

HWY 26

7446 9000 N

B.11

Denie said that he  
would Accept the offer  
we can meet him in the  
Morning & go over the  
Property

Please Call Me. Dad

Bill Cowley

899.53

5.678

Township 25 Range 34 E BM Bingham  
N 1/4 Section 9

**UNCLASSIFIED**  
**MAR 30 1989**

Well  
4595

4574

Well

4514

35-8676

Well  
4541

R34E

Place of  
Use

Point of  
Diversion

T  
2  
S

Moreland

RECEIVED  
OCT 19 1993

35-8676

Well  
4490

54  
89

Place  
of  
Use

Point of  
Diversion

R34E

T2S

89  
1716

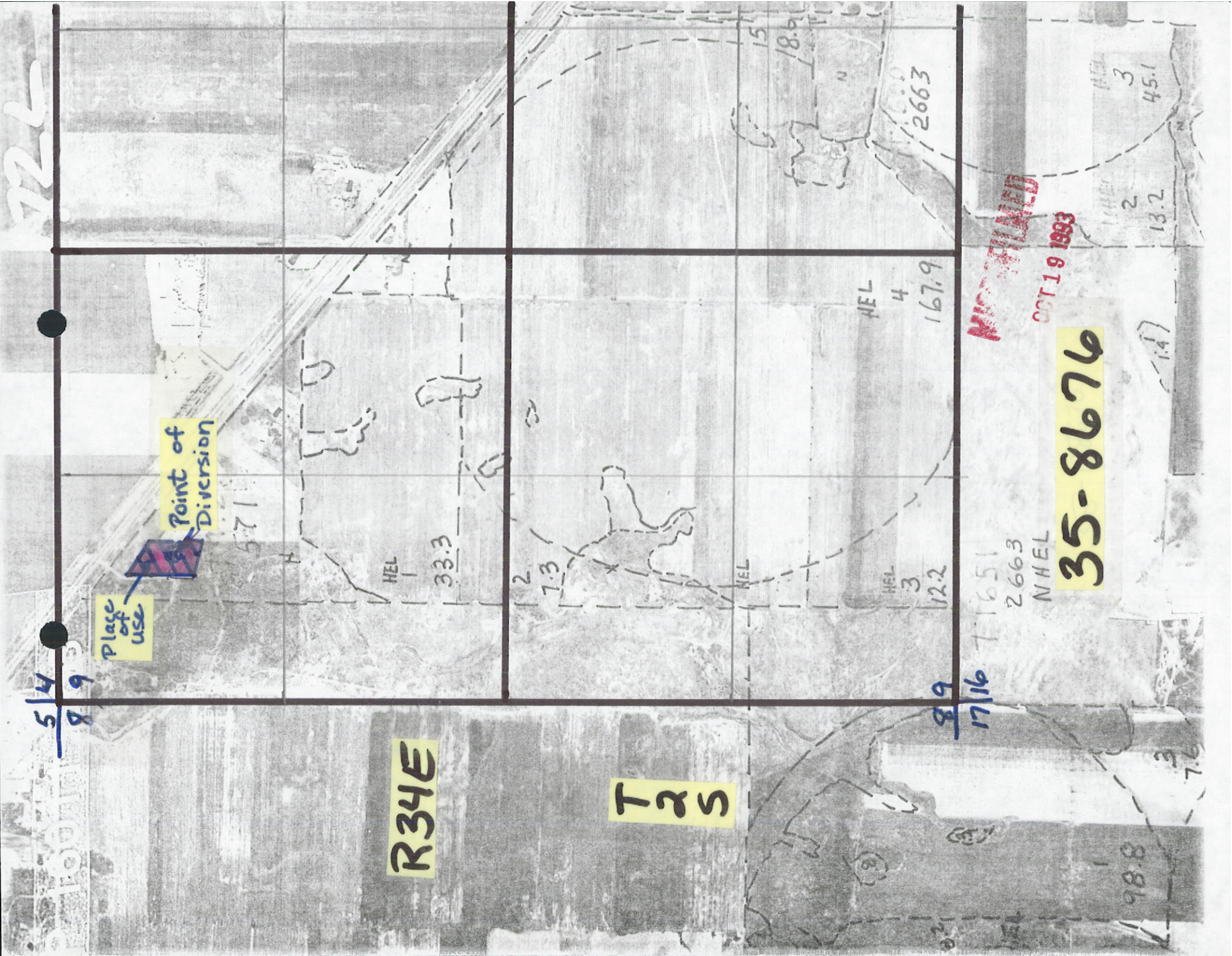
71651  
2663  
NHEL

35-8676

NOTIFIED

OCT 19 1993

122



10/04/93

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 35-08676

Priority: November 15, 1988 Maximum Diversion Rate: 0.04 CFS  
Maximum Diversion Volume: 4.8 AF

This is to certify, that SYLVIA FRANCIS COWLEY  
THORVALD WILLIAM COWLEY

977 W HWY 26

BLACKFOOT ID 83221

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 25, 1988; and has submitted Proof of Beneficial Use on February 19, 1991. An examination indicates that the works have a diversion capacity of .050 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       | 0.04 CFS                 | 4.8 AF               |

LOCATION OF POINT(S) OF DIVERSION: NWNW , Sec. 9, Township 02S, Range 34E  
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> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 02S        | 34E        | 9          | NWNW         | 1.2          |              | 1.2          |

Total number of acres irrigated: 1.2

CONDITIONS/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 which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for the lands above.
6. 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.
7. 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.

