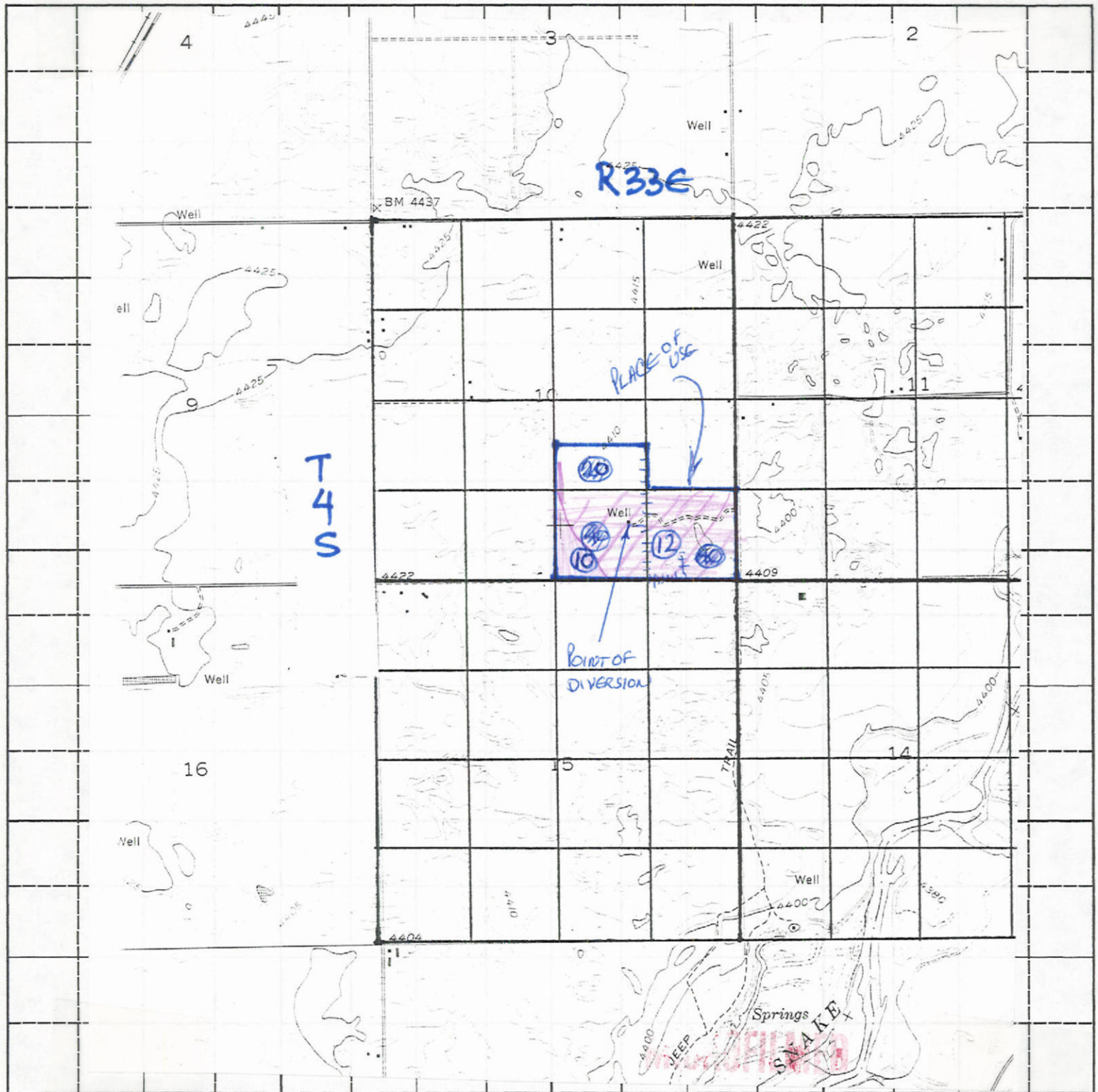


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

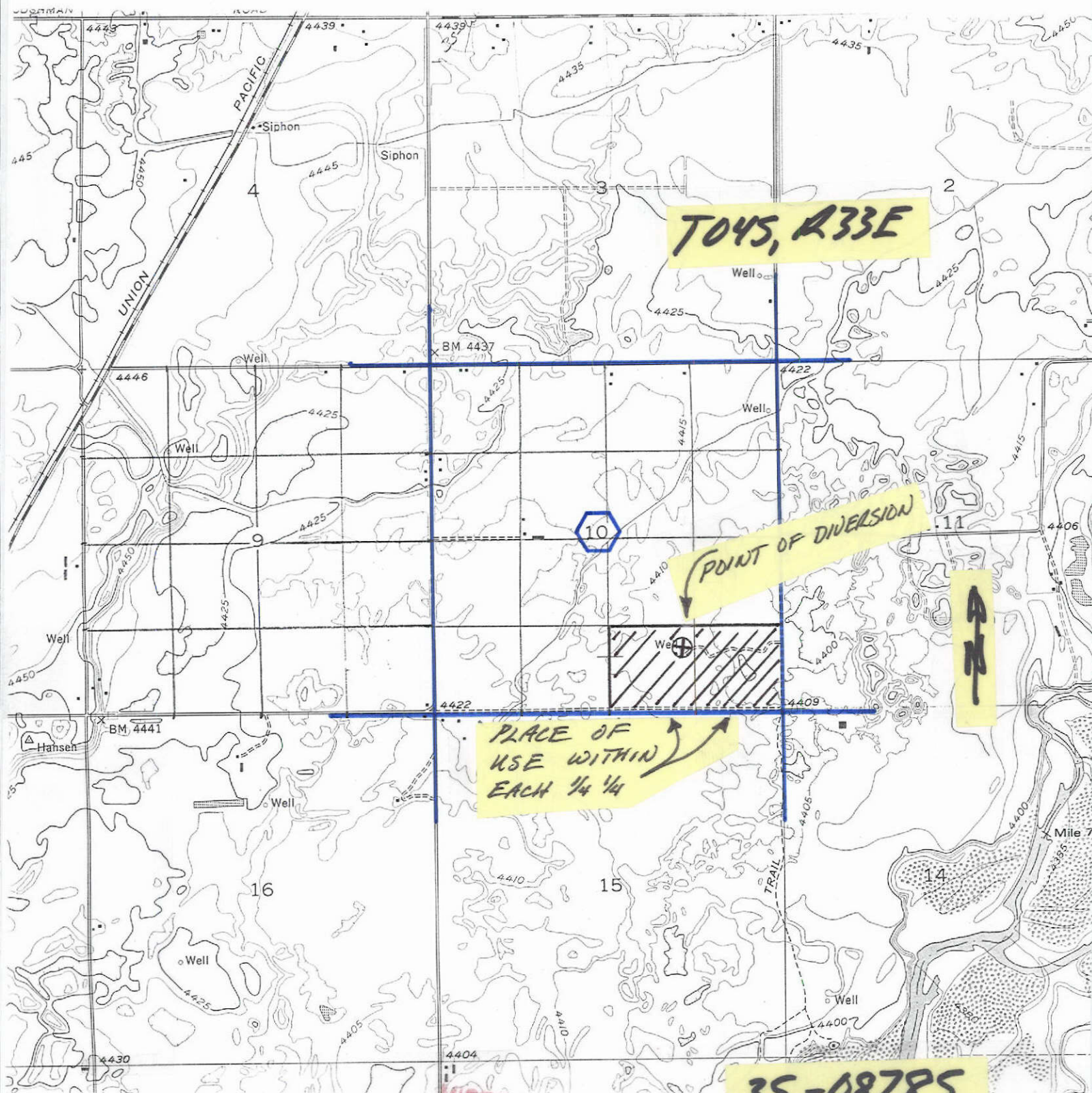


Scale: 2 inches equal 1 mile.

MAY 23 1990

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.

Samuel J. Matthews
(Applicant)



TOYS, R33E

POINT OF DIVERSION

PLACE OF USE WITHIN EACH 1/4 1/4

35-08785

MICROFILMED
MAR 26 1998

Hutchinson Rd.

