.780 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1870 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
10.039 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

MODE SELECT
T0 CHECK

0463.7 MMSEC
100.03 % T0

08-22 02:2600 *H
+002.50 % A12

08-22 02:3100 *R
+ 1.781E 3GPM

08-22 02:3100 *R
+ 1.834E 3GPM

08-22 02:3300 *R
+ 2.196E 3GPM

08-22 02:4200 *R
+ 2.028E 3GPM

08-22 02:4200 *R
+ 2.028E 3GPM

35-9036
LAKY BETAKE

90361

4.17

4.51 cfs

35-09036

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp) (8.814) (Eff)] \div [Lift + (psi \times 2.308)]$$

(200 HP + 100 HP BOOSTER)

$$Hp = \text{Horsepower} = \underline{300}$$

$$Eff = \text{Efficiency} = \underline{.7} \quad (\text{Usually } 70\%)$$

$$\text{Lift: (Static Level + Assumed Draw down)}$$

$$\text{Static Water Level} = \underline{250} \text{ ft.}$$

$$\text{Assumed Draw down} = + \underline{10} \text{ ft.}$$

$$\text{Lift} = \underline{260}$$

OR

$$\text{Measured Dynamic Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

$$psi = \text{Operating Pressure} = \underline{93} \text{ psi}$$

$$Q_{cfs} = \left[\frac{300}{Hp} \times 8.814 \times \frac{.7}{Eff} \right] \div \left[\frac{260}{Lift} + \left(\frac{93}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\underline{1850.94} \right] \div \left[\underline{474.644} \right]$$

$$Q_{cfs} = \underline{3.899} \text{ cfs}$$

REGISTERED
PERMIT NO.