OCT 19 1993

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 35-08676

CONDITIONS/REMARKS:

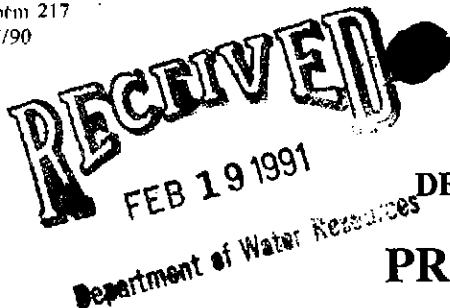
This license is issued pursuant to the provisions of Section 42-219, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this 12<sup>TH</sup>  
day of OCTOBER, 1993.

Acting for

R. Keith Higginson  
R. Keith Higginson, Director

RECORDED

OCT 10 1993



STATE OF IDAHO

For Office Use Only  
Amt. of Fee \$ \_\_\_\_\_  
Date \_\_\_\_\_  
Receipt No. \_\_\_\_\_  
Received by \_\_\_\_\_

DEPARTMENT OF WATER RESOURCES  
**PROOF OF BENEFICIAL USE**

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

1. Permit No. 35-08676 Telephone No. (208)684-4089
2. Name(s) of Permit Holder(s): THORVALD WILLIAM COWLEY + SYLVIA FRANCIS COWLEY
3. Post Office Address: 977 WEST HIGHWAY 26, BLACKFOOT, IDAHO 83221
4. Source of Water: WELL
  - a. If ground water, well driller's name: DOUG CUSHMAN DRILLING CO. Date drilled: 3-1-84
  - b. Pump horsepower: 1 1/2 Pressure (psi): 30 Dynamic pumping level (ft.): (120 ft deep)
5. Extent of Use:
 

|                                                   |                                               |
|---------------------------------------------------|-----------------------------------------------|
| Domestic <u>1</u> (No. of households)             | Irrigation <u>2</u> (No. of acres)            |
| Stockwater _____ (No. and type of stock)          | Other <u>ORCHARD INCLUDED IN THE 2 ACRES.</u> |
| <u>30 HENS NOW, 3 GEESSE + 10 SHEEP IN FUTURE</u> |                                               |
6. Total rate and/or volume for which proof is submitted .04 cfs \_\_\_\_\_ acre/feet
7. Refer to the approval conditions on your permit and respond accordingly:
 

|                                                                                    |                                                              |
|------------------------------------------------------------------------------------|--------------------------------------------------------------|
| Measuring device: Required? <u>Yes</u> <input checked="" type="checkbox"/> No      | Installed? <u>Yes</u> <input checked="" type="checkbox"/> No |
| OR                                                                                 |                                                              |
| Flow Measurement Port: Required? <u>Yes</u> <input checked="" type="checkbox"/> No | Installed? <u>Yes</u> <input checked="" type="checkbox"/> No |
8. Fee Enclosed: \$ \_\_\_\_\_ (See License Examination Fee Schedule)
9. Person to contact to accompany the Department representative during the field examination:
 

|                                                         |                       |
|---------------------------------------------------------|-----------------------|
| <u>THORVALD WILLIAM COWLEY OR SYLVIA FRANCIS COWLEY</u> | <u>(208) 684-4089</u> |
| Name                                                    | Telephone No.         |
| <u>977 WEST HIGHWAY 26, BLACKFOOT, IDAHO 83221</u>      |                       |
| Address                                                 |                       |
10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

2-11-91  
Date

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

APR 19 1991

**RECEIVED**

MAR 15 1990

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

For Office Use Only  
\$15 FEE Received by JS  
Date 3-15-90  
Receipt # 6015660

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof  
of beneficial use for a water right permit

Department of Water Resources

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 a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 35 - 08676

Name(s) of Permit Holder: THORVALD WILLIAM COWLEY + SYLVIA FRANCIS COWLEY

Post Office Address: 977 WEST HIGHWAY 26, BLACKFOOT, IDAHO 83221

Telephone No. 684-4089

Date Proof is Due: APRIL 1, 1990

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

WELL IS BEING USED FOR ORCHARD, VEGETABLE GARDEN + FLOWER FARM IRRIGATION. THESE AREAS HAVE BEEN LAID OUT, + WATER PIPED TO THEM. SPRINKLER SYSTEMS HAVE BEEN PURCHASED.

Costing \$800 APPROXIMATELY

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

THE GROUND FROZE OVER WINTER PREVENTING THE PASTURE AREA FROM BEING ROTOTILLED, LEVELLED AND SEEDED. AS THIS IS A PART TIME OPERATION WITH SMALL EQUIPMENT, WORK IS NECESSARILY SLOW. THIS + PASTURE IRRIG. WILL BE DONE AFTER APRIL.

Permit holder(s) request an extension to AUGUST 30, 1990.  
(1 yr. minimum)

Y. Cowley S. Cowley  
(Signature)\*

FEE: \$15.00

\*IF OTHER THAN PERMIT HOLDER,  
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to April 1, 1991.

Signed this 9<sup>th</sup> day of May, 1990.

L. Glen Saxton  
Chief, Water Allocation Bureau

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

Ident. No. \_\_\_\_\_

To appropriate the public waters of the State of Idaho

**APPROVED**

① Name of applicant THORVALD WILLIAM COWLEY + SYLVIA FRANCIS COWLEY Phone 684-4089  
Post office address 977 WEST HIGHWAY 26, BLACKFOOT, IDAHO 83221

2. Source of water supply GROUNDWATER which is a tributary of \_\_\_\_\_

3. Location of point of diversion is \_\_\_\_\_ 1/4 of NW 1/4 of NW 1/4, Govt. Lot \_\_\_\_\_  
Sec. 9 Township 2S Range 34E B.M. BINGHAM County; additional  
points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 0.04 for IRRIGATION purposes from APR 1 to NOV 1 (both dates inclusive)  
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) 0.04 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. WELL

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.