96.5

8
8.1

T25540
3681

4
80.3

T045, R33E

HEL
1
7-2

HEL
1
34.8

M

3891

4-11
31.5

2
HEL
66

HEL
2
188

Coldwell Ln.

▲

T1961
3098

N POINT OF DIVERSION

7.7

701
OF
DIVERSION
PLACE OF USE
MAIA

MAIN
LINES

35-08785

PLACE OF USE →

29.7

93.9

Sage Rd

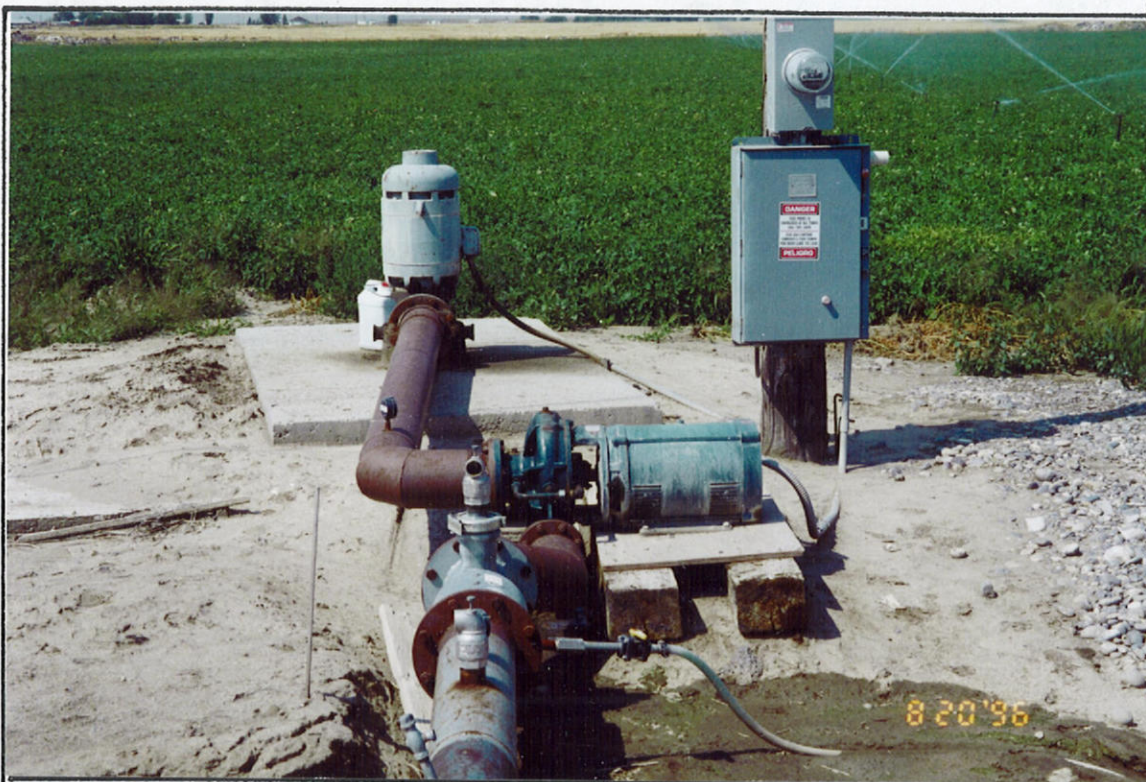
10	11
15	14

S. MATTHEWS

IRRIGATION

1/4

VIEW OF
POINT OF
DIVERSION



VIEW WEST
FROM SOUTH
EAST CORNER
OF PLACE
OF USE



MICROFILMED
MAR 26 1998

PERMIT
NUMBER

35-08785

S. MATTHEWS

IRRIGATION

2/4



VIEW
NORTHWEST
FROM
SOUTHEAST
CORNER OF
PLACE OF USE.



VIEW NORTH
FROM
SOUTHEAST
CORNER OF
PLACE OF
USE.

MICROFILMED
MAR 26 1998

PERMIT
NUMBER

35-08785

S. MATTHEWS

IRRIGATION

35/4

VIEW NORTH
FROM THE
SOUTHWEST
CORNER OF
PLACE OF
USE.



VIEW
NORTHEAST
FROM SOUTH-
WEST CORNER
OF PLACE OF
USE.



MICROFILMED
MAR 26 1998

PERMIT
NUMBER

35-08785

S. MATHEWS

IRRIGATION

4/4



VIEW EAST
FROM
SOUTHWEST
CORNER OF
PLACE OF USE,

PERMIT
NUMBER

35-08785

MICROFILMED
MAR 26 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08785

Priority: June 23, 1989

Maximum Diversion Rate: 0.44 CFS

Maximum Diversion Volume: 88.0 AF

This is to certify, that SAMUEL MURRAY MATTHEWS
1420 W 800 S

PINGREE ID 83262 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 23, 1989; and has submitted Proof of Beneficial Use on April 29, 1991. An examination indicates that the works have a diversion capacity of 1.700 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.44 CFS	88.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 10, Township 04S, Range 33E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S	33E	10	SWSE 10	SESE 12		22

Total number of acres irrigated: 22

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.

MICROFILMED

MAR 26 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08785

CONDITIONS OF APPROVAL AND REMARKS

7. 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.
8. Rights 35-02376 and 35-08785 when combined shall not exceed a total diversion rate of 1.70 cfs.
9. Right 35-02376 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 9th day of MARCH, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED
MAR 26 1998

RECEIVED
APR 29 1991

STATE OF IDAHO

For Office Use Only

Amt. of Fee \$ 100.00Date 4/29/91Receipt No. 2029321Received by J. L. Laven

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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. 35-08785 Telephone No. 684-3286
- Name(s) of Permit Holder(s): Samuel Murry Matthews
- Post Office Address: 1420 W. 800 S. PINGREE, Idaho
- Source of Water: Ground
 - If ground water, well driller's name: No Record Date drilled: around 1958
 - Pump horsepower: 1.5 + 2.5 Foster Pressure (psi): 60 lbs. Dynamic pumping level (ft.): 40 ft
- Extent of Use:

Domestic _____ (No. of households)

Irrigation 100 (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

6. Total rate and/or volume for which proof is submitted .44 cfs 22 acre/feet

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

Measuring device: Required? Yes No Installed? Yes No

OR

Flow Measurement Port: Required? X Yes No Installed? Yes No8. Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)

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

Samuel Murry Matthews 684-3286
Name Telephone No.
1420 W. 800 S. PINGREE, Idaho 83262
Address

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

April 26-91 Samuel Murry Matthews
Date Signature (and title if on behalf of a company or organization)

MAY 31 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08785

Proposed Priority: June 23, 1989 Maximum Diversion Rate: 0.44 CFS
This is to certify, that SAMUEL MURRAY MATTHEWS

1420 W. 800 S.
PINGREE, ID 83262

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	0.44 CFS

LOCATION OF POINT(S) OF DIVERSION: NESWSE Sec. 10, Township 04S, Range 33E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S	33E	10	SWSE 10	SESE 12		22
Total number of acres irrigated:						22

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1991.
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. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
7. 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.

