

PAGE 2

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08603

CONDITIONS/REMARKS:

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

7th day of December, 1989.

for J. Glen Saxton
R. Keith Higginson, Director

Asst. by HWS
Received by CT Date 6-26-85 Time 11:00 am
Preliminary check by Kaw Fee \$ \$105.00 # 95410
Receipted by CT Date 6-26-85
Publication prepared by CT Date 8-19-85
Published in Morning News
Publication dates 10-5-87
Publication approved RB Date 10-23-87
Protests filed by: none

Copies of protests forwarded by _____
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. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

DEPT. OF WATER RESOUR.
150 Shoup Ave., Suite 15
Idaho Falls, Id. 83402
(208) 525-7161

NOTICE OF APPLICATION
FOR WATER RIGHT

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

35-08592
UNIVERSITY OF IDAHO RESEARCH
AND EXTENTION
BOX AA
Aberdeen, Idaho 83210
Source: GROUNDWATER
Diversion Pt: SWSW, Sec. 27, T. 05S, R. 31E.

Use: IRRIGATION (1,000 CFS).
Date Filed: 6/25/1985.
In: T05S, R31E, S27, SWNW, SENW, NESW.
50.0 ACRES TOTAL.

35-08597
PALMER, Neldon
PALMER, Jean
2759 West 2000 South
Aberdeen, Id. 83210
Source: GROUNDWATER
Diversion Pt: NENW, Sec. 16, T. 04S, R. 31E.

Use: IRRIGATION (.320 CFS).
Date Filed: 6/21/1985.
In: T06S, R31E, S16, NENW.
16.0 ACRES TOTAL.

35-08603
WHYTE, W. LeMar
Springfield, Id. 83277
Source: GROUNDWATER
Diversion Pt: SWSE, Sec. 11, T. 04S, R. 32E.

Use: IRRIGATION (3,200 CFS).
STOCKWATER (.050 CFS).
Date Filed: 5/26/1985.
In: T04S, R32E, S11, SWSE, SESE, S12, NESW, SWSW, SESW.
180.0 ACRES TOTAL.

35-08604
HARPER, John J.
675 South Adams Ave.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: NWSW, Sec. 35, T. 02S, R. 34E.

Use: IRRIGATION (.800 CFS).
Date Filed: 7/01/1985.
In: T02S, R34E, S35, NWSW, SWSW.
40.0 ACRES TOTAL.

35-08609
JENNIE L. WILLIAMS FAMILY LTD.
Rt. 5, Box 17
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: NENE, Sec. 4, T. 03S, R. 34E.
Use: IRRIGATION (1,920 CFS).
Date Filed: 6/28/1985.
In: T03S, R34E, S04, NENE, NWNE, SWNE, SENE.
96.0 ACRES TOTAL.

35-08614
WILLIAMS, Jennie L.
WILLIAMS, Est. of C.L.
Rt. 5, Box 17
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: SWNE, Sec. 8, T. 02S, R. 34E.
Use: IRRIGATION (4,000 CFS).
Date Filed: 6/28/1985.
In: T02S, R34E, S08, NENE, NWNE, SWNE, SENE, NESE, NWSE, SWSE, SESE.
202.0 ACRES TOTAL.

35-08621
ENID R. WILLIAMS LTD. PARTNERSHIP
2nd S. 900 W.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: SWSE, Sec. 23, T. 02S, R. 33E.
Use: IRRIGATION (3,990 CFS).
Date Filed: 6/28/1985.
In: T02S, R33E, S23, NESW, SESW, NESE, NWSE, SWSE, SESE.
200.0 ACRES TOTAL.

35-08616
STANDER, Gaylen
37 S. 1000 W.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: NWSW, Sec. 3, T. 03S, R. 34E.
Use: IRRIGATION (2,220 CFS).
Date Filed: 7/25/1989.
In: T03S, R34E, S03, NESW, NWSW, NWSE, S04, SWNE.
111.0 ACRES TOTAL.

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before OCTOBER 23, 1989.

R. KEITH HIGGINSON
Director

(548)
Pub.: 10/5, 12

RECEIVED

OCT 19 1989

Department of Water Resources
Office

IT of PUBLICATION

Ted Townsend

Publisher

which is a daily newspaper of published each day except Sunday ham County, Idaho, said newspaper blished at Blackfoot, aforesaid for year past; that said newspaper ed with all the provisions of Chapter s Laws of Idaho of 1933, approved id duly designated, pursuant to law, i the week as the day on which legal y law or by the order of any Court of diction within the State of lished in-wit: of each week; that the ereto and which is a part of this af- of the proof of publication was 1 said issue or said

consecutive weeks

tion having been made on the 1 October 1989;

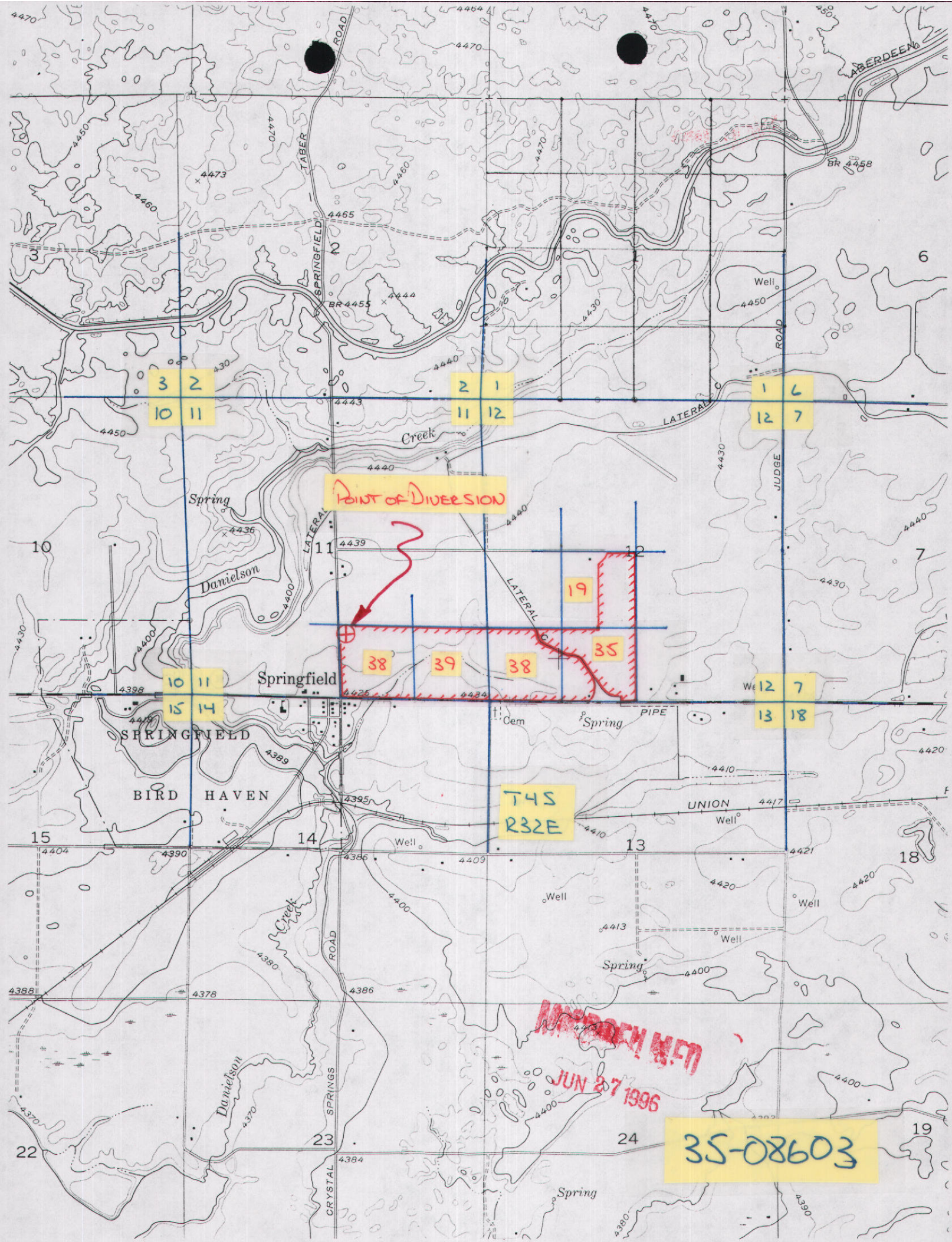
lication having been made on the of October 19 89 as published in the regular and entire nber of the paper as aforesaid during se of publication, and that notice was ewspaper and not in a supplement.

