

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

RECEIVED
 SEP 20 2004
 DEPARTMENT OF
 WATER RESOURCES

RECEIVED

SEP 16 2004

Department of Water Resources
 Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
35-8717					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Don + Julie Nebeker
4. New Owner/Claimant(s) Curtis W. Anderson & Linette R. Riley
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 789 S 1400 W
- City, State and ZIP Code Pinjrec, Id 83262
- New Telephone Number (208) 684-9208
5. Date you acquired the property 7 August 1998

SCANNED
 FEB 04 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Bonette R. Riley
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>gc</u>	Date <u>9-15-04</u>	Fee <u>\$25</u>
Receipted by <u>gc</u>	Date <u>9-15-04</u>	Receipt No. <u>E030255</u>
Processed by _____	AJ Date _____	WR _____ Date _____

SCANNED
FEB 04 2005

431810

BINGHAM COUNTY RECORDER
BLAKEFOOT, IDAHO

FEE 6.00 DEP SP

'95 JAN 11 PM 3 56

RECORDED AT THE REQUEST OF

David Parmen

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

FOR VALUE RECEIVED, BONNIE BEASLEY, an individual, of 2445 W 700 S, Sterling, Idaho, the GRANTOR, does hereby grant, bargain, sell and convey unto JULIE NEBEKER, a married woman, of 789 S 1400 W, Pingree, Idaho, the GRANTEE, the following described real property located in Bingham County, State of Idaho, to-wit:

The West Half of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 11, Township 4 South, Range 33 E.B.M., Bingham County, Idaho, together with all ditches, ditch rights of way, water and water rights including particularly 3-1/8 shares of the capital stock of the Peoples Canal and 3-1/8 shares of Thorn Springs Canal Co.

Subject to a right of way and easement for a private road twenty feet on each side of the south line of the North Half of the Southwest Quarter of the Southwest Quarter of said Section 11.

Subject to taxes and assessments for the year 1995, and subsequent years thereafter, rights of way and easements, reservations in federal patents and state deeds and building and zoning ordinances and use regulations and restrictions and no warranty or representation as to the existence or value of any water rights.

To have and to hold said premises with their appurtenances unto said GRANTEE, her heirs and assigns forever. Said GRANTOR does hereby covenant to and with said GRANTEE that said GRANTOR is the owner in fee simple of said premises, which are free from all encumbrances except existing recorded easements and existing rights-of-way and taxes and assessments subsequent to the 10 day of January, 1995, and that she will warrant and defend the same from all lawful claims whatsoever.

WARRANTY DEED

1

SCANNED

FEB 04 2005

DATED this 10 day of January, 1995.

Bonnie Beasley
BONNIE BEASLEY

STATE OF IDAHO)
 : ss.
County of Bingham)

On this 10th day of January, 1995, before me personally appeared BONNIE BEASLEY, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

My comn exprs: 4-27-95



Arlene Opper
NOTARY PUBLIC in and for the
State of Idaho, residing
Blackfoot therein.

431810

ALLIANCE
TITLE & ESCROW CORP.

468416

WARRANTY DEED

3-21596-J

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO

FEE 3.00 DEP 0

98 AUG 11 PM 2:58

RECORDED AT THE REQUEST OF

Alliance Title and Escrow Corp.

For Value Received

DON NEBEKER and JULIE NEBEKER, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

CURTIS W. ANDERSON, a single person and LINETTE R. RILEY, a single person

whose current address is

789 SOUTH 1400 WEST

PINGREE, ID 83262

the grantees, the following described premises, in **BINGHAM** County **IDAHO**, to wit:

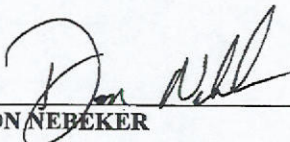
THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 33 E.B.M., BINGHAM
COUNTY, IDAHO.

EXCEPTING THEREFROM A 1972 BELMONT 23 X 57 MOBILE HOME

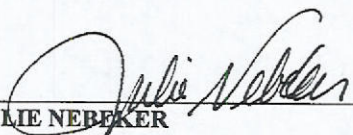
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their
heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are
the owners in fee simple of said premises; that they are free from all encumbrances Except: Subject to all
existing patent reservations, easements, right of way, protective covenants, zoning ordinances, and applicable
building codes, laws and regulations.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: August 7, 1998



DON NEBEKER



JULIE NEBEKER

STATE OF ID, COUNTY OF **BANNOCK**

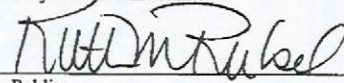
On this 7TH day of **AUGUST**, 1998

before me, a Notary Public in and for said State, personally
appeared

DON NEBEKER
JULIE NEBEKER

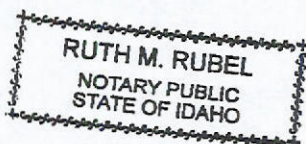
468416

known to me to be the persons whose names are
subscribed to the within instruments and acknowledged to
me that they executed the same.



Notary Public,
Residing at **POCATELLO**
Comm. Expires **04-14-99**

not. st. for
10/31/96



SCANNED

FEB 04 2005

Townsend, KariLynn

From: Klipfel, Terry
Sent: Monday, August 30, 2004 8:17 AM
To: Townsend, KariLynn
Subject: Change of owner info.

Hi, KariLynn,

Here are some of the changes in ownership I told you were coming.

- ✓ Water right 35-9065 owned by Devaughn and Patricia Shipley was sold to:

James & Sandra Evans
13 S 600 W
Blackfoot, ID 83221

- ✓ 35-8731 owned by Don J Collins was sold to:

Scott VanOrden
705 W 100 S
Blackfoot, ID 83221

- ✓ 35-8752 owned by Patricia T and Sheldon R Dance was sold to:

Shon Kroff
1165 W HWY 39
Blackfoot, ID 83221

- ✓ 35-8754 owned by Clarene F Bennett & Frances N Tate was sold to:

Dan DeGiulio
c/o Cecelia Sparks
1401 Thorncreek Circle
Nampa, ID 83686

- ✓ 35-9062 owned by Don Slaughterbeck was sold to:

Gary & Alana Ondrisko
1555 N 800 E
Shelley, ID 83274

- ✓ 35-8717 owned by Julie Nebeker was sold to:

Curtis W Anderson & Linette Riley
789 S 1400 W
Pingree, ID 83262

*no response - no further
action taken - Kari Lynn
10.1.04*

- ✓ 35-11297 owned by Dewayned S & Katherine A Christensen was sold to:

Timothy & Annie Rasmusson
19 N 600 W
Blackfoot, ID 83221

- ✓ 35-2292B owned by David J & Pamela D Powell was sold to:

Michael & Kathy Palmer
1286 W 600 S
Pingree, ID 83262

SCANNED
NOV 29 2004

Call up 9.27

35-13334 owned by Claude F & Deborah J Barnes was sold to George Custer

Done

4555 S Mission Rd #657
Tucson, Az 85746

35-8908 owned by Charles & Daleen Hazelbrush was sold to:

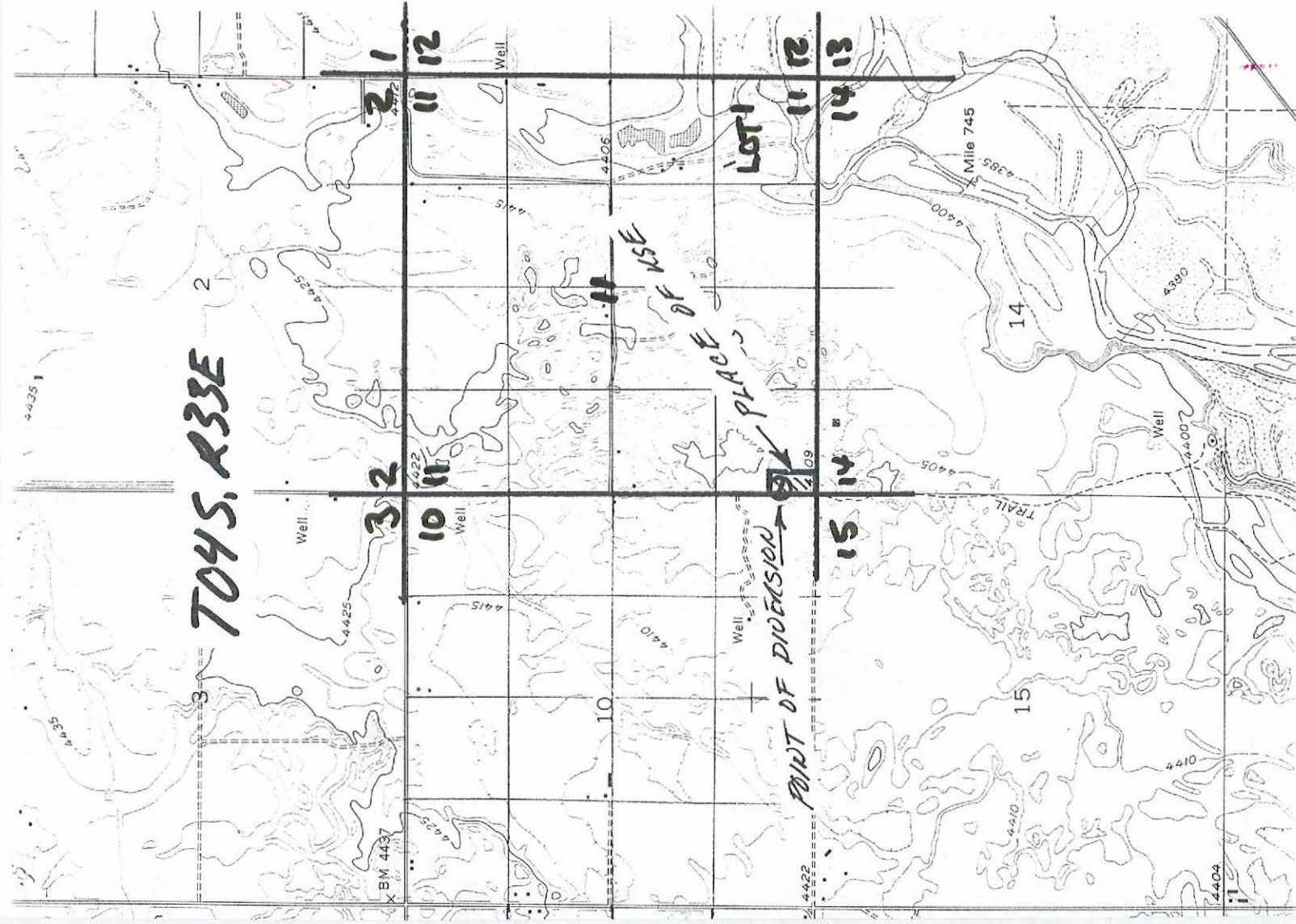
Evan & Sandra Dance
1251 W Hwy 39
Blackfoot, ID 83221

All of these changes are according to Bingham County.

Thanks!!
Terry

SCANNED

NOV 29 2004



MICROFILMED

MAR 26 1998

35-08717

MICROFILMED
MAR 26 1998

二

IRR. THIS YEAR —→

NOT 100% THIS YEAR.

8005
page 6d

Wilbur
1400 W

JULIE NEBEKER

IRRIGATION / DOMESTIC

	154 <u>VIEW EAST</u> <u>PLACE OF USE</u> ← NOT IRR. ← IRRIGATED
	<u>VIEW SOUTH</u> <u>PLACE OF USE</u> ← IRRIGATION
PERMIT NUMBER	35-08717

MICROFILMED
MAR 26 1998

JULIE NEBEKEK

IRRIGATION / DOMESTIC

	274 PLACE OF USE <u>VIEW NORTH</u> ← IRRIGATED
	VIEW NORTHEAST PLACE OF USE ← IRRIGATED
MICROFILMED MAR 26 1998 PERMIT NUMBER	35-08717

JULIE DEBEVER

IRKUTSK / DOMESTIC

3/4

VIEW EAST

SOUTH END

PLACE OF USE

IRKUTSK



PLACE OF

USE

IRKUTSK



PERMIT
NUMBER

35-08717

MICROFILMED
MAR 26 1998

JULIE REBEKEN

IRRIGATION / DOMESTIC



4074

PRESSURE
TANK ADD
PUMP CONTROL

MICROFILMED
MAR 26 1998

PERMIT
NUMBER

35-08717

RECEIVED

SEP 20 2004

RECEIVED

SEP 16 2004

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

DEPARTMENT OF
WATER RESOURCESDepartment of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
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3. Name and Address of Former
Owner/Claimant(s)

Don + Julie Nebeker

4. New Owner/Claimant(s)

Curtis W. Anderson & Linette R. Riley

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

789 S 1400 W

City, State and ZIP Code

Pinjrec, Id 83202

New Telephone Number

(208) 684-9208

5. Date you acquired the property

7 August 1998

SCANNED

FEB 04 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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(If the right(s) will not be split, skip this area and proceed to item 7)

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Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

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Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Henette R. Riley
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>gc</u>	Date <u>9-15-04</u>	Fee <u>\$25</u>
Receipted by <u>gc</u>	Date <u>9-15-04</u>	Receipt No. <u>6030255</u>
Processed by _____	AJ Date _____	WR _____ Date _____

SCANNED

FEB 04 2005

431810

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FEE 6.00 DEP 21P

WARRANTY DEED

'95 JAN 11 PM 3 56

KNOW ALL MEN BY THESE PRESENTS:

RECORDED AT THE REQUEST OF
David Parmen

FOR VALUE RECEIVED, BONNIE BEASLEY, an individual, of 2445 W 700 S, Sterling, Idaho, the GRANTOR, does hereby grant, bargain, sell and convey unto JULIE NEBEKER, a married woman, of 789 S 1400 W, Pingree, Idaho, the GRANTEE, the following described real property located in Bingham County, State of Idaho, to-wit:

The West Half of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 11, Township 4 South, Range 33 E.B.M., Bingham County, Idaho, together with all ditches, ditch rights of way, water and water rights including particularly 3-1/8 shares of the capital stock of the Peoples Canal and 3-1/8 shares of Thorn Springs Canal Co.

