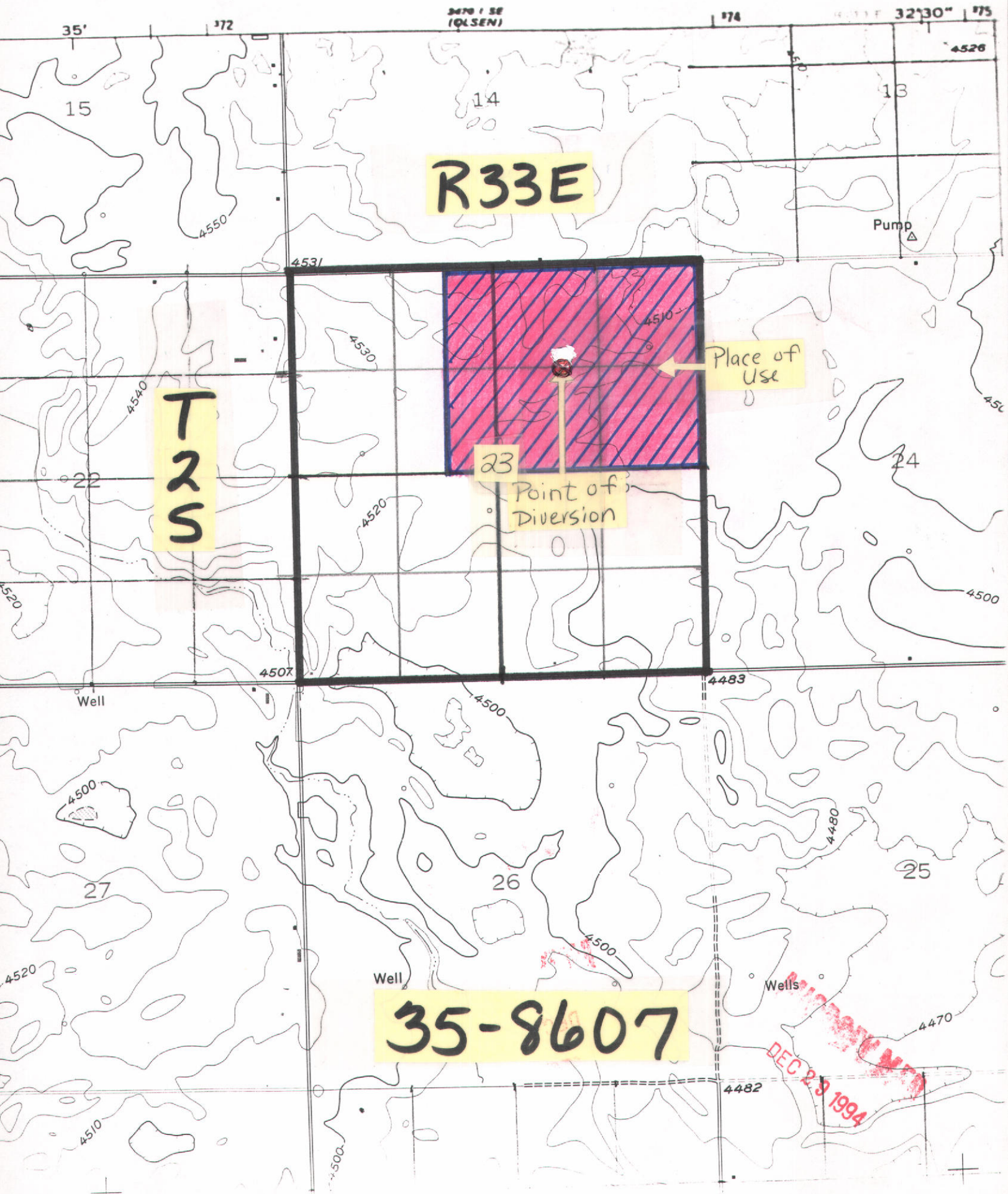




3470 (1 SE)
(OLSEN)

174

32'30" 175

35'

172

4526

15

14

13

R33E

Pump

T
2
S

Place of
Use

23

Point of
Diversion

Well

Well

Wells

35-8607

DEC 23 1994

35-8607

R33E

19 13
23 29



T2S

Place of Use

35-8607

DEC 29 1994

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following applications have been filed to appropriate the public waters of the State of Idaho:

35-8607

LEGRANDE R. WILLIAMS
FAM. LTD. PTSHP.

Route 5, Box 107
Blackfoot, Idaho 83221

Source: GROUNDWATER

Date Filed: 06/28/1985

Diversion Pt.: SWNE, Sec. 23, T. 02S, R. 33E.

Use: IRRIGATION (4.00 CFS).

In: NENE, NWNE, SWNE, SENE, NENW,
SENW, Sec. 23, T. 02S, R. 33E, for 200
ACRES.

The permits 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 public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before April 28, 1986.

KEN DUNN, Director

(9014)

Pub.: 4/10, 17

33

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho) ss

I, Catherine C. Brown do

solemnly

Publisher

swear that I am the _____ of
The Morning News which is a daily newspaper of general
circulation published each day except Sunday at
Blackfoot, Bingham County, Idaho, said newspaper hav-
ing been so published at Blackfoot, aforesaid for more
than one year past; that said newspaper heretofore com-
plied with all the provisions of Chapter 154 of the Ses-
sions 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: Thurs
of each week; that the notice attached hereto and which
is a part of this affidavit and part of the proof of
publication was published in said issue or said
newspaper _____ consecutive weeks,

the first publication having been made on the
10th day of April, 19 86,

and the last publication having been made on the
17th day of April, 19 86;
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.

Catherine C. Brown

Subscribed and sworn to before me this 21st

day of April, 19 86

Patricia A. Johnson

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1988

RECORDED

RECEIVED

APR 22 1986

MAR 09 1990

Department of Water Resources
Eastern District Office

updated 10-9-92 ✓

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

RECEIVED

FEB 10 1997

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

RECEIVED

FEB 03 1997

Department of Water Resources
Eastern Region

1. Water Right Number(s) 35-08607 & 08608 ^{SEND TO W.A.}

Adjudication Claim Number(s) R 35-13044 OK

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Le Grande R. Williams Family Ltd.

4. New Owner/Claimant(s)

Deloy at Viola Ward

Name connector (Check one): ☐ AND ☐ OR ☐ AND/OR

New Mailing Address

Box 5, 200 E.

City, State and ZIP Code

Reynolds, Idaho 83440

New Telephone Number

() - - - - -

5. Date you acquired the property _____

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s)

Deloy Ward

Date 2-3-97

Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

RECEIVED
FEB 11 1997

436189

WARRANTY DEED

FOR VALUE RECEIVED LeGRANDE R. WILLIAMS FAMILY LIMITED PARTNERSHIP, the Grantor, does hereby grant, bargain, sell, and convey unto DeLOY WARD and VIOLA WARD, husband and wife, the Grantees, whose current address is 1432 South 1000 West, Rexburg, Idaho 83440, the following described premises, located in Bingham County, Idaho, to-wit.

Parcel A:

Township 2 South, Range 33 Section 14 NE4 ✓

Parcel B:

Township 2 South. Range 33 Section 14 SW4

Parcel C:

Township 2 South, Range 33 Section 14 SE4

Parcel D:

✓ Township 2 South, Range 33 Section 23 NE4; E 50 acres of NW4

436189
BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO

FEE 6.00 DEP *WLF*

95 JUL 14 AM 10:27

RECORDED AT THE REQUEST OF
Stephen J. Blaser, E
Blaser, Sonner & Ha
P.O. Box 1047
Blackfoot, Id.
83222

Together with tenements, hereditaments, appurtenances, ditches and ditch rights and water and water rights thereunto belonging or in anywise appertaining, including Water License Nos. 35-08607, 35-07631, and 35-08608.

Subject to the existing mortgage obligations to Federal Land Bank of Spokane, dated April 29, 1986, and recorded May 5, 1986, as Instrument No. 347409, and all obligations related thereto, and the mortgage to the Estate of C.L. Williams to secure payment of \$61,169.19, dated April 13, 1992, and recorded April 13, 1992, as Instrument No. 406010.

Subject to reservations in United States patents and State deeds or other restrictions imposed by law, easements and right-of-way, zoning and building ordinances, use restrictions of record, and taxes and assessments for the year 1995 and thereafter.

MICROFILMED

MAY 17 1995

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever.

DATED and signed this 7th day of ^{July}~~June~~, 1995.

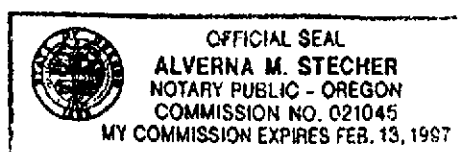
LeGRANDE R. WILLIAMS FAMILY
LIMITED PARTNERSHIP

By LeGrande R. Williams
LeGRANDE R. WILLIAMS,
General Partner

STATE OF ~~IDAHO~~)
OREGON) ss.
County of ~~Bingham~~)
WASHINGTON)

On this 7th day of ^{July}~~June~~, 1995, before me, the undersigned, a notary public in and for said state, personally appeared LeGrande R. Williams, known to me to be the person whose name is subscribed to the within instrument as General Partner of LeGrande R. Williams Family Limited Partnership, and acknowledged to me that he executed the same as such General Partner of LeGrande R. Williams Family Limited Partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Alverna M. Stecher
Notary Public for State of ~~Idaho~~ OREGON
Residing at ~~Blackfoot Idaho~~

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08607

Priority: June 28, 1985

Maximum Diversion Rate: 2.98 CFS

Maximum Diversion Volume: 800.0 AF

This is to certify, that LE GRANDE R WILLIAMS FAMILY LTD
PO BOX 50130

IDAHO FALLS ID 83405

IDAHO FALLS ID 83405 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 28, 1985; and has submitted Proof of Beneficial Use on December 6, 1990. An examination indicates that the works have a diversion capacity of 2.980 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

ANNUAL VOLUME

IRRIGATION

04/01- to 10/31

2.98 CFS

800.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 23, Township 02S, Range 33E
BINGHAM County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES 2.