h day of October in are me a Notary Public of said State, peared

ed to me to be the person whose l to the within instrument, and being morn, declared that the statements d acknowledged to me that he es-

My commission expires
November 10, 1994

Affidavit Processing Fee \$5.00



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10.5

HEL
295.5

Whyte Rd.

3. HEL
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2.
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T1072
3613

POINT OF DIVERSION

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JUN 27 1998
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T2212
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R32E

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35-08603

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RECEIVED

MAR 10 1997

Department of Water Resources

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

Please print or type Attach pages with additional information Instructions are on the back of this page
Incomplete forms will be returned.

1. Water Right Number(s) 35-08603
Adjudication Claim Number(s) _____
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) Lamar Whyte Estate
1274 Hwy 39 Blackfoot, Id. 83221
4. New Owner/Claimant(s) Lynn W. Kennell Tamara Kennell Kevin Johns Tracy Johns
Name connector (Check one): ☒ AND, ☐ OR, ☒ AND/OR
New Mailing Address 2678 W. 1200S Aberdeen, Idaho 83210
City, State and ZIP Code ↑
New Telephone Number (208) 238-7000 Lynn
5. Date you acquired the property June 19, 1996
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 169 Number and type of stock 0
Diversion rate in CFS 3.2 Number of homes 0 Other uses 0
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) Lynn W. Kennell MICROFILMED Date Mar 4, 1997
MAR 25 1997 Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
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.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believe there are water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

35798
Cm

445132

FIRST AMERICAN TITLE

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO

PERSONAL REPRESENTATIVE'S DEED

FEE 6.00 DEP SP

WHEREAS, Grantors are the qualified co-personal representatives of said estates of WILLIAM LAMAR WHYTE and MARIE W. WHYTE, Deceased, filed as probate No. SP 94-595, in the REQUEST OF County Magistrate Court;

6 JUN 19 PM 4:22

NOW, THEREFORE, by this Deed, Ted Whyte, Paul Whyte, and Cliff Whyte, as co-personal representatives of the Estate of WILLIAM LAMAR WHYTE and MARIE W. WHYTE, deceased, Grantor, does hereby grant, bargain, sell and convey to LYNN W. KENDELL and TAMARA KENDELL, Husband and Wife, and KEVIN L. JOHNS and TRACY L. JOHNS, Husband and Wife, the Grantee, in the following described property in Bingham County, Idaho:

2652 W
1200 S.
Abodeen,
ID 83211

TOWNSHIP 4 SOUTH, RANGE 32 EAST, BOISE MERIDIAN
Section 11: S1/2SE1/4
Section 12: S1/2SW1/4; E1/2NE1/4SW1/4

TOGETHER WITH all singular, tenements, hereditaments and appurtenances thereto belonging or in anyway appertaining.

EXECUTED this 18th day of June, 1996.

Paul Whyte
CO-PERSONAL REPRESENTATIVE
Ted Whyte
CO-PERSONAL REPRESENTATIVE
Clifford Whyte
CO-PERSONAL REPRESENTATIVE

STATE OF IDAHO)
County of Power) ss.

On this 18th day of June, 1996, before me the undersigned, a Notary Public in and for the State of Idaho, personally appeared TED WHYTE, Co-Personal Representative of the Estates of WILLIAM LAMAR WHYTE and MARIE W. WHYTE, Deceased, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as Co-Personal Representative.

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



Betty Hulse
NOTARY PUBLIC FOR IDAHO
Residing at: American Falls
Commission Expires: 1-14-98

MICROFILMED

MAR 25 1997

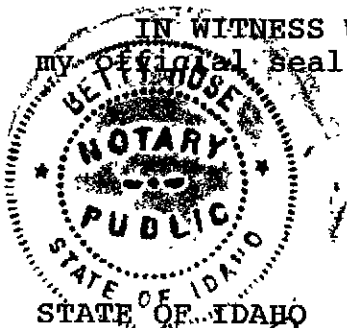
STATE OF IDAHO)

County of Pomer)

ss.

On this 18th day of June, 1996, before me the undersigned, a Notary Public in and for the State of Idaho, personally appeared PAUL WHYTE, Co-Personal Representative of the Estates of WILLIAM LAMAR WHYTE and MARIE W. WHYTE, Deceased, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as Co-Personal Representative.

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



Betty Huse
NOTARY PUBLIC FOR IDAHO

Residing at: American Falls

Commission Expires: 1-14-98

STATE OF IDAHO)

County of Pomer)

ss.

On this 18th day of June, 1996, before me the undersigned, a Notary Public in and for the State of Idaho, personally appeared CLIFF WHYTE, Co-Personal Representative of the Estates of WILLIAM LAMAR WHYTE and MARIE W. WHYTE, Deceased, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as Co-Personal Representative.

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



Betty Huse
NOTARY PUBLIC FOR IDAHO

Residing at: American Falls

Commission Expires: 1-14-98

445132

UNRECORDED

MAR 25 1997

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Position 5

445131

Form FmHA 1955-49
(Rev. 10-28-81)

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

QUITCLAIM DEED

The UNITED STATES OF AMERICA, acting through the Administrator of the ~~Farmers Home Administration~~ Farm Service Agency, United States Department of Agriculture, CONVEYS and QUITCLAIMS to Estate of Lamar Whyte (deceased)

, Grantee, for the sum of \$130,000.00

all interest in the following described real estate situated in the County of Bingham

State of Idaho, to-wit.

Township 4 South, Range 32 E.B.M., Bingham County, Idaho

Section 11: S1/2SE1/4
Section 12: S1/2SW1/4

COPY

FIRST AMERICAN TITLE

RECORDED AT THE REQUEST OF

96 JUN 19 PM 4:22

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FEE 10 SEP 2010

RECORDED
MAR 25 1987

This deed is executed and delivered pursuant to the ~~provisions of~~

authority set forth in 7 CFR 1900, Subpart A.

No member of Congress shall be admitted to any share or part of this deed or to any benefit that may arise therefrom.

Dated May 30, , 1996

UNITED STATES OF AMERICA (Grantor)

By Dennis R. Nelson

Dennis R. Nelson, Acting State Executive

~~Executive Director~~ Director

~~United States Department of Agriculture~~

Farm Service Agency

United States Department of Agriculture

In the presence of:

*

*

ACKNOWLEDGMENT

STATE OF IDAHO)
County of Ada)

On this 30th day of May, 1996, before me, the undersigned, a Notary Public in and for said state, personally appeared Dennis R. Nelson, known to me to be the Acting State Executive Director, Farm Service Agency, USDA, and person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

In WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year above mentioned.