Subject to a right of way and easement for a private road twenty feet on each side of the south line of the North Half of the Southwest Quarter of the Southwest Quarter of said Section 11.

Subject to taxes and assessments for the year 1995, and subsequent years thereafter, rights of way and easements, reservations in federal patents and state deeds and building and zoning ordinances and use regulations and restrictions and no warranty or representation as to the existence or value of any water rights.

To have and to hold said premises with their appurtenances unto said GRANTEE, her heirs and assigns forever. Said GRANTOR does hereby covenant to and with said GRANTEE that said GRANTOR is the owner in fee simple of said premises, which are free from all encumbrances except existing recorded easements and existing rights-of-way and taxes and assessments subsequent to the 10 day of January, 1995, and that she will warrant and defend the same from all lawful claims whatsoever.

WARRANTY DEED 1

SCANNED

FEB 04 2005

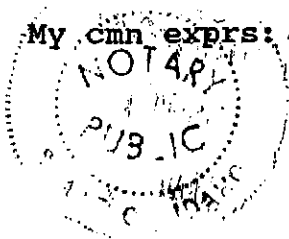
DATED this 10 day of January, 1995.

Bonnie Beasley
BONNIE BEASLEY

STATE OF IDAHO)
 : ss.
County of Bingham)

On this 10th day of January, 1995, before me personally appeared BONNIE BEASLEY, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

My com. expires: 4-27-95



Arlene Ogden
NOTARY PUBLIC in and for the
State of Idaho, residing
Blackfoot therein.

431810

ALLIANCE
TITLE & ESCROW CORP.

468416

WARRANTY DEED
3-21596-J

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO

FEE 3.00 DEF 0

99 AUG 11 PM 2:58

For Value Received

RECORDED AT THE REQUEST OF

Alliance Title and Escrow Corp.

DON NEBEKER and JULIE NEBEKER, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

CURTIS W. ANDERSON, a single person and LINETTE R. RILEY, a single person

whose current address is

789 SOUTH 1400 WEST

PINGREE, ID 83262

the grantees, the following described premises, in **BINGHAM** County **IDAHO**, to wit:

THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 33 E.B.M., BINGHAM
COUNTY, IDAHO.

EXCEPTING THEREFROM A 1972 BELMONT 23 X 57 MOBILE HOME

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their
heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are
the owners in fee simple of said premises; that they are free from all encumbrances Except: Subject to all
existing patent reservations, easements, right of way, protective covenants, zoning ordinances, and applicable
building codes, laws and regulations.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: August 7, 1998



DON NEBEKER



JULIE NEBEKER

STATE OF ID, COUNTY OF BANNOCK

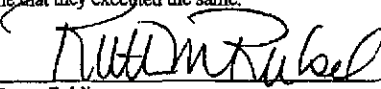
On this 7TH day of AUGUST, 1998

before me, a Notary Public in and for said State, personally
appeared

**DON NEBEKER
JULIE NEBEKER**

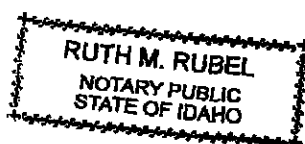
468416

known to me to be the persons whose names are
subscribed to the within instruments and acknowledged to
me that they executed the same.



Notary Public,
Residing at **POCATELLO**
Comm. Expires 04-14-99

noted for
10/3/96



SCANNED

FEB 0 6 2005

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08717

Priority: April 5, 1989

Maximum Diversion Rate: 0.10 CFS

Maximum Diversion Volume: 16.6 AF

This is to certify, that JULIE NEBEKER

789 S 1400 W

PINGREE ID 83262

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 5, 1989; and has submitted Proof of Beneficial Use on February 13, 1995. An examination indicates that the works have a diversion capacity of 0.110 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	0.08 CFS	16.0 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	Totals	0.10 CFS	16.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 11, 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	11	SWSW	4		4

Total number of acres irrigated: 4

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

MICROFILMED

MAR 26 1998

State of Idaho
Department of Water Resources

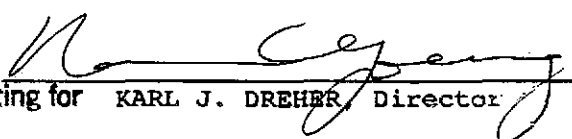
WATER RIGHT LICENSE

WATER RIGHT NO. 35-08717

CONDITIONS OF APPROVAL AND REMARKS

6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

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

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	35-08717	Darrell L. Beasley Bonnie Beasley	.14
Full Assignment	35-08717	Julie Nebeker	.14

REPRODUCTION

MAR 27 1995

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT NO.)
35-08717 IN THE NAME OF JULIE)
NEBEKER)

ORDER

This matter having come before the Idaho Department of Water Resources (department), as a result of the submittal of proof of beneficial use for the above captioned permit, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On November 9, 1994, the department issued an Order for Temporary Stay of Development and Notice of Formal Proceedings (Temporary Stay Order) requiring certain permit holders to either file proof of beneficial use of water in connection with their permit or to otherwise respond to the department in connection with the order.

2. On February 13, 1995, the department received proof of beneficial use of water for the permit and an assignment of the permit from Darrell L. Beasley and Bonnie Beasley to Julie Nebeker (permit holder). The proof was not acceptable, since the permit holder needed to submit an additional drilling permit fee.

3. On February 14, 1995, the department issued a Final Order cancelling Permit No. 35-08717 (permit), since the permit holder had not adequately responded to the November 9, 1994 Temporary Stay Order.

4. On March 24, 1995, the permit holder submitted the additional drilling permit fee making the proof of beneficial use of water acceptable.

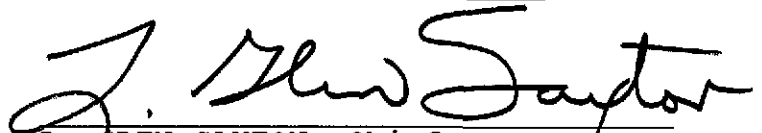
CONCLUSIONS OF LAW

1. The department should rescind the Final Order dated February 14, 1995 and should reinstate the permit.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the Final Order of the department dated February 14, 1995 which cancelled Permit No. 35-08717 is **RESCINDED** and that the permit is **REINSTATED**.

Dated this 5th day of March, 1998.


L. GLEN SAXTON, Chief
Water Allocation Bureau

\$25.00 Fee Received By RT
 Receipt No. C032138
2-13-95

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 13 1995

ASSIGNMENT OF PERMIT

To change the ownership of a permit

Department of Water Resources

I, Bonnie Beasley (Applicant), hereby assign to Julie Nebeker
 of 789 S 1400 W Pingree, ID 83262 (Full Address) (208) 684-4682 (Telephone Number)

All my right, title, and interest in and to Permit No. 35-08717 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following portion of my right, title, and interest in and to Permit No. 35-08717 appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision, point of diversion location, and the amount of water in cubic feet per second.

Made this 22 day of Dec., 1994.