ACRES

ACRES

TOTAL

02S 33E 23

NENE 39

NWNE 39

SWNE 40

SENE 40

NENW, 24

SENW 25

207

Total number of acres irrigated:

207

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 that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

DEC 29 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08607

CONDITIONS/REMARKS:

7. This right uses the same well as Snake River Basin Adjudication Claim 35-13044.
8. Use of this right with Snake River Basin Adjudication Claim 35-13044 shall not exceed a total combined diversion rate of 2.98 cfs, a total combined annual diversion volume of 828 af, nor a total combined irrigated place of use of 207 acres in a single irrigation season.
9. This right is limited to the irrigation of 200 acres within the place of use described above in a single irrigation season.

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 15TH day of DECEMBER, 1994.

Acting for

R. Keith Higginson, Director

29 1994

APPROVED

State of Idaho
Department of Water Resources

RECEIVED
DEC 7 1994
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08607

Date of Priority: June 28, 1985 Maximum Diversion Rate: 2.98 CFS
Maximum Diversion Volume: 800.0 AF

Comes now LE GRANDE R WILLIAMS FAMILY LTD
PO BOX 50130
IDAHO FALLS ID 83405 and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 35-08607, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.98 CFS	800.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 23, Township 02S, 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>
02S	33E	23	NENE 39	NWNE 39	SWNE 40	
			SENE 40	NENW 24	SENE 25	207

Total number of acres irrigated: 207

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

Signed at Blackfoot, Idaho, this 15 day of November, 1994.

LeGrande R. Williams
(Signature)

DEC 29 1994

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08607

FOR DEPARTMENT USE ONLY

Preliminary check by AC Fee = \$0.00 Received by RT # 0031767 Date 12-7-94 ✓

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 35-08607 with the following;

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 that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. This right uses the same well as Snake River Basin Adjudication Claim 35-13044 and when combined with that claim shall not exceed a diversion rate of 2.98 cfs nor an annual diversion volume of 1265 af.
8. This right is limited to the irrigation of 200 acres within the place of use described above in a single irrigation season.

Witness my hand this 15TH day of DECEMBER, 1994.

R. Keith Higginson
Acting for R. Keith Higginson, Director

DEC 29 1994

RECEIVED

DEC 06 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

For Office Use Only
Amt of \$ 175.00
Date 12-6-90
Receipt No 2214077
Received by [signature]

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

Permit No. 35-8607 Telephone No (208) 684-4137

Name(s) of Permit Holder(s): Le Grande R. Williams Family Limited Partnership

Post Office Address: Route 5, Box 107, Blackfoot, Idaho 83221

Source of Water: Groundwater

If ground water, well driller's name: C. L. Williams Date drilled: 1974

Extent of Use:
Domestic _____ (No. of households) Irrigation 200 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted 4.0 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: April 1, 1974

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

Measuring device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

OR

Flow Measurement Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

Fee Enclosed: \$ 175.00 (See License Examination Fee Schedule)

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

Le Grande R. Williams (208) 684-4137
Name Telephone No

Route 5, Box 107, Blackfoot, Idaho 83221
Address

RECORDED

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

JAN 28 1991

9/23/90 Le Grande Williams General Partner
Date Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08607

Proposed Priority: June 28, 1985 Maximum Diversion Rate: 4.00 CFS
This is to certify, that **LE GRANDE R. WILLIAMS FAMILY LTD.**
RT. 5 BOX 107
BLACKFOOT, ID 83221
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	4.00 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNE Sec. 23, Township 02S, 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>
02S	33E	23	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 20	SENE 20	200
Total number of acres irrigated:						200

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **April 1, 1991**.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

MICROFILMED

MAR 09 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08607

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

6 th day of March, 19 90

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

MAR 09 1990

LAW OFFICES

GOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FIRST NATIONAL BANK BUILDING

BOX 129

IDAHO FALLS, IDAHO 83402

TELEPHONE 523-0620
AREA CODE 208

WILLIAM S. HOLDEN
R. VERN KIDWELL, P.A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEKLE
CURT R. THOMSEN
RANDALL K. BARTON
MICHAEL D. CRAPO

JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
BRUCE T. SMITH
GREGOR S. CHVISUK
RANDALL B. REED

ARTHUR W. HOLDEN (1877-1967)
ROBERT S. HOLDEN (1911-1971)
TERRYL CRAPO (1939-1982)

RECEIVED

NOV 13 1985

Department of Water Resources
Eastern District Office

November 11, 1985

Mr. Keith C. Wilson
Senior Resource Agent
Idaho Department of Water Resources
Eastern Region Office
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Dear Keith:

As I indicated in our recent telephone contact, we need copies of the documents filed last summer by our office for the Williams family, now that the identification numbers and filing information has been put on them. We filed ten applications for permit, four claims, and five applications for transfer on the same day and only one receipt was made for the entire filing fee.

I see that we put the address for the applicant on each filing, rather than our firm's address. We should have at least requested that all contacts and correspondence be directly with the firm rather than with the clients since they are expecting us to handle these matters to completion. So far, you, Harold Jones and Jerry Ramsey have been kind enough to contact us with most questions. Perhaps as you locate each file, you could insert a note so that any future contacts will be with us. Hopefully we can avoid substantial confusion.

For each of the filings, we have included the name of the applicant or claimant, the amount of water, and the point of diversion. Hopefully this will be adequate for you to locate each file. Since there is already a number on the applications for transfer, we will get that as well. Because of your recent contact on No. 35-2097, we will not need another copy, and we have omitted it from this list. The information for each is as follows:

35-8607

MICROFILMED

MAR 09 1990

Kent Foster

Identification No. _____

Application No. 35 8607

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant LeGrande R. Williams Family Ltd Partnership Phone: 684-4137
post office address Route 5, Box 107; Blackfoot, ID 83221

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

3 a Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23 Township 2 S
Range 33 E. B M Bingham County; additional points of diversion if any: _____

b If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B M. _____

4 Water will be used for the following purposes.

Amount 4.0 ^{cfs} for irrigation purpose from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated.

a 4.0 cubic feet per second and/or

b _____ acre feet per annum.

6 Proposed diverting works.

a Description of ditches, flumes, pumps, headgates, etc well, pump, sprinklers

b Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive
(Mo Day) (Mo Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

7 a Time required for the completion of the works and application of the water to the proposed beneficial use
is One years.

b Estimated construction cost is \$ _____

8 Description of proposed uses

a If water is not for irrigation

(1) Give the place of use of water, _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B M

(2) Amount of power to be generated _____ hp under _____ feet of head

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____

(5) If water is to be used for other purposes describe _____

MICROFILMED

MAR 09 1990

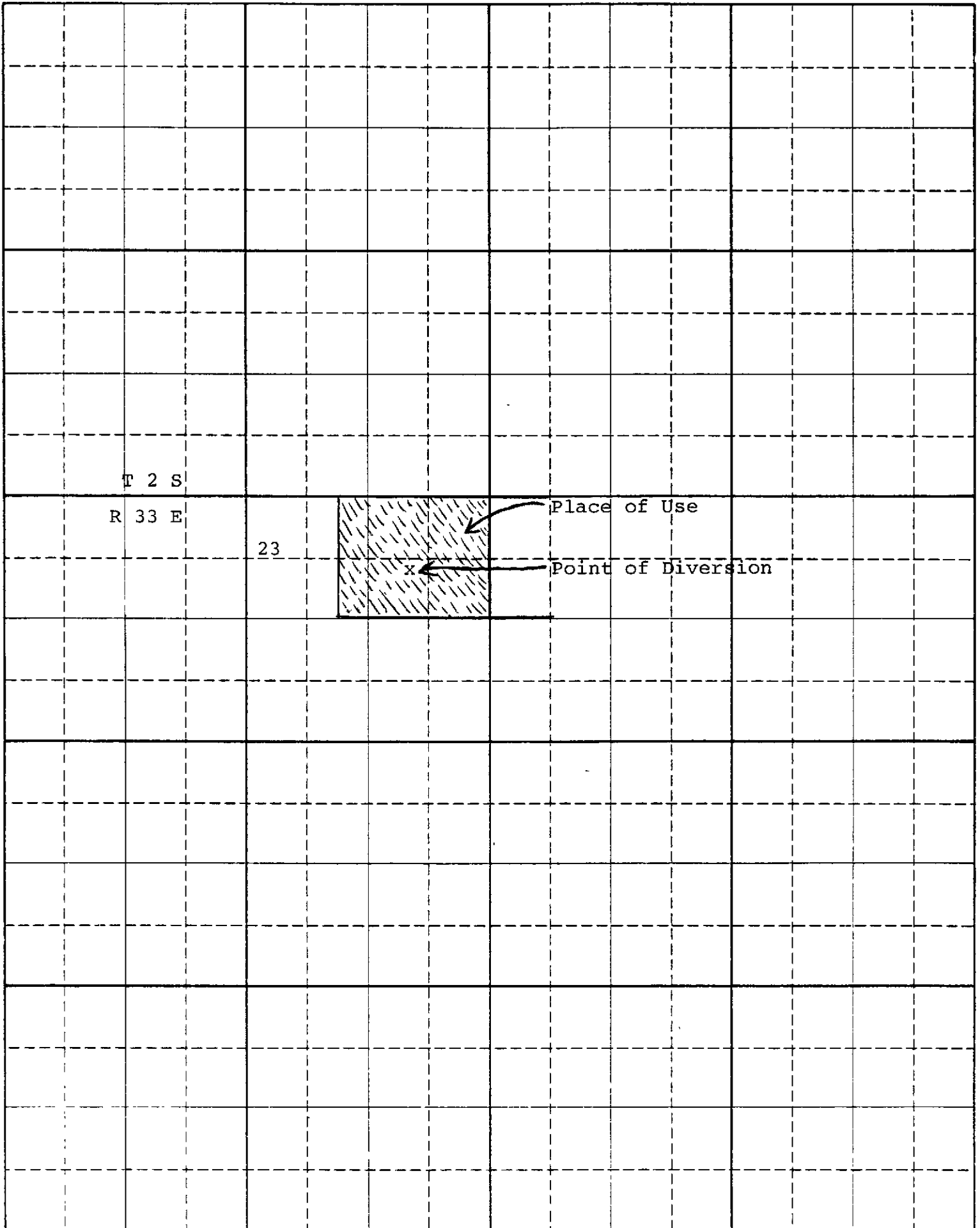
[illegible]

c. Describe any other water rights used for the same purposes as described above. N/A

- 10 Remarks This well was drilled in 1974 and the water for the irrigation
of the described land has been used each irrigation season since that
time.