PERMIT NO. 35-09036

LARRY BETHKE

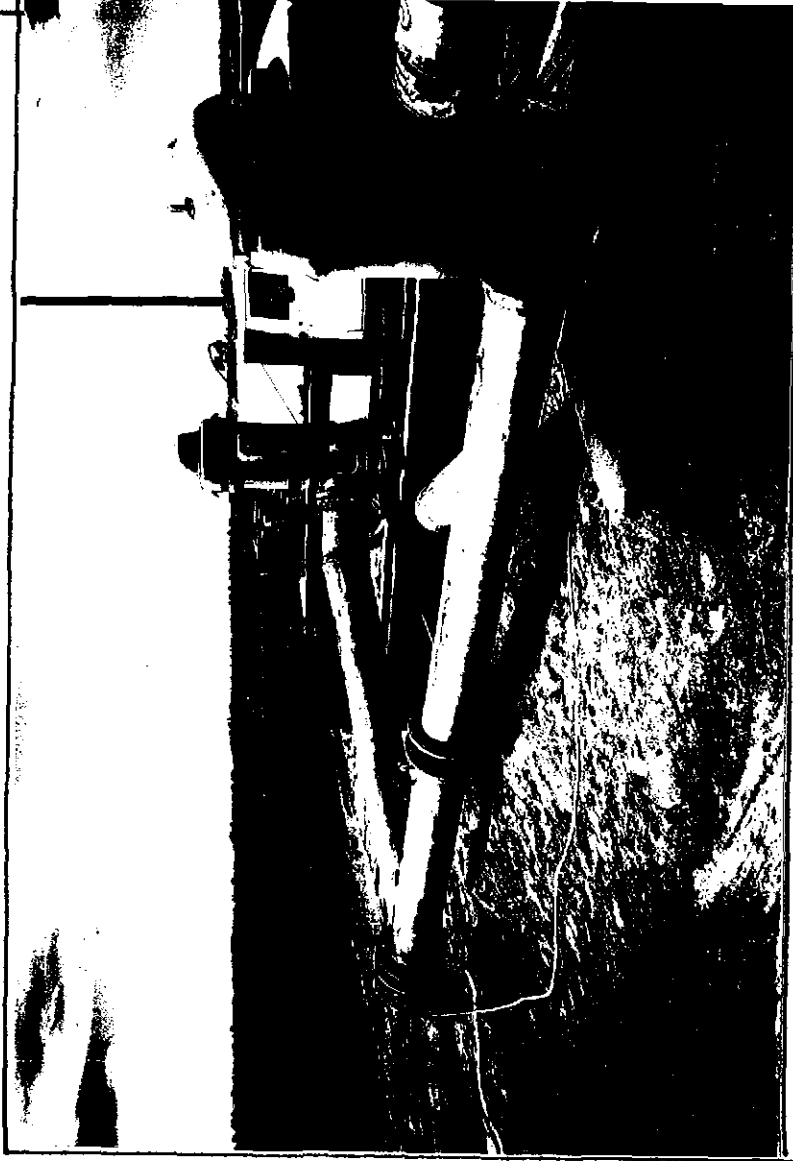
IRRIGATION

15/11

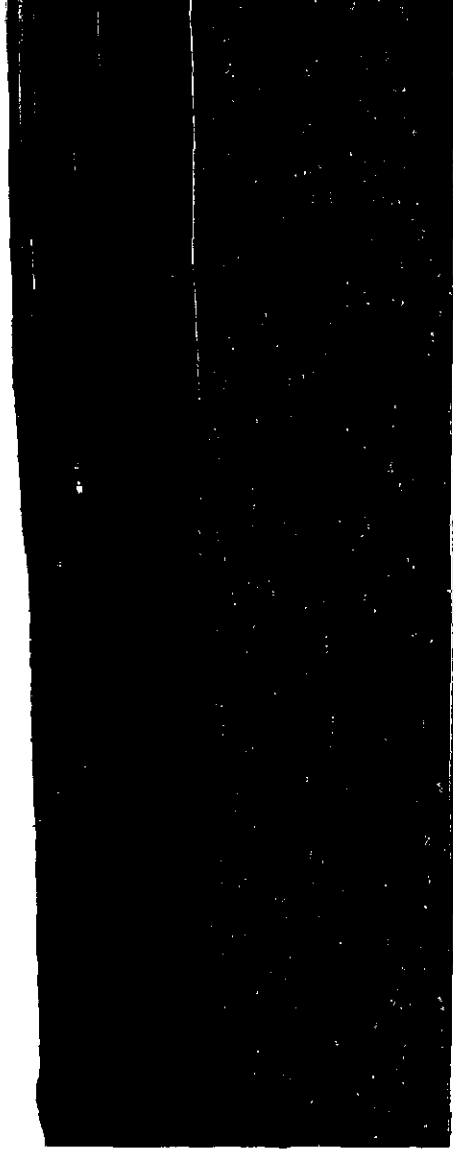
POINT OF
DIVERSION

← BOOSTER
PUMP
100HP

← MAIN
PUMP
200HP



PLACE OF
USE



PERMIT
NUMBER

35-09036

FILED
MAY 20 1967

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 35-09036 Reviewed by Jrf Date 7/28/94

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

 Surface water source
✓ Ground water source
no Drilling permit required?
 Copy in the file? Drilling Permit No.
 Amount paid for permit Correct?
 Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
100.00 Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received
Date proof due -
No. of days late =
Priority Date +
New Priority Date

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address

Proof Made 7/8/94

August 1, 1994

ARTHUR M ADOLF
720 STEVENS
AMERICAN FALLS ID 83211

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-09036

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 EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED
AUG 09 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 20, 1994

ARTHUR M ADOLF
720 STEVENS
AMERICAN FALLS ID 83211

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 35-09036

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', with a long horizontal line extending to the right.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

RECEIVED
AUG 09 1994

MEMORANDUM

DATE: March 2, 1994
TO: File No. 35-09036
FROM: Cindy Zimmerman ^{is} ₃
SUBJECT: Trustwater Review

=====

This application ^{is} ~~proposes~~ to divert 0.80 cfs of trustwater from groundwater to irrigate 40 acres located within NWSE, S21, T07S, R29E. This land has been irrigated since 1975. This application satisfies 42-203A & C requirements.

RECEIVED

AUG 09 1994

Dist. for staffing 8-23-93
Submitted for advertising 8-24-93

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY AWJ DATE 8-24-93 APPLICATION NO. 35-9036
Arthur M. Adoff
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 subdivisions, 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 signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
☐ Overlapping point of diversion
☐ Yes ☒ No Field check required
☐ Yes ☒ No Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Power efficiency form
☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

Date Requested _____

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FEB 17 1994

Department of Water Resources

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

SEND COPIES TO None ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

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

☒ Yes ☒ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 12-6-93
☐ 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 Dist. _____
☒ Yes ☐ No Special conditions of approval or cover letter below. _____

Date of priority recommended 8-13-93 See below for additional information
By HWT Date 1-27-94

STATE OFFICE REVIEW

By _____ Date _____ See below for additional information

ADDITIONAL INFORMATION

This appears eligible for approval under the July 1, 1992 Memorandum
from Ruth Higginson (see enclosed). HWT

Supporting data from ASCS enclosed in file. HWT 2-10-94

LOCAL PUBLIC INTEREST

Comments received from

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other

Project impacts/implications report

COMMENTS

[illegible]



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

MEMORANDUM TO: Staff

FROM : R. Keith Higginson *RKH*

DATE : July 1, 1992

SUBJECT : Snake River Basin Moratorium

As expected, the moratorium on new uses of surface and ground water of the Snake River Basin upstream from the Weiser gaging station has generated several questions concerning intent.

