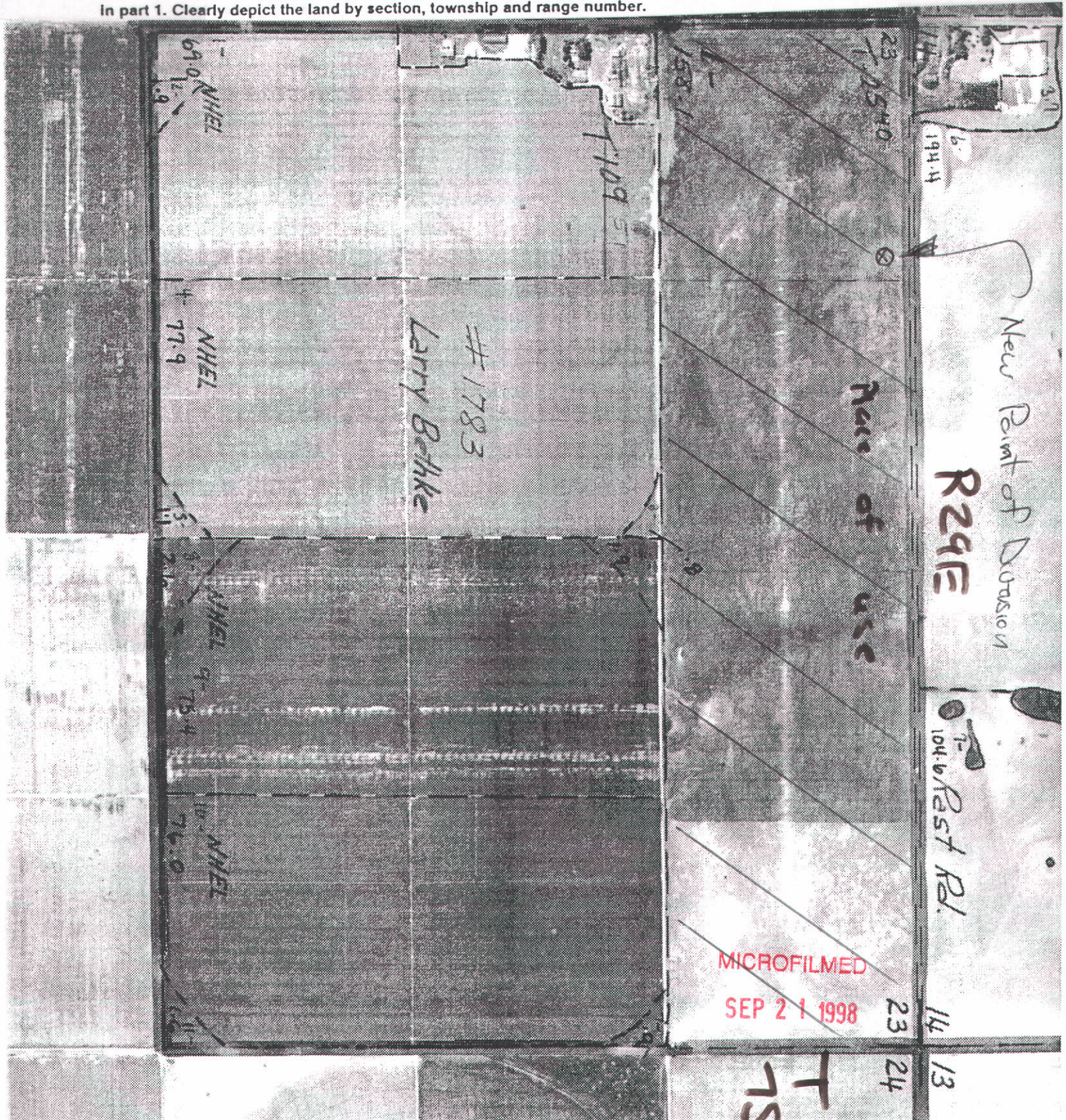


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



RECEIVED

FEB 20 1998

State of Idaho
Department of Water ResourcesAPPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08900

Department of Water Resources

Date of Priority: April 26, 1990

Maximum Diversion Rate: 3.20 CFS
Maximum Diversion Volume: 640.0 AFComes now LARRY S BETHKE
2745 BREEDING RD
AMERICAN FALLS ID 83211

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 35-08900, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	3.20 CFS	640.0 AF

LOCATION OF POINT(S) OF DIVERSION:

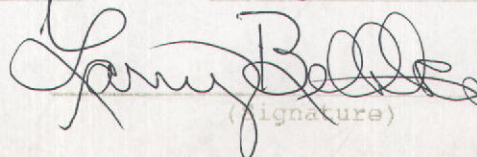
SENE, Sec. 23, Township 07S, Range 29E
SENW, Sec. 23, Township 07S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	29E	23	NENE 40	NWNE 40	NENW 40	160
			NWNW 40			

Total number of acres irrigated: 160

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Idaho Falls, this 12 day of Feb, 19 98.MICROFILMED
MAR 26 1998

(Signature)

PAGE 2

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08900

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$ 50 Receipted by HWT # E023890 Date 2-12-98

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 35-08900 with the following:

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 shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
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 irrigation of the lands above.
8. Rights 35-02681 and 35-08900 when combined shall not exceed a total diversion rate of 7.97 cfs.
9. Right 35-02681 is also diverted through the point(s) of diversion described above.