MAR 09 1990

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



Scale 2 inches equal 1 mile

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

MICROFILMED

MAR 09 1990

Jeffrey R. Williams
(Applicant)

Received by CW Date 6-28-85 Time 4:30 P
Preliminary check by HWS Fee \$ 105.00
Received by CW Date 7-01-85 # 35412
Publication prepared by mod at Date 8-14-85
Published in Blackfoot News
Publication dates 7/11 & 7/18/86
Publication approved CW Date 11-22-86
Priority reduced to _____ Reason _____

Protests filed by: Idaho Permit Withdrawn

Copies of protests forwarded by CW

Hearing held by _____ Date _____

Recommended for approval denial by HWS

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. Other: _____

2 Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____ 19____.

Director

MICROFILMED

MAR 09 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

March 4, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DE LOY WARD
VIOLA WARD
1305 S 200 E
REXBURG ID 83440

RE: Water Rights 35-08607/35-08608

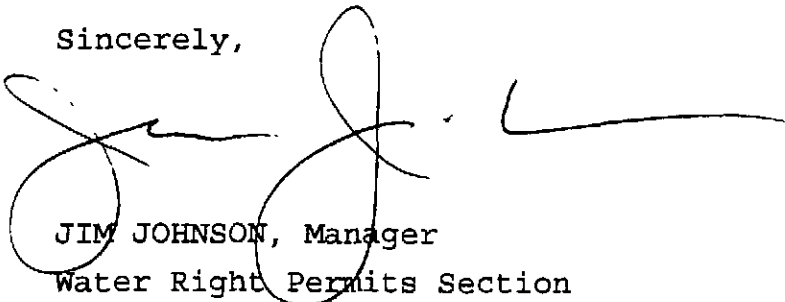
Dear Mr. & Mrs. Ward:

The Department is in receipt of the correspondence changing ownership of the above referenced water rights to you. We have modified our records to reflect these changes in ownership and computer generated reports are enclosed.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee to the water right owner. If you have other water rights that haven't had the ownership updated please contact the department as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosures

MICROFILMED

MAR 10 1999



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

February 28, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DELOY WARD
VIOLA WARD
1432 S 1000 W
REXBURG ID 83440

RE: Water Right Nos. 35-08607 & 35-08608

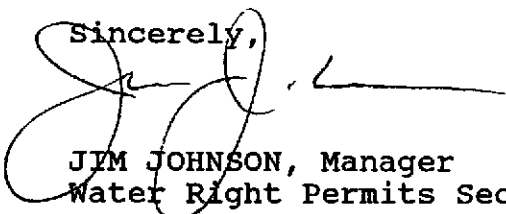
Dear Mr. and Mrs. Ward,

We are in receipt of the correspondence concerning ownership of the above referenced water rights. In Idaho, licensed water rights are considered real property; therefore, proof of owning the land is proof of owning the water rights unless specifically excluded in the sale. Water right statute does not provide a means for changing owner of record for licensed water rights; although, we have placed your correspondence in each of the files for future reference.

Claims filed in the Snake River Basin Adjudication do however require notification of change of ownership. A copy of your correspondence has been forwarded to our Adjudication Bureau and they are changing their records accordingly.

If you have any further questions, I can be contacted at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

MAR 08 1996

Feb 16 1996

To Whom it may concern,
I am submitting copies of change
of ownership from LeGrande R. Williams
Limited Partnership to DeJoy and Dale Ward.
Please attach to the appropriate files.

Sincerely yours,
DeJoy Ward

RECEIVED

FEB 22 1996

Department of Water Resources

NOTED

MAR 08 1996

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever.

DATED and signed this 7th day of ^{July}~~June~~, 1995.

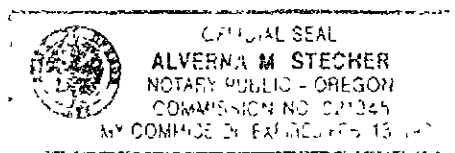
LeGRANDE R. WILLIAMS FAMILY
LIMITED PARTNERSHIP

By LeGrande R. Williams
LeGRANDE R. WILLIAMS,
General Partner

STATE OF ~~IDAHO~~)
OREGON) ss.
County of ~~Bingham~~)
WASHINGTON

On this 7th day of ^{July}~~June~~, 1995, before me, the undersigned, a notary public in and for said state, personally appeared LeGrande R. Williams, known to me to be the person whose name is subscribed to the within instrument as General Partner of LeGrande R. Williams Family Limited Partnership, and acknowledged to me that he executed the same as such General Partner of LeGrande R. Williams Family Limited Partnership

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written



My com expires 2-13-97

Alverna M. Stecker
Notary Public for State of ~~Idaho~~ OREGON
Residing at ~~Blackfoot Idaho~~
Beaverton, OREGON

MAR 08 1996

436189

QUIT CLAIM DEED

THIS INDENTURE made this 14th day of ^{July} ~~June~~ in the year of our Lord one thousand nine hundred and ninety-five between LeGRANDE R WILLIAMS and CONNIE WILLIAMS, husband and wife, of 4505 S W. 142nd Ave. #140, Beaverton. Oregon 97005, the parties of the first part, and DeLOY WARD and VIOLA WARD, husband and wife, of 1432 South 1000 West, Rexburg, Idaho 83440, the parties of the second part.

WITNESSETH that the said parties of the first part, for value received do by these presents remise, release and forever QUITCLAIM, unto the said parties of the second part, and to their heirs and assigns all that certain lot, piece, or parcel of land, situate, lying and being in Blackfoot, County of Bingham, State of Idaho, bounded and particularly described as follows, to-wit:

Parcel A

Township 2 South, Range 33 Section 14 NE4

Parcel B.

Township 2 South, Range 33 Section 14 SW4

Parcel C

Township 2 South, Range 33 Section 14 SE4

Parcel D.

Township 2 South, Range 33 Section 23 NE4. E 50 acres of NW4

Together with tenements, hereditaments, appurtenances, ditches and ditch rights and water and water rights thereunto belonging or in anywise appertaining, including Water License Nos 35-08607 35-07631, and 35-08608.

436188

BINGHAM COUNTY, IDAHO DEED
RECORDEDFEE 100.00

95 JUL 14 AM 10:27

Deputy Clerk, Bingham County, Idaho
 By [Signature]
 Clerk, Bingham County, Idaho

MAR 08 1996

Subject to reservations in United States patents and State deeds or other restrictions imposed by law, easements and right-of-way, zoning and building ordinances, use restrictions of record, and taxes and assessments for the year 1995 and thereafter.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances, thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written

LeGrande R. Williams
LeGRANDE R. WILLIAMS

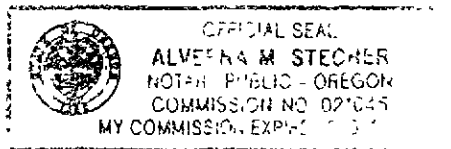
Connie Williams
CONNIE WILLIAMS

MAR 08 1996

STATE OF ~~IDAHO~~)
OREGON) ss
County of ~~Bingham~~)
WASHINGTON

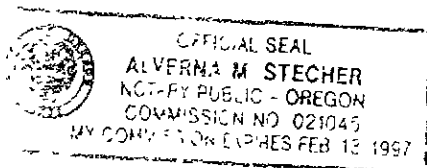
On this 7th day of ~~June~~ ^{July}, 1995, before me, the undersigned, a notary public in and for said state, personally appeared LeGrande R. Williams and Connie Williams, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written



My cmn exprs 2-13-97

Alverna M. Stecher
Notary Public for State of ~~Idaho~~ OREGON
Residing at ~~Blackfoot, Idaho~~
Beaverton, OREGON



436188

NOTARY PUBLIC

MAR 08 1996



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

December 16, 1994

LE GRANDE R WILLIAMS FAMILY LTD
PO BOX 50130
IDAHO FALLS ID 83405

RE: WATER RIGHT NO. 35-08607

Dear Water Right Holder(s):

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

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

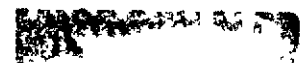
Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:dc

Enclosure



DEC 29 1994

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.C.