You will recall that the moratorium provided several exceptions:

- domestic uses
- nonconsumptive uses
- drought wells
- drilling permits to replace or deepen

It appears that a number of situations have been identified where applications for permits have been filed to cover presently existing uses of water. I see no reason to hold up the processing and approval of such permits since it will make no difference on the quantity of water that is being withdrawn in the basin during this drought period. If we are not going to consider issuing permits to cover such existing uses then we need to issue cease and desist orders to stop the use. I don't want to take that action where there is an alternative.

Therefore, the purpose of this memo is to advise that it is the intent of the moratorium order issued on May 15, 1992 to hold up the issuance of permits authorizing new or expanded uses of water within the Snake River Basin. The moratorium may be interpreted to allow the continued processing and approval of applications proposing to cover an existing use. Such existing use must predate the start of the Snake River Basin Adjudication in November 1987.

Handwritten: AUG 09 1994

Stamp: AUG 09 1994

Post-It™ brand fax transmittal memo 7671	
To: Skip	From: Cindy
Co. IDWR	Co. IDWR
Dept. Eastern Region	Phone # 327-944
Fax #	Fax #

MEMORANDUM

To: Loren Holmes

From: L. Glen Saxton *mg*

RE: EXCEPTIONS TO THE MAY 15, 1992 SNAKE RIVER BASIN MORATORIUM

Date: March 11, 1993

On July 1, 1992, the Director issued Application Processing Memorandum # 54 which further described some exceptions to the moratorium against the approval of new applications for permit. This memo included the following statement:

"The moratorium may be interpreted to allow the continued processing and approval of applications proposing to cover an existing use. Such existing use must predate the start of the Snake River Basin Adjudication in November 1987."

Applications which appear to qualify for approval under this exception must be documented and supported with more than a mere self-serving comment in the application that the development was preexisting. The three (3) attached applications (36-08632, 36-08673 and 36-08674) need more documentation of pre-November 1987 use than now is in the files.

Please request the applicants to provide us with additional information to support the statements that the development was in place prior to November 1987. Examples of supporting information include pump records, aerial photographs, various receipts, ASCS crop records, etc. Affidavits from parties should be our least acceptable type of supporting information.

AUG 09 1994

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FEB 20 1992

Department of Water Resources
Eastern District Office

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Power)

I, Cecil Weisenburger, being first duly sworn upon my oath, do depose and say:

I

On March 25, 1975, my son, Steven, entered into a lease with Mr. and Mrs. Art Adolf for 40 acres of land owned by Mr. Adolf located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 7 South, Range 29, E.B.M., Power County, Idaho.

II

I observed my son apply water during the 1975 cropping season, and I am aware that water has been applied to that property every since that date, either by myself as lessee, or by sons, who are continuing to lease the property at this time.

III

That when I filed the claim, I estimated the date to be June 1, 1976, when in fact the old lease reflects that the property was first leased as of March 25, 1975 for the 1975 crop year.

DATED THIS 18 day of February, 1992.

Cecil Weisenburger
CECIL WEISENBURGER

SUBSCRIBED AND SWORN TO before me this 18 day of February, 1992.

Marlene Henry
NOTARY PUBLIC FOR IDAHO
Residing at Am. Falls, ID

(seal)

AUG 09 1994

Post-It™ brand fax transmittal memo 7671		* of pages *
To Rita	From Cindy Z.	
Co. IDWR - Eastern	Co. IDWR - S.O.	
Please file with	Phone # 327-7944	
application # 35-09036. Thanks, Cindy		



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

RECEIVED
FEB 9 1994
Department of Water Resources
Eastern District Office

February 1, 1994

Arthur Adolf
720 Stevens
American Falls, ID 83211

Mr. Adolf:

I am currently processing your application 35-09036 (copy enclosed). Before I can forward this application to Boise, I will need some evidence that the ground in question was being irrigated prior to 1987.

I would need the following:

- 1) Pump records
- 2) Dated aerial photographs from ASCS
- 3) ASCS crop records

I already have an affidavit on file from Cecil Weisenburger and the above item or items would solidify that affidavit.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ;lk
enclosure

I hope the enclosed A.S.C. data will help you. As far as the Pump records, you will have to get that from Cecil Weisenburger. My contract with Cecil is a strictly cash-per-acre contract. ~~Nothing~~ Nothing to do with the pumps.

Sincerely

AUG 09 1994

Art. Adolf

my telephone number
is 726-2043 if you need to call.

