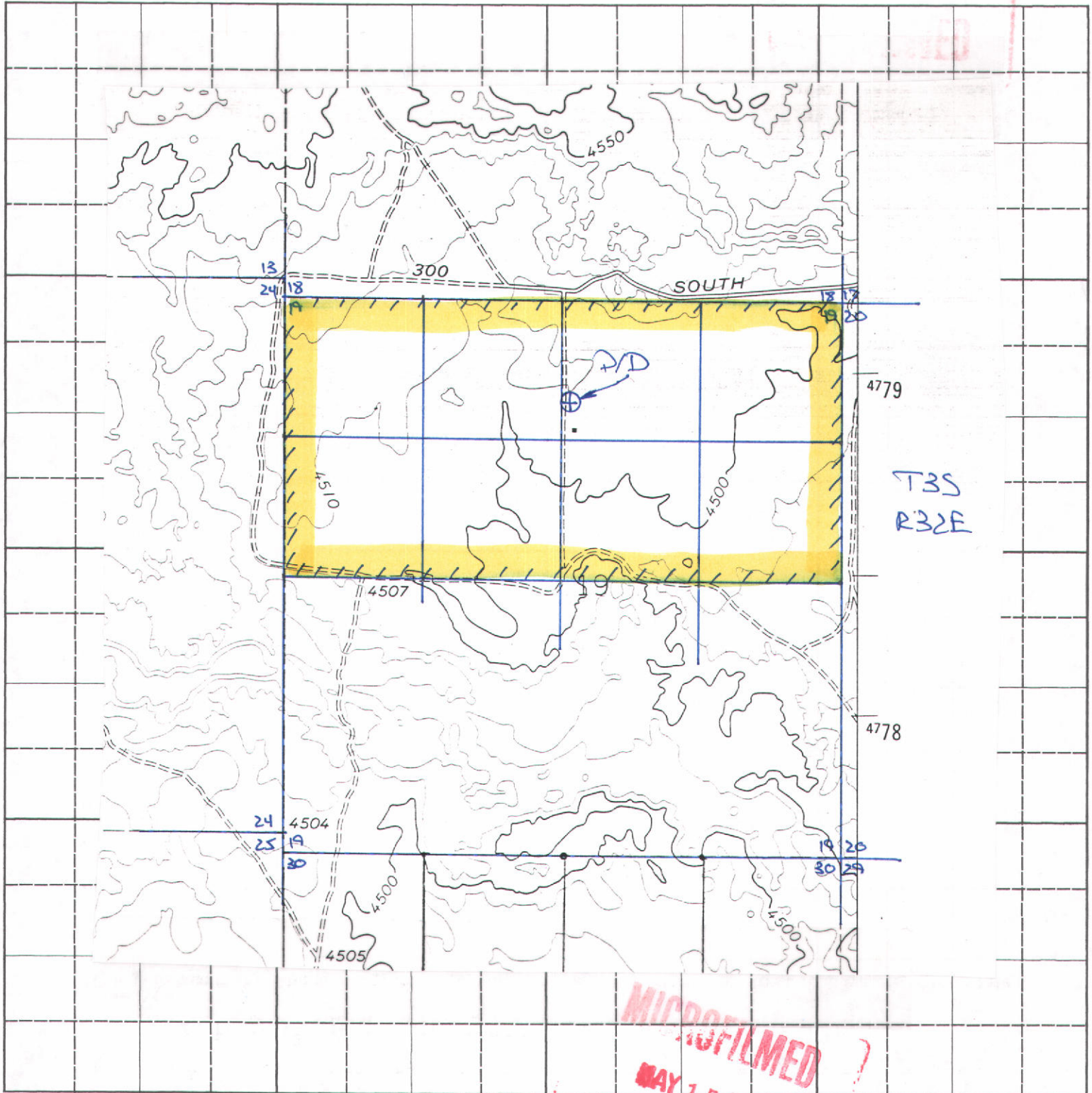


35-8972

May 12 1992

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

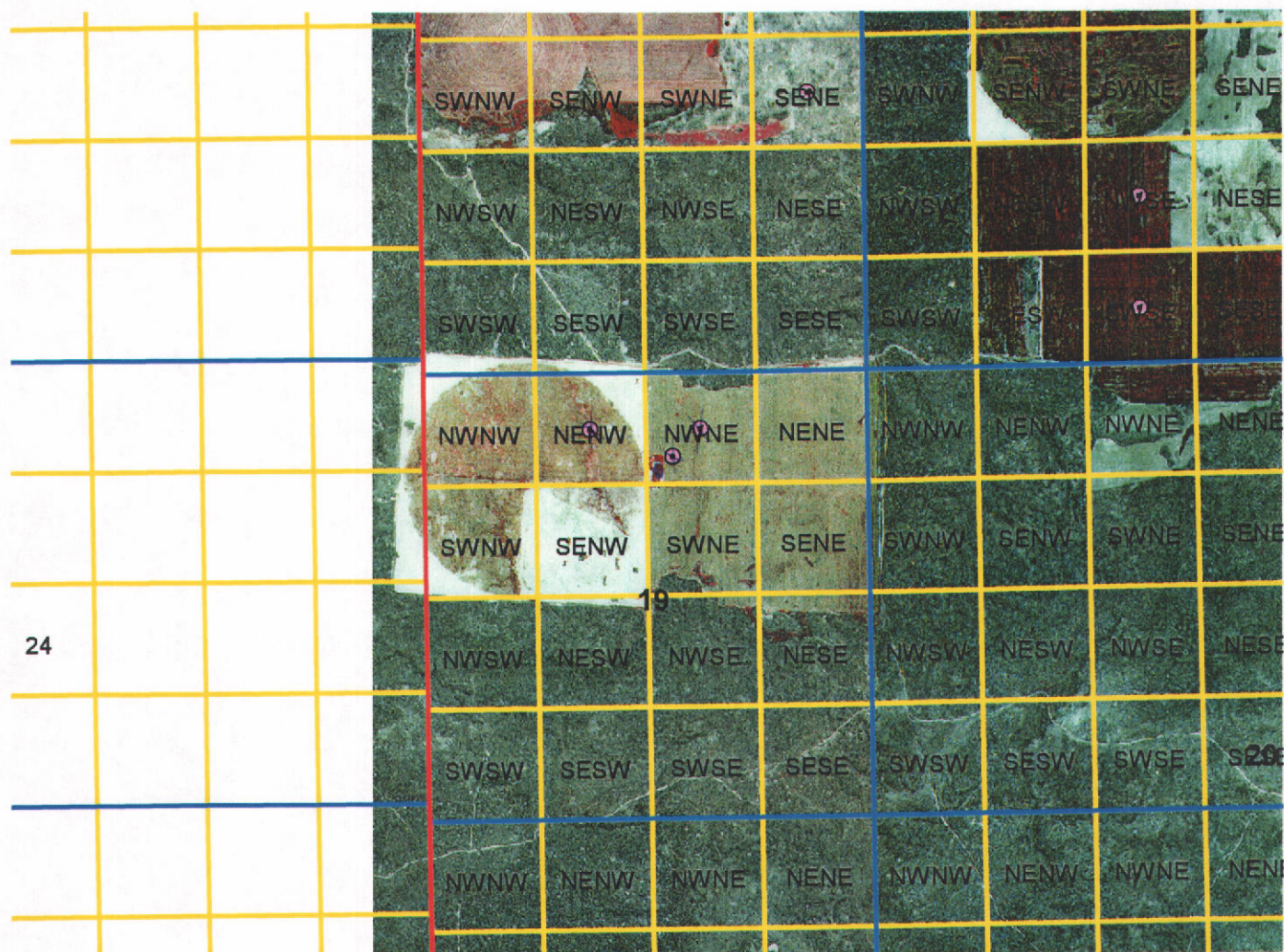


Scale: 2 inches equal 1 mile.

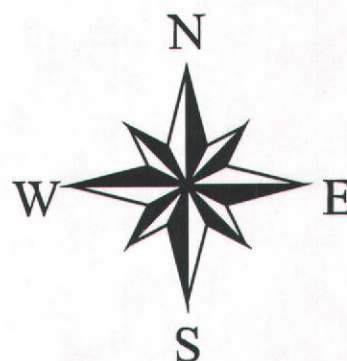
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Jerry Elliott
Partner (Applicant)

1987 NAPP Photography Permit 35-8972



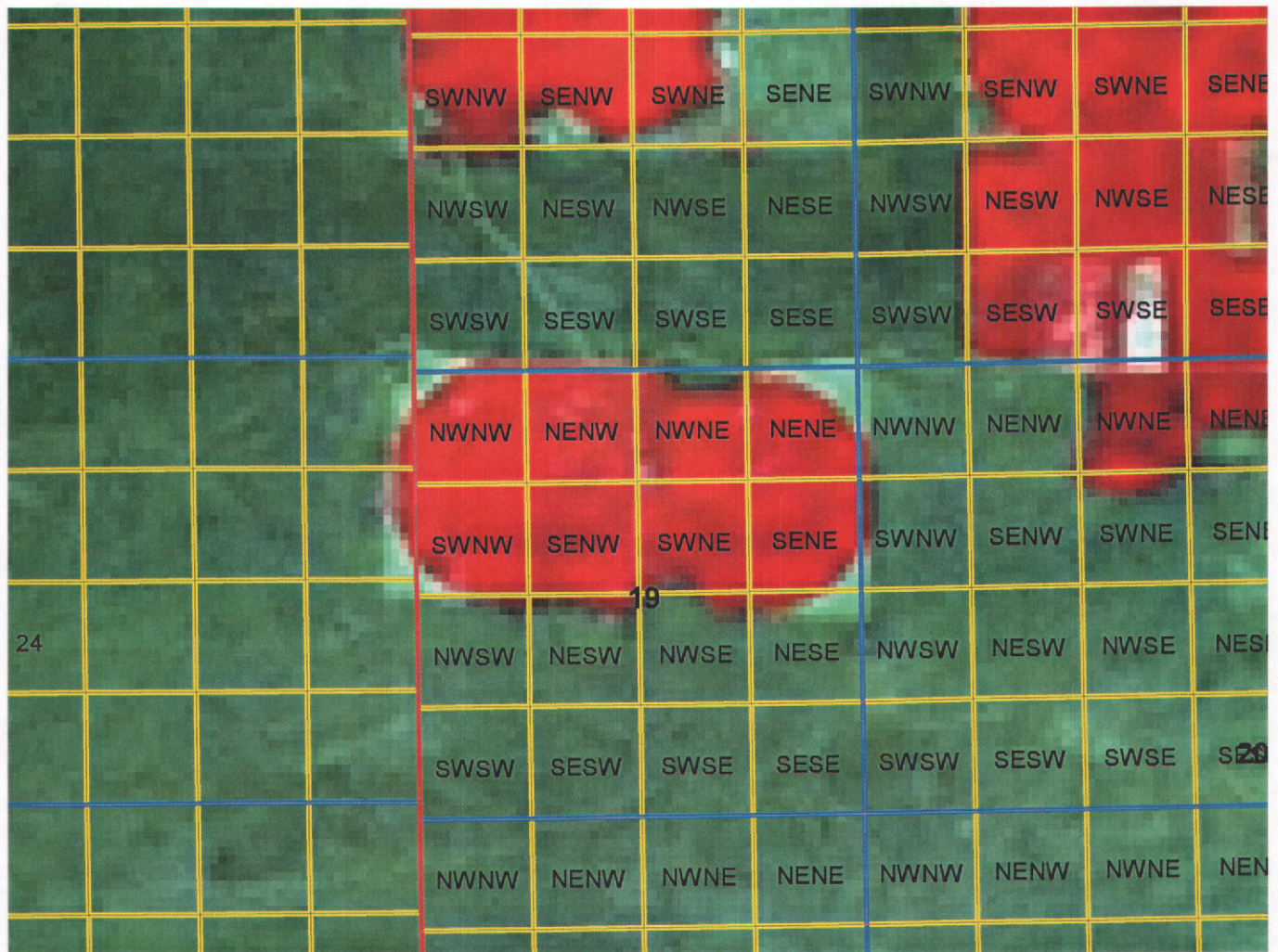
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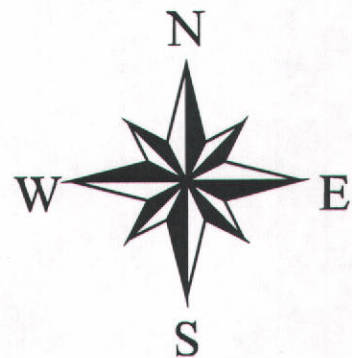
MICROFILMED
FEB 04 2002