Dorothy J. Lee

Dorothy Lee

Notary Public in and for State of Idaho

Residing at Boise, Idaho

My Bond Expires 5-20-98

SCOTT H. HANSEN

STATE OF IDAHO
COUNTY OF BINGHAM

941174C.DOC

BLASER, SORENSEN & HANSEN, Chartered

Attorneys at Law

285 N.W. Main

P.O. Box 1047

Blackfoot, Idaho 83221

(208) 785-4700

Fax No. 785-7080

Attorneys for Applicants

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM

IN THE MATTER OF THE ESTATES OF:)

WILLIAM LAMAR WHYTE)

and)

MARIE W. WHYTE)

Deceased.)

CASE NO. SP-94-595

LETTERS TESTAMENTARY

1. Ted Whyte, Paul Whyte, and Cliff Whyte were duly appointed and qualified as Personal Representative of the estate of the above-named decedents on the 4 day of October, 1994, by the Magistrate acting as Registrar with all authority pertaining thereto.

2. Administration of the estate is unsupervised.

These letters are issued to evidence the appointment, qualification, and authority of the said personal representative.

WITNESS my signature and the seal of this Court, this 4 day of October, 1994.

JAMES L. MARTSCH

MAGISTRATE

STATE OF IDAHO)

) ss.

County of Bingham)

We, Ted Whyte, Paul Whyte, and Cliff Whyte, hereby accept the duties as co-personal representatives of the estates of William

MAR 25 1997

LETTERS TESTAMENTARY

LaMar Whyte and Marie W. Whyte, deceased, and do solemnly swear that I will perform according to law the duties of personal representative of the estate of William LaMar Whyte and Marie W. Whyte, deceased.

Ted Whyte
TED WHYTE

Paul Whyte
PAUL WHYTE

Cliff Whyte
CLIFF WHYTE

SUBSCRIBED AND SWORN to before me this 4th day of October, 1994.

Notary Public for State of Idaho
Residing at Blackfoot, Idaho

My com exprs: 9 15.48

RECORDED AT THE REQUEST OF
Cubborn Whyte
1274 Hwy 39
Boise, ID
83221
'94 NOV 23 PM 1 39
FEE 10.00 DEP. 21P
BLA-34FOOT, IDAHO
ELECTRONIC COUNTY RECORDING

430723

PROCESSED

MAR 25 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08603

Priority: April 18, 1994

Maximum Diversion Rate: 3.20 CFS

Maximum Diversion Volume: 676.0 AF

This is to certify, that W LA MAR WHYTE
PO BOX 107

SPRINGFIELD ID 83277-0107 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 26, 1985; and has submitted Proof of Beneficial Use on April 18, 1994. An examination indicates that the works have a diversion capacity of 3.230 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	3.20 CFS	676.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 11, Township 04S, Range 32E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S	32E	11	SWSE 38	SESE 39		77
		12	NESW 19	SWSW 38	SESW 35	92

Total number of acres irrigated: 169

CONDITIONS OF APPROVAL AND REMARKS

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

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

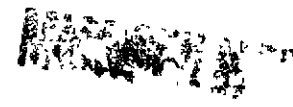
WATER RIGHT NO. 35-08603

CONDITIONS OF APPROVAL AND REMARKS

7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
8. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for the use of existing rights used for supplemental purposes.

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 24TH day of MAY, 19 76.


Acting for KARL J. DREHER, Director


JUN 27 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 35-08603	)	
	)	
IN THE NAME OF W. LA MAR WHYTE	)	ORDER OF
	)	REINSTATEMENT

This matter having come before the Idaho Department of Water Resources (Department), the Department makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER:

FINDINGS OF FACT

1. On December 7, 1989, the Department issued Permit No. 35-08603 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before January 1, 1991.

2. On October 1, 1990, the Department sent a proof due notice to the permit holder by certified mail.

3. On January 7, 1991, the Department sent a lapse notice to the permit holder.

4. On October 8, 1993, Harold Jones of IDWR Eastern Region, informed the permit holder that during the 1993 field season, department personnel noted that the permit holder's land was being irrigated without a valid water right and instructed the permit holder to attempt to reinstate the permit.

5. Section 42-218a.2., Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

6. On March 23, 1994, the permit holder submitted pumping records from Idaho Power and an affidavit showing that the water right had been in use during the authorized development period, and a valid reason why the proof was filed late.

7. On April 18, 1994, the permit holder submitted an acceptable proof of beneficial use form along with the required license examination fee.

RECEIVED

JUN 10 1994

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.

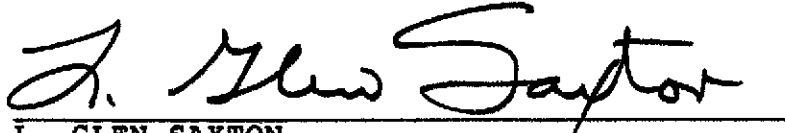
2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 35-08603 is REINSTATED and the priority is advanced to April 18, 1994.

Dated this 17th day of May, 1994.



L. GLEN SAXTON
Chief, Water Allocation Bureau

JUN 10 1994

RECEIVED

APR 18 1994

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY

Amt. of Fee \$ 175.25

Date 4-6-94

Receipt No. E019650

Receipt by HWT

PROOF OF BENEFICIAL USE

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

1. Permit No. 35-08603 Telephone No. 328-2262
2. Name(s) of Permit Holder(s): W. LaMar Whyte
3. Mailing Address: P.O. Box 107, Springfield, ID 83277
4. Source of Water: Groundwater

If GROUNDWATER, Well Driller's Name: Hendrichs Date Drilled: 1977

OPTIONAL:

Pump horsepower: 125 Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 180 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 3.20 cfs OR _____ acre/feet

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

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

OR

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

8. Fee Enclosed: \$ 175.25 (See License Fee Schedule on back of Instruction Sheet)

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

Name

Telephone No.

Address

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

JUN 10 1994

Date

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

4-6-1994

LaMar Whyte

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 35-08603

Proposed Priority: June 26, 1985 Maximum Diversion Rate: 3.25 CFS

This is to certify, that **W. LA MAR MEYER**
SPRINGFIELD, ID 83277
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	3.20 CFS
STOCKWATER	01/01 to 12/31	0.05 CFS
Totals		3.25 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSE Sec. 11, Township 04S, Range 32E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S	32E	11	SWSE 40	SESE 40		80
		12	NESW 20	SWSW 40	SESW 40	100
Total number of acres irrigated:						180

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 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.

