

RECEIVED

AUG 05 1992

Form 217
11/91

Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$ 100.00
Date 7-30-92
Receipt No. E017664
Receipt by HWSSTATE 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. 35-08933 Telephone No. 351-1286 mobile
624-4544
2. Name(s) of Permit Holder(s): Lyle Soderquist
3. Mailing Address: P.O. Box 8 Chester, ID 83421
4. Source of Water: Groundwater

If **GROUNDWATER**, Well Driller's Name: NA. Date Drilled: 1960's

OPTIONAL:

Pump horsepower: 250 Pressure (psi): 80 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 0.80 cfs OR _____ acre/feet

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

Measuring device: Required? _____ Yes X No Installed? _____ Yes _____ No

OR

Flow Measurement Port: Required? X Yes _____ No Installed? ✓ Yes _____ No

8. Fee Enclosed: \$ 100.00 (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

Telephone No.

Address

* Same P.D. as 35-18595

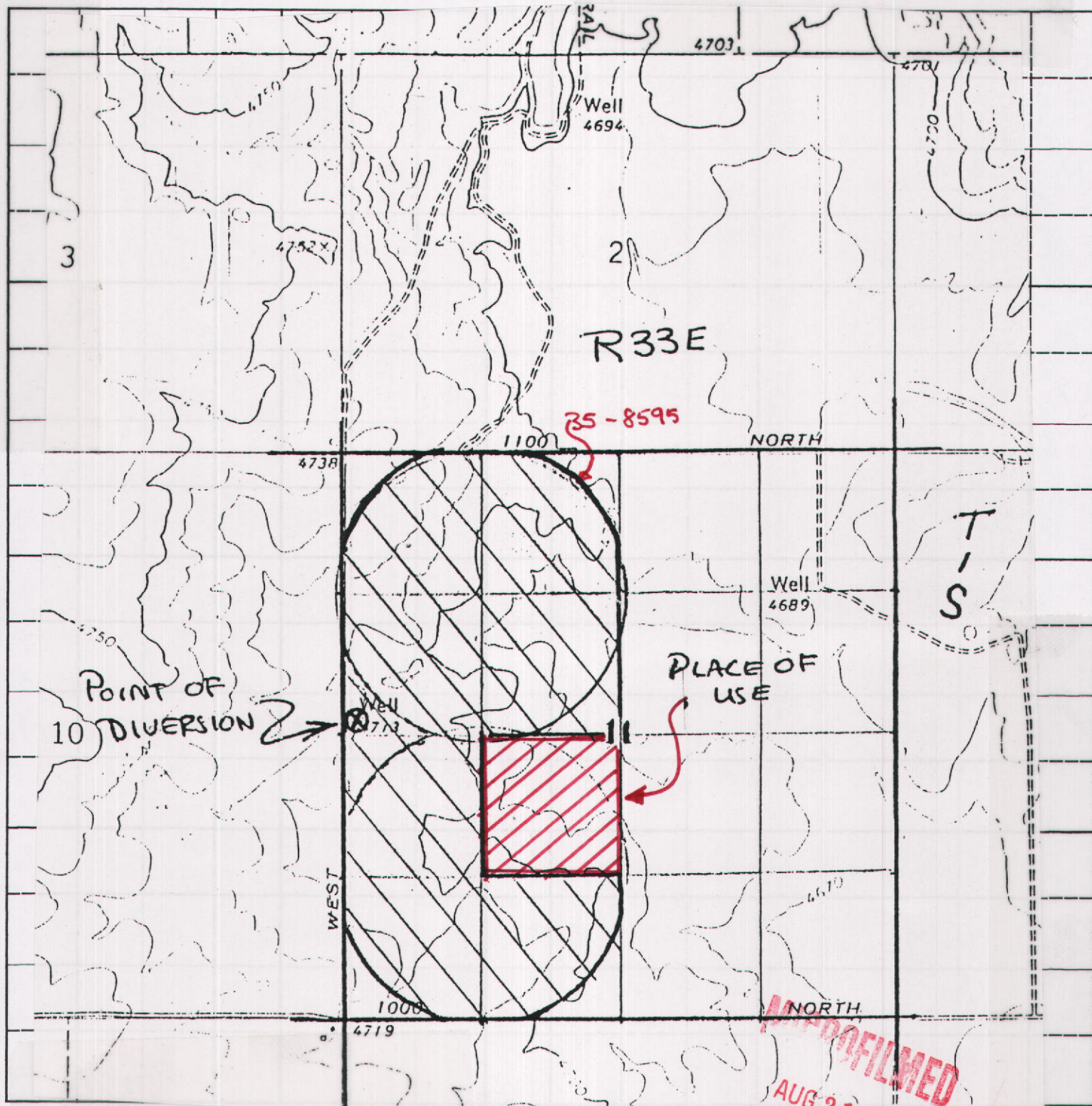
10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