Witness my hand this

25TH

day of

FEBRUARY

1998

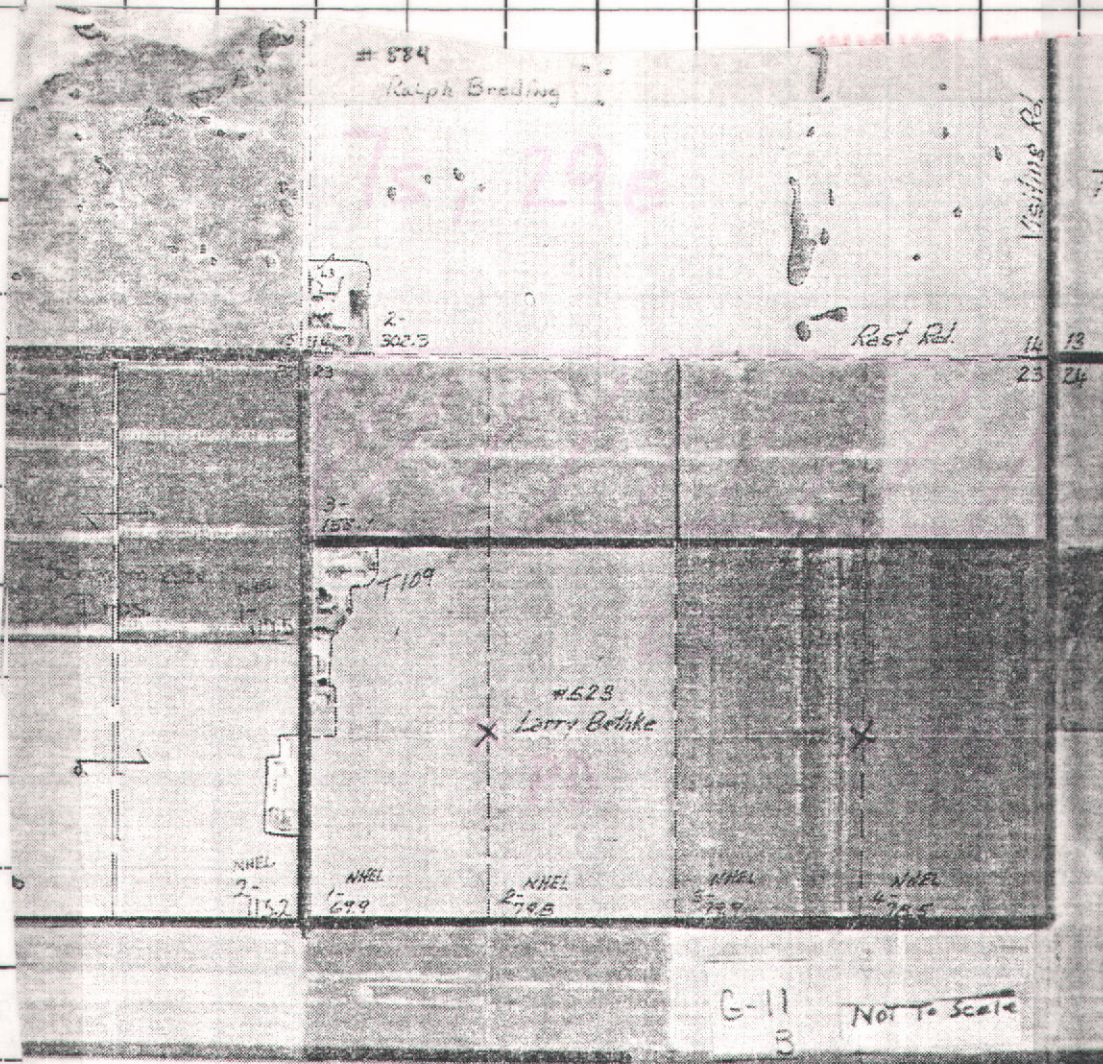
MICROFILMED
MAR 26 1998

Acting for

KARL J. DREHER Director

OCT 17 1990

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



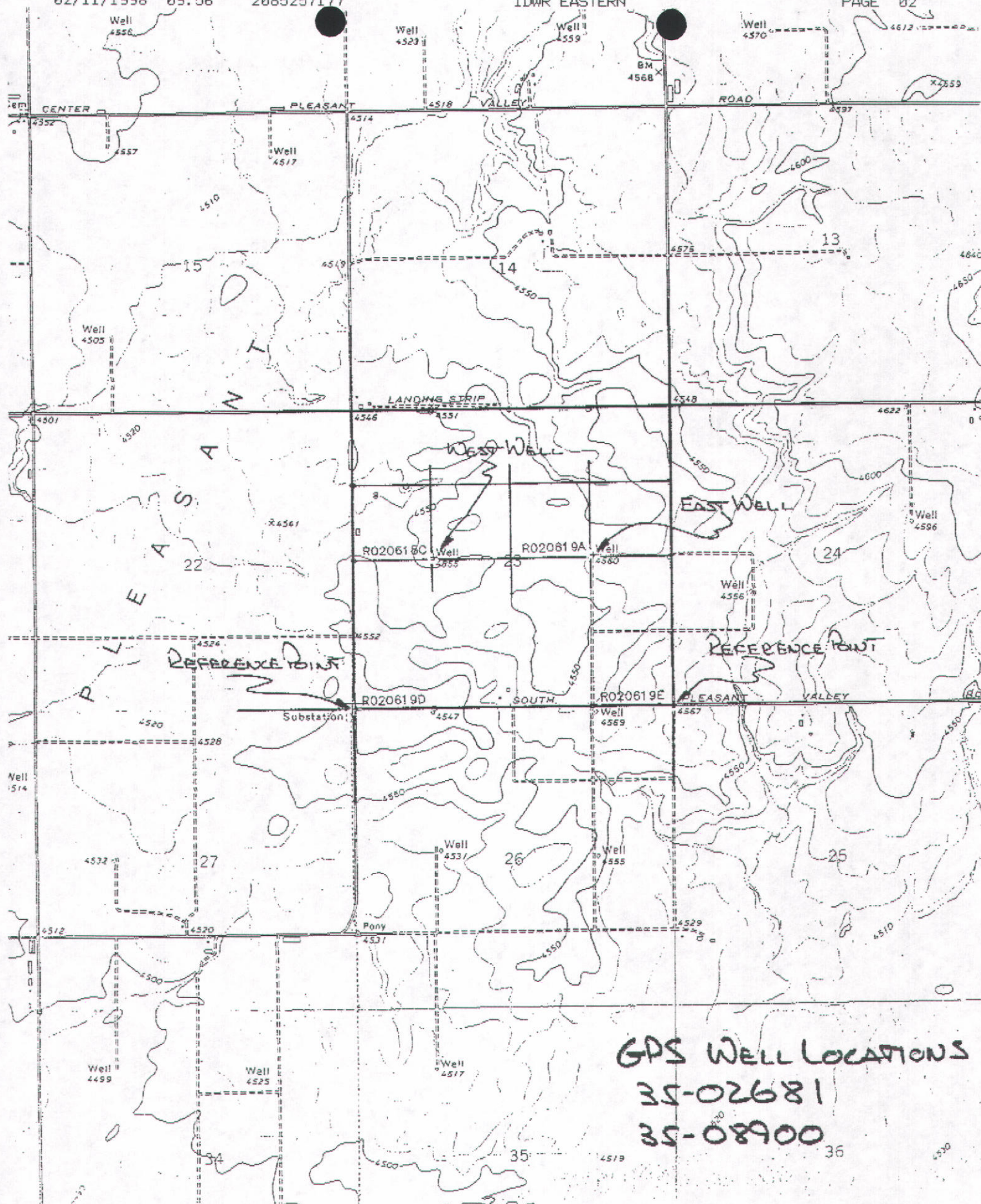
MICROFILMED

OCT 17 1990

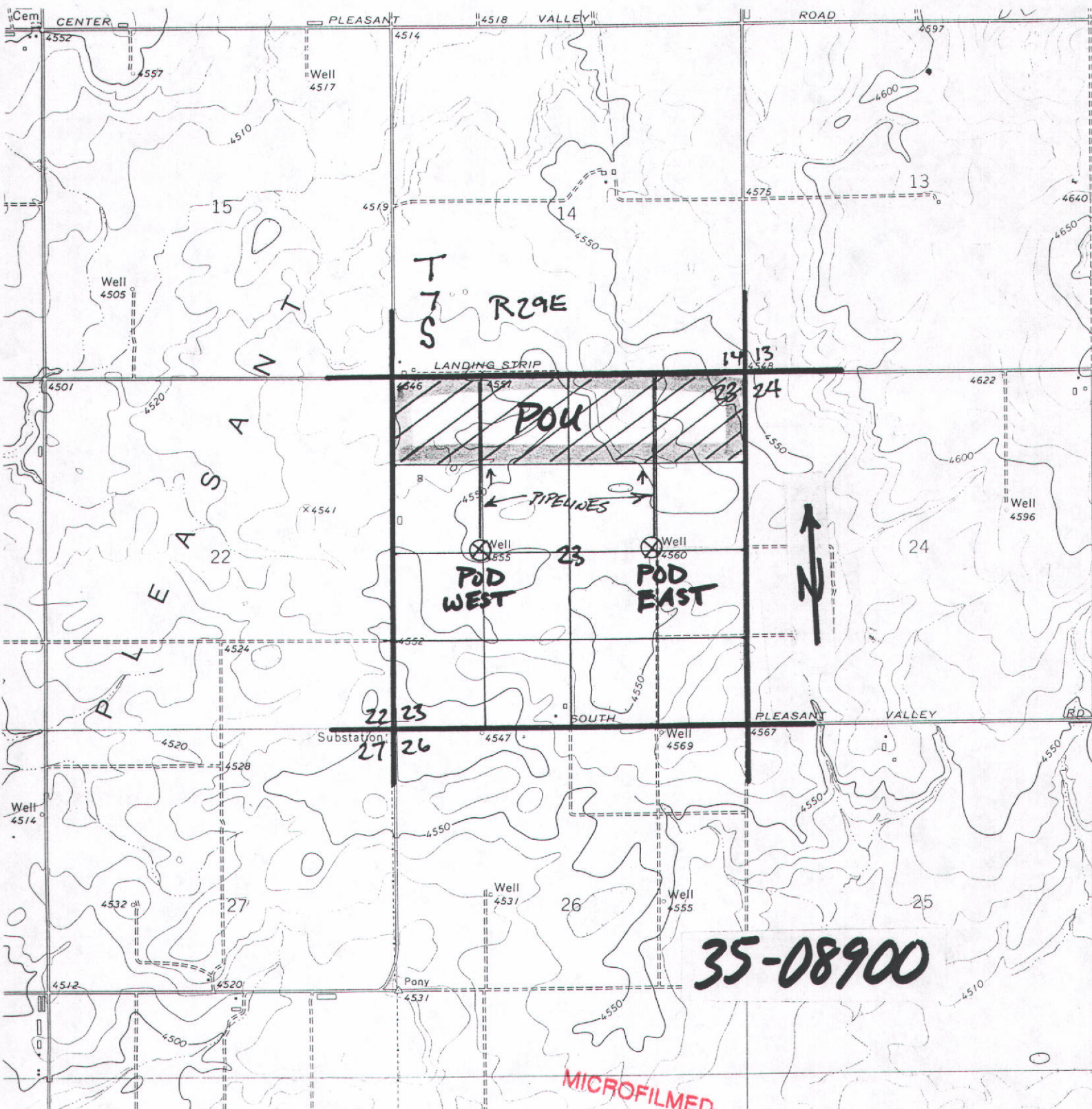
Scale: 2 inches equal 1 mile.

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.

Larry S. Bethke
(Applicant)



MICROFILMED
MAR 26 1998



35-08900

MICROFILMED
MAR 26 1998

#1362

Ralph Breeding

BREEDING RD

Visiting Rd.

T
7 R29E
S

Rest Rd.

12-
302.3

14

13

23
T-2540

23

20

1-
158.1

Lateral

10"
Main

POU

Lateral

10"
Main

PIVOT

#1783

Larry Bethke

23

WEST Well

POD

Connect
Pipe

NHEL
1-
69.9

NHEL
2-
79.8

PIVOT

EAST Well

POD

NHEL
3-
79.9

NHEL
4-
78.5

MICROFILMED
MAR 26 1998

35-8900

LARRY BETHKE

IRRIGATION

10/3

EAST WELL
POINT OF
DIVERSION
DISTRIBUTION
SYSTEM
PILOT SHOWN



WEST WELL
POINT OF
DIVERSION
DISTRIBUTION
SYSTEM



MICROFILMED
MAR 26 1998

PERMIT
NKMBEA

35-08900

LARRY BETHKE

IRRIGATION

25/3

VIEW WEST
OF PLACE
OF USE

↙ USE



VIEW
NORTH WEST
PLACE OF USE



MICROFILMED
MAR 26 1998

PERMIT
NUMBER

35-08900

LARRY BETHKE

IRRIGATION

3-13

VIEW
NORTHEAST
PLACE OF USE



VIEW
EAST
PLACE OF USE



MICROFILMED
MAR 26 1998

PERMIT
NUMBER

35-08900

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5235
WATER RIGHT NO. 35-08900

This is to certify that: **BREDDING FARMS**
C/O DON BREDDING
2697 BREDDING RD
AMERICAN FALLS ID 83211

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.68 CFS	640.0 AF

SOURCE

GROUNDWATER

Priority: 04/26/1990

LOCATION OF POINT(S) OF DIVERSION: NWNW , Sec. 23, Township 07S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S 29E 23	NENE 40	NWNE 40	NENW 40	
	NWNW 40			160

Total number of acres irrigated: 160

CONDITIONS OF APPROVAL AND REMARKS

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. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the above.

SEP 21 1998

TRANSFER NO. 5235
WATER RIGHT NO. 35-08900

CONDITIONS OF APPROVAL AND REMARKS

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 8th day of September, 1998.

J. Glen Saylor
Chief, Water Allocation Bureau

MICROFILMED

SEP 21 1998

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

MAY 15 1998

PART 1

Department of Water Resources
Name of applicantBREEDING FARMS c/o Don BreedingPhone (208) 226-2240

Post Office address

2697 Breeding Rd American Falls, ID 83211

A. PURPOSE OF TRANSFER

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

2. Describe the reason for the proposed changes We want to drill our own well for this right. At this time we are using our neighbors wells.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ae-ft)	Nature of Use	Period of Use
<u>35-08900</u>	<u>4/26/1990</u>	<u>2.68 cfs*</u>	<u>Irrigation</u>	<u>4/01</u> to <u>10/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 2.68* cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	23	7S	29E	Power	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	29E	23	40	40			40	40											160

MICROFILMED

SEP 21 1998

Total acres 160

PART 1

6. General Information:

a. Description of diversion system Well + pump to wheel lines.

NA.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NA.

d. Remarks:

*CFS amount is a provision using 7.97cfs and 475 acres between licenses 35-08900 + 35-02681. This amount is 0.0167 cfs /acre.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

MICROFILMED

SEP 21 1998

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 35-08900

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	3.20 CFS	640.0 AF

SOURCE

GROUNDWATER

Priority: 04/26/1990

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 23, Township 07S, Range 29E
 SENW , Sec. 23, Township 07S, Range 29E
 POWER County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S 29E 23	NENE 40	NWNE 40	NENW 40	160
	NWNW 40			160
	Total number of acres irrigated:			160

CONDITIONS/REMARKS:

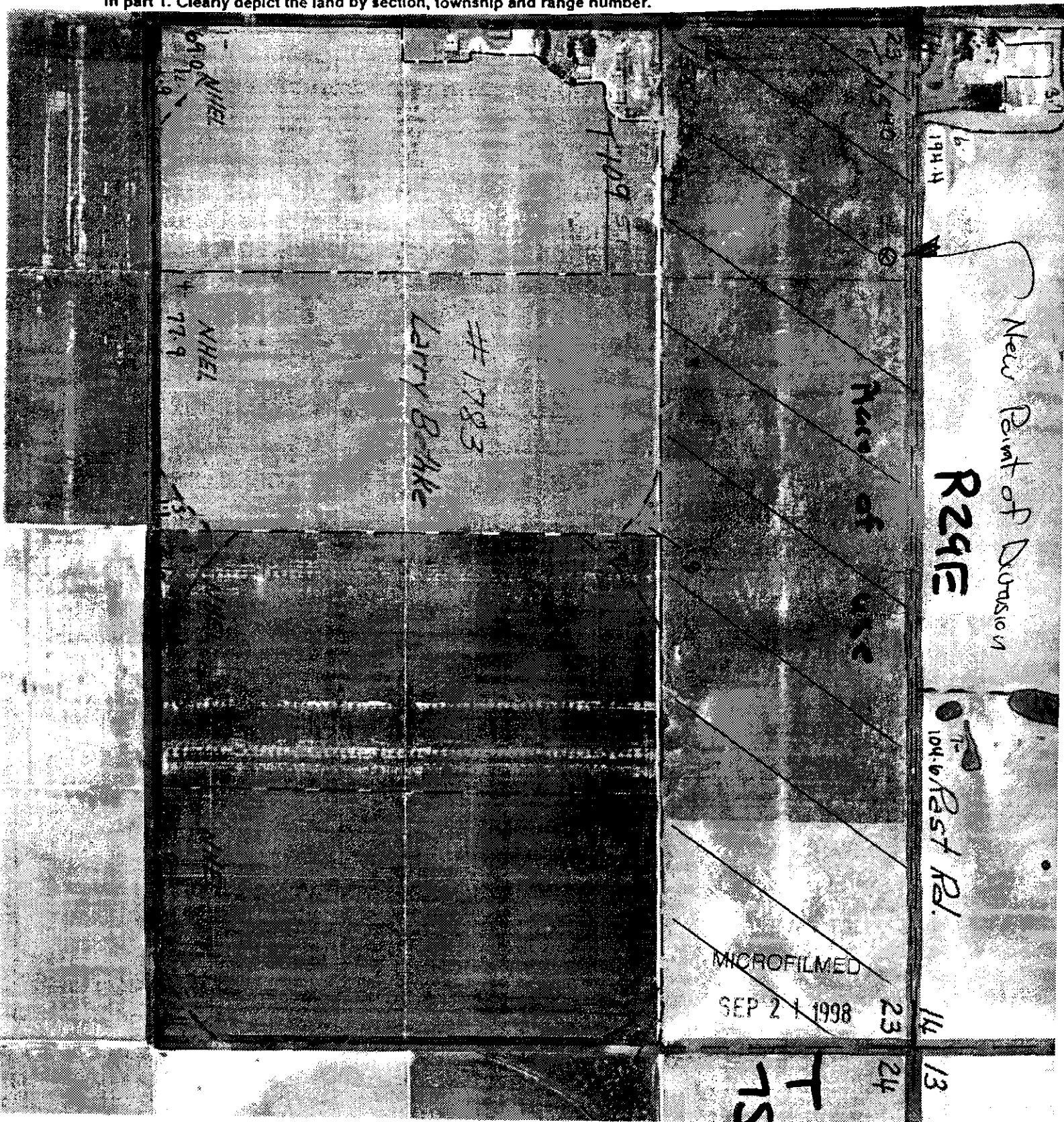
1. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
4. Rights 35-02681 and 35-08900 when combined shall not exceed a total diversion rate of 7.97 cfs.
5. Right 35-02681 is also diverted through the point(s) of diversion described above.

MICROFILMED

SEP 21 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

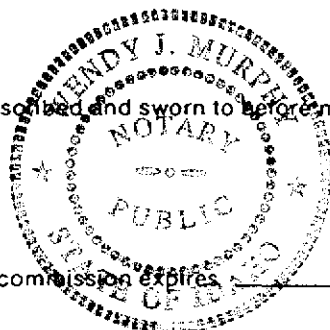
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this

16th

day of

March, 19 98Don Breeding

(Signature of Applicant)

Wendy J. Murphy

(Notary Public)

My commission expires

6/23/2000

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date 3-16-98

Protest filed by _____

Prelim. check by _____ Fee \$100.00Received by H&J #E023952 Date _____Published in Power County Press

Copies of protest forwarded by _____

Pub. dates March 25 & April 1 1998

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

MICROFILMED
SEP 21 1998

MAKE CHECK PAYABLE TO:
POWER COUNTY TAX COLLECTOR
COURTHOUSE 543 BANNOCK
AMERICAN FALLS
IDAHO 83211

1997 TAX BILL/RECEIPT

PARCEL NUMBER
RPD0501-00 A
14,630 +

BILL# 4101 CODE AREA -00 L

1ST HALF DUE
TAX 97.85
LATE
INT
COST
TOT

2ND HALF DUE
TAX 97.85
LATE
INT
COST
TOT

FULL DUE
TAX 195.70
LATE
INT
COST
TOT

TOT MV 14,630
WAC 6.000
TOT ACS 154.000

BREIDING GILBERT
790 BANNOCK AVE
AMERICAN FALLS ID 83211

S23 T7S R29E
N2N2,

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
POWER COUNTY	.003253126	47.58
SCHOOL #381	.006316694	92.40
COUNTY HWY	.002165047	31.66
A.F. FIRE	.000173646	2.54
AF LIBRARY	.000310555	4.54
HOSPITAL DIST	.000761267	11.14
AMBULANCE DIST	.000399145	5.84
AMOUNT DUE	.013379480	195.70

IMPORTANT
PLEASE READ BOTH FRONT AND BACK

*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

COPY

LEVY SHEETS ARE AVAILABLE IN TREASURER'S OFFICE
RECEIPT GIVEN SUBJECT TO CLEARANCE OF YOUR CHECK

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

COPY

BREIDING, GILBERT

1997
4101

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

COPY

BREIDING, GILBERT

1997
4101

2ND HALF
AMOUNT DUE 97.85

1ST HALF FULL
AMOUNT DUE 97.85 195.70

POWER COUNTY
RPD0501-00 A
6-00

LATE
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 1998

DATE PAID
PAID BY

CHECK #
CASH

POWER COUNTY
RPD0501-00 A
6-00

LATE
INT
COST
TOT

LATE
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE

DECEMBER 22, 1997

DATE PAID
PAID BY

CHECK #
CASH

TXNT 1-97

MICROFILMED

SEP 21 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08900

Priority: April 26, 1990

Maximum Diversion Rate: 3.20 CFS
Maximum Diversion Volume: 640.0 AF

This is to certify, that LARRY S BETHKE
2745 BREDDING RD

AMERICAN FALLS ID 83211 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 26, 1990; and has submitted Proof of Beneficial Use on December 5, 1994. An examination indicates that the works have a diversion capacity of 7.970 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	3.20 CFS	640.0 AF

LOCATION OF POINT(S) OF DIVERSION:
SENE , Sec. 23, Township 07S, Range 29E
SENE , Sec. 23, Township 07S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S 29E 23	NENE 40	NWNE 40	NENE 40	160
	NWNW 40			

Total number of acres irrigated: 160

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 shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.