PAGE 2

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08603

CONDITIONS/REMARKS:

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

7th day of December 1989.

for *J. Glen Saxton*
J. Glen Saxton, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant W. LAMAR WHYTE Phone 328-2262
Post office address Springfield, ID 83277
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is SW 1 of SE 1/4 of Section 11 Township 4S
Range 32E 8M Bingham County, additional points of diversion if any _____
4. Water will be used for the following purposes
Amount 3.2 for irrigation purposes from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.05 for stockwater purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 3.25 cubic feet per second and/or b. _____ acre-feet per annum.
6. Proposed diverting works
a. Description of ditches, flumes, pumps, headgates, etc. Deep well, turbine pump, electric
motor and 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 when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)
c. Proposed well diameter is 20 inches, proposed depth of well is 300 feet.
7. Time required for the completion of the works and application of the water to the proposed beneficial
use is one years (minimum 1 year - maximum 5 years)
8. Description of proposed uses
a. If water is not for irrigation
(1) Give the place of use of water SW 12 11 4S
SE 1/4 of 11 4S
Range 32E 8M
(2) Amount of power to be generated: _____ horsepower under _____ feet of head.
(3) List number of each kind of livestock to be watered 600 beef cows
(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 _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below

TWP	RANGE	SEC	NE 1/4				NW 1/4				S 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	32E	11															40	40	80
		12								20		40	40						100

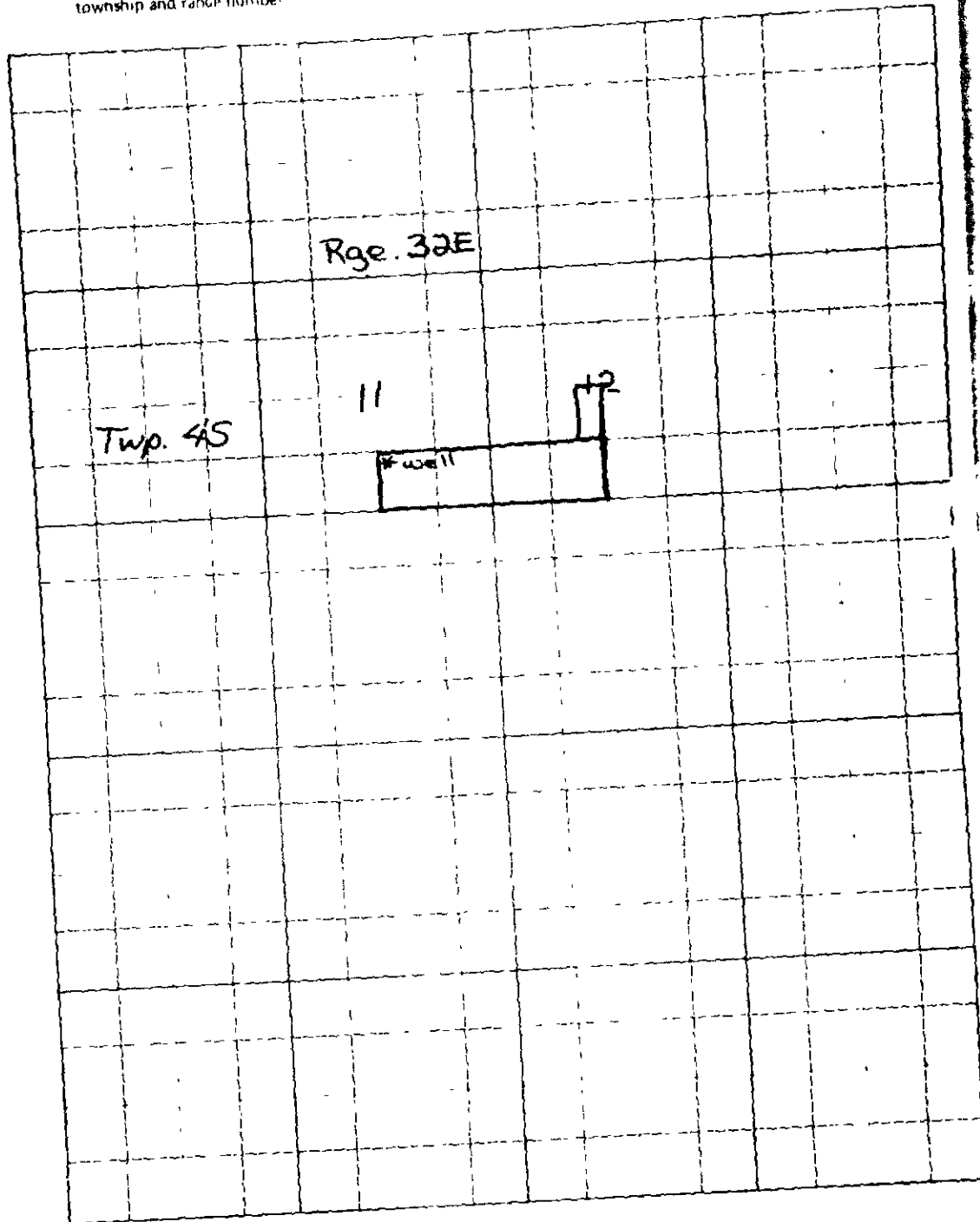
Total number of acres to be irrigated 180

c. Describe any other water rights used for the same purposes as described above 160 shares at 5/8" per share of Aberdeen Springfield Canal water. This application takes the place of lapsed Permit No. 35-7290

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

10. Remarks This system was in place and pumping on the above described ground as of 1973.

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



Scale 2 inches = 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

Robert White
(Applicant)

Received by MT Date 6-26-87 Time 11:00 AM
Preliminary check by KAW Fee \$ \$100.00
Received by + Date 10-23-87
Publication prepared by 17 Date 5-1-87
Published in Morning News
Publication dates 10-5-87
Publication approved RB Date 10-23-87
Protests filed by: none
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by LJS

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other

DEPT. OF WATER RESOUR.
150 Shoup Ave., Suite 15
Idaho Falls, Id 83402
(208) 525-7181

NOTICE OF APPLICATION
FOR WATER RIGHT

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

35-00882
UNIVERSITY OF IDAHO RESEARCH
AND EXTENSION
BOX AA
Aberdeen, Idaho 83210
Source GROUNDWATER
Diversion Pt. SWSW Sec 27, T 05S R 31E

Use IRRIGATION (1 000 CFS)
Date Filed 6/25/1985
In T05S, R31E S27 SWSW SEW
NESW
50 0 ACRES TOTAL

35-00887
PALMER, Nelson
PALMER, Jean
2750 West 2000 South
Aberdeen, Id 83210
Source GROUNDWATER
Diversion Pt. NENE, Sec 16 T 05S R 31E

Use IRRIGATION (320 CFS)
Date Filed 6/21/1985
In T05S, R31E, S16, NENE
16 0 ACRES TOTAL

35-00888
WHYTE, W. Lamar
Springfield, Id 83277
Source GROUNDWATER
Diversion Pt. SWSE, Sec 11, T 04S R 32E

Use IRRIGATION (3 200 CFS)
STOCKWATER (050 CFS)
Date Filed 5/28/1985
In T04S, R32E, S11 SWSE, SESE, S12
NESW SWSW SESW
180 0 ACRES TOTAL

35-00884
HARPER, John J.
675 South Adams Ave
Blackfoot Id 83221
Source GROUNDWATER
Diversion Pt. NWSW, Sec 35 T 02S R 34E

Use IRRIGATION (800 CFS)
Date Filed 7/01/1985
In T02S, R34E, S35, NWSW, SWSW
40 0 ACRES TOTAL

35-00889
JENNIE L. WILLIAMS FAMILY LTD
Rt 5, Box 17
Blackfoot Id 83221
Source GROUNDWATER
Diversion Pt. NENE, Sec 4, T 03S, R 34E
Use IRRIGATION (1 520 CFS)
Date Filed 6/26/1985
In: T03S, R34E, S04, NENE, NWSW,
SWSE, SESE
80 0 ACRES TOTAL

35-00814
WILLIAMS, Jennie L.
WILLIAMS, Est of C.L.
Rt 5 Box 17
Blackfoot, Idaho 83221
Source GROUNDWATER
Diversion Pt. SWNE Sec 8, T 02S, R 34E

Use IRRIGATION (4 000 CFS)
Date Filed 6/28/1985
In T02S, R34E, S08, NENE, NWSW,
SWNE, SESE, NENE, SWSE, SESE
202 0 ACRES TOTAL