FEE \$25.00

Bonnie A. Beasley
 Permit Holder(s)

State of Idaho)

County of Bingham)
 ss

On this 22 day of December, 1994, personally appeared before me the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

SEAL

Arlene Ogden
 Notary Public

Arlene Ogden
 Signature

My commission expires: 4-27-95

MAR 27 1995

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FEB 13 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 13 1995

Department of Water Resources

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 35-08717 Telephone No. (208) 684-4682
2. Name(s) of Permit Holder(s): Bonnie Beasley / Julie Nebeker
3. Mailing Address: 789 S 1400 W Pingree, ID 83262
4. Source of Water: Well If **GROUNDWATER** (well), Date Drilled: mo. 6 / yr. 94
- a. Well Driller: Jack Cushman Drilling Permit Number: - -

b. **OPTIONAL:**

Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):

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

Domestic (No. of households): 1 Stockwater (No. and type of stock): Cattle

Irrigation (No. of acres): 5 Other:

6. Total rate of diversion and/or volume for which proof is submitted: .14 cfs OR acre feet

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

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

Measuring Device: Is a measuring device required?

Yes or No

Has the measuring device been installed?

Yes or No

Flow Measurement Port: Is a flow measurement port required?

Yes or No

Has the measurement port been installed?

Yes or No

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Julie Nebeker Telephone Number: (208) 684-4682

Address: 789 S 1400 W Pingree, ID 83262

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

Signature of permit holder: Bonnie Beasley Date: Dec 22, 94
(include your title, if on behalf of company or organization)

MAR 3 7 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

FINAL ORDER

This matter having come before the Idaho Department of Water Resources (department), as a result of failure of the permit holder to respond to a prior order of the department, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On November 9, 1994, the department issued an Order for Temporary Stay of Development and Notice of Formal Proceedings (order) requiring certain permit holders to either file proof of beneficial use of water in connection with their permit or to otherwise respond to the department in connection with the order.

2. The holder of Permit No. 35-08717 (permit holder) has neither filed proof of beneficial use of water nor responded to the department in connection with the order.

CONCLUSIONS OF LAW

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

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

...

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

2. IDAPA Rule 37.03.08055.02 (Water Appropriation Rule 55) of the Department of Water Resources, provides as follows:

a. To the extent a permit has not been developed, the director may cancel, or modify permits for which proof of

MAR 27 1995

beneficial use has not been submitted in a designated geographical area as an extension of Rule 55.01.

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

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

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

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

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

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

4. The department has properly notified the permit holder of requirements related to the department's order dated November 9, 1994 and the permit holder has failed to respond.

5. The department should cancel Permit No. 35-08717.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Permit No. 35-08717 in the name of Darrell L. Beasley and Bonnie A. Beasley is **CANCELLED** and is of no further force nor effect.

Dated this 14TH day of FEBRUARY, 1995.


R. KEITH HIGGINSON
Director

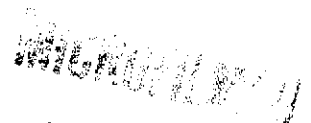
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MAR 27 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 14th day of February, 1995,
I mailed a true and correct copy, postage prepaid, of the foregoing
FINAL ORDER to the following:

Darrell L. Beasley
Bonnie A. Beasley
2445 W 700 S
Sterling, ID 83210


JULIE L. YARBROUGH
Senior Secretary


MAR 27 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

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

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

FINDING OF FACTS

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

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

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

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MAR 27 1995

CONCLUSIONS OF LAW

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

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

...

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

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

02. PERMITS

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

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

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

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

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

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

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

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

MAR 27 1995

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

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

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

ORDER

IT IS THEREFORE, HEREBY ORDERED as follows:

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

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

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

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

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

RECEIVED
MAR 27 1995

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

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

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

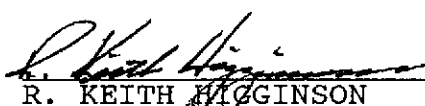
4. Before receiving approval for either additional time to complete a project under subparagraph 2.B.1) or a stay under subparagraph 2.B.2) above, the owner of the permit shall provide information to demonstrate compliance with the provisions of Sections 42-204, Idaho Code, with respect to commencing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

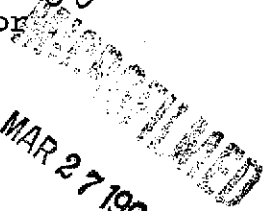
5. This order does not prevent the Director from reviewing continued development of a permit on a case-by-case basis if,

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

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

Dated this 9TH day of NOVEMBER, 1994.


R. KEITH HIGGINSON
Director


MAR 27 1995

RECEIVED

MAR 16 1992

For Office Use Only
\$15 Fee Received by alb
Date 3-16-92
Receipt No. 6023524

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME**TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT**

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 35-08717Name(s) of Permit Holder: Darrell BeasleyMailing Address: 2445 W. 700 S. Sterling, Idaho 83210Date Proof is Due May 1, 1992 Telephone No. 208-328-2367

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

We had and used this water right one or two years.
The mobile home burned down. We have finally
gotten the debris cleaned up and have a bunch
of sagebrush to clean up and another Costing \$
duplexing to put on property.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

we would like the maximum time in getting
it ready as it will be expensive and must be
done as we can afford it. Thank you.

Permit holder(s) request an extension to May 1, 1997

FEE: \$15.00

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

MICROFILMED

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED **APR 08 1992**
and the time within which to submit proof of beneficial use is extended to
May 1, 1995.

Signed this 17 th day March, 19 92

Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08717

Proposed Priority: April 5, 1989 Maximum Diversion Rate: 0.14 CFS

This is to certify, that **DARRELL L. BEASLEY**

BONNIE A. BEASLEY

2445 W. 700 S.

STERLING, ID 83210

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	0.10 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.14 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWSW Sec. 11, 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	11	SWSW	5		5

Total number of acres irrigated: 5

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1992**.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.14 cubic feet per second for each acre of land.

MICROFILMED

APR 23 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08717

CONDITIONS/REMARKS:

8. Domestic use is for one home.

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

19th day of April, 1990

R. Keith Higginson

for
R. Keith Higginson, Director

MICROFILMED

APR 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 Darrell L. or Bonnie A. Beasley Phone _____
Post office address 2445 West 700 South, Sterling, Id. 83210
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 11 Township 4S Range 33E B.M. Bingham County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.10 for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.14 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. well pump mainline to
single domestic home and irrigation system
 - 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 8 inches; proposed depth of well is 100 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
2 years (minimum 1 year).

RECORDED

APR 23 1990

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

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

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4S	38E	11											5						5
													D						

Total number of acres to be irrigated 5

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

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

12. Remarks: _____

MICROFILMED

APR 23 1990

TAS

R33E

POINT OF DIVERSION
AND
PLACE OF USE

MICROFILMED
APR 23 1990

Ernest A. Deesky
(Applicant)

Assisted by Kew 4-5-89

Received by _____ Date _____ Time _____ Preliminary check by Sms

Fee \$ 30⁰⁰ Receipted by Kew # E006723 Date 4-5-1989

Publication prepared by RB Date 2-15-90 Published in Morning News

Publication approved CW Date 3-19-90

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:

MICROFILMED

APR 21 1990

Use: IRRIGATION (.800 CFS).
Total Diversion: (.800 CFS).
Date Filed: 1/10/1989.
In: T04S R32E S31 SESW.
40.0 ACRES TOTAL.