Exists c. Proposed well diameter is 6" inches; proposed depth of well is 123' feet.

d. Is ground water with a temperature of greater than 90°F being sought? \_\_\_\_\_

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

MAR 30 1989

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

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

9. Description of place of use:

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

| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 25  | 34E   | 9    |     |     |     |     | 2   |     |     |     |     |     |     |     |     |     |     |     | 2      |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 2

10. Describe any other water rights used for the same purposes as described above. DOMESTIC CLAIM  
A35-10104

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

12. Remarks: \_\_\_\_\_

RECORDED

MAR 30 1989

HWY 26

W. C. CO. N.

11

Denie said that he  
would Accept the offer  
we can meet him in the  
morning & go over the  
Property

1200/101  
Please Call Me Dad

Bill Cowley

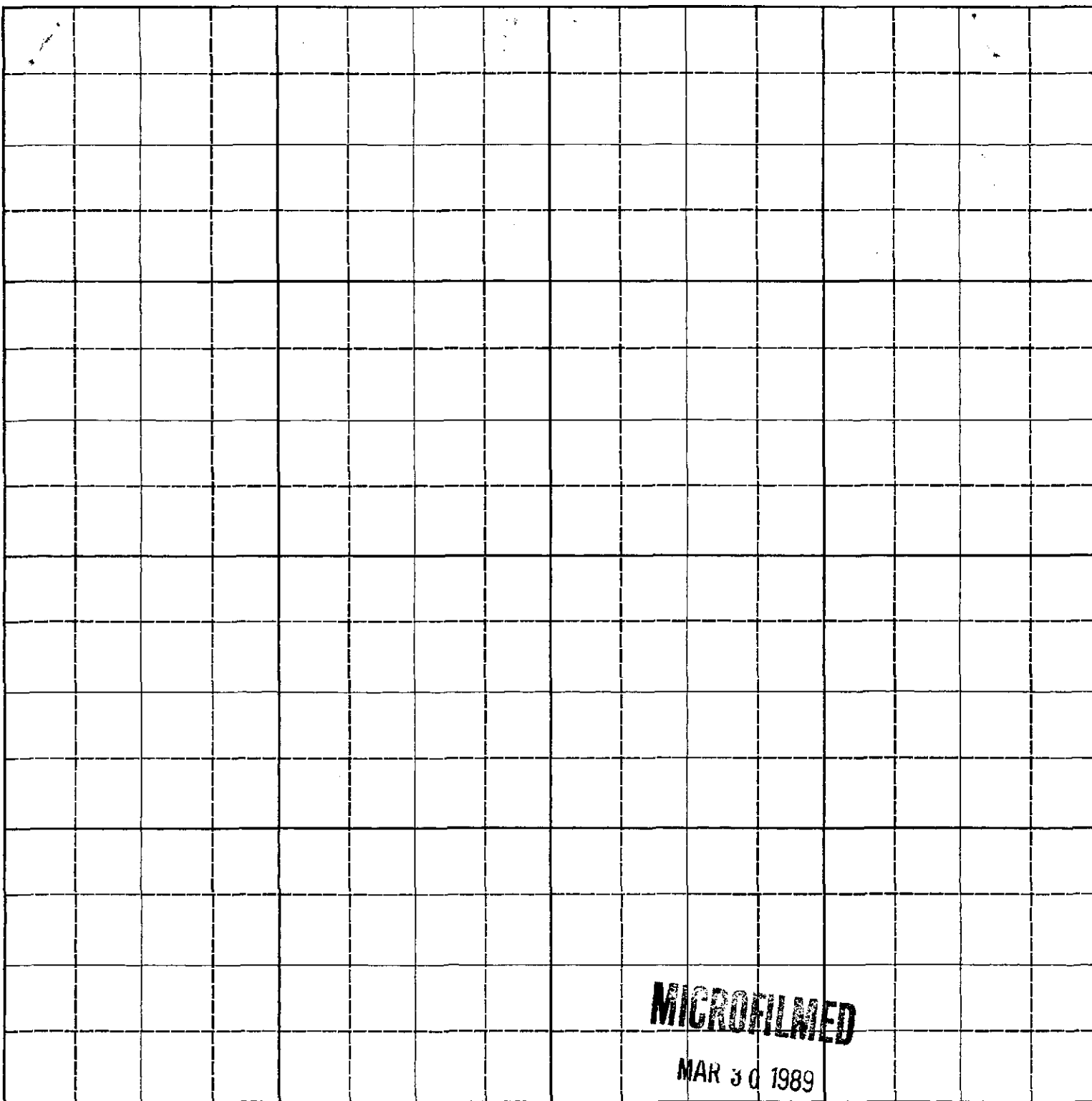
00-53-

25.678

Township 25 Range 34 E BM Bingham  
NW 1/4 Section 9  
County

**MICROFILMED**

MAR 30 1989



**MICROFILMED**  
MAR 30 1989

L. Boyley AND S. Howley  
(Applicant)

Proposed Priority 11/15/88 11-15-88 3:30 P  
Received by CW Date 10-25-88 Time 2:25 P Preliminary check by HUT  
Fee \$ 30.00 Received by CW # E004066 Date 11-15-88  
Publication prepared by RB Date 11-21-88 Published in The Morning News  
Publication approved CW Date 1-11-89

### 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. 35-8676, and said application is hereby APPROVED.

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 April 1, 19 90.
- 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: Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

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.

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.

Witness my hand this 10<sup>th</sup> day of March, 1989.