1997/1998 Satellite Imagery

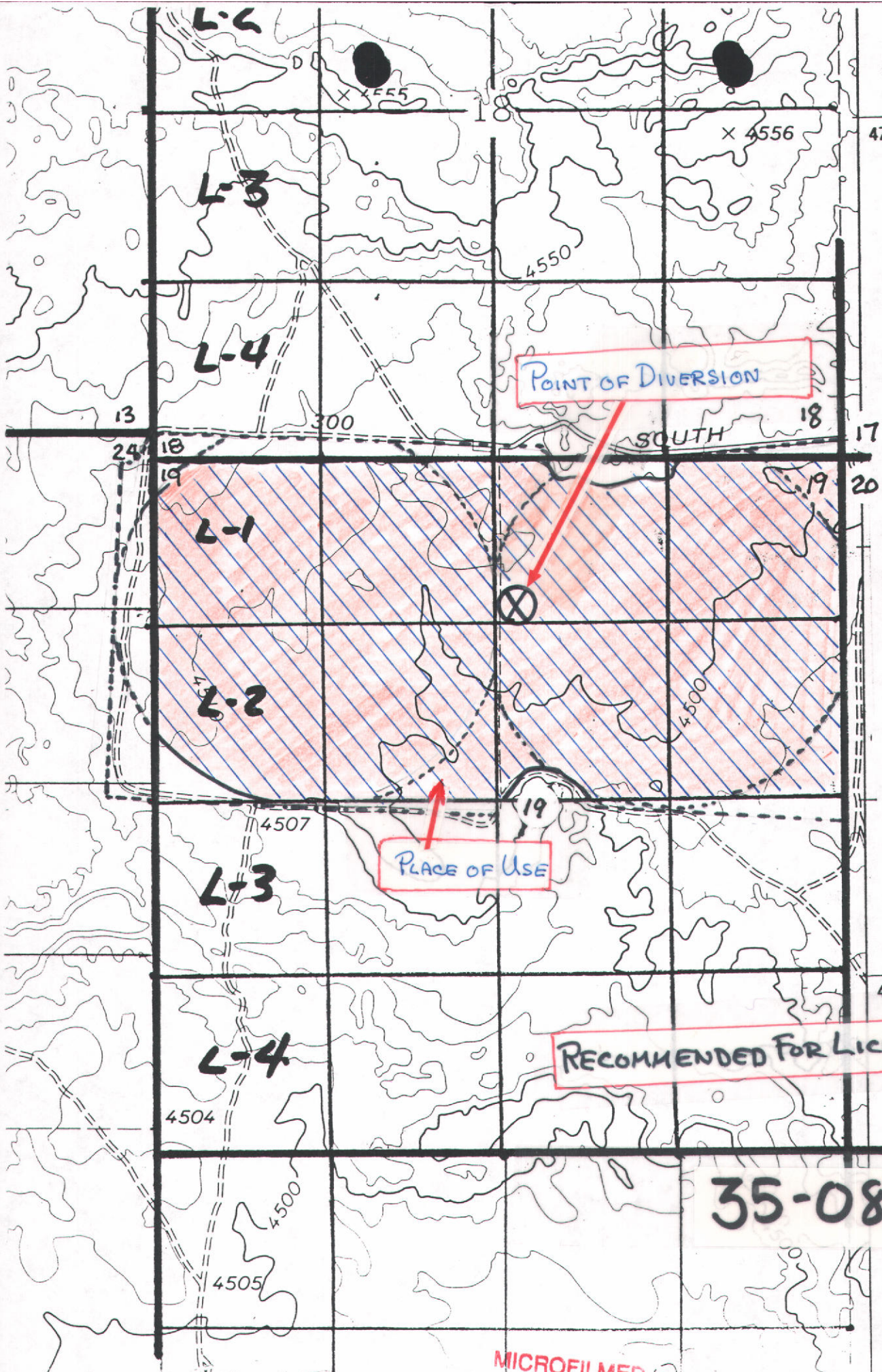
Permit 35-8972



0.5 0 0.5 1 Miles



MICROFILMED
FEB 04 2002



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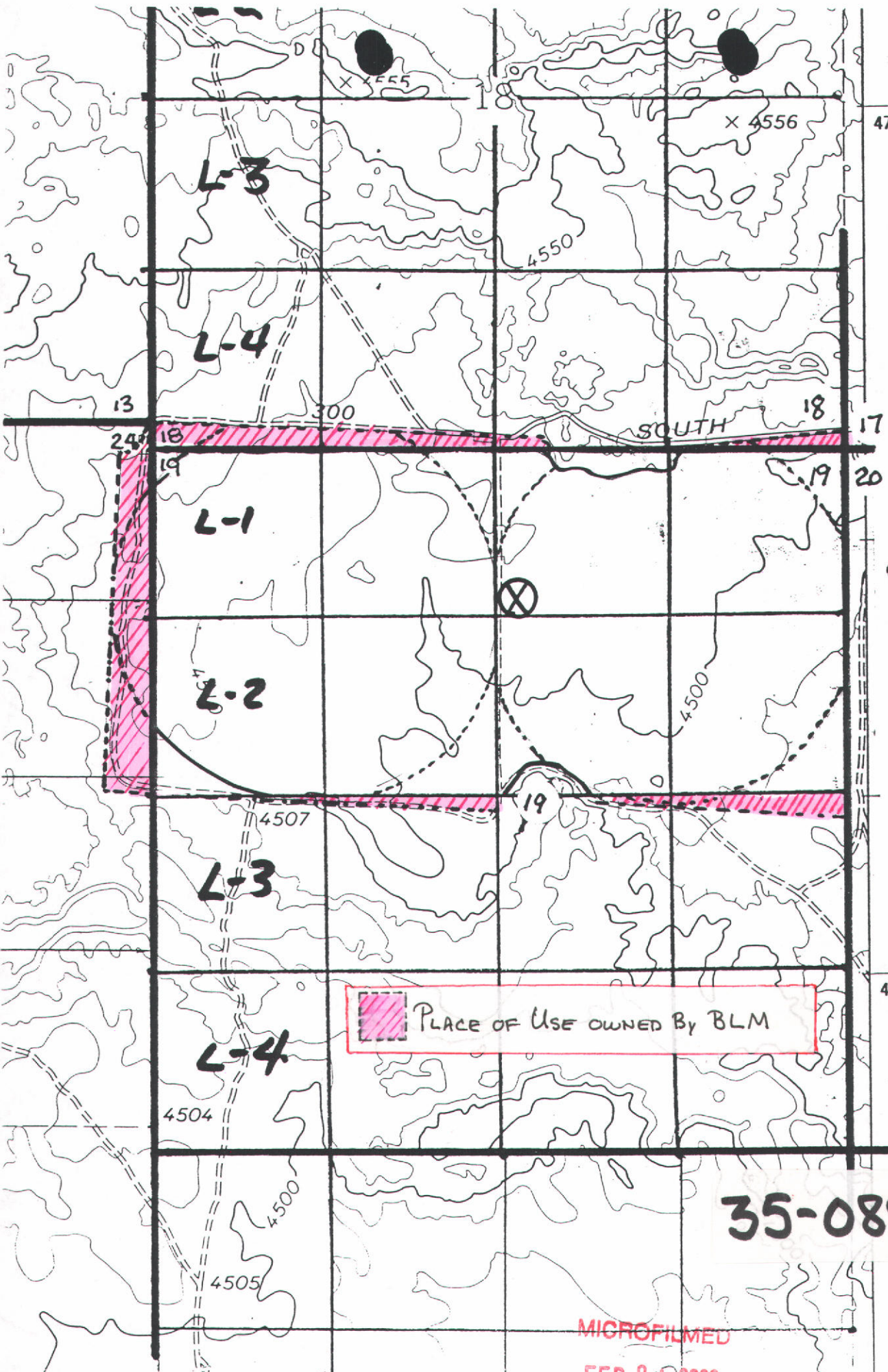
POINT OF DIVERSION

PLACE OF USE

RECOMMENDED FOR LICENSING

35-08972

MICROFILMED
FEB 04 2002



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 PLACE OF USE OWNED BY BLM

35-08972

MICROFILMED
FEB 04 2002

R31E

R32E

T3S

R32E

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pd
SG NE NW

PLACE OF USE

POINT OF DIVERSION

A35-11081

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40.38			

MICROFILMED
FEB 04 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-08972

Priority: December 23, 1991

Maximum Diversion Rate: 0.96 CFS
Maximum Diversion Volume: 406.8 AF

It is hereby certified that **FLDDBROOK FARMS PARTNERSHIP**
2220 W 200 S
PINGREE ID 83262 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated December 23, 1991; and has
submitted Proof of Beneficial Use on March 30, 1993. An examination indicates that the works have a
diversion capacity of 4.6 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	0.96 CFS	406.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19, Twp 03S, Rge 32E, 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	
03S 32E 19	40.0	35.0	37.0	40.0	40.0	39.0	36.0	40.0									307.0
						L1	L2										

Total Acres: 307

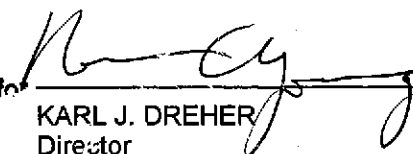
CONDITIONS OF APPROVAL

1. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2. 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.
3. Rights 35-2262 and 35-8972 when combined shall not exceed a total annual maximum diversion volume of 1228.0 af at the field headgate, and the irrigation of 307 acres.
4. Right 35-2262 is also diverted through the point of diversion described above.