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MAY 23 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08785

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

1st day of May, 1990.

for R. Keith Higginson, Director

MICROFILMED

MAY 23 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 SAMUEL MURRAY MATTHEWS Phone 684-3286
Post office address 1420 W. 800 S., PINBREE, ID. 83262

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

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 10 Township 4S Range 33E B.M. Bingham County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.44 for IRRIGATION purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.44 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 60' WELL w/ 10" CASING - 15HP
LIFT PUMP. PRESSURIZED BY 25HP BOOSTER. SUPPLIES 5-1/4 MILE
HAND 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~~ ^{EXISTING} well diameter is 10" inches; ~~proposed~~ ^{EXISTING} depth of well is 60' feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

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MAY 23 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	
4S	33E	10															10	12	22

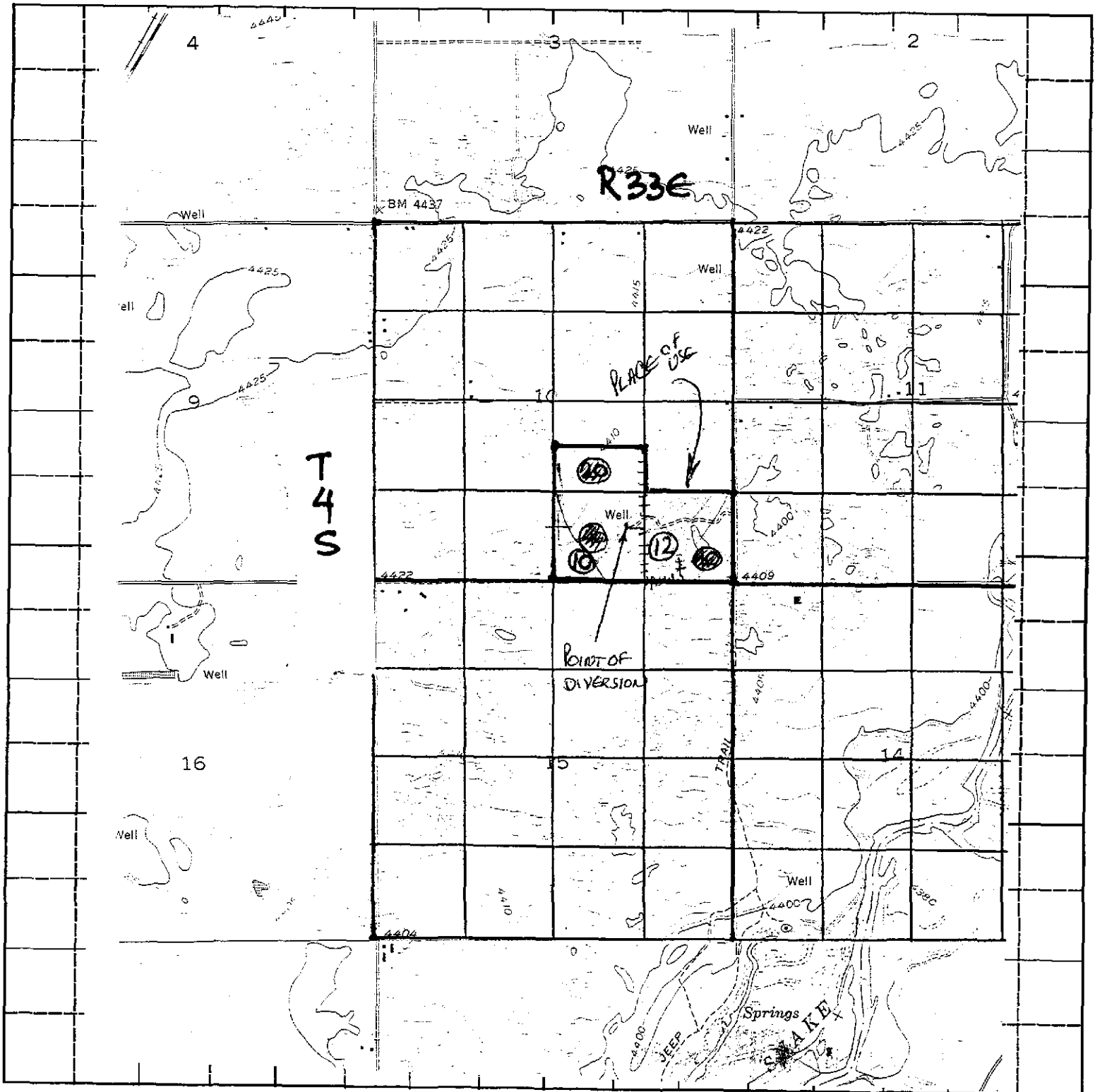
Total number of acres to be irrigated 22

10. Describe any other water rights used for the same purposes as described above. 35-02376 from SAME WELL FOR

- 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: IN 1979, SYSTEM WAS CONVERTED TO SPRINKLER IRRIGATION. ADDITIONAL GROUND, UNDER THIS APPLICATION, WAS PUT UNDER IRRIGATION AT THIS TIME. APPLICATION IS FILED TO RECORD THIS USE OF WATER.

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.

MAY 23 1990

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.

Samuel J. Matthews
(Applicant)

Received by ESV Date 6-23-89 Time 1730 Preliminary check by SMS
Fee \$ 45⁰⁰ Receipted by ESV # E009246 Date 6-23-89
Publication prepared by RB Date 3-15-90 Published in Morning News
Publication approved (u) Date 3-30-90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

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MAY 23 1990

45⁰⁰

State of Idaho License and Certificate of Water Right

Water License No. G-24908

Amount 1.56 c.f.s.

Water District No. _____

Priority April 30, 1954

THIS IS TO CERTIFY that ALLEN C. TURPIN

of Pingree, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 30, 1954; that Permit No. G-24908 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.56 second feet, was issued thereunder on September 4, 1957, showing that said works were completed on the 7th day of August, 1956; and that on the 7th day of August, 1956, ALLEN C. TURPIN

of Pingree, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean, for the purpose of Irrigation, under Use Permit No. G-24908 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 10 of Licenses at page 6088, on the 4th day of September, 1957;

The right hereby confirmed dates from April 30, 1954;

The Point of Diversion is located

in the SW 1/4 SE 1/4, Sec. 10, Tp. 4 S., R. 33 E., E. M., County Bingham

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.56 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 S.	33 E.	10	NE 1/4 SE 1/4	40	20
			SE 1/4 SE 1/4	40	30
			SE 1/4 SW 1/4	40	28
			Total number of acres irrigated	- - -	78

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MAY 23 1980

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

DEPT. OF WATER RESOURCES
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

NOTICE OF APPLICATION
FOR WATER RIGHT

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

27-07457

SITZMANN, David R.
213 E. 200 N.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: NWNW, Sec. 28, T. 02S, R.
36E.
Use: IRRIGATION (.100 CFS).
DOMESTIC (.040 CFS).
Total Diversion: (.140 CFS).
Date Filed: 3/15/1989.
In: T02S, R36E, S28, NWNW.
5.0 ACRES TOTAL.

27-07458

HUGIE, Vaughn
HUGIE, Yonula
107 E. 200 N.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: NWNWNW, Sec. 29, T. 02S/
R. 36E.
Use: IRRIGATION (.200 CFS).
STOCKWATER (.040 CFS).
Total Diversion: (.200 CFS).
Date Filed: 3/13/1989.
In: T02S, R36E, S29, NWNW.
10.0 ACRES TOTAL.

35-08783

LEAVITT, Kenea
LEAVITT, Dennis
220 N. 740 W.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: SWSE, Sec. 23, T. 02S, R.
34E.
Use: IRRIGATION (.260 CFS).
DOMESTIC (.040 CFS).
Total Diversion: (.300 CFS).
Date Filed: 5/08/1989.
In: T02S, R34E, S23, SWSE.
13.0 ACRES TOTAL.

35-08784

THOMAS, Victor J.
909 W. Highway 26
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: NESESE, Sec. 9, T. 02S, R.
34E.
Use: IRRIGATION (.100 CFS).
STOCKWATER (.020 CFS).
DOMESTIC (.020 CFS).
Total Diversion: (.140 CFS).
Date Filed: 5/02/1989.
In: T02S, R34E, S09, NESE, SESE.
5.0 ACRES TOTAL.

35-08785

MATTHEWS, Samuel Murray
1420 W. 800 S.
Pingree, Id. 83262
Source: GROUNDWATER
Diversion Pt: NESWSE, Sec. 10, T. 04S, R.
33E.
Use: IRRIGATION (.440 CFS).
Total Diversion: (.440 CFS).
Date Filed: 6/23/1989.
In: T04S, R33E, S10, SWSE, SESE.
22.0 ACRES TOTAL.

35-08786

WADDUPS, Verl J.
44 S. 600 W.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: SENWSE, Sec. 20, T. 04S, R.
33E.
Use: IRRIGATION (1.780 CFS).
Total Diversion: (1.780 CFS).
Date Filed: 5/15/1989.
In: T04S, R33E, S20, NESE, NWSE, SWSE,
SESE.
160.0 ACRES TOTAL.