J. Glen Saxton

MICROFILMED

MAR 30 1989



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

October 13, 1993

SYLVIA FRANCIS COWLEY  
THORVALD WILLIAM COWLEY  
977 W HWY 26  
BLACKFOOT ID 83221

RE: WATER RIGHT NO. 35-08676

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jim Johnson', written over a horizontal line.

JIM JOHNSON  
Water Rights Supervisor

JJ:dc

Enclosure

MISSOURI MED

OCT 19 1993

WR0749NP  
No. L35-08676

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT  
(REGIONAL)

DATE: 10/01/93  
PAGE: 1

| OWNER<br>CODE | NAME & ADDRESS          | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|-------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | SYLVIA FRANCIS COWLEY   | 11/15/1988       | IRRIGATION | 04-01 10-31           | 0.04 CFS          | 4.8 AFA             |
| C             | THORVALD WILLIAM COWLEY |                  |            |                       |                   |                     |
|               | 977 W HWY 26            |                  |            |                       |                   |                     |
|               | BLACKFOOT ID 83221      |                  |            | TOTAL DIVERSION:      | 0.04 CFS          | 4.8 AFA             |
|               | (208) 684-4089          |                  |            |                       |                   |                     |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 0.05 CFS

Point(s) of Diversion: T02S R34E S09 NW NW

Place of use Legal Description for: IRRIGATION

|             |     |   | NE |    |    | NW |    |    | SW |    |    | SE |    |    | SUM |
|-------------|-----|---|----|----|----|----|----|----|----|----|----|----|----|----|-----|
| T           | R   | S | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac |     |
| 02S         | 34E | 9 | :  |    | :  |    | 01 | :  |    |    |    |    |    |    | 1.2 |
| TOTAL ACRES |     |   |    |    |    |    |    |    |    |    |    |    |    |    | 1.2 |

Pou County: BINGHAM

Other Water Rights with Same Point(s) of Diversion and Source:  
35-08676

Other Water Rights Listing Overlapping Place(s) of use:  
35-07341 35-08676

Conditions of Approval:

- R51 - This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for the lands above.
- 048 - The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
- 049 - The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

Dates: App. Received: 10/25/1988 Priority Date: 11/15/1988  
Proof Due Date: 04/01/1991 Proof Made Date: 02/19/1991  
Exam Made Date: 06/09/1992 Exam Sent to S.O.: 04/28/1993  
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Audit: 10/01/93 CHAPMAN

# LICENSE REVIEW CHECKLIST

Permit # 35-8676 Date 10-1-93 Brenda Chapman

|                   |               |               |                                                                                      |
|-------------------|---------------|---------------|--------------------------------------------------------------------------------------|
|                   | Yes           | No            |                                                                                      |
| NAME              | <u>      </u> | <u>✓</u>      | Or Address Change?                                                                   |
| PRIORITY DATE     | <u>      </u> | <u>✓</u>      | Advance? <u>      </u> Memo to Advance <u>      </u>                                 |
|                   | <u>      </u> | <u>✓</u>      | Order to Reinstate Needed?                                                           |
|                   | <u>NA</u>     | <u>      </u> | Incorrect Fee for rate recommended?                                                  |
| SOURCE            | <u>      </u> | <u>✓</u>      | Changes? Clarification of Originally Intended source <u>      </u>                   |
|                   | <u>      </u> | <u>✓</u>      | Notice of Intent to Void - Source change.                                            |
| P/D               | <u>      </u> | <u>✓</u>      | Amendment Needed? <u>      </u>                                                      |
|                   | <u>      </u> | <u>✓</u>      | Overlap(s) <u>      </u>                                                             |
| P/U               | <u>      </u> | <u>✓</u>      | Amendment Needed? <u>      </u>                                                      |
|                   | <u>      </u> | <u>✓</u>      | Overlap(s) <u>      </u>                                                             |
| TOTAL CFS         | <u>      </u> | <u>✓</u>      | Disagree/Measurement <u>      </u>                                                   |
| 1.2 Acres X .03 = | <u>      </u> | <u>✓</u>      | <u>6 sprinklers / 5/32 @ 27 PSI = (6 X 3.78 gpm)</u>                                 |
| .04               | <u>NA</u>     | <u>      </u> | <u>EQUALS .05 CFS</u>                                                                |
|                   | <u>      </u> | <u>      </u> | Theoretical $(8.8 \times .70 \times 1.5) / (120 + 2.31 \times 30) = .05 \text{ CFS}$ |
|                   | <u>      </u> | <u>✓</u>      | Capacity <u>.05</u>                                                                  |
|                   | <u>      </u> | <u>      </u> | Allowable Amount: <u>.04 (PERMIT LIMIT)</u>                                          |
| TOTAL VOLUME      | <u>✓</u>      | <u>      </u> | Disagree with Examiner's Calculations?                                               |
| 1.2 x 4 = 4.8     | <u>      </u> | <u>      </u> | <u>ACTUAL MEASUREMENTS DO NOT COME UP TO 2 ACRES = 34560 + 18400</u>                 |
|                   | <u>      </u> | <u>✓</u>      | <u>43560 = 1.2 acres</u>                                                             |
|                   | <u>      </u> | <u>✓</u>      | Flow limit: <u>.04</u> x 214 x 1.9835 = <u>16.9</u>                                  |
|                   | <u>      </u> | <u>      </u> | Season <u>C/4.0</u> <u>4-1 to 10-31</u>                                              |
| USES              | <u>      </u> | <u>✓</u>      | Change(s) in Nature of Use? <u>      </u>                                            |
|                   | <u>      </u> | <u>✓</u>      | Amendment Needed? <u>      </u>                                                      |
| REMARKS           | <u>      </u> | <u>✓</u>      | Multiple P/Ds in 1/4 1/4? <u>      </u>                                              |
|                   | <u>      </u> | <u>✓</u>      | Special Overlap <u>      </u>                                                        |
|                   | <u>✓</u>      | <u>      </u> | Other <u>NON-TRUST 048 + 049 to stay</u>                                             |
| CONDITIONS        | <u>      </u> | <u>✓</u>      | Measuring/Locking Devices <u>      </u> Misc/Dates <u>      </u>                     |
|                   | <u>      </u> | <u>✓</u>      | W/Master Control <u>      </u> Water Dist <u>      </u>                              |
|                   | <u>RSI</u>    | <u>      </u> | Irrigation Overlap <u>10-25-88</u> App Rec'd                                         |
|                   | <u>      </u> | <u>✓</u>      | Water Quality <u>6-9-92</u> Exam Made                                                |