35-00821
ERNO R. WILLIAMS LTD PARTNERSHIP
2nd S 300 W
Blackfoot Id 83221
Source GROUNDWATER
Diversion Pt. SWSE, Sec 23, T 02S R 33E

Use IRRIGATION (3 900 CFS)
Date Filed 6/28/1985
In T02S, R33E, S23 NESW, SESW, NENE,
NWSW, SWSE, SESE
200 0 ACRES TOTAL

35-00816
STANDER, Gaylon
37 S 1000 W
Blackfoot, Id 83221
Source GROUNDWATER
Diversion Pt. SWSW Sec 3, T 03S, R 34E

Use IRRIGATION (2 220 CFS)
Date Filed 7/25/1985
In T03S, R34E, S03 NESW, NWSW,
NWSW, SWSE, SESE
111 0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Permits may be submitted based on the criteria of Sec 42-203A, Idaho Code, and/or the new public interest criteria of Sec 42-203C, Idaho Code. Permits must be filed with the Director, Dept of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before OCTOBER 23, 1988

R. KEITH HARRISON
Director

(5-48)
Pub. 10/5, 12

RECEIVED
OCT 13 1989

Deputy Director
Office

NOTICE OF PUBLICATION

Ted Townsend

Publisher

which is a daily newspaper of published each day except Sunday from County Idaho, said newspaper published at Blackfoot, Idaho, for year past, that said newspaper with all the provisions of Chapter 5 laws of Idaho of 1911, approved of duly designated, pursuant to law, the week on the day on which legal notice by the order of any Court of action within the State of Idaho is required of each week; that the copy and which is a part of this affidavit of the proof of publication was 1 said issue of said

consecutive weeks

tion having been made on the

October, 1989

location having been made on the of October, 19 89 as published in the regular and online issues of the paper as aforesaid during of publication, and that notice was newspaper and not in a supplement.

On day of October, 1989, I, as one of the signers of said affidavit, do hereby declare that the statements of acknowledgment to me that he or

ed to me to be the person whose I to the within instrument, and being sworn, declared that the statements of acknowledgment to me that he or

My commission expires
November 10, 1994

406-406 Processing Fee

55.00



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 14, 1997

LYNN W KENNEL
TAMARA KENNEL
KEVIN JOHNS
TRACY JOHNS
2678 W 1200 S
ABERDEEN ID 83210

RE: WATER RIGHT NO. 35-08603

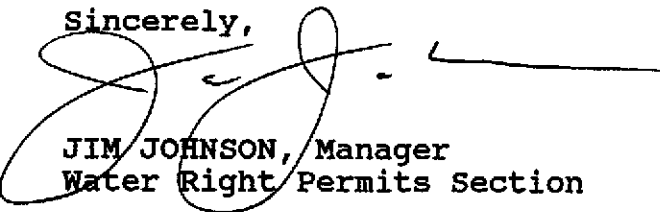
Dear Water Right Holder(s):

We acknowledge receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership. We have also enclosed a report regarding this water right.

Just a reminder, because of the new law that went into effect July 1, 1996, water right owners are required to report any 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.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:vrr

Enclosure

MICROFILMED

MAR 25 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 28, 1996

W LA MAR WHYTE
PO BOX 107
SPRINGFIELD ID 832770107

RE: WATER RIGHT NO. 35-08603

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED
JUN 27 1996

MEMORANDUM

DATE: May 20, 1996
TO: File No. 35-08603
FROM: Cindy Zimmerman³.
SUBJECT: Review of Beneficial Use Field Report

=====

The following adjustments¹ were made on the field report to correct a mathematical error:

1. Annual Volume.
 - a. Irrigation = acres x AF/acre
= 169 x 4.0
= **676.0** AF.

¹Adjustments made are **bolded and underlined**.

RECEIVED
JUN 27 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 20 1996
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-08603

1. Owner: LA MAE WHYTE Phone No. (208) 328-2262

Current Address: P.O. Box 107, Springfield ID 83277

2. Accompanied by: Ted Whyte (OFFICE VISIT) EXAM DATE: 8-17-94

Address: 305 W Main, Rexburg ID 83440 Phone No. (208) 356-9595

Relationship to Permit Holder: Son

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

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
		NW	SW	SE	11	41S	32E	BINGHAM	USGS, ASCS, NAPP, On-site

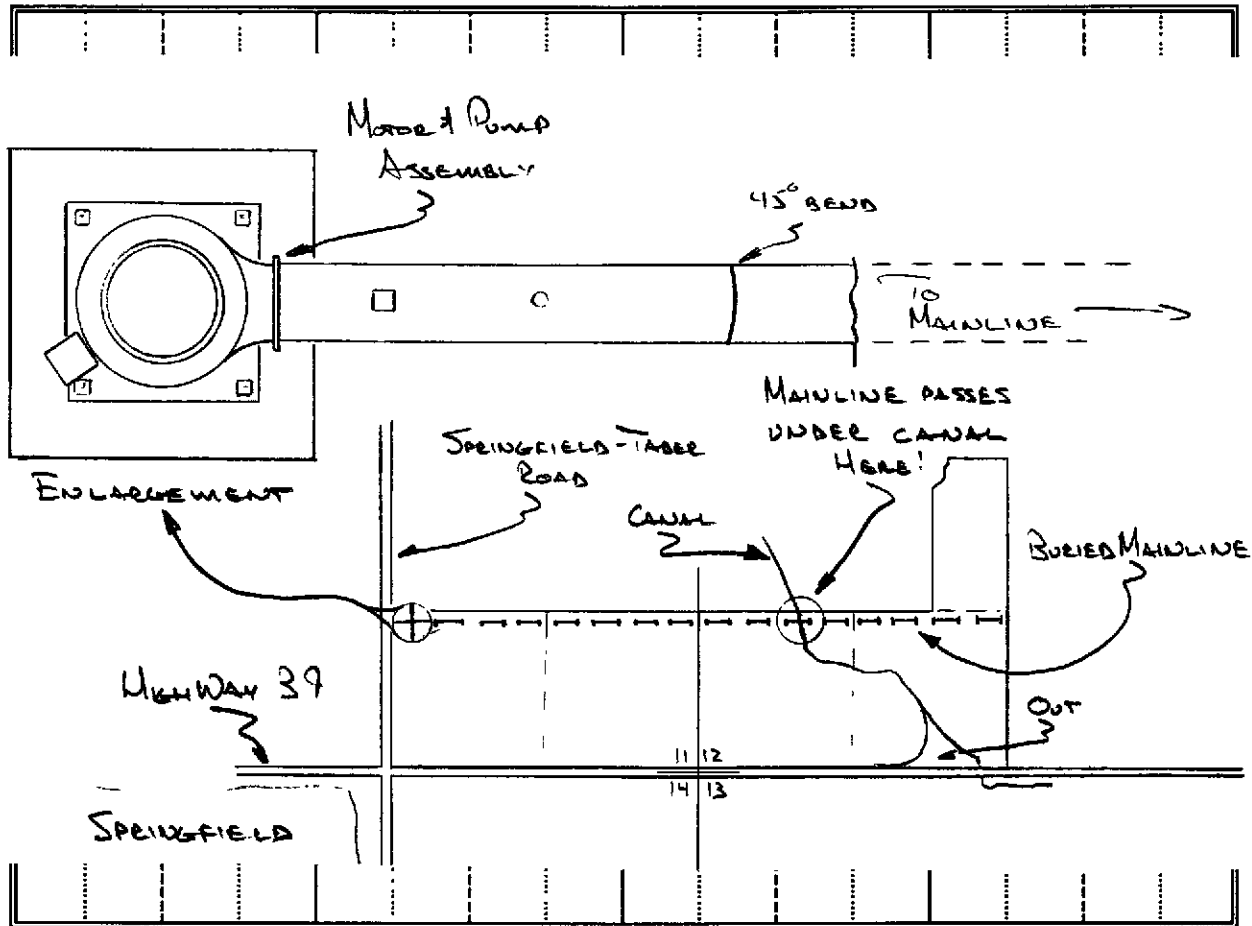
2. Place(s) of Use:

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	
41S	32E	11															38	39	77
		12									19		38	35					92
															TOTAL =>				169

JUN 27 1996

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GEN. ELEC.	125	SK62684H1A	AURORA	V76-71278

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
THEORETICAL						

2. Measurements: _____

JUN 27 1985

E. NARRATIVE/REMARKS/COMMENTS

- * WELL WITH MOTOR AND TURBINE PUMP TO PRESSURIZED MAINLINE WITH WHEEL LINES AND HANDLINES FOR IRRIGATION. BURIED MAINLINE HAS BEEN INSTALLED BENEATH CANAL TO PROVIDE WATER TO EAST END OF PROPERTY.
- * THIS PERMIT REPLACES 35-07290 WHICH WAS Lapsed FOR FAILURE TO PROVIDE PROOF OF BENEFICIAL USE.
- * RATE OF USE IS ALSO COVERED BY ABERDEEN-SPRINGFIELD CANAL CLAIMS (SRBA), BUT IS NOT USED ON LAND.
- * NOTE. WELL LOG FOR 35-07290 INDICATES STATIC WATER AT 34'. APPLICANT'S SON INDICATED ~ 50'. ASSUME 100' DYNAMIC HEAD
- * ASSUME OPERATING PRESSURE 60 PSI & EFFICIENCY = 70%
- * NO STOCKWATERING FACILITIES PRESENT FROM THIS SOURCE.

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

MADE

JUN 27 1996

Additional Computation Sheets Attached

$$Q_{\text{THEOR}} = \frac{W P (8.814) E F F}{L i f t + (P S I \times 2.308)} = \frac{125 W P (8.814) \cdot 7}{100' + (60 P S I \times 2.308)} = 3.23 \text{ cfs}$$

$$\text{IDUOL STD } 0.02 \text{ CFS/AL} = 169 \text{ AL} \times 0.02 \text{ CFS/AL} = 3.38 \text{ CFS}$$

LIMITED BY PERMIT TO 3.20 CFS FOR IRRIGATION

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 169 \times 4.0 = 476 \text{ AFD}$$

$$V_{D,R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 3.20(214)1.9835 = 1,358.2$$

$V = \text{Smaller of } V_{IB} \text{ and } V_{DB} = 476 \text{ AFA}$

2. Volume Calculations for Other Uses:

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
IRRIGATION	4-1	10-31	3.20	476 K
		Totals:	3.20	476 K

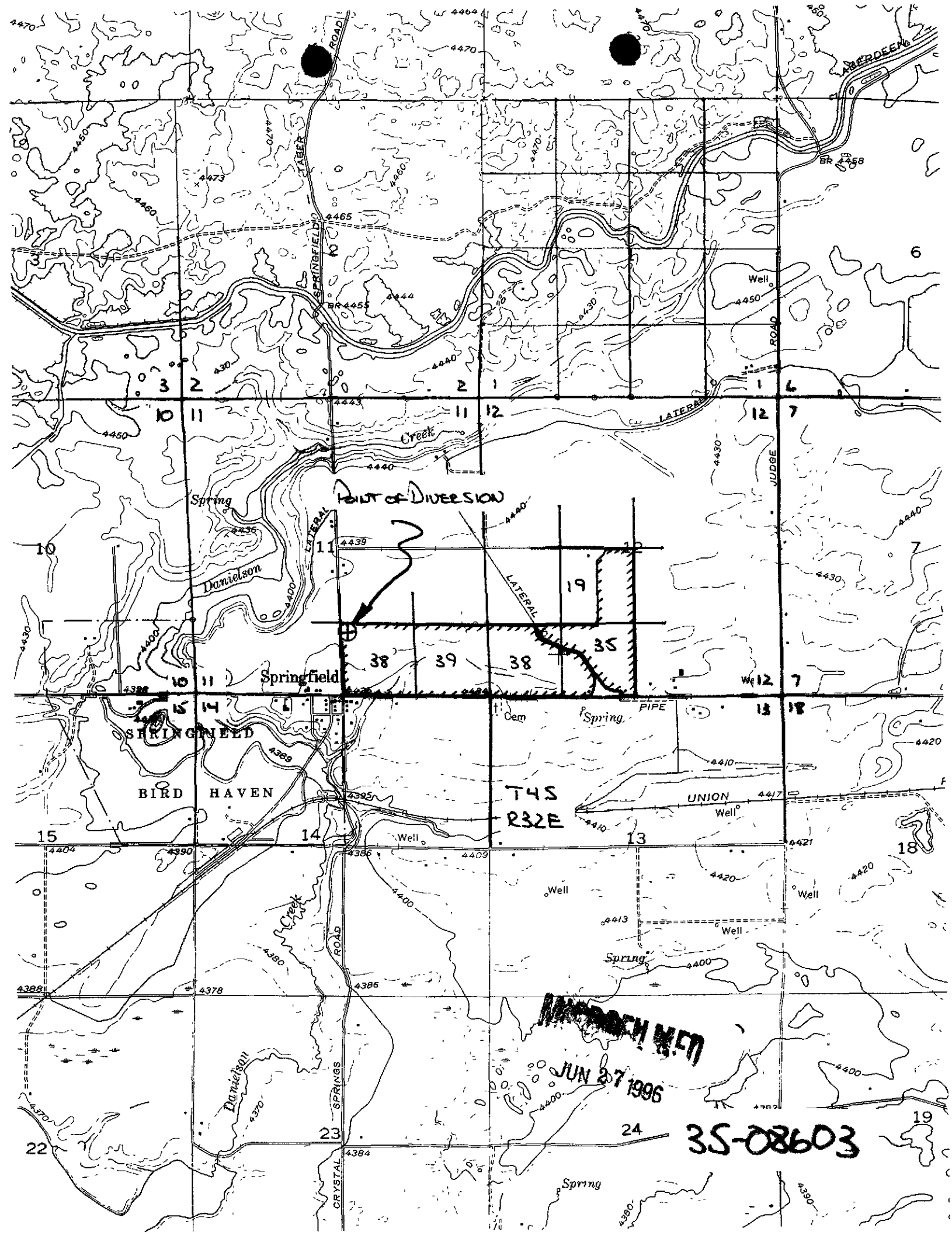
___ Change P.D. as reflected above ___ Add P.D. as reflected above X None
 Change P.U. as reflected above Add P.U. as reflected above Other

Field Examiner's Name J. M. Date 4-15-96

Reviewer	Date
----------	------

SEAL

* Adjustments made during the review of this right for license approval.
See memo for additional information. 5/20/96 WJ.



RECEIVED

JUN 27 1996

35-08603

656

2
679

68

3 HEL

499

JUN 27 1999

NNEL

95

1072

3613

Dear Sir,

76

8

6.9

105

5

5

5

5

T2212

1258

T45

R32E

35-02003

HEL 2

T838

R39

30

2
172.6



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

May 17, 1994

W LA MAR WHYTE
P O BOX 107
SPRINGFIELD ID 83277

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 35-08603

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order reinstating your permit since the Proof of Beneficial Use form was submitted after the proof due date. Please note that the priority date has been advanced to April 18, 1994.