35-08787

THOMAS, Dorris L.
Rt. 2, Box 1310
Ketchikan, Al 99901
Source: GROUNDWATER
Diversion Pt: NWSENE, Sec. 2, T. 03S, R.
32E.
Use: IRRIGATION (1.560 CFS).
Total Diversion: (1.560 CFS).
Date Filed: 5/26/1989.
In: T03S, R32E, S02, NENE, NWNF

RECEIVED

MAR 29 1990

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho) ss

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

15th day of March, 19 90;

and the last publication having been made on the
22nd day of March, 19 90;
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 26th day of March, 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.

Ray Dayton
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
November 10, 1994

Affidavit Processing Fee \$5.00

MicroFILMED

MAY 23 1990



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

March 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SAMUEL MURRAY MATTHEWS
1420 W 800 S
PINGREE ID 83262

RE: WATER RIGHT NO. 35-08785

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.

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MAR 26 1998

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

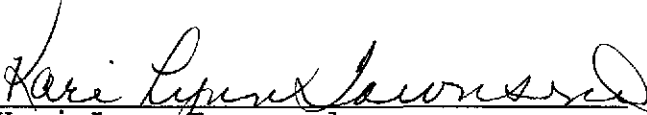
MICROFILMED
MAR 26 1998

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of March, 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. 35-08785

SAMUEL MURRAY MATTHEWS
1420 W 800 S
PINGREE ID 83262


Kari Lynn Townsend
Secretary

MICROFILMED

MAR 26 1998

MEMORANDUM

TO: File 35-08785

FROM: Sharla

DATE: March 4, 1998

RE: Licensing Recommendation Adjustments

The adjustments to licensing recommendations for Permit No. 35-08785 are as follows:

C. DIVERSION AND DELIVERY SYSTEM

2. Place(s) of Use:

T4S, R33E, S10 - SWSE (10 acres), SESE (12 acres)

TOTAL = 22 acres

For rights with > 5 acres, the number of acres per $\frac{1}{4}$ are rounded to the nearest whole number. License 35-02376 diverted from the same well was issued for an inch/acre. The lands now to be licensed will be allowed the same rate, with a remark limiting the total diversion rate to the measured capacity of 1.7 cfs

3/6/98

This morning I spoke with Don Simpkins about the place of use for this right and 35-02376. He said the system includes 20 acres in the NWSE as licensed under 35-02376.

S.W. Keen
3-6-98

Examiner: Don Simpkins
Exam Date: August 20, 1996

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MAR 26 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-08785

DATE 3/3/98

REVIEWER: SHARLA

NAME Change OK

Address Change NO *still in name of Sam Matthews*

SOURCE Change OK

Is change clarification of originally intended source? NO

POINT OF DIV Change OK

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

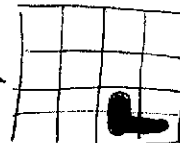
PLACE OF USE Change OK

Amendment required NO

Does map agree with written description? yes no

OVERLAPS

NO P/D NO P/U
Overlap file pulled & reviewed NO

 *P/U under 2376, 8785
picks up remainder of ac per 1/4*

RATE OF DIV

Permitted Rate 44 cfs
Fee limit 1.0 cfs, \$100⁰⁰
Measured 1.7 cfs
Theoretical 1.86 cfs

Recommended Total Div Rate 44 cfs

ANNUAL VOLUME/
NATURE OF USES NO

Use	cfs	Volume Calc
<u>Ins.</u>	<u>44</u>	<u>88.0 (22 x 4.0)</u> af
		af
		af
		af
SUBTOTAL	<u>44</u>	<u>88.0</u> af

Flow rate 44 cfs X 214 days X 1.98 = 186.4 af
Total volume recommended 88.0 af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

W35 (35-08785)
W36 (")

CONDITIONS NO Watermaster Control WD# NO

NO GW Measurement/Measuring Device
NO Overlap

NO Use-specific conditions

Advancement of Priority Date Required yes no

SRBA Claim Filed NO

Adjustment Memo rounded acres
Rate w/comb remark

1st Amend Letter NO

2nd Amend Letter NO

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 30 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-08785

1. Owner: KATHERINE MATTHEWS FAMILY TRUST Phone No. (208) 684-3286

Current Address: 1420 W 800 S, PINCKNEY, IDAHO 83262

2. Accompanied by: CARISTINE JENKINS EXAM DATE: 8/20/96

Address: SAME AS ABOVE Phone No. SAME

Relationship to Permit Holder: DAUGHTER

3. Source: GROUNDWATER tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 35-02376 (DOES NOT ACTUALLY OVERLAP ACREAGE)
LISTED ON THIS PERMIT.
2. Other water rights with the same point of diversion: 35-02376

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SW	SE	10	04S	33E	BIDGHAH	U.S.G.S. TOPO MAP / WAPP PHOTO

2. Place(s) of Use:

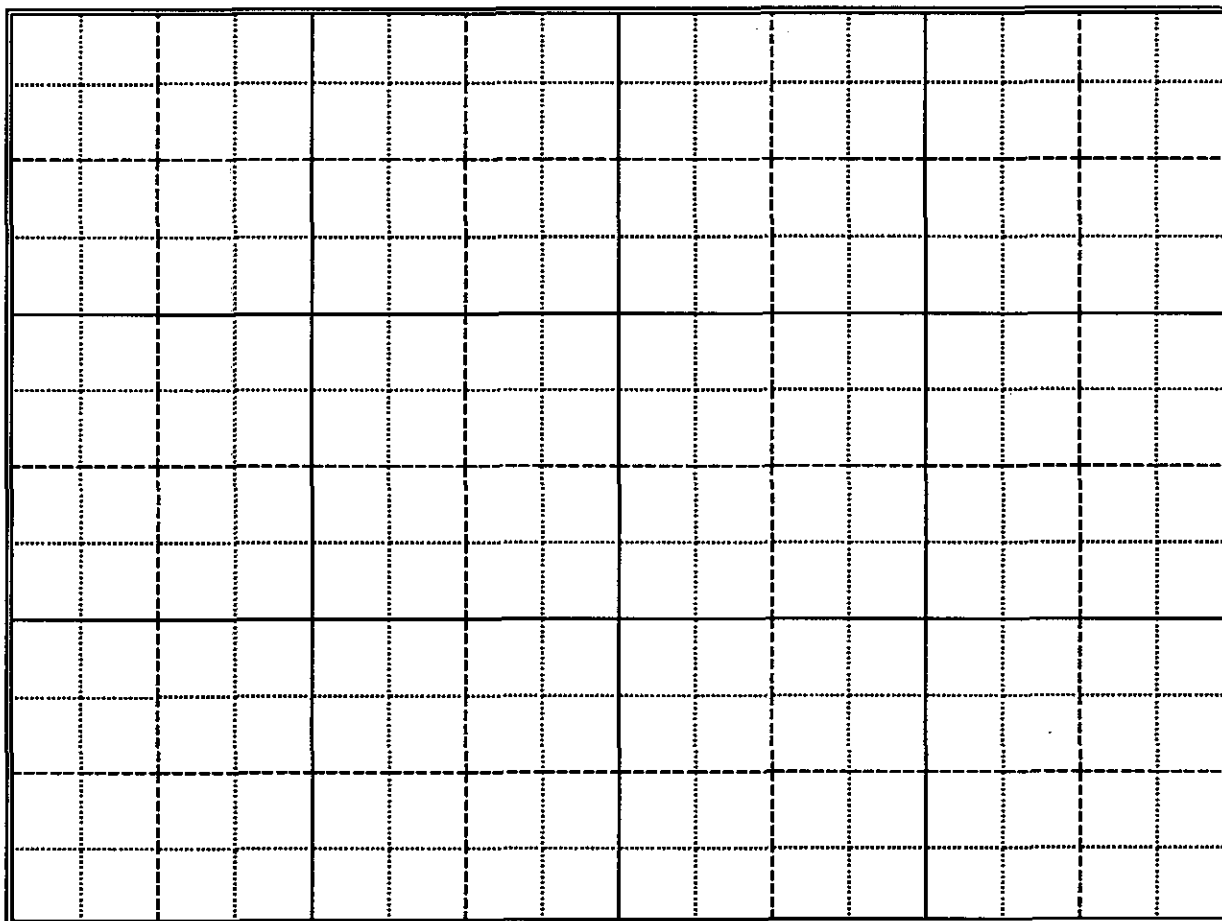
Indicate Method of Determination ON SITE INSPECTION

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	33E	10															9 1/2	11 1/2	21

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MAR 28 1998

TOTAL 21 AC.