COMMENTS: REDUCE ACRES TO MEASURED AMOUNT OF 1.2.

|                   |               |               |
|-------------------|---------------|---------------|
| RECOMMENDED       | CFS           | DIV VOL       |
| <u>Irrigation</u> | <u>.04</u>    | <u>4.8</u>    |
| <u>      </u>     | <u>      </u> | <u>      </u> |
| <u>      </u>     | <u>      </u> | <u>      </u> |

LICENSE ✓  
AMEND

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

**RECEIVED**  
MAY 03 1993  
Department of Water Resources

**A. GENERAL INFORMATION**

1. Owner: Thorvald & Sylvia Couley  
Current Address: 977 W. Hyman 26 Bladefoot, ID 83221  
2. Accompanied by: Applicant  
Address: \_\_\_\_\_  
Relationship to Permit Holder: \_\_\_\_\_  
3. Source: Groundwater tributary to \_\_\_\_\_

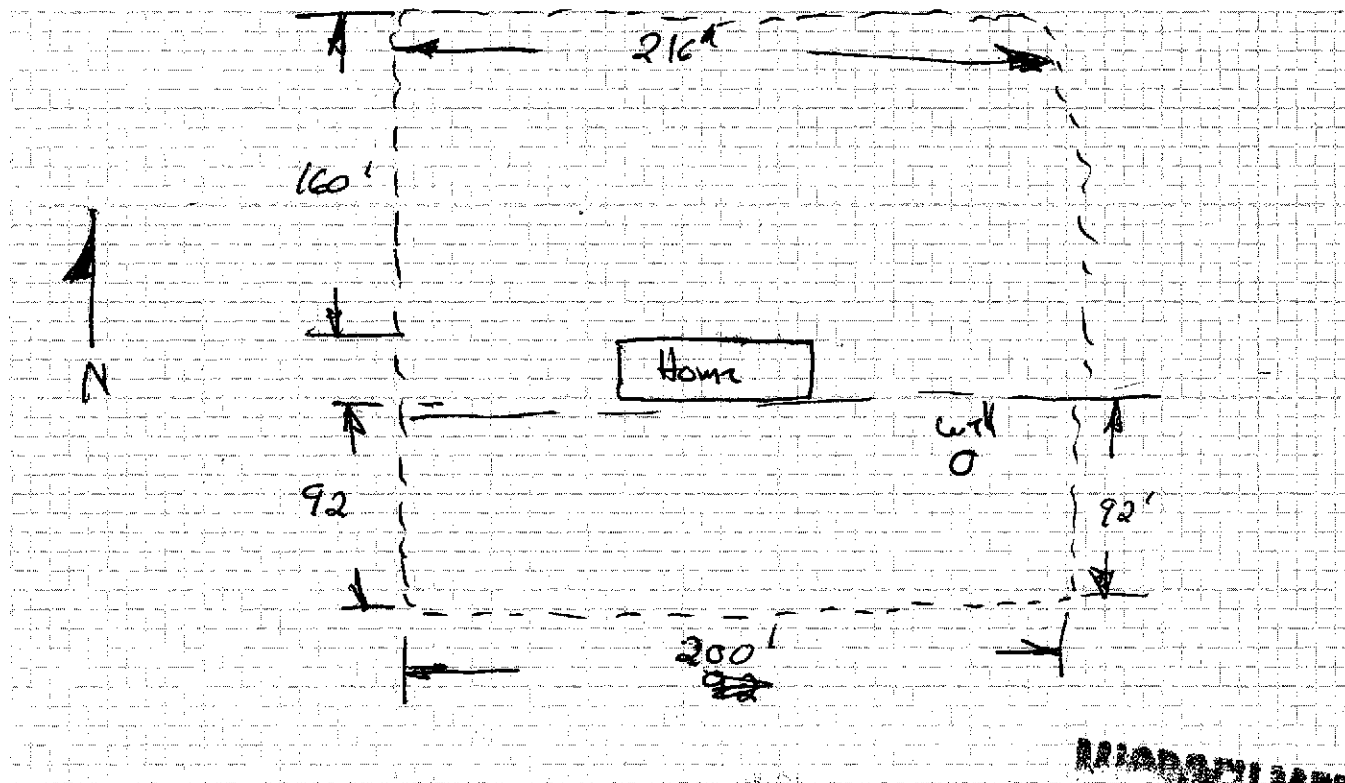
Permit No. 35-08676  
Phone No. 684-4089  
EXAM. DATE: 6-9-92  
Phone No. \_\_\_\_\_

**B. OVERLAP REVIEW**

1. Other water rights with same place of use: None  
\_\_\_\_\_ ☐ Copies Attached  
2. Other water rights with same point of diversion: None  
\_\_\_\_\_ ☐ Copies Attached ☐ Copies of Field Exam's Attached

**C. SYSTEM DESCRIPTION**

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = \_\_\_\_\_

2. ☒ Copy of U.S.G.S. Quadrangle Attached  
Showing location(s) of point(s) of diversion and  
place(s) of use (required).  
☐ Photo of Diversion and System Attached  
(required for all but single household domestic groundwater, and stockwater).
- ☒ Aerial Photo Attached  
(required for irrigation of 10 acres or more).