MICROFILMED

MAR 26 1998

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 35-08900

CONDITIONS OF APPROVAL AND REMARKS

6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
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 irrigation of the lands above.
8. Rights 35-02681 and 35-08900 when combined shall not exceed a total diversion rate of 7.97 cfs.
9. Right 35-02681 is 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 25TH day of FEBRUARY, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

MAR 26 1998

RECEIVED

FEB 20 1998

State of Idaho
Department of Water ResourcesAPPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 35-08900

Department of Water Resources

Date of Priority: April 26, 1990

Maximum Diversion Rate: 3.20 CFS
Maximum Diversion Volume: 640.0 AF

Comes now

LARRY S BETHKE

2745 BREEDING RD

AMERICAN FALLS ID 83211

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 35-08900, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	3.20 CFS	640.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE, Sec. 23, Township 07S, Range 29E
SENW, Sec. 23, Township 07S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S 29E 23	NENE 40	NWNE 40	NENW 40	160
	HNWN 40			

Total number of acres irrigated: 160

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Idaho Falls this 12 day of Feb, 19 98.MICROFILMED
MAR 26 1998

Larry Bethke
(Signature)

PAGE 2

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08900

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$ 30 Received by HWT # E023890 Date 2-12-98

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 35-08900 with the following:

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 shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
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 irrigation of the lands above.
8. Rights 35-02681 and 35-08900 when combined shall not exceed a total diversion rate of 7.97 cfs.
9. Right 35-02681 is also diverted through the point(s) of diversion described.

Witness my hand this 25TH day FEBRUARY, 1998.

MICROFILMED

MAR 26 1998

Acting for KARL J. DREHER Director

DEC 05 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 08 1994

Department of Water Resources
Eastern District Office

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 35-08900 Telephone No. 226-2201/220-2201
2. Name(s) of Permit Holder(s): LARRY S. Bethke
3. Mailing Address: 2745 Breeding Rd. American Falls, Id 83211
4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. Oct 2, 1961 / yr. 1961
 - a. Well Driller: George Voller Drilling Permit Number: _____
 - b. **OPTIONAL:** 200hp w/15hp booster
Pump Horsepower: 200hp Pressure (psi): 75 Dynamic pumping level (ft): 270'

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

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

Irrigation (No. of acres): 160 ac Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 3.20 cfs OR _____ acre feet

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

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

Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No _____

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No _____
Has the measurement port been installed? Yes _____ or No _____

8. Fee Enclosed: \$ 175.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: LARRY Bethke Telephone Number: 226-2201/220-2201

Address: SAME

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

Signature of permit holder: Larry Bethke Date: 11/29/94
(include your title, if on behalf of company of organization)

DEC 29 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPROVED PERMITS)
FOR THE APPROPRIATION OF GROUND)
WATER FROM THE EASTERN SNAKE RIVER)
PLAIN AQUIFER FOR WHICH PROOF OF)
BENEFICIAL USE HAS NOT BEEN)
SUBMITTED AND IS NOT PAST DUE)

**ORDER FOR TEMPORARY
STAY OF DEVELOPMENT AND
NOTICE OF FORMAL PROCEEDINGS**

The Director of the Idaho Department of Water Resources (Director), having responsibility for the administration of the appropriation of the water of the state of Idaho, the protection of rights to the use of water within the state, the protection of the public interest in the waters of the state and the conservation of the water resources of the state enters the following Findings of Fact, Conclusions of Law and Order for temporary stay; and provides the following notice of formal proceedings:

FINDING OF FACTS

1. On May 15, 1992, the Director issued an order establishing a moratorium on the processing and approval of applications for permit to appropriate water from all surface and ground water sources upstream from the USGS Gauge on the Snake River near Weiser, Idaho. On April 30, 1993, the Director issued an Amended Moratorium Order covering the Eastern Snake River Plain Aquifer. The 1994 session of the Idaho Legislature enacted section 42-1806, Idaho Code, requiring that the moratorium relating to the the Eastern Snake River Plain area shall continue in effect until December 31, 1997.

2. The state of Idaho has experienced seven (7) recent years of drought conditions resulting in lowered ground water levels and decreased discharge from surface water sources. The Idaho Legislature has authorized a study to examine the implications of these changes and the relationships between surface and ground water resources. The study is expected to be completed in approximately two (2) years.

3. Delivery calls have been made by the holders of senior-priority surface and ground water rights against the holders of junior-priority ground water rights from the Eastern Snake Plain Aquifer which could result in the curtailment of diversion and use of water under junior-priority ground water rights including rights which might otherwise be developed under permits which are the subject of this order and notice.

RECEIVED
JUN 29 1994

CONCLUSIONS OF LAW

1. Section 42-1805, Idaho Code, provides in part as follows:

In addition to other duties prescribed by law, the director of the department of water resources shall have the following powers and duties:

...

(7) After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of minimum flow provisions of the state water plan.

2. Water Appropriation Rule 55.02. of the Department of Water Resources (IDAPA 37.03.08055.02) provides as follows:

02. PERMITS

a. To the extent a permit has not been developed, the director may cancel, or modify permits for which proof of beneficial use has not been submitted in a designated geographical area as an extension of Rule 55.01.

b. Notice of the director's action to cancel or modify permits shall be by:

i. Summary Order served by certified mail upon the affected permit holders in the designated area.

ii. Publication of the order for three (3) consecutive weeks in a newspaper or newspapers of general circulation in the area.

c. Objections to the director's action shall be considered under the department's adopted rules of procedure and applicable law.

3. Rule of Procedure 104 of the Department of Water Resources (IDAPA 37.01.01104) provides in part as follows:

Formal proceedings may be initiated by a document from the agency informing the party(ies) that the agency has reached an informal determination that will become final in the absence of further action by the person to whom the correspondence is addressed, provided that the document complies with the requirements of Rules 210 through 280.

4. Protection of prior rights to the diversion and use of surface and ground water of the Eastern Snake River Plain Aquifer

RECEIVED
JAN 29 1994

and the Snake River may require that the further development of water under existing undeveloped permits be suspended indefinitely to assure that the effects and conditions caused by drought, changes in irrigation practices and resulting aquifer recharge, and diversion and use of ground water from the aquifer under prior established water rights are properly evaluated.

5. Section 42-204, Idaho Code, provides in part as follows:

Every holder of a permit which shall be issued under the terms and conditions of an application filed hereafter appropriating twenty-five (25) cubic feet or less per second must, within one (1) year from the date upon which said permit issues from the office of the department of water resources, commence the excavation or construction of the works by which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted through no fault of the holder of such permit by circumstances, over which he has no control.

ORDER

IT IS THEREFORE, HEREBY ORDERED as follows:

1. The owners of all permits to appropriate ground water within the boundaries of the Eastern Snake Plain Aquifer, as that area is defined by Rule 50 of the rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11), shall, effective immediately upon receipt of this order, temporarily stop further development under the permit until the Director authorizes further development.

2. The owners of all permits for appropriation of ground water within the boundaries of the Eastern Snake River Plain Aquifer shall on or before February 1, 1995, either:

A. File proof of beneficial use to cover the extent of diversion and beneficial use of water that has been accomplished prior to receipt of this order; or

B. File a response with the Director in this proceeding to satisfy the requirements of either subparagraph 1) or 2) below:

1) Document with supporting information that a "substantial investment" has been made, prior to receipt of this order, in facilities to divert and beneficially use water under the permit that merits the granting of additional time to complete all or part of the project. Substantial investment means an actual expenditure or written commitment for development of the project which meets the following requirements:

RECEIVED
DEC 29 1994

- a) The actual expenditure or written commitment for the diversion and related equipment must equal or exceed the amount of fifteen thousand dollars (\$15,000) or exceed twenty five (25) percent of the estimated cost of the system for diverting and beneficially using the water, whichever is less; and
- b) The actual expenditure or written commitment must have been made before receipt of this order.

2) Request an indefinite stay in the development period for the project, or any part of the project for which a substantial investment has not been made, until the conditions that resulted in this order have been alleviated if such should ever occur. Upon approval of any such stay, no further development is to occur until such time as the department has issued an extension of time setting a date for completion of the project.

3. Failure to submit either proof of beneficial use or a satisfactory response shall result in cancellation of the permit without further notice.

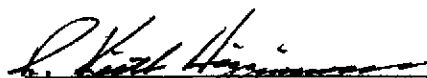
4. Before receiving approval for either additional time to complete a project under subparagraph 2.B.1) or a stay under subparagraph 2.B.2) above, the owner of the permit shall provide information to demonstrate compliance with the provisions of Sections 42-204, Idaho Code, with respect to commencing and diligently proceeding to develop the project authorized under the permit.

5. This order does not prevent the Director from reviewing continued development of a permit on a case-by-case basis if,

a. The Director determines that protection and furtherance of the public interest justifies continued development of a permit; or

b. The Director determines that continued development and use of water will have no effect on prior water rights because of its location, insignificant consumption of water or mitigation provided by the permit holder to offset injury to other rights.

Dated this 9TH day of NOVEMBER, 1994.


R. KEITH HIGGINSON
Director

RECEIVED
DEC 29 1994

State of Idaho
Department of Water Resources

NO. 35-08900

Proposed Priority: April 26, 1990 **Maximum Diversion Rate:** 3.20 CFS

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

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
----------------	---------------	-------------------

IRRIGATION	04/01 to 10/31	3.20	CFS
------------	----------------	------	-----

LOCATION OF POINT(S) OF DIVERSION: SWNE Sec. 23, Township 07S, Range 29E
SWNW Sec. 23, Township 07S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	29E	23	NENE 40	NWNE 40	NENW 40	160
			NWNW 40			

Total number of acres irrigated: 160

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1995.**
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit 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.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
7. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
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.

MICROFILMED

Oct 17 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08900

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

21st day of September, 1990.

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

OCT 17 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant LARRY S. Bethke Phone (208) 226-2201
Post office address 2745 Breeding Rd American Falls, Id. 83211
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 23 Township 07S Range 29E B.M. POWER County; additional
points of diversion if any: 07S, 29E S23, SW $\frac{1}{4}$, NW $\frac{1}{4}$
4. Water will be used for the following purposes:
Amount 3.2 for IRR 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) 3.2 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 Sprinkler System - Wheel lines

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 well diameter is 16" inches; proposed depth of well is 400' 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
5 years (minimum 1 year).

MICROFILMED

OCT 17 1990

* As per phone call. DMD

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.

[illegible]

160 Total number of acres to be irrigated

10. Describe any other water rights used for the same purposes as described above.
11. a. Who owns the property at the point of diversion? LARRY S. BETHKE
b. Who owns the land to be irrigated or place of use? RADDER GILBERT BRADING

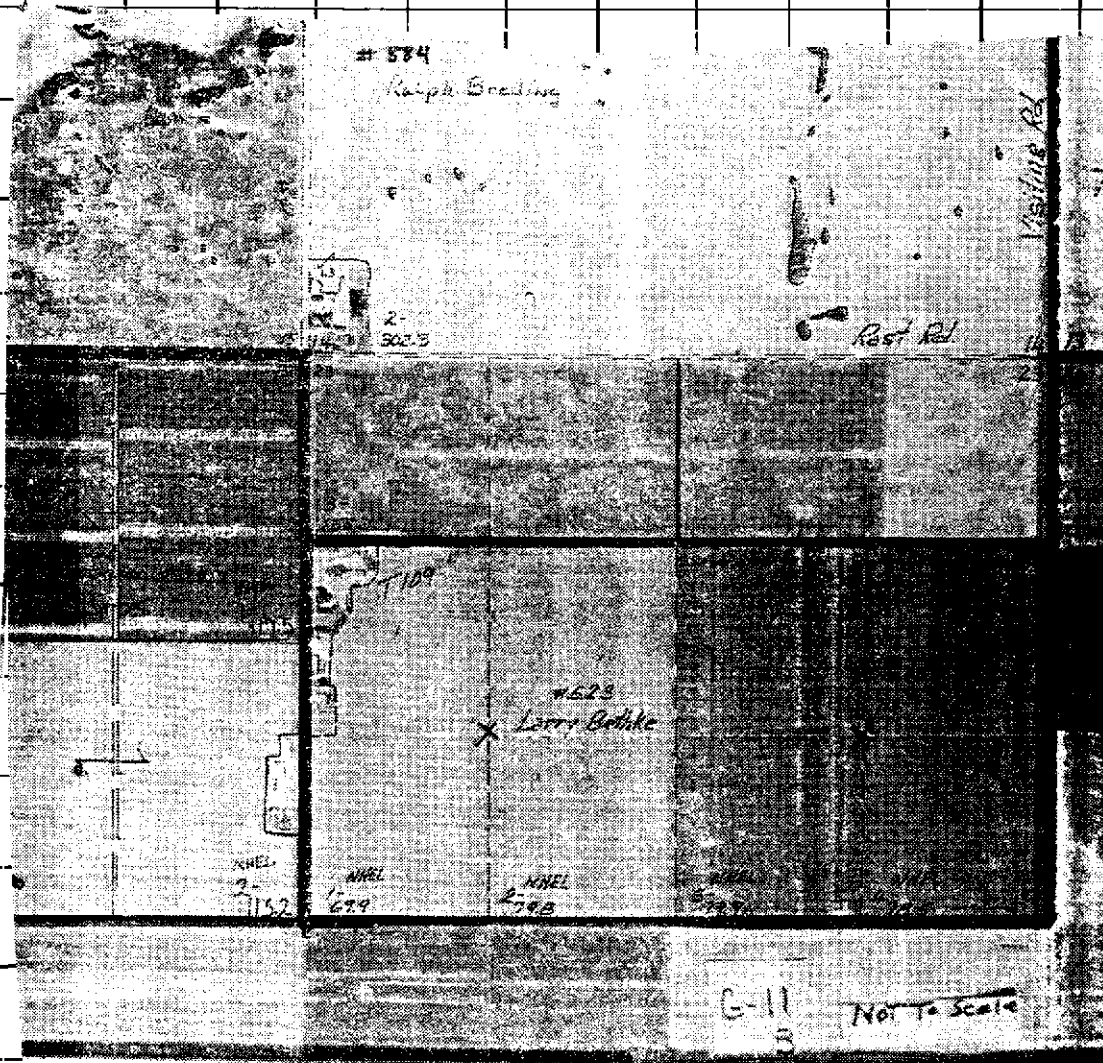
11. a. Who owns the property at the point of diversion? BARRY S. BEHNKE
b. Who owns the land to be irrigated or place of use? Ralph/Gilbert Bradley
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. The property on which this application is being made, is being paid for a period of 5 years, at the end of 7 years back would be

12. Remarks:

and parents

Development - Pump, motor, installation & Wood frame

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



MICROFILMED

OCT 17 1990

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.