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

Signed and sealed this 18 day of FEBRUARY, 2002.

MICROFILMED
FEB 04 2002

Acting for 
KARL J. DREHER
Director

07/94

RECEIVED

JUL 22 1998

Department of Water Resources

State of Idaho
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$25.00 Filing Fee
Receipt # E024113
Date 3/13/98

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Fieldbrook Farms, hereby assign to Farms LLC c/o Brad Hall
(Permit Holder)
of 2840 Sunnysbrook Ln., Idaho Falls ID 83404
(Full Address and Phone Number)

All my right, title, and interest in and to Permit No. 35-08972
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 16 day of July, 1998

Jerry Echatt
Permit Holder(s)

State of Idaho)

County of Bingham ss

On this 13 day of July, 1998, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

Cheryl Williams
Notary Public

SEAL

Cheryl Williams
Signature

My commission expires: 3/24/04

JUL 22 1998

JUL 31 1998

240113

5-13-98-SC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

I, BRAO H HALL, hereby assign to FARMS LLC
of, 2840 SUNNY BROOK LANE IDAHO FALLS, IDA 208-524-2532
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 35-08972 to appropriate the public waters of the State of Idaho.

Of (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.)

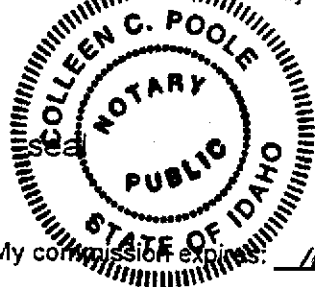
Made this 13 day of MAY, 19 98.

Farms LLC / Brao Hall
Permit Holder

State of Idaho)

County of Bonneville) ss

On this 13th day of May, 19 98, personally appeared before me the signer(s) of the above instrument who duly acknowledged to me that he (she) (they) executed the same.



Colleen C. Poole

Notary Public residing at

Meran, Idaho

My commission expires 10/12/2000

JUL 31 1998

RECEIVED

Form 217

11/91

MAR 30 1993

Department of Water Resources
Eastern District Office

RECEIVED

APR - 2 1993

OFFICE USE ONLY
Amt. of Fee \$ 150 ^{OK}
Date 3-30-93
Receipt No. E018399
Receipt by KW

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. 35-8972 Telephone No. 684-4668
2. Name(s) of Permit Holder(s): FIELDBROOK FARMS PARTNERSHIP
3. Mailing Address: 2220 W 200 S PINGREE ID 83262
4. Source of Water: Groundwater

If **GROUNDWATER**, Well Driller's Name: Unknown Date Drilled: 1952

OPTIONAL:

Pump horsepower: 200 Pressure (psi): 70 Dynamic pumping level (ft.): 120'

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

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

Irrigation 320 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 2.76 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: \$ 150⁰⁰ (See License Fee Schedule on back of Instruction Sheet)

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

Name Jerry Elliott Telephone No. 684-4668 / 357-5088

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.

RECEIVED

3/30/93
Date

Jerry Elliott
Signature (and title, if on behalf of a company or organization)

MAY 25 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08972

Proposed Priority: December 23, 1991 Maximum Diversion Rate: 2.76 CFS
This is to certify, that **FIELDBROOK FARMS PARTNERSHIP**

2349 W 300 S

PINGREE ID 83262

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	2.76 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 19, Township 03S, Range 32E
BINGHAM 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>
03S	32E	19	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40		320

Total number of acres irrigated: 320

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 3, 1993**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. The Director retains jurisdiction of the right and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

17 day of April, 1993

for

R. Keith Higginson
R. Keith Higginson, Director

MICROFILMED

MAY 15 1992

\$85.00

Form 202
6/85

35 8972

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant FIELDBROOK FARMS, PARTNERSHIP Phone 684-4668
Post office address 2349 W. 300 S. ANGREE
2. Source of water supply GROUNDWATER which is a tributary of NA
3. Location of point of diversion is _____ 1/4 of NW 1/4 of NE 1/4, Govt. Lot _____
Sec. 19 Township 3S Range 32E B.M. BIGHAM County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 2.76 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) 2.76 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well & pump to SPRINKLER
SYSTEM FOR IRRIGATION
- b. 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. ~~Proposed~~ ^{EXISTING} well diameter is 14" inches; ~~proposed~~ ^{EXISTING} depth of well is 120' feet.
- d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water for proposed beneficial use is
1 years (minimum 1 year).

MICROFILMED

MAY 15 1992

CONFIDENTIAL

applicant to make this filing.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

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

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

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

Total number of acres to be irrigated

820

[illegible]

ponding place of use below. See instructions for standard symbols.

b. If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding column.

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

9. Description of place of use:

e. Other; describe fully.

d. Domestic; show number of households.

c. Municipal; show name of municipality.

b. Stockwatering; list number and kind of livestock.

a. Hydropower; show total feet of head and proposed capacity in kW.

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

ACTION REQUIRED

FROM: H.W.S.

TO: Feldbrade Farms applic.

Panturus are;

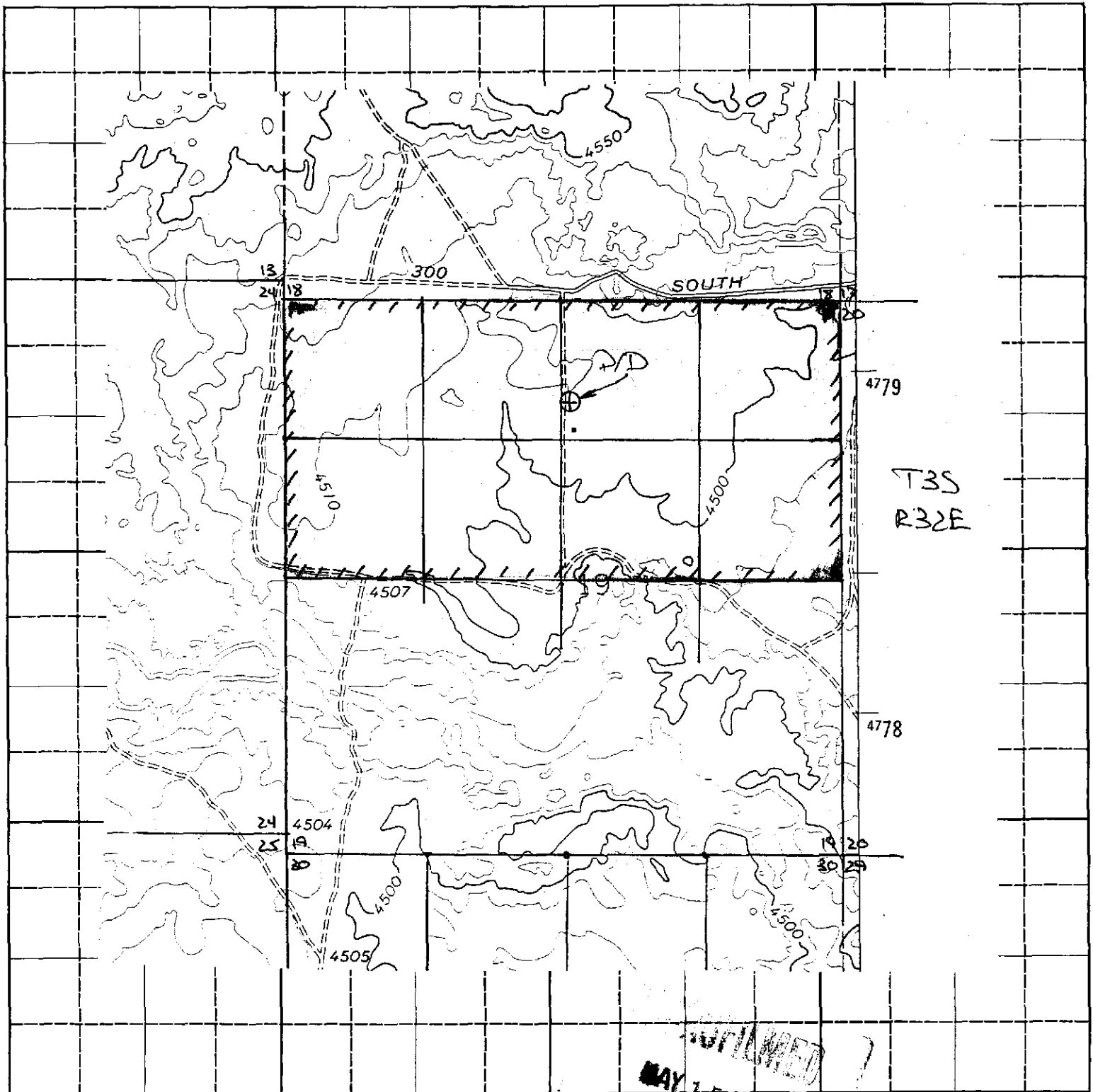
Jerry Elliot (Cms)
Jay Smith
John E. Noster

12-26-91

MICROFILMED
MAY 15 1992

35-8972

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.

Jerry Ethell
Partner
(Applicant)

ED

MAY 15 1992

e. Other:

- 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.
- 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.