35-08705

MILES, RANDY L.
466 S. 1800 W.
PINGREE, ID 83262
Source: GROUNDWATER.
Diversion Pt: NESE Sec 25 T 03S R 32E.
Use: IRRIGATION (2.000 CFS).
Total Diversion: (2.000 CFS).
Date Filed: 1/16/1989.
In: T03S R32E S25 NESE NWSE SWSE SESE.
100.0 ACRES TOTAL.

35-08714

PAHL, JAMES M.
2174 S. 3200 W.
AMERICAN FALLS, ID 83211
Source: GROUNDWATER
Diversion Pt: NESWNW Sec 26 T 06S R 30E.
Use: IRRIGATION (.360 CFS).
Total Diversion: (.360 CFS).
Date Filed: 3/20/1989.
In: T06S R30E S26 NENW NWNW SWNW.
SENW.
158.0 ACRES TOTAL.

35-08715

PAHL, JAMES M.
2174 S. 3200 W.
AMERICAN FALLS, ID 83211
Source: GROUNDWATER
Diversion Pt: SWNENE Sec 22 T 06S R 30E.
Use: IRRIGATION (.410 CFS).
Total Diversion: (.410 CFS).
Date Filed: 3/20/1989.
In: T06S R30E S22 NENE NWNE SWNE SENE.
156.0 ACRES TOTAL.

35-08716

RUFF, ERNA
550 W. PARK
AMERICAN FALLS, ID 83211
Source: GROUNDWATER.
Diversion Pt: NESWNE Sec 27 T 06S R 30E.
Use: IRRIGATION (.600 CFS).
Total Diversion: (.600 CFS).
Date Filed: 3/20/1989.
In: T06S R30E S27 NENE NWNE SWNE SENE.
156.0 ACRES TOTAL.

35-08717

BEASLEY, DARRELL L.
BEASLEY, BONNIE A.
2445 W. 700 S.
STERLING, ID 83210
Source: GROUNDWATER
Diversion Pt: SWSW Sec 11 T 04S R 33E.
Use: IRRIGATION (.100 CFS).
DOMESTIC (.040 CFS).
Total Diversion: (.140 CFS).
Date Filed: 4/05/1989.
In: T04S R33E S11 SWSW.
5.0 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, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before MARCH 5, 1990.

R. Keith Higginson
Director

(688)
Pub.: 2/15, 22

RECEIVED

MAR 6 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 February, 1990;
and the last publication having been made on the
22nd day of February, 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 28th day of February, 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
first duly sworn, declared that the statements
made by him are true and acknowledged to me that he ex-
ecuted the same.

MICROFILMED

APR 23 1990

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

Affidavit Processing Fee \$5.00



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 2, 2004

CURTIS W ANDERSON
789 S 1400 W
PINGREE ID 83262

LINETTE R RILEY
789 S 1400 W
PINGREE ID 83262

RE: Change of Ownership for Water Right 35-8717

Dear Water Right Holder(s):

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

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

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

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klm
Enclosure

SCANNED
FEB 04 2005

Townsend, KariLynn

From: Klipfel, Terry
Sent: Monday, August 30, 2004 8:17 AM
To: Townsend, KariLynn
Subject: Change of owner info.

Hi, KariLynn,

Here are some of the changes in ownership I told you were coming.

- ✓ Water right 35-9065 owned by Devaughn and Patricia Shipley was sold to:

James & Sandra Evans
13 S 600 W
Blackfoot, ID 83221

- ✓ 35-8731 owned by Don J Collins was sold to:

Scott VanOrden
705 W 100 S
Blackfoot, ID 83221

- ✓ 35-8752 owned by Patricia T and Sheldon R Dance was sold to:

Shon Kroff
1165 W HWY 39
Blackfoot, ID 83221

- ✓ 35-8754 owned by Clarene F Bennett & Frances N Tate was sold to:

Dan DeGiulio
c/o Cecelia Sparks
1401 Thorncreek Circle
Nampa, ID 83686

- ✓ 35-9062 owned by Don Slaughterbeck was sold to:

Gary & Alana Ondrisko
1555 N 800 E
Shelley, ID 83274

- ✓ 35-8717 owned by Julie Nebeker was sold to:

Curtis W Anderson & Linette Riley
789 S 1400 W
Pingree, ID 83262

*no response - no further
action taken - Kari Lynn
10.1.04*

- ✓ 35-11297 owned by Dewayned S & Katherine A Christensen was sold to:

Timothy & Annie Rasmusson
19 N 600 W
Blackfoot, ID 83221

- ✓ 35-2292B owned by David J & Pamela D Powell was sold to:

Michael & Kathy Palmer
1286 W 600 S
Pingree, ID 83262

Call me 9.27

35-13334 owned by Claude F & Deborah J Barnes was sold to George Custer

4555 S Mission Rd #657
Tucson, Az 85746

35-8908 owned by Charles & Daleen Hazelbrush was sold to:

Evan & Sandra Dance
1251 W Hwy 39
Blackfoot, ID 83221

All of these changes are according to Bingham County.

Thanks!!
Terry

SCANNED

NOV 29 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 30, 2004

CURTIS W ANDERSON
LINETTE RILEY
789 S 1400 W
PINGREE ID 83262

RE: **Licensed Water Right 35-8717**

Dear Mr. Anderson & Ms. Riley:

We have been advised that you may be the current owner of the property that has been licensed as referenced above. A copy of the water right license is enclosed for your information and convenience.

Before we can modify our records to reflect your ownership of the property and the water rights referenced above, we need to have a Notice of Change in Water Right Ownership form completed and returned with the appropriate support data and filing fee. I have enclosed a copy of this form for your convenience.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. **Failure to report these changes could result in a \$100 late filing fee.** Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

Enclosures

SCANNED
NOV 29 2004



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

JULIE NEBEKER
789 S 1400 W
PINGREE ID 83262

RE: WATER RIGHT NO. 35-08717

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.

MICROFILMED
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.

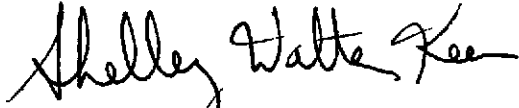
MICROFILMED

MAR 26 1998

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".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

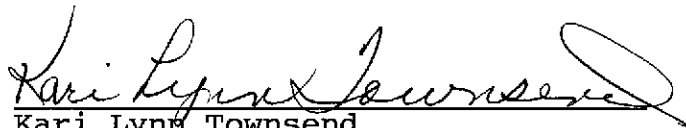
MAR 26 1998

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. 35-08717

JULIE NEBEKER
789 S 1400 W
PINGREE ID 83262


Kari Lynn Townsend
Secretary

MICROFILMED
MAR 26 1998

MEMORANDUM

TO: File 35-08717

FROM: Sharla

DATE: March 4, 1998

RE: Licensing Recommendation Adjustments

The adjustments to licensing recommendations for Permit No. 35-08717 are as follows:

H. RECOMMENDATIONS

Irrigation	4/1 - 10/31	0.08 cfs	16.0 afa
Domestic	1/1 - 12/31	0.02 cfs	0.6 afa
	TOTALS	0.10 cfs	16.6 afa

The domestic use is in-house only; the rate has been adjusted accordingly along with the total diversion rate.