FRED J HAHN
KENT W FOSTER
ROBERT E FARNAM
WILLIAM D FALER
STEPHEN E MARTIN
CHARLES A HOMER
GARY L MEIKLE
GAYLE A SORENSON, P A
DONALD L HARRIS, P A
DALE W STORER
MARIE T TYLER
JOHN G SIMMONS, P A
ROBERT M FOLLETT
FREDERICK J HAHN, III
JAMES K SLAVENS

WEST ONE BANK BLDG
330 SHOUP AVENUE, THIRD FLOOR
P O BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

Arthur W Holden
(1877-1967)
Robert B Holden
(1911-1971)
Terry L Crapo
(1939-1982)
William S Holden
(1907-1988)

December 5, 1994

RECEIVED
DEC 7 1994
Department of Water Resources

Mr. Jim Johnson
IDAHO DEPARTMENT OF WATER
RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Re: *Water Right No. 35-08607*

Dear Mr. Johnson:

We have now received back the signed Application for Amendment in this matter. We are enclosing the signed original and our check in the amount of \$50.00 for the extra filing fee pursuant to your request.

Very truly yours,



Kent W. Foster

Enclosure

G:\WPDATA\SANDRA\KWFLETTE\00JOHN01 LTR.sjw

DEC 29 1994

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS, P.A.
DALE W. STORER
MARIE T. TYLER
JOHN G. SIMMONS, P.A.
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
JAMES K. SLAVENS

WEST ONE BANK BLDG
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

RECEIVED
NOV 30 1994
Department of Water Resources

November 28, 1994

COPY

LeGrande R. Williams
1346 West 300 North
Blackfoot, ID 83221

Re: Water Right No. 35-08607

Dear LeGrande:

We are enclosing with this letter a second letter with attached documents which we recently received from Mr. Johnson from the Department of Water Resources. Would you please let us hear from you as to how you would like to proceed.

Very truly yours,



Kent W. Foster

Enclosure

cc. Jim Johnson

G:\WPDATA\SANDRA\KWFLETTE\00WILLIA LTR sjw

NOV 30 1994

DEC 2 5 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 10, 1994

LE GRANDE R WILLIAMS FAMILY LTD
PO BOX 50130
IDAHO FALLS ID 83405

RE: WATER RIGHT NO. 35-08607

Dear Water Right Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, I have not received the amendment. If I do not receive it within fourteen (14) days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

If you have any questions, please contact me. My telephone number is (208) 327-7947.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', with a long horizontal line extending to the right.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

DEC 23 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 18, 1994

LE GRANDE R WILLIAMS FAMILY LTD
PO BOX 50130
IDAHO FALLS ID 83405

RE: WATER RIGHT NO. 35-08607

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

If you do not concur or have any questions with this information, please contact me as soon as possible. My telephone number is (208) 327-7947.

Sincerely,

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

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

1994

WR0749NP
No. L35-08607

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/17/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LE GRANDE R WILLIAMS FAMILY LTD PO BOX 50130 IDAHO FALLS ID 83405 (208) 523-0620	06/28/1985	IRRIGATION	04-01 10-31	2.98 CFS	800.00 AFA
TOTAL DIVERSION:					2.98 CFS	800.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 2.98 CFS

Point(s) of Diversion: T02S R33E S23 NWNE

BINGHAM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
02S	33E	23	:	39		39		40		40	:	24				25	:			:	207.0
																				TOTAL ACRES	207.0

Pou County: BINGHAM

Other Water Rights Listing Overlapping Place(s) of use:
35-04268 35-08607

Conditions of Approval:

- 048 - The use of water under this right shall not give rise to any
- claim against the holder of a senior water right based upon the
- theories of forfeiture, abandonment, adverse possession, waiver,
- equitable estoppel, estoppel by laches or customary preference.
- 049 - The Director retains jurisdiction of the right to incorporate
- the use into a water district, require streamflow augmentation
- or other action needed to protect prior surface water and
- groundwater rights.

Remarks: This right uses the same well as Snake River Basin Adjudication
Claim 35-13044 and when combined with that claim shall not
exceed a diversion rate of 2.98 cfs nor an annual diversion
volume of 1265 af.
This right is limited to the irrigation of 200 acres within
the place of use described above in a single irrigation season.

Dates: App. Received: 06/28/1985 Priority Date: 06/28/1985
Proof Due Date: 04/01/1991 Proof Made Date: 12/06/1990
Exam Made Date: 05/28/1992 Exam Sent to S.O.: 12/27/1993
Licensed Date:

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

Audit: 08/10/94 BCHAPMAN 08/12/94 BCHAPMAN

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM	
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
L3508607	T02S R33E S23 GROUNDWATER																		
	:	39	39	40	40	:	24			25	:							: 207	
~~3504268~~	~~GROUNDWATE~~ :					:	20	40	40	20	:	20	40	25	15	:		: 220	
~~A3504268~~	~~GROUNDWATE~~ :					:	20	40	40	20	:	20	40	25	15	:		: 220	
R3504268	GROUNDWATE :					:	15	38	39	16	:	16	39	36	15	:		: 214	
~~3508607~~	~~GROUNDWATE~~ :	40	40	40	40	:	20			20	:					:		: 200	
3508621	GROUNDWATE :					:					:	24		24	:	33	40	34	38 : 193
A3513043	GROUNDWATE :					:					:	18		18	:	15	40	27	27 : 145
R3513043	GROUNDWATE :					:					:	24		24	:	33	40	34	38 : 193
~~A3513044~~	~~GROUNDWATE~~ :	37	36	39	37	:	17			18	:					:			: 184
R3513044	GROUNDWATE :	34	29	34	36	:	23			20	:					:			: 176

POU COMPARISON

M E M O R A N D U M

DATE: October 14, 1994

TO: Jim Johnson

FROM: Shelley W. Keen *SWK*

RE: Point of Diversion for 35-08607

=====

This morning I asked Skip Jones at Eastern Region if he would confirm the point of diversion recommendation on his field report for this right. He called this afternoon to say that he has looked at his files and at the SRBA files for A35-13044, and he agrees that the well is north of the mainline in the SENWNE, S23, T02S, R33E. Therefore, a licensing amendment is in order.

DEC 29 1994

M E M O R A N D U M

DATE: October 13, 1994

TO: Jim Johnson

FROM: Shelley W. Keen *SWK*

RE: Field Examination for 35-08607

=====

On 10/11/94 I spoke with Ernie Carlsen and Al Ruberry at Eastern Region about the SRBA recommendation for A35-13044, which overlaps 35-08067 and utilizes the same well. According to them, the map in the CVR file places the well on the north side of the mainline, which appears to lie on the quarter-section line. That information agrees with the field report for 35-08607, which includes a diagram showing the well to be north of the mainline. Based those two pieces of information, I conclude that the well is located in the SENWNE of Section 23.

I also gleaned some additional information about the irrigation development on this land from Ernie and Al. Apparently irrigation commenced in 1951 from a well no longer in use. The current well came into use about 1976, which accounts for the "accomplished change in point of diversion" remark in the SRBA recommendation for A35-13044. Some time after 1980 the irrigated acres were expanded from about 177.8, which the SRBA is recommending, to the current 207 acres. However, there is no easy way to determine if the diversion rate increased simultaneously, so the SRBA is recommending the full 2.98 cfs measured in 1992 on R35-13044 with the 1951 priority.

We appear to have two licensing options for 35-08607.

- A license for 29.2 acres within a 207-acre permissible place of use with a combined rate of 2.98 cfs when used with R35-13044.
- A license for 200 acres and 2.98 cfs.

Ernie and Al favor the first option, which would make up the difference between R35-13044 and actual practice. However, given the uncertainty in the SRBA process at this time, I prefer the second option with a disclaimer condition, such as:

Diversion and use of water under this right is subject to review by the Director when the validity of claim

RECEIVED
DEC 29 1994

Memo to Jim Johnson
Re: 35-08607
October 13, 1994
Page 2

A35-13044 is determined in the ongoing Snake River Basin Adjudication. Upon appropriate findings, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which this right may be exercised.

I think we have the latitude to impose such a condition in order to limit the irrigator to 0.02 cfs per acre. My conclusion is based on the language in Idaho Code §42-220, which says in part:

. . . provided, that when water is used for irrigation, no such license or decree of the court allotting such water shall be issued confirming the right to the use of more than one second foot of water for each fifty (50) acres of land so irrigated . . .

DEC 29 1994

DEC 29 1994

MEMORANDUM

Date: October 10, 1994
From: Jim Johnson
To: Shelley
Subject: Review of Field Examination

=====

This right is being licensed for a point of diversion located within the SWNE of Section 23. The overlapping claim No. 35-13044 shows the point of diversion located within the NWNE of Section 23. The maps show the point of diversion near the line. Which one is correct and why is the claim different than the permit?

Find out from Skip why the points of diversion are not consistent.

Does the claim file document when the change in irrigated acres occurred from 184 to 207? What changes occurred allowing the changes from the acres listed on the claim to the acres listed on the recommended claim?

RECEIVED

DEC 29 1994

AJ0729NP
No. R35-13044

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/13/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LE GRANDE R WILLIAMS FAMILY LTD PARTNERS PO BOX 50130 IDAHO FALLS ID 83405 (208) 523-0620	05/01/1951	IRRIGATION	04-01 10-31	2.98 CFS	711.20 AFA
					TOTAL DIVERSION:	2.98 CFS
					CONSUMPTIVE USE:	711.20 AFA 533.40 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T02S R33E S23

SENVNE

BINGHAM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
---	---	---	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	---
02S	33E	23	:	34		29		34		36		:	23						:					:	177.8	
																							TOTAL ACRES	177.8		

POU County: BINGHAM

Conditions of Approval:

C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO IDAHO CODE 42-1416A.