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



Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
LIFT PUMP	G.E.	25	SK326X155A		8"
BOOSTER	UNK		UNK	CORNELL	4"

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
POLYSONIC FLOW METER	TYPE-FLYTE	TF-P	7H0263			1997
(FACHEL) PRESSURE GAGE	RAINBIRD				0-100	33 PSI

2. Measurements: *SEE ATTACHMENTS*

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MAR 26 1988

E. NARRATIVE/REMARKS/COMMENTS

THIS PERMIT UTILIZES A 25 HP LIFT PUMP AND A 10HP (ASSUMED -DD ID TAG) BOOSTER PUMP TO PROVIDE IRRIGATION WATER TO 21 ACRES, VIA A BURIED MAIN LINE. THIS SYSTEM USES BURIED AND PORTABLE MAIN LINES ALONG WITH HAND SETS TO DISTRIBUTE WATER TO PLACE OF USE. WATER IS DISTRIBUTED BY 5, $\frac{1}{4}$ MILE HAND LINE SETS WITH 32/33 BIEDS PER SETS, BIRDS UTILIZE $\frac{9}{64}$ AND $\frac{5}{32}$ DISCHARGE ORIFICES.

THE ORIGINAL APPLICANT OF THIS PERMIT IS DECEASED AND DURING ~~TE~~ THE FIELD EXAM I WAS UNABLE TO DETERMINE THE SPECIFIC LOCATIONS FOR THE 10 ACRE AND 12 ACRE SEGMENTS REQUESTED IN THIS PERMIT. THIS PERMIT COMBINED WITH 35-02376 BRIDGES THE ACREAGE PER $\frac{1}{4}$ $\frac{1}{4}$ TO 39 ACRES IN EACH QUARTER.

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

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MAR 26 1998

F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

THEORETICAL FLOW = 1.858 CFS

POLYSONIS MEASURED FLOW = 1.703 CFS

MEASURED 1.703 - 1.56 (35-02376) = 0.143 CFS / 21 ACRES THIS PERMIT =
= 0.0068 CFS ~~= ROUNDED = 0.01 CFS / ACRE~~

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 21 \text{ ac} \times 4 = 84 \text{ AFA.}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.143 \text{ CFS} \times 214 \times 1.9835 = 60.69 \text{ AFA}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{60.7 \text{ AFA}}$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION</u>	<u>4/1</u>	<u>10/31</u>	<u>0.14 CFS</u>	<u>60.7 AFA</u>
Totals:			<u>0.14 CFS</u>	<u>60.7 AFA</u>

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name SIMPSON Date 1/16/98

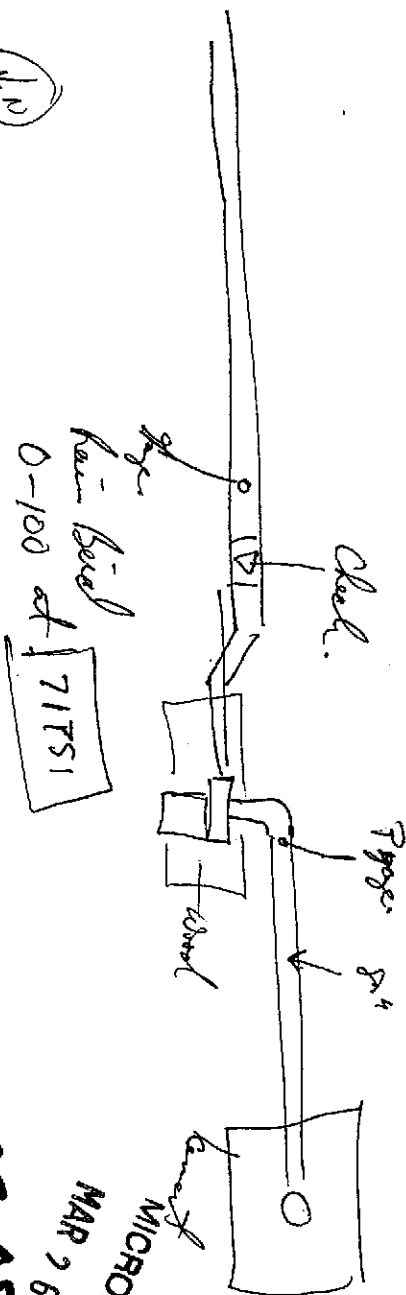
Reviewer _____ Date _____

SEAL

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MAR 26 1998

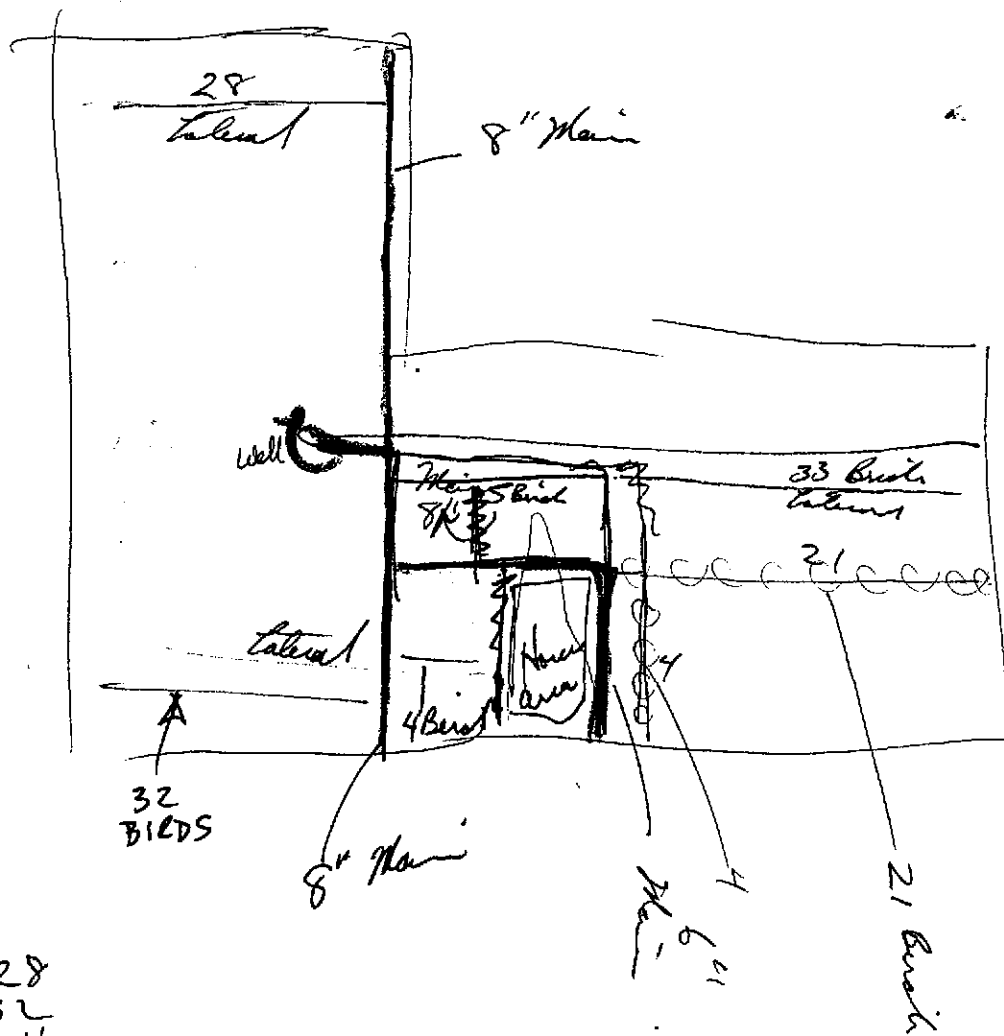
10



35-08785

MAR 26 1964

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28
32
37
33
33
21
4

127 Birds x 9/32 + 9/64

OUTER DIAMETER
8.0000 IN

MODE SELECT
INPUT

OUTER DIAMETER
8.0000 IN

PIPE MATERIAL
? CS.63

WALL THICKNESS
0.1150 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1460 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
5.702 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