Examiner: Don Simpkins

Exam Date: June 4, 1996

MICROFILMED

MAR 26 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-08717

DATE 3/2/98

REVIEWER: SHARLA

NAME Change OK

Address Change NO

SOURCE Change OK

Is change clarification of originally intended source? NO

POINT OF DIV Change OK

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

PLACE OF USE Change OK

Amendment required NO

Does map agree with written description? yes no

OVERLAPS P/D P/U
Overlap file pulled & reviewed

RATE OF DIV

Permitted Rate .14 cfs
Fee limit .20 cfs \$50⁰⁰
Measured cfs 11
Theoretical .09 cfs 10 @ 35 psi

Recommended Total Div Rate .10 cfs

ANNUAL VOLUME/
NATURE OF USES

<u>Use</u>	<u>cfs</u>	<u>Volume Calc</u>
<u> </u>	<u>.08</u>	<u>4 x 4.0 = 16.0</u> af
<u>Dom</u>	<u>.02</u>	<u>.6</u> af
<u> </u>	<u> </u>	<u> </u> af
<u> </u>	<u> </u>	<u> </u> af
SUBTOTAL	<u>.10</u>	<u>16.6</u> af

Flow rate .08 cfs X 214 days X 1.98 = 33.9 af
Total volume recommended 16.0 af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS Watermaster Control WD#

 GW Measurement/Measuring Device

 Overlap

 Use-specific conditions

Advancement of Priority Date Required yes no

SRBA Claim Filed
Adjustment Memo

1st Amend Letter
2nd Amend Letter

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 30 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-08717

1. Owner: JULIE NEBEKER Phone No. (208) 684-4682

Current Address: 789 S, 1400 W, PINCKNEY, ID 83262

2. Accompanied by: OWNER EXAM DATE: 6/4/96

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: GROUNDWATER tributary to N/A

B. OVERLAP REVIEW

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

2. Other water rights with the same point of diversion: NONE

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
		SW	SW	SW	11	04S	33E	BIDGHAM	U.S. G. S. TOPO MAP / NAAPP PHOTO

2. Place(s) of Use:

Indicate Method of Determination ON SITE / DSP

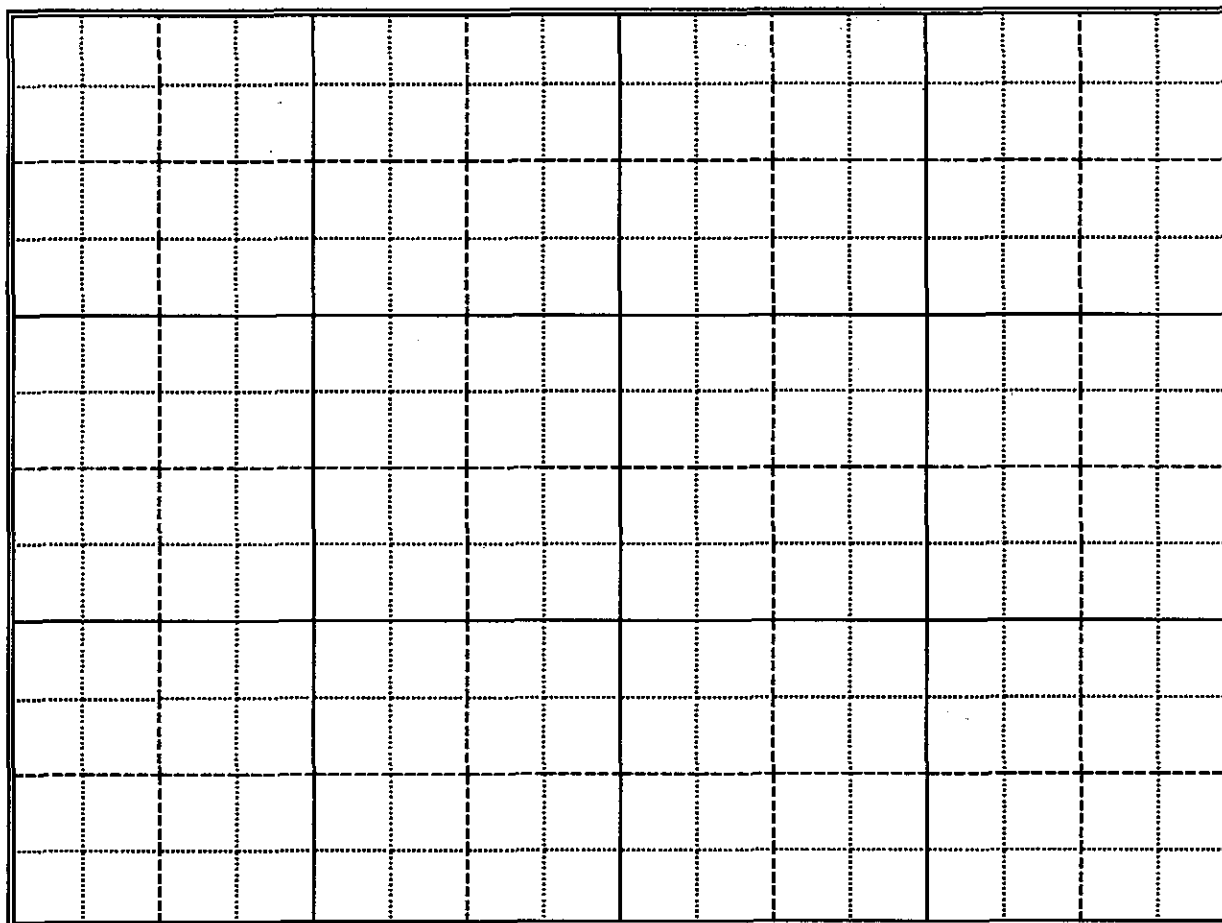
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	33E	11											4						4
"	"	"											DI						

MICROFILMED

MAR 26 1998

TOTAL 4 ACRES

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
<i>D04/11R</i>	<i>FRANKLIN</i>	<i>2</i>		<i>FRANKLIN</i>	<i>1"</i>

*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
<i>PRESSURE GAGE</i>	<i>ASHCROFT</i>				<i>0-160</i>	<i>72 PS1</i>
						<i>HP KICKOFF</i>

35 PSI LOW PRES

2. Measurements: _____

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MAR 26 1998

E. NARRATIVE/REMARKS/COMMENTS

THIS IRRIGATION/DOMESTIC SYSTEM NEEDS A 2 HP LIFT PUMP TO PROVIDE WATER FOR IRRIGATION OF 4 ACRES AND DOMESTIC USE. FOUR ACRES, OUT OF 5 ACRES LISTED ON PERMIT, ARE IRRIGATED FROM THIS POINT OF DIVERGENCE.