19

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

Idaho No. _____, and said application is hereby _____

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by ESU Date 12-23-91 Time _____ Preliminary check by BMW

Fee \$ 85.00 Received by _____ Date 12-23-91 # MA003565

Publication prepared by KB Date 2-6-92 Published in Morning News

Publication approved KB Date 2-21-92

REQUEST FOR WITHDRAWAL OF CLAIM

Name of Claimant: FLEUBROOK FARIAS
(Please Print)

Mailing Address: 2349 W 300 S, PIDGEE, ID. 83262

Amount: \$ 300⁰⁰ Receipt No.: 11003565

County of Water Right: BINGHAM

Claim No(s): A35-11070, 11071, 11072, 11079, 11080 AND A35-11081

I wish to withdraw the Notice(s) of Claim to a Water Right which number(s) appear above and for which I previously paid a filing fee to the Idaho Department of Water Resources. I do ☒ /do not request a refund of the filing fee. If a refund is requested I have attached an explanation of the justification for granting a refund.

Jerry Ellett 12 23 91
(Signature of Claimant) (Date)

TITLE: Partner
(Signature of Claimant) (Date)

(Signature of Claimant) (Date)

Return to:

Idaho Department of Water Resources
Adjudication Section

For IDWR Use

	Initials	Date
Approval Region	_____	_____
Approval State Office	_____	_____
Data Entry	_____	_____
Claim File	_____	_____

(over)

MICROFILMED
MAY 15 1992

WHEN WE FILED THESE CLAIMS IN 1989, WE HAD NO EXPERIENCE
WHY THE WELLS SAKE WE HAD JUST PURCHASED THE FARM THAT
SPRING. SINCE WE DIDN'T KNOW THE CAPACITIES OF EACH WELL
UNDER LICENSES 35-2344, 35-02361, 35-2329, 35-02332, 35-02229
AND 35-02262 WE FILED ADDITIONAL CLAIMS FOR ADDITIONAL
WATER ABOVE THE LICENSED DIVERSION RATES SO THE TOTAL
DIVERSION FOR EACH LICENSE WOULD EQUAL 1 MILLION GALLONS PER ANNU.

WE HAVE SINCE FOUND THAT 3 OF THE WELLS ARE STILL PRODUCING
JUST THE LICENSED DIVERSION RATE. 3 OF THEM ARE PRODUCING
MORE. FOR THE 3 PRODUCING ABOVE THEIR LICENSED RATE, IT
APPEARS FROM OUR RESEARCH THAT ANY CHANGES THAT WERE MADE
TO THE SYSTEMS TO INCREASE CAPACITY OCCURRED IN THE 1970'S.

RATHER THAN RELY ON THE BENEFICIAL USE CLAIMS TO COVER THE
ADDITIONAL DIVERSION RATES, WE HAVE CHOSEN TO WITHDRAW THE
CLAIMS AND FILE APPLICATIONS FOR PERMITS. SINCE THE OTHER
3 WELLS ARE NOT PRODUCING MORE THAN THEIR LICENSED RATE,
WE WILL WITHDRAW THESE CLAIMS ALSO.

WE REQUEST THAT THE FILING FEE PAID ON THESE 6 CLAIMS,
(\$300⁰⁰) BE REFUNDED BACK TO US SINCE THEY WERE FILED
IN ERROR. WE ASK THAT \$215.00 OF THIS AMOUNT BE TRANSFERRED
TO PAY FOR 3 NEW APPLICATIONS FOR PERMIT THAT WE HAVE
FILED @ THE EASTERN OFFICE. THE BALANCE, RETURN TO US.

Jerry Elliott
SIGNED

MICROFILMED

MAY 15 1992

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

27-07551

MORRIS, Kim
MORRIS, Michelle
584 East, 400 North
Firth, Idaho 83236

Source: GROUNDWATER
Diversión Pt: LOT 2 (SWNW) Sec. 7, T.
02S, R. 37E, in BINGHAM County.
Use: IRRIGATION (1.860 CFS)
Total Diversión: (1.860 CFS)
Date Filed: 1/23/1992
In: BINGHAM County
T02S, R37E, S07, NENW, Lot 1
(NWNW), Lot 2 (SWNW), SENW.
93.0 ACRES TOTAL

27-07552

HALL, Lee
1493 W. 800 S.
Pingree, Id. 83262
Source: GROUNDWATER
Diversión Pt: SWSE, Sec. 9, T. 04S, R.
33E, in BINGHAM County.
Use: IRRIGATION (.340 CFS)
Total Diversión: (.340 CFS)
Date Filed: 1/23/1992
In: BINGHAM County
T04S, R33E, S09, SWSE
17.0 ACRES TOTAL

35-08972

FIELDBROOK FARMS PARTNERSHIP
2349 W. 300 S.
Pingree, Id. 83262
Source: GROUNDWATER
Diversión Pt: NWNE, Sec. 19, T. 03S,
R. 32E, in BINGHAM County.
Use: IRRIGATION (2.760 CFS)
Total Diversión: (2.760 CFS)
Date Filed: 12/23/1991
In: BINGHAM County, T03S, R32E,
S19, NENE, NWNE, SWNE, SENE,
NENW, NWNW, SWNW, SENW.
320.0 ACRES TOTAL

35-08974

FIELDBROOK FARMS PARTNERSHIP
2349 W. 300 S.
Pingree, Idaho 83262
Source: GROUNDWATER
Diversión Pt: NENE, Sec. 17, T. 03S, R.
32E, in BINGHAM County.
Use: IRRIGATION (1.800 CFS)
Total Diversión: (1.800 CFS)
Date Filed: 12/23/1991
In: BINGHAM County, T03S, R32E,
S17, NENE, NWNE, SWNE, SENE,
NENW, SENW.
240.0 ACRES TOTAL

35-08975

MECHAM BROTHERS
c/o Dale Mecham
408 South 1300 West
Pingree, Idaho 83262
Source: GROUNDWATER
Diversión Pt: NWSE, Sec. 26, T. 03S, R.
33E, in BINGHAM County.
Use: IRRIGATION (3.840 CFS)
Total Diversión: (3.840 CFS).
Date Filed: 1/22/1992.
In: BINGHAM County, T03S, R33E,
S25, NWSW, S26, SENE, NESE, NWSE,
SWSE, SESE.
192.0 ACRES TOTAL

35-08978

RICHARDS, Randy Gary
510 N. 400 W.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversión Pt: SESE, Sec. 5, T. 02S, R.
35E, in BINGHAM County.
Use: IRRIGATION (.030 CFS)
DOMESTIC (.040 CFS)
Total Diversión: (.070 CFS)
Date Filed: 1/22/1992
In: BINGHAM County, T02S, R35E,
S05, SESE
1.0 ACRES TOTAL

The permit(s) will be subject to all prior
water rights. Protests must be filed with
the Director, Dept. of Water Resources,
Eastern Region, 150 Shoup Avenue,
Suite 15, Idaho Falls, Idaho, 83402, on or
before FEBRUARY 24, 1992.

R. KEITH HIGGINSON
Director

(1374)
Pub.: 2/6, 13

Legals

**AFFIDAVIT OF
PUBLICATION**

County of Bingham)

State of Idaho)

I, Kaye Dayton do
solemnly

swear that I am the Publisher of
The Morning News, which is a daily news-
paper 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, ap-
proved March 11, 1911, and duly desig-
nated, pursuant to law, a particular day
of the week as the day on which legal no-
tices 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 at-
tached hereto and which is a part of this
affidavit and part of the proof of publi-
cation was published in said issue of said
newspaper 2 consecutive weeks
the first publication having been made on
the 6th day of February,
1992 and the last publication having
been made on the 13th day of
February, 1992; 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 pub-
lished in the newspaper and not in a sup-
plement.

On this 6th day of February, in
the year 1992, before me a Notary
Public of said State, personally appeared
Kaye Dayton

known or identified to me to be the per-
son whose name is subscribed to the with-
in instrument, and being by me first duly
sworn, declared that the statements
therein are true, and acknowledged to
me that he executed the same.

Dorcas A. Johnson

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:
October 10, 1994

Affidavit Processing Fee. \$5.00

MAY 15 1992

MEMORANDUM

DATE: February 26, 2002
TO: File 35-08972
FROM: KARI LYNN TOWNSEND
RE: Phone Conversation

I received a telephone call from Sharla Cox at Eastern Region today inquiring about the current owner of this file. The license had recently been issued in the name of Fieldbrook Farms Partnership however, the current owner of the land is Farms LLC as indicated on the Assignment of Permit that was received on July 22, 1998.

Review of the file indicates that the 1998 database may have had a draft license in place prior to the receipt of the processing of the assignment which apparently overrode the assignment processing.

A correction to the database has been accomplished and a proof report has been sent to Farms LLC with a copy to Eastern Region.

MICROFILMED

MAR 27 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 27, 2002

FARMS LLC
C/O BRAD HALL
2840 SUNNYBROOK LN
IDAHO FALLS ID 83404

RE: Change of Ownership for Water Right 35-8972

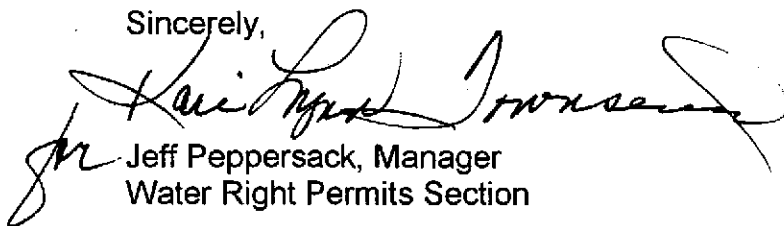
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeff Peppersack', is written over a printed name and title. The signature is fluid and cursive.