MM-DD HH:MM
08-20 12:30

08-20 12:3000 *R
+002.90

MODE SELECT

0293.8 MMSEC
100.07 % T0

08-20 12:3000 *R
+764.514E 06PM

35-08785

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2-6-1998

35-08785

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Water District No. 1
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

SAMUEL MATTHEWS
35-08785
Sonic Tape

FIELD EXAM NOTES

EXAM # 35-08785

DATE OF EXAM 8/20/96

PERMITEE NAME Katherine Matthews Family Trust

OTHER WATER RIGHTS SAME POD _____

OTHER WATER RIGHTS SAME POU _____

PUMP #1 HP 25 MAKE GE SERIAL # Mod. SK 326XA155A
COLOR AND DESCRIPTION Gray / Dark Green / Black
OUTPUT DIAMETER 8" SYSTEM PRESSURE 33 PSI WELL DEPTH _____
STATIC H2O 35' WELL DEPTH _____ DYNAMIC PUMP _____
PSI GAGE TYPE Rain Bird 10-100 CHECK VALVE [Y] ☒ [N] GATE VALVE [Y] ☒ [N]

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

BOOSTER PUMP #1 HP _____ MAKE No Infr. SERIAL # _____
COLOR AND DESCRIPTION Dark Green
Cornell Pump. Mod. 4RB-25-4 Ser. 74180 10.5
BOOSTER PUMP #2 HP _____ MAKE _____ SERIAL # _____
COLOR AND DESCRIPTION _____

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

HAND LINES ☒ [Y] [N] NUMBER OF LINES 5 LENGTH OF LINES _____
RAIN BIRDS PER LINE _____ NOZZEL DIAMETER 9/64
5/32

SURFACE WATER TYPE OF MEASUREING DEVICE _____
AA METER PIGMY METER WEIR OR FLUME BUCKET/WATCH _____/_____

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MAR 26 1998

USE BACK OF PAGE FOR SKETCH AND MEASUREMENTS OF SYSTEM

35-08785

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

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

Hp = Horsepower = 25 + 10 ^{ASSUMED HP BASED ON NORMAL RELATIONSHIP BETWEEN PUMP + BOOSTER}
 Eff = Efficiency = .7 (Usually 70%)

Lift: (Static Water Level + Assumed Draw down)

Static Water Level = 30 ft.

Assumed Draw down = + 10 ft.

Lift = 40

OR

Measured Dynamic Water Level = _____ ft.

psi = Operating Pressure = 33 psi

$$Q_{cfs} = [\frac{35}{Hp} \times 8.814 \times \frac{.7}{Eff}] \div [\frac{40}{Lift} + (\frac{33}{psi} \times 2.308)$$

$$Q_{cfs} = [\frac{215.943}{ }] \div [\frac{116.164}{ }]$$

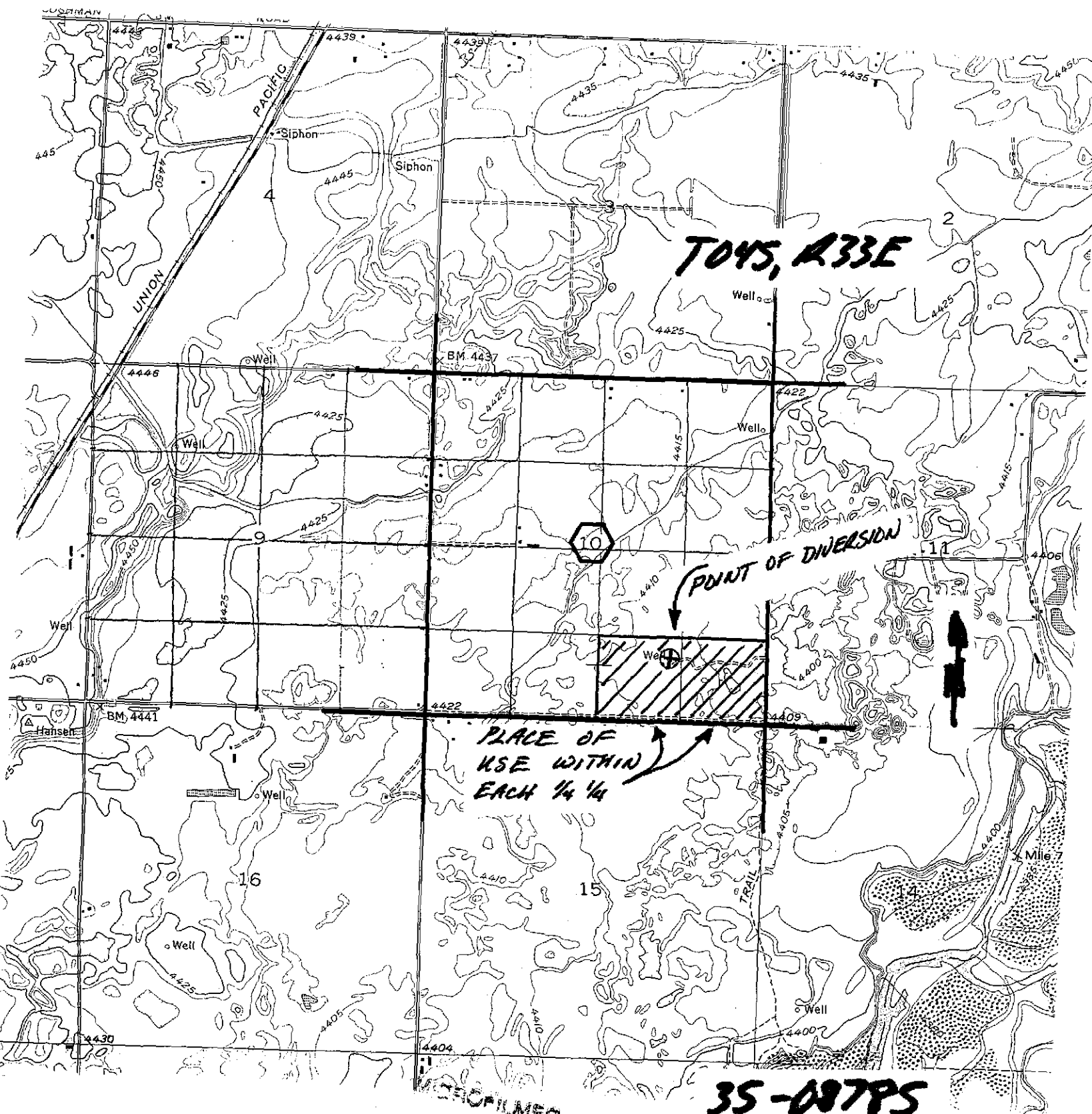
$$Q_{cfs} = \underline{1.858} \text{ cfs}$$

$$SONIC METER MEASUREMENT = 764.5146PH/448.8 = 1.703 \text{ CFS}$$

PERMIT NO. 35-08785

MICROFILMED

MAR 26 1988



MICROFILMED

26 1998

T45

Hutchinson Rd.

