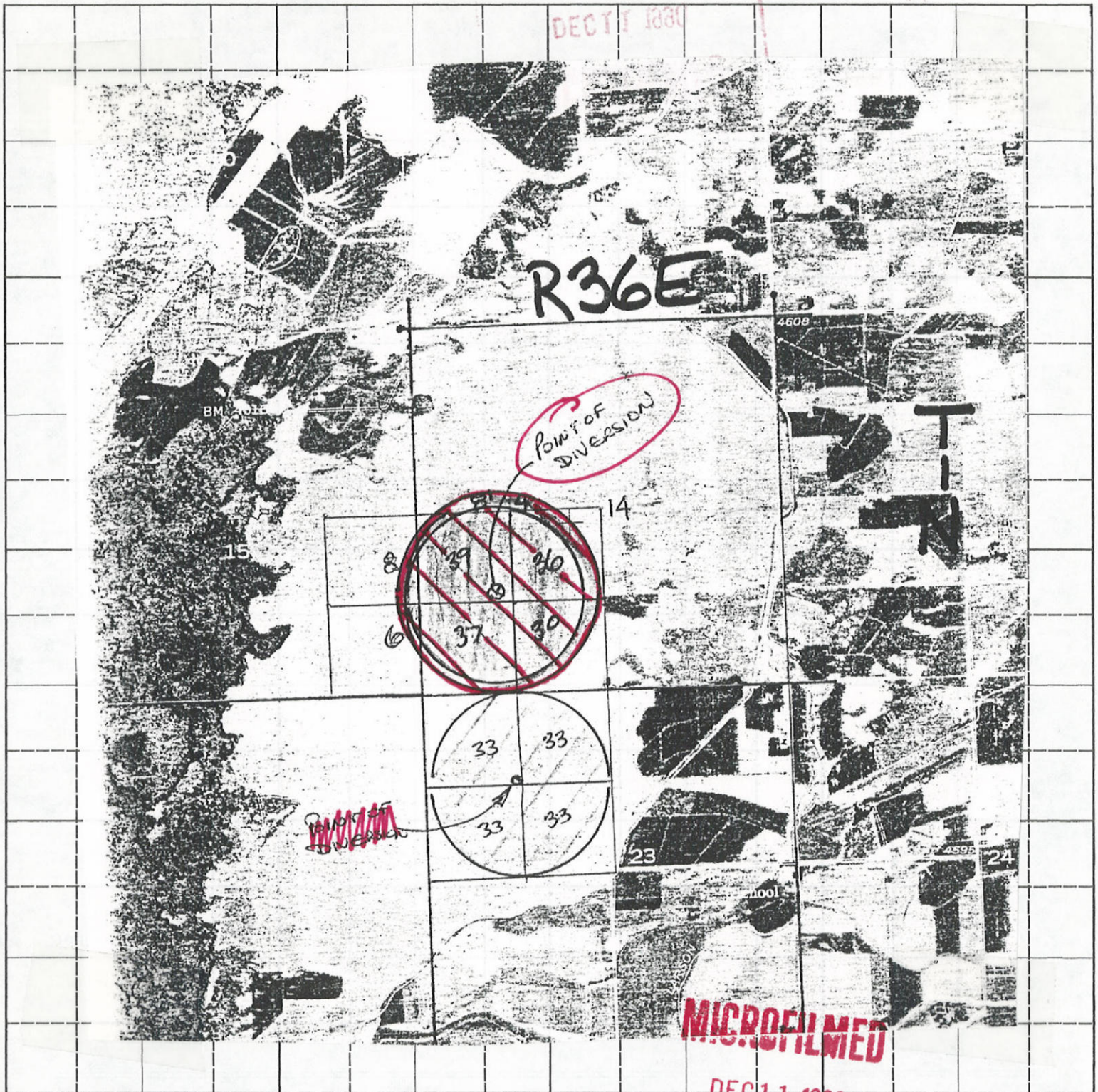


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Brent Holmuth General Partner
(Applicant)