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

cc: Sharla Cox, Eastern Region office

MICROFILMED

MAR 27 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 4, 2002

FLDDBROOK FARMS PARTNERSHIP
2220 W 200 S
PINGREE ID 83262

RE: License No. 35-8972 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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

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,

Shelley W. Keen

Water Rights Supervisor

SWK:kit

Enclosure(s)

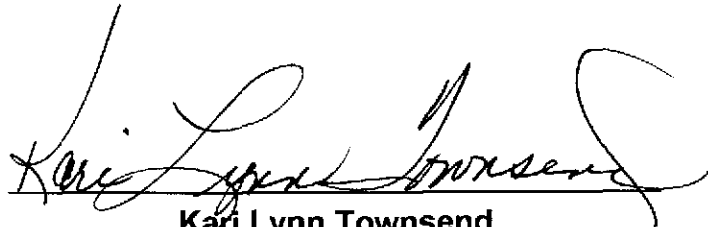
MICROFILMED
FEB 04 2002

CERTIFICATE OF MAILING

I hereby certify that on February 4, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 35-8972

FLDDBROOK FARMS PARTNERSHIP
2220 W 200 S
PINGREE ID 83262



Kari Lynn Townsend
Secretary

MICROFILMED
FEB 04 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

TO: File 35-8972

From: Sharla

Date: January 25, 2002

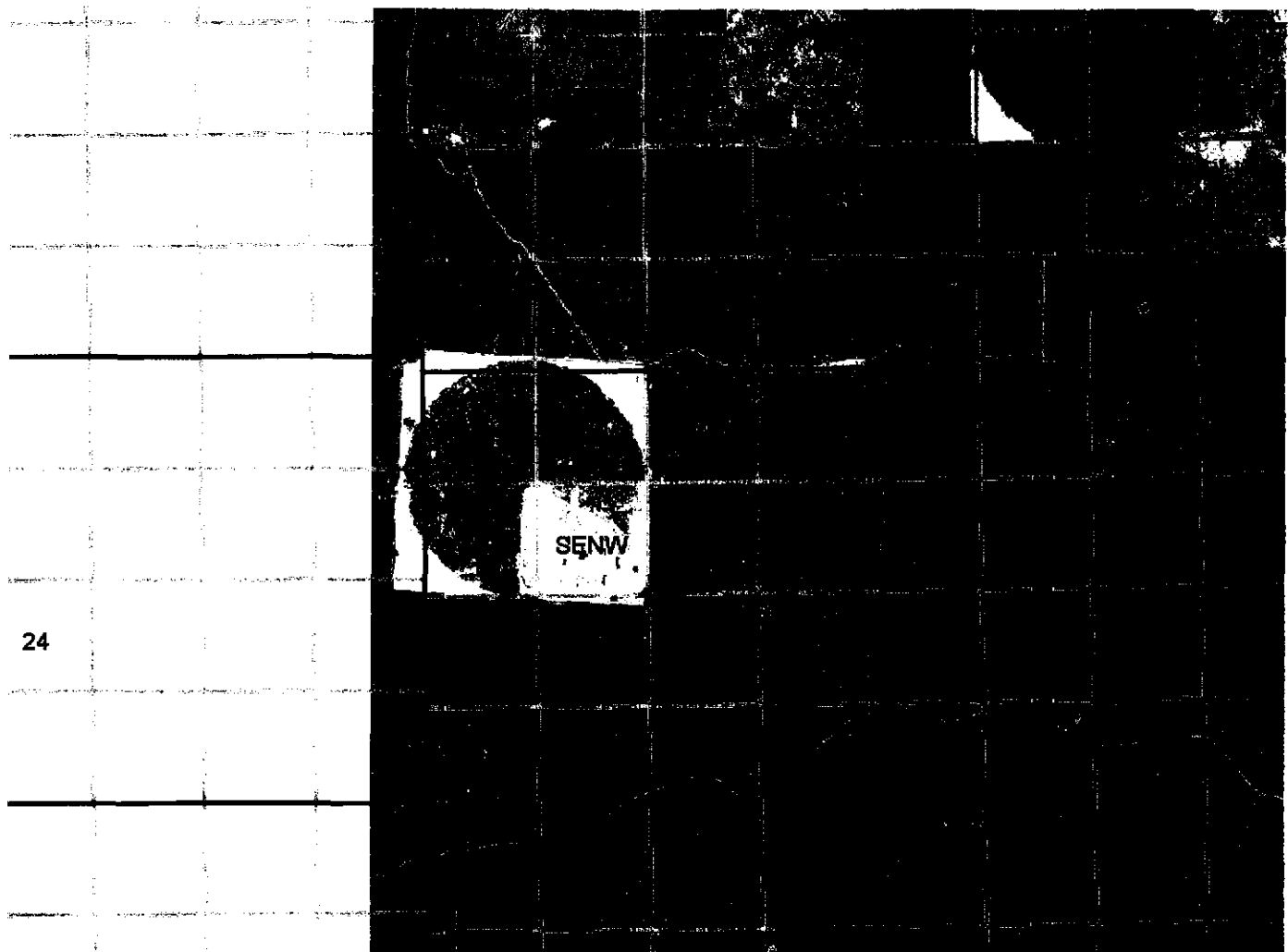
Re: Licensing Recommendations

The diversion and delivery system operated under this right is the same system used under license 35-2262. The examiner found the system capacity to be 4.60 cfs. The license for 35-8972 will contain the same acres as the previous right and will pick up the remaining 0.96 cfs.

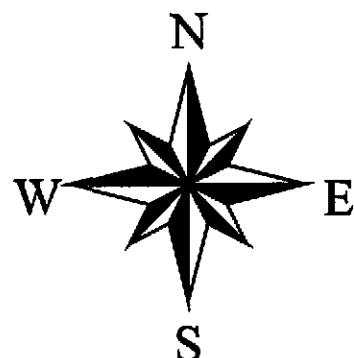
MICROFILMED

FEB 04 2002

1987 NAPP Photography Permit 35-8972



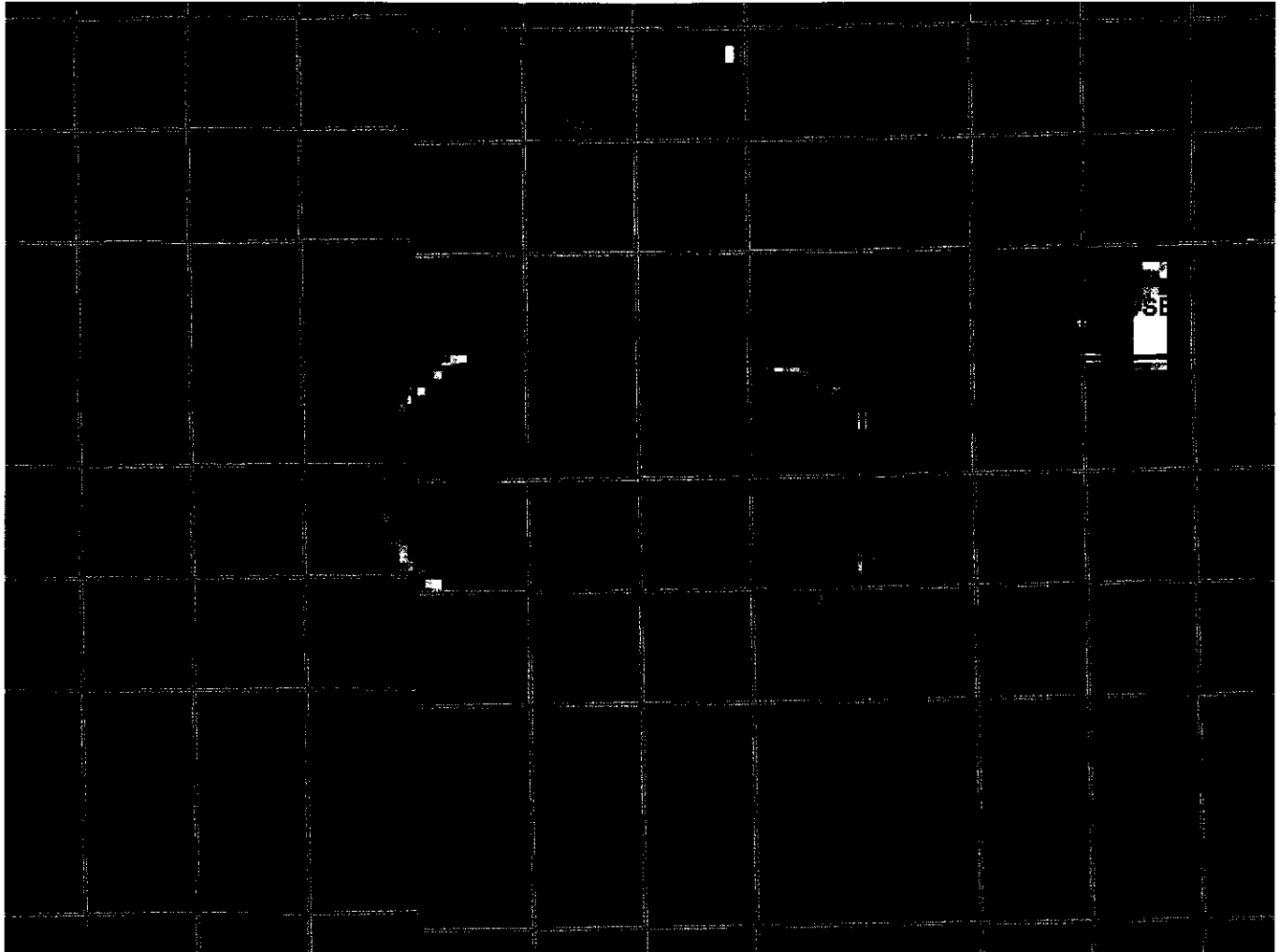
0.5 0 0.5 1 Miles



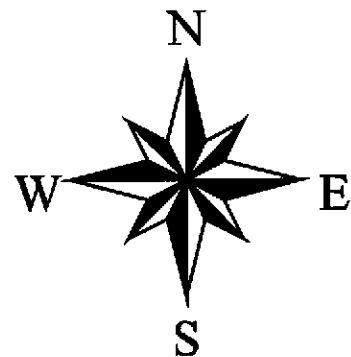
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FEB 04 2002

1997/1998 Satellite Imagery

Permit 35-8972



0.5 0 0.5 1 Miles

A horizontal scale bar with alternating black and white segments, corresponding to the 0.5-mile intervals marked above it.