DO POLYBORIC FLOW MEASUREMENT WAS POSSIBLE.

IRRIGATION: 7 MAIN BODS USING 5/32 NOZZLES

72 PSI (PUMP ON)

35 PSI (PUMP OFF)

$107/2 = 53.5 \text{ PSI}$ (5/32 NOZ.) CAPACT = 5.39 GPM.

ALL OF 4 ACRES IS IRRIGATED AS NEEDED, SINGLE PORTABLE MAIN IS MOVED AS NEEDED.

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 MAXIMUM FLOW = 0.088 CFS

* 72 PSI (OFF) + 35 PSI (ON) = 107 / 2 = 53.5 = APPROX = 55 PSI WITH 3/82 NOZZLE ORifice
= 5.396 PM x 7 BIRDS = 37.73 / 448.8 = 0.084 CFS

DOMESTIC USE = 0.04 CFS

0.12 CFS

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 4 \text{ ACRES} \times 4 = 16 \text{ AFA.}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.08 \times 214 \times 1.9835 = 33.957 \text{ AFA.}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 16 \text{ AFA}$

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		
IRRIGATION	4/1	10/31	0.08	16 AFA
DOMESTIC	1/1	12/31	0.04	1.2 AFA 0.6 afa
Totals:			0.12 CFS	17.2 AFA 16.6 afa

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 SIMPKINS Date 1/20/98

Reviewer _____ Date _____

SEAL

MICROFILMED
MAR 26 1998

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

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

$$\begin{aligned} Hp &= \text{Horsepower} = \underline{2} \\ Eff &= \text{Efficiency} = \underline{.7} \quad (\text{Usually } 70\%) \\ \text{Lift: } &(\text{Static Level} + \text{Assumed Draw down}) \\ &\text{Static Water Level} = \underline{35} \text{ ft.} \\ &\text{Assumed Draw down} = + \underline{-0} \text{ ft.} \\ &\text{Lift} = \underline{35} \end{aligned}$$

OR

$$\text{Measured Dynamic Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

$$psi = \text{Operating Pressure} = \underline{45} \text{ psi}$$

$$Q_{cfs} = \left[\underline{2}_{Hp} \times 8.814 \times \underline{.7}_{Eff} \right] \div \left[\underline{35}_{Lift} + \left(\underline{45}_{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\underline{12.3376} \right] \div \left[\underline{138.86} \right]$$

$$Q_{cfs} = \underline{0.088} \text{ cfs}$$

PERMIT NO. 35-08717

MICROFILMED

MAR 26 1998

5

8
21

2

5

22.6

42
333

70

3540
3681

5

281

4

803

6
337

246

2
10.2

TMS, R35E

11

NHEL
377

WEL

POINT OF DIVEASON

+

COLLECT

TAK. THIS YEAR

DOT 1A. THIS YEAR.

10

14

75

8005
large hd

35-08717

MICROFILMED
MAR 26 1998

Willow
K400W

JULIE WEBER

RELATION / DOMESTIC

1 of 4

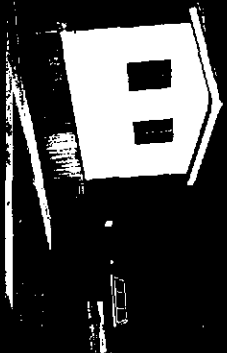
DIED EAST
PLACE OF USE

← NOT IND.

← INDICATED

DIED SOUTH
PLACE OF
USE

← INDICATED



MICROFILMED
MAR 26 1998

PERMIT
NUMBER

35-08717

JULIE WEBER

16164700 / DOMESTIC

274

PLACE OF
USE

VIEW DATA

←
16164700

VIEW

DIRECT EAST

PLACE OF
USE

←
16164700

PERMIT
NUMBER

35-08717

MICROFILMED
MAR 26 1998

THIE DEBEKEN

IRIGATION / DOMESTIC

3 of 4

VIEW EAST
SOUTH EDD

PAGE OF USE

IRIGATION

PAGE OF
USE

IRIGATION

PERMIT
NUMBER

MICROFILMED
MAR 26 1998

35-08717

JULIE DEBEKER

18164702 / DOMESTIC

4/74

PRESSURE
TANK AOD
PUMP CONTROL



MICROFILMED
MAR 26 1998

PERMIT
NUMBER

35-08717



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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 24, 1995

JULIE NEBEKER
789 S 1400 W
PINGREE ID 83262

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 35-08717

Dear Permit Holder:

The Department acknowledges receipt of the correspondence and assignment of permit form transferring ownership of the above referenced water right to you. We have have modified our computer records to reflect this change in ownership.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Regional Office

RECORDED
MAR 27 1995

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 35-08719 Reviewed by [Signature] Date 2-16-95

GENERAL CONSIDERATIONS

no Name same as permit?

no Address same as permit?

yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Dom, Irr, stock

Correct Uses? no

SOURCE OF WATER

 Surface water source

✓ Ground water source

yes Drilling permit required?

no Copy in the file? Drilling Permit No. 35-94-E-0075-000

35.00 Amount paid for permit no Correct?

no Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

50.00 Amount Submitted

yes Correct?

MEASURING DEVICE

no Required?

1 Installed?

 Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

Return & request additional \$175.00 drill. perm. fee
3/24- Fee received / acknowledge assignment

DATA ENTRY

New Address 789 S 1400 W Proof Made 2-13-95
Pingree, Id. 83262

ASSIGNMENT REVIEW SHEET

TYPE: Application / Permit Number 35-08717

License, Claim, or Decree Number _____

Assignment Form Enclosed ✓

Warranty Deed Listing Water Right _____

Assigned by Owners of Record ✓

Signature Verified ✓

Notarized ✓

Total Assignment ✓

Assignment Split the Right _____

Conditions Prohibiting Assignment _____

Power Assignment-Affidavit Enclosed _____

COVER LETTER

Licenses, claims, or decrees:

Keep "... have modified ..."

Delete "... have modified ..."

Use "partial" or "portion" on cover letter

Additional information necessary none
to include in cover letter _____

COPIES

Claims: Make sure copy of
cover letter & assignment
filed in claim drawer in vault _____

To Adjudication if a claim filed _____

WELL DRILLER: PLEASE COMPLETE FOR VERBALS

IDWR Employee Issuing Verbal: _____

Verbal Issued Date: _____ Time: _____

RECEIVED

JUN 22 1994

RECEIVED

JUN 15 1994

State of Idaho Department of Water Resources
Department of Water Resources

Department of Water Resources
Eastern District Office

APPLICATION FOR DRILLING PERMIT

Applicant (please print): Julie Nebeker

Mailing Address: Willow Road

City & State Pingree, Idaho Zip Code 83262 Telephone 328-2367

[X] Well Owner [] Well Operator [] Contractor or Other, specify _____

Proposed Well Location: Twp. 4 South, Rge. 33 East, Sec. 11, SW 1/4 SW 1/4

Gov't Lot No. _____ County Bingham

Street Address of Well Site _____

Lot, block and subdivision _____

Proposed Use of Well:

[X] DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: [] Irrigation [] Municipal [] Industrial
[] Stock [] Test [] Other (Describe)

[] INJECTION

[] MONITORING: A well bore schematic and map is required for each blanket permit.
No. of proposed wells: _____

Well Construction Information:

A. [X] New well [] Modify (Deepen or Enlarge) [] Replace - See Condition 9

B. Proposed Casing Diameter 6" Proposed Maximum Depth 140'

C. Anticipated bottom hole temperature:

[X] 85°F or less (Cold Water Well) [] 85°F to 212°F (Low Temp. Geo. Well) [] 212° F. or more (Geothermal Well)

Construction Start Date: 6/13/94

Anticipated Well Driller: Jack Cushman Drilling, Inc. #0094

NOTE: The actual well driller must be identified prior to drilling.