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,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

JUN 10 1994

May 3, 1994

W. Lamar Whyte
P.O. Box 107
Springfield, ID 83277

RE: Permit No. 35-08603

Dear Permit Holder:

The Department received your proof of beneficial use statement for the above referenced permit on April 18, 1994. The permit lapsed on January 1, 1991, so the 60-day late period during which the permit can be readily reinstated has passed.

Because you failed to file the proof of beneficial use in a timely manner, and pursuant to Section 42-218a, Idaho Code, (copy enclosed) the permit can be reinstated only if you submit the following:

- a) Two pieces of evidence to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period from the time the permit was issued until the proof due date, and
- b) Reasonable cause why the proof of beneficial use was filed late.

Your proof of beneficial use statement along with any information which may have been submitted with it, will remain on file in this office for 60 days to allow you an opportunity to assemble and submit the additional required information.

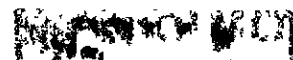
You should also be aware, that since the proof was filed late, your priority date has been penalized. Provided you supply the requested information, your priority date of June 26, 1985 will be advanced to April 18, 1994.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure



JUN 10 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

March 28, 1994

W. LaMar Whyte
P.O. Box 107
Springfield, ID 83277

RE: Lapsed Permit 35-08603

Dear Mr. Whyte:

Harold Jones from our Eastern Regional office, forwarded me your information regarding reinstating Permit No. 35-08603. Before the department can proceed with the reinstatement process, a Proof of Beneficial Use form must be filed along with the appropriate license examination fee.

I have enclosed a partially filled out form and instructions for your convenience, and I have high-lighted the areas that need to be completed by you. The license examination fee will be determined by the amount of water you are filing on. The lapsed permit authorized a diversion of 3.25 cfs for irrigation and stockwater use. The license exam fee for 3.25 cfs would be \$175.00.

Additionally, one of the conditions of the permit requires the permit holder to install a flow measurement port prior to diversion. If you have not installed the measurement port, or you feel the devise is not needed, you can request a waiver of the condition. If you have installed the port, please indicate so on the form.

If you have any questions or need further assistance, you can contact me at (208)327-7953, or Harold Jones at (208)525-7161.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough".

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: Harold Jones - Eastern Region

JUN 10 1994

ACTION REQUIRED

FROM: H.W. Jones - Eastern

TO: Julie Xaubraugh - Boise

3-23-1994..

RECEIVED
MAR 28 1994
Department of Water Resources

Attached is a request for re-instatement of Permit 35-08603 from La Mar Whyte. Mr. Whyte has suffered several tragedies this last few years from bankruptcy to the loss of his wife after a long disability. He let his lawyers handle everything in his court battles & proof of beneficial use was never filed. I personally know this ground was being farmed & irrigated from the stated well prior to 1991.

I hope the evidence he has included is sufficient.

ZLJ



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 8, 1993

W. LaMar Whyte
P.O. Box 107
Springfield, ID 83277

Mr. Whyte:

During our summer field season, personnel from this department noted that the ground listed under lapsed permit 35-08603 was being irrigated. Since there is no other water right on this ground from the well in the SWSE of section 11 T4S R32E, I would advise you to seek re-instatement of your lapsed permit.

Karen Gustafson at our Boise office is very helpful in getting permits re-instated. She can be reached by calling 327-7900.

I have enclosed a copy of your lapsed permit for your information and if you have any questions, please give me a call.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk

Enclosure

IDWR
c/o Karen Gustafson
1301 N. Orchard
Boise, ID

- 1/ letter of explanation as to why the permit was allowed to lapse.
- 2/ power payment records - for pump on property prior to ~~1991~~ 1991
- 3/ Sale receipts for machine or equip on farm.
- 4/ affidavits from people who knew groundwater was irrigated prior to Jan. 1991.

Mar. 23-94

To Water Resource people.

I am to write a note explaining how I let a well lapse.

In August of 1984 I filled a Chapter 11 Bankruptcy to reconstruct debts. I had to turn everything to attorneys and go through Court and if I turned it over to attorneys some things got done & others didn't and I would not know the difference.

I was released March 1990 since then I have been trying to pick up the loose ends.

Bonneville County

March 23, 1994

Sincerely

Lamar W. Hyle

JUN 1 0 1994

Betty J. Thompson

BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94

March 21, 1994

During the years of 1989, 1990, and 1991 I Clifford Whyte leased from LaMar Whyte 165 acres of farmland known as the Powell Place in Section 11 and 12 in Springfield, Idaho. The Pump # is # 0-11-1.

Clifford Whyte

Clifford Whyte

1274 Hwy 39
Blackfoot, Idaho 83221

JUN 10 1994



PO Box 309
Am. Falls, Id. 83211
March 22, 1994

Mr. Lamar White
PO Box 107
Springfield, Idaho 83277

Mr. White:

Please find enclosed a copy of your pumping records on pump # 0 11 1 from the period of October 26, 1988 through September 25, 1989.

If we can be of further service, please feel free to contact us at 397-4250 or 119 Harrison St. in American Falls, Idaho.

Sincerely,)

A handwritten signature in cursive script, appearing to read "Ann Prestwich".

Ann Prestwich
Customer Service
Am. Falls District
Idaho Power Co.

enclosure

JUN 10 1994

IDAHO POWER COMPANY

METER NUMBER

IRRIGATION AND/OR DRAINAGE PUMPING CUSTOMER OPERATING DATA

400393176

NAME **LA MAR WHYTE**
AND **P O BOX 98**
ADDRESS **SPRINGFLD, ID 83277**

SERVICE
ADDRESS **0 11 1**

IRRIG ADVANCE DATA - COMB # 00081	
ANNUAL GUARANTY	\$
ADVANCE - SEASONAL	\$ ☐
MONTHLY	\$ ☐
BANK LTR	\$ ☐
(DATE REC)	
CO #	CONNECT DATE / /

2171-005087-6

ACCOUNT NO

JUN 20 1994

AVERAGE RATE
THIS YEAR

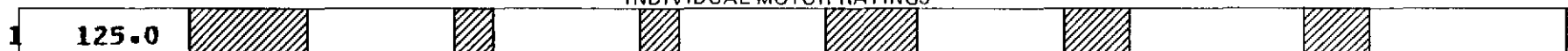
MAXIMUM
DEMAND

CONNECTED
HP

ACCOUNT NO

FINANCE CODE= **UNDERGRD=** PHASE=3 **114** **125.0**

INDIVIDUAL MOTOR RATINGS



SOURCE=W SYSTEM TYPE=S ACRES= **147** LIFT= **0** KVA1= **37.0** KVA2= **37.0** KVA3= **37.0**

FROM	DATE	TO	DAYS	K W MONTHS	DEMAND	OTHER	KILOWATT HOURS	TAX REFUNDABLE	BILLING
10/26	11/25	30							15.00 OU
11/25	12/27	30							15.00 OU
12/27	01/25	30							15.00 OU
01/25	02/24	30							15.00 OU
02/24	03/27	30							15.00 OU
03/27	04/25	30							15.00 OU
04/25	05/24	30			114		13,280		453.80 OU
05/24	06/23	30		114.00	114		37,920		1,324.62 IN
06/23	07/25	30		114.00	114		41,480		1,420.19 IN
07/25	08/24	30							15.00 IN
08/24	09/25	30		112.00	112		13,320		658.86 IN
09/25	10/17	22			114		2,840		97.06 OU
1989	TOTAL REG SEASON			340.00			108,840		4,059.53

MARCH THROUGH OCTOBER BILLING

3,999.53

TAX EXEMPTION CREDITS: S - \$ _____ + X - \$ _____ =

NET SERVICE COST FOR YEAR

Copy

THIS INDENTURE, Made and entered into this 23 day of March, 1987 between LAMAR WHYTE, owner party of the first part, and VAL WAHLEN, renter party of the second part.