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FEB 04 2002

LICENSE REVIEW CHECKLIST

Reviewed by Sharla Curtis on

Permit No. 35-8972

BU Fee Pd 5

Name/Address: ☒ OK ☐ CHANGE

Govt Lots n/a plat copy attached

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

GROUNDWATER: (✓Flow Chart)

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M (if on permit)
NA

LOCATION:

Trust - R55 (consumptive uses)
Non-Trust - 048

PD Change - P39/P47 - feds(P40)
PD Add - P45/P42

PU Change - P41/P47 - feds(P43)
PU Add - P41/P42

PD & PU Change - P37 - feds(P48)

USES:

~~STORAGE~~ - 18A-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 106
FISH PROP - 029(70'S only)-042-106
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

Use Change/Add - P46

ADVANCE PRIORITY? Yes ☒ No

MISC CONDITIONS/REMARKS:

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - C/tire shop
Non-consumptive - 027
Water Quality - 106-R07
Mitigation - 121 (if on permit)
PPU acre limit - W27

CHECK NEW IRR SEASON MAP

449618 264129

4/1-10/31

OTHER CONDITIONS/REMARKS/COMMENTS

SRBA Claim Filed Yes ☒ No

AMENDMENTS REQUIRED Yes No
Adjustment Memo Needed Yes No

SURFACE WATER: (✓Flow Chart)

In/Above MSF - WB9
WD - R04 (WD#)
≤ 0.20 cfs/others - R02- 01P or No MD
> 0.20 cfs - R43

SPRINGS/SINK, INACTIVE WD & REST OF STATE

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

RIVER BASINS: (SW special considerations)

Snake R (01) - W22, N/A
(02,03) - WB9 if above Weiser
Payette R (65) - 047(Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - R22-R23 (+uses)-025-106-W42-W43-027
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Lawn/garden included - W01

OVERLAP ANALYSIS/RATES/VOLUMES:

PD overlap rights - W35-W36 Right # 35-2262
PU overlap rights - WB7-W31(<1 ac)
GW replaced SW - 050

Permit Rate 2.76 cfs Fee Limit OK cfs
Measured 4.60 cfs Theoretical cfs

Use	Rate	Volume
<u>SW</u>	<u>96</u> cfs	<u>af</u>
<u> </u>	<u> </u> cfs	<u>af</u>
<u> </u>	<u> </u> cfs	<u>af</u>
TOTALS	<u>96</u> cfs	<u>af</u>

$96 \times 214 \times 1.98 = 406.8 \text{ af}$

If no, is a claim required: Yes ☒ No

If yes, paragraph codes:

$4.60 - 3.64 = 96 \text{ cfs}$



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

July 24, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FARMS LLC
C/O BRAD HALL
2840 SUNNYBROOK LN
IDAHO FALLS ID 83404

RE: ASSIGNMENT OF PERMIT 35-08972

Dear Mr. Hall:

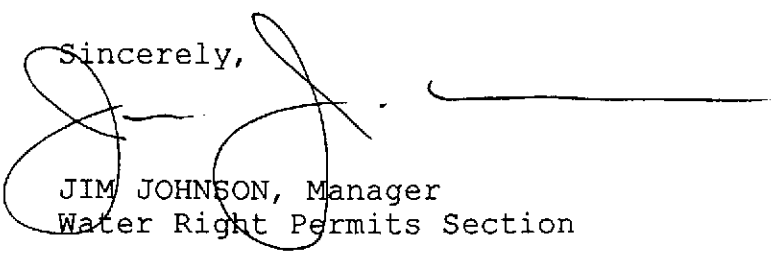
We acknowledge receipt of the correspondence changing ownership of the above referenced permit to you. Our computer records have been modified to reflect this change in ownership. A computer generated report is enclosed for your information.

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

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

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

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosures

MICROFILMED

FEB 04 2002



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

June 25, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FARMS LLC
BARRY BURKE
2840 SUNNYBROOK LANE
IDAHO FALLS ID 83404

RE: Change of Ownership - Permit 35-08972

Dear Mr. Burke:

On May 21, 1998 you telephoned to inquire about the status of the change of ownership on the above mentioned permit and were advised that we needed a corrected Assignment of Permit form. I sent a new form to you by FAX.

In order for us to complete the name change process that is being requested by Farms LLC we need to have an Assignment of Permit form from Fieldbrook Farms Partnership assigning the permit to Farms LLC. This must be accomplished if the water right license is to be made out in the name of Farms LLC.

I have enclosed a new form for your convenience. Since a \$25 filing fee has already been received, no further fee is required.

If we do not receive a corrected Assignment of Permit within 30 days from the date of this letter we will conclude you that wish to have the license issued in the name of Fieldbrook Farms Partnership, not Farms LLC.

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

Sincerely,

A handwritten signature in cursive script, reading 'Kari Lynn Townsend'.

Kari Lynn Townsend
Secretary

/k
Enclosure

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FEB 04 2002



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

May 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FARMS LLC
BRAD HALL
2840 SUNNYBROOK LANE
IDAHO FALLS ID 83404

RE: Change of Ownership - Permit - 35-08972

Dear Mr. Hall:

The Change of Water Right Ownership form and accompanying paperwork that you sent to our eastern regional office has been forwarded to me for handling.

Because this right is still in the permit stage, an Assignment of Permit form will be required. Please note that there is a \$25.00 filing fee required for this process. I have enclosed an assignment form for your convenience. Also enclosed is the paperwork that you originally sent.

We will be happy to process your request for ownership change on the above-mentioned permit upon receipt of the completed assignment form and the \$25.00 filing fee.

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

Sincerely,

Kari Lynn Townsend
Secretary

/k

Enclosures

MICROFILMED

FEB 04 2002

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
MAY 04 1998

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) 35-08972
Adjudication Claim Number(s) _____

2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) FLIELDBROOK FARMS PARTNERSHIP
9902 N. HIGHCLIFF DR., SANTA ANA, CA 92705

4. New Owner/Claimant(s) FARMS, L.L.C./BRAD HALL
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 2840 SUNNYBROOK LANE
City, State and ZIP Code IDAHO FALLS, ID 83404
New Telephone Number (208) 525 - 1940 OR (208) 589-7312

5. Date you acquired the property 2/26/98

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

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 Number of acres actually irrigated _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Farms L.L.C. by Brad Hall Date Feb 23rd 1998
Date _____

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

RECEIVED

Form 219
6/86

FEB 27 1997

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

35-8972

~~A35-02262~~

A. GENERAL INFORMATION

Permit No. A35-11081

1. Owner: Fieldbrook Farms Phone No. _____

Current Address: 2220 W 200 S Pingree Id 83262

2. Accompanied by: John Elmer EXAM. DATE: 7-19-91

Address: _____ Phone No. _____

Relationship to Permit Holder: Owner

3. Source: groundwater tributary to _____

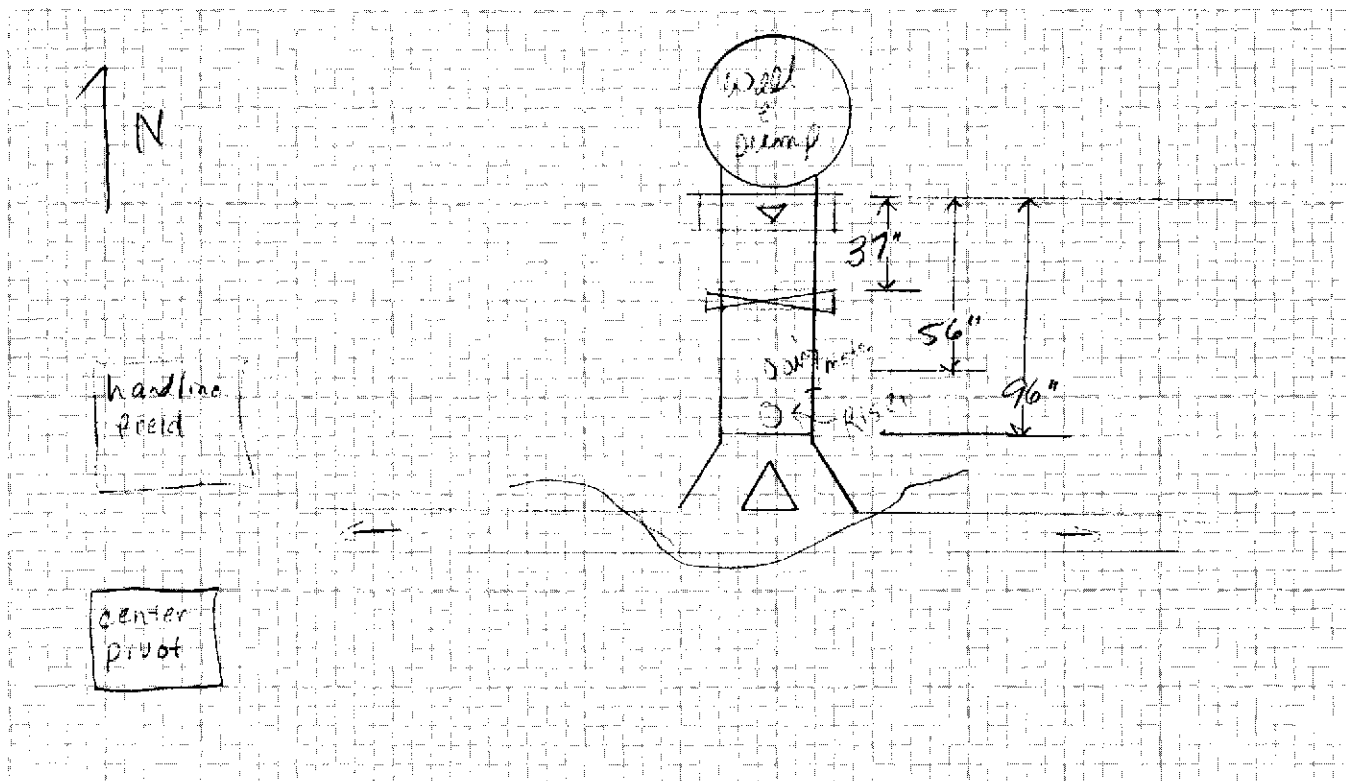
B. OVERLAP REVIEW

1. Other water rights with same place of use: 35-02262 ☐ Copies Attached

2. Other water rights with same point of diversion: 35-02262 ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



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Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

FEB 04 2002

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

- will pump to maintain to center point & Handlines
- at present each side down in 1st divide
- problem, now only supplying 1st side - w/ center point (400 gpm loading) has pressure 4000 ft line w/ end pump (pump w/ 2.5 hp boost pump) + 2 handlines w/ 800000 w/ 5000 gpm
- each side will have some supply fire when there and 1 out on the

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Pump Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Plot # 7 <i>Water</i>	Holladay	205	J-147359	<i>Gardner - motor</i>	10"
Plot # 8 <i>plot</i>	Land in	at grade at guard	- plot removed		

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

5. Point(s) of Diversion:

[illegible]

6. Place(s) of Use:

Twp.	Rge.	Sec.	NE%			NW%			SW%			SE%			Totals
			NE%	NW%	SW%	NE%	NW%	SW%	NE%	NW%	SW%	NE%	NW%	SW%	
3 S	31 E	24	3			4									7
	32 E	18							2 ^{L-4}	3.6			64	0.4	64
		19	40	37	37	40	40	40	40	38 ^{L-1}	37 ^{L-2}	40	3	0.7 ^{L-3}	0.7 1.5
															314.6
															<u>328.00</u>
	Revised														
35	R32E	19	40	37	37	40	40	40	40	38 ^{L-1}	37 ^{L-2}	40	3	0.7 ^{L-3}	309 ac

Indicate Method of Determination.