Larry S. Bothe
(Applicant)

MICROFILMED

OCT 17 1990

RECEIVED

e. Other:

permit.

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	QW	Date	4-26-90	Time	11:45	Preliminary check by	AMB
Fee \$	108.00	Received by	HMS	#	E015700	Date	4-26-90
Publication prepared by	KB	Date	5-21-90	Published in	Boyer Gully Press	7-19-90	8-01-90
Publication approved	QW	Date	7-19-90				

Affidavit of Publication

State of Idaho

County of Power

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county continuously for over seventy-eight consecutive weeks without interruption and continuously for over seventy-eight consecutive weeks prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clip attached in the regular and entire edition of said newspaper and not in supplement thereof for 2 successive weekly issues thereof, date of the first publication being the 18 day 1990 and the date of last publication being 25 day of July 1990

(Signed)

State of Idaho

County of Power

On this 25 day of July in the year 1990, before me, a Notary Public, personally appeared Erma Crompton, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn declared that the statements therein are true, and acknowledged to me that she executed the same.

Brett Crompton
Notary Public for Idaho
Residing at American Falls, Idaho
My commission expires: June 8, 1995



The Power County Press

Application for water right

29E NWNW Sec 21 T 07S R 29E
Use: IRRIGATION (2,460 CFS)
Total Diversion: (2,460 CFS)
Date Filed: 2/8/1984
In: T07S R29E S20 NENE NWNE
SENE
S21 NENE NWNE NENW NWNW
SWNW SENW NESW NWSW
333.0 ACRES TOTAL

29-07984
GONZALES, FERNANDO B.
GONZALES, IRENE
STAR RT. BOX 67A
POCATELLO, ID 83202
Source: GROUNDWATER
Diversion Pt: NWNE Sec 17 T 06S R 33E
Use: IRRIGATION (.120 CFS)
Total Diversion: (.120 CFS)
Date Filed: 4/23/1990
In: T06S R33E S17 NWNE
8.0 ACRES TOTAL

29-08006
BROWER, DENNY
1805 GOVERNMENT RD.
POCATELLO, ID 83202
Source: GROUNDWATER
Diversion Pt: NWSE Sec 2 T 06S R 33E
Use: IRRIGATION (.200 CFS)
Total Diversion: (.200 CFS)
Date Filed: 5/23/1990
In: T06S R33E S02 NWSE
10.0 ACRES TOTAL

29-08345
WEISENBURGER, CECIL
RT. 1, BOX 167
AMERICAN FALLS, ID. 83211
Source: GROUNDWATER
Diversion Pt: NENW Sec 21 T 07S R 160.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203 C, 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 AUGUST 26, 1990.

R. Kath Higginson, Director

RECEIVED
JUL 27 1990
Department of Water Resources
Eastern District Office

35-08879
SIMMS, LARRY K.
3151 W. WHITNAH RD.
AMERICAN FALLS, ID 83211
Source: GROUNDWATER
Diversion Pt: SESESW Sec 26 T 07S R 30E
Use: IRRIGATION (.090 CFS)
DOMESTIC (.040 CFS)
STOCKWATER (.020 CFS)
Total Diversion: (.150 CFS)
Date Filed: 3/21/1990
In: T07S R30E S26 SESW
3.0 ACRES TOTAL

35-08900
BETHKE, LARRY S.
2745 BREIDING RD.
AMERICAN FALLS, ID 83211
Source: GROUNDWATER
Diversion Pt: SWNE Sec 23 T 07S R 29E
SWNW Sec 23 T 07S R 29E
Use: IRRIGATION (3,200 CFS)
Total Diversion: (3,200 CFS)
Date Filed: 4/26/1990
In: T07S R29E S23 NENE NWNE
NENW NWNW
160.0 ACRES TOTAL



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

September 8, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BREDDING FARMS
C/O DON BREDDING
2697 BREDDING RD
AMERICAN FALLS ID 83211

RE: Water Right 35-08900 (Transfer 5235)

Dear Mr. Bredding:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5235). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

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

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

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

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

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

MICROFILMED

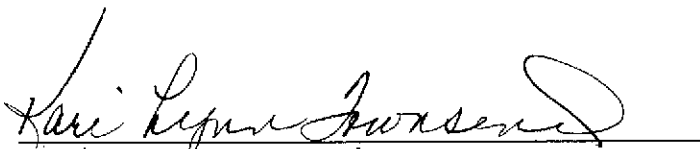
SEP 21 1998

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of September, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

WATER RIGHT 35-08900 (Transfer 5235)

BREDING FARMS
C/O DON BREDING
2697 BREDING RD
AMERICAN FALLS ID 83211


Kari Lynn Townsend
Secretary

MICROFILMED

SEP 21 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order 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 the 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 a 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, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a 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.

ORAL ARGUMENT

If the Department grants a petition to review a 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.

MICROFILMED

SEP 21 1998

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a 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.

MICROFILMED

SEP 21 1998

MEMORANDUM

TO: File 35-08900

FROM: Pam Skaggs^{CS}/State Office

SUBJECT: Transfer 5235

DATE: September 4, 1998

Transfer 5235 changes the point of diversion under Right 35-08900. The well was drilled under an expedited Drilling Permit #35-98-E-0041-000.

The transfer separates this right from the point of diversion overlap identified by the licensing condition limiting the total combined rate of diversion between Right 35-08900 and 35-02681. The transfer application proposes the rate under Right 35-08900 should be 2.68 cfs or a proportional split of the system rate.

Recommended conditions include non-trust, irrigation overlap, measuring and annual reporting, and standard transfer conditions.

MICROFILMED

SEP 21 1998

TRANSFER REVIEW SHEET

(07-98)

Transfer # 5235

Date Reviewed 9-4-98
38

Right(s) 35-08900 _____

☒ WRQ/Split Summary NA SRBA Status NA Run POU Comparison Report

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

Proof of Ownership NA P/D change '97 tax notice/Breeding

Transfer ☒ All of Right _____ Portion of Right
Resulting Split(s) None

Check Transfer Against Recorded Right Season/Vol. 0/4.0

(1) ☒ Priority (2) ☒ Use (3) ☒ Season (4) _____ Rate (5) ☒ Volume

(6) ☒ Source (7) _____ P/D (8) ☒ P/U (9) NA Proof/Owner (10) ☒ Map

Aberdeen-American Falls GW Dist. & East ESPA Measurement District

(11) NA Water District (12) Yes Pertinent Conditions (13) NO Expansion
NON-TRUST

(4) Rt. separated from Rt 35-02681 P/D overlap/Per application
system average used. $7.97 \text{ cfs} / 475 \text{ Acres} = .0167 \text{ cfs/acre} \times 160 = 2.68 \text{ cfs}$
(7) Change P/D

Expedited DP# 35-98-E-0041-000

Transfer Remarks R64,
Conditions 067, T07, T08, T09 NonTrust Conditions 048+049

Database/Processing Notes Standard ☒ Non-Standard _____
T file

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒
Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

9-8-98 38

WR0749NP
No. T35-08900

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/04/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BREIDING FARMS C/O DON BREIDING 2697 BREIDING RD AMERICAN FALLS ID 83211 (208) 226-2240	04/26/1990	IRRIGATION	04/01 10/31	2.680 CFS	640.00 AFA
TOTAL DIVERSION:					2.680 CFS	640.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R29E S23 NWNW POWER County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
07S	29E	23	:	40		40		:	40		40		:					:						160.0
TOTAL ACRES																							160.0	

Pou County: POWER

Conditions of Approval:

- 048 - 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.
- 049 - The Director retains jurisdiction of the right to incorporate
 - the use into a water district, require streamflow augmentation
 - or other action needed to protect prior surface water and
 - groundwater rights.
- 067 - The right holder shall measure and annually report diversions of
 - water and/or other pertinent hydrologic and system information as
 - required by Section 42-701, Idaho Code.
- R64 - 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.
- T07 - The right holder shall accomplish the change authorized by this
 - transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
 - transfer is cause for the Director to rescind approval of the
 - transfer.
- T09 - Approval of this transfer does not preclude the opportunity for
 - review of the validity of the water right(s) in the ongoing
 - Snake River Basin Adjudication.

Dates: App. Received: 04/26/1990 Priority Date: 04/26/1990
Proof Due Date: 09/01/1995 Proof Made Date: 12/05/1994
Exam Made Date: 07/24/1996 Exam Sent to S.O.:
Licensed Date: 02/25/1998

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

WR0749NP
No. T35-08900

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/04/98
PAGE: 2

=====

Comments: Date: 12/08/1994 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Date: 09/04/1998 User-ID: PSKAGGS Subject: TRANSFER 5235
Transfer 5235 changes the point of diversion under Rt. 35-08900.

Audit: 03/17/98 SCOX 09/04/98 PSKAGGS

SPLIT RIGHT SUMMARY
9/3/98
TRANSFER 5235

SD-0611-2 Basin: 35 Starting Water Right: 08900

S	O	S
E Water	Name	W Priority
L Right No.	Last, First	N Date
STG/	Source	Use
STS	Desc	S
35-08900	BETHKE, LARRY S	C 04/26/1990 L/
T35-08900		04/26/1990 L/
		GROUNDWATER
		GROUNDWATER
		IRR
		IRR
		WR
		WR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

3-16-98

T5235

INITIAL REVIEW BY:

PRM

1. Right number 35-08900 Applicant Breding Farms
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? ARENEER - American Falls GWD

RECEIVED

MAY 15 1998

Department of Water Resources

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions: MEASURING DEVICE OR ACCEPTABLE
ALTERNATIVE
4. By PRM Date MAY 5, 1998

* All uses within Watermaster Districts require special conditions.

T5235

Ident. No. 35-98-E-0041-000
Well Tag No. D0004691
Water Right No. 35-08900

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR DRILLING PERMIT

Expedited

Expedited

1. Name: BREDDING FARMS C/O DON BREDDING O 208-226-2240
Address: 2697 BREDDING RD
AMERICAN FALLS ID 83211
2. Proposed Well Location: Township 07S, Range 29E, Sec. 23, NWNW
POWER County
3. Proposed Use of Well: Non-Domestic Irrigation
4. Well Construction Information:
A. NEW WELL
B. Proposed Surface Diameter 18 In. Proposed Maximum Depth 400 Ft.
C. Anticipated Bottom Hole Temperature: 85 F or less (Cold water well)
(NOTE: Construction diagrams and/or other information may be requested for
monitor, low temperature geothermal, municipal and artesian wells.)
5. Construction Start Date: 5/15/1998
6. Anticipated Well Driller: VOLLMER WELL DRILLING (No. 0383)
NOTE: The actual well driller must be identified to IDWR prior to drilling
commencement.
7. Applicant's Signature Bredding Farms by J. K. Bredding Date 5-11-98
Title _____
(Owner, Firm Representative, Other)

Fee \$ 200⁰⁰ Received by AMD No. E024104 Date 11 May 1998

MICROFILMED
SEP 21 1998

(Continued)

Ident. No.
Well Tag No.

35-98-E-0041-000
D0004691

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This permit is **APPROVED**

Date: 5/11/1998

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

CONDITIONS OF APPROVAL:

1. 1: APPLICATIONS, AS NECESSARY, ARE ON FILE SEEKING AUTHORIZATION TO USE THE WELL FOR THE PURPOSE FOR WHICH IT IS BEING DRILLED.
2. 2: THERE ARE NO APPARENT REASONS THAT PENDING APPLICATIONS WILL NOT BE APPROVED AUTHORIZING USE OF A WELL.
3. 3: THE APPLICANT HAS REQUESTED BY LETTER THAT EXPEDITED APPROVAL IS NEEDED FOR IMMEDIATE CONSTRUCTION.
4. 4: THE DRILLING PERMIT IS CONDITIONED TO SHOW THAT THERE IS NO AUTHORIZATION FOR DIVERSION AND USE OF WATER UNTIL THE WATER RIGHT TRANSFER (5235) IS APPROVED.
5. 5: THE APPLICANT BY ACCEPTING THIS DRILLING PERMIT AND COMMENCING CONSTRUCTION OF THE WELL ACKNOWLEDGES THAT HE ACCEPTS ALL RISK THAT THE WELL MAY NOT BE APPROVED FOR USE.

Dennis W. Dunn
Signature of Authorized Dept. Representative

State Water Resource Agent
Title

EXTENSION OF DRILLING PERMIT

Extension Approved by: _____

Approval Date: _____
Expires On: _____

MICROFILMED
SEP 21 1998



Drilling Permit No. 35-98-E-0041

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXPEDITED ISSUANCE OF A DRILLING PERMIT

RALPH BREEDING OF BREEDING FARMS Applicant, requests issuance of a drilling permit prior to approval of a pending Application for Permit or Application for Transfer on file with this department. The request is made for the following reasons:

TO ENABLE DRILLING OF WELL FOR USE EARLY 1998

Applicant acknowledges that by accepting a drilling permit and commencing construction he accepts all risk that the well may not ultimately be approved for use.

5-11-98
Date

Signature

Ralph Breeding for Breeding Farms

MICROFILMED
SEP 21 1998

Affidavit of Publication

State of Idaho

County of Power

Brett Crompton being first duly sworn on oath, states:

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

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 25 day of March 1998 and the date of the last publication being the 1 day of April 1998.

Signed

Brett Crompton

State of Idaho

County of Power

On this 2 day of April in the year of 1998, before me, a Notary Public, personally appeared Brett Crompton, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

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

Breeding requests water right change

Published in The Power County Press
March 25, April 1, 1998.

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT

NO. T5235

Notice is hereby given that Breeding Farms, c/o Don Breeding, 2697 Breeding Rd., American Falls, ID 83211, has applied to the Department of Water Resources to change point of diversion of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 35-08900

Source: Groundwater

Amount: 2.68 cfs

Priority: 4/26/1990

Point(s) of Diversion: NWNW SEC 23 T7S R29E, POWER COUNTY

The water is used for irrigation of 160 acres from 4401 to 10/31 within the SEC 23 T7S R29E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to transfer the point of diversion to a well on his property in the NWNW SEC 23 T7S R29E. This is 1/2 mile north of the original well.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before April 13, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

RECEIVED

APR 30 1998

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

March 17, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BREDDING FARMS
C/O DON BREDDING
2697 BREDDING RD
AMERICAN FALLS ID 83211

RE: Application for Transfer T5235

Dear Applicant:

This office is currently in the process of advertising the application in the Power County Press on MAR. 25 & APRIL 1, 1998. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ/sc

MICROFILMED
SEP 21 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

March 17, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ABERDEEN-AMERICAN FALLS
GROUND WATER DISTRICT
C/O JEMRU BOOMER
P BOX 70
AMERICAN FALLS ID 83211

RE: Application for Transfer No. T5235

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is April 13, 1998, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ/sc
enc.