TITLE

T21
3649

T2462
1757

Rotatoes

33.5
Cash Lease
These potatoes
are special
seedless

35-08400

39

HEL

27.2

200.0

Photo taken
Summer of 1984

T1S
R36E

35-08799

35

33.5

Fall wheat

37.5

36.2

acreage
estimates by
S.W. Keen
Sept. 1995

150.5

38

T21
3649

T2462
1757

Potatoes

Cash Lease
These potatoes
are dead
@ Sealers

HEL

200.0

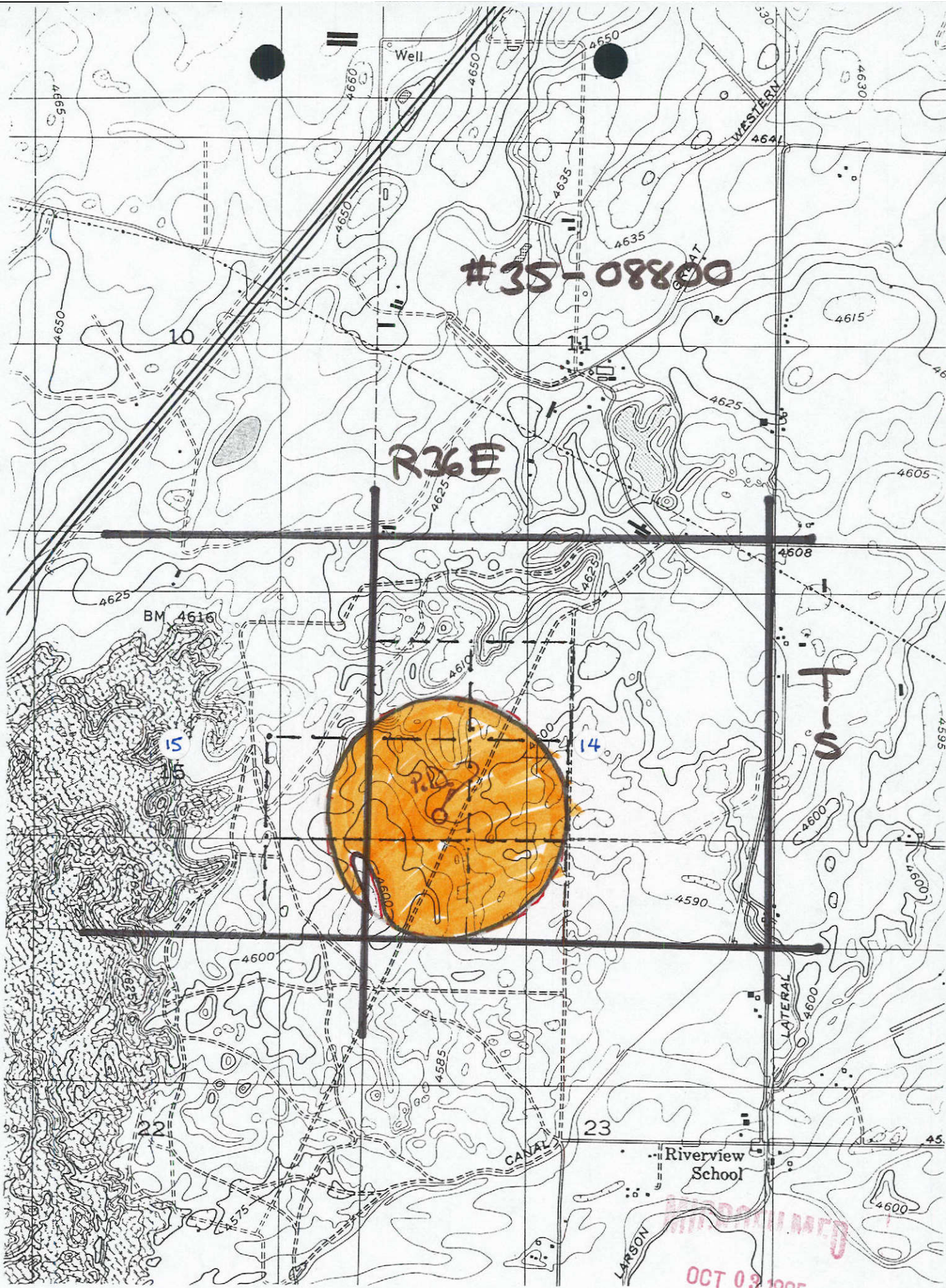
13/14
50/23

Photo Taken
Summer of 1987

Fall Wheat

MICROFILM
2
150.508 1995

T24
3544



OCT 03 1995

165.2

Z8

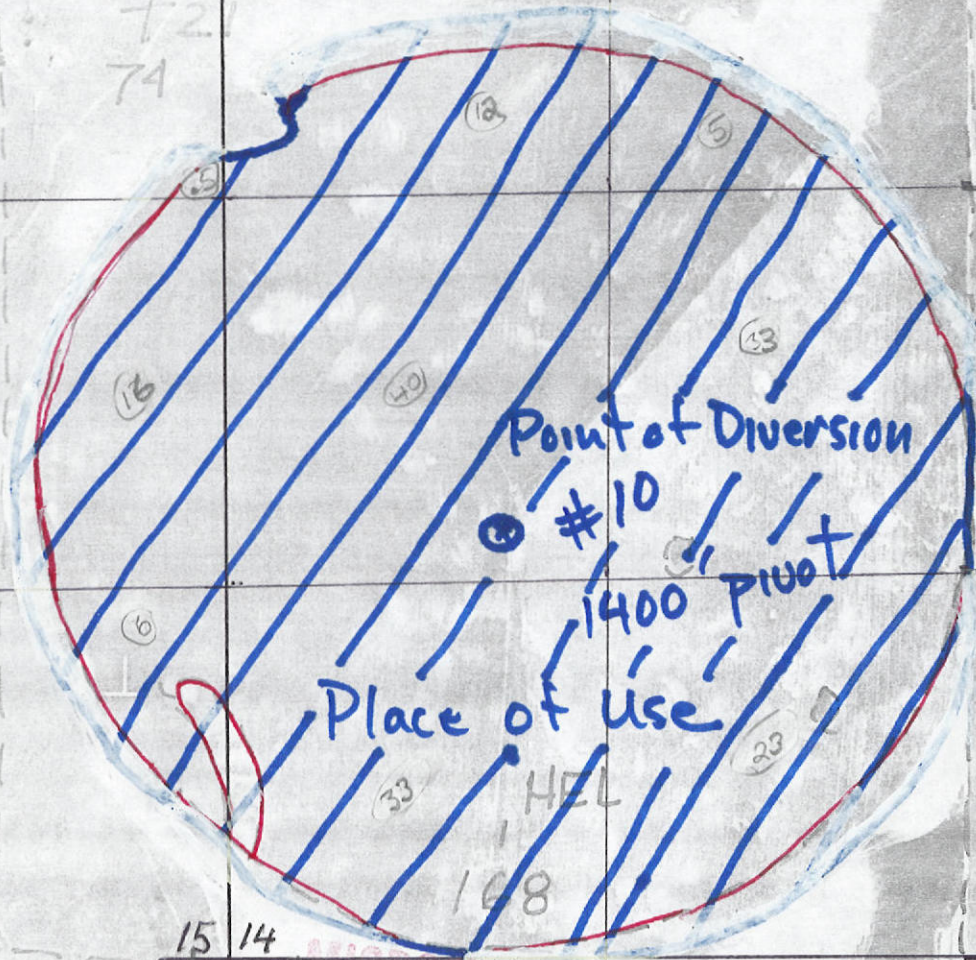
HEL
27
37.6

N
HEL
29
11.8

HEL
32
19.4
R36E

T-S

T2
74



Point of Diversion

#10

1400' Pivot

Place of Use

HEL

148

15 14
22 23

MICROFILMED

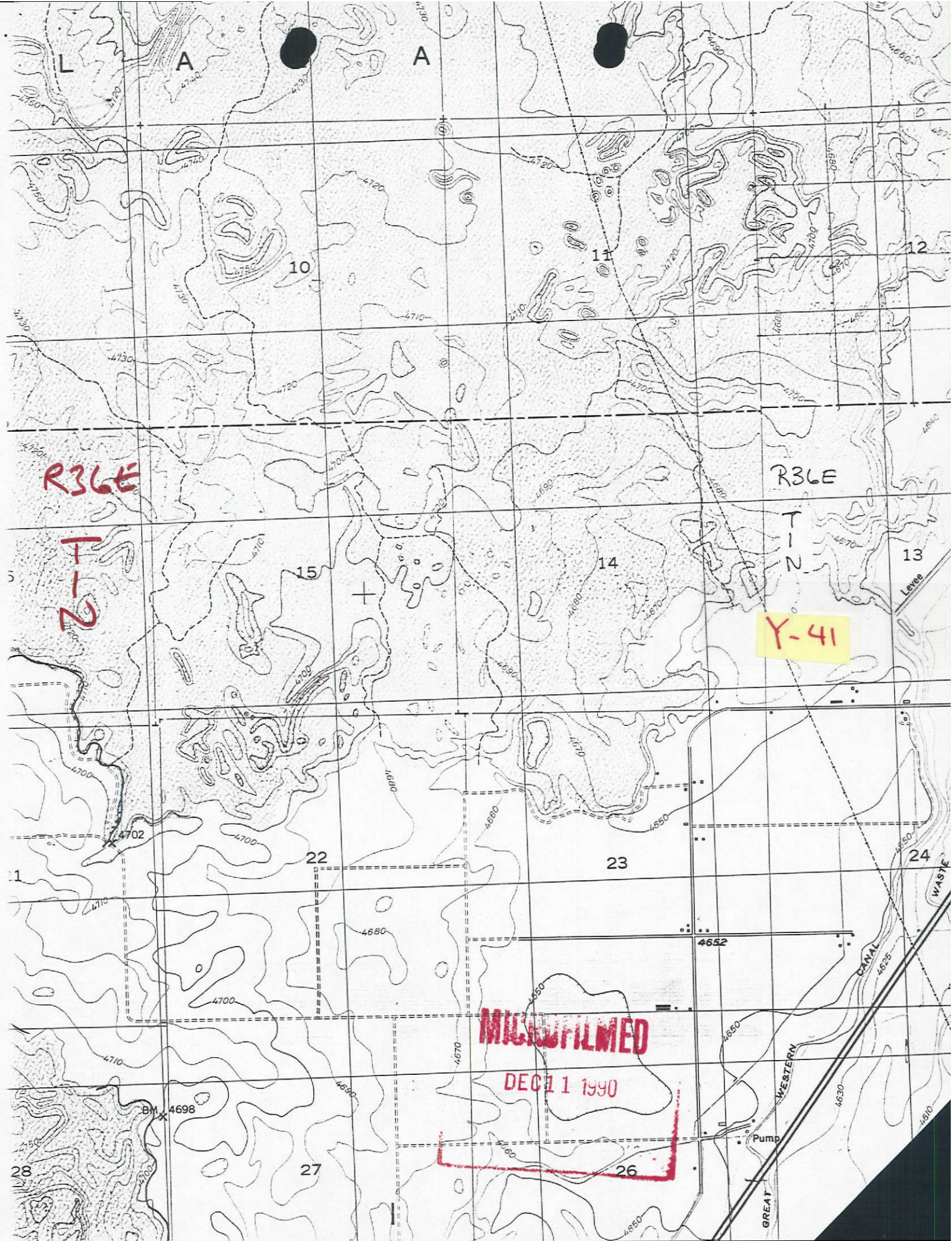
OCT 03 1995

35-8800



MICROFILMED
OCT 03 1995

35-8800



R36E

T-2

R36E

T-1-N

Y-41

MICROFILMED

DEC 11 1990

A V A

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I
N

R36E

Y-41

MICROFILMED

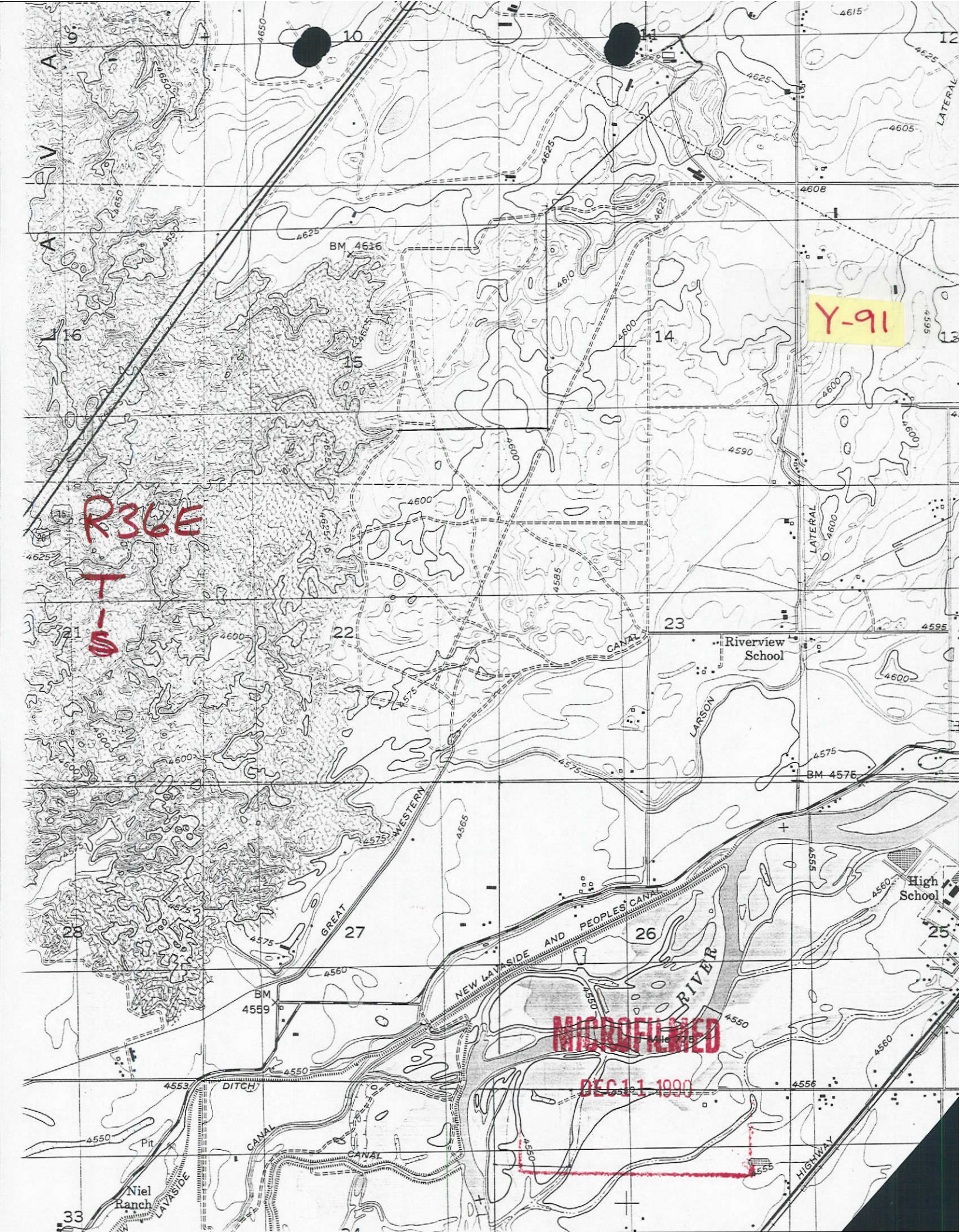
DEC 11 1950

4687

4652

CANAL

WASTE DITCH



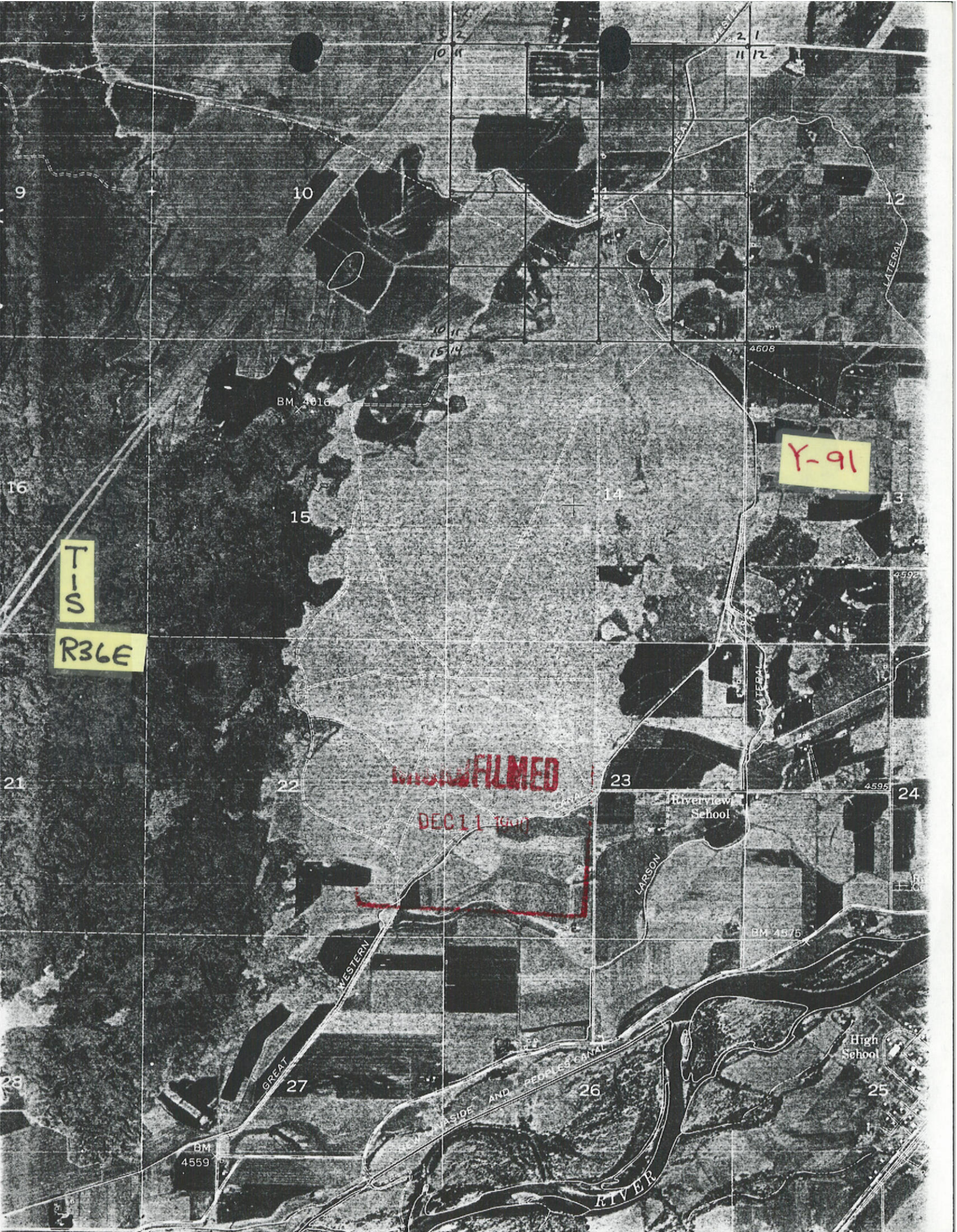
Y-91

R36E

T
S

MICROFILMED

DEC 11 1990



TIS

R36E

Y-91

FILMED

DEC 11 1960

Riverview School

BM 4575

BM 4559

GREAT WESTERN

PEOPLES CANAL

RIVER

High School

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08800

Priority: June 9, 1989

Maximum Diversion Rate: 3.00 CFS

Maximum Diversion Volume: 672.0 AF

This is to certify, that BRENT STOLWORTHY FAMILY LTD PARTNERSHIP
3669 S HOLMES

IDAHO FALLS ID 83404 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated June 9, 1989; and
has submitted Proof of Beneficial Use on July 11, 1990. An examination indicates
that the works have a diversion capacity of 3.110 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	3.00 CFS	672.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWSW , Sec. 14, Township 01S, Range 36E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	36E	14	SWNW 16	SENW 8	NESW 33.5	
			NWSW 40	SWSW 39	SESW 27	163.5
		15	SENE 1	NESE 20	SESE 12	33

Total number of acres irrigated: 196.5

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.

COT 88 100

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08800

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 is limited to the irrigation of 168 acres within the place of use described above in a single irrigation season.
8. 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.

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 2ND day of OCTOBER, 1995.

Acting for

KARL J. DREHER, Director

OCT 03 1995

RECEIVED

SEP 26 1995

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08800

Date of Priority: June 9, 1989 Maximum Diversion Rate: 3.00 CFS
Maximum Diversion Volume: 672.0 AF

Comes now BRENT STOLWORTHY FAMILY LTD PARTNERSHIP
3669 S HOLMES
IDAHO FALLS ID 83404 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. 35-08800, 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	3.00 CFS	672.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWSW , Sec. 14, Township 01S, Range 36E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	36E	14	SWNW 16	SENW 8	NESW 33.5		
			NWSW 40	SWSW 39	SESW 27		163.5
		15	SENE 1	NESE 20	SESE 12		33

Total number of acres irrigated: 196.5

MICROFILMED

OCT 03 1995

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 Idaho, this 22 day of Sep, 1995.

Brent Stolworthy
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08800

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 50.00 Received by ju # C033619 Date 9-26-95

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. 35-08800 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 must 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 is limited to the irrigation of 168 acres within the place of use described above in a single irrigation season.
8. 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.

Witness my hand this 2ND day of OCTOBER, 1995

Acting for

KARL J. DREHER, Director

RECEIVED**JUL 11 1990**Department of Water Resources
Eastern District OfficeSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USEFor Office Use Only
Amt. of Fee \$ 150.00
Date 7-11-1990
Receipt No. E014976
Received by KW

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 35-8800 Telephone No. 529-3891Name(s) of Permit Holder(s): Brent Stolworthy Family LTD. PartnershipPost Office Address: 3669 S. Holmes Idaho Falls Id 83404Source of Water: Groundwater

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:
Domestic _____ (No. of households) Irrigation 168 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____Total rate and/or volume for which proof is submitted 3.00 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: _____