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OCT 19 1993

**System Description (continued)**

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

Cwell pump to sprinkler + one home. Cwell 130' deep (Nails set at 120')

☐ See Remarks on page 4 for continuation

- 4.

| Well or Diversion Identification No.* | Motor Make | Hp    | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|-------|------------------|-----------|-----------------------------------|
|                                       | NA         | 1 1/2 | NA               | NA        |                                   |
|                                       |            |       |                  |           |                                   |
|                                       |            |       |                  |           |                                   |
|                                       |            |       |                  |           |                                   |

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

- 5. Point(s) of Diversion:**

[illegible]

- 6. Place(s) of Use:**

**Indicate Method of Determination**

[illegible]

# MISSION

**Do not use this space**

OCT 19 1963

00178 633

Do not use this space

**D. FLOW MEASUREMENTS**☐ Additional Data Sheets Attached

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements:

6 sprinklers

5/32  
N

27 psi

$$\begin{aligned} \text{psi} & \quad \text{nominal dia: } .37 = \frac{4}{5} & Q_{1 \text{ psi}} &= 3.8 \text{ gpm} \\ 5(25) & \times (3.64) & & \\ 30 & \times 4.01 & & \\ & & x = 2(.37/5) = .148 \text{ gpm} & (3.8)(46) = 22.8 \text{ gpm} \end{aligned}$$

**E. FLOW CALCULATIONS**☐ Additional Computation Sheets Attached

1. Measured Method:

$$\frac{22.8 \text{ gpm}}{448.8} = .05 \text{ cfs capacity}$$

2. Alternate Method for Checking Purposes:

**F. PUMP EFFICIENCY DATA (Optional)**

Discharge Pressure: \_\_\_\_\_ psi x 2.31 = \_\_\_\_\_ ft (1); Dynamic pumping level: \_\_\_\_\_ ft (2)

Total Head: (1) + (2) = \_\_\_\_\_ (3)

; Flow rate: \_\_\_\_\_ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = \_\_\_\_\_ (5)

Meter Input KW: 3.6 x \_\_\_\_\_ KH x \_\_\_\_\_ CTR or \_\_\_\_\_ MULT x \_\_\_\_\_ PTR x \_\_\_\_\_ N/ \_\_\_\_\_ T = \_\_\_\_\_ (6)

Meter Input HP: (6) x 1.34 = \_\_\_\_\_ (7)

Panel Input KW: \_\_\_\_\_ Ave PF x \_\_\_\_\_ Ave Volts x \_\_\_\_\_ Ave Amps x .001732 = \_\_\_\_\_ (6)

Panel Input HP: (6) x 1.34 = \_\_\_\_\_ (7) Efficiency: (5)/(7) x 100 = \_\_\_\_\_ %

**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$$\begin{aligned} V_{I.R.} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{\text{acres of } (2)(4.0)}{16.97} = 8.0 \text{ afa} \\ V_{D.R.} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \frac{(0.05)(214)(1.9835)}{(0.04)} = 21.2 \\ V &= \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 8 \text{ afa} \end{aligned}$$

2. Volume Calculations for Other Uses:

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OCT 10 1983

## H. REMARKS AND OVERLAP REVIEW ANALYSIS

There was also a domestic use on this system reflected  
by domestic claim A 35-10104.

## I. RECOMMENDATIONS

### 1. Recommended Amounts

| Beneficial Use      | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|---------------------|---------------|-------|------------------------------|--------------------------|
|                     | From          | To    |                              |                          |
| <del>Domestic</del> |               |       |                              |                          |
| Irrigation          | 4/1           | 10/31 | 0.04                         | 6.0                      |
|                     |               |       |                              |                          |
|                     |               |       |                              |                          |
| Totals:             |               |       | 0.04 cfs                     | 6.0 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

## J. AUTHENTICATION

Field Examiner's Name

HADAD JONES

Signature

[Signature]

Certification Date

Field Report Preparation Date

CONSULTANT SEAL

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

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OCT 19 1993

35-8676

R34E

Place of Use

Point of Diversion

T2S

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OCT 19 1993

35-8676

Well  
4490

N. VIRGINIA - 1976

112° 30'

379

380

420 000 FEET

381

R34E

T2S

Place of Use

Point of Diversion

NEL

33.3

142

7.3

NEL

NEL

3

142.2

NEL

4

167.9

2663

2663

NHEL

35-8676

COY 19 1993

2

13.2

3

45.1

April 5, 1991

THORVALD WILLIAM COWLEY  
SYLVIA FRANCIS COWLEY  
977 W. HWY 26  
BLACKFOOT, ID 83221

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08676

Dear Permit Holder:

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

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

Sincerely,

Rita Fleck  
Secretary/Records Manager

c: IDWR - Region

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APR 19 1991

ANALYSIS SHEET  
for  
PROOF OF BENEFICIAL USE

Permit No. 35-8676

Date 4-2-91

GENERAL CONSIDERATIONS

- ☒ Name same as permit?  
☒ Address same as permit? If no, prepare data entry form.  
☒ Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

- ☐ Surface water source  
☒ Ground water source  
NA Drill permit req'd?  
1984 Copy in file? Drill permit no. \_\_\_\_\_  
1984 Well log in file?  
1984 Amt paid for drilling permit? \_\_\_\_\_ Correct?

LICENSE EXAMINATION FEE

- NO Required?  
-0- Amount submitted?  
☒ Correct amount?