MICROFILMED

SEP 21 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

March 17, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

POWER COUNTY PRESS
PO BOX 547
AMERICAN FALLS ID 83211

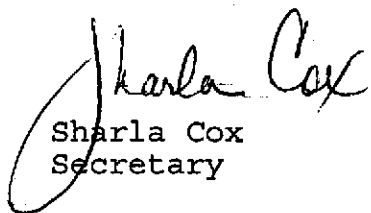
Dear Publisher:

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

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

Please send the affidavit of publication and publication billing to this office before April 13, 1998.

Yours truly,


Sharla Cox
Secretary

Enc.

MICROFILMED

SEP 21 1998

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5235

Notice is hereby given that Breeding Farms, c/o Don Breeding, 2697 Breeding Rd, American Falls, ID 83211, has applied to the Department of Water Resources to change point of diversion of of a groundwater source. The right sought to be change is evidenced by a license and recorded as follows:

License No.: 35-08900 Source: Groundwater
Amount: 2.68 cfs Priority: 4/26/1990
Point(s) of Diversion: NWNW SEC 23 T7S R29E, POWER COUNTY

The water is used for irrigation of 160 acres from 4/01 to 10/31 within the SEC 23 T7S R29E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to transfer the point of diversion to a well on his property in the NWNW SEC 23 T7S R29E. This is 1/2 mile north of the original well.

Any protests against approval of the proposed changed must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before April 13, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Power County Press on March 25 and April 1, 1998.

MICROFILMED

SEP 21 1998

INTER-DEPARTMENT MEMO

TO: SharlaSUBJECT: Breeding Farms TransfFROM: HWTDATE: 3-16-98

To be changed as follows: The applicant intends to transfer the point of diversion to a well on his property in the NW 1/4 Sect 23 T7S R29E. This is 1/2 mile north of the original well.

MICROFILMED

SEP 21 1998

☐ For your information☐ Response required
signature



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

February 25, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LARRY S BETHKE
2745 BREDING RD
AMERICAN FALLS ID 83211

RE: WATER RIGHT NO. 35-08900

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.

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:

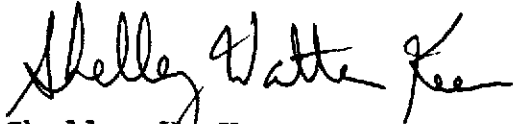
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides in or
- iv. The real property or personal property that was the subject of the agency action is located.

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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

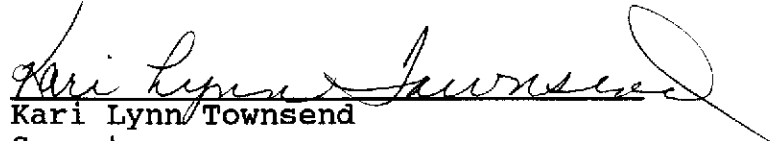
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of **February, 1998**, 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. 35-08900

LARRY S BETHKE
2745 BREDDING RD
AMERICAN FALLS ID 83211


Kari Lynn Townsend
Secretary

MICROFILMED

MAR 26 1998

MEMORANDUM

TO: Skip Jones/*File*

FROM: Sharla Curtis

DATE: February 3, 1998/*Feb. 11, 1998*

RE: Permit No. 35-08900

Per our telephone conversation yesterday, I'm requesting that you send one of your agents out to GPS the points of diversion used under the permit referenced above (Bethke). The field exam and the right holder indicate the p/d's in the SWNE and SWNW of Section 23, T7S, R29E. SRBA information for an overlapping right, 35-02681, locate the p/d's in the SENE and SENW of the section.

Thanks in advance for your help on this one.

*2/11 - Paul sent GPS info over, L file updated
and amendment form faxed to Mr Bethke. He will
sign the form and take it in to Idaho Falls
and pay the fee. SC
FAX 226-5570*

MICROFILMED

MAR 26 1998

35-08900



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNORKARL J. DREHER
DIRECTOR

MEMORANDUM

To: Sharla Curtis, State Office
 cc: Carter Fritschle, State Office
 From: Paul Meyer, Eastern Region *PM*
 Date: February 10, 1998
 RE: GPS well locations for 35-02681, A35-02681 and 35-08900

At the request of Harold Jones, I used the GPS to locate the points of diversion for Permit 35-08900 and SRBA Notice A35-02681. I've attached the map of my findings along with the statistics files for each of the points used to verify the locations.

Please remember that the corrected GPS data has only 10-meter accuracy. Any corrected point on a map can be as much 30 feet from the actual location. This may not appear important until it is realized that should the 1/4 section line fall within this 10-meter circle, as in the case of A35-02681 and 35-08900, an actual exact 40-acre tract determination using GPS alone can be impossible.

Therefore, GPS is best used in conjunction with other tools to determine exact legal description. Reviewing the IDWR NAPP photography along with NRCS large-scale NAPP prior to venturing into the field indicated a high likelihood that the wells are located in the SENW and SENE of the section as Carter Fritschle had found during his previous field verification of R35-02681. Once onsite, I also noted locations of mainlines, pivot center towers, etc. and then used GPS as a location check.

From the information gathered, I recommend that 35-08900 be amended to show two points of diversion; one in the SE 1/4 of the NE 1/4, Section 23, Township 07 South, Range 29 East and the other in the SE 1/4 of the NW 1/4, Section 23, Township 07 South, Range 29 East. The SRBA Notice of Claim R35-02681 shows the correct locations for the points of diversion and will ultimately change the Allocations record once the right is decreed.

Post-It™ brand fax transmittal memo 7671		# of pages > 6
To: SHARLA CURTIS	From: PAUL MEYER	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

MICROFILMED
MAR 26 1998

C:\GEO-PC\DATA\02061998\R020618C.COR

Statistics Version 3.6

	Recs	Mean	Std Dev	Minimum	Maximum
Northing	314	15552044.1837	3.8522	15552037.9613	15552051.0299
Easting	314	1093949.9650	1.8609	1093947.3709	1093952.9673
Altitude	314	4611.0851	1.5863	4608.3688	4615.0125

No velocity records in file.

No DOP records in file.

Start GPS Week #943 on 02/06/98 at 18:45:56

End GPS Week #943 on 02/06/98 at 18:50:08

Datum : NAD-27 CONUS
Coordinate System : Universal Transverse Mercator [12T]
Altitude Mode : Height Above Ellipsoid
Altitude/Distance Units : Feet
Velocity Units : Feet/Second

WEST WELL
35-02681
35-08900

MICROFILMED
MAR 26 1998

C:\GEO-PC\DATA\02061998\R020619A.COR

Statistics Version 3.6

	Recs	Mean	Std Dev	Minimum	Maximum
Northing	401	15551984.2218	6.5669	15551970.2596	15552011.9366
Easting	401	1096595.7175	4.5540	1096581.0826	1096606.5477
Altitude	401	4603.8661	7.3155	4539.7456	4617.2035

No velocity records in file.

No DOP records in file.

Start GPS Week #943 on 02/06/98 at 19:03:43

End GPS Week #943 on 02/06/98 at 19:08:54

Datum : NAD-27 CONUS
Coordinate System : Universal Transverse Mercator [12T]
Altitude Mode : Height Above Ellipsoid
Altitude/Distance Units : Feet
Velocity Units : Feet/Second

EAST WELL
35-02681
35-08900

MICROFILMED

MAR 26 1998

C:\GEO-PC\DATA\02061998\R020619D.COR

Statistics Version 3.6

	Recs	Mean	Std Dev	Minimum	Maximum
Northing	328	15549402.2023	2.0900	15549395.5596	15549408.4458
Easting	328	1092554.8851	3.1131	1092550.4577	1092564.5965
Altitude	328	4595.9006	5.4599	4588.3585	4609.7077

No velocity records in file.

No DOP records in file.

Start GPS Week #943 on 02/06/98 at 19:46:13

End GPS Week #943 on 02/06/98 at 19:50:01

Datum : NAD-27 CONUS
Coordinate System : Universal Transverse Mercator [12T]
Altitude Mode : Height Above Ellipsoid
Altitude/Distance Units : Feet
Velocity Units : Feet/Second

SW CORNER
23-07S-29E

MICROFILMED

MAR 26 1998

C:\GEO-PC\DATA\02061998\R020619E.COR

Statistics Version 3.6

	Recs	Mean	Std Dev	Minimum	Maximum
Northing	243	15549305.8491	3.8330	15549294.0321	15549311.7879
Easting	243	1097841.2026	3.0953	1097834.4992	1097847.2902
Altitude	243	4605.9818	1.2944	4601.9484	4608.4356

No velocity records in file.

No DOP records in file.

Start GPS Week #943 on 02/06/98 at 19:53:30

End GPS Week #943 on 02/06/98 at 19:56:24

Datum : NAD-27 CONUS
Coordinate System : Universal Transverse Mercator [12T]
Altitude Mode : Height Above Ellipsoid
Altitude/Distance Units : Feet
Velocity Units : Feet/Second

SE CORNER
23-07S-29E

MICROFILMED
MAR 26 1998

WR0749NP
No. L35-08900

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/28/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LARRY S BETHKE 2745 BREIDING RD AMERICAN FALLS ID 83211 (208) 226-2201	04/26/1990	IRRIGATION	04/01 10/31	3.200 CFS	640.00 AFA
TOTAL DIVERSION:					3.200 CFS	640.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 7.970 CFS

Point(s) of Diversion: T07S R29E S23 SWNE SWNW POWER County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
07S	29E	23	:	40	40			:	40	40			:					:							:	160.0
																							TOTAL ACRES	160.0		

Pou County: POWER

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
35-02681 35-08900

Other Water Rights Listing Overlapping Place(s) of use:
35-08900

Conditions of Approval:

- 048 - 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.
- 049 - The Director retains jurisdiction of the right to incorporate
- the use into a water district, require streamflow augmentation
- or other action needed to protect prior surface water and
- groundwater rights.
- R31 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.0 afa per acre for the
- lands above.

Remarks: Rights 35-02681 and 35-08900 when combined shall not exceed
a total diversion rate of 7.97 cfs.
Right 35-02681 is also diverted through the point(s) of
diversion described above.

Dates: App. Received: 04/26/1990 Priority Date: 04/26/1990
Proof Due Date: 09/01/1995 Proof Made Date: 12/05/1994
Exam Made Date: 07/24/1996 Exam Sent to S.O.:
Licensed Date:

WR0749NP
No. L35-08900

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/28/97
PAGE: 2

=====

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

Comments: Date: 12/08/1994 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
 Proof of Beneficial Use Rcvd

Audit: 07/28/97 SCURTIS

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

WR-NUMBER	SOURCE	NE								NW								SW								SE								SUM
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
L3508900	T07S R29E S23	GROUNDWATER																																
	:	40		40					:	40		40					:								:							:	160	
3502681	GROUNDWATE :					40		40	:					35		40	:	40		40				:	40		40					:	315	
A3502681	GROUNDWATE :					40		40	:					35		40	:	40		40				:	40		40					:	315	
R3502681	GROUNDWATE :					40		39	:					35		40	:	40		39				:	39		40					:	312	
3507486	GROUNDWATE :								:								:						38	36	:					39	38	:	151	
A3507486	GROUNDWATE :								:								:						38	36	:					39	38	:	151	
R3507486A	GROUNDWATE :								:								:								:					39	38	:	77	
R3507486B	GROUNDWATE :								:								:						38	36	:							:	74	
~~3508900~~	~~GROUNDWATE :~~	~~40~~		~~40~~					~~:~~	~~40~~		~~40~~					~~:~~								~~:~~								~~:~~	~~160~~
--86 MAP--	C77Q-AA 84 :	06		01		42		39	:			02		38		40	:	40		40		40		41	:	39		40		39	39	:	486	

MEMORANDUM

TO: File 35-08900

FROM: Sharla Curtis

DATE: July 28, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Permit No. 35-08900 are based on the following:

H. RECOMMENDATIONS

Irrigation	4/1 - 10/31	3.20 cfs	640.0 afa
------------	-------------	----------	-----------

The theoretical capacity of this system is 7.97 cfs. The license will be issued for the permitted rate of flow with a condition limiting this right with previous license, No. 35-02682 to the maximum diversion of 7.97 cfs.

Examiner: Don Simpkins
Exam Date: July 24, 1996

MICROFILMED
MAR 26 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-08900

DATE 7/28/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>NO</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>—</u>	<u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>—</u>	<u>✓</u>	Amendment required <u>NO</u>

Does map agree with written description? ✓ yes — no

OVERLAPS

— P/D

— P/U

NO GOVT LOTS

RATE OF DIV

Permitted Rate	<u>3.20</u> cfs
Fee limit	<u>4.0</u> cfs \$175.00
Measured	<u>5.45</u> cfs
Theoretical	<u>7.97</u> cfs

Recommended Total Div Rate 3.2 cfs

ANNUAL VOLUME/
NATURE OF USES —

Use ✓

Volume Calculation	<u>1600 X 4.0 =</u> af
	<u>—</u> af
	<u>—</u> af
	<u>—</u> af
SUBTOTAL	<u>640.0</u> af

Flow rate 3.2 cfs X 214 days X 1.9833 = 1355.9 af

Total volume recommended 640.0 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

W35 (35-02681, 7.97 cfs)
36 " "

CONDITIONS — Watermaster Control WD# —

✓ GW Measurement/Measuring Device

✓ Overlap

— Use-specific conditions 048,049

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed NA

Adjustment Memo Res. total

1st Amend Letter NA

2nd Amend Letter NA

RECEIVED
MAY 21 1997
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 35-08900

1. Owner: LARRY S. BETHKE Phone No. (208) 226-2201

Current Address: 2745 BREIDING RD, AMERICAN FALLS, IDAHO 83211

2. Accompanied by: OWNER EXAM DATE: 7/24/96

Address: _____ Phone No. _____

Relationship to Permit Holder:

3. Source: GROUNDWATER tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with the same place of use: *NONE*

2. Other water rights with the same point of diversion: 35 - 02681

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

[illegible]

2. Place(s) of Use:

Indicate Method of Determination *ON SITE INSP.*

[illegible]

TOTAL

~~MICROFILMED~~

2. Measurements: SEE ATTACHMENT

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
	POLY SOLID TYRE-FLYTE		TF-P	7MD263		

↓

D. FLOW MEASUREMENTS

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

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

4. SEE ATTACHMENTS

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

This is a full-page image of a blank sheet of graph paper. The page is covered by a uniform grid of squares. Each square is defined by solid black lines. Within each square, there are dashed horizontal and vertical lines that intersect at the center, creating a smaller square in the middle of each larger square. This pattern repeats across the entire page, providing a template for drawing or writing. There are no margins, text, or other markings on the paper.