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes No Installed? Yes No

OR

Flow Measurement Port: Required? Yes No Installed? Yes NoFee Enclosed: \$ 150.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Name Brent Stolworthy Telephone No. 529-3891
525-6547 (Mobile phone)
Address _____

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

RECORDED

DEC 11 1990

July 11/90
DateBrent Stolworthy
Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 35-08800

Proposed Priority: June 9, 1989 Maximum Diversion Rate: 3.00 CFS
This is to certify, that **BRENT STOLWORTHY FAMILY LTD. PARTNERSHIP**
3669 S. HOLMES
IDAHO FALLS, ID 83404
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	3.00 CFS

LOCATION OF POINT(S) OF DIVERSION: SENWSW Sec. 14, Township 01N, Range 36E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	36E	14	SWNW 8	SENW 4	NESW 36	
		15	NWSW 39	SWSW 37	SESW 30	154
			NESE 8	SESE 6		14
Total number of acres irrigated:						168

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1991.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The 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.
5. 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.
6. 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

DEC 11 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08800

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

28 day of June, 19 90

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

DEC 11 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

35-8800
Ident. No. _____

To appropriate the public waters of the State of Idaho

1. Name of applicant BRENT STOLWORTHY FAMILY LIMITED PART. Phone 529-3891
Post office address 3669 S. HOLMES, IDAHO FALLS, ID. 83404
2. Source of water supply GROUND WATER which is a tributary of _____
3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 14 Township 1N Range 36E B.M. BINGHAM County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 3.00 for IRRIGATION purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 3.00 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 125 HP TURBINE PUMP
IN WELL. PIPED TO MAINLINE TO CENTER PIVOT W/END GUN

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 20" inches; proposed depth of well is 100 (LIFT) 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 for the proposed beneficial use is
1 years (minimum 1 year).

MICROFILMED

DEC 11 1990

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

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

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
IN	36E	14							8	4	36	39	37	30					154
		15													8			6	14

Total number of acres to be irrigated 168

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

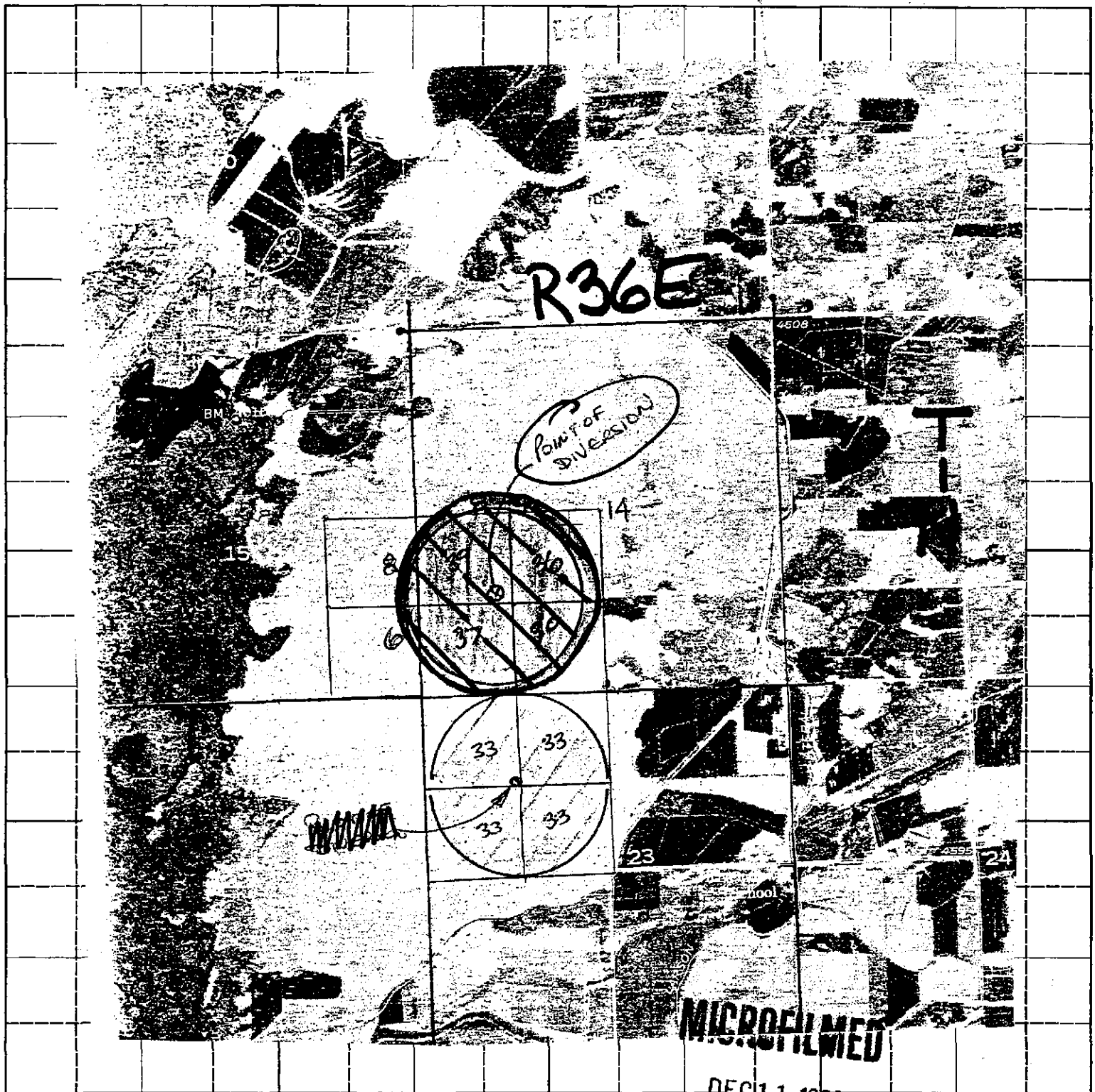
- Who owns the property at the point of diversion? APPLICANT
- Who owns the land to be irrigated or place of use? APPLICANT
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: HAS BEEN IN-PLACE SINCE 1982
PARTNER. BRENT STOLWORTHY, ILENE STOLWORTHY
AB. / ADDRESS ON APPLICATION.

RECEIVED

DEC 11 1982

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



Scale: 2 inches equal 1 mile.

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

Brent K. Salway
(Applicant) *General Butler*

TITLE

Received by EN Date 6-9-89 Time 0930 Preliminary check by AMD
Fee \$ 8500 Received by EN # E008995 Date 6-9-89
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

MICROFILMED

DEC 11 1990



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 2, 1995

BRENT STOLWORTHY FAMILY LTD PARTNERSHIP
3669 S HOLMES
IDAHO FALLS ID 83404

RE: WATER RIGHT NO. 35-08800

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved Application for Amendment.

Should you have any questions regarding these documents, please contact me.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

OCT 03 1995



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 7, 1995

SHAWN STOLWORTHY
3669 SOUTH HOLMES AVE
IDAHO FALLS ID 83404

RE: Permit Nos. 35-08799 and 35-08800

Dear Shawn:

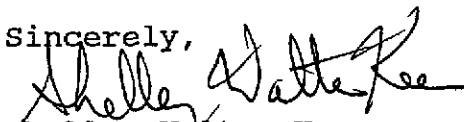
Thank you for the information you sent me regarding the pivot irrigation developed under permits 35-08799 and 35-08800. As we discussed, I have enclosed the necessary licensing amendments for your signature. As you review them, you will see that they reflect permissible places of use in which the entire irrigated areas are listed as the places of use, but conditions limit the actual use in any single year to no more than 168 acres under 35-08800 and 132 acres under 35-08799. You will also see that the maximum number of acres I could confirm under 35-08800 was 196.5, not 200 as reported by the Bingham County CFSA.