Do not use this space

MICROFILMED

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
pressure gauge		RainBird			0-160	

2. Measurements:

82 psi (60 psi when both are on)
110' static depth (acc'd to owner)

* At time of measurement, pressure relief valve was flowing, also water was flowing up from well - system is designed to operate

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

theor. 4.96 = 2206.2 gpm Q = 4.60 cfs

both sides of pressure runs too high.
- also valve on other end open to help relieve pressure

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 309 \times 4 = 1236.0 \text{ afa}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.09 \text{ cfs} (214) (1.9835) = 462.7$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 462.7$

2. Volume Calculations for Other Uses:

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FEB 04 2002

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CONSULTANT SEAL

J. AUTHENTICATION

☒ None

60%

462.7

I. RECOMMENDATIONS

IRRICATON

Use To 10/3

60%

Annual Volume V (B)

Condition: This right in combination with 35-02262 shall not exceed 4 blocks

H. REMARKS AND OVERLAP REVIEW ANALYSIS

REMARKS AND OVERLAP REVIEW ANALYSIS

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

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

Hp = Horsepower = 200

Eff = Efficiency = _____ (Usually 70%)

Lift: (Static Level + Assumed Draw down)

Static Water Level = 110 ft.

Assumed Draw down = + 20 ft.

Lift = 130

OR

Measured Dynamic Water Level = _____ ft.

psi = Operating Pressure = 60 psi

$$Q_{cfs} = \left[\frac{200}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] \div \left[\frac{130}{Lift} + \left(\frac{60}{psi} \times 2.308 \right) \right]$$

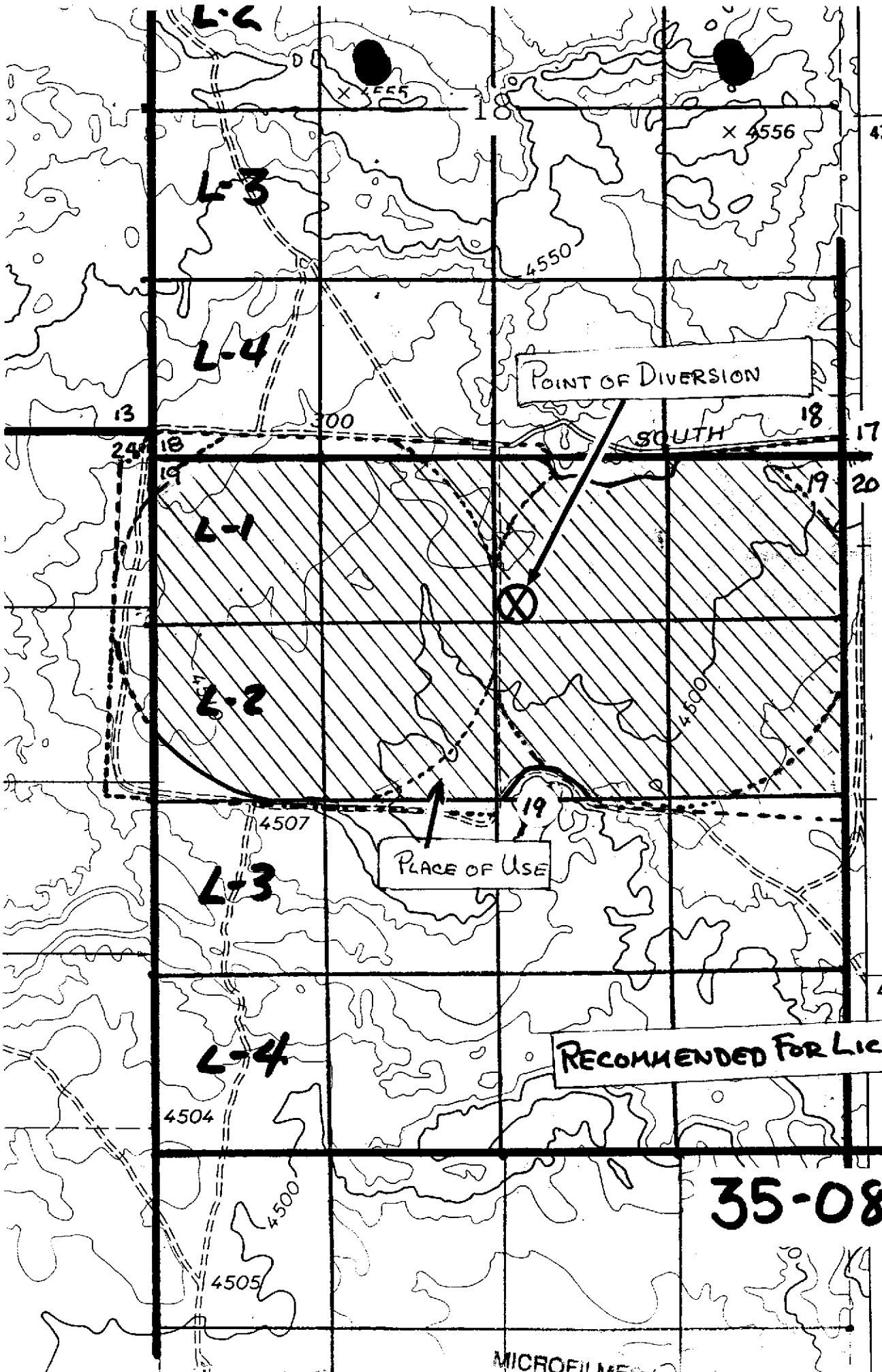
$$Q_{cfs} = \left[\frac{1233.96}{} \right] \div \left[\frac{268.48}{} \right]$$

$$Q_{cfs} = \underline{4.596} \text{ cfs} = 4.60 \text{ cfs}$$

PERMIT NO. 35-08972

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SEP 6 4 2002

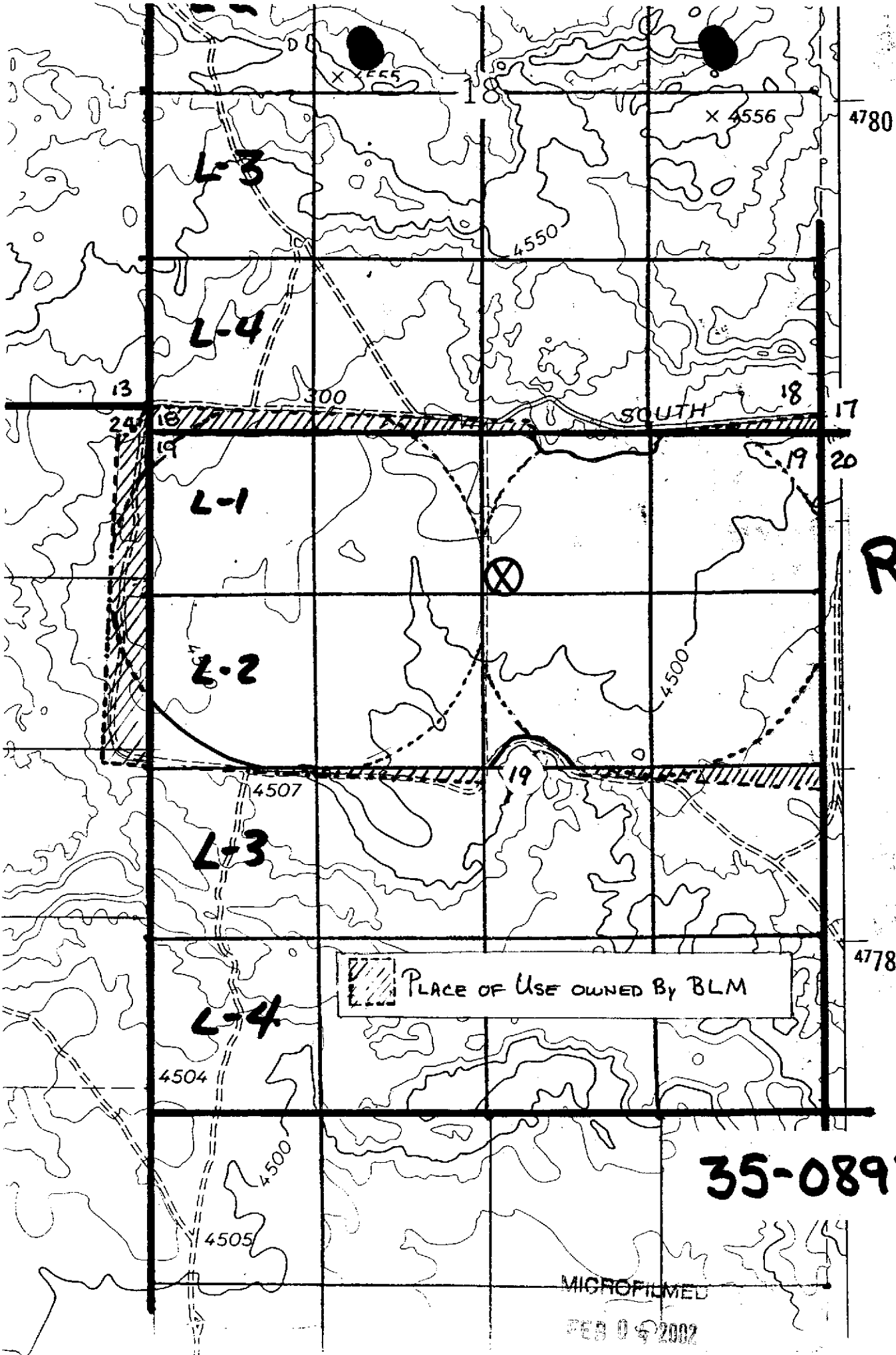


T3S
R32E

RECOMMENDED FOR LICENSING

35-08972

MICROFILMED
FEB 9 2002



T3S
R32E

35-08972

MICROFILMED
FEB 0 9 2002

R31E

R32E

T3S

35-08972

R31E R32E

pd
SENEVO

PLACE OF USE

POINT OF DIVERSION

A35-11081

L-4

13

18

2

3.6

0.4

0.4

0.4

0.4

17

24

14

3.6

0.4

0.4

0.4

0.4

19

3

4

3.6

0.4

0.4

0.4

0.4

20

Lot 1

Lot 2

NHEL

NHEL

NHEL

NHEL

NHEL

38

40

37

37

40

40

40

3

4

3.6

0.4

0.4

0.4

0.4

20

Lot 1

Lot 2

NHEL

NHEL

NHEL

NHEL

NHEL

38

40

37

37

40

40

40

3

4

3.6

0.4

0.4

0.4

0.4

20

Lot 1

Lot 2

NHEL

NHEL

NHEL

NHEL

NHEL

38

40

37

37

40

40

40

3

4

3.6

0.4

0.4

0.4

0.4

20

Lot 1

Lot 2

NHEL

NHEL

NHEL

NHEL

NHEL

38

40

37

37

40

40

40

3

4

3.6

0.4

0.4

0.4

0.4

20

Lot 1

Lot 2

NHEL

NHEL

NHEL

NHEL

NHEL

38

40

37

37

40

40

40

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FEB 04 2002

35-08972

2E

Meridian

etc

40.26

S. 89° 46' E.

1

80.12

40.24

2

80

160

40.23

Sec. 18.