AUG 20 1992

Date

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

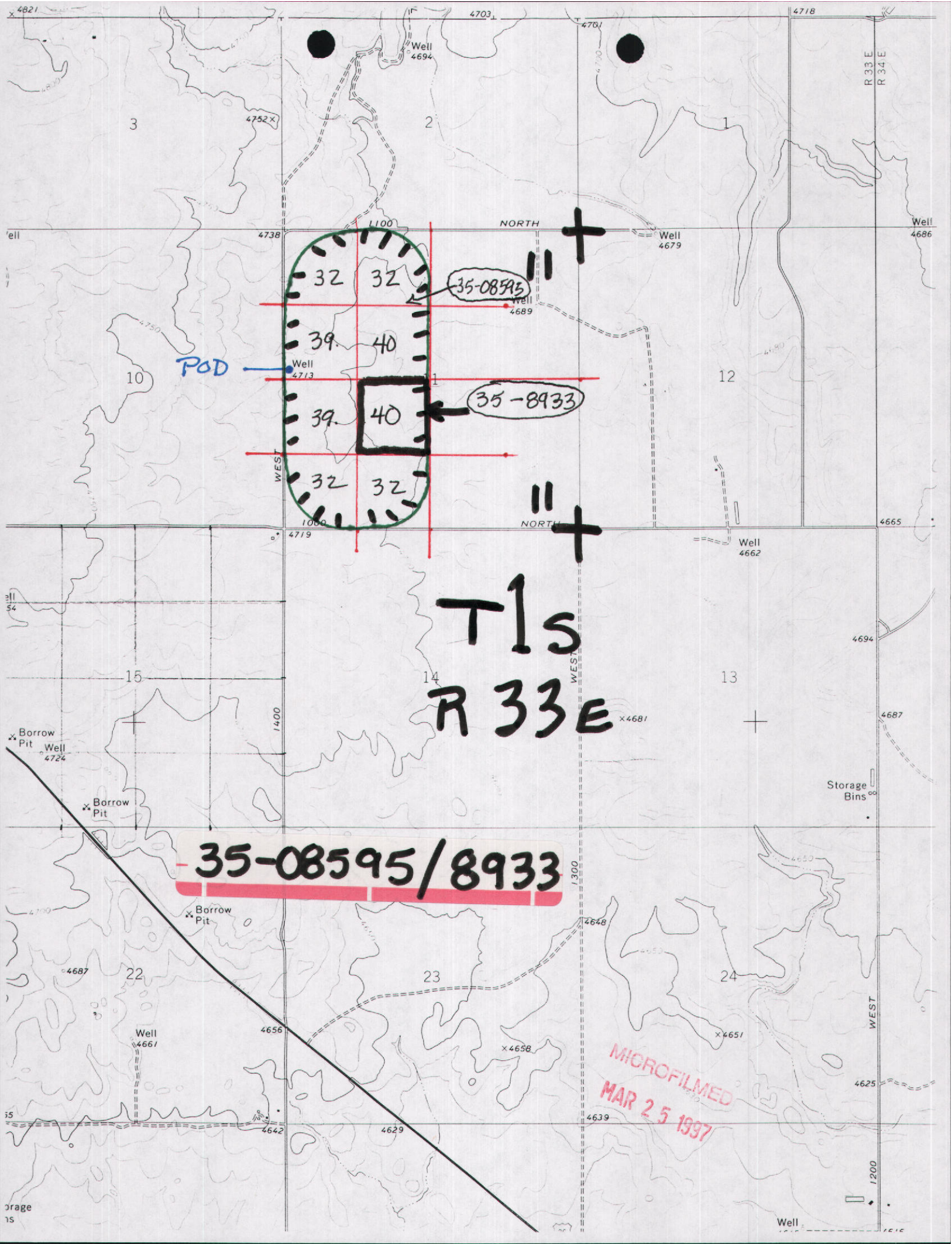
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Lyle R. Soderquist
(Applicant)



T1s
R 33 E

35-08595/8933

MICROFILMED
MAR 25 1997

10 11

528
3137

10.8

2
5.7

2318

PLACE OF
USE



32 32
35-8595

3
114.0

39

40

POINT OF
DIVERSION



6
12.6

39

35-8933

40

T
S
R33E

32

32

7
91.3

8
6.3

9
7.3

15
221.3

10 11

15 14

N8

TIS

MICROFILMED
MAR 25 1997

35-8595
35-8933

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08933

Priority: January 2, 1991

Maximum Diversion Rate: 0.60 CFS
Maximum Diversion Volume: 160.0 AF

This is to certify, that LYLE R SODERQUIST
PO BOX 8
CHESTER ID 83421

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated December 31, 1990; and
has submitted Proof of Beneficial Use on August 5, 1992. An examination indicates
that the works have a diversion capacity of 4.280 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	0.60 CFS	160.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 11, Township 01S, Range 33E
BINGHAM County

<u>PLACE OF USE:</u>	<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
IRRIGATION	01S 33E 11	NESW 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 is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. 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.

100-08933

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08933

CONDITIONS OF APPROVAL AND REMARKS

8. Rights 35-07076, 35-08595, and 35-08933 when combined shall not exceed a total diversion rate of 4.28 cfs.
9. Rights 35-07076 and 35-08595 are also diverted through the point(s) of diversion described above.

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 21ST day of MARCH, 1997.


KARL J. DREHER, Director



14-00000000

MAR 21 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 35-08933

IN THE NAME OF LYLE SODERQUIST

)
) ORDER OF
) REINSTATEMENT
)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before August 3, 1992; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

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

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

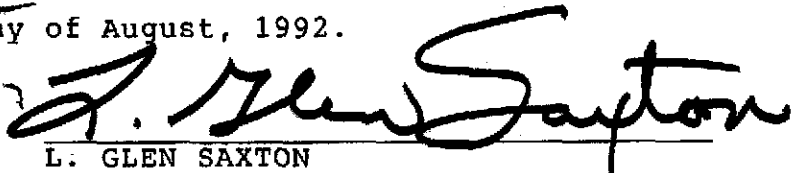
WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on August 5, 1992;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 35-08933 be REINSTATED with an advance in priority to January 2, 1991.

Dated this 6th day of August, 1992.

MICROFILMED

AUG 20 1992


L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED

AUG 05 1992

Form 217
11/91

Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$ 100.00
Date 7-30-92
Receipt No. 6017664
Receipt by HWSSTATE 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. 35-08933 Telephone No. 351-1286 mobile
624-4544
2. Name(s) of Permit Holder(s): Lyle Soderquist
3. Mailing Address: P.O. Box 8 Chester, ID 83421
4. Source of Water: Groundwater

If **GROUNDWATER**, Well Driller's Name: NA Date Drilled: 1960's

OPTIONAL:

Pump horsepower: 250 Pressure (psi): 80 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 0.80 cfs OR acre/feet

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

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

OR

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

8. Fee Enclosed: \$ 100.00 (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

Telephone No.