Dates: Exam Made Date: 09/01/1993 Verified Date: 10/12/1994

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: C

Audit: 09/14/93 VERNER 10/06/93 VERNER 01/07/94 RUBERRY 10/12/94 ARUBERRY

*Changed from
the 8-10-94
claim Report
Acres
corrected*

AJ5809NP
No. R35-13044

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/10/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LE GRANDE R WILLIAMS FAMILY LTD PARTNERS PO BOX 50130 IDAHO FALLS ID 83405 (208) 523-0620	05/01/1951	IRRIGATION	04-01 10-31	2.98 CFS	736.00 AFA
TOTAL DIVERSION:					2.98 CFS	736.00 AFA
CONSUMPTIVE USE:						552.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T02S R33E S23

SEWNNE

BINGHAM County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: SUM
02S	33E	23	: 39	39	40	40	: 24		25			: 207.0				: 207.0
TOTAL ACRES																207.0

POU County: BINGHAM

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of Use:
A35-04268 A35-13044 R35-04268

Conditions of Approval:

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO IDAHO CODE 42-1416A.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

Remarks: THIS RIGHT IS LIMITED TO THE IRRIGATION OF 184 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates: Exam Made Date: 09/01/1993 Verified Date:

Misc: Water District Number: Field Inspection Flag: C
Presumption Flag:

Audit: 09/14/93 VERNER 10/06/93 VERNER 01/07/94 RUBERRY

Overlapping
Claim

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-8607 DATE 5-10-94



NAME Yes No Or Address Change? Check with CLAIM

PRIORITY DATE Advance? Advanced to: Order to reinstate needed? Incorrect fee for rate recommended? NO

SOURCE Changes or just clarification of originally intended source? Notice of Intent to Void necessary?

POINT OF DIV Amendment needed? CHANGE TO NONE - See Memos
Overlaps? ADJ CLAIM- 435-13044

PLACE OF USE Amendment needed? Overlaps? ADJ CLAIM- 435-13044

DIV RATE Measurement Q = 2.98 Theoretical Q = _____
(200 x .02 = 4.0 CFS)

CAPACITY @ 2.98
R35-13044 2.98
AVAILABLE / NONE

ANNUAL VOLUME
2.98 produces 1264.9
R 35-13044 = 736.0
AVAILABLE 528.9

Season of use: 4.0 (4-1 to 10-31)
Calculations: 200 x 4 = 800
Flow limit: 2.98 cfs x 214 x 1.9835 = 1264.9
Combined volumes exceed capacity/allowable YES

USES Change in Nature of Use or additional uses? Amendment necessary?

REMARKS edit W411, W27 Multiple p/d(s) in 1/4 1/4? Other

CONDITIONS Measuring/Locking Devices Watermaster control - District Irrigation Overlap Water Quality Other NON-TRUST

10-17
COMMENTS: Keep 200 acre recommendation in case the recommendation on the BLU claim doesn't get approved for whatever reason. Amend P/D

RECOMMENDED	CFS	VOLUME	LICENSE
<u>Irrigation</u>	<u>2.98</u>	<u>800</u>	<u>1ST AMENDMENT LETTER P39+P38</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>FINAL AMENDMENT LETTER P47</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	
<u>_____</u>	<u>_____</u>	<u>_____</u>	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 29 1993

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-08607

1. Owner: Le Grande Williams Family Ltd Phone No. 684-4137

Current Address: Rt. 5 Box 107 Blackfoot, ID

2. Accompanied by: Le Grande Williams EXAM DATE: 5-28-1992

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: A35-13044

2. Other water rights with the same point of diversion: A35-13044

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
		SE	SW	NE	23	25	33E	Bingham	Acs photo; on-site

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25	33E	23	39	39	40	40	24			25									207 *

* Allow 200 acres within 9
207 acre permissible place of
use.

2. Measurements: USC 1337 gpm (2.98 cfs) as per Sonic meter readings.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Sonic-Meter		Tyco Flyte				

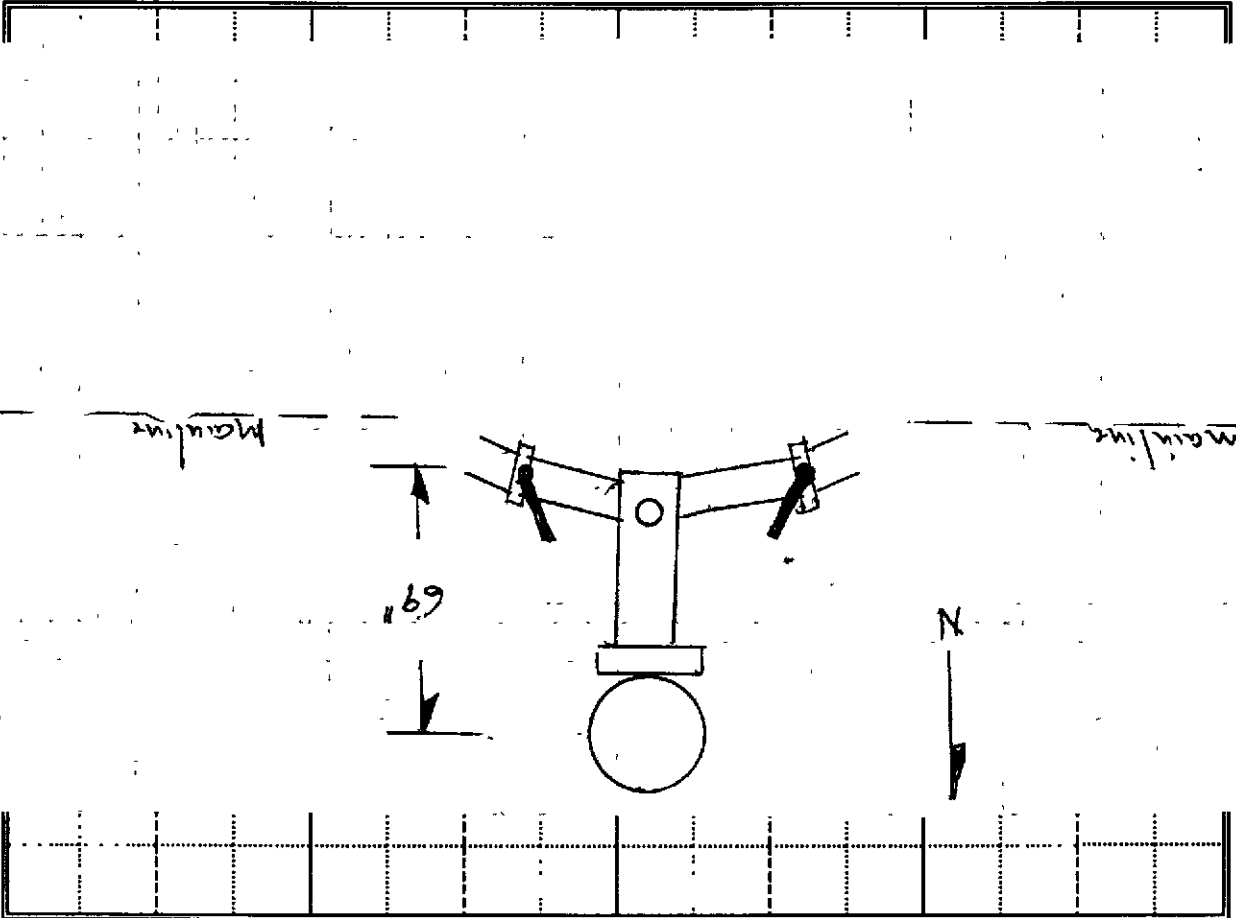
D. FLOW MEASUREMENTS

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

Well or Diversion Identification No. *	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	US Motors	125	1162078	Layne-Bowler	

4.

Scale: 1" = _____
Copy of USGS Quadrangle Attached Showing location(s) of _____
point(s) of diversion and place(s) of use (required)
Aerial Photo Attached of _____
(required for irrigation of 10+ acres)
Photo of Diversion and System Attached _____



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

E. NARRATIVE/REMARKS/COMMENTS

Claim A35-13044 overlaps this prop. with 184 acres.

This is being recommended for approval by the adjudication team.

Rt. 35-08607 should be conditioned to reflect that no more than 2.98 cfs be diverted when used in conjunction with A35-13044.

Rt. 35-08607 should be conditioned to irrigate 200 acres within a 207 acre prop. when used with A35-13044

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

APPROVED
DEC 29 1994

F. FLOW CALCULATIONS

Measured Method:

2.98 cfs by meter

X Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 200 \text{ acres} \times 4.0 \text{ af} = 800 \text{ af}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.98 \text{ cfs} \times 214 \text{ d.} \times 1.9835 = 1264.9 \text{ af}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 800 \text{ af}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Irrigation

Period of Use

From 4-1 To 10-31

Rate of Diversion

Q (cfs) 2.98

Annual Volume

V (afa) 800

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 H.W. Jones & Gary Buss Date 12-1-93

Reviewer Date

SEAL

DEC 29 1994

VOID

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

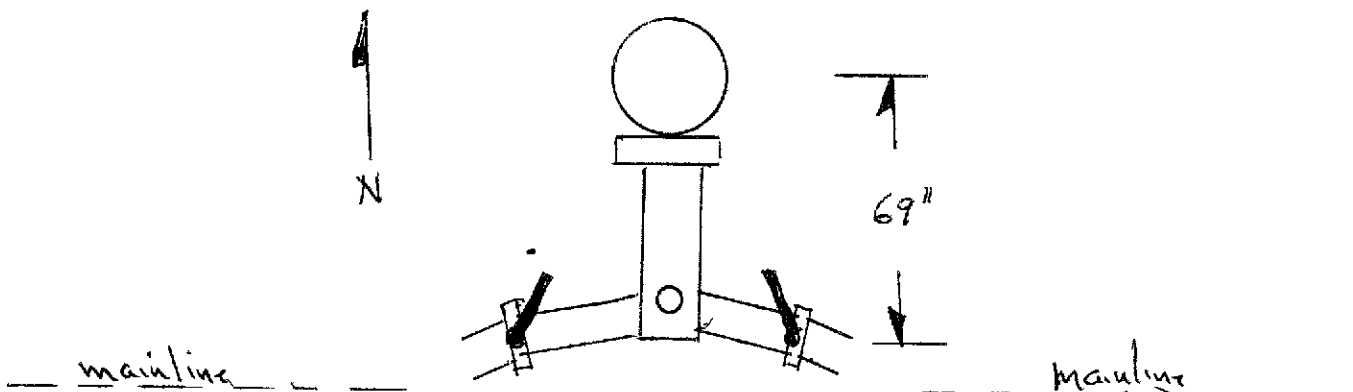
1. Owner: Le Grande Williams Family Ltd Permit No. 35-8607
Current Address: Rt 5 Box 107 Blackfoot ID Phone No. 684-4137
2. Accompanied by Le Grande Williams EXAM. DATE 5-28-92
Address: _____ Phone No. _____
Relationship to Permit Holder _____
3. Source Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use ~~35-4268 is on adjacent acreage~~
35-13044 ☒ Copies Attached
2. Other water rights with same point of diversion: None 35-13044
_____ ☐ 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 ☒ Aerial Photo Attached
Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more).
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.)