WITNESSETH, That the first party for and in consideration of the covenants and agreements hereinafter mentioned to be kept and performed by the second party, has, by these presents, demised and leased to the party of the second part the following described land, to-wit:

165 acres of farmland in Section 11 and 12, known as the Powell Place.

in the county of Bingham, State of Idaho, to have and to hold the same to the second party, from the 1st day of April, 1987, to the 1st day of November, 1988. And the second party in consideration of the leasing of the premises as above set forth, covenants and agrees with the first party to pay as rent for the same in the following manner, to-wit:

For the year 1987 to be planted to 100 acres of wheat and 45 acres of barley with approximately 20 acres open to fill the grain program. The renter to pay all the expenses of raising the crop and will receive the income from the sale of the grain, also one-half of the pick program money, for the amount of \$9,161.59. Renter to pay owner for lease of the land \$75.00 per acre of 165 acres for the amount of \$12,475.00. One-half to be payed May 1, 1987 and the balance to be payed November 1, 1987.

For the year 1988 the 165 acres will be planted to potatoes at \$200.00 per acre for the amount of \$33,000.00. One-half to be payed May 1, 1988 and the balance to be payed November 1, 1988.

The renter to pay for the repair of irrigation pipe for the year 1987 and 1988, also in the fall of 1988 shall clean from the field all the sprinkler pipe, have it repaired and put into a pile.

As per ASCS regulations, Val Wahlen will receive all the pick program money and agrees to pay one-half to LaMar Whyte.

AND IT IS FURTHER AGREED, By and between the parties as follows: That should the said party of the second part fail to make the above mentioned payments as herein specified, or commit waste upon said premises, or fail to fulfill any of the covenants as herein contained, then and in that case it shall be lawful for the party of the first part to re-enter and take full and absolute possession of the above rented premises, and to hold and enjoy the same fully and absolutely, without such re-entering working a forfeiture of the rents to be paid and the covenants to be performed by the said party of the second part, for the full term of the lease.

IN WITNESS WHEREOF, We have hereunto set our hands the day and year first above written.

LaMar Whyte
Party of the First Part

Val Wahlen
Party of the Second Part

RECORDED
JUN 10 1994

State of Idaho)
County of Bingham)

On this 23rd day of March, 1987, before me, a notary public in and for said State, personally appeared

LAMAR WHYTE

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Lamar Whyte
Residing at Pingree, Idaho
Comm. Expires: Life

State of Idaho)
County of Bingham)

On this 23rd day of March, 1987, before me, a notary public in and for said State, personally appeared

VAL WAHLEN

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Janette Whyte
Residing at Pingree, Idaho
Comm. Expires: Life

RECORDED
JUN 10 1994

I certify that file No. 35-8603

has been reviewed and is ready to be MICROFILMED
and DESTROYED.

Sam Skaggs
Signature

6-24-91
Date

The attached proof report is the water right as it appeared in the database
prior to the final status and deletion from the database.

WRS808MP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

06/22/91 01:09:21
Page 1

Water Right Number - 35-08603

Prefix Translation

WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WRYTE

W. LA MAR

1 -
2 -
3 -

City- SPRINGFIELD
Phone -

State- ID Zip- 83277

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/26/1985 15 EASTERN P - PERMIT

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twp Rng Sec Tract Lot Rflg County Stream Index (Blank if no Index Code)

04S 32E 11 SW SE (11) BINGHAM

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	11/01	3 200	
04 - STOCKWATER		01/01	12/31	0 050	

+ - Total Div. Rate - + + - Total Div. Volume + + - Total Div. Capacity + + - Total Consumptive Use - + + - KW Usage - +
3.250

Twp	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
04S	32E	11	SW SE		40.0	01	IRRIGATION	(11) BINGHAM
04S	32E	11	SE SE		40.0	01	IRRIGATION	(11) BINGHAM
04S	32E	12	NE SW		20.0	01	IRRIGATION	(11) BINGHAM
04S	32E	12	SW SW		40.0	01	IRRIGATION	(11) BINGHAM
04S	32E	12	SE SW		40.0	01	IRRIGATION	(11) BINGHAM

Total Acres: 180.0

+ - - Diversion Means - WELL/PUMP, ELECTRIC MOTOR AND SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

06/22/91 01:09:21
Page 2

Prefix Translation, WATER RIGHT

Conditions of Approval

048 - 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.

049 - 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.

046 - Permit holder shall comply with the drilling permit requirements
- of Section 42-235, Idaho Code

010 - 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

03A - 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

----- Comments -----
 No Comments Found

+ . . Audit Fields - 07/02/86 05/21/88 CONVERT 11/30/89 CURTIS 12/04/89 CURTIS

+-----+-----+-----+ Water Rights Dates and Flags Area -----+

Proof Due Date	- 01/01/1991	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 12/07/1989	Protested Date	- 00/00/0000	Swan Falls	- 1
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carrey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 06/26/1985	Transfer/Amended	-
Decree Date	- 00/00/0000	Microfilm Roll No	-	Presumption Flag	-

W. LA MAP WHYTE
SPRINGFIELD, ID 83277

January 7, 1991

RE: PERMIT NO. 35-08603 LAPSE NOTICE

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated October 31, 1990. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:rf

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 1-16-91
a true and correct original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

138504
October 31, 1990

W. LA MAR WHYTE
SPRINGFIELD, ID 83277

PROOF DUE NOTICE
RE: PERMIT NO. 35-08603

Dear Permit Holder:

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

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
December 8, 1989

W. LA MAR WHYTE
SPRINGFIELD, ID 83277

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P35-08603

Dear Permit Holder:

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

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

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

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

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

27-Sep-1989

W. Lamai Whyte

Springfield, ID 83277

RE: Application for Permit No. 35-8603

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Morning News. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

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

Idaho Falls, Idaho 83402
(208) 525-7161

SEPTEMBER 22, 1989

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

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before OCTOBER 23, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

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

35-08603

WHYTE, W. LA MAR
SPRINGFIELD, ID 83277

Source: GROUNDWATER

Diversion Pt: SWSE Sec 11 T 04S R 32E

Use: IRRIGATION (3.200 CFS)
STOCKWATER (.050 CFS)

Date Filed: 6/26/1985

In: T04S R32E S11 SWSE SESE
S12 NESW SWSW SESW

180.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based the criteria of Sec. 42- A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before OCTOBER 23, 1989.

R. Keith Higginson, Director

Published 10/05/1989 & 10/12/1989

IN THE MATTER OF:

Application For Permit

State of Idaho
County of Bannock

AFFIDAVIT

being first duly sworn,

deposes and says: that the well system in the SW 1/4 SE 1/4
Section 11 T4S R32E was in place and pumping
on ground in the S 1/2 SE 1/4 - S 1/2 SW 1/4 and NE SW
(Sect 11 + 12 T4S R32E) as of 1973 and
Permit 35-7240 was issued on said ground but
Lapsed and a new application is being filed on
this historically irrigated ground.

Roman W. Ryle
(Signature)

Subscribed and sworn to before me this 28 day of June, 1985

Wm. Thompson
(Notary Public)

Residing at Bannock
My Commission Expires March 25, 1988