Address

* Same P.D. as 3/1/85

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 20 1992

Date

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

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08933

Proposed Priority: December 31, 1990 Maximum Diversion Rate: 0.80 CFS
This is to certify, that LYLE R. SODERQUIST

P.O. BOX 8
CHESTER, ID 83421

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 11/01	0.80 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNW Sec. 11, Township 01S, Range 33E
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>
01S	33E	11	NESW	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 **August 3, 1992**.
2. Subject to all prior water rights.
3. A flow measurement port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
6. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

APPROVED
AUG 21 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08933

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

8th day of AUGUST, 19 91.

Ray Spackman
FOR: R. Keith Higginson, Director

RECEIVED
AUG 21 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Lyle R. Soderquist Phone 624-4544
 Post office address Box 8, Chester, Id 83421
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of SW 1/4 of NW 1/4, Govt. Lot _____
 Sec. 11 Township 1S Range 33E B.M. Bingham County; additional
 points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount 0.80 for Irrigation purposes from 4/1 to 11/1 (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. well pump mainline to two
center pivots
 - 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 Proposed well diameter is 18 inches; proposed depth of well is 250 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 to the proposed beneficial use is
1 years (minimum 1 year).

AUG 21 1991

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

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

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	33E	11									40								40

Total number of acres to be irrigated 40

10. Describe any other water rights used for the same purposes as described above. NONE

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

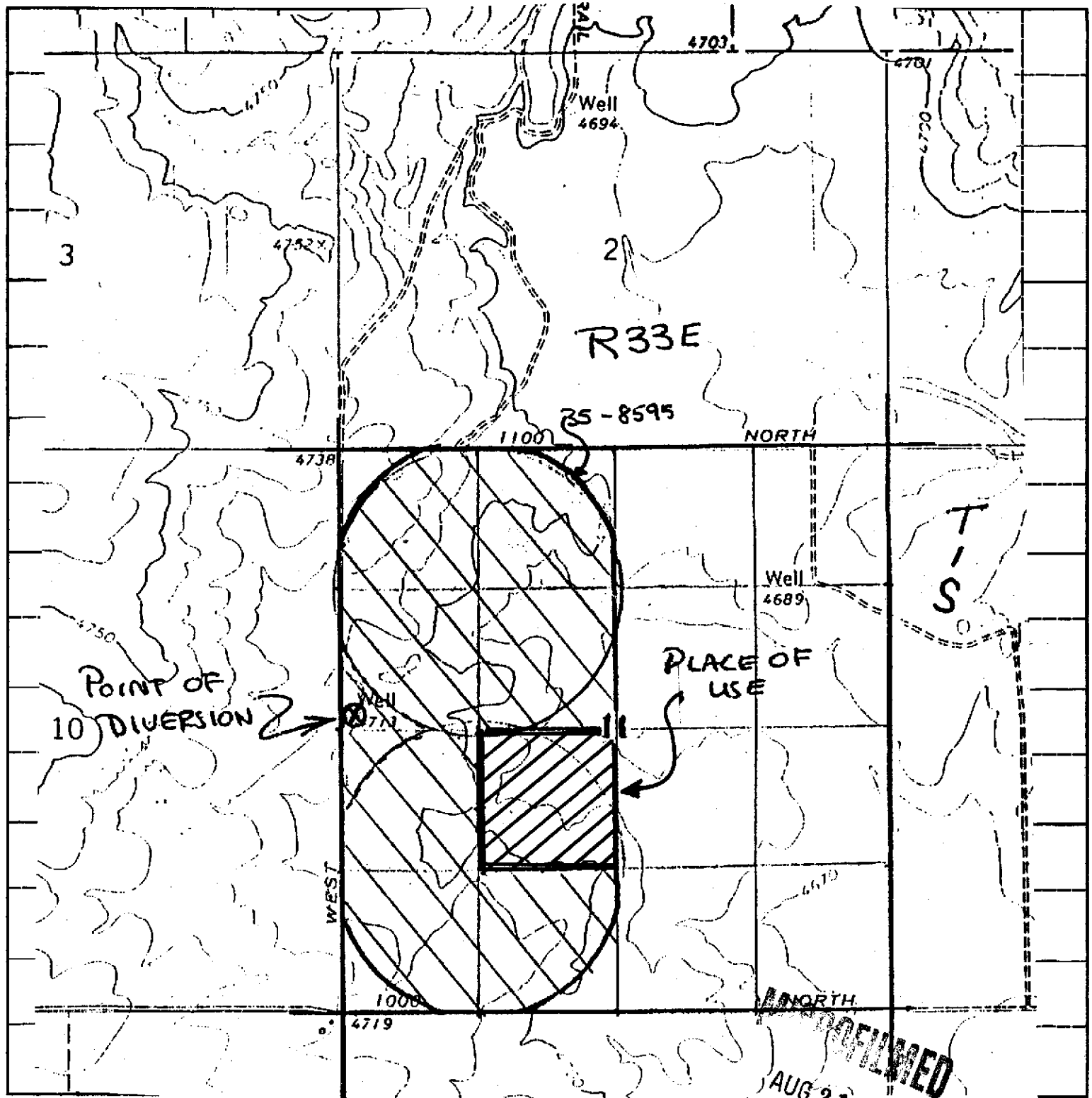
b. Who owns the land to be irrigated or place of use? _____

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

12. Remarks: P/D same as 35-7076 & 35-8595

APR 21 1981

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.