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Sonic Meter		Tyco-Flite				

2. Measurements:

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1 Measured Method: use 1337 gpm as per Sonic meter reading

1337 gpm $\times 1.488 = 1983.5$ cfs

2 Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure _____ psi $\times 2.31 =$ _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head (1) + (2) = _____ (3) Flow rate _____ cfs (4)

Water HP: (3) $\times$ (4) $\div 8.8 =$ _____ (5)

Meter Input KW 3.6 $\times$ _____ KH $\times$ _____ CTR or _____ MULT $\times$ _____ PTR $\times$ _____ N/ _____ T = _____ (6)

Meter Input HP (6) $\times 1.34 =$ _____ (7)

Panel Input KW: _____ Ave PF $\times$ _____ Ave Volts $\times$ _____ Ave Amps $\times .001732 =$ _____ (6)

Panel Input HP (6) $\times 1.34 =$ _____ (7) Efficiency: (5)/(7) $\times 100 =$ _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (23.2)(4.0) = 92.8 \text{ AFA}$

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.32)(214)(1.9835) = 135.83$

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 92.8 \text{ AFA}$

2. Volume Calculations for Other Uses

RECEIVED
JUL 1 1964
60029 RGA

H. REMARKS AND OVERLAP REVIEW ANALYSIS

THIS RIGHT IS LIMITED TO IRRIGATION OF 23 ACRES WITHIN THE RATE OF USE LISTED ABOVE IN A SINGLE IRRIGATION SEASON. THIS RIGHT WHEN USED IN COMBINATION WITH RIGHT 85-13044 SHALL BE LIMITED TO A COMBINED DIVERSION RATE OF 2.98 cfs AND TO THE IRRIGATION OF 207 ACRES IN A SINGLE IRRIGATION SEASON. ANALYSIS PREPARED UPON ASSUMPTION THAT ALL CLEAR, 35 INCHES WILL BE ADJUSTED AS RECOMMENDED.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
IRRIGATION	4/1 10/31	0.32	92
Totals:			
		0.32	92

2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name: Mr. Tony & Gary Bass
 Signature: [Signature]
 Certification Date: _____
 Field Report Preparation Date: August 9-9-93

CONSULTANT SEAL

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

OUTER DIAMETER
10.7500 IN

PIPE MATERIAL
CS-SS

WALL THICKNESS
0.1250 IN

INNER LINING
NO LING.

KIND OF FLUID
WATER

SENSOR MOUNTING
U

TYPE OF SENSOR
SMALL

DATA CHANGE
NO

SPACING
0.192 IN

MODE SELECT
TO CHECK

MODE SELECT
INPUT

OUTER DIAMETER
10.7500 IN

PIPE MATERIAL
CS-SS

WALL THICKNESS
0.1250 IN

INNER LINING
NO LING.

KIND OF FLUID
ANOTHER

SOUND VELOCITY
1422 M/S

SENSOR MOUNTING
U

TYPE OF SENSOR
SMALL

DATA CHANGE
NO

SPACING
0.192 IN

MODE SELECT
TO CHECK

MODE SELECT
INPUT

OUTER DIAMETER
10.7500 IN

PIPE MATERIAL
CS-SS

WALL THICKNESS
0.1250 IN

INNER LINING
NO LING.

KIND OF FLUID
ANOTHER

SOUND VELOCITY
1422 M/S

SENSOR MOUNTING
U

TYPE OF SENSOR
SMALL

DATA CHANGE
NO

SPACING
0.192 IN

MODE SELECT
TO CHECK

ZERO MODE
NOT ZERO

DAMPING SET
TO SEC

00-00 01:10:00 *P
+771.967E 25PH

00-00 01:14:00 *P
+791.249E 25PH

00-00 01:14:00 *P
+791.256E 25PH

00-00 01:14:00 *P
+802.290E 25PH

9

CS

35-8601

605

80229g/hr = 1337.159rpm
22.979 cfs
2.98 cfs

35-8607

Polysonic Measurement
Tape

29 1994

35-8607

DEC 25 1994

35-8607

R33E

23

24

39

37

Point of
Diversion

25

40

40

T
Z
S

Place of
Use

35-8607

DEC 28 1994

December 28, 1990

LE GRANDE R. WILLIAMS FAMILY LTD.
RT. 5 BOX 107
BLACKFOOT, ID 83221

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08607

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

HOLDEN, KIDWELL, HALL, & CRAPO

RECEIVED

JAN 4 1991

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
MICHAEL D. CRAPO
GAYLE A. SORENSON
DONALD L. HARRIS
GREGOR S. CHVISUK
RANDALL B. REED
MARIE T. FEELEY
ROBERT M. FOLLETT

WEST ONE BANK BUILDING
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)
WILLIAM S. HOLDEN (1907-1988)

R. VERN KIDWELL, OF COUNSEL

December 4, 1990

RECEIVED
DEC 06 1990

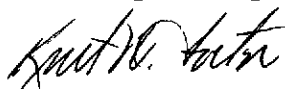
Department of Water Resources

Gary Spackman, Supervisor
Water Rights Permit Section
IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Dear Mr. Spackman:

We are enclosing with this letter a completed Proof of Beneficial Use form for Permit No. 35-8607 in the name of the LeGrande R. Williams Family Limited Partnership. We have also enclosed our check in the amount of \$175.00. Please let us know if we may be of any assistance.

Yours very truly,



Kent W. Foster

#0471.00/srs

Enclosure

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) 327-7900
March 6, 1990

LE GRANDE R. WILLIAMS FAMILY LTD.
RT. 5 BOX 107
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. P35-08607

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.

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

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.

RECORDED

MAR 09 1990

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECEIVED

MAR 09 1990

February 15, 1990

RE: Application for Permit No. 35-8607 * 35-8608

LeGrande R. Williams Family Ltd. Partnership
Rt. 5, Box 107
Blackfoot, ID 83221

Gentlemen:

This letter is to advise you that the protest filed by Idaho Power Company approval of the above referenced applications has been withdrawn. The Department has resumed the processing of your applications.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Right Supervisor

HWJ:CW

RECEIVED

MAR 09 1990

February 15, 1990

RE: Application for Permit No. 35-8607 & 35-8608
LE GRANDE WILLIAMS FAMILY PARTNERSHIP

Mr. Thomas G. Nelson
Attorney at Law
P.O. Box 2139
Boise, ID 83701-2139

Dear Mr. Nelson:

This letter is to acknowledge receipt of the withdrawal of protest against the above referenced applications. The Department has now resumed processing of the above referenced applications.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

MicroFILMED

MAR 09 1990

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

1020 MAIN STREET

SUITE 400

P.O. BOX 2139

BOISE, IDAHO 83701-2139

TELEPHONE (208) 336-0700

FAX (208) 344-6034

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY R. McDANIEL
GARY D. SLETTE
F. BRUCE COVINGTON
JERRY JENSEN
CAROLYN M. MINDER
BRUCE M. SMITH
G. RICHARD BEVAN
BRAD M. PURDY
GARY L. QUIGLEY
TIM J. WILLIAMS
SHARON F. DUNKIN

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

RECEIVED

FEB - 8 1990

Department of Water Resources
Eastern District Office

February 7, 1990

Mr. Harold Jones
Idaho Department of Water Resources
150 West Shoup Avenue, Suite 15
Idaho Falls, Idaho 83401

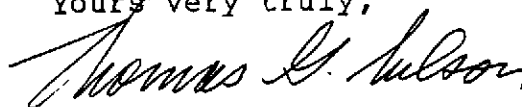
Re: Filings 35-8607 and 35-8608

Dear Mr. Jones:

These two applications were prematurely advertised by IDWR and Idaho Power Company objected. It now appears that one of the filings, No. 35-8607, is out of the trust water area. The other involves only 110 acres and is now presumed to not interfere with hydropower rights.

Therefore, Idaho Power Company hereby withdraws its protest to each of the above filings. If you have any questions, feel free to give me a call.

Yours very truly,



Thomas G. Nelson

TGN/sj
38291

cc: Frank Hitchcock
Bob Stahman
LeGrande Williams Family, Ltd.

MicroFILMED

MAR 09 1990

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

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BRAD M. PURDY
GARY L. QUIGLEY
TIM J. WILLIAMS
SHARON F. DUNKIN

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

January 22, 1990

RECEIVED

JAN 26 1990

Mr. Harold Jones, Supervisor
Idaho Department of Water Resources
Eastern Region
150 Shoup Avenue, Suite 15
Idaho Falls ID 83402

Department of Water Resources
Eastern District Office

Dear Harold:

As I promised in our telephone conversation of January 19, I contacted Mr. Nelson's secretary in our Boise office and gave her the date of mailing and the subject of the contents for the paperwork and exhibits that I developed based on your November 7 request regarding 35-08607 and 35-08608. Mr. Nelson's secretary said she would review the request with him and let me know if she needed another round of the paperwork that is on file here in our Twin Falls office.