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

E. NARRATIVE/REMARKS/COMMENTS

WATER IS PUMPED VIA TWO SEPARATE SYSTEMS TO PLACES
OF USE (SYSTEMS ARE TIED TOGETHER BY COMMON PIPELINE
USED DURING LOW WATER OR PUMP FAILURES).

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

MICROFILMED
MAR 26 1998

F. FLOW CALCULATIONS

Measured Method:

7/24/96

SUDIC METER TAPES EAST WELL 1.257

WEST WELL 1.189

1189 gpm or 2.65 cfs

$$\frac{2446 \text{ gpm}}{448.8} = 5.45 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 160 \text{ ac} \times 4.0 = 640 \text{ AFA}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 3.2 \text{ cfs} \times 214 \times 1.9835 = 1358.4 \text{ AFA}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 640 \text{ AFA}$$

2. Volume Calculations for Other Uses:

The threshold for the 2 wells is 7.91 cfs. These same 2 wells are the p.d.'s for 35 - 00681 which is entitled to 5.01 cfs. $7.91 \text{ cfs} - 5.01 \text{ cfs} = 2.90 \text{ cfs}$

H. RECOMMENDATIONS

~~THIS PERMIT WHEN USED IN COMBINATION WITH OTHER WATER RIGHTS, NOT TO EXCEED 5.45 cfs. PERMIT LIMITS TO 3.2 cfs.~~

2. Recommended Amendments

Change P.D. as reflected above
Change P.U. as reflected above

Add P.D. as reflected above
Add P.U. as reflected above
None
Other

I. AUTHENTICATION

Field Examiner's Name SIMPkins Date 3/3/97

Reviewer _____ Date _____

SEAL

MICROFILMED
MAR 26 1998

Additional Computation Sheets Attached

7.91 cfs total

THEORETICAL PUMP FLOW CALCULATIONS

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

SYSTEM: WEST PUMP

Hp = Horsepower = 275 *includes booster pump*
Eff = Efficiency = .7 (Usually 70%)
Lift: (Static Level + Assumed Drawdown)
Static Water Level = 250 ft.
Assumed Drawdown = + 10 ft.
Lift = 260

OR

Measured Dynamic Water Level = _____ ft.

psi = Operating Pressure = 72 psi

$$Q_{cfs} = \left[\frac{275}{Hp} \times 8.814 \times \frac{.7}{Eff} \right] \div \left[\frac{260}{Lift} + \left(\frac{72}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{1696.695}{} \right] \div \left[\frac{426.176}{} \right]$$

$Q_{cfs} = \underline{3.98}$ cfs SYSTEM WEST PUMP

SYSTEM: EAST PUMP

Hp = Horsepower = 275 *includes booster pump*
Eff = Efficiency = .7 (Usually 70%)
Lift: (Static Level + Assumed Drawdown)
Static Water Level = 250 ft.
Assumed Drawdown = + 10 ft.
Lift = 260

OR

Measured Dynamic Water Level = _____ ft.

psi = Operating Pressure = 74 psi

$$Q_{cfs} = \left[\frac{275}{Hp} \times 8.814 \times \frac{.7}{Eff} \right] \div \left[\frac{260}{Lift} + \left(\frac{74}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{1696.695}{} \right] \div \left[\frac{430.792}{} \right]$$

$Q_{cfs} = \underline{3.938}$ cfs SYSTEM EAST PUMP

MICROFILMED
MAR 26 1998

PERMIT NO. 35-08900

MODE SELECT
INPUT

OUTER DIAMETER
8.6500 IN
PIPE MATERIAL
? CS-SS
WALL THICKNESS
0.1940 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1470 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
6.439 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

MM-DD HH:MM
07-24 10:30

07-24 10:3000 *R
+002.50 % A12

MODE SELECT
TO CHECK

0310.3 MMSEC
099.97 % TO

07-24 10:3100 *R
+833.1932 06PM

MODE SELECT
INPUT

OUTER DIAMETER
10.750 IN

PIPE MATERIAL
? CS-SS

WALL THICKNESS
0.1790 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1470 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
6.203 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

07-24 10:5100 *R
+002.50 % A12

MODE SELECT
TO CHECK

0390.8 MMSEC
100.09 % TO

07-24 10:5400 *R
+ 1.103E 36PM

07-24 10:5700 *R
+ 1.225E 36PM

07-24 10:5800 *R
+ 1.257E 36PM

MODE SELECT
INPUT

OUTER DIAMETER
8.6500 IN

PIPE MATERIAL
? CS-SS

WALL THICKNESS
0.1810 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1470 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
6.418 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

07-24 11:3700 *R
+002.50 % A12

MODE SELECT
TO CHECK

0311.4 MMSEC
100.02 % TO

07-24 11:3800 *R
+768.212E 06PM

MODE SELECT
INPUT

OUTER DIAMETER
10.750 IN

PIPE MATERIAL
? CS-SS

WALL THICKNESS
0.1840 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1470 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
8.216 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

07-24 11:4200 *R
+002.50 % A12

MODE SELECT
TO CHECK

0390.4 MMSEC
100.09 % TO

07-24 11:4600 *R
+ 1.038E 36PM

07-24 11:4700 *R
+ 1.121E 36PM

07-24 11:4800 *R
+ 1.189E 36PM

35-08900

Larry Bethel
35-08900
Louie Taylor.

35-8900

FIELD EXAM NOTES

EXAM # 35-8900

DATE OF EXAM 7/24/96

PERMITEE NAME LARRY BETHKE

OTHER WATER RIGHTS SAME POD YES - south 160 Acre Center East 523
160 " Center West 523

OTHER WATER RIGHTS SAME POU NO

East PUMP #1 HP 200 MAKE U.S. Motor SERIAL # 1243681
COLOR AND DESCRIPTION Gray/Orange - White 2yl from the right
OUTPUT DIAMETER 10" SYSTEM PRESSURE 74 PSI WELL DEPTH 420'
STATIC H2O 250' WELL DEPTH _____ DYNAMIC PUMP _____
PSI GAGE TYPE Rain Bird 0-160 CHECK VALVE (Y) [N] GATE VALVE [Y] (N)

West PUMP #2 HP 200 MAKE U.S. Motor SERIAL # 1268415
COLOR AND DESCRIPTION Blue/Gray - Orange
OUTPUT DIAMETER 10" SYSTEM PRESSURE 72 PSI WELL DEPTH 420'
STATIC H2O 250' WELL DEPTH _____ DYNAMIC PUMP _____
PSI GAGE TYPE FUNK 0-160 CHECK VALVE (Y) [N] GATE VALVE [Y] (N)

East BOOSTER PUMP #1 HP 75 MAKE Mariath SERIAL # P/N A15098-SS
COLOR AND DESCRIPTION Gray - Greenish

West BOOSTER PUMP #2 HP 75 MAKE Mariath SERIAL # P/N 15098-SS
COLOR AND DESCRIPTION Gray Green - Dark Green
Cornell 6H75-4 65552 13
67951 13

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

wheel pressure
HAND LINES (Y) [N] NUMBER OF LINES 8 LENGTH OF LINES 1320/8
RAIN BIRDS PER LINE 265 NOZZEL DIAMETER 1/64

SURFACE WATER TYPE OF MEASUREING DEVICE _____

AA METER PIGMY METER WEIR OR FLUME BUCKET/WATCH 1

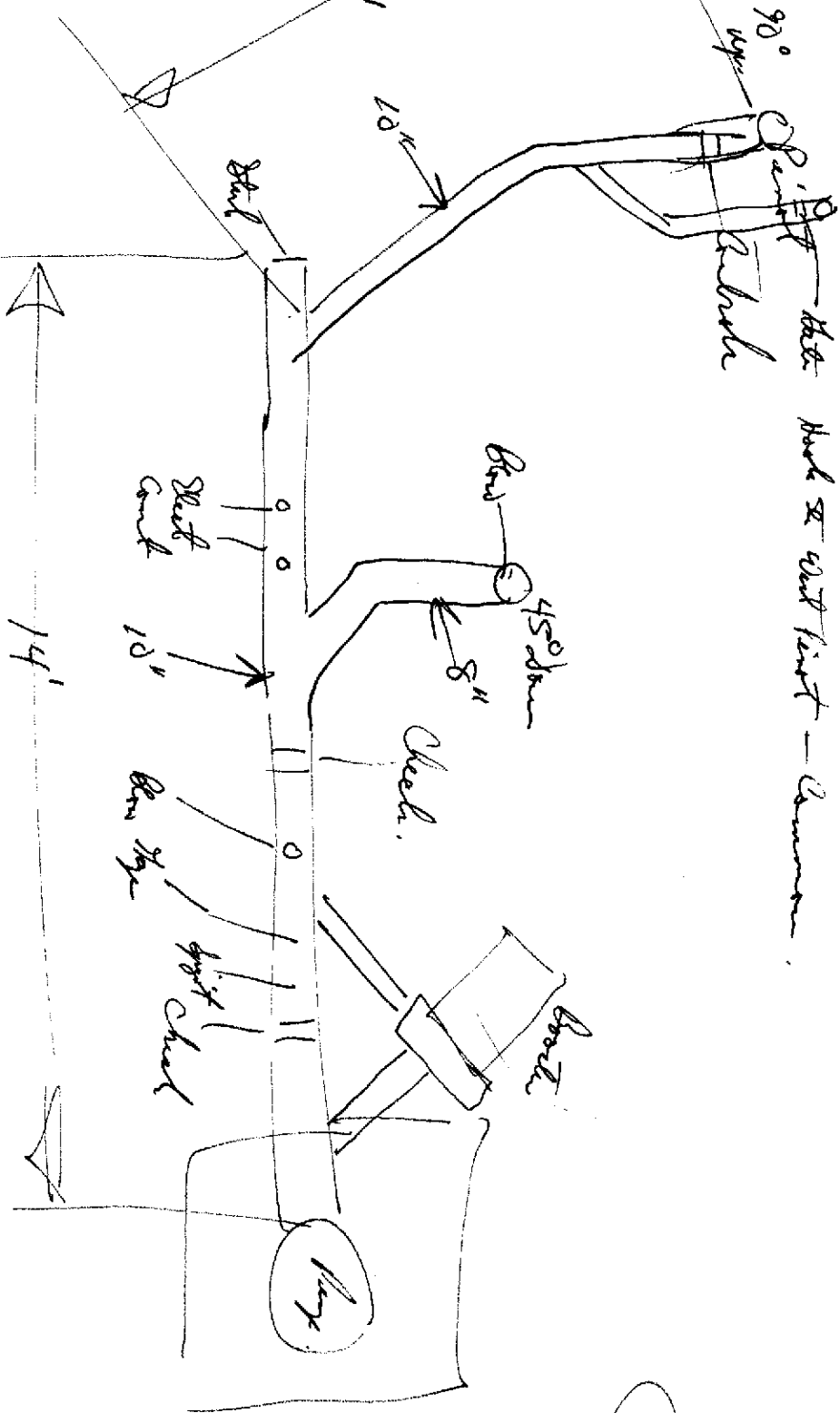
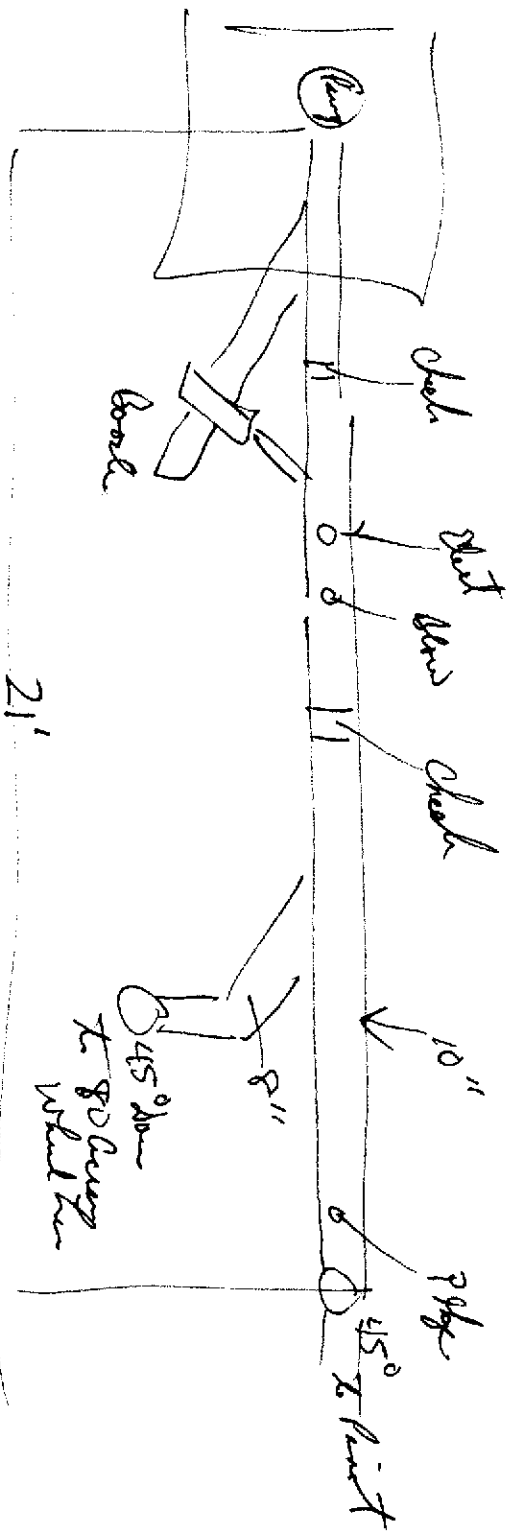
Both pivots are now low pressure - were wheel lines
- 1995. 2 Corners not in production about 16 acres approx.