Because the place of use for each right will include tracts not listed on the permits, the \$50.00 amendment fee is required for each right. Please submit the amendments and their fees within 14 days.

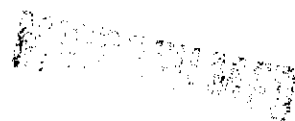
We have also discussed the fact that you will need additional water rights for the acres not covered by 35-08799 and 35-08800. I think you have submitted convincing evidence to demonstrate that your entire development occurred prior to Nov. 19, 1987. Therefore, despite the moratorium on new consumptive water development in your area, I think IDWR can process new applications for that development completed by Nov. 19, 1987. Please take your evidence and a copy of this letter to our office in Idaho Falls to file your applications.

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

Sincerely,


Shelley Walter Keen
Water Rights Supervisor

SWK
Enclosures


OCT 03 1995

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1757

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Summer of 1988

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37.5

23

average
estimates by
S.W. Keen
Sept. 1995

$$\begin{array}{r} 250 \\ 2 \overline{)500} \end{array}$$

6

13

Shawn Stolworthy
3669 South Homes Ave.
Idaho Falls, ID. 83404
(208) 529-3891

RECEIVED

JUL 20 1995

Department of Water Resources

July 18, 1995

Shelly Walter Keen
IDWR
1301 N Orchard
Boise, ID 83706

RE: WATER RIGHT NOS. 35-08799 AND 35-08800

Dear Shelly

During a phone conversation on July 17th about the above two water rights, you stated that you need proof that we were irrigating this land before Nov. 19, 1987. I sent a 1985 crop report in the previous letter, however the acreage's were inaccurate. You stated that a letter from the ASCS office that addressed the acreage change would be sufficient proof to show that we were irrigating 200 acres and 150 acres prior to November 19, 1987. Enclosed is a letter from the ASCS office in Blackfoot. It states that there were acreage discrepancies on both fields. It lists the years that they were corrected. I am also including a photocopy of the ASCS airphoto for these two pivots. This airphoto was taken during the early summer of 1987 previous to Nov. 19, 1987. It shows the irrigation pattern of the pivots and the amount of land irrigated in the crop year of 1987. These two pivots have been irrigating the same amount of land since 1982. The pivots travel and irrigate the same area year after year regardless of crop acreage estimations.

Let me know if there are any problems getting the acreage discrepancy solved.

Sincerely, Shawn Stolworthy

RECEIVED

OCT 03 1995

United States
Department of
Agriculture

Consolidated
Farm Service
Agency

Blaine County CFSA Office
1600 Highland Drive
Blackfoot, ID 83221
785-2090

July 17, 1995

Dear Mr. Keen,

There are two pivots that have been reported by Stolworthys for the past few years. These acreages were reported are as follows:

1994	pivot 1	200.0 acres	Pivot 2	150.5
1993		168.0 A.		150.5
1992		168.0 A.		150.5
1991		168.0 A.		150.5
1990		168.0 A.		150.5
1989		168.0 A.		150.5
1988		168.0 A.		131.0

In 1989 they requested a remeasurement of Pivot 2 because they didn't agree with our measurements. We determined in was incorrect and changed the acreage to 150.5.

In 1994 they requested a remeasurement of Pivot 1 because they didn't agree with our measurements. It was determined the 168.0 acres were not correct and the Pivot was corrected to show 200.0 A.

The photos we use were taken in 1987. The field boundary used to determine the acreage of 168.0 was not correct and was changed to meet the boundary made by irrigation. This boundary is very noticeable from the '87 photo. I can not explain why our field boundary was not correct.

Sincerely
Steve Fullmer
Steve Fullmer, CED

RECEIVED

OCT 03 1995

T2462
1757

Photo taken
Summer of 1957

T21
3649

Arctophila

CASH
THORNTON
BORN

HEL

20000

Fall wheat

158503 1995

3544

38

M E M O R A N D U M

DATE: July 17, 1995

TO: Files 35-08799 and 35-08800

FROM: Shelley W. Keen *SWK*

RE: Irrigated acreage

=====

Shawn Stolworthy called today to discuss the letter I sent him earlier this month. He is going to try to provide documentation of use prior to November 19, 1987, so that we can process a new application for permit for additional acres.

RECEIVED
OCT 03 1995



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 10, 1995

SHAWN STOLWORTHY
3669 SOUTH HOLMES AVE
IDAHO FALLS ID 83404

RE: Permit Nos. 35-08799 and 35-08800

Dear Mr. Stolworthy:

Thank you for the information you sent me regarding the pivot irrigation developed under permits 35-08799 and 35-08800. I have reviewed the documentation you sent, and I agree that there is an indication that you have been irrigating more than the 168 acres authorized by permit 35-08800 and more than the 132 acres authorized by permit 35-08799. A quick inspection of the aerial photograph copies you sent indicates about 180 acres and 142 acres, respectively. We cannot, however, issue a water right license for more acres than were authorized for development by the permits. Because of this limitation, I can see only three possibilities for describing the places of use for these licenses.

First, we could license the place of use as listed on the amendment forms already sent to you. Second, we could license an alternative 168 and 132 acres within the areas covered by the pivots. Or third, we could issue licenses which list the entire areas but which also bear conditions limiting the actual use to no more than 168 acres and 132 acres in any single year. To utilize the second or third options, I will need evidence showing that the larger place of use was irrigated prior to June 11, 1990, which is the date you submitted proof of beneficial use for the permits.

No matter which of the three options you prefer, you will not be authorized to irrigate more than 168 acres and 132 acres without an additional water right or rights. Under the current moratorium on water development in your area, a new application for permit will probably not be processed unless you can unequivocally demonstrate that you irrigated the larger places of use prior to November 19, 1987. Another option might be to transfer an existing water right to these locations.

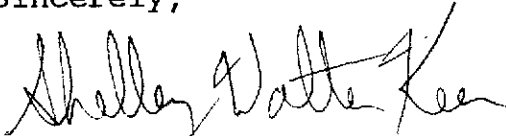
UNRECORDED
OCT 03 1995

Mr. Shawn Stolworthy
Re: Permits 35-08799 and 35-08800
July 10, 1995
Page 2

As for the fee associated with the permit amendments, the \$50.00 fee for 35-08799 is necessary because the point of diversion is in a different 40-acre tract than permitted. I will attempt to license 35-08800 without the fee unless you decide to change the place of use under the second or third option described above. If the license is to include any 40-acre tracts not mentioned on the permit, the fee will be required.

I will await your decision and further information relative to the choices I outlined above. Please respond within 30 days. If you have any questions, please contact me at 208-327-7946 in Boise.

Sincerely,

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

Shelley Walter Keen
Water Rights Supervisor

SWK

OCT 03 1995

June 12, 1995

Shelly Walter Keen
IDWR
1301 N Orchard
Boise, ID 83706

RECEIVED

JUN 19 1995

Department of Water Resources

RE: WATER RIGHT NOS. 35-08799 AND 35-08800

Dear Shelly

I received a letter concerning the above water rights stating that they were in the process of being licensed. It indicated that the permits were to be amended. I have reviewed the amendments and concur with the point of diversion, rate of diversion and annual volume. However, there is a discrepancy with the place(s) of use description. I called you and discussed our options for correcting the acreage's. You indicated the best solution would be to sign the amendments and then apply for the extra acres. We would also need to prove we were irrigating this land before 1987. I then indicated that the circular pivots traveled into areas of sections which were not recorded on the amendments. Some other questions about the filing fee were brought up. If we change the acres on both amendments or include all the sections the pivot travels in I will feel the fee is justified.

The places of use are two circular pivots. These pivots were originally installed by Murice Johnson & Sons under a lease agreement with Brent Stolworthy the land owner. Johnson's defaulted on the lease and Brent Stolworthy took control of the ground and pivots in 1985 crop year. This ground has been irrigated since 1982. The order and pricing forms for the pivots which were installed are included as exhibits A & B. Exhibits C & D are the system specifications for these two pivots obtained from Mountain Ag in Blackfoot. These two pivots have continued to be known as the Johnson pivots since Brent Stolworthy has farmed them. Exhibits E & F are two soil samples from Stukenholtz Laboratory that show that we farming the "Johnson pivots" in 1985. I also included as exhibit G the buy out agreement Brent Stolworthy made with Steiner Finical Corporation to buy the pivots which Johnson's installed. It includes the descriptions of the pivots, pumps and a legal description where the pivots are located. Exhibits H & I are ASCS crop report and cropping map.

I included as Exhibit J is a map to show the location of the pivots. The map was photocopied from the Soil Survey. I drew in the pivots in as close to scale as I could. I drew in the section lines to help determine the legal descriptions and I include the legal descriptions to the right of the pivots. The "Listed" descriptions are the ones on the applications for amendment. These description locations are colored in aqua on the map. The "?" descriptions are the ones not include on the applications for amendment. They are colored lime green on the map. I included the latest ASCS air photo and acreage's as exhibit K. I also put in some previous ASCS maps to show earlier acreage estimations. The earlier estimations were small because of rocky spots in the field that weren't farmed but were irrigated. The whole field is farmed now and is irrigated the same as it has always been since the pivots were installed.

The pivot for the application 35-08799 is a 150.5 acre 9 tower pivot and the application refers to an applied acreage of 132 acres. The pivot enters into section 22 of TWN 01S RGE 36E and into the SW quarter of section 23 of the said township and range. The area in the application for the license doesn't include this area. The pivot is the same pivot that was installed originally. The area to which the water is applied is the same as it has been since 1982 when the pivot was installed. The pivot has not been modified. The discrepancy could have originated because the ASCS previously reported the acreage of this pivot to be smaller than it was. We noticed in farming the area that the

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ASCS area didn't seem accurate so we requested that they remeasure the field. The latest ASCS acreage report puts this pivot at 150 acres. This is consistent with our own estimations.

The pivot for the application 35-08800 is a 200 acre pivot and the application refers to an applied acreage of 168 acres. This also is the original pivot and the area it waters is the same as it has always been. The ASCS previously reported the acreage at 175 acres. The latest ASCS acreage report puts this pivot at 200 acres. This is consistent with our own estimations.

Please review this matter and correct the acreage's. Feel free to contact me at (208) 529-3891 if you have any questions. I will await your response at the following address: 3669 South Holmes Ave., Idaho Falls, Idaho 83404

Sincerely, Shawn Stolworthy



Exhibits referenced in this letter are filed with right no. 35-08799.

OCT 03 1995

MEMORANDUM

DATE: June 12, 1995

TO: Files 35-08799 and 35-08800

FROM: Shelley W. Keen *SWK*

RE: Irrigated acreage

=====

Sean Stolworthy called today because he is concerned that the proposed licenses for rights 35-08799 and 35-08800 do not cover all the acres irrigated by the two diversion systems. He says that the ASCS has recalculated the acres under 35-08799 at 150 and the acres under 35-08800 at 200. Moreover, he believes our apportionment of the acres within each 40-acre tract is incorrect for 35-08799.

I explained to Mr. Stolworthy that IDWR cannot issue licenses for more acres than were permitted. The applications and permits show 132 acres and 168 acres respectively. As for the number of acres within each 40-acre tract, I told Mr. Stolworthy to send me information he has. I will evaluate any documentation he sends.