MEASURING DEVICE

- NO Measuring device or access port required?  
1984 Installed?  
1984 Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

*Proof acceptable*

PRIORITY CALCULATION

*LB*

|                     |           |   |
|---------------------|-----------|---|
| Date proof received | <u>NA</u> |   |
| Date proof due      |           | - |
| No. of days late    |           | = |
| Priority date       |           | + |
| NEW PRIORITY DATE   |           | = |

977 West Highway 26,  
BLACKFOOT, Idaho 83221

February 11, 1991

*Rits DW 2*  
**RECEIVED**  
FEB 19 1991

Department of Water Resources

State of Idaho  
Department of Water Resources  
Secretary/records Manager  
1301 North Orchard Street  
Statehouse Mail,  
BOISE, Idaho 83720

CERTIFIED MAIL

Dear Sirs,

Re: Permit No. 35-08676 : PROOF OF BENEFICIAL USE

Your letter dated 1-31-91 refers.

Form 217 'Proof of Beneficial Use' is enclosed herewith. In regard to its completion, we refer to our telephone call to Mr. Tim Luke of your Department on 4-5-90, when he advised that no measuring device or flow measurement port was required, nor was any fee or suchlike required for this amount of water. He said that we do not have to fill in the c.f.s. and acre-feet in item 6.

Please advise as soon as possible whether this form has been correctly submitted.

Yours faithfully,



T.W. COWLEY and S.F. COWLEY

Enclosure

**RECEIVED**

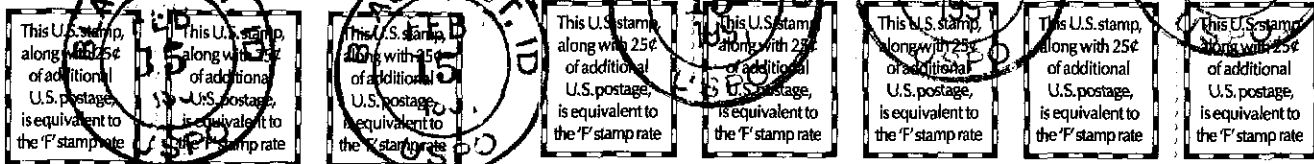
APR 19 1991

T.W. & S.F. Cowley  
977 West Highway 26  
Blackfoot, Idaho 83221

**CERTIFIED**

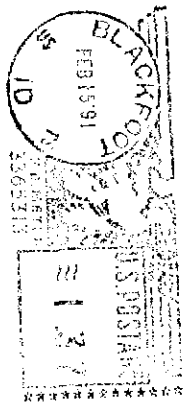
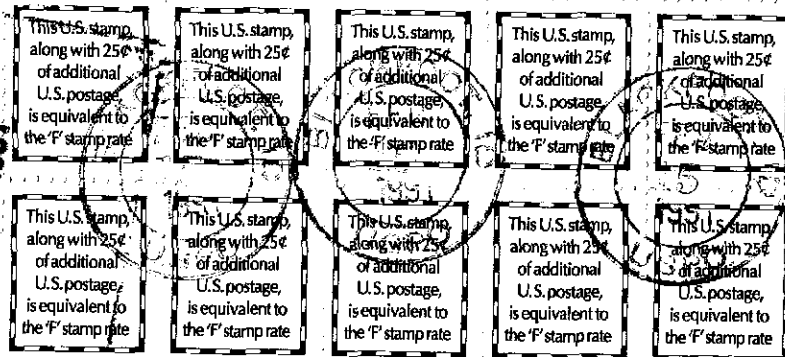
P 126 644 991

**MAIL**



State of Idaho  
Department of Water Resources  
Secretary/Records Manager  
1301 North Orchard Street  
Statehouse Mail  
BOISE, Idaho 83720

**APR 19 1991**



138989

January 31, 1991

THORVALD WILLIAM COWLEY  
SYLVIA FRANCIS COWLEY  
977 W. HWY 26  
BLACKFOOT, ID 83221

PROOF DUE NOTICE

RE: PERMIT NO. 35-08676

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 April 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck  
Secretary/Records Manager

Enclosures

Microfilm

APR 19 1991

May 14, 1990

Thorvald W. and Sylvia F. Coldley  
977 W. Highway 26  
Blackfoot, ID 83221

Dear Mr. and Mrs. Coldley:

Re: Permit No. 35-8676

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, 1991.

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.

Sincerely,

RITA I. FLECK  
Secretary/Records Manager

Enclosure

**MICROFILMED**

MAY 23 1990

## STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 35-8676Reviewed by [signature]Date 5-7-90

## BASIC INFORMATION

4 Date stamp received  
4 Extension received timely (not too early not too late)  
4 Fee received and receipted  
4 Name and signature same as permit  
N Address change

## BASIS FOR EXTENSION REQUEST

4 Has adequate work been completed to demonstrate due diligence?  
4 Has the cost incurred been adequate to demonstrate an intent to complete the project?  
N/A Has the permit been involved in litigation?  
 a. Swan Falls \_\_\_\_\_ Dismissed from Swan Falls \_\_\_\_\_  
 Other \_\_\_\_\_ Identify \_\_\_\_\_  
 b. Is supporting documentation needed to complete the file? \_\_\_\_\_  
 Requested \_\_\_\_\_  
 c. Calculate the period of delay

Date litigation completed \_\_\_\_\_

Date litigation began \_\_\_\_\_

Total period of delay = \_\_\_\_\_

Present proof due date + \_\_\_\_\_

NEW PROOF DUE DATE = \_\_\_\_\_

N/A Is delay by a government agency?  
 Is supporting documentation needed to complete the file? \_\_\_\_\_  
 Requested? \_\_\_\_\_