I am forwarding to Mr. Nelson's attention under separate cover what little information I have here regarding 35-08599 originally applied for in the name of Scott E. Poulson or Lloyd Bartholoma of Aberdeen, Idaho.

I will calendar your original request for this Friday, January 26, in order to be sure that we get a response from our Boise office. Please let me know if you have further information or requests.

Best wishes.

Very truly yours,

Frank

FRANCIS G. HITCHCOCK
LEGAL ASSISTANT

FGH/dcb
44181

MICROFILMED

MAR 09 1990

TABLE 1 - PROCESSING¹ REQUIREMENTS
BASED UPON CHARACTERISTICS OF FILINGS

No Processing Required		Only 42-203A Processing		Only 42-203C Processing		Both 42-203A & 42-203C Processing		Delay Processing or Reject Filings	
Column 1 Non-Trust Water	Column 2 Trust Water	Column 3 Non-Trust Water	Column 4 Trust Water	Column 5 Non-Trust Water	Column 6 Trust Water	Column 7 Non-Trust Water	Column 8 Trust Water	Column 9 Either Trust or Non-Trust Water	

Any existing permit

Permits to develop new storage

Permits issued prior to 7/1/85 for which development was complete prior to 7/1/85

Permits which have been released from Ada County Case #81375 because a significant investment was made prior to 11/19/82.

All applications seeking water for any purpose

Any application proposing only DCMI or non-consumptive uses or only new storage

Applications & existing permits presumed not to cause a significant reduction

Applications filed prior to 11/19/82 which have been released from Ada County Case #81375 because a significant investment was made prior to 11/19/82.

Applications filed prior to 7/1/85 for beneficial use made prior to 10/1/84.

Any existing permit not described by Col. 2 or 4

Any non-DCMI existing permit for a new consumptive use processed in a year during which in excess of 20,000 AF/yr depletion is approved.

Not applicable to any filing

Any non-DCMI application for a new consumptive use processed in a year during which in excess of 20,000 AF/yr depletion is approved.

Filings with points of diversion located in a ground water management area or a critical groundwater area

MICROFILMED

MAR 09 1990

35-08608

SF SPEC: 7

Trust

35-8607

SF SPEC: 1

Non-Trust

Footnotes to Table 1

1. Processing as used in this table refers to review and evaluation to determine if water development should be permitted. Public notice is an essential part of processing. Actions to extend the time in which to submit proof of beneficial use or to confirm a water right by issuing a license are outside the scope of the term "processing" as used in this table.
2. Non-trust water and trust water as column headings refer to the location of the point of diversion relative to whether the water, if not diverted, would be tributary to Snake River upstream from Milner Dam (non-trust water) or between Milner Dam and Swan Falls Dam (trust water). The area within which ground water is considered to be trust water is shown on figure 1.
3. The rationale for not requiring processing is based upon 42-203B(2), Idaho Code, which separates water tributary upstream from Milner from trust water. As permits, these filings have previously been determined to meet 42-203A, Idaho Code criteria. Entry of a moratorium order as herein proposed, would put existing permits, to the extent development was not complete by March 10, 1988, into Column No. 3.
4. Water Appropriation Rule 5,3,7. presumes new storage upstream from Swan Falls Dam to be in the public interest until studies are complete (Reference Policy 51, adopted State Water Plan).
5. Section 42-203D, Idaho Code exempts these permits from reprocessing. Water Appropriation Rule 4,2,3,1. clarifies that such filings are not subject to reprocessing under the 42-203A, Idaho Code criteria.
6. Article 2.(d) of S1180 Contract subordinates IPCo's rights to these permits which already have been evaluated against the criteria of 42-203A, Idaho Code, and have been released from the Swan Falls lawsuit.
7. Entry of a moratorium order, as herein proposed, would require readvertisement of pending applications.
8. Article 2.(a) of S1180 Contract subordinates IPCo's rights to DCMI filings and Water Appropriation Rule 5,2, creates a presumption that flows available to hydropower will not be significantly reduced.
9. Water Appropriation Rule 5,2. provides criteria for determining which applications will not create a significant reduction in flows to hydropower rights. No more than 20,000 AF/yr of depletion may be authorized for these filings.
10. Article 2.(a) of S1180 contract subordinates IPCo's rights to permits in this category, however, applications in this category have not been evaluated against criteria of 42-203A, Idaho Code.

NOT FILMED

MAR 09 1990

June 9, 1986

Mr. Kent Foster
Attorney at Law
P.O. Box 129
Idaho Falls, ID 83402

Dear Mr. Foster:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to Application No. 35-8607 and 35-8608, LeGrande R. Williams Ltd. Partnership. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office
LeGrande R. Williams Ltd. Partnership

MICROFILMED

MAR 09 1990

June 9, 1986

RE: Application for Permit No. 35-8607 & 35-8608 LeGRANDE R. WILLIAMS FAMILY LTD.
PARTNERSHIP

Mr. Thomas G. Nelson
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83303

Dear Mr. Nelson:

Your protest against the approval of the above referenced applications has been received and a copy has been sent to the applicants. The Department suggests you contact the applicants directly in an effort to determine what is proposed by the applications and to attempt to resolve the protests.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

MICROFILMED
MAR 09 1990

FROM

Ernest *EME*

DATE May 7, 1986

TO

File 35-8607 & 35-8608

SUBJECT

To verify the two wells under the above applications were diverting water prior to October, 1984, Mr. Williams submitted aerial photos dated 1978 and 1980, irrigation electric service agreements, power billings and an affidavit from neighbors.

*See report at
35-8607-2nd 8*

SIGNATURE**MICROFILMED**

MAR 09 1990

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

ATTORNEYS AT LAW
142 3RD AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, ID 83303-1906
TELEPHONE (208) 734-0700

BOISE OFFICE
1020 MAIN ST., SUITE 320
P.O. BOX 1805
BOISE, ID 83702-1805
(208) 336-0700

TERRY T. UHLING
F. BRUCE COVINGTON
LAIRD B. STONE
GARY D. SLETTE
JERRY JENSEN

April 24, 1986

RECEIVED
APR 28 1986

Department of Water Resources

Mr. A. Kenneth Dunn, Director
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Ken:

Enclosed herewith is a copy of a letter I received from Mr. Carlsen of your Eastern Region office. The reason for forwarding this to you is to inform you that those two applications were being advertised. We have checked the information which we have received from the Department pursuant to our request and we did not find that we were given notice of the fact that these two applications were being advertised. I bring this to your attention with the question whether we need to do something else in order to make sure that we receive notice so we can address these applications as they come up.

Best personal regards.

Yours very truly,



Thomas G. Nelson

TGN:tpk

Enclosure

MICROFILMED

MAR 09 1990



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 14, 1986

Teresa Kalange
Nelson, Rosholt, Robertson, Tolman & Tucker
Attorneys at Law
P.O. Box 1906
Twin Falls, Idaho 83303

Re: Applications for Permits 35-8607 & 35-8608; LeGrande R.
Williams Family Ltd. Partnership.

Dear Ms. Kalange:

This letter is to advise you the Department has decided to proceed with processing of the above applications.

Our decision is based on several factors. First - available records indicate these two applications were not joined in Idaho Power Company vs. Idaho Department of Water Resources. Second - representations made by the applicant indicate the applications comply with the provision of paragraph D, item 7, of the Final Swan Falls agreement and therefore would not be subordinate to Idaho Power Company's water rights. Third - present hydrologic data for the area where the wells are located shows ground water being tributary to the Snake River above Milner Dam. Diversion of water from the wells would therefore not be subject to the provisions of trust water.

Notices of these applications are now being published with the last date of protest expected to be April 28, 1986. Failure to submit a written protest by that date will indicate Idaho Power Co. does not want an administrative hearing on these permits prior to final administrative action by the Department.

Respectfully submitted,

Ernest Carlsen

Ernest Carlsen
Assistant Regional Supervisor

EC/md

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MAR 09 1986

1 Thomas G. Nelson
2 NELSON, ROSHOLT, ROBERTSON,
3 TOLMAN & TUCKER
4 P. O. Box 1906
5 Twin Falls, Idaho 83303-1906
6 Telephone: (208) 734-0700
7 4694p/tpk/4-23-86

RECEIVED

APR 24 1986

Department of Water Resources
Eastern District Office

8 STATE OF IDAHO
9 IN THE DEPARTMENT OF WATER RESOURCES

10 * * * * *

11 IN THE MATTER OF THE APPLICATION OF

12 LE GRANDE R. WILLIAMS FAMILY
13 LIMITED PARTNERSHIP

PROTEST OF
IDAHO POWER COMPANY

14 APPLICATION NO. 35-8607

15 * * * * *

16 Idaho Power Company, hereinafter referred to as
17 protestant, hereby protests the above application, and in
18 support of its protest, states:

19 1. Protestant is a corporation authorized to do and
20 doing business in the State of Idaho as a public utility.

21 2. Protestant is the holder of water rights for
22 hydroelectric projects on the Snake River in the State of
23 Idaho, below Milner Dam.

MAR 09 1990

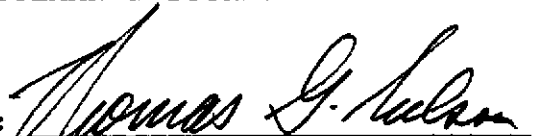
24 3. The water sought to be appropriated by the
25 application above referred to is or may be tributary to the
26 Snake River below Milner Dam and above protestant's projects,
27 and use of the water as proposed by the application has the
28 potential for interfering with protestant's water rights, all
of which are senior in priority to the above application.