We also discussed filing additional applications to pick up the additional acreage. He is in the moratorium area. Therefore, I explained that he would have to collect information showing the development occurred prior to the commencement of the SRBA. He said he would send me the information he is able to collect.

The fees for the licensing amendments are also at issue because there was an attempt to get the POU and P/D corrected from T01N to T01S clear back in 1990. (See the memo by Keith Wilson dated July 11, 1990.) I responded that I would try to get approval of 35-08800 without the amendment. But, because the 40-acre tract changed for the P/D on 35-08799, I said the amendment and fee would be required.

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OCT 03 1995

DATE: 05/23/95
PAGE: 1

A01-00163F A01-00164F A01-00165F A35-02759 A35-13067 R35-02759 R35-13067

AJ5809NP
No. A01-00162F

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/95
PAGE: 2

Remarks: TRANS. 646 - RT. IS LESS 5% LOSS TO RIVER.
RT. LIABLE FOR STOCK ASSESSMENTS IN RUDY IRRIGATION CANAL CO.
P/D GREAT WESTERN CANAL.
P/U AS IS CURRENTLY DELIVERED.

Dates: Exam Made Date: Verified Date: 01/18/1994

Misc: Water District Number: 01 Field Inspection Flag:
Presumption Flag: D

Audit: 01/25/89 VERNER 01/18/94 THOMPSON 03/29/95 POST-STD

Brent Stolworthy
Family Ltd. Partner

SEE
MAP

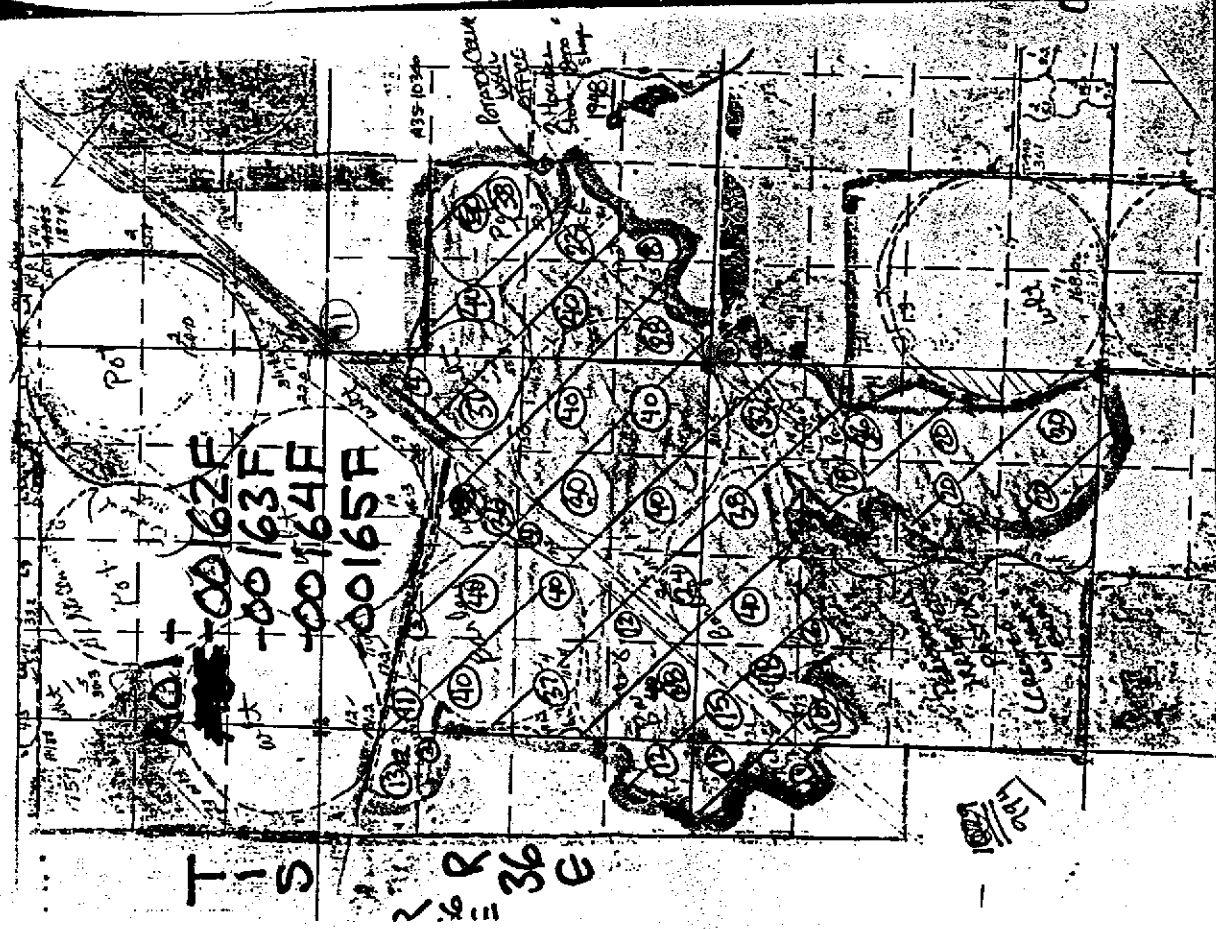
A01-00162F

OCT 03 1995

25x10

32x1

TO BE USED
WITH REVIEW
OF
35-08800



//// Portion of
35-08800
* NOT COVERED
BY SURFACE
WATER CLAIMS

RECEIVED
FEB 02 1995
Department of Water Resources

MURDERED

System Description (continued)

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

well, pump, 1400' pivot

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#10	US MOTOR	125	9100338-083	Aurora	8" disch

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
10			SW	SW	14	15	36E	Bingham	USFA QUAD and on site inspection

6. Place(s) of Use:

Indicate Method of Determination

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	
15	36E	14							8	4	36	39	37	37	30	8		6	154
		15							8									6	14
15	36E	14							12	5	33	40	33	23					146
		15													16			6	22
																			168

* See attached memo, BC

Do not use this space

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Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
pressure gage		Ashcroft		~~12038651~~	0-160psi	
Cox-Hall	PITOT	Cox		120386	8"	

2. Measurements:

pump discharge pressure -
 COX HALL H₁ - LOW H
 $37.10 - 3.40 = 33.7$
 $37.15 - 3.25 = 33.9$
 $37.20 - 3.30 = 33.9$
 $\bar{H} = 28.8$

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method: Cox-Hall meter; 3.11 cfs Also see uPUL pump test for 3.09 cfs.

2. Alternate Method for Checking Purposes: Allow 3.00 cfs as permit asks!

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
 Total Head: (1) + (2) = _____ (3) : Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)
 Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
 Meter Input HP: (6) x 1.34 = _____ (7)
 Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)
 Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 168 \text{ acres} \times 4 \text{ af} = 672 \text{ af}$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 3.00 \text{ cfs} \times 214 \text{ d} \times 1.9835 = 1273.4$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 672 \text{ af}$

2. Volume Calculations for Other Uses:

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

Permit shows point of Diversion as TIN, R36E, Sec 14 -
point of Diversion is actually T1S, R36E, Sec 14
Permit shows place of use as TIN, R36E, Sec 14 and 15
place of use is actually T1S, R36E, Sec 14 and 15

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-1	10-31	3.00	672
Totals:			3.00 cfs	672 afg

2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

ALAN W PARIS

Signature

Alan W Paris

Certification Date

Field Report Preparation Date

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

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MEMORANDUM

TO: File 35-08800 / Brent Stolworthy
FROM: Brenda Chapman
DATE: May 23, 1995
RE: Recommendation Adjustment(s)

=====

The final licensing recommendations for the above referenced water right are based on the information below:

C. SYSTEM DESCRIPTION

5. Point of Diversion: According to the exam map, the point of diversion is in the NWSW $\frac{1}{4}$ of Section 14, which also agrees with the permit.

OCT 03 1995

 * UTAH POWER AND LIGHT COMPANY *
 * PUMP TEST REPORT *

#10

BRENT STOLWORTHY
 LOCATION: JOHNSON NORTH PUMP
 MOTOR MAKE: US MOTORS
 PUMP MAKE: AURORA

ACCOUNT NO.: 438001974
 METER NO.: D25Y36167
 MOTOR HP: 125

TYPE OF IRRIGATION: 1 CENTER PIVOT @ 173 ACRES
 TYPE OF CROPS: ALL 173 ACRES IN GRAIN IN 1984

DATE TESTED: 22 JULY 1985

ASSISTED BY: MARLO HARKER

1. TOTAL RATED HORSEPOWER		125	HP
2. NUMBER OF ACRES IRRIGATED		173.0	AC
3. STANDING WATER LEVEL		77	FT
4. PUMPING WATER LEVEL		86	FT
5. WELL DRAWDOWN		9	FT
6. DISCHARGE PRESSURE		82	PSI
7. FLOWRATE	3.09 CFS	1385	GPM
8. ELECTRICAL HORSEPOWER INPUT AT TEST	112.80 KW	151.20	HP
9. AVERAGE SEASONAL BILLING KW	113.95 KW		
10. WATER HORSEPOWER OUTPUT AT TEST		96.33	HP

 * COMPARISON OF PUMPING PLANT EFFICIENCIES *

	OPERATING CONDI- TIONS AT PRESENT		OPERATING CONDI- TIONS AT ACCEPTED EFFICIENCY	
11. OVERALL PLANT EFFICIENCY	63.7	%	69.0	%
12. ACRE-FEET PUMPED / YEAR	123.4	AF	123.4	AF
13. INCHES OF WATER APPLIED / YEAR	8.6	IN	8.6	IN
14. KILOWATT HOUR USE / YEAR	55140	KWH	50912	KWH
15. AVERAGE HOURS OPERATED / YEAR	484	HOURS	484	HOURS
16. TOTAL COST / YEAR	\$ 1501		\$ 1386	
17. AVERAGE COST / ACRE-FOOT	\$ 12.16		\$ 11.23	
18. AVERAGE COST / KILOWATT HOUR	2.72	CENTS	2.72	CENTS
19. AVERAGE COST / OPERATED HOUR	\$ 3.10		\$ 2.86	
20. AVERAGE COST / ACRE	\$ 8.68		\$ 8.01	
21. SAVINGS AT ACCEPTED EFFICIENCY			\$ 115	