Lyle R. Soderquist
(Applicant)

FILED
AUG 21 1991

Assisted by KW

Received by _____ Date 12-31-1990 Time 1540 Preliminary check by HWS

Fee \$ 45⁰⁰ Receipted by KW # E 015569 Date 31 Dec 1990

Publication prepared by RB Date 6-20, 27-91 Published in Morning News

Publication approved RB Date 7-15-91

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:

MICROFILMED
AUG 21 1991

DEPARTMENT OF WATER RESOURCES
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

NOTICE OF APPLICATION
FOR TRUST WATER RIGHT

35-08663

CHRISTENSEN, Claude
1825 South 2700 West
Aberdeen, Idaho 832100000
Source: GROUNDWATER
Diversion Pt: SENW, Sec. 3, T. 06S, R.
31E.
Use: IRRIGATION (1.200 CFS).
Total Diversion: (1.200 CFS).
Date Filed: 4/1/1988.
In: T06S, R31E, S03, SWNE, SWNW,
SE1W.
60.0 ACRES TOTAL.

35-08678

MARCINKO, Robert J.
1025 Highway 26
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: SESWSE, Sec. 5, T. 02S, R.
34E.
Use: IRRIGATION (.090 CFS).
STOCKWATER: (.020 CFS).
Total Diversion: (.110 CFS).
Date Filed: 10/25/1988.
In: T02S, R34E, S05, SESE.
3.0 ACRES TOTAL.

35-08680

TRUPP, Wilbert E.
TRUPP, Ola
2683 W. 1800 S.
Aberdeen, Idaho 83210
Source: GROUNDWATER
Diversion Pt: LOT 4 (NWNW), Sec. 3, T.
06S, R. 31E.
Use: IRRIGATION (1.220 CFS).
Total Diversion: (1.220 CFS).
Date Filed: 9/27/1988.
In: T06S, R31E, S03, Lot 4 (NWNW),
SE1W.
61.0 ACRES TOTAL.

35-08681

VAN ORDEN, Karen
35 N., 1200 W.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: NWSW, Sec. 31, T. 02S, R.
34E.
Use: IRRIGATION (1.820 CFS).
Total Diversion: (1.820 CFS).
Date Filed: 10/12/1988.
In: T02S, R34E, S31, SWNE, SENE,
SE1W, NESW.
91.0 ACRES TOTAL.

35-08926

WOOD, Forrest W.
1796 Taber
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: SENW, Sec. 30, T. 01S, R.
33E; SESW, Sec. 30, T. 01S, R. 33E.
Use: IRRIGATION (5.190 CFS).
Total Diversion: (5.190 CFS).
Date Filed: 12/17/1990.
In: T01S, R33E, S30, SWNE, SENE, NESE,
NWSE, SWSE, SESE; S31, NENE, NWNE,
SWNE, SENE, NENW.
268.0 ACRES TOTAL.

35-08933

SODERQUIST, Lyle R.
Box 8
Chester, Idaho 83421
Source: GROUNDWATER
Diversion Pt: SWNW, Sec. 11, T. 01S, R.
33E.
Use: IRRIGATION (.800 CFS).
Total Diversion: (.800 CFS).
Date Filed: 12/31/1990.

In: T01S, R33E, S11, NESW.
40.0 ACRES TOTAL.

The permit(s) will be subject to all prior
water rights. Protests may be submitted bas-
ed 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,
150 Shoup Ave., Suite 15, Idaho Falls, Idaho,
83402, on or before JULY 8, 1991.

R. KEITH HIGGINSON
Director

(1199)
Pub.: 6/20, 27

RECEIVED

JUL 2 - 1991

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

I, Jacqueline Graham, do
solemnly

swear that I am the legal coordinator of
The Morning News which is a daily newspaper of
general circulation published each day except Sunday
at Blackfoot, Bingham County, Idaho, said newspaper
having been so published at Blackfoot, aforesaid for
more than one year past; that said newspaper
heretofore complied with all the provisions of Chapter
154 of the Sessions Laws of Idaho of 1933, approved
March 11, 1933, and duly designated, pursuant to law,
a particular day of the week as the day on which legal
notices required by law or by the order of any Court of
competent jurisdiction within the State of
Idaho shall be published to-wit: of each week; that the
notice attached hereto and which is a part of this af-
fidavit and part of the proof of publication was
published in said issue or said

newspaper two consecutive weeks

the first publication having been made on the

20th day of June, 1991;

and the last publication having been made on the
27th day of June, 1991;

that said notice was published in the regular and entire
issue of every number of the paper as aforesaid during
the period and time of publication, and that notice was
published in the newspaper and not in a supplement.

On this 28th day of June, in
the year 1991 before me a Notary Public of said State,
personally appeared

Jacqueline Graham
known or identified to me to be the person whose
name is subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he ex-
ecuted the same.

Raye R. Ruff
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
November 10, 1994

Affidavit Processing Fee \$5.00

AUG 21 1991

RECEIVED

AUG 20 1998

CHANGE IN ADDRESS

DEPARTMENT OF WATER RESOURCES

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): Lyle Soderquist

[] Old Mailing Address: P.O. Box 8 Chester Id.

[] New Mailing Address: 494 N. 1200 W.
Blackfoot Id 83221

Done
E

[] Telephone Number: _____

[] Signature of Claimant: X Lyle Soderquist

[] Date: 8-14-98

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

and/or
Krista

* 35-08595
* 35-08933
L 35-7897B
* 35-7897B

Water
Rights

R35-02848
A35-02848

A35-02184B
E35-02184B

Adj

* WR 2 database updated
8.20.98
Ket

DRUMMARE



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

March 24, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LYLE R SODERQUIST
PO BOX 8
CHESTER ID 83421

RE: WATER RIGHT NO. 35-08933

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.