1 4. The development of the application as proposed
2 would result in a significant reduction in water available to
3 the protestant at its project, either individually or
4 cumulatively with other existing uses or uses reasonably likely
5 to exist within twelve months. Therefore, the application must
6 be processed pursuant to the terms of Idaho Code §42-203C.

7 WHEREFORE, protestant prays that applicant's
8 application above described be denied, unless it is processed
9 in accordance with and found to conform to the requirements of
10 Idaho Code §42-203.

11 DATED this 23rd day of April, 1986.

12 NELSON, RSHOLT, ROBERTSON,
13 TOLMAN & TUCKER

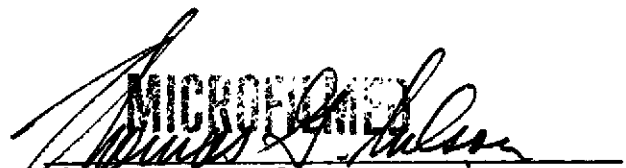
14 By: 
15 Thomas G. Nelson

16 CERTIFICATE OF MAILING

17 I hereby certify that on this 23rd day of April, 1986,
18 I served a copy of the foregoing Protest of Idaho Power
19 Company, by depositing same in the United States mail, postage
20 prepaid, in an envelope, addressed to the following:

21 Mr. Kent Foster
22 P. O. Box 129
23 Idaho Falls, Idaho 83402

24 LeGrande R. Williams Family Limited Partnership
25 Route 5, Box 107
26 Blackfoot, Idaho 83221

27 
28 Thomas G. Nelson
 MAR 09 1990

MEMO

TO: Files (Application for ^{PERMITS} Transfers) 35-8607 And 35-8608
LeGrand R. Williams Family Ltd., Partnership

FROM: Ernest Carlson *me*

Tom Nelson, Attorney for Idaho Power Company, telephoned to advise the department he would be submitting a protest on behalf of his client against approval of the above captioned applications. He stated his clients protest may be withdrawn once the final Swan Falls agreement was implemented or the area in which the wells are located had been officially designated as containing groundwater tributary to the Snake River above Milner Dam.

MICROFILMED

MAR 09 1990

April 14, 1986

Teresa Kalange
Nelson, Rosholt, Robertson, Tolman & Tucker
Attorneys at Law
P.O. Box 1906
Twin Falls, Idaho 83303

Re: Applications for Permits 35-8607 & 35-8608; LeGrande R.
Williams Family Ltd. Partnership.

Dear Ms. Kalange:

This letter is to advise you the Department has decided to proceed with processing of the above applications.

Our decision is based on several factors. First - available records indicate these two applications were not joined in Idaho Power Company vs. Idaho Department of Water Resources. Second - representations made by the applicant indicate the applications comply with the provision of paragraph D, item 7. of the Final Swan Falls agreement and therefore would not be subordinate to Idaho Power Company's water rights. Third - present hydrologic data for the area where the wells are located shows ground water being tributary to the Snake River above Milner Dam. Diversion of water from the wells would therefore not be subject to the provisions of trust water.

Notices of these applications are now being published with the last date of protest expected to be April 28, 1986. Failure to submit a written protest by that date will indicate Idaho Power Co. does not want an administrative hearing on these permits prior to final administrative action by the Department.

Respectfully submitted,

Ernest Carlsen
Assistant Regional Supervisor

EC/md

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MAR 09 1990

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

ATTORNEYS AT LAW
142 3RD AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, ID 83303-1906
TELEPHONE (208) 734-0700

BOISE OFFICE
1020 MAIN ST., SUITE 320
P.O. BOX 1805
BOISE, ID 83702-1805
(208) 336-0700

TERRY T. UHLING
F. BRUCE COVINGTON
LAIRD B. STONE
GARY D. SLETTE
JERRY JENSEN

RECEIVED

APR 7 1986

Department of Water Resources
Eastern District Office

April 4, 1986

Mr. Ernest Carlsen
Assistant Regional Supervisor
Eastern Region
Idaho Department of Water Resources
150 Shoup - Suite 15
Idaho Falls, Idaho 83402

Re: Idaho Power Company v. Idaho Department of Water Resources
Case No. 81375 (LeGrande R. Williams Family Ltd.
Partnership - Application Nos. 35-8607 and 35-8608)

Dear Mr. Carlsen:

Pursuant to your telephone call of last week, I have reviewed the above applications and discussed them with Mr. Tom Nelson.

The contract between the State of Idaho and the Idaho Power Company, pursuant to the provisions of Senate Bill No. 1180, 1983 Idaho Session Laws, Chapter 259, states in part:

2. Mutual Covenants (a)... and all consumptive water users who have beneficially used water prior to November 19, 1982, pursuant to a valid permit, license or decreed right existing prior to November 19, 1982, or valid beneficial use claim, and any persons who have previously made substantial investments in irrigation wells or equipment for use pursuant to a water right application filed prior to November 19, 1982,...

Since these applications were filed after November 19, 1982, I will not be able to dismiss them from the captioned lawsuit.

Most sincerely,

Teresa P. Kalange
Teresa P. Kalange
Legal Assistant

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MAR 09 1990



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 4, 1986

Kent Foster
Holdon, Kidwell, Hahn & Crapo
P.O. Box 129
Idaho Falls, Idaho 83402

Re: Permit applications 35-8607, 35-8608, LaGrand Williams
Family Ltd., Partnership.

Dear Kent:

Prior to forwarding the above captioned applications to our State Office for final administrative action there are two matters needing consideration.

First notice of the applications still needs to be published. We have contacted the Blackfoot News and taken the necessary steps for publication to begin next week. Barring unforeseen problems the last date of protest would be April 28th.

Second, we ask that documentation be provided demonstrating water was beneficially used prior to October 1, 1984. This will require documents showing the wells were in use such as billings from the power company, well logs or receipts for purchase of the irrigation system components. Documentation confirming the place of use was being irrigated will also be needed. Aerial photos, and affidavits from individuals knowledgeable of the farming operation would be acceptable.

Final regional review could occur on April 28, 1986 provided the above information has been submitted, we have received the publication affidavit, and there are no protests.

Respectfully submitted,

Ernest Carlsen
Assistant Regional Supervisor

EC/md

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MAR 09 1990



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

A. Kenneth Dunn
Director

April 4, 1986

LeGrande R. Williams Family Ltd., Partnership
Route 5, Box 107
Blackfoot, Idaho 83221

Re: Applications for permits Nos. 35-8607 & 35-8608

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right applications for permit. The applications have been assigned identification nos. 35-8607 & 35-8608. Please refer to these numbers in all further correspondence.

This office is currently in the process of advertising the applications in The Blackfoot News. The advertisements will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

If the applications are not protested, they 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 applications and will notify you of the outcome of this review. When the permits are 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,

Ernest Carlsen
Assistant Regional Supervisor

EC/md

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MAR 09 1990

The following applications have been filed to appropriate the public waters of the State of Idaho:

35-8607

LEGRANDE R. WILLIAMS

FAM LTD. PTSHP

Route 5, Box 107

Blackfoot, Idaho 83221

Source: GROUNDWATER

Date Filed: 06/28/1985

Diversion Pt.: SWNE, Sec 23, T 02S, R. 33E.

Use: IRRIGATION (4 00 CFS)

In: NENE, NWNE, SWNE, SENE, NENW, SENW, Sec 23, T 02S, R. 33E, for 200 ACRES.

The permits 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 public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before April 28, 1986

KEN DUNN, Director

(9014)

Pub.: 4/10, 17

33

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

I, Catherine C. Brown

solemnly

Publisher

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: Thurs of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue or said newspaper 2 consecutive weeks.

the first publication having been made on the 10th day of April, 19 86.

and the last publication having been made on the 17th day of April, 19 86; 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.

Catherine C. Brown

Subscribed and sworn to before me this 21st

day of April, 19 86

Patricia A. Johnson

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1988

APR 22 1986

Department of Water Resources
Eastern District Office

MAR 09 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 4, 1986

The Blackfoot News
P. O. Box 70
Blackfoot, Idaho 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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before APRIL 28, 1986.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

MAR 09 1990

NOTICE OF APPLICATION

FOR WATER RIGHT

The following applications have been filed to appropriate
the public waters of the State of Idaho:

~~DE-2507~~

LE GRANDE R. WILLIAMS FARM, LTD. PTEHD.

ROUTE 5 BOX 107, ELADAFOOT, ID 80221

Source: GROUNDWATER

Date Filed: 06/28/1985

Diversion Pt: SWNE Sec 27 T 02S R 3E

Use: IRRIGATION (4.00 CFS)

In: NENE NWNE SWNE SESE NENE SENW Sec 27 T 02S R 3E FOF 200 ACRES

The permits 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 public interest criteria of Sec. 42-203C,
Idaho Code. Protests must be filed with the Director, Dept. of
Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho,
83402 on or before April 28, 1986.

KEN DUNN

Director

Published 4/11/86 & 4/18/86.

MICROFILMED

MAR 09 1990

MICROFILMED
MAR 09 1990

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following applications have been filed to
appropriate the public waters of the State of
Idaho.

35-8607

LEGRANDE R WILLIAMS

FAM LTD PTSHP,

Route 5, Box 107

Blackfoot, Idaho 83221

Source GROUNDWATER

Date Filed 06/28/1985

Diversion Pt SWNE, Sec. 23, T 02S, R

33E

Use IRRIGATION (4 00 CFS)

In NENE, NWNE, SWNE, SENE, NENW,

SENW, Sec 23, T 02S, R 33E, for 200

ACRES

The permits 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
public interest criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with the Director,
Dept of Water Resources, 150 Shoup Ave,
Suite 15, Idaho Falls, Idaho, 83402, on or
before April 28, 1986

KEN DUNN, Director

(9014)
Pub 4/10, 17

*Protest
4/10*