3

640.88

40.21

4

80

160

40.20

S. 89° 46' E.

1

80.10

40.22

2

80

160

40.28

Sec. 19.

3

641.20

40.32

4

80

160

40.38

S. 89° 43' E.

1

MICROFILMED

40.38

FEB 6 4 2002

S. 0° 4' E.

S. 0° 4' E.

0° 4' E.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Form 9/96

POINT OF DIVERSION OVERLAP REVIEW

35-08972

Permit Number

2/24/97

1. Analysis of Entire System, Current Application Rate per Acre (Qc):

Limit to 0.02 cfs/ac, Permitted Amount, or System Capacity, **WHICHEVER IS LESS.**

A. Total Number of Acres irrigated = 309 acres

B. Total Diversion Rate = 4.60 cfs

Qc = Total Diversion rate [1.B]/Total irrigated acres [1.A] = **Current Diversion Rate**

$$Qc = \frac{4.60}{\text{cfs}} / \frac{309}{\text{acres}} = Qc = \underline{0.014887} \text{ cfs/ac}$$

2. Old Application Rate per Acre = (Qo) from Licensed Flow Rates:

License # 35-02262 @ 3.64 cfs / 320 ac

License # _____ @ _____ cfs / _____ ac

License # _____ @ _____ cfs / _____ ac

$$Qo = \text{Total Lic. Rate} = \frac{3.64}{\text{cfs}} / \frac{320}{\text{ac}} = Qo = \underline{0.011375} \text{ cfs/ac}$$

[Old Diversion Rate(Qo) = Licensed Flow Rate/# acres]

3. Comparison of Diversion Rates. IF:

A. $Qo > Qc$: $Qo(\#2) = \underline{\hspace{2cm}} \text{ cfs/ac} > Qc(\#1) = \underline{\hspace{2cm}} \text{ cfs/ac}$
[Old Diversion Rate(Qo) > New Diversion Rate(Qc)]

EXCLUDE LICENSED LANDS . . . GO TO ITEM #4A

B. $Qc > Qo$: $Qc(\#1) = \underline{0.014887} \text{ cfs/ac} > Qo(\#2) = \underline{0.011375} \text{ cfs/ac}$
[New Diversion Rate(Qc) > Old Diversion Rate(Qo)]

INCLUDE LICENSED LANDS . . . CONTINUE TO ITEM #3.B.1 & 2

1. Additional Flow Rate for Licensed Lands. $Qa = (Qc - Qo) \times (\# \text{ Lic. Ac})$

$$Qa = \left[\left(\frac{0.014887}{\text{cfs/ac}} \right) - \left(\frac{0.011375}{\text{cfs/ac}} \right) \right] \times \left(\frac{309}{\text{acres}} \right) = Qa = \underline{1.09} \text{ cfs}$$

2. Flow Rate New Acreage. Total Ac. (#1.A) - Lic. Ac. (#2) = New Acres

$$\left(\frac{309}{\text{ac}} \right) - \left(\frac{320}{\text{ac}} \right) = \underline{\phi} \text{ Ac}$$

$$Qn = (Qc) \times (\# \text{ New Ac.}) =$$

$$Qn = \left(\frac{0.014887}{\text{cfs/ac}} \right) \times \left(\frac{\phi}{\text{ac}} \right) = Qn = \underline{\phi} \text{ cfs}$$

GO TO ITEM #4B.

4. Calculate Total Flow Rate to be Licensed:

A. Rate **EXCLUDING** Licensed land. Total Ac. (#1.A) - Lic. Ac. (#2) = New Ac.

$$\left(\underline{\hspace{2cm}} \right) - \left(\underline{\hspace{2cm}} \right) = \underline{\hspace{2cm}} \text{ ac}$$

$$Qt = Qc(\#1) \times (\# \text{ New Acres}) = \underline{\hspace{2cm}} \text{ cfs/ac} \times \underline{\hspace{2cm}} \text{ ac} = \underline{\hspace{2cm}} \text{ cfs}$$

CONDITIONS/REMARKS: _____

B. Flow Rate **INCLUDING** Licensed land.

$$Qt = Qa(\#3.B.1) + Qn(\#3.B.2) = \underline{1.09} \text{ cfs} + \underline{\phi} \text{ cfs} = \underline{1.09} \text{ cfs}$$

CONDITIONS/REMARKS: IN COMBINATION W/35-02262 WILL NOT EXCEED 4.60 CFS

Keith C Wilson 2-24-97

April 9, 1993

FLDDBROOK FARMS PARTNERSHIP
2220 W 200 S
PINGREE ID 83262

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08972

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,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED

MAY 25 1993

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 35-08972

Reviewed by Klg

Date 4/6/93

GENERAL CONSIDERATIONS

yes Name same as permit?
no Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

irrigate - 320
Correct Uses? yes

SOURCE OF WATER

 Surface water source
✓ Ground water source

NA Drilling permit required?

1952 Copy in the file? Drilling Permit No.

 Amount paid for permit Correct?

✓ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
150 Amount Submitted
yes Correct?

MEASURING DEVICE

NA Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address 2220 W 200 S 4/6/93 Klg

Proof Made 3/30/93
4/9/93

February 28, 1993

FLDDBROOK FARMS PARTNERSHIP
2349 W 300 S
PINGREE ID 83262

PROOF DUE NOTICE

RE: PERMIT NO. 35-08972

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 May 1, 1993.

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

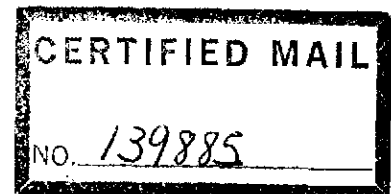
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



RECEIVED

MAY 25 1993



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

April 20, 1992

FIELDBROOK FARMS PARTNERSHIP
2349 W 300 S
PINGREE ID 83262

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 35-08972

Dear Permit Holder:

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

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.

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

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:clh

Enclosures

RECEIVED
MAY 15 1992

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 35-8972/FIELDBROOK FARMS
Rule 4,5,3 Info.

DATE: 4-15-92

The above application appears to have been filed in order to appropriate an increased rate of diversion from an existing well which is used for an existing licensed irrigation development. The point of diversion and place of use under the application is covered by an existing licensed right. This application will bring the development to a full inch per acre.

The region has recommended waiving the rule 4,5,3 information requirements since the filing only represents an increased rate of diversion and not new irrigation development. I concur with this analysis.

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MAY 15 1992

MEMORANDUM

TO: Files 35-08972/08973/08974
[Applications]
FROM: Brenda Miller *Brenda*
DATE: April 13, 1992
RE: Fees

=====

The applicants for the above referenced applications, Fieldbrook Farms, Partnership, have requested the withdrawal of six adjudication claims and have requested those funds be applied to the fees (\$215) for the above applications; the balance to refunded to them (\$85).

A memo from Harold Jones (Eastern office) stated that Don Shaff would transfer the \$215 needed from the adjudication funds to the allocation account. I sent Don copies of the applications for that purpose.

4-13-92

MICROFILMED

MAY 15 1992

*Sally said this
one has been processed.*

APPLICATION FOR PERMIT REVIEW

Application #: 35-08972
Date: 4-12-92

Reviewer:

Brenda Miller

Brenda

✓ SYSTEM COMPLETED:

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

Yes

Proof not submitted - P16
Proof submitted - N/A

✓ GROUNDWATER:

✓ GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
- No measurement required <flow chart>
✓ LT. 0.2 cfs - No measurement required <flow chart>

✓ Drilling Permit:

Approved w/permit - P99
✓ Not included - 046-P23 (All GW, even existing wells)

✓ SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

✓ LOCATION:

✓ Water Districts - WD No. 01
Surface water - 005, 005-01H-P01 (LT.2 w/pump)
005-01J-P08 (GT.2)

✓ Groundwater EXISTING P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

✓ Swan Falls Flag - 1 (1, Blank or Other)

Trust - 051-052-053-P74 (Consumptive Uses)

✓ Non Trust <1> - ✓ 048-049

RIVER BASINS:

(Surface Water) Water District Control Condition &....

Boise (63) - 05A & 11E

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)

Power - Use Power Review

Mining - 06A, 010, or 09E-P10 & 054(req.)

Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)

Rec/Wildlf/Aes - 027(Non-Consumptive)

Domestic - 021(restricted areas)

OWNERSHIP:

Non land owner - 004

PROTESTED:

Agreement - 020

✓ Beneficial Use Due Date: - 05-03-1993

Other Conditions Recommended * RULE 4, 5, 3 INFO NOT REQUESTED -
SYSTEM IN PLACE MANY YEARS

Dist. for staffing: 09-Jan-1992
Submitted for advertising: 1-14-92

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Annex Anna DATE 10 Jan 92 APPLICATION NO. 35 8972
APPLICANT NAME: FLIEDBROOK FARMS, PARTNERSHIP

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

RECEIVED
MAR 2 1992

Department of Water Resources

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

☒ 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 <u>2-24-92</u>
☒	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.

See below for additional information

Date of priority recommended 12-23-91
By HWT Date 2-27-92

By _____ See below for additional information
Date _____

Condition: OLG

Rule 4, 5, & data was not requested because system has been in place for some time.

LOCAL PUBLIC INTEREST

Comments received from

_____ City	_____ Idaho Fish & Game	_____ Irrigation District
_____ County	_____ Idaho Health & Welfare	_____ Canal Company
_____ Reservations	_____ Division of Environment	_____ Other _____

Project impacts/implications report

COMMENTS

35-08972

FLDDBROOK FARMS PARTNERSHIP
2349 W 300 S
PINGREE, ID 83262

Source: GROUNDWATER

Diversion Pt: NENE Sec 19 T 03S R 32E in BINGHAM County.

Use: IRRIGATION (2.760 CFS)
 Total Diversion: (2.760 CFS)

Date Filed: 12/23/1991

In: BINGHAM County
T03S R32E S19

NENE
NENW

NWNE
NWNW

SWNE
SWNW

SENE
SENW

320.0 ACRES TOTAL

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MAY 15 1992