MAR 26 1998

USE BACK OF PAGE FOR SKETCH AND MEASUREMENTS OF SYSTEM

35-08900

MAR 28 1998
MICROFILMED
rest blind



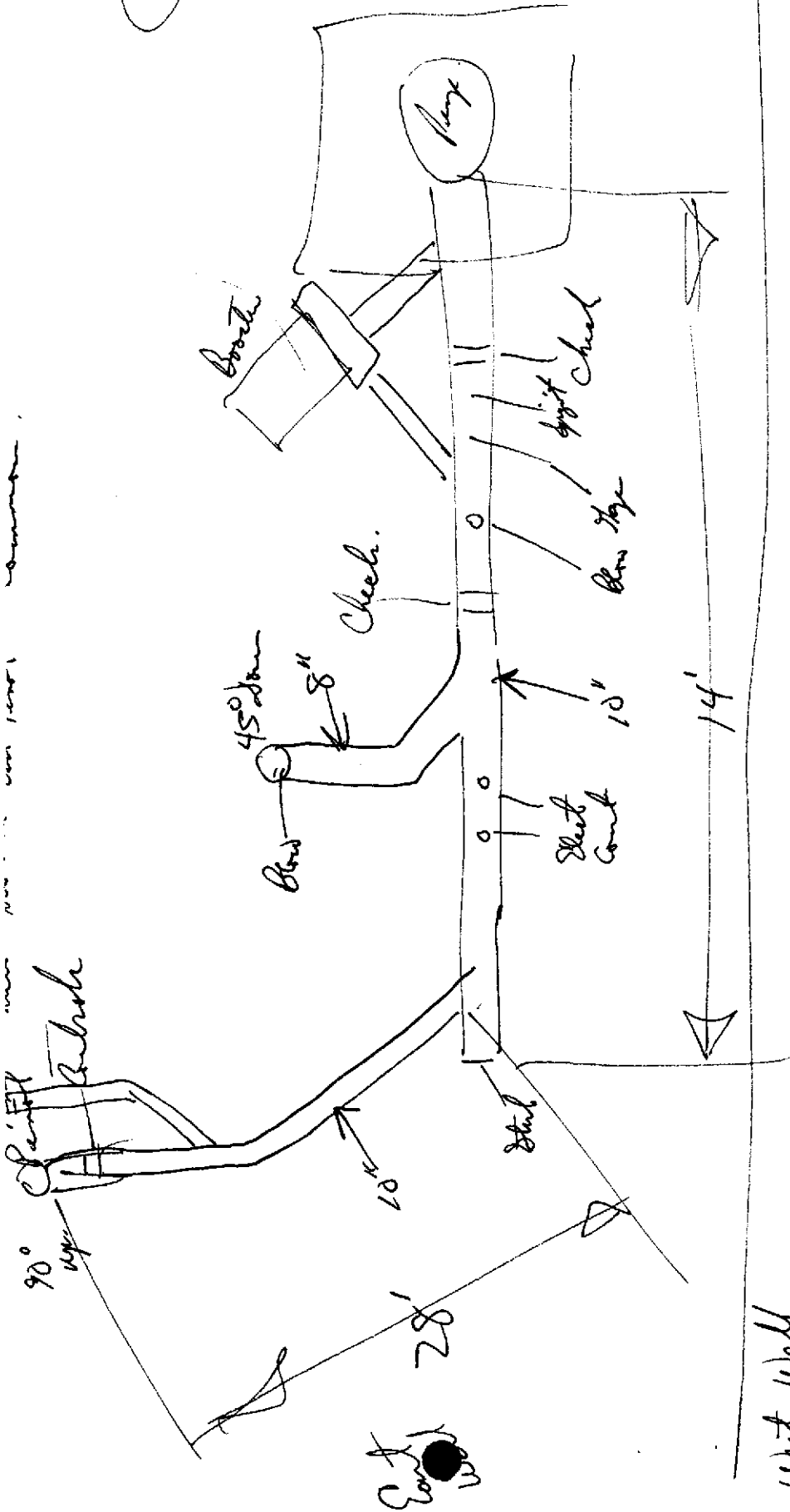
(N)

35-08900

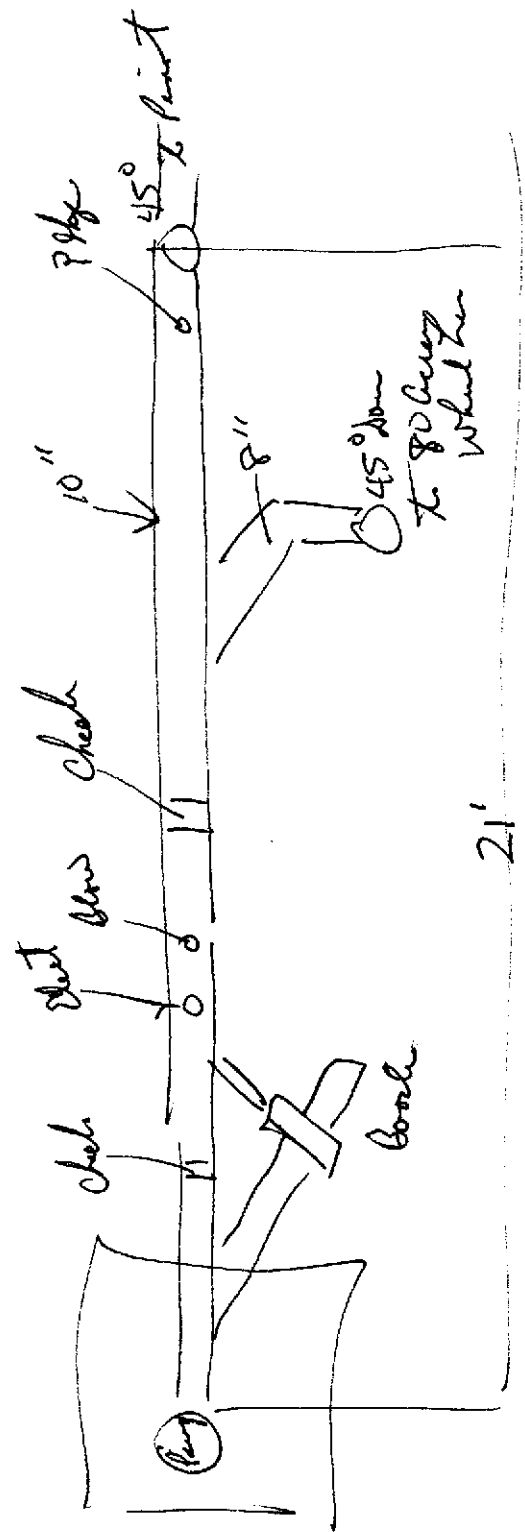
35-08900

#3 DELIVERY SYSTEM

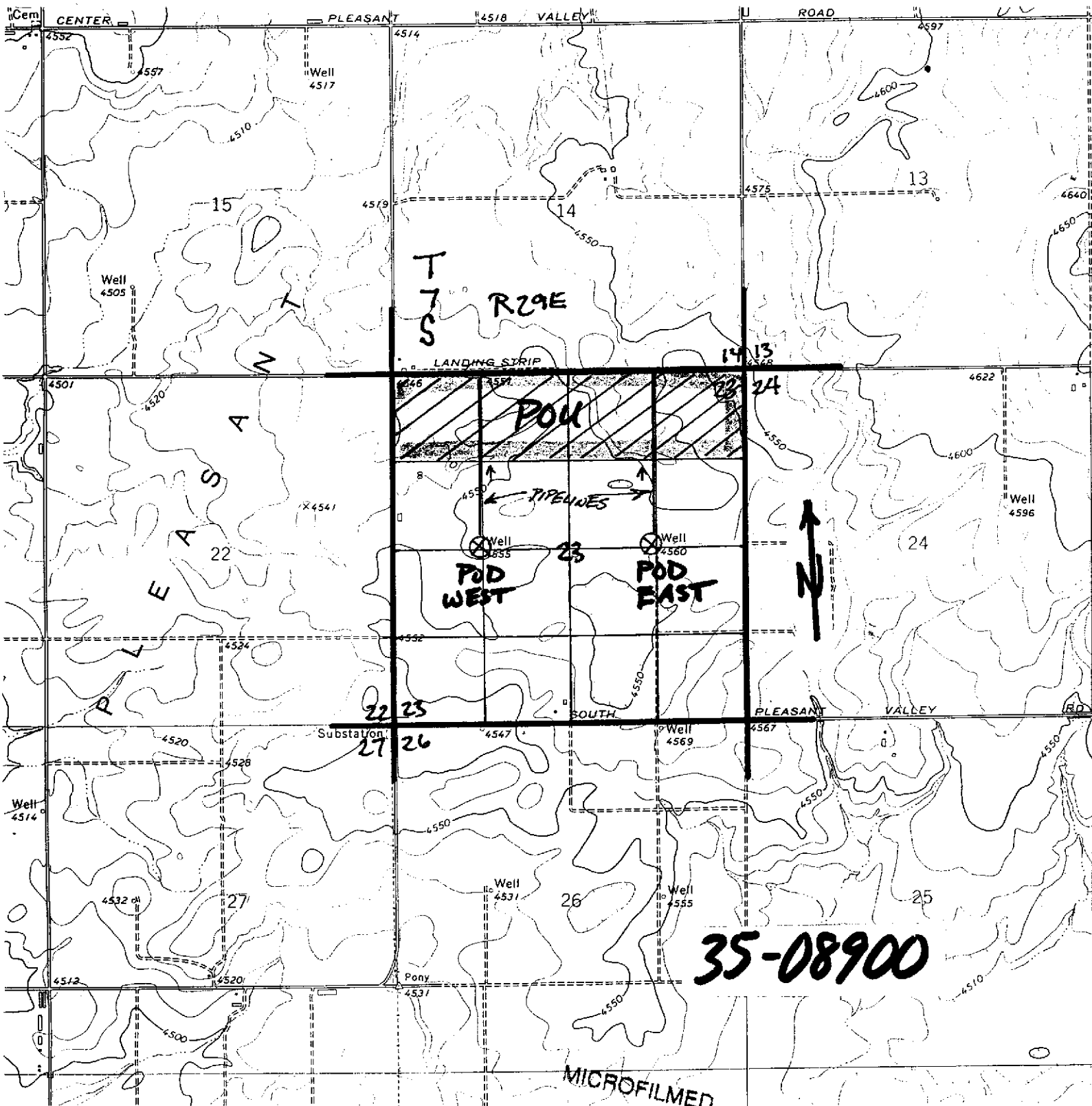
MICROFILMED
MAR 26 1998



West Wall



21'



MICROFILMED
MAR 26 1998

#1302

Ralph Breeding

BREEDING

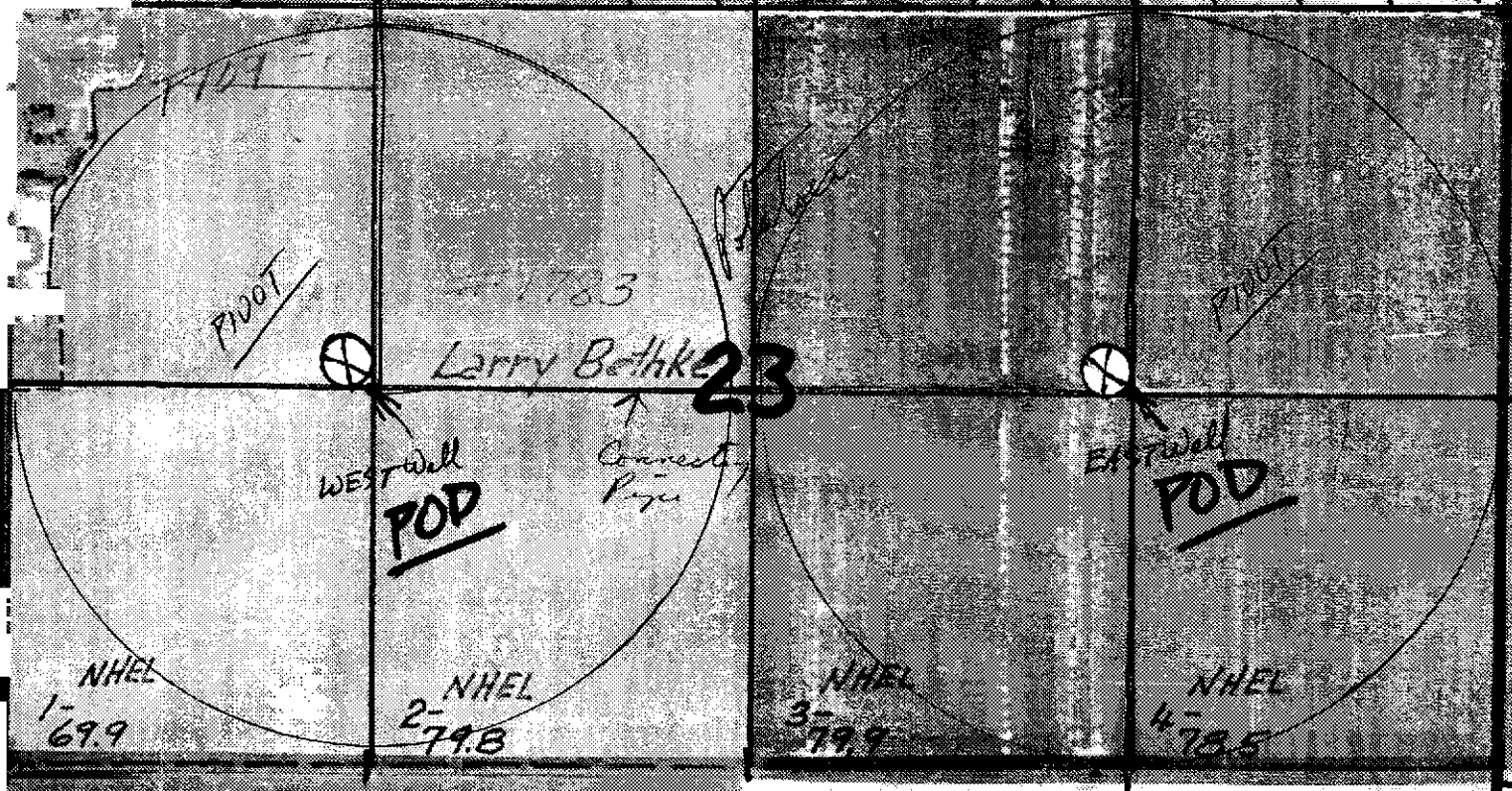
T
7 R29E
S

Visiting Rd.