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35-8800

State of Idaho
DEPARTMENT OF WATER RESOURCES
Cox/Hall Meter Flow Calculations

DATE: 06/25/91

PERMIT # 35-8800

MANOMETER READING INCHES OF WATER TO COX/HALLS METER - Vh

	.0	.1	.2	.3	.4	.5	.6	.7	.8	.9
0	0.0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9
1	1.0	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9
2	2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9
3	3.0	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.8	3.9
4	4.0	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9
5	5.0	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9
6	6.0	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6.8	6.9
7	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9
8	8.0	8.1	8.2	8.3	8.4	8.5	8.6	8.7	8.8	8.9
9	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9
10	10.0	10.1	10.2	10.3	10.4	10.5	10.6	10.7	10.8	10.9
11	11.0	11.1	11.2	11.3	11.4	11.5	11.6	11.7	11.8	11.9
12	12.0	12.1	12.2	12.3	12.4	12.5	12.6	12.7	12.8	12.9
13	13.0	13.1	13.2	13.3	13.4	13.5	13.6	13.7	13.8	13.9
14	14.0	14.1	14.2	14.3	14.4	14.5	14.6	14.7	14.8	14.9
15	15.0	15.1	15.2	15.3	15.4	15.5	15.6	15.7	15.8	15.9
16	16.0	16.1	16.2	16.3	16.4	16.5	16.6	16.7	16.8	16.9
17	17.0	17.1	17.2	17.3	17.4	17.5	17.6	17.7	17.8	17.9
18	18.0	18.1	18.2	18.3	18.4	18.5	18.6	18.7	18.8	18.9
19	19.0	19.1	19.2	19.3	19.4	19.5	19.6	19.7	19.8	19.9
20	20.0	20.1	20.2	20.3	20.4	20.5	20.6	20.7	20.8	20.9
21	21.0	21.1	21.2	21.3	21.4	21.5	21.6	21.7	21.8	21.9
22	22.0	22.1	22.2	22.3	22.4	22.5	22.6	22.7	22.8	22.9
23	23.0	23.1	23.2	23.3	23.4	23.5	23.6	23.7	23.8	23.9
24	24.0	24.1	24.2	24.3	24.4	24.5	24.6	24.7	24.8	24.9
25	25.0	25.1	25.2	25.3	25.4	25.5	25.6	25.7	25.8	25.9
26	26.0	26.1	26.2	26.3	26.4	26.5	26.6	26.7	26.8	26.9
27	27.0	27.1	27.2	27.3	27.4	27.5	27.6	27.7	27.8	27.9
28	28.0	28.1	28.2	28.3	28.4	28.5	28.6	28.7	28.8	28.9
29	29.0	29.1	29.2	29.3	29.4	29.5	29.6	29.7	29.8	29.9
30	30.0	30.1	30.2	30.3	30.4	30.5	30.6	30.7	30.8	30.9
31	31.0	31.1	31.2	31.3	31.4	31.5	31.6	31.7	31.8	31.9
32	32.0	32.1	32.2	32.3	32.4	32.5	32.6	32.7	32.8	32.9
33	33.0	33.1	33.2	33.3	33.4	33.5	33.6	33.7	33.8	33.9
34	34.0	34.1	34.2	34.3	34.4	34.5	34.6	34.7	34.8	34.9
35	35.0	35.1	35.2	35.3	35.4	35.5	35.6	35.7	35.8	35.9
36	36.0	36.1	36.2	36.3	36.4	36.5	36.6	36.7	36.8	36.9
37	37.0	37.1	37.2	37.3	37.4	37.5	37.6	37.7	37.8	37.9
38	38.0	38.1	38.2	38.3	38.4	38.5	38.6	38.7	38.8	38.9
39	39.0	39.1	39.2	39.3	39.4	39.5	39.6	39.7	39.8	39.9
40	40.0	40.1	40.2	40.3	40.4	40.5	40.6	40.7	40.8	40.9
41	41.0	41.1	41.2	41.3	41.4	41.5	41.6	41.7	41.8	41.9
42	42.0	42.1	42.2	42.3	42.4	42.5	42.6	42.7	42.8	42.9
43	43.0	43.1	43.2	43.3	43.4	43.5	43.6	43.7	43.8	43.9
44	44.0	44.1	44.2	44.3	44.4	44.5	44.6	44.7	44.8	44.9
45	45.0	45.1	45.2	45.3	45.4	45.5	45.6	45.7	45.8	45.9
46	46.0	46.1	46.2	46.3	46.4	46.5	46.6	46.7	46.8	46.9
47	47.0	47.1	47.2	47.3	47.4	47.5	47.6	47.7	47.8	47.9
48	48.0	48.1	48.2	48.3	48.4	48.5	48.6	48.7	48.8	48.9
49	49.0	49.1	49.2	49.3	49.4	49.5	49.6	49.7	49.8	49.9
50	50.0	50.1	50.2	50.3	50.4	50.5	50.6	50.7	50.8	50.9
51	51.0	51.1	51.2	51.3	51.4	51.5	51.6	51.7	51.8	51.9
52	52.0	52.1	52.2	52.3	52.4	52.5	52.6	52.7	52.8	52.9
53	53.0	53.1	53.2	53.3	53.4	53.5	53.6	53.7	53.8	53.9
54	54.0	54.1	54.2	54.3	54.4	54.5	54.6	54.7	54.8	54.9
55	55.0	55.1	55.2	55.3	55.4	55.5	55.6	55.7	55.8	55.9
56	56.0	56.1	56.2	56.3	56.4	56.5	56.6	56.7	56.8	56.9
57	57.0	57.1	57.2	57.3	57.4	57.5	57.6	57.7	57.8	57.9
58	58.0	58.1	58.2	58.3	58.4	58.5	58.6	58.7	58.8	58.9
59	59.0	59.1	59.2	59.3	59.4	59.5	59.6	59.7	59.8	59.9
60	60.0	60.1	60.2	60.3	60.4	60.5	60.6	60.7	60.8	60.9
61	61.0	61.1	61.2	61.3	61.4	61.5	61.6	61.7	61.8	61.9
62	62.0	62.1	62.2	62.3	62.4	62.5	62.6	62.7	62.8	62.9
63	63.0	63.1	63.2	63.3	63.4	63.5	63.6	63.7	63.8	63.9
64	64.0	64.1	64.2	64.3	64.4	64.5	64.6	64.7	64.8	64.9
65	65.0	65.1	65.2	65.3	65.4	65.5	65.6	65.7	65.8	65.9
66	66.0	66.1	66.2	66.3	66.4	66.5	66.6	66.7	66.8	66.9
67	67.0	67.1	67.2	67.3	67.4	67.5	67.6	67.7	67.8	67.9
68	68.0	68.1	68.2	68.3	68.4	68.5	68.6	68.7	68.8	68.9
69	69.0	69.1	69.2	69.3	69.4	69.5	69.6	69.7	69.8	69.9
70	70.0	70.1	70.2	70.3	70.4	70.5	70.6	70.7	70.8	70.9
71	71.0	71.1	71.2	71.3	71.4	71.5	71.6	71.7	71.8	71.9
72	72.0	72.1	72.2	72.3	72.4	72.5	72.6	72.7	72.8	72.9
73	73.0	73.1	73.2	73.3	73.4	73.5	73.6	73.7	73.8	73.9
74	74.0	74.1	74.2	74.3	74.4	74.5	74.6	74.7	74.8	74.9
75	75.0	75.1	75.2	75.3	75.4	75.5	75.6	75.7	75.8	75.9
76	76.0	76.1	76.2	76.3	76.4	76.5	76.6	76.7	76.8	76.9
77	77.0	77.1	77.2	77.3	77.4	77.5	77.6	77.7	77.8	77.9
78	78.0	78.1	78.2	78.3	78.4	78.5	78.6	78.7	78.8	78.9
79	79.0	79.1	79.2	79.3	79.4	79.5	79.6	79.7	79.8	79.9
80	80.0	80.1	80.2	80.3	80.4	80.5	80.6	80.7	80.8	80.9
81	81.0	81.1	81.2	81.3	81.4	81.5	81.6	81.7	81.8	81.9
82	82.0	82.1	82.2	82.3	82.4	82.5	82.6	82.7	82.8	82.9
83	83.0	83.1	83.2	83.3	83.4	83.5	83.6	83.7	83.8	83.9

COX/HALL METER # 120386

SYSTEM NAME/NUMBER # 10

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

Circumference in Inches = 25.25 CIR

Thickness in Inches = 7/32 T

ID = (0.3183 X CIR) - (2 T) = 7.85 ID

DIFFERENTIAL PRESSURE READING IN INCHES OF H2O

(37.10) - (3.40) = 33.70 H

(37.15) - (3.25) = 33.90 H

(37.20) - (3.30) = 33.9 H

(37.15) - (3.32) = 33.83 H

High reading - Low Reading

DETERMINE Vh FROM CHART USING (H): 28.8 Vh

(Example H = 12.3, Vh = 16.9)

CALCULATION OF FLOW IN CFS:

Q cfs = [(PI/4) X (id)² X Vh] / 448.8

(id) (Vh)

Q cfs = [0.78539 (7.85)² (28.8)] / 448.8

Q cfs = 3.105734 cfs

Q cfs = 3.11 cfs

MEASURED BY

#35-08800

三子

1-2

Riverview
School

OCT 03 1995

165.2

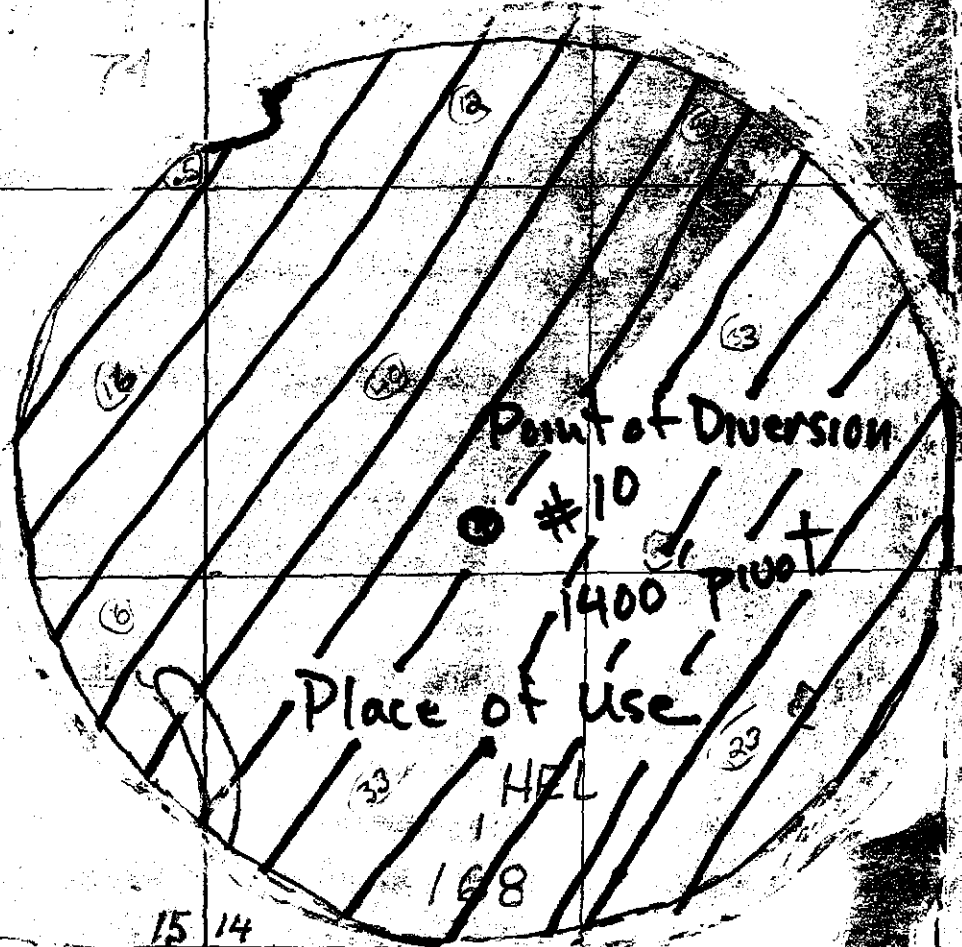
28

27
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29
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32
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OCT 03 1995