96.5

8

3

2

T2142
2333

T045, R33E

T2546
3681

4

80.3



HEL
2
68.8

N POINT OF
DIVERSION

POINT
OF
DIVERSION

PLACE OF USE →

PLACE OF USE
MAIN
LINES

35-087PS

29.7

93.9

10 11
15 14

S. MATTHEWS

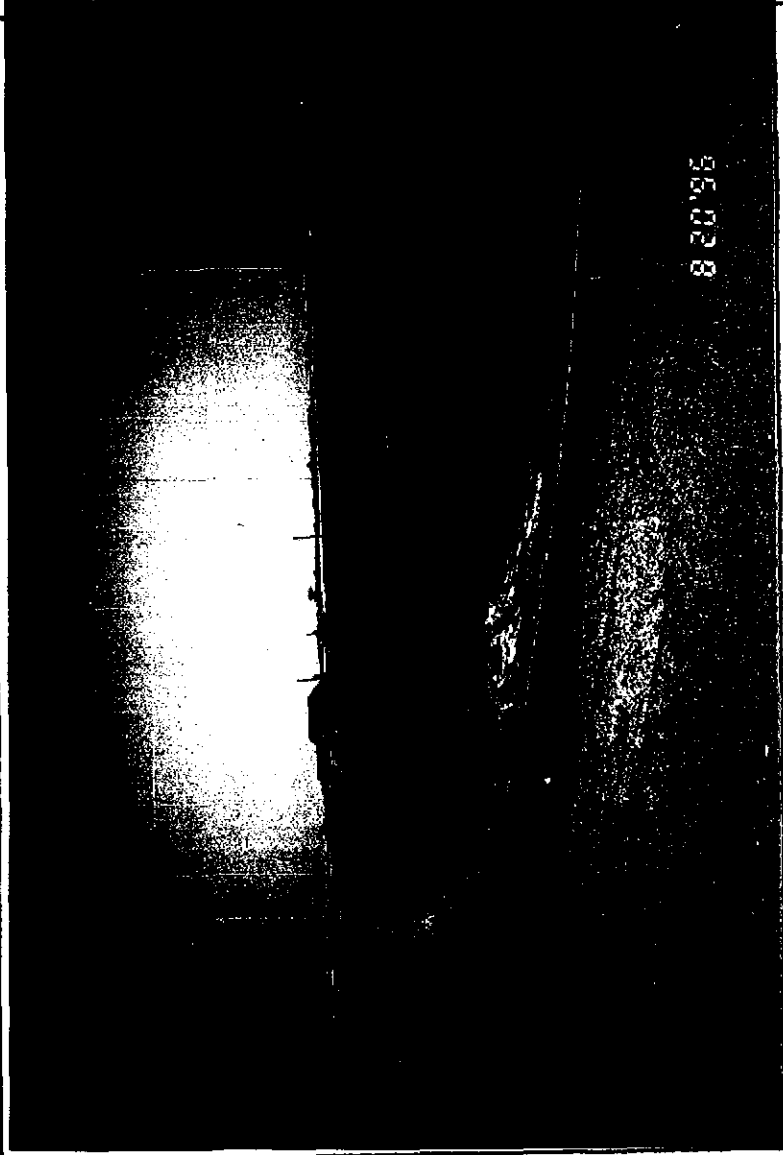
IRK1647702

1 of 4

VIEW OF
POINT OF
DIVERSION



VIEW WEST
FROM SOUTH
EAST CORNER
OF PLACE
OF USE



MICROFILMED
MAR 26 1998

PERMIT
NUMBER

35-08785

S. MATTHEWS

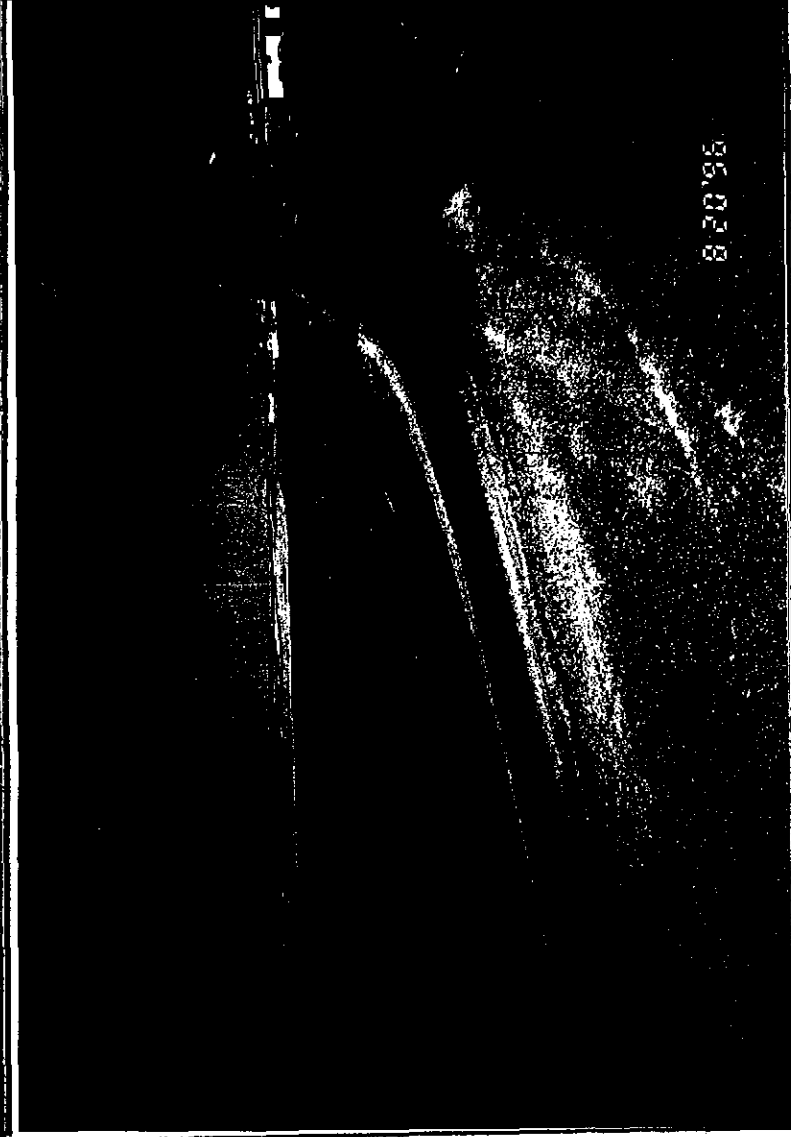
IRRIGATION

254

VIEW
NORTHWEST
FROM
SOUTHEAST
CORNER OF
PLACE OF USE.



VIEW NORTH
FROM
SOUTHEAST
CORNER OF
PLACE OF
USE.



PERMIT
NUMBER

35-08785

MICROFILMED
MAR 26 1998

MICROFILMED
MAR 26 1998

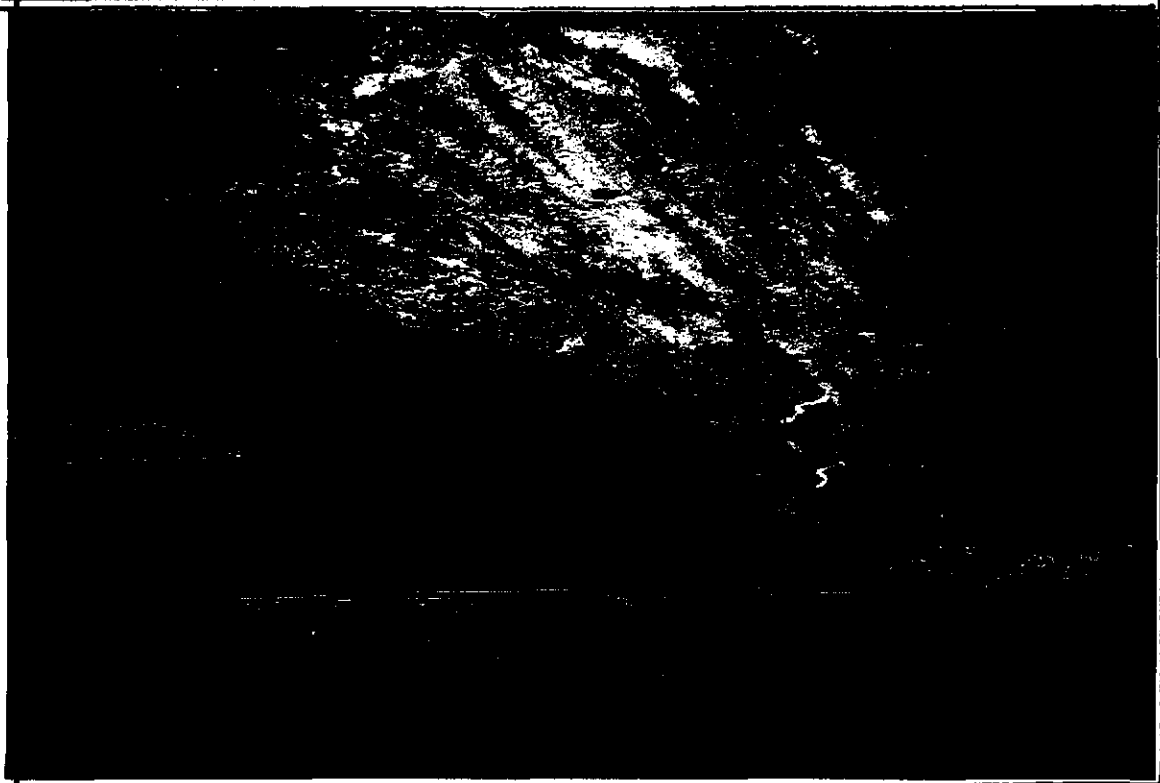
PERMIT
NUMBER

35-08785

VIEW
NORTHEAST
FIELD SOUTH
WEST CORNER
OF PLACE OF
USE.