Applicant's Signature _____ Date 6/14/94

Title Secretary - Jack Cushman Drilling, Inc.

MAR 27 1995

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is APPROVED

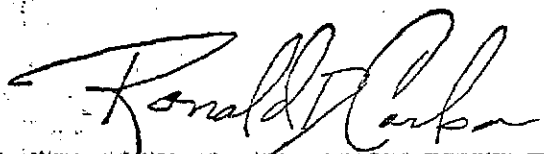
Date 6/16/94

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

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:



Signature of Authorized Department Representative

Eastern Regional Manager

Title

Receipt No. ED19930 Received by ck Fee \$35 Date 6/16/94 

MAR 27 1995

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension expires: _____

February 16, 1995

Julie Nebeker
789 S 1400 W
Pingree, ID 83262

RE: Permit No. 35-08717
Drilling Permit No. 35-94-E-0075-000

Dear Permit Holder:

Enclosed is a copy of the Proof of Beneficial Use submitted in connection with the above referenced water right. It, and your permit to appropriate water (copy enclosed), both indicate that water is diverted for irrigation. Also enclosed is a copy of the drilling permit approved in 1994. It indicates the extent of use to be single family domestic. Single family domestic use constitutes the diversion of 0.04 cfs or less and/or the use for one home and irrigation of up to 1/2 acre of land.

You were properly charged \$35.00 for the domestic well drilling permit. However, because of the use you have indicated (irrigation of 5 acres), the drilling permit is no longer considered strictly single family domestic. The charge for a non-domestic drilling permit is \$200.00.

Before the Department can accept the proof of beneficial use as filed, you will need to pay the additional \$165.00 fee to upgrade the drilling permit to a non-domestic. The Department will hold your file for 30 days to allow you time in which to submit the additional fee. **Please address your correspondence directly to me.**

If you have any questions or if I can be of any assistance, please feel free to contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

C: IDWR - Region

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MAR 27 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

R. KEITH HIGGINSON
DIRECTOR

February 14, 1995

RE: In the Matter of Application for Permit No. 35-08717 in the name of Darrell & Bonnie Beasley

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) 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

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MAR 27 1995

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.

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order 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 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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

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MAY 27 1995

- 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 a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

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JUL 27 1935



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 9, 1994

DARRELL L. BEASLEY
BONNIE A. BEASLEY
2445 W. 700 S.
STERLING ID 83210

RE: Water Right No. 35-08717

Certified Mail No. 141750

Dear Water Right Holder(s):

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

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

Sincerely,


L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

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MAR 27 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 17, 1992

Darrell Beasley
2445 West 700 South
Sterling, ID 83210

Re: Permit No. 35-08717

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to April 1, 1995. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

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APR 08 1992

ANALYSIS SHEET
FOR
EXTENSION OF TIME

Permit No. 35-08717 Reviewed by Klg Date 3/16/92

BASIC INFORMATION

3/16/92 Date stamp received
YES Extension received timely
YES Fee received and receipted
YES Name and signature same as permit
NO Address Change

BASIS FOR EXTENSION REQUEST

✓ Has adequate work been completed to demonstrate due diligence?
Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? Requested?
Is delay by a government agency?
Is supporting documentation needed to complete the file? Requested?
Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

*approve Based on due diligence
extend to 5/1/95*

PRIORITY CALCULATION

Date extension received	<u>NA</u>	=	
Proof due date	<u>/</u>	=	
Number of days late	<u>/</u>	=	
Priority date	<u>/</u>	=	
New Priority Date	<u>/</u>	=	

DATA ENTRY

New Address _____

Change Proof Due Date 3/17/92 Klg

February 28, 1992

DARRELL L. BEASLEY
BONNIE A. BEASLEY
2445 W. 700 S.
STERLING ID 83210

PROOF DUE NOTICE

RE: PERMIT NO. 35-08717

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, 1992.

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

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

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

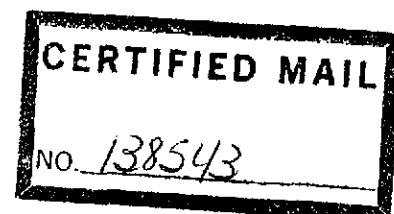
SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

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APR 08 1992



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

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
April 19, 1990

DARRELL L. BEASLEY
BONNIE A. BEASLEY
2445 W. 700 S.
STERLING, ID 83210

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P35-08717

Dear Permit Holder:

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

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

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

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you

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APR 23 1990

commence construction, no later than one year from the date the permit was approved.

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 into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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APR 23 1990

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

shl
NON-TRUST
HOLD FILE

35-8717

INITIAL REVIEW BY Darrell M. Bousley DATE 11 April 89 APPLICATION NUMBER _____

Darrell or Bonnie Bousley

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- ☐ Field check by _____
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical groundwater area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit
- ☐ Yes ☒ No Power efficiency form
- ☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested MAR 26 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 3-5-90
☐ 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.

Date of priority recommended 4-5-89 See below for additional information
By HWS Date 3-21-90

STATE OFFICE REVIEW P05, P23 P17 48 49 46 26

By KW See below for additional information
Date 4-13-90

ADDITIONAL INFORMATION

App. in NON-TRUST area-
OK to allow 2 yes. to develop

08-Feb-1990

Darrell L. or Bonnie A. Beasley
2445 W. 700 S.
Sterling, ID 83210

RE: Application for Permit No. 35-8717

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. 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

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APR 23 1990

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

Idaho Falls, Idaho 83402
(208) 525-7161

FEBRUARY 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 MARCH 5, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

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APR 23 1990

35-08717

BEASLEY, DARRELL L.
BEASLEY, BONNIE A.
2445 W. 700 S.
STERLING, ID 83210

Source: GROUNDWATER

Diversion Pt: SWSW Sec 11 T 04S R 33E

Use: IRRIGATION (.100 CFS)
 DOMESTIC (.040 CFS)
 Total Diversion: (.140 CFS)

Date Filed: 4/05/1989

In: T04S R33E S11 SWSW

5.0 ACRES TOTAL

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APR 23 1990

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before MARCH 5, 1990.

R. Keith Higginson, Director

Published 2/15/1990 & 2/22/1990

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APR 23 1990

April 17, 1989

Darrell L. or Bonnie A. Beasley
2445 W. 700 S.
Sterling, ID 83210

RE: Application for Permit No. 35-8717

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 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

RECORDED

APR 23 1990