35-8800

Department of Water Resources

WELL INSPECTION FORM

If well is associated with water right, provide WR# 35-8800

Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

1. Legal Description: TWP 15, Rge R36E, Sec. 14, SW 1/4 SW 1/4 or Lot _____.

2. Owner: Brent Stolworthy Family Ltd. Partnership
Address 3669 S. Holmes, city Idaho Falls st Id

3. Casing $\geq$ 12 inches above ground: Yes ☒ No ☐

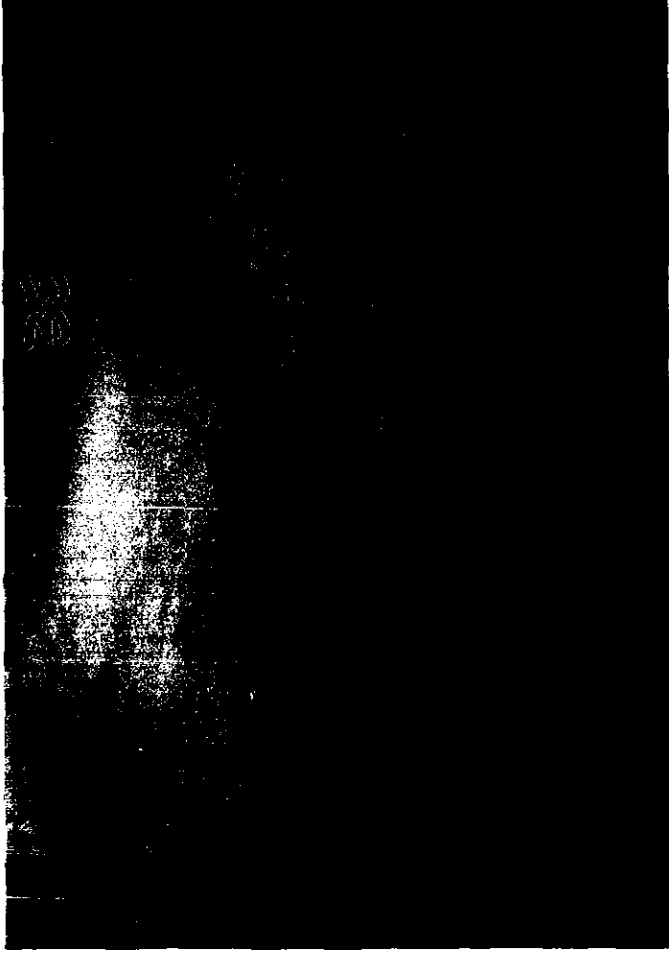
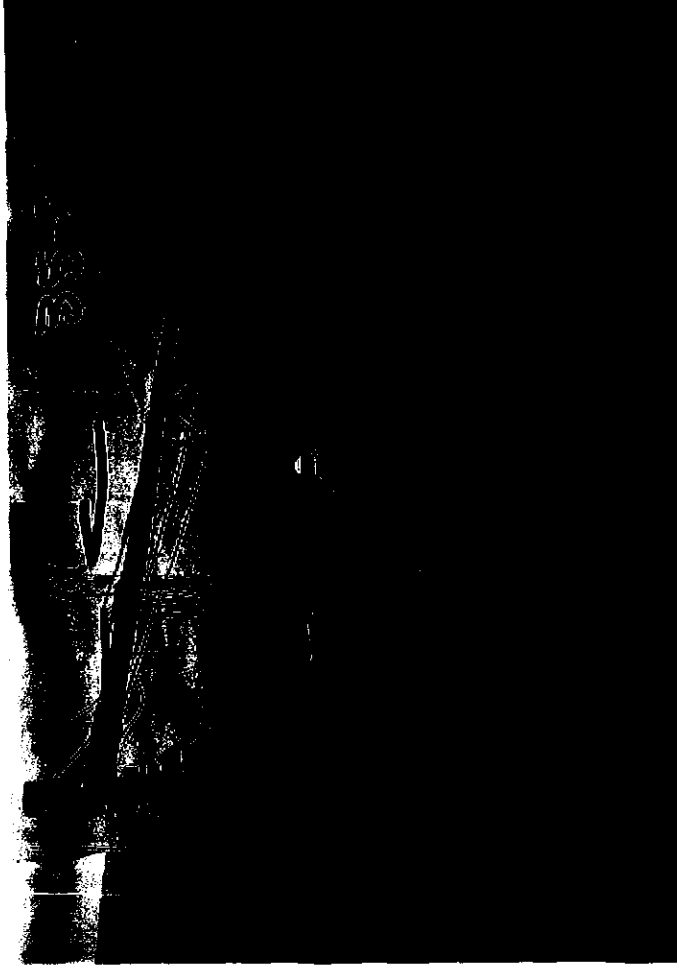
4. Access Port: Yes ☐ No ☒ Static Water Level: unknown
Pressure Gauge: Yes ☐ No ☒ Casing Diameter: 14" to 20"
Flowing: Yes ☐ No ☐ Temperature: _____

5. Are there any obvious construction problems that may be a source for contamination or waste of water: Yes ☐ No ☒

If answer to Item 5 is Yes, describe in remarks and attach photo.

Remarks: _____

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OCT 03 1995



100-170157

OCT 08 1995

35-8800

November 23, 1990

BRENT STOLWORTHY FAMILY LTD. PARTNERSHIP
3669 S. HOLMES
IDAHO FALLS, ID 83404

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08800

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,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

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DEC 11 1990

FROM: KEITH C. WILSON EASTERN

11 JULY 1990

TO: GARY SPACKMAN - BOISE WATER ALLOCATIONS

SUBJECT: CORRECTION OF LEGAL 35-8799 & 35-8800

AS PER OUR CONVERSATION IT APPEARS THAT THE APPLICATIONS ARE INCORRECT IN LISTING THE LEGAL AS FOLLOWS:

35-8799 - T01N, R36E, SEC 23 FOR BOTH P/D & P/U

35-8800 - T01N, R36E, SEC 14 FOR P/D
SEC 14 & 15 FOR P/U

ATTACHED IS A COPY OF THE U.S.G.S. QUAD OF T01N, R36E, SEC 14, 15, 23.

ALSO ATTACHED IS A COPY OF THE U.S.G.S. QUAD OF T01S, R36E, SEC. 14, 15, 23.

IN OUR CONVERSATION IT SEEMED TO APPEAR THAT THE MAP ON THE APPLICATIONS ARE OF T01S, R36E NOT T01N, R36E AS INDICATED ON THE MAP AND IN THE LEGAL DESCRIPTIONS.

I FEEL THAT THE ERROR IS THE DEPARTMENTS AND THE APPLICATIONS SHOULD BE CORRECTED WITHOUT ANY FEES. (P/U & P/D ARE BOTH WITHIN THE NON-TRUST WATER AREA).


KEITH C. WILSON

I REQUEST THAT THESE APPLICATIONS BE CHANGED AS PER THIS MEMO.


BRENT STOLWORTHY

RECEIVED
JUL 13 1990

Department of Water Resources

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DEC 11 1990

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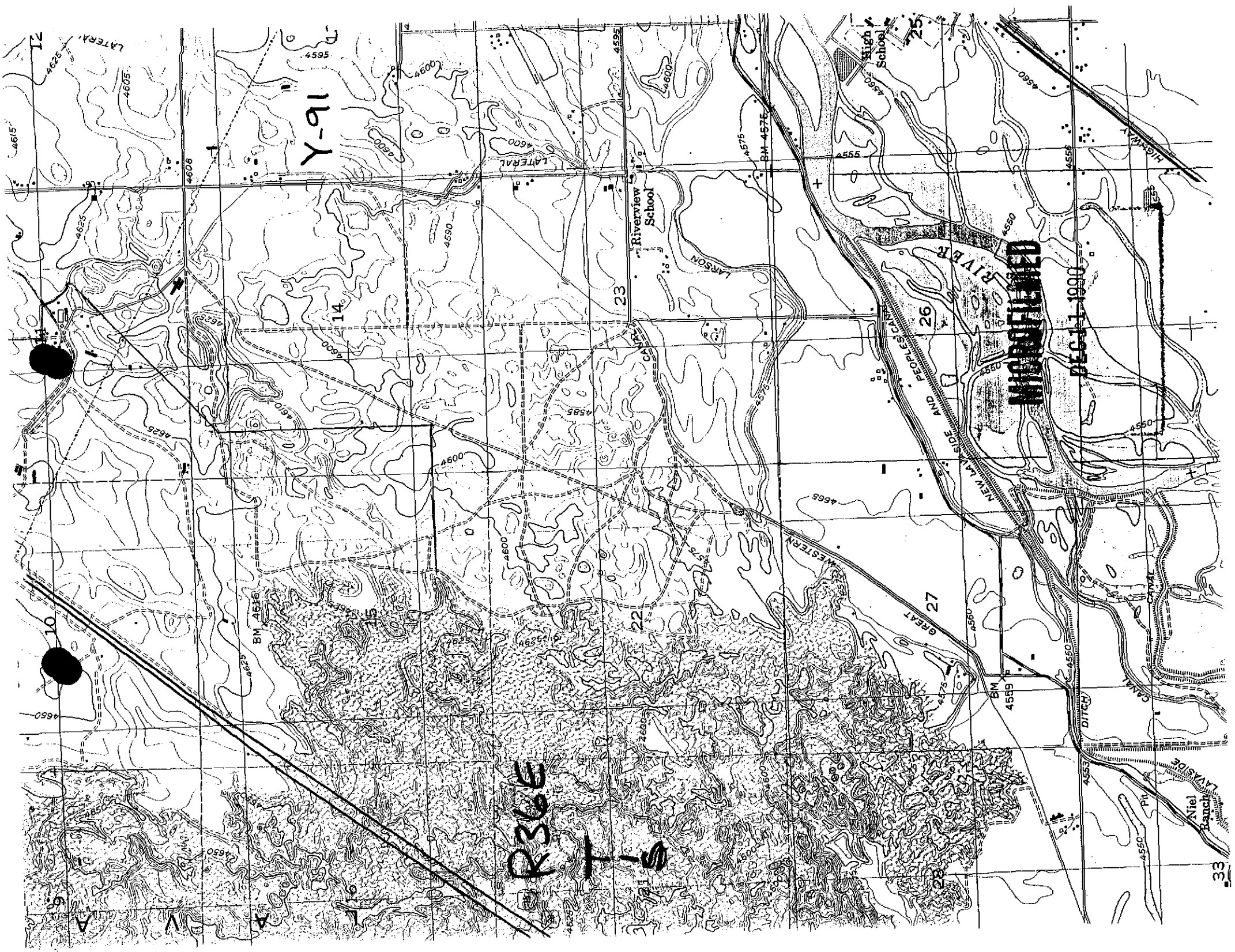
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S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
June 29, 1990

BRENT STOLWORTHY FAMILY LTD. PARTNERSHIP
3669 S. HOLMES
IDAHO FALLS, ID 83404

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P35-08800

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.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

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DEC 11 1990

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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DEC 11 1990

DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.
Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

27-07485

JOHNSTON, James S.
P.O. Box 698
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversión Pt: NENWNE, Sec. 35, T. 02S,
35E.
Use: IRRIGATION (.800 CFS)
DOMESTIC (.350 CFS)
Total Diversión: (1.000 CFS).
Date Filed: 8/2/1989.
In: T02S, R35E, S35, NENE, NWN
SWNE.
40.0 ACRES TOTAL.