VIEW NORTH
FROM THE
SOUTHWEST
CORNER OF
PLACE OF
USE.



3/4

S. MATTHEWS

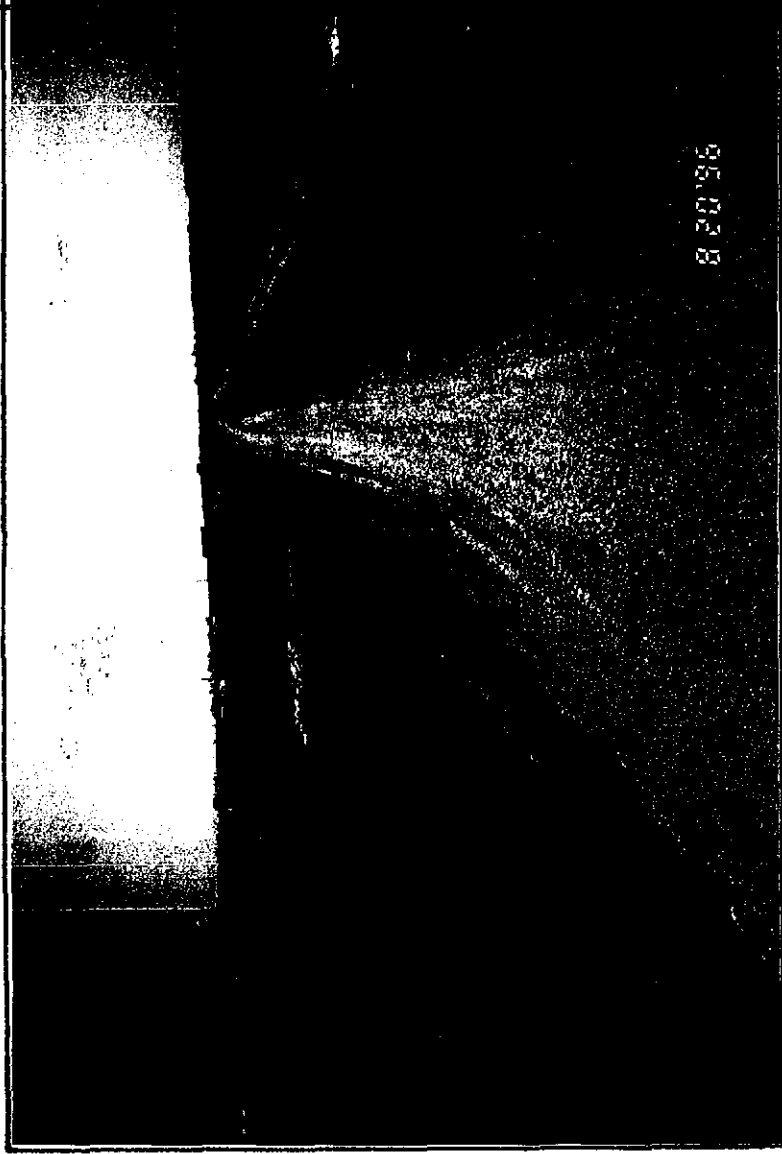
12 K164700

S. MATTHEWS

IRIGATION

404

VIEW EAST
FROM
SOUTHWEST
CORNER OF
PLACE OF USE.



PERMIT
NUMBER

35-08785

MICROFILMED
MAR 26 1998

May 14, 1991

SAMUEL MURRAY MATTHEWS
1420 W. 800 S.
PINGREE, ID 83262

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08785

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.

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

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

MICROFILMED

MAY 31 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 35-8785

Date 4-30-91

GENERAL CONSIDERATIONS

Y Name same as permit?
Y Address same as permit? If no, indicate below.
Y Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

 Surface water source
Y Ground water source
 No Drill permit req'd?
 Copy in file? Drill permit no.
 Amt paid for drilling permit? Correct?
 Well log in file?

LICENSE EXAMINATION FEE

Y Required?
100.⁰⁰ Amount submitted?
Y Correct amount?

MEASURING DEVICE

Y Measuring device or access port required?
 No Installed?
 Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

*Need flow meas. port
Proof acceptable*

PRIORITY CALCULATION

LB

Date proof received	_____	_____
Date proof due	_____	- _____
No. of days late	_____	= _____
Priority date	_____	+ _____
NEW PRIORITY DATE	_____	= _____

139128
February 28, 1991

SAMUEL MURRAY MATTHEWS
1420 W. 800 S.
PINGREE, ID 83262

PROOF DUE NOTICE

RE: PERMIT NO. 35-08785

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

RECEIVED

MAY 31 1991

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

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
May 1, 1990

SAMUEL MURRAY MATTHEWS
1420 W. 800 S.
PINGREE, ID 83262

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P35-08785

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.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

MICROFILMED

MAY 23 1990

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 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

MICROFILMED

MAY 23 1990

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

Dist. for staffing 6-26-89 RB
Submitted for advertising 7-10-89 HCT

NON-TRUST
HOLD

INITIAL REVIEW BY Dennis Dunn DATE 10 July 89 APPLICATION NUMBER 35-8785
Samuel Matthews

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 35-02376
☐ 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 8-8-1990

Department of Water Resources

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

SEND COPIES TO ☐ 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 4-2-90
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☒ Yes ☐ No Access port required
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. 01-705
☒ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information

Date of priority recommended 6-23-89
By HWT Date 4-4-90

STATE OFFICE REVIEW

P05, P23, P03, P16

48 49 46 013

See below for additional information

By KW Date 4-19-90

ADDITIONAL INFORMATION

App. in NON-TRUST area-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 7, 1990

THE MORNING NEWS
P.O. BOX 70
BLACKFOOT, ID 83221

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before APRIL 2, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

MAY 23 1990

35-08785

MATTHEWS, SAMUEL MURRAY
1420 W. 800 S.
PINGREE, ID 83262

Source: GROUNDWATER

Diversion Pt: NESWSE Sec 10 T 04S R 33E

Use: IRRIGATION (.440 CFS)
Total Diversion: (.440 CFS)

Date Filed: 6/23/1989

In: T04S R33E S10 SWSE SESE

22.0 ACRES TOTAL

MICROFILMED

MAY 23 1990

the permit(s) will be subject to all prior water rights. The permit(s) may be submitted based on the criteria of Sec. 42-203B, 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 APRIL 2, 1990.

R. Keith Higginson, Director

Published 3/15/1990 & 3/22/1990

MICROFILMED

MAY 23 1990

26-Feb-1990

Samuel Murray Matthews
1420 W. 800 S.
Pingree, ID 83262

RE: Application for Permit No. 35-8785

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 Morning News on March 15 & 22, 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

MAY 23 1990

21-Jul-1989

Samuel Murray Matthews
1420 W. 800 S.
Pingree, ID 83262

RE: Application for Permit No. 35-8785

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your application for water right permit. The application has been assigned the identification number listed above. Please refer to this number in all future correspondence.

The Department can not proceed with the processing of your application at this time. It seeks the appropriation of water within the area covered by the civil suit of Idaho Power Company vs. Idaho Department of Water Resources, et al., Ada County Civil No. 81375 (Swan Falls Suit). Until there has been a final resolution to this suit and rules and regulations promulgated for considering new appropriations, the processing of applications in this area has been suspended. During the interim, your application will be held in this office.

The staff in our office will be glad to answer any questions you have concerning the above matter.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor
HWJ/rb

RECEIVED

MAY 23 1990