## ACTION TAKEN

*Recommend approval based on due diligence until April 1, 1991.*

N/A Reinstate Date extension received \_\_\_\_\_ = \_\_\_\_\_  
 Proof due date \_\_\_\_\_ = -  
 No. of days late \_\_\_\_\_ = \_\_\_\_\_  
 Priority date \_\_\_\_\_ = +  
 ADJUSTED PRIORITY DATE \_\_\_\_\_ = \_\_\_\_\_

## DATE ENTRY

\_\_\_\_\_ Change proof due date \_\_\_\_\_ Address change  
 \_\_\_\_\_ Priority date change

138097  
January 31, 1990

THORVALD WILLIAM COWLEY  
SYLVIA FRANCIS COWLEY  
977 W. HWY 26  
BLACKFOOT, ID 83221

PROOF DUE NOTICE  
RE: PERMIT NO. 35-08676

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 April 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck  
Secretary/Records Manager

Enclosures

**MICROFILMED**

MAY 23 1990

S T A T E   O F   I D A H O  
D E P A R T M E N T   O F   W A T E R   R E S O U R C E S

-----

Statehouse  
Boise, Idaho 83720  
(208) 334-7900  
March 15, 1989

THORVALD WILLIAM COWLEY  
SYLVIA FRANCIS COWLEY  
977 W. HWY 26  
BLACKFOOT, ID 83221

P E R M I T   A P P R O V A L   N O T I C E

RE: PERMIT NO.            35-08676

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.

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.

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.

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

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MAR 30 1989

enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed.

Sincerely,

GARY SPACKMAN, Supervisor  
Water Right Permits Section

GS: SC  
Enclosures

**MICROFILMED**

MAY 30 1989

December 28, 1988

THE MORNING NEWS  
P.O. Box 70  
Blackfoot, Idaho 83221

RE: Application No. 36-08676; Thorvald William  
& Sylvia Francis Cowley

Gentlemen:

Would you please submit an affidavit of publication  
and certified bill in connection with the above  
referenced application. The legal notice was to  
have been published in your paper on December 1, and  
December 8, 1988.

Your cooperation in this matter is greatly  
appreciated.

Sincerely,

Rita Bodell  
Office Secretary

Noted

MAR 30 1989

November 22, 1988

Thorvald William Cowley  
977 W. Hwy 26  
Blackfoot, ID 83221

Application for Permit No. 35-08676

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 35-08676. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in THE MORNING NEWS. 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.

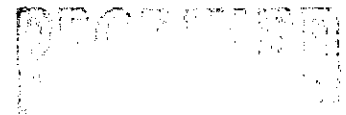
Sincerely,

HAROLD W. JONES  
Water Rights Supervisor

HWJ/rb

FILED

MAR 30 1989



Department of Water Resources  
Eastern District Office

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

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

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

35-08676

COWLEY, Thorvald William  
COWLEY, Sylvia Francis  
977 W. Highway 26  
Blackfoot, Idaho 83221  
Source: GROUNDWATER  
Diversion Pt.: NWNW, Sec. 9, T. 02S, R.  
34E

Use: IRRIGATION (.040 CFS).  
Date Filed: 11/15/1988  
In: T02S, R34E, S09, NWNW.  
2.0 ACRES TOTAL

The permit(s) will be subject to all prior  
water rights. Protests may be submitted bas-  
ed on the criteria of Sec. 42-203A, Idaho Code  
and/or the new public interest criteria of Sec.  
42-203C, Idaho Code. Protests must be filed  
with the Director, Dept. of Water Resources,  
150 Shoup Ave., Suite 15, Idaho Falls, Idaho,  
83402, on or before DECEMBER 19, 1988.

R. KEITH HIGGINSON  
Director

(204)  
Pub.: 12/1, 8

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MAR 30 1989

**AFFIDAVIT of PUBLICATION**

County of Bingham )

State of Idaho ) ss

I, Michael Bell ) 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  
01 day of December, 1988;

and the last publication having been made on the  
8th day of December, 1988;

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 30th day of December, in  
the year 1988 before me a Notary Public of said State,  
personally appeared

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

Layne Dayton  
Notary Public for the State of Idaho,  
Residing at Blackfoot, Idaho  
My commission expires  
November 10, 1996

Affidavit Processing Fee ..... \$5.00

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

---

Idaho Falls, Idaho 83402  
(208) 525-7161

NOVEMBER 21, 1988

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 DECEMBER 19, 1988.

Yours truly,

Rita Bodell  
Secretary

Encl.

RECORDED

MAR 30 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

**MICROFILMED**

MAR 30 1989

35-08676

COWLEY, THORVALD WILLIAM  
COWLEY, SYLVIA FRANCIS  
977 W. HWY 26  
BLACKFOOT, ID 83221

Source: GROUNDWATER

Diversion Pt:                NWNW        Sec    9 T 02S R 34E

Use: IRRIGATION                                ( .040 CFS)

Date Filed: 11/15/1988

In:    T02S R34E S09                        NWNW

2.0 ACRES TOTAL

**MICROFILMED**

MAR 30 1989

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 DECEMBER 19, 1988.

R. Keith Higginson, Director

Published 12/01/1988 & 12/08/1988

**MICROFILMED**

MAR 30 1989

# ACTION REQUIRED

FROM: H.W. Jones 11-4-88

TO: Thorvald Cowley

Attached is your application for permit and check for \$30.  
Since the connector between your name and Sylvia's is  
"and" both parties must sign the application. Please return  
the completed application and \$30 fee to this office.

Thanks.

HWJ

Both parties have signed the application

which is returned herewith.

RECEIVED  
MAR 30 1989