USDA-ASCS

NOTE: Sect. 1374a, 7 U.S.C., authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

PAGE

OF

REPORT OF AGENCIE

KEY	OPERATOR	FARM NO.	NAME AND ADDRESS	FARM LAND	CROP LAND	OPERATOR	KEY	OTHER INTERESTED PRODUCERS		OTHER FARMS	ASSIGNMENT
								NAME AND ADDRESS	OTHER FARMS		
KEY 1	L	240	ARTHUR ADOLF	1431	1325	NONE	3	LK ADOLF	NONE		AUG 09 1994
		A	RR 1 BOX 165	6 OW	4		AMANDA SHERMAN	NONE			
		00	AM FALLS ID 83211		5		ELFRIEDA VAN ORSDEL	NONE			
					6		Cecil W. Wambunga				
KEY 2	O	240	FRITZ EYMANN	40		NONE	7				
		A	3470 SCENIC DRIVE								
		OW	BOISE ID 83703			OTHER	NCA-681.9				

SECTION I - FARM FIELD REPORT (NOTE: Gray Shaded Area to be Filled in by Reporter ONLY.)

TRACT NO.	FIELD NO.	CROP OR LAND USE	CROP OR LAND USE SUMMARY				KEY	SHARE	DISPOSITION	METHOD	GROSS ACRES	DEDUCTIONS		NET ACRES	INITIAL & DATE	
			Wht	LF	Pot							IDENT./MEAS.	ACRES			
6-6	B	spring spr	40.0				1	75								
		Wht					4	25								
	B2	Dry Fall	120.4				1	75					2	4	93	
		(Dry) Wht					4	25								
	D	↓	30				1	100	Department of Water Resources,							
	A	LF Pot		38.7					Since 1980 and forward this field has been irrigated. It may have been irrigated previous to 1980, but no records are available in our office.							
	C	LF		93.4												
5-6	A	↓		88.0					P.S. "Pot" is potatoes							
				27.0												
	A1	Pot		36.0			1									
7-5	A	Fall	126.4				1	100								
		Wht-Dry					1	75								
	B	↓	78.8				4	25								
				56.4	74.7											
			681.9	605.4	350											
TOTAL OPERATOR REPORT																
TOTAL REPORTER'S REPORT																

SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. Further, my signature constitutes authority for ASCS personnel to enter my farm for making any program determinations.

OPERATOR'S SIGNATURE

DATE

OPERATOR'S SIGNATURE

DATE

40 ac spring spr. Wht, 641.9 Dry Fall Wht

WM=13

X Arthur Adolf

5-14-80

NYN-133-421

5-6

R23E

910
1816

389

360

358

1908

A-17
FRANCIS
CALLEY

1961

11-11-17

Farm #240

387

355

4242

1915

289

2012

1011

651

091994

197

1918

158.0

1929

ITS

22

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NOV 30 1993

Affidavit of Publication

State of Idaho

County of Power

Erna Crompton being first duly sworn on oath, states:

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

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 17 day of Nov. 1993 and the date of the last publication being the 24 day of Nov 1993.

Signed

State of Idaho

County of Power

On this 26 day of November in the year of 1993, before me, a Notary Public, personally appeared Erna Crompton, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Brett Crompton

Notary Public for Idaho
Residing at American Falls, Idaho
My commission expires: June 8, 1999

Application for trust
water right

Published in The Power County Press,
Nov 17, 24, 1993.

NOTICE OF APPLICATION
FOR TRUST WATER RIGHT
NO. 35-09036

ADOLF, ARTHUR M.
720 STEVENS
-AMERICAN FALLS, ID 83211
-Source: GROUNDWATER
-Diversion Pt: NENW Sec 21 T 07S R
29E in POWER County.
NWNW Sec 21 T 07S R 29E in POWER
County.
-Use: IRRIGATION (.800 CFS)
-Total Diversion: (.800 CFS)
-Date Filed: 8/13/1993
-In: POWER COUNTY
-T07S R29E S21 NWSE
-40.0 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 DECEMBER 6, 1993.
-R. Keith Higginson, Director

AUG 09 1994

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NOV 30 1993

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
900 N Skyline

Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 15, 1993

THE POWER COUNTY PRESS
P.O. BOX 547
AMERICAN FALLS, ID 83211

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before DECEMBER 6, 1993.

Yours truly,

Rita Bodell
Secretary

Encl.

AUG 09 1994

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

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AUG 09 1994

35-09036

ADOLF, ARTHUR M
720 STEVENS
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: NENW Sec 21 T 07S R 29E in POWER County.
 NWNW Sec 21 T 07S R 29E in POWER County.

Use: IRRIGATION (.800 CFS)
 Total Diversion: (.800 CFS)

Date Filed: 8/13/1993

In: POWER County
 T07S R29E S21 NWSE

40.0 ACRES TOTAL

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AUG 19 1994

AUG 09 1994

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 DECEMBER 6, 1993.

R. Keith Higginson, Director

Published: 11/17/1993 & 11/24/1993

AUG 09 1994