RECORDED
MAR 25 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". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

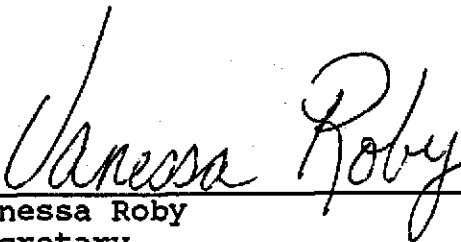
MICROFILMED
MAR 25 1987

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of March, 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. 35-08933

LYLE R SODERQUIST
PO BOX 8
CHESTER ID 83421



Vanessa Roby
Secretary

RECORDED
MAR 25 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-08933

DATE 2/24/97

REVIEWER: SHARLA

NAME Change OK

Address Change NO

SOURCE Change OK

Is change clarification of originally intended source? NO

POINT OF DIV Change OK

If not, prepare Notice of Intent to Void 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

Measured 4.28 cfs

Theoretical 4.6 cfs

$$4.28 / 296 = .014965$$

$$1.82 / 118 = .0154237$$

280 psi and 150' lift

Recommended Total Div Rate .60 cfs

NO EXTRA RATE
BUT EXTRA VOLUME
ON OLD ALRES

THIS RT IS
ONLY RT FOR
THE 40 AC
SHOWN

ANNUAL VOLUME/
NATURE OF USES Use

Ins.

Volume Calculation

$$40 \times 4 = 160.0 \text{ af}$$

af

af

af

SUBTOTAL af

$$\text{Flow rate } .60 \text{ cfs} \times 214 \text{ days} \times 1.98 \text{ af} = 254.2 \text{ af}$$

Total volume recommended 160.0 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

W35 (35-07076, 35-08595, 4.28 cfs)
W36
W27 (40 ac)

CONDITIONS Watermaster Control WD#

GW Measurement/Measuring Device

R31 Overlap

Use-specific conditions

R55, R56

Advancement of Priority Date Required yes no

SRBA Claim Filed N/A

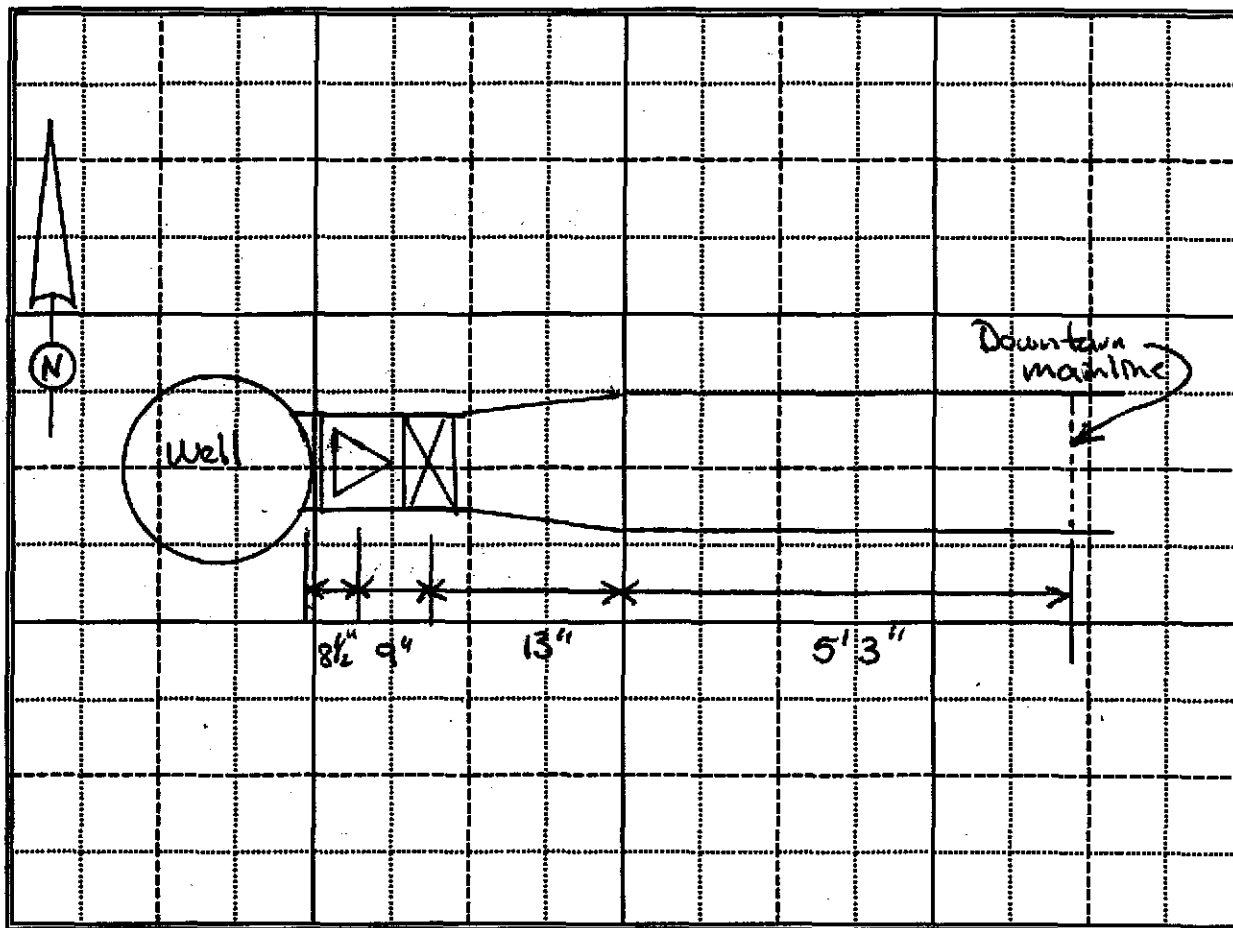
Adjustment Memo N/A

1st Amend Letter N/A

2nd Amend Letter N/A

MICROFILMED
MAR 25 1937

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



Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	US Motor	250	CC 1010312	Peerless	12" discharge necked down to 10" for check and gate valve

*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

2. Measurements: Well pump 12" under g 1920 gpm see attached measurement tape.

ENCLOSURE

MAR 25 1937

E. NARRATIVE/REMARKS/COMMENTS

250 hp motor well + pump to a 12" underground mainline supplying water to two 10 tower center pivots ~~and~~ (low pressure) and hand lines $\approx$ 45 sprinkles for corners.