27-07486

MALM, Wallace E.
MALM, Barbara
349 N. 100 E.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversión Pt: SWNE, Sec. 19, T. 02S, R.
36E.
Use: IRRIGATION (1.940 CFS).
Total Diversión: (1.940 CFS).
Date Filed: 10/4/1989.
In: T02S, R36E, S19, SWNE, SENE,
NESW, NESE, NWSE.
97.0 ACRES TOTAL.

35-08154

LEBRECHT, Wulf
Sterling, Id. 83279
Source: GROUNDWATER
Diversión Pt: NESW, Sec. 27, T. 03S, R.
31E.
Use: IRRIGATION (3.200 CFS).
Total Diversión: (3.200 CFS).
Date Filed: 6/13/1983.
In: T03S, R31E, S27, NESW, SESW,
NWSE, SWSE.
160.0 ACRES TOTAL.

35-08160

YANCEY, Brice Orley
1264 S. 2700 W.
Aberdeen, Id. 83210
Source: GROUNDWATER
Diversión Pt: NESE, Sec. 4, T. 05S, R. 31E.
Use: IRRIGATION (1.700 CFS).
Total Diversión: (1.700 CFS).
Date Filed: 6/14/1983.
In: T05S, R31E, S04, SWNE, SENE,
SWNW, SENW, NESW, NESE, NWSE.
280.0 ACRES TOTAL.

35-08225

HAROLDSEN, James
79 N. 2200 W.
Pingree, Id. 83262
Source: GROUNDWATER
Diversión Pt: NWNW, Sec. 33, T. 02S, R.
32E.
Use: IRRIGATION (1.700 CFS).
Total Diversión: (1.700 CFS).
Date Filed: 11/7/1983.
In: T02S, R32E, S33, NENW, NWNW,
SWNW, SENW.
160.0 ACRES TOTAL.

35-08790

MA [redacted] [redacted]
MA [redacted] Wayne J.
P.O. Box 149
Moreland, Id. 83256
Source: GROUNDWATER
Diversión Pt: NENE, Sec. 4, T. 02S, R. 34E.
Use: IRRIGATION (1.400 CFS).
Total Diversión: (1.400 CFS).
Date Filed: 5/28/1989.
In: T02S, R34E, S04, NENE, SENE, NESE,
SESE.
70.0 ACRES TOTAL.

35-08791

NEUMAN, Estate of John
NEUMAN, Sam
2033 S. 2900 W.
Aberdeen, Id. 83210
Source: GROUNDWATER
Diversión Pt: NWNW, Sec. 17, T. 06S, R.
31E.
Use: IRRIGATION (1.600 CFS).
Total Diversión: (1.600 CFS).
Date Filed: 6/2/1989.
In: T06S, R31E, S17, NWSW, SWSW.
80.0 ACRES TOTAL.

35-08797

GIBBS, Marjorie M.
P.O. Box 127
Springfield, Id. 83277
Source: GROUNDWATER
Diversión Pt: SWSWNW, Sec. 12, T. 04S,
R. 32E.
Use: IRRIGATION (2.400 CFS).
Total Diversión: (2.400 CFS).
Date Filed: 6/19/1989.
In: T04S, R32E, S11, NENE, SENE, S12,
NWNW, SWNW, NESW, NWSW.
120.0 ACRES TOTAL.

35-08799

BRENT STOLWORTHY FAMILY
LTD. PARTNERSHIP
3669 S. Holmes
Idaho Falls, Id. 83404
Source: GROUNDWATER
Diversión Pt: SENWNW, Sec. 23, T. 01N,
R. 36E.
Use: IRRIGATION (2.640 CFS).
Total Diversión: (2.640 CFS).
Date Filed: 6/9/1989.
In: T01N, R36E, S23, NENW, NWNW,
SWNW, SENW.
132.0 ACRES TOTAL.

35-08800

BRENT STOLWORTHY FAMILY
LTD. PARTNERSHIP
3669 S. Holmes
Idaho Falls, Id. 83404
Source: GROUNDWATER
Diversión Pt: SENWSW, Sec. 14, T. 04N,
R. 36E.
Use: IRRIGATION (3.000 CFS).
Total Diversión: (3.000 CFS).
Date Filed: 6/9/1989.
In: T01N, R36E, S14, SWNW, SENW,
NESW, NWSW, SWSW, SESW, S15 NESE,
SESE.
168.0 ACRES TOTAL.

35-08801

WILLIAMS, J. Stanley
WILLIAMS, Nancy
1286 W. 200 S.
Pingree, Id. 83262
Source: GROUNDWATER
Diversión Pt: NESWSE, Sec. 16, T. 03S, R.
34E.
Use: IRRIGATION (.780 CFS).
Total Diversión: (.780 CFS).
Date Filed: 6/19/1989.
In: T03S, R34E, S16, NWSE, SWSE.
39.0 ACRES TOTAL.

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APR 27 1990

Department of Water Resources

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MAY - 2 1990

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho)

I, Ted Townsend do
solemnly

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

newspaper two consecutive weeks

the first publication having been made on the
5th day of April, 1990;

and the last publication having been made on the
12th day of April, 1990;
that said notice was published in the regular and entire
issue of every number of the paper as aforesaid during
the period and time of publication, and that notice was
published in the newspaper and not in a supplement.

On this 23rd day of April, in
the year 1990 before me a Notary Public of said State,
personally appeared

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

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

Affidavit Processing Fee..... \$5.00

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DEC 11 1990

35-08
WEBB, Jr., Edward M.
134 S. 1900 W.
Pingree, Id. 83262
Source: GROUNDWATER
Diversion Pt: NESE, Sec. 10, T. 03S, R.
32E.
Use: IRRIGATION (1.240 CFS).
Total Diversion: (1.240 CFS).
Date Filed: 7/3/1989.
In: T03S, R32E, S10, SWNE, SENE, NESE,
NWSE, SWSE, SESE.
200.0 ACRES TOTAL.

35-08841
TURPIN, Donald Bruce
907 W. 275 S.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: SESE, Sec. 16, T. 03S, R.
34E.
Use: IRRIGATION (.460 CFS).
Total Diversion: (.460 CFS).
Date Filed: 7/24/1989.
In: T03S, R34E, S16, SESE.
23.0 ACRES TOTAL.

35-08842
JOHNSON, L. Dean
619 W. Highway 26
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: NENWNE, Sec. 25, T. 02S, R.
34E. NWNWNE, Sec. 25, T. 02S, R. 34E.
Use: IRRIGATION (.200 CFS).
COMMERCIAL (.340 CFS).
Total Diversion: (.540 CFS).
Date Filed: 5/28/1989.
In: T02S, R34E, S25, NWNE.

10.0 ACRES TOTAL.

35-08845
CIRCLE H. FARM
c/o Ralph Henderson
5118 Whitaker
Chubbuck, Id. 83202
Source: GROUNDWATER
Diversion Pt: SESE, Sec. 11, T. 04S, R.
33E.
Use: IRRIGATION (1.040 CFS).
Total Diversion: (1.040 CFS).
Date Filed: 9/6/1989.
In: T04S, R33E, S11, NESE, SWSE, SESE.
52.0 ACRES TOTAL.

35-08869
BURKMAN, Doug
285 W. 450 N.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: SENW, Sec. 10, T. 02S, R.
35E.
Use: IRRIGATION (.140 CFS).
Total Diversion: (.140 CFS).
Date Filed: 12/12/1989.
In: T02S, R35E, S10, NENW.
7.0 ACRES TOTAL.

The permit(s) will be subject to all prior water rights. Protests may be submitted, based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mall, Boise, Idaho, 83720, on or before APRIL 23, 1990.

R. KEITH HIGGINSON
Director

(745)
Pub.: 4/5, 12

35-08
VANORDEN, Larry E.
VANORDEN, Paule T.
1054 W. 125 S.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: LOT 2 (NWNENW), Sec. 20,
T. 03S, R. 34E.
Use: IRRIGATION (.600 CFS).
Total Diversion: (.600 CFS).
Date Filed: 6/20/1989.
In: T03S, R34E, S20, Lot 8 (NWNE), Lot 9,
(SWNE).
30.0 ACRES TOTAL.

35-08805
DVORAK, Judith A.
1876 S. 2900 W.
Aberdeen, Id. 83210
Source: GROUNDWATER
Diversion Pt: SESW, Sec. 8, T. 06S, R.
31E.
Use: IRRIGATION (1.900 CFS).
Total Diversion: (1.900 CFS).
Date Filed: 6/30/1989.
In: T06S, R31E, S06, NESE, SWSE, SESE.
95.0 ACRES TOTAL.

35-08834
WEBB, Jr., Edward M.
134 S. 1900 W.
Pingree, Id. 83262
Source: GROUNDWATER
Diversion Pt: NENE, Sec. 10, T. 03S, R.
32E.
Use: IRRIGATION (1.500 CFS).
Total Diversion: (1.500 CFS).
Date Filed: 7/3/1989.
In: T03S, R32E, S10, NENE, NWNE,
SWNE, SENE, S11, NWNW, SWNW.
180.0 ACRES TOTAL.

35-08837
BARTAUŠKY, Ed
1037 W. 200 N.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: SWNE, Sec. 29, T. 02S, R. 34E.
Use: IRRIGATION (1.600 CFS).
Total Diversion: (1.600 CFS).
Date Filed: 7/3/1989.
In: T02S, R34E, S29, NWNE, SWNE.
80.0 ACRES TOTAL.

35-08838
PIEPER, George G.
P.O. Box 1174
Pocatello, Id. 83201
Source: GROUNDWATER
Diversion Pt: SWSWNW, Sec. 11, T. 03S,
R. 33E.
Use: IRRIGATION (1.300 CFS).
Total Diversion: (1.300 CFS).
Date Filed: 7/3/1989.
In: T03S, R33E, S10, SENE, NESE, S11
SWNW, NWSW, SWSW.
188.0 ACRES TOTAL.

35-08839
WEBB, Jr., Edward M.
134 S. 1900 W.
Pingree, Id. 83262
Source: GROUNDWATER
Diversion Pt: SENE, Sec. 11, T. 03S, R.
32E.
Use: IRRIGATION (.680 CFS).
Total Diversion: (.680 CFS).
Date Filed: 7/3/1989.
In: T03S, R32E, S11, NENE, NWNE,
SWNE, SENE, NENW, SENW.
238.0 ACRES TOTAL.

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DEC 11 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

MARCH 27, 1990

The Morning News
Box 70
Blackfoot, ID 83221

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before APRIL 23, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

MICROFILMED
DEC 11 1990

NOTICE OF APPLICATION FOR WATER RIGHT

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

35-08800

BRENT STOLWORTHY FAMILY LTD. PARTNERSHIP
3669 S. HOLMES
IDAHO FALLS, ID 83404

Source: GROUNDWATER

Diversion Pt: SENWSW Sec 14 T 01N R 36E

Use: IRRIGATION (3.000 CFS)
Total Diversion: (3.000 CFS)

Date Filed: 6/ 9/ 1989

In: T01N R36E S14	SWNW	SENW	NESW	NWSW
S15	SWSW	SESW		
	NESE	SESE		

168.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 23, 1990.

Published 4/ 5/1990 & 4/12/1990 R. Keith Higginson, Director

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