Rest Rd.

12-
302.3

14 1/2



MICROFILMED
MAR 26 1998

35-8900

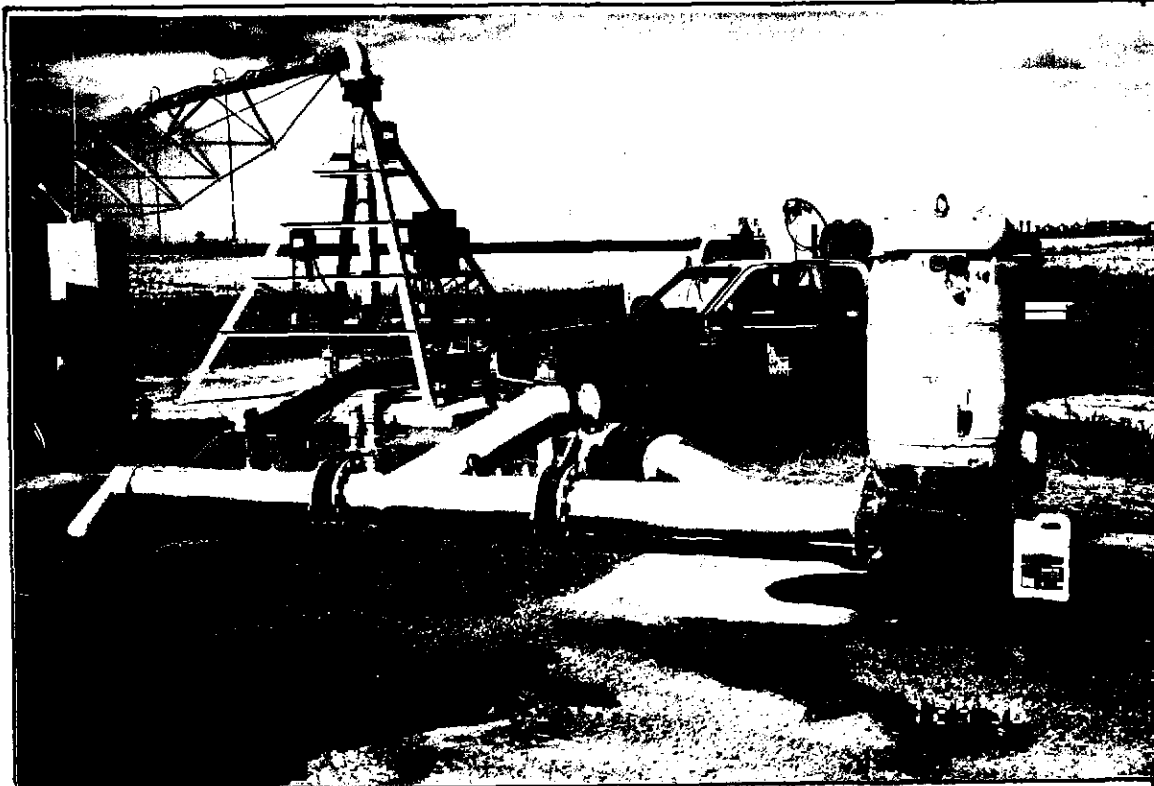
LALLY BETHKE

IRRIGATION

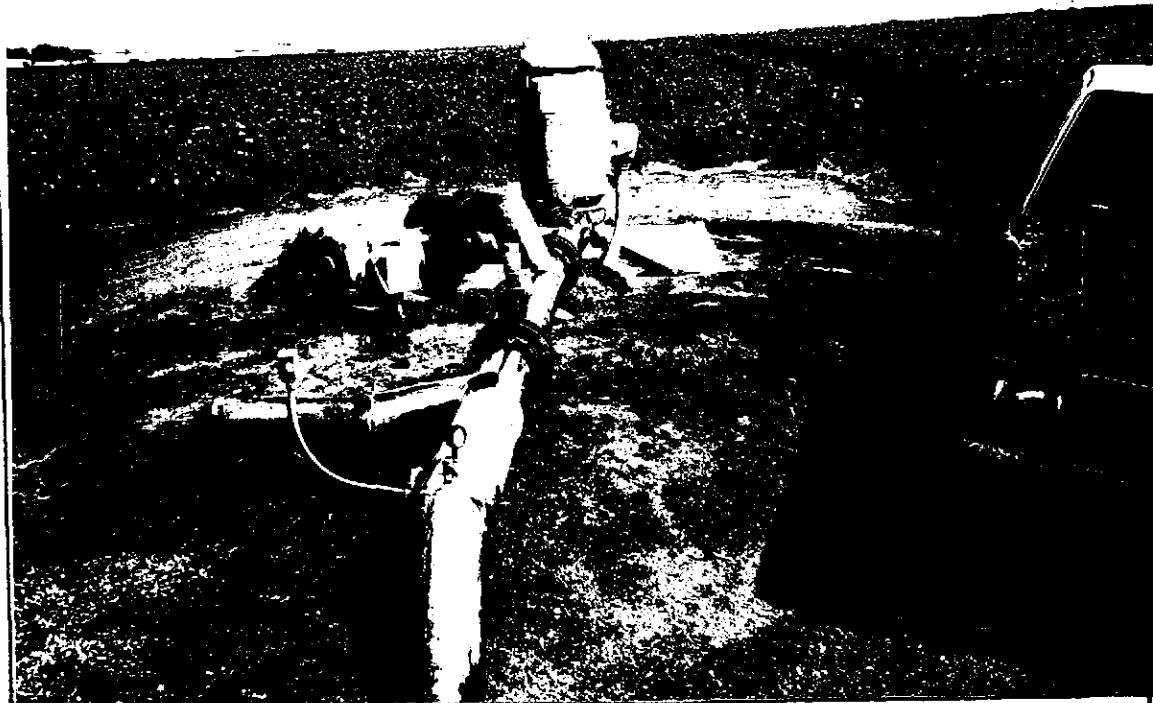
10/3

EAST WELL
POINT OF
DIVERSION
DISTRIBUTION
SYSTEM

PILOT SHOWN



WEST WELL
POINT OF
DIVERSION
DISTRIBUTION
SYSTEM



MICROFILMED
MAR 26 1998

PERMIT
NUMBER

35-08900

LARRY BETHKE

IRRIGATION

25/3

VIEW WEST
OF PLACE
OF USE

↙ USE

VIEW
NORTH WEST
PLACE OF USE

MICROFILMED
MAR 26 1998

PERMIT
NUMBER

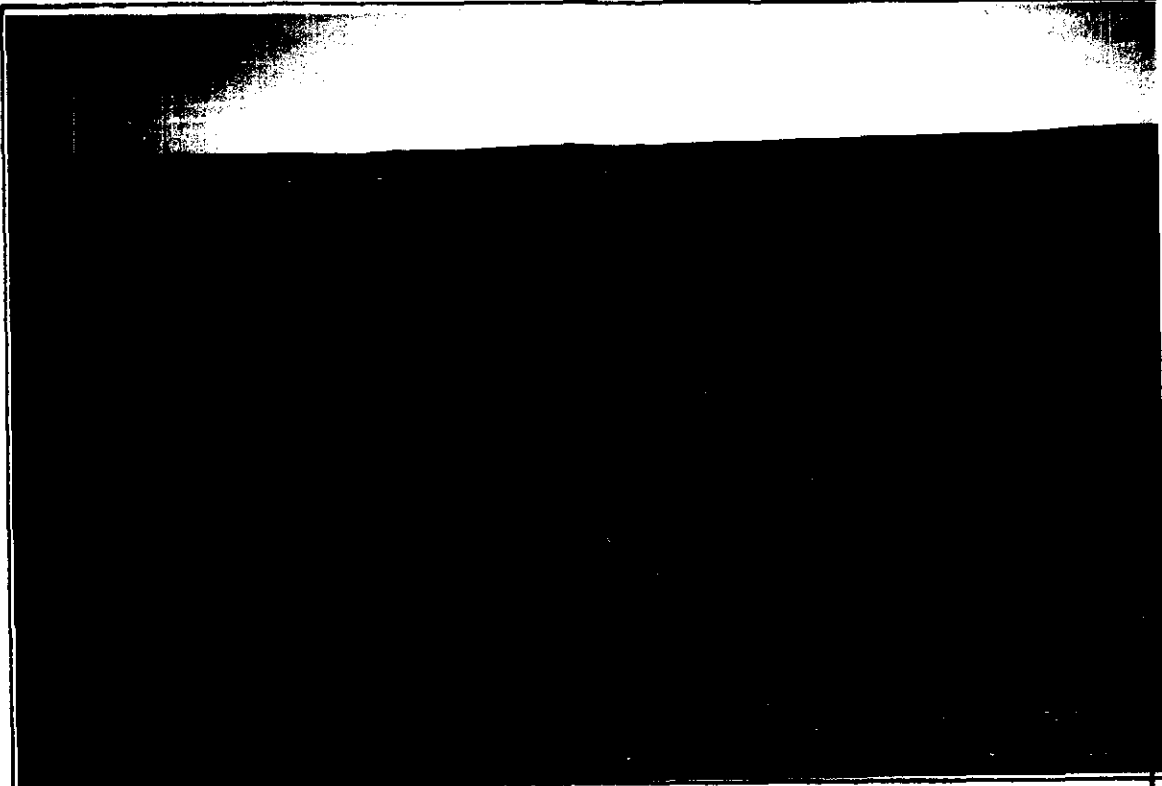
35-08900

LARRY BETHKE

IRRIGATION

3-13

VIEW
NORTHEAST
PLACE OF USE



VIEW
EAST
PLACE OF USE



MICROFILMED
MAR 26 1998

PERMIT
NUMBER

35-08900

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 35-08900 Reviewed by [Signature] Date 12-15-94

GENERAL CONSIDERATIONS

TYPES OF USE

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

SOURCE OF WATER

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

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required? no Required?
175.00 Amount Submitted _____ Installed?
yes Correct? _____ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	<u>/</u>	_____
Date proof due	_____		_____
No. of days late	_____		_____
Priority Date	_____		_____
New Priority Date	_____		_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address [X] Proof Made 12-5-94

December 16, 1994

LARRY S. BETHKE
2745 BREDDING RD.
AMERICAN FALLS ID 83211

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08900

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208) 525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

DEC 29 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 9, 1994

LARRY S. BETHKE
2745 BREDDING RD.
AMERICAN FALLS ID 83211

RE: Water Right No. 35-08900

Certified Mail No. 141764

Dear Water Right Holder(s):

Enclosed is a copy of an Order for Temporary Stay of Development and Notice of Formal Proceedings in connection with the above referenced water right permit. Also enclosed is a form and instructions for filing proof of beneficial use of water.

If you have questions related to the order and its effect upon your permit, please feel free to contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

RECEIVED

DEC 29 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 35-08900

Name(s) of Permit Holder(s): LARRY S. Bethke

Post Office Address: 2745 BREEDING Rd AMERICAN FALLS, ID

Tel. No. (208) 226-2201

☒ I hereby certify that construction of diversion works for the above referenced permit began on OCT 15 1990 (date) and I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:
DEC 9 1994

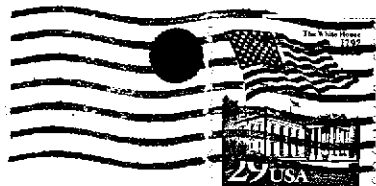
*Note: A financing difficulty is not an acceptable reason.

Date

Signature of Permit Holder

Larry Bethke

BETHKE FARMS
2745 BREEDING RD.
AMERICAN FALLS, ID 83211



RECEIVED

FEB 10 1993

Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

DEC 29 1994



S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
September 24, 1990

LARRY S. BETHKE
2745 BREDDING RD.
AMERICAN FALLS, ID 83211

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 35-08900

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.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

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.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of

MICROFILMED

OCT 17 1990

Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ: SC
Enclosures

MICROFILMED

OCT 17 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Submitted for advertising 5-31-90

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Dennis M Dunn DATE 25 May 1990 APPLICATION NUMBER 35~8900

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 _____

Department of Water Resources

RECEIVED
SEP 07 1990

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

SEND COPIES TO ☐ 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 7-9-90 8-6-90
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☒ Yes ☒ No Access port required Flow Task Force Memo
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. 01-POS
☒ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information
Date of priority recommended 4-26-90
By HWT Date 8-31-90

STATE OFFICE REVIEW P05, P23 P17 4849 46 26 04

See below for additional information
By KW Date 9-19-90

ADDITIONAL INFORMATION

App. in NON-TRUST area-
Allow 5 yrs. to develop as requested-

35-08900

BETHKE, LARRY S.
2745 BREIDING RD.
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt:	SWNE	Sec 23 T 07S R 29E
	SWNW	Sec 23 T 07S R 29E

Use: IRRIGATION (3.200 CFS)
Total Diversion: (3.200 CFS)

Date Filed: 4/26/ 1990

In: T07S R29E S23	NENE	NWNE	NENW	NWNW
-------------------	------	------	------	------

160.0 ACRES TOTAL

MICROFILMED

OCT 17 1990

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 AUGUST 26, 1990.

R. Keith Higginson, Director

Published 7/18/1990 & 7/25/1990

MICROFILMED

OCT 17 1990

12-Jun-1990

LARRY S. BETHKE

AMERICAN FALLS, ID 83211

RE: Application for Permit No. 35-08900

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 the POWER COUNTY PRESS on June 21 & 28, 1990. 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
Water Rights Supervisor

HWJ/rb

MICROFILMED

OCT 17 1990

35-08900

BETHKE, LARRY S.
2745 BREDDING RD.
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: SWNE Sec 23 T 07S R 29E
 SWNW Sec 23 T 07S R 29E

Use: IRRIGATION (3.200 CFS)
 Total Diversion: (3.200 CFS)

Date Filed: 4/26/ 1990

In: T07S R29E S23 NENE NWNE NENW NWNW

160.0 ACRES TOTAL

*Was published
6-21 but not 6-28
Will re-submit for
publication on 7-19; 26
as per conversation with
Sonja Owens Power Cnty Press
5011 7-3-90*

MICROFILMED

OCT 17 1990