OVERLAP

35-07076 - 1.82 cfs - 118 ac

35-08595 - 2.46 cfs - 246 ac (TOTAL ACRES)

35-08933 - 0.60 cfs - 40 ac (286 ac total)

$\leftarrow 40 \text{ ac} \times 0.015 = 0.6 \text{ cfs}$

TOTAL $Q = \frac{4.28}{286} = 0.015 \text{ cfs/ac}$

TOTAL 4.28 cfs 286 ac 1144 AF/A

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

MICROFILMED
MAR 25 1997

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

$$\text{polysonic } \frac{1920}{448.8} = 4.28 \text{ cfs}$$

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

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 40 \times 4 = 160$$

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

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

2. Volume Calculations for Other Uses:**H. RECOMMENDATIONS****1. Recommended Amounts**

$$\text{TOTAL } Q = 4.28$$

1144

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRR	4/01	10/31	0.60	160 AF/A
Totals:			0.60	160

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. AUTHENTICATIONField Examiner's Name Keith C Wilson Date 19 Aug 1992Reviewer DAVE CARLSON Date 1/9/97RECORDED
SEAL
MAR 25 1997

MODE SELECT
INPUT

MODE SELECT
DATA SET

DATA SET MODE
? PRINTER

00-00 00:0900 *R
+ 1.871E 3GPM

00-00 00:0900 *R
+ 1.834E 3GPM

00-00 00:0900 *R
+ 1.851E 3GPM

PRINTER USE
? YES

MODE SELECT
INPUT

OUTER DIAMETER
12.0362 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1118 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1450 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
9.035 IN U

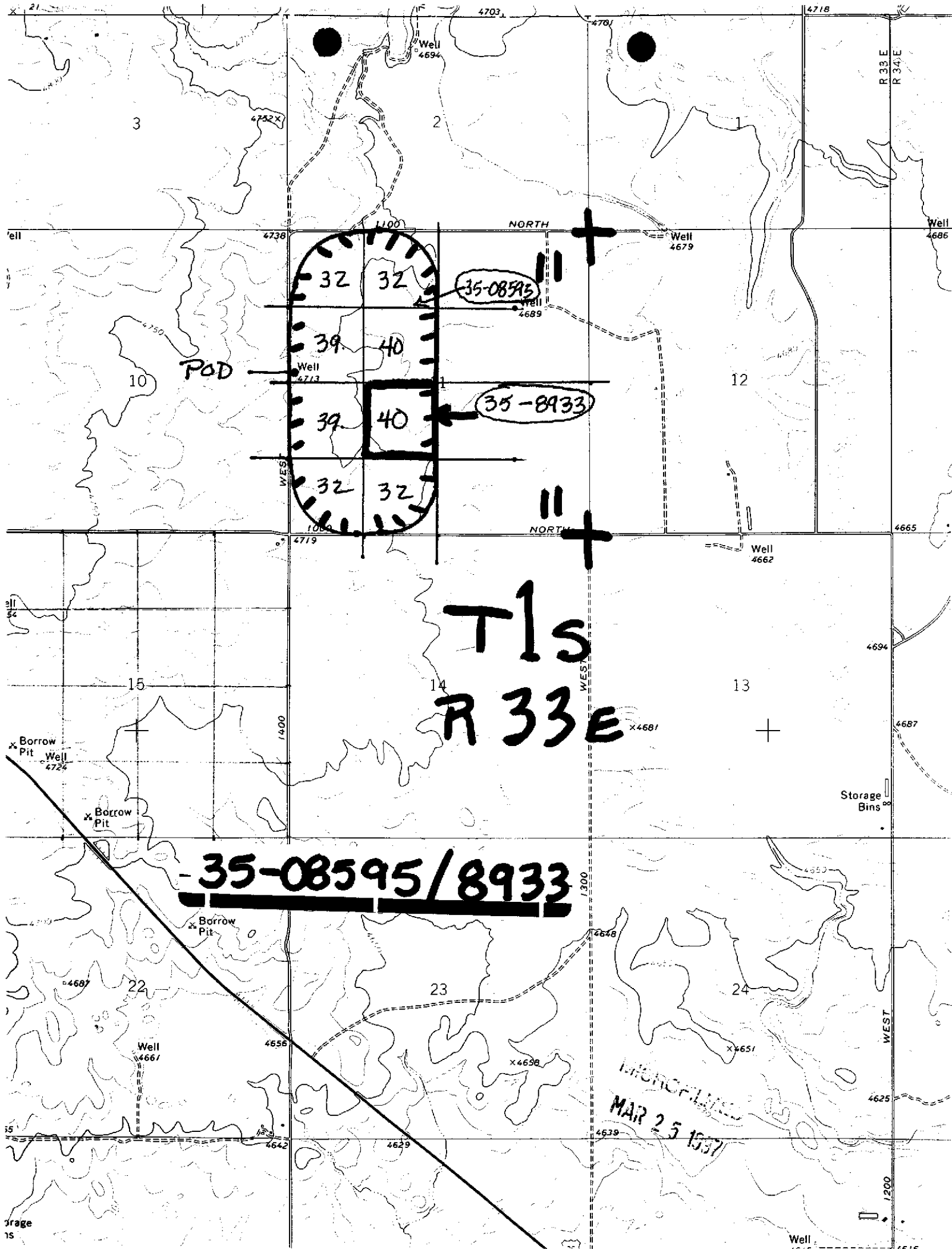
08-19 13:1600 *R
+ 1.875E 3GPM

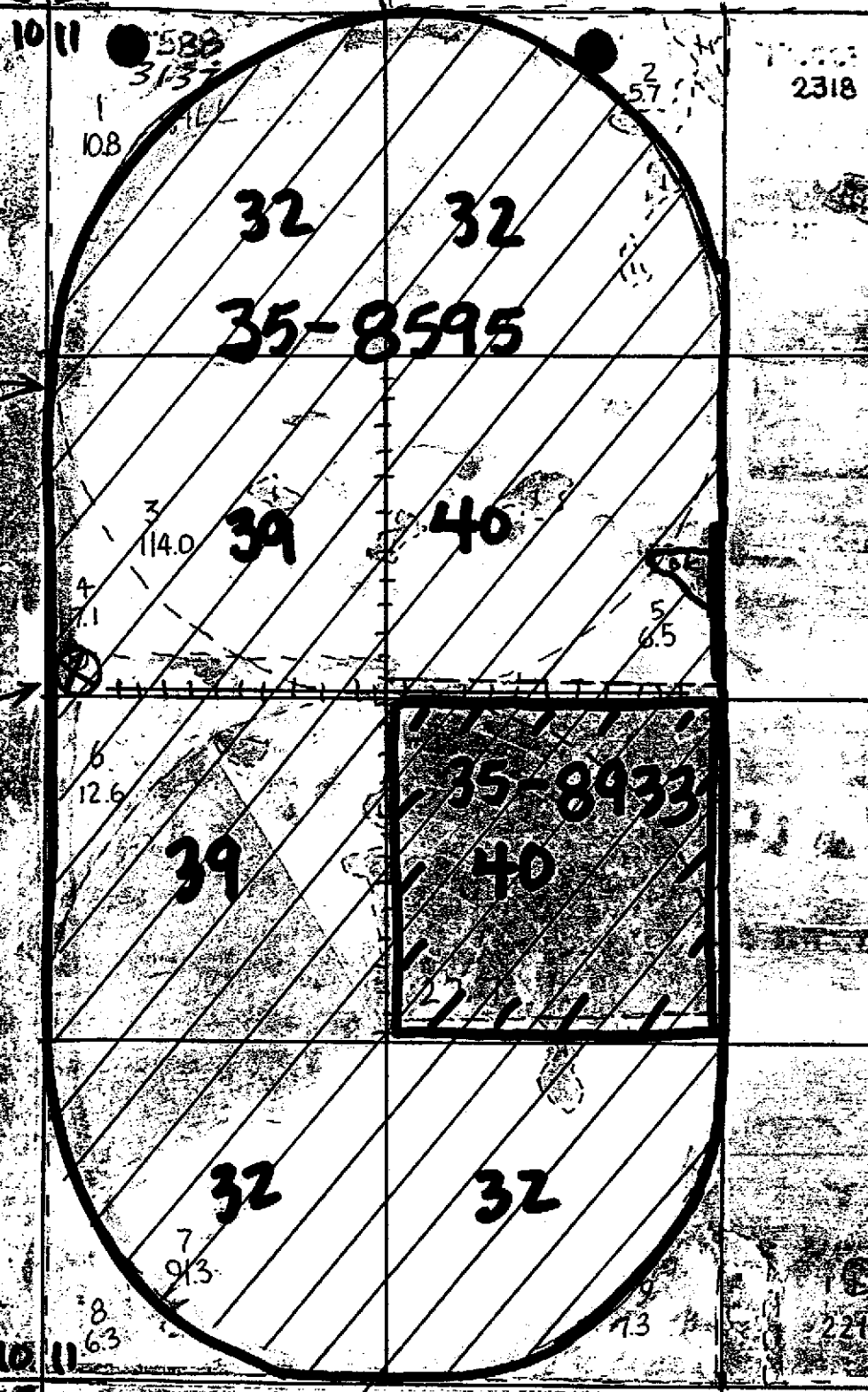
08-19 13:1600 *R
+ 1.875E 3GPM

08-19 13:1700 *R
+ 1.920E 3GPM

08-19 13:1700 *R
+ 1.920E 3GPM

35-8933
35-8595





PLACE OF USE

POINT OF DIVERSION

T
S
R33E

TIS

MAR 25 1957

35-8595
35-8933

August 7, 1992

LYLE R. SODERQUIST
P.O. BOX 8
CHESTER ID 83421

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08933

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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

Enclosure

MICROFILMED
AUG 20 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 35-08933

Reviewed by Klg

Date 8/5/92

GENERAL CONSIDERATIONS

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

TYPES OF USE

irrigate - 40
Correct Uses? yes

SOURCE OF WATER

Surface water source
✓ Ground water source

NA Drilling permit required?

1960 / Copy in the file? Drilling Permit No. _____

/ Amount paid for permit _____ Correct?

/ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
100 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
yes Installed?
NA Waiver requested?

PRIORITY CALCULATION

Date proof received 8/3/92 215 ↑
Date proof due 8/5/92 - 217 ↓
No. of days late = 2
Priority Date 12/31/90 + 365
New Priority Date 1/2/92 2

DEFICIENCIES OR ACTION ITEMS

proof acceptable

needs an order

DATA ENTRY

New Address _____

Proof Made 8/5/92

8/7/92 Klg

August 5, 1992

LYLE R. SODERQUIST
P.O. BOX 8
CHESTER ID 83421

LAPSE NOTICE

RE: PERMIT NO. 35-08933

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated May 31, 1992. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

Enclosures

MICROFILMED
AUG 20 1992

CERTIFICATION OF MAILING

I hereby certify that on 8/5/92
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

klg

May 31, 1992

LYLE R. SODERQUIST
P.O. BOX 8
CHESTER ID 83421

PROOF DUE NOTICE

RE: PERMIT NO. 35-08933

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 August 1, 1992. (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.

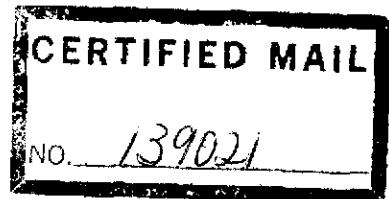
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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
AUG 20 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 12, 1991

LYLE R. SODERQUIST
P.O. BOX 8
CHESTER, ID 83421

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 35-08933

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.

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

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

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions

MICROFILMED

AUG 21 1991

pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

Enclosure

MICROFILMED

AUG 21 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 35-8933/Trust Water Processing

DATE: 8-5-91

The above application is a new trust water filing which has been advertised by the region and forwarded to the state office for final review.

Review of a 1980 orthophoto and infrared photo, and review of the department's 1986 remote sensing data and irrigation report show that the acreage under the application was not irrigated in either 1980 or 1986. With no evidence of development prior to October, 1984, the acreage shall count as trust acreage.

I recommend continued processing of the application and attaching trust conditions to any approval.

MICROFILMED

AUG 21 1991

WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE				NW				SW				SE				SUM
							NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3508933																							
3502873	MESSENGER & HANSEN FAR	L	GROUNDWATER	01S	33E	11	: 38	34	35	38	:				:				: 38	35	34	39	: 291
A3502873	MAGLEBY	L	GROUNDWATER	01S	33E	11	: 38	34	35	38	:				:				: 38	35	34	39	: 291
3504262	GRIFFIN FARMS INC.	S	GROUNDWATER	01S	33E	11	:				: 32	32	40	40	:	40	32	32	:				: 248
3507076	BURKE	L	GROUNDWATER	01S	33E	11	:				: 20	40			:	40	20		:				: 120
A3507076	ADOLFSON	L	GROUNDWATER	01S	33E	11	:				: 19	39			:	39	19		:				: 116
3508595	SODERQUIST	P	GROUNDWATER	01S	33E	11	:				: 32	32	39	40	:	39	32	32	:				: 246
3508933	SODERQUIST	A	GROUNDWATER	01S	33E	11	:				:				:	40			:				: 40
P3508933	SODERQUIST	P	GROUNDWATER	01S	33E	11	:				:				:	40			:				: 40
	1986 MAPPING DATA ---	-	COUNTY 11 QUAD Y 88	01S	33E	11	: 39	37	38	39	: 36	35	35	37	: 10	34	35	37	: 39	38	37	36	: 562

MICROFILMED
AUG 21 1991

APPLICATION FOR PERMIT REVIEW

Application #: 35-8933

Reviewer:

Pam Skaggs

Date: 7-26-91

Existing:

✓ No

✓ Complete in 1 year - 26A-P17

Yes

Proof not submitted - P16

Proof submitted - N/A

Groundwater:

✓ GT. 0.2 cfs - 01G-P03, (01C-P03) (existing well)

LT. 0.2 cfs - N/A

Drilling Permit:

✓ Approved w/permit - P99

Not included - (046-P23) (All GW, even existing wells)

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 - 7 (1, Blank or Other)

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

Non Trust - 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 or 010, 09E-P10 & 054(req.)

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

Rec. & Aesthetic - 027(Non-Consumptive)

Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

✓ Beneficial Use Due Date: - 08-03-1992

Other Conditions Recommended

MICROFILMED

AUG 21 1991

Trust water
Hold

Dist. for staffing: 2-4-91
Submitted for advertising:

Form No. 202a
4/87

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

35 8933

INITIAL REVIEW BY HWS
APPLICANT NAME: Lyle R. Soderquist

DATE 2-6-91

APPLICATION NO. _____

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

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 _____

JUL 22 1991

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 7-8-91
☒ 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 12-31-1990
By HWS Date 7-17-91

STATE OFFICE REVIEW

See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

Condition: OIG

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 <u> </u>

Project impacts/implications report

COMMENTS

35-08933

SODERQUIST, LYLE R.
BOX 8
CHESTER, ID 83421

Source: GROUNDWATER

Diversion Pt: SWNW Sec 11 T 01S R 33E

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

Date Filed: 12/31/ 1990

In: T01S R33E S11 NESW

40.0 ACRES TOTAL

35-08933

SODERQUIST, Lyle R.
Box 8
Chester, Idaho 83421
Source: GROUNDWATER
Diversion Pt: SWNW, Sec. 11, T. 01S, R.
33E.
Use: IRRIGATION (.800 CFS).
Total Diversion: (.800 CFS).
Date Filed: 12/31/1990.
In: T01S, R33E, S11, NESW.
40.0 ACRES TOTAL.

OK

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, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before JULY 8, 1991.

R. KEITH HIGGINSON
Director

(1199)
Pub.: 6/20, 27

AUG 21 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

10-Jun-1991

LYLE R SODERQUIST
PO BOX 8
CHESTER ID 83421

RE: Application No. 35-8933

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in Morning News on June 20 & 27, 1991. The advertisement will be published 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 permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

Harold W. Jones RB
HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

RECEIVED
